

Base 300
 (LOAF) 250
 REC 400
 950



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
 (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

Applicant: Weisensee Living Trust Mark & Elizabeth Weisensee, Trustees
First Last

Mailing Address: P.O. Box 1244
Dallas Oregon 97338
City State Zip

Phone: 503-623-5031 503-932-3988
Home Work Other

*Fax: _____ *Email Address: _____
**optional information*

2. LOCATION AND SOURCE

A. Reservoir Name: Weisensee Reservoir

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: Surface Runoff Tributary to: Hoekstre Slough

C. Reservoir Location

Township (N or S)	Range (E or W)	Section	quarter/quarter	tax lot number
7S	5W	9	SE, NE	7.5.9 100 & 106

D. County of Use: Polk County

E. Dam: Maximum height of dam: 19 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: 9.1

Is this project fully or partially funded by the American Recovery and Reinvestment Act? (Federal stimulus dollars) Yes No

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.

Mult-purpose

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For Department Use
 App. No. _____ Permit No. _____ Date _____
 WATER RESOURCES DEPT
 SALEM, OREGON

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

List Name and mailing addresses of all affected land owners:

Fowler Living Trust James W. & Candace J. Fowler, trustees
P.O. Box 818
Dallas, Oregon 97338

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 from 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.

8-13-09

Landowner Signature

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 \$300. In addition, there is a fee of \$25 per acre-foot or fraction thereof. Example: 0.3 AF= \$325; 1.5 AF= \$350; 20.0 AF= \$800; 30.0 AF= \$1050. Plus a permit recording fee of \$400 (this fee is refunded if no permit is issued).

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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: Mark & Elizabeth Weisensee
Mailing Address: P.O. Box 1244
Dallas OR 97338 Daytime Phone: 503-932-3988
City State Zip

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:
7S	5W	9	SE,NE	7.5.9 100	EFU	<input checked="" type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	Pond
7S	5W	9	SE,NE	7.5.9 106	EFU	<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	Pond
						<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:

Polk County

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B. Description of Proposed Use

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

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

Source of water: Reservoir/Pond Ground Water Surface Water (name) Run-off

Estimated quantity of water needed: 9.1 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 Multipurpose

Briefly describe:

Small pond with no associated out-of-pond use requested.

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

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): PC 20 130.030(D)

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.

Name: Autumn Hillebrand Title: Office Manager / Planner
 Signature: Autumn Hillebrand Phone: 503-623-9237 Date: 8/13/09
 Government Entity: Polk 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

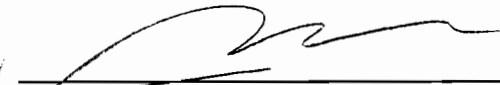
Applicant Name: _____
 City or County: _____ Staff Contact: _____
 Signature: _____ Phone: _____ Date: _____

August 12, 2009

To: **Oregon Water Resources Department**
From: **Fowler Living Trust**

Re: **Application for a Permit to Store Water in a Reservoir**

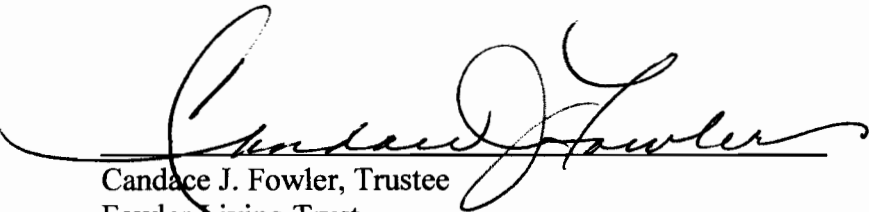
The Fowler Living Trust grants permission to Mark and Elizabeth Weisensee to make application to the Oregon Water Resources Department for the construction of a reservoir and the storage of water on property owned by the Fowler Living Trust known as Tax Lot 100 on Polk County Assessor's Map 7.5.9 and as shown on the Application to Construct a Reservoir map prepared for the Department.



