

Application for a Permit to Use
Surface Water



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

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SECTION 1: APPLICANT INFORMATION AND SIGNATURE

Applicant

NAME Carolyn Jones		PHONE (HM)	
PHONE (WK)	CELL (541) 270-1347	FAX	
ADDRESS 1917 N Beaver Creek Rd.			
CITY Seal Rock	STATE OR	ZIP 97376	E-MAIL * carolyn@actionnet.net

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APR 29 2022

Organization

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

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

AGENT / BUSINESS NAME Yaquina Law, LLC		PHONE (541) 272-5500		FAX (541) 265-7633	
ADDRESS 380 SW 2nd St., PO Box 1987				CELL	
CITY Newport	STATE OR	ZIP 97365	E-MAIL * traci@yaquinlaw.com		

Note: Attach multiple copies as needed

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

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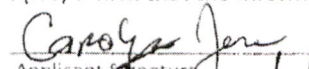
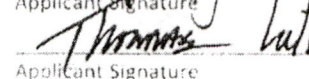
JUN 17 2022

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.

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

	Carolyn Jones	12/1/21
Applicant Signature	Print Name and Title if applicable	Date
	Thomas Luther	12/1/21
Applicant Signature	Print Name and Title if applicable	Date

For Department Use: App. Number: _____

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SECTION 2: PROPERTY OWNERSHIP

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

- ☐ YES, there are no encumbrances.
- ☒ YES, the land is encumbered by easements, rights of way, roads or other encumbrances.
- ☐ NO, I have a recorded easement or written authorization permitting access.
- ☐ NO, I do not currently have written authorization or easement permitting access.
- ☐ NO, written authorization or an easement is not necessary, because the only affected lands I do not own are state-owned submersible lands, and this application is for irrigation and/or domestic use only (ORS 274.040).
- ☐ NO, because water is to be diverted, conveyed, and/or used only on federal lands.

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).

Thomas Luther, 15880 McBee Rd., Dallas, OR 97338

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.

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SECTION 3: SOURCE OF WATER**A. Proposed Source of Water**

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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: Unnamed Spring	Tributary to: None
TRSQQ of POD: Map Taxlot 12-11-20-00-00102-00 (see attached Exhibit C)	
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).

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B. Applications to Use Stored Water

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

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

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

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

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

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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) 986-0900.

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.

For Department Use: App. Number: _____

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Surface Water — Page 3

Rev. 07/21

JUL 11 2022

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If yes,

- I understand that the proposed use does not involve appropriation of direct streamflow during the time period April 15 to September 30, except as provided in OAR 690-033-0140.
- I understand that I will install, operate and maintain a fish screen and fish passage as listed in ORS 498.301 through 498.346, and 509.580 through 509.910, to the specifications and extent required by Oregon Department of Fish and Wildlife, prior to diversion of water under any permit issued pursuant to this application.
- I understand that the Oregon Department of Environmental Quality will review my application to determine if the proposed use complies with existing state and federal water quality standards.
- I understand that I will install and maintain water use measurement and recording devices as required by the Water Resources Department, and comply with recording and reporting permit condition requirements.

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

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

☐ Yes ☒ No

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If yes, you are notified 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:

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Statewide - OAR 690-033-0330 thru -0340

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

☒ Yes ☐ No *while this POD is located in an area where the Statewide rules may apply, this water source provides no contribution to fish habitat.

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

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For Department Use: App. Number: _____

Surface Water — Page 4

Rev. 07/21

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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
Unnamed Spring	Domestic	Annual	0.005 ☒ cfs ☐ gpm ☐ af
Unnamed Spring	Domestic	Annual	0.005 ☒ cfs ☐ gpm ☐ af
			☐ cfs ☐ gpm ☐ af
			☐ cfs ☐ gpm ☐ af

Please indicate the number of primary, supplemental and/or nursery acres to be irrigated.

Primary: 0 Acres

Supplemental: 0 Acres

Nursery Use: 0 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: 0

- If the use is **municipal or quasi-municipal**, attach Form M
- If the use is **domestic**, indicate the number of households: 2
- If the use is **mining**, describe what is being mined and the method(s) of extraction:

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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):
☐ Other means (describe):

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

Water is pumped through PVC pipes into three fiberglass water takes, each 1300 gallons, the water is then pumped uphill and gravity fed to each house for domestic water use.

B. Application Method

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

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.

Domestic use for 2 households.

For Department Use: App. Number: _____

Surface Water — Page 5

Rev. 07/21

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:

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- ☒ 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.

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Describe planned actions and additional permits required for project implementation:

No additional development is necessary.

- ☒ 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:

This will not be necessary.

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

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Describe planned actions:

The area will be routinely checked.

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

SECTION 8: PROJECT SCHEDULE

- a) Date construction will begin: No new construction is necessary.
b) Date construction will be completed:
c) Date beneficial water use will begin: ASAP

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SECTION 9: WITHIN A DISTRICT

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

Irrigation District Name	Address	
City	State	Zip

SECTION 10: REMARKS

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

This application is to validate water use that has existed for over a decade. The household located at 1917 N Beaver Creek Rd., Seal Rock, OR 97376 is the primary use of the water source. The household located at 1803 N Beaver Creek Rd., Seal Rock, OR 97376 is the secondary use of the water source.

For Department Use: App. Number: _____

Surface Water — Page 6

Rev. 07/21

APR 29 2022

Attachment 2: Land Use Information Form

Land Use Information Form

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Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, Oregon 97301-1266
503-986-0900
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NOTE TO APPLICANTS

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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.

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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 groundwater 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 503-986-0900.

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Land Use Information Form
Page 1 of 3

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Attachment 2: Land Use Information Form

Land Use Information Form

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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

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Applicant

NAME Carolyn Jones		PHONE (HM)	
PHONE (WK)	CELL (541) 270-1347	FAX	
ADDRESS 1917 N Beaver Creek Rd.			
CITY Seal Rock	STATE OR	ZIP 97376	E-MAIL* carolyn@actionnet.net

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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.

