

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

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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

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Applicant

NAME Robert Curl		PHONE (HM)	
PHONE (WK)	CELL 503-730-8595	FAX	
ADDRESS PO Box 160			
CITY North Plains	STATE OR	ZIP 97133	E-MAIL * curlrob@yahoo.com

Organization

NAME East Fork Holdings LLC		PHONE	FAX
ADDRESS PO Box 160		CELL 503-730-8595	
CITY North Plains	STATE OR	ZIP 97133	E-MAIL * curlrob@yahoo.com

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

AGENT / BUSINESS NAME Darrell Hedin		PHONE 503-260-7458	FAX
ADDRESS 1066 NE 6th Dr		CELL 503-260-7458	
CITY Hillsboro	STATE OR	ZIP 97124	E-MAIL * azhedin@gmail.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.



	Robert Curl, owner	5/26/21
Applicant Signature	Print Name and Title if applicable	Date
Applicant Signature	Print Name and Title if applicable	Date

SECTION 2: SOURCE OF WATER AND LOCATION OF RESERVOIR

Reservoir name:	Curl Reservoir				
Source*: runoff	Tributary:		East Fork Nehalem River		
County:	Columbia				
Quantity: 30.6	Acre-Feet [length x width x depth / 43,560]				
Reservoir Location:	Township (N or S)	Range (E or W)	Section	Quarter-Quarter	Tax Lot #
	5N	4W	36	SW/SE, SE/SE	101
Maximum Height of Dam:	feet. If excavated write "zero feet." 9.9 feet				

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* 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

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:

SECTION 5: ENVIRONMENTAL IMPACT

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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? _____ 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.

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.

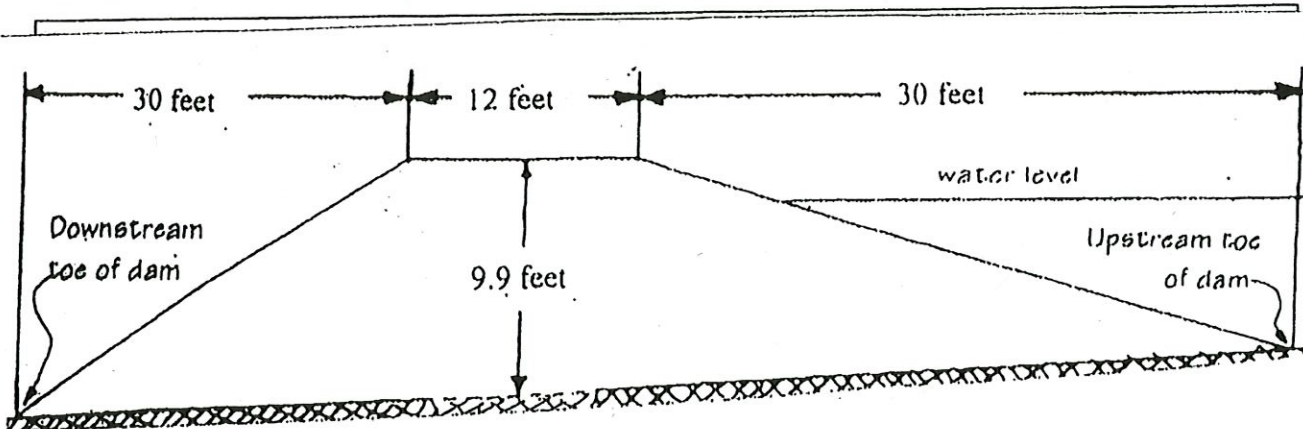
Irrigation District Name: N/A		Address:	
City:	State:	Zip:	

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.

The reservoir will impound only sheet flow from winter runoff. Any inflow outside the authorized storage season will be passed through the dam via an outlet pipe to a constructed channel that connects to the East Fork Nehalem River.

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).



