



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

Application for a Permit to Use Surface Water

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 to your application, insert "n/a." Please read and refer to the instructions when completing your application. 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

A. Individuals

Applicant: Todd Kuether
First Last
Mailing address: 23930 NW Hansen Rd
North Plains OR 97133
City State Zip
Phone: 503-319-2732 _____ _____
Home Work Other
*Fax: 800-860-5760 *E-Mail address: toddk@mnspec.com

B. Organizations

(Corporations, associations, firms, partnerships, joint stock companies, cooperatives, public and municipal corporations)

Name of organization: N/A **RECEIVED**
Name and title of person applying: _____ **NOV 18 2008**
Mailing address of organization: _____ **WATER RESOURCES DEPT**
_____ **SALEM, OREGON**
City State Zip
Phone: _____ _____ _____
Day Evening
*Fax: _____ *E-Mail address: _____

* Optional information

For Department Use		
App. No. <u>87341</u>	Permit No. <u>_____</u>	Date <u>_____</u>

2. SOURCE AND PROPERTY OWNERSHIP

A. The Proposed Source of Water

Provide the commonly used name of the water body from which water will be diverted, and the name of the stream or lake it flows into. If unnamed, say so:

Source 1: Schmidt Reservoir Tributary to: McKay Creek
 Source 2: Unnamed stream Tributary to: McKay Creek
 Source 3: _____ Tributary to: _____
 Source 4: _____ Tributary to: _____

If any source listed above is stored water that is authorized under a water right permit, certificate, or decree, attach a copy of the document or list the document number (for decrees, list the volume, page and/or decree name). Permit R5245

B. Applications to Use Stored Water

Complete this section if any source listed in item 2A above is stored water.

Do you, or will you, own the reservoir(s) described in item 2A above?

☒ Yes.

☐ No. (Please enclose a copy of your written notification to the operator of the reservoir of your intent to file this application, which you should have already mailed or delivered to the operator.)

If *all* sources listed in item 2A are stored water, the Department will review your application using the expedited process provided in ORS 537.147, unless you check the box below. Please see the instruction booklet for more information.

- ☐ By checking this box, you are requesting that the Department process your application under the standard process outlined in ORS 537.150 and 537.153, rather than the expedited process provided by ORS 537.147. To file an application under the standard process, you must enclose the following:
- A copy of a signed non-expired contract or other agreement with the owner of the reservoir (if not you) to impound the volume of water you propose to use in this application.
 - A copy of your written agreement with the party (if any) delivering the water from the reservoir to you.

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C. Property Ownership

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

- ☒ Yes (*Skip to section 3 "Water Use."*)
- ☐ 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).

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

List the names and mailing addresses of all affected landowners.

N/A

3. WATER USE

Please read the instruction booklet for more details on "type of use" definitions, how to express how much water you need and how to identify the water source you propose to use. You must fill out a supplemental form for some uses as they require specific information for that type of use.

A. Type(s) of Use(s)

See list of beneficial uses provided in the instructions.

- If your proposed use is **domestic**, indicate the number of households to be supplied with water: _____
- If your proposed use is **irrigation**, please attach **Form I**
- If your proposed use is **mining**, attach **Form R**
- If your proposed use is **municipal or quasi-municipal**, attach **Form M**
- If your proposed use is **commercial/industrial**, attach **Form Q**

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B. Amount of Water

Provide the amount of water you propose to use from each source, for each use, in cubic feet-per-second (cfs) or gallons-per-minute (gpm). If the proposed use is from storage, provide the amount in acre-feet (af):

(1 cfs equals 448.8 gpm. 1 acre-foot equals 325,851 gallons or 43,560 cubic feet)

Source	Type of use	Amount			
Schmidt Reservoir	Irrigation	19.5	☐ cfs	☐ gpm	☒ af
Unnamed Stream	Irrigation	0.10	☒ cfs	☐ gpm	☐ af
			☐ cfs	☐ gpm	☐ af
			☐ cfs	☐ gpm	☐ af

C. Period of Use

Indicate the time of year you propose to use the water: March 1-October 31
(For seasonal uses like irrigation give dates when water use would begin and end, e.g. March 1-October 31.)

