

Name Zach Christensen R-88566
 By 16201 SW Christensen Rd
 Address McMinnville, OR 97128

C2029

Priority March 22, 2018

County Yamhill WM# 16

RELATED FILES

DEVELOPMENT

Date

Completion 10/16/2023

Extended to 10/01/2029

Final Proof received _____

Proposed Cert. Mailed _____

Application No. R-88566

Permit No. R-15339

Certificate No. _____

Date

DENIED _____

MISFILED _____

WITHDRAWN _____

CANCELLED _____

Volume Page

FEES PAID

Date	Amount	Receipt No.
3/22/18	2,680.00	126167
1-12-24	\$780.00	142239
	Cert. Fee	

FEES REFUNDED

Date	Amount	Receipt No.

ASSIGNMENTS

Date	To Whom	Address

REMARKS _____

MAP LOCATION _____

KS 3/23/2018

Mailing List for Extension FO Copies

FO Date: May 17, 2024

Copies Mailed

Application: R-88566

By: TM

Permit: R-15339

On: 5-17-24

Original mailed to permit holder

Zach Christensen
16201 SW Christensen Rd
McMinnville, OR 97128

Copies sent to:

1. WRD - App. File R-88566/ Permit R-15339

Fee paid as specified under ORS 536.050 to receive copy:

2. None

Receiving notification via e-mail FO available in WRIS for review
(DONE BY EXTENSION SPECIALIST)

3. WRD - Watermaster District 9, Jared Hoshaw

If Progress Reports are included:
(DONE BY EXTENSION SPECIALIST)

Add record to Progress Report tracking sheet.xls Done: by _____ Date _____

CASEWORKER: JDP

Oregon Water Resources Department
Water Right Services Division

Application for Extension of Time

In the Matter of the Application for an Extension of Time)
for Permit R-15339, Water Right Application R-88566) **FINAL ORDER**
in the name of Zach Christensen)

Permit Information

Application:	R-88566
Permit:	R-15339
Basin:	Malheur / Watermaster District 9
Date of Priority:	March 22, 2018
Source of Water:	runoff and South Yamhill River, tributaries to Yamhill River
Storage Facility:	Smith Pond
Purpose or Use:	Stored for multiple purpose use
Maximum Rate/Volume:	50.0 acre-feet (AF)

This Extension of Time request is being processed in accordance with Oregon Revised Statute 537.230 and 539.010(5), and Oregon Administrative Rule Chapter 690, Division 315.

Appeal Rights

This final order is subject to judicial review by the Court of Appeals under ORS 183.482. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.482(1). Pursuant to ORS 536.075 and OAR 137-003-0675, you may petition for judicial review or petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied.

Application History

Permit R-15339 was issued by the Department on October 16, 2018, and modified by Permit Amendment T-7490 on <permit amendment issue date>. The permit specified completion of construction by , and complete application of water to beneficial use by, October 16, 2023. The most recent extension authorized completion of construction and complete application of water to beneficial use by October 1, . On January 12, 2024, Zach Christensen submitted an Application for Extension of Time for Permit R-15339. In accordance with OAR 690-315-0050(2), on March 19, 2024, the Department issued a Proposed Final Order proposing to extend

the time to complete construction from October 16, 2023, or October 1, , to October 1, 2029, and the time to apply water to full beneficial use from October 16, 2023, or October 1, , to October 1, 2029. The protest period closed May 3, 2024, in accordance with OAR 690-315-0060(1). No protest was filed.

FINDINGS OF FACT

Except as expressly stated herein, The Department adopts and incorporates by reference the findings in the Proposed Final Order dated March 19, 2024. Modifications to the Final Order are shown as follows: additions are shown in underlined text; deletions are shown in ~~striketrough~~ text.

At time of issuance of the Proposed Final Order the Department concluded that, based on the factors demonstrated by the applicant, the permit may be extended subject to the following conditions:

OR

subject to no additional conditions.

LIMITATIONS AND CONDITIONS

1. Checkpoint Condition

The permit holder must submit a completed Progress Report Form to the Department by **October 1, 2027. *A form will be enclosed with your Final Order.***

(a) At each checkpoint, the permit holder shall submit and the Department shall review evidence of the permit holder's diligence towards completion of the project and compliance with terms and conditions of the permit and extension. If, after this review, the Department determines the permit holder has not been diligent in developing and perfecting the water use permit, or complied with all terms and conditions, the Department shall modify or further condition the permit or extension to ensure future compliance, or begin cancellation proceedings on the undeveloped portion of the permit pursuant to ORS 537.260 or 537.410, or require submission of a final proof survey pursuant to ORS 537.250;

(b) The Department shall provide notice of receipt of progress reports in its weekly notice and shall allow a 30 day comment period for each report. The Department shall provide notice of its determination to anyone who submitted comments.

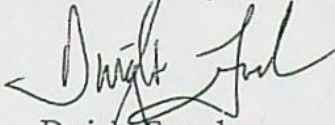
CONCLUSION OF LAW

The applicant has demonstrated good cause for the permit extension pursuant to ORS 537.230, 539.010(5) and OAR 690-315-0040(2).

ORDER

The extension of time for Application R-88566, Permit R-15339, therefore, is approved subject to conditions contained herein. The deadline for storing water for beneficial use within the terms and conditions of the permit is extended from October 16, 2023, to October 1, 2029.

DATED: May 17, 2024



Dwight French
Water Right Services Division Administrator, for
Douglas Woodcock, Acting Director
Oregon Water Resources Department

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- If you have any questions about statements contained in this document, please contact Permit Extension Specialist at (503)979-3213.
 - If you have other questions about the Department or any of its programs, please contact our Water Resources Customer Service Group at (503) 986-0900
-



Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem Oregon 97301-1266
(503) 986-0900

Extension of Time
Progress Reporting Form
For Checkpoints

TO THE DIRECTOR OF THE OREGON WATER RESOURCES DEPARTMENT

Permit Holder: Zach Christensen

Application R-88566 Permit R-15339

Progress Report Form for 2027

Report Due no later than October 1, 2027

DO NOT SUBMIT PRIOR TO 30 DAYS BEFORE DUE DATE

As authorized in ORS 690-315-0050(6), this progress report is required in order to ensure diligence is exercised in the development and perfection of Permit R-15339. **FAILURE TO SUBMIT THIS REPORT WILL MOST LIKELY RESULT IN ANY FUTURE EXTENSION BEING DENIED.**

INCOMPLETE REPORTS WILL BE RETURNED. AN ANSWER IS REQUIRED IN EACH ITEM.

FAILURE TO SUBMIT THIS REPORT WILL MOST LIKELY RESULT IN ANY FUTURE EXTENSION BEING DENIED.

DATES	LIST ALL WORK ACCOMPLISHED and FINANCIAL INVESTMENTS For the period of time between January 12, 2024 and October 1, 2027	FINANCIAL INVESTMENT

2. Describe actions taken to comply with terms/conditions of the permit and/or previous extension.
(Examples: installed a meter, submitted water usage reports, installed a fish screen, etc.)

3. Provide the maximum volume of water stored under this permit, if any, made to date.

Maximum rate/volume used to date = _____ AF

Signature _____ Date _____

Printed Name/Title _____

Diligence Shown ☐ Yes ☐ No

For OWRD use only

Date Public Noticed: _____

Reviewed by: _____

Date: _____

Mailing List for Extension PFO Copies

PFO Date: March 19, 2024

Application: R-88566

Permit: R-15339

Copies Mailed

By: KMWF

On: MAR 19 2024

Original mailed to Applicant:

Zach Christensen
16201 SW Christensen Rd
McMinnville, OR 97128

Copies sent to:

1. WRD - App. File R-88566/ Permit R-15339
2. Agents or CWRE's representing the Permit Holder
3. Other permit holders of record besides applicant

Fee paid as specified under ORS 536.050 to receive copy:

4. None

Receiving via e-mail (10 AM Tuesday of signature date)
(DONE BY EXTENSION SPECIALIST)

5. WRD - Watermaster District 9, Jared Hoshaw

CASEWORKER: JDP

Oregon Water Resources Department
Water Right Services Division

Application for Extension of Time

In the Matter of the Application for an Extension of Time
for Permit R-15339, Water Right Application R-88566
in the name of Zach Christensen

) PROPOSED
) FINAL
) ORDER

Permit Information

Application:	R-88566
Permit:	R-15339
Basin:	Yamhill / Watermaster District 22
Date of Priority:	March 22, 2018
Source of Water:	runoff and South Yamhill River, tributaries to Yamhill River
Storage Facility:	Smith Pond
Purpose or Use:	Stored for multiple purpose use
Maximum Rate/Volume:	50.0 acre-feet (AF)

***Please read this Proposed Final Order in its entirety as it contains
additional conditions not included in the original permit.***

In summary, the Department proposes to:

- Grant an extension of time to store water for beneficial use from October 16, 2023, to October 1, 2029.¹
- Make the extension subject to certain conditions set forth below.

This Extension of Time request is being processed in accordance with Oregon Revised Statute 537.230 and 539.010(5), and Oregon Administrative Rule Chapter 690, Division 315

¹ Pursuant to ORS 537.230(5), upon the completion of beneficial use of water allowed under the permit, the permit holder shall hire a certified water rights examiner to survey the appropriation. Within one year after the complete application of water to a beneficial use (or by the date allowed for the complete application of water to a beneficial use), the permit holder shall submit a map of the survey and the claim of beneficial use.

ACRONYM QUICK REFERENCE

Application – Application for Extension of Time
Department – Oregon Water Resources Department
ODFW – Oregon Department of Fish and Wildlife
PFO – Proposed Final Order
FOF – Finding of Fact
AF - acre-feet

AUTHORITY

Generally, see ORS 537.230 and OAR Chapter 690 Division 315.

ORS 537.230(2) provides in pertinent part that the Oregon Water Resources Department (Department) may, for good cause shown, order an extension of time within which irrigation or other works shall be completed or the right perfected. In determining the extension, the Department shall give due weight to the considerations described under ORS 539.010(5) and to whether other governmental requirements relating to the project have significantly delayed completion of construction or perfection of the right.

ORS 539.010(5) instructs the Director to consider: the cost of the appropriation and application of the water to a beneficial purpose; the good faith of the appropriator; the market for water or power to be supplied; the present demands therefor; and the income or use that may be required to provide fair and reasonable returns upon the investment.

OAR 690-315-0040 provides that in order to approve an application for an extension of time to complete construction or apply water to full beneficial use, the Department shall make the findings in OAR 690-315-0040(1) including a finding that there is “good cause” to approve the extension. OAR 690-315-0040(2)-(4) contains the factors that the Department must consider to make findings that support a “good cause” determination.

OAR 690-315-0050(6) requires the Department, for extensions exceeding five years, to establish checkpoints to determine if diligence is being exercised in the development and perfection of the water use permit. Intervals between checkpoints will not exceed five year periods.

FINDINGS OF FACT

1. On October 16, 2018, Permit R-15339 was issued by the Department. The permit authorizes the storage of up to 50.0 AF of water in Smith Pond from runoff and the South Yamhill River, tributaries to Yamhill River, for multiple purpose use. The permit specified construction was to begin and complete storage of water was to be completed within five years from the date of permit issuance, being October 16, 2023.
2. On January 12, 2024, Zach Christensen, submitted an “Application for Extension of Time” (Application) to the Department, requesting the time to store water for beneficial use under the terms and conditions of Permit R-15339 be extended from October 16, 2023, to October 1, 2029. This is the first permit extension requested for Permit R-15339.

3. On January 23, 2024, notification of the Application for Permit R-15339 was published in the Department's Public Notice. No public comments were received.

Review Criteria [OAR 690-315-0040]

In order to approve an Application for an Extension of Time to complete construction and/or apply water to full beneficial use pursuant to ORS 537.230 or 537.630, or to begin construction, pursuant to ORS 537.248, the Department must make the findings in OAR 690-315-0040(1)(a) – (d).

Complete Extension of Time Application [OAR 690-315-0040(1)(a)]

4. On January 12, 2024, the Department received a completed Application and the fee specified in ORS 536.050 from the permit holder.

Start of Construction [OAR 690-315-0040(1)(b) and 690-315-0040(5)]

5. Construction of Smith Pond began prior to October 16, 2023, as specified in the permit.
6. According to the Application, construction began August 1, 2019

Based on Findings of Fact (FOF) 5, and 6, the Department has determined the permit holder began construction prior to October 16, 2023.

Good Cause [OAR 690-315-0040(1)(d)]

The Department must find that there is "good cause" to approve the extension. In making a "good cause" finding, the Department shall consider the requirements set forth under OAR 690-315-0040(2).

Reasonable Diligence of the Appropriator [OAR 690-315-0040(2)(a)]

In order to make a finding of "good cause" to approve the extension, the Department shall consider whether the applicant has demonstrated "reasonable diligence" in previous performance under the permit. OAR 690-315-0040(2)(a). In determining "reasonable diligence", the Department shall consider, but is not limited to, the following factors: a) The amount of construction completed within the time allowed in the permit or previous extension; b) The amount of beneficial use made of the water during the permit or previous extension time limits; c) Water right holder conformance with the permit or previous extension conditions; and d) Financial investments made toward developing the beneficial use of water.

Amount of Construction [OAR 690-315-0040(3)(a)]

The amount of construction completed within the time allowed in the permit or previous extension.²

² "Actual Construction" is defined in OAR 690-315-0020(3)(d)(A) and (B) as physical work performed toward completion of the water system which demonstrates the water right permit holder's good faith and intention to complete the project with reasonable diligence. Actual construction does not include planning a diversion system, formulating a business plan,

7. During the original development time frame under Permit R-15339, construction of the keyway was completed, and construction of the reservoir was 85% complete

The Application provides evidence that progress of physical work, enough to qualify as the minimum necessary, has been made towards completion of the water system for the Department to find good cause and reasonable diligence towards complete application of water to a beneficial use.

Compliance with Conditions [OAR 690-315-0040(3)(c)]

The water right permit holder's conformance with the permit conditions.

8. The Department has considered the permit holder's compliance with conditions, including mitigation requirements, and did not identify any concerns.

Based on FOF 8, the Department has determined that the permit holder has demonstrated compliance with permit conditions as required by Permit R-15339.

Beneficial Use of Water [OAR 690-315-0040(3)(b)]

The amount of beneficial use made of the water during the permit time limits or previous extension time limits.

9. A maximum volume of 20 AF of water has been stored from the runoff and South Yamhill River, tributaries to Yamhill River.

Based on FOF 9, the Department has determined that beneficial use of water has been demonstrated under Permit R-15339.

Financial Investments to appropriate and Apply Water to a Beneficial Purpose [OAR 690-315-0040(2)(b),(3)(d),(4)(d)]

10. The permit holder has invested approximately \$100,000, which is about 29 percent of the total projected cost for complete development of this project. The permit holder anticipates an additional \$250,000 investment is needed for the completion of this project.

Based on FOF 10, the Department has determined that the permit holder had made an investment, which provides evidence of good cause and reasonable diligence towards the complete application of water to a beneficial use.

