



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: 4 DSD, LLC Casey Safreno, General Manager
First Last

Mailing Address: 175 Phillips Road

Woodside California 94062
City State Zip

Phone: (650) 529-1529 (650) 289-6015 N/A
Home Work Other

*Fax: N/A *Email Address: dsafreno@yahoo.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 Pond A

2. SOURCE OF WATER for the proposed use: Spring and basin runoff
 a tributary of Willow Creek

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Is the proposed use an enlargement of an existing dam/reservoir? Yes No

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

The pond will be located in an un-named drainage channel and will be filled with discharge from a spring upslope and from drainage of runoff from the local topography.

For Department Use

App. No. R-02489 Permit No. _____ Date _____

3. DAM HEIGHT AND COMPOSITION

The maximum height of the structure will be 49 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 (check one): Earthfill Concrete Flash board Other

If "other" give description:

The proposed pond will be created by excavation into a sloping hillside primarily to the south of an un-named tributary and construction of earth fill embankments on the southwest and west sides. The top width of the embankment will be a minimum of 12.0 feet. Embankment slopes will follow specifications given in the OARs, 2:1 on the downslope and 3:1 inside the dam. NOTE: Owner is willing to relocate private roads, farm buildings and telephone poles in the location of the proposed pond.

4. PRIMARY OUTLET WORKS

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

The outlet works will be located on the northwest corner of the pond. The outlet pipe will likely be 12 to 16 inch diameter HDPE pipe extending from the pond beneath the fill embankment to a discharge point near the toe of the embankment. The outlet will be controlled by a top controlled gate valve, located near the top of the fill embankment.

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 will be located along the north side of the pond through an area to be excavated in natural ground. The spillway will be designed and engineered by an Oregon Licensed Professional Engineer for the 100-year flow event with 2' freeboard. The 100-year spillway design event is based on a teleconference pre-application meeting with OWRD - Dam Safety staff on 6/15/09.

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

Multipurpose Use - may include, but not limited to irrigation, wildlife habitat, and fish habitat.

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7. THE AMOUNT OF WATER to be stored is: 200 acre-feet.
The area submerged by the reservoir, when filled, will be 9.0 acres.

8. PROJECT SCHEDULE (List Month and Year)

Proposed date construction will begin: August 2010

Proposed date construction will be completed: August 2015

Proposed date beneficial water use will begin: August 2015

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).

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*

None other than owner/applicant.

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* Attach additional sheet(s) if necessary.

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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.

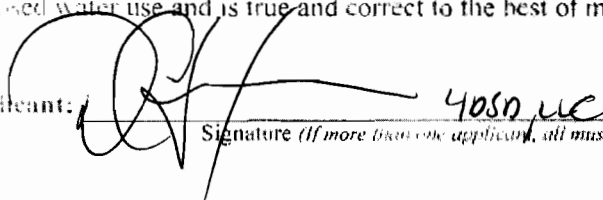
11. SIGNATURE

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:

 YOSU, LLC
Signature (If more than one applicant, all must sign.)

6/24/09
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.

Storage Water/4

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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: 4 DSD, LLC Casey Safreno, General Manager
 Mailing Address: 175 Phillips Road
 City: Woodside State: CA. Zip: 94062 Day Phone: (650) 529-1529

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:
Pond C	- 11S	24E	13	NWSE	501	EFU	<input checked="" type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	multi-
Pond A	- 11S	24E	15	NENW	501	EFU	<input checked="" type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	purpose
Pond E	- 11S	24E	23	SWSW	501	EFU	<input checked="" type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	storage
Pond E	- 11S	24E	22	NESE	501	EFU	<input checked="" type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	reservoir
Pond E	- 11S	24E	22	SESE	501	EFU	X	X	X	

List all counties and cities where water is proposed to be diverted, conveyed, or used. Wheeler County
 There is one existing pond (Pond C) and two proposed ponds (Ponds A and E).

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) Indian Creek for Pond C
Un-named tributary for Pond A
Tubb Creek for Pond E

Estimated quantity of water needed: 200 - Pond A cubic feet per second gallons per minute acre-feet
105 - Pond E

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

Briefly describe: Pond C is an existing reservoir, the water right application is intended to formally authorize the use under an Oregon Water Resources Department (OWRD) water right storage permit. Ponds A and E are proposed and will be designed to follow OWRD Dam Safety guidelines and specifications for storage reservoirs.

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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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): N/A

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".

