



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

Application for a Permit to Store Water in a Reservoir

(Standard Review)

Standard Review Process (ORS 537): You must use this form for any reservoir storing more than 9.2 acre-feet and with a dam more than 10 feet high.

Use a separate form for each reservoir. However, to obtain authorization for multiple reservoirs, multiple forms may be combined into one application if filed at the same time.

Please type or print in dark ink. If your application is found to be incomplete or inaccurate, we will return it to you. A summary of review criteria and procedures that are generally applicable to these applications is available at www.wrd.state.or.us/OWRD/PUBS/forms.shtml

RECEIVED

1. APPLICANT INFORMATION

NOV 30 2016

Applicant: Triple 7 Ranch, LLC

Mailing Address: P.O. Box 787

Baker City
City

OR
State

97814
Zip

Phone: _____
Home

(971) 241-9134
Work

Other

Fax: _____

E-Mail Address*: timberwest@online.mac.com

* 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.)

I(We) make application for a permit to construct a reservoir and store the following described waters of the State of Oregon. The name of the reservoir is N1, N2, N3, S1, S2, S3.

2. SOURCE OF WATER for the proposed use: Spring and Cottonwood Creek
 a tributary of North Fork John Day River

Is the proposed use an enlargement of an existing dam/reservoir? Yes No

If the reservoir is not in channel of a stream, state how it is to be filled:

Reservoirs N1, N2, N3 will be filled from Cottonwood Creek via Pipeline from approved PDD #2 which is as follows:
 (4810' N and 3820' West of the E 1/4 corner of Section 19, T.9S. R.28E, WM)
 Reservoirs S1, S2, S3 will be filled from Cottonwood Creek via pipeline from approved PDD #3 which is as follows:
 (1210' N and 4270' West of the E 1/4 corner section 19, T.9S. R.28E, WM)

For Department Use		
App. No. <u>R-88319</u>	Permit No. _____	Date _____

Hayley



Oregon Water Resources Department
Permit to Appropriate Surface Water for Storage -Standard Reservoir Application

- Main
- Help
- Return
- Contact Us

Today's Date: Monday, November 28, 2016

Base Application Fee.		\$800.00
Number of acre feet to be diverted for Storage.	129.5	\$710.00
Number of reservoirs.	6	\$625.00
Permit Recording Fee. ***		\$450.00
*** the Permit Recording Fee is not required when the application is submitted but, must be paid before a permit will be issued. It is fully refundable if a permit is not issued. If the recording fee is not paid prior to issuance of the Final Order, permit issuance will be delayed.	Recalculate	
Estimated cost of Permit Application		\$2,585.00

Handwritten signature and checkmark

OWRD Fee Schedule

Fee Calculator Version: B20130709

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 WATER RESOURCES DEPT
 SALEM, OREGON



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NOV 30 2016

1. APPLICANT INFORMATION

Applicant: Triple 7 Ranch, LLC

First
Last
WATER RESOURCES DEPT
SALEM, OREGON

Mailing Address: PO Box 787

Baker City
City

OR
State

97814
Zip

Phone: _____
Home

(971) 241-9134
Work

Other

Fax: 541-523-9136

E-Mail Address*: timberwest@online.mac.com

* 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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For Department Use		
App. No. <u>R-88319</u>	Permit No. _____	Date _____

Last updated: 3/12/2014

WR

3. DAM HEIGHT AND COMPOSITION

The maximum height of the structure will be _____ feet above streambed or ground surface at the centerline of the crest of the dam.

Attach preliminary plans, specifications and supporting information for the dam and impoundment area including dam height, width, crest width and surface area.

Note: If your dam height is greater than or equal to 10.0' above land surface AND your reservoir will store equal to or greater than 9.2 acre-feet, engineered plans and specifications must be approved prior to storage of water.

The dam will be (check one): Earthfill Concrete Flash board Other

If "other" give description:

4. PRIMARY OUTLET WORKS

Describe the location and the dimensions of the outlet conduit through the dam:

NOTE: Most dams across a natural stream channel will need an outlet conduit having a minimum diameter of 8 inches or greater.

