

Application for a Permit to Use Surface Water



Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, Oregon 97301-1266
503-986-0900
www.oregon.gov/OWRD

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JUN 17 2019

SECTION 1: APPLICANT INFORMATION AND SIGNATURE

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Applicant

NAME ROBERT L. DION		PHONE (HM)	
PHONE (WK)	CELL 503-994-4000	FAX	
ADDRESS 19700 NW ADCOCK ROAD			
CITY YAMHILL	STATE OR	ZIP 97148	E-MAIL * ROBERTLUPODION@ME.COM

Organization

NAME DAMAI HILL FARM LLC		PHONE		FAX
ADDRESS			CELL	
CITY	STATE	ZIP	E-MAIL * ROBERTLUPODION@ME.COM	

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

AGENT / BUSINESS NAME LELAND MACDONALD & ASSOCIATES, LLC		PHONE 503-472-7904		FAX 503-472-0367
ADDRESS 3765 NE RIVERSIDE DR.			CELL	
CITY MCMINNVILLE	STATE OR	ZIP 97128	E-MAIL * LEE@MACDONALDSURVEYING.COMX	

Note: Attach multiple copies as needed

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

By my signature below I confirm that I understand:

- I am asking to use water specifically as described in this application.
- Evaluation of this application will be based on information provided in the application.
- I cannot legally use water until the Water Resources Department issues a permit.
- The Department encourages all applicants to wait for a permit to be issued before beginning construction of any proposed diversion. Acceptance of this application does not guarantee a permit will be issued.
- If I begin construction prior to the issuance of a permit, I assume all risks associated with my actions.
- If I receive a permit, I must not waste water.
- If development of the water use is not according to the terms of the permit, the permit can be cancelled.
- The water use must be compatible with local comprehensive land use plans.
- Even if the Department issues a permit, I may have to stop using water to allow senior water right holders to receive water to which they are entitled.

I (we) affirm that the information contained in this application is true and accurate

Applicant Signature

Print Name and Title if applicable

Date

Applicant Signature

Print Name and Title if applicable

Date

SECTION 2: PROPERTY OWNERSHIP

Please indicate if you own all the lands associated with the project from which the water is to be diverted, conveyed, and used.

- YES, there are no encumbrances.
- YES, the land is encumbered by easements, rights of way, roads or other encumbrances.
- NO, I have a recorded easement or written authorization permitting access.
- NO, I do not currently have written authorization or easement permitting access.
- NO, 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 irrigation and/or domestic use only (ORS 274.040).
- NO, because water is to be diverted, conveyed, and/or used only on federal lands.

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Affected Landowners: List the names and mailing addresses of all owners of any lands that are not owned by the applicant and that are crossed by the proposed ditch, canal or other work, even if the applicant has obtained written authorization or an easement from the owner. (*Attach additional sheets if necessary*).

Legal Description: You must provide the legal description of: 1. The property from which the water is to be diverted, 2. Any property crossed by the proposed ditch, canal or other work, and 3. Any property on which the water is to be used as depicted on the map.

SECTION 3: SOURCE OF WATER

A. Proposed Source of Water

Provide the commonly used name of the water body from which water will be diverted, and the name of the stream or lake it flows into (if unnamed, say so), and the locations of the point of diversion (POD):

Source 1: UNNAMED RESERVOIR PERMIT # R-15389	Tributary to: Any overflow from reservoir will be directed to a drainage swale that flows into an unnamed tributary to Rowland Creek.
TRSQQ of POD: T2S R4W SECTION 33 NW 1/4 NE 1/4	
Source 2:	Tributary to:
TRSQQ of POD:	

If any source listed above is stored water that is authorized under a water right permit, certificate, or decree, attach a copy of the document or list the document number (for decrees, list the volume, page and/or decree name).

B. Applications to Use Stored Water

Do you, or will you, own the reservoir(s) described in Section 3A above?

- Yes.
- No. (Enclose a copy of your written notification to the operator of the reservoir of your intent to file this application, which should have been mailed or delivered to the operator.)

If *all* sources listed in Section 3A are stored water, the Department will review your application using the expedited process provided in ORS 537.147, unless you check the box below. Please see the instruction booklet for more information.

By checking this box, you are requesting that the Department process your application under the standard process outlined in ORS 537.150 and 537.153, rather than the expedited process provided by ORS 537.147. To file an application under the standard process, you must enclose the following:

- A copy of a signed non-expired contract or other agreement with the owner of the reservoir (if not you) to impound the volume of water you propose to use in this application.
- A copy of your written agreement with the party (if any) delivering the water from the reservoir to you.

SECTION 4: SENSITIVE, THREATENED OR ENDANGERED FISH SPECIES PUBLIC INTEREST INFORMATION

This information must be provided for your application to be accepted as complete. The Water Resources Department will determine whether the proposed use will impair or be detrimental to the public interest with regard to sensitive, threatened or endangered fish species.

To answer the following questions, use the map provided in [Attachment 3](#) or the link below to determine whether the proposed point of diversion (POD) is located in an area where the Upper Columbia, the Lower Columbia, and/or the Statewide public interest rules apply.

For more detailed information, click on the following link and enter the T,R,S,QQ or the Lat/Long of a POD and click on "Submit" to retrieve a report that will show which section, if any, of the rules apply:

https://apps.wrd.state.or.us/apps/misc/lkp_trsqg_features/

If you need help to determine in which area the proposed POD is located, please call the customer service desk at (503) 986-0801.

Upper Columbia - OAR 690-033-0115 thru -0130

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Is the POD located in an area where the Upper Columbia Rules apply?

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Yes No

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If yes, you are notified that the Water Resources Department will consult with numerous federal, state, local and tribal governmental entities so it may determine whether the proposed use is consistent with the "Columbia River Basin Fish and Wildlife Program" adopted by the Northwest Power Planning Council in 1994 for the protection and recovery of listed fish species. The application may be denied, heavily conditioned, or if appropriate, mitigation for impacts may be needed to obtain approval for the proposed use.

