

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



**RECEIVED**  
FEB 28 2023  
Oregon Water Resources Department  
725 Summer Street NE, Suite A  
Salem, Oregon 97301-1266  
(503) 986-0900  
www.oregon.gov/OWRD

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

**FOR ALL TEMPORARY TRANSFER APPLICATIONS**

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

- Part 1 – Completed Minimum Requirements Checklist.
- Part 2 – Completed Temporary Transfer Application Map Checklist.
- Part 3 – Application Fee, payable by check to the Oregon Water Resources Department, and completed Fee Worksheet, page 3. Try the 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).
- Part 4 – Completed Applicant Information and Signature.
- Part 5 – Information about Transferred Water Rights: **How many water rights are to be transferred?** 1 **List them here:** 17226  
Please include a separate Part 5 for each water right. (See instructions on page 6)
- N/A For standard Temporary Transfer (one to five years) **Begin Year** 2023 **End Year** 2027
- N/A Temporary Drought Transfer (Only in counties where the Governor has declared drought)

**Attachments:**

- Completed Temporary Transfer Application Map.
- Completed Evidence of Use Affidavit and supporting documentation.
- Current recorded deed for the land **from** which the authorized place of use is temporarily being moved.
- N/A Affidavit(s) of Consent from Landowner(s) (if the applicant does not own the land upon which the water right is located.) **(SEE SIGNATURE PAGE BELOW FOR 2 LANDOWNERS)**
- N/A Supplemental Form D – For water rights served by or issued in the name of a district. Complete when the temporary transfer applicant is not the district.
- N/A Oregon Water Resources Department’s Land Use Information Form with approval and signature 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 (if necessary to convey water to the proposed place of use).

**(For Staff Use Only)**

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

<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"/> Part _____ is incomplete
<input type="checkbox"/> Additional signature(s) required	

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

Staff: \_\_\_\_\_ Phone: \_\_\_\_\_ Date: \_\_\_\_/\_\_\_\_/\_\_\_\_

## Part 2 of 5 – Temporary Transfer Application Map Checklist

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

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

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

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Part 3 of 5 – Fee Worksheet

FEE WORKSHEET for TEMPORARY (not drought) TRANSFERS			
1	Base Fee (includes temporary change to one water right for up to 1 cfs)	1	\$950.00
2	Number of water rights included in transfer: <u>1</u> (2a) Subtract 1 from the number in 3a above: <u>0</u> (2b) <i>If only one water right this will be 0</i> Multiply line 2b by \$310.00 and enter » » » » » » » » » » » » » » » »	2	0.00
3	Do you propose to change the place of use for a non-irrigation use? <input checked="" type="checkbox"/> No: enter 0 on line 3 » » » » » » » » » » » » » » » » <input type="checkbox"/> Yes: enter the cfs for the portions of the rights to be transferred: _____ (3a) Subtract 1.0 from the number in 3a above: _____ (3b) If 3b is 0, enter 0 on line 3 » » » » » » » » » » » » » » » » If 3b is greater than 0, round up to the nearest whole number: _____ (3c) and multiply 4c by \$230.00, then enter on line 3	3	0.00
4	Do you propose to change the place of use for an irrigation use? <input type="checkbox"/> No: enter 0 on line 4 » » » » » » » » » » » » » » » » <input checked="" type="checkbox"/> Yes: enter the number of acres in the footprint of the place of use for the portions of the rights to be transferred: <u>0.7</u> (4a) Multiply the number of acres in 4a above by \$2.70 and enter on line 4 » »	4	1.89
5	Add entries on lines 1 through 4 above » » » » » » » » » » » » Subtotal:	5	<del>950.00</del> 951.89
6	Is this transfer: <input checked="" type="checkbox"/> necessary to complete a project funded by the Oregon Watershed Enhancement Board (OWEB) under ORS 541.932? <input type="checkbox"/> endorsed in writing by ODFW as a change that will result in a net benefit to fish and wildlife habitat? If one or more boxes is checked, multiply line 5 by 0.5 and enter on line 6 » If no box is applicable, enter 0 on line 7 » » » » » » » » » » » » » » » »	6	475.95 <del>475.00</del>
7	Subtract line 6 from line 5 » » » » » » » » » » » » <b>Transfer Fee:</b>	7	<del>475.00</del> 475.94

FEE WORKSHEET for TEMPORARY DROUGHT TRANSFERS			
1	Base Fee (includes drought application and recording fee for up to 1 cfs)	1	\$200.00
2	Enter the cfs for the portions of the rights to be transferred (see example below*): _____ (2a) Subtract 1.0 from the number in 2a above: _____ (2b) If 2b is 0, enter 0 on line 2 » » » » » » » » » » » » » » » » If 2b is greater than 0, round up to the nearest whole number: _____ (2c) and multiply 2c by \$50, then enter on line 2 » » » » » » » » » » » »	2	
3	Add entries on lines 1 through 2 above » » » » » » » » » » » » <b>Transfer Fee:</b>	3	

\*Example for Line 2a calculation to transfer 45.0 acres of Primary Certificate 12345 (total 1.25 cfs for 100 acres) and 45.0 acres of Supplemental Certificate 87654 (1/80 cfs per acre) on the same land:

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

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Part 4 of 5 – Applicant Information and Signature

Applicant Information

APPLICANT/BUSINESS NAME Julie Caputo		PHONE NO. 503-933-1589	ADDITIONAL CONTACT NO.
ADDRESS 8191 South Fork Little Butte Creek Road			FAX NO.
CITY Eagle Point	STATE OR	ZIP 97524	E-MAIL julie@caputo-group.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.</b>			

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

AGENT/BUSINESS NAME Lance Wyss/ Rogue River Watershed Council		PHONE NO. 541-601-9330	ADDITIONAL CONTACT NO.
ADDRESS 89 Alder Street			FAX NO.
CITY Central Point	STATE OR	ZIP 97502	E-MAIL lwys@rogueriverwc.org
<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.</b>			

Explain in your own words what you propose to accomplish with this transfer application and why:  
 Irrigate native trees and shrubs to restore the floodplain forest, beneficial to fish and wildlife species and habitat  
 If you need additional space, continue on a separate piece of paper and attach to the application as "Attachment 1".

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

Applicant (District) signature

Print Name (and Title if applicable)

Date

Applicant (District) signature

Print Name (and Title if applicable)

Date

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

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

Applicant: Lori Dutton Phone No: 541-826-6641

Address: 7730 South Fork Little Butte Creek Road

City: Eagle Point State: OR Zip Code: 97524

E-mail: lorislakecreekgardens@gmail.com

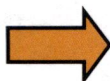
Signature Lori Dutton Print Name Lori Dutton Date 2/8/2023

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. (NOTE: If this box is checked, you must complete and attach Supplemental Form D.)

DISTRICT NAME	ADDRESS	
CITY	STATE	ZIP

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

ENTITY NAME	ADDRESS	
CITY	STATE	ZIP



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

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

ENTITY NAME	ADDRESS	
CITY	STATE	ZIP

## INSTRUCTIONS for editing the Application Form

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

### Microsoft Word 2003

Unlock the document by one of the following:

- Using the **Tools** menu => click **Unprotect Document**;

**OR**

- Using the **Forms** toolbar => click on the **Protect/Unprotect** icon.

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

- Using the **Tools** menu => click **Protect Document**;

**OR**

- Using the **Forms** toolbar => click on the **Protect/Unprotect** icon.

### Microsoft Word 2007

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

### Microsoft Word 2010

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

### Other Alternatives:

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

Once the application has been unlocked, you may:

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

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

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 rows to tables within the form.

Water Right Certificate # 17226

Description of Water Delivery System

System capacity: 0.55 cubic feet per second (cfs) OR gallons per minute (gpm)

Describe the current water delivery system or the system that was in place at some time within the last five years. Include information on the pumps, canals, pipelines, and sprinklers used to divert, convey, and apply the water at the authorized place of use. gravel push-up dam and canal for flood irrigation

Table 1. Location of Authorized and Proposed Point(s) of Diversion (POD) or Appropriation (POA) (Note: If the POD/POA name is not specified on the certificate, assign it a name or number here.)

Table with 9 columns: POD/POA Name or Number, Is this POD/POA Authorized on the Certificate or is it Proposed?, If POA, OWRD Well Log ID# (or Well ID Tag # L-\_\_\_), Twp, Rng, Sec, 1/4 1/4, Tax Lot, DLC or Gov't Lot, Measured Distances (from a recognized survey corner). Rows include POD 1 - SF Little Butte Creek and POD 2.

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

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

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

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

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

- Yes [unchecked] Complete only the Proposed ("to" lands) section of Table 2 on the next page. Use the "CODES" listed above to describe the proposed changes. No [checked] 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 Temporary Changes to Water Right Certificate #** 17226

List only the part of the right that will be changed. For the acreage in each ¼ ¼, list the change proposed. If more than one change, specify the acreage associated with each change. If more than one POD/POA, specify the acreage associated with each POD/POA.

