

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

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: Edward & Sally GALLAGHER
First Last

Mailing Address: 22853 HARRIS RD.
PHILOMATH OR 97370
City State Zip

Phone: 541-619-4980 SALLY 541-737-5367
Home CELL Work Other

Fax: _____ E-Mail Address*: gallzook@peak.org

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

2. AGENT INFORMATION

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

Agent: _____ **RECEIVED**
First Last

Mailing Address: _____ **APR 02 2018**
City State Zip

Phone: _____ **OWRD**
Home Work Other

Fax: _____ E-Mail Address*: _____

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

3. LOCATION AND SOURCE

A. Reservoir Name: NA

B. Source: Provide the name of the water body or other source from which water will be diverted, and the name of the stream or lake it flows into. Indicate if source is run-off, seepage, or an unnamed stream or spring.

Source: rainwater catchment off Tributary to: run-off to MARYS RIVER VIA SEASONAL CREEK
400sq ft roof + diffuse runoff + seepage

C. County in which diversion occurs: BENTON

App. No. <u>R-88461</u>	For Department Use	Permit No. _____	Date _____
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D. Reservoir Location

Township (N or S)	Range (E or W)	Section	quarter/quarter	tax lot number
111	6	30	NE/SE	302

E. Dam: Maximum height of dam: 9' 8" feet. If excavated, write "zero feet".

F. Quantity: Amount of water to be stored in the reservoir at maximum capacity. List volume in acre-feet: 2.5

Is this project fully or partially funded by the American Recovery and Reinvestment Act? (Federal stimulus dollars) Yes No

4. WATER USE

Indicate the proposed use(s) of the stored water. **NOTE: You may wish to consider filing for "Multipurpose use" for your reservoir. Multipurpose use does not limit the types of future uses for the stored water. Multipurpose covers all uses including: stockwater, fish and wildlife, aesthetics, domestic, irrigation, agriculture, fire protection and pollution abatement. If any use will be out of reservoir use, regardless of the type of storage listed, a secondary application must be filed to appropriate the stored water.**

MULTIPURPOSE USE

5. PROPERTY OWNERSHIP

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

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

- Yes** (please check appropriate box below then skip to section 5)
 - There are no encumbrances
 - This land is encumbered by easements, right of way, roads of way, roads or other encumbrances *see ATTACHED copy of property title*
- No** (Please check the appropriate box below)
 - I have a recorded easement or written authorization permitting access.
 - I do not currently have written authorization or easement permitting access.
 - Written authorization or an easement is not necessary, because the only affected lands I do not own are state-owned submersible lands, and this application is for irrigated and/or domestic use only (ORS 274.040). (Do not check this box if you described your use as "Multipurpose" in #3 above.)

List the names and mailing addresses of all affected landowners:

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6. ENVIRONMENTAL IMPACT

- A. **Channel:** Is the reservoir: in-stream or off channel?
- B. **Wetland:** Is the project in a wetland? Yes No Don't know
- C. **Existing:** Is this an existing reservoir? Yes No
If yes, how long has it been in place? _____ years.
- D. **Fish Habitat:** Is there fish habitat upstream of the proposed structure? Yes No Don't know
If yes, how much? _____ miles.
- E. **Partnerships:** Have you been working with other agencies? Yes No
Indicate agency, staff and phone numbers of those involved. Also indicate any agencies that are cost sharing in this project.

7. WITHIN A DISTRICT

Check here if the point of diversion or place of use are located within or served by an irrigation or other water district. *none*

Irrigation District Name		Address	
City	State	Zip	

8. DESCRIPTION

Provide a description of the design and operation of the proposed diversion, including a description of how live flow will be passed outside the authorized storage season. Use this space for narrative. You may also provide narrative and sketches on separate pages.