If yes,

- I understand that the proposed use does not involve appropriation of direct streamflow during the time period April 15 to September 30, except as provided in OAR 690-033-0140.
- I understand that I will install, operate and maintain a fish screen and fish passage as listed in ORS 498.301 through 498.346, and 509.580 through 509.910, to the specifications and extent required by Oregon Department of Fish and Wildlife, prior to diversion of water under any permit issued pursuant to this application.

- I understand that the Oregon Department of Environmental Quality will review my application to determine if the proposed use complies with existing state and federal water quality standards.
- I understand that I will install and maintain water use measurement and recording devices as required by the Water Resources Department, and comply with recording and reporting permit condition requirements.

Lower Columbia - OAR 690-033-0220 thru -0230

Is the POD located in an area where the Lower Columbia rules apply?

Yes No

If yes, you are notified that that the Water Resources Department will determine, by reviewing recovery plans, the Columbia River Basin Fish and Wildlife Program, and regional restoration programs applicable to threatened or endangered fish species, in coordination with state and federal agencies, as appropriate, whether the proposed use is detrimental to the protection or recovery of a threatened or endangered fish species and whether the use can be conditioned or mitigated to avoid the detriment.

If a permit is issued, it will likely contain conditions to ensure the water use complies with existing state and federal water quality standards; and water use measurement, recording and reporting required by the Water Resources Department. The application may be denied, or if appropriate, mitigation for impacts may be needed to obtain approval of the proposed use.

If yes, provide the following information (the information must be provided with the application to be considered complete).

Yes No The proposed use is for more than **one** cubic foot per second (448.8 gpm) and is not subject to the requirements of OAR 690, Division 86 (Water Management and Conservation Plans).

If yes, provide a description of the measures to be taken to assure reasonably efficient water use:

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Statewide - OAR 690-033-0330 thru -0340

Is the POD located in an area where the Statewide rules apply?

Yes No

If yes, the Water Resources Department will determine whether the proposed use will occur in an area where endangered, threatened or sensitive fish species are located. If so, the Water Resources Department, Department of Fish and Wildlife, Department of Environmental Quality, and the Department of Agriculture will recommend conditions required to achieve “no loss of essential habitat of threatened and endangered (T&E) fish species,” or “no net loss of essential habitat of sensitive (S) fish species.” If conditions cannot be identified that meet the standards of no loss of essential T & E fish habitat or no net loss of essential S fish habitat, the agencies will recommend denial of the application unless they conclude that the proposed use would not harm the species.

SECTION 5: WATER USE

Provide the amount of water you propose to use from each source, for each use, in cubic feet-per-second (cfs) or gallons-per-minute (gpm). If the proposed use is from storage, provide the amount in acre-feet (af):
 (1 cfs equals 448.8 gpm. 1 acre-foot equals 325,851 gallons or 43,560 cubic feet)

SOURCE	USE	PERIOD OF USE	AMOUNT
RESERVOIR	8.96	YEAR ROUND	<input type="checkbox"/> cfs <input type="checkbox"/> gpm <input checked="" type="checkbox"/> af
			<input type="checkbox"/> cfs <input type="checkbox"/> gpm <input type="checkbox"/> af
			<input type="checkbox"/> cfs <input type="checkbox"/> gpm <input type="checkbox"/> af
			<input type="checkbox"/> cfs <input type="checkbox"/> gpm <input type="checkbox"/> af

Please indicate the number of primary and supplemental acres to be irrigated.
 Primary: 5.0 Acres Supplemental: _____ Acres
 If Supplemental Acres are listed, provide the Permit or Certificate number of the underlying primary water right(s): _____
 Indicate the maximum total number of acre-feet you expect to use in an irrigation season: 2.7

- If the use is **municipal or quasi-municipal**, attach **Form M**
- If the use is **domestic**, indicate the number of households: _____
- If the use is **mining**, describe what is being mined and the method(s) of extraction: _____

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SECTION 6: WATER MANAGEMENT

A. Diversion and Conveyance

What equipment will you use to pump water from your source?

- Pump (give horsepower and type): 5 HP SUBMERSIBLE
- Other means (describe): _____

Provide a description of the proposed means of diversion, construction, and operation of the diversion works and conveyance of water.

The reservoir will be filled by natural surface water run-off and water collected from building roof drains, and, if needed, used as a "bulge in the system" during the irrigation season from the well on the property under existing water right (permit G-13346) Water will be pumped from the reservoir to the irrigation lines in the irrigated area.

B. Application Method

What equipment and method of application will be used? (e.g., drip, wheel line, high-pressure sprinkler)
Netafim SuperNet Micro Sprinkler system

C. Conservation

Please describe why the amount of water requested is needed and measures you propose to: prevent waste; measure the amount of water diverted; prevent damage to public uses of affected surface waters.

The amount of water requested is based on an estimate provided by the tree supplier calculated from data gathered from other growers and average rainfall in Yamhill, OR. To conserve water and prevent waste we will 1) cover the irrigated area around the trees with weed cloth to minimize evaporation; 2) during the first three years when the trees have a smaller root system, use stream deflectors to limit the irrigated area to a small radius around each tree; and 3) install a weather station with soil moisture monitor to limit watering to only what the plants need. We will install a gauge per OWRD specifications to measure the amount of water pumped from the reservoir. The surface waters we're requesting to use will be from a reservoir on our property that will be filled by natural water run-off. Therefore there should not be any risk of damage to or interference with any public water source.