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Township	Range	Section	%%	Tax Lot #	Plan Designation (e.g., Rural Residential/RR-5)	Water to be:	Proposed Land Use:
12	11	20		102	A-C	☒ Diverted ☒ Conveyed ☒ Used	Single Family
12	11	20		101	A-C	☐ Diverted ☒ Conveyed ☒ Used	Single Family
						☐ Diverted ☐ Conveyed ☐ Used	
						☐ Diverted ☐ Conveyed ☐ Used	

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

Seal Rock, Lincoln County, Oregon

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) Unnamed

Estimated quantity of water needed: 0.010 ☒ cubic feet per second ☐ gallons per minute ☐ acre-feet

Intended use of water: ☐ Irrigation ☐ Commercial ☐ Industrial ☒ Domestic for 2 household(s)
☐ Municipal ☐ Quasi-Municipal ☐ Instream ☐ Other _____

Briefly describe:

Water is to be used as a primary water source for two households, the primary use to be for 1917 N Beaver Creek Rd. Seal Rock, OR 97376, and the secondary use to be for 1803 N Beaver Creek Rd., Seal Rock, OR 97376.

Note to applicant: If the Land Use Information Form cannot be completed while you wait, please have a local government representative sign the receipt at the bottom of the next page and include it with the application filed with the Water Resources Department.

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Land Use Information Form
Page 2 of 3

35-WCS-22

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Attachment 2: Land Use Information Form

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) LLC 1.1373

☐ Land uses to be served by the proposed water uses (including proposed construction) involve discretionary land use approvals as listed in the table below. (Please attach documentation of applicable land use approvals which have already been obtained. Record of Action/land use decision and accompanying findings are sufficient.) If approvals have been obtained but all appeal periods have not ended, check "Being pursued."

Type of Land Use Approval Needed (e.g., plan amendments, rezones, conditional-use permits, etc.)	Cite Most Significant, Applicable Plan Policies & Ordinance Section References	Land Use Approval:	
		☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued
		☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued
		☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued
		☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued
		☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued

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

NAME	Megan Hoff	TITLE	Associate Planner
SIGNATURE	Megan Hoff	PHONE	541-265-0233
GOVERNMENT ENTITY		DATE	6/7/22

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: Carolyn Jones

City or County: Seal Rock, Lincoln County

Staff contact: Megan Hoff

Signature: Megan Hoff Phone: 541-265-0233 Date: 6/1/22

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Land Use Information Form
Page 1 of 3

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STATUTORY BARGAIN AND SALE DEED

MICHAEL A. JONES and CAROLYN M. JONES, husband and wife, grantors, convey to MICHAEL A. JONES, Trustee, and CAROLYN M. JONES, Trustee, MICHAEL A. "SPIKE" AND CAROLYN M. JONES TRUST, or their successor trustees, pursuant to the MICHAEL A. "SPIKE" AND CAROLYN M. JONES TRUST AGREEMENT executed this date, and any amendments thereto, grantees, the real property in Lincoln County, Oregon described in the attached Exhibit "A". A copy of a certification of trust for the MICHAEL A. "SPIKE" AND CAROLYN M. JONES TRUST dated this date is attached hereto as Exhibit "B".

The true consideration for this conveyance is value other than money.

The liability and obligations of the Grantor to Grantee and Grantee's heirs and assigns under the warranties and covenants contained herein or provided by law shall be limited to the extent of coverage that would be available to Grantor under any policy of title insurance issued to Grantor at the time Grantor acquired the property. The limitations contained herein expressly do not relieve Grantor of any liability or obligations under this instrument, but merely define the scope, nature and amount of such liability or obligations.

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930.

Dated March 22, 2001

GRANTORS:

Michael A. Jones
MICHAEL A. JONES

Carolyn M. Jones
CAROLYN M. JONES

STATE OF OREGON) County of Lincoln) ss.

This instrument was acknowledged before me on March 22, 2001 by MICHAEL A. JONES and CAROLYN M. JONES.



Louise Smith Waarvick
NOTARY PUBLIC FOR OREGON
My Commission Expires: 03/02/04

Until a change is requested, all tax statements shall be sent to the following address:
MICHAEL A. JONES and CAROLYN M. JONES, Trustees
MICHAEL A. "SPIKE" AND CAROLYN JONES TRUST
1917 N. Beaver Creek Rd.
Seal Rock, OR 97376

After recording, return to:
Waarvick & Waarvick, P.O. Box 1144, Newport, Oregon 97365

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Exhibit "A"

PARCEL ONE: That certain real property in Lincoln County, Oregon described in deed recorded at Book 269, Page 2274, as follows:

The Southwest quarter of the Northwest quarter of Section 3, U.S. Government Lot 4 and the Southeast quarter of the Northwest quarter of Section 4; all in Township 12 South, Range 11 West of the Willamette Meridian, in Lincoln County, Oregon. EXCEPTING THEREFROM an undivided one-half interest in and to all of the minerals as set forth in deed recorded June 4, 1964, in Book 245, Page 172, Deed Records of Lincoln County, Oregon.

TOGETHER WITH a general right of way easement, including the terms and provisions thereof, as reserved in that certain deed recorded June 26, 1967, in Book 279, Page 77, Deed Records of Lincoln County, Oregon.

PARCEL TWO: That certain real property in Lincoln County, Oregon described in deed recorded at Book 348, Page 1699, as follows:

The Southwest quarter of the Northeast quarter of Section 16, Township 12 South, Range 11 West, Willamette Meridian, in Lincoln County, Oregon.

PARCEL THREE: That certain real property in Lincoln County, Oregon described in deed recorded at Book 333, Page 2438, as follows:

Beginning at the Northwest corner of Section 21, Township 12 South, Range 11 West, Willamette Meridian, in Lincoln County, Oregon; thence South 89° 39' 57" East, along the Northerly line of Section 21, a distance of 400.00 feet; thence due South, a distance of 639.82 feet; thence South 57° 33' 15" East, a distance of 145.87 feet; thence South 30° 19' 19" West, to the Northerly right of way of County Road No. 602, a distance of 243.82 feet; thence Northwesterly, along said Northerly right of way, to the Westerly line of Section 21; thence North 00° 37' 37" East, along said Westerly line, a distance of 622.99 feet to the point of beginning.

TOGETHER WITH the exclusive driveway easement, water right and any other appurtenances set forth in the deed recorded November 26, 1979 in Book 107, Page 1510, and subject to the encumbrances and limitations also set forth in said deed.

