

# 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.oregon.gov/OWRD

## SECTION 1: APPLICANT INFORMATION AND SIGNATURE

### Applicant

NAME LESLIE C. AND RACHAEL A. MARTIN		PHONE (HM) NONE	
PHONE (WK) 541-778-3982	CELL 541-778-3982	FAX NONE	
ADDRESS 11777 HIGHWAY 238			
CITY JACKSONVILLE	STATE OR	ZIP 97530	E-MAIL * LES@REDLILYVINEYARDS.COM

### Organization

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

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

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

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 proposed and final order documents will also be mailed.)

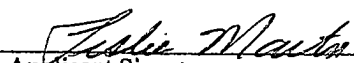
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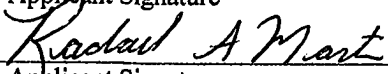
AUG 06 2018

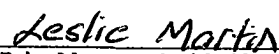
By my signature below I confirm that I understand:

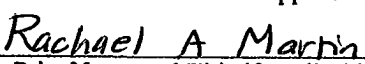
- I am asking to use water specifically as described in this application.
- Evaluation of this application will be based on information provided in the application.
- I cannot legally use water until the Water Resources Department issues a permit.
- The Department encourages all applicants to wait for a permit to be issued before beginning construction of the 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 receive 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 receive water to which they are entitled.

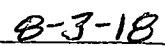
I (we) affirm that the information contained in this application is true and accurate

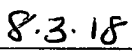
  
Applicant Signature

  
Applicant Signature

  
Print Name and Title if applicable

  
Print Name and Title if applicable

  
Date

  
Date



Oregon Water Resources Department  
Stored Water Only Applications - Expedited Secondary

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

Today's Date: Tuesday, August 7, 2018

Base Application Fee.		\$520.00
Acre feet of Stored Water to be diverted.	121.5	\$822.40
Permit Recording Fee. ***		\$520.00
*** the Permit Recording Fee is not required when the application is submitted but, must be paid before a permit will be issued. It is fully refundable if a permit is not issued. If the recording fee is not paid prior to issuance of the Final Order, permit issuance will be delayed.	<a href="#">Recalculate</a>	
Estimated cost of Permit Application		\$1,862.40

OWRD Fee Schedule

Fee Calculator Version: B20170117

August 3, 2018

Oregon Water Resources Department  
725 Summer Street N. E., Suite A  
Salem, OR 97301-1271

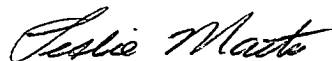
Attn: Surface Water Applications

Attached please find our application for Permit to Use Surface Water, stored water from Applegate Lake Reservoir. Our contract application has been sent to the U.S. Bureau of Reclamation, a copy is included with our surface water application.

The requested permit is to replace existing Certificates 57655 and 57656 which are to be cancelled at the time the new permit is issued. In the event that the new permit is not issued, Certificates 57655 and 57656 are NOT to be cancelled.

Please contact us if you have any concerns or questions.

Sincerely,



Leslie C. Martin  
11777 Highway 238  
Jacksonville, OR 97530  
541-778-3982



Rachael A. Martin  
11777 Highway 238  
Jacksonville, OR 97530

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S-88655

## 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.

Please submit the original application and signatures to the Water Resources Department. Applicants are encouraged to keep a copy of the completed application.

- SECTION 1: Applicant Information and Signature
- SECTION 2: Property Ownership
- SECTION 3: Source of Water
- SECTION 4: Sensitive, Threatened or Endangered Fish Species Public Interest Information
- SECTION 5: Water Use
- SECTION 6: Water Management
- SECTION 7: Resource Protection
- SECTION 8: Project Schedule
- SECTION 9: Within a District
- SECTION 10: Remarks

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#### Include the following additional items:

- Land Use Information Form with approval and signature of local planning department (*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: \$ 1342.40  
See the Department's Fee Schedule at [www.oregon.gov/owrd](http://www.oregon.gov/owrd) or call (503) 986-0900.
- Map that includes the following items:
  - 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 diversion, 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 identified clearly.
  - 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)

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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.

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- YES, there are no encumbrances.
- YES, the land is encumbered by easements, rights of way, roads or other encumbrances.
- NO, I have a recorded easement or written authorization permitting access.
- NO, I do not currently have written authorization or easement permitting access.
- NO, 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).
- NO, because water is to be diverted, conveyed, and/or used only on federal lands.

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**Affected Landowners:** List the names and mailing addresses of all owners of any lands that are not owned by the applicant and that are crossed by the proposed ditch, canal or other work, even if the applicant has obtained written authorization or an easement from the owner. *(Attach additional sheets if necessary).*

**Legal Description:** 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), and the locations of the point of diversion (POD):

Source 1: Applegate Lake Reservoir	Tributary to: Rogue River
TRSQQ of POD: T38S,R4W, Sec. 25 SENE	
Source 2:	Tributary to:
TRSQQ of POD:	

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**

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

- Yes.
- No. (Enclose a copy of your written notification to the operator of the reservoir of your intent to file this application, which should have been mailed or delivered to the operator.)

If *all* sources listed in Section 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: SENSITIVE, THREATENED OR ENDANGERED FISH SPECIES PUBLIC INTEREST INFORMATION**

This information must be provided for your application to be accepted as complete. The Water Resources Department will determine whether the proposed use will impair or be detrimental to the public interest with regard to sensitive, threatened or endangered fish species.

To answer the following questions, use the map provided in Attachment 3 or the link below to determine whether the proposed point of diversion (POD) is located in an area where the Upper Columbia, the Lower Columbia, and/or the Statewide public interest rules apply.

For more detailed information, click on the following link and enter the T,R,S,QQ or the Lat/Long of a POD and click on "Submit" to retrieve a report that will show which section, if any, of the rules apply:  
[https://apps.wrd.state.or.us/apps/misc/lkp\\_trsqq\\_features/](https://apps.wrd.state.or.us/apps/misc/lkp_trsqq_features/)

If you need help to determine in which area the proposed POD is located, please call the customer service desk at (503) 986-0801.

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#### **Upper Columbia - OAR 690-033-0115 thru -0130**

Is the POD located in an area where the Upper Columbia Rules apply?