SECTION 7: RESOURCE PROTECTION

In granting permission to use water from a stream or lake, the state encourages, and in some instances requires, careful control of activities that may affect the waterway or streamside area. See instruction guide for a list of possible permit requirements from other agencies. Please indicate any of the practices you plan to undertake to protect water resources:

- Diversion will be screened per ODFW specifications in ORS 498.301 through 498.346 to prevent uptake of fish and other aquatic life.
Describe planned actions: N/A
- Excavation or clearing of banks will be kept to a minimum to protect riparian or streamside areas.
Note: If disturbed area is more than one acre, applicant should contact the Department of Environmental Quality to determine if a 1200C permit is required.
Describe planned actions and additional permits required for project implementation: N/A
- Operating equipment in a water body will be managed and timed to prevent damage to aquatic life. Describe planned actions and additional permits required for project implementation: N/A
- Water quality will be protected by preventing erosion and run-off of waste or chemical products.
Describe planned actions: N/A
- List other federal and state permits or contracts to be obtained, if a water right permit is granted.
N/A

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SECTION 8: PROJECT SCHEDULE

- a) Date construction will begin: JUNE 2019
- b) Date construction will be completed: JULY 2019
- c) Date beneficial water use will begin: MAY 2020 (pending approval of this application)

SECTION 9: WITHIN A DISTRICT

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

Irrigation District Name	Address
--------------------------	---------

City	State	Zip

SECTION 10: REMARKS

Use this space to clarify any information you have provided in the application. *(Attach additional sheets if necessary).*

The area we intend to irrigate is covered under an existing water right per permit #G-13346. Our irrigation contractor recommended that we modify the plan submitted in the permit application G-13346 to build a reservoir as a "bulge in the system" (rather than using storage tanks) during the irrigation season as well as collect natural surface water run-off and water collected from building roof drains to conserve use of water drawn from our well. Our application for a permit to Store Water in a Reservoir (Alternate Review) # R-88697 to build the reservoir that is the "source" in this application was approved on June 10, 2019 and the Permit # is R-15389.

The reservoir will have a dam height of 9 feet and storage capacity of 8.96 acre feet. A spillway will be constructed on the western end of the dam that will send any live flow outside of the storage season into an existing drainage swale that feeds into an unnamed tributary of Rowland Creek.

Please note that the sole source of water we're applying for permission to use is the reservoir, which will be filled from runoff and used as a bulge in the system as needed, is the only source of water and no water will be diverted from any streams, rivers or lakes. The reference to Rowland Creek as "Tributary to" in section 2 only applies to any overflow from the reservoir.

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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

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Applicant: Robert L. Dion
First Last

Mailing Address: 19700 NW Adcock Road

Yamhill OR 97148 Daytime Phone: 503-994-4000
City State Zip

A. Land and Location

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

Township	Range	Section	¼	Tax Lot #	Plan Designation (e.g., Rural Residential/RR-5)	Water to be:	Proposed Land Use:
25	4W	33	NW NE	1500	EF-4D	<input checked="" type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input type="checkbox"/> Used	RESERVOIR
						<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

B. Description of Proposed Use

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

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

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

Estimated quantity of water needed: 8.96 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 MULTI PURPOSE

Briefly describe:

Proposed reservoir will be filled by rainwater from surface run-off and roof drain collections. A spillway will divert any overflow into an existing drainage swale that is an unnamed tributary to Rowland Creek.

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
		<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: Matt Voigt Title: Associate Planner
 Signature: [Signature] Phone: 503-434-7516 Date: 12/14/2018
 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: _____

Date: 12-14-18

YAMHILL COUNTY PLANNING
 525 NE 4TH ST
 MCMINNVILLE, OR. 97128-4
 503-434-7516

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SALE

FOR: Dion **RECEIVED**
 Permit #(s): 500

JUN 17 2019

Batch #: 338 REF#: 00000002
 12/14/18 10:11:06
 APPR CODE: 111512
 Trace: 2
 VISA
 *****6745
 Chip
 /

PERMITS

Zoning Compliance Fee (Ag Barn) **OWRD**
 Reinspection Fee.....
 Inspection Fee
 Demolition Permit
 Building Investigation Fee
 Plan Review (Building or Electrical).....
 Administrative Surcharge

LAND USE

78.00 AGCY
 ADDR
 APEAL
 *PDCP *PDPZ
 *PDCU MADJ CTS CTR *PDWR
 COSSD
 *PDFD *PDFT *PDFN
 *PDPA *PDSU L-MAJ L-MIN
 EXT *PDFP NCU NCU-R RR SIGN SU
 SDR TS V M-37

SEPTIC

Existing System Evaluation
 Alternative System Evaluation
 Inspections
 Pump Truck Evaluation(s)

SOLID WASTE

Riverbend: In County (RBIN).....
 Riverbend: Out of County (RBOUT)
 Miscellaneous (MISSW)

MISCELLANEOUS

COPY PILIST
 *PDRD
 TELBU TELME TELPR TELPC TELE TELPL TELSW

SURVEYOR

Plat Checks (PLCHK)
 Road Vacation (RDVAC)

AMOUNT
\$78.00

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VISA DEBIT
 AID: A0000000031010
 TVR: 80 80 00 80 00
 TSI: 68 00

THANK YOU
 CUSTOMER COPY

Septic Permit
 Pump
 Site Evaluation
 Plan Review (Commercial)
 Authorization

WOW - Valley: Franchise (FRACS).....
 Newberg Garbage: Franchise (FRANG)....
 Newberg Transfer: Franchise (FRANT)....

Photo Copies, Fax, P.I. Listing
 Public Works - County Maps
 Telephone

Photo Copies (COPYS).....
 Surveyor Filing Fee (FIFEE).....

All items are received for collection
 ONLY and this receipt shall be
 cancelled for nonpayment of any item

TOTAL 78.00
 PAID

Cash _____ Coin _____
 Credit Card VISA Check# _____
 Ref# 2 Appr# 111512

111252

By: Juan A. B...

