

Application for Surface Water Allocation of Conserved Water

Part 1 of 4 – Minimum Requirements Checklist



This application will be returned if Parts 1 through 4 and all required attachments are not completed and included.
For questions, please call (503) 986-0900, and ask for Allocation of Conserved Water Section.

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

- Part 1 – Completed Minimum Requirements Checklist.
- Part 2 – Completed Applicant Information and Signature.
- Part 3 – Completed Water Right Information and Conservation Measures. Please include a separate Part 3 for each water right. List all water right certificates involved in this application here: **86646**.
- Part 4 – Completed Mitigation, Proposed Use, Project Schedule, Funding, and Fee Calculation.

Attachments:

- Fees – Amount enclosed: \$ **680** (From last page of application).
- Application Map. Must have sufficient detail to locate and describe the facilities and areas involved in the conservation measures. Must show the place of use where water is being used if the rate or duty are changing.
- Land Use Information Form with approval and signature. (Not required if 100% of Conserved Water is being transferred instream.) **or**
Land Use Notice - Notice of the intent to create an instream water right must be provided to each affected county, city, municipal corporation, or tribal government along the proposed instream reach.
- Completed Evidence of Use Affidavit and Supporting Documentation.
- N/A Affidavit(s) of Consent.
- N/A Letter of approval from Irrigation or Water Control District. For water rights served by or issued in the name of a District; this must be provided when the applicant is not the District.
- N/A Irrigation or Water Control District’s adopted policy on allocation of conserved water.
- N/A If construction of the project has begun or been completed and if more than 25 percent of the project costs have been expended before applying for allocation of conserved water, evidence that you have attempted to identify and resolve the concerns of water right holders in the area, governmental entities or other organizations who have asked to be consulted regarding the allocation of conserved water.
- N/A Evidence for Fee Waiver.
- N/A Notice of Completion.
- N/A Request for Finalization. (The entire conservation project listed on the application must be complete. No partial finalization will be recognized.)

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Part 2 of 4 – Applicant Information and Signature

Applicant Information

APPLICANT/BUSINESS NAME James Sartorio, Marion Hadden			PHONE NO. 541-899-9513	ADDITIONAL CONTACT NO.
ADDRESS 4035 LITTLE APPLGATE ROAD				FAX NO.
CITY JACKSONVILLE	STATE OR	ZIP 97530	E-MAIL MHTS155@GMAIL.COM	

APPLICANT/BUSINESS NAME Erin Volheim			PHONE NO. 541-899-9453	ADDITIONAL CONTACT NO.
ADDRESS 4873 LITTLE APPLGATE ROAD				FAX NO.
CITY JACKSONVILLE	STATE OR	ZIP 97530	E-MAIL ERINWILDINGCENTER@GMAIL.COM	

APPLICANT/BUSINESS NAME David Willard			PHONE NO. 541-899-8404	ADDITIONAL CONTACT NO.
ADDRESS 4055 LITTLE APPLGATE ROAD				FAX NO.
CITY JACKSONVILLE	STATE OR	ZIP 97530	E-MAIL JENCKSA@YAHOO.COM	

APPLICANT/BUSINESS NAME Samuel Baldoni			PHONE NO. 310-800-8424	ADDITIONAL CONTACT NO.
ADDRESS 4025 LITTLE APPLGATE ROAD				FAX NO.
CITY JACKSONVILLE	STATE OR	ZIP 97530	E-MAIL SAMBALDONI@GMAIL.COM	

APPLICANT/BUSINESS NAME Peter Salant			PHONE NO. 541-899-8295	ADDITIONAL CONTACT NO.
ADDRESS 5288 LITTLE APPLGATE ROAD				FAX NO.
CITY JACKSONVILLE	STATE OR	ZIP 97530	E-MAIL PKSALANT@AOL.COM	

The applicant is an irrigation district organized under ORS Chapter 545 or a water control district organized under ORS Chapter 553. The District's OAR 690-018-0025 allocation of conserved water policy was adopted: ____ / ____ / 20 ____.

OR
 The applicant is the sole owner of the land on which the water right, or portion thereof, proposed for conservation measures is located? Yes No

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

LANDOWNER NAME	PHONE NO.
ADDRESS	

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CITY	STATE	ZIP	E-MAIL
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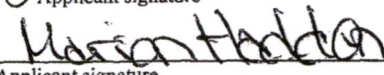
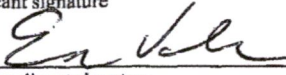
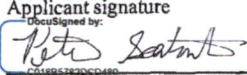

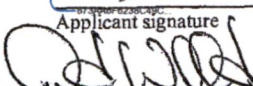
Representative Information – The person(s) listed below is/are authorized to represent the applicant in all matters relating to this application.

