

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

RECEIVED

DEC 30 2011

WATER RESOURCES DEPT
SALEM, OREGON

SECTION 1: APPLICANT INFORMATION AND SIGNATURE

Applicant Information

NAME CHARLES K. KELLEY		PHONE (HM) 541-947-3000	
PHONE (WK)	CELL	FAX	
ADDRESS P.O. BOX 711			
CITY LAKEVIEW	STATE OR	ZIP 97630	E-MAIL

Organization Information

NAME NA		PHONE	FAX
ADDRESS		CELL	
CITY	STATE	ZIP	E-MAIL

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

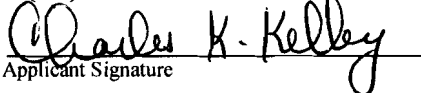
AGENT / BUSINESS NAME ANDERSON ENGINEERING & SURVEYING, INC.		PHONE 541-947-4407	FAX 941-947-2321
ADDRESS P.O. BOX 28		CELL	
CITY LAKEVIEW	STATE OR	ZIP 97630	E-MAIL DARRYL.A@ANDERSONENGINEERING.COM

Note: Attach multiple copies as needed

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.

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


Applicant Signature

Charles K. Kelley
Print Name and title if applicable

12/25/2011
Date

Applicant Signature

Print Name and title if applicable

Date

App. No. <u>S 87775</u>	For Department Use
Permit No. _____	Date _____

DEC 30 2011

WATER RESOURCES DEPT
SALEM, OREGON

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*).

Lakeview Water Users Inc. 91164 Water Users Lane, Lakeview OR 97630

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: Muddy Reservoir
Cert. 40764 and Permit R-6442

Tributary to: Muddy Creek

Source 2: _____

Tributary to: _____

Source 3: _____

Tributary to: _____

Source 4: _____

Tributary to: _____

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
Muddy Creek Reservoir	Irrigation	April 15 - October 15	1.52 ☒ cfs ☐ gpm ☐ af
			☐ cfs ☐ gpm ☐ af
			☐ cfs ☐ gpm ☐ af
			☐ cfs ☐ gpm ☐ af

For irrigation use only:

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

Primary: 121.28 Acres Supplemental: NA Acres

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

Indicate the maximum total number of acre-feet you expect to use in an irrigation season: 363.84

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

NA

RECEIVED

DEC 30 2011

WATER RESOURCES DEPT
SALEM, OREGON

SECTION 5: WATER MANAGEMENT

RECEIVED

DEC 30 2011

WATER RESOURCES DEPT
SALEM, OREGON

A. Diversion and Conveyance

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

☒ Pump (give horsepower and type): 75 hp Turbine pump at ditch

☐ Other means (describe): NA

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

Water will be discharged from the reservoir from the existing point of diversion and will travel down an existing irrigation ditch approximately 6350 feet to an existing pump. The water will be pumped from the ditch with a turbine pump and delivered to the center of an existing pivot sprinkler system through a 8" buried mainline.

B. Application Method

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

Center pivot sprinkler system

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 is needed to irrigate an existing cultivated field. Pivot controls and sprinkler nozzle sizes control the amount of water applied to place of use in a controlled fashion to optimally apply water.

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: System is currently in place for existing water rights

☐ Excavation or clearing of banks will be kept to a minimum to protect riparian or streamside areas.
Describe planned actions: _____

☒ Operating equipment in a water body will be managed and timed to prevent damage to aquatic life.
Describe: System is currently in place for existing water rights and is maintained

☐ Water quality will be protected by preventing erosion and run-off of waste or chemical products.
Describe: _____

RECEIVED

DEC 30 2011

WATER RESOURCES DEPT
SALEM, OREGON

SECTION 7: PROJECT SCHEDULE

Date construction will begin: Jan. 1 2012

Date construction will be completed: April 15, 2012

Date beneficial water use will begin: April 15, 2012

SECTION 8: REMARKS

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

Existing storage and distribution system is currently in place and operational.

