



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 Store Water in a Reservoir (Standard Review)

Standard Review Process (ORS 537): You must use this form for any reservoir storing more than 9.2 acre-feet and with a dam more 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:

Applicant: David & Theresa Cowan
First Last

Mailing Address: 7647 Libby Rd NE
Olympia WA 98506
City State Zip

Phone: 360-956-9136 360-951-1196
Home Work Other

*Fax: 360-956-9136 *Email Address: cowan.dave.m@gmail.com

I(We) make application for a permit to construct a reservoir and store the following described waters of the State of Oregon. The name of the reservoir is Whitmore Reservoir (see google maps)

2. SOURCE OF WATER for the proposed use: collected in a draw during meltoff & rains
a tributary of Sprague River and (we believe) supplemented by a spring, located within reservoir.

Is the proposed use an enlargement of an existing dam/reservoir? ☐ Yes ☒ No But the reservoir is existing (194x)

If the reservoir is not in channel of a stream, state how it is to be filled:

Reservoir is located at a draw/canyon where snow meltoff and rain water is collected. The reservoir is fed by a natural seasonal (springtime) stream. We believe there is also a spring within the reservoir area.

For Department Use

App. No. R-8743D Permit No. _____ Date _____

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7. THE AMOUNT OF WATER to be stored is: 96 acre-feet.

The area submerged by the reservoir, when filled, will be 15.8 acres.

(measured at high water mark)

8. PROJECT SCHEDULE (List Month and Year)

Proposed date construction will begin: N/A Pre-existing (1940s)

Proposed date construction will be completed: N/A Completed sometime in 1940s

Proposed date beneficial water use will begin: water storage has occurred since the forties (1940s)

9. 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 10)

☐ 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).

~1600 acre deed enclosed
~800 acre deed enclosed
2400

There is a Power line easement but it does not impact Whitmore.

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*

All applicant owned property.
Reservoir/dam, water collection & spring on applicant owned property.
No known impact, other than where the water has flowed during infrequent over flow (spillway) events. Here is the address of the 'down-stream' run-off in such an event: Kevin Newman
General Delivery
Bly, OR 97622

* Attach additional sheet(s) if necessary.

10. 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 reservoir location and place of use. The map must provide tax lot numbers. See the map guidelines sheet for detailed map specifications.

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3. DAM HEIGHT AND COMPOSITION

The maximum height of the structure ~~will be~~ ^{is} 20 feet above streambed or ground surface at the centerline of the crest of the dam.

Note: If your dam height is greater than or equal to 10.0' above land surface AND your reservoir will store equal to or greater than 9.2 acre-feet, engineered plans and specifications must be approved prior to storage of water.

The dam ~~will be~~ ^{is} (check one): ☒ Earthfill ☐ Concrete ☐ Flash board ☐ Other

If "other" give description:

Please note that the dam was constructed in the 1940's and is pre-existing.

4. PRIMARY OUTLET WORKS

Describe the location and the dimensions of the outlet conduit through the dam:

steel culvert (18"?) with head gate.

NOTE: Most dams across a natural stream channel will need an outlet conduit having a minimum diameter of 8 inches or greater.

5. EMERGENCY SPILLWAY

Describe the location and the dimensions of the spillway channel:

The spillway is on the south end of the dam.
Approximately 25 feet wide and 50 feet long.

6. THE USE(s) of the impounded water will be:

wildlife and Cattle water

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11. SIGNATURE

By my signature below I confirm that I understand:

- I am asking to use water specifically as described in this application.
- Evaluation of this application will be based on information provided in the application packet.
- I cannot legally use water until the Water Resources Department issues a permit to me.
- If I get a permit, I must not waste water.
- If development of the water use is not according to the terms of the permit, the permit can be canceled.
- The water use must be compatible with local comprehensive land use plans.
- Even if the Department issues a permit, I may have to stop using water to allow senior water right holders to get water to which they are entitled.

I certify that the information I have provided in this application is an accurate representation of the proposed water use and is true and correct to the best of my knowledge:

Applicant:   3/15/09
 Signature (If more than one applicant, all must sign.) Date

Before you submit your application be sure to:

- Answer each question completely.
- Attach a legible map that includes township, range, section, quarter/quarter and tax lot.
- Include a Land Use Information Form or receipt stub signed by a local official.
- Include the legal description of all the property involved with this application. You may include a copy of your deed land sales contract or title insurance policy to meet this requirement.
- Include a check payable to the Oregon Water Resources Department for the appropriate amount. The Department's fee schedule can be found at www.wrd.state.or.us or call (503) 986-0900.

