



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: Vadata, Inc.
First Last
 Mailing Address: Vadata, Inc. c/o Cory Levensgood; 410 Terry Avenue North
 Seattle WA 98109
City State Zip
 Phone: _____
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.)

2. AGENT INFORMATION

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

Agent: GSI Water Solutions, Inc. Attn: Adam Sussman
First Last
 Mailing Address: 1600 SW Western Blvd., Suite 240
 Corvallis OR 97333
City State Zip
 Phone: 541-257-9001
Home Work Other

Fax: _____ E-Mail Address*: asussman@gsiws.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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3. LOCATION AND SOURCE

A. Reservoir Name: Bonney Reservoir **OWRD**

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: Sub-surface drainage/seepage Tributary to: _____

C. County in which diversion occurs: Umatilla County

App. No. <u>R-088576</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
5N	28E	21	NE-NW	100

E. Dam: Maximum height of dam: 0 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: 3.05 Acre-feet = $\frac{\text{Average Length}(\text{Average Width})(\text{Average Depth})}{43,560}$

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

4. WATER USE

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

The reservoir will be used for multipurpose use, including wetland enhancement.

5. PROPERTY OWNERSHIP

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

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

Yes (please check appropriate box below then skip to section 5)

There are no encumbrances

This land is encumbered by easements, right of way, roads of way, roads or other encumbrances

No (Please check the appropriate box below)

I have a recorded easement or written authorization permitting access.

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

Written authorization or an easement is not necessary, because the only affected lands I do not own are state-owned submersible lands, and this application is for irrigated and/or domestic use only (ORS 274.040). (Do not check this box if you described your use as "Multipurpose" in #3 above.)

List the names and mailing addresses of all affected landowners:

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? Unknown* years.
- D. Fish Habitat:** Is there fish habitat upstream of the proposed structure? Yes No Don't know
If yes, how much? N/A 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.

The applicant has been in communication with OWRD (Watermaster Greg Silbernagel), ODFW (Bill Duke 541-276-2344), Hermiston Irrigation District (Annette Kirkpatrick 541-567-3024), and Bureau of Reclamation (Wendy Morrison 541-564-8616). There is no agency cost share.

*The pond is an existing natural depression. As described in a previous water right for use of water from the pond (Permit S-39369, Certificate 51395), the pond is a natural depression, and the source of water in the pond is sub-surface drainage where basalt rock is close to the surface. +

7. WITHIN A DISTRICT

Check here if the point of diversion or place of use are located within or served by an irrigation or other water district.

Irrigation District Name Hermiston Irrigation District	Address 366 E. Hurlburt Avenue	
City Hermiston	State OR	Zip 97838-2445

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.

The Applicant is proposing to store water in the existing pond and to expand the pond to create wetland habitat. The expansion of the pond will be an area of 0.2 acres in size and will be excavated up to 3 feet deep to create wetland habitat. As described in a previous water right for use of water from the pond (Permit S-39369, Certificate 53195), the pond is a natural depression, and the source of water in the pond is sub-surface drainage where basalt rock is close to the surface.

The Pond is part of Reclamation's Umatilla Drain system and water from the drain flows into and out from the pond year-round. An 8 inch pipe brings water from the Umatilla Drain to the pond and a 20-inch outlet pipe allows water to exit the pond. The Umatilla drain water is not stored, just passed-through to the Umatilla River.

An existing berm is formed around the edge of the pond. The berm is from fill material brought into the site over many years. The height from the edge of the pond to the top of the berm is approximately 5 feet. The berm does not act as a dam or "store" water, since the outflow is at approximately the same level as the pond edge. No dam will be constructed.

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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-The diversion does not involve a dam.

9. SIGNATURE

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


Applicant 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.

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Attachment B
Application Map

Application for a Permit to Store Water – Vadata, Inc.

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Attachment C

Watermaster Review

Application for Permit to Store Water- Vadata, Inc.

