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Date Received (Date Stamp Here)

OWRD Over-the-Counter Submission Receipt

Applicant Name(s) & Address: Rockyford Yamhill 2, LLC

PO Box 82106, Bakersfield, CA 93380

Transaction Type: Air Res Application

Fees Received: \$ 480.⁰⁰

Cash Check: Check No. 1067

Name(s) on Check: Same

Address on Check: Same

Thank you for your submission. Oregon Water Resources Department (Department) staff will review your submittal as soon as possible.

If your submission is determined to be complete, you will receive a receipt for the fees paid and an acknowledgement letter stating your submittal is complete.

If determined to be incomplete, your submission and the accompanying fees will be returned with an explanation of deficiencies that must be addressed in order for the submittal to be accepted.

If you have any questions, please feel free to contact the Department's Customer Service staff at 503-986-0801 or 503-986-0810.

Sincerely,
OWRD Customer Service Staff

Submission received by: Cory M. Oliveton
(Name of OWRD staff)

Instructions for OWRD staff:

- Complete this Submission Receipt, and make two (2) copies. Place one copy with the check/cash; and place the other copy with the submission (i.e., the application or other document).
- Date-stamp all pages. (NOTE: Do not stamp check.)
- Give this original Submission Receipt to the applicant.
- Record Submission Receipt information on the "RECEIVED OVER THE COUNTER" log sheet.
- Place the Submission Receipt with check/cash in the small top drawer (i.e., "Fiscal Pick Up Drawer"). Place the Submission Receipt with submission (application/other document) in the large bottom drawer.

OREGON



WATER RESOURCES
DEPARTMENT

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Applicant Name(s) & Address: Paky Ford Yamhill 2, LLC

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August 21, 2020

Oregon Water Resources Department
Attn: Lisa Graham
725 Summer St NE, Suite A
Salem, OR 97301

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RE: Alternate Reservoir Application for Review in conjunction with Water Rights Application G-18862 – Rockyford Yamhill 2, LLC

Dear Ms. Graham:

Please find enclosed Alternate Reservoir Application for your review in conjunction with Water Rights Application G-18862 for Rockyford Yamhill 2, LLC, C/O Jerry and Julie Coles.

Documents Enclosed:

- Signed Alternate Reservoir Application
- Alternate Reservoir Review Sheet signed by the Watermaster
- CDFW Alternate Reservoir Application Review Sheet
- Land Use Information Form signed by Yamhill County Planning Department
- Application fee in the amount of \$480.00
- Copy of deed for Tax Lots (TL 3 5 01 2300)

If you have any questions, or need any additional information, you may contact me directly by phone at 661-378-1524, or email at jennifer@colescarbide.com.

Respectfully,



Jennifer Machowsky

Rockyford Yamhill 2, LLC
C/O Jerry and Julie Coles
PO Box 82106
Bakersfield, CA 93380

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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: Rockyford Yamhill 2, LLC c/o Jerry and Julie Coles
Mailing Address: PO Box 82106
Bakersfield CA 93380
Phone: (661) 319-8965 cell
E-Mail Address*: Julie@colescarbide.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: Jennifer Machowsky
Mailing Address: PO Box 82106
Bakersfield CA 93380
Phone: (661) 378-1524 cell
E-Mail Address*: jennifer@colescarbide.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: Pool/pond 1

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: Surface runoff, Well Tributary to: Yamhill River

C. County in which diversion occurs: Yamhill

App. No. For Department Use
Permit No. Date

D. Reservoir Location

Township (N or S)	Range (E or W)	Section	quarter/quarter	tax lot number
3S	5W	1	SWSW	2300

E. Dam: Maximum height of dam: 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: 1.6 Acre-feet = $\frac{(\text{Average Length})(\text{Average Width})(\text{Average Depth})}{43,560}$

Is this project fully or partially funded by the American Recovery and Reinvestment Act? (Federal stimulus dollars) Yes No

4. WATER USE

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

Multipurpose uses.

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5. PROPERTY OWNERSHIP

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

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

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

There are no encumbrances

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

No (Please check the appropriate box below)

I have a recorded easement or written authorization permitting access.

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

Written authorization or an easement is not necessary, because the only affected lands I do not own are state-owned submersible lands, and this application is for irrigated and/or domestic use only (ORS 274.040). (Do not check this box if you described your use as "Multipurpose" in #3 above.)

List the names and mailing addresses of all affected landowners:

NA

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? _____ 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.

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.

