

Application for a Permit to Use Surface Water



Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem Oregon 97301-1266
(503) 986-0900
www.wrd.state.or.us

SECTION 1: APPLICANT INFORMATION AND SIGNATURE

Applicant Information

NAME RICHARD HEARD FOR HEARD FAMILY LLC		PHONE (HM) 541-430-3793	
PHONE (WK) 541-459-7593	CELL 541-430-3793	FAX 541-459-7538	
ADDRESS 578 ROGERS ROAD			
CITY ROSEBURG	STATE OR	ZIP 97471	E-MAIL HEARDFARMS@DCWISP.NET

Organization Information

NAME HEARD FAMILY LLC		PHONE 541-459-7529	FAX 541-459-7538
ADDRESS 578 ROGERS ROAD		CELL 541-430-3793	
CITY ROSEBURG	STATE OR	ZIP 97471	E-MAIL HEARDFARMS@DCWISP.NET

Agent Information – The agent is authorized to represent the applicant in all matters relating to this application.

AGENT / BUSINESS NAME		PHONE	FAX
ADDRESS		CELL	
CITY	STATE	ZIP	E-MAIL

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Note: Attach multiple copies as needed

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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.
- I cannot use water legally until the Water Resources Department issues a permit.
- Acceptance of this application does not guarantee a permit will be issued.
- If I begin construction prior to the issuance of a permit, I assume all risks associated with my actions.
- 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 cancelled.
- 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.

WATER RESOURCES DEPT
SALEM, OREGON

I (we) affirm that the information contained in this application is true and accurate.


Applicant Signature

Richard A. Heard Pres.
Print Name and title if applicable

10/29/2010
Date

Applicant Signature

Print Name and title if applicable

Date

App. No. <u>S-87662</u>	For Department Use
Permit No. _____	Due _____

SECTION 2: PROPERTY OWNERSHIP

Please indicate if you own all the lands associated with the project from which the water is to be diverted, conveyed, and used.

Yes

There are no encumbrances.

This land is encumbered by easements, rights of way, roads or other encumbrances.

No

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 irrigation and/or domestic use only (ORS 274.040).

Water is to be diverted, conveyed, and/or used only on federal lands.

List the names and mailing addresses of all affected landowners (*attach additional sheets if necessary*).

SECTION 3: SOURCE OF WATER

A. Proposed Source of Water

Provide the commonly used name of the water body from which water will be diverted, and the name of the stream or lake it flows into. If unnamed, say so:

Source 1: Dick's Pond (R-14899)

Tributary to: Sutherlin Creek

Source 2: _____

Tributary to: _____

Source 3: _____

Tributary to: _____

Source 4: _____

Tributary to: _____

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If any source listed above is stored water that is authorized under a water right permit, certificate, or decree, attach a copy of the document or list the document number (for decrees, list the volume, page and/or decree name).

B. Applications to Use Stored Water

Do you, or will you, own the reservoir(s) described in item 3A above?

Yes.

No. (Please enclose a copy of your written notification to the operator of the reservoir of your intent to file this application, which you should have already mailed or delivered to the operator.)

If *all* sources listed in item 3A are stored water, the Department will review your application using the expedited process provided in ORS 537.147, unless you check the box below. Please see the instruction booklet for more information.

By checking this box, you are requesting that the Department process your application under the standard process outlined in ORS 537.150 and 537.153, rather than the expedited process provided by ORS 537.147. To file an application under the standard process, you must enclose the following:

- A copy of a signed non-expired contract or other agreement with the owner of the reservoir (if not you) to impound the volume of water you propose to use in this application.
- A copy of your written agreement with the party (if any) delivering the water from the reservoir to you.

SECTION 4: WATER USE

Provide the amount of water you propose to use from each source, for each use, in cubic feet-per-second (cfs) or gallons-per-minute (gpm). If the proposed use is from storage, provide the amount in acre-feet (af):
(1 cfs equals 448.8 gpm. 1 acre-foot equals 325,851 gallons or 43,560 cubic feet)

SOURCE	USE	PERIOD OF USE	AMOUNT
Dick's Pond (R-14899)	Irrigation	March 1 - October 31	44 <input type="checkbox"/> cfs <input type="checkbox"/> gpm <input checked="" type="checkbox"/> af
			<input type="checkbox"/> cfs <input type="checkbox"/> gpm <input type="checkbox"/> af
			<input type="checkbox"/> cfs <input type="checkbox"/> gpm <input type="checkbox"/> af
			<input type="checkbox"/> cfs <input type="checkbox"/> gpm <input type="checkbox"/> af

For irrigation use only:

Please indicate the number of primary and supplemental acres to be irrigated.

Primary: 36.5 Acres Supplemental: 135.7 Acres

List the Permit or Certificate number of the underlying primary water right(s):

S-54495

Indicate the maximum total number of acre-feet you expect to use in an irrigation season: 44 acft

- If the use is **municipal or quasi-municipal**, attach **Form M**
- If the use is **domestic**, indicate the number of households: _____
- If the use is **mining**, describe what is being mined and the method(s) of extraction:

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SALEM OREGON

S-87662

SECTION 5: WATER MANAGEMENT

A. Diversion and Conveyance

What equipment will you use to pump water from your source?

Pump (give horsepower and type): 25 HP

Other means (describe): _____

Provide a description of the proposed means of diversion, construction, and operation of the diversion works and conveyance of water.

Stored water will be pumped from the reservoir through a mainline to irrigation system.

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B. Application Method

What equipment and method of application will be used? (e.g., drip, wheel line, high-pressure sprinkler)

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Wheel line, high pressure gun and solid set sprinklers.

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C. Conservation

Please describe why the amount of water requested is needed and measures you propose to: prevent waste; measure the amount of water diverted; prevent adverse impact to public uses of affected surface waters.

Water will be delivered through a piped distribution system which will be inspected regularly for leaks.

We will employ best irrigation management practices to promote conservation and prevent runoff. Water use will be monitored with a flowmeter.

SECTION 6: RESOURCE PROTECTION

In granting permission to use water from a stream or lake, the state encourages, and in some instances requires, careful control of activities that may affect the waterway or streamside area. See instruction guide for a list of possible permit requirements from other agencies. Please indicate any of the practices you plan to undertake to protect water resources.

Diversion will be screened to prevent uptake of fish and other aquatic life.
Describe planned actions: Water to be diverted from an off-channel reservoir which will not contain fish. Pump intake will be screened to applicable ODFW standards if required.

Excavation or clearing of banks will be kept to a minimum to protect riparian or streamside areas.
Describe planned actions: None planned.

Operating equipment in a water body will be managed and timed to prevent damage to aquatic life.
Describe: None planned.

Water quality will be protected by preventing erosion and run-off of waste or chemical products.
Describe: Will use best irrigation/agriculture management practices to prevent erosion and runoff.

