



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

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

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

Use a separate form for each reservoir

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

1. APPLICANT INFORMATION

Applicant: Calapooya Covey, LLC Member/MGR Paul J. Bonsky

First Last

Mailing Address: 8877 Nonpareil Rd.

Sutherlin OR 97479

City State Zip

Phone: 541-459-4572 541-670-9017

Home Work Other

Fax: _____ E-Mail Address*: paul@coveypoint.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: _____

First Last

Mailing Address: _____

City State Zip

Phone: _____

Home Work Other

Fax: _____ E-Mail Address*: _____

* 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: "Bowen 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: Calapooya Creek Tributary to: North Umpqua River

C. County in which diversion occurs: Douglas

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App. No. <u>R-88298</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
25S.	4W	10	B	100

E. Dam: Maximum height of dam: 8.0 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: 5.5

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

4. WATER USE

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

Multipurpose

5. PROPERTY OWNERSHIP

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

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

Yes (please check appropriate box below then skip to section 5)

There are no encumbrances

This land is encumbered by easements, right of way, roads of way, roads or other encumbrances

No (Please check the appropriate box below)

I have a recorded easement or written authorization permitting access.

I do not currently have written authorization or easement permitting access.

Written authorization or an easement is not necessary, because the only affected lands I do not own are state-owned submersible lands, and this application is for irrigated and/or domestic use only (ORS 274.040). (Do not check this box if you described your use as "Multipurpose" in #3 above.)

List the names and mailing addresses of all affected landowners:

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6. ENVIRONMENTAL IMPACT

- A. **Channel:** Is the reservoir: in-stream or off channel?
- B. **Wetland:** Is the project in a wetland? Yes No Don't know
- C. **Existing:** Is this an existing reservoir? Yes No
If yes, how long has it been in place? _____ years.
- D. **Fish Habitat:** Is there fish habitat upstream of the proposed structure? Yes No Don't know
If yes, how much? _____ miles.
- E. **Partnerships:** Have you been working with other agencies? Yes No
Indicate agency, staff and phone numbers of those involved. Also indicate any agencies that are cost sharing in this project.

7. WITHIN A DISTRICT

Check here if the point of diversion or place of use are located within or served by an irrigation or other water district.

Irrigation District Name	Address	
City	State	Zip

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.

See attached pages

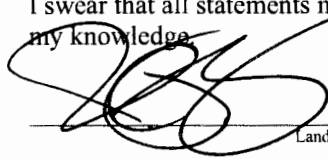
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If the diversion involves a dam, use this space for sketches of the diversion (e.g. cross-section of the dam with its dimensions, dimension and placement of outlet pipe, means of passing live flow outside of the authorized storage season, and means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

See Exhibits A and B

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

9-29-2016

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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no conditions
needed.

Add N/A box
or something?



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:

Paul Bonsky / Calapooya Covey, LLC

1) Does the proposed reservoir have the potential to injure existing water rights?

NO YES

Explain:

2) Can conditions be applied to mitigate the potential injury to existing water rights?

NO YES

If YES, which conditions are recommended:

3) Did you meet with staff from another agency to discuss this application?

NO YES

Who:

Agency:

Date:

Who:

Agency:

Date:

Watermaster signature:

Susan Donahue Date: *9/29/16*

WRD Contact:

Caseworker:

Water Rights Division, 503-986-0900 / Fax 503-986-0901

NOTE: This completed form must be returned to the applicant

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R-88228

ODFW Alternate Reservoir Application Review Sheet

This portion to be completed by the applicant.

Applicant Name/Address/Phone/Email: Calapooya Covey, LLC, Paul Bonsky/ 8877 Nonpareil Rd.

Sutherlin, OR, 97479/ 541-459-4572/ paul@coveypoint.com

Reservoir Name: Bowen's Pond Source: Calapooya Creek Volume (AF): 5.5

Twp Rng Sec QQ: 25N 04W 10B Tax Lot 00100 Basin Name: Umpqua 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 reservoir pose any other significant detrimental impact to an existing fishery resource?..... YES NO

Explain below (for example, list STE species or other existing fishery resources that would be impacted negatively.)

