

# Application for a Permit to Use Surface Water



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

## SECTION 1: APPLICANT INFORMATION AND SIGNATURE

### Applicant

NAME <b>Kenneth Alan Montgomery and Amy H. Montgomery</b>			PHONE (HM)
PHONE (WK)	CELL <b>951-764-0363</b>		FAX
ADDRESS <b>2792 Rainbow Glen Road</b>			
CITY <b>Fallbrook</b>	STATE <b>CA</b>	ZIP <b>92028</b>	E-MAIL * <b>kam7578@gmail.com</b>

### Organization

NAME <b>NA</b>			PHONE	FAX
ADDRESS			CELL	
CITY	STATE	ZIP	E-MAIL *	

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

AGENT / BUSINESS NAME <b>NA</b>			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 proposed and final order documents will also be mailed.)

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By my signature below I confirm that I understand:

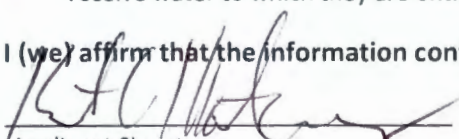
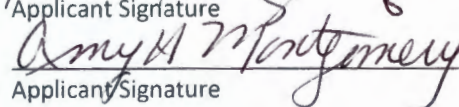
- I am asking to use water specifically as described in this application.
- Evaluation of this application will be based on information provided in the application.
- I cannot legally use water until the Water Resources Department issues a permit.
- The Department encourages all applicants to wait for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

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

  
 Applicant Signature \_\_\_\_\_ Kenneth Alan Montgomery \_\_\_\_\_ 10-22-23 \_\_\_\_\_  
 Print Name and Title if applicable Date  
  
 Applicant Signature \_\_\_\_\_ Amy H. Montgomery \_\_\_\_\_ 10-22-23 \_\_\_\_\_  
 Print Name and Title if applicable Date



**SECTION 2: PROPERTY OWNERSHIP**

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

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

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

The Nature Conservancy, 821 SE 14<sup>th</sup> Avenue, Portland, Oregon 97214-2537.

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

Diverted and crossed: T38S, R8W, Sec 22, NWSW, TL 529

Crossed and used: T38S, R8W, Sec 22, NWSW, TL 500

Crossed and used: T38S, R8W, Sec 22, NESW, TL 525

**SECTION 3: SOURCE OF WATER**

**A. Proposed Source of Water**

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

Source 1: Spring	Tributary to: Unnamed stream
TRSQQ of POD3: T38S, R8W, Sec 22, NW1/4 SW1/4	
Source 2:	Tributary to:
TRSQQ of POD:	

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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).

NA

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**B. Applications to Use Stored Water**

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

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

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

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

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

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

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

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

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

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

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

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

Yes  No

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

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If yes,

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

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

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

Yes  No

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

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

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

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

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

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**Statewide - OAR 690-033-0330 thru -0340**

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

Yes  No

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

**SECTION 5: WATER USE**

Provide the amount of water you propose to use from each source, for each use, in cubic feet-per-second (cfs) or gallons-per-minute (gpm). If the proposed use is from storage, provide the amount in acre-feet (af):  
 (1 cfs equals 448.8 gpm. 1 acre-foot equals 325,851 gallons or 43,560 cubic feet)

SOURCE	USE	PERIOD OF USE	AMOUNT
Spring	DO for 2 Households	Nov 1 – March 31	0.9 <input type="checkbox"/> cfs <input checked="" 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
			<input type="checkbox"/> cfs <input type="checkbox"/> gpm <input type="checkbox"/> af

Please indicate the number of primary, supplemental and/or nursery acres to be irrigated.  
 Primary: 0 Acres                      Supplemental: 0 Acres                      Nursery Use: 0 Acres  
 If supplemental acres are listed, provide the Permit or Certificate number of the underlying primary water right(s): NA  
 Indicate the maximum total number of acre-feet you expect to use in an irrigation season: 0

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- If the use is **municipal or quasi-municipal**, attach **Form M**
- If the use is **domestic**, indicate the number of households: 2
- If the use is **mining**, describe what is being mined and the method(s) of extraction:

**SECTION 6: WATER MANAGEMENT**

**A. Diversion and Conveyance**

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

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

Provide a description of the proposed means of diversion, construction, and operation of the diversion works and conveyance of water.  
 A small rock dam and gravity flow through a screen into a poly pipe to 2 households.

**B. Application Method**

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

**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.

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A small amount of domestic use water is requested for the 2 households. Each house will get 0.45 gpm or a maximum of 648 gpd as measured with a water meter. The plumbing systems will be managed and repaired as needed so as not to leak.

**SECTION 7: RESOURCE PROTECTION**

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

- Diversion will be screened per ODFW specifications in ORS 498.301 through 498.346 to prevent uptake of fish and other aquatic life.  
Describe planned actions: A screened intake will prevent uptake of fish and other aquatic life.
- Excavation or clearing of banks will be kept to a minimum to protect riparian or streamside areas.  
**Note: If disturbed area is more than one acre, applicant should contact the Department of Environmental Quality to determine if a 1200C permit is required.**  
Describe planned actions and additional permits required for project implementation: Only a small screened pipe intake from the spring source is planned.
- Operating equipment in a water body will be managed and timed to prevent damage to aquatic life.  
Describe planned actions and additional permits required for project implementation: None needed.
- Water quality will be protected by preventing erosion and run-off of waste or chemical products.  
Describe planned actions: None needed.
- List other federal and state permits or contracts to be obtained, if a water right permit is granted.  
None

**SECTION 8: PROJECT SCHEDULE**

- a) Date construction will begin: June 2024
- b) Date construction will be completed: August 2024
- c) Date beneficial water use will begin: November 2024

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**SECTION 9: WITHIN A DISTRICT**

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

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Irrigation District Name NA	Address	
City	State	Zip

**SECTION 10: REMARKS**

Use this space to clarify any information you have provided in the application. (Attach additional sheets if necessary).