James W. Fowler, Trustee
Fowler Living Trust



Date

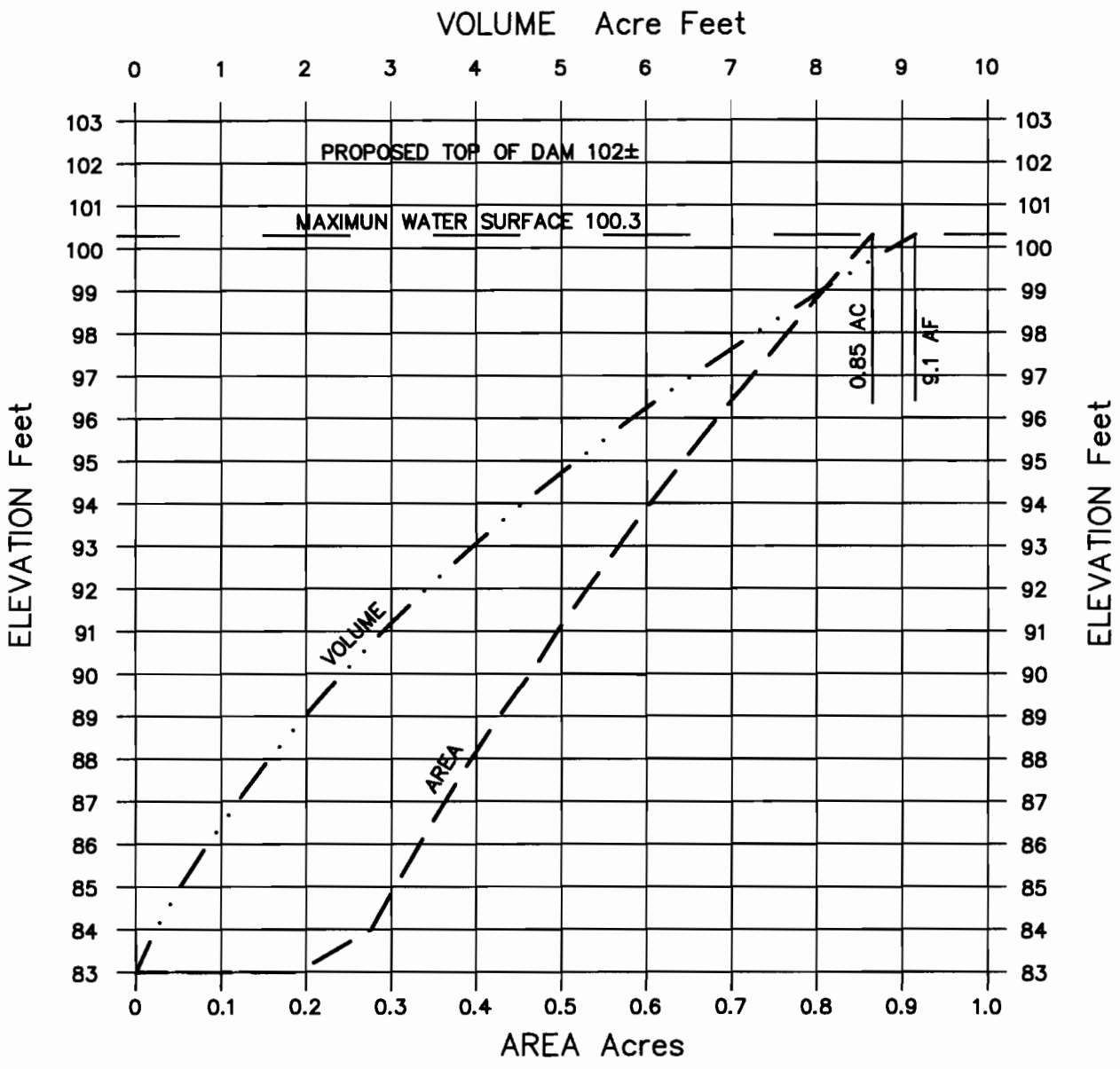


Candace J. Fowler, Trustee
Fowler Living Trust



Date

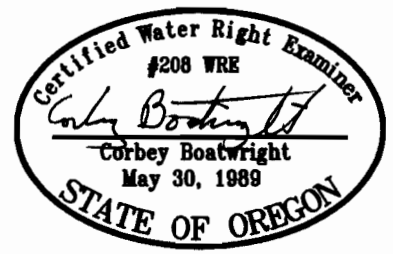
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RESERVOIR STORAGE CAPACITY

