



Oregon
Kate Brown, Governor

Water Resources Department

725 Summer St NE, Suite A

Salem, OR 97301

(503) 986-0900

Fax (503) 986-0904

June 26, 2019

Dear Applicant:

The Oregon Water Resources Department has received your surface water application for a water use permit. Your application has been assigned file number **S-88709**. Please refer to this number when contacting the Department. Should you have any questions about your application, please contact the following Water Rights Specialist assigned to your application:

Kim French, Water Rights Specialist	Phone: 503-986-0816
	Email: kim.r.french@oregon.gov

A description of the steps that are used for processing a surface water application are shown on the reverse side of this letter. Surface water applications that propose to use stored water exclusively are reviewed using an expedited process and contain slightly different processing steps.

The Department's goal is to process applications within statutory deadlines. The first step in the process is issuance of an Initial Review, which summarizes the Department's preliminary determinations. Surface water applications typically receive an Initial Review in approximately two to three months. Copies of the Initial Review, Proposed Final Order, and Final Order will be mailed to you. Applications proposing to use stored water only under the expedited process will receive a Final Order.

Please note that your application is subject to review and comment from other state agencies and interested parties.

Sincerely,

Cory Middleton
Customer Service Representative
Oregon Water Resources Department

cc:
File

Water-Use Permit Application Processing Steps

Oregon Water Resources Department

Standard Process for a Surface Water Application:

1. Initial Review

The Department reviews the application to determine whether water is available during the period requested, whether the proposed use is restricted or limited by rule or statute, and whether other issues may preclude approval of or restrict the proposed use. An Initial Review (IR) containing preliminary determinations is mailed to the applicant. The applicant has 14 days from the mailing date to withdraw the application from further processing and receive a refund of all fees paid minus \$260. The applicant may put the application on hold for up to 180 days and may request additional time if necessary.

2. Public Notice

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

3. Proposed Final Order Issued

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

4. Public Notice & Protest Opportunity

Within 7 days of issuing the PFO, the Department gives public notice in the weekly notice. Notice includes information about the application and the PFO. A protest must be received by the Department within 45 days after publication of the PFO in the weekly notice. Anyone may file a protest. The protest filing fee is \$410.00 for the applicant and \$810.00 for non-applicants. Protests are filed on approximately 10 percent of Proposed Final Orders. If a protest is filed the Department will attempt to settle the protest but will schedule a contested case hearing, if necessary.

5. Final Order Issued

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

Expedited Process for a Surface Water Application:

Note: The expedited process only applies to an applications using stored water only under ORS 537.147.

The expedited process allows the Department to process an application within several weeks in cases where no public interest concerns are identified. It does not provide an opportunity to protest the Department's recommendation unless public interest issues are identified, in which case the Department will then evaluate the application using the standard process and a protest opportunity will be available. For expedited applications, the Department issues a Final Order only. Once accepted by the Department, these applications are published in the weekly public notice every Tuesday and a 30-day public comment periods begins. Following the public comment period, the Department can issue the Final Order.



Oregon Water Resources Department
Stored Water Only Applications - Expedited Secondary

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

Today's Date: Friday, June 21, 2019

Base Application Fee.		\$520.00
Acre feet of Stored Water to be diverted.	132	\$834.40
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.	Recalculate	
Estimated cost of Permit Application		\$1,874.40

OWRD Fee Schedule

Fee Calculator Version: B20170117



Oregon Water Resources Department
Surface Water Application

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

Today's Date: Wednesday, June 19, 2019

Base Application Fee.		\$930.00
Number of proposed cubic feet per second (cfs) to be diverted. (1 cfs = 448.83 gallons per minute)	0.25	\$350.00
Number of proposed Use's for the appropriated water. (i.e. Irrigation, Supplemental Irrigation, Pond Maintenance, Industrial, Commercial, etc) *	1	
Number of proposed Surface Water points of diversions. **	1	
Number of Acre Feet to be diverted from Stored Water. (if the application is appropriating water from a pond/reservoir)	90	\$784.00
Permit Recording Fee. ***		\$520.00
* the 1st Water Use is included in the base cost. ** the 1st Surface Water point of diversion is included in the base cost. *** the Permit Recording Fee is not required when the application is submitted but, must be paid before a permit will be issued. It is fully refundable if a permit is not issued. If the recording fee is not paid prior to issuance of the Final Order, permit issuance will be delayed.	Recalculate	
Estimated cost of Permit Application		\$2,584.00

OWRD Fee Schedule

Fee Calculator Version: B20170117

SUNRISE PARKWAY LLC

P.O. BOX 1269

SHADY COVE, OR 97539

JUNE 17, 2019

Oregon Water Resources Department

725 Summer St. NE, Suite A

Salem, OR 97301-1266

RE: Application to use stored water for Irrigation

REF: Permit R-15393 Water District #13

Application R-88479 Basin #15

To whom it may concern,

Enclosed please find our application for Permit to Use Stored Water under Permit R-15393 for irrigation and an application for temporary use while the permanent water use application is being processed.