S-E7662

SECTION 7: PROJECT SCHEDULE

Date construction will begin: Existing system.

Date construction will be completed: Existing system.

Date beneficial water use will begin: June 2011

SECTION 8: REMARKS

Use this space to clarify any information you have provided in the application (*attach additional sheets if necessary*).

Water use under this application/permit will be augmented by the reuse of treated effluent and water collected from impermeable surfaces (and therefore exempt).

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S-87662

Land Use Information Form

WS10-0914
RPT 10271



Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, Oregon 97301-1266
(503) 986-0900
www.wrd.state.or.us

Applicant(s): Heard Family LLC - Richard Heard

Mailing Address: 578 Rogers Road

City: Roseburg

State: OR

Zip Code: 97471

Daytime Phone: 541-430-3793

A. Land and Location

Please include the following information for all tax lots where water will be diverted (taken from its source), conveyed (transported), and/or used or developed. 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>26S</u>	<u>5W</u>	<u>6C</u>	<u>NESW</u>	<u>100</u>	_____	<input checked="" type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input type="checkbox"/> Used	_____
<u>26S</u>	<u>5W</u>	<u>6</u>	<u>See Map</u>	<u>100, 201</u>	_____	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	_____
<u>26S</u>	<u>5W</u>	<u>6A</u>	<u>See Map</u>	<u>201, 700, 701, 800</u>	_____	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" 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, and/or used or developed:

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

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

Estimated quantity of water needed: 44.0
 cubic feet per second
 gallons per minute
 acre-feet

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

Briefly describe:

Field irrigation (36.5 acres primary - 135.7 acres supplemental)

Note to applicant: If the Land Use Information Form cannot be completed while you wait, please have a local government representative sign the receipt at the bottom of the next page and include it with the application filed with the Water Resources Department.

S-07667 See bottom of Page 3. →

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 the proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): 3.3.050.1
- Land uses to be served by the 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.

**DOUGLAS COUNTY PLANNING DEPARTMENT
ROOM 106, JUSTICE BUILDING
DOUGLAS COUNTY COURTHOUSE
ROSEBURG, OR 97470**

Name: KRISTI GILBERT Title: PLANNING TECH
 Signature: *Kristi Gilbert* Phone: 541-440-4289 Date: 10-29-10
 Government Entity: DOUGLAS 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: _____ **RECEIVED**
 City or County: _____ Staff contact: _____ NOV 02 2010
 Signature: _____ Phone: _____ Date: _____ WATER RESOURCES DEPT
SALEM, OREGON

S-87662

22-36240



\$36.00

00007132200200312320040047

12/16/2002 03:07:56 PM

DEED-MD Cnt=1 Str=1 RECEIPTCOUNTER
\$20.00 \$11.00 \$5.00

After Recording Return To:

Richard A. Heard
Letha Heard *2230 Daisy Loop Rd*
480 & 104 Rogers Road
Roseburg OR 97470



Title Order No. 22-36240
Escrow No. 22-36240

Send Tax Statements To:

Richard A. Heard
Letha Heard *2230 Daisy Loop Rd*
180 & 104 Rogers Road
Roseburg OR 97470

Tax Account No. R16436,
R16444, R16468, R16524,
R16532, R16540, R16548,
R44862

WARRANTY DEED
(ORS 93.850)

Candace S. Cannon and William G. Svea, not as tenants in common, but with rights of survivorship, Grantor, conveys and warrants to Richard A. Heard and Letha Heard, as tenants by the entirety, Grantee, the following described real property free of encumbrances except as specifically set forth herein:

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

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 \$650,000.00. However, if the actual consideration consists of or includes other property or other value given or promised, such other property or value is part of the whole consideration.

Dated this 16th day of Dec., 2002.

Candace S. Cannon
Candace S. Cannon

William G. Svea
William G. Svea

State of OR, County of Douglas)ss.

This instrument was acknowledged before me on Dec. 16, 2002
by Candace S. Cannon and William G. Svea.

B.J. Clithero
Notary Public

My commission expires: 4-26-04



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SALEM, OREGON

S-87667

EXHIBIT 'A'**Legal Description:**

Parcel 1: All of the following described property in Section 6, Township 26 South, Range 5 West, Willamette Meridian, Douglas County, Oregon: Beginning at the Northwest corner of Township 26 South, Range 5 West, Willamette Meridian; running thence South 33.02 chains; thence South 50° West 2.25 chains to a point with witness trees established by William Theil, Surveyor; thence South 59 3/4° East 41.70 chains to a point with witness trees established by William Theil, Surveyor; thence North 1/2° East along East boundary of the E. Burton's Donation Land Claim 38.90 chains; thence East 9.15 chains to centerline of Section 6; thence North 3/4° West 20.41 chains to the quarter section corner on the North boundary of said Township; thence North 89°50' West 43.26 chains to the point of beginning.

Excepting therefrom that portion of the above described property lying South and West of the following described line: Beginning at a point marked with 3/4 inch iron rod on the North line of Township 26 South, Range 5 West, Willamette Meridian, Douglas County, Oregon, from which the Northwest corner of said Township bears North 89°50' West 987.2 feet; thence South 0°16' East 675.2 feet to a 3/4 inch iron rod; thence South 89°41' East 542.9 feet to a 3/4 inch iron rod; thence South 55°07' East 455.7 feet to a 3/4 inch iron rod; thence South 48°17' East 222.6 feet to a 3/4 inch iron rod; thence South 43°10' East 131.3 feet to a 3/4 inch iron rod; thence South 32°11' East 178.4 feet to a 3/4 inch iron rod; thence South 6°49' East 23.9 feet to a 3/4 inch iron rod.

Parcel 2: Lots 8, 9, 10 and those parts of Lots 7, 11 and 12, Plat "G", Roseburg Home Orchard Tracts, in Section 6, Township 26 South, Range 5 West, Willamette Meridian, Douglas County, Oregon, lying Westerly of the Westerly right of way line of the relocated Pacific Highway as described in Circuit Court Case Nos. 15581 and 27238.

Also, those parts of Lots 1, 2, 3, 4 and 5, Plat "G", Roseburg Home Orchard Tracts, Douglas County, Oregon, described as follows: Beginning at the Southwest corner of Lot 1; thence North 50°30' East 830.6 feet; thence East 790.0 feet to a point on the Westerly right of way line of the relocated Pacific Highway; thence Southwesterly along said right of way line to a point on the South line of Lot 4; thence West along the South boundary of Lots 1, 2, 3 and 4, 1079.0 feet to the point of beginning.

Also those vacated streets which inured to the above described property by vacation thereof.

