

# Application for a Permit to Use Surface Water



Oregon Water Resources Department  
725 Summer Street NE, Suite A  
Salem, Oregon 97301-1266  
(503) 986-0900  
[www.wrd.state.or.us](http://www.wrd.state.or.us)

## Water-Use Permit Application Processing

### 1. Completeness Determination

The Department evaluates whether the application and accompanying map contain all of the information required under OAR 690-310-0040 and OAR 690-310-0050 ([www.oregon.gov/owrd/law.oar](http://www.oregon.gov/owrd/law.oar)). The Department also determines whether the proposed use is prohibited by statute. If the Department determines that the application is incomplete, all fees have not been paid, or the use is prohibited by statute, the application and all fees submitted are returned to the applicant.

### 2. Initial Review

The Department reviews the application to determine whether water is available during the period requested, whether the proposed use is restricted or limited by rule or statute, and whether other issues may preclude approval of or restrict the proposed use. An Initial Review (IR) containing preliminary determinations is mailed to the applicant. The applicant has 14 days from the mailing date to withdraw the application from further processing and receive a refund of all fees paid minus \$200. The applicant may put the application on hold for up to 180 days and may request additional time if necessary.

### 3. Public Notice

Within 7 days of the mailing of the initial review, the Department gives public notice of the application in the weekly notice published by the Department at [www.oregon.gov/owrd](http://www.oregon.gov/owrd). The public comment period is 30 days from publication in the weekly notice.

### 4. Proposed Final Order Issued

The Department reviews any comments received, including comments from other state agencies related to the protection of sensitive, threatened or endangered fish species. Within 60 days of completion of the IR, the Department issues a Proposed Final Order (PFO) explaining the proposed decision to deny or approve the application. A PFO proposing approval of an application will include a draft permit, and may request additional information or outstanding fees required prior to permit issuance.

### 5. Public Notice

Within 7 days of issuing the PFO, the Department gives public notice in the weekly notice. Notice includes information about the application and the PFO. Protest must be received by the Department within 45 days after publication of the PFO in the weekly notice. Anyone may file a protest. The protest filing fee is \$350.00 for the applicant and \$700.00 for non-applicants. Protests are filed on approximately 10% of Proposed Final Orders. If a protest is filed the Department will attempt to settle the protest but will schedule a contested case hearing if necessary.

### 6. Final Order Issued

If no protests are filed, the Department can issue a Final Order within 60 days of the close of the period for receiving protest. If the application is approved, a permit is issued. The permit specifies the details of the authorized use and any terms, limitations or conditions that the Department deems appropriate.

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## Minimum Requirements Checklist

Minimum Requirements (OAR 690-310-0040, OAR 690-310-0050 & ORS 537.140)

### Include this checklist with the application

Check that each of the following items is included. The application will be returned if all required items are not included. If you have questions, please call the Water Rights Customer Service Group at (503) 986-0900.

- SECTION 1: applicant information and signature
- SECTION 2: property ownership
- SECTION 3: source of water requested
- SECTION 4: water use
- SECTION 5: water management
- SECTION 6: resource protection
- SECTION 7: project schedule
- SECTION 8: within a district
- SECTION 9: remarks

#### Attachments:

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- Land Use Information Form with approval and signature (*must be an original*) or signed receipt
- Provide the legal description of: (1) the property from which the water is to be diverted, (2) any property crossed by the proposed ditch, canal or other work, and (3) any property on which the water is to be used as depicted on the map.
- Fees - Amount enclosed: \$ 1,660  
See the Department's Fee Schedule at [www.oregon.gov/owrd](http://www.oregon.gov/owrd) or call (503) 986-0900.

#### Provide a map and check that each of the following items is included:

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- Permanent quality and drawn in ink
- Even map scale not less than 4" = 1 mile (example: 1" = 400 ft, 1" = 1320 ft, etc.)
- North Directional Symbol
- Township, Range, Section, Quarter/Quarter, Tax Lots
- Reference corner on map
- Location of each well, and/or dam if applicable, by reference to a recognized public land survey corner (distances north/south and east/west)
- Indicate the area of use by Quarter/Quarter and tax lot clearly identified
- Number of acres per Quarter/Quarter and hatching to indicate area of use if for primary irrigation, supplemental irrigation, or nursery
- Location of main canals, ditches, pipelines or flumes (if well is outside of the area of use)
- Other:

# Application for a Permit to Use Surface Water



**Oregon Water Resources Department**  
725 Summer Street NE, Suite A  
Salem Oregon 97301-1266  
(503) 986-0900  
www.wrd.state.or.us

## SECTION 1: APPLICANT INFORMATION AND SIGNATURE

### Applicant Information

NAME		PHONE (HM)	
PHONE (WK)	CELL	FAX	
ADDRESS			
CITY	STATE	ZIP	E-MAIL *

### Organization Information

NAME BUXTON FAMILY HOLDINGS LLC		PHONE 850-240-1328	FAX
ADDRESS PO Box 1087			CELL
CITY GULF BREEZE	STATE FL	ZIP 32562	E-MAIL * CHIP.BUXTON@GMAIL.COM

### Agent Information – The agent is authorized to represent the applicant in all matters relating to this application.

AGENT / BUSINESS NAME EVAN MALEPSY		PHONE 541-665-5233	FAX 541-665-5266
ADDRESS 60 N 4 <sup>TH</sup> STREET			CELL 541-621-2868
CITY CENTRAL POINT	STATE OR	ZIP 97502	E-MAIL * EMALEPSY@RH2.COM

Note: Attach multiple copies as needed

\* 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.)

