



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](http://www.wrd.state.or.us/OWRD/PUBS/forms.shtml).

**1. APPLICANT INFORMATION**

Applicant: Jack Platt  
First Last  
 Mailing Address: 11070 Oak Hill Road  
Independence Oregon 97351  
City State Zip  
 Phone: \_\_\_\_\_ 503.559.5848 \_\_\_\_\_  
Home Work Other  
 Fax: 503.838.0804 E-Mail Address\*: plattdairy@gmail.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.)

**2. AGENT INFORMATION**

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

Agent: William Ferber  
First Last  
 Mailing Address: PO Box 13434  
Salem Oregon 97309  
City State Zip  
 Phone: \_\_\_\_\_ 503.910.9212 \_\_\_\_\_  
Home Work Other  
 Fax: 503.339.9536 E-Mail Address\*: bill@bkwrc.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**

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A. Reservoir Name: Turner Farm Wildlife Pond

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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: Unnamed ephemeral drainage Tributary to: McKinney Creek

C. County in which diversion occurs: Marion

App. No. <u>R-88670</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
8 S	2 W	32	NE/SW	092W05 01500

**E. Dam:** Maximum height of dam: 5.5 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: 6.9      Acre-feet =  $\frac{(Average\ Length)(Average\ Width)(Average\ Depth)}{43,560}$

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.

Multipurpose

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**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

**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? at least 13 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.

USDA-NRCS, Wetland Reserve Program Cost-Share - past contact: Les Bachelor 503.399.5741 x 122,  
 Consulted with ODFW - past contact: Gary Gallovich 541.757.4186 x 251

**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	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.

Reservoir had been approved under Application R 85547, Permit R 13825 but was canceled due to failure to update ownership and expiration of time allowed to perfect this water right - Special Order Vol. 107, page 975. Copies of the prior Water Right Application and Permit are attached.

Please see Attachment 1.

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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: Jack Platt 8S2W32TL1500

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 - No measurement device is needed.

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

Who:    Agency:

Date:

Who:    Agency:

Date:

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Watermaster signature: 

Date: 9/17/18

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

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

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).

Please see Attachment 2

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9. SIGNATURE

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

Jack Platt  
Applicant Signature

9-7-18  
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.

# ODFW Alternate Reservoir Application Review Sheet

<b>This portion to be completed by the applicant.</b>	
Applicant Name/Address/Phone/Email: <u>Jack Platt/Platt Dairy; 11070 Oak Hill Road, Independence, Oregon 97351;</u>	
<u>mobile - 503.838.0804; plattdairy@gmail.com</u>	
Reservoir Name: <u>Turner Dairy Wildlife Pond</u>	Source: <u>Unnamed ephemeral drainage</u> Volume (AF): <u>6.9</u>
Twp Rng Sec QQ: <u>8 S 2 W 32 NE/SW</u>	Basin Name: <u>Willamette</u> <input type="checkbox"/> in-channel <input checked="" type="checkbox"/> off-channel
Note: It is unlikely that ODFW will be able to complete this form while you wait, nevertheless we recommend making an appointment to submit the form so as to provide any necessary clarifications. See pg. 6 of Instructions for contact information.	

<b>This portion to be completed by Oregon Department of Fish and Wildlife (ODFW) District staff.</b>	
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- 1) Is the proposed project and AO<sup>1</sup> 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 NMF<sup>2</sup> 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 15.

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<sup>1</sup> 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)

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

*D. G. G. 27*

McKinney Creek is tributary to Mill Creek which has ESA-listed spring chinook and winter steelhead.

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: According to Wetland Reserve Program requirements, it is recommended that pond be drained every two years to reduce encroachment by bullfrogs. ODFW recommends no release of water from reservoir into McKinney Creek between June 1 and September 30 to avoid discharging warm water into creek, which could be lethal to native fish species including native salmonids.

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ODFW Signature: *Alex Farrand*

Print Name: Alex Farrand

ODFW Title: Assistant District Fish Biologist

Date: 9/18/18

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

## 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.

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## NOTE TO LOCAL GOVERNMENTS **OWRD**

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.

# 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): Jack Platt/Platt Dairy

Mailing Address: 11070 Oak Hill Road, Independence, Oregon 97351

City: Independence State: Oregon Zip Code: 97351 Daytime Phone: 503.838.0804

## 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>9 S</u>	<u>2 W</u>	<u>5</u>	<u>NE/SW &amp; SE/SW</u>	<u>092W05 01500</u>	<u>EFU</u> <i>Primer Ag</i>	<input checked="" type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	<u>Wildlife/Wetland enhancement</u>
---	---	---	---	---	---	<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:

Marion

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## B. Description of Proposed Use

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

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

Source of water:  Reservoir/Pond  Ground Water  Surface Water (name) Unn. ephemeral drainage trib McKinney Cree

Estimated quantity of water needed: 6.9  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 Multipurpose

Briefly describe:

Pond constructed for wildlife and wetland enhancement. Pond had approved Land Use Form (attached) and water right - Permit R 13825 (attached) - but has been canceled. If there are further questions please call Bill Ferber at 503.910.9212.

**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. →

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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): 17, 136, 020 (H)

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.

