



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.

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1. APPLICANT INFORMATION

Applicant: Confluence Estate LLC OCT 31 2012
First Last
 Mailing Address: 525 Fairway Estates Drive **SALEM, OR**
Sutherlin OR 97479
City State Zip
 Phone: _____
Home Work Other
 Fax: _____ E-Mail Address*: confluenceestate@q.com

* 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.)

2. AGENT INFORMATION

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

Agent: Robert Pierce
First Last
 Mailing Address: 525 Fairway Estates Drive
Sutherlin OR 97479
City State Zip
 Phone: _____
Home Work Other
 Fax: _____ E-Mail Address*: confluenceestate@q.com

* 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.)

3. LOCATION AND SOURCE

A. Reservoir Name: Lake Shyann

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: Umpqua River Tributary to: Pacific Ocean

C. County in which diversion occurs: Douglas County

App. No. <u>R-87849</u>	For Department Use	Date _____
Permit No. _____		

D. Reservoir Location

Township (N or S)	Range (E or W)	Section	quarter/quarter	tax lot number
T25S	R7W	25	SENE	201

E. Dam: Maximum height of dam: "zero feet" feet. If excavated, write "zero feet".

F. Quantity: Amount of water to be stored in the reservoir at maximum capacity. List volume in acre-feet: 15 acre-feet

Is this project fully or partially funded by the American Recovery and Reinvestment Act? (Federal stimulus dollars) Yes No

4. 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 Use

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5. PROPERTY OWNERSHIP

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Please provide a copy of the recorded deed(s).

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

Yes (please check appropriate box below then skip to section 5)

There are no encumbrances

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

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 easement permitting access.

Written authorization or an easement is not necessary, because the only affected lands I do not own are state-owned submersible lands, and this application is for irrigated and/or domestic use only (ORS 274.040). (Do not check this box if you described your use as "Multipurpose" in #3 above.)

List the names and mailing addresses of all affected landowners:

6. ENVIRONMENTAL IMPACT

- A. **Channel:** Is the reservoir: in-stream or off channel?
- 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.

7. WITHIN A DISTRICT

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	Address	
City	State	Zip

8. DESCRIPTION

Provide a description of the design and operation of the proposed diversion, including a description of how live flow will be passed outside the authorized storage season. Use this space for narrative. You may also provide narrative and sketches on separate pages.

This is an excavated, off channel reservoir which will be filled through a pipeline from the Umpqua River using a 10 HP pump. The reservoir will be used as a "bulge in the system" for temporary storage of irrigation water under Certificates 79749, 41212 and 53700 during the irrigation season. This permit will cover one fill of the reservoir outside the irrigation season.

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If the diversion involves a dam, use this space for sketches of the diversion (e.g. cross-section of the dam with its dimensions, dimension and placement of outlet pipe, means of passing live flow outside of the authorized storage season, and means for providing fish passage).

Excavated, off channel reservoir - no dam.

9. SIGNATURE

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

[Handwritten Signature]

Landowner Signature

10-30-12

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.

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FEE STRUCTURE: The fee is based on the number of acre-feet proposed to be stored. The base fee is \$300. In addition, there is a fee of \$25 per acre-foot or fraction thereof. Example: 0.3 AF= \$325; 1.5 AF= \$350; 20.0 AF= \$800; 30.0 AF= \$1050. Plus a permit recording fee of \$400 (this fee is refunded if no permit is issued).

TICOR TITLE

4722 09 00 12 40

RECORDING REQUESTED BY:
Ticor Title
1600 NW Garden valey Blvd., Suite 110
Roseburg, OR 97471

GRANTOR'S NAME:
William Dean Henry II

GRANTEE'S NAME:
Robert Pierce

SEND TAX STATEMENTS TO:
Robert Glenn Pierce, Jr., Trustee
~~1480 NEE RD~~ 525 FAIRWAY ESTATES DR
~~WARRANT, OR 97146~~ SUTHERLIN, OR 97479