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By my signature below I confirm that I understand:

SALEM, OR

- I am asking to use water specifically as described in this application.
- Evaluation of this application will be based on information provided in the application packet.
- I cannot legally use water until the Water Resources Department issues a permit to me.
- The Department encourages all applicants to wait for a permit to be issued before beginning construction of any proposed diversion. Acceptance of this application does not guarantee a permit will be issued.
- If I begin construction prior to the issuance of a permit, I assume all risks associated with my actions.
- If I get a permit, I must not waste water.
- If development of the water use is not according to the terms of the permit, the permit can be cancelled.
- The water use must be compatible with local comprehensive land use plans.
- Even if the Department issues a permit, I may have to stop using water to allow senior water right holders to get water to which they are entitled.



I (we) affirm that the information contained in this application is true and accurate.

Winston H. Buxton  
Applicant Signature

Winston H. Buxton  
Print Name and title if applicable

3/9/2015  
Date

Applicant Signature

Print Name and title if applicable

Date

Revised

App. No. <u>2-88058</u>	For Department Use Permit No. _____	Date _____
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**SECTION 2: PROPERTY OWNERSHIP**

Please indicate if you own all the lands associated with the project from which the water is to be diverted, conveyed, and used.

- Yes
  - There are no encumbrances.
  - This land is encumbered by easements, rights of way, roads or other encumbrances.
- No
  - 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 irrigation and/or domestic use only (ORS 274.040).
  - Water is to be diverted, conveyed, and/or used only on federal lands.

List the names and mailing addresses of all affected landowners (*attach additional sheets if necessary*).

NA

***You must provide the legal description of: 1. The property from which the water is to be diverted, 2. Any property crossed by the proposed ditch, canal or other work, and 3. Any property on which the water is to be used as depicted on the map.***

1. Diverted and Crossed – 351W29 – TL 401
2. Crossed – 351W30 – TL’s 207 & 211
3. Used – 351W30 – TL’s 204 & 206

**SECTION 3: SOURCE OF WATER**

**A. Proposed Source of Water**

Provide the commonly used name of the water body from which water will be diverted, and the name of the stream or lake it flows into. If unnamed, say so:

Source 1: Lost Creek Reservoir (via the Rogue River)    Tributary to: Rogue River

Source 2: \_\_\_\_\_    Tributary to: \_\_\_\_\_

If any source listed above is stored water that is authorized under a water right permit, certificate, or decree, attach a copy of the document or list the document number (for decrees, list the volume, page and/or decree name).

**Lost Creek Reservoir constructed under Permit R-8142**

**B. Applications to Use Stored Water**

Do you, or will you, own the reservoir(s) described in item 3A above?

- Yes.
- No. (Please enclose a copy of your written notification to the operator of the reservoir of your intent to file this application, which you should have already mailed or delivered to the operator.)

If *all* sources listed in item 3A are stored water, the Department will review your application using the expedited process provided in ORS 537.147, unless you check the box below. Please see the instruction booklet for more information.

By checking this box, you are requesting that the Department process your application under the standard process outlined in ORS 537.150 and 537.153, rather than the expedited process provided by ORS 537.147. To file an application under the standard process, you must enclose the following:

- A copy of a signed non-expired contract or other agreement with the owner of the reservoir (if not you) to impound the volume of water you propose to use in this application.
- A copy of your written agreement with the party (if any) delivering the water from the reservoir to you.

**SECTION 4: WATER USE**

Provide the amount of water you propose to use from each source, for each use, in cubic feet-per-second (cfs) or gallons-per-minute (gpm). If the proposed use is from storage, provide the amount in acre-feet (af):  
*(1 cfs equals 448.8 gpm. 1 acre-foot equals 325,851 gallons or 43,560 cubic feet)*

SOURCE	USE	PERIOD OF USE	AMOUNT
Lost Creek Reservoir (via the Rogue River)	Irrigation	March 1 – October 31	179.55 <input type="checkbox"/> cfs <input type="checkbox"/> gpm <input checked="" type="checkbox"/> af
			<input type="checkbox"/> cfs <input type="checkbox"/> gpm <input type="checkbox"/> af
			<input type="checkbox"/> cfs <input type="checkbox"/> gpm <input type="checkbox"/> af
			<input type="checkbox"/> cfs <input type="checkbox"/> gpm <input type="checkbox"/> af

