

Asbuilt Drawings Approved 11-2-95; 1 Copy enclosed w/
letter - F Dam Safety

Nothing else needed - F Dam Safety



STATUTORY WARRANTY DEED

INSTRUMENT NO. 2005 - 2460
Page 1 of 2 Pages

M. MICHELE THOMAS Grantor.

conveys and warrants to CLYDE RAY WILLIAMS and SUSAN CAROL WILLIAMS, husband and wife Grantee,

the following described real property free of liens and encumbrances, except as specifically set forth herein:

Land in Malheur County, Oregon, as follows:

In Twp. 17 S., R. 44 E., W.M.:

Sec. 16: That portion of the West 1/2, W1/2E1/2 and SE1/4 NE1/4 lying South and West of the State of Oregon Highway No. 26 right of way.

EXCEPTING THEREFROM a parcel of land in the W1/2 SE1/4 of Sec. 16, Twp. 17 S., R. 44 E., W.M., described as follows:

Beginning at the Southeast corner of the SW1/4 SE1/4 of said Sec. 16;
thence West, coincident with the South boundary of Sec. 16, 1314.46 feet;
thence N. 29° 41' 30" E., 394.64 feet;
thence N. 41° 47' 30" E., 611.01 feet;
thence N. 14° 31' 59" W., 249.51 feet;
thence N. 37° 16' 40" E., 50.20 feet;
thence N. 28° 34' 39" W., 184.50 feet;
thence N. 55° 41' 06" E., 325.10 feet;
thence N. 40° 06' 29" E., 327.36 feet;
thence N. 49° 24' 01" E., 159.99 feet;
thence N. 57° 22' 17" E., 80.59 feet;
thence N. 66° 24' 04" E., 155.75 feet;
thence N. 50° 58' 45" E., 110.36 feet to a point on the East boundary of said SW1/4 SE1/4;
thence S. 1° 04' W., coincident with the East boundary of the SW1/4 SE1/4, 1960.84 feet to the Point of Beginning.

RECEIVED

JUN 09 2005

WATER RESOURCES DEPT
SALEM, OREGON

Account No.: 13007	Code No.: 43	Map No.: 1744B	Tax Lot No.: 5090
Account No.: 13006	Code No.: 43	Map No.: 1744B	Tax Lot No.: 5001
Account No.: 13010	Code No.: 43	Map No.: 1744B	Tax Lot No.: 5300
Account No.: 903555	Code No.: 43	Map No.: 1744B	Tax Lot No.: 5300

This property is free and clear of liens and encumbrances, EXCEPT:

SEE ATTACHED EXHIBIT 'A'

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930.

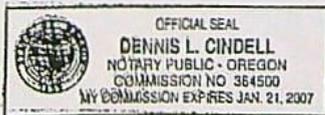
The true consideration for this conveyance is \$ 535,000.000 (Here comply with the requirements of ORS 93.030)

DATED this 4 day of April, 2005.

M. Michele Thomas
M. Michele Thomas

STATE OF OREGON COUNTY OF Malheur ss.

The foregoing instrument was acknowledged before me this 4th day of April, 2005 by M. Michele Thomas



Dennis L. Cindell
Notary Public for Oregon
Commission Expires: 1-21-07

Title Order No. 21945 E
After recording return to:
FIRST AMERICAN TITLE CO
Until requested otherwise send all
tax statements to:
Clyde & Susan Williams
43861 Burnt Ranch Rd.
Mitchell, OR 97750

AFTER RECORDING RETURN TO: Fateo

The assessment roll and the tax roll disclose that the within described premises were specially assessed as farmland. If the land has become or becomes disqualified for the special assessment under the statute, an additional tax may be levied.

The rights of the public in and to that portion of the premises herein lying within streets, roads and highways.

Regulations of the Vale-Oregon Irrigation District, within which the above property lies, including levies, assessments, water and irrigation rights and easements for ditches and canals.

Agreements from Oregon-Washington Railroad & Navigation recorded May 15, 1972, Inst.No. 134171 and 134172, official records, covering a waterway and road crossing.

An easement for power lines created by instrument, including the terms and provisions thereof;
Recorded: Sept. 28, 1977, Inst. No. 35066, official records of Malheur County, Oregon
Favor of: Idaho Power Company
Affects: SW1/4.

Reservations as contained in Warranty Deed from Timothy G. Garrison, etux recorded February 16, 1996, Instrument No. 96-1144, official records, affecting irrigation easement in the SW1/4 SE1/4.

Mineral reservation, as reserved by Union Pacific Railroad Company and all rights of said party and its successors in interest as owners thereof, in Deed
Recorded: Dec. 4, 1980, Inst. No. 85153 Deed records of Malheur County, Oregon
Affects: Former railroad right of way
NOTE: The mineral interest reserved or excepted above has not been followed out and subsequent transactions affecting said interest or taxes levied against same are not reflected in this title evidence.

Easement in favor of Joe James Culbertson, recorded June 10, 1988, Inst. No. 88-18688, official records, affecting a pipeline.

Easement in favor of Robert T. Evans, etux, recorded Sept. 14, 1992, as contained in Inst.No. 92-6409 and 92-6410, official records, affecting a ditch and pipeline.

Declaration of Use Restriction between David & Michele Thomas and Malheur County, Oregon recorded Jan. 16, 1998, Inst. No. 98-0363, official records. (Affects Manufactured Home)

Any improvement located upon the property, which is described or defined as a mobile home under the provisions of chapters 803 and 820, Oregon Revised Statutes, and is subject to registration as therein provided.

Inst. No. 2005-2460
I certify that the within Instrument of writing was received for record on the 6 day of April, 2005 at 4:06 O'clock P. M. FEE 26-
STATE OF OREGON, County of Malheur
DEBORAH R. DeLONG
County Clerk

By: [Signature] Deputy

RECEIVED

JUN 09 2005

WATER RESOURCES DEPT
SALEM, OREGON

STATE OF OREGON

COUNTY OF Malheur

CERTIFICATE OF WATER RIGHT (HB - 2153)

RECEIVED

JUN 09 2005

WATER RESOURCES DEPT
SALEM, OREGON

THIS CERTIFICATE ISSUED TO

DAVID THOMAS
THOMAS, MICHELE
4593 JOHN DAY HIGHWAY
VALE, OR 97918

confirms the right to store the waters of AN UNNAMED STREAM, A TRIBUTARY OF WILLOW CREEK IN THOMAS RESERVOIR 2 for IRRIGATION.

The right to store and use these waters was perfected under Reservoir Application R-77841. The date of priority is January 1, 1993. The amount of water entitled to be stored and used each year under this right is not more than 16.2 ACRE-FEET

Located as follows:

SE 1/4 NW 1/4
SECTION 16
TOWNSHIP 17 SOUTH, RANGE 44 EAST, WM.

The storage of water allowed herein is subject to the maintenance of the outlet gate. The outlet gate shall be cycled at least once each year and shall be fully operational at all times to evacuate water when determined necessary for public safety or to satisfy prior downstream rights as determined by the Water Resources Director.

Routine maintenance of the dam, spillway and appurtenant structures shall be performed as necessary to remove trees, brush and debris, and to repair slumps, areas of erosion, or defective equipment.

The structure shall not be enlarged, modified, altered or otherwise changed without the prior written approval of the Director of the Water Resources Department or the Director's authorized representative. Except for routine repair and maintenance, plans and specifications prepared by an Oregon licensed engineer are required for any modification to the dam, spillway or appurtenant structures.

This is a final order in other than contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review of the order must be filed within the 60 days of the date of service.

R-77841.GC

Certificate Number 71101

STATE OF OREGON

COUNTY OF Malheur

CERTIFICATE OF WATER RIGHT (HB - 2153)

THIS CERTIFICATE ISSUED TO

DAVID THOMAS
THOMAS, MICHELE
4593 JOHN DAY HWY
VALE, OR 97918

confirms the right to store the waters of AN UNNAMED STREAM IN HAYMAKER GULCH, A TRIBUTARY OF WILLOW CREEK IN HAYMAKER GULCH RESERVOIR for IRRIGATION.

The right to store and use these waters was perfected under Reservoir Application R-80186. The date of priority is January 1, 1993. The amount of water entitled to be stored and used each year under this right is not more than 15.9 ACRE-FEET

Located as follows:

SE 1/4 SW 1/4
SW 1/4 SE 1/4
SECTION 16
TOWNSHIP 17 SOUTH, RANGE 44 EAST, WM.

The storage of water allowed herein is subject to the maintenance of the 18-inch outlet conduit. The 18-inch diameter outlet conduit shall remain free of all obstructions and/or debris at all times to allow the unimpeded flow of water and to evacuate water when determined necessary for public safety or to satisfy prior downstream rights as determined by the Water Resources Director.

Routine maintenance of the dam, spillway and appurtenant structures shall be performed as necessary to remove trees, brush and debris, and to repair slumps, areas of erosion, or defective equipment.

This is a final order in other than contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review of the order must be filed within the 60 days of the date of service.

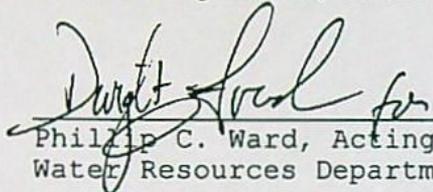
R-80186.GC

Certificate Number 71814

The structure shall not be enlarged, modified, altered or otherwise changed without the prior written approval of the Director of the Water Resources Department or the Director's authorized representative. Except for routine repair and maintenance, plans and specifications prepared by an Oregon licensed engineer are required for any modification to the dam, spillway or appurtenant structures.