Parcel 3: A parcel of land lying in Plat "G", Roseburg Home Orchard Tracts, situated in Section 6, Township 26 South, Range 5 West, Willamette Meridian, Douglas County, Oregon, and being a portion of that property described in that deed to Stanley F. Mohr and Alice S. Mohr recorded in Book 284, Page 554, Douglas County deed records. The description of said parcel being as follows: Beginning at a 5/8 inch iron rod that bears South 89°38'15" East 2865.74 feet from the Northwest corner of Section 6, Township 26 South, Range 5 West, Willamette Meridian; thence South 89°33'48" East 600.92 feet to a 5/8 inch iron rod; thence South 16°50'19" West 352.33 feet to a 5/8 inch iron rod; thence South 64°32'25" East 82.02 feet to a 5/8 inch iron rod; thence South 24°16'45" West 392.48 feet to a 5/8 inch iron rod; thence South 14°31'49" West 349.71 feet to a point on the Northerly line of that property as described in deed from Theron W. Jones to Sam N. Scardi and Patricia V. Scardi recorded October 29, 1976 in Book 614, Page 898, records of Douglas County, Oregon, Recorder's No. 76-17819; thence South 49°47'15" West 427.61 feet along said Northerly line to the West line of said Plat "G"; thence North 0°07'00" East 1349.44 feet along said West line to the point of beginning.

Subject to:

The assessment and tax rolls disclose that the premises herein described have been specially assessed as Farm Use Land. If the land becomes disqualified for the special assessment under the statute, an additional tax may be levied for previous years in which the farm use assessment was in effect for the land. In addition thereto, a penalty may be levied if notice of disqualification is not timely given.

An Easement created by instrument, including the terms and provisions thereof,

In favor of:	The Pacific Telephone and Telegraph Company
For:	utilities
Recorded:	December 17, 1938
Book:	100 Page: 111, Recorder's No. 9240
in Douglas County, Oregon.	

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SALEM, OREGON

Title No. 22-36240 Escrow No. 22-36240
An Easement created by instrument, including the terms and provisions thereof,
In favor of: The California Oregon Power Company
For: Public Utilities
Recorded: April 29, 1952
Book: 207 Page: 536, Recorder's No. 140207
in Douglas County, Oregon.

An Easement created by instrument, including the terms and provisions thereof,
In favor of: Pacific Power and Light Company
For: Public Utilities
Recorded: September 21, 1962
Book: 317 Page: 562, Recorder's No. 313184
in Douglas County, Oregon.

Limited access provisions contained in Deed to the State of Oregon, by and through its State
Highway Commission, which provides that no right or easement of right of access to, from or
across the State Highway other than expressly therein provided for shall attach to the abutting
property,
Recorded: December 13, 1963
Book: 330 Page: 273, Recorder's No. 332490
in Douglas County, Oregon.

Limited access provisions contained in Final Judgment which provides that no right or easement
of right of access to, from or across the State Highway other than expressly therein provided for
shall attach to the abutting property,
Filed: August 13, 1953
Circuit Court Case No.: 15581, in Douglas County, Oregon.

An Easement created by Final Judgment, including the terms and provisions thereof,
In favor of: State of Oregon State Highway Commission
For: approach road
Filed: August 13, 1953
Circuit Court Case No.: 15581, in Douglas County, Oregon.

Limited access provisions contained in Final Judgment, which provides that no right or
easement of right of access to, from or across the State Highway other than expressly therein
provided for shall attach to the abutting property,
Filed: November 6, 1964
Circuit Court Case No.: 27238 in Douglas County, Oregon.

An Easement created by instrument, including the terms and provisions thereof,
In favor of: Pacific Power and Light Company
For: Public Utilities
Recorded: September 29, 1965
Book: 357 Page: 909, Recorder's No. 65-12277
in Douglas County, Oregon.

An Easement created by instrument, including the terms and provisions thereof,
For: waterline; powerline; airstrip; flight ascent and descent
Recorded: December 2, 1965
Book: 362 Page: 271, Recorder's No. 65-14913
in Douglas County, Oregon.

An Easement created by instrument, including the terms and provisions thereof,
In favor of: Umpqua Basin Water Association, Inc.
For: water lines
Recorded: September 29, 1965
Book: 379 Page: 752, Recorder's No. 68-10941
in Douglas County, Oregon.

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Title No. 22-36240 Escrow No. 22-36240

An Easement created by instrument, including the terms and provisions thereof,
In favor of: Umpqua Basin Water Association, Inc.
For: water lines
Recorded: November 22, 1966
Book: 382 Page: 492, Recorder's No. 66-12942
in Douglas County, Oregon.

An Easement created by instrument, including the terms and provisions thereof,
In favor of: Umpqua Basin Water Association, Inc.
For: water lines
Recorded: November 22, 1966
Book: 382 Page: 498, Recorder's No. 66-12945
in Douglas County, Oregon.

Reciprocal Grants of Easements for waterline, powerline, airstrip, flight ascent and descent,
including the terms and provisions thereof,
Recorded: July 21, 1975
Book: 575 Page: 889, Recorder's No. 75-9795
Records of Douglas County, Oregon.

Covenants, conditions and restrictions, but omitting covenant or restriction based on race, color,
religion, sex, handicap, familial status or national origin, unless and only to the extent that said
covenant (A) is exempt under Chapter 42, Section 3607 of the United States code or (B) relates
to handicap but does not discriminate against handicapped persons, imposed by instrument,
including the terms and provisions thereof,
Recorded: May 1, 1982
Book: 817 Page: 806, Recorder's No. 82-04485
in Douglas County, Oregon.

Memorandum of Irrigation Agreement, including the terms and provisions thereof,
Recorded: February 25, 1997
Book: 1457 Page: 534, Recorder's No. 97-04308
Records of Douglas County, Oregon.

Release of Right of First Refusal, including the terms and provisions thereof,
Recorded: October 19, 1998
Book: 1571 Page: 547, Recorder's No. 98-23910
Records of Douglas County, Oregon.

Memorandum of Irrigation Agreement, including the terms and provisions thereof,
Recorded: April 20, 2000
Book: 1684 Page: 314, Recorder's No. 2000-08740
Records of Douglas County, Oregon.

END OF DOCUMENT

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WATER RESOURCES DEPT
SALEM, OREGON

MM

RICHARD & LETHA HEARD

HEARD FAMILY LLC

Grantee's Name and Address

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

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

NO CHANGE IN TAX ADDRESS

STATE OF OREGON, County of _____ } ss.

DOUGLAS COUNTY OFFICIAL RECORDS BARBARA E. NIELSEN, COUNTY CLERK

2003-014729



\$21.00

06/04/2003 08:50:06 AM

DEED-MD Cnt=1 Str=1 RECEIPTCOUNTER \$5.00 \$11.00 \$5.00

NAME TITLE

By _____ Deputy.