ASSUME DATUM "X" ON SIDEWALK
SW OF SHOP BUILDING 107.6

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RENEWAL DATE 12-31-09

WEISENSEE LIVING TRUST
Sec 9, T7S, R5W, WM Polk County, Oregon

BOATWRIGHT ENGINEERING
2613 12th St. SE, SALEM OR. 97302
TEL (503)363-9225 FAX (503)363-1051

DRAWN BY: CFB
CHECKED BY: JMB
SCALE: HORZ 1"=2 AF or .2 Ac
VERT 1"=40'
DATE: 9-10-09

WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS, That SAMUEL E. WALL AND ZOE WALL, HUSBAND AND WIFE,

in consideration of \$450,000.00 Dollars, to them paid by the Grantee.s herein, do hereby grant, bargain, sell and convey unto JAMES W. FOWLER AND CANDACE J. FOWLER, TRUSTEES, OR THEIR SUCCESSORS IN TRUST, UNDER THE FOWLER LIVING TRUST, DATED NOVEMBER 25, 1996, AND ANY AMENDMENTS THERETO

Grantee.s the following described real property, situated in the County of POLK and State of Oregon, to wit:

SEE ATTACHED EXHIBIT "A"

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WATER RESOURCES DEPT SALEM, OREGON

FIRST AMERICAN TITLE 227759-P

Parcel # 2-3 375 502/SN 477431 2-3 475 202/SN 529219 2-3 975 100/SN 155157 21-7 1075

To Have and to Hold the granted premises unto the said Grantees, their Heirs and Assigns forever. And the Grantors do covenant that they are lawfully seized in fee simple of the above granted premises free from all encumbrances, except - see attached Exhibit "A" - Subject to's

and that they will and their heirs, executors and administrators, shall warrant and forever defend the grantea premises, against the lawful claims and demands of all persons, except as above stated.

Witness our hands and seal this 26th day of MARCH, 19 98

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 ANY FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930.

Samuel E. Wall (SEAL) SAMUEL E. WALL Zoe Wall (SEAL) ZOE WALL (SEAL) (SEAL)

STATE OF OREGON County of POLK } ss.

BE IT REMEMBERED, That on this 26 day of March, 19 98, before me, the undersigned, a Notary Public in and for said County and State, personally appeared the within named SAMUEL E. WALL AND ZOE WALL

known to me to be the identical individual s described in and who executed the within instrument and acknowledged to me that THEY executed the same freely and voluntarily.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal the day and year last above written.



Carol A. Trowbridge Notary Public for Oregon.

My Commission expires 12/23/2001

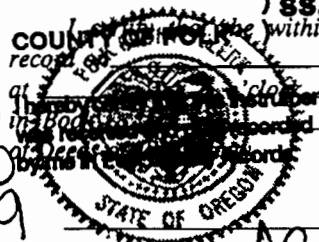
443652

UNTIL A CHANGE IS REQUESTED, ALL TAX STATEMENTS SHALL BE SENT TO THE FOLLOWING ADDRESS:

JAMES W. FOWLER, TRUSTEE 3910 PERRYDALE RD. DALLAS, OR 97338 Return to: JAMES W. FOWLER, TRUSTEE 3910 PERRYDALE RD. DALLAS, OR 97338

STATE OF OREGON) County of) ss.

