

MONEY SLIP

DATE: <u>8-2-2021</u>	RECEIPT #: <u>136038</u>
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RECEIVED FROM: <u>Boatwright Engineering, Inc</u>	APPLICATION
	PERMIT
	TRANSFER

CASH <input type="checkbox"/>	CHECK # <input checked="" type="checkbox"/> <u>22887</u>	OTHER (IDENTIFY) <input type="checkbox"/>	
			TOTAL REC'D <u>\$2,927.20</u>

1083 TREASURY	4170 MISC CASH ACCT.	
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0407 COPIES		\$
____ OTHER: (IDENTIFY) _____		\$

0243 Instream Lease _____ 0244 Muni Water Mgmt. Plan _____ 0245 Cons. Water _____

1083 TREASURY	4270 WRD OPERATING ACCT.	
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MISCELLANEOUS

0407 COPY & TAPE FEES		\$
0410 RESEARCH FEES		\$
0408 MISC REVENUE (IDENTIFY) _____		\$
TC162 DEPOSIT LIAB. (IDENTIFY) _____		\$
0240 EXTENSION OF TIME _____		\$

WATER RIGHTS

	EXAM FEE		RECORD FEE
0201 SURFACE WATER	\$	0202	\$
0203 GROUND WATER	\$	0204	\$
0205 TRANSFER	\$		

WELL CONSTRUCTION

	EXAM FEE		RECORD FEE
0218 WELL DRILL CONSTRUCTOR	\$	0219	\$
____ LANDOWNER'S PERMIT		0220	\$
____ OTHER (IDENTIFY) _____			

0607 TREASURY	0467 HYDROELECTRIC	
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	LIC NUMBER	
0233 POWER LICENSE FEE (FW/WRD)	\$	
0231 HYDRO LICENSE FEE (FW/WRD)	\$	
____ HYDRO APPLICATION		\$

SPECIAL INSTRUCTIONS:

RETURN TO APPLICANT -- LETTER ATTACHED

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 PACIFIC FARMS CO, LLC RONALD MARX, MEMBER		PHONE (HM) 503.623.2953	
PHONE (WK) 503.623.2953	CELL 503.580.0203		FAX
ADDRESS PO BOX 1144			
RECEIVED			
CITY DALLAS	STATE OREGON	ZIP 97338	E-MAIL *
AUG 02 2021			

Organization

NAME		PHONE	FAX OWRD
ADDRESS			CELL
CITY	STATE	ZIP	E-MAIL *

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

AGENT / BUSINESS NAME JEANNE BOATWRIGHT		PHONE 503.363.9225	FAX
ADDRESS BOATWRIGHT ENGINEERING, INC. 2613 12TH STREET SE			CELL
CITY SALEM	STATE OREGON	ZIP 97302	E-MAIL * jeanne@boatwrightengr.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.

Ronald L. Marx
 Applicant Signature

Ronald Marx, Member, Pacific Farms Co, LLC
 Print Name and Title if applicable

7-17-2021
 Date

 Applicant Signature

 Print Name and Title if applicable

 Date

For Department Use: App. Number: _____

SECTION 2: PROPERTY OWNERSHIP

Indicate if you own all the lands associated with the project from which the water is to be diverted, conveyed, and used.

- YES, there are no encumbrances.
- YES, the land is encumbered by easements, rights of way, roads or other encumbrances. **BOR 2000-10756, Warranty Easement Deed to United States for restoration & management of wetlands & wildlife habitat. (document enclosed)**
- 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).*

None

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.

Parcel 3, Partition Plat 2005-0016, as the same is platted and recorded in the Polk County Book of Partition Plats in Polk County, Oregon.

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SECTION 3: SOURCE OF WATER

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A. Reservoir Name: 1A

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: Overland surface runoff & floodwater	Tributary to: West Branch Ash Swale
TRSQQ of POD: T6S R5W 36 NW-NW	
Source 2: West Branch Ash Swale Out of Bank Winter Storm Floodwater	Tributary to: Ash Swale
TRSQQ of POD: T6S R5W 36 NW-NW	

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

A. Reservoir Name: 1B

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: Overland surface runoff & floodwater	Tributary to: West Branch Ash Swale	RECEIVED AUG 02 2021
TRSQQ of POD: T6S R5W 36 NW-NW		
Source 2: West Branch Ash Swale Out of Bank Winter Storm Floodwater	Tributary to: Ash Swale	OWRD
TRSQQ of POD: T6S R5W 36 NW-NW		

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

A. Reservoir Name: 2A

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: Overland surface runoff & floodwater	Tributary to: West Branch Ash Swale
TRSQQ of POD: T6S R5W 35 NE-NE	
Source 2: Unnamed Drainageway Out of Bank Winter Storm Floodwater	Tributary to: West Branch Ash Swale
TRSQQ of POD: T6S R5W 35 NE-NE	

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

A. Reservoir Name: 2B

OWRD

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: Overland surface runoff & floodwater	Tributary to: West Branch Ash Swale
TRSQQ of POD: T6S R5W 35 NE-NE	
Source 2: Unnamed Drainageway Out of Bank Winter Storm Floodwater	Tributary to: West Branch Ash Swale
TRSQQ of POD: T6S R5W 35 NE-NE	

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

A. Reservoir Name: 2C

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: Overland surface runoff & floodwater	Tributary to: West Branch Ash Swale
TRSQQ of POD: T6S R5W 35 NE-NE	
Source 2: Unnamed Drainageway Out of Bank Winter Storm Floodwater	Tributary to: West Branch Ash Swale
TRSQQ of POD: T6S R5W 35 NE-NE	

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

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A. Reservoir Name: 2D

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

Source 1: Overland surface runoff & floodwater	Tributary to: West Branch Ash Swale
TRSQQ of POD: T6S R5W 35 NE-NE	
Source 2: Unnamed Drainageway Out of Bank Winter Storm Floodwater	Tributary to: West Branch Ash Swale
TRSQQ of POD: T6S R5W 35 NE-NE	

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

A. Reservoir Name: 3A

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: Overland surface runoff & floodwater	Tributary to: West Branch Ash Swale
TRSQQ of POD: T6S R5W 35 SE-NE	
Source 2: Unnamed Drainageway Out of Bank Winter Storm Floodwater	Tributary to: West Branch Ash Swale
TRSQQ of POD: T6S R5W 35 SE-NE	

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

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A. Reservoir Name: 3B

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

Source 1: Overland surface runoff & floodwater	Tributary to: West Branch Ash Swale
TRSQQ of POD: T6S R5W 35 SE-NE	
Source 2: Unnamed Drainageway Out of Bank Winter Storm Floodwater	Tributary to: West Branch Ash Swale
TRSQQ of POD: T6S R5W 35 SE-NE	

