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

OWRD
SALEM, OREGON

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: Grant Administrative School District #3
Mailing Address: 410 N Canyon City Blvd
Canyon City OR 97845
Phone: 541-575-1280
Fax: N/A E-Mail Address*: shelleyc@grantesd.k12.or.us

* 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: Curt Shelley
Mailing Address: 410 N Canyon City Blvd
Canyon City OR 97820
Phone: 541-575-1280
Fax: N/A E-Mail Address*: shelleyc@grantesd.k12.or.us

* 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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3. LOCATION AND SOURCE

A. Reservoir Name: Seventh Street Pond/Trafton Pond 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: John Day River and Groundwater Tributary to: John Day River

C. County in which diversion occurs: Grant

App. No. R-88216 For Department Use Permit No. Date

D. Reservoir Location

Township (N or S)	Range (E or W)	Section	quarter/quarter	tax lot number
13S	31E	23	NE1/4SW1/4	1100

E. Dam: Maximum height of dam: Zero 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: 9.2

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.

The proposed use of stored water is for "Multipurpose".

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5. PROPERTY OWNERSHIP

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

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

SALEM, OR

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:

W McNeil Family Limited Partnership 1022 McKinley Avenue, Oakland CA 94610

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? 40+/- _____ 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.

Oregon Department of Fish and Wildlife/ Trevor Watson - District Fish Biologist
 John Day District Office
 305 N Canyon Blvd
 Canyon City, OR 97820
 (541)575-1167 X226

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.

This is an excavated earthen structure that naturally fills with ground water and is suspected to have hydraulic connection to the John Day River. It has been an impoundment in some capacity for 40+/- years. Additionally within the irrigation season the excavated structure acts as a "Bulge" in the delivery system that serves their irrigation needs. Live flows enters the impoundment through an open ditch delivery system throughout the year satisfying both "irrigation and adjudicated stock-water rights" and returns to the river through the customarily used ditches and culverts. The impoundment through most of the year maintains a stable pool level with a decrease during the irrigation season April 1 through September 30th when the impoundment acts as a "Bulge" in the delivery system.

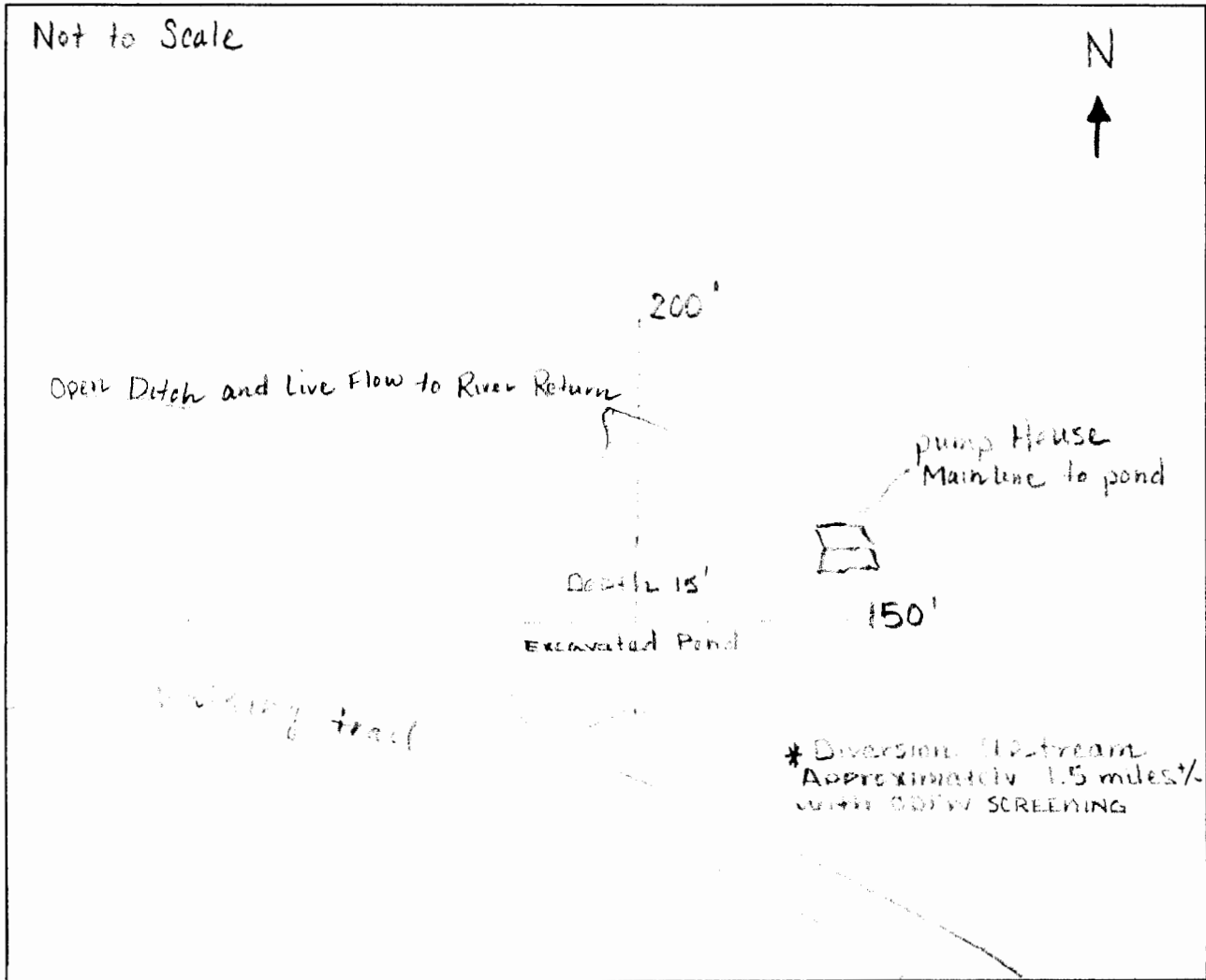
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 STAFF JOHNSON

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.