Yes  No

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**If yes, you are notified** that the Water Resources Department will consult with numerous federal, state, local and tribal governmental entities so it may determine whether the proposed use is consistent with the "Columbia River Basin Fish and Wildlife Program" adopted by the Northwest Power Planning Council in 1994 for the protection and recovery of listed fish species. The application may be denied, heavily conditioned, or if appropriate, mitigation for impacts may be needed to obtain approval for the proposed use.

**If yes,**

- I understand that the proposed use does not involve appropriation of direct streamflow during the time period April 15 to September 30, except as provided in OAR 690-033-0140.
- I understand that I will install, operate and maintain a fish screen and fish passage as listed in ORS 498.301 through 498.346, and 509.580 through 509.910, to the specifications and extent required by Oregon Department of Fish and Wildlife, prior to diversion of water under any permit issued pursuant to this application.

- I understand that the Oregon Department of Environmental Quality will review my application to determine if the proposed use complies with existing state and federal water quality standards.
- I understand that I will install and maintain water use measurement and recording devices as required by the Water Resources Department, and comply with recording and reporting permit condition requirements.

**Lower Columbia - OAR 690-033-0220 thru -0230**

Is the POD located in an area where the Lower Columbia rules apply?

Yes  No

If yes, you are notified that that the Water Resources Department will determine, by reviewing recovery plans, the Columbia River Basin Fish and Wildlife Program, and regional restoration programs applicable to threatened or endangered fish species, in coordination with state and federal agencies, as appropriate, whether the proposed use is detrimental to the protection or recovery of a threatened or endangered fish species and whether the use can be conditioned or mitigated to avoid the detriment.

If a permit is issued, it will likely contain conditions to ensure the water use complies with existing state and federal water quality standards; and water use measurement, recording and reporting required by the Water Resources Department. The application may be denied, or if appropriate, mitigation for impacts may be needed to obtain approval of the proposed use.

If yes, provide the following information (the information must be provided with the application to be considered complete).

Yes  No The proposed use is for more than one cubic foot per second (448.8 gpm) and is not subject to the requirements of OAR 690, Division 86 (Water Management and Conservation Plans).

If yes, provide a description of the measures to be taken to assure reasonably efficient water use:

**Statewide - OAR 690-033-0330 thru -0340**

Is the POD located in an area where the Statewide rules apply?

Yes  No

If yes, the Water Resources Department will determine whether the proposed use will occur in an area where endangered, threatened or sensitive fish species are located. If so, the Water Resources Department, Department of Fish and Wildlife, Department of Environmental Quality, and the Department of Agriculture will recommend conditions required to achieve "no loss of essential habitat of threatened and endangered (T&E) fish species," or "no net loss of essential habitat of sensitive (S) fish species." If conditions cannot be identified that meet the standards of no loss of essential T & E fish habitat or no net loss of essential S fish habitat, the agencies will recommend denial of the application unless they conclude that the proposed use would not harm the species.

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For Department Use: App. Number: S-88685



**SECTION 5: 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
Applegate Lake Reservoir	IR	April 1 to October 31	<input type="checkbox"/> cfs <input type="checkbox"/> gpm <input checked="" 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

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

Primary: \_\_\_\_\_ Acres Supplemental: 27 Acres

If Supplemental Acres are listed, provide the Permit or Certificate number of the underlying primary water right(s): 34147

Indicate the maximum total number of acre-feet you expect to use in an irrigation season: 121.5

- 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: \_\_\_\_\_

**SECTION 6: WATER MANAGEMENT**

**A. Diversion and Conveyance**

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

- Pump (give horsepower and type): unknown at this time
- Other means (describe): \_\_\_\_\_

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

Pump direct from Applegate River, convey to place of use by buried pipeline

**B. Application Method**

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

**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.

Water application applied by timer control

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**SECTION 7: 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 per ODFW specifications in ORS 498.301 through 498.346 to prevent uptake of fish and other aquatic life.

Describe planned actions: intake screened and inspected by ODFW

- Excavation or clearing of banks will be kept to a minimum to protect riparian or streamside areas. **Note: If disturbed area is more than one acre, applicant should contact the Department of Environmental Quality to determine if a 1200C permit is required.**

Describe planned actions and additional permits required for project implementation: none required

- Operating equipment in a water body will be managed and timed to prevent damage to aquatic life. Describe planned actions and additional permits required for project implementation: None required

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

Describe planned actions: native vegetation planting along Applegate River

- List other federal and state permits or contracts to be obtained, if a water right permit is granted.

None required

**SECTION 8: PROJECT SCHEDULE**

- a) Date construction will begin: October 2018
- b) Date construction will be completed: April 2019
- c) Date beneficial water use will begin: May 2019

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**SECTION 9: WITHIN A DISTRICT**

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

Irrigation District Name	Address	
City	State	Zip

**SECTION 10: REMARKS**

Use this space to clarify any information you have provided in the application. *(Attach additional sheets if necessary).*  
The requested permit is to replace existing Certificates 57655 and 57656 which would be cancelled at the time the new permit is issued. In the event the new permit is not issued Certificates 57655 and 57656 are NOT to be cancelled.

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For Department Use: App. Number: S-88655

# 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

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Applicant(s): Leslie C. and Rachael A. Martin

Mailing Address: 11777 Highway 238

City: Jacksonville

State: OR

Zip Code: 97530

Daytime Phone: 541-778-3982 **OWRD**

## 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>38S</u>	<u>4W</u>	<u>25</u>	<u>SENE</u>	<u>801</u>	<u>EFU</u>	<input checked="" type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	<u>EFU</u>
<u>38S</u>	<u>4W</u>	<u>25</u>	<u>NWSE</u>	<u>801</u>	<u>EFU</u>	<input checked="" type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	<u>EFU</u>
<u>38S</u>	<u>4W</u>	<u>25</u>	<u>NESW</u>	<u>801</u>	<u>EFU</u>	<input checked="" type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	<u>EFU</u>
_____	_____	_____	_____	_____	_____	<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 County

## B. Description of Proposed Use

Type of application to be filed with the Water Resources Department:

- Permit to Use or Store Water   
  Water Right Transfer   
  Permit Amendment or Ground Water Registration Modification  
 Limited Water Use License   
  Allocation of Conserved Water   
  Exchange of Water

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

Estimated quantity of water needed: 121.5   
 cubic feet per second   
 gallons per minute   
 acre-feet

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

Briefly describe:

Supplemental water right from Applegate Reservoir , irrigation of vineyard 27.0 acres.

