



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
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

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Applicant: Kenny Unger DEC 12 2008

First

Last

WATER RESOURCES DEPT
SALEM, OREGON

Mailing Address: 9816 Burnett Avenue

North Hills

CA

91343

City

State

Zip

Phone: -----

818-371-8005

Home

Work

Other

*Fax: -----

*Email Address: KenyonLand@msn.com

*optional information

2. LOCATION AND SOURCE

A. Reservoir Name: Unger #3 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: Surface run-off (No Channel) Tributary to: Hutchcroft Crk.

C. Reservoir Location

Table with 5 columns: Township (N or S), Range (E or W), Section, quarter/quarter, tax lot number. Row 1: 2S, 5W, 36, SW/SE, 800

D. County of Use: Yamhill County

E. Dam: Maximum height of dam: Excavated 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

For Department Use
App. No. R-87363 Permit No. Date

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

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4. PROPERTY OWNERSHIP

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

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SALEM, OREGON

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 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 listing agencies]

6. SIGNATURE

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

[Handwritten signature]

12-2-08

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.



R-87363

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: Kenny Unger
Mailing Address: 9816 Burnett Ave.
City: North Hills State: CA Zip: 91343 Day Phone: 818-371-8005

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.

Township	Range	Section	¼ ¼	Tax Lot #	Plan Designation (e.g. Rural Residential/RR-5)	Water to be:	Proposed Land Use:
2S	5W	36	SE SW	800	EF-80	<input checked="" type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	Nursery/Irrig.
3S	5W	2	NE	100	AF-40 + AF-80	<input checked="" type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	Nursery/Irrig.
						<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input type="checkbox"/> Used	
						<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input type="checkbox"/> Used	

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

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

Source of water: Reservoir/Pond Ground Water Surface Water (name) Hutchcroft Crk & unbuilt resv.

Estimated quantity of water needed: 450 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 Nursery

Briefly describe: Submitting applications for permits to use surface water and to store water to Oregon Water Resources Department for nursery use and 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): Sections 402 + 403 of the YCZO

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
		<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: Stephanie Armstrong Title: Planner
 Signature: [Signature] Phone: 503.434.7516 Date: 11.20.08
 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.

P-87367
⑨
R2536 00800

TICOR TITLE INSURANCE

Recorded in Official Yamhill County Records
CHARLES STERN, COUNTY CLERK

40.00

199817013 3:11pm 08/28/98

001 074061 10 04 000202
1 0 008 2 10.00 10.00 20.00 0.00 0.00 0.00

WARRANTY DEED

GRANTOR: ANTHONY MATTOS

GRANTEE: KENNETH UNGER

Until a change is requested, all tax statements shall be sent to the following address:

KENNETH UNGER
18145 NW ROCKYFORD RD
YAMHILL, OR 97148

Escrow No. 80446 Title No. 80446

After recording return to:
KENNETH UNGER
18145 NW ROCKYFORD RD
YAMHILL, OR 97148

STATUTORY WARRANTY DEED

ANTHONY MATTOS AND DOLORES MATTOS, husband and wife Grantor, conveys and warrants to KENNETH UNGER Grantee, the following described real property free of encumbrances except as specifically set forth herein situated in YAMHILL County, Oregon, to wit:

SEE 'LEGAL DESCRIPTION' ATTACHED HERETO AND BY REFERENCE MADE A PART HEREOF.

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930. The said property is free from encumbrances except: 1998-99 taxes a lien but not yet determined or payable; premises herein have been zoned or classified for farm use, any disqualification will subject the premises to additional taxes and interest; rights of the public in streets, roads and highways; Easement recorded 7/26/68 in FV 71, Page 454; Mineral rights reserved in Deed from Oregon and California (SEE EXHIBIT 'A')

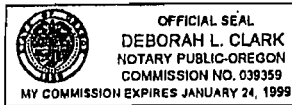
The true consideration for this conveyance is \$375,000.00 (Here comply with the requirements of ORS 93.030)

Dated this 28th day of August 19 98

Anthony Mattos
ANTHONY MATTOS
Dolores Mattos
DOLORES MATTOS

State of Oregon, County of Yamhill
The foregoing instrument was acknowledged before me this 28th day of August, 1998 by
ANTHONY MATTOS
DOLORES MATTOS

Deborah L Clark
Notary Public for Oregon
My commission expires: 1-24-99



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80446 dec

TICOR TITLE INSURANCE COMPANY

0 10-98

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TICOR TITLE INSURANCE

EXHIBIT 'A'

DEED EXCEPTIONS

Railroad Co recorded 1/26/1891 in Book 24, Page 395.

