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JUL 10 2023

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

OWRD

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

Use a separate form for each reservoir

SECTION 1: APPLICANT INFORMATION AND SIGNATURE

Applicant

Form with fields for Applicant Name (Nick Thomas), Phone (HM: 818-974-9378), Phone (WK), CELL, FAX, ADDRESS (86895 N Bank Ln), CITY (Coquille), STATE (OR), ZIP (97423), E-MAIL (\*: FTTOrganics@Gmail.com)

Organization

Form with fields for Organization Name (Farm to Table Transparency LLC), Phone (818-974-9378), FAX, ADDRESS (86895 N Bank Ln), CITY (Coquille), STATE (OR), ZIP (97423), E-MAIL (\*: FTTOrganics@Gmail.com)

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

Form with fields for Agent/Business Name, Phone, FAX, ADDRESS, CITY, STATE, ZIP, E-MAIL (\*)

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.

Signature line for Nick Thomas, dated 02/21/2023. Fields for Applicant Signature, Print Name and Title if applicable, Date.

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

<b>Reservoir name:</b>	Multilevel Reservoir-Pond 2				
<b>Source*:</b> Rain	<b>Tributary:</b>		Coquille River		
<b>County:</b>	Coos				
<b>Quantity:</b> 0.15	<b>Acre-Feet</b> [length x width x depth / 43,560]				
<b>Reservoir Location:</b>	Township (N or S)	Range (E or W)	Section	Quarter-Quarter	Tax Lot #
	28S	14W	25	SENW	800
<b>Maximum Height of Dam:</b>	7 feet. If excavated write "zero feet."				

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

**SECTION 3: WATER USE**

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

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

**SECTION 4: PROPERTY OWNERSHIP**

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

Yes (please check appropriate box below then skip to section 5)

There are no encumbrances

This land is encumbered by easements, right of way, roads of way, roads or other encumbrances

No (Please check the appropriate box below)

I have a recorded easement or written authorization permitting access.

I do not currently have written authorization or easement permitting access.

Written authorization or an easement is not necessary, because the only affected lands I do not own are state-owned submersible lands, and this application is for irrigated and/or domestic use only (ORS 274.040). (Do not check this box if you described your use as "Multipurpose" in #3 above.)

List the names and mailing addresses of all affected landowners:

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**SECTION 5: ENVIRONMENTAL IMPACT**

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

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

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

If YES, how long has it been in place? 5 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. ODFW, Chris Claire

**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:		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.

There is rain fall and natural small stream (part of the year) that collects in the multi level ponds. We are adding fountains to the water body for aesthetics. The water flows through a culvert and ends up back in its natural path after the pond.

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).

dams are less than 10 feet deep and 13 feet wide and in between hillside sections. They hold 3 to 7 feet of water. The reservoir area is part of the natural path of the water and not on a flat level area of the land. The water enters from one section to the next downhill from the first by the hillside. There is a fountain pipe connected in each section. The lowest pond has a culvert that takes the water back to its original natural path which it eventually ends up into my 60 acre hay field, and finally into Coquille river

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## Watermaster Alternate Reservoir Application Review Sheet

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

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

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

<b>Applicant's Name Nick Thomas</b>		
1. Does the proposed reservoir have the potential to injure existing water rights? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO Explain: needs limited to water availability at 50% to avoid injury – see supp'l doc.		
2. Can conditions be applied to mitigate the potential injury to existing water rights? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO Explain: <b>limit to water availability report</b>		
3. Is water available for the proposed reservoir? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO		
4. If yes, during what period? Beginning: <b>see attached</b> End: <b>November thru September (only Oct is excluded)</b> <b>This review and associated WARS report is for all five reservoirs Nick Thomas is submitting.</b> 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:		Date:
Who:	Agency:	Date:

Watermaster Name: Susan Douthit

Watermaster  
Signature:

Susan Douthit

Date: 2/9/2023

NOTE: This completed form must be returned to the applicant

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WATER AVAILABILITY TABLE

COQUILLE R > PACIFIC OCEAN - AT MOUTH

Watershed ID #: 384  
Time: 11:29 AM

Basin: SOUTH COAST

Exceedance Level: 50  
Date: 12/19/2022

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# Watershed	Nest ID Number	Stream Name	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV
1	384	COQUILLE R > PACIFIC OCEAN - AT MOUTH	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES
		DEC STOR	YES	NO	YES	YES	YES						

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## ODFW Alternate Reservoir Application Review Sheet

This portion to be completed by the applicant.	
Applicant Name: <u>Nick Thomas</u>	
Address: <u>86895 N Bank Ln</u>	
Phone/Email: <u>(818)974-9378</u>	
Reservoir Name: <u>Multilevel Reservoir-Pond 2</u>	Volume (AF): <u>0.15</u>
Source: <u>Rain/Spring</u>	
Basin Name: <u>Coquille</u>	<input type="checkbox"/> in-channel
Twp Rng Sec QQ: <u>28S-14W-Sec25SENW</u>	<input checked="" type="checkbox"/> off-channel
<p>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.</p>	

This portion to be completed by Oregon Department of Fish and Wildlife (ODFW) staff.
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1) Is the proposed project and AO<sup>1</sup> off channel?..... YES\*  NO  
 (if yes then proceed to #4; if no then proceed to #2)

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

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

3) If NMF are or were historically present:

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

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

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

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

Any diversion or appropriation of water for storage during the period **July 1 – October 31** poses a significant detrimental impact to existing fishery resources. (For example, if diversion of water for storage during a certain time period would cause a significant detrimental impact to an existing fishery resource, then ODFW should recommend conditions or limitations.) If NMF fish are present at the project site or point

