

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 <i>MICHAEL K. HAMILTON</i>		PHONE (HM) <i>541 560 3300</i>	
PHONE (WK)	CELL	FAX	
ADDRESS <i>2541 MILL CREEK DRIVE</i>			
CITY <i>PROSPECT</i>	STATE <i>OR</i>	ZIP <i>97536</i>	E-MAIL * <i>michael.k.hAMILTON@GMAIL.COM</i>

Organization Information

NAME		PHONE	FAX
ADDRESS			CELL
CITY	STATE	ZIP	E-MAIL *

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

AGENT / BUSINESS NAME		PHONE	FAX
ADDRESS			CELL
CITY	STATE	ZIP	E-MAIL *

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.)

By my signature below I confirm that I understand:

- 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.

[Signature]
Applicant Signature

MICHAEL K. HAMILTON
Print Name and title if applicable

5-20-15
Date

Applicant Signature

Print Name and title if applicable

Date

Revised	App. No. <i>S-890911</i>	For Department Use Permit No. _____	Date _____	RECEIVED BY OWRD
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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).

*The Nye Ditch Users Improvement District INC.
 P.O. Box 93 Prospect, Oregon 97536
 (541) 821-0156*

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.

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: *Mill Creek in Nye Ditch* Tributary to: *Rogue River*
 Source 2: Tributary to:
 Source 3: Tributary to:
 Source 4: 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).

B. Applications to Use Stored Water

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

N/A

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- 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.)

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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.

N/A

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
Millcreek	human consumption	year round	.005 <input checked="" type="checkbox"/> cfs <input type="checkbox"/> gpm <input type="checkbox"/> af
via Nye Ditch			<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: _____ Acres Supplemental: _____ Acres N/A
 List the Permit or Certificate number of the underlying primary water right(s): _____
 Indicate the maximum total number of acre-feet you expect to use in an irrigation season: _____

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

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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): _____

Other means (describe): gravity via 6" buried PVC PIPE

Provide a description of the proposed means of diversion, construction, and operation of the diversion works and conveyance of water. NYE DITCH → redirection to home site

B. Application Method

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

in house residence use only

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.

water use will be limited to less than 500 gallons per day.

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: NYE DITCH is fish-screened at intake.

Excavation or clearing of banks will be kept to a minimum to protect riparian or streamside areas.
Describe planned actions: NO EXCAVATION WILL OCCUR

Operating equipment in a water body will be managed and timed to prevent damage to aquatic life.
Describe: NO EQUIPMENT WILL BE USED

Water quality will be protected by preventing erosion and run-off of waste or chemical products.
Describe: NO WORK PLANNED WILL CAUSE EROSION OR ANY USE OF CHEMICALS.

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SECTION 7: PROJECT SCHEDULE

Date construction will begin: *ASAP*
Date construction will be completed: *ASAP*
Date beneficial water use will begin: *ASAP*

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 <i>NYE DITCH USERS INC.</i>	Address <i>P.O. BOX 93</i>	
City <i>PROSPECT OR</i>	State <i>OR</i>	Zip <i>97536</i>

SECTION 9: REMARKS

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

Nye Ditch currently provides irrigation water to my adjacent tax lot 4009. The Board will provide documentation of enrollment of my homestead (tax lot 100) upon approval of human consumption water right for OWRD.

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Oregon Water Resources Department

Application Supplement for Human Consumption & Livestock Uses

For water use permit applications within or above scenic waterways, or from streams for which water is not available due to required instream flows, the Department may issue limited permits for human consumption and livestock uses. Human consumption is limited to indoor use for drinking, cooking, and sanitation and is limited to 500 gallons per day. It does not include outdoor uses such as lawn watering, garden watering or other similar uses.

In order to issue a permit to you for human consumption or livestock use, the Department must find that you cannot reasonably obtain water from any other source. For human consumption, an additional finding must be made that denial of the water right would result in loss of reasonable expectations for use of your property. For livestock use, additional findings must be made that issuance of a permit is necessary to prevent the livestock from watering in or along the stream bed and that you have excluded livestock from the stream and the adjacent riparian zone.

Please answer the following questions, and sign and return this form to Oregon Water Resources Department, 725 Summer St NE Ste A, Salem OR 97301-1266.