Land Use Information Form



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

RECEIVED

DEC 30 2011

WATER RESOURCES DEPT
SALEM, OREGON

Applicant: Charles Kelley
First Last

Mailing Address: P.O. Box 711

Lakeview

City

Oregon
State

97630
Zip

Daytime Phone: (541) 947-3000

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:
39 S	19E	7	SW SE	2400	A, R	☒ Diverted	☒ Conveyed	☐ Used	Irrigation
39 S	19E	18	NE NE	2400	A	☐ Diverted	☒ Conveyed	☐ Used	Irrigation
39 S	19E	18	NW NE	2400	A	☐ Diverted	☒ Conveyed	☒ Used	Irrigation
39 S	19E	18	SW NE	2400	A	☐ Diverted	☒ Conveyed	☒ Used	Irrigation
39 S	19E	18	SE NE	2400	A	☐ Diverted	☒ Conveyed	☒ Used	Irrigation
39 S	19E	18	NE NW	2400	A	☐ Diverted	☐ Conveyed	☒ Used	Irrigation
39 S	19E	18	SE NW	2400	A	☐ Diverted	☐ Conveyed	☒ Used	Irrigation
39 S	19E	18	NE SW	2400	A	☐ Diverted	☐ Conveyed	☒ Used	Irrigation
39 S	19E	18	NE SE	2400	A	☐ Diverted	☐ Conveyed	☒ Used	Irrigation
39 S	19E	18	NW SE	2400	A	☐ Diverted	☐ Conveyed	☒ Used	Irrigation

List all counties and cities where water is proposed to be diverted, conveyed, and/or used or developed:

Lake County

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: 1.52 ☒ 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 _____

Briefly describe:

Water will be discharged from the reservoir from the existing point of diversion and will travel down an existing irrigation ditch approximately 6,350 feet to an existing pump. The water will be pumped from the ditch with a turbine pump and delivered to the center of an existing pivot sprinkler system through a 8" buried mainline.



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.

See bottom of Page 3. →

RECEIVED

DEC 30 2011

WATER RESOURCES DEPT
SALEM, OREGON

For Local Government Use Only

The following section must be completed by a planning official from each county and city listed unless the project will be located entirely within the city limits. In that case, only the city planning agency must complete this form. This deals only with the local land-use plan. Do not include approval for activities such as building or grading permits.

Please check the appropriate box below and provide the requested information

- ☒ Land uses to be served by the proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): L.C.C.O. Article 2 (A-1 zone)
- ☐ 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:	
		☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued
		☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued
		☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued
		☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued
		☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued

Local governments are invited to express special land-use concerns or make recommendations to the Water Resources Department regarding this proposed use of water below, or on a separate sheet.

RECEIVED
 0 2011
 WATER RESOURCES DEPT
 OREGON

Name: Darwin Johnson Jr. Title: Planning Director

Signature: [Signature] Phone: (541) 947-6036 Date: 20 Dec 2011

Government Entity: Lake County Planning Department

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: _____

WATER SALE
 MAR - 1970
 *Reservoir Permit No. **R 6412**
 SALEM, OREGON

WATER SALE

DEPT
 ON

Application for a Permit to Construct a Reservoir and to Store for Beneficial Use the Unappropriated Waters of the State of Oregon

I, Charles K. Kelley
(Name of Applicant)
 of PO Box 333 Lakeview
(Mailing Address)

State of Oregon 97630, do hereby make application for a permit to construct the
 following described reservoir and to store the unappropriated waters of the State of Oregon, subject to
 existing rights.

If the applicant is a corporation, give date and place of incorporation

1. The name of the proposed reservoir is Muddy Creek Reservoir -
Originally constructed under permit No. R-2648

2. The name of the stream from which the reservoir is to be filled and the appropriation made is
Muddy Creek
 tributary of

3. The amount of water to be stored is 682 acre feet.
 4. The use to be made of the impounded water is Irrigation
(Irrigation, power, domestic supply, etc.)
 5. The location of the proposed reservoir will be in Sec. 07
(Give sections or townships to be submerged)
 Tp. 39S, R. 19E, W.M., in the county of Lake

(a) State whether situated in channel of running stream and give character of material at outlet
Running existing structure built under
permit No. R-2648

(b) If not in channel of running stream, state how it is to be filled. If through a feed canal, give
 name and dimensions

6. The dam will be located in SE 1/4 SW 1/4 & SW 1/4 SE 1/4 Sec. 7
(Smallest legal subdivision)
 Tp. 39S, R. 19E, W.M. The maximum height will be 28 feet above stream bed or ground
 surface on center line of dam. The length on top will be 1750 feet; length on
 bottom 1750 feet; width on top 12 feet; slope on front
 or water side 3:1; slope on back 2:1; height of dam above water line
(Feet horizontal to 1 vertical) (Feet horizontal to 1 vertical)
 when full 3 1/2 feet.