Purt Shirley
Landowner Signature

11/9/16
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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SALEM, OR

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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SALEM, OR WR / FS

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: Grant Administrative School District #3
First Last

Mailing Address: 410 N Canyon Blvd

Canyon City OR State 97020 Zip Daytime Phone: 541-575-1280

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:
13	31	23	NESW	1100		<input checked="" type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	
13	31	25	NENE	2702		<input checked="" type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input type="checkbox"/> Used	
13	31	23		200		<input type="checkbox"/> Diverted	<input checked="" 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:

Grant County, City of John Day RECEIVED BY OWRD
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B. Description of Proposed Use

SALEM, OR

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) John Day River

Estimated quantity of water needed: _____
 cubic feet per second
 gallons per minute
 acre-feet

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

Briefly describe:

This is an earthen excavated structure located off channel.

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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SALEM, OR

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R-88216

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503-986-0900

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): City of John Day Land Use Development Code
- 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

Name: Nicholas Green Title: City Manager

Signature: *Nicholas Green* Phone: 541-575-0028 Date: 11/3/2016

Government Entity: City of John Day

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-88316

[Signature]

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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: Grant Administrative School District #3
First Last

Mailing Address: 410 N Canyon Blvd
Canyon City OR 97020 Daytime Phone: 541-575-1280
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:
13	31	23	NESW	1100	City JD	<input checked="" type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	
13	31	25	NENE	2702	EFU+MUR	<input checked="" type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input type="checkbox"/> Used	
13	31	23		200	EFU+MUR+	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input type="checkbox"/> Used	
					City JD	<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:

Grant County, City of John Day RECEIVED BY OWRD
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B. Description of Proposed Use

SALEM, OR

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) John Day River

Estimated quantity of water needed: _____
 cubic feet per second
 gallons per minute
 acre-feet

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

Briefly describe:

This is an earthen excavated structure located off channel.

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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R-88716

13-31 to 1100
 13-31 to 2702
 13-31 to 200
 GU School Dist

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): Grant Co Land Use Code Art 164 + 166
- 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
	RECEIVED BY OWRD	<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
	NOV 14 2016	<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.

irrigation is an allowed use in farm zones

Name: Shannon Springer Title: Assistant Planner
 Signature: *Shannon Springer* Phone: 541-575-1519 Date: 11/3/16
 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: _____

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 SALEM, OR

R-88316

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: *Grant Administrative School District #3*

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:

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

Discussed via phone and Parks and Rec Board meeting
Who: *Brent Smith* Agency: *DDFW* Date:
Who: *Trevor Watson* Agency: *DDFW* Date:

Assistant Watermaster signature: *Heidy Baethin* Date: *10/27/2016*

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

SALEM, OR

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R-88316

ODFW Alternate Reservoir Application Review Sheet

This portion to be completed by the applicant.

Applicant Name/Address/Phone/Email: Grant Administrative School District #3
410 N Canyon City Blvd Canyon City OR 97820
Seventh Street Pond

Reservoir Name: Trafton Pond Source: John Day River Volume (AF): 9.2

Twp Rng Sec QQ: 133123 NESW 1100 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 has determined that a fish screen is necessary at the crossing point of diversion to prevent fish from entering the diversion and that the current diversion is currently equipped with an appropriate fish screen. The water user shall operate and maintain the existing fish screen while diverting water. If ODFW determines the screen is not functioning properly, and is unsuccessful in working with the water user to meet ODFW standards, ODFW may request that OWRD regulate the use of water until OWRD receives notification from ODFW that the fish screen is functioning properly.

ODFW Signature: Brent Smith Print Name: Brent Smith

ODFW Title: John Day Asst Dist. Fish W Date: 11/8/16

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

Revised 10/4/12

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R-88716

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 _____ water shall not exceed 0.10 cubic feet per second per 1000 head of livestock.

