



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

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MAR 21 2016

Application for a Permit to Store Water in a Reservoir

(Alternate Review)

SALEM, OR

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: Engle Home Ranch LLC

First
Mailing Address: 37796 Cottonwood Rd

Monument

OR

97864

City
Phone: 541-934-2778

State

Zip

Home

Work

Other

Fax: _____ E-Mail Address*: _____

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

2. AGENT INFORMATION

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

Agent:

Mailing Address:

City
Phone:

State

Zip

[Home](#)

Work

Other

Fax: _____ E-Mail Address*: _____

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

3. LOCATION AND SOURCE

A. Reservoir Name:

Schoolhouse Reservoir

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: Kingsley Creek and Spring Tributary to: Cottonwood Creek

C. County in which diversion occurs: Grant

App. No. R-8895

For Department Use

Permit No.

Date

D. Reservoir Location

Township (N or S)	Range (E or W)	Section	quarter/quarter	tax lot number
10S	27E	25	NENE	2502

E. Dam: Maximum height of dam: 10 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: 4.3

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

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5. PROPERTY OWNERSHIP

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

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)

☐ 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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6. ENVIRONMENTAL IMPACT

- 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.

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 proposed reservoir will be earthen construction I propose to compact native soils excavated from the area where the reservoir pool will be formed to create the dam. I am planning on installing a 8" PVC pipe through the dam with a gate valve on the down stream end of pipe. I am planning on construction a simple earthen channel around the dam to pass live flow once the reservoir is filled. See attached #1

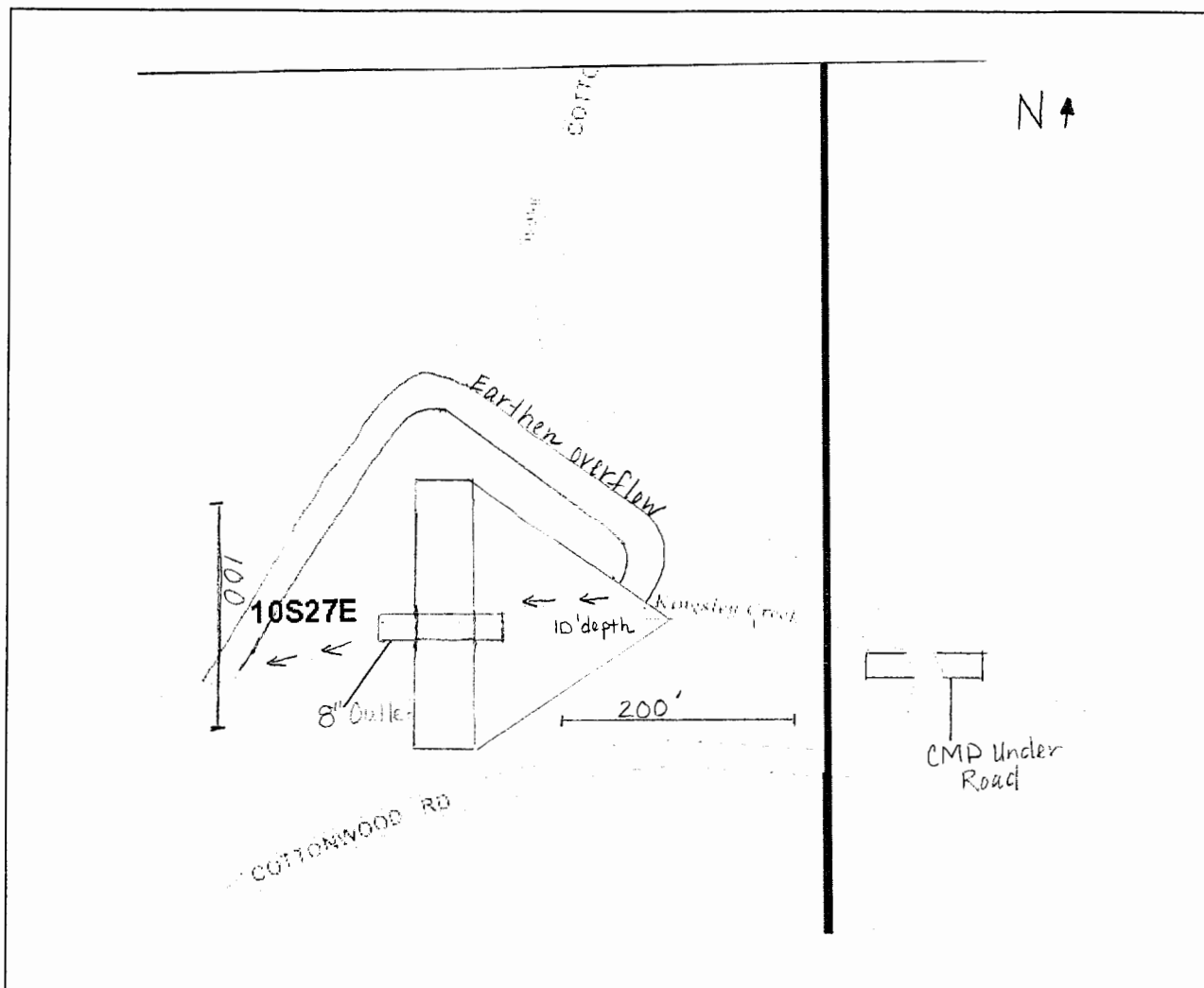
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If the diversion involves a dam, use this space for sketches of the diversion (e.g. cross-section of the dam with its dimensions, dimension and placement of outlet pipe, means of passing live flow outside of the authorized storage season, and means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



