



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

Application for a Permit to Use Surface Water

Please type or print in dark ink. If your application is found to be incomplete or inaccurate, we will return it to you. If any requested information does not apply to your application, insert "n/a." Please read and refer to the instructions when completing your application. A summary of review criteria and procedures that are generally applicable to these applications is available at www.wrd.state.or.us/OWRD/PUBS/forms.shtml.

1. APPLICANT INFORMATION

A. Individuals

Applicant: JAMES J. BAYER AND TOLI ISOLA-BAYER
First Last

Mailing address: 12155 AGATE ROAD
EAGLE POINT OR 97524
City State Zip

Phone: 541-826-8953 541-941-2242
Home Work Other

*Fax: _____ *E-Mail address: _____

B. Organizations

(Corporations, associations, firms, partnerships, joint stock companies, cooperatives, public and municipal corporations)

Name of organization: PHEASANT BROOK, LLC

Name and title of person applying: JAMES J. BAYER, MEMBER

Mailing address of organization: 12155 AGATE ROAD
EAGLE POINT OR 97524
City State Zip

Phone: 541-826-8953
Day Evening

*Fax: _____ *E-Mail address: _____

* Optional information

For Department Use		
App. No. _____	Permit No. _____	Date _____

Last updated: 2/13/2008

Surface Water/1

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2. SOURCE AND PROPERTY OWNERSHIP

A. The 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: LOST CREEK RES. 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

Complete this section if any source listed in item 2A above is stored water.

Do you, or will you, own the reservoir(s) described in item 2A 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.)

If *all* sources listed in item 2A 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.

Surface Water/2

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C. Property Ownership

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

Yes (Please check appropriate box below then skip to section 3 'Water Use')

There are no encumbrances

This land is encumbered by easements, rights of way, roads or other encumbrances (please provide a copy of the recorded deed(s))

No (Please check the appropriate box below.)

I have a recorded easement or written authorization permitting access.

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

Written authorization or an easement is not necessary, because the only affected lands I do not own are state-owned submersible lands, and this application is for irrigated and/or domestic use only (ORS 274.040).

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.

List the names and mailing addresses of all affected landowners.

<u>351W32-1000</u>	<u>AGATE (COUNTY) ROAD</u>
<u>PHEASANTBROOK, LLC - JAMES BAYNE MEMBER</u>	<u>JACKSON CO. ROAD DEPT.</u>
<u>12155 AGATE ROAD</u>	<u>RUSS LOGUE (CONST. MALAGATE)</u>
<u>HALE POINT, OR 97524</u>	<u>200 ALTEQUE ROAD</u>
	<u>WHITE CITY, OR 97503</u>

3. WATER USE

Please read the instruction booklet for more details on "type of use" definitions, how to express how much water you need and how to identify the water source you propose to use. You must fill out a supplemental form for some uses as they require specific information for that type of use.

A. Type(s) of Use(s)

See list of beneficial uses provided in the instructions.

• If your proposed use is **domestic**, indicate the number of households to be supplied with water: _____

~~•~~ If your proposed use is **irrigation**, please attach **Form I**

• If your proposed use is **mining**, attach **Form R**

• If your proposed use is **municipal or quasi-municipal**, attach **Form M**

• If your proposed use is **commercial/industrial**, attach **Form Q**

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B. Amount of Water

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	Type of use	Amount
LOST CREEK Res.	IRRIGATION	341.1 <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

C. Period of Use

Indicate the time of year you propose to use the water: MARCH 1 - OCTOBER 31
(For seasonal uses like irrigation give dates when water use would begin and end, e.g. March 1-October 31.)

D. Acreage

If you will be applying water to land, indicate the total number of acres where water will be applied or used: 75.8
(This number should be consistent with your application map.)

4. WATER MANAGEMENT

A. Diversion

What method will you use to divert water from the source?

