



**Water Solutions, Inc.**

*Via electronic mail*

December 6, 2021

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

**RE: Application for a Permit to Store Water in a Reservoir, in the name of Sarbanand Enterprises, LLC**

Dear Ms. Mucken:

On behalf of Sarbanand Enterprises, LLC (Applicant), we are submitting the enclosed application under the Alternate Review process. The Applicant is requesting to store up to 112 acre-feet of water in a reservoir with a berm height of six feet. Water will be stored for multipurpose use.

The permit application fee will be mailed to OWRD after we receive the temporary number for this application. If you have any questions regarding this application, please contact me at 541-257-9004.

Sincerely,

A handwritten signature in black ink that reads "Kimberly Grigsby".

Kimberly Grigsby  
Principal Water Resources Consultant

CC: Matt Hoezee, Sarbanand Enterprises, LLC

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

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December 7, 2021

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Application for a Permit to  
**Store Water in a Reservoir**  
 Alternate Review (ORS 537.409)



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

You may use this form for any reservoir storing less than 9.2 acre-feet *or* with a dam less than 10 feet high.

**Use a separate form for each reservoir**

**SECTION 1: APPLICANT INFORMATION AND SIGNATURE**

**Applicant**

|            |       |            |          |
|------------|-------|------------|----------|
| NAME       |       | PHONE (HM) |          |
| PHONE (WK) | CELL  |            | FAX      |
| ADDRESS    |       |            |          |
| CITY       | STATE | ZIP        | E-MAIL * |

**Organization**

|   |             |                       |   |
|---|-------------|-----------------------|---|
| NAME<br>SARBANAND ENTERPRISES, LLC, ATTN: MATT HOEZEE |             | PHONE<br>661-565-6421 | FAX                                     |
| ADDRESS<br>786 ROAD 188                               |             |                       | CELL                                    |
| CITY<br>DELANO  | STATE<br>CA | ZIP<br>93215          | E-MAIL *<br>MATT.HOEZEE@MUNGERFARMS.COM |

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

|   |             |                       |                                |
|---|-------------|-----------------------|--------------------------------|
| AGENT / BUSINESS NAME<br>GSI WATER SOLUTIONS, INC. ATTN: KIMBERLY GRIGSBY |             | PHONE<br>541-257-9004 | FAX                            |
| ADDRESS<br>1600 SW WESTERN BLVD., SUITE 240                               |             |                       | CELL                           |
| CITY<br>CORVALLIS   | STATE<br>OR | ZIP<br>97333          | E-MAIL *<br>KGRIGSBY@GSIWS.COM |

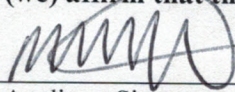
Note: Attach multiple copies as needed

\* 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.
- I cannot legally store water until the Water Resources Department issues a permit.
- Oregon law requires that a permit be issued before beginning construction. Acceptance of this application does not guarantee a permit will be issued.
- If I get a permit, I must not waste water.
- If development of the water use is not according to the terms of the permit, the permit can be cancelled.
- The water use must be compatible with local comprehensive land use plans.
- Even if the Department issues a permit, I may have to stop using water to allow senior water right holders to get water to which they are entitled.

**I (we) affirm that the information contained in this application is true and accurate.**

  
 Applicant Signature

**Matt Hoezee, Regional Ranch Manager**  
 Print Name and Title if applicable

**12-2-2021**  
 Date

Applicant Signature

Print Name and Title if applicable

Date

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Alternate Reservoir Application — Page 1

Rev. 07/2020

**SECTION 2: SOURCE OF WATER AND LOCATION OF RESERVOIR**

|                               |  |                   |                            |                 |            |
|-------------------------------|--|-------------------|----------------------------|-----------------|------------|
| <b>Reservoir name:</b>        | <b>Pond 3</b>  |                   |                            |                 |            |
| <b>Source*:</b>               | <b>Run-off</b>   | <b>Tributary:</b> | <b>South Yamhill River</b> |                 |            |
| <b>County:</b>                | <b>Yamhill</b>   |                   |                            |                 |            |
| <b>Quantity:</b>              | <b>112 Acre-Feet [length x width x depth / 43,560]</b>   |                   |                            |                 |            |
| <b>Reservoir Location:</b>    | Township (N or S)  | Range (E or W)    | Section                    | Quarter-Quarter | Tax Lot #  |
|                               | <b>5 S</b>   | <b>5 W</b>        | <b>35</b>                  | <b>SW 1/4</b>   | <b>200</b> |
| <b>Maximum Height of Dam:</b> | <u>6 feet. If excavated write "zero feet." <b>Although the reservoir does not have a dam, the berm surrounding the reservoir is 6 feet high.</b></u> |                   |                            |                 |            |

\* 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, an unnamed stream, or spring.

**SECTION 3: WATER USE**

Indicate the proposed use(s) of the stored water: **Multipurpose use**

**NOTE: You may wish to consider filing for "Multipurpose use" for your reservoir.** Multipurpose use does not limit the types of future uses for the stored water. Multipurpose covers all uses including: stock water, fish and wildlife, aesthetics, domestic, irrigation, agriculture, fire protection and pollution abatement.

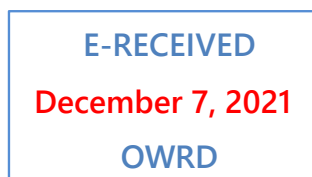
**SECTION 4: PROPERTY OWNERSHIP**

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

- Yes (please check appropriate box below then skip to section 5)
  - There are no encumbrances
  - This land is encumbered by easements, right of way, roads of way, roads or other encumbrances
- No (Please check the appropriate box below)
  - I have a recorded easement or written authorization permitting access.
  - I do not currently have written authorization or easement permitting access.
  - Written authorization or an easement is not necessary, because the only affected lands I do not own are state-owned submersible lands, and this application is for irrigated and/or domestic use only (ORS 274.040). (Do not check this box if you described your use as "Multipurpose" in #3 above.)