AUTHORIZED (the "from" or "off" lands) 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						
<b>EXAMPLE</b>																										
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
"	"	"	"	"	"	"	"	"	"	EXAMPLE	"	"	"	2	S	9	E	2	SW	NW	500		5.0		POD #6	1901
37	S	2	E	11	NE	SW	4200 4202		3.6	Irrigation	POD 1	1907	POU/APOD	37	S	2	E	11	NE	SW	4200 4202		4.3		POD 2	1907
37	S	2	E	11	SE	SW	4200		1.3	Irrigation	POD 1	1907	APOD	37	S	2	E	11	SE	SW	4200		1.3		POD 2	1907
37	S	2	E	11	NW	SE	4200 4202		4.2	Irrigation	POD 1	1907	APOD	37	S	2	E	11	NW	SE	4200 4202		4.2		POD 2	1907
37	S	2	E	11	SW	SE	4200		3.9	Irrigation	POD 1	1907	POU/APOD	37	S	2	E	11	SW	SE	4200		3.2		POD 2	1907
TOTAL ACRES										13.0	TOTAL ACRES										13.0					

Additional remarks:

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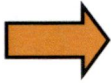
**OWRD**



For Place of Use Changes

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

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



Pursuant to ORS 540.525, any "layered" water use such as an irrigation right that is supplemental to a primary right proposed for temporary transfer can be included in the transfer or remain unused on the authorized place of use. If the primary water right does not revert soon enough to allow use of the supplemental right within five years, the supplemental right shall become subject to cancellation for nonuse under ORS 540.610.

If a change in point(s) of appropriation (well(s)) or additional point(s) of appropriation is necessary to convey the water to the new temporary place of use you must provide:

- Well log(s) 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 below for any well that does not have a well log. For a proposed well(s) 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.

Table with 11 columns: 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.

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**Klamath Basin/County Drought Transfer Applications**

**Table 4. Klamath Basin/County Well Information (DROUGHT TRANSFER APPLICATIONS ONLY)**

Is there currently a flowmeter installed on each of the POAs listed in Table 1 of this application?  Yes  No\*

*\*Please note that watermaster staff will visit the well to confirm flowmeter presence. Where possible, watermaster staff will take a static water level measurement. Alterations to the well head may be required in order to make the water level measurements.*

For each well, please provide a description of the flowmeter location, the serial number, the current flowmeter reading and the date the reading was taken in the table below.

OWNER'S WELL NAME OR NUMBER.	WELL TAG NUMBER (IF AVAILABLE)	WELL LOG ID (E.G., KLAM 1234)	FLOWMETER SERIAL NUMBER	FLOWMETER READING	FLOWMETER DATE	FLOWMETER LOCATION

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Grant No. 222-2002-19877  
Grant Name: South Fork Little Butte Creek RM 6.2 Ecological Restoration Project

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**Oregon Watershed Enhancement Board  
RESTORATION GRANT AGREEMENT**

**Grantee:** Rogue River WC

**Grant Number:** 222-2002-19877

**Grant Name:** South Fork Little Butte Creek RM 6.2 Ecological Restoration Project

**Award Amount:** \$346,868.00

**Project Completion Date:** 12/31/2027

**Award Date:** 4/26/2022

**Progress Report Date(s):**

10/1/2023, 10/1/2024, and 10/1/2025

**Post-Implementation Status Reporting Period:** 3 years (See Exhibit D)

**Post-Implementation Report (PISR) Schedule:**

Three PISRs will be required. Due Dates will be October 31 in one year, October 31 in two years and October 31 in three years following an approved Project Completion Report.

**Grantee**

Rogue River WC  
89 Alder Street  
Central Point, OR 97502-2273  
**Phone:** (541) 423-6187  
**Email:** bbarr@rogueriverwc.org  
**Contact:** Brian Barr

**Project Manager for the Grantee**

Lance Wyss  
N/A  
89 Alder Street  
Central Point, OR 97502  
**Phone:** (541) 423-6188  
**Email:** lwyss@rogueriverwc.org

**Payee**

Rogue River WC  
Anna Johnson  
89 Alder Street  
Central Point, OR 97502  
**Phone:** 541-423-6186  
**Email:** ajohnson@rogueriverwc.org

**Project Manager for the Board**

Oregon Watershed Enhancement Board  
Mark Grenbemer  
775 Summer St NE Ste 360  
Salem, OR 97301-1290  
**Phone:** (971) 345-7021  
**Email:** mark.grenbemer@oweb.oregon.gov

This grant is funded \$203,647.00 from state and \$143,221.00 from federal funds (Catalogue Federal Domestic Assistance Number listed in Exhibit I). The state funds may include Oregon Lottery funds or another state fund source and must comply with the requirements defined in Article XV, section 4b(2) of the Oregon Constitution. If the Grantee expends more than \$750,000 in federal funds from all federal sources in one fiscal year, Grantee may be subject to the federal Single Audit Act requirements in 2 CFR 200.501 and additional federal requirements identified in Exhibit H (Federal Grant Requirements).

**This Grant Agreement is between the Oregon Watershed Enhancement Board, hereafter called "Board," and the Grantee as identified above, in consideration of the mutual covenants contained herein. This Agreement consists of the following, in descending order of precedence: modifications to this Agreement contained in Exhibit B, if applicable, this Agreement less all exhibits attached, Exhibits K (Grant Application selected for funding by the Board), H (Federal Grant Requirements), B (Conditions of Agreement), A (Schedule for Release of Funds), C (Project Completion Report Requirements), D (Post-Implementation Status Report Requirements), E (Permits and Licenses), F (Cooperative/Landowner Agreement(s)), G (Oregon Prevailing Wage Rate Law), I (Information Required for Federal Funding), and J (Insurance Requirements).**

FEB 28 2023

**OWRD**Grant No. 222-2002-19877  
Grant Name: South Fork Little Butte Creek RM 6.2 Ecological Restoration Project**A. Authorization**

This grant is authorized by ORS 541.890 to 541.958, as amended by Oregon Laws 2011, chapter 643, and is subject to Oregon Administrative Rules 695-001-0000 to 695-050-0050, as such rules may periodically be amended by the Board.

**B. Grant Award**

The Grantee agrees to perform the Project described in the grant application (Exhibit K) and as specified in this Agreement. The Board will disburse Grant Funds in accordance with Exhibit A (Schedule for Release of Funds).

The Grantee agrees that funds provided by the Board will be used only for the Project.

"Payee" designated on page one (1) of this Agreement means the person or entity designated by Grantee to administer grant payments under this Agreement.

**C. Term of Agreement**

**Unless otherwise specified in Exhibit B, upon signature by all parties and approval as required by law, this Agreement is effective as of the Award Date specified on page one (1) of this Agreement, and expires on the Project Completion Date specified on page one (1) of this Agreement.**

**D. Funding Conditions**

The Board's obligation to disburse funds to Grantee under this Agreement is subject to the Board having received, on the date of each disbursement, sufficient funding, appropriations, limitations, allotments, or other expenditure authority to allow the Board, in the exercise of its reasonable administrative discretion, to make each disbursement. Nothing in this Agreement entitles Grantee to receive payment under this Agreement from any part of Oregon state government other than the Board, and nothing in this Agreement is to be construed as permitting any violation of Article IX, section 7 of the Oregon Constitution or any other law regulating liabilities or monetary obligations of the State of Oregon.

As a condition for the disbursement of any Board funds, the Grantee agrees to do the following:

**1. Obtain Necessary Permits and Licenses**

Submit to the Board's Project Manager, before release of any Board funds for the Project components requiring permits or licenses, or for activities dependent on portions of the Project for which a permit or license has yet to be issued, copies of all permits and licenses from local, state or federal agencies or governing bodies that have been obtained, or written evidence acceptable to the Board that permits and licenses are not needed (see Exhibit E, Permits and Licenses) as required by ORS 541.932(10).

This statute gives OWEB discretion in releasing funds for portions of projects that do not require a permit or license. In considering whether to release funds for portions of on-the-ground restoration activities that do not require permits or licenses, OWEB will consider whether the activities provide ecological benefit consistent with the project objectives, and are not dependent on the portion of the project for which a permit or license has yet to be issued. OWEB also has the discretion to condition its release of funds based on specific circumstances of a project. Grantee should review Exhibit B Conditions of Agreement for any related conditions with respect to permitting, licensing and fund release.

**2. Obtain Signed Landowner Agreements**

Unless otherwise specified in Exhibit B, the Board will not release any payments under this Agreement until Grantee has submitted to the Board's Project Manager copies of signed Cooperative/Landowner Agreements for each Project site. Such Cooperative/Landowner Agreements shall at a minimum contain the agreements and certification outlined in Exhibit F.

