

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:	Beentz	<u> </u>	
Mailing Address: 1618 SW First Ave., Ste. 250	i de la discolation de La discolation de la	Last	i de la Bolo Bolo Bolo Bolo Bolo Bolo Bolo B
Portland Oregon		97201	
Phone: City (609) 214-5738		Zip	
	Work		Other
	johnbeelitz@gma		
By providing an e-mail address, consent is given to receive electronically. (paper copies of the final order documents will		from the dep	artment
2. AGENT INFORT		ing to this a	nnlication.
Agent: Kristie	Cromwell		RECEIVED BY OWN
Mailing Address: 1618 SW First Avenue, Ste. 250		Last	
		<u> </u>	APR 0 6 2017
Portland Oregon		97201	_ <u></u>
Phone: (503) 234-2694 (503) 23		Zip	SALEM, OR
Fax: (503) 234-1330 E-Mail Address*:	work kristie@loneylaw		Other
* By providing an e-mail address, consent is given to receive electronically. (paper copies of the final order documents wil		. · · · -	artment CEIVED BY OWRD
3. LOCATION AND	SOURCE		
A. Reservoir Name: N/A (catchment pond)			MAR 0 8 2017
B. Source: Provide the name of the water body or other source of the stream or lake it flows into. Indicate if source is run-of Source: Runoff Tributary to: Ful	f, seepage, or an un		
C. County in which diversion occurs: Polk			
App. No For Departmen Permit No		Date	
0.0000			

D. Reservoir Location

Township (N or S)	Range (E or W)	Section	guarter/quarter	tax lot number
10S	5W	6		213

	
E. Dam: Maximum height of dam: feet. If excavated, write "ze	ero feet".
F. Quantity: Amount of water to be stored in the reservoir at maximum capacity. acre-feet: 0.34	List volume in
Is this project fully or partially funded by the American Recovery and Reinvestme dollars) Yes No	ent Act? (Federal stimulus
4. WATER USE	
Indicate the proposed use(s) of the stored water. NOTE: You may wish to consi "Multipurpose use" for your reservoir. Multipurpose use does not limit the stored water. Multipurpose covers all uses including: stockwater, fish and wirrigation, agriculture, fire protection and pollution abatement. If any use will regardless of the type of storage listed, a secondary application must be filed to appropriate the proposed use of the type of storage listed.	types of future uses for the ildlife, aesthetics, domestic, l be out of reservoir use,
Multipurpose Use	
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	APR 0 6 2017
5. PROPERTY OWNERSHIP	SALEM, OR
Please provide a copy of the recorded deed(s).	RECEIVED BY OWRE
Do you own all the land where you propose to divert, transport, and use water? X Yes (please check appropriate box below then skip to section 5)	MAR' 0 8 2017
There are no encumbrances *utility easements only This land is encumbered by easements, right of way, roads of way, roads of	SALEM, OR 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 acces	s
Written authorization or an easement is not necessary, because the only af state-owned submersible lands, and this application is for irrigated and/or domestic (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:	

2

6. ENVIRONMENTAL IMPACT

 B. Wetland: Is the project in a wetland? Yes C. Existing: Is this an existing reservoir? Yes 	gencies? Yes X N	io:
7. WITHIN . Check here if the point of diversion or place of to other water district.	A DISTRICT use are located within or se	rved by an irrigation or
Irrigation District Name N/A	Address	
City	State	Zip
8. DESC Provide a description of the design and operation of the flow will be passed outside the authorized storage seaso narrative and sketches on separate pages.		
Gathers runoff water into catchment pond, flowin will naturally be absorbed into the ground. Reservoir will be 50' long x 30' wide = 1,500 sq. 1		nd of the pond. Gradual flow
1,500 / 43,650 = .11225		
$.034 \times 10'$ deep = $.34$ acre-feet		RECEIVED BY OWRD
See also attached sketches.		RECEIVED DI GVIII
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If the diversion involves a dam, use this space for sketches of the diversion (e.g. cross-section of the dam with its dimensions, dimension and placement of outlet pipe, means of passing live flow outside of the authorized storage season, and means for providing fish passage).