List the names and mailing addresses of all affected landowners:

N/A



**SECTION 5: ENVIRONMENTAL IMPACT**

**Channel:** Is the Reservoir:  in-stream or  off channel?

**Wetland:** Is the project in a wetland?  YES  NO  unknown

**Existing:** Is this an existing reservoir?  YES  NO

If YES, how long has it been in place? 65+ years.

**Fish Habitat:** Is there a fish habitat upstream of the proposed structure?  YES  NO  unknown

If YES, how much?     miles.

**Existing:** Have you been working with other agencies?  YES  NO

Indicate agency, staff and phone numbers of those involved. Also indicate any agencies that are cost sharing in this project. N/A

**SECTION 6: WITHIN A DISTRICT**

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

|                                      |        |          |  |
|--------------------------------------|--------|----------|--|
| Irrigation District Name: <u>N/A</u> |        | Address: |  |
| City:                                | State: | Zip:     |  |

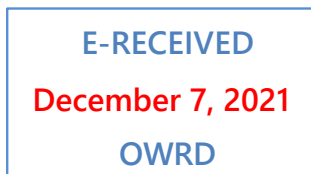
**SECTION 7: DESCRIPTION**

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

Runoff from hazelnut fields south of the proposed place of use is directed into Pond 1, which is located on the tax lot to the east of the proposed place of use (Pond 3). Overflow from Pond 1 and additional sheet runoff from surrounding fields flows into Pond 2. Overflow from Pond 2 enters Pond 3 via a 10” PVC culvert in the berm separating the two ponds. Please see Attachment E for the locations of Ponds 1, 2, and 3. Pond 3 was constructed off-channel prior to 1956. It is surrounded by a berm that is 6 feet in height. An 18” PVC outlet pipe passes through the berm on the north side of the pond. An adjustable valve at this outlet allows for control of the water level in the pond. Outside of the authorized storage season, any runoff entering the pond would be released through the outlet pipe.

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

The diversion does not involve a dam. The pond is surrounded by a six foot high berm. Attachment F shows additional details of the reservoir design and locations of the inlet and outlet pipes.



Attachment A

Watermaster Review Sheet

Application for a Permit to Store Water in a Reservoir – Sarbanand Enterprises, LLC

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# Watermaster Alternate Reservoir Application Review Sheet

In lieu of the water right application process set forth in ORS 537.140 to 537.211, an owner of a reservoir may submit an alternate reservoir application for a reservoir that has a storage capacity less than 9.2 acre-feet or a dam or impoundment structure less than 10 feet in height. ORS 537.409 describes the criteria used to evaluate alternate reservoir applications.

The review shall be limited to issues pertaining to: a) water availability, b) potential detrimental impact to existing fishery resources; and c) potential injury to existing water rights. (ORS 537.409 (6))

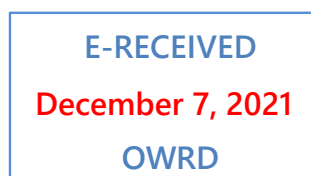
Within 60 days after the Water Resources Department provides public notice, any person may submit detailed, legally obtained information in writing, requesting the Department to deny the application for a permit on the basis that the reservoir: (a) Would result in injury to an existing water right; or (b) Would pose a significant detrimental impact to existing fishery resources. (ORS 537.409 (5))

|  |         |       |
|--|---------|-------|
| <b>Applicant's Name: Sarbanand Enterprises, LLC</b>  |         |       |
| 1. Does the proposed reservoir have the potential to injure existing water rights? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO<br>Explain:   |         |       |
| 2. Can conditions be applied to mitigate the potential injury to existing water rights? <input type="checkbox"/> YES <input type="checkbox"/> NO<br>Explain: NA  |         |       |
| 3. Is water available for the proposed reservoir? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO  |         |       |
| 4. If yes, during what period? Beginning: <b>November 1</b> End: <b>June 30</b><br><br>Attach a WARS printout at 50% exceedance. If WARS does not cover the proposed location, make a recommendation for a storage season based upon regulation history and your knowledge of the location. (Water Availability for Reservoir Policy found under OAR 690-410-0070(2)(c)) |         |       |
| 5. Did you meet with staff from another agency to discuss this application? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO  |         |       |
| Who:   | Agency: | Date: |
| Who:   | Agency: | Date: |

Watermaster Name: Joel Plahn

Watermaster Signature: Joel Plahn Date: 9/28/2021

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



**Attachment B**  
**ODFW Review Sheet**

Application for a Permit to Store Water in a Reservoir – Sarbanand Enterprises, LLC

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**December 7, 2021**

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# ODFW Alternate Reservoir Application Review Sheet

**This portion to be completed by the applicant.**

Applicant Name: Sarbanand Enterprises, LLC; Attn Matt Hoezee

Address: 786 Road 188, Delano, CA 93215

Phone/Email: 661-565-6421/Matt.Hoezee@mungerfarms.com

Reservoir Name: Pond 3

Volume (AF): 112

Source: Run-off

Basin Name: South Yamhill River

in-channel

Twp Rng Sec QQ: 5S 5W 35 NESE

off-channel

Note: It is unlikely that ODFW will be able to complete this form while you wait, nevertheless we recommend making an appointment to submit the form so as to provide any necessary clarifications. See pg. 6 of Instructions for contact information.