AFTER RECORDING RETURN TO:
R & M Pierce Family Trust

DOUGLAS COUNTY OFFICIAL RECORDS
BARBARA E. NIELSEN, COUNTY CLERK

2010-009393



\$55.00

00273280201000003300000000

06/09/2010 09:32:14 AM

DEED-ND Cnt=1 Str=18 RECORDINGDESK
\$30.00 \$11.00 \$15.00 \$10.00

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SPACE ABOVE THIS LINE FOR RECORDER'S USE

STATUTORY WARRANTY DEED

William Dean Henry II and D'Ann Henry, as tenants by the entirety, Grantor, conveys and warrants to Robert Glenn Pierce, Jr. and Melanie Charlotte Pierce, Trustees of the R & M Family Trust, dated May 10, 2010, Grantee, the following described real property, free and clear of encumbrances except as specifically set forth below, situated in the County of Douglas, State of Oregon:

*A PORTION OF THE CONSIDERATION FOR THIS CONVEYANCE IS PURSUANT TO AN IRC 1031 TAX DEFERRED EXCHANGE ON BEHALF OF THE GRANTOR.

Parcel 1:

A portion of that certain tract of land in Sections 19 and 30, Township 25 South, Range 6 West, W. M., as conveyed by Bargain and Sale Deed recorded in Book 226, Page 895, records of Douglas County, Oregon, and described as follows: Beginning at a point on the North line of Lot 4, Section 19, as described above, from which the Northeast corner of Section 30, as described above, bears South 1320 feet and East 1586.7 feet; thence West 1934 feet along the North lines of Lots 3 and 4, said Section 19 to the Northwest corner of said Lot 3; thence South along the West line of said Lot 3 and an extension thereof and along the East line of the J. Cadwallader D. L. C. No. 37, 3913 feet to the North line of County Road No. 9; thence along said line as follows: South 85° 30' East 267 feet; thence North 89° 57' 45" East 1340.5 feet; North 74° 30' East 330 feet; North 55° 33' 30" East 450 feet; thence North 6° 13' West 3624 feet to the place of beginning.

EXCEPTING FROM the foregoing parcels the following exceptions:

EXCEPTING therefrom that parcel of real property described as follows: Beginning at a 5/8" steel rod from which point the quarter section corner common to Sections 19 and 30, Township 25 South, Range 6 West, W. M., bears North 28° 35' West 2364.5 feet and East 30.0 feet; thence South 03° 46' West 322.8 feet to a 5/8" steel rod; thence South 18° 40' East 530.8 feet to a steel rod; thence North 71° 20' East 87.0 feet to a point in the Calapooka Creek; thence North 15° 04' East 287.8 feet up said creek to a point; thence North 06° 13' West 579.4 feet to a steel rod; thence South 81° 05' West 241.0 feet to the point of beginning, all lying in Section 30, Township 25 South, Range 6 West, W. M., Douglas County, Oregon.

ALSO EXCEPTING therefrom all those portions lying within Umpqua Store County Access Road No. 33 and Sutherlin-Umpqua County Road No. 9 recorded in Book 429, Recorder's No. 69-7032 and 69-7033, and Book 444, Recorder's No. 70-4249, records of Douglas County, Oregon.

ALSO EXCEPTING therefrom a parcel of land lying in Section 30, Township 25 South, Range 6 West, W. M., Douglas County, Oregon, and being a portion of that property described in Volume 398, Page 285 in the Deed Records of Douglas County, Oregon, said parcel being more particularly described as follows:

Beginning at an iron rod on the Westerly right of way line of Tyee Road No. 33, at Engineer's Station P.T. 47+91.59, said iron rod being South 2590.66 feet and East 5803.86 feet of the quarter corner common to Sections 24 and 25, Township 25 South, Range 7 West, W. M.; thence South 48° 59' West 190.0 feet to a point on the Northerly right of way of Sutherlin-Umpqua Road No. 9; thence along said Road No. 9 Northerly right of way South 89° 58' West 180.0 feet to a point; thence leaving said Road No. 9 right of way and running North 28° 54' West 51.1 feet to a point on the Easterly right of way line of Umpqua Store Access Road No. 33; thence along said Umpqua Store Access Road No. 33 Easterly right of way North 6° 46' East 409.7 feet to a point on

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the Westerly right of way of the above said Tyee Road No. 33; thence along said Road No. 33 Westerly right of way South 35° 40' East 35.0 feet to a point; thence continuing along said right of way South 46° 44' East 150.8 feet to a point; thence continuing along said right of way South 41° 01' East 258.4 feet to a point of beginning.