* A different form of application should be used for the appropriation of stored water to beneficial use. Such forms can be secured
 without charge, together with instructions, by addressing the State Engineer, Salem, Oregon 97310.

WATER
SALL

7. The construction of dam, the material of which it is to be built, and method of protection from waves are as follows: earth - fill with clay core. Face to have r.p.-rap for wave protection.

8. The location of wasteway with dimensions are as follows: 16' spillway control section at easterly end of dam
(State whether over or around the dam)

9. The location of outlet from the proposed reservoir, with character of construction and dimensions, are as follows: existing 18" cnp at station 2+64
(All dams across natural stream channels must be provided with an outlet conduit, of such capacity and location to pass the normal flow of the stream at any time)

10. The area submerged by the proposed reservoir, when full, will be 240 ~~340~~ acres, with a maximum depth of water of 24 1/2 feet; and approximate mean depth of water 8.3 feet.

11. The estimated cost of the proposed work is \$ 5000

12. Construction work will begin on or before December 1, 1976

13. Construction work will be completed on or before December 1, 1977

Charles X. Kelley
(Signature of applicant)

STATE OF OREGON, }
County of Marion, } ss.

This is to certify that I have examined the foregoing application, together with the accompanying maps and data, and return the same for

In order to retain its priority, this application must be returned to the State Engineer, with corrections on or before, 19.....

WITNESS my hand this day of, 19.....

STATE ENGINEER

By ASSISTANT

Remarks: Existing dam to be raised 3 feet.

RE ED

11

STATE OF OREGON, }
County of Marion, } ss.

WATER RESOURCES DEPT
SALMON DIVISION

This is to certify that I have examined the foregoing application and do hereby grant the same, subject to the following limitations and conditions: The right herein granted is limited to the construction of an enlargement of Muddy Creek Reservoir and storage of water from Muddy Creek to be appropriated under application No. 54005, Permit No. 40411 for irrigation and the dam shall be constructed under the supervision of a registered professional engineer.

The right hereunder shall be limited to the storage of 682 acre feet.

The priority date of this permit is March 9, 1976

Actual construction work shall begin on or before May 17, 1977 and shall thereafter be prosecuted with reasonable diligence and be completed on or before October 1, 1978.

WITNESS my hand this 17th day of May, 1976.

James E. Lipp
Water Resources Director

46

Application No. R-54004

Reservoir Permit No. R 6442

PERMIT

To construct a reservoir and store for beneficial use the unappropriated waters of the State of Oregon.

This instrument was first received in the office of the State Engineer at Salem, Oregon, on the 9 day of March, 1926, at 11 o'clock A.M.

Returned to applicant:

Approved:

Recorded in Book No. _____ of
Reservoirs, on Page R 6442

State Engineer

Drainage Basin No. 13 page 26 F

Fees 35 ⁸²

R 6442

ED

WATER RESOURCES
SALE
DEPT
ON

STATE OF OREGON
COUNTY OF LAKE
CERTIFICATE OF WATER RIGHT

This Is to Certify, That CHARLES K. KELLEY 97630
of Route 1, Box 333, Lakeview, State of Oregon, has made proof
to the satisfaction of the STATE ENGINEER of Oregon, of a right to store the waters of
Muddy Creek, a tributary of Goose Lake, appropriated under application number
34410, permit number 27515

for the purposes of
irrigation
under Reservoir Permit No. R-2648 of the State Engineer, and that said right to store said
waters has been perfected in accordance with the laws of Oregon; that the priority of the right
hereby confirmed dates from October 12, 1960

that the amount of water entitled to be stored each year under such right, for the purposes afore-
said, shall not exceed 1283.0 acre feet

The reservoir is located in

NW 1/4 NE 1/4
SW 1/4 NE 1/4
NE 1/4 NW 1/4
SE 1/4 NW 1/4
NE 1/4 SW 1/4
SW 1/4 SW 1/4
SE 1/4 SW 1/4
NW 1/4 SE 1/4
SW 1/4 SE 1/4