REPRESENTATIVE/BUSINESS NAME JULIE CYMORE/APPLEGATE PARTNERSHIP & WATERSHED COUNCIL		PHONE NO. 541-890-9765	ADDITIONAL CONTACT NO.
ADDRESS PO BOX 899			FAX NO. N/A
CITY JACKSONVILLE	STATE OR	ZIP 97530	E-MAIL JULIE@APWC.INFO

REPRESENTATIVE/BUSINESS NAME PAUL DEMAGGIO/JACKSON SWCD		PHONE NO. 541-630-0285	ADDITIONAL CONTACT NO.
ADDRESS 89 ALDER STREET			FAX NO. N/A
CITY CENTRAL POINT	STATE OR	ZIP 97502	E-MAIL PAUL.DEMAGGIO@JSWCD.ORG

I understand that I will 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 paper: _____

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

	James Sartorio Print Name (and Title if applicable)	<u>1/16/23</u> Date
	Marion Hadden Print Name (and Title if applicable)	<u>1/16/23</u> Date
	Erin Volheim Print Name (and Title if applicable)	<u>1/16/23</u> Date
	Peter Salant Print Name (and Title if applicable)	<u>1/18/2023</u> Date
	Samuel Baldoni Print Name (and Title if applicable)	<u>1/20/2023</u> Date
	David Willard Print Name (and Title if applicable)	<u>1/16/23</u> Date
_____ Applicant signature	_____ Print Name (and Title if applicable)	_____ Date

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In your own words tell us what physical conservations measures you have made or propose to make and the reason for the change(s): Propose to pipe a section of the open ditch, Upper Phillips Ditch due to excessive leakage



To meet State Land Use Consistency Requirements, you must list all local governments (each county, city, municipal corporation, or tribal government) within whose jurisdiction the conservation project and/or proposed instream reach will be located.

ENTITY NAME JACKSON COUNTY	ADDRESS 10 S OAKDALE AVE # 114	
CITY MEDFORD	STATE OR	CITY MEDFORD

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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Part 3 of 4 – Water Right Information and Conservation Measures

Please use a separate Part 3 for **each** water right involved in the proposed allocation of conserved water.

WATER RIGHT INFORMATION:

Water Right Subject to Transfer (check and complete **ONE** of the following):

<input checked="" type="checkbox"/> Certificated Right	86646	
	Certificate Number	Permit Number or Decree Name
<input type="checkbox"/> Adjudicated, Un-certificated Right		
	Name of Decree	Page Number
<input type="checkbox"/> Permit for which Proof has been Approved		
	Permit Number	Special Order Volume _____, Page _____
<input type="checkbox"/> Transferred Right for which Proper Proof of the change has been filed		
	Previous Certificate / Transfer Number	Date Claim of Beneficial Use Submitted

County: Jackson

Describe the pre-project water delivery system. Include information on the diversion structure, pumps, and conveyance facilities (including canals, pipelines and sprinklers used to divert, convey and apply the water at the authorized place of use). *Provide sufficient detail for the Department to determine the system capacity.* Water is diverted from the Little Applegate River into Upper Phillips Ditch via a roughened channel, concrete diversion box and 30” diameter pipeline. The existing fish screen is a rotating drum style, 5 ft long, 18” diameter. The Upper Phillips Ditch is primarily an earthen ditch with a handful of road and driveway culverts of 24” to 30” diameter and a short concrete lined section. Some sections are heavily vegetated with grasses, cattails, blackberries, etc. while other sections are generally clean with bedrock or gravel bottoms. A typical cross section has a bottom width of about 1.5 ft to 3 ft, side slopes of about 0.7:1 and total depth of about 1.5 to 2.5 ft. Ditch slopes range from about 0.1 % to 0.3%. Water is typically supplied to fields via concrete check structures with flash boards in the ditch and 6” to 12” diameter pipe sections in the ditch bank with a metal slide gate which controls water delivery through the pipe and onto the field. Water is applied to some fields via contour flood irrigation. Other fields use pumps directly in the ditch to provide pressurized and filtered water to solid set sprinklers, handlines, or driplines.

Table 1: Pre-Project Description

List: A) the maximum rate and annual duty (volume) of water that may be diverted **as stated on the water right of record**; and B) the maximum amount of water that can be diverted using the pre-project facilities (“**system capacity**”). If there are multiple priority dates on the water right, list the rate and duty associated with each priority date. *(If the water right is only limited by rate, do not list a duty. Conversely, if the water is only limited by duty, do not list a rate).*

PRE-PROJECT DESCRIPTION								
			Column A				Column B	
			Water Right of Record				System Capacity	
			Rate		Duty		Rate	Duty
Originating Water Right #	Priority	Acres	Maximum CFS	CFS/AC	Maximum AF	AF/AC	Maximum CFS	Maximum AF
86646	9/1/ 1857	38.4	0.96	1/40			0.96	1/40
Totals								

Note: 1 miner’s inch = 1/40 cfs; 1 cfs = 448.8 gpm 1 cfs = 1.983471 ac-ft/day

CONSERVATION MEASURES:

Describe the type of conservation measures, check all that apply:

- On-Farm efficiency project
- Distribution project, such as a ditch piping or lining project
- Other: _____

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Describe the proposed changes to the physical system, operations and application methods that will result in the conservation of water. If these proposed changes will change the point of diversion, you must meet the ODFW fish screen and bypass requirements pursuant to ORS 540.525. *Please include a description and details of how the estimate of water conserved was determined. Please provide sufficient detail for the Department to provide notice of the project.*

A section of the Upper Phillips ditch which is an earthen ditch will be replaced with an enclosed pipeline. No changes to the POD or POU or the application method of the irrigation water.

Ditch losses were measured by OWRD. The estimate of water conserved was determined based on these measurements, crop water requirements and pipe sizing.