Name: Brandon Rerch Title: Senior Planner  
 Signature: [Signature] Phone: (888-505) 9-1018 Date: 9-10-18  
 Government Entity: Warren Co

**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**

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Applicant name: \_\_\_\_\_ SEP 19 2018  
 City or County: \_\_\_\_\_ Staff contact: \_\_\_\_\_ OWRD  
 Signature: \_\_\_\_\_ Phone: \_\_\_\_\_ Date: \_\_\_\_\_



After recording return to:  
Platt's Turner Farm LLC  
11070 Oak Hill Road  
Independence, OR 97351

Until a change is requested all tax statements shall be sent to the following address:  
Platt's Turner Farm LLC  
11070 Oak Hill Road  
Independence, OR 97351

Escrow No. 01-142622  
Title No. 0747667  
SWD r.020212

REEL 3621 PAGE 135  
MARION COUNTY  
BILL BURGESS, COUNTY CLERK  
07-18-2014 10:29 am.  
Control Number 365069 \$ 51.00  
Instrument 2014 00024129

REEL 3629 PAGE 342  
MARION COUNTY  
BILL BURGESS, COUNTY CLERK  
08-21-2014 03:41 pm.  
Control Number 367300 \$ 61.00  
Instrument 2014 00028336

*\* re-recording to correct legal - see exhibit A \**

STATUTORY WARRANTY DEED

Jerry L. Mumper and Kay M. Mumper, as tenants by the entirety,

Grantor(s), hereby convey and warrant to

Platt's Turner Farm LLC, an Oregon Limited Liability Company,

Grantee(s), the following described real property in the County of MARION and State of Oregon free of encumbrances except as specifically set forth herein:

Parcel 2, Partition Plat 2013-0050, Marion County, Oregon

The true and actual consideration for this conveyance is \$145,000.00.  
The above-described property is free of encumbrances except all those items of record, if any, as of the date of this deed and those shown below, if any:  
2014-2015 Real Property Taxes a lien not yet due and payable.

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.

747667/142622

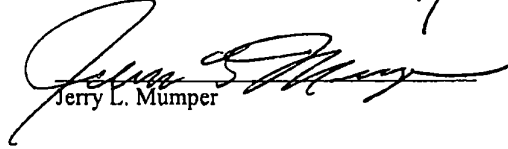
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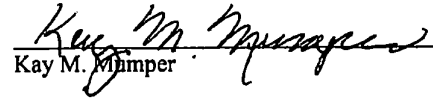
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Page 2 - Statutory Warranty Deed - Signature/Notary Page  
Escrow No. 01-142622

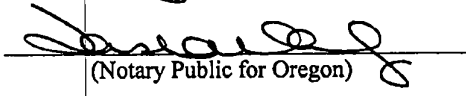
Dated this 10<sup>th</sup> day of July, 2014.

  
Jerry L. Mumper

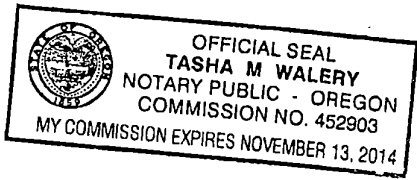
  
Kay M. Mumper

State of Oregon  
County of MARION

This instrument was acknowledged before me on July 16, 2014 by Jerry L. Mumper and Kay M. Mumper.

  
(Notary Public for Oregon)

My commission expires 11-13-14



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**REEL: 3621**

**PAGE: 135**

**July 18, 2014, 10:29 am.**

CONTROL #: 365069

State of Oregon  
County of Marion

I hereby certify that the attached  
instrument was received and duly  
recorded by me in Marion County  
records:

FEE: \$ 51.00

BILL BURGESS  
COUNTY CLERK

THIS IS NOT AN INVOICE.

**RECEIVED**

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**OWRD**

Order No. 0747667

Page 6

Exhibit "A"

Beginning at the center of said Section 32, being located along the center line of Wipper Road SE (MR 41), and being marked by a 2 1/4" Brass Cap in a monument box; thence along the east/west centerline of said Section 32 N89°25'23"W 890.88 feet to a 5/8" iron rod with a yellow plastic cap stamped "AKS ENGR.", said point being the True Point of Beginning of the easement herein described; Thence continuing along said east/west centerline N89°25'23"W 425.75 feet to the northwest corner of the property described by Reel 1350, Page 112, Marion County Deed Records, a 5/8" iron rod with a yellow plastic cap stamped "AKS ENGR." Is located S89°25'23"E 10.00 feet from said northwest corner; thence along the westerly line of said property S00°17'04"W 1320.80 feet to the southwest corner of said property, said corner being marked by a 6" x 8" stone with a "X" on the top; thence along the north line of the property described by Reel 1027, Page 372, Marion County Deed Records, N88°56'19"W 297.70 feet to the northwest corner of said property, being marked by a 1 1/4" iron bar; thence along the westerly line of said property S33°39'41"W 588.49 feet to the southwest corner of said property, being marked by a 5/8" iron rod with a yellow plastic cap stamped "AKS ENGR."; thence along the south line of said property S89°17'28"E 1916.58 feet to the westerly right of way line of SE Wipper Road, said point being marked by a 5/8" iron rod with a yellow plastic cap stamped "AKS ENGR."; thence along said westerly right of way line N00°01'00"E 876.15 feet to a 5/8" iron rod with a yellow plastic cap stamped "AKS ENGR."; thence leaving said right of way line N89°59'00"W 318.20 feet to a 5/8" iron rod with a yellow plastic cap stamped "AKS ENGR."; thence N10°50'05"W 507.43 feet to a 5/8" iron rod with a yellow plastic cap stamped "AKS ENGR."; thence S89°18'13"W 435.82 feet to a 5/8" iron rod with a yellow plastic cap stamped "AKS ENGR."; thence N01°24'29"W 455.32 feet to the true point of beginning.