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))

Applicant's Name Robert Curl		
1. Does the proposed reservoir have the potential to injure existing water rights? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO Explain: <i>There is an ISUR # 72502, shouldn't cause injury</i>		
2. Can conditions be applied to mitigate the potential injury to existing water rights? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO Explain: <i>Storage season is during high flow months</i>		
3. Is water available for the proposed reservoir? <input checked="" type="checkbox"/> YES <input checked="" type="checkbox"/> NO ^{NEA}		
4. If yes, during what period? Beginning: <i>Nov 1</i> End: <i>April 30</i> <i>30% exceedance</i> 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: *NIKKI HENDRICKS*
 Watermaster Signature: *Nikki Hendricks* Date: *2-1-2021*

NOTE: This completed form must be returned to the applicant

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Land Use Information Form



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

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Applicant: Robert Curl
First Last

Mailing Address: PO Box 160

North Plains OR 97133 Daytime Phone: 503-730-8595
City State Zip

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:
5N	4W	36	SWSE, SESE	101	CO-PF-80	<input checked="" type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used	Fire Protection
						<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used	
						<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used	
						<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used	

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

Columbia 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) Runoff

Estimated quantity of water needed: 30.6
 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 Fire Protection Water Storage

Briefly describe:

This reservoir will store winter runoff which can be used for emergency firefighting purposes.

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

See bottom of Page 3. →

For Local Government Use Only

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The following section must be completed by a planning official from each county and city listed unless the project will be located entirely within the city limits. In that case, only the city planning agency must complete this form. This deals only with the local land-use plan. Do not include approval for activities such as building or grading permits.

Please check the appropriate box below and provide the requested information

Land uses to be served by the proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): CC20 503.10

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

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

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

Proposed use permitted in PF-80 zone via CC20 503.10

Name: Hayden Richardson Title: Planner II

Signature: [Signature] Phone: 503 397 7216 Date: 3/11/21

Government Entity: Columbia County

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



ODFW Alternate Reservoir Application Review Sheet

This portion to be completed by the applicant.

Applicant Name: <u>Robert Curl</u>	RECEIVED
Address: <u>PO Box 160, North Plains, OR 97133</u>	JUN 03 2021
Phone/Email: <u>503-730-8595/curlrob@yahoo.com</u>	OWRD
Reservoir Name: <u>Curl Reservoir</u>	Volume (AF): <u>30.6</u>
Source: <u>Run-off</u>	<input type="checkbox"/> in-channel
Basin Name: <u>East Fork Nehalem River<Nehalem River</u>	<input checked="" type="checkbox"/> off-channel
Twp Rng Sec QQ: <u>5N 4W 36</u>	

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

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

1) Is the proposed project and AO¹ off channel?..... YES* NO
(if yes then proceed to #4; if no then proceed to #2)

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

2) Is the proposed project or AO located where NMF² are or were historically present?..... YES NO
(if yes then proceed to #3; if no then proceed to #4)

3) If NMF are or were historically present:

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

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

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

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

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

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

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

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

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

ESA-listed fish (Coho Salmon), state sensitive species (Pacific Lamprey) and other game fish (winter steelhead, Coastal Cutthroat Trout) may be present in East Fork Nehalem River during the period of impact. ODFW has identified biologically necessary flows not captured in an instream water right (e.g., flows in a Basin Investigation Report, Persistence Flow Determination, Seasonally Varying Flow prescription, or other flow analysis) that would benefit fishery resources at the Point of Diversion or downstream.

In addition to existing instream water rights and pending instream water right applications, ODFW recommends the following biologically necessary flows be available at the POD or downstream (in East Fork Nehalem River) to protect public uses:

JAN	<u>26 cfs</u>	APR	<u>26 cfs</u>	JUL	<u>10 cfs</u>	OCT	<u>20.46 cfs</u>
FEB	<u>26 cfs</u>	MAY	<u>18 cfs</u>	AUG	<u>6.675 cfs</u>	NOV	<u>26 cfs</u>
MAR	<u>26 cfs</u>	JUN	<u>10 cfs</u>	SEP	<u>6.6 cfs</u>	DEC	<u>26 cfs</u>

Based on parameters assessed by ODFW, instream flows are currently below those essential to support the biological needs of an existing fishery resource during May-November. The proposed use could diminish physical habitat and alter the flow regime to which fish are naturally adapted. These changes could negatively affect their distribution, productivity, and abundance. Therefore, a further reduction in flow or alteration of habitat from the proposed water use would likely impair or be detrimental to an existing fishery resource and/or their habitat without appropriate conditions and/or mitigation. It is important that the proposed reservoir is not built in (or intercept) any nearby stream channel/s and that no stream flows are diverted to fill the pond as indicated in the application (i.e. run-off pond fill source).

