



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](http://www.wrd.state.or.us/OWRD/PUBS/forms.shtml).

**1. APPLICANT INFORMATION**

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Applicant: Tim Lowenstein SEP 09 2013  
First Last

Mailing Address: P.O. Box 9

Drain OR 97435 SALEM, OR  
City State Zip

Phone: 541-836-7511  
Home Work Other

Fax: \_\_\_\_\_ E-Mail Address\*: drtim@gmail.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: \_\_\_\_\_  
First Last

Mailing Address: \_\_\_\_\_

Phone: \_\_\_\_\_  
City State Zip Home Work Other

Fax: \_\_\_\_\_ E-Mail Address\*: \_\_\_\_\_

\* 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: Kwan Yin Lake

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: Unnamed Stream/Run-off Tributary to: Elk Creek

C. County in which diversion occurs: Douglas County

App. No. <u>R-07928</u>	For Department Use Permit No. _____	Date _____
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**D. Reservoir Location**

Township (N or S)	Range (E or W)	Section	quarter/quarter	tax lot number
22S	6W	15	NWSW	2702

**E. Dam:** Maximum height of dam: 9.0 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: 15.0 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

**5. PROPERTY OWNERSHIP**

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:

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**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? unknown 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.

ODFW and Elk Creek Watershed Council

**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.

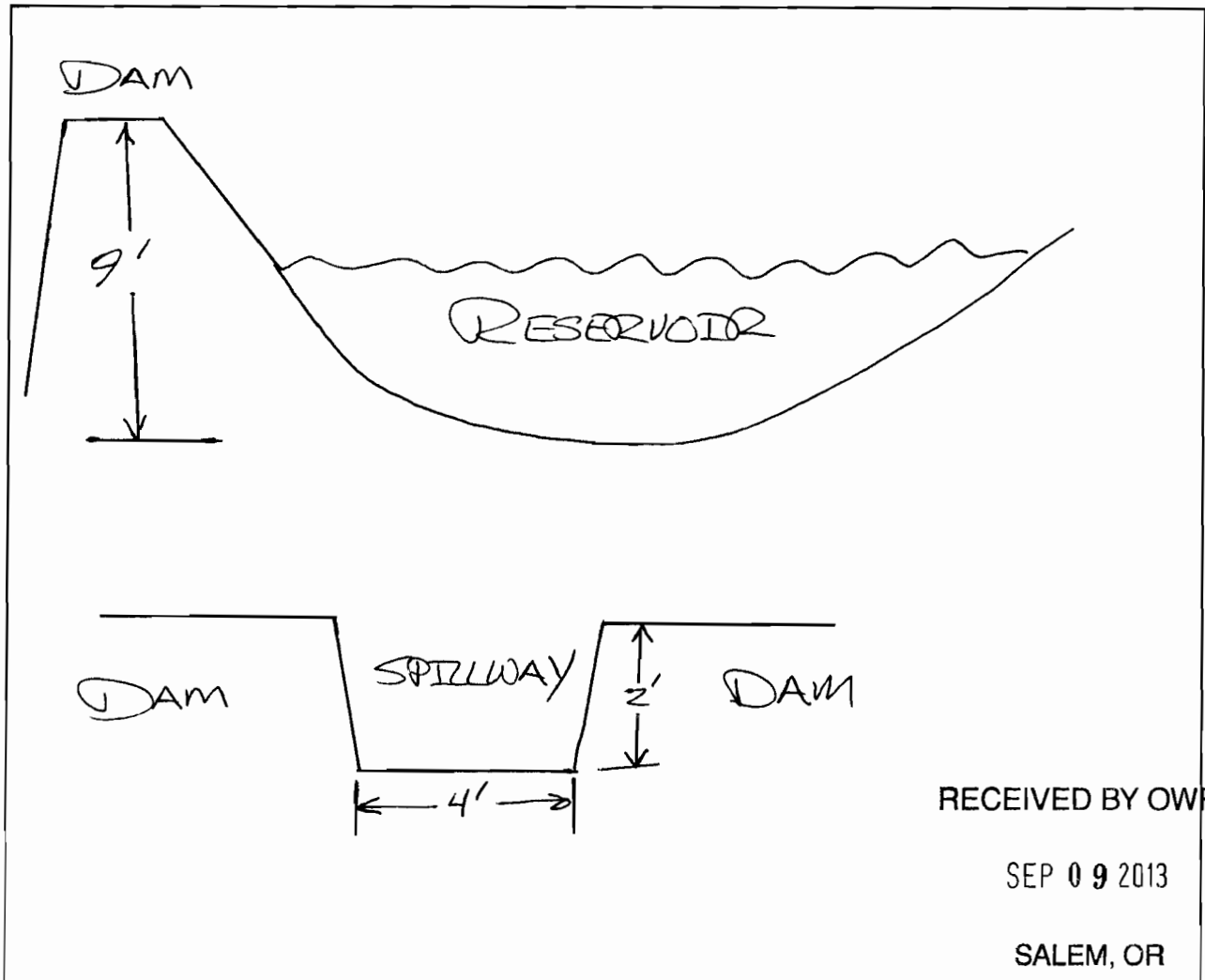
Reservoir is located in a truncated oxbow off Elk Creek. An earthen dam 9' in height impounds surface run-off and water from an unnamed stream in the pond. A spillway 4' wide and 2' high discharges overflow to a channel leading back to Elk Creek. There is little or no inflow during the summer and fall. As such, this is a fill and spill structure storing water during the winter and early spring.