The right to store and use the water for the above purpose is restricted to beneficial use at the place of use listed above.

Issued August 30, 2004.


Phillip C. Ward, Acting Director
Water Resources Department

Recorded in State Record of Water Right Certificates Number 71814.

R-80186.GC



*First American Title Company
of Malheur County*

81 S. Oregon Street • Ontario, OR 97914



U.S. POSTAGE

1710

PB5543784

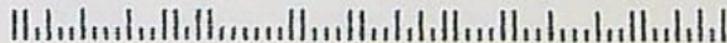
4455 \$00.60⁰ JUN 06 2005

6929 MAILED FROM ZIP CODE

97914

*State of Oregon
Water Resources Dept.
Attn: Water Rights
725 Summer St. NE, Ste A
Salem, OR 97301-1271*

37301+1266 07





Oregon

Theodore R. Kulongoski, Governor

Water Resources Department
North Mall Office Building
725 Summer Street NE, Suite A
Salem, OR 97301-1271
503-986-0900
FAX 503-986-0904

Date Mailed: August 30, 2004

NOTICE OF CERTIFICATE ISSUANCE

The attached certificate confirms the water right established under the provisions of House Bill 2153. The water right is appurtenant to the specific place where the use was established as described by the certificate. The owner of the land is the owner of the water right. Oregon law does not allow the Director to reissue a certificate because of a change in the ownership.

This is 183.48 as spe

This review

Under Dep cor

On ap o f

FOR Steve B...

DATE 8/24/04

FROM Phil

FIRM Na

PHONE 208 AREA CODE

FAX AREA CODE

MOBILE AREA CODE

TELEPHONED

RETURNED YOUR CALL

CAME TO SEE YOU

WANTS TO SEE YOU

WAITING TO SEE YOU

MESSAGE Has n certificate

356 Holland Nampa ID

2 Assign

SIGNED CV

MESS

Rob Smith
Phil Alloway
Plate Certificates
Reservoirs →

208-250-3386

Thomas →

Hay 61 → 71814
Thomas → 71101

neighbor
Call Ron J. to talk to Mr. Allison

ated case. This order is subject to judicial review under ORS mailing date stated above

or add to existing

Water Resources ed, the qualifying

ownership of the ation of the point of the Water

of the right may Program is not plained in ORS

FOR Steve Brown
 DATE 8/24/04 TIME 9:11 A.M. P.M.
 FROM Phil Allison
 FIRM Nampa ID
 PHONE 208-250-3386
 FAX AREA CODE NUMBER EXTENSION
 MOBILE AREA CODE NUMBER TIME TO CALL

TELEPHONED	<input checked="" type="checkbox"/>	PLEASE CALL	<input checked="" type="checkbox"/>
RETURNED YOUR CALL	<input type="checkbox"/>	WILL CALL AGAIN	<input type="checkbox"/>
CAME TO SEE YOU	<input type="checkbox"/>	RUSH	<input type="checkbox"/>
WANTS TO SEE YOU	<input type="checkbox"/>	SPECIAL ATTENTION	<input type="checkbox"/>
WAITING TO SEE YOU	<input type="checkbox"/>	HOLDING LINE	<input type="checkbox"/>

MESSAGE Has not received certificate. Why

356 Holland DR
Nampa ID, 83651 CC
2 Assignment

SIGNED CV  FORM 4007 MADE IN U.S.A.

MESSAGE



Oregon

Theodore R. Kulongoski, Governor

Water Resources Department
North Mall Office Building
725 Summer Street NE, Suite A
Salem, OR 97301-1271
503-986-0900
FAX 503-986-0904

Date Mailed: August 30, 2004

NOTICE OF CERTIFICATE ISSUANCE

The attached certificate confirms the water right established under the provisions of House Bill 2153. The water right is appurtenant to the specific place where the use was established as described by the certificate. The owner of the land is the owner of the water right. Oregon law does not allow the Director to reissue a certificate because of a change in the ownership.

This is a final order in other than a contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within **60 days of the mailing date stated above** as specified by ORS 183.484(2).

This statement of judicial review rights is required under ORS 536.075; it does not alter or add to existing review rights or create review rights that are not otherwise provided by law.

Under ORS 537.260 and 537.270, a water right certificate may be contested before the Water Resources Department within three (3) months of the date it is issued. If a certificate is contested, the qualifying contestant shall be offered an administrative hearing.

Oregon law does not allow the Director to reissue a certificate because of a change in the ownership of the appurtenant place of use. The water must be controlled and not wasted. To change the location of the point of diversion, the character of use, or the location of use requires the advance approval of the Water Resources Director.

If any portion of this water right is not used for five or more consecutive years, that portion of the right may be subject to forfeiture according to ORS 540.610. Land enrolled in a Federal Reserve Program is not subject to forfeiture during the period of enrollment. Other exceptions to forfeiture are explained in ORS 540.610.

If you have any questions please contact Gerry Clark at 503-986-0811.

STATE OF OREGON

COUNTY OF Malheur

CERTIFICATE OF WATER RIGHT (HB - 2153)

THIS CERTIFICATE ISSUED TO

DAVID THOMAS
THOMAS, MICHELE
4593 JOHN DAY HIGHWAY
VALE, OR 97918

confirms the right to store the waters of AN UNNAMED STREAM, A TRIBUTARY OF WILLOW CREEK IN THOMAS RESERVOIR 2 for IRRIGATION.

The right to store and use these waters was perfected under Reservoir Application R-77841. The date of priority is January 1, 1993. The amount of water entitled to be stored and used each year under this right is not more than 16.2 ACRE-FEET

Located as follows:

SE 1/4 NW 1/4
SECTION 16
TOWNSHIP 17 SOUTH, RANGE 44 EAST, WM.

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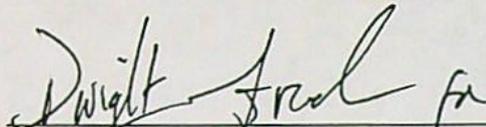
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The right to store and use the water for the above purpose is restricted to beneficial use at the place of use listed above.

Issued August 30, 2004.



Phillip C. Ward, Acting Director
Water Resources Department



Recorded in State Record of Water Right Certificates Number 71101.

R-77841.GC

Mailing List for Certificate

Mailing Date: 8/30/2004

Application ✓ R-77841 (HB 2153)
Permit
Certificate - 71101

Permit/Certificate Holder: (include copy of map)

✓ DAVID THOMAS
THOMAS, MICHELE
4593 JOHN DAY HIGHWAY
VALE, OR 97918

Copies Mailed
By: <u>Greg Clark</u> (STAFF)
on: <u>8/30/2004</u> (DATE)

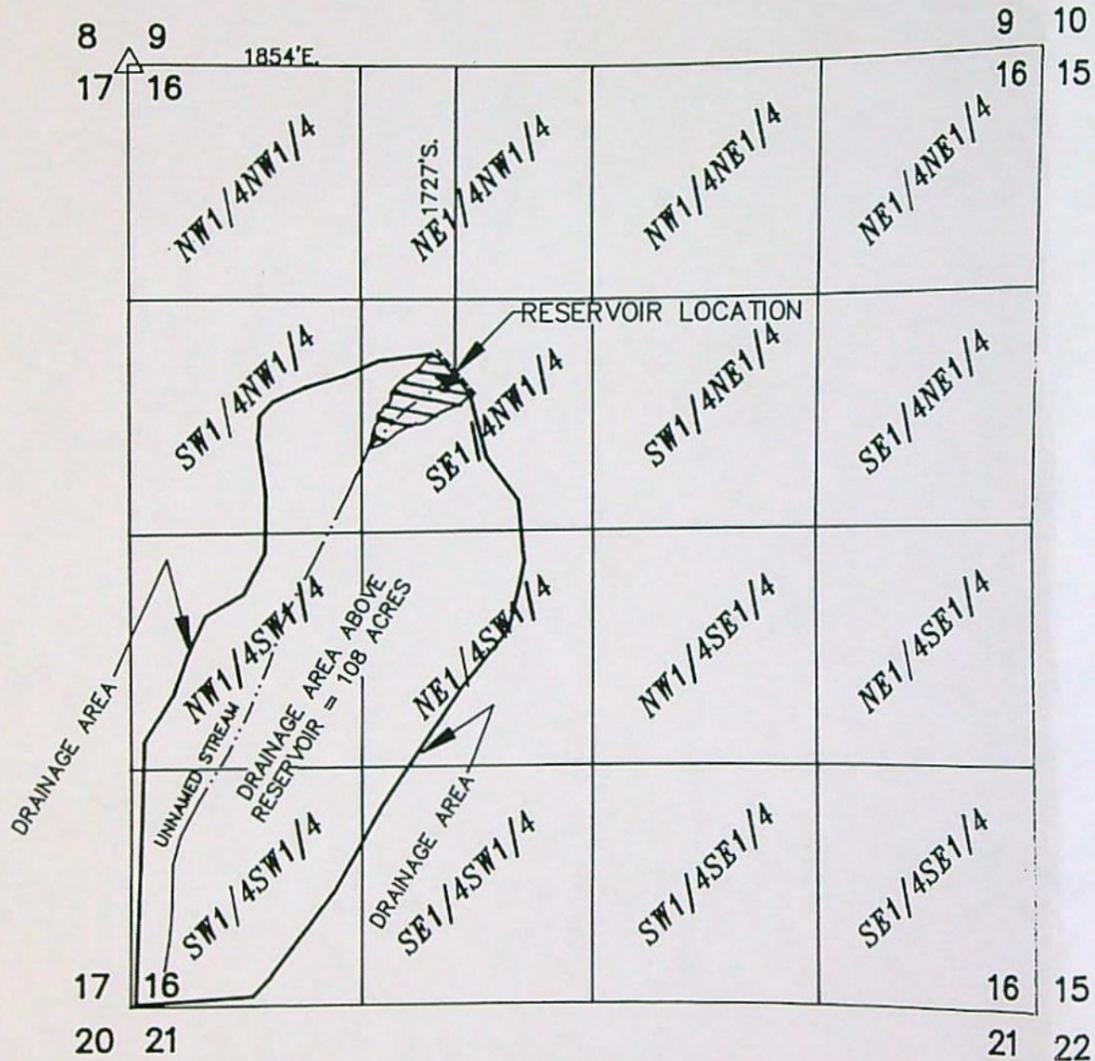
Copies of Final Certificate to be sent to:

