

# Application for Permanent Water Right Transfer

## Part 1 of 5 – Minimum Requirements Checklist



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

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

- Part 1 – Completed Minimum Requirements Checklist.
- Part 2 – Completed 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](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 Water Rights to be Transferred: **How many water rights are to be transferred? 1 List them here: 8917**  
Please include a separate Part 5 for each water right. (See instructions on page 6)

**Attachments:**

- Completed Transfer Application Map.
- 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 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.
- N/A Oregon Water Resources Department’s Land Use Information Form with approval and signature (or signed land use form receipt stub) from each local land use authority in which water is to be diverted, conveyed, and/or used. 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.
- N/A Geologist Report for a change from a surface water point of diversion to a ground water point of appropriation (well), if the proposed well is more than 500’ from the surface water source and more than 1000’ upstream or downstream from the point of diversion. See OAR 690-380-2130 for requirements and applicability.

**(For Staff Use Only)**

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

- |  |  |
|--|--|
| <input type="checkbox"/> Application fee not enclosed/insufficient | <input type="checkbox"/> Map not included or incomplete                  |
| <input type="checkbox"/> Land Use Form not enclosed or incomplete  | <input type="checkbox"/> Evidence of Use Form not enclosed or incomplete |
| <input type="checkbox"/> Additional signature(s) required          | <input type="checkbox"/> Part _____ is incomplete                        |

Other/Explanation \_\_\_\_\_

Staff: \_\_\_\_\_ 503-986-0\_\_\_\_\_ Date: \_\_\_\_/\_\_\_\_/\_\_\_\_

## Part 2 of 5 – Transfer Application Map

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

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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.

- N/A Certified Water Right Examiner (CWRE) Stamp and Original Signature. For a list of CWREs, see [http://apps.wrd.state.or.us/apps/wr/cwre\\_license\\_view/](http://apps.wrd.state.or.us/apps/wr/cwre_license_view/). CWRE stamp and signature are not required for substitutions.
- 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 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), 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°).



Part 4 of 5 – Applicant Information and Signature

Applicant Information

APPLICANT/BUSINESS NAME <b>Holland Lake Farms LLC</b>		PHONE NO. <b>707-529-0281</b>	ADDITIONAL CONTACT NO.
ADDRESS <b>PO BOX 454</b>		FAX NO.	
CITY <b>Cutten</b>	STATE <b>CA</b>	ZIP <b>95534</b>	E-MAIL <b>tcasey1040@yahoo.com</b>
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.			

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

AGENT/BUSINESS NAME <b>Scott Fein Water Rights</b>		PHONE NO. <b>541-842-0795</b>	ADDITIONAL CONTACT NO.
ADDRESS <b>600 Tyler Creek Rd.</b>		FAX NO.	
CITY <b>Ashland</b>	STATE <b>OR</b>	ZIP <b>97520</b>	E-MAIL <b>sfeinsurveyor@gmail.com</b>
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: Place of use and character of use for beneficial use in relation to nursery operations and farm activities. Historically the ground water of Emerald Tunnel has been utilized for domestic uses for two residences, including 1/2 acre of lawn, landscape and garden for each residence (1.0 acre total); equipment washing of commercial farm equipment and the washing of nursery and farm crops. An exempt domestic well has been installed and now serves the two residences, which is a factor in this application. The applicant seeks to modify the character of use of certificate 8917 to assist them in the cultivation of year round nursery crops as this is their primary source of income.

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

Check One Box

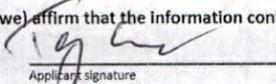
- By signing this application, I understand that, upon receipt of the draft preliminary determination and prior to Department approval of the transfer, I will be required to provide landownership information and evidence that I am authorized to pursue the transfer as identified in OAR 690-380-4010(5); **OR**
- I affirm the applicant is a municipality as defined in ORS 540.510(3)(b) and that the right is in the name of the municipality or a predecessor; **OR**
- I affirm the applicant is an entity with the authority to condemn property and is acquiring by condemnation the property to which the water right proposed for transfer is appurtenant and have supporting documentation.