5-88708

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After Recording, return to:
Dianne L. Haugeberg, Attorney
P.O. Box 480
McMinnville, OR 97128

OFFICIAL YAMHILL COUNTY RECORDS
BRIAN VAN BERGEN, COUNTY CLERK

201807549

Send Tax Statements to:
Rob Dion and Mary O'Malley, Co-Trustees
O'Malley Dion Trust
19700 N.W. Adcock Road
Yamhill, OR 97148



\$41.00

06/30/2018 11:41:50 AM

DNR-DDSR Cnt=1 Stn=2 MILLSA
\$5.00 \$5.00 \$11.00 \$20.00

SPECIAL WARRANTY DEED

MARY P. O'MALLEY and ROBERT LUPO DION, as tenants by the entirety, "Grantors", hereby convey and specially warrant to ROB DION and MARY O'MALLEY, CO-TRUSTEES OF THE O'MALLEY DION TRUST DATED MAY 10, 2018, including any amendments thereto, or to such Successor Trustee(s) of such trusts created under such instruments as may hereafter be appointed, as "Grantees", the following described real property situated in Yamhill County, State of Oregon, free of encumbrances created or suffered by Grantors and except for matters of public record, to-wit:

Lots 7 and 8, GOODRICH ORCHARD TRACTS, Yamhill County, Oregon.

Subject to and excepting: CCRs, reservations, set back lines, power of special districts and easements of record, if any.

(For informational purposes only, also known as: 19700 N.W. Adcock Road, Yamhill, Oregon, 97148, Parcel #R243301500; Account #151556.)

THE LIABILITY AND OBLIGATIONS OF THE GRANTOR(S) TO GRANTEE AND GRANTEE'S SUCCESSORS AND ASSIGNS UNDER THE WARRANTIES AND COVENANTS CONTAINED HEREIN OR PROVIDED BY LAW SHALL BE LIMITED TO THE EXTENT OF COVERAGE THAT WOULD BE AVAILABLE TO GRANTOR(S) UNDER A STANDARD POLICY OF TITLE INSURANCE CONTAINING EXCEPTIONS FOR MATTERS OF PUBLIC RECORD. THE LIMITATIONS CONTAINED HEREIN EXPRESSLY DO NOT RELIEVE GRANTOR(S) OF ANY LIABILITY OR OBLIGATIONS UNDER THIS INSTRUMENT, BUT MERELY DEFINE THE SCOPE, NATURE AND AMOUNT OF SUCH LIABILITY OR OBLIGATIONS.

The true and actual consideration paid for this transfer, stated in terms of dollars, is \$-0-. (This conveyance is made for estate planning purposes.)

"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 AND SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009. 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 AND SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010."

DATED this 10th day of May, 2018.

GRANTOR:

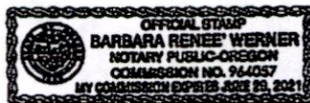
Mary P. O'Malley
MARY P. O'MALLEY

GRANTOR:

Robert Lupo Dion
ROBERT LUPO DION

STATE OF OREGON)
) ss.
County of Yamhill)

On May 10, 2018, personally appeared before me the above-named ROBERT LUPO DION and MARY P. O'MALLEY, husband and wife, who acknowledged the within instrument as their true and voluntary act and deed.



Barbara R. Werner
Notary Public for Oregon
F:\notary\Public\Notary Seal for Barb Werner

Record of Survey for : Mary O'Malley & Robert Dion

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Location: SE 1/4 & SW 1/4 Section 28, All of Section 33,
T. 2 S., R. 4 W., WM., in the John Galbraith Donation
Land Claim No. 52 and Lots 7 & 8 of GOODRICH
ORCHARD TRACTS, Yamhill County, Oregon.