**For irrigation use only:**  
Please indicate the number of primary and supplemental acres to be irrigated.  
Primary: 39.9 Acres                      Supplemental: 0.0 Acres  
List the Permit or Certificate number of the underlying primary water right(s): NA  
Indicate the maximum total number of acre-feet you expect to use in an irrigation season: 179.55

- If the use is **municipal or quasi-municipal**, attach **Form M**
- If the use is **domestic**, indicate the number of households: NA
- If the use is **mining**, describe what is being mined and the method(s) of extraction:  
NA

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## SECTION 5: WATER MANAGEMENT

### A. Diversion and Conveyance

What equipment will you use to pump water from your source?

Pump (give horsepower and type): 25HP Centrifugal

Other means (describe): \_\_\_\_\_

Provide a description of the proposed means of diversion, construction, and operation of the diversion works and conveyance of water.

Diversion will be from existing intake, pump, and conveyance pipes located at the edge of the Rogue River as shown on the map.

### B. Application Method

What equipment and method of application will be used? (e.g., drip, wheel line, high-pressure sprinkler)

Drip

### C. Conservation

Please describe why the amount of water requested is needed and measures you propose to: prevent waste; measure the amount of water diverted; prevent damage to public uses of affected surface waters.

Amount of water requested is based on past experience growing crops in the same area. Waste will be prevented by using drip irrigation that applies water directly to the needed location in the amount needed for crop production preventing overspray and runoff. An existing flow meter is in place and will be used to measure the additional water requested in this application. The existing intake structure will be used for the additional water requested in this application, and the place of use is not adjacent to the stream, preventing any chance of damaging public uses of the surface waters.

## SECTION 6: RESOURCE PROTECTION

In granting permission to use water from a stream or lake, the state encourages, and in some instances requires, careful control of activities that may affect the waterway or streamside area. See instruction guide for a list of possible permit requirements from other agencies. Please indicate any of the practices you plan to undertake to protect water resources.

- Diversion will be screened to prevent uptake of fish and other aquatic life.  
Describe planned actions: Use of an ODFW approved fish screen
- Excavation or clearing of banks will be kept to a minimum to protect riparian or streamside areas.  
Describe planned actions: Use of an existing diversion will prevent excavation and clearing of riparian and streamside areas.
- Operating equipment in a water body will be managed and timed to prevent damage to aquatic life.  
Describe: Intake pipe and fish screen will be the only equipment operated in the stream. The timing will be in accordance with permit conditions.
- Water quality will be protected by preventing erosion and run-off of waste or chemical products.  
Describe: The use of drip irrigation at a rate that will allow the water to soak into the ground will prevent erosion and run-off of chemicals.

**SECTION 7: PROJECT SCHEDULE**

Date construction will begin: April 1, 2015

Date construction will be completed: June 1, 2015

Date beneficial water use will begin: June 1, 2015

**SECTION 8: 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 NA	Address	
City	State	Zip

**SECTION 9: REMARKS**

Use this space to clarify any information you have provided in the application.

The water source is Lost Creek Reservoir via the Rogue River. A contract with the Bureau of Reclamation for the use of stored water in Lost Creek Reservoir is being processed.

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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: Winslow H. Buxton  
First Last

Mailing Address: PO Box 1087

Gulf Breeze FL 32562 Daytime Phone: 850-240-1328  
City State Zip

## A. Land and Location

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

Township	Range	Section	¼ ¼	Tax Lot #	Plan Designation (e.g., Rural Residential/RR-5)	Water to be:			Proposed Land Use:
35S	1W	29		401	EFU	<input checked="" type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input type="checkbox"/> Used	None
35S	1W	30		211	EFU	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input type="checkbox"/> Used	None
35S	1W	30		207	EFU	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	Vineyard
35S	1W	30		204	EFU	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	Vineyard
35S	1W	30		206	EFU	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	Vineyard

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

Jackson County, Oregon MAR 13 2015

## B. Description of Proposed Use

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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: 179.55   
 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 \_\_\_\_\_

Briefly describe:

The applicant is submitting an application to the Oregon Department of Water Resources for a new water right to use stored water from Lost Creek Reservoir for irrigation of grape plants at a vineyard.



**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. →

S-88058



# 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): Table 4-2-1 #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
		<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.

