## Application for a Permit to Use

# Surface Water

Revise

App. No. 1-8877



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

		I AND SI	GNAIUKE	DEC <b>0 9 20</b> 16
pplicant Information				
AME ICKEE PROPERTIES LLC				PHONE (HW) TER RESOURCES SALEM, OREGO
	Lorn			
HONE (WK) 03-932-8326	CEL	L -932-8326		FAX
DDRESS	303	-932-6320		
640 ELKINS ROAD				
TY	STATE	ZIP	E-MAIL *	
ONMOUTH	OR	97361	DMCKEE9900@GMAI	L.COM
rganization Information			DITONE	T FAV
CKEE PROPERTIES LLC			PHONE 503-932-8326	FAX
DDRESS			303-932-6320	CELL
640 ELKINS ROAD				CELL
TY	STATE	ZIP	E-MAIL *	
ONMOUTH	OR	97361	DMCKEE9900@GMAIL	C.COM
gent Information – The agent is	authorized to	represer	t the applicant in all i	matters relating to this application
GENT / BUSINESS NAME			PHONE	FAX
ALE JOHNSON CONSULTING BIOLOGIS	ST LLC		541-646-8530	
DDRESS				CELL
O. Box 1521	CT LTD	T are	E-MAIL *	541-646-8530
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For Department Use

Date

Permit No.

#### **SECTION 2: PROPERTY OWNERSHIP**

Please indicate if you own all the lands as conveyed, and used.	sociated with the project from which the water is to be diverted,
<ul><li>Yes</li><li>☐ There are no encumbrances.</li><li>☐ This land is encumbered by each</li></ul>	asements, rights of way, roads or other encumbrances.
☐ I do not currently have writter ☐ Written authorization or an ear own are state-owned submers domestic use only (ORS 274.) ☐ Water is to be diverted, conve	written authorization permitting access.  a authorization or easement permitting access.  sement is not necessary, because the only affected lands I do not lible lands, and this application is for irrigation and/or 040).  eyed, and/or used only on federal lands.  Il affected landowners (attach additional sheets if necessary).
	: 1. The property from which the water is to be diverted, 2. Any anal or other work, and 3. Any property on which the water is to be
SECTION 3: SOURCE OF WATER	
A. Proposed Source of Water	
Provide the commonly used name of the v stream or lake it flows into. If unnamed, s	vater body from which water will be diverted, and the name of the ay so:
Source 1: A Reservoir	Tributary to: Intermittent tributary of Cooper Creek
Source 2:	Tributary to:
Source 3:	Tributary to:
Source 4:	Tributary to:
	hat is authorized under a water right permit, certificate, or decree, attach nt number (for decrees, list the volume, page and/or decree name).
B. Applications to Use Stored Water	DEC 0 9 2016
Do you, or will you, own the reservoir(s)	· · · · · · · · · · · · · · · · · · ·
⊠ Yes.	WATER RESOURCES DEPT SALEM, OREGON
	your written notification to the operator of the reservoir of your intent you should have already mailed or delivered to the operator.)

Surface Water/4 WR

Revised 2/1/2012 \$\int -\text{B8337}\$ If *all* sources listed in item 3A are stored water, the Department will review your application using the expedited process provided in ORS 537.147, unless you check the box below. Please see the instruction booklet for more information.

- By checking this box, you are requesting that the Department process your application under the standard process outlined in ORS 537.150 and 537.153, rather than the expedited process provided by ORS 537.147. To file an application under the standard process, you must enclose the following:
  - A copy of a signed non-expired contract or other agreement with the owner of the reservoir (if not you) to impound the volume of water you propose to use in this application.
  - A copy of your written agreement with the party (if any) delivering the water from the reservoir to you.

#### **SECTION 4: WATER USE**

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

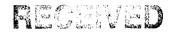
(1 cfs equals 448.8 gpm. 1 acre-foot equals 325,851 gallons or 43,560 cubic feet)

SOURCE	USE	PERIOD OF USE		AMOUNT
A Reservoir	Irrigation	March 2 thru October 31	200	☐ cfs ☐ gpm 🏻 af
				cfs gpm af
				cfs gpm af
				cfs gpm af

For irrigation use only: Please indicate the number of primary and supplemental acres to be irrigated.				
Primary: 75 Acres	Supplemental: Acres			
List the Permit or Certificate nu	mber of the underlying primary water right(s): TBD			
Indicate the maximum total num	nber of acre-feet you expect to use in an irrigation season: 200			

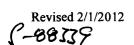
- If the use is municipal or quasi-municipal, attach Form M
- If the use is **domestic**, indicate the number of households: N/A
- If the use is **mining**, describe what is being mined and the method(s) of extraction:

N/A



DEC 0 9 2016

WATER RESOURCES DEPT SALEM, ORWOON



#### **SECTION 5: WATER MANAGEMENT**

S.E.	CHON	5. WATER MANAGEMENT
A.		on and Conveyance quipment will you use to pump water from your source?
	N Pun	np (give horsepower and type): <u>TBD</u>
	Oth	er means (describe):
	The div	e a description of the proposed means of diversion, construction, and operation of the on works and conveyance of water.  Persion will be an earth filled dam with a bypass conduit and riser conduit used as a water flow of the water will be stored from November to May and provide instream flow during the wet of the drainage is dry from June to November.
В.	What e	ntion Method quipment and method of application will be used? (e.g., drip, wheel line, high-pressure er) nation of drip and sprinkler
	waste; waters.  Water v	describe why the amount of water requested is needed and measures you propose to: prevent measure the amount of water diverted; prevent damage to public uses of affected surface will be metered. Water conservation includes using water from an intermittent stream and pumping it riculatural lands and partial amount of water then return to the drainage.
SE	CTION	6: RESOURCE PROTECTION
car pos	eful consistible per	permission to use water from a stream or lake, the state encourages, and in some instances requires, rol of activities that may affect the waterway or streamside area. See instruction guide for a list of mit requirements from other agencies. Please indicate any of the practices you plan to undertake to er resources.
		Diversion will be screened to prevent uptake of fish and other aquatic life.  Describe planned actions: no fish protection is needed
		Excavation or clearing of banks will be kept to a minimum to protect riparian or streamside areas. Describe planned actions: Streambanks will be inundated in the intermittent stream.
	$\boxtimes$	Operating equipment in a water body will be managed and timed to prevent damage to aquatic life.  Describe: Equipment will be in the dry drainage bed during the instream construction period from June 15 to September 15. This drainage is poor habitat for fish.
	$\boxtimes$	Water quality will be protected by preventing erosion and run-off of waste or chemical products.  Describe: Filter cloth and other mitigation measures would be used to prevent excess sediment from moving downstream in the wet months.

RECEIVED

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WATER RESOURCES DEPT SALEM, ONEGON WR

# Date construction will begin: Within five years of permit issuance Date construction will be completed: Within five years of permit issuance Date beneficial water use will begin: Within five years of permit issuance SECTION 8: WITHIN A DISTRICT Check here if the point of diversion or place of use are located within or served by an irrigation or other water district. Irrigation District Name Address

#### **SECTION 9: REMARKS**

N/A City

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

As of 2016, we are in discussions with the Oregon Department of Fish and Wildlife about a fish passage waiver at the proposed irrigation dam. Stream analysis indicates very poor quality habitat (muddy streambed) poor quality for fish use.

State



Zip

DEC 9 9 2016

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Revised 2/1/2012 Surface Water/7

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#### Application for a Permit to Use

## Surface Water



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

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#### Water-Use Permit Application Processing

DEC 0 9 2613

#### 1. Completeness Determination

WATER RESOURCES DEPT SALEM, OREGON

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

#### 2. Initial Review

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

#### 3. Public Notice

Within 7 days of the mailing of the initial review, the Department gives public notice of the application in the weekly notice published by the Department at <a href="www.oregon.gov/owrd">www.oregon.gov/owrd</a>. The public comment period is 30 days from publication in the weekly notice.

#### 4. Proposed Final Order Issued

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

#### 5. Public Notice

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

#### 6. Final Order Issued

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

Revised 2/1/2012 Surface Water/1 WR

## **Minimum Requirements Checklist**

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

#### Include this checklist with the application

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

$\boxtimes$	SECTION 1: applicant information and signature
$\boxtimes$	SECTION 2: property ownership
$\boxtimes$	SECTION 3: source of water requested
$\boxtimes$	SECTION 4: water use
$\boxtimes$	SECTION 5: water management
$\boxtimes$	SECTION 6: resource protection
$\boxtimes$	SECTION 7: project schedule
$\boxtimes$	SECTION 8: within a district
	SECTION 9: remarks
	Attachments:
$\boxtimes$	Land Use Information Form with approval and signature (must be an original) or signed receipt
$\boxtimes$	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.
$\boxtimes$	Fees - Amount enclosed: \$ See the Department's Fee Schedule at <a href="https://www.oregon.gov/owrd">www.oregon.gov/owrd</a> or call (503) 986-0900.
	Provide a map and check that each of the following items is included:
$\boxtimes$	Permanent quality and drawn in ink
	Even map scale not less than 4" = 1 mile (example: 1" = 400 ft, 1" = 1320 ft, etc.)
$\boxtimes$	North Directional Symbol
$\boxtimes$	Township, Range, Section, Quarter/Quarter, Tax Lots
	Reference corner on map
$\boxtimes$	Location of each well, and/or dam if applicable, by reference to a recognized public land survey corner
_	(distances north/south and east/west)
$\boxtimes$	Indicate the area of use by Quarter/Quarter and tax lot clearly identified
$\boxtimes$	Number of acres per Quarter/Quarter and hatching to indicate area of use if for primary irrigation, supplemental irrigation, or nursery
$\boxtimes$	Location of main canals, ditches, pipelines or flumes (if well is outside of the area of use)
	Ouler.
	75 C 6 <b>4 20</b> 16

