



**Oregon Water Resources Department
Alternate Reservoir Application**

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

Today's Date: Monday, October 15, 2018

| | | |
|--|--|------------|
| Base Application Fee. | | \$410.00 |
| Proposed Dam Height in feet. | 12 | |
| Proposed Reservoir volume in Acre Feet. | 9 | \$315.00 |
| 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. | <input type="button" value="Recalculate"/> | |
| Estimated cost of Permit Application | | \$1,245.00 |

OWRD Fee Schedule

| |
|-----------------------------------|
| |
| Fee Calculator Version: B20170117 |

R-08675



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

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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: Ryan Rhea
First Last
 Mailing Address: 10280 NE Abbey Road
Carlton Oregon 97111
City State Zip
 Phone: 503-437-1998
Home Work Other

Fax: _____ E-Mail Address*: Ryan_Rhea@icloud.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: John Christiansen
First Last
 Mailing Address: 12965 SW Herman Road, Suite 100
Tualatin Oregon 97062
City State Zip
 Phone: _____
Home Work Other

Fax: 503-563-6152 E-Mail Address*: JohnC@aks-eng.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.)

3. LOCATION AND SOURCE

A. Reservoir Name: N/A

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: Diffuse Runoff Tributary to: Millican Creek

C. County in which diversion occurs: Yamhill

| | | |
|-------------------------|--|------------|
| App. No. <u>R-08675</u> | For Department Use Permit No. _____ | Date _____ |
|-------------------------|--|------------|



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 725 Summer Street NE, Suite A
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1. APPLICANT INFORMATION

Applicant: Ryan & Michelle Rhea
First Last

Mailing Address: 10280 NE Abbey Road

Carlton Oregon 97111
City State Zip

Phone: 503-437-1998
Home Work Other

Fax: _____ E-Mail Address*: Ryan_Rhea@icloud.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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Agent: John Christiansen
First Last

Mailing Address: 12965 SW Herman Road, Suite 100

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Phone: _____
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Fax: 503-563-6152 E-Mail Address*: JohnC@ask-eng.com

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Source: Diffuse Runoff Tributary to: Millican Creek

C. County in which diversion occurs: Yamhill

| | | |
|-------------------------|--|------------|
| App. No. <u>R-88675</u> | For Department Use Permit No. _____ | Date _____ |
|-------------------------|--|------------|

D. Reservoir Location

| Township (N or S) | Range (E or W) | Section | quarter/quarter | tax lot number |
|----------------------|-------------------|---------|-----------------|----------------|
| 3S | 3W | 20 | SW/SW | 00301 |

E. Dam: Maximum height of dam: 12.0 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: 9.0 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:

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? n/a 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.

n/a

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 n/a | Address | |
| City | State | Zip 97128 |

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 not proposing to divert runoff from a defined channel or stream and therefore no diversion structure is proposed. The reservoir will be constructed in a field and the natural slope of the upstream terrain will direct water to the reservoir. A sketch of the reservoir and dam is provided on a separate page.

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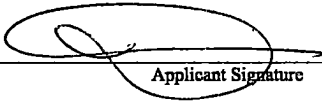
If the diversion involves a dam, use this space for sketches of the diversion (e.g. cross-section of the dam with its dimensions, dimension and placement of outlet pipe, means of passing live flow outside of the authorized storage season, and means for providing fish passage).

While this reservoir involves a dam, the dam will not be constructed in a channel or stream and therefore passage of live flow does not apply to this application.

[Empty rectangular box for sketches]

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

8/13/18
Date RECEIVED

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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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: Ryan 10280 NE Abbey RD Carlton

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:

Watermaster signature:  Date: 8-9-18

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

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NOTE: This completed form must be returned to the applicant

ODFW Alternate Reservoir Application Review Sheet

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This portion to be completed by the applicant.

Applicant Name/Address/Phone/Email: Ryan and Michelle Rhea

10280 NE Abbey Rd. Carlton, OR 97111 Ryan_Rhea@icloud.com 503-437-1998

Reservoir Name: N/A Source: Diffuse Runoff Volume (AF): 9.0 Middle Willamette

Twp Rng Sec QQ: 3S 3W 20 SW/SW Basin Name: (Coast Range) [] in-channel [X] 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? [X] YES [] NO
2) Is the proposed project or AO located where NMF2 are or were historically present? [] YES [] NO
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? [X] YES [] NO
Explain below (for example, list STE species or other existing fishery resources that would be impacted negatively.)

- [X] Any diversion or appropriation of water for storage during the period July 1st through Sept 30th poses a significant detrimental impact to existing fishery resources.
[] This proposed pond or reservoir contemplates impounding water in the Columbia Basin above Bonneville Dam.