For Department Use: App. Number: \_\_\_\_\_

This application for water is to supplement T-14081 so that domestic water is available year-round for the 2 households. More than \$5000 was spent to drill a well in an attempt to provide domestic water. The result was a dry well. Our request for water is for only 0.9 gpm. This surface water is needed to provide economic benefit and enjoyment of the properties. TNC proposes to cancel their water right certificate 58488 for mitigation if needed.

The Nature Conservancy prepared the attached letter dated September 25, 2023 granting permission to access the water source and to cross their land with a water pipe.

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## Minimum Requirements Checklist

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

### Include this checklist with the application

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

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

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

#### Include the following additional items:

- Land Use Information Form with approval and signature of local planning department (*must be an original*) or signed receipt.
- Provide the legal description of: (1) the property from which the water is to be diverted, (2) any property crossed by the proposed ditch, canal or other work, and (3) any property on which the water is to be used as depicted on the map.
- Fees - Amount enclosed: \$2110  
See the Department's Fee Schedule at [www.oregon.gov/owrd](http://www.oregon.gov/owrd) or call (503) 986-0900.
- Map that includes the following items:
  - Permanent quality and drawn in ink
  - Even map scale not less than 4" = 1 mile (example: 1" = 400 ft, 1" = 1320 ft, etc.)
  - North Directional Symbol
  - Township, Range, Section, Quarter/Quarter, Tax Lots
  - Reference corner on map
  - Location of each diversion, by reference to a recognized public land survey corner (distances north/south and east/west)
  - Indicate the area of use by Quarter/Quarter and tax lot identified clearly.
  - Number of acres per Quarter/Quarter and hatching to indicate area of use if for primary irrigation, supplemental irrigation, or nursery
  - Location of main canals, ditches, pipelines or flumes (if well is outside of the area of use)

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# Water-Use Permit Application Processing

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## 1. Completeness Determination

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

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## 2. Initial Review

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

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## 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](http://www.oregon.gov/owrd). The public comment period is 30 days from publication in the weekly notice.

## 4. Proposed Final Order Issued

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

## 5. Public Notice

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

## 6. Final Order Issued

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

# Land Use Information Form



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

**Applicant**

NAME <b>Kenneth Alan Montgomery and Amy H. Montgomery</b>			PHONE (HM)		
PHONE (WK)		CELL <b>951-764-0363</b>		FAX	
ADDRESS <b>2792 Rainbow Glen Road</b>					
CITY <b>Fallbrook</b>		STATE <b>CA</b>	ZIP <b>92028</b>	E-MAIL* <b>kam7578@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
38S	8W	22	NWSW	529	RR5	<input checked="" type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input type="checkbox"/> Used	
38S	8W	22	NWSW	500	RR5	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	Domestic
38S	8W	22	NESW	525	RR5	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	Domestic
						<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:  
 Josephine

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**B. Description of Proposed Use**

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

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

Source of water:  Reservoir/Pond     Groundwater     Surface Water (name) Spring

Estimated quantity of water needed: 0.9     cubic feet per second     gallons per minute     acre-feet

Intended use of water:  Irrigation     Commercial     Industrial     Domestic for 2 household(s)  
 Municipal     Quasi-Municipal     Instream     Other \_\_\_\_\_

Briefly describe: Water will be diverted from a spring on The Nature Conservancy land on tax lot 529 and used for domestic uses in 2 households on tax lots 500 and 525 during November through March each year.

**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):

19.61.020.J (PERMITTED USE)

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: <u>TERRI WOODRUFF</u>	TITLE: <u>ASSISTANT PLANNER</u>
SIGNATURE: <u>[Signature]</u>	PHONE: <u>541-474-5421</u>
GOVERNMENT ENTITY: <u>JOSEPHINE COUNTY PLANNING</u>	DATE: <u>8.03.2023</u>

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**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.

