

Application for Water Right Instream Transfer

Part 1 of 6 - Minimum Requirements Checklist

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This transfer application will be returned if Parts 1 through 6 and all required attachments are not completed and included.

For questions, please call (503) 986-0900, and ask for Transfer Section.

FOR ALL INSTREAM TRANSFER APPLICATIONS

Che	ck all iter	ns included with this application. $(N/A = Not Applicable)$
\boxtimes		Part 1 – Completed Minimum Requirements Checklist.
\boxtimes		Part 2 – Completed 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. Note: Instream transfers are considered both a change in place of use and character
		of use. In addition, an automatic 50% fee waiver applies to all instream transfers.
		Part 4 – Completed Applicant Information and Signature. Part 5 – Completed Instrument Lieu Information
		Part 5 – Completed Instream Use Information.
		Part 6 – Information about the Transferred Water Rights: How many water rights are to be transferred? 1 List them here: 17204 Please include a separate Part 6 for each water right. (See instructions on page 8)
		Attachments:
\boxtimes		Completed Instream Transfer Application Map.
\boxtimes		Completed Evidence of Use Affidavit and supporting documentation.
	⊠ N/A	Affidavit(s) of Consent from Landowner(s) (if the applicant does not own the land the water right is on.)
	N/A N/A	Supplemental Form D – For water rights served by or issued in the name of an irrigation district. Complete when the transfer applicant is not the irrigation district.
		Land Use Notice - Notice of the intent to file an instream transfer application must be provided to each affected local government along the proposed reach. Copies of the notices must be enclosed with the instream transfer application.
		(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: / /

13177

Please be sure that the transfer application map you submit includes all the required items and matches the existing water right map. Check all boxes that apply. Certified Water Right Examiner (CWRE) Stamp and Original Signature. For list of CWREs see http://apps.wrd.state.or.us/apps/wr/cwre license view/. OR Waiver of requirement that map be prepared by a CWRE. Completed map waiver form □ N/A is signed by the Department's Regional Manager and included in the application. The map **must** still meet Department mapping requirements described below. 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 $8\frac{1}{2} \times 11$ inches, $8\frac{1}{2} \times 14$ inches, 11×17 inches, or up to 30×30 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, quarter-quarter, 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. Existing diversion point(s) with distance and bearing or coordinates from a recognized survey corner. This information can generally be found in your water right certificate or permit. RECEIVED MAY 03 2019 OWRD

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

1	Base Fee (includes Place of Use and Character of Use to Instream changes to one water right for up to 1 cfs)	1	\$2,090
	Number of water rights included in transfer <u>1 (2a)</u>		
	Subtract 1 from the number in 2a above: 0 (2b) If only one water right, this will be 0		
2	Multiply line 2b by \$520 and enter » » » » » » » » » » » » » »	2	0
	Enter the cfs for the portions of the rights to be transferred (see example below*): 2.5 (3a)		
	Subtract 1.0 from the number in 3a above: 1.5(3b)		
	If 3b is 0, enter 0 on line 3 » » » » » » » » » » » » » » » »		
	If 3b is greater than 0, round up to the nearest whole number: 2 (3c) and		
3	multiply 3c by \$350, then enter on line 3 » » » » » » » » »	3	700
4	Add entries on lines 1 through 3 above » » » » » » » » » » Subtotal:	4	2790
5	Multiply line 4 by 0.5 and enter on line 5 » » » » » » » » » » » » » »	5	1395
6	Subtract line 5 from line 4 » » » » » » » » » » » » Transfer Fee:	6	1395

- *Example for Line 3a calculation to transfer 45.0 acres of Primary Certificate 12345 (total 1.25 cfs for 100 acres) and 45.0 acres of Supplemental Certificate 87654 (1/80 cfs per acre) on the same land:
- 1. For irrigation calculate cfs for each water right involved as follows:
 - a. Divide total authorized cfs by total acres in the water right (for C12345, 1.25 cfs \div 100 ac); then multiply by the number of acres to be transferred to get the transfer cfs (x 45 ac = 0.56 cfs).
 - b. If the water right certificate does not list total cfs, but identifies the allowable use as 1/40 or 1/80 of a cfs per acre; multiply number of acres proposed for change by either 0.025 (1/40) or 0.0125 (1/80). (For C87654, 45.0 ac x 0.0125 cfs/ac = 0.56 cfs)
- 2. Add cfs for the portions of water rights on all the land included in the transfer; however do not count cfs for supplemental rights on acreage for which you have already calculated the cfs fee for the primary right on the same land. The fee should be assessed only once for each "on the ground" acre included in the transfer. (In this example, blank 3a would be only 0.56 cfs, since both rights serve the same 45.0 acres. Blank 3b would be 0 and Line 3 would then also become 0).