By my signature below, I confirm that I understand:

- Prior to Department approval of the transfer application, I may be required to submit payment to the Department for publication of a notice in a newspaper with general circulation in the area where the water right is located, once per week for two consecutive weeks. If more than one qualifying newspaper is available, I suggest publishing the notice in the following newspaper: Grants Pass Courier.
- Amendments to the application may only be made in response to the Department's Draft Preliminary Determination (DPD). The applicant will have a period of at least 30 days to amend the application to address any issues identified by the Department in the DPD, or to withdraw the application. Note that amendments may be subject to additional fees, pursuant to ORS 536.050.
- Failure to complete an approved change in place of use and/or change in character of use, will result in loss of the water right (OAR 690-380-6010).

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




Tony Casey
1-22-20  
 Applicant signature                      Print Name (and Title if applicable)                      Date

• Check the following boxes that apply:

- The applicant is responsible for completion of change(s). Notices and correspondence should continue to be sent to the applicant.
- The receiving landowner will be responsible for completing the proposed change(s) after the final order is issued. Copies of notices and correspondence should be sent to this landowner.
- Both the receiving landowner and applicant will be responsible for completion of change(s). Copies of notices and correspondence should be sent to this landowner and the applicant.

At this time, are the lands in this transfer application in the process of being sold?  Yes  No

If YES, and you know who the new landowner will be, please complete the receiving landowner information table below. If you do not know who the new landowner will be, then a request for assignment will have to be filed for at a later date.

If a property sells, the certificated water right(s) located on the land belong to the new owner, unless a sale agreement or other document states otherwise. For more information see: [https://www.oregon.gov/owrd/WRDFormsPDF/Transfer\\_Property\\_Transactions.pdf](https://www.oregon.gov/owrd/WRDFormsPDF/Transfer_Property_Transactions.pdf)

RECEIVING LANDOWNER NAME			PHONE NO.	ADDITIONAL CONTACT NO.
ADDRESS				FAX NO.
CITY	STATE	ZIP	E-MAIL	

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Describe any special ownership circumstances here: \_\_\_\_\_

- 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.**)

IRRIGATION 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 county, city, municipal corporation, or tribal governments within whose jurisdiction water will be diverted, conveyed or used.

ENTITY NAME <b>Josephine County Planning</b>	ADDRESS <b>700 NW Dimmich St. Suite C</b>		
CITY <b>Grants Pass</b>	STATE <b>OR</b>	ZIP <b>97526</b>	

ENTITY NAME	ADDRESS		
CITY	STATE	ZIP	

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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.

**CERTIFICATE # 8917**

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### Description of Water Delivery System

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System capacity: **0.05 CFS** cubic feet per second (cfs) **OR**  
 \_\_\_\_\_ gallons per minute (gpm)

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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. Groundwater is captured subsurface by a series of buried pipelines inside of small dam at the head of the Emerald Tunnel being an old mining adit.

**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.)

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	¼ ¼		Tax Lot, DLC or Gov't Lot	Measured Distances (from a recognized survey corner)
<b>Emerald Tunnel</b>	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed		40	S	7	W	5	NE	SE		<b>NAD 83 (2011.2010) LAT 42-07-01.12413 (N) LON 123-32-41.33768 (W)</b>
<b>POA 1 JOSE 59742</b>	<input type="checkbox"/> Authorized <input checked="" type="checkbox"/> Proposed	<b>JOSE 59742</b>	40	S	7	W	5	SW	NE		<b>From ¼ Cor. Sec. 4 &amp; 5 N 15 FT. W. 175 FT.</b>
	<input type="checkbox"/> Authorized <input type="checkbox"/> Proposed										
	<input type="checkbox"/> Authorized <input type="checkbox"/> Proposed										