**3. Comply With Implementation Conditions**

(a) Submit to the Board's Project Manager, before release of any Board funds, documentation that non-Board match of at least 25% of the total amount of funding from the Board has been secured as required by OAR 695-005-0060(2), unless otherwise specified in Exhibit B, Conditions of Agreement ,or;

For Focused Investment Partnership Projects, in accordance with OAR 695-047-0110(7), the matching funds requirement is reduced to a minimum of at least \$1.00. However, any cash or in-kind match funding utilized in the course of completing this grant must be documented in the Project Completion Report (Exhibit C). Submit to the Board's Project Manager, before release of any Board funds, documentation that \$1.00 minimum match requirement will be met for the grant.

FEB 28 2023

Grant No. 222-2002-19877  
 Grant Name: South Fork Little Butte Creek RM 6.2 Ecological Restoration Project

OWRD

- (b) Comply with the applicable Oregon Aquatic Habitat Restoration Guidelines under the Oregon Plan for Salmon and Watersheds.  
 See <https://www.oregon.gov/OWEB/> "Resources" then "Field & Technical Guide" then "Aquatic Habitat Guide".
- (c) Provide written notice to the Board's Project Manager of any Grantee address changes, Grantee Project Manager changes or Payee changes.

#### 4. Document and Report Project Completion; Board Approval

- (a) Submit to the Board's Project Manager all receipts, expenditure tracking sheets and other accounting records through the Project Completion Date, to document expenditure of grant fund installments, and to account for all other funding, in-kind contributions and donations in the Project Completion Report.
- (b) Submit to the Board's Project Manager within 60 days after the Project Completion Date, a Project Completion Report and the final Request for release of Funds that complies with Exhibit C, and includes any special reporting required in Exhibit B. Reports received after 60 days will be marked as "outstanding" until approved by the Board's designee. New grant agreements will not be released if Grantee has any outstanding reports.
- (c) Upon receipt of a Project Completion Report and the final Request for Release of Funds, the Board's designee has 90 days to either approve the report and release final funds, or notify Grantee of any concerns or missing information that must be submitted before the report is considered complete. If there are any unresolved issues 90 days after receipt of the Project Completion Report and the final Request for Release of Funds, then the grant will be marked "outstanding." New grant agreements will not be released if Grantee has any outstanding reports.
- (d) "Board approval" of the Project Completion Report means the report has been approved by the Board's Program Manager or delegate, and the final Request for Release of Funds has been approved by the Board's Fiscal Manager or delegate. The Project Completion Report will show as "outstanding" (i.e., overdue and not approved) on the Board's Grant Management System ("OGMS") until the report and Request for Release of Funds has been approved by the Board. New grant agreements will not be released to Grantee if Grantee has any outstanding reports.

#### E. Records Maintenance and Access

1. **Access to Records and Facilities.** The Board, the Secretary of State's Office of the State of Oregon and their duly authorized representatives will have access to the books, documents, papers and records of Grantee that are directly related to this Agreement, the grant moneys provided hereunder, or the Project for the purpose of making audits and examinations. In addition, the Board, the Secretary of State's Office of the State of Oregon and their duly authorized representatives may make and retain excerpts, copies and transcriptions of the foregoing books, documents, papers and records. Grantee will permit authorized representatives of the Board and the Secretary of State's Office of the State of Oregon to perform site reviews of all services delivered as part of the Project.
2. **Retention of Records.** Grantee will retain and keep accessible all books, documents, papers, and records that are directly related to this Agreement, the grant moneys or the Project for a minimum of six (6) years, or such longer period as may be required by other provisions of this Agreement or applicable law, following termination or expiration of this Agreement. If there are unresolved audit questions or litigation at the end of the six-year period, Grantee will retain the records until the questions or litigation is resolved.
3. **Expenditure Records.** Grantee will document the expenditure of all grant moneys disbursed by the Board under this Agreement. Grantee will create and maintain all expenditure records in accordance with generally accepted accounting principles and in sufficient detail to permit the Board to verify how the grant moneys were expended, including without limitation accounting for all other funds expended, as well as in-kind services and donated materials.

**F. Amendments; Changes in Project Approved by Board**

1. Except as provided in Section F(3), any modifications of this Agreement must be mutually agreed to in writing by all parties.
2. All amendments, such as award amendments, time extensions and reinstatements may proceed regardless of reporting obligation status.
3. Grantee agrees to complete the Project as approved by the Board unless proposed modifications to the Project are submitted in writing to, and approved in writing by, the Board's Project Manager or, if required by this Agreement, the Board's Program Manager, prior to the beginning of any work proposed in the modification. Modifications to the budget categories shown in Exhibit A may be approved for change upon signature of the Board's Project Manager.

**G. Assignment**

The Grantee will not assign or transfer its interest in this Agreement without prior written approval from the Board.

**H. Permission Required to Access Private Property; Access to Project Sites**

In carrying out this Agreement, Grantee will not access any private property without first obtaining written consent from the landowner of the private property. Grantee will direct its contractors not to access private property without first obtaining written consent from the landowner of the private property.

Upon Board request and consistent with the Cooperative/Landowner Agreement(s) meeting the requirements as specified in Exhibit F, Grantee will seek the landowner's permission for mutually convenient access

to the Project site by Board members and their representatives for the purposes of evaluating Project implementation, completion, post-implementation status or effectiveness.

**I. Public Domain Information**

Projects funded by this grant may be used in the collection of monitoring information on private lands about the effects of the Project on aquatic or terrestrial conditions. Grantee acknowledges that all monitoring information obtained from private lands may become public information subject to the requirements of ORS 192.311 to 192.478.

**J. Post-Implementation Maintenance and Post-Implementation Reports**

1. Projects funded by the Board are intended to provide long-term benefits to the watershed. The Grantee or landowner will provide necessary and normal maintenance to sustain the value of the Project once it is completed. Maintenance will be in accordance with the terms of the Cooperative/Landowner Agreement(s) (Exhibit F).
2. Grantee shall submit Post-Implementation Status Reports documenting the status of the Project that are satisfactory to the Board and comply with Exhibit D and any special reporting requirements in Exhibit B. Reporting shall be at a frequency and for the period specified on page one (1) of this Agreement.
3. Reports are not considered complete until Grantee has responded to the Board's concerns and questions in a manner satisfactory to the Board's Project Manager and Program Manager. "Board approval" means the report has been approved by the Board's Program Manager or delegate. A report will show as "outstanding" (i.e., overdue and not approved) on OGMS until the report has been approved by the Board. New grant agreements will not be released to Grantee if Grantee has any outstanding reports.

**K. Termination of Grant Agreement**

1. This Agreement may be terminated:
  - (a) At any time by mutual written consent of all parties;
  - (b) Upon written notice by the Board to Grantee for Grantee's failure to perform any provision of this Agreement;
  - (c) Upon 30 days written notice by the Board to Grantee for any other reason specified in writing; or
  - (d) At any time, upon written notice by the Board, if the Board lacks sufficient funding, appropriations, limitations, allotments, or other expenditure authority to allow the Board, in the exercise of its reasonable administrative discretion, to disburse the grant funds.
2. Within 30 days of termination, Grantee will return to the Board any unspent funds provided by the Board under this Agreement in accordance with Section P, Recovery of Grant Funds. The Board will reimburse the Grantee for authorized services performed and eligible expenses incurred before the termination under this Agreement.

**L. Compliance With Applicable Law**

Grantee shall comply with all federal, state and local laws, regulations, executive orders and ordinances applicable to this Agreement or to the Project. Without limiting the generality of the foregoing, Grantee expressly agrees to comply with the following laws, regulations and executive orders to the extent they are applicable to the Agreement or the Project: (a) all applicable requirements of state civil rights and rehabilitation statutes, rules and regulations, (b) Titles VI and VII of the Civil Rights Act of 1964, as amended, (c) Sections 503 and 504 of the Rehabilitation Act of 1973, as amended, (d) the Americans with Disabilities Act of 1990, as amended, (e) Executive Order 11246, as amended, (f) the Health Insurance Portability and Accountability Act of 1996, (g) the Age Discrimination in Employment Act of 1967, as amended, and the Age Discrimination Act of 1975, as amended, (h) the Vietnam Era Veterans' Readjustment Assistance Act of 1974, as amended, (i) all regulations and administrative rules established pursuant to the foregoing laws, and (j) all other applicable requirements of federal civil rights and rehabilitation statutes, rules and regulations. These laws, regulations and executive orders are incorporated by reference herein to the extent that they are applicable to the Agreement or the Project and required by law to be so incorporated. Grantee shall not discriminate against any individual, who receives or applies for services as part of the Project, on the basis of actual or perceived age, race, creed, religion, color, national origin, gender, disability, marital status, sexual orientation, age or citizenship. All employers, including Grantee, that employ subject workers who provide services in the State of Oregon shall comply with ORS 656.017 and provide the required Workers' Compensation coverage, unless such employers are exempt under state law.

