

Application for a Permit to Use Surface Water



Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, Oregon 97301-1266
(503) 986-0900
www.wrd.state.or.us

Water-Use Permit Application Processing

1. Completeness Determination

The Department evaluates whether the application and accompanying map contain all of the information required under OAR 690-310-0040 and OAR 690-310-0050 (www.oregon.gov/owrd/law.our). The Department also determines whether the proposed use is prohibited by statute. If the Department determines that the application is incomplete, all fees have not been paid, or the use is prohibited by statute, the application and all fees submitted are returned to the applicant.

2. Initial Review

The Department reviews the application to determine whether water is available during the period requested, whether the proposed use is restricted or limited by rule or statute, and whether other issues may preclude approval of or restrict the proposed use. An Initial Review (IR) containing preliminary determinations is mailed to the applicant. The applicant has 14 days from the mailing date to withdraw the application from further processing and receive a refund of all fees paid minus \$200. The applicant may put the application on hold for up to 180 days and may request additional time if necessary.

3. Public Notice

Within 7 days of the mailing of the initial review, the Department gives public notice of the application in the weekly notice published by the Department at www.oregon.gov/owrd. The public comment period is 30 days from publication in the weekly notice.

4. Proposed Final Order Issued

The Department reviews any comments received, including comments from other state agencies related to the protection of sensitive, threatened or endangered fish species. Within 60 days of completion of the IR, the Department issues a Proposed Final Order (PFO) explaining the proposed decision to deny or approve the application. A PFO proposing approval of an application will include a draft permit, and may request additional information or outstanding fees required prior to permit issuance.

5. Public Notice

Within 7 days of issuing the PFO, the Department gives public notice in the weekly notice. Notice includes information about the application and the PFO. Protest must be received by the Department within 45 days after publication of the PFO in the weekly notice. Anyone may file a protest. The protest filing fee is \$350.00 for the applicant and \$700.00 for non-applicants. Protests are filed on approximately 10% of Proposed Final Orders. If a protest is filed the Department will attempt to settle the protest but will schedule a contested case hearing if necessary.

6. Final Order Issued

If no protests are filed, the Department can issue a Final Order within 60 days of the close of the period for receiving protest. If the application is approved, a permit is issued. The permit specifies the details of the authorized use and any terms, limitations or conditions that the Department deems appropriate.

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Minimum Requirements Checklist

Minimum Requirements (OAR 690-310-0040, OAR 690-310-0050 & ORS 537.140)

Include this checklist with the application

Check that each of the following items is included. The application will be returned if all required items are not included. If you have questions, please call the Water Rights Customer Service Group at (503) 986-0900.

- SECTION 1: applicant information and signature
- SECTION 2: property ownership
- SECTION 3: source of water requested
- SECTION 4: water use
- SECTION 5: water management
- SECTION 6: resource protection
- SECTION 7: project schedule
- SECTION 8: within a district
- SECTION 9: remarks

Attachments:

- Land Use Information Form with approval and signature (*must be an original*) or signed receipt
- Provide the legal description of: (1) the property from which the water is to be diverted, (2) any property crossed by the proposed ditch, canal or other work, and (3) any property on which the water is to be used as depicted on the map.
- Fees - Amount enclosed: \$ 1850
See the Department's Fee Schedule at www.oregon.gov/owrd or call (503) 986-0900.