D. Acreage

If you will be applying water to land, indicate the total number of acres where water will be applied or used: 7.8 acres
(This number should be consistent with your application map.)

4. WATER MANAGEMENT

A. Diversion

What method will you use to divert water from the source?

- ☒ Pump (give horsepower and pump type): 5 H.P. electric centrifugal
- ☐ Head-gate (give dimensions): _____
- ☐ Other means (describe): _____

B. Monitoring

How will you monitor your diversion to be sure you are within the limits of your water right (allowed rate and duty) and you are not wasting water?

- ☐ Weir ☒ Meter ☐ Periodic Sampling
- ☐ Other means (describe): _____

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C. Transport

How will you transport water to your place of use?

☐ Ditch or canal (give average width and depth):

Width _____ Depth _____

Is the ditch or canal to be lined? ☐ Yes ☐ No

☒ Pipe (give diameter and total length):

Diameter _____ 3" PVC _____ Length _____ Main line~1200' (system not designed yet)

☐ Other (describe) _____

D. Application/Distribution Method

What equipment will you use to apply water to your place of use? Drip irrigation and low pressure sprinklers
for agricultural crops and landscaping.

Irrigation or land application method (check all that apply):

- | | | |
|--|--|--|
| ☐ Flood | ☐ High-pressure sprinkler | ☒ Low pressure sprinkler |
| ☒ Drip | ☐ Water cannons | ☐ Center pivot system |
| ☐ Hand lines | ☐ Wheel lines | |
| ☐ Siphon tubes or gated pipe with furrows | | |
| ☐ Other, describe _____ | | |

Distribution method

- ☐ Direct pipe from source ☒ In-line storage (tank or pond) ☐ Open canal

E. Conservation

What methods will you use to conserve water? Why did you choose this distribution or application method? Have you considered other methods to transport, apply, distribute or use water? For example, if you are using sprinkler irrigation rather than drip irrigation, explain. If you need additional space, attach a separate sheet.

Drip irrigation and sprinklers will be used only when needed and using the most efficient method to conserve water.

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5. RESOURCE PROTECTION

A. Protection Practices

In granting permission to use water from a stream or lake, the state encourages, and in some instances requires, careful control of activities that may affect the waterway or streamside area. See instruction guide for a list of possible permit requirements from other agencies. Please indicate any of the practices you plan to undertake to protect water resources.

- ☒ Diversion will be screened to prevent uptake of fish and other aquatic life.

Describe planned actions: Fish screen will be used on intake pump.

- ☐ Excavation or clearing of banks will be kept to a minimum to protect riparian or streamside areas. Describe planned actions: N/A existing reservoir

- ☐ Operating equipment in a water body will be managed and timed to prevent damage to aquatic life. Describe: N/A existing reservoir

- ☐ Water quality will be protected by preventing erosion and run-off of waste or chemical products. Describe: N/A existing reservoir

- ☐ Other: _____

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6. PROJECT SCHEDULE

Indicate the anticipated dates that the following construction tasks should begin. If construction has already begun, or is completed, please indicate that date.

Proposed date construction will begin: Reservoir is constructed. Irrigation System May 2008

Proposed date construction will be completed: October 2018

Proposed date beneficial water use will begin: March 2009

7. REMARKS

If you would like to clarify any information you have provided in the application, please do so here and reference the specific application question you are addressing.

Refer to concurrent transfer application for Cert. R-40716. The Transfer will change the "Character of Use" from
Recreation to Multipurpose including irrigation.

8. MAP REQUIREMENTS

The Department cannot process your application without accurate information showing the source of water and location of water use. You must include a map with this application form that clearly indicates the township, range, section, and quarter/quarter section of the proposed points of diversion and place of use. The map must provide tax lot numbers. See the map guidelines sheet for detailed map specifications.