RECEIVED

RECEIVED BY OWRD

NOV 28 2016

NOV 14 2016

ODFW
SALMON DIVISION

SALEM, OR

R-8836

BILL TO:



GRANT SCHOOL DISTRICT NO. 3

401 North Canyon City Boulevard
Canyon City, Oregon 97820
(541) 575-1280

PURCHASE ORDER

NSMT 114

DATE: **11/9/2016**

PLEASE SEND ORIGINAL INVOICE TO THE ADDRESS ABOVE
INCLUDE PURCHASE ORDER NUMBER ON ALL INVOICES

VENDOR	Oregon Water Resources Dept	SHIP TO	
	725 Summer St NE, Ste A		
	Salem, OR 97301		

ATTENTION:

BUDGET NO.	QUANTITY	DESCRIPTION	UNIT PRICE	TOTAL PRICE
100-2541-533-701		Water permits for 7th Street Complex Application fee	1,100.00	1,100.00
RECEIVED BY OWRD				
NOV 14 2016				
SALEM, OR				
GRAND TOTAL				1100.00

R-8876 PRINCIPAL/SUPERVISOR _____ DATE _____
 SUPERINTENDENT/DEPUTY CLERK Ant Shuck _____ DATE 11/9/16
 VENDOR - WHITE DISTRICT OFFICE - YELLOW SCHOOL - PINK

Alternate Reservoir Application Completeness Checklist

This is the checklist used by WRD staff

Application _____ County Grant
Priority Date _____ Township 13 Range 31 Section 23 Taxlot 1100
Use _____ Caseworker _____
Amount (AF) 9.2 AF Watermaster Assistant, Hailey Boethius

Minimum Requirements (ORS 537.409)

- Completed Watermaster review sheet** signed and dated by Watermaster.
Will the reservoir injure an existing water right? YES NO
If YES, can conditions be applied to mitigate the injury? YES NO **If NO, return the application.**
Did the watermaster determine when water is available for the proposed use? YES NO
The Watermaster review sheet must have been completed within the last 6 months.
If the watermaster determined that water is NOT available, return the application.
 - Completed ODFW review sheet** signed and dated by ODFW representative.
Will the reservoir pose a significant detrimental impact to an existing fishery resource? YES NO
If YES, can conditions be applied to mitigate the impact? YES NO **If NO, return the application.**
The ODFW review sheet must have been completed within the last 6 months.
 - Completed Land-Use Form** or receipt signed by the appropriate planning department official enclosed?
Does the use on land-use form match the proposed use on the application? Must be an original "wet" signature within the last 12 months.
 - Landowner Name, Mailing Address** and Telephone Number.
 - Source and tributary** listed. **NO WELLS-MUST HAVE GW APP TO USE A WELL AS A SOURCE !!**
 - Reservoir Location**- Township, Range, Section, Quarter Quarter, Taxlot
 - Dam height**, if applicable
 - Total Quantity** of Storage Requested: 9.2 AF
 - Proposed Use of the water....**Cannot accept application for use of this stored water at the same time (E2)
 - Property ownership indicated?** If applicant does not own all the land is the affected landowner's name and mailing address listed? (Including: lands not owned by applicant, upon which the source is locatedor..... that are crossed by the diversion works. This includes any roads or rights-of-way.)
 - Provide the **legal description** of all the property involved with this application. You may include a copy of your deed land sales contract or title insurance to meet this requirement
 - Environmental Impact** section completed?
 - Application signed by the landowner(s)?** All parties noted as applicants must sign the application.
Must be an original "wet" signature.
 - Acceptable map ** Indicates requirements of standards set forth by the Commission and causes fatal flaw if not provided by the applicant.**
 - Reservoir Location - noting Township, Range, Section, 1/4 1/4 and Tax Lot number(s)* **RECEIVED BY OWRD**
 - Scale of the Map (not less than 1" = 1320') **
 - Reference corner on map
 - North Directional Symbol **
 - 1/4's clearly identified
 - Reservoir clearly identified **
 - Dam or POD (If off channel) Location coordinates referenced to a government land survey corner* If no dam, use coordinates to center of reservoir.**
 - Fees enclosed**? Examination: Base Fee\$ 350.00 Permit Recording Fee\$ 450.00
plus\$ 300.00
plus\$ _____
- Total Paid \$** _____ **Total Fees \$** 1100.00
Completeness Check by: _____ Date: _____

NOV 14 2016

SALEM, OR

Revised 2011-3-3

10/28/2016

R-88316

88722

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769

100 122 91

DEED

JOHN E. HOLMSTROM and DONA K. HOLMSTROM, husband and wife, have and do hereby grant and convey to GRANT ADMINISTRATIVE SCHOOL DISTRICT NO. 3, all of that real property located in Grant County, Oregon, set forth and described in Exhibit "A" and that easement described in Exhibit "B" attached hereto and by this reference made a part hereof, subject to the following:

1. Utility easements contained in Deeds recorded in Book 48, Page 401, Deed Records, Grant County, Oregon and in Book 90, Page 532, Deed Records, Grant County, Oregon.
2. Easements to the City of John Day, Oregon, as recorded in Book 90, Page 608, Deed Records, Grant County, Oregon, in Book 90, Page 610, Deed Records, Grant County, Oregon, in Book 108, Page 601, Page 603, Page 604, Page 605, Page 606, and Page 607, Deed Records, Grant County, Oregon.
3. The rights of Glen M. and Lois K. Lee; Joseph L. and Bertha M. Cahill, their heirs and assigns, as set forth in that Deed recorded in Book 91, Page 315, Deed Records, Grant County, Oregon.
4. Sewer line easement to the City of John Day recorded in Book 118, Page 111, Deed Records, Grant County, Oregon.
5. Reserving, however, to the Grantors, their heirs and assigns, an easement to be used in common for the purpose of ingress and egress to the Grantors' remaining property over and across a strip of land 30.0 feet in width, lying 30.0 feet North of and adjacent to the entire Southerly boundary of the tract of land described herein as Exhibit "A". Also reserving unto the Grantors, their heirs, successors and assigns, an easement in common for the purpose of constructing and maintaining future water and sewer lines, over, under and across said 30.0 foot access easement.
6. Further reserving to the Grantors, their heirs and assigns, an easement for water and sewer lines to be constructed in the future over, across, along and under a strip of land 20.0 feet in width lying 20.0 feet South of and adjacent to the entire Northerly boundary of the real property described as Exhibit "A". Also reserving to Grantors, their heirs and assigns an easement for ingress and egress over and across the above described easement.
7. Subject to any and all easements and right of ways for ditches.

