

# Application for Permanent Water Right Transfer



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

## Part 1 of 5 – Minimum Requirements Checklist

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

**Received**

MAY 08 2024

**OWRD**

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

- Part 1 – Completed Minimum Requirements Checklist.
- Part 2 – Completed Transfer Application Map Checklist.
- Part 3 – Application Fee, payable by check to the Oregon Water Resources Department, and completed Fee Worksheet, page 3. Try the new online fee calculator at: [http://apps.wrd.state.or.us/apps/misc/wrd\\_fee\\_calculator](http://apps.wrd.state.or.us/apps/misc/wrd_fee_calculator).
- Part 4 – Completed Applicant Information and Signature.
- Part 5 – Information about Water Rights to be Transferred: **How many water rights are to be transferred? 2 List them here: C-38957 C-48963**  
Please include a separate Part 5 for each water right. (See instructions on page 6)  
**NOTE: A separate transfer application is required for each water right unless the criteria in OAR 690-380-3220 are met.**

**Attachments:**

- Completed Transfer Application Map.
- Completed Evidence of Use Affidavit and supporting documentation.
- N/A Affidavit(s) of Consent from Landowner(s) (if the applicant does not own the land the water right is on.)
- N/A Supplemental Form D – For water rights served by or issued in the name of an irrigation district. Complete when the transfer applicant is not the irrigation district.
- N/A Oregon Water Resources Department’s Land Use Information Form with approval and signature from each local land use authority in which water is to be diverted, conveyed, and/or used. Not required if water is to be diverted, conveyed, and/or used only on federal lands or if **all** of the following apply: a) a change in place of use only, b) no structural changes, c) the use of water is for irrigation only, and d) the use is located within an irrigation district or an exclusive farm use zone.
- N/A Water Well Report/Well Log for changes in point(s) of appropriation (well(s)) or additional point(s) of appropriation.
- N/A Geologist Report for a change from a surface water point of diversion to a ground water point of appropriation (well), if the proposed well is more than 500’ from the surface water source and more than 1000’ upstream or downstream from the point of diversion. See OAR 690-380-2130 for requirements and applicability.

**(For Staff Use Only)**

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

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

Other/Explanation \_\_\_\_\_  
Staff: \_\_\_\_\_ 503- \_\_\_\_\_ Date: \_\_\_\_/\_\_\_\_/\_\_\_\_

## Part 2 of 5 – Transfer Application Map

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

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

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



## Part 4 of 5 – Applicant Information and Signature

### Applicant Information

APPLICANT/BUSINESS NAME <b>TYLER ROLEN RSF ENTERPRISES LLC</b>			PHONE NO. <b>541.531.9597</b>	ADDITIONAL CONTACT NO. <b>541.659.3999</b>
ADDRESS <b>3375 LITTLE APPLGATE RD</b>				FAX NO.
CITY <b>JACKSONVILLE</b>	STATE <b>OR</b>	ZIP <b>97530</b>	E-MAIL <b>CHRISTINE@ROLENSTONEFARMS.COM</b>	
<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 <b>RICK PARSONS / PARSONSWATER CONSULTING LLC</b>			PHONE NO. <b>541.499.0257</b>	ADDITIONAL CONTACT NO. <b>303.667.5067</b>
ADDRESS <b>1619 MINEAR RD</b>				FAX NO.
CITY <b>MEDFORD</b>	STATE <b>OR</b>	ZIP <b>97501</b>	E-MAIL <b>RICK.PARSONS@PARSONSWATER.COM</b>	
<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:  
GET ADDITIONAL POINTS OF DIVERSION AUTHORIZED FOR TWO WATER RIGHTS APPURTENANT TO RSF ENTERPRISES LLC PROPERTIES

