

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			PHONE (HM)
PHONE (WK)	CELL	FAX	
ADDRESS			DEC 21 2020
CITY	STATE	ZIP	E-MAIL * OWRD

**Organization**

NAME BAILEY NURSERIES, INC., ATTN: JON ESTES		PHONE 503-457-6897	FAX
ADDRESS P.O. BOX 398			CELL
CITY DAYTON	STATE OR	ZIP 97114	E-MAIL * JON.ESTES@BAILEYNURSERY.COM

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

AGENT / BUSINESS NAME GSI WATER SOLUTIONS, INC., ATTN: THEODORE RESSLER		PHONE 971-200-8509	FAX
ADDRESS 55 SW YAMHILL STREET, SUITE 300			CELL
CITY PORTLAND	STATE OR	ZIP 97204	E-MAIL * TRESSLER@GSIWS.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.

	Jon Estes, Water Resources Manager	12/4/2020
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.

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- 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).*

N/A

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

**SECTION 3: SOURCE OF WATER**

**A. Reservoir Name:** Bailey Reservoir

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

Source 1: North Yamhill River	Tributary to: Yamhill River
TRSQQ of POD: T2S R4W Sec. 31, SESW	
Source 2: On-farm runoff	Tributary to: North Yamhill River
TRSQQ of POD: T2S R4W Sec. 31, SESE	

- 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 N/A
- If the reservoir is proposed to be in-channel, has ODFW determined that native migratory fish are present?  
 Yes  No  Don't know N/A
- 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: Water will be pumped from the North Yamhill River and an existing on farm recycle pond (system bulge) into the reservoir. The source of water in the recycle pond is surface runoff and drain tiles which drain to the pond.

**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/](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**

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

Yes  No

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

If yes,

- I understand that the proposed use does not involve appropriation of direct streamflow during the time period April 15 to September 30, except as provided in OAR 690-033-0140.
- I understand that I will install, operate and maintain a fish screen and fish passage as listed in ORS 498.301 through 498.346, and 509.580 through 509.910, to the specifications and extent required by Oregon Department of Fish and Wildlife, prior to diversion of water under any permit issued pursuant to this application.
- I understand that the Oregon Department of Environmental Quality will review my application to determine if the proposed use complies with existing state and federal water quality standards.
- I understand that I will install and maintain water use measurement and recording devices as required by the Water Resources Department, and comply with recording and reporting permit condition requirements prior to diversion or use of water under any permit issued pursuant to this application.

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

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

Yes  No

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

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

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

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

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

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**Statewide - OAR 690-033-0330 thru -0340**

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

Yes  No

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

**SECTION 5: WATER USE**

- a) The use of the impounded water will be: **Storage for Irrigation and Agricultural (Nursery) Uses**
- b) The amount of water to be stored is: **145** acre-feet.
- c) The area submerged by the reservoir, when filled, will be **6** acres.

## SECTION 6: DAM HEIGHT AND COMPOSITION

The maximum height of the structure will be 28.5 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.*

Preliminary design attributes of the reservoir and perimeter berm are provided in the table below and a preliminary plan view design drawing for the reservoir is provided in Attachment D

MAXIMUM BERM HEIGHT	CREST WIDTH	MAXIMUM DISTANCE FROM OUTSIDE TOP OF BERM TO TOE	MAXIMUM DISTANCE FROM INSIDE TOP OF BERM TO TOE	SIDE SLORE	SURFACE AREA OF RESERVOIR
28.5 ft	24 ft	74 feet	67 feet	3:1	6 acres

This reservoir will be off-channel and will be filled by pumping water into the reservoir. The applicant will install and maintain fish screening on the diversion as required by ODFW to prevent fish from entering the pump diversion; however, with a pump diversion, fish passage will not be required.

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

If "other," provide the description: \_\_\_\_\_

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## SECTION 7: PRIMARY OUTLET WORKS

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.*

The outlet conduit will be in the southwest or northwest corner of the reservoir and is anticipated to have a minimum 8-inch diameter.

b) How and when will the outlet be operated?

Release of water from the reservoir is not planned. All on-farm water is collected, contained, and recycled; a release of water will only occur during emergencies or if maintenance of the reservoir is required.

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)?

The reservoir will be off-channel. The applicant will install and maintain fish screening on the diversion on the North Yamhill River as required by ODFW to prevent fish from entering the diversion.

