## H & R Engineering, LLC

Elwin A. Ross, P. E. 2340 NW 15<sup>th</sup> Street Redmond, OR 97756 Phone and Fax: 541-923-7639

Leland A. Hardy, P. E 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 24th.

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 <u>hardyeng@comcast.net</u>.

Leland a. Handy

Leland A. Hardy, PE, CWRE

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## . Application for a Permit to Use

# Surface Water



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

#### SECTION 1: APPLICANT INFORMATION AND SIGNATURE

#### **Applicant Information**

NAME ROBERT L. AND LEANN R MCKEE	PHONE (HM) 503-835-7200					
PHONE (WK)	CELL			FAX		
NONE	503-560-3944			NONE		
ADDRESS						
24903 SW PERRYDALE ROAD						
CITY	STATE	ZIP	E-MAIL			
	OREGON	97101	NONE			

#### **Organization Information**

NAME			PHONE	FAX
ADDRESS				CELL
СІТҮ	STATE	ZIP	E-MAIL	

#### Agent Information - The agent is authorized to represent the applicant in all matters relating to this application.

AGENT / BUSINESS NAME	PHONE	FAX		
LELAND HARDY, PE, CWRE, H & R ENGIN	503-581-9272	503-581-9272		
ADDRESS	CELL			
690 LORING DRIVE NW			503-559-0551	
CITY				
SALEM OR 97304 HARDYENG@COMCAS				ET

Note: Attach multiple copies as needed

#### 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.
- I cannot use water legally until the Water Resources Department issues a permit.
- Acceptance of this application does not guarantee a permit will be issued.
- If I begin construction prior to the issuance of a permit, I assume all risks associated with my actions.
- 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 cancelled.
- 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 (we) affirm that the information contained in this application is true and accurate.

pplicant Signature

Leann R Mi Kee Print Name and title if applicable

<u>7-5-2011</u> Date 7/5/11

	For Department Use	
App. No	Permit No.	Date

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Surface Water/3

#### SECTION 2: PROPERTY OWNERSHIP

Please indicate if you own all the lands associated with the project from which the water is to be diverted, conveyed, and used.

#### 🛛 Yes

There are no encumbrances.

This land is encumbered by easements, rights of way, roads or other encumbrances.

No No

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 irrigation and/or domestic use only (ORS 274.040).

Water is to be diverted, conveyed, and/or used only on federal lands.

List the names and mailing addresses of all affected landowners (attach additional sheets if necessary).

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

#### **SECTION 3: SOURCE OF WATER**

#### A. 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: Upper Reservoir	Tributary to: Salt Creek and Yamhill River
Source 2: Lower Reservoir	Tributary to: Salt Creek and Yamhill River
Source 3: Diverse surface runoff from fields, unnamed springs, and subsurface field drain outlets	Tributary to: Salt Creek and Yamhill River
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).

#### **B.** Applications to Use Stored Water

Do you, or will you, own the reservoir(s) described in item 3A 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.)

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If *all* sources listed in item 3A 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.

#### **SECTION 4: WATER USE**

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	USE	PERIOD OF USE	AMOUNT
Upper Reservoir	Irrigation	March 1 to October 31	60.6 🔲 cfs 🗌 gpm 🔀 af
Lower Reservoir	Irrigation	March 1 to October 31	3.5 □ cfs □ gpm ⊠ af
Diverse surface runoff from fields, unnamed springs, and subsurface field drain outlets	Pond maintenance for Upper and Lower Reservoirs	Year around	0.66 🖾 cfs 🗌 gpm 🗌 af
Same as above	Irrigation	March 1 to October 31	1.0 🛛 cfs 🗌 gpm 🗌 af

### For irrigation use only:

Please indicate the number of primary and supplemental acres to be irrigated.

Primary: <u>103.4</u> Acres Supplemental: \_\_\_\_\_ Acres

List the Permit or Certificate number of the underlying primary water right(s): \_\_\_\_

Indicate the maximum total number of acre-feet you expect to use in an irrigation season: 250

- If the use is municipal or quasi-municipal, attach Form M
- If the use is domestic, indicate the number of households: \_\_\_\_
- If the use is **mining**, describe what is being mined and the method(s) of extraction:



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#### **SECTION 5: WATER MANAGEMENT**

#### A. Diversion and Conveyance

What equipment will you use to pump water from your source?

Pump (give horsepower and type): <u>60 HP total, probably three centrifugal pumps at two pumping</u> stations

Other means (describe): \_\_\_\_\_

Provide a description of the proposed means of diversion, construction, and operation of the diversion works and conveyance of water.

Install pump station at Lower Reservoir with approximately 1300 feet pipeline to Upper Reservoir to help fill the Upper Reservoir and provide water for field irrigation. Construct pump station at Upper Reservoir to distribute water via approximaately 6500 feet buried PVC main pipelines in adjoining irrigated areas.

#### **B.** Application Method

What equipment and method of application will be used? (e.g., drip, wheel line, high-pressure sprinkler)

Wheel line, linear or big gun high pressure sprinklers and low pressure micro irrigation.