- Pump (give horsepower and pump type): 15 HP CENTRIFUGAL (THIS WILL REPLACE THE EXISTING 7.5 HP CAPT.)
- Head-gate (give dimensions): _____
- Other means (describe): _____

B. Monitoring

How will you monitor your diversion to be sure you are within the limits of your water right (allowed rate and duty) and you are not wasting water?

- Weir Meter Periodic Sampling
- Other means (describe): _____

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C. Transport

How will you transport water to your place of use?

Ditch or canal (give average width and depth):

Width _____ Depth _____

Is the ditch or canal to be lined? Yes No

Pipe (give diameter and total length):

Diameter 6" BURIED Length 3800'
THIS 3800' OF PIPE IS ADDITIONAL TO EXISTING PIPE IN 351W32-T.C. 1000

Other (describe) _____

D. Application/Distribution Method

What equipment will you use to apply water to your place of use? _____

Irrigation or land application method (check all that apply):

- Flood
- High-pressure sprinkler
- Low pressure sprinkler
- Drip
- Water cannons
- Center pivot system
- Hand lines
- Wheel lines
- Siphon tubes or gated pipe with furrows
- Other, describe _____

Distribution method

- Direct pipe from source
- In-line storage (tank or pond)
- Open canal

E. Conservation

What methods will you use to conserve water? Why did you choose this distribution or application method? Have you considered other methods to transport, apply, distribute or use water? For example, if you are using sprinkler irrigation rather than drip irrigation, explain. If you need additional space, attach a separate sheet.

SPRINKLE IRRIGATION DURING NIGHTTIME

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5. RESOURCE PROTECTION

A. Protection Practices

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:

USE O.D.F.W. APPROVED FISHSCREEN (THIS IS EXISTING)

Excavation or clearing of banks will be kept to a minimum to protect riparian or streamside areas. Describe planned actions:

NO EXCAVATION OR CLEARING OF RIVER BANK WILL BE REQUIRED --- SAME DIVERSION AND FISHSCREEN AS P-53806, P-54031, T-8665 & T-8931

Operating equipment in a water body will be managed and timed to prevent damage to aquatic life. Describe:

THE ONLY EQUIPMENT IN THE RIVER WILL BE THE O.D.F.W. APPROVED FISHSCREEN AND SUCTION PIPE --- EXISTING BY THE ABOVE MENTIONED WATER RIGHTS

Water quality will be protected by preventing erosion and run-off of waste or chemical products. Describe:

THE SPRINKLER SYSTEM WILL BE TIMED TO NOT ALLOW RUN-OFF

Other:

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6. PROJECT SCHEDULE

Indicate the anticipated dates that the following construction tasks should begin. If construction has already begun, or is completed, please indicate that date.

Proposed date construction will begin: SOON AFTER PERMIT IS ISSUED

Proposed date construction will be completed: JULY, 2009

Proposed date beneficial water use will begin: MAY, 2010

7. REMARKS

If you would like to clarify any information you have provided in the application, please do so here and reference the specific application question you are addressing.

8. MAP REQUIREMENTS

The Department cannot process your application without accurate information showing the source of water and location of water use. You must include a map with this application form that clearly indicates the township, range, section, and quarter/quarter section of the proposed points of diversion and place of use. The map must provide tax lot numbers. See the map guidelines sheet for detailed map specifications.

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**WATER RESOURCES DEPT
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Oregon Water Resources Department

FORM I

FOR IRRIGATION WATER USE

1. Please indicate whether you are requesting a primary or supplemental irrigation water right.

Primary Supplemental

If supplemental, please indicate the number of acres that will be irrigated for each type of use.