## SECTION 8: EMERGENCY SPILLWAY

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

The reservoir will not have an emergency spillway. The amount of water diverted to the reservoir for storage will be controlled by pump operation and valves. The reservoir is off-channel and there will be no uncontrolled water flow into the reservoir, and so the berm will not be overtopped.

- b) How will the emergency spillway be designed to prevent erosion?  
The reservoir will not have an emergency spillway. The reservoir outlet will be used to release water from the reservoir if a release of stored water is required. Refer also to item a) of this section.
- 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?)  
The reservoir will not have an emergency spillway. Refer also to item a) of this section.

## SECTION 9: WATER QUALITY

- a) Describe how the reservoir will be managed to maintain water quality in the reservoir and downstream.  
Release of water from the reservoir into surface water is not planned. A key objective is for all on-farm water to be collected, contained, and recycled. A release of water from the reservoir is anticipated only during emergencies or if maintenance of the reservoir is required. Any planned release of water from the reservoir will be done in a manner that meets water quality standards and any conditions required by DEQ. The applicant will ensure that all relevant pesticide application laws are met for nearby lands and that no chemicals or wastes are stored in locations where potential release could be carried into the reservoir.
- b) Describe how the perimeter of the reservoir will be buffered to limit nutrient and bacteria contamination.  
The perimeter of the reservoir will be surrounded by a berm, 24 feet in width at the top, with 3:1 side slopes, which will prevent uncontrolled runoff from entering the reservoir and thus prevent the potential transportation of nutrients by runoff into the reservoir.
- c) Describe how annual maintenance of the reservoir will be accomplished without discharging contaminated water instream.  
Routine reservoir maintenance will not discharge contaminated water instream. Because the amount of water diverted to the reservoir for storage will be controlled by pump operation and valves, the level of the reservoir can be lowered through an adjusted fill and withdrawal schedule (i.e., purposely lowering the reservoir level by reduced fill). This will accommodate reservoir maintenance activities that require a lowered reservoir level. In the event that releases from the reservoir outlet are required for maintenance activities, releases from the reservoir outlet will not discharge stored water directly to surface water; rather any releases of stored water will be to adjacent land to the west of the reservoir (approximately 1,500 feet separation from surface water). Any released stored water will be land applied or otherwise managed on-farm to the extent practicable, and appropriately treated, if required, prior to release. Moreover, the runoff water collected as a source of water for storage may be nutrient rich, but is not anticipated to contain any contamination that would prevent use of the stored water for the purposes proposed.

## SECTION 10: PROJECT SCHEDULE (List Month and Year)

- a) Proposed date construction work will begin: Within 5 years of permit issuance  
(Fish passage approval is necessary prior to construction.)
- b) Proposed date construction work will be completed: Within 5 years of permit issuance
- c) Proposed date water use will be completed: Within 5 years of permit issuance

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**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 N/A	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. **(Attachment A)**
- 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. **(Attachment B)**
- Fees - Amount enclosed: \$ 2,300  
See the Department's Fee Schedule at [www.oregon.gov/owrd](http://www.oregon.gov/owrd) or call (503) 986-0900.
- Map that includes the following items: **(Attachment C)**
  - 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.**



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Attachment A

Land Use Information Form

Application for a Permit to Store Water in a Reservoir – Bailey Nurseries

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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

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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 groundwater 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.

# 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

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## Applicant

NAME BAILEY NURSERIES, INC., ATTN: JON ESTES				PHONE (HM)	
PHONE (WK) 503-457-6897		CELL		FAX	
ADDRESS P.O. BOX 398					
CITY DAYTON		STATE OR	ZIP 97114	E-MAIL* JON.ESTES@BAILEYNURSERY.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:
2S	4W	31	SESW	590	EF-80	<input checked="" type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input type="checkbox"/> Used	Irrigation
2S	4W	31	SESE	2100	EF-80	<input checked="" type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input type="checkbox"/> Used	Irrigation
2S	4W	32	SWSW	2100	EF-80	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	Irrigation
2S	4W	31	NWSE	2100	EF-80	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input type="checkbox"/> Used	Irrigation
2S	4W	31	SWSE	2100	EF-80	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input type="checkbox"/> Used	Irrigation
2S	4W	31	SESW	2100	EF-80	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input type="checkbox"/> Used	Irrigation
2S	4W	31	NESE	2100	EF-80	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input type="checkbox"/> Used	Irrigation

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) North Yamhill River and on-farm runoff

Estimated quantity of water needed: 145   
 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 Agricultural and Nursery

Briefly describe:

The applicant is proposing to construct an off-channel reservoir for storage of water. The water sources for storage include runoff from the applicant's farm and water diverted from the North Yamhill River. The stored water will be used for irrigation and agricultural (nursery) purposes on the applicant's farm.