Existing Point(s) of Diversion:

Twp	Rng	Sec	¼	¼	Tax Lot	Gvt Lot or DLC	Measured Distances or Latitude and Longitude	
39	S	2	W	29	NE	NW	200	42.1540, -122.9636

Place of Use Involved in Conservation Measures:

List only the part of the right that will be affected. If the entire right is being affected, just state "entire Certificate."

Twp	Rng	Sec	¼	¼	Tax Lot	Gvt Lot or DLC	Acres	Type of Use listed On Certificate	Priority Date	
2	S	9	E	15	NE	NW	153	100	EXAMPLE	1/1/1865
39	S	2	W	29	NW	NW	300	0.7	Irrigation	9/1/1857
39	S	2	W	20	SW	SW	201	7.9	Irrigation	9/1/1857
39	S	2	W	19	SE	SE	900	12.7	Irrigation	9/1/1857
39	S	2	W	19	NE	SE	900	1	Irrigation	9/1/1857
39	S	2	W	19	NW	SE	1000	1.5	Irrigation	9/1/1857
39	S	2	W	19	NE	SW	1000	1.5	Irrigation	9/1/1857
39	S	2	W	19	NE	SW	210	4	Irrigation	9/1/1857
39	S	2	W	19	SE	NW	210	1.5	Irrigation	9/1/1857
39	S	2	W	19	NE	SW	207	0.2	Irrigation	9/1/1857
39	S	2	W	19	SE	NW	207	3.1	Irrigation	9/1/1857
39	S	2	W	19	SE	NW	209	2.8	Irrigation	9/1/1857
39	S	2	W	19	SW	NW	209	1.5	Irrigation	9/1/1857
Total							38.4			

Are there other water right certificates, water use permits, ground water registrations, or uncertificated decreed rights associated with the above lands? Yes No. If YES, list the certificates, water use permits, groundwater registrations, or uncertificated decree numbers: Cert 5317, Cert 60845

Is the project within the boundaries of an irrigation district or water control district? Yes No. If YES, and applicant is not a District, you must provide a letter of approval from the District.

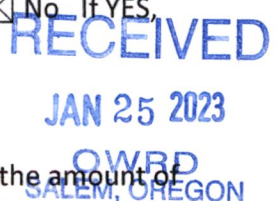


Table 2: Conserved Water

In Column A, list the smaller of A or B from Table 1 (Pre-Project Description). In Column B, list the amount of water that will be needed for the existing, authorized use(s) after implementing the conservation measures. In Column C, subtract Column B from Column A and enter the results (e.g., A – B = C). (If the water right is only limited by rate, do not list a duty; and conversely, if the water is only limited by duty, do not list a rate.)

Conserved Water Description						
Column A		Column B			Column C	
Table 1 – Smaller of A or B		Needed			Conserved Water	
Rate	Duty	Rate	Duty	Rate	Duty	

Priority	Maximum CFS	CFS/AC	Maximum AF	AF/AC	Maximum CFS	CFS/AC	Maximum AF	AF/AC	Maximum CFS	Maximum AF
9/1/1857	0.96	0.025	409.4 AF	10.7	0.48	0.0125	204.7 AF	5.3	0.48	204.7
Totals	0.96	0.025			0.96	0.0125			0.48	

Table 3: Allocation of Conserved Water

List the portions of the conserved water that will be allocated to the state and applicant. Note: Column A plus Column B should total Column C (e.g., A + B = C).

Conserved Water Allocation								
Column A			Column B			Column C		
State's Portion			Applicant's Portion			Conserved Water		
Percentage*	Maximum Rate	Maximum Duty (Volume)	Percentage	Maximum Rate	Maximum Duty (Volume)	Percentage	Maximum Rate	Maximum Duty (Volume)
75%	0.36	153.5	25%	0.12	51.2	100%	0.48	204.7

* must be at least 25%

The priority for the conserved water is requested to be:

- The same as the original right, or
- One minute junior to the original right.

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**Part 4 of 4 – Mitigation, Proposed Use,
Project Schedule, Funding, and
Fee Calculation**

MITIGATION:

Describe any expected effects from the proposed allocation of conserved water on other water rights. Describe what currently happens to the water that is proposed to be conserved. No other water rights are expected to be affected based on the proposed allocation of conserved water amount for in-stream use. Currently the water that is proposed to be conserved is lost through seepage out of the ditch. This water flows subsurface and either collects near the road in the roadside ditch and evaporates or is taken up by phreatophytes in and along the ditch such as blackberry, cattail, rushes, willow and other trees and shrubs.

Describe any mitigation or other measures that are planned to avoid harm to other water rights. No other water rights are expected to be affected based on the proposed allocation of conserved water amount for in-stream use.

PROPOSED USE:

New Out-of Stream Uses:

N/A For new out-of-stream uses, describe the intended use and boundaries of the expected area within which the diversion structures and places of use of the applicants' conserved water right will be located. This is land other than that to which this water right is appurtenant. Intended Use: Intended Use: Irrigation (0.1 cfs /8.025 Acres) & Reserve Instream for Future Use (0.019 cfs/1.575 Acres); Boundaries: Township 39 South, Range 2 West and Range 3 West, W.M. Refer To Attachment 1 Tables 3, 4, and 5

Will the new use require a change or additional point of diversion/appropriation?

