



Oregon Water Resources Department  
Alternate Reservoir Application

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

For impoundments less than 10 feet in height or storing less than 9.2 acre feet of water.

Today's Date: Monday, September 10, 2018

Base Application Fee.		\$410.00
Proposed Dam Height in feet.	0	
Proposed Reservoir volume in Acre Feet.	1.5	\$70.00
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		\$1,000.00

OWRD Fee Schedule

Fee Calculator Version: B20170117



**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](http://www.wrd.state.or.us/OWRD/PUBS/forms.shtml).*

### 1. APPLICANT INFORMATION

Applicant: Apex BioSciences, LLC  
First Last

Mailing Address: 17207 Ventura Blvd., Suite 2

Encino California 91316  
City State Zip

Phone: \_\_\_\_\_ (949) 478-9577 \_\_\_\_\_  
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: Schroeder Law Offices, PC  
First Last

Mailing Address: 1915 NE Cesar E. Chavez Blvd.

Portland Oregon 97212  
City State Zip

Phone: \_\_\_\_\_ (503) 281-4100 \_\_\_\_\_  
Home Work Other

Fax: (877) 600-4971 E-Mail Address\*: counsel@water-law.com

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

RECEIVED

### 3. LOCATION AND SOURCE

SEP 07 2018

**A. Reservoir Name:** Unnamed Reservoir

OWRD

**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: Run-off & precipitation Tributary to: Coyote Creek

**C. County in which diversion occurs:** Lane

App. No. <u>R-98668</u>	<b>For Department Use</b>	Permit No. _____ Date _____
-------------------------	---------------------------	-----------------------------

**D. Reservoir Location**

Township (N or S)	Range (E or W)	Section	quarter/quarter	tax lot number
18S	5W	1	NE NE	106

**E. Dam:** Maximum height of dam: zero feet 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: 1.5 af      Acre-feet =  $\frac{\text{(Average Length)(Average Width)(Average Depth)}}{43,560}$

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 use

RECEIVED

SEP 07 2018

OWRD

**5. PROPERTY OWNERSHIP**

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

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

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

There are no encumbrances

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

**No** (Please check the appropriate box below)

I have a recorded easement or written authorization permitting access.

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

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

List the names and mailing addresses of all affected landowners:

---



---

**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? prior 1994
- 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.

The storage pond/reservoir is at ground level and allows rain water and runoff to accumulate in the pond/reservoir. No live flows are proposed for storage.