Surface Water/7

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9. SIGNATURE

By my signature below I confirm that I understand:

- I am asking to use water specifically as described in this application.
- Evaluation of this application will be based on information provided in the application packet.
- I cannot legally use water until the Water Resources Department issues a permit to me.
- If I get a permit, I must not waste water.
- If development of the water use is not according to the terms of the permit, the permit can be canceled.
- The water use must be compatible with local comprehensive land use plans.
- Even if the Department issues a permit to me, I may have to stop using water to allow senior water right holders to get water they are entitled to, and

I swear that all information provided in this application is true and correct to the best of my knowledge:

Signature of Applicant *Todd Ken* *(If more than one applicant, all must sign.)*

11/14/08
Date

Before you submit your application be sure you have:

- Answered each question completely.
- Attached a legible map which includes township, range, section, quarter/quarter and tax lot number.
- Included a Land Use Information Form or receipt stub signed by a local official.
- Included the legal description of all the property involved with this application. You may supply a copy of the deed, land sales contract, or title insurance policy, to meet this requirement.
- Included a check payable to the Oregon Water Resources Department for the appropriate amount. The Department's fee schedule can be found at www.wrd.state.or.us or call (503) 986-0900.

WRD on the web:
www.wrd.state.or.us

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Oregon Water Resources Department

TODD KUEHNER [GROELER]

WATER RIGHTS

3/30/08

Tax Lot:

2N2008000103

FORM I**FOR IRRIGATION WATER USE**

1. Please indicate whether you are requesting a primary or supplemental irrigation water right.

☒ **Primary** ☐ **Supplemental**

If supplemental, please indicate the number of acres that will be irrigated for each type of use.

Primary: 7.8 Acres

Secondary: _____ Acres

List the permit or certificate number of the primary water right:

No. _____

2. Please list the anticipated crops you will grow and whether you will be irrigating them for a full or partial season:

- | | | |
|------------------------------|---|--|
| 1. <u>Agricultural crops</u> | ☒ Full season | ☐ Partial season (from: _____ to _____) |
| 2. _____ | ☐ Full season | ☐ Partial season (from: _____ to _____) |
| 3. _____ | ☐ Full season | ☐ Partial season (from: _____ to _____) |
| 4. _____ | ☐ Full season | ☐ Partial season (from: _____ to _____) |

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

19.5 acre-feet

(1 acre-foot equals 12 inches of water spread over 1 acre, or 43,560 cubic feet, or 325,851 gallons.)

4. How will you schedule your applications of water? Will you be applying water in the evenings, twice a week, daily?

☐ Daily during daytime hours

☐ Daily during nighttime hours

☒ Two or three times weekly during daytime

☐ Two or three times weekly during nighttime

☐ Weekly, during daytime hours

☐ Weekly, during nighttime hours

☐ Other, explain: _____

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87341

#1

Oregon Water Resources Department Land Use Information Form

THIS FORM IS NOT REQUIRED IF: 1) water is to be diverted, conveyed, and/or used only on federal lands; or 2) the application is for a water-right transfer, allocation of conserved water, exchange, permit amendment, or ground water registration modification, and all of the following apply: a) only the place of use is proposed for change, b) there are no structural changes, c) the use of water is for irrigation, and d) the use is located in an irrigation district or exclusive farm-use zone.

Applicant Name: Todd KuetherMailing Address: 23930 NW Hansen RdCity: North Plains State: OR Zip: 97133 Day Phone: 503-319-2732This application is related to a Measure 37 claim. ☐ Yes ☒ No

A. Land and Location

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

Township	Range	Section	¼ ¼	Tax Lot #	Plan Designation (e.g. Rural Residential/RR-5)	Water to be:	Proposed Land Use:
2N	2W	4	NWNE	2N200B000103	EFC	☒ Diverted ☒ Conveyed ☒ Used	Irrigation
						☐ Diverted ☐ Conveyed ☐ Used	
						☐ Diverted ☐ Conveyed ☐ Used	
						☐ Diverted ☐ Conveyed ☐ Used	