Yes No Unknown at this time

New Point of Diversion:

Twp	Rng	Sec	¼	¼	Tax Lot	Gvt Lot or DLC	Measured Distances or Latitude and Longitude
N/A							

New Instream Uses to be Created (State's Portion):

Originating Surface Water Right (as identified in Part 3)	Priority Date	Source	Proposed Instream Period	Rate (cfs)*	Volume (ac-ft)**
86646	9/1/ 1857	Little Applegate River	Apr 1-Nov 1	0.36	152.81
TOTAL VOLUME					152.81

* To calculate rate (if other than the rate allowed by the right), divide the volume by the number of days in the period and then divide by 1.983471; or

** To calculate volume, multiply the rate by the number of days in the instream period and then multiply by 1.983471.

Note: The instream rate may not exceed the maximum rate conserved and the total volume may not exceed to maximum duty or volume conserved (Table 3, Column C).

Location of the proposed instream water right.

Water is requested to be protected within a reach. Location of the proposed reach (identify the extent of the reach): (e.g., from the upstream POD located at RM ___ to downstream location at the mouth at RM ___) from the Point of Diversion located at RM 5.8 to the mouth located at RM 0

OR

Water is requested to be protected at a point at the following location (i.e. legal description of the point of diversion (POD)): _____

Public Use for which conserved water right should be managed under an instream right (check at least one box):

- Conservation, maintenance and enhancement of aquatic and fish life, wildlife, fish and wildlife habitat, and other ecological values.
- Recreation and scenic attraction.
- Water Quality (e.g. pollution abatement).

List any existing instream water rights at the same point or within the same requested reach(es):

- None.
- Instream Water Right Certificates: 75996, T 10078, T 10079, T 10087, T 10088, T 10089, T 10090, T 10091, T 10092, T 10104, T 10105, T 10141, T 10142, T 10143, T 10144, T 10145, T 10146, T 10159, T 10167, T 10168, T 10188, T 10189, T 10190, T 10191, T 10192, T 10193, T-10957, T-11398, T-116

N/A Is it your intent to have the proposed instream water right transfer be additive to any instream water right established under ORS 537.348 (instream transfer application process) and ORS 537.470 (allocation of conserved water) and replace a portion of any instream water right established under ORS 537.341 (state agency application process) and ORS 537.346 (conversion of minimum perennial streamflows) with an earlier priority date?

Yes No. If no, please explain your intent below:

Is the requested instream flow intended to exceed the estimated average natural flow or natural lake level occurring from the drainage system?

- No; **OR**
- Yes (Provide supporting documentation that demonstrates why additional flows are significant for the public use requested.); **OR**
- Yes, and it is presumed that flows that exceed the estimated average natural flow or natural lake levels are significant because:
 - The requested flow does not exceed the maximum amount of any instream water right applied for under ORS 537.338 (state agency instream water right application process); the requested public use is for the same public use; and the requested reach covers a portion or same reach as the state agency instream water right; **and**
 - The stream is in an ODFW flow restoration priority watershed during the requested instream period; **or**
 - The stream is listed as water quality limited by DEQ.

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PROJECT SCHEDULE:

N/A For a project that has **not** been completed, please provide the dates on which the applicant intends to do the following:

Begin Construction	Complete Construction and File Notice of Completion	Request that Entire Conserved Water Allocation be Finalized
Date: 3/1/2023	Date: 3/1/2024	*Date: 3/1/2025

* Must be within 5 years from the date of filing the Notice of Completion.

Note: If construction of the project has begun or has been completed, and if more than 25 percent of the project costs have been expended before submitting this application, you must submit evidence that you have attempted to identify and resolve the concerns of water right holders in the area, governmental entities or other organization who have asked to be consulted regarding the allocation of conserved water.

N/A For a project that has been completed, provide the dates when the conservation measures were implemented and the date by which the applicant intends to request the allocation be finalized. Complete and attach Notice of Completion form.

Conservation Measures Were Implemented	Request that Entire Conserved Water Allocation be Finalized
*Date:	**Date:

* Must be within 5 years prior to the date of filing this application.

** Must be within 5 years from the date of filing this Application and Notice of Completion.

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FUNDING

N/A Federal or state public funds that are not subject to repayment are to be used for the project. Refer to OAR 690-018-0040(18)(a)-(d) for further information in completing this section.

Source of Funding: Federal: NOAA Restoration Center State: OWRD, ODFW R&E, OWEB, JSWCD

Total cost for project engineering \$70,856
Total cost for construction \$926,370

The present value of any incremental changes in the cost of operations and maintenance that are directly attributable to the project that would not be incurred or realized in the absence of the project is \$0.

The amount of funding and the value of any in-kind contributions for project engineering and construction and for any incremental changes in the costs of operations and maintenance to be provided from federal or state public funds that are not subject to repayment is \$947,202.30.

The amount of funding and the value of any in-kind contributions for project engineering and construction and for any incremental change since costs of operations and maintenance to be provided from other funds is \$2,981.70 Blue Sky, \$12,526 RBP, \$34,516 JSWCD.

N/A Enter the percentage from Table 3, Column B (Applicant's Portion of Conserved Water) 25%. If this is more than 25%, what portion of project funds (expressed as a percentage) come from federal or state public sources? %

N/A The Oregon Watershed Enhancement Board (OWEB) has a contractual interest in this project. The OWEB project number is Small Grant 06-20-006.