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

#### Check One Box

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

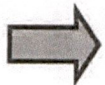
Received  
MAY 08 2024  
OWRD

Received  
APR 12 2024  
OWRD

**By my signature below, I confirm that I understand:**

- Prior to Department approval of the transfer application, I may be required to submit payment to the Department for publication of a notice in a newspaper with general circulation in the area where the water right is located, once per week for two consecutive weeks. If more than one qualifying newspaper is available, I suggest publishing the notice in the following newspaper: ROGUE VALLEY TIMES.
- Amendments to the application may only be made in response to the Department's Draft Preliminary Determination (DPD). The applicant will have a period of at least 30 days to amend the application to address any issues identified by the Department in the DPD, or to withdraw the application. Note that amendments may be subject to additional fees, pursuant to ORS 536.050.
- Failure to complete an approved change in place of use and/or change in character of use, will result in loss of the water right (OAR 690-380-6010).
- Refunds may only be granted upon request and, as set forth in ORS 536.050(4)(a), if the Director determines that a refund of all or part of a fee is appropriate in the interests of fairness to the public or necessary to correct an error of the Department.

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



*Tyler Rolén*  
Applicant signature

TYLER ROLEN  
Print Name (and Title if applicable)

4/8/2024  
Date

\_\_\_\_\_  
Applicant signature

\_\_\_\_\_  
Print Name (and Title if applicable)

\_\_\_\_\_  
Date

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

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

Check the following boxes that apply:

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

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

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

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

Received  
MAY 08 2024  
OWRD

RECEIVING LANDOWNER NAME		PHONE NO.	ADDITIONAL CONTACT NO.
ADDRESS			FAX NO.
CITY	STATE	ZIP	E-MAIL
Describe any special ownership circumstances:			
The confirming Certificate shall be issued in the name of: <input type="checkbox"/> Applicant <input type="checkbox"/> Receiving Landowner			

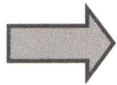
Received  
APR 12 2024

Check here if any of the water rights proposed for transfer are or will be located within or served by an irrigation or other water district. (Tip: Complete and attach Supplemental Form D.)

IRRIGATION DISTRICT NAME	ADDRESS	
CITY	STATE	ZIP

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

ENTITY NAME	ADDRESS	
CITY	STATE	ZIP



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

ENTITY NAME <b>JACKSON COUNTY PLANNING DEPARTMENT</b>	ADDRESS <b>110 SOUTH OAKDALE DR, SUITE 100</b>	
CITY <b>MEDFORD</b>	STATE <b>OR</b>	ZIP <b>97501</b>

ENTITY NAME	ADDRESS	
CITY	STATE	ZIP

**Received**  
**APR 12 2024**  
**OWRD**

**Received**  
**MAY 08 2024**  
**OWRD**

**Part 5 of 5 – Water Right Information**

Please use a separate Part 5 for each water right being changed. See instructions on page 6, to copy and paste additional Part 5s, or to add additional rows to tables within the form.

Received

**CERTIFICATE # 38957**

APR 12 2024

**Description of Water Delivery System**

System capacity: **PHILLIPS DITCH - 3** cubic feet per second (cfs) OR  
 \_\_\_\_\_ gallons per minute (gpm)

**OWRD**

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. **THE C-38957 WATER RIGHT IS APPURTENANT TO 17.5 ACS OF LAND OWNED BY RSF ENTERPRISES LLC. 13.42 ACS WERE LEASED FOR INSTREAM USE UNDER IL-1686 BETWEEN JUNE 2018 THROUGH OCTOBER 2022. 1.62 ACS WERE LEASED FOR INSTREAM USE UNDER IL-1687 BETWEEN JUNE 2018 THROUGH JULY 2022. AS NOTED IN THE FINAL ORDERS FOR THESE LEASES, THE WATERMASTER COMPLETED A REVIEW IN MAY 2018 AND DETERMINED THAT DIVERSION OF THE FULL RATE HAD BEEN MEASURED AT THE POINT OF DIVERSION (PHILLIPS DITCH HEADGATE) IN RECENT YEARS. THE DIVERSION OF THE FULL RATE OF THE REMAINING 2.46 ACRES OF C-38957 THAT WAS NOT INCLUDED IN IL-1686 OR IL-1687 HAS BEEN MEASURED AT THE POINT OF DIVERSION OVER THE LAST FIVE YEARS.**