5. EMERGENCY SPILLWAY

Describe the location and the dimensions of the spillway channel:

6. THE USE(s) of the impounded water will be: Irrigation, livestock, fire protection, fish life, wildlife, pollution abatement, and recreation

* A secondary right may be filed by the applicant at later date for the irrigaton component*

Last updated: 3/12/2014

WR

3. DAM HEIGHT AND COMPOSITION

The maximum height of the structure will be 0 feet above streambed or ground surface at the centerline of the crest of the dam.

Attach preliminary plans, specifications and supporting information for the dam and impoundment area including dam height, width, crest width and surface area.

Note: If your dam height is greater than or equal to 10.0' above land surface AND your reservoir will store equal to or greater than 9.2 acre-feet, engineered plans and specifications must be approved prior to storage of water.

The dam will be (check one): Earthfill Concrete Flash board Other

If "other" give description: This reservoir will be an excavated reservoir with no dam.

4. PRIMARY OUTLET WORKS

Describe the location and the dimensions of the outlet conduit through the dam:

Primary outlet will be evacuation of water with a trash pump.

NOTE: Most dams across a natural stream channel will need an outlet conduit having a minimum diameter of 8 inches or greater.

5. EMERGENCY SPILLWAY

Describe the location and the dimensions of the spillway channel:

Evacuation with trash pump.

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SALEM, OREGON

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

Irrigation, aesthetic, wildlife, stock water, fire fighting, ect.

Last updated: 3/12/2014

WR

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The maximum height of the structure will be 0 feet above streambed or ground surface at the centerline of the crest of the dam.

Attach preliminary plans, specifications and supporting information for the dam and impoundment area including dam height, width, crest width and surface area.

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WATER RESOURCES DEPT
SALEM, OREGON

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Last updated: 3/12/2014

WR

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The maximum height of the structure will be 0 feet above streambed or ground surface at the centerline of the crest of the dam.

Attach preliminary plans, specifications and supporting information for the dam and impoundment area including dam height, width, crest width and surface area.

Note: If your dam height is greater than or equal to 10.0' above land surface AND your reservoir will store equal to or greater than 9.2 acre-feet, engineered plans and specifications must be approved prior to storage of water.

The dam will be (check one): Earthfill Concrete Flash board Other X

If "other" give description: This reservoir will be an excavated reservoir ~~with no dam~~ ^{AND W/ A DAM}
PER ATTACHED 5' MAX HEIGHT.

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WATER RESOURCES DEPT
SALEM, OREGON

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Last updated: 3/12/2014

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WATER RESOURCES DEPT
SALEM, OREGON

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Last updated: 3/12/2014

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WATER RESOURCES DEPT
SALEM, OREGON

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

Irrigation, aesthetic, wildlife, stock water, fire fighting, ect.

7. THE AMOUNT OF WATER to be stored is: 124.5 acre-feet.
The area submerged by the reservoir, when filled, will be 11.82 acres.

8. PROJECT SCHEDULE: (List Month and Year)

Proposed date construction work will begin: March 2017

Proposed date construction work will be completed: March 2022

Proposed date water use will be completed: October 2022

Is this project fully or partially funded by the American Recovery and Reinvestment Act? (Federal stimulus dollars)

9. PROPERTY OWNERSHIP

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

Yes (Please check appropriate box below then skip to section 10)

There are no encumbrances

*This land is encumbered by easements, rights of way, roads or other encumbrances (please provide a copy of the recorded deed(s))

No (Please check the appropriate box below)

I have a recorded easement or written authorization permitting access.

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

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

You must provide the legal description of: (1) the property from which the water is to be diverted, (2) any property crossed by the proposed ditch, canal or other work, and (3) any property on which the water is to be used as depicted on the map.

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List the names and mailing addresses of all affected landowners:

NOV 30 2016

11. WITHIN A DISTRICT

WATER RESOURCES DEPT
SALEM, OREGON

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

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(s): Triple 7 Ranch, LLC

Mailing Address: PO Box 787

City: Baker City State: OR Zip Code: 97814 Daytime Phone: (541)241-9134

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>9S</u>	<u>28E</u>	<u>19</u>	<u>SW</u>	<u>1500</u>	<u>EFU</u>	<input checked="" type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	_____
<u>9S</u>	<u>28E</u>	<u>18</u>	<u>SW</u>	<u>1800</u>	<u>EFU</u>	<input checked="" type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	_____
<u>9S</u>	<u>28E</u>	<u>18</u>	<u>NW</u>	<u>1500</u>	<u>EFU</u>	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" 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:

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) Cottonwood Cr & Springs

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 AESTHETIC, WILDLIFE, STOCK WATER FIRE FIGHTING

Briefly describe:

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-00319

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 141 CC & DC
- 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.