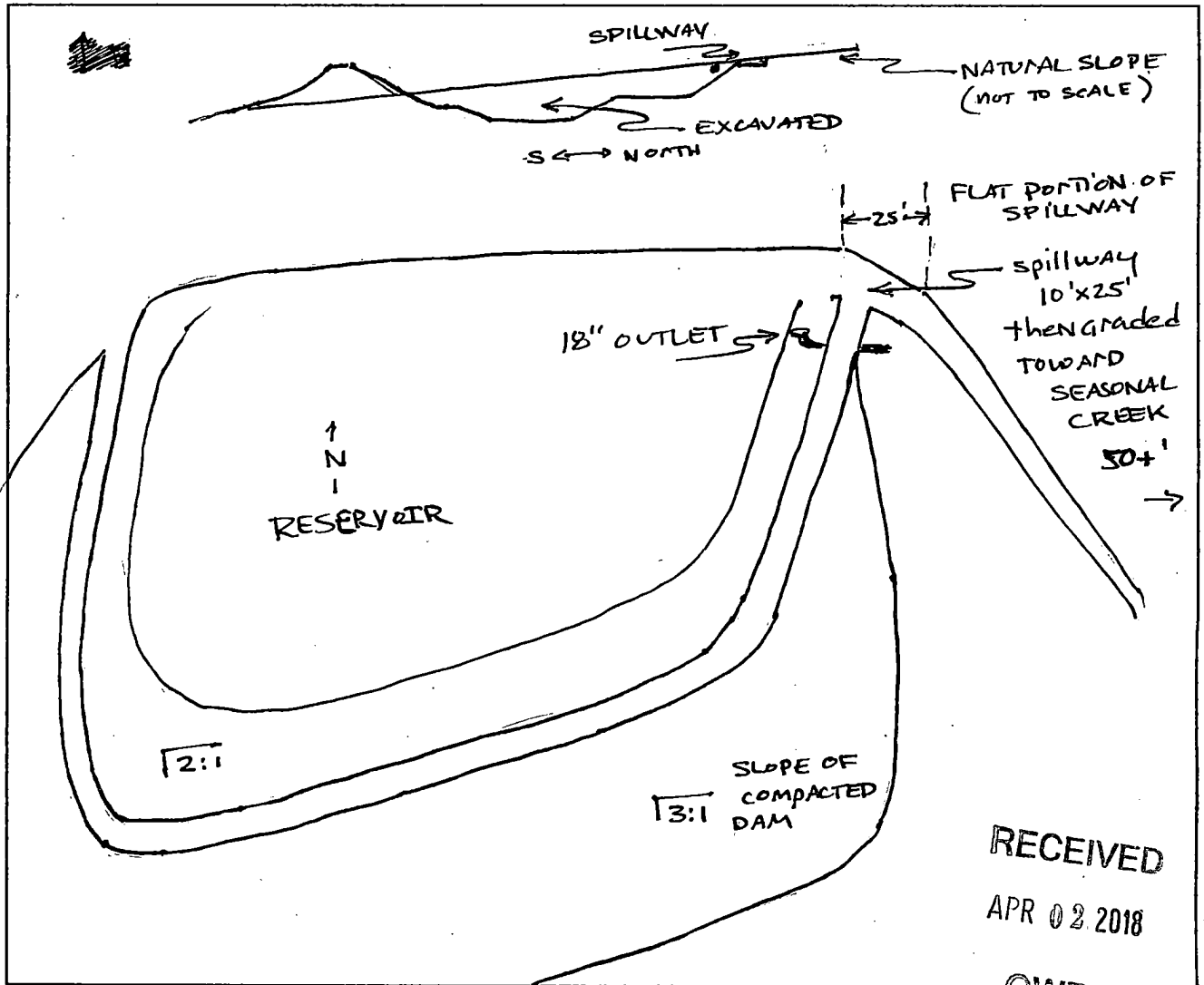
SEE ATTACHED

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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). * SEE ALSO ATTACHED CROSS SECTION



9. SIGNATURE

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

Shelby J. Galt _____ *Edu. Galt* _____
 Landowner Signature Date 2/22/18

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.

Gallagher, Application to Store Water in a Reservoir (Alternate Review)

8. Description

Proposed roughly trapezoid shaped reservoir in Taxlot 302; 11S-6W-30. NE/SE quarter quarter. Pond area approximately 1/3 acre; volume 2.5 AF. ~~The pond will.~~ The reservoir location is approximately 925' S and 335' E of the SW corner of Dedicated Land Claim 56 (not in, but S of that land claim) and 50'+ West of the bed of a seasonal creek that runs N-S along the eastern edge of our property.