If YES, can conditions be applied to mitigate the significant detrimental impact to an existing fishery resource?
 NO (explain) YES (select from Menu of Conditions on next page)

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

Water is only available to support biologically necessary flows at the POD and/or downstream during December-April. 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 impair or be detrimental 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: 3/18/21

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MENU OF CONDITIONS FOR WRD, ODFW, DEQ AND ODA

Revised May 12, 2020

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

[X] 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.

[X] b51a The period of use has been limited to December-April.

[] 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.

[X] 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.

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 _____ 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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FILED FOR RECORD AT THE
REQUEST OF AND RETURN TO:
Stewart Title Company
Attn: Kim McDermid
824 State Avenue NE, Suite A
Olympia, WA 98506
File No. T2019-303

COLUMBIA COUNTY, OREGON 2020-10126
DEED-D
Cnt=1 Pgs=10 HUSERB 09/30/2020 03:35:01 PM
\$50.00 \$11.00 \$10.00 \$60.00 \$5.00 \$136.00

I, Elizabeth E. Huser, County Clerk for Columbia County, Oregon,
certify that the instrument identified herein was recorded in the Clerk
records.

Elizabeth E. Huser - County Clerk

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SEND TAX STATEMENTS TO:
East Fork Holdings LLC
P.O. Box 160
North Plains, Oregon 97133

GRANTOR: WEYERHAEUSER COMPANY, a Washington corporation
GRANTEE: EAST FORK HOLDINGS LLC, an Oregon limited liability company
COUNTY: COLUMBIA
ASSESSOR PARCEL #: Ptns of 23790 and 23791
The true consideration for this conveyance is \$86,500.00

SPECIAL WARRANTY DEED

WEYERHAEUSER COMPANY, a Washington corporation, whose address is 220 Occidental Avenue South, Seattle, Washington 98104 ("Grantor") for valuable consideration, receipt of which is hereby acknowledged, does hereby convey and specially warrants to EAST FORK HOLDINGS LCC, an Oregon limited liability company, whose address is P.O. Box 160, North Plains, Oregon 97133 ("Grantee"), the real property described on Exhibit "A" attached hereto and incorporated herein by this reference ("Property"), free of encumbrances created or suffered by the grantor except as specifically set forth on Exhibit "B" attached hereto and incorporated herein by this reference.

TOGETHER WITH, but without any warranty whatsoever, Grantor's right, title and interest in and to mineral rights appurtenant to the Property not previously reserved or conveyed by Grantor's predecessors in title.

Grantee acknowledges that the Property conveyed herein is adjacent or near to Grantor's timberlands and may be subject to conditions resulting from Grantor's commercial forestry operations on said lands. Such operations include management and harvesting of timber, disposal of slash (including, without limitation, slash burning and other controlled burning), reforestation, application of chemicals, road construction and maintenance, transportation of forest products, and other accepted and customary forest management activities conducted in accordance with federal and state laws. Said forest management activities ordinarily and necessarily produce noise, dust, smoke, appearance and other conditions which may conflict with Grantee's use of the Property. Grantee, its heirs, successors and assigns hereby waive all common-law rights to object to normal,

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necessary and non-negligent forest management activities legally conducted on Grantor's property. Grantee, its heirs, successors and assigns will not object to the application of chemicals, including, without limitation, pesticides and herbicides, on Grantor's property. It is intended and agreed by the parties that this covenant shall be a part of the Deed, described herein, and of the public record and forever remain a covenant with the Property or hereafter adjacently acquired property by Grantee, and any party acquiring an interest in said property shall be bound by the terms of the covenant.

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 AND 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 AND SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

Effective the 22nd day of September, 2020.

[Signature page follows]

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WEYERHAEUSER COMPANY

By Diane M. Meyers
Diane M. Meyers
Vice President

ACKNOWLEDGMENT

STATE OF WASHINGTON)
)ss
COUNTY OF KING)

On this 22nd day of September, 2020, I certify that I know or have satisfactory evidence that Diane M. Meyers is the person who appeared before me, and said person acknowledged that she signed this instrument and on oath stated that she was authorized to execute the instrument and acknowledged it as the Vice President of Weyerhaeuser Company, a Washington corporation, to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

IN WITNESS, WHEREOF, I have hereunto set my hand and affixed my official seal the day and year last above written.



