

Minimum Requirements Checklist

Minimum Requirements (OAR 690-310-0040, OAR 690-310-0050 & ORS 537.140)

Include this checklist with the application

Check that each of the following items is included. The application will be returned if all required items are not included. If you have questions, please call the Water Rights Customer Service Group at (503) 986-0900.

- X SECTION 1: applicant information and signature
- X SECTION 2: property ownership
- X SECTION 3: source of water requested
- X SECTION 4: water use
- X SECTION 5: water management
- X SECTION 6: resource protection
- X SECTION 7: project schedule
- X SECTION 8: within a district
- X SECTION 9: remarks

Attachments:

- X Land Use Information Form with approval and signature (*must be an original*) or signed receipt
- X Provide the legal description of: (1) the property from which the water is to be diverted, (2) any property crossed by the proposed ditch, canal or other work, and (3) any property on which the water is to be used as depicted on the map.
- X Fees - Amount enclosed: \$ 1340.00
See the Department's Fee Schedule at www.oregon.gov/owrd or call (503) 986-0900.

Provide a map and check that each of the following items is included:

- X Permanent quality and drawn in ink
- X Even map scale not less than 4" = 1 mile (example: 1" = 400 ft, 1" = 1320 ft, etc.)
- X North Directional Symbol
- X Township, Range, Section, Quarter/Quarter, Tax Lots
- X Reference corner on map
- X Location of each well, and/or dam if applicable, by reference to a recognized public land survey corner (distances north/south and east/west)
- X Indicate the area of use by Quarter/Quarter and tax lot clearly identified
- X Number of acres per Quarter/Quarter and hatching to indicate area of use if for primary irrigation, supplemental irrigation, or nursery
- X Location of main canals, ditches, pipelines or flumes (if well is outside of the area of use)

Other:

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Permit to Appropriate Only Stored Water -- Expedited Secondary

Today's Date: Thursday, July 19, 2012

Base Application Fee.		\$400.00
Acre feet of Stored Water to be diverted.	59.75	\$540.00
Permit Recording Fee. ***		\$400.00
*** the Permit Recording Fee is not required when the application is submitted but, must be paid before a permit will be issued. It is fully refundable if a permit is not issued. If the recording fee is not paid prior to issuance of the Final Order, permit issuance will be delayed.	<input type="button" value="Recalculate"/>	
Estimated cost of Permit Application		\$1,340.00

[Return to Fee Calculator Options page](#)

[OWRD Fee Schedule](#)

Fee Calculator Version: B20090701

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SALEM, OR

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 SUTHERLIN WATER CONTROL DISTRICT		PHONE (HM) 541-459-5450	
PHONE (WK) 541-459-5450	CELL 541-580-3286	FAX 541-459-5450	
ADDRESS P.O. BOX 1167			
CITY SUTHERLIN	STATE OR	ZIP 97479	E-MAIL * SUTHWCD@QWESTOFFICE.NET

Organization Information

NAME		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 <i>Blair Nash</i>		PHONE <i>541-459-5450</i>	FAX <i>541-459-5450</i>
ADDRESS <i>495 N. State St.</i>			CELL
CITY <i>Sutherlin</i>	STATE <i>OR</i>	ZIP <i>97479</i>	E-MAIL *

Note: Attach multiple copies as needed

* By providing an e-mail address, consent is given to receive all correspondence from the department electronically. (paper copies of the final order documents will also be mailed.)

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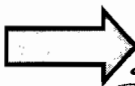
AUG 02 2012

By my signature below I confirm that I understand:

SALEM, OR

- I am asking to use water specifically as described in this application.
- Evaluation of this application will be based on information provided in the application packet.
- I cannot legally use water until the Water Resources Department issues a permit to me.
- The Department encourages all applicants to wait for a permit to be issued before beginning construction of any proposed diversion. 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

Blair Nash Manager
Print Name and title if applicable

8-1-12
Date

Applicant Signature

Print Name and title if applicable

Date

Revise

App. No. <i>S-07026</i>	For Department Use	Date
Permit No. _____		

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.

X 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: <u>Plat I Reservoir</u>	Tributary to: <u>Sutherlin Creek > North Umpqua River</u>
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).

Permit R-4751, Certificate 76598

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B. Applications to Use Stored Water

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

SALEM OR

X 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
Plat I Reservoir	Irrigation of 23.9 Acres	March 1 – October 31	59.75 <input type="checkbox"/> cfs <input type="checkbox"/> gpm X 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: 23.9 Acres Supplemental: _____ Acres
 List the Permit or Certificate number of the underlying primary water right(s): _____
 Indicate the maximum total number of acre-feet you expect to use in an irrigation season: 59.75 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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SECTION 5: WATER MANAGEMENT

A. Diversion and Conveyance

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

X Pump (give horsepower and type): 1-25 HP & 2-50 HP pumps for district system.

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 from Plat J Reservoir is delivered through district's pressurized system.

B. Application Method

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

Hand Lines

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 damage to public uses of affected surface waters.

Piped enclosed metered system inspected regularly for leaks.

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.

- X Diversion will be screened to prevent uptake of fish and other aquatic life.
Describe planned actions: ODFW approved fish screening.
- X Excavation or clearing of banks will be kept to a minimum to protect riparian or streamside areas.
Describe planned actions: None Planned
- X Operating equipment in a water body will be managed and timed to prevent damage to aquatic life.
Describe: None Planned
- X Water quality will be protected by preventing erosion and run-off of waste or chemical products.
Describe: Will use best irrigation management practices.

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SECTION 7: PROJECT SCHEDULE

Date construction will begin: Existing System

Date construction will be completed: Existing System

Date beneficial water use will begin: Upon Permit Issuance

SECTION 8: WITHIN A DISTRICT

X Check here if the point of diversion or place of use are located within or served by an irrigation or other water district.