The reservoir (pond) is *offstream* and will be filled from water captured from an approximate 4000 sq ft roof surface and transported through 3" sched 40 PVC to the pond area. Diffuse runoff and seepage will help maintain water levels. Most of the runoff in the watershed above the pond routes to the seasonal creek (which is dry Aug-Oct) and thence to Mary's River approx. ¼ mile south.

The area is now mixed grasses, blackberry and some thistle, with a gentle N-S slope. The pond will be dammed on three sides, following the natural slope of the land to a maximum dam height of 9'8" at the south end. A cross section of the proposed dam is included as requested with this application. The dam will be constructed of appropriate soils from the excavation, compacted in 1' lifts, with a "key" / trench centered on the downhill side. Maximum slope of the toe will be 3:1, although we anticipate a gentler grade because of the amount of excavation and desire to have the dam blend into the natural topography below. Topsoils will be returned to the exterior surfaces and reseeded with a rye grass pasture mix, similar to what we use in our pastures. A 10' wide spillway (25' long at the flat surface, then sloping toward the seasonal creek bed) will be located at the NE corner as an auxiliary path for excess runoff. A 18" drop inlet with a cap will serve as primary runoff outlet and establish the water level. That inlet pipe will also be located at the NE end of the pond, below the spillway, so that the inlet pipe may easily extend 5' past the toe of the dam at its shallowest and allow overflow to run down-grade toward the seasonal creek bed.

The interior of the reservoir will be excavated with one or two terraces to a depth of approx. 15' (soils permitting) with a maximum slope of 2:1 on the reservoir side of the dam. Riprap and/or excavated rocks will be used to stabilize the top portion of the slope and manage aquatic plant growth.

Sketches:

- 1) dam cross section
- 2) reservoir from above showing dam, outlet pipe and spillway.

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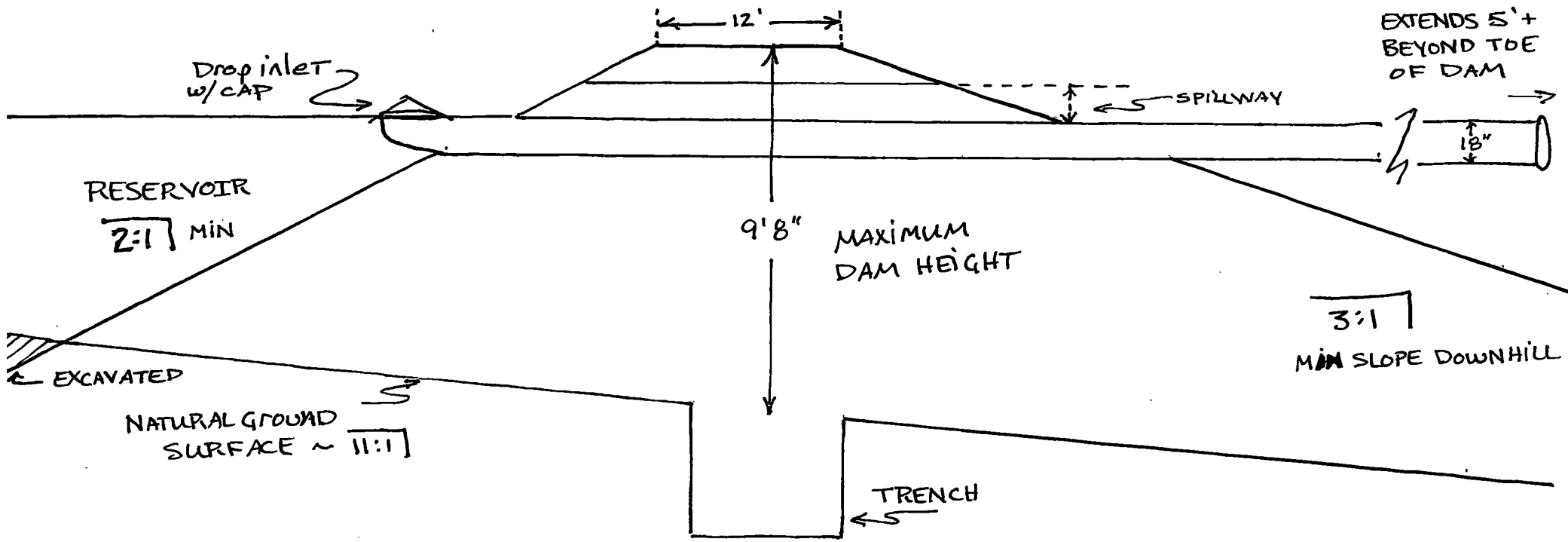
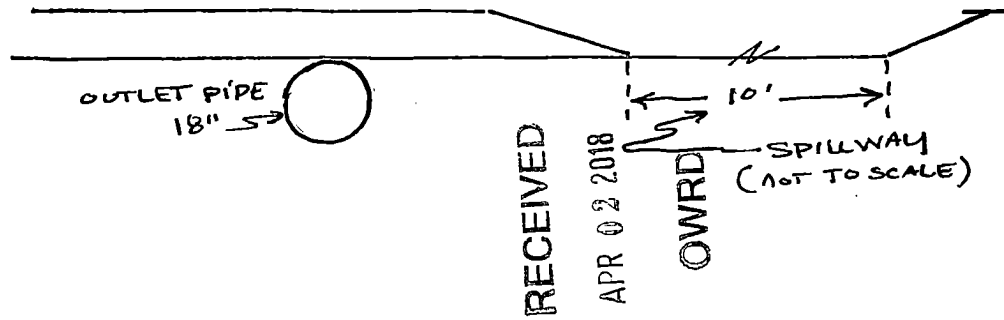
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R-98461