Tax Lot: 2433 - 1500

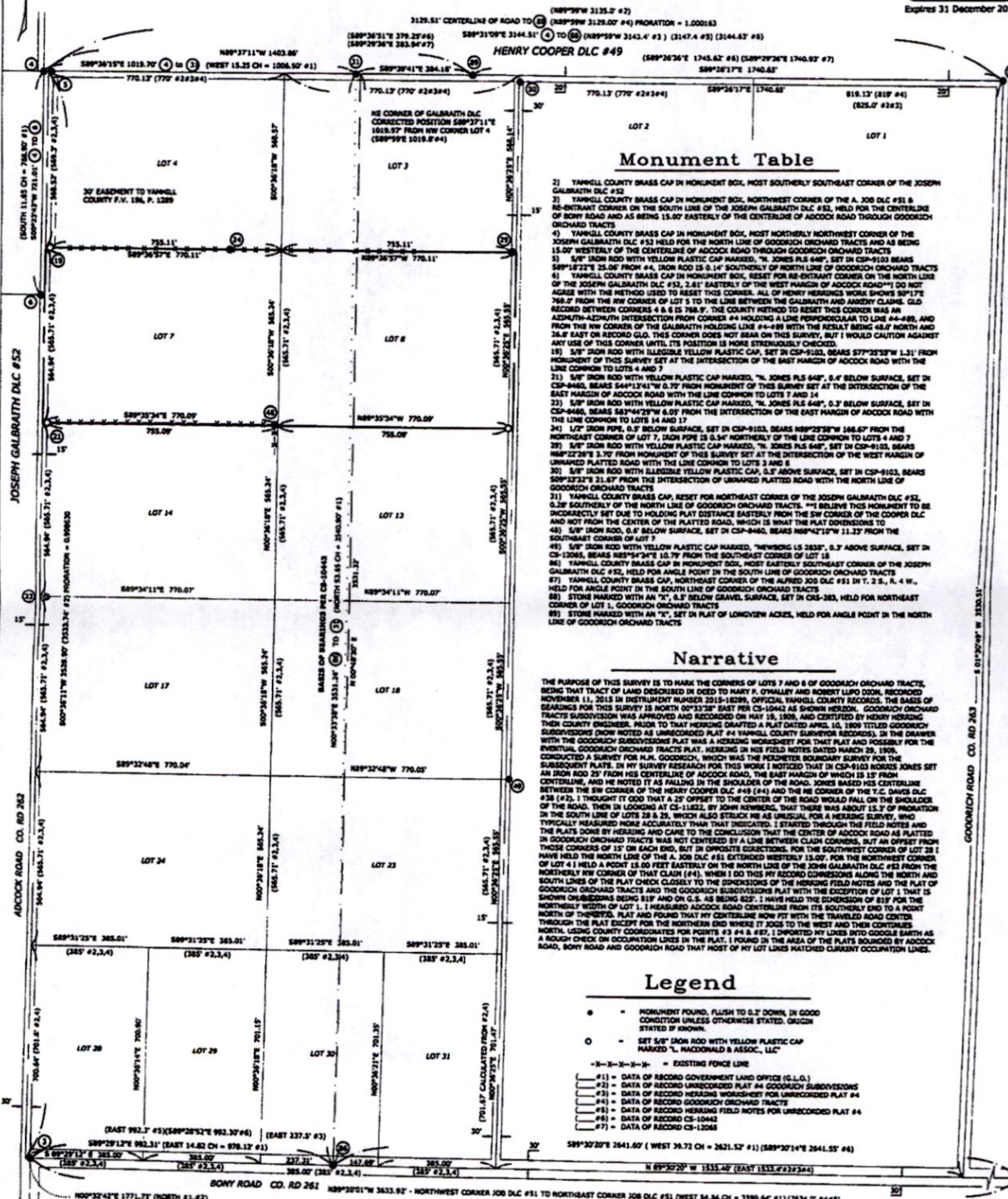
Date: 26 April 2016

Scale: 1" = 200'

BY : IRLAND MACDONALD & ASSOC., LLC
FORMERLY DBA MATT DUNOEL & ASSOC.
3785 REVERSHIDE DRIVE
MCKENNIEVILLE, OREGON 97123
PHONE : 503-472-7904
FAX: 503-472-0282
EMAIL: ILM@MACDONALD.SURVEYING.COM

REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
JANUARY 16, 2002
IRLAND A. MACDONALD
53226
Expires 31 December 2016



Monument Table

- 2) YAMHILL COUNTY BRASS CAP IN MONUMENT BOX, MOST SOUTHERLY SOUTHEAST CORNER OF THE JOSEPH GALBRAITH D.C. #32
- 3) YAMHILL COUNTY BRASS CAP IN MONUMENT BOX, NORTHWEST CORNER OF THE A. JOB D.C. #51 & RE-ENTRANT CORNER ON THE SOUTH LINE OF THE JOSEPH GALBRAITH D.C. #52, HELD FOR THE CENTERLINE OF BONY ROAD AND AS BEING 15.00' EASTERLY OF THE CENTERLINE OF ADDOCK ROAD THROUGH GOODRICH ORCHARD TRACTS
- 4) YAMHILL COUNTY BRASS CAP IN MONUMENT BOX, MOST NORTHERLY NORTHWEST CORNER OF THE JOSEPH GALBRAITH D.C. #32 HELD FOR THE NORTH LINE OF GOODRICH ORCHARD TRACTS AND AS BEING 15.00' WESTERLY OF THE CENTERLINE OF ADDOCK ROAD THROUGH GOODRICH ORCHARD TRACTS
- 5) 5/8" IRON ROD WITH YELLOW PLASTIC CAP MARKED, "M. JONES PLS #48", SET IN CSP-9103 BEARS S89°12'22"W 25.00' FROM #4, IRON ROD IS 0.14' SOUTHERLY OF NORTH LINE OF GOODRICH ORCHARD TRACTS
- 6) YAMHILL COUNTY BRASS CAP IN MONUMENT BOX, RESET FOR RE-ENTRANT CORNER ON THE NORTH LINE OF THE JOSEPH GALBRAITH D.C. #32, 3.41' EASTERLY OF THE WEST MARGIN OF ADDOCK ROAD. THIS MONUMENT DOES NOT AGREE WITH THE METHOD USED TO RESET THIS CORNER. ALL OF HENRY HERRINGS WORK SHOWS 50°17' 78.0" FROM THE SW CORNER OF LOT 5 TO THE LINE BETWEEN THE GALBRAITH AND ANDREY CLAIMS. GLO RECORDED BETWEEN CORNERS 4 & 6 IS 78.0". THE COUNTY METHOD TO RESET THIS CORNER WAS AN AZIMUTH-AZIMUTH INTERSECTION FROM CORNER #4 HOLDING A LINE PERPENDICULAR TO LINE #4-4#9, AND FROM THE NW CORNER OF THE GALBRAITH HOLDING A LINE #4-#8 WITH THE RESULT BEING 43.0' NORTH AND 24.6' EAST ON RECORD GLO. THIS CORNER DOES NOT BEAR ON THIS SURVEY, BUT I WOULD CAUTION AGAINST ANY USE OF THIS CORNER UNTIL ITS POSITION IS MORE STRONGLY CHECKED.
- 18) 5/8" IRON ROD WITH YELLOW PLASTIC CAP MARKED, "M. JONES PLS #48", SET IN CSP-9103, BEARS S77°23'29"W 1.31' FROM MONUMENT OF THIS SURVEY SET AT THE INTERSECTION OF THE EAST MARGIN OF ADDOCK ROAD WITH THE LINE COMMON TO LOTS 4 AND 7