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Name: JACOB RIPPER Title: PLANNER 1

Signature:  Phone: 541-774-6940 Date: 03/04/2015

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: Winslow H. Buxton

City or County: Jackson County Staff contact: \_\_\_\_\_

Signature: \_\_\_\_\_ Phone: \_\_\_\_\_ Date: \_\_\_\_\_

BARGAIN AND SALE DEED

Jackson County Official Records 2005-077513  
R-BSD 12/22/2005 02:59:19 PM  
Cnt=1 Stn=10 ALONZOKM  
\$15.00 \$5.00 \$11.00 Total:\$31.00



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

After recording return to:

Winslow H. Buxton and Linda H. Buxton  
294 Grove Lane East, #260  
Wayzeta, MN 55391

Send tax statements to:

Winslow H. Buxton and Linda H. Buxton  
294 Grove Lane East, #260  
Wayzeta, MN 55391

WINSLOW H. BUXTON and LINDA H. BUXTON, as tenants by the entirety, (hereinafter jointly referred to as "Grantor"), grant, bargain, sell and convey to BUXTON FAMILY HOLDINGS LLC, an Oregon Limited Liability Company (hereinafter referred to as "Grantee"), all of Grantor's interest in that certain real property situated in the County of Jackson, State of Oregon, described as follows to wit:

SEE ATTACHED EXHIBIT "A"

SUBJECT TO AND EXCEPTING: Covenants, conditions, restrictions and/or easements, if any, affecting title, which may appear in the public record, including those shown on any recorded plat or survey.

TO HAVE AND TO HOLD the same unto the said Grantees and Grantees' successors and assigns forever.

The true and actual consideration for this conveyance consists of other property or value given or promised.

IN WITNESS WHEREOF, Grantor has executed this instrument as of this 19 day of December, 2005.

**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.**

*Winslow H. Buxton*  
Winslow H. Buxton

*Linda H. Buxton*  
Linda H. Buxton

STATE OF OREGON )  
                                  ) ss.  
County of Jackson )

This instrument was acknowledged before me on this 19 day of December, 2005, by Winslow H. Buxton and Linda H. Buxton.



Before me:  
*Thad Pauck*  
Notary Public for Oregon  
My commission expires: \_\_\_\_\_

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2-88008

Exhibit "A"

Real property in the County of Jackson, State of Oregon, described as follows:

PARCEL 1:

TRACT A:

The North Half of the North Half of Government Lot 6 in Section 29, Township 35 South, Range 1 West of the Willamette Meridian in Jackson County, Oregon.

TRACT B:

A right of way not exceeding 20 feet in width leading from the County Road, which is known as the By-Bee Bridge-Crater Lake Highway, at a point where said road intersects and crosses the Section line common to Sections 30 and 31 in Township 35 South of Range 1 West of the Willamette Meridian in Jackson County, Oregon and running thence East along said Section line common to Sections 30 and 31 to the Section corner common to Sections 30, 31, 29 and 32, in said Township 35 South of Range 1 West and being not more than 20 feet immediately North of said Section line as aforesaid as set out in Deed recorded September 16, 1929 in Volume 179, Page 272, Jackson County, Oregon, Deed Records.

PARCEL 2:

Beginning at the Quarter corner common to Sections 30 and 31 in Township 35 South, Range 1 West of the Willamette Meridian in Jackson County, Oregon; thence North 00° 04' 00" West 40.00 feet to a 5/8 inch iron pin; thence South 89° 56' 20" West 47.315 feet to a 5/8 inch iron pin; thence North 22° 51' 10" East 847.655 feet to a 5/8 inch iron pin; thence North 15° 24' 50" East 265.05 feet to a 5/8 inch iron pin; thence North 22° 59' 05" East 862.16 feet, to a 5/8 inch iron pin, for the Northeasterly corner of that tract described in deed recorded as Document No. 76-10369, Official Records of Jackson County, Oregon; thence North 57° 50' 20" West, along the Northerly boundary of said tract, 1480.89 feet to a 5/8 inch iron pin located at the Easterly right of way line of Modoc Road (County Road); thence North 03° 29' 40" East, along said Easterly right of way line, 34.190 feet; thence, along a line which is 30.00 feet Northeasterly of when measured at right angles to, the Northeasterly boundary of said tract, South 57° 50' 20" East 1497.29 feet to a 5/8 inch iron pin, which bears North 32° 09' 40" East 30.00 feet from the Northeast corner of said tract; thence East 1917.01 feet to a 5/8 inch iron pin which is 30 feet Westerly of, when measured at right angles to, the East line of said Section 30; thence South 00° 06' 30" East, along a line which is 30.00 feet Westerly of, when measured at right angles to, the East line of said Section 30, a distance of 1871.93 feet to a point on the Northerly right of way line of a private roadway which is 20.00 feet Northerly of, when measured at right angles to, the South line of said Section 30; thence, along said Northerly right of way line, South 89° 56' 20" West 1155.39 feet to a 5/8 inch iron pin; thence South 07° 19' 20" East 20.00 feet, more or less to the South line of said Section 30; thence South 89° 56' 20" West, along said South line, 1499.76 feet, more or less, to the point of beginning.

