

Application for a Permit to Use Surface Water



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

SECTION 1: APPLICANT INFORMATION AND SIGNATURE

Applicant

NAME ANDREW F. KAHN, TRUSTEE OF THE ANDREW F. KAHN TRUST U/A/D 1/7/05; AND SHIRLEY L. KAHN, TRUSTEE OF THE SHIRLEY L. KAHN TRUST U/A/D 1/7/05; AND SUNSHINE ROAD HOLDINGS LLC			PHONE (HM) 541-672-0355
PHONE (WK)	CELL 503-789-2565	FAX	
ADDRESS 5120 SUNSHINE ROAD			
CITY ROSEBURG	STATE OR	ZIP 97470	E-MAIL * ANDYKAHN1@GMAIL.COM

Organization

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

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

AGENT / BUSINESS NAME SHONEE LANGFORD/ SCHWABE, WILLIAMSON & WYATT, P.C.		PHONE 503-540-4261	FAX
ADDRESS 530 CENTER ST. NE, SUITE 730			CELL 503-807-2082
CITY SALEM	STATE OR	ZIP 97301	E-MAIL * SLANGFORD@SCHWABE.COM

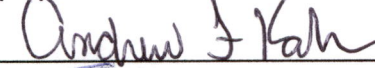
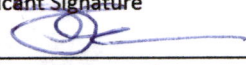
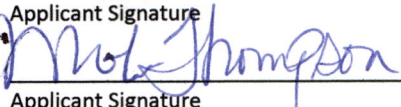
Note: Attach multiple copies as needed

* By providing an e-mail address, consent is given to receive all correspondence from the Department electronically. (Paper copies of the proposed and 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 use water until the Water Resources Department issues a permit.
- The Department encourages all applicants to wait for a permit to be issued before beginning construction of any proposed diversion. Acceptance of this application does not guarantee a permit will be issued.
- If I begin construction prior to the issuance of a permit, I assume all risks associated with my actions.
- If I receive 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 receive water to which they are entitled.

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

	Andrew F. Kahn, Trustee	10-13-22
Applicant Signature		Date
	Shirley L. Kahn, Trustee	10-13-22
Applicant Signature		Date
	Molly R. Thompson	10-13-22
Applicant Signature	Print Name/Title (Sunshine Road Holdings LLC)	Date

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SECTION 2: PROPERTY OWNERSHIP

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

- YES, there are no encumbrances.
- YES, the land is encumbered by easements, rights of way, roads or other encumbrances.
- NO, I have a recorded easement or written authorization permitting access.
- NO, I do not currently have written authorization or easement permitting access.
- NO, written authorization or an easement is not necessary, because the only affected lands I do not own are state-owned submersible lands, and this application is for irrigation and/or domestic use only (ORS 274.040).
- NO, because water is to be diverted, conveyed, and/or used only on federal lands.

Affected Landowners: List the names and mailing addresses of all owners of any lands that are not owned by the applicant and that are crossed by the proposed ditch, canal or other work, even if the applicant has obtained written authorization or an easement from the owner. *(Attach additional sheets if necessary).*

Janie Brock
328 Stillwater Road
Roseburg, OR 97470

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

SECTION 3: SOURCE OF WATER

A. Proposed Source of Water

Provide the commonly used name of the water body from which water will be diverted, and the name of the stream or lake it flows into (if unnamed, say so), and the locations of the point of diversion (POD):

Source 1: North Umpqua River	Tributary to: Umpqua River
TRSQQ of POD: T.26S, R5W, SENE, Section 26 (Tax Lot 700)	
Source 2:	Tributary to:
TRSQQ of POD:	

If any source listed above is stored water that is authorized under a water right permit, certificate, or decree, attach a copy of the document or list the document number (for decrees, list the volume, page and/or decree name).

B. Applications to Use Stored Water

Do you, or will you, own the reservoir(s) described in Section 3A above?

- Yes. No. (Enclose a copy of your written notification to the operator of the reservoir of your intent to file this application, which should have been mailed or delivered to the operator.)

If *all* sources listed in Section 3A are stored water, the Department will review your application using the expedited process provided in ORS 537.147, unless you check the box below. Please see the instruction booklet for more information.

- By checking this box, you are requesting that the Department process your application under the standard process outlined in ORS 537.150 and 537.153, rather than the expedited process provided by ORS 537.147. To file an application under the standard process, you must enclose the following:

- A copy of a signed non-expired contract or other agreement with the owner of the reservoir (if not you) to impound the volume of water you propose to use in this application.
- A copy of your written agreement with the party (if any) delivering the water from the reservoir to you.

SECTION 4: SENSITIVE, THREATENED OR ENDANGERED FISH SPECIES PUBLIC INTEREST INFORMATION

This information must be provided for your application to be accepted as complete. The Water Resources Department will determine whether the proposed use will impair or be detrimental to the public interest with regard to sensitive, threatened or endangered fish species.

To answer the following questions, use the map provided in [Attachment 3](#) or the link below to determine whether the proposed point of diversion (POD) is located in an area where the Upper Columbia, the Lower Columbia, and/or the Statewide public interest rules apply.

For more detailed information, click on the following link and enter the T,R,S,QQ or the Lat/Long of a POD and click on "Submit" to retrieve a report that will show which section, if any, of the rules apply:
https://apps.wrd.state.or.us/apps/misc/lkp_trsqq_features/

If you need help to determine in which area the proposed POD is located, please call the customer service desk at (503) 986-0900.

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

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

- Yes No

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

If yes,

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

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

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

Yes No

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

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

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

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

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

Statewide - OAR 690-033-0330 thru -0340

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

Yes No

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

SECTION 5: WATER USE

Provide the amount of water you propose to use from each source, for each use, in cubic feet-per-second (cfs) or gallons-per-minute (gpm). If the proposed use is from storage, provide the amount in acre-feet (af):

(1 cfs equals 448.8 gpm. 1 acre-foot equals 325,851 gallons or 43,560 cubic feet)

SOURCE	USE	PERIOD OF USE	AMOUNT
North Umpqua River	Domestic Expanded	Year round	0.03 <input checked="" type="checkbox"/> cfs <input type="checkbox"/> gpm <input type="checkbox"/> af
North Umpqua River	Livestock	Year round	0.005 <input checked="" type="checkbox"/> cfs <input type="checkbox"/> gpm <input type="checkbox"/> af
			<input type="checkbox"/> cfs <input type="checkbox"/> gpm <input type="checkbox"/> af
			<input type="checkbox"/> cfs <input type="checkbox"/> gpm <input type="checkbox"/> af

Please indicate the number of primary, supplemental and/or nursery acres to be irrigated.

