



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: Mark CRISSMAN
First Last
Mailing Address: 30483 HWY 395N
Fox / Long Creek OR 97856
City State Zip
Phone: 541-421-3300 970-946-1564
Home Work Other
*Fax: 541-421-3301 *E-Mail Address: lshesco@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 Mulligan house site.

2. SOURCE OF WATER for the proposed use: Snowmelt Run-off, Rain, ground seepage
a tributary of Fox 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:

Snowmelt, Run-off, Rain, ground seepage

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For Department Use

App. No. R-87899

Permit No. _____

Date _____

3. DAM HEIGHT AND COMPOSITION

The maximum height of the structure will be 10' 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:

Culverts, Plus overflow spillway

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:

3 ft channel on southside of pond. directing overflow around dam 1' in 10' deep

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

livestock, fire protection, wildlife, aesthetics, waterfowl

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R-87899

Storage Water/2

SALEM, OR

7. THE AMOUNT OF WATER to be stored is: 3.96 AF $\frac{1}{2}$ acre-feet.

The area submerged by the reservoir, when filled, will be 0.57 $\frac{1}{2}$ acres.

8. PROJECT SCHEDULE: (List Month and Year)

Proposed date construction work will begin: 10/13 - 6/14

Proposed date construction work will be completed: 6/14 ?

Proposed date water use will be completed: 6/14 ?

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 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.

List the names and mailing addresses of all affected landowners:

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* 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.

R-87899

Storage Water/3

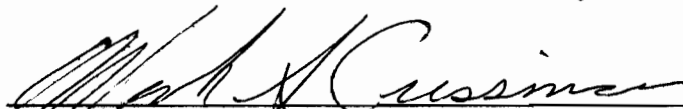
11. SIGNATURE

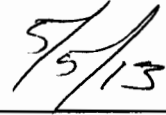
By my signature below I confirm that I understand:

- 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.)



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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SALEM, OR

R-87877

Storage Water/4

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

NOTE TO APPLICANTS

In order for your application to be processed by the Water Resources Department (WRD), this Land Use Information Form must be completed by a local government planning official in the jurisdiction(s) where your water right will be used and developed. The planning official may choose to complete the form while you wait, or return the receipt stub to you. Applications received by WRD without the Land Use Form or the receipt stub will be returned to you. Please be aware that your application will not be approved without land use approval.

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) The existing and proposed water use is located entirely within lands zoned for exclusive farm-use or within an irrigation district;
 - b) The application involves a change in place of use only;
 - c) The change does not involve the placement or modification of structures, including but not limited to water diversion, impoundment, distribution facilities, water wells and well houses; and
 - d) The application involves irrigation water uses only.

NOTE TO LOCAL GOVERNMENTS

The person presenting the attached Land Use Information Form is applying for or modifying a water right. The Water Resources Department (WRD) requires its applicants to obtain land-use information to be sure the water rights do not result in land uses that are incompatible with your comprehensive plan. Please complete the form or detach the receipt stub and return it to the applicant for inclusion in their water right application. You will receive notice once the applicant formally submits his or her request to the WRD. The notice will give more information about WRD's water rights process and provide additional comment opportunities. You will have 30 days from the date of the notice to complete the land-use form and return it to the WRD. If no land-use information is received from you within that 30-day period, the WRD may presume the land use associated with the proposed water right is compatible with your comprehensive plan. Your attention to this request for information is greatly appreciated by the Water Resources Department. If you have any questions concerning this form, please contact the WRD's Customer Service Group at 503-986-0801.

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WR/FS

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): Art 64 + 66 GCLDC
- ☐ 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:	
		☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued
		☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued
		☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued
		☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued
		☐ Obtained ☐ Denied	☐ Being Pursued ☐ 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.

Agricultural, fire protection and wildlife uses are not regulated by the land development code

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Name: Shannon Springer Title: Assistant Planner SALEM, OR

Signature: Shannon Springer Phone: 541-575-1519 Date: 5/17/13

Government Entity: Grant County Planning Department

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: _____

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: Maek Crossman
First Last

Mailing Address: 30483 Hwy 395 N.