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

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

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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) and sensitive species (Spring Chinook, Summer Steelhead, Coastal Cutthroat, Pacific Lamprey) are present in the Coquille River during the period of impact. Instream flows to fulfill instream C59863 for aquatic life are not being met partially or wholly during the period of impact. Based on parameters assessed by ODFW, instream flows are currently below those essential to support the biological needs of an existing fishery resource during August 1 – October 31. In addition, ODFW reviewed available information (<https://www.oregon.gov/deq/wq/Documents/ir2022AssessMethodDraftPublicComment.pdf>) regarding water quality impairment and determined that the proposed use would impair water quality that supports existing fishery resources (e.g., habitat) at or downstream of the Point of Diversion, including any releases throughout the year from the reservoir to waters of the state (see “Water Quality” condition below). The critical period associated with stream temperature is the summer period from July 1–September 30, when instream peak temperatures are expected to be near annual maximums. High stream temperatures can be directly lethal to aquatic life but may also have sublethal effects on growth and development during different life stages, as well as the swimming, feeding and reproductive ability of juveniles and adults.

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

Impairment to Fishery Resource		Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Water Quantity													
Water Quality													

**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 the quality and quantity of biologically necessary flows at the POD and/or downstream during November 1 – June 30. ODFW recommends the storage season be restricted to coincide with this period or the proposed use be mitigated prior to issuance of a Proposed Final Order for any storage outside of this period. Without appropriate mitigation and/or conditions (see below), a further reduction in flow or alteration of habitat from the proposed water use outside of this period will result in a significant detrimental impact to an existing fishery resource.

Mitigation is often complicated, time consuming, and expensive, and may include, but is not limited to, actions such as replacing the proposed amount of water through purchasing or transferring an existing water right. If the applicant chooses to pursue mitigation after application submittal to WRD, ODFW will provide 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.

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Applicant Name: Nick Thomas

ODFW Review

ODFW Signature: \_\_\_\_\_ Print Name: Jorden Smith

ODFW Title: East Region hydropower and Water Right Coordinator Date: 05/02/2023

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

Revised 10/4/12; reformatted 5/12/20

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

Revised May 12, 2020, March 25, 2021

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

- Agricultural Water Quality Management Area Rules:** The permittee shall comply with basin-specific Agricultural Water Quality Management Area Rules described in Oregon Administrative Rule Chapter 603-095. The permittee shall protect riparian areas, including through irrigation practices and the management of any livestock, allowing site capable vegetation to establish and grow along streams, while providing the following functions: shade (on perennial and some intermittent streams), bank stability, and infiltration or filtration of overland runoff.
- b52** Water may be diverted only when Department of Environmental Quality sediment standards are being met.
- b5** The water user shall install and maintain adequate treatment facilities meeting current DEQ requirements to remove sediment before returning the water to the stream.
- b51a** The period of use has been limited to November 1 through June 30.
- 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.
- 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.
- Bypass Flows:** Per 690-410-0070 (2)(c), the following flows shall be bypassed or passed through the reservoir during the filling season:
- 1) When the biologically necessary flows identified below are not available immediately upstream of the impacted area, the permittee shall pass all live flow downstream at a rate equal to the inflow, minus the amount of mitigation water provided upstream, if applicable, and
  - 2) When the biologically necessary flows identified below are available immediately upstream of the impacted area, the permittee shall pass flow downstream at a rate equal to or greater than the biologically necessary flows.
- Once the reservoir has reached the permitted volume, all live flow shall be passed downstream at a rate equal to the inflow.
- The permittee shall quantify and document inflow and outflow and maintain the bypass flows for the life of the permit and subsequent certificate per the approved Bypass Plan. The bypass flow data shall be available upon request by the Oregon Water Resources Department, Oregon Department of Fish and Wildlife, Oregon Department of Environmental Quality, or Oregon Department of Agriculture.
- Construction Activities:** For construction activities (clearing, grading, excavation, staging, and stockpiling) that will disturb one or more acres and may discharge to state waters, the permittee is required to obtain from DEQ a 1200-C NPDES Stormwater Construction Permit prior to project construction.
- fence:** The stream and its adjacent riparian area shall be fenced to exclude livestock.
- 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.

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- 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.
- Fish Stocking:** Per ORS 498.222 and OAR 635-007-0600, all persons transporting fish in Oregon need to have a fish transport permit issued by the Oregon Department of Fish and Wildlife (ODFW). The permittee shall not stock fish in the reservoir without a fish transport permit approved by ODFW. As part of the permitting process, the permittee must also screen the inlet and outlet of their pond to insure that fish cannot escape into public waters and/or to keep wild fish from entering the pond.
- futile call:** The use of water allowed herein may be made only at times when waters from the (NAME OF SURFACE WATER) would not otherwise flow into a tributary of the type here River or sufficient water is available to satisfy all prior rights, including rights for maintaining instream flows.
- In-Water or Riparian Construction:** For in-water or riparian construction, permittee may be required to obtain additional permits from the Oregon Department of State Lands, the U.S. Army Corps of Engineers, and the DEQ Section 401 certification program prior to construction. The applicant must contact these agencies to confirm requirements.
- In-Water Work:** Any in-water work related to construction, development, or maintenance of the proposed use shall be conducted during the preferred work period of type here unless an alternate time period is approved by the Oregon Department of Fish and Wildlife.
- Live Flow:** Once the allocated volume has been stored, permittee shall pass all live flow downstream at a rate equal to inflow, using methods that protect instream water quality.
- Off-Channel Stored Water Releases:** The permittee shall not release polluted water from this off-channel reservoir into waters of the state except when the release is directed by the State Engineer to prevent dam failure.
- On-Channel Reservoir:** The permittee shall design and operate the water storage facility such that all waters within and below the reservoir meet water quality criteria. The permittee shall develop a reservoir operations plan that details how water quality criteria and standards will be met. A Certified Water Rights Examiner shall verify that the reservoir operations are consistent with the plan before a certificate is issued. The reservoir operator shall maintain a copy of the plan and make it available for review upon request.
- riparian:** If the riparian area is disturbed in the process of developing a point of diversion, the permittee shall be responsible for restoration and enhancement of such riparian area in accordance with ODFW's Fish and Wildlife Habitat Mitigation Policy OAR 635-415. For purposes of mitigation, the ODFW Fish and Wildlife Habitat Mitigation Goals and Standards, OAR 635-415, shall be followed.
- Water Quality:** All water use under this permit shall comply with state and federal water quality laws. The permittee shall not violate any state and federal water quality standards, shall not cause pollution of any waters of the state, and shall not place or cause to be placed any wastes in a location where such wastes are likely to escape or be carried into the waters of the state by any means. The use may be restricted if the quality of source stream or downstream waters decrease to the point that those waters no longer meet existing state or federal water quality standards.
- 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.
- 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.