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PARCEL FOUR: That certain real property in Lincoln County, Oregon described in deed recorded at Book 333, Page 2438, as follows:

Beginning at the Northwest corner of Section 21, Township 12 South, Range 11 West, Willamette Meridian in Lincoln County, Oregon; thence South 89° 39' 57" East, along the Northerly line of Section 21, a distance of 400.00 feet; thence due South, a distance of 639.82 feet; thence South 57° 33' 15" East, a distance of 145.87 feet; thence South 30° 19' 19" West, to the Northerly right of way of County Road No. 602, a distance of 243.82 feet; thence along said Northerly right of way the following courses:

South 48° 44' 11" East, 19.36 feet;
South 45° 42' 46" East, 51.69 feet;
South 44° 47' 38" East, to the most Southerly corner of a tract as described in microfilm 172-113, Lincoln County Film Records and as shown on County Survey No. 7891, a distance of 44.37 feet; thence along the boundaries of said tract the following courses:
North 48° 11' 19" East, 83.50 feet;
North 84° 16' 17" East, 120.92 feet;
South 63° 02' 22" East, 112.71 feet;
North 89° 48' 18" East, 55.84 feet;
North 60° 58' 29" East, 173.89 feet;
North 27° 46' 05" East, 55.16 feet;
North 05° 21' 10" West, 68.50 feet;
North 04° 16' 50" East, 87.61 feet;
North 26° 53' 09" East, 116.60 feet;
North 39° 08' 18" East, 175.59 feet;
North 31° 33' 18" East, 73.11 feet;
North 21° 33' 35" East, 178.68 feet;
North 18° 30' 38" West, 55.09 feet;
North 50° 47' 51" West, 181.23 feet;
North 20° 58' 34" West, 89.11 feet;
North 68° 18' 13" West, 544.41 feet;
South 69° 27' 36" West, a distance of 610.36 feet to the point of beginning.

PARCEL FIVE: That certain real property in Lincoln County, Oregon described as follows:

Lots 1, 2, 11 and 12, Block 25, FREDRICKSBURG, in the City of Newport, County of Lincoln and State of Oregon.

PARCEL SIX: An undivided one-half interest in that certain real property in Lincoln County, Oregon described in deed recorded at Book 357, Page 0429, as follows:

Lot 10, Block 11, FREDRICKSBURG, in the City of Newport, County of Lincoln, State of Oregon.

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JUL 11 2022

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PARCEL SEVEN: An undivided one-half interest in that certain real property in Lincoln County, Oregon described in deed recorded at Book 352, Page 2261, as follows:

Lot 12, Block 11, FREDRICKSBURG, in the City of Newport, County of Lincoln, State of Oregon.

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NOTICE: NO TITLE OPINION OR OTHER INFORMATION HAS BEEN FURNISHED TO US OR GIVEN BY US IN CONNECTION WITH THE PREPARATION OF THIS DOCUMENT. WAARVICK & WAARVICK, ATTORNEYS AT LAW, P.O. BOX 1144, NEWPORT, OR 97365

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JUL 11 2022

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Exhibit "B"
CERTIFICATION OF TRUST

We, MICHAEL A. JONES and CAROLYN M. JONES, Trustors and Trustees of the MICHAEL A. "SPIKE" AND CAROLYN M. JONES TRUST dated March 22, 2001, hereby certify as follows:

1. The MICHAEL A. "SPIKE" AND CAROLYN M. JONES TRUST is presently in existence; the Michael A. "Spike" and Carolyn M. Jones Trust Agreement was signed on March 22, 2001.

2. The Trustors and acting Trustees of the trust are MICHAEL A. JONES and CAROLYN M. JONES.

3. Under the terms of the trust agreement, the Trustees are given the powers granted a trustee under the Uniform Trustee's Powers Act set forth in ORS 128.003 to 128.045.

4. The mailing address of the currently acting Trustees is:

Michael A. Jones, Trustee
Carolyn M. Jones, Trustee
Michael A. "Spike" and Carolyn M. Jones Trust
1917 N. Beaver Creek Rd.
Seal Rock, OR 97376

5. The trust can be modified or amended by the Trustors.

6. The trust can be revoked by the Trustors.

7. We, MICHAEL A. JONES and CAROLYN M. JONES, are acting together as Trustees and have authority to exercise trust powers together.

8. The trust taxpayer identification number at this time is the Social Security number of Trustor MICHAEL A. JONES or the Social Security number of Trustor CAROLYN M. JONES.

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9. Trust property is to be titled as follows:

OWRD

MICHAEL A. JONES and CAROLYN M. JONES as Trustees of the MICHAEL A. "SPIKE" AND CAROLYN M. JONES TRUST, or their successor trustees, pursuant to the MICHAEL A. "SPIKE" AND CAROLYN M. JONES TRUST AGREEMENT dated March 22, 2001, and any amendments thereto.

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10. The trust has not been revoked, modified or amended in any manner that would cause the representations contained in this certification to be incorrect.

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We hereby certify the above to be true as of this date.

OWRD

Dated March 22, 2001.

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Michael A. Jones
MICHAEL A. JONES, Trustee

Carolyn M. Jones
CAROLYN M. JONES, Trustee

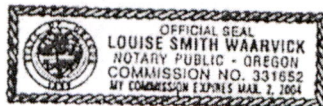
STATE OF OREGON)
)
County of Lincoln)

OWRD

This instrument was acknowledged before me on March 22, 2001 by MICHAEL A. JONES and CAROLYN M. JONES as acting Trustees of the MICHAEL A. "SPIKE" AND CAROLYN M. JONES TRUST dated March 22, 2001.

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JUL 11 2022

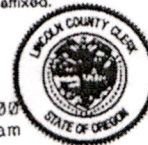


Louise Smith Waarvick
NOTARY PUBLIC FOR OREGON
My Commission Expires: 03/02/04

OWRD

STATE OF OREGON) ss.
County of Lincoln
I, Dana W. Jenkins, County Clerk, in and for said county, do hereby certify that the within instrument was received for record, and recorded in the Book of Records of said county at Newport, Oregon.
Book 418 Page 0951
WITNESS my hand and seal of said office affixed.

Dana W. Jenkins
DANA W. JENKINS, Lincoln County Clerk



Doc : 6241045
Rect: 108644 51.00
03/30/2001 11:29:11am

W.T.E.
20-0157402-9



STATUTORY BARGAIN AND SALE DEED

THOMAS A. LUTHER, Grantor,

conveys to

THOMAS LUTHER and JUDY G. LUTHER, as tenants by the entirety, GRANTEE,

the following described real property:

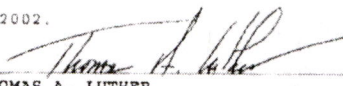
A parcel of land lying in the Northeast quarter of the Northeast quarter of Section 20, Township 12 South, Range 11 West, of the Willamette Meridian, in Lincoln County, State of Oregon, more particularly described as follows: Beginning at a point that is the Northeast corner of said section; thence West 623 feet to the Northeast corner of that tract of land deeded to Clarence L. Cook, et ux, in Book 109, page 545, Lincoln County Deed Records; thence South along the East line of said tract 122 feet to an iron rod; thence South along said tract 114 feet, more or less, to the middle of the county road; thence Southerly along the county road to a point South of the point of beginning and the East line of said section; thence North to the point of beginning. EXCEPTING THEREFROM that portion lying within the county road. Together with an easement for ingress and egress, including the terms and provisions thereof, as set forth in instrument recorded November 26, 1979, in Microfilm Volume 107, page 1513, Lincoln County Records.

