

8-12-08

Oregon Water Resources Board
725 Summer Street NE, Suite A
Salem, Oregon 97301

Sirs,

Enclosed is an application for a permit to store water in a Reservoir. I would like to build a small pond on our property. The local water master in Jackson County says there is water available for storage.

I show the pond in channel but it is far up stream where the stream is intermittent and the fish can't get up that far. Hopefully it will be ok with fish and wildlife.

Enclosed is the Land Use Information Form filled out and signed by Jackson County Planning Department.

Also Enclosed is a check for \$120 to cover your fees. Please call if you have any questions.

Thanks,

John Mainwaring
5414 Hwy 238
Jacksonville OR 97530
Home 541-899-8497
Work 541-773-2522 ext 5242

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WATER RESOURCES DEPT.
SALEM, OREGON



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

Application for a Permit to Store Water in a Reservoir (Alternate Review)

Alternate Review Process (ORS 537.409): You may use this form for any reservoir storing less than 9.2 acre-feet or with a dam less than 10 feet high.

Use a separate form for each reservoir

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, insert "n/a". 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

Landowner: John & Susan Mainwaring
First Last

Mailing Address: 5414 Hwy 238
Jacksonville OR 97530
City State Zip

Phone: 541-899-8497 773-2522 ext 5242
Home Work Other

*Fax: 541 779 4061 *E-Mail Address: JMainwaring@charter.net
 *Optional Information

2. LOCATION AND SOURCE

A. Reservoir Name: Squire Ridge Squirrel Pond

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

Source: Spring/Seasonal Tributary to: Spencer Gulch
creek

C. Reservoir Location

Township (N or S)	Range (E or W)	Section	quarter/quarter	tax lot number
<u>38S</u>	<u>2W</u>	<u>31</u>	<u>South west</u>	<u>200</u>

D. County of use: Jackson

E. Dam: Maximum height of dam: 9'6" feet. If excavated, write "excavated" or "0 feet".

F. Quantity: Amount of water to be stored in the reservoir at maximum capacity. List quantity in Acre-Feet: 2.0

App. No. _____	For Department Use Permit No. _____	Date _____
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3. WATER USE

Indicate the proposed use(s) of the stored water. NOTE: You may wish to consider filing for "Multipurpose use" for your reservoir. Multipurpose use does not limit the types of future uses for the stored water. Multipurpose covers all uses including: stockwater, fish and wildlife, aesthetics, domestic, irrigation, agriculture, fire protection and pollution abatement. If any use will be out of reservoir use, regardless of the type of storage listed, a secondary application must be filed to appropriate the stored water.

Multipurpose: Fish and wildlife habitat, aesthetics & fire protection

4. PROPERTY OWNERSHIP

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

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

There are no encumbrances

This land is encumbered by easements, 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 an easement permitting access to lands not under my ownership.

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). (Do not check this box if you described your use as "Multipurpose" in #3 above.)

List the names and mailing addresses of all affected landowners:

5. ENVIRONMENTAL IMPACT

A. Channel: Is the reservoir in stream or off channel _____?

B. Wetland: Is the project in a wetland? Yes No Don't know

C. Existing: Is this an existing reservoir? Yes No

If yes, how long has it been in place? _____ years.

D. Fish Habitat: Is there fish habitat upstream of the proposed structure? Yes No Don't know

If yes, how much? _____ miles.

E. Partnerships: Have you been working with other agencies? Yes No

Indicate agency, staff and phone numbers of those involved. Also indicate any agencies that are cost sharing in this project.

6. SIGNATURE

I swear that all statements made and information provided in this application are true and correct to the best of my knowledge.

John Trainor
Landowner Signature

Susan Trainor

11-12-08
Date

Before you submit your application be sure you have:

- Answered each question completely.
- Included a legible map that includes Township, Range, Section, quarter-quarter and tax lot number.
- The map must meet map requirements to be accepted.
- Included a land use form or receipt stub signed by a local planning official.
- Included a check payable to Oregon Water Resources Department for the appropriate amount.

FEE STRUCTURE: The fee is based on the number of acre-feet proposed to be stored. The base fee is \$80. In addition, there is a fee of \$20 per acre-foot or fraction thereof. Example: 0.3 AF=\$100; 1.5 AF=\$120; 20.0 AF=\$480; 30.0 AF=\$680.