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2J Rockets <2jrockets@gmail.com>

**Nick\_Thomas\_Ponds**

**CLAIRE Christopher w \* ODFW** <Christopher.w.CLAIRE@odfw.oregon.gov> Fri, Dec 2, 2022 at 10:15 AM  
To: BRANDT Jason R \* ODFW <Jason.R.BRANDT@odfw.oregon.gov>, DOUTHIT Susan M \* WRD <Susan.M.DOUTHIT@water.oregon.gov>  
Cc: "FTTOrganics@Gmail.com" <FTTOrganics@gmail.com>, GRAY Michael E \* ODFW <Michael.E.GRAY@odfw.oregon.gov>

Jason, Susan,

I met on the FTT Organics property with Nick Thomas to assess the site conditions for the five ponds he has installed over the past several years. They are located along the slope break of a steep hill. Springwater and hillslope rainfall feeds into the ponds to provide the water supply. The ponds are connected sequentially. The dams are eco-block and earthen. Total volume is partially accommodated by excavation into the ground (see attached).

The inflow is insufficient to provide volume for fish use downstream of the ponds and fish passage is not a concern. The springwater prior to pond construction was contained in a well shaded narrow channel and was ecologically relevant for native coldwater fish, albeit minimal, providing early summer cold water input into a tidal slough downslope of the ponds in the pasture. This coldwater input to the tidal channel assisted with providing thermal refugia to lower Coquille River waters, which are 303d listed for temperature. From July through late fall the springfeed volumes would be considered insignificant input to the Coquille River as the flow volume of the spring decreased.

Assuming that there is water availability and OWRD allows for the ponds to remain and be permitted, the ponds may provide some minimal amphibian habitat. That said solar thermal loading of these volumes of water replaces what was previously a relevant coldwater input to a Coquille River slough with water bodies that will likely reach 75+ degrees F in August annually. If the ponds remain ODFW recommends that native trees, preferably cottonwood, be planted in two rows 20ft apart along the western edge of the pond banks. The landowner asked if in among the cottonwoods fruit trees could be planted and this is deemed acceptable.

Thanks for your concern with conservation of Oregon's fish and wildlife and their habitats,

Chris,

Christopher W. Claire  
Habitat Protection Biologist  
Oregon Dept. of Fish and Wildlife  
P.O. Box 5003  
Charleston, OR 97420  
wk 541-857-2391  
wk. cell # 541-551-1631

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Use this menu to identify appropriate conditions to be included in the permit, and indicate the abbreviations on the review form:

**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.

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**fishmay:** 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.

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

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

b51a The period of use has been limited to through

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.

**fulite 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 River or sufficient water is available to satisfy all prior rights, including rights for maintaining instream flows.

**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.

**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.

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

**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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# Land Use Information Form



## NOTE TO APPLICANTS

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

**This form is NOT required if:**

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

## NOTE TO LOCAL GOVERNMENTS

The person presenting the attached Land Use Information Form is applying for or modifying a water right. The Water Resources Department (WRD) requires its applicants to obtain land-use information to be sure the water rights do not result in land uses that are incompatible with your comprehensive plan. Please complete the form or detach the receipt stub and return it to the applicant for inclusion in their water right application. You will receive notice once the applicant formally submits his or her request to the WRD. The notice will give more information about WRD's water rights process and provide additional comment opportunities. You will have 30 days from the date of the notice to complete the land-use form and return it to the WRD. If no land-use information is received from you within that 30-day period, the WRD may presume the land use associated with the proposed water right is compatible with your comprehensive plan. Your attention to this request for information is greatly appreciated by the Water Resources Department. If you have any questions concerning this form, please contact the WRD's Customer Service Group at 503-986-0900.

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# Land Use Information Form



Oregon Water Resources Department  
725 Summer Street NE, Suite A  
Salem, Oregon 97301-1266503-986-0900  
www.oregon.gov/OWRD

NAME <b>Nick Thomas</b>		PHONE (HM)
PHONE (WK)	CELL <b>818-974-9378</b>	FAX
ADDRESS <b>86895 N Bank Ln</b>		
CITY <b>Coquille</b>	STATE OR ZIP <b>97423</b>	E-MAIL* <b>FTTOrganics@Gmail.com</b>

## A. Land and Location

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

Township	Range	Section	¼ ¼	Tax Lot #	Plan Designation (e.g., Rural Residential/RR-5)	Water to be:			Proposed Land Use:
<u>28S</u>	<u>14W</u>	<u>25</u>	<u>SE</u> <u>SW</u>	<u>800</u>	<u>F</u>	<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	<u>F</u>
_____	_____	_____	_____	_____	_____	<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:

Coos

## 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) \_\_\_\_\_

Estimated quantity of water needed: 0.15   
 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 multipurpose

Briefly describe:

\_\_\_\_\_

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**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):
- 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:	
Conditional Use	4.6.110 use # 34	<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input checked="" 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.

