

Scott Fein Water Rights
Scott D. Fein
Professional Land Surveyor
Certified Water Rights Examiner
Certified Federal Surveyor
Oregon Certificate & Idaho Certificate
600 Tyler Creek Rd.
Ashland, OR 97520
541-842-0795
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To: Oregon Water Resources Department
725 Summer St, Suite A
Salem, OR 97301

June 30, 2017

ATTN: JESSICA JOYE
Transfers Section

CC: Shavon Haynes
District 13 Watermaster
Shaynallah Edelhertz

Dear Jessica,

This letter is in reference to temporary transfer application T-12659 of which you returned with a request for revisions on June 12, 2017. There have been three distinct changes to the application which are outlined below.

- 1) Duration of temporary transfer shall be 5 years commencing in 2017 and ending in 2022.
- 2) Temporary place of use has been defined; map and application revised.
- 3) Add point of appropriation to serve temporary place of use only to account for any deficiency in rate or duty at the temporary place of use which will be served by an additional point of diversion.

These changes were under the direction of the property owner. The property owner lives in a remote area out of state for a portion of the year and will be sending an additional check for \$359.50 to account for difference in fees along with a newly signed page 4 of the application.

Please find the following attached.

- 1) Revised application
- 2) Revised application map
- 3) Well Log Jack 63007

This should address your prior concerns. Please contact me with any questions.

Sincerely,



Scott Fein
Certified Water Rights Examiner

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Amended



State of Oregon
Water Resources Department
725 Summer Street NE, Suite A
Salem, Oregon 97301-1266
(503) 986-0900

Application for Water Right Temporary or Drought Temporary Transfer Part 1 of 5 – Minimum Requirements Checklist

This temporary transfer application will be returned if Parts 1 through 5 and all required attachments are not completed and included.
For questions, please call (503) 986-0900, and ask for Transfer Section.

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FOR ALL TEMPORARY TRANSFER APPLICATIONS

JUL 13 2017

Check all items included with this application. (N/A = Not Applicable)

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- Part 1 – Completed Minimum Requirements Checklist.
- Part 2 – Completed Temporary Transfer Application Map Checklist.
- Part 3 – Application Fee, payable by check to the Oregon Water Resources Department, and completed Fee Worksheet, page 3. Try the new online fee calculator at: http://apps.wrd.state.or.us/apps/misc/wrd_fee_calculator. If you have questions, call Customer Service at (503) 986-0801.
- Part 4 – Completed Applicant Information and Signature.
- Part 5 – Information about Transferred Water Rights: **How many water rights are to be transferred? 2 List them here: 16470 & 15301**
Please include a separate Part 5 for each water right. (See instructions on page 6)
- N/A For standard Temporary Transfer (one to five years) **Begin Year 2017 End Year 2022.**
- N/A Temporary Drought Transfer (Only in counties where the Governor has declared drought)

Attachments:

- Completed Temporary Transfer Application Map.
- Completed Evidence of Use Affidavit and supporting documentation.
- Current recorded deed for the land **from** which the authorized place of use is temporarily being moved.
- N/A Affidavit(s) of Consent from Landowner(s) (if the applicant does not own the land the water right is on.)
- N/A Supplemental Form D – For water rights served by or issued in the name of a district. Complete when the temporary transfer applicant is not the district.
- N/A Land Use Information Form with approval and signature (or signed land use form receipt stub). Not required if water is to be diverted, conveyed, and/or used only on federal lands or if **all** of the following apply: a) a change in place of use only, b) no structural changes, c) the use of water is for irrigation only, and d) the use is located within an irrigation district or an exclusive farm use zone.
- N/A Water Well Report/Well Log for changes in point(s) of appropriation (well(s)) or additional point(s) of appropriation (if necessary to convey water to the proposed place of use).