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

A. Reservoir Name: 3C

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: Overland surface runoff & floodwater	Tributary to: West Branch Ash Swale
TRSQQ of POD: T6S R5W 35 SE-NE	
Source 2: Unnamed Drainageway Out of Bank Winter Storm Floodwater	Tributary to: West Branch Ash Swale
TRSQQ of POD: T6S R5W 35 SE-NE	

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

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A. Reservoir Name: **3D**

OWRD

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: Overland surface runoff & floodwater	Tributary to: West Branch Ash Swale
TRSQQ of POD: T6S R5W 35 SE-NE	
Source 2: Unnamed Drainageway Out of Bank Winter Storm Floodwater	Tributary to: West Branch Ash Swale
TRSQQ of POD: T6S R5W 35 SE-NE	

- 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 **See NOTE below**
- Is the proposed reservoir in-channel of a stream or off-channel: In-channel Off-Channel
- If the reservoir is proposed to be in-channel, is the stream: Perennial Intermittent Ephemeral
- If the reservoir is proposed to be in-channel, has ODFW determined that native migratory fish are present?
 Yes No Don't know
- Is the reservoir in the 100-year floodplain? Yes No Don't know
- If the reservoir is not in the channel of a stream, state how it is to be filled: **Overland runoff and flood waters.**

NOTE: The proposed reservoirs are existing reservoirs constructed under, now cancelled, permits R-13235, R-13236 & R-13237, issued in 2002 w/ 2001 priority date and constructed by 2003 w/ plans prepared by USDA-NRCS. Cancelled for failure to file COBU. No new construction.

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_trsqq_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.

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

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

- Yes No

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

If yes,

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

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

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

Yes No

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

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

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

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

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

Statewide - OAR 690-033-0330 thru -0340

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

Yes No

For Department Use: App. Number: _____

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

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- a) The use of the impounded water will be: **Wetland Enhancement**
- b) The amount of water to be stored is: **See Chart A Below.**
- c) The area submerged by the reservoir, when filled, will be **See Chart A Below.**

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Chart A		
POND	AREA Acres	VOLUME Acre-Feet
1A	10.92	15.3
1B	2.13	2.9
2A	4.69	15.7
2B	0.82	1.7
2C	0.99	1.2
2D	0.67	1.0
3A	3.72	9.4
3B	0.96	0.7
3C	2.07	1.6
3D	0.73	1.1
TOTAL	27.71	50.6

Chart B	
POND	Maximum Height of Dam Above Natural Ground Surface
1A	3.0'
1B	1.2'
2A	2.9'
2B	2.5'
2C	1.8'
2D	1.8'
3A	2.9'
3B	1.9'
3C	0.1'
3D	0.8'

SECTION 6: DAM HEIGHT AND COMPOSITION

The maximum height of the structure will be **See Chart B Above** feet above streambed or ground surface at the centerline of the crest of the dam. **Most of the reservoirs' storage volumes are in excavated sumps.**

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' Dam Safety Section prior to storage of water.

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

If “other,” provide the description: _____

For Department Use: App. Number: _____

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.

None of the dams are on channel. One outlet is provided in Reservoir 3A

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- b) How and when will the outlet be operated?

The outlet is operated seasonally, as needed.

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- 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 DSL map of Essential Salmonid Habitat (2015 listing) shows no habitat in this area.

SECTION 8: EMERGENCY SPILLWAY

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

No spillways were designed in the original US Department of Agriculture - Natural Resources Conservation Service plans that were prepared, and used, for the construction of these ponds. These are off-channel reservoirs filled from overland surface runoff. If flow exceeds storage volume, runoff flows around the ends of the dams and continues on to adjacent reservoirs or drainageways

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

If flow exceeds storage volume in Pond Systems 2 and 3, runoff flows around the ends of the dikes and continues on to adjacent lower ponds or, eventually, to the West Branch of Ash Swale. If flow exceeds storage volume in Pond System 1, runoff flows around the end of the dike for pond 1B and into pond 1A. Flow from pond 1A will go over the dike, which is a maximum of 1 foot above the water surface, and then into the adjacent wetland and ditch that carries the water back to the West Branch of Ash Swale. All of the dikes and surrounding open spaces are heavily vegetated and no erosion is apparent or expected. Most of the natural ground is at extremely low slopes, between 1%- 4%, as would be expected in a natural, and enhanced, wetland area.

- 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 spillway paths will accommodate a 100-year flow event, as they are within the 100-yr floodplain and were designed by the USDA-NRCS to enhance the existing wetlands by collecting water from those events. Depending on flood depth, excess water will bypass the reservoirs once they are filled and continue on downstream or inundate the dikes until the flood subsides.

SECTION 9: WATER QUALITY

- a) Describe how the reservoir will be managed to maintain water quality in the reservoir and downstream.

The reservoir system is highly vegetated which filters the water and will allow for particulate settlement. Once the flood waters or heavy rain runoff subsides, the water is detained and not released to downstream waterbodies.

- b) Describe how the perimeter of the reservoir will be buffered to limit nutrient and bacteria contamination. **The entire perimeter and part of the adjacent upgradient areas are vegetated with natural and native plants. Other onsite upgradient areas that, at the time (9-29-2000) of the establishment of the United States of America protection easement (Polk Co BOR 2000-10756, attached) were farmland and not grassland, woodland, wildlife habitat, or other natural features, are planted with food sources for the wildlife. Slopes are mostly in the 1% range, with small areas as much as 4%. Steeper uphill gradients, that are off-site, are dryland farmed with seed or grain crops, making nutrient contamination minimal, to none. There is no reason to believe that there will be any bacteria contamination beyond what the natural wildlife population produces.**
- c) Describe how annual maintenance of the reservoir will be accomplished without discharging contaminated water instream. **The reservoirs are not storing water for a secondary out-of-reservoir-use. There are no known onsite sources of contamination upgradient of the reservoirs from land under the applicant's control. Maintenance is directed towards providing abundant plant and wildlife habitat. No water is discharged downstream. In many years, water in the deepest pool areas remains through late August and into September (per Google Earth images).**

SECTION 10: PROJECT SCHEDULE (List Month and Year)

- a) Proposed date construction work will begin: **Ponds were constructed under now-cancelled WRD permits beginning in 2002.**
(Fish passage approval is necessary prior to construction.)
- b) Proposed date construction work will be completed: **Ponds were completed under now-cancelled WRD permits issued in 2002.**
- c) Proposed date water use will be completed: **Water use will be completed prior to 5-years after the permit issuance date associated with this application.**

SECTION 11: WITHIN A DISTRICT

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

Irrigation District Name		Address	
NA		AUG 02 2021	
City	State	Zip	

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SECTION 12: REMARKS

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

The attached drawings, cross-sections, storage volumes, and submerged areas have been generated from field survey data collected in October 2020 and reflect the as-built conditions. Construction details that align with those shown on the original plans, have also been included from the USDA-NRCS website, some of which, due to their location and nature, were not able to be field verified.

