

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: K.A. Berger Farms Inc. Attn: Rebecca Berger

Mailing Address: P.O. Box 1359

Hillsboro OR 97123
City State Zip

Phone: _____ (503) 209-5449 _____

Fax: _____ Home _____ Work _____
 E-Mail Addr: Becky@bergerseed.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: Schwabe, Williamson & Wyatt Attn: Elizabeth Howard

Mailing Address: PacWest Center 1211 SW Fifth Avenue, Suite 1900 Portland, OR 97204

Phone: _____ (503) 796-2093 _____
Home Work Other

Fax: _____ E-Mail Address*: EHoward@schwabe.com

Agent: Skookum Water Associates Inc. Attn: Steven R. Bruce

Mailing Address: 1626 Victorian Way Eugene, OR 97401

Phone: _____ (503) 319-8926 _____
Home Work Other

Fax: _____ E-Mail Address*: Steve@skookumwater.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.)

| | | |
|---------------------------|------------------|------------|
| For Department Use | | |
| App. No. <u>R-88742</u> | Permit No. _____ | Date _____ |

3. LOCATION AND SOURCE

A. Reservoir Name: Berger Reservoir

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: Runoff Tributary to: Deer Creek

C. County in which diversion occurs: Yamhill

D. Reservoir Location

| Township (N or S) | Range (E or W) | Section | quarter/quarter | tax lot number |
|----------------------|-------------------|---------|--------------------------|----------------|
| 5 S | 5 W | 22 | NE SE, NW SE, & SE SE | 100 |

E. Dam: Maximum height of dam: 9.9 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: 25.0 Acre-feet = $\frac{(\text{Average Length})(\text{Average Width})(\text{Average Depth})}{43,560}$

4. WATER USE

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

Multipurpose use

5. PROPERTY OWNERSHIP

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

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

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

There are no encumbrances

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

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:

NA. We own all of the land where water will be diverted, convey and use water and there are no encumbrances.

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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? ~37 years.
- D. **Fish Habitat:** Is there fish habitat upstream of the proposed structure? Yes No Don't know
If yes, how much? NA miles.
- E. **Partnerships:** Have you been working with other agencies? Yes No
Indicate agency, staff and phone numbers of those involved. Also indicate any agencies that are cost sharing in this project.

7. WITHIN A DISTRICT

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

| | | |
|--------------------------------|---------|-----|
| Irrigation District Name NA | 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.

The reservoir is located in a draw according to the U.S. Geological Survey (USGS) Ballston, Oregon 7.5-minute quadrangle map (1956, revised 1992). The impoundment structure was constructed about 1982 or 1983.