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

- Permanent quality and drawn in ink
- Even map scale not less than 4" = 1 mile (example: 1" = 400 ft, 1" = 1320 ft, etc.)
- North Directional Symbol
- Township, Range, Section, Quarter/Quarter, Tax Lots
- Reference corner on map
- Location of each well, and/or dam if applicable, by reference to a recognized public land survey corner (distances north/south and east/west)
- Indicate the area of use by Quarter/Quarter and tax lot clearly identified
- Number of acres per Quarter/Quarter and hatching to indicate area of use if for primary irrigation, supplemental irrigation, or nursery
- Location of main canals, ditches, pipelines or flumes (if well is outside of the area of use)
- Other:

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Application for a Permit to Use Surface Water



Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem Oregon 97301-1266
(503) 986-0900
www.wrd.state.or.us

SECTION 1: APPLICANT INFORMATION AND SIGNATURE

Applicant Information

NAME Rudolf and Carolyn A. Feimer		PHONE (HM) None	
PHONE (WK) None	CELL 541-661.0571	FAX None	
ADDRESS 99731 South Bank Chetco River Road			
CITY Brookings	STATE OR	ZIP 97415	E-MAIL * carolfeimer@gmail.com

Organization Information

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

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

AGENT / BUSINESS NAME Martha O. Pagel, Schwabe Williamson & Wyatt		PHONE 503-540-4260	FAX 503-796-2900
ADDRESS 530 Center St NE, Ste 400			CELL
CITY Salem	STATE OR	ZIP 97301	E-MAIL * mpagel@schwabe.com

Note: Attach multiple copies as needed

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

By my signature below I confirm that I understand:

- I am asking to use water specifically as described in this application.
- Evaluation of this application will be based on information provided in the application packet.
- I cannot legally use water until the Water Resources Department issues a permit to me.
- The Department encourages all applicants to wait for a permit to be issued before beginning construction of any proposed diversion. Acceptance of this application does not guarantee a permit will be issued.
- If I begin construction prior to the issuance of a permit, I assume all risks associated with my actions.
- If I get a permit, I must not waste water.
- If development of the water use is not according to the terms of the permit, the permit can be cancelled.
- The water use must be compatible with local comprehensive land use plans.
- Even if the Department issues a permit, I may have to stop using water to allow senior water right holders to get water to which they are entitled.



I (we) affirm that the information contained in this application is true and accurate.

<i>Rudolf Feimer</i> Applicant Signature	<i>RUDOLF FEIMER</i> Print Name and title if applicable	<i>1/24/17</i> Date
<i>Carolyn Feimer</i> Applicant Signature	<i>CAROLYN FEIMER</i> Print Name and title if applicable	<i>1/24/17</i> Date

Revised	App. No. <i>S-88363</i>	For Department Use	Permit No. _____	Date _____
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SECTION 2: PROPERTY OWNERSHIP

Please indicate if you own all the lands associated with the project from which the water is to be diverted, conveyed, and used.

Yes *for diversion from Chetco River

There are no encumbrances.

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

No *for diversion from Unnamed Stream

I have a recorded easement or written authorization permitting access.

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

Written authorization or an easement is not necessary, because the only affected lands I do not own are state-owned submersible lands, and this application is for irrigation and/or domestic use only (ORS 274.040).

Water is to be diverted, conveyed, and/or used only on federal lands.

List the names and mailing addresses of all affected landowners (*attach additional sheets if necessary*).

Eddy Living Trust, Robin and Joan Eddy Trustees, 99665 Piling Hold Road, Brookings, OR 97415.

Tax Lot 1400; Map 4013-36B

You must provide the legal description of: 1. The property from which the water is to be diverted, 2. Any property crossed by the proposed ditch, canal or other work, and 3. Any property on which the water is to be used as depicted on the map.

SECTION 3: SOURCE OF WATER

A. Proposed Source of Water

Provide the commonly used name of the water body from which water will be diverted, and the name of the stream or lake it flows into. If unnamed, say so:

Source 1: Chetco River Tributary to: Pacific Ocean

Source 2: Unnamed Stream Tributary to: Chetco River

Source 3: Tributary to:

Source 4: Tributary to:

If any source listed above is stored water that is authorized under a water right permit, certificate, or decree, attach a copy of the document or list the document number (for decrees, list the volume, page and/or decree name).

B. Applications to Use Stored Water

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

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Yes.