DEC 0 9 2016

November 29, 2016

Mr. Joel Plahn Watermaster Office 725 Summer St. NE, Ste.A Salem, Oregon 97301

Dear Mr. Plahn:

I represent Mr. Doug McKee to acquire a water right and coordinate the process for him. I have been hired by Mr. Jason Robison of Northwest Resource Solutions.

Please find enclosed two applications, one to use water and the other to store water, a Land Use Information Form, and a preliminary drawing for dam and pool design. I am sending these applications via email which also include electronic maps found on Google Earth with designated markings. It should prove to be helpful for you prior to a field visit. The Google Earth photo map gives a good depiction of the project and landscape in Section 4. The permits are for use of an intermittent drainage to a Cooper Creek. The project dam site location is 44° 49.01' 19"North; 123°18' 11.16 West. A map prepared by a CWRE is enclosed for the storage application.

We are in discussions with the Oregon Department of Fish and Wildlife for an exemption for fish passage at the dam. The drainage has very poor quality fish habitat, with a mud bottom. There is no plan to provide mitigation because watershed plans show no fish presence in Cooper Creek, and there is no appreciable net benefit to migratory species. The pump horsepower is to be determined.

If you have any questions please call me at 541-646-8530, or Jason Robison, at 541-773-5008. Thank you for your time.

Dale Johnson Consulting Biologist LCC

Vale Johann

Natural Resource Consultant



DEC 0 9 2016

WATER RESOURCES DEPT SALEM, OREGON After Recording Return to: Thomas L. Black Weatherford Thompson P O Box 667 Albany, OR 97321

Until requested otherwise send all tax statements to: McKee Properties, L.L.C. 23350 SW McKee Road Amity, OR 97101 RECORDED IN POLK COUNTY Valerie Unger, County Clerk

2008-009825

00202884200800098250030033

\$41.00

08/05/2008 10:15:48 AM

REC-WD

Cnt=1 Stn=1 K. WILLIAMS

\$15.00 \$10.00 \$11.00 \$5.00

Assessor's Tax Number: 186076, 566754, 218515, 153450

#### **WARRANTY DEED**

(Douglas D. McKee and Bruce A. McKee to McKee Properties, L.L.C.)

KNOW ALL MEN BY THESE PRESENTS, that Douglas D. McKee and Bruce A. McKee, each as to an undivided one-half interest, hereinafter called Grantor, for the consideration hereinafter stated, do hereby convey and warrant to McKee Properties, L.L.C., an Oregon limited liability company, Grantee, and unto said Grantees' heirs, successors and assigns all of Grantors' interest in that certain real property with the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, including all leases, and the rents, royalties, issues, and profits therefrom, situated in the County of Polk, State of Oregon, described as follows:

All of Grantor's interest in and to the real property described as on Exhibit "A", attached hereto and incorporated herein.

SUBJECT TO: All easements, conditions, restrictions and encumbrances of record; and all easements, conditions, restrictions, and encumbrances created or suffered by the Grantor; and all leases entered into by Grantor encumbering the property, if any, whether or not of record.

To Have and to hold the same unto the said Grantee and Grantee's heirs, successors and assigns forever.

The true and actual consideration paid for this transfer, stated in terms of dollars, is \$-0-. However, the actual consideration consists of or includes other property or value given or promised which is the whole consideration.

In construing this deed and where the context so requires, the singular includes the plural and all grammatical changes shall be implied to make the provisions hereof apply equally to corporations and to individuals.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 197.352. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY 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 197.352.

DEC 0 0 2018

WATER PESCUPIDES DEPT SALERI OF COON

# EXHIBIT "A" TO WARRANTY DEED (Parcel #186076, 566754, 218515, 153450 – Deed 6)

Tract I. A part of the Donation Land Claim of Daniel M. Boon and Elizabeth, his wife, No. 49, Notification No. 2699, being a part of Section 33, in Township 8 South, Range 5 West of the Willamette Meridian in Polk County, Oregon, and Sections 4 and 5, in Township 9 South, Range 5 West of the Willamette Meridian described as being at the Southeast corner of said Donation Land Claim; thence running West a distance of 82.50 chains; thence North a distance of 31.26 chains; thence East a distance of 2.50 chains; thence North a distance of 8.64 chains; thence East a distance of 80 chains; thence South a distance of 40 chains to the place of beginning.