**M. Grantee Authority**

The individual signing on behalf of the Grantee hereby certifies and swears under penalty of applicable law that s/he is authorized to act on behalf of Grantee, has authority and knowledge regarding Grantee's payment of taxes, and to the best of her/his knowledge, Grantee is not in violation of any Oregon tax laws.

**N. Indemnity**

Subject to the limitations of the Oregon Tort Claims Act (ORS 30.260 - 30.300), Grantee will defend (subject to any limitation imposed by ORS Chapter 180), save, hold harmless, and indemnify the State of Oregon and the Board and their officers, employees and agents from and against all claims, suits, actions, losses, damages, liabilities, costs and expenses of any nature resulting from or arising out of, or relating to the activities of Grantee or its officers, employees, contractors, or agents under this Agreement or in the implementation of the Project.

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FEB 28 2023

Grant No. 222-2002-19877  
Grant Name: South Fork Little Butte Creek RM 6.2 Ecological Restoration Project

**OWRD**

**O. Designation of Forum**

Any party bringing a legal action or proceeding against any other party arising out of or relating to this Agreement shall bring the legal action or proceeding in the Circuit Court of the State of Oregon for Marion County. Each party hereby consents to the exclusive jurisdiction of such court, waives any objection to venue, and waives any claim that such forum is an inconvenient forum.

**P. Recovery of Grant Funds**

Any funds disbursed to Grantee under this Agreement that are expended in violation or contravention of one or more of the provisions of this Agreement or that remain unexpended on the earlier of termination of this Agreement or the Project Completion Date must be returned to the Board not later than 15 days after the Board's written demand.

**Q. Counterparts**

This Agreement may be executed in several counterparts, including by facsimile or by signature on a portable document format (pdf) delivered by email, all of which when taken together shall constitute one agreement binding on all parties, notwithstanding that all parties are not signatories to the same counterpart. Each copy of this Agreement so executed shall constitute an original.

**R. Insurance**

1. In addition to any insurance specified in Exhibit J, Grantee shall carry the insurance types and amounts described below and will continue this coverage through Project completion. In addition, the Grantee shall require that all contractors or consultants hired for construction, restoration, technical design, assessment or monitoring contracts carry the minimum insurance types and amounts described below. The minimum insurance requirements do not apply to contractors not engaged in these types of activities, for example, those engaged in facilitation, data analysis, or web design, etc.. Contractor insurance requirements do not apply to landowners with whom the Grantee is contracting to perform work on the landowner's property.

Insurance Type	Minimum Amount
General liability	\$1,000,000 per occurrence, \$2,000,000 annual aggregate
Auto liability	\$1,000,000 combined single limit

2. If requested by the Board, Grantee shall provide to the Board Certificate(s) of Insurance for all required insurance. As proof of insurance the Board has the right to request copies of insurance policies and endorsements relating to the insurance requirements in this Agreement.
3. Grantee or the insurer must provide at least 30 days' written notice to the Board before cancellation of, material change to, potential exhaustion of aggregate limits of, or non-renewal of the required insurance coverage(s).



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FEB 28 2023

Grant No. 222-2002-19877  
Grant Name: South Fork Little Butte Creek RM 6.2 Ecological Restoration Project

OWRD

THIS AGREEMENT, INCLUDING ALL MATERIALS INCORPORATED BY REFERENCE, CONSTITUTES THE ENTIRE AGREEMENT BETWEEN THE PARTIES ON THIS SUBJECT. THERE ARE NO UNDERSTANDINGS, AGREEMENTS, OR REPRESENTATIONS, ORAL OR WRITTEN, NOT SPECIFIED HERE REGARDING THIS AGREEMENT. NO WAIVER, CONSENT, MODIFICATION OR CHANGE OF TERMS OF THIS AGREEMENT SHALL BIND EITHER PARTY UNLESS IN WRITING AND SIGNED BY BOTH PARTIES. SUCH WAIVER, CONSENT, MODIFICATION OR CHANGE, IF MADE, SHALL BE EFFECTIVE ONLY IN THE SPECIFIC INSTANCE AND FOR THE SPECIFIC PURPOSE GIVEN. THE FAILURE OF THE BOARD TO ENFORCE ANY PROVISION OF THIS AGREEMENT SHALL NOT CONSTITUTE A WAIVER BY THE BOARD OF THAT OR ANY OTHER PROVISION. GRANTEE, BY EXECUTING THIS AGREEMENT, HEREBY ACKNOWLEDGES THAT GRANTEE HAS READ THIS AGREEMENT, UNDERSTANDS IT AND AGREES TO BE BOUND BY ITS TERMS AND CONDITIONS.

CERTIFICATION

GRANTEE CERTIFIES THAT GRANTEE WILL NOT BEGIN WORK ON PROJECTS INVOLVING PRIVATE LANDS UNTIL GRANTEE HAS SECURED COOPERATIVE LANDOWNER AGREEMENTS (EXHIBIT F) WITH ALL PARTICIPATING PRIVATE LANDOWNERS THAT, AT A MINIMUM, COMPLY WITH SECTION H AND INCLUDE THE FOLLOWING:

- (a) Identification of the party responsible for repairs and maintenance of the Project; and
- (b) Acknowledgement that the landowner is aware of the application to OWEB and that information relating to the work, including effectiveness monitoring data, is a public record.

AGREED:

FOR THE GRANTEE:

*Brian P. Baw*

Grantee Signature

Brian P. Baw

Print Name

2022 Jun 3

Date

FOR THE BOARD:

*Eric Williams*

Digitally signed by Eric Williams  
Date: 2022.06.03 17:14:15-07'00'

OWEB Program Manager

Date

(If the grant is for more than \$150,000)

APPROVED FOR LEGAL SUFFICIENCY:

/S/ Diane Lloyd

Assistant Attorney General  
Oregon Department of Justice

May 29, 2022

Date

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FEB 28 2023

Grant Name: South Fork Little Butte Creek RM 6.2 Ecological Restoration Project

Grant No. 222-2002-19877

OWRD

EXHIBIT A

SCHEDULE FOR RELEASE OF FUNDS

All fund requests shall comply with the Board's Billing Instructions and Budget Categories Definitions and Policies, (see OWEB's website https://www.oregon.gov/OWEB/ "manage your grant" and choose "payments & budget") and be submitted using the most current Request for Release of Funds form signed by the Grantee, Payee, or other agent authorized by Grantee. Disbursement of funds is subject to the Board having sufficient funding on the date of each disbursement. The Board will not reimburse the Grantee for any expenditure incurred prior to the award date of the grant agreement except for fees charged by an affected city or county for processing the required Land Use Information Sheet. Payment requests will be processed after approval by the Board's Project and Fiscal Managers or delegates.

Funds are released upon Board approval of receipts or invoices for amounts \$250 or more (excluding indirect cost grant administration) for purchases or work accomplished along with an expense tracking spreadsheet for all Board expenses.

Funds may also be released in advance on the basis of a detailed estimate of expenses. Copies of receipts, invoices or supporting documentation, for amounts \$250 or more (excluding indirect cost grant administration) must be submitted to document OWEB funds previously advanced for this grant within 120 days of the date of the payment. Also, an expense tracking spreadsheet for all OWEB expenses shall be submitted. Failure to comply may delay new grants from being issued, and other grant payment requests and amendments.

The grant budget consists of the elements listed below.

Budget Category	Amount
<b>OWEB Funds</b>	
Salaries, Wages and Benefits	\$48,546.00
Contracted Services	\$241,274.00
Travel and Training	\$1,722.00
Materials and Supplies	\$17,430.00
<b>Categories Subtotal</b>	\$308,972.00
Indirect Costs	\$30,898.00
Post Grant	\$6,998.00
<b>Grant Total</b>	\$346,868.00

Up to the final 10% of the grant (  \$34,687.00  ) will not be released for payment until the Board's approval of the Project Completion Report including all grant expense documentation. OAR 695-005-0060(7).

If Federally Negotiated Indirect Cost Rate (FNICR) is selected as the indirect cost method, then an approved plan as of grant application due date or later must be on file at OWEB before funds for indirect costs will be released.

Submittal and Board approval of a Project Completion Report and final Request for Release of Funds will authorize the Board to retain any remaining unspent funds.

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FEB 28 2023

OWRD

Grant No. 222-2002-19877  
Grant Name: South Fork Little Butte Creek RM 6.2 Ecological Restoration Project

EXHIBIT B  
CONDITIONS OF AGREEMENT

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1. First Payment: Map

OWEB will not release any funds for a Project site until Grantee has submitted to the Board's Project Manager a map that shows where the photo points have been established. Baseline criteria for the map include 8 ½ x 11 size and .pdf format. Minimum background layers include recent aerial imagery, Project boundary, streams, and roads/highways.