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No. (Please enclose a copy of your written notification to the operator of the reservoir of your intent to file this application, which you should have already mailed or delivered to the operator.)

8-88763

If *all* sources listed in item 3A are stored water, the Department will review your application using the expedited process provided in ORS 537.147, unless you check the box below. Please see the instruction booklet for more information.

By checking this box, you are requesting that the Department process your application under the standard process outlined in ORS 537.150 and 537.153, rather than the expedited process provided by ORS 537.147. To file an application under the standard process, you must enclose the following:

- A copy of a signed non-expired contract or other agreement with the owner of the reservoir (if not you) to impound the volume of water you propose to use in this application.
- A copy of your written agreement with the party (if any) delivering the water from the reservoir to you.

SECTION 4: WATER USE

Provide the amount of water you propose to use from each source, for each use, in cubic feet-per-second (cfs) or gallons-per-minute (gpm). If the proposed use is from storage, provide the amount in acre-feet (af):
(1 cfs equals 448.8 gpm. 1 acre-foot equals 325,851 gallons or 43,560 cubic feet)

SOURCE	USE	PERIOD OF USE	AMOUNT
Chetco River & Unnamed Stream	Human Consumption	All Year	*0.005 <input checked="" type="checkbox"/> cfs <input type="checkbox"/> gpm <input type="checkbox"/> af
			<input type="checkbox"/> cfs <input type="checkbox"/> gpm <input type="checkbox"/> af
			<input type="checkbox"/> cfs <input type="checkbox"/> gpm <input type="checkbox"/> af
			<input type="checkbox"/> cfs <input type="checkbox"/> gpm <input type="checkbox"/> af

*Water will be diverted from only one source at a time with amount not to exceed 0.005 cfs and 500 gallons per day

For irrigation use only:

Please indicate the number of primary and supplemental acres to be irrigated.

Primary: _____ Acres Supplemental: _____ Acres

List the Permit or Certificate number of the underlying primary water right(s): _____

Indicate the maximum total number of acre-feet you expect to use in an irrigation season: _____

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

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SECTION 5: WATER MANAGEMENT

A. Diversion and Conveyance

What equipment will you use to pump water from your source?

Pump (give horsepower and type): 1-1.5 HP Submersible - Chetco River

Other means (describe): Gravity from Unnamed Stream

Provide a description of the proposed means of diversion, construction, and operation of the diversion works and conveyance of water.

Chetco, submersible pump/fish screen installed in river, removed in winter. Unnamed Stream, small enclosed concrete cistern installed in edge of creek.

B. Application Method

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

Chetco, water is pumped via a pipe line to a storage tank. Unnamed Stream, water flows by gravity pipe line to same storage tank. The water is treated with chlorine and then piped to the residence.

C. Conservation

Please describe why the amount of water requested is needed and measures you propose to: prevent waste; measure the amount of water diverted; prevent damage to public uses of affected surface waters.

Ground water source is not available, please see Section 9 remarks. No waste is possible as the delivery system is a closed system, water use can be metered. There is no contact with surface water after diversion.

SECTION 6: RESOURCE PROTECTION

In granting permission to use water from a stream or lake, the state encourages, and in some instances requires, careful control of activities that may affect the waterway or streamside area. See instruction guide for a list of possible permit requirements from other agencies. Please indicate any of the practices you plan to undertake to protect water resources.

Diversion will be screened to prevent uptake of fish and other aquatic life.

Describe planned actions:

Chetco river Diversion, screened to meet ODFW requirements. Unnamed Stream, seasonal flow (winter) no fish present.

Excavation or clearing of banks will be kept to a minimum to protect riparian or streamside areas.

Describe planned actions:

Not required.

Operating equipment in a water body will be managed and timed to prevent damage to aquatic life.

Describe:

Pumping from Chetco River will be by submersible pump controlled by electric demand switch in storage tank.

Water quality will be protected by preventing erosion and run-off of waste or chemical products.