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**PARCEL 3:**

Beginning at a 1 Inch galvanized iron pipe with bronze cap found set for the Quarter corner common to Sections 29 and 30, Township 35 South, Range 1 West of the Willamette Meridian in Jackson County, Oregon; thence along the Easterly boundary of said Section 30, North 0° 10' 16" East, 202.25 feet; thence South 89° 59' 23" West, 1657.25 feet; thence South 0° 10' 25" West, 579.05 feet to intersect the Northwesterly boundary of tract described in Document No. 95-33611, Official Records of Jackson County, Oregon; thence along said tract boundary, South 35° 28' 58" West, 494.706 feet to a 5/8 inch rebar with plastic cap found set for the West-Southwest corner thereof; thence North 89° 59' 23" East, 1917.08 feet (Record = East, 1917.01 feet) to a 5/8 inch rebar found set of the ell corner on the South boundary of said tract; thence South 0° 06' 44" East, 1872.01 feet (Record = South 0° 06' 30" East, 1871.93 feet) to the South-Southwest corner of said tract, being a point on the Northerly right of way line of Pine Gate Way, a private road; thence along said private road line, North 89° 56' 06" East, Record = North 89° 56' 20" East, 30.00 feet to intersect the Easterly boundary of said Section 30; thence along said Section boundary, North 0° 06' 44" West 2651.56 feet (Record = North 0° 06' 30" West), 2651.53 feet to the point of beginning.

**PARCEL 4:**

A strip of land 40.0 feet in width in the Southeast Quarter of the Southwest Quarter of Section 30, Township 35 South, Range 1 West, of the Willamette Meridian in Jackson County, Oregon, running thence along the South line of said Section 30, from the West line of the County Road (Old Modoc Road) as of Section 1, 1942, to the East line of Modoc Road as of March 16, 1979.

**PARCEL 5:**

A strip of land 40.0 feet in width off the South side of the Southeast Quarter of the Southwest Quarter of Section 30, Township 35 South, Range 1 West of the Willamette Meridian in Jackson County, Oregon, extending Easterly from the County Road (Old Modoc Road) as of December 1, 1942, to the centerline of said Section 30.

Tax Parcel Number: 1-015000-6 and 1-072596-9 and 1-015014-6 and 1-060492-1 and 1-073510-2 and 1-062597-4 and 1-015023-5

3.

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S-88029



After recording return to:  
Linda H Buxton Revocable Trust  
Agreement

2200 Pinegate  
White City OR 97503

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

Linda H Buxton Revocable Trust  
Agreement

2200 Pinegate  
White City OR 97503

File No.: 7161-1925854 (SDB)

Date: August 02, 2012

Jackson County Official Records **2012-029582**

R-WD

Stn=6 SMITHBJ

**09/04/2012 09:06:46 AM**

\$15.00 \$10.00 \$5.00 \$11.00 \$15.00 \$3.00

**\$59.00**

THIS SPACE RESERVE

I, Christine Walker, County Clerk for Jackson County, Oregon, certify  
that the instrument identified herein was recorded in the Clerk  
records.

Christine Walker - County Clerk

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### STATUTORY WARRANTY DEED

**Phillip W. Harrison and Rita Ann Howard,,** Grantor, conveys and warrants to **Linda H. Buxton**  
**Trustee of the Linda H. Buxton Revocable Trust Agreement dated June 18, 1997 as amended**  
, Grantee, the following described real property free of liens and encumbrances, except as specifically set  
forth herein:

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

**Subject to:**

1. The **2012-2013** Taxes, a lien not yet payable.
2. Covenants, conditions, restrictions and/or easements, if any, affecting title, which may appear in the public record, including those shown on any recorded plat or survey.

The true consideration for this conveyance is **\$315,000.00**. (Here comply with requirements of ORS 93.030)

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8-88058

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

Dated this 20 day of August, 2012.

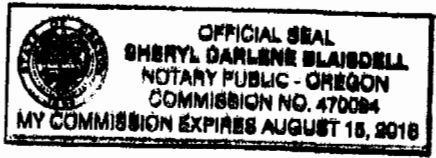
Phillip W. Harrison  
Phillip W. Harrison

Rita Ann Howard  
Rita Ann Howard

STATE OF Oregon )  
)ss.  
County of Jackson )

This instrument was acknowledged before me on this 20 day of August, 2012 by **Phillip W. Harrison and Rita Ann Howard.**

J. Blasco



Notary Public for Oregon  
My commission expires:

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5-80008

**EXHIBIT A**

**LEGAL DESCRIPTION:** Real property in the County of Jackson, State of Oregon, described as follows:

**Commencing at the Quarter corner common to Sections 30 and 31, Township 35 South, Range 1 West, Willamette Meridian, Jackson County, Oregon; thence North 0° 04' 00" West 40.0 feet to a 5/8 Inch iron pin; thence South 89° 56' 20" West parallel with the south line of said Section 30, a distance of 47.315 feet to a 5/8 inch iron pin; thence North 22° 51' 10" East 323.37 feet to a 5/8 Inch iron pin, for the true point of beginning; thence South 89° 56' 20" West 784.94 feet to a 5/8 Inch iron pin on the Easterly right of way line of Modoc road; thence North 3° 29' 40" East along said line 483.845 feet to a 5/8 inch iron pin; thence North 89° 56' 20" East 959.06 feet to a 5/8 Inch iron pin; thence South 22° 51' 10" West 524.285 feet to the true point of beginning.**

