

To: Oregon Water Resources Department

Please accept then enclosed Reservoir application.

We worked with Mr. Rick Lusk to complete the application. He requested that if you have any questions or need further information, to please contact him first. His phone number is 541-519-6395.

Thank you,

Brett Austin

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JUL 10 2017

SALEM, OR

R-88424



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: Brett Austin
Mailing Address: PO BOX 456 Last
Boring OR 97009
City State Zip
Phone: 503-348-1582 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.)

2. AGENT INFORMATION

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

Agent: n/a 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

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A. Reservoir Name: "Lost Dog" 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: Runoff Snow Melt Tributary to: Sawmill Creek tributary to Goose Creek
C. County in which diversion occurs: Baker

App. No. <u>R-08424</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
85	44 E	18	SENE	4301

E. Dam: Maximum height of dam: 7 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: .70 (.67 rounded up to .70)

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

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

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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)

SALEM, OR

☒ 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.

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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). *Fish Passage not necessary*

See attached diagram

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

6-21-17
Date

Before you submit your application be sure you have:

- Answered each question completely.
- Included a legible map that includes Township, Range, Section, quarter-quarter and tax lot number.
- The map must meet map requirements to be accepted.
- Included a land use form or receipt stub signed by a local planning official.
- Included a check payable to Oregon Water Resources Department for the appropriate amount.

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WATERMASTER ALTERNATE RESERVOIR APPLICATION REVIEW SHEET

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

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

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

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

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

Application #: R-

Applicant's Name: *Brett Austin*

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

☒ NO ☐ YES

Explain:

The reservoir is located off channel. Reservoir is filled with Spring runoff. Water Availability indicates water is available for storage.

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

☒ NO ☐ YES
n/a

If YES, which conditions are recommended:

N/A

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

☒ NO ☐ YES

Who:

Agency:

Date:

Who:

Agency:

Date:

Watermaster signature:

Richard M. Lusk

Date:

6-22-2016

WRD Contact:

Caseworker:

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

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NOTE: This completed form must be returned to the applicant

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ODFW Alternate Reservoir Application Review Sheet

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This portion to be completed by the applicant.

Applicant Name/Address/Phone/Email: Brett Austin, PO Box 33615, PortlandOR 97292Reservoir Name: Lost Dog Reservoir Source: Runoff-Snowmelt Volume (AF): .70Twp Rng Sec QQ: BS-44E-Sec1B SENE Basin Name: Sawmill Creek ☐ 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 _____ 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.

- ☒ 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.

651a: The period of use has been limited to October 1 - April 14.

¹ AO = Artificial Obstruction means any dam, diversion, culvert or other human-made device placed in waters of this state that precludes or prevents the migration of native migratory fish. ORS 509.580 (1)

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

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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)

b. 5/9: The period of use has been limited to October - April 14.

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ODFW Signature:

Timothy D. Bailey

Print Name:

Timothy D. Bailey

ODFW Title:

District Fish Biologist

Date:

8-10-16

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

Revised 10/4/12

R-88424

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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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: Brett Austin
First Last

Mailing Address: _____

PO BOX 456

BORING OR 97009 Daytime Phone: 503-348-1582
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:
<u>B S</u>	<u>44 E</u>	<u>18</u>	<u>SENE</u>	<u>4301</u>	<u>Timber/Grazing</u>	☒ Diverted	☒ Conveyed	☒ Used	<u>Reservoir</u>
						☐ Diverted	☐ Conveyed	☐ Used	
						☐ Diverted	☐ Conveyed	☐ Used	
						☐ Diverted	☐ Conveyed	☐ Used	

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

Baker County RECEIVED BY OWRD
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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) _____

Estimated quantity of water needed: .70 ☐ cubic feet per second ☐ gallons per minute ☒ acre-feet

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

Briefly describe:

Small multi-purpose reservoir, off channel, no creek channel, fed by snow melt. Multi-purpose for fire protection.

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. →

R-00424

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): _____

☐ 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:	
		☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued
		☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued
		☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued
		☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued
		☐ Obtained ☐ Denied	☐ Being Pursued ☐ 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.

