

Joel Plahn

From: Bill Kness [billkness@stuntzner.com]
Sent: Tuesday, March 03, 2009 3:57 PM
To: Joel Plahn
Cc: 'Eric Urstadt'; Mark Gould
Subject: Updated WR Application Map for Laughlin Orchards R-87366 & S-87367
Attachments: 2009-03-03 3082127B WR Appl Map.pdf

Joel,

I've attached a pdf copy of a revised Water Right Application Map for the above referenced applications. Due to potential wetland issues, the location of the proposed reservoir is moved to a drainage swale in the NW ¼ of the SW ¼ of S19 as shown on the revised map. The only items that changed on this new map are:

- 1) Location of the proposed reservoir. This new location still drains north and then west into an unnamed tributary to Hawn Creek.
- 2) The dimensions to the POD from the SW corner of Section 19 are now 1090' east and 2340' north.
- 3) Acres of proposed irrigation area reduced in NW SW to 36.7 and increased in the SE SW to 35.3. Total proposed acres stays at 166.5.
- 4) The configuration of the "Proposed Main Irrigation Pipes" were changed slightly to better follow existing topography.

Please let us know if you need a hard copy of this map mailed to you, or if you need any additional information. Thank you.

Bill

*Bill Kness, PE
Stuntzner Engineering & Forestry, LLC
2137 19th Avenue, Forest Grove, OR 97116
503-357-5717 (office)
503-804-3157 (cell)
503-357-5698 (fax)*

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

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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: Laughlin Orchards, Inc. Robert Laughlin
First Last
Mailing Address: PO Box 399
Carlton OR 97111
City State Zip
Phone: --- 503-852-6347 503-852-2228
Home Work Other
*Fax: 503-852-6784 *Email Address: r laugh@laughlincartrell.com
**optional information*

2. LOCATION AND SOURCE

A. Reservoir Name: Bonnie Jean Reservoir
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 (no channel) Tributary to: Unnamed trib. to Hawk Creek

C. Reservoir Location

Township (N or S)	Range (E or W)	Section	quarter/quarter	tax lot number
3S	3W	19	SE/SW	400

D. County of Use: Yamhill
E. Dam: Maximum height of dam: 25 feet. If excavated, write "excavated" or "0 feet".
F. Quantity: Amount of water to be stored in the reservoir at maximum capacity.
List quantity in Acre-Feet: 9.1

3. 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

For Department Use
App. No. R-87366 Permit No. _____ Date _____

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4. PROPERTY OWNERSHIP

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

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

There are no encumbrances

This land is encumbered by easements, rights of way, roads or other encumbrances (please provide a copy of the recorded deed(s))

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 Name and mailing addresses of all affected land owners:

[Empty box for listing affected land owners]

5. 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 from 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.

[Empty box for indicating agencies and cost sharing]

6. SIGNATURE

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

Robert S. Jungheim P.O. Laughlin Orchards Inc 12/14/2008
Landowner Signature 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.

FEE STRUCTURE: The fee is based on the number of acre-feet proposed to be stored. The base fee is \$80. In addition, there is a fee of \$20 per acre-foot or fraction thereof. Example: 0.3 AF= \$ 100 ; 1.5 AF= \$ 120 ; 20.0 AF= \$ 480 ; 30.0 AF= \$ 680.



Oregon Water Resources Department
Land Use Information Form

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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: Robert Laughlin
Mailing Address: P.O. Box 399
City: Carlton State: OR Zip: 97111 Day Phone: 503-852-2228

This 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.

Table with 8 columns: Township, Range, Section, 1/4 1/4, Tax Lot #, Plan Designation (e.g. Rural Residential/RR-5), Water to be: (Diverted, Conveyed, Used), Proposed Land Use: (Irrigation). Row 1: 3S, 3W, 19, SW, 400, EF-80, [X] Diverted [X] Conveyed [X] Used, Irrigation.

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

B. Description of Proposed Use

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

- [X] 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: [X] Reservoir/Pond [] Ground Water [X] Surface Water (name) Unbuilt Reservoir

Estimated quantity of water needed: 415 [] cubic feet per second [] gallons per minute [X] acre-feet

Intended use of water: [X] Irrigation [] Commercial [] Industrial [] Domestic for household(s)
[] Municipal [] Quasi-municipal [] Instream [] Other

Briefly describe: Submitting water right application to Oregon Water Resources Department for permits to use surface water and to store water for irrigation for land zoned in EF-80 district.

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): 402 OF C.Z.O.

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:	
		<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: Martin Christ-Maslin Title: ASSOC. PLANNER

Signature: [Signature] Phone: 503-434-7516 Date: 12-8-08

Government Entity: YAMHILL 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.