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.

## 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 County 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

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 <i>Kenneth P. Fry</i>	TITLE: <i>P. D.</i>
SIGNATURE <i>Kenneth P. Fry</i>	PHONE: <i>503 434-7516</i>
GOVERNMENT ENTITY <i>Yamhill County</i>	DATE: <i>12/3/2020</i>

**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: *Kenneth P. Fry* Phone: \_\_\_\_\_ Date: \_\_\_\_\_

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## Attachment B

### Legal Property Descriptions

Application for a Permit to Store Water in a Reservoir – Bailey Nurseries

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**First American**

**First American Title Insurance Company**

825 NE Evans Street  
McMinnville, OR 97128  
Phn - (503)376-7363  
Fax - (866)800-7294

**YAMHILL COUNTY TITLE UNIT  
FAX (866)800-7294**

Title Officer: Larry Ball  
(503)376-7363  
lball@firstam.com

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**LOT BOOK SERVICE**

BAILEY NURSERIES INC  
9855 NW PIKE RD  
YAMHILL, OR 97148

Order No.: 1039-3398460  
February 18, 2020

Attn: JON ESTES  
Phone No.: (503)457-6897 - Fax No.: (503)662-3778  
Email: JON.ESTES@BAILEYNURSERY.COM

Re:

Fee: \$125.00

We have searched our Tract Indices as to the following described property:

The land referred to in this report is described in Exhibit A attached hereto.

and as of February 13, 2020 at 8:00 a.m.

We find that the last deed of record runs to

Bailey Nurseries, Inc., a Minnesota corporation

We find the following apparent encumbrances within ten (10) years prior to the effective date hereof:

NONE

1. The assessment roll and the tax roll disclose that the within described premises were specially zoned or classified for Farm use. If the land has become or becomes disqualified for such use under the statute, an additional tax or penalty may be imposed.
2. The county tax roll discloses a mobile home on the herein described premises which is not included in title insurance coverage. Subject to requirements and provisions of O.R.S. 311.280 pertaining to mobile home taxes becoming liens on real property.
3. The rights of the public in and to that portion of the premises herein described lying within the limits of streets, roads and highways.

4. Rights of the public and of governmental bodies in and to that portion of the premises herein described lying below the high water mark of Yamhill River.
5. Governmental rights in connection with flood control and propagation of anadromous fish and public rights of fishing and recreational navigation in and to the water, bed and shoreline of the Yamhill River.
6. Any adverse claim based upon the assertion that some portion of said land has been removed from or brought within the boundaries thereof by an avulsive movement of the Yamhill River or has been formed by the process of accretion or reliction or has been created by artificial means or has accreted to such portion so created.
7. An easement reserved in a deed, including the terms and provisions thereof;
 

Recorded:	November 03, 1903
Recording Information:	Book 43, Page 373, Deed Records
Affects:	Exact location not specified
8. Easement, including terms and conditions contained therein:
 

Granted to:	The City of Yamhill, a Municipal corporation
Recorded:	February 21, 1966
Recording Information:	Film Volume 50, Page 980, Deed and Mortgage Records
9. Easement, including terms and conditions contained therein:
 

Granted to:	The City of Yamhill, a Municipal corporation
Recorded:	February 21, 1966
Recording Information:	Film Volume 50, Page 983, Deed and Mortgage Records
10. Easement, including terms and conditions contained therein:
 

Granted to:	The City of Yamhill, a Municipal corporation
Recorded:	February 21, 1966
Recording Information:	Film Volume 50, Page 986, Deed and Mortgage Records
11. Easement, including terms and conditions contained therein:
 

Granted to:	Bailey Nurseries, Inc., a Minnesota corporation
Recorded:	December 8, 1976
Recording Information:	Film Volume 116, Page 1101, Deed and Mortgage Records
12. Easement, including terms and conditions contained therein:
 

Granted to:	Portland General Electric Company, an Oregon corporation, and its successors and assigns
Recorded:	May 24, 2012
Recording Information:	Instrument No. 2012-06848, Deed and Mortgage Records
13. Unrecorded leases or periodic tenancies, if any.