FEE CALCULATION

Fee Schedule – ORS 536.050 https://www.oregon.gov/OWRD/Forms/Pages/default.aspx	
\$1,360.00 - Base (1 st Water Right)	Add \$480.00 for each additional right
$\$1,360 + (0 \times \$480) = \text{Total Fee } \1360	

Fee Waiver Worksheet	
To qualify for a waiver of up to 50%, you must provide evidence to establish your application meets the following criteria:	
<input type="checkbox"/>	(a) Will be converted to an instream right pursuant to ORS 537.348; or
<input type="checkbox"/>	(b) Is necessary to complete a project funded under ORS 541.375 (OWEB); or
<input type="checkbox"/>	(c) Is approved by the Oregon Department of Fish and Wildlife as a project that will result in a net benefit to fish and wildlife habitat. See OAR 690-018-0040(25).
If the project meets one of the above standards, use the following formula to calculate the fees:	
<input type="checkbox"/>	(d) Enter Percentage from Table 3, Column A = <u>75%</u>
<input type="checkbox"/>	(e) Deduct 25% from percentage in (d) above = <u>50%</u>
<input type="checkbox"/>	(f) Enter the lesser of (e) above or 50% <u>50</u>
<input type="checkbox"/>	(g) Total Fee x % waived (f) = Fee Waiver <u>\$680</u>
<i>Example: (d) = 100% - 25% (e) = 75% (max 50% waived) = Fee x 50% = Fee Waiver</i>	
Total Fee <u>\$1360</u> – Fee Waiver (g) <u>\$680</u> = Amount Due <u>\$680</u>	



439-23-00054-ZON

01/13/2023

Land Use Compatibility

39-2W-19-207

ZONING: **Exclusive Farm Use**

RECORD NO: **439-23-00054-ZON**

PROCESS: **Type I Permit**

PROJECT NAME: **LUCS**

ASSIGNED STAFF:

RECEIVED DATE: **01/13/2023**

SITE ADDRESS: **4035 LITTLE APPEGATE RD**

Owners

SARTORIO JAMES PAUL TRUSTEE ET AL
4035 LITTLE APPEGATE RD
JACKSONVILLE, OR 97530-9303

Record Detail Description

OWRD Hay and Pasture Irrigation

Contacts

SARTORIO JAMES PAUL TRUSTEE ET AL
4035 LITTLE APPEGATE RD JACKSONVILLE, OR
97530-9303

Empty box for additional information.

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Land Use Information Form



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

Applicant(s): James Sartorio, Marion Hadden

Mailing Address: 4035 LITTLE APPLGATE ROAD

CITY JACKSONVILLE STATE OR ZIP 97530 PHONE NO. 541-899-9513

APPLICANT(S): Erin Volheim

Mailing Address: 4873 LITTLE APPLGATE ROAD

CITY JACKSONVILLE STATE OR ZIP 97530 PHONE NO. 541-899-9453

APPLICANT(S): David Willard

Mailing Address: 4055 LITTLE APPLGATE ROAD

CITY: JACKSONVILLE STATE: OR ZIP 97530 PHONE NO. 541-899-8404

APPLICANT(S): Samuel Baldoni

Mailing Address: 4025 LITTLE APPLGATE ROAD

CITY JACKSONVILLE STATE OR ZIP 97530 PHONE NO. 310-800-8424

APPLICANT(S): Peter Salant

Mailing Address: 5288 LITTLE APPLGATE ROAD

City: JACKSONVILLE State: OR Zip Code: 97530 Daytime Phone: 541-899-8295

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A. Land and Location

Please include the following information for all tax lots where water will be diverted (taken from its source), conveyed (transported), and/or used or developed. Applicants for municipal use, or irrigation uses within irrigation districts may substitute existing and proposed service-area boundaries for the tax-lot information requested below.

Township	Range	Section	¼ ¼	Tax Lot #	Plan Designation (e.g., Rural Residential/RR-5)	Water to be:	Proposed Land Use:
<u>39S</u>	<u>2W</u>	<u>19</u>	<u>NESW</u>	<u>207,</u>	<u>EFU</u>	<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	<u>No change</u>
			<u>SENW</u>	<u>207,</u>	<u>EFU</u>		
			<u>SENW</u>	<u>209,</u>	<u>EFU</u>		
			<u>SWNW</u>	<u>209,</u>	<u>EFU</u>		
			<u>NESW</u>	<u>210,</u>	<u>EFU</u>		
			<u>SENW</u>	<u>210,</u>	<u>EFU</u>		
			<u>NWSE</u>	<u>900,</u>	<u>EFU</u>		
			<u>NESW</u>	<u>900,</u>	<u>EFU</u>		
			<u>NWSE</u>	<u>1000,</u>	<u>WR</u>		
			<u>NESW</u>	<u>1000</u>	<u>WR</u>		
<u>39S</u>	<u>2W</u>	<u>20</u>	<u>SWSW</u>	<u>201</u>	<u>EFU, WR</u>	<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	<u>No change</u>

39S	2W	29	NWNW	300	WR	<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	No change
_____	_____	_____	_____	_____	_____	<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used	_____

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

Jackson County

B. Description of Proposed Use

Type of application to be filed with the Water Resources Department:

- Permit to Use or Store Water
 Water Right Transfer
 Permit Amendment or Ground Water Registration Modification
 Limited Water Use License
 Allocation of Conserved Water
 Exchange of Water

Source of water: Reservoir/Pond Ground Water Surface Water (name) Little Applegate River

Estimated quantity of water needed: 0.48 cubic feet per second gallons per minute acre-feet

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

Briefly describe:

Conserved water from this ditch piping project will be dedicated instream under the Allocation of Conserved Water program. Irrigation pipe will be laid in the existing open ditch.