9. SIGNATURE

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

Mary Engl
Landowner Signature

3/17/16
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.

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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: Engle Home Ranch, LLC

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

Explain: With an appropriate fill period limitation I believe there won't be injury to other uses.

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

If YES, which conditions are recommended: Appropriate fill period based upon water availability

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

Who: Brent Smith Agency: Oregon Dept. Fish Wildlife Date: 3/11/2016
Who: Agency: Date:

Watermaster signature: Assistant *Hailey Boethin* Date: 3/11/2016
WRD Contact: Caseworker: Water Rights Division, 503-986-0900 / Fax 503-986-0901

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NOTE: This completed form must be returned to the applicant

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 an automatic shutoff 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.

R-88195

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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R-88195

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: Engle Home Ranch LLC
First Last

Mailing Address: 31796 Cottonwood Rd.

Monument City OR State 97864 Zip Daytime Phone: 541-934-2778

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:
<u>10</u>	<u>27</u>	<u>25</u>	<u>NENE</u>	<u>2502</u>	<u>MUR</u>	☒ Diverted	☒ Conveyed	☒ Used	<u>multipurpose storage</u>
						☐ Diverted	☐ Conveyed	☐ Used	
						☐ Diverted	☐ Conveyed	☐ Used	
						☐ Diverted	☐ Conveyed	☐ Used	

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

Grant 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) _____

Estimated quantity of water needed: 4.3 ☐ 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 Multipurpose

Briefly describe:

Earthen construction excavated with native materials, installation of 8" PVC pipe outlet with earthen channel to pass live flow

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.

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See bottom of Page 3. →

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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): Article 64 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.

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SALEM, OR

Name: Shannon Springer Title: Assistant Planner
 Signature: Shannon Springer Phone: 541-575-1519 Date: 2/19/16
 Government Entity: Grant County Planning Dept

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.