ALSO EXCEPTING the following:

All that property located in Section 30, Township 25 South, Range 6 West, W.M., Douglas County, Oregon, and being more particularly described as follows:

Beginning at the ¼ corner common to Sections 19 and 30; thence South 19°46'08" East 2447.32 feet to a 5/8" iron rod with a red plastic cap marked "Sweeden LS 2752" and being the true point of beginning; thence North 80°17'03" East 306.04 feet to a point on the west line of that survey on file at the Douglas County Surveyor's Office as M34-48, being marked by a 5/8" iron rod with a red plastic cap marked "Sweeden LS 2752"; thence South 03°19'45" West 132.35 feet along the west line of said survey to a 5/8" iron rod; thence continuing along said west line South 19°05'57" East 121.98 feet to the north line of Fort McKay Road #9, being marked by a 5/8" iron rod with a red plastic cap marked "Sweeden LS 2752"; thence along said County Road #9 South 54°45'35" West 121.61 feet to a 5/8" iron rod at Station P.C. 41+88.53, Douglas County Road Records, being the beginning of a curve to the right onto Tyee Road #33; thence continuing along said curve having a radius of 374.26 feet, a central angle of 63°59'48" and a chord which bears South 86°33'07" West 396.64 feet, 418.03 feet to a 5/8" iron rod with a red plastic cap marked "Sweeden LS 2752"; thence leaving said right of way line North 51°27'41" East 241.90 feet to a 5/8" iron rod with a red plastic cap marked "Sweeden LS 2752"; thence North 11°19'38" West 141.82 feet to the true point of beginning.

The bearing for the preceding description is based on the chord between the P.C. Station 41+88.53 and the P.T. Station 47+91.59 on Tyee Road #33.

Parcel 2:

Beginning at a point 11.23 chains west of the northeast corner of the D.L.C. No. 37 of Jesse Cadwallader in Sections 19 and 30, Township 25 South, Range 6 West of the W.M., and D.L.C. No. 37 in Sections 24 and 25, Township 25 South, Range 7 West of the W.M., Douglas County, Oregon; running thence South 24.32 chains; thence South 56° West 43.80 chains to the east bank of Umpqua River; thence North 35° West 15.51 chains; thence North 39 3/4° West 15.16 chains; thence North 25 3/4° West 7.16 chains; thence North 79/100 chains to the northwest corner of Claim No. 37; thence East 45 chains; thence North 17 chains; thence East 15.90 chains to the place of beginning, Douglas County, Oregon.

Excepting: Beginning at a point on the northeasterly bank of the Umpqua River from which the northeast corner of the J. Cadwallader D. L. C. No. 37, in Section 19, Township 25 South, Range 6 West, of the W.M., bears North 56° East 43.8 chains and North 24.32 chains and East 11.23 chains; and running thence North 56° East 380 feet to an iron pipe; thence North 34° West 198 feet to an iron pipe; thence South 56° West 383.45 feet to an said northeasterly bank of Umpqua River; thence along the said Umpqua River South 35° East 198 feet to the place of beginning, Douglas County, Oregon.

Also excepting that portion lying in Sections 19 and 24.

Parcel 3:

Beginning at a point 11.23 chains west of the northeast corner of the D.L.C. No. 37 of Jesse Cadwallader in Sections 19 and 30, Township 25 South, Range 6 West, of the W.M., and D.L.C. No. 37, in Sections 24 and 25, Township 25 South, Range 7 West of the W.M., Douglas County, Oregon; thence South 388 feet, more or less, to the true point of beginning; thence South from said point of beginning to the south line of Section 19, Township 25 South, Range 6 West; thence West along the south line of the southwest corner of Section 19; thence North along the west line of Section 19 to a point that is due west of the point of beginning; thence East to the point of beginning. All located in Section 19, Township 25 South, Range 6, W. M., Douglas County, Oregon.