Section 7

T. 39 S., R. 19 E., W. M.

RECEIVED

DEC 30 2011

WATER RESOURCES DEPT
SALEM, OREGON

WITNESS the signature of the State Engineer, affixed

this date. August 15, 1974

Chris L. Wheeler

State Engineer

Recorded in State Record of Water Right Certificates, Volume 32, page 40764

EXHIBIT "C"

Township 38 South, Range 18 East of the Willamette Meridian,

Section 13: S½NW¼ and the SE¼NW¼, LESS that portion lying North of existing roadway and fence existing as of April 8, 1972.
E½SW¼, S½E.

Section 24: NW¼.

Section 25: S½.

Section 36: E½, N½NW¼, SE¼NW¼, E½SW¼.

Township 38 South, Range 19 East of the Willamette Meridian,

Section 18: SW¼, S½SE.

Section 19: N½NE¼, W½, W½SE, SW¼NE.

Section 30: All of Section.

Section 31: N½NE¼, SW¼NE, W½, N½SE, SE¼SE.

Section 32: NW¼NW¼, S½NW¼, SW¼.

Township 39 South, Range 18 East of the Willamette Meridian,

Section 1: N½, N½SW, SW¼SW, N½SESW, N½SE, SW¼SE, N½SESE.

Section 12: All of Section.

Section 13: NE¼NE, S½NE, NE¼NW, S½NW, NW¼SW, E½SE, Less that portion lying South of the Lakeview-Klamath Falls Highway.

Township 39 South, Range 19 East of the Willamette Meridian,

Section 5: N½NW, SW¼NW, E½SENW, SW¼.

Section 6: All of Section.

Section 7: SW¼, N½SE, SW¼SE, NE¼, N½NW, SW¼NE.

Section 8: N½NE½SW, N½SENE½SW, NW¼SW, E½, N½NW, SW¼NE, N½SENE½, SW¼SW, N½SESW, S½SENE½SW.

Section 17: NW¼NE, S½NE, N½NE½NW, N½SENE½NW, W½NW, SE¼NW, N½SW, that portion of N½NW½SW lying North of the Lakeview-Klamath Falls Highway, N½NE½SE, N½NW½SE, S½NW½SE, that portion of S½NW½SE lying North of the Lakeview-Klamath Falls Highway.

Section 18: N½, and that part of the S½ lying North of the Lakeview-Klamath Falls Highway.

Township 40 South, Range 20 East of the Willamette Meridian,

Section 11: N½, NE¼SE, EXCEPTING THEREFROM a tract of land described as: Beginning at the Southwest corner of the NW¼ of Section 11, thence North 0°19' East 1662.18 feet; thence South 16°28' East 1731.36 feet; thence North 90°00' West 507.01 feet to the point of beginning. AND EXCEPTING that part of the NE¼SE, SE¼NE East of U.S. 395 Highway.

State of Oregon
County of Lake

I hereby certify that the within instrument was received and filed for record on the 4 day of December 1978 at 1:40 o'clock P.M. and recorded on Page 454 in book 138 Record of Deeds of said County

John A. Hunsley
County Clerk
By Taren O'Connor Deputy



CHARLES K. KELLEY
P. O. BOX 711
LAKEVIEW, OR 97630
NANCY XIALOURIS
91729 HIGHWAY 140
LAKEVIEW, OR 97630
AAR (Recipient, return to (Name, Address, Zip):
CHARLES K. KELLEY
P. O. BOX 711
LAKEVIEW, OR 97630
Until requested otherwise, send all the statements to (Name, Address, Zip):
NANCY XIALOURIS
91729 HIGHWAY 140
LAKEVIEW, OR 97630

LAKE COUNTY, OREGON 2011-000650
D-WDEED 06/31/2011 02:07:06 PM
Cnt=1 Pgs=1
\$3.00 \$11.00 \$15.00 \$10.00 Total: \$41.00



00000743201100008500010011

SPACE RESERVED
FOR
RECORDER'S USE

I, Stacie Geaney, County Clerk for Lake County, Oregon
certify that the instrument identified herein was
recorded in the Clerk's records.

