



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

RECEIVED Application for a Permit to
Store Water
in a Reservoir
 (Alternate Review)

JUN 05 2020

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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: R&B Kauer Properties, LLC attn: Dave Kauer
First Last

Mailing Address: PO Box 783

McMinnville Oregon 97128
City State Zip

Phone: _____
Home Work Other

Fax: _____ E-Mail Address*: davidk755@yahoo.com

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

2. AGENT INFORMATION

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

Agent: William Ferber/BK Water Right Consulting
First Last

Mailing Address: PO Box 13434

Salem Oregon 97309
City State Zip

Phone: N/A 503.910.9212 N/A
Home Work Other

Fax: 1 503.339.9536 E-Mail Address*: bill@bkwrc.com

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

3. LOCATION AND SOURCE

A. Reservoir Name: Unnamed Pond

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

C. County in which diversion occurs: Yamhill

App. No. _____	For Department Use Permit No. _____	Date _____
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D. Reservoir Location

Township (N or S)	Range (E or W)	Section	quarter/quarter	tax lot number
4 S	4 W	29	SE/SE	3100

E. Dam: Maximum height of dam: 6.0 feet. If excavated, write "zero feet".

F. Quantity: Amount of water to be stored in the reservoir at maximum capacity. List volume in acre-feet: 13.2

Acre-feet = $\frac{(\text{Average Length})(\text{Average Width})(\text{Average Depth})}{43,560}$

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4. WATER USE

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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

5. PROPERTY OWNERSHIP

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

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

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

There are no encumbrances

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

No (Please check the appropriate box below)

I have a recorded easement or written authorization permitting access.

I do not currently have written authorization or easement permitting access.

Written authorization or an easement is not necessary, because the only affected lands I do not own are state-owned submersible lands, and this application is for irrigated and/or domestic use only (ORS 274.040).

(Do not check this box if you described your use as "Multipurpose" in #3 above.)

List the names and mailing addresses of all affected landowners:

6. ENVIRONMENTAL IMPACT

- A. **Channel:** Is the reservoir: in-stream or off channel?
- B. **Wetland:** Is the project in a wetland? Yes No Don't know
- C. **Existing:** Is this an existing reservoir? Yes No
If yes, how long has it been in place? at least 50 years.
- D. **Fish Habitat:** Is there fish habitat upstream of the proposed structure? Yes No Don't know
If yes, how much? _____ miles.
- E. **Partnerships:** Have you been working with other agencies? Yes No
Indicate agency, staff and phone numbers of those involved. Also indicate any agencies that are cost sharing in this project.

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7. WITHIN A DISTRICT

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

Irrigation District Name	Address	
City	State	Zip

8. DESCRIPTION

Provide a description of the design and operation of the proposed diversion, including a description of how live flow will be passed outside the authorized storage season. Use this space for narrative. You may also provide narrative and sketches on separate pages.

The reservoir was a natural pond that has been deepened and a flash board dam structure is in place. After irrigation season begins three feet of flash boards are installed to store water. Typically there is no live flow when the boards are installed. If live flow ever becomes present methods will be put in place to pass all live flow.

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

Please see attached drawing.

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9. SIGNATURE

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

B. Kaucer

Applicant Signature

6-7-20

Date

Before you submit your application be sure you have:

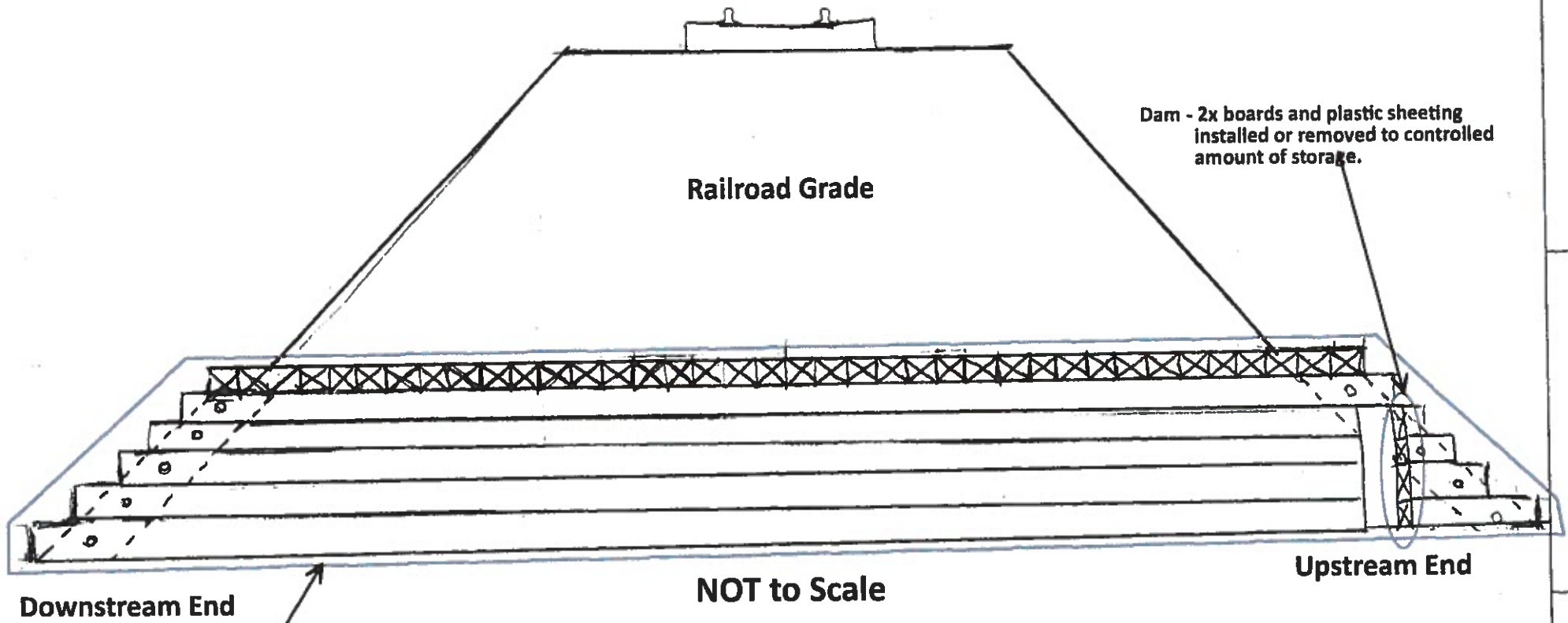
- Answered each question completely.
- Included a legible map that includes Township, Range, Section, quarter-quarter and tax lot number.
- The map must meet map requirements to be accepted.
- Included a land use form or receipt stub signed by a local planning official.
- Included a check payable to Oregon Water Resources Department for the appropriate amount.

Kauer - Martin Farm Pond

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Dam - 2x boards and plastic sheeting installed or removed to controlled amount of storage.

Railroad Grade

Upstream End

Downstream End

NOT to Scale

Timber cribbed box culvert through Railroad Grade approximately 4.5 ft wide by 6.5 ft high.

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: R & B Kauer Properties LLC 4S 4W Sec 29 SWSE

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1) Does the proposed reservoir have the potential to injure existing water rights? NO YES

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Explain:

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2) Can conditions be applied to mitigate the potential injury to existing water rights? NA NO YES

If YES, which conditions are recommended:

No - measure condition 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: 2/28/2020

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

NOTE: This completed form must be returned to the applicant

ODFW Alternate Reservoir Application Review Sheet

This portion to be completed by the applicant.

Applicant Name/Address/Phone/Email: R&B Kauer Properties, LLC, Dave Kauer/PO Box 783, McMinnville, OR 97128/503-835-1006/davidk755@yahoo.com

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Reservoir Name: Kauer Reservoir **Source:** Runoff **Volume (AF):** 13.2

Twp Rng Sec QQ: T4S R4W S29&32 SESE **Basin Name:** South Yamhill River

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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)

*Based on available information, the proposed use does not appear to involve instream structures that would create or maintain an artificial obstruction. However, if the applicant creates or maintains an artificial obstruction to fish passage for the proposed use, the applicant will need to address Oregon's fish passage laws.

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 June-October 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.

