



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

Application for a Permit to Store Water in a Reservoir (Alternate Review)

Alternate Review Process (ORS 537.409): You may use this form for any reservoir storing less than 9.2 acre-feet or with a dam less than 10 feet high.

Use a separate form for each reservoir

Please type or print in dark ink. If your application is found to be incomplete or inaccurate, we will return it to you. If any requested information does not apply, insert "n/a". A summary of review criteria and procedures that are generally applicable to these applications is available at www.wrd.state.or.us/OWRD/PUBS/forms.shtml.

1. APPLICANT INFORMATION

Landowner: Andrew Pearl
First Last

Mailing Address: 3915 Nut Tree Lane

Reno NV 89509
City State Zip

Phone: 775 826-7195
Home Work Other

*Fax: _____ *E-Mail Address: pearl4675@aol.com

*Optional Information

2. LOCATION AND SOURCE

A. Reservoir Name: Peg's Pond

B. Source: Provide the name of the water body or other source from which water will be diverted, and the name of the stream or lake it flows into. Indicate if source is run-off, seepage, or an unnamed stream or spring.

Source: Seepage and Run-off Tributary to: Applegate River

C. Reservoir Location

Township (N or S)	Range (E or W)	Section	quarter/quarter	tax lot number
37S	6W	6	SE NW	900

D. County of use: JOSEPHINE

E. Dam: Maximum height of dam: 0 TO 3 feet. If excavated, write "excavated" or "0 feet".

Mostly Excavated

F. Quantity: Amount of water to be stored in the reservoir at maximum capacity. List quantity in Acre-Feet: 30

RECEIVED

App. No. _____	For Department Use Permit No. _____	Date <u>MAR 06 2008</u>
----------------	--	-------------------------

WATER RESOURCES DEPT
 SALEM, OREGON

WR

R 87110

3. WATER USE

Indicate the proposed use(s) of the stored water. **NOTE: You may wish to consider filing for "Multipurpose use" for your reservoir. Multipurpose use does not limit the types of future uses for the stored water. Multipurpose covers all uses including: stockwater, fish and wildlife, aesthetics, domestic, irrigation, agriculture, fire protection and pollution abatement.** If any use will be out of reservoir use, regardless of the type of storage listed, a secondary application must be filed to appropriate the stored water. Multipurpose

4. PROPERTY OWNERSHIP

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

- Yes (Skip to section 5)
- No (Please check the appropriate box below)
 - I have a recorded easement or written authorization permitting access.
 - I do not currently have written authorization or an easement permitting access to lands not under my ownership.
 - 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). (Do not check this box if you described your use as "Multipurpose" in #3 above.)

List the names and mailing addresses of all affected landowners:

5. ENVIRONMENTAL IMPACT

- A. **Channel:** Is the reservoir in stream _____ or off channel OFF 3 NO outlet
 - B. **Wetland:** Is the project in a wetland? Yes No Don't know
 - C. **Existing:** Is this an existing reservoir? Yes No
If yes, how long has it been in place? _____ years.
 - D. **Fish Habitat:** Is there fish habitat upstream of the proposed structure? Yes No Don't know
If yes, how much? _____ miles.
 - E. **Partnerships:** Have you been working with other agencies? Yes No
- Indicate agency, staff and phone numbers of those involved. Also indicate any agencies that are cost sharing in this project.

6. SIGNATURE

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

Landowner Signature

Andrew Pearl

2/3/08
Date

Before you submit your application be sure you have:

- Answered each question completely.
- Included a legible map that includes Township, Range, Section, quarter-quarter and tax lot number.
- The map must meet map requirements to be accepted.
- Included a land use form or receipt stub signed by a local planning official.
- Included a check payable to Oregon Water Resources Department for the appropriate amount.

FEE STRUCTURE: The fee is based on the number of acre-feet proposed to be stored. The base fee is \$80. In addition, there is a fee of \$20 per acre-foot or fraction thereof. Example: 0.3 AF=\$100; 1.5 AF=\$120; 20.0 AF=\$480; 30.0 AF=\$680.

RECEIVED

MAR 06 2008

WATER RESOURCES DEPT
SALEM, OREGON

R87110



Oregon Water Resources Department
Land Use Information Form

THIS FORM IS NOT REQUIRED IF: 1) water is to be diverted, conveyed, and/or used only on federal lands; or 2) the application is for a water-right transfer, allocation of conserved water, exchange, permit amendment, or ground water registration modification, and all of the following apply: a) only the place of use is proposed for change, b) there are no structural changes, c) the use of water is for irrigation, and d) the use is located in an irrigation district or exclusive farm-use zone.