Primary: 72.2 Acres

Secondary: 3.6 Acres

List the permit or certificate number of the primary water right: no. P-18918 -

2. Please list the anticipated crops you will grow and whether you will be irrigating them for a full or partial season:

1. PASTURE Full season Partial season (from: 3-1 to 10-31)

2. _____ Full season Partial season (from: _____ to _____)

3. _____ Full season Partial season (from: _____ to _____)

4. _____ Full season Partial season (from: _____ to _____)

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

341.1 acre-feet
(1 acre-foot equals 12 inches of water spread over one acre, or 43,560 cubic feet, or 325,851 gallons.)

4. How will you schedule your applications of water? Will you be applying water in the evenings, twice a week, daily?

- Daily during daytime hours
- Daily during nighttime hours
- Two or three times weekly during daytime
- Two or three times weekly during nighttime
- Weekly, during daytime hours
- Weekly, during nighttime hours
- Other, explain: _____

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WATER RESOURCES DEPT
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Form KO-303
Revised 02/2006

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

I. Applicant Information:

A. Landowners

- 1) Name of landowner(s): JAMES J. BAYER & TONI ISOLA-BAYER
- 2) Address: 12155 AGATE ROAD, EAGLE POINT, OR 97524
- 3) Mailing Address (if different): _____
- 4) Taxpayer Identification Number(s): _____
(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: PHEASANTBROOK, LLC
- 2) Name & Title of Applicant: JAMES J. BAYER - MEMBER
- 3) Mailing Address of Organization: 12155 AGATE ROAD, EAGLE POINT, OR. 97524
- 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) LOST CREEK RESERVOIR, TRIB. ROGUE RIVER

3. Proposed point of diversion: 670 feet N. and 60 feet E.
of WEST 1/4 corner of Section 32, Township 35 S., Range 1 W.,
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: _____

APPLICATION NO. NOT ASSIGNED YET

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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Form RO-303
Revised 02/2006

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)? (3.6 Ac. SW 1/4 NW 1/4 Sec. 5) 8-3-49

7. Total quantity of water from storage requested: 341.1 acre-feet.

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
36 S.	1 W.	5	NW NW	30.9	PASTURE
36 S.	1 W.	5	SW NW	34.9	PASTURE
36 S.	1 W.	5	SW NW	3.6	SUPPLEMENTAL PASTURE
36 S.	1 W.	6	NE NE	0.3	PASTURE
36 S.	1 W.	6	SE NE	6.1	PASTURE

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)].
FALLOW CULTIVATED LAND

10. Is the land identified above currently being irrigated? YES. If yes, what is the source? (natural flows, wells, etc.) (3.6 Ac. 1W SW 1/4 NW 1/4, 36 1W 5) NATURAL FLOW - UUNJAMEN STREAM

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: O.D.F.W. APPROVED FISH SCREEN

12. Telephone Number where you can be reached during the day: 541-941-2242

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.

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126168jp
After recording return to:
Lawyers Title Insurance Corporation
1555 E. McAndrews Road, Suite 100
Medford OR 97504

Jackson County Official Records 2004-013495
R-WD
Cnt=1 Stn=4 SHAWBJ 03/15/2004 02:10:00 PM
\$10.00 \$5.00 \$11.00 Total:\$26.00



I, Kathleen S. Beckett, County Clerk for Jackson County, Oregon,
certify that the instrument identified herein was recorded in the Clerk
records. Kathleen S. Beckett - County Clerk

Until a change is requested, all tax statements
shall be sent to Grantee at the following address:
12155 Agate Road
Eagle Point, OR 97524

STATUTORY WARRANTY DEED

Kathleen L. Miller, who acquired title as Kathleen L. Dubaldi

T.L. 361W05B
1200

, Grantor, conveys and warrants to
Pheasantbrook, LLC, an Oregon Limited Liability Company

⌘
T.L. 361W 6-100

, Grantee, the following described real property free of encumbrances except as specifically set forth herein:
See Exhibit "A" attached hereto and made a part hereof

This property is free of encumbrances, EXCEPT:
See Exhibit "A" attached hereto and made a part hereof

The true consideration for this conveyance is \$ 310,000.00.