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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: *Vadata, Inc*

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

Explain: *Being within Hemiston Irrigation District, HID must also approve this application to ensure there are no adverse effects to their operation.*

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

If YES, which conditions are recommended:

The Bureau of Reclamation must also approve this application to ensure there are no adverse effects to their operation.

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

Who: Agency: Date:

Who: Agency: Date:

Watermaster signature: *[Signature]* Date: *4/12/2018*

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

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Attachment D
ODFW Review

Application for Permit to Store Water— Vadata, Inc.

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ODFW Alternate Reservoir Application Review Sheet

This portion to be completed by the applicant.

Applicant Name/Address/Phone/Email: Uadanta, Inc.
Cory Levengood 410 Terry Avenue North, Seattle wa.
 Reservoir Name: Bonncy Source: drainage/seepage Volume (AF): 3.05
 Twp Rng Sec QQ: 5N 28E Basin Name: Umatilla in-channel
 off-channel

Note: It is unlikely that ODFW will be able to complete this form while you wait, nevertheless we recommend making an appointment to submit the form so as to provide any necessary clarifications. See pg. 6 of Instructions for contact information.

This portion to be completed by Oregon Department of Fish and Wildlife (ODFW) District staff.

- 1) Is the proposed project and AO¹ off channel? YES NO
 (if yes then proceed to #4; if no then proceed to #2)
- 2) Is the proposed project or AO located where NMF² are or were historically present?..... YES NO
 (if yes then proceed to #3; if no then proceed to #4)
- 3) If NMF are or were historically present:
- a. Is there an ODFW-approved fish-passage plan?..... YES NO
 - b. Is there an ODFW-approved fish-passage waiver or exemption?..... YES NO

If fish passage is required under ORS 509.580 through .910, then either 3(a) or 3(b) must be "Yes" to move forward with the application. If responses to 3(a) and 3(b) are "No", then the proposed reservoir does not meet the requirements of Oregon Fish Passage Law and shall not be constructed as proposed.

- 4) Would the proposed project pose any other significant detrimental impact to an existing fishery resource locally or downstream?..... YES NO
 Explain below (for example, list STE species or other existing fishery resources that would be impacted negatively.)
- Any diversion or appropriation of water for storage during the period _____ through _____ poses a significant detrimental impact to existing fishery resources. (For example, if diversion of water for storage during a certain time period would cause a significant detrimental impact to an existing fishery resource, then ODFW should recommend conditions or limitations.)
 If NMF fish are present at the project site or point of water diversion then the applicant should be advised that a fish screen consistent with screening criteria will be required.

This proposed pond or reservoir contemplates impounding water in the Columbia Basin above Bonneville Dam. ODFW has determined that additional diversions of water in this area pose a significant detrimental impact to existing fishery resources during the period April 15 through September 30.

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

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

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If YES, can conditions be applied to mitigate the significant detrimental impact to an existing fishery resource?
 NO (explain) YES (select from Menu of Conditions on next page)

NO storage from April 15 - September 30

All surface water in-flow from the Hermiston drain must pass through the Pond from April 15 - September 30

ODFW Signature: Will Duke Print Name: William Duke
ODFW Title: Umatilla District Date: 4/5/18
fish Biologist

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

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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 deadpool 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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Attachment E
Land Use Information Form
Application for Permit to Store Water— Vadata, Inc.

R-88576

Land Use Information Form



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

NOTE TO APPLICANTS

In order for your application to be processed by the Water Resources Department (WRD), this Land Use Information Form must be completed by a local government planning official in the jurisdiction(s) where your water right will be used and developed. The planning official may choose to complete the form while you wait, or return the receipt stub to you. Applications received by WRD without the Land Use Form or the receipt stub will be returned to you. Please be aware that your application will not be approved without land use approval.

This form is NOT required if:

- 1) Water is to be diverted, conveyed, and/or used only on federal lands; **OR**
- 2) The application is for a water right transfer, allocation of conserved water, exchange, permit amendment, or ground water registration modification, and **all** of the following apply:
 - a) The existing and proposed water use is located entirely within lands zoned for exclusive farm-use or within an irrigation district;
 - b) The application involves a change in place of use only;
 - c) The change does not involve the placement or modification of structures, including but not limited to water diversion, impoundment, distribution facilities, water wells and well houses; **and**
 - d) The application involves irrigation water uses only.

