



October 13, 2015

Tim Wallin  
Oregon Water Resources Department  
725 Summer Street NE, Suite A  
Salem, OR 97301

Re: "Secondary" Permit Application in the name of Chris and Joan Horton

Dear Mr. Wallin:

The enclosed surface water permit application is submitted on behalf of Chris and Joan Horton. The application requests the use of up to 43 acre-feet of stored water, which will be stored in the Applicants' pond as authorized by Permit R-15120. Also enclosed is the required fee of \$1,523, which was calculated as follows:

\$ 450 - Base Fee  
\$ 600 - Rate Fee of \$30/acre-foot for 20 acre-feet  
\$ 23 - Rate Fee of \$1/acre-foot for 23 acre-feet  
\$ 450 - Permit Recording Fee

Total = \$1,523

The application requests to use up to 43 acre-feet of stored water for irrigation of up to 107.6 acres. As further described in the application, the Applicants intend to manage the 43 acre-feet of water supply in a manner that will allow them to beneficially use the water on the entire proposed place of use.

If you have any questions about the enclosed materials, please contact me at 541-257-9004.

Sincerely,

A handwritten signature in black ink, appearing to read "Kimberly Grigsby".

Kimberly Grigsby  
Senior Water Resources Consultant

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enclosures

# Application for a Permit to Use Surface Water



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

## Water-Use Permit Application Processing

### 1. Completeness Determination

The Department evaluates whether the application and accompanying map contain all of the information required under OAR 690-310-0040 and OAR 690-310-0050 ([www.oregon.gov/owrd/law.our](http://www.oregon.gov/owrd/law.our)). The Department also determines whether the proposed use is prohibited by statute. If the Department determines that the application is incomplete, all fees have not been paid, or the use is prohibited by statute, the application and all fees submitted are returned to the applicant.

### 2. Initial Review

The Department reviews the application to determine whether water is available during the period requested, whether the proposed use is restricted or limited by rule or statute, and whether other issues may preclude approval of or restrict the proposed use. An Initial Review (IR) containing preliminary determinations is mailed to the applicant. The applicant has 14 days from the mailing date to withdraw the application from further processing and receive a refund of all fees paid minus \$200. The applicant may put the application on hold for up to 180 days and may request additional time if necessary.

### 3. Public Notice

Within 7 days of the mailing of the initial review, the Department gives public notice of the application in the weekly notice published by the Department at [www.oregon.gov/owrd](http://www.oregon.gov/owrd). The public comment period is 30 days from publication in the weekly notice.

### 4. Proposed Final Order Issued

The Department reviews any comments received, including comments from other state agencies related to the protection of sensitive, threatened or endangered fish species. Within 60 days of completion of the IR, the Department issues a Proposed Final Order (PFO) explaining the proposed decision to deny or approve the application. A PFO proposing approval of an application will include a draft permit, and may request additional information or outstanding fees required prior to permit issuance.

### 5. Public Notice

Within 7 days of issuing the PFO, the Department gives public notice in the weekly notice. Notice includes information about the application and the PFO. Protest must be received by the Department within 45 days after publication of the PFO in the weekly notice. Anyone may file a protest. The protest filing fee is \$350.00 for the applicant and \$700.00 for non-applicants. Protests are filed on approximately 10% of Proposed Final Orders. If a protest is filed the Department will attempt to settle the protest but will schedule a contested case hearing if necessary.

### 6. Final Order Issued

If no protests are filed, the Department can issue a Final Order within 60 days of the close of the period for receiving protest. If the application is approved, a permit is issued. The permit specifies the details of the authorized use and any terms, limitations or conditions that the Department deems appropriate.

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# Minimum Requirements Checklist

Minimum Requirements (OAR 690-310-0040, OAR 690-310-0050 & ORS 537.140)

## Include this checklist with the application

Check that each of the following items is included. The application will be returned if all required items are not included. If you have questions, please call the Water Rights Customer Service Group at (503) 986-0900.