- 21) 5/8" IRON ROD WITH YELLOW PLASTIC CAP MARKED, "M. JONES PLS #48", 0.4' BELOW SURFACE, SET IN CSP-9440, BEARS S44°13'41"W 6.79' FROM MONUMENT OF THIS SURVEY SET AT THE INTERSECTION OF THE EAST MARGIN OF ADDOCK ROAD WITH THE LINE COMMON TO LOTS 7 AND 14
- 22) 5/8" IRON ROD WITH YELLOW PLASTIC CAP MARKED, "M. JONES PLS #48", 0.3' BELOW SURFACE, SET IN CSP-9440, BEARS S87°44'29"W 6.09' FROM THE INTERSECTION OF THE EAST MARGIN OF ADDOCK ROAD WITH THE LINE COMMON TO LOTS 4 AND 7
- 24) 1/2" IRON PIPE, 0.5' BELOW SURFACE, SET IN CSP-9103, BEARS N89°23'29"W 146.67' FROM THE NORTHWEST CORNER OF LOT 7, IRON PIPE IS 0.34' NORTHERLY OF THE LINE COMMON TO LOTS 4 AND 7
- 28) 5/8" IRON ROD WITH YELLOW PLASTIC CAP MARKED, "M. JONES PLS #48", SET IN CSP-9103, BEARS N89°22'28"W 3.70' FROM MONUMENT OF THIS SURVEY SET AT THE INTERSECTION OF THE WEST MARGIN OF UNPAVED PLATTED ROAD WITH THE LINE COMMON TO LOTS 3 AND 8
- 30) 5/8" IRON ROD WITH YELLOW PLASTIC CAP MARKED, "M. JONES PLS #48", SET IN CSP-9103, BEARS S09°32'32"W 21.87' FROM THE INTERSECTION OF UNPAVED PLATTED ROAD WITH THE NORTH LINE OF GOODRICH ORCHARD TRACTS
- 31) YAMHILL COUNTY BRASS CAP, RESET FOR NORTHEAST CORNER OF THE JOSEPH GALBRAITH D.C. #52, 0.26' EASTERLY OF THE NORTH LINE OF GOODRICH ORCHARD TRACTS. **I BELIEVE THIS MONUMENT TO BE 0.26' EASTERLY OF THE CENTERLINE OF THE S.W. CORNER OF THE COOPER D.C. AND NOT FROM THE CENTER OF THE PLATTED ROAD, WHICH IS WHAT THE PLAT DENOTES TO
- 48) 5/8" IRON ROD, 0.6' BELOW SURFACE, SET IN CSP-9440, BEARS N89°41'17"W 11.23' FROM THE SOUTHWEST CORNER OF LOT 7
- 49) 5/8" IRON ROD WITH YELLOW PLASTIC CAP MARKED, "NEWSBOM LS 2833", 0.3' ABOVE SURFACE, SET IN CSP-12086, BEARS S85°34'28"W 10.79' FROM THE SOUTHWEST CORNER OF LOT 18
- 77) YAMHILL COUNTY BRASS CAP IN MONUMENT BOX, MOST SOUTHWEST CORNER OF THE JOSEPH GALBRAITH D.C. #52, HELD FOR ANGLE POINT IN THE SOUTH LINE OF GOODRICH ORCHARD TRACTS
- 87) YAMHILL COUNTY BRASS CAP, NORTHWEST CORNER OF THE ALFRED JOB D.C. #51 IN T. 2 S., R. 4 W., HELD FOR ANGLE POINT IN THE SOUTH LINE OF GOODRICH ORCHARD TRACTS
- 88) STONE MARKED WITH AN "X", 0.5' BELOW GRAVEL SURFACE, SET IN CSP-285, HELD FOR NORTHEAST CORNER OF LOT 1, GOODRICH ORCHARD TRACTS
- 89) STONE MARKED WITH AN "X", SET IN PLAT OF LONGVIEW ACRES, HELD FOR ANGLE POINT IN THE NORTH LINE OF GOODRICH ORCHARD TRACTS