Describe:

No erosion or runoff is possible,

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SECTION 7: PROJECT SCHEDULE

Date construction will begin: July 2017 (upon approval)

Date construction will be completed: September 2017

Date beneficial water use will begin: September 2017

SECTION 8: WITHIN A DISTRICT

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

Irrigation District Name	Address	
City	State	Zip

SECTION 9: REMARKS

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

SEE ATTACHED

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Remarks

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Section 9 – Remarks

This application requests water for year-round human consumption purposes to serve an existing home adjacent to the Chetco River. The applicants, Mr. and Mrs. Feimer, have no other feasible option for providing water to the home. The existing water system was in place when Mr. and Mrs. Feimer purchased the home in 2006, and has been in use consistently since the home was originally constructed in 1986. Until August, 2015, Mr. and Mrs. Feimer were unaware that the existing surface water diversion requires a water right. At that time they discovered the need to obtain a water right only when they attempted to sell the home and a prospective sale fell through because of the lack of an authorized source of supply. They had not previously been contacted by any local, state or federal agency regarding the water use or notifying them of the need for authorization.

After learning of the problem, Mr. and Mrs. Feimer submitted Application S-88230, requesting authorization for domestic use. That application was voluntarily withdrawn by Mr. and Mrs. Feimer in July, 2016, after OWRD issued an Initial Review stating the application would be denied on the basis of a finding that water is not available, based on an 80% exceedance evaluation for the Chetco River.

This application requests an exception to the 80% water availability calculation, as permitted under OAR 690-410-0070(2)(a). Under the rule, when a stream is otherwise over-appropriated to the extent that water is not available based on the 80% exceedance methodology, “some additional uses may be allowed where the public interest in those uses is high and uses are conditioned to protect instream values.” There can be no question that water for human consumption constitutes a high public interest. ORS 536.310(3) expresses state policy that adequate and safe supplies of water are to be preserved and protected for human consumption. ORS 536.310(12) provides that when proposed uses of water are in conflict, or supplies are inadequate for all who desire to use them, preference shall be given to human consumption over all other uses. Applicable OWRD guidance documents also confirm the Department’s previous determination of a high public interest in providing water for human consumption needs. *See*, OWRD Guidance Memo dated August 15, 2008 relating to Water Availability Determinations for HC [human consumption] applications; Guidance Memo dated December 5, 1996, relating to Human Consumption and Instream Water Rights; Guidance Memo dated August 26, 1996, relating to Instream Water Right “Exceptions” and human consumption use.

To help protect instream values, as required under OAR 690-410-0070(2)(a), Mr. and Mrs. Feimer have proposed limiting the use to “human consumption”, with a maximum volume of 500 gallons per day. The system operates with no evaporative or seepage losses, to ensure maximum efficiency, and the existing point of diversion on the Chetco River is already screened to protect fish. Similar conditions have been determined adequate pursuant to the OWRD guidance documents described above, and as evidenced in previous permit decisions. *See*, Certificate 91164 issued to a neighboring landowner along the Chetco River.

Mr. and Mrs. Feimer have explored and exhausted all other feasible sources of water for the property. As documented in the attached materials, originally submitted with Application S-88230, groundwater is not an option. The Feimers have been advised that there is only one location within their ownership that might be suitable for a well, but the likelihood of gaining

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access to groundwater is only 50/50, and development at that location would require access for well construction equipment through a neighbor's property. Unfortunately, the neighbor is unable to give permission for such access because of concerns for potential damage to his property. A copy of the neighbor's letter denying access is attached. Municipal water is not available because the property is not within the service area for the City of Brookings or Harbor Water District.

Before withdrawing their previous application for "domestic" use, the Feimers also explored options for securing mitigation to offset their proposed new use. A search of other existing water rights in the area showed only a small number of such rights, and no existing water rights that were available to be acquired for mitigation or transfer.