**NOTE:** This Legal Description was created prior to January 01, 2008.

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5-28052

15

Jackson County Official Records 2006-027487  
R-WD  
Cnt=1 Stn=4 SHAWBJ 05/26/2006 08:01:00 AM  
\$15.00 \$5.00 \$11.00 Total:\$31.00



THIS SPACE RESERVED

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



After recording return to:  
First American Title Insurance  
1225 Crater Lake Ave #101  
Medford, OR 97503

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

Buxton Family Holdings LLC  
P.O. Box 250  
Long Lake, MN  
55356

File No.: 7161-794809 (SDB)  
Date: May 10, 2006

15  
5  
11

### STATUTORY WARRANTY DEED

**Richard T. Knutson and Connie S. Knutson**, Grantor, conveys and warrants to **Buxton Family Holdings LLC, an Oregon Limited Liability Company**, Grantee, the following described real property free of liens and encumbrances, except as specifically set forth herein:

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

**This property is free from liens and encumbrances, EXCEPT:**

1. Covenants, conditions, restrictions and/or easements, if any, affecting title, which may appear in the public record, including those shown on any recorded plat or survey.

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

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 197.352. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES 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 this 24 day of May, 2006.

1

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Richard T. Knutson  
RICHARD T. KNUTSON

Connie S. Knutson  
CONNIE S. KNUTSON

STATE OF Oregon )  
County of JACKSON )ss.  
)

This instrument was acknowledged before me on this 24 day of May, 2006  
by **RICHARD T. KNUTSON and CONNIE S. KNUTSON.**

S. Blaisdell  
Notary Public for Oregon  
My commission expires:



2

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S-88058

**EXHIBIT A**

## LEGAL DESCRIPTION:

## PARCEL 1:

COMMENCING AT THE QUARTER CORNER COMMON TO SECTIONS 30 AND 31, TOWNSHIP 35 SOUTH, RANGE 1 WEST, WILLAMETTE MERIDIAN IN JACKSON COUNTY, OREGON; THENCE NORTH 0° 04' 00" WEST, 40.00 FEET, TO A 5/8 INCH IRON PIN; THENCE SOUTH 89° 56' 20" WEST, PARALLEL WITH THE SOUTH LINE OF SAID SECTION 30, A DISTANCE OF 47.315 FEET, TO A 5/8 INCH IRON PIN; THENCE NORTH 22° 51' 10" EAST, 847.655 FEET, TO A 5/8 INCH IRON PIN, BEING THE TRUE POINT OF BEGINNING; THENCE SOUTH 89° 56' 20" WEST, 959.06 FEET, TO A 5/8 INCH IRON PIN ON THE EASTERLY RIGHT OF WAY LINE OF MODOC ROAD; THENCE ALONG SAID EASTERLY RIGHT OF WAY LINE, NORTH 03° 29' 40" EAST, 1841.00 FEET, TO A 5/8 INCH IRON PIN; THENCE SOUTH 57° 50' 20" EAST, 1480.89 FEET, TO A 5/8 INCH IRON PIN; THENCE SOUTH 22° 59' 05" WEST, 862.16 FEET, TO A 5/8 INCH IRON PIN; THENCE SOUTH 15° 24' 50" WEST, 264.05 FEET, TO THE TRUE POINT OF BEGINNING. EXCEPTING THEREFROM THE FOLLOWING: COMMENCING AT THE QUARTER CORNER COMMON TO SECTIONS 30 AND 31, TOWNSHIP 35 SOUTH, RANGE 1 WEST, WILLAMETTE MERIDIAN IN JACKSON COUNTY, OREGON; THENCE NORTH 0° 04' 00" WEST, 40.00 FEET, TO A 5/8 INCH IRON PIN; THENCE SOUTH 89° 56' 20" WEST, PARALLEL WITH THE SOUTH LINE OF SAID SECTION 30, A DISTANCE OF 47.315 FEET, TO A 5/8 INCH IRON PIN; THENCE NORTH 22° 51' 10" EAST, 847.655 FEET, TO A 5/8 INCH IRON PIN; THENCE SOUTH 89° 56' 20" WEST, 959.06 FEET, TO A 5/8 INCH IRON PIN ON THE EASTERLY RIGHT OF WAY LINE OF MODOC ROAD; THENCE ALONG SAID EASTERLY RIGHT OF WAY LINE, NORTH 03° 29' 40" EAST, 1841.00 FEET, TO A 5/8 INCH IRON PIN, AND THE TRUE POINT OF BEGINNING OF THE TRACT TO BE DESCRIBED; THENCE SOUTH 03° 29' 40" WEST, ALONG THE EASTERLY LINE OF MODOC ROAD, 725.0 FEET; THENCE SOUTH 57° 50' 20" EAST, 1248.0 FEET, MORE OR LESS, TO A POINT ON THE EAST LINE OF TRACT DESCRIBED IN DOCUMENT NO. 76-10369, OFFICIAL RECORDS OF JACKSON COUNTY, OREGON; THENCE NORTH 22° 59' 05" EAST, ALONG SAID EASTERLY LINE, 650.0 FEET, MORE OR LESS, TO A 5/8 INCH IRON PIN LOCATED FOR THE NORTHEASTERLY CORNER OF SAID TRACT; THENCE NORTH 57° 50' 20" WEST, 1480.89 FEET, TO THE TRUE POINT OF BEGINNING.