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

- |  |   |
|--|---|
| <input checked="" type="checkbox"/> Place of Use (POU)                 | <input type="checkbox"/> Supplemental Use to Primary Use (S to P) |
| <input checked="" type="checkbox"/> Character of Use (USE)             | <input type="checkbox"/> Point of Appropriation/Well (POA)        |
| <input type="checkbox"/> Point of Diversion (POD)                      | <input type="checkbox"/> Additional Point of Appropriation (APOA) |
| <input type="checkbox"/> Additional Point of Diversion (APOD)          | <input type="checkbox"/> Substitution (SUB)                       |
| <input type="checkbox"/> Surface Water POD to Ground Water POA (SW/GW) | <input type="checkbox"/> Government Action POD (GOV)              |

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

- Yes** Complete only the Proposed ("to" or "on" 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.

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 Changes to Water Right Certificate # 8917**

List the change proposed for the acreage in each  $\frac{1}{4}$   $\frac{1}{4}$ . If more than one change is proposed, specify the acreage associated with each change.  
If there is more than one POD/POA involved in the proposed changes, specify the acreage associated with each POD/POA.

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Additional remarks:

**SEE PAGE 12 OF 12 AND ATTACHED FIELD PHOTOS.**

AUTHORIZED (the "from" or "off" lands) The listing that appears on the certificate BEFORE PROPOSED CHANGES List only that part or portion of the water right that will be changed.										PROPOSED (the "to" or "on" lands) The listing as it would appear AFTER PROPOSED CHANGES are made.													
Twp	Rng	Sec	¼	¼	Gvt Tax Lot/Lot DLC	Acres	Type of USE listed on Certificate	POD(s) or POA(s) (name or number from Table 1)	Priority Date	Proposed Changes (see "CODES" from previous page)	Twp	Rng	Sec	¼	¼	Gvt Tax Lot/Lot DLC	Acres	New Type of USE	POD(s)/ POA(s) to be used (from Table 1)	Priority Date			
<b>EXAMPLE</b>																							
2	S	9	E	15	NW	100	Irrigation	15.0	1901	POD #1 POD #2	POU/POD	2	S	9	E	1	NW	NW	500	1	10.0	POD #5	1901
40	S	7	W	4	SW	500	DOMESTIC	39	1928	POA 1	POU USE	40	S	7	W	5	SE	NE	102	DLC 39	5.0	POA 1	1928
40	S	7	W	5	SE	102	DOMESTIC	39	1928	POA 1	POU USE	40	S	7	W	5	SE	NE	102	39	5.0	POA 1	1928
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										Permanent Transfer Application Form – Page 10 of 1													

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**For Place of Use or Character 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: **2712, 90932 (7127)**

 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.

**For Substitution** (ground water supplemental irrigation will be substituted for surface water primary irrigation)

Ground water supplemental Permit or Certificate # \_\_\_\_\_;  
Surface water primary Certificate # \_\_\_\_\_.

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**For a change from Supplemental Irrigation Use to Primary Irrigation Use**

Identify the primary certificate to be cancelled. Certificate # \_\_\_\_\_

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**For a change in point(s) of appropriation (well(s)) or additional point(s) of appropriation:**

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](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
POA1 EMERALD TUNNEL	YES		UNKNOWN HORIZONTAL WELL, OLD MINING ADIT	N/A	N/A	N/A	N/A	0	BASALT MINING ADIT	0.05 CFS

**ADDITIONAL REMARKS:** Certificate 8917 specifies the source of the water as Emerald Tunnel, being a tributary of the Illinois River, with a non-descript point of diversion located in the NESE of section 5 in T40S R7W. A review of the permit preceding certificate 8917 being permit 8622 specifies that the source is a sump with a rock and earth dam of 5 feet in height. The office of the state engineer did not utilize the term point of appropriation pertaining to groundwater until many years later as groundwater permitting did not commence in Oregon until the early 1950's. The Emerald Tunnel is an old mining adit of the Emerald Mining Corporation which was active on the subject lands in the last 1800's through early 1900's. Several pipes lines, infiltration cistern's, and a small dam collect the water source sub surface. The infrastructure is quite old and from discussion with adjoining resident Theodore Gerber to the west has been in place for at least 50 years; Mr. Gerber utilizes the waters of Emerald Tunnel under certificate 11062 for irrigation. Therefore, based on the aforementioned it is very clear that the waters appropriated under certificate 8917 are groundwater.