Irrigation District Name Sutherlin Water Control District	Address P.O. Box 1167	
City Sutherlin	State OR	Zip 97479

SECTION 9: REMARKS

Use this space to clarify any information you have provided in the application.

Irrigation of 23.9 acres from Plat I Reservoir on district owned property adjacent to impoundment.

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STATE OF OREGON
COUNTY OF DOUGLAS
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

SUTHERLIN WATER CONTROL DISTRICT
P.O. BOX 1167
SUTHERLIN, OREGON 97479

confirms the right to store the waters of SUTHERLIN CREEK, a tributary of NORTH UMPQUA RIVER, in PLAT 1 RESERVOIR, appropriated under Permit 31273, for IRRIGATION AND SUPPLEMENTAL IRRIGATION.

The right to store these waters was perfected under Reservoir Permit R-4751. The date of priority is JULY 12, 1965. The amount of water entitled to be stored each year under this right is not more than 880.0 acre-feet.

The reservoir is located as follows:

SW 1/4 NW 1/4
NW 1/4 SW 1/4
BOTH AS PROJECTED WITH J. SUTHERLIN DLC 42
SECTION 13
SE 1/4 NE 1/4
SE 1/4
ALL AS PROJECTED WITHIN J. SUTHERLIN DLC 41
SECTION 14
N 1/2 NE 1/4
SE 1/4 NE 1/4
BOTH AS PROJECTED WITHIN J. SUTHERLIN DLC 41
LOT 3 (SE 1/4 NE 1/4)
SECTION 23
TOWNSHIP 25 SOUTH, RANGE 5 WEST, W.M.

The dam shall be constructed, operated, and maintained according to the approved plans and specifications on file with the Water Resources Department.

The right to store and use the water for the above purpose is restricted to beneficial use at the place of use described.

WITNESS the signature of the Water Resources Director, affixed AUGUST 17, 2000.

/S/ Richard D. Bailey

Paul R. Cleary

Recorded in State Record of Water Right Certificates numbered 76598.

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R-33573.SB

AUG 02 2012

SALEM, OR

S-87026

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

NOTE TO APPLICANTS

In order for your application to be processed by the Water Resources Department (WRD), this Land Use Information Form must be completed by a local government planning official in the jurisdiction(s) where your water right will be used and developed. The planning official may choose to complete the form while you wait, or return the receipt stub to you. Applications received by WRD without the Land Use Form or the receipt stub will be returned to you. Please be aware that your application will not be approved without land use approval.

This form is NOT required if:

- 1) Water is to be diverted, conveyed, and/or used only on federal lands; **OR**
- 2) The application is for a water right transfer, allocation of conserved water, exchange, permit amendment, or ground water registration modification, and **all** of the following apply:
 - a) The existing and proposed water use is located entirely within lands zoned for exclusive farm-use or within an irrigation district;
 - b) The application involves a change in place of use only;
 - c) The change does not involve the placement or modification of structures, including but not limited to water diversion, impoundment, distribution facilities, water wells and well houses; **and**
 - d) The application involves irrigation water uses only.

NOTE TO LOCAL GOVERNMENTS

The person presenting the attached Land Use Information Form is applying for or modifying a water right. The Water Resources Department (WRD) requires its applicants to obtain land-use information to be sure the water rights do not result in land uses that are incompatible with your comprehensive plan. Please complete the form or detach the receipt stub and return it to the applicant for inclusion in their water right application. You will receive notice once the applicant formally submits his or her request to the WRD. The notice will give more information about WRD's water rights process and provide additional comment opportunities. You will have 30 days from the date of the notice to complete the land-use form and return it to the WRD. If no land-use information is received from you within that 30-day period, the WRD may presume the land use associated with the proposed water right is compatible with your comprehensive plan. Your attention to this request for information is greatly appreciated by the Water Resources Department. If you have any questions concerning this form, please contact the WRD's Customer Service Group at 503-986-0801.

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SALEM, OR

Land Use Information Form



WRSIO-0367
CNG 104335

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

Applicant: Sutherland Water Control District
First Last

Mailing Address: P.O. Box 1169

Sutherland Or 97479 Daytime Phone: 541-459-5450
City State Zip

A. Land and Location

Please include the following information for all tax lots where water will be diverted (taken from its source), conveyed (transported), 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:
25 S	5W	14	SW NE	2300 2900		<input checked="" type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	
25 S	5W	14	SE NE	2700		<input checked="" type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	
25 S	5W	14	NW SE	100		<input checked="" type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	
25 S	5W	14	NE SE	100		<input checked="" type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	

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

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) PLAT I Reservoir

Estimated quantity of water needed: 59.75
 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:

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. →

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For Local Government Use Only

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

Please check the appropriate box below and provide the requested information

- Land uses to be served by 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, 50
- 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: KRISTY GILBERT Title: PLANNING TECH
 Signature: Kristy Gilbert Phone: 541-440-4289 Date: 05 13 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

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Applicant name: _____
 City or County: _____ Staff contact: _____ Date: AUG 02 2012
 Signature: _____ Phone: _____ Date: SALEM, OR

- - Property Data Summary Screen - -

Owner: SUTHERLIN WATER CONTROL DIST

Prop ID : R39515 (33336.01)
Map Tax Lot: 25-05W-14D-00100 (33336.01)

(8613) PO BOX 1167
SUTHERLIN, OR 97479

Legal : S L & W CO PLAT I, ACRES 3.82, (1)
PT L 1-6 B 2 & PT L 1-4 & 12- (2)*

Acreage : 3.82 Zoning: Deferral : PrCls: 991

DBA : Sale Info : \$0

Situs : 0 PLAT I RD Deed Type :

SUTHERLIN, OR 97479 Instrument# :

Code Areas : 13006 (Tax Rate: 8.5746) Year Built :

Living Area :

2011 Tax Status

Curr Tax & Assessments: 0.00
Payments or Adjust : 0.00
Discount Allowed : 0.00
Unpaid Balance : 0.00
Interest Due : 0.00
Total Due Current Year: 0.00
Delq Tax + Int + Fees : 0.00
Balance Due : 0.00
Pot Add Tax Liab:

2011 Roll Values

RMV Land \$ 152,800 (+)
RMV Improvements \$ 0 (+)
RMV Total \$ 152,800 (=)
Total Exemptions \$ 152,800 (-)
Net RMV \$ 0 (=)
M50 Assd Value \$ 0
Special Assessments: NONE
Exemption(Type) : MUNICIPAL

Enter <RET> to Exit:

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SALEM, OR

S-E H44

46-11459

... of THESE PRESENTS, THE HUSBAND and WIFE,

... and as full consideration for the same...
... and as full consideration for the same...
... and as full consideration for the same...