1. ✓ Watermaster # 9 (Ron Jacobs): (include copy of map)
2. ✓ Data Center (include copy of map)
3. ✓ Water Availability

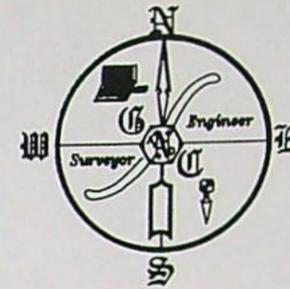
Other persons to receive copies: (Include map)

✓ Phil Allison
356 Holland Dr.
Nampa, ID 83651

SE1/4NW1/4 Section 16, Township 17 South, Range 44 East, W.M.
 Tax Lot No. 17-44B-5300
 THOMAS RESERVOIR No. 2

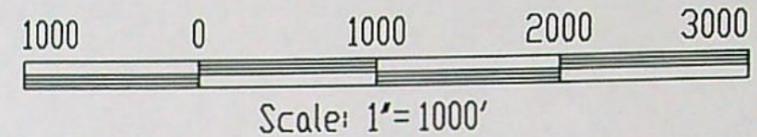


NOTE :
 THIS RESERVOIR IS FILLED FROM SPRINGS ALONG THE UNNAMED STREAM,
 NATURAL AND IRRIGATION RUNOFF.



RECEIVED

JAN 30 1996
 WATER RESOURCES DEPT.
 SALEM, OREGON



APPLICATION No. R-77841

PERMIT No. _____

OREGON WATER RESOURCES DEPARTMENT
 DAM SAFETY
 APPROVED [Signature]
 REVIEW [Signature]
 DATE Nov 2, 1995

INDEX :

SHEET 1 : LOCATION & DRAINAGE
 SHEET 2 : PLAN & CROSS SECTIONS



DAM APP. LOCATION & DRAINAGE MAP		
FOR : DAVID & MICHELE THOMAS		
GASCHLER & CUMMINGS		
CIVIL ENGINEERING & LAND SURVEYING		
P.O. BOX 412 / 786 SUNSET DR., 889-2101, ONTARIO, OREGON		
CHECKED BY: AJG	DRAWN BY: DKC	APPROVED BY: AJG
DATE: 10/10/94	DRAWING No. W09394A2-A554	REVISED:
SHEET 1 OF 23	JOB No. WO-9394	BK.WO-12PG. 4

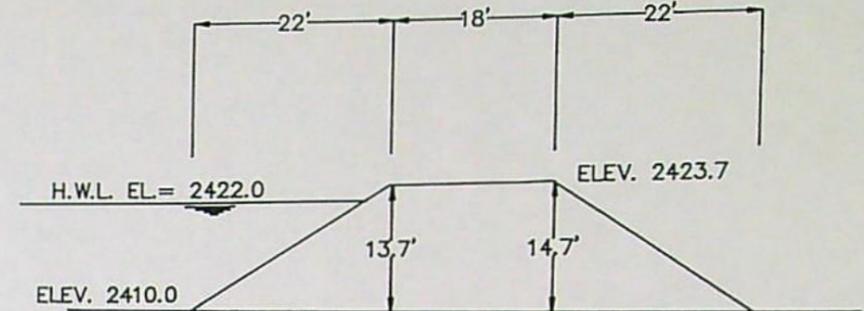
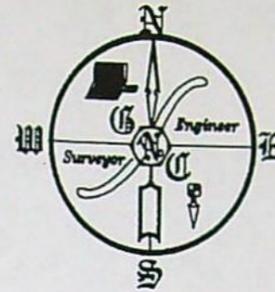
DEPTH - CAPACITY

ELEV.	VOLUME (ACRE-FT.)
2410	0.0
2411	0.1
2412	0.3
2413	0.7
2414	1.3
2415	2.2
2416	3.3
2417	4.7
2418	6.4
2419	8.4
2420	10.7
2421	13.3
2422	16.2

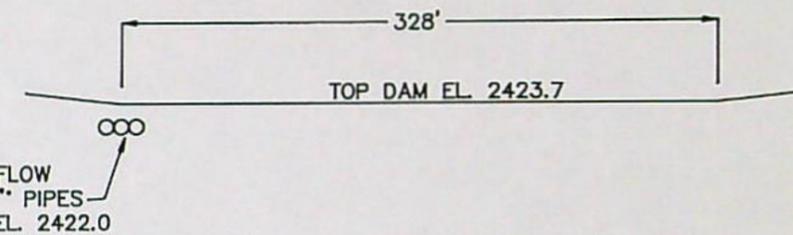
RECEIVED

JAN 30 1996

WATER RESOURCES DEPT.
SALEM, OREGON

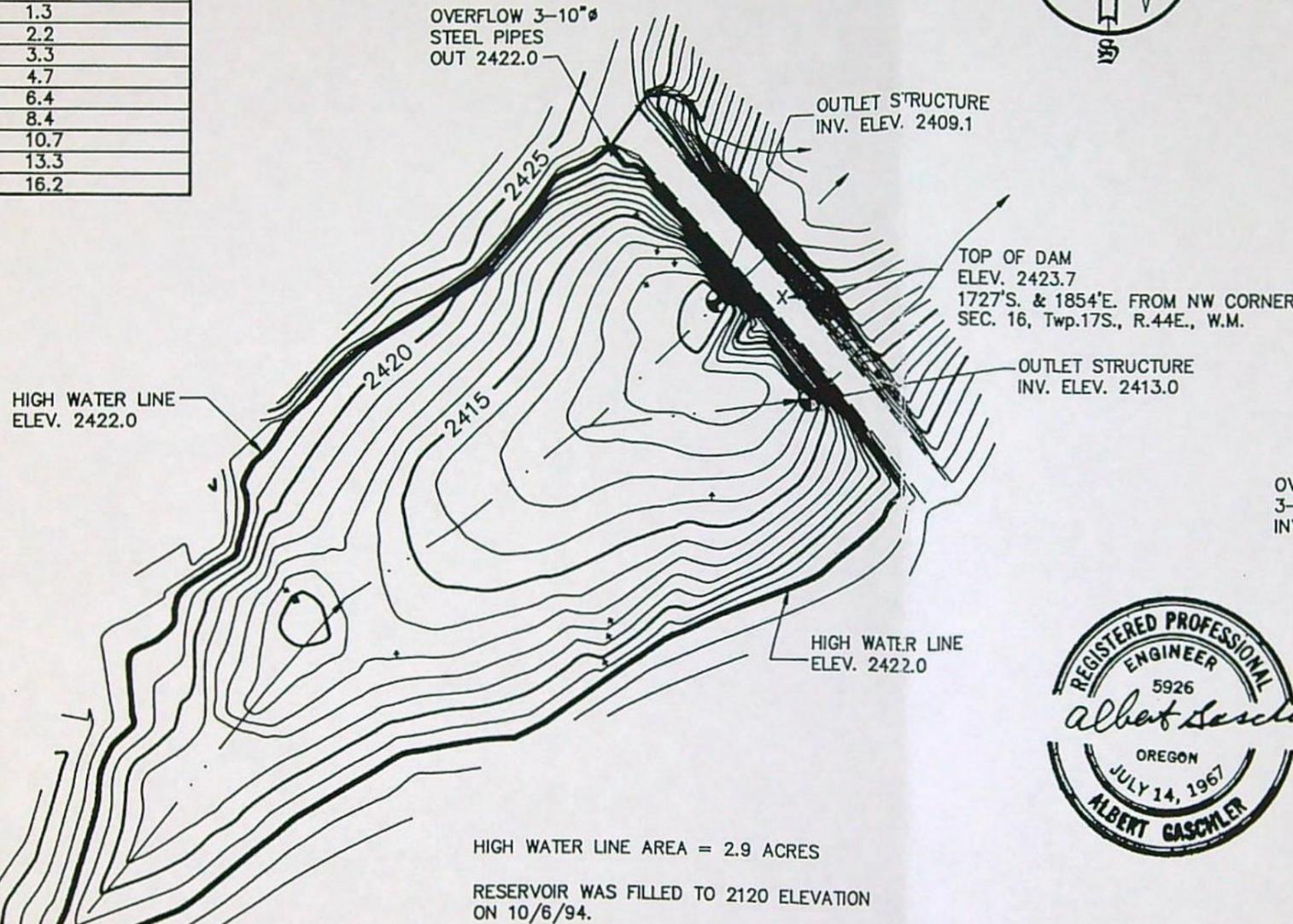


DAM X-SECTION AT LOW POINT
SCALE: 1" = 20'

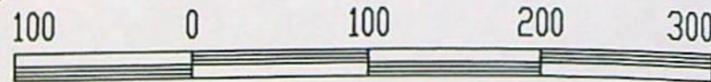


DAM PROFILE

HORZ.: 1" = 100'
VERT.: 1" = 100'



HIGH WATER LINE AREA = 2.9 ACRES
RESERVOIR WAS FILLED TO 2120 ELEVATION
ON 10/6/94.