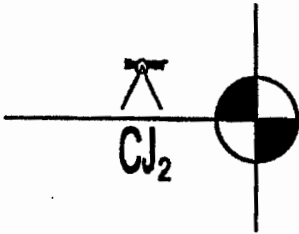
Receipt for Request for Land Use Information

Applicant name: _____

City or County: _____ Staff contact: _____

Signature: _____ Phone: _____ Date: _____

R-00195



CHASE, JONES & ASSOCIATES INC. 20132225
FORMERLY BOOTH & WRIGHT
LAND SURVEYORS & ENGINEERS SINCE 1885 20130681
716 SE 11TH AVENUE PORTLAND, OR 97214
PHONE: (503) 226-9844

EXHIBIT D

October 18, 2012
Project No: 12979

Tract to be conveyed to Engle

A tract of land being a portion of the Northeast Quarter and Southeast Quarter of Section 25, Township 10 South, Range 27 East, Willamette Meridian being shown on that certain Record of Survey filed January 14, 1993 in the Grant County Surveyors Office as Record of Survey Number 1260, being more particularly described as follows:

COMMENCING at the Northeast corner of the Southwest Quarter of the Northeast Quarter of said Section 25; thence along the East line of said Southwest Quarter of the Northeast Quarter, South 00°07'30" West 676.76 feet to the Easterly Right of Way line of County Road Number 6 as show on said Record of Survey, said point being the POINT OF BEGINNING of the herein described tract; thence continuing along the East line of said Southwest Quarter of the Northeast Quarter, South 00°07'30" West 634.09 feet to the Northeast corner of the Northwest Quarter of the Southeast Quarter of said Section 25; thence along the East line of said Northwest Quarter of the Southeast Quarter, South 00°20'40" West 139.29 feet to said Easterly Right of Way line; thence along said Easterly Right of Way line the following five courses and distances: (1) North 44°38'24" West 176.85 feet; (2) northerly along a tangent curve to the right, having a radius of 200.00 feet, through a central angle of 70°17'00", an arc length of 245.34 feet, subtended by a chord which bears North 11°36'45" West 230.24 feet; (3) North 66°28'15" West 10.00 feet; (4) North 23°31'45" East 451.26 feet; and (5) northerly along a tangent curve to the left, having a radius of 850.00 feet, through a central angle of 00°18'51", an arc length of 4.66 feet, subtended by a chord which bears North 23°22'20" East 4.66 feet to the POINT OF BEGINNING, containing 1.97 acres, more or less.

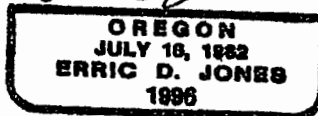
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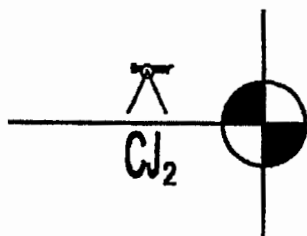


Eric D. Jones



Ex. 6-30-13

R-88195



CHASE, JONES & ASSOCIATES INC.

FORMERLY BOOTH & WRIGHT
LAND SURVEYORS & ENGINEERS SINCE 1885

716 SE 11TH AVENUE PORTLAND, OR 97214
PHONE: (503) 228-9844

20130475

20132225

October 18, 2012
Project No: 12979

Exhibit "C"

Tract to be conveyed to Cole

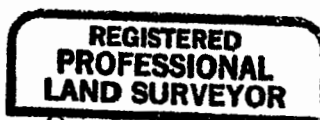
A tract of land being a portion of the Southeast Quarter of Section 25, Township 10 South, Range 27 East, Willamette Meridian being shown on that certain Record of Survey filed January 14, 1993 in the Grant County Surveyors Office as Record of Survey Number 1260, being more particularly described as follows:

COMMENCING at the Northeast corner of the Southwest Quarter of the Northeast Quarter of said Section 25; thence along the East line of said Southwest Quarter of the Northeast Quarter, South 00°07'30" West 1310.85 feet to the Northeast corner of the Northwest Quarter of the Southeast Quarter of said Section 25; thence along the East line of said Northwest Quarter of the Southeast Quarter, South 00°20'40" West 225.94 feet to the Westerly Right of Way line of County Road Number 6 as show on said Record of Survey, said point being the POINT OF BEGINNING of the herein described tract; thence continuing along the East line of said Northwest Quarter of the Southeast Quarter, South 00°20'40" West 314.71 feet to the said Westerly Right of Way line; thence along said Westerly Right of Way line the following three courses and distances: (1) North 30°59'45" East 106.91 feet; (2) northerly along a tangent curve to the left, having a radius of 160.00 feet, through a central angle of 77°45'00", an arc length of 217.12 feet, subtended by a chord which bears North 07°52'45" West 200.84 feet; and (3) North 46°45'15" West 35.19 feet to the POINT OF BEGINNING, containing 0.36 acres, more or less.

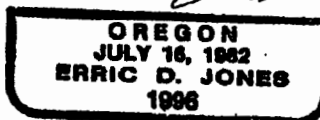
SALEM, OR

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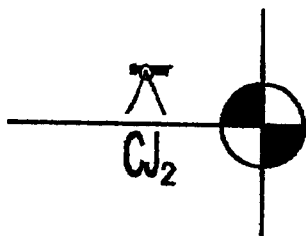


Eric D. Jones



EX 6-30-13

R-88195



CHASE, JONES & ASSOCIATES INC.

FORMERLY BOOTH & WRIGHT
LAND SURVEYORS & ENGINEERS SINCE 1885

718 SE 11TH AVENUE PORTLAND, OR 97214
PHONE: (503) 228-9844

20130475

20132225

October 18, 2012
Project No: 12979

Exhibit "B"

Tract to be conveyed to Cole

A tract of land being a portion of the Southeast Quarter of Section 25, Township 10 South, Range 27 East, Willamette Meridian being shown on that certain Record of Survey filed January 14, 1993 in the Grant County Surveyors Office as Record of Survey Number 1260, being more particularly described as follows:

COMMENCING at the Northeast corner of the Southwest Quarter of the Northeast Quarter of said Section 25; thence along the East line of said Southwest Quarter of the Northeast Quarter, South 00°07'30" West 1310.85 feet to the Northeast corner of the Northwest Quarter of the Southeast Quarter of said Section 25; thence along the East line of said Northwest Quarter of the Southeast Quarter, South 00°20'40" West 855.52 feet to the Westerly Right of Way line of County Road Number 6 as show on said Record of Survey, said point being the POINT OF BEGINNING of the herein described tract; thence continuing along the East line of said Northwest Quarter of the Southeast Quarter, South 00°20'40" West 463.03 feet to the South line of the Northeast Quarter of the Southeast Quarter of said Section 25; thence along said South line, South 89°38'01" East 120.29 feet; thence North 00°45'45" East 66.88 feet; thence North 04°37'00" East 28.64 feet; thence North 15°48'00" East 54.70 feet; thence North 70°53'07" East 18.06 feet to the said Westerly Right of Way line; thence along said Westerly Right of Way line the following three courses and distances: (1) North 19°06'53" West 111.37 feet; (2) northerly along a tangent curve to the left, having a radius of 690.00 feet, through a central angle of 19°15'50", an arc length of 231.99 feet, subtended by a chord which bears North 29°25'10" West 230.90 feet; and (3) North 38°32'31" West 4.44 feet to the POINT OF BEGINNING, containing 1.08 acres, more or less.

SALEM, OR

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REGISTERED
PROFESSIONAL
LAND SURVEYOR

Eric D. Jones

OREGON
JULY 18, 1982
ERRIC D. JONES
1998

EX. 6-30-13

R-88875

EXHIBIT "A"

2006191p 20132225

Real Property situated in Grant County, Oregon:

Twp. 10 S., R. 27 E., W.M.:

Sec. 25, E-34, SAVE & EXCEPT the following: (A) That portion conveyed to School District No. 33 by Deed dated September 20, 1924, recorded October 4, 1924 in Book 35, Page 458, Deed Records of Grant County, Oregon, described as follows:

Beginning at a point 44 rods W and 18½ rods S of the NE corner of said Sec. 25;
thence W. 13 rods;
thence S 13 rods;
thence E 13 rods;
thence N 13 rods to the place of beginning.