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)

b5/a: The period of use has been limited to Oct-June.
riparian
wq

ODFW Signature: Ben Walczak

Print Name: Ben Walczak

ODFW Title: Asst. Dist. Fish Biologist

Date: 09/04/18

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

Revised 10/4/12

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MENU OF CONDITIONS FOR WRD, ODFW, DEQ AND ODA

OCT 15 2018 Revised June 24, 2011

OCT 12 2018

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Use this menu to identify appropriate conditions to be included in the permit, and indicate which by conditions 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.

R-88675

Land Use Information Form



Oregon Water Resources Department
 725 Summer Street NE, Suite A
 Salem, Oregon 97301-1266
 (503) 986-0900

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Applicant: Ryan and Michelle
First

Rhea
Last

OCT 19 2018 OCT 12 2018

Mailing Address: 10280 NE Abbey Rd

OWRD OWRD

Carlton OR 97111
City State Zip

Daytime Phone: 503-437-1998

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: |
|----------|-------|---------|-------|-----------|---|--|-----------------------------------|--|-------------------------------------|
| 3S | 3W | 20 | NW/SW | 00301 | EF-80 | <input checked="" type="checkbox"/> Diverted | <input type="checkbox"/> Conveyed | <input checked="" type="checkbox"/> Used | Multipurpose, Reserv. and Hops Farm |
| | | | | | | <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:

Yamhill County, OR

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) Diffuse Runoff

Estimated quantity of water needed: 2.5
 cubic feet per second
 gallons per minute
 acre-feet

Intended use of water: Irrigation
 Commercial
 Industrial
 Domestic for _____ household(s)
 Municipal
 Quasi-Municipal
 Instream
 Other _____

Briefly describe:

Multipurpose, 40-acres of hops farming

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. →

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 402 of the YCZO

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.

Permitted farm use

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Name: Matt Vogt Title: Assistant Planner
 Signature: *[Handwritten Signature]* Phone: 503-434-7516 Date: 5/31/18
 Government Entity: Yamhill County

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: _____
 City or County: _____ Staff contact: _____
 Signature: _____ Phone: _____ Date: _____

File No. 16016039

| |
|---|
| Grantor |
| Mary Margaret Bernard P.O. Box 1110 Carlton, OR 97111 |
| Grantee |
| The Rhea Family Living Trust, established 4/22/2014 Attn: Ryan Rhea Trustee Michelle Rhea Trustee 6282 Calle Bonita San Jose, CA 95120 |
| After recording return to |
| The Rhea Family Living Trust, established 4/22/2014 Attn: Ryan Rhea Trustee Michelle Rhea Trustee 6282 Calle Bonita San Jose, CA 95120 |
| Until requested, all tax statements shall be sent to |
| The Rhea Family Living Trust, established 4/22/2014 Attn: Ryan Rhea Trustee Michelle Rhea Trustee 6282 Calle Bonita San Jose, CA 95120 Tax Acct No(s): |

| | |
|---|------------------------|
| Yamhill County Official Records | 201616796 |
| DMR-DDMR | 10/28/2016 12:12:08 PM |
| Stn=0 MILLSA | |
| 3Pgs \$15.00 \$11.00 \$5.00 \$20.00 | \$51.00 |
| <small>I, Brian Van Bergen, County Clerk for Yamhill County, Oregon, certify that the instrument identified herein was recorded in the Clerk records.</small> | |
| Brian Van Bergen - County Clerk | |

STATUTORY WARRANTY DEED

Mary Margaret Bernard,
Grantor(s) convey and warrant to

Ryan Rhea, Trustee and Michelle Rhea, Trustee of The Rhea Family Living Trust, established 4/22/2014,
Grantee(s), the following described real property free of encumbrances except as specifically set forth herein:

See Exhibit "A" Attached and made a part hereof

This property is free of encumbrances, EXCEPT: Covenants, Conditions, Restrictions and Easements of record as of the date of this Deed, if any, including any real property taxes due, but not yet payable.

The true consideration for this conveyance is \$1,150,000.00 (Here comply with requirements of ORS 93.030.)

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 216.010, 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.