Box / Long Creek OR 97856 Daytime Phone: 541-421-3300 /
City State Zip 970-946-1564

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:
11S	30E	4	SWSW	402	MUR	☒ Diverted	☒ Conveyed	☒ Used	
11S	30E	9	NENE	401	MUR	☒ Diverted	☒ Conveyed	☒ Used	
11S	30E	17	NNNW	1301	MUR	☒ Diverted	☒ Conveyed	☒ Used	
11S	30E	7	SESE	1301	EFU	☒ Diverted	☒ Conveyed	☒ Used	

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

Grant County, Oregon

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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) Run-off, snow melt, unnamed

Estimated quantity of water needed: 18 AF ☐ 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 Wildlife, fire protection, stock, aesthetic

Briefly describe:

Application for 5 reservoirs (see map attached)

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. →

T. 11S., R. 30E., W.M.

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RESERVOIR APPLICATION MAP

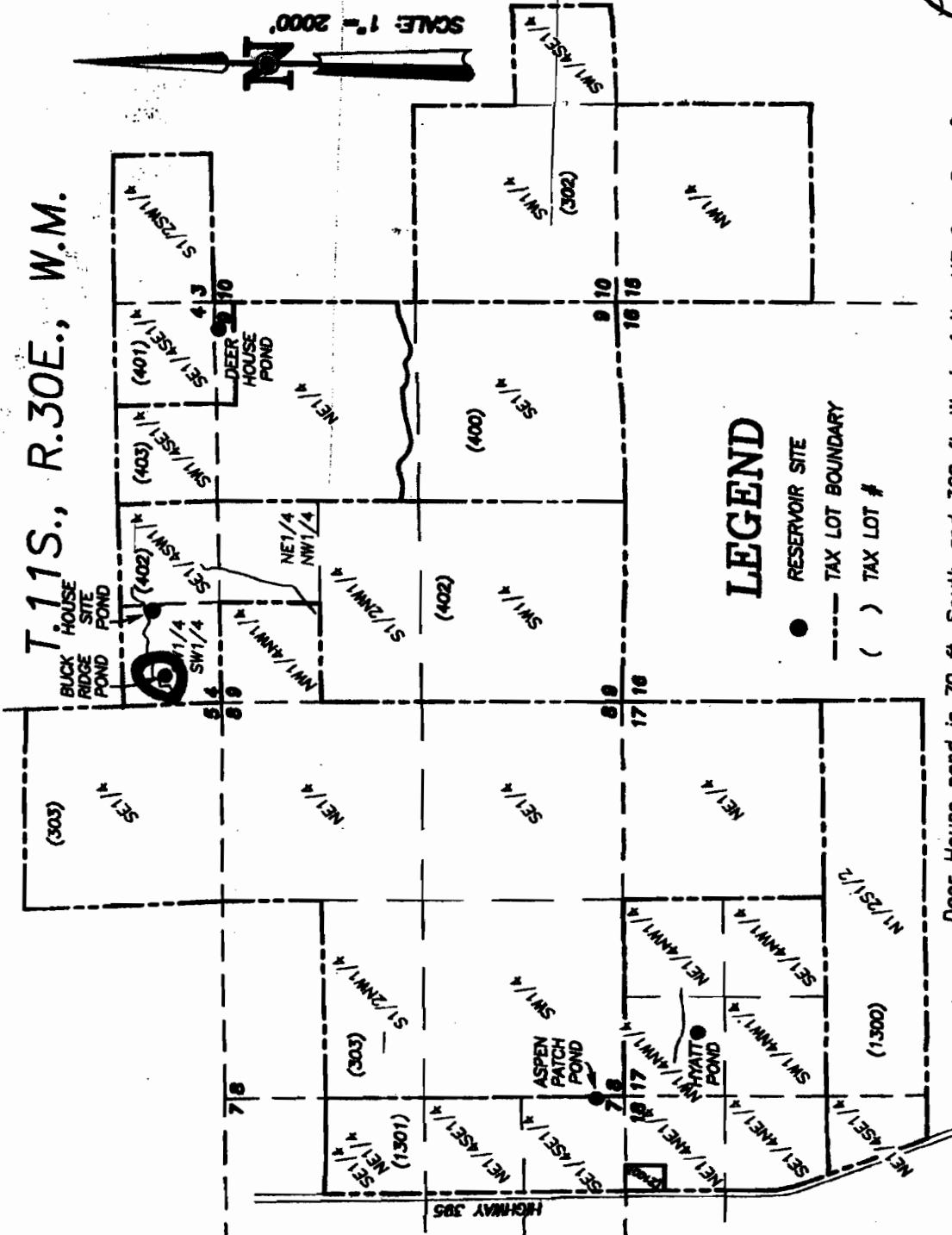
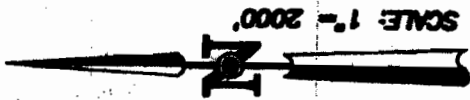
FOR