A Conditional Use has been received for this use, not completed at this time 3/6/2023 *Crystal Orr*

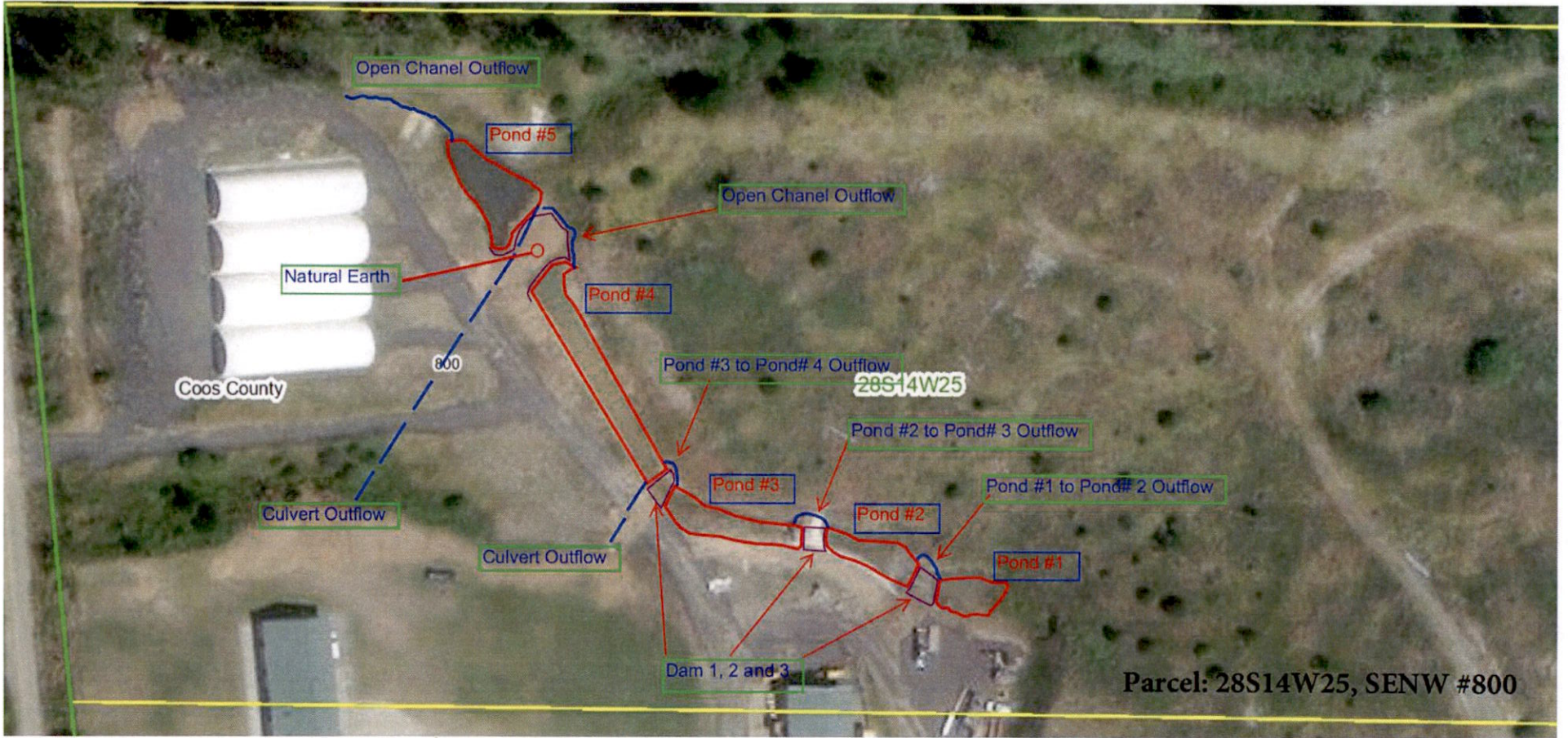
Name: Crystal Orr Title: Associate Planner  
 Signature: Crystal Orr Phone: 541-396-7770 Date: 2/13/2023  
 Government Entity: Coos County Planning

**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: \_\_\_\_\_

Land Use Information Form  
 Page 3 of 3  
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57'x 68' x 62' Triangle  
-124.312 43.120 Degrees  
SA=1800 SF