Applicant Name: Andrew Pearl
Mailing Address: 3915 Nut Tree Lane
City: Reno State: NV Zip: 89509 Day Phone: (775) 826-7195

This application is related to a Measure 37 claim. Yes No

A. Land and Location

Please include the following information for all tax lots where water will be diverted (taken from its source), conveyed (transported), or used. Applicants for municipal use, or irrigation uses within irrigation districts may substitute existing and proposed service-area boundaries for the tax-lot information requested below.

Table with 8 columns: Township, Range, Section, 1/4 1/4, Tax Lot #, Plan Designation (e.g. Rural Residential/RR-5), Water to be: (Diverted, Conveyed, Used), Proposed Land Use: (Pond). Row 1: 37S, 6W, 6, SE/NW, 900, EFU, [checked] Diverted [checked] Conveyed [checked] Used, Pond.

List all counties and cities where water is proposed to be diverted, conveyed, or used. Josephine

B. Description of Proposed Use

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

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

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

Estimated quantity of water needed: 30 cubic feet per second [checked] gallons per minute [checked] acre-feet

Intended use of water: [checked] Irrigation [checked] Commercial [checked] Industrial [checked] Domestic for household(s)
[checked] Municipal [checked] Quasi-municipal [checked] Instream [checked] Other Multi-purpose storage

Briefly describe: Proposal to construct a reservoir (mostly excavated) to be filled from seepage and run-off, including seepage and run-off in the Wilderville Ditch. Pond will be used as a pumping sump during the irrigation season for water rights from the Wilderville Ditch. Multi-purpose use allows us to keep the pond full after irrigation season.

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

Receipt for Request for Land Use Information

State of Oregon
Water Resources Department
725 Summer Street NE, Suite A
Salem, OR 97301-1266

RECEIVED

APR 28 2008

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 proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): _____.
- Land uses to be served by proposed water uses (including proposed construction) involve discretionary land-use approvals as listed in the table below. (Please attach documentation of applicable land-use approvals which have already been obtained. Record of Action/land-use decision and accompanying findings are sufficient.)
If approvals have been obtained but all appeal periods have not ended, check "Being pursued".

Type of Land-Use Approval Needed (e.g. plan amendments, rezones, conditional-use permits, etc.)	Cite Most Significant, Applicable Plan Policies & Ordinance Section References	Land-Use Approval:	
pre-application site plan review	Section 64.040. R Rural Land Development Code	<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being pursued <input type="checkbox"/> Not being pursued
Development Permit	Section 42.030 RLDC	<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.

ORS 215.298 defines excavation within farm zones to be aggregate mining when the excavation produces more than 1000 cubic yards of rock, unless the use determined to be primarily for farm use. The county must make a determination the pond is supported by a legitimate farm use or process the excavation as aggregate mining.

Name: Valerie Montague Title: Planner
 Signature: Valerie Montague Phone: 5414745427 Date: 4-23-08
 Government Entity: Josephine County Planning Office