GALLAGHER
22853 HARRIS RD
PHILOMATH OR 97370

DAM CROSS SECTION



12-00461

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: Gallagher 11S 6W Sec 30 TL 302

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

Explain:

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

If YES, which conditions are recommended: NA

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

Who: Agency: Date:

Who: Agency: Date:

Watermaster signature:  Date: 3/2/2017

WRD Contact: Caseworker: Water Rights Division, 503-986-0900 / Fax 503-986-0901

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NOTE: This completed form must be returned to the applicant

ODFW Alternate Reservoir Application Review Sheet

This portion to be completed by the applicant.

Applicant Name/Address/Phone/Email: EDWARD + SALLY GALLAGHER
22853 HARRIS Rd., PHILOMATH OR 97370 5416194980 gallzook@peak.org

Reservoir Name: N/A Source: diffuse runoff root rainwater Volume (AF): 2.5

Twp Rng Sec QQ: 11-6-30 NE/SE Basin Name: Willamette 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.

Release of warm pond water during the summer or fall, into the seasonal stream or the Mary's River could

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¹ AO = Artificial Obstruction means any dam, diversion, culvert or other human-made device placed in waters of this state that precludes or prevents the migration of native migratory fish. ORS 509.580 (1)

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

APR 10 2010

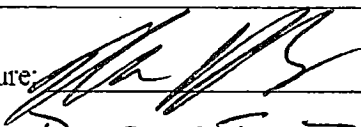
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HAVE A NEGATIVE IMPACT ON FISHERIES RESOURCES.

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)

WQ: WATER MAY NOT BE RELEASED FROM THE POND INTO THE SEASONAL STREAM OR THE MARYS RIVER FROM JUNE 1 - SEPT 15 TO AVOID NEGATIVE TEMPERATURE IMPACTS TO FISHERIES RESOURCES.

ODFW Signature: 

Print Name: ELISE KELLEY

ODFW Title: DISTRICT ASST BIOLOGIST

Date: 3/27/18

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

Revised 10/4/12

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Use this menu to identify appropriate conditions to be included in the permit, and indicate the abbreviations on the review form:

fishpass: As required by ORS 509.585, a person owning or operating an artificial obstruction (AO) may not construct or maintain any AO across any waters of this state that are inhabited, or historically inhabited, by native migratory fish (NMF) without providing passage for NMF. A person owning or operating an AO shall, prior to construction, fundamental change in permit status or abandonment of the AO in any waters of this state, obtain a determination from ODFW as to whether NMF are or historically have been present in the waters. If ODFW determines that NMF are or historically have been present in the waters, the person owning or operating the AO shall either submit a proposal for fish passage to ODFW or apply for a waiver or exemption. Approval of the proposed fish-passage facility, waiver, or exemption must be obtained from the department prior to construction, permit modification or abandonment of the AO. Approved fish-passage plans, waivers, and exemptions shall maintain adequate passage of NMF at all times (ORS 509.601) as per the approved plan, waiver or exemption.