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Application Map

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Land Use Form

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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: RUDOLF AND CAROLYN FEIMER
First Last

Mailing Address: 99731 SOUTH BANK CHETCO RIVER ROAD

BROOKINGS OR 97415 Daytime Phone: 541-661-0571
City State Zip

A. Land and Location

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

Township	Range	Section	¼ ¼	Tax Lot #	Plan Designation (e.g., Rural Residential/RR-5)	Water to be:			Proposed Land Use:
40	13W	36B	NWNW	1300	RR-5	<input checked="" type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	RESIDENCE
						<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:

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B. Description of Proposed Use

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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) CHETCO RIVER / UNNAMED STREAM

Estimated quantity of water needed: 0.005 cubic feet per second
 gallons per minute
 acre-feet

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

Briefly describe:

DOMESTIC WATER RIGHT FROM CHETCO RIVER AND UNNAMED STREAM FOR RESIDENCE USE AT 99731 SOUTH BANK CHETCO RIVER ROAD.

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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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): CC20 Residential accessory uses permitted
- 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.

Single-family dwelling = accessory uses permitted
Outright in the Rural Residential Zone

Name: Jerry Friths Title: City Administrator/Planning Director
 Signature: [Signature] Phone: 503-277-7029 Date: 5/9/2016
 Government Entity: City of Bull Run for Clatsop County per 16th City Planning Services dated 4/16/2016

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.

Water Resources Department Customer Service Group at 503-201-0001

5-88762

Deed

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SALEM, OR

P-88363

Document Prepared by:
Maria Williams
Partial Release Department
7105 Corporate Drive, Bldg B
Plano Texas 75024

CURRY COUNTY, OREGON 2015-03503
LAND
Cnt=1 Pgs=8 RECC 09/22/2015 03:48 PM
\$92.00

Original Document
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AND WHEN RECORDED MAIL TO:
Bank of America, N.A.
7105 Corporate Drive, Bldg B
TX2-981-03-25
Plano Texas 75024

I Renee' Kolen, County Clerk, certify that the
within document was received and duly recorded
in the official records of Curry County.



Renee' Kolen - Curry County Clerk

MODIFICATION TO DEED OF TRUST

This Modification to Deed of Trust ("Modification"), is made this 15 day of September 2015 among Bank of America, N.A. ("Beneficiary"), ReconTrust Company, N.A. ("Trustee") and Rudolf Feimer and Carolyn A Feimer, as tenants by the entirety (the "Borrower(s)") (collectively referred to herein as the "parties").

RECITALS

This Modification is made with reference to the following facts:

A. The Borrower(s) made, executed, and delivered to Mortgage Electronic Registration Systems, Inc., as designated nominee for Bank of America, N.A., beneficiary of the security instrument, and its successors and assigns, that certain DEED OF TRUST, dated October 26, 2009, and recorded on November 4, 2009, as Document No./Instrument No. 2009-4981, at Book N/A, Page N/A, in the Official Records in the Office of the County Recorder of Curry County, State of Oregon ("Deed of Trust"), securing a Note dated October 26, 2009, in the principal amount of \$240,000.00 in favor of the Beneficiary and legally describing the real property as follows:

SEE EXHIBIT A ATTACHED HERETO AND MADE A PART HEREOF.

B. Whereas, the Deed of Trust was assigned to Bank of America, N.A. by Assignment of Deed of Trust, dated June 22, 2015, and recorded July 6, 2015, in Document # 2015-02346; and

C. The purpose of this Modification is for lot line adjustment.

TERMS OF MODIFICATION

1. For value received, the parties hereto do hereby modify said DEED OF TRUST to provide that the legal description therein shall be as follows ("Secured Property"):

SEE EXHIBIT B ATTACHED HERETO AND MADE A PART HEREOF.

2. The Borrower(s) irrevocably grant(s) and convey(s) the Secured Property to Trustee under the Deed of Trust together with power of sale subject to each and all of the terms and conditions of the Deed of Trust, including this Modification thereto.