The applicant seeks to change the character of use of certificate 8917 from year round domestic use to year round nursery, greenhouse, and stock uses. The place of use for nursery and greenhouse operations in the order of 5.0 acres will be in the SENE of section 5 on TL 102 and will overlap with the authorized irrigation place of use of certificate 2712. During the irrigation season when said overlap occurs, the waters of certificate 8917 shall be supplemental to that of certificate 2712.

Efficient greenhouse and drip irrigation systems will be served as a result of this transfer enabling the application to cultivate nursery crops year round which is their primary source of income. Applicant will install a totalizing flow meter at the head of existing pipeline with a control valve to ensure the allowed rate and duty are not exceeded.

***Note the distance between the existing point of appropriation of Emerald Tunnel under certificate 8917 is within 700 feet horizontal distance of the proposed point of appropriation JOSE 59742 and would satisfy the OAR 690-009 hydraulic connectivity administrative rules between existing and proposed groundwater sources.***

***Please see letter attached from adjoining land owner Ted Gerber; approval of this application will resolve long standing conflicts between the subject property and that of Mr. Gerber.***

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STATE OF OREGON
WATER SUPPLY WELL REPORT
(as required by ORS 537.765 & OAR 690-205-0210)

JOSE 59742
4/15/2016

WELL I.D. LABEL# L 121221
START CARD # 1030166
ORIGINAL LOG #

(1) LAND OWNER

Owner Well I.D.
First Name Last Name
Company WESTERN INVESTMENTS LLC
Address 61441 LINTON LOOP
City BEND State OR Zip 97702

(2) TYPE OF WORK

PRE-ALTERATION
Dia + From To Gauge Stl Plstc Wld Thr
Casing:
Material From To Amt sacks/lbs
Seal:

(3) DRILL METHOD

Rotary Air Rotary Mud Cable Auger Cable Mud
Reverse Rotary Other

(4) PROPOSED USE

Domestic Irrigation Community
Industrial/ Commercial Livestock Dewatering
Thermal Injection Other

(5) BORE HOLE CONSTRUCTION

Depth of Completed Well 120.00 ft.
BORE HOLE SEAL sacks/ lbs
Dia From To Material From To Amt lbs

How was seal placed: Method A B C D E
Other DRY POURED

Backfill placed from ft. to ft. Material
Filter pack from ft. to ft. Material Size

Explosives used: Yes Type Amount

(5a) ABANDONMENT USING UNHYDRATED BENTONITE

Proposed Amount Actual Amount

(6) CASING/LINER

Casing Liner Dia + From To Gauge Stl Plstc Wld Thr
Shoe Inside Outside Other Location of shoe(s) 58
Temp casing Yes Dia From To

(7) PERFORATIONS/SCREENS

Table with columns: Perf/Screen, Casing/Liner, Dia, From, To, Scrn/slot width, Slot length, # of slots, Tele/pipe size. Includes data for perforations at 43, 60, and 120 ft depths.