22'W x 159'L  
-124.312 43.120 Degrees  
SA=2700SF

27'W x 71'L  
-124.312 43.120 Degrees  
SA=1250SF

19'W x 38'L  
-124.311 43.119 Degrees  
SA=850SF

27'W x 70'L  
-124.311 43.119 Degrees  
SA=1050SF

Dam 3  
11' x 27' x 5'-7' High

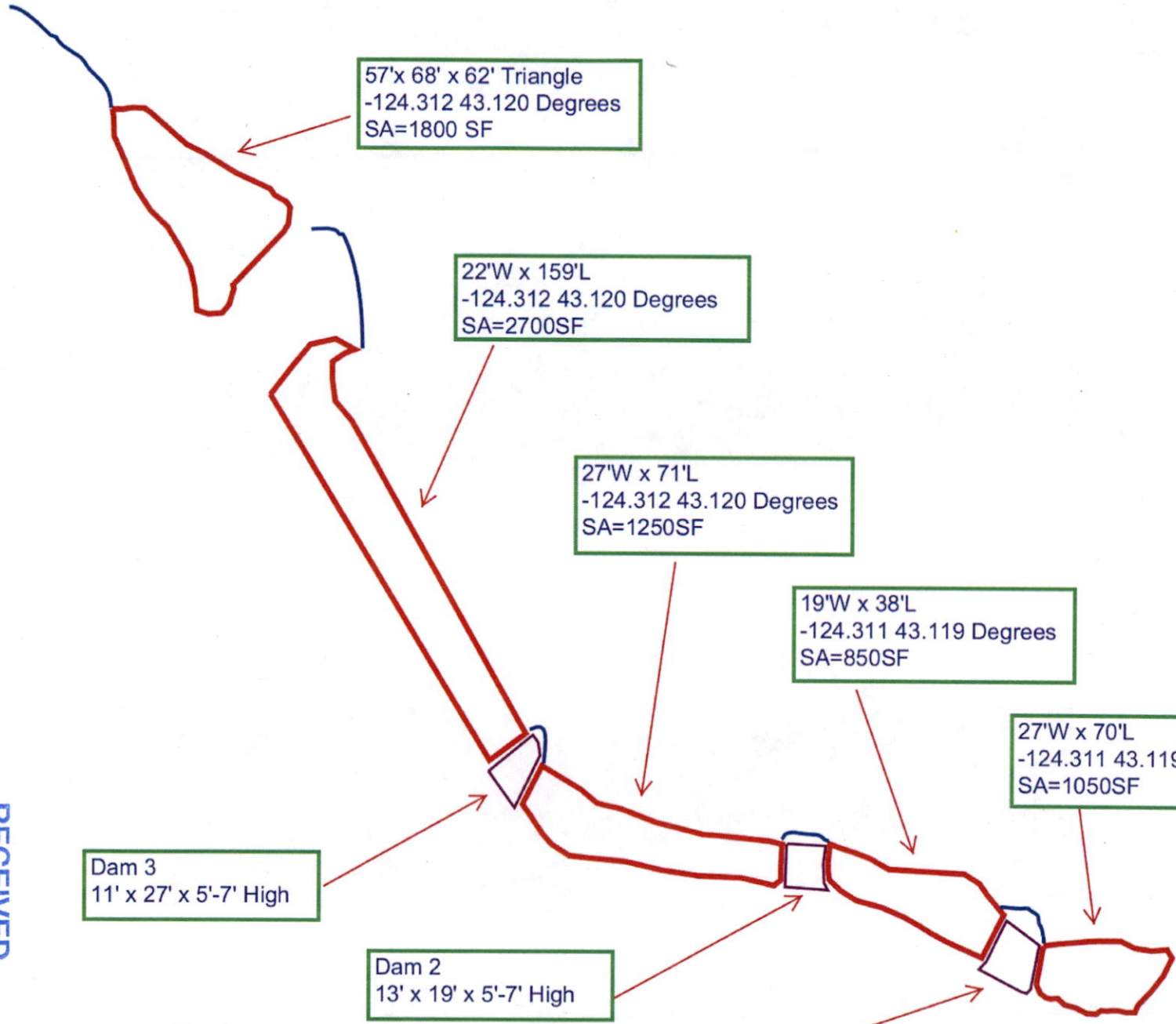
Dam 2  
13' x 19' x 5'-7' High

Dam 1  
13' x 25' x 5'-7' High

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Parcel: 28S14W25, SENW #800

Scale 1"=50 Feet



**Parcel: 28S14W25, SENW #800**

Pond / Dam	Approx Size	Dpth	Surface Area	Max Acre Feet	GPS Location	Distance from C 1/4 Survey 32 B 84
Pond 1	27 ft W x 70 ft L	4 ft - 7 ft	1833	0.29	43.119376, -124.311162	892 feet West and 518 Feet North
Dam 1	13 ft x 25 ft x 5-7 ft high	7 ft			43.119423, -124.311296	939 Feet West and 542 Feet North
Pand 2	19 ft W x 38 ft L	4 ft - 7 ft	951	0.15	43.119478, -124.311392	968 Feet West and 565 Feet North
Dam 2	13 ft x 19 ft x 5-7 ft high	7 ft			43.119497, -124.311532	1001 Feet West and 568 Feet North
Pond 3	27 ft W x 71 ft L	5 ft - 8 ft	1035	0.19	43.119529, -124.311736	1051 Feet West and 580 Feet North
Dam 3	11 ft x 27 ft x 5-7 ft high	7 ft			43.119587, -124.311859	1085 Feet West and 598 Feet North
Pand 4	22 ft W x 159 ft L	5 ft - 8 ft	2610	0.48	43.119811, -124.312063	1141 Feet West and 676 Feet North
Pmd 5	57 ft x 68 ft x 62 ft Triangle	6 ft - 8.5 ft	2275	0.44	43.119689, -124.314836	1201 Feet West and 785 Feet North

Find area, length, or location  
Sq Feet  
Measurement Result  
951.6 Sq Feet

Map navigation icons: +, Home, -, Refresh

Map scale bar

Map labels: Pond & Dam 2

Map footer: Maxar Microsoft, esri

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**PROPERTY SURVEY**  
**SECTION 25, T28S, R14W, W.M.**  
**COOS COUNTY, OREGON**  
**AUGUST 2016**