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| |
|---|
| Grantor |
| Mary Margaret Bernard P.O. Box 1110 Carlton, OR 97111 |
| Grantee |
| The Rhea Family Living Trust, established 4/22/2014 Attn: Ryan Rhea Trustee Michelle Rhea Trustee 6282 Calle Bonita San Jose, CA 95120 |
| After recording return to |
| The Rhea Family Living Trust, established 4/22/2014 Attn: Ryan Rhea Trustee Michelle Rhea Trustee 6282 Calle Bonita San Jose, CA 95120 |
| Until requested, all tax statements shall be sent to |
| The Rhea Family Living Trust, established 4/22/2014 Attn: Ryan Rhea Trustee Michelle Rhea Trustee 6282 Calle Bonita San Jose, CA 95120 Tax Acct No(s): |

RECORDED ELECTRONICALLY
 ID 1216-1696 County Yamhill
 Date 10/28/16 Time 12:12
 simplifile www.simplifile.com 800.460.5657

Reserved for Recorder's Use

STATUTORY WARRANTY DEED

Mary Margaret Bernard,
Grantor(s) convey and warrant to

Ryan Rhea, Trustee and Michelle Rhea, Trustee of The Rhea Family Living Trust, established 4/22/2014,
Grantee(s), the following described real property free of encumbrances except as specifically set forth herein:

See Exhibit "A" Attached and made a part hereof

This property is free of encumbrances, EXCEPT: Covenants, Conditions, Restrictions and Easements of record as of the date of this Deed, if any, including any real property taxes due, but not yet payable.

The true consideration for this conveyance is \$1,150,000.00 (Here comply with requirements of ORS 93.030.)

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 195.338 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 195.338 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.

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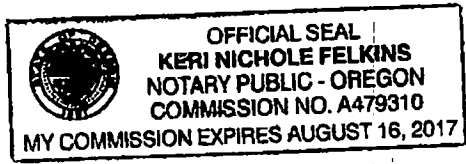
Executed this 27 day of October, 2016.

Mary Margaret Bernard
Mary Margaret Bernard

State of Oregon, County of Clackamas ss.

This instrument was acknowledged before me on this 27 day of October, 2016 by Mary Margaret Bernard.

Keri Nichole Felkins
Notary Public for OR
My commission expires: 8.16.17



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EXHIBIT "A"
LEGAL DESCRIPTION

A tract of land located in the Southeast one-quarter of Section 19 and the Southwest one-quarter of Section 20, Township 3 South, Range 3 West, Willamette Meridian, Yamhill County, State of Oregon, being more particularly described as follows:

COMMENCING at a fence corner found at the Easterly Northeast corner of the James Green Donation Land Claim No.51; thence South 01° 36' 13" East, 207.9 feet to the Northwest corner of the T.J.Hubbard Donation Land Claim No.52; thence South 88° 19' 06" East, along the North line of said Hubbard Donation Land Claim No. 52 as established by traces of an old existing fence, 3500.20 feet; thence North 07° 02' 50" East, 909.52 feet to the TRUE POINT OF BEGINNING; thence North 87° 15' 47" West, 432.09 feet; thence South 01° 37' 50" West 357.0S feet; thence North 88° 22' 10" West, 14150 feet; thence North 01° 37' 50" East, 359.82 feet thence North 87° 15' 47" West, 1486.95 feet to a point on the Easterly right-ofway line of Market Road No. 11; thence North 27° 19' 37" West along said right-ofway line, 1248:15 feet to a point in the fence line of the Division line of the North and South half of the James Scott Donation Land Claim No.50; thence North 88° 35' 30" East, along said fence line indicating said Scott Division line, 2790.77 feet to a point in a fence corner; thence South 07° 02' 50" West, along an existing fence line, 1285.60 feet to the POINT OF BEGINNING.

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Submittal Transmittal

AKS Engineering & Forestry | 12965 SW Herman Rd. Suite 100 Tualatin, OR 97062

FROM: John Christiansen
 AKS Engineering & Forestry
 12965 SW Herman Rd.
 Suite 100
 Tualatin, OR 97062
 johnc@aks-eng.com
 503-563-6151

TO: n/a
 Oregon Water Resources Department
 725 Summer Street NE Suite A
 Salem, OR 97301-1266
 503-986-0900

PROJECT: 10280 NE Abbey Road - Carlton 6241 DATE SENT: 10/10/2018

SUBJECT: Water Rights Alternate Review Permit Application Submittal ID: 00003

PURPOSE: As Requested VIA: Mail

REMARKS: Sub 1

CONTENTS

| QTY: | DATED | DESCRIPTION: | ACTION: |
|------|------------|---|---------|
| 1 | 10/10/2018 | Warranty Deed | |
| 1 | 10/4/2018 | Land Use Information Form | |
| 1 | 10/4/2018 | Pond Site Plan | |
| 1 | 8/9/2018 | Watermaster Alternate Reservoir Review Sheet | |
| 1 | 10/4/2018 | Alternate Reservoir Permit Application - Signed | |
| 1 | 10/10/2018 | Check(#107)\$1,245.00 for Fee | |
| 1 | 9/6/2018 | Alternate Reservoir Review Sheet | |

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