



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

RECEIVED BY OWRD Application for a Permit to

AUG 23 2016

# Store Water in a Reservoir

SALEM, OR

(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](http://www.wrd.state.or.us/OWRD/PUBS/forms.shtml).

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## 1. APPLICANT INFORMATION

Applicant: Henry Dewey III Wilson SEP 12 2016  
First Last

Mailing Address: 2090 Commerce Drive SALEM, OR  
Medford Oregon 97504  
City State Zip

Phone: 541-622-5465 541-734-9141 none  
Home Work Other

Fax: none E-Mail Address\*: hdwilson@icci.us

\* 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 541-621-2868 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: Kelly's Pond

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: Rogue River Tributary to: Pacific Ocean

C. County in which diversion occurs: Jackson

App. No. <u>R-08291</u>	For Department Use Permit No. _____	Date _____
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**D. Reservoir Location**

Township (N or S)	Range (E or W)	Section	quarter/quarter	tax lot number
35S	1W	20	NE/NE	100

**E. Dam:** Maximum height of dam: 9.0 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: Currently 4.5, application is to expand to 9.0 acre-feet.

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.

Proposed use is multipurpose.

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**5. PROPERTY OWNERSHIP**

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Please provide a copy of the recorded deed(s).

Do you own all the land where you propose to divert, transport, and use water?

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**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:

None

**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 (Expansion of existing reservoir)  
If yes, how long has it been in place? N/A years.
- D. **Fish Habitat:** Is there fish habitat upstream of the proposed structure?  Yes  No  Don't know  
If yes, how much? 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 - Travis Kelly 541-774-6883  
ODFW - Peter Samarin 541-826-8774

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**7. WITHIN A DISTRICT**

SALEM, OR

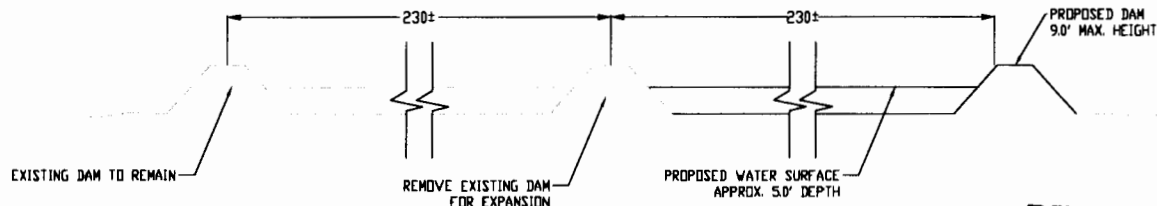
Check here if the point of diversion or place of use are located within or served by an irrigation or other water district. (The property contains some land served by EPID, the reservoir is not located within that area though, and neither is the POD.)

Irrigation District Name Eagle Point Irrigation District	Address PO Box 157	
City Eagle Point	State OR	Zip 97524

**8. DESCRIPTION**

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

This application is proposing to expand an existing reservoir (Application P 78221 and P 83043) from 4.5 acre-feet to 9.0 acre-feet of storage. The reservoir is located off channel, no live flow enters into it. The point of diversion is located approximately 2,600 feet southwest of the reservoir on the bank of a side channel of the Rogue River. The same point of diversion is proposed for use with the expanded reservoir. Water will be pumped from the point of diversion to the reservoir using an existing 25 HP pump and 6 inch underground pipes. After receiving a permit and completing construction of the expanded pond, an application will be prepared for an out of reservoir use permit. The expanded reservoir volume will be filled one time during the period of December through May, when water is available in the Rogue River for storage.



**RESERVOIR CROSS SECTION**

N.T.S.

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

N/A, the diversion does not involve a dam.