There will be no additional construction or ground disturbance.

Google Earth

7-29-2000

Livermore Rd

RECEIVED
AUG 02 2021
OWRPD

Google Earth



1000 ft

Google Earth

5-27-2004

RECEIVED
AUG 02 2021
OWWRD

Livermore Rd

Google Earth

© 2004 Google Technology



1000 ft

Google Earth

8-12-2020

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OWRPD

Livermore Rd

Google Earth



1000 ft

WARRANTY EASEMENT DEED

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WETLANDS RESERVE PROGRAM
AGREEMENT NO. 66-0436-0-079

OWRD

THIS WARRANTY EASEMENT DEED is made by and between Ronald L. Marx and Janice M. Marx of 4905 Livermore Road, Dallas, Oregon 97338 (hereafter referred to as the "Landowner"), Grantor(s), and the **UNITED STATES OF AMERICA**, by and through the Commodity Credit Corporation (hereafter referred to as the "United States"), Grantee. The Landowner and the United States are jointly referred to as the "Parties".

Witnesseth:

Purposes and Intent. The purpose of this easement is to restore, protect, manage, maintain, and enhance the functional values of wetlands and other lands, and for the conservation of natural values including fish and wildlife habitat, water quality improvement, flood water retention, groundwater recharge, open space, aesthetic values, and environmental education. It is the intent of CCC to give the Landowner the opportunity to participate in the restoration and management activities on the easement area.

Authority. This easement deed acquisition is authorized by Title XII of the Food Security Act of 1985, as amended (16 U.S.C. §3837), for the Wetlands Reserve Program.

NOW THEREFORE, for and in consideration of the sum of \$152,605, the Grantor(s), hereby grants and conveys with general warranty of title to the UNITED STATES OF AMERICA and its assigns, the Grantee, for in perpetuity, all rights, title and interest in the lands comprising the easement area described in Part I and appurtenant rights of access to the easement area, but reserving to the Landowner only those rights, title, and interest expressly enumerated in Part II. It is the intention of the Landowner to convey and relinquish any and all other property rights not so reserved. This easement shall constitute a servitude upon the land so encumbered; shall run with the land in perpetuity; and shall bind the Landowner, (the Grantor(s)), their heirs, successors, assigns, lessees, and any other person claiming under them.

SUBJECT, however, to all valid rights of record, if any.

PART I. Description of the Easement Area. The lands encumbered by this easement deed, referred to hereafter as the easement area, are described below:

EXHIBIT "A"

PART II. Reservations in the Landowner on the Easement Area. Subject to the rights, title, and interest conveyed by this easement deed to the United States, the Landowner reserves:

- A. Title. Record title, along with the Landowner's right to convey, transfer, and otherwise alienate title to these reserved rights.
- B. Quiet Enjoyment. The right of quiet enjoyment of the rights reserved on the easement area.
- C. Control of Access. The right to prevent trespass and control access by the general public.

RECORDED IN OFFICIAL POLK COUNTY RECORDS
LINDA DAWSON, COUNTY CLERK



51.00

00012800200010756006

200010756

2:16:38 PM 10/02/2000

RECORDING EAS 1

- 1 UNGERV

First American Title 261399P

easement area. CCC shall prescribe the amount, method, timing, intensity, and duration of the compatible use.

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PART V. Rights of the United States. The rights of the United States include:

- A. Management activities. The United States shall have the right to enter unto the easement area to undertake, at its own expense or on a cost-share basis with the Landowner or other entity, any activities to restore, protect, manage, maintain, enhance, and monitor the wetland and other natural values of the easement area. The United States, at its own cost, may apply to or impound additional waters on the easement area in order to maintain or improve wetland and other natural values.
- B. Access. The United States has a right of reasonable ingress and egress to the easement area over the Landowner's property, whether or not the property is adjacent or appurtenant to the easement area, for the exercise of any of the rights of the United States under this easement deed. The authorized representatives of the United States may utilize vehicles and other reasonable modes of transportation for access purposes.
- C. Easement Management. The Secretary of Agriculture, by and through CCC may delegate all or part of the management, monitoring or enforcement responsibilities under this easement to any entity authorized by law that CCC determines to have the appropriate authority, expertise and resources necessary to carry out such delegated responsibilities. State or federal agencies may utilize their general statutory authorities in the administration of any delegated management, monitoring or enforcement responsibilities for this easement. The authority to modify or terminate this easement (16 U.S.C. §3837e(b)) is reserved to CCC in accordance with applicable law.
- D. Violations and Remedies - Enforcement. The Parties agree that this easement deed may be introduced in any enforcement proceeding as the stipulation of the Parties hereto. If there is any failure of the Landowner to comply with any of the provisions of this easement deed, the United States or other delegated authority shall have any legal or equitable remedy provided by law and the right:
1. To enter upon the easement area to perform necessary work for prevention of or remediation of damage to wetland or other natural values; and,
 2. To assess all expenses incurred by the United States (including any legal fees or attorney fees) against the Landowner, to be owed immediately to the United States.

PART VI. General Provisions.

- A. Successors in Interest. The rights granted to the United States shall accrue to any of its agents, successors, or assigns. All obligations of the Landowner under this easement deed shall also bind the Landowner's heirs, successors, agents, assigns, lessees, and any other person claiming under them. All the Landowners who are parties to this easement deed shall be jointly and severally liable for compliance with its terms.
- B. Rules of Construction and Special Provisions. All rights in the easement area not reserved by the Landowner shall be deemed acquired by the United States. Any ambiguities in this easement deed shall be construed in favor of the United States to effect the wetland and conservation purposes for which this easement deed is being acquired. The property rights of the United States acquired under this easement shall be unaffected by any subsequent amendments or repeal of the Wetlands Reserve Program. If the Landowner receives the consideration for this easement in installments, the Parties agree that the conveyance of this easement shall be totally effective upon the payment of the first installment.

This instrument was drafted by the Office of the General Counsel, U.S. Department of Agriculture, Washington, D.C. 20250-1400.

OMB DISCLOSURE STATEMENT

Public reporting burden for this collection of information is approximately sixty (60) minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Department of Agriculture Clearance Office (OIRM), Room 404-W, Washington, D.C. 20250; and to the Office of Management and Budget, Paperwork Reduction Project (OMB No. 057-0013), Washington, D.C. 20503.