## PARCEL 2:

COMMENCING AT THE QUARTER CORNER COMMON TO SECTIONS 30 AND 31, TOWNSHIP 35 SOUTH, RANGE 1 WEST, WILLAMETTE MERIDIAN IN JACKSON COUNTY, OREGON; THENCE NORTH 0° 04' 00" WEST, 40.00 FEET, TO A 5/8 INCH IRON PIN; THENCE SOUTH 89° 56' 20" WEST, PARALLEL WITH THE SOUTH LINE OF SAID SECTION 30, A DISTANCE OF 47.315 FEET, TO A 5/8 INCH IRON PIN; THENCE NORTH 22° 51' 10" EAST, 847.655 FEET, TO A 5/8 INCH IRON PIN; THENCE SOUTH 89° 56' 20" WEST, 959.06 FEET, TO A 5/8 INCH IRON PIN ON THE EASTERLY RIGHT OF WAY LINE OF MODOC ROAD; THENCE ALONG SAID EASTERLY RIGHT OF WAY LINE, NORTH 03° 29' 40" EAST, 1841.00 FEET, TO A 5/8 INCH IRON PIN AND THE TRUE POINT OF BEGINNING OF THE TRACT TO BE DESCRIBED; THENCE SOUTH 03° 29' 40" WEST, ALONG THE EASTERLY LINE OF MODOC ROAD, 725.0 FEET; THENCE SOUTH 57° 50' 20" EAST, 1248.0 FEET, MORE OR LESS, TO A POINT ON THE EAST LINE OF TRACT DESCRIBED IN DOCUMENT NO. 76-10369, OFFICIAL RECORDS OF JACKSON COUNTY, OREGON; THENCE NORTH 22° 59' 05" EAST, ALONG SAID EASTERLY LINE, 650.0 FEET, MORE OR LESS, TO A 5/8 INCH IRON PIN LOCATED FOR THE NORTHEASTERLY CORNER OF SAID TRACT; THENCE NORTH 57° 50' 20" WEST, 1480.89 FEET, TO THE TRUE POINT OF BEGINNING.

3

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S-88059



**RH2 ENGINEERING, INC.**  
 60 North 4<sup>th</sup> Street  
 Central Point, OR 97502  
 541.665.5233 or 800.720.8052  
 Fax: 541.665.5266

# Letter of Transmittal

<b>DATE:</b> March 11, 2015	<b>JOB NO.:</b> 1015-021
<b>ATTENTION:</b>	
<b>RE:</b> Application for Permit to Use Surface Water for the Buxton Family Holdings, LLC	

**TO:** Oregon Water Resources Department  
 725 Summer Street, NE, Suite A  
 Salem OR 97301-1266

*Sent Via: US Mail*

**WE ARE SENDING YOU THE FOLLOWING:**

<input checked="" type="checkbox"/>	Attached	Under Separate Cover Via:			
	Shop Drawings	Prints	Plans	Samples	Specifications
	Copy of Letter	Change Order	Submittals		

**CONTENTS:**

COPIES	DATE	NO.	DESCRIPTION
1	3/5/15	21 pgs.	Water Use Permit Application
			RECEIVED BY OWRD
			MAR 13 2015
			SALEM, OR

**THESE ARE TRANSMITTED AS CHECKED BELOW:**

<input checked="" type="checkbox"/>	For approval	Approved as submitted	Resubmit copies for approval
	For your use	Approved as noted	Submit ___ copies for distribution
	As requested	Returned for corrections	Return ___ corrected prints
	For your information	Signature:	
	For review and comment	For bids due:	Prints returned after loan to us

**REMARKS:**

The attached Application for a Permit to Use Surface Water along with a check for \$1,660.00 is enclosed for review. This packet includes the Application, Land Use Information Form reviewed by Jackson County, Oregon, Water Rights Application Map, and the Contract Data Sheet from the U.S. Bureau of Reclamation including legal descriptions of the referenced properties to the Oregon Water Resources Department for submission.

This packet is being submitted on behalf of Winslow Buxton, Buxton Family Holdings, LLC with RH2 Engineering, Inc. acting as agent. If you have any concerns, please contact the Project Engineer, Evan Malepsy, PE, CWRE, at 541-665-5233 or by email at EMalepsy@RH2.com.