Any diversion or appropriation of water for storage during the period _____ through _____ poses a significant detrimental impact to existing fishery resources. (For example, if diversion of water for storage during a certain time period would cause a significant detrimental impact to an existing fishery resource, then ODFW should recommend conditions or limitations.) If NMF fish are present at the project site or point of water diversion then the applicant should be advised that a fish screen consistent with screening criteria will be required.

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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)

R-00779

Calapooya Creek, which has a number of state listed sensitive species such as winter steelhead and Pacific lamprey and federally ESA listed coho, is located relatively close to the proposed pond location. During periods of flooding, fish may spread out across the floodplain and could potentially be in the area of the proposed pond. Also, pond construction and operation may impact water quality (e.g. temperature and contaminants) in Calapooya Creek during periods of pond discharge.

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)

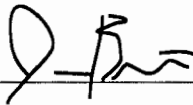
The applicant intends to build a berm around the pond at or above the 100-year flood interval and has agreed to move the pond further upland away from Calapooya Creek which should prohibit fish entrapment in the pond during possible high water events. It is recommended that the applicant contact Oregon DEQ for information on possible water quality impacts from pond operation and construction and ways to mitigate for potential negative impacts. The applicant should follow condition "fishdiv33" for addressing any impacts to adjacent riparian areas and for screening requirements on pond inlets/outlets/pipes. Planting native trees and shrubs around the pond in a way that doesn't negatively impact berm integrity may help limit possible negative water quality impacts by helping to shade the pond and filter contaminants from run-off.

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ODFW Signature: _____



Print Name: Jason Brandt

ODFW Title: Assistant District Fish Biologist

Date: 9/28/16

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

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

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

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

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

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

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

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

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

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

b5 The water user shall install and maintain adequate treatment facilities meeting current DEQ requirements to ~~remove~~ ^{prevent} sediment before returning the water to the stream.

b51a The period of use has been limited to _____ through _____.

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

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

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

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

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

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

blv: Water must be diverted to a trough or tank through an enclosed water delivery system. The delivery system must be equipped with 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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Douglas County

Planning and Sanitation Pre-Application Worksheet

OTHER ACTION

Worksheet Number <h2 style="margin: 0;">WS16-0728</h2>	Applicant BONSKY, PAUL 8877 NONPAREIL RD SUTHERLIN, OR 97479 (541) 459-4572	Owner CALAPOOYA COVEY LLC 8877 NONPAREIL RD SUTHERLIN, OR 97479
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SITE INFORMATION

Site Address 8881 NONPAREIL RD SUTHERLIN, OR 97479	MTL 25-04W-10B-00100	Property ID Number (Primary) R17488	Size (Acres) 52.45
Improvement LUCS FOR OREGON DEPT. WATER RES.		Proposed Use Land Use Compatibility Statement	
Existing Structures (Number and Type) NA		Distance of Building Site from River, Creek, or Stream Bank NA	
Directions NA			

As, for, or on behalf of, all property owners:

APPLICANT SIGNATURE: _____ **DATE:** 9-29-16

PLANNING DEPARTMENT INFORMATION

Zoning FG	Overlays
---------------------	----------

SETBACKS (EFU - Grazing)

Front Property Line of Right of Way 30 Feet	Rear Line 10 Feet	Side Line 10 Feet	Exterior Side Line NA
Sign Code NO SIGN PROPOSED - N/A	Special Setback NA	Riparian Setback 50 FEET	
Parking Spaces Required NA	Building Height None	Flood Plain No	Floor Height Above Ground NA

Conditions of Approval

MUST MEET ZONE/SETBACK REQUIREMENTS. LUCS FOR MULTIPURPOSE POND AND IRRIGATION. NO STRUCTURAL DEVELOPMENTS AUTHORIZED.

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Sanitation NA	Sanitary District	Water N/A	Access Permit Required? NO
Report Codes NONSTRUCTURAL N/A N/A COUNTY ACCESS WATER RIGHTS			
Refer To SALEM, OR			

Approved By: TJM	Date: 9/29/2016	Receipt #: P24646	Amount: \$ 165.00	Expiration Date: 9/29/2017
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SANITATION INFORMATION

SE#	STP#	Existing System	System: Approved ___ Denied ___
Remarks			
By:	Date:	CSC Date:	

12-88298

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

*RLPT P24646
 WSIB - 0728*

Applicant(s): Paul Bonsky

Mailing Address: 8877 Nonpareil Rd.

