



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.

RECEIVED

1. APPLICANT INFORMATION

Applicant: Thomas D. and Vicky R. Van Saun JUL 19 2010
First Last

Mailing Address: P.O. Box 1449 WATER RESOURCES DEPT
Jacksonville OR 97530 SALEM, OREGON
City State Zip

Phone: (541) 846-1276
Home Work Other

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

2. LOCATION AND SOURCE

A. Reservoir Name: Reservoir 1

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 seepage, runoff Tributary to: Rogue R.
Slagle Cr. & Applegate R.

C. Reservoir Location

Township (N or S)	Range (E or W)	Section	quarter/quarter	tax lot number
38S	4W	6	NE/NE	100

D. County of Use: Jackson

E. Dam: Maximum height of dam: 9 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: 12

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.

Multi-purpose (Not in channel, Reservoir will be partly excavated). Pipeline from river is existing

For Department Use
 App. No. R-87640 Permit No. _____ Date _____

4. PROPERTY OWNERSHIP

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

C 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))

X No (Please check the appropriate box below)

X 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:

Wester, James and Sandra rev. trust, James H. and Sandra Wester, trustees, 14601 N. Applegate Road, Grants Pass, OR 97527 (705); Jackson County Roads, 200 Antelope Road, White City, OR 97503; Leonard and Connie Apple, P.O. Box 354, Norwalk, CA 90651 (601)

5. ENVIRONMENTAL IMPACT

RECEIVED

JUL 19 2010

WATER RESOURCES DEPT SALEM, OREGON

A. Channel: is the reservoir C In Stream or X off channel ?

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

C. Existing: is this an existing reservoir? X Yes C No

If yes how long has it been in place? Unkonwn years

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

If yes, how much? miles

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

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

[Empty box for agency information]

6. SIGNATURE

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

Thomas D Van Saun

Vicky R. Van Saun

7-14-2010

Landowner Signature

Date

Before you submit your application be sure you have:

- X Answered each question completely.
X Included a legible map that includes Township, Range, Section, quarter-quarter and tax lot number.
X The map must meet map requirements to be accepted.
X Included a land use form or receipt stub signed by a local planning official.
X 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).

R-87640



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: Thomas D. and Vicky R. Van Saun
Mailing Address: P.O. Box 1449
City: Jacksonville State: OR Zip: 97530 Day Phone: (541) 846-1276

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:
37S	4W	31	se/se	1400		<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	irrigation
38S	4W	6	ne/ne	100		<input type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	irrigation
38S	4W	6	nw/ne	100		<input type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	irrigation
38S	4W	6	se/sw sw/sw	705 & 601		<input checked="" type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input type="checkbox"/> Used	pipeline

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

RECEIVED

JUL 19 2010

WATER RESOURCES DEPT
SALEM, OREGON

Source of water: Reservoir/Pond Ground Water Surface Water (name) Slagle Cr., Applegate R.

Estimated quantity of water needed: 52 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 Temperature control

Briefly describe: We plan on storing water in a pond and using the pond water and water from Applegate Lake

Reservoir for irrigation, supplemental irrigation and temperature control

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

R-E-7640

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): CHAPTER 4 2004 LDO

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.

See Attached CASE # Zon2010-01014 For more
Details.

RECEIVED

JUL 19 2010

Name: Charles Bennett Title: PLANNER II WATER RESOURCES DEPT
Signature: Charles Bennett Phone: 541 774-6115 Date: 7/12/10 SALEM, OREGON
Government Entity: Jackson 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: _____

R-67640



APPLICATION TYPE: LUC (Land Use Compatibility Statement)

CASE STATUS: **Closed**

DECISION: **Final Approval**

USE CATEGORY: **Farm Uses**

ZONE USE ID:

ZONING: **EFU**

APPLICATION NO: **ZON2010-01014**

PROCESS: **Type 1**

MASTER NO: **ZON2010-01014**

SITE ADDRESS: **SLAGLE CR RD**

PROJECT NO: **ZON2010-01014**

PRIMARY PARCEL NUMBER: **37-4W-31-1400**

RECEIVED DATE: **07/06/2010**

ASSOCIATED LOTS: **38-4W-06-100**

ASSIGNED STAFF: **CHB**

38-4W-06-601

38-4W-06-705

People Associated With This Case

Case Description

Primary Owner

VAN SAUN THOMAS D/VICKY R
177 SLAGLE CREEK RD
GRANTS PASS, OR 97527

OWRD LUC FOR A RESERVOIR

COMMENTS:

07/06/2010:
NO NEW EXCAVATION; PER OWNER - EXISTING RESERVOIR; SIMPLY MORE WATER TAKEN FROM THE APPLGATE. PER OWNER THE WATER WILL BE USED TO IRRIGATE A FUTURE VINEYARD. FH

7/12/10: OWNER DROPPED OFF AN OREGON WATER RESOURCES DEPARTMENT APPLICATION TO DIVERT MORE WATER TO AN EXISTING POND. NO EXCAVATION PROPOSED OR APPROVED. PROPOSED PURPOSE OF USE IS FOR IRRIGATION AND CONTROLLING FROST ON GRAPES WHICH IS CONSISTENT WITH THE ZONING OF THE PROPERTY (EXCLUSIVE FARM USE). OWNER STATES THAT HE SHARES A PIPE ON 38-4W-06-705 & 601 TO DRAW WATER FROM THE APPLGATE RIVER VIA AN EXISTING EASEMENT. A PORTION OF THE PROPERTY IS IN THE MAPPED FLOODPLAIN OF SLAGLE CREEK HOWEVER NO FILL OR STRUCTURE PROPOSED. THE PROPOSAL IS CONSISTENT WITH THE JACKSON COUNTY 2004 LAND DEVELOPMENT ORDINANCE AND COMPREHENSIVE PLAN. SEE SCANNED DOCUMENTS. CHB

ASSOCIATED OVERLAYS:

<u>Overlay</u>	<u>Comments</u>
Deer and Elk Winter Range Habitat (EXISTING
Wildfire Hazard Area	
Floodplain - 100-Year	
Stream (Class 2)	

RECEIVED

JUL 19 2010

WATER RESOURCES DEPT
SALEM, OREGON

STRUCTURE / IMPROVEMENT SIZE DETAILS:

<u>Structure/Improvement</u>	<u>Units</u>	<u>Existing Size</u>	<u>Proposed Size</u>	<u>Approved Size</u>	<u>Comments</u>
Other (See Comments)		52	52		EXISTING @ 52 ACRE FEET.

ATTACHED DOCUMENTS:

Document: WATER.PDF Description: luc docs

RE7640

TANDARD DETAILS:

standard

Status

IS FEE DUE

Met

IS fee must be paid prior to issuance of any permits applicable to this case.

Under circumstances where the approved use and/or structure is found to be exempt from building permits, all outstanding ZIS fees must be paid prior to initiating the approved use and/or prior to initiating construction of said structure.

LOT PLAN Met

PRIOR TO PERMITS

An accurate plot plan must be submitted for review by Planning Services on either standard 8.5" x 11" or legal 8.5" x 14" size paper. The plot plan must accurately depict the boundaries of the parcel. It must be accurately drawn to a base 10-foot scale (e.g. 1" = 60'). All improvements on the property must be shown on the plot plan with labels and distances to the property lines. (LDO sections 3.4.2A; 6.2.1A; 12.2.3)

This decision is limited to the County's review of applicable zoning rules and land use law, as outlined in the Jackson County Comprehensive Plan, the Jackson County Land Development Ordinance, and the Oregon Administrative Rules and Revised statutes relating to land use. Other County, State, and Federal agencies may have regulatory review authority for development projects. The decision rendered herein neither implies nor guarantees compliance with the requirements of any other regulatory agency. It is the applicant's responsibility to ensure compliance with the requirements of any other regulatory agency or provisions of law prior to initiating development.

