



Oregon Water Resources Department
 725 Summer Street NE, Suite A
 Salem Oregon 97301-1271
 (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. 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

1. APPLICANT INFORMATION

Applicant: RIVER REFUGE SEED, LLC DAVID A. ROGERS, PRINCIPLE
First Last

Mailing Address: 26366 GAP ROAD

BROWNSVILLE OREGON 97327
City State Zip

Phone: 541-466-5309 541-451-1538
Home Work Other

Fax: _____ E-Mail Address*: _____

* By providing an e-mail address, consent is given to receive all correspondence from the department electronically. (paper copies of the final order documents will also be mailed.)

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 100-1, 100-2, 100-3, 100-4, 100-5.

2. SOURCE OF WATER for the proposed use: ALL: NATURAL RUNOFF & DRAIN DITCH
 a tributary of COURTNEY CREEK

Is the proposed use an enlargement of an existing dam/reservoir?

No

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

RUNOFF FROM FIELDS AND MAN MADE DRAIN DITCH

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For Department Use		
App. No. <u>R-87865</u>	Permit No. _____	Date _____

3. DAM HEIGHT AND COMPOSITION

The maximum height of the structure will be ALL = 6' 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:

NOTE: ALL CONSTRUCTION WILL BE SIMILAR.

4. PRIMARY OUTLET WORKS

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

*DAMS: 100-1, 100-2, 100-3, 100-4 HAVE 6" CONDUITS / CONTROLS
DAM 100-5 HAS AN 8" CONDUIT / CONTROL*

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:

ALL DAM ARE OFF CHANNEL. WE HAVE AVAILABLE OTHER MEANS TO EVACUATE WATER IF NECESSARY; ONE OR MORE PUMPS.

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

ALL RESERVOIRS: MULTIPLE PURPOSES

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7. THE AMOUNT OF WATER to be stored is: SEE ATTACHED acre-feet.

The area submerged by the reservoir, when filled, will be SEE ATTACHED acres.

8. PROJECT SCHEDULE: (List Month and Year)

Proposed date construction work will begin: HAS BEGUN

Proposed date construction work will be completed: 5 YEARS AFTER PERMIT ISSUANCE

Proposed date water use will be completed: SAME

Is this project fully or partially funded by the American Recovery and Reinvestment Act? (Federal stimulus dollars)

9. PROPERTY OWNERSHIP

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

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 an 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).

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.

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SALE 407 1054

List the names and mailing addresses of all affected landowners:

11. WITHIN A DISTRICT

Check here if the point of diversion or place of use are located within or served by an irrigation or other water district.

Irrigation District Name	Address	
City	State	Zip

11. 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.

12. 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: EVER REVER SPEED LLC  2-8-13
Signature (If more than one applicant, all must sign) 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.

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SALMON DIVISION

ATTACHMENT TO:

**Application for Permit to Store Water in a Reservoir
(Standard Review)**

**River Refuge Seed, LLC
David A. Rogers, Principle**

This application is requesting the period of storage as year round. If year round storage is not available, the application is for a period of storage to be as long as possible. The crops to be grown will be able to make beneficial use of the stored water during a period of less than year round.

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SOUTH DAKOTA

RIVER REFUGE SEED, LLC
BY; David Rogers

Application for permit to store water in a reservoir (standard review)

Application Form question #7.

amount of water to be stored:

100-1 : 5.0 ac-ft
100-2 : 24.5 ac-ft
100-3 : 9.1 ac-ft
100-4 : 2.9 ac-ft
100-5 : 6.2 ac-ft
TOTAL= 47.8 ac-ft

Area submerged by the reservoir:

100-1 : 3.1 ac
100-2 : 15.4 ac
100-3 : 5.7 ac
100-4 : 1.8 ac
100-5 : 3.9 ac



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WATER RESOURCES DEPT
CALIFORNIA

R-B 7865

DON KNAUER / Water Right Consultation and Water Right Surveys
PO Box 5416 Salem OR 97304 phone & fax: 503-585-8474 cell: 503-508-7862

February 15, 2013

Jeana Eastman, Water Rights
Oregon Water Resources Dept.
725 Summer Street NE Suite A
Salem Oregon 97301-1271

Greetings,

Following our discussion yesterday at your office I have gathered the data you requested. The following are our answers to your questions.

You pointed out that the total acre-foot figure shown in the answer to question 7 is incorrect. We agree that your figure of 48.7 ac-ft is the correct amount.

I have enclosed a data sheet describing the dam construction. Please call if you have further questions.

You told me that our answer to question 6, The Use, was not specific enough. We will add to the original answer, multiple purposes, the following: livestock, irrigation, agriculture, recreation, fish life, wildlife, pollution abatement, and wetland enhancement.

Please call if you have any questions.

Regards,



Don Knauer, WRE

C: Dave Rogers

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SALEM, OREGON

R-87865

RIVER REFUGE S&P, LLC

DAVID A. POWERS,
PRINCIPAL

2/14/2013

DESCRIPTION OF DAM CONSTRUCTION:

MAXIMUM HEIGHT = 6'

MINIMUM CREST WIDTH 8'

MINIMUM UPSTREAM SLOPE = 3:1

MINIMUM DOWNSTREAM SLOPE = 2:1



NOT TO SCALE

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WATER RESOURCES DEPT
SALEM, OREGON

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: RIVER REFUGEE SEED, LLC By: DAVID A. ROGERS, PRINCIPLE
First Last

Mailing Address: 26366

Brownsville OR 97327 Daytime Phone: 541-466-5309
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:
145	3W	12	NE	100 & 300	EFU	<input checked="" type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	EFU
						<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, and/or used or developed:

LINN CO.