JOHN E. HOLMSTROM and DONA K. HOLMSTROM also grant and convey to the GRANT ADMINISTRATIVE SCHOOL DISTRICT NO. 3, all of their right, title and interest in and to the following easements:

- (a) That easement recorded in Book 108, Page 91, Deed Records, Grant County, Oregon and in

REC-100

NOV 28 1961

OWNED
SCHOOL DISTRICT

88722

122 42

Book 116, Page 98, Deed Records, Grant County, Oregon, and in Book 119, Page 781, Deed Records, Grant County, Oregon, pertaining to the constructing and maintaining of future water and sewer lines.

- (b) That easement recorded in Book 108, Page 92, Deed Records, Grant County, Oregon pertaining to the constructing and maintaining future water and sewer lines.

Consideration: \$200,000.00.

DATED this 25 day of OCTOBER, 1979.

John E. Holmstrom

 JOHN E. HOLMSTROM

Dona K. Holmstrom

 DONA K. HOLMSTROM

STATE OF OREGON)
) ss.
 County of Grant)

OCTOBER 25, 1979, before me, a Notary Public for said County and State, personally appeared the above named JOHN E. HOLMSTROM and DONA K. HOLMSTROM, husband and wife, and they acknowledged the foregoing instrument to be their voluntary act.

Clara M. ...

 Notary Public for Oregon
 My Commission Expires: 9-21-82

NOV 28 2013
 OVID
 SALES

88722

MICROFILM

LIBER 122 PAGE 43

EXHIBIT "A"

Tract 1.

A tract of land in the City of John Day, Grant County, Oregon, as follows:

In Twp. 13 S., R. 31 E., W.M.:

Sec. 23: A tract of land in the NE1/4, the SE1/4, the SW1/4, the NW1/4, and the SW1/4, described as follows:
Beginning at a point on the Northerly line of a 20 foot City Road Easement, said point being 85.34 feet North and 2398.06 feet East of the West $\frac{1}{4}$ corner of said Sec. 23;
thence S. $1^{\circ} 25' 00''$ E., 20.00 feet to a point on the Southerly side of said Road Easement;
thence S. $12^{\circ} 28' 00''$ E., 293.64 feet;
thence N. $76^{\circ} 42' 15''$ W., 123.98 feet;
thence N. $88^{\circ} 25' 23''$ W., 194.15 feet;
thence S. $12^{\circ} 28' 00''$ E., 276.45 feet;
thence S. $4^{\circ} 01' 30''$ E., 233.28 feet to the Northeast corner of Lot 11, Block "D", Trowbridge Subdivision;
thence S. $1^{\circ} 26' 00''$ E., (record bearing S. $1^{\circ} 23' 00''$ E.), along the East line of said Lot 11, 200.00 feet to the SE corner of Lot 11;
thence along the Northerly line of said N.E. 7th Street, as follows:
S. $75^{\circ} 02' 00''$ E., 50.00 feet;
S. $64^{\circ} 05' 00''$ E., 10.79 feet;
thence S. $1^{\circ} 23' 00''$ E., across the terminal East end of said N.W. 7th Street, 49.93 feet;
thence S. $64^{\circ} 35' 00''$ E., 1000.00 feet;
thence 182.45 feet along the arc of a 320.00 foot radius curve left, (the long chord of which bears S. $80^{\circ} 55' 00''$ E., 179.98 feet);
thence N. $82^{\circ} 45' 00''$ E., 203.84 feet;
thence North, 1503.91 feet;
thence S. $38^{\circ} 35' 00''$ W., 1172.93 feet to the point of beginning.

All according to Map of Survey No. 582 as filed in the Office of the Grant County Surveyor.

REC-11

NOV 28 2003

SALINA CHAMBERLAIN

2-88316

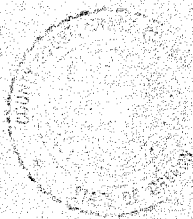
88720

LIBER 122 PAGE 44
EXHIBIT "B"

MICROFILM

Easement in common for the right of ingress and egress over and across that certain easement to the City of John Day as described in Deed dated May 12, 1964, recorded May 13, 1964 in Book 90, Page 608, Deed Records of Grant County, Oregon.