**SURVEY BY:**  
 HOSTETTER LAND SURVEYING  
 53538 PINTAIL DR.  
 COOS BAY, OREGON 97420

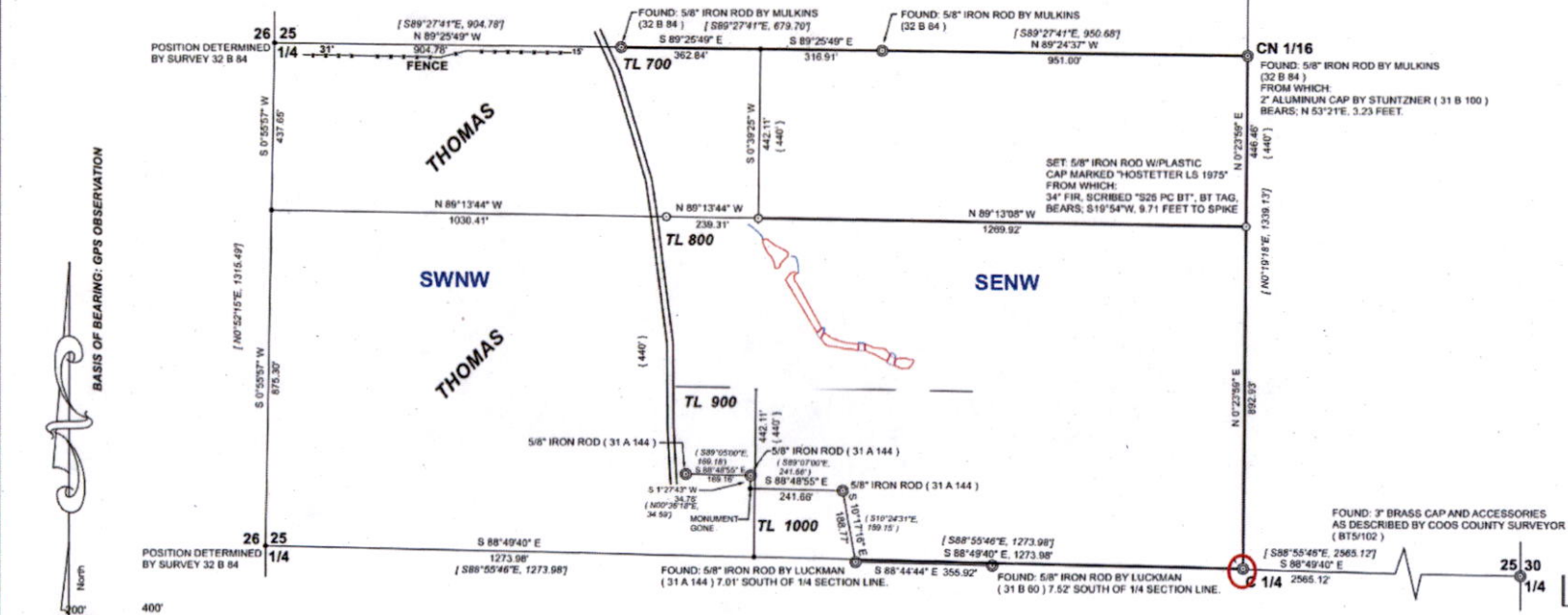
**SURVEY FOR:**  
 NICK THOMAS  
 86895 NORTH BANK LN.  
 COQUILLE, OREGON 97423

**GREG WARF**  
 868190 NORTH BANK LN.  
 COQUILLE, OREGON 97420

LEGEND	
•	CALCULATED POINT NOT FOUND OR SET
○	CORNER SET
⊙	CORNER FOUND
[ S89°27'41"E, 950.68 ]	SURVEY RECORD 32 B 84
( S10°24'31"E, 189.15 )	SURVEY RECORD 31 A 144
—	LINE MARKED
{ 440' }	DEED RECORD

**NARRATIVE:**  
 THE PURPOSE OF THIS SURVEY WAS TO DETERMINE THE BOUNDARIES OF PARCELS IN THE S 1/2 OF THE NW 1/4 OF SECTION 25, T28S, R14W, AS SHOWN. THE SUBDIVISION OF SECTION 25 IS BASED ON A 2004 SURVEY BY CLYDE MULKINS ( 32 B 84 ). THE C 1/4 WAS ESTABLISHED BASED ON MULKINS POSITION BY TIES TO THE N 1/4 AN E 1/4. THIS SECTION WAS ALSO SUBDIVIDED BY LUCKMAN IN 1978 AND STUNTZNER IN 1993 ( 31 B 100 ). THE LUCKMAN SURVEY USED A MONUMENT FOR THE SE CORNER OF SECTION 25 THAT WAS LATER DETERMINED NOT TO BE THE ACTUAL SECTION CORNER. THE MONUMENTS SET BY LUCKMAN ON SURVEY 31A144 ARE BASED ON HIS 1978 SECTION SUBDIVISION AND AS SUCH MAY OR MAY NOT BE THE ACTUAL PROPERTY CORNERS BETWEEN TL 900 AND TL 1000. THE MONUMENTS SHOWN ON THIS PLAT WHICH WERE SET LUCKMAN ( 31 A 144 ) WERE NOT USED AS CONTROL FOR THIS SURVEY. THE C 1/4 ESTABLISHED BY STUNTZNER IN 1993 ( 31 B 100 ) DETERMINED BY MULKINS TO BE OUT OF POSITION WAS ALSO NOT USED BY THIS SURVEY. BEARINGS ARE BASED ON GPS OBSERVATION. LINE WAS MARKED WITH RED FLAGGING ON BOTH SIDES OF LINE HAVE BEEN BLAZED AND PAINTED. BT TAGS PLACED ON NEW B.TS. LIST THE MEASUREMENT FROM A 6" SPIKE, PLACED IN THE ROOT COLLAR BELOW THE FACE, TO THE CORNER MONUMENT. EQUIPMENT: NIKON NIVO 5C TOTAL STATION AN ASHTECH "LOCUS" GPS RECEIVERS.