Stacie Geaney - County Clerk

NAME TITLE

By Deputy

WARRANTY DEED

KNOW ALL BY THESE PRESENTS that CHARLES K. KELLEY

hereinafter called grantor, for the consideration hereinafter stated, to grantor paid by NANCY XIALOURIS

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 LAKE County, State of Oregon, described as follows, to-wit:

A parcel of land being part of the Southeast one-quarter of the Southwest one-quarter of Section 17, Township 39 South, Range 12 East of the Willamette Meridian, Lake County, Oregon, said parcel being more particularly described as follows:

Commencing at a 2" iron pipe at the Southeast corner of the Southeast quarter of Section 17, Township 39 South, Range 12 East of the Willamette Meridian; thence North 78°28'14" West a distance of 4040.27 feet to a 5/8" iron with a yellow plastic cap stamped "AES, INC." located on the Northern line of Oregon Highway 140 and the point of beginning; thence North 80°11'11" West along said Northern line of Oregon Highway 140 a distance of 91.36 feet; thence North 01°22'53" East a distance of 606.15 feet to a point; thence North 83°23'09" East a distance of 244.41 feet to a point; thence South 56°37'20" East a distance of 303.37 feet to a 5/8" iron with a yellow plastic cap stamped "AES, INC."; thence South 89°22'59" West a distance of 427.11 feet to a 5/8" iron with a yellow plastic cap stamped "AES, INC."; thence South 00°35'21" East a distance of 477.15 feet to a 5/8" iron with a yellow plastic cap stamped "AES, INC." and the point of beginning.

TO BE ADDED TO: Code 7-04; Map No. 391917C-101; Account No. 11643.

(IF SPACE INSUFFICIENT, CONTINUE DESCRIPTION ON REVERSE)

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 grantor is lawfully seized in fee simple of the above granted premises, free from all encumbrances except (if no exceptions, so state): NONE

and that grantor will warrant and forever defend the premises and every part and parcel thereof against the lawful claims and demands of all persons whomsoever, except those claiming under the above described encumbrances.

The true and actual consideration paid for this transfer, stated in terms of dollars, is \$1.00. 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 _____, 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

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.308 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, AND SECTIONS 2 TO 9 AND 17, CHAPTER 465, OREGON LAWS 2008. 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 22.010 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 30.830, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.308 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, AND SECTIONS 2 TO 9 AND 17, CHAPTER 465, OREGON LAWS 2008.

Charles K. Kelley
Charles K. Kelley

STATE OF OREGON, County of Lake) ss.

This instrument was acknowledged before me on

by CHARLES K. KELLEY



Cherie L. Davis
Notary Public for Oregon
My commission expires 08/21/2014

Herb Mosgar

From: Carmen Tague <carment@andersonengineering.com>
Sent: Tuesday, January 03, 2012 2:40 PM
To: herbert.l.mosgar@state.or.us
Subject: Surface Water Application - Charles Kelley
Attachments: Deed.pdf

The deed you requested for the Kelley Surface Water Application is attached. Please let me know if you have any questions.

Thank you!

Carmen Tague
Anderson Engineering & Surveying, Inc.
PO Box 28, Lakeview, OR 97630
(541) 947-4407



CHARLES K. KELLEY
P. O. BOX 711
LAKEVIEW, OR 97630
Owner's Name and Address

NANCY YIALOURIS
91729 HIGHWAY 140
LAKEVIEW, OR 97630
Owner's Name and Address

After recording, return to (Name, Address, Zip):
CHARLES K. KELLEY
P. O. BOX 711
LAKEVIEW, OR 97630

Until requested otherwise, send all the statements to (Name, Address, Zip):
NANCY YIALOURIS
91729 HIGHWAY 140
LAKEVIEW, OR 97630

LAKE COUNTY, OREGON 2011-000650
D-WOEDD
Cnt=1 Pgs=1 05/31/2011 02:07:08 PM
\$3.00 \$11.00 \$15.00 \$10.00 Total: \$41.00



00000743201100006500010011

SPACE RESERVED
FOR
RECORDER'S USE

I, Stacie Gessney, County Clerk for Lake County, Oregon,
certify that the instrument identified herein was
recorded in the Clerk's records.

Stacie Gessney - County Clerk

NAME TITLE

By _____, Deputy.

