

JUN 20 2013

SALEM, OR



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

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

Alternate Review Process (ORS 537.409): You may use this form for any reservoir storing less than 9.2 acre-feet or with a dam less than 10 feet high.

Use a separate form for each reservoir

Please type or print in dark ink. If your application is found to be incomplete or inaccurate, we will return it to you. If any requested information does not apply, insert "n/a". A summary of review criteria and procedures that are generally applicable to these applications is available at www.wrd.state.or.us/OWRD/PUBS/forms.shtml.

1. APPLICANT INFORMATION

Applicant: Rick Robinson
Mailing Address: Robinson Farms, LLC P.O. Box 100
Amity OR 97101
Phone: 503-835-4533
E-Mail Address*: Rick@robinsonrsvy.com

2. AGENT INFORMATION

The agent is authorized to represent the applicant in all matters relating to this application.

Agent:
Mailing Address:
Phone:
E-Mail Address*:
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3. LOCATION AND SOURCE

JUL 24 2013

A. Reservoir Name: SALEM, OR
B. Source: Provide the name of the water body or other source from which water will be diverted, and the name of the stream or lake it flows into. Indicate if source is run-off, seepage, or an unnamed stream or spring. Source: Tributary to: South Yamhill River
C. County in which diversion occurs: Yamhill

App. No. R-8799 For Department Use Permit No. Date

JUN 20 2013

D. Reservoir Location

SALEM, OR

Township (N or S)	Range (E or W)	Section	quarter/quarter	tax lot number

E. Dam: Maximum height of dam: 15' E feet. If excavated, write "zero feet".

F. Quantity: Amount of water to be stored in the reservoir at maximum capacity. List volume in acre-feet: 7.0

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

4. WATER USE

Indicate the proposed use(s) of the stored water. NOTE: You may wish to consider filing for "Multipurpose use" for your reservoir. Multipurpose use does not limit the types of future uses for the stored water. Multipurpose covers all uses including: stockwater, fish and wildlife, aesthetics, domestic, irrigation, agriculture, fire protection and pollution abatement. If any use will be out of reservoir use, regardless of the type of storage listed, a secondary application must be filed to appropriate the stored water.

Multipurpose

5. PROPERTY OWNERSHIP

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Please provide a copy of the recorded deed(s).

JUL 24 2013

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 5)

SALEM, OR

There are no encumbrances

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

No (Please check the appropriate box below)

I have a recorded easement or written authorization permitting access.

I do not currently have written authorization or easement permitting access.

Written authorization or an easement is not necessary, because the only affected lands I do not own are state-owned submersible lands, and this application is for irrigated and/or domestic use only (ORS 274.040).

(Do not check this box if you described your use as "Multipurpose" in #3 above.)

List the names and mailing addresses of all affected landowners:

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R-8789

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6. ENVIRONMENTAL IMPACT

JUN 20 2013

- A. **Channel:** Is the reservoir: in-stream or off channel?
- B. **Wetland:** Is the project in a wetland? Yes No Don't know
- C. **Existing:** Is this an existing reservoir? Yes No
If yes, how long has it been in place? _____ years.
- D. **Fish Habitat:** Is there fish habitat upstream of the proposed structure? Yes No Don't know
If yes, how much? _____ miles.
- E. **Partnerships:** Have you been working with other agencies? Yes No
Indicate agency, staff and phone numbers of those involved. Also indicate any agencies that are cost sharing in this project.

SALEM, OR

7. 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

8. DESCRIPTION

Provide a description of the design and operation of the proposed diversion, including a description of how live flow will be passed outside the authorized storage season. Use this space for narrative. You may also provide narrative and sketches on separate pages.

The pond was excavated in a low area near the high bank of the South Yamhill River. The excavated dirt was used to build a dam at the lower end of the low area. This pond is filled completely by natural runoff and runoff from the Robinson Nursery greenhouses to the south. There is a gated pipe at the bottom of the dam that can be used to drain the pond. The pipe has a riser on the upper (pond) end of the pipe that the excess water flows into. There is also a culvert near the top of the dam for emergency over flow. See also exhibit maps A,B,C.