Tax Account No(s): R464417 R509838
Map/Tax Lot No(s): 12-11-20-00-101 12-11-20-00-100

The true consideration for this conveyance is to change vesting.

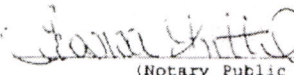
THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930.

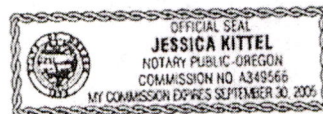
Dated this 02 day of September, 2002.


THOMAS A. LUTHER

STATE OF OREGON, COUNTY OF LINCOLN) SS.

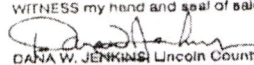
This instrument was acknowledged before me on September 10, 2002 by THOMAS A. LUTHER.


(Notary Public for Oregon)
My commission expires 09-30-05



After recording return to:
WESTERN TITLE & ESCROW COMPANY
255 SW COAST HWY, STE 100/PO BOX 1006
NEWPORT, OR 97365

Until a change is requested all tax statements shall be sent to the following address:
THOMAS & JUDY LUTHER
1803 N. BEAVER CREEK RD
SEAL ROCK, OR 97376

STATE OF OREGON) ss.
County of Lincoln
I, Dana W. Jenkins, County Clerk, in and for said county, do hereby certify that the within instrument was received for record, and recorded in the Book of Records of said county at Newport, Oregon.
Book 158 Page 0772
WITNESS my hand and seal of said office affixed.

DANA W. JENKINS, Lincoln County Clerk

Doc : 6267258
Rect: 121627 26.00
09/16/2002 03:16:17pm



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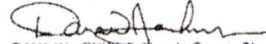
After Recording, Return To:
Clifford G. Collard
P.O. Box 1510
Newport, OR 97365

Send Tax Statements To:
Michael A. Jones, Trustee
1917 N. Beaver Creek Road
Seal Rock, OR 97376

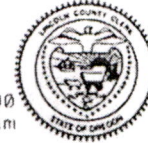
STATE OF OREGON } ss.
County of Lincoln

2 Pages

I, Dana W. Jenkins, County Clerk, in and for said county, do hereby certify that the within instrument was received for record, and recorded in the Book of Records of said county at Newport, Oregon. WITNESS my hand and seal of said office affixed.


DANA W. JENKINS, Lincoln County Clerk

Doc : 200613836
Rec1: 607093 31.00
09/11/2006 11:13:11 am



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Consideration: -0-

WARRANTY DEED—STATUTORY FORM

THOMAS LUTHER and JUDY G. LUTHER, husband and wife, Grantors, convey and warrant to MICHAEL A. JONES and CAROLYN M. JONES, Co-Trustees of the MICHAEL A. "SPIKE" AND CAROLYN M. JONES TRUST, or their successor trustees, pursuant to the MICHAEL A. "SPIKE" AND CAROLYN M. JONES TRUST AGREEMENT dated March 22, 2001, and any amendments thereto, Grantees, the following described real property, free of encumbrances except as specifically set forth herein, situated in Lincoln County, Oregon to-wit:

Beginning at the Northeast corner of Section 20, Township 12 South, Range 11 West, Willamette Meridian, in Lincoln County, Oregon;
Thence South 00°37'37" West, along the Easterly line of said Section 20, a distance of 538.46 feet, to an iron rod set by Denison Surveying in County Survey No. 17862, on the south side of an existing driveway, and the true point of beginning;
Thence continuing along said Easterly line of Section 20 to the Northerly right of way of County Road No. 602, a distance of 84.52 feet;
Thence along said Northerly right of way, North 57°08'34" West, a distance of 17.80 feet;
Thence North 54°30'05" West, a distance of 35.0 feet;
Thence North 49°42'52" West, a distance of 32.04 feet;
Thence North 46°18'52" West, a distance of 33.82 feet;
Thence North 43°38'58" West, a distance of 34.71 feet;
Thence North 41°55'19" West, a distance of 26.97 feet;
Thence, leaving said Northerly right of way of County Road No. 602, South 89°58'25" East, a distance of 20.75 feet;
Thence South 75°43'32" East, a distance of 22.69 feet;
Thence South 67°43'33" East, a distance of 40.56 feet;
Thence South 71°16'15" East, a distance of 23.37 feet;
Thence South 79°14'09" East, a distance of 33.44 feet, to the Easterly line of Section 20 and the true point of beginning. Containing 0.15 acres.

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JUL 11 2022

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Grantors also release and terminate all of their shared rights with Grantees for the sharing of water and profits from logging timber, and the right of first refusal, all as created by deed from Jones to Luther recorded November 26, 1979, in Book 107, page 1513, Lincoln County Deed Records.

Said property is free from encumbrances except: No exceptions.

The true consideration for this conveyance is a contemporaneously recorded conveyance of other real property from Grantees to Grantors pursuant to a property line adjustment tentatively approved by the Lincoln County Planning Department on June 7, 2006, in File No. 21-PLA-06. It is the intention of the parties that the property conveyed by this deed become a part of Tax Lot 102, Assessor's Map 12-11-20.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER CHAPTER 1, OREGON LAWS 2005 (BALLOT MEASURE 37 (2004)). 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 APPROVED USES, 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 CHAPTER 1, OREGON LAWS 2005 (BALLOT MEASURE 37)).

DATED this 22 day of August, 2006.

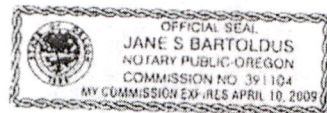
GRANTORS:

Thomas Luther
Thomas Luther

Judy G. Luther
Judy G. Luther

STATE OF OREGON)
) ss.
County of Lincoln)

Acknowledged before me this 22 day of August, 2006, by Thomas Luther and Judy G. Luther.



Jane S. Bartoldus
Notary Public for Oregon
My commission expires: 4-10-09

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After Recording, Return To:
Clifford G. Collard
P.O. Box 1510
Newport, OR 97365

Send Tax Statements To:
Thomas and Judy Luther
1803 N. Beaver Creek Road
Seal Rock, OR 97376

STATE OF OREGON } ss.
County of Lincoln

3 Pages

I, Dana W. Jenkins, County Clerk, in and for said county, do hereby certify that the within instrument was received for record, and recorded in the Book of Records of said county at Newport, Oregon. WITNESS my hand and seal of said office affixed.