**This portion to be completed by Oregon Department of Fish and Wildlife (ODFW) staff.**

1) Is the proposed project and AO<sup>1</sup> off channel?..... **YES\***    **NO**  
 (if yes then proceed to #4; if no then proceed to #2)

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

2) Is the proposed project or AO located where NMF<sup>2</sup> are or were historically present?..... **YES**    **NO**  
 (if yes then proceed to #3; if no then proceed to #4)

3) If NMF are or were historically present:

a. Is there an ODFW-approved fish-passage plan?..... **YES**    **NO**

b. Is there an ODFW-approved fish-passage waiver or exemption?..... **YES**    **NO**

**If fish passage is required under ORS 509.580 through .910, then either 3(a) or 3(b) must be "Yes" to move forward with the application. If responses to 3(a) and 3(b) are "No", then the proposed reservoir does not meet the requirements of Oregon Fish Passage Law and shall not be constructed as proposed.**

4) Would the proposed project pose any other significant detrimental impact to an existing fishery resource locally or downstream?..... **YES**    **NO**

*Explain below (for example, list STE species or other existing fishery resources that would be impacted negatively.)*

Any diversion or appropriation of water for storage during the period June-October poses a significant detrimental impact to existing fishery resources. (For example, if diversion of water for storage during a certain time period would cause a significant detrimental impact to an existing fishery resource, then ODFW should recommend conditions or limitations.) If NMF fish are present at the project site or point

<sup>1</sup> AO = **Artificial Obstruction** means any dam, diversion, culvert or other human-made device placed in waters of this state that precludes or prevents the migration of native migratory fish. ORS 509.580 (1)

<sup>2</sup> NMF = **Native Migratory Fish** Species in Oregon as defined by OAR 635 - 412 - 0005 (32)





of water diversion then the applicant should be advised that a fish screen consistent with screening criteria will be required.

- This proposed pond or reservoir contemplates impounding water in the Columbia Basin above Bonneville Dam. ODFW has determined that additional diversions of water in this area pose a significant detrimental impact to existing fishery resources during the period April 15 through September 30.

ESA-listed fish (winter steelhead and spring Chinook Salmon), sensitive species (Coastal Cutthroat Trout and Pacific Lamprey), and other game fish (Coho Salmon) may be present in South Yamhill River during the period of impact. Instream flows to fulfill C59461 and C59484 for aquatic life are not being met partially or wholly during the period of impact. Based on parameters assessed by ODFW, instream flows are currently below those essential to support the biological needs of an existing fishery resource during June-October. In addition, ODFW (through consultation with ODEQ) determined that primary water quality concerns are temperature loading from diversions, mercury from erosion, and loading of nutrient/sediment/temperature from reservoir releases during low-flow summer months. It is recommended that the applicant not release polluted water from this off-channel reservoir into waters of the state from May 1-October 31 except when the release is directed by the State Engineer to prevent dam failure.

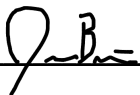
Because of these reasons, the proposed use will diminish water quality, physical habitat, and/or alter the flow regime to which fish are naturally adapted, negatively affecting their distribution, productivity, and abundance. Therefore, a further reduction in flow or alteration of habitat from the proposed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

**If YES, can conditions be applied to mitigate the significant detrimental impact to an existing fishery resource?**

- NO (explain)       YES

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

Water is only available to support the quality and quantity of biologically necessary flows at the POD and/or downstream during November 1-May 31. ODFW recommends the season of use be restricted to coincide with this period or the proposed use be mitigated prior to issuance of a Proposed Final Order for any use outside of this period. Without appropriate mitigation and/or conditions, a further reduction in flow or alteration of habitat from the proposed water use will result in a significant detrimental impact to an existing fishery resource. Mitigation is often complicated, time consuming, and expensive, and may include, but is not limited to, actions such as replacing the proposed amount of water through purchasing or transferring an existing water right. If the applicant chooses to pursue mitigation after application submittal to WRD, ODFW will provide appropriate conditions and a Mitigation Obligation consistent with the goals and standards of OAR 635-415-0025 (ODFW Habitat Mitigation Recommendations) to compensate for any potential impact from the proposed use. Upon request, the WRD caseworker can schedule a consultation with ODFW for more information.

ODFW Signature: \_\_\_\_\_ 

Print Name: Jason Brandt

ODFW Title: SW Hydro Coordinator

Date: 11/16/21

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 December 7, 2021  
 OWRD

**MENU OF CONDITIONS FOR WRD, ODFW, DEQ AND ODA**

Revised May 12, 2020

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

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

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

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

**b51a** The period of use has been limited to November-May.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**Fish Stocking:** Per ORS 498.222 and OAR 635-007-0600, all persons transporting fish in Oregon need to have a fish transport permit issued by the Oregon Department of Fish and Wildlife (ODFW). The permittee shall not stock fish in the reservoir without a fish transport permit approved by ODFW. As part of the permitting process, the permittee must also screen the inlet and outlet of their pond to insure that fish cannot escape into public waters and/or to keep wild fish from entering the pond.

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

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

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

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

**Off-Channel Stored Water Releases:** The permittee shall not release polluted water from this off-channel reservoir into waters of the state except when the release is directed by the State Engineer to prevent dam failure.

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

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

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

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

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

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

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# Attachment C

## Land Use Information Form

Application for a Permit to Store Water in a Reservoir – Sarbanand Enterprises, LLC

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December 7, 2021

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# Land Use Information Form



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

## NOTE TO APPLICANTS

In order for your application to be processed by the Water Resources Department (WRD), this Land Use Information Form must be completed by a local government planning official in the jurisdiction(s) where your water right will be used and developed. The planning official may choose to complete the form while you wait, or return the receipt stub to you. Applications received by WRD without the Land Use Form or the receipt stub will be returned to you. Please be aware that your application will not be approved without land use approval.