City: Sutherlin

State: OR

Zip Code: 97479

Daytime Phone: 541-459-4572

A. Land and Location

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

Township	Range	Section	¼ ¼	Tax Lot #	Plan Designation (e.g., Rural Residential/RR-5)	Water to be:			Proposed Land Use:
<u>25S.</u>	<u>4W.</u>	<u>10 B</u>	<u>SE</u> <u>NW</u>	<u>100</u>	<u>AA67</u>	<input checked="" type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	<u>POND</u>
_____	_____	_____	_____	_____	_____	<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used	_____
_____	_____	_____	_____	_____	_____	<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used	_____
_____	_____	_____	_____	_____	_____	<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:

Douglas County

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) Unnamed Stream

Estimated quantity of water needed: 5.5
 cubic feet per second
 gallons per minute
 acre-feet

Intended use of water: Irrigation
 Commercial
 Industrial
 Domestic for _____ **RECEIVED BY OWRD**
 Municipal
 Quasi-Municipal
 Instream
 Other _____

Briefly describe:

Water is needed for a multipurpose pond.

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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. 3

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): 3.3.050.1
- Land uses to be served by the proposed water uses (including proposed construction) involve discretionary land-use approvals as listed in the table below. (Please attach documentation of applicable land-use approvals which have already been obtained. Record of Action/land-use decision and accompanying findings are sufficient.) **If approvals have been obtained but all appeal periods have not ended, check "Being pursued."**

Type of Land-Use Approval Needed (e.g., plan amendments, rezones, conditional-use permits, etc.)	Cite Most Significant, Applicable Plan Policies & Ordinance Section References	Land-Use Approval:	
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued

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

R143390
R17488

DOUGLAS COUNTY PLANNING DEPARTMENT
ROOM 106, JUSTICE BUILDING
DOUGLAS COUNTY COURTHOUSE
RUSLBURG, OR 97137

FG

Name: Thomas McIntosh Title: DP
 Signature: [Signature] Phone: 541-440-4089 Date: 9-29-16
 Government Entity: DOUGLAS COUNTY

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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.

SALEM, OR [Signature]

Receipt for Request for Land Use Information

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

Type	MEM	MEMBER		Resign Date
Name	PAUL	J	BONSKY	II
Addr 1	8877 NONPAREIL ROAD			
Addr 2				
CSZ	SUTHERLIN	OR	97479	Country UNITED STATES OF AMERICA

From SOS office's website
 authorization to sign for LLC

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Until Further Notice, Send
Tax Statements To:
Calapooya Covey, LLC
7730 S. Kingston
Tulsa, OK 74136

After Recording, Return To:
Jeffrey A. Mornarich
Attorney at Law
PO Box 1205
Roseburg, OR 97470

DOUGLAS COUNTY OFFICIAL RECORDS
BARBARA E. NIELSEN, COUNTY CLERK

2011-005591



\$51.00

DEED-BS Cnt=1 Stn=3 marriagecounter
\$15.00 \$11.00 \$15.00 \$10.00

03/30/2011 03:49:24 PM

BARGAIN AND SALE DEED

Dorothy J. Lawwill and Patricia K. L. Bonsky, Grantors, convey to Calapooya Covey, LLC, Grantee, that certain real property more particularly described in attached Exhibit "A" which by this reference is incorporated herein in full.

The true consideration for this conveyance is valuable consideration other than money.

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, AND SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009. 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, AND SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009.

DATED: 30 March 2011

Dorothy J. Lawwill

Patricia K. L. Bonsky

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BARGAIN AND SALE DEED - Page 1

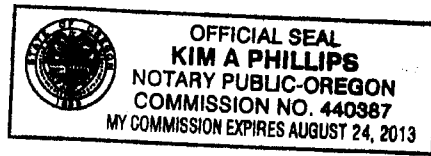
SALEM, OR

R-88278

STATE OF OREGON)
)ss.
County of Douglas)

This instrument was acknowledged before me this 30th day of March, 2011, by
Dorothy J. Lawwill.