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MAY 19 2016

C3_10906 ModtoDOTNonMers 17065 1/28/2014

SALEM, OR

SALEM, OR

WHEN RECORDED RETURN TO:
FIRST AMERICAN TITLE COMPANY
P.O. BOX 1750
BROOKINGS, OR 97415
2485491

P-99363
P-99230

this Modification. In the event of any inconsistency between the provisions of this Modification and the original Deed of Trust, the provisions of this Modification shall control. The Deed of Trust, herein modified, when signed by all parties hereto, shall constitute one Deed of Trust.

4. This Modification shall inure to and bind the heirs, devisees, successors and assigns of the parties hereto.

END OF PAGE

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MAY 19 2016

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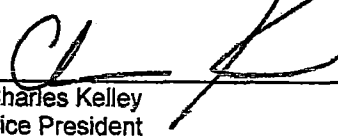
P-88363

P-88350

5. This Modification may be executed in counterparts, but shall be of no force and effect unless and until all parties to this Modification have duly executed this document.


IN WITNESS WHEREOF, the parties hereto have executed this Modification the day and year first above written.

ReconTrust Company, N.A., as Trustee



Charles Kelley
Vice President


Bank of America, N.A.



Lisa M Hill
Assistant Vice President



Borrower: Rudolf Feimer



Borrower: Carolyn A Feimer

(ALL SIGNATURES MUST BE ACKNOWLEDGED)

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MAY 19 2016

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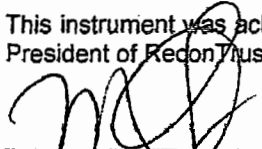
S-88263

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State of Texas
County of Collin

Certificate of Acknowledgement

This instrument was acknowledged before me on 9-15-15 (date) by Charles Kelley, Vice President of Redon Trust Company, N.A., a national association corporation, on behalf of said corporation.



Signature of Notary
Maria Lugo Notary



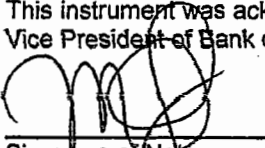
TYPE OF DOCUMENT:
DOCUMENT DATE:

Modification to Deed of Trust
Sept 15 2015

State of Texas
County of Collin

Certificate of Acknowledgement

This instrument was acknowledged before me on 9-15-15 (date) by Lisa M Hill, Assistant Vice President of Bank of America, N.A., a national association corporation, on behalf of said corporation.



Signature of Notary
Maria Lugo Notary



TYPE OF DOCUMENT:
DOCUMENT DATE:

Modification to Deed of Trust
Sept 15 2015

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MAY 19 2016

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S-88270

CERTIFICATE OF ACKNOWLEDGMENT

STATE OF Oregon

COUNTY OF Curry

On Sept. 22, 2015, before me, Sarah Lindsey Harris ~~Rudolf Feimer~~ ^{Ut}, personally appeared Rudolf Feimer, known to me ~~(or proved to me on the oath of~~ ^{or through} ~~)~~, to

be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he/she executed the same for the purposes and consideration therein expressed.

WITNESS MY HAND AND OFFICIAL SEAL

Sarah Lindsey Harris



CERTIFICATE OF ACKNOWLEDGMENT

STATE OF Oregon

COUNTY OF Curry

On Sept. 22, 2015, before me, Sarah Lindsey Harris ~~Carolyn A. Feimer~~ ^{Ut}, personally appeared Carolyn A. Feimer, known to me ~~(or proved to me on the oath of~~ ^{or through} ~~)~~, to

be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he/she executed the same for the purposes and consideration therein expressed.

WITNESS MY HAND AND OFFICIAL SEAL

Sarah Lindsey Harris



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P-88363
P-88270

Exhibit A

Lot Eight (8), Block One (1), MYRTLE GROVE ESTATES SUBDIVISION, County of Curry, and State of Oregon.