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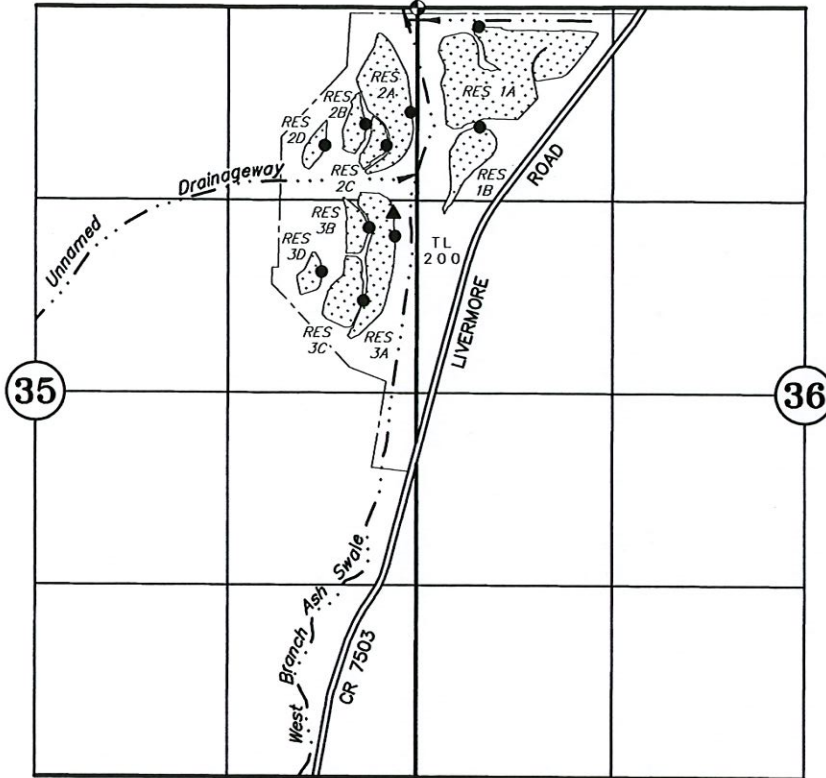
T6S R5W, WM
POLK COUNTY

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Section Corner 25-26-35-36
2 1/2" Alum Pipe w/ Alum Cap



POD	SOUTH	EAST
1A	125'	400'
1B	815'	405'
POD	SOUTH	WEST
2A	715'	45'
2B	800'	380'
2C	940'	235'
2D	940'	650'
3A	1565'	175'
3B	1505'	355'
3C	2005'	395'
3D	1810'	680'
Distances from Section Corner Common to Sections 25, 26, 35 & 36		

TAX LOT:
6 5 36 200

----- TAX LOT LINE

- POD
- ▲ STOP LOGS & 24" OUTLET

APPLICATION TO STORE WATER

Application No. _____ Permit No. _____

Pacific Farms Co., LLC

MAY 19, 2021
SCALE: 1" = 1320'

NOTE: This map is for the purpose of identifying the location of water rights and has no intent to dimension or locate property ownership lines.



Renewal Date: December 31, 2021

**Boatwright Engineering, Inc.**

2613 12th Street SE Salem, Oregon 97301

civil engineers • land surveyors • water rights
503.363.9225**Letter of Transmittal**Date
July 30, 2021Job No
16/21TO:
**Oregon Water Resources Department
725 Summer Street, Suite A
Salem, Oregon 97301-1266**Attention:
Water Rights Section**RECEIVED**Re:
Application**AUG 02 2021**

WE ARE SENDING YOU:	<input checked="" type="checkbox"/>	Attached	Under Separate cover via the following items: OWRD		
Shop drawings	<input type="checkbox"/>	Prints	Plans	Samples	Specifications
Copy of letter	<input type="checkbox"/>	Change order	<input checked="" type="checkbox"/>	Application packet for a Permit to Store Water in a Reservoir (Standard Review)	

COPIES	DATE	NO.	DESCRIPTION
1	5-19-2021	1	Map
1	7-17-2021	12	Completed Application Form
1	7-16-2021	12	Land Use Information Form completed by Polk County w/ attachments
1	3-23-2006	2	Statutory Warranty Deed (BOR 2006-004673) for subject property
1	6-3-2005	2	Polk County Partition Plat 2005-0016 Survey of subject property including Wetland Reserve Tract
1	10-02-2000	6	Warranty Easement Deed (BOR 2000-10756) for Wetlands Reserve Easement to USA
1	8-29-2000	1	Polk County Survey Record 14152 Boundary w/monumentation of Wetland Reserve area
1	10-2020	3	Livermore Road Ponds – As-built dam and reservoir plans created w/measurements from a field survey & details from USDA-NRCS 2001 plans
1	various	3	Google Earth photos of reservoir site dated 7-29-2000, 5-27-2004, 8-12-2020
1	7-19-2021	1	WRD Fee Calculator for Permit for Storage
1	7-26-2021	1	Boatwright Engineering, Inc. check #22887 for \$2,927.20 filing fee

THESE ARE TRANSMITTED as checked below:

<input checked="" type="checkbox"/>	For approval	<input type="checkbox"/>	Approved as submitted	<input type="checkbox"/>	Resubmit ___ copies for approval
<input type="checkbox"/>	For your use	<input type="checkbox"/>	Approved as noted	<input type="checkbox"/>	Submit ___ copies for distribution
<input type="checkbox"/>	As requested	<input type="checkbox"/>	Returned for corrections	<input type="checkbox"/>	Return ___ corrected copies
<input type="checkbox"/>	For review and comment				
<input type="checkbox"/>	FOR BIDS DUE				

REMARKS:

COPY TO: **Ron Marx, Pacific Farms Co., LLC**

SIGNED:

Jeanne Boatwright



Oregon Water Resources Department
Standard Reservoir Application

- [Main](#)
- [Help](#)
- [Return](#)
- [Contact Us](#)

Today's Date: Monday, July 19, 2021

Base Application Fee.		\$930.00
Number of acre feet to be diverted for Storage.	50.6	\$737.20
Number of reservoirs.	10	\$1,260.00
Subtotal:		\$2,927.20
Permit Recording Fee. ***		\$520.00
*** the Permit Recording Fee is not required when the application is submitted but, must be paid before a permit will be issued. It is fully refundable if a permit is not issued. If the recording fee is not paid prior to issuance of the Final Order, permit issuance will be delayed.	<input type="button" value="Recalculate"/>	
Estimated cost of Permit Application		\$3,447.20

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Minimum Requirements Checklist

Minimum Requirements (OAR 690-310-0040, OAR 690-310-0050 & ORS 537.140)

Include this checklist with the application

Check that each of the following sections are completed. The application will be returned if all required items are not included. If you have questions, please call the Water Rights Customer Service Group at (503) 986-0900.