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

See bottom of Page 3. →

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For Local Government Use Only

The following section must be completed by a planning official from each county and city listed unless the project will be located entirely within the city limits. In that case, only the city planning agency must complete this form. This deals only with the local land-use plan. Do not include approval for activities such as building or grading permits.

Please check the appropriate box below and provide the requested information


- Land uses to be served by the proposed water uses (including proposed construction) are allowed ~~outright or are not regulated~~ by your comprehensive plan. Cite applicable ordinance section(s): *LCO 4.2-1 Hay & Pasture use plan for use.*
- Land uses to be served by the proposed water uses (including proposed construction) involve discretionary land-use approvals as listed in the table below. (Please attach documentation of applicable land-use approvals which have already been obtained. Record of Action/land-use decision and accompanying findings are sufficient.) **If approvals have been obtained but all appeal periods have not ended, check "Being pursued."**

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

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

Name: Francisco M Hernandez Title: Planner III
 Signature: Francisco M Hernandez Phone: 541.774.6907 Date: 01.17.2023
 Government Entity: Jackson County Planning

Note to local government representative: Please complete this form or sign the receipt below and return it to the applicant. If you sign the receipt, you will have 30 days from the Water Resources Department's notice date to return the completed Land Use Information Form or WRD may presume the land use associated with the proposed use of water is compatible with local comprehensive plans.


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UPPER PHILLIPS PIPELINE PROJECT
 ACW Conserved Water Application - Attachment 1

Date Prepared: 1/12/2023
 Prepared By: Paul DeMaggio

Part 4 of 4 Page 9 of 12

PROPOSED USE

For new out-of-stream uses, describe the intended use and boundaries of the expected area within which the diversion structures and places of use of the applicants' conserved water right will be located. This is land other than that to which this water right is appurtenant. Intended Use: Irrigation (0.1 cfs /8.025 Acres) & Reserve Instream for Future Use (0.019 cfs/1.575 Acres); Boundaries: Township 39 South, Range 2 West and Range 3 West, W.M.

Table 3: Allocation of Conserved Water

Conserved Water Allocation								
Column A			Column B			Column C		
State's Portion			Applicant's Portion			Conserved Water		
Percentage*	Maximum Rate	Maximum Duty (Volume)	Percentage	Maximum Rate	Maximum Duty (Volume)	Percentage	Maximum Rate	Maximum Duty (Volume)
75%	0.36		25%	0.12		100%	0.48	

Maximum Rate Available to be used by Applicants: 0.12 CFS
Acres of Water Rights Available for new out-of-stream uses: 9.6 Acres

Table 4: Proposed Use of Applicants Portion of Conserved Water

Taxlot Participating in ACW Program	Transfer In-stream	Transfer to out-of-stream use*	Reserve In-stream for Future Use	Landowner Name	Applicants Cert 86646 Water Right Acres**	Applicants Conserved Water Allocation Portion - Rate (CFS)	Applicants Portion - (Acres)
392W19900		X		SALANT	13.7	0.0428	3.425
392W20201		X			8	0.025	2
392W29300		X			0.7	0.0022	0.175
392W191000			X	VOLHEIM	3	0.009	0.75
392W19210		X		WILLARD	5.5	0.017	1.375
392W19207			X	SARTORIO	3.3	0.01	0.825
392W19209		X		BALDONI	4.2	0.013	1.05
				TOTAL:	38.4	0.12	9.6
<u>TOTAL CFS</u>		<u>0.100</u>	<u>0.019</u>				
<u>TOTAL ACRES</u>		<u>8.025</u>	<u>1.575</u>				

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*See Table 5 (Next Page) for Boundary Description of Out-of-stream use

** Estimated using ArcGIS mapping, Google Earth imagery, and Jackson County GIS taxlot and quarter quarter shapefiles.

FINAL 1/12/2023

Table 5: Boundary Descriptions for Out-of-Stream uses

Taxlot Participating in ACW Program	Landowner Name	Detailed Boundary Description	Intended Use
392W19900	SALANT	5.6 Acres within Section 19, Section 20, Section 29, Township 39 South, Range 2 West, W.M.	Irrigation
392W20201			
392W29300			
392W191000	VOLHEIM	POD located at RM 5.8 to the mouth of Little Applegate River. Township 39 South, Range 2 West and Range 3 West, W. M.	Reserved In Stream
392W19210	WILLARD	1.375 Acres within Taxlot 207, SENW Quarter Quarter of Section 19, Township 39 South, Range 2 West, W.M.	Irrigation
392W19207	SARTORIO	POD located at RM 5.8 to the mouth of Little Applegate River. Township 39 South, Range 2 West and Range 3 West, W. M.	Reserved In Stream
392W19209	BALDONI	1.05 Acres within Taxlot 209, SENW Quarter Quarter of Section 19, Township 39 South, Range 2 West, W.M.	Irrigation