Primary: _____ Acres Supplemental: _____ Acres Nursery Use: _____ Acres

If supplemental acres are listed, provide the Permit or Certificate number of the underlying primary water right(s):

Indicate the maximum total number of acre-feet you expect to use in an irrigation season: _____

- If the use is **municipal or quasi-municipal**, attach **Form M**
- If the use is **domestic**, indicate the number of households: 3
- If the use is **mining**, describe what is being mined and the method(s) of extraction:

SECTION 6: WATER MANAGEMENT

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A. Diversion and Conveyance

What equipment will you use to pump water from your source?

- Pump (give horsepower and type): Submersible. Electric
 Other means (describe):

Provide a description of the proposed means of diversion, construction, and operation of the diversion works and conveyance of water.

Water will be pumped from the North Umpqua River to the residences for domestic expanded use, including non-commercial irrigation of ½ acre lawn or garden area, and to livestock watering tanks.

B. Application Method

What equipment and method of application will be used? (e.g., drip, wheel line, high-pressure sprinkler) Pipelines, household plumbing, and lawn and garden sprinklers.

C. Conservation

Please describe why the amount of water requested is needed and measures you propose to: prevent waste; measure the amount of water diverted; prevent damage to public uses of affected surface waters.

Water is needed for domestic expanded and livestock watering purposes. Water for livestock will be piped to troughs with automatic shut-off valves. Best residential management practices will be used to minimize water use and prevent run-off/erosion.

SECTION 7: RESOURCE PROTECTION

In granting permission to use water from a stream or lake, the state encourages, and in some instances requires, careful control of activities that may affect the waterway or streamside area. See instruction guide for a list of possible permit requirements from other agencies. Please indicate any of the practices you plan to undertake to protect water resources:

- Diversion will be screened per ODFW specifications in ORS 498.301 through 498.346 to prevent uptake of fish and other aquatic life.
Describe planned actions: ODFW approved fish screening will be installed on pump prior to the diversion of water under any permit that is issued.
- Excavation or clearing of banks will be kept to a minimum to protect riparian or streamside areas.
Note: If disturbed area is more than one acre, applicant should contact the Department of Environmental Quality to determine if a 1200C permit is required.
Describe planned actions and additional permits required for project implementation: None planned.
- Operating equipment in a water body will be managed and timed to prevent damage to aquatic life.
Describe planned actions and additional permits required for project implementation: None planned.
- Water quality will be protected by preventing erosion and run-off of waste or chemical products.
Describe planned actions: Will use best management practices to prevent erosion and run-off.
- List other federal and state permits or contracts to be obtained, if a water right permit is granted.
N/A

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SECTION 8: PROJECT SCHEDULE

- a) Date construction will begin: Existing system already constructed (see Certificate 68033)
- b) Date construction will be completed: Existing
- c) Date beneficial water use will begin: Immediately upon permit issuance

SECTION 9: WITHIN A DISTRICT

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

Irrigation District Name	Address	
City	State	Zip

SECTION 10: REMARKS

This application is filed pursuant to the attached North Umpqua Settlement Agreement, dated June 21, 2004.

Land Use Information Form



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

NOTE TO APPLICANTS

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

This form is NOT required if:

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

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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 503-986-0900.

Land Use Information Form



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Land Use Information Form

Page 1 of 3

Land Use Information Form



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Applicant

NAME ANDREW F. KAHN, TRUSTEE OF THE ANDREW F. KAHN TRUST U/A/D 1/7/05; AND SHIRLEY L. KAHN, TRUSTEE OF THE SHIRLEY L. KAHN TRUST U/A/D 1/7/05; AND SUNSHINE ROAD HOLDINGS LLC		PHONE (HM) 541-672-0355
PHONE (WK)	CELL	FAX
ADDRESS 5120 SUNSHINE ROAD		
CITY ROSEBURG	STATE OR	ZIP 97470
E-MAIL * ANDYKAHN1@GMAIL.COM		

A. Land and Location

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

Township	Range	Section	¼ ¼	Tax Lot #	Plan Designation (e.g., Rural Residential/RR-5)	Water to be:	Proposed Land Use:
See Attachment A						<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:

Douglas County

B. Description of Proposed Use

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

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

Source of water: Reservoir/Pond Groundwater Surface Water (name) North Umpqua River

Estimated quantity of water needed: 0.035 cubic feet per second gallons per minute

Intended use of water: Irrigation Commercial Industrial Domestic for 3 household(s)
 Municipal Quasi-Municipal Instream Other Livestock

Briefly describe:

Application for permit to use surface water for domestic and livestock 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.

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): LUDO 3.3.050.1 + 3.3.075.1.
- Land uses to be served by the proposed water uses (including proposed construction) involve discretionary land use approvals as listed in the table below. (Please attach documentation of applicable land use approvals which have already been obtained. Record of Action/land use decision and accompanying findings are sufficient.) **If approvals have been obtained but all appeal periods have not ended, check "Being pursued."**

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

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

NIA - NONE.

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NAME <u>MARK MOFFETT</u>	TITLE: <u>SENIOR PLANNER</u>
SIGNATURE <u>MM</u>	PHONE: <u>(541) 440-6063</u>
DATE: <u>10/13/22</u>	
GOVERNMENT ENTITY <u>DOUGLAS COUNTY PLANNING DEPARTMENT</u>	