ESA-listed fish (spring Chinook Salmon, winter steelhead) and state sensitive species (Coastal Cutthroat Trout, Pacific Lamprey) are present in the South Yamhill River during the period of impact. Instream flows to fulfill C59461 for aquatic life are not being met partially or wholly during the period of impact. Based on parameters assessed by ODFW, instream flows are currently below those essential to support the biological needs of an existing fishery resource during June-October. The

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)

proposed use will diminish physical habitat and alter the flow regime to which fish are naturally adapted, negatively affecting their distribution, productivity, and abundance. Therefore, a further reduction in flow or alteration of habitat from the proposed use would impair or be detrimental to an existing fishery resource and/or their habitat without appropriate conditions and/or mitigation.

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)

Without appropriate conditions and/or mitigation, a further reduction in flow or alteration of habitat from the proposed water use will impair or be detrimental to an existing fishery resource. Water is only available to support biologically necessary flows at the POD and/or downstream during November-May. ODFW recommends the season of use be restricted to coincide with this period or the proposed use be mitigated prior to issuance of a Proposed Final Order for any use outside of this period. If the applicant proposes to store water outside of the recommended season ODFW requests that the applicant submit, to the application caseworker at WRD, a Mitigation Proposal that fulfills the Mitigation Obligation consistent with the goals and standards of OAR 635-415-0025 (ODFW Habitat Mitigation Recommendations), as outlined below, to compensate for any potential impact from the proposed use.

ODFW recommends the Proposal include an assessment of options using the following actions listed in order of priority:

- (1) avoiding the impact altogether,
- (2) minimizing the impact by limiting the degree or magnitude of the action,
- (3) rectifying the impact by repairing, rehabilitating, or restoring the affected environment,
- (4) reducing or eliminating the impact over time by preservation and maintenance operations during the life of the development action and by monitoring and taking appropriate corrective measures, and
- (5) compensating for the impact by replacing or providing comparable substitute resources or environments.

ODFW recommends the applicant contact the WRD caseworker to schedule a consultation with ODFW concerning the recommended Mitigation Obligation if questions arise.

Recommended Mitigation Obligation

If the applicant chooses to pursue water use during **June-October** when biologically necessary flows are not met, ODFW recommends the applicant provide water-for-water mitigation that is available within the mitigation reach and **legally protected and maintained as an instream water right** for the life of the permit and subsequent certificate, as outlined below.

A) Water Quantity: 13.2 AF (cfs or AF; equals amount requested)

plus a net benefit (for Habitat Category 2)

B) Months (when biological flows are not met during the proposed season of use): **June-October**

C) Location of Mitigation (based on the Habitat Category):

within the watershed at or above the point of impact

at or above the point of impact is preferred, but may occur within the watershed of the impacted population(s)

within the watershed of the impacted population(s)

benefitting the impacted population(s) and/or higher priority species: list species here

D) Additional comments: type here

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In lieu of providing "water-for water", ODFW's Habitat Mitigation Policy allows the applicant the option of providing mitigation through a habitat restoration project that recreates similar habitat structure and function to that existing prior to the development action. If the applicant is interested in pursuing this option, please contact the local ODFW Fish Biologist for further information.

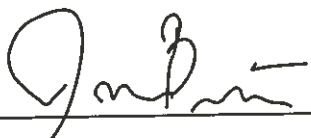
Conditions

- | | |
|--|--|
| <input checked="" type="checkbox"/> agricultural water quality management area rules | <input type="checkbox"/> fishpass |
| <input type="checkbox"/> b5 | <input type="checkbox"/> fishself |
| <input checked="" type="checkbox"/> b51a: limit diversion to <u>November-May</u> | <input type="checkbox"/> futile call |
| <input type="checkbox"/> b52 | <input checked="" type="checkbox"/> in-water work: <u>July 15-September 30</u> |
| <input type="checkbox"/> b57 | <input type="checkbox"/> in-water or riparian construction |
| <input type="checkbox"/> b58 | <input checked="" type="checkbox"/> live flow |
| <input type="checkbox"/> blv | <input checked="" type="checkbox"/> off channel stored water release |
| <input type="checkbox"/> construction activities | <input type="checkbox"/> on-channel reservoir |
| <input type="checkbox"/> fence | <input type="checkbox"/> riparian |
| <input type="checkbox"/> fishapprove | <input checked="" type="checkbox"/> water quality |
| <input type="checkbox"/> fishdiv33 | <input type="checkbox"/> wetland |
| <input type="checkbox"/> fishmay | <input type="checkbox"/> Other: <u>type here</u> |