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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 JACKSON)

I, PAUL DEMAGGIO, in my capacity as UPPER PHILLIPS DITCH PIPELINE PROJECT REPRESENTATIVE AND CERTIFIED AGRICULTURAL ENGINEER WITH JACKSON SOIL & WATER CONSERVATION DISTRICT,

mailing address 89 ALDER STREET, CENTRAL POINT, OR 97502

telephone number (541)423-6179, 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

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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)
86646	39	S	2	W	WM	19	SW	NW		1.5
86646	39	S	2	W	WM	19	SE	NW		7.3
86646	39	S	2	W	WM	19	NE	SW		5.7
86646	39	S	2	W	WM	19	NW	SE		1.5

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.): PASTURE
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

1/13/23
 Date

Signed and sworn to (or affirmed) before me this 13th day of January, 2023.



[Signature]
 Notary Public for Oregon
 My Commission Expires: Nov. 29th 2025

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 confirming water right certificate that shows issue date
<input type="checkbox"/> Copies of receipts from sales of irrigated crops or for expenditures related to use of water	<ul style="list-style-type: none"> • Power usage records for pumps associated with irrigation use • Fertilizer or seed bills related to irrigated crops • Farmers Co-op sales receipt
<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"> • 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
<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 – www.oregonexplorer.info/imagery OWRD – www.wrd.state.or.us Google Earth – earth.google.com TerraServer – www.terra-server.com</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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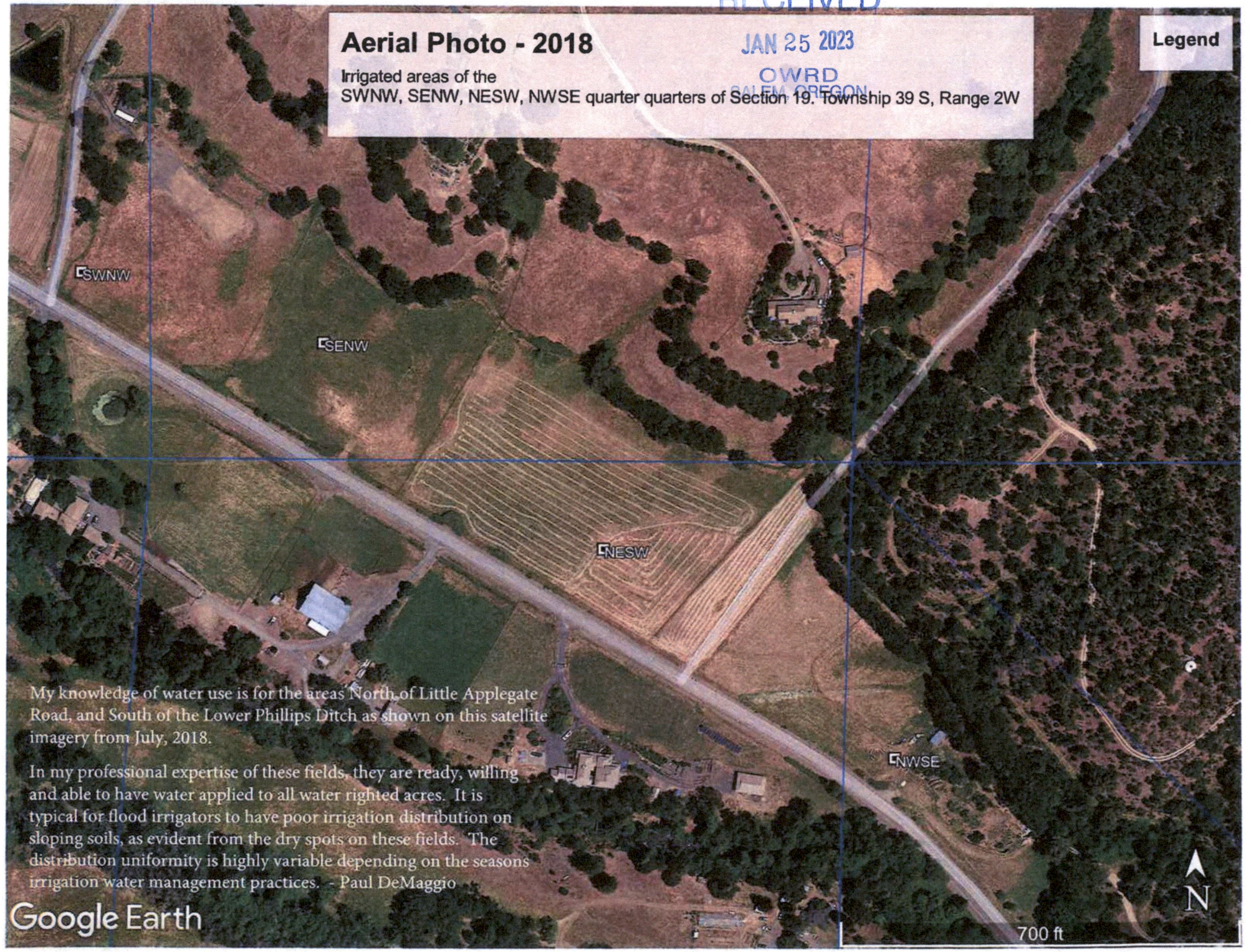
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Aerial Photo - 2018
Irrigated areas of the
SWNW, SENW, NESW, NWSE quarter quarters of Section 19, Township 39 S, Range 2W

Legend

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My knowledge of water use is for the areas North of Little Applegate Road, and South of the Lower Phillips Ditch as shown on this satellite imagery from July, 2018.