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: John & Susan Mainwaring
Mailing Address: 5414 HWY 238
City: Jacksonville State: OR Zip: 97530 Day Phone: 541-899-8497

This application is related to a Measure 37 claim. Yes 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.

Township	Range	Section	¼ ¼	Tax Lot #	Plan Designation (e.g. Rural Residential/RR-5)	Water to be:	Proposed Land Use:
385	2W	31	SW	200		<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input type="checkbox"/> Used	
						<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input type="checkbox"/> Used	
						<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input type="checkbox"/> Used	
						<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, or used. Jackson

B. Description of Proposed Use

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

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

Source of water: Reservoir/Pond Ground Water Surface Water (name) unknown/tributary to Spencer Gulch

Estimated quantity of water needed: 2 cubic feet per second gallons per minute acre-feet

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

Briefly describe: Multipurpose use: fish & wildlife habitat, aesthetics, fire protection.

Note to applicant: If the Land Use Information Form cannot be completed while you wait, please have a local government representative sign the receipt 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

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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): Table 4.3 - # 11
allows use outright.
- 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

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.

ZON2008-01413 - VUC local file number.

** grading or moving material in excess of 50 cubic yards will require a grading permit.*

Name: Robert M. Ivy Title: Planner I
 Signature: Robert M. Ivy Phone: 774 6959 Date: Aug 8, 2008
 Government Entity: Jackson County 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: John & Susan Mainwaring
 City or County: Jackson Staff contact: Robert M Ivy
 Signature: Robert M Ivy Phone: 541-774-6959 Date: _____
 Last updated 12/22/06 WR

03-70159 12
SPECIAL WARRANTY DEED
LaMinora Properties, Inc.
to
John K. Mainwaring & Susan E. Mainwaring

Jackson County Official Records 2006-019836
R-WD
Cnt=1 Stn=9 WALKERCD 04/14/2008 08:02:00 AM
\$20.00 \$5.00 \$11.00 Total: \$36.00
01187904200600198360040042
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

SEND ALL TAX STATEMENTS TO:
JOHN K. MAINWARING & SUSAN E. MAINWARING
5450 HWY 238
JACKSONVILLE OR 97530
AFTER RECORDING, RETURN TO:
JOHN K. MAINWARING & SUSAN E. MAINWARING
5450 HWY 238
JACKSONVILLE OR 97530

SPECIAL WARRANTY DEED - Statutory Form

LaMinora Properties, Inc., a Delaware corporation, Grantor, conveys and specially warrants to John K. Mainwaring and Susan E. Mainwaring, as tenants by the entirety, Grantee, the following described real property, free of encumbrances created or suffered by the Grantor, except as specifically set forth herein, situated in Jackson County, Oregon:

See attached Exhibit A.

The exceptions, if any, to the covenants of this deed are:

See attached Exhibit B.

The true consideration for this conveyance is \$275,000.00. (To be paid by an accommodator pursuant to a \$1031 exchange.)

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11

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON-S RIGHTS, IF ANY, UNDER CHAPTER 1, OREGON LAWS 2005 (BALLOT MEASURE 37 (2004)). THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST THE FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930 AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER CHAPTER 1, OREGON LAWS 2005 (BALLOT MEASURE 37 (2004)).

Dated this 10TH day of APRIL, 2006.

LAMINORA PROPERTIES, INC.

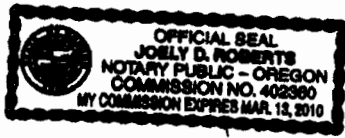
By Rodney T. Shepard
Rodney T. Shepard, Its Authorized Agent

STATE OF OREGON
County of Yamhill)^{ss}

On April 10, 2006, personally appeared Rodney T. Shepard, who, being first duly sworn, did say that he is the Authorized Agent of LaMinora Properties, Inc., a corporation, and that said instrument was signed on behalf of said company by authority of its board of directors; and he acknowledged said instrument to be its voluntary act and deed.

Before me:

Joely D. Roberts
NOTARY PUBLIC FOR OREGON 3/13/10



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EXHIBIT A

Legal Description

Parcel 1

The Southwest quarter of the Southwest quarter and the East one-half of the Southwest quarter of Section 31, Township 38 South, Range 2 West of the Willamette Meridian, in Jackson County, Oregon.