List all counties and cities where water is proposed to be diverted, conveyed, or used. Washington County**RECEIVED**

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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 ☐ Exchange of Water
☐ Allocation of Conserved Water ☐ Limited Water Use License
☐ Permit Amendment or Ground Water Registration Modification

Source of water: ☒ Reservoir/Pond ☐ Ground Water ☐ Surface Water (name) _____Estimated quantity of water needed: 28.5 ☐ cubic feet per second ☐ gallons per minute ☒ acre-feetIntended use of water: ☒ Irrigation ☐ Commercial ☐ Industrial ☐ Domestic for _____ household(s)
☐ Municipal ☐ Quasi-municipal ☐ Instream ☐ Other multipurposeBriefly describe: Irrigate 7-12 acres of vineyards or agricultural crops.

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

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 proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): 201-24.

☐ Land uses to be served by 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:	
		☐ Obtained ☐ Denied	☐ Being pursued ☐ Not being pursued
		☐ Obtained ☐ Denied	☐ Being pursued ☐ Not being pursued
		☐ Obtained ☐ Denied	☐ Being pursued ☐ Not being pursued
		☐ Obtained ☐ Denied	☐ Being pursued ☐ Not being pursued
		☐ Obtained ☐ Denied	☐ Being pursued ☐ 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: Les Foiles Title: Asst Planner
 Signature: [Signature] Phone: 503-846-3836 Date: 4-2-08
 Government Entity: Washington County

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

10
5
11
Rott
20-NS

Recorded By TICOR TITLE

W906435

STATUTORY WARRANTY DEED

Grantor: Patrick Carter
Grantee: Ronald C. Kuether

Until a change is requested, all tax statements shall be sent to the following address:
 Ronald C. Kuether
 Orlanda D. Kuether
 23930 NW Hansen Road
 North Plains OR 97133

After Recording return to:
 Ronald C. Kuether
 Orlanda D. Kuether
 23930 NW Hansen Road
 North Plains OR 97133

Escrow No. 906435 KJG
 Title No. 906435

THIS E

Washington County, Oregon 2007-097561

09/07/2007 02:39:57 PM

D-DW Cnt=1 Stn=18 D HOFFMAN

\$10.00 \$5.00 \$11.00 \$20.00 \$790.00 - Total = \$826.00



01183032200700975610020022

I, Richard Hobermicht, Director of Assessment and Taxation and Ex-Officio County Clerk for Washington County, Oregon, do hereby certify that the within instrument of writing was received and recorded in the book of records of said county.

Richard Hobermicht, Director of Assessment and Taxation, Ex-Officio County Clerk



WASHINGTON COUNTY
 REAL PROPERTY TRANSFER TAX
 \$ 790.00 9-7-07
 FEE PAID DATE

who took title as Caroline Carter

PATRICK CARTER AND CAROLINE K. CARTER, AS TENANTS BY THE ENTIRETY, Grantor, conveys and warrants to RONALD C. KUETHER AND ORLANDA D. KUETHER, AS TENANTS BY THE ENTIRETY, Grantee, the following described real property free of encumbrances except as specifically set forth herein situated in Washington County, Oregon, to wit:

That certain parcel of land in Section 4, Township 2 North, Range 2 West of the Willamette Meridian, in the County of Washington and State of Oregon, more particularly described as follows:

Beginning at a 2" iron pipe set at the center of Section 4, said point also being in the center of County Road No. 225; thence from said point North 0° 07' 49" West along the center line of said County Road, said line being also the center line of Section 4, a distance of 884.68 feet to the true point of beginning; thence leaving said center line, South 89° 36' 20" East a distance of 1307.32 feet to a point on the East line of the Southwest one-quarter of the Northeast one-quarter of said Section 4; thence North 0° 16' 09" West on the said East line a distance of 420 feet, more or less, to the Northeast corner of the Southwest one-quarter of the Northeast one-quarter of Section 4; thence West along the North line of the Southwest one-quarter of the Northeast one-quarter of said Section a distance of 1307 feet, more or less, to a point on the center line of Section 4; thence South along said center line to the true point of beginning.