N/A RECEIVED BY OWND APR 0 6 2017 SALEM, OR RECEIVED BY OWRD MAR' 0 8 2017 SALEM, OR

9. SIGNATURE

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

Landowner Signature

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.

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: John Beelit	z 10 S 5 W Sec 6 TL 213	J. #7
1) Does the proposed re	servoir have the potential to injure	existing water rights?	□ YES
Explain:			
2) Can conditions be ap	plied to mitigate the potential injur	ry to existing water rights?	YES
If YES, which condition	s are recommended: NA - no con	ditions needed	
3) Did you meet with sta	aff from another agency to discuss	this application? 🗵 NO 🗌	RECEIVED BY OWN
Who:	Agency:	Date:	APR'0 6 2017
Who:	Agency:	Date:	GARIE CORP.
			SALEM, OR
Watermaster signature:	for	Date: 3-7-17	RECEIVED BY OWRD
/		, 503-986-0900 / Fax 503-986-0901	MAR: 0 8 2017
			SALEM, OR

NOTE: This completed form must be returned to the applicant

ODFW Alternate Reservoir Application Review Sheet

This portion to be completed by the applicant.		
Applicant Name/Address/Phone/Email: John Beelitz	z, 1618 SW First Ave., St	e. 250, Portland, OR 97201
(609) 214-5738		
Reservoir Name: N/A (catchment pond 2) Source:	Runoff	Volume (AF):344
	Basin Name: Willamett	Xoff-channel
Note: It is unlikely that ODFW will be able to complete this for appointment to submit the form so as to provide any necessary		
This portion to be completed by Oregon Departm	ent of Fish and Wildlife	(ODFW) District staff.
) Is the proposed project and AO¹ off channel? (if yes then proceed to #4; if no then proceed to #2)		VES DNO
(if yes then proceed to #3; if no then proceed to #4)	e or were historically pres	ent? 🗆 YES 🗆 NO
a. Is there an ODFW-approved fish-passage plan? b. Is there an ODFW-approved fish-passage waiver of the control of the con	or exemption?	□ YES □ NO
f fish passage is required under ORS 509.580 through . orward with the application. If responses to 3(a) and 3(he requirements of Oregon Fish Passage Law and shall	b) are "No", then the prop	osed reservoir does not meet
) Would the proposed project pose any other significan	t detrimental impact to an	
ocally or downstream? Explain below (for example, list STE species or othe negatively.)	r existing fishery resources i	that would be impacted
LI Any diversion or appropriation of water for stora		
through poses a significant poses a significan	uring a certain time period w to then ODFW should recom to of water diversion then the	mend conditions or limitations.
This proposed pond or reservoir contemplates im Dam. ODFW has determined that additional dive impact to existing fishery resources during the pe	ersions of water in this area	oose a significant detrimental
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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)

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				· · · · · · · · · · · · · · · · · · ·		·· . ··
			in a linear			
					mpact to an existing fisher	y resource
L	NO (explain	a)	YES (select from	n Menu of Conditions	on next page)	
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	:					
						
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)FW Signature				Print Name: \$	APR 0 6 2017 SALEM, OR	WRD
OFW Signature	Dasma		1 Birra	Print Name: E	APR 0 6 2017	WRD