88720



STATE OF OREGON ss.
County of Grant
I hereby certify that the within instrument was filed in my office on this 2nd day of December, 1977 at 4:47 o'clock P.M. and is duly recorded in Book 122 of Deeds at Page 44 to 44 inclusive.
Witness my hand and official seal
John Pereira, County Clerk
By Therese Lauritzen Deputy
Filed 1/4/78

INDEXED

RET. TO: GR. HAWKINS School Dist. No. 3
JOHN DAY, OREGON 97845

157 23 203
GRANT COUNTY, OREGON

R-88316

NS

Willis H. McNeil and Jean M. McNeil, as Co-Trustees of the McNeil Family Living Trust, dated October 20, 1992

Grantor's Name and Address
The W. McNeil Family Limited Partnership, a California limited partnership

Grantee's Name and Address
After recording, return to (Name, Address, Zip):
P.O. Box 1056
Orinda, CA 94563-0605

Until requested otherwise, send all tax statements to (Name, Address, Zip):
The W. McNeil Family Limited Partnership
P.O. Box 1056
Orinda, CA 94563-0605

982282

14218



STATE OF OREGON,
County of Grant } s
I certify that the within instrument was received for record on the 15 d of October, 1998, at 3:10 o'clock P.M., and recorded on book/reel/volume No. _____ on page _____ and/or as fee/file/instrument/microfilm/reception No. 982282 Records of said County.

Witness my hand and seal of Court affixed.
KATHY MCKINNON, COUNTY CLERK

By Quest, Deputy

cy
% LAND TITLE Co

57.50

BARGAIN AND SALE DEED - STATUTORY FORM (INDIVIDUAL GRANTOR)

WILLIS H. McNEIL and JEAN M. McNEIL, as Co-Trustees of the McNEIL FAMILY LIVING TRUST, dated October 20, 1992

conveys to THE W. McNEIL FAMILY LIMITED PARTNERSHIP, a California limited partnership, Grant

the following real property situated in Grant County, Oregon, to-wit:

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

(IF SPACE INSUFFICIENT, CONTINUE DESCRIPTION ON REVERSE)

The true consideration for this conveyance is \$ _____ (Here, comply with the requirements of ORS 93.030.)
Value other than cash and assumed encumbrances constituted the entirety of the consideration for this conveyance.

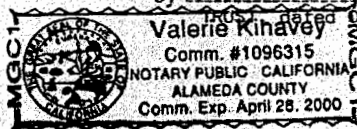
Dated this 6th day of October, 1998

THIS INSTRUMENT WILL 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 AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930.

Willis H. McNeil
WILLIS H. McNEIL, Trustee
Jean M. McNeil
JEAN M. McNEIL, Trustee

CALIFORNIA
STATE OF ~~OREGON~~, County of ALAMEDA) ss.

This instrument was acknowledged before me on October 6, 1998
by WILLIS H. McNEIL and JEAN M. McNEIL, as Co-Trustees of the W. McNEIL FAMILY LIVING TRUST
dated October 20, 1992



Valerie Kinavey
Notary Public for ~~Oregon~~ California
My commission expires 4/28/2000

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NOV 28 2010

LEGAL DESCRIPTION

TRACT I:

Township 12 South, Range 31 East, Willamette Meridian, Grant Co., Oregon:

Section 36: N1/2; NW1/4SE1/4; S1/2SE1/4; SW1/4.
(Tax Acct. 3-10 12-31 2400; Ref. 00015)

Township 12 South, Range 32 East, Willamette Meridian, Grant Co., Oregon:

Section 31: Lots 1, 2, 3, and 4; E1/2W1/2; E1/2.
(Tax Accts. 3-10 12-32 1001 & 1600; Refs. 00023 & 00027)

Township 13 South, Range 31 East, Willamette Meridian, Grant Co., Oregon:

Section 1: Lots 1, 2, 3 and 4; S1/2N1/2; S1/2.
Section 12: All.
Section 13: N1/2.
Section 24: E1/2.

Section 25: All that portion of the NE1/4 lying Northerly of the Northerly right of way line of the John Day Highway, as said right of way is described in Deeds to the State of Oregon, by and through its State Highway Commission, dated Oct. 6, 1937, recorded Oct. 18, 1937 in Deed Book 42, page 158; and dated Nov. 18, 1937, recorded Dec. 1 1937 in Deed Book 42, page 218.

SAVE & EXCEPT all that portion of the NW1/4NE1/4 included in the following described parcel:

Beginning at a point on the East line of the NW1/4NE1/4 of said Sec. 25, said point being 791.0 feet North of the Southeast corner of the said NW1/4NE1/4; thence S. 82° 45' W. 260.0 feet; thence S. 45° 04' W. 254.0 feet; thence S. 41° 47' W. 134.0 feet; thence S. 57° 14' W. 178.0 feet; thence S. 70° 00' W. 684.6 feet to a point on the West line of the NW1/4NE1/4 of said Sec. 25; thence North, along said West line, to the Northwest corner of the said NW1/4NE1/4; thence East, along the North line of said NW1/4NE1/4, 1320.0 feet, more or less, to the Northeast corner of the said NW1/4NE1/4; thence South, along the East line of said NW1/4NE1/4, to the Place of Beginning.

ALSO SAVE & EXCEPT that portion conveyed to the State of Oregon, by and through its Department of Transportation, Highway Division, by deed dated Dec. 12, 1984, recorded Feb. 25, 1985 in Deed Book 131, page 437-441.