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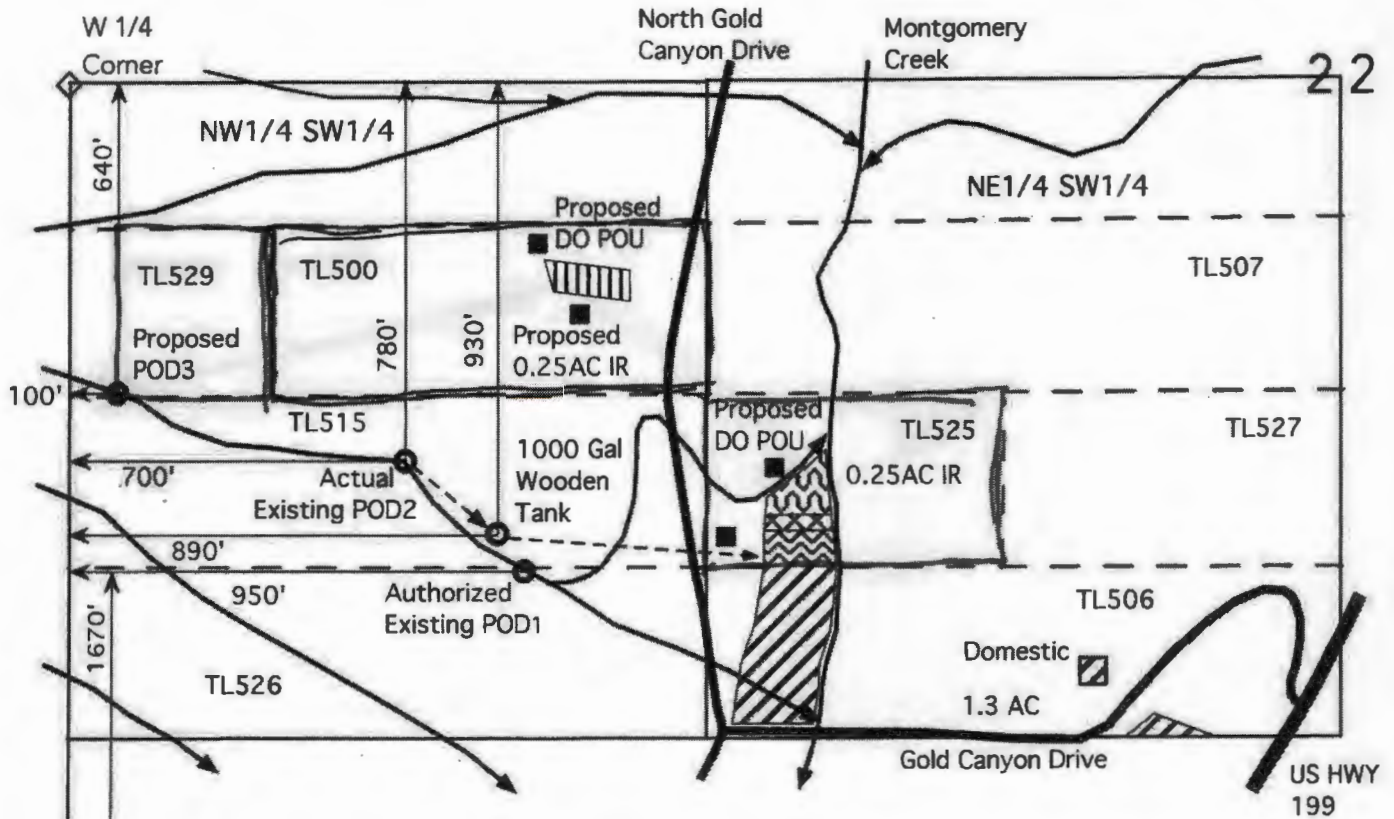
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**Receipt for Request for Land Use Information**

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

QWRD

**TRANSFER MAP FROM C#47289**  
**T 38 S, R 8 W, W M, JOSEPHINE COUNTY**  
**Section 22 - N1/2 SW1/4**  
**AUGUST 23, 2022**



Certificate 47289 has a priority of November 11, 1908 for the irrigation of 2.7 acres with a rate of 0.02 cfs per acre plus domestic use from springs during April 1 through November 1.

- Existing PODs, proposed POD, and a water tank      - - - 1.25" poly hose and 2.0" PVC pipe
- 0.25 acres of existing irrigation to have the existing POD2 changed to the proposed POD3.
- 0.1 acres of existing irrigation to be changed to domestic use for two households at the proposed places of use in tax lots 500 and 525 to the proposed POD3.
- 0.25 acres of existing irrigation to be changed to the proposed POU in tax lot 500 and to the proposed POD3.
- 0.25 acres of proposed irrigation POU in tax lot 500 and to the proposed POD3.
- 1.3 acres of remaining irrigation rights including domestic use for one family.

21 22  
28 27

Roads      Unnamed streams      Tax lot boundaries      Buildings      **RECEIVED**

This map was drawn by Gordon R. Lyford for Ken and Amy Montgomery to support their water right transfer application from certificate 47289 to change POD, POU, and COU. Ken and Amy Montgomery own tax lots 500, 525, and 527.

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This map was prepared for the purpose of identifying the location of water rights only and is not intended to provide legal dimensions or the location of property ownership lines.

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Community Development - Planning Division  
 700 NW Dimmick, Suite C  
 Grants Pass, OR 97526

Receipt Number: PL23-00942

(541) 474-5421  
 planning@josephinecounty.gov

**Payer/Payee:** MONTGOMERY FAM LIV TRUST  
 2792 RAINBOW GLEN RD  
 FALLBROOK CA 92028

**Cashier:** Terri Woodruff

**Date:** 07/24/2023

**Primary Parcel:** 38082200000500    **Project Description:** OWRD - LUCS

**PL-2023-00961 LAND USE INFORMATION RESPONSE 290 N GOLD CANYON DR**

<u>Fee Description</u>	<u>Fee Amount</u>	<u>Amount Paid</u>	<u>Fee Balance</u>
Land Use Information Response	\$125.00	\$125.00	\$0.00
	<b>\$125.00</b>	<b>\$125.00</b>	<b>\$0.00</b>

<u>Payment Method</u>	<u>Reference Number</u>	<u>Payment Amount</u>
CHECK	126	\$125.00
<b>Total Paid:</b>		<b>\$125.00</b>

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September 25, 2023

Amy and Ken Montgomery  
2792 Rainbow Glen Rd.  
Fallbrook, CA 92028

Re: Water Right Access at Eight Dollar Mountain Preserve

Dear Mr. & Mrs. Montgomery,

The Nature Conservancy (TNC) appreciates your efforts to be good neighbors of our \$8 Mountain Preserve on North Gold Canyon Drive southwest of Selma, Oregon. These lands are in T38S, R8W, Sec 22. You own tax lots 500 and 525 adjacent to TNC tax lots 512, 515, and 529. TNC is grateful that you recently purchased tax lot 500 and cleaned it up following a trespass incident. That benefits the entire neighborhood.