- SECTION 1: applicant information and signature
- SECTION 2: property ownership
- SECTION 3: source of water requested
- SECTION 4: water use
- SECTION 5: water management
- SECTION 6: resource protection
- SECTION 7: project schedule
- SECTION 8: within a district
- SECTION 9: remarks

### Attachments:

- 
- Land Use Information Form with approval and signature (*must be an original*) or signed receipt (See Attachment A)
  - 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. (See Attachment B)
  - Fees - Amount enclosed: \$ 1,523  
See the Department's Fee Schedule at [www.oregon.gov/owrd](http://www.oregon.gov/owrd) or call (503) 986-0900.

### Provide a map and check that each of the following items is included: (See Attachment C)

- 
- Permanent quality and drawn in ink
  - Even map scale not less than 4" = 1 mile (example: 1" = 400 ft, 1" = 1320 ft, etc.)
  - North Directional Symbol
  - Township, Range, Section, Quarter/Quarter, Tax Lots
  - Reference corner on map
  - Location of each well, and/or dam if applicable, by reference to a recognized public land survey corner (distances north/south and east/west)
  - Indicate the area of use by Quarter/Quarter and tax lot clearly identified
  - Number of acres per Quarter/Quarter and hatching to indicate area of use if for primary irrigation, supplemental irrigation, or nursery
  - Location of main canals, ditches, pipelines or flumes (if well is outside of the area of use)
  - Other:

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# Application for a Permit to Use Surface Water



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

## SECTION 1: APPLICANT INFORMATION AND SIGNATURE

### Applicant Information

NAME CHRIS AND JOAN HORTON		PHONE (HM)	
PHONE (WK)	CELL 503-931-3293	FAX	
ADDRESS 14850 ARLIE RD			
CITY MONMOUTH	STATE OR	ZIP 97361	E-MAIL *

### Organization Information

NAME		PHONE	FAX
ADDRESS			CELL
CITY	STATE	ZIP	E-MAIL *

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

AGENT / BUSINESS NAME KIM GRIGSBY		PHONE 541-257-9004	FAX
ADDRESS 1600 SW WESTERN BLVD, SUITE 240			CELL
CITY CORVALLIS	STATE OR	ZIP 97333	E-MAIL * KGRIGSBY@GSIWS.COM

Note: Attach multiple copies as needed

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

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By my signature below I confirm that I understand:

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- 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.
- The Department encourages all applicants to wait for a permit to be issued before beginning construction of any proposed diversion. Acceptance of this application does not guarantee a permit will be issued.
- If I begin construction prior to the issuance of a permit, I assume all risks associated with my actions.
- If I get a permit, I must not waste water.
- If development of the water use is not according to the terms of the permit, the permit can be cancelled.
- The water use must be compatible with local comprehensive land use plans.
- Even if the Department issues a permit, I may have to stop using water to allow senior water right holders to get water to which they are entitled.

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I (we) affirm that the information contained in this application is true and accurate.

Applicant Signature

Applicant Signature

Chris Horton  
Print Name and title if applicable

Joan Horton  
Print Name and title if applicable

10/5/15  
Date

10-5-15  
Date

Revised	App. No. <u>S-88140</u>	For Department Use Permit No. _____	Date _____
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**SECTION 2: PROPERTY OWNERSHIP**

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

- Yes
  - There are no encumbrances.
  - This land is encumbered by easements, rights of way, roads or other encumbrances.
- No
  - I have a recorded easement or written authorization permitting access. **(See Attachment D)**
  - I do not currently have written authorization or easement permitting access.
  - Written authorization or an easement is not necessary, because the only affected lands I do not own are state-owned submersible lands, and this application is for irrigation and/or domestic use only (ORS 274.040).
  - Water is to be diverted, conveyed, and/or used only on federal lands.

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

Donald and Wilma Burch Revocable Living Trust, 3110 Clay Street SE, Albany, OR 97321

***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. See legal description in Attachment B.***

**SECTION 3: SOURCE OF WATER**

**A. Proposed Source of Water**

Provide the commonly used name of the water body from which water will be diverted, and the name of the stream or lake it flows into. If unnamed, say so:

Source 1: Unnamed Pond	Tributary to: <u>Staats Creek</u>
Source 2: _____	Tributary to: _____
Source 3: _____	Tributary to: _____
Source 4: _____	Tributary to: _____

If any source listed above is stored water that is authorized under a water right permit, certificate, or decree, attach a copy of the document or list the document number (for decrees, list the volume, page and/or decree name). **The source of water for this application is a pond, which is authorized by Permit R-15120. (See Attachment E.)**

**B. Applications to Use Stored Water**

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

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- Yes.
- No. (Please enclose a copy of your written notification to the operator of the reservoir of your intent to file this application, which you should have already mailed or delivered to the operator.)