Reasonable Diligence of the Appropriator [OAR 690-315-0040(2)(a)]

The Application provides evidence that work has been accomplished towards completion of the water system; the permit holder has demonstrated compliance with permit conditions; a financial

securing financing, letting contracts, purchasing but not installing equipment, surveying, clearing land or planting crops.

investment has been made, and; beneficial use of water has been demonstrated. The Department has determined the applicant has demonstrated reasonable diligence in previous performance under Permit R-15339.

The Market and Present Demands for Water [OAR 690-315-0040(4)(a-f)]

The Department's determinations of market and present demand for water or power to be supplied shall consider the requirements set forth under OAR 690-315-0040(4)(a-f). In accordance with OAR 690-315-0040(4), the Department shall consider, but is not limited to, the following factors when determining the market and the present demand for water or power to be supplied:

- *(a) The amount of water available to satisfy other affected water rights and scenic waterway flows;*
- *(b) Special water use designations established since permit issuance, including but not limited to state scenic waterways, federal wild and scenic rivers, serious water management problem areas or water quality limited sources established under 33 U.S.C. 1313(d);*
- *(c) The habitat needs of sensitive, threatened or endangered species, in consultation with the Oregon Department of Fish and Wildlife;*
- *(d) Economic investment in the project to date;*
- *(e) Other economic interests dependent on completion of the project; and*
- *(f) Other factors relevant to the determination of the market and present demands for water and power.*

OAR 690-315-0040(4)(a)

The amount of water available to satisfy other affected water rights and scenic waterway flows.

11. A review of the amount of water available to satisfy other affected water rights and scenic waterway flows was determined at the time of issuance of Permit R-15339; furthermore, water availability for other affected water rights and scenic waterway flows after the permit was issued is determined when an application for a new water right is submitted.
12. Current Water Availability Analysis for the South Yamhill River, tributary to Yamhill River above Cozine Creek (watershed ID 162) show that water is available during the months of January, February, March, April, November and December at the 50% exceedance level.

OAR 690-315-0040(4)(b)

Special water use designations established since permit issuance, including but not limited to state scenic waterways, federal wild and scenic rivers, serious water management problem areas or water quality limited sources established under 33 U.S.C. 1313(d).

13. The points of diversion is/are located on runoff and South Yamhill River, tributaries to Yamhill River, and is/are not located within a Withdrawn Area.

14. South Yamhill River, tributary to Yamhill River is not located within or above a/the state or federal scenic waterway.
15. The points of diversion is in a location listed by the Department of Environmental Quality as a water quality limited stream.
 - a. South Yamhill River, River Mile 18.1 to 42.6 is listed under Water Quality Limited for sedimentation, fecal coliform, flow modification, temperature, and phosphorus.
 - b. South Yamhill River, River Mile 0 to 61.7 is listed under Water Quality Limited for lead, manganese, alkalinity, and zinc.
 - c. South Yamhill River, River Mile 18.1 to 61.7 is listed under Water Quality Limited for copper.

OAR 690-315-0040(4)(c)

The habitat needs of sensitive, threatened or endangered species, in consultation with the Oregon Department of Fish and Wildlife.

16. South Yamhill River, tributary to Yamhill River is located within an area ranked "high" for stream flow restoration needs as determined by the Department in consultation with the Oregon Department of Fish and Wildlife, and is located within a Sensitive, Threatened or Endangered Fish Species Area as identified by the Department in consultation with Oregon Department of Fish and Wildlife.

OAR 690-315-0040(4)(d)

Economic interests dependent on completion of the project.

17. An approximate total of \$100,000 has been invested in the project.

OAR 690-315-0040(4)(e)

Other economic interests dependent on completion of the project.

18. Other economic interests dependent on the completion of the project have not been identified.

OAR 690-315-0040(4)(f)

Other factors relevant to the determination of the market and present demand for water and power.

19. OAR 690-315-0050(6) requires the Department to place a checkpoint condition on this extension of time in order to ensure diligence is exercised in the development and perfection of the water use permit. A "Checkpoint Condition" is specified under Item 1 of the "Limitations and Conditions" section of this PFO to meet this condition.

Fair Return Upon Investment [OAR 690-315-0040(2)(f)]

20. The use and income from the permitted water development will likely result in reasonable returns upon the investment made to date.

Other Governmental Requirements [OAR 690-315-0042(2)(g)]

21. Delay in the development of this project that was caused by other governmental requirements have not been identified.

Unforeseen Events [OAR 690-315-0040(2)(h)]

22. Unforeseen events extended the length of time needed to fully develop and perfect Permit R-15339, in that the Covid-19 pandemic resulted in difficulty securing a contractor to complete the reservoir.

Denial of an Extension Would Result in Undue Hardship [OAR 690-315-0040(2)(i)]

23. A denial of the extension would result in undue hardship, and there are no other reasonable alternatives exist for meeting water use needs.

Good Faith of the Appropriator [OAR 690-315-0040(2)(c)]

24. The Application provides evidence of good faith of the appropriator under Permit R-15339.

Based on FOF 5, 6, 7, 8, 9, 10, and 17, the Department has determined that the applicant has shown good faith and reasonable diligence.

Duration of Extension [OAR 690-315-0040(1)(c)]

Under OAR 690-315-0040(1)(c), in order to approve an extension of time for water use permits the Department must find that the time requested is reasonable and the applicant can complete the project within the time requested.

25. As of January 12, 2024, the permit holder states the remaining work to be completed consists of completing construction of reservoir, and storing water for beneficial use.

Given the amount of development left to occur, the Department has determined that the permit holder's request to have until October 1, 2029, to accomplish storage of water for beneficial use under the terms and conditions of Permit R-15339 is both reasonable and necessary.

Good Cause [OAR 690-315-0040(1)(d)]

The Department must find that there is "good cause" to approve the extension. In making a "good cause" finding, the Department shall consider the requirements set forth under OAR 690-315-0040(2).

The Department has considered the reasonable diligence and good faith of the appropriator, the cost to appropriate and apply water to a beneficial purpose, the market and present demands for water to be supplied, the financial investment made and fair and reasonable return upon the investment, the requirements of other governmental agencies, and unforeseen events over which the permit holder had no control, whether denial of the extension will result in undue hardship to the applicant and whether there are no other reasonable alternatives for meeting water use needs, any other factors relevant to a determination of good cause, and has determined that the applicant has shown that good cause exists for an extension of time to complete construction and apply water to full beneficial use pursuant to OAR 690-315-0040(1)(d).

LIMITATIONS AND CONDITIONS

1. OAR 690-315-0050(6) requires a checkpoint condition on this extension of time in order to ensure diligence is exercised in the development and perfection of the water use permit. A "Checkpoint Condition" is specified under Item 1 of the "Conditions" section of this PFO to meet this condition.

CONCLUSIONS OF LAW

1. The Applicant has submitted a complete extension application form and the fee specified in ORS 536.050, as required by OAR 690-315-0040(1)(a).
2. The Applicant complied with construction timeline requirements to begin construction as required by ORS 537.230, OAR 690-315-0040(1)(b) and OAR 690-315-0040(5).
3. Based on Finding of Facts 5, through 25, completion of construction and full application of water to beneficial use can be accomplished by October 1, 2029³, as required by OAR 690-315-0040(1)(c).
4. The Applicant can complete the project within the time period requested for the extension on the project.
5. The Applicant has demonstrated good cause for the extension.
6. For extensions exceeding five years, the Department shall establish progress checkpoints to determine if diligence is being excised in the development and perfection of the water use permit. Intervals between progress check points will not exceed five years periods, as required by OAR 690-315-0050(6).

³Pursuant to ORS 537.230(5), upon the completion of beneficial use of water allowed under the permit, the permittee shall hire a certified water rights examiner to survey the appropriation. Within one year after the complete application of water to a beneficial use (or by the date allowed for the complete application of water to a beneficial use), the permittee shall submit a map of the survey and a new or revised claim of beneficial use as deemed appropriate by the Department.

PROPOSED ORDER

Based upon the foregoing Findings of Fact and Conclusions of Law, the Department proposes to issue an order to:

Extend the time to store water for beneficial use under Permit R-15339 from October 16, 2023, to October 1, 2029.

Subject to the following conditions:

LIMITATIONS AND CONDITIONS

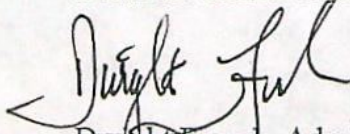
1. Checkpoint Condition

The permit holder must submit a completed Progress Report Form to the Department by October 1, 2027. *A form will be enclosed with your Final Order.*

(a) At each checkpoint, the permit holder shall submit and the Department shall review evidence of the permit holder's diligence towards completion of the project and compliance with terms and conditions of the permit and extension. If, after this review, the Department determines the permit holder has not been diligent in developing and perfecting the water use permit, or complied with all terms and conditions, the Department shall modify or further condition the permit or extension to ensure future compliance, or begin cancellation proceedings on the undeveloped portion of the permit pursuant to ORS 537.260 or 537.410, or require submission of a final proof survey pursuant to ORS 537.250;

(b) The Department shall provide notice of receipt of progress reports in its weekly notice and shall allow a 30 day comment period for each report. The Department shall provide notice of its determination to anyone who submitted comments.

DATED: March 19, 2024



Dwight French, Administrator
Water Right Services Division

*If you have any questions,
please check the information
box on the last page for the
appropriate names and
phone numbers.*

Protests

Pursuant to OAR 690-315-0060(1), the applicant or any other person adversely affected or aggrieved by the proposed final order may submit a written protest to the proposed final order. Protests must be received by the Water Resources Department no later than May 3, 2024, at this address: Oregon Water Resources Department, Water Right Services Division, 725 Summer St NE, Suite A, Salem, OR 97301-1266. Protests may not be submitted by electronic mail. OAR 690-002-0025(3).

Protests must be in writing and include all of the following:

- The name, address, and telephone number of the protestant
- A detailed description of the protestant's interest in the proposed final order, and, if the protestant claims to represent the public interest, a precise statement of the public interest represented
- A detailed description of how the action proposed in the proposed final order would impair or be detrimental to the protestant's interest
- A detailed description of how the proposed final order is in error or deficient, and how to correct the alleged error or deficiency
- If the applicant protests, a statement of whether a hearing is requested
- Citation of legal authority supporting the protestant, if known
- Proof of service of the protest on the water right permit holder, if protestant is other than the water right permit holder, and
- If you are the applicant, the protest fee of \$480 required by ORS 536.050; and
- If you are not the applicant, the protest fee of \$950 required by ORS 536.050.

Within 60 days after the close of the period for requesting a contested case hearing, the Director shall either issue a final order on the extension request, or schedule a contested case hearing if a protest has been submitted, and, upon review of the issues, the Director finds there are significant disputes related to the proposed agency action; or, the applicant submits a written request for a contested case hearing within 30 days after the close of the period for submitting protests. The hearing will be conducted as provided in Oregon Revised Statutes (ORS) Chapter 183, and Oregon Administrative Rules (OAR) 137-003-0501 to 137-003-0700.

If the applicant does not request a hearing within 30 days after the close of the protest period, or if the request for a hearing is withdrawn, or the Department or the administrative law judge is notified that the protestant will not appear, or the protestant fails to appear, at a scheduled hearing, the Director may issue a Final Order by default. If the Director issues a Final Order by default, the Department designates the relevant portions of its files on this matter, including all materials submitted relating to this matter, as the record for purpose of proving a *prima facie* case upon default.

A party may be represented by an attorney at the hearing. Legal aid organizations may be able to assist a party with limited financial resources. Generally, partnerships, corporations, associations, governmental subdivisions or public or private organizations are represented by an attorney. However, consistent with OAR 690-002-0020 and OAR 137-003-0555, an agency representative may represent a partnership, corporation, association, governmental subdivision or public or private organization if the Department determines that appearance of a person by an authorized representative will not hinder the orderly and timely development of the record in this case.

Notice Regarding Servicemembers: Active-duty service members have a right to stay proceedings under the federal Servicemembers Civil Relief Act. For more information contact the Oregon State Bar at 800-452-8260, the Oregon Military Department at 800-452-8260, or the nearest United States Armed Forces Legal Assistance Office through <http://legalassistance.law.af.mil>.

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- If you have any questions about statements contained in this document, please contact Jeffrey D. Pierceall at (503) 979-3213.
 - If you have questions about how to file a protest or if you have previously filed a protest and you want to know the status, please contact Will Davidson at 503-507-2749.
 - If you have any questions about the Department or any of its programs, please contact our Water Resources Customer Service Group at 503-986-0801.
 - Address any correspondence to : Water Right Services Division
725 Summer St NE, Suite A
Salem, OR 97301-1266
Fax: 503-986-0901
-

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

725 Summer St. N.E. Ste. A

SALEM, OR 97301-4172

(503) 986-0900 / (503) 986-0904 (fax)

RECEIPT # **142239**

INVOICE # _____

RECEIVED FROM: Christensen Farms, LLC

BY: _____

APPLICATION 12-98560

PERMIT

TRANSFER

CASH: ☐ CHECK: # 11220 ☒ OTHER: (IDENTIFY) ☐

TOTAL REC'D \$ 780.00

1083 TREASURY 4170 WRD MISC CASH ACCT

0407 COPIES

\$

OTHER: (IDENTIFY) _____

\$

0243 I/S Lease _____ 0244 Muni Water Mgmt. Plan _____ 0245 Cons. Water _____

4270 WRD OPERATING ACCT

MISCELLANEOUS

0407 COPY & TAPE FEES

\$

0410 RESEARCH FEES

\$

0408 MISC REVENUE: (IDENTIFY) _____

\$

TC162 DEPOSIT LIAB. (IDENTIFY) _____

\$

0240 EXTENSION OF TIME

\$ 780.00

WATER RIGHTS:

EXAM FEE

RECORD FEE

0201 SURFACE WATER

\$

0202

\$

0203 GROUND WATER

\$

0204

\$

0205 TRANSFER

\$

WELL CONSTRUCTION

EXAM FEE

LICENSE FEE

0218 WELL DRILL CONSTRUCTOR

\$

0219

\$

LANDOWNER'S PERMIT

0220

\$

OTHER (IDENTIFY) _____

0536 TREASURY 0437 WELL CONST. START FEE

0211 WELL CONST START FEE

\$

CARD#

0210 MONITORING WELLS

\$

CARD#

OTHER (IDENTIFY) _____

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

0233 POWER LICENSE FEE (FWWRD)

\$

0231 HYDRO LICENSE FEE (FWWRD)

\$

HYDRO APPLICATION

\$

TREASURY OTHER / RDX

FUND _____ TITLE _____

OBJ. CODE _____ VENDOR # _____

DESCRIPTION _____

\$

RECEIPT: **142239**

DATED: 1-12-24 BY: ym mill

Application: R-88566 Permit: R-15339
Public Notice Route Slip ... New Application Extension of Time
per Division 315 Rules... (Extensions received on July 1, 2001 or after)

Applicant/Permit
Holder(s) Zach Christensen
16201 SW Christensen Rd
Mo Minville, OR 97128

Proposed Completion Date: 10-1-2029

☐ WRIG...Money Received on: 1-12-24

☐ Extension Specialist ...

☐ Added to tracking spreadsheet

After fee is receipted and app is added to spreadsheet, route to...

☒ Kyler or Tonya...