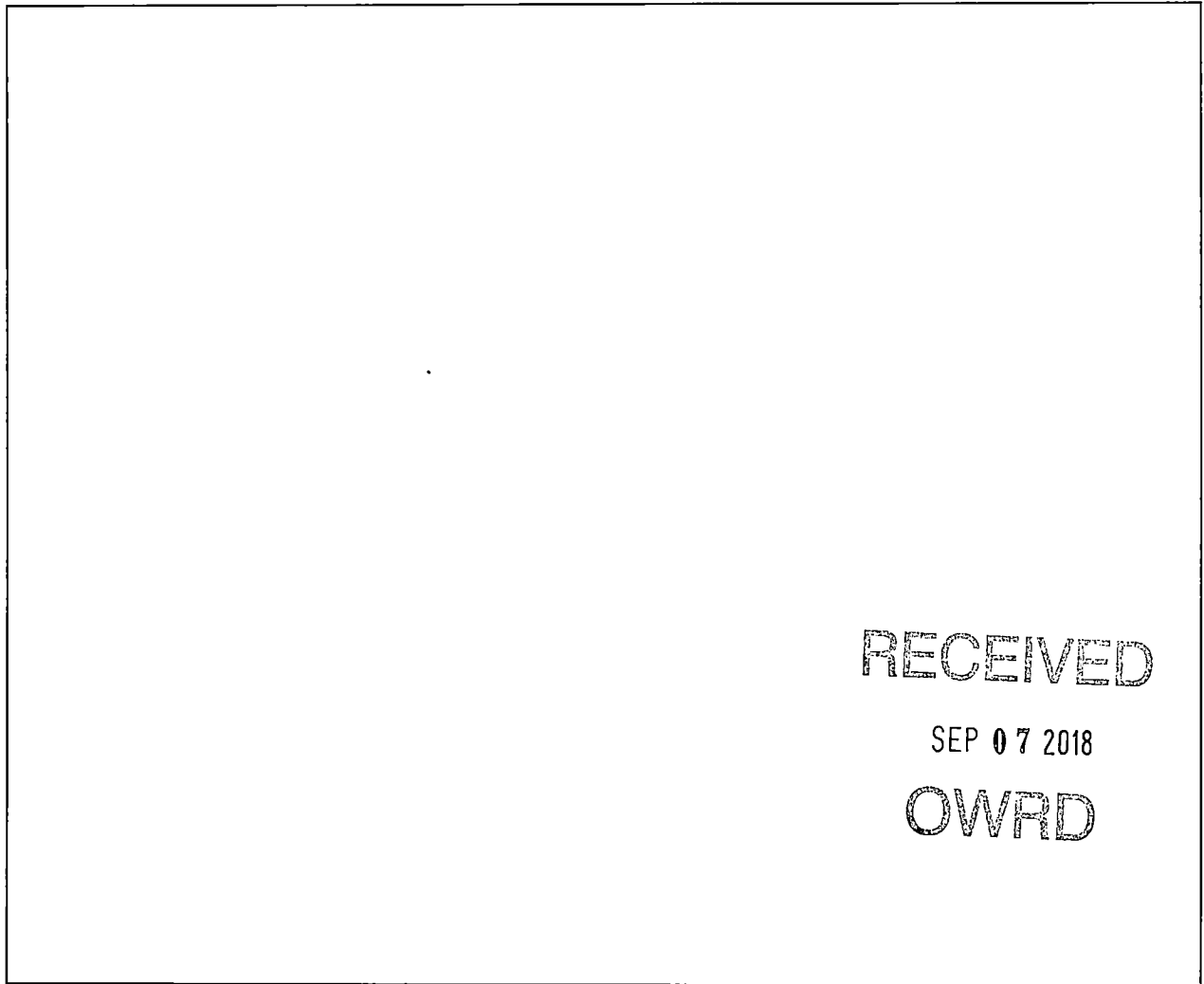
The storage pond/reservoir has been in place since before 1994, but the oldest aerial image we found that clearly shows the pond/reservoir is from 1994. The images we found from 1955 and 1966 are not of sufficient detail to determine whether the pond/reservoir was in place at that time, and we have not found aerial images of the property between 1966 and 1994.

RECEIVED

SEP 07 2018

OWRD

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).



RECEIVED  
SEP 07 2018  
OWRD

**9. SIGNATURE**

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

*Prashant Raj*

Applicant Signature

09/07/2018

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.

# 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: Apex BioSciences, LLC

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

Explain:

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

If YES, which conditions are recommended:

N/A

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

Who:    Agency:

Date:

Who:    Agency:

Date:

RECEIVED

SEP 07 2018

OWRD

Watermaster signature: *Lanaya Blakely*

Date: 8/31/2018

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

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

R-088668

# ODFW Alternate Reservoir Application Review Sheet

**This portion to be completed by the applicant.**

Applicant Name/Address/Phone/Email: Apex BioSciences, LLC  
 17207 Ventura Blvd., Suite 2  
 Encino, CA 91316

(949) 478-9577

shan@apexbiosci.com

Reservoir Name: N/A

Source: rain water run-off

Volume (AF): 1.5 af

Twp Rng Sec QQ:T.18S. R.5W. Sec.1. NE NE

Basin Name: Willamette

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 AO<sup>1</sup> 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 NMF<sup>2</sup> 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.

RECEIVED

SEP 07 2018

OWRD

<sup>1</sup> 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)

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

P. 096691

There is no channel defined leading into or exiting the pond. It is stated in the application that the water source for filling the pond is runoff/precipitation. ODFW fish biologists feel that this project/pond poses no threat to native fish.

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)

RECEIVED

SEP 07 2018

OWRD

ODFW Signature: Jeffrey S. Ziller

Print Name: Jeffrey S. Ziller

ODFW Title: District Fish Biologist

Date: 9/7/18

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

Revised 10/4/12

R-88668



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

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

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

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

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

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

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

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

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

**b5** The water user shall install and maintain adequate treatment facilities meeting current DEQ requirements to remove sediment before returning the water to the stream.

**b51a** The period of use has been limited to \_\_\_\_\_ through \_\_\_\_\_.

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

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

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

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

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

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

**blv:** Water must be diverted to a trough or tank through an enclosed water delivery system. The delivery system must be equipped with an automatic shutoff or limiting flow control mechanism or include a means for returning water to the stream source through an enclosed delivery system. The use of water shall not exceed 0.10 cubic feet per second per 1000 head of livestock.