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**REEL: 3629**

**PAGE: 342**

**August 21, 2014, 03:41 pm.**

CONTROL #: 367300

State of Oregon  
County of Marion

I hereby certify that the attached  
instrument was received and duly  
recorded by me in Marion County  
records:

FEE: \$ 61.00

BILL BURGESS  
COUNTY CLERK

THIS IS NOT AN INVOICE.

**RECEIVED**

SEP 19 2018

**OWRD**



## Oregon Water Resources Department Land Use Information Form

*This information is needed to determine compatibility with local comprehensive plans as required by ORS 197.180. The Water Resources Department will use this and other information to evaluate the water use application. DO NOT fill out this form if water is to be diverted, conveyed, or used only on federal lands.*

WATER RESOURCES DEPT.  
SALEM, OREGON  
APR 07 2003

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### To Be Completed By Applicant

The following section includes information about proposed water use. This section must be completed by the individual or group that is filing an application for a water right with the Water Resources Department.

**A. Applicant**

Name: Jerry Mumper  
 Address: 8621 Wipper Rd. SE (P.O. Box 262)  
 City: Turner State: OR Zip: 97342 Day Phone: 503-743-3312

**B. Land and Location**

Please provide information as requested below for all tax lots on or through which water will be diverted, conveyed, or used. Check "diverted" if water is diverted (taken) from its source on tax lot, "conveyed" if water is conveyed (transported) on tax lot, and "used" if water will be put to beneficial use on tax lot. More than one box may be checked. (Attach extra sheets as necessary.) 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.

Tax Lot I.D.	Plan Designation (e.g. Rural Residential/RR-5)	Water to be: (check all that apply)
500	EFLU	<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used
601	EFLU	<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used
		<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input type="checkbox"/> Used

List counties and cities where water is proposed to be diverted, conveyed, or used. Marion

**C. Description of Water Use** Wetland enhancement, wildlife

Indicate what the water will be used for. Include the beneficial use (found in the instruction booklet for your water right application) and use the space below to describe the key characteristics of the project.

Beneficial Use(s): wetland enhancement, wildlife

Briefly describe: \_\_\_\_\_

**D. Source** Unnamed ephemeral drainage

Indicate the source for the proposed water use:

Reservoir/Pond     Ground Water     Surface Water unnamed ephemeral drainage  
(source)

**E. Quantity**

Indicate the estimated quantity of water the use will require:

6.9     CFS     GPM     Acre-Feet

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SEP 19 2018

OWRD

### Receipt for Request for Land Use Information

State of Oregon  
 Water Resources Department  
 Commerce Bldg.  
 158 12th St. NE  
 Salem, OR 97310-0210  
 (503)378-8455

R-88670

app # R-85547

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 APR 07 2003  
 WATER RESOURCES DEPT.  
 SALEM, OREGON

**For Local Government Use Only**

*The following section must be completed by a planning official from each county and city listed unless your project will be located entirely within the city limits. In this case, only the city planning agency must complete this form. Please request additional forms as needed or feel free to copy.*

**A. Allowed Use**

Check the appropriate box below and provide requested information.

- Land uses to be served by proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s); \_\_\_\_\_ Go to section B "Approval" below
- Land uses to be served by proposed water uses (including proposed construction) involve discretionary land use approvals as listed in the table below.

Type of Land Use Approval Needed (e.g. plan amendments, rezones, conditional use permits, etc.)	Cite Most Significant, Applicable Plan Policies & Ordinance Section References	Check the item that applies: Land Use Approval:	
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being pursued <input type="checkbox"/> Not being pursued
Floodplain Permit for Pond 178.050		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being pursued <input type="checkbox"/> Not being pursued
Enhancement permitted outright		<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

**Note:** Please attach documentation of applicable local land use approvals which have already been obtained. (Record of Action plus accompanying findings is sufficient.)

**B. Approval**

Please provide printed name and written signature.

Name: Diane Rolph Date: 3-27-03  
 Title: Associate Planner Phone: (503) 588-5038  
 Signature: Diane Rolph

**C. Additional Comments**

Local governments are invited to express special land use concerns or make recommendations to the Department regarding this proposed use of water below, or on a separate sheet.

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**Note:** If this form cannot be completed while the applicant waits, sign and detach the receipt stub as instructed below. You will have 30 days from the Water Resources Department's notice date to return the completed Land Use Information Form or WRD will presume the land use associated with the proposed water right is compatible with local comprehensive plans. (See attached letter.)

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 OWRD

**Receipt for Request for Land Use Information**

Name of water right applicant: \_\_\_\_\_

*This receipt must be signed by a local government representative and returned to the applicant at the time they present this form. This receipt must be included in the application for a water right permit if the local government cannot provide the requested land use information while the applicant waits.*

City or County: \_\_\_\_\_

Staff contact: \_\_\_\_\_ Phone: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

ADD # R-85547



Due to water availability, the following period of use will apply, if approved:

YEAR - ROUND

# Application for a Permit to Store Water

**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.

RECEIVED

APR 07 2003

WATER RESOURCES DEPT.  
SALEM, OREGON

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"