Irrigation allowed in EFU zone, Le Reservoirs

Name: Shannon Springer Title: Assistant Planner
 Signature: *Shannon Springer* Phone: 541-575-1519 Date: 11/28/16
 Government Entity: Grant County

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

Receipt for Request for Land Use Information

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

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20162020

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

Triple 7 Ranch, LLC
P.O. Box 787
Baker City, OR 97814

After recording return to:

Triple 7 Ranch, LLC
P.O. Box 787
Baker City, OR 97814

(This space information)

I, BRENDA J. PERCY, COUNTY CLERK FOR GRANT COUNTY, OR CERTIFY THAT THE INSTRUMENT IDENTIFIED HEREIN WAS RECORDED IN THE COUNTY CLERK'S RECORDS.

BRENDA J PERCY, GRANT COUNTY CLERK

DOC#: 20162020
PG: 5 \$63.50
9/16/2016 01:42 PM

WARRANTY DEED - STATUTORY FORM

Helen Davidson, Trustee of the Clyde Davidson Family Trust, Grantor, conveys and warrants to Triple 7 Ranch, LLC, Grantee, the following described real property free of encumbrances except as specifically set forth herein situated in Grant County, Oregon, to-wit:

See Exhibit A for legal description attached hereto and made a part hereof

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

The true consideration for this conveyance stated in terms of dollars is \$592,000.00. However, the actual consideration includes other value or property given or promised which is part of the consideration.

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.

DATED this 16th day of Sept, 2016.

Helen Davidson, Trustee

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STATE OF OREGON,)
) ss.
County of Grant.)

NOV 30 2016

This instrument was acknowledged before me on 9/16, 2016, by Helen Davidson, Trustee of the Clyde Davidson Family Trust.

WATER RESOURCES DEPT
SALEM, OREGON

Before me: [Signature]
Notary Public for Oregon
My Commission Expires: 6/9/2018



Exhibit "A"

Township 9 South, Range 27 East of the Willamette Meridian, Grant County, Oregon:
Section 13: S1/2NE1/4.
(Tax Acct. 8 9-27 TL3400; Ref. 5558)

Township 9 South, Range 28 East of the Willamette Meridian, Grant County, Oregon:
Section 7: S1/2SE1/4,
EXCEPTING THEREFROM the following:

All that part of the SW1/4SE1/4 of said Section 7 lying West of the following described line: .
Commencing at a 5/8" iron pin with an attached yellow plastic cap marked "BENCHMARK SURVEYING" said pin being 83.62 feet North and 805.33 feet East from the monumented S1/4 Corner of said Section 7, thence South, 85 feet, more or less, to a point on the South line of the SE1/4 of said Section 7 and the TRUE POINT OF BEGINNING of the herein described line. Thence along said line the following courses and distances:
North, 85 feet, more or less to a 5/8" iron pin with attached yellow plastic cap marked "BENCHMARK SURVEYING";
North 23°44'11" East, 239.16 feet;
North 29°40'41" West, 376.77 feet; North 46°27'26" East, 789.96 feet;
North, 145 feet, more or less to the North line of the S1/2SE1/4 of said Section 7, and the terminus of the herein described line.
All according to Grant County Record Map of Survey No. 1877.

Township 9 South, Range 28 East of the Willamette Meridian, Grant County, Oregon:
Section 8: SW1/4SW1/4.

Township 9 South, Range 28 East of the Willamette Meridian, Grant County, Oregon:
Section 17: NW1/4NW1/4.