(Tax Acct. 3-1, 3-4, 3-10 100, 2702; Refs. 00073, 00641, 01726, 00100)

Township 13 South, Range 32 East, Willamette Meridian, Grant Co., Oregon:

Section 6: Lots 1, 2, 3, 4, 5, 6 and 7; SE1/4NW1/4; S1/2NE1/4; SE1/4;
E1/2SW1/4.

Section 7: Lots 1, 2, 3 and 4; E1/2W1/2; E1/2.

Section 18: Lots 1, 2, 3 and 4; E1/2W1/2; E1/2.

Section 19: ALL, SAVE & EXCEPT the following:

CONTINUED

982282-3

(a) All that portion of the S1/2SE1/4 lying Southerly of the Southerly right of way line of the John Day Highway;

(b) That portion conveyed to the State of Oregon, by and through its State Highway Commission, by deed dated Nov. 18, 1937, recorded Dec. 1, 1937 in Deed Book 42, page 218, for right of way.

Section 20: S1/2SW1/4 and the Southwest diagonal half of NW1/4.

Section 29: That portion of the N1/2NW1/4 lying North of the John Day Highway right of way, as said right of way is described in Deed to the State of Oregon, by and through its State Highway Commission, dated Nov. 18, 1937, recorded Dec. 1, 1937 in Deed Book 42, page 218.

Section 30: All that portion of Lot 1, the NE1/4NW1/4; NW1/4NE1/4 and NE1/4NE1/4 lying Northerly of the Northerly right of way line of the John Day Highway as said right of way line is described in Deed to the State of Oregon, by and through its State Highway Commission, dated Nov. 18, 1937, recorded Dec. 1, 1937 in Deed Book 42, page 218, SAVE & EXCEPT the following:

Beginning at a point which is 40 feet Northerly from (when measured at right angles to) the relocated center line of the John Day Highway at Engineer's Station 121+00; said point also being 414.3 feet South and 3722.1 feet East of the North quarter corner of Sec. 25, Twp. 13 S., R. 31 E., W.M.;

thence N. 9° 17' W. 400.0 feet; thence S. 73° 11' E. 744.5 feet;

thence N. 85° 54' E. 395.5 feet; thence S. 12° 35' E. 40.0 feet;

thence, along the arc of a spiral curve right, (the long chord of which spiral bears S. 80° 05' W. 397.1 feet) 397.2 feet;

thence S. 81° 25' W. 525.7 feet;

thence on the arc of a spiral curve left (the long chord of which spiral bears S. 81° 11' W. 141.9 feet) 141.9 feet to the place of beginning.

ALSO, a tract of land situated in the NE1/4 of Sec. 25, Twp. 13 S., R. 31 E., W.M.; and in the N1/2 of Sec. 30 and in the SE1/4 of Sec. 19, in Twp. 13 S., R. 32 E., W.M., described as follows:

Beginning at a point on the Southerly right of way line of the John Day Highway, said point being 1330.56 feet North and 2050.50 feet West of the 1/4 corner common to Sec. 25, Twp. 13 S., R. 31 E., and Sec. 30, Twp. 13 S., R. 32 E., W.M.;

thence South 613.81 feet; thence S. 83° 37' 00" E., 1393.88 feet;

thence N. 61° 59' 30" E., 1758.43 feet; thence N. 81° 28' 00" E., 872.85 feet;

thence S. 75° 02' 12" E., 259.77 feet; thence N. 78° 30' 00" E., 842.68 feet;

thence N. 57° 57' 53" E., 419.32 feet; thence N. 62° 33' 32" E., 592.97 feet;

thence N. 52° 39' 30" E., 468.82 feet; thence N. 42° 36' 15" E., 158.67 feet;

thence N. 20° 38' 55" E., 229.24 feet to the Southerly right of way line of

said John Day Highway, said point being 2729.34 feet North and 4269.83 feet

East of the 1/4 corner common to said Sec. 25 and said Sec. 30;

thence Southwesterly, along the Southerly right of way line of said highway to the point of beginning.

All according to Map of Survey No. 553, as filed in the office of the Grant County Surveyor.

(Tax Accts. 3-10, 3-4, 3-1 13-32 202 & 406; Refs. 00126, 001214, 01324, 02007)

TRACT II:

Township 12 South, Range 32 East, Willamette Meridian, Grant County, Oregon:

CONTINUED

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NOV 28 2010

SUBMITTED

982282-4

Section 32: That portion of the NW1/4, SE1/4, E1/2SW1/4, SW1/4SW1/4 lying Westerly and Southerly of the westerly line of an existing road bed, the approximate location of said road is shown on a map attached to Memorandum of Contract recorded in Deed book 131, page 279.
(Tax Acct. 3-10 12-32 1002; Ref. 07828)

Township 13 South, Range 32 East, Willamette Meridian, Grant County, Oregon:

Section 4: Lots 1, 2, 3 and 4; S1/2N1/2; S1/2.

Section 5: Lots 1, 2, 3 and 4; S1/2N1/2; S1/2.

Section 8: N1/2.

Section 9: N1/2; SAVE & EXCEPT all that portion lying east of the following described line: Beginning at the Northeast corner of said Sec. 9; thence West, along the North line of said Sec. 9, 85.0 feet; thence S. 10°13'30" W. 2368.6 feet; thence S. 0°03' E. to the South line of the W1/2 of said Sec. 9.

