

D. Reservoir Location

Township (N or S)	Range (E or W)	Section	quarter/quarter	tax lot number
34S	5W	8	SW SW	400
34S	5W	8	SE SW	400

E. Dam: Maximum height of dam : 5 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: 65.0

Is this project fully or partially funded by the American Recovery and Reinvestment Act? (Federal stimulus dollars) _____ Yes x 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)

x 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:

Andreas and Carole Blech, 1867 Williams Hwy., #270, Grants Pass, OrR 97527

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R87931

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? N/A years.
- D. Fish Habitat:** Is there fish habitat upstream of the proposed structure? Yes No Don't know
If yes, how much? unknown 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.

Isaac Sanders, Oregon Dept. of Geology & Mineral Industries, 541-967-2081

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 N/A	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.

Water will be diverted from Grave Creek using a weir or gated control structure. The water will gravity flow in a pipe to Reservoir 3. The reservoir will be excavated into the subsurface and will have a 5-foot-high dam on the low edge (see sketch on the following page).

An approximately 1-foot-tall berm will be constructed on the uphill sides of the reservoir during the period each year when storm-water run-off may not be intercepted for storage. The berm will be breached or removed during the months that run-off can be collected.

The weir or gated structure on the creek will remain closed outside the authorized storage season. Water can be pumped from the reservoir if it must be drained.

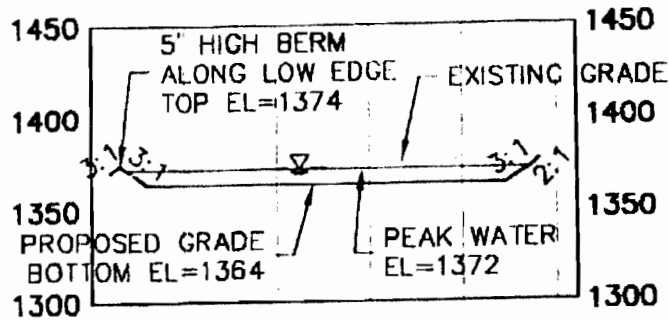
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If the diversion involves a dam, use this space for sketches of the diversion (e.g. cross-section of the dam with its dimensions, dimension and placement of outlet pipe, means of passing live flow outside of the authorized storage season, and means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



RESERVOIR 3
SCALE: 1"=200' H 1"=100' V

THE RESERVOIR WILL BE LOCATED OFF CHANNEL. LIVE FLOWS WILL NOT BE DIVERTED OUTSIDE OF THE AUTHORIZED STORAGE SEASON. THE RESERVOIR CAN BE EMPTIED (IF NEEDED) BY PUMPING WATER OUT FROM THE RESERVOIR.

9. 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

09-11-13

Date

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- 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: Sunny Valley Sand and Gravel, Inc.

1867 Williams Highway #260, Grants Pass, OR 97527; 541-244-2644; andreas@blech.us

Reservoir Name: Reservoir 3 Source: Grave Creek Volume (AF): 65.0

Twp Rng Sec QQ: T34S, R5W, Sec. 8, SW SW & SE SW Basin Name: Rogue 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 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 project pose any other significant detrimental impact to an existing fishery resource locally or downstream?..... 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 April through December 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.

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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 - 0005 (32)

R 87931

Grave Creek provides spawning, rearing, and migration habitat for Federally threatened coho salmon, and State sensitive summer steelhead and Pacific lamprey. Additionally, fall chinook salmon, coastal cutthroat trout and winter steelhead utilize Grave Creek.

There is an instream water right, IS71035A, present on Grave Creek. The purpose of the instream water right is to provide adequate water for spawning, rearing, and migration for the species listed above. OWRD has determined that water would be available for storage during the period January through March. ODFW recommends the applicant only be allowed to divert water during the period January through March if the instream flow requirements are being met.

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)

Fishdiv33
b51a; the period of use has been limited to January through March.
B57

ODFW Signature: Peter Samarin Print Name: Peter Samarin
ODFW Title: Asst District Fish Biologist Date: 8/29/2013

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

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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.

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.

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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.

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SALEM, OREGON

btv: 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.

R 87931

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, OREGON

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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: Sunny Valley Sand and Gravel, Inc.
First

Attn: Andreas Blech
Last

Mailing Address: 1867 Williams Highway #260

Grants Pass
City

OR 97527
State Zip

Daytime Phone: 541-244-2644

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:
SEE ATTACHED						<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	
						<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:

Josephine 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) Grave Creek

Estimated quantity of water needed: 65.0 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 Multi purpose

Briefly describe:

Water will be diverted to the reservoir in the winter and spring, and stored for subsequent multi-purpose use related to proposed sand and gravel mining operations. A Post Acknowledgement Plan Agreement (PAPA) will be filed within about 30 days. Additional applications will be filed in connection with any proposed secondary use of the stored water.

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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R 87931

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): _____
- 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:	
Comp Plan Amendment and Rezone	Comp Plan Goals 7 and 10 Articles 66.1, 72.040, and 91	<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input checked="" type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued

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

Reservoir intended to provide water for aggregate mining

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SALEM, OREGON

Name: Dick Converse Title: Interim Planning Director

Signature: Dick Converse Phone: 541-474-5428 Date: 9-4-13

Government Entity: Josephine 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: _____

ATTACHMENT TO:

Oregon Water Resources Department
Land Use Information Form

Applicant Name: Sunny Valley Sand and Gravel Inc.
 Reservoir 3

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.