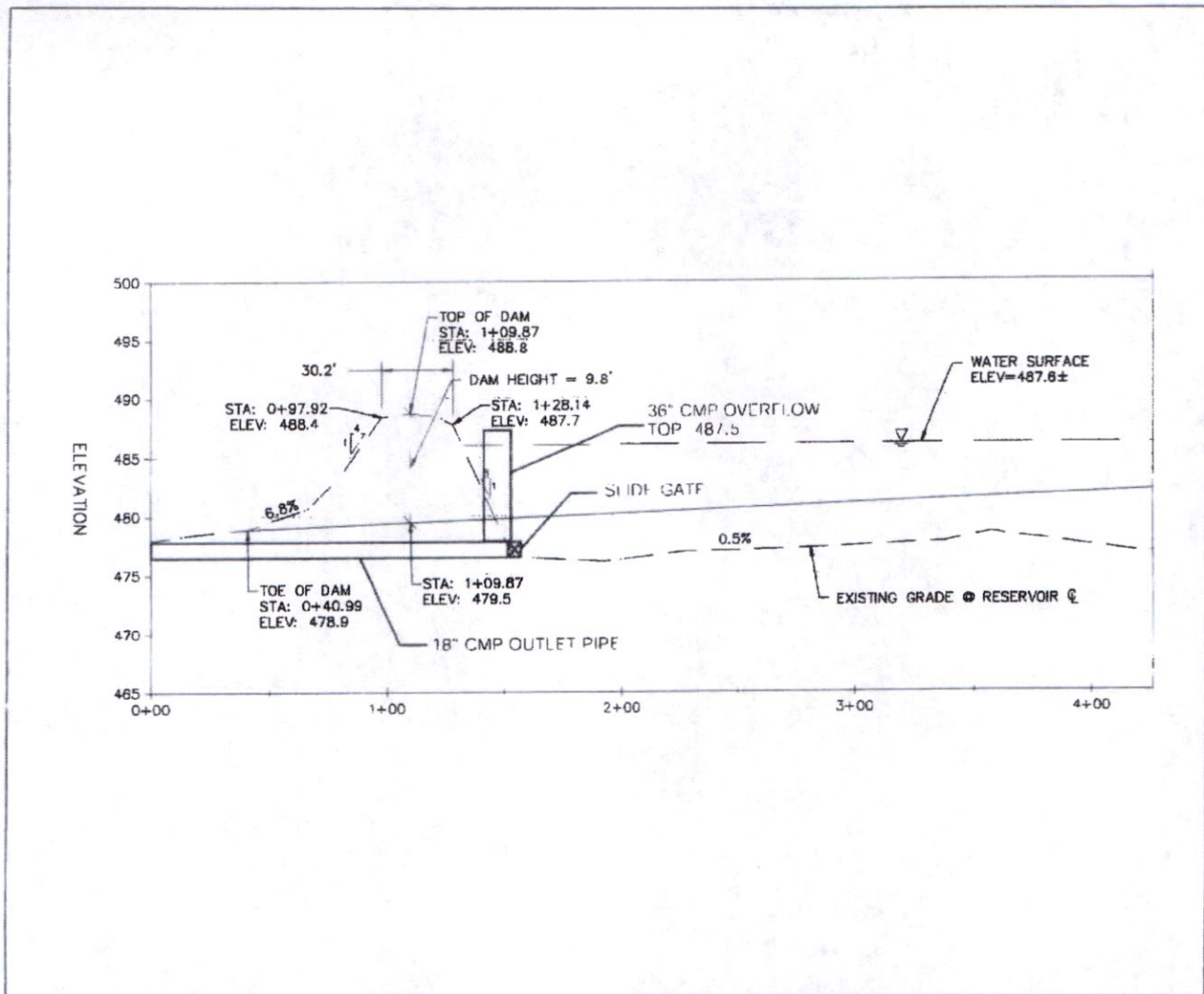
Water from runoff can be stored behind the earthen dam by closing a slide gate (POD). The gate is located on the impoundment side of an 18-inch-diameter CMP outlet pipe that extends beneath the dam. The gate structure includes a vertical 36-inch-diameter CMP overflow pipe connected to the outlet pipe intended to control the maximum height of the impounded water. These features are shown on the drawing on the next page.

The outlet pipe ends downslope of the toe of the dam. Two buried 18-inch-diameter CMP pipes located about 20 feet below of the end of the outlet pipe convey the runoff water to Deer Creek. The location of these structures are indicated on the application map.

The slide gate can be adjusted to pass runoff outside the authorized storage season and to drain the reservoir (if needed).

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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).

9. SIGNATURE

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

Rebecca Began
Applicant Signature

9/12/19
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.

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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: Berger Reservoir 5S5W22TL100 AF=25 Dam Height 9.9

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 measure device needed

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

Who: Agency: Date:

Who: Agency: Date:

Watermaster printed name: Joel Plahn

Watermaster signature:  Date: 9/10/2019

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

NOTE: This completed form must be returned to the applicant

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ODFW Alternate Reservoir Application Review Sheet

This portion to be completed by the applicant.

Applicant Name/Address/Phone/Email: K.A. BERGER FARMS
ATTN Rebecca Berger

Reservoir Name: NA Source: Rain-seep Volume (AF): 25

Twp Rng Sec QQ: 55.5W.522 Basin Name: Deer Creek in-channel
 off-channel

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

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

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

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

4) Would the proposed project pose any other significant detrimental impact to an existing fishery resource locally or downstream?..... YES NO
 Explain below (for example, list STE species or other existing fishery resources that would be impacted negatively.)

Any diversion or appropriation of water for storage during the period _____ through _____ poses a significant detrimental impact to existing fishery resources. (For example, if diversion of water for storage during a certain time period would cause a significant detrimental impact to an existing fishery resource, then ODFW should recommend conditions or limitations.) If NMF fish are present at the project site or point of water diversion then the applicant should be advised that a fish screen consistent with screening criteria will be required.