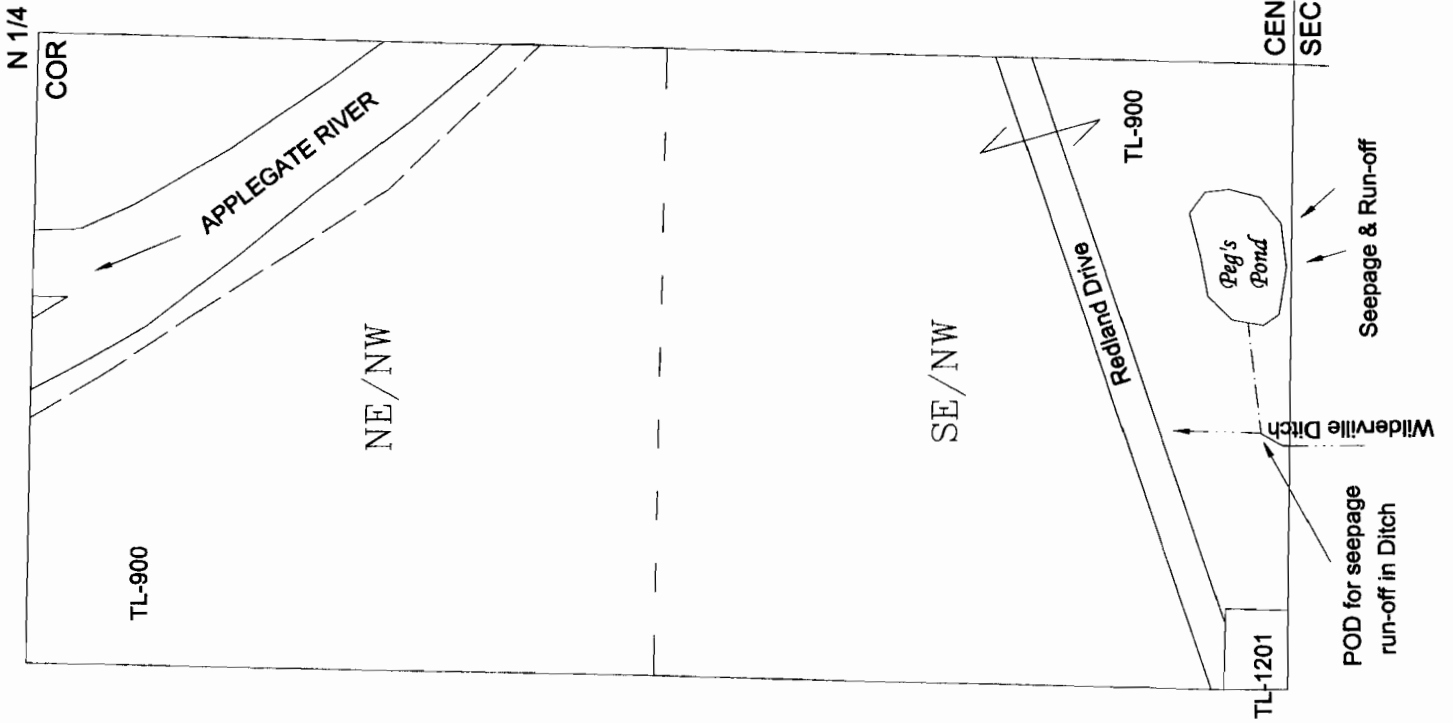
Note to local government representative: Please complete this form or sign the receipt below and return it to the applicant. If you sign the receipt, you will have 30 days from the Water Resources Department's notice date to return the completed Land Use Information Form or WRD may presume the land use associated with the proposed use of water is compatible with local comprehensive plans.

RECEIVED

APR 28 2008

Receipt for Request for Land Use Information

Applicant name: Pearl **WATER RESOURCES DEPT SALEM, OREGON**
 City or County: So. Co Staff contact: Jeri
 Signature: Jeri Duber Phone: 4745421 Date: 3-4-08



MAP TO ACCOMPANY APPLICATION TO
STORE WATER UNDER THE ALTERNATE REVIEW PROCESS
FOR MULTI-PURPOSE USE

E 1/2 of NW 1/4, SECTION 6, T.37 S. R.6 W. W.M.
JOSEPHINE COUNTY

APPLICANT: ANDREW PEARL
3915 NUT TREE LANE
RENO, NV 89509

CENTER OF RESERVOIR WILL BE APPROXIMATELY
110 FEET NORTH AND 400 FEET WEST FROM THE
CENTER OF SECTION 6.
STORAGE APPLICATION IS FOR 30 ACRE-FEET

RECEIVED

APR 28 2008

WATER RESOURCES DEPT
SALEM, OREGON



Scale

1 inch = 400 feet



3/3/2008 n.e.d.

4

APN: R320792

Statutory Warranty Deed
- continued

File No.: 7151-1093082 (JA)
Date: 10/01/2007

EXHIBIT A

LEGAL DESCRIPTION:

PARCEL 1:

A TRACT OF LAND SITUATED IN THE SOUTHWEST QUARTER OF SECTION 31, TOWNSHIP 36 SOUTH, RANGE 6 WEST, WILLAMETTE MERIDIAN, JOSEPHINE COUNTY, OREGON, DESCRIBES AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF THE SOUTHWEST QUARTER OF SAID SECTION; THENCE EAST ALONG THE SOUTH LINE OF SAID SECTION A DISTANCE OF 705.7 FEET; THENCE NORTH 27° 55' WEST 241.3 FEET; THENCE NORTH 46° 14' WEST 297.0 FEET; THENCE NORTH 46° 45' WEST 238.0 FEET; THENCE NORTH 64° 37' WEST 227.5 FEET, MORE OR LESS, TO THE WEST LINE OF THE EAST HALF OF EAST HALF OF THE SOUTHWEST QUARTER OF SAID SECTION, THE NORTH ALONG SAID WEST LINE 1170 FEET, MORE OR LESS, TO THE CENTER OF SLATE CREEK; THENCE SOUTHERLY ALONG THE CENTER LINE OF SLATE CREEK AS FOLLOWS: SOUTH 54° 20' WEST 580 FEET; THENCE SOUTH 80 FEET; THENCE SOUTH 20° 26' EAST 240 FEET THENCE SOUTH 11° 20' EAST 173 FEET; THENCE SOUTH 02° WEST 356 FEET; THENCE SOUTH 19° 20' WEST 351 FEET; THENCE SOUTH 22° WEST 400 FEET, MORE OR LESS, TO THE SOUTH LINE OF SAID SECTION 31; THENCE EAST ALONG SAID LINE 600 FEET, MORE OR LESS TO THE POINT OF BEGINNING.