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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).



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**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

*9/4/2013*  
 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 \$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).

# ODFW Alternate Reservoir Application Review Sheet

**This portion to be completed by the applicant.**

Applicant Name/Address/Phone/Email: Tim Lawenstein, 614 Putnam Valley Rd, DRAIN, OR 97435 - drtimlow@gmail.com 5418367511

Reservoir Name: Kwan Yin Lake Source: Run-off, small drain Volume (AF): 3 to 5 acres (SEASONAL)

Twp Rng Sec QQ: T22S R6W S1S Basin Name: Elk Creek Trib to Unpqua River  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 AO<sup>1</sup> 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 NMF<sup>2</sup> 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.

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SALEM, OR 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.

Nearby Elk Creek is utilized by coho and chinook salmon, as well as steelhead, cutthroat, Pacific lamprey, and other important fish species. Due to the proximity of the pond to Elk Creek, high water events in Elk

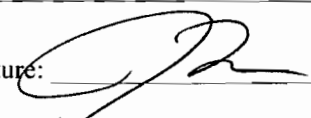
<sup>1</sup> AO = Artificial Obstruction means any dam, diversion, culvert or other human-made device placed in waters of this state that precludes or prevents the migration of native migratory fish. ORS 509.580 (1)

<sup>2</sup> NMF = Native Migratory Fish Species in Oregon as defined by OAR 635 1412 0005 (32)

Creek may encroach on and inundate the pond, leading to possible fish stranding issues. Non-native species in the pond such as bass and bullfrogs may further exacerbate the stranding issue by preying on trapped fish.

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)

The applicant has met with ODFW personnel on numerous occasions to discuss possible mitigation criteria to alleviate potential stranding issues. It was determined that some minor rehabilitation of an existing egress channel was needed to provide a clear path back to Elk Creek for fish that may have entered the pond during high water events. The applicant agreed to rehabilitate and maintain the channel and is currently working with a local watershed council to get the project done. The pond was deemed to have an adequate spillway for fish to escape the pond, and further expansion was not recommended due to possible non-native species in the pond and the desire to not increase the possibility of those species escaping into Elk Creek. The applicant agreed to contact ODFW invasive species personnel and explore possibilities for species identification sampling and removal activities. The ODFW determined that significant detrimental impacts to existing fishery resources could be mitigated with the completion of these conditions, and the ODFW asks to be contacted by the applicant once the conditions have been met.

ODFW Signature:  Print Name: Jason Brandt  
ODFW Title: Habitat Conservation Biologist Date: 5/1/13

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

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Revised 8/2/11

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R-87926

## MENU OF CONDITIONS FOR WRD, ODFW, DEQ AND ODA

Revised June 24, 2011 SEP 09 2013

Use this menu to identify appropriate conditions to be included in the permit, and indicate the abbreviations on the review form:

**fishpass:** As required by ORS 509.585, a person owning or operating an artificial obstruction (AO) may not construct or maintain any AO across any waters of this state that are inhabited, or historically inhabited, by native migratory fish (NMF) without providing passage for NMF. A person owning or operating an AO shall, prior to construction, fundamental change in permit status or abandonment of the AO in any waters of this state, obtain a determination from ODFW as to whether NMF are or historically have been present in the waters. If ODFW determines that NMF are or historically have been present in the waters, the person owning or operating the AO shall either submit a proposal for fish passage to ODFW or apply for a waiver or exemption. Approval of the proposed fish-passage facility, waiver, or exemption must be obtained from the department prior to construction, permit modification or abandonment of the AO. Approved fish-passage plans, waivers, and exemptions shall maintain adequate passage of NMF at all times (ORS 509.601) as per the approved plan, waiver or exemption.