... of Block 2, Piece "F", Subdivision 4, City of
... Douglas County, Oregon, less that part sold to
... Recorder's No. 44-6048, Douglas
... Douglas County, Oregon.

To Have and to Hold the above described and granted premises unto the said grantee, heirs, assigns and assigns forever.

And said grantor hereby covenants to and with said grantee and grantee's heirs, successors and assigns, that said grantor is lawfully seized in fee simple of the above granted premises, free from all encumbrances...

and that grantor will defend the above granted premises and every part and parcel thereof against the claims and demands of all persons whomsoever.

In construing this deed and where the context so requires, the singular includes the plural
WITNESS grantor's hand and seal this day of September

Ernest W. McKinney
Sadie A. McKinney

CITY OF OREGON, County of Douglas) ss. September
I hereby approved the above named WITNESS W. MCKINNEY and SADIE
MCKINNEY, husband and wife

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AUG 02 2012
SALEM, OR

- - Property Data Summary Screen - -

Owner: SUTHERLIN WATER CONTROL DIST

Prop ID : R39331 (33320.03) (212025) 495 NORTH STATE STREET
Map Tax Lot: 25-05W-14A-02300 (33320.03) SUTHERLIN, OR 97479-8808
Legal : S L & W CO PLAT I, BLOCK 1, LOT PT
1 (IN FIRE & WATER) SEE R39347 FOR*

Acreage : 0.64 Zoning: Deferral : PrCls: 991
DBA : Sale Info : 05/23/12 \$1 R
Situs : 0 PLAT I RD Deed Type : BARGAIN
SUTHERLIN, OR 97479 Instrument# : 2012-8938

Code Areas : 13006 (Tax Rate: 8.5746) Year Built :
Living Area :

2011 Tax Status

Curr Tax & Assessments: 6.54
Payments or Adjust : 6.34
Discount Allowed : 0.20
Unpaid Balance : 0.00
Interest Due : 0.00
Total Due Current Year: 0.00
Delq Tax + Int + Fees : 0.00
Balance Due : 0.00
Pot Add Tax Liab:

2011 Roll Values

RMV Land \$ 4,480 (+)
RMV Improvements \$ 0 (+)
RMV Total \$ 4,480 (=)
Total Exemptions \$ 0 (-)
Net RMV \$ 4,480 (=)
M50 Assd Value \$ 761
Special Assessments: NONE
Exemption(Type) : NONE

Enter <RET> to Exit:

D

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AUG 02 2012

SALEM, OR

S 87820

103-

DOUGLAS COUNTY OFFICIAL RECORDS
PATRICIA K. HITT, COUNTY CLERK

2012-008938



\$103.00

06/01/2012 02:33:46 PM

Grantor's address:
WEYERHAEUSER COMPANY
ATTN: LAND TITLE - CH 1F23
P.O. BOX 9777
FEDERAL WAY, WA 98063-9777

DEED-BS Cnt=1 Stn=13 CAROL
\$65.00 \$11.00 \$17.00 \$10.00

Grantee's address,
After recording, return to, and
Until a change is requested, all tax
statements shall be sent to:
SUTHERLIN WATER CONTROL DISTRICT
221 ELKTON-SUTHERLIN HIGHWAY
SUTHERLIN, OR 97479-8808

495 North State St. ^{BN.}
So

STATUTORY BARGAIN AND SALE DEED

WEYERHAEUSER COMPANY (formerly known as "Weyerhaeuser Timber Company"), a Washington corporation, ("Grantor") conveys to **SUTHERLIN WATER CONTROL DISTRICT**, a special district a subdivision of the state ("Grantee") the real property situated in Douglas County, Oregon, as more particularly described on the **Exhibit A** attached hereto and by this reference incorporated herein (the "Property"), strictly subject to and in full and complete compliance with the covenants and restrictions set forth on **Exhibit B** attached hereto and by this reference incorporated herein, all of which shall be binding on Grantee and shall run with the land and be binding on all future owners and other interest holders in such real property.

The true consideration for this conveyance is \$1.00 and other nonmonetary value, which together constitute the whole consideration for this deed.

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, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS

T2011-265 / Sutherlin Water Control District
Douglas County OR

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AUG 02 2012

SALEM, OR

First American Title Insurance Company
P.O. Box 1325
Roseburg, OR 97470

18692580V

S-67826

EXHIBIT A
Real Property Description

IN DOUGLAS COUNTY, OREGON

A part of **LOT 13, BLOCK 1, PLAT I OF THE SUTHERLIN LAND AND WATER COMPANY**, as surveyed, platted and recorded in the office of the County Clerk of Douglas County, State of Oregon, more particularly described as follows:

BEGINNING at a point on the south line of said Lot 13 from which the Southwest corner of said Lot 13 bears North 88°52' East (erroneously "West" in Deed dated October 24, 1945 from Roach Timber Company to Grantor, recorded June 24, 1946 under Assessor's File No. 14044) a distance of 142.6 feet;
thence North 72°51' East a distance of 8.40 feet;
thence North 70°51' East a distance of 97.90 feet;
thence North 66°51' East a distance of 97.90 feet;
thence North 64°11' East a distance of 32.90 feet to a point on the East line of said Lot 13,
thence South, along said East line of said Lot 13, a distance of 66.6 feet, from which the Southeast corner of said Lot 13 bears South 26.9 feet;
thence South 65°55' West a distance of 63.4 feet to a point on the South line of said Lot 13;
thence North 88°52' West a distance of 162.2 feet to the **PLACE OF BEGINNING**, being located in the N½ of Section 13, Township 25 South, Range 5 West of the Willamette Meridian; *LESS AND EXCEPT that portion conveyed to Grantee and described in Deed dated June 6, 1966, recorded June 27, 1966 in Book 374 at page 990, records of Douglas County, Oregon; and, also,*

A strip of land 60.00 feet wide in **LOT 1, BLOCK 1, PLAT I OF THE SUTHERLIN LAND AND WATER COMPANY**, as surveyed, platted and recorded in the office of the County Clerk of Douglas County, State of Oregon, being 30.00 feet on each side of the following described located center line of the Sutherlin, Coos Bay and Eastern Railway Company:

BEGINNING at Engineers Survey Station 174+40.4 at point on the West line of said Lot 1, said point being North 00°30' East 441.4 feet of the Southwest corner of said Lot 1, said lot corner being in the center of the dedicated road on the South side of said Lot 1;

thence South 75°06' East a distance of 512.4 feet to a point on the East line of said Lot 1, at Engineers Survey Station 179+52.8, said point being North 309.7 feet of the Southeast corner of said Lot 1, said lot corner being in the center of the dedicated road on the South side of said lot, and located in the E½ of Section 14, Township 25 South, Range 5 West of the Willamette Meridian, and the **TERMINUS OF THIS CENTERLINE DESCRIPTION**; and

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A strip of land 60.00 feet wide in **LOT 2, BLOCK 1, PLAT I OF THE SUTHERLIN LAND AND WATER COMPANY**, as surveyed, platted and recorded in the office of the County Clerk of Douglas County, State of Oregon, being 30.00 feet on each side of the following described center line of the Sutherlin, Coos Bay and Eastern Railway Company:

Beginning at Engineers Survey Station 179+52.8, at a point on the West line of said Lot 2, said point being North 309.7 feet from the Southwest corner of said Lot 2, said lot corner being in the center of the dedicated road on the South side of said lot;

thence South 75°06' East a distance of 516.3 feet to a point on the East line of said Lot 2 at Engineers Survey Station 184+69.1, said point being North 177.0 feet of the Southeast corner of said Lot 2, said lot corner being in the center of the dedicated road on the South side of said Lot 2 and located in the E½ of Section 14, Township 25 South, Range 5 West of the Willamette Meridian and the **TERMINUS OF THIS CENTERLINE DESCRIPTION; LESS AND EXCEPT that portion conveyed to Grantee and described in Deed dated June 6, 1966, recorded June 27, 1966 in Book 374 at page 990, records of Douglas County, Oregon.**

Tax Map ID: 250513B00100
250514A02300
250514A02300

Property ID: R39483
R39331
R39347

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EXHIBIT B

Covenants and Restrictions

1. **Definitions.** For purposes of these Covenants and Restrictions, each of the following capitalized terms shall have the meaning ascribed to such terms as set forth below:

(a) **“Cap”** means the vegetative topsoil cap in place on all or portions of the Property as of the Effective Date, which acts as an environmental engineering control.

(b) **“Deed”** means the Statutory Bargain and Sale Deed to which these Covenants and Restrictions are attached and made a part.

(c) **“DEQ”** means the Oregon Department of Environmental Quality, and its employees, agents, and authorized representatives. "DEQ" also means any successor or assign of DEQ under the laws of Oregon, including but not limited to any entity or instrumentality of the State of Oregon authorized to perform any of the functions or to exercise any of the powers currently performed or exercised by DEQ.

(d) **“Future Remedial Measures”** means any remedial actions required by applicable law, or by DEQ or any other federal, state or local agency with jurisdiction, including, but not limited to, further investigations, cleanup actions, monitoring and maintenance, and institutional controls.

(e) **“Hazardous Substance”** has the meaning set forth in ORS 465.200, as the same may be amended from time to time.

(f) **“Owner”** means any person or entity, including Grantor and Grantee, who at any time owns, occupies, or acquires any right, title, or interest in or to any portion of the Property or a vendee's interest of record to any portion of the Property, including any successor, heir, assign or holder of title or a vendee's interest of record to any portion of the Property, excluding any entity or person who holds such interest solely for the security for the payment of an obligation and does not possess or control use of the Property.

2. **Covenants and Restrictions.** Grantor conveys the Property and Grantee accepts the Property, strictly subject to the following covenants and restrictions (collectively, the **“Covenants and Restrictions”**):

(a) **Use of the Property.** Each and every Owner shall occupy and allow other parties to occupy or use the Property only in full and strict compliance with these Covenants and Restrictions. The sole permitted uses of the Property shall be those permitted by the applicable zoning code for the Property; provided, however, that notwithstanding the foregoing, the following operations and uses are strictly prohibited

on the Property at all times, regardless of whether they are or become permitted by the applicable zoning: (i) residential use of any type; and (ii) food crop agricultural use. If the Property is utilized for any use that disrupts the existing surface material on the Property, then Owner first shall add additional aggregate or other appropriate material to the surface as needed for stabilization and to sufficiently cover the surface. Owner shall be entitled to maintain and repair, as necessary and appropriate, the pipeline in the subsurface of the Property adjacent to and near the Red Rock Road located on the Property, in the approximate location shown on the site map attached hereto as **Exhibit C**, provided that all such pipeline repair activities shall be subject to all the other terms and provisions of these Covenants and Restrictions, and further, Owner shall take all steps necessary to ensure that such activities will not cause a release or conduit for the release or exposure of any contamination on the Property, and Owner shall indemnify and hold Grantor harmless of, from and against any and all claims arising from the activities described in this Section 2(a) and as provided in Section 2(f) below. No Owner shall conduct or allow to be conducted on the Property any operation or use that will or likely will disturb or result in exposure to contaminated soil, including without limitation, any excavation, drilling, scraping, or erosion, without first obtaining the written consent of Grantor and DEQ.