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



Receipt for Request for Land Use Information

Applicant name: _____

City or County: _____ Staff contact: _____

Signature: _____ Phone: _____ Date: _____

Attachment A – Land and Location

Township	Range	Section	¼ ¼	Tax Lot #	Plan Designation (e.g., Rural Residential/RR-5)	Water to be:			Proposed Land Use:
<u>26S</u>	<u>5W</u>	<u>26</u>	SENE	700 Map 260526A	FG	<input checked="" type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input type="checkbox"/> Used	Water use for domestic and livestock purposes
<u>26S</u>	<u>5W</u>	<u>26</u>	NWNE, SWNE, NENW, NWNW, SWNW, SENE	100 Map 260526	FF, FG	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	Water use for domestic and livestock purposes
<u>26S</u>	<u>5W</u>	<u>26</u>	NWNW, SWNW, NWSW, SWSW	101 Map 260526	FF	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	Water use for domestic and livestock purposes
<u>26S</u>	<u>5W</u>	<u>26</u>	SWNE, SENE, NWSE	200 Map 260526	FG	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	Water use for domestic and livestock purposes
<u>26S</u>	<u>5W</u>	<u>26</u>	SENE, SWNW, NESW, NWSW	100 Map 260526C	FF, FG	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	Water use for domestic and livestock purposes
<u>26S</u>	<u>5W</u>	<u>26</u>	NESW, SESW, NWSE, SWSE	100 Map 260526D	FG	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	Water use for domestic and livestock purposes
<u>26S</u>	<u>5W</u>	<u>26</u>	SWNE, SENE, NESW, SESW, NWSE, SWSE	101 Map 260526D	FG	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	Water use for domestic and livestock purposes
<u>26S</u>	<u>5W</u>	<u>26</u>	SWNE	200 Map 260526AC	FG	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	Water use for domestic and livestock purposes
<u>26S</u>	<u>5W</u>	<u>26</u>	SWNE, SENE	100 Map 260526AC	FG	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	Water use for domestic and livestock purposes

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Township	Range	Section	¼ ¼	Tax Lot #	Plan Designation (e.g., Rural Residential/RR-5)	Water to be:	Proposed Land Use:
<u>26S</u>	<u>5W</u>	<u>26</u>	NENW, SWNW, SENW, SWNE	100, 200, 300, 400, 500, 600, 700, 800, 900, 1000, 1100, 1200, 1300, 1400, 1500, 1600, 1700, 1800, 1900 Map 260526BD	FF and/or FG	<input type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	Water use for domestic and livestock purposes
<u>26S</u>	<u>5W</u>	<u>26</u>	NENW, NWNE	1000, 1100, 1200, 1300 Map 260526BA	FG	<input type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	Water use for domestic and livestock purposes

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1036 SE Douglas Avenue | Room 106 - Justice Building | Douglas County Courthouse | Roseburg, Oregon 97470
Planning Services | (541) 440-4289 On-Site Services | (541) 440-6183 Code Enforcement | (541) 440-4289

Permit #: 220000

Permit Type:

Address: 5120 SUNSHINE RD

City: ROSEBURG, OR 97470

State:

Zip:

Owner: Kahn, Andrew F Trs &

Owner Address: Kahn, Shirley L Trs of Kahn Trusts 5120 Sunshine Rd

Owner City: Roseburg,OR 97470

Owner State:

Owner Zip:

Owner Phone:

Owner Email:

Receipt #: 93

Date: 10/13/2022

Paid By: ANDREW, SHIRLY KAHN

Description: R47018

Payment Type: Check

Payment Type Description: CHECK # 5447

Accepted By: Marie Neet

Fees Paid

Fee Name	Fee Type	Description	Factor	Total Fee Amount	Amount Paid
Land Use Compatibility Statement	Planning	Enter quantity	1.00	165.00	165.00
				Total:	\$165.00

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\$46.00

00149058200500121810020021

05/12/2006 03:55:18 PM

DEED-WD Cnt=1 Stn=1 RECEIPTCOUNTER

\$10.00 \$11.00 \$5.00 \$20.00

After recording return to:

Harry M. Hanna
Sussman Shank LLP
1000 SW Broadway, Suite 1400
Portland, OR 97205

Until a change is requested,
all tax statements shall be
sent to the following address:

Andrew F. Kahn & Shirley L.
Kahn, Trustees
5120 Sunshine Road
Roseburg, OR 97470

WARRANTY DEED

ANDREW F. KAHN and SHIRLEY L. KAHN, GRANTOR, conveys and warrants to ANDREW F. KAHN, TRUSTEE OF THE ANDREW F. KAHN TRUST U/A/D 1/7/05 and to SHIRLEY L. KAHN, TRUSTEE OF THE SHIRLEY L. KAHN TRUST U/A/D 1/7/05, GRANTEE, each an undivided one-half interest as tenants-in-common in the following described real property free of encumbrances except as specifically set forth herein, situated in Douglas County, Oregon, to-wit:

A parcel of land lying in Section 26, Township 26 South, Range 6 West, Willamette Meridian, Douglas County, Oregon. Said parcel being more particularly described as follows.

That portion of the land described in Instrument No. 96-25069 of the Deed Records of Douglas County which lies easterly of a line which begins at a 5/8" iron rod on the southern boundary of the Hiram Dixon DLC No. 41, 2197.46 feet from the southeasterly corner thereof, and runs S11°48'50"E 193.56 feet to a 5/8" iron rod; thence S13°45'30"E 159.37 feet to a 1" iron pipe at the Northwest corner of Lot 1, Block 3 **SUNSHINE RANCH PLAT D** as recorded in Volume 4, Page 7 of the Plat Records of Douglas County.

EXCEPTING THEREFROM any of the above described land that lies with the boundaries of any of the **SUNSHIE RANCH** Plats.

TOGETHER WITH Lots 10, 11, 17 and 18, **SUNSHINE RANCH PLAT B**.

The property is free from all liens and encumbrances except covenants, conditions and restrictions of record, and any real property taxes a lien, but not yet payable. The liability and obligations of GRANTOR to GRANTEE and GRANTEE'S heirs and assigns under the warranties and covenants contained herein or provided by law shall be limited to the extent coverage is available to GRANTOR under a preexisting standard policy of title insurance.

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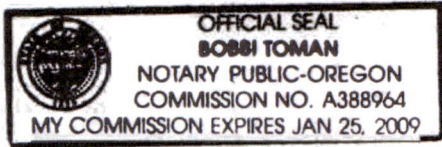
OCT 17 2022

OWRD

The true consideration for this conveyance is: \$ -0-. However, the actual consideration consists of or includes other property or value given or promised which is the whole consideration.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 197.352. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 197.352.

DATED the 12 day of May, 2006.



Andrew F. Kahn
Andrew F. Kahn
Shirley L. Kahn
Shirley L. Kahn

State of Oregon)
) ss.
County of Multnomah)

On this 12th day of May, 2006, personally appeared before me Andrew F. Kahn and Shirley L. Kahn and being first duly sworn each acknowledged the foregoing instrument to be their voluntary act and deed.