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### 9. SIGNATURE

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

H. Dewey Wilson  
Landowner Signature

8-16-16  
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: Henry Dewey III Wilson

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

Explain:      Water is available for storage from December-May

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

If YES, which conditions are recommended:      N/A

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

Who:                                      Agency:  
Who:                                      Agency:

Date:  
Date:

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Watermaster signature:  Date: 7-13-2016

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

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**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: H. Dewey Wilson III / 2090 Commerce Drive, Medford, OR 97504 / 541-622-5465 / dewey@icci.us

Reservoir Name: Kelly's Pond Source: Rogue River Volume (AF): 4.5

Twp Rng Sec QQ: 35S 1W 20 NE/NE 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 AO<sup>1</sup> 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 NMF<sup>2</sup> 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 May 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. **RECEIVED BY OWRD**

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<sup>1</sup> 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)

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

R-88891

This application proposes to expand an existing reservoir from 4.5 acre/ft to 9.0 acre/ft. The applicant is requesting to fill the reservoir from the Rogue River. The application also states the pond will only be filled once per storage season. ODFW believes that if the applicant is only allowed to fill the reservoir once per storage season, and the reservoir is only filled during the time frame December-April, impacts to fisheries resources could be lessened.

Spring Chinook salmon in the Rogue River require large volumes of cold, clean water to return to their spawning habitat in the upper Rogue River. May is a challenging month in that ambient air temperatures rise leading to warmer water conditions that could lead to a disease outbreak. Therefore, ODFW recommends the storage period on this application be limited to December through April. Additionally, this reservoir should not appropriate water if the instream water rights on the Rogue River are 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)

b51a The period of use has been limited to December through April.

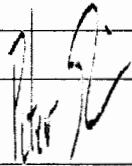
fish div 33

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ODFW Signature: \_\_\_\_\_



Print Name: Peter Samarin

ODFW Title: Assistant District Fish Biologist

Date: 8/4/2016

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Revised 10/4/12

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Use this menu to identify appropriate conditions to be included in the permit, and indicate the abbreviations on the review form:

**fishpass:** As required by ORS 509.585, a person owning or operating an artificial obstruction (AO) may not construct or maintain any AO across any waters of this state that are inhabited, or historically inhabited, by native migratory fish (NMF) without providing passage for NMF. A person owning or operating an AO shall, prior to construction, fundamental change in permit status or abandonment of the AO in any waters of this state, obtain a determination from ODFW as to whether NMF are or historically have been present in the waters. If ODFW determines that NMF are or historically have been present in the waters, the person owning or operating the AO shall either submit a proposal for fish passage to ODFW or apply for a waiver or exemption. Approval of the proposed fish-passage facility, waiver, or exemption must be obtained from the department prior to construction, permit modification or abandonment of the AO. Approved fish-passage plans, waivers, and exemptions shall maintain adequate passage of NMF at all times (ORS 509.601) as per the approved plan, waiver or exemption.

**fishself:** The permittee shall install, maintain, and operate fish screening and by-pass devices consistent with current Oregon Department of Fish and Wildlife (ODFW) standards. Fish screening is to prevent fish from entering the proposed diversion while by-pass devices provide adequate upstream and downstream passage for fish. The required screen and by-pass devices are to be in place and functional prior to diversion of any water. Permittee shall obtain written approval from ODFW that the installation of the required screen and by-pass devices meets the state's criteria or the permittee shall submit documentation that ODFW has determined screens and/or by-pass devices are not necessary.

**fishapprove:** The permittee shall install, maintain, and operate fish screening and by-pass devices consistent with current Oregon Department of Fish and Wildlife (ODFW) standards. Fish screening is to prevent fish from entering the proposed diversion while by-pass devices provide adequate upstream and downstream passage for fish. The required screen and by-pass devices are to be in place and functional, and approved in writing by ODFW prior to diversion of any water. The permittee may submit evidence in writing that ODFW has determined screens and/or by-pass devices are not necessary.

**fishdiv33:** If the riparian area is disturbed in the process of developing a point of diversion, the permittee shall be responsible for restoration and enhancement of such riparian area in accordance with ODFW's Fish and Wildlife Habitat Mitigation Policy OAR 635-415. For purposes of mitigation, the ODFW Fish and Wildlife Habitat Mitigation Goals and Standards, OAR 635-415, shall be followed.

The use may be restricted if the quality of the source stream or downstream waters decrease to the point that those waters no longer meet existing state or federal water quality standards due to reduced flows.