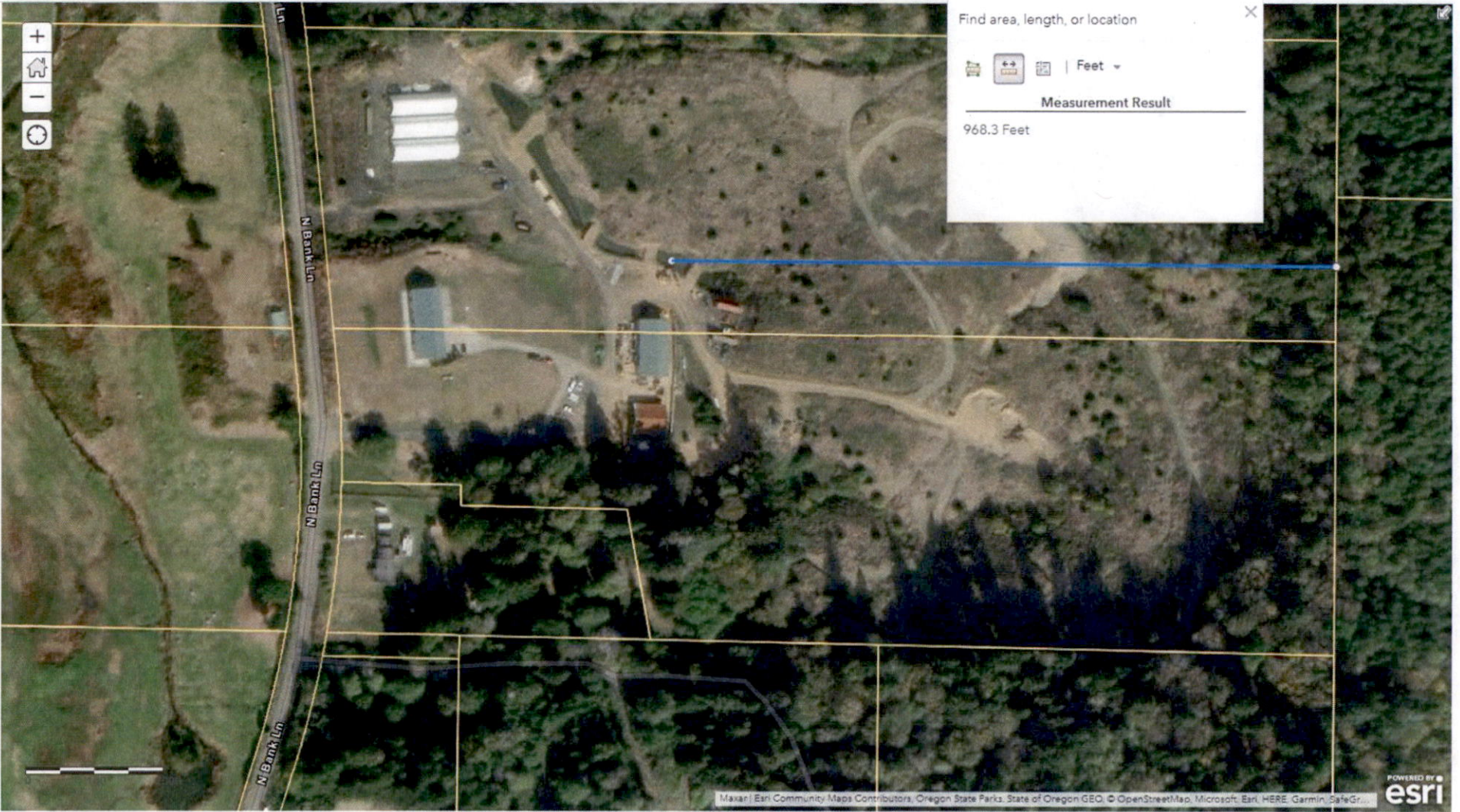
COOS COUNTY  
 DATE RECEIVED  
 DATE RECEIVED  
 COOS COUNTY



REGISTERED  
 PROFESSIONAL  
 LAND SURVEYOR

OREGON  
 TONY HOSTETTER  
 January 19, 1962  
 LICENSE #1975  
 EXPIRES: 6/30/17

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Find area, length, or location