**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. →

# 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

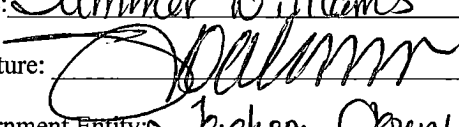
Land uses to be served by the proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s):

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:	
Farm Use	Per Table 4.2-1	<input checked="" 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.

Name: Summer Williams Title: Planner I

Signature:  Phone: 541-774-6907 Date: 7/16/18

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: \_\_\_\_\_

89

Jackson County Official Records 2006-062338  
R-WD  
Cnt=1 Str=7 WALKER 12/14/2008 08:00:00 AM  
\$20.00 \$5.00 \$11.00 Total: \$36.00



I, Kathleen S. Beckett, County Clerk for Jackson County, Oregon,  
certify that the instrument identified herein was recorded in the Clerk  
records.  
Kathleen S. Beckett - County Clerk

After recording return to:  
Leslie C. Martin  
3015 Thompson Creek Rd  
Applegate, OR 97530-9513

Until a change is requested, all tax statements shall be sent  
to the following address:  
Leslie C. Martin  
3015 Thompson Creek Rd  
Applegate, OR 97530-9513

**STATUTORY WARRANTY DEED**

Mike Wise and Ellen Wise, Grantor, conveys and warrants to Leslie C. Martin and Rachael A. Martin, as  
tenants by the entirety, Grantee, the following described real property free of encumbrances except  
as specifically set forth herein:

SEE ATTACHED EXHIBIT "A"

Tax Account No. 10309774 and 10681791

This property is free of encumbrances, EXCEPT:  
SEE EXHIBIT "A" WITH EXCEPTIONS  
The true consideration for this conveyance is \$2,980,000.00

These instructions may be required to be signed in counterparts. When all counterparts have been  
duly executed and received by you, they will be deemed to comprise one single instrument.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE  
TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY UNDER ORS 197.352. THIS  
INSTRUMENT WILL 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 APPROVED USES AND 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 197.352.

Dated 15<sup>th</sup> day of November, 2006

Mike Wise

Ellen Wise

STATE OF OREGON  
COUNTY OF JACKSON

The foregoing instrument was acknowledged before me this 15<sup>th</sup> day of November, 2006 by  
Mike Wise and ~~Ellen Wise~~.

Notary Public State of Oregon  
My commission expires: 7-10-09



Order No. 46g0468863

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S-88655

State of California  
County of San Mateo

On 11-16-06 before me, Sheri Cookson the undersigned, a Notary Public in and for said State, personally appeared Ellen Wise re

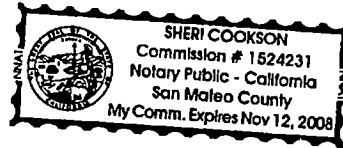
~~personally known to me~~ (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Signature Sheri Cookson

Name Sheri Cookson  
(typed or printed)

(Seal)



*[Handwritten mark]*

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Exhibit "A" with Exceptions

**TRACT A:**

That portion of the following described tracts lying Southerly of the centerline of the Applegate River: Beginning at the Northwest corner of Donation Land Claim No. 37 in Township 38 South, Range 4 West of the Willamette Meridian in Jackson County, Oregon; thence East on the North boundary of said Claim 18.50 chains to a stake; thence South 7.00 chains to the center of the County Road; thence West 9.48 chains to a stake; thence South across Applegate River 22.00 chains to a stake on the South line of said Claim; thence West on said Claim line, 9.02 chains to the Southwest corner of said Claim; thence North, along the West line of said Claim, 29.00 chains to the point of beginning. EXCEPTING THEREFROM the following: Beginning at the Northwest corner of said Donation Land Claim No. 37; thence East, along the North line of said Claim, 18.50 chains to a stake; thence South 330.0 feet, more or less, to a point on the Northerly right of way line of the now existing Oregon State Highway No. 238; thence in a Westerly direction along the North line of said Highway right of way, to the West line of said Donation Land Claim No. 37; thence North, along said West line to the point of beginning. ALSO, Beginning at the most Southerly Southeast corner of Donation Land Claim No. 37 in Township 38 South, Range 4 West of the Willamette Meridian in Jackson County, Oregon; thence North on the East line of said Claim, 12.5 chains to the Southerly line of Applegate River; thence in a Northwesterly direction along said River 23.00 chains to a stake; thence North 3.00 chains to an iron bolt in the center of the County Road; thence West 9.48 chains to a stake; thence South 22.00 chains to a stake on the South line of said Claim, which stake is 9.02 chains East from the Southwest corner of said Claim; thence East along the South line of said Claim 32.48 chains to the point of beginning. EXCEPTING from the above described tracts, the following: Beginning at a point on the Southerly right of way line of the now existing Oregon State Highway No. 238, said point being 18.50 chains East and 7.00 chains, more or less, South of the Northwest corner of Donation Land Claim No. 37 in Township 38 South, Range 4 West of the Willamette Meridian in Jackson County, Oregon; thence Northwesterly along the Southerly right of way line of said Highway No. 238, a distance of 200.0 feet; thence South 198.0 feet, more or less, to the Northerly line of the Applegate River; thence Southeasterly along said Northerly river line 200.0 feet, more or less, to a point South of the point of beginning; thence North 198.0 feet, more or less, to the point of beginning.

**TRACT B:**

That portion of Lot 6 in Section 25 in Township 38 South, Range 4 West of the Willamette Meridian in Jackson County, Oregon, lying Southerly of the thread of the stream of the Applegate River. EXCEPTING THEREFROM the following: Beginning at the Quarter Section corner common to Section 25 in Township 38 South, Range 4 West and Section 30 in Township 38 South, Range 3 West, of the Willamette Meridian in Jackson County, Oregon; thence West 219.5 feet to a 2 inch x 41 inch iron pipe; thence North 8° 55' East 700.0 feet, more or less, to the Southwesterly bank of the Applegate River; thence Southeasterly along the Southwesterly bank of said River, to a point 350.0 feet North of the point of beginning; thence South 350.0 feet to the point of beginning.