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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
 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) _____

Estimated quantity of water needed: 47.8
 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 MULTI-PURPOSE (RICE)

Briefly describe:

5 RESERVOIRS WILL BE USED TO IRRIGATE THE RESERVOIR AREAS AND GROW AGRICULTURE CROPS SUCH AS WILD RICE.

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. →

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

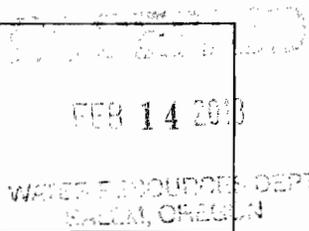
Land uses to be served by the proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): LCC 928.310(B)(1)

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

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.

PD13-0014



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WATER RESOURCES DEPT
SALIDA, OREGON

Name: Alyssa Boles Title: Planner
 Signature: Alyssa Boles Phone: 541-967-3816 Date: 2/8/13
 Government Entity: Linn 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: _____

2013

PARCEL I:

Beginning at the most Northerly Northeast corner of the Samuel Johnson Donation Land Claim No. 38 in Section 7, Township 14 South, Range 2 West of the Willamette Meridian, Linn County, Oregon; thence West 118 rods; thence South 130 rods; thence East 118 rods; thence North 130 rods to the place of beginning.

EXCEPTING THEREFROM that portion thereof conveyed by John C. Kettlewell and wife to C. W. Coroutte by deed recorded September 1, 1909 in Book 90, Page 115, Deed Records.

FURTHER EXCEPTING THEREFROM, any portion of the above described premises lying within the limits of Linn County Road No. 508, (aka Lake Creek Drive), or Linn County Road No. 770.

PARCEL II:

Beginning at a point 118 rods West and 62 rods South of the most Northerly Northeast corner of the Samuel Johnson Donation Land Claim No. 38 in Section 7, Township 14 South, Range 2 West of the Willamette Meridian, Linn County, Oregon; thence South 14 chains to the North line of that tract conveyed to C. W. Coroutte by deed recorded September 4, 1909 in Book 90, Page 115, Deed Records; thence West 8.4 chains to the East boundary of a tract conveyed to Charles C. Dougherty by deed recorded May 15, 1952 in Book 227, Page 33, Deed Records; thence North 14 chains to the most Easterly Northeast corner of said Dougherty tract; thence East 8.4 chains to the point of beginning.

Subject to:

SPECIAL EXCEPTIONS:

1. Any adverse claim based on the assertion that any portion of the subject land has been removed from or brought within the subject land's boundaries by the process of accretion or reliction or any change in the location of Muddy Creek
2. Any adverse claim based on the assertion that any portion of the subject land has been created by artificial means or has accreted to such portions so created, or based on the provisions of ORS 274.905 to 274.940.
3. Rights of fishing, navigation, commerce, flood control, propagation of anadromous fish, and recreation, and other rights of the public, Indian tribes or governmental bodies in and to the waters of Muddy Creek.
4. Any right, interest or claim which may exist or arise by reason of the fact that a road, walk, trail, path or other means of access extends over a portion of the subject land and is used by the public for access to and from Muddy Creek.
5. As disclosed by the assessment and tax roll, the premises herein have been specially assessed for farm use. If the land becomes disqualified for this special assessment under the statutes, an additional tax, plus interest and penalty, will be levied for the number of years in which this special assessment was in effect for the land.
Tax Identification : 0309795 & 0311338
6. The subject property lies within the boundaries of Linn Soil and Water Conservation District and is subject to the levies and assessments thereof.

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WATER RESOURCES DEPT
SANDY, OREGON

R-97865

JAN 26 2013



After recording return to:
David A. Rogers
26366 Gap Rd.
Brownsville, OR 97327

REVIEWED AND APPROVED

DATE: 3-15-10

Until a change is requested, all tax statements shall be sent to the following address:
David A. Rogers
26366 Gap Rd.
Brownsville, OR 97327

STATUTORY WARRANTY DEED

EVER REFUGE SEED LLC

Jenks-Olsen Land Co., Grantor, conveys and warrants to ~~David A. Rogers~~, Grantee, the following described real property free of encumbrances except as specifically set forth herein:

SEE ATTACHED EXHIBIT "A"

Tax Account No. 0309795 & 0311338

This property is free of encumbrances, EXCEPT:
SEE EXHIBIT "A" WITH EXCEPTIONS
The true consideration for this conveyance is \$300,000.00

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, AND SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009. 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 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 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, AND SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009.

Dated ____ day of March, 2010

Jenks-Olsen Land Co., a partnership

Carolyn A. Olsen

James E. Olsen

Roger P. Olsen

Robin G. Olsen

STATE OF OREGON
COUNTY OF _____
The foregoing instrument was acknowledged before me this ____ day of March, 2010 by _____ as the _____ of Jenks-Olsen Land Co. on its behalf.

Notary Public State of Oregon
My commission expires: _____

Order No. 25g0036849

Warranty Deed
ORRQ 6/2005; Rev. 12/2007