(For Staff Use Only)

WE ARE RETURNING YOUR APPLICATION FOR THE FOLLOWING REASON(S):

___ Application fee not enclosed/insufficient ___ Map not included or incomplete

___ Land Use Form not enclosed or incomplete

___ Additional signature(s) required ___ Part ___ is incomplete

Other/Explanation _____

Staff: _____ 503-986-0 _____ Date: ___/___/___

12659

Part 2 of 5 – Temporary Transfer Application Map Checklist

Your temporary transfer application will be returned if any of the map requirements listed below are not met.

Please be sure that the temporary transfer application map you submit includes all the required items and matches the existing water right map. Check all boxes that apply.

- N/A If more than three water rights are involved, separate maps are needed for each water right.
- Permanent quality printed with dark ink on good quality paper.
- The size of the map can be 8½ x 11 inches, 8½ x 14 inches, 11 x 17 inches, or up to 30 x 30 inches. For 30 x 30 inch maps, one extra copy is required.
- A north arrow, a legend, and scale.
- The scale of the map must be: 1 inch = 400 feet, 1 inch = 1,320 feet, the scale of the Final Proof/Claim of Beneficial Use Map (the map used when the permit was certificated), the scale of the county assessor map if the scale is not smaller than 1 inch = 1,320 feet, or a scale that has been pre-approved by the Department.
- Township, Range, Section, ¼ ¼, DLC, Government Lot, and other recognized public land survey lines.
- Tax lot boundaries (property lines) are required. Tax lot numbers are recommended.
- Major physical features including rivers and creeks showing direction of flow, lakes and reservoirs, roads, and railroads.
- Major water delivery system features from the point(s) of diversion/appropriation such as main pipelines, canals, and ditches.
- Existing place of use that includes separate hachuring for each water right, priority date, and use including number of acres in each quarter-quarter section, government lot, or in each quarter-quarter section as projected within government lots, donation land claims, or other recognized public land survey subdivisions. If less than the entirety of the water right is being changed, a separate hachuring is needed for lands left unchanged.
- N/A Proposed temporary place of use that includes separate hachuring for each water right, priority date, and use including number of acres in each quarter-quarter section, government lot, or in each quarter-quarter section as projected within government lots, donation land claims, or other recognized public land survey subdivisions.
- Existing point(s) of diversion or well(s) with distance and bearing or coordinates from a recognized survey corner. This information can be found in your water right certificate or permit.
- N/A If you are proposing a change in point(s) of diversion or well(s) to convey water to the new temporary place of use, show the proposed location and label it clearly with distance and bearing or coordinates. If GPS coordinates are used, latitude-longitude coordinates may be expressed as either degrees-minutes-seconds with at least one digit after the decimal (example – 42°32'15.5") or degrees-decimal with five or more digits after the decimal (example – 42.53764°).

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Part 4 of 5 – Applicant Information and Signature

Applicant Information

APPLICANT/BUSINESS NAME Shaynallah Edelhertz			PHONE NO. 808-870-9658	ADDITIONAL CONTACT NO.
ADDRESS 7875 Rogue River Highway				FAX NO.
CITY Rogue River	STATE OR	ZIP 97527	E-MAIL upcmodify@gmail.com	
BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED.				

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

AGENT/BUSINESS NAME Scott Fein Water Rights, Scott Fein CWRE			PHONE NO. 541-842-0795	ADDITIONAL CONTACT NO.
ADDRESS 600 Tyler Creek Rd.				FAX NO.
CITY Ashland	STATE OR	ZIP 97520	E-MAIL sfeinsurveyor@gmail.com	
BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED.				