## 1. APPLICANT INFORMATION

Landowner: Jerry and Kay Mumper  
First Last

Authorizing Agent: N/A

Mailing Address: 8621 Whipper Rd, SE

Turner OR 97392  
City State Zip

Phone: 503-743-3312  
Home Work Other

\*Fax: \_\_\_\_\_ \*E-Mail Address: \_\_\_\_\_

\*Optional Information

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## 2. LOCATION AND SOURCE

SEP 19 2018

A. Reservoir Name: N/A

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: unnamed ephemeral drainage Tributary to: McKinney Creek

### C. Reservoir Location

Township (N or S)	Range (E or W)	Section	quarter/quarter	tax lot number
8S	2W	32	NE SW	082W32 601/500

D. County of use: Marion

E. Dam: Maximum height of dam: 5.5 feet. If excavated, write "excavated" or "0 feet".

F. Quantity: Amount of water to be stored in the reservoir at maximum capacity. List quantity in Acre-Feet: 6.9

app # R-85547

R-88670

App. No. _____	<b>For Department Use</b>	Date _____
<b>Permit No. _____</b>		

3. 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. wetland enhancement, wildlife**

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APR 07 2003  
WATER RESOURCES DEPT.  
SALEM, OREGON

4. PROPERTY OWNERSHIP

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

- ✓• Yes (Skip to section 5)
- No Please check the appropriate box below.
  - I have a recorded easement or written authorization permitting access.
  - I do not currently have written authorization or an easement permitting access to lands not under my ownership.

List the names and mailing addresses of all affected landowners\*:

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\* If more than 25 landowners are involved, a list is not required. Alternative notice may be made.

5. 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.  
 USDA-NRCS, Wetland Reserve Program Cost-Share, contact Les Bachelor 503-399-5741 x122  
 consultation with ODFW, contact Gary Gallovich 541-757-4186 x251

6. SIGNATURE

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

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**OWRD**

Landowner/Authorized Agent _____	Date _____
----------------------------------	------------

**Before you submit your application be sure you have:**

- Answered each question completely.
- Included a legible map which 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.

**FEE STRUCTURE:** The fee is based on the number of acre-feet proposed to be stored. The fee is \$10 per Acre-Foot. Example: 0.3 AF=\$3.00; 1.5 AF=\$15.00; 20.0 AF=\$100  
 Maximum fee is \$100 for any reservoir storing more than 10 Acre-Feet

# Attachment 1

## Design Report McKinney Creek WRP

Chris Smith  
3/03, rev 1/04

### SUMMARY:

An embankment pond, shallow excavated area, and on-channel fish pools were designed for a WRP easement south of Turner, OR.

### PURPOSE:

Restore and enhance wetland function and provide habitat for fish and wildlife.

### REFERENCES:

- NRCS Practice Standard 378: Pond
- NRCS Practice Standard 395: Stream Habitat Improvement (DRAFT)
- Bureau of Reclamation: Design of Small Dams, Third Ed.
- Soil Survey of Marion County, Oregon
- Oregon Interagency Seeding Guide
- NRCS NEM 6: Hydraulics
- FHA HEC 15: Design of Roadside Channels with Flexible Lining
- NRCS TR 25: Planning and Design of Open Channels
- Schwabb, et al, 1993. Soil and Water Conservation Engineering, Fourth Ed.

### JOB CLASS:

Job Class I  
Storage x Height = 20 ac-ft<sup>2</sup> < 92 ac-ft<sup>2</sup>  
Hazard class a  
Effective Height = 6' max < 10 ft  
Drainage Area = 96 ac = 0.15 sq mi < 1 sq mi

### AUTHORIZATION:

WRP 2003

### OWNER:

Jerry and Kay Mumper  
8621 Wipper Rd.  
Turner, OR 97392

### LAYOUT:

Layout provided on drawing sheet 2.

### DESIGN:

The design was created with regard to NRCS Practice Standard 378.

The embankment location was selected to utilize the site topography and to keep the earthfill out of the area mapped FEMA Zone A. The watershed feeding the pond site is spill by Wipper Road, where two 18" diameter culverts connect the 'upstream' watershed to the watershed downstream of Wipper Road. Water is able to pond upstream of Wipper Road, with Wipper Road acting as an embankment, so the maximum contribution from the 'upstream' watershed was taken to be the discharge from the twin culverts with the water elevation equal to that of Wipper Road. EFM 2, SCS curve number method hydrology, was used to determine flows from the two watersheds. The principal spillway was designed to have capacity for trickle flow, and the vegetated secondary spillway was designed to have capacity for the 25-yr 24-yr storm. Vegetative armoring was selected for the secondary spillway to protect against shear and velocity for the design storm. Freeboard of 2.5' above the secondary spillway crest was provided. Earthwork quantities were determined using the end-area method. Side slopes were chosen in accordance with "Design of Small Dams" for the soils on site. Target placement densities and moisture contents were taken from average soil properties in "Design of Small Dams".

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R-88670

Excavation quantities for the fish pools were determined using a typical section, and the end-area method. The south fish pool will be fed solely by overland flow and rising water from McKinney Creek. The north fish pool is the terminus of the drainage that the embankment pond will be located on, and armoring was provided at the start of the fish pool to make it non-erosive for the design storm.

Earthwork quantities for the shallow excavated area were determined by projecting depth of cut over the area to be cut.

Seeding mixtures were determined from the Oregon Interagency Seeding Guide.

**PERMITS:**

Prior to start of construction, a Marion County floodplain permit, a joint Removal/Fill permit, and a water-right for water storage will be required.

**QUALITY ASSURANCE:**

Quality assurance will be provided by a series of construction inspections performed by NRCS staff and through material receipts retained by the landowner. The attached inspection plan outlines critical items for inspection.