MGN, LLC

PREPARED BY

MICHAEL C. SPRINGER
217 N. CANYON BLVD.
JOHN DAY, OREGON
(541) 575-1251

FEBRUARY 27, 2013



LEGEND

- RESERVOIR SITE
- TAX LOT BOUNDARY
- () TAX LOT #

Deer House pond is 70 ft. South and 360 ft. West of the NE Cor. Sec. 9
House Site pond is 940 ft. North and 1220 ft. East of the SW Cor. Sec. 4
Buck Ridge pond is 770 ft. North and 360 ft. East of the SW Cor. Sec. 4
Aspen Patch pond is 4930 ft. South and 50 ft. West of the NE Cor. Sec. 7
Hyatt pond is 1720 ft. North and 830 ft. East of the W1/4 Cor. Sec. 17

NOTE: THE PREPARATION OF THIS MAP WAS FOR THE PURPOSE OF IDENTIFYING THE LOCATION OF THE PROPOSED WATER RIGHT AND HAS NO INTENT TO PROVIDE DIMENSIONS OR LOCATION OF PROPERTY OWNERSHIP LINES.

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SALEM, OR

R-87899



Oregon Water Resources Department
725 Summer Street NE, Suite A
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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.

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1. APPLICANT INFORMATION

Applicant: Mark CRISSMAN
First Last
Mailing Address: 30483 HWY 395 N
Fox/Loug Creek Or 97856
City State Zip
Phone: 541-421-3300 970-946-1564
Home Work Other
*Fax: 541-421-3301 *E-Mail Address: 15Rhisco@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 DEER HOUSE.

2. SOURCE OF WATER for the proposed use: Snowmelt, run-off - drainage, Rain, ground seepage
a tributary of FOX 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:

Snowmelt, rain run-off, ~~Rain~~ ground seepage

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SALEM, OR

For Department Use		
App. No. <u>R-87877</u>	Permit No. _____	Date _____

3. DAM HEIGHT AND COMPOSITION

The maximum height of the structure will be 10' 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:

culverts, plus overflow spillway

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:

Channel going around pond dam, with RIPRAP ~~ENHANCEMENT~~ ^{ENHANCEMENT}
3ft channel approximately 100' long with 1' in 20' drop

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

Livestock, fire protection, wildlife, ~~res~~ aesthetics, waterfowl

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R-07077

SALEM, OR

7. **THE AMOUNT OF WATER** to be stored is: 2.64 AF +/- acre-feet.

The area submerged by the reservoir, when filled, will be 0.44 Acres +/- acres.

8. PROJECT SCHEDULE: (List Month and Year)

Proposed date construction work will begin: 10/13 - 6/14

Proposed date construction work will be completed: 6/14

Proposed date water use will be completed: 6/14

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 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.

List the names and mailing addresses of all affected landowners:

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* 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.

R-07888

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.)

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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SALEM, OR

R-87889



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)

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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

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City State Zip
Phone: 541-421-3300 970-946-1564
Home Work Other
*Fax: 541-421-3301 *E-Mail Address: lsrbesco@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 Buck Ridge.

2. SOURCE OF WATER for the proposed use: Snow melt, Rain Run-off, ground seepage
a tributary of Fox 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:

Snowmelt, Rain Run-off, ground seepage

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SALEM, OR

For Department Use		
App. No. <u>R-87899</u>	Permit No. _____	Date _____

3. DAM HEIGHT AND COMPOSITION

The maximum height of the structure will be 10' 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:

culverts, overflow spillway

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:

Channel diverting overflow away from dam sight
3ft ditch approximately 50' long, into drop

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

Livestock, fire protection, wildlife use, aesthetics, waterfowl

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R-87899

Storage Water/2

SALEM, OR

7. **THE AMOUNT OF WATER** to be stored is: 4.5 AF ^{1/2} acre-feet.

The area submerged by the reservoir, when filled, will be 0.64 acres.