☒ Recent Assignment (Check WRIS for Update)

☒ Publish on Public Notice (initial 30-day comment): Date of
notice JAN 23 2024

☒ Update WRIS Database

☒ In the "PNotice Date" field... Enter the date the Extension Application
was published on the Public Notice.

☒ In the "Ext Filed" field... Enter the date the Extension Application was
received.

☒ Yes or ☐ No: Return file to Extension Specialist after PN JAN 23 2024

NOTES:



Oregon

Tina Kotek, Governor

Water Resources Department
North Mall Office Building
725 Summer Street NE, Suite A
Salem, OR 97301
Phone: 503-986-0900
Fax: 503-986-0904
www.Oregon.gov/OWRD

January 23, 2024

REFERENCE: Application for Extension of Time

Dear Extension of Time Applicant:

The Water Right Services Division has received your application for an extension of time for APPLICATION FILE #: R-88566 (Permit R-15339). Your application will be reviewed in the future. Following the review, you will receive a Proposed Final Order either approving or rejecting the extension of time request. A 45-day protest period begins upon issuance of the Proposed Final Order. After the protest period closes, a Final Order is issued.

You may continue the use of water under your water right until the Water Resources Department formally takes action on your extension application. If your permit includes conditions, water use reporting, water level measurement reporting, etc., you are required to comply with the conditions.

Any additional development that occurs after the expired completion date, identified on the permit or an extension order, can only be claimed upon an approved extension application.

If you have questions concerning your extension of time application, please contact Jeffrey Pierceall at (503) 979-3213. For general information about the Water Resources Department, you may contact the Water Resources' Customer Service Group at (503) 986-0801 or you may access the Department's website at: www.wrd.state.or.us.



RECEIVED

JAN 12 2024

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Date Received (Date Stamp Here)

OWRD Over-the-Counter Submission Receipt

Applicant Name(s) & Address: Zach Christensen
16201 SW Christensen Rd, McMinville, OR 97128

Transaction Type: Extension

Fees Received: \$ 780.00

☐ Cash

☒ Check

Check No. 11220

Name(s) on Check: Christensen Farms LLC

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: Nick

(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.

Application for
Extension of Time
for a Water Right Permit
(NON-Municipal/ NON-Quasi-Municipal)



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

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Criteria for a Permit Extension of Time

The Department can accept requests for an extension of time on permits to (1) complete construction, and/or to (2) apply water to beneficial use.

In order to approve a permit extension request the Department must be able to find:

1) Construction has begun:

A. For Groundwater Permits

Construction of the well(s), *authorized by the permit*, began within 5 years of the date the permit was issued or by the actual construction date specified in the permit.

B. For Surface Water or Reservoir Permits

Construction of the water system began within 5 years of the date the permit was issued or by the actual construction date specified in the permit.

The Department will also confirm that:

- 2) If required, a fish screen, fish passage or fish by-pass device was installed before or prior to diversion of any water. An exception to the need to confirm installation prior to diversion of any water would be a waiver submitted to the Department from ODFW stating that a fish screen, fish passage or fish by-pass device was not required, provided your permit allows for a waiver.

If you have questions, please call the Department at (503)-986-0900 and ask to speak with a permit extension specialist.

TO THE DIRECTOR OF THE OREGON WATER RESOURCES DEPARTMENT
A separate extension application must be submitted for each permit as per
OAR 690-315-0020(2).

I, Zach Christensen

NAME OF PERMIT HOLDER [OAR 690-315-0020(1) and (3)(a)]

16201 SW Christensen Rd

ADDRESS

McMinnville

CITY

OR

STATE

97128

ZIP

503 550 3576

PHONE

Zach@hazelwoodorchards.com

E-MAIL ADDRESS

the permit holder of:

Application Number R-88566

Permit Number

R-15339

[OAR 690-315-0020(3)(b)]

do hereby request that the date by which the water development will be completed and
water put to full beneficial use, which time now expires on Month: 10 Day: 18 Year: 2023, be
extended to October 1, 2029 [OAR 690-315-0020(3)(i)]

I am the permit holder, and may apply for an extension of time under this permit. I understand that false or misleading
statements in this extension application are grounds for OWRD to suspend processing of the request and/or reason to deny
the extension.

Zach Christensen

Signature

3/15/2022

Date

Zach Christensen

Printed Name

owner

Title

The agent below is authorized to represent the applicant in all matters relating to THIS application.

Permit Holder Initials

Authorized Agent (Print Agent Name)

Agent contact

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Before submitting your Application for Extension of Time, make sure the following items are included:

- This completed Application for Extension of Time.
- Statutory fee of \$780
- Signature page (Second page of this Application for Extension of Time).
- Letter granting an agent authority to act on behalf of the permit holder (*if applicable*)
- All supporting documentation and/or evidence referenced in the Application for Extension of Time. (ODFW Fish screen approval or waiver, contract for stored water, etc)

MAIL COMPLETED APPLICATION
along with the Supporting documents and/ or evidence and correct fee to:

Water Resources Department
Attn: Water Right Permit Extensions
725 Summer Street NE, Suite A
Salem, Oregon 97301

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GENERAL TIPS:

- Permit holders of **municipal or quasi-municipal water use permits DO NOT use this form**. The correct form is APPLICATION FOR EXTENSION OF TIME FOR MUNICIPAL AND QUASI-MUNICIPAL WATER USE PERMITS.
- Request the reasonable amount of time necessary to fully complete construction of the water project and/or to fully use the permitted quantity of water under the terms and conditions of your permit. Should this request be approved, it will be OWRD's expectation that you will complete your project within the new time period allowed. Future extensions may not be granted.
- A separate APPLICATION FOR EXTENSION OF TIME must be submitted for each permit. OAR 690-315-0020(2).
- Permit extensions are evaluated under OAR Chapter 690, Division 315. These rules may be viewed at the State of Oregon, Secretary of State Website. To be granted an extension of time, the Department must make four specific findings; 1) the application is complete, 2) construction of the water system began within the time specified in the permit and applicable statute, 3) there is good cause, and 4) the project can be completed within the time being requested. If the Department cannot make all four findings, the extension of time cannot be approved.
- You may provide OWRD with any additional information or evidence that will aid us in making our decision. Please note that OWRD may require other information that is necessary to evaluate the application. OAR 690-315-0020(3)(n).
- After careful review of the Application for Extension of Time, you may contact OWRD at (503) 986-0900, to ask questions and request assistance from a Permit Extensions Specialist in the Water Rights Services Division.

- An Application for an Extension of Time will be reviewed for completeness. A response is required for each item contained in the application. OWRD will return any incomplete or deficient applications to the applicant. OAR 690-315-0040(1)(a).

Reference Materials Needed to Complete this Application:

- The water right permit. If needed, a copy of the water right permit can be downloaded from the Department's Website, or, a copy of the permit may be requested by water right application number from the Water Rights Division at 503-986-0900 (copy fees will apply).
- Previous Applications and Orders. Copies of previous applications and orders that may inform the completion of the Application for Extension of Time, if available, may be downloaded from the Department's Website. **NOTE: If the document requested is not available on the Department's website, you may be required to submit a Public Record Request.**
- Documentation which demonstrates compliance with permit conditions (for example, well construction logs; static water level measurement reports; annual water use reports; ODFW fish screen certification; a plan to monitor the effect of water use on ground water aquifers utilized under the permit; etc.).

Questions to complete this application for an Extension of Time
Please see the instruction sheet to help you answer these items.

1. Beginning Construction within required deadlines. OAR 690-315-0020(3)(d)

For Groundwater Permits

Has construction of the point of appropriation (well) authorized under this permit begun?

☐ Yes ☐ No

Date construction began Month: _____ Day: _____ Year: _____

Details of construction and attach documentation: _____

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For Surface/Reservoir Permit

Has construction of the water system begun? ☒ Yes ☐ No

Date construction began Month: 8 Day: 1 Year: 2019

Details of construction and attach documentation: _____

Untitled Map

Write a description for your map

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Legend

Google Earth

700 ft

N



2a. Permits typically contain standard or special conditions that must be fully satisfied to lawfully develop and use permitted water. Review the permit subject to this extension to identify which of the conditions listed in the 2nd column are contained within it. Using the extra row labeled "other" to specify any other additional conditions included in the permit, or specified in a final order approving a permit amendment or prior extension of time. In the 1st column check the box for each condition (row) identified as relevant. In the 3rd column check "Yes" if you have completed or met the permit condition. Check "No" if the condition is not yet satisfied. In the 4th column, give the date when the condition was satisfied or will be satisfied. Attach any pertinent documentation. Note: a pump test condition does not need to be addressed here however; you must submit the results of the test to the Department for approval prior to certification.

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CHART-A

JAN 12 2024

Permit Conditions in this Permit		Have Completed or Met?	Date satisfied/ or will be satisfied
Checkbox	Ground water Check those included on this permit		
<input type="checkbox"/>	Installation of a meter/totalizing flow meter	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	Submittal of annual water usage report	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	Submittal of static water level measurements in the month required	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>		<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	Special well construction standards	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	Submittal of a monitoring plan	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	Well ID tag assigned and installed:	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	Other (Specify):	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	Other (Specify):	<input type="checkbox"/> Yes <input type="checkbox"/> No	
	Surface Water or Reservoir		
<input type="checkbox"/>	Installation of a meter/ totalizing flow meter	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	Submittal of annual water use report	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	Installation of a fish screen	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	Installation of a fish by-pass device	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	Installation of a fish passage	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input checked="" type="checkbox"/>	Installation of an outlet gate/pipe/ conduit	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	8/2023
<input type="checkbox"/>	Submittal of a letter from ODFW that fish screen, fish by-pass device, and or fish passage is not required	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	Submit as-built plans and specification	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	Submittal of a letter from an engineer prior to storage	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	Other (Specify):	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	Other (Specify):	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	Other (Specify):	<input type="checkbox"/> Yes <input type="checkbox"/> No	

2b. If you have identified that you have NOT complied with Permit conditions, explain the reasons why and indicate a date certain, when you will be in compliance.

3. Provide evidence of physical work made toward completion of the water system, and of progress made toward making beneficial use of water within the permitted time period (CHART-B); and if applicable, within the time period of the most recent extension granted (CHART-C). CHART-B (below) must be completed for all Application for Extension of Time requests. *Use chronological order.* Itemize each work item, and do not combine multiple work actions in one area. (Planning, formulating a business plan, securing financing, letting contracts, purchasing but not installing equipment, surveying, clearing land, or planting crops *is not considered work in the development of the water system. Work accomplished under other water rights may not be considered work under this permit.*)

CHART-B

DATE	WORK ACCOMPLISHED BEFORE PERMIT WAS ISSUED <i>List any work done before the permit was issued – eg. well drilled.</i>	COST*
DATE	WORK ACCOMPLISHED AFTER PERMIT WAS ISSUED and PRIOR TO DATE SPECIFIED IN PERMIT FOR COMPLETE APPLICATION OF WATER <i>List work/actions done during the permitted time period.</i>	COST*
10/16/2018	Date the permit was signed - find date above signature on last page of permit.	
8/2019	Excavation of Pond	20,000
8/2020	Excavation / Construction of 50% of Key way	20,000
8/2021	Excavation / Construction of 25% of Key way	20,000
8/2022	Excavation / Construction of Balance Key way	20,000
8/2023	Construction of dam 85% complete	20,000
10/16/23	Date the permit specified complete application of water to the use shall be made- all permits contain this date.	
DATE	WORK ACCOMPLISHED AFTER the date the permit specified complete application of water and prior to any previous extension order <i>COMPETE ONLY IF THIS IS YOUR 1st APPLICATION FOR AN EXTENSION OF TIME: List work done after the date specified in the permit for complete application of water up to the date of this Application for Extension of Time.</i>	COST*
Total Cost for Chart-B		\$100,000

* If exact cost is not known, you must provide your best estimate.

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4. If this is not your 1st Application for Extension of Time request, fill out CHART-C below in addition to CHART-B above. Use *chronological order*.

CHART-C

DATE	WORK ACCOMPLISHED DURING THE LAST EXTENSION PERIOD <i>List all work done during the last authorized extension period.</i>	COST*
	"Extended From" date for complete application of water used in the most recent Final Order on Extension of Time.	
	"Extended To" date for complete application of water resulting from the most recent Final Order on Extension of Time.	
DATE	WORK ACCOMPLISHED AFTER THE LAST EXTENSION PERIOD EXPIRED <i>List all work done after the last authorized date for complete application of water up to the date of this Application for Extension of Time.</i>	COST*
Total Cost of Chart-C		

* If exact cost is not known, you must provide your best estimate. [OAR 690-315-0020(3)(f)]

5. Cost of project to date: 100,000
(The total combined cost from CHART-B and CHART-C) [OAR 690-315-0020(f)]

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Provide evidence of the maximum rate (or duty, if applicable) of water diverted for beneficial use under this permit made to date.

TIP: Report the rate used to date. Unless full beneficial use has been made, this rate will be less than the rate authorized on the permit.

6. For Surface Water Permit Extensions (e.g. S-XXXX or R-XXXX):

TIP: Report the rate in the same units of measurement as specified in the permit.

Maximum rate used to date = _____ cfs (cubic feet per second) or,

Maximum rate used to date = _____ gpm (gallons per minute) or,

Maximum volume of stored water used to date = _____ AF or,

Maximum volume stored annually to date = 20 66 AF *approximate*

7. For Ground Water Permit Extensions (e.g. G-XXXX):

TIP: Include information from ALL wells that pertain to this permit, including drilled wells not currently used.

CHART-D

Well # as identified on Permit	Water User's Well #	Has this well been drilled?	IF DRILLED					If yes, provide the Permit, Certificate, or Transfer No.
			Well Log Number e.g. MORR 50473	Well Tag Number e.g. # 27566 or N/A	Is the actual drilled location authorized on this permit or on a permit amendment?	Maximum instantaneous rate used to date from this well -- under this permit only (CFS or GPM)	Is this well authorized or utilized under any OTHER water rights?	
		Yes <input type="checkbox"/> No <input type="checkbox"/>			Yes <input type="checkbox"/> No <input type="checkbox"/>		Yes <input type="checkbox"/> No <input type="checkbox"/>	- -
		Yes <input type="checkbox"/> No <input type="checkbox"/>			Yes <input type="checkbox"/> No <input type="checkbox"/>		Yes <input type="checkbox"/> No <input type="checkbox"/>	- -
		Yes <input type="checkbox"/> No <input type="checkbox"/>			Yes <input type="checkbox"/> No <input type="checkbox"/>		Yes <input type="checkbox"/> No <input type="checkbox"/>	- -
		Yes <input type="checkbox"/> No <input type="checkbox"/>			Yes <input type="checkbox"/> No <input type="checkbox"/>		Yes <input type="checkbox"/> No <input type="checkbox"/>	- -
		Yes <input type="checkbox"/> No <input type="checkbox"/>			Yes <input type="checkbox"/> No <input type="checkbox"/>		Yes <input type="checkbox"/> No <input type="checkbox"/>	- -
		Yes <input type="checkbox"/> No <input type="checkbox"/>			Yes <input type="checkbox"/> No <input type="checkbox"/>		Yes <input type="checkbox"/> No <input type="checkbox"/>	- -
		Yes <input type="checkbox"/> No <input type="checkbox"/>			Yes <input type="checkbox"/> No <input type="checkbox"/>		Yes <input type="checkbox"/> No <input type="checkbox"/>	- -
Total instantaneous rate from all wells utilized under this permit								

8. Has a Permit Amendment Application been filed? Yes ☐ No ☐
If yes, identify Transfer No. T-_____

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9. For Irrigation and Nursery Use Permits Extensions

Provide the total number of acres irrigated to date under this permit.

a) Total acres irrigated to date: 40b) List by year, the number of acres irrigated each year since permit issuance.