Township 9 South, Range 28 East of the Willamette Meridian, Grant County, Oregon:
Section 18: Gov't Lots 1, 2, 3 and 4; NE1/4; SE1/4, E1/2W1/2,
EXCEPTING THEREFROM,
All that portion of the NE1/4NW1/4 described as follows: Beginning at the NE corner of the NE1/4NW1/4, thence South, 660.00 feet; thence West, 907.93 feet more or less to the centerline of the Kimberly-Long Creek Highway; thence Northerly, along the center line of the Kimberly-Long Creek Highway to the North line of the NE1/4NW1/4; thence Easterly, along the North line of the NE1/4NW1/4 to the point of beginning.
ALSO, EXCEPTING THEREFROM, that portion conveyed to the State of Oregon, by and through its State Highway Commission, by deed dated March 26, 1948, recorded April 5, 1948 in Grant County Deed Book 54, Page 36, for highway right of way.

Township 9 South, Range 28 East of the Willamette Meridian, Grant County, Oregon:
Section 19: Gov't Lots 1, 2, 3 and 4, E1/2W1/2, E1/2,
EXCEPTING THEREFROM the following a, b and c:

- (a) That portion conveyed to the State of Oregon, by and through its State Highway Commission, by deed dated March 26, 1948, recorded April 5, 1948 in Book 54, page 36, Deeds, for highway right of way.
- (b) That portion conveyed to Grant County, Oregon, by deed recorded December 19, 1960, Book 84, page 251, Deeds, for a public highway.
- (c) That portion conveyed to Grant County, Oregon, by deed recorded February 24, 1994, in the Records of Grant County, Oregon, as Instrument No. 940313, for public use and right-of-way.

Township 9 South, Range 28 East of the Willamette Meridian, Grant County, Oregon:
Section 20: W1/2NW1/4, SE1/4NW1/4, N1/2SW1/4; All that portion of the S1/2SW1/4 lying Southwesterly of the centerline of an un-named fork of Cottonwood Creek described as follows:
Beginning at a point on the West line of the S1/2SW1/4 and on the center line of an un-named fork of Cottonwood Creek which is 587.77 feet North of the SW corner of said Section 20; Thence along the centerline of the un-named fork of Cottonwood Creek as follows:
S63°00'00"E, 90.00 feet;
N56°30'00"E, 60.00 feet;
S43°00'00"E, 245.00 feet;
S87°00'00"E, 75.00 feet;
S46°25'00"E, 152.00 feet;
S33°00'00"E, 105.00 feet;
S53°00'00"E, 140.00 feet;
N83°20'00"E, 45.00 feet;
S46°00'00"E, 120.89 feet;
S30°00'00"E, 47 feet more or less, to the South line of said Section 20 and the terminus of this line.

The bearings for this description are based on Grant County Survey No. 1945.

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NOV 30 2018

WATER RESOURCES DEPT
SALEM OREGON

ALSO DESCRIBED AS FOLLOWS:

Land in Grant County, Oregon, as follows:

T9S, R27E, W.M.
Section 13: S1/2NE1/4.

T9S, R28E, W.M.
Section 7: S1/2SE1/4, EXCEPTING THEREFROM, All that portion of the SW1/4SE1/4 lying West of the following described line: Beginning at a 5/8" iron pin which is 83.62 feet North and 805.33 feet East of the SW corner of the SW1/4SE1/4 of said Section 7;
Thence South, 85 feet more or less, to the South line of the SW1/4SE1/4 of said Section 7 and the TRUE POINT OF BEGINNING;
Thence North, 85 feet more or less, to a 5/8" iron pin which is 83.62 feet North and 805.33 feet East of the SW corner of the SW1/4SE1/4 of said Section 7;
Thence N23°44'11"E, 239.16 feet;
Thence N29°40'41"W, 376.77 feet;
Thence N46°27'26"E, 789.96 feet;
Thence North, 145 feet more or less, to the North line of the SW1/4SE1/4 of said Section 7 and the terminus of this line. All according to Grant County Record Map of Survey No. 1877.

Section 8: SW1/4SW1/4.

Section 17: NW1/4NW1/4.

Section 18: Gov't Lots 1, 2, 3 and 4; NE1/4; SE1/4; E1/2W1/2, EXCEPTING THEREFROM, All that portion of the NE1/4NW1/4 described as follows: Beginning at the NE corner of the NE1/4NW1/4, thence South, 660.00 feet; thence West, 907.93 feet more or less to the centerline of the Kimberly-Long Creek Highway; thence Northerly, along the center line of the Kimberly-Long Creek Highway to the North line of the NE1/4NW1/4; thence Easterly, along the North line of the NE1/4NW1/4 to the point of beginning.

