

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.wrd.state.or.us

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Water-Use Permit Application Processing

AUG 27 2012

1. Completeness Determination

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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 (www.oregon.gov/owrd/law.our). 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 \$200. 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 \$300.00 for the applicant and \$600.00 for non-applicants. Protests are filed on approximately 10% 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.

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.

- SECTION 1: applicant information and signature
- SECTION 2: property ownership
- SECTION 3: source of water requested
- SECTION 4: water use
- SECTION 5: water management
- SECTION 6: resource protection
- SECTION 7: project schedule
- SECTION 8: *within a district*
- SECTION 9: remarks

Attachments:

- Land Use Information Form with approval and signature (*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: \$ 550.00
See the Department's Fee Schedule at www.oregon.gov/owrd or call (503) 986-0900.

Provide a map and check that each of the following items is included:

- 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 well, and/or dam if applicable, 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 clearly identified
- 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)
- Other: Section 9, remarks

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SECTION 1: APPLICANT INFORMATION AND SIGNATURE

Applicant Information

NAME MICHAEL AND KARIN S. HART			PHONE (HM)
PHONE (WK)	CELL 818-489-0151		FAX
ADDRESS 2090 LAKESHORE DR.			
CITY AGOURA	STATE CA	ZIP 91301	E-MAIL *

Organization Information

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

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

AGENT / BUSINESS NAME			PHONE	FAX
ADDRESS			CELL	
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:

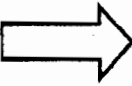
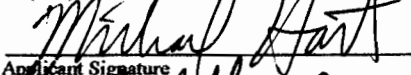
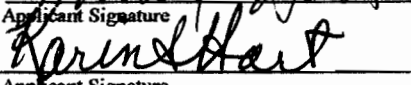
- I am asking to use water specifically as described in this application.
- Evaluation of this application will be based on information provided in the application packet.
- I cannot legally use water until the Water Resources Department issues a permit to me.
- The Department encourages all applicants to wait for a permit to be issued before beginning construction of any proposed diversion. Acceptance of this application does not guarantee a permit will be issued.
- If I begin construction prior to the issuance of a permit, I assume all risks associated with my actions.
- If I get a permit, I must not waste water.
- If development of the water use is not according to the terms of the permit, the permit can be cancelled.
- The water use must be compatible with local comprehensive land use plans.
- Even if the Department issues a permit, I may have to stop using water to allow senior water right holders to get water to which they are entitled.

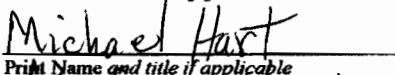
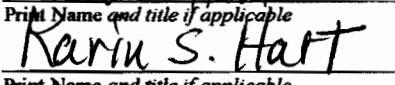
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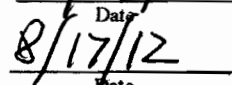
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I (we) affirm that the information contained in this application is true and accurate.



 Applicant Signature

 Applicant Signature


 Print Name and title if applicable
 Michael Hart

 Print Name and title if applicable
 Karin S. Hart


 Date
 8/17/12

 Date
 8/17/12

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.

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

No

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 irrigation and/or domestic use only (ORS 274.040).

Water is to be diverted, conveyed, and/or used only on federal lands.

List the names and mailing addresses of all affected landowners (*attach additional sheets if necessary*).

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:

Source 1: Applegate Lake Res. R-7810 Tributary to: Rogue River

Source 2: _____ Tributary to: _____

Source 3: _____ Tributary to: _____

Source 4: _____ Tributary to: _____

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 item 3A above?

Yes.

No. (Please enclose a copy of your written notification to the operator of the reservoir of your intent to file this application, which you should have already mailed or delivered to the operator.)

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If *all* sources listed in item 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: 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
Applegate Lake Res.	IR	April 1 to Oct. 31	6.0 <input type="checkbox"/> cfs <input type="checkbox"/> gpm <input checked="" 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
			<input type="checkbox"/> cfs <input type="checkbox"/> gpm <input type="checkbox"/> af

For irrigation use only:

Please indicate the number of primary and supplemental acres to be irrigated.