EXCEPTING THEREFROM any portion of the hereinabove described premises that lie within the boundaries of any public road or highway.

TOGETHER WITH the following:

Beginning at an iron marking the Southeast corner of the Southwest one-quarter of the Southeast one-quarter of Section 33, Township 3 North, Range 2 West, Willamette Meridian, in the County of Washington and State of Oregon; thence continuing North 0° 05' 10" East on the East line of the above said Southwest one-quarter of the Southeast one-quarter a distance of 343.51 feet to a point; thence North 89° 45' West 466.32 feet to a point; thence South 0° 15' West parallel with the West line of the Southeast one-quarter of Section 33 a distance of 339.41 feet to a point; thence North 89° 14' 50" East 467.30 feet to the point of beginning. AND beginning at the Northeast corner of Section 4, and running thence South 84.91 rods, more or less, to the Northeast corner of tract conveyed to George H. Bauer by Deed recorded in Book 32, page 442, Deed Records of Washington County, Oregon; thence West, along the North line of said Bauer tract, 160.0 rods; thence North 84.91 rods, more or less, to the Northwest corner of the Northeast one-quarter of said section; thence East 160.0 rods to the place of beginning;

EXCEPTING THEREFROM beginning at an iron rod on the East line of the Northeast one-quarter of Section 4; said iron being 501.40 feet South 0° 24' 32" East from a brass cap monument marking the Northeast corner of Section 4, and running thence South 0° 24' 32" East on said East line a distance of 955.28 feet to a point on the Northwesterly right of way line of Moran Road (County Road No. 1928); thence Southwesterly along said road line 465.15 feet South 43° 38' 45" West and 50.21 feet South 13° 28' West to an iron rod; thence North 85° 26' 57" West 975.35 feet to a point on the West line of the Southeast one-quarter of the Northeast one-quarter of Section 4; thence North 0° 16' 09" West on the West line thereof and the West line of Lot 1 a distance of 1282.70 feet; thence South 89° 08' 50" East parallel with the North line of said Lot 1 of Section 4 a distance of 1304.36 feet to the point of beginning.

The said property is free from encumbrances except: COVENANTS, CONDITIONS, RESTRICTIONS, RESERVATIONS, SET BACK LINES, POWERS OF SPECIAL DISTRICTS, AND EASEMENTS OF RECORD, IF ANY.
 2007/2008 taxes a lien due but not yet payable.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 197.352. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE

TICOR TITLE INSURANCE COMPANY
 STATUTORY WARRANTY DEED (CL04)

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APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930 AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 197.352.

The true consideration for this conveyance is \$790,000.00. (Here comply with the requirements of ORS 93.030).

Dated this 30th day of August, 2007.

Patrick Carter
Patrick Carter

Caroline K. Carter
Caroline K. Carter

State: OR

County: ~~Washington~~ Columbia

The foregoing instrument was acknowledged before me this 30th day of August, 2007 by:

Patrick Carter and Caroline K. Carter



Debi Corsiglia
Notary Public
My Commission Expires: 07/05/2011

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SALEM, OREGON



First American Title Insurance Company of Oregon

Washington (OR)

