

Application for a Permit to Use Groundwater



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

SECTION 1: APPLICANT INFORMATION AND SIGNATURE

Applicant

NAME CYCLOPS RISING, LLC			PHONE (HM)
PHONE (WK)	CELL (503) 864-5823		FAX
MAILING ADDRESS 1216 MARTINI DR.			Received by OWRD
CITY HENDERSON	STATE NV	ZIP 89053	E-MAIL* JONDJAHNKE@GMAIL.COM

SEP 10 2024

Salem, OR

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.

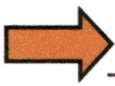
AGENT / BUSINESS NAME WILL MCGILL SURVEYING, LLC		PHONE (503) 931-0210	FAX
MAILING ADDRESS 15333 PLETZER RD. SE			CELL (503) 510-3026
CITY TURNER	STATE OR	ZIP 97392	E-MAIL* WILLMCGILL.SURVEYING@GMAIL.COM

Note: Attach multiple copies as needed

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

By my signature below I confirm that I understand:

- I am asking to use water specifically as described in this application.
- Evaluation of this application will be based on information provided in the application.
- I cannot use water legally until the Water Resources Department issues a permit.
- Oregon law requires that a permit be issued before beginning construction of any proposed well, unless the use is exempt. 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.

Applicant Signature

J JAHNKE, Cyclops Rising LLC (MGR) 8-5-2024
Print Name and Title if applicable Date

Applicant Signature

Print Name and Title if applicable

Date

SECTION 2: PROPERTY OWNERSHIP

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

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

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

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

SECTION 3: WELL DEVELOPMENT

WELL NO.	NAME OF NEAREST SURFACE WATER	IF LESS THAN 1 MILE:	
		DISTANCE TO NEAREST SURFACE WATER	ELEVATION CHANGE BETWEEN NEAREST SURFACE WATER AND WELL HEAD
WELL 1	BERRY CREEK	1,500'	205'
WELL 2	BERRY CREEK	1,400'	165'
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Please provide any information for your existing or proposed well(s) that you believe may be helpful in evaluating your application. For existing wells, describe any previous alteration(s) or repair(s) not documented in the attached well log or other materials *(attach additional sheets if necessary).*

SECTION 3: WELL DEVELOPMENT, continued

Total maximum rate requested: 0.1 CFS (each well will be evaluated at the maximum rate unless you indicate well-specific rates and annual volumes in the table below).

The table below must be completed for each source to be evaluated or the application will be returned. If this is an existing well, the information may be found on the applicable well log. *(If a well log is available, please submit it in addition to completing the table.)* If this is a proposed well, or well-modification, consider consulting with a licensed well driller, geologist, or certified water right examiner to obtain the necessary information.

OWNER'S WELL NAME OR NO.	PROPOSED	EXISTING	WELL ID (WELL TAG) NO.* OR WELL LOG ID**	FLOWING ARTESIAN	CASING DIAMETER	CASING INTERVALS (IN FEET)	PERFORATED OR SCREENED INTERVALS (IN FEET)	SEAL INTERVALS (IN FEET)	MOST RECENT STATIC WATER LEVEL & DATE (IN FEET)	PROPOSED USE			
										SOURCE AQUIFER***	TOTAL WELL DEPTH	WELL-SPECIFIC RATE (GPM)	ANNUAL VOLUME (ACRE-FEET)
WELL 1	<input type="checkbox"/>	<input checked="" type="checkbox"/>	YAMH 59159	<input type="checkbox"/>	6"	1.5'-101.5'	281'-301' 381'-401'	0'-101.5'	98.5' 11/30/2022	BASALT	401'	22.44	
WELL 2	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	6"	1.5'-50' OR DEEPER		0'-50' OR DEEPER		BASALT	400' +/-	22.44	
	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>									
	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>									
	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>									
	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>									
	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>									
	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>									

* Licensed drillers are required to attach a Department-supplied Well Tag, with a unique Well ID or Well Tag Number to all new or newly altered wells. Landowners can request a Well ID for existing wells that do not have one. The Well ID is intended to serve as a unique identification number for each well.
 ** A well log ID (e.g. MARI 1234) is assigned by the Department to each log in the agency's well log database. A separate well log is required for each subsequent alteration of the well.
 *** Source aquifer examples: Troutdale Formation, gravel and sand, alluvium, basalt, bedrock, etc.

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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 if your proposed groundwater use is determined to have the potential for substantial interference with nearby surface waters.

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

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

https://apps.wrd.state.or.us/apps/misc/lkp_trsqg_features/

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

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

Is the well or proposed well located in an area where the Upper Columbia Rules apply?

Yes No

If yes, you are notified that the Water Resources Department will consult with numerous federal, state, local and tribal governmental entities so it may determine whether the proposed use is consistent with the "Columbia River Basin Fish and Wildlife Program" adopted by the Northwest Power Planning Council in 1994 for the protection and recovery of listed fish species. The application may be denied, heavily conditioned, or if appropriate, mitigation for impacts may be needed to obtain approval for the proposed use.

If yes, and if the Department determines that proposed groundwater use has the potential for substantial interference with nearby surface waters:

- I understand that the permit, if issued, will not allow use during the time period April 15 to September 30, except as provided in OAR 690-033-0140.
- I understand that the 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 well or proposed well located in an area where the Lower Columbia rules apply?

Yes No

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If yes, and the proposed groundwater use is determined to have the potential for substantial interference with nearby surface waters you are notified that the Water Resources Department will determine, by reviewing

recovery plans, the Columbia River Basin Fish and Wildlife Program, and regional restoration programs applicable to threatened or endangered fish species, in coordination with state and federal agencies, as appropriate, whether the proposed use is detrimental to the protection or recovery of a threatened or endangered fish species and whether the use can be conditioned or mitigated to avoid the detriment.

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

If yes, you will be required to provide the following information, if applicable.

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:

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Statewide - OAR 690-033-0330 thru -0340

Is the well or proposed well located in an area where the Statewide rules apply?

Yes No

If yes, and the proposed groundwater use is determined to have the potential for substantial interference with nearby surface waters you are notified that 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

USE	PERIOD OF USE	ANNUAL VOLUME (ACRE-FEET)
Group Domestic	Year-Round	59.9 Max.
Irrigation	Mar. 1 – Oct. 31	12.5

For irrigation use only:

Please indicate the number of primary, supplemental and/or nursery acres to be irrigated (*must match map*).

Primary: 61.0 Acres Supplemental: Acres Nursery Use: Acres

If you listed supplemental acres, list the Permit or Certificate number of the underlying primary water right(s):

Indicate the maximum total number of acre-feet you expect to use in an irrigation season: 12.5 af

- If the use is **municipal or quasi-municipal**, attach **Form M**
- If the use is **domestic**, indicate the number of households: 10 (**Exempt Uses:** Please note that 15,000 gallons per day for single or group **domestic** purposes and 5,000 gallons per day for a single **industrial or commercial** purpose are exempt from permitting requirements.)
- If the use is **mining**, describe what is being mined and the method(s) of extraction (*attach additional sheets if necessary*):

SECTION 6: WATER MANAGEMENT

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A. Diversion and Conveyance

What equipment will you use to pump water from your well(s)?

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- Pump (give horsepower and type): 5 HP Submersible
 Other means (describe):

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Provide a description of the proposed means of diversion, construction, and operation of the diversion works and conveyance of water. Submersible pumps deliver water to storage tank. Water will be delivered from tank to homesites via 4" buried PVC where each site will have a 2" stub.

B. Application Method

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

(*attach additional sheets if necessary*)

Home fixtures and lawn sprinklers

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 aquatic life and riparian habitat; prevent the discharge of contaminated water to a surface stream; prevent adverse impact to public uses of affected surface waters (*attach additional sheets if necessary*).

The amount of water requested is needed for the approved subdivision. Water will only be used as needed for the developed homes. The system will be kept in good operating condition and monitored closely for any damages or waste.