fishself: The permittee shall install, maintain, and operate fish screening and by-pass devices consistent with current Oregon Department of Fish and Wildlife (ODFW) standards. Fish screening is to prevent fish from entering the proposed diversion while by-pass devices provide adequate upstream and downstream passage for fish. The required screen and by-pass devices are to be in place and functional prior to diversion of any water. Permittee shall obtain written approval from ODFW that the installation of the required screen and by-pass devices meets the state's criteria or the permittee shall submit documentation that ODFW has determined screens and/or by-pass devices are not necessary.

fishapprove: The permittee shall install, maintain, and operate fish screening and by-pass devices consistent with current Oregon Department of Fish and Wildlife (ODFW) standards. Fish screening is to prevent fish from entering the proposed diversion while by-pass devices provide adequate upstream and downstream passage for fish. The required screen and by-pass devices are to be in place and functional, and approved in writing by ODFW prior to diversion of any water. The permittee may submit evidence in writing that ODFW has determined screens and/or by-pass devices are not necessary.

fishdiv33: If the riparian area is disturbed in the process of developing a point of diversion, the permittee shall be responsible for restoration and enhancement of such riparian area in accordance with ODFW's Fish and Wildlife Habitat Mitigation Policy OAR 635-415. For purposes of mitigation, the ODFW Fish and Wildlife Habitat Mitigation Goals and Standards, OAR 635-415, shall be followed.

The use may be restricted if the quality of the source stream or downstream waters decrease to the point that those waters no longer meet existing state or federal water quality standards due to reduced flows.

The permittee shall install, maintain, and operate fish screening and by-pass devices consistent with current Oregon Department of Fish and Wildlife (ODFW) standards. Fish screening is to prevent fish from entering the proposed diversion while by-pass devices provide adequate upstream and downstream passage for fish. The required screen and by-pass devices are to be in place and functional, and approved in writing by ODFW prior to diversion of any water. The permittee may submit evidence in writing that ODFW has determined screens and/or by-pass devices are not necessary.

fishmay: Notwithstanding that ODFW has made a determination that fish screens and/or by-pass devices are not necessary at the time of permit issuance, the permittee may be required in the future to install, maintain, and operate fish screening and by-pass devices to prevent fish from entering the proposed diversion and to provide adequate upstream and downstream passage for fish.

b52 Water may be diverted only when Department of Environmental Quality sediment standards are being met.

b5 The water user shall install and maintain adequate treatment facilities meeting current DEQ requirements to remove sediment before returning the water to the stream.

b51a The period of use has been limited to _____ through _____.

b57 Before water use may begin under this permit, a totalizing flow meter must be installed at each diversion point.

b58 Before water use may begin under this permit, a staff gage that measures the entire range and stage between full reservoir level and dead-pool storage must be installed in the reservoir. The staff gage shall be United States Geological Survey style porcelain enamel iron staff gage style A, C, E or I.

futile call: The use of water allowed herein may be made only at times when waters from the (NAME OF SURFACE WATER) would not otherwise flow into a tributary of the _____ River or sufficient water is available to satisfy all prior rights, including rights for maintaining instream flows.

riparian: If the riparian area is disturbed in the process of developing a point of diversion, the permittee shall be responsible for restoration and enhancement of such riparian area in accordance with ODFW's Fish and Wildlife Habitat Mitigation Policy OAR 635-415. For purposes of mitigation, the ODFW Fish and Wildlife Habitat Mitigation Goals and Standards, OAR 635-415, shall be followed.

wq: The use may be restricted if the quality of the source stream or downstream waters decrease to the point that those waters no longer meet existing state or federal water quality standards due to reduced flows.

fence: The stream and its adjacent riparian area shall be fenced to exclude livestock.

blv: Water must be diverted to a trough or tank through an enclosed water delivery system. The delivery system must be equipped with an automatic shutoff or limiting flow control mechanism or include a means for returning water to the stream source through an enclosed delivery system. The use of water shall not exceed 0.10 cubic feet per second per 1000 head of livestock.

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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: Edward & Sally GALLAGHER
First Last

Mailing Address: 22853 HARRIS Rd.

