

JUN 12 2014



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

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

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

Use a separate form for each reservoir

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

1. APPLICANT INFORMATION

Applicant: Freel & Associates, LLC
Mailing Address: P.O. Box 587
Shady Cove OR 97539
Phone: (541)830-3930
Fax: E-Mail Address*: cdfreel@earthlink.net

* 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: C. David Freel
Mailing Address: P.O. Box 587
Shady Cove OR 97539
Phone: (541)830-3930
Fax: E-Mail Address*: cdfreel@earthlink.net

* 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: PDQ Reservoir

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: Runoff, runoff in ditch, surface seepage Tributary to: Reese Creek

C. County in which diversion occurs: Jackson

App. No. R-87987 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
35S	1W	3	NW/SE & SW/SE	100

SALEM, OR

E. Dam: Maximum height of dam: 9.5 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: 9

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

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? _____ 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 EAGLE POINT IRRIGATION DISTRICT		Address P.O. BOX 157	
City EAGLE POINT		State OR	Zip 97524

8. DESCRIPTION

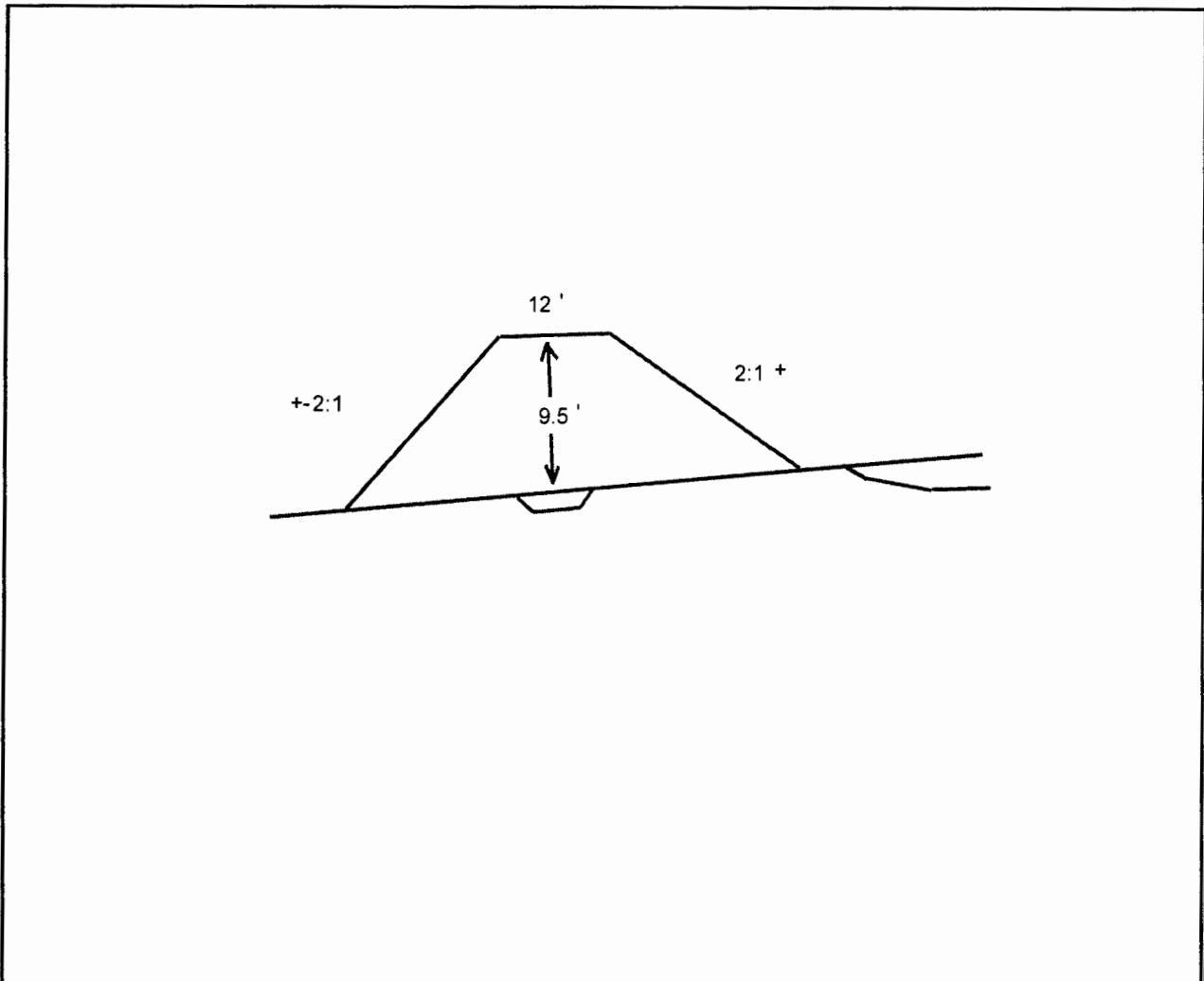
Provide a description of the design and operation of the proposed diversion, including a description of how live flow will be passed outside the authorized storage season. Use this space for narrative. You may also provide narrative and sketches on separate pages.