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930.

Dated this 3-12 day of _____, 2004.

Kathleen L. Miller _____

STATE OF OREGON, COUNTY OF Jackson

The foregoing instrument was acknowledged before me this 12th day of March, 2004, by
Kathleen L. Miller

Jeanne L. Peters
Notary Public for Oregon
My commission expires 5/3/04



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EXHIBIT A

The West Half of the Northwest Quarter of Section 5 and the East Half of the Northeast Quarter of Section 6, Township 36 South, Range 1 West of the Willamette Meridian in Jackson County, Oregon. EXCEPTING THEREFROM the following: Beginning at the northwest corner of Section 5, Township 36 South, Range 1 West of the Willamette Meridian in Jackson County, Oregon; thence East along the north line of said Section 5, a distance of 350.0 feet; thence Southwesterly in a straight line, 950.0 feet, more or less, to a point on the west line of said Section 5 which is 860.0 feet South of the northwest corner thereof; thence continue Southwesterly along the extension of said straight line, to a point which is 200.0 feet West and 1720.0 feet, more or less, South of the northwest corner of said Section 5; thence Southerly in a straight line, 900.0 feet, more or less, to a point on the south line of the Northeast Quarter of Section 6, said Township and Range, which is 250.0 feet West of the southeast corner of said Northeast Quarter; thence West, along said south line, to the southwest corner of the East Half of said Northeast Quarter; thence North along the west line of said East Half to the north line of said Section 6; thence East along said north line, to the point of beginning.

(Code 9-16, Account #1-023982-2, Map #361W05B, Tax Lot #1200)
 (Code 9-03, Account #1-060685-8, Map #361W05B, Tax Lot #1200)
 (Code 9-16, Account #1-023988-0, Map #361W06, Tax Lot #100)

SUBJECT TO:

1. The premises herein described have been zoned or qualified for "Farm Use" tax assessment. At such time as said land is disqualified for such "Farm Use", the property will be subject to additional taxes and interest, and possible statutory penalty.
2. Easement over that portion lying within Agate Road.
3. Mineral rights, and rights in connection therewith, reserved by The Oregon and California Railroad Company, a corporation, by deed recorded in Volume 65 page 631 of the Deed Records of Jackson County, Oregon. (Affects Tax Lot 1200)
4. Right of way for road purposes 20.0 feet in width along the south line of the East Half of the Northeast Quarter of Section 6 by deed recorded in Volume 63 page 363 of the Deed Records of Jackson County, Oregon. (Affects Tax Lot 100)
5. Right of way for road purposes 20.0 feet in width across the south portion of the West Half of the Northwest Quarter of Section 5, as set forth in deed recorded in Volume 154 page 308 of the Deed Records of Jackson County, Oregon. (Affects Tax Lot 1200)
6. Perpetual right of way for irrigation ditch, and rights in connection therewith, and rights of usage and maintenance, granted in Agreement recorded in Volume 128 page 573 and deed recorded in Volume 133 page 586 of the Deed Records of Jackson County, Oregon.
7. Perpetual right of way and easement for telephone and power line and for other purposes, and rights in connection therewith, granted by deed recorded in Volume 184 page 240 of the Deed Records of Jackson County, Oregon.
8. Right of way for the transmission and distribution of electricity, and for other purposes, and rights in connection therewith, granted to The California Oregon Power Company, a California corporation, by instrument recorded in Volume 378 page 348 of the Deed Records of Jackson County, Oregon. (Not locatable of record)
9. Easement for ingress and egress as reserved in document recorded July 3, 1996 as No. 96-22331 of the Official Records of Jackson County, Oregon.