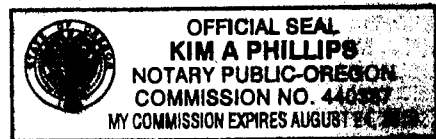
Kim A. Phillips
Notary Public for OREGON
My Commission Expires: 8-24-13



STATE OF OREGON)
)ss.
County of Douglas)

This instrument was acknowledged before me this 30th day of March, 2011, by
Patricia K. L. Bonsky

Kim A. Phillips
Notary Public for OREGON
My Commission Expires: 8-24-13



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SALEM, OR

EXHIBIT A

BEGINNING AT A POINT WHICH LIES EAST 284.0 FEET AND SOUTH 106.9 FEET FROM THE NORTHEAST CORNER OF THE CLINTON SUTHERLIN DONATION LAND CLAIM NO. 49, IN SECTION 10, TOWNSHIP 26 SOUTH, RANGE 4 WEST, W.M., IN DOUGLAS COUNTY, OREGON; RUNNING THENCE EAST A DISTANCE OF 8.185 CHAINS TO A POINT WHICH IS 12.18 1/4 CHAINS EAST AND 1.62 CHAINS SOUTH OF THE NORTHEAST CORNER OF THE CLINTON SUTHERLIN DONATION LAND CLAIM NO. 49, IN SAID SECTION, TOWNSHIP AND RANGE, A POINT FROM WHICH A FIR 24 INCHES IN DIAMETER BEARS SOUTH 14 DEGREES EAST 3 LINKS DISTANT, AND MARKED S.B.T., A BLACK OAK 6 INCHES IN DIAMETER BEARS NORTH 77 DEGREES 14 1/4 LINKS DISTANT AND MARKED S.B.T.; THENCE NORTH 40 DEGREES 40' EAST 21.77 CHAINS; THENCE NORTH 40 DEGREES 20' WEST 4.77 CHAINS TO A POINT WHICH BEARS WEST 5.06 CHAINS AND SOUTH 10.71 CHAINS OF THE QUARTER SECTION CORNER BETWEEN SECTIONS 3 AND 10; THENCE NORTH 40 DEGREES 40' EAST 7.78 CHAINS TO A POINT FROM WHICH A DOUBLE ALDER 12 INCHES IN DIAMETER BEARS SOUTH 77 DEGREES EAST 19 LINKS DISTANT AND MARKED S.B.T., A BALM 18 INCHES IN DIAMETER BEARS NORTH 74 DEGREES 52' LINKS DISTANT AND MARKED S.B.T.; THENCE SOUTH 3.06 CHAINS, BEING ALSO A POINT 7.89 CHAINS SOUTH OF THE ABOVE MENTIONED QUARTER SECTION CORNER; THENCE SOUTH 65 DEGREES 30' EAST 4.77 CHAINS; THENCE SOUTH 19 DEGREES 00' EAST 2.14 CHAINS, TO A FIR 12 INCHES IN DIAMETER MARKED S., THENCE SOUTH 5 DEGREES 00' EAST 6.33 CHAINS TO A WHITE OAK 8 INCHES IN DIAMETER MARKED S., THENCE SOUTH 28 DEGREES 00' WEST 2.22 CHAINS TO A WHITE OAK 8 INCHES IN DIAMETER MARKED S.; THENCE SOUTH 59 DEGREES 52' EAST 3.39 CHAINS TO THE CENTER OF CALAPOOIA CREEK; THENCE DOWN CENTER OF STREAM AS FOLLOWS: SOUTH 37 DEGREES 22' WEST 2.45 CHAINS; THENCE SOUTH 49 DEGREES 21' WEST 1.70 CHAINS; THENCE SOUTH 44 DEGREES 14' WEST 6.38 CHAINS IN THE CENTER OF THE CREEK; THENCE WEST 285.5 FEET; THENCE SOUTH 18 DEGREES 14' WEST 833.6 FEET; THENCE SOUTH 51 DEGREES 38' WEST, A DISTANCE OF 185.9 FEET; THENCE SOUTH 65 DEGREES 36' WEST A DISTANCE OF 415.1 FEET; THENCE SOUTH 88 DEGREES 24' WEST A DISTANCE OF 720.2 FEET TO A POINT ON THE EASTERLY RIGHT OF WAY LINE OF COUNTY ROAD NO. 19; THENCE NORTH 1 DEGREES 03' WEST ALONG THE EASTERLY RIGHT OF WAY LINE OF SAID COUNTY ROAD, A DISTANCE OF 697.58 FEET TO THE SOUTHWEST CORNER OF TRACT DEEDED TO THE SUTHERLIN SCHOOL DISTRICT NO. 130-C, DOUGLAS COUNTY, OREGON, AS RECORDED IN VOLUME 242, RECORDER'S NO. 194659 OF THE DEED RECORDS OF DOUGLAS COUNTY, OREGON; THENCE ALONG THE SOUTHERLY BOUNDARY OF SAID SCHOOL DISTRICT PROPERTY, SOUTH 89 DEGREES 58' EAST 515.65 FEET TO A 1" INCH IRON PIPE; THENCE NORTH 0 DEGREES 02' WEST 93.0 FEET TO A 1 INCH IRON PIPE; THENCE NORTH 57 DEGREES 58' 30" WEST 299.58 FEET TO A 1/4 INCH IRON ROD; THENCE NORTH 143.1 FEET TO THE PLACE OF BEGINNING.