1. Can you reasonably obtain water from any other source? Yes No

If not, please describe why each of the following options are not reasonable:

- a. Groundwater, such as a well on yours or a neighbor's property. (If expense is the reason groundwater is not reasonable, please provide two estimates of the cost.)

WELL LOG
JACK 61923

drilled a 540 foot well in November 2014
at a cost of 14000⁰⁰. Result of only
(one) gpm is not economically worth installing

pump/power/holding tanks

- b. Securing stored water from upstream reservoirs.

No upstream reservoirs exist

- c. Trucking water. (If expense is the reason this option is not reasonable, please provide a copy of an estimate of the cost of trucking water.)

trucking water is prohibitively expensive
due to distance/remote area of homesite

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d. Community or municipal water suppliers.

The Nye Ditch is the only available "community" water source

e. Tying in to a neighboring property's spring.

none exist near my home site

f. Transferring existing water rights to your proposed use(s).

I own an adjacent parcel with irrigation water rights. Due to limited irrigation season, this right cannot be transferred to human consumption

Please identify any other alternate water sources you have considered, and why they are not feasible:

no other sources

2. If you are seeking a permit for **human consumption use**, would denial of your application result in loss of reasonable expectations for use of your property?

Yes No Not Applicable

If so, please describe how:

must have domestic water without which residency is not possible. No other source exists

3. If you are seeking a permit for **livestock use**, is the proposed use necessary to prevent the livestock from watering in or along the stream bed?

Yes No Not Applicable

4. If you are seeking a permit for **livestock use**, have you excluded livestock from the stream and the adjacent riparian zone?

Yes No Not Applicable

Applicant Signature: [Signature]

Date: 5-20-15

Applicant Signature: _____

Date: _____

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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: MICHAEL HAMILTON
First Last

Mailing Address: 2541 MILL CREEK DRIVE

PROSPECT OR 97536 Daytime Phone: 541 560 3300
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:
32S	3E	28	NE/SW	200		<input checked="" type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used	
33S	2E	16	NE/NE	100		<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	
						<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used	
						<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used	

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

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) MILL CREEK VIA NYE DITCH

Estimated quantity of water needed: .005 cubic feet per second gallons per minute acre-feet

Intended use of water: Irrigation Commercial Industrial Domestic for 1 household(s)
 Municipal Quasi-Municipal Instream Other _____

Briefly describe:
Rediverted water from Nye Ditch to home site.

Note to applicant: If the Land Use Information Form cannot be completed while you wait, please have a local government representative sign the receipt at the bottom of the next page and include it with the application filed with the Water Resources Department.

See bottom of Page 3. →

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For Local Government Use Only

The following section must be completed by a planning official from each county and city listed unless the project will be located entirely within the city limits. In that case, only the city planning agency must complete this form. This deals only with the local land-use plan. Do not include approval for activities such as building or grading permits.

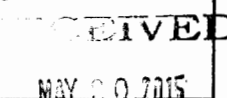
Please check the appropriate box below and provide the requested information

- Land uses to be served by the proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): _____
- 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:	
<i>HomeSite Approval</i>	<i>439-ZON2007-60786 CH. 4.3.6</i>	<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.

Water for domestic use is allowable. HomeSite approval has been granted and the home was built with a permit



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Name: Youngsook Kim Title: Planner I _____ COUNTY PLANNING

Signature: *Youngsook Kim* Phone: 541-774-6946 Date: 5/20/15

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: _____

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Jackson County Official Records **2014-022239**
R-WD
Str=6 BARROWCK 08/22/2014 03:08:13 PM
\$20.00 \$11.00 \$10.00 \$8.00 \$20.00 **\$69.00**
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

AFTER RECORDING MAIL TO:

Name Michael Hamilton

Address 106 N. Vine Street

City, State, Zip Abilene, KS 67410

FA-2300039-DW

Escrow Number: R11-00967A-PS

20

Special Warranty Deed

THE GRANTOR(S) First Horizon Home Loans, a division of First Tennessee Bank National Association for and in consideration of (\$ 483,000.00), in hand paid, grants, bargains, sells, conveys, and confirms to

Michael Hamilton

the following described real estate, situated in the County of Jackson, State of Oregon:

SEE LEGAL DESCRIPTION ATTACHED HERETO AS EXHIBIT "A" AND INCORPORATED HEREIN BY THIS REFERENCE.