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R87430

Herb,

R87430

Attached are additional survey drawings to help supplement the dam "preliminary specs". We did not have access to a large printer but I can go to a print shop if these are too small. I can also send by email.

Note the water examiner survey/drafting personnel indicated that they would prepare very detailed survey drawings for the final proof work and these are only to help with the "preliminary specs" part of the application.

Just let me know if you need anything further for the application. Note that I sent the map (with the certified water examiner stamp) upon completion of the survey work two weeks ago. Thank you

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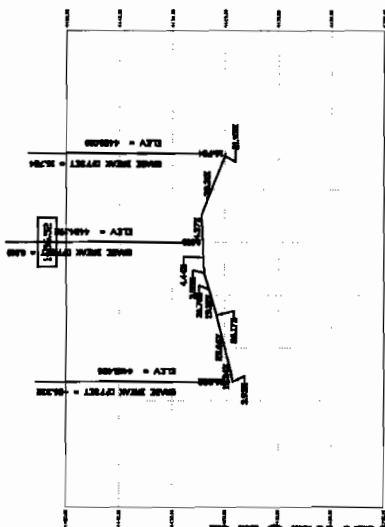
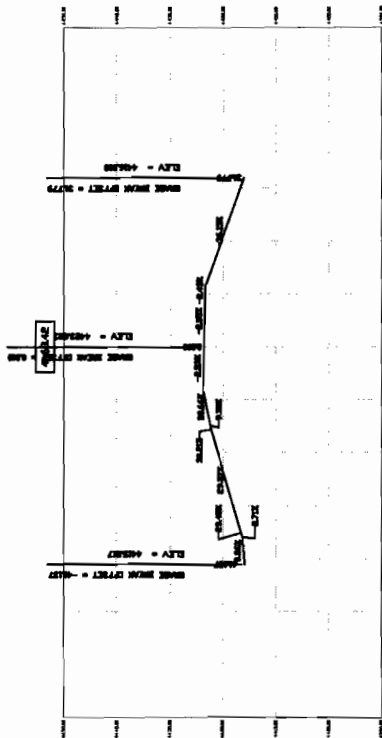
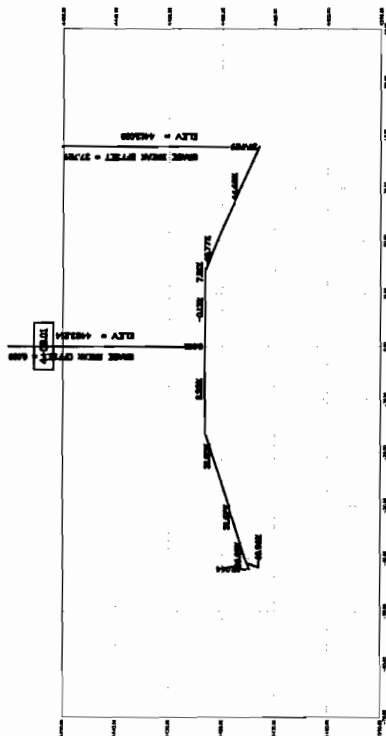
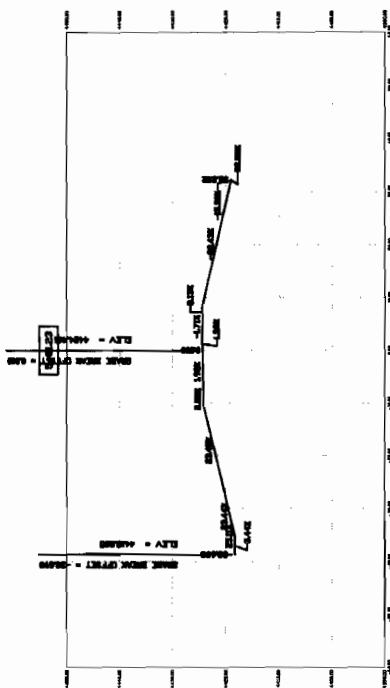
Dave Cowan