Parcel 4:

Beginning at the southeast corner of D.L.C. No. 37, Section 30, Township 25 South, Range 6 West, W.M., Douglas County, Oregon; thence North along the east line of said Claim, 68.74 chains to the northeast corner thereof; thence West along the north line of said Claim, 11.23 chains; thence South 24.32 chains; thence South 56° West 43.80 chains to the Umpqua River; thence South 35° East 8.90 chains; thence South 33 1/2° East to the northerly right of way line of Road No. 9, said point also being the southerly line of the Cornilsen property as described in deed from Douglas County recorded in Volume 446, records of Douglas County, Oregon, Recorder's No. 70-5752; thence Easterly along said lines and the northerly right of way line of County Road No. 9 to its intersection with the northerly extension of the east right of way line of Garden Valley - Hubbard Creek County Road No. 6; thence Southerly along said extended line and the east right of way line of said County Road No. 6 to the south line of D.L.C. No. 37; thence East along said south line to the point of beginning.

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EXCEPTING that portion of said premises lying within the right of way of County Roads, and excepting that part, if any, lying southerly of the middle of Calapooia Creek, all being in Sections 19 and 30, Township 25 South, Range 6 West, W.M., and Section 25, Township 25 South, Range 7 West, W.M., Douglas County, Oregon.

ALSO EXCEPTING all that portion of the above described property lying Southerly of Fort McKay County Road No. 9.

Parcel 5:

Lots 1 and 2 and the Northwest quarter of the Southeast quarter of Section 19, Township 25 South, Range 6 West of the Willamette Meridian, Douglas County, Oregon. ALSO all that portion of the following described property line in Section 19, Township 25 South, Range 6 West of the Willamette Meridian, Douglas County, Oregon: Beginning at a point 11.23 chains west of the Northeast corner of the Donation Land Claim No. 37 of Jesse Cadwallader in Sections 19 and 30, Township 25 South, Range 6 West of Willamette Meridian, Douglas County, Oregon, and in Sections 24 and 25, Township 25 South, Range 7 West, Willamette Meridian, Douglas County, Oregon; thence South 388.56 feet; thence West 3689.4 feet to the West line of Lot 4 in Section 24, Township 25 South, Range 7 West, Willamette Meridian, Douglas County, Oregon; thence North 161.52 feet to the Northwest corner of said Lot 4, Section 24, Township 25 South, Range 7 West; thence East 2640 feet along the North line of Lots 4 and 5 of Section 24, Township 25 South, Range 7 West, Willamette Meridian to the Northeast corner of said Lot 5; thence North 227.04 feet to the Southwest corner of Lot 1 of Section 19, Township 25 South, Range 6 West, Willamette Meridian; thence East 1049.4 feet to the point of beginning.

Parcel 6:

Beginning at a point on the Northeasterly bank of the Umpqua River, from which the Northeast corner of the J. Cadwallader DLC No. 37, in Section 19, Township 25 South, Range 6 West Willamette Meridian, Douglas County, Oregon, bears 56° East 43.8 chains and North 24.32 chains and East 11.23 chains; and running thence North 56° East 380 feet to an iron pipe; thence North 34° West 198 feet to an iron pipe; thence South 56° West 383.45 feet to said Northeasterly bank of the Umpqua River; thence along said Umpqua River, South 35° East 198 feet to the place of beginning, Douglas County, Oregon.

Subject to and excepting:

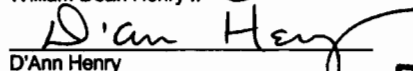
SEE EXHIBIT "A" ATTACHED

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 855, OREGON LAWS 2009. 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 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 855, OREGON LAWS 2009.