MAR' 0 8 2017

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:	j.	ohn			I	Beelitz			
-FF			First				Last	- 1	
Mailing Ac	ldress: 1	618 SW	First Aveni	ue, Ste. 250)				
Portland			C)R	97201 D	aytime Phone	609-21	4-5738	
	City		·	State	Zip				
A. Land	and Loc	ation							
and/or used	l or develo _l	ped. Appli	cants for mur	nicipal use, or	here water will be dive r irrigation uses within on requested below.	erted (taken fr irrigation dis	om its source tricts may su	e), conveye bstitute exi	d (transported), sting and
Township	Range	Section	1/4 1/4	Tax Lot #	Plan Designation (e.g., Rural Residential/RR-5)		Water to be:		Proposed Land Use:
10S	5W	6		213	EFU	∑ Diverted	☐ Conveyed	□X Used	
		A STATE OF THE STA				☐ Diverted	☐ Conveyed	☐ Used	
						☐ Diverted	☐ Conveyed	☐ Used	
						☐ Diverted	☐ Conveyed	□ Used	
	olk Cou	~Ty						APR'	0 6 2017
B. Descr	iption of	Propos	ed Use					SAL	EM, OR
Permit	plication to t to Use or S d Water Use	tore Water		r Resources I Right Transfer tion of Conser	☐ Permi ved Water ☐ Excha	inge of Water		ter Registrat	on Modification
Source of v	vater: 🔲 F	Reservoir/Po	ond \square G	round Water	☐ Surface Water (name) Runof	<u>f</u>		
Estimated o	quantity of	water need	led:0.3	4	Cubic feet per s	second	allons per min	nute 🗀 ac	re-feet
ntended us Briefly des	se of water:	= =	ation [Commercial Quasi-Munic	☐ Industrial ipal ☐ Instream	Dome Other	estic for Multipu	househol irpose Us	
Constr	uct a pon	d and sto	ore runoff v	vater.					

Note to applicant: If the Land Use Information Form cannot be completed while you wait, please have a local government representative sign the receipt at the bottom of the next page and include it with the application filed with the Water Resources Department.

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See bottom of Page 3. \rightarrow

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For Local Government Use Only

The following section must be completed by a planning official from each county and city listed unless the project will be located entirely within the city limits. In that case, only the city planning agency must complete this form. This deals only with the local land-use plan. Do not include approval for activities such as building or grading permits.

Please check the appropriate box bel ✓ Land uses to be served by the proposed water your comprehensive plan. Cite applicable ord		lowed outright	or are not regulated by
	cumentation of applicable land-use approvals mpanying findings are sufficient.) If approva	which have alre	eady been obtained.
Type of Land-Use Approval Needed (e.g., plan amendments, rezones, conditional-use permits, etc.)	Cité Most Significant, Applicable Plan Policies & Ordinance Section References	Land	-Use Approval:
		☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued
RECEIVED B	Y OWRD	☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued
APR'O 6	2017	☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued
	MAK (J 8 ZU17	☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued
SALEM	OR SALEM, OR	☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued
15 NITHIN THE INVEY	2) AND 182 OUD(E), TRI VORIED CERVETIK MA	ピロカット	REN.
Name: Mask Bannon	Phone: 503-623-	270026	· / /-
Signature:	Phone: 503-623-	<i>9<u>2</u>3 /</i> I	Date: 3/2//2
Note to local government representative: Plesign the receipt, you will have 30 days from the Information Form or WRD may presume the lar plans.	ase complete this form or sign the receipt belo Water Resources Department's notice date to	return the comp	oleted Land Use
Receipt fo	or Request for Land Use Informa	<u>ition</u>	
Applicant name:			
City or County:	Staff contact		
Signature:	Phone:		Date:

V-88388



To:

Cascade Title Company

811 Willamette St.

Eugene, OR 97401

Attn:

Your File No.: EU16-1692

Date:

June 19, 2016

Order No.

111488AM

Re:

15155 Dunn Forest Road

Monmouth, OR 97361

We have enclosed our Preliminary Title Report pertaining to order number 111488AM:

Thank you for the opportunity to serve you. Your business is appreciated!

If you have any questions or need further assistance, please do not hesitate to contact your Title Officer listed below.