**This form is NOT required if:**

- 1) Water is to be diverted, conveyed, and/or used only on federal lands; **OR**
- 2) The application is for a water right transfer, allocation of conserved water, exchange, permit amendment, or ground water registration modification, and **all** of the following apply:
  - a) The existing and proposed water use is located entirely within lands zoned for exclusive farm-use or within an irrigation district;
  - b) The application involves a change in place of use only;
  - c) The change does not involve the placement or modification of structures, including but not limited to water diversion, impoundment, distribution facilities, water wells and well houses; and
  - d) The application involves irrigation water uses only.

## NOTE TO LOCAL GOVERNMENTS

The person presenting the attached Land Use Information Form is applying for or modifying a water right. The Water Resources Department (WRD) requires its applicants to obtain land-use information to be sure the water rights do not result in land uses that are incompatible with your comprehensive plan. Please complete the form or detach the receipt stub and return it to the applicant for inclusion in their water right application. You will receive notice once the applicant formally submits his or her request to the WRD. The notice will give more information about WRD's water rights process and provide additional comment opportunities. You will have 30 days from the date of the notice to complete the land-use form and return it to the WRD. If no land-use information is received from you within that 30-day period, the WRD may presume the land use associated with the proposed water right is compatible with your comprehensive plan. Your attention to this request for information is greatly appreciated by the Water Resources Department. If you have any questions concerning this form, please contact the WRD's Customer Service Group at 503-986-0801.

# 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

Applicant(s): Sarbanand Enterprises, LLC, Attn: Matt Hoezee

Mailing Address: 786 Road 188

City: Delano State: CA Zip Code: 93215 Daytime Phone: 661-565-6421

## A. Land and Location

Please include the following information for all tax lots where water will be diverted (taken from its source), conveyed (transported), and/or used or developed. Applicants for municipal use, or irrigation uses within irrigation districts may substitute existing and proposed service-area boundaries for the tax-lot information requested below.

| Township  | Range     | Section   | ¼ ¼         | Tax Lot #  | Plan Designation (e.g., Rural Residential/RR-5) | Water to be:  | Proposed Land Use:           |
|-----------|-----------|-----------|-------------|------------|---|---|------------------------------|
| <u>5S</u> | <u>5W</u> | <u>35</u> | <u>NESW</u> | <u>200</u> | <u>EF-80</u>                                    | <input checked="" type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used | <u>Multi-purpose storage</u> |
| <u>5S</u> | <u>5W</u> | <u>35</u> | <u>NWSW</u> | <u>200</u> | <u>EF-80</u>                                    | <input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used            | <u>Multi-purpose storage</u> |
| <u>5S</u> | <u>5W</u> | <u>35</u> | <u>SWSW</u> | <u>200</u> | <u>EF-80</u>                                    | <input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used            | <u>Multi-purpose storage</u> |
| <u>5S</u> | <u>5W</u> | <u>35</u> | <u>SESW</u> | <u>200</u> | <u>EF-80</u>                                    | <input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used            | <u>Multi-purpose storage</u> |

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 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) Run-off

Estimated quantity of water needed: 112     cubic feet per second     gallons per minute     acre-feet

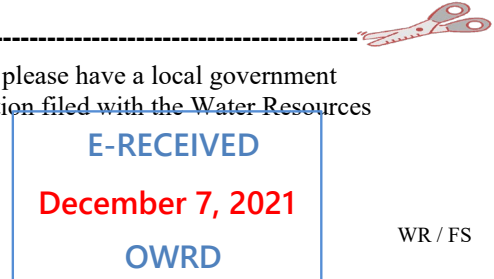
Intended use of water:  Irrigation     Commercial     Industrial     Domestic for \_\_\_\_\_ household(s)  
 Municipal     Quasi-Municipal     Instream     Other Multi-purpose storage

Briefly describe:

The applicant is applying for a water right to store run-off in an existing reservoir. The water will be stored for purposes such as irrigation and agricultural uses.

**Note to applicant:** If the Land Use Information Form cannot be completed while you wait, please have a local government representative sign the receipt at the bottom of the next page and include it with the application filed with the Water Resources Department.

See bottom of Page 3. →



## For Local Government Use Only

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.

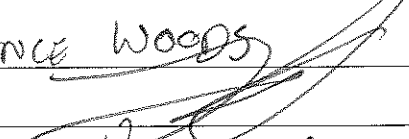
**Please check the appropriate box below and provide the requested information**

- 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): Section 402.02 (A) of the YCZO
- Land uses to be served by the proposed water uses (including proposed construction) involve discretionary land-use approvals as listed in the table below. (Please attach documentation of applicable land-use approvals which have already been obtained. Record of Action/land-use decision and accompanying findings are sufficient.) **If approvals have been obtained but all appeal periods have not ended, check "Being pursued."**

| Type of Land-Use Approval Needed<br>(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<br><input type="checkbox"/> Denied | <input type="checkbox"/> Being Pursued<br><input type="checkbox"/> Not Being Pursued |
|   |  | <input type="checkbox"/> Obtained<br><input type="checkbox"/> Denied | <input type="checkbox"/> Being Pursued<br><input type="checkbox"/> Not Being Pursued |
|   |  | <input type="checkbox"/> Obtained<br><input type="checkbox"/> Denied | <input type="checkbox"/> Being Pursued<br><input type="checkbox"/> Not Being Pursued |
|   |  | <input type="checkbox"/> Obtained<br><input type="checkbox"/> Denied | <input type="checkbox"/> Being Pursued<br><input type="checkbox"/> Not Being Pursued |
|   |  | <input type="checkbox"/> Obtained<br><input type="checkbox"/> Denied | <input type="checkbox"/> Being Pursued<br><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.