Explain in your own words what you propose to accomplish with this transfer application; and why: In order to temporarily serve the new place of use for a period of up to 5 years the water user seeks to be able to divert water from Thompson Creek directly as opposed to utilizing lengthy inefficient ditches which are very difficult to maintain. Water user seeks to develop more efficient methods of irrigation such as install of high pressure sprinkler and drip irrigation in the temporary place of use to be served by an additional point of diversion on Thompson Creek for pumping via a pipeline to the temporary place of use. Water user also seeks to add a point of appropriation (Jack 63007) to account for any deficiency in rate or duty from the additional point of diversion in serving the temporary place of use. The proposed point of appropriation would be hydraulically connected to the waters of Thompson Creek under OAR 690-009-0040 (4)(a) as the point of appropriation is less than one quarter mile from Thompson Creek. Regarding the waters of Dry Gulch & Seepage under certificate 15301, water user will not divert at the authorized ditch point of diversion and will allow natural flow of Dry Gulch to Thompson Creek and divert the waters of Dry Gulch within Thompson Creek at the aforementioned additional point of diversion to serve the temporary place of use. Water user is improving their property and is developing more efficient use of water as is economically feasible. This is exemplified by development of an access road and crop cultivation areas in the temporary place of use. It shall be noted that rights are layered between certificates 16470 and 15301 only for the character of use of irrigation. Certificate 16470 shall be primary and certificate 15301 shall be subordinated to supplemental rights.

If you need additional space, continue on a separate piece of paper and attach to the application as "Attachment 1".

Check this box if this project is fully or partially funded by the American Recovery and Reinvestment Act. (Federal stimulus dollars)

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

JUL 10 2017


Applicant signature

Shaynallah Edelhertz
Print Name (and Title if applicable)

7/7/17
Date

SALEM, OR

Applicant signature

Print Name (and Title if applicable)

Date

Is the applicant the sole owner of the land on which the water right, or portion thereof, proposed for transfer is located? Yes No

If NO, include signatures of all landowners (and mailing and/or e-mail addresses if different than the applicant's) or attach affidavits of consent (and mailing and/or e-mail addresses) from all landowners or individuals/entities to which the water right(s) has been conveyed.

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Check here if any of the water rights proposed for transfer are or will be located within or served by an irrigation or other water district. (Tip: Complete and attach Supplemental Form D.)

DISTRICT NAME	ADDRESS	
CITY	STATE	ZIP

Check here if water for any of the rights supplied under a water service agreement or other contract for stored water with a federal agency or other entity.

ENTITY NAME	ADDRESS	
CITY	STATE	ZIP

To meet State Land Use Consistency Requirements, you must list all local governments (each county, city, municipal corporation, or tribal government) within whose jurisdiction water will be diverted, conveyed or used.



ENTITY NAME Jackson County	ADDRESS 10 S. Oakdale Ave.	
CITY Medford	STATE OR	ZIP 97501

ENTITY NAME	ADDRESS	
CITY	STATE	ZIP

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INSTRUCTIONS for editing the Application Form

To add additional lines to tables within the forms or to copy and paste additional Part 5 pages, please **save the application form to your computer**. Unlock the document by using one of the following instructions for your Microsoft Word software version:

Microsoft Word 2003

Unlock the document by one of the following:

- Using the **Tools** menu => click **Unprotect Document**;
- OR**
- Using the **Forms** toolbar => click on the **Protect/Unprotect** icon.

To relock the document to enable the checkboxes to work, you will need to:

- Using the **Tools** menu => click **Protect Document**;
- OR**
- Using the **Forms** toolbar => click on the **Protect/Unprotect** icon.

Microsoft Word 2007

- Unlock the document by clicking the **Review** tab, then click **Protect Document**, then click **Stop Protect**
- To relock the document, click **Editing Restrictions**, then click **Allow Only This Type of Editing**, select **Filling In Forms** from the drop-down menu, then check **Yes, Start Enforcing Protection**.

Microsoft Word 2010

- Unlock the document by clicking the **Review** tab, toggle the **Restrict Editing** icon at the upper right, then click **Stop Protect** at the bottom right. Then uncheck the “**Allow only this type of editing in the document: Filling in forms**” in the “Editing restrictions” section on the right-hand list of options.
- To relock the document, check the **Editing Restrictions/Allow Only This Type of Editing/Filling In Forms** box from the drop-down menu, then check **Yes, Start Enforcing Protection**. You do not need to assign a password for the editing restrictions.

