



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: KC Property Holdings
First Last

Mailing Address: 800 Hwy 234
Eagle Pt. OR 97524
City State Zip

Phone: 650-799-0033
Home Work Other

Fax: E-Mail Address*: Kclement100@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: JIM Whitlock
First Last

Mailing Address: P.O. Box 1237
Jacksonville OR 97530
City State Zip

Phone: 541 944 7421
Home Work Other

Fax: 541-702-2170 E-Mail Address*: advancedhomebuilder@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.)

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3. LOCATION AND SOURCE

A. Reservoir Name: Gates Reservoir SALEM, OR

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: unnamed stream Tributary to: Rogue River

C. County in which diversion occurs: Jackson

App. No. <u>R-88307</u>	For Department Use Permit No. <u> </u>	Date <u> </u>
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D. Reservoir Location

Township (N or S)	Range (E or W)	Section	quarter/quarter	tax lot number
35	1W	16	NENW	501

E. Dam: Maximum height of dam: zero 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: adding 5.5 to existing reservoir of 3A

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.

Multi-purpose

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

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).

There is no dam on this reservoir.

9. SIGNATURE

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

K. Mary Field
Landowner Signature

6/27/2016
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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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? 58 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 <u>Eagle Point</u>	Address <u>2429 Brophy Rd.</u>	
City <u>Eagle Point</u>	State <u>OR</u>	Zip <u>97524</u>

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.

Please see attached ^{*}photos of diversion gates and spillway gates in place.

^{*}Exhibit "A"
Exhibit "B"

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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: KC Property Holdings
First Last

Mailing Address: 800 Hwy 234

Eagle Pt. OR 97524 Daytime Phone: 650-799-0033
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	¼¼	Tax Lot #	Plan Designation (e.g., Rural Residential/RR-5)	Water to be:			Proposed Land Use:
35	1W	16	NE¼	501		<input checked="" type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	
						<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used	
						<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used	
						<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used	

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

B. Description of Proposed Use

Type of application to be filed with the Water Resources Department:
 Permit to Use or Store Water Water Right Transfer Permit Amendment or Ground Water Registration Modification
 Limited Water Use License Allocation of Conserved Water Exchange of Water

Source of water: Reservoir/Pond Ground Water Surface Water (name) _____

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

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

Briefly describe:
wanting to increase size of existing pond from 3 acres-feet to 5.5 acres-feet

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.

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See bottom of Page 3. →

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SALEM, OR

R-88307

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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For Local Government Use Only

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

Please check the appropriate box below and provide the requested information

Land uses to be served by the proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): 4.202, Table 4.2-1(1)

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

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

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

A Floodplain Review application will be necessary for execution of the pond.

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Name: Kenneth D. Skyles Title: Planner II SALEM, OH
 Signature: *[Signature]* Phone: 541-774-6900 Date: 9/27/16
 Government Entity: Jackson County

Note to local government representative: Please complete this form or sign the receipt below and return it to the applicant. If you sign the receipt, you will have 30 days from the Water Resources Department's notice date to return the completed Land Use Information Form or WRD may presume the land use associated with the proposed use of water is compatible with local comprehensive plans.

Receipt for Request for Land Use Information

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



Ticor Title Company of Oregon

1555 E. McAndrews, Suite 100
Medford, OR 97504
(541)779-2811 * FAX (541)772-6079

KC Property Holdings LLC, An Oregon Limited
Liability Company
60 S. Market St., Suite 800
San Jose, CA 95113

DATE: September 18, 2015
ESCROW NO.: 470315041858-TTJA37
PROPERTY ADDRESS:
800 Hwy 234, Tax lot 500 & 501, Eagle Point,
OR

The above referenced escrow has closed as of this date. The following item(s) are enclosed for your records:

Final Statement
Refund Check
Recorded Warranty Deed

FUTURE PROPERTY TAXES ARE YOUR RESPONSIBILITY. The law does not require that property tax statements or notices be mailed, but it places the responsibility for payment entirely upon the owner after the close of escrow. Property taxes can be paid once the tax rolls have been certified by the county tax assessor. This generally happens in the latter half of October. The installment is due by November 15 and delinquent November 16. If you do not receive a property tax bill prior to delinquency, a written request, including the assessor's parcel number and legal description, must be made to the county tax collector. However, if yours is an impounded loan, property taxes will be paid by the Lender when due.

Recorded documents to which you are entitled will be mailed to you by the county recorder. We trust that this transaction has been handled to your satisfaction and look forward to the opportunity of seeing you again in the near future. Your policy of title insurance will follow under separate cover.