WARRANTY DEED

KNOW ALL BY THESE PRESENTS that CHARLES K. KELLEY

hereinafter called grantor, for the consideration hereinafter stated, to grantor paid by NANCY YIALOURIS

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 LAKE County, State of Oregon, described as follows, to-wit:

A parcel of land being part of the Southeast one-quarter of the Southwest one-quarter of Section 17, Township 39 South, Range 12 East of the
Willamette Meridian, Lake County, Oregon, said parcel being more particularly described as follows:

Commencing at a 2" iron pipe at the Southeast corner of the Southeast quarter of Section 17, Township 39 South, Range 12 East of the
Willamette Meridian; thence North 78°28'14" West a distance of 4040.27 feet to a 5/8" iron with a yellow plastic cap stamped "AES, INC." located on the Northerly line of Oregon Highway 140 and the point of beginning; thence North 80°11'11" West along said Northerly line of Oregon Highway 140 a distance of 91.56 feet; thence North 01°22'53" East a distance of 606.15 feet to a point; thence North 83°23'09" East a distance of 244.41 feet to a point; thence South 56°37'20" East a distance of 305.37 feet to a 5/8" iron with a yellow plastic cap stamped "AES, INC."; thence South 89°22'39" West a distance of 427.11 feet to a 5/8" iron with a yellow plastic cap stamped "AES, INC."; thence South 00°55'21" East a distance of 477.15 feet to a 5/8" iron with a yellow plastic cap stamped "AES, INC." and the point of beginning.

TO BE ADDED TO: Code 7-04; Map No. 391917C-101; Account No. 11643.

(IF SPACE INSUFFICIENT, CONTINUE DESCRIPTION ON REVERSE)

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 grantor is lawfully seized
in fee simple of the above granted premises, free from all encumbrances except (if no exceptions, so state): NONE

and that
grantor will warrant and forever defend the premises and every part and parcel thereof against the lawful claims and demands of all
persons whomsoever, except those claiming under the above described encumbrances.

The true and actual consideration paid for this transfer, stated in terms of dollars, is \$1.00. 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 _____; 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.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD
INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO
195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, AND SECTIONS 2 TO 9 AND 17,
CHAPTER 455, OREGON LAWS 2008. 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 82.010 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 39.330, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY,
UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, ORE-
GON LAWS 2007, AND SECTIONS 2 TO 9 AND 17, CHAPTER 455, OREGON LAWS 2008.

STATE OF OREGON, County of Lake

This instrument was acknowledged before me on _____
by CHARLES K. KELLEY

Charles K. Kelley
Charles K. Kelley



CHERIE L. DAVIS
NOTARY PUBLIC-OREGON
COMMISSION NO. 449594
MY COMMISSION EXPIRES AUGUST 21, 2014

Cherie L. Davis
Notary Public for Oregon
My commission expires 08/21/2014

Township 38 South, Range 18 East of the Willamette Meridian,
 Section 13: S4NW4 and the S2NW4, LESS that portion lying North of
 existing roadway and fence existing as of April 8, 1972.
 E4SW4, S2E.

Section 24: NW4.

Section 25: S4.

Section 36: E4, N4NW4, S2NW4, E4SW4.

Township 38 South, Range 19 East of the Willamette Meridian,

Section 18: SW4, S4SE4.

Section 19: N4NE4, W4, W4SE4, SW4NE4.

Section 30: All of Section.

Section 31: N4NE4, SW4NE4, W4, N4SE4, SE4SE4.

Section 32: NW4NW4, S4NW4, SW4.

Township 39 South, Range 18 East of the Willamette Meridian,

Section 1: N4, N4SW4, SW4SW4, N4SE4SW4, N4SE4, SW4SE4, N4SE4SE4.

Section 12: All of Section.

Section 13: NE4NE4, S4NE4, NE4NW4, S4NW4, NW4SW4, E4SE4, Less that
 portion lying South of the Lakaview-Klamath Falls Highway.

Township 39 South, Range 19 East of the Willamette Meridian,

Section 5: N4NW4, SW4NW4, E4SE4NW4, SW4.

Section 6: All of Section.

Section 7: SW4, N4SE4, SW4SE4, NE4, N4NW4, SW4NW4.

Section 8: N4NE4SW4, N4SE4NE4SW4, NW4SW4, E4, N4NW4, SW4NW4, N4SE4NW4,
 SW4SW4, N4SE4SW4, S4SE4SW4.