An off-channel pond will be excavated into the ground and supplied water from runoff and maintained in the summer from a well(s) as proposed in groundwater application G-18832 submitted September 10, 2019.

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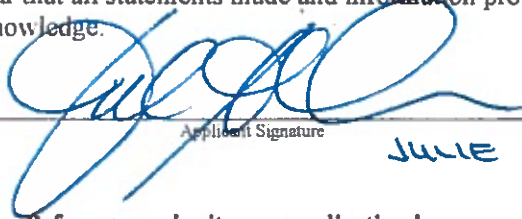
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If the diversion involves a dam, use this space for sketches of the diversion (e.g. cross-section of the dam with its dimensions, dimension and placement of outlet pipe, means of passing live flow outside of the authorized storage season, and means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

There is no dam.

9. SIGNATURE

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



Applicant Signature

JULIE A. COLES

07.17.2020

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.

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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: Rockyford Yamhill 2 3S 5W Sec 1 TL 2300

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

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: *Joel Plahn* Date: 7/20/2020

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

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NOTE: This completed form must be returned to the applicant

ODFW Alternate Reservoir Application Review Sheet

This portion to be completed by the applicant.

Applicant Name: <u>Jerry and Julie Coles; Rockyford Yamhill 2, LLC</u>	RECEIVED
Address: <u>PO Box 82106, Bakersfield, CA 93380</u>	SEP 15 2020
Phone/Email: <u>661-319-8965/julie@colescarbide.com</u>	OWRD
Reservoir Name: <u>Pool 1</u>	Volume (AF): <u>1.6</u>
Source: <u>Run-off, well</u>	<input type="checkbox"/> in-channel
Basin Name: <u>North Yamhill/Yamhill</u>	<input checked="" type="checkbox"/> off-channel
Twp Rng Sec QQ: <u>3S 5W 1 SWSW</u>	
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) 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 through November** 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

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)

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 and winter steelhead) and state sensitive species (Coastal Cutthroat Trout and Pacific Lamprey) are present in the North Yamhill River during the period of impact. Instream flows to fulfill C72586 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-November. The proposed use could 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 could 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)

See applicable conditions selected from "Menu of Conditions" on next page

Water is only available to support biologically necessary flows at the POD and/or downstream during December-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. Without appropriate mitigation and/or conditions, a further reduction in flow or alteration of habitat from the proposed water use outside this period could impair or be detrimental to an existing fishery resource. If the applicant is interested in pursuing mitigation, please contact ODFW for further information concerning appropriate conditions and a Mitigation Obligation consistent with the goals and standards of OAR 635-415-0025 (ODFW Habitat Mitigation Recommendations) to compensate for any potential impact from the proposed use. Mitigation is often complicated, time consuming, and expensive, and may include, but is not limited to, actions such as replacing the proposed amount of water through purchasing or transferring an existing water right.

ODFW Signature: _____

Print Name: Jason Brandt

ODFW Title: SW Hydro Coordinator

Date: 8/13/20

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

Revised 10/4/12, reformatted 5/12/20

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MENU OF CONDITIONS FOR WRD, ODFW, DEQ AND ODA

Revised May 12, 2020

Use this menu to identify appropriate conditions to be included in the permit:

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.

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

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

b51a The period of use has been limited to December through May.

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.

Bypass Flows: Per 690-410-0070 (2)(c), the following flows shall be bypassed or passed through the reservoir during the filling season:

- 1) When the biologically necessary flows identified below are not available immediately upstream of the impacted area, the permittee shall pass all live flow downstream at a rate equal to the inflow, minus the amount of mitigation water provided upstream, if applicable, and
- 2) When the biologically necessary flows identified below are available immediately upstream of the impacted area, the permittee shall pass flow downstream at a rate equal to or greater than the biologically necessary flows.

Once the reservoir has reached the permitted volume, all live flow shall be passed downstream at a rate equal to the inflow.

The permittee shall quantify and document inflow and outflow and maintain the bypass flows for the life of the permit and subsequent certificate per the approved Bypass Plan. The bypass flow data shall be available upon request by the Oregon Water Resources Department, Oregon Department of Fish and Wildlife, Oregon Department of Environmental Quality, or Oregon Department of Agriculture.