Scale: 1" = 100'

CONTOUR INTERVAL = 1 FOOT

THOMAS RESERVOIR No. 2

OREGON WATER RESOURCES DEPARTMENT
DAM SAFETY

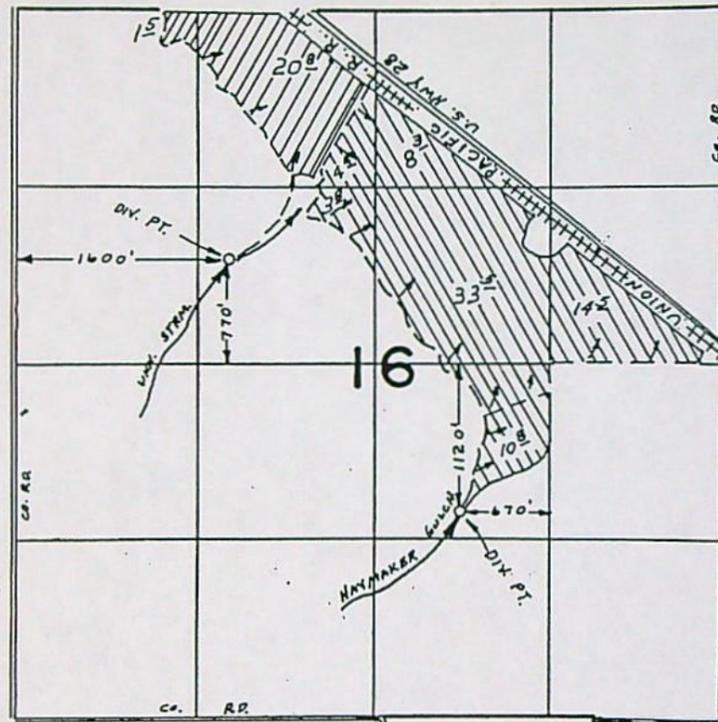
APPROVED: *[Signature]*
REVIEW: *[Signature]* Nov 2, 1995
DATE: _____

Application No. R-77841

Permit No. _____

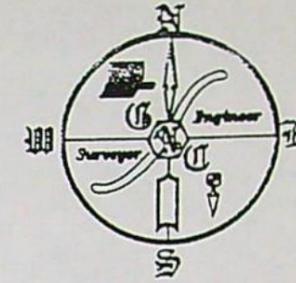
DAM APP. FOR: DAVID & MICHELE THOMAS		
GASCHLER & CUMMINGS CIVIL ENGINEERING & LAND SURVEYING P.O. BOX 412 / 788 SUNSET DR., 889-2101, ONTARIO, OREGON		
CHECKED BY: A.J.G.	DRAWN BY: D.K.C.	APPROVED BY: A.J.G.
DATE: 10/7/94	DRAWING No. WO9394A-A555	REVISED:
SHEET 2 OF 23	JOB No. WO-9394	BK.WO-12 PG. 4

T.17S. R.44E. W.M.



SOURCE: UNNAMED STREAM
HAYMAKER GULCH

LANDS IRRIGATED BY UNNAMED STREAM
AS SHOWN ON FINAL PROOF MAP.
App.No.: 37089 PERMIT No. 33230



RECEIVED

JAN 3 0 1996

WATER RESOURCES DEPT.
SALEM, OREGON

APPLICATION No. R-77841

PERMIT No. _____

RECEIVED

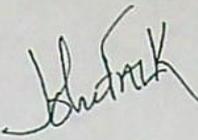
JAN - 4 1995

WATER RESOURCES DEPT.
SALEM, OREGON



DAM APP. LOCATION & DRAINAGE MAP		
FOR: DAVID & MICHELE THOMAS		
GASCHLER & CUMMINGS		
CIVIL ENGINEERING & LAND SURVEYING		
P.O. BOX 412 / 786 SUNSET DR., 889-2101, ONTARIO, OREGON		
CHECKED BY: AJG	DRAWN BY: DKC	APPROVED BY: AJG
DATE: 10/10/94	DRAWING No. W08394A2-	REVISED:
SHEET 3 OF 3	JOB No. WO-9394	BK.WO-12 PG. 4

MEMORANDUM

DATE: November 2, 1995
TO: Water Rights Section 
FROM: John A. Falk - Dam Safety
SUBJECT: Conditions of Permit
David & Michelle Thomas
Existing Earthen Dam

=====
**Please include the following items as permit conditions to the
RESERVOIR APPLICATION R-77841:**

- The outlet gate shall be cycled at least once each year and shall be fully operational at all times.
- Routine maintenance of the dam, spillway and appurtenant structures shall be performed as necessary to remove trees, brush and debris, and to repair slumps, areas of erosion, or defective equipment.
- The completed structure shall not be enlarged, modified, altered or otherwise changed without the prior written approval of the Director of the Water Resources Department or the Director's authorized representative. Except for routine repair and maintenance, plans and specifications prepared by an Oregon licensed engineer are required for any modification to the dam, spillway or appurtenant structures.

November 2, 1995

WATER
RESOURCES
DEPARTMENT

David and Michelle Thomas
4593 John Day Highway
Vale, OR 97918

RE: Existing Reservoirs
Application R-77841 (Thomas Res. #2)
Application R-80186 (Haymaker Gulch)

Dear Thomases:

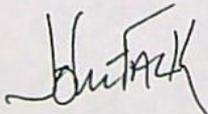
The asbuilt drawings for the referenced existing projects have been reviewed and approved by Dam Safety. Based on our review, it has been determined that the asbuilt drawings contain the required information necessary to continue the permitting process.

The application file has been forwarded to the Water Rights section for further consideration prior to their issuing a permit for one or both of these projects. You will be notified by written letter if and when permits are finally issued. One set of the approved asbuilt drawings will also be returned at that time.

Enclosed is a copy of a list of provisions that have been included conditional to your permit application. Assuming a permit is issued for either of these particular projects, the items on this list are requirements that must be fulfilled for continued use of the reservoir and/or legal storage of water.

Thank you for your cooperation. Should you have any questions, or if I can be of assistance in any other way, please do not hesitate to let me know.

Sincerely,



John A. Falk, PE
Dam Safety

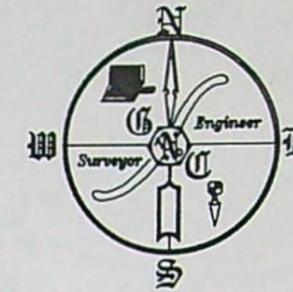
cc: Dwight French - Water Rights
Albert Gaschler - Gaschler & Cummings
Larry Powers - Watermaster Dist. 9

enclosure



Commerce Building
158 12th Street NE
Salem, OR 97310-0210
(503) 378-3739
FAX (503) 378-8130