(8) WELL TESTS: Minimum testing time is 1 hour

Pump Bailer Air Flowing Artesian
Yield gal/min Drawdown Drill stem/Pump depth Duration (hr)
Temperature 57 F Lab analysis Yes By
Water quality concerns? Yes (describe below) TDS amount 144 ppm

(9) LOCATION OF WELL (legal description)

County JOSEPHINE Twp 40.00 S N/S Range 7.00 W E/W WM
Sec 5 SE 1/4 of the NE 1/4 Tax Lot 102
Tax Map Number Lot
Lat " or 42.11824334 DMS or DD
Long " or -123.54394779 DMS or DD
Street address of well Nearest address
463 KENDALL RD CAVE JUNCTION, OR 97523

(10) STATIC WATER LEVEL

Table with columns: Date, SWL(psi), SWL(ft). Shows data for Existing Well / Pre-Alteration and Completed Well (4/4/2016, 12 ft).

Flowing Artesian? Dry Hole?

WATER BEARING ZONES Depth water was first found 43.00

Table with columns: SWL Date, From, To, Est Flow, SWL(psi), SWL(ft). Shows data for 4/4/2016 at 43-103 ft depth with 25 psi SWL.

(11) WELL LOG

Table with columns: Material, From, To. Lists geological layers: BROWN TIGHT CLAY, GREY BROWN SERPENTINE MED, GREY GREEN SERPENTINE MED HARD, GREY GREEN SERPENTINE MED SOFT.

Date Started 4/4/2016 Completed 4/4/2016

(unbonded) Water Well Constructor Certification

I certify that the work I performed on the construction, deepening, alteration, or abandonment of this well is in compliance with Oregon water supply well construction standards. Materials used and information reported above are true to the best of my knowledge and belief.

License Number 1945 Date 4/13/2016

Signed JUSTIN SPLIETHOF (E-filed)

(bonded) Water Well Constructor Certification

I accept responsibility for the construction, deepening, alteration, or abandonment work performed on this well during the construction dates reported above. All work performed during this time is in compliance with Oregon water supply well construction standards. This report is true to the best of my knowledge and belief.

License Number 1835 Date 4/15/2016

Signed KEVIN D GILL (E-filed)
Contact Info (optional) Clouser Drilling Inc.

# Application for Water Right Transfer

## Evidence of Use Affidavit



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

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

State of Oregon )  
 ) ss  
 County of JOSEPHINE)

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I, TONY CASEY, in my capacity as MANAGING MEMBER OF HOLLAND LAKE FARMS LLC,  
 mailing address PO BOX 454, CUTTEN CA 9553  
 telephone number (707)529-0281, being first duly sworn depose and say:

1. My knowledge of the exercise or status of the water right is based on (check one):

- Personal observation                       Professional expertise

2. I attest that:

- Water was used during the previous five years on the **entire** place of use for Certificate # \_\_\_\_; **OR**
- My knowledge is specific to the use of water at the following locations within the last five years:

Certificate #	Township		Range		Mer	Sec	¼ ¼		Gov't Lot or DLC	Acres (if applicable)
8917	40	S	7	W	WM	4	SW	NW	39	N/A
8917	40	S	7	W	WM	5	SE	NE	39	N/A

**OR**

- Confirming Certificate # \_\_\_\_ has been issued within the past five years; **OR**
- Part or all of the water right was leased instream at some time within the last five years. The instream lease number is: \_\_\_\_ (Note: If the entire right proposed for transfer was not leased, additional evidence of use is needed for the portion not leased instream.); **OR**
- The water right is not subject to forfeiture and documentation that a presumption of forfeiture for non-use would be rebutted under ORS 540.610(2) is attached.
- Water has been used at the actual current point of diversion or appropriation for more than 10 years for Certificate # \_\_\_\_ (For Historic POD/POA Transfers)

(continues on reverse side)

3. The water right was used for: (e.g., crops, pasture, etc.): DOMESTIC USES FOR TWO RESIDENCES INCLUDING 1/2 ACRE OF LAWN, LANDSCAPE, AND GARDEN; EQUIPMENT WASHING OF COMMERCIAL FARM EQUIPMENT AND CROP WASHING.

4. I understand that if I do not attach one or more of the documents shown in the table below to support the above statements, my application will be considered incomplete.