SPECIAL WARRANTY DEED

KNOW ALL BY THESE PRESENTS that RICHARD A. HEARD and LETHA HEARD

hereinafter called grantor, for the consideration hereinafter stated, to grantor paid by HEARD FAMILY LLC, an Oregon Limited Liability Company

hereinafter called grantee, does hereby grant, bargain, sell and convey unto the grantee and grantee's heirs, successors and assigns, that certain real property, with the tenements, hereditaments and appurtenances thereunto belonging or in any way appertaining, situated in Douglas County, State of Oregon, described as follows, to-wit:

BEGINNING at the Southwest corner of Lot 1, PLAT "G", ROSEBURG HOME ORCHARD TRACTS, Douglas County, Oregon; thence North 50° 30' East 830.6 feet; thence East 100 feet; thence South to the South line of Lot 3, PLAT "G", ROSEBURG HOME ORCHARD TRACTS; thence West, along the South boundary line of Lots 3, 2, and 1, PLAT "G", ROSEBURG HOME ORCHARD TRACTS, to the point of beginning. ALSO those vacated streets which inured to the above described property by vacation thereof.

T26 R05 S06A TL 700 (portion)

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WATER RESOURCES DEPT SALEM, OREGON

(IF SPACE INSUFFICIENT, CONTINUE DESCRIPTION ON REVERSE SIDE)

To Have and to Hold the same unto grantee and grantee's heirs, successors and assigns forever.

And grantor hereby covenants to and with grantee and grantee's heirs, successors and assigns, that the real property is free from encumbrances created or suffered thereon by grantor and that grantor will warrant and defend the same and every part and parcel thereof against the lawful claims and demands of all persons claiming by, through, or under the grantor.

The true and actual consideration paid for this transfer, stated in terms of dollars, is \$ 177,068.00. However, the actual consideration consists of or includes other property or value given or promised which is [] the whole [] part of the (indicate which) consideration. (The sentence between the symbols, if not applicable, should be deleted. See ORS 93.030.)

In construing this deed, where the context so requires, the singular includes the plural, and all grammatical changes shall be made so that this deed shall apply equally to corporations and to individuals.

In witness whereof, the grantor has executed this instrument on April 17, 2003; if grantor 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.

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.

Richard A. Heard

Letha Heard

STATE OF OREGON, County of Douglas } ss.

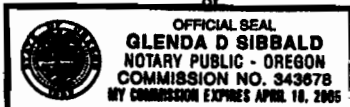
This instrument was acknowledged before me on 4-17-03 by RICHARD A. HEARD and LETHA HEARD

This instrument was acknowledged before me on

by

as

of



Glenda D Sibbald Notary Public for Oregon

My commission expires 4-16-05

D

NR

HEARD FARMS INC

HEARD FAMILY LLC

Grantor's Name and Address

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

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

NO CHANGE IN TAX ADDRESS

STATE OF OREGON, County of } ss.

DOUGLAS COUNTY OFFICIAL RECORDS BARBARA E. NIELSEN, COUNTY CLERK 2003-014731



\$21.00

00027000200300147310010017

06/04/2003 08:50:06 AM

DEED-ND Crisi Stmt RECEIPTCOUNTER \$5.00 \$11.00 \$5.00

NAME TITLE

By _____, Deputy.

SPECIAL WARRANTY DEED

KNOW ALL BY THESE PRESENTS that HEARD FARMS, INC.

hereinafter called grantor, for the consideration hereinafter stated, to grantor paid by HEARD FAMILY LLC, an Oregon Limited Liability Company

hereinafter called grantee, does hereby grant, bargain, sell and convey unto the grantee and grantee's heirs, successors and assigns, that certain real property, with the tenements, hereditaments and appurtenances thereunto belonging or in any way appertaining, situated in Douglas County, State of Oregon, described as follows, to-wit:

Lots 8, 9, 10 and those parts of Lots 7, 11 and 12, PLAT "G", ROSEBURG HOME ORCHARD TRACTS, in Section 6, Township 26 South, Range 5 West, Willamette Meridian, Douglas County, Oregon, lying Westerly of the Westerly right of way line of the relocated Pacific Highway as described in Circuit Court Case Nos. 15581 and 27238.

T26 R05 S06A TL 800

RECEIVED

NOV 02 2010

WATER RESOURCES DEPT SALEM, OREGON

(IF SPACE INSUFFICIENT, CONTINUE DESCRIPTION ON REVERSE SIDE)

To Have and to Hold the same unto grantee and grantee's heirs, successors and assigns forever.

And grantor hereby covenants to and with grantee and grantee's heirs, successors and assigns, that the real property is free from encumbrances created or suffered thereon by grantor and that grantor will warrant and defend the same and every part and parcel thereof against the lawful claims and demands of all persons claiming by, through, or under the grantor.

The true and actual consideration paid for this transfer, stated in terms of dollars, is \$25,000. However, the actual consideration consists of or includes other property or value given or promised which is the whole part of the (indicate which) consideration. (The sentence between the symbols, if not applicable, should be deleted. See ORS 93.030.)

In construing this deed, where the context so requires, the singular includes the plural, and all grammatical changes shall be made so that this deed shall apply equally to corporations and to individuals.

In witness whereof, the grantor has executed this instrument on April 17, 2003 if grantor 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.

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.

Richard A. Heard, President

STATE OF OREGON, County of Douglas) ss.

This instrument was acknowledged before me on

by

This instrument was acknowledged before me on 4-17-03

by

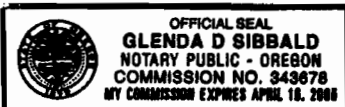
RICHARD A. HEARD

as

President

of

HEARD FARMS, INC.



Glenda D Sibbald Notary Public for Oregon

My commission expires 4-16-05

S-E7662

END OF DOCUMENT

MM

HEARD FARMS, INC

HEARD FAMILY LLC

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):

NO CHANGE IN TAX ADDRESS

STATE OF OREGON, County of _____) ss.

I certify that the within instrument was DOUGLAS COUNTY OFFICIAL RECORDS BARBARA E. NIELSEN, COUNTY CLERK 2003-014730

Barcode with fee \$21.00 and recording number 00027888286388147388818912

06/04/2003 08:50:06 AM DEED-ND Cnt=1 Str=1 RECEIPTCOUNTER \$5.00 \$11.00 \$5.00

By _____, Deputy.