Primary: 1.4 Acres Supplemental: -0- Acres

List the Permit or Certificate number of the underlying primary water right(s): 56004, Partial cancellation attached, pending approval of storage water application.

Indicate the maximum total number of acre-feet you expect to use in an irrigation season: 6.00af

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

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SECTION 5: WATER MANAGEMENT

A. Diversion and Conveyance

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

Pump (give horsepower and type): Centrifugal or submersible depending on irrigation design

Other means (describe): _____

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

Removable (during winter) electric power pump on north bank of river with power supplied by underground from residence, removable intake foot valve and fish screen, water conveyed by buried PVC pipelines to timer controlled irrigation zones..

B. Application Method

What equipment and method of application will be used? (e.g., drip, wheel line, high-pressure sprinkler)

High pressure sprinklers and drip irrigation

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 will be applied by timed application, flow meter will be installed to monitor use and no public areas will be affected..

SECTION 6: 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 to prevent uptake of fish and other aquatic life.
Describe planned actions: Intake will be screened and inspected.

Excavation or clearing of banks will be kept to a minimum to protect riparian or streamside areas.
Describe planned actions: No clearing or modification is expected.

Operating equipment in a water body will be managed and timed to prevent damage to aquatic life.
Describe: No equipment other than intake pipe and screen device will be in the water.

Water quality will be protected by preventing erosion and run-off of waste or chemical products.
Describe: None anticipated.

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SECTION 7: PROJECT SCHEDULE

Date construction will begin: October 2012

Date construction will be completed: March 2013

Date beneficial water use will begin: April 2013

SECTION 8: 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 9: REMARKS

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

Section 4. This property has an existing water right authorized by Certificate 56004 obtained by Richard L. Offenbacher with a priority date of August 14, 1981. Several years ago, Offenbacher partitioned the parent property and sold the lot identified as Tax Lot 102, Map 38 4W 25. The owner at that time (circa 1984) installed a electric pump at the location of the current proposed point of diversion and has continuously pumped from this point. The authorized point of diversion for Certificate 56004 is about 3-400 feet down stream from T/L 102 and would require easements for pump sites and conveyance of the water to utilize the authorized point of diversion. Due to the need for easements and use of a historical point of diversion transfer would be an upstream move the Jackson County watermaster and CWRE consultant recommended a storage water permit supplied by Applegate Lake Reservoir. Partial cancellation of the water right under Certificate 56004 concurrent with approval of the storage water permit.

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Land Use Information Form



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

NOTE TO APPLICANTS

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

This form is NOT required if:

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

NOTE TO LOCAL GOVERNMENTS

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

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SALEM, OR

Land Use Information Form



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

Applicant(s): Michael and Karin S. Hart

Mailing Address: situs:12145 Oregon 238, mail 2090 Lakeshore Dr. Agoura, CA 91301

City: Jacksonville

State: OR

Zip Code: 97530

Daytime Phone: 818-489-0151 cell

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>38</u>	<u>4w</u>	<u>25</u>	<u>NWNE</u>	<u>102</u>	<u>RR-5</u>	<input checked="" type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	<u>IR</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:

Jackson County

B. Description of Proposed Use

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

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

Source of water: Reservoir/Pond
 Ground Water
 Surface Water (name) Applegate Lake

Estimated quantity of water needed: 7.0
 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 _____

Briefly describe:

Pump water from Applegate River for irrigation of yard, garden and landscaping, possible emergency fire protection.

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

See bottom of Page 3. →

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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): *JCLDO Section 6.2.2, Table 6.2-1 (Agriculture, Household living).*
- 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.

Name: Kenneth D. Skyles Title: Planner II
 Signature: *[Signature]* Phone: 541-774-6957 Date: 8-2-2012
 Government Entity: Jackson County

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

Receipt for Request for Land Use Information

Applicant name: _____

City or County: _____ Staff contact: _____

Signature: _____ Phone: _____ Date: **RECEIVED BY OWRD**

AUG 27 2012

August 6, 2012

U. S. Bureau of Reclamation
1150 N. Curtis Road, Suite 100
Boise, ID 83706
Attention: Mr. Bill Parks
Phone: 208-378-5344

Dear Mr. Parks,

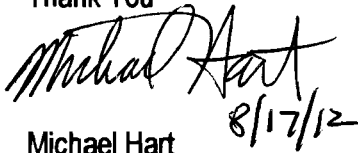
Enclosed please find our application for a project irrigation water service contract data sheet and the requested supplemental documentation. In addition we have included our check for the \$100.00 contract administration fee.

