



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

(Standard Review)

Standard Review Process (ORS 537): You must use this form for any reservoir storing more than 9.2 acre-feet *and* with a dam more 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: Garth and Susan Mulkey
First Last

Mailing Address: 13535 DeArmond Road

Monmouth Oregon 97361
City State Zip

Phone: 503-838-6056 503-932-4979
Home Work Other

*Fax: _____ *Email Address: mulkeyfarm@yahoo.com

I(We) make application for a permit to construct a reservoir and store the following described waters of the State of Oregon. The name of the reservoir is Valley View Reservoir

2. SOURCE OF WATER for the proposed use: Surface water from farmland,
 a tributary of Berry Creek

Is the proposed use an enlargement of an existing dam/reservoir? Yes No

If the reservoir is not in channel of a stream, state how it is to be filled:

Primarily from surface drainage from surrounding farmland. Secondarily from Berry Creek if needed. (Pumped to reservoir)	RECEIVED MAR 12 2010 WATER RESOURCES DEPT SALEM, OREGON
---	---

For Department Use		
App. No. <u>R-87590</u>	Permit No. _____	Date _____



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

(Standard Review)

Standard Review Process (ORS 537): You must use this form for any reservoir storing more than 9.2 acre-feet *and* with a dam more 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: Garth and Susan Mulkey
First Last

Mailing Address: 13535 DeArmond Road

Monmouth Oregon 97361
City State Zip

Phone: 503-838-6056 503-932-4979
Home Work Other

*Fax: _____ *Email Address: mulkeyfarm@yahoo.com

I(We) make application for a permit to construct a reservoir and store the following described waters of the State of Oregon. The name of the reservoir is Valley View Reservoir

2. SOURCE OF WATER for the proposed use: Surface water from farmland,
 a tributary of Berry Creek

Is the proposed use an enlargement of an existing dam/reservoir? Yes No

If the reservoir is not in channel of a stream, state how it is to be filled:

Primarily from surface drainage from surrounding farmland.
 Secondarily from Berry Creek if needed. (Pumped to reservoir)

RECEIVED
 MAR 12 2010
 WATER RESOURCES DEPT
 SALEM, OREGON

For Department Use		
App. No. <u>2-87590</u>	Permit No. _____	Date _____

3. DAM HEIGHT AND COMPOSITION

The maximum height of the structure will be 22 feet above streambed or ground surface at the centerline of the crest of the dam.

Note: If your dam height is greater than or equal to 10.0' above land surface AND your reservoir will store equal to or greater than 9.2 acre-feet, engineered plans and specifications must be approved prior to storage of water.

The dam will be (check one): Earthfill Concrete Flash board Other

If "other" give description:

4. PRIMARY OUTLET WORKS

Describe the location and the dimensions of the outlet conduit through the dam:

The location will be in the midpoint of the dam. The stand pipe will be 24 inches in diameter, the conduit will also be 24 inches.

NOTE: Most dams across a natural stream channel will need an outlet conduit having a minimum diameter of 8 inches or greater.

5. EMERGENCY SPILLWAY

Describe the location and the dimensions of the spillway channel:

The emergency spillway will be located on the west end of the dam. It will be 12' wide and it's elevation will be 12" above the primary outlet. The spillway will be in an area of un-worked soil covered with grass sod.

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

Irrigation of cropland.

RECEIVED
MAR 12 2010
WATER RESOURCES DEPT
SALEM, OREGON

R-87590

7. THE AMOUNT OF WATER to be stored is: ~~95~~ 103 acre-feet.
The area submerged by the reservoir, when filled, will be ~~9.8~~ 11.27 acres.

8. PROJECT SCHEDULE (List Month and Year)

Proposed date construction will begin: July 5, 2010

Proposed date construction will be completed: September 25, 2010

Proposed date beneficial water use will begin: April 2, 2011

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

9. 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 10)

- 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).

RECEIVED
MAR 12 2010
WATER RESOURCES DEPT
SALEM, OREGON

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*

* Attach additional sheet(s) if necessary.

10. 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 reservoir location and place of use. The map must provide tax lot numbers. See the map guidelines sheet for detailed map specifications.