Property commonly known as: 2541 Mill Creek Drive, Prospect, OR 97536

SUBJECT TO:

Easements, restrictions, covenants, reservations, conditions and agreements, if any, of record.

Assessor's Property Tax Parcel Account Number(s): 1-051095-1 and 1-051128-5

The Grantor(s) for itself and for its successors in interest do by these presents expressly limit the covenants of the deed to those herein expressed, and excludes all covenants arising or to arise by statutory or other implication, and do hereby covenant that against all persons whomsoever lawfully claiming or to claim by, through or under said Grantor(s) and not otherwise, it will forever warrant and defend the said described real estate.

Dated 8/8/2014

First Horizon Home Loans, a division of First Tennessee Bank National Association

By: Gloria A. DeAgrósa-Price
Nationstar Mortgage LLC as Attorney in fact

Gloria A. DeAgrósa-Price
Assistant Secretary

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AFTER RECORDING MAIL TO:

Name Michael Hamilton
Address 106 N. Vine Street
City, State, Zip Abilene, KS 67410



FA- 2300039-DW

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20

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Dated 8/8/2014

First Horizon Home Loans, a division of First Tennessee Bank National Association

By: Gloria A. DeAgrosa-Price
Nationstar Mortgage LLC as Attorney in fact

Gloria A. DeAgrosa-Price
Assistant Secretary

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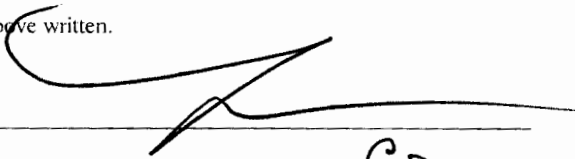
1

STATE OF Co.
County of Douglas SS.

ACKNOWLEDGMENT - Attorney in Fact - Corporate

On this 8 day of August 2014 before me, the undersigned, a Notary Public in and for the State of Co., duly commissioned and sworn, personally appeared **Gloria A. DeAgrosa-Price**, **Assistant Secretary** to me known to be the **ASST. SECRETARY** of Nationstar Mortgage LLC, Attorney in Fact for First Horizon Home Loans, a division of First Tennessee Bank National Association, and acknowledged that he/she signed the same in his/her capacity as **ASST. SECRETARY** of Nationstar Mortgage LLC, as Attorney in Fact for said principal and acknowledged that he/she signed the same as his/her free and voluntary act and deed as Attorney in Fact for said principal for uses and purposes therein mentioned, and on oath stated that the Power of Attorney authorizing the execution of this instrument has not been revoked.

GIVEN under my hand and official seal the day and year first above written.



Notary Public in and for the State of Co.
Residing at _____
My appointment expires _____

(commonly known as 2541 Mill Creek Drive, Prospect, OR 97536)



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Exhibit "A"

PARCEL I:

ALL THAT PORTION OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 10 IN TOWNSHIP 33 SOUTH, RANGE 2 EAST OF THE WILLAMETTE MERIDIAN IN JACKSON COUNTY, OREGON, LYING IN SOUTHERLY OF THE CENTER LINE OF THE CRATER LAKE HIGHWAY (AS CONSTRUCTED ON MARCH 20, 1940).

ALSO, THAT PORTION OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 10 IN TOWNSHIP 33 SOUTH, RANGE 2 EAST OF THE WILLAMETTE MERIDIAN IN JACKSON COUNTY, OREGON, LYING SOUTHERLY OF THE CENTER LINE OF THE CRATER LAKE HIGHWAY (AS CONSTRUCTED ON MARCH 20, 1940), AND ALSO LYING WESTERLY OF A LINE DESCRIBED AS FOLLOWS: BEGINNING AT A POINT FROM WHICH THE QUARTER SECTION CORNER COMMON TO SECTIONS 9 AND 10, SAID TOWNSHIP AND RANGE, BEARS NORTH 44°46' WEST 1846.7 FEET; THENCE SOUTH 33°25' WEST 899.5 FEET; THENCE SOUTH 8°39' WEST 593.0 FEET, MORE OR LESS, TO THE SOUTH LINE OF SAID SECTION 10.