Year	Acres	Year	Acres	Year	Acres
<u>2023</u>	<u>40</u>				

c) Provide a copy of the application map identifying the acres irrigated.

d) Please specify the number of acres irrigated by each Point of Diversion/Point of Appropriation (POD/POA).

(POD/POA) # 1 Acres 40

(POD/POA) # _____ Acres _____

(POD/POA) # _____ Acres _____

(POD/POA) # _____ Acres _____

10. In the chart below provide a summary of your future plans and schedule to complete the construction of the water system, and/or apply water to full beneficial use under the terms and conditions of the permit.

CHART-E

APPROXIMATE DATE RANGE (projected)	WORK OR ACTION TO BE ACCOMPLISHED (projected)	ESTIMATED COST (projected)
<u>7/2024</u>	<u>Finish construction of Freeway and dike</u>	
<u>10/2024</u>	<u>Structures. Finish excavation of Pond</u>	<u>\$250,000</u>
Year: <u>2028</u>	Date intend to apply water to full beneficial use under the terms and conditions of this permit.	
Total Cost		<u>250,000</u>

11. Estimated remaining cost to complete the project: \$250,000

(The total cost from CHART-E)

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[OAR 690-315-0020(3)(j)]

12. Provide a summary of your plan to complete construction, meeting all permit conditions and apply the water to beneficial use: (List all tasks or steps needed to complete the project, the date when each task will be completed, and the cost associated with each task; attach additional pages if necessary.) _____

- See Attached estimate
- Work was scheduled for summer of 2022. Due to economic uncertainties we have delayed for 1 yr at this point.

[OAR 690-315-0020(3)(k)]

13. Justify the time requested to complete the project and/or apply the water to full beneficial use. (Include any other information or evidence to establish that the requested amount of time is sufficient and that you will be able to complete the project within the amount of time requested.)

_____ The price of fuel @ this time has more than doubled, price of labor has risen substantially. As we wait for markets to normalize I will continue to work on the pond in house.

[OAR 690-315-0020(3)(l)]

14a. Will a denial of the extension result in undue hardship? (Describe the hardship and the effects.) Yes

I have invested over \$100,000 to this project already

14b. Are there any other reasonable alternatives that exist for meeting your water use needs? (Explain in detail, consider other potential sources of water, and describe their feasibility) _____

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[OAR 690-315-0020(3)(h)]

15. Was the delay in the timely completion of this water development project and/or timely application of water to full beneficial use caused by any additional government requirements, other than the conditions contained within the permit, which significantly delayed the completion and perfection of this right? (Explain in detail, including how much time did this delay the project; list dates.) _____

No

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[OAR 690-315-0020(3)(h)]

16. Describe any unforeseen events which contributed to the delay of completion of this project that you had no control over. (Explain in detail what the unforeseen events were (i.e. health issues, natural disaster) and how much time was spent addressing the unforeseen events. Delays caused by business decisions are not considered unforeseen events) _____

In the summer of 2021 the contractor hired to complete the project failed to show up, with short notice no other contractors were available to take over.

[OAR 690-315-0020(3)(h)]

17. Describe an additional reasons why the construction was not completed, and/or water was not beneficially used within permit time limits. (Provide supporting information for the reason(s) that best fits your circumstances.) _____

Delays in construction led to inability to make whole on the beneficial use claim.

[OAR 690-315-0020(3)(m)(n)]

18. Provide any other information you wish OWRD to consider while evaluating your Application for Extension of Time. _____

The project is nearly complete I have high confidence we will be final in 2024

[OAR 690-315-0040(2)(f)]

19. Will the income or use of the water project provide a fair and reasonable return on your investment? (Explain in detail) _____

Yes, the intended land has been planted to hazelnuts and we intend to install a drip irrigation system in the orchard. Because we have done most of the work ourselves we've been able to keep costs low.

[OAR 690-315-0040(4)(d)]

20. Describe in detail if there are other economic interest, beyond those of the permit holder, which are dependent upon the completion of this project. (Who will be effected and how?)

_____ At completion the reservoir will provide habitat for numerous species.

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Attach permit, and documentation to the application

Mailing List for FO

Scheduled Mailing Date:

Application: R-88566

Permit: R-15339

Original mailed to Applicant:

ZACH CHRISTENSEN
17215 SW CHRISTENSEN RD
MCMINNVILLE OR 97128

Copies of FO and map sent to:

1. File R-88566
2. WRD – SW Section
3. WRD - Watermaster District 16, Joel M. Plahn

Specialist: Lisa Graham

<p>Copies Mailed</p> <p>by: <u>Tim</u></p> <p>(STAFF)</p> <p>on: <u>10/17/2018</u></p> <p>(DATE)</p>

BEFORE THE WATER RESOURCES DEPARTMENT
OF THE STATE OF OREGON

Water Right Application R-88566 in the)
name of ZACH CHRISTENSEN)

FINAL ORDER
APPROVING THE STORAGE OF
SURFACE WATER

Authority

Oregon Revised Statute (ORS) 537.409 establishes the process by which an application to store waters of the public may be submitted.

FINDINGS OF FACT

1. On March 22, 2018, Zach Christensen submitted an application for a permit to store water pursuant to ORS 537.409.

Storage Volume: 50.0 ACRE-FEET

Dam Height: 9.9 FEET

Source: RUNOFF AND SOUTH YAMHILL RIVER, TRIBUTARIES TO YAMHILL RIVER

Location: YAMHILL COUNTY IN SECTION 33, TOWNSHIP 5 SOUTH, RANGE 5 WEST,
W.M.

2. The required examination fees were paid and minimum application requirements were met.
3. The Department provided public notice of the application in the Department's weekly public notice on April 3, 2018. A 60-day comment period followed.
4. The Department has not received public comment related to the possible issuance of the attached permit.
5. The Department has determined that the proposed source has not been withdrawn from further appropriation.
6. The proposed reservoir is not prohibited under ORS 390.835.
7. Water is available for the proposed use according to the Department's water-availability model and the watermaster's assessment.

NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW

This is an order in other than a contested case. This order is subject to judicial review under ORS 536.075 and ORS 183.484. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.484(2). Pursuant to OAR 137-004-0080, you may petition for judicial review or petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied.

ORS 537.409 does not provide an opportunity to request a contested-case hearing. Appeal rights on this final order approving the application are limited to the above procedures.

8. The period of use has been limited to November 1 through April 30.
9. The Department relies on the Oregon Department of Fish and Wildlife's review and recommendations in determining whether a proposed use would pose a significant detrimental impact to existing fishery resources. The Department has determined that, as conditioned, the proposed use will not pose a significant detrimental impact to existing fishery resources.

CONCLUSIONS OF LAW

1. Water is available for the proposed use.
2. The proposed use will not injure existing water rights.
3. The proposed use will not pose a significant detrimental impact to existing fishery resources.
4. Application R-88566 is consistent with the requirements of ORS 537.409.

ORDER

Application R-88566 is approved and Permit R-15339 is issued as limited by the conditions contained therein.

Dated at Salem, Oregon on October 16th, 2018



Dwight French
Water Right Services Division Administrator, for
Thomas M. Byler, Director
Oregon Water Resources Department

If you have questions about statements contained in this document, please contact Lisa Graham at Elisabeth.A.Graham@oregon.gov or 503-986-0808.

If you have other questions about the Department or any of its programs please contact our Water Resources Customer Service Group at 503-986-0801.

STATE OF OREGON

COUNTY OF

PERMIT TO STORE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO:

ZACH CHRISTENSEN
17215 SW CHRISTENSEN RD
MCMINNVILLE OR 97128

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

APPLICATION FILE NUMBER: R-88566

SOURCE OF WATER: RUNOFF AND SOUTH YAMHILL RIVER, TRIBUTARIES TO YAMHILL RIVER

STORAGE FACILITY: SMITH POND

MAXIMUM VOLUME: 50.0 ACRE-FEET

DAM HEIGHT: NOT TO EXCEED 9.9 FEET

DATE OF PRIORITY: MARCH 22, 2018

WATER MAY BE APPROPRIATED AS FOLLOWS: NOVEMBER 1 THROUGH APRIL 30

USE: MULTIPLE PURPOSE

Dam Location/Authorized Point of Diversion:

POD	Twp	Rng	Mer	Sec	Q-Q	Measured Distances
DAM LOCATION	5 S	5 W	WM	33	NE SW	1480 FEET NORTH AND 1890 FEET EAST FROM SW CORNER, SECTION 33
POD SMITH	5 S	5 W	WM	33	SW SW	570 FEET NORTH AND 710 FEET EAST FROM SW CORNER, SECTION 33

The Area To Be Submerged:

Twp	Rng	Mer	Sec	Q-Q
5 S	5 W	WM	33	NE SW

1. Measurement Devices and Recording/Reporting of Annual Water Storage Conditions:

- A. The Director may require the permittee to install a totalizing flow meter at each point of diversion. If the Director notifies the permittee to install a measuring device, the permittee shall install such device within the period stated in the notice. Once installed, the permittee shall maintain the device in good working order, and shall allow the watermaster access to the device.
- B. The Director may require the permittee to keep and maintain a record of the volume of water stored, and may require the permittee to report water-storage on a periodic schedule as established by the Director. In addition, the Director may require the permittee to report general water-use information, the periods of

water use and the place and nature of use of water under the permit.

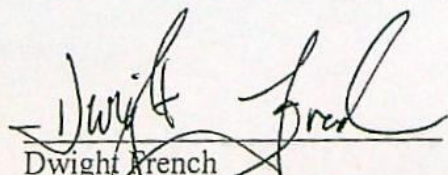
- C. The Director may provide an opportunity for the permittee to submit alternative measuring and reporting procedures for review and approval.
2. The storage of water allowed herein is subject to the installation and maintenance of an outlet pipe (with a minimum diameter of 8" for any in-channel reservoir). This requirement may be waived if the Department determines other means have been provided to evacuate water when necessary.
 3. The permittee shall pass all live flow outside the storage season described above.
 4. The Director may require the user to measure inflow and outflow, above and below the reservoir respectively, to ensure that live flow is not impeded outside the storage season. Measurement devices and their implementation must be acceptable to the Director, and the Director may require that data be recorded on a specified periodic basis and reported to the Department annually or more frequently.
 5. The permittee shall not construct, operate or maintain any dam or artificial obstruction to fish passage in the channel of the subject stream without providing a fishway to ensure adequate upstream and downstream passage for fish, unless the permittee has requested and been granted a fish passage waiver by the Oregon Fish and Wildlife Commission. The permittee is hereby directed to contact an Oregon Department of Fish and Wildlife Fish Passage Coordinator, before beginning construction of any in-channel obstruction.
 6. The permittee may be required in the future to install, maintain, and operate fish-screening devices to prevent fish from entering the proposed diversion.
 7. The use may be restricted if the quality of the source stream or downstream waters decrease to the point that those waters no longer meet existing state or federal water quality standards due to reduced flows.
 8. This permit allows an annual appropriation (not to exceed the specified volume). This permit does not provide for the appropriation of water for out-of-reservoir uses, the maintenance of the water level or maintaining a suitable freshwater condition. If any water is to be used for out-of-reservoir purposes, a secondary water right is required. If any additional live flow is to be appropriated to maintain either the water level or a suitable freshwater condition, an additional water right is required.

STANDARD CONDITIONS

1. Failure to comply with any of the provisions of this permit may result in action including, but not limited to, restrictions on the use, civil penalties, or cancellation of the permit.
2. This permit is for the beneficial use of water without waste. The water user is advised that new regulations may require the use of best practical technologies or conservation practices to achieve this end.

3. 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.
4. The use of water allowed herein may be made only at times when sufficient water is available to satisfy all prior rights, including prior rights for maintaining instream flows.
5. If the riparian area is disturbed in the process of developing a point of diversion, the permittee shall be responsible for restoration and enhancement of such riparian area in accordance with ODFW's Fish and Wildlife Habitat Mitigation Policy OAR 635-415. For purposes of mitigation, the ODFW Fish and Wildlife Habitat Mitigation Goals and Standards, OAR Chapter 635, Division 415, shall be followed.
6. Construction of the water system shall begin within five years of the date of permit issuance. The deadline to begin construction may not be extended. This permit is subject to cancellation proceedings if the begin construction deadline is missed.
7. The permitted volume of water shall be stored within five years of the date of permit issuance. If additional time is needed, the permittee may submit an application for extension of time, which may be approved based upon the merit of the application.
8. Within one year after storage of water, the permittee shall submit a claim of beneficial use to the Oregon Water Resources Department.
9. The claim of beneficial use shall be prepared by a Certified Water Right Examiner in conformance with the requirements of OAR 690-014 if an associated secondary permit exists for the use of stored water under this permit, or if the reservoir capacity is equal to or greater than 9.2 acre-feet.
10. If no secondary permit exists and the reservoir capacity is less than 9.2 acre-feet of water, the claim of beneficial use need not be prepared by a Certified Water Right Examiner. The information submitted to the Oregon Water Resources Department shall include:
 - a. the dimensions of the reservoir;
 - b. the maximum capacity of the reservoir in acre-feet; and
 - c. a map identifying the location of the reservoir prepared in compliance with Water Resource Department standards.