NOTE TO LOCAL GOVERNMENTS

The person presenting the attached Land Use Information Form is applying for or modifying a water right. The Water Resources Department (WRD) requires its applicants to obtain land-use information to be sure the water rights do not result in land uses that are incompatible with your comprehensive plan. Please complete the form or detach the receipt stub and return it to the applicant for inclusion in their water right application. You will receive notice once the applicant formally submits his or her request to the WRD. The notice will give more information about WRD's water rights process and provide additional comment opportunities. You will have 30 days from the date of the notice to complete the land-use form and return it to the WRD. If no land-use information is received from you within that 30-day period, the WRD may presume the land use associated with the proposed water right is compatible with your comprehensive plan. Your attention to this request for information is greatly appreciated by the Water Resources Department. If you have any questions concerning this form, please contact the WRD's Customer Service Group at 503-986-0801.

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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): Vadata, Inc.

Mailing Address: Vadata, Inc. c/o Cory Levensgood; 410 Terry Avenue North

City: Seattle

State: WA

Zip Code: 98109

Daytime Phone: _____

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>5N</u>	<u>28E</u>	<u>21</u>	<u>NE-NW</u>	<u>100</u>	<u>M-1</u>	<input checked="" type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input type="checkbox"/> Used	<u>Storage for Multipurpose use including wetland enhancement</u>

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

City of Umatilla

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)
 Sub-surface drainage

Estimated quantity of water needed: 3.05
 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 Storage for multipurpose use, including wetland enhancement

Briefly describe:

The Applicant is proposing to store water for multipurpose use, including wetland enhancement. The applicant is proposing to store water in an existing pond and to expand an area of the pond to create 0.2 acres of wetland habitat.

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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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): **Section 10-7-6**
- 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.

All work within a wetland is subject to review and approval by DLS. The applicant has submitted a removal-fill permit to DSL.

Name: Brandon Seitz Title: City Planner
 Signature:  Phone: 541-922-3226 ext 103 Date: 3/29/18
 Government Entity: City of Umatilla

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 23 2018**
 Signature: _____ Phone: _____ Date: _____
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Attachment A

Deed

Application for a Permit to Store Water ~~Received~~ Nevada, Inc.

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Instrument received
and recorded on
9/14/2017 02:52 PM

in the record of instrument
code type DE

Instrument number 2017-6620717
Fee \$96.00

Office of County Records

Steph Churchill

Records Officer

1069791 P9

AFTER RECORDING MAIL TO:

Name Vadata, Inc.
Address PO Box 80416
City/State Seattle, WA 98108-0416

Document Title(s):

1. RE-RECORDING Statutory Special Warranty Deed

Reference Number(s) of Documents Assigned or released:

2017-6610150

Grantor(s):

1. Ken Bonney
2. Janet Bonney
3. Betty Hiatt

[] Additional information on page of document

Grantee(s):

1. Vadata, Inc., a Delaware Corporation
- 2.

[] Additional information on page of document

Tax Parcel Number(s):

5N2821-00-00100 and 5N2821-00-00200

[X] Complete legal description is on page 1 & 2 of document

*****RE-RECORDING at the request of Summit Law Group, Keith Seo, TO FIX THE LEGAL DESCRIPTION ON 3 & 4 previously recorded as Instrument No. 2017-6610150*****

This true consideration for this conveyance is \$4,682,000.⁰⁰

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THIS SPACE RESERVED FOR RECORDER'S USE

After recording return to:

Vadata, Inc.
PO Box 80416
Seattle, Washington 98108-0416

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

Vadata, Inc.
PO Box 80416
Seattle, Washington 98108-0416

File No.: NCS-806936-WA1
Date: August 2, 2017

STATUTORY SPECIAL WARRANTY DEED

Ken Bonney, Janet Bonney, and Betty Hiatt, individual residents of the state of Oregon ("Grantors"), convey and specially warrant to Vadata, Inc., a Delaware corporation, the following described real property free of encumbrances created or suffered by Grantors except as specifically set forth herein:

LEGAL DESCRIPTION: Real property in the County of Umatilla, State of Oregon, described as follows:

TRACT I

Tax Lot 200, Estate of George D. Bonney
(Portion of Deed 2016-6410442, Tracts 2 & 3) 187.30 Acres

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All that portion of the North Half of Section 21, Township 5 North, Range 28, East of the Willamette Meridian, Umatilla County, Oregon, which lies Easterly of the Oregon-Washington-Railroad & Navigation Company's right-of-way and Southerly and Westerly of the following described line:

Beginning at the East Quarter Corner of said Section 21, Township 5 North, Range 28 East; thence North 01° 25' 04" West along the East Line of said Section 21 a distance of 500.00 feet; Thence South 88° 58' 34" West a distance of 1,679.83 feet; thence North 01° 08' 25" West a distance of 2,146.39 feet, more or less, to the North line of said Section 21.

Excepting therefrom that tract of land conveyed to Samuel K. Knobles, et al, by Deed recorded in Microfilm Reel 133, Page 1842, office of Umatilla County Records;

Excepting therefrom that tract of land conveyed to Bobbie G. Miller by Deed recorded in Microfilm Reel 199, Page 157, office of Umatilla County Records;

This true consideration for this conveyance is \$4,682,000.00

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Excepting therefrom that tract of land conveyed to Bobbie G. Miller by Deed recorded in Microfilm Reel 265, Page 404, office of Umatilla County Records;

Excepting therefrom any portion lying within the County Road right-of-way.

(Identified by Umatilla County Assessor's office as real property Map No. 5N-28-21, Tax Lot 200, Serial No. 133088.

ALSO EXCEPTING THEREFROM ANY PORTION LYING WITHIN THE COUNTY ROAD RIGHT-OF-WAY.

TRACT II

AN EASEMENT AND RIGHT OF WAY FOR A ROADWAY, INGRESS, EGRESS AND UTILITIES, TOGETHER WITH THE TERMS AND PROVISIONS CONTAINED THEREIN, CONTAINED UNDER AGREEMENT BETWEEN CLYDE J. NOBLES, ETUX AND STUART F. BONNEY, RECORDED IN MICROFILM R-257, PAGE 1563 (INSTRUMENT NO. 1994-197285) OFFICE OF UMATILLA COUNTY RECORDS.

This property is free from liens and encumbrances, EXCEPT:

1. Covenants, conditions, restrictions and/or easements set forth on Exhibit A hereto.

The true consideration for this conveyance is **\$4,682,500.00**. (Here comply with requirements of ORS 93.030)

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APR 23 2018

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R-98576



After recording return to:

Vadata, Inc.
PO Box 80416
Seattle, Washington 98108-0416

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

Vadata, Inc.
PO Box 80416
Seattle, Washington 98108-0416

File No.: NCS-806936-WA1
Date: August 2, 2017

THIS SPACE RESERVED

State of Oregon
County of Umatilla



Instrument received
and recorded on
8/2/2017 11:40 AM

in the record of instrument
code type DE

Instrument number 2017-6610150
Fee \$81.00

Office of County Records

John Churchill

Records Officer

1067764 P6

RECEIVED

APR 23 2018

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STATUTORY SPECIAL WARRANTY DEED

Ken Bonney, Janet Bonney, and Betty Hiatt, individual residents of the state of Oregon ("Grantors"), convey and specially warrant to Vadata, Inc., a Delaware corporation, the following described real property free of encumbrances created or suffered by Grantors except as specifically set forth herein:

LEGAL DESCRIPTION: Real property in the County of Umatilla, State of Oregon, described as follows:

TRACT I

ALL THAT PORTION OF THE NORTH HALF OF SECTION 21, TOWNSHIP 5 NORTH, RANGE 28, EAST OF THE WILLAMETTE MERIDIAN, UMATILLA COUNTY, OREGON, WHICH LIES EASTERLY OF THE OREGON-WASHINGTON RAILROAD & NAVIGATION COMPANY'S RIGHT-OF-WAY AND SOUTHERLY AND WESTERLY OF THE FOLLOWING DESCRIBED LINE:

BEGINNING AT THE EAST QUARTER CORNER OF SAID SECTION 21; THENCE NORTH 01°08'04" WEST ALONG THE EAST LINE OF SAID SECTION 21, A DISTANCE OF 500.00 FEET; THENCE SOUTH 88°58'29" WEST, A DISTANCE OF 1,679.79 FEET; THENCE NORTH SAID SECTION 21.

EXCEPTING THEREFROM THAT TRACT OF LAND CONVEYED TO SAMUEL K. NOBLES, ET AL, BY DEED RECORDED IN MICROFILM REEL 133, PAGE 1842, OFFICE OF UMATILLA COUNTY RECORDS;

ALSO EXCEPTING THEREFROM THAT TRACT OF LAND CONVEYED TO BOBBIE G. MILLER BY DEED RECORDED IN MICROFILM REEL 199, PAGE 157, OFFICE OF UMATILLA COUNTY RECORDS;

ALSO EXCEPTING THEREFROM THAT TRACT OF LAND CONVEYED TO BOBBIE G. MILLER BY DEED RECORDED IN MICROFILM REEL 265, PAGE 404, OFFICE OF UMATILLA COUNTY RECORDS;

The true consideration for this conveyance is \$4,682,500.00.

R-88576

ALSO EXCEPTING THEREFROM ANY PORTION LYING WITHIN THE COUNTY ROAD RIGHT-OF-WAY.

TRACT II

AN EASEMENT AND RIGHT OF WAY FOR A ROADWAY, INGRESS, EGRESS AND UTILITIES, TOGETHER WITH THE TERMS AND PROVISIONS CONTAINED THEREIN, CONTAINED UNDER AGREEMENT BETWEEN CLYDE J. NOBLES, ETUX AND STUART F. BONNEY, RECORDED IN MICROFILM R-257, PAGE 1563 (INSTRUMENT NO. 1994-197285) OFFICE OF UMATILLA COUNTY RECORDS.

This property is free from liens and encumbrances, EXCEPT:

1. Covenants, conditions, restrictions and/or easements set forth on Exhibit A hereto.

The true consideration for this conveyance is **\$4,682,500.00**. (Here comply with requirements of ORS 93.030)

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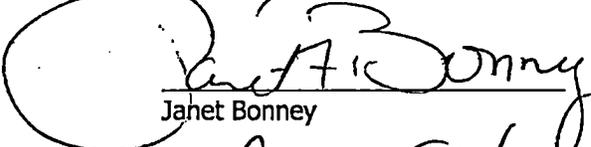
Statutory Warranty Deed
- continued

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.

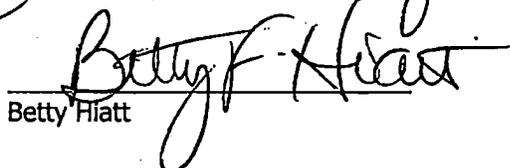
Dated this 2nd day of August, 2017.



Ken Bonney



Janet Bonney

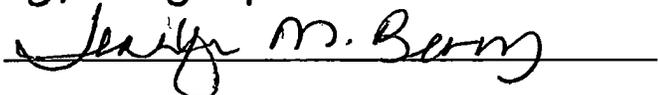


Betty Hiatt

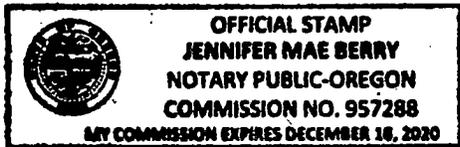
State of Oregon)
County of Umatilla) ss.