In the furtherance of your water right application for domestic water use on your tax lots 500 and 525, TNC authorizes access for you to divert water from a spring on TNC tax lot 529 and to run about 400 feet of pipe across our tax lot 529 to your tax lot 500. These locations are shown on the application map.

In addition TNC would like to cancel its water right certificate 58488 in tax lot 526 to support any needed mitigation for your application and to benefit the downstream aquatic environments. This cancellation would however need to occur simultaneously with the issuance of the water right permit that you have applied for. TNC can coordinate with you and the Water Resources Department to accomplish such a cancellation.

Sincerely,

*Derek Johnson*

Derek Johnson (Sep 26, 2023 07:08 PDT)

Derek Johnson  
Oregon State Director

cc: Molly Morison

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LAW OFFICES OF  
SWAN, CARPENTER, WALLIS & MCKENZIE, LLP  
A LIMITED LIABILITY PARTNERSHIP

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**DECLARATION OF TRUST**

**THE MONTGOMERY FAMILY LIVING TRUST**

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SWAN, CARPENTER, WALLIS & MCKENZIE, LLP  
A LIMITED LIABILITY PARTNERSHIP

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**DECLARATION OF TRUST  
THE MONTGOMERY FAMILY LIVING TRUST**

KENNETH A. MONTGOMERY and AMY H. MONTGOMERY, called the "Trustors" or "Trustees", depending on the context, and sometimes referred to as "Husband" and "Wife," declare that they have set aside and hold in trust the property described in Schedule A attached hereto.

**ARTICLE I  
TRUST ESTATE**

Property subject to this instrument is referred to as the "trust estate" and shall be held, administered, and distributed in accordance with this instrument. Any community property transferred to the trust shall remain community property after its transfer and separate property transferred to the trust shall remain separate.

It is the Trustors' intention that the Trustees shall have no more extensive power over any community property transferred to the trust estate than either of the Trustors would have had under the California Family Code had this trust not been created, and this instrument shall be so interpreted to achieve this intention. This limitation shall terminate on the death of either Trustor.

**ARTICLE II  
DISTRIBUTION OF INCOME AND PRINCIPAL DURING JOINT LIVES**

2.1 *Community Property.* During the joint lifetimes of the Trustors, the Trustees shall pay to both Spouses for the account of the community, or shall apply for the Trustors' benefit, the net income of the community estate in quarter-annual or more frequent installments.

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3 also be rendered by any Trustee within 90 days after his resignation or removal by a court of  
4 competent jurisdiction.  
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6 Accountings shall be made by delivering a written accounting to each beneficiary  
7 entitled to current income distribution or, if there are no current income beneficiaries, to each  
8 beneficiary entitled to current distribution our of income or principal in the Trustees' discretion.

9 If any person entitled to receive an accounting is a minor or is under disability, the accounting  
10 shall be delivered to his parents or the guardian of his person if he is a minor or to the guardian  
11 or conservator of his person if he is under any other disability. Unless any beneficiary, inclu-  
12 ding parents, guardians, or conservators of beneficiaries, deliver a written objection to the  
13 Trustees within 60 days after receipt of the Trustees' account, the account shall be final and  
14 conclusive in respect to transactions disclosed in the account as to all beneficiaries of the trust,  
15 including unborn and unascertained beneficiaries. After settlement of the account by agreement  
16 of the parties objecting to it, or by expiration of the 60-day period, the Trustees shall no longer  
17 be liable to any beneficiary of the trust, including unborn and unascertained beneficiaries, in  
18 respect to transactions disclosed in the account, except for the Trustees' intentional wrongdoing  
19 or fraud.  
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ARTICLE X  
TRUSTEES

10.1 *Successor Trustees.* If either Husband or Wife ceases to act as Trustee, the other shall act as sole successor Trustee. If both Husband and Wife cease to act as Trustees, then Trustors' sons JEREMY MONTGOMERY and SHANE MONTGOMERY shall act as successor co-Trustees. If either of them fails to qualify or ceases to act as Trustee, then the other of them shall act as sole successor Trustee. If both of them shall for any reason fail to qualify or cease to act as a successor Trustee, then such vacancy shall be promptly filled by

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Executed at Menifee/Sun City, California on December 15, 2015.

  
KENNETH A. MONTGOMERY,  
Trustor and Trustee

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AMY H. MONTGOMERY,  
Trustor and Trustee

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   )  
  )ss  
COUNTY OF RIVERSIDE   )

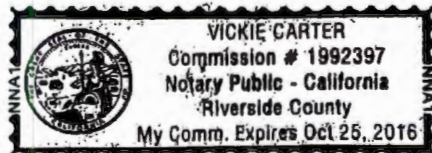
On December 15, 2015, before me, Vickie Carter, Notary Public, personally appeared KENNETH A. MONTGOMERY and AMY H. MONTGOMERY, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed 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

(Seal)





I, Trisha Myers, County Clerk, certify that the within document was received and duly recorded in the official records of Josephine County.