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

Reservoir collects rain water and surface flow from surrounding fields - No FISH ISSUE

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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Lined area for handwritten notes or responses.

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)

Lined area for handwritten notes or responses.

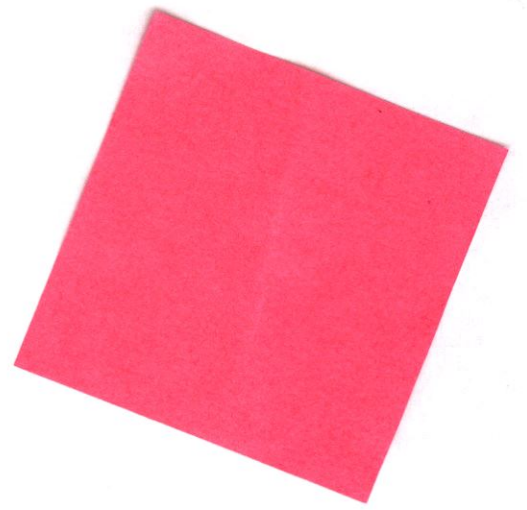
ODFW Signature: Tom Murtagh Print Name: Tom Murtagh
ODFW Title: District Fish Biologist Date: 9-12-2019

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

Revised 10/4/12

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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.

NOTE TO LOCAL GOVERNMENTS

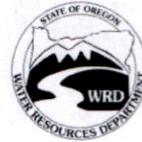
The person presenting the attached Land Use Information Form is applying for or modifying a water right. The Water Resources Department (WRD) requires its applicants to obtain land-use information to be sure the water rights do not result in land uses that are incompatible with your comprehensive plan.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

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Land Use Information Form



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

Applicant(s): K.A. Berger Farms Inc. Attn: Rebecca Berger

Mailing Address: P.O. Box 1359

City: Hillsboro

State: OR

Zip Code: 97123

Daytime Phone: (503) 209-5449

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>5 South</u> | <u>5 West</u> | <u>22</u> | <u>NE SE</u> | <u>100</u> | _____ | <input type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used | <u>No Change</u> |
| <u>5 South</u> | <u>5 West</u> | <u>22</u> | <u>NW SE</u> | <u>100</u> | _____ | <input checked="" type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used | <u>No Change</u> |
| <u>5 South</u> | <u>5 West</u> | <u>22</u> | <u>SE SE</u> | <u>100</u> | _____ | <input type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used | <u>No Change</u> |
| _____ | _____ | _____ | _____ | _____ | _____ | <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) Runoff

Estimated quantity of water needed: 25.0 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:

We propose storing runoff in a reservoir located on our property for multi-purpose use as allowed by the Oregon Water Resources Department.

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Note to applicant: If the Land Use Information Form cannot be completed while you wait, please have a local government representative sign the receipt at the bottom of the next page and include it with the application filed with the Water Resources Department.

See bottom of Page 3. →

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For Local Government Use Only

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

Please check the appropriate box below and provide the requested information

- Land uses to be served by the proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): SECTION 402.02(A) of the YLZO
- 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.

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Name: LANCE WOODS Title: ASSOCIATE PLANNER WRD
 Signature: [Signature] Phone: (503) 434-7516 Date: 09/12/2019
 Government Entity: YAMHILL COUNTY PLANNING

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: _____

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7-15-85

BARGAIN AND SALE DEED

VOL 195 PAGE 2315

KNOW ALL MEN BY THESE PRESENTS, That Kenneth A. Berger and Ruth I. Berger, husband and wife, hereinafter called grantor, for the consideration hereinafter stated, does hereby grant, bargain, sell and convey unto K. A. BERGER FARMS, INC., an Oregon Corporation hereinafter called grantees, and unto grantees' heirs, successors and assigns all of that certain real property with the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, situated in the County of Yamhill, State of Oregon, described as follows, to-wit:

As described in Exhibit A.

There is hereby reserved unto the Grantors as their own property and excepted herefrom, the following:

- A. Ownership and title to all 1980-1981 growing crops which may be harvested prior to October 31, 1981.
- B. Ownership and title to all improvements and buildings, if any, presently located upon the property conveyed hereby, together with the right to permit said buildings and improvements to remain upon said premises without payment of rent; and
- C. The ownership for the joint lifetimes of the Grantors, of all timber, oil and gas and other minerals (other than water rights) as that term is defined under Oregon statute.