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If *all* sources listed in item 3A are stored water, the Department will review your application using the expedited process provided in ORS 537.147, unless you check the box below. Please see the instruction booklet for more information.

By checking this box, you are requesting that the Department process your application under the standard process outlined in ORS 537.150 and 537.153, rather than the expedited process provided by ORS 537.147. To file an application under the standard process, you must enclose the following:

- A copy of a signed non-expired contract or other agreement with the owner of the reservoir (if not you) to impound the volume of water you propose to use in this application.
- A copy of your written agreement with the party (if any) delivering the water from the reservoir to you.

**SECTION 4: WATER USE**

Provide the amount of water you propose to use from each source, for each use, in cubic feet-per-second (cfs) or gallons-per-minute (gpm). If the proposed use is from storage, provide the amount in acre-feet (af):  
*(1 cfs equals 448.8 gpm. 1 acre-foot equals 325,851 gallons or 43,560 cubic feet)*

SOURCE	USE	PERIOD OF USE	AMOUNT
Unnamed Pond	Irrigation	April 1—Sept. 30	<u>43</u> <input type="checkbox"/> cfs <input type="checkbox"/> gpm <input checked="" type="checkbox"/> af
			<input type="checkbox"/> cfs <input type="checkbox"/> gpm <input type="checkbox"/> af
			<input type="checkbox"/> cfs <input type="checkbox"/> gpm <input type="checkbox"/> af
			<input type="checkbox"/> cfs <input type="checkbox"/> gpm <input type="checkbox"/> af

**For irrigation use only:**  
 Please indicate the number of primary and supplemental acres to be irrigated.  
 Primary: 107.6 Acres                      Supplemental: 0.0 Acres  
 List the Permit or Certificate number of the underlying primary water right(s): N/A  
 Indicate the maximum total number of acre-feet you expect to use in an irrigation season: 43 AF

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

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## SECTION 5: WATER MANAGEMENT

### A. Diversion and Conveyance

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

Pump (give horsepower and type): The pump specifications have not yet been finalized.

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

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

Water applied for irrigation purposes will be pumped from the pond. Water will be conveyed via pipeline for irrigation on taxlot 400.

### B. Application Method

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

The specifications of the irrigation system have not yet been finalized, but it is anticipated that drip irrigation will be used.

### C. Conservation

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

The Applicant will irrigate in a manner that makes the most efficient use of the stored water and prevents run-off to surface water to prevent damage to the public uses of the creeks.

## SECTION 6: RESOURCE PROTECTION

In granting permission to use water from a stream or lake, the state encourages, and in some instances requires, careful control of activities that may affect the waterway or streamside area. See instruction guide for a list of possible permit requirements from other agencies. Please indicate any of the practices you plan to undertake to protect water resources.

Diversion will be screened to prevent uptake of fish and other aquatic life.  
Describe planned actions: Water will be pumped directly from an off-channel pond. Due to the nature of the pond, it is not expected to contain fish. Nonetheless, if required by ODFW, the Applicant will install a screen to prevent uptake of fish and other aquatic life.

Excavation or clearing of banks will be kept to a minimum to protect riparian or streamside areas.  
Describe planned actions: Any excavation will be conducted in a manner to protect neighboring riparian areas.

Operating equipment in a water body will be managed and timed to prevent damage to aquatic life.  
Describe: No equipment will be operated in the creek and the pond is not expected to contain fish.

Water quality will be protected by preventing erosion and run-off of waste or chemical products.  
Describe: This project will prevent erosion and run-off of waste or chemical products into the creek.

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**SECTION 7: PROJECT SCHEDULE**

Date construction will begin: Within 5 years of permit issuance

Date construction will be completed: Within 5 years of permit issuance

Date beneficial water use will begin: Within 5 years of permit issuance

**SECTION 8: 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

**SECTION 9: REMARKS**

Use this space to clarify any information you have provided in the application.