Sincerely,

Kim Ayres
Escrow Officer

kmm

enclosure(s)

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Letter (Closing-Buyer)
FDOR0085.rdw

R-0007

470315041858

RECORDING REQUESTED BY:

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

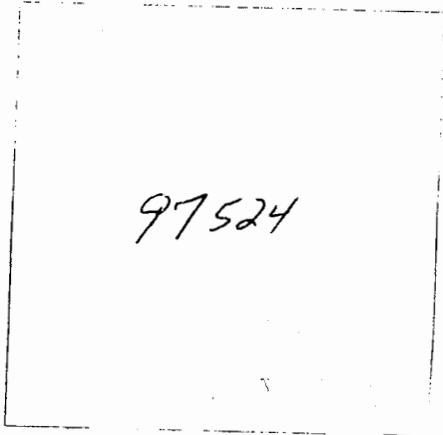
TICOR TITLE

GRANTOR:
Caldwell Family LLC and Thomas Scott Caldwell
and Georganna Mary Happel and Karen Jean
Hammonds and Crispin Matthew Caldwell
800 Hwy 234
Eagle Point, OR 97524

GRANTEE:
KC Property Holdings LLC, An Oregon Limited
Liability Company
60 S. Market St., Suite 800
San Jose, CA 95113

SEND TAX STATEMENTS TO:
KC Property Holdings LLC, An Oregon Limited
Liability Company
7206 Silver Lode Lane
San Jose, CA 95120

AFTER RECORDING RETURN TO:
KC Property Holdings LLC, An Oregon Limited
Liability Company
7206 Silver Lode Lane
San Jose, CA 95120



Escrow No: 470315041858-TTJA37

351W16 501 / 10799268

800 Hwy 234, Tax lot 500 & 501
Eagle Point, OR

SPACE ABOVE THIS LINE FOR RECORDER'S USE

STATUTORY WARRANTY DEED

Caldwell Family LLC and Thomas Scott Caldwell and Georganna Mary Happel and Karen Jean Hammonds and Crispin Matthew Caldwell, Grantor, conveys and warrants to

KC Property Holdings LLC, An Oregon Limited Liability Company, 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 One:

Parcels. 1 of Partition Plat recorded December 28, 1990 as Partition Plat No. P-158-1990 of "Record of Partition Plats" in Jackson County, Oregon and filed as Survey No. 12347 in the Office of the County Surveyor.

Parcel Two:

Parcel 2 of Partition Plat recorded December 28, 1990 as Partition Plat No. P-158-1990 of "Record of Partition Plats" in Jackson County, Oregon and filed as Survey No. 12347 in the Office of the County Surveyor.

THE TRUE AND ACTUAL CONSIDERATION FOR THIS CONVEYANCE IS \$3,800,000.00. (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.

470315041858-TTJA37
Deed (Warranty-Statutory)

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R-88207

Jackson County Official Records **2015-031396**
R-WD 09/18/2015 08:49:44 AM
Stn=12 BARROWCK \$20.00 \$11.00 \$10.00 \$8.00 \$20.00 **\$69.00**
I, Christine Walker, County Clerk for Jackson County, Oregon, certify that the instrument identified herein was recorded in the Clerk records.
Christine Walker - County Clerk

470315041858

RECORDING REQUESTED BY:

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

TICOR TITLE

GRANTOR:
Caldwell Family LLC and Thomas Scott Caldwell
and Georganna Mary Happel and Karen Jean
Hammonds and Crispin Matthew Caldwell
800 Hwy 234
Eagle Point, OR 97524

GRANTEE:
KC Property Holdings LLC, An Oregon Limited
Liability Company
60 S. Market St., Suite 800
San Jose, CA 95113

SEND TAX STATEMENTS TO:
KC Property Holdings LLC, An Oregon Limited
Liability Company
7206 Silver Lode Lane
San Jose, CA 95120

AFTER RECORDING RETURN TO:
KC Property Holdings LLC, An Oregon Limited
Liability Company
7206 Silver Lode Lane
San Jose, CA 95120

Escrow No: 470315041858-TTJA37

351W16 501 / 10799268

800 Hwy 234, Tax lot 500 & 501
Eagle Point, OR

SPACE ABOVE THIS LINE FOR RECORDER'S USE

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470315041858-TTJA37
Deed (Warranty-Statutory)

①

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R-88307

2015-2016 taxes, a lien in an amount to be determined but not yet due and payable.