SECTION 7: PROJECT SCHEDULE

- Date construction will begin: Upon permit issuance
- Date construction will be completed: Request 5-year completion time
- Date beneficial water use will begin: Upon permit issuance

SECTION 8: RESOURCE PROTECTION

In granting permission to use water the state encourages, and in some instances requires, careful control of activities that may affect adjacent 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.

- Water quality will be protected by preventing erosion and run-off of waste or chemical products.
Describe: System will be kept in good operating condition with water use measuring to prevent any waste or run-off.
- Excavation or clearing of banks will be kept to a minimum to protect riparian or streamside areas.
Note: If disturbed area is greater than one acre, applicant should contact the Oregon Department of Environmental Quality to determine if a 1200C permit is required.

Describe planned actions and additional permits required for project implementation: Excavation or clearing related to the water system will be kept to a minimum and any necessary permits will be obtained.

- Other state and federal permits or contracts required and to be obtained, if a water right permit is granted:
List: Oregon Health Authority DWS site plan review (approved)

SECTION 9: WITHIN A DISTRICT

- Check here if the point of appropriation (POA) or place of use (POU) are located within or served by an irrigation or other water district.

Irrigation District Name	Address	
City	State	Zip

SECTION 10: REMARKS

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

The system will operate at a rate not to exceed 0.1 cfs. The goal for the irrigation on the system is to have ½ acre for each homesite. Since the homesites are not developed yet, the location of each ½ acre cannot be determined. The place of use will be more specific at the time of the claim of beneficial use.

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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: Well Development
- SECTION 4: Sensitive, Threatened or Endangered Fish Species Public Interest Information
- SECTION 5: Water Use
- SECTION 6: Water Management
- SECTION 7: Project Schedule
- SECTION 8: Resource Protection
- SECTION 9: Within a District
- SECTION 10: Remarks

Include the following additional items:

- Land Use Information Form with approval and signature of local planning department (*must be an original*) or signed receipt.
- Provide the legal description of: (1) the property from which the water is to be diverted, (2) any property crossed by the proposed ditch, canal or other work, and (3) any property on which the water is to be used as depicted on the map.
- Fees - Amount enclosed: \$ 3,410.00
See the Department's Fee Schedule at www.oregon.gov/owrd or call (503) 986-0900.
- Map that includes the following items:
 - Permanent quality and drawn in ink
 - Even map scale not less than 4" = 1 mile (example: 1" = 400 ft, 1" = 1320 ft, etc.)
 - North Directional Symbol
 - Township, Range, Section, Quarter/Quarter, Tax Lots
 - Reference corner on map
 - Location of each diversion, by reference to a recognized public land survey corner (distances north/south and east/west)
 - Indicate the area of use by Quarter/Quarter and tax lot identified clearly.
 - Number of acres per Quarter/Quarter and hatching to indicate area of use if for primary irrigation, supplemental irrigation, or nursery
 - Location of main canals, ditches, pipelines or flumes (if well is outside of the area of use)

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STATE OF OREGON WATER SUPPLY WELL REPORT

YAMH 59159

WELL I.D. LABEL# I 149436

START CARD # 1059314

12/21/2022

ORIGINAL LOG #

(as required by ORS 537.545 & 537.765 and OAR 690-205-0210)

(1) LAND OWNER Owner Well I.D. 3453 First Name Last Name Company CYCLOPS RISING LLC Address 1216 MARTINI DR. City HENDERSON State NV Zip 89053

(2) TYPE OF WORK [X] New Well [] Deepening [] Conversion [] Alteration (complete 2a & 10) [] Abandonment (complete 5a)

(2a) PRE-ALTERATION Dia + From To Gauge Stl Plstc Wld Thrd Casing: Material From To Amt sacks/lbs Seal:

(3) DRILL METHOD [X] Rotary Air [] Rotary Mud [] Cable [] Auger [] Cable Mud [] Reverse Rotary [] Other

(4) PROPOSED USE [X] Domestic [] Irrigation [] Community [] Industrial/ Commercial [] Livestock [] Dewatering [] Thermal [] Injection [] Other

(5) BORE HOLE CONSTRUCTION Special Standard (Attach copy) Depth of Completed Well 401.00 ft. BORE HOLE SEAL sacks/lbs

Table with columns: Dia, From, To, Material, From, To, Amt, lbs. Row 1: 10, 0, 101.5, Bentonite Chips, 0, 101.5, 62, S. Row 2: 6, 101.5, 401, Calculated, 46.

How was seal placed: Method [] A [] B [] C [] D [] E [X] Other POUR/PROBE/HYDRATE Backfill placed from ft. to ft. Material Filter pack from ft. to ft. Material Size Explosives used: [] Yes Type Amount

(5a) ABANDONMENT USING UNHYDRATED BENTONITE Proposed Amount Actual Amount

(6) CASING/LINER Casing Liner Dia + From To Gauge Stl Plstc Wld Thrd Shoe [] Inside [X] Outside [] Other Location of shoe(s) 101.5 Temp casing [X] Yes Dia 10 From + [X] 1 To 71

(7) PERFORATIONS/SCREENS Perforations Method Screens Type machine slotted Material PVC

Table with columns: Perf/ Screen Liner Dia From To Scrn/slot width Slot length # of slots Tele/ pipe size. Row 1: Screen Liner 4 281 301 .032. Row 2: Screen Liner 4 381 401 .032.

(8) WELL TESTS: Minimum testing time is 1 hour [] Pump [] Bailer [X] Air [] Flowing Artesian Yield gal/min Drawdown Drill stem/Pump depth Duration (hr)

Table with columns: Yield gal/min, Drawdown, Drill stem/Pump depth, Duration (hr). Row 1: 17.5, 400, 3.

Temperature 54 °F Lab analysis [] Yes By Water quality concerns? [] Yes (describe below) TDS amount 114 ppm From To Description Amount Units

(9) LOCATION OF WELL (legal description) County YAMHILL Twp 4.00 S N/S Range 5.00 W E/W WM Sec 12 NW 1/4 of the NW 1/4 Tax Lot 1600 Tax Map Number Lot Lat Long Street address of well Nearest address NYA, BEHIND 14100 NW BERRY CREEK RD, MCMINNVILLE

(10) STATIC WATER LEVEL Date SWL(psi) + SWL(ft) Existing Well / Pre-Alteration Completed Well 11/30/2022 98.5 Flowing Artesian? [] Dry Hole? []

WATER BEARING ZONES Depth water was first found 217.00 SWL Date From To Est Flow SWL(psi) + SWL(ft) 11/29/2022 217 388 17.5 98.5

(11) WELL LOG Ground Elevation Material From To Top Soil 0 3 Clay, dense red/brown 3 14 Same, also w/tan and whitelike clay 14 27 Clay, tan gritty 27 50 Basalt, decayed weathered brown 50 63 Same, w/tan clay 63 71 Basalt, decayed brown hard 71 77 Basalt, hard blue/broken/loose 77 84 Basalt, blue/gray hard 84 209 Same, w/some gray claystone 209 213 Basalt, gray w/green 213 337 Basalt, gray w/less green 337 369 Basalt, gray w/whitelike 369 388 Basalt, gray w/some clay 388 401

Date Started 11/17/2022 Completed 11/30/2022

(unbonded) Water Well Constructor Certification I certify that the work I performed on the construction, deepening, alteration, or abandonment of this well is in compliance with Oregon water supply well construction standards. License Number 1977 Date 12/4/2022 Signed JOSE ESTRADA (E-filed)

(bonded) Water Well Constructor Certification I accept responsibility for the construction, deepening, alteration, or abandonment work performed on this well during the construction dates reported above. License Number 1438 Date 12/4/2022 Signed DAVID PAYSINGER (E-filed) Contact Info (optional) bluewaterdrilling.com || 503 868 7878

WATER SUPPLY WELL REPORT - Map with location identified must be attached and shall include an approximate scale and north arrow

YAMH 59159

12/21/2022

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Map of Hole

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**STATE OF OREGON
WELL LOCATION MAP**

This map is supplemental to the WATER SUPPLY WELL REPORT

Oregon Water Resources Department

725 Summer St NE, Salem OR 97301
(503)986-0900



LOCATION OF WELL

Latitude: 45.24262002 Datum: WGS84

Longitude: -123.25773203

Township/Range/Section/Quarter-Quarter Section:

WM4.00S5.00W12NWNW

Address of Well:

NYA, BEHIND 14100 NW BERRY CREEK RD, MCMINNVILLE

Well Label: 149436

Printed: December 4, 2022

DISCLAIMER: This map is intended to represent the approximate location the well. It is not intended to be construed as survey accurate in any manner.