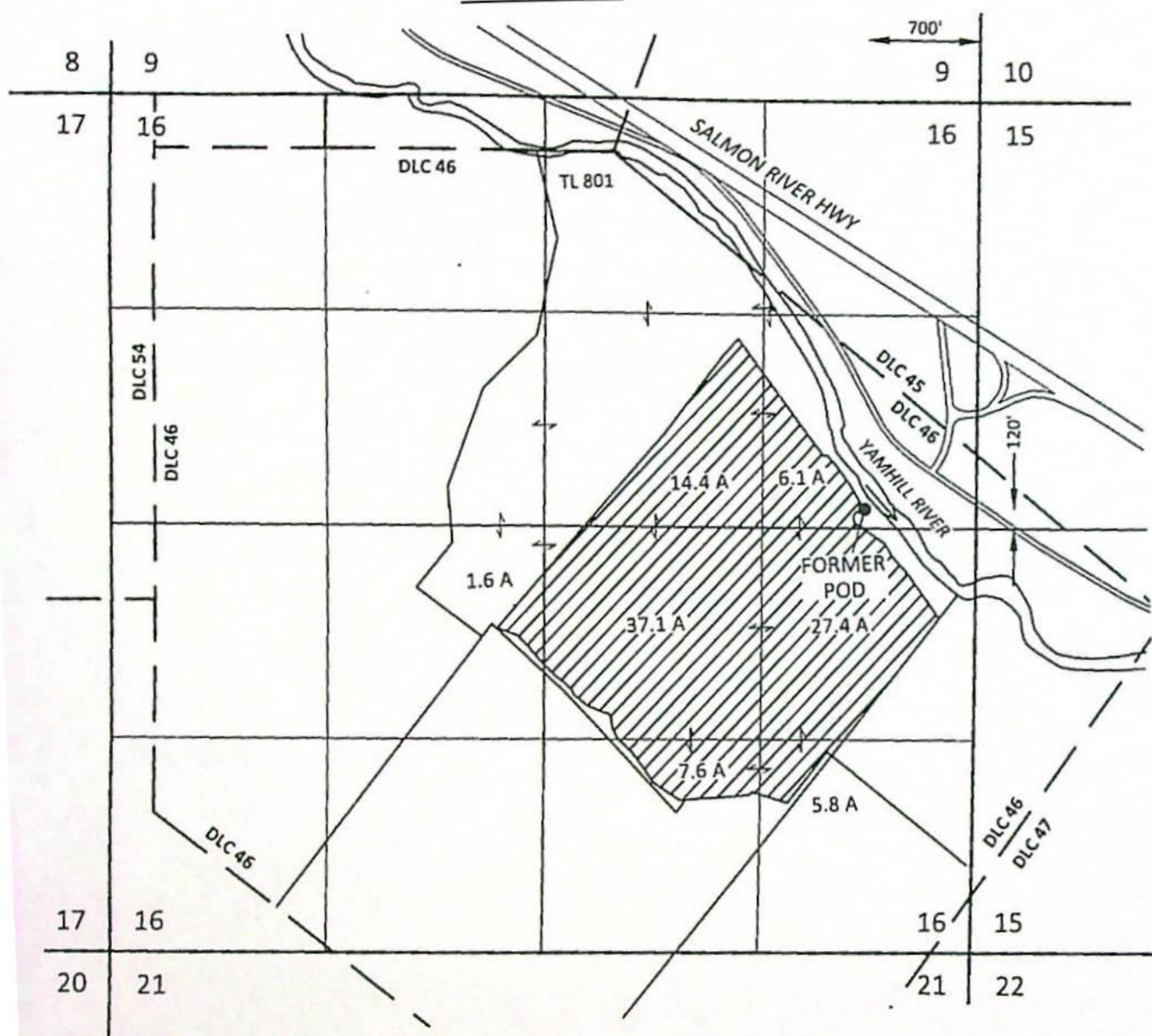
Issued October 16th, 2018



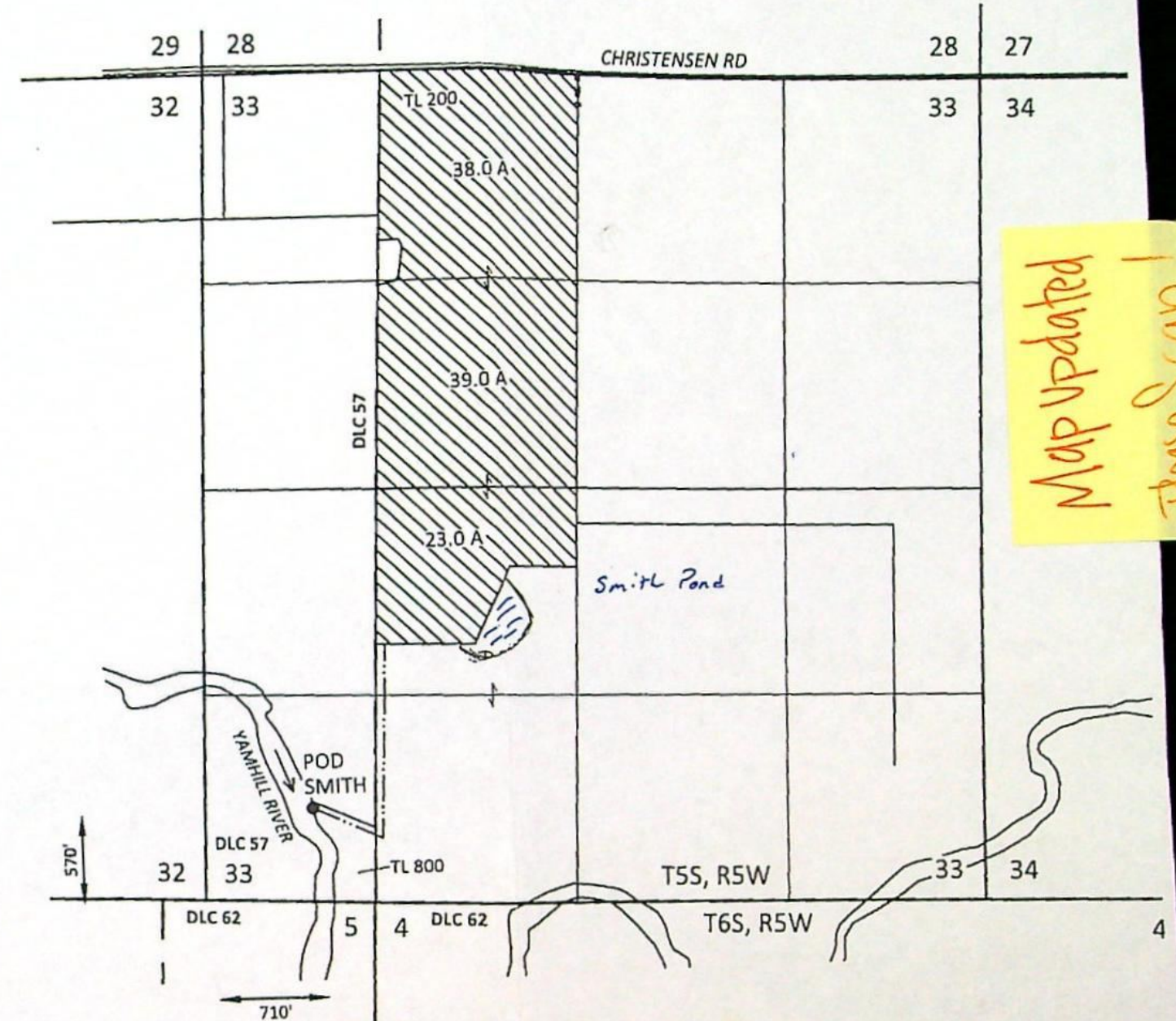
Dwight French
Water Right Services Division Administrator, for
Thomas M. Byler, Director
Oregon Water Resources Department

SECTION 10, T05, R7W, W.M., FORK COUNTY
 Section 33, T5S, R5W, W.M., Yamhill County
 Zach Christensen

FROM MAP



TO MAP



Map Updated
 Please Scan!

Dam 1480' North and 1890 East from
 SW corner section 33

EXPLANATION

FROM LANDS



CERTIFICATE 62271 (100.0 AC)
 IRRIGATION - SOUTH YAMHILL RIVER
 PRIORITY: 3/3/1978

TO LANDS

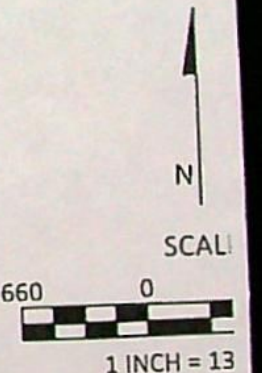
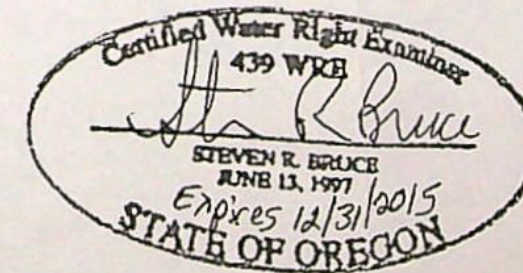


CERTIFICATE 62271 (100.0 AC)
 IRRIGATION - SOUTH YAMHILL RIVER
 PRIORITY: 3/3/1978

RECEIVED

MAR 22 2018

OWRD



July 23,

This map is not intended

UM

R-88166 R-15339

ORS 537.409 ALTERNATE RESERVOIR CHECKLIST

FILE #: R-88566

WM DIST: 16

PUBLIC NOTICE: 4.3.18

Res name: Smith Pond Use: MP

Volume: 50.0 AF Dam height: ☐ zero ☒ 9.9 ft

☒ Land use ☒ allowed outright ☐ not approved ☐ being pursued ☐ county notified ☐ needed ☐ NA

☒ SWW ☒ Out ☐ In (may not be allowed) ☐ Above* _____

*Make sure to add SWW language from S:\groups\wr\Resource Center\language\Scenic Waterway gages-language

☒ Electronic/written comments? ☒ No ☐ Yes _____ Comment eval? ☒ N/A ☐ No ☐ Yes

☒ App w/in a District boundary ☒ No ☐ Yes, cc: _____

☒ In Umatilla ☒ No ☐ Yes - cc: Confederated Tribes of the Umatilla Indian Reservation, Nixyaawii Governance Center
46411 Timine Way, Pendleton, Oregon 97801

ODFW: Nov-Apr OK
WM: Nov-May OK

Water available:

Allowed season: JAN FEB MAR APR MAY JUN JUL AUG SEP OCT NOV DEC

Measurement Conditions: ☐ Small (≤ 9.2 af) | ☒ Medium (> 9.2 , but < 100 af) | ☐ Large (≥ 100 af or govt. entity)

*use ☒ staff gage if source is runoff or if res is in-channel

Other Conditions: use ☒ fishmay if ODFW doesn't request screen/by-pass condition _____

WQ, Riparian, BSLg (Nov-Apr)
Standard

☒ Fees Paid? ☐ Yes ☐ No, need:

Base (\$410)

410-

Recording Fee (\$520)

520-

AF (\$35 per af) x 50

1750-

Total Exam Fees

2160

Exam Fees Paid

2160-

Recording Fee Paid

520-

☒ FO w/ permit # R-15339

☐ FO w/ draft permit; still needed:

☐ fees
☐ easement
☐ land use

Remarks: _____

Completed by Elisabeth A. Graham Date: _____ Peer review: 16

akysen 10/8/18

Revised 3/30/18



Point of Diversion Characteristics

Right:	App: R 88566 *
Name:	ZACH CHRISTENSEN

TRSQQ: 05.00S-05.00W-33-NESW

County: Yamhill

Basin: Willamette

WM District: 16

WM Region: NW

Withdrawn Area:

WAB: S YAMHILL R > YAMHILL R - AB COZINE CR (162)

~~DEER CR > S YAMHILL R - AT MOUTH (91)~~

Priority WAB: DEER CR @ mouth (OWRD: Very good, ODFW: High) (91)

S YAMHILL R @ 14194000 (OWRD: Poor, ODFW: High) (14194000)

Rule 4D: Rules apply

Groundwater Restricted Area:

Scenic Water Way:

Division 33: LOWER COLUMBIA

Water Quality Limited:

SMITH POND (RUN-OFF)

use this WAB only
based on pond
location

TRSQQ: 05.00S-05.00W-33-SWSW

County: Yamhill

Basin: Willamette

WM District: 16

WM Region: NW

Withdrawn Area:

WAB: S YAMHILL R > YAMHILL R - AB COZINE CR (162)

Priority WAB: S YAMHILL R @ 14194000 (OWRD: Poor, ODFW: High) (14194000)

Rule 4D: Rules apply

Groundwater Restricted Area:

Scenic Water Way:

Division 33: LOWER COLUMBIA

Water Quality Limited: Yes

SMITH POD

PONDS AND RESERVOIRS

537.400 Reservoir permits

537.405 Exempt reservoirs; written notification to department; injury to other users

537.407 Water right certificate for reservoirs existing before January 1, 1993; injury to other users; conversion of prior application to notice of exemption

537.409 Alternate permit application process for qualifying reservoirs; injury to existing users or fishery resources; public interest review; rules



Place of Use Conflict Report

The following rights have acreage in the same quarter-quarter as App: R 88566 *

Right	Name	Decree	App	Permit	Cert	Priority	Status	Use	T-R-S-QQ	DLC	Gov't Lot	Acres
<u>INCHOATE: T 10935 CF (REG) *</u>	PERRYDALE DOMESTIC WATER ASSOCIATION	G-5958	G-5655			12/18/1972	NC	QM	05.00S-05.00W-33-NESW			
<u>CERT:60020 OR *</u>	SPOKANE BANK FOR COOPERATIVES	G-6717	G-6352	60020		11/8/1974	NC	QM	05.00S-05.00W-33-NESW			
<u>PERMIT: G 10986 *</u>	PERRYDALE DOMESTIC WATER ASSOCIATION	G-11913	G-10986			4/24/1989	NC	QM	05.00S-05.00W-33-NESW			
<u>PERMIT: G 10987 *</u>	PERRYDALE DOMESTIC WATER ASSOCIATION	G-11935	G-10987			6/16/1989	NC	QM	05.00S-05.00W-33-NESW			
<u>PERMIT: G 12721 *</u>	PERRYDALE DOMESTIC WATER ASSOCIATION	G-13929	G-12721			12/28/1994	NC	QM	05.00S-05.00W-33-NESW			
<u>PERMIT: G 16772 *</u>	PERRYDALE DOMESTIC WATER ASSOCIATION	G-17130	G-16772			10/28/2008	NC	QM	05.00S-05.00W-33-NESW			
<u>PERMIT: G 17909 *</u>	PERRYDALE DOMESTIC WATER ASSOCIATION	G-18166	G-17909			12/4/2015	NC	QM	05.00S-05.00W-33-NESW			
<u>CERT:46950 CF *</u>	RHODA C SMITH	S-26553	S-21008	46950		10/12/1951	NC	IR	05.00S-05.00W-33-NESW			8.3000
<u>INCHOATE: T 11876 CF (REG) *</u>	ZACH CHRISTENSEN	S-57131	S-42925			3/3/1978	NC	IR	05.00S-05.00W-33-NESW			23.0000

S YAMHILL R > YAMHILL R - AB COZINE CR
WILLAMETTE BASIN

POD

Water Availability as of 6/1/2018

Watershed ID # 162 (Map)

Date: 6/1/2018

Exceedance Level: 50% v

Time: 10:55 AM

Download Data

Water Availability

Select any Watershed for Details

Nesting Order	Watershed ID #	Stream Name	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Sta
1	181	WILLAMETTE R> COLUMBIA R- AT MOUTH	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
2	182	WILLAMETTE R> COLUMBIA R- AB MOLALLA R	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
3	30200801	YAMHILL R> WILLAMETTE R- AT MOUTH	Yes	Yes	Yes	Yes	Yes	Yes	No	No	Yes	Yes	Yes	Yes	Yes
4	188	YAMHILL R> WILLAMETTE R- AB PALMER CR	Yes	Yes	Yes	Yes	Yes	Yes	No	No	Yes	Yes	Yes	Yes	Yes
5	163	S YAMHILL R> YAMHILL R- AT MOUTH	Yes	Yes	Yes	Yes	Yes	No	No	No	No	Yes	Yes	Yes	Yes
6	162	S YAMHILL R> YAMHILL R- AB COZINE CR	Yes	Yes	Yes	Yes	Yes	Yes	No	No	No	No	Yes	Yes	Yes