Included in package is the following:

LAND USE INFORMATION FORM (5) including receipt to Jackson County

APPLICATION for a Permit to Use SURFACE WATER (14)

Fee Schedule (1) and check #20508 \$2584.00

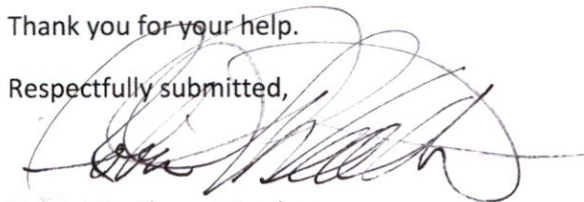
WATERMASTER AVAILABILITY STATEMENT (1) signed original

APPLICATION for LIMITED WATER USE LICENSE and MAP (4) AND check #20507 \$250.00

Summary: Order approving Application R-88479 and issuing Permit R-15393 (5)

Thank you for your help.

Respectfully submitted,



Robin Weathers, Member

541-601-0105 cell phone

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OWRD

5-88709



Today's Date: Monday, June 17, 2019

Base Application Fee.		\$930.00
Number of proposed cubic feet per second (cfs) to be diverted. (1 cfs = 448.83 gallons per minute)	0.25	\$350.00
Number of proposed Use's for the appropriated water. (i.e. Irrigation, Supplemental Irrigation, Pond Maintenance, Industrial, Commercial, etc) *	1	
Number of proposed Surface Water points of diversions. **	1	
Number of Acre Feet to be diverted from Stored Water. (if the application is appropriating water from a pond/reservoir)	90	\$784.00
Permit Recording Fee. ***		\$520.00
* the 1st Water Use is included in the base cost. ** the 1st Surface Water point of diversion is included in the base cost. *** the Permit Recording Fee is not required when the application is submitted but, must be paid before a permit will be issued. It is fully refundable if a permit is not issued. If the recording fee is not paid prior to issuance of the Final Order, permit issuance will be delayed.	Recalculate	
Estimated cost of Permit Application		\$2,584.00

OWRD Fee Schedule

Fee Calculator Version: B20170117

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Application for a Permit to Use
Surface Water

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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 SUNRISE PARKWAY LLC ^{1/0} GARY & ROBIN WEATHERS		PHONE (HM) 541-291-2559	
PHONE (WK) 541-601-0105	CELL 541-601-0105	FAX N/A	
ADDRESS PO Box 1269			
CITY SHADY COVE	STATE OR	ZIP 97539	E-MAIL * ROBINWRRC@AOL.COM

Organization

NAME SUNRISE PARKWAY LLC		PHONE 541-291-2559		FAX N/A
ADDRESS PO Box 1269			CELL 541-601-0105	
CITY SHADY COVE	STATE OR	ZIP 97539	E-MAIL * ROBINWRRC@AOL.COM	

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.)

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 any proposed diversion. Acceptance of this application does not guarantee a permit will be issued.
- If I begin construction prior to the issuance of a permit, I assume all risks associated with my actions.
- If I 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

[Signature]
Applicant Signature

E. GARY WEATHERS, MEMBER
Print Name and Title if applicable Date

[Signature]
Applicant Signature

ROBIN L. WEATHERS, MEMBER
Print Name and Title if applicable Date

R-15393 WATER DISTRICT #13
R-88479

For Department Use: App. Number: 5-88709

JUN 19 2019

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. **OWRD**

- YES, there are no encumbrances.
- YES, the land is encumbered by easements, rights of way, roads or other encumbrances.
SEE FILE R-88479 SEE ATTACHED R-15393
- 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.

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.

SEE FILE R-88479

SEE ATTACHED EXHIBIT A

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: <i>SUNRISE POND</i>	Tributary to: <i>LITTLE BUTTE CREEK</i>
TRSQQ of POD: <i>35S, 1W, WM, SEC 28, SE, SE</i>	
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.)

*R-15393
R-88479*

For Department Use: App. Number: *5-88709*

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/

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

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.