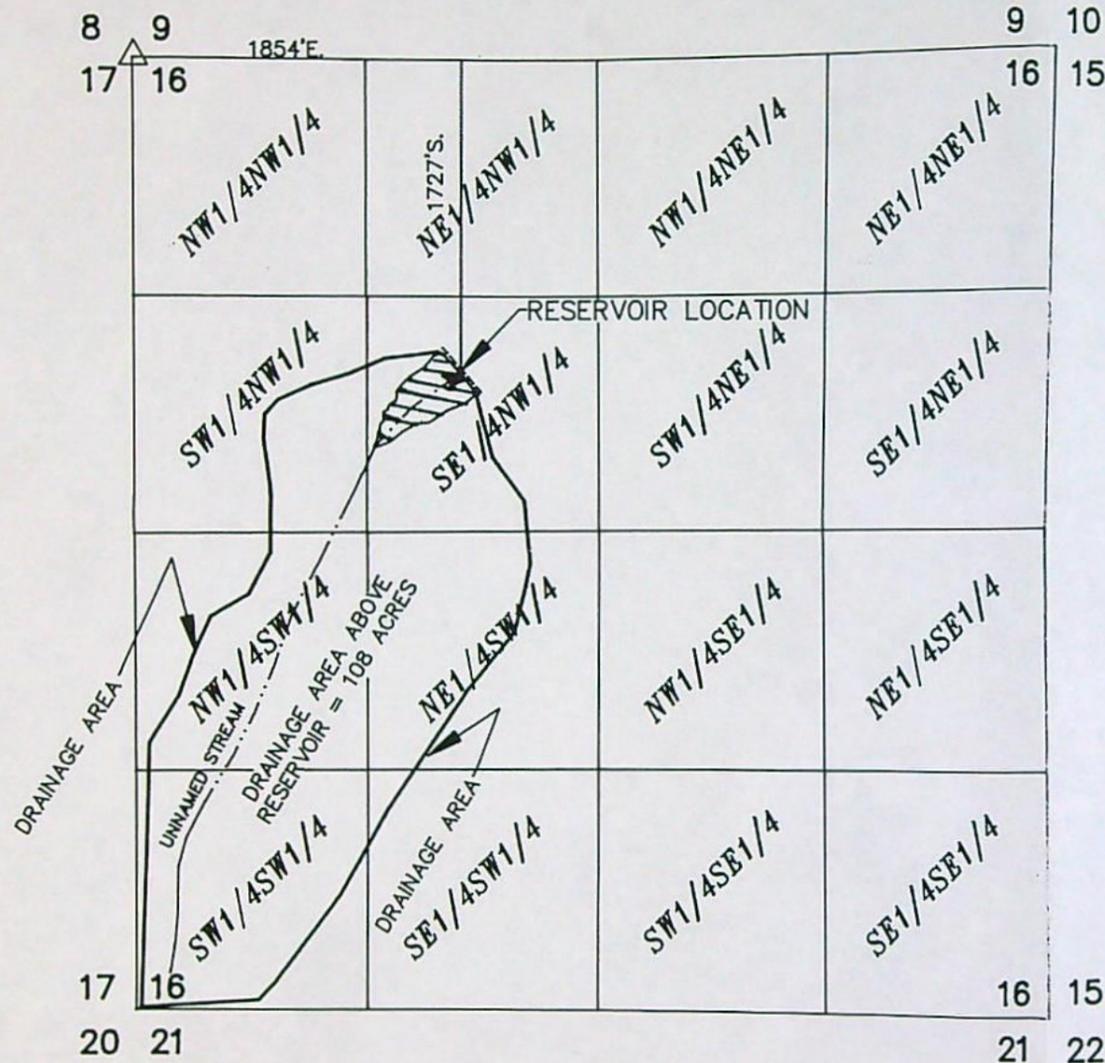
SE1/4NW1/4 Section 16, Township 17 South, Range 44 East, W.M.
 Tax Lot No. 17-44B-5300
 THOMAS RESERVOIR No. 2



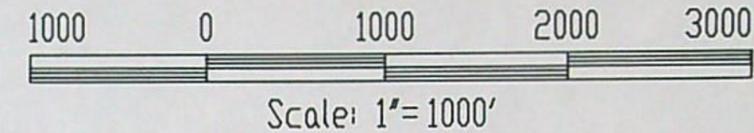
RECEIVED

JAN 30 1996

WATER RESOURCES DEPT.
 SALEM, OREGON



NOTE :
 THIS RESERVOIR IS FILLED FROM SPRINGS ALONG THE UNNAMED STREAM,
 NATURAL AND IRRIGATION RUNOFF.



APPLICATION No. R-77841
 PERMIT No. _____

OREGON WATER RESOURCES DEPARTMENT
 DAM SAFETY
 APPROVED [Signature]
 REVIEW Nov 2, 1995
 DATE

RECEIVED

INDEX :

SHEET 1 : LOCATION & DRAINAGE
 SHEET 2 : PLAN & CROSS SECTIONS



DAM APP. LOCATION & DRAINAGE MAP		
FOR : DAVID & MICHELE THOMAS		
GASCHLER & CUMMINGS		
CIVIL ENGINEERING & LAND SURVEYING		
P.O. BOX 412 / 786 SUNSET DR., 889-2101, ONTARIO, OREGON		
CHECKED BY: AJG	DRAWN BY: DKC	APPROVED BY: AJG
DATE: 10/10/94	DRAWING No. W09394A2-A554	REVISED:
SHEET 1 OF 23	JOB No. WO-9394	BK.WO-12PG. 4

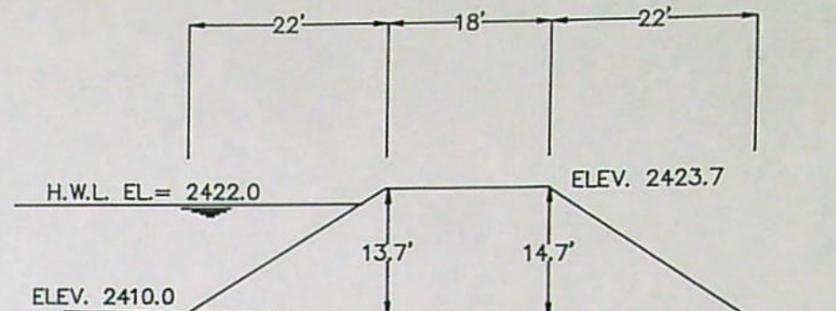
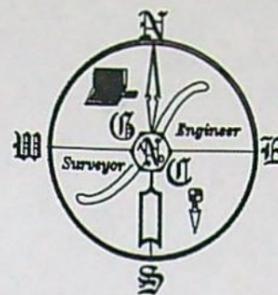
DEPTH - CAPACITY

ELEV.	VOLUME (ACRE-FT.)
2410	0.0
2411	0.1
2412	0.3
2413	0.7
2414	1.3
2415	2.2
2416	3.3
2417	4.7
2418	6.4
2419	8.4
2420	10.7
2421	13.3
2422	16.2

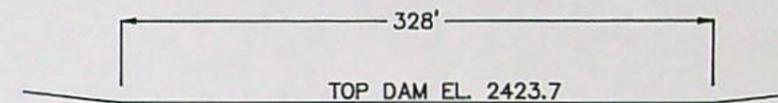
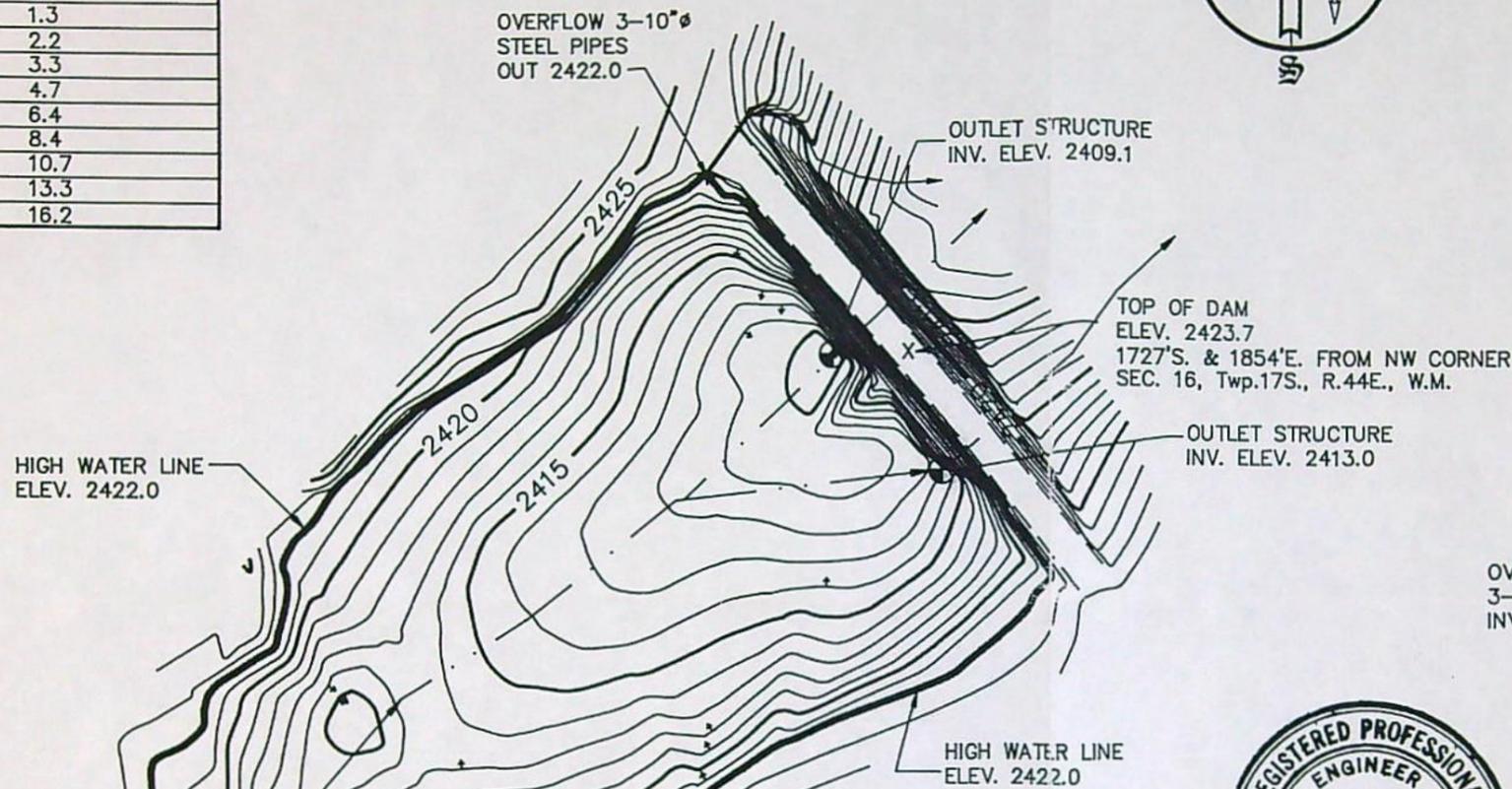
RECEIVED

JAN 30 1996

WATER RESOURCES DEPT.,
SALEM, OREGON



DAM X-SECTION AT LOW POINT
SCALE: 1" = 20'



DAM PROFILE
HORZ.: 1" = 100'
VERT.: 1" = 100'



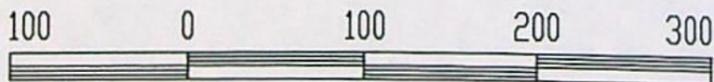
RECEIVED

JAN 30 1996
WATER RESOURCES DEPT.
SALEM, OREGON

HIGH WATER LINE AREA = 2.9 ACRES
RESERVOIR WAS FILLED TO 2120 ELEVATION
ON 10/6/94.