ALSO, EXCEPTING THEREFROM, that portion conveyed to the State of Oregon, by and through its State Highway Commission, by deed dated March 26, 1948, recorded April 5, 1948, in Grant County Deed Book 54, Page 36, for highway right of way.

Section 19: Gov't Lots 1, 2, 3 and 4; E1/2W1/2; E1/2.
EXCEPTING THEREFROM that portion conveyed to the State of Oregon, by and through its State Highway Commission, by deed dated March 26, 1948, recorded April 5, 1948, in Grant County Deed Book 54, Page 36, for highway right of way.
ALSO EXCEPTING THEREFROM that portion conveyed to Grant County, Oregon, by deed recorded December 19, 1960, in Grant County Deed Book 84, Page 251, for public right of way.
ALSO EXCEPTING THEREFROM that portion conveyed to Grant County, Oregon, by deed recorded February 24, 1994, in Grant County Deed Records Instrument No. 940313 for public right of way.

Section 20: W1/2NW1/4; SE1/4NW1/4; N1/2SW1/4; All that portion of the S1/2SW1/4 lying Southwesterly of the centerline of an un-named fork of Cottonwood Creek described as follows: Beginning at a point on the West line of the S1/2SW1/4 and on the center line of an un-named fork of Cottonwood Creek which is 587.77 feet North of the SW corner of said Section 20;
Thence along the centerline of the un-named fork of Cottonwood Creek as follows:
S63°00'00"E, 90.00 feet
N56°30'00"E, 60.00 feet;
S43°00'00"E, 245.00 feet;
S87°00'00"E, 75.00 feet;
S46°25'00"E, 152.00 feet;
S33°00'00"E, 105.00 feet;

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SALEM, OREGON

S53°00'00"E, 140.00 feet;
N83°20'00"E, 45.00 feet;
S46°00'00"E, 120.89 feet;
S30°00'00"E, 47 feet more or less, to the South line of said Section 20 and the terminus of this line.

Exhibit "B"

1. Unpatented mining claims, if any.
2. Minerals of whatsoever kind, subsurface and surface substances, including but not limited to coal, lignite, oil, gas, uranium, clay, rock, sand and gravel in, on, under and that may be produced from the Land, together with all rights, privileges, and immunities relating thereto, whether or not appearing in the Public Records or listed in Schedule B. The Company makes no representation as to the present ownership of any such interests. There may be leases, grants, exceptions or reservations of interests that are not listed.
3. 2016-2017 taxes, a lien not yet payable.
4. As disclosed by the tax roll the premises here described have been zoned or classified for farm use. At any time that said land is disqualified for such use, the property may be subject to additional taxes or penalties and interest.
5. Rights of the public in and to any portion of the herein described premises lying within the boundaries of streets, roads or highways.
6. Any and all matters, including easements and assessments, if any, pertaining to irrigation ditches that may traverse the herein described property.
7. Rights of the public and governmental bodies in and to any portion of the premises herein described lying below the high water mark of Cottonwood Creek or the East Fork of Cottonwood Creek, including any ownership rights which may be claimed by the State of Oregon below the high water mark.
8. Such rights and easements for navigation and fishing as may exist over that portion of the property lying beneath the waters of Cottonwood Creek or the East Fork of Cottonwood Creek.
9. 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 Cottonwood Creek or the East Fork of Cottonwood Creek.
 - (b) Some portion of said land has been created by artificial means or has accreted to such portion so created.
 - (c) Some portion of said land has been brought within the boundaries thereof by an avulsive movement of Cottonwood Creek or the East Fork of Cottonwood Creek, or has been formed by accretion to any such portion.
10. Easement, including the terms and provisions thereof:

For	: ditch right of way
Granted to	: Beymer Irrigation Company, a corporation
Recorded	: March 31, 1910
Book	: 27
Page	: 471
11. Easement, including the terms and provisions thereof:

For	: a road
-----	----------

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SALMON, OREGON

Granted to : Grant County, Oregon
Recorded : January 21, 1954
Book : 69
Page : 288