DEER CR > S YAMHILL R - AT MOUTH
WILLAMETTE BASIN

POND

Water Availability as of 6/1/2018

Watershed ID # 91 (Map)

Date: 6/1/2018

Exceedance Level: 50% v

Time: 10:53 AM

Download Data

Water Availability

Select any Watershed for Details

Nesting Order	Watershed ID #	Stream Name	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Sta
1	181	WILLAMETTE R> COLUMBIA R- AT MOUTH	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
2	182	WILLAMETTE R> COLUMBIA R- AB MOLALLA R	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
3	30200801	YAMHILL R> WILLAMETTE R- AT MOUTH	Yes	Yes	Yes	Yes	Yes	Yes	No	No	Yes	Yes	Yes	Yes	Yes
4	188	YAMHILL R> WILLAMETTE R- AB PALMER CR	Yes	Yes	Yes	Yes	Yes	Yes	No	No	Yes	Yes	Yes	Yes	Yes
5	163	S YAMHILL R> YAMHILL R- AT MOUTH	Yes	Yes	Yes	Yes	Yes	No	No	No	No	Yes	Yes	Yes	Yes
6	162	S YAMHILL R> YAMHILL R- AB COZINE CR	Yes	Yes	Yes	Yes	Yes	No	No	No	No	No	Yes	Yes	Yes
7	91	DEER CR> S YAMHILL R- AT MOUTH	Yes	Yes	Yes	Yes	No	No	No	No	No	No	Yes	Yes	Yes

not using
based on pond
location

Alternate Reservoir Application Completeness Checklist

This is the checklist used by WRD staff

Application R-88306 County Yamhill
Priority Date 3/22/18 Township SS Range SW Section 33 Taxlot 200
Use MULTI PURPOSE Caseworker LISA (Letter given to Applicant)
Amount (AF) 50 Watermaster 16

Minimum Requirements (ORS 537.409)

- ☒ Landowner Name, Mailing Address and Telephone Number.
- ☒ Source and tributary listed. NO WELLS-MUST HAVE GW APP TO USE A WELL AS A SOURCE
- ☒ Reservoir Location- Township, Range, Section, Quarter Quarter, Taxlot
- ☒ Dam height, if applicable
- ☒ Total Quantity of Storage Requested: 50
- ☒ Proposed Use of the water. Cannot accept application for use of this stored water at the same time (E2)
- ☒ Property ownership indicated? If applicant does not own all the land is the affected landowner's name and mailing address listed? (Including: lands not owned by applicant, upon which the source is located OR that are crossed by the diversion works. This includes any roads or rights-of-way.)
- ☒ Environmental Impact section completed?
- ☒ Application signed by the landowner(s)? All parties noted as applicants must sign the application.
Must be an original "wet" signature.
- ☒ Acceptable map ** Indicates requirements of standards set forth by the Commission and causes fatal flaw if not provided by the applicant.
 - ☒ Reservoir Location - noting Township, Range, Section, 1/4 1/4 and Tax Lot number(s)*
 - ☒ Scale of the Map, even scale such as 1" = 400', 1" = 1000', or 1" = 1320' **
 - ☒ Reference corner on map
 - ☒ North Directional Symbol **
 - ☒ 1/4's clearly identified
 - ☒ Reservoir clearly identified **
 - ☒ Dam or POD (If off channel) Location coordinates referenced to a government landsurvey corner*
If no dam, use coordinates to center of reservoir.**
- ☒ Completed Watermaster review sheet signed and dated by Watermaster.
 - Will the reservoir injure an existing water right? ☒ YES ☐ NO
 - If YES, can conditions be applied to mitigate the injury? ☒ YES ☐ NO If NO, return the application.
 - Did the watermaster determine when water is available for the proposed use? ☐ YES ☐ NO
 - The Watermaster review sheet must have been completed within the last 6 months.*
 - If the watermaster determined that water is NOT available, return the application.
- ☒ Completed ODFW review sheet signed and dated by ODFW representative.
 - Will the reservoir pose a significant detrimental impact to an existing fishery resource? ☐ YES ☐ NO
 - If YES, can conditions be applied to mitigate the impact? ☐ YES ☐ NO If NO, return the application.
 - The ODFW review sheet must have been completed within the last 6 months.*
- ☒ Completed Land-Use Form or receipt signed by the appropriate planning department official enclosed?
Does the use on land-use form match the proposed use on the application? Must be an original "wet" signature within the last 12 months.
- ☒ Provide a Legal Description of all the property involved with this application. You may include a copy of your deed land sales contract or title insurance to meet this requirement.

☐ Fees enclosed? Print page from fee calculator

Total Paid \$ 2,680.00

Total Fees \$ 2,680.00

Completeness Check by: E.G.

Date: 3/22/18

Revised 2017-8-4

GRAHAM Elisabeth A * WRD

From: PLAHN Joel M * WRD
Sent: Tuesday, June 12, 2018 6:31 AM
To: GRAHAM Elisabeth A * WRD
Subject: RE: OWRD: Water Right Application R 88566 has been received

Hi Lisa,

Can you put the condition "the director may require TFM" The POD is already metered due to a transfer, I don't see any reason to require a staff plate since the reservoir will be used as a buldge in the system.

Thanks, Joel Plahn

From: GRAHAM Elisabeth A * WRD
Sent: Monday, June 11, 2018 1:30 PM
To: PLAHN Joel M * WRD
Subject: FW: OWRD: Water Right Application R 88566 has been received
Importance: High

Hey Joel,

On this app they are asking for runoff and Yamhill River water, with the Yamhill River as back-up for runoff.

Would you prefer a staff gage or TFM or both on this application?

Thanks,
Lisa

From: wrd_automated_email@oregon.gov [mailto:wrd_automated_email@oregon.gov]
Sent: Wednesday, March 28, 2018 6:00 PM
To: christensenfarms@landdb.com; WRD_DL_watermaster_district_16; GRAHAM Elisabeth A * WRD
Subject: OWRD: Water Right Application R 88566 has been received
Importance: High

Oregon Water Resources Department - Automated e-mail notice

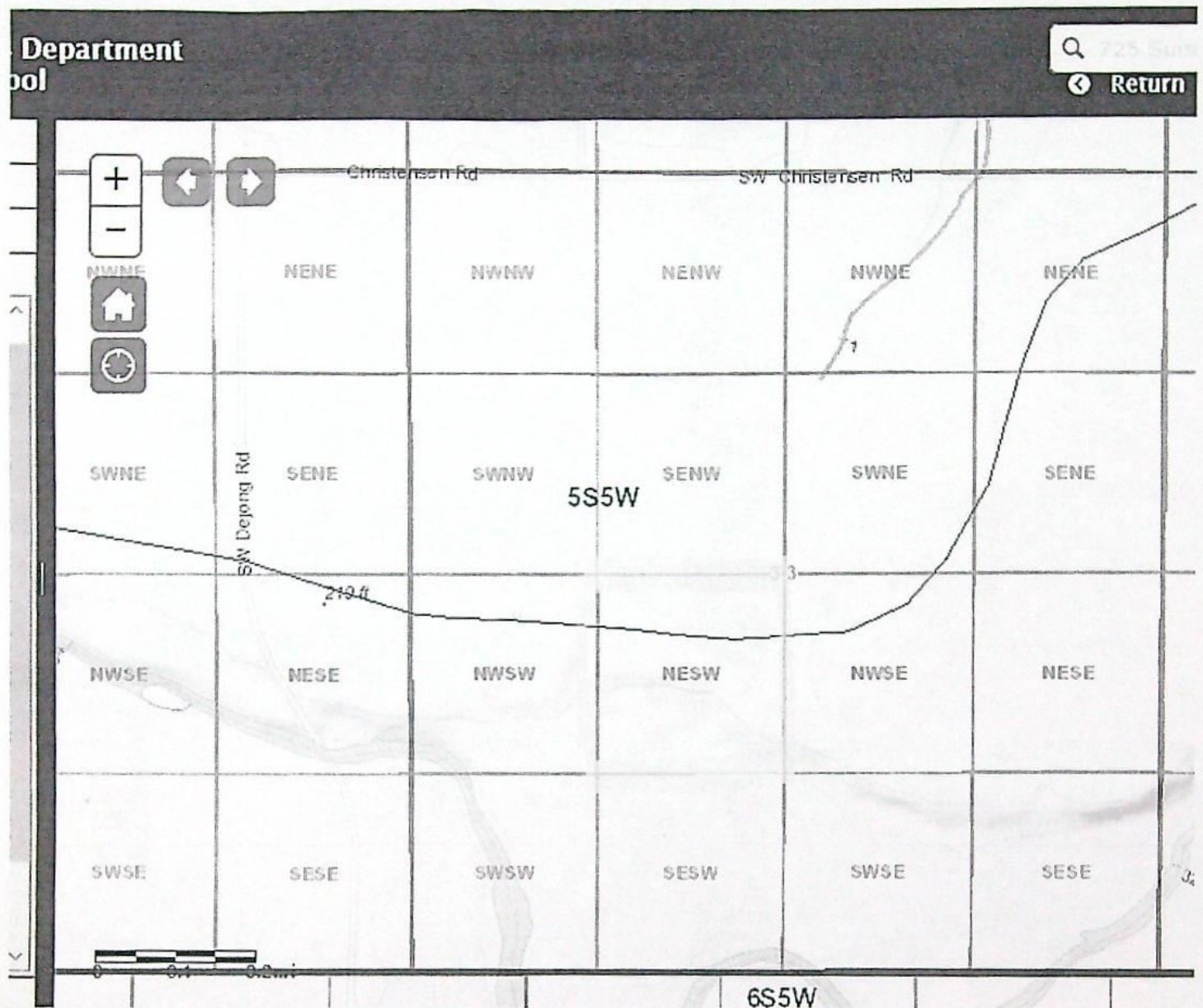
This message is an acknowledgement of receipt of your application on 03/22/2018.

The Department has assigned your application number: R 88566

You may track the various processing steps in our Water Rights Information System (WRIS)
http://apps.wrd.state.or.us/apps/wr/wrinfo/wr_details.aspx?snp_id=196152

If you have consented to receive your documents electronically, at various stages of the process you will receive future e-mails from the Department containing links to the documents.

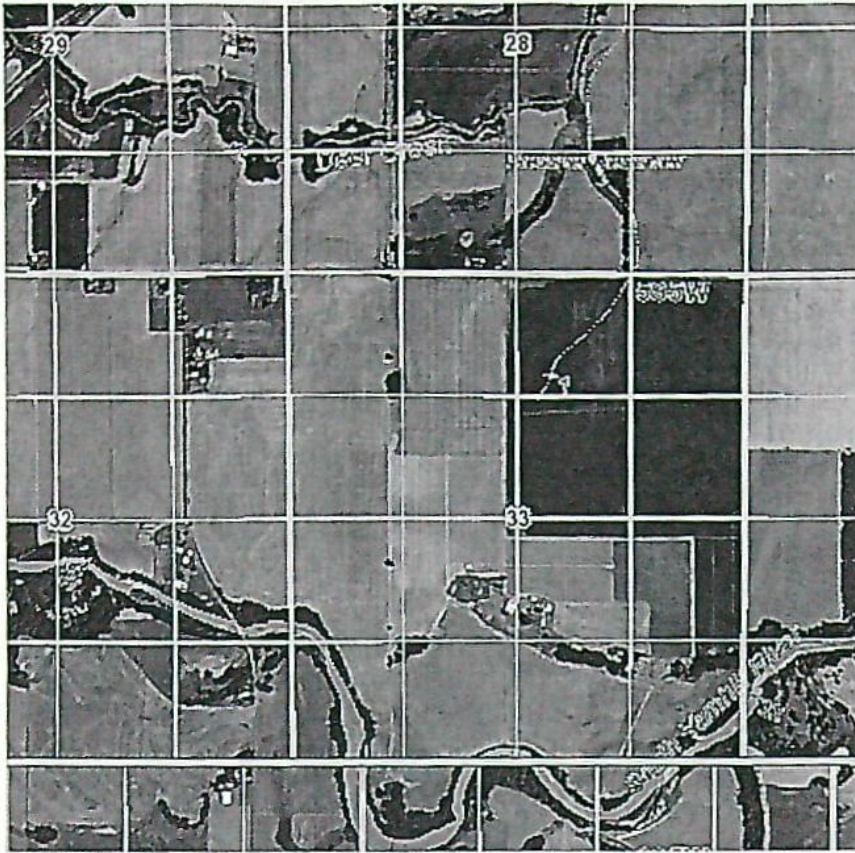
**This message has been generated automatically by an unmonitored email account.
Please do not "reply" to this message. Thank you.**



From: GRAHAM Elisabeth A * WRD
Sent: Monday, June 11, 2018 12:04 PM
To: SMITH Kenneth L * WRD
Subject: R-88566 WAB Question

Hi Ken,

Could you help me understand why POD 1 is pulling both Deer Creek and South Yamhill River?



https://apps.wrd.state.or.us/apps/wr/wr_review/wr_details.aspx?snp_id=196152

► Conflict Report

► POD Characteristics

▼ Water Availability

▼ DEER CR > S YAMHILL R - AT MOUTH

► POD: 1

▼ S YAMHILL R > YAMHILL R - AB COZINE CR

► POD: 1, 2

► IR Checklist

► Digital Map (Applications are not mapped, use POD Locations instead)

Let me know if you need additional information.

Thank you,

Lisa Graham | Water Right Application Specialist

Water Resources Department | 725 Summer St. NE, Suite A | Salem, Oregon 97301

Ph: 503 986-0808 | Fax: 503 986-0901

Email: Elisabeth.A.Graham@oregon.gov | Web: <http://www.wrd.state.or.us>

THINK

before you print

GRAHAM Elisabeth A * WRD

From: PLAHN Joel M * WRD
Sent: Thursday, July 12, 2018 8:15 AM
To: GRAHAM Elisabeth A * WRD
Subject: RE: R-88566 -- Smith Pond

Hi Lisa,

The measure distance is on the application map. 570' North, 710' East from sw corner section 33. Maybe I misunderstood the questions, is that what you needed?

I am fine with the second question. But I don't think you can require him to tell you. I read 537.409 again depth, and area are not a requirement. Let me know what you think?

Thanks, Joel Plahn

From: GRAHAM Elisabeth A * WRD
Sent: Wednesday, July 11, 2018 4:26 PM
To: PLAHN Joel M * WRD
Subject: FW: R-88566 -- Smith Pond

Hey Joel,

Have you heard from the applicant on this application?

Thanks,
Lisa

From: GRAHAM Elisabeth A * WRD
Sent: Thursday, June 14, 2018 3:57 PM
To: christensenfarms@landbd.com
Subject: R-88566 -- Smith Pond

Hello Zach,

I am reviewing application R-88566 and was hoping to get some additional information and clarification on your proposed pond.

1. We will need the measure distance location of the proposed pond from a known PLSS location.
2. Your application proposes a 9.9 feet high dam and to store 50.0 acre-feet of water, could you expand on the details of the pond? How many acres do you plan to cover with the pond? How deep do you plan the reservoir to be?

Link to your application: https://apps.wrd.state.or.us/apps/wr/wrinfo/wr_details.aspx?snp_id=196152

Please reach out if you have any questions.

