

380 Q Street, Ste 200
Springfield, Oregon 97477
(541) 302-9790
Scottmorris@ao-engr.com



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MAY 22 2020

OWRD

LETTER OF TRANSMITTAL

Date: May 21, 2020

Re: Progressive Design Property

TO: Cory Middleton
OWRD

From: Scott Morris, PE

WE ARE SENDING YOU...

QTY	DESCRIPTION
1	Store Water Application – Revised per completeness check
1	Site map – Revised per completeness check
1	Land Use Information Form - 1 st page included
1	Copy of deed for property
1	Application Fee – Check #6342

- For your use As requested Approved as submitted
 For approval Returned for correction Approved as noted
 For review & comment For your distribution

Cory,

Included with this packet are revised documents per your letter dated 4/8/2020 and our subsequent phone conversation. Please don't hesitate to call with any questions or clarifications.

Signature:

Scott Morris, PE

Application for a Permit to Store Water in a Reservoir

(Standard Review)



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

You must use this form for any reservoir storing more than 9.2 acre-feet and with a dam more than 10 feet high.

SECTION 1: APPLICANT INFORMATION AND SIGNATURE

Applicant

NAME Stephan Smith		PHONE (HM) RECEIVED	
PHONE (WK) (541) 740-2948	CELL	FAX MAY 22 2020	
ADDRESS P.O. Box 727			OWRD
CITY Albany	STATE OR	ZIP 97321	E-MAIL * stephan_smith@comcast.net

Organization

NAME Progressive Design Builders		PHONE	FAX
ADDRESS Same as applicant			CELL
CITY	STATE	ZIP	E-MAIL *

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

AGENT / BUSINESS NAME A & O Engineering LLC		PHONE (541) 302-9790	FAX
ADDRESS 380 Q Street, Ste 200			CELL
CITY Springfield	STATE OR	ZIP 97477	E-MAIL * scottmorris@ao-engr.com

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 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 packet.
- I cannot legally store water until the Water Resources Department issues a permit to me.
- 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 get 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 get 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

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.

Affected Landowners: List the names and mailing addresses of all the 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.

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SECTION 3: SOURCE OF WATER

A. Reservoir Name: _____

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B. Source: Provide the name of the water body or other source from which water will be diverted, and the name of the stream or lake it flows into. Indicate if source is run-off, seepage, or an unnamed stream or spring.

Source 1: Surface Run-off Water	Tributary to:
TRSQQ of POD:	
Source 2:	Tributary to:
TRSQQ of POD:	

- Is the proposed reservoir in a wetland (as determined by DSL)? Yes No Don't know
- Is the proposed reservoir an enlargement of an existing dam/reservoir? Yes No
- Is the proposed reservoir in-channel of a stream or off-channel: In-channel Off-Channel
- If the reservoir is proposed to be in-channel, is the stream: Perennial Intermittent Ephemeral
- If the reservoir is proposed to be in-channel, has ODFW determined that native migratory fish are present?
 Yes No Don't know
- Is the reservoir in the 100-year floodplain? Yes No Don't know
- If the reservoir is not in the channel of a stream, state how it is to be filled:

The water in the pond is groundwater in the winter (dries out in summer). There is also some run-off from adjacent properties. No river, stream or channel diverted to ponds.

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, refer to the map shown on 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 TRSQQ 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.

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

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

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Yes No

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 prior to diversion or use of water under any permit issued pursuant to this application.

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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:

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

- a) The use of the impounded water will be: no specific use - Aesthetic only
- b) The amount of water to be stored is: 39.3 acre-feet.
- c) The area submerged by the reservoir, when filled, will be 4.9 acres.

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SECTION 6: DAM HEIGHT AND COMPOSITION

The maximum height of the structure will be Zero feet above streambed or ground surface at the centerline of the crest of the dam.

Attach preliminary plans, specifications and supporting information for the dam and impoundment area including 1) dam height, 2) width, 3) crest width, 4) surface area and 5) preliminary fish passage design.