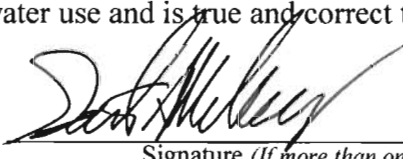
11. SIGNATURE

By my signature below I confirm that I understand:

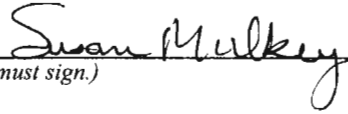
- I am asking to use water specifically as described in this application.
- Evaluation of this application will be based on information provided in the application packet.
- I cannot legally use water until the Water Resources Department issues a permit to me.
- If I get a permit, I must not waste water.
- 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, I may have to stop using water to allow senior water right holders to get water to which they are entitled.

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

Applicant:



Signature (If more than one applicant, all must sign.)



3.12.10
Date

Before you submit your application be sure to:

- Answer each question completely.
- Attach a legible map that includes township, range, section, quarter/quarter and tax lot.
- Include a Land Use Information Form or receipt stub signed by a local official.
- Include the legal description of all the property involved with this application. You may include a copy of your deed land sales contract or title insurance policy to meet this requirement.
- Include 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.

RECEIVED

MAR 12 2010

WATER RESOURCES DEPT
SALEM, OREGON



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: Garth and Susan Mulkey
Mailing Address: 13535 DeArmond Road
City: Moamouth State: OR Zip: 97361 Day Phone: 503 932 4979

RECEIVED

MAR 12 2010

WATER RESOURCES DEPT

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:
9S	5W	35	sw/sw	400		<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	Irrigation
						<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input type="checkbox"/> Used	
						<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. Polk Co.

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) run off

Estimated quantity of water needed: 95 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

Briefly describe: We will be building a reservoir to store water and use the water to irrigate 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.

Receipt for Request for Land Use Information

State of Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, OR 97301-1266

R-8759D

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): PC70.036.030(A) - Farm Use

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
N/A	N/A	<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.