RECEIVED

SEP 07 2018

OWRD

R-88668

# 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.

RECEIVED

SEP 07 2018

OWRD

R-88668

# 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(s): Apex BioSciences, LLC

Mailing Address: 17207 Ventura Blvd., Suite 2

City: Encino

State: CA

Zip Code: 91316

Daytime Phone: 949-478-9577

## 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>18 S</u>	<u>5 W</u>	<u>1</u>	<u>NE NE</u>	<u>106</u>	<u>EFU</u>	<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	<u>Storage</u>
_____	_____	_____	_____	_____	_____	<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input type="checkbox"/> Used	_____
_____	_____	_____	_____	_____	_____	<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input type="checkbox"/> Used	_____
_____	_____	_____	_____	_____	_____	<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input type="checkbox"/> Used	_____

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

Lane

## 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) Runoff

Estimated quantity of water needed: 1.5  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 Multipurpose

Briefly describe:

Year round storage of 1.5 acre-feet of water in existing small reservoir collecting runoff water on property.

SEP 07 2018

OWRD



**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-88668

# 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:	
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued

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

RECEIVED

SEP 07 2018

Name: \_\_\_\_\_ Title: \_\_\_\_\_ OWRD

Signature: \_\_\_\_\_ Phone: \_\_\_\_\_ Date: \_\_\_\_\_

Government Entity: \_\_\_\_\_

**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-88668

Receipt for Request for Land Use Information

Applicant name: Apex BioSciences, LLC

City or County: Lane County Staff contact: Rachael Serstev

Signature: [Handwritten Signature] Phone: 541-682-6903 Date: 9/7/2018

RECEIVED  
SEP 07 2018  
OWRD

1  
AFTER RECORDING RETURN TO:  
CASCADE TITLE COMPANY  
811 WILLAMETTE ST., EUGENE, OR 97401



Lane County Clerk  
Lane County Deeds and Records

2018-037950



\$97.00

08/14/2018 02:49:33 PM

RPR-DEED Cnt=1 Stn=41 CASHIER 04  
\$15.00 \$11.00 \$61.00 \$10.00

TITLE NO. 0309055 *MM*  
ESCROW NO. EU18-1950  
TAX ACCT. NO. 849452  
MAP/TAX LOT NO. 18-05-01-00-00106 *HC1*

**GRANTOR**

THE GRAHAM FAMILY TRUST, dated May 29, 2014 and CANTRELL FARMS, LLC

**GRANTEE**

APEX BIOSCIENCES, LLC  
17207 VENTURA BLVD., SUITE 2  
ENCINO, CA 91316

Until a change is requested  
all tax statements shall be  
sent to the following address:  
\*\*\*SAME AS GRANTEE\*\*\*

After recording return to:  
CASCADE TITLE CO.  
811 WILLAMETTE  
EUGENE, OR 97401

**WARRANTY DEED -- STATUTORY FORM**

JORDAN GRAHAM AND HOLLY GRAHAM, Trustees under THE GRAHAM FAMILY TRUST, dated May 29, 2014 and CANTRELL FARMS, LLC, Grantor,  
conveys and warrants to  
APEX BIOSCIENCES, LLC, an Oregon Limited Liability Company, Grantee,  
the following described real property free of encumbrances except as specifically set forth herein:

SEE EXHIBIT A WHICH IS MADE A PART HEREOF BY THIS REFERENCE

The true consideration for this conveyance is \$1,250,000.00.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300 (Definitions for ORS 195.300 to 195.336), 195.301 (Legislative findings) AND 195.305 (Compensation for restriction of use of real property due to land use regulation) TO 195.336 (Compensation and Conservation Fund) 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 (Definitions for ORS 92.010 to 92.192) OR 215.010 (Definitions), 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 (Definitions for ORS 30.930 to 30.947), AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300 (Definitions for ORS 195.300 to 195.336), 195.301 (Legislative findings) AND 195.305 (Compensation for restriction of use of real property due to land use regulation) TO 195.336 (Compensation and Conservation Fund) 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.

Except the following encumbrances:

Property taxes in an undetermined amount, which are a lien but not yet payable, including any assessments collected with taxes to be levied for the fiscal year 2018-2019.

Covenants, Conditions, Restrictions, Easements and Rights of Way of record, if any.

Dated this 6<sup>th</sup> day of Aug, 2018.