Note: If your dam height is greater than or equal to 10.0' above land surface AND your reservoir will store equal to or greater than 9.2 acre-feet, engineered plans and specifications must be approved by the Department's Dam Safety Section prior to storage of water.

The dam will be (check one): Earthfill Concrete Flash board Other

If "other," provide the description: There is no dam

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SECTION 7: PRIMARY OUTLET WORKS

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a) Describe the location and the dimensions of the outlet conduit through the dam:

NOTE: Most dams across a natural stream channel will need an outlet conduit having a minimum diameter of 8 inches or greater.

There is no specific outlet. Any overflow would flow naturally overland to Calapooia River

b) How and when will the outlet be operated?

N/A

c) If ODFW has determined fish are present in the stream, how do you propose to protect fish through the outlet conduit (the conduit does not constitute fish passage)?

N/A

SECTION 8: EMERGENCY SPILLWAY

a) Describe the location and the dimensions of the spillway channel.

There is no spillway channel

b) How will the emergency spillway be designed to prevent erosion?

N/A

c) What is the maximum design flow for the spillway? (Should be able to handle high flow events. 10-year flood events? 50-year flood events?)

N/A

SECTION 9: WATER QUALITY

- a) Describe how the reservoir will be managed to maintain water quality in the reservoir and downstream.
Run-off from adjacent land would be overflow from vegetative treatment facilities.
- b) Describe how the perimeter of the reservoir will be buffered to limit nutrient and bacteria contamination.
The perimeter is vegetated and will continue to provide treatment for surface flow.
- c) Describe how annual maintenance of the reservoir will be accomplished without discharging contaminated water instream.
There is no maintenance plan for the pond as it dries out in the summer months.

SECTION 10: PROJECT SCHEDULE (List Month and Year)

- a) Proposed date construction work will begin: These two ponds were constructed by a previous
(Fish passage approval is necessary prior to construction.) property owner in 2007. The generated
- b) Proposed date construction work will be completed: _____ material was used as fill on adjacent property
- c) Proposed date water use will be completed: The water is not proposed to be used.

SECTION 11: 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 12: REMARKS

Use this space to clarify any information you have provided in the application.

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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 sections are completed. 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: Dam Height and Composition
- SECTION 7: Primary Outlet Works
- SECTION 8: Emergency Spillway
- SECTION 9: Water Quality
- SECTION 10: Project Schedule
- SECTION 11: Within a District
- SECTION 12: 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: \$ 1,794⁰⁰
See the Department's Fee Schedule at www.oregon.gov/owrd or call (503) 986-0900.
- Map that includes the following items:
 - Map must be prepared by a Certified Water Rights Examiner
 - 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 public-land survey corner on map
 - Location of each dam 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)

Please note that a secondary application is required if there are out-of-reservoir uses associated with this application.

Water-Use Permit Application Processing

1. Completeness Determination

The Department evaluates whether the application and accompanying map contain all of the information required under OAR 690-310-0040 and OAR 690-310-0050. The Department also determines whether the proposed use is prohibited by statute. If the Department determines that the application is incomplete, all fees have not been paid, or the use is prohibited by statute, the application and all fees submitted are returned to the applicant.

2. Initial Review

The Department reviews the application to determine whether water is available during the period requested, whether the proposed use is restricted or limited by rule or statute, and whether other issues may preclude approval of or restrict the proposed use. An Initial Review (IR) containing preliminary determinations is mailed to the applicant. The applicant has 14 days from the mailing date to withdraw the application from further processing and receive a refund of all fees paid minus \$260. The applicant may put the application on hold for up to 180 days and may request additional time if necessary.

3. Public Notice

Within 7 days of the mailing of the initial review, the Department gives public notice of the application in the weekly notice published by the Department at www.oregon.gov/owrd. The public comment period is 30 days from publication in the weekly notice.