THOMAS RESERVOIR No. 2

Application No. R-77841
Permit No. _____



Scale: 1" = 100'

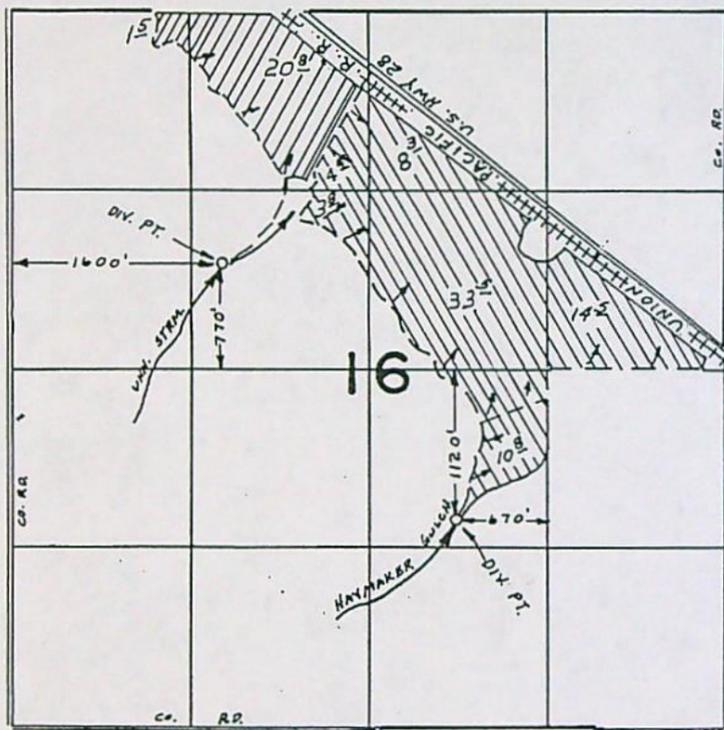
CONTOUR INTERVAL = 1 FOOT

OREGON WATER RESOURCES DEPARTMENT
DAM SAFETY

APPROVED [Signature]
REVIEW [Signature]
DATE Nov 2, 1995

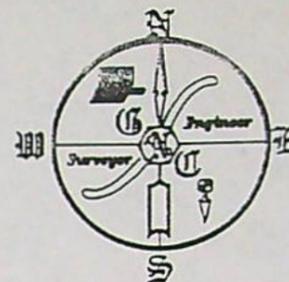
DAM APP. FOR : DAVID & MICHELE THOMAS		
GASCHLER & CUMMINGS CIVIL ENGINEERING & LAND SURVEYING P.O. BOX 412 / 788 SUNSET DR., 889-2101, ONTARIO, OREGON		
CHECKED BY: A.J.G.	DRAWN BY: D.K.C.	APPROVED BY: A.J.G.
DATE: 10/7/94	DRAWING No. WO9394A-A555	REVISED:
SHEET 2 OF 23	JOB No. WO-9394	BK.WO-12 PG. 4

T.17S. R.44E. W.M.



SOURCE: UNNAMED STREAM
HAYMAKER GULCH

LANDS IRRIGATED BY UNNAMED STREAM
AS SHOWN ON FINAL PROOF MAP.
App.No.: 37089 PERMIT No. 33230



RECEIVED

JAN 30 1996

WATER RESOURCES DEPT.
SALEM, OREGON

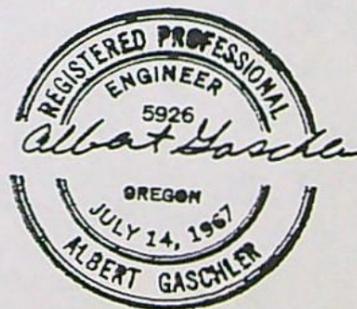
APPLICATION No. R-77841

PERMIT No. _____

RECEIVED

JAN - 4 1995

WATER RESOURCES DEPT.
SALEM, OREGON



DAM APP. LOCATION & DRAINAGE MAP		
FOR: DAVID & MICHELE THOMAS		
GASCHLER & CUMMINGS		
CIVIL ENGINEERING & LAND SURVEYING		
P.O. BOX 412 / 786 SUNSET DR., 889-2101, ONTARIO, OREGON		
CHECKED BY: AJG	DRAWN BY: DKC	APPROVED BY: AJG
DATE: 10/10/94	DRAWING No. W09394A2-	REVISED:
SHEET 3 OF 3	JOB No. WO-9394	BK. NO-12 PG. 4

Application No. R-77841

RECEIVED

JAN - 4 1995

WATER RESOURCES DEPT.
SALEM, OREGON

State of Oregon
WATER RESOURCES DEPARTMENT

Application for a Permit to Construct a Reservoir

Applicant(s) DAVID & MICHELE THOMAS
(Please print or type - use dark ink)

Mailing Address: 4593 John Day Highway
Vale, Oregon 97918 (503)473-2467
City State Zip Daytime Phone No.

I (We) make application for a permit to construct Thomas Reservoir No.2 reservoir and store the following described waters of the State of Oregon:

1. SOURCE OF WATER for the proposed use: Un-named Creek,
a tributary of Willow Creek.
If not in channel of a stream, state how it is to be filled: N/A

2. THE DAM: The maximum height of the structure will be 13.7' feet above stream bed or ground surface at the centerline.
The dam ~~will be~~^{is} (check one) earthfill, concrete, flashboard, other.
If "other" give description: N/A

Give the location, description, and dimensions of the outlet conduit: Two outlet structures were provided, the most northerly one is not in use. The southerly one is a gate valve 12" steel pipe. Location as shown on W.R.E.

Map _____

NOTE: All dams across natural stream channels must be provided with an outlet conduit, minimum diameter of 8", or be of such capacity and location as to pass the normal flow of the stream at any time.

3. THE USE(s) of the impounded water will be: Irrigation

T. R. Sec 1/4/4 TAX #
175 448 16 SE 1/4 5300 16.2AF 295A 12'

4. THE AMOUNT OF WATER to be stored is: 16.2 acre-feet.
The area submerged by the reservoir, when filled, will be 2.9 acres,
and the maximum depth of water will be 12.0 feet.

5. SPILLWAY DESCRIPTION (location and dimensions). State whether over or around the dam. Spillway is 3-10"Ø steel pipes as shown on CWRE Map. There was no evidence of dam over topping at time of visit.
Pipes are in natural ground and empties into a 4' X 2' dirt ditch, thence to natural stream. At time of visit, there was evidence that water had been in this ditch.

6. PROJECT SCHEDULE: (List month and year)
Proposed date construction work will begin Existing Structure
Proposed date construction work will be completed N/A
Proposed date water use will be completed N/A

NOTE: A map prepared by a Certified Water Right Examiner (CWRE) and a complete legal description of the subject property are required under ORS 537.140 and OAR 690 as a part of your application. The legal description may be copied from your deed, title insurance policy, or land sales contract.

7. a) In the event any deficiencies are noted involving the application map enclosed herein, please return the map with instructions for correction to (check one):
 Applicant CWRE Other (Identify in REMARKS section)

b) In the event any deficiencies are noted involving the application, please return the application with instructions for correction to (check one):
 Applicant CWRE Other (Identify in REMARKS section)

8. Are all lands involved (including the proposed diversion site, place of use, and access for conveying the water) under your ownership? Yes. If not, list in the REMARKS section below, or on an attached sheet, the names and mailing addresses of the legal owners of all property involved in the proposed development.

REMARKS: This dam was built in the 1960's (by local legend). In
general, the dam appears structurally sound. We were not on site
when the dam was built. No tests were taken to verify fill placement.
Due to the small capacity of the dam, if failure occurred, the
Thomas's are the only ones who would sustain any damages. This
structure has been used since it was built.

I/We certify that the information I have provided in this application is an accurate representation of the proposed water use and is true and correct to the best of my knowledge.

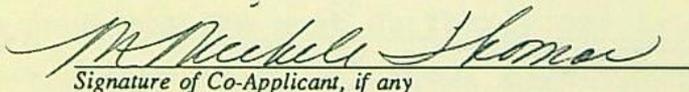
NOTE: The permit, when issued, is for the beneficial use of water without waste. By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan. It is possible the land use you propose may not be allowed if it is not in keeping with the goals and acknowledged plan. Your city or county planning agency can advise you about the land-use plan in your area.