8. PROJECT SCHEDULE: (List Month and Year)

Proposed date construction work will begin: _____

Proposed date construction work will be completed: _____

Proposed date water use will be completed: _____

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)

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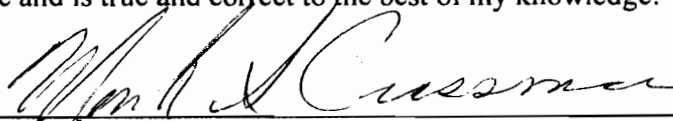
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I certify that the information I have provided in this application is an accurate representation of the proposed water use and is true and correct to the best of my knowledge:

Applicant: _____



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

5/5/13

Date

Before you submit your application be sure to:

- Answer each question completely.
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FOX / Long Creek OR 97856
City State Zip
Phone: 541-421-3300 970-946-1564
Home Work Other
*Fax: 541-421-3301 *E-Mail Address: ISRhesco@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 Aspen Patch.

2. SOURCE OF WATER for the proposed use: Snowmelt, Rain Run-off - ground seepage
a tributary of FOX 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:

Snowmelt, Rain Run-off, ground seepage

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MAY 16 2013

SALEM, OR

For Department Use

App. No. _____ Permit No. _____ Date _____

3. DAM HEIGHT AND COMPOSITION

The maximum height of the structure will be 10' 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:

2) Diverted spillways with rip rap lined to prevent erosion

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:

Rip rap spillway to prevent erosion
3ft lined ditch approximately 80' long with 1' to 10' deep

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

livestock, fire protection, wildlife use, aesthetics, waterfowl

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7. **THE AMOUNT OF WATER** to be stored is: 4.2 AF +/- acre-feet.
The area submerged by the reservoir, when filled, will be 0.47 +/- acres.

8. PROJECT SCHEDULE: (List Month and Year)

Proposed date construction work will begin: 10/13 - 6/14

Proposed date construction work will be completed: 6/14 ?

Proposed date water use will be completed: 6/14 ?

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 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.

List the names and mailing addresses of all affected landowners:

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* 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.

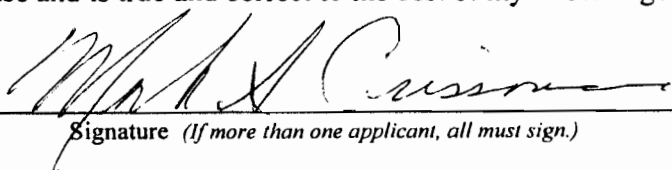
11. SIGNATURE

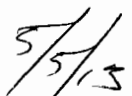
By my signature below I confirm that I understand:

- 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.)


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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MAY 16 2013

Storage Water/4

SALEM, OR

R-87827



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: MARK CRISSMAN
First Last
Mailing Address: 30483 HWY 395W
FOX / Long Creek OR 97856
City State Zip
Phone: 541-421-3300 970-446-1564
Home Work Other
*Fax: 541-421-3301 *E-Mail Address: 15R62SC6@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 HYATT PLACE.

2. SOURCE OF WATER for the proposed use: SNOWMELT, RAIN Run-off, ground seepage
a tributary of FOX 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:

SNOWMELT, RAIN Run-off, ground seepage

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MAY 16 2013

SALEM, OR

For Department Use

App. No. R-87899

Permit No. _____

Date _____

3. DAM HEIGHT AND COMPOSITION

The maximum height of the structure will be 10' 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:

2) spillways with RIP RAP lined. Culvert

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:

Rip Rap lined ditch. 3ft ditch approximately 80' long with 1 1/2' drop

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

Wildlife, livestock, fire protection, aesthetics, water

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MAY 16 2013

R-97899

Storage Water/2

SALEM, OR

7. **THE AMOUNT OF WATER** to be stored is: 2.7 AF ¹/₂ acre-feet.

The area submerged by the reservoir, when filled, will be 0.34 ¹/₂ acres.

8. PROJECT SCHEDULE: (List Month and Year)

Proposed date construction work will begin: 10/13 - 6/14

Proposed date construction work will be completed: 6/14 ?

Proposed date water use will be completed: 6/14 ?

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 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.

List the names and mailing addresses of all affected landowners:

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SALEM, OR

* 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.