EXCEPTING FROM THE ABOVE A TRACT OF LAND SOLD TO THE STATE OF OREGON BY DEED RECORDED IN VOLUME 101, PAGE 432, OF THE DEED RECORDS OF DOUGLAS COUNTY, OREGON.

EXCEPT ANY PART THEREOF WHICH LIES IN LOT 5, BLOCK G, NONPAREIL.

END OF DOCUMENT



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: Thursday, September 29, 2016

Base Application Fee for Storage of Surface Water.		\$350.00
Proposed Dam Height in feet.	8	
Proposed Reservoir volume in Acre Feet.	5.5	\$180.00
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.	<input type="button" value="Recalculate"/>	
Estimated cost of Permit Application		\$980.00

OWRD Fee Schedule

Fee Calculator Version: B20130709

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Alternate Reservoir Application Completeness Checklist

This is the checklist used by WRD staff

Application _____ County _____
Priority Date _____ Township _____ Range _____ Section _____ Taxlot _____
Use _____ Caseworker _____
Amount (AF) _____ Watermaster _____

Minimum Requirements (ORS 537.409)

- 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: _____
 - 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 locatedor..... 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: _____ Date: _____

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Appendix A

Developing your water right often entails grading trenching or other types of construction within waterways, riparian areas, and wetlands. Permits from local, state or federal agencies may be required. A good first step is to check with your local city or county planning office. The following information was provided by the Oregon Division of State Lands.

Activities in Wetlands and Waterways are Regulated by:

- The Division of State Lands (DSL) under the State Removal-Fill Law
- The U.S. Army Corps of Engineers (Corps) under the Federal Clean Water Act and Rivers and Harbors Act
- The State Department of Forestry under the Forest Practices Act
- The U.S. Natural Resource Conservation Service (NRCS) under the Food, Agriculture, Conservation and Trade Act
- Some City and County land use ordinances

What Areas are Regulated?

- Rivers streams and most creeks
- Estuaries and tidal marshes
- Lakes and some ponds
- Permanent and seasonal wetlands
- Regulations apply to all lands, public or private
- A wetland does not have to be mapped by the state or otherwise 'designated' to fall under the regulations
- If you are uncertain if there are regulated wetlands on your property, contact DSL for assistance.

What Activities are Regulated?

- Placement of fill material
- Alteration of stream bank or stream course
- Ditching and draining
- Plowing/disking non-farmed wetlands
- Excavation or dredging of material
- In-water construction (may also require a lease from DSL)
- For some activities, joint application forms can be obtained from DSL or the Corps

What Activities are Exempt

- Some routine maintenance activities
- Established, ongoing agricultural activities and grazing
- Some minor projects involving small amounts of fill or removal

How are Laws Enforced?

The best enforcement is to prevent illegal wetland alterations through information and education. However, when violations do occur, a variety of enforcement tools may be used, including restoration orders, fines of up to \$10,000 per day (DSL), civil and/or criminal charges.

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