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00 49679
00 49826



CRATER TITLE INSURANCE

Main Office
300 West Main - P.O. Box 250
Madford, Oregon 97501
(541) 779-7250 • FAX (541) 779-4013

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35 1W32 -1000

ORDER # 28003777DM

BARGAIN AND SALE DEED

ESC ONLY

KNOW ALL MEN BY THESE PRESENTS, That James J. Bayer and ~~James J. Bayer~~ Toni Isola-Bayer, Trustees of the James and Toni Bayer 1993 Family Trust, Grantor(s), in consideration of NO DOLLARS \$0, paid by PHEASANTBROOK LLC, Grantee(s), do hereby grant, bargain, sell and convey unto the said Grantee(s), their heirs and assigns all the following real property, with the tenements, hereditaments and appurtenances, situated in the County of Jackson, State of Oregon, and described as follows, to-wit:

See Attached Exhibit "A" Hereto and made a part hereof.

TOGETHER WITH an easement appurtenant to the herels described property for irrigation pump and pipe purposes, as set forth in instrument recorded in Document No. 68-10791, Official Records of Jackson County, Oregon. Subject to the terms and provisions thereof, as forth in Volume 598, Page 379, Jackson County, Oregon, Deed Records.

NOTE: THIS DEED IS BEING RE-RECORDED TO CORRECT THE NAME OF GRANTOR NAMED HEREIN.
This instrument will not allow use of the property described in this instrument in violation of applicable land use laws and regulations. Before signing or accepting this instrument, the person acquiring fee title to the property should check with the appropriate City or County Planning Department to verify approved uses and to determine any limits on lawsuits against farming or forest practices as defined in ORS 50.930.

To Have and to Hold, the above described and granted premises unto the said Grantee(s), their heirs and assigns forever.

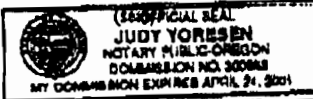
Witness our hand(s) and seal(s) this 4th day of December 2000

James J. Bayer, Trustee

Toni Isola-Bayer, Trustee

STATE OF Oregon)
County of Jackson) ss.

This instrument was acknowledged before me the 4 day of December 2000 by James J. Bayer and Toni Isola-Bayer.



Notary Public for
My commission expires: 4/24/01

Until a change is requested, send all tax statements to:
12155 Agate Road
Eagle Point, OR 97524
Return document to:
Crater Title Insurance
300 W. Main Street, P.O. Box 250
Madford, OR 97501

