

Application for Permanent Water Right Transfer

Part 1 of 5 – Minimum Requirements Checklist

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. 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? 2 List them here: 3353 and 16317**
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

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

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/. 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 Christian Houde / Flowers of the Sun LLC		PHONE NO. 530.575.0598	ADDITIONAL CONTACT NO.
ADDRESS 234 Browns Rd		FAX NO.	
CITY Williams	STATE OR	ZIP 97544	E-MAIL manager@flowersofthesun.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 Rick Parsons / ParsonsWater Consulting LLC		PHONE NO. 541.499.0257	ADDITIONAL CONTACT NO.
ADDRESS 1619 Minear Rd		FAX NO.	
CITY Medford	STATE OR	ZIP 97501	E-MAIL rick.parsons@parsonswater.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:

see Attachment 1

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.

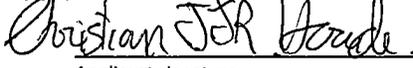
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By my signature below, I confirm that I understand:

- 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 Daily 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).

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


Christian House, owner Flowers of the Sun LLC
06/01/20
 Applicant signature Print Name (and Title if applicable) Date

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 deeded 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) were conveyed.*

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

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: _____

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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.) n/a

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. n/a

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 Josephine County Planning Division	ADDRESS 700 NW Dimmick Street, Suite C	
CITY Grants Pass	STATE OR	ZIP 97526

ENTITY NAME	ADDRESS	
CITY	STATE	ZIP

Part 4 of 5 – Applicant Information and Signature

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 # 16317 - Cert. 1 of 2

Description of Water Delivery System 0.017 cfs (7%) or original 0.24 cfs

System capacity: _____ cubic feet per second (cfs) **OR**
60 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. 1 hp pump connected to 2" PVC pipeline that conveys water from creek to subject property. Property borders Williams Creek. Pipeline conveys water to sprinkler systems
Table 1. Location of Authorized and Proposed Point(s) of Diversion (POD) or Appropriation (POA) serving entire property.
 (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)
Caldwell Ditch	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed	N/A	39	S	5	W	3	NE	NE	100	UNKNOWN	
Flowers Pump	<input type="checkbox"/> Authorized <input checked="" type="checkbox"/> Proposed	N/A	38	S	5	W	35	SW	SW	901 430'	approx. 800' North, East of SW corner S35	
	<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 type="checkbox"/> Place of Use (POU) | <input type="checkbox"/> Supplemental Use to Primary Use (S to P) |
| <input type="checkbox"/> Character of Use (USE) | <input type="checkbox"/> Point of Appropriation/Well (POA) |
| <input checked="" 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.

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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 Changes to Water Right Certificate # 16317 - 0.017 cfs (7%) or original 0.24 cfs

List the change proposed for the acreage in each ¼ ¼. 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.

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 Changes (see "CODES" from previous page)	PROPOSED (the "to" or "on" lands) The listing as it would appear AFTER PROPOSED CHANGES are made.															
Twp	Rng	Sec	¼	¼	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	¼	¼	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	E	15	NE	NW	100		15.0	Irrigation	POD #1 POD #2	1901	POU/POD	2	S	9	E	1	NW	NW	500	1	10.0		POD #5	1901	
															2	S	9	E	2	SW	NW	500		5.0		POD #6	1901
38	S	5	W	35	SW	SW	901		0.8	Irrigation	Caldwell Ditch 1878		POD	38	S	5	W	35	SW	SW	901		0.8		Irrig. Flowers Pump 1878		
TOTAL ACRES:							0.8						TOTAL ACRES:							0.8							

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Additional remarks: Based on the available mapping for permitted acreage under the Caldwell Ditch, the acreage on the subject property (Tax Lot 901) represents approximately 40 percent of the two acres total on Tax Lots 901 and 902. This translates into approximately 0.8 acres, which represents 7 percent of the 12 acres assigned to POU for C-16317.

For Place of Use or Character of Use Changes n/a

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 540.510, 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 # _____; n/a
 Surface water primary Certificate # _____.