We are currently submitting our application for a permit to use surface water to the Oregon Water Resources Department and requested our application be completed using the expedited process. Our goal is to begin utilizing the stored water during the 2013 irrigation season.

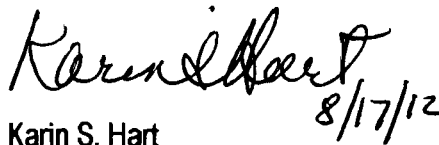
Please note within our OWRD Surface Water application Section 4 and 9; Water Right Certificate No. 56004 currently exists for irrigation of this property, we intend to cancel this water right for the reasons described with in our application provided a project irrigation water service contract can be obtained.

Please contact us if you have any questions or require additional information.

Thank You


8/17/12

Michael Hart
2090 Lakeshore Drive
Agoura, CA 91301
Phone; 818-489-0151


8/17/12

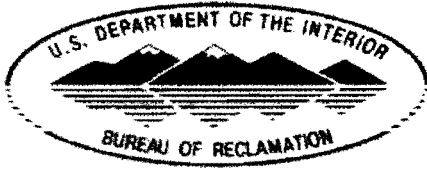
Karin S. Hart
2090 Lakeshore Drive
Agoura, CA 91301
Phone; 818-489-0151

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CONTRACT DATA SHEET



U.S. Bureau of Reclamation
Attn: PN-3324
1150 North Curtis Road
Boise, ID 83706-1234
208-378-5344

RECLAMATION *Managing Water in the West*

1. Applicant Information:

A. Landowners

- 1) Name of landowner(s): MICHAEL AND KARIN S. HART
- 2) Address: 12145 OR HIGHWAY No. 238, JACKSONVILLE, OR. 97530
- 3) Mailing Address (if different): 2090 EAST LAKESHORE DR. AGOURA, CA. 91301
Taxpayer Identification Number(s): _____
- 4) _____
(Social Security Number or Employer Identification Number) ¹
- 5) Do you own all of the land where you propose to divert and make use of water? YES

B. Water User Organizations (Such as Irrigation Districts, Ditch/Canal Companies, Water Control Districts, Water User Associations & Cooperatives, Irrigation Improvement Districts, and similar entities organized according to State Law)

- 1) Name of Organization: _____
- 2) Name & Title of Applicant: _____
- 3) Mailing Address of Organization: _____
- 4) Taxpayer Identification Number: _____
(Social Security Number or Employer Identification Number)
- 5) Please provide the following information:
 - (a) A description of the area served by the organization (location, total acreage, # of water users, prominent crops, etc.)
 - (b) Copy of organization by-laws, articles of incorporation (if applicable), board resolution authorizing the applicant to represent and bind the organization under contract with the United States.

2. Source of Water (name of stream, river): APPLEGATE LAKE RESERVOIR

3. Proposed point of diversion: 825 feet SOUTH and 1540 feet EAST
of N.W. corner of ~~Section~~ D.L.C 37, Township 38 SOUTH Range 4 WEST,
Willamette Meridian.

4. A water right permit to divert storage water is required. Application or file number with OWRD if you have applied for a permit to divert storage water: _____

5. Include a map of lands and diversion points. *[Same as required by Oregon Water Resources Department (OWRD) for application for surface/ground water permit].*

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6. Do you currently hold a right to natural flows for irrigating the property described herein? YES
If yes, what is/are the priority date(s)? AUGUST 14, 1981 - NOTE - TO BE CANCELLED *
7. Total quantity of water from storage requested: 6.0 acre-feet. POST APPROVAL OF STORAGE WATER APPROVAL
8. Location of land to be irrigated in each 40-acre tract:

TOWNSHIP	RANGE	SECTION	40-ACRE TRACT (1/4) (1/4)	NO. of ACRES	TYPE of IRRIGATED CROP
38S	4W	25	NWNE 1/4 DLC No 37	1.40	LAWN-LANDSCAPE