ALSO: ALL THAT PART OF FOLLOWING DESCRIBED PARCEL LYING SOUTH OF SOUTHERLY RIGHT OF WAY LINE OF RELOCATED REDWOOD HIGHWAY: COMMENCING AT THE NORTHEASTERLY CORNER OF THE ABOVE DESCRIBED LAND; THENCE WEST 10 FEET TO THE TRUE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE NORTH 90 FEET; THENCE WEST 380 FEET TO THE EASTERLY RIGHT OF WAY LINE OF THE REDWOOD HIGHWAY; THENCE SOUTH 52° 13' WEST ALONG SAID LINE, 48.9 FEET; THENCE EAST 388.7 FEET, THENCE SOUTH 60 FEET; THENCE EAST 30 FEET TO THE TRUE POINT OF BEGINNING.

ALSO: A PARCEL OF LAND SITUATED IN THE EAST HALF OF THE SOUTHWEST QUARTER OF SAID SECTION 31, DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF THE EAST HALF OF THE SOUTHWEST QUARTER OF SAID SECTION 31, THENCE EAST ALONG THE SECTION LINE 705.7 FEET TO THE TRUE POINT OF BEGINNING; THE NORTH 27° 55' WEST 241.3 FEET; THENCE NORTH 46° 14' WEST 297 FEET; THENCE NORTH 46° 45' WEST 238 FEET; THENCE NORTH 64° 37' WEST 227.5 FEET, MORE OR LESS, TO A POINT ON THE WEST LINE OF THE EAST HALF OF THE SOUTHWEST QUARTER OF SAID SECTION; THENCE NORTH ALONG SAID WEST LINE TO THE INTERSECTION OF SOUTHERLY RIGHT OF WAY LINE OF THE RELOCATED REDWOOD HIGHWAY; THENCE NORTHEASTERLY ALONG SAID RIGHT OF WAY LINE TO A POINT WHICH LIES 292.73 FEET FROM AND AT RIGHT ANGLE TO HIGHWAY ENGINEER STATION 472+33.01 ON RELOCATED REDWOOD HIGHWAY, THENCE SOUTH 58° 01' 30" EAST 735.45 FEET, THENCE SOUTH 07° 45' 40" WEST 978.08 FEET; THENCE SOUTH 05° 42' 50" EAST 451.84 FEET; THENCE SOUTH 10° 37' 20" WEST 229.0 FEET TO THE POINT OF BEGINNING.

PARCEL 2:

RECEIVED

MAR 06 2008

WATER RESOURCES DEPT
SALEM, OREGON

287110

607

APN: R320792

Statutory Warranty Deed
- continued

File No.: 7151-1093082 (JA)
Date: 10/01/2007

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 197.352. 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 APPROVED USES, 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 197.352.

Dated this 9 day of October, 2007.

Phillip H. Boersma
PHILLIP H. BOERSMA

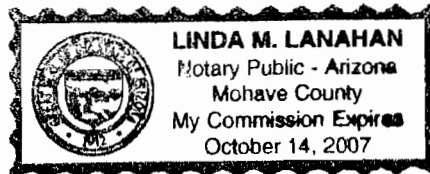
Annette S. Boersma
ANNETTE S. BOERSMA

STATE OF Arizona)
County of Mohave)ss.
)

This instrument was acknowledged before me on this 9 day of October, 2007 by **PHILLIP H. BOERSMA and ANNETTE S. BOERSMA.**

Linda M. Lanahan

Notary Public for Arizona
My commission expires: 10-14-2007



RECEIVED

MAR 06 2008

WATER RESOURCES DEPT
SALEM OREGON

R 87110

JOSEPHINE COUNTY OFFICIAL RECORDS
GEORGETTE BROWN, COUNTY CLERK

2007-019838



After recording return to:
ANDREW PEARL and PEGGY PEARL
c/o FIRST AMERICAN TITLE
118 NE "C" St.
Grants Pass, OR 97526

Until a change is requested all tax statements
shall be sent to the following address:
ANDREW PEARL and PEGGY PEARL
3915 Nut Tree Lane
Reno, NV 89509

File No.: 7151-1093082 (JA)

Date: October 01, 2007

00188337200700198380040043

10/15/2007 09:33:29 AM

DED-WRD Cnt=1 Stn=4 RECEIPTS
\$20.00 \$11.00 \$4.00

\$35.00

STATUTORY WARRANTY DEED

Phillip M. Boersma and Annette S. Boersma, Grantor, conveys and warrants to **ANDREW PEARL and PEGGY PEARL**, husband and wife as tenants by the entirety, Grantee, the following described real property free of liens and encumbrances, except as specifically set forth herein:

See Legal Description attached hereto as Exhibit A and by this reference incorporated herein.