4. Proposed Final Order Issued

The Department reviews any comments received, including comments from other state agencies related to the protection of sensitive, threatened or endangered fish species. Within 60 days of completion of the IR, the Department issues a Proposed Final Order (PFO) explaining the proposed decision to deny or approve the application. A PFO proposing approval of an application will include a draft permit, and may request additional information or outstanding fees required prior to permit issuance.

5. Public Notice

Within 7 days of issuing the PFO, the Department gives public notice in the weekly notice. Notice includes information about the application and the PFO. Protest must be received by the Department within 45 days after publication of the PFO in the weekly notice. Anyone may file a protest. The protest filing fee is \$410.00 for the applicant and \$810.00 for non-applicants. Protests are filed on approximately 10 percent of Proposed Final Orders. If a protest is filed the Department will attempt to settle the protest but will schedule a contested case hearing if necessary.

6. Final Order Issued

If no protests are filed, the Department can issue a Final Order within 60 days of the close of the period for receiving protest. If the application is approved, a permit is issued. The permit specifies the details of the authorized use and any terms, limitations or conditions that the Department deems appropriate

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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): _____
- 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:	
Conditional Use Permit	Brownsville Code Ch. 15.125 CUP Process Brownsville Code Ch. 15.100 PUD Process	<input checked="" 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: S. Scott McDowell/Elizabeth Coleman Title: City Administrator/Planning

Signature: Phone: (541) 466-5880 Date: 03.17.2020

Government Entity: City of Brownsville, OR 97327

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: _____

Land Use Information Form



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

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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



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

Applicant: Stephan Smith
First Last

Mailing Address: P.O. Box 727

Albany OR 97321 Daytime Phone: (541) 740-2948
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 ¼	Tax Lot #	Plan Designation (e.g., Rural Residential/RR-5)	Water to be:			Proposed Land Use:
13S	03W	36		900	EFU / LD	<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	
						<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:

Linn County, City of Brownsville

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) Overflow from adjacent property

Estimated quantity of water needed: Zero
 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 Store run-off from adjacent

Briefly describe:

The two ponds are existing on the property and are intended to store run-off from a residential subdivision on adjacent property. The stormwater will be treated prior to routing to ponds. There is no water being diverted from the Calapooia River to these ponds.

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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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): _____
- 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 checked="" type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
Conditional Use Permit	Brownsville Code Ch. 15.125 CUP Process Brownsville Code Ch. 15.100 PUD Process	<input checked="" 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

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Receipt for Request for Land Use Information

Applicant name: _____

City or County: _____ Staff contact: _____

Signature: _____ Phone: _____ Date: _____



After recording return to:
Progressive Design Builders, Inc
PO Box 727
Albany, OR 97321

Until a change is requested all tax
statements shall be sent to the
following address:
Progressive Design Builders, Inc
PO Box 727
Albany, OR 97321

File No.: 7091-2845369 (SC)
Date: April 07, 2017

THIS SPACE RESERVED FOR RECORDER'S USE

OWRD

LINN COUNTY, OREGON **2017-06697**
D-WD
Stn=0 S. WILSON **04/14/2017 11:11:00 AM**
\$20.00 \$11.00 \$10.00 \$20.00 \$19.00 **\$80.00**

I, Steve Druckenmiller, County Clerk for Linn County, Oregon, certify
that the instrument identified herein was recorded in the Clerk
records.

Steve Druckenmiller - County Clerk

STATUTORY WARRANTY DEED

818 Baker, LLC, an Oregon Limited Liability Company, Grantor, conveys and warrants to Progressive Design Builders, Inc, an Oregon corporation, Grantee, the following described real property free of liens and encumbrances, except as specifically set forth herein:

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

See Attached Exhibit "A"

Subject to:

1. Covenants, conditions, restrictions and/or easements, if any, affecting title, which may appear in the public record, including those shown on any recorded plat or survey.