(b) **Soil Management.** Each Owner shall manage the soil according to any approved soils management plan for contaminated soils and in compliance with all applicable regulatory requirements. If soil from the Property should need to be moved on site or off the site, it will be handled and disposed of strictly in accordance with applicable waste management or other regulatory requirements issued by the DEQ or any other federal, state, or local agency with jurisdiction.

(c) **Redevelopment.** No Owner shall commence or undertake any development activities or any other work that is inconsistent with any of the Covenants and Restrictions without the prior written consent of Grantor and DEQ, which approval may be contingent on compliance with additional requirements and recording of an additional declaration containing conditions or restrictions necessary to implement those requirements.

(d) **Future Remedial Measures.** Grantee, its successors and assigns shall be responsible for any and all Future Remedial Measures.

(e) **Release.** Grantee, or anyone claiming by, through or under Grantee, and their successors and assigns, hereby fully and irrevocably release Grantor, and its agents and representatives, from any and all claims that it may now have or hereafter acquire against Grantor or its agents or representatives for any cost, loss, liability, damage, expense, action or cause of action, whether foreseen or unforeseen, arising from or related to any defects, errors or omissions on or in the Property, the presence of Hazardous Substances on, in or about the Property, or any other conditions

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(whether patent, latent, or otherwise) affecting the Property or relating to a condition of the Property.

(f) **Indemnification.** Grantee and anyone claiming by, through or under Grantee, and their successors and assigns agree to indemnify, protect, defend and hold Grantor and Grantor's agents, employees, and representatives harmless, for, from, against and regarding any and all claims, liabilities, damages, costs and expenses incurred (including reasonable attorney fees and legal expenses), that may be caused by, related to or otherwise result from any violation or breach of the terms and provisions of these Covenants and Restrictions or any failure to comply with or perform Future Remedial Measures.

(g) **Notice of Conveyance.** Grantee and all other future Owners shall provide Grantor and DEQ thirty (30) days' written notice prior to the effective date of any conveyance, grant, gift, or other transfer, in whole or in part, of any interest in or occupancy of the Property, or change in use of the Property that might expose human or ecological receptors to Hazardous Substances at the Property. No conveyance of an interest in the Property shall be consummated by Grantee or any future Owner without adequate and complete provision for continued maintenance of the Cap, and/or any Future Remedial Measures and any such future conveyance shall be made expressly subject to the Covenants and Restrictions. Prior to any transfer, Grantee and all future Owners shall provide Grantor and DEQ the full name and address of the party to which Grantee or any such Owner intends to transfer an interest or right of occupancy, and complete details of any planned development activities or proposed change in use, which proposed change in use shall be subject to the prior written approval of DEQ and Grantor.

(h) **Third Party Beneficiary; Violations and Remedies; Enforcement.** DEQ is an intended third party beneficiary of these Covenants and Restrictions. Upon any violation or breach of any of the Covenants and Restrictions, Grantor or DEQ, acting together or separately, may seek all remedies available at law or in equity to enforce the terms of these Covenants and Restrictions by resort to specific performance or any other legal remedy or process; provided that no provision herein shall be construed or intended to impose any obligation, by law or by contract, on Grantor or DEQ, to take action to enforce these Covenants and Restrictions. All remedies hereunder shall be in addition to any and all remedies available at law or in equity, including ORS Ch. 465. No forbearance, delay or omission to exercise the enforcement rights hereunder shall be deemed a waiver of any right or remedy hereunder.

3. **Effect of Covenants and Restrictions.**

(a) **General Effect.** The Property is hereby declared to be subject to, and shall in the future be conveyed, transferred, leased, encumbered, occupied, built upon, or otherwise used or improved, in whole or in part, expressly subject to the Covenants and Restrictions.

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(b) **Run with the Land.** Each Covenant and Restriction touches and concerns the Property and upon the recording hereof, the Covenants and Restrictions shall run with the land for all purposes, shall be binding upon all current and future owners of the Property, and shall inure to the benefit of Grantor and the DEQ.

4. **Miscellaneous.**

(a) **Severability.** The Covenants and Restrictions are intended to be performed in accordance with, and only to the extent permitted by, all applicable laws, ordinances, rules and regulations. If any provision of the Covenants and Restrictions, or the application thereof to any person or circumstance, shall, for any reason and to any extent be invalid or unenforceable, the remainder of the Covenants and Restrictions and the application of such provision to other persons or circumstances shall not be affected thereby but rather shall be enforced to the greatest extent permitted by law.

(b) **Consent.** Whenever consent or approval of any person or entity is required under the Covenants and Restrictions, except as otherwise expressly provided in the Covenants and Restrictions, such person or entity may grant or withhold such consent or approval in such person's or entity's sole and absolute discretion.

(c) **Priority.** The Covenants and Restrictions are expressly senior to any interest in the Property that is not in existence and of record as of the date the Deed is recorded.

[Signatures on Following Page]

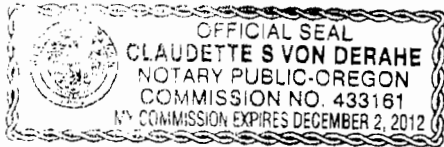
AGREED AND ACKNOWLEDGED:

SUTHERLIN WATER CONTROL DISTRICT,
a special district a subdivision of the state

By: *Blair Nash*
[Print name] Blair Nash
Title: Manager

STATE OF Oregon)
COUNTY OF Douglas) ss.