Bobbi Toman
NOTARY PUBLIC FOR OREGON
My Commission Expires: Jan 25, 2009

END OF DOCUMENT

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DOUGLAS COUNTY OFFICIAL RECORDS
BARBARA E. NIELSEN, COUNTY CLERK

2007-023990



\$31.00

00201679200700239900020029

11/07/2007 11:21:55 AM

DEED-WD Cnt=1 Stn=18 RECORDINGDESK
\$10.00 \$11.00 \$10.00

After recording return to:

Harry M. Hanna
Sussman Shank LLP
1000 SW Broadway, Suite 1400
Portland, OR 97205

Until a change is requested, all tax statements shall be sent to:

Sunshine Road Holdings LLC
5120 Sunshine Road
Roseburg, OR 97470

WARRANTY DEED

Clover Creek Limited Partnership, an Oregon limited partnership, Grantor, conveys and warrants to Sunshine Road Holdings LLC, an Oregon limited liability company, ("Grantee") the following described real property free of encumbrances except as specifically set forth herein, situated in Douglas County, Oregon, to wit:

A parcel of land lying in Sections 26, 27, 28 and 34 of Township 26 South, Range 5 West, Willamette Meridian, Douglas County, Oregon. Said parcel being more particularly described as follows.

That land described in Instrument Nos. 88-12101, 93-13650, 94-09543, 95-13984, 96-25069 and 2001-23898 of the Deed Records of Douglas County.

LESS the land described as Adjusted Unit 2 of a Restrictive Covenant filed as Instrument No. 2006-002555 in the Deed Records of Douglas County. Said Adjusted Unit 2 is also depicted on a Boundary Line Adjustment filed in the Survey Records of Douglas County as M149-25.

Grantor warrants that the property is free from all encumbrances except encumbrances of record excluding, however, any for which coverage for the liability and obligations of Grantor to Grantee under the warranties contained herein or provided by law is available to Grantor under any title insurance policy, and any real property taxes a lien not yet payable.

The true and actual consideration for this transfer is \$ -0-. However, the actual consideration consists of or includes other property or other value given or promised, which is the whole consideration.

The liability and obligations of the Grantor to Grantee and Grantee's successors and assigns under the warranties and covenants contained herein or provided by law are limited to the amount, nature, and terms of any right or indemnification available to Grantor under any title

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insurance policy, and Grantor has no liability or obligation except to the extent that reimbursement for such liability or obligation is available to Grantor under any such title insurance policy.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 197.352. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930 AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 197.352.

DATED effective the 2nd day of November, 2007.

GRANTOR:

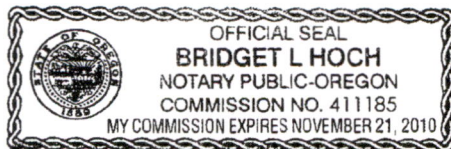
CLOVER CREEK LIMITED PARTNERSHIP

By: CLOVER CREEK MANAGEMENT, INC.,
General Partner

By: Andrew F. Kahn
Andrew F. Kahn, President

STATE OF OREGON)
) ss.
County of MULTNOMAH)

On this 2nd day of November, 2007, personally appeared before me Andrew F. Kahn being first duly sworn, did say that he is the President of Clover Creek Management, Inc., the General Partner of Clover Creek Limited Partnership, and he signed the foregoing instrument on behalf of the limited partnership.



Bridget L. Hoch
Notary Public for OREGON
My Commission expires: 11/21/10

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Douglas County Official Records
Daniel J. Loomis, County Clerk

2022-013142

08/11/2022 11:05:01 AM

DEED-WD Cnt=1 Str=40 JLG00DWI
\$15.00 \$11.00 \$10.00 \$60.00

\$96.00

DOUGLAS COUNTY CLERK



CERTIFICATE PAGE

**DO NOT REMOVE THIS PAGE FROM ORIGINAL
DOCUMENT**

THIS PAGE MUST BE INCLUDED IF DOCUMENT IS RE-RECORDED

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After recording return to:

Heather A. Kmetz
Sussman Shank LLP
1000 SW Broadway, Suite 1400
Portland, OR 97205-3089

Send all tax statements to:

Sunshine Road Holdings, LLC
5120 Sunshine Road
Roseburg, OR 97470

WARRANTY DEED

Andrew Kahn and Shirley Kahn as tenants by the entirety, Grantors, convey and warrant to Sunshine Road Holdings, LLC, an Oregon limited liability company, Grantee, the real property situated in the County of Douglas, State of Oregon, more particularly described as follows ("Property"):

LOT 28, SUNSHINE RANCH PLAT B, DOUGLAS COUNTY, OREGON.

The liability and obligations of the Grantors to Grantee and Grantee's beneficiaries and assigns under the warranties and covenants contained herein or provided by law are limited to the amount, nature, and terms of any right or indemnification available to Grantors under any title insurance policy, and Grantors have no liability or obligation except to the extent that reimbursement for such liability or obligation is available to Grantors under any such title insurance policy.

The Property is free of encumbrances except as specifically set forth herein, and any encumbrances, covenants, conditions, restrictions, and easements of record or ascertainable from viewing the property.

The consideration for this transfer is \$0.00. However, the true and actual consideration for this transfer consists of other property or other value given or promised.

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

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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 August 10, 2022.

GRANTORS:

Andrew Kahn

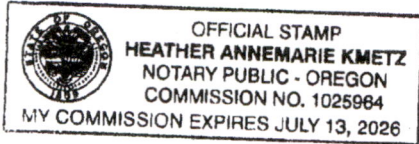
Andrew Kahn

Shirley Kahn

Shirley Kahn

STATE OF OREGON)
) ss.
County of Multnomah)

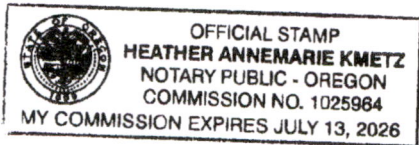
This instrument was acknowledged before me on August 10, 2022 by Andrew Kahn.



Heather Annemarie Kmetz
NOTARY PUBLIC FOR OREGON
My Commission Expires: July 13, 2026

STATE OF OREGON)
) ss.
County of Multnomah)

This instrument was acknowledged before me on August 10, 2022 by Shirley Kahn.