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For Department Use: App. Number: S-88709

- 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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R-88479

For Department Use: App. Number: 5-88709

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
SUNRISE POND TRINITE	IRR	YR	132 <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: 20 Acres Supplemental: _____ Acres

If supplemental acres are listed, provide the Permit or Certificate number of the underlying primary water right(s):

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

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

SECTION 6: WATER MANAGEMENT

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A. Diversion and Conveyance

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

- Pump (give horsepower and type): WACKER DIESEL PUMP
- Other means (describe): _____ AND SYPHON

Provide a description of the proposed means of diversion, construction, and operation of the diversion works and conveyance of water. SUNRISE POND IS ABOVE THE LAND TO BE IRRAGATED (DRY FIELD NOW)

B. Application Method

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

H.P.S. / DRIP

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.

I HAVE 40 ACERS OF E.F.U. LAND AND PERMITT # R-15393 TO STORE WATER BUT NO IRRAGATION PERMITT. I WILL USE A MEASURABLE DEPTH GAWGE

For Department Use: App. Number: 5-88709

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: WILL MEET ODFW REQ. THERE IS NO UPTAKE
- 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: NA
- 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: NO LAND TO BE DISTURBED
- Water quality will be protected by preventing erosion and run-off of waste or chemical products.
Describe planned actions: SEE PERMIT # R-15393 USE IN 4 BEST METHOD TO APPLY WATER
- List other federal and state permits or contracts to be obtained, if a water right permit is granted.
NA NONE NEEDED

SECTION 8: PROJECT SCHEDULE

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- a) Date construction will begin: _____
- b) Date construction will be completed: FINISHED
- c) Date beneficial water use will begin: MAY OR JUNE 2019

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.

EAGLE POINT IRRIGATION DISTRICT

Irrigation District Name <u>EAGLE POINT IRR. DIST</u>		Address <u>PO BOX 157</u>	
City <u>EAGLE POINT</u>	State <u>OR</u>	Zip <u>97524</u>	

PH 541-826-3411

SECTION 10: REMARKS

Use this space to clarify any information you have provided in the application. (Attach additional sheets if necessary).

SOURCE OF IRRIGATION WATER IS STORED WATER UNDER PERMIT R-15393

For Department Use: App. Number: 5-88709

Land Use Information Form



Oregon Water Resources Department
 725 Summer Street NE, Suite A
 Salem, Oregon 97301-1266
 503-986-0900
 www.oregon.gov/OWRD

Applicant SUNRISE PARKWAY LLC

NAME <u>E. GARY & Robin Weathers</u>		PHONE (HM) <u>541-291-2559</u>
PHONE (WK) <u>541-291-2559</u>	CELL <u>541-601-0105 ROBIN GARY</u>	FAX <u>N/A</u>
ADDRESS <u>P.O. Box 1269</u>		
CITY <u>Shady Cove</u>	STATE <u>OR</u>	ZIP <u>97539</u> E-MAIL <u>Robin.WRRC@aol.com</u>

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>355</u>	<u>1W</u>	<u>28</u>	<u>SESE</u>	<u>700/701</u>	<u>EFU</u>	<input checked="" type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	<u>IRRIGATION</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:

JACKSON County

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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 Groundwater Registration Modification
 Limited Water Use License
 Allocation of Conserved Water
 Exchange of Water

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

Estimated quantity of water needed: 108
 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: APPLICATIONS TO USE STORED WATER FOR IRRIGATION

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.

PERMIT R-15393 WATER DISTRICT #13

COPY

APPLICATION R-80479 BASIN #15

5-88709

Receipt for Request for Land Use Information

Applicant name: Gary & Robin Weathers

City or County: Jackson County Staff contact: Nick Schubert

Signature: [Handwritten Signature] Phone: (541) 774-6907 Date: 6/13/19

Land Use Information Form
Page 1 of 3

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2 copies signed
myself

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.

NAME	TITLE:	
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: _____

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5-88705



www.jacksoncounty.org

Transaction Receipt

439-19-01075-ZON

Receipt Number: 262151

Receipt Date: 6/13/19

Jackson County Planning Department

Development Services Planning Division
10 S Oakdale Ave, Room 100
Medford, OR 97501
541-774-6907
Fax: 541-774-6791
jcplanning@jacksoncounty.org

Worksite address: 12643 HWY 62, County, OR
Parcel: 35-1W-28-700

Fees Paid					
Transaction date	Units	Description	Account code	Fee amount	Paid amount
6/13/19	1.00 Ea	Type I Counter Permit	3701040000.45105.1300	\$116.00	\$116.00

Payment Method: Check number: 20506 Payer: Sunrise Parkway LLC Payment Amount: \$116.00
Transaction Comment: LUCS_NS

Cashier: Nick J. Schubert

Receipt Total: \$116.00

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Development Services

10 S. Oakdale Ave, Room 100 • Medford, OR 97501-2902 • Phone: 541-774-6900 • Fax: 541-774-6791

Request for Assistance

* Indicates Required

PLEASE PRINT:

SUNRISE PARKWAY LLC

*Name (Person completing this form)

541-601-0105

*Phone

SAME ROBIN WEATHERS

Property Owner (If different from above)

ROBIN.WEATHERS@AOL.COM

Email

~~R-88479~~

TR-15393

Associated Permit / Case # (s) (i.e. ZON2004-00999, BLD2003-00899)

PROPERTY IDENTIFICATION:

355 1W 28 SE SE

*Site Address

355 1W 28 SE SE ⁷⁰⁰
701

Township Range Section 1/4 Section Taxlot

12,643 Hwy 62 E.P.

Site Address

Township Range Section 1/4 Section Taxlot

Site Address

Township Range Section 1/4 Section Taxlot

*HOW CAN WE ASSIST YOU? (Please be as specific as possible)

LAND USE FORM SIGN OFF

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Oregon Water Resources Department
Water Right Services Division

Water Right Application R-88479 in the)
name of SUNRISE PARKWAY LLC) SUPERSEDING FINAL ORDER
)

Summary: Order approving Application R-88479 and issuing Permit R-15393.

Authority

The application is being processed in accordance with Oregon Revised Statute (ORS) 537.153 through 537.175, and 390.826, and Oregon Administrative Rule (OAR) Chapter 690, Divisions 5, 33, 300, 310, 400, 410, and the Rogue Basin Program OAR 690-515. These statutes and rules can be viewed on the Oregon Water Resources website:

<https://www.oregon.gov/OWRD/programs/policylawandrules/Pages.default.aspx>

The Department's main page is <http://www.oregon.gov/OWRD>.

This Final Order is issued pursuant to ORS 537.170(6) to (9) and OAR 690-310-0170 to 0190.

FINDINGS OF FACT

1. On November 30, 2017, submitted an application to the Department for a water use permit.
2. The Department issued a Proposed Final Order on May 29, 2018. The protest period closed July 13, 2018, and no protest was filed.
3. The findings of fact in the Proposed Final Order are incorporated herein.
4. On May 21, 2019, the Department issued a Final Order approving Application R-88479 and Permit R-15352. After clarification from the applicant, the Department discovered the May 21, 2019 Final Order erroneously omitted irrigation as a use.

NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW

This is a Final Order in other than contested case. This order is subject to judicial review under ORS 536.075 and ORS 183.484. Any petition for judicial review must be filed within the 60 day time period specified by ORS 183.484(2). Pursuant to OAR 137-004-0080 you may petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied.

HEARING RIGHTS

Under the provisions of ORS 537.170 and ORS 537.622, the applicant may request a contested case hearing by submitting the information required for a protest under ORS 537.153(6) or ORS 537.621(7) to the Department within 14 days after the date of mailing of this order as shown below. If a contested case hearing is requested, the Department must schedule one. In the contested case hearing, however, only those issues based on the modifications to the Proposed Final Order may be addressed. Only the applicant or protestant may appeal this order. (ORS 537.170(7)(b).

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5. Accordingly, pursuant to OAR 137-004-0080(5), a superseding Final Order and Permit will be issued.

CONCLUSIONS OF LAW

1. The conclusions of law in the Proposed Final Order issued May 29, 2018 are incorporated herein.
2. The proposed use, as conditioned, would not impair or be detrimental to the public interest as described in ORS 537.153(2).

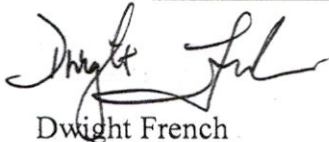
NOTE: When issuing permits, ORS 537.170(6) authorizes the Department to include provisions or restrictions concerning the use, control and management of the water to be appropriated for the project.

ORDER

This Final Order and Permit supersede the May 21, 2019 Final Order and Permit R-15352, which are of no further force or effect

Application R-88479 is approved and Permit R-15393 is issued.

DATED JUN 06 2019



Dwight French
Water Right Services Division Administrator, for
Thomas M. Byler, Director
Oregon Water Resources Department

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-
- If you have any questions about statements contained in this document, please contact Kim French at Kim.R.French@oregon.gov or 503-986-0816.
 - If you have other questions about the Department or any of its programs, please contact our Water Resources Customer Service Group at 503 986-0900.
-

STATE OF OREGON

COUNTY OF JACKSON

PERMIT TO APPROPRIATE THE PUBLIC WATERS

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THIS PERMIT IS HEREBY ISSUED TO

SUNRISE PARKWAY LLC
PO BOX 1269
SHADY COVE OR 97539

The specific limits and conditions of the use are listed below.