If the diversion involves a dam, use this space for sketches of the diversion (e.g. cross-section of the dam with its dimensions, dimension and placement of outlet pipe, means of passing live flow outside of the authorized storage season, and means for providing fish passage).

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JUN 20 2013

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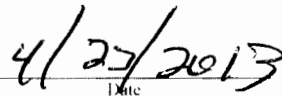
see exhibit maps
A, B, C

9. SIGNATURE

I swear that all statements made and information provided in this application are true and correct to the best of my knowledge.



 Landowner Signature



 Date

Before you submit your application be sure you have:

- Answered each question completely.
- Included a legible map that includes Township, Range, Section, quarter-quarter and tax lot number.
- The map must meet map requirements to be accepted.
- Included a land use form or receipt stub signed by a local planning official.
- Included a check payable to Oregon Water Resources Department for the appropriate amount.

FEE STRUCTURE: The fee is based on the number of acre-feet proposed to be stored. The base fee is \$300. In addition, there is a fee of \$25 per acre-foot or fraction thereof. Example: 0.3 AF= \$325; 1.5 AF= \$350; 20.0 AF= \$800; 30.0 AF= \$1050. Plus a permit recording fee of \$400 (this fee is refunded if no permit is issued).

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.

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NOTE TO LOCAL GOVERNMENTS

SALEM, OR

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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SALEM, OR

R-8719

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: Riek Robinson
First Last

Mailing Address: Robinson Farms, LLC P.O. Box 100

Amity OR 97101 Daytime Phone: 503-835-4533
City State Zip

A. Land and Location

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

Township	Range	Section	¼ ¼	Tax Lot #	Plan Designation (e.g., Rural Residential/RR-5)	Water to be			Proposed Land Use
55	4W	6	SE SE	5407-100		<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used	pond
		7	NE NE	5407-100		<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used	pond
						<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:

Yamhill

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) runoff

Estimated quantity of water needed: 7 ac-ft
 cubic feet per second
 gallons per minute
 acre-feet

Intended use of water: Irrigation
 Commercial
 Industrial
 Domestic for _____ household(s)
 Municipal
 Quasi-Municipal
 Instream
 Other _____

Briefly describe:

This is for a permit to store water

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

See bottom of Page 3. →

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JUN 20 2013

JUL 24 2013

SALEM, OR

SALEM, OR

10

R-87919

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): 402

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.

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SALEM, OR SALEM, OR

Name: Kenneth R. Frisley Title: P. D. M.
 Signature: [Handwritten Signature] Phone: 503 434-7516 Date: 4/17/2013
 Government Entity: Yamhill Co.

Note to local government representative: Please complete this form or sign the receipt below and return it to the applicant. If you sign the receipt, you will have 30 days from the Water Resources Department's notice date to return the completed Land Use Information Form or WRD may presume the land use associated with the proposed use of water is compatible with local comprehensive plans.

Receipt for Request for Land Use Information

Applicant name: _____
 City or County: _____ Staff contact: _____
 Signature: _____ Phone: _____ Date: _____

R-87919

WATERMASTER ALTERNATE RESERVOIR APPLICATION REVIEW SHEET

Recommendations for Water Right Applications under the Alternate Reservoir review process (ORS 537.409)

In lieu of the water right application process set forth in ORS 537.140 to 537.211, an owner of a reservoir may submit an alternate reservoir application for a reservoir that has a storage capacity less than 9.2 acre-feet or a dam or impoundment structure less than 10 feet in height. ORS 537.409 describes the criteria used to evaluate alternate reservoir applications.