Heather Annemarie Kmetz
NOTARY PUBLIC FOR OREGON
My Commission Expires: July 13, 2026

*17717-001\WARRANTY DEED - SUNSHINE ROAD R69806 - TO SUNSHINE ROAD HOLDINGS LLC (03945228);1

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BEFORE THE OREGON WATER RESOURCES DEPARTMENT

In the Matter of Water Right Applications)	
71172, 71173, 71174, 71181, 71182)	SETTLEMENT AGREEMENT
71183, 71184, 71185, 71190, 71192, and)	APPLICATIONS 71172, 71173
73350 in the Name of the Oregon)	71174, 71181, 71182, 71183,
Department of Fish & Wildlife)	71184, 71185 71190, 71192,
<i>Applicant</i>)	AND 73350
)	
Douglas County)	
<i>Protestant</i>)	

Background

This agreement between the Oregon Water Resources Department ("OWRD"), the Oregon Department of Fish and Wildlife ("ODFW") and Douglas County is unique to the circumstances of this settlement and the terms, conditions and requirements of this agreement do not apply to any other instream water right applications, protests to instream water right applications or processes regarding the approval of instream water rights.

ODFW enters into this agreement for two purposes:

- (a) To protect flows in the Umpqua River basin for fish through certificating ODFW's instream water right applications, and
- (b) To restore flows and passage in Rock Creek, which is an important spawning and rearing stream in the North Umpqua River basin for winter steelhead, cutthroat trout and coho and spring Chinook salmon. Flows and passage will be restored by reducing the Rock Creek Hatchery's dependence on Rock Creek water by using North Umpqua water during critical low flow periods in Rock Creek. Restoring Rock Creek will enhance wild winter steelhead, cutthroat trout, coho and spring Chinook salmon populations in the North Umpqua River.

This settlement agreement is based on the following unique circumstances:

- (a) ODFW has seven (7) cubic foot per second ("cfs") of water available from its hatchery water right certificate C 54607 which can be transferred instream to the North Umpqua River.
- (b) Douglas County can mitigate for the seven (7) cfs described in paragraph eight (8) below by providing the means for the Rock Creek Hatchery to forego using Rock Creek water during critical low flows in Rock Creek. This

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agreement will allow ODFW to withdraw more water from the North Umpqua River for the Rock Creek Hatchery during low flow periods in Rock Creek.

- (c) The Rock Creek Hatchery returns the water it withdraws to Rock Creek, which then flows into the North Umpqua River within three-hundred (300) yards downstream of the point of diversion.
- (d) This agreement will allow restoration of flows that currently are not available in portions of Rock Creek.
- (e) This agreement provides adequate mitigation for impacts to the instream water rights IS 71174 and IS 73350 in the North Umpqua River.

Stipulations

The OWRD, ODFW and Douglas County hereby stipulate and agree as follows.

- I. IS 71172: On January 10, 1991, ODFW submitted its application 71172 on the North Umpqua, tributary to the Umpqua River. On August 20, 1996, the OWRD issued its Proposed Final Order ("PFO") recommending approval of the application for the following amount of water in cubic foot per second ("cfs"):

JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
680	680	680	680	680	680	680	680	680	680	680	680

On October 3, 1996, Douglas County timely filed a protest to the PFO for application IS 71172.

- II. IS 71173: On January 10, 1991, ODFW submitted its application 71173 on the North Umpqua River, tributary to the Umpqua River. On August 20, 1996, the OWRD issued its PFO recommending approval of the application for the following amount of water in cfs:

JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
1020	1020	1020	1020	1020	1020	1020	950	940	1020	1020	1020

On October 3, 1996, Douglas County timely filed a protest to the PFO for application IS 71172.

- III. IS 71174: On January 10, 1991, ODFW submitted its application 71174 on the North Umpqua River, tributary to the Umpqua River. On August 20, 1996, the OWRD issued its PFO recommending approval of the application for the following amount of water in cfs:

JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
1350	1350	1350	1350	1350	1350	1290	996	982	1190	1350	1350

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On October 3, 1996, Douglas County timely filed a protest to the PFO for application IS 71174.

- IV. IS 71181: On January 10, 1991, ODFW submitted its application 71181 on Calapooya Creek, tributary to the Umpqua River. On August 20, 1996, the OWRD issued its PFO recommending approval of the application for the following amount of water in cfs:

JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
70	70	70	70	50	30	20	18.6	17.5	29	70	70

On October 3, 1996, Douglas County timely filed a protest to the PFO for application IS 71181.

- V. 71182: On January 10, 1991, ODFW submitted application 71182 on Deer Creek, tributary to the South Umpqua River. On August 20, 1996, the OWRD issued its PFO recommending approval of the application for the following amount of water in cfs:

JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
85	85	85	58.7	24	10.3	4.5	2.72	2.90	4.8	19.9	85

On October 3, 1996, Douglas County timely filed a protest to the PFO for application IS 71182.

- VI. IS 71183: On January 10, 1991, ODFW submitted application 71183 on Elk Creek, tributary to the Umpqua River. On August 20, 1996, the OWRD issued its PFO recommending approval of the application for the following amount of water in cfs:

JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
0	0	0	0	0	0	22.5	10.8	13.6	23.5	0	0

On October 3, 1996, Douglas County timely filed a protest to the PFO for application IS 71183.

- VII. IS 71184: On January 10, 1991, ODFW submitted application 71184 on the Little River, tributary to the North Umpqua River. On August 20, 1996, the OWRD issued its PFO recommending approval of the application for the following amount of water in cfs:

JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
255	255	255	255	150	100	51.8	30.2	27.3	42.6	255	255

On October 3, 1996, Douglas County timely filed a protest to the PFO for application IS 71184.

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VIII. IS 71185: On January 10, 1991, ODFW submitted application 71185 on the Little River, tributary to the North Umpqua River. On August 20, 1996, the OWRD issued its PFO recommending approval of the application for the following amount of water in cfs:

JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
102	102	102	102	60	40	32.6	18.8	17.4	27.5	102	102

On October 3, 1996, Douglas County timely filed a protest to the PFO for application IS 71185.