Philomath OR 97370 Daytime Phone: 541 619 4980
City State Zip

A. Land and Location

Please include the following information for all tax lots where water will be diverted (taken from its source), conveyed (transported), and/or used or developed. Applicants for municipal use, or irrigation uses within irrigation districts may substitute existing and proposed service-area boundaries for the tax-lot information requested below.

Township	Range	Section	¼ ¼	Tax Lot #	Plan Designation (e.g., Rural Residential/RR-5)	Water to be:			Proposed Land Use:
11	6	30	NE/SE	302	EFU	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input type="checkbox"/> Used	FARMING
						<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used	
						<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used	
						<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used	

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

BENTON COUNTY

B. Description of Proposed Use

Type of application to be filed with the Water Resources Department:

- Permit to Use or Store Water
 Water Right Transfer
 Permit Amendment or Ground Water Registration Modification
 Limited Water Use License
 Allocation of Conserved Water
 Exchange of Water

Source of water: Reservoir/Pond
 Ground Water
 Surface Water (name) _____

Estimated quantity of water needed: 2.5
 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 Multiple-use

Briefly describe:

multiple farm related use - including irrigation, habitat, livestock, permitted fish, etc.

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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APR 03 2018

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For Local Government Use Only

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

Please check the appropriate box below and provide the requested information

Land uses to be served by the proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): BCC 55.105(1) 55.105(11)

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.

Uses permitted outright: irrigation of farm crops and watering of livestock. Uses subordinate to primary dwelling on subject property allowed outright.

Name: Rebecca Taylor Title: Code Compliance Specialist
 Signature: [Signature] Phone: 541-766-6817 Date: 2/28/2018
 Government Entity: Benton County Community Development

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: _____ RECEIVED
 City or County: _____ Staff contact: _____ APR 02 2018
 Signature: R-88461 Phone: _____ Date: OWRD

Copy for Alt. Review
Water Storage Permit



Ticor Title

220 6th Ave. SW, Suite 101, Albany, OR 97321
(541)926-2111 FAX (541)928-8527

Edward J. Gallagher and Sally K. Gallagher
22853 Harris Rd.
Philomath, OR 97370

Enclosed please find:

Policy

Other:

TICOR TITLE

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Letter (Owner's Policy)
FDOR0451.rdw

R-8816

SCHEDULE A

Chicago Title Insurance Company
200 Hawthorne Ave. SE, Suite A-1
Salem, OR 97301

File No. 471810007086-TTMIDWIL28
Policy No.: 471810007086
Address Reference: 22853 Harris Road, Philomath, OR 97370
Amount of Insurance: \$421,000.00
Premium: \$1,192.00
Date of Policy: August 3, 2010 at 10:38 AM

1. Name of Insured:
Edward J. Gallagher and Sally K. Gallagher
2. The estate or interest in the Land that is insured by this policy is:
A Fee
3. Title is vested in:
Edward J. Gallagher and Sally K. Gallagher, as tenants by the entirety
4. The Land referred to in this policy is described as follows:
See Schedule C Attached Hereto

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Policy Valid Only If Schedule B is Attached

Oregon Title Insurance Rating Organization (OTIRO)
OTIRO No. PO-04
American Land Title Association
ALTA Owner's Policy (6-17-2006)

SCHEDULE B

File No. 471810007086-TTMIDWIL28

Policy No. 471810007086

This policy does not insure against loss or damage, and the Company will not pay costs, attorneys' fees, or expenses that arise by reason of:

1. 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, encumbrance, violation, variation, or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the Land. The term "encroachment" includes encroachments of existing improvements located on the Land onto adjoining land, and encroachments onto the Land of existing improvements located on adjoining land.
5. Any lien for services, labor or material heretofore or hereafter furnished, or for contributions due to the State of Oregon for unemployment compensation or worker's compensation, imposed by law and not shown by the Public Records.