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.

fishpass: As required by ORS 509.585, a person owning or operating an artificial obstruction (AO) may not construct or maintain any AO across any waters of this state that are inhabited, or historically inhabited, by native migratory fish (NMF) without providing passage for NMF. A person owning or operating an AO shall, prior to construction, fundamental change in permit status or abandonment of the AO in any waters of this state, obtain a determination from ODFW as to whether NMF are or historically have been present in the waters. If ODFW determines that NMF are or historically have been present in the waters, the person owning or operating the AO shall either submit a proposal for fish passage to ODFW or apply for a waiver or exemption. Approval of the proposed fish-passage facility, waiver, or exemption must be obtained from the department prior to construction, permit modification or abandonment of the AO. Approved fish-passage plans, waivers, and exemptions shall maintain adequate passage of NMF at all times (ORS 509.601) as per the approved plan, waiver or exemption.

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

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

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

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

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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.

fishway: 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.

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 type here River or sufficient water is available to satisfy all prior rights, including rights for maintaining instream flows.

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.

In-Water Work: Any in-water work related to construction, development, or maintenance of the proposed use shall be conducted during the preferred work period of July 15-Sept 30 unless an alternate time period is approved by the Oregon Department of Fish and Wildlife.

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.

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.

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.

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

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.

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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.oregon.gov/OWRD

Applicant

NAME ROCKYFORD YAMHILL 2, LLC C/O JERRY AND JULIE COLES			PHONE (HM)		
PHONE (WK)		CELL (661) 319-8965		FAX	
ADDRESS PO BOX 82106					
CITY BAKERSFIELD		STATE CA	ZIP 93380	E-MAIL* JULIE@COLESCARBIDE.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:
3S	5W	1		2300		<input checked="" type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	Pond
						<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 Groundwater Registration Modification
 Limited Water Use License
 Allocation of Conserved Water
 Exchange of Water

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

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 Multipurpose

Briefly describe:

A new reservoir permit to store water from wells and run-off for multipurpose use.

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.

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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): 403.02(B) YCZO
- Land uses to be served by the proposed water uses (including proposed construction) involve discretionary land use approvals as listed in the table below. (Please attach documentation of applicable land use approvals which have already been obtained. Record of Action/land use decision and accompanying findings are sufficient.) If approvals have been obtained but all appeal periods have not ended, check "Being pursued."

Type of Land Use Approval Needed (e.g., plan amendments, rezones, conditional-use permits, etc.)	Cite Most Significant, Applicable Plan Policies & Ordinance Section References	Land Use Approval:	
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued

Local governments are invited to express special land use concerns or make recommendations to the Water Resources Department regarding this proposed use of water below, or on a separate sheet.

Multipurpose use of reservoir for email exchange attached with Jennifer Machowsky 7/22/20.

NAME <u>Stephanie Armstrong</u>	TITLE: <u>Planner</u>
SIGNATURE 	PHONE: <u>503.434.7516</u>
GOVERNMENT ENTITY	DATE: <u>7/22/20</u>

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: _____

Stephanie Armstrong

From: jennifer@colescarbide.com
Sent: Wednesday, July 22, 2020 2:13 PM
To: Stephanie Armstrong
Cc: 'Julie'
Subject: RE: Land Use Information Form-Coles

RECEIVED

SEP 15 2020

OWRD

[This email originated outside of Yamhill County]

Good Afternoon Stephanie,

Thank you for reminding us of the AF-40 designation. Yes, the 1.6 acre reservoir will also be used in conjunction with our farm use: grapes/vineyard, hops, apple/cider trees and/or cattle livestock use.

Thank you again,

Jennifer Machowsky

Chief Financial Officer
Coles Carbide Corporation
7514 Meany Avenue
Bakersfield, CA 93308
661-587-3144



This communication and any accompanying documents are intended for the use of the recipient to which it is addressed, and contains confidential, personal and/or privileged information. If you are not the intended recipient of this communication, please contact us immediately. Any unauthorized copying, disclosure or distribution of the material in this communication is strictly prohibited. Any communication received in error, or subsequent reply, should be deleted or destroyed.

From: Stephanie Armstrong <armstrongs@co.yamhill.or.us>
Sent: Wednesday, July 22, 2020 1:46 PM
To: jennifer@colescarbide.com
Subject: RE: Land Use Information Form-Coles

Hi Jennifer: Thanks for sending this information over. Any chance this reservoir is also going to be used in conjunction with a forest or farm use/farming? The reason I ask is that in order for a reservoir to be considered a permitted use in the zone the property is located (AF-40, see attached) it needs to be in conjunction with a forest or farm use. Otherwise, it is listed as a conditional use and requires a conditional use application.
Stephanie

From: jennifer@colescarbide.com <jennifer@colescarbide.com>
Sent: Tuesday, July 21, 2020 9:46 AM
To: Stephanie Armstrong <armstrongs@co.yamhill.or.us>
Cc: 'Julie' <julie@colescarbide.com>
Subject: RE: Land Use Information Form-Coles

RECEIVED

SEP 15 2020

OWRD

[This email originated outside of Yamhill County]

Good Morning Stephanie,

Thank you for your quick reply!

