

## *H & R Engineering, LLC*

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690 Loring Drive NW  
Salem, OR 97304  
Phone and Fax: 503-581-9272

Bruce D. Wilson, P. E.  
1975 Rock Ledge Dr. NE  
Keizer, OR 97303  
Phone: 866-493-3243

July 1, 2011

Michele McAleer  
Oregon Water Resources Department  
725 Summer Street NE Suite A  
Salem, Oregon 97301

Reference: Robert L. and Leann R. Mckee Permit Applications for Surface Water, Ground Water and Storage in two Reservoirs.

Thank you again for assistance provided during the pre-application meeting held on June 24<sup>th</sup>.

Since that meeting two changes have been made:

1. I removed the Upper Dam and Reservoir footprint as contributing subsurface drainage area for the Ground Water App. Subsurface field drains in this area will be removed or blocked. This reduced the estimated average flow rate 40% from 10.0 gpm to 6.0 gpm. For the assumed 240 day October 1 through May 30 flow period, annual yield changed from 10.0 acre feet to 6.4 acre feet. The enclosed "Application for Permit to Use Ground Water" uses 6.0 gpm average flow rate and 6.4 acre feet annual yield.
2. The "Application for Permit to Use Surface Water" reflects irrigating from live flow as long as surface water is available. When surface water runoff flows from fields, unnamed springs and subsurface drain outlets are no longer available, either physically or administratively, cropland irrigation will revert to water stored in both reservoirs.

Water volume stored and proposed configuration for both the Upper Dam and Reservoir and the Lower Dam and Reservoir (existing) remain the same.

When available, engineered plans and specifications for the Upper Dam and Reservoir will be submitted to the OWRD for Dam Safety Engineer review and approval.

Feel free to contact me should you have questions or wish to discuss an item office phone and fax 503-581-9272, cell phone 503-559-0551 and email [hardyeng@comcast.net](mailto:hardyeng@comcast.net).



Leland A. Hardy, PE, CWRE

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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

# Application for a Permit to Store Water in a Reservoir

(Standard Review)

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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. However, to obtain authorization for multiple reservoirs, multiple forms may be combined into one application if filed at the same time.

Please type or print in dark ink. If your application is found to be incomplete or inaccurate, we will return it to you. 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](http://www.wrd.state.or.us/OWRD/PUBS/forms.shtml)

## 1. APPLICANT INFORMATION:

Applicant: Robert L. and Leann R. Mckee  
First Last

Mailing Address: 24903 SW Perrydale Road

Amity Oregon 97101  
City State Zip

Phone: 503-835-7200 503-560-3944  
Home Work Other

\*Fax: None \*Email Address: None

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 Lower Reservoir and Upper Reservoir

2. SOURCE OF WATER for the proposed use: springs, field runoff & drains  
 a tributary of Salt Creek and Yamhill River

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:

Lower: Diverse surface flow from unnamed springs, field runoff and subsurface drain outlets.  
 Upper: Field runoff, subsurface drains and pumping from the Lower Reservoir.

**For Department Use**

App. No. \_\_\_\_\_ Permit No. \_\_\_\_\_ Date \_\_\_\_\_

**3. DAM HEIGHT AND COMPOSITION**

The maximum height of the structure will be 12' & 19' 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:

The maximum 12' high Lower Dam and Reservoir (P-77020) was constructed prior to 1/3/1995. The proposed maximum 19' high Upper Dam and Reservoir will be constructed following Permit issue.

**4. PRIMARY OUTLET WORKS**

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

The Lower Dam principle spillway consists of an 18" diameter, asphalt coated, CMP riser w/ trash guard and a 12" diameter, asphalt coated, CMP drain conduit located near the center of the dam. Riser and drain conduit were reinstalled in 2009. The Upper Dam principle spillway will consist of two conduits. A 10" diameter, PVC, concrete encased, pump inlet and reservoir drain pipeline; plus a 27" diameter, PVC, concrete encased, combined principle and emergency spillway conduit on the left abutment.

*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 Lower Dam emergency spillway consists of an excavated earthen, six-foot bottom width spillway on the left abutment. For the Upper Dam, the proposed 27" diameter conduit is designed to carry both long duration low flows and short duration high flows up to a 2% (50-year) runoff event past the dam. A 20-foot bottom width earthen spillway, to be located around the dam on the left abutment, is planned to carry "just-in-case" flows greater than the 2% event.

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

Irrigation and exempt livestock use (existing)  
For the Lower Dam and Reservoir this application for a Permit to "Store Water in a Reservoir" is to allow use of water stored by an existing dam and reservoir (P-77020) to be used for irrigation in addition to the existing exempt livestock use.  
Water stored in the Upper Dam and Reservoir will be used for irrigation of adjacent cropland.