Provided by well constructor





800 NE Oregon Street, Suite 640
Portland, OR 97232-2162
Phone: 971-673-0405
Fax: 503-673-0694
www.healthoregon.org/dws

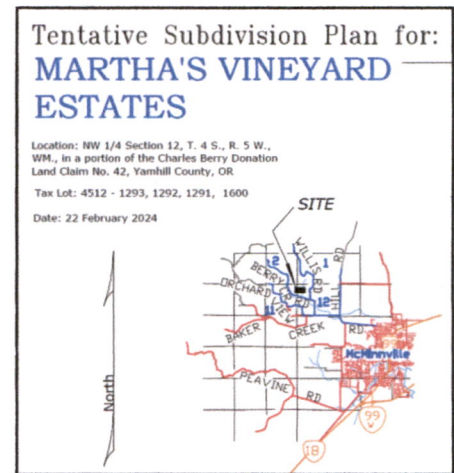
March 20, 2024

Received by OWRD
SEP 10 2024
Salem, OR

Edwin Sharer
e_sharer@hotmail.com
16500 Southeast Lafayette Highway
Dayton, OR 97114

Letter sent by email only.

Re: **New Subdivision w/ 2 Wells & Tank (PR#34-2024)**
Martha's Vineyard Estates (PWS ID#01562)
Site Plan Approval



Dear Mr. Sharer

Thank you for your submittal to the Oregon Health Authority's Drinking Water Services (DWS) of plan review information for two new wells to serve the new *Martha's Vineyard Estates* subdivision. On February 26, 2024, our office received a "Tentative Subdivision Plan" showing the location of an existing well and the location of a 2nd well proposed to be constructed to serve a new 8-lot subdivision located northwest of McMinnville in Yamhill County. On March 6, 2024, we received the land use application submitted to Yamhill County. A plan review fee payment in the amount of \$825 was received on March 8, 2024 under plan review # 34-2024, which is trackable online at:

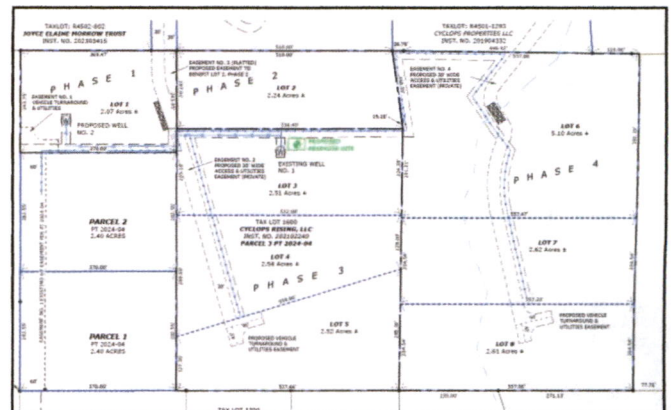
<https://yourwater.oregon.gov/planreview.php?pwsno=01562>

More details about the community water system as viewable online at

<https://yourwater.oregon.gov/inventory.php?pwsno=01562>

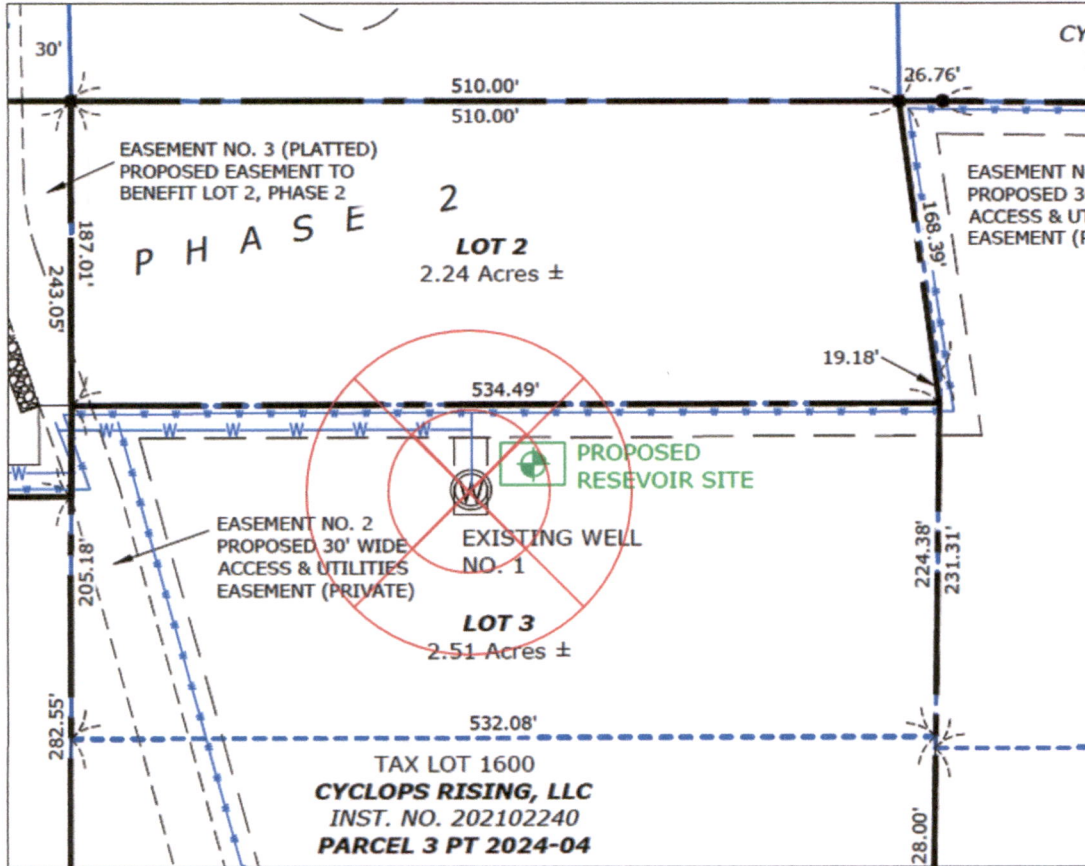
The water system consists of a tank and 2 new wells on a single entry point (EP-A):

- SRC-AA Well #1 – [L149436, YAMH59159](#) constructed 11/30/2022 on Lot 3 and
- SRC-AB Well #2 proposed to be constructed on Lot 1 as shown in the following maps:



SRC-AA - Well #1 (L149436)

Approximate 50-ft and 100-ft radii around the existing Well #1.

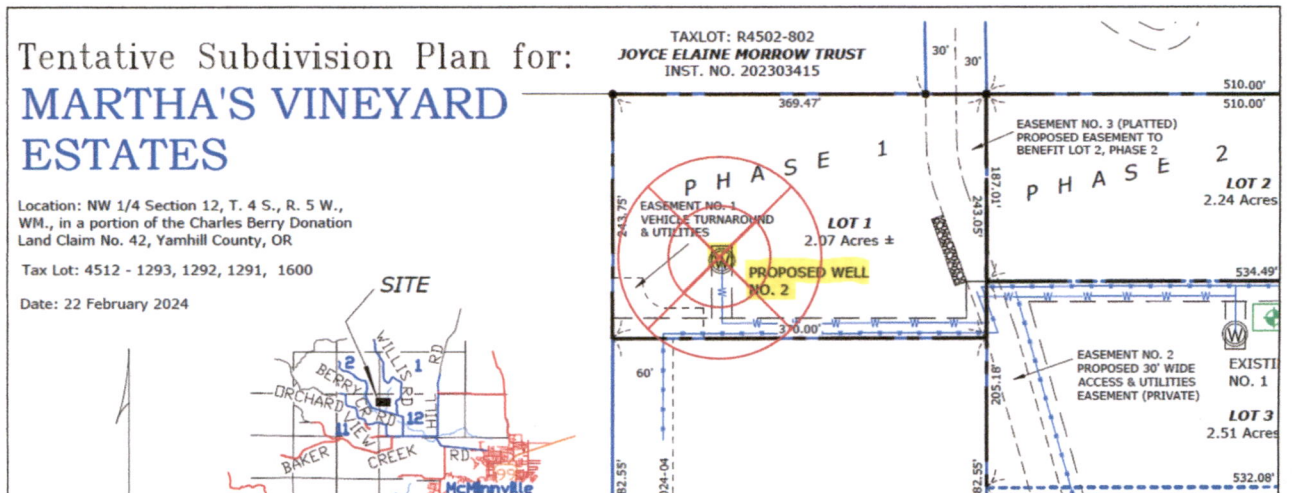


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SRC-AB - Well #2 (Proposed)