Please submit the original application and signatures to the Water Resources Department. Applicants are encouraged to keep a copy of the completed application.

- SECTION 1: Applicant Information and Signature
- SECTION 2: Property Ownership
- SECTION 3: Source of Water
- SECTION 4: Sensitive, Threatened or Endangered Fish Species Public Interest Information
- SECTION 5: Water Use
- SECTION 6: Dam Height and Composition
- SECTION 7: Primary Outlet Works
- SECTION 8: Emergency Spillway
- SECTION 9: Water Quality
- SECTION 10: Project Schedule
- SECTION 11: Within a District
- SECTION 12: Remarks

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Include the following additional items:

- Land Use Information Form with approval and signature of local planning department (*must be an original*) or signed receipt.
- Provide the legal description of: (1) the property from which the water is to be diverted, (2) any property crossed by the proposed ditch, canal or other work, and (3) any property on which the water is to be used as depicted on the map.
- Fees - Amount enclosed: **\$2,927.20**
See the Department's Fee Schedule at www.oregon.gov/owrd or call (503) 986-0900.
- Map that includes the following items:

- Map must be prepared by a Certified Water Rights Examiner
- Permanent quality and drawn in ink
- Even map scale not less than 4" = 1 mile (example: 1" = 400 ft, 1" = 1320 ft, etc.)
- North directional symbol
- Township, Range, Section, Quarter/Quarter, Tax Lots
- Reference public-land survey corner on map
- Location of each dam by reference to a recognized public land survey corner (distances north/south and east/west)
- Indicate the area of use by Quarter/Quarter and tax lot identified clearly
- Number of acres per Quarter/Quarter and hatching to indicate area of use if for primary irrigation, supplemental irrigation, or nursery
- Location of main canals, ditches, pipelines or flumes (if well is outside of the area of use)

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

For Department Use: App. Number: _____

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): **Pacific Farms Co., LLC Ronald Marx, Manager**

Mailing Address: **PO Box 1144**

City: **Dallas**

State: **Oregon**

Zip Code: **97338**

Daytime Phone: **503.623.2953**

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:
6S	5W	35	NE-NE	6.5.36.200	Agriculture/EFU	<input checked="" type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	Wetland
6S	5W	35	SE-NE	6.5.36.200	Agriculture/EFU	<input checked="" type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	Wetland
6S	5W	36	NW-NW	6.5.36.200	Agriculture/EFU	<input checked="" type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	Wetland
6S	5W	36	SW-NW	6.5.36.200	Agriculture/EFU	<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	Wetland

List all counties and cities where water is proposed to be diverted, conveyed, and/or used or developed:

Polk County

B. Description of Proposed Use

Type of application to be filed with the Water Resources Department:

- Permit to Use or Store Water
 Water Right Transfer
 Permit Amendment or Ground Water Registration Modification
 Limited Water Use License
 Allocation of Conserved Water
 Exchange of Water

Source of water: Reservoir/Pond Ground Water Surface Water (name) **Overland run-off & flood waters, tribs. of Unnamed Creek and West Branch Ash Swale**

Estimated quantity of water needed: **50.6** 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 **Wetland Enhancement**

Briefly describe:

10 existing ponds constructed in 2002 under now-cancelled OWRD permits R-13235, R-13236 & R-13237 issued in 2002. Design & plans provided by USDA-NRCS in 2001.
No Additional Work is Being Done

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. →

*The applicant indicated that the wetlands are existing and no additional work is proposed, however, this serves as notification that the subject property is located within the Special Flood Hazard Area (SFHA). Any non-structural floodplain development, such as excavating, drilling, removal or fill material, etc., within the SFHA would require a land use application and approval prior to conducting the non-structural floodplain development activities. The applicable review and decision criteria for non-structural floodplain development can be found in the Polk county Zoning Ordinance Chapter 178.

The subject property also contains wetlands identified on the NWI map. According to the SRA map the wetlands are inventoried as being fish bearing. Any development within the inventoried wetland areas may require permits from the Oregon Department of State Land (DSL) and Oregon Department of Fish and Wildlife (ODFW).

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POLK COUNTY

Community Development

POLK COUNTY COURTHOUSE ★ DALLAS, OREGON 97338 ★ (503) 623-9237 ★ FAX (503) 623-6009

GENE CLEMENS
Director

NOTICE OF LAND USE APPLICATION

APPLICANT/OWNER: Ronald and Janice Marx

TYPE OF APPLICATION: The applicants are proposing to construct three low berm dikes creating a shallow water pond within the 100-year floodplain of Ash Swale Creek as part of a wetland restoration project. The Subject property is a 335.93-acre parcel located within the Exclusive Farm Use (EFU) Zoning District.

LOCATION: The subject property is located at 4905 Livermore Road, Dallas, OR 97338 (T6S, R5W, Section 36, Tax Lot 200).

REVIEW & DECISION CRITERIA: PCZO 136.030(D), 178.060(A)(2)(B)(1)(2)(4), 173.040, 182.040(A)(E).

FILE NUMBER: CU 01-17

STAFF CONTACT: Austin McGuigan

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DECISION

Based on the Review and Decision Criteria above, the application is **approved** to construct three low berm dikes within the 100-year floodplain of Ash Swale Creek. The application shall be subject to compliance with the conditions listed below, as required by the findings in the Review and Decision Criteria (Section III), and development standards, as required by the Polk County Zoning Ordinance. Any modifications to conditions shall be approved in accordance with provisions of law (e.g., variance, subsequent land use application, etc.). Appeals to conditions listed in Development Standards may be appealed as allowed by law.

Conditions of Development:

1. The three proposed low berm dikes shall not be altered, enlarged or enhanced beyond the proposed dimensions submitted in this application without appropriate County, State, and Federal permits. Repair and maintenance of the berms is allowed, subject to limiting the berm dimensions and impacts to those identified in this application.
2. The property owner must obtain any necessary state or federal permits before beginning the project. Polk County is not liable for any delays in the processing of a state or federal permit.
3. The property owner shall contact the Oregon Division of State Lands (DSL) ((503) 378-3805) in order to determine if the project is located within a jurisdictional wetland. If DSL determines that the project is located within a jurisdictional wetland, then the project is located within a significant resource area and PCZO chapter 182 Significant Resource Areas Overlay Zone criteria shall be applied to the proposed project. As a result of such a determination, the applicant would be required to determine the wetland and or riparian setback area, and develop a management plan as described in PCZO 182.040 and 182.050. If required, The property owner shall submit a DSL approved management plan to the Planning Division prior to construction of the proposed project.
4. Soil stabilizing vegetation shall be maintained as to not increase the base flood elevation more than one (1) foot.