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Name: ERA Ceder Title: Senior Planner

Signature: [Signature] Phone: 541-523-8219 Date: 06/22/16

Government Entity: Baker County Planning Department

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: _____

R-88424

B13370032



After recording return to:

Brett J. Austin
 PO Box 33615
 Portland, OR 97292

Until a change is requested all tax statements
 shall be sent to the following address:

Brett J. Austin
 PO Box 33615
 Portland, OR 97292

Escrow No. BA-30941JP
 Title No. 0030941
 SWD1 r.020212

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SALEM, OR

STATUTORY WARRANTY DEED

Joseph Musgrove and Teresa Musgrove, as tenants by the entirety,

Grantor(s), hereby convey and warrant to

Brett J. Austin,

Grantee(s), the following described real property in the County of BAKER and State of Oregon free of encumbrances except
 as specifically set forth herein:

See Attached Legal Description

FOR INFORMATION PURPOSES ONLY, THE MAP/TAX ACCT #(S) ARE REFERENCED HERE:

Ref#17596 Code#6105	08S44 TL #4301
Ref#12460 Code#6105	08S44 TL#4300
Ref#17512 Code#6105	08S44 TL#1101
Ref#17511 Code#6105	08S44 TL#1001

The true and actual consideration for this conveyance is \$285,000.00.

The above-described property is free of encumbrances except all those items of record, if any, as of the date of this deed and
 those shown below, if any:

2013-2014 Real Property Taxes a lien 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 this 12 day of September, 2013.

Joseph Musgrove
 Joseph Musgrove

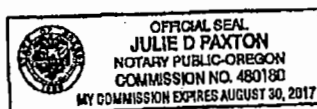
Teresa Musgrove

BY:

Teresa Musgrove
 Joseph Musgrove, Attorney in Fact
By Joseph Musgrove
Attorney in Fact

State of Oregon
 County of BAKER

This instrument was acknowledged before me on Sept 12th, 2013 by Joseph Musgrove individually and as attorney in
 fact for Teresa Musgrove.



Julie D. Paxton
 (Notary Public for Oregon)
 My commission expires 8/30/17

R-88924

LEGAL DESCRIPTION

B13370033

"EXHIBIT A"

Government Lots 12 and 13, and the North half of the Southeast quarter of Section 18, Township 8 South, Range 44 East, in the County of Baker and State of Oregon.

ALSO all that portion of Government Lot 11 of Section 18, Township 8 South, Range 44 East, in the County of Baker and State of Oregon, lying South of County Road No. 852 (also known as Sparta Lane).

ALSO all that portion of the following described parcel lying within the Northeast quarter of Section 18, Township 8 South, Range 44 East, in the County of Baker and State of Oregon, and lying South of County Road No. 852 (also known as Sparta Lane):

THE SAWMILL GULCH CONSOLIDATED PLACER MINING CLAIM, designated by the Surveyor General as Lot 39, Mineral Certificate No. 103, embracing portions of Sections 7, 17 and 18, Township 8 South, Range 44 East of the Willamette Meridian, and a portion of Section 12, Township 8 South, Range 43 East of the Willamette Meridian, in the County of Baker and State of Oregon, the United States Patent therefor dated December 20, 1894, recorded May 3, 1902, in Book 43, Page 631, Baker County Deed Records, more particularly described as follows, with magnetic variations as hereinafter stated:

BEGINNING at Corner No. 1, a post 4 inches square marked Cor. No. 1, S.M.G. C.P.C., Sur. 232, with mound of stone, from which the quarter section corner between Sections 16 and 17, Township 8 South, Range 44 East of the Willamette Meridian, bears South 40°45' East 6 chains and 92 links distant, a pine 18 inches in diameter marked Cor. No. 1, S.M.G. C.P.C., Sur. 232 BT bears North 82° West 8 links distant, and a pine 12 inches in diameter marked Cor. No. 1, S.M.G. C.P.C., Sur. 232 BT bears South 57° West 29 links distant; thence first course, magnetic variation 20° East, North 87°30' West 10 chains and 95 links to Corner No. 2; thence second course, magnetic variation 20°15' East, South 78°30' West 12 chains and 61 links to Corner No. 3; thence third course, magnetic variation 20°15' East, South 76°45' West 6 chains and 96 links to Corner No. 4; thence fourth course, magnetic variation 21° East, South 83° West 4 chains and 54 links to Corner No. 5; thence fifth course, magnetic variation 20°30' East, South 84° West 16 chains and 18 links to Corner No. 6; thence sixth course, magnetic variation 22° East, North 79°15' West 10 chains and 57 links to Corner No. 7; thence seventh course, magnetic variation 22° East, North 62°30' West 16 chains and 22 links to intersect the line between Sections 17 and 18, said township and range, at a point North 8 chains and 83 links from the quarter section corner between said Sections 17 and 18, 18 chains and 29 links to Corner No. 8, from which the Northeast corner of a bridge across Sawmill Creek bears North 79°30' West 2 chains and 58 links distant; thence eighth course, magnetic variation 22°15' East, North 55°30' West 22 chains and 39 links to Corner No. 9; thence ninth course, magnetic variation 22° East, South 88°30' West 22 chains and 28 links to Corner No. 10; thence tenth course, magnetic variation 21°45' East, North 57°30' West 9.61 feet to Corner No. 11; thence eleventh course, magnetic variation 22° East, North 20° West 14 chains and 25 links to intersect the line between said Sections 7 and 18 at a point East 24 chains and 62 links from the Northwest corner of said Section 18, 14 chains and 71 links to Corner No. 12; thence twelfth course, magnetic variation 21°30' East, North 84°45' West 8 chains and 15 links to Corner No. 13; thence thirteenth course, magnetic variation 21°30' East, South 62° West 2 chains and 80 links to intersect the line between said Sections 7 and 18 at a point East 13 chains and 93 links from the Northwest corner of said Section 18, 5 chains and 20 links to Corner No. 14; thence fourteenth course, magnetic variation 21°30' East, North 61° West 2 chains and 39 links to intersect the line between said Sections 7 and 18 at a point East 9 chains and 62 links from the Northwest corner of said Section 18, 9 chains and 46 links to Corner No. 15; thence fifteenth course, magnetic variation 21° East, North 27° West 4 chains and 27 links to Corner No. 16; thence sixteenth course, magnetic variation 21°30' East, North 02°30' East 6 chains and 84 links to Corner No. 17; thence seventeenth course, magnetic variation 21°15' East, North 05° East 6 chains and 84 links to Corner No. 18; thence eighteenth course, magnetic variation 21° East, North 86°30' West 65 links to said Sawmill Creek, 2 chains and 51 links to intersect the township line between Township 8 South, Range 43 East of the Willamette Meridian, and Township 8 South, Range 44 East of the Willamette Meridian, at a point North 20 chains and 98 links from the Northwest corner of said Section 18, 4 chains and 53 links to Corner No. 19; thence nineteenth course, magnetic variation 21° East, South 03° West 13 chains and 44 links to Corner No. 20;