Signature of Applicant

12-28-94

Date



Signature of Co-Applicant, if any

12-28-94

Date

FOR WATER RESOURCES DEPARTMENT USE ONLY

Dear Applicant:

I certify that I have examined the foregoing application, together with the accompanying information, and am returning it to you for:

In order to retain its tentative priority, this application must be returned with the requested corrections or additions on or before:

_____, 19____.

WITNESS my hand this _____ day of _____, 19____.

Water Resources Director

By: _____

This instrument was first received in the office of the Water Resources Director at _____, Oregon, on the _____ day of _____, 19____, at _____ o'clock, ____ M.

APPLICATION NO: _____

January 16, 1996

RECEIVED

JAN 30 1996

WATER RESOURCES DEPT.
SALEM, OREGON

WATER
RESOURCES
DEPARTMENT

FILE#: R 77841

DAVID THOMAS
THOMAS, MICHELE
4593 JOHN DAY HIGHWAY
VALE, OR 97918

Dear Applicant,

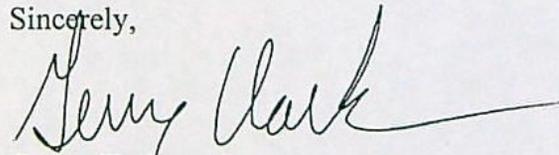
The 1995 Legislature passed House Bill 2376, a law which requires the Department to issue water right certificates on reservoirs applied for under House Bill 2153 (1993 Ponds Bill).

Our staff is preparing to issue your certificate(s). However, we need a map showing the location of the use, such as the house or area irrigated, and an indication as to the number of acres irrigated.

In order to expedite the processing of your certificate(s), we request that you submit the additional information listed above by **January 31, 1996**. A copy of your original application map is enclosed.

Should you have any questions please feel free to call the Water Rights Information Group at 1-800-624-3199, extension 499.

Sincerely,



Gerry Clark
Completeness Team

*Returned as per phone call to Gerry Clark
on 1-25-96 B. Riggins Jr*



Commerce Building
158 12th Street NE
Salem, OR 97310-0210
(503) 378-3739
FAX (503) 378-8130

January 16, 1996

WATER
RESOURCES
DEPARTMENT

Dear Applicant,

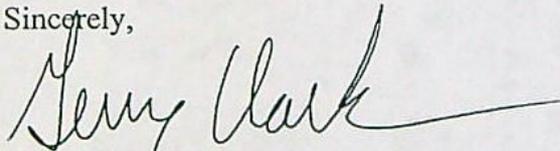
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Sincerely,



Gerry Clark
Completeness Team



Commerce Building
158 12th Street NE
Salem, OR 97310-0210
(503) 378-3739
FAX (503) 378-8130

MEMO

TO: John Falk

FROM: Jerry Gainey

DATE: 10/24/95

SUBJECT: Reservoir Storage Application # R-77841 & R-80186

The above referenced application is complete and has been assigned the priority date as shown below. Please make note of the following information:

Priority:	<u>R-77841</u> <u>1-4-95</u>	<u>R-80186</u> <u>1-4-95</u>
Dam Height:	<u>13.7'</u>	<u>13'</u>
Storage:	<u>16.2 AF</u>	<u>15.9 AF</u>
County:	<u>MALHEUR</u>	<u>MALHEUR</u>
Name of App:	<u>DAVID & Michelle Thomas</u> ⇒	
Comments:		

COMPLETED

COMPLETENESS DETERMINATION CHECKLIST

EXAM 200
~~100~~
RECORD 100
OTHER _____
TOTAL 300
DUE: 0

Application #	Review Date	Reviewer
R - 77841	10 12 1995	JERRY

A checkmark (✓) indicates that the item is Incomplete or defective.

- 1. Examination fees (and recording fees, if for PFO/FO).
- 2. Name and address of the applicant, and title if applicable.
- 3. Source of water.
- 4. Use of water.
- 5. Amount of water.
- 6. Description of delivery system.
- 7. A statement of **whether** the applicant has written authorization or easements permitting access to lands owned by others.
- 8. Name(s) and address(es) of the owners of any lands involved, but not owned by the applicant.
- 9. Proposed dates of beginning and completion of construction, and complete application of water.
- 10. If for **municipal use**, the present population to be served and expected future water requirements.
- 11. If for **mining use**, the type of mines and methods of supplying & utilizing the water.
- 12. If for a **reservoir**:
 - a. The height of the dam.
 - b. The storage capacity.
 - c. The area submerged.
 - d. The maximum depth.
 - e. The construction method (earthfill, concrete, flashboard, etc.).
 - f. A description of the outlet conduit.
 - g. A description of the spillway.
- 13. If for **groundwater**, the horizontal distance from the well to the nearest surface water source (if within one mile), and the difference in land surface elevation between them.
- 14. If the application was made under **HB 2107**:
 - a. Name and address of each adjacent property owner and verification that each owner has been mailed a copy of the completed notice.
 - b. A description of the proposed water used and related project, the condition it will address, and the benefits that are expected to result from the project.
 - c. The number of reservoirs per application is appropriate as per OAR 690-11-049 (3)(b)
- 15. An oath that the application information is true and correct.
- 16. The signature of the applicant(s).
- 17. A satisfactory map of the proposed POD & POU.
- 18. A Land Use Information Form or receipt.
- 19. A legal description of the property where water will be used.

March 16, 1995

DAVID THOMAS
THOMAS, MICHELE
4593 JOHN DAY HIGHWAY
VALE, OR 97918

REFERENCE: File # R-77841;

We have received your application(s) for a water use permit along with your supporting data, documentation, and fees. A receipt is enclosed here unless you were previously issued one. Your application has been assigned the above referenced file number. Please refer to this number whenever you contact us about your application.

Your application will be considered under House Bill 2153 enacted by the 1993 Oregon Legislature. You may continue the storage of water while a decision is pending on your application.

After an application has been accepted for filing, public notification of the application is made, followed by a mandatory 30-day comment period. Thereafter, applications can be considered for processing as time allows.

At present the Water Resources Department has a backlog of several thousand applications for water use permits which has delayed our application processing time. In general, the Department works through Oregon's 18 river basins on a rotating schedule, processing applications in the order in which they have been received.

The processing of an application does not guarantee that a water right permit will be issued. Each application must undergo specialized analysis called a technical review and a public interest review. Until your application is reviewed, it is not possible to determine whether your particular proposed water use will be recommended for a permit.

Technical Reviews are processed in accordance with Oregon Administrative Rules. The Water Resources Commission is considering the adoption of rules to protect stream flows for fish species. This action is being contemplated in response to current and future Endangered Species Act fish listings, including many runs of salmon, steelhead and resident fish throughout the state.



REFERENCE: File(s) - R-77841

The proposed rules, if adopted, could limit the issuance of new water right permits in certain areas of the state. If and when the Commission adopts these rules, new criteria or restrictions may be imposed on water use applications received after:

July 17, 1992, for use of water in the Upper Columbia/Snake Basin (above Bonneville Dam), including the mainstem Columbia and Snake Rivers and the Hood, Deschutes, John Day, Umatilla, Grande Ronde, Powder, Malheur and Owyhee Basins;

April 8, 1994, for use of water in the North Coast, Mid Coast, South Coast, Rogue and Umpqua Basins and the Clackamas Subbasin of the Willamette Basin; and

June 3, 1994, for use of water in all Oregon basins.

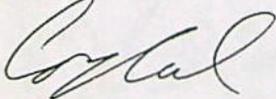
When the report on the technical review is completed and sent to you, a 60-day objection period begins during which you, the applicant, or anyone who has expressed an interest in your proposed water use may communicate to us their disagreement with what we have said in our report on your application. After the 60-day objection period, the Department conducts the public interest review and considers any objections which have been made.

After any objections have been considered, there may follow time to allow parties to resolve conflicts over the proposed water use. In addition, a 30-day protest period may be required. Lastly, it may be necessary to schedule a hearing or send the application to the Water Resources Commission for their review.

If your application is recommended for approval and a permit is issued, the use allowed by the permit will be subject to the Basin Program Rules of the Water Resources Commission, instream flow requirements, the demands of prior right holders and other conditions to conform the water use to particular standards.

Please contact the Water Rights Information Group (WRIG) if you have any questions. You may write to us at 158 12th ST NE, Salem, Oregon 97310 or you may call 378-3739 in Salem or toll free from within the state 1-800-624-3199.