Personally appeared before me, the undersigned authority in and for said county and state, on this 14th day of May, 2012, within my jurisdiction, the within named Blair Nash, who acknowledged that he/she is the Manager of **SUTHERLIN WATER CONTROL DISTRICT**, a special district a subdivision of the state, and that for and on behalf of the said Abstract, and as its act and deed he/she executed the above and foregoing instrument, after first having been duly authorized by said corporation so to do.



Claudette S Von Derahe
[Print name] Claudette S Von Derahe
Notary Public for the State of Oregon
My appointment expires: 12/2/12

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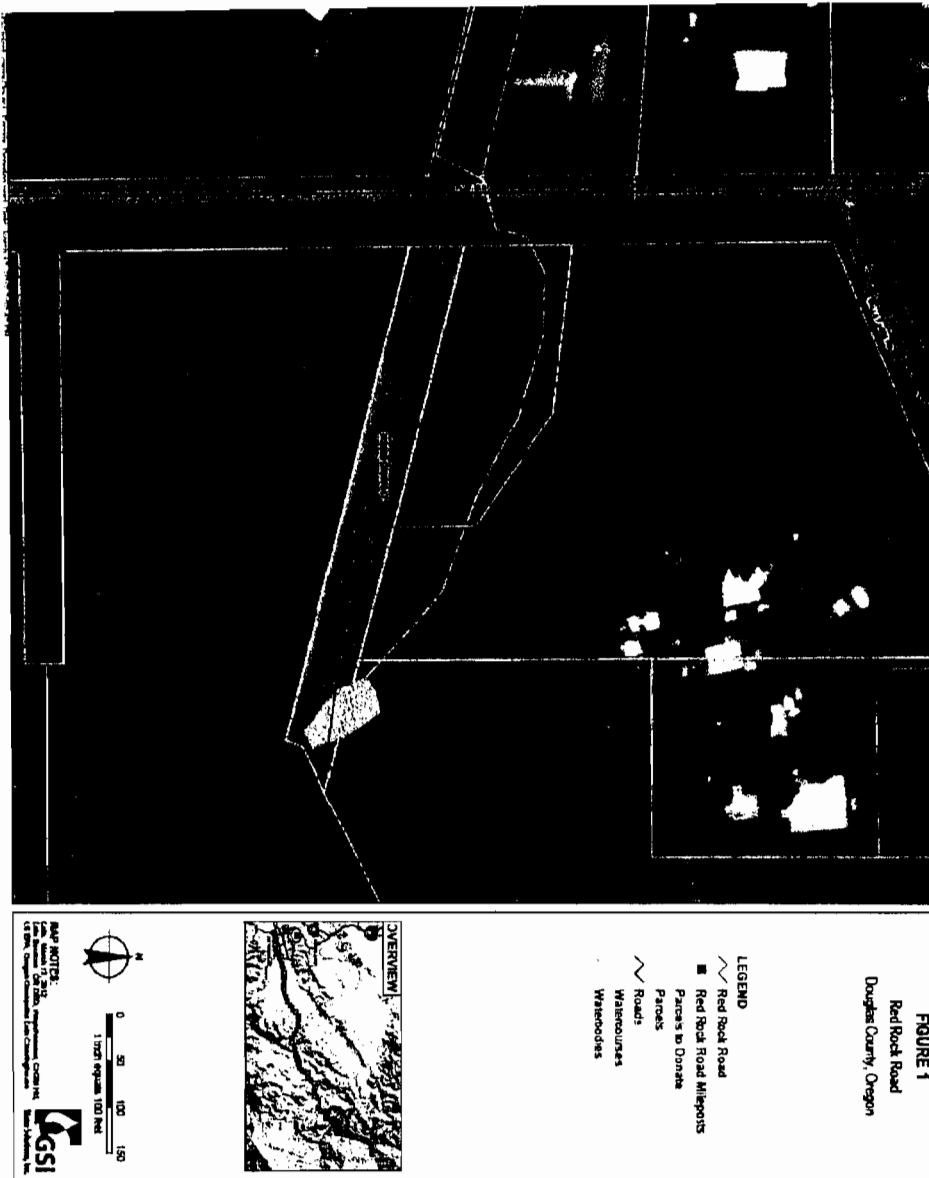
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Exhibit C to Donation Agreement