360-956-9136 Home

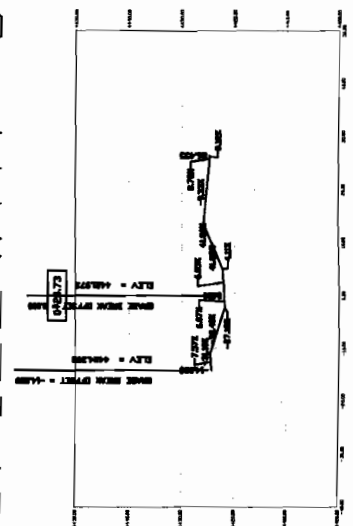
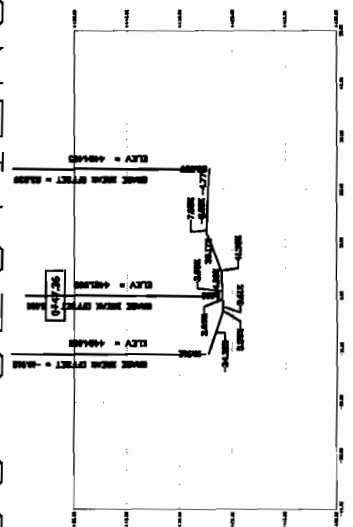
360-951-1196 Cell

cowan.dave.m@gmail.com Email

SPILLWAY CROSS-SECTIONS



SPILLWAY CROSS-SECTIONS



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WATER RESOURCES DEPT
SALEM, OREGON

R-97430

March 14, 2009

Water Resource Department
725 Summer Street NE, Suite A
Salem Oregon 97301-1266

RE: Whitmore Reservoir, Bly Oregon

CC: Vern Church, Klamath Basin Water Manager
George Robinson, WRD Dam Safety

Dear Sirs,

The purpose of this letter is to provide brief background for the attached water storage right application for Whitmore Reservoir located near Bly, Oregon. This small reservoir came under review in preparation for the highway 140 improvement project and related research has led to our understanding that there is no water right of record at the WRD despite its construction in the nineteen forties and use for water storage since then.

We truly understand the seriousness of this matter and are most interested in preserving Whitmore Reservoir. While Whitmore is a small water body – some would call it a pond – we nevertheless feel it's a useful upper basin resource. Hence we prepared this application immediately upon learning of this issue. We greatly appreciate the assistance of Vern Church and George Robinson to prepare this application and help us ensure ~~we~~ the appropriate dam safety reviews and dam maintenance are properly conducted.

Please note that the application is intended only to properly seek the ability to maintain the long established usage model for this old reservoir – winter/spring storage of local surface water runoff. We are not seeking to modify the usage/purpose or storage volume, and there is no irrigation involved.

Dave spent his youth in and around Whitmore and can personally attest to its usefulness as a stored water body during his 50 year lifetime. Some examples of the beneficial uses include wildlife habitat, summer cattle watering and wilderness fire suppression. It also contained fish during some decades but occasionally dries up during drought years. We resist the temptation to elaborate further on the specific wildlife benefits but welcome an opportunity to do so. Note that it's our only source of summer water on this dry wooded forest range property (~2400 acres).

An example of the utility of Whitmore for fire management occurred in the summer of 2006. Lightening started a large forest fire on adjacent BLM property (within perhaps a mile of the town of Bly) and Forest Service helicopters repeatedly dipped water from Whitmore. In addition to surrounding the town of Bly, the Whitmore property borders a highly wooded residential subdivision (Pine Crest) as well as Fremont National Forest.

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Perhaps a small point, but Whitmore also has some historical significance. This reservoir appears on a wide assortment of government and contemporary (e.g. Goggle) maps. Note that it was constructed in the nineteen forties (1940s) and later used as a logging pond by the Whitmore Logging/Mill Company during the nineteen fifties (1950s). It has been used for wildlife and cattle watering since then.

We greatly appreciate assistance from the WRD to consider this application. Please do not hesitate to contact us if we can assist with the application process in any way. We hope to gain some understanding of the feasibility for this application as we perform dam maintenance (e.g. removal of pine trees growing in earthen dam) as we learn these suggestions in our engagement with Vern and George. Thank You.

We enclose a check in the amount of \$1,276.00 per the application fee schedule.