The proposed well will be 108 feet from the neighboring property to the west, and the well will be 77 feet north of the Lot # 2, owned by Jahnke Family

Approximate 50-ft and 100-ft radii around the proposed Well #2:



A regional geologist in our program, Tom Pattee, reviewed the well log for well #1 (YAMH59159) and the proposed well #2 location. Mr. Pattee noted the following, which should be shared with the well driller:

- Well #1 (L149436):

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As Built Well Construction Evaluation for Plan Review and/or Setback Waiver:

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Well/Spring meets current construction standards.

Comments: This well was drilled to a depth of 401 ft. The casing and casing seal extend to a depth of 101.5 ft, 17 ft into low permeability basalt that overlies the aquifer. A narrow diameter liner and liner screen extend to the bottom of the hole and helps keep the borehole open below the casing. Water can enter the well through the uncased portion of the well below a depth of 101.5 ft. Sensitivity Analysis results suggest that well construction does not contribute to the overall sensitivity of this water source to local land use practices.

Nature of Aquifer Evaluation:

Aquifer Nature: Confined aquifer Semi-confined aquifer Unconfined aquifer

Comments: This well is designed to capture water from a deep confined layered basalt aquifer. The water-bearing zone is reported to occur at a depth of 217 ft and is overlain by 133 ft of low permeability basalt that acts as a confining layer. Water within the aquifer is under pressure, rising 118.5 ft above the water-bearing zone to a recorded depth of 98.5 ft below ground level. Sensitivity Analysis results suggest that the aquifer is not highly sensitive to nearby land use practices.

Construction Setback Waiver Info:

Hydrogeologist comments regarding Waiver from Construction Standards Request: A property line boundary is present within the 100 ft sanitary setback. The well is adequately constructed to draw water from a deep confined layered basalt aquifer. Sensitivity Analysis results suggest that water quality from this drinking water source has a low susceptibility to activities associated with future residential development.

- Well #2 (Proposed):

Proposed Well Construction Recommendations:

Estimated depth to water-bearing zone: ~180 to 230 ft

Estimated aquifer nature: Confined Unconfined

Estimated depth of casing seal: 50 ft or deeper.

Comments: Based on the well log for the nearby Martha's Vineyard Estates 2022 Well #1 (YAMH59159), it is likely that a well drilled at this location will draw water from a deep confined basalt aquifer. The depth to competent bedrock is likely to be 45 to 90 ft.

The project is granted site plan approval. Once construction of Well #2 is complete, please submit the following for both wells and related subdivision:

1. The well driller's report (well log).
2. Well pumping test information including static water level, pumping rate, draw-down and rate of recovery.
3. Pump information (e.g., type of pump, make/model, capacity, and lubricant used).
4. Documentation showing ownership or easements for 100-ft radius around both wells.

5. Raw (Untreated) Water Quality Data including:

- Coliform bacteria,
- Chemical groups including:
 1. Inorganic compounds (IOC) including nitrate and arsenic, among others,
 2. Volatile organic compounds (VOC),
 3. Synthetic organic compounds (SOC),
- Radionuclides (gross alpha, uranium, and radium 226/228),

These samples are to be taken from each of the new well's raw water sample tap at the wellhead and analyzed by a lab certified in Oregon for drinking water analysis ([ORELAP certified lab](#)). See the complete list of chemical analytes required to be sampled in the enclosed list of *Chemical Contaminants and Maximum Levels*.

6. Engineered plans & photos that show the above-ground wellhead structure detail including the well house (or pitless adapter if applicable), concrete slab, drainage, pump-to-waste piping and plans and specifications for connection of the new well to the water system.
7. A copy of the Water Right Permit for each well from WRD, if a Water Right Permit is required or, if not required, correspondence from Oregon Water Resources Department that demonstrates a water right is not required for either well. Contact Joel Plahn if you have questions regarding water rights:

Joel Plahn Joel.M.PLAHN@water.oregon.gov	Oregon Water Resources Dept. 725 Summer Street NE, Suite A Salem, OR 97301	503-508-2394	503-986-0904
---	--	------------------------------	--------------

8. Additional plans and specifications related to the new subdivision's water system (waterlines, tanks, pumping facilities, etc.) in conformance with OAR 333-061-0050: <https://www.oregon.gov/oha/PH/HEALTHYENVIRONMENTS/DRINKINGWATER/PLANREVIEW/Documents/OAR-333-061-0050.pdf>

The above items should reference Plan Review #34-2024 & PWS ID #01562 and can be emailed to me at evan.e.hofeld@oha.oregon.gov. If you have any questions, please feel free to call me at 971-200-0288.

Sincerely,



Received by OWRD

Evan Hofeld, Regional Engineer - OHA-Drinking Water Services

MAR 20 2024

evan.e.hofeld@oha.oregon.gov

Salem, OR

cc:

- Jonathan Jahnke – Cyclops Rising, LLC- jondjahnke@gmail.com
- Melissa Wong, REHS - Yamhill County Public Health - wongm@yamhillcounty.gov
- Tommy Laird, Well Const. Prog. Coord., OWRD - Tommy.K.LAIRD@water.oregon.gov

Enclosure: *Chemical Contaminants & Maximum [Contaminant] Levels (MCLs)*

Contaminants and Maximum Levels

Inorganics	mg/L
Antimony Total	0.006
Arsenic	0.010 ^A
Asbestos	7 MFL ^B
Barium	2
Beryllium Total	0.004
Cadmium	0.005
Chromium	0.1
Cyanide	0.2
Fluoride	4.0
Mercury	0.002
Nickel	Nickel MCL under review
Nitrate	10
Nitrate-Nitrite	10
Nitrite	1
Selenium	0.05
Sodium	20 ^C
Thallium Total	0.002

Lead and Copper	
Lead	0.015
Copper	1.3

Volatile Organics	
1,1-Dichloroethylene	0.007
1,1,1-Trichloroethane	0.2
1,1,2-Trichloroethane	0.005
1,2-Dichloropropane	0.005
1,2-Dichloroethane	0.005
1,2,4-Trichlorobenzene	0.07
Benzene	0.005
Carbon Tetrachloride	0.005
Cis-1,2-Dichloroethylene	0.07
Dichloromethane	0.005
Ethylbenzene	0.7
Monochlorobenzene	0.1
O-Dichlorobenzene	0.6
P-Dichlorobenzene	0.075
Styrene	0.1
Tetrachloroethylene (PCE)	0.005
Toluene	1.0
Total Xylenes	10.0
Trans-1,2-Dichloroethylene	0.1
Trichloroethylene (TCE)	0.005
Vinyl Chloride	0.002

Radionuclides	
Gross alpha particles	15 pCi/L ^E
Combined radium 226/228	5 pCi/L ^E
Uranium	0.03
Beta/Photon emitters	4 mrem/yr ^F