Charley Bennett

7/12/10

Date:

RECEIVED

JUL 19 2010

WATER RESOURCES DEPT
SALEM, OREGON

R-87640



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

RECORDING COVER SHEET
PER ORS 205.234

THIS COVER SHEET HAS BEEN PREPARED BY THE PERSON
PRESENTING THE ATTACHED INSTRUMENT FOR RECORDING.
ANY ERRORS IN THIS COVER SHEET DOES NOT AFFECT THE
TRANSACTION(S) CONTAINED IN THE INSTRUMENT ITSELF.

AFTER RECORDING RETURN TO:

name and address of the person authorized to receive the
instrument after recording, as required by ORS 205.180(4)
and ORS 205.238

M/M James WESTER
14601 N Applegate Rd.
Grants Pass OR 97527

(6)
FA Account
L100 22549 CH/28440

15
11

1. NAMES OF THE TRANSACTION(S), described in the attached instrument and required by ORS 205.234(A)
NOTE: Transaction as defined by ORS 205.010 "means any action required or permitted by state law or rule
federal law or regulation to be recorded including, but not limited to, any transfer, encumbrance or release
affecting title to or an interest in real property".

2. Grantor(s) as described in ORS 205.160.

JAMES H. WESTER
SANDRA K. WESTER

RECEIVED

JUL 19 2010

WATER RESOURCES DEPT
SALEM, OREGON

3. Grantee(s) as described in ORS 205.160.

JAMES H. WESTER TRUSTEE
SANDRA WESTER TRUSTEE

4. TRUE AND ACTUAL CONSIDERATION PAID for instruments conveying or contracting to convey
fee title to any real estate and all memoranda of such instruments, reference ORS 93.030.

NONE

5. UNTIL A CHANGE IS REQUESTED, ALL TAX STATEMENTS SHALL BE SENT TO THE FOLLOWING
ADDRESS: for instruments conveying or contracting to convey fee title to any real estate reference ORS 93.260.

14601 N Applegate Rd. Grants Pass OR 97527

2-87640

NO PART OF ANY STEVENS-NESS FORM MAY BE REPRODUCED IN ANY FORM OR BY ANY ELECTRONIC OR MECHANICAL MEANS

Ch
J17

Grantor's Name and Address

Grantee's Name and Address

After recording, return to (Name, Address, Zip):

Until requested otherwise, send all tax statements to (Name, Address, Zip):
 14601 N Applegate Road
 Grants Pass, OR 97527

SPACE RESERVED FOR RECORDER'S USE

STATE OF OREGON, } ss.
County of _____

I certify that the within instrument was received for recording on _____ at _____ o'clock _____ M., and recorded in book/reel/volume No. _____ on page _____ and/or as fee/file/instrument/microfilm/reception No. _____, Records of this County.

Witness my hand and seal of County affixed.

NAME TITLE
By _____ Deputy.

FA 01/06/04

BARGAIN AND SALE DEED - STATUTORY FORM (INDIVIDUAL GRANTOR)

JAMES H. WESTER AND SANDRA K. WESTER HUSBAND AND WIFE, Grantor.
conveys to JAMES H. WESTER AND SANDRA WESTER TRUSTEES OF THE JAMES AND SANDRA WESTER REVOCABLE TRUST DATED DECEMBER 31, 1998, Grantee.
the following real property situated in JACKSON County, Oregon, to-wit:
SEE ATTACHED EXHIBIT "A"

R-67610

RECEIVED

JUL 19 2010

WATER RESOURCES DEPT
SALEM, OREGON

(IF SPACE INSUFFICIENT, CONTINUE DESCRIPTION ON REVERSE)

The true consideration for this conveyance is \$ NONE (Here, comply with the requirements of ORS 93.030.)

DATED JANUARY 6 2004

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.