2. First Payment: Photo Points

OWEB will not release any funds for a Project site until Grantee has submitted to the Board's Project Manager pre-Project photos at photo points established to track visual change(s) resulting from restoration Project. Grantee should carefully consider photo point locations to ensure photos clearly show the same sites and perspective in future photos to meet reporting requirements (see Exhibits C and D) and demonstrate that completed restoration meets the scope of work described in the grant application.

3. Project Completion Report: Plant Stewardship

In addition to the requirements in Exhibit C, the Project Completion Report shall include the following regarding plant stewardship:

1. List of species planted and the overall planting density.
2. Summary of actions completed to promote plantings reaching a "free-to-grow" state, including interplanting, invasive species control, irrigation, or other activities related to plant stewardship.
3. An analysis of progress towards restoring target plant community(ies) described in the grant application. This could be described by data on plant survival and mortality, native plant density, and/or percent cover of natives versus invasive plant species.
4. Photo points taken at least once during the growing season.

4. Post-Implementation Status Reporting: Plant Stewardship

In addition to the requirements in Exhibit D, Post-Implementation Status Reports shall include the following regarding plant stewardship:

1. Summary of actions completed to promote plantings reaching a "free-to-grow" state, including interplanting, invasive species control, irrigation, or other activities related to plant stewardship.
2. An analysis of progress towards restoring target plant community(ies) described in the grant application. This could be described by data on plant survival and mortality, native plant density, and/or percent cover of natives versus invasive plant species.
3. Photo points taken at least once during the growing season.

5. Project Completion Report: Effectiveness Monitoring

In addition to the requirements in Exhibit C, the Project Completion Report shall include a description of Effectiveness Monitoring status towards achieving the monitoring scope of work described in the Grant Application, detailing actions completed to date and any findings from this work.

6. Post-Implementation Status Reporting: Effectiveness Monitoring

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FEB 28 2023

Grant No. 222-2002-19877  
Grant Name: South Fork Little Butte Creek RM 6.2 Ecological Restoration Project

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In addition to the requirements in Exhibit D, Post-Implementation Status Reports shall include a description of Effectiveness Monitoring status towards achieving the monitoring scope of work described in the Grant Application, detailing actions completed to date and any findings from this work.

**7. Project Specific: Other**

**Combined Funding Agreement:** This grant is a joint funding agreement with \$203,647 from state funds and \$143,221 from federal funds. The project implementation extends beyond three years to meet the objectives proposed in the grant application. The following conditions apply in order to facilitate this combined fund source agreement and project timeline: (a) **Progress Reports** - On October 1, 2023, October 1, 2024 and October 1, 2025, the Grantee shall submit to the Board's Project Manager a Progress Report that must include: (i.) A table featuring the Project Element, Start and End Dates, as outlined in the application 'Proposed Solution' section under "List the major project elements and time schedule for each, including post project implementation". This table should also include a column that indicates whether each project element is complete (yes/no) and a column that includes comments by the Grantee briefly explaining the progress of each project element, as applicable. The October 1, 2024 progress report must also include: (i.) A payment request that accounts for all current expenses, and is accompanied by the necessary payment request documentation, such as receipts and an expense tracking report; (ii.) Reporting of percent funds to be used for plant stewardship work planned for plants to reach a free-to-grow status; and (iii.) Submission of an Oregon Watershed Restoration Inventory (OWRI) report. (b) **Grant Agreement Amendment** – Upon approval of the 2024 Progress Report, this agreement may be amended to reduce the final 10% holdback of funding until project completion to 10% of the remaining unspent grant funds. (c) **Unspent Funds** – OWEB reserves the right to recapture any unspent project funds if the Grantee is unable to spend them on restoration activities that align with proposed activities and locations described in the grant application.

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FEB 28 2023

Grant No. 222-2002-19877  
Grant Name: South Fork Little Butte Creek RM 6.2 Ecological Restoration Project

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EXHIBIT C

**PROJECT COMPLETION REPORT REQUIREMENTS**

Oregon Administrative Rule 695-010-0100(1) states that "Grantee must submit a report at completion of the Project describing the work done and placing it in its larger watershed context." Therefore, **Grantee must submit a Project Completion Report within 60 days following the Project Completion Date**, that includes, but is not limited to, (1) through (7) below.

The Project Completion Report must be submitted electronically on the Board's Grant Management System (OGMS). Electronic submission requires an OGMS User Identification and password. To request a User Identification and password, call (503) 986-0183.

1. **A final Project summary** that in 200 words or less, describes **what the Project accomplished and what problem(s) it addressed**. The information you provide will be used for accountability and reporting purposes, and displayed for the general public. Please make a clear and concise statement; avoid jargon and acronyms. For guidance see <https://www.oregon.gov/OWEB/> "manage your grant" and choose "reporting requirements".
2. **A brief, narrative description of the Project including:**
  - (a) Background on the problem that generated the Project;
  - (b) A description of the work done, placing it in its larger watershed context;
  - (c) A description and explanation of any changes to the original proposal;
  - (d) A summary of any outreach activities related to the Project, including identification of any tours or presentations and copies of newspaper or other media coverage about the Project;
  - (e) Lessons learned, if any, from the Project; and
  - (f) Recommendations, if any, for more effective implementation of similar projects.
3. **See Exhibit B for any additional reporting requirements for the Project Completion Report.**
4. Documentation that the Project complies with the Oregon Aquatic Habitat Restoration and Enhancement Guide, if applicable. See <https://www.oregon.gov/OWEB/> "Resources" then Field & Technical Guide" then choose "Aquatic Habitat Guide".
5. Color photographs of the Project areas before and after the Project completion taken at pre-set photo points. Guidelines for photo point documentation are provided on the OWEB website at: <https://www.oregon.gov/OWEB/> "Resources" then "Field & Technical Guide" then "Photo Point Monitoring".
6. Submit Oregon Watershed Restoration Inventory (OWRI) reports with the required map(s) and location information. Instructions for OWRI reporting and submittal are available on the OWEB website at: <https://www.oregon.gov/OWEB/> "Project Data & Reporting" then "OWRI".
7. Complete and submit the Federal Lobbying and Litigation Certificate to the Board's Project Manager with the final request for funds. The forms are available on the OWEB website at <https://www.oregon.gov/OWEB/> "manage your grant" and choose "forms".

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FEB 28 2023

Grant Name: South Fork Little Butte Creek RM 6.2 Ecological Restoration Project

Grant No. 222-2002-19877

OWRD

EXHIBIT D

**POST-IMPLEMENTATION STATUS REPORT REQUIREMENTS**

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Oregon Administrative Rule 695-010-0100(2) states that "Grantee will track the status of the Project, and continue its maintenance, submitting periodic reports on a schedule set by the Board. All reports will be filed with the Board or at a location specified by the Board."

A Post-Implementation Status Report ("Status Report") must include:

1. An assessment of whether the Project continues to meet the goals specified in the Grant Agreement.
2. Information or materials required by the Grant Agreement Exhibit B Conditions of Agreement.
3. A description of any maintenance or modifications made since Project completion or since the last Status Report, whichever was last.
4. An accounting of any costs associated with Project maintenance and reporting to the Board.
5. A summary of any public awareness activities related to the Project undertaken since Project completion or since the last Status Report, whichever was last.
6. Lessons learned, if any, from the Project.
7. Unless otherwise specified, the Grantee will provide color photos of all Project elements (i.e., fencing, planting, or structures) to show compliance of the Project with the Board funding decision. Photo points will be set up, and the color photographs should be taken with the same focal-length lens at the same time of year, showing conditions before and after Project completion. Guidelines for photo point documentation are provided on the OWEB website at: <https://www.oregon.gov/OWEB/> "Resources" then "Field & Technical Guide" then choose "Photo Point Monitoring".

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FEB 28 2023

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EXHIBIT E  
PERMITS AND LICENSES

Section D.1. of this Agreement outlines requirements for permits and licenses. Exhibit B Conditions of Agreement may contain additional conditions with respect to permitting, licensing and fund release.

Before the release of Board funds for activities requiring a permit or license, or for activities dependent on portions of the Project for which a permit or license has yet to be issued, the Grantee must submit to the Board's Project Manager copies of all required permits or licenses, or submit written evidence acceptable to the Board that permits and licenses are not required.

OWEB may release funds for elements of the Project that do not require a permit or license. To be considered for release, Grantee must provide written documentation to the Board's Project Manager requesting such consideration and affirming that the Project element(s) for which no permits or licenses are required will lead to ecological benefits consistent with the Project objectives, and are not dependent on the portion of the Project for which a permit or license has yet to be issued.

The following are often required for projects involving waterway alteration or watershed enhancement.