The multipurpose use is for : (1) fire suppression, (2) aesthetics, (3) swimming and/or (4) fishing.

You can contact me directly at 661-378-1524 for payment of the \$82 fee.

Please let me know if there is any additional information you may need.

Thank you,

Jennifer Machowsky

Chief Financial Officer
Coles Carbide Corporation
7514 Meany Avenue
Bakersfield, CA 93308
661-587-3144



COLES
Carbide Corporation



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From: Stephanie Armstrong <armstrongs@co.yamhill.or.us>
Sent: Monday, July 20, 2020 2:59 PM
To: jennifer@colescarbide.com
Subject: RE: Land Use Information Form-Coles

Hi Jennifer: I'm reviewing your Land Use Information Form and I'm wondering if you can tell me what "multipurpose use" is for? Also, the review/sign-off fee is \$82. Once I've reviewed and signed the form someone from our office will give you a call to pay the fee over the phone if that works for you?

Thanks.

Stephanie

From: <jennifer@colescarbide.com>
Sent: Monday, July 20, 2020 8:19 AM
To: Planning <planning@co.yamhill.or.us>
Cc: 'Julie' <julie@colescarbide.com>
Subject: Land Use Information Form-Coles

RECEIVED

SEP 15 2020

OWRD

[This email originated outside of Yamhill County]

Good Morning,

Please find attached Land Use Information Form that I am submitting on behalf of Rockyford Yamhill 2, LLC (C/O Jerry and Julie Coles) for your review and approval.

You may email the completed form back to me at jennifer@colescarbide.com and mail the originals to the following address:

PO Box 82106
Bakersfield, CA 93380

If you need any additional information, please feel free to contact me directly via email or phone at 661-378-1524.

Thank you,

Jennifer Machowsky

Chief Financial Officer
Coles Carbide Corporation
7514 Meany Avenue
Bakersfield, CA 93308
661-587-3144



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RECEIVED

SEP 15 2020

OWRD



After recording return to:
Jerry and Julie Coles Family Trust
11229 Bright Water Way
Bakersfield, CA 93311

Until a change is requested all tax
statements shall be sent to the
following address:
Jerry and Julie Coles Family Trust
11229 Bright Water Way
Bakersfield, CA 93311

File No.: 1032-3046561 (JLW)
Date: June 05, 2018

THIS SPACE RESERVED FOR RECORDER'S USE

Yamhill County Official Records	201809871
DMR-DDMR	
Stn=3 SUTTONS	07/10/2018 12:00:00 PM
4Pgs \$20.00 \$10.00 \$11.00 \$5.00 \$60.00	\$106.00
I, Brian Van Bergen, County Clerk for Yamhill County, Oregon, certify that the instrument identified herein was recorded in the Clerk records.	
Brian Van Bergen - County Clerk	

3046561

FIRST AMERICAN TITLE

STATUTORY WARRANTY DEED

John T. Davis, Jr. and Susan M. Davis, Co-Trustees, Davis Family Trust dated July 16, 1997, Grantor,
conveys and warrants to:

Jerry K. Coles and Julie A. Coles as Trustees of the Jerry and Julie Coles Family Trust dated August 17,
2000 **as to Parcel 1;**

Rockyford Yamhill 1, LLC, an Oregon Limited Liability Company **as to Parcel 3 ,**

Rockyford Yamhill 2, LLC, an Oregon Limited Liability Company **as to Parcels 2 and 4;**

Grantee, the following described real property free of liens and encumbrances, except as specifically set
forth herein:

See Legal Description attached hereto as Exhibit A and by this reference incorporated herein.

Subject to:

1. The **2018-19 Taxes**, a lien not yet payable.
2. 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 **\$985,000.00 a portion of which is paid by a
facilitator pursuant to an IRC 1031 Tax Deferred Exchange.** (Here comply with requirements of ORS 93.030)

RECEIVED

SEP 15 2020

OWRD

APN: 101142

Statutory Warranty Deed
- continued

File No.: 1032-3046561 (JLW)

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 14 day of June, 2018.