**Polk County Community Development Department
Planning Division Administrative Action:**

APPLICANT/OWNER: Ronald and Janice Marx
TYPE OF APPLICATION: The applicants are proposing to construct three low berm dikes creating a shallow water pond within the 100-year floodplain of Ash Swale Creek as part of a wetland restoration project. The Subject property is a 335.93-acre parcel located within the Exclusive Farm Use (EFU) Zoning District.
LOCATION: The subject property is located at 4905 Livermore Road, Dallas, OR 97338 (T6S, R5W, Section 36, Tax Lot 200).
REVIEW & DECISION
CRITERIA: PCZO 136.030(D), 178.060(A)(2)(B)(1)(2)(4), 173.040, 182.040(A)(E).
FILE NUMBER: CU 01-17
STAFF CONTACT: Austin McGuigan

I. PROJECT AND PROPERTY DESCRIPTION

REQUEST:

To construct three low berm dikes, in order to impound overland flow and stream flood surface water, creating a shallow water pond within the 100-year floodplain of Ash Swale Creek. The proposed non-structural floodplain development is part of a 63-acre wetland restoration project. The property owners, Ronald and Janice Marx, hired the United States Department of Agriculture Natural Resources Conservation Service to perform a study to determine if the proposed wetland restoration project design and construction would increase the flood levels during the base-flood discharge. (Attachment A, Plot Plan).

The application was received complete on May 30, 2001.

PARCEL SIZE:

335.93-acres

Zoning:	Comprehensive Plan Designation	Zoning Designation
Subject Property	Agriculture	Exclusive Farm Use
Property North	Agriculture	Exclusive Farm Use
Property East	Agriculture	Exclusive Farm Use
Property South	Agriculture	Exclusive Farm Use
Property West	Agriculture	Exclusive Farm Use

PROPERTY DESCRIPTION:

The subject property is located at 4905 Livermore Road, Dallas, OR 97338 (T6S, R5W, Section 36, Tax Lot 200, and T6S, R5W, Section 36, Tax Lot 100). The subject parcel consists of 335.93-acres and is part of a 496.93-acre tract (T6S, R5W, Section 36, Tax Lot 200, 201 and T6S, R5W, Section 36, Tax Lot 100). The subject parcel is described in Polk County Book of Records 289, Page 995. The subject parcel was lawfully created on August 31, 1954 pursuant to Polk County Deed Volume 154, Page 467.

- 1) **136.030. USES PERMITTED BY RIGHT.** The following uses are permitted, subject to applicable standards set forth in the Polk County Zoning Ordinance and as may otherwise be indicated by federal, state and local permits or regulations: [PCZO 136.030]

(A) **Creation, Restoration and Enhancement of Wetlands.** [PCZO 136.030(D)]

Findings: According to the applicant, the application for the construction of three low berm dikes within the Ash Swale Creek floodplain is part of a wetland restoration project. The application meets this criterion.

- 2) **PCZO 178.060. CONDITIONAL USE PERMIT PROCEDURES AND REQUIREMENTS.**

(A) **A conditional use permit shall be obtained from the Polk County Community Development Department prior to commencement of the following types of development:** [PCZO 178.060 (A)]

- (1) **Non-structural development within any floodplain identified on the Polk County Flood Insurance Rate Map requires a conditional use permit. Non-structural development includes mining, dredging, filling, grading, paving, excavation or drilling operations.** [PCZO 178.060 (A)(2)]

Findings: The applicant is requesting approval to establish three low berm dikes totaling 4,000 feet in length, averaging 1.5 to 2.5 feet in height, and 20 feet in width within the 100-year floodplain of Ash Swale Creek. The proposed project would involve excavation and filling within the designated floodplain.

(B) **The Planning Director is responsible for review and approval of all conditional use applications submitted for development and uses described in this section. The Planning Director shall determine that such development and uses meet the following requirements:** [PCZO 178.060 (B)]

- (1) **The necessary permits for the proposed development have been obtained from those federal, state or local governmental agencies from which prior approval is required.** [PCZO 178.060 (B)(1)]

Findings: Staff finds that, according to the National Wetland Inventory Rickreall Quad Map, the subject property contains a wetland in the general location of the proposed low berm dikes. Oregon Division of State Lands (DSL) may require a removal-fill permit for the described project. If DSL determines that the project is located within a jurisdictional wetland, then the project is located within a significant resource area and it would be applicable to apply PCZO chapter 182 Significant Resource Areas Overlay Zone criteria to the proposed project. As a result of such a determination, the applicant would be required to determine the wetland and or riparian setback area, and develop a management plan as described in PCZO 182.040 and 182.050. Staff notified DSL of the subject land use application utilizing the DSL Wetland Land Use Notification Form. As of the writing of this staff report DSL has not responded. The application could meet this criterion.

- (2) **The proposed development will not adversely affect the flood carrying capacity of the floodplain. For purposes of this ordinance "adversely affect" means that the cumulative effects of the proposed development when combined with all other existing and anticipated development will not increase the water surface elevation of the base flood more than one (1) foot at any point.** [PCZO 178.060 (B)(2)]

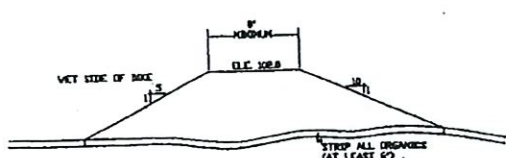
Federal permits. Repair and maintenance of the berms is allowed, subject to limiting the berm dimensions and impacts to those identified in this application.

2. The property owner must obtain any necessary state or federal permits before beginning the project. Polk County is not liable for any delays in the processing of a state or federal permit.
3. The property owner shall contact the Oregon Division of State Lands (DSL) ((503) 378-3805) in order to determine if the project is located within a jurisdictional wetland. If DSL determines that the project is located within a jurisdictional wetland, then the project is located within a significant resource area and PCZO chapter 182 Significant Resource Areas Overlay Zone criteria shall be applied to the proposed project. As a result of such a determination, the applicant would be required to determine the wetland and or riparian setback area, and develop a management plan as described in PCZO 182.040 and 182.050. If required, The property owner shall submit a DSL approved management plan to the Planning Division prior to construction of the proposed project.
4. Soil stabilizing vegetation shall be maintained as to not increase the base flood elevation more than one (1) foot.