**OPERATIONS AND MAINTENANCE:**

Considerations for Operations and Maintenance of this practice are attached.

Design Prepared By: /s/ Christopher M. Smith Date: 1/06/04

Design Reviewed By: \_\_\_\_\_ Date: \_\_\_\_\_

Design Approved By: \_\_\_\_\_ Date: \_\_\_\_\_

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*[Handwritten signature]*

U.S. DEPARTMENT OF AGRICULTURE  
NATURAL RESOURCES CONSERVATION SERVICE  
OREGON

**OPERATION AND MAINTENANCE WORKSHEET**  
**POND**  
**CODE 378**

Landowner/Operator Jerry and Kay Mumper

Job Location 8621 Whipper Rd, Turner, OR 97392

County Marion SWCD Marion Farm/Tract No. \_\_\_\_\_

Referral No. \_\_\_\_\_ Prepared By CMS Date 1/04

**Operation and Maintenance Items**

A properly operated and maintained Pond is an asset to your farm. This structure was designed and installed to provide storage to runoff water for beneficial use. The estimated life span of this installation is at least 10 years. The life of this installation can be assured and usually increased by developing and carrying out a good operation and maintenance program.

This practice will require you to perform periodic operation to maintain satisfactory performance. Here are some recommendations to help you develop a good operation and maintenance program:

- ⇒ Periodically inspect the spillways and control gates for proper functioning for their ability to maintain the water level to design elevations. Immediately remove any blockage or obstructions in spillways.
- ⇒ Maintain vigorous growth of vegetative coverings. This includes reseeding, fertilization, and application of herbicides when necessary. Fertilize the established stand with at least 200 lbs of 21-0-0 per acre or equivalent annually or as needed to maintain a uniform vigorous stand. Periodic mowing may also be needed to control height.
- ⇒ If fences are installed, they shall be maintained to prevent unauthorized or livestock entry.
- ⇒ Immediately repair any vandalism, vehicular, or livestock damage to any earthfills, spillways, outlets or other appurtenance.
- ⇒ Removal of debris that may accumulate at the Pond and immediately upstream or downstream from the basin.
- ⇒ Make sure all structure drains are functional and soil is not being transported through the drainage system. The screens and/or rodent guards shall also be kept in place.
- ⇒ Eradicate or otherwise remove all rodents or burrowing animals and repair any damage caused by their activity.

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NRCS, OR  
January 1999

R-88670



Special Operation and Maintenance Requirements:

- Manage invasive wildlife and vegetation
- Drain pond at 2-yr intervals or as needed to disrupt bullfrog breeding.

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# Oregon Water Resources Department Land Use Information Form

This information is needed to determine compatibility with local comprehensive plans as required by ORS 197.180. The Water Resources Department will use this and other information to evaluate the water use application. DO NOT fill out this form if water is to be diverted, conveyed, or used only on federal lands.

RECEIVED  
APR 07 2003  
WATER RESOURCES DEPT.  
SALEM, OREGON

### To Be Completed By Applicant

The following section includes information about proposed water use. This section must be completed by the individual or group that is filing an application for a water right with the Water Resources Department.

#### A. Applicant

Name: Jerry Mumper  
Address: 8621 Wipper Rd. SE (P.O. Box 202)  
City: Turner State: OR Zip: 97592 Day Phone: 503-743-3312

#### B. Land and Location

Please provide information as requested below for all tax lots on or through which water will be diverted, conveyed, or used. Check "diverted" if water is diverted (taken) from its source on tax lot, "conveyed" if water is conveyed (transported) on tax lot, and "used" if water will be put to beneficial use on tax lot. More than one box may be checked. (Attach extra sheets as necessary.) 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.

Tax Lot I.D.	Plan Designation (e.g. Rural Residential/RR-5)	Water to be: (check all that apply)		
500	EFU	<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used
601	EFLI	<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used
		<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used

List counties and cities where water is proposed to be diverted, conveyed, or used. Marion

#### C. Description of Water Use Wetland enhancement, wildlife

Indicate what the water will be used for. Include the beneficial use (found in the instruction booklet for your water right application) and use the space below to describe the key characteristics of the project.

Beneficial Use(s): wetland enhancement, wildlife

Briefly describe: \_\_\_\_\_

#### D. Source Unnamed ephemeral drainage

Indicate the source for the proposed water use:  
 Reservoir/Pond  Ground Water  Surface Water unnamed ephemeral drainage  
(source)

#### E. Quantity

Indicate the estimated quantity of water the use will require:  
6.9  CFS  GPM  Acre-Feet

RECEIVED

SEP 19 2018

OWRD

### Receipt for Request for Land Use Information

State of Oregon  
Water Resources Department  
Commerce Bldg.  
158 12th St. NE  
Salem, OR 97310-0210  
(503)378-8455

\$69

app # R-85547

R-88670

RECEIVED  
 APR 07 2003  
 WATER RESOURCES DEPT.  
 SALEM, OREGON

**For Local Government Use Only**

*The following section must be completed by a planning official from each county and city listed unless your project will be located entirely within the city limits. In this case, only the city planning agency must complete this form. Please request additional forms as needed or feel free to copy.*

**A. Allowed Use**

Check the appropriate box below and provide requested information.

- Land uses to be served by proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s); \_\_\_\_\_ . Go to section B "Approval" below
- Land uses to be served by proposed water uses (including proposed construction) involve discretionary land use approvals as listed in the table below.