The review shall be limited to issues pertaining to: a) water availability, b) potential detrimental impact to existing fishery resources; and c) potential injury to existing water rights. (ORS 537.409 (6))

Within 60 days after the department provides public notice...any person may submit detailed, legally obtained information in writing, requesting the department to deny the application for a permit on the basis that the reservoir: (a) Would result in injury to an existing water right; or (b) Would pose a significant detrimental impact to existing fishery resources. (ORS 537.409 (5))

The review of alternate reservoirs is limited to these criteria only.

Application #: R- Applicant's Name: *Robinson Farms*

1) Does the proposed reservoir have the potential to injure existing water rights? NO YES

Explain:

2) Can conditions be applied to mitigate the potential injury to existing water rights? NO YES

If YES, which conditions are recommended:

Limit storage season to Nov 1 - June 30

3) Did you meet with staff from another agency to discuss this application? NO YES

Who:

Agency:

Date:

Who:

Agency:

Date:

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JUN 20 2013

SALEM, OR

Watermaster signature: *Michael L. McCarl* Date: *4/22/13*

WRD Contact: Caseworker: Water Rights Division, 503-986-0900 / Fax 503-986-0901

NOTE: This completed form must be returned to the applicant

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JUL 24 2013

SALEM, OR

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WATERMASTER ALTERNATE RESERVOIR APPLICATION REVIEW SHEET

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The review of alternate reservoirs is limited to these criteria only.

Application #: R-

Applicant's Name:

Robinson Farms

1) Does the proposed reservoir have the potential to injure existing water rights?

NO

YES

Explain:

2) Can conditions be applied to mitigate the potential injury to existing water rights?

NO

YES

If YES, which conditions are recommended:

Limit storage season to Nov 1 - June 30

3) Did you meet with staff from another agency to discuss this application?

NO

YES

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Who:

Agency:

Date:

Who:

Agency:

Date:

JUN 20 2013

SALEM, OR

Watermaster signature:

Michael J. McConl Date: *4/22/13*

WRD Contact:

Caseworker:

Water Rights Division, 503-986-0900 / Fax 503-986-0901

NOTE: This completed form must be returned to the applicant

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5 JUL 24 2013

SALEM, OR

R-87919

ODFW Alternate Reservoir Application Review Sheet

This portion to be completed by the applicant.

Applicant Name/Address/Phone/Email: Rick Robinson, Robinson Farms
P.O. Box 100, Amity, OR 97101 503-835-4533

Reservoir Name: — Source: run off Volume (AF): 7

Twp Rng Sec QQ: SE, SE Sec 6 Basin Name: Yamhill in-channel
S NE, NE of Sec 7, T.5S., R.4W. off-channel

Note: It is unlikely that ODFW will be able to complete this form while you wait, nevertheless we recommend making an appointment to submit the form so as to provide any necessary clarifications. See pg. 6 of Instructions for contact information.

This portion to be completed by Oregon Department of Fish and Wildlife (ODFW) District staff.

- 1) Is the proposed project and AO¹ off channel? YES NO
 (if yes then proceed to #4; if no then proceed to #2)
- 2) Is the proposed project or AO located where NMF² are or were historically present?..... YES NO
 (if yes then proceed to #3; if no then proceed to #4)
- 3) If NMF are or were historically present:
- a. Is there an ODFW-approved fish-passage plan?..... YES NO
 - b. Is there an ODFW-approved fish-passage waiver or exemption?..... YES NO

If fish passage is required under ORS 509.580 through .910, then either 3(a) or 3(b) must be "Yes" to move forward with the application. If responses to 3(a) and 3(b) are "No", then the proposed reservoir does not meet the requirements of Oregon Fish Passage Law and shall not be constructed as proposed.

- 4) Would the proposed project pose any other significant detrimental impact to an existing fishery resource locally or downstream?..... YES NO
 Explain below (for example, list STE species or other existing fishery resources that would be impacted negatively.)

Any diversion or appropriation of water for storage during the period June through November poses a significant detrimental impact to existing fishery resources. (For example, if diversion of water for storage during a certain time period would cause a significant detrimental impact to an existing fishery resource, then ODFW should recommend conditions or limitations.)
 If NMF fish are present at the project site or point of water diversion then the applicant should be advised that a fish screen consistent with screening criteria will be required.