IX. IS 71190: On January 10, 1991, ODFW submitted application 71190 on the South Fork of Deer Creek, tributary to Deer Creek. On August 20, 1996, the OWRD issued its PFO recommending approval of the application for the following amount of water in cfs:

JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
42	42	42	28.1	11.8	4.43	1.86	1.1	1.27	2.2	9.5	42

On October 3, 1996, Douglas County timely filed a protest to the PFO for application IS 71190.

X. IS 71192: On January 10, 1991, ODFW submitted application 71192 on the South Umpqua River, tributary to the Umpqua River. On August 20, 1996, the OWRD issued its PFO recommending approval of the application for the following amount of water in cfs:

JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
425	425	425	425	250	168	154	82.5	72.9	110	425	425

On October 3, 1996, Douglas County timely filed a protest to the PFO for application IS 71192.

XI. IS 73350: On April 12, 1993, ODFW submitted application 73350 on the Umpqua River. On August 20, 1996, the OWRD issued its PRO recommending approval of the application for the following amount of water in cfs:

JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
1700	1700	1700	1700	1700	1700	1000	1000	1000	1560	1700	1700

On October 3, 1996, Douglas County timely filed a protest to the PFO for application IS 73350.

XII. As of the January, 2004, OWRD's water availability model, run at a 50% exceedence level, indicates that even after instream water rights IS 71181, IS 71182, IS 71183, IS 71190, and IS 71192, are subtracted, water is available at a 50% exceedence level as follows:

IS 71181 Calapooya Cr > Umpqua R above Oldham Cr.: November through March

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IS 71182 Deer Creek > S Umpqua R at mouth: December through March
IS 71183 Elk Creek > Umpqua R at mouth: November through March
IS 71190 Deer Creek > S Umpqua at mouth: December through March
IS 71192 S Umpqua R > Umpqua R above Cow Cr.: November through March.

- XIII. The parties stipulate and agree as to the importance of Rock Creek restoration efforts to fish management.
- XIV. The OWRD, ODFW, and Douglas County agree that the concerns Douglas County raised in its protests to the PFO for the applications described in paragraphs I through XI above are resolved solely on the following terms.

Agreement

1. The parties of this Settlement Agreement waive the opportunity to file requests for reconsideration or exceptions to the Final Orders issuing from this Agreement and any right to judicial review of this Agreement and these Final Orders.
2. Each party to this Agreement represents, warrants, and agrees that the person who executes this Agreement on its behalf has the full right and authority to enter into this Agreement on behalf of that party and bind that party to the terms of this Agreement.
3. Douglas County agrees to withdraw with prejudice its requests for contested case hearing and protests to applications IS 71172, IS 71173, IS 71774, IS 71181, IS 71182, IS 71183, IS 71184, IS 71185, IS 71190, IS 71192 and IS 73350.
4. ODFW and OWRD agree to the following condition on the certificates that issue for applications IS 71181, IS 71182, IS 71183, IS 71190, and IS 71192, respectively:

Certificate 71181 (Calapooya Cr. > Umpqua R above Oldham Cr.): As of January 2004, water is available for further appropriation at a 50% exceedence level November through March.

Certificate 71182 (Deer Cr. > S. Umpqua R at mouth): As of January 2004, water is available for further appropriation at a 50% exceedence level December through March.

Certificate 71183 (Elk Cr. > Umpqua R at mouth): As of January 2004, water is available for further appropriation at a 50% exceedence level November through March.

Certificate 71190 (Deer Cr. > S. Umpqua R at mouth): As of January 2004, water is available for further appropriation at a 50% exceedence level December through March.

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Certificate 71192 (S. Umpqua R > Umpqua R at mouth): As of January 2004, water is available for further appropriation at a 50% exceedence level November through March.

5. When this Settlement Agreement has been signed by all of the parties OWRD will issue certificates for IS 71172, IS 71173, IS 71181, IS 71182, IS 71183, IS 71184, IS 71185, IS 71190, and IS 71192.
6. Immediately upon successful completion of the transfer described in paragraph seven (7) below, Douglas County will provide ODFW with seventy-five thousand dollars (\$75,000.00) to be used exclusively for purchasing and installing a pump for ODFW's Rock Creek Hatchery.
7. ODFW will immediately begin the process of transferring seven (7) cfs from its certificate C 54607 in stream into the North Umpqua River. Douglas County, ODFW, and OWRD agree to support the transfer of seven (7) cfs from certificate C 54607 to in-stream use in the North Umpqua River.
8. When ODFW has successfully completed the transfer described in paragraph seven (7) above, ODFW and OWRD agree to the issuance of certificates for applications IS 71174 and IS 73350 with the following conditions in addition to the conditions described in the PFO for these applications:

For purposes of water regulation only, the instream rights IS 71174 and IS 73350 shall not have priority over the following uses of water with a priority date later than 1990: a combined total between IS 71174 and IS 73350 of up to 4.0 cfs of water for human consumption, domestic, or domestic expanded uses; a combined total between IS 71174 and IS 73350 of up to 1.5 cfs of water for industrial or commercial use; and a combined total between IS 71174 and IS 73350 of up to 1.5 cfs for irrigation or agricultural use. This provision means that up to a total of 7 cfs will be available to holders of water rights that are junior to IS 71174 and IS 73350 when water is used for the purposes stated. This does not mean that each applicant may use up to 7 cfs, or that 7 cfs will be available from each instream water right.

9. OWRD and ODFW agree to enter into a Memorandum of Understanding that will provide the process whereby OWRD will process applications for industrial, commercial, irrigation or agricultural uses from the stream reaches described in applications IS 71174 and IS 73350.
10. The parties to this Agreement stipulate and agree that the circumstances allowing implementation of this Agreement are unique and do not establish either legal or policy precedent.