12. Conveyance of property in deed, including the terms and provisions thereof:
Between : Fred Shank, a single man
And : Grant County, Oregon
Recorded : January 21, 1954
Book : 69
Page : 289
13. Easement, including the terms and provisions thereof, as disclosed by instrument:
For : a highway and material site right-of-way
Granted to : the Oregon State Department of Transportation
Recorded : December 29, 2000
Instr. No. : 203166
14. Easement, including the terms and provisions thereof, as disclosed by instrument:
For : a telephone line right-of-way
Granted to : CenturyTel of Eastern Oregon, Inc.
Recorded : December 29, 2000
Instr. No. : 203166
15. Easement, including the terms and provisions thereof:
For : road
Granted to : Wilburn Ranches
Recorded : May 4, 2001
Instr. No. : 211046
16. Terms and provisions contained in Right of Way Deed:
Grantor : Clyde Davidson
Grantee : Grant County, Oregon, a political subdivision of the State of Oregon
Recorded : February 24, 1994
Instr. No. : 940313
17. Easement, including the terms and provisions thereof:
For : road
Granted to : Wilburn Ranches, Inc.
Recorded : December 2, 2005
Instr. No. : 20053171

Said Instrument was
Re-recorded : January 6, 2006
Instr. No. : 20060046

18. Easement, including the terms and provisions thereof:
For : access and utilities
Granted to : Cora M. Stubblefield and James M. Stubblefield, Trustees of the
: George M. And Cora M. Stubblefield Trust, uad November 28, 1990.
Recorded : July 3, 2006
Instr. No. : 20061502

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SALEM OREGON



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WATER RESOURCES DEPT
SALEM OREGON

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? 10 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: N/A
9. If the water from the spring sinks or evaporates before reaching other water, give the distance water flows from spring before vanishing: N/A
10. Remarks: The spring is subsurface and does not flow above ground. Spring Located center of Reservoir S1, S2, S3

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

Applicant TRIPLE T RANCH, LLC by: P. Hottel, MGR
Signature Date

Signature _____ Date 11/25/16

ODFW ~~Application~~ Reservoir Application Review Sheet

This portion to be completed by the applicant.			
Applicant Name/Address/Phone/Email: <u>Triple 7 Ranch LLC , PO Box 787, Baker City, OR 97814</u>			
Phone (971) 241-9134 Email: <u>timberwest@onlinemac.com</u>			
Reservoir Name: <u>S1</u>	Source: <u>Unnamed Springs & Ex. POD Cottonwood Creek</u>	Volume (AF): <u>12.4</u>	
T9S, R28E, W.M. Grant County, OR			
Twp Rng Sec QQ: <u>Section 19 Gov't Lot 3 & NE 1/4 SW 1/4</u>	Basin Name: <u>John Day</u>	<input type="checkbox"/> in-channel <input checked="" type="checkbox"/> 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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WATER RESOURCES DEPT
SALEM, OREGON

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)

R-00319

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)

Fish approve = IF source is from an existing POD.

ODFW Signature: Trevor Watson Print Name: TREVOR WATSON

ODFW Title: John Day District Fish Biologist Date: 11/23/2016

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

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WATER RESOURCES DEPT
Salem Oregon

R-88319

ODFW ~~Reservoir~~ Reservoir Application Review Sheet

This portion to be completed by the applicant.

Applicant Name/Address/Phone/Email: Triple 7 Ranch LLC . PO Box 787, Baker City, OR 97814
 Phone (971) 241-9134 Email: timberwest@onlinemac.com

Reservoir Name: S3 Source: Unnamed Springs & Ex. POD Cottonwood Creek Volume (AF): 12.4
T9S, R28E, W.M. Grant County, OR

Twp Rng Sec QQ: Section 19 Gov't Lot 4 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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WATER RESOURCES DEPT
SALEM, OREGON

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

R-88319

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)

Fish approve = IS source is from an existing POD.

ODFW Signature: Trevor Watson Print Name: TREVOR WATSON

ODFW Title: John Day District Fish Biologist Date: 11/23/2016

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

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WATER RESOURCES DEPT
SALEM, OREGON

R-88319

ODFW ~~Alternate~~ Reservoir Application Review Sheet

This portion to be completed by the applicant.