**TRACT C:**

Lot 5, the East Half of the Southwest Quarter, and the West Half of the Southeast Quarter of Section 25 in Township 38 South, Range 4 West of the Willamette Meridian in Jackson County, Oregon.

**TRACT D:**

The West 100.0 feet of the following described tract: Commencing at a point on the Southerly right of way line of the existing Oregon State Highway No. 238, said point being 18.50 chains East, and 7.0 chains South, more or less, from the Northwest corner of Donation Land Claim No. 37 in Township 38 South, Range 4 West of the Willamette Meridian in Jackson County, Oregon; thence Northwesterly, along said Southerly right of way line, to its intersection with the West line of said Claim No. 37; thence South, along said West line, to the centerline of the Applegate River; thence Easterly, upstream, along said centerline, to a point South of the true point of beginning; thence North to the true point of beginning.

Account No. 10309774, Levy Code 40-02, Map 384W25 801

**Subject to:**

1. Unpaid taxes for the year 2006-07  
Original Amount : \$6,103.72  
Unpaid Balance : \$6,103.72, plus interest  
Account No. 10309774 and 10681791; Levy Code 40-02; Map 384W25 801
2. As disclosed by the assessment and tax roll, the premises herein have been specially assessed for farm use. If the land becomes disqualified for this special assessment under the statutes, an additional tax, plus interest and penalty, will be levied for the number of years in which this special assessment was in effect for the land.  
Tax Identification : 10309774

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3

S-88685

3. Any adverse claim based on the assertion that any portion of the subject land has been removed from or brought within the subject land's boundaries by the process of accretion or reliction or any change in the location of Applegate River
4. Any adverse claim based on the assertion that any portion of the subject land has been created by artificial means or has accreted to such portions so created, or based on the provisions of ORS 274.905 to 274.940.
5. Any adverse claim based on the assertion that any portion of the subject land is now or at any time has been below the ordinary high water line of Applegate River
6. Rights of fishing, navigation, commerce, flood control, propagation of anadromous fish, and recreation, and other rights of the public, Indian tribes or governmental bodies in and to the waters of Applegate River.
7. Rights of the public, riparian owners and governmental bodies as to the use of the waters of Keeler Creek and the natural flow thereof on and across that portion of the subject land lying below the high water line of said waterway.
8. The rights of the public in and to that portion of the herein described property lying within the limits of Highway 238.
9. An easement created by instrument, including the terms and provisions thereof,  
 Recorded : September 13, 1904  
 As : Volume 50, , Page 356  
 For : Water ditch
10. An easement created by instrument, including the terms and provisions thereof,  
 Recorded : July 26, 1940  
 As : Volume 226, , Page 572  
 In favor of : PacifiCorp, an Oregon corporation, or its predecessor in interest  
 For : Transmission and distribution of electricity, and other purposes
11. The premises herein described are within the Applegate Valley Irrigation District, notice of which appears in instrument recorded December 13, 1968 as No. 68-12013, and are subject to the statutory powers thereof, including the power of assessment. As of the date of this report/policy, said district is inactive.
12. A perpetual easement and right of way, including, but not limited to, the right and privilege to locate, construct, relocate, maintain, control and repair a road way over and across, together with rights an privileges in connection therewith, granted to the United States of America, by instrument recorded December 31, 1969, as No. 69-11794, Official Records.
13. A perpetual easement and right of way, including, but not limited to, the right and privilege to locate, construct, relocate, maintain, control and repair a road way over and across, together with rights an privileges in connection therewith, granted to the United States of America, by instrument recorded April 2, 1976, as No. 76-05004, Official Records.

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4 B

S-00655

# CONTRACT DATA SHEET



Bureau of Reclamation  
Attn: PN-6324  
1150 N. Curtis Road  
Boise, ID 83706-1234  
208-378-5344

**RECLAMATION**  
*Managing Water in the West*

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1. Applicant Information:

OWRD

A. Landowners

- 1) Name of Landowner(s): LESLIE C. AND RACHAEL A. MARTIN
- 2) Address: 11777 HIGHWAY 238, JACKSONVILLE, OR 97530
- 3) Mailing Address (if different): \_\_\_\_\_
- 4) Taxpayer Identification Number(s): \_\_\_\_\_  
(Social Security Number or Employer Identification Number<sup>1</sup>)
- 5) Do you own all of the land where you propose to divert and make use of water? YES

B. Water User Organizations (e.g., Irrigation Districts, Ditch/Canal Companies, Water Control Districts, Water User Associations & Cooperatives, Irrigation Improvement Districts, and similar entities organized according to State Law)

- 1) Name of Organization: \_\_\_\_\_
- 2) Name & Title of Applicant: \_\_\_\_\_
- 3) Mailing Address of Organization: \_\_\_\_\_
- 4) Taxpayer Identification Number: \_\_\_\_\_  
(Social Security Number or Employer Identification Number)
- 5) Please provide the following information:
  - (a) A description of the area served by the organization (location, total acreage, number of water users, prominent crops, etc.)
  - (b) Copy of organization by-laws, articles of incorporation (if applicable), board resolution authorizing the applicant to represent and bind the organization under contract with the United States.

- 2. Source of water (name of stream, river): APPLEGATE RESERVOIR (LAKE)
- 3. Proposed point of diversion: 890 feet NORTH and 1350 feet EAST of CENTER 1/4 corner of Section 25, Township 38 SOUTH, Range 4 WEST, Willamette Meridian.
- 4. A water right permit to divert storage water is required. Application or file number with Oregon Water Resources Department (OWRD) if you have applied for a permit to divert storage water: Submitted To OWRD July 2018
- 5. Include a map of lands and diversion points. (Same as required by OWRD for application of surface/ground water permit).