Other Alternatives:

- Photocopy pages or tables in Part 5, ~~mark through~~ any non-applicable information, insert/attach photocopied pages to document in the appropriate location, and manually amend page numbers as necessary (e.g. Page 5 6 of 9 10).
- You may refer to additional attachments that you may include, such as separately produced tables or spreadsheets to convey large numbers of rows of place of use listings, owner/property parcels, etc. You may contact the Department at 503-986-0900 and ask for Transfer Staff if you have questions.

Once the application has been unlocked, you may:

- add additional rows to tables using the Table tools, and
- select and copy the pages of Part 5 and paste as many additional sets of Part 5 pages as needed at the end of the application.

After editing, re-lock the document to enable checkboxes to work.

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Part 5 of 5 – Water Right Information

Please use a separate Part 5 for each water right being changed. See instructions on page 6, to copy and paste additional Part 5s, or to add additional rows to tables within the form.

Description of Water Delivery System

System capacity: 0.43 Total; proportionate share = 0.08 CFS for 5.25 Acres cubic feet per second (cfs) OR _____ gallons per minute (gpm)

Describe the current water delivery system or the system that was in place at some time within the last five years. Include information on the pumps, canals, pipelines and sprinklers used to divert, convey and apply the water at the authorized place of use. Flood irrigation via gravity flow from ditches.

Table 1. Location of Authorized and Proposed Point(s) of Diversion (POD) or Appropriation (POA)

(Note: If the POD/POA name is not specified on the certificate, assign it a name or number here.)

Table with 9 columns: POD/POA Name or Number, Is this POD/POA Authorized on the Certificate or is it Proposed?, If POA, OWRD Well Log ID# (or Well ID Tag # L-___), Twp, Rng, Sec, 1/4 1/4, Tax Lot, DLC or Gov't Lot, Measured Distances (from a recognized survey corner). Rows include Steve Oster Ditch, Mee Ditch, APOD 1, and POA 1.

Check all type(s) of temporary change(s) proposed below (change "CODES" are provided in parentheses):

- Place of Use (POU), Point of Diversion (POD), Additional Point of Diversion (APOD), Appropriation/Well (POA), Additional Point of Appropriation (APOA)

Check all type(s) of temporary change(s) due to drought proposed below (change "CODES" are provided in parentheses):

- Place of Use (POU), Character of Use (USE), Point of Diversion (POD), Point of Appropriation/Well (POA), Additional Point of Appropriation (APOA), Additional Point of Diversion (APOD)

Will all of the proposed changes affect the entire water right?

- Yes Complete only the Proposed ("to" lands) section of Table 2 on the next page. Use the "CODES" listed above to describe the proposed changes. No Complete all of Table 2 to describe the portion of the water right to be changed.

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Please use and attach additional pages of Table 2 as needed.
See page 6 for instructions.

Do you have questions about how to fill-out the tables?
Contact the Department at 503-986-0900 and ask for Transfer Staff.

Table 2. Description of Temporary Changes to Water Right Certificate # 16470

List only the part of the right that will be changed. For the acreage in each 1/4 1/4, list the change proposed. If more than one change, specify the acreage associated with each change. If more than one POD/POA, specify the acreage associated with each POD/POA.