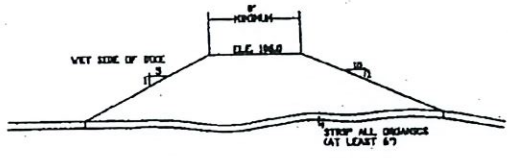
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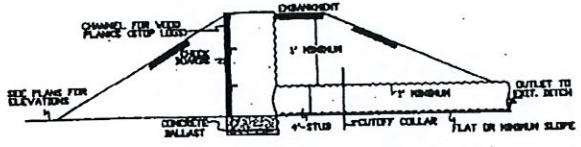
OWRD



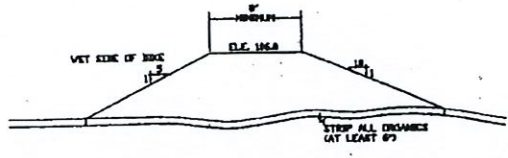
⊕ TYPICAL DIKE SECTION
(not to scale)



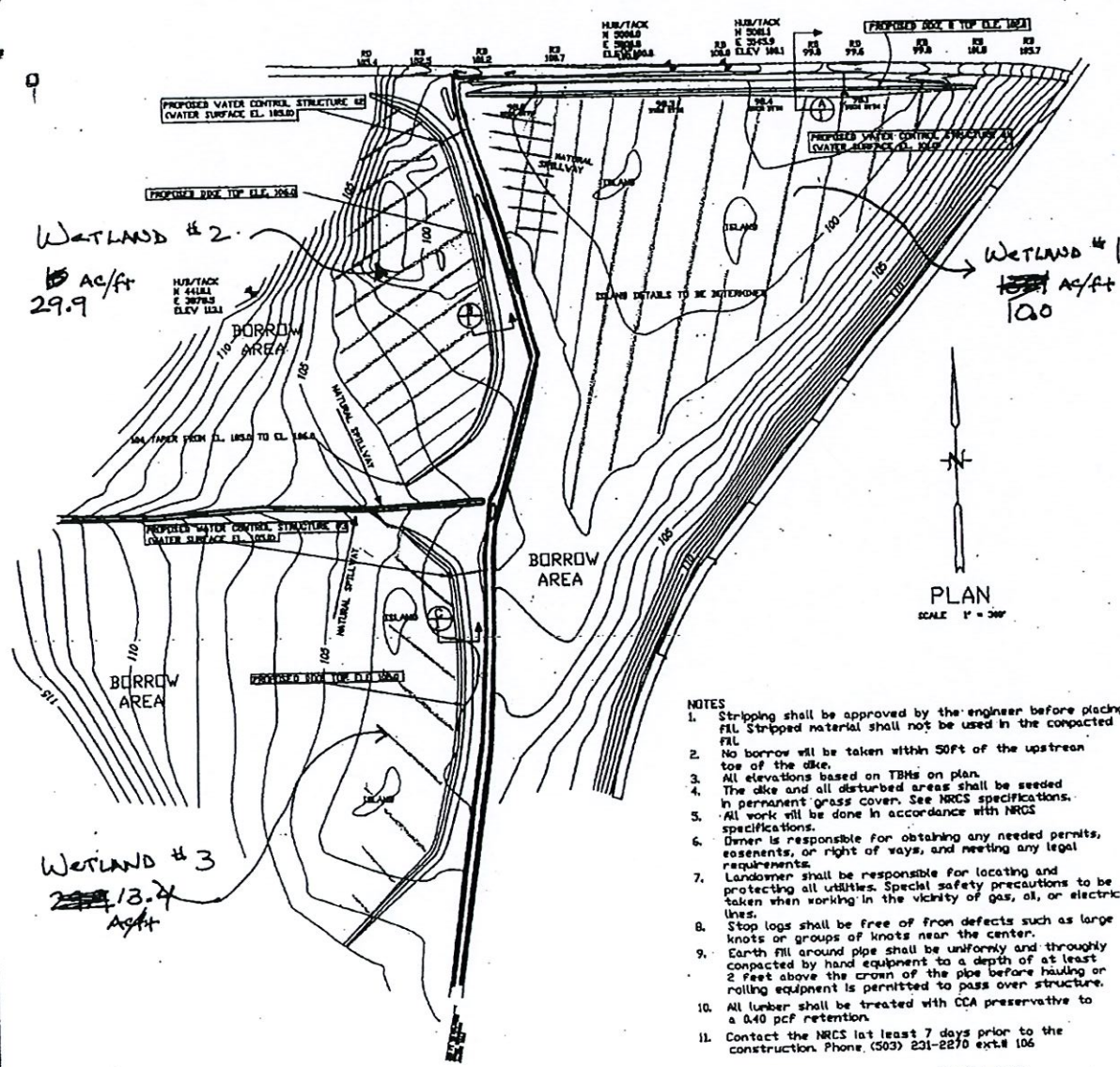
⊕ TYPICAL DIKE SECTION
(not to scale)



TYPICAL DIKE SECTION @ HALF RISER
(not to scale)



⊕ TYPICAL DIKE SECTION
(not to scale)



- NOTES
1. Stripping shall be approved by the engineer before placing fill. Stripped material shall not be used in the compacted fill.
 2. No borrow will be taken within 50ft of the upstream toe of the dike.
 3. All elevations based on TBMs on plan.
 4. The dike and all disturbed areas shall be seeded in permanent grass cover. See NRCS specifications.
 5. All work will be done in accordance with NRCS specifications.
 6. Owner is responsible for obtaining any needed permits, easements, or right of ways, and meeting any legal requirements.
 7. Landowner shall be responsible for locating and protecting all utilities. Special safety precautions to be taken when working in the vicinity of gas, oil, or electrical lines.
 8. Stop logs shall be free of iron defects such as large knots or groups of knots near the center.
 9. Earth fill around pipe shall be uniformly and thoroughly compacted by hand equipment to a depth of at least 2 feet above the crown of the pipe before hauling or rolling equipment is permitted to pass over structure.
 10. All lumber shall be treated with CCA preservative to a 0.40 pcf retention.
 11. Contact the NRCS at least 7 days prior to the construction. Phone: (503) 231-2270 ext. 106

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DRAFT

DESIGNED: RON MARX WRP
DRAWN: POLK COUNTY SOIL AND WATER CONSERVATION DISTRICT
CHECKED: _____

DATE: 3/21
APPROVED: _____

DATE: 3/21
TITLE: _____

DATE: _____
TITLE: _____

DATE: _____
TITLE: _____

USDA NATURAL RESOURCES CONSERVATION SERVICE

ATTACHMENT A

FIRST AMERICAN TITLE 776461



After recording return to:
Pacific Farms Co., LLC
P O Box 1144
Dallas, OR 97338

Until a change is requested all tax statements shall be sent to the following address:
Pacific Farms Co., LLC
P O Box 1144
Dallas, OR 97338

File No.: 7121-776461 (SDT)
Date: March 21, 2006


THIS SPACE RESERVED FOR RECORDER'S USE

RECEIVED

AUG 02 2021

OWRD

RECORDED IN POLK COUNTY **2006-004673**
Valerie Unger, County Clerk



\$31.00

00153133200600046730020028 03/23/2006 11:32:37 AM

REC-WD Cnt=1 Stn=1 K. WILLIAMS
 \$10.00 \$10.00 \$11.00

STATUTORY WARRANTY DEED

Ronald L Marx and Janice M Marx, Grantor, conveys and warrants to **Pacific Farms Co., LLC**, Grantee, the following described real property free of liens and encumbrances, except as specifically set forth herein:

PARCEL 3 OF VOLUME 2005, PAGE 16 BOOK OF PARTITION PLATS FOR POLK COUNTY, OREGON, RECORDED JUNE 3, 2005.