Type of Land Use Approval Needed (e.g. plan amendments, rezones, conditional use permits, etc.)	Cite Most Significant, Applicable Plan Policies & Ordinance Section References	Check the item that applies: Land Use Approval:	
Floodplain Permit	for Pond 178.050	<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being pursued <input type="checkbox"/> Not being pursued
Enhancement permitted outright		<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

**Note:** Please attach documentation of applicable local land use approvals which have already been obtained. (Record of Action plus accompanying findings is sufficient.)

**B. Approval**

Please provide printed name and written signature.

Name: Diane Rolph Date: 3-27-03  
 Title: Associate Planner Phone: (503) 588-5039  
 Signature: Diane Rolph

**C. Additional Comments**

Local governments are invited to express special land use concerns or make recommendations to the Department regarding this proposed use of water below, or on a separate sheet.

---



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**Note:** If this form cannot be completed while the applicant waits, sign and detach the receipt stub as instructed below. You will have 30 days from the Water Resources Department's notice date to return the completed Land Use Information Form or WRD will presume the land use associated with the proposed water right is compatible with local comprehensive plans. (See attached letter.)

RECEIVED

**Receipt for Request for Land Use Information**

Name of water right applicant: \_\_\_\_\_

SEP 19 2018

*This receipt must be signed by a local government representative and returned to the applicant at the time they present this form. This receipt must be included in the application for a water right permit if the local government cannot provide the requested land use information while the applicant waits.*

OWRD

City or County: \_\_\_\_\_

Staff contact: \_\_\_\_\_ Phone: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

ADD # R-S 5547



# Application for a Permit to Store Water

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APR 07 2003

WATER RESOURCES DEPT.  
SALEM, OREGON

Due to water availability, the following period of use will apply, if approved:

4 YEAR - ROLND

**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"

## 1. APPLICANT INFORMATION

Landowner: Jerry and Kay Mumper  
First Last

Authorizing Agent: N/A

Mailing Address: 8621 Wipper Rd, SE

Turner OR 97392  
City State Zip

Phone: 503-743-3312  
Home Work Other

\*Fax: \_\_\_\_\_ \*E-Mail Address: \_\_\_\_\_

\*Optional Information

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SEP 19 2018

## 2. LOCATION AND SOURCE

A. Reservoir Name: N/A

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: unnamed ephemeral drainage Tributary to: McKinney Creek

### C. Reservoir Location

Township (N or S)	Range (E or W)	Section	quarter/quarter	tax lot number
8S	2W	32	NE SW	082W32 601/500

D. County of use: Marion

E. Dam: Maximum height of dam: 5.5 feet. If excavated, write "excavated" or "0 feet".

F. Quantity: Amount of water to be stored in the reservoir at maximum capacity. List quantity in Acre-Feet: 6.9

app # R-85547

R-88670

App. No. _____	For Department Use Permit No. _____	Date _____
----------------	--	------------

**3. 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.**  
wetland enhancement, wildlife

RECEIVED  
 APR 07 2003  
 WATER RESOURCES DEPT.  
 SALEM, OREGON

**4. PROPERTY OWNERSHIP**

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

- Yes (Skip to section 5)
- No Please check the appropriate box below.
  - I have a recorded easement or written authorization permitting access.
  - I do not currently have written authorization or an easement permitting access to lands not under my ownership.

List the names and mailing addresses of all affected landowners\*:

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\* If more than 25 landowners are involved, a list is not required. Alternative notice may be made.

**5. 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.

USDA-NRCS, Wetland Reserve Program Cost-Share, contact Les Bachelor 503-399-5741 x122  
consultation with ODFW, contact Gary Gallovich 541-757-4186 x251

**6. SIGNATURE**

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

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SEP 19 2018

Landowner/Authorized Agent	Date
<p><b>Before you submit your application be sure you have:</b></p> <ul style="list-style-type: none"> <li>•• Answered each question completely.</li> <li>•• Included a legible map which includes Township, Range, Section, quarter-quarter and tax lot number. The map must meet map requirements to be accepted.</li> <li>•• Included a land use form or receipt stub signed by a local planning official.</li> <li>•• Included a check payable to Oregon Water Resources Department for the appropriate amount.</li> </ul>	

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**FEE STRUCTURE:** The fee is based on the number of acre-feet proposed to be stored. The fee is \$10 per Acre-Foot. Example: 0.3 AF=\$3.00; 1.5 AF=\$15.00; 20.0 AF=\$100  
 Maximum fee is \$100 for any reservoir storing more than 10 Acre-Foot

2013-50

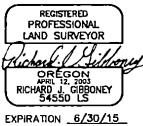
**SURVEYOR'S CERTIFICATE**

I, RICHARD J. GIBBONEY, HEREBY CERTIFY AND SAY THAT I HAVE SURVEYED THE LAND REPRESENTED ON THE ATTACHED PARTITION PLAT THE BOUNDARIES BEING DESCRIBED AS FOLLOWS:

BEGINNING AT THE INITIAL POINT WHICH IS THE NORTHEAST CORNER OF PARCEL 1 OF PARTITION PLAT 2012-09, AS RECORDED IN REEL 3366, PAGE 336 OF THE MARION COUNTY DEED RECORDS AND BEING IN THE SOUTHWEST QUARTER OF SECTION 32, TOWNSHIP 8 SOUTH, RANGE 2 WEST OF THE WILLAMETTE MERIDIAN, MARION COUNTY, OREGON AND BEING ON THE WESTERLY RIGHT-OF-WAY LINE OF WIPPER ROAD SE; THENCE NORTH 89°33'19" WEST 943.24 FEET TO THE NORTHWEST CORNER OF SAID PARCEL 1; THENCE SOUTH 00°00'26" EAST 461.83 FEET TO THE SOUTHWEST CORNER OF SAID PARCEL 1 AND BEING ON THE MOST NORTHERLY SOUTH LINE OF SAID PARTITION PLAT 2012-09; THENCE NORTH 89°33'19" WEST 200.31 FEET TO THE MOST WESTERLY EAST LINE OF PARCEL 2, OF SAID PARTITION PLAT 2012-09; THENCE ALONG THE BOUNDARY OF SAID PARCEL 2 THE FOLLOWING COURSES: SOUTH 09°04'26" EAST 4075.57 FEET, SOUTH 74°14'28" WEST 613.92 FEET, NORTH 14°12'00" WEST 1112.76 FEET, SOUTH 74°15'00" WEST 491.14 FEET, NORTH 20°22'25" WEST 1994.48 FEET AND NORTH 09°12'26" WEST 237.00 FEET TO THE NORTHERLY RIGHT-OF-WAY LINE OF HENNIES ROAD SE (M.R. 41); THENCE SOUTH 80°47'34" WEST 205.01 FEET ALONG SAID RIGHT-OF-WAY TO THE BEGINNING OF A 229.60 FOOT RADIUS CURVE TO THE LEFT; THENCE ALONG THE ARC OF SAID CURVE (THE CHORD OF WHICH BEARS SOUTH 47°35'47" WEST 291.44 FEET) 268.08 FEET TO THE BEGINNING OF A 179.60 FOOT RADIUS CURVE TO THE RIGHT; THENCE ALONG THE ARC OF SAID CURVE (THE CHORD OF WHICH BEARS SOUTH 36°34'50" WEST 135.62 FEET) 134.07 FEET; THENCE SOUTH 58°45'50" WEST 120.27 FEET; THENCE NORTH 17°30'14" WEST 236.05 FEET; THENCE SOUTH 74°31'44" WEST 408.80 FEET; THENCE NORTH 15°38'15" WEST 299.27 FEET; THENCE SOUTH 75°02'30" WEST 197.19 FEET TO THE WESTERLY LINE OF THE DANIEL DELANEY JR DONATION LAND CLAIM NO. 60; THENCE NORTH 14°12'00" WEST 1224.64 FEET TO THE NORTHWEST CORNER OF SAID DONATION LAND CLAIM; THENCE SOUTH 89°33'04" EAST 203.54 FEET; THENCE NORTH 00°00'00" WEST 161.37 FEET TO THE NORTHERLY LINE OF SAID PARCEL 2; THENCE NORTH 72°47'03" EAST 2130.51 FEET MORE OR LESS TO THE SOUTHERLY EXTENSION OF THE WESTERLY LINE OF THAT TRACT OF LAND CONVEYED TO ARLENE F. COLLIER IN REEL 3277, PAGE 468 MARION COUNTY DEED RECORDS; THENCE SOUTH 89°56'05" EAST 297.72 FEET ALONG THE NORTH LINE OF SAID TRACT TO THE SOUTHWEST CORNER OF THAT TRACT OF LAND DESCRIBED IN REEL 1350, PAGE 112; THENCE NORTH 00°07'04" EAST 1320.80 TO THE NORTHWEST CORNER OF SAID TRACT; THENCE SOUTH 89°25'23" EAST 1298.83 FEET ALONG THE NORTH OF SAID TRACT TO THE WEST LINE OF SAID WIPPER ROAD SE; THENCE SOUTH 00°00'26" EAST 2191.39 FEET ALONG SAID LINE TO SAID INITIAL POINT.

SAVE AND EXCEPT THAT PORTION WITHIN THE RIGHT-OF-WAY OF HENNIES ROAD SE (M.R. 41) CONTAINING 250.7 ACRES GROSS OR 259.9 ACRES NET OF LAND MORE OR LESS.

*Richard J. Gibboney* 10-3-2013  
RICHARD J. GIBBONEY PLS 5550



**PARTITION PLAT NO. 2013-50**  
REPLAT OF PARCEL 2 PARTITION PLAT 2012-09  
WITHIN THE DANIEL DELANEY JR. D.L.C. NO. 60  
IN THE SE 1/4 SECTION 31 AND THE SW 1/4 SECTION 32  
TOWNSHIP 8 SOUTH, RANGE 2 WEST AND IN  
THE NW & SW 1/4 SECTION 5 AND THE NE 1/4 SECTION 6  
TOWNSHIP 9 SOUTH, RANGE 2 WEST OF THE WILLAMETTE MERIDIAN  
MARION COUNTY, OREGON

**APPROVALS**

*Mark Higgins* 10/23/2013  
MARION COUNTY SURVEYOR DATE  
*Thomas D. Reulking* 10/23/2013  
MARION COUNTY PLANNING COMMISSION DIRECTOR DATE  
PLANNING PROPERTY LINE ADJUSTMENT CASE NO. 13-023  
by: *Rex Weisner* 12-30-2013  
MARION COUNTY ASSESSOR DATE  
ALL TAXES, FEES, ASSESSMENTS AND OTHER CHARGES, AS PROVIDED BY ORS 92-095 HAVE BEEN PAID THRU: 06-30-14  
Rex Weisner by  
*Alicia Heale* 12-30-13  
MARION COUNTY TAX COLLECTOR DATE