COUNTY OF POLK) the within instrument was received for record on [blank] day of [blank] 2009, and was recorded in [blank] Book [blank] Page [blank] Record



LINDA DAWSON, COUNTY CLERK Deputy Recorder of Conveyances

That portion of Parcel Numbered Two (2) of Polk County Partition Number 1990-021 together with that portion of land described in that Warranty Deed recorded February 27, 1976, in Book of Records 83, Page 859, Deed Records for Polk County, State of Oregon lying Easterly in direction from the following described line: Beginning at a point on the Southerly boundary line of that parcel of land described in that Warranty Deed recorded February 27, 1976, in Book of Records 83, Page 859, Deed Records for Polk County, State of Oregon, said point bears South 89°50'56" West 1550.79 feet and South 00°33'07" West 2575.38 feet from a Polk County Surveyors Brass Disk in concrete marking the Northeast corner of George Brown Donation Land Claim Number 40, in Township 7 South, Range 5 West of the Willamette Meridian, Polk County, State of Oregon; thence North 00°33'07" East 4502.71 feet to a point on the most Westerly segment of the Northerly boundary line of Parcel Number Two (2) of Polk County Partition Number 1990-021.

TOGETHER WITH an easement for roadway purposes, including the terms and provisions thereof, created by instrument recorded November 6, 1945, in Book 122, Page 290, Deed Records for Polk County, Oregon.

ALSO TOGETHER WITH an easement for water pipeline and use of water thereof, including the terms and provisions thereof, recorded September 1, 1988, in Book 215, Page 2022, Book of Records for Polk County, Oregon.

SUBJECT TO :

1. Potential recapture of ad valorem taxes, due to any action or failure to act by buyer/grantee herein; regarding the forest and/or farm deferral tax classification.
2. Rights of the public in and to that portion of the herein described premises lying within the boundaries of roads and roadways.
3. Rights of the public in and to that portion of the herein described premises lying within a creek.
4. Reservation of Easement for roadway purposes and conditions and restrictions relating thereto dated November 5, 1945, recorded November 6, 1945, in Book 122, Page 290, Deed Records for Polk County, Oregon.
5. Easement, including the terms and provisions thereof, conveyed to Eugene P. Reimer by instrument recorded November 7, 1973, in Book 51, Page 7, Book of Records for Polk County, Oregon.
6. Easement, including the terms and provisions thereof, conveyed to Eugene P. Reimer and Susie D. Reimer, their heirs, successors and assigns, by instrument recorded September 1, 1988, in Book 215, Page 2022, Book of Records for Polk County, Oregon.
7. Memorandum of Agreement, including the terms and provisions thereof, between Samuel E. Wall and Zoe F. Wall, and James River Paper Company, Inc., a Virginia corporation, as disclosed by instrument dated December 29, 1994, recorded January 17, 1995, in Book 298, Page 801, Book of Records for Polk County, Oregon. (Affects a portion of the herein described property and other property)
8. Temporary Easement for Roadway Purposes, including the terms and provisions thereof, as disclosed by instrument dated October 25, 1995, recorded October 26, 1995, in Book 308, Page 2199, Book of Records for Polk County, Oregon.
9. Easement for Roadway Purposes, including the terms and provisions thereof, as disclosed by instrument dated October 25, 1995, recorded October 26, 1995, in Book 308, Page 2203, Book of Records for Polk County, Oregon.

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#443652

RECORDED IN POLK COUNTY
Valerie Unger, County Clerk

2009-001517



\$41.00

00209932200900015170030037

02/11/2009 11:21:42 AM

REC-WD Cnt=1 Stn=1 K. WILLIAMS
\$15.00 \$10.00 \$11.00 \$5.00

MAIL TAX STATEMENTS TO:
Trustee of the Weisensee Living Trust
PO Box 1244
Dallas, OR 97338

AFTER RECORDING RETURN TO:
Jeffrey G. Moore, Attorney
PO Box 470
Salem, OR 97308

WARRANTY DEED

Mark T. Weisensee and Elizabeth Joy Weisensee, Grantors, convey to Mark T. Weisensee and Elizabeth J. Weisensee, Trustees of the Weisensee Living Trust dated February 9, 2009, and any amendments thereto, Grantee, the following described real property situated in the County of Polk, State of Oregon:

See Exhibit "A" attached hereto and made a part hereof by this reference.