Prepared For:		Prepared By: Property Information Division 222 SW Columbia St, Suite 400 - Portland, Oregon 97201 Phone: (503) 219-TRIO Fax: (503) 790-7872	
OWNERSHIP INFORMATION			
Owner : Kuether Ronald C CoOwner : Kuether Orlanda D Site Address : 23930 NW Hansen Rd North Plains 97133 Mail Address : 23930 NW Hansen Rd North Plains Or 97133 Telephone : Owner: Tenant:	Ref Parcel Number : 2N200B0 00103 T: 02N R: 02W S: Q: 250 Parcel Number : R1385227 Map Number : County : Washington (OR)		
SALES AND LOAN INFORMATION			
Transferred : 09/07/2007 Document # : 97561 Sale Price : \$790,000 Deed Type : Warranty % Owned : 100		Loan Amount : \$513,500 Lender : Northwest Farm Credit Services Loan Type : Conventional Interest Rate : Fixed Vesting Type : Estate By Entire	
PROPERTY DESCRIPTION		ASSESSMENT AND TAX INFORMATION	
Map Page & Grid : Census : Tract: 327.00 Block: 2 Subdivision/Plat : Neighborhood Cd : 3N34 Land Use : 4614 Res,Rural,Designated Forest Lnd,Imp Legal : ACRES 72.71, FORESTLAND-POTENTIAL : ADDITIONAL TAX LIABILITY :		MktLand : \$177,920 MktStructure : \$128,880 MktOther : \$21,270 MktTotal : \$328,070 M50 Assd Total : \$176,270 % Improved : 42 07-08 Taxes : \$2,167.76 Exempt Amount : Exempt Type : Levy Code : 07004 Millage Rate : 11.8202	
PROPERTY CHARACTERISTICS			
Bedrooms : 3 Bathrooms : 1.00 Heat Method : Forced Pool : Appliances : Dishwasher : Hood Fan : Deck : Garage Type : Attached Garage SF : 576		Lot Acres : 72.71 Lot SqFt : 3,167,247 Bsm Fin SqFt : Bsm Unfin SqFt : Bsm Low SqFt : Bldg SqFt : 1,574 1st Flr SqFt : 1,286 Upper Flr SqFt : Porch SqFt : 432 Attic SqFt : 288 Deck SqFt :	
		Year Built : 1946 EffYearBlt : 1975 Floor Cover : Carpet Foundation : Masonry Roof Shape : Roof Matl : Composition InteriorMat : Drywall Paving Matl : Asphalt Const Type : Wd Stud\shgt Ext Finish : 247	

This title information has been furnished, without charge, in conformance with the guidelines approved by the State of Oregon Insurance Commissioner. The Insurance Division cautions intermediaries that this service is designed to benefit the ultimate insureds. Indiscriminate use only benefiting intermediaries will not be permitted. Said services may be discontinued. No liability is assumed for any errors in this report.

87341

STATE OF OREGON
COUNTY OF WASHINGTON
CERTIFICATE OF WATER RIGHT

This Is to Certify, That **HOWARD SCHMIDT**

of **Route 3, Box 372, Hillsboro**, State of **Oregon**, has made proof

to the satisfaction of the STATE ENGINEER of Oregon, of a right to store the waters of an unnamed stream, tributary of McKay Creek, appropriated under Application number 45291, Permit number 33217

for the purposes of
recreation

under Reservoir Permit No. **R-5245** of the State Engineer, and that said right to store said waters has been perfected in accordance with the laws of Oregon; that the priority of the right hereby confirmed dates from **August 13, 1968**

that the amount of water entitled to be stored each year under such right, for the purposes aforesaid, shall not exceed **28.5 acre feet**

The reservoir is located in

NW 1/4 NE 1/4
Section 4
T. 2 N., R. 2 W., W. M.

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SALEM, OREGON

WITNESS the signature of the State Engineer, affixed
this date. **July 24, 1974**

Chris L. Wheeler
State Engineer

Recorded in State Record of Water Right Certificates, Volume **32**, page **40716**

**Application for a Permit to Construct a Reservoir and to
Store for Beneficial Use the Unappropriated
Waters of the State of Oregon**

I, HOWARD SCHMIDT

(Name of Applicant)

of Route 3, Box 372, Hillsboro

(Mailing Address)

State of Oregon, do hereby make application for a permit to construct the following described reservoir and to store the unappropriated waters of the State of Oregon, subject to existing rights.