STATE OF OREGON )  
COUNTY OF MARION ) SS

I DO HEREBY CERTIFY THAT THE ATTACHED PARTITION PLAT NO. 2013-50 RECEIVED FOR RECORDING ON THE 30th DAY OF December, 2013 AT 3:10 O'CLOCK P.M. AND RECORDED IN THE MARION COUNTY BOOK OF PARTITION PLATS, IT IS FURTHER RECORDED IN MARION COUNTY DEED RECORDS IN REEL 3572, PAGE 301

BILL BURGESS, MARION COUNTY CLERK  
By: *Janet J. Burlison*  
DEPUTY COUNTY CLERK

**NARRATIVE**

THE PURPOSE OF THIS SURVEY IS TO MAP THE PROPERTY LINE ADJUSTMENT BETWEEN PARCEL 2 OF PARTITION PLAT 2012-09 AND THE PROPERTY DESCRIBED IN REEL 1350, PAGE 112, MARION COUNTY DEED RECORDS.  
THE BASIS OF BEARING FOR THIS SURVEY IS THE CENTERLINE OF WIPPER ROAD SE (M.R. 41) AS SHOWN IN PARTITION PLAT 2012-09.  
BOTH PARCEL 1 AND PARCEL 2 OF THIS PARTITION ARE OVER 10 ACRES IN SIZE AND WERE NOT SURVEYED, THE BEARINGS AND DISTANCES SHOWN ON THE BOUNDARY ARE FROM PARTITION PLAT 2012-09 (NOTED AS R-1) OR FROM MARION COUNTY SURVEY RECORD 39238 (NOTED AS R-2) UNLESS OTHERWISE STATED.  
NO FIELD WORK WAS DONE FOR THIS SURVEY.  
NO NEW MONUMENTS WERE SET FOR THIS SURVEY

**DECLARATION**

KNOW ALL MEN BE THESE PRESENT THAT JERRY L. MUMPER, KAY M. MUMPER AND PLATT'S TURNER FARM LLC, BEING THE OWNERS OF THE LAND DESCRIBED IN THE SURVEYOR'S CERTIFICATE HEREON MADE AND DESIRING TO DISPOSE OF THE SAME INTO PARCELS HAS CAUSED SAME TO BE SURVEYED AND PLATTED AS SHOWN.

IN WITNESS WHEREOF WE HERETO SET OUR HANDS AND SEALS THIS 29th DAY OF October, 2013

*Jerry L. Mumper*  
JERRY L. MUMPER  
*Kay M. Mumper*  
KAY M. MUMPER  
*Jack Platt*  
JACK PLATT-MEMBER  
PLATT'S TURNER FARM LLC  
*Marilyn Platt*  
MARILYN PLATT-MEMBER  
PLATT'S TURNER FARM LLC

**ACKNOWLEDGEMENT**

STATE OF OREGON )  
COUNTY OF MARION ) SS

THIS CERTIFIES THAT ON THIS 29th DAY OF October, 2013 BEFORE ME A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED JACK PLATT AND MARILYN PLATT MEMBERS OF PLATT'S TURNER FARM LLC AND JERRY L. MUMPER AND KAY M. MUMPER, WHO BEING FIRST DULY SWORN DID SAY THAT THEY ARE THE IDENTICAL PERSONS NAMED IN AND DESCRIBED IN THE FOREGOING INSTRUMENT AND THIS CERTIFICATE HERETO, AND THEY DID DECLARE THE ACT OF AFFIXING THEIR SIGNATURES TO THE SAID INSTRUMENT TO BE THEIR FREE AND WILLFUL ACT.

*Janet J. Burlison*  
NOTARY SIGNATURE  
Janette J. Burlison  
NOTARY PUBLIC-OREGON  
COMMISSION NO. 478189  
MY COMMISSION EXPIRES June 16, 2017

RECEIVED  
SEP 19 2018  
OWRD

**RIVERSIDE**  
ENGINEERING COMPANY, INC.  
2015 26th STREET S.E.  
SALEM, OREGON 97302  
P.O. BOX 3637  
Tel. (503) 581-6362 Fax (503) 581-0901

JERRY & KAY MUMPER  
PLATT'S TURNER FARM LLC  
DRAWING NO.: 2013-044  
DATE: 6/07/13

JOB NO. 2013-044  
SCALE 1" = 300'  
DRAWN BY: G.D.B.  
CHECKED BY: G.D.B.  
LEGEND:  
R.O.W. = RIGHT-OF-WAY  
M/L = MORE OR LESS  
A.G. = ABOVE GRADE  
ALUM = ALUMINUM  
B.C. = BELOW GRADE  
B.O.T.P. = BOOK OF TOWN PLATS  
CH = CHAIN = 66'  
C.S. = COUNTY SURVEY NO.  
I.P. = IRON PIPE  
I.R. = IRON ROD  
M = MEASURED COURSE  
T.L. = TAX LOT  
Y.P.C. = YELLOW PLASTIC CAP  
( ) = DEED RECORD  
( ) = SURVEY RECORD  
( ) = CENTERLINE  
● = MONUMENT FOUND AS NOTED  
○ SET 5/8" X 30" IRON ROD WITH Y.P.C. MARKED "RIVERSIDE ENG." EXCEPT AS NOTED  
P.P. - PARTITION PLAT  
(C) - COMPUTED  
R-1 = P.P. 2012-009  
R-2 = MCSR 36230

20-988-21