DANA W. JENKINS, Lincoln County Clerk

Doc : 200613835
Rect: 607093 36.00
09/11/2006 11:13:11am



Consideration: -0-

WARRANTY DEED—STATUTORY FORM

MICHAEL A. JONES and CAROLYN M. JONES, Co-Trustees of the MICHAEL A. "SPIKE" AND CAROLYN M. JONES TRUST, pursuant to the MICHAEL A. "SPIKE" AND CAROLYN M. JONES TRUST AGREEMENT dated March 22, 2001, Grantors, convey and warrant to THOMAS LUTHER and JUDY G. LUTHER, husband and wife, Grantees, the following described real property, free of encumbrances except as specifically set forth herein, situated in Lincoln County, Oregon to-wit:

Beginning at the Northwest corner of Section 21, Township 12 South, Range 11 West, Willamette Meridian, in Lincoln County, Oregon;

Thence South 00°37'37" West, along the Westerly line of said Section 21, a distance of 278.49 feet, to an iron rod set by Denison Surveying in County Survey No. 17862, and the true point of beginning;

Thence continuing along said Westerly line of Section 21 a distance of 259.97 feet to an iron rod set by Denison Surveying in County Survey No. 17862 on the south side of an existing driveway;

Thence South 80°00'15" East, a distance of 13.37 feet;

Thence South 85°23'20" East, a distance of 25.77 feet;

Thence North 82°55'08" East, a distance of 27.75 feet;

Thence North 75°57'34" East, a distance of 56.39 feet;

Thence North 88°42'32" East, a distance of 55.40 feet;

Thence North 59°53'44" East, a distance of 65.10 feet;

Thence South 88°49'38" East, a distance of 3.89 feet;

Thence North 05°17'24" East, a distance of 118.11 feet;

Thence North 68°37'04" West, a distance of 262.83 feet to the true point of beginning. Containing 1.1 acres.

TOGETHER WITH a perpetual exclusive easement for the use, maintenance, repair, and replacement of the existing water system improvements serving Grantees' adjoining property. Said water system improvements consist of an underground water line beginning at the water tank located on the property described above (and shown on County Survey 17862), and running generally north to two 1500 gallon water tanks of Grantees on Grantors' retained property, and then the water line runs generally west to Grantees' property.

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RESERVING to the Grantors, their heirs and successors, a perpetual exclusive easement for ingress and egress on the existing asphalt driveway along the southerly line of the above described parcel, which easement is a continuation of the driveway easement granted in deed from Luther to Jones recorded November 26, 1979, in Book 107, page 1510, Lincoln County Deed Records.

Grantors also release and terminate all of their shared rights with Grantees for the use of the barn, for the sharing of water and profits from logging timber, and the right of first refusal, all as created by deed from Luther to Jones recorded November 26, 1979 in Book 107, page 1510, Lincoln County Deed Records.

Said property is free from encumbrances except the reserved easement set forth above, and no other exceptions.

The true consideration for this conveyance is a contemporaneously recorded conveyance of other real property from Grantees to Grantors pursuant to a property line adjustment tentatively approved by the Lincoln County Planning Department on June 7, 2006, in File No. 21-PLA-06. It is the intention of the parties that the property conveyed by this deed become a part of Tax Lot 101, Assessor's Map 12-11-20.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER CHAPTER 1, OREGON LAWS 2005 (BALLOT MEASURE 37 (2004)). 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 APPROVED USES, 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 CHAPTER 1, OREGON LAWS 2005 (BALLOT MEASURE 37)).

DATED this 25 day of August, 2006.

GRANTORS:

Michael A. Jones Co-Trustee
Michael A. Jones, Co-Trustee

Carolyn M. Jones Co-Trustee
Carolyn M. Jones, Co-Trustee

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JUN 17 2022

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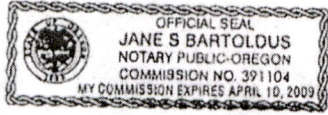
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County of Lincoln)

Acknowledged before me this 25th day of August, 2006, by Michael A. Jones and Carolyn M. Jones, as Co-Trustees of the Michael A. "Spike" and Carolyn M. Jones Trust, pursuant to the Michael A. "Spike" and Carolyn M. Jones Trust Agreement, dated March 22, 2001.



 Notary Public for Oregon
 My commission expires: 4-10-09

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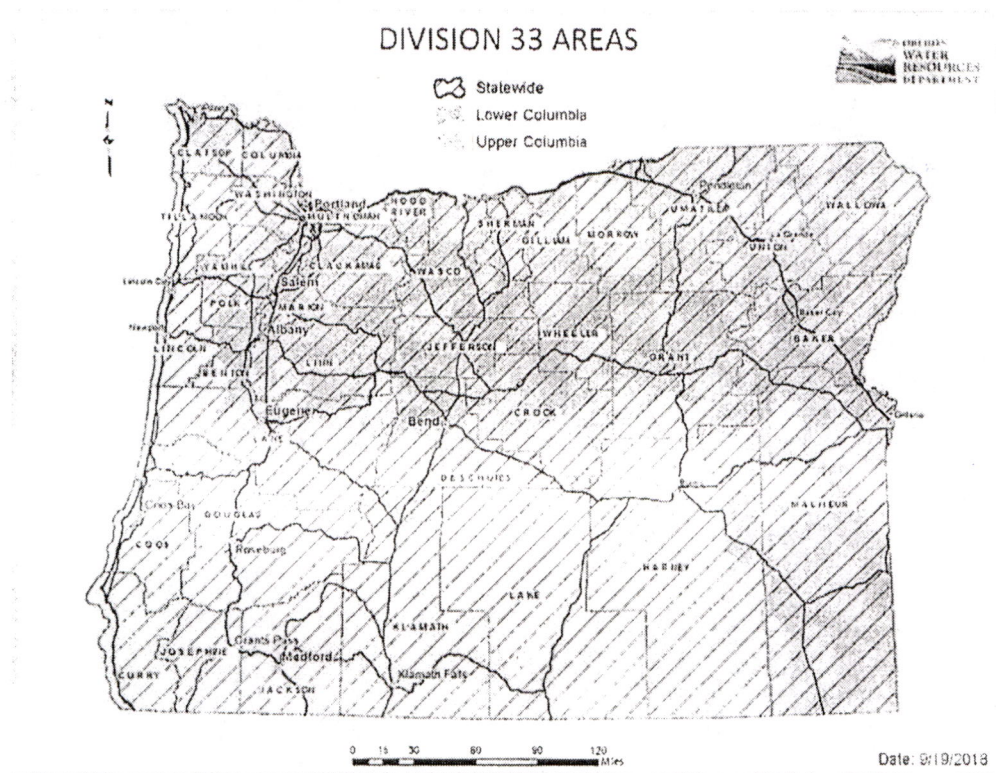
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Attachment 3: Map of Division 33 Areas