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(IF SPACE INSUFFICIENT, CONTINUE DESCRIPTION ON REVERSE SIDE)

To Have and to Hold the same unto the said grantee and grantee's heirs, successors and assigns forever. The true and actual consideration paid for this transfer, stated in terms of dollars, is \$

However, the actual consideration consists of or includes other property or value given or promised which is the whole consideration (indicate which). (The sentence between the symbols @, if not applicable, should be deleted. See ORS 93.030.) In construing this deed and where the context so requires, the singular includes the plural and all grammatical changes shall be implied to make the provisions hereof apply equally to corporations and to individuals.

In Witness Whereof, the grantor has executed this instrument this 29th day of December, 1980; if a corporate grantor, it has caused its name to be signed and seal affixed by its officers, duly authorized thereto by order of its board of directors.

Handwritten signatures of Kenneth A. Berger and Ruth I. Berger.

(If executed by a corporation, affix corporate seal)

STATE OF OREGON, County of Multnomah, December 29, 1980.

STATE OF OREGON, County of Yamhill, ss.

Personally appeared Kenneth A. Berger and Ruth I. Berger, husband and wife, who, being duly sworn, each for himself and not one for the other, did say that the former is the president and that the latter is the secretary of K. A. BERGER FARMS, INC., a corporation, and that the seal affixed to the foregoing instrument is the corporate seal of said corporation and that said instrument was signed and sealed in behalf of said corporation by authority of its board of directors; and each of them acknowledged said instrument to be its voluntary act and deed.

Personally appeared the above named Kenneth A. Berger and Ruth I. Berger, husband and wife, and acknowledged the foregoing instrument to be their voluntary act and deed.

Before me: (OFFICIAL SEAL)



STATE OF OREGON, ss.

05115 17 50 FILED YAMHILL COUNTY, OREGON

I hereby certify that the within was received and duly recorded by me in Yamhill County records:

1985 JUL 16 AM 10:47 CHARLES STERN COUNTY CLERK

GRANTOR'S NAME AND ADDRESS

GRANTEE'S NAME AND ADDRESS

After recording return to:

NAME, ADDRESS, ZIP

Mail if a change is requested all tax statements should be sent to the following address:

Handwritten address: Kenneth A. Berger, 15830 N.W. 2nd Ave., Hill 56010, OR 97124

By: Charles Stern, Deputy

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PARCEL 1: A part of the Miriam Payne Donation Land Claim #73 and the Jacob Hampton Donation Land Claim #71 in Township 5 South, Range 5 West of the Willamette Meridian in Yamhill County, Oregon, more particularly described as follows:

Beginning at a stone on the South line of Claim #73 and 16.47 chains East of the Southwest corner of said Claim; thence North $00^{\circ}8'$ West, 33.19 chains to a stone in the center of the County Road; thence South $89^{\circ}23'$ East along the center of said road, 22.24 chains to a stone; thence South $1^{\circ}03'$ West, 45.88 chains to the Northeast corner of a 16.92 acre tract conveyed by L.A. Courtemache et al. to Merl C. Brown and wife by deed recorded May 31, 1944 in Book 124, Page 423, Deed Record; thence West along the North line of said Brown tract, 21.38 chains to the Northwest corner of said Brown tract; thence North $16'$ East, 12.88 chains to the place of beginning.

PARCEL 2: Part of the Aaron Lynch Donation Land Claim, Notification #2381 in Sections 27 and 28, Township 5 South, Range 5 West of the Willamette Meridian in Yamhill County, Oregon, more particularly described as follows:

Beginning at an iron shaft $1\frac{1}{4}$ inches by 18 inches set at a point 4.70 chains East of the corner to Sections 27, 28, 33 and 34 in said Township and Range; thence North $24'$ West, 24.90 chains; thence South $89^{\circ}58'$ West, 24.112 chains; thence South 25.00 chains to the South line of said Claim; thence East 24.98 chains to the place of beginning.