Free from all encumbrances, except, but not limited to potential recapture of ad valorem taxes, due to any action or failure to act by buyer/grantee herein; regarding the forest and/or farm deferral tax classification; Rights of the public in and to that portion of the herein described premises lying within the boundaries of roads and roadways; Memorandum of Agreement, recorded January 17, 1995, in Book 298, Page 801, BOR/PCO, Partial Assignment recorded March 31, 1998, in Book 351, Page 1893, BOR/PCO; Temporary Easement for Roadway Purposes recorded October 26, 1995, in Book 308, Page 2199, BOR/PCO; Easement for Roadway Purposes, recorded October 26, 1995, in Book 308, Page 2203, BOR/PCO; Trust Deed, in favor of Samuel E. Wall and Zoe Wall, husband and wife, or the survivor thereof, recorded March 31, 1998, in Book 351, Page 1890, BOR/PCO.

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

This deed is executed to partially fund a trust of Grantors, and the true and actual consideration stated in terms of dollars is NONE.

The following is the notice as required by Oregon law: "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

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195.356 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 195.356 AND SECTIONS 5 TO 11 CHAPTER 424, OREGON LAWS 2007."

WITNESS Grantors' hand this 9th day of February, 2009.

Mark T. Weisensee

Mark T. Weisensee

Elizabeth Joy Weisensee

Elizabeth Joy Weisensee

STATE OF OREGON)
) ss.
COUNTY OF MARION)

On this 9th day of February, 2009 personally appeared the above named **Mark T. Weisensee** and **Elizabeth Joy Weisensee** and acknowledged the foregoing instrument to be their voluntary act and deed.

Before me:



Rebecca Rife

Notary Public for Oregon
My Commission Expires: 4/7/09

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EXHIBIT "A"

Beginning at an iron rod which is 1550.65 feet South 89° 50' 18" West and 1514.82 feet South 00° 32' 52" West from the Northeast corner of the George Brown Donation Land Claim No. 40 in Township 7 South, Range 5 West of the Willamette Meridian in Polk County, Oregon and said rod being on the West line of that tract of land conveyed to The Fowler Living Trust by that deed recorded in Book 351, Page 1888, Book of Records for Polk County, Oregon; thence South 89° 27' 08" East, 530.00 feet to an iron rod; thence South 00° 32' 52" West, 226.07 feet to an iron rod; thence South 55° 57' 40" East, 175.51 feet to an iron rod; thence North 89° 53' 16" East, 206.58 feet to an iron rod; thence South 61° 54' 05" East, 121.20 feet to an iron rod; thence North 89° 57' 15" East, 570.17 feet to a point on the East line of said Brown Claim from which an iron rod bears South 89° 57' 15" West, 60.00 feet; thence South 00° 14' 49" West along said Brown Claim line a distance of 40.00 feet; thence South 89° 57' 15" West, 580.00 feet to an iron rod at the Northwest corner of that tract of land conveyed to William E. Voth and Elvera Voth by that deed recorded in Volume 209, Page 550 of the Polk County Deed Records; thence North 61° 54' 05" West, 121.17 feet to an iron rod; thence South 89° 53' 16" West, 208.81 feet to an iron rod; thence North 55° 57' 40" West, 161.33 feet to an iron rod; thence South 00° 32' 52" West, 60.69 feet to an iron rod; thence North 89° 27' 08" West, 530.00 feet to an iron rod on the West line of said Fowler Living Trust; thence North 00° 32' 52" East, 184.00 feet to an iron rod; thence North 00° 32' 52" East, 150.72 feet to the point of beginning.

SAVE AND EXCEPT the rights of the public in and to that portion of the above described tract of land which lies within public roads and or rights-of-ways.

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