JAMES H. WESTER
SANDRA K. WESTER

STATE OF OREGON, County of JOSEPHINE) ss.

This instrument was acknowledged before me on JANUARY 6 2004

by JAMES H. WESTER AND SANDRA K. WESTER



Carol Holland
Notary Public for Oregon
My commission expires _____

EXHIBIT "A"

TRACT A

Beginning at a point 845.0 feet North of the South Quarter corner of Section 6 in Township 38 South, Range 4 West of the Willamette Meridian in Jackson County, Oregon, thence West 170.0 feet, thence South 29° 30' East 115.0 feet; thence West, to the West line of the Southeast Quarter of the Southwest Quarter of said Section 6, thence North 3215.0 feet to the Northwest corner of the Southeast Quarter of the Northwest Quarter of said Section 6, thence East 1320.0 feet to the Northeast corner of said Quarter-Quarter; thence South 3115.0 feet to the true point of beginning. EXCEPTING THEREFROM the following: Any portion of the above described tract lying Easterly of the North Applegate Road (County Road). ALSO EXCEPTING THEREFROM the following: Beginning at the Northeast corner of the Southeast Quarter of the Northwest Quarter of said Section 6, thence South 150.0 feet; thence West 140.0 feet, thence North 150.0 feet, and thence East 140.0 feet to the point of beginning. ALSO EXCEPTING THEREFROM the following: Commencing at the Northeast corner of the Southeast Quarter of the Northwest Quarter of Section 6 in Township 38 South, Range 4 West of the Willamette Meridian in Jackson County, Oregon, thence South 150.00 feet; thence West 140.00 feet, for the true point of beginning, thence North 150.00 feet, thence West 150.00 feet; thence South 150.00 feet, thence East 150.00 feet to the true point of beginning.

2-8-764C

TRACT B

Commencing at the Northwest corner of the Southwest Quarter of the Northeast Quarter of Section 6 in Township 38 South, Range 4 West of the Willamette Meridian in Jackson County, Oregon, thence South 150.00 feet to the Southwest corner of tract described in Volume 141, Page 159, Jackson County, Oregon, Deed Records, for the true point of beginning, thence East, along the South line of said tract, to the Westerly right of way line of Missouri Flats Road (County Road); thence Southwesterly, along said Westerly right of way, to intersect the West line of said Quarter-Quarter, thence North to the true point of beginning.

RECEIVED

JUL 19 2010

WATER RESOURCES DEPT
SALEM, OREGON

2

(18)

NS

99-37500

Estate of Karen L. Schlien and the Estate of David R. Newman

First Party's Name and Address

Thomas D. Van Saun and Vicky R. Van Saun

Second Party's Name and Address

After recording, return to (Name, Address, Zip):

JOSEPHINE COUNTY TITLE CO. 118 N.E. 11th St.

Grants Pass, OR 97526

Until requested otherwise, send all tax statements to (Name, Address, Zip):

GRANTEE/SECOND PARTY

177 Slagle Creek Rd

Grants Pass OR 97527

380406
100

3704031
1400

SPACE RESERVED FOR RECORDER'S USE

STATE OF OREGON, County of _____ } ss.

I certify that the within instrument was received for record on the _____ day of _____, 19____, at _____ o'clock _____M., and recorded in book/reel/volume No. _____ on page _____ and/or as fee/file/instrument/microfilm/reception No. _____, Records of said County.

Witness my hand and seal of County affixed.

NAME TITLE

By _____, Deputy.