PARCEL 3: Part of the Miriam Payne Donation Land Claim #73 in Township 5 South, Range 5 West of the Willamette Meridian in Yamhill County, Oregon, more particularly described as, Beginning at a stone at the Southwest corner of said Donation Land Claim and running thence East 16.48 chains to a stone; thence North 33.19 chains to a point in County Road 30 feet North of a stone set for witness corner; thence North $89\frac{1}{4}^{\circ}$ West 16.61 chains to a stone set in County Road on the West line of said Donation Land Claim; thence South 33.40 chains to the place of beginning.

PARCEL 4: Part of the Aaron Lynch Donation Land Claim in Sections 27 and 28, Township 5 South, Range 5 West of the Willamette Meridian in Yamhill County, Oregon, described as, Beginning at the Northeast corner of the land conveyed by David Lynch and wife to J. F. Spencer by Deed dated November 3, 1879 and recorded in Volume "S", Page 408, Deed Records of Yamhill County, Oregon; thence running North 30.00 chains to the land conveyed by Aaron Lynch and wife to Hathaway Yocum by deed dated December 17, 1868 and recorded in Volume "I", Page 202 of the Deed Records of Yamhill County, Oregon; thence West 40.00 chains; thence South 30.00 chains; thence East 40.00 chains to the place of beginning.

PARCEL 5: Part of the Aaron Lynch Donation Land Claim in Sections 27 and 28, and part of the Jacob Hampton Donation Land Claim #71 in Township 5 South, Range 5 West of the Willamette Meridian in Yamhill County, Oregon, described as, Beginning at an iron shaft $1\frac{1}{4}$ inches by 18 inches set 4.70 chains East of the corner to Sections 27, 28, 33 and 34 and on the South line of the Aaron Lynch Donation Land Claim; thence East along the South line of the said Lynch Donation Land Claim, and along the Section line between said Sections 27 and 34 above named, 32,083 chains to an iron rod $\frac{1}{2}$ inch by 36 inches from which an oak 18 inches in diameter bears North $37^{\circ}30'$ West 25 links distant; thence running North $20'$ East 21.126 chains to a stone set on the North line of the said Jacob Hampton Donation Land Claim and set for the Northeast corner of a certain 34 acre tract described in deed recorded at Page 105 of Book 43 of Deed Records for said Yamhill County, Oregon; thence South $89^{\circ}54'$ West with the North line of said Hampton Donation Land Claim, 16.466 chains to a stone set for the Northwest corner of said Hampton Claim; thence North $22'$ West 3.80 chains to a stone set for the Northeast corner of that certain 100 acre tract described in deed recorded on Page 105, Book 43, Record of Deeds for said Yamhill County, Oregon; thence South $89^{\circ}58'$ West along the true North line of said 100 acre tract, 15.88 chains to an iron rod 1 inch by 36 inches in ground; thence South $24'$ East 24.90 chains to the place of beginning.

PARCEL 6: Beginning at a point 29.83 chains West of the Southeast corner of the George F. Hibler Donation Land Claim, Notification #2372, Claim #50 in Township 5 South, Range 5 West of the Willamette Meridian in Yamhill County, Oregon; thence South 32.50 chains to an iron pin in the County Road; thence North $89\frac{1}{4}^{\circ}$ West 65.2 links to a rock; thence North 75 links to a rock from which an oak bears North 41° West 104 links; thence

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West 28.71 chains to the Southeast corner of "Frost" Lands; thence North 25° East 10.51 chains to a post from which an oak bears South 75° East 18 links; thence North 7° West, 2 Chains; thence North 38°30' West 2.51 chains to an oak on the North bank of Deer Creek; thence North 67° East 4.12 chains; thence North 16.50 chains to a stone set on the South line of said George F. Hibler Donation Land Claim; thence East 21.92 chains to the place of beginning

PARCEL 7: Beginning at a point on the South line of the George F. Hibler Donation Land Claim, Notification #2372, Claim #50 in Township 5 South, Range 5 West of the Willamette Meridian in Yamhill County, Oregon, 30.40 chains West of the Southeast corner of said Donation Land Claim, which is the Northwest corner of a 10 acre tract conveyed to E. P. Casey by Freeman L. Jones by deed recorded July 1, 1910 in Book 58, Page 474, Deed Records; thence South 32.50 chains to an iron pipe in County Road; thence South 89°05' East, 3.105 chains; thence North 32.25 chains to the South line of said Donation Land Claim; thence West 3.105 chains to the place of beginning.