Narrative

THE PURPOSE OF THIS SURVEY IS TO MARK THE CORNERS OF LOTS 7 AND 8 OF GOODRICH ORCHARD TRACTS, BEING THAT TRACT OF LAND DESCRIBED IN DEED TO HENRY O'MALLEY AND ROBERT DION, RECORDED NOVEMBER 18, 2016 IN INSTRUMENT NUMBER 2218-1808, OFFICIAL YAMHILL COUNTY RECORDS. THE BASE OF BEARINGS FOR THIS SURVEY IS NORTH 00°33'52" EAST PER CS-10442 AS SHOWN HEREIN. GOODRICH ORCHARD TRACTS SUBDIVISION WAS APPROVED AND RECORDED ON MAY 18, 1909, AND CERTIFIED BY HENRY HERRINGS, COUNTY ENGINEER. BEARS TO THE YAMHILL COUNTY ENGINEER'S DRAFT OF PLAT DATED APRIL 10, 1909 TITLED GOODRICH SUBDIVISION'S SHOW NOTED AS UNRECORDED PLAT #4 YAMHILL COUNTY SURVEYOR RECORDS). IN THE DRAFTER WITH THE GOODRICH SUBDIVISIONS PLAT WAS A HEADING WORKSHEET FOR THAT PLAT AND POSSIBLY FOR THE INDIVIDUAL GOODRICH ORCHARD TRACTS PLAT. HEREBY IN HIS FIELD NOTES DATED MARCH 29, 1909, CONDUCTED A SURVEY FOR H.M. GOODRICH, WHICH WAS THE RESIDENT BOUNDARY SURVEY FOR THE INDIVIDUAL GOODRICH ORCHARD TRACTS PLAT. IN MY SURVEY RESEARCH FOR THIS WORK I NOTICED THAT IN CSP-9103 BEARS SET AN IRON ROD 25' FROM HIS CENTERLINE OF ADDOCK ROAD, THE EAST MARGIN OF WHICH IS 15' FROM CENTERLINE, AND HE NOTED IT AS FALLING IN THE SHOULDER OF THE ROAD. JONES BASED HIS CENTERLINE BETWEEN THE CORNER OF THE HENRY COOPER D.C. #49 (E4) AND THE SW CORNER OF THE Y.C. DAVIDS D.C. #38 (E2). I THOUGHT IT ODD THAT A 25' OFFSET TO THE CENTER OF THE ROAD WOULD FALL ON THE SHOULDER OF THE ROAD. THEN IN LOOKING AT CS-11822, BY JOHN NEWSBOM, THAT THERE WAS ABOUT 13.7' OF PROMONTION IN THE SOUTH LINE OF LOTS 28 & 29, WHICH ALSO STRUCK ME AS UNUSUAL. FOR A HERRING SURVEY, WHO TYPICALLY MEASURED MORE ACCURATELY THAN THAT INDICATED, I STARTED THROUGH THE FIELD NOTES AND THE PLAT DONE BY HERRING AND CARE TO THE CONCLUSION THAT THE CENTER OF ADDOCK ROAD AS PLATTED IN GOODRICH ORCHARD TRACTS WAS NOT CENTERED BY A LINE BETWEEN CLASH CORNERS, BUT AN OFFSET FROM THOSE CORNERS OF 15' ON EACH END, BUT IN OPPOSITE DIRECTIONS. FOR THE SOUTHWEST CORNER OF LOT 28 I HAVE HELD THE NORTH LINE OF THE A. JOB D.C. #51 EXTENDING WESTERLY 13.00' FOR THE NORTHWEST CORNER OF LOT 4 I HELD A POINT 15.00 FEET EASTERLY ON THE NORTH LINE OF THE JOSEPH GALBRAITH D.C. #32 FROM THE NORTHERLY SW CORNER OF THAT CLAIM (E4). WHEN I DID THIS MY RECORD COMPRISES ALONG THE NORTH AND SOUTHERLY SW CORNER OF THAT CLAIM (#4). WHEN I DID THIS MY RECORD COMPRISES ALONG THE NORTH AND SOUTHERLY SW CORNER OF THE PLAT ONCE CLOSELY TO THE CORNERS OF THE HERRING FIELD NOTES AND THE PLAT OF GOODRICH ORCHARD TRACTS AND THE GOODRICH SUBDIVISIONS PLAT WITH THE EXCEPTION OF LOT 1 THAT IS SHOWN DIMENSIONS BEING 819' AND ON G.L.S. AS BEING 823'. I HAVE HELD THE DIMENSION OF 819' FOR THE NORTHERLY WIDTH OF LOT 1. I MEASURED ADDOCK ROAD CENTERLINE FROM ITS SOUTHERLY END TO A POINT NORTH OF THE PLAT AND FOUND THAT MY CENTERLINE NOW FIT WITH THE TRAVELED ROAD CENTERLINE BETWEEN THE PLAT EXCEPT FOR THE NORTHERN END WHERE IT JOINS TO THE WEST AND THEN CONTIGUES NORTH USING COUNTY COORDINATES FOR POINTS #3 & #4 & #67. I IMPORTED MY LINES INTO GOOGLE EARTH AS A ROUGH CHECK ON EXISTING LINES IN THE PLAT. I FOUND IN THE AREA OF THE PLAT BOUNDED BY ADDOCK ROAD, BONY ROAD AND GOODRICH ROAD THAT MOST OF MY LOT LINES MATCHED CURRENT OCCUPATION LINES.

Legend

- = MONUMENT FOUND, FLUSH TO D.L.T. DOWN, IN GOOD CONDITION UNLESS OTHERWISE STATED, ORIGIN STATED IF KNOWN.
- = SET 5/8" IRON ROD WITH YELLOW PLASTIC CAP MARKED "M. MACDONALD & ASSOC., LLC"
- X-X-X-X- = EXISTING FENCE LINE
- (#1) = DATA OF RECORD GOVERNMENT LAND OFFICE (G.L.O.)
- (#2) = DATA OF RECORD UNRECORDED PLAT # GOODRICH SUBDIVISIONS
- (#3) = DATA OF RECORD HEARING WORKSHEET FOR UNRECORDED PLAT #4
- (#4) = DATA OF RECORD GOODRICH ORCHARD TRACTS
- (#5) = DATA OF RECORD HEARING FIELD NOTES FOR UNRECORDED PLAT #4
- (#6) = DATA OF RECORD CS-10442
- (#7) = DATA OF RECORD CS-12086