Synthetic Organics	mg/l
2,4-D	0.07
2,4,5-TP (Silvex)	0.05
Adipates Di(2-ethylhexy)	0.4
Alachlor (Lasso)	0.002
Atrazine	0.003
Benzo(A)Pyrene (PAH's)	0.0002
BHC-gamma (Lindane)	0.0002
Carbofuran	0.04
Chlordane	0.002
Dalapon	0.2
Dibromochloropropane (DBCP)	0.0002
Dinoseb	0.007
Dioxin (2,3,7,8-TCDD)	3x10 ⁻⁹
Diquat	0.02
Endothall	0.1
Endrin	0.002
Ethylene Dibromide (EDB)	0.00005
Glyphosate	0.7
Heptachlor Epoxide	0.0002
Heptachlor	0.0004
Hexachlorobenzene (HCB)	0.001
Hexachlorocyclopentadiene (HEX)	0.05
Methoxychlor	0.04
Pentachlorophenol	0.001
Phthalates Di(2-ethylhexy) (DEHP)	0.006
Picloram	0.5
Polychlorinated Biphenyls (PCB)	0.0005
Simazine	0.004
Toxaphene	0.003
Vydate (Oxamy)	0.2

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 Salem, OR

^A MCL lowered to 0.010 mg/L on 1/23/06
^B Million Fibers per liter
^C Advisory only
^D Action level
^E Picocuries per liter
^F Millirems per year

Land Use Information Form



SEP 10 2024

Salem, OR

NOTE TO APPLICANTS

In order for your application to be processed by the Oregon Water Resources Department (OWRD), this Land Use Information Form must be completed by a local government planning official in the jurisdiction(s) where your water right will be diverted, conveyed, used, and developed. The planning official may choose to complete the form while you wait or return the "Receipt Acknowledging Request for Land Use Information" to you. Applications received by OWRD without the Land Use Information Form, or the signed receipt, will be returned to you. **IMPORTANT:** Please note that while OWRD can accept a signed receipt as part of intake for an application for a new permit to use or store water, a completed Land Use Information Form is required for OWRD's acceptance of all other applications. Please be aware that your application cannot be approved without land use approval.

This form is **NOT** required if:

- 1) Water is to be diverted, conveyed, and used on federal lands only; **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 a new water right or modifying an existing water right. The Oregon Water Resources Department (OWRD) requires applicants to obtain land use information to ensure the water right does not result in land uses that are incompatible with your comprehensive plan. Please complete the form and return it to the applicant for inclusion in their application. **NOTE:** For new water right applications only, if you are unable to complete this form while the applicant waits, you may complete the "Receipt Acknowledging Request for Land Use Information" and return it to the applicant.

You will receive notice via OWRD's weekly Public Notice once the applicant formally submits their request to OWRD. The notice will give more information about OWRD's water right process and provide additional comment opportunities. If you previously only completed the receipt for an application for a new permit to use or store water, you will have 30 days from the Public Notice date to complete the Land Use Information Form and return it to OWRD. Your attention to this request for information is greatly appreciated. If you have questions concerning this form, please contact OWRD's Customer Service Group at 503-986-0900 or WRD_DL_customerservice@water.oregon.gov.

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Salem, OR

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Land Use Information Form



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

NAME Cyclops Rising, LLC			PHONE (503) 864-5823	
MAILING ADDRESS 1216 Martini Dr.				
CITY Henderson	STATE NV	ZIP 89053	EMAIL jondjahnke@gmail.com	

A. Land and Location

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

Township	Range	Section	¼¼	Tax Lot #	Plan Designation (e.g., Rural Residential/RR-5)	Water to be:	Proposed Land Use:
4S	5W	1	NWSW SWSW	1293	VLDR-2.5	<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	subdivision
4S	5W	11	NENE SENE	1601	VLDR-2.5	<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	subdivision
4S	5W	11	NENE	1602	VLDR-2.5	<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	subdivision
4S	5W	11	NENE	1603	VLDR-2.5	<input checked="" type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	subdivision
4S	5W	12	NWNW	1292	VLDR-2.5	<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	subdivision
4S	5W	12	NWNW	1293	VLDR-2.5	<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	subdivision
4S	5W	12	NWNW SWNW	1601	VLDR-2.5	<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	subdivision
4S	5W	12	NWNW	1602	VLDR-2.5	<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	subdivision
4S	5W	12	NWNW	1603	VLDR-2.5	<input checked="" type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	subdivision
4S	5W	12	SWNW	1603	VLDR-2.5	<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	subdivision

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10/2024

Salem, OR

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

Yamhill

NOTE: A separate Land Use Information Form must be completed and submitted for each county and city, as applicable.

B. Description of Proposed Use

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

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

Source of water: Reservoir/Pond Ground Water Surface Water (name) _____

Estimated quantity of water needed: 0.1 cubic feet per second gallons per minute acre-feet

Intended use of water: Irrigation Commercial Industrial Domestic for 10 household(s)

Municipal Quasi-Municipal Instream Other _____

Briefly describe:

It is proposed to use existing Well 1 (YAMH 59159) and a proposed Well 2 as the water source for the approved subdivision, Martha's Vineyard Estates, with a 1/2 acre of irrigation for each homesite.

Note to applicant: For new water right applications only, if the Land Use Information Form cannot be completed while you wait, please have a local government representative sign the receipt on the bottom of page 4 and include it with the application filed with the Oregon Water Resources Department.

See Page 5 →

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SEP 10 2024

Salem, OR

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

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

Received by **OWRD**

Name: _____ Title: _____
 Signature: _____ Date: SEP 10 2024
 Governmental Entity: _____ Phone: Salem, OR

Receipt Acknowledging Request for Land Use Information

Note to Local Government Representative:

Please complete this form and return it to the applicant. **For new water right applications only**, if you are unable to complete this form while the applicant waits, you may complete this receipt and return it to the applicant. If you sign the receipt, you will have 30 days from the date of OWRD's Public Notice of the application to submit the completed Land Use Information Form to Oregon Water Resources Department. Please note while OWRD can accept a signed receipt as part of intake for an application for a new permit to use or store water, a completed Land Use Information Form is required for all other applications.

Applicant Name: Cyclops Rising LLC
 Staff Name: Alicia Lisle Title: Office Manager
 Staff Signature: Alicia Lisle Date: 9/4/24
 Governmental Entity: Yamhill County Planning Phone: 503-434-7516

1293



FIRST AMERICAN TITLE

After recording return to:
Cyclops Properties, LLC
310 White Pine Rd
Delafield, WI 53018

Until a change is requested all tax
statements shall be sent to the
following address:
Cyclops Properties, LLC
310 White Pine Rd
Delafield, WI 53018

File No.: 1031-3220599 (MWG)
Date: April 09, 2019

THIS SPACE RESERVED FOR RECORDER'S USE

Yamhill County Official Records	201904332
DMR-DDMR	04/10/2019 03:22:00 PM
Stn=2 MILLSA	
3Pgs \$15.00 \$11.00 \$5.00 \$60.00	\$91.00
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	

STATUTORY BARGAIN AND SALE DEED

Martha A. Jahnke, as Trustee of The Jahnke Trust dated February 3, 1993, a Revocable Living Trust, Grantor, conveys to **Cyclops Properties, LLC**, Grantee, the following described real property:

The land referred to in this report is described in Exhibit A attached hereto.

The true consideration for this conveyance is **\$transfer to business entity**. (Here comply with requirements of 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.

Dated this 10th day of April, 2019.

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SEP 10 2024
Salem, OR

APN: R4501-1293

Bargain and Sale Deed
- continued

File No.: 1031-3220599 (MWG)
Date: 04/09/2019

The Jahnke Trust

Martha A. Jahnke Trustee
Martha A. Jahnke, Trustee

STATE OF Oregon)
County of Yamhill)ss.
)

This instrument was acknowledged before me on this 15th day of April, 2019
by Martha A. Jahnke as Trustee of The Jahnke Trust, on behalf of the trust.