R-87877

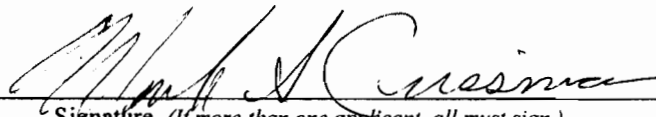
11. SIGNATURE

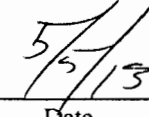
By my signature below I confirm that I understand:

- 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.)


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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MAY 16 2013

R-87879

Storage Water/4

RAV - NO OF

STATE OF OREGON

County of Grant

ss

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

(This space)

I certify that this instrument was received and recorded in the book of records of said county.

MGN, LLC c/o S&R Farms
5965 Canyon Del Rey
Bonnell CA 92003

KATHY MCKINNON

Grant County Clerk

by Kathy McKinnon Deputy.

DOC# 20090274D PG 6
RCPT: 90274 48.50
2/12/2009 11:32 AM

After recording return to:

WARRANTY DEED - STATUTORY FC

Five Springs Ranch, LLC, Grantor, conveys and warrants to MGN LLC, an Oregon Limited Liability Company, Grantee, the following described real property free of encumbrances except as specifically set forth herein situated in Grant County, Oregon, to-wit:

See Exhibit "A" attached hereto and made a part hereof

Subject to and excepting those matters set forth in Exhibit "B" attached hereto and made a part hereof.

The true consideration for this conveyance is \$2,900,700.00.

21285 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 195.303 TO 195.336 AND SECTIONS 6 TO 11, CHAPTER 424, OREGON LAWS 2007. 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 TO THE LOT, 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, 105.301 AND 195.303 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007.

IN WITNESS WHEREOF, Grantor has executed this instrument this 11th day of FEBRUARY, 2009.

Five Springs Ranch, LLC, Grantor

By: Ridgeline Properties, LLC, its member

By: Kimberly D. Wirth member
Kimberly D. Wirth, Member

STATE OF OREGON)

) ss

County of Grant)

This deed was acknowledged before me on February 11, 2009, by Kimberly D. Wirth, as the member of Ridgeline Properties, LLC, who is the member of Five Springs Ranch, LLC.

Before me

Tami A. Kowing
Notary Public for Oregon
My Commission Expires 11/20/11



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EXHIBIT "A"

MAY 20 2013

20090274

TRACT I:

Township 11 South, Range 30 East of the Willamette Meridian, Grant County, Oregon:

Section 3: SW 1/4 SW 1/4, W 1/2 SE 1/4 SW 1/4.

Section 4: SE 1/4 SE 1/4

Section 9: That portion of the NE 1/4 NE 1/4 described as follows: Beginning at the Northeast corner of Section 9; thence South along the Section line, 250.0 feet to a point where the North right of way line of the old county road intersects said Section line; thence S89°43'W, along the North right of way line of the old county road, 1290.0 feet to the East line of said county road; thence North, along the East line of said old county road, 250.0 feet to the North section line of said Section 9; thence N89°43'E, along the section line, 1290.0 feet to the point of beginning (Tax Acct. 17-3 11-30 401; Ref. 7842)

TRACT II:

Township 11 South, Range 30 East of the Willamette Meridian, Grant County, Oregon:

Section 4: SW 1/4 SE 1/4.

Section 9: All that portion of the NE 1/4 lying North of the center of Fox Creek as presently located as said center is referenced in Memorandum of Contract of Sale recorded December 5, 1984 in Deed Book 131, page 104. SAVE & EXCEPT a tract of land in the NE 1/4 NE 1/4 described as follows: Beginning at the Northeast corner of Section 9; thence South along the Section line, 250.0 feet to a point where the North right of way line of the old county road intersects said Section line; thence S89°43'W, along the North right of way line of the old county road, 1290.0 feet to the East line of said county road; thence North, along the East line of said old county road, 250.0 feet to the North section line of said Section 9; thence N89°43'E, along the section line, 1290.0 feet to the point of beginning (Tax Acct. 17-3 11-30 403; Ref. 39422)

TRACT III:

Township 11 South, Range 30 East of the Willamette Meridian, Grant County, Oregon:

Section 9: All that portion of the East half (E 1/2) lying South of the center of Fox Creek as presently located as said center is referenced in Memorandum of Contract of Sale recorded December 5, 1984 in Deed Book 131 page 104. (Tax Acct. 17-3 11-30 400; Ref. 6858)

TRACT IV:

Township 11 South, Range 30 East of the Willamette Meridian, Grant County, Oregon:

Section 4: S 1/2 SW 1/4.