There is no live flow. The dam will be earth fill and the pool may be partially excavated. There will be a portable pump available to empty the reservoir if necessary.

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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

5-8-14
 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).

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.

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Application #: R- Applicant's Name: Freel and Associates, 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:

3) Did you meet with staff from another agency to discuss this application? NO YES

Who: Agency: Date:
Who: Agency: Date:

Watermaster signature: Date:

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

NOTE: This completed form must be returned to the applicant

R-07907

ODFW Alternate Reservoir Application Review Sheet

This portion to be completed by the applicant.

Applicant Name/Address/Phone/Email: Freel & Associates, LLC

Reservoir Name: _____ Source: Runoff, Ditch runoff Volume (AF): 9

Twp Rng Sec QQ: 35S 1W SEC 3 NW/SE & SW/SE Basin Name: Reese Creek 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 _____ 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.

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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)

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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)

ODFW Signature: _____ Print Name: _____

ODFW Title: _____ Date: _____

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

Revised 10/4/12

R-8787

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.

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 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.

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R-87907

SALEM, OR

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

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Applicant(s): FREEL & ASSOCIATES, LLC (C. David Freel)

JUN 12 2014

Mailing Address: P.O. Box 587

City: Shady Cove

State: OR

Zip Code: 97539

Daytime Phone: (541) 830-3930 SALEM, OR

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>35S</u>	<u>1W</u>	<u>3</u>	<u>NW/SE</u>	<u>100</u>	<u>EFU</u>	<input checked="" type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	<u>Reservoir</u>
<u>35S</u>	<u>1W</u>	<u>3</u>	<u>SW/SE</u>	<u>100</u>	<u>EFU</u>	<input checked="" type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	<u>Reservoir</u>
_____	_____	_____	_____	_____	_____	<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:

Jackson

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) runoff & runoff in ditch

Estimated quantity of water needed: 9 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 reservoir

Briefly describe:

We propose to construct and store water in a small reservoir.
Reservoir will also act as a bulge in the system for current water rights

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. →

For Local Government Use Only

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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. SALEM, OR

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:	
95-4-COP	Chapter 4.4-1	<input checked="" type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued

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

Name: Youngsook Kim Title: Planner I
 Signature: [Signature] Phone: 541 774 6946 Date: 4/17/2014
 Government Entity: Jackson County

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

Receipt for Request for Land Use Information

Applicant name: _____
 City or County: _____ Staff contact: _____
 Signature: _____ Phone: _____ Date: _____

R-87987

WATERMASTER ALTERNATE RESERVOIR APPLICATION REVIEW SHEET

JUN 12 2014

Recommendations for Water Right Applications under the Alternate Reservoir review process (ORS 537.409) **SALEM, OR**

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: Freel and Associates, 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 N/A

If YES, which conditions are recommended:

3) Did you meet with staff from another agency to discuss this application? NO YES

Who: Agency: Date:
Who: Agency: Date:

Watermaster signature:  Date: 4-16-14

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

NOTE: This completed form must be returned to the applicant

ODFW Alternate Reservoir Application Review Sheet

This portion to be completed by the applicant.

Applicant Name/Address/Phone/Email: Freel & Associates, LLC

Reservoir Name: _____ Source: Runoff, Ditch runoff Volume (AF): 9

Twp Rng Sec QQ: 35S 1W SEC 3 NW/SE & SW/SE Basin Name: Reese Creek 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.

The proposed pond is located on a small, un-named draw that is hydraulically connected to Reese Creek. Reese Creek provides habitat for state sensitive summer steelhead and federally threatened coho

¹ AO = Artificial Obstruction means any dam, diversion, culvert or other human-made device placed in _____ 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)

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salmon. Additionally, there is an instream water right for Reese Creek (certificate 59819) and live flow should only be stored when instream flow requirements are being met in Reese Creek.