Sincerely,

Lisa Graham | Water Right Application Specialist

Water Resources Department | 725 Summer St. NE, Suite A | Salem, Oregon 97301

PLAHN Joel M * WRD

From: Zach Christensen <zach@heritagemalt.com>
Sent: Wednesday, August 29, 2018 2:20 PM
To: PLAHN Joel M * WRD
Subject: R-88566

Regarding your message as I know you are familiar with the site of the pond I trust that your measurements are correct.
Please move forward

zach



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

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

Alternate Review Process (ORS 537.409): You may use this form for any reservoir storing less than 9.2 acre-feet or with a dam less than 10 feet high.

Use a separate form for each reservoir

Please type or print in dark ink. If your application is found to be incomplete or inaccurate, we will return it to you. If any requested information does not apply, insert "n/a". A summary of review criteria and procedures that are generally applicable to these applications is available at www.wrd.state.or.us/OWRD/PUBS/forms.shtml.

1. APPLICANT INFORMATION

Applicant: zach christensen
First Last
Mailing Address: 16201 sw Christensen Rd
McMinnville OR 97128
City State Zip
Phone: 5035503576
Home Work Other
Fax: _____ E-Mail Address*: christensenfarms@landdb.com

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

2. AGENT INFORMATION

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

Agent: zach christensen
First Last
Mailing Address: 16201 SW Christensen Rd
McMinnville oregon 97128
City State Zip
Phone: 5035503576
Home Work Other
Fax: _____ E-Mail Address*: christensenfarms@landdb.com

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

3. LOCATION AND SOURCE

A. Reservoir Name: smith

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

Source: run-off/ south yamhill Tributary to: yamhill

C. County in which diversion occurs: yamhill

App. No. R-98066

For Department Use

Permit No. _____ Date _____

D. Reservoir Location

Township (N or S)	Range (E or W)	Section	quarter/quarter	tax lot number
5s	5w	33	NE SW / SE SW	00200

E. Dam: Maximum height of dam: ~~10~~ 9.9 feet. If excavated, write "zero feet".

F. Quantity: Amount of water to be stored in the reservoir at maximum capacity. List volume in acre-feet: 50

Is this project fully or partially funded by the American Recovery and Reinvestment Act? (Federal stimulus dollars) ☐ Yes ☒ No

4. WATER USE

Indicate the proposed use(s) of the stored water. NOTE: You may wish to consider filing for "Multipurpose use" for your reservoir. Multipurpose use does not limit the types of future uses for the stored water. Multipurpose covers all uses including: stockwater, fish and wildlife, aesthetics, domestic, irrigation, agriculture, fire protection and pollution abatement. If any use will be out of reservoir use, regardless of the type of storage listed, a secondary application must be filed to appropriate the stored water.

Multipurpose use

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5. PROPERTY OWNERSHIP

Please provide a copy of the recorded deed(s).

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

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

☐ There are no encumbrances

☒ This land is encumbered by easements, right of way, roads of way, roads or other encumbrances

☐ No (Please check the appropriate box below)

☐ I have a recorded easement or written authorization permitting access.

☐ I do not currently have written authorization or easement permitting access.

☐ Written authorization or an easement is not necessary, because the only affected lands I do not own are state-owned submersible lands, and this application is for irrigated and/or domestic use only (ORS 274.040). (Do not check this box if you described your use as "Multipurpose" in #3 above.)

List the names and mailing addresses of all affected landowners:

6. ENVIRONMENTAL IMPACT

- A. Channel: Is the reservoir: ☐ in-stream or ☒ off channel?
- B. Wetland: Is the project in a wetland? ☐ Yes ☒ No ☐ Don't know
- C. Existing: Is this an existing reservoir? ☐ Yes ☒ No
If yes, how long has it been in place? _____ years.
- D. Fish Habitat: Is there fish habitat upstream of the proposed structure? ☐ Yes ☒ No ☐ Don't know
If yes, how much? _____ miles.
- E. Partnerships: Have you been working with other agencies? ☐ Yes ☒ No
Indicate agency, staff and phone numbers of those involved. Also indicate any agencies that are cost sharing in this project.

7. WITHIN A DISTRICT

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

Irrigation District Name	Address	
City	State	Zip

8. DESCRIPTION

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

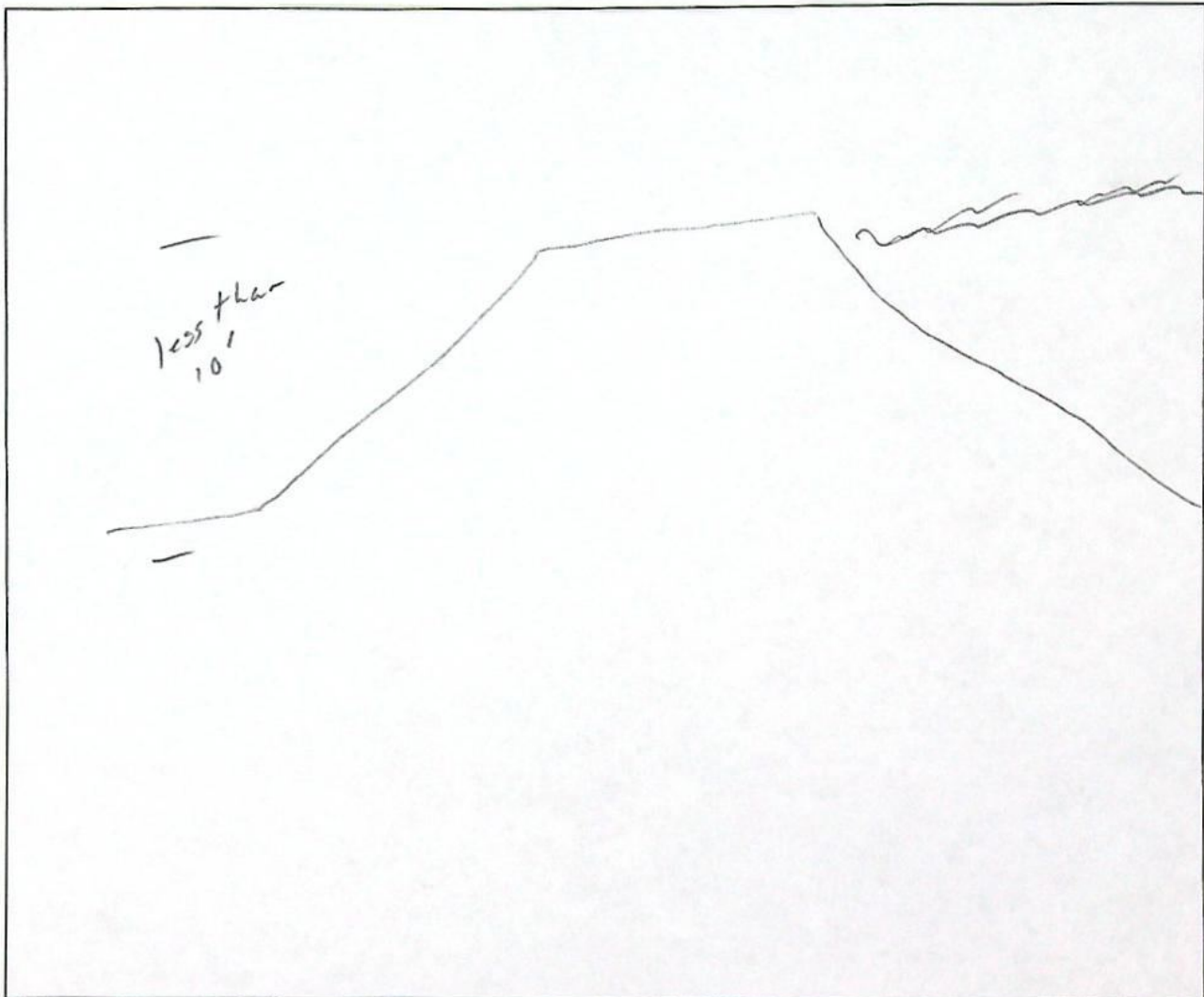
Proposed POD is shown on Attached map. This is an existing pod for existing water right. ODFW Fish screen is in place as well as a flow meter. The pond will catch surface water runoff as primary filling source. In the event it does not fill to capacity our intent is to fill in the early season from the Syemill river during high flow.

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



9. SIGNATURE

I swear that all statements made and information provided in this application are true and correct to the best of my knowledge.

Earl Christensen

Landowner Signature

6/1/17

Date

Before you submit your application be sure you have:

- Answered each question completely.
- Included a legible map that includes Township, Range, Section, quarter-quarter and tax lot number.
- The map must meet map requirements to be accepted.
- Included a land use form or receipt stub signed by a local planning official.
- Included a check payable to Oregon Water Resources Department for the appropriate amount.

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4

R-88566

Land Use Information Form



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

Applicant: Zack First Christensen Last

Mailing Address: 16201 SW Christensen Rd
Medinnville City OR State 97128 Zip Daytime Phone: 503 530 3576

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	1/4 1/4	Tax Lot #	Plan Designation (e.g., Rural Residential/RR-5)	Water to be:			Proposed Land Use:
5s	5w	33	NE 1/4 SW 1/4	00200		<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	
6s	5w	33	NE 1/4 SW 1/4			<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used	
5s	5w	33	SW 1/4 SW 1/4	00800		<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used	
6s	5w	04	NW 1/4 NW 1/4	00800		<input checked="" type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used	

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

Yamhill

B. Description of Proposed Use

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

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

Source of water: ☒ Reservoir/Pond ☐ Ground Water ☒ Surface Water (name) S Yamhill

Estimated quantity of water needed: 50 ☐ cubic feet per second ☐ gallons per minute ☒ acre-feet

Intended use of water: ☒ Irrigation ☐ Commercial ☐ Industrial ☐ Domestic for household(s)
☐ Municipal ☐ Quasi-Municipal ☐ Instream ☒ Other MULTI USE

Briefly describe:

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

See bottom of Page 3. →

12-88566

For Local Government Use Only

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

Please check the appropriate box below and provide the requested information

- ☒ Land uses to be served by the proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): Section 402 of the YCZO.
- ☐ Land uses to be served by the proposed water uses (including proposed construction) involve discretionary land-use approvals as listed in the table below. (Please attach documentation of applicable land-use approvals which have already been obtained. Record of Action/land-use decision and accompanying findings are sufficient.) **If approvals have been obtained but all appeal periods have not ended, check "Being pursued."**

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

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

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Name: Matt Vogt Title: Assistant Planner

Signature: [Signature] Phone: 503-434-7516 Date: 3/22/2018

Government Entity: Yamhill County Planning

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

Receipt for Request for Land Use Information

Applicant name: _____

City or County: _____ Staff contact: _____

Signature: _____ Phone: _____ Date: _____

R-88566

WATERMASTER ALTERNATE RESERVOIR APPLICATION REVIEW SHEET

Recommendations for Water Right Applications under the Alternate Reservoir review process (ORS 537.409)

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

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

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

The review of alternate reservoirs is limited to these criteria only.

Application #: R-

Applicant's Name: Zack Christensen 5S5W33TL200

1) Does the proposed reservoir have the potential to injure existing water rights?

☐ NO ☒ YES

Explain:

2) Can conditions be applied to mitigate the potential injury to existing water rights?

☐ NO ☒ YES

If YES, which conditions are recommended:

Any water diverted from S. Yamhill River should be limited to a season of November 1 through May 31

3) Did you meet with staff from another agency to discuss this application?

☒ NO ☐ YES

Who:

Agency:

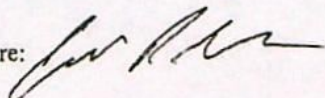
Date:

Who:

Agency:

Date:

Watermaster signature:



Date: 6/15/17

WRD Contact:

Caseworker:

Water Rights Division, 503-986-0900 / Fax 503-986-0901

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NOTE: This completed form must be returned to the applicant

ODFW Alternate Reservoir Application Review Sheet

This portion to be completed by the applicant.

Applicant Name/Address/Phone/Email: Zach Christensen

16201 SW Christensen Road, McMinnville, Oregon 97128

503-550-3576

Christensenfarms@landdb.com

Reservoir Name: Smith Source: Run-off / Surface S. Yamhill (POD)

Volume (AF): 50-100

Twp Rng Sec QQ: 5S 5W 33 NESW, SESW

Basin Name: S. Yamhill

☐ in-channel
☒ off-channel

approved,
associated
POD is
in-channel

Note: It is unlikely that ODFW will be able to complete this form while you wait, nevertheless we recommend making an

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

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

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

3) If NMF are or were historically present:

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

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

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

4) Would the proposed project pose any other significant detrimental impact to an existing fishery resource locally or downstream? ☒ YES ☐ NO
Explain below (for example, list STE species or other existing fishery resources that would be impacted negatively.)

☒ Any diversion or appropriation of water for storage during the period May 1st through Oct. 31st poses a significant detrimental impact to existing fishery resources. (For example, if diversion of water for storage during a certain time period would cause a significant detrimental impact to an existing fishery resource, then ODFW should recommend conditions or limitations.) If NMF fish are present at the project site or point of water diversion then the applicant should be advised that a fish screen consistent with screening criteria will be required.

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

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

R-88866

As more water is appropriated to reservoirs in the Yamhill watershed, it will further limit the availability of cool, clean water downstream, which is critical to the survival of the native, migratory fish species (ESA-listed winter steelhead, coho salmon, Pacific lamprey, Western brook lamprey and cutthroat trout) all of which inhabit and spend their most sensitive life stages in the Yamhill basin. All of these species rely on cold, oxygenated water and healthy stream flows for migration and survival. Once water temperatures rise above 18 degrees centigrade, it can have significant impacts on their ability to survive. Holding water in reservoirs affects downstream habitat by increasing water temperatures, decreasing water availability (by evaporation as well as use) and dissolved oxygen concentrations, and raising concentrations of water quality limiting pollutants.

SEE ATTACHED COMMENTS FROM DEQ (Oregon Department of Environmental Quality).

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

☐ NO (explain)

☒ YES (select from Menu of Conditions on next page)

WQ: See attached comments and requirements from DEQ (Oregon Department of Environmental Quality)

RIPARIAN

B51a: November 1 through May 1st

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ODFW Signature:

Josie Thompson

Print Name: Josie Thompson

ODFW Title: Assistant District Fish Biologist

Date:

7/11/17

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

Revised 10/4/12

If YES, can conditions be applied to mitigate the significant detrimental impact to an existing fishery resource?
☐ NO (explain) ☐ YES (select from Menu of Conditions on next page)

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ODFW Signature: _____ Print Name: _____

ODFW Title: _____ Date: _____

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

Revised 10/4/12

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Use this menu to identify appropriate conditions to be included in the permit, and indicate the abbreviations on the review form:

fishpass: As required by ORS 509.585, a person owning or operating an artificial obstruction (AO) may not construct or maintain any AO across any waters of this state that are inhabited, or historically inhabited, by native migratory fish (NMF) without providing passage for NMF. A person owning or operating an AO shall, prior to construction, fundamental change in permit status or abandonment of the AO in any waters of this state, obtain a determination from ODFW as to whether NMF are or historically have been present in the waters. If ODFW determines that NMF are or historically have been present in the waters, the person owning or operating the AO shall either submit a proposal for fish passage to ODFW or apply for a waiver or exemption. Approval of the proposed fish-passage facility, waiver, or exemption must be obtained from the department prior to construction, permit modification or abandonment of the AO. Approved fish-passage plans, waivers, and exemptions shall maintain adequate passage of NMF at all times (ORS 509.601) as per the approved plan, waiver or exemption.

fishself: The permittee shall install, maintain, and operate fish screening and by-pass devices consistent with current Oregon Department of Fish and Wildlife (ODFW) standards. Fish screening is to prevent fish from entering the proposed diversion while by-pass devices provide adequate upstream and downstream passage for fish. The required screen and by-pass devices are to be in place and functional prior to diversion of any water. Permittee shall obtain written approval from ODFW that the installation of the required screen and by-pass devices meets the state's criteria or the permittee shall submit documentation that ODFW has determined screens and/or by-pass devices are not necessary.