SPECIAL WARRANTY DEED

KNOW ALL BY THESE PRESENTS that HEARD FARMS, INC.

hereinafter called grantor, for the consideration hereinafter stated, to grantor paid by HEARD FAMILY LLC, an Oregon Limited Liability Company hereinafter called grantee, does hereby grant, bargain, sell and convey unto the grantee and grantee's heirs, successors and assigns, that certain real property, with the tenements, hereditaments and appurtenances thereunto belonging or in any way appertaining, situated in Douglas County, State of Oregon, described as follows, to-wit:

A parcel of land lying in PLAT "G", ROSEBURG HOME ORCHARD TRACTS, situated in Section 6, Township 26 South, Range 5 West, Willamette Meridian, Douglas County, Oregon, and being a portion of that property described in that deed to Stanley F. Mohr and Alice S. Mohr recorded in Book 284, Page 554, Douglas County Deed Records, the description of said parcel being as follows:

BEGINNING at a 5/8 inch iron rod that bears South 89° 36' 15" East 2865.74 feet from the Northwest corner of Section 6, Township 26 South, Range 5 West, Willamette Meridian; thence South 89° 33' 48" East 600.92 feet to a 5/8 inch iron rod; thence South 16° 50' 19" West 352.33 feet to a 5/8 inch iron rod; thence South 64° 32' 25" East 82.02 feet to a 5/8 inch iron rod; thence South 24° 16' 45" West 392.48 feet to a 5/8 inch iron rod; thence South 14° 31' 49" West 349.71 feet to a point on the Northerly line of that property as described in deed from Theron W. Jones to Sam N. Scardi and Patricia V. Scardi, recorded October 29, 1976 in Book 614, Page 898, Records of Douglas County, Oregon, Recorder's No. 76-17619; thence South 49° 47' 15" West 427.61 feet along said Northerly line to the West line of said PLAT "G"; thence North 0° 07' 00" East 1349.44 feet along said West line to the point of beginning.

T26 R05 S06A TL 201

(IF SPACE INSUFFICIENT, CONTINUE DESCRIPTION ON REVERSE SIDE)

To Have and to Hold the same unto grantee and grantee's heirs, successors and assigns forever.

And grantor hereby covenants to and with grantee and grantee's heirs, successors and assigns, that the real property is free from encumbrances created or suffered thereon by grantor and that grantor will warrant and defend the same and every part and parcel thereof against the lawful claims and demands of all persons claiming by, through, or under the grantor.

The true and actual consideration paid for this transfer, stated in terms of dollars, is \$ 29,871. However, the actual consideration consists of or includes other property or value given or promised which is [] the whole [] part of the (indicate which) consideration. (The sentence between the symbols [], if not applicable, should be deleted. See ORS 93.030.)

In construing this deed, where the context so requires, the singular includes the plural, and all grammatical changes shall be made so that this deed shall apply equally to corporations and to individuals.

In witness whereof, the grantor has executed this instrument on April 17, 2003; if grantor 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.

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.

Richard A. Heard, President

STATE OF OREGON, County of Douglas) ss.

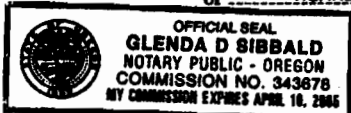
This instrument was acknowledged before me on _____

by _____ This instrument was acknowledged before me on 4-17-03

by RICHARD A. HEARD

as President

of HEARD FARMS, INC.



Glenda D Sibbald Notary Public for Oregon My commission expires 4-16-05

RECEIVED NOV 02 2010

E

MM

HEARD FARMS, INC.

 Grantor's Name and Address
 HEARD FAMILY LLC

 Grantor's Name and Address
 After recording, return to (Name, Address, Zip):

 Until requested otherwise, send all tax statements to (Name, Address, Zip):
 NO CHANGE IN TAX ADDRESS

STATE OF OREGON,
 County of _____) ss.

DOUGLAS COUNTY OFFICIAL RECORDS 2003-014732
 BARBARA E. NIELSEN, COUNTY CLERK



\$26.00

06/04/2003 08:50:06 AM

DEED-MD Cntal Strml RECEIPTCOUNTER
 \$10.00 \$11.00 \$5.00

NAME TITLE

By _____, Deputy.

SPECIAL WARRANTY DEED

KNOW ALL BY THESE PRESENTS that HEARD FARMS, INC.

hereinafter called grantor, for the consideration hereinafter stated, to grantor paid by
 HEARD FAMILY LLC., an Oregon Limited Liability Company

hereinafter called grantee, does hereby grant, bargain, sell and convey unto the grantee and grantee's heirs, successors and assigns, that certain real property, with the tenements, hereditaments and appurtenances thereunto belonging or in any way appertaining, situated in Douglas County, State of Oregon, described as follows, to-wit:

All of the following described property in Section 6, Township 26 South, Range 5 West, Willamette Meridian, Douglas County, Oregon: BEGINNING at the Northwest corner of Township 26 South, Range 5 West, Willamette Meridian; running thence South 33.02 chains; thence South 50° West 2.25 chains to a point with witness trees established by William Theil, Surveyor; thence South 59 3/4° East 41.70 chains to a point with witness trees established by William Theil, Surveyor; thence North 1/2° East along East boundary of the E. Bunton's Donation Land Claim 38.90 chains; thence East 9.15 chains to centerline of Section 6; thence North 3/4° West 20.41 chains to the quarter section corner on the North boundary of said Township; thence North 89° 50' West 43.26 chains to the point of beginning.

EXCEPTING THEREFROM that portion of the above described property lying South and West of the following described line: BEGINNING at a point marked with a 3/4 inch iron rod on the North line of Township 26 South, Range 5 West, Willamette Meridian, Douglas County, Oregon, from which the Northwest corner of said Township bears North 89° 50' West 987.2 feet; thence South 0° 16' East 675.2 feet to a 3/4 inch iron rod; thence South 89° 41' East 542.9 feet to a 3/4 inch iron rod; thence South 55° 07' East 455.7 feet to a 3/4 inch iron rod; thence South 48° 17' East 222.6 feet to a 3/4 inch iron rod; thence South 43° 10' East 131.3 feet to a 3/4 inch iron rod; thence South 32° 11' East 178.4 feet to a 3/4 inch iron rod; thence South ** (IF SPACE INSUFFICIENT, CONTINUE DESCRIPTION ON REVERSE SIDE) **continued on reverse side To Have and to Hold the same unto grantee and grantee's heirs, successors and assigns forever.

And grantor hereby covenants to and with grantee and grantee's heirs, successors and assigns, that the real property is free from encumbrances created or suffered thereon by grantor and that grantor will warrant and defend the same and every part and parcel thereof against the lawful claims and demands of all persons claiming by, through, or under the grantor.

The true and actual consideration paid for this transfer, stated in terms of dollars, is \$101,112.00. However, the actual consideration consists of or includes other property or value given or promised which is the whole part of the (indicate which) consideration. (The sentence between the symbols \emptyset , if not applicable, should be deleted. See ORS 93.030.)

In construing this deed, where the context so requires, the singular includes the plural, and all grammatical changes shall be made so that this deed shall apply equally to corporations and to individuals.

In witness whereof, the grantor has executed this instrument on April 17, 2003; if grantor 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.