[Signature]



Notary Public for Oregon
My commission expires:

8/8/21

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SEP 10 2024

Salem, OR

APN: R4501-1293

Bargain and Sale Deed
- continued

File No.: 1031-3220599 (MWG)
Date: 04/09/2019

Exhibit "A"

Real property in the County of Yamhill, State of Oregon, described as follows:

UNSURVEYED Parcel 3 of Partition Plat 2006-47, recorded September 11, 2006 as Instrument No. 200620829, Deed and Mortgage Records, Yamhill County, State of Oregon, more particularly described as follows:

Described as being North 690.94 feet, West 1,743.64 feet and North 06? 46' West 632.11 feet from the South 1/4 corner of Section 1, Township 4 South, Range 5 West, Willamette Meridian; thence South 06? 46' East 1,559 feet, more or less, to the North boundary of the Charles Berry Donation Land Claim; thence West along the North boundary of said Donation Land Claim to the West boundary of Section 12, Township 4 South, Range 5 West, Willamette Meridian; thence North along the Section line to the South boundary of the Isaac L. LeMastus Donation Land Claim; thence East along the South boundary of the LeMastus Donation Land Claim 538 feet, more or less, to an iron pin at the Southeast corner of the LeMastus Donation Land Claim; thence North along the East boundary of the LeMastus Donation Land Claim to the South boundary of the present existing county road; thence Southeasterly along the South boundary of the county road to the point of beginning.

SAVE AND EXCEPT Parcel 1 of Partition Plat 94-40, recorded August 2, 1994 in Volume 4, Page 4, Plat Records, Yamhill County, State of Oregon.

ALSO SAVE AND EXCEPT Parcels 1 and 2 of Partition Plat 2006-47, recorded September 11, 2006 as Instrument No. 200620829, Deed and Mortgage Records, Yamhill County, State of Oregon

Tax Parcel Number: R4501-1293

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Salem, OR

AFTER RECORDING RETURN TO:

Jennifer B. Todd, Lawyer
1855 Fairgrounds Road NE
Salem, OR 97301

SEND TAX STATEMENTS TO:

Jonathan Jahnke, Manager
Cyclops Rising, LLC
307 E. Hancock St.
Newberg, OR 97132

OFFICIAL YAMHILL COUNTY RECORDS
BRIAN VAN BERGEN, COUNTY CLERK

202102240



\$106.00

02/03/2021 11:29:44 AM

DMR-DDMR Cnt=1 Stn=3 SUTTONS
\$30.00 \$5.00 \$11.00 \$60.00

Bargain and Sale Deed – Statutory Form

Jeffrey C. Jahnke, Successor Trustee of The Jahnke Trust under agreement dated February 3, 1993, Grantor,

conveys to

Cyclops Rising, LLC, Grantee,

the following described real property in the County of Yamhill, State of Oregon: The subject real property is described on the attached Exhibit "A", which is incorporated in this deed by this reference.

An Acceptance and Certificate of Incumbency of Trustee for Jeffrey C. Jahnke, Successor Trustee of The Jahnke Trust, is attached as Exhibit "B", which is incorporated in this deed by this reference.

The true consideration for this transfer is value other than money, being a tax-free contribution by Grantor to an entity owned by Grantor.

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,

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SEP 10 2024

Salem, OR

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.

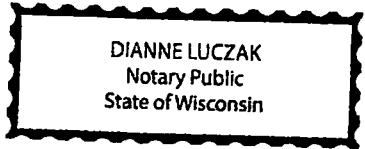
Dated: Jan. 29, 2021.

Jeffrey C. Jahnke, trustee
Jeffrey C. Jahnke
Successor Trustee of The Jahnke Trust

STATE OF WISCONSIN

County of Waushara

This instrument was acknowledged before me on 29 January, 2021, by Jeffrey C. Jahnke, Successor Trustee of The Jahnke Trust.



Dianne Luczak
Notary's signature
Notary's expiration: My Commission Expires
November 28, 2021

Received by OWRD
SEP 10 2024
Salem, OR

Exhibit "A"

Real property in the County of YAMHILL, State of Oregon, described as follows:

TRACT 2: [4501-1292]

Parcel 1 of Partition Plat 2006-47, recorded September 11, 2006 as Instrument No. 200620829, Deed and Mortgage Records, Yamhill County, State of Oregon

TRACT 3: [4512-1600]

Being a part of the Donation Land Claim of Charles Berry, Notification #2221, Claim #42, in Section 12, Township 4 South, Range 5 West of the Willamette Meridian in Yamhill County, Oregon and more particularly described as follows:

Beginning at the Northwest corner of that tract of land conveyed to Arthur R. Engen et ux by Deed recorded in Film Volume 84, Page 1808, Deed and Mortgage records Yamhill County; thence South 00° 18' West 800 feet to an iron pipe; thence South 89° 35' West 1780.08 feet to an iron pipe; thence North 00° 18' East 808.66 feet; thence South 89° 43' East 1780.08 feet more or less to the point of beginning. Also referred to as Lots #4 and #5 of County Survey P5160.

SAVE AND EXCEPT that portion conveyed to Arthur Engen and D.Anne Engen, husband and wife in Warranty Deed recorded July 2, 1974 in Film Volume 100, Page 1922, Deed and Mortgage Records

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SEP 10 2024

Salem, OR

Exhibit "B"

Acceptance and Certificate of Incumbency of Trustee

The Jahnke Trust

Under agreement dated February 3, 1993

I, Jeffrey C. Jahnke, certify that the following is true:

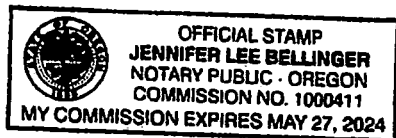
1. The The Jahnke Trust ("Trust") was established by an agreement dated February 3, 1993, which was amended on January 5, 1994, and was restated on April 30, 2003, which restatement is referred to as the "Trust Agreement."
2. One initial Trustee, Paul G. Jahnke, died on January 19, 2007. The other initial trustee, Martha A. Jahnke, died on May 6, 2020.
3. The Trust Agreement in Section 3.4 names Jeffrey C. Jahnke as successor Trustee in the event of death, resignation, removal, or other failure or inability of the trustees to serve. Attached is a copy of pages 2 and 3 of the 2003 restated trust agreement. Those pages contain Section 3.4, which shows that Jeffrey C. Jahnke is designated as successor Trustee.
4. Jeffrey C. Jahnke, as successor Trustee, was not appointed by a court and is not required to be appointed by a court under Oregon law.
5. By his signature below, Jeffrey C. Jahnke consents to serve as successor Trustee of the Trust, accepts the position of Trustee, and agrees to be bound by the terms of the Trust Agreement. This consent is effective May 6, 2020.


Dated: July 14, 2020.



Jeffrey C. Jahnke, Trustee

This instrument was acknowledged before me on July 14, 2020, by Jeffrey C. Jahnke as Trustee of the The Jahnke Trust.





Notary Public for Oregon

3.4. If one of the Trustees becomes incapacitated, he or she shall be treated as having died for purposes of this section.

3.2 **Resignation.** Any Trustee may resign at any time and without court approval, by executing a written resignation and delivering a copy thereof to each Trustor then living or, if Trustor is not then living, to all beneficiaries then living who have vested non-contingent interests in the Trust. However, a resignation shall become effective only upon written acceptance of the trust by a successor Trustee.

3.3 **Removal.** The Trustee of any trust created hereunder may be removed, at any time and for any reason, as follows:

a. **Persons Holding Power.** The Trustee of any trust created hereunder may be removed by a majority of such living persons as to whom distributions of income could be made from such trust at the time of removal. However, if one of the Trustors becomes incapacitated, he or she shall be treated as having died for purposes of this Section.

b. **Method of Exercise.**

(1) **If by individual.** If an individual holds the power to remove the Trustee, the removal power may be exercised by giving written notice thereof to the Trustee and all other then living beneficiaries of the Trust.

(2) **If by Group.** If a group of persons holds the power to remove the Trustee, the removal power may be exercised either by written agreement of all members of the group or by majority vote at a meeting held for such purpose. The meeting shall be called by giving written notice, at least 10 days in advance and providing instructions as to the time and location of the meeting, to the then current Trustee and all living non-contingent vested beneficiaries of the trust. The Trustee shall be removed only if a majority of all of the beneficiaries entitled to vote affirmatively vote for the Trustee's removal. Written notice of the meeting shall be deemed to be given on the day actually received by the person to whom it is directed, or three days after it is mailed, properly addressed and with appropriate postage affixed. The meeting may be held in whole or in part by telephone, so long as all persons attending are capable of speaking and hearing each other.

c. **Action by Representative.** If any person having the power to remove a trustee is a minor or otherwise legally incapacitated, that person's legal guardian, conservator, or attorney-in-fact acting under a valid Power of Attorney may act on his or her behalf.