RECEIVED

SEP 07 2018

OWRD

WRD-TAX LTR(MB)

R-88668

THE GRAHAM FAMILY TRUST, dated May 29, 2014

CANTRELL FARMS, LLC

BY: JL GH  
JORDAN GRAHAM, TRUSTEE

BY: JL GH  
JORDAN JACOB GRAHAM, MEMBER

BY: Holly Graham  
HOLLY GRAHAM, TRUSTEE

BY: Holly Anne Graham  
HOLLY ANNE GRAHAM, MEMBER

State of Oregon  
County of Lane

This instrument was acknowledged before me on Aug 6, 2018 by JORDAN GRAHAM AND HOLLY GRAHAM, Trustees under THE GRAHAM FAMILY TRUST, dated May 29, 2014 and JORDAN JACOB GRAHAM AND HOLLY ANNE GRAHAM, MEMBERS OF CANTRELL FARMS, LLC.



Melissa Mitchell  
(Notary Public for Oregon)  
My commission expires 8/17/21

RECEIVED  
SEP 07 2018  
OWRD

Exhibit A

PARCEL 1:

A parcel of land lying in the Northeast 1/4 of Section 1, Township 18 South, Range 5 West and the Northwest 1/4 of Section 6, Township 18 South, Range 4 West of the Willamette Meridian, said parcel being more particularly described as follows: Beginning at the East 1/4 corner of said Section 1; thence North 0° 10' 57" East 1327.60 feet to a 5/8" iron rod; thence North 89° 38' 05" West 186.75 feet to the true point of beginning; thence 89° 38' 05" West 323.47 feet to a 5/8" iron rod; thence South 89° 30' 22" West 567.06 feet to a point; thence North 1258.41 feet to a point; thence West 352.74 feet to a 5/8" iron rod; thence North 52° 50' 58" West 231.69 feet; thence North 289.76 feet to a point on the Southerly margin of County Road No. 323 (Cantrell Road); thence along said Southerly margin, North 89° 45' 45" East 537.41 feet; thence continuing along said Southerly margin, North 89° 49' 45" East 1082.64 feet to a 5/8" iron rod; thence continuing along said margin, South 89° 01' 53" East 446.06 feet to a 5/8" iron rod; thence leaving said Southerly margin, South 6° 15' 58" East 491.95 feet to a 5/8" iron rod; thence South 30° 00' 21" West 280.75 feet; thence South 43° 32' 03" West 527.18 feet to a 5/8" iron rod; thence South 0° 10' 57" West 86.07 feet to a 5/8" iron rod; thence South 44° 28' 59" West 73.24 feet to a 5/8" iron rod; thence South 72° 20' 43" East 50.00 feet; thence South 17° 39' 17" West 60.00 feet; thence North 72° 20' 43" West 50.00 feet; thence South 17° 39' 17" West 391.61 feet to the true point of beginning, all in Lane County, Oregon.

LESS AND EXCEPT: A parcel of land lying in the Northwest 1/4 of Section 6, Township 18 South, Range 4 West of the Willamette Meridian and in the Northeast 1/4 of Section 1, Township 18 South, Range 5 West of the Willamette Meridian, said parcel being more particularly described as follows: Commencing at the East 1/4 corner of said Section 1; and run thence North 00° 10' 57" East along the Easterly line of said Section 1327.60 feet; thence North 89° 38' 05" West 186.75 feet to the true point of beginning; thence North 89° 38' 05" West 323.47 feet; thence North 00° 10' 57" East 325.00 feet; thence North 64° 45' 17" East 481.79 feet; thence North 43° 32' 03" East 600.89 feet; thence North 30° 00' 21" East 266.87 feet; thence North 06° 15' 58" West 485.93 feet to a point on the Southerly line of Cantrell Road; thence along said Southerly line South 89° 01' 53" East 30.24 feet; thence South 06° 15' 58" East 491.95 feet; thence South 30° 00' 21" West 280.25 feet; thence South 43° 32' 03" West 527.18 feet to a point on first said Easterly line of said Section 1; thence, along said line South 00° 10' 57" West 86.07 feet; thence South 44° 28' 59" West 73.24 feet; to a 5/8 inch iron rod; thence South 72° 20' 43" East 50.00 feet; thence South 17° 39' 17" West 60.00 feet; thence North 72° 20' 43" West 50.00 feet; thence South 17° 39' 17" West 391.61 feet to the true point of beginning, all in Lane County, Oregon.