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.

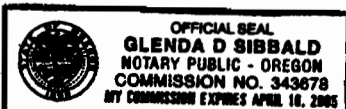
Richard A. Heard
 RICHARD A. HEARD, President

STATE OF OREGON, County of Douglas) ss.

This instrument was acknowledged before me on _____ by _____

This instrument was acknowledged before me on 4/17/2003 by RICHARD A. HEARD

as President of HEARD FARMS, INC.



Glenda D. Sibbald
 Notary Public for Oregon
 My commission expires 4/16/2005

RECEIVED
 NOV 02 2010
 WAREHOUSE DEPT
 SALES OREGON

S-E7662

(Legal Description Continued)

6° 49' East 23.9 feet to a 3/4 inch iron rod.

T26 R05 S06 TL 100

RECEIVED

NOV 02 2010

WATER RESOURCES DEPT
SALEM, OREGON

S-67662

END OF DOCUMENT

STATE OF OREGON
 COUNTY OF DOUGLAS
 PERMIT TO STORE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO:

HEARD FARMS INC.
 578 ROGERS RD
 ROSEBURG OR 97471

The specific limits and conditions of the use are listed below.

APPLICATION FILE NUMBER: R-87633

SOURCE OF WATER: UNNAMED STREAM, TRIBUTARY TO SUTHERLIN CREEK

STORAGE FACILITY: DICK'S POND

MAXIMUM VOLUME: 44.0 ACRE FEET

DATE OF PRIORITY: JUNE 29, 2010

WATER MAY BE APPROPRIATED AS FOLLOWS: DECEMBER 15 THROUGH MARCH 1

USE: MULTIPLE PURPOSE

Dam Location/Authorized Point of Diversion (POD):

	Twp	Rng	Mer	Sec	Q-Q	Measured Distances
DAM	26 S	5 W	WM	6	NE SW	840 FEET SOUTH AND 225 FEET WEST FROM C1/4 CORNER, SECTION 6
POD	26 S	5 W	WM	6	NE SW	900 FEET SOUTH AND 590 FEET WEST FROM C1/4 CORNER, SECTION 6

The Area To Be Submerged:

Twp	Rng	Mer	Sec	Q-Q
26 S	5 W	WM	6	NE SW
26 S	5 W	WM	6	NW SE

Measurement, recording and reporting conditions:

- A. Before water use may begin under this permit, the permittee shall install a totalizing flow meter or other suitable measuring device as approved by the Director at each point of diversion, and maintain the device(s) in good working order.
- B. The permittee shall allow the watermaster access to the device(s); where a device is located within a private structure, the watermaster shall request access upon reasonable notice.
- C. The Director may require the permittee to keep and maintain a record of the amount (volume) of water used, and may require the permittee to report water use on a periodic schedule as established by the Director. In addition, the Director may require the permittee to report general water-use information, the periods of water use, and the place and nature of use of water under the permit. The Director may provide an opportunity for the permittee to submit alternative reporting procedures for review and approval.

The storage of water allowed herein is subject to the installation and maintenance of an outlet pipe (with a minimum diameter of 8" for any in-channel reservoir). This requirement may be waived if the Department determines other means have been provided to evacuate water when necessary.

The permittee shall pass all live flow outside the storage season described above.

The Director may require the user to measure inflow and outflow, above and below the reservoir respectively, to ensure that live flow is not impeded outside the storage season. Measurement devices and their implementation must be acceptable to the Director, and the Director may require that data be recorded on a specified periodic basis and reported to the Department annually or more frequently.

The permittee shall not construct, operate or maintain any dam or artificial obstruction to fish passage in the channel of the subject stream without providing a fishway to ensure adequate upstream and downstream passage for fish, unless the permittee has requested and been granted a fish passage waiver by the Oregon Fish and Wildlife Commission. The permittee is hereby directed to contact an Oregon Department of Fish and Wildlife Fish Passage Coordinator, before beginning construction of any in-channel obstruction.

This permit allows an annual appropriation (not to exceed the specified volume). This permit does not provide for the appropriation of water for out-of-reservoir uses, the maintenance of the water level or maintaining a suitable freshwater condition. If any water is to be used for out-of-reservoir purposes, a secondary water right is required. If any additional live flow is to be appropriated to maintain either the water level or a suitable freshwater condition, an additional water right is required.

The permittee shall install, maintain, and operate fish screening and by-pass devices consistent with current Oregon Department of Fish and Wildlife (ODFW) standards. Fish screening is to prevent fish from entering the proposed diversion while by-pass devices provide adequate upstream and downstream passage for fish. The required screen and by-pass devices are to be in place and functional, and approved in writing by ODFW prior to diversion of any water. The permittee may submit evidence in writing that ODFW has determined screens and/or by-pass devices are not necessary.

STANDARD CONDITIONS

1. Failure to comply with any of the provisions of this permit may result in action including, but not limited to, restrictions on the use, civil penalties, or cancellation of the permit.
2. This permit is for the beneficial use of water without waste. The water user is advised that new regulations may require the use of best practical technologies or conservation practices to achieve this end.
3. By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.
4. The use of water allowed herein may be made only at times when sufficient water is available to satisfy all prior rights, including prior rights for maintaining instream flows.
5. If the riparian area is disturbed in the process of developing a point of diversion, the permittee shall be responsible for restoration and enhancement of such riparian area in accordance with ODFW's Fish and Wildlife Habitat Mitigation Policy OAR 635-415. For purposes of mitigation, the ODFW Fish and Wildlife Habitat Mitigation Goals and Standards, OAR Chapter 635, Division 415, shall be followed.
6. The use may be restricted if the quality of downstream waters decreases to the point that those waters no longer meet existing state or federal water quality standards due to reduced flows.

7. If the volume of the completed reservoir is 9.2 acre feet or more and a dam is used to impound the water, the height of the dam shall be less than 10.0 feet.
8. Construction shall be completed and up to the permitted annual volume of water shall be stored within five years of the date of permit issuance.
9. Within one year after storage of water, the permittee shall submit a claim of beneficial use to the Oregon Water Resources Department.
10. The claim of beneficial use shall be prepared by a Certified Water Right Examiner in conformance with the requirements of OAR 690-014 if an associated secondary permit exists for the use of stored water under this permit, or if the reservoir capacity is equal to or greater than 9.2 acre-feet.
11. If no secondary permit exists and the reservoir capacity is less than 9.2 acre-feet of water, the claim of beneficial use need not be prepared by a Certified Water Right Examiner. The information submitted to the Oregon Water Resources Department shall include:
 - a. the dimensions of the reservoir;
 - b. the maximum capacity of the reservoir in acre-feet; and
 - c. a map identifying the location of the reservoir prepared in compliance with Departmental standards.

Issued OCTOBER 14 2010.