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We have also searched our General Index for Judgments and State and Federal Liens against the Grantee(s) named above and find:

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We find the following unpaid taxes and city liens:

NOTE: Taxes for the year 2019-2020 PAID IN FULL

Tax Amount:	\$4,934.26
Map No.:	R2431-02000
Property ID:	16271
Tax Code No.:	16.2

NOTE: Taxes for the year 2019-2020 PAID IN FULL

Tax Amount:	\$118.05
Map No.:	M00285746
Property ID:	507679
Tax Code No.:	16.2

NOTE: Taxes for the year 2019-2020 PAID IN FULL

Tax Amount:	\$151.63
Map No.:	M00269379
Property ID:	488038
Tax Code No.:	16.2

NOTE: Taxes for the year 2019-2020 PAID IN FULL

Tax Amount:	\$1,733.18
Map No.:	P2489
Property ID:	287335
Tax Code No.:	16.2

NOTE: Taxes for the year 2019-2020 PAID IN FULL

Tax Amount:	\$1,341.17
Map No.:	R2431-02100
Property ID:	16280
Tax Code No.:	16.2

NOTE: Taxes for the year 2019-2020 PAID IN FULL

Tax Amount:	\$5.36
Map No.:	R3406-00590
Property ID:	88844
Tax Code No.:	16.2

THIS IS NOT a title report since no examination has been made of the title to the above described property. Our search for apparent encumbrances was limited to our Tract Indices, and therefore above listings do not include additional matters which might have been disclosed by an examination of the record title. We assume no liability in connection with this Lot Book Service and will not be responsible for errors or omissions therein. The charge for this service will not include supplemental reports, rechecks or other services.



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## Exhibit "A"

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

A tract of land located in the East 1/2 of Section 31 and the West 1/2 of Section 32 and a portion of the Thomas Harris D.L.C., Township 2 South, Range 4 West, Willamette Meridian, Yamhill County, Oregon, more particularly described as follows:

Beginning at a 1 inch iron pipe on the westerly right-of-way of County Road No. 243, which bears South 2667.76 feet and East 303.73 feet from the Southeast corner of the John Perkins D.L.C.; thence along an existing fence North 88° 47' 25" West, 4096.06 feet to a 5/8" iron rod (said fence being on the South line of the Thomas Harris DLC No. 54); thence South 1° 12' 38" West, 25.00 feet to a 5/8" iron rod; thence North 88° 47' 25" West, 425.00 feet to the center of the Yamhill River; thence along the center of said Yamhill River North 1° 12' 38" East, 25.00 feet; thence South 88° 47' 25" East, 400.00 feet to a 1 inch iron pipe at a fence corner; thence along an existing fence North 00° 18' 20" West, 1546.15 feet to a 5/8" iron rod at a fence corner; thence along an existing fence North 89° 56' 39" East, 2723.99 feet to a 3/4" iron pipe being the Southwest corner of a tract of land as deeded to Fidel Bros. in Film Volume 108, Page 1371, Yamhill County deed of records; thence along said tract North 89° 06' 40" East, 638.35 feet to a 3/4" iron pipe being the Southeast corner of said tract; thence North 2° 26' 45" East, 563.54 feet to a tack and lead in concrete; thence North 41° 11' 52" East, 201.67 feet to a 3/4" iron pipe; thence North 64° 27' 57" East, 28.88 feet to a tack and lead in concrete; thence North 00° 45' 18" East, 267.50 feet to a 3/4" iron pipe on the South right-of-way of Market Road Number 20; thence along said South right-of-way South 89° 30' 00" East, 269.56 feet to a 5/8" iron rod; thence South 56° 37' 12" East, 346.96 feet to a 5/8" iron rod on the West right-of-way of County Road Number 243; thence along said West right-of-way South 00° 38' 39" West, 2447.23 feet to the point of beginning.