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7. THE AMOUNT OF WATER to be stored is: Lower: 5.0, Upper 60.6 acre-feet.  
The area submerged by the reservoir, when filled, will be Lower: 1.0, Upper 8.4 acres.

**8. PROJECT SCHEDULE (List Month and Year)**

Proposed date construction will begin: Lower: Existing, Upper: July 30, 2013

Proposed date construction will be completed: Lower: Existing, Upper: November 30, 2014

Proposed date beneficial water use will begin: July 30, 2016

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).

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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\*

Mary A. (Freeman) Clow  
21200 SW Mckee Road  
Amity, Oregon 97101

\* 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: Rob Hinder 7-5-2011  
Signature (If more than one applicant, all must sign.) Date  
Laura Miller 7/5/11

**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](http://www.wrd.state.or.us) or call (503) 986-0900.

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# Land Use Information Form



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

Applicant: Bob McKee  
First Last

Mailing Address: 24903 SW Perrydale Road

Amity OR 97101 Daytime Phone: 503.560.3944  
City State Zip

## A. Land and Location

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

Township	Range	Section	¼ ¼	Tax Lot #	Plan Designation (e.g., Rural Residential/RR-5)	Water to be:	Proposed Land Use:
55	4W	31	NWSE	300	AFLH/EF-80	<input checked="" type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	Pond, Cropland
55	4W	31	SWSE	300	AFLH/EF-80	<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	Cropland
55	4W	31	SESW	700	AFLH/EF-80	<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	Cropland
65	4N1	6	NENW	700	AFLH/EF-80	<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	Cropland

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

Yamhill County

## B. Description of Proposed Use

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

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

Source of water:  Reservoir/Pond  Ground Water  Surface Water (name) Field Runoff (Salt Creek)

Estimated quantity of water needed: 60  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:

Irrigation water to grow sweet corn, green beans, gross for seed, small grain, etc

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

See bottom of Page 3. →

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# For Local Government Use Only

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

## Please check the appropriate box below and provide the requested information

Land uses to be served by the proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): Section 402 of the UZO

Land uses to be served by the proposed water uses (including proposed construction) involve discretionary land-use approvals as listed in the table below. (Please attach documentation of applicable land-use approvals which have already been obtained. Record of Action/land-use decision and accompanying findings are sufficient.) If approvals have been obtained but all appeal periods have not ended, check "Being pursued."

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

Name: Stephanne Armstrong Title: Associate Planner  
 Signature: [Signature] Phone: 503-434-7516 Date: 6/7/11  
 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.



### Receipt for Request for Land Use Information

Applicant name: \_\_\_\_\_  
 City or County: \_\_\_\_\_ Staff contact: \_\_\_\_\_  
 Signature: \_\_\_\_\_ Phone: \_\_\_\_\_ Date: \_\_\_\_\_

AlcKee

Tax lot  
5431-300

**BARGAIN AND SALE DEED**

KNOW ALL MEN BY THESE PRESENTS, that STEVE GOFFENA, hereinafter referred to as "Grantor", for the consideration hereinafter stated, hereby grants, bargains, sells, warrants and conveys unto ROBERT McKEE and LEANN McKEE, as husband and wife, hereinafter referred to as "Grantees", and unto Grantees' heirs, successors and assigns, all of Grantor's interest in that certain real property situated in the County of Yamhill, State of Oregon, described as follows:

PARCEL 1 of PARTITION PLAT No. 1991-12, Yamhill County, Oregon.  
SUBJECT TO:

1. Rights of the public in streets, roads and highways.
2. An Easement dated April 3, 1990, as disclosed on Deed from Westway Farms, Inc., recorded at Film Volume 249, Page 0858.
3. Farm use classification and any additional taxes, penalties and interest if said land is disqualified for such use.
4. Rights of Westway Farms, Inc. to maintain the Oak Tree located on the premises.

To have and to hold the same unto the said Grantees and Grantees' heirs, successors and assigns, forever.

And said Grantor hereby covenants to and with said Grantees and Grantees' heirs, successors and assigns, that Grantor is lawfully seized in fee simple of the above granted premises, free from all encumbrances, and that Grantor warrants and will defend the title to the property against all persons who may lawfully claim the same by, through or under the Grantor. ORS 93.855.

The true and actual consideration paid for this transfer consists of value other than dollars.

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.

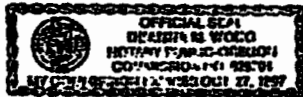
IN WITNESS WHEREOF, Grantor has executed this instrument on the 17<sup>th</sup> day of February, 1995.

*Steve Goffena*  
STEVE GOFFENA *Steve Goffena*

STATE OF OREGON, County of Yamhill ) ss.

February 17, 1995

The above named STEVE GOFFENA personally appeared before me and acknowledged the foregoing instrument to be his voluntary act and deed this 17<sup>th</sup> day of February, 1995.