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This instrument was acknowledged before me on this 28th day of July, 2017
by Ken Bonney, Janet Bonney, Betty Hiatt



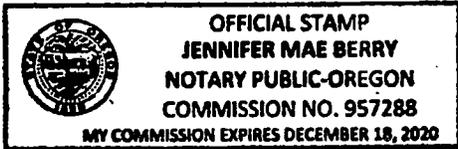
Notary Public for Oregon
My commission expires: 12/18/2020



Statutory Warranty Deed
- continued

State of Oregon)
County of Umatilla)ss.
)

This instrument was acknowledged before me on this 28 day of July, 2017
by Janet Bonney



Jennifer M. Berry
Notary Public for Oregon
My commission expires: 12/18/2020

State of Oregon)
County of Umatilla)ss.
)

This instrument was acknowledged before me on this 28 day of July, 2017
by Betty Hiatt



Jennifer M. Berry
Notary Public for Oregon
My commission expires: 12/18/2020

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APR 23 2018

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Statutory Warranty Deed
- continued

Exhibit A

1. Easement, including the terms and provisions thereof,
Grantee : Umatilla Electric Cooperative Association
Recorded : April 8, 1938, Book 120, Page 449, Deed Records.
2. Easement, including the terms and provisions thereof,
Grantee : Umatilla Electric Cooperative Association
Recorded : April 12, 1938, Book 120, Page 490, Deed Records.
3. Easement, including the terms and provisions thereof,
Grantee : Pacific Telephone and Telegraph Company
Recorded : August 16, 1951, Book 145, Page 550, Deed Records.
4. Easement, including the terms and provisions thereof,
Grantee : Pacific Telephone and Telegraph Company
Recorded : August 16, 1951, Book 145, Page 549, Deed Records.
5. Easement, including the terms and provisions thereof,
Grantee : Umatilla Electric Cooperative Association
Recorded : July 22, 1953, Book 214, Page 57, Deed Records.
6. Easement, including the terms and provisions thereof,
Grantee : Pacific Power and Light Company
Recorded : February 19, 1969, Book 298, Page 435, Deed Records.
7. Easement for right-of-way, including the terms and provisions thereof,
Grantee : Varian Mattison, etux
Recorded : February 4, 1971, Book 311, Page 100, Deed Records.
8. Easement for right-of-way, including the terms and provisions thereof,
Grantee : Varian Mattison, etux
Recorded : June 1, 1971, Book 313, Page 232, Deed Records.
9. Easement, including the terms and provisions thereof,
Grantee : Umatilla Electric Cooperative Association
Recorded : January 31, 1975, Book 343, Page 601, Deed Records.
10. Easement, including the terms and provisions thereof,

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R-88576

Statutory Warranty Deed
- continued

- Grantee : Cascade Natural Gas Corporation
Recorded : May 19, 1980, Microfilm Reel 65, Page 1459, Office of Umatilla County Records.
11. Easement for access to spring, including the terms and provisions thereof,
Grantee : Victor L. Hampton, etux
Recorded : November 18, 1985, Microfilm Reel 131, Page 1802, Office of Umatilla County Records.
12. Easement for ingress and egress, including the terms and provisions thereof, reserved in deed
Grantor : Stuart F. Bonney
Recorded : November 18, 1985, Microfilm Reel 131, Page 1805 and
Corrected : January 24, 1986, Microfilm Reel 133, Page 1842, Office of Umatilla County Records.
13. Easement for fence, cattle guard, gate and roadway purposes, including the terms and provisions hereof, contained in Agreement,
Grantor : Clyde J. Nobles, etux
Grantor : Stuart F. Bonney
Recorded : August 4, 1994, Microfilm Reel 257, Page 1563, Office of Umatilla County Records.
14. Easement for ingress and egress, including the terms and provisions thereof, reserved in deed
Grantor : Stuart F. Bonney
Recorded : January 5, 1995, Microfilm Reel 265, Page 404, Office of Umatilla County Records.
15. Easement, including the terms and provisions thereof,
Grantee : Umatilla Electric Cooperative Association
Recorded : April 26, 1996, Microfilm Reel 288, Page 1561, Office of Umatilla County Records.
16. Easement, including the terms and provisions thereof,
Grantee : Umatilla Electric Cooperative Association
Recorded : August 9, 2002, Instrument No. 2002-4180140, Office of Umatilla County Records.
17. Easement, including the terms and provisions thereof,
Grantee : Umatilla Electric Cooperative Association
Recorded : May 10, 2005, Instrument No. 2005-4810565, Office of Umatilla County Records.