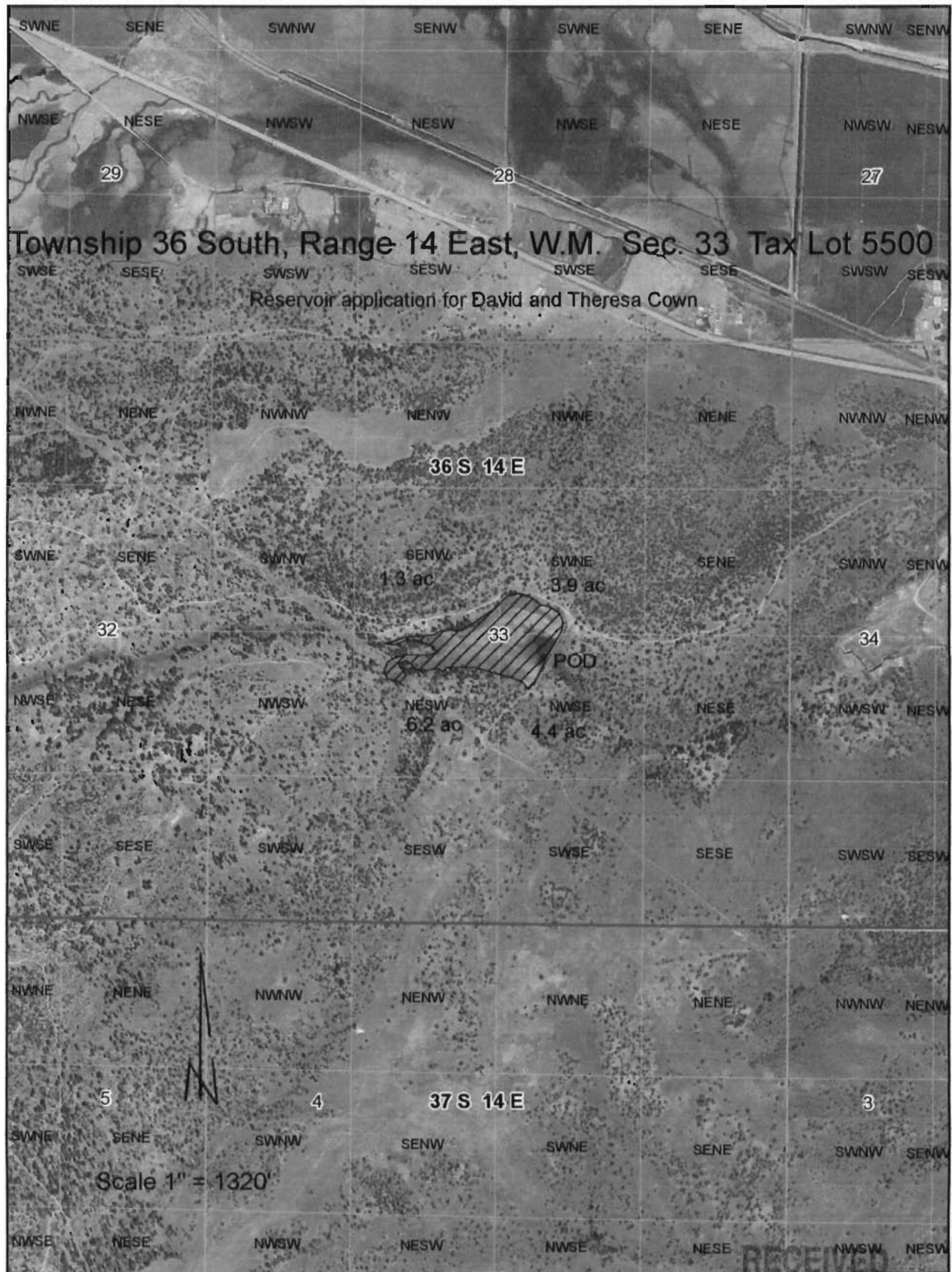
Sincerely,




David & Theresa Cowan

Home: 360-956-9136

Cell: 360-951-1196



MAR 27 2009

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: David & Theresa Cowan
 Mailing Address: 7647 Libby Rd NE
 City: Olympia State: WA Zip: 98506 Day Phone: 360-956-9136

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:
<u>36S</u>	<u>14E</u>	<u>33</u>		<u>TL5500</u>	<u>FR</u>	☒ Diverted	☒ Conveyed	☒ Used	
						☐ Diverted	☐ Conveyed	☐ Used	
						☐ Diverted	☐ Conveyed	☐ Used	
						☐ Diverted	☐ Conveyed	☐ Used	

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

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 ☐ Exchange of Water
☐ Allocation of Conserved Water ☐ Limited Water Use License
☐ Permit Amendment or Ground Water Registration Modification

