



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

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JUL 15 2016

SALEM, OR

**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: Ross Hrncir (XP Investments LLC)
First Last
 Mailing Address: PO Box 966
Hallettsville Texas 77964
City State Zip
 Phone: (361) 649-3780 Same none
Home Work Other
 Fax: none E-Mail Address*: rossmh@yahoo.com

* By providing an e-mail address, consent is given to receive all correspondence from the department electronically. (paper copies of the final order documents will also be mailed.)

2. AGENT INFORMATION

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

Agent: Evan Malepsy
First Last
 Mailing Address: 52 Pineridge Lane
Eagle Point Oregon 97524
City State Zip
 Phone: (541) 621-2868 Same none
Home Work Other
 Fax: none E-Mail Address*: emalepsy@roguecivil.com

* By providing an e-mail address, consent is given to receive all correspondence from the department electronically. (paper copies of the final order documents will also be mailed.)

3. LOCATION AND SOURCE

A. Reservoir Name: XP 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: Run-off and unnamed drainage Tributary to: Little Butte Creek

C. County in which diversion occurs: Jackson

| | | |
|-------------------------|--|------------|
| App. No. <u>R-88261</u> | For Department Use Permit No. _____ | Date _____ |
|-------------------------|--|------------|

D. Reservoir Location

| Township (N or S) | Range (E or W) | Section | quarter/quarter | tax lot number |
|----------------------|-------------------|---------|-----------------|----------------|
| 36S | 1W | 28 | NE/SE | 400 |

E. Dam: Maximum height of dam: 12 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: 8.2

Is this project fully or partially funded by the American Recovery and Reinvestment Act? (Federal stimulus dollars) Yes No

4. WATER USE

Indicate the proposed use(s) of the stored water. **NOTE: You may wish to consider filing for "Multipurpose use" for your reservoir. Multipurpose use does not limit the types of future uses for the stored water. Multipurpose covers all uses including: stockwater, fish and wildlife, aesthetics, domestic, irrigation, agriculture, fire protection and pollution abatement.** If any use will be out of reservoir use, regardless of the type of storage listed, a secondary application must be filed to appropriate the stored water.

Multipurpose Use

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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:

N/A

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

Watermaster - Shavon Haynes 541-774-6883
ODFW - Peter Samarin 541-826-774

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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. Potential future place of use may be within Irrigation District boundaries, unknown at this time.

| | | |
|---|-----------------------------|--------------|
| Irrigation District Name Eagle Point Irrigation District | Address 2429 Brophy Road | |
| 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.

The reservoir is an existing facility built sometime prior to 2000. The applicant recently purchased the property and wishes to obtain a water right to store water in the reservoir. Runoff that travels across land, and also runoff that is collected in an unnamed drainage, are captured by the reservoir. The reservoir is constructed on the natural drainage swale. A collection system consisting of a ditch and pipes will need to be constructed to bypass live flow outside the storage season. The dam is approximately 12ft high at it's maximum height. Based on measurements, the maximum depth of the reservoir is 12ft. The maximum volume of the reservoir is approximately 8.2 AF. An existing outlet structure, a 10ft wide concrete channel, provides an overflow that directs flows to a natural drainage swale.

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).

See attached Reservoir plan and cross section.

9. SIGNATURE

I swear that all statements made and information provided in this application are true and correct to the best of my knowledge.


Landowner Signature (XP INVESTMENTS LLC) 7-11-16
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.

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WATERMASTER ALTERNATE RESERVOIR APPLICATION REVIEW SHEET

Recommendations for Water Right Applications under the Alternate Reservoir review process (ORS 537.409)

In lieu of the water right application process set forth in ORS 537.140 to 537.211, an owner of a reservoir may submit an alternate reservoir application for a reservoir that has a storage capacity less than 9.2 acre-feet or a dam or impoundment structure less than 10 feet in height. ORS 537.409 describes the criteria used to evaluate alternate reservoir applications.

The review shall be limited to issues pertaining to: a) water availability, b) potential detrimental impact to existing fishery resources; and c) potential injury to existing water rights. (ORS 537.409 (6))

Within 60 days after the department provides public notice...any person may submit detailed, legally obtained information in writing, requesting the department to deny the application for a permit on the basis that the reservoir: (a) Would result in injury to an existing water right; or (b) Would pose a significant detrimental impact to existing fishery resources. (ORS 537.409 (5))

The review of alternate reservoirs is limited to these criteria only.