Types 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"/> Being pursued
		<input type="checkbox"/> Denied	<input type="checkbox"/> Not being pursued
		<input type="checkbox"/> Obtained	<input type="checkbox"/> Being pursued
		<input type="checkbox"/> Denied	<input type="checkbox"/> Not being pursued
		<input type="checkbox"/> Obtained	<input type="checkbox"/> Being pursued
		<input type="checkbox"/> Denied	<input type="checkbox"/> Not being pursued
		<input type="checkbox"/> Obtained	<input type="checkbox"/> Being pursued
		<input type="checkbox"/> Denied	<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: Robin Hunt-Palazo Title: Wheeler County Planning Director
 Signature: [Signature] Phone: 541-763-2126 Date: 06-25-09
 Government Entity: Wheeler County

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

Receipt for Request for Land Use Information

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Applicant name: _____
 City or County: _____ Staff contact: _____
 Signature: _____ Phone: _____ Date: _____



United Country Oregon Ranch Real Estate
PO Box 1708
Prineville, OR 97754

Attn: Scott Bruder

Date: August 21, 2006
Escrow Number: WC3303
Escrow Officer: Kali Taylor
Title Number: 0003303
Title Officer: Deborah Kauscher
Your Reference: --

PRELIMINARY TITLE REPORT FOR:

REPORT NO. 2

Property Address:
Unknown
Mitchell, OR 97750

Policy or Policies to be issued:
OWNER'S STANDARD COVERAGE
Proposed Insured: Casey Safreno

<u>Liability</u>	<u>Premium</u>
\$4,000,000.00	\$6,605.00

We are prepared to issue First American Title Insurance Company of Oregon policies, in the form and amounts above, insuring the title to the land described as follows:

Located in WHEELER COUNTY, OREGON:

See EXHIBIT "A" attached hereto

and dated as of July 12, 2006 at 8:00 A.M., title is vested in:

K & J RANCH, L. L. C. who aquired title as K & J RANCH, LLC

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The estate or interest in the land described or referred to in this Commitment and covered herein is:

FEE SIMPLE

150 NE COURT ST., PRINEVILLE, OR 97754 Phone (541)447-5181 Fax(541)447-3371

Schedule B of the policy(ies) to be issued will contain the following general and special exceptions unless removed prior to issuance:

GENERAL EXCEPTIONS:

- 1. *Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the public records; proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the public records.*
- 2. *Facts, rights, interests or claims which are not shown by the public records but which could be ascertained by an inspection of the land or by making inquiry of persons in possession thereof.*
- 3. *Easements, or claims of easement, not shown by the public records; reservations or exceptions in patents or in Acts authorizing the issuance thereof; water rights, claims or title to water.*
- 4. *Discrepancies, conflicts in boundary lines, shortages in area, encroachments or other facts which a correct survey would disclose.*
- 5. *Any lien, or right to a lien, for services, labor, material, equipment rental or workers compensation heretofore or hereafter furnished, imposed by law and not shown by the public records.*
- 6. *Unpatented mining claims whether or not shown by the public records.*

SPECIAL EXCEPTIONS:

- 7. Taxes for the 2006-2007 period which are a lien as of July 1, 2006 but not yet payable.
- 8. As disclosed by the tax roll, the premises herein described have been zoned or classified for farm use. At any time that said land is disqualified for such use, the property will be subject to additional taxes or penalties and interest.
- 9. Existing unrecorded rights of way for roads, highways, irrigation ditches, canals, and pole lines.
- 10. The rights of the public and of governmental bodies in and to any portion of described lands lying within the limits of roads.
- 11. Mineral reservations contained in patent including the terms and provisions thereof:
 Recorded: October 13, 1928 and April 29, 1931
 Book/Page No.: Book 19 Page 462 (Records of Wheeler County, Oregon)
 Reserved By: United States of America

The interest excepted above has not been examined and subsequent transactions affecting said interest or taxes levied against same are not reflected in this title report.

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12. Mineral reservation and mining easement, including the terms and provisions thereof, contained in that certain deed:

Recorded: November 27, 1943
Book/Page No.: Book 24 Page 85 (Records of Wheeler County, Oregon)
In Favor of: State of Oregon, its successors an/or assigns
(Affects Section 14)

The interest excepted above has not been examined and subsequent transactions affecting said interest or taxes levied against same are not reflected in this title report.