Sincerely,

Teri Due, teri.due@amerititle.com Title Officer RECEIVED BY OWRD

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June 17, 2016

File Number: 111488AM

Report No.: 1

Title Officer: Teri Due

Email Address: teri.due@amerititle.com

Phone No.: (503)581-1431

PRELIMINARY TITLE REPORT

Property Address:

15155 Dunn Forest Road, Monmouth, OR 97361

Policy or Policies to be issued:

OWNER'S STANDARD COVERAGE

Liability \$325,000.00

<u>Premium</u>

\$750.00

Proposed Insured: The Kendo Group, LLC

Local Government Lien Search

\$30,00

We are prepared to issue ALTA (06/17/06) title insurance policy(ies) of Chicago Title Insurance Company, in the usual form insuring the title to the land described as follows:

Legal description attached hereto and made a part hereof marked Exhibit "A"

and dated as of 2nd day of June, 2016 at 7:30 a.m., title is vested in:

Valley Premier Properties, LLC, an Oregon Limited Liability Company

The estate or interest in the land described or referred to in this Preliminary Title Report and covered herein is:

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File No. 111488AM Page 2

Except for the items properly cleared through closing, Schedule B of the proposed policy or policies will not insure against loss or damage which may arise by reason of the following:

GENERAL EXCEPTIONS:

- Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the Public Records; proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the Public Records.
- 2. Facts, rights, interests or claims which are not shown by the Public Records but which could be ascertained by an inspection of the Land or by making inquiry of persons in possession thereof.
- 3. Easements, or claims of easement, not shown by the Public Records; reservations or exceptions in patents or in Acts authorizing the issuance thereof; water rights, claims or title to water.
- 4. Any encroachment (of existing improvements located on the subject Land onto adjoining Land or of existing improvements located on adjoining Land onto the subject Land) encumbrance, violation, variation, or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the subject Land.
- Any lien, or right to a lien, for services, labor, material, equipment rental or workers compensation heretofore or hereafter furnished, imposed by law and not shown by the Public Records.

EXCEPTIONS 1 THROUGH 5 ABOVE APPLY TO STANDARD COVERAGE POLICIES AND MAY BE MODIFIED OR ELIMINATED ON AN EXTENDED COVERAGE POLICY.

SPECIAL EXCEPTIONS:

Tax Information:

<u>Taxes</u> assessed under Code No. 1312 Account No. 422457 <u>Map</u> No. 10S-05W-06 213 NOTE: The 2015-2016 Taxes: \$1,059.08, are Paid

- 6. The assessment roll and the tax roll disclose that the premises herein described were specially assessed as Forest Land. If the land becomes disqualified for the special assessment under the statute, an additional tax may be levied for the last five (5) or lesser number of years in which the land was subject to the special land use assessment.
- 7. The property lies within and is subject to the levies and assessments of the Polk Soil and Water Conservation District.
- 8. The rights of the public in and to that portion of the herein described property lying within the limits of public roads, streets or highways.
- 9. An easement including the terms and provisions thereof, affecting the portion of said premises and for the purposes stated therein as set forth in instrument:

Granted To: Pacific N.W. Bell Telephone Co.

Recorded: June 14, 1979

Instrument No.: Volume: 140 Page; 315

10. An easement including the terms and provisions thereof, affecting the portion of said premises and for the purposes stated therein as set forth in instrument:

Granted To: Pacific N.W. Bell Telephone Co.

Recorded: June 14, 1979

Instrument No.: Volume: 140 Page: 317

11. An easement including the terms and provisions thereof, affecting the portion of said premises and for the purposes stated therein as set forth in instrument:

Granted To: Consumers Power Inc.

Recorded: June 18, 1981

Instrument No.: Volume: 158 Page: 228

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12. An easement including the terms and provisions thereof, affecting the portion of said premises and for the purposes stated therein as set forth in instrument:

Granted To: Consumers Power Inc.

Recorded: June 18, 1981

Instrument No.: Volume: 158 Page: 231

13. A Deed of Trust, including the terms and provisions thereof, to secure the amount noted below and other amounts secured thereunder, if any:

Amount: \$365,000.00

Trustor/Grantor: Valley Premier Properties, LLC, an Oregon Limited Liability Company

Trustee: First American Title Company of Oregon

Beneficiary: Marvin L. Fast Dated: June 26, 2015 Recorded: July 2, 2015 Instrument No.: 2015-006667

Re-recorded: July 15, 2015 Instrument No.: 2015-007361

14. The Company will require a copy the Operating Agreement (including any approvals of withdrawal of member(s) or acceptance of new member(s)) and the Articles of Organization of Valley Premier Properties, LLC for its examination prior to closing. Any conveyance or encumbrance of the Limited Liability Company's property must be executed by all of the members unless otherwise provided for in the Operating Agreement.