*No expansion to existing reservoir or other development w/in the 100-year floodplain who applying for a floodplain development permit.*

Name: LANCE WOODS Title: ASSOCIATE PLANNER  
 Signature:  Phone: (503) 434-7516 Date: 11/17/2021  
 Government Entity: YAMHILL COUNTY PLANNING DEPT.

**Note to local government representative:** Please complete this form or sign the receipt below and return it to the applicant. If you sign the receipt, you will have 30 days from the Water Resources Department's notice date to return the completed Land Use Information Form or WRD may presume the land use associated with the proposed use of water is compatible with local comprehensive plans.

**Receipt for Request for Land Use Information**

Applicant name: \_\_\_\_\_  
 City or County: \_\_\_\_\_ Staff contact: \_\_\_\_\_  
 Signature: \_\_\_\_\_ Phone: \_\_\_\_\_ Date: \_\_\_\_\_

# Attachment D

## Legal Description of Property

Application for a Permit to Store Water in a Reservoir – Sarbanand Enterprises, LLC

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RECORDING REQUESTED BY:  
 GRANTOR:  
 Evergreen Agricultural Enterprises, Inc.  
 3850 Three Mile Lane  
 McMinnville, OR 97128  
 GRANTEE:  
 Sarbanand Enterprises, LLC  
 786 Road 188  
 Delano, CA 93215  
 SEND TAX STATEMENTS TO:  
 Sarbanand Enterprises, LLC  
 786 Road 188  
 Delano, CA 93215  
 AFTER RECORDING RETURN TO:  
 Sarbanand Enterprises, LLC  
 786 Road 188  
 Delano, CA 93215  
 Escrow No: 471813029191-TTMIDWIL36

Yamhill County Official Records **201318001**  
 DMR-DDMR  
 Stn=4 MILLSA 11/27/2013 02:57:08 PM  
 \$50.00 \$11.00 \$5.00 \$15.00 **\$81.00**

I, Brian Van Bergen, County Clerk for Yamhill County, Oregon, certify that the instrument identified herein was recorded in the Clerk records.  
 Brian Van Bergen - County Clerk

RECORDED IN POLK COUNTY **2013-012365**  
 Valerie Unger, County Clerk  
 11/27/2013 01:56:54 PM

REC-WD Cnt=1 Stn=1 K. WILLIAMS  
 \$45.00 \$11.00 \$10.00 \$5.00 \$15.00 **\$86.00**

SPACE ABOVE THIS LINE FOR RECORDER'S USE

**STATUTORY WARRANTY DEED**

Evergreen Agricultural Enterprises, Inc., an Oregon Corporation, Grantor, conveys and warrants to Sarbanand Enterprises, LLC, an Oregon limited liability company, Grantee, the following described real property, free and clear of encumbrances except as specifically set forth below, situated in the County of Yamhill and the County of Polk, State of Oregon:

See Attached Exhibit "A"

THE TRUE AND ACTUAL CONSIDERATION FOR THIS CONVEYANCE IS \$1.00 and other consideration (See ORS 93.030)

Subject only to encumbrances of record at the time of conveyance.

Further subject to and including the water rights appurtenant to the following described real property as referenced in exhibit "A".

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

DATED: 11/24/13

Evergreen Agricultural Enterprises, Inc., an Oregon Corporation  
 Brian Crowe, President

State of OREGON, COUNTY of YAMHILL

This instrument was acknowledged before me on November 26, 2013 by Brian Crowe, President for Evergreen Agricultural Enterprises, Inc., an Oregon Corporation.

Notary Public - State of Oregon

My commission expires: June 14, 2017

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 Deed (Warranty-Statutory)



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TICOR TITLE COMPANY 471813029191

EXHIBIT "A"

TRACT A ("AMITY"):

PARCEL 1:

Beginning at a point in the County Road, which point is 8.88 chains West of the Southeast corner of the William A. Culberson Donation Land Claim, said point being West 44.45 chains and South 9.00 chains from the Northeast corner of Section 36, Township 5 South, Range 5 West of the Willamette Meridian, Yamhill County, Oregon; thence South 22° East 15.53 chains to a rock set in the County Road; thence South 17° West 27.80 chains to a rock in the County Road; thence South 82° West 14.25 chains to post with bearing trees; thence South 44 links to post with bearing trees; thence South 0°32' West along the center of County Road to its intersection with the Northerly right of way line of the Southern Pacific Railroad; thence Southwesterly along the Northerly railroad right of way line to its intersection with the county line between Yamhill and Polk Counties; thence West along said county line to its intersection with the East line of the M. B. Burke Donation Land Claim; thence Northwesterly, along the Easterly line of said Burke Claim to the Northeast corner thereof; thence West along the North line of said Burke Claim to the Northwest corner thereof; thence South along the West line of said Burke Claim 12.63 chains to a point which is 20 chains North of the Southern boundary line of Section 3, Township 6 South, Range 5 West of the Willamette Meridian; thence West 8.06 chains to the East line of the Guilford F. Worden Donation Land Claim; thence North along the East line of said Worden Claim, 60 chains to the Northeast corner thereof; thence West along the North line of said Worden Claim 21.08 chains to the most Northerly Southwest corner of the Alanson Wing Certificate Claim; thence North along the West line of said Wing Claim, 21.20 chains to the Northwest corner thereof, also being the Southwest corner of the Jacob Hampton Donation Land Claim at a stake on the left bank of the Yamhill River from which an alder 8 inches in diameter half way down the bank, bears South 70° East 22 links distant; thence East along the North line of said Wing Claim 60.42 chains to a post in the Section line between Sections 34 and 35, Township 5 South, Range 5 West of the Willamette Meridian; thence South along the Section line 3.19 chains to a post on the North line of the Jacob Comegy Donation Land Claim South of the River; thence North 45° East along the North line of said Comegy Claim 2160.0 feet to the centerline of a private road; thence North 45° East along the North line of said Comegy Claim 808 feet to the center of the Yamhill River; thence Northerly along the center line of the Yamhill River to a point which is West 8.75 chains and South 1711.98 feet from the Northwest corner of the William A. Culberson Donation Land Claim; thence East 8.75 chains to the West line of said Culberson Claim; thence North along the West line of said Culberson Claim 3.33 chains to a post from which a white fir 20 inches in diameter bears East 23 links distant; thence East 67.08 chains to a corner in a lake (set at a stone 12 x 12 x 8) on the West bank of pond 120 links West from the true corner as witness to the corner; thence South 3.67 chains to a post on the South bank of the pond from which an ash 8 inches in diameter bears North 6° East 6 links distant, an ash 8 inches in diameter bears North 80° East 21 links distant; thence South 39° East 19.00 chains to the place of beginning.