Subject to:

1. The **2007/2008** Taxes, a lien not yet payable.
2. Covenants, conditions, restrictions and/or easements, if any, affecting title, which may appear in the public record, including those shown on any recorded plat or survey.

The true consideration for this conveyance is **\$450,000.00**. (Here comply with requirements of ORS 93.030)

RECEIVED

MAR 06 2008

WATER RESOURCES DEPT
SALEM OREGON

R87110

2/5

APN: R320792

Statutory Warranty Deed
- continued

File No.: 7151-1093082 (JA)
Date: 10/01/2007

THE EAST HALF OF THE NORTHEAST QUARTER OF SECTION 6, TOWNSHIP 37 SOUTH, RANGE 6 WEST, WILLAMETTE MERIDIAN, JOSEPHINE COUNTY, OREGON.

EXCEPTING THEREFROM: BEGINNING AT THE SOUTHWEST CORNER OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 6; THENCE EAST 10 RODS; THENCE NORTH 8 RODS; THENCE WEST 10 RODS; THENCE SOUTH 8 RODS TO THE POINT OF BEGINNING.

ALSO EXCEPTING THEREFROM: ALL THAT PORTION OF THE NOW ABANDONED C2 OC RAILROAD, RIGHT OF WAY LYING IN THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER.

ALSO EXCEPTING THEREFROM:

A PARCEL OF LAND CONVEYED TO RIGGS ON NOVEMBER 29, 1912, BY CONVEYANCE RECORDED IN VOLUME 41, PAGE 235, JOSEPHINE COUNTY DEED RECORDS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE NORTH LIEN OF THE NORTHWEST QUARTER OF SECTION 6, IN SAID TOWNSHIP AND RANGE, 705.7 FEET EAST OF THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 6, AND RUNNING THENCE SOUTH 29° 15' EAST, 360 FEET; THENCE EAST 80 FEET, MORE OR LESS, TO THE LOW WATER LINE OF APPLE-GATE RIVER; THENCE NORTHERLY ALONG SAID LOW WATER LINE TO THE NORTH LINE OF SAID NORTHWEST QUARTER OF SECTION 6; THENCE WEST 150 FEET, MORE OR LESS, TO THE PLACE OF BEGINNING.

THE EAST HALF OF THE NORTHWEST QUARTER OF SECTION 6, TOWNSHIP 37 SOUTH, RANGE 6 WEST, WILLAMETTE MERIDIAN, JOSEPHINE COUNTY, OREGON.

EXCEPTING THEREFROM: BEGINNING AT THE SOUTHWEST CORNER OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 6; THENCE EAST 10 RODS; THENCE NORTH 8 RODS; THENCE WEST 10 RODS; THENCE SOUTH 8 RODS TO THE POINT OF BEGINNING.

ALSO EXCEPTING THEREFROM: ALL THAT PORTION OF THE NOW ABANDONED C2 OC RAILROAD, RIGHT OF WAY LYING IN THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER.

ALSO EXCEPTING THEREFROM:

A PARCEL OF LAND CONVEYED TO RIGGS ON NOVEMBER 29, 1912, BY CONVEYANCE RECORDED IN VOLUME 41, PAGE 235, JOSEPHINE COUNTY DEED RECORDS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE NORTH LINE OF THE NORTHWEST QUARTER OF SECTION 6, IN SAID TOWNSHIP AND RANGE, 705.7 FEET EAST OF THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 6, AND RUNNING THENCE SOUTH 29° 15' EAST, 360 FEET; THENCE EAST 80 FEET, MORE OR LESS, TO THE LOW WATER LINE OF APPLE-GATE RIVER; THENCE NORTHERLY ALONG SAID LOW WATER LINE TO THE NORTH LINE OF SAID NORTHWEST QUARTER OF SECTION 6; THENCE WEST 150 FEET, MORE OR LESS, TO THE PLACE OF BEGINNING.

RECEIVED

MAR 06 2008

WATER RESOURCES DEPT
SALEM OREGON

R 87110