The true consideration for this conveyance is **\$695,000.00**. (Here comply with requirements of ORS 93.030)

2845369

FIRST AMERICAN

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RECEIVED

153 31 7AM

APN: 289799

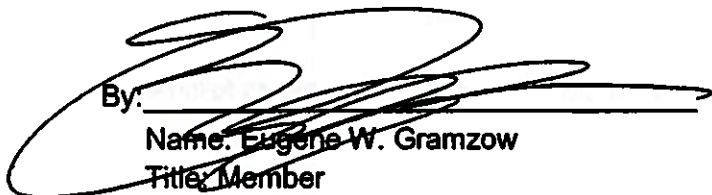
Statutory Warranty Deed
- continued

File No.: 7091-2845369 (SC)

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

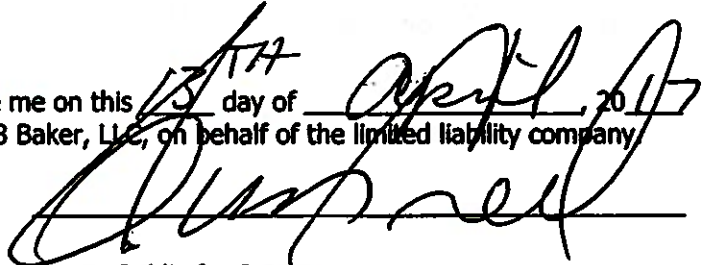
Dated this 13th day of April, 2017.

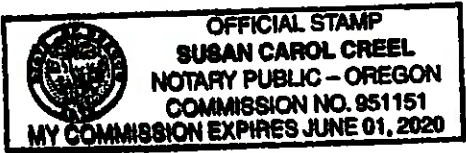
818 Baker, LLC, an Oregon limited liability company

By: 
Name: Eugene W. Gramzow
Title: Member

STATE OF Oregon)
)ss.
County of Linn)

This instrument was acknowledged before me on this 13th day of April, 2017
by Eugene W. Gramzow as Member of 818 Baker, LLC, on behalf of the limited liability company


Notary Public for Oregon
My commission expires: 6-1-2020



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EXHIBIT A

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

PARCEL I:

BEGINNING ON THE DONATION LAND CLAIM OF ALEXANDER KIRK AND WIFE, NOTIFICATION NO. 2136, CLAIM 37 IN TOWNSHIP 13 SOUTH, RANGE 3 WEST, OF THE WILLAMETTE MERIDIAN, IN THE COUNTY OF LINN AND STATE OF OREGON, AT AN IRON PIN SET AT THE INTERSECTION OF A LINE DRAWN PARALLEL WITH AND 11.75 CHAINS DISTANT FROM THE WEST BOUNDARY OF SAID CLAIM WITH A LINE DRAWN PARALLEL WITH AND 22.43 CHAINS DISTANT FROM THE NORTH BOUNDARY OF SAID CLAIM; AND RUNNING FROM THENCE SOUTH PARALLEL WITH THE WEST BOUNDARY LINE OF SAID CLAIM 3.58 CHAINS TO AN IRON PIN; THENCE EAST PARALLEL WITH THE NORTH BOUNDARY OF SAID CLAIM 3.50 CHAINS TO AN IRON PIN; THENCE SOUTH 25° 30' EAST, 3.91 CHAINS TO AN IRON PIN; THENCE SOUTH 7° 10' EAST, 5.05 CHAINS TO AN IRON PIN SET 488 FEET NORTH AND 1,219.5 FEET WEST OF THE NORTH WEST CORNER OF BLOCK 6 OF HAUSMAN'S ADDITION TO NORTH BROWNSVILLE, IN LINN COUNTY, OREGON; THENCE EAST 494 FEET; THENCE NORTH 2.72 CHAINS TO AN IRON PIN; THENCE SOUTH 83° 45' EAST, 1.83 CHAINS TO AN IRON PIN; THENCE SOUTH 68° 15' EAST, 2.40 CHAINS TO AN IRON PIN; THENCE SOUTH 54° 4' EAST, 2.51 CHAINS TO AN IRON PIN SET ON THE WEST LINE OF THE RIGHT-OF-WAY OF THE OREGONIAN RAILWAY; THENCE EAST TO THE EAST LINE OF SAID RIGHT-OF-WAY; THENCE FOLLOWING THE EAST BOUNDARY OF SAID RIGHT-OF-WAY ON A 6° CURVE DEFLECTING TO THE LEFT WITH A RADIUS OF 955.37 FEET TO A POINT DUE EAST OF AN IRON PIN SET ON THE WEST LINE OF SAID RIGHT-OF-WAY 28.01 CHAINS SOUTH OF THE NORTH LINE OF SAID CLAIM; THENCE NORTHERLY ALONG THE EAST LINE OF SAID RIGHT-OF-WAY TO ITS INTERSECTION WITH A LINE DRAWN PARALLEL WITH THE NORTH BOUNDARY OF SAID CLAIM THROUGH SAID PLACE OF BEGINNING; THENCE WEST PARALLEL WITH THE NORTH BOUNDARY OF SAID CLAIM TO AN IRON PIN SET ON THE WEST LINE OF SAID RIGHT-OF-WAY; THENCE WEST PARALLEL WITH THE NORTH BOUNDARY OF SAID CLAIM 16.07 CHAINS TO BEGINNING, SUBJECT TO SAID RIGHT- OF-WAY AND CONTAINING EXCLUSIVE OF SAID RIGHT-OF-WAY.