SPECIFIC ITEMS AND EXCEPTIONS:

6. Property taxes in an undetermined amount, which are a lien but not yet payable, including any assessments collected with taxes to be levied for the fiscal year 2010-2011.
7. The Land has been classified as Farm Use, as disclosed by the tax roll. If the Land becomes disqualified, said Land may be subject to additional taxes and/or penalties.
8. No search has been made for financing statements filed in the office of the Secretary of State, or in any county other than the county in which the herein described land is located. No liability is assumed for any financing statement filed in the office of the County Clerk (Recorder) covering timber, crops, fixtures or contracts affecting said land if said land is not described by metes and bounds, recorded lot and block or under the rectangular survey system.
9. Any rights, liens, claims or equities, if any, in favor of Benton Soil and Water Conservation District.
10. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:

Granted to: United States of America
Purpose: Transmission line and access road
Recording Date: December 20, 1957
Recording No: Book 162, Page 175
Affects: See map for exact location

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Oregon Title Insurance Rating Organization (OTIRO)
OTIRO No. PO-04
American Land Title Association
ALTA Owner's Policy (6-17-2008)

SCHEDULE B
(Continued)

File No. 471810007086-TTMIDWIL28
Policy No. 471810007086

11. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:

Granted to: United States of America
Purpose: Transmission line and access road
Recording Date: September 3, 1958
Recording No: Book 165, Page 256
Affects: See map for exact location

12. Matters contained in that certain document

Entitled: Irrigation Easement
Executed by: Shane C. Weber, et al
Recording Date: May 2, 1979
Recording No: M-3968-79

Reference is hereby made to said document for full particulars.

13. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:

Granted to: Consumers Power, Inc.
Purpose: Utilities
Recording Date: May 10, 1979
Recording No: M-4226-79
Affects: Exact location not set forth

14. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:

Granted to: Consumers Power, Inc.
Purpose: Utilities
Recording Date: May 22, 1979
Recording No: M-4577-79
Affects: See document for approximate location

15. Matters contained in that certain document

Entitled: Agreement for Easement
Dated: April 1, 1981
Executed by: Benton County, et al
Recording Date: April 1, 1981
Recording No: M-27034-81

Reference is hereby made to said document for full particulars.

16. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:

Granted to: Consumers Power, Inc.
Purpose: Utilities
Recording Date: October 4, 1995
Recording No: M-204346-95
Affects: See document for approximate location

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Oregon Title Insurance Rating Organization (OTIRO)
OTIRO No. PO-04
American Land Title Association
ALTA Owner's Policy (6-17-2006)

SCHEDULE B
(Continued)

File No. 471810007086-TTMIDWIL28
Policy No. 471810007086

17. Matters contained in that certain document

Entitled: Covenant
Executed by: Richard Lindvall and Kristen E. Lindvall
Recording Date: June 24, 1996
Recording No: M-215171-96

Reference is hereby made to said document for full particulars.

18. Matters contained in that certain document

Entitled: Covenant
Dated: July 20, 2010
Executed by: Richard Lindvall and Kristen Lindvall
Recording Date: July 20, 2010
Recording No: 2010-467625

Reference is hereby made to said document for full particulars.

19. A deed of trust to secure an indebtedness in the amount shown below,

Amount: \$315,000.00
Dated: July 30, 2010
Trustor/Grantor: Edward J. Gallagher and Sally K. Gallagher, as tenants by the entirety
Trustee: Ticor Title Company
Beneficiary: OSU Federal Credit Union
Loan No.: 9271
Recording Date: August 3, 2010
Recording No: 2010-468161

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Oregon Title Insurance Rating Organization (OTIRO)
OTIRO No. PO-04
American Land Title Association
ALTA Owner's Policy (6-17-2006)

SCHEDULE C

File No. 471810007086-TTMIDWIL28

Policy No. 471810007086

The Land referred to in this policy is described as follows:

Beginning at the Southwest corner of the James Edelman Donation Land Claim No. 56 in Section 30, Township 11 South, Range 6 West of the Willamette Meridian, Benton County, Oregon; thence South 00°15'00" East 380 feet, more or less, to the centerline of the existing Bonneville Power line; thence Southwesterly, along said centerline, 650.00 feet; thence South 470 feet, more or less, to the North line of that property conveyed to Benton County and recorded in Book 156, Page 229, Deed Records of Benton County, Oregon; thence Southeasterly, along the Northeasterly line of said property, to the Easterly corner thereof; thence South 51°29'00" West 230.00 feet to the Northeasterly right of way line of County Road No. 52; thence Southeasterly, along said right of way line, 1080 feet, more or less, to the East line of the West half of the Southeast quarter of said Section 30; thence North 00°22'00" West, along said East line, 1880 feet, more or less, to the Southeast corner of Lot 2 in said Section 30; thence North 00°01'00" West, along the East line of said Lot 2, a distance of 701.58 feet, more or less, to the Southerly line of said Claim No. 56; thence South 89°59'00" West, along said Southerly line of said Claim, 670 feet, more or less, to the point of beginning.