Paul A. Hill II
Notary Public in and for the
State of Washington
Residing in Seattle
My Commission Expires: 10/29/2022
Printed Name: Paul A. Hill II

EXHIBIT "A" to the Deed

Legal Description of the Property

A portion of that property conveyed to Weyerhaeuser Company in deed recorded as Instrument No. 03-158287 Columbia County Deed Records lying in the Southeast quarter of Section 36, Township 5 North, Range 4 West and in the Northeast quarter of Section 1, Township 4 North, Range 4 West of the Willamette Meridian, Columbia County, Oregon being more particularly described as follows:

- Beginning at a 2 1/2" brass cap at the Southeast corner of Section 36;
- thence North 57°52'11" West 113.44 feet to a 1" iron pipe;
- thence South 69°48'49" West 248.20 feet;
- thence South 70°37'34" West 292.25 feet;
- thence South 84°10'05" West 138.98 feet to a 5/8" iron rod with a yellow plastic cap marked "KLS Surveying Inc." at the true Point of Beginning;
- thence North 2°43'24" East 404.83 feet to a 1" iron pipe;
- thence North 5°10'18" East 207.15 feet to a 5/8" iron rod with a yellow plastic cap marked "KLS Surveying Inc.";
- thence North 35°36'21" West 461.19 feet to a 1" galvanized iron pipe;
- thence North 82°42'32" West 669.75 feet to a 5/8" iron rod with a yellow plastic cap marked "KLS Surveying Inc.";
- thence South 49°30'06" West 143.49 feet to a 5/8" iron rod with a yellow plastic cap marked "KLS Surveying Inc.";
- thence South 32°39'15" East 48.99 feet;
- thence South 40°25'15" East 92.58 feet;
- thence South 48°56'15" East 201.08 feet;
- thence South 25°21'45" West 122.28 feet;
- thence South 86°32'45" West 206.31 feet to a 3/4" iron rod;
- thence South 3°42'22" East 308.73 feet to a 5/8" iron rod with a yellow plastic cap marked "KLS Surveying Inc.";

- thence South $70^{\circ}10'47''$ East 444.90 feet to a 5/8" iron rod with a yellow plastic cap marked "KLS Surveying Inc.";
- thence South $62^{\circ}49'09''$ East 588.68 feet to a 5/8" iron rod with a yellow plastic cap marked "KLS Surveying Inc.";
- thence North $27^{\circ}56'22''$ East 132.57 feet to the true Point of Beginning.

Excepting therefrom any portion lying within that tract of land conveyed to Columbia County in Clerks Instrument No. 2011-0073063.

Containing 19.47 acres more or less.

AND:

A portion of that property conveyed to Weyerhaeuser Company in deed recorded as Instrument No. 03-15826, Columbia County Deed Records lying in the Southeast quarter of Section 36, Township 5 North, Range 4 West and in the Northeast quarter of Section 1, Township 4 North, Range 4 West of the Willamette Meridian, Columbia County, Oregon being more particularly described as follows:

- Beginning at a 3/4" iron rod at the Southwest corner of that tract of land described in Deed Book 195, Page 149, Columbia County Deed Records, said point lying North $74^{\circ}58'33''$ West 1829.82 feet from the Southeast corner of said Section 36
- thence North $03^{\circ}09'31''$ East 367.29 feet to a 5/8" iron rod with a yellow plastic cap marked "KLS Surveying Inc.";
- thence South $32^{\circ}39'15''$ East 48.99 feet;
- thence South $40^{\circ}25'15''$ East along said line 92.58 feet;
- thence South $48^{\circ}56'15''$ East along said line 201.08 feet;
- thence South $25^{\circ}21'45''$ West along said line 122.28 feet;
- thence South $86^{\circ}32'45''$ West along said line 206.31 feet to the point of beginning.

Containing 1.24 acres more or less.

All as described on Record of Survey No. 6690, records of Columbia County, Oregon.

**OPERATING AGREEMENT
OF
EAST FORK HOLDINGS LLC**

an Oregon Limited Liability Company

This Operating Agreement (the "Agreement") of **EAST FORK HOLDINGS LLC**, an Oregon limited liability company, is entered into by and between **EAST FORK HOLDINGS LLC** and **ROBERT M. CURL**, its sole member (the "Member"), and supersedes any operating agreement previously entered into by the parties.