APPLICATION FILE NUMBER: R-88479

SOURCE OF WATER: RUN OFF, TRIBUTARY TO LITTLE BUTTE CREEK

STORAGE FACILITY: SUNRISE POND

PURPOSE OR USE OF THE STORED WATER: AGRICULTURAL USE, INCLUDING IRRIGATION

MAXIMUM VOLUME/RATE: 300.0 ACRE-FEET

WATER MAY BE APPROPRIATED FOR STORAGE DURING THE PERIOD: DECEMBER 1 THROUGH APRIL 30

DATE OF PRIORITY: NOVEMBER 30, 2017

THE RESERVOIR IS ENTIRELY BELOW GROUND SURFACE; THERE IS NO DAM

RESERVOIR LOCATION:

POD Name	Twp	Rng	Mer	Sec	Q-Q	Measured Distances
SUNRISE POND	35 S	1 W	WM	28	SE SE	945 FEET NORTH AND 690 FEET WEST FROM SE CORNER, SECTION 28

1. Water Use Measurement, Recording, and Reporting Condition:

- A. 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 shall be installed in the reservoir. If no dead-pool, the gage must measure the full depth of the reservoir. The permittee shall maintain the device in good working order.
- B. The permittee shall allow the watermaster access to the device; provided however, where any device is located within a private structure, the watermaster shall request access upon reasonable notice.
- C. The permittee shall keep a complete record of the volume of water stored each month, and shall submit a report which includes water-storage measurements to the Department annually (or more frequently as may be required by the Director). Further, the Director may require the permittee to

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report general water-use information, including the place and nature of use of water under the permit.

- D. The Director may provide an opportunity for the permittee to submit alternative measuring and reporting procedures for review and approval.
2. 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.
 3. The storage of water allowed herein is subject to the installation and maintenance of an outlet pipe (with a minimum diameter of 8" for any in-channel reservoir). This requirement may be waived if the Department determines other means have been provided to evacuate water when necessary.
 4. The permittee shall pass all live flow outside the storage season described above.
 5. The Director may require the user to measure inflow and outflow, above and below the reservoir respectively, to ensure that live flow is not impeded outside the storage season. Measurement devices and their implementation must be acceptable to the Director, and the Director may require that data be recorded on a specified periodic basis and reported to the Department annually or more frequently.
 6. The permittee shall not construct, operate or maintain any dam or artificial obstruction to fish passage in the channel of the subject stream without providing a fishway to ensure adequate upstream and downstream passage for fish, unless the permittee has requested and been granted a fish passage waiver by the Oregon Fish and Wildlife Commission. The permittee is hereby directed to contact an Oregon Department of Fish and Wildlife Fish Passage Coordinator, before beginning construction of any in-channel obstruction.
 7. This permit allows an annual appropriation (not to exceed the specified volume). This permit does not provide for the appropriation of water for out-of-reservoir uses, the maintenance of the water level or maintaining a suitable freshwater condition. If any water is to be used for out-of-reservoir purposes, a secondary water right is required. If any additional live flow is to be appropriated to maintain either the water level or a suitable freshwater condition, an additional water right is required.

Water Quality Conditions:

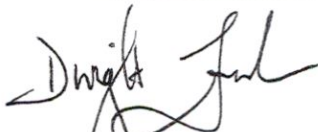
8. The use may be restricted if the quality of the source stream or downstream waters decrease to the point that those waters no longer meet existing state or federal water quality standards due to reduced flows.
9. The permittee shall not cause pollution of any waters of the state, or place or cause to be placed any wastes in a location where such wastes are likely to escape or be carried into the waters of the state by any means, per ORS 468B.025(1). If the Department of Environmental Quality (DEQ) determines that pollution of waters of the state is occurring, the permittee is not in compliance with ORS 468B.025(1), and DEQ shall notify the Department of the violation.

10. The permittee shall not release polluted off-channel stored water into waters of the state, unless under emergency situations. For routine maintenance, the permittee shall land apply stored water or provide treatment. The permittee shall comply with OAR 340-041 and ensure that water-quality standards are not violated by releases from storage.
11. The permittee shall comply with basin-specific Agricultural Water Quality Management Area Rules in OAR 603.095. Livestock management and cropping must protect riparian areas on the property, allowing site capable vegetation along streams to establish and grow to provide the following functions; shade (on perennial and some intermittent streams), bank stability, and infiltration or filtration of overland runoff.