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Is this a 🗵 Permanent In	stream 7	Transfer or	☐ Time-I	Limited Instr	eam Transfer?
Applicant Information					
APPLICANT/BUSINESS NAME			PHONE NO.		DITIONAL CONTACT NO.
ADDRESS			650-722-01		NO.
100 6 th Street				TAX	ino.
CITY	STATE	ZIP	E-MAIL	•	
Ashland Py province and Marian	OR	97520		eaming@gmail.	
BY PROVIDING AN E-MAIL AND DEPARTMENT ELECTRONICA					
gent Information – The age	nt is autho	orized to represen	the applicant	t in all matters	relating to this applicati
AGENT/BUSINESS NAME			PHONE NO.		DITIONAL CONTACT NO.
Jay Doino			541-554-19		ZNO
ADDRESS PO Box 2809				FAX	(NO.
CITY	STATE	ZIP	E-MAIL		
White City	OR	97503	jay.doino@		
BY PROVIDING AN E-MAIL A					
DEPARTMENT ELECTRONICA	ALLY. CO	PIES OF THE FIN.	AL ORDER DO	OCUMENTS WII	LL ALSO BE MAILED.
you need additional space, conting Check this box if this pro					
Reinvestment Act. (Feder			inded by the	American Re	covery and
By signing this application, I u Department approval of the tra authorized to pursue the transf I affirm the applicant is a muni name of the municipality or a p I affirm that the applicant is an condemnation the property to supporting documentation.	nnsfer, I will er as identificipality as predecessorentity with	Il be required to profied in OAR 690-3 defined in ORS 54 r; OR a the authority to co	f the draft preli ovide landowne 80-4010(5); Ol 0.510(3)(b) and ondemn propert	ership information R If that the right is a sequiring the	n and evidence that I am in the
understand that prior to Departme publication of a notice in a newspay wo consecutive weeks. If more that ewspaper: Ashland Daily Tidings (we) affirm that the information of the publicant Signature	per with ge an one qual tion conta	eneral circulation in ifying newspaper is	the area where s available, I su lication is tru	e the water right in general g	s located, once per week the notice in the following
applicant Signature	— Pr	int Name (and Title if a	oplicable)	Date	
s the applicant the sole owner				or portion th	owrd ereof proposed for
transfer is located	?	No If NO, if M in the M if M in M i	nclude signatu ant's) or attach	res of all deeded affidavits of con	landowners (and mailing sent (and mailing and/or

Revised 7/1/2017

Check the following boxes that apply:								
Check here if any of the water right irrigation district or other water dis Form D.)			nental					
IRRIGATION DISTRICT NAME	ADDRESS							
CITY	STATE	ZIP						
Check here if water for any of the reformation for stored water with a federal ager		vater service agreement or other co	ontract					
ENTITY NAME	ADDRESS							
CITY	STATE	ZIP						
will be located. ENTITY NAME Jackson County CITY	ENTITY NAME ADDRESS Jackson County 10 South Oakdale, Room 100							
Medford	OR	ZIP 97501						
ENTITY NAME	ADDRESS							
CITY	STATE	ZIP						
ENTITY NAME	ADDRESS							
CITY	STATE	ZIP						
ENTITY NAME	ADDRESS							
CITY	STATE	ZIP						
ENTITY NAME	ADDRESS							
CITY	STATE	ZIP						
	*	•						