Site Map

Parcel #'s R39331 and R39347



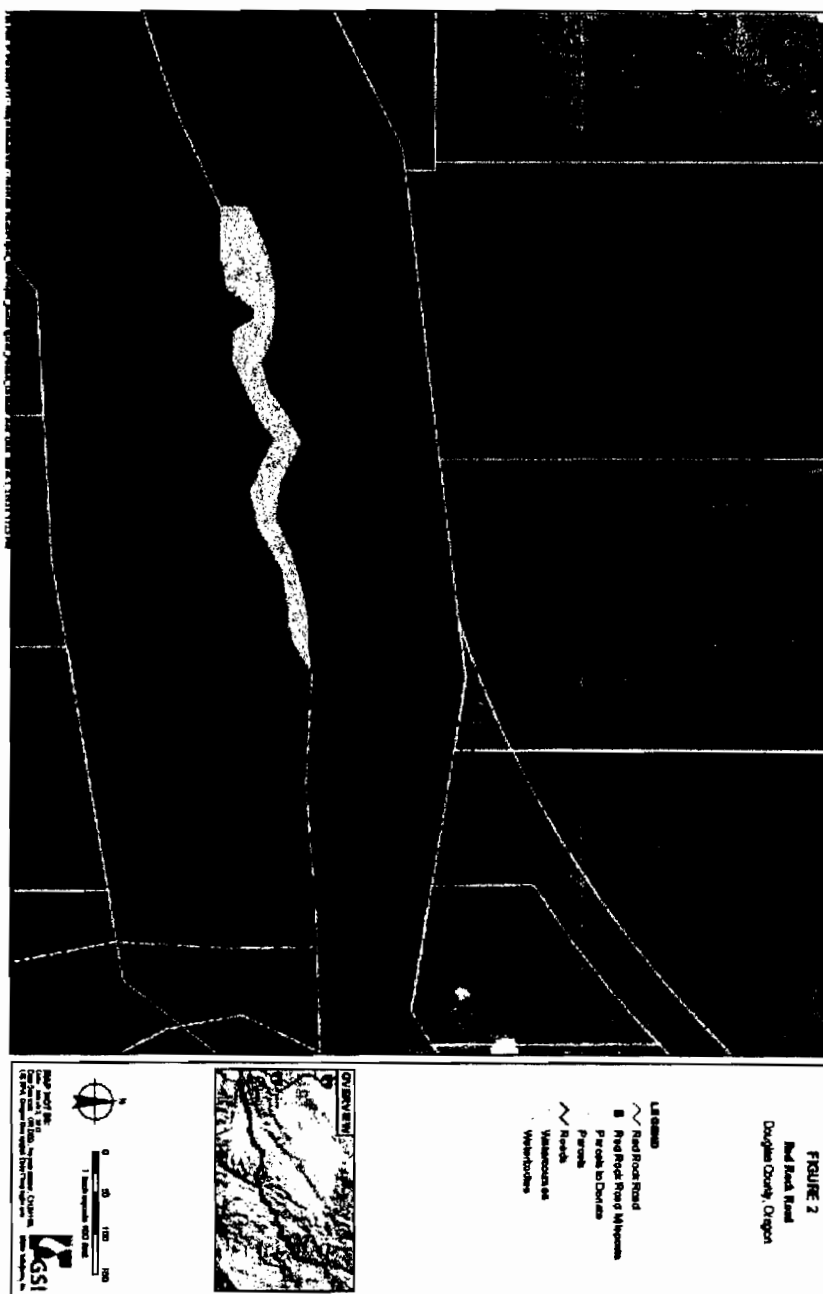
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Parcel # R39483



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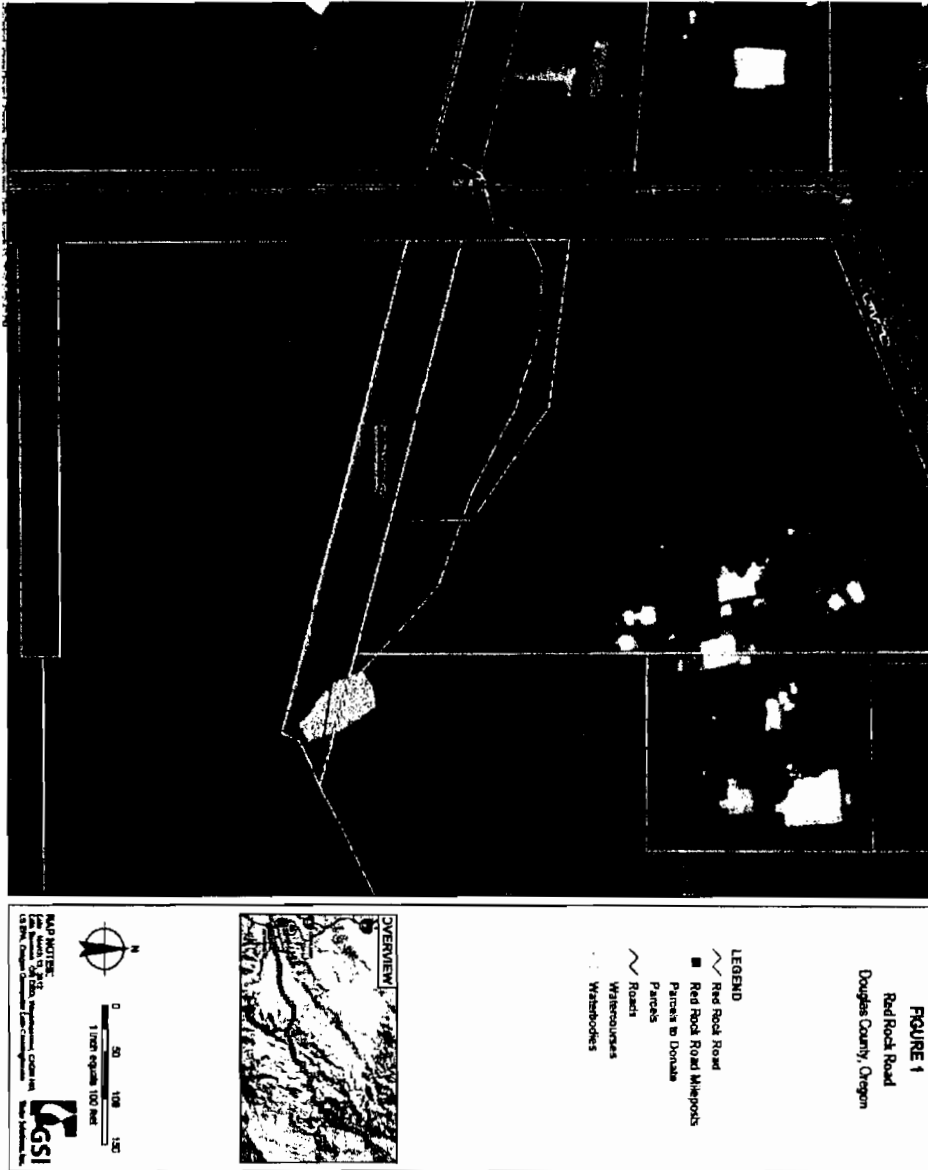
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Exhibit C to Donation Agreement