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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)

b51a. The period of use has been limited to January through March.

ODFW Signature: _____



Print Name: Peter Samarin

ODFW Title: Asst District Fish Biologist

Date: April 24, 2014

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

Revised 10/4/12

42g0422226cc

47

LandAmerica
Lawyers Title

\$:50

Jackson County Official Records 2007-051496
R-BSO
Cnt=1 Stn=9 WALKERC
\$15.00 \$5.00 \$5.00 \$11.00
Total: \$38.00



I, Kathleen S. Beckett, County Clerk for Jackson County, Oregon,
certify that the instrument identified herein was recorded in the Clerk
records.
Kathleen S. Beckett - County Clerk

Return to:
Freel & Associates, LLC
Attn: C. David Freel
PO Box 587
Shady Cove, OR 97539

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JUN 12 2014

SALEM, OR

Until a change is requested, all tax statements shall be sent
to the following address:
Freel & Associates, LLC
Attn: C. David Freel
PO Box 587
Shady Cove, OR 97539

STATUTORY BARGAIN AND SALE DEED

Lawrence N. McKenzie & Kathleen L. McKenzie, Trustees of The McKenzie Community Trust
dated 7/21/93, Grantor, conveys to Freel & Associates, LLC, Grantee, the following
described real property:

See Exhibit "A" attached hereto
Tax Account No. 10228596

The true consideration for this conveyance is \$5,000.00.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE
TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY UNDER ORS 197.352. THIS
INSTRUMENT 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 AND TO INQUIRE ABOUT THE
RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 197.352.

Dated 2A day of JANUARY 2007
~~December, 2006~~

The McKenzie Community Trust dated
7/21/93

Lawrence N. McKenzie
BY Lawrence N. McKenzie, Trustee

Kathleen L. McKenzie
BY Kathleen L. McKenzie, Trustee

RECORDED BY LAWYERS TITLE INS. CORP. AS AN
ACCOMMODATION ONLY. NO LIABILITY IS ACCEPTED
FOR THE CONDITION OF THE ORIGINAL INSTRUMENT FOR THE VALIDITY,
SUFFICIENCY, OR CORRECTNESS OF THIS DOCUMENT.


Order No. 42g0422226
Statutory Bargain and Sale Deed - Company
ORRQ 6/2005; Rev. 1/2006

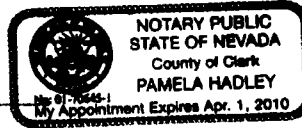
11

R-87987

STATE OF ~~OREGON~~ ^{Nevada}
COUNTY OF ~~Clark~~ ^{Clark}

The foregoing instrument was acknowledged before me this 24 day of ~~December~~ ^{January}, 2008 by Lawrence N. McKenzie, Trustee of The McKenzie Community Trust dated 7/21/93 on its behalf.


Notary Public State of Oregon ~~Oregon~~ ^{Nevada}
My commission expires: 04-01-2010




RECEIVED BY OWRD

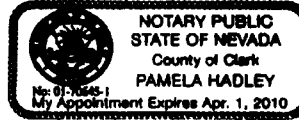
JUN 12 2014

SALEM, OR

STATE OF ~~OREGON~~ ^{Nevada}
COUNTY OF ~~Clark~~ ^{Clark}

The foregoing instrument was acknowledged before me this 24 day of ~~December~~ ^{January}, 2008 by Kathleen L. McKenzie, Trustee of The McKenzie Community Trust dated 7/21/93 on its behalf.


Notary Public State of Oregon ~~Oregon~~ ^{Nevada}
My commission expires: 04-01-2010



Statutory Bargain and Sale Deed - Company
ORRQ 6/2005

(2)

EXHIBIT "A"

TRACT A: The Northeast Quarter, and that part of the Northeast Quarter of the Northwest Quarter, lying Easterly of the Crater Lake Highway (as existing in 1945), in Section 10 in Township 35 South, Range 1 West of the of the Willamette Meridian in Jackson County, Oregon. EXCEPTING THEREFROM, that portion of the Northeast Quarter of the Northwest Quarter of Section 10 in Township 35 South, Range 1 West of the Willamette Meridian in Jackson County, Oregon, conveyed to the State of Oregon, by and through its State Highway Commission by deed recorded November 30, 1946 in Volume 275 page 474 of the Deed Records of Jackson County, Oregon.