Township	Range	Section	Quarter	Tax Lot #	Plan designation	Water to be:	Proposed Land Use:
34 S	5 W	8	NE SW	400	Forest Commercial Wood Lot Resource	<input type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input type="checkbox"/> Used	Reservoir for aggregate mining
34 S	5 W	8	SW SW	400	Forest Commercial Wood Lot Resource	<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	Reservoir for aggregate mining
34 S	5 W	8	SE SW	400	Forest Commercial Wood Lot Resource	<input type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	Reservoir for aggregate mining
34 S	5 W	8	NW SE	1002	Rural Residential	<input checked="" type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input type="checkbox"/> Used	Reservoir for aggregate mining

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R 87931

3

1

JOSEPHINE COUNTY OFFICIAL RECORDS
ART HARVEY, COUNTY CLERK 2010-013083
DED-WRD
Cnt=1 Pgs=3 Stn=3 TMORRIS 10/12/2010 10:31 AM
\$15.00 \$11.00 \$15.00 \$8.00 \$5.00 Total:\$54.00



I, Art Harvey, County Clerk, certify that the within document was received and duly recorded in the official records of Josephine County.

Ca 1632465 (84)

After Recording Return to:
Andreas Blech and Carole Blech
1867 Williams Hwy., #270
Grants Pass, OR 97527

Until a change is requested,
all tax statements shall be
sent to the following address:
Andreas Blech and Carole Blech
1867 Williams Hwy., #270
Grants Pass, OR 97527

54.

WARRANTY DEED

DOUG AND JACK'S MINE, LLC, an Oregon Limited Liability Company, Grantor, conveys and warrants to **ANDREAS BLECH and CAROLE BLECH, husband and wife as tenants by the entirety**, Grantees, all of it's right, title and interest in and to the following described real property located at 153 Daisy Mine Road, Wolf Creek, Oregon 97497, more particularly described as follows:

The Southeast Quarter of the Southeast Quarter of Section 7, and the Southwest Quarter of Section 8, all in Township 34, Range 5 West of the Willamette Meridian, Josephine County, Oregon, EXCEPTING THEREFROM and portion lying Northerly of the Southerly right-of-way line of Placer Road. TOGETHER WITH: An Easement appurtenant to the herein described property for ingress and egress including the terms and provisions thereof, as set forth in instrument recorded in Document No. Volume 324, Page 572, Josephine County Deed Records of Josephine County, Oregon

Tax Parcel Number R300831 and R300826

The true and actual consideration for this transfer is the sum of

[Redacted]

[Redacted]

Subject to:

- 1. Rights of the public and of governmental bodies in and to that portion of the premises herein described lying within the limits of streets, roads and highways.

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SALEM, OREGON

R 87931

- 2. Easement for electric transmission and distribution lines of one or more wires, and all necessary or desirable appurtenances, including telephone and telegraph wires, towers poles, props, guys, and other supports; and related matters.

Recording information: Volume 153, Page 466, and Volume 165, Page 569, Josephine County Deed Records.

Grantee: California Oregon Power Company
 Affects: Not Specific

- 3. Easement for electric transmission and distribution of one or more wires and all necessary pr desirable appurtenances, including telephone and telegraph wires towers, poles, props, guys and other supports; and related matters.

Recording Information: Volume 214, Page 467, Josephine County Deed Records

Grantee: California Oregon Power Company
 Affects: Not Specific

- 4. Easement, including the terms and provisions contained therein:

Recording Information: Volume 229, Page 399, Josephine County Deed Records

For: Gas Pipeline

- 5. Easement, including terms and provisions contained therein:

Recording Information: Volume 324, Page 1721, Josephine County Deed Records

For: Permanent easement for roadway purposes (Affects TL 400)

- 6. Easement, including terms and provisions contained therein:

Recording Information: Volume 326, Page 1318, Josephine County Deed Records

For: Well and Pipeline (Affects TL400)

- 7. Easement, including terms and provisions contained therein:

Recording Information: 2002-007430 and re-recorded as 2002-008736 Official Records of Josephine County, Oregon.

For: A permanent easement for roadway purposes

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3

~~The true and actual consideration for this transfer is the sum of Six hundred thousand Dollars (\$600,000.00).~~

Dated this 6th day of October, 2010.

NOTE: THIS INSTRUMENT WILL 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 AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930.

THE PROPERTY DESCRIBED IN THIS INSTRUMENT MAY NOT BE WITHIN A FIRE PROTECTION DISTRICT PROTECTING STRUCTURES. THE PROPERTY IS SUBJECT TO LAND USE LAWS AND REGULATIONS WHICH IN FARM OR FOREST ZONES MAY NOT AUTHORIZE CONSTRUCTION OR SITING OF A RESIDENCE AND WHICH LIMIT LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930 IN ALL ZONES. 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 AND EXISTENCE OF FIRE PROTECTION FOR STRUCTURES.

DOUG AND JACK'S MINE, LLC, an Oregon limited liability company

By: [Signature]
Jack H. Smith, ~~Managing Member~~, Trustee of the Smith Family Trust dated July 28, 2008 as ~~Managing Member~~

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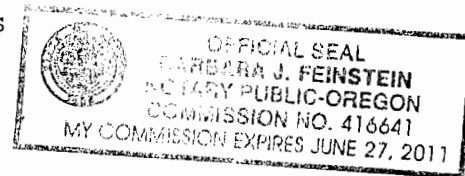
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SALEM, OREGON

STATE OF OREGON)
) ss.
COUNTY OF JACKSON)

This instrument was acknowledged before me on October 6, 2010 by Jack H. Smith as **
~~Managing Member of Doug and Jack's Mine, LLC.~~

[Signature]
Notary Public for Oregon

** Trustee of the Smith Family Trust dated July 28, 2008 as
Managing Member of Doug and Jack's Mine, LLC.



3 - Warranty Deed

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