6. Do you currently hold a right to natural flows for irrigating the property described herein? YES  
If yes, what is/are the priority date(s)? CERTIFICATE 34147 MAY 10 1956
7. Total quantity of water from storage requested: 121.5 acre-feet.
8. Location of land to be irrigated in each 40-acre tract:

TOWNSHIP	RANGE	SECTION	40-ACRE TRACT (1/4) (1/4)	NO. of ACRES	TYPE of IRRIGATED CROP
38S	4W	25	NW SE	22.80	VINEYARD
38S	4W	25	NE SW	2.80	VINEYARD
38S	4W	25	GOUT LOT 5 (SWNE)	1.40	VINEYARD
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					AUG 06 2018
					OWRD

9. What is the present use of the land identified above? (farming; idle [fallow cultivated land]; native [appears never to have been tilled]; planted pasture or other [please specify]).  
EXISTING VINEYARD
10. Is the land identified above currently being irrigated? YES If yes, what is the source? (natural flows, wells, etc.) CHAPMAN CREEK
11. Diversion must be screened to prevent uptake of fish and other aquatic life. Describe plan(s) to comply with State/Federal fish screen standards: INTAKE WILL BE SCREENED TO COMPLY WITH ODFW REQUIREMENTS.
12. Telephone number where you can be reached during the day: 541-778-3982

Before returning the completed Contract Data Sheet to the address provided on page 1, please ensure you have:

- ANSWERED ALL QUESTIONS COMPLETELY
- ATTACHED AND IDENTIFIED ADDITIONAL SHEET(S) AS NECESSARY
- ATTACHED THE REQUIRED MAP
- SUBMIT PAYMENT FOR THE APPROPRIATE CONTRACT ADMINISTRATION FEE<sup>2</sup>. MAKE CHECK PAYABLE TO THE U.S. BUREAU OF RECLAMATION

1. Section 31001.(i) of the Debt Collection Improvement Act of 1996 (Chapter 10 of Pub. L. 104-134) requires each contractor with an agency of the United States to furnish their taxpayer identifying number (social security number or employer identification number) and each agency to disclose to that contractor its intent to use such number for purposes of collecting and reporting on any delinquent amounts arising out of such contractor's relationship with the Government.

2. The minimum contract administration fee for most applications is \$100. However, from time to time this fee may be revised to cover the costs of the United States. We recommend you contact this office to verify the current minimum contract administration fee. If the costs to the United States of evaluating the application are in excess of the minimum contract administration fee, an estimate of the reimbursable costs for which advance payment is required will be provided to the applicant.

S-88655

**AFFIDAVIT FOR THE VOLUNTARY CANCELLATION OF AN  
ENTIRE WATER RIGHT CERTIFICATE**

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AUG 06 2018

State of Oregon )  
 ) ss  
County of JACKSON )

I/We (or authorized agent), LESLIE C. MARTIN AND RACHAEL A. MARTIN OWRD  
residing at 11777 HIGHWAY No 238, JACKSONVILLE, OR. 97530,  
telephone number 541-778-3982, being first duly sworn depose and say:

1. I/We are the legal and deeded owner(s) of the property described as tax lot number 801, 38 4w 25, within the Gout Lot 5 (SWNE)  
NE 1/4 SW 1/4  
NW 1/4 SE 1/4 SW 1/4 SE 1/4, Section 25, Township 38 N/S, Range 4 E/W, of the  
Willamette Meridian, in JACKSON County, Oregon, as shown on the  
attached map and described in the attached deed and legal description and made part of this affidavit;
2. Water right certificate number 57655 issued to APPLEGATE BRAVOS RANCH, Richard J. Hunter,  
with a date of priority of APRIL 6, 1973 for use of 0.390 cubic foot per second of water  
from APPLEGATE RIVER (source) for the  
purpose of SUPPLEMENTAL IRRIGATION, 31.50 ACRES (use) is  
appurtenant to my/our property;
3. The appurtenant water right is/is not located within the boundaries of an irrigation, drainage, water  
improvement, or water control district, or federal reclamation project (if the right is located within a  
district or reclamation project, name it here: \_\_\_\_\_);
4. The portion of the water right being cancelled is served by an irrigation district. The signature of the  
district manager on the line below indicates the concurrence of the district to the cancellation of the  
portion of the water right served by the district.

\_\_\_\_\_  
Signature of district manager                      Printed Name                      Date

5. If the water right is issued in the name of an irrigation district then the affiant must have the  
concurrence of the district to the cancellation of the portion of the water right. (Signature of  
district manager on the line below documents consent of the district.)

\_\_\_\_\_  
Signature of district manager                      Printed Name                      Date

S-88685

6. I/We have abandoned any and all interest in this water right and request the right be canceled.

Jessie Manta  
Signature of legal owner as listed on deed, or authorized agent

8-3-18  
Date

Rachael A. Manti  
Signature of legal co-owner as listed on deed  
(If applicable)

8.3.18  
Date

Subscribed and Sworn to Before Me this 3rd day of August, 20018.



Jeannette Marie Center  
Notary Public for Oregon

My Commission Expires 11-21-2021

**PLEASE ATTACH A LEGIBLE COPY OF:**

- 1) A DEED WHICH LISTS LAND OWNERS AND INCLUDES A LEGAL DESCRIPTION OF AFFECTED LANDS, AND
- 2) A COPY OF AN ADJUDICATION MAP, WATER-RIGHT FINAL PROOF MAP, OR A TAX LOT MAP WITH THE ABANDONED RIGHT CLEARLY DRAWN AND IDENTIFIED.
- 3) IF ACTING AS AN AUTHORIZED AGENT, INCLUDE COPY OF POWER OF ATTORNEY OR OTHER DOCUMENTS GRANTING AUTHORITY TO ACT ON BEHALF OF LEGAL OWNER(S). N/A

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S-88685

89

Jackson County Official Records 2006-062338  
R-WD  
Cnt=1 Stn=7 WALKERCb 12/14/2006 08:00:00 AM  
\$20.00 \$5.00 \$11.00 Total: \$36.00



After recording return to:  
Leslie C. Martin  
3015 Thompson Creek Rd  
Applegate, OR 97530-9513

I, Kathleen S. Beckett, County Clerk for Jackson County, Oregon,  
certify that the instrument identified herein was recorded in the Clerk  
records.  
Kathleen S. Beckett - County Clerk