The permittee shall install, maintain, and operate fish screening and by-pass devices consistent with current Oregon Department of Fish and Wildlife (ODFW) standards. Fish screening is to prevent fish from entering the proposed diversion while by-pass devices provide adequate upstream and downstream passage for fish. The required screen and by-pass devices are to be in place and functional, and approved in writing by ODFW prior to diversion of any water. The permittee may submit evidence in writing that ODFW has determined screens and/or by-pass devices are not necessary.

**fishmay:** Notwithstanding that ODFW has made a determination that fish screens and/or by-pass devices are not necessary at the time of permit issuance, the permittee may be required in the future to install, maintain, and operate fish screening and by-pass devices to prevent fish from entering the proposed diversion and to provide adequate upstream and downstream passage for fish.

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**b52** Water may be diverted only when Department of Environmental Quality sediment standards are being met.

**b5** The water user shall install and maintain adequate treatment facilities meeting current DEQ requirements to remove sediment before returning the water to the stream.

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**b51a** The period of use has been limited to \_\_\_\_\_ through \_\_\_\_\_.

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**b57** Before water use may begin under this permit, a totalizing flow meter must be installed at each diversion point.

**b58** Before water use may begin under this permit, a staff gage that measures the entire range and stage between full reservoir level and dead-pool storage must be installed in the reservoir. The staff gage shall be United States Geological Survey style porcelain enamel iron staff gage style A, C, E or I.

**futile call:** The use of water allowed herein may be made only at times when waters from the (NAME OF SURFACE WATER) would not otherwise flow into a tributary of the \_\_\_\_\_ River or sufficient water is available to satisfy all prior rights, including rights for maintaining instream flows.

**riparian:** If the riparian area is disturbed in the process of developing a point of diversion, the permittee shall be responsible for restoration and enhancement of such riparian area in accordance with ODFW's Fish and Wildlife Habitat Mitigation Policy OAR 635-415. For purposes of mitigation, the ODFW Fish and Wildlife Habitat Mitigation Goals and Standards, OAR 635-415, shall be followed.

**wq:** The use may be restricted if the quality of the source stream or downstream waters decrease to the point that those waters no longer meet existing state or federal water quality standards due to reduced flows.

**fence:** The stream and its adjacent riparian area shall be fenced to exclude livestock.

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**bly:** Water must be diverted to a trough or tank through an enclosed water delivery system. The delivery system must be equipped with an automatic shutoff or limiting flow control mechanism or include a means for returning water to the stream source through an enclosed delivery system. The use of water shall not exceed 0.10 cubic feet per second per 1000 head of livestock.

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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

## NOTE TO APPLICANTS

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

**This form is NOT required if:**

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

## NOTE TO LOCAL GOVERNMENTS

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

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SALEM, OR

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R-88291

# 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: Henry Dewey III  
First

Wilson  
Last

Mailing Address: 2092 Commerce Drive

Medford  
City

OR  
State

97504  
Zip

Daytime Phone: 541-622-5465

## 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	20	NE/NE	100	EFU	<input type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	Agriculture
35S	1W	20	SW/NE	100	EFU	<input checked="" type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input type="checkbox"/> Used	Agriculture

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

Jackson	RECEIVED BY OWRD	RECEIVED BY OWRD
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## B. Description of Proposed Use

SALEM, OR

SALEM, OR

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) Rogue River

Estimated quantity of water needed: 4.5   
 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 Nursery

Briefly describe:

The applicant is applying for a new water right permit to store water from the Rogue River. Proposed use is "multipurpose", the water may be used for nursery operations in the production of marijuana.