- Removal/Fill permit(s) – Dept. of State Lands
- Fill permit(s) – US Army Corps of Engineers
- Water Right Permit(s) – Water Resources Dept.
- City or County permit(s)
- Zone or Development Permit(s) – City or County Planning Department
- State, Federal and Tribal Cultural Resources Protection permits
- 401 Water Quality Certificate - Department of Environmental Quality

**The foregoing list of permits and licenses is not exhaustive. I understand that it is my responsibility to determine which permits, licenses and General Authorizations are required for the Project.**

List the components of your Project requiring permits or licenses and the associated permit(s)/license(s). If necessary, list additional activities requiring a permit or license, the name of the permit or license and issuer on a separate page and attach to this Exhibit. By its signature on this Agreement, the Grantee certifies to OWEB that the following is a complete and accurate list of the Project components requiring permits or licenses and the associated required permits or licenses.

Project Activity Requiring Permit/License	Permit/License Name and Entity Issuing
Instream construction	RGP-4: NWP-207-99915 (ACOE via USFS)
" "	DSL 42104 GP (DSL via USFS)
" "	Wyden Authority (via USFS)
Riparian vegetation	439-21-00166-70N (Jackson County)

The work related to this project will not require permits or licenses.

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FEB 28 2023

Grant No. 222-2002-19877  
Grant Name: South Fork Little Butte Creek RM 6.2 Ecological Restoration Project

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EXHIBIT F

**COOPERATIVE/LANDOWNER AGREEMENT(S)**

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All Cooperative/Landowner Agreements for projects shall include, but is not limited to:

- Landowner's certification that the landowner owns the land where the work will be carried out;
- Landowner's agreement to allow Grantee to carry out the work, or a portion of the work on the Landowner's property;
- Landowner's agreement to maintain the Project, or allow maintenance of the Project, over a time period consistent with the grant application;
- Landowner's agreement to allow the OWEB Board and its representatives access to the site where the work is being carried out for inspection and evaluation; and
- Landowner's acknowledgment that he/she is aware of the application to OWEB and that information relating to the work, including effectiveness monitoring data, is a public record.



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FEB 28 2023

Grant Name: South Fork Little Butte Creek RM 6.2 Ecological Restoration Project

Grant No. 222-2002-19877

OWRD

EXHIBIT G

**OREGON PREVAILING WAGE RATE LAW**

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Grantees may be required to comply with Oregon's prevailing wage rate law, ORS 279C.800-279C.870. This law requires that entities using public funds for public works must pay not less than the prevailing rate of wage for an hour's work, including fringe benefits, in the same trade in the locality where the work is performed. Contracts not exceeding \$50,000 are exempt from prevailing wage rate laws and nonprofit organizations are exempt for work other than construction. Public works is defined as including "roads, highways, buildings, structures and improvements of all types, the construction, reconstruction, major renovation or painting of which is carried on or contracted for by any public agency to serve the public interest . . ." ORS 279C.800(6)(a). Construction is defined as "the initial construction of buildings and other structures, or additions thereto, and of highways and roads." OAR 839-025-0004(5)

Failure to comply with prevailing wage rate laws could result in a Grantee being liable to the workers affected in the amount of their unpaid minimum wages, including all fringe benefits, and in an additional amount equal to unpaid wages as liquidated damages.

Information regarding prevailing wage rate law can be found on the Bureau of Labor and Industries website at [https://www.oregon.gov/BOLI/WHD/PWR/Pages/W\\_PWR\\_Pwrbk.aspx](https://www.oregon.gov/BOLI/WHD/PWR/Pages/W_PWR_Pwrbk.aspx).

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Grant Name: South Fork Little Butte Creek RM 6.2 Ecological Restoration Project

Grant No. 222-2002-19877

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EXHIBIT H

FEDERAL GRANT REQUIREMENTS

**For the purposes of the federal granting agency, OWEB is the recipient of federal funds and in accordance with the State Controller's Oregon Accounting Manual, policy 30.40.00.102, and 2 CFR 200.330, OWEB's determination is that the grantee is the sub-recipient of federal funds. In the following requirements, the Grantee is also referred to as "Recipient".**

As a sub-recipient of Federal grant funds, pursuant to this Agreement with the state, Recipient assumes sole liability for that Recipient breach of the conditions of the grant, and will, upon Recipient breach of grant conditions that requires the state to return funds to the grantor, hold harmless and indemnify the state for an amount equal to the funds received under this Agreement; or if legal limitations apply to the indemnification ability of the Recipient grant funds, the indemnification amount will be the maximum amount of funds available for expenditure, including any available contingency funds or other available non-appropriated funds, up to the amount received under this Agreement.

1. All equipment and materials purchased with funds made available by this Agreement must be used only for purposes of the same general nature outlined in this Agreement.
2. Recipient will comply with the requirements in 2 CFR Part 200, or the equivalent applicable provision adopted by the awarding federal agency in 2 CFR Subtitle B, including but not limited to the following:
  - (a) Property Standards. 2 CFR 200.313, or the equivalent applicable provision adopted by the awarding federal agency in 2 CFR Subtitle B, which generally describes the required maintenance, documentation, and allowed disposition of equipment purchased with federal funds.
  - (b) Procurement Standards. When procuring goods or services (including professional consulting services), applicable state procurement regulations found in the Oregon Public Contracting Code, ORS chapters 279A, 279B and 279C or 2 CFR §§ 200.318 through 200.326, or the equivalent applicable provision adopted by the awarding federal agency in 2 CFR Subtitle B, as applicable.
  - (c) Contract Provisions. Recipient shall include the contract provisions listed in 2 CFR Part 200, Appendix II, or the equivalent applicable provision adopted by the awarding federal agency in 2 CFR Subtitle B, in its contracts with non-Federal entities.
3. The Recipient agrees to ensure that all conference, meeting, convention, or training space funded in whole or in part with Federal funds, complies with the Hotel and Motel Fire Safety Act of 1990.
4. The Recipient agrees to comply with the requirements of 2 CFR 200.501, "Audits of States, Local Governments, and Non-Profit Organizations, including, but not limited to, that Subrecipients receiving federal funds in excess of \$750,000 in the Subrecipient's fiscal year are subject to audit conducted in accordance with the provisions of 2 CFR part 200, subpart F. Subrecipient, if subject to this requirement, shall at Subrecipient's own expense submit to Agency a copy of, or electronic link to, its annual audit subject to this requirement covering the funds expended under this Agreement and shall submit or cause to be submitted to Agency the annual audit of any Subrecipient(s), contractor(s), or subcontractor(s) of Subrecipient responsible for the financial management of funds received under this Agreement. Audit costs for audits not required in accordance with 2 CFR part 200, subpart F are unallowable. If Subrecipient did not expend \$750,000 or more in Federal funds in its fiscal year, but contracted with a certified public accountant to perform an audit, costs for performance of that audit shall not be charged to the grant. Subrecipient shall save, protect and hold harmless Agency from the cost of any audits or special investigations performed by the Federal awarding agency or any federal agency with respect to the funds expended under this Agreement. Subrecipient acknowledges and agrees

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Grant No. 222-2002-19877

Grant Name: South Fork Little Butte Creek RM 6.2 Ecological Restoration Project

**OWRD**

that any audit costs incurred by Subrecipient as a result of allegations of fraud, waste or abuse are ineligible for reimbursement under this or any other agreement between Subrecipient and the State of Oregon.

5. Pursuant to Section 18 of the Lobbying Disclosure Act, the Recipient affirms that it is not a nonprofit organization described in Section 501(c) (4) of the Internal Revenue Code of 1986; or that it is a nonprofit organization described in Section 501(c) (4) of the Code but does not and will not engage in lobbying activities as defined in Section 3 of the Lobbying Disclosure Act.
6. If Grant Agreement exceeds \$100,000, Recipient agrees to comply with Title 40 CFR Part 34, *New Restrictions on Lobbying* and to submit certification and disclosure forms accordingly. Any Recipient who makes a prohibited expenditure under Title 40 CFR Part 34 or fails to file the required certification or lobbying forms shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such expenditure.
7. If Grant Agreement exceeds \$150,000, 41 U.S.C 4712, Enhancement of Recipient and Sub-recipient Employee Whistleblower Protection applies:
  - (a) This award, related sub-awards, and related contracts over the simplified acquisition threshold and all employees working on this award, related sub-awards, and related contracts over the simplified acquisition threshold are subject to the whistleblower rights and remedies established at 41 USC 4712.
  - (b) Recipients, their sub-recipients, and their contractors awarded contracts over the simplified acquisition threshold related to this award, shall inform their employees in writing, in the predominant language of the workforce, of the employee whistleblower rights and protections under 41 USC 4712.
  - (c) The recipient shall insert this clause, including this paragraph (3), in all sub-awards and in contracts over the simplified acquisition threshold related to this award.