PARCEL 2:

A parcel of land lying in the Northwest 1/4 of Section 6, Township 18 South, Range 4 West of the Willamette Meridian and in the Northeast 1/4 of Section 1, Township 18 South, Range 5 West of the Willamette Meridian, said parcel being more particularly described as follows: Commencing at the East 1/4 corner of said Section 1; and run thence North 00° 10' 57" East along the Easterly line of said Section 1327.60 feet; thence North 89° 38' 05" West 186.75 feet to the true point of beginning; thence North 89° 38' 05" West 323.47 feet; thence North 00° 10' 57" East 325.00 feet; thence North 64° 45' 17" East 481.79 feet; thence North 43° 32' 03" East 600.89 feet; thence North 30° 00' 21" East 266.87 feet; thence North 06° 15' 58" West 485.93 feet to a point on the Southerly line of Cantrell Road; thence along said Southerly line South 89° 01' 53" East 30.24 feet; thence South 06° 15' 58" East 491.95 feet; thence South 30° 00' 21" West 280.25 feet; thence South 43° 32' 03" West 527.18 feet to a point on first said Easterly line of said Section 1; thence, along said line South 00° 10' 57" West 86.07 feet; thence South 44° 28' 59" West 73.24 feet; to a 5/8 inch iron rod; thence South 72° 20' 43" East 50.00 feet; thence South 17° 39' 17" West 60.00 feet; thence North 72° 20' 43" West 50.00 feet; thence South 17° 39' 17" West 391.61 feet to the true point of beginning, all in Lane County, Oregon.

RECEIVED

SEP 07 2018

OWRD

LEGAL

R-88668





**Oregon Water Resources Department  
Alternate Reservoir Application**

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

For impoundments less than 10 feet in height or storing less than 9.2 acre feet of water.

Today's Date: Friday, September 7, 2018

Base Application Fee.		\$410.00
Proposed Dam Height in feet.	0	
Proposed Reservoir volume in Acre Feet.	1.5	\$70.00
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.	<input type="button" value="Recalculate"/>	
Estimated cost of Permit Application		\$1,000.00

OWRD Fee Schedule

Fee Calculator Version: B20170117

RECEIVED  
SEP 07 2018  
OWRD

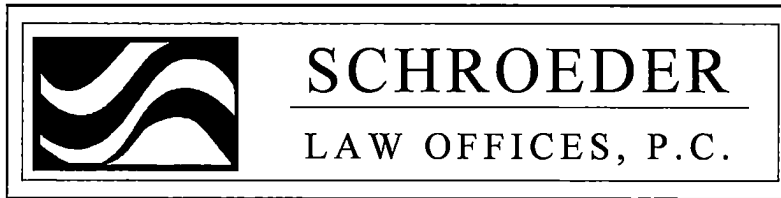
R-88668

Laura A. Schroeder  
Oregon, Idaho,  
Nevada, Washington & Utah

Therese A. Ure  
Oregon & Nevada

Sarah R. Liljefelt  
Oregon,  
California & Utah

William F. Schroeder  
(1928 - 2015)



Lindsay M. Thane  
Oregon, Washington & Montana  
Patrick B. T. Mansfield  
Nevada

Wyatt E. Rolfe  
Of Counsel  
Oregon & Washington

James Browitt  
Of Counsel  
Idaho & Washington

September 7, 2018

**VIA HAND DELIVERY**

Oregon Water Resources Department  
725 Summer Street NE, Suite A  
Salem, OR 97301

**RE: Apex BioSciences, LLC: Alternate Reservoir Application**

To Whom It May Concern:

Enclosed on behalf of Apex BioSciences, LLC, please find an Alternative Reservoir Application along with the required attachments. Please note that we have enclosed the Lane County Land Management Department receipt for the Land Use Information Form. We will forward the original form in its entirety once it is received by our office.

Also enclosed is a check in the amount of \$1,000.00 constituting the Application fee.

Thank you for your assistance with this matter. Please contact our office at (503) 281-4100 if anything further is needed.

Very truly yours,  
SCHROEDER LAW OFFICES, P.C.

Lindsay M. Thane  
Laura A. Schroeder

RECEIVED

SEP 07 2018

OWRD

LMT:rsh

Enclosures

cc: Client

1915 NE Cesar E. Chavez Boulevard, Portland, Oregon 97212 (503) 281-4100

10615 Double R Boulevard, Suite 100, Reno, Nevada 89521 (775) 786-8800

www.water-law.com counsel@water-law.com

{P0410958; 1498.00 RSH}

R-88668