Sincerely,



Mr. Cory C. Engel
Water Rights Research Assistant
Water Rights/Adjudication Division

cc: CWRE

FILE#: R 77841

DAVID THOMAS
THOMAS, MICHELE
4593 JOHN DAY HIGHWAY
VALE, OR 97918

FILE#: R 77841

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VALE, OR 97918

FILE#: R 77841

DAVID THOMAS
THOMAS, MICHELE
4593 JOHN DAY HIGHWAY
VALE, OR 97918

CL 24-22

37657

NAME Dr. David D. Thomas		SHIP TO	
ADDRESS		ADDRESS	
CITY, STATE, ZIP		CITY, STATE, ZIP	
ORDER NUMBER R77841		TERMS	DATE 1-4-95
WHEN SHIP	HOW SHIP	SALESMAN	
QUANTITY	DESCRIPTION	PRICE	AMOUNT
		total check	
	Exam \$200. ⁰⁰		\$600. ⁰⁰
	Record \$100. ⁰⁰		
	<hr/>		
	2 applications		
	1 check		
	<hr/>		
	R 8018 6	\$200 ⁰⁰ exam	
		100. ⁰⁰ Recording	
<p>WATER RESOURCES DEPT COMMERCE BUILDING 158 12TH STREET NE SALEM, OR 97310</p>			
BUYER: D. Bushnell			

KEEP THIS SLIP FOR REFERENCE

ck 34-22

37657

NAME Dr David D. Thomas		SHIP TO	
ADDRESS		ADDRESS	
CITY, STATE, ZIP app		CITY, STATE, ZIP	

ORDER NUMBER R77841	TERMS	DATE 1-4-95
WHEN SHIP	HOW SHIP	SALESMAN

QUANTITY	DESCRIPTION	PRICE	AMOUNT
		Total check	
	Exam \$200. ⁰⁰	\$	600. ⁰⁰
	Record \$100. ⁰⁰		
<hr/>			
	2 applications		
	1 check		
<hr/>			
R 80186	\$200. exam		
	100. Recording		

BUYER: D. Bushnell

KEEP THIS SLIP FOR REFERENCE

JAN - 4 1995

WATER RESOURCES DEPT.
SALEM, OREGON

Land in Malheur County, Oregon, as follows:

In Twp. 17 S., R. 44 E., W.M.:

Sec. 16: That portion of the $W\frac{1}{2}$, $W\frac{1}{2}E\frac{1}{2}$ and $SE\frac{1}{4}NE\frac{1}{4}$ lying South and West of the State of Oregon Highway No. 26 right of way,EXCEPTING THEREFROM a parcel of land in the $W\frac{1}{2}SE\frac{1}{4}$ of Sec. 16, Twp. 17 S., R. 44 E., W.M. described as follows:

Beginning at the Southeast corner of the $SW\frac{1}{4}SE\frac{1}{4}$ of said Sec. 16;
 thence West coincident with the South line of Sec. 16, 1314.46 feet;
 thence N. $29^{\circ} 41' 30''$ E., 394.64 feet;
 thence N. $41^{\circ} 47' 30''$ E., 611.01 feet;
 thence N. $14^{\circ} 31' 59''$ W., 249.51 feet;
 thence N. $37^{\circ} 16' 40''$ E., 50.20 feet;
 thence N. $28^{\circ} 34' 39''$ W., 184.50 feet;
 thence N. $55^{\circ} 41' 06''$ E., 325.10 feet;
 thence N. $40^{\circ} 06' 29''$ E., 327.36 feet;
 thence N. $49^{\circ} 24' 01''$ E., 159.99 feet;
 thence N. $57^{\circ} 22' 17''$ E., 80.59 feet;
 thence N. $66^{\circ} 24' 04''$ E., 155.75 feet;
 thence N. $50^{\circ} 58' 45''$ E., 110.36 feet to a point on the East line of said $SW\frac{1}{4}SE\frac{1}{4}$ of Sec. 16;
 thence S. $1^{\circ} 04' 00''$ W., coincident with the East line of the $SW\frac{1}{4}SE\frac{1}{4}$, 1960.84 feet to the Point of Beginning.

* * * *

0 31 E

Map No. 17 44 B	Tax Lot 5001	Code 42	Reference No. 13006
	5300		13010

Land Use Information Form: Permits, Hydroelectric Licenses, Water Uses In Addition to Classified Uses

RECEIVED

This information is needed to determine compatibility with local comprehensive plans as required by ORS 197.180. The Water Resources Department will use this and other information to evaluate the water use application. DO NOT FILL OUT THIS FORM IF water is to be diverted, conveyed, and/or used only on federal lands.

JAN - 1 1995
 WATER RESOURCES DEPT.
 SALEM, OREGON

Applicant's Name: DAVID MICHELE THOMAS
 Address: 4593 JOHN DAY HWY
 City: VALE State: OR Zip: 97918 Day Phone: 503-473-2467

Please provide information as requested below for all tax lots on or through which water will be diverted or used. (Attach extra sheets as necessary.) 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.

Tax Lot or Local I.D.#	Plan Designation/Zoning (e.g. Rural Residential/RR-5)	Check All That Apply		
		Water Diverted	Water Conveyed	Water Use
17-448-5300 \$ 500	EFU	✓	✓	✓

Please list all counties and cities within which water is proposed to be diverted, conveyed, and/or used. WALHEIP

The following section must be completed by a planning official from each county and city listed unless your project will be located entirely within city limits. In this case, only the city planning agency must complete this form. Please request extra forms as needed.

For Local Government Use Only

Application No R-77841
 Permit No.

Local government planning officials are to complete the remainder of this form. If this form can not be completed while the applicant waits, please sign and detach the receipt as instructed below. Please mail the completed form directly to the Water Resources Department (3850 Portland Rd. NE, Salem, OR, 97310) within 60 days of the date of receipt as shown below. If the form is not completed within 60 days, the Department may take action to approve the water use.

a) Check the appropriate box below and provide requested information.

Land uses to be served by proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): MCC 10.6 - 6. Go to section b) on reverse side.

Land uses to be served by proposed water uses (including proposed construction) involve discretionary land use approvals as listed in the table below. Note: Please attach documentation of applicable local land use approvals which have already been obtained. (Record of Action plus any accompanying findings is sufficient.)
Don McCallan, Planning Resident

Type of Land Use Approvals Needed (e.g.: plan amendments, rezones, conditional use permits, etc.)	Cite Most Significant, Applicable Plan Policies & Ordinance Section References	Please check the box that applies:		
		Already Obtained	Already Denied	Being Pursued Satisfactorily
<u>None</u>				

Application No. R 77811 -----

Permit No. -----

DAVID THOMAS

THOMAS, MICHELE

Name 4593 JOHN DAY HIGHWAY -----

Address VALE, OR 97918 -----

Assigned -----

Address -----

Beginning construction -----

Completion of construction -----

Extended to -----

Complete application of water -----

Extended to -----

PRE-TR APPLICATION PROCESSING OUTLINE

Application File # R77811

MINIMUM REQUIREMENTS TO FILE

OAR 690-11-020

DATE STAMP

<u>DATE</u>	<u>INITIAL</u>	
<u>2-15-95</u>	<u>MM</u>	Name and mailing address of applicant
_____	_____	Source of water
_____	_____	Quantity of water
_____	_____	Map showing location of POD & POU
_____	_____	Use of water
_____	_____	Names and addresses of legal owners
_____	_____	Signature of applicant
_____	_____	Oath
_____	_____	Application date stamped per money receipt date
_____	_____	Land use approved <input checked="" type="checkbox"/> pending _____
_____	_____	If reservoir < 5 AF \$_____, if > 5 AF \$ <u>200</u>
_____	<u>NO</u>	HB 2153/HB 2107 APPLICATION -- SEE REVERSE
_____	_____	Route to Data Center (Unless 2153/2107)

DATA CENTER

_____ Stream Code _____
_____ Entered into WRIS

SUPPORT SERVICES

<u>3/29/95</u>	<u>PX</u>	Stamp contents with application number
<u>4/3/95</u>	<u>PX</u>	Mail ack letter (provided by Data Center) with receipt to applicant, cc to CWRE and file
<u>3/29/95</u>	<u>PX</u>	Place label on file and calender card

APPLICATION SECTION

_____ Stream Indexed Basin # _____
_____ Plat Carded and copy made YES NO
_____ If dam is over 10 feet or storage exceeds 9.2 AC-FT, route file to Dam Safety Section

TR CASEWORKER

_____	_____	TR Checklist complete	<u>YES</u>	<u>NO</u>
_____	_____	Within Irrigation District	_____	_____
_____	_____	District Notified	_____	_____
_____	_____	District excerpt received	_____	_____
_____	_____	TR Mailed DATE _____		
_____	_____	Public Interest Checklist complete	_____	_____
_____	_____	Management Codes _____		

REMARKS: _____

MINIMUM APPLICATION REQUIREMENTS TO FILE:

HB 2153 - existing, small, EXEMPT ponds

(date & initials) NOTICE OF EXEMPT RESERVOIR form (or letter if prior to April 8, 1994).

Appropriate map (see item 1 on form).

Evidence that reservoir existed before January 1, 1993 (one or more of the following: dated aerial photo, NOTARIZED affidavit, dated map from agency, construction receipts or other documentation).

Items 2, 3, 4, 5, and 6 are completed.

Signature (and title, if applicable)

HB 2153 - non-exempt existing ponds (large, on-channel)

Complete Minimum Requirements to File on reverse, except before routing to Data Center, change priority date to 1/1/1993. Also, confirm the following:

Receipt of evidence that reservoir existed before January 1, 1993 (one or more of the following: dated aerial photo, NOTARIZED affidavit, dated map from agency, construction receipts or other documentation)

HB 2107 - wetland, stream restoration and storm water management

Complete Minimum Requirements to File on reverse EXCEPT DO NOT ROUTE TO DATA CENTER, BUT DO ROUTE TO CAROL. Also confirm the following:

Name/address of adjacent property owner within 1/4 mile

Map with scale not less than 2 in.=1 mi.

CWRE map if > 10 feet dam or > 9.2 AF

Description of proposed use

Condition addressed

Resulting benefits

Public notices (circle) #1 #2