Section 17: NW4NE4, S4NE4, N4NE4NW4, N4SE4NE4NW4, W4NW4, SE4NW4, N4SW4,
 that portion of N4N4SW4SW4 lying North of the Lakaview-Klamath
 Falls Highway, N4NE4SE4, N4N4NW4SE4, S4NW4SE4, that portion of
 S4N4SW4SE4 lying North of the Lakaview-Klamath Falls Highway.

Section 18: N4, and that part of the S4 lying North of the Lakaview-Klamath
 Falls Highway.

Township 40 South, Range 20 East of the Willamette Meridian,

Section 11: N4, NE4SE4, EXCEPTING THEREFROM a tract of land described as:
 Beginning at the Southwest corner of the NW4 of Section 11,
 thence North 0°19' East 1662.18 feet; thence South 16°28' East
 1731.36 feet; thence North 90°00' West 307.01 feet to the point
 of beginning. AND EXCEPTING that part of the NE4SE4, SE4NE4 East
 of U.S. 395 Highway.

State of Oregon
 County of Lake

I hereby certify that the within instru-
 ment was received and filed for record on
 the 4th day of December, 1978
 at 1:40 o'clock P.M. and recorded
 on Page 452 in book 178 Record
 of Deeds of said County

[Signature]
 County Clerk
 By Tara O'Connor Deputy

9-102

BARGAIN AND SALE DEED

55588 4510

KNOW ALL MEN BY THESE PRESENTS, That JEANINE E. KELLEY

hereinafter called grantor, for the consideration hereinafter stated, does hereby grant, bargain, sell and convey unto CHARLES K. KELLEY hereinafter called grantee, and unto grantee's heirs, successors and assigns all of that certain real property with the improvements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, situated in the County of Lake, State of Oregon, described as follows, to-wit:

That property described on Exhibit C attached hereto and by this reference made a part herof.

IF SPACE INSUFFICIENT, CONTINUE DESCRIPTION ON REVERSE SIDE

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

The true and actual consideration paid for this transfer, stated in terms of dollars, is \$ none

However, the actual consideration consists of or includes other property or value given or promised which is consideration (indicate which) (The sentence between the symbols @, if not applicable, should be deleted: See ORS 93.030.)

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

In Witness Whereof, the grantor has executed this instrument this 29 day of November, 1978; if a corporate grantor, it has caused its name to be signed and seal affixed by its officers, duly authorized thereto by order of its board of directors.

Jeannie E. Kelley

(If executed by a corporation, attach corporate seal)

STATE OF ~~OREGON~~ CALIFORNIA
County of Santa Clara
November 29, 1978

Personally appeared the above named

JEANINE E. KELLEY

and acknowledged the foregoing instrument to be her voluntary act and deed.

(OFFICIAL SEAL)

Before me:
Rosita Guevara Zimbrick
Notary Public for State of California
My commission expires August 12, 1980

STATE OF OREGON, County of Lake

Personally appeared

Charles K. Kelley, being duly sworn, each for himself and not one for the other, did say that the former is the grantor and that the latter is the grantee

and that the said affixed to the foregoing instrument is the corporate seal of said corporation and that said instrument was signed and sealed in behalf of said corporation by authority of its board of directors; and each of them acknowledged said instrument to be its voluntary act and deed.

Before me:

(OFFICIAL SEAL)

Notary Public for Oregon
My commission expires

STATE OF CALIFORNIA

COUNTY OF Santa Clara

On this 29 day of November, in the year one thousand nine hundred and 78 before me, Rosita Guevara Zimbrick, a Notary Public, State of California, duly commissioned and sworn, personally appeared Jeannie E. Kelley

known to me to be the person whose name subscribed to the within instrument and acknowledged to me that he executed the same.

IN WITNESS WHEREOF I have hereunto set my hand and affixed my official seal in the Santa Clara County of California on the day and year in this certificate first above written.

Rosita Guevara Zimbrick
Notary Public, State of California

My commission expires August 12, 1980



OFFICIAL SEAL
Rosita Guevara Zimbrick
NOTARY PUBLIC - CALIFORNIA
- PRINCIPAL OFFICE IN -
SANTA CLARA COUNTY
My Commission Expires August 12, 1980