[Signature]  
Signature of Affiant

1-6-20  
Date

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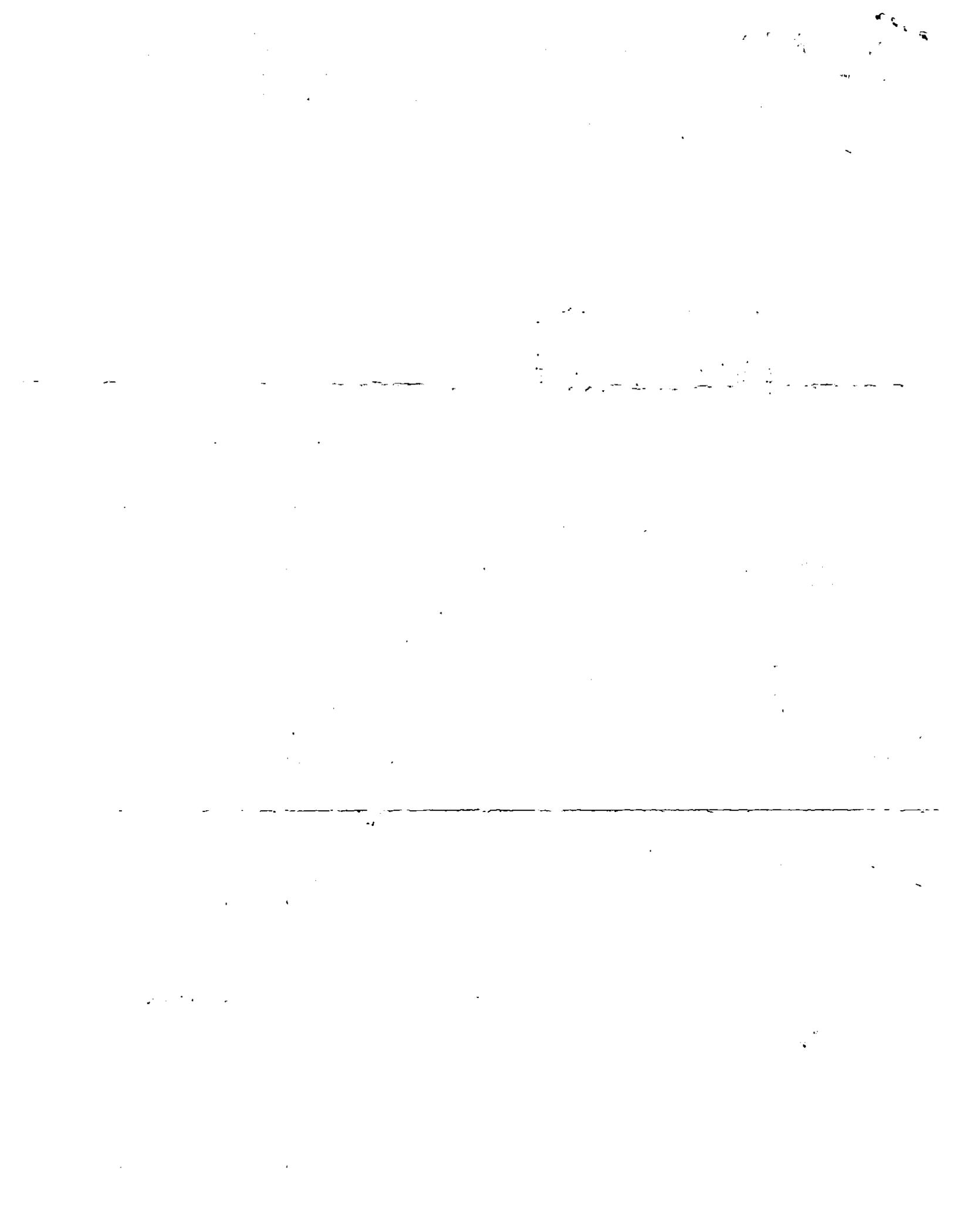
Signed and sworn to (or affirmed) before me this 6 day of Jan., 2020.