Also:

BEGINNING ON SAID CLAIM AT SAID IRON PIN SET 488 FEET NORTH AND 1,219.5 FEET WEST OF THE NORTHWEST CORNER OF SAID BLOCK 6 OF SAID HAUSMAN'S ADDITION TO NORTH BROWNSVILLE, IN LINN COUNTY, OREGON; AND RUNNING FROM THENCE NORTH 7° 10' WEST, 5.05 CHAINS TO AN IRON PIN; THENCE NORTH 25° 30' WEST, 3.91 CHAINS TO AN IRON PIN; THENCE WEST 3.50 CHAINS TO AN IRON PIN; THENCE SOUTH PARALLEL WITH THE WEST BOUNDARY OF SAID CLAIM TO THE CENTER OF THE MAIN CHANNEL OF THE CALAPOOIA RIVER; THENCE UP THE CENTER OF THE MAIN CHANNEL OF SAID RIVER TO A POINT DUE WEST OF THE PLACE OF BEGINNING; THENCE EAST TO THE PLACE OF BEGINNING, ALL IN LINN COUNTY, OREGON;

PARCEL II:

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BEGINNING AT AN IRON PIN SET ON THE WESTERN LINE OF THE RIGHT-OF-WAY OF THE OREGONIAN RAILWAY AT A POINT 605.50 FEET WEST OF THE NORTHWEST CORNER OF BLOCK 6 IN HAUSMAN'S ADDITION TO NORTH BROWNSVILLE, IN LINN COUNTY, OREGON, AS THE SAME APPEARS ON THE RECORDED PLAT THEREOF; AND RUNNING FROM THENCE NORTH 20 FEET TO AN IRON PIN; THENCE WEST 120 FEET TO AN IRON PIN; THENCE NORTH 9.81 CHAINS TO AN IRON PIN; THENCE SOUTH 83° 45' EAST, 1.83 CHAINS TO AN IRON PIN; THENCE SOUTH 68° 15' EAST, 2.40 CHAINS TO AN IRON PIN; THENCE SOUTH 54° 4' EAST, 2.51 CHAINS TO AN IRON PIN SET ON THE WESTERN BOUNDARY OF SAID RIGHT-OF-WAY; THENCE EAST TO THE EASTERN BOUNDARY OF SAID RIGHT-OF-WAY; THENCE SOUTHERLY ALONG THE EASTERN LINE OF SAID RIGHT- OF-WAY ON A 6° CURVE DEFLECTING TO THE RIGHT WITH A RADIUS OF 955.37 FEET TO A POINT DUE EAST OF THE PLACE OF BEGINNING; AND THENCE WEST TO THE PLACE OF BEGINNING, SUBJECT TO THE SAID RIGHT-OF- WAY AND CONTAINING EXCLUSIVE OF SAID RIGHT-OF-WAY IN LINN COUNTY, OREGON.