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For a change from Supplemental Irrigation Use to Primary Irrigation Use n/a

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Identify the primary certificate to be cancelled. Certificate # _____

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

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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 n/a

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

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 # 3353 - Cert. 2 of 2

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Description of Water Delivery System

0.16 cfs (32%) or original 0.50 cfs

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System capacity: _____ cubic feet per second (cfs) OR

60 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. 1 hp pump connected to 2" PVC pipeline that conveys water from creek to subject property. Property borders Williams Creek. Pipeline conveys water to sprinkler systems
Table 1. Location of Authorized and Proposed Point(s) of Diversion (POD) or Appropriation (POA) serving entire
 (Note: If the POD/POA name is not specified on the certificate, assign it a name or number here.) _____ property.

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)
Eastside Ditch	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed	N/A	39	S	5	W	14	SE	NW	202	approx. 2400' South, 1900' East of NW corner S14
Flowers Pump	<input type="checkbox"/> Authorized <input checked="" type="checkbox"/> Proposed	N/A	38	S	5	W	35	SW	SW	901 430'	approx. 800' North, East of SW corner S35
	<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 type="checkbox"/> Place of Use (POU) | <input type="checkbox"/> Supplemental Use to Primary Use (S to P) |
| <input type="checkbox"/> Character of Use (USE) | <input type="checkbox"/> Point of Appropriation/Well (POA) |
| <input checked="" 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 # 3353 - 0.16 cfs (32%) or original 0.50 cfs
List the change proposed for the acreage in each ¼ ¼. 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.

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 Changes (see "CODES" from previous page)	PROPOSED (the "to" or "on" lands) The listing as it would appear AFTER PROPOSED CHANGES are made.														
Twp	Rng	Sec	¼	¼	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	¼	¼	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	E	15	NE	NW	100		15.0	Irrigation	POD #1 POD #2	1901	POU/POD	2	S	9	E	1	NW	NW	500	1	10.0		POD #5	1901
														2	S	9	E	2	SW	NW	500		5.0		POD #6	1901
38	S	5	W	35	SW	SW	901		12.62	Irrigation	Eastside Ditch	1915	POD	38	S	5	W	35	SW	SW	901		12.62	Irrig. Flowers Pump	1915	
TOTAL ACRES:							12.62						TOTAL ACRES:							12.62						

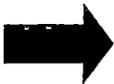
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Additional remarks: Lots 901, 902 and 903 total 32.8 acs for Eastside Ditch POU. Presumably the other 2.2 acs that make up the total 35 acres are accounted for based on change in measurement detail over last 100+ years, current rights-of-way, movement of creek layout affecting land area, etc. 12.62 acres of subject property represents 32 percent of 40 acres assigned to POU for C-3353. The 32 percent of the original 0.50 cfs water right corresponds to a change of 0.16 cfs (~72 gpm) associated with C-3353.

For Place of Use or Character of Use Changes n/a

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 540.510, 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 # _____; n/a
 Surface water primary Certificate # _____.

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For a change from Supplemental Irrigation Use to Primary Irrigation Use n/a

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: n/a

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 n/a

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.	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

ATTACHMENT 1 - The purpose of this application is to acknowledge the water rights appurtenant to the subject property have been used without interruption at the subject property and use of the current POD has occurred without injury to vested water rights. This effort was originally done through a historic use of the POD application. Although the applicant was an individual, a business entity is the deed holder and OWRD advised a Water Right Transfer application to change the POD would be necessary. Therefore, this application is intended to formalize the change in POD that occurred decades ago.

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Additional notes regarding change in POD for two water rights assigned to Tax Lot 901 in Josephine County JUN 30 2020

C-3353 and C-16317 were established in the Rogue River Decree and proof maps were not included with the associated Certificates. Information regarding Place of Use (POU) is taken from descriptions included in the Decree and associated Certificates. Information regarding Points of Diversion (POD) and POU was gathered from other sources, including file information at the District 14 Watermaster office. OWRD

The Eastside Ditch and Caldwell Ditch fell into non-use decades ago. As noted in the attached Affidavit from the previous owner of Lot 901, the POD for the two water rights is a pump in Williams Creek and has been in place prior to her moving to the property and was consistently used during her 25-year tenure on the property. Based on the apparent age of the pump, it is possible it has been in use since water diversions down the Eastside Ditch and Caldwell Ditch ceased.