(Tax Acct. 3-10 13-32 203; Ref. 07829)

TOGETHER with an easement in perpetuity and in common with Seller for roadway and utility purposes fifty (50) feet in width, the centerline of which is the centerline of the existing road running from Highway 26 Northerly over the lands of Seller to the E-W centerline of Sec. 9, Twp. 13 S., R. 32 E., W.M. Said road traverses the S1/2 of said Sec. 9 and Secs. 16 and 21, and the W1/2NW1/4 of Sec. 22, and that portion of Sec. 28 lying Northerly of said Highway 26, all in Twp. 13 S., R. 32 E., W.M.

TOGETHER with the right to use water from a developed spring located in the SW1/4 of Sec. 32, Twp. 12 S., R. 32 E., W.M., together with an easement for a pipeline therefrom to a pump installed and located in Sec. 5, Twp. 13 S., R. 32 E., W.M., and said easement continuin to a residence located in the S1/2N1/2 of Sec. 4, Twp. 13 S., R. 32 E., W.M. Said water use shall not exceed 18 gallons per minute for domestic use.

SUBJECT TO:

1. The assessment roll and the tax roll disclose that the premises herein described have been specially assessed as Farm Use Land. If said land has been or is disqualified for such use, the property may be now, or will be, subject to additional taxes, penalties and interest.
2. Rights of the public in streets, roads and highways.
3. Any and all matters, including easements and assessments, if any, pertaining to irrigation ditches.
4. Rights of the public and governmental bodies in and to any portion of the premises herein described lying below high water mark of the John Day, including any ownership rights which may be claimed by the State of Oregon, below high water mark.

NOTE: Pertains to 13-31 TL2702 and 13-32 TL406.

5. Any adverse claim based upon the assertion that:
 - (a) Said land or any part thereof is now or at any time has been below the ordinary high water mark of the John Day River.
 - (b) Some portion of said land has been created by artificial means or has accreted to such portion so created.
 - (c) Some portion of said land has been brought within the boundaries thereof by an avulsive movement of the John Day River, or has been formed by accretion to any such portion. NOTE: Pertains to 13-31 TL2702 and 13-32 TL406.

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COUNTY CLERK

R-88316

982282-5

-6. Such rights and easements for navigation and fishing as may exist over that portion of the property lying beneath the waters of the John Day River.

NOTE: Pertains to 13-31 TL2702 and 13-32 TL406.

7. Reservations and exceptions, including the terms and provisions thereof, in the following patents from the United States of America: (a) Dated Jan. 12, 1922, recorded April 29, 1922 in Deed Book 34, page 389, affecting Lots 1, 2, 3, and 4, E1/2W1/2, W1/2SE1/4, SE1/4SE1/4, SW1/4NE1/4 of Sec. 18, T. 13 S., R. 32 E., W.M.; (b) Dated Aug. 22, 1923 recorded Oct. 15, 1923 in Deed Book 35, page 197, affecting the NE1/4 of Sec. 8, T. 13 S., R. 32 E., W.M.; (c) Dated May 6, 1922, recorded April 25, 1924, in Deed Book 35, page 252, affecting Lots 1 and 4, SW1/4NW1/4, SE1/4NE1/4, W1/2SW1/4, E1/2SE1/4 of Sec. 4, T. 13 S., R. 32 E., W.M.; (d) Dated Aug. 16, 1922, recorded May 31, 1924 in Deed Book 35, page 372, affecting the N1/2NE1/4, SW1/4NE1/4, SE1/4, and W1/2 of Sec. 12, T. 13 S., R. 31 E. W.M.; to-wit: "Excepting and reserving, however, to the United States all the coal and other minerals in the lands so entered and patented, together with the right to prospect for, mine, and remove the same pursuant to the provisions and limitations of the Act of December 29, 1916 (39 Stat., 862)".

8. Exceptions and reservations, including the terms and provisions thereof, in deeds from the Eastern Oregon Land Company, a corp., dated June 9, 1920, recorded Aug. 26, 1920 in Deed Book 33, page 598, to-wit: "Reserving and excepting, however, to the Grantor, its successors and assigns, the use of all the surface ground necessary to access and for the purpose of exploring, developing or working of Mines or valuable underground deposits of Minerals, or Oils, of whatsoever nature; also all the Gold, Silver, Copper, Iron or minerals of whatsoever name or nature; and all the Coal, Mineral Oils or Vegetable Oils, or Oils of any name or nature, or salt or Saline Springs, or Springs of any name or nature, excepting water, which are now known to exist or may hereafter be discovered in or upon the said land. Subject, however, to the condition that the Grantor herein shall pay to the Grantee, or successors, a proportionate rebate of the sale price for any lands recalled for Mineral etc. value upon demand for recall". NOTE: Pertains to All of Sec. 31, 12-32, and additional lands not included in this report.

9. Easements, including the terms and provisions thereof, in deed to the State of Oregon, by and through its State Highway Commission,, dated Nov. 1, 1937, recorded Dec. 1, 1937 in Deed Book 42, page 218, for reestablishing irrigation ditches, and incidental purposes.