In my professional expertise of these fields, they are ready, willing and able to have water applied to all water righted acres. It is typical for flood irrigators to have poor irrigation distribution on sloping soils, as evident from the dry spots on these fields. The distribution uniformity is highly variable depending on the seasons irrigation water management practices. - Paul DeMaggio

Google Earth

700 ft



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
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My knowledge is specific to the use of water at the following locations within the last five years:

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86646	39	S	2	W	WM	20	SW	SW		8
86646	39	S	2	W	WM	19	SE	SE		12.7
86646	39	S	2	W	WM	19	NE	SE		1

OR

- Confirming Certificate # ____ has been issued within the past five years; **OR**
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(continues on reverse side)


3. The water right was used for: (e.g., crops, pasture, etc.): PASTURE, CROPS
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

1/13/23
 Date

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 Notary Public for Oregon

My Commission Expires: Nov. 29th 2025

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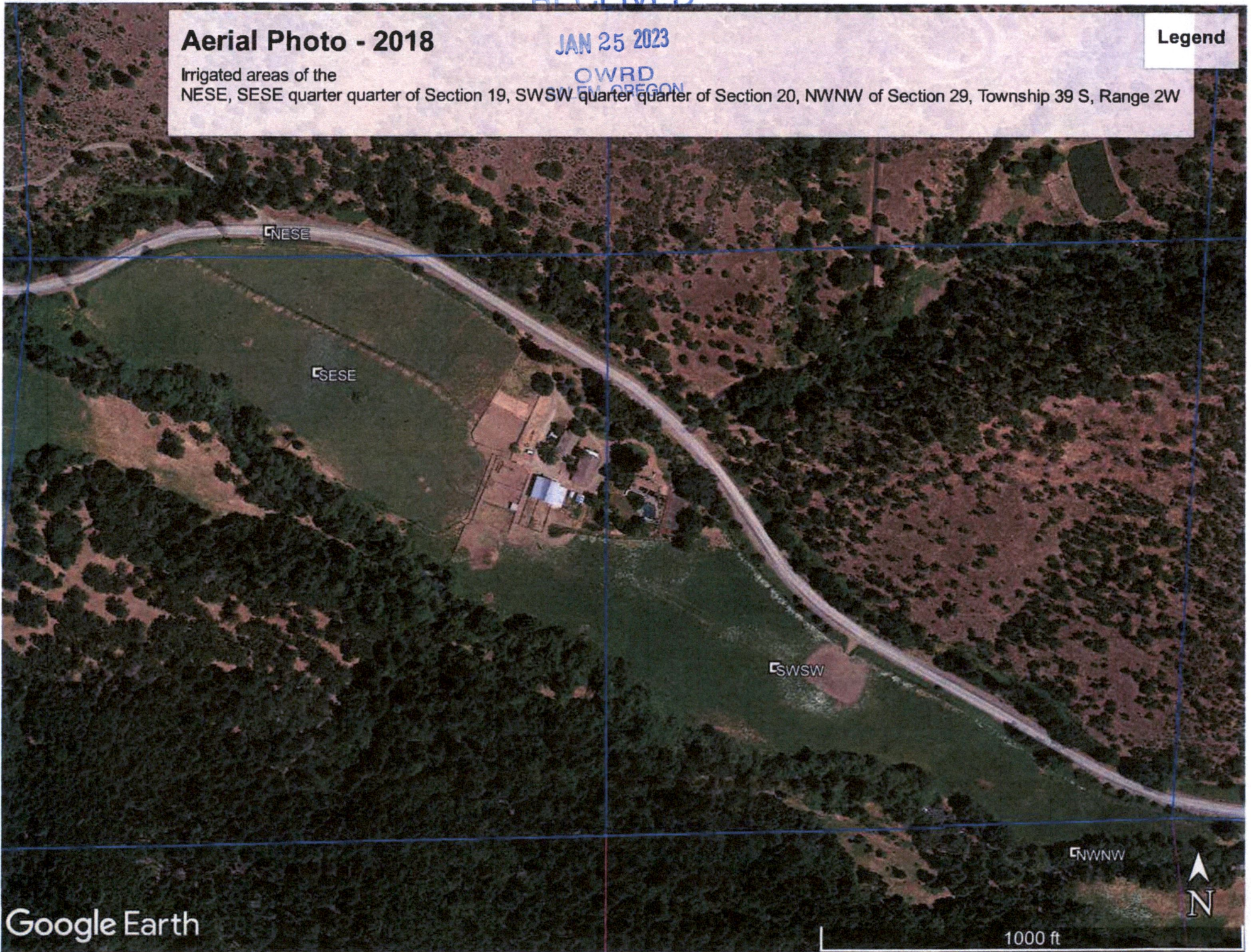
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Aerial Photo - 2018

JAN 25 2023

Legend

Irrigated areas of the
NESE, SESE quarter quarter of Section 19, SWSW quarter quarter of Section 20, NWNW of Section 29, Township 39 S, Range 2W



Google Earth

1000 ft