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Grant No. 222-2002-19877  
Project Name: South Fork Little Butte Creek RM 6.2 Ecological Restoration Project

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EXHIBIT I

**Information Required by 2 CFR § 200.331(a)(1)**

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**For the purposes of the federal granting agency, OWEB is the recipient of federal funds and the grantee is the sub-recipient of federal funds.**

**Federal Award Identification:**

1. Grantee name (which must match registered name in DUNS): Rogue River WC (dba Rogue River Watershed Council)
2. Grantee's SAM UIN number: JB4GA7XY18B5
3. Federal Award Identification Number (FAIN): NA21NMF4380455
4. Federal Award Date: 7/1/21
5. Total Amount of Federal Funds Obligated by this Agreement: \$143,221.00
6. **Total Amount of Federal Funds Obligated to the Subrecipient by the pass-through entity including this Agreement: \$280,183.61**
7. Total Amount of Federal Award committed to the Subrecipient by the pass-through entity: \$280,183.61
8. Federal award project description: Pacific Coast Salmon Recovery Pacific Salmon Treaty Program
9. Name of Federal awarding agency, pass-through entity, and contact information for awarding official of the Pass-through entity:
  - (a) Name of Federal awarding agency: National Oceanic and Atmospheric Administration
  - (b) Name of pass-through entity: State of Oregon, Oregon Watershed Enhancement Board
  - (c) Contact information for awarding official of the pass-through entity:

Miriam Scharer  
775 Summer St. NE, Ste 360  
Salem, OR 97301
10. CFDA Number and Name: 11.438  
Federal Award Amount: \$14,775,000.00
11. Is Award R&D? No
12. Grantee's indirect cost rate for the Federal award: 10%

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Grant No. 222-2002-19877  
Grant Name: South Fork Little Butte Creek RM 6.2 Ecological Restoration Project

EXHIBIT J  
INSURANCE REQUIREMENTS

Section R of this Agreement specifies the base insurance requirements. The Board considers some projects and project activities to have an increased risk to the organization, organization's employees, volunteers, and the community and may require additional insurance. If required for the Project under this Agreement, the additional insurances types required, the amount, and who will carry the insurance are set forth below.

- The work related to this Project **will not** require additional insurance beyond base Agreement requirements.
- The work related to this Project **will** require additional insurance beyond base Agreement requirements.

If Grantee is completing the technical work, they shall carry the insurance types and amounts described below and will continue this coverage through Project completion. If Grantee is contracting out the technical work, they will only be required to meet the minimum OWEB insurance requirements of **Section R** of this Agreement. Additionally, the Grantee shall require that all contractors or consultants hired for construction, restoration, technical design, assessment or monitoring activities carry the minimum insurance types and amounts described below.

Insurance Type	Coverage Amount	Organization carrying insurance

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**EXHIBIT K**  
**OWEB GRANT APPLICATION**  
**(In OWEB files)**

# Land Use Information Form



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

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## NOTE TO APPLICANTS

In order for your application to be processed by the Water Resources Department (WRD), this Land Use Information Form must be completed by a local government planning official in the jurisdiction(s) where your water right will be used and developed. The planning official may choose to complete the form while you wait, or return the receipt stub to you. Applications received by WRD without the Land Use Form or the receipt stub will be returned to you. Please be aware that your application will not be approved without land use approval.

**This form is NOT required if:**

- 1) Water is to be diverted, conveyed, and/or used only on federal lands; **OR**
- 2) The application is for a water right transfer, allocation of conserved water, exchange, permit amendment, or ground water registration modification, and **all** of the following apply:
  - a) The existing and proposed water use is located entirely within lands zoned for exclusive farm-use or within an irrigation district;
  - b) The application involves a change in place of use only;
  - c) The change does not involve the placement or modification of structures, including but not limited to water diversion, impoundment, distribution facilities, water wells and well houses; and
  - d) The application involves irrigation water uses only.

## NOTE TO LOCAL GOVERNMENTS

The person presenting the attached Land Use Information Form is applying for or modifying a water right. The Water Resources Department (WRD) requires its applicants to obtain land-use information to be sure the water rights do not result in land uses that are incompatible with your comprehensive plan. Please complete the form or detach the receipt stub and return it to the applicant for inclusion in their water right application. You will receive notice once the applicant formally submits his or her request to the WRD. The notice will give more information about WRD's water rights process and provide additional comment opportunities. You will have 30 days from the date of the notice to complete the land-use form and return it to the WRD. If no land-use information is received from you within that 30-day period, the WRD may presume the land use associated with the proposed water right is compatible with your comprehensive plan. Your attention to this request for information is greatly appreciated by the Water Resources Department. If you have any questions concerning this form, please contact the WRD's Customer Service Group at 503-986-0801.

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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.oregon.gov/OWRD

Applicant(s): Julie Caputo and Lori Dutton

Mailing Address: 8191 SF Little Butte Ck Rd and 7730 SF Little Butte Ck Rd

City: Eagle Point State: OR Zip Code: 97502 Daytime Phone: 503-933-1589  
541-826-6641

### 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:
37S	2E	11	SESW, NWSE SWSE	4200	EFU	<input checked="" type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	EFU
37S	2E	11	NESW, NWSE	4202	EFU	<input checked="" type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	EFU
						<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used	
						<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) SF Little Butte Creek

Estimated quantity of water needed: 0.3  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:

Irrigation sprinklers will be used to water native trees and shrubs to establish plants for a riparian restoration project. A fish screened will pump water from an additional and temporary Point of Diversion. The land being irrigated has existing Place of Use.



**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. →



### 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):

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: Tracie Nickel Title: Planner

Signature: Tracie Nickel Phone: 541-774-6951 Date: 2-9-23

Government Entity: Jackson County

**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.



**Receipt for Request for Land Use Information**

Applicant name: \_\_\_\_\_

City or County: \_\_\_\_\_ Staff contact: \_\_\_\_\_

Signature: \_\_\_\_\_ Phone: \_\_\_\_\_ Date: \_\_\_\_\_

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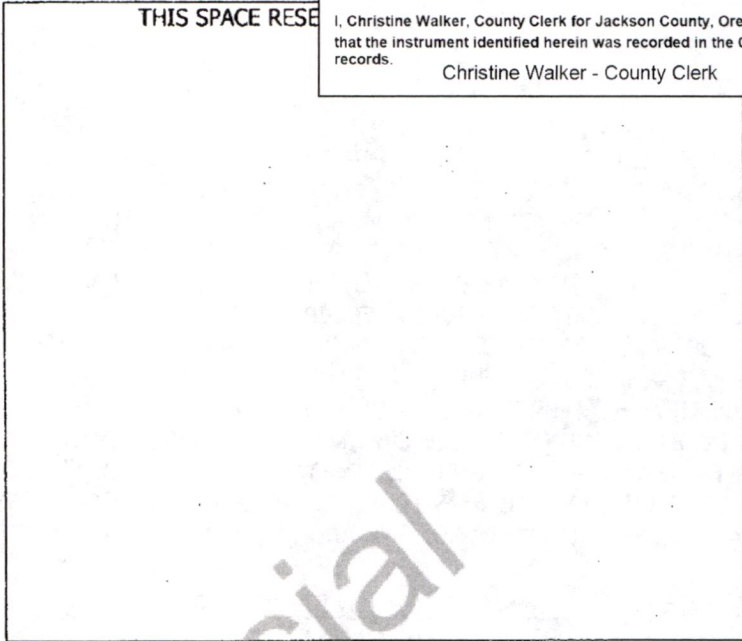
OWRD



After recording return to:  
Julie Caputo  
14650 SW 92nd ave, Road  
Tigard, OR 97224

Until a change is requested all tax  
statements shall be sent to the  
following address:  
Julie Caputo  
14650 SW 92nd ave, Road  
Tigard, OR 97224

File No.: 7161-3510979 (EV)  
Date: July 06, 2020



Jackson County Official Records **2020-032542**  
R-WD  
Stn=16 MORGANSS **09/04/2020 03:46:15 PM**  
\$20.00 \$10.00 \$11.00 \$11.00 \$60.00 **\$112.00**

I, Christine Walker, County Clerk for Jackson County, Oregon, certify  
that the instrument identified herein was recorded in the Clerk  
records.  
Christine Walker - County Clerk

**STATUTORY WARRANTY DEED**

**Richard E. Bandy and Shirley A. Bandy, as tenants by the entirety**, Grantor, conveys and warrants to **Julie Caputo**, Grantee, the following described real property free of liens and encumbrances, except as specifically set forth herein:

See Legal Description attached hereto as Exhibit A and by this reference incorporated herein.

**Subject to:**

1. Covenants, conditions, restrictions and/or easements, if any, affecting title, which may appear in the public record, including those shown on any recorded plat or survey.
2. The **2020-2021** Taxes, a lien not yet payable.