Account No. 10255031, Levy Code 9-06, Map 351W10 100
Account No. 10228596, Levy Code 0-02, Map 351W10 100

TRACT B: The North Half of Section 1 and the Southwest Quarter of Section 1, Township 35 South, Range 1 West, Willamette Meridian, Jackson County, Oregon.

Account No. 10226601, Levy Code 9-02, Map 351W01 100
Account No. 10226619, Levy Code 9-02, Map 351W01 200

TRACT C: All of Section 2, Township 35 South, Range 1 West, Willamette Meridian, Jackson County, Oregon.

Account No. 10226635, Levy Code 9-02, Map 351W02 100
Account No. 10226643, Levy Code 9-02, Map 351W02 200

TRACT D: The East Half of the Northeast Quarter and the Southeast Quarter of Section 3, Township 35 South, Range 1 West, Willamette Meridian, Jackson County, Oregon, and all that part of the Southeast Quarter of the Southwest Quarter lying Easterly of the Crater Lake Highway.

Account No. 10226650, Levy Code 9-02, Map 351W03 100
Account No. 10254507, Levy Code 9-06, Map 351W03 1200

TRACT E: All that part of the Southeast Quarter of the Northwest Quarter of Section 10, Township 35 South, Range 1 West, Willamette Meridian, Jackson County, Oregon, lying Easterly of the Crater Lake Highway.

Account No. 10228636, Levy Code 9-02, Map 351W10 502

TRACT F: The Northwest Quarter of Section 11, in Township 35 South, Range 1 West of the Willamette Meridian in Jackson County, Oregon. EXCEPTING THEREFROM the following: Beginning at a point on the east line of the Northwest Quarter of said Section 11, a distance of 497.0 feet North of the southeast corner of the Northwest Quarter of said Section 11; thence West, parallel with the south line of said Northwest Quarter 822.0 feet; thence Northwesterly, 1318.0 feet to a point which is 1636.0 feet West of the east line, and 1588.0 feet North of the south line of said Northwest Quarter; thence East, parallel with the south line of said Northwest Quarter 1636.0 feet to a point on the east line of said Northwest Quarter; thence South, along the east line of said Northwest Quarter, 1091.0 feet to the point of beginning. ALSO, EXCEPTING THEREFROM the following: Beginning at the southeast corner of the Northwest Quarter of said Section 11; thence West, along the south line of said Northwest Quarter, 822.0 feet; thence North, parallel with east line of said Northwest Quarter, 497.0 feet; thence East, parallel with the south line of said Northwest Quarter, 822.0 feet to a point on the east line of said Northwest Quarter; thence South, along said east line, 497.0 feet to the point of beginning.

Account No. 10603251, Levy Code 9-19, Map 351W11 300
Account No. 10228812, Levy Code 9-02, Map 351W11 300

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JUN 12 2014

SALEM, OR

Jordan Engineering

Structural-Civil-Geotech

460 Jordan Lane
Roseburg, OR 97471
541-673-1931

SALEM, OR

JUN 12 2014

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Water Resources Department
Store Water in Reservoir Div.
725 Summer St. NE, Suite A
Salem, OR 97301

Reservoir Application:
Eagle Point Irrigation District

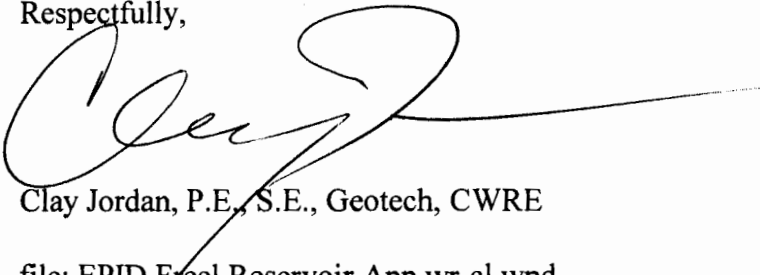
June 10, 2014

Store Water in Reservoir Div.:

Inclosed is the application form, map, land use information form, Watermaster review from, ODF&W review form, copy of deed 2007-51496 and a check #5107 in the sum of 1,070 made out to the Department.

If there are any questions please make official contacts with the client and a copy to me.

Respectfully,



Clay Jordan, P.E., S.E., Geotech, CWRE

file: EPID Freel Reservoir App wr-cl.wpd
cc: Freel & Associates, LLC

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