AUTHORIZED (the "from" or "off" lands)										PROPOSED (the "to" or "on" lands)											
The listing that appears on the certificate BEFORE PROPOSED CHANGES										The listing as it would appear AFTER PROPOSED CHANGES											
List only that part or portion of the water right that will be changed.										are made.											
Twp	Rng	Sec	1/4	1/4	Tax Lot	Gvt Lot or DLC	Acres	Type of USE listed on Certificate	POD(s) or POA(s) (name or number from Table 1)	Priority Date	Twp	Rng	Sec	1/4	1/4	Tax Lot	Gvt Lot or DLC	Acres	New Type of USE	POD(s)/ POA(s) to be used (from Table 1)	Priority Date
EXAMPLE																					
2	S	9	15	NW	100	"	15.0	Irrigation	POD #1 POD #2	1901	2	S	9	1	NW	500	1	10.0		POD #5	1901
"	"	"	"	"	"	"	"	EXAMPLE	"	"	2	S	9	2	SW	500		5.0		POD #6	1901
39	S	4	18	SW	600		2.0	Irrigation, Stock, Domestic	Steve Oster Ditch	1869			18	SW	NE	600		2.0	No Change	APOD I/POAI	1869
39	S	4	18	SE	600		0.25	Irrigation, Stock, Domestic	SL Johnston Ditch	1869			18	SE	NW	600		0.25	No Change	APOD I/POAI	1869
39	S	4	18	SW	600		3.0	Irrigation, Stock, Domestic	Steve Oster Ditch	1869			18	SW	NE	600		3.0	NO CHANGE	N/A	1869
TOTAL ACRES											TOTAL ACRES										
5.25											5.25										

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12659

Ameria

Additional remarks: Water user seeks to add an additional point of diversion to place a pumping station with fish screen in Thompson Creek to divert Thompson Creek waters to the temporary place of use. A point of appropriation is being added with the source being well JACK 63007 supplement any deficiency in rate or duty to serve the temporary place of use as a back up source of water to Thompson Creek. Water user will be installing more efficient methods of irrigation such as drip and high pressure sprinklers. Water user seeks this to be a long term additional point of diversion, however as a recent property owner is only applying for a temporary transfer at this time to ensure that long term cultivatin of crops in the tempoary place of use is viable and meets the water users long terms needs while maintaining harmony with other water users of Thompson Creek prior to applying for a permanent transfer for this additional point of diversion.

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Temporary Transfer Application – Page 10 of 11

Revised 7/1/2013

12659

For Place of Use Changes

Are there other water right certificates, water use permits or ground water registrations associated with the "from" or the "to" lands? Yes No

If YES, list the certificate, water use permit, or ground water registration numbers: _____

Pursuant to ORS 540.525, any "layered" water use such as an irrigation right that is supplemental to a primary right proposed for temporary transfer can be included in the transfer or remain unused on the authorized place of use. If the primary water right does not revert soon enough to allow use of the supplemental right within five years, the supplemental right shall become subject to cancellation for nonuse under ORS 540-610.

For a change in point(s) of appropriation (well(s)) or additional point(s) of appropriation if necessary to convey the water to the new temporary place of use:

Well log(s) are attached for each authorized and proposed well(s) that are clearly labeled and associated with the corresponding well(s) in Table 1 above and on the accompanying application map. (Tip: You may search for well logs on the Department's web page at: http://apps.wrd.state.or.us/apps/gw/well_log/Default.aspx)

AND/OR

Describe the construction of the authorized and proposed well(s) in Table 3 for any wells that do not have a well log. For *proposed wells not yet constructed or built*, provide "a best estimate" for each requested information element in the table. The Department recommends you consult a licensed well driller, geologist, or certified water right examiner to assist with assembling the information necessary to complete Table 3.

Table 3. Construction of Point(s) of Appropriation

Any well(s) in this listing must be clearly tied to corresponding well(s) described in Table 1 and shown on the accompanying application map. Failure to provide the information will delay the processing of your transfer application until it is received. The information is necessary for the department to assess whether the proposed well(s) will access the same source aquifer as the authorized point(s) of appropriation (POA). The Department is prohibited by law from approving POA changes that do not access the same source aquifer.

Proposed or Authorized POA Name or Number	Is well already built? (Yes or No)	If an existing well, OWRD Well ID Tag No. L-___	Total well depth	Casing Diameter	Casing Intervals (feet)	Seal depth(s) (intervals)	Perforated or screened intervals (in feet)	Static water level of completed well (in feet)	Source aquifer (sand, gravel, basalt, etc.)	Well - specific rate (cfs or gpm). If less than full rate of water right
POA 1	yes	JACK 63007	240	6	58	35	240	45	Basalt	12.0 GPM

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