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Attachment F

Letter from Hermiston Irrigation District

R-98576

HERMISTON IRRIGATION DISTRICT



366 East Hurlburt Avenue
Hermiston, OR 97838-2445
Office: 541-567-3024
Fax: 541-564-1069
Mobile: 541-571-7698
E-mail: Manager@hermistonid.org

April 13, 2018

Oregon Water Resources Department
Greg Silbernagel
Watermaster, District 5
116 SE Dorion Ave
Pendleton OR 97801

**RE: Vadata Inc.
Alternate Reservoir Application**

Dear Mr. Silbernagel,

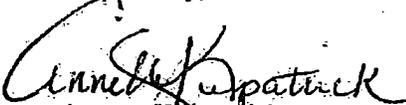
Thank you for the chance to review the application from Vadata, Inc for an Alternate Reservoir that includes parts of the District's North Umatilla Drain. The District agrees with the applicant's description of the drain as included in the application.

"The Pond is part of Reclamation's Umatilla Drain system and water from the drain flows into and out from the pond year-round. An 8-inch pipe brings water from the Umatilla Drain to the pond and a 20-inch outlet pipe allows water to exit the pond. The Umatilla drain water is not stored, just passed-through to the Umatilla River."

The District has no objection to the proposed use in the application. The District's one request is that we continue to have access to the easement and drain area in order to conduct inspections and maintenance of the system as required by our 1954 contract with the Bureau of Reclamation. The District recognizes Vadata, Inc's need for security and believes that semi-annual inspections will be acceptable, upon the condition that the landowner notifies the District any time that they have concerns with drainage through the pond.

As always, if you have any questions, concerns or ideas, please give me a call.

Respectfully,


Annette Kirkpatrick
District Manager

Enc: GIS Map

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R-88576



Water Solutions, Inc.

April 18, 2018

Dwight French
Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, OR 97301

Re: Application for a Permit to Store Water in the name of Vadata, Inc.

Dear Mr. French:

Please find enclosed an application for a Permit to Store Water, which is filed on behalf of Vadata, Inc. (Applicant). Also enclosed is the \$1,035 application fee. The Applicant is proposing to store a maximum of 3.05 acre-feet of sub-surface drainage in an existing pond for multipurpose storage, including wetland enhancement. The existing pond will be expanded by 0.2 acres to create wetland habitat.

As described in a previous water right for use of water from the pond (Permit S-39369, Certificate 51395), the pond is a natural depression, and the source of water in the pond is sub-surface drainage where basalt rock is close to the surface. We have been in communication with Hermiston Irrigation District and U.S. Bureau of Reclamation during the development of this application and they were provided a copy of the application.

Enclosed is the required fee of \$1,070, which was calculated as follows:

\$ 410.00 -Base Fee
\$ 140 -\$35.00 per acre foot x 3.05 AF
\$ 520.00 -Permit recording fee

Total = \$1,070.00

Please contact me at 541-257-9001 if you have any questions or need additional information.

Sincerely,

Adam Sussman
Principal Water Resources Consultant

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Enclosures: Application fee in the amount of \$1,070; Application for a Permit to Store Water; Attachments; Watermaster Review; ODFW Review

R-88576



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 24, 2018

Base Application Fee for Storage of Surface Water.		\$410.00
Proposed Dam Height in feet.	0	
Proposed Reservoir volume in Acre Feet.	3.05	\$140.00
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		\$1,070.00

OWRD Fee Schedule

Fee Calculator Version: B20170117

R-98576