THE TRUE AND ACTUAL CONSIDERATION FOR THIS CONVEYANCE IS \$1,300,000.00*.
(See ORS 93.030)

DATED: 5.10.10


William Dean Henry II


D'Ann Henry

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EXHIBIT "A"

SUBJECT TO

1. The Land has been classified as Farm Land, as disclosed by the tax roll. If the Land becomes disqualified, said Land may be subject to additional taxes and/or penalties.
2. Any adverse claim based upon the assertion that:
 - a) Said Land or any part thereof is now or at any time has been below the highest of the high watermarks of the Umpqua River in the event the boundary of said Umpqua River has been artificially raised or is now or at any time has been below the high watermark, if said Umpqua River is in its natural state.
 - b) Some portion of said Land has been created by artificial means or has accreted to such portion so created.
 - c) Some portion of said Land has been brought within the boundaries thereof by an avulsive movement of the Umpqua River, or has been formed by accretion to any such portion.
 - d) The rights of the public and governmental bodies for fishing, navigation and commerce in and to any portion of the Land herein described, lying below the high water line of the the Umpqua River.
 - e) The right, title and interest of the State of Oregon in and to any portion lying below the high water line of the Umpqua River.
3. Rights of the public to any portion of the Land lying within the area commonly known as Fort McKay Road and Tyee Road.
4. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:

Granted to: The California Oregon Power Company
Purpose: Public Utilities
Recording Date: September 24, 1929
Recording No: 77333, Book 91, Page 502
Affects: Parcel 1
5. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:

Granted to: The California Oregon Power Company
Purpose: Public Utilities
Recording Date: July 31, 1936
Recording No: 99517, Book 97, Page 512
Affects: Parcel 1
6. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:

Granted to: The California Oregon Power Company
Purpose: Public Utilities
Recording Date: May 4, 1948
Recording No: 77228, Book 154, Page 511
Affects: Parcel 4
7. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:

Granted to: The California Oregon Power Company
Purpose: Public Utilities
Recording Date: May 28, 1952
Recording No: 141897, Book 209, Page 16
Affects: Parcel 4
8. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:

Granted to: The California Oregon Power Company
Purpose: Public Utilities
Recording Date: August 19, 1952
Recording No: 146543, Book 212, Page 209
Affects: Parcel 1
9. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in documents:

Granted to: United States of America
Purpose: Transmission line easement and access road easement
Recording Date: September 12, 1956
Recording No: 223156, Book 259, Page 433
Recording Date: September 21, 1956
Recording No: 223945, Book 259, Page 940
Recording Date: December 21, 1956
Recording No: 228020, Book 263, Page 116
Affects: Parcel 1
10. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:

Granted to: Pacific Power & Light Company
Purpose: Public Utilities
Recording Date: April 15, 1965
Recording No: 65-4592, Book 347, Page 546
Affects: Parcel 4

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EXHIBIT "A" CONTINUED

SUBJECT TO (continued)

11. Easement(s) for the purpose(s) shown below and rights incidental thereto as reserved in a document:
Reserved by: Kenneth W. Manning and Alice M. Manning
Purpose: water pipeline
Recording Date: October 19, 1967
Recording No: 67-10695, Book 398, Page 285
Affects: Parcel 1
12. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:
Granted to: Paul E. Vermillion and Anne Vermillion
Purpose: access
Recording Date: January 5, 1972
Recording No: 72-101, Book 483, Page 703
And as modified by that Decree in Douglas County Circuit Court Case No. 40873, dated April 19, 1974
Affects: Parcels 2, 4 & 6
13. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:
Granted to: Pacific Northwest Bell Telephone Company
Purpose: Public Utilities
Recording Date: January 2, 1973
Recording No: 73-53, Book 511, Page 123
Affects: Parcel 4
14. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:
Granted to: Pacific Northwest Bell Telephone Company
Purpose: Public Utilities
Recording Date: January 2, 1973
Recording No: 73-54, Book 511, Page 125
Affects: Parcels, 2, 3 & 5
15. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:
Granted to: Pacific Northwest Bell Telephone Company
Purpose: Public Utilities
Recording Date: January 2, 1973
Recording No: 73-55, Book 511, Page 127
Affects: Parcel 6
16. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:
Granted to: Know Thyself as Soul Foundation, International
Purpose: construction, maintenance, use and repair of an individual onsite wastewater treatment system
Recording Date: August 18, 2008
Recording No: 2008-015876
Affects: Parcel 1