CT-99211294

PERSONAL REPRESENTATIVE'S DEED

THIS INDENTURE made this 8TH day of JULY, 1999, by and between PAMELA L. BARCUS the duly appointed, qualified and acting personal representative of the estate of KAREN L. SCHLIEN, deceased, hereinafter called the first party, and THOMAS D. VAN SAUN AND VICKY R. VAN SAUN, husband and wife, as tenants by the entirety hereinafter called the second party; WITNESSETH:

For value received and the consideration hereinafter stated, the first party has granted, bargained, sold and conveyed, and by these presents does grant, bargain, sell and convey unto the second party and second party's heirs, successors and assigns all the estate, right and interest of the estate of the deceased, whether acquired by operation of the law or otherwise, in that certain real property situated in the County of JACKSON, State of Oregon, described as follows, to-wit:

Lot 2 and the Southeast Quarter of the Southeast Quarter of Section 31 in Township 37 South, Range 4 West of the Willamette Meridian, Jackson County, Oregon. ALSO, Lot 1 and the Northeast Quarter of the Northeast Quarter of Section 6 in Township 38 South, Range 4 West of the Willamette Meridian, Jackson County, Oregon. EXCEPTING THEREFROM all that part lying North of Slagle Creek Road.

Jackson County, Oregon Recorded OFFICIAL RECORDS

JUL 15 1999

2:00 pm

APPROVED & SEALED COUNTY CLERK

(IF SPACE INSUFFICIENT, CONTINUE DESCRIPTION ON REVERSE)

TO HAVE AND TO HOLD the same unto the second party, and second party's heirs, successors-in-interest and assigns forever.

The true and actual consideration paid for this transfer, stated in terms of dollars, is \$ 250,000.00. However, the actual consideration consists of or includes other property or value given or promised which is [] part of the [] the whole (indicate which) consideration. (The sentence between the symbols [] if not applicable, should be deleted. See ORS 93.030.)

IN WITNESS WHEREOF, the first party has executed this instrument; if first party is a corporation, it has caused its name to be signed and its seal, if any, affixed by an officer or other person duly authorized to do so by order of its board of directors.

Pamela L. Barcus PAMELA L. BARCUS, PERSONAL REPRESENTATIVE

Personal Representative

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.

STATE OF OREGON, County of _____) ss.

2-27640

90-05761

89 NOV 16 AM 9:46

V.115 P1669

JCTC ORDER NO.: 77388B (8W)

89-18029

20 CT-74029
#1575 88-1w-6
601,600

1500
1000
2000

385-1
4118 3000
360

WARRANTY DEED

DR. BENJAMIN J. HASON, Grantor, conveys and warrants to LEONARD APPLE and CONNIE APPLE, Husband and Wife, as tenants by the entirety; Grantee, the following described real property, together with appurtenances, free of encumbrances except as specifically set forth herein, situated in JOSEPHINE/JACKSON County, OR:

SEE ATTACHED EXHIBIT "A"

SUBJECT TO: Easements of record, Rights of way of record, For tax purposes, the herein described property has been classified as farm land and assessed at a lower valuation by the County Assessor pursuant to ORS 321.257 to 321.375. If the land becomes disqualified for the special assessment under the statute, an additional tax and interest thereon may be levied, which the Grantees herein agree to assume and pay.

ANY ADVERSE CLAIM BASED UPON THE ASSERTION THAT:(A) SOME PORTION OF SAID LAND HAS BEEN CREATED BY ARTIFICIAL MEANS OR HAS ACCRETED TO SUCH PORTION SO CREATED BY APPLGATE RIVER. (B) SOME PORTION OF SAID LAND HAS BEEN BROUGHT WITHIN THE BOUNDARIES THEREOF BY AN AVULSIVE MOVEMENT OF THE APPLGATE RIVER, OR HAS BEEN FORMED BY ACCRETION TO ANY SUCH PORTION, SUCH RIGHTS AND EASEMENT FOR NAVIGATION AND FISHERY WHICH MAY EXIST OVER THAT PORTION OF SAID LAND LYING BENEATH THE WATERS OF APPLGATE RIVER. ANY ADVERSE CLAIMS AS TO THAT PORTION THAT MAY LIE WITHIN THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 1, TOWNSHIP 38 SOUTH, RANGE 5 WEST OF THE WILLAMETTE MERIDIAN, JOSEPHINE COUNTY OREGON. MORTGAGE TO THE FEDERAL LAND BANK DATED DECEMBER 30, 1976, RECORDED JANUARY 19, 1977, VOLUME 214, PAGE 1172, JOSEPHINE COUNTY MORTGAGE RECORDS WHICH CRANTEES ASSUME AND AGREE TO PAY.