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ODFW Signature:  _____

Print Name: Jason Brandt

ODFW Title: SW Hydro Coordinator

Date: 5/1/20

Phone: 541-315-6222

Menu of Conditions

agricultural water quality management area rules: The permittee shall comply with basin-specific Agricultural Water Quality Management Area Rules described in Oregon Administrative Rule Chapter 603-095. The permittee shall protect riparian areas, including through irrigation practices and the management of any livestock, allowing site capable vegetation to establish and grow along streams, while providing the following functions: shade (on perennial and some intermittent streams), bank stability, and infiltration or filtration of overland runoff.

b5: The water user shall install and maintain adequate treatment facilities meeting current DEQ requirements to remove sediment before returning the water to the stream.

b51a: The period of use has been limited to _____ through _____.

b52: Water may be diverted only when Department of Environmental Quality sediment standards are being met.

b57: Before water use may begin under this permit, a totalizing flow meter must be installed at each diversion point.

b58: Before water use may begin under this permit, a staff gage that measures the entire range and stage between full reservoir level and dead-pool storage must be installed in the reservoir. The staff gage shall be United States Geological Survey style porcelain enamel iron staff gage style A, C, E or I.

blv: Water must be diverted to a trough or tank through an enclosed water delivery system. The delivery system must be equipped with an automatic shutoff or limiting flow control mechanism or include a means for returning water to the stream source through an enclosed delivery system. The use of water shall not exceed 0.10 cubic feet per second per 1000 head of livestock.

construction activities: For construction activities (clearing, grading, excavation, staging, and stockpiling) that will disturb one or more acres and may discharge to state waters, the permittee is required to obtain from DEQ a 1200-C NPDES Stormwater Construction Permit prior to project construction.

fence: The stream and its adjacent riparian area shall be fenced to exclude livestock.

fishapprove: The permittee shall install, maintain, and operate fish screening and by-pass devices consistent with current Oregon Department of Fish and Wildlife (ODFW) standards. Fish screening is to prevent fish from entering the proposed diversion while by-pass devices provide adequate upstream and downstream passage for fish. The required screen and by-pass devices are to be in place and functional, and approved in writing by ODFW prior to diversion of any water. The permittee may submit evidence in writing that ODFW has determined screens and/or by-pass devices are not necessary.

fishdiv33: If the riparian area is disturbed in the process of developing a point of diversion, the permittee shall be responsible for restoration and enhancement of such riparian area in accordance with ODFW's Fish and Wildlife Habitat Mitigation Policy OAR 635-415. For purposes of mitigation, the ODFW Fish and Wildlife Habitat Mitigation Goals and Standards, OAR 635-415, shall be followed.

The use may be restricted if the quality of the source stream or downstream waters decrease to the point that those waters no longer meet existing state or federal water quality standards due to reduced flows.

The permittee shall install, maintain, and operate fish screening and by-pass devices consistent with current Oregon Department of Fish and Wildlife (ODFW) standards. Fish screening is to prevent fish from entering the proposed diversion while by-pass devices provide adequate upstream and downstream passage for fish. The required screen and by-pass devices are to be in place and functional, and approved in writing by ODFW prior to diversion of any water. The permittee may submit evidence in writing that ODFW has determined screens and/or by-pass devices are not necessary.

fishmay: Notwithstanding that ODFW has made a determination that fish screens and/or by-pass devices are not necessary at the time of permit issuance, the permittee may be required in the future to install, maintain, and operate fish screening and by-pass devices to prevent fish from entering the proposed diversion and to provide adequate upstream and downstream passage for fish.

fishpass: As required by ORS 509.585, a person owning or operating an artificial obstruction (AO) may not construct or maintain any AO across any waters of this state that are inhabited, or historically inhabited, by native migratory fish (NMF)

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without providing passage for NMF. A person owning or operating an AO shall, prior to construction, fundamental change in permit status or abandonment of the AO in any waters of this state, obtain a determination from ODFW as to whether NMF are or historically have been present in the waters. If ODFW determines that NMF are or historically have been present in the waters, the person owning or operating the AO shall either submit a proposal for fish passage to ODFW or apply for a waiver or exemption. Approval of the proposed fish-passage facility, waiver, or exemption must be obtained from the department prior to construction, permit modification or abandonment of the AO. Approved fish-passage plans, waivers, and exemptions shall maintain adequate passage of NMF at all times (ORS 509.601) as per the approved plan, waiver or exemption.