**ARTICLE 1
FORMATION OF COMPANY**

1.1 Name. The name of the limited liability company (the "Company") is **EAST FORK HOLDINGS LLC**.

1.2 Formation. The Company was formed on May 5, 2014, pursuant to ORS Chapter 63 (the "Act") when its Articles of Organization (the "Articles") were filed with the office of the Oregon Secretary of State.

1.3 Principal Place of Business. The Company's principal place of business is located in Columbia County, Oregon.

1.4 Registered Agent and Office. The Company's registered agent in Oregon is **STEVEN M. ZIPPER**; his address is 115 NW First Avenue, Suite 400, Portland, Oregon 97209. The registered agent may be changed by the Member as provided in ORS 63.114(1).

1.5 Defects as to Formalities. A failure to observe any formalities or requirements of this Agreement, the Articles or the Act shall not be grounds for imposing personal liability on the Member for the liabilities of the Company.

1.6 Rights of Creditors and Third Parties. Except as provided by statute, no creditor or third party shall have any rights or interest in the Company.

**ARTICLE 2
BUSINESS OF COMPANY**

The business of the Company shall be to buy, hold, rent and sell real property and to carry on any other lawful business or activity which may be conducted by a limited liability company organized under the Act.

**ARTICLE 3
MEMBER, CONTRIBUTION, AND MANAGEMENT**

3.1 Name and Address of Member. The Member's name and address are: **ROBERT M. CURL**, P.O. Box 160, North Plains, OR 97133.

3.2 Contribution. The Member's initial capital contribution and percentage ownership interest in the Company ("Membership Interest") are described on the attached

"Exhibit A." No interest shall accrue on any contribution and the Member shall not have the right to withdraw or be repaid any contribution except as provided in this Agreement. The Member may, at the Member's sole discretion, make additional contributions, but, notwithstanding anything to the contrary in this Agreement, the Member shall have no obligation to do so.

3.3 Loans. The Member may lend or advance money to the Company. The amount of any loan or advance shall not be treated as a contribution to the capital of the Company, but shall be a debt due from the Company to the Member. The amount of any loan to or advance on behalf of the Company by the Member shall be repayable out of the Company's cash and shall bear interest at the rate agreed between the Company and the Member. The Member shall not be obligated to make any loan or advance to the Company.

3.4 Maintenance of Capital Account. An individual Capital Account shall be maintained with respect to the Member's Membership Interest. The Capital Account shall be: (a) credited with all contributions made on account of the Membership Interest and the Membership Interest's distributive share of all profits (including any income exempt from federal income tax); and (b) charged with the amount of all distributions made on account of the Membership Interest and the Membership Interest's distributive share of losses. The Capital Account shall be maintained in accordance with federal income tax accounting principles as set forth in Treas. Reg. Section 1.704-1(b)(2)(iv) or any successor provision.

ARTICLE 4 MANAGEMENT

4.1 Management. The Company shall be managed by the Member, who may unilaterally act on behalf of the Company with or without a meeting and regardless of any financial interest the Member may have in such action. The failure of the Company to observe any formalities or requirements relating to the exercise of its powers or the management of its business or affairs under this Agreement or the Act shall not be grounds for imparting personal liability on the Member for liabilities of the Company.

4.2 Management Rights. Subject to the Act, the Articles and this Agreement, the Member shall have authority to do every act consistent with the law.

4.3 Member Liability and Indemnification. Except as otherwise provided by law, the Articles or this Agreement, the Member shall have no personal liability, merely as a member, for any liabilities or losses of the Company beyond the Member's contributions. The Company shall indemnify the Member for all costs, losses, liabilities and damages paid or accrued by the Member in connection with the business of the Company, or because the Member is a member, and shall advance expenses incurred by the Member in connection with the business of the Company, or in any legal action arising from action taken by the Member in connection with the business of the Company, all to the fullest extent provided or allowed by the laws of Oregon. The Member may, in the Member's sole discretion, also indemnify any or all employees or agents of the Company for all costs, losses, liabilities and damages paid or accrued by the agent or employee in connection with the business of the Company to the fullest extent provided or allowed by the laws of Oregon.

4.4 Compensation. The Member shall be reimbursed for all reasonable expenses incurred on behalf of the Company and shall be entitled to reasonable compensation for time spent managing the Company, in an amount to be determined from time to time by the Member.

ARTICLE 5 DISTRIBUTIONS

The Company may make distributions at such times and in such amounts as determined by the Member.