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**fishself:** The permittee shall install, maintain, and operate fish screening and by-pass devices consistent with current Oregon Department of Fish and Wildlife (ODFW) standards. Fish screening is to prevent fish from entering the proposed diversion while by-pass devices provide adequate upstream and downstream passage for fish. The required screen and by-pass devices are to be in place and functional prior to diversion of any water. Permittee shall obtain written approval from ODFW that the installation of the required screen and by-pass devices meets the state's criteria or the permittee shall submit documentation that ODFW has determined screens and/or by-pass devices are not necessary.

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

**fishdiv33:** If the riparian area is disturbed in the process of developing a point of diversion, the permittee shall be responsible for restoration and enhancement of such riparian area in accordance with ODFW's Fish and Wildlife Habitat Mitigation Policy OAR 635-415. For purposes of mitigation, the ODFW Fish and Wildlife Habitat Mitigation Goals and Standards, OAR 635-415, shall be followed.

The use may be restricted if the quality of the source stream or downstream waters decrease to the point that those waters no longer meet existing state or federal water quality standards due to reduced flows.

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

**fishmay:** Notwithstanding that ODFW has made a determination that fish screens and/or by-pass devices are not necessary at the time of permit issuance, the permittee may be required in the future to install, maintain, and operate fish screening and by-pass devices to prevent fish from entering the proposed diversion and to provide adequate upstream and downstream passage for fish.

**b52** Water may be diverted only when Department of Environmental Quality sediment standards are being met.

**b5** The water user shall install and maintain adequate treatment facilities meeting current DEQ requirements to remove sediment before returning the water to the stream.

**b51a** The period of use has been limited to \_\_\_\_\_ through \_\_\_\_\_.

**b57** Before water use may begin under this permit, a totalizing flow meter must be installed at each diversion point.

**b58** Before water use may begin under this permit, a staff gage that measures the entire range and stage between full reservoir level and dead-pool storage must be installed in the reservoir. The staff gage shall be United States Geological Survey style porcelain enamel iron staff gage style A, C, E or I.

**futile call:** The use of water allowed herein may be made only at times when waters from the (NAME OF SURFACE WATER) would not otherwise flow into a tributary of the \_\_\_\_\_ River or sufficient water is available to satisfy all prior rights, including rights for maintaining instream flows.

**riparian:** If the riparian area is disturbed in the process of developing a point of diversion, the permittee shall be responsible for restoration and enhancement of such riparian area in accordance with ODFW's Fish and Wildlife Habitat Mitigation Policy OAR 635-415. For purposes of mitigation, the ODFW Fish and Wildlife Habitat Mitigation Goals and Standards, OAR 635-415, shall be followed.

**wq:** The use may be restricted if the quality of the source stream or downstream waters decrease to the point that those waters no longer meet existing state or federal water quality standards due to reduced flows.

**fence:** The stream and its adjacent riparian area shall be fenced to exclude livestock.

**blv:** Water must be diverted to a trough or tank through an enclosed water delivery system. The delivery system must be equipped with an automatic shutoff or limiting flow control mechanism or include a means for returning water to the stream source through an enclosed delivery system. The use of water shall not exceed 0.10 cubic feet per second per 1000 head of livestock.

# 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: TIM LOWENSTEIN

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: JASON BRANDT Agency: ODFW

Date:

Who: Agency:

Date:

Watermaster signature:

Javier B. Williams Date: 9-4-2013

WRD Contact: Caseworker: Water Rights Division, 503-986-0900 / Fax 503-986-0901

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

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R-87920



# Water Availability Analysis

ELK CR > UMPQUA R - AB BRUSH CR  
UMPQUA BASIN

Water Availability as of 9/4/2013

Watershed ID #: 309  
Date: 9/4/2013

Exceedance Level: 50%  
Time: 2:30 PM

Water Availability

Limiting Watersheds

Complete Water Availability Analysis | Text

## Water Availability

Select any Watershed for Details

	Nesting Order	Watershed ID #	Stream Name	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Sto
Select	1	368	UMPQUA R-> PACIFIC OCEAN- AT MOUTH	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Select	2	73350	UMPQUA R-> PACIFIC OCEAN- AB LITTLE MILL CR	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	Yes	Yes	Yes
Select	3	71183	ELK CR-> UMPQUA R- AT MOUTH	Yes	Yes	Yes	Yes	Yes	Yes	No	No	No	No	Yes	Yes	Yes
Select	4	309	ELK CR-> UMPQUA R- AB BRUSH CR	Yes	Yes	Yes	Yes	Yes	Yes	No	No	No	No	Yes	Yes	Yes