EXCEPTING THEREFROM THE FOLLOWING: BEGINNING AT THE INTERSECTION OF THE SOUTHERLY RIGHT-OF-WAY LINE OF THE CRATER LAKE HIGHWAY WITH THE EAST LINE OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 10 IN TOWNSHIP 33 SOUTH, RANGE 2 EAST OF THE WILLAMETTE MERIDIAN IN JACKSON COUNTY, OREGON; THENCE SOUTH ALONG THE EAST LINE OF THE WEST HALF OF THE SOUTHWEST QUARTER OF SAID SECTION 10, A DISTANCE OF 348.4 FEET; THENCE SOUTH 30°29'30" WEST (RECORD SOUTH 33°25' WEST) ALONG THE EASTERLY LINE OF PROPERTY DESCRIBED IN VOLUME 325 PAGE 219 OF THE DEED RECORDS OF JACKSON COUNTY, OREGON, A DISTANCE OF 307.8 FEET; THENCE NORTH, PARALLEL WITH THE EAST LINE OF THE WEST HALF OF THE SOUTHWEST QUARTER OF SAID SECTION 10, A DISTANCE OF 499.1 FEET, TO THE SOUTHERLY RIGHT-OF-WAY LINE OF THE CRATER LAKE HIGHWAY; THENCE NORTH 55°01' EAST ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE, A DISTANCE OF 200.0 FEET TO THE POINT OF BEGINNING; AS CONVEYED TO THE STATE OF OREGON (BY AND THROUGH ITS STATE HIGHWAY COMMISSION) BY DEED RECORDED IN VOLUME 243 PAGE 224 OF THE DEED RECORDS OF JACKSON COUNTY, OREGON.

ALSO, EXCEPTING THEREFROM THE FOLLOWING: COMMENCING AT THE INTERSECTION OF THE SOUTHERLY RIGHT-OF-WAY LINE OF THE CRATER LAKE HIGHWAY WITH THE EAST LINE OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 10 IN TOWNSHIP 33 SOUTH, RANGE 2 EAST OF THE WILLAMETTE MERIDIAN IN JACKSON COUNTY, OREGON, THENCE SOUTHWESTERLY ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE OF THE CRATER LAKE HIGHWAY 200.0 FEET TO THE TRUE POINT OF BEGINNING, BEING THE NORTHWEST CORNER OF TRACT DESCRIBED IN VOLUME 243 PAGE 224 OF THE DEED RECORDS OF JACKSON COUNTY, OREGON; THENCE SOUTH ALONG THE WEST LINE OF SAID TRACT 250.0 FEET; THENCE SOUTHWESTERLY PARALLEL WITH THE SOUTHERLY RIGHT-OF-WAY LINE OF THE CRATER LAKE HIGHWAY 75.0 FEET; THENCE NORTH PARALLEL WITH THE WEST LINE OF SAID TRACT DESCRIBED IN VOLUME 243 DEEDS PAGE 224, A DISTANCE OF 250.0 FEET, MORE OR LESS, TO THE SOUTHERLY RIGHT-OF-WAY LINE OF THE CRATER LAKE HIGHWAY, AT A POINT 75.0 FEET SOUTHWESTERLY FROM THE TRUE POINT OF BEGINNING; THENCE NORTHEASTERLY ALONG SAID HIGHWAY RIGHT-OF-WAY LINE 75.0 FEET TO THE TRUE POINT OF BEGINNING.

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ALSO, EXCEPTING THEREFROM THE FOLLOWING: COMMENCING AT THE INTERSECTION OF THE SOUTHERLY RIGHT-OF-WAY LINE OF THE CRATER LAKE HIGHWAY WITH THE EAST LINE OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 10 IN TOWNSHIP 33 SOUTH, RANGE 2 EAST OF THE WILLAMETTE MERIDIAN IN JACKSON COUNTY, OREGON, THENCE SOUTHWESTERLY ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE OF THE CRATER LAKE HIGHWAY 275.0 FEET TO THE TRUE POINT OF BEGINNING; THENCE SOUTHWESTERLY ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE 75.0 FEET; THENCE SOUTHEASTERLY TO THE SOUTHWEST CORNER OF TRACT DESCRIBED IN VOLUME 341 DEEDS PAGE 216; THENCE NORTH 250.0 FEET, MORE OR LESS, TO THE TRUE POINT OF BEGINNING.