#### C. Conservation

Please describe why the amount of water requested is needed and measures you propose to: prevent waste; measure the amount of water diverted; prevent adverse impact to public uses of affected surface waters.

Full irrigation for sweet corn, green beans and other canary crops plus small grain and grass for seed. Schedule irrigations according to crop need (IWM). Install staff gauges in each reservoir.

#### **SECTION 6: RESOURCE PROTECTION**

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: <u>Pump Inlets and/or in-line screens are to be installed.</u>
- Excavation or clearing of banks will be kept to a minimum to protect riparian or streamside areas. Describe planned actions: <u>No excavation or clearing of riparian area required.</u>
- Operating equipment in a water body will be managed and timed to prevent damage to aquatic life. Describe: Installing the lower reservoir pump suction pipeline is the only time equipment setting on the bank may be working in the water.
- Water quality will be protected by preventing erosion and run-off of waste or chemical products. Describe: <u>Winter cover crops on cropland plus maintaining a permanent grass cover on exposed</u>,

slopes not inundated with water will help preserve surface water quality. If needed, underwater slopes will be protected with rock riprap. Heavy brush along the Lower Reservoir will not be disturbed.

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#### **SECTION 7: PROJECT SCHEDULE**

Date construction will begin: July 30, 2013

Date construction will be completed: November 30, 2014

Date beneficial water use will begin: July 30, 2016

#### **SECTION 8: REMARKS**

Use this space to clarify any information you have provided in the application (attach additional sheets if necessary).

The Lower Reservoir (filled by sources #2 and #3) was constructed prior to January 3, 1995 (P-77020). To be installed are a 5-10 HP pumping station at the Lower Reservoir and a buried 6" diameter PVC pipeline, approximately 1300 feet long. The pipeline will discharge into the Upper Reservoir to help fill the Upper Reservoir and provide water for irrigation. An estimated 50 HP, two-pump pumping station at the Upper Reservoir will distribute water to cropland via approximately 6500 lineal feet of buried PVC main pipelines.

The Upper Dam and Reservoir site (source #1) is currently grass for seed cropland. There is no stream channel or signs of wetland plants at the site. Principle soils at the site are mapped by the NRCS as Amity silt loam and Woodburn silt loam.

This "Application for a Permit to Use Surface Water" includes collecting diverse surface water runoff from unnamed springs, fields and subsurface drain outlets discharging upslope from the Lower Reservoir and pumping water into the Upper Reservoir. When available, diverted water will be used to fill both reservoirs and provide field irrigation. When live flow is physically reduced or is admistratively determined to be 'not available', field irrigation will be from stored water.

This "Application for a permit to Use Surface Water" is paired with a Ground Water Application to appropriate ground wate from subsurface drains discharging into the Upper Reservoir, for a total storage in the Upper Reservoir of 60.6 acre feet, being 6.4 acre feet Ground Water and 54.2 acre feet Surface Water.

See "Application to Store Water in a Reservoir", in this case two reservoirs, also a part of this application.

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;	Bab		Mckee	Last
Mailing Address:	24903	SW	Porrydele R	oad
Amity	OR	97101	Daytime Phone:	

#### 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	% %	Tax Lot #	Plan Designation (e.g., Rural Residential/RR-5)		Water to be:		Proposed Land Use:
55	4W	31	SWNW	300	AFLH/EF-80	Diverted		Used N	Dand Crophind
55	HW	31	SENW	300	AFLH/EF-BO	Diverted	Conveyed	Used [	Coopland
65	4W	6	NWWW	700	AFLHIEF-80	Diverted	Conveyed	Used	Cropland
55	4W	31	NESW		AFLH/EF-80	Diverted	Conveyed	Dool K	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         Limited Water Use License       Allocation of Conserved Water
Source of water: Reservoir/Pond Ground Water Surface Water (name) <u>Fie Kruntoff (SettCreck</u> ) Estimated quantity of water needed: <u>15</u> □ cubic feet per second □ gallons per minute gacre-feet
Estimated quantity of water needed: [5 ] cubic feet per second ] gallons per minute [3] acre-feet
Intended use of water: Irrigation Commercial Industrial Domestic for household(s)
Briefly describe: Irrigation water to grow Sweet com, Green Beans, gressforsed, Small quain, 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.  $\rightarrow$ 

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Revised 2/8/2010

Land Use Information Form - Page 2 of 3

## For Local Government Use Only

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The following section must be completed by a planning official from each county and city listed unless the project will be **Jocalid**, OREGON 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): <u>School</u> 402 of the YC20.
- 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 penuits, etc.)	Cite Most Significant, Applicable Plan Policies & Ordinance Section References	Land-Use Approval:	
		Denied	<ul> <li>Being Parsaod</li> <li>Not Being Parsaod</li> </ul>
		Denied	<ul> <li>Being Pursued</li> <li>Not Being Pursued</li> </ul>
		Obtained Denied	Being Pursued
		Denied	Boing Pursued
		Denied	Being Parsued

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: Stephan	we amotro	∼∽ Tit	the: Associate Planner	_
Signature: Siz	Cen	P	Phone: 503-434-7516 Date: 6711	
Government Entity:	Yamhill	County	1	_

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:

Che or County:

\_\_\_ Staff contact: \_\_\_\_\_

Signature: \_\_\_\_\_

\_\_\_\_ Phone: \_\_\_

Date:

Land Use Information Form - Page 3 of 3

WR/FS

The state

#### 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, Yamhili County, Oregon. SUBJECT TO:

- 1. Rights of the public in streets, roads and highways.
- An Easement dated April 3, 1990, as disclosed on Deed from Westway Farms, Inc., recorded at Film Volume 249, Page 0858.
   Farm use classification and any additional laws, penalties and
- interest if said land is disqualified for such use.
- 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 doltars.