The location of the Eastside Ditch POD is estimated based on the map included with Permit 2772 (precursor to C-3353). This location, on the East Fork Williams Creek, is consistent with the map included with Permit 13636. The two maps are attached. The location of the POU of 35 acres for the Eastside Ditch water right in the SW SW Section 35 can be inferred from the tax lots on the east side of Williams Creek, which bisects the quarter quarter. The location of the 35 acres is consistent with a map provided by the District 14 office (attached). The map does not specify the location of use of the 5 acres, although it could be conferred as being located in Tax Lot 1600, which is directly east of Tax Lot 901.

The location of the Caldwell Ditch POD is unknown. The location is not specified in the Decree although the District 14 office provided information placing the POD in the NE NE Section 3 Township 39 South Range 5 West. The source of water for the Caldwell Ditch, as noted in the Decree, is the East and West Forks of Williams Creek; therefore, the general location of the POD in the NE NE Section 3 appears reasonable. Without historical evidence regarding the layout of the ditch, it is difficult to identify the location of the POU of 2 acres for the Caldwell Ditch water right in the SW SW Section 35. The map from the District 14 office is one source of information related to the POU under the Caldwell Ditch. It identifies acreage along the south side of the SW SW Section 35 associated with C-16317. Based on the approximate break point along the southern boundary between Task Lots 901 and 902 (see blue line on map), approximately 40 percent of the POU of the Caldwell Ditch acreage within the SW SW Section 35 were within Tax Lot 901.

As to the question of potential injury from approval of the transfer of the Point of Diversion; neither of the ditches associated with the authorized PODs are in use; therefore, there is no injury to other holders of water rights in these ditches pursuant to an approval to the Change in POD. The authorized PODs for both water rights in question were located upstream of the current POD. Therefore, the water associated with C-3353 and C-16317 under review remained in a longer extent of the East and West Forks of Williams Creek than originally anticipated. Diversion of the water at the current downstream POD actually provides a net benefit to other water right holders, in particular the instream flow rights permitted in the area. According to conversations with District 14 Watermaster, Scott Ceciliani and the Southwest District Manager, Jake Johnstone, there is no evidence of complaints associated with the diversion of the C-3353 and C-16317 water rights from Williams Creek adjacent to Tax Lot 901.

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JUN 30 2020

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**AFFIDAVIT
OF RENEE FRIEND**

STATE OF OREGON)
) ss.
COUNTY OF JOSEPHINE)

The undersigned, Renee Monnet Rathbone, formerly Renee Friend certifies the following:

1. I lived at 234 Browns Road Williams, Oregon (Tax Lot 901; the "Property") from 9-1994 through 11-2019
2. A pump and pipeline were in place along the south bank of Williams Creek at the time I purchased the property. My understanding is the pump was and is used to divert the water rights (Certificate 3353 and Certificate 16317) assigned to the Property and neighboring properties located in the Southwest Quarter Southwest Quarter of Section 35, Township 38 South, Range 5 West.
3. The pump was used to divert water for irrigation over the entire Property.
4. The pump was used to divert water for irrigation every year I lived at the Property.

I have personal knowledge of the facts set forth in this affidavit.

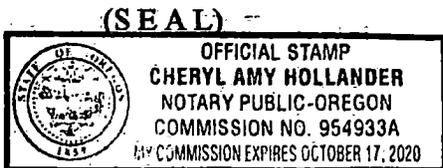
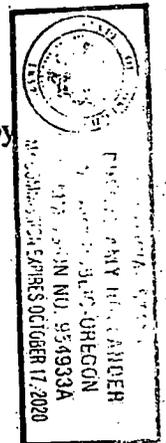
Renee Monnet Rathbone
Renee Friend

STATE OF OREGON)
) ss.
COUNTY OF Josephine)

The foregoing instrument was acknowledged before me this 4th day of April 2020, by Renee Friend.

Witness my hand and official seal.