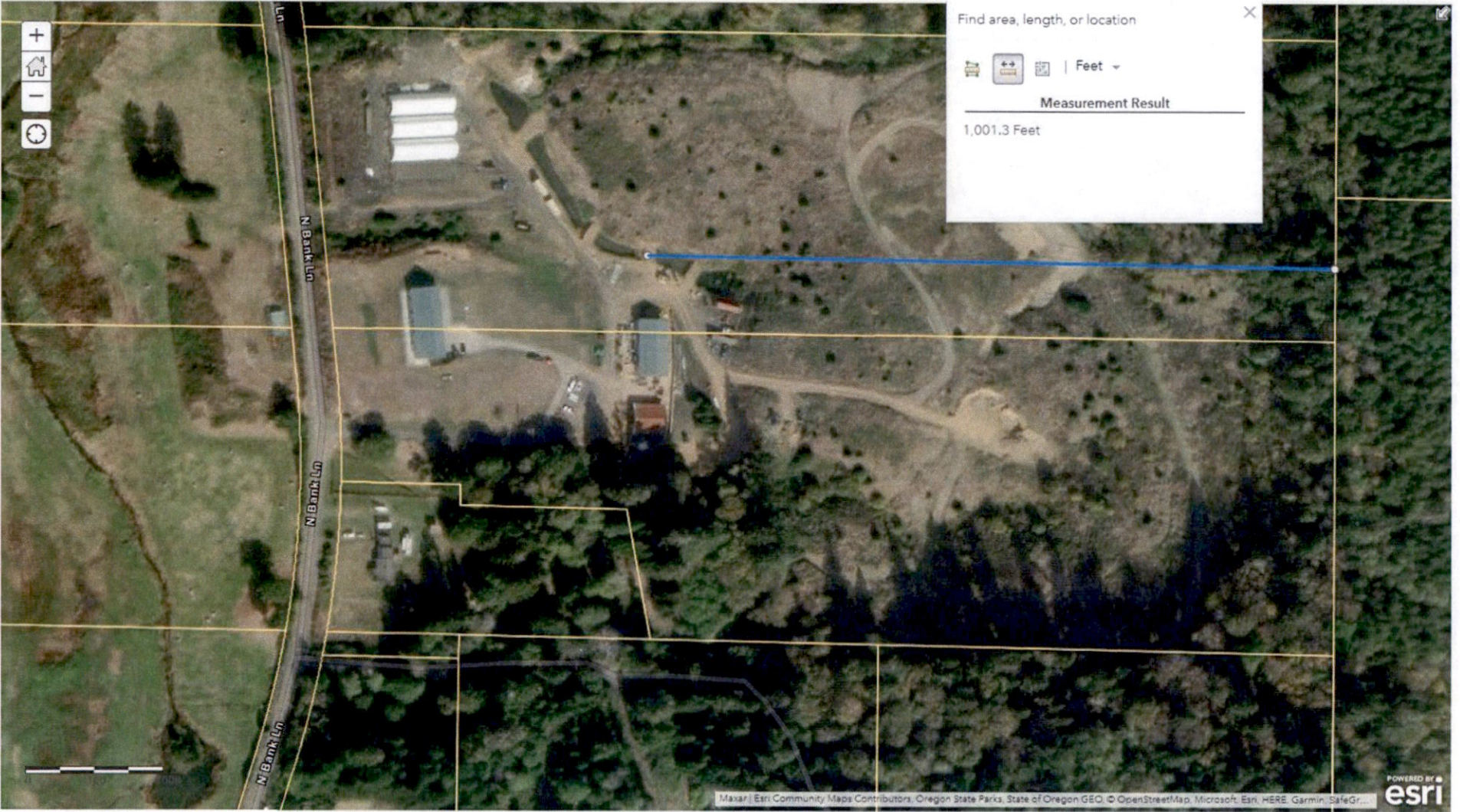
Icons: Area, Length, Location | Feet

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Measurement Result

565.2 Feet

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RECORDING REQUESTED BY  
AND WHEN RECORDED MAIL TO \*  
Name NICK THOMAS  
Address 9210 Jellico Ave  
City Northridge  
State California 91325



Terri L. Turi, Coos County Clerk

SPACE ABOVE THIS LINE FOR RECORDER'S USE

**STATUTORY WARRANTY DEED**

The undersigned grantor declares that the following is true and correct:

**THERE IS NO CONSIDERATION FOR THIS TRANSFER.**

There is zero (\$0) Documentary Transfer Tax due. This conveyance transfers the Grantor's interest into his or her revocable trust, Transfer to a revocable trust.

**GRANTOR:** NICK THOMAS, hereby grants to NICK THOMAS, trustee of the NICK THOMAS TRUST DATED SEPTEMBER 4, 2015, the following described real property in the County of COOS, State of Oregon

See attached legal description EXHIBIT "A"

Property Address or Location: 86895 NORTH BANK LANE ,COQUILLE, OREGON 97423

Dated April 09, 2016

Grantor:

*Nick Thomas*  
\_\_\_\_\_  
NICK THOMAS

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California )  
County of LOS ANGELES )

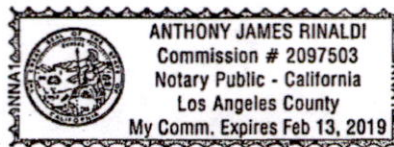
On April 9, 2016 before me, ANTHONY JAMES RINALDI, Notary Public, personally appeared NICK THOMAS, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature *Anthony James Rinaldi* (Seal)

\* Mail future tax statements to NICK THOMAS, 9210 Jellico Ave, Northridge, California 91325



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Exhibit "A"

Pete Snyder and Theresa Snyder, as their interest may appear, Grantor, conveys and warrants to Nick Thomas, Grantee, the following described real property, free and clear of encumbrances except as specifically set forth below, situated in the County of Coos, State of Oregon:

That portion of the North 440 feet of the SW 1/4 of the NW 1/4 of Section 25 which lies West of the County Road, together with the North 440 feet of Government Lot 2, of Section 26, all in Township 28 South, Range 14 West of the Willamette Meridian, Coos County, Oregon.

ALSO: The N 1/2 of the NW 1/4 of the SW 1/4 and the N 1/2 of the N 1/2 of the S 1/2 of the NW 1/4 of the SW 1/4 of Section 25 Lying West of the County Road; and all that part of Government Lot 3 of Section 26 lying West of the above described tract of land and between said tracts and the Coquille River, all in Township 28 South, Range 14 West of the Willamette Meridian, Coos County, Oregon.

The Central 440 feet in width and the South 440 feet in width of the SE 1/4 of the NW 1/4 and the SW 1/4 of the NW 1/4 of Section 25, and of Government Lot 2 of Section 26, all in Township 28 South of Range 14 West of the Willamette Meridian, Coos County, Oregon.

EXCEPT: Commencing at the Southeast corner of the SW 1/4 of the NW 1/4 of Section 25, Township 28 South, Range 14 West of the Willamette Meridian, Coos County, Oregon; running thence North along the East line of said SW 1/4 of the NW 1/4 a distance of 220 feet; thence West 400 feet, more or less, to the County Road; thence Southerly along the East line of said County Road to the Southline of said SW 1/4 of the NW 1/4; thence East to the place of beginning.

ALSO EXCEPT: A tract of land located in the W 1/2 of Section 25, Township 28 South, Range 14 West of the Willamette Meridian, Coos County, Oregon and described as follows:

Beginning at the Southwest corner of the SE 1/4 of the NW 1/4 of said Section 25; thence North 0° 36' 18" East along the West line of said SE 1/4 of the NW 1/4 a distance of 185.41 feet; thence South 89° 07' East a distance of 241.66 feet; thence South 10° 24' 31" East a distance of 189.15 feet to intersection of the South line of said SE 1/4 of the NW 1/4; thence along said South line North 59° 06' West a distance of 277.79 feet to the point of beginning.

THE TRUE AND ACTUAL CONSIDERATION FOR THIS CONVEYANCE IS \$545,000.00. (See ORS 93.030)

300815013501A-TTC006

Subject to and excepting: COVENANTS, CONDITIONS, RESTRICTIONS, RESERVATIONS, SET BACK LINES, POWERS OF SPECIAL DISTRICTS AND EASEMENTS OF RECORD, IF ANY.

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 82.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

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