ARTICLE 6 DISPOSITION OF MEMBERSHIP INTEREST AND ADMISSION OF ASSIGNEES AND ADDITIONAL MEMBERS

6.1 Disposition. The Member's Membership Interest is transferable either voluntarily or by operation of law. The Member may dispose of all or a portion of the Membership Interest. Upon the disposition of a portion of the Membership Interest, the transferee shall be admitted as a substitute member as to the transferred interest upon the completion of the transfer without further action. Upon the transfer of the Member's entire Membership Interest (other than a temporary transfer or transfer as a pledge or security interest), the Member shall cease to be a Member of the Company and shall have no further rights or obligations under this Agreement, except that the Member shall have the right to such information as may be necessary for the computation of the Member's tax liability.

6.2 Admission of Additional Members. The Member may, in the Member's sole discretion, admit additional members and determine the capital contributions of such additional members.

ARTICLE 7 DISSOLUTION AND WINDING UP

7.1 Dissolution. The Company shall be dissolved and its affairs wound up upon the will of the Member or at such time as the Company has no members. Notwithstanding any provision of the Act to the contrary, and except as otherwise provided in the immediately preceding sentence, the Company shall continue and not dissolve as a result of the death, retirement, resignation, expulsion, bankruptcy or dissolution of any Member or any other event that terminates the continued membership of the Member.

7.2 Effect of Dissolution. Upon dissolution, the Company shall cease carrying on its business, but the Company is not terminated, and it continues until the winding up of the affairs of the Company is completed.

7.3 Distribution of Assets on Dissolution. Upon the winding up of the Company, the Company's assets shall be distributed as follows:

7.3.1 First, to the payment and discharge of all of the Company's debts and liabilities to creditors other than the Member;

7.3.2 Second, to the payment and discharge of all of the Company's debts and liabilities to the Member; and

7.3.3 Third, the balance, if any, to the Member.

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Such distributions shall be in cash, property other than cash, or partly in both, as determined by the Member.

7.4 Winding Up and Articles of Dissolution. The winding up of the Company shall be completed when all debts, liabilities and obligations of the Company have been paid and discharged or reasonable adequate provision therefor has been made and all of the remaining property and assets of the Company have been distributed to the Member. Upon the completion of winding up of the Company, the Member or other person designated by the Member shall deliver articles of dissolution to the Oregon Secretary of State for filing. The articles of dissolution shall set forth the information required by the Act.

ARTICLE 8 MISCELLANEOUS PROVISIONS

8.1 Governing Law. This Agreement shall be construed and enforced in accordance with the laws of Oregon.

8.2 Amending the Articles or this Agreement. This Agreement may be amended or modified from time to time only by a written instrument adopted by the Member and the Company and executed by the Member and the Company.

8.3 Entire Agreement. This Agreement represents the entire agreement between the Member and the Company.

8.4 Rights of Creditors and Third Parties under Operating Agreement. This Agreement is entered into between the Company and the Member for the exclusive benefit of the Company, its Member and their successors and assignees. This Agreement is expressly not intended for the benefit of any creditor of the Company or any other person. Except and only to the extent provided by applicable statute, no such creditor or third party shall have any rights under this Agreement or any agreement between the Company and the Member with respect to any capital contribution or otherwise.

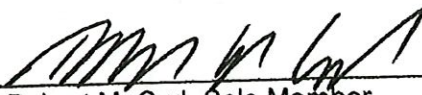
EXECUTED by the parties on July 29, 2015.

COMPANY:

MEMBER:

EAST FORK HOLDINGS LLC

By:


Robert M. Curl, Sole Member


Robert M. Curl

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3/25/2021

https://apps.wrd.state.or.us/apps/misc/wrd_fee_calculator/Permit_for_AltRes.aspx

Oregon Water Resources Department
Alternate Reservoir Application

- Main
- Help
- Return
- Contact Us

For impoundments less than 10 feet in height or storing less than 9.2 acre feet of water.

Today's Date: Thursday, March 25, 2021

Base Application Fee.		\$410.00
Proposed Dam Height in feet.	09.9	
Proposed Reservoir volume in Acre Feet.	030.6	\$1,085.00
	Subtotal:	\$1,495.00
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.	Recalculate	
Estimated cost of Permit Application		\$2,015.00