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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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# 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(s): Tim Lowenstein

Mailing Address: P.O. Box 9

City: Drain

State: OR

Zip Code: 97435

Daytime Phone: 541-836-7511

## A. Land and Location

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

Township	Range	Section	¼ ¼	Tax Lot #	Plan Designation (e.g., Rural Residential/RR-5)	Water to be:			Proposed Land Use:
<u>22S</u>	<u>6W</u>	<u>15</u>	<u>NWSW</u>	<u>2702</u>	<u>FFT</u>	<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	_____
_____	_____	_____	_____	_____	_____	<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

## B. Description of Proposed Use

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

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

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

Estimated quantity of water needed: 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 Storage

Briefly describe:

Multipurpose storage reservoir to include wildlife, aesthetics, recreation and aquatic life.

**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.

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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): 3.5.050(1)

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

Type of Land-Use Approval Needed (e.g., plan amendments, rezones, conditional-use permits, etc.)	Cite Most Significant, Applicable Plan Policies & Ordinance Section References	Land-Use Approval:	
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
	<b>RECEIVED BY OWRD</b>	<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
	<b>SEP 09 2013</b>	<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
	<b>SALEM, OR</b>	<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**

R36907
WS13-0585

Name: JAMIE CHARTER Title: DP  
 Signature: [Signature] Phone: 541-440-4289 Date: 9-4-13  
 Government Entity: DC 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: \_\_\_\_\_



THIS COVER SHEET HAS BEEN PREPARED BY THE PERSON PRESENTING THE ATTACHED INSTRUMENT FOR RECORDING, AS PROVIDED BY ORS 205.234. ANY ERRORS IN THIS COVER SHEET DO NOT AFFECT THE TRANSACTIONS CONTAINED IN THE INSTRUMENT ITSELF.

(A) Names of the transaction described in the attached instruments (Note: "Transaction" means any action required or permitted by law to be recorded including, but not limited to, any transfer, encumbrance or release affecting title to or an interest in real property):

X Warranty Deed Trust Deed Contract Assignment of Contract  
Satisfaction Reconveyance of Trust Deed Other - specify

(B) Names of the grantors and names of the grantees:

Grantors: Thomas D. Kelley/Barbara C. Kelley

Grantees: Lowenstein, Timothy J./Jan C.

(C) Person authorized to receive the instrument after recording, as required by ORS 205.108(4) and 205.238

UTES  
505 SE Main  
Roseburg, Oregon 97470

(D) For instruments conveying or contracting to convey fee title to any real estate and all memoranda of such instruments, the true and actual consideration paid for such transfer as required by ORS 93.030

\$118,500.00

(E) For instruments conveying or contracting to convey fee title to any real estate, the tax statement information required by ORS 93.260

Until a change is requested, all tax statements shall be sent to the following address:

Check here if same as (C) above

No change  
\_\_\_\_\_  
\_\_\_\_\_

MEMORANDUM TO THE RECORDS

RECEIVED BY OWRD

SEP 09 2013

SALEM, OR.

WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS, That THOMAS D. KELLEY and BARBARA C. KELLEY, husband and wife, hereinafter called the grantors, for the consideration hereinafter stated to grantors paid by TIMOTHY J. LOWENSTEIN and JAN C. LOWENSTEIN, husband and wife, hereinafter called the grantees, do hereby grant, bargain, sell and convey unto the said grantees, as tenants by the entirety, the heirs of the survivor and their assigns, that certain real property, with the tenements, hereditaments and appurtenances thereunto belonging or appertaining, situated in the County of Douglas, State of Oregon, described as follows, to-wit:

DAVIDA LITTLE & ESCROW SERVICES

BEGINNING at a point on the West line of Section 15, Township 22 South, Range 6 West, Willamette Meridian, Douglas County, Oregon, which point is the quarter corner between Section 15 and 16, said Township and Range; thence Southerly along the West line of said Section to the North line of the South half of the Southwest quarter of said Section; thence East along said line to the West line of the Louis M. Johnsrud, et ux property, as described in Parcel 1 in deed recorded in Book 705, Page 495, records of Douglas County, Oregon, Recorder's No. 79-01466; thence North 30 chains along the West line to an angle corner therein; thence West to the centerline of Elk Creek, said point being on the Easterly line of the Ivan Q. Linch, et ux, property as more particularly described in Parcel 3 of deed recorded in Book 454, records of Douglas County, Oregon, Recorder's No. 70-11508; thence Southerly and Westerly along the centerline of said Elk Creek and the property line of said Linch property to a point which is West 903.4 feet and South 844.2 feet from the last mentioned point; thence Northwesterly in a straight line to the above quarter corner and point of beginning.