The Company reserves the right to add additional items or make further requirements after review of the requested documentation.

15. The Company will require a copy the Operating Agreement (including any approvals of withdrawal of member(s) or acceptance of new member(s)) and the Articles of Organization of The Kendo Group, LLC for its examination prior to closing. Any conveyance or encumbrance of the Limited Liability Company's property must be executed by all of the members unless otherwise provided for in the Operating Agreement.

The Company reserves the right to add additional items or make further requirements after review of the requested documentation.

INFORMATIONAL NOTES:

NOTE: This report does not include a search for financing statements filed in the office of the Secretary of State in this or any other State, or in a county other than the county wherein the premises are situated, and no liability is assumed if a financing statement is filed in the office of the County Clerk (Recorder) covering timber on the premises wherein the lands are described other than by metes and bounds or under the rectangular survey system.

NOTE: State of Oregon Well Ownership Information Form,

Recorded: September 14, 1998 Instrument No. <u>BOR: 362 Page</u>: 1953

NOTE: As of the date hereof, there are no matters against the party(ies) shown below which would appear as exceptions to coverage in a title insurance product:

Parties:

John D. Beelitz The Kendo Group LLC

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NOTE: We find the following deed affecting said land recorded within 24 months of the date of this report:

Grantor: Harland Howard

Grantee: Valley Premier Properties, LLC, an Oregon Limited Liability Company

Recorded: July 15, 2015 Instrument No.: 2015-007360

NOTE: Any map or sketch enclosed as an attachment herewith is furnished for information purposes only to assist in property location with reference to streets and other parcels. No representation is made as to accuracy and the company assumes no liability for any loss occurring by reason of reliance thereon.

NOTE: The policy to be issued may contain an arbitration clause. When the Amount of Insurance is less than the amount, if any, set forth in the arbitration clause, all arbitrable matters shall be arbitrated at the option of either the Company or the Insured as the exclusive remedy of the parties.

NOTE: Your application for title insurance was placed by reference to only a street address or tax identification number. Based on our records, we believe that the legal description in this report covers the parcel(s) of Land that you requested. If the legal description is incorrect, the parties to the transaction must notify the Company and/or the settlement company in order to prevent errors and to be certain that the correct parcel(s) of Land will appear on any documents to be recorded in connection with this transaction and on the policy of title insurance.

This report is preliminary to the issuance of a policy of title insurance and shall become null and void unless a policy is issued and the full premium paid.

End of Report

"Superior Service with Commitment and Respect for Customers and Employees"

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EXHIBIT "A" LEGAL DESCRIPTION

BEGINNING AT A POINT WHICH IS NORTH 89° 55' 15" WEST 1682.90 FEET FROM THE NORTHEAST CORNER OF THE HENRY FULLER DONATION LAND CLAIM NO. 39 IN TOWNSHIP 10 SOUTH AND RANGE 5 WEST OF THE WILLAMETTE MERIDIAN IN POLK COUNTY, OREGON; AND RUNNING THENCE SOUTH 22° 45' 35" EAST A DISTANCE OF 1723.82 FEET TO THE NORTHERLY RIGHT OF WAY OF COUNTY ROAD 1052 AS REALIGNED; THENCE NORTH 55° 57' 50" EAST 275.36 FEET; THENCE NORTH 00° 09' 55" WEST 1434.65 FEET; THENCE NORTH 89° 55' 15" WEST 890.00 FEET TO THE TRUE PLACE OF BEGINNING.

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For impoundments less than 10 feet in height or storing less than 9.2 acre feet of water.

Today's Date: Thursday, April 06, 2017

Base Application Fee for Storage of Surface Water.		\$350.00
Proposed Dam Height in feet.	0	
Proposed Reservoir volume in Acre Feet.	.34	\$30.00
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		\$830.00

OWRD Fee Schedule

Fee Calculator Version: B20130709