Source of water: Reservoir/Pond ☐ Ground Water ☒ Surface Water (name) _____

Estimated quantity of water needed: 96 ☐ 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 Wildlife & Cattle

Briefly describe: Storage

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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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): KCLDC Article 55.2

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:	
		☐ Obtained ☐ Denied	☐ Being pursued ☐ Not being pursued
		☐ Obtained ☐ Denied	☐ Being pursued ☐ Not being pursued
		☐ Obtained ☐ Denied	☐ Being pursued ☐ Not being pursued
		☐ Obtained ☐ Denied	☐ Being pursued ☐ Not being pursued
		☐ Obtained ☐ Denied	☐ Being pursued ☐ 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.

may require review by Oregon Dept. of
State Lands - wetlands on property

Name: Alyssa Bales Title: Planner
Signature: Alyssa Bales Phone: 541-883-5121 Date: 3/23/09
Government Entity: Klamath County

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

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Receipt for Request for Land Use Information

WATER RESOURCES DEPT
SALEM, OREGON

Applicant name: _____

City or County: _____ Staff contact: _____

Signature: _____ Phone: _____ Date: _____

02 DEC 13 PM 3:25



After recording return to:

Dave Cowan

7644 Libbey Road NE

Olympus, WA 98506

Until a change is requested all tax statements shall be sent to the following address:

Dave Cowan

7644 Libbey Road NE

Olympus, WA 98506

Escrow No. K59923S

Title No. K59223-S

THIS SPACE RESERVED FOR RECORDER'S USE

Vol M02 Page 72842

State of Oregon, County of Klamath

Recorded 12/13/2002 3:25 pm.

Vol M02, Pg 72842 - 43

Linda Smith, County Clerk

Fee \$ 26 # of Pgs 2

STATUTORY WARRANTY DEED

Rebecca A. Fitzgerald and Brian Fitzgerald, as tenants by the entirety; Grantor, conveys and warrants to David M. Cowan and Theresa E. Cowan, as tenants by the entirety; Grantee, the following described real property free of liens and encumbrances, except as specifically set forth herein:

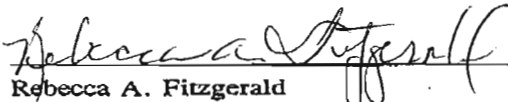
See Attached Exhibit "A." Legal Description

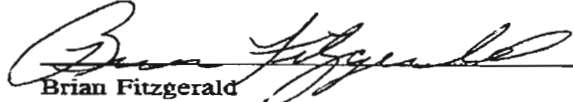
This property is free of liens and encumbrances, EXCEPT: Reservations and restrictions of record, rights of way, and easements of record and those apparent upon the land, contracts and/or liens for irrigation and/or drainage.

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.

The true consideration for this conveyance is \$483,000.00 (Here comply with the requirements of ORS 93.030)

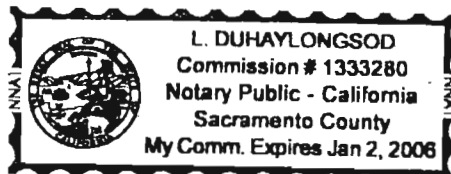
Dated this 12 day of December, 2002.


Rebecca A. Fitzgerald


Brian Fitzgerald

STATE OF ~~OREGON~~ CALIFORNIACounty of ~~San Joaquin~~ } ss.

This instrument was acknowledged before me on this 12TH day of December, 2002 by Rebecca A. Fitzgerald and Brian Fitzgerald




Notary Public for CALIFORNIA
My commission expires: Jan. 2, 2008

Whitmore Property Deed
~ 1600 acres

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WATER RESOURCES DEPT
SALEM, OREGON

72843

Description of Property

Parcel 1 of Land Partition 12-02, situated in Sections 29, 32, 33, and 34, Township 36 South, Range 14 EWM, and Section 3 and 5, Township 37 South, Range 14 EWM, Klamath County, Oregon

Together with the following described parcel:

The North one-half of the NW $\frac{1}{4}$ of Section 34, Township 36 South, Range 14 East of the Willamette Meridian lying North of the OC & E Railroad, but excepting any portion contained in that deed to Weyerhaeuser Company in Deed Volume M-70, page 5451, records of Klamath County, Oregon.