(b) That portion conveyed to Grant County, Oregon, by Deeds, dated February 28, 1951, recorded May 29, 1951 in Book 63, Page 50, Deed Records of Grant County, Oregon; and dated January 16, 1961, recorded January 17, 1961 in Book 84, Page 351, said Deed Records, for right of way.

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BL

NO PART OF ANY STEVENS-NESS FORM MAY BE REPRODUCED IN ANY FORM OR BY ANY ELECTRONIC OR MECHANICAL MEANS.



GARY W. Engle and Patricia M. Engle
 Trustees, or a Successor trustee, of
 the GARY & Patricia Engle Trust dated 7-10-2006
 Grantor's Name and Address
 Engle Home Ranch, LLC
 31796 Cottonwood Rd
 Monument OR 97864
 Grantee's Name and Address

After recording, return to (Name and Address):

Until requested otherwise, send all tax statements to (Name and Address):

Engle Home Ranch LLC
 31796 Cottonwood Rd
 Monument OR 97864

*ORS 205 requires the first page of a recorded document to show the names and addresses of all parties. Use Stevens-Ness Form No. 1256, Cover Sheet for Instrument to be Recorded, if you need additional space.

STATE OF OREGON

SS

County of Grant

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

BRENDA PERCY Grant County Clerk

by Deputy

DOC# 17201922250 PG# 8
 RCPT: 182200973.50
 11/01/2013 10:16 AM

WARRANTY DEED - STATUTORY FORM

GARY W. Engle and Patricia M. Engle, Trustees or a successor trustee,
 of the GARY & Patricia Engle Trust dated 7-10-2006, Grantor,
 conveys and warrants to Engle Home Ranch, LLC, Grantee,

the following described real property free of encumbrances, except as specifically set forth herein, situated in
 County, Oregon: See Exhibits "A" "B" "C" "D" "E" "F" "G" "H" "I" "J" "K" "L" "M" "N" "O" "P" "Q" "R" "S" "T" "U" "V" "W" "X" "Y" "Z"

(IF SPACE INSUFFICIENT, CONTINUE DESCRIPTION ON REVERSE)

The property is free from encumbrances, except (if none, so state):

The true consideration for this conveyance is \$ 0 (Here, comply with the requirements of ORS 93.030.)

DATED 11-1-2013

; any signature on behalf of a business or other entity is made with the authority of that entity.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

Gary W. Engle trustee
 Patricia M. Engle, trustee

SALEM, OR

STATE OF OREGON, County of Grant) SS.

This instrument was acknowledged before me on November 1, 2013

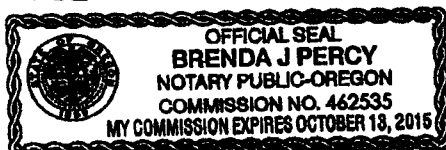
by Gary W. Engle & Patricia M. Engle TRUSTEES

This instrument was acknowledged before me on

by

as

of



Notary Public for Oregon
 My commission expires 10-13-2015

PUBLISHER'S NOTE: If using this form to convey real property subject to ORS 92.027, include the required reference.