STANDARD CONDITIONS

1. Failure to comply with any of the provisions of this permit may result in action including, but not limited to, restrictions on the use, civil penalties, or cancellation of the permit.
2. This permit is for the beneficial use of water without waste. The water user is advised that new regulations may require the use of best practical technologies or conservation practices to achieve this end.
3. By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.
4. The use of water allowed herein may be made only at times when sufficient water is available to satisfy all prior rights, including prior rights for maintaining instream flows.
5. Construction of the water system shall begin within five years of the date of permit issuance. The deadline to begin construction may not be extended. This permit is subject to cancellation proceedings if the begin construction deadline is missed.
6. The permitted volume of water shall be stored within five years of the date of permit issuance. If additional time is needed, the permittee may submit an application for extension of time, which may be approved based upon the merit of the application.
7. Within one year after storage of water, the permittee shall submit a claim of beneficial use, which includes a map and report, prepared by a Certified Water Rights Examiner.

Issued JUN 06 2019



Dwight French
Water Right Services Division Administrator, for
Thomas M. Byler, Director
Oregon Water Resources Department

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ATTACHMENT

Jackson County Official Records **2017-033561**
 R-BSD **09/29/2017 03:40:28 PM**
 Stn=0 BARROWKL
 \$15.00 \$10.00 \$8.00 \$11.00 \$20.00 **\$64.00**

I, Christine Walker, County Clerk for Jackson County, Oregon, certify that the instrument identified herein was recorded in the Clerk records.
 Christine Walker - County Clerk

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North Valley Shale, L.L.C., an Oregon limited liability company
1065 S Shasta Avenue
Eagle Point OR 97524
 Grantor's Name and Address

Sunrise Parkway LLC, an Oregon limited liability company
P O Box 1269
Shady Cove, OR 97539
 Grantee's Name and Address

After recording return to:
Sunrise Parkway LLC, an Oregon limited liability company
P O Box 1269
Shady Cove, OR 97539

Until a change is requested all tax statements shall be sent to the following address:
 Sunrise Parkway LLC, an Oregon limited liability company
 P O Box 1269
 Shady Cove, OR 97539

File No. 194070AM

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BARGAIN AND SALE DEED

NOV 30 2017

KNOW ALL MEN BY THESE PRESENTS, That

SALEM, OR

North Valley Shale, L.L.C.,

hereinafter called Grantor, for the consideration hereinafter stated, does hereby grant, bargain, sell and convey unto

Sunrise Parkway LLC, an Oregon limited liability company,

hereinafter called Grantee, and unto Grantee's heirs, successors and assigns all of that certain real property with the tenements, hereditaments and appurtenances thereunto belonging or in any way appertaining, situated in the County of Jackson, State of Oregon, described as follows, to wit:

As set forth in exhibit "A" attached hereto and made a part here

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

The true and actual consideration paid for this transfer, stated in terms of dollars, is \$225,000.00. However, the actual consideration consists of or includes other property or value given or promised which is the whole / part of the consideration.

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THIS SPACE RESERVED FOR RECORDER'S USE

RECORDED ELECTRONICALLY	
ID	2017-0335101
County	Jackson
Date	01-29-17
Time	3:40
simplifile.com 800.460.5657	

North Valley Shale, L.L.C., an Oregon limited liability company
1065 S Shasta Avenue
Eagle Point OR 97524
 Grantor's Name and Address

Sunrise Parkway LLC, an Oregon limited liability company
P O Box 1269
Shady Cove, OR 97539
 Grantee's Name and Address

After recording return to:
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KNOW ALL MEN BY THESE PRESENTS, That

North Valley Shale, L.L.C.,

hereinafter called Grantor, for the consideration hereinafter stated, does hereby grant, bargain, sell and convey unto

Sunrise Parkway LLC, an Oregon limited liability company,

hereinafter called Grantee, and unto Grantee's heirs, successors and assigns all of that certain real property with the tenements, hereditaments and appurtenances thereunto belonging or in any way appertaining, situated in the County of Jackson, State of Oregon, described as follows, to wit:

As set forth in exhibit "A" attached hereto and made a part here

RECEIVED BY OWRD

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

NOV 30 2017

SALEM, OR

The true and actual consideration paid for this transfer, stated in terms of dollars, is \$225,000.00. However, the actual consideration consists of or includes other property or value given or promised which is the whole / part of the consideration.

R-88479

5-88709

Page 2 - Bargain and Sale Deed
Escrow No. 194070AM

To Have and to Hold the same unto grantee and grantee's heirs, successors and assigns forever.
In construing this deed, where the context so requires, the singular includes the plural and all grammatical changes shall be made so that this deed shall apply equally to corporations and to individuals.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

In Witness Whereof, the grantor has executed this instrument this 27 day of September, 2017, if a corporate grantor, it has caused its name to be signed and its seal if any, affixed by an officer or other person duly authorized to do so by order of its board of directors.