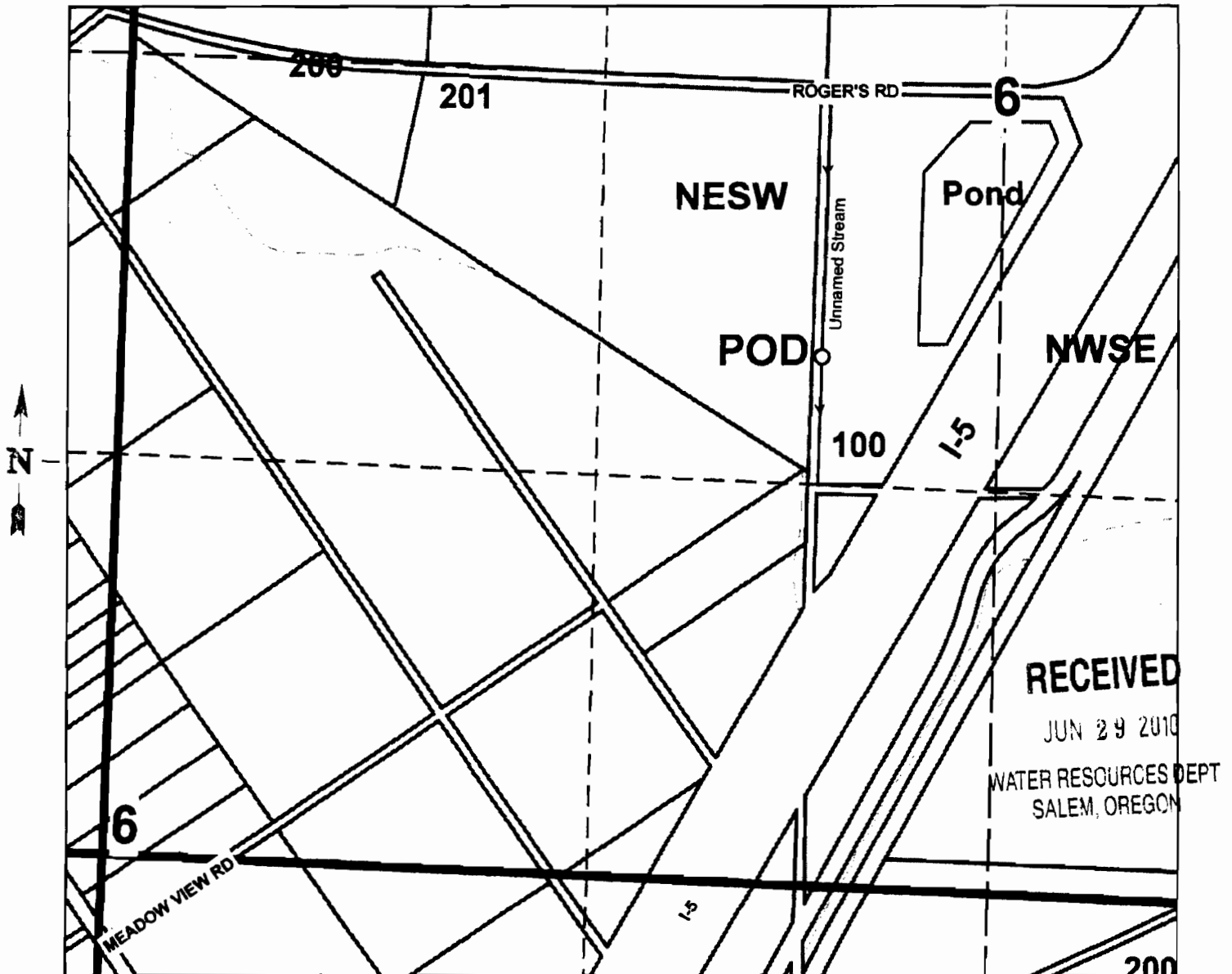
E. Timothy Wall

for Phillip C. Ward, Director
Water Resources Department

Reservoir Application Map for Heard Farms Inc.

SEC.6 T.26S. R.5W. W.M.
DOUGLAS COUNTY

Scale: 1" = 500'



Point of Diversion on unnamed stream is located 900 ft. south and 590 ft. west of the center of section 6.

Dam is located 840 ft. south and 225 ft. west of the center of section 6.

R-87633

S-87662

STATE OF OREGON
COUNTY OF DOUGLAS

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO:

HEARD FAMILY LLC
2330 DAIRY LOOP RD
ROSEBURG OR 97470

The specific limits and conditions of the use are listed below.

APPLICATION FILE NUMBER: S-87136

SOURCE OF WATER: POND A, CONSTRUCTED UNDER PERMIT R-14618, POND B, CONSTRUCTED UNDER PERMIT R-14619, AND POND C, CONSTRUCTED UNDER PERMIT R-14620

PURPOSE OR USE: IRRIGATION OF 135.7 ACRES

MAXIMUM VOLUME: 7.0 ACRE FEET (AF), BEING 3.0 AF FROM POND A, 3.0 AF FROM POND B, AND 1.0 AF FROM POND C

DATE OF PRIORITY: MARCH 26, 2008

PERIOD OF USE: MARCH 1 THROUGH OCTOBER 31

Authorized Points of Diversion:

Reservoir	Twp	Rng	Mer	Sec	Q-Q	Measured Distances
Pond A	26 S	5 W	WM	6	NE NW	520 FEET SOUTH AND 1540 FEET EAST FROM NW CORNER, SECTION 6
Pond B	26 S	5 W	WM	6	NE NW	1150 FEET SOUTH AND 1950 FEET EAST FROM NW CORNER, SECTION 6
Pond C	26 S	5 W	WM	6	NE SW	3450 FEET SOUTH AND 2020 FEET EAST FROM NW CORNER, SECTION 6

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to 2.5 acre-feet per acre for each acre irrigated during the irrigation season of each year. The right to the use of the water for the above purpose is restricted to beneficial use on the lands or place of use described.

Authorized Place of Use:

Twp	Rng	Mer	Sec	Q-Q	Acres
26 S	5 W	WM	6	NW NE	16.0
26 S	5 W	WM	6	SW NE	7.7
26 S	5 W	WM	6	NE NW	38.3
26 S	5 W	WM	6	NW NW	9.6
26 S	5 W	WM	6	SW NW	10.7
26 S	5 W	WM	6	SE NW	30.3
26 S	5 W	WM	6	NE SW	17.8
26 S	5 W	WM	6	NW SW	5.3

Measurement, recording and reporting conditions:

- A. The Director may require the permittee to install a totalizing flow meter or other suitable measuring device as approved by the Director at each point of diversion. If the Director notifies the permittee to install a totalizing flow meter or other measuring device, the permittee shall install such device within the period stated in the notice. Such installation period shall not be less than 90 days unless special circumstances warrant a shorter installation period. Once installed, the permittee shall maintain the meter or measuring device in good working order and shall allow the watermaster access to the meter or measuring device.
- B. The Director may require the permittee to keep and maintain a record of the amount (volume) of water used, and may require the permittee to report water use on a periodic schedule as established by the Director. In addition, the Director may require the permittee to report general water-use information, the periods of water use, and the place and nature of use of water under the permit.