Applicant Name/Address/Phone/Email: Triple 7 Ranch LLC, PO Box 787, Baker City, OR 97814
 Phone (971) 241-9134 Email: timberwest@onlinemac.com

Reservoir Name: S2 Source: Unnamed Springs & Ex. POD Cottonwood Creek Volume (AF): 12.4

Twp Rng Sec QQ: T9S, R28E, W.M. Grant County, OR 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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WATER RESOURCES DEPT
SALEM, OREGON

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

R-88319

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)

Fishapprove = IF source is from an existing POP.

ODFW Signature: Trevor Watson Print Name: TREVOR WATSON

ODFW Title: John Day District Fish Biologist Date: 11/23/2016

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

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WATER RESOURCES DEPT
SALEM, OREGON

R-88319

ODFW Alternate Reservoir Application Review Sheet

This portion to be completed by the applicant.			
Applicant Name/Address/Phone/Email: <u>Triple 7 Ranch LLC , PO Box 787, Baker City, OR 97814</u>			
Phone (971) 241-9134 Email: <u>timberwest@onlinemac.com</u>			
Reservoir Name: <u>N1</u>	Source: <u>Unnamed Springs & Ex. POD Cottonwood Creek</u>	Volume (AF): <u>12.4</u>	
T9S, R28E, W.M. Grant County, OR			
Twp Rng Sec QQ: <u>Section 18 SE 1/4 SW 1/4</u>	Basin Name: <u>John Day</u>	<input type="checkbox"/> in-channel <input checked="" type="checkbox"/> 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.)
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WATER RESOURCES DEPT
SALEM, OREGON

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

R-88319

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)

Fish approve - IF source is from an existing POD.

ODFW Signature:

Trevor Watson

Print Name:

TREVOR WATSON

ODFW Title:

John Day District Fish Biologist

Date:

11/23/2016

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

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SALEM, OREGON

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ODFW ~~Application~~ Reservoir Application Review Sheet

This portion to be completed by the applicant.

Applicant Name/Address/Phone/Email: Triple 7 Ranch LLC . PO Box 787, Baker City, OR 97814
 Phone (971) 241-9134 Email: timberwest@onlinemac.com

Reservoir Name: N2 Source: Unnamed Springs & Ex. POD Cottonwood Creek Volume (AF): 12.4
T9S, R28E, W.M. Grant County, OR

Twp Rng Sec QQ: Section 18 SE 1/4 SW 1/4 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.

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WATER RESOURCES DEPT
SALEM, OREGON

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

R-88319

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)

Fish approve = IF source is from an existing POD

ODFW Signature: Trevor Watson Print Name: TREVOR WATSON

ODFW Title: John Day District Fish Biologist Date: 11/23/2016

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

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WATER RESOURCES DEPT
SALEM, OREGON

R-88319

ODFW ██████████ Reservoir Application Review Sheet

This portion to be completed by the applicant.

Applicant Name/Address/Phone/Email: Triple 7 Ranch LLC , PO Box 787, Baker City, OR 97814

Phone (971) 241-9134 Email: timberwest@onlinemac.com

Reservoir Name: N3 Source: Unnamed Springs & Ex. POD Cottonwood Creek Volume (AF): 12.4

T9S, R28E, W.M. Grant County, OR

Twp Rng Sec QQ: Section 18 SE 1/4 NW 1/4 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.

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Explain below (for example, list STE species or other existing fishery resources that would be impacted negatively.)

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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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WATER RESOURCES DEPT
SALEM, OREGON

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

R-88219

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)

Fish approve: IF source is from an existing POD.

ODFW Signature: Trevor Watson Print Name: TREVOR WATSON

ODFW Title: John Day District Fish Biologist Date: 11/23/2016

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

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WATER RESOURCES DEPT
SALEM, OREGON

ATTENTION:

Dear Customer Service Group,

The Staff off the Watermaster's Office in District 4 has assisted with the preparation of this application or map.

If there are any questions or problems with this application or map please contact the following staff person Hailey Boethin at 541-575-0119 for additional information.

Thank you for your assistance,

Sincerely,

Hailey Boethin Date: 11/28/2016

Watermaster Office, District 4
201 South Humbolt St., Ste 180
Canyon City, Or 97820
Voice: 541-575-0119
Fax: 541-575-0641

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WATER RESOURCES DEPT
SALEM, OREGON