This property is free from liens and encumbrances, EXCEPT:

1. Covenants, conditions, restrictions and/or easements, if any, affecting title, which may appear in the public record, including those shown on any recorded plat or survey; Potential recapture of ad valorem taxes regarding tax deferral as farm land.

The true consideration for this conveyance is **\$165,000.00**. (Here comply with requirements of ORS 93.030)

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 197.352. 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 APPROVED USES AND 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 197.352.

RECEIVED

AUG 02 2020

OWRD

2005 - 0016

L. MARX

1/4 SEC. 26, T. 6 S., R. 5 W., W.M.
TY, OREGON
7, 2005

J & R NO. 03-67-25

HELD, SW CORNER
W. HOWE DLC NO. 65
B/C IN CONC. RE: D110

HELD
1" IP. SP 2-19
2' WEST OF AS
TRAVELED EASEMENT
6" DEEP

PERRYDALE RD (80')

1/4 CORNER
POSITION DETERMINED
FROM OUR PREVIOUS
SURVEY CS 12468
POLK CO. B/C IN CONC.
NO REST. NO.

BEARING CS 12490
(S89°59'E, 2632.76')
(S89°59'E, 2633.40')
(S89°58'10"E, 2641.66')
(S89°58'10"E, 2641.56')

1/4 CORNER
2-1/2 AP./AC.
RE: 10168
HELD

2632.76'
(S89°59'E, 2633.40')
GLO

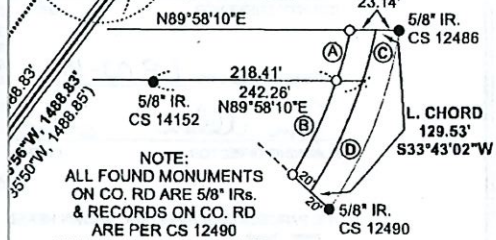
SEE DETAIL "C"

DETAIL "C"

LEGEND

- = MONUMENT FOUND AS NOTED.
- = SET 5/8" X 30" IRON ROD
W/ 1-1/2" ALUM. CAP STAMPED
LS 1658 - J & R SURVEYORS
- ⊙ = FOUND/REPLACED
- A/C = ALUMINUM CAP
- B/C = BRASS CAP
- D.V./D = DEED VOLUME/ DEED
- AC. = ACRES
- X-X- = EXISTING FENCE
- B = BOOK OF RECORDS
- I.P./I.R. = IRON PIPE/IRON ROD
- FC./F.C. = FENCE/FENCE CORNER
- AP. = ALUMINUM PIPE
- [w]- = WATERLINE EASEMENT AS NOTED

1090.15' (1090.14') CS12490
1067.16' (1067.16')



AND CURVE DATA

R/W CURVE DATA

- (A) R=934.93' (934.93'), D=2°53'28", L=47.18'
T=23.59', CH=S31°58'49"W, 47.17'
- (B) R=934.93' (934.93'), D=4°10'48", L=68.21'
T=34.12', CH=S35°30'57"W, 68.20'

Q CURVE DATA

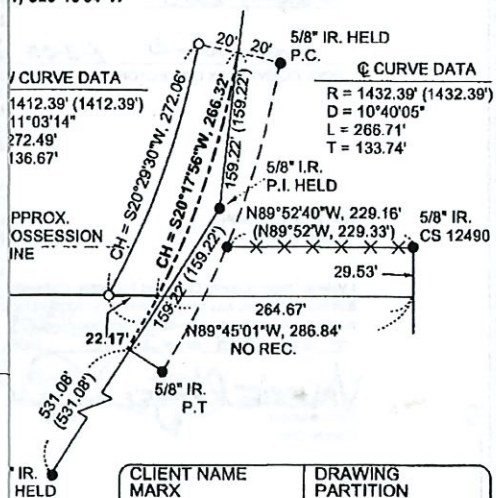
- (C) R=954.93' (954.93'), D=2°48'29", L=46.80'
T=23.40', CH=S31°13'37"W, 46.79'
- (D) R=954.93' (954.93'), D=4°58'10", L=82.83'
T=41.44', CH=S35°07'31"W, 82.80'
- (C)+(D) CH=S33°43'02"W, 129.53'
(S33°42'31"W, 129.53') CS 12490

E DATA

7.24')
06°23'
07')
3.46')
3°31'W

DETAIL "A"

NOT TO SCALE



PERRYDALE RD (80')

FC. 4.9' N.

1/2" IR. 3.00' N.
CS4037
IN E-W FENCE

S89°21'24"E, 1223.70'

HELD THIS LINE TO BE PARALLEL
TO THE N. LINE OF LANDERS
D.L.C. NO. 81
(DV 204-191, WEST TO W. SIDE CO. RD.)

B227-1946
(NORTH, 1861.20')
N00°02'10"E, 1858.20'

NE W. KENNEDY D.L.C. NO. 60
B/C IN CONC.
RE: D-98 & 10860

N0°04'45"E, 186.06'
(186.12') CS 4037

NW H. LANDERS
D.L.C. NO. 61
B/C IN 2" IP.
CS 4037 & RE: D700
HELD

N89°21'24"W, 2027.50'
(N89°26'31"W, 2026.20')
CS4037

NOTE Z

FENCE IS FAIRLY STRAIGHT
AND ON THIS LINE
1.3 AC +/- BETWEEN FENCE
AND SURVEYED PROPERTY
LINE SHOWN HEREON.

J & R SURVEYORS, P.O. BOX 418 DALLA

CLIENT NAME MARX		DRAWING PARTITION	
SCALE 400 F/U/n	DATE 5-17-2005	DRAWN BY X	
JOB 036725	REVISION 1/1	SHEET 1/2	