Application #: R- Applicant's Name: *Ross Hincir (XP Investments LLC)*

1) Does the proposed reservoir have the potential to injure existing water rights? NO YES

Explain: *Small creek that fills reservoir terminates in EPID canal. creek was dry on May 10, 2016 and is believed to only run during periods of rain.*

2) Can conditions be applied to mitigate the potential injury to existing water rights? NO YES

If YES, which conditions are recommended:

staff plates installed to monitor storage

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

Who: Agency: Date:

Who: Agency: Date:

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Watermaster signature:

Date: *6/29/2016*

WRD Contact:

Caseworker: *(Steven Haynes)*

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: XP Investments LLC (Ross Hrncir)

PO Box 966, Hallettsville, TX 77964, / (361) 649-3780 / rossmh@yahoo.com

Reservoir Name: XP Reservoir Source: Runoff & unnamed drainage Volume (AF): 8.2

Twp Rng Sec QQ: 35S1W Sec 28 NE/SE Basin Name: Rogue 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 June through November 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)

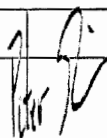
² NMF = Native Migratory Fish Species in Oregon as defined by OAR 635 - 412 - 0005 (32)

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This pond is located on an un-named tributary that eventually flows into Little Butte Creek. Little Butte Creek provides habitat for Coho (federally threatened) and fall Chinook salmon, summer (state sensitive) and winter steelhead, coastal cutthroat trout, and Pacific lamprey (state sensitive). However, this dam is located outside of the range of these fish and ODFW believes if the storage period is conditioned as recommended impacts to fisheries resource can be lessened. Additionally, this pond should not be allowed to impound water if the instream water right on Little Butte Creek is not being met.

If YES, can conditions be applied to mitigate the significant detrimental impact to an existing fishery resource?
 NO (explain) YES (select from Menu of Conditions on next page)

b51.a The period of use has been limited to December through May.



ODFW Signature: _____ Print Name: Peter Samarin

ODFW Title: Asst District Fish Biologist Date: 6/28/2016

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

Revised 10/4/12

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R-00261

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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NOTE TO APPLICANTS

SALEM, OR

In order for your application to be processed by the Water Resources Department (WRD), this Land Use Information Form must be completed by a local government planning official in the jurisdiction(s) where your water right will be used and developed. The planning official may choose to complete the form while you wait, or return the receipt stub to you. Applications received by WRD without the Land Use Form or the receipt stub will be returned to you. Please be aware that your application will not be approved without land use approval.

This form is NOT required if:

- 1) Water is to be diverted, conveyed, and/or used only on federal lands; **OR**
- 2) The application is for a water right transfer, allocation of conserved water, exchange, permit amendment, or ground water registration modification, and **all** of the following apply:
 - a) The existing and proposed water use is located entirely within lands zoned for exclusive farm-use or within an irrigation district;
 - b) The application involves a change in place of use only;
 - c) The change does not involve the placement or modification of structures, including but not limited to water diversion, impoundment, distribution facilities, water wells and well houses; and
 - d) The application involves irrigation water uses only.

NOTE TO LOCAL GOVERNMENTS

The person presenting the attached Land Use Information Form is applying for or modifying a water right. The Water Resources Department (WRD) requires its applicants to obtain land-use information to be sure the water rights do not result in land uses that are incompatible with your comprehensive plan. Please complete the form or detach the receipt stub and return it to the applicant for inclusion in their water right application. You will receive notice once the applicant formally submits his or her request to the WRD. The notice will give more information about WRD's water rights process and provide additional comment opportunities. You will have 30 days from the date of the notice to complete the land-use form and return it to the WRD. If no land-use information is received from you within that 30-day period, the WRD may presume the land use associated with the proposed water right is compatible with your comprehensive plan. Your attention to this request for information is greatly appreciated by the Water Resources Department. If you have any questions concerning this form, please contact the WRD's Customer Service Group at 503-986-0801.

Receipt for Request for Land Use Information

Applicant name: XP Investments

City or County: Jackson County Staff contact: Youngsuek Kim

Signature: Youngsuek Kim Phone: 541-774-6946 Date: 6/30/2016

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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: Ross Hrncir (XP Investments LLC)
First Last

Mailing Address: PO Box 966

Hallettsville TX 77964 Daytime Phone: (361) 649-3780
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: |
|----------|-------|---------|-------|-----------|---|-------------------------------------|-------------------------------------|-------------------------------------|--------------------|
| | | | | | | Diverted | Conveyed | Used | |
| 35S | 1W | 28 | NE/SE | 400 | EFU | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | Agricultural |
| | | | | | | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | |
| | | | | | | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | |
| | | | | | | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | |

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 and unnamed drainage

Estimated quantity of water needed: 8.2
 cubic feet per second
 gallons per minute
 acre-feet

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

Briefly describe:

The applicant wishes to obtain a water right to store runoff in an existing reservoir. The proposed use is "multipurpose."