PARCEL II:

TRACT A:

BEGINNING AT THE NORTHWEST CORNER OF SECTION 15 IN TOWNSHIP 33 SOUTH, RANGE 2 EAST OF THE WILLAMETTE MERIDIAN IN JACKSON COUNTY, OREGON; THENCE SOUTH 89°05' EAST ALONG THE NORTH LINE OF SAID SECTION, A DISTANCE OF 621.2 FEET TO A 1" IRON PIPE; THENCE SOUTH 34°10' WEST 1104.9 FEET TO A 1" IRON PIPE ON THE WEST LINE OF SAID SECTION 15; THENCE NORTH 0°02' WEST ALONG SAID WEST LINE 924.0 FEET TO THE POINT OF BEGINNING.

TRACT B:

BEGINNING AT THE NORTHEAST CORNER OF SECTION 16 IN TOWNSHIP 33 SOUTH, RANGE 2 EAST OF THE WILLAMETTE MERIDIAN IN JACKSON COUNTY, OREGON; THENCE SOUTH 0°02' EAST ALONG THE EAST LINE OF SAID SECTION 16, A DISTANCE OF 924.0 FEET TO A 1" IRON PIPE; THENCE NORTH 72°58' WEST 1406.8 FEET TO A 1 1/2" IRON PIPE ON THE WEST LINE OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 16; THENCE NORTH 573.3 FEET TO THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 16; THENCE EAST ALONG HE NORTH LINE OF SAID SECTION 16, A DISTANCE OF 1345.4 FEET, MORE OR LESS, TO THE POINT OF BEGINNING.

EXCEPTING THEREFROM: BEGINNING AT A 2" BRASS CAPPED IRON PIPE, SET FOR THE EAST SIXTEENTH CORNER COMMON TO SECTIONS 9 AND 16, TOWNSHIP 33 SOUTH, RANGE 2 EAST, WILLAMETTE MERIDIAN, JACKSON COUNTY, OREGON; THENCE SOUTH 86°05'55" EAST, ALONG THE SOUTHERLY BOUNDARY OF SECTION 9, SAID TOWNSHIP AND RANGE, 182.48 FEET, TO A 3/4" IRON PIN; THENCE NORTH 01°23'55" WEST, 754.16 FEET, TO A 1 1/4" IRON PIPE, INTENDED TO BE ON THE SOUTHERLY BOUNDARY OF MILL CREEK DRIVE; THENCE NORTH 77°25' EAST, ALONG SAID SOUTHERLY BOUNDARY, 30.58 FEET, TO A 5/8" IRON PIN; THENCE LEAVING SAID SOUTHERLY BOUNDARY, SOUTH 01°23'55" EAST, 692.19 FEET, TO A 5/8" IRON PIN; THENCE ALONG THE ARC OF A 91.84 FOOT RADIUS CURVE TO THE RIGHT (THE LONG CHORD WHICH BEARS SOUTH 46°16'35" WEST, 135.80 FEET), 152.84 FEET, TO A 5/8" IRON PIN; THENCE NORTH 86°02'55" WEST, 112.52 FEET, TO A 5/8" IRON PIN, INTENDED TO BE ON THE WESTERLY BOUNDARY OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 16, SAID TOWNSHIP AND RANGE; THENCE NORTH 0°01'45" EAST, ALONG SAID WESTERLY BOUNDARY, 30.07 FEET TO THE POINT OF BEGINNING.

NOTE: This legal description was created prior to January 1, 2008.

Tax Parcel Number: 1-051095-1 and 1-051128-5

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4

NYE DITCH USERS IMPROVEMENT DISTRICT, INC.
P.O. Box 93
Prospect, Oregon 97536
(541) 821-0156

February 17, 2015

Tax Lot – 4000

Michael Hamilton
106 N. Vine Street
Abilene, KS 67410

Minimum Service Charge 2015-16	\$ 193.07
(4.8) Irrigation Units at \$ 8.28	39.74
(0) Domestic Units at \$16.56	
Total Water Assessment for 2015-16	232.81
Total Due Upon Receipt	\$ 232.81

According to the "By-Laws", this account is due upon presentation and shall become delinquent 60 days after presentation.

INTEREST will be charged to delinquent accounts at the rate of 2/3 of 1% per month or 8% per annum from the date of assessment.

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PAID 2-20-15
WF clerk # 1071

S-88091

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:

- 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: \$ 1,550⁰⁰
See the Department's Fee Schedule at www.oregon.gov/owrd or call (503) 986-0900.

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

- 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:

Revised 2/1/2012

Surface Water/2

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