LEGAL DESCRIPTION

-----PARCEL 1: The following portions of the Donation Land Claim of Elisha Bedwell No. 37 Section 36, Township 2 South, Range 5 West of the Willamette Meridian in Yamhill County, Oregon, more particularly described as follows:

(A) Lot No. 1A of County survey No. 2241, described as follows:
Beginning at a stake on the West line of said Claim at a point 10.276 chains North 1°14' East from the Southwest corner of said Claim; thence North 1°14' East along the West line of Claim, 3.069 chains to a stake; thence East between Lot 1A and 2A, 42.562 chains to a stake in the center of the county road; thence South 0°35' West along the center of county road, 0.77 of a chain to angle in said road; thence South 15°14' West along center of road, 2.371 chains to stake; thence West 42.036 chains to beginning.

ALSO Lot No. 2A of county survey No. 2241, described as follows:
Beginning at a stake on the West line of said Claim at a point 13.345 chains North 1°14' East from the Southwest corner of said Claim; thence North 1°14' East along the West line of Claim, 5.645 chains to a stake; thence East between Lots 2A and 4A, 42.501 chains to a stake in the center of the county road; thence South 0°35' West along the center of said road, 5.644 chains to stake; thence West 42.562 chains to beginning.

ALSO Lot No. 7A of county survey No. 2241, described as follows:
Beginning at a stake set on the West line of said Claim at a point 6.913 chains North 1°14' East from the Southwest corner; thence North 1°14' East along the West line of Claim, 3.63 chains to a stake; thence East between Lots 1A and 7A, 42.036 chains to stake in the center of county road; thence South 14°15' West along center of said county road, 3.469 chains to stake; thence West 41.265 chains to beginning.

(B) Being a part of the Elisha Bedwell Donation Land Claim Notification No. 1542, Claim No. 37 in Township 2 South, Range 5 West of the Willamette Meridian in Yamhill County, Oregon, and beginning at the Southwest corner of Lot 4A, said point being on the West line of and North 1°14' East 18.99 chains from the Southwest corner of said Claim; thence East with South line of Lot 4A, County survey No. 2241, 42.501 chains to the Southeast corner in center of county road; thence North 00°35' East along center of road, 1.515 chains; thence North 77°20' West, 43.337 chains to stake on West line of said Claim; thence South 1°14' West along the West line of Claim 11.023 chains to the point of beginning.

PARCEL 2: An undivided 1/7 interest in and to the following described property:

BEGINNING at a point 22.00 chains South of the Northwest corner of the Northeast Quarter of the Southeast Quarter of Section 35, Township 2 South, Range 5 West of the Willamette Meridian in Yamhill County, Oregon and running thence North 22.00 chains; thence East 23.00 chains to the West line of the Elijah Bedwell and wife Donation Land Claim; thence South 18.00 chains; thence running in a straight line to the point of beginning. Said lands being in Sections 35 and 36 in Township 2 South, Range 5 West of the Willamette Meridian in Yamhill County, Oregon.

SAVING AND EXCEPTING therefrom that certain tract conveyed by City of Yamhill to Fred Cane et al. by deed recorded February 1, 1944 in Book 123, Page 462, Deed Records.-----

8-28-98

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RECORDING REQUESTED BY
FIDELITY NATIONAL TITLE COMPANY OF OREGON

GRANTOR'S NAME
William C. Remior

GRANTEE'S NAME
Kenny Unger

SEND TAX STATEMENTS TO:
Kenny Unger
9816 Burnet Ave.
Sepulveda, CA 91343

AFTER RECORDING RETURN TO:
Kenny Unger
9816 Burnet Ave.
Sepulveda, CA 91343

OFFICIAL YAMHILL COUNTY RECORDS
JAN COLEMAN, COUNTY CLERK



\$31.00

200610450

2:52:53 PM 5/10/2006

DMR-DDMR Cnt=1 Str=3 KENTV
\$10.00 \$10.00 \$11.00

FNT 21-28850

STATUTORY WARRANTY DEED

William *. Remior., Grantor, conveys and warrants to

*Charles
Kenny Unger, As An Individual, Grantee, the following described real property, free and clear of encumbrances except as specifically set forth below, situated in the County of Yamhill, State of Oregon,