Site Map

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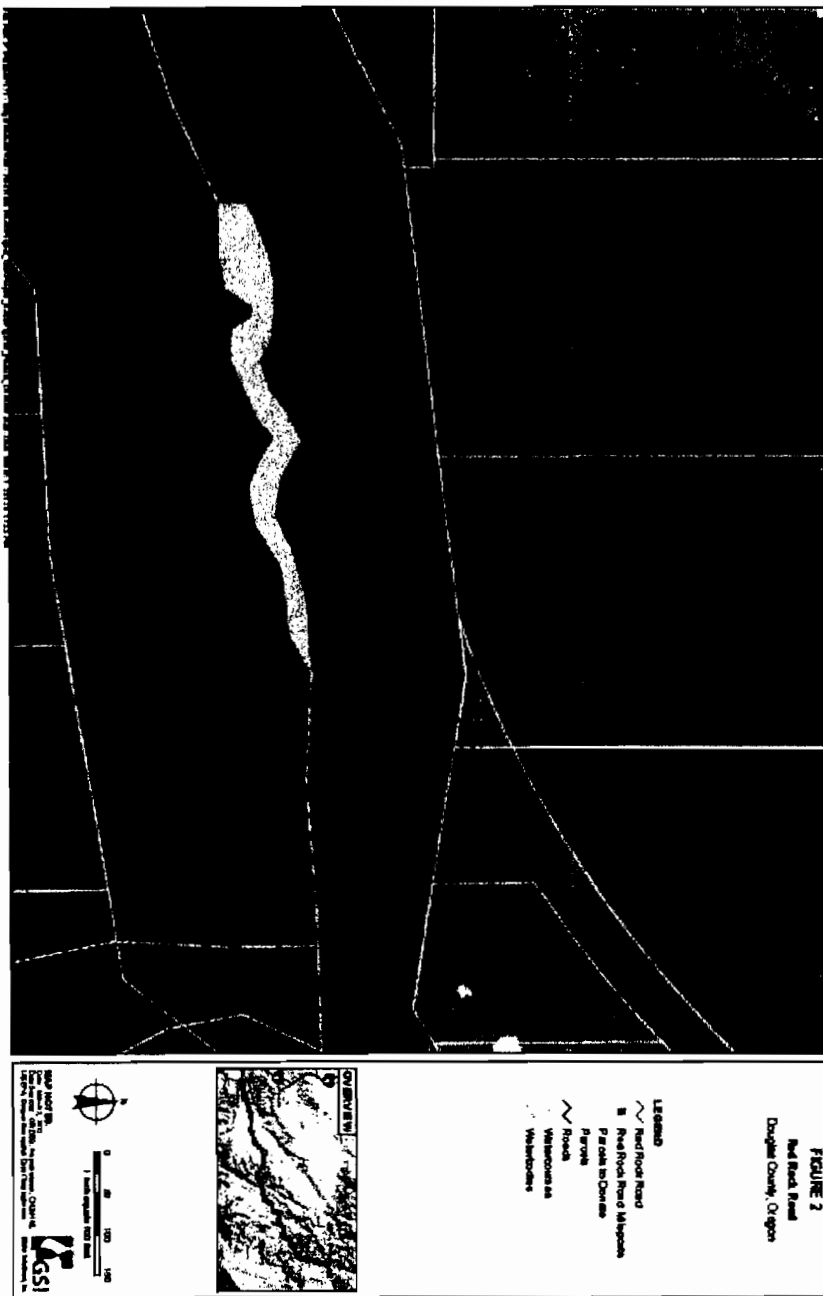
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Parcel # R39483



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- - Property Data Summary Screen - -

Owner: SUTHERLIN WATER CONTROL DIST

Prop ID : R39323 (33320.02)
Map Tax Lot: 25-05W-14A-02900 (33320.02)

(8613) PO BOX 1167
SUTHERLIN, OR 97479

Legal : S L & W CO PLAT I, BLOCK 1, LOT PT
1 THRU 6 (IN FIRE & WATER) SEE*

Acreage : 19.73 Zoning: Deferral : PrCls: 991

DBA : Sale Info : \$0

Situs : 0 VALLEY VIEW RD Deed Type :

SUTHERLIN, OR 97479 Instrument# :

Code Areas : 13006 (Tax Rate: 8.5746) Year Built :

Living Area :

2011 Tax Status

2011 Roll Values

Curr Tax & Assessments: 0.00
Payments or Adjust : 0.00
Discount Allowed : 0.00
Unpaid Balance : 0.00
Interest Due : 0.00
Total Due Current Year: 0.00
Delq Tax + Int + Fees : 0.00
Balance Due : 0.00
Pot Add Tax Liab:

RMV Land \$ 197,300 (+)
RMV Improvements \$ 285,000 (+)
RMV Total \$ 482,300 (=)
Total Exemptions \$ 482,300 (-)
Net RMV \$ 0 (=)
M50 Assd Value \$ 0
Special Assessments: NONE
Exemption(Type) : MUNICIPAL

Enter <RET> to Exit:

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Know all men by these presents that I, *[Name]*, of the County of *[County]* and State of *[State]*, do hereby certify that the following is a true and correct copy of the original as the same appears from the records of the County of *[County]* and State of *[State]*:

[Name], Sheriff of the County of *[County]* and State of *[State]*, do hereby certify that the following is a true and correct copy of the original as the same appears from the records of the County of *[County]* and State of *[State]*:

That the above described premises are situated in the County of *[County]* and State of *[State]*, and are more particularly described as follows:

[Detailed description of the property, including acreage and location details.]

And that the above described and granted premises are situated in the County of *[County]* and State of *[State]*, and are more particularly described as follows: *[Detailed description of the property, including acreage and location details.]*

And that the above granted premises and every part and parcel thereof are exempt from all persons whomsoever, *[Legal exemption details]*

In testimony whereof, I, the undersigned, have hereunto set my hand and seal of office this *[Date]* day of *[Month]*, 19*[Year]*.

[Signature]
Sheriff of the County of *[County]* and State of *[State]*

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