ALSO:

A part of the Jacob Comegy Donation Land Claim, the Robert J. Hendricks Donation Land Claim, and the Joseph Sander Donation Land Claim in Township 5 South, Range 5 West of the Willamette Meridian, and Township 6 South, Range 5 West of the Willamette Meridian, in Yamhill County, Oregon, more particularly described as follows:

Beginning at a stone in the center of the County Road at a point South 70°30' West 32.28 chains from the Northeast corner of the Edwin T. Stone Donation Land Claim in Township 6 South of Range 5 West of the Willamette Meridian; thence North 19°30' West 18.41 chains to the true point of beginning; thence North 19°30' West 24.15 chains; thence North 76°15' East 46.37 chains; thence South 00°32' West 11.40 chains; thence South 42°34' West 24.33 chains; thence South 89°52' West 42 links to an iron pipe on the North boundary of the railroad right of way; thence South 77°25' West 20.54 chains to the true point of beginning.

ALSO:

Beginning at a stone in the center of the County Road South 70°30' West 32.28 chains from the Northeast corner of the E.T. Stone Donation Land Claim, Notice No. 1929, Claim 67, in Section 1, Township 6 South, Range 5 West of the Willamette Meridian, Yamhill County, Oregon; thence North 19°30' West to the point of intersection with the Northerly line of the railroad right of way and the true point of beginning of the tract to be described; thence continuing North 19°30' West to a point, which point is South 77°25' West 20.54 chains from a point on the Northerly line of said railroad right of way; thence North 77°25' East 20.54 chains to the intersection with said railroad right of way; thence Southwesterly, along said railroad right of way, to the true point of beginning.

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EXCEPT THEREFROM the following:

A strip of land 50 feet in width, being 25 feet either side of the center line, described as follows:

Beginning at a stone in the center of the County Road, South 70°30' West 32.28 chains from the Northeast corner of the E.T. Stone Donation Land Claim, Notice No. 1929, Claim 67 aforesaid; thence North 19°30' West to a stake on the fence line between the properties of Hawkins and Robertson, which stake is at the point of intersection of said line between the properties of Hawkins and Robertson and a line 25 feet long running at right angles to the Northerly line of the railroad right of way; thence North 42°34' East, parallel with and 25 feet distant from the said Northerly boundary line of the railroad right of way, a distance of 3184.0 feet to a stake in the center of the County Road, on the line between the Dennis Harty and Joseph Sanders Claims, at a point approximately 280.0 feet North from the Southwest corner of the Dennis Harty Claim.

SAVE AND EXCEPTING therefrom the following described tract:

Beginning at an iron pipe in the center of the County Road at a point 953.6 feet South and 227.6 feet West of the Southeast corner of the William A. Culberson Donation Land Claim; thence North 18°38' West 156.6 feet to an iron pipe for the North corner of this tract; thence South 26°31' West 592.4 feet to an iron pipe; thence South 10°50' West 244.8 feet to an iron pipe; thence South 76°55' East 183.1 feet to an iron pipe in the center of the County Road; thence North 16°11' East along the center of the County Road 690.6 feet to the point of beginning.

ALSO SAVING AND EXCEPTING therefrom that portion conveyed to H. M. Hawkins et ux to Baylis M. Fanning et ux by deed recorded January 12, 1965 in Film Volume 42, Page 709, Deed and Mortgage Records.

ALSO SAVING AND EXCEPTING therefrom that portion conveyed by H. M. Hawkins et ux to Glen A. Christensen et ux by deed recorded January 14, 1965 in Film Volume 42, Page 767, Deed and Mortgage Records.

ALSO SAVING AND EXCEPTING therefrom that portion conveyed to Frank Adams et ux by deed recorded in Book 179, Page 690, Deed Records.

ALSO SAVING AND EXCEPTING all railroad rights of way.

ALSO SAVING AND EXCEPTING therefrom that portion conveyed to The Brigittine Monks, recorded July 16, 1986 in Film Volume 204, Page 2138, Deed and Mortgage Records.