R-88195



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SALEM, OR

REV. 11/20/03

State of Oregon
Water Resources Department
725 Summer Street NE, Suite A
Salem, OR. 97301-1271
(503) 986-0900
www.wrd.state.or.us

SPRING DESCRIPTION SHEET

1. Is the spring on the property owned by the applicant? YES ☒ NO ☐
2. If not, give name and address of legal owner: _____
3. Have you secured consent of the legal owner of the spring to appropriate water and for construction of your delivery system? YES ☒ NO ☐
4. If you do not have such consent, do you expect to secure right-of-way through condemnation? YES ☐ NO ☒
5. What is the maximum flow from the spring in gallons per minute or cubic feet of water per second?
What is the maximum flow? 5 GPM
Is flow measured or estimated? MEASURED ☐ ESTIMATED ☒
6. Does the stream flowing from the spring form a well defined natural channel?
YES ☐ NO ☒
7. Does the water flow off the lands on which it first arises? YES ☐ NO ☒
8. Give the name of the stream or other body of water into which the water from the spring flows: Kingsley Creek
9. If the water from the spring sinks or evaporates before reaching other water, give the distance water flows from spring before vanishing: _____
10. Remarks: Overflow from the spring is rediverted into Kingsley Creek

I certify that the information I have provided on this form is accurate, true and correct to the best of my knowledge:

Applicant Engle Home Ranch LLC 3/17/2016
Signature Date

Signature Gary Engle Date 3/17/16

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ODFW Alternate Reservoir Application Review Sheet

This portion to be completed by the applicant.

Applicant Name/Address/Phone/Email: Eagle Hone Ranch LLC

Reservoir Name: Schoolhouse Res Source: Kingsley Creek Volume (AF): 4.3

Twp Rng Sec QQ: T10S R27E, Sec 25, N1E Basin Name: John Day ☒ in-channel
☐ 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 _____ through _____ 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.

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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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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)

ODFW Signature:

Brent Smith

Print Name:

Brent Smith

ODFW Title:

John Day Port Dist Fish Bid

Date:

3/11/16

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

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Revised 10/4/12

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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 an automatic shutoff 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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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)

Yes
The permit area has been limited to Oct 1 through
April 15 and side of regular season.
Brent Smith
3/23/16

ODFW Signature: Brent Smith Print Name: Brent Smith
ODFW Title: John Day Arch Dist Fish Bldg Date: 3/11/16

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

Revised 10/4/12

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WATER RESOURCES DEPT
SALEM, OREGON

R-88195

Appendix A

Developing your water right often entails grading trenching or other types of construction within waterways, riparian areas, and wetlands. Permits from local, state or federal agencies may be required. A good first step is to check with your local city or county planning office. The following information was provided by the Oregon Division of State Lands.

Activities in Wetlands and Waterways are Regulated by:

- The Division of State Lands (DSL) under the State Removal-Fill Law
- The U.S. Army Corps of Engineers (Corps) under the Federal Clean Water Act and Rivers and Harbors Act
- The State Department of Forestry under the Forest Practices Act
- The U.S. Natural Resource Conservation Service (NRCS) under the Food, Agriculture, Conservation and Trade Act
- Some City and County land use ordinances

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What Areas are Regulated?

- Rivers streams and most creeks
- Estuaries and tidal marshes
- Lakes and some ponds
- Permanent and seasonal wetlands
- Regulations apply to all lands, public or private
- A wetland does not have to be mapped by the state or otherwise 'designated' to fall under the regulations
- If you are uncertain if there are regulated wetlands on your property, contact DSL for assistance.

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What Activities are Regulated?

- Placement of fill material
- Alteration of stream bank or stream course
- Ditching and draining
- Plowing/disking non-farmed wetlands
- Excavation or dredging of material
- In-water construction (may also require a lease from DSL)
- For some activities, joint application forms can be obtained from DSL or the Corps

What Activities are Exempt

- Some routine maintenance activities
- Established, ongoing agricultural activities and grazing
- Some minor projects involving small amounts of fill or removal

How are Laws Enforced?

The best enforcement is to prevent illegal wetland alterations through information and education. However, when violations do occur, a variety of enforcement tools may be used, including restoration orders, fines of up to \$10,000 per day (DSL), civil and/or criminal charges.