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00 49679
00-49226

Exhibit A

Beginning at a point from which the Northeast corner of the Southeast Quarter of the Northwest Quarter of Section 32 in Township 35 South, Range 1 West of the Willamette Meridian, Jackson County, Oregon, bears North 38.5 feet and East 605.0 feet; thence West, parallel with the North line of the Southeast Quarter of the Northwest Quarter and Lot 2, in said Section, a distance of 128.08 feet to the Southerly bank of Rogue River; thence along the Southerly bank of Rogue River, the following courses and distances; South 41° West 319.0 feet; South 47° 30' West 290.0 feet; South 57° 30' West 290.0 feet; South 55° West 290.0 feet to the West line of said Section 32; thence South along said Section line, a distance of 1858.0 feet to the Southwest corner of the Northwest Quarter of the Southwest Quarter of said Section 32; thence East 1320.0 feet to the Southeast corner of said Northwest Quarter of Southwest Quarter; thence North 1320.0 feet to the Northeast corner of said Northwest Quarter of Southwest Quarter; thence East 715.0 feet along the East and West centerline through said Section 32; thence North 1297.5 feet to the point the beginning, EXCEPTING THEREFROM tract conveyed to Scott V. Davis by deed recorded in Volume 179, Page 610, Jackson County, Oregon, Deed Records, more particularly described as follows: Beginning at a point 38.5 feet South and 605.0 feet West of the Northeast corner of the Southeast Quarter of the Northwest Quarter of said Section 32; thence South 85.0 feet; thence South 89° 53' West parallel with the North line of said Southeast Quarter of Northwest Quarter, a distance of 220.0 feet to iron pin; thence North 77° 36' West to a point on the North line of tract described in Volume 311, Page 431, Jackson County, Oregon, Deed Records; thence North 89° 53' East along said North line, to the point the beginning. ALSO, EXCEPTING THEREFROM the following: Commencing at the Southeast corner of the Southeast Quarter of the Northwest Quarter of Section 32 in Township 35 South, Range 1 West of the Willamette Meridian, Jackson County, Oregon; thence West on said quarter Section line, a distance of 605.0 feet to the true point of beginning; thence North, to the Easterly line of the County Road; thence Southwesterly along said road line, to the South line of said Southeast Quarter of Northwest Quarter; and thence East along said line, to the true point of beginning. ALSO, EXCEPTING THEREFROM the following: Commencing at the Quarter Section corner common to Sections 29 and 32 in Township 35 South, Range 1 West of the Willamette Meridian, Jackson County, Oregon; thence South, along the North and South centerline of said Section 32, a distance of 1368.88 feet to the Southeast corner of tract described in Volume 9, Page 376, Jackson County, Oregon, Deed Records; thence West along the South line of said tract, 605.0 feet to the true point of beginning; thence South 745.0 feet; thence West 330.0 feet; thence North 681.0 feet, more or less, to the South line of tract described in Volume 851, Page 508, Jackson County, Oregon, Deed Records; thence South 77° 36' East, 39.0 feet, more or less, to intersect the South line of tract described in Volume 179, Page 610, Jackson County, Oregon, Deed Records; thence continue South 77° 36' East, along the South line of said tract, 67.87 feet; thence South 89° 50' East 220.0 feet to the Southeast corner thereof; thence North 85.0 feet to the South line of said tract described in Volume 9, Page 376, Jackson County, Oregon, Deed Records; thence East, along said South line, 8.0 feet to the true point of beginning. ALSO EXCEPTING THEREFROM the following: Beginning at a 3/4 inch x 30 inch iron pipe which is 1372.12 feet South and 1276.19 feet West of the Quarter Section corner common to Sections 29 and 32 in Township 35 South, Range 1 West of the Willamette Meridian, Jackson County, Oregon, said pipe being a point on the South line of a 1.51 acre tract described in Volume 166, Page 247, Jackson County, Oregon, Deed Records; thence South 89° 50' West, parallel with the North line of Lot 2 in Section 32, said Township and Range, a distance of 718.27 feet to a point on the Southeasterly side of Rogue River; thence along the Southeasterly side of Rogue River, North 46° 16' 30" East 458.21 feet to the point of intersection of said river bank with the centerline of a natural drainage ditch; thence along the centerline of said drainage ditch on the following courses: South 49° 42' 10" East 142.07 feet, South 79° 52' 28" East 110.00 feet, South 68° 09' 30" East 179.00 feet, South 64° 08' East 191.53, South 57° 11' 20" East 193.21 feet to the point of intersection of the centerline of said natural drainage ditch with the Southwesterly line of tract described in Volume 179, Page 610, Jackson County, Oregon, Deed Records; thence along said Southwesterly line, North 77° 36' West 311.33 feet to the point of beginning.

Jackson County, Oregon
w. Recorded
OFFICIAL RECORDS

DEC 08 2000
2:00 PM
[Signature]
COUNTY CLERK

Jackson County, Oregon
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[Signature]
COUNTY CLERK

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JUL 25 2008

WATER RESOURCES DEPT
SALEM, OREGON



**JACKSON
COUNTY**
Roads

TRANSMITTAL

Jackson County Oregon

Roads and Parks Services • 200 Antelope Road • White City, OR 97503

To: **Jim Bayer**
12155 Agate Road
Eagle Point, OR 97524

From: **Russell Logue**

FAX: n/a

FAX: 774-6295

Phone: 941-2242

Phone: 774-6255

DATE: July 7, 2008

Page 1 of 1

Re: Utility Permits from Jackson County Roads for installation of a private waterline for irrigation.