9. What is the present use of the land identified above? [*Farming; idle (fallow cultivated land); native (appears never to have been tilled); planted pasture or other (please specify)*].
YARD, GARDEN & LANDSCAPING.
10. Is the land identified above currently being irrigated? YES If yes, what is the source? (*natural flows, wells, etc.*) APPEGATE RIVER - OR W.R. CERT 56004 *
11. Diversion must be screened to prevent uptake of fish and other aquatic life.
Describe plan(s) to comply with State/Federal fish screen standards: INTAKE DIVERSION WILL BE PROPERLY SCREENED AND INSPECTED BY OREGON FISH AND WILDLIFE PERSONNEL
12. Telephone number where you can be reached during the day: 818-489-0151

Before returning the completed Contract Data Sheet to the address provided on page 1, please check that you have done the following:

- ANSWERED ALL QUESTIONS COMPLETELY
- ATTACHED AND IDENTIFIED ADDITIONAL SHEET(S) AS NECESSARY
- ATTACHED THE REQUIRED MAP
- SUBMIT PAYMENT FOR THE APPROPRIATE CONTRACT ADMINISTRATION FEE ², MAKE CHECK PAYABLE TO THE U.S. BUREAU OF RECLAMATION

¹ Section 31001.(i) of the Debt Collection Improvement Act of 1996 (Chapter 10 of Pub. L. 104-134) requires each contractor with an agency of the United States to furnish their taxpayer identifying number (social security number or employer identification number) and each agency to disclose to that contractor its intent to use such number for purposes of collecting and reporting on any delinquent amounts arising out of such contractor's relationship with the Government.

² The minimum contract administration fee for most applications is \$100. However, from time to time this fee may be revised to cover the costs of the United States. We recommend you contact this office to verify the current minimum contract administration fee. In the event that the costs to the United States of evaluating the application are in excess of the minimum contract administration fee, an estimate of the reimbursable costs for which advance payment is required will be provided to the applicant.

RECEIVED BY OWRD

AUG 27 2012

SALEM, OR



After recording return to:
Michael Hart and Karin S. Hart
2090 Lakeshore Drive
Agoura Hills, CA 91301

Until a change is requested all tax
statements shall be sent to the
following address:
Michael Hart and Karin S. Hart
2090 Lakeshore Drive
Agoura Hills, CA 91301

File No.: 7161-1907130 (lb)

Date: July 25, 2012

THIS SPACE RES

Jackson County Official Records **2012-024341**
R-WD
Stn=26 HELMANCD 07/27/2012 08:38:23 AM
\$15.00 \$10.00 \$5.00 \$11.00 \$15.00 \$3.00 **\$59.00**

I, Christine Walker, County Clerk for Jackson County, Oregon, certify
that the instrument identified herein was recorded in the Clerk
records.

Christine Walker - County Clerk

STATUTORY WARRANTY DEED

Judith Ann Navarro and Deborah Lynn Macy Labardin, Successor Co-Trustees of the Macy Family Trust, u.a.d. October 23, 2001, Grantor, conveys and warrants to Michael Hart and Karin S. Hart, as tenants by the entirety, Grantee, the following described real property free of liens and encumbrances, except as specifically set forth herein:

See Legal Description attached hereto as Exhibit A and by this reference incorporated herein.

Subject to:

1. The 2012-2013 Taxes, a lien not yet payable.
2. Covenants, conditions, restrictions and/or easements, if any, affecting title, which may appear in the public record, including those shown on any recorded plat or survey.

The true consideration for this conveyance is **\$367,065.00**. (Here comply with requirements of ORS 93.030)

RECEIVED BY OWRD

AUG 27 2012

SALEM, OR

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

Dated this 25th day of July, 2012.

Macy Family Trust

Judith Ann Navarro TTE
Judith Ann Navarro, Successor Trustee

Deborah Lynn Macy Labardin
Deborah Lynn Macy Labardin, Successor Trustee

STATE OF Oregon)
)ss.
County of Jackson)

This instrument was acknowledged before me on this 25th day of July, 2012 by Judith Ann Navarro and Eborah Lynn Macy Labardin as Successor Co-Trustees of Macy Family Trust, on behalf of the Trust.