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: 9/15/15

Caldwell Family LLC

BY: [Signature]
Managing Member

[Signature]
Thomas Scott Caldwell

[Signature]
Georganna Mary Happel

[Signature]
Kaen Jean Hammonds

[Signature]
Crispin Matthew Caldwell

State of KY

COUNTY of Fayette

This instrument was acknowledged before me on September, 15, 2015

by Crispin Matthew Caldwell

Thomas Scott Caldwell

[Signature], Notary Public - State of KY

My commission expires: 8/16/18

470315041858-TT JA37
Deed (Warranty-Statutory)

BRUCE BATES
NOTARY PUBLIC
ID # 515776
Commonwealth of Kentucky
My Commission Expires August 16, 2018

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SALEM, OR

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R-88307

State of OREGON

County of Jackson

This instrument was acknowledged before me on 9/16/15 by

Thorganna Mary Happel

Kimberly Ayres
Notary Public - State of Oregon

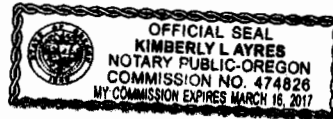


State of OREGON
County of Jackson

This instrument was acknowledged before me on 9/16/15 by

Karen Jean Hammonds

Kimberly Ayres
Notary Public - State of Oregon



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State of: Kentucky

County: State at Large

Subscribed and sworn to (or affirmed) before me on this 15th day of SEPTEMBER, 2015, by Crispin Matthew Caldwell as MANAGING MEMBER of Caldwell Family LLC, proved to me on the basis of satisfactory evidence to be the person(s) who appeared before me.

(Seal)

Signature



Notary Public in and for the State of Kentucky

BRUCE BATES
NOTARY PUBLIC
ID # 515776
Commonwealth of Kentucky
My Commission Expires August 16, 2018

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SALEM, OR

(A)

R-88307

ODFW Alternate Reservoir Application Review Sheet

This portion to be completed by the applicant.

Applicant Name/Address/Phone/Email: REK Modified LLC Property Hold.

800 Hwy 234 Eagle Pt., OR 650-799-0033

Reservoir Name: Gates Source: unnamed stream Volume (AF): 5.5

Twp Rng Sec QQ: 35 W 16 501 NE/NW 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 April through December 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)

R-88307

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:

KC Property Holdings

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:

Date:

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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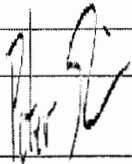
According to Water Resources this pond is a part of the Reese Creek watershed. As such, water availability for storage is limited to the recommended time frame. Reese Creek provides habitat for summer (state sensitive) and winter steelhead, and Coho salmon (federally threatened). ODFW conducted a site visit and believes this pond is not located on a stream channel but on an irrigation ditch. There does appear to be a stream to the east of the pond but ODFW believes the stream discharges into Reese Creek during the non irrigation season. Additionally, there exists an instream water right on Reese Creek (59819) and this pond should not appropriate water when the instream right 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)

b51a. The period of use has been limited to January through March.

fishmay

ODFW Signature: _____



Print Name: Peter Samarin

ODFW Title: Assistant District Fish Biologist

Date: 9/9/2016

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

Revised 8/2/11

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 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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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)

ODFW Signature: _____ Print Name: _____

ODFW Title: _____ Date: _____

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Revised 10/4/12

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JACKSON COUNTY

Oregon

Watermaster's Office

Travis Kelly
Watermaster

10 S. Oakdale, Room 309
Medford, OR 97501
Phone: (541) 774-6880
kellytn@jacksoncounty.org

February 20, 2014

Stan Dupree

RE: Water Right Research for: Caldwell Ranch
Map Identification: 35S-1W-Sec 16 Tax Lots: 500, 501

Dear Stan:

A water right research was conducted for the above stated parcel per your request. Findings indicate that tax lots 500 and 501 are covered by five different water rights and are listed in the table below:

Certificate	Use	Priority	Source
79475	Irrigation	10/24/1979	Rogue River
T-8652	Irrigation	10/24/1979	Rogue River
75429	Irrigation	8/21/1915	Big Butte Creek
31449	Storage	12/17/1958	Unnamed Stream
79476	Fish Culture	12/17/1958	Unnamed Stream

Keep in mind that the use described under certificate 75429 is managed by Eagle Point Irrigation District (EPID). It is recommended that you inquire with EPID regarding the specifics of this water right.

Please refer to the attached document and maps for the place of use of this water right. This will allow you to compare how the water rights of record overlay the parcel. In order to determine the **exact** location of the water right, you may want to hire a Certified Water Rights Examiner (CWRE) to survey the water right. Keep in mind, while this office may tell you water rights are attached to a tract of land, we cannot tell you about continued use or non-use of the right. After five successive years of non-use all or part of the right may be subject to forfeiture.

Feel free to contact us if you have questions or to set up an appointment to discuss this water right.

Sincerely,

Christi Haines
Office Assistant III

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Enclosures

Data provided by this office is based on the best and most current information available within our files and data base. The "Official Records" however, reside in the Department's Salem office. For additional information, please contact the Oregon Water Resources Department at 1-503-986-0900 or at www.wrd.state.or.us.

R-88307

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: KC Property Holdings Map ID: 35S-1W-16-NE/NW-tax lot 501

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

Explain: Storage available from January to March

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

If YES, which conditions are recommended:

Storage available from January - March

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

Who: Agency: Date:

Who: Agency: Date:

Watermaster signature:  Date: 9-27-2016

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

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EXHIBIT #



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