*Ja Nocom*

**WARRANTY DEED**

KNOW ALL BY THESE PRESENTS that **KENNETH A. MONTGOMERY** and **AMY H. MONTGOMERY**, husband and wife, hereinafter called Grantors, for the consideration hereinafter stated, to Grantors paid by **KENNETH A. MONTGOMERY and AMY H. MONTGOMERY**, as Trustees of **THE MONTGOMERY FAMILY LIVING TRUST**, dated December 15, 2015, hereinafter called the Grantees, hereby grant, bargain, sell and convey unto the Grantees and Grantees' heirs, successors and assigns that certain real property with the tenements, hereditaments and appurtenances thereunto belonging or in any way appertaining, situated in Josephine County, State of Oregon, to-wit:

**Parcel I:** A parcel of land in the Southwest Quarter of Section 22, Township 38 South, Range 8 West of the Willamette Meridian, Josephine County, Oregon, more particularly described as follows: Commencing at the Northeast corner of the West Half of said Section 22; thence South 0 degrees 12' West 3381.89 feet along the East line of the West Half of said Section 22 to an iron pipe, which is the true point of beginning; thence West 1379.19 feet to an iron pipe on the Easterly boundary of North Gold Canyon Road; thence along the Easterly boundary of said road around a curve to the left, the long chord of which bears South 7 degrees 13' East 22.71 feet to an iron pipe; thence continue along the Easterly boundary of said road South 9 degrees 57' East 332.47 feet to an iron pipe; thence East 1130.00 feet, more or less, to a point on the Northerly boundary of Gold Canyon Road; thence along the Northerly boundary of Gold Canyon Road to a point on the East line of the Southwest Quarter of said Section 22; thence North 0 degrees 12' East 400.00 feet, more or less, to the true point of beginning.

TOGETHER WITH a perpetual, non-exclusive easement for an existing irrigation ditch and water source and supply, and the right to maintain the same in a good and usable condition, over the following described parcel: A tract of land in the Southwest Quarter of Section 22, Township 38 South, Range 8 West of the Willamette Meridian, Josephine County, Oregon, described as follows: Commencing at the Southwest corner of said Section 22; thence North 0 degrees 05' East 1673.70 feet along the West line of said Section 22 to an iron pipe, which is the true point of beginning; thence North 0 degrees 05' East 350 feet along the West line of said Section 22 to an iron pipe; thence East 1213.54 feet to an iron pipe on the Westerly boundary of North Gold Canyon Road; thence along the Westerly boundary of North Gold Canyon Road the following courses and distances: South 7 degrees 26' East 33.18 feet; thence South 9 degrees 57' East 321.94 feet to a point East of the true point of beginning; thence West 1273.96 feet to the true point of beginning.

LESS AND EXCEPT: Reserving a perpetual non-exclusive right to use the existing ditches serving other property and crossing the above granted parcel.

Subject to:

1. Easement for transmission and distribution of electricity set forth in Volume 73, Page 295; Volume 87, Page 244 and Volume 88, Page 486, Josephine County Deed Records. (Specific location not given in recorded document.)
2. The following restrictive covenants:
  1. No commercial raising of animals
  2. No house to be less than 800 square feet floor space.
  3. The outside of the house must be finished within a year.
  4. Small trailer may be used as a home until the house is finished.
  5. Larger trailers (50' x 10') may be used as permanent homes.
  6. No commercial logging.
  7. No truck larger than a 1 1/2 ton.
  8. No old car bodies and cars and other discarded furniture dumped on property.

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~~**Parcel II:** A tract of land in the Southwest Quarter of Section 22, Township 38 South, Range 8 West of the Willamette Meridian, Josephine County, Oregon, described as follows: Commencing at the Southwest corner of said Section 22; thence North 0 degrees 05' East 1673.70 feet along the West line of said Section 22 to an iron pipe, which is the true point of beginning; thence North 0 degrees 05' East 350 feet along the West line of said Section 22 to an iron pipe; thence East 1213.54 feet to an iron pipe on the Westerly boundary of North Gold Canyon Road; thence along the Westerly boundary of North Gold Canyon Road the following courses and distances: South 7 degrees 26' East 33.18 feet; thence South 9 degrees 57' East 321.94 feet to a point East of the true point of beginning; thence West 1273.96 feet to the true point of beginning.~~

~~Subject to:~~

- ~~1. Easement for transmission and distribution of electricity set forth in Volume 73, Page 295; Volume 87, Page 244 and Volume 88, Page 486, Josephine County Deed Records. (Specific location not given in recorded document.)~~

To Have and to Hold the same unto Grantees and Grantees' heirs, successors and assigns forever.

And Grantors hereby covenant to and with Grantees and Grantees' heirs, successors and assigns that Grantors are lawfully seized in fee simple of the premises, free from all encumbrances except those of record, and that Grantors will warrant and forever defend the premises and every part and parcel thereof against the lawful claims and demands of all persons whomsoever, except those claiming under the above described encumbrances.


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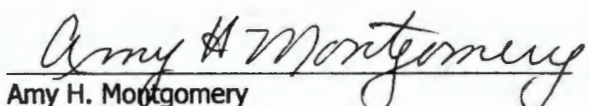
The true and actual consideration paid for this transfer, stated in terms of dollars, is \$0.

In construing this deed, where the context so requires, the singular includes the plural.