Until a change is requested, all tax statements shall be sent  
to the following address:  
Leslie C. Martin  
3015 Thompson Creek Rd  
Applegate, OR 97530-9513

**STATUTORY WARRANTY DEED**

Mike Wise and Ellen Wise, Grantor, conveys and warrants to Leslie C. Martin and Rachael A. Martin, as  
tenants by the entirety, Grantee, the following described real property free of encumbrances except  
as specifically set forth herein:

SEE ATTACHED EXHIBIT "A"

Tax Account No. 10309774 and 10681791

This property is free of encumbrances, EXCEPT:  
SEE EXHIBIT "A" WITH EXCEPTIONS  
The true consideration for this conveyance is \$2,980,000.00

These instructions may be required to be signed in counterparts. When all counterparts have been  
duly executed and received by you, they will be deemed to comprise one single instrument.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE  
TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY UNDER ORS 197.352. THIS  
INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT  
IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR  
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SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO  
VERIFY APPROVED USES AND 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 197.352.

Dated 15<sup>th</sup> day of November, 2006

Mike Wise

Ellen Wise

STATE OF OREGON  
COUNTY OF JACKSON

The foregoing instrument was acknowledged before me this 15<sup>th</sup> day of November, 2006 by  
Mike Wise and ~~Ellen Wise~~.

Notary Public State of Oregon  
My commission expires: 7-10-09



Order No. 46g0468863

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Warranty Deed  
ORRQ 6/2005; Rev. 1/2006

S-88655

State of California  
County of San Mateo

On 11-16-06 before me, Sheri Cookson  
State, personally appeared Ellen Wise or  
the undersigned, a Notary Public in and for said

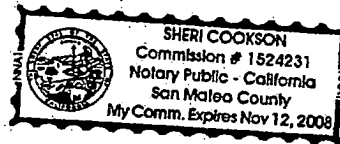
~~personally known to me~~ (or proved to me on the basis of satisfactory evidence) to be  
the person(s) whose name(s) is/are subscribed to the within instrument and  
acknowledged to me that he/she/they executed the same in his/her/their authorized  
capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or  
the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Signature Sheri Cookson

Name Sheri Cookson  
(typed or printed)

(Seal)



*[Handwritten mark]*

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Exhibit "A" with Exceptions

**TRACT A:**

That portion of the following described tracts lying Southerly of the centerline of the Applegate River: Beginning at the Northwest corner of Donation Land Claim No. 37 in Township 38 South, Range 4 West of the Willamette Meridian in Jackson County, Oregon; thence East on the North boundary of said Claim 18.50 chains to a stake; thence South 7.00 chains to the center of the County Road; thence West 9.48 chains to a stake; thence South across Applegate River 22.00 chains to a stake on the South line of said Claim; thence West on said Claim line, 9.02 chains to the Southwest corner of said Claim; thence North, along the West line of said Claim, 29.00 chains to the point of beginning. EXCEPTING THEREFROM the following: Beginning at the Northwest corner of said Donation Land Claim No. 37; thence East, along the North line of said Claim, 18.50 chains to a stake; thence South 330.0 feet, more or less, to a point on the Northerly right of way line of the now existing Oregon State Highway No. 238; thence in a Westerly direction along the North line of said Highway right of way, to the West line of said Donation Land Claim No. 37; thence North, along said West line to the point of beginning. ALSO, Beginning at the most Southerly Southeast corner of Donation Land Claim No. 37 in Township 38 South, Range 4 West of the Willamette Meridian in Jackson County, Oregon; thence North on the East line of said Claim, 12.5 chains to the Southerly line of Applegate River; thence in a Northwesterly direction along said River 23.00 chains to a stake; thence North 3.00 chains to an iron bolt in the center of the County Road; thence West 9.48 chains to a stake; thence South 22.00 chains to a stake on the South line of said Claim, which stake is 9.02 chains East from the Southwest corner of said Claim; thence East along the South line of said Claim 32.48 chains to the point of beginning. EXCEPTING from the above described tracts, the following: Beginning at a point on the Southerly right of way line of the now existing Oregon State Highway No. 238, said point being 18.50 chains East and 7.00 chains, more or less, South of the Northwest corner of Donation Land Claim No. 37 in Township 38 South, Range 4 West of the Willamette Meridian in Jackson County, Oregon; thence Northwesterly along the Southerly right of way line of said Highway No. 238, a distance of 200.0 feet; thence South 198.0 feet, more or less, to the Northerly line of the Applegate River; thence Southeasterly along said Northerly river line 200.0 feet, more or less, to a point South of the point of beginning; thence North 198.0 feet, more or less, to the point of beginning.

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**TRACT C:**

Lot 5, the East Half of the Southwest Quarter, and the West Half of the Southeast Quarter of Section 25 in Township 38 South, Range 4 West of the Willamette Meridian in Jackson County, Oregon.

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The West 100.0 feet of the following described tract: Commencing at a point on the Southerly right of way line of the existing Oregon State Highway No. 238, said point being 18.50 chains East, and 7.0 chains South, more or less, from the Northwest corner of Donation Land Claim No. 37 in Township 38 South, Range 4 West of the Willamette Meridian in Jackson County, Oregon; thence Northwesterly, along said Southerly right of way line, to its intersection with the West line of said Claim No. 37; thence South, along said West line, to the centerline of the Applegate River; thence Easterly, upstream, along said centerline, to a point South of the true point of beginning; thence North to the true point of beginning.