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Iden	tify the Public Use fo	or which	the instream rig	ght is requested (chec	k at least o	ne box):	
\boxtimes				of aquatic and fish life,	, wildlife, fi	sh and wildlif	è
	habitat and other eco Recreation	nogicai va	itues.		R	ECEIVED	
	Navigation				M	AY 0 3 2019	
	Pollution Abatement				***		
Inst	ream use proposed to	be creat	ed by the instre	eam transfer:		OWRD	
	Originating Water Right Number (as identified in Part 5)	Priority Date	Source	Proposed Instream Period	Rate (cfs)*	Volume (ac-ft)**	
	17204	1858	Dead Indian Creek	April 1 - Sept 30	1.25	451	
	17204	1888	Dead Indian Creek	April 1 - Sept 30	1.25	451	
				TOTAL	VOLUME	902	
volu		nay not ex		te allowed by the exist wed by the existing rig	0 0 0	and the total	
Iden	tify the location of tl	ne propos	ed instream wa	ter right.			
	Water is requested to Location (i.e. the p 1):	_	•	use the POD Name or	r Number fr	om Table	
	and downstream ex	sed reach (ktent of th	(If an instream we reach): From t	ch: vater right reach is requ he authorized points eek with the Rogue R	of diversion		
	ommendations for coer rights.	onditions	on the instream	use to avoid taking	away or im	pairing exist	ing
\boxtimes	None						
	cfs per month or tota	l ac-ft, the	e effective reach	et limited to, reduction (es) or lake levels of the estream flow or lake le	ne instream	flow, measur	

Are there any existing instream water rights on the same point or within the same re reach(es) or lake, or on a portion thereof?	quested
No Yes (identify other instream water rights): 59822, 72736, 75997, 727.	37
10 (Identity other instream water rights). <u>37622, 72730, 73737, 7273</u>	<u>57.</u> •
Note: New instream water rights are generally (but not always) additive to instream water established under ORS 537.348 (instream transfer application process) and ORS 537.470 conserved water) and replace a portion of instream water rights established under ORS 53 agency application process) or ORS 537.346 (conversion of minimum perennial streamflo earlier priority date.	(allocation of 7.341 (state
Is it your intent to have the proposed instream water right transfer be additive to any instreastablished under ORS 537.348 and ORS 537.470 and replace a portion of any instream we established under ORS 537.341 and ORS 537.346 with an earlier priority date?	
Yes No. If no, please explain your intent below:	
·	
If the proposed conversion would add to the amounts of an existing instream water right(s under ORS 537.341 or 537.346, provide documentation demonstrating why additional instance necessary. Supporting documentation should include information from the Oregon Del Wildlife (ODFW) (fish life), Dept. of Environmental Quality (DEQ) (pollution abatement and Recreation Dept. (recreation).	tream flows pt. of Fish and
Is the requested instream flow intended to exceed the estimated average natural flow occurring from the drainage system?	or level
No; OR	
Yes (Provide supporting documentation that demonstrates why additional flows are sthe public use requested.); OR	significant for
Yes, and it is presumed that flows that exceed the estimated average natural flow or levels are significant because:	natural lake
The requested flow does not exceed the maximum amount of any instream water application applied for under ORS 537.341 (state agency instream water right approcess) for the same reach or portion thereof, and the requested public use is for public use as the afore mentioned instream water right application, and	plication
For the specified time period that flows are requested to exceed the estimated averaged flow or lake level, the stream is in an ODFW flow restoration priority watershed the priority watershed map indicating the specific watershed involved should be the application. Priority watershed maps may be found on the OWRD web page;	. A copy of included with
The stream is listed as water quality limited and DEQ has provided scientific info demonstrates that increased flows would improve water quality. The scientific in provided by DEQ should be included with the transfer application.	
For a Time Limited Instream Transfer, please answer the following:	
The time-limited instream transfer is for a specific number of years:	RECEIVED
Begin Year to End Year	MAY 0 3 2019
Time-limited instream transfer is to terminate based upon other conditions:	
Conditions:	OWRD

INSTRUCTIONS for editing the Application Form

To add additional lines to tables within the forms or to copy and paste additional Part 6 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.

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 6 and paste as many additional sets of Part 6 pages as needed at the end of the application.

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

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 6, 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.

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Instream Transfer Application - Page 8 of 11

TACS

Please use a separate Part 6 for each water right being changed. See instructions on page 8, to copy and paste additional Part 6s, or to add additional rows to tables within the form.