[Signature]  
Notary Public for Oregon California  
My Commission Expires: Feb. 24, 2021

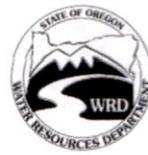
Supporting Documents	Examples
<input type="checkbox"/> Copy of a water right certificate that has been issued within the last five years. (not a remaining right certificate)	Copy of <b>confirming</b> water right certificate that shows issue date
<input checked="" type="checkbox"/> Copies of receipts from sales of irrigated crops or for expenditures related to use of water	<ul style="list-style-type: none"> <li>• Power usage records for pumps associated with irrigation use</li> <li>• Fertilizer or seed bills related to irrigated crops</li> <li>• Farmers Co-op sales receipt</li> </ul>
<input type="checkbox"/> Records such as FSA crop reports, irrigation district records, NRCS farm management plan, or records of other water suppliers	<ul style="list-style-type: none"> <li>• District assessment records for water delivered</li> <li>• Crop reports submitted under a federal loan agreement</li> <li>• Beneficial use reports from district</li> <li>• IRS Farm Usage Deduction Report</li> <li>• Agricultural Stabilization Plan</li> <li>• CREP Report</li> </ul>
<input checked="" type="checkbox"/> Aerial photos containing sufficient detail to establish location and date of photograph	<p>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.</p> <p>Sources for aerial photos: OSU – <a href="http://www.oregonexplorer.info/imagery">www.oregonexplorer.info/imagery</a> OWRD – <a href="http://www.wrd.state.or.us">www.wrd.state.or.us</a> Google Earth – <a href="http://earth.google.com">earth.google.com</a> TerraServer – <a href="http://www.terraserver.com">www.terraserver.com</a></p>
<input type="checkbox"/> Approved Lease establishing beneficial use within the last 5 years	Copy of instream lease or lease number

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# Application for Water Right Transfer

## Evidence of Use Affidavit



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

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

State of Oregon )  
 ) ss  
 County of JOSEPHINE)

I, NICHOLAS VAN DEN BRANDEN, in my capacity as MANAGING MEMBER OF WESTERN INVESTMENTS LLC,  
 mailing address 4734 HATHAWAY DR. MEDFORD OR 97501-  
 telephone number (702)701-1135, being first duly sworn depose and say:

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 OWRD

1. My knowledge of the exercise or status of the water right is based on (check one):  
 Personal observation       Professional expertise

2. I attest that:

- Water was used during the previous five years on the **entire** place of use for Certificate # \_\_\_\_; **OR**  
 My knowledge is specific to the use of water at the following locations within the last five years:

Certificate #	Township		Range		Mer	Sec	1/4 1/4		Gov't Lot or DLC	Acres (if applicable)
8917	40	S	7	W	WM	4	SW	NW	39	N/A
8917	40	S	7	W	WM	5	SE	NE	39	N/A

**OR**

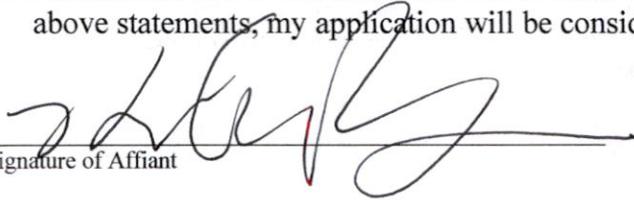
- Confirming Certificate # \_\_\_\_ has been issued within the past five years; **OR**  
 Part or all of the water right was leased instream at some time within the last five years. The instream lease number is: \_\_\_\_ (Note: If the entire right proposed for transfer was not leased, additional evidence of use is needed for the portion not leased instream.); **OR**  
 The water right is not subject to forfeiture and documentation that a presumption of forfeiture for non-use would be rebutted under ORS 540.610(2) is attached.  
 Water has been used at the actual current point of diversion or appropriation for more than 10 years for Certificate # \_\_\_\_ (For Historic POD/POA Transfers)

(continues on reverse side)

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3. The water right was used for: (e.g., crops, pasture, etc.): DOMESTIC USES FOR TWO RESIDENCES INCLUDING 1/2 ACRE OF LAWN, LANDSCAPE, AND GARDEN; EQUIPMENT WASHING OF COMMERCIAL FARM EQUIPMENT AND CROP WASHING.