Parcel 2

The North one-half of the Northwest quarter of Section 6, Township 39 South, Range 2 West of the Willamette Meridian, in Jackson County, Oregon,

EXHIBIT B

Permitted Encumbrances

1. All taxes, assessments and similar charges for the current property tax year and all subsequent years; and all taxes, assessments and similar charges related to farm or forest deferral status.
2. Any and all laws, ordinances, rules, regulations and other legal requirements of any planning and/or zoning board or commission or any other governmental entity or authority.
3. Any and all riparian rights of others in and to any creeks, rivers, lakes, streams, swamps, ponds and other bodies of water located on or adjoining the Property or any part thereof.
4. Any and all claims of the sovereign or any other person or entity with respect to portions of the Property which border or are under any body of water.
5. Any and all matters which would be disclosed by a current survey or inspection of the Property, including but not limited to encroachments and boundary line questions.
6. Any and all prior reservations, conveyances, grants or leases of minerals of whatever kind or character (including, without limitation, oil, gas, coal, lignite, clay, sand, gravel, rock, aggregate and other minerals) located in, on or under the Property or any part thereof and all rights and easements with respect to the exploration, mining, drilling, extraction, removal and production of such minerals.
7. Any and all cemeteries on the Property and any and all road, railroad, utility, pipeline, drainage, flowage, access or other easements or rights of way affecting the Property.
8. Any and all access related exceptions or any loss or claim due to lack of access to any portion of the Property.
9. All matters of record affecting the Property.
10. Any other matters affecting title to the Property which do not have a material, adverse effect on the value or the use of the Property for the growing and harvesting of timber.
11. FURTHER SUBJECT TO the matters on the attached Exhibit B-1.

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EXHIBIT B-1

1. The assessment roll and tax roll discloses that the premises herein described were specially assessed as Forest Land. If the land becomes disqualified for the special assessment under the statute, an additional tax may be levied for previous years in which the land was subject to the special land use assessment.
2. The rights of the public in and to any portion of the herein described premises lying within the limits of public roadways, and/or rights of private parties over any portion lying within existing alleyways, roadways or driveways heretofore established.
3. All easements and rights of way for utilities or communication facilities heretofore established and existing on said lands or any similar rights established by necessity, prescription or possession.
4. United States Department of the Interior Bureau of Land Management Right of Way and Road Use Agreement, including the terms and provisions thereof, recorded October 9, 1962 in Volume 534, Page 317, Records of Jackson County, Oregon. (Reference is made to recorded instrument for parcels affected.

Amendments thereto: recorded March 15, 1963 in Volume 542, page 315, Deed Records; recorded November 15, 1963 in Volume 556, page 419, Deed Records; recorded December 4, 1964 in Volume 578, page 256, Deed Records; recorded July 9, 1965 in Volume 591, page 18, Deed Records; recorded October 14, 1966 as Instrument No. 66-11150, Official Records; recorded February 13, 1970 as Instrument No. 70-011177, Official Records; recorded September 10, 1970 as Instrument No. 70-09120, Official Records; recorded January 18, 1974 as Instrument No. 74-00691, Official Records; recorded May 7, 1974 as Instrument No. 74-05466, Official Records; recorded October 15, 1974 as Instrument No. 74-13535, Official Records; recorded September 2, 1975 as Instrument No. 75-11574, Official Records; recorded May 19, 1976 as Instrument No. 76-07980, Official Records; recorded May 10, 1977 as Instrument No. 77-09136, Official Records; recorded July 12, 1979 as Instrument No. 79-14410, Official Records; recorded June 4, 1981 as Instrument No. 81-10375, Official Records; recorded November 30, 1983 as Instrument No. 83-20659, Official Records; recorded August 6, 1985 as Instrument No. 85-12807, Official Records; recorded December 12, 1988 as Instrument No. 88-26699, Official Records; recorded April 1, 1994 as Instrument No. 94-12238, Official records; recorded February 24, 1995 as Instrument No. 95-05082 and 95-05083, Official Records; and recorded October 19, 1998 as Instrument No. 98-48225, Official Records.

5. Road maintenance provisions relating to the easement granted to Boise Cascade Corporation, as set forth in the Instrument recorded January 27, 1997 as Document No. 97-02685, Official Records. (Affects Parcel 2)