JACKSON COUNTY EXCEPTIONS: BUYER IS ASSUMING AND AGREES TO PAY WHEN DUE POTENTIAL REAL PROPERTY TAXES RESULTING FROM CLASSIFICATION OF THE SUBJECT PROPERTY, IN WHOLE OR IN PART, AS FARMLAND FOR REAL PROPERTY TAX PURPOSES, RIGHTS OF THE PUBLIC, EASEMENTS, APPLGATE RIVER CANNOT BE INSURED AS A DEFINITE BOUNDARY SINCE IT IS AND HAS BEEN SUBJECT TO POSSIBLE RELOCATION DUE TO CHANGES IN THE COURSE OF SAID RIVER, THE EXISTING CREEK AS SHOWN ON SURVEY NO. 6700 FILED IN JACKSON COUNTY SURVEYORS RECORDS CANNOT BE INSURED AS A DEFINITE BOUNDARY SINCE IT IS AND HAS BEEN SUBJECT TO POSSIBLE RELOCATION DUE TO CHANGES IN THE COURSE OF SAID CREEK; RIGHT OF WAY; MORTGAGE DATED DECEMBER 30, 1976, recorded January 18, 1977 as document no. 77-01086, Official Records of Jackson County, Oregon to Federal Land Bank which this conveyance is THREE HUNDRED FIFTY THOUSAND AND 00/100 (\$350,000.00). () However, the whole consideration includes other value given or promised (check if other consideration statement applies).

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.

Dated this 13th day of November, 1989.

RECEIVED

JUL 19 2010

WATER RESOURCES DEPT
SALEM, OREGON

R-87640

90-05761

89 NOV 16 AM 9:46

V.115 P1670

Dr. Benjamin J. Mason
DR. BENJAMIN J. MASON

STATE OF OREGON)
County of Josephine)ss.

This instrument was acknowledged before me on the 13th day of November, 1989
by DR. BENJAMIN J. MASON

(seal)

Notary Public for Oregon
My commission expires: *Brenda G. Winter*
BRENDA G. WINTER
NOTARY PUBLIC - OREGON
My Commission Expires July 21, 1991

Until a change is requested,
send all tax statements to:
Grantees-address below

Return document to:
13785 N. Applegate Road
Grants Pass, OR 97527

2-

RECEIVED

JUL 19 2010

WATER RESOURCES DEPT
SALEM, OREGON

R-87640

90-05711

EXHIBIT "A"

The following described real property being situated in Josephine County, Oregon: Beginning at a point where Jackson-Josephine County line crosses the North bank of the Applegate River; thence in a Northwesterly direction along the North bank of said river to a point where the North Side Applegate Ditch Company's ditch intersects the river; thence in a Northeasterly direction along the course of said ditch, a distance of 1550 feet, more or less, to a point where said ditch turns in a Northwesterly direction; thence East along the base of a perpendicular cliff, a distance of 250 feet, more or less, to the Jackson-Josephine County line; thence South along said line to the point of beginning, being in Section 1, Township 38 South, Range 5 West of the Willamette Meridian, Josephine County, Oregon.

JACKSON COUNTY:

Lot 3, and the Southwest quarter of the Northwest quarter, and the Northwest quarter of the Southwest quarter of Section 6, Township 38 South, Range 4 West, Willamette Meridian, Jackson County, Oregon.

ALSO: Lot 2, Section 6, Township 38 South, Range 4 West, Willamette Meridian, Jackson County, Oregon.