<u>Tract II.</u> All of Lots 1, 2, and 3 of Section 4, Township 9 South, Range 5 West of the Willamette Meridian, in Polk County, Oregon.



DEC 0 9 2016

WATER RESOURCES DEPT SALEH, ORGGON In Witness Whereof, the Grantor has executed this instrument this 29th day of July, 2008.

Douglas D. McKee

BRUCE CIMIKER

STATE OF OREGON, County of Linn) ss.

This instrument was acknowledged before me on July 29, 2008 by Douglas D. McKee.



STATE OF OREGON, County of Linn) ss.

This instrument was acknowledged before me on July 29, 2008 by Bruce A. McKee.



Notary Public - State of Oregon
My commission expires: LE-64-69

DEC 0 9 2018

WATER RESOURCES DEPT SALEW, OWEGON

# **Land Use Information Form**



Water to be:

Proposed Land

Applicant(s): McKee Properties LLC

Mailing Address: 11640 Elkins road

1/4 1/4

Tax Lot#

City: Monmouth State: OR Zip Code: 97361 Daytime Phone: 503-932-8326

#### A. Land and Location

Range

Section

Township

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.

Plan Designation (e.g.,

<u>98</u>	<u>5W</u>	4	NWSE	200	<u>EFU</u>	☑ Diverted	☐ Conveyed	☑ Used	irrigation
			·		<del></del>	☐ Diverted	☐ Conveyed	Used	
						☐ Diverted	☐ Conveyed	☐ Used	
						☐ Diverted	☐ Conveyed	☐ Used	
Polk Co		ities whe	re water is pro	pposed to be	e diverted, conveyed, and	or used or d	eveloped:		
Permi		be filed tore Wate	with the Water	er Resources Right Transi ution of Cons	fer Permit	Amendment	or Ground Wat	er Registrat	tion Modification
Source of v	vater: 🔲 F	Reservoir/I	Pond 🔲 C	Fround Water	Surface Water (r	name) <u>Runo</u> 1	ff and unnar	med inte	rmittent strea
Estimated of	quantity of	water nee	eded: <u>200</u>	☐ cı	ıbic feet per second	gallons per n	ninute 🛛 a	acre-feet	
Intended us	se of water:		gation [	] Commercia ] Quasi-Mun		<del></del>	estic for	househol	ld(s)
Briefly des	cribe:								
		to store	water for i	rrigation,	agriculture, livestock	and aesth	etics - 15 ac	cres	

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.  $\rightarrow$ 

DEC 0 9 2016

Es de mineral Victoria

DEC 6 9 2016

### For Local Government Use Only

WATER RESCURCES DEPT

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 be	low and provide the requested info	rmation	
☐ Land uses to be served by the proposed water your comprehensive plan. Cite applicable or	r uses (including proposed construction) are a dinance section(s):	llowed outright	t or are not regulated by
∠ Land uses to be served by the proposed water listed in the table below. (Please attach docus Record of Action/land-use decision and accomperiods have not ended, check "Being pure table to be a served by the proposed water listed in the table below.)	mentation of applicable land-use approvals wompanying findings are sufficient.) If approve	hich have alrea	dy been obtained.
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	d-Use Approval:
CONDITIONAL USE PERMIT FOR A RESERVOIR	PCX0/38.060(00)	☐ Obtained ☐ Denied	Being Pursued     □ Not Being Pursued
		☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued
		Obtained Denied	☐ Being Pursued ☐ Not Being Pursued
		☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued
		☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued
Name: MARK BERNARO	Title:	SENER.	Disneta
Signature:	Phone: 503-673	-9257 Date: 4	Resource DK. 8, 2016
Government Entity: Rock Colon			
Note to local government representative: Ple sign the receipt, you will have 30 days from the Form or WRD may presume the land use associated the second sec	Water Resources Department's notice date to ated with the proposed use of water is compat	return the compible with local	pleted Land Use Information comprehensive plans.
Receipt f	or Request for Land Use Informa	ation	
Applicant name:			
City or County:	Staff contact:		
Signature:	Phone:	Date:	

Oregon Water Resources Department  Permit to Appropriate Only Stored Water - Expedited Secondary  Return		
Today's Date: Friday, December 09, 2016		
Base Application Fee.		\$450.00
Acre feet of Stored Water to be diverted.	2	200 \$780.00
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.	Recalculat	<b>e</b>
Estimated cost of Permit Application	/	\$1,680.00
OWRD Fee Schedule  Fee Calculator Version: B20130709	(	