TOGETHER WITH an easement for ingress and egress (access only) over and across that certain roadway, as is currently being used, as disclosed by Agreement for Easement by and between Benton County, Oregon, a municipal corporation, and William A. Ayres, dated April 1, 1981, and recorded April 1, 1981, as M-27034-81, Microfilm Records of Benton County, Oregon.

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Oregon Title Insurance Rating Organization (OTIRO)
OTIRO No. PO-04
American Land Title Association
ALTA Owner's Policy (6-17-2006)

Alternate Reservoir Application Completeness Checklist

This is the checklist used by WRD staff

Application _____ County _____
Priority Date _____ Township _____ Range _____ Section _____ Taxlot _____
Use _____ Caseworker _____
Amount (AF) _____ Watermaster _____

Minimum Requirements (ORS 537.409)

- Landowner Name, Mailing Address and Telephone Number.
- Source and tributary listed. **NO WELLS-MUST HAVE GW APP TO USE A WELL AS A SOURCE**
- Reservoir Location- Township, Range, Section, Quarter Quarter, Taxlot
- Dam height, if applicable
- Total Quantity of Storage Requested: _____
- Proposed Use of the water. Cannot accept application for use of this stored water at the same time (E2)
- Property ownership indicated? If applicant does not own all the land is the affected landowner's name and mailing address listed? (Including: lands not owned by applicant, upon which the source is located OR that are crossed by the diversion works. This includes any roads or rights-of-way.)
- Environmental Impact section completed?
- Application signed by the landowner(s)? All parties noted as applicants must sign the application. *Must be an original "wet" signature.*
- Acceptable map ** Indicates requirements of standards set forth by the Commission and causes fatal flaw if not provided by the applicant.
 - Reservoir Location - noting Township, Range, Section, 1/4 1/4 and Tax Lot number(s)*
 - Scale of the Map, even scale such as 1" = 400', 1" = 1000', or 1" = 1320' **
 - Reference corner on map
 - North Directional Symbol **
 - 1/4's clearly identified
 - Reservoir clearly identified **
 - Dam or POD (If off channel) Location coordinates referenced to a government landsurvey corner*
If no dam, use coordinates to center of reservoir. **
- Completed Watermaster review sheet signed and dated by Watermaster.
 - Will the reservoir injure an existing water right? YES NO
 - If YES, can conditions be applied to mitigate the injury? YES NO **If NO, return the application.**
 - Did the watermaster determine when water is available for the proposed use? YES NO
 - The Watermaster review sheet must have been completed within the last 6 months.*
 - If the watermaster determined that water is NOT available, return the application.**
- Completed ODFW review sheet signed and dated by ODFW representative.
 - Will the reservoir pose a significant detrimental impact to an existing fishery resource? YES NO
 - If YES, can conditions be applied to mitigate the impact? YES NO **If NO, return the application.**
 - The ODFW review sheet must have been completed within the last 6 months.*
- Completed Land-Use Form or receipt signed by the appropriate planning department official enclosed?
 - Does the use on land-use form match the proposed use on the application? Must be an original "wet" signature within the last 12 months.*
- Provide a Legal Description of all the property involved with this application. You may include a copy of your deed land sales contract or title insurance to meet this requirement.

Fees enclosed? Print page from fee calculator
Total Paid \$ _____ Total Fees \$ _____
Completeness Check by: _____ Date: _____

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

- [Main](#) [Help](#)
- [Return](#) [Contact Us](#)

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

Today's Date: Tuesday, April 3, 2018

Base Application Fee for Storage of Surface Water.		\$410.00
Proposed Dam Height in feet.	9.8	
Proposed Reservoir volume in Acre Feet.	2.5	\$105.00
Permit Recording Fee. ***		\$520.00
*** 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		\$1,035.00

OWRD Fee Schedule

Fee Calculator Version: B20170117