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. →

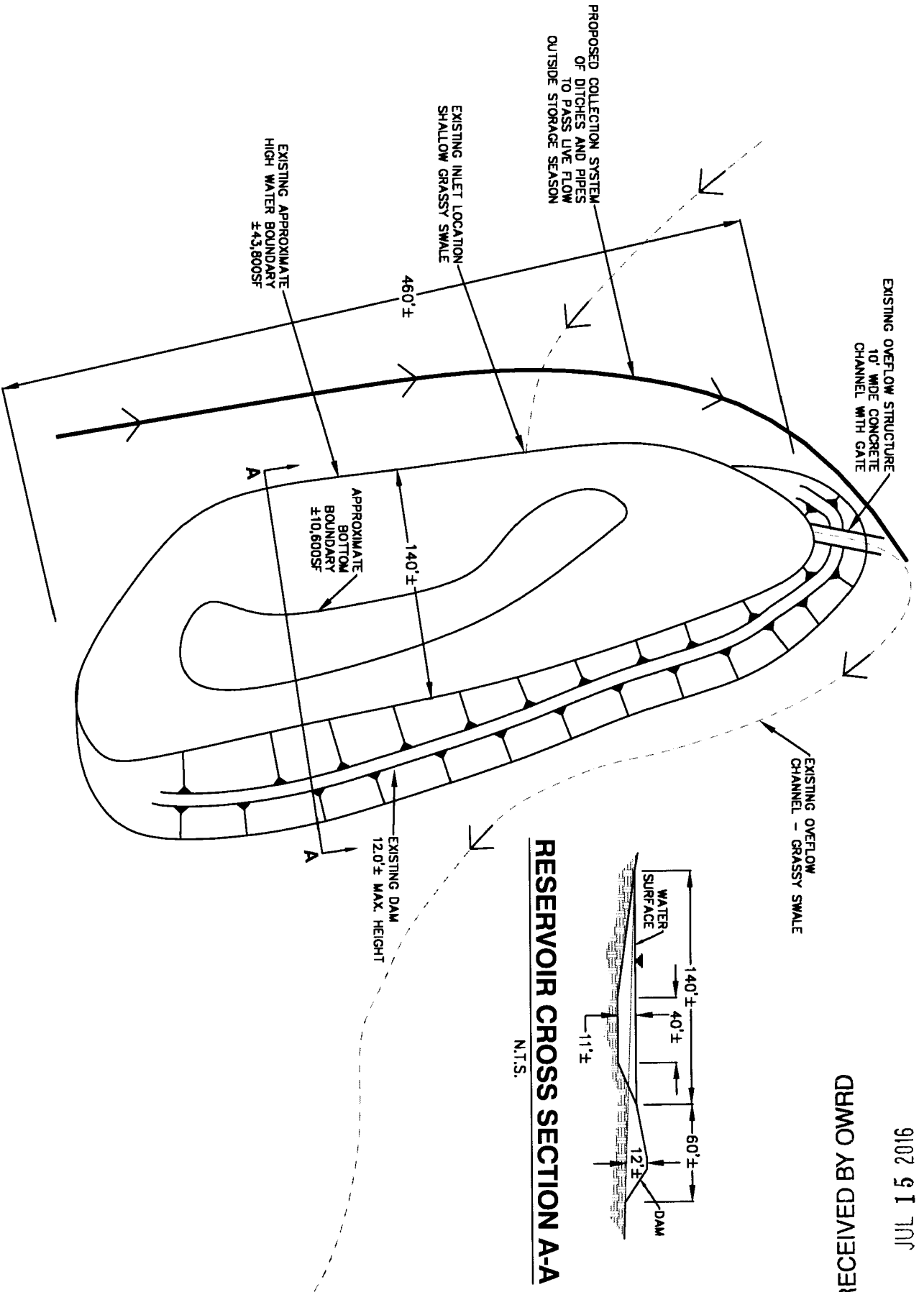
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10 SALEM, OR

R-00261

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RESERVOIR PLAN VIEW

N.T.S.

1200261

TICOR TITLE

470316046645

RECORDING REQUESTED BY:

Ticor Title Company of Oregon
1555 E. McAndrews, Suite 100
Medford, OR 97504

GRANTOR:
WEF Holdings LLC, an Oregon Limited Liability
Company
9751 SO Hwy 211
Canby, OR. 97013

GRANTEE:
XP Investments LLC,
1346 US Hwy 77S
Hallettsville, TX 77964

SEND TAX STATEMENTS TO:
XP Investments LLC,
PO Box 966
Hallettsville, TX 77964

AFTER RECORDING RETURN TO:
XP Investments LLC,
PO Box 966
Hallettsville, TX 77964