*Charles Stern*  
Notary Public for Oregon  
My Commission Expires: 10/6/97

After recording, return to:  
WALTER R. GOWELL, Attorney  
P.O. Box 480  
McMinnville, OR 97128

Send tax statements to:  
Robert and LeAnn McKee  
24903 S.W. Perrydale Road  
Amity, OR 97101

INDEXED  
Recorded in Official Yamhill County Records  
CHARLES STERN, COUNTY CLERK  
35.00  
199502083 2:21pm 02/21/95  
001 10002143 10 04  
1 0 000 1 5.00 15.00 20.00 25.00 30.00 35.00

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McKee

Recorded in Yamhill County, Oregon  
CHELSEA STEIN, COUNTY CLERK  
40.00  
199821346 1:30pm 10/30/98  
681 678034 00 05 000203 R  
1 6 D08 2 10.00 10.00 20.00 0.00 0.00 0.00

Encrow No. 144776N

Dean L. Warrick, Trustee

GRANTOR

Robert L. McKee  
Leana R. McKee

GRANTEE

Real Escrowed Deed and Tax Statement To:

Robert L. McKee  
Leana R. McKee  
34903 SW Fairdale Road  
Astley, OR 97101

Name, Address, Zip

TL 6406-700

YAMHILL COUNTY TITLE & ESCROW, INC. 144776

WARRANTY DEED

Dean L. Warrick Trustee w/s/d 4/21/82 and Dean L. Warrick Trustee of the Gail M. Warrick Irrevocable Trust dated 11/24/97, Grantor, conveys and warrants to Robert L. McKee and Leana R. McKee, husband and wife, Grantee, the following described real property free of encumbrances, except as specifically set forth herein situated in YAMHILL COUNTY, OREGON, to wit:

SEE ATTACHED EXHIBIT "A"

This property is free from encumbrances, EXCEPT: the rights of the public, easement recorded 2/16/55 under FV176 Page 152 for water pipeline and power line and easement recorded 4/4/90 under FV242 Page 487 for spring water system and that grantor will warrant and forever defend the same against the legal claims and demands of all persons whatsoever, except those claiming under the above described encumbrances.

The property described herein has been assessed under farm and/or forest tax deferral. Disqualification may result in additional taxes and interest being levied.

THE TRUE CONSIDERATION FOR THIS CONVEYANCE IS \$300,000.00. (Here comply with the requirements of ORS 93.030)

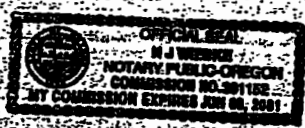
THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930.

Dated this 16 day of October, 1998

*Dean L. Warrick Trustee*  
Dean L. Warrick, Trustee  
*Dean L. Warrick Trustee*  
Dean L. Warrick, Trustee

STATE OF OREGON, County of Yamhill) ss.

This instrument was acknowledged before me on 10-16-98, by Dean L. Warrick, Trustee w/s/d 4/21/82 and Dean L. Warrick Trustee of the Gail M. Warrick Irrevocable Trust dated 11/24/97.



*M.J. Wrensch*  
Notary Public for Oregon  
My Commission Expires 6/09/01

10-30-98

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Nbr. Fee

TL 6406-700

File No. 14475

EXHIBIT "A"

Legal Description:

BEGINNING at a stake on the West line of the County Road North 17° West 1834.7 feet from the Southeast corner of the North half of the Stephen McKinney Donation Land Claim in Township 6 South, Range 4 West of the Willamette Meridian in Oregon; running thence North 17° West 709.1 feet; thence West 30 feet; thence North 12° West 291.9 feet; thence South 89° West 1517.5 feet; thence South 15° East 270.4 feet to angle corner of said Claim; thence South 4° East 729.6 feet; thence North 89° 53' East 1680 feet to the PLACE OF BEGINNING.

SAVE AND EXCEPT THE FOLLOWING:

BEGINNING at an iron pipe on the West line of the County Road and on the East line of the Stephen McKinney Donation Land Claim No. 38 in Township 6 South, Range 4 West of the Willamette Meridian in Yamhill County, Oregon; at a point 1834.7 feet from the Southeast corner of the North half of said McKinney Claim; thence South 89° 53' West 363.3 feet to an iron rod; thence North 00° 17' West parallel with the East line of said Claim 621.45 feet to an iron pipe; thence North 89° 53' East parallel with the South line of this tract 363.3 feet to an iron pipe on the East line of said McKinney Claim; said point being also 116.85 feet South 0° 17' East from the Northwest corner of the L.C. Mathery Claim; thence South 0° 17' East along the East line of said McKinney Claim 621.45 feet to the PLACE OF BEGINNING.

Tax Lot: 6406-700

YCTE  
684-11-1

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10-30-98

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