ALSO a parcel of land being a portion of Lot Nine (9), MYRTLE GROVE ESTATES SUBDIVISION, as recorded in Plat Book: 2 Pages: 140-141, official records of Curry County, Oregon, being more particularly described as follows:

Beginning at a point North 41° 59' 15" West 21.65 feet from the most Southerly Corner common to Lots 8 and 9;

Thence South 65° 15' 28" West 38.22 feet to the beginning of a 50.00 foot radius curve to the right, having a central angle of 112° 01' 55";

Thence along said curve the arc length of 97.77 feet, the long chord of which bears North 58° 43' 35" West 92.92 feet;

Thence North 02° 42' 37" West 26.22 feet to a point lying on the boundary line common to said Lots 8 and 9;

Thence North 88° 45' 51" East along said boundary 57.79 feet;

Thence South 41° 59' 15" East continuing along said boundary 73.31 feet to the Point of Beginning.

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S-88363
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Feimer
Adjusted Parcel
40-13-36B Tax Lot 1300

EXHIBIT B

Lot 8, Block 1, Myrtle Grove Estates Subdivision, Curry County, Oregon.

TOGETHER WITH a parcel of land being a portion of Lot 9, Block 1, Myrtle Grove Estates Subdivision, Curry County, Oregon more particularly described as follows:

BEGINNING at a point North 41°59'15" West 21.65 feet from the most Southerly corner common to Lots 8 and 9;
thence South 65°15'28" West 38.22 feet to the beginning of a 50.00 foot radius curve to the right, having a central angle of 112°01'55";
thence, along said curve the arc length of 97.77 feet, the long chord of which bears North 58°43'35" West 82.92 feet;
thence North 02°42'37" West 26.22 feet to a point lying on the boundary line common to said Lot 8 and 9;
thence North 88°45'51" East along said boundary 57.79 feet;
thence South 41°59'15" East continuing along said boundary 73.31 feet to the POINT OF BEGINNING.

ALSO TOGETHER WITH a parcel of land being a portion of Lot 7, Block 1, Myrtle Grove Estates Subdivision, Curry County, Oregon more particularly described as follows:

COMMENCING at the most southerly corner common to Lots 7 and 8 of said Myrtle Grove Estates;
thence, along the common boundary of said Lots 7 and 8, North 34°45'20" West (record North 35°16'49" West) a distance of 133.84 feet to the TRUE POINT OF BEGINNING;
thence, continuing along said common boundary, North 34°45'20" West a distance of 56.16 feet;
thence, continuing along said common boundary, North 54°20'08" West (record North 54°51'37" West) a distance of 101.52 feet;
thence, leaving said common boundary, South 74°58'02" East a distance of 83.96 feet;
thence South 21°47'39" East a distance of 89.99 feet to the POINT OF BEGINNING.

EXCEPTING THEREFROM a parcel of land being a portion of Lot 8, Block 1, Myrtle Grove estates Subdivision, Curry County, Oregon more particularly described as follows:

BEGINNING at the most southerly corner common to Lots 7 and 8 of said Myrtle Grove Estates;
thence, along the common boundary of said Lots 7 and 8, North 34°45'20" West (record North 35°16'49" West) a distance of 133.84 feet;
thence, leaving said common boundary, South 21°47'39" East a distance of 138.17 feet, more or less, to the northerly Right of Way of the South Bank Chetco River County Road No. 808, said point being the beginning of a non-tangent curve, to the right, with a radius of 597.96 feet, from which the long chord bears North 53°44'19" East a distance of 31.00 feet;
thence, northeasterly along said Right of Way, along the arc through a central angle of 02°58'15", an arc distance of 31.01 feet to the POINT OF BEGINNING.