The true consideration for this conveyance is **\$650,000.00**. (Here comply with requirements of ORS 93.030)



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FEB 28 2023

OWRD

APN: 1-024724-1

Statutory Warranty Deed  
- continued

File No.: 7161-3510979 (EV)

**EXHIBIT A**

**LEGAL DESCRIPTION:** Real property in the County of Jackson, State of Oregon, described as follows:

**ALL THAT PORTION OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER AND THE EAST HALF OF THE SOUTHWEST QUARTER AND THE SOUTHEAST QUARTER OF SECTION 11, TOWNSHIP 37 SOUTH, RANGE 2 EAST, WILLAMETTE MERIDIAN, JACKSON COUNTY, OREGON, LYING NORTHEASTERLY OF THE CENTER LINE OF LITTLE BUTTE CREEK, AS IT EXISTED IN MARCH 1975.**

**EXCEPTING THEREFROM THAT PORTION CONVEYED TO JACKSON COUNTY FOR ROAD PURPOSES, BY DEED RECORDED IN VOLUME 182, PAGE 510, DEED RECORDS OF JACKSON COUNTY, OREGON.**

**ALSO, EXCEPTING THEREFROM THAT PORTION OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 11, TOWNSHIP 37 SOUTH, RANGE 2 EAST, WILLAMETTE MERIDIAN, JACKSON COUNTY, OREGON, LYING NORTHEASTERLY OF LITTLE BUTTE CREEK ROAD (COUNTY ROAD).**

**ALSO, EXCEPTING THEREFROM THE EAST 465.00 FEET OF THE SOUTHEAST QUARTER OF SECTION 11, TOWNSHIP 37 SOUTH, RANGE 2 EAST, WILLAMETTE MERIDIAN, JACKSON COUNTY, OREGON, LYING NORTH OF LITTLE BUTTE CREEK ROAD (COUNTY ROAD).**

**ALSO, EXCEPTING THEREFROM THE FOLLOWING: BEGINNING AT THE INTERSECTION OF THE SOUTHERLY RIGHT OF WAY LINE OF LITTLE BUTTE CREEK ROAD (COUNTY ROAD) WITH THE WEST LINE OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 11, TOWNSHIP 37 SOUTH, RANGE 2 EAST, WILLAMETTE MERIDIAN, JACKSON COUNTY, OREGON; THENCE SOUTH, ALONG THE WEST LINE OF SAID QUARTER-QUARTER, TO INTERSECT THE CENTER LINE OF THE SOUTH FORK OF LITTLE BUTTE CREEK, AS IT EXISTED IN MARCH 1975; THENCE SOUTHEASTERLY, ALONG SAID CENTER LINE, TO THE SOUTH LINE OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION; THENCE NORTHEASTERLY, IN A STRAIGHT LINE, TO THE INTERSECTION OF THE EAST LINE OF SAID QUARTER-QUARTER WITH THE SOUTHERLY RIGHT OF WAY LINE OF SAID ROAD; THENCE NORTHWESTERLY, ALONG SAID SOUTHERLY RIGHT OF WAY LINE, TO THE POINT OF BEGINNING.**

**ALSO, EXCEPTING THEREFROM THE FOLLOWING: COMMENCING AT THE INTERSECTION OF THE SOUTHERLY RIGHT OF WAY LINE OF LITTLE BUTTE CREEK ROAD (COUNTY ROAD) WITH THE WEST LINE OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 11, TOWNSHIP 37 SOUTH, RANGE 2 EAST, WILLAMETTE MERIDIAN, JACKSON COUNTY, OREGON; THENCE SOUTH, ALONG THE WEST LINE OF SAID QUARTER-QUARTER, TO INTERSECT THE CENTER LINE OF THE SOUTH FORK OF LITTLE BUTTE CREEK, AS IT EXISTED IN MARCH 1975; THENCE SOUTHEASTERLY ALONG SAID CENTER LINE, TO THE SOUTH LINE OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION, FOR THE TRUE POINT OF BEGINNING; THENCE NORTHEASTERLY, IN A STRAIGHT LINE, TO THE INTERSECTION OF THE EAST LINE OF SAID NORTHEAST QUARTER OF THE SOUTHWEST QUARTER WITH THE SOUTHERLY RIGHT OF WAY LINE OF SAID ROAD; THENCE SOUTHEASTERLY ALONG THE SOUTHERLY RIGHT OF WAY LINE OF SAID ROAD, 320.00 FEET;**

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FEB 28 2023

OWRD

APN: 1-024724-1

Statutory Warranty Deed  
- continued

File No.: 7161-3510979 (EV)

**THENCE SOUTHWESTERLY, IN A STRAIGHT LINE, TO THE TRUE POINT OF BEGINNING.**

**NOTE: This legal description was created prior to January 1, 2008.**

Unofficial  
Copy

# 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.

RECEIVED  
 FEB 28 2023  
 OWRD

State of Oregon )  
 ) ss  
 County of Jackson )

I, Julie Caputo, in my capacity as Landowner

mailing address 8191 South Fork Little Butte Creek Road, Eagle Point, OR 97524

telephone number ( 503 ) 933-1589, 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 # 17226; **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)

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

2/16/23  
Date

Signed and sworn to (or affirmed) before me this 16<sup>th</sup> day of February, 2023.



[Signature]  
Notary Public for Oregon

My Commission Expires: Feb. 27, 2023

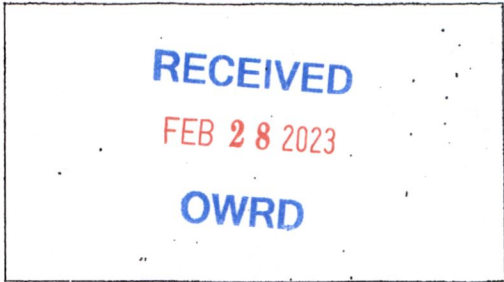
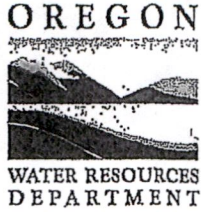
Supporting Documents	Examples
<input type="checkbox"/> Copy of a water right certificate that has been issued within the last five years. (not a remaining right certificate)	Copy of <b>confirming</b> water right certificate that shows issue date
<input type="checkbox"/> Copies of receipts from sales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

RECEIVED

FEB 28 2023

OWRD

14179 TACS



Date Received (Date Stamp Here)

## OWRD Over-the-Counter Submission Receipt

Applicant Name(s) & Address: Julie Capito

Transaction Type: Temporary Transfer

Fees Received: \$ 475.94

Cash

Check:

Check No. 003326

Name(s) on Check: Rogue River Watershed Council

Thank you for your submission. Oregon Water Resources Department (Department) staff will review your submittal as soon as possible.

If your submission is determined to be complete, you will receive a receipt for the fees paid and an acknowledgement letter stating your submittal is complete.

If determined to be incomplete, your submission and the accompanying fees will be returned with an explanation of deficiencies that must be addressed in order for the submittal to be accepted.

If you have any questions, please feel free to contact the Department's Customer Service staff at 503-986-0801 or 503-986-0810.

Sincerely,  
OWRD Customer Service Staff

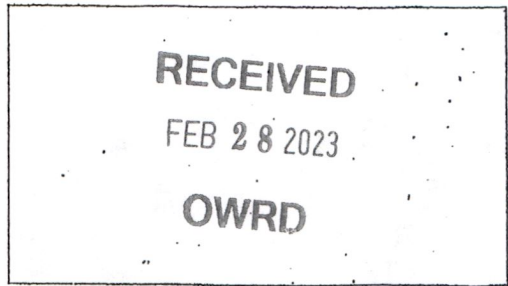
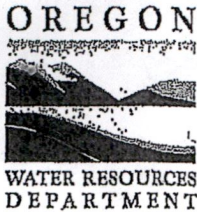
Submission received by: Nick Reece  
(Name of OWRD staff)

### Instructions for OWRD staff:

- Complete this Submission Receipt and make two (2) copies. Place one copy with the check/cash; and place the other copy with the submission (i.e., the application or other document).
- Date-stamp all pages. (NOTE: Do not stamp check.)
- Give this original Submission Receipt to the applicant.
- Record Submission Receipt information on the "RECEIVED OVER THE COUNTER" log sheet.
- Fold and put one copy of the Submission Receipt with check/cash into the Safe slot. Place the other copy of the Submission Receipt with submission (application/other document) in the top drawer of filing cabinet.

14179





Date Received (Date Stamp Here)

## OWRD Over-the-Counter Submission Receipt

Applicant Name(s) & Address: Julie Caputo

Transaction Type: Temporary Transfer

Fees Received: \$ 475.94

Cash     Check;    Check No. 003326

Name(s) on Check: Rogue River Watershed Council

Thank you for your submission. Oregon Water Resources Department (Department) staff will review your submittal as soon as possible.

If your submission is determined to be complete, you will receive a receipt for the fees paid and an acknowledgement letter stating your submittal is complete.

If determined to be incomplete, your submission and the accompanying fees will be returned with an explanation of deficiencies that must be addressed in order for the submittal to be accepted.

If you have any questions, please feel free to contact the Department's Customer Service staff at 503-986-0801 or 503-986-0810.

Sincerely,  
OWRD Customer Service Staff

Submission received by: Nick Reece  
*(Name of OWRD staff)*

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