(APN R5535 00200, R5535 00700, R5535 00800, R5535 00900 and R 6502 01500)

PARCEL 2:

That part of the following described tract of land lying in Polk County, Oregon:

Beginning at a stone at the Northeast corner of the M.B. Burke Donation Land Claim in Section 3, Township 6 South, Range 5 West of the Willamette Meridian, Oregon, said point being also South 20° East 4.16 chains from the Northwest corner of the Edwin T. Stone Donation Land Claim in said Section; thence on the boundary line between the Burke Claim and Alanson Wing Claim, West 42.88 chains to the Northwest corner of the Burke Claim; thence South 12.63 chains to a stake and a stone on the subdivision line 20 chains North of the Southern boundary of Section 3, Township 6 South, Range 5 West of the Willamette Meridian; thence West 8.06 chains to a post and stone on the Eastern boundary line of the Guilford W. Worden Claim; thence on the boundary line between the Worden and Wing claims North 60.00 chains to a post on the Township line between Townships 5 and 6 South, which post is also the Northeast corner of the Guilford W. Worden Claim and from which an ash 10 inches in diameter bears South 16° West 20 links distant; and an ash 10 inches in diameter bears North 35° West 22 links distant, both old bearing trees; thence on the Township line West 21.05 chains to a corner of the Wing Claim and the R. Gaunt Claim from which there are old bearing trees, viz.: a maple 24 inches in diameter bears North 53° West 58 links distant, a fir 24 inches in diameter bears South 15° East 21 links distant; thence North 21.20 chains to the Southwest corner of the Jacob Hampton Claim to a stake in the left bank of the Yamhill River from which an alder 8 inches in diameter halfway down the bank bears South 70° East 27 links distant; thence East 60.42 chains to a post in the Section line between Section 34 and 35, Township 5 South of Range 5 West of the Willamette Meridian; thence on the Section line South 3.19 chains to a post in the North boundary line of the Jacob Comegy's Claim South of the River; thence North 45° East 2160 feet; thence South 34 1/2° East 1720 feet to a point in the center line of private roadway between the house and barn on the Broadmead Farm; thence South 12° East following the center line of said private roadway approximately 4160 feet to the Northerly side of the Southern Pacific Railroad right of way; thence Southwesterly following the Northerly margin of said right of way, approximately 2,360 feet to the intersection of the Westerly line of the Edwin T. Stone Donation Land Claim with the Northerly margin

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of said right of way; thence North 19° 25' West along the line between the Stone and Burke Donation Land Claim approximately 2720 feet, to the true point of beginning.

(APN 290931)

TRACT B ("BELLVUE"):

PARCEL 1:

Part of the Jesse Yocom Donation Land Claim No. 45 in Township 5 South, Range 5 West of the Willamette Meridian, Yamhill County, Oregon, described as follows:

Beginning at the Southwest corner of said claim; thence North 1665 feet, more or less, to a point that is 810 feet South of the Northwest corner of Parcel 3 of the Eugene J. Wolf contract recorded September 14, 1970 in Film Volume 80, Page 1923, the true point of beginning herein; thence continuing North along said Donation Land Claim line for 810 feet to the North line of said Parcel 3, mentioned above; thence East, along the North line of said Parcel 3, for 545 feet; thence South, parallel to the West line of said Donation Land Claim, for 810 feet; thence West, parallel to the North line of said Parcel 3 for 545 feet to the true point of beginning herein.

EXCEPTING the North 60 feet thereof for road purposes.

PARCEL 2:

Part of the Jesse Yocom Donation Land Claim No. 45 in Township 5 South, Range 5 West of the Willamette Meridian, in Yamhill County, Oregon, described as follows:

Beginning at the Southwest corner of said claim; thence East 40 chains to the center of the County Road; thence North, along the center of the road, 37.50 chains to a point; thence West, parallel with the South line of said Claim, 40 chains to the West line of said Claim; thence South 37.50 chains to the place of beginning.

EXCEPTING that part of the premises lying in the road.

AND FURTHER EXCEPTING THEREFROM that portion conveyed to Ted Reese, et ux, by Deed recorded in Film Volume 77, Page 434, Deed and Mortgage Records, Yamhill County, Oregon, on September 25, 1969.

ALSO EXCEPT part of the Jesse Yocom Donation Land Claim No. 45 in Township 5 South, Range 5 West of the Willamette Meridian, Yamhill County, Oregon, described as follows:

Beginning at the Southwest corner of said claim; thence North 1665 feet, more or less, to a point that is 810 feet South of the Northwest corner of Parcel 3 of the Eugene J. Wolf contract recorded September 14, 1970, in Film Volume 80, Page 1923, the true point of beginning herein; thence continuing North along said Donation Land Claim line for 810 feet to the North line of said Parcel 3, mentioned above; thence East, along the North line of said Parcel 3, for 545 feet; thence South, parallel to the West line of said Donation Land Claim, for 810 feet; thence West, parallel to the North line of said Parcel 3, for 545 feet to the true point of beginning herein.

ALSO EXCEPTING the North 60 feet thereof for road purposes.

PARCEL 3:

Beginning at a point 11.25 chains North of the Southeast corner of the Wellington Fletcher and Laura Ann Fletcher Claim, Certificate No. 515, Notification No. 6678 in Township 5 South, Range 5 West of the Willamette Meridian, in Yamhill County, Oregon; thence West, parallel with the South line of said Claim, 11.531 chains; thence North, parallel with the East line of said Claim, 27.75 chains; thence East, parallel with the South line of said Claim, 11.531 chains to the West line of the Jesse Yocom Donation Land Claim No. 45; thence South 27.75 chains to the place of beginning.

EXCEPTING THEREFROM that portion of the premises conveyed to Malinda S. Lambright and Isaac Lambright by deed recorded December 8, 1923, in Book 89, Page 171, Deed Records.