This proposed pond or reservoir contemplates impounding water in the Columbia Basin above Bonneville Dam. ODFW has determined that additional diversions of water in this area pose a significant detrimental impact to existing fishery resources during the period April 15 through September 30.

¹ AO = Artificial Obstruction means any dam, diversion, culvert or other human-made device placed in waters of this state that precludes or prevents the migration of native migratory fish. ORS 509.580 (1)

² NMF = Native Migratory Fish Species in Oregon as defined by OAR 635 - 412 - 0005 (32)

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JUL 24 2013

R-8799

SALEM, OR

If YES, can conditions be applied to mitigate the significant detrimental impact to an existing fishery resource?

NO (explain)

YES (select from Menu of Conditions on next page)

b5/a Dec-May

WQ

Riparian

WQ, Riparian; Water should only be

diverted to fill the reservoir when state and federal water quality standards and downstream instream water rights are being met. Once the reservoir is full, all live flow should be bypassed in a manner that does not impact water quality.

ODFW Signature:

Tom Murtagh

Print Name:

Tom Murtagh

ODFW Title:

Dist. Fish Biologist

Date:

7-15-2013

NOTE: This completed form must be returned to the applicant.

Revised 10/4/12

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JUL 24 2013

SALEM, OR

R-8789

2

Use this menu to identify appropriate conditions to be included in the permit, and indicate the abbreviations on the review form:

fishpass: As required by ORS 509.585, a person owning or operating an artificial obstruction (AO) may not construct or maintain any AO across any waters of this state that are inhabited, or historically inhabited, by native migratory fish (NMF) without providing passage for NMF. A person owning or operating an AO shall, prior to construction, fundamental change in permit status or abandonment of the AO in any waters of this state, obtain a determination from ODFW as to whether NMF are or historically have been present in the waters. If ODFW determines that NMF are or historically have been present in the waters, the person owning or operating the AO shall either submit a proposal for fish passage to ODFW or apply for a waiver or exemption. Approval of the proposed fish-passage facility, waiver, or exemption must be obtained from the department prior to construction, permit modification or abandonment of the AO. Approved fish-passage plans, waivers, and exemptions shall maintain adequate passage of NMF at all times (ORS 509.601) as per the approved plan, waiver or exemption.

fishself: The permittee shall install, maintain, and operate fish screening and by-pass devices consistent with current Oregon Department of Fish and Wildlife (ODFW) standards. Fish screening is to prevent fish from entering the proposed diversion while by-pass devices provide adequate upstream and downstream passage for fish. The required screen and by-pass devices are to be in place and functional prior to diversion of any water. Permittee shall obtain written approval from ODFW that the installation of the required screen and by-pass devices meets the state's criteria or the permittee shall submit documentation that ODFW has determined screens and/or by-pass devices are not necessary.

fishapprove: The permittee shall install, maintain, and operate fish screening and by-pass devices consistent with current Oregon Department of Fish and Wildlife (ODFW) standards. Fish screening is to prevent fish from entering the proposed diversion while by-pass devices provide adequate upstream and downstream passage for fish. The required screen and by-pass devices are to be in place and functional, and approved in writing by ODFW prior to diversion of any water. The permittee may submit evidence in writing that ODFW has determined screens and/or by-pass devices are not necessary.

fishdiv33: If the riparian area is disturbed in the process of developing a point of diversion, the permittee shall be responsible for restoration and enhancement of such riparian area in accordance with ODFW's Fish and Wildlife Habitat Mitigation Policy OAR 635-415. For purposes of mitigation, the ODFW Fish and Wildlife Habitat Mitigation Goals and Standards, OAR 635-415, shall be followed.

The use may be restricted if the quality of the source stream or downstream waters decrease to the point that those waters no longer meet existing state or federal water quality standards due to reduced flows.