13. Non-exclusive easement and right-of-way, for existing roads or extensions thereof not to exceed 66 feet in width, created by instrument, including the terms and provisions thereof:

Recorded: March 20, 1956
Book/Page No.: Book 28 Page 637 (Records of Wheeler County, Oregon)
In Favor of: United States of America, its successors an/or assigns

14. Reservations contained in the Patent as referenced by that certain Warranty Deed:

Recorded: October 25, 1988
Microfilm No.: M-38-391 (Records of Wheeler County, Oregon)
In Favor of: United States of America

15. Any Claim based upon the precise location of the easement described in an agreement:

Dated: November 13, 2000
Recorded: January 3, 2001
Microfilm No.: 010005 (Records of Wheeler County, Oregon)
Grantor: Fopiano Ranch, Inc.
In Favor of: K & J Ranch, L.L.C.
Purpose: Ingress and Egress

The precise location is not disclosed in this deed above.

16. A copy of the Articles of Organization of K & J Ranch, L.L.C. (a limited liability company) along with its Operating Agreement and a certification as to the identity and authority of the persons who will be consummating the proposed transaction on behalf of the company must be furnished to AmeriTitle for examination. Please do so at least 5 days before closing.

End of Exceptions

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NOTE: Taxes for fiscal year 2005-06 are paid in full as follows:

Code	Map No.	Tax Lot	Ref. No.	Amount Paid
5	1124-0	301	2718	\$58.85
5	1124-0	500	1405	\$55.82
5	1124-0	501	1406	\$3537.94
6	1124-0	501	1702	\$4357.32
5	1124-0	2400	1408	100.33

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NOTE: Per the Corporation Division of the State of Oregon the following is provided for informational purposes:

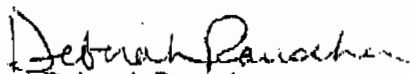
K & J Ranch, L.L.C. is an active Limited Liability Company filed March 15, 2001.
The Registered Agent is Ryan Klesko
Member is Ryan Klesko

NOTE: We found no judgments from our search on Casey Salfreno.

This report is for the exclusive use of the parties herein shown and is preliminary to the issuance of a title insurance policy and shall become void unless a policy is issued and the full premium paid.

NOTE: Any map or sketch enclosed as an attachment herewith is furnished for information purposes only to assist in property location with reference to streets and other parcels. No representation is made as to accuracy and the company assumes no liability for any loss occurring by reason of reliance thereon.

AmeriTitle

By: 
Deborah Rauscher
Title Officer

NOTICE: Preliminary Title Report No. 1 has been supplemented to amend exceptions 9 and 11, remove exceptions 10, 13 and 18 and to correct the vesting therein.

dr:tj

cc: K & J Ranch LLC
PO Box 1926
La Jolla, CA 92038

cc: Casey Salfreno
175 Phillip Road
Woodside, CA 94062

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END

"Superior Service with Commitment and Respect for Customers and Employees"

TO: DAVE NEWTON
FROM: CASEY SARRENO
2 PAGES
541 504 9961

Exhibit A

Located in WHEELER COUNTY, OREGON:

TRACT 1:

IN TOWNSHIP 11 SOUTH, RANGE 24 EAST OF THE WILLAMETTE MERIDIAN:

- Section 10: S 1/2
- Section 11: S 1/2, S 1/2 N 1/2
- Section 12: N 1/2 NW 1/4, NE 1/4 NE 1/4, S 1/2 N 1/2, N 1/2 S 1/2, S 1/2 SE 1/4, NW 1/4 NE 1/4.
- Section 13: NW 1/4 NE 1/4, S 1/2 N 1/2, N 1/2 S 1/2, SE 1/4 SW 1/4, S 1/2 SE 1/4.
- Section 14: W 1/2 NW 1/4, NE 1/4 NW 1/4, NW 1/4 NE 1/4, SW 1/4 SE 1/4, E 1/2 E 1/2.
- Section 15: All, EXCEPT The SE 1/4 SE 1/4.
- Section 16: All.
- Section 17: E 1/2.
- Section 21: E 1/2.
- Section 22: All, EXCEPT The SW 1/4 SW 1/4.
- Section 23: All
- Section 24: W 1/2, W 1/2 E 1/2, SE 1/4 SE 1/4, E 1/2 NE 1/4, NE 1/4 SE 1/4.
- Section 25: All
- Section 26: All, EXCEPT The SW 1/4 SW 1/4.
- Section 27: E 1/2 NW 1/4, NE 1/4, N 1/2 SE 1/4.
- Section 35: NE 1/4 NE 1/4.
- Section 36: All

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