North Valley Shale, L.L.C., an Oregon limited liability company

Bob G. Kimmel
Bob G. Kimmel, Member

Janet A. Kimmel
Janet A. Kimmel, Member



State of Oregon
County of Jackson

OR} ss
Jackson}

On this 27 day of September, in the year 2017, before me, Gena C Whipple, a Notary Public in and for said state, personally appeared Bob G. Kimmel and Janet A. Kimmel, known or identified to me to be the Members in the Limited Liability Company known as North Valley Shale LLC who executed the foregoing instrument, and acknowledged to me that he/she executed the same in said LLC name.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

Gena C Whipple
Notary Public for the State of Oregon
Residing at: Westport
Commission Expires: 10-22-2017

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EXHIBIT "A"

194070AM

PARCEL I:

The Southeast Quarter of the Southeast Quarter of Section 28, in Township 35 South, Range 1 West of the Willamette Meridian in Jackson County, Oregon.

PARCEL II:

Beginning at the southwest corner of Section 27 in Township 35 South, Range 1 West of the Willamette Meridian in Jackson County, Oregon; thence Easterly, along the southerly line of said Section, 88.0 feet, more or less, to the southwest corner of tract described in deed recorded as No. 69-06266 of the Official Records of Jackson County, Oregon; thence North 0°14'30" East 464.40 feet to the northwest corner thereof; thence South 89°57'35" East 630.07 feet to an el corner of last described tract; thence North 0°14'30" East 186.05 feet to a point on the south line of a 60.00 foot easement as described in deed recorded as No. 67-09994, of said Official Records; thence South 89°57'35" East, along said line, 569.78 feet to a point on the west line of the Crater Lake Highway right-of-way; thence North 0°14'30" East, along said right-of-way line, 60.00 feet to the north line of said easement; thence North 89°57'35" West, along the north line of said easement, 629.78 feet to an iron pin on the easterly line of the first described tract in deed recorded as No. 67-09994, of said Official Records; thence South 0°14'30" West 186.05 feet, along said easterly line, to an iron pin located for the Southeast corner of said tract; thence, along the southerly line of said tract, North 89°57'35" West 570.07 feet to the southwest corner thereof; thence, along the westerly line of said tract, North 0°14'30" East 385.00 feet to the southwest corner of the tract described in deed recorded as No. 74-04567, of said Official Records; thence, along the westerly line of said tract, North 0°14'30" East 385.00 feet to the northwest corner thereof; thence, along the northerly line of said tract, North 89°59'00" East 630.07 feet, more or less, to the northwest corner of the tract described in deed recorded as No. 68-01297, of said Official Records; thence, along the northerly line of said tract, North 89°59'00" East 570.00 feet to a point on the west line of the Crater Lake Highway right-of-way; thence northerly, along said right-of-way line, 30.0 feet, more or less, to the north line of the Southwest Quarter of the Southwest Quarter of said Section; thence Westerly, along said north line, to the northwest corner of said Quarter-Quarter; thence Southerly, along the west line of said Quarter-Quarter, to the point of beginning. EXCEPTING THEREFROM all that portion lying within the right-of-way of Oregon State Highway No. 62, as described in Volume 276 page 176 of the Deed Records of Jackson County, Oregon.

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American Land Title Association
ALTA Owner's Policy (6-17-2006)

Oregon Title Insurance Rating Organization(OTIRO)
OTIRO No. PO-04

Order No.: 194070AM
Policy No.: O-7430-56789

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SCHEDULE B

EXCEPTIONS FROM COVERAGE

This policy does not insure against loss or damage, and the Company will not pay costs, attorneys' fees or expenses that arise by reason of:

GENERAL EXCEPTIONS:

1. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the Public Records; proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the Public Records.
2. Facts, rights, interests or claims which are not shown by the Public Records but which could be ascertained by an inspection of the Land or by making inquiry of persons in possession thereof.
3. Easements, or claims of easement, not shown by the Public Records; reservations or exceptions in patents or in Acts authorizing the issuance thereof; water rights, claims or title to water.
4. Any encroachment (of existing improvements located on the subject Land onto adjoining Land or of existing improvements located on adjoining Land onto the subject Land) encumbrance, violation, variation, or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the subject Land.
5. Any lien, or right to a lien, for services, labor, material, equipment rental or workers compensation heretofore or hereafter furnished, imposed by law and not shown by the Public Records.
6. The 2017-2018 Taxes: A lien not yet due or payable.
7. Regulations, including levies, assessments, water and irrigation rights and easements for ditches and canals of Eagle Point Irrigation District.
(No delinquent assessments as of the date of this policy)
8. An easement including the terms and provisions thereof for the purpose shown below and rights incidental thereto as set forth in instrument:
Granted To: Eagle Point Irrigation District
Purpose: Ditch right of way
Recorded: October 11, 1923
Book 146, Page 278
Affects: Parcel II
9. An easement including the terms and provisions thereof for the purpose shown below and rights incidental thereto as reserved in instrument:
Granted To: Eagle Point Irrigation District
Purpose: Ditches, canals, and reservoir sites for irrigation purposes, constructed or which may be constructed by authority of the United States of America, or otherwise
Recorded: January 22, 1929
Book 175, Page 528
Affects: Parcels I and II