fishself: The permittee shall install, maintain, and operate fish screening and by-pass devices consistent with current Oregon Department of Fish and Wildlife (ODFW) standards. Fish screening is to prevent fish from entering the proposed diversion while by-pass devices provide adequate upstream and downstream passage for fish. The required screen and by-pass devices are to be in place and functional prior to diversion of any water. Permittee shall obtain written approval from ODFW that the installation of the required screen and by-pass devices meets the state's criteria or the permittee shall submit documentation that ODFW has determined screens and/or by-pass devices are not necessary.

futile call: The use of water allowed herein may be made only at times when waters from the (NAME OF SURFACE WATER) would not otherwise flow into a tributary of the _____ River or sufficient water is available to satisfy all prior rights, including rights for maintaining instream flows.

in-water work: Construction timing restricted to ___through___.

in-water or riparian construction: For in-water or riparian construction, permittee may be required to obtain additional permits from the Oregon Department of State Lands, the U.S. Army Corps of Engineers, and the DEQ Section 401 certification program prior to construction. The applicant must contact these agencies to confirm requirements.

live flow: Once the allocated volume has been stored, permittee shall pass all live flow downstream at a rate equal to inflow, using methods that protect instream water quality.

off-channel stored water releases: The permittee shall not release polluted water from this off-channel reservoir into waters of the state except when the release is directed by the State Engineer to prevent dam failure.

on-channel reservoir: The permittee shall design and operate the water storage facility such that all waters within and below the reservoir meet water quality criteria. The permittee shall develop a reservoir operations plan that details how water quality criteria and standards will be met. A Certified Water Rights Examiner shall verify that the reservoir operations are consistent with the plan before a certificate is issued. The reservoir operator shall maintain a copy of the plan and make it available for review upon request.

riparian: If the riparian area is disturbed in the process of developing a point of diversion, the permittee shall be responsible for restoration and enhancement of such riparian area in accordance with ODFW's Fish and Wildlife Habitat Mitigation Policy OAR 635-415. For purposes of mitigation, the ODFW Fish and Wildlife Habitat Mitigation Goals and Standards, OAR 635-415, shall be followed.

wq: The use may be restricted if the quality of the source stream or downstream waters decrease to the point that those waters no longer meet existing state or federal water quality standards due to reduced flows.

water quality: All water use under this permit shall comply with state and federal water quality laws. The permittee shall not violate any state and federal water quality standards, shall not cause pollution of any waters of the state, and shall not place or cause to be placed any wastes in a location where such wastes are likely to escape or be carried into the waters of the state by any means. The use may be restricted if the quality of source stream or downstream waters decrease to the point that those waters no longer meet existing state or federal water quality standards.

wetland: The permittee must submit an offsite determination request to the Department of State Lands (DSL) to determine the need for a wetland delineation prior to disturbance or the development of the point of diversion and/or diversion of water.

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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(s): Dave Kauer/Kauer Family Farms

Mailing Address: 7325 SE Amity Dayton Hwy

City: Amity

State: Oregon Zip Code: 97101

Daytime Phone: davidk755@yahoo.com

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>4</u>	<u>4</u>	<u>28</u>	<u>C</u>	<u>800</u>	<u>EF80</u>	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	<u>Irrigation</u>
<u>4</u>	<u>4</u>	<u>28</u>	<u>C</u>	<u>1100</u>	<u>EF80</u>	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	<u>Irrigation</u>
<u>4</u>	<u>4</u>	<u>33</u>	<u>N/A</u>	<u>500</u>	<u>EF80</u>	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	<u>Irrigation</u>
<u>4</u>	<u>4</u>	<u>29</u>	<u>N/A</u>	<u>3000</u>	<u>EF80</u>	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	<u>Irrigation</u>
<u>4</u>	<u>4</u>	<u>28</u>	<u>C</u>	<u>1000</u>	<u>EF80</u>	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input type="checkbox"/> Used	_____
<u>4</u>	<u>4</u>	<u>28</u>	<u>D</u>	<u>6000</u>	<u>EF80</u>	<input checked="" type="checkbox"/> Diverted	<input checked="" 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

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) South Yamhill

Estimated quantity of water needed: 1.6 cubic feet per second
 gallons per minute
 acre-feet

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

Briefly describe:

Desire to temporarily transfer a senior water right to this ground to irrigate a high value crop of garlic.