Figure 1: Map of Division 33 Areas



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For more detailed information, click on the following link and enter the TRSQQ or the Lat/Long of a POD and click on "Submit" to retrieve a report that will show which section, if any, of the Division 33 rules apply: https://apps.wrd.state.or.us/apps/misc/lkp_trsqq_features/



Oregon
Kate Brown, Governor

Water Resources Department
725 Summer St NE, Suite A
Salem, OR 97301
(503) 986-0900
Fax (503) 986-0904

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December 17, 2021

Carolyn Jones
1917 N beaver Creek Rd
Seal Rock OR 97376

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JUN 17 2022

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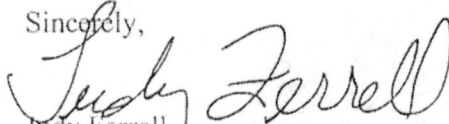
Dear Applicant:

The Water Resources Department has received your application for a permit to use surface water. At this time, however, we are unable to accept your application because the minimum filing requirements have not been met according to the Oregon Administrative Rules 690-310-0040 and 0050.

We are therefore returning the incomplete application and fees. You may resubmit the application with the additional required information and fees noted on the reverse side of this letter.

Should you have any questions, please contact Water Right Customer Service at 503-986-0810.

Sincerely,


Judy Ferrell
Water Rights Customer Service

RECEIVED

JUL 11 2022

OWRD

Cc: OWRD Fiscal (Check #3595),
Nikki Hendricks, WM# 01
Enclosures:

This review is based only on the completeness of your application(s). Any determination of water availability, compliance with basin plan rules, or any other water related issues has not been made. Fees may change.

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Application Completeness | Summary of Needed Items:

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- ☐ A completed **Land-Use Form** or receipt signed and dated by the appropriate planning department officials. Please use the Water Resources Department's form, which is enclosed for your use. *Please be certain that the Land-Use Form lists all lands involved and all uses proposed. Date of signature must be within the past 12 months.*

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- ☐ A **Map** that includes the following items:
 - ☐ Even map scale not less than 4" = 1 mile (example: 1" = 400 ft, 1" = 1320 ft, etc.)
 - ☐ Township, Range, Section, Quarter/Quarter, Tax Lots
 - ☐ Reference public-land survey corner on map
 - ☐ Indicate the area of use by Quarter/Quarter and tax lot identified clearly
- ☐ We strongly encourage you to submit a single map with all mapping requirements. The map created by Denison Surveying can be used as a base map. Please transfer source & place of use to the Denison Surveying map. Please clearly draw $\frac{1}{4}$ $\frac{1}{4}$ on map. Please include measured distances. I have enclosed a "how to guide" for creating a map acceptable to Department standards for your reference.

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JUL 11 2022

OWRD



Oregon
Kate Brown, Governor

Water Resources Department
725 Summer St NE, Suite A
Salem, OR 97301
(503) 986-0900
Fax (503) 986-0904

June 21, 2022

Carolyn Jones
1917 N. Beaver Creek Rd
Seal Rock, OR 97376

RECEIVED

JUL 11 2022

OWRD

Dear Applicant:

The Water Resources Department has received your application for a permit to use surface water. At this time, however, we are unable to accept your application because the minimum filing requirements have not been met according to the Oregon Administrative Rules 690-310-0040 and 0050.

We are therefore returning the incomplete application and fees. You may resubmit the application with the additional required information and fees noted on the reverse side of this letter.

Should you have any questions, please contact Water Right Customer Service at 503-986-0801 or 503-986-0810.

Sincerely,

Corie Lovrien
Water Rights Customer Service

Cc: OWRD Fiscal (Check #3595),

Enclosures: Application and Check

This review is based only on the completeness of your application(s). Any determination of water availability, compliance with basin plan rules, or any other water related issues has not been made. Fees may change.

Application Completeness | Summary of Needed Items:

Additional Application Materials or Forms:

☒ A **Map** that includes the following items:

- ☒ Location of main canals, ditches, pipelines or flumes (if the well is located outside the place of use).
- ☒ Place of use, ¼-¼'s and tax lot clearly identified.
- ☒ Even map scale not less than 4" = 1 mile (1" = 1320 ft.); examples: 1" = 100 ft., 1" = 200 ft.

Required Fees:

1. Each application must be accompanied by an Exam Fee, shown in the "sub-total" section below. The application submitted had a check that was older than 6 months and cannot be cashed. We will need a newly written check along with the new map with the above specifications added.

Base Application Fee.		\$1,090.00
Number of proposed cubic feet per second (cfs) to be diverted. (1 cfs = 448.83 gallons per minute)	.01	\$410.00
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)	0	
Subtotal:		\$1,500.00
Permit Recording Fee. ***		\$610.00
* 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		\$2,110.00

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Water-Use Permit Application Processing

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1. Completeness Determination

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

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2. Initial Review

The Department reviews the application to determine whether water is available during the period requested, whether the proposed use is restricted or limited by rule or statute, and whether other issues may preclude approval of or restrict the proposed use. An Initial Review (IR) containing preliminary determinations is mailed to the applicant. The applicant has 14 days from the mailing date to withdraw the application from further processing and receive a refund of all fees paid minus \$310. The applicant may put the application on hold for up to 180 days and may request additional time if necessary.

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3. Public Notice

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

4. Proposed Final Order Issued

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

5. Public Notice

Within 7 days of issuing the PFO, the Department gives public notice in the weekly notice. Notice includes information about the application and the PFO. Protest must be received by the Department within 45 days after publication of the PFO in the weekly notice. Anyone may file a protest. The protest filing fee is \$480.00 for the applicant and \$950.00 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.