My commission expires: Oct 17, 2020



Cheryl Amy Hollander
Notary Public

STATE OF OREGON

COUNTY OF JOSEPHINE

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CERTIFICATE OF WATER RIGHT JUN 30 2020

This Is to Certify, That G. E. Rose

of Williams, State of Oregon, has a right to the use of

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the waters of East and West Forks of Williams Creek

for the purpose of irrigation of 12 acres

and that said right has been confirmed by decree of the Circuit Court of the State of Oregon for Jackson County, and the said decree entered of record at Salem, in the Order Record of the STATE ENGINEER, in Volume 4, at page 1; that the priority of the right thereby confirmed dates from 1878;

that the amount of water to which such right is entitled, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed 0.24 cubic foot per second.

A description of the lands irrigated under such right, and to which the water is appurtenant (or, if for other purposes, the place where such water is put to beneficial use), is as follows:

2 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$
Section 35,
10 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$
Section 34,
T. 38 S., R. 5 W., W. M.

And said right shall be subject to all other conditions and limitations contained in said decree. The right to the use of the water for the purposes aforesaid is restricted to the lands or place of use herein described.

WITNESS the signature of the State Engineer, affixed

this 30 day of September, 19 19 .

CHAS. E. STRICKLIN

State Engineer

Recorded in State Record of Water Right Certificates, Volume 13, page 76377

STATE OF OREGON

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COUNTY OF JOSEPHINE

JUN 30 2020

CERTIFICATE OF WATER RIGHT

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This is to Certify, That JOHN VAN ZANT, o/o M. L. Opdycke

of Grants Pass, State of Oregon, has made proof to the satisfaction of the STATE WATER BOARD of Oregon, of a right to the use of the waters of East Fork Williams Creek a tributary of Applegate River for the purpose of irrigation under Permit No. 2972 of the State Engineer, and that said right to the use of said waters has been perfected in accordance with the laws of Oregon and duly confirmed by order of the STATE WATER BOARD of Oregon, made and entered of record in the Record of Proceedings of said Board, at Salem, in Volume 1, at page 410, on the 17th day of October, 1921; that the priority of the right hereby confirmed dates from December 28, 1915

that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed 0.50 cubic feet per second, or its equivalent in case of rotation. The use hereunder for irrigation shall conform to such reasonable rotation system as may be ordered by the proper state officer.

A description of the lands under such right, and to which the water hereby confirmed is appurtenant, or, if for other purposes, the place where such water is put to beneficial use, is as follows:

35 acres in the Southwest quarter of Southwest quarter of Section Thirty-five and 5 acres in the Southeast quarter of Southeast quarter of Section Thirty-four, Township Thirty-eight South, Range Five West of Willamette Meridian, in Josephine County, Oregon. (Being a total of 40 acres).

The right to the use of the water for irrigation purposes is restricted to the lands or place of use herein described.

Rights to the use of water for power purposes are limited to a period of forty years from the date of priority of the right, as herein set forth, subject to a preference right of renewal under the laws existing at the date of the expiration of the right for power purposes, as hereby confirmed and limited.

WITNESS the seal and signature of the State

Water Board, affixed this 17th day

of October, 1921

STATE WATER BOARD

(Seal of State Water Board)

By PERCY A. CUPPER
State Engineer, President

Attest: R. W. POTTER
Secretary

Application for Water Right Historic POD/POA Transfer Watermaster Statement



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

I, SCOTT CECILIANI, Watermaster of District 14,

state that to my knowledge, there has been no claim of injury due to use of an historic point of diversion/appropriation for Certificate 3353 and 16317

from Williams Creek located as follows:
(source)

By Township, Range, Section and distances from a Survey Corner:

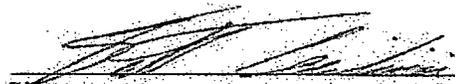
Twp	Rng	Mer	Sec	Q-Q	DLC	GLot	Measured Distances
38 W	05 W	W.M.	35	sww			Approximately 800ft North and 430ft East of Southwest corner of Section 35.

OR

by GPS coordinates: Latitude: _____ Longitude: _____

OR

as shown on the attached map.


Signature

4-21-2020
Date

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