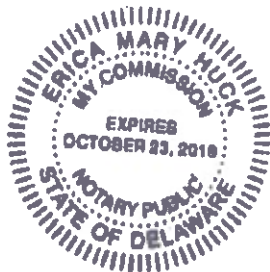
Davis Family Trust dated July 16, 1997

[Signature]
John T. Davis, Jr., Co-Trustee

[Signature]
Susan M. Davis, Co-Trustee

STATE OF Delaware)
County of Sussex) ss.

This instrument was acknowledged before me on this 14 day of June, 2018 by John T. Davis, Jr. and Susan M. Davis as Co-Trustees of Davis Family Trust dated July 16, 1997, on behalf of the Trust.



[Signature]
Notary Public for Delaware
My commission expires: 10/23/18

RECEIVED

SEP 15 2020

OWRD

APN: 101142

Statutory Warranty Deed
- continued

File No.: 1032-3046561 (JLW)

EXHIBIT A

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

PARCEL 1: (Jerry K. Coles and Julie A. Coles as Trustees of the Jerry and Julie Coles Family Trust dated August 17, 2000

Being a portion of the West half of the Andrew K. Wright Donation Land Claim #39 in Sections 1 and 12, Township 3 South, Range 5 West of the Willamette Meridian in Yamhill County, Oregon, and more particularly described as follows:

Commencing at the Northwest corner of said Claim; and running thence South 160 rods; thence East 80 rods; thence North 160 rods; thence West 80 rods to the place of beginning.

PARCEL 2: (Rockyford Yamhill 2, LLC, an Oregon Limited Liability Company)

Beginning at the corner of Sections 1, 2, 11 and 12 in Township 3 South, Range 5 West of the Willamette Meridian in Yamhill County, Oregon and running thence East 1.535 chains to an iron pipe; thence North 2° 19' East 7.645 chains to an iron pipe at the Northwest corner of the A.K. Wright Donation Land Claim; thence South 88° 28' East along the North line of said A.K. Wright Claim, 9.17 chains to an iron pipe set at the Southwest corner of Caleb Woods Donation Land Claim; thence North 00° 31' East along West line of said Woods Donation Land Claim, 21.708 chains to an iron pipe; thence West 11.037 chains to Section line; thence South 00° 20' West along Section line 29.014 chains to the place of beginning.

ALSO a part of the Caleb Woods Donation Land Claim #38, Notification #1532 in Township 3 South, Range 5 West of the Willamette Meridian in Yamhill County, Oregon, which said part thereof is more particularly described as beginning at the Southwest corner of said Donation Land Claim and running thence East along the South line of said Claim, 11.01 chains; thence North 5° 8' East 12.36 chains to stake on North line of Lot 2 of County Survey #1295 for the division of the South half of said Claim; thence South 88° 39' West along North line of said Lot #2, a distance of 12.23 chains to West line of said Caleb Woods Claim; thence South 00° 31' West along West line of said Caleb Woods Claim, 12.02 chains to the place of beginning.

PARCEL 3: (Rockyford Yamhill 1, LLC, an Oregon Limited Liability Company)

Beginning at the Northeast corner of Section 11, Township 3 South, Range 5 West of the Willamette Meridian in Yamhill County, Oregon; running thence West 10 chains; thence South 10 chains; thence East 12-2/3 chains; thence North 10 chains; thence West 2-2/3 chains to the place of beginning.

RECEIVED

SEP 15 2020

OWRD

APN: 101142

Statutory Warranty Deed
- continued

File No.: 1032-3046561 (JLW)

PARCEL 4: (Rockyford Yamhill 2, LLC, an Oregon Limited Liability Company)

Beginning at the West line of Caleb Woods Donation Land Claim #38 in Township 3 South, Range 5 West of the Willamette Meridian in Yamhill County, Oregon, 12.32 chains North 00° 30' West from the Southwest corner of said Claim, and from said point North 88° 39' East 767.18 feet to the true point of beginning; thence North 40 feet; thence North 88° 39' East 1111.11 feet to a point; thence North 620.40 feet to a point; thence East to the center of the County Road running through the said Caleb Woods Claim; thence Southeasterly in the center of the County Road to a point which is the most Easterly Southeast corner of that portion of that certain tract of land described in Deed Records in Book 115, Page 306, Yamhill County, Oregon, lying and being West of said County Road; thence from said point, West 14.67 chains to a point; thence South 9.40 chains to a point; thence South 88° 39' West to the true point of beginning; said above property being a strip of land 40 feet in width from that certain 14.13 acre tract in the Southwest corner of the Caleb Woods Donation Land Claim, to the County Road which runs through the said Caleb Woods Claim, and used as private right of way many years.