PARCEL 8: Beginning at the Southeast corner of the George F. Hibler Donation Land Claim in Township 5 South, Range 5 West of the Willamette Meridian in Yamhill County, Oregon, from which an oak 12 inches in diameter bears North 63° West 39.2 links distant; thence North 2.08 chains to the South line of Gunning roadway; thence South 87° East along the South line of said roadway, 30.10 chains to the center of the County Road; thence South 2° West along the center of said roadway, 30.60 chains to the Northeast corner of School Lot; thence North 89°15' West, 3.16 chains to the Northwest corner of the School Lot; thence South 2° West, 3.16 chains to the center of County Road; thence North 89°15' West, 52.425 chains to the Southeast corner of the 10 acre tract heretofore sold to Ed Casey and Lilly Casey, his wife by deed recorded in Book 58, Page 474, Deed Records; thence North along the East line of said Casey tract, 32.50 chains to the Northeast corner of said Casey tract; thence East 26.725 chains to the place of beginning.

PARCEL 9: Beginning at a point 2.49 chains North of the Southeast corner of the George F. Hibler Donation Land Claim, Notification #2372, Claim #50 in Township 5 South, Range 5 West of the Willamette Meridian in Yamhill County, Oregon, said beginning point being the Southwest corner of that certain tract conveyed by John J. Henderson to William Goffrier by deed recorded July 13, 1900 in Book 40, Page 55, Deed Records; thence South 87° East along the South line of said Wm. Goffrier's lands, 29.60 chains to the center of the County Road; thence South 2 1/4° West, 35 feet; thence North 87° West on a line parallel with said Goffrier's South line, 29.60 chains to the East line of said Donation Land Claim; thence North 35 feet to the place of beginning.

PARCEL 10: Part of the Robert Henderson Donation Land Claim #49 in Township 5 South, Range 5 West of the Willamette Meridian in Yamhill County, Oregon, described as, Beginning at the Northwest corner of said Donation Land Claim; thence running South 89°15' East along the road now there, 32.85 chains to the intersection of County Road running Southerly through said Donation Land Claim; thence South 21 1/2° West along the County Road last named, 34.85 chains; thence South and following along said road, 21 1/2° East, 9.08 chains; thence South 5 1/2° West following along said road 34.20 chains to the South line of said Donation Land Claim; thence North 84°45' West along the South line of said Claim, 19.38 chains to the Southwest corner of said Claim; thence North 74.70 chains along the West line of said Claim to the place of beginning.

PARCEL 11: The Davis Boyce Donation Land Claim, Notification #6988, being Lot 1, Section 15 and Lots 1, 2, 3, 4, 5, 6, 7 and 8, Section 22, Township 5 South, Range 5 West of the Willamette Meridian in Yamhill County, Oregon, EXCEPT 59.59 acre tract conveyed by John J. Henderson to Lewis K. Wallace by deed recorded August 28, 1869 in Book "I", Page 391, Deed Records; ALSO EXCEPT a 30.59 acre tract conveyed by J. J. Henderson et ux. to Josephine Jones by deed recorded May 24, 1875 in Book "O", Page 217, Deed Records.

PARCEL 12: Being a part of the Robert Henderson Donation Land Claim #49, Notification #2383 in Section 23, Township 5 South, Range 5 West of the Willamette Meridian in Yamhill County, Oregon, and beginning at a point on the Westerly side of the re-located Stufield Bridge Section of Market Road

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#28, said point being 30 feet from and at right angles to center line Station #122+87.7 and said point being 40.06 chains South and 60.38 chains West from the Northeast corner of said Henderson Claim; thence North 24°08' West along the center of an old road now abandoned, 282.8 feet to angle; thence North 15°30' West 236.0 feet to angle; thence North 21°30' East, 315.0 feet to the Westerly margin of New location; thence Southerly following Westerly margin of New Location 30 feet from center line of an 8° curve with central angle of 27°06' for 139.4 feet to point 30 feet from and at right angles to center line Station 116+45/4; thence South 5°36' East, 642.3 feet to the place of beginning.

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Alternate Reservoir Application Completeness Checklist

This is the checklist used by WRD staff

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

Minimum Requirements (ORS 537.409)

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

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

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