EXCEPTING THEREFROM:

BEGINNING at a point on the West line of Section 15, Township 22 South, Range 6 West, Willamette Meridian, Douglas County, Oregon, which point is 186 feet South of the quarter corner between Section 15 and 16, said Township and Range; thence South along the West line of Section 15, 316 feet to a point; thence East on a straight line 212 feet to the Westerly boundary of the said United States of America easement; thence Northwesterly along the United States of America easement boundary to the point of beginning.

TOGETHER WITH a non-exclusive right of Ingress and egress over existing United States Government

1 - WARRANTY DEED

CEGAVSKE, SEITZ & STEVENS, P.C.  
ATTORNEYS AT LAW  
420 S.E. JACKSON STREET  
ROSCBURG, OREGON 97470  
(503) 675-8828

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SALEM, OR

R-87920

easement to Oregon State Highway No. 38.

**SUBJECT TO:**

1. The rights of the public in and to that portion of the herein described property lying within the limits of roads or highways.
2. Right of way granted to The California Oregon Power Company.
3. An easement created by Instrument, including the terms and provisions thereof, dated April 17, 1968, recorded May 14, 1968, in Book 408, Page 597, Deed Records of Douglas County, Oregon, in favor of The United States of America for road purposes.
3. Limited access in deed to State of Oregon, by and through its Department of Transportation, Highway Department, which provides that no right or easement of right of access to, from or across the State Highway other than expressly therein provided for shall attach to the abutting property recorded October 20, 1972, in Book 505, Page 958, Instrument No. 72-15146, Deed Records of Douglas County, Oregon.
4. Any adverse claimed based upon the assertion that:
  - a. Said land or any part thereof is now or at any time has been below the ordinary high water mark of Elk Creek.
  - 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, or has been formed by accretion to any such portion.
5. Such rights and easements for navigation, commerce, recreation and fishery which may exist over that portion of said land lying beneath the waters of Elk Creek.
6. Rights of the public, riparian owners and of governmental bodies in that portion of the above described property lying below the high water mark of unnamed stream.

**THIS INSTRUMENT DOES NOT GUARANTEE THAT ANY PARTICULAR USE MAY BE MADE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT. A BUYER SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES.**

2 - WARRANTY DEED

CEGAVSKE, SEITZ & STEVENS, P.C.  
ATTORNEYS AT LAW  
420 S.E. JACKSON STREET  
ROSEBURG, OREGON 97470  
(503) 473-5555

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SALEM, OR



TO HAVE AND TO HOLD the above-described and granted premises unto the said grantees, as tenants by the entirety, their heirs, successors and assigns forever.

And grantors hereby covenant to and with grantees, and the heirs of the survivor and their assigns, that grantors are lawfully seized in fee simple of the above-granted premises, free from all encumbrances, and that grantors will warrant and forever defend the said premises, and every part and parcel thereof, against the lawful claims and demands of all persons whomsoever, except those claiming under the above-described encumbrances, if any.

The true and actual consideration paid for this transfer, stated in terms of dollars is \$118,500.00.

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

IN WITNESS WHEREOF, the grantors have executed this instrument this 9 day of May, 1985.

Thomas D. Kelley  
Grantor: Thomas D. Kelley  
Barbara C. Kelley  
Grantor: Barbara C. Kelley

STATE OF OREGON, )  
County of Douglas ) ss.  
BEFORE ME PERSONALLY APPEARED the above-named THOMAS D. KELLEY and BARBARA C. KELLEY, husband and wife, and acknowledged the foregoing instrument to be their voluntary act and deed.

May 10, 1985.

Sheldon D. Shickard  
Notary Public for Oregon.  
My Commission expires: 4-16-89

Until a change is requested, all tax statements shall be sent to the following address:  
After recording, return to:

STATE OF OREGON )  
COUNTY OF DOUGLAS )  
COUNTY CLERK AND RECORDER OF  
CONTRACTS, AND HEREBY CERTIFY THAT THIS  
INSTRUMENT WAS RECORDED

97 JUL -3 AM 9:35

DOYLE SHAYER JR.  
DOUGLAS COUNTY CLERK

IN THE OFFICE RECORDS OF DOUGLAS COUNTY

WARRANTY DEED  
BY [Signature]  
FEE [Signature]

CEGAVSKE, SEITZ & STEVENS, P.C.  
ATTORNEYS AT LAW  
480 S.E. JACKSON STREET  
ROSBURG, OREGON 97470  
(903) 673-9820

97-13785

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SALEM, OR