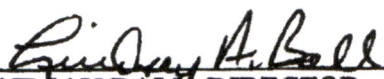
RECEIVED
OCT 17 2022
OWRD



PHILLIP C. WARD, ACTING DIRECTOR
On Behalf of the
Oregon Water Resources Department
725 NE Summer St., Ste. A
Salem, OR 97301-2430
(503) 986-0909
(503) 986-0903

6/21/04
DATE

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OCT 17 2022
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LINDSAY BALI, DIRECTOR
On Behalf of the
OREGON DEPARTMENT OF FISH
AND WILDLIFE
3406 Cherry Ave. NE
Salem, Oregon 97303
Phone: 503-947-6084
Fax: 503-947-6070

06-08-04
DATE

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OWRD

DAN VAN SLYKE, CHAIRMAN
BOARD OF COUNTY COMMISSIONERS
OF DOUGLAS COUNTY, OREGON
On Behalf of DOUGLAS COUNTY
1036 S.E. Douglas Ave.
Roseburg, Oregon 97470
(541) 672-3311

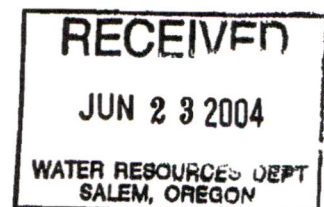
DATE

Doug Robertson
DOUG ROBERTSON, COUNTY
COMMISSIONER
BOARD OF COUNTY COMMISSIONERS
OF DOUGLAS COUNTY, OREGON
On Behalf of DOUGLAS COUNTY
1036 S.E. Douglas Ave.
Roseburg, Oregon 97470
(541) 672-3311

6-20-04
DATE

Joyce Morgan
JOYCE MORGAN, COUNTY
COMMISSIONER
BOARD OF COUNTY COMMISSIONERS
OF DOUGLAS COUNTY, OREGON
On Behalf of DOUGLAS COUNTY
1036 S.E. Douglas Ave.
Roseburg, Oregon 97470
(541) 672-3311

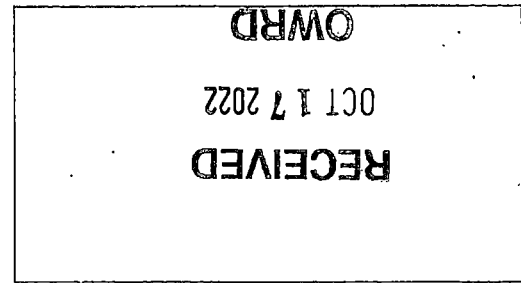
6/21/04
DATE



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OCT 17 2022

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Date Received (Date Stamp Here)

OWRD Over-the-Counter Submission Receipt

Applicant Name(s) & Address: Andrew and Shirley Kohn (Sunshine Rd Holdings)
5120 Sunshine Rd Roseburg, OR 97470

Transaction Type: SW App

Fees Received: \$ 2520

Cash Check: Check No. 5448

Name(s) on Check: Andrew and Shirley Kohn

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

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

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

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

Sincerely,
OWRD Customer Service Staff

Submission received by: [Signature]
(Name of OWRD staff)

Instructions for OWRD staff:

- Complete this Submission Receipt and make two (2) copies. Place one copy with the check/cash; and place the other copy with the submission (i.e., the application or other document).
- Date-stamp all pages. (NOTE: Do not stamp check.)
- Give this original Submission Receipt to the applicant.
- Record Submission Receipt information on the "RECEIVED OVER THE COUNTER" log sheet.
- Fold and put one copy of the Submission Receipt with check/cash into the Safe slot. Place the other copy of the Submission Receipt with submission (application/other document) in the top drawer of filing cabinet.

October 17, 2022

Shonee D. Langford
T: 503-540-4261
slangford@schwabe.com

BY HAND DELIVERY

Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, OR 97301-1271

RE: Application for a Permit to Use Surface Water

To Whom it May Concern:

Enclosed for filing on behalf of Andrew F. Kahn, Trustee of the Andrew F. Kahn Trust U/A/D/ 1/7/05, Shirley L. Kahn, Trustee of the Shirley L. Kahn Trust U/A/D 1/7/05, and Sunshine Road Holdings, LLC is an Application for a Permit to Use Surface Water with supporting documentation. Also enclosed is a check in the amount of \$2,520 to cover the application fee. I will serve as the applicant's agent.

Please note that I have included a copy of a Settlement Agreement affecting the North Umpqua River, which is the applicant's proposed source.

I have also included copies of numerous tax assessor maps given the numbers of tax lots involved. The assessor's maps are intended to serve as supplemental application maps.

Please feel free to call me if you have any questions or need additional information to complete your review.

Best regards,



Shonee D. Langford

SDL:asc
Enclosures

cc: Client (w/encl.; via email)

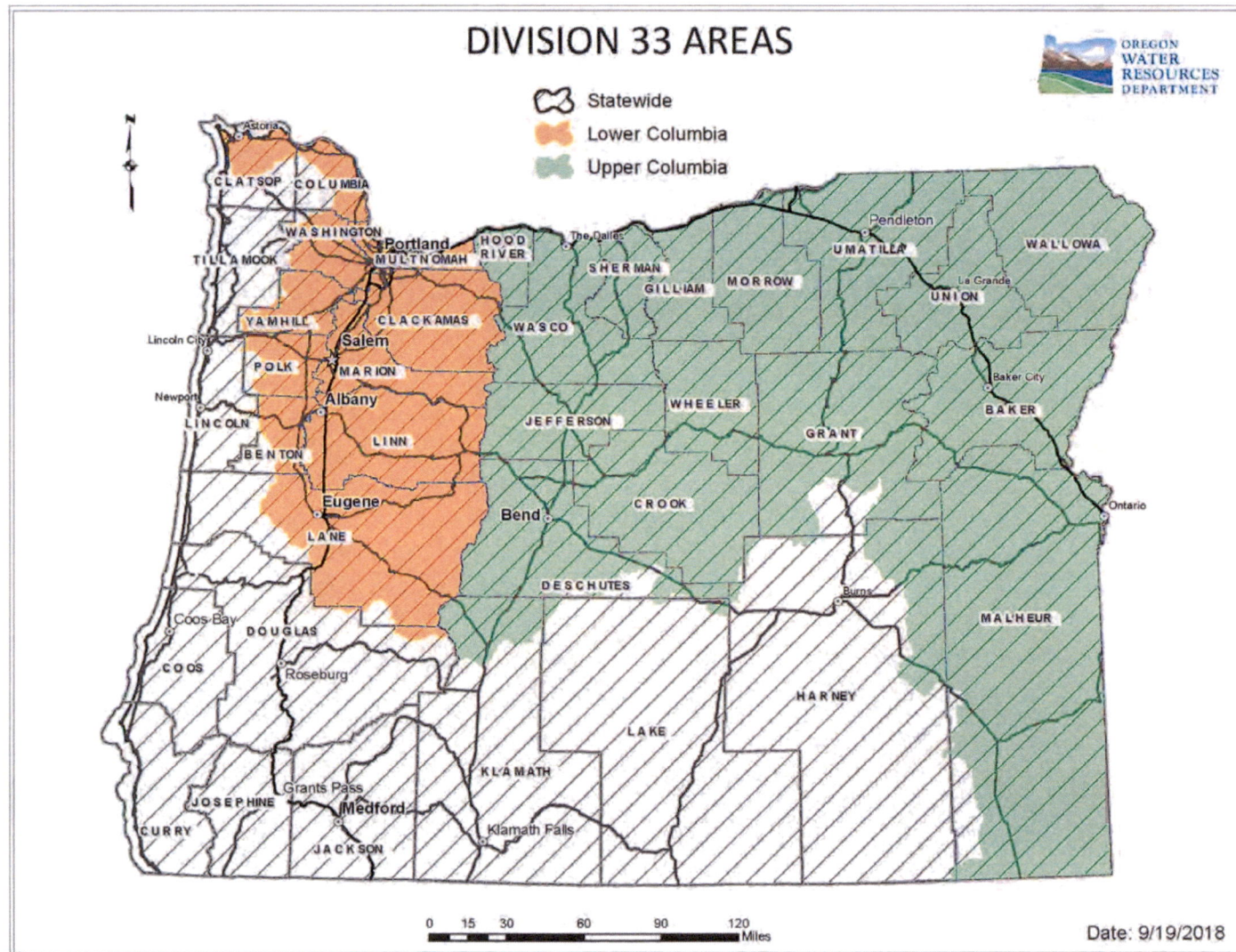
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Figure 1: Map of Division 33 Areas