## Receipt for Request for Land Use Information

Applicant name: Henry Dewey Wilson III

City or County: Jackson

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Staff contact: Kate McGuire

RECEIVED

Signature: [Handwritten Signature]

AUG 23 2016

Phone: 541-721-6907

Date: AUG 15 2016

JACKSON COUNTY PLANNING

SALEM, OR

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TICOR TITLE

470315041336

RECORDING REQUESTED BY:

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

Jackson County Official Records **2015-036563**  
R-WD **11/02/2015 03:32:43 PM**  
Stn=17 MORGANSS  
\$15.00 \$11.00 \$10.00 \$8.00 \$20.00 **\$64.00**  
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

GRANTOR:

Randall G. Stroh and Bonnie H. Stroh as tenants  
by the entirety as to Parcel No. 1 and Randall G.  
Stroh and Bonnie H. Stroh as to Parcel No. 2 and  
Bonnie H. Stroh  
14195 Agate Road  
Eagle Point, OR 97524

GRANTEE:

Henry Dewey Wilson III  
3848 Manzanita Heights Drive  
Medford, OR 97504

SEND TAX STATEMENTS TO:

Henry Dewey Wilson III  
~~14195 & 14145 Agate Road~~ 2090 Commerce  
~~Eagle Point, OR 97524~~ Medford, OR 97504

AFTER RECORDING RETURN TO:

Henry Dewey Wilson III  
~~14195 & 14145 Agate Road~~  
~~Eagle Point, OR 97524~~ Same as above

Escrow No: 470315041336-TTJA37

351W20 100 / 10231592

14195 & 14145 Agate Road  
Eagle Point, OR 97524

SPACE ABOVE THIS LINE FOR RECORDER'S USE

STATUTORY WARRANTY DEED

Randall G. Stroh and Bonnie H. Stroh as tenants by the entirety as to Parcel No. 1 and Randall G. Stroh and Bonnie H. Stroh as to Parcel No. 2 and Bonnie H. Stroh, Grantor, conveys and warrants to

Henry Dewey Wilson III, 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:

PARCEL NO. 1:

Government Lots 1, 2 and 3, and the East Half of the Northeast Quarter of Section 20 in Township 35 South, Range 1 West of the Willamette Meridian in Jackson County, Oregon. ALSO, All that portion of the Northeast Quarter of the Southeast Quarter of Section 20 In Township 35 South, Range 1 West of the Willamette Meridian in Jackson County, Oregon, lying Westerly of the County Road.

EXCEPTING THEREFROM the following: From the Quarter corner common to Sections 20 and 21 In said Township and Range, run thence West on the South line of the Northeast Quarter of said Section 20, a distance of 530.0 feet, and thence North 37.0 feet to the true point of beginning; thence North 252.8 feet; thence South 87° 20' East 472.2 feet; thence South 15° West 261.6 feet, to a point 15.0 feet North of the South line of the Northeast Quarter of said Section 20; thence North 86° 53' West 404.6 feet to the point of beginning.

ALSO, EXCEPTING THEREFROM that portion lying South and West of the following described line:

Beginning at the Section corner common to Sections 20, 21, 28 and 29 in Township 35 South, Range 1 West of the Willamette Meridian In Jackson County, Oregon; thence West 662.1 feet; thence North 79° 41' West 243.5 feet to the centerline of the County Road; thence along said road line, as follows: North 7° 40' East 440.4 feet, North 7° 22' East 354.4 feet, North 0° 18' West 462.6 feet, and North 11° 17' East 195.2 Feet; thence West 1840.0 feet, more or less, to intersect the West line of Lot 3 In said Section 20.

ALSO EXCEPTING THEREFROM the following: Beginning at a point 125.6 feet West and 15.0 feet North of the Quarter corner common to Sections 20 and 21 in Township 35 South, Range 1

470315041336-TTJA37  
Deed (Warranty-Statutory)