Mr. Bayer,

Per your request Jackson County Roads has reviewed the proposal to install a private waterline within the County Right of Way on Agate Road from tax lot 35 1W 32 #1000 at the existing point of diversion to tax lot 36 1W 05B #1200. JC Roads will allow this installation to be done under a utility/encroachment permit at such time that the irrigation rights are obtained.

Russ Logue (944-6783)
Construction Manager
Jackson County Roads & Parks Dept.

Cc: Barry Kaiser via bkaiser@embarqmail.com

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JUL 25 2008

WATER RESOURCES DEPT
SALEM, OREGON



ZONING INFORMATION SHEET

THIS DOCUMENT IS FOR INFORMATION PURPOSES ONLY! THIS IS NOT A LAND-USE PERMIT

ZONING: EFU

ZIS NUMBER: ZON2008-01229

SITE ADDRESS: 11663 AGATE RD

PROJECT: ZON2008-01229

PRIMARY PARCEL NUMBER: 35-1W-32-1000

PRINT DATE: 07/09/2008

ASSOCIATED LOTS:

LAST UPDATED: 7/9/08 12:00 am

PURPOSE OF ZIS / PROJECT DESCRIPTION:

LUC for water rights

GENERAL ZIS INFORMATION:

APPROVED, SEE SCANNED DOCS. PQ

Staff Signature

Assigned Staff: Phoebe Quillian

ZIS Recipient Signature

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JUL 25 2008

WATER RESOURCES DEPT
SALEM, OREGON



Oregon Water Resources Department
Land Use Information Form

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) only the place of use is proposed for change, b) there are no structural changes, c) the use of water is for irrigation, and d) the use is located in an irrigation district or exclusive farm-use zone.

Applicant Name: PRAE SALT BROOK, LLC (JAMES J. BAYER MEMBER)
Mailing Address: 12155 A GATE ROAD
City: EARLE POINT State: OR Zip: 97524 Day Phone: 541-941-2242

This application is related to a Measure 37 claim. [] Yes [X] No

A. Land and Location

Please include the following information for all tax lots where water will be diverted (taken from its source), conveyed (transported), or used. 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.

Table with 7 columns: Township, Range, Section, 1/4, Tax Lot #, Plan Designation (e.g. Rural Residential/RR-5), Water to be: (Diverted, Conveyed, Used), Proposed Land Use. Includes handwritten entries for three tax lots with 'PASTURE' noted in parentheses.

List all counties and cities where water is proposed to be diverted, conveyed, or used. JACKSON

B. Description of Proposed Use

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

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

Source of water: [X] Reservoir/Pond [] Ground Water [] Surface Water (name) LOST CREEK RES.

Estimated quantity of water needed: 341.1 [] cubic feet per second [] gallons per minute [X] Acre-foot

Intended use of water: [X] Irrigation [] Commercial [] Industrial [] Domestic for household(s)
[] Municipal [] Quasi-municipal [] Instream [] Other

Briefly describe: WATER WILL BE PUMPED FROM RIVER - POND IN T.L. 351W32-1000 INTO AN EXISTING POND IN T.L. 1000 THEN PUMPED TO SUBJECT PROPERTY WHICH WILL BE SPRINKLER IRRIGATED

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

Receipt for Request for Land Use Information

State of Oregon
Water Resources Department
725 Summer Street NE, Suite A
Salem, OR 97301-1266

RECEIVED
JUL 25 2008
WATER RESOURCES DEPT
SALEM OREGON

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 proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): 4.2-1 Table

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

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

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

Name: Therese Quillian Title: Planner 1
 Signature: [Signature] Phone: 774-6911 Date: 7-9-08
 Government Entity: Jaco Development Services

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

Last updated 12/22/06 WR

JUL 25 2008

**WATER RESOURCES DEPT
SALEM, OREGON**