The Applicant holds Permit R-15120, which authorizes storage of up to 43 acre-feet of water in an off-channel pond for multi-purpose storage. This application requests a permit authorizing the use of the water stored in that pond for irrigation purposes.

The application identifies a proposed place of use that is the maximum area that may be planted as an orchard and irrigated with stored water. The Applicant will use high efficiency irrigation equipment and will manage the water in a manner that allows the maximum beneficial use of the water. As a result, the Applicant can reasonably use 43 acre-feet to irrigate a maximum area of 107.6 acres.

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**Attachment A**  
**Land Use Information Form**  
**Application for a Permit to Use Surface Water– Chris and Joan Horton**

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S-88140

# 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

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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.

# 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: Chris and Joan Horton  
First Last

Mailing Address: 14850 Arlie Rd

Monmouth OR 97361  
City State Zip

Daytime Phone: 503-931-3293

## 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:
10	5	4		305	EFU - Farm Use Zoned	X Diverted X Conveyed X Used	Irrigation
9	5	34		400			

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

Polk County

## B. Description of Proposed Use

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

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

Source of water:  Reservoir/Pond   
 Ground Water   
 Surface Water (name) unnamed pond

Estimated quantity of water needed: 43   
 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:

Water from a pond on the Applicant's property will be used for irrigation purposes during the irrigation season.  
*for farm use*

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. → RECEIVED BY OWRD

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# For Local Government Use Only

The following section must be completed by a planning official from each county and city listed unless the project 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): PCZO 136.030(A)
- 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." *farm use/irrigation\**

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
	RECEIVED BY OWRD	<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
	OCT 19 2015	<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
	SALEM, OR	<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.

\* If there is vegetation removal for the proposed project, compliance with PCZO 182.040(E), a Management Plan for conflicting uses would be required within a riparian setback area as described in PCZO 182.050(B). Any non-structural development in the identified regulated floodplain would require a non-structural floodplain development permit, pursuant to PCZO 178.060(B).

Name: Autumn Hillebrand Title: Com. Dev. Admin. Services Manager  
 Signature: *Autumn Hillebrand* Phone: 503-623-9237 Date: 10/2/15  
 Government Entity: Polk County

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



**Receipt for Request for Land Use Information**

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

**Attachment B**  
**Legal Description of Property**  
Application for a Permit to Use Surface Water– Chris and Joan Horton

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S-88140

Attachment B - Legal Description of Property

All that property lying easterly of Berry Creek Road No. 1051 described as follows:  
Beginning at a rock at the Northeast corner of the William J. Berry D.L.C., No. 53; Not. No. 2676, Township 10 South, Range 5 West, Willamette Base & Meridian, Polk County, Oregon; thence South 57° 15' West 39.64 chains along the North line of said D.L.C. to a rock; thence South 34° 15' East 1309.46 feet to the Northwest corner of that parcel conveyed to Kenneth L. Landauer by deed recorded in Book 27, Page 528, Polk County Deed Records; thence North 53° East along the North line of said parcel 2920 feet to the West line of County Road No. 1051; thence Southerly along the West line of Said County Road to the most Northerly South line of that parcel described in that agreement recorded in Book 45, page 592, said Deed Records; thence along the lines of said last mentioned parcel North 60° 30' East 1120 feet to an iron pipe North 34° 30' West 30.20 chains to an iron pipe and South 57° 15' West 18.26 chains to the point of beginning.

8-88140

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**LEGAL DESCRIPTION**

**PARCEL 1:**

Beginning at the Northeast corner of the D.L.C. of Thomas W. Berry No. 52 in Township 9 and 10 South, Range 5 West of the Willamette Meridian in Polk County, Oregon; running thence South 57° 15' West 4.33 chains; thence North 52° 30' West 8.68 chains; thence North 48° East 16.62 chains; thence North 77° 30' East 29.44 chains; thence South 40.71 chains; thence North 34° 30' West 26.20 chains; thence South 55° 30' West 13.66 chains; thence North 34° 30' West 7.50 chains to the place of beginning.