RECEIVED

MAR 12 2010

WATER RESOURCES DEPT
SALEM, OREGON

Name: Jerry Sorte Title: Planning Supervisor

Signature: [Signature] Phone: 503-623-9237 Date: 10/14/09

Government Entity: Polk Co

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: _____

12-8-2010

RECEIVED

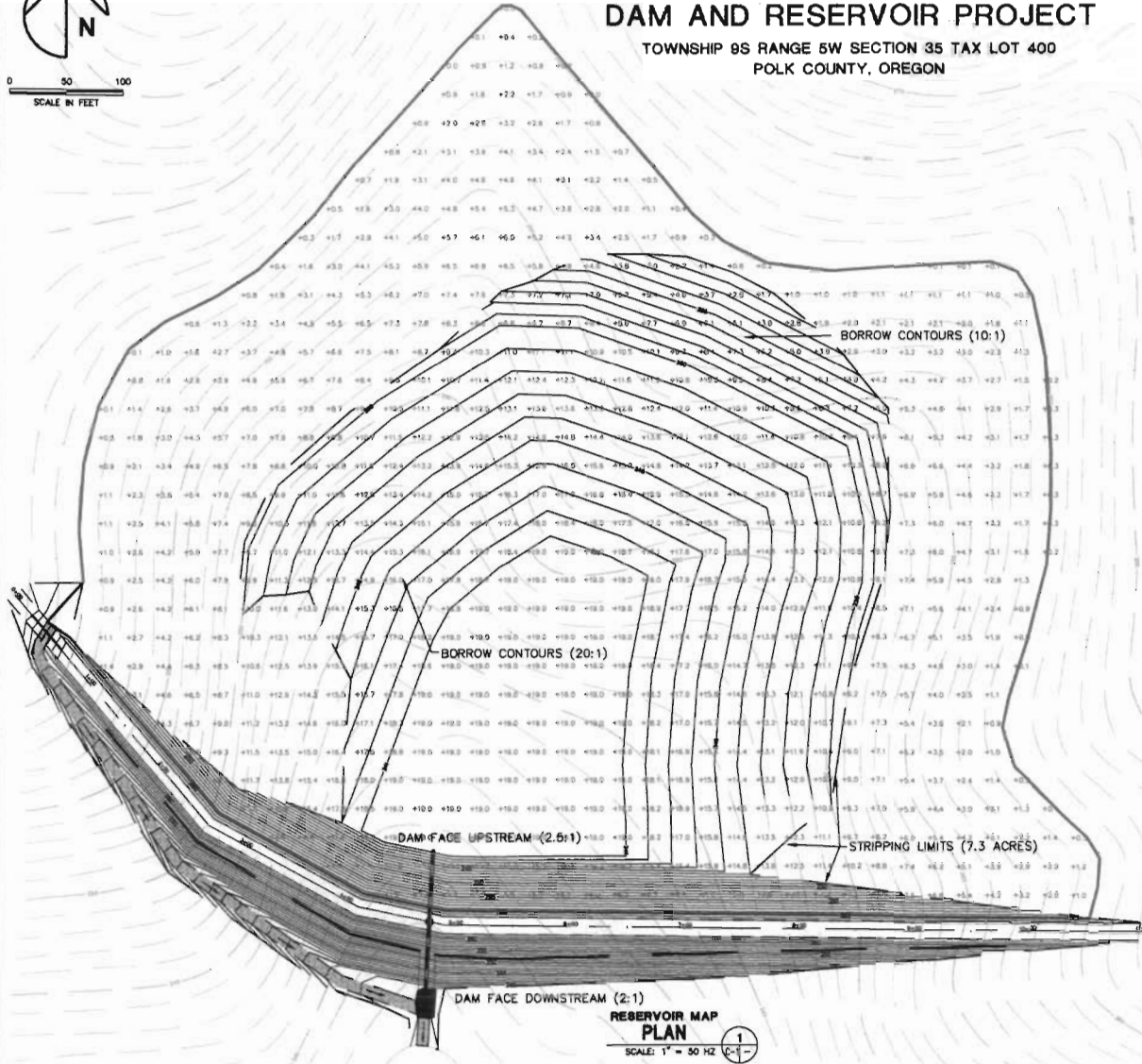
MAR 12 2010

WATER RESOURCES DEPT
SALEM, OREGON

MULKEY FARM
DAM AND RESERVOIR PROJECT
TOWNSHIP 9S RANGE 5W SECTION 35 TAX LOT 400
POLK COUNTY, OREGON



0 50 100
SCALE IN FEET



LOCATION
PLAN
SCALE: 1"=150'

RESERVOIR AREA AND VOLUMES

- WATER SURFACE AREA AT 260' ELEVATION = 11.27 ACRES
- POND VOLUME AT 260' WATER ELEVATION = 103 Acre Feet*
- DAM SOIL VOLUME REQUIRED = 26,300 CYS **
- RESERVOIR VOLUME INCLUDES 16.3 ACRE FEET OF STORAGE AFTER SOIL VOLUME IS BORROWED TO CONSTRUCT DAM
- ** DOES NOT INCLUDE KEYWAY VOLUME
- *** STRIPPINGS AREA NOT INCLUDED IN VOLUME CALCULATION
STRIPPING AREA = 7.3 ACRES

INDEX OF DRAWINGS

- C-1 COVER SHEET
- C-2 SITE PLAN
- C-3 SECTIONS/DETAILS
- C-4 DETAILS

WARNING
0 0.5 1.0
IF THIS BAR DOES NOT MEASURE 1" THEN DRAWING IS NOT TO SCALE

PRELIMINARY REVIEW

Willamette
Engineering and Earth Sciences
Portland, Oregon 97208
PH: 503.623.0304
FAX: 503.623.0304



MULKEY FARMS
RESERVOIR AND DAM PROJECT
Garth and Susan Mulkey
13525 DeArmond Rd, Monmouth Or, 97361

REV: _____ DATE: _____ BY: _____

PROJECT NO:
2010-MLK 01

DATE: 2-23-10
DESIGNED: G. HOFFNER
ENGINEER: R. LUTZ
CHECKED: _____
SHEET TITLE:
COVER SHEET
SHEET NUMBER:
C-1

... PERSONS BY THESE PRESENTS, that **GILAN MULKEY**, hereinafter called the grantor, for the consideration hereinafter stated, to grantor paid by **GARTH MULKEY and SUSAN MULKEY, Husband and Wife**, as joint tenants with right of survivorship, hereinafter called the grantee, does hereby grant, bargain, sell and convey unto the grantee and grantee's heirs, successors and assigns, that certain real property, with the tenements, hereditaments and appurtenances thereunto belonging or in any way appertaining, situated in Polk County, State of Oregon, as described below:

TRACT 1: Beginning at an iron pipe 2 inches in diameter in the center of the County Road 26.91 chains North and 2.96 chains East of the Southwest corner of Section 35 in Township 9 South, Range 5 West of the Willamette Meridian, Polk County, Oregon; thence West 10.5 chains; thence South 52.43 chains, more or less, to the South boundary line of the land formerly owned by Emerson Brothers as described in Book 9, at Page 20, Polk County Survey Records; thence South 83°15' East along said Emerson Brothers line 10.573 chains; thence North 53.68 chains, more or less, to the place of beginning, situated in Townships 9 and 10, South, Range 5 West of the Willamette Meridian, Polk County, Oregon.

TRACT 2: Beginning at the Southwest corner of the Northwest quarter (NW 1/4) of Section 2 in Township 10 South, Range 5 West of the Willamette Meridian, in Polk County, Oregon; thence North on the Section line, 13 chains, more or less, to the South line of land deeded to Emerson Bros. As disclosed in Tract 1 above; thence South 83°15' East 2.96 chains to the Southeast corner of the said Emerson Tract; thence North 53.68 chains, more or less, to the center line of the County Road; thence East 29.22 chains; thence South 66.91 chains, more or less, to the South line of said Northwest quarter (NW 1/4) of said Section 2; thence West 32.18 chains to the place of beginning.

SAVE AND EXCEPT that portion of the above described tracts lying within the boundaries of public roads and highways.

SAVE AND EXCEPT all timber rights to any standing timber as of January 1, 2000, present on the above described tracts.

EXCEPT easement, including the terms and provisions thereof, conveyed to Mountain States Power Company, by that certain instrument recorded January 7, 1948 in Volume 132, Page 184, Deed Records for Polk County, Oregon.

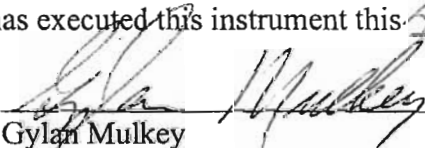
EXCEPT a mortgage against the above described tracts in the approximate amount of ONE-HUNDRED TWENTY-ONE THOUSAND ONE-HUNDRED SIXTY AND 70/100 DOLLARS (\$121,160.70) held by the Federal Land Bank.

TOGETHER WITH all water rights on the above premises for domestic water use through the existing community water system with Ralph Kester and others.

TO HAVE AND TO HOLD the same unto the grantee and grantee's heirs, successors and assigns forever. The Grantor hereby covenants to and with Grantee and Grantee's heirs, successors and assigns, that Grantor is lawfully seized in fee simple of the above granted premises, free from all encumbrances except as set forth above and that Grantor will warrant and forever defend the premises and every part and parcel thereof against the lawful claims and demands of all person whomsoever, except those claiming under the above described encumbrances. THE TRUE AND ACTUAL CONSIDERATION paid for this transaction, stated in terms of dollars is TWO-HUNDRED EIGHTY THOUSAND DOLLARS (\$280,000), which is the WHOLE of the consideration.

IN CONSTRUING this deed, where the context so requires, the singular includes the plural and all grammatical changes shall be made so that this deed shall apply equally to corporations or individuals.

IN WITNESS WHEREOF, the Grantor has executed this instrument this 4 day of January, 2000;


Gylan Mulkey

RECEIVED
MAR 12 2010
WATER RESOURCES DEPT
SALEM, OREGON

STATE OF OREGON,)
County of Benton) ss:

On this 4 day of January, 2000, the foregoing instrument was acknowledged before me by Gylan Mulkey, an individual.



Notary Public for Oregon

LINDA DAWSON, COUNTY CLERK
26.00
11:29:18 AM 01/06/2000
1 KELLERL
RECORDING WD 1
200000149
00001201200000149001

R-87590