EXCEPTING THEREFROM the following:

Beginning at the Southeast corner of Lot 2, Section 6, Township 38 South, Range 4 West, Willamette Meridian, Jackson County, Oregon; thence North along the East line of said lot 432.74 feet, more or less, to a 1" iron pipe, on the South side of the Applegate Road; thence North 89° 14' West 808.47 feet along said road line to a 1" iron pipe; thence South 0° 53' West 436.73 feet to a 1" iron pipe, on the South line of said Lot 2; thence South 89° 31' East 815.17 feet, along the South line of said lot, to the point of beginning.

ALSO: The Southwest quarter of the Southwest quarter of Section 6, Township 38 South, Range 4 West, Willamette Meridian, Jackson County, Oregon.

EXCEPTING THEREFROM the following:

That portion lying on the Southerly side of the Applegate River, as described in Volume 42, Page 130, Jackson County, Oregon, Deed Records.

ALSO EXCEPTING THEREFROM the following:

Commencing at a brass disk, monumenting the Township corner common to Townships 37 and 38 South, Ranges 4 and 5 West, Willamette Meridian, Jackson County, Oregon, being on the boundary between Josephine and Jackson County, Oregon; thence South 852.27 feet and East 10.34 feet to a 5/8 inch iron pin at a point on curve on the Southerly right of way line of North Applegate Road (County Road) for the true point of beginning; thence in an Easterly direction along said Southerly right of way line being 30.00 feet Southerly of, when measured at right angles to, the existing center line of said North Applegate Road, as measured on November 19, 1976, along the arc of a 319.111 foot radius curve to the left (the long chord bears South 75° 02' 33" East 162.334 feet) an arc distance of 164.14 feet to a 5/8 inch iron pin at a point of tangent; thence South 89° 46' 40" East 576.72 feet to a 5/8 inch iron pin; thence leaving said Southerly right of way line South 00° 07' 50" East 884.93 feet to a 5/8 inch iron pin; thence South 64° 58' 50" East 329.25 feet to a 5/8 inch iron pin; thence South 25° 18' 30" East 130.73 feet to a 5/8 inch iron pin Witness Corner; thence continuing South 25° 18' 30" East 51.15 feet to intersect an existing creek center line as measured on November 19, 1976; thence along the creek center line as follows: South 77° 11' 45" West 173.16 feet; South 03° 44' 00" West 101.47 feet; North 88° 40' 00" West 108.00 feet; South 64° 35' 30" West 93.58 feet; South 80° 54' 00" West 97.76 feet; South 07° 54' 15" West 193.48 feet; South 78° 20' 30" West 49.28 feet; North 66° 39' 00" West 159.62 feet; North 83° 08' 00" West 71.95 feet; North 63° 25' 30" West 116.91 feet; North 59° 37' 00" West 146.73 feet; North 64° 12' 30" West 133.65 feet to a point that bears South 00° 50' 55" East from a 5/8 inch iron pin Witness Corner; thence leaving said creek center line North 00° 50' 55" West 80.72 feet to a 5/8 inch iron pin Witness Corner; thence continuing North 00° 50' 55" West 459.24 feet to a 5/8 inch iron pin; thence North 88° 46' 20" East 7.75 feet to a 5/8 inch iron pin; thence North 00° 34' 00" East 358.07 feet to a 5/8 inch iron pin; thence North 00° 44' 45" West 472.44 feet to the true point of beginning.

89 NOV 16 AM 9:46
M115 P1671

RECEIVED

JUL 19 2010

WATER RESOURCES DEPT
SALEM, OREGON

Jackson County, Oregon
Recorded
OFFICIAL RECORDS

9:43 MAR 12 1990 A.M.

KATHLEEN S. BECKETT
CLERK and RECORDER

Jane Haller Deputy

89-18029
State of Oregon, ss. I, the County Clerk, do hereby certify that the foregoing is a true and correct copy of the original as the same appears in the records for record and registration in the office of the County Clerk, Josephine County, Oregon, at Portland, Oregon, this 11th day of November, 1989.
KATHLEEN S. BECKETT
County Clerk

15 00

R-87640