The permittee shall install, maintain, and operate fish screening and by-pass devices consistent with current Oregon Department of Fish and Wildlife (ODFW) standards. Fish screening is to prevent fish from entering the proposed diversion while by-pass devices provide adequate upstream and downstream passage for fish. The required screen and by-pass devices are to be in place and functional, and approved in writing by ODFW prior to diversion of any water. The permittee may submit evidence in writing that ODFW has determined screens and/or by-pass devices are not necessary.

fishmay: Notwithstanding that ODFW has made a determination that fish screens and/or by-pass devices are not necessary at the time of permit issuance, the permittee may be required in the future to install, maintain, and operate fish screening and by-pass devices to prevent fish from entering the proposed diversion and to provide adequate upstream and downstream passage for fish.

b52 Water may be diverted only when Department of Environmental Quality sediment standards are being met.

b5 The water user shall install and maintain adequate treatment facilities meeting current DEQ requirements to remove sediment before returning the water to the stream.

b51a The period of use has been limited to _____ through _____.

b57 Before water use may begin under this permit, a totalizing flow meter must be installed at each diversion point.

b58 Before water use may begin under this permit, a staff gage that measures the entire range and stage between full reservoir level and dead-pool storage must be installed in the reservoir. The staff gage shall be United States Geological Survey style porcelain enamel iron staff gage style A, C, E or I.

futile call: The use of water allowed herein may be made only at times when waters from the (NAME OF SURFACE WATER) would not otherwise flow into a tributary of the _____ River or sufficient water is available to satisfy all prior rights, including rights for maintaining instream flows.

riparian: If the riparian area is disturbed in the process of developing a point of diversion, the permittee shall be responsible for restoration and enhancement of such riparian area in accordance with ODFW's Fish and Wildlife Habitat Mitigation Policy OAR 635-415. For purposes of mitigation, the ODFW Fish and Wildlife Habitat Mitigation Goals and Standards, OAR 635-415, shall be followed.

wq: The use may be restricted if the quality of the source stream or downstream waters decrease to the point that those waters no longer meet existing state or federal water quality standards due to reduced flows.

fence: The stream and its adjacent riparian area shall be fenced to exclude livestock.

blv: Water must be diverted to a trough or tank through an enclosed water delivery system. The delivery system must be equipped with a automatic shut-off or limiting flow control mechanism or include a means for returning water to the stream source through an enclosed delivery system. The use of water shall not exceed 0.10 cubic feet per second per 1000 head of livestock.

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JUL 24 2013

SALEM, OR

R-8799

Kerry Kavanagh

From: Matt Dunckel <matt@macdonaldsurveying.com>
Sent: Thursday, July 25, 2013 1:56 PM
To: kerry.l.kavanagh@state.or.us
Subject: FW: Rick Robinson - Robinson Farms, LLC - deed
Attachments: DOC072513-07252013132129.pdf

Kerry, here is a copy of the deed to Robinson Farms, LLC - Yamhill Co. Tax Lot 5407-100.

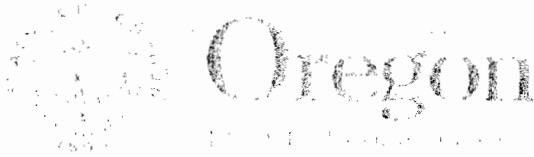
thanks, Matt

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JUL 25 2013

WATER RESOURCES DEPT
SALEM, OREGON

R-87919



Water Resource Department
500 NE Oregon Street, Suite 1000
Portland, Oregon 97232
503-986-0817
www.oregon.gov/OWD

June 21, 2013

Robinson Farms, LLC
Rick Robinson
PO Box 100
Amity OR 97101

RE: Alternative Reservoir Application Return

Dear Mr. Robinson:

The Water Resources Department has received your application to store water. At this time however, we are unable to accept your application, because the minimum filing requirements are not met according to the Oregon Revised Statutes (ORS 537.409).