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West of the Willamette Meridian in Jackson County, Oregon; thence North 86° 53' West 451.10 feet to the centerline of a small creek; thence following the course of the creek, South 5° 36' West 209.33 feet; thence South 54° 16' West 199.81 feet; thence South 75° 13' West 201.05 feet to a point near the confluence of the creek and an irrigation ditch; thence along the centerline of said irrigation ditch, South 4° 30' 30" East 282.85 feet, South 26° 07' West 323.57 feet, and South 16° 14' West 162.22 feet; thence leaving said ditch, and running South 89° 46' 30" East 311.56 feet to the centerline of the County Road; thence along the centerline of said County Road, as follows: North 14° 59' East 413.76 feet; North 41° 39' East 237.2 feet; North 70° 56' East 325.34 feet; North 28° 39' East 200.57 feet; and North 3° 30' East 223.15 feet to the point of beginning. ALSO EXCEPTING THEREFROM from the above described property any portion thereof conveyed by Boundary Agreement recorded October 8, 1970 as Document No. 70-10183, Official Records of Jackson County, Oregon. ALSO EXCEPTING THEREFROM any portion thereof conveyed to Jackson County, Oregon by Deed recorded May 5, 1992 as Document No. 92-12853, Official Records of Jackson County, Oregon. ALSO EXCEPTING THEREFROM all that portion conveyed by Boundary Line Agreement recorded August 20, 2003, as Document No. 03-56614, Official Records of Jackson County, Oregon.

**PARCEL NO. 2:**

Commencing at the quarter corner common to Sections 20 and 21, Township 35 South, Range 1 West, Willamette Meridian, Jackson County, Oregon; thence West, along South line of the Northeast quarter of said Section 20, a distance of 530.0 feet; thence North, 37.0 feet, to the true point of beginning; thence continue North, 252.8 feet; thence South 87° 20' East, 472.2 feet; thence South 15° 00' West, 261.6 feet, to a point 15.0 North of the South line of said Northeast quarter; thence North 86° 53' West, 404.6 feet, to the true point of beginning.

THE TRUE AND ACTUAL CONSIDERATION FOR THIS CONVEYANCE IS \$2,500,000.00. (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: 10-30-15

Randall G. Stroh and Bonnie H. Stroh as tenants by the entirety as to Parcel No. 1 and Randall G. Stroh and Bonnie H. Stroh as to Parcel No. 2

  
Randall G. Stroh as Parcel 1 and 2

  
Bonnie H. Stroh as Parcel 1 and 2

470315041336-TTJA37  
Deed (Warranty-Statutory)

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AUG 28 2016

2

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State of OREGON

COUNTY of Jackson

This instrument was acknowledged before me on 10/30/2015

by Randall G. Stroh 41

Rennie H. Stroh

Kimberly L. Ayres Notary Public - State of Oregon

My commission expires: 3-16-17



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Deed (Warranty-Statutory)



# Oregon

Kate Brown, Governor

## Water Resources Department

North Mall Office Building

725 Summer St NE, Suite A

Salem, OR 97301

Phone (503) 986-0900

Fax (503) 986-0904

www.wrd.state.or.us

August 30, 2016

Henry Dewey III  
2090 Commerce Drive  
Medford, OR 97504

Dear Henry Dewey III:

The Water Resources Department has received your application to use or store water. At this time however, we are unable to accept your application, because the minimum filing requirements are not met according to the Oregon Revised Statutes (ORS 537.409). and (ORS 537.400). The application was missing the required fees.

We are hereby returning the incomplete application. Please return the application, the required fee, and this checklist, so the Department may begin processing your application in a timely manner.

This review is based only on the completeness of your application. Any determination of water availability, compliance with basin plan rules, or any other water related issues has not been made.

Should you have any questions, please do not hesitate to contact me at the address above or by telephone at 503-986-0817.

Sincerely,

Scott  
Customer Service Group

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# Alternate Reservoir Application Completeness Checklist

This is the checklist used by WRD staff

Application \_\_\_\_\_ County Jackson  
Priority Date \_\_\_\_\_ Township 355 Range 1w Section 20 Taxlot 10.  
Use Multipurpose Caseworker \_\_\_\_\_  
Amount (AF) \_\_\_\_\_ Watermaster \_\_\_\_\_

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## Minimum Requirements (ORS 537.409)

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Completed Watermaster review sheet signed and dated by Watermaster.

Will the reservoir injure an existing water right?  YES  NO

If YES, can conditions be applied to mitigate the injury?  YES  NO If NO, return the application.