4. I understand that if I do not attach one or more of the documents shown in the table below to support the above statements, my application will be considered incomplete.

  
Signature of Affiant

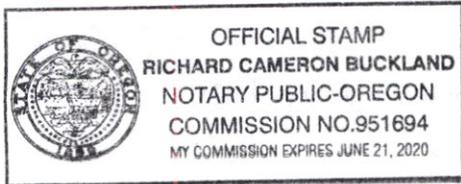
1-24-20  
Date

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OWRD

Signed and sworn to (or affirmed) before me this 24 day of January, 2020.



  
Notary Public for Oregon

My Commission Expires: June 21, 2020

Supporting Documents	Examples
<input type="checkbox"/> Copy of a water right certificate that has been issued within the last five years. (not a remaining right certificate)	Copy of <b>confirming</b> water right certificate that shows issue date
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<input type="checkbox"/> Approved Lease establishing beneficial use within the last 5 years	Copy of instream lease or lease number



Scott Fein <sfeinsurveyor@gmail.com>

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## **Emerald Tunnel water rights**

1 message

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**Ted Gerber** <gerberted@hotmail.com>

Fri, Nov 29, 2019 at 12:59 PM

To: "sfeinsurveyor@gmail.com" <sfeinsurveyor@gmail.com>

Cc: "Scott.C.Ceciliani@oregon.gov" <Scott.C.Ceciliani@oregon.gov>

See attached letter regarding our November 25, 2019 discussion of the Emerald Tunnel water rights.

Sent from Mail for Windows 10

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 **2019 November Emerald Tunnel - Holland Lake Farms.pdf**  
70K

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November 27, 2019

Dear Scott Fein

This is to confirm our discussion and tour of our water source at the Emerald Tunnel. With Scott Ceciliani the Water Master in Grants Pass, and the two owners of Holland Lake Farms LLC. If I am correct, both Tony Casey and Evan Troyer and myself agreed that they would change their domestic water right point of diversion to the south border of their property where the water flows naturally.

I understand that my first water right from the Emerald Tunnel for irrigation would stand legally as it has since it was established in 1928. Holland Lake Farms will be allowed to use their allotted amount from November 1 to March 31. During irrigation season, if at Gerber Vineyards LLC our needs require using a full amount of our water right, Holland Lake Farms may be without Emerald Tunnel water. Our water right is for .5 cubic feet/second and the source only produces approximately 45 gallons/minute.

I was requested to grant an easement for Holland Lake Farms domestic water right from Emerald Tunnel to their property, but I am reluctant. A previous owner of Holland Lake Farms property tried to remove our irrigation right and when that legally failed, their lawyer tried to put their domestic right as first priority which also failed. We have had another previous owner of the Holland Lake Farms property dig pipelines across the property from other sources, jack hammer holes in our cement diversion structure, steal and take most of the madrone firewood off the property, and more. By allowing Holland Lake Farm to divert water from the water source on their own property, it is hoped that any future conflicts can be averted.

There was also discussion about Emerald Tunnel water being either surface or well water. This topic should have no bearing on our water right. Granted as a surface water right in 1928 when the tunnel entrance and exit were much more open could explain the thinking. Today we pick up over 90% of the water from the first blow hole (dug as an air vent) about 200 ft uphill from what was the tunnel exit. We have a pipe 10 to 15 feet into the ground, and the water flow acts as if it is an artesian well.

Hopefully this covers most of our discussion on Monday, November 25, 2019.

Sincerely yours,

Ted Gerber

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