Also Books 16 & 17 Acc 31 TZR4

ARB 4 Sec 6 354W

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KNOW ALL MEN BY THESE PRESENTS, That FIDEL BROS., a co-partnership, hereinafter called the grantor, for the consideration hereinafter stated, to grantor paid by BAILEY NURSERIES, INC., a Minnesota corporation, the grantee, does hereby grant, bargain, sell and convey unto the said grantee and grantee's heirs, successors and assigns, that certain real property, with the tenements, hereditaments and appurtenances thereunto belonging or appertaining in the County of Yamhill and State of Oregon, described as follows, to-wit:

A tract of land located in the East 1/2 of Section 31 and the West 1/2 of Section 32 and a portion of the Thomas Harris D.L.C., Township 2 South, Range 4 West, Willamette Meridian, Yamhill County, Oregon, more particularly described as follows:

Beginning at a 1 inch iron pipe on the westerly right-of-way of County Road No. 243, which bears South 2667.76 feet and East 303.73 feet from the Southeast corner of the John Perkins D.L.C.; Thence along an existing fence North 88°47'25" West, 4096.06 feet to a 5/8" iron rod (said fence being on the South line of the Thomas Harris DLC No. 54); Thence South 1°12'38" West, 25.00 feet to a 5/8" iron rod; Thence North 88°47'25" West, 425.00 feet to the center of the Yamhill River;

Thence along the center of said Yamhill River North 1°12'38" East, (over) (If space insufficient, continue description on reverse side)

To Have and to Hold the same unto the said grantee and grantee's heirs, successors and assigns forever. And said grantor hereby covenants to and with said grantee and grantee's heirs, successors and assigns, that grantor is lawfully seized in fee simple of the above granted premises, free from all encumbrances

and that grantor will warrant and forever defend the said premises and every part and parcel thereof against the lawful claims and demands of all persons whomsoever, except those claiming under the above described encumbrances.

The true and actual consideration paid for this transfer, stated in terms of dollars, is \$ 331,360.00. However the actual consideration consists of or includes other property or value given or promised which is part of the consideration (indicate which). (The sentence between the symbols @, if not applicable, should be deleted. See ORS 93.030.)

In construing this deed and where the context so requires, the singular includes the plural and all grammatical changes shall be implied to make the provisions hereof apply equally to corporations and to individuals.

In Witness Whereof, the grantor has executed this instrument this day of December 3, 1976; if a corporate grantor, it has caused its name to be signed and seal affixed by its officers, duly authorized thereto by order of its board of directors.

FIDEL BROS. CO-PARTNERSHIP  
Fred Fidel, Arno Fidel  
Arno Fidel

STATE OF OREGON,  
County of Yamhill } ss.  
December 3, 1976.

STATE OF OREGON, County of Yamhill } ss.  
Personally appeared \_\_\_\_\_ and \_\_\_\_\_ who, being duly sworn, each for himself and not one for the other, did say that the former is the president and that the latter is the secretary of \_\_\_\_\_ a corporation, and that the seal affixed to the foregoing instrument is the corporate seal of said corporation and that said instrument was signed and sealed in behalf of said corporation by authority of its board of directors; and each of them acknowledged said instrument to be its voluntary act and deed.

Personally appeared the above named Fidel Bros., a co-partnership by Fred Fidel, Marcus Fidel & Arno Fidel, and acknowledged the foregoing instrument to be their voluntary act and deed.

Notary Public for Oregon  
My commission expires: 4/2/80

Notary Public for Oregon  
My commission expires:

Fidel Bros., a co-partnership  
Rt. 1  
Yamhill, OR 97148  
GRANTOR'S NAME AND ADDRESS  
Bailey Nurseries, Inc., a Minnesota corporation, 1325 Bailey Road  
Saint Paul, Minnesota 55119  
GRANTEE'S NAME AND ADDRESS  
After recording return to:  
Bailey Nurseries, Inc., a Minnesota corporation,  
Same as above  
NAME, ADDRESS, ZIP  
Until a change is requested all tax statements shall be sent to the following address:  
Bailey Nurseries, Inc., a Minnesota corporation,  
as above  
NAME, ADDRESS, ZIP

47770 STATE OF OREGON,  
County of Yamhill } ss.  
I certify that the within instrument was received for record on the 8 day of Dec, 1976, at 2:44 o'clock P.M. and recorded in book 116 on page 1097 or as file/reel number \_\_\_\_\_ Record of Deeds of said County.  
Witness my hand and seal of County affixed.  
WANDA CATT, COUNTY CLERK  
Recording Officer  
By \_\_\_\_\_ Deputy