CERTIFICATE # 17204

CERTIFICATE # 17204							
Name on Certificate: R.P Neil							
Date(s) of Priority: <u>1858/1888</u>							
Source(s) of Water to be Affected by the Transfer: <u>Dead Indian Creek/ Conde Creek</u>							
Description of Water Delivery System							
System capacity: 2.8 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. Ditch system and flood irrigation.							
Other Water Rights							
Are there other water right certificates, water use permits or ground water registrations associated with the "from" lands? \square Yes \boxtimes No							
If YES, list the certificate, water use permit, or ground water registration numbers:							
D							



Pursuant to ORS 540.510, any "layered" water use such as an irrigation right that is supplemental to a primary right proposed for transfer must be included in the transfer or be cancelled. Any change to a ground water registration must be filed separately in a ground water registration modification application.

Table 1. Location of Authorized Point(s) of Diversion (POD)

(Note: If the POD name is not specified on the certificate, assign it a name or number here. Also, if the POD is not described in the Certificate, provide a description below)

POD Name or Number	Priority Date (if different between PODs)	Tv	wp	R	ng	Sec	1/4	1/4	Tax Lot, DLC or Gov't Lot	Measured Distances (from a recognized survey corner)
POD 1	1858	38	s	3	E	15	NE	SE	TL3000	42° 14' 52.70' N 122° 27' 48.98 W
POD 2	1888	38	s	3	E	15	NE	SE	TL3000	42° 14' 50.68' N 122° 28' 03.97 W

Will the proposed instream transfer affect the entire water right?

Yes Then Table 2 on Page 10 does not need to be complete	ed.
----------------------------------------------------------	-----

☑ No Then complete all of Table 2 to describe the portion of the water right to be changed.

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Please use additional pages of Table 2 as needed. See page 8 for instructions. If you have further questions about how to fill out the tables, contact the Department at 503-986-0900 and ask for Transfer Staff.

Table 2. Description of Change to Water Right Certificate # 17204

List only the part of the right that will be changed. If more than one POD serves the lands, specify the acreage associated with each POD.

Twp		Rng		Rng Se c		1/4	Tax Lot		Acres if Applicable	Type of USE listed on Certificate	Priority Date (if not the same for all acres or type of use)	POD(s) (name or number from Table 1)
2	S	9	E	14	NE	W	100		15.0	Irrigation	4/1/1900	POD #1 POD #2
44	44	44	66	66	44	66	44	44	EXAMPLE	6.6	44	66
38	S	3	Е	21	NE	NE	4600		0.8		1858	POD 1 and 2
38	S	3	Е	21	SE	NE	3000/4500		9		1858	POD 1 and 2
38	S	3	Е	21	NE	SE	3000		7.5		1858	POD 1 and 2
38	S	3	Е	22	NW	NW	3000		30.5		1858	POD 1 and 2
38	S	3	Е	22	SW	NW	3000		8.0		1858	POD 1 and 2
38	S	3	Е	22	NW	SW	5100		1.0		1858	POD 1 and 2
38	S	3	Е	16	SE	SE	3000		5		1858	POD 1 and 2
38	S	3	Е	15	SE	SW	3000		2		1858	POD 1 and 2
38	S	3	Е	15	NE	SW	3001		11		1858	POD 1 and 2
38	S	3	Е	15	SW	SW	3000		36.4		1888	POD 1 and 2
38	S	3	Е	15	NW	SW	3000		38		1888	POD 1 and 2
							TOTAL AC	RES	149.2		RE	CEIVED

Additional remarks:____. MAY 0 3 2019

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Application for Water Right **Transfer**

Oregon Water Resources Department 725 Summer Street NE, Suite A Salem, Oregon 97301-1266 (503) 986-0900 www.wrd.state.or.us

Evidence of Use Affidavit

Please print legibly or type. Be as specific as possible. Attach additional pages if you need more spacing. Supporting documentation must be attached.