Specifically, the file is lacking a completed "ODFW Alternative Reservoir Application Review Sheet". The cover letter that accompanied the application indicated that Mr. Dunckel was unsure how to contact ODFW for completion of the form. The ODFW Biologist that you need to contact is Ben Walczak, at the Clackamas. His number is 971-673-6033.

We are hereby returning the incomplete application and the fees submitted. Please return the application, the required information, and checklist, so the Department may begin processing your application in a timely manner.

This review is based only on the completeness of your application. Any determination of water availability, compliance with basin plan rules, or any other water related issues has not been made.

Should you have any questions, please do not hesitate to contact me at the address above or by telephone at 503-986-0817.

Sincerely,

A handwritten signature in black ink, appearing to read "Gerry Clark".

Gerry Clark
Water Rights Program Analyst

Cc: OWRD Fiscal
Matt Dunckel, CWRE

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JUL 24 2013

SALEM, OR

R-8719

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

Robinson Farms, LLC
PO Box 100
Amity, OR 97101

(This space reserved for recording

OFFICIAL YAMHILL COUNTY RECORDS
JAN COLEMAN, COUNTY CLERK

200627232

RECEIVED

After recording return to:
Robinson Farms, LLC
PO Box 100
Amity, OR 97101

JUL 25 2013

WATER RESOURCES DEPT
SALEM, OREGON



\$36.00

11/28/2006 12:35:00 PM

DMR-DDMR Cnt=1 Str=2 ANITA
\$15.00 \$10.00 \$11.00

WARRANTY DEED - STATUTORY FORM

Beulah V. Reed, surviving spouse of Charlie W. Reed, deceased, Grantor, conveys and warrants to Robinson Farms, LLC, Grantee, the following described real property free of encumbrances except as specifically set forth herein situated in Yamhill County, Oregon, to-wit:

See Exhibit "A" attached hereto and by this reference made a part hereof.

*This deed is given in fulfillment of that certain Contract of Sale between Charlie W. Reed and Beulah V. Reed, Seller and Robinson Farms, LLC, Buyer, a memorandum of which is recorded as Instrument 200212952, Yamhill County Deed Records.

The said property is free from encumbrances except as hereinafter set forth in Exhibit A.

The true consideration for this conveyance is \$511,000.00.*

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 197.352. 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 APPROVED USES, 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 197.352.

DATED this 21st day of November, 2006.

Beulah V. Reed
Beulah V. Reed, Grantor

STATE OF OREGON,)
Deschutes) ss.
County of Yamhill)
Ilzala

Personally appeared on the 21st day of November, 2006, the above named Beulah V. Reed, and acknowledged the foregoing instrument to be her voluntary act and deed.

Before me:

[Signature]
Notary Public for Oregon
My Commission Expires: June 6 2009



EXHIBIT "A"

Page 1 of 2

A part of Sections 6 and 7, of the Joseph Watt Donation Land Claim #80 and of the William J. Garrison Donation Land Claim #40, all in Township 5 South, Range 4 West, of the Willamette Meridian, described as follows: Beginning at the Northeast corner of the James Gwinn Donation Land Claim #43; thence West along the North line of said Gwinn Claim 12.56 chains; thence North 2.98 chains; thence East 2.80 chains to the Westerly line of Lot 3 of Partition Suit in the State Circuit Court for Yamhill County, Oregon, #3053, as surveyed by C. E. Branson; thence North 21° 45' West 23.16 chains to a stake at corner established by said Branson Survey; thence North 51° 30' East along the Northerly line of Lot 3 of said Branson Survey 10 chains to a stake set in Salt Creek near the North bank thereof; thence South 19° 28' East 32.71 chains to the place of beginning.

Lot 3, in Section 6 and Lot 8 in Section 7, all in Township 5 South, Range 4 West, of the Willamette Meridian.