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For more detailed information, click on the following link and enter the TRSQQ or the Lat/Long of a POD and click on "Submit" to retrieve a report that will show which section, if any, of the Division 33 rules apply: https://apps.wrd.state.or.us/apps/misc/lkp_trsqq_features/

Minimum Requirements Checklist

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

Include this checklist with the application

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

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

- SECTION 1: Applicant Information and Signature
- SECTION 2: Property Ownership
- SECTION 3: Source of Water
- SECTION 4: Sensitive, Threatened or Endangered Fish Species Public Interest Information
- SECTION 5: Water Use
- SECTION 6: Water Management
- SECTION 7: Resource Protection
- SECTION 8: Project Schedule
- SECTION 9: Within a District
- SECTION 10: Remarks

Include the following additional items:

- Land Use Information Form with approval and signature of local planning department (*must be an original*) or signed receipt.
- Provide the legal description of: (1) the property from which the water is to be diverted, (2) any property crossed by the proposed ditch, canal or other work, and (3) any property on which the water is to be used as depicted on the map.
- Fees - Amount enclosed: \$_____

See the Department's Fee Schedule at www.oregon.gov/owrd or call (503) 986-0900.
- Map that includes the following items:
 - Permanent quality and drawn in ink
 - Even map scale not less than 4" = 1 mile (example: 1" = 400 ft, 1" = 1320 ft, etc.)
 - North Directional Symbol
 - Township, Range, Section, Quarter/Quarter, Tax Lots
 - Reference corner on map
 - Location of each diversion, by reference to a recognized public land survey corner (distances north/south and east/west)
 - Indicate the area of use by Quarter/Quarter and tax lot identified clearly.
 - Number of acres per Quarter/Quarter and hatching to indicate area of use if for primary irrigation, supplemental irrigation, or nursery
 - Location of main canals, ditches, pipelines or flumes (if well is outside of the area of use)

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Surface Water — Page 7

Rev. 07/21

For Department Use: App. Number: _____

Water-Use Permit Application Processing

1. Completeness Determination

The Department evaluates whether the application and accompanying map contain all of the information required under OAR 690-310-0040 and OAR 690-310-0050. The Department also determines whether the proposed use is prohibited by statute. If the Department determines that the application is incomplete, all fees have not been paid, or the use is prohibited by statute, the application and all fees submitted are returned to the applicant.

2. Initial Review

The Department reviews the application to determine whether water is available during the period requested, whether the proposed use is restricted or limited by rule or statute, and whether other issues may preclude approval of or restrict the proposed use. An Initial Review (IR) containing preliminary determinations is mailed to the applicant. The applicant has 14 days from the mailing date to withdraw the application from further processing and receive a refund of all fees paid minus \$310. The applicant may put the application on hold for up to 180 days and may request additional time if necessary.

3. Public Notice

Within 7 days of the mailing of the initial review, the Department gives [public notice](#) of the application in the weekly notice published by the Department at www.oregon.gov/owrd. The public comment period is 30 days from publication in the weekly notice.

4. Proposed Final Order Issued

The Department reviews any comments received, including comments from other state agencies related to the protection of sensitive, threatened or endangered fish species. Within 60 days of completion of the IR, the Department issues a Proposed Final Order (PFO) explaining the proposed decision to deny or approve the application. A PFO proposing approval of an application will include a draft permit, and may request additional information or outstanding fees required prior to permit issuance.

5. Public Notice

Within 7 days of issuing the PFO, the Department gives public notice in the weekly notice. Notice includes information about the application and the PFO. Protest must be received by the Department within 45 days after publication of the PFO in the weekly notice. Anyone may file a protest. The protest filing fee is \$480.00 for the applicant and \$950.00 for non-applicants. Protests are filed on approximately 10 percent of Proposed Final Orders. If a protest is filed the Department will attempt to settle the protest but will schedule a contested case hearing if necessary.

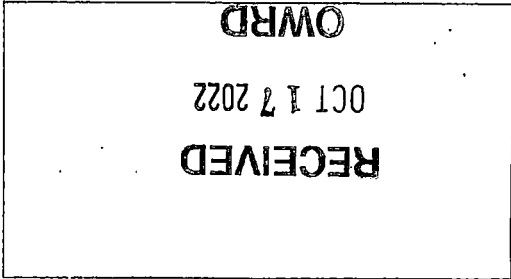
6. Final Order Issued

If no protests are filed, the Department can issue a Final Order within 60 days of the close of the period for receiving protest. If the application is approved, a permit is issued. The permit specifies the details of the authorized use and any terms, limitations or conditions that the Department deems appropriate

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