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American Land Title Association
ALTA Owner's Policy (6-17-2006)

Oregon Title Insurance Rating Organization(OTIRO)
OTIRO No. PO-04

Order No.: 194070AM
Policy No.: O-7430-56789

10. An easement including the terms and provisions thereof, affecting the portion of said premises and for the purposes stated therein as set forth in instrument:
Granted To: California Oregon Power Company
Recorded: January 4, 1945
Book: 256, Page: 39
Affects: Parcel II
11. An easement including the terms and provisions thereof for the purpose shown below and rights incidental thereto as set forth in instrument:
Granted To: State of Oregon
Purpose: Relocation of all irrigation ditches and structures and drainage ditches and structures for proper highway construction and maintenance
Recorded: December 27, 1946
Book 276, Page 176
Affects: Parcel II
12. An easement including the terms and provisions thereof, affecting the portion of said premises and for the purposes stated therein as set forth in instrument:
Granted To: California Oregon Power Company
Recorded: October 4, 1960
Book: 496, Page: 316
Affects: Parcels I and II
13. An easement including the terms and provisions thereof for the purpose shown below and rights incidental thereto as set forth in instrument:
Purpose: Ingress and egress
Recorded: October 11, 1967
Instrument No.: 67-09994
Affects: Parcel II
14. An easement including the terms and provisions thereof, affecting the portion of said premises and for the purposes stated therein as set forth in instrument:
Granted To: Pacific Power & Light Company
Recorded: December 15, 1970
Instrument No.: 70-12286
Recorded: May 7, 1971
Instrument No.: 71-05409
Affects: Parcel II
15. An easement including the terms and provisions thereof for the purpose shown below and rights incidental thereto as set forth in instrument:
Purpose: Reciprocal roadway
Recorded: December 15, 1994
Instrument No.: 94-43942
Affects: Parcels I and II

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R-88479

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American Land Title Association
ALTA Owner's Policy (6-17-2006)

Oregon Title Insurance Rating Organization(OTIRO)
OTIRO No. PO-04

Order No.: 194070AM
Policy No.: O-7430-56789

16. An easement including the terms and provisions thereof for the purpose shown below and rights incidental thereto as set forth in instrument:
Granted To: Jackson County School District No. 9, a political subdivision of the State of Oregon
Purpose: Construction, maintenance, use and repair of an individual water-carried on-site sewage disposal system
Recorded: September 14, 1999
Instrument No.: 99-47531
Affects: Parcels I and II
17. Extraction Setback Agreement, including the terms and provisions thereof,
Recorded: December 21, 2000
Instrument No.: 2000-051534
Affects: Parcel I
18. Restrictive Covenant, including the terms and provisions thereof,
Recorded: May 16, 2001
Instrument No.: 2001-022282
Affects: Parcels I and II
19. An unrecorded lease with certain terms, covenants, conditions and provisions set forth therein and such other exceptions as may appear necessary upon recording thereof,
Lessor: North Valley Shale, LLC
Lessee: Western Rock Reduction, Co.
Disclosed by: Memorandum of Lease
Date: November 11, 2003
Recorded: December 30, 2003
Instrument No.: 03-87021
Affects: Parcels I and II
20. The Land, as defined in the policy to be issued, does not include any improvement(s) located on the Land which is described or defined as a mobile home (manufactured housing unit) under the provisions of State Law and is subject to registration.
(X155096).
21. A Deed of Trust, Assignment of Rents and Security Agreement, including the terms and provisions thereof, to secure the amount noted below and other amounts secured thereunder, if any:
Amount: \$185,000.00
Dated: September 28, 2017
Trustor/Grantor: Sunrise Parkway LLC, an Oregon limited liability company
Trustee: Joseph E. Kellerman
Beneficiary: North Valley Shale, L.L.C., an Oregon limited liability company
Recorded: September 29, 2017
Instrument No.: 2017-033562

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END OF EXCEPTIONS

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NOV 30 2017

SALEM, OR

R-88479

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