After recording, return to:

Walter R. Gowell, Attorney
P.O. Box 480
McMinnville, OR 97128

Send Tax Statements to:

No Change

OFFICIAL YAMHILL COUNTY RECORDS
JAN COLEMAN, COUNTY CLERK

200721769



\$36.00

10/02/2007 02:46:35 PM

DNR-DDMR Cnt=1 Sln=2 ANITA
\$15.00 \$10.00 \$11.00

WARRANTY DEED

Laughlin Orchards, Inc., an Oregon Corporation, "Grantor", hereby conveys and warrants to Laughlin Orchard, Inc., an Oregon Corporation, as "Grantee", the following real property, free of encumbrances except for matters of public record:

See Attached Exhibit "A".

The true consideration for this conveyance is the sum of \$-0-.

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 TITLED TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY UNDER ORS 197.352.

DATED this 1 day of Oct, 2007.

Robert S. Laughlin

Robert S. Laughlin
President, Laughlin Orchards, Inc.
An Oregon Corporation

STATE OF OREGON,
COUNTY OF YAMHILL)

The foregoing instrument was acknowledged before me on this 1st day of October, 2007, By Robert S. Laughlin, as President of Laughlin Orchards, Inc., an Oregon Corporation, on behalf of the corporation.

Before me:



Diann Conber
Notary Public for Oregon
My Commission Expires: 5-19-2009

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EXHIBIT "A"**Parcel #1**

Being a part of the Donation Land Claim of James Scott and wife, Claim No. 50 in Township 3 South, Range 3 West of the Willamette Meridian, in Yamhill County, Oregon, said part being more particularly bounded and described as follows, to-wit:

Beginning on the West boundary line of said Donation Land Claim at a point 1707 feet South 5°45' West from the Northwest corner of said Claim, and running thence South 86°10' East 1699 feet to the center of the County Road now there; thence in a Southwesterly direction along the center of said County Road 50 chains, more or less, to the South boundary line of said D.L.C.; thence North 85° West 1065 feet to the Southwest corner of said D.L.C.; thence North 5° 45' East along the West boundary line of said Donation Land Claim 48.10 chains to the place of beginning.

SAVE AND EXCEPTING there from,
All that part of the above-described property lying North of Intervale Road (County Road # 311):

SUBJECT TO: The rights of the public in streets, roads, and highways.

Parcel #2

All that part of the following described property lying North of Intervale Road (county Road #311):

Being a part of the Donation Land Claim of James Scott and wife, Claim No. 50 in Township 3 South, Range 3 West of the Willamette Meridian, in Yamhill County, Oregon, said part being more particularly bounded and described as follows, to-wit:

Beginning on the West boundary line of said Donation Land Claim at a point 1707 feet South 5°45' West from the Northwest corner of said Claim, and running thence South 86°10' East 1699 feet to the center of the County Road now there; thence in a Southwesterly direction along the center of said County Road 50 chains, more or less, to the South boundary line of said D.L.C; thence North 85° West 1065 feet to the Southwest corner of said D.L.C; thence North 5° 45' East long the West boundary line of said Donation Land Claim 48.10 chains to the place of beginning.

SUBJECT TO: The right of the public in streets, roads, and highways.

Parcel #3

Beginning at the Southeast corner of the Abijah S. Hendrix Donation Land Claim, Notification NO. 1529, Claim NO. 63, in Township 3 South, Range 3 West of the Willamette Meridian, in Yamhill County, Oregon; thence North 89°43' West along the South line of said Claim 21.42 chains to a stake; thence North 19.76 chains to a stake in center the county road; thence South 61°50' East along the center of said road 25.203 chains; thence South 5°45' West 8.00 chains to the place of beginning, containing 30 acres, more or less.

SUBJECT TO: The right of the public in streets, roads, and highways.

Parcel #4

Being a part of that Donation Land Claim of William Smith in Township 3 South of Range 3 and 4 of the Willamette Meridian in the County of Yamhill, State of Oregon, and said part being bounded as follows, to-wit: Beginning at the Northeast corner of lands formerly owned by George M. Perkins, and sold and conveyed by him to Elizabeth Harrington; thence running South 5° 45' West 15.80 chains to corner of lands formerly owned by Edna S. Green; thence West 25.00 chains to the Southwest corner of the tract of land hereby conveyed to stake from which the Northwest corner of the James Green Donation Land Claim bears West 125 links distant; thence running North 15.72 chains to the North line of said William Smith Donation Land Claim, and North line of the land formerly owned by George M. Perkins; thence running East to the place of beginning, containing 40 acres by measurement, as made by County Surveyor, C.E. Branson, of Yamhill County, Oregon on March 2nd, 1895. Said premise being

WARRANTY DEED - PAGE 2 of 3

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same premises a described in deed and conveyed by deed executed by George M. Perkins, to Elizabeth Harrington of date of October 19th, 1895, and recorded at page No. 375 of Volume No. 31 of Records of Deeds for said Yamhill County, Oregon.

SUBJECT TO: The rights of the public in streets, roads, and highways.

This conveyance is given pursuant to lot line adjustment approvals as set forth in Yamhill County Department of Planning and Development file no. L-62-07, making no change to the boundaries of current tax lot 3319-400.

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