IN WITNESS WHEREOF, Grantors have executed this instrument this 25<sup>th</sup> day of January, 2016.

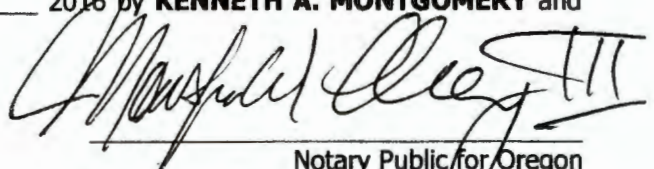
BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301, AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007. THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS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

  
Kenneth A. Montgomery

  
Amy H. Montgomery

STATE OF OREGON, County of Josephine ) ss.

This instrument was acknowledged before me on Jan, 25 2016 by **KENNETH A. MONTGOMERY** and **AMY H. MONTGOMERY**.

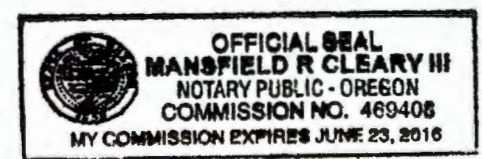
  
Notary Public for Oregon  
My Commission Expires: 6-27-2016

Grantor's Name and Address:

KENNETH A. MONTGOMERY and  
AMY H. MONTGOMERY  
2792 Rainbow Glen Road  
Fallbrook, CA 92028

After Recording Return to:

Mansfield R. Cleary  
P O Box 234  
Cave Junction, OR 97523



Grantee's Name and Address:

KENNETH A. MONTGOMERY & AMY H.  
MONTGOMERY, Trustees of THE  
MONTGOMERY FAMILY LIVING TRUST  
2792 Rainbow Glen Road  
Fallbrook, CA 92028

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Send tax statements to:

KENNETH A. MONTGOMERY & AMY H.  
MONTGOMERY, Trustees of THE  
MONTGOMERY FAMILY LIVING TRUST  
2792 Rainbow Glen Road  
Fallbrook, CA 92028

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**RECORDING COVER SHEET** (Please print or type)

This cover sheet was prepared by the person presenting the instrument for recording. The information on this sheet is a reflection of the attached instrument and was added for the purpose of meeting first page recording requirements in the State of Oregon, ORS 205.234, and does NOT affect the instrument.

JOSEPHINE COUNTY OFFICIAL RECORDS  
TRISHA MYERS, COUNTY CLERK **2016-002108**  
DED-WRD  
Cnt=1 Pgs=3 Stn=5 LBOSS 02/18/2016 03:50 PM  
\$15.00 \$11.00 \$20.00 \$10.00 \$5.00 Total:\$61.00



I, Trisha Myers, County Clerk, certify that the within document was received and duly recorded in the official records of Josephine County.

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**AFTER RECORDING RETURN TO:**

Mansfield R. Cleary

Attorney at Law

P O Box 234

Cave Junction OR 97523

*Ja Doan*

**1) TITLE(S) OF THE TRANSACTION(S)** ORS 205.234(a)

Warranty Deed

**2) DIRECT PARTY / GRANTOR(S)** ORS 205.125(1)(b) and 205.160

Kenneth A. Montgomery & Amy H. Montgomery, Husband & Wife

2792 Rainbow Glen Road

Fallbrook, CA 92028

**3) INDIRECT PARTY / GRANTEE(S)** ORS 205.125(1)(a) and 205.160

Kenneth A. Montgomery and Amy H. Montgomery, Trustees of the  
Montgomery Family Living Trust, dated December 15, 2015

2792 Rainbow Glen Road Fallbrook CA 92028

**4) TRUE AND ACTUAL CONSIDERATION**

ORS 93.030(5) – Amount in dollars or other

\$ 0 Other \_\_\_\_\_

**5) SEND TAX STATEMENTS TO:**

Kenneth A Montgomery & Amy H.  
Montgomery, Trustees of the  
Montgomery Family Living Trust  
2792 Rainbow Glen Road  
Fallbrook CA 92028

**6) SATISFACTION of ORDER or WARRANT**

ORS 205.125(1)(e)

CHECK ONE: \_\_\_\_\_ FULL  
(If applicable) \_\_\_\_\_ PARTIAL

**7) The amount of the monetary obligation imposed by the order or warrant.**

ORS 205.125(1)(c)

\$ 0

**8) If this instrument is being Re-Recorded, complete the following statement, in accordance with ORS 205.244: "RE-RECORDED AT THE REQUEST OF Grantees**

**TO CORRECT Parcel II no longer owned\* PREVIOUSLY RECORDED IN BOOK \_\_\_\_\_**  
**AND PAGE \_\_\_\_\_, OR AS FEE NUMBER 2016-001268.**

\*by the Grantors/Grantees.

JOSEPHINE COUNTY OFFICIAL RECORDS

RHIANNON HENKELS, COUNTY CLERK

2021-008281

DED-WRD

05/05/2021 01:52 PM

Cnt=1 Pgs=2 Stn=5 SSCHREIBER  
\$10.00 \$11.00 \$10.00 \$60.00 \$5.00

\$96.00

I, Rhiannon Henkels, County Clerk, certify that the within document was received and duly recorded in the official records of Josephine County.