3.4 **Designation of Successor Trustee.** Successor trustees, who shall serve as trustees in the event of the death, resignation, removal, or other failure or inability to serve on the part of the trustee, shall be appointed as follows:

a. **Successor Trustee List.** Successor Trustees shall be appointed from the Successor Trustee List in the order listed. Unless changed as provided below, the Successor

PAGE 2 – THE JAHNKE TRUST

Trustee List shall be as follows: (1) Jeffrey C. Jahnke, (2) Paula J. Jahnke-Grow, (3) Jonathan D. Jahnke, and (4) Scotty L. Jahnke-Dolence.

b. **Changes By Beneficiaries.** The Successor Trustee List may be changed at any time with respect to any trust created hereunder by a majority of the living persons to whom distributions of income could be made from such trust at the time of the change. If the majority of such beneficiaries are unable to appoint a successor Trustee, any court having jurisdiction may do so at the request of any person interested in the trust. Changes made by the beneficiaries of a trust shall be made in the same manner and under the same procedures as provided in Section 3.3b.

c. **Action by Representative.** If any person having the power to designate a successor trustee is a minor or otherwise legally incapacitated, that person's legal guardian, conservator, or attorney-in-fact acting under a valid Power of Attorney may act on his or her behalf.

d. **Co-Trustees.** Persons appointing Successor Trustees may appoint any number of persons or entities to serve as Co-Trustees, so long as each of them meets any qualifications set forth herein.

3.5 Transfer to Successor Trustee. Upon acceptance, a successor Trustee shall succeed to all rights, powers, and duties of the Trustee. All right, title, and interest in the trust property shall vest in the successor. The prior Trustee shall, without warranty, transfer the existing trust property to the successor Trustee. A successor Trustee shall not have any duty to examine the records or actions of any former Trustee and shall not be liable for the consequences of any act or failure to act of any former Trustee.

3.6 Incapacity. A Trustor or Trustee shall be deemed to be incapacitated if under the procedures hereinafter described he or she is determined to be unable to manage the property and affairs of the trust estate effectively for reasons including, but not limited to, (1) mental illness, (2) mental deficiency, (3) physical illness or disability, (4) age, (5) chronic use of drugs or controlled substances, (6) chronic intoxication, (7) confinement, (8) detention by a foreign power, (9) prolonged absence from the United States of America, or (10) disappearance. The determination of whether a Trustee is incapacitated for the causes set forth at (1) through (6) above shall be made by a medical doctor duly-licensed to practice in the state of the Trustee's domicile who has performed a physical examination of the Trustee within 30 days of such determination.

3.7 No Bond Required. No bond or undertaking shall be required of any individual or corporate fiduciary serving as the Trustee hereunder. All rights, powers, duties and authority, including any discretion, granted to or imposed upon the Trustee by any provision of this Agreement shall also apply to and be exercised by any and all successors in office.

PAGE 3 – THE JAHNKE TRUST

Page 6 of 6 - Bargain and Sale Deed

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SEP 10 2024

Salem, OR

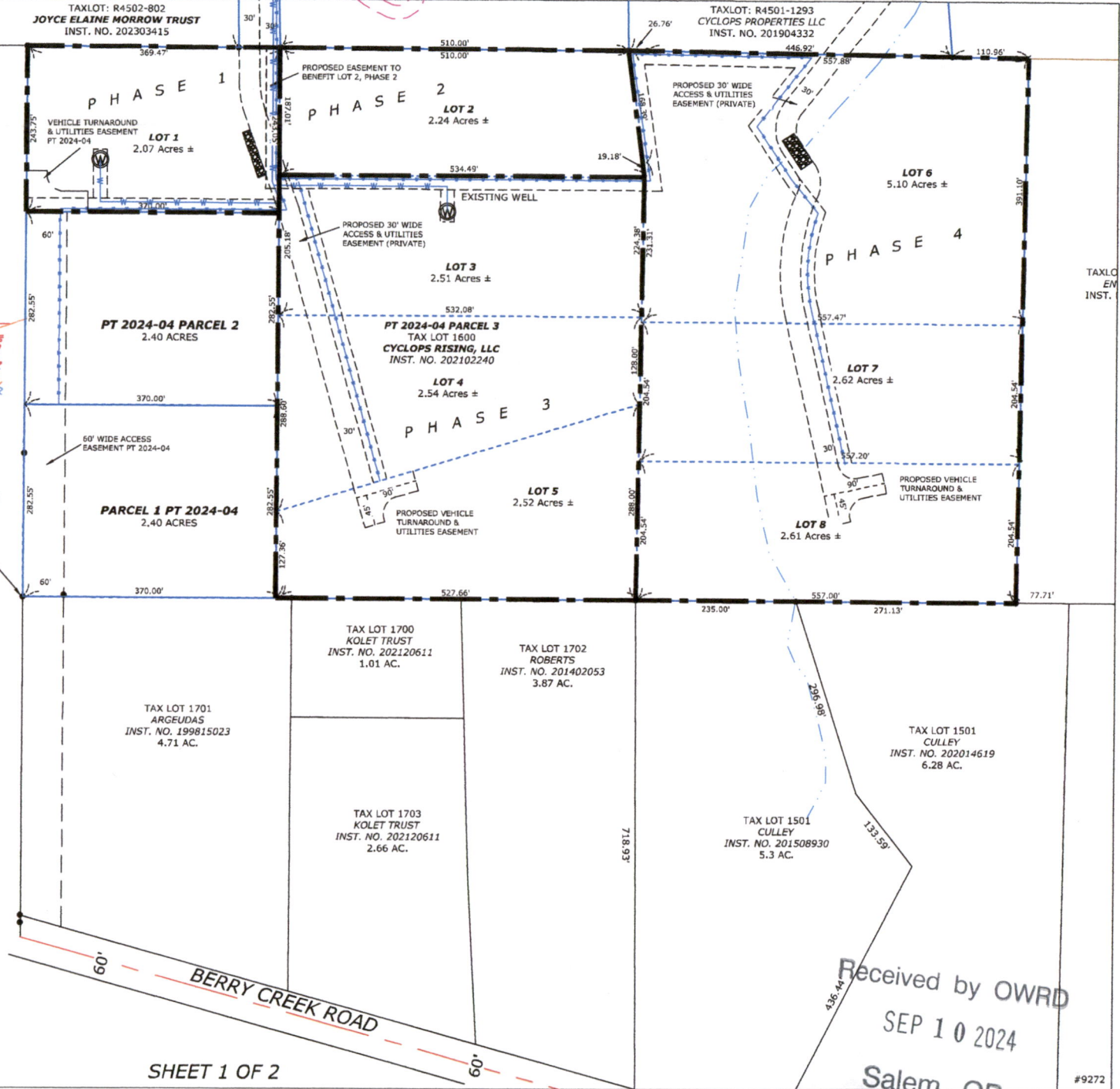
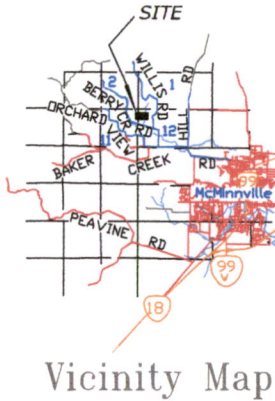
Exhibit "B"
Page 3 of 3

Tentative Subdivision Plan MARTHA'S VINEYARD ESTATES

Location: NW 1/4 Section 12, T. 4 S., R. 5 W.,
WM., in a portion of the Charles Berry Donation
Land Claim No. 42, Yamhill County, OR