SEE EXHIBIT ONE ATTACHED HERETO AND MADE A PART HEREOF

Subject to and excepting:

Covenants, conditions, restrictions and easements of record, if any; As disclosed by the assessment and tax roll, the premises herein have been specially assessed for forest use. If the land becomes disqualified for this special assessment under the statutes, an additional tax, plus interest and penalty, will be levied and the Grantee herein agrees to pay for said amounts.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER CHAPTER 1, OREGON LAWS 2005 (BALLOT MEASURE 37 (2004)). THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY 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 CHAPTER 1, OREGON LAWS 2005 (BALLOT MEASURE 37 (2004)).

THE TRUE AND ACTUAL CONSIDERATION FOR THIS CONVEYANCE IS \$392,325.00 (See ORS 93.030)

DATED: April 27, 2006

William C. Remior
William C. Remior

STATE OF OREGON
COUNTY OF Yamhill

This instrument was acknowledged before me on

William C. Remior

by [Signature]

NOTARY PUBLIC FOR OREGON
MY COMMISSION EXPIRES: _____



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WATER RESOURCES DEPT
SALEM, OREGON**Legal Description of TRACT B**

A tract of land in Section 2, Township 3 South, Range 5 West, Yamhill County, Oregon, being part of Parcel 1 and all of Parcel 2, 3 and 4 of those tracts of land described in deed from THE WILLIAM REMIOR & MARTHA REMIOR LIVING TRUST AGREEMENT to WILLIAM CHARLES REMOIR and recorded in Instrument No. 2004-13888, Yamhill County Deed Records, and being more particularly described as follows:

Beginning at the north 1/4 of Section 2, being marked by an iron pipe & brass cap; thence North 89°40'00" East 1324.60 feet along the north line of said Section 2 to an angle point in said Parcel 2; thence North 0°08'24" West 1191.64 feet to an angle point in said Parcel 2; thence North 78°20'00" East 1487.72 feet along the north line of said Parcel 2 and Parcel 3 to the northeast corner of said Parcel 3; thence South 1°06'37" West 1206.18 feet along the east line of said Parcel 3 and Parcel 4 to the southeast corner of said Parcel 4; thence South 89°35'00" West 125.07 feet to an angle point in said Parcel 4; thence North 86°01'28" West 770.91 feet to an angle point in said Parcel 4, said point held as being on the east line of said Parcel 2; thence South 0°06'07" West 995.01 feet to the southeast corner of said Parcel 2; thence North 89°40'00" East 773.42 feet to the northeast corner of said Parcel 1, said point on record as being 10 chains South of the Northeast corner of the Commodore P. McCullough Certificate Claim (erroneously referred to in previous deed as a donation land claim, and, said northeast corner of claim is also the northeast corner of Section 2); thence South 1°25'21" West 314.48 feet to an iron rod on the east line of said Parcel 1; thence South 83°42'57" West 943.36 feet to an iron rod; thence South 65°41'03" West 1855.90 feet to an iron rod on the west line of said Parcel 1; thence North 0°07'29" East 1825.58 feet along the west line of said Parcel 1 and Parcel 2 to the POINT OF BEGINNING.

TOGETHER WITH the following described access & utility easement:

A 30 foot wide easement in Section 2, Township 3 South, Range 5 West, Yamhill County, Oregon, being across a portion of Parcel 1 of those tracts of land described in deed from THE WILLIAM REMIOR & MARTHA REMIOR LIVING TRUST AGREEMENT to WILLIAM CHARLES REMOIR and recorded in Instrument No. 2004-13888, Yamhill County Deed Records, the centerline of which is described as follows:

Beginning at an iron pipe and brass cap marking the north 1/4 corner of Section 2; thence South 0°07'29" West 1825.58 feet to an iron rod on the west line of said Parcel 1; thence North 65°41'03" East 21.98 feet to the TRUE POINT OF BEGINNING; thence South 2°31'48" East 263.10 feet; thence South 6°34'54" East 277.61 feet to the beginning of a curve having a radius of 495.00 feet and being concave to the west; thence Southerly 273.29 feet along said curve (Chord= South 9°14'05" West 269.83 feet) to the County Road.