The water user shall install, maintain, and operate fish screening and by-pass devices consistent with current Oregon Department of Fish and Wildlife (ODFW) standards. Fish screening is to prevent fish from entering the proposed diversion, while by-pass devices provide adequate upstream and downstream passage for fish. The required screen and by-pass devices are to be in place and functional, and approved in writing by ODFW prior to diversion of water. The water user may submit evidence in writing that ODFW has determined screens and/or by-pass devices are not necessary.

STANDARD CONDITIONS

1. Failure to comply with any of the provisions of this permit may result in action including, but not limited to, restrictions on the use, civil penalties, or cancellation of the permit.
2. Where two or more water users agree among themselves as to the manner of rotation in the use of water and such agreement is placed in writing and filed by such water users with the watermaster, and such rotation system does not infringe upon such prior rights of any water user not a party to such rotation plan, the watermaster shall distribute the water according to such agreement.
3. This permit is for the beneficial use of water without waste. The water user is advised that new regulations may require the use of best practical technologies or conservation practices to achieve this end.
4. By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.
5. The use of water allowed herein may be made only at times when sufficient water is available to satisfy all prior rights, including prior rights for maintaining instream flows.
6. If the riparian area is disturbed in the process of developing a point of diversion, the permittee shall be responsible for restoration and enhancement of such riparian area in accordance with ODFW's Fish and Wildlife Habitat Mitigation Policy OAR 635-415. For purposes of mitigation, the ODFW Fish and Wildlife Habitat Mitigation Goals and Standards, OAR Chapter 635, Division 415, shall be followed.
7. The use may be restricted if the quality of the source stream or downstream waters decreases to the point that those waters no longer meet existing state or federal water quality standards due to reduced flows.

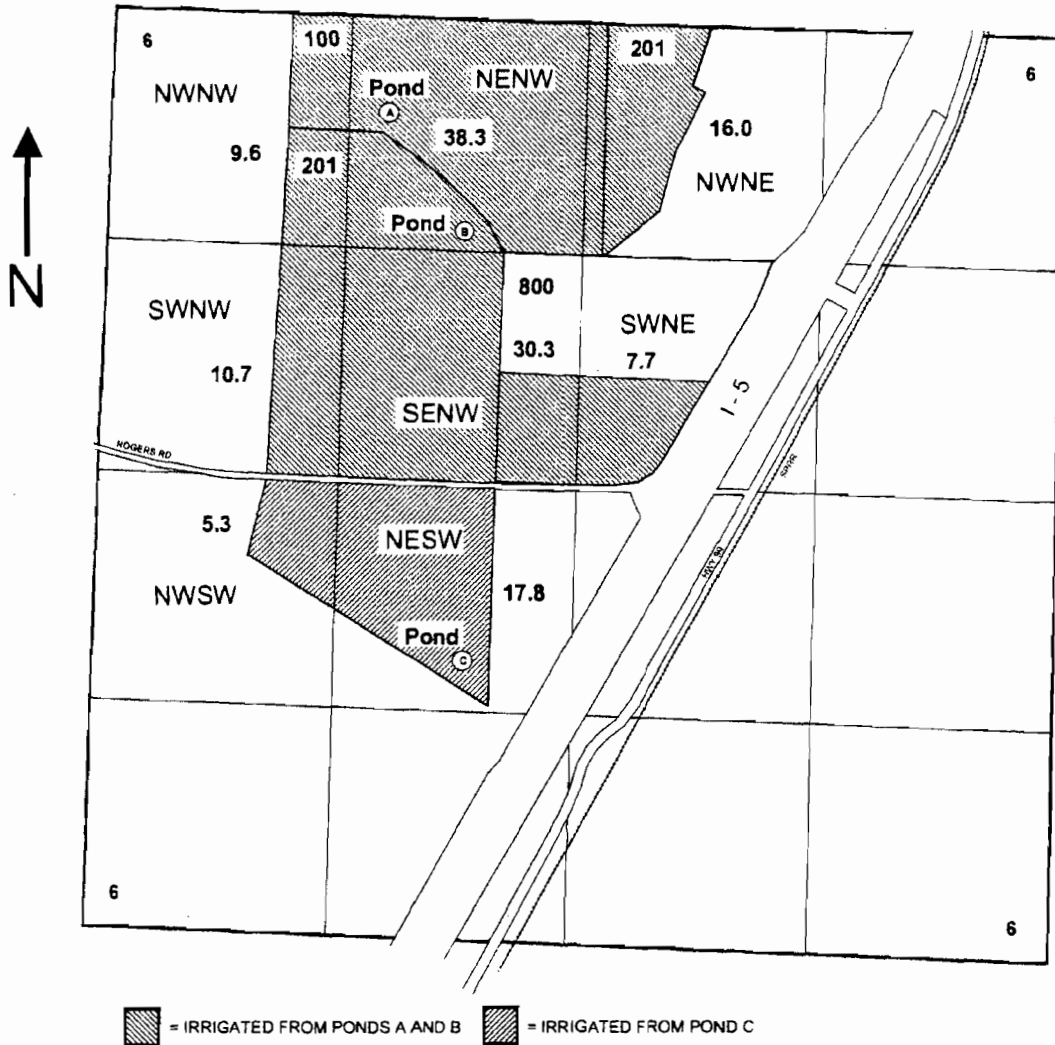
8. Completion of construction and application of the water shall be made within five years of the date of permit issuance. If beneficial use of permitted water has not been made before this date, the permittee may submit an application for extension of time, which may be approved based upon the merit of the application.
9. Within one year after making beneficial use of water, the permittee shall submit a claim of beneficial use, which includes a map and report, prepared by a Certified Water Rights Examiner.

Issued August 17 2009

E. Timothy Wall

for Phillip C. Ward, Director
Water Resources Department

SEC. 6 T.26S. R.5 W. W.M.
DOUGLAS COUNTY
Scale: 1" = 1000'



= IRRIGATED FROM PONDS A AND B
 = IRRIGATED FROM POND C

POND / POD A - Located 520 ft. S. and 1540 ft. E. }
 POND / POD B - Located 1150 ft. S. and 1950 ft. E. } from the NW corner of Sec. 6
 POND / POD C - Located 3450 ft. S. and 2020 ft. E. }

RECEIVED

MAR 26 2008

WATER RESOURCES DEPT
SALEM, OREGON

S-87662

App No S-87136