State o	of Oregon)						RE	ECEIVED
Count	y of Jackson))	SS					MA	Y 0 3 2019
	Doino, in my c	apacit	y as T	rout U	NLIMT	ED (AUTH	Horized a	GENT),			OWRD
	ng address <u>PO I</u>										
	one number (<u>:</u>						orn depo	se and say:			
1. M	y knowledge o	of the	exerci	se or s	tatus	of the w	vater righ	nt is based o	on (check one	2):	
		onal ol						sional exper	`	-)-	
2. I at	ttest that:										
			_	he pre	vious	five yea	ars on th	e entire pla	ce of use for		
	My knowled	lge is s	specifi	c to th	ie use	of wate	er at the f	following lo	cations with	in the last five	years:
	Certificate #	Town	nship	Ra	nge	Mer	Sec	1/4 1/4	Gov't Lot or DLC	Acres (if applicable))
OR											
	Confirming							•	•		
	instream leas	se nun	nber is	: <u>IL-17</u>	<u>14</u> (N	ote: If the	he entire	right propo	sed for	t five years. Th	
	The water rig			-					nat a presum _l	otion of forfeitu	are for
	Water has be 10 years for									for more than	
					((continues	s on rever	se side)			

3. The water	er right was used for: (e.g., crops, pasture, etc.)	:	
	tand that if I do not attach one or more of the d tatements, my application will be considered in		elow to support the RECEIVED
Signature of Af	friant (Jay Drivo TV)	9/30/19 Date	MAY 0 3 2019 OWRD
	Signed and sworn to (or affirmed)	before me this day of	, 20
	_	Notary Public for Oregon	

Supporting Documents	Examples
Copy of a water right certificate that has been issued within the last five years. (not a remaining right certificate)	Copy of confirming water right certificate that shows issue date
Copies of receipts from sales of irrigated crops or for expenditures related to use of water	Power usage records for pumps associated with irrigation use
	Fertilizer or seed bills related to irrigated crops
	Farmers Co-op sales receipt
Records such as FSA crop reports, irrigation district records, NRCS farm management plan, or records of other water suppliers	 District assessment records for water delivered Crop reports submitted under a federal loan agreement Beneficial use reports from district IRS Farm Usage Deduction Report Agricultural Stabilization Plan CREP Report
Aerial photos containing sufficient detail to establish location and date of photograph	Multiple photos can be submitted to resolve different areas of a water right. If the photograph does not print with a "date stamp" or without the source being identified, the date of the photograph and source should be added. Sources for aerial photos:
	OSU –www.oregonexplorer.info/imagery OWRD – www.wrd.state.or.us Google Earth – earth.google.com TerraServer – www.terraserver.com
Approved Lease establishing beneficial use within the last 5 years	Copy of instream lease or lease number

My Commission Expires:



Jay Doino

Southern Oregon Water Program Coordinator

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April 24, 2019

Jackson County Planning Department 10 S. Oakdale Ave. Room #100 Medford, OR 97501

Re: Proposed Instream Transfer Application in Your Jurisdiction

To Whom It May Concern,

hy In

We are notifying you of our intent to transfer water rights to instream use. We have submitted an application to the Oregon Water Resources Department changing the place of use to instream flow for water right Certificates 17204. The water right is from Dead Indian Creek Creek, a tributary to Little Butte Creek. If successful, our application will protect this water instream from the point of diversion to the confluence of Little Butte Creek with the Rogue River.

We propose to transfer approximately 2.5 cfs instream with dual priority dates of 1858 and 1888. If you have any questions regarding the proposed application, or are interested in receiving additional information, please call me at 541-554-1961.

Sincerely,

Jay Doino

(541) 973-4431 • clambert@tu.org • www.tu.org

Application for Water Right Transfer Consent by Deeded Landowner



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State of Oregon)	OWRD
County of Jackson)ss)	
I Ken Cummings in my/our capacity as Re	gion Manager - Hancock Forest Management,	
mailing address 572 Parsons Drive, Suite	124, Medford, Oregon 97501,	
telephone number 541-841-7203, duly swo	orn depose and say that I	
consent to the proposed change(s) to Water	er Right Certificate Number <u>17204</u>	
Unlimited as Autorized Agent),) submitted by <u>Carol M Ross Trust (Trout</u>	
on the property in tax lot number(s) 5100,	Section <u>22</u> , Township <u>38S</u>	
South, Range 3 East, W.M., located at De	ad Indian Memorial Road. (site address)	
Signature of Affiant	1/2:4/19 Date	
Signature of Affiant	Date	
Subscribed and Sworn to	before me this 24th day of Jamasy,	, 201 <u>9</u> .
OFFICIAL STAMP MATTHEW W ELLIOT NOTARY PUBLIC-OREGO COMMISSION NO. 94664 MY COMMISSION EXPLES FEBRUARY	ON 43	