If the applicant is a corporation, give date and place of incorporation

1. The name of the proposed reservoir is

2. The name of the stream from which the reservoir is to be filled and the appropriation made is

an unnamed stream

tributary of McKay Creek

3. The amount of water to be stored is 28.5 acre feet.

4. The use to be made of the impounded water is recreation

(Irrigation, power, domestic supply, etc.)

5. The location of the proposed reservoir will be in Sec. 4

(Give sections or townships to be submerged)

Tp. 2N, R. 2W, W.M., in the county of Washington

(a) State whether situated in channel of running stream and give character of material at outlet
situated in channel of running stream with silty clay and fractured basalt rock
at the outlet.

(b) If not in channel of running stream, state how it is to be filled. If through a feed canal, give name and dimensions

6. The dam will be located in NW¹ of the NE¹, Sec. 4

(Smallest legal subdivision)

Tp. 2N, R. 2W, W.M. The maximum height will be 35 feet above stream bed or ground surface on center line of dam. The length on top will be 225 feet; length on bottom 20 feet; width on top 14 feet; slope on front or water side 3:1; slope on back 2.5:1; height of dam above water line when full 4.0 feet.

* A different form of application should be used for the appropriation of stored water to beneficial use. Such forms can be secured without charge, together with instructions, by addressing the State Engineer, Salem, Oregon 97310.

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7. The construction of dam, the material of which it is to be built, and method of protection from waves are as follows: The dam will be constructed of compacted earth fill. The outlet conduit will be of reinforced concrete encased CMP. Embankment will be seeded to grass.

8. The location of wasteway with dimensions are as follows: The emergency spillway will be excavated through the right abutment around the end of the dam. Bottom width will be 12 feet with 2:1 side slopes. Spillway will be seeded to grass.

9. The location of outlet from the proposed reservoir, with character of construction and dimensions, are as follows: Outlet will consist of 8 in. dia. reinforced concrete encased CMP with an 8 in. dia. slide gate, located through the base of the dam.

(All dams across natural stream channels must be provided with an outlet conduit, of such capacity and location to pass the normal flow of the stream at any time)

10. The area submerged by the proposed reservoir, when full, will be 2.64 acres, with a maximum depth of water of 31 feet; and approximate mean depth of water 10.8 feet.

11. The estimated cost of the proposed work is \$13,000.00.

12. Construction work will begin on or before 1 September 1968.

13. Construction work will be completed on or before 1 September 1969.

Harold A. Schmidt
(Signature of applicant)

STATE OF OREGON, }
County of Marion, } ss.

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This is to certify that I have examined the foregoing application, together with the accompanying maps and data, and return the same for

In order to retain its priority, this application must be returned to the State Engineer, with corrections on or before , 19.

WITNESS my hand this day of , 19.

STATE ENGINEER

By ASSISTANT

Remarks:

STATE OF OREGON, }
County of Marion, } ss.

This is to certify that I have examined the foregoing application and do hereby grant the same, subject to the following limitations and conditions: The right herein granted is limited to the construction of a reservoir and storage of water from an unnamed stream to be appropriated under application No. 45291, permit No. 33217 for recreation and the dam shall be constructed under the supervision of a registered professional engineer.

The right hereunder shall be limited to the storage of 28.5 acre feet.

The priority date of this permit is August 13, 1968

Actual construction work shall begin on or before September 5, 1969 and shall thereafter be prosecuted with reasonable diligence and be completed on or before October 1, 1970..

WITNESS my hand this 5th day of September, 1968.

STATE ENGINEER

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WATER RESOURCES DEPT
SALEM, OREGON

Application No. R-45290

Reservoir Permit No. R 5245

PERMIT

To construct a reservoir and store for beneficial use the unappropriated waters of the State of Oregon.

This instrument was first received in the office of the State Engineer at Salem, Oregon, on the 13 day of August, 1968, at 9:48 o'clock A. M.

Returned to applicant:

Approved:

September 5, 1968

Recorded in Book No. _____ of
Reservoirs, on Page R 5245

CHRIS L. WHEELER

State Engineer

Drainage Basin No. 2 page 6239

Fees \$300

SP*12987-119

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