SAVE AND EXCEPT the following described tract:

Beginning at the Northeast corner of the D.L.C. of Thomas W. Berry No. 52 in Township 9 and 10 South, Range 5 West of the Willamette Meridian in Polk County, Oregon; running thence South 57° 15' West 4.33 chains (285.7 feet); thence North 52° 30' West 8.68 chains (572.88 feet); thence North 48° East 4.65 feet (306.9 feet); thence to the point of beginning, situated in the County of Polk, State of Oregon.

**PARCEL 2:**

Beginning at the quarter section corner between Section 3 in Township 10 South, Range 5 West of the Willamette Meridian and Section 34, Township 9 South, Range 5 West of the Willamette Meridian and running thence North 26.82 chains; thence South 77° 30' West 17.73 chains; thence South 40.71 chains; thence South 34° 30' East 13 chains; thence North 28.60 chains; thence East 10 chains to the place of beginning.

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**Attachment D**  
**Written Authorization Permitting Access**  
**Application for a Permit to Use Surface Water– Chris and Joan Horton**

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S-88140



Chris & Joan Horton  
14850 Airlei Rd.  
Monmouth, OR 97361

September 14, 2015

Easement for irrigation line

Donald & Wilma Burch revocable Living Trust  
3110 Clay St. SE  
Albany, OR 97321

Donald & Wilma Burch Revocable Living Trust (heron referred to as Grantor) hereby grants an easement to Chris & Joan Horton (the Grantee) for an underground irrigation line from Map Number 10.5.4, Taxlot 305, Polk County, Oregon to Map Number 9.5.34, Tax lot 400, Polk County, Oregon underneath and through Grantor's property Map Number 10.5.4, Tax lot 101, Polk County, Oregon.

Donald M Burch

Donald M Burch, agent

9-21-15

Date

Ch Horton

Chris Horton

9/14/15

Date

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8-28140

0188-5

**IMPORTANT**  
This Map for Assessment  
and Taxation Purposes  
**ONLY**

**SEC. 4 T10S R5W WM  
POLK COUNTY**

Scale 1" = 400'

10.5.4

**13-8**

**13-12**

Canceled No.

302  
303  
600

See Map 10.5.5

See Map 10.5.3

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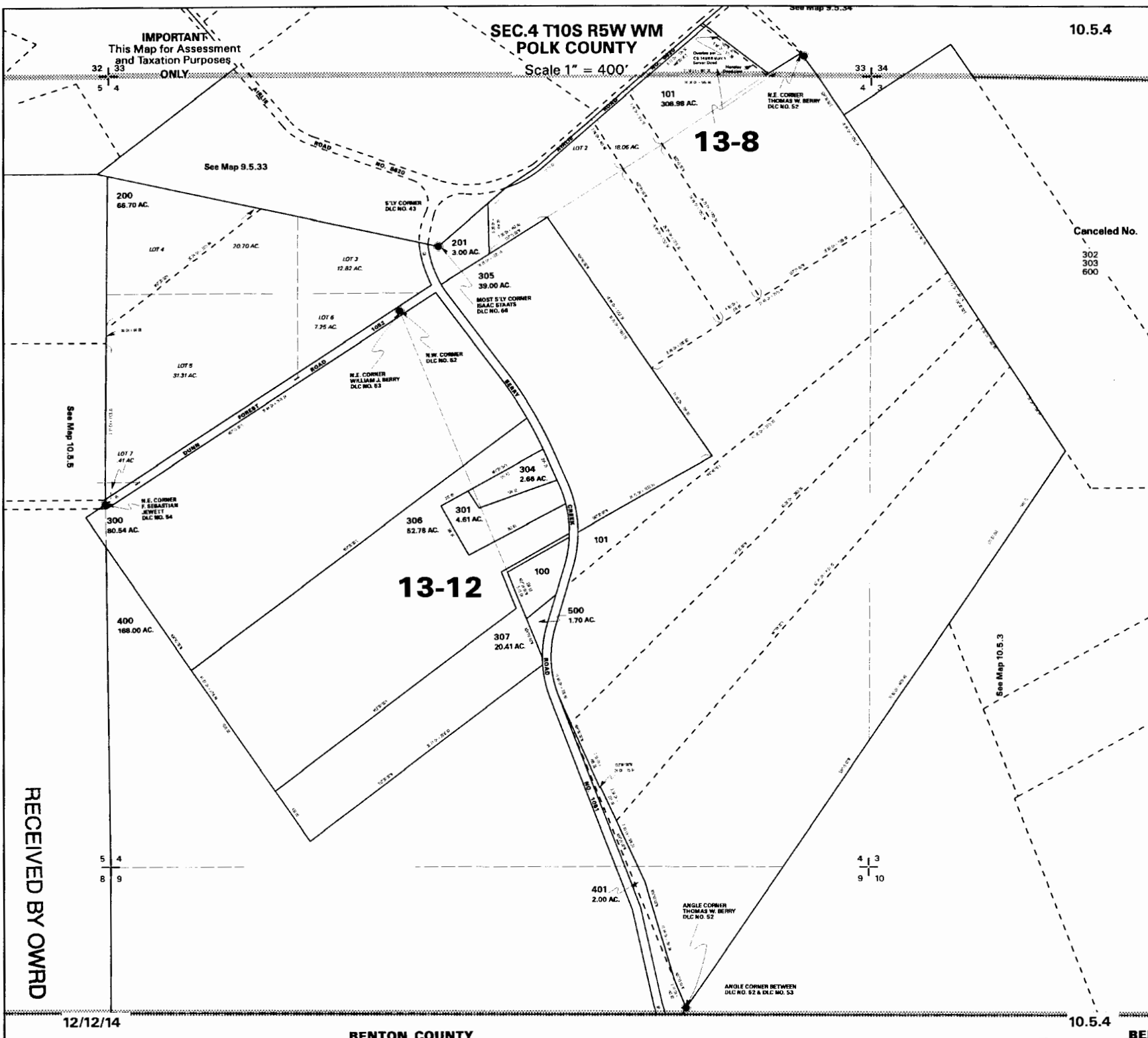
SALEM, OR