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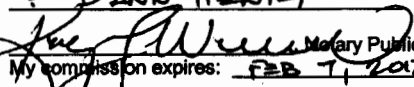
R-87049

State of OREGON

COUNTY of DOUGLAS

This instrument was acknowledged before me on MAY 10TH, 20 10

by WILLIAM DEAN HENRY II

D'ANN HENRY

Notary Public - State of Oregon
My commission expires: FEB 7, 2012



This acknowledgement is attached to a
statutory warranty deed, dated May 10, 2010,
between William Dean Henry II & D'Ann Henry
to Robert Glenn Pierce, Jr. and Melanie Charlotte
Pierce, Trustees of the R & H Family Trust, dated
May 10, 2010.

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END OF DOCUMENT

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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

R-87849

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

Applicant: Confluence Estate LLC
First Last

Mailing Address: 525 Fairway Estates Drive

Sutherlin OR 97479 Daytime Phone: 541-670-7372
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:
25S	7W	25	NWNE, NENE, SENE	200	AGC	<input checked="" type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input type="checkbox"/> Used	
25S	7W	25	SENE	201	AGC	<input checked="" type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	
						<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used	
						<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used	

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

Douglas County

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B. Description of Proposed Use

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

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

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

Estimated quantity of water needed: 15 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 Multipurpose Reservoir

Briefly describe:

Multipurpose Reservoir

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): 3.4.050

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
	RECEIVED BY OWRD	<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
	OCT 31 2012	<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
	SALEM, OR	<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.

R 30520 => PP 2010-0043 A/B Parcel 1

R 138338

R 27184 } PP 2011-0016 A/B Parcel 1

R 138782

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

W/S 12-0673

Name: JAMIE CHARTIER Title: PP
 Signature: [Signature] Phone: 541-440-4289 Date: 10-30-12
 Government Entity: DOUGLAS COUNTY PLANNING

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: _____

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ODFW Alternate Reservoir Application Review Sheet

This portion to be completed by the applicant.

Applicant Name/Address/Phone/Email: Robert Pierce (CONFLUENCE ESTATE) 1480
TYEE RD. UMPQUA, OR. 97486. 541-670-7372. CONFLUENCEESTATE@Q.COM

Reservoir Name: LAKE SHYANN Source: UMPQUA RIVER Volume (AF): 15

Twp Rng Sec QQ: 25S-7W-25-SENE Basin Name: UMPQUA in-channel
 off-channel

Note: It is unlikely that ODFW will be able to complete this form while you wait, nevertheless we recommend making an appointment to submit the form so as to provide any necessary clarifications. See pg. 6 of Instructions for contact information.

This portion to be completed by Oregon Department of Fish and Wildlife (ODFW) District staff.

- 1) Is the proposed project and AO¹ off channel? YES NO
 (if yes then proceed to #4; if no then proceed to #2)
- 2) Is the proposed project or AO located where NMF² are or were historically present?..... YES NO
 (if yes then proceed to #3; if no then proceed to #4)
- 3) If NMF are or were historically present:
 - a. Is there an ODFW-approved fish-passage plan?..... YES NO
 - b. Is there an ODFW-approved fish-passage waiver or exemption?..... YES NO

If fish passage is required under ORS 509.580 through .910, then either 3(a) or 3(b) must be "Yes" to move forward with the application. If responses to 3(a) and 3(b) are "No", then the proposed reservoir does not meet the requirements of Oregon Fish Passage Law and shall not be constructed as proposed.

- 4) Would the proposed reservoir pose any other significant detrimental impact to an existing fishery resource?..... YES NO
- Explain below (for example, list STE species or other existing fishery resources that would be impacted negatively.)