ALFRED JOB D.C. #51

#8186

5-88708

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THE PURPOSE OF THIS SURVEY IS TO MARK THE CORNERS OF LOTS 7 AND 8 OF *GOODRICH ORCHARD TRACTS*, BEING THAT TRACT OF LAND DESCRIBED IN DEED TO MARY P. O'MALLEY AND ROBERT LUPO DION, RECORDED NOVEMBER 11, 2015 IN INSTRUMENT NUMBER 2015-18289, OFFICIAL YAMHILL COUNTY RECORDS. THE BASIS OF BEARINGS FOR THIS SURVEY IS NORTH 00°33'38" EAST PER CS-10442 AS SHOWN HEREON. *GOODRICH ORCHARD TRACTS* SUBDIVISION WAS APPROVED AND RECORDED ON MAY 19, 1909, AND CERTIFIED BY HENRY HERRING THEN COUNTY ENGINEER. PRIOR TO THAT HERRING DRAFTED A PLAT DATED APRIL 10, 1909 TITLED *GOODRICH SUBDIVISIONS* (NOW NOTED AS UNRECORDED PLAT #4 YAMHILL COUNTY SURVEYOR RECORDS). IN THE DRAWER WITH THE *GOODRICH SUBDIVISIONS* PLAT WAS A HERRING WORKSHEET FOR THAT PLAT AND POSSIBLY FOR THE EVENTUAL *GOODRICH ORCHARD TRACTS* PLAT. HERRING IN HIS FIELD NOTES DATED MARCH 29, 1909, CONDUCTED A SURVEY FOR M.M. GOODRICH, WHICH WAS THE PERIMETER BOUNDARY SURVEY FOR THE SUBSEQUENT PLATS. IN MY SURVEY RESEARCH FOR THIS WORK I NOTICED THAT IN CSP-9103 NORRIS JONES SET AN IRON ROD 25' FROM HIS CENTERLINE OF ADCOCK ROAD, THE EAST MARGIN OF WHICH IS 15' FROM CENTERLINE, AND HE NOTED IT AS FALLING IN THE SHOULDER OF THE ROAD. JONES BASED HIS CENTERLINE BETWEEN THE SW CORNER OF THE HENRY COOPER DLC #49 (#4) AND THE NE CORNER OF THE T.C. DAVIS DLC #38 (#2). I THOUGHT IT ODD THAT A 25' OFFSET TO THE CENTER OF THE ROAD WOULD FALL ON THE SHOULDER OF THE ROAD. THEN IN LOOKING AT CS-11822, BY JOHN NEWBERG, THAT THERE WAS ABOUT 15.3' OF PRORATION IN THE SOUTH LINE OF LOTS 28 & 29, WHICH ALSO STRUCK ME AS UNUSUAL FOR A HERRING SURVEY, WHO TYPICALLY MEASURED MORE ACCURATELY THAN THAT INDICATED. I STARTED THROUGH THE FIELD NOTES AND THE PLATS DONE BY HERRING AND CAME TO THE CONCLUSION THAT THE CENTER OF ADCOCK ROAD AS PLATTED IN *GOODRICH ORCHARD TRACTS* WAS NOT CENTERED BY A LINE BETWEEN CLAIM CORNERS, BUT AN OFFSET FROM THOSE CORNERS OF 15' ON EACH END, BUT IN OPPOSITE DIRECTIONS. FOR THE SOUTHWEST CORNER OF LOT 28 I HAVE HELD THE NORTH LINE OF THE A. JOB DLC #51 EXTENDED WESTERLY 15.00'. FOR THE NORTHWEST CORNER OF LOT 4 I HELD A POINT 15.00 FEET EASTERLY ON THE NORTH LINE OF THE JOHN GALBRAITH DLC #52 FROM THE NORTHERLY NW CORNER OF THAT CLAIM (#4). WHEN I DO THIS MY RECORD DIMENSIONS ALONG THE NORTH AND SOUTH LINES OF THE PLAT CHECK CLOSELY TO THE DIMENSIONS OF THE HERRING FIELD NOTES AND THE PLAT OF *GOODRICH ORCHARD TRACTS* AND THE *GOODRICH SUBDIVISIONS* PLAT WITH THE EXCEPTION OF LOT 1 THAT IS SHOWN ON G.T.O. AS BEING 819' AND ON G.S. AS BEING 825'. I HAVE HELD THE DIMENSION OF 819' FOR THE NORTHERLY WIDTH OF LOT 1. I MEASURED ADCOCK ROAD CENTERLINE FROM ITS SOUTHERLY END TO A POINT NORTH OF THE G.T.O. PLAT AND FOUND THAT MY CENTERLINE NOW FIT WITH THE TRAVELED ROAD CENTER THROUGH THE PLAT EXCEPT FOR THE NORTHERN END WHERE IT JOGS TO THE WEST AND THEN CONTINUES NORTH. USING COUNTY COORDINATES FOR POINTS #3 #4 & #87, I IMPORTED MY LINES INTO GOOGLE EARTH AS A ROUGH CHECK ON OCCUPATION LINES IN THE PLAT. I FOUND IN THE AREA OF THE PLATS BOUNDED BY ADCOCK ROAD, BONY ROAD AND *GOODRICH ROAD* THAT MOST OF MY LOT LINES MATCHED CURRENT OCCUPATION LINES.

5-88708

Minimum Requirements Checklist

Minimum Requirements (OAR 690-310-0040, OAR 690-310-0050 & ORS 537.140)

Include this checklist with the application

Check that each of the following items is included. The application will be returned if all required items are not included. If you have questions, please call the Water Rights Customer Service Group at (503) 986-0900.

Please submit the original application and signatures to the Water Resources Department. Applicants are encouraged to keep a copy of the completed application.

- SECTION 1: Applicant Information and Signature
- SECTION 2: Property Ownership
- SECTION 3: Source of Water
- SECTION 4: Sensitive, Threatened or Endangered Fish Species Public Interest Information
- SECTION 5: Water Use
- SECTION 6: Water Management
- SECTION 7: Resource Protection
- SECTION 8: Project Schedule
- SECTION 9: Within a District
- SECTION 10: Remarks

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Include the following additional items:

- Land Use Information Form with approval and signature of local planning department (*must be an original*) or signed receipt.
- Provide the legal description of: (1) the property from which the water is to be diverted, (2) any property crossed by the proposed ditch, canal or other work, and (3) any property on which the water is to be used as depicted on the map.
- Fees - Amount enclosed: \$ 1,355.00 (\$520 Base + \$35 x 9AF = \$315 + \$520 Recording)
See the Department's Fee Schedule at www.oregon.gov/owrd or call (503) 986-0900.
- Map that includes the following items:
 - Permanent quality and drawn in ink
 - Even map scale not less than 4" = 1 mile (example: 1" = 400 ft, 1" = 1320 ft, etc.)
 - North Directional Symbol
 - Township, Range, Section, Quarter/Quarter, Tax Lots
 - Reference corner on map
 - Location of each diversion, by reference to a recognized public land survey corner (distances north/south and east/west)
 - Indicate the area of use by Quarter/Quarter and tax lot identified clearly.
 - Number of acres per Quarter/Quarter and hatching to indicate area of use if for primary irrigation, supplemental irrigation, or nursery
 - Location of main canals, ditches, pipelines or flumes (if well is outside of the area of use)



Oregon Water Resources Department
 Stored Water Only Applications - Expedited Secondary

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Today's Date: Tuesday, June 18, 2019

Base Application Fee.		\$520.00
Acre feet of Stored Water to be diverted.	8.96	\$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.	Recalculate	
Estimated cost of Permit Application		\$1,355.00

OWRD Fee Schedule

Fee Calculator Version: B20170117