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S-22863

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ALSO TOGETHER WITH an appurtenant easement for on-site sanitary sewer disposal system over that portion included within the following described lines:

BEGINNING FOR REFERENCE at the most southerly corner common to Lots 7 and 8 of said Myrtle Grove Estates;

thence, along the common boundary of said Lots 7 and 8, North 34°45'20" West (record North 35°16'49" West) a distance of 133.84 feet to THE TRUE POINT OF BEGINNING;

thence South 21°47'39" East a distance of 86.33 feet;

thence North 54°22'10" East a distance of 19.37 feet;

thence North 34°45'20" West a distance of distance of 83.84 feet to THE TRUE POINT OF BEGINNING.

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P-88230

Authorization for Access

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S-88363

May 9, 2016

Rudy and Carol Feimer
99731 S. Bank Chetco River Road
Brookings, Oregon 97415

Dear Rudy and Carol

This is in regards to the creek that runs adjacent to and through Lot 8, your lot, and Lot 9, our lot, located in the Myrtle Grove Estates Subdivision. We are using the official Curry County Map of this subdivision. The location is approximately 20 feet from N53° 19' 47" E referenced on the map.

The Eddy Living Trust grants you the authorization for the access, installation, use, operation and maintenance of a water collection device from the unnamed creek situated in the Southeast corner of Lot 9, Block 1, Myrtle Grove Estates Subdivision, Curry County, Oregon for the use and benefit of your property, along with a water delivery pipeline running along the eastern side of the creek draw for approximately 150 feet.

This authorization is exclusively for water collection purposes and does not extend to any other use on our property.

Sincerely,



Robin and Joan Eddy, Trustees
Eddy Living Trust
99665 Piling Hole Road
Brookings, Oregon 97415

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S-00363
P-00230

January 30, 2017

Martha O. Pagel
T: Salem 503-540-4260
mpagel@schwabe.com

BY HAND DELIVERY

Dwight French
Administrator, Water Rights & Adjudication
Division
Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem OR 97301-1271

RE: Application for Human Consumption Use – Chetco River, Carolyn and Rudolf
Feimer


Dear Dwight:

The enclosed application is submitted for filing on behalf of my clients, Carolyn and Rudolf Feimer. As you and I discussed at a recent pre-application conference, the application requests use of surface water from the Chetco River and an unnamed stream for human consumption use.

Last year, the Feimers submitted a similar application for “domestic” use; however, that application was proposed for denial because of water availability limitations. As explained further in the new application materials, the Feimers are requesting an exception to the standard water availability analysis, as permitted under OAR 690-410-0070(2)(a). This is, essentially, a hardship request, in that the water is needed to serve an existing home, and the Feimers have been unable to identify an alternative source of supply. (Please see the “Remarks” section of the application for additional background and supporting analysis.)

Thank you, again, for meeting with me for the pre-application conference. We look forward to working with the Department toward a successful outcome.

Sincerely,


Martha O. Pagel

MOP:kdo
Enclosures

cc: Rudof & Carolyn A., Feimer (w/encl.)

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JAN 31 2017

SALEM, OR

8-88863



Oregon Water Resources Department
Apply for a Permit to Appropriate Surface Water

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Today's Date: Wednesday, February 01, 2017

Base Application Fee for use of Surface and optionally Stored Water.		\$800.00
Number of proposed cubic feet per second (cfs) to be diverted. (1 cfs = 448.83 gallons per minute)	.005	\$300.00
Number of proposed Use's for the appropriated water. (i.e. Irrigation, Supplemental Irrigation, Pond Maintenance, Industrial, Commercial, etc) *	1	
Number of proposed Surface Water points of diversions. **	2	\$300.00
Number of Acre Feet to be diverted from Stored Water. (if the application is appropriating water from a pond/reservoir)	0	
Permit Recording Fee. ***		\$450.00
* the 1st Water Use is included in the base cost. ** the 1st Surface Water point of diversion is included in the base cost. *** 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.	Recalculate	
Estimated cost of Permit Application		\$1,850.00

OWRD Fee Schedule

Fee Calculator Version: B20130709