Did the watermaster determine when water is available for the proposed use?  YES  NO

*The Watermaster review sheet must have been completed within the last 6 months.*

If the watermaster determined that water is NOT available, return the application.

Completed ODFW review sheet signed and dated by ODFW representative.

Will the reservoir pose a significant detrimental impact to an existing fishery resource?  YES  NO

If YES, can conditions be applied to mitigate the impact?  YES  NO If NO, return the application.

*The ODFW review sheet must have been completed within the last 6 months.*

Completed Land-Use Form or receipt signed by the appropriate planning department official enclosed?

*Does the use on land-use form match the proposed use on the application? Must be an original "wet" signature within the last 12 months.*

Landowner Name, Mailing Address and Telephone Number.

Source and tributary listed. NO WELLS-MUST HAVE GW APP TO USE A WELL AS A SOURCE !!

Reservoir Location- Township, Range, Section, Quarter Quarter, Taxlot

Dam height, if applicable

Total Quantity of Storage Requested: expansion to 9.0 AF 4.5 AF increase

Proposed Use of the water....Cannot accept application for use of this stored water at the same time (E2)

Property ownership indicated? If applicant does not own all the land is the affected landowner's name and mailing address listed? (Including: lands not owned by applicant, upon which the source is located .....or..... that are crossed by the diversion works. This includes any roads or rights-of-way.)

Provide the legal description of all the property involved with this application. You may include a copy of your deed land sales contract or title insurance to meet this requirement

Environmental Impact section completed?

Application signed by the landowner(s)? All parties noted as applicants must sign the application.

*Must be an original "wet" signature.*

Acceptable map \*\* Indicates requirements of standards set forth by the Commission and causes fatal flaw if not provided by the applicant.

Reservoir Location - noting Township, Range, Section, 1/4 1/4 and Tax Lot number(s)\*

Scale of the Map (not less than 1" = 1320') \*\*

Reference corner on map

North Directional Symbol \*\*

1/4's clearly identified

Reservoir clearly identified \*\*

Dam or POD (If off channel) Location coordinates referenced to a government land survey corner\* If no dam, use coordinates to center of reservoir.\*\*

Fees enclosed\*\*? Examination: Base Fee\$ \_\_\_\_\_ Permit Recording Fee\$ \_\_\_\_\_

plus\$ \_\_\_\_\_

plus\$ \_\_\_\_\_

Total Paid \$ \_\_\_\_\_

Total Fees \$ \_\_\_\_\_

Completeness Check by: Scott CSA Date: 8-30-16

Revised 2011-3-3

Receipt

fee missing

See with head \$950

R-88197

R-00291



**Oregon Water Resources Department**  
**Permit to Appropriate Surface Water for Storage - Alternate Reservoir Application**

- [Main](#)
- [Help](#)
- [Return](#)
- [Contact Us](#)

For impoundments less than 10 feet in height or storing less than 9.2 acre feet of water.

Today's Date: Tuesday, August 30, 2016

Base Application Fee for Storage of Surface Water.		\$350.00
Proposed Dam Height in feet.	9	
Proposed Reservoir volume in Acre Feet.	4.5	\$150.00
Permit Recording Fee. ***		\$450.00
*** the Permit Recording Fee is not required when the application is submitted but, must be paid before a permit will be issued. It is fully refundable if a permit is not issued. If the recording fee is not paid prior to issuance of the Final Order, permit issuance will be delayed.	<b>Recalculate</b>	
Estimated cost of Permit Application		\$950.00

OWRD Fee Schedule

Fee Calculator Version: B20130709

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 SALEM, OR



52 Pineridge Lane  
Eagle Point, OR 97524  
541-621-2868  
[emalepsy@roquecivil.com](mailto:emalepsy@roquecivil.com)

**Rogue Civil LLC**

## Transmittal

**To:** Dewey Wilson **From:** Evan Malepsy

**Re:** Application to Store Water **Date:** 08/15/16

For Review     Please Comment     Please Reply     For Signature

Comments:

Dewey,

Enclosed are the completed application forms and supporting documents for the reservoir permit application. Please sign, include a check for \$950 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.

Thanks,



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