Account No. 10309774, Levy Code 40-02, Map 384W25 801

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Tax Identification : 10309774

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S-88655

3. Any adverse claim based on the assertion that any portion of the subject land has been removed from or brought within the subject land's boundaries by the process of accretion or reliction or any change in the location of Applegate River
4. Any adverse claim based on the assertion that any portion of the subject land has been created by artificial means or has accreted to such portions so created, or based on the provisions of ORS 274.905 to 274.940.
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6. Rights of fishing, navigation, commerce, flood control, propagation of anadromous fish, and recreation, and other rights of the public, Indian tribes or governmental bodies in and to the waters of Applegate River.
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As : Volume 50, , Page 356  
For : Water ditch
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AUG 06 2018

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48

S-88655-

AFFIDAVIT FOR THE VOLUNTARY CANCELLATION OF AN ENTIRE WATER RIGHT CERTIFICATE

RECEIVED

AUG 06 2018

State of Oregon )
County of JACKSON ) ss

OWRD

I/We (or authorized agent), LESLIE C. MARTIN AND RACHAEL A. MARTIN, residing at 11777 OREGON HIGHWAY 238, JACKSONVILLE, OR. 97530, telephone number 541-778-3982, being first duly sworn depose and say:

- 1. I/We are the legal and deeded owner(s) of the property described as tax lot number 801,384W 25 within the Gout Lot 5 (SW NE) NE 1/4 SW 1/4 NW 1/4 SE 1/4 SW 1/4 SE 1/4, Section 25, Township 38 N/S, Range 4 E/W, of the Willamette Meridian, in JACKSON County, Oregon, as shown on the attached map and described in the attached deed and legal description and made part of this affidavit;
2. Water right certificate number 57656 issued to Applegate Brangus Ranch, Richard J. Hunter with a date of priority of 8/3/1981 for use of 35 cubic foot per second of water from Applegate Lake Reservoir ACVE (source) for the purpose of Supplemental Irrigation (use) is appurtenant to my/our property;
3. The appurtenant water right is/is not located within the boundaries of an irrigation, drainage, water improvement, or water control district, or federal reclamation project (if the right is located within a district or reclamation project, name it here: );
4. The portion of the water right being cancelled is served by an irrigation district. The signature of the district manager on the line below indicates the concurrence of the district to the cancellation of the portion of the water right served by the district.

Signature of district manager Printed Name Date

5. If the water right is issued in the name of an irrigation district then the affiant must have the concurrence of the district to the cancellation of the portion of the water right. (Signature of district manager on the line below documents consent of the district.)

Signature of district manager Printed Name Date

S-886SS

6. I/We have abandoned any and all interest in this water right and request the right be canceled.

Leslie C. Martin  
Signature of legal owner as listed on deed, or authorized agent

8-3-18  
Date

LESLIE C. MARTIN  
Rachael A. Martin  
Signature of legal co-owner as listed on deed  
(If applicable)

8-3-18  
Date

RACHAEL A. MARTIN

Subscribed and Sworn to Before Me this 3rd day of August, 20018.



Jeannette Marie Center  
Notary Public for Oregon

My Commission Expires 11-21-2021

**PLEASE ATTACH A LEGIBLE COPY OF:**

- 1) A DEED WHICH LISTS LAND OWNERS AND INCLUDES A LEGAL DESCRIPTION OF AFFECTED LANDS, AND
- 2) A COPY OF AN ADJUDICATION MAP, WATER RIGHT FINAL PROOF MAP OR A TAX LOT MAP WITH THE ABANDONED RIGHT CLEARLY DRAWN AND IDENTIFIED.
- 3) IF ACTING AS AN AUTHORIZED AGENT, INCLUDE COPY OF POWER OF ATTORNEY OR OTHER DOCUMENTS GRANTING AUTHORITY TO ACT ON BEHALF OF LEGAL OWNER(S). N/A

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Jackson County Official Records 2006-062338  
R-WD  
Cnt=1 SIn=7 WALKERC 12/14/2006 08:00:00 AM  
\$20.00 \$5.00 \$11.00 Total:\$36.00



I, Kathieen S. Beckett, County Clerk for Jackson County, Oregon, certify that the instrument identified herein was recorded in the Clerk records.  
Kathieen S. Beckett - County Clerk

After recording return to:  
Leslie C. Martin  
3015 Thompson Creek Rd  
Applegate, OR 97530-9513

Until a change is requested, all tax statements shall be sent to the following address:  
Leslie C. Martin  
3015 Thompson Creek Rd  
Applegate, OR 97530-9513

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**STATUTORY WARRANTY DEED**

Mike Wise and Ellen Wise, Grantor, conveys and warrants to Leslie C. Martin and Rachael A. Martin, as tenants by the entirety, Grantee, the following described real property free of encumbrances except as specifically set forth herein:

SEE ATTACHED EXHIBIT "A"

Tax Account No. 10309774 and 10681791

This property is free of encumbrances, EXCEPT:  
SEE EXHIBIT "A" WITH EXCEPTIONS  
The true consideration for this conveyance is \$2,980,000.00

These instructions may be required to be signed in counterparts. When all counterparts have been duly executed and received by you, they will be deemed to comprise one single instrument.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY UNDER ORS 197.352. THIS INSTRUMENT WILL 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 APPROVED USES AND 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 197.352.

Dated 15<sup>th</sup> day of November, 2006

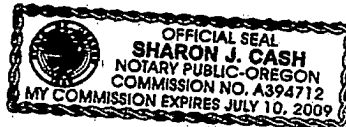
\_\_\_\_\_  
Mike Wise

\_\_\_\_\_  
Ellen Wise

STATE OF OREGON  
COUNTY OF JACKSON

The foregoing instrument was acknowledged before me this 15<sup>th</sup> day of November, 2006 by Mike Wise and Ellen Wise.

\_\_\_\_\_  
Notary Public State of Oregon  
My commission expires: 7-10-09



Order No. 46g0468863

State of California  
County of San Mateo

On 11-16-06 before me, Sheri Cookson the undersigned, a Notary Public in and for said State, personally appeared Ellen Wise

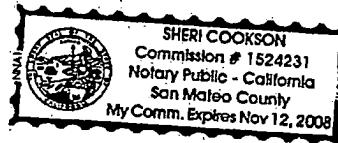
~~personally known to me~~ (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Signature Sheri Cookson

Name Sheri Cookson  
(typed or printed)

(Seal)