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25.00 feet;

Thence South 88°47'25" East, 400.00 feet to a 1 inch iron pipe at a fence corner;

Thence along an existing fence North 00°18'20" West, 1546.15 feet to a 5/8" iron rod at a fence corner;

Thence along an existing fence North 89°56'39" East, 2723.99 feet to a 3/4" iron pipe being the Southwest corner of a tract of land as deeded to Fidel Bros. in Book 108, Page 1371, Yamhill County deed of records;

Thence along said tract North 89°06'40" East, 638.35 feet to a 3/4" iron pipe being the Southeast corner of said tract;

Thence North 2°26'45" East, 563.54 feet to a tack and lead in concrete;

Thence North 41°11'52" East, 201.67 feet to a 3/4" iron pipe;

Thence North 64°27'57" East, 28.88 feet to a tack and lead in concrete;

Thence North 00°45'18" East, 267.50 feet to a 3/4" iron pipe on the South right-of-way of Market Road Number 20;

Thence along said South right-of-way South 89°30'00" East, 269.56 feet to a 5/8" iron rod;

Thence South 56°37'12" East, 346.96 feet to a 5/8" iron rod on the West right-of-way of County Road Number 243;

Thence along said West right-of-way South 00°38'39" West, 2447.23 feet to the point of beginning.

Containing 165.68 acres therein.

SUBJECT TO:

1. As disclosed by the tax roll, the premises herein described have been zoned or classified for farm use. At any time that said land is disqualified for such use the property will be subject to additional taxes or penalties and interest.

2. Rights of the public in streets, roads and highways.

3. Right of Way conveyed by deed from Robert Hanning to Portland Trust Company, recorded November 3, 1903 in Book 43, Page 373, Deed Records.

4. Water line easement, including the terms and provisions thereof, given by Charles N. Teegarden and Doris P. Teegarden and Orrin D. Williams and Margaret W. Williams, husband and wife, to The city of Yamhill, a municipal corporation, dated December 16, 1965 and recorded February 21, 1966, in Film Volume 50, Page 983, Deed and Mortgage Records.

5. Water line easement, including the terms and provisions thereof, given by Charles N. Teegarden and Doris P. Teegarden, husband and wife, and Orrin D. Williams and Margaret W. Williams, husband and wife, to the City of Yamhill, a municipal corporation, dated February 16, 1965, and recorded February 21, 1966, in Film Volume 50, Page 980, Deed and Mortgage Records.

6. Water line easement, including the terms and provisions thereof, given by Charles N. Teegarden and Doris P. Teegarden, husband and wife, and Orrin D. Williams and Margaret W. Williams, husband and wife, to City of Yamhill, a municipal corporation, dated December 16, 1965, and recorded February 21, 1966, in Film Volume 50, Page 986, Deed and Mortgage Records.

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**Attachment C**  
**Application Map**

**Application for a Permit to Store Water in a Reservoir – Bailey Nurseries**

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**Attachment D**  
**Preliminary Plans**

**Application for a Permit to Store Water in a Reservoir – Bailey Nurseries**

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Water Solutions, Inc.

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December 16, 2020

Alyssa Mucken  
Oregon Water Resources Department  
725 Summer Street NE, Suite A  
Salem, OR 97301

Dear Ms. Mucken:

GSI Water Solutions, Inc. (GSI), is submitting the enclosed application for a permit to store water in a reservoir on behalf of Bailey Nurseries, Inc. The applicant requests to store up to 145 acre-feet of on-farm runoff and surface water from the North Yamhill River in a planned new off-channel reservoir. Please also find enclosed a check in the amount of \$2,300 for payment of the application filing fee.

If you have any questions regarding the enclosed application, you can reach me at 971-200-8509. Please copy me on any correspondence regarding this application.

Sincerely,

A handwritten signature in black ink, appearing to read "Theodore R. Ressler".

Theodore R. Ressler, RG, CWRE  
GSI Water Solutions, Inc.

Enclosures: Application for a Permit to Store Water in a Reservoir  
Check #113061 in the amount of \$2,300

CC: Jon Estes, Water Resources Manager - Bailey Nurseries