Until a change is requested, all tax statements shall be mailed to GRANTEE at the following address:  
Kenneth A. Montgomery and Amy H. Montgomery, Trustees  
The Montgomery Family Living Trust  
P.O. Box 215  
Selma, OR 97538

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AFTER RECORDING RETURN TO:  
Willard L. Ransom  
SORENSEN, RANSOM & FERGUSON, LLP  
133 NW "D" STREET  
GRANTS PASS, OR 97526

WARRANTY DEED - STATUTORY FORM

Ken Montgomery and Amy Montgomery, as tenants by the entirety, Grantor, conveys and warrants to Kenneth A. Montgomery and Amy H. Montgomery, Trustees of THE MONTGOMERY FAMILY LIVING TRUST, u/t/d December 15, 2015, Grantee, the real property described on Exhibit "A" attached and incorporated herein by reference, free of encumbrances except as specifically set forth herein, situated in Josephine County, Oregon.

Grantor covenants that Grantor is seized of an indefeasible estate in the real property described above in fee simple; that Grantor has good right to convey the property; that the property is free from encumbrances except as set forth in public record; and that Grantor warrants and will defend the title to the property against all persons who may lawfully claim the same by, through, or under Grantor, provided that the foregoing covenants are limited to the extent of coverage available to Grantor under any applicable standard or extended policies of title insurance, it being the intention of the Grantor to preserve any existing title insurance coverage.

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.

NOTE TO ASSESSOR: THIS IS A CONVEYANCE TO A TRUSTEE PURSUANT TO A REVOCABLE TRUST AGREEMENT. GRANTOR HAS RESERVED FULL POWER TO REVOKE OR AMEND THE TRUST AND NO CHANGE SHOULD BE MADE IN ANY SPECIAL TAX TREATMENT AS THE GRANTOR HAS RETAINED THE FULL BENEFICIAL INTEREST IN THE PROPERTIES DESCRIBED.

The true consideration for this conveyance stated in terms of dollars is \$NONE. This conveyance is executed for estate planning purposes.

DATED this 29th day of April, 2021.

*[Handwritten signature]*

*[Handwritten initials]*

EXHIBIT "A"

Real property located at 290 N. Gold Canyon Drive, Selma, OR 97538; map No. 38-08-22; tax lot 500, described as follows:

A tract of land in the Southwest Quarter of Section 22, Township 38 South, Range 8 West, Willamette Meridian, Josephine County, Oregon, and more particularly described as follows: Commencing at the Southwest corner of said Section 22; thence North 0°05' East 2023.70 feet along the West line of said Section 22 to an iron pipe, which is the true point of beginning; thence continue North 0°05' East along said West line 350 feet to an iron pipe; thence East 1274.05 feet to an iron pipe on the Westerly right of way line of North Gold Canyon Road; thence South 11°45' West along said right of way 269.41 feet to an iron pipe; thence along a 316.48 foot radius curve to the left, the long chord of which bears South 4°05' West 64.04 feet to an iron pipe; thence West 1213.54 feet to the true point of beginning. EXCEPTING THEREFROM: A parcel of land in the Southwest Quarter of Section 22, Township 38 South, Range 8 West, Willamette Meridian, Josephine County, Oregon, and more particularly described as follows: Commencing at the Southwest corner of said Section 22, thence North 0°05' East 2023.70 feet along the West line of said Section 22 to an iron pipe, which is the true point of beginning, thence continue North 0°05' East along said West line 350 feet to an iron pipe, thence East 421.5 feet, thence South 0°05' West 350 feet, thence West 421.5 feet, to the true point of beginning.

ALL OF THE ABOVE-DESCRIBED REAL PROPERTY IS CONVEYED TO THE TRUST SUBJECT TO: 1) Liens and encumbrances of record, if any. 2) Easements, restrictions, reservations, covenants and conditions of record, or apparent on the ground. 3) Discrepancies, conflicts in boundary lines, shortage in area, encroachments or any other fact, which a correct survey would disclose.

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Until a change is requested, all tax statements shall be mailed to GRANTEE at the following address:  
Kenneth A. Montgomery and Amy H. Montgomery, Trustees  
The Montgomery Family Living Trust  
P.O. Box 215  
Selma, OR 97538

AFTER RECORDING RETURN TO:  
Willard L. Ransom  
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DATED this 29th day of April, 2021.

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EXHIBIT "A"

Real property located at 290 N. Gold Canyon Drive, Selma, OR 97538; map No. 38-08-22; tax lot 500, described as follows:

A tract of land in the Southwest Quarter of Section 22, Township 38 South, Range 8 West, Willamette Meridian, Josephine County, Oregon, and more particularly described as follows: Commencing at the Southwest corner of said Section 22; thence North 0°05' East 2023.70 feet along the West line of said Section 22 to an iron pipe, which is the true point of beginning; thence continue North 0°05' East along said West line 350 feet to an iron pipe; thence East 1274.05 feet to an iron pipe on the Westerly right of way line of North Gold Canyon Road; thence South 11°45' West along said right of way 269.41 feet to an iron pipe; thence along a 316.48 foot radius curve to the left, the long chord of which bears South 4°05' West 64.04 feet to an iron pipe; thence West 1213.54 feet to the true point of beginning. EXCEPTING THEREFROM: A parcel of land in the Southwest Quarter of Section 22, Township 38 South, Range 8 West, Willamette Meridian, Josephine County, Oregon, and more particularly described as follows: Commencing at the Southwest corner of said Section 22, thence North 0°05' East 2023.70 feet along the West line of said Section 22 to an iron pipe, which is the true point of beginning, thence continue North 0°05' East along said West line 350 feet to an iron pipe, thence East 421.5 feet, thence South 0°05' West 350 feet, thence West 421.5 feet, to the true point of beginning.