6. Final Order Issued

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

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For Department Use: App. Number: _____

Surface Water — Page 8

Rev. 07/21

Minimum Requirements Checklist

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

Include this checklist with the application

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

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

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

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Include the following additional items:

- ☐ Land Use Information Form with approval and signature of local planning department (*must be an original*) or signed receipt.
- ☐ Provide the legal description of: (1) the property from which the water is to be diverted, (2) any property crossed by the proposed ditch, canal or other work, and (3) any property on which the water is to be used as depicted on the map.
- ☐ Fees - Amount enclosed: \$ 2,110.00
See the Department's Fee Schedule at www.oregon.gov/owrd or call (503) 986-0900.
- ☐ Map that includes the following items:

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

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December 8, 2021

Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, Oregon 97301-1266

Sent via USPS

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Please find the enclosed Application for a Permit to Use Surface Water.

If you would have any questions, please feel free to reach out to our office.

Regards,
Abby Myers
Office Assistant for Yaquina Law
abby@yaquinalaw.com

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E-2 App☐ Yes☐ No**Standard Application Completeness Checklist**

Groundwater and Surface Water Applications Only

Minimum Application Requirements (OAR 690-310-0040 &-0050)

For use by WRD staff only

Application #:	Return to Sender	Receipt #:	137081
Applicant Name:	Carolyn Jones	Amount Requested:	0.010 CFS
Priority Date:	12/13/2021	Proposed Use:	Domestic 2 Households
County:	Lincoln	POD's TRS &TL:	125/11/101&102
WM #:	01- Nikkin Hendricks	Caseworker:	☐ KF ☐ LG
Reviewed by:	Judy	Reviewed Date:	12/17/2021

☒ Applicant/Organization Name and Mailing Address☒ Signature of all applicants (include title or authority of representative if applicant is an organization or corporation). Note: Applicant's agent may NOT sign the application on behalf of the applicant.☒ Property Ownership: Does the applicant own all the land for the proposed project? ☒ Yes ☐ No

If No:

☐ The affected landowner's name(s) and mailing address(s) must be listed.☐ A signed statement declaring the existence of either written authorization or an easement permitting access to land crossed by the proposed ditch canal or other work must be submitted.☒ **For a SW Application:** Source of water must be indicated.☐ If the source is stored water, is the stored water component filled out and does the applicant own the reservoir or include a non-expired agreement for stored water? (ORS 537.400)☒ If for stored water, is the source authorized under a permit, certificate, or decree?Permit or Certificate issued: ☐ Y ☐ N Permit or Certificate #: _____**NOTE:** An expedited secondary (E2) application and a reservoir application cannot be filed at the same time. The reservoir must be legally authorized first, under an existing water right, in order to accept and process an E2 application.☐ **For a GW Application:** Well development table completed and a well log report included (if existing)☒ Division 33 (Sensitive, Threatened, Endangered, Fish Species)☒ Proposed Water Use:☒ Amount of water from *each* source in GPM, CFS, or AF☒ Period of use indicated☐ If for supplemental irrigation, primary acreage or underlying permit or certificate number listed.

(Note: Primary and Supplemental Irrigation counts as 2 uses)

☒ Water Management Section☒ Resource Protection Section

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- ☒ Project schedule. (Note: If system is already completed, indicates "existing.", (Note: Estimates are okay if the water system has not been designed))
- ☐ Supplemental data sheets enclosed (if needed)
- ☐ Form M (Municipal or Quasi-Municipal)
- ☐ A completed **Land-Use Form** or receipt signed and dated by the appropriate planning department. Please be certain that the Land-Use form lists all lands involved and all uses proposed. Date of signature must be within the past 12 months.
- ☒ A **Legal Description** of all the properties involved where water is diverted, conveyed, and used. The legal description includes a metes and bounds or other government survey description. A copy of the deed, land sales contract or title insurance policy can provide this information, or applicant may submit a lot book report prepared by a title company. Copies of tax bills are not acceptable
- ☒ The proposed source ☐ IS ☒ IS NOT restricted or withdrawn from further appropriation. **NOTE:** If it is withdrawn under ORS 538, reject/return application and fees.
- ☒ The **map** must meet all the minimum requirements of OAR 690-310-0050.
- ☒ Township, Range, Section
 - ☐ Location of main canals, ditches, pipelines or flumes (if POA/POD is outside of POU)
 - ☐ Place of use, 1/4-1/4's and tax lot clearly identified
 - ☐ Even map scale not less than 4" = 1 mile (1" = 1320 ft.); examples: 1" = 100 ft., 1" = 200 ft.
 - ☐ Location of **each** diversion point or well by reference to a recognized public land survey corner.
 - ☐ Multiple wells shall be uniquely labeled, and identified on well logs, if existing.
 - ☒ Reference corner on map
 - ☒ North directional symbol
 - ☐ Number of acres per 1/4 1/4 if for irrigation, nursery, or agriculture
- ☒ **Fees:** Amount of Water Requested: 0.010 CFS Name on Check: Tom A Luther & Judy G Luther

Exam Fee Due:	\$ 500.00
Exam Fee Submitted:	\$ 500.00
Difference:	\$ 0.00
Recording Fee Paid?	☒ Yes ☐ No \$ 610.00
Total:	\$ 2,110.00

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E-2 App

- ☐ Yes
☐ No

Standard Application Completeness Checklist

Groundwater and Surface Water Applications Only
Minimum Application Requirements (OAR 690-310-0040 &-0050)

For use by WRD staff only

Application #:		Receipt #:	137081
Applicant Name:	Carolyn Jones	Amount Requested:	0.010 CFS
Priority Date:	12/13/2021	Proposed Use:	Domestic 2 households
County:	Lincoln	POD's TRS &TL:	12/11/20/101 & 102
WM #:		Caseworker:	☐ KF ☐ LG
Reviewed by:	Judy	Reviewed Date:	12/15/2021

- ☒ Applicant/Organization Name and Mailing Address
- ☒ Signature of all applicants (include title or authority of representative if applicant is an organization or corporation). Note: Applicant's agent may NOT sign the application on behalf of the applicant.
- ☒ Property Ownership: Does the applicant own all the land for the proposed project? ☒ Yes ☐ No
- If No:
- ☐ The affected landowner's name(s) and mailing address(s) must be listed.
- ☒ A signed statement declaring the existence of either written authorization or an easement permitting access to land crossed by the proposed ditch canal or other work must be submitted.
- ☒ **For a SW Application:** Source of water must be indicated.
- ☐ If the source is stored water, is the stored water component filled out and does the applicant own the reservoir or include a non-expired agreement for stored water? (ORS 537.400)
- ☐ If for stored water, is the source authorized under a permit, certificate, or decree?
- Permit or Certificate issued: ☐ Y ☐ N Permit or Certificate #: _____
- NOTE:** An expedited secondary (E2) application and a reservoir application cannot be filed at the same time. The reservoir must be legally authorized first, under an existing water right, in order to accept and process an E2 application.
- ☐ **For a GW Application:** Well development table completed and a well log report included (if existing)
- ☒ Division 33 (Sensitive, Threatened, Endangered, Fish Species)
- ☒ Proposed Water Use:
- ☒ Amount of water from *each* source in GPM, CFS, or AF
- ☒ Period of use indicated
- ☐ If for supplemental irrigation, primary acreage or underlying permit or certificate number listed.
(Note: Primary and Supplemental Irrigation counts as 2 uses)
- ☒ Water Management Section
- ☒ Resource Protection Section