- Any diversion or appropriation of water for storage during the period _____ through _____ poses a significant detrimental impact to existing fishery resources. (For example, if diversion of water for storage during a certain time period would cause a significant detrimental impact to an existing fishery resource, then ODFW should recommend conditions or limitations.) If NMF fish are present at the project site or point of water diversion then the applicant should be advised that a fish screen consistent with screening criteria will be required.
- This proposed pond or reservoir contemplates impounding water in the Columbia Basin above Bonneville Dam. ODFW has determined that additional diversions of water in this area pose a significant detrimental impact to existing fishery resources during the period April 15 through September 30.

The Umpqua River has coho, fall/spring chinook, winter/summer steelhead, Pacific lamprey, and other important aquatic species that could become

entrapped during extreme flooding events.

¹ AO = Artificial Obstruction means any dam, diversion, culvert or other human-made device placed in waters of this state that precludes or prevents the migration of native migratory fish. ORS 509.580 (1)

² NMF = Native Migratory Fish Species in Oregon as defined by OAR 635 .412 | 10005 (32)

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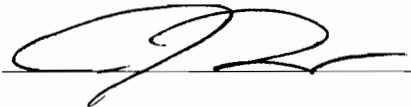
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Lined area for handwritten notes or signatures.

If YES, can conditions be applied to mitigate the significant detrimental impact to an existing fishery resource?
 NO (explain) YES (select from Menu of Conditions on next page)

Since the pond is located off channel, particular conditions for mitigation were determined by the ODFW. The applicants residence is located between the pond and the river but during extreme flooding events there is a possibility that fish could become entrapped in the pond. The pond is located in an area which originally had a man-made depression with no passage back to the river that would have entrapped fish as well during extreme flooding events. For possible entrapment mitigation the applicant was asked to build-up around the pond with excess dirt to exclude possible flood waters and develop/maintain a egress channel from the pond which would lead entrapped fish in and around the pond back to the Umpqua River. The egress channel should be maintained and operational year-round so that fish can pass freely back to the river. In case of possible entrapment, the applicant should contact the ODFW for possible salvage if needed.

ODFW Signature:  Print Name: Jason Brandt
ODFW Title: Habitat Conservation Biologist Date: 10/5/12

NOTE: This completed form must be returned to the applicant.

Revised 8/2/11

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WATERMASTER ALTERNATE RESERVOIR APPLICATION REVIEW SHEET

Recommendations for Water Right Applications under the Alternate Reservoir review process (ORS 537.409)

In lieu of the water right application process set forth in ORS 537.140 to 537.211, an owner of a reservoir may submit an alternate reservoir application for a reservoir that has a storage capacity less than 9.2 acre-feet or a dam or impoundment structure less than 10 feet in height. ORS 537.409 describes the criteria used to evaluate alternate reservoir applications.

The review shall be limited to issues pertaining to: a) water availability, b) potential detrimental impact to existing fishery resources; and c) potential injury to existing water rights. (ORS 537.409 (6))

Within 60 days after the department provides public notice...any person may submit detailed, legally obtained information in writing, requesting the department to deny the application for a permit on the basis that the reservoir: (a) Would result in injury to an existing water right; or (b) Would pose a significant detrimental impact to existing fishery resources. (ORS 537.409 (5))

The review of alternate reservoirs is limited to these criteria only.

Application #: R-

Applicant's Name: *CONFLUENCE ESTATE LLC*

1) Does the proposed reservoir have the potential to injure existing water rights?

NO YES

Explain:

2) Can conditions be applied to mitigate the potential injury to existing water rights?

NO YES

If YES, which conditions are recommended:

N/A

3) Did you meet with staff from another agency to discuss this application?

NO YES

Who:

Agency:

Date:

Who:

Agency:

Date:

Watermaster signature:

Jair D. Williams

Date:

10-30-2012

WRD Contact:

Caseworker:

Water Rights Division, 503-986-0900 / Fax 503-986-0901

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