ALL OF THE ABOVE-DESCRIBED REAL PROPERTY IS CONVEYED TO THE TRUST SUBJECT TO: 1) Liens and encumbrances of record, if any. 2) Easements, restrictions, reservations, covenants and conditions of record, or apparent on the ground. 3) Discrepancies, conflicts in boundary lines, shortage in area, encroachments or any other fact, which a correct survey would disclose.

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Tax Lot 529

83-05223

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6738

5 380822-006 500-00-5 NON-SEG.

WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS, That JOHN A. SCOTT and GAIL BICKER

SCOTT hereinafter called the grantor, for the consideration hereinafter stated, to grantor paid by THE NATURE CONSERVANCY, a District of Columbia non-profit corporation, hereinafter called the grantee, does hereby grant, bargain, sell and convey unto the said grantee and grantee's heirs, successors and assigns, that certain real property, with the tenements, hereditaments and appurtenances thereunto belonging or appertaining, situated in the County of Josephine and State of Oregon, described as follows, to-wit:

See attached Exhibit A.

(IF SPACE INSUFFICIENT, CONTINUE DESCRIPTION ON REVERSE SIDE)

To Have and to Hold the same unto the said grantee and grantee's heirs, successors and assigns forever. And said grantor hereby covenants to and with said grantee and grantee's heirs, successors and assigns, that grantor is lawfully seized in fee simple of the above granted premises, free from all encumbrances except as noted above

and that grantor will warrant and forever defend the said premises and every part and parcel thereof against the lawful claims and demands of all persons whomsoever, except those claiming under the above described encumbrances.

The true and actual consideration paid for this transfer, stated in terms of dollars, is \$3,000.00. However, the actual consideration consists of or includes other property or value given or promised which is the whole consideration (indicate which). (The sentence between the symbols @, if not applicable, should be deleted. See ORS 93.030.)

In construing this deed and where the context so requires, the singular includes the plural and all grammatical changes shall be implied to make the provisions hereof apply equally to corporations and to individuals.

In Witness Whereof, the grantor has executed this instrument this 11 day of May, 1983; if a corporate grantor, it has caused its name to be signed and seal affixed by its officers, duly authorized thereto by order of its board of directors.

John A. Scott  
Gail Bicker Scott

(If executed by a corporation, affix corporate seal)

STATE OF OREGON, )  
County of Josephine ) ss.  
May 11th, 1983.

STATE OF OREGON, County of ) ss.  
1983

Personally appeared and who, being duly sworn, each for himself and not one for the other, did say that the former is the president and that the latter is the secretary of

Personally appeared the above named John A. Scott & Gail Bicker Scott and acknowledged the foregoing instrument to be their voluntary act and deed.

a corporation, and that the seal affixed to the foregoing instrument is the corporate seal of said corporation and that said instrument was signed and sealed in behalf of said corporation by authority of its board of directors; and each of them acknowledged said instrument to be its voluntary act and deed.

Before me: Melissa M. Benson  
(OFFICIAL SEAL)  
Notary Public for Oregon  
My commission expires: 10/3/83.

Before me: (OFFICIAL SEAL)  
Notary Public for Oregon  
My commission expires:

John A. Scott and Gail Bicker Scott

STATE OF OREGON, )  
County of ) ss.

I certify that the within instrument was received for record on the day of 1983, at o'clock M., and recorded in book on page or as file/reel number. Record of Deeds of said county.

Witness my hand and seal of County affixed.

SPACE RESERVED FOR RECORDER'S USE

Recording Officer.  
By Deputy

GRANTOR'S NAME AND ADDRESS  
The Nature Conservancy  
1800 N. Kent Street  
Arlington, Virginia 22209

GRANTEE'S NAME AND ADDRESS  
After recording return to:  
The Nature Conservancy  
156 Second Street  
San Francisco, CA 94105  
NAME, ADDRESS, ZIP

Until a change is requested all tax statements shall be sent to the following address.  
The Nature Conservancy  
1234 N. W. 25th  
Portland, OR 97210  
NAME, ADDRESS, ZIP



# Oregon

Tina Kotek, Governor

Water Resources Department

725 Summer St NE, Suite A

Salem, OR 97301

(503) 986-0900

Fax (503) 986-0904

10/30/2023

Kenneth Alan Montgomery  
Amy H. Montgomery  
2792 Rainbow Glen Road  
Fallbrook, CA 92028

Dear Applicant:

The Water Resources Department has received your application for a permit to use **surface water**. At this time, however, we are unable to accept your application because the minimum filing requirements have not been met according to the Oregon Administrative Rules 690-310-0040 and 0050.

We are therefore returning the incomplete application and fees. You may resubmit the application with the additional required information and fees noted on the reverse side of this letter.

Should you have any questions, please contact Water Right Customer Service at 503-986-0801 or 503-986-0810.

Sincerely,  
Nick Reecé

Water Rights Customer Service

Cc: OWRD Fiscal (Check # 1587),

**Enclosures:** Check, Application

*This review is based only on the completeness of your application(s). Any determination of water availability, compliance with basin plan rules, or any other water related issues has not been made. Fees may change.*

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**Application Completeness | Summary of Needed Items:**

**Additional Application Materials or Forms:**

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. This requirement can be met by providing a copy of the deed, land sales contract, title insurance policy, or a lot book report prepared by a title company. Copies of tax bills are not acceptable.

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