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

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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): 402 of the Yamhill Zoning Ord.
- 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: Kenneth P. Friday Title: P.D.
 Signature: Kenneth P. Friday Phone: 503 434-786 Date: 5/26/2020
 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: _____

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WARRANTY DEED—STATUTORY FORM
INDIVIDUAL GRANTOR

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WENDELL T. MARTIN and RICHARD A. MARTIN and
JOYCE E. MARTIN

Grantees and warrants to RAYMOND C. KAUER and BARBARA M. KAUER, as equal tenants in
common and not as tenants by the entirety.

Grantee, the following described real property free of encumb
erment as specifically set forth herein situated in Yamhill County, Oregon, t

PARCEL I: All that part of the following described tracts of land in Sections 29
and 32 in Township 4 South, Range 4 West of the Willamette Meridian in Yamhill
County, Oregon, lying Westerly of the Southern Pacific Railroad right-of-way,
to-wit:

beginning at the Northeast corner of the Elbridge G. Edson Claim No. 58; thence
north along the West line of the Ephraim Ford Claim No. 73, 147 rods to the North-
west corner of said Ford Claim; thence West 142 rods to the Southwest corner of
the Samuel Cozine Claim No. 56; thence North 89°30' West along the center of the
County Road to the East line of the J. W. Rogers Claim No. 74; thence South 147
CONTINUED ON BACK (IF SPACE INSUFFICIENT, CONTINUE DESCRIPTION ON REVERSE SIDE)
The said property is free from encumbrances except

The true consideration for this conveyance is \$ 580,000.00 (Here comply with the requirements of ORS 93

Dated this 9 day of February, 19 81

Wendell T. Martin
Joyce E. Martin

Richard A. Martin

STATE OF OREGON, County of Yamhill, ss. February 8, 1981
Personally appeared the above named WENDELL T. MARTIN and RICHARD A. MARTIN and
JOYCE E. MARTIN

and acknowledged the foregoing instrument to be their voluntary act and
Before me: [Signature] Notary Public for Oregon—My commission expires: July 5, 1983

(OFFICIAL SEAL)

WARRANTY DEED

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DESCRIPTION CONTINUED:

rods to a point on the Westerly extension of the North line of said Edson Claim; thence East 41.47 chains to the place of beginning.

EXCEPTING THEREFROM a tract of land conveyed by D. E. Farmer and Alma Farmer to O. C. Yocom, et al., by deed recorded November 9, 1946, in Book 138, Page 681, Deed Records.

FURTHER EXCEPTING a strip of land conveyed by Nellie D. Houseman, et al., to Southern Pacific Company by deed recorded November 25, 1940, in Book 117, Page 255, Deed Records.

ALSO EXCEPTING that tract conveyed to Ben and Viola Bunn, husband and wife, by instrument recorded September 29, 1967, in Film Volume 63, Page 139, Deed and Mortgage Records.

ALSO EXCEPTING that portion conveyed to Homette Corporation, an Indiana corporation, by instrument recorded June 17, 1968, in Film Volume 68, Page 857, Deed and Mortgage Records.

ALSO EXCEPTING that portion of the herein described premises lying within the boundaries of State Highway.

PARCEL II: All that part of the following described tract of land in the Donation Land Claim of Elbridge G. Edson No. 58 in Township 4 South, Range 4 West of the Willamette Meridian in Yamhill County, Oregon, lying Westerly of the Southern Pacific Railroad right-of-way, to-wit:

Beginning at the Northeast corner of said Claim; thence South 28° East along the Easterly line of said Claim, 20.64 chains to a stake; thence West 14.67 chains to a stake; thence North 8.48-1/2 chains to a stake at the Northeast corner of a tract of land conveyed by Mrs. E. D. Nichols to Wellington J. Garrison and wife by deed recorded November 30, 1883, in Book "W", Page 148, Deed Records; thence West along the North line of said Garrison tract 36.58 chains to the West line of said claim; thence North 9.69 chains to the Northwest corner of said claim; thence East 41.47 chains to the place of beginning.

SUBJECT TO rights of the public in and to any portion of the above described premises lying within the boundaries of roads or highways, and any taxes resulting from disqualification for farm use assessment.