12/12/14

**BENTON COUNTY**

10.5.4

RE



IMPORTANT  
This Map for Assessment  
and Taxation Purposes  
ONLY

SEC.34 T9S R5W WM  
POLK COUNTY

Scale 1" = 400'

See Map 9.5.27

9.5.34

0188-5

Canceled No.

202  
300  
402

See Map 9.5.33

13-8

See Map 9.5.35

201  
20.09 AC

N.W. CORNER  
SAMUEL HEALY  
DLC NO. 65

E.E. CORNER  
SAMUEL HEALY  
DLC NO. 65

LOT 1 - 13.84 AC

LOT 2 - 13.84 AC

ROAD

500  
38.04 AC

501  
47.76 AC

600  
27.77 AC

LOT 3 - 13.84 AC

S.W. CORNER  
DLC NO. 65

E.E. CORNER  
DLC NO. 65

See Map 10.5.3

34 35  
3 2

9.5.34

12/12/14

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N.E. CORNER  
THOMAS W BERRY  
DLC NO. 62  
See Map 10.5.4

13-12

E. CORNER  
DLC NO. 66

400  
102.58 AC

LOT 3 27.90 AC

401  
3.48 AC

LOT 1 2.60 AC

33 34

**Attachment E**

**Water Use Permit R-15120**

**Application for a Permit to Use Surface Water— Chris and Joan Horton**

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S-88140

STATE OF OREGON

COUNTY OF POLK

PERMIT TO STORE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO:

CHRIS AND JOAN HORTON  
14850 AIRLIE RD  
MONMOUTH OR 97361

The specific limits and conditions of the use are listed below.

APPLICATION FILE NUMBER: R-88073

SOURCE OF WATER: RUNOFF, TRIBUTARY TO STAATS CREEK

STORAGE FACILITY: A POND

MAXIMUM VOLUME: 43.0 ACRE FEET

DATE OF PRIORITY: APRIL 10, 2015

WATER MAY BE APPROPRIATED AS FOLLOWS: NOVEMBER 1 THROUGH MAY 31

USE: MULTIPLE PURPOSE

**Dam Location/Authorized Point of Diversion:**

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
10 S	5 W	WM	4	NW NE	52	1200 FEET SOUTH AND 2230 FEET WEST FROM NE CORNER, SECTION 4
10 S	5 W	WM	4	SE NE	52	2605 FEET SOUTH AND 1155 FEET WEST FROM NE CORNER, SECTION 4