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

fishdiv33: If the riparian area is disturbed in the process of developing a point of diversion, the permittee shall be responsible for restoration and enhancement of such riparian area in accordance with ODFW's Fish and Wildlife Habitat Mitigation Policy OAR 635-415. For purposes of mitigation, the ODFW Fish and Wildlife Habitat Mitigation Goals and Standards, OAR 635-415, shall be followed.

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

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

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

b52 Water may be diverted only when Department of Environmental Quality sediment standards are being met.

b5 The water user shall install and maintain adequate treatment facilities meeting current DEQ requirements to remove sediment before returning the water to the stream.

b51a The period of use has been limited to _____ through _____.

b57 Before water use may begin under this permit, a totalizing flow meter must be installed at each diversion point.

b58 Before water use may begin under this permit, a staff gage that measures the entire range and stage between full reservoir level and dead-pool storage must be installed in the reservoir. The staff gage shall be United States Geological Survey style porcelain enamel iron staff gage style A, C, E or I.

futile call: The use of water allowed herein may be made only at times when waters from the (NAME OF SURFACE WATER) would not otherwise flow into a tributary of the _____ River or sufficient water is available to satisfy all prior rights, including rights for maintaining instream flows.

riparian: If the riparian area is disturbed in the process of developing a point of diversion, the permittee shall be responsible for restoration and enhancement of such riparian area in accordance with ODFW's Fish and Wildlife Habitat Mitigation Policy OAR 635-415. For purposes of mitigation, the ODFW Fish and Wildlife Habitat Mitigation Goals and Standards, OAR 635-415, shall be followed.

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

fence: The stream and its adjacent riparian area shall be fenced to exclude livestock.

blv: Water must be diverted to a trough or tank through an enclosed water delivery system. The delivery system must be equipped with an automatic shutoff or limiting flow control mechanism or include a means for returning water to the stream source through an enclosed delivery system. The use of water shall not exceed 0.10 cubic feet per second per 1000 head of livestock.

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Appendix A

Developing your water right often entails grading trenching or other types of construction within waterways, riparian areas, and wetlands. Permits from local, state or federal agencies may be required. A good first step is to check with your local city or county planning office. The following information was provided by the Oregon Division of State Lands.

Activities in Wetlands and Waterways are Regulated by:

- The Division of State Lands (DSL) under the State Removal-Fill Law
- The U.S. Army Corps of Engineers (Corps) under the Federal Clean Water Act and Rivers and Harbors Act
- The State Department of Forestry under the Forest Practices Act
- The U.S. Natural Resource Conservation Service (NRCS) under the Food, Agriculture, Conservation and Trade Act
- Some City and County land use ordinances

What Areas are Regulated?

- Rivers streams and most creeks
- Estuaries and tidal marshes
- Lakes and some ponds
- Permanent and seasonal wetlands
- Regulations apply to all lands, public or private
- A wetland does not have to be mapped by the state or otherwise 'designated' to fall under the regulations
- If you are uncertain if there are regulated wetlands on your property, contact DSL for assistance.

What Activities are Regulated?

- Placement of fill material
- Alteration of stream bank or stream course
- Ditching and draining
- Plowing/disking non-farmed wetlands
- Excavation or dredging of material
- In-water construction (may also require a lease from DSL)
- For some activities, joint application forms can be obtained from DSL or the Corps

What Activities are Exempt

- Some routine maintenance activities
- Established, ongoing agricultural activities and grazing
- Some minor projects involving small amounts of fill or removal

How are Laws Enforced?

The best enforcement is to prevent illegal wetland alterations through information and education. However, when violations do occur, a variety of enforcement tools may be used, including restoration orders, fines of up to \$10,000 per day (DSL), civil and/or criminal charges.

$$\text{Acre-feet} = \frac{(\text{Average Length})(\text{Average Width})(\text{Average Depth})}{43,560}$$

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R-88836

Yamhill County Parcel Information



First American Title

Parcel Information

Parcel #: R553300200
Account: 210523
Related:
Site Address: 19031 SW Christensen Rd
 , OR 97378
Owner: Zachary & Crystalin Christensen
Owner2:
Owner Address: 16201 SW Christensen Rd
 McMinnville, OR 97128
Phone:
TwN/Range/Section: T: 05S R: 05W S: 33 Q:
Parcel Size: 160.00 Acres (6,969,600 SF)
Plat/Subdivision:
Lot:
Block:
Map Page/Grid:
Census Tract/Block: 030501/1152
Waterfront: South Yamhill River

Assessment Information

Market Value Land: \$1,142,056
Market Value Impr: \$145,382
Market Value Total: \$1,287,438
Assessed Value: \$263,640

Tax Information

Levy Code Area: 40.4
Levy Rate: 12.2946
Tax Year: 2016
Annual Tax: \$3,241.35

Exemption Description:Legal

POTENTIAL ADDITIONAL TAX LIABILITY 160.00 ACRES IN SEC 33 T5S R5W

Land

Cnty Land Use: 551 - Farm - Exclusive Farm Use (EFU) - Improved (typical of class)
Cnty Bldg Use: 148 - One Story w/Attic
Land Use Std: AFAR - FARMS AND CROPS
Zoning: EF-80 - Exclusive Farm Use
Neighborhood: RLM5
Recreation: -
Watershed: Deep Creek-South Yamhill River
School District: 40

Improvement

Year Built: 1922 **Attic Fin/Unfin:** 840 / 0 SF **Foundation:** FOUND - CONCRETE
Bedrooms: 3 **Bathrooms:** 2.00 **Roof Covering:** ROOFCOV - COMP SHINGLE
Bldg Fin: 1,800 SF **Bsmt Fin/Unfin:** 0 / 0 SF **Garage:** GAR - DETACHED UNFIN 600 SF
1st Floor: 960 SF **2nd Floor:** 0 SF **Ext Walls:** EXT COV - BEVEL WOOD
A/C: No **FirePlace:** 1 **Heat Type:** H & C - BASEBOARD

Transfer Information

Loan Date:	1/20/2017	Loan Amt:	\$750,000	Doc Num:	0000001006	Doc Type:	Trust Deed-Deed of Trust
Loan Type:		Finance Type:		Lender:	FARM CREDIT SVCS		

Rec. Date:	09/17/13	Sale Price:	\$1,055,875	Doc Num:	0000014733	Doc Type:	Grant Deed
Orig Loan Amt:	\$686,000						
Loan Type:		Finance Type:	Variable	Lender:	RABO AGRIFINANCE INC		

Sentry Dynamics, Inc. and its customers make no representations, warranties or conditions, express or implied, as to the accuracy or completeness of information contained in this report.

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R-88566



After recording return to:
Zachary D Christensen and Crystalin
R Christensen
16201 SW Christensen Rd.
McMinnville, OR 97128

Until a change is requested all tax
statements shall be sent to the
following address:
Zachary Don Christensen and Crystalin
Rose Christensen
16201 SW Christensen Rd.
McMinnville, OR 97128

File No.: 1031-2126945 (LF)
Date: September 11, 2013

THIS SPACE RESERVED FOR RECORDER'S USE

Yamhill County Official Records **201314733**
DMR-DDMR
Str=6 SUTTONS 09/17/2013 11:37:38 AM
\$20.00 \$11.00 \$5.00 \$15.00 **\$51.00**

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

Nancy Law, Successor Trustee of the Marilyn R. Weller Trust under agreement dated April 10, 1991, Grantor, conveys to Zachary Don Christensen and Crystalin Rose Christensen, as tenants by the entirety, Grantee, the following described real property:

See Legal Description attached hereto as Exhibit A and by this reference incorporated herein.

Subject to: See attached Exhibit "B"

The true consideration for this conveyance is **\$1,055,875.00**. (Here comply with requirements of ORS 93.030)

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OWRD

FIRST AMERICAN TITLE 2126945


APN: 210523

Bargain and Sale Deed
- continued

File No.: 1031-2126945 (LF)
Date: 09/11/2013

Dated this 13 day of Sept, 2013.

Marilyn R. Weller Trust


Nancy Law, Successor Trustee

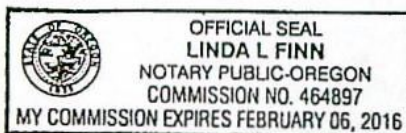
STATE OF Oregon)
)ss.
County of Yamhill)

This instrument was acknowledged before me on this 13 day of September, 2013
by Nancy Law as Trustee of Marilyn R. Weller Trust.

Gunda L. Train

Notary Public for Oregon

My commission expires: 2/6/2016



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MAR 22 2018

OWRD

R-88566

APN: 210523

Bargain and Sale Deed
- continued

File No.: 1031-2126945 (LF)
Date: 09/11/2013

EXHIBIT A

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

TRACT 1

The West 20 chains of the Donation Land Claim of Reuben Gant and Nancy Gant, his wife, Notification No. 2380, situated in Section 33, Township 5 South, Range 5 West of the Willamette Meridian in Yamhill County, Oregon.

TRACT 2

Beginning at an iron pipe at the Southwest corner of the Reuben Gant Donation Land Claim Certificate No. 2513 and being a part of Joseph S. Danforth Donation Land Claim Notification No. 2379, Claims No. 57 and No. 62 in Townships 5 and 6 South of Range 5 West of the Willamette Meridian in Yamhill County, Oregon; thence South 89° 47' East 1065.80 feet to the center of the Yamhill River; thence up center of said River as follows: South 36° 01' West 445.27 feet; South 13° 46' West 309.62 feet to the South line of the Danforth D.L.C.; thence North 89° 47' West 1113.20 feet to the Southeast corner of County Survey No. 2160 in the center of Yamhill River; thence North 5° 51' West up the center of said River 1251.50 feet; thence South 74° 45' East (at 210 feet witness pipe on North bank of the Yamhill River) 540 feet to an iron pipe; thence South 00° 42' West 496.32 feet to the place of beginning.

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MAR 22 2018

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Exhibit "B"

1. Taxes for the fiscal year 2013-2014 a lien due, but not yet payable.
2. The assessment roll and the tax roll disclose that the within described premises were specially zoned or classified for Farm use. If the land has become or becomes disqualified for such use under the statute, an additional tax or penalty may be imposed.
3. Rights of the public and of governmental bodies in and to that portion of the premises herein described lying below the high water mark of South Yamhill River.
4. Governmental rights in connection with flood control and propagation of anadromous fish and public rights of fishing and recreational navigation in and to the water, bed and shoreline of the South Yamhill River.
5. Any adverse claim based upon the assertion that some portion of said land has been removed from or brought within the boundaries thereof by an avulsive movement of the South Yamhill River or has been formed by the process of accretion or reliction or has been created by artificial means or has accreted to such portion so created.
6. The rights of the public in and to that portion of the premises herein described lying within the limits of streets, roads and highways.
7. A Right of Way Deed including the terms and conditions thereof:
Between: John C. DeJong and Rema DeJong
And: Rhoda C. Smith
Recorded: November 26, 1958
Recording Information: Film Volume 2, Page 463, Deed and Mortgage Records
8. Easement, including terms and provisions contained therein:
Recording Information: June 22, 1964 in Volume 38, Page 182, Deed and Mortgage Records
In Favor of: Portland General Electric Company, an Oregon Corporation
For: Electrical power transmission line

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MAR 22 2013

OWRD

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

725 Summer St. N.E. Ste. A
SALEM, OR 97301-4172
(503) 986-0900 / (503) 986-0904 (fax)

RECEIPT # **126167**

INVOICE # _____

RECEIVED FROM: **Christensen Farms, LLC**

APPLICATION **R-88566**

BY: _____

PERMIT
TRANSFER

CASH: ☐ CHECK: # **27765** OTHER: (IDENTIFY) _____

TOTAL REC'D \$ **2,180.00**

1083 TREASURY 4170 WRD MISC CASH ACCT

0407 COPIES \$
OTHER: (IDENTIFY) \$

0243 I/S Lease 0244 Muni Water Mgmt. Plan 0245 Cons. Water

4270 WRD OPERATING ACCT

MISCELLANEOUS

0407 COPY & TAPE FEES \$
0410 RESEARCH FEES \$
0408 MISC REVENUE: (IDENTIFY) \$
TC162 DEPOSIT LIAB. (IDENTIFY) \$
0240 EXTENSION OF TIME \$

WATER RIGHTS:

0201 SURFACE WATER EXAM FEE \$ **2,160.00** 0202 RECORD FEE \$ **520.00**
0203 GROUND WATER \$ 0204 \$

0205 TRANSFER \$

WELL CONSTRUCTION

0218 WELL DRILL CONSTRUCTOR EXAM FEE \$ 0219 \$
LANDOWNER'S PERMIT 0220 \$

OTHER (IDENTIFY) _____

0536 TREASURY 0437 WELL CONST. START FEE

0211 WELL CONST START FEE \$ CARD #
0210 MONITORING WELLS \$ CARD #

OTHER (IDENTIFY) _____

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

0233 POWER LICENSE FEE (FW/WRD) \$
0231 HYDRO LICENSE FEE (FW/WRD) \$
HYDRO APPLICATION \$

TREASURY OTHER / RDX

FUND _____ TITLE _____

OBJ. CODE _____ VENDOR # _____

DESCRIPTION \$

RECEIPT: **126167**

DATED: **3/22/18** BY: **[Signature]**



Oregon Water Resources Department

Permit to Appropriate Surface Water for Storage - Alternate Reservoir Application

[Main](#)[Help](#)[Return](#)[Contact Us](#)

For impoundments less than 10 feet in height or storing less than 9.2 acre feet of water.

Today's Date: Thursday, March 22, 2018

Base Application Fee for Storage of Surface Water.		\$410.00
Proposed Dam Height in feet.	9.9	
Proposed Reservoir volume in Acre Feet.	50	\$1,750.00
Permit Recording Fee. ***		\$520.00
*** the Permit Recording Fee is not required when the application is submitted but, must be paid before a permit will be issued. It is fully refundable if a permit is not issued. If the recording fee is not paid prior to issuance of the Final Order, permit issuance will be delayed.	Recalculate	
Estimated cost of Permit Application		\$2,680.00

OWRD Fee Schedule

Fee Calculator Version: B20170117

R-88566

Zach Christensen
16201 SW Christensen Rd
McMinnville, OR 97128

R-88566

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