And also together with an easement over and across that existing road designated on Land Partition 12-02, situated in Section 34, Township 36 South, Range 14 E.W.M

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SALEM, OREGON



is not a Survey Map. Does not show the location of improvements and since it is furnished as a reference only The company assumes no liability for its use thereon

DECEMBER 3, 1973. FIREWALL ALUMINUM CURTAIN, WYCKOFF
JULY 2002
REVISED SUBJECT TO MATCH TO
ACRS PLANNED IN SECTION 3

ADAMS

7365 A4EW4 3480
200 - STREET,
400 - STREET
500 - RICHARD
800 900 - RICHARD
MT. CAR
1000 - JERRY
1700 1300 - WALTER
1400 - WALTER

UNITED
NATIONS
POLICE

Land Partition 12-02
(see also big map)

~ 1600 acres

PARCEL
1630 ACRES ±

PARCEL

PARCEL

OWNER

JAMES HALL ESTATE
P.O. BOX 331
ELY, OR 97622
PHONE: 353-2226

SURVEYOR & APPLICANT:

TRU-LINE SURVEYING, INC.
2333 SUMMERS LANE
KLAMATH FALLS, OR 97603
PHONE: 884-3691

CINITY MAP
NYE

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WATER RESOURCES DEPT
SALEM, OREGON

R-87430



2008-011499

Klamath County, Oregon

R-87400

TITLE NO. 0081971
 ESCROW NO. EU08-0735
 TAX ACCT. NO.
 MAP/TAX LOT NO.

WARRANTY DEED -- STAT

08/13/2008 11:16:25 AM

Fee: \$56.00

D.R. JOHNSON LUMBER COMPANY, an Oregon Corporation, who acquired title as JOHNSON LUMBER COMPANY, as to Parcel 1; and 5-J LIMITED PARTNERSHIP, an Oregon Limited Partnership, as to Parcel 2 and JOHNSON TIMBER COMPANY, an Oregon Assumed Business Name, Consisting of Donald R. Johnson who acquired title as Don R. Johnson and The Donald R. Johnson Revocable Trust who acquired title as the Donald R. Johnson Trust, as to Parcel 3, Grantor,

conveys and warrants to

COWAN ENTERPRISES, INC., a Washington Corporation, Grantee,

the following described real property free of encumbrances except as specifically set forth herein:

SEE EXHIBIT A WHICH IS MADE A PART HEREOF BY THIS REFERENCE

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 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.

Except the following encumbrances:

2008-09 taxes, a lien not yet payable, Covenants, Conditions and Easements of Record

The true consideration for this conveyance is ~~\$250,000.00~~ \$274,472.03 **Dated this 5 day of August, 2008.

D.R. JOHNSON LUMBER COMPANY, an Oregon Corporation, who acquired title as JOHNSON LUMBER COMPANY

BY: Valerie A. Johnson-Eves
VALERIE A. JOHNSON-EVES, PRESIDENT

5-J LIMITED PARTNERSHIP
 BY: Jodi Westbrook
 JODI WESTBROOK, SECRETARY OF 5-J MANAGEMENT, INC.
 ITS GENERAL PARTNER

Millie Joanne Johnson
 JOHNSON TIMBER COMPANY, an Oregon Assumed Business Name, Consisting of Don R. Johnson and The Donald R. Johnson Trust

Millie Joanne Johnson
 DONALD R. JOHNSON who acquired title as Don R. Johnson, by
 MILLIE JOANNE JOHNSON, his attorney in fact

Jodi Westbrook
 JODI WESTBROOK, Trustee of the Donald R. Johnson Revocable Trust
 dated December 21, 2005

Valerie A. Johnson-Eves
 VALERIE A. JOHNSON-EVES, Trustee of the Donald R. Johnson Revocable
 Trust dated December 21, 2006

** THIS DOCUMENT IS BEING RE-RECORDED TO REFLECT THE CORRECT CONSIDERATION.

Copy of deed for adjacent ~800
 acres to whitmore property
 (upper drainage)

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WATER RESOURCES DEPT
 SALEM, OREGON

06 HLT

R-87450

D.R. JOHNSON LUMBER COMPANY, an
Oregon Corporation, who acquired title as
JOHNSON LUMBER COMPANY
383 MEADOW LANE
MYRTLE CREEK, OR 97457
GRANTOR'S NAME AND ADDRESS

Until a change is requested

all tax statements shall be
sent to the following address:
SAME AS GRANTEE

COWAN ENTERPRISES, INC., a
Washington Corporation
7647 LIBBY ROAD NE
OLYMPIA, WA 98506
GRANTEE'S NAME AND ADDRESS