Section 9: NE 1/4 NW 1/4; S 1/2 NW 1/4; SW 1/4.

(Tax Acct. 17-3 11-30 402; Ref. 8027)

TRACT V:

Township 11 South, Range 30 East of the Willamette Meridian, Grant County, Oregon:

Section 10: SW 1/4; SW 1/4 SE 1/4.

Section 15: NW 1/4

(Tax Acct. 17-3 11-30 302; Ref. 6857)

TRACT VI:

Township 11 South, Range 30 East of the Willamette Meridian, Grant County, Oregon:

Section 5: SE 1/4

Section 8: S 1/2 S 1/2 N 1/2; N 1/2 NE 1/4.

Section 9: NW 1/4 NW 1/4.

Section 17: NE 1/4

(Tax Acct. 17-3 11-30 303; Ref. 7124)

TRACT VII:

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20090274

Township 11 South, Range 30 East, Willamette Meridian, Grant County, Oregon:

Section 7: SE1/4NE1/4, E1/2SE1/4

Section 17: NW1/4

Section 18: SE1/4NE1/4 and all that portion of the SE1/4NE1/4 lying Easterly of the Pendleton-John Day Highway

SAVE & EXCEPT the following parcels:

- (a) That portion of the E1/2SE1/4, SE1/4NE1/4 of Sec. 7 and the E1/2NE1/4 of Sec. 18, Twp. 11 S., R. 30 E., W.M., conveyed to Grant County, Oregon, by deed dated April 20, 1926, recorded April 21, 1926 in Book 37, page 395, Deed Records of Grant County, Oregon, for road right of way
- (b) That portion of the E1/2SE1/4, SE1/4NE1/4 of Sec. 7 and SE1/4NE1/4, N1/2NE1/4 of Sec. 18, Twp. 11 S., R. 30 E., W.M., conveyed to the State of Oregon, by and through its State Highway Commission, by deed dated Sept. 9, 1938, recorded Oct. 11, 1938 in Book 42, pages 618-19, Deed Records of Grant County, Oregon, for highway right of way
- (c) A tract of land in the NE1/4NE1/4 of Sec. 18, Twp. 11 S., R. 30 E., W.M., as follows:
Beginning at the Northwest corner of the NE1/4NE1/4 of said Sec. 18; thence South 500.0 feet;
thence East 355.0 feet, thence North 500.0 feet, thence West 355.0 feet to the point of beginning.
(Tax Acct. 17-3 11-30 1301 Ref. 38406)

Township 11 South, Range 30 East, Willamette Meridian, Grant County, Oregon:

Section 17: N1/2SW1/4, N1/2SE1/4

Section 18: All that portion of the NE1/4SE1/4 lying Easterly of the Pendleton-John Day Highway.

SAVE & EXCEPT the following parcels:

- (a) That portion of the NE1/4NE1/4 of Sec. 18 conveyed to Grant County, Oregon, by deed dated April 20, 1926, recorded April 21, 1926, in Book 37, page 395, Deed Records of Grant County, Oregon, for highway right of way.
- (b) That portion of the NE1/4NE1/4 of Sec. 18, conveyed to the State of Oregon, by and through its State Highway Commission, by deed dated Sept. 9, 1938, recorded Oct. 11, 1938 in Book 42, page 618, Deed Records of Grant County, Oregon, for highway right of way.
- (c) That portion of the NE1/4SE1/4 of Sec. 18, conveyed to the State of Oregon, by and through its State Highway Commission, by deed dated June 29, 1938, recorded July 9, 1938, in Book 42, page 532, Deed Records of Grant County, Oregon, for highway right of way.
(Tax Acct. 17-3 11-30 1300, Ref. 6868)

Township 11 South, Range 30 East, Willamette Meridian, Grant County, Oregon:

Section 18: A tract of land in the NE1/4NE1/4 described as follows:

Beginning at the Northwest corner of the NE1/4NE1/4 of said Sec. 18; thence South 500.0 feet;
thence East 355.0 feet, thence North 500.0 feet; thence West 355.0 feet to the point of beginning.