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- ☒ Project schedule. (Note: If system is already completed, indicates "existing.", (Note: Estimates are okay if the water system has not been designed))
- ☐ Supplemental data sheets enclosed (if needed)
- ☐ Form M (Municipal or Quasi-Municipal)
- ☐ A completed **Land-Use Form** or receipt signed and dated by the appropriate planning department. Please be certain that the Land-Use form lists all lands involved and all uses proposed. Date of signature must be within the past 12 months.
- ☒ A **Legal Description** of all the properties involved where water is diverted, conveyed, and used. The legal description includes a metes and bounds or other government survey description. A copy of the deed, land sales contract or title insurance policy can provide this information, or applicant may submit a lot book report prepared by a title company. Copies of tax bills are not acceptable
- ☒ The proposed source ☐ IS ☒ IS NOT restricted or withdrawn from further appropriation. **NOTE:** If it is withdrawn under ORS 538, reject/return application and fees.
- ☒ The **map** must meet all the minimum requirements of OAR 690-310-0050.
- ☒ Township, Range, Section
 - ☐ Location of main canals, ditches, pipelines or flumes (if POA/POD is outside of POU)
 - ☐ Place of use, 1/4-1/4's and tax lot clearly identified
 - ☐ Even map scale not less than 4" = 1 mile (1" = 1320 ft.); examples: 1" = 100 ft., 1" = 200 ft.
 - ☐ Location of each diversion point or well by reference to a recognized public land survey corner.
 - ☐ Multiple wells shall be uniquely labeled, and identified on well logs, if existing.
 - ☒ Reference corner on map
 - ☒ North directional symbol
 - ☐ Number of acres per 1/4 1/4 if for irrigation, nursery, or agriculture
- ☒ **Fees:** Amount of Water Requested: 0.010 CFS Name on Check: Tom A Luther & Judy G Luther

Exam Fee Due:	\$ 1,500.00
Exam Fee Submitted:	\$ 1,500.00
Difference:	\$ 0.00
Recording Fee Paid?	☒ Yes ☐ No \$ 610.00
Total:	\$ 2,110.00

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E-2 App☐ Yes☐ No**Standard Application Completeness Checklist****Groundwater and Surface Water Applications Only**

Minimum Application Requirements (OAR 690-310-0040 &-0050)

For use by WRD staff only

Application #:	S-	Receipt #:	138455
Applicant Name:	Carolyn Jones	Amount Requested:	.01 cfs
Priority Date:	06/17/2022	Proposed Use:	Domestic
County:	Lincoln Co	POD's TRS &TL:	12S 1W 21;102 & 101
WM #:	Nikki Hendricks: 1	Caseworker:	☐ KF ☐ LG
Reviewed by:	Corie L.	Reviewed Date:	6/21/22

☒ Applicant/Organization Name and Mailing Address☒ Signature of **all** applicants (include title or authority of representative if applicant is an organization or corporation). Note: Applicant's agent may NOT sign the application on behalf of the applicant.☒ Property Ownership: Does the applicant own all the land for the proposed project? ☒ Yes ☐ No

If No:

☐ The affected landowner's name(s) and mailing address(s) must be listed.☐ A signed statement declaring the existence of either written authorization or an easement permitting access to land crossed by the proposed ditch canal or other work must be submitted.☒ **For a SW Application:** Source of water must be indicated.☐ If the source is stored water, is the stored water component filled out and does the applicant own the reservoir or include a non-expired agreement for stored water? (ORS 537.400)☐ If for stored water, is the source authorized under a permit, certificate, or decree?Permit or Certificate issued: ☐ Y ☐ NPermit or Certificate #: **NOTE:** An expedited secondary (E2) application and a reservoir application cannot be filed at the same time. The reservoir must be legally authorized first, under an existing water right, in order to accept and process an E2 application.☐ **For a GW Application:** Well development table completed and a well log report included (if existing)☒ Division 33 (Sensitive, Threatened, Endangered, Fish Species)☒ Proposed Water Use:☒ Amount of water from *each* source in GPM, CFS, or AF☒ Period of use indicated☐ If for supplemental irrigation, primary acreage or underlying permit or certificate number listed.

(Note: Primary and Supplemental Irrigation counts as 2 uses)

☒ Water Management Section☒ Resource Protection Section

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- ☒ Project schedule. (Note: If system is already completed, indicates "existing.", (Note: Estimates are okay if the water system has not been designed))
- ☐ Supplemental data sheets enclosed (if needed)
- ☐ Form M (Municipal or Quasi-Municipal)
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- ☒ A **Legal Description** of all the properties involved where water is diverted, conveyed, and used. The legal description includes a metes and bounds or other government survey description. A copy of the deed, land sales contract or title insurance policy can provide this information, or applicant may submit a lot book report prepared by a title company. Copies of tax bills are not acceptable
- ☒ The proposed source ☐ IS ☒ IS NOT restricted or withdrawn from further appropriation. **NOTE:** If it is withdrawn under ORS 538, reject/return application and fees.
- ☒ The **map** must meet all the minimum requirements of OAR 690-310-0050.
- ☒ Township, Range, Section
 - ☐ Location of main canals, ditches, pipelines or flumes (if POA/POD is outside of POU)
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 - ☐ Location of **each** diversion point or well by reference to a recognized public land survey corner.
 - ☐ Multiple wells shall be uniquely labeled, and identified on well logs, if existing.
 - ☒ Reference corner on map
 - ☒ North directional symbol
 - ☐ Number of acres per 1/4 1/4 if for irrigation, supplemental irrigation, or nursery use
- ☒ **Fees:** Amount of Water Requested: .01 cfs Name on Check: Tom & Judy Luther

Exam Fee Due:	\$1500
Exam Fee Submitted:	\$unable to cash check (\$2110)
Difference:	\$
Recording Fee Paid?	☒ Yes ☐ No \$
Total:	\$

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 C.S.# 17862
 FILED 3 August 2006
 LINCOLN COUNTY SURVEYOR