After recording return to:

CASCADE TITLE CO.
811 WILLAMETTE
EUGENE, OR 97401

STATE OF OREGON)
COUNTY OF Douglas SS

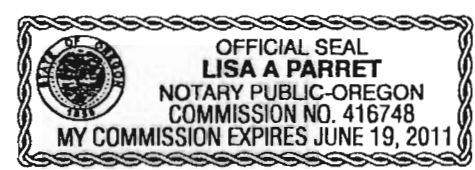
DATED THIS 5 DAY OF August, 2008

BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC FOR OREGON, PERSONALLY APPEARED

VALERIE A. JOHNSON-EVES, PRESIDENT OF THE D.R. JOHNSON LUMBER COMPANY AND
ACKNOWLEDGED THE FOREGOING TO BE THE VOLUNTARY ACT AND DEED OF SAID CORPORATION.

Lisa A. Parret NOTARY PUBLIC FOR OREGON

MY COMMISSION EXPIRES: 6-19-2011



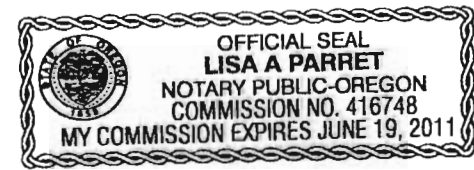
STATE OF OREGON)
COUNTY OF Douglas SS

DATED THIS 5 DAY OF August, 2008

BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC FOR OREGON, PERSONALLY APPEARED JODI
WESTBROOK, SECRETARY OF 5-J MANAGEMENT, INC. THE GENERAL PARTNER OF 5-J LIMITED
PARTNERSHIP AND ACKNOWLEDGED THE FOREGOING TO BE THE VOLUNTARY ACT AND DEED OF SAID
PARTNERSHIP.

Lisa A. Parret NOTARY PUBLIC FOR OREGON

MY COMMISSION EXPIRES: 6-19-2011



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MAR 27 2009

WATER RESOURCES DEPT
SALEM, OREGON

STATE OF OREGON)

COUNTY OF DouglasDATED THIS 5 DAY OF August, 2008

BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC FOR OREGON, PERSONALLY APPEARED MILLIE JOANNE JOHNSON ATTORNEY IN FACT FOR DONALD R. JOHNSON who acquired title as Don R. Johnson, for JOHNSON TIMBER COMPANY and acknowledged the foregoing to be the voluntary act and deed of said company.

Lisa A. Parret
Notary Public for Oregon

My Commission Expires: 6-19-2011

STATE OF OREGON)

COUNTY OF DouglasDATED THIS 5 DAY OF August, 2008

BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC FOR OREGON, PERSONALLY APPEARED JODI WESTBROOK and VALERIE A. JOHNSON-EVES, Trustees of the Donald R. Johnson Revocable Trust dated December 21, 2006, for JOHNSON TIMBER COMPANY and acknowledged the foregoing to be the voluntary act and deed of said company.

Lisa A. Parret
Notary Public for Oregon

My Commission Expires: 6-19-2011

RECEIVED

MAR 27 2009

WATER RESOURCES DEPT
SALEM, OREGON

EXHIBIT "A"
LEGAL DESCRIPTION

PARCEL 1:

Township 36 South, Range 14 East of the Willamette Meridian, Klamath County, Oregon:

Section 31: All, SAVING AND EXCEPTING THEREFROM the S1/2 SE1/4 SE1/4, and S1/2 N1/2 SE1/4 SE1/4

Township 37 South, Range 14 East of the Willamette Meridian, Klamath County, Oregon:

Section 6: N1/2 NE1/4 and SE1/4 NE1/4, Saving and excepting therefrom the N1/2 N1/2 NE 1/4 NE 1/4

PARCEL 2:

The N1/2 SE1/4 SW1/4 of Section 30, Township 36 South, Range 14 East of the Willamette Meridian, Klamath County, Oregon.

The S1/2 SE1/4 SW1/4 of Section 30, Township 36 South, Range 14 East of the Willamette Meridian, Klamath County, Oregon.

PARCEL 3:

The SW1/4 SW1/4, also known as Government Lot 4, of Section 30, Township 36 South, Range 14 East of the Willamette Meridian, Klamath County, Oregon.

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MAR 27 2009

WATER RESOURCES DEPT
SALEM, OREGON

R-87450

Topography Map