Reference: Title Order No. 0030941
Escrow No. BA-30941JP

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thence twentieth course, magnetic variation 21° East, South 42°30' East 3 chains and 86 links to intersect said township line at a point North 4 chains and 54 links from the Northwest corner of said Section 18, 10 chains and 15 links to intersect the line between said Sections 7 and 18 at a point East 4 chains and 24 links from the Northwest corner of said Section 18, 18 chains and 35 links to Corner No. 21; thence twenty-first course, magnetic variation 21°30' East, South 62°15' East 14 chains and 74 links to Corner No. 22; thence twenty-second course, magnetic variation 21°15' East, South 54° East 26 chains and 67 links to Corner No. 23; thence twenty-third course, magnetic variation 21° East, North 85°30' East 11 chains and 98 links to Corner No. 24; thence twenty-fourth course, magnetic variation 21° East, South 80° East 10 chains and 95 links to Corner No. 25; thence twenty-fifth course, magnetic variation 21° East, South 62°55' East 14 chains and 54 links to intersect the line between said Sections 17 and 18 at a point North 4 chains and 31 links from the quarter section corner between said Sections 17 and 18, 17 chains and 70 links to Corner No. 26; thence twenty-sixth course, magnetic variation 20°45' East, South 64°45' East 16 chains and 37 links to Corner No. 27; thence twenty-seventh course, magnetic variation 20°45' East, South 78°30' East 5 chains and 29 links to Corner No. 28; thence twenty-eighth course, magnetic variation 20°30' East, North 79°20' East 2 chains and 26 links to Squaw Gulch Creek, 13 chains and 69 links to Corner No. 29; thence twenty-ninth course, magnetic variation 21°30' East, North 82°30' East 12 chains and 8 links to Corner No. 30; thence thirtieth course, magnetic variation 21°30' East, North 78° East 12 chains and 84 links to Corner No. 31; thence thirty-first course, magnetic variation 21° East, North 89°30' East 10 chains and 39 links to Corner No. 32; thence thirty-second course, magnetic variation 21° East, North 86°30' East 4 chains and 55 links to Corner No. 33; thence thirty-third course, magnetic variation 21° East, North 02°30' West 2 chains and 98 links to Corner No. 1, the POINT OF BEGINNING.

STATE OF OREGON

County of Baker

} SS

I certify that this instrument was
received and recorded in the book of
records of said county.

Tamara J. Green
Baker County Clerk

by: *Cindy Carpenter* Deputy.

DOC#: B13370032

51.00

9/13/2013 8:51 AM

REFUND: .00

Reference: Title Order No. 0030941
Escrow No. BA-30941JP

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JUL 10 2017

SALEM, OR

R-88424

MENU OF CONDITIONS FOR WRD, ODFW, DEQ AND ODA

Revised June 24, 2011

JUL 10 2017

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-pass facility, waiver, or exemption must be obtained from the department prior to construction, permit modification or abandonment of the AO. Approved fish-pass 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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