Tax Lot: 4512 - 1293, 1292, 1291, 1600

Date: 4 June 2024



Legend

- - - - - = proposed parcel or lot line
- — — — — = existing property line
- - - - - = proposed subdivision Phase Lines
- - - - - = proposed easement
- - - - - = proposed private water source line
- - - - - = proposed private water distribution line
- - - - - = centerline existing creek (digitized)
- ⊠ = emergency vehicle turnouts

REGISTERED
PROFESSIONAL
LAND SURVEYOR

BY: LELAND MACDONALD & ASSOC., LLC
FORMERLY DBA MATT DUNCKEL & ASSOC.
3765 RIVERSIDE DRIVE
MCMINNVILLE, OREGON 97128
PHONE: 503-472-7904
FAX: 503-472-0367
EMAIL: LEE@MACDONALDSURVEYING.COM

OREGON
January 18, 2002
LELAND A. MACDONALD
53226

Renews 31 December 2024

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Salem, OR

Tentative Subdivision Plan for: MARTHA'S VINEYARD ESTATES

Location: NW 1/4 Section 12, T. 4 S., R. 5 W.,
WM., in a portion of the Charles Berry Donation
Land Claim No. 42, Yamhill County, OR

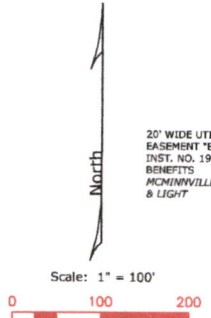
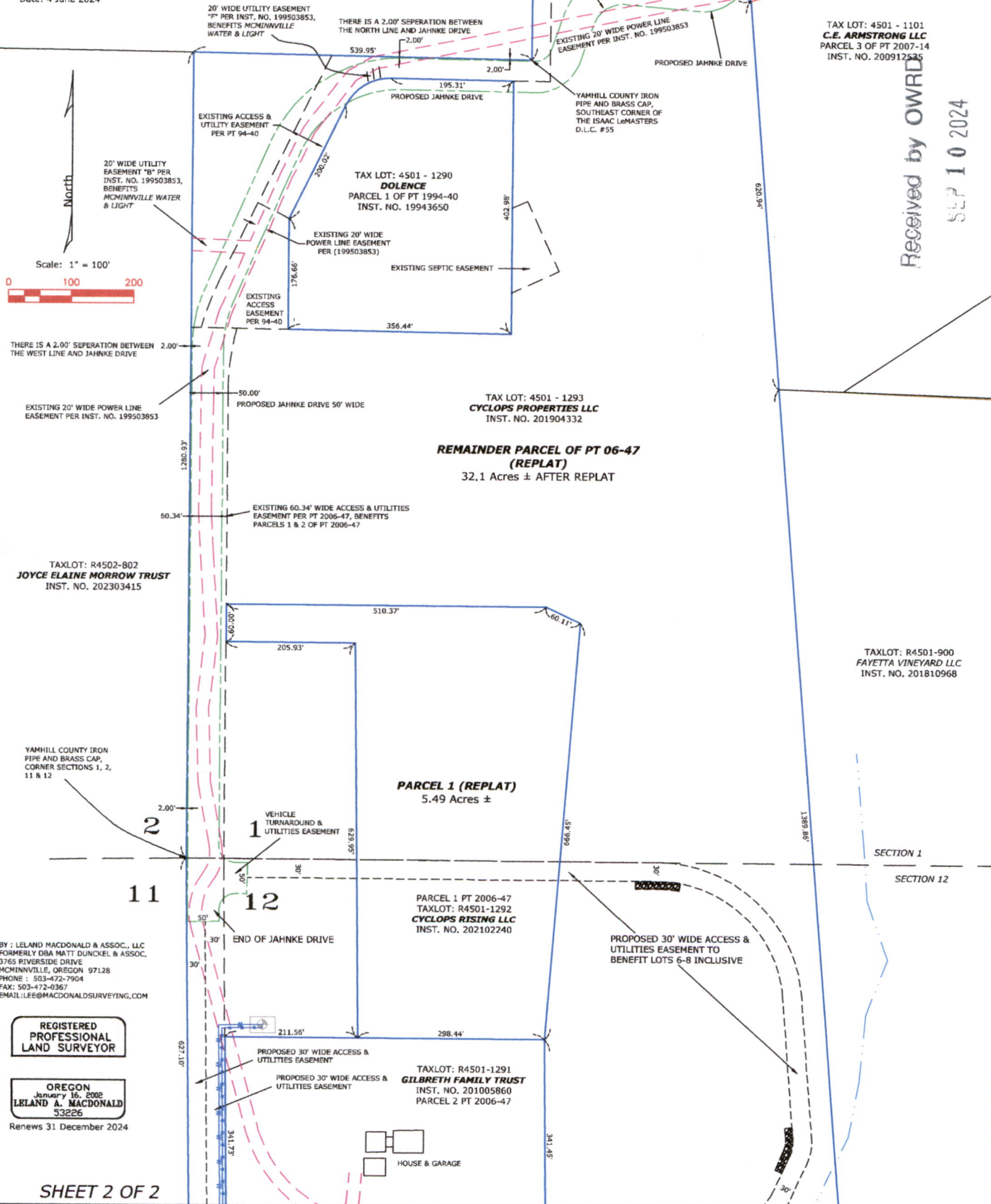
Tax Lot: 4512 - 1293, 1292, 1291, 1600

Date: 4 June 2024

TAX LOT: 4501 - 1300
STERLING
F.V. 226 PG. 861

TAX LOT: 4501 - 1101
C.E. ARMSTRONG LLC
PARCEL 3 OF PT 2007-14
INST. NO. 200912535

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Salem, OR



THERE IS A 2.00' SEPERATION BETWEEN THE WEST LINE AND JAHNKE DRIVE

EXISTING 20' WIDE POWER LINE EASEMENT PER INST. NO. 199503853

TAXLOT: R4502-902
JOYCE ELAINE MORROW TRUST
INST. NO. 202303415

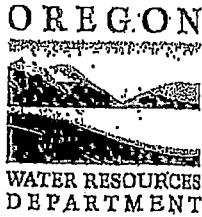
YAMHILL COUNTY IRON PIPE AND BRASS CAP CORNER SECTIONS 1, 2, 11 & 12

BY: LELAND MACDONALD & ASSOC., LLC
FORMERLY DBA HATT DUNCKEL & ASSOC.
3765 RIVERSIDE DRIVE
MCMINNVILLE, OREGON 97128
PHONE: 503-472-7904
FAX: 503-472-0367
EMAIL: LEE@MACDONALDSURVEYING.COM

REGISTERED PROFESSIONAL LAND SURVEYOR

OREGON January 16, 2002
LELAND A. MACDONALD
53226

Renews 31 December 2024



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SEP 10 2024
Salem OR

Date Received (Date Stamp Here)

OWRD Over-the-Counter Submission Receipt

Applicant Name(s) & Address: Cyclops Rising LLC
1216 Martini Dr Henderson NV 89053

Transaction Type: Groundwater App

Fees Received: \$ 3410.00

Cash Check: Check No. 2298
Name(s) on Check: Will McMill Surveying

Thank you for your submission. Oregon Water Resources Department (Department) staff will review your submittal as soon as possible.

If your submission is determined to be complete, you will receive a receipt for the fees paid and an acknowledgement letter stating your submittal is complete.

If determined to be incomplete, your submission and the accompanying fees will be returned with an explanation of deficiencies that must be addressed in order for the submittal to be accepted.

If you have any questions, please feel free to contact the Department's Customer Service staff at 503-986-0801 or 503-986-0810.

Sincerely,
OWRD Customer Service Staff

Submission received by: Corie Linnien
(Name of OWRD staff)

Instructions for OWRD staff:

- Complete this Submission Receipt and make two (2) copies. Place one copy with the check/cash; and place the other copy with the submission (i.e., the application or other document).
- Date-stamp all pages. (NOTE: Do not stamp check.)
- Give this original Submission Receipt to the applicant.
- Record Submission Receipt information on the "RECEIVED OVER THE COUNTER" log sheet.
- Fold and put one copy of the Submission Receipt with check/cash into the Safe slot. Place the other copy of the Submission Receipt with submission (application/other document) in the top drawer of filing cabinet.