10. Perpetual right of way and easements, including the terms and provisions thereof, conveyed to and reserved by Joseph C. Oliver and Arlene G. Oliver, husband and wife, in deeds dated Dec. 30, 1960, recorded March 13, 1961 in Deed Book 84, page 565, dated Dec. 30, 1960, recorded March 13, 1961 in Deed Book 84, page 568, and dated July 31, 1961, recorded April 10, 1962 in Deed Book 86, page 458.

11. An easement, including the terms and provisions thereof, to Idaho Power Company, a corp., dated May 5, 1966, recorded May 18, 1966, in Deed Book 94, page 578, Records of Grant County, Oregon. Right of way easement for utility and incidental purposes, over and across the SE1/4SE1/4 of Sec. 13, T. 13 S., R. 31 E., W.M., Lot 2, SE1/4NW1/4, S1/2NE1/4, NE1/4NE1/4 of Sec. 18, T. 13 S., R. 32 E., W.M.

12. Easement Deed, including the terms and provisions thereof, to Grant County, Oregon, dated June 2, 1965, recorded July 1, 1969 in Deed Book 101, page 282, for flood control projects, and incidental purposes, along the bed and banks of the John Day River. Pertains to lands in Secs. 24 and 25, T. 13 S., R. 31 E., W.M.

13. Boundary Fence Agreement, including the terms and provisions thereof, between Sanders Ranches, Inc., a corp., and Rance Kastor and Nancy L. Kastor, husband and wife, dated Jan. 9, 1979, recorded Feb. 21, 1979 in Deed Book 120, page 541, affecting the dividing line between the North halves and South halves of Secs. 8 and 9, T. 13 S., R. 32 E., W.M.

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14. Reservation, including the terms and provisions thereof, in deed from Sanders Ranches, Inc., a Utah corp., dated Aug. 7, 1978, recorded Oct. 18, 1988 in Deed Book 137, page 772, to-wit: "RESERVING unto Grantor an undivided one-half interest in and to all minerals, oil, gas, hydrocarbons and geothermal sources, except those reserved to the Eastern Oregon Land Co. and reserved by patent reservations of record, provided that Grantor shall not have the right to explore or prospect for any such resources or to develop any such resources without written consent of Grantees. Any rents, royalties or profits from such rights reserved hereunder shall be divided between the parties in proportion to their ownership rights".

NOTE: Interest of Sanders Ranches, Inc., a corp., was conveyed of record to Robert V. Sanders and John N. Sanders, by Quit Claim Deed dated Sept. 6, 1985, recorded Dec. 23, 1985 in Deed Book 132, page 778.

15. Easement appurtenant, including the terms and provisions thereof, as set forth in Warranty Deed from Sanders Ranches, Inc., a Utah Corp., to Ranch Kastor and Nancy L. Kastor, husband and wife, dated Aug. 7, 1978, recorded Oct. 18, 1988 in Deed Book 137, page 772. See copy attached for conditions and restrictions on use, location and maintenance of said easements, which are incorporated herein by reference.

16. Easements, including the terms and provisions thereof, as shown in Warranty Deed to Joe Parga and Cheryl Parga, husband and wife, dated July 20, 1987, recorded Oct. 3, 1989 in Deed Book 139, page 483.

17. Reservations, including the terms and provisions thereof, in deed from Hay Timber, Inc., an Oregon corp., dated March 8, 1979, recorded Dec. 13, 1991, in the records of Grant County, Oregon, as Instrument No. 912125, for road easements in the NE1/4 of Sec. 25, T. 13 S., R. 31 E., W.M., and in Lots 1 and 2 of Sec. 30, T. 13 S., R. 32 E., W.M., lying South of the highway, as shown on Map of Survey No. 553, for ingress and egress from grantors lands to the John Day Highway.

18. Riparian Lease, including the terms and provisions thereof, between Neal Dow, Lessor, and the State of Oregon by and through its Department of Fish and Wildlife, Lessee, dated May 21, 1986, recorded January 21, 1993, in the records of Grant County, Oregon, as Instrument No. 930102, affecting lands in the NE1/4 of Sec. 25, T. 13 S., R. 31 E., W.M., and in the SE1/4 of Sec. 19 and N1/2N1/2 of Sec. 30, T. 13 S., R. 32 E., W.M..

RECORDED

NOV 28 2013

SALES



Oregon

Kate Brown, Governor

Water Resources Department

North Mall Office Building

725 Summer St NE, Suite A

Salem, OR 97301

Phone (503) 986-0900

Fax (503) 986-0904

www.wrd.state.or.us

November 16, 2016

Grant Administrative School District #3
410 N Canyon City Blvd
Canyon City, OR 97845

NOV 21 2016

Dear Grant Administrative School District #3:

The Water Resources Department has received your application to use or 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) for stored water including a non-expired agreement for stored water.

We are hereby returning the incomplete application and the fees submitted. Please return the application, the required information, and this 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,

Jerry Sauter
Water Rights Program Analyst

Cc: OWRD Fiscal

** legal description of property included*

RECEIVED

NOV 28 2016

SALM, OREGON



Alternate Reservoir Application Completeness Checklist

This is the checklist used by WRD staff

Minimum Requirements (ORS 537.409)

- Provide the **legal description** of all the property involved with this application. You may include a copy of your deed land sales contract or title insurance to meet this requirement.