[Signature]

Notary Public for Oregon
My commission expires: 1/20/14



RECEIVED BY OWRD

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SALEM, OR

EXHIBIT A

LEGAL DESCRIPTION: Real property in the County of Jackson, State of Oregon, described as follows:

A tract of land lying in Donation Land Claim No. 37, Township 38 South, Range 4 West of the Willamette Meridian, Jackson County, Oregon, more particularly described as follows:

Beginning at a point on the Southerly boundary of Oregon Highway No. 238 as presently existing, said point bearing North 89° 52' 35" East, 1221.0 feet and South 0° 07' 25" East, 438.77 feet from the Northwest corner of Donation Land Claim No. 37, said Township and Range; thence South 76° 00' 30" East along the Southerly boundary of said Highway, 250.0 feet to the true point of beginning; thence continue South 76° 00' 30" East 200.0 feet to a 5/8" iron pin; thence South 0° 07' 25" East, 100 feet to a 5/8" iron pin; thence continue South 0° 07' 25" East, 255 feet to the center of the Applegate River; thence North 67° 44' 20" West along center of said river 235 feet, to a point South 4° 36' 30" West from the true point of beginning; thence North 4° 36' 30" East 280 feet to the true point of beginning.

NOTE: This Legal Description was created prior to January 01, 2008.

**AFFIDAVIT FOR THE PARTIAL CANCELLATION OF A
WATER RIGHT CERTIFICATE**

State of California)
) ss
County of Los Angeles)

We, Michael Hart and Karen S. Hart, residing at 2090 East Lakeshore Drive, Agoura, California, 91301, telephone 818-489-0153, being first duly sworn depose and say:

1. We are the legal owners of the property described as tax lot number 102 within Section 25, Township 38 South, Range 4 West, of the Willamette Meridian, in Jackson County, Oregon as shown on the attached maps and described in the attached deed and legal description and made part of this affidavit.
2. Water right certificate number 56004 issued to Richard L. Offenbacher with a date of priority of August 14, 1981 for use of 0.03 cubic foot per second of water from Applegate River for the purpose of irrigation use is appurtenant to our property.
3. The appurtenant water right is located within the boundaries of an irrigation, drainage, water improvement, or water control district or federal reclamation project.
4. We choose to obtain the right to irrigate 1.40 acres of land from Applegate Lake Reservoir constructed under permit R-7810, as the source of water for the primary irrigation of the land described within deed document No. 2012-024341 Jackson County, Oregon Official Records, a copy of which is attached.
5. We request subject to the approval of a water right for the use of storage water from Applegate Lake Reservoir, 0.80 acres of irrigation be cancelled from Certificate No. 56004 described as follows:

J. O'Brien DLC 37
(NW1/4NE1/4) 0.80 Acres
Section 25
Township 38 South, Range 4 West, WM

6. If the use of storage water from Applegate Lake Reservoir is not approved, we reserve the right to cancel this affidavit and pursue alternatives for the use of our existing water right under Certificate of Water Right Volume 51, Page 56004.

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7. We understand the Water Right for the use of the storage water from Applegate Lake Reservoir will be assigned a letter date of priority and the date of priority for Water Right Certificate No. 56004 will not be retained.

Muhammad Araf
Signature of legal owner as listed on deed.

8/17/2012
Date

Karim Eldeeb
Signature of legal owner as listed on deed.

8/17/2012
Date

Subscribed and Sworn to Before Me the 17th date of August, 2012



[Signature]
Notary Public for California

My Commission Expires 4/20/16

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that the instrument identified herein was recorded in the Clerk
records.
Christine Walker - County Clerk

STATUTORY WARRANTY DEED

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See Legal Description attached hereto as Exhibit A and by this reference incorporated herein.

Subject to:

1. The **2012-2013 Taxes**, a lien not yet payable.
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Dated this 25th day of July, 2012.

Macy Family Trust

Judith Ann Navarro TTE
Judith Ann Navarro, Successor Trustee

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STATE OF Oregon)
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County of Jackson)

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[Signature]

Notary Public for Oregon
My commission expires: 1/20/14



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