SAVE & EXCEPT the following parcels:

- (a) That portion conveyed to Grant County, Oregon, by deed dated April 20, 1926, recorded April 21, 1926, in Book 37, page 395, Deed Records of Grant County, Oregon, for highway right of way.
- (b) That portion conveyed to the State of Oregon, by and through its State Highway Commission, by deed dated Sept. 9, 1938, recorded Oct. 11, 1938 in Book 42, page 618, Deed Records of Grant County, Oregon, for highway right of way.
(Tax Acct. 17-3 11-30 2100, Ref. 6871)

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20090274

Exhibit "B"

- 1 Unpatented mining claims, if any
- 2 As disclosed by the tax roll the premises herein described have been zoned or classified for farm use. At any time that said land is disqualified for such use, the property may be subject to additional taxes or penalties and interest
- 3 This report does not include a search for financing statements or agricultural services liens which are filed with the Secretary of State and any matters which would be disclosed thereby are expressly excluded from coverage herein
- 4 Rights of the public in and to any portion of the herein described premises lying within the boundaries of streets, roads or highways
- 5 Subject to any and all matter pertaining to irrigation ditches that may traverse subject property, including, but not limited to, easements and assessments, if any.
- 6 Easements, including the terms and provisions thereof:
For : the construction and maintenance of transmission lines and poles, together with all appurtenances thereto as more particularly described therein.
Granted to : California Pacific Utilities Company
Recorded : August 14, 1968
Book : 99
Pages : 421 and 422
Affects : Tract VI
- 7 Easement, including the terms and provisions thereof:
For : the construction and maintenance of transmission lines and poles, together with all appurtenances thereto as more particularly described therein.
Granted to : Blue Mountain Telephone, Inc.
Recorded : October 9, 1970
Book : 104
Page : 329
Affects : Tract VI
- 8 Easement, including the terms and provisions thereof:
For : the construction and maintenance of transmission lines and poles, together with all appurtenances thereto as more particularly described therein
Granted to : C P National Corporation
Recorded : September 26, 1982
Book : 126
Page : 905
Affects : that portion of subject premises as more particularly described therein
- 9 Easement, including the terms and provisions thereof:
For : location of a power transmission line, together with all appurtenances thereto as more particularly described therein
Granted to : Fred E. Moore, etux
Recorded : June 12, 1985
Book : 131
Page : 957
Affects : that portion of subject premises as more particularly described therein

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SALEM, OR

R-87899

20090374

- 10 Easement, including the terms and provisions thereof:
For the construction and maintenance of underground telephone facilities, together with all appurtenances thereto as more particularly described therein
Granted to Telephone Utilities of Eastern Oregon
Recorded August 1, 1986
Book 133
Page 877
Affects that portion of subject premises as more particularly described therein
- 11 Easement, including the terms and provisions thereof:
For the construction and maintenance of underground telephone facilities, together with all appurtenances thereto as more particularly described therein
Granted to Telephone Utilities of Eastern Oregon
Recorded August 1, 1986
Book 133
Page 879
Affects that portion of subject premises as more particularly described therein
- 12 Easement, including the terms and provisions thereof:
For the construction and maintenance of underground telephone facilities, together with all appurtenances thereto as more particularly described therein
Granted to Telephone Utilities of Eastern Oregon
Recorded August 1, 1986
Book 133
Page 880
Affects that portion of subject premises as more particularly described therein
- 13 Easement, including the terms and provisions thereof:
For the construction and maintenance of underground telephone facilities, together with all appurtenances thereto as more particularly described therein.
Granted to Telephone Utilities of Eastern Oregon
Recorded December 7, 1987
Book 136
Page 90
Affects Tract VI
- 14 Easement, including the terms and provisions thereof:
For the construction and maintenance of underground telephone facilities, together with all appurtenances thereto as more particularly described therein.
Granted to Telephone Utilities of Eastern Oregon
Recorded February 5, 1988
Book 136
Page 350
Affects that portion of subject premises as more particularly described therein
- 15 Easement, including the terms and provisions thereof:
For the construction and maintenance of transmission lines and poles, together with all appurtenances thereto as more particularly described therein
Granted to Telephone Utilities of Eastern Oregon
Recorded February 5, 1988
Book 136
Page 351
Affects that portion of subject premises as more particularly described therein