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGU-LATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPRO-PRIATE 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 day of February, 1995.

STEVE GOFPENA Sten MI.L

STATE OF OREGON, County of Yamhill ) ss.

February /7, 1995

Tax 10

The above named STEVE GOFFENA personally appeared before me and acknowledged the foregoing instrument to be his voluntary act and deed this \_\_\_\_\_\_ day of February, 1995.

INDECED

CERTITY N Y FINALC-CITEC 0-1-1-1 925.705 GHA WHACH 17, 1897

1 Notary Public for Oregon My Commission Expires: 10

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

Send tax statements to: Robert and LeAnn McKee 24903 S.W. Perrydale Road Amilty, OR 197101 Recorded in Official Yeshill County Records CHALES STERN, COUNTY CLERK 199502083 2:21pm 02/21/95 001 10002143 10 04 1 0 Dos 1 5.00 10.00 20.00 0.00 0.00 0.00 0.00

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### Mic Kee 👘

TL 6406-700

On

199821346 1:30m 10/30/98

# ELLOW NO.: 144776N

Doen L. Warrick, Truste GRANTOR

## Robert L. McKee

CRANTER -----Robert L. McKee Louns R. McKen 2003 SW Perrydale Road

Amily, OR 97101 man Adda - 7

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CHARLES STERN, COUNTY CL

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#### WARRANTY DEED

Disn 1. Warrick Truston u/a/d 4/21/82 and Denn 1. Warrick Trusten of the Gell M. Warrick Interocable Trust dated 11/24/37, Grantor, conveys and warrants to Robert L. McKee and Leann R. McKee, instand and will; Grantor, the following described real property free of encombrances, encopt as specifically set forth herein shinted in VAMINILL COUNTY, GRIBGON, to wh: ston u/a/d 4/21/82 and Denn L. Warrick Trusten of the Geil M. Warrick Interoceb

#### SEE ATTACHED MANISIT "A"

This property is free from encombrances, EKCEPT: the rights of the public , easement recorded 2/16/35 und FV176 Page 152 for water pipeline and power line and cancent recorded 4/4/90 under FV2/2 Page 487 for spring water system and that granter will warrant and forever defaud the same against the levelsh claims and demands of all persons whomsoever, except these claiming under the above described accumbrances. ement recorded 2/16/55 under

The property described herein has been assessed under farm and/or forest tax deferral. Disqualification may result in additional taxas 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 DESTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE BIGHING OF ACCEPTING THE INSTRUMENT, THE PERSON ACQUIRING SEE TITLE TO THE PROPERTY SECULD CHECK WITH THE APPROPRIATE CITY OF COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FAILUNG OF FOREST PRACTICES AS DEFINED IN ORS 30.530.

Dister juis 16 day of actober , 199

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n L. Wie

STATE OF OREGON, County of Yamhill) as.

10.16 .19<sup>8</sup>, iyDe Th 18 196 00 Warrick, Trustee u/a/d 4/21/82 and Dean L. Warrick Trustee of the Gail M. Warriet



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Notary Public 4y C

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File.No. 144775

#### EXHIBIT "A"

#### Legal Description:

BEGINNING at a state on the West time of the County Road North 17. West 1934,7 feet from the Southwest corner of the North helf of the Stephen McGriney Donation Land Claim in Township 6 South, Pange 4. West of the Williamste Marklain in Compon, rimming thence North 17. West 700,1 test; thence West 30 helt, thence North 12. West 291,9 feet, thence South 59' West 1617,5 feet, thence South 15' East 270,4 feet to angle corner of said Claim; thence South 4' East 720,6 feet; thence North 69' 53' East 1600 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 Slaphen McKriney Donation Land Claim No. 38 in Township & South, Range 4 West of the Willemette Metclien in Yessifill County, Oregon, at a point 1934.7 (see from the Southeast comer of the North half of said McKriney Claim, Innoce South 89° 53 West 363.3 feet to an iron rod; thence North 60° 53' East parallel with the East line of said Claim 621.45 feet to an iron pipe; thence North 69° 53' East parallel with the of this tract 383.3 feet to an iron pipe on the East line of said McKinney Claim; said point being step. 118.85 feet South 0° 17' East from the Northwest comer of the 1.C. Matheny Claim; thence South 0° 17' East lating the East line of said McKinney Claim 621.45 feet to the PLACE OF BEGINNING.

Tax Lot: 8406-700

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Nic Kee

TL 6406-700

WATER RESOURCES DEPT SALEM. OREGON