Beginning, at the Northeast corner of the James L. Gwinn Donation Land Claim #43 in Township 5 South, Range 4 West, of the Willamette Meridian; thence West 10.35¼ chains; thence South 6.64 chains; thence East 10.12 ½ chains; thence South 6.303 chains to angle in said County Road; thence East 0.2275 of a chain to East boundary line of said Gwinn DLC; thence North 12.944 chains to place of beginning.

A part of the Hardin D. Martin Donation Land Claim #37 in Township 5 South, Range 4 West, of the Willamette Meridian, described as follows: Beginning at the Southwest corner of said Martin Claim; thence East 9.00 chains to the Southwest corner of a tract conveyed by W. D. McDonald to R. B. McDonald by deed recorded January 30, 1897 in Book 34, Page 36, Deed Records; thence North along the West line of said McDonald tract to the South fork of the Yamhill River; thence Westerly along said river to the west line. of said Martin Claim; thence South to the place of beginning.

A part of the James L. Gwinn DLC, Notification No. 1255, Claim No. 43, in Township 5 South of Range 4 West, of the Willamette Meridian and parts of Lots No. 6 and 7 of Section 7, in said Township and Range, described as follows: Beginning at a stone at angle in County Road on the East line of and 24.15 chains South of the Northeast corner of said Gwinn DLC; thence West along corner of said County Road 22.398 chains, set iron pipe for Southwest corner; thence North 27.13 chains set stake and iron pipe for corner; thence East 9.838 chains to angle; thence South 2.98 chains to angle; thence East 2.207 chains to angle; thence South 6.64 chains to Southwest corner of Frazier tract; thence East 10.125 chains to point 15 feet West of the East line of Gwinn Claim; thence South 6.303 chains to point opposite angle in County Road; thence East 0.227 of a chain to angle in center of County road on East line of claim; thence South 41.206 chains to beginning.

EXCEPTING THEREFROM that portion conveyed to Yamhill County, a political subdivision, State of Oregon by Deed recorded December 29, 1972 in Film Volume 92, Page 1100, Deed and Mortgage Records.

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WATER RESOURCES DEPT
SALEM, OREGON

Exhibit "A"
Page 2 of 2

ALSO EXCEPTING THEREFROM that portion conveyed to George D. Frauendicner Jr. and Charlia K. Frauendicner by deed recorded August 31, 1973 in Film Volume 96, Page 253, Deed and Mortgage Records.

FURTHER EXCEPTING THEREFROM that portion conveyed to Charlie K. Bray and David N. Bray by deed recorded November 6, 2000 as Instrument No. 200015985, Deed and Mortgaged Records.

TOGETHER WITH and easement for access and maintenance of a farm field tile drainage system, as disclosed in deed recorded November 6, 2002 as Instrument No. 200015985, Deed and Mortgage Records.

Subject to the following:

1. As disclosed by the tax rolls, 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 will be subject to additional taxes or penalties and interest.
2. Rights of the public and of governmental bodies in and to that portion of the premises here in described lying below the high water mark of the South Fork Yamhill River.
3. Governmental rights in connection with flood control and propagation of anadromous fish and public rights of fishing and recreational navigation in and to the water, bed and shoreline of the South Fork Yamhill River.
4. Any adverse claim based upon the assertion that some portion of said land have been removed from or brought within the boundaries thereof by an avulsive movement of the South Fork Yamhill River or has been formed by the process of accretion or reliction or has been created by artificial means or has accreted to such portion so created.
5. Reservations contained in deed to the Oregon and California Railroad Company, recorded June 18, 1891 in Book 25, Page 347, Deed Records.
6. Reservations contained in deed recorded December 12, 1891 in Book 26, Page 308, Deed Records.
7. Reservations contained in deed to R.F. Harding, recorded July 19, 1909 in Book 54, Page 572, Deed Records.
8. A non-exclusive easement for roadway purposes, as disclosed in document recorded December 26, 1973 in Film Volume 97, Page 1930, Deed and Mortgage Records.