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*[Handwritten mark]*

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**TRACT A:**

That portion of the following described tracts lying Southerly of the centerline of the Applegate River: Beginning at the Northwest corner of Donation Land Claim No. 37 in Township 38 South, Range 4 West of the Willamette Meridian in Jackson County, Oregon; thence East on the North boundary of said Claim 18.50 chains to a stake; thence South 7.00 chains to the center of the County Road; thence West 9.48 chains to a stake; thence South across Applegate River 22.00 chains to a stake on the South line of said Claim; thence West on said Claim line, 9.02 chains to the Southwest corner of said Claim; thence North, along the West line of said Claim, 29.00 chains to the point of beginning. EXCEPTING THEREFROM the following: Beginning at the Northwest corner of said Donation Land Claim No. 37; thence East, along the North line of said Claim, 18.50 chains to a stake; thence South 330.0 feet, more or less, to a point on the Northerly right of way line of the now existing Oregon State Highway No. 238; thence in a Westerly direction along the North line of said Highway right of way, to the West line of said Donation Land Claim No. 37; thence North, along said West line to the point of beginning. ALSO, Beginning at the most Southerly Southeast corner of Donation Land Claim No. 37 in Township 38 South, Range 4 West of the Willamette Meridian in Jackson County, Oregon; thence North on the East line of said Claim, 12.5 chains to the Southerly line of Applegate River; thence in a Northwesterly direction along said River 23.00 chains to a stake; thence North 3.00 chains to an iron bolt in the center of the County Road; thence West 9.48 chains to a stake; thence South 22.00 chains to a stake on the South line of said Claim, which stake is 9.02 chains East from the Southwest corner of said Claim; thence East along the South line of said Claim 32.48 chains to the point of beginning. EXCEPTING from the above described tracts, the following: Beginning at a point on the Southerly right of way line of the now existing Oregon State Highway No. 238, said point being 18.50 chains East and 7.00 chains, more or less, South of the Northwest corner of Donation Land Claim No. 37 in Township 38 South, Range 4 West of the Willamette Meridian in Jackson County, Oregon; thence Northwesterly along the Southerly right of way line of said Highway No. 238, a distance of 200.0 feet; thence South 198.0 feet, more or less, to the Northerly line of the Applegate River; thence Southeasterly along said Northerly river line 200.0 feet, more or less, to a point South of the point of beginning; thence North 198.0 feet, more or less, to the point of beginning.

**TRACT B:**

That portion of Lot 6 in Section 25 in Township 38 South, Range 4 West of the Willamette Meridian in Jackson County, Oregon, lying Southerly of the thread of the stream of the Applegate River. EXCEPTING THEREFROM the following: Beginning at the Quarter Section corner common to Section 25 in Township 38 South, Range 4 West and Section 30 in Township 38 South, Range 3 West, of the Willamette Meridian in Jackson County, Oregon; thence West 219.5 feet to a 2 inch x 41 inch iron pipe; thence North 8° 55' East 700.0 feet, more or less, to the Southwesterly bank of the Applegate River; thence Southeasterly along the Southwesterly bank of said River, to a point 350.0 feet North of the point of beginning; thence South 350.0 feet to the point of beginning.

**TRACT C:**

Lot 5, the East Half of the Southwest Quarter, and the West Half of the Southeast Quarter of Section 25 in Township 38 South, Range 4 West of the Willamette Meridian in Jackson County, Oregon.

**TRACT D:**

The West 100.0 feet of the following described tract: Commencing at a point on the Southerly right of way line of the existing Oregon State Highway No. 238, said point being 18.50 chains East, and 7.0 chains South, more or less, from the Northwest corner of Donation Land Claim No. 37 in Township 38 South, Range 4 West of the Willamette Meridian in Jackson County, Oregon; thence Northwesterly, along said Southerly right of way line, to its intersection with the West line of said Claim No. 37; thence South, along said West line, to the centerline of the Applegate River; thence Easterly, upstream, along said centerline, to a point South of the true point of beginning; thence North to the true point of beginning.

Account No. 10309774, Levy Code 40-02, Map 384W25 801

**Subject to:**

1. Unpaid taxes for the year 2006-07  
Original Amount : \$6,103.72  
Unpaid Balance : \$6,103.72, plus interest  
Account No. 10309774 and 10681791; Levy Code 40-02; Map 384W25 801
2. As disclosed by the assessment and tax roll, the premises herein have been specially assessed for farm use. If the land becomes disqualified for this special assessment under the statutes, an additional tax, plus interest and penalty, will be levied for the number of years in which this special assessment was in effect for the land.  
Tax Identification : 10309774

2

3. Any adverse claim based on the assertion that any portion of the subject land has been removed from or brought within the subject land's boundaries by the process of accretion or reliction or any change in the location of Applegate River
4. Any adverse claim based on the assertion that any portion of the subject land has been created by artificial means or has accreted to such portions so created, or based on the provisions of ORS 274.905 to 274.940.
5. Any adverse claim based on the assertion that any portion of the subject land is now or at any time has been below the ordinary high water line of Applegate River
6. Rights of fishing, navigation, commerce, flood control, propagation of anadromous fish, and recreation, and other rights of the public, Indian tribes or governmental bodies in and to the waters of Applegate River.
7. Rights of the public, riparian owners and governmental bodies as to the use of the waters of Keeler Creek and the natural flow thereof on and across that portion of the subject land lying below the high water line of said waterway.
8. The rights of the public in and to that portion of the herein described property lying within the limits of Highway 238.
9. An easement created by instrument, including the terms and provisions thereof,  
Recorded : September 13, 1904  
As : Volume 50, , Page 356  
For : Water ditch
10. An easement created by instrument, including the terms and provisions thereof,  
Recorded : July 26, 1940  
As : Volume 226, , Page 572  
In favor of : PacifiCorp, an Oregon corporation, or its predecessor in interest  
For : Transmission and distribution of electricity, and other purposes
11. The premises herein described are within the Applegate Valley Irrigation District, notice of which appears in instrument recorded December 13, 1968 as No. 68-12013, and are subject to the statutory powers thereof, including the power of assessment. As of the date of this report/policy, said district is inactive.
12. A perpetual easement and right of way, including, but not limited to, the right and privilege to locate, construct, relocate, maintain, control and repair a road way over and across, together with rights and privileges in connection therewith, granted to the United States of America, by instrument recorded December 31, 1969, as No. 69-11794, Official Records.
13. A perpetual easement and right of way, including, but not limited to, the right and privilege to locate, construct, relocate, maintain, control and repair a road way over and across, together with rights and privileges in connection therewith, granted to the United States of America, by instrument recorded April 2, 1976, as No. 76-05004, Official Records.

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