EXCEPT a 60-foot strip for road purposes over the Northeasterly portion of Parcel 3, described as follows:

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Attachment E  
Application Map

Application for a Permit to Store Water in a Reservoir – Sarbanand Enterprises, LLC

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Attachment F  
Reservoir Design

Application for a Permit to Store Water in a Reservoir – Sarbanand Enterprises, LLC

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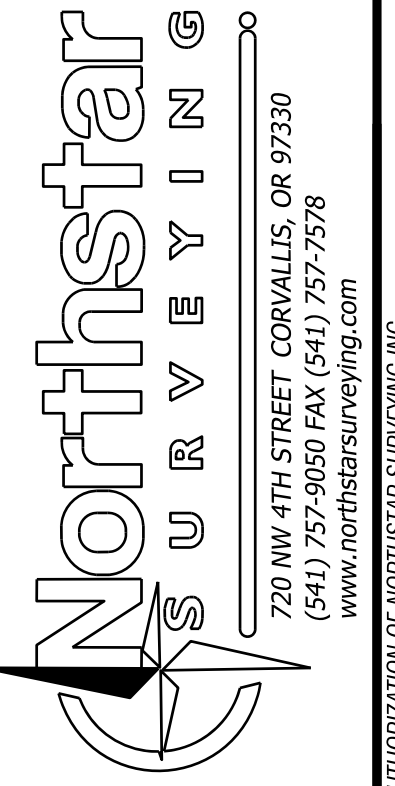
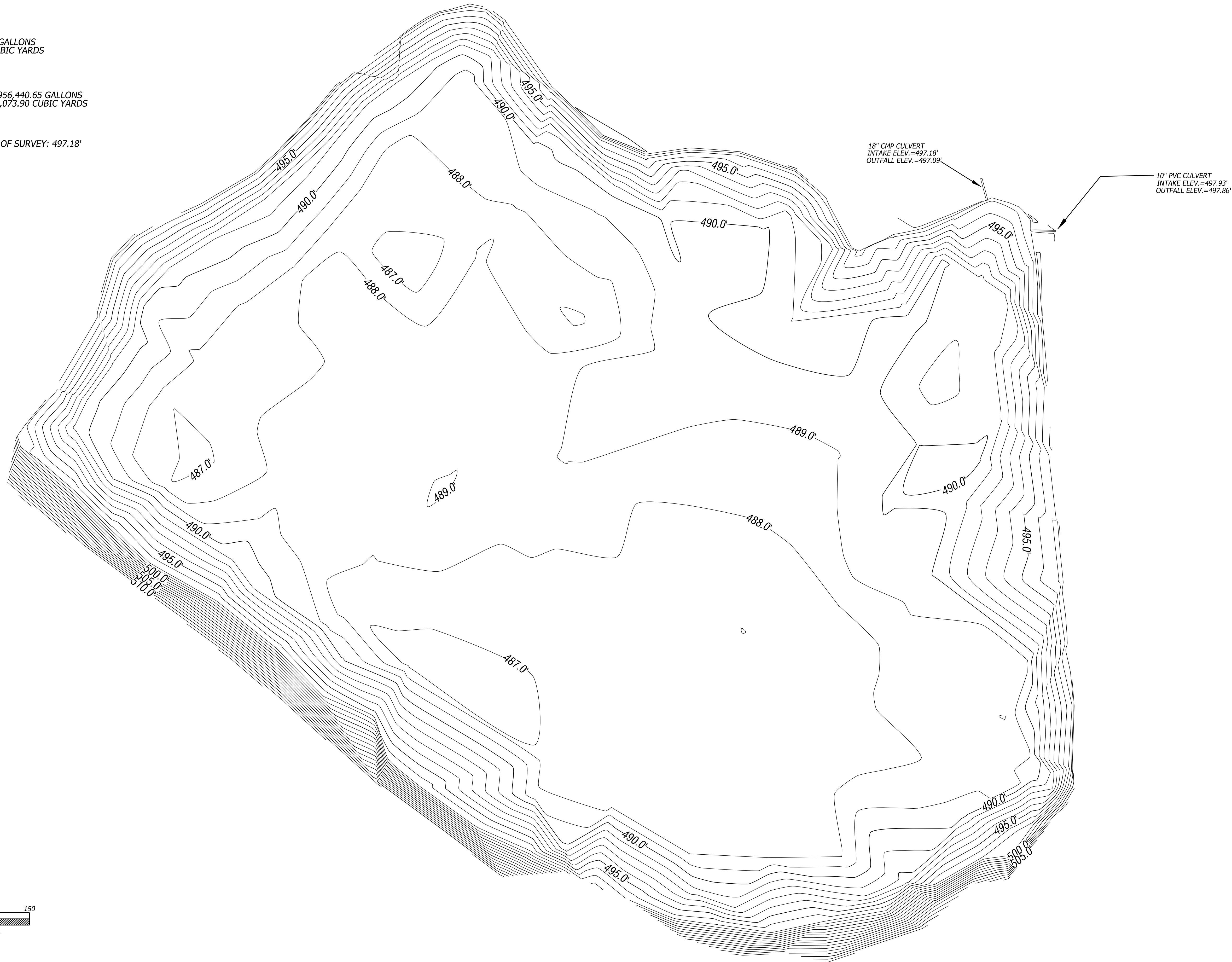
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POND CAPACITY: 36,445,950.42 GALLONS  
180,448.70 CUBIC YARDS

WATER AT TIME OF SURVEY: 34,956,440.65 GALLONS  
173,073.90 CUBIC YARDS

WATERLINE ELEVATION AT TIME OF SURVEY: 497.18'



720 NW 4TH STREET CORVALLIS, OR 97330  
(503) 757-5300 FAX (503) 757-5728  
www.northstarsurveying.com

PROJECT LOCATION  
SECTION 35  
T 5 S, R 5 W, W. M.  
POLK COUNTY, OREGON

BATHYMETRIC SURVEY OF POND  
PREPARED FOR:  
MUNGER FARMS

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

OREGON  
JUNE 10, 2014  
DAVID LEE SCHLOSSER JR.  
72617

RENEWS: 06/30/2022

DATE 05/10/2021

PROJECT 21136

21136MUNGER\_FARMS.DWG

DRAFTED BY BWC

| REVISION | DATE |
|----------|------|
|          |      |
|          |      |
|          |      |

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