NOTE: This Legal Description was created prior to January 01, 2008.

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Oregon
Kate Brown, Governor

Water Resources Department
725 Summer St NE, Suite A
Salem, OR 97301
(503) 986-0900
Fax (503) 986-0904

May 27, 2020

Dear Applicant:

The Oregon Water Resources Department has received your application to store water in a reservoir under the Standard Review process. Your application has been assigned file number **R-88821**. Please refer to this number when contacting the Department. Should you have any questions about your application, please contact the following Water Rights Specialist assigned to your application:

Kim French, Water Rights Specialist	Phone: 503-986-0816
	Email: kim.r.french@oregon.gov

A description of the steps that are used for processing an application to stored water in a reservoir are shown on the reverse side of this letter. Also included with this letter is a form to be completed by the Department of State Lands to determine if wetlands or other regulated water bodies (such as creeks) are in the project area.

The Department's goal is to process applications within statutory deadlines. The first step in the standard process is generate an Initial Review, which summarizes the Department's preliminary determinations. Reservoir applications typically receive an Initial Review in approximately two to three months. Copies of the Initial Review, Proposed Final Order, and Final Order will be mailed to you.

Please note that your application is subject to review and comment from other state agencies and interested parties.

Sincerely,

Judy Ferrell
Customer Service Representative
Oregon Water Resources Department

cc: A & O Engineering LLC
File

Encl. - DSL Wetland Offsite Form

Water-Use Permit Application Processing Steps

Oregon Water Resources Department

Standard Review Process for a Reservoir Application:

1. Initial Review

The Department reviews the application to determine whether water is available during the period requested, whether the proposed use is restricted or limited by rule or statute, and whether other issues may preclude approval of or restrict the proposed use. An Initial Review (IR) containing preliminary determinations is mailed to the applicant. The applicant has 14 days from the mailing date to withdraw the application from further processing and receive a refund of all fees paid minus \$260. The applicant may put the application on hold for up to 180 days and may request additional time if necessary.

2. Public Notice

Within 7 days of the mailing of the Initial Review, the Department gives public notice of the application in the weekly notice published by the Department at www.oregon.gov/owrd. The public comment period is 30 days from publication in the weekly notice.

3. Proposed Final Order Issued

The Department reviews any comments received, including comments from other state agencies related to the protection of sensitive, threatened or endangered fish species. Within 60 days of completion of the Initial Review, the Department issues a Proposed Final Order (PFO) explaining the proposed decision to deny or approve the application. A PFO proposing approval of an application will include a draft permit, and may request additional information or outstanding fees required prior to permit issuance.

4. Public Notice & Protest Opportunity

Within 7 days of issuing the PFO, the Department gives public notice in the weekly notice. Notice includes information about the application and the PFO. A protest must be received by the Department within 45 days after publication of the PFO in the weekly notice. Anyone may file a protest. The protest filing fee is \$410.00 for the applicant and \$810.00 for non-applicants. Protests are filed on approximately 10 percent of Proposed Final Orders. If a protest is filed the Department will attempt to settle the protest but will schedule a contested case hearing, if necessary.

5. Final Order Issued

If no protests are filed, the Department can issue a Final Order within 60 days of the close of the period for receiving protest. If the application is approved, a permit is issued. The permit will specify the details of the authorized use and any terms, limitations or conditions that the Department deems appropriate.