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SALEM, OR

R-87899

20090274

- 16 Easement, including the terms and provisions thereof, in deed:
For A perpetual, non-exclusive easement and right of way upon over and through an existing road as more particularly described therein, for ingress and egress
Granted to Fred E. Moore
Recorded August 2, 1996
Instr No 961521
Re-recorded January 30, 2006
Instr No 20060192
Affects Sec. 5, S1/2 of Sec. 4, NE1/4 of Sec. 9, NW 1/4 of Sec. 10, Twp. 11 S., R. 30 E., W M
- 17 Easement, including the terms and provisions thereof:
For the construction and maintenance of transmission lines and poles, together with all appurtenances thereto as more particularly described therein.
Granted to Telephone Utilities of Eastern Oregon
Recorded May 29, 1997
Instr No 970963
Affects that portion of subject premises as more particularly described therein
- 18 Agreement, including the terms and provision thereof, as disclosed in deed:
Regarding Easements, fence lines and boundaries between the N1/2 of Sec. 10, Twp. 11 S., R. 30 E., W.M. (Grantee's Property) and the SE1/4, E1/2E1/2SW1/4, W1/2S1/2SW1/4 of Sec. 3, SW1/4 SW1/4SE1/4 of Sec. 10, Twp. 11 S., R. 30 E., W.M. (Grantor's property)
Between Phillip L. Gerstner, Grantor
And Fred E. Moore, Grantee
Recorded October 12, 2001
Instr No 212635
Re-recorded January 30, 2006
Instr No 20060193
- 19 Agreement, including the terms and provision thereof:
Regarding License for roadway use
Between Fred E. Moore
And Phillip L. Gerstner
Recorded October 12, 2001
Instr No 212636
- 20 Reservations, including the terms and provisions thereof, in deed:
For a perpetual, non-exclusive easement and right of way for access and utility purposes over, along and through an existing road as described therein
Grantor Phillip L. Gerstner
Grantee Five Springs Ranch, LLC
Recorded February 15, 2006
Instr No 20060339
- 21 Easement, including the terms and provisions thereof:
For Right of way easement for utility and incidental purposes thereto.
Granted to California-Pacific Utilities Company, a corp.
Recorded August 28, 1951
Book 63
Page 484
Affects the E1/2SE1/4 of Sec. 18, Twp. 11 S., R. 30 E., W M and additional lands

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SALEM, OR

20090274

22. Easement, including the terms and provisions thereof:
For : Right of way easement for utility and incidental purposes thereto
Granted to : California-Pacific Utilities Company, a corp.
Recorded : December 19, 1951
Book : 64
Page : 318
Affects : E1/2NE1/4 of Sec. 18, Twp. 11 S., R. 30 E., W.M.
23. Easement, including the terms and provisions thereof:
For : Right of way easement for utility and incidental purposes thereto
Granted to : California-Pacific Utilities Company, a corp.
Recorded : December 19, 1951
Book : 64
Page : 320
Affects : SE1/4NE1/4 of Sec. 7, Twp. 11 S., R. 30 E., W.M.
24. Easement, including the terms and provisions thereof:
For : Right of way easement for utility and incidental purposes thereto.
Granted to : Telephone Utilities of Eastern Oregon, Inc., an Oregon corp.,
Recorded : March 17, 1986
Book : 133
Page : 26
Affects : SE1/4NE1/4 of Sec. 7, Twp. 11 S., R. 30 E., W.M.
25. Easement, including the terms and provisions thereof:
For : Right of way easement for utility and incidental purposes thereto.
Granted to : Telephone Utilities of Eastern Oregon, Inc., an Oregon corp.,
Recorded : March 17, 1986
Book : 133
Page : 27
Affects : N1/2N1/2 of Sec. 18, Twp. 11 S., R. 30 E.,
26. Rights of the public and governmental bodies in and to any portion of the premises herein described lying below the high water mark of Fox Creek, including any ownership rights which may be claimed by the State of Oregon below the high water mark.
27. Such rights and easements for navigation and fishing as may exist over that portion of the property lying beneath the waters of Fox Creek.
28. Any adverse claim based upon the assertion that:
(a) Said land or any part thereof is now or at any time has been below the ordinary HIGH water mark of Fox Creek.
(b) Some portion of said land has been created by artificial means or has accreted to such portion so created.
(c) Some portion of said land has been brought within the boundaries thereof by an avulsive movement of Fox Creek, or has been formed by accretion to any such portion.

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