**The Area To Be Submerged:**

Twp	Rng	Mer	Sec	Q-Q	DLC
10 S	5 W	WM	4	NE NW	52
10 S	5 W	WM	4	NW NE	52
10 S	5 W	WM	4	SE NW	52
10 S	5 W	WM	4	SW NE	52

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Measurement, recording and reporting conditions:

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- A. 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. If no dead-pool, the gage must measure the full depth of the reservoir. The permittee shall maintain the device in good working order.
- B. The permittee shall allow the watermaster access to the device; provided however, where any device is located within a private structure, the watermaster shall request access upon reasonable notice.
- C. The Director may require the permittee to keep and maintain a record of the volume of water stored, and may require the permittee to report water-storage on a periodic schedule as

8-88140

established by the Director. In addition, the Director may require the permittee to report general water-use information, the periods of water use and the place and nature of use of water under the permit.

- D. The Director may provide an opportunity for the permittee to submit alternative measuring and reporting procedures for review and approval.

The permittee shall not release stored water from the reservoir June 1 through September 30 unless determined necessary by the Water Resources Department.

The storage of water allowed herein is subject to the installation and maintenance of an outlet pipe (with a minimum diameter of 8" for any in-channel reservoir). This requirement may be waived if the Department determines other means have been provided to evacuate water when necessary.

The permittee shall pass all live flow outside the storage season described above.

The Director may require the user to measure inflow and outflow, above and below the reservoir respectively, to ensure that live flow is not impeded outside the storage season. Measurement devices and their implementation must be acceptable to the Director, and the Director may require that data be recorded on a specified periodic basis and reported to the Department annually or more frequently.

The permittee shall not construct, operate or maintain any dam or artificial obstruction to fish passage in the channel of the subject stream without providing a fishway to ensure adequate upstream and downstream passage for fish, unless the permittee has requested and been granted a fish passage waiver by the Oregon Fish and Wildlife Commission. The permittee is hereby directed to contact an Oregon Department of Fish and Wildlife Fish Passage Coordinator, before beginning construction of any in-channel obstruction.

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. The 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.

This permit allows an annual appropriation (not to exceed the specified volume). This permit does not provide for the appropriation of water for out-of-reservoir uses, the maintenance of the water level or maintaining a suitable freshwater condition. If any water is to be used for out-of-reservoir purposes, a secondary water right is required. If any additional live flow is to be appropriated to maintain either the water level or a suitable freshwater condition, an additional water right is required.

#### **STANDARD CONDITIONS**

1. Failure to comply with any of the provisions of this permit may result in action including, but not limited to, restrictions on the use, civil penalties, or cancellation of the permit.
2. This permit is for the beneficial use of water without waste. The water user is advised that new regulations may require the use of best practical technologies or conservation practices to achieve this end.
3. By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

4. The use of water allowed herein may be made only at times when sufficient water is available to satisfy all prior rights, including prior rights for maintaining instream flows.
5. 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 Chapter 635, Division 415, shall be followed.
6. The use may be restricted if the quality of downstream waters decreases to the point that those waters no longer meet existing state or federal water quality standards due to reduced flows.
7. If the volume of the completed reservoir is 9.2 acre feet or more and a dam is used to impound the water, the height of the dam shall be less than 10.0 feet.
8. Construction shall be completed and up to the permitted annual volume of water shall be stored within five years of the date of permit issuance.
9. Within one year after storage of water, the permittee shall submit a claim of beneficial use to the Oregon Water Resources Department.
10. The claim of beneficial use shall be prepared by a Certified Water Right Examiner in conformance with the requirements of OAR 690-014 if an associated secondary permit exists for the use of stored water under this permit, or if the reservoir capacity is equal to or greater than 9.2 acre-feet.
11. If no secondary permit exists and the reservoir capacity is less than 9.2 acre-feet of water, the claim of beneficial use need not be prepared by a Certified Water Right Examiner. The information submitted to the Oregon Water Resources Department shall include:
  - a. the dimensions of the reservoir;
  - b. the maximum capacity of the reservoir in acre-feet; and
  - c. a map identifying the location of the reservoir prepared in compliance with Departmental standards.

Issued July 23 2015.

E. Timothy Wallin

E. Timothy Wallin, Water Rights Program Manager  
for Thomas M. Byler, Director

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