<b>COPY TO:</b>	<b>SIGNED:</b> <i>Evan H. Malepsy</i>
-----------------	---------------------------------------

2-8829

# CONTRACT DATA SHEET



U.S. Bureau of Reclamation  
Attn: PN-3324  
1150 North Curtis Road  
Boise, ID 83706-1234  
208-378-5344

## RECLAMATION *Managing Water in the West*

### 1. Applicant Information:

#### A. Landowners

- 1) Name of landowner(s): Buxton Family Holdings, LLC (Winslow H. Buxton)
- 2) Address: 2200 Pine Gate Way, White City, OR 97503
- 3) Mailing Address (if different): PO Box 1087, Gulf Breeze, FL 32562, c/o W.H. Buxton
- 4) Taxpayer Identification Number(s): \_\_\_\_\_  
(Social Security Number or Employer Identification Number) <sup>1</sup>
- 5) Do you own all of the land where you propose to divert and make use of water? Yes

#### B. Water User Organizations (Such as Irrigation Districts, Ditch/Canal Companies, Water Control Districts, Water User Associations & Cooperatives, Irrigation Improvement Districts, and similar entities organized according to State Law)

- 1) Name of Organization: N/A
- 2) Name & Title of Applicant: \_\_\_\_\_
- 3) Mailing Address of Organization: \_\_\_\_\_
- 4) Taxpayer Identification Number: \_\_\_\_\_  
(Social Security Number or Employer Identification Number)
- 5) Please provide the following information:
  - (a) A description of the area served by the organization (location, total acreage, # of water users, prominent crops, etc.)
  - (b) Copy of organization by-laws, articles of incorporation (if applicable), board resolution authorizing the applicant to represent and bind the organization under contract with the United States.

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2. Source of Water (name of stream, river): Stored water in Lost Creek Reservoir via the Rogue River

3. Proposed point of diversion: 35 feet South and 1,800 feet East  
of W 1/4 corner of Section 29, Township 35 S, Range 1 W,  
Willamette Meridian.

4. A water right permit to divert storage water is required. Application or file number with OWRD if you have applied for a permit to divert storage water: Hasn't been received yet.

5. Include a map of lands and diversion points. [Same as required by Oregon Water Resources Department (OWRD) for application for surface/ground water permit].

S-88059

6. Do you currently hold a right to natural flows for irrigating the property described herein? No  
If yes, what is/are the priority date(s)? \_\_\_\_\_

7. Total quantity of water from storage requested: 179.55 acre-feet.

8. Location of land to be irrigated in each 40-acre tract:

TOWNSHIP	RANGE	SECTION	40-ACRE TRACT (1/4) (1/4)	NO. of ACRES	TYPE of IRRIGATED CROP
35 S	1 W	30	NE/SW	16.3	Grapes
35 S	1 W	30	SE/SW	15.6	Grapes
35 S	1 W	30	SW/SE	6.6	Grapes
35 S	1 W	30	NW/SE	1.4	Grapes

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9. What is the present use of the land identified above? [*farming; idle (fallow cultivated land); native (appears never to have been tilled); planted pasture or other (please specify)*].  
Idle

10. Is the land identified above currently being irrigated? No If yes, what is the source? (*natural flows, wells, etc.*) \_\_\_\_\_

11. Diversion must be screened to prevent uptake of fish and other aquatic life. Describe plan(s) to comply with State/Federal fish screen standards: An existing diversion, with an Oregon Department of Fish and Wildlife approved fish screen, will be used for the additional water.

12. Telephone number where you can be reached during the day: Evan Malepsy, CWRE; Agent for applicant 425/951-5413

Before returning the completed Contract Data Sheet to the address provided on page 1, please check that you have done the following:

- ANSWERED ALL QUESTIONS COMPLETELY
- ATTACHED AND IDENTIFIED ADDITIONAL SHEET(S) AS NECESSARY
- ATTACHED THE REQUIRED MAP
- SUBMIT PAYMENT FOR THE APPROPRIATE CONTRACT ADMINISTRATION FEE <sup>2</sup>; MAKE CHECK PAYABLE TO THE U.S. BUREAU OF RECLAMATION

<sup>1</sup> Section 31001.(i) of the Debt Collection Improvement Act of 1996 (Chapter 10 of Pub. L. 104-134) requires each contractor with an agency of the United States to furnish their taxpayer identifying number (social security number or employer identification number) and each agency to disclose to that contractor its intent to use such number for purposes of collecting and reporting on any delinquent amounts arising out of such contractor's relationship with the Government.

<sup>2</sup> The minimum contract administration fee for most applications is \$100. However, from time to time this fee may be revised to cover the costs of the United States. We recommend you contact this office to verify the current minimum contract administration fee. In the event that the costs to the United States of evaluating the application are in excess of the minimum contract administration fee, an estimate of the reimbursable costs for which advance payment is required will be provided to the applicant.