Escrow No: 470316046645-TTJA37

351W27 500 / 10233641
351W27 600 / 10604776
12811 Hwy 82
Eagle Point, OR 97524

Jackson County Official Records **2016-015907**
R-WD
Stn=14 SHINGLJS **05/26/2016 09:35:21 AM**
\$10.00 \$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

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SALEM, OR

SPACE ABOVE THIS LINE FOR RECORDER'S USE

STATUTORY WARRANTY DEED

WEF Holdings LLC, an Oregon Limited Liability Company, Grantor, conveys and warrants to

XP Investments LLC,, Grantee, the following described real property, free and clear of encumbrances
except as specifically set forth below, situated in the County of Jackson, State of Oregon:

TRACT A:

Beginning at a point on the west line of the Crater Lake Highway where said Highway intersects
the south line of the Northwest Quarter of the Southwest Quarter of Section 27 in Township 35
South, Range 1 West of the Willamette Meridian in Jackson County, Oregon; thence North, along
the west line of said Highway, 263.0 feet; thence West and parallel to the south line of the
Northwest Quarter of the Southwest Quarter, a distance of 740.0 feet; thence Southwesterly to a
point on the south line of the Northwest Quarter of the Southwest Quarter, 920.0 feet West of the
point of beginning; thence East 920.0 feet to the point of beginning.

TRACT B:

Beginning at a point on the west line of the Crater Lake Highway, 263.0 feet North of the south
line of the Northwest Quarter of the Southwest Quarter of Section 27 in Township 35 South,
Range 1 West of the Willamette Meridian in Jackson County, Oregon; thence West, parallel to the
south line of said Northwest Quarter of the Southwest Quarter of said Section 27, a distance of
740.0 feet; thence Southwesterly, to a point on the south line of the Northwest Quarter of the
Southwest Quarter, 920.0 feet West of the west line of the Crater Lake Highway; thence West,
along said south line, 340.0 feet, more or less, to the southwest corner of said quarter-quarter;
thence North, along the west line of said Northwest Quarter of the Southwest Quarter, 543.0 feet;
thence East parallel to the south line of said Northwest Quarter of the Southwest Quarter, 1250.0
feet, more or less, to the west line of said Crater Lake Highway, as described in deed recorded in
Volume 273 page 272 of the Deed Records of Jackson County, Oregon; thence South, along said
west line, 36.0 feet; thence East along said line, 10.0 feet; thence South 244.0 feet, more or less,

470316046645-TTJA37
Deed (Warranty-Statutory)

①

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SALEM, OR

to the point of beginning.

TRACT C:

The Northwest Quarter of the Southwest Quarter of Section 27 in Township 35 South, Range 1 West of the Willamette Meridian in Jackson County, Oregon. EXCEPTING THEREFROM the South 543.0 feet. Also, EXCEPTING THEREFROM that portion conveyed to the State of Oregon, by and through its State Highway Commission, by deed recorded in Volume 273 page 272 of the Deed Records of Jackson County, Oregon.

TRACT D:

The Northeast Quarter of the Southeast Quarter of Section 28 in Township 35 South, Range 1 West of the Willamette Meridian in Jackson County, Oregon.

THE TRUE AND ACTUAL CONSIDERATION FOR THIS CONVEYANCE IS \$1,200,000.00. (See ORS 93.030)

Subject to and excepting: Covenants, Conditions, Restrictions, Reservations, set back lines, Power of Special Districts, and easements of Record, if any.

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: 5-24-2016

WEF Holdings LLC, an Oregon Limited Liability Company

BY: Gordon Satrum
Gordon Satrum Managing Member

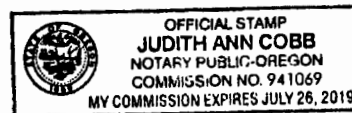
State of OREGON

COUNTY of CLATSOP

This instrument was acknowledged before me on MAY 24, 2016.

by GORDON SATRUM

Judith Ann Cobb, Notary Public - State of Oregon
My commission expires: 7-26-2019



470316046645-TTJA37
Deed (Warranty-Statutory)

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R-88261

52 Pineridge Lane
Eagle Point, OR 97524
541-621-2868
emalepsy@roguecivil.com



Transmittal

To: Ross Hrcir **From:** Evan Malepsy

Re: Application to Store Water **cc:**

For Review Please Comment Please Reply For Signature

Comments:

Ross,

Enclosed are the completed application forms and supporting documents for the reservoir permit application. Please sign, include a check for \$1,070 made out to the Oregon Water Resources Department, and mail the originals in the provided envelope. I kept a copy for my files, I recommend you make a copy for your files as well.

Let me know if any questions come up. As we discussed, I am currently working to finish the groundwater application, you will receive it for your signature soon.

Thanks,

A handwritten signature in black ink that reads "Evan Malepsy".

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