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

POD/POA Name or Number	Is this POD/POA Authorized on the Certificate or is it Proposed?	If POA, OWRD Well Log ID# (or Well ID Tag # L-___)	Twp	Rng	Sec	¼	¼	Tax Lot, DLC or Gov't Lot	Measured Distances (from a recognized survey corner)
PHILLIPS DITCH	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed		39 S	2 W	29	NE	NW		680' S 9' W OF N1/4 CORNER SECTION 29 T39S R2W
APOD 1	<input type="checkbox"/> Authorized <input checked="" type="checkbox"/> Proposed		39 S	2 W	19	SW	NW		2250' S 10' E OF NE CORNER SECTION 19 T39S R3W
APOD 2	<input type="checkbox"/> Authorized <input checked="" type="checkbox"/> Proposed		39 S	3 W	24	SE	NE		2010' S 255' W OF NE CORNER SECTION 24 T39S R3W
APOD 3	<input type="checkbox"/> Authorized <input checked="" type="checkbox"/> Proposed		39 S	3 W	24	SE	NE		360' S 1420' W OF NE CORNER SECTION 24 T39S R3WW

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

- Place of Use (POU)
- Character of Use (USE)
- Point of Diversion (POD)
- Additional Point of Diversion (APOD)
- Surface Water POD to Ground Water POA (SW/GW)
- Supplemental Use to Primary Use (S to P)
- Point of Appropriation/Well (POA)
- Additional Point of Appropriation (APOA)
- Substitution (SUB)
- Government Action POD (GOV)

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

Yes Complete only the Proposed ("to" or "on" lands) section of Table 2 on the next page. Use the "CODES" listed above to describe the proposed changes.

No Complete all of Table 2 to describe the portion of the water right to be changed.

Received

MAY 08 2024

Please use and attach additional pages of Table 2 as needed.  
See page 6 for instructions.

Do you have questions about how to fill-out the tables?  
Contact the Department at 503-986-0900 and ask for Transfer Staff.

**Table 2. Description of Changes to Water Right Certificate # 38957**

List the change proposed for the acreage in each ¼ ¼. If more than one change is proposed, specify the acreage associated with each change.  
If there is more than one POD/POA involved in the proposed changes, specify the acreage associated with each POD/POA.

AUTHORIZED (the "from" or "off" lands) The listing that appears on the certificate BEFORE PROPOSED CHANGES List only that part or portion of the water right that will be changed.													Proposed Changes (see "CODES" from previous page)	PROPOSED (the "to" or "on" lands) The listing as it would appear AFTER PROPOSED CHANGES are made.												
Twp	Rng	Sec	¼	¼	Tax Lot	Gvt Lot or DLC	Acre	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	Acre	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
														2	S	9	E	2	SW	NW	500		5.0		POD #6	1901
39	S	3	W	24	NE	NE	100		1.62	IRRIG	PHILLIPS D	1964	APOD	39	S	3	W	24	NE	NE	100		1.62		APOD 1 APOD 2 APOD 3	1964
39	S	3	W	24	NE	NE	101		2.46	IRRIG	PHILLIPS D	1964	APOD	39	S	3	W	24	NE	NE	101		2.46		APOD 1 APOD 2 APOD 3	1964
39	S	3	W	24	NE	NE	500		12.92	IRRIG	PHILLIPS D	1964	APOD	39	S	3	W	24	NE	NE	500		12.92		APOD 1 APOD 2 APOD 3	1964
39	S	3	W	24	SE	NE	500		0.5	IRRIG	PHILLIPS D	1964	APOD	39	S	3	2	24	SE	NE	500		0.5		APOD 1 APOD 2 APOD 3	1964
TOTAL ACRES:							17.5							TOTAL ACRES:							17.5					

Additional remarks: \_\_\_\_\_.

14456 -

Received  
MAY 08 2024  
OWRD

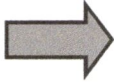
Received  
APR 12 2024  
OWRD



**For Place of Use or Character of Use Changes**

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

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



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

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

Ground water supplemental Permit or Certificate # \_\_\_\_\_;

Surface water primary Certificate # \_\_\_\_\_.

**Received**

**APR 12 2024**

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

**OWRD**

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

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

Well log(s) are attached for each authorized and proposed well(s) that are clearly labeled and associated with the corresponding well(s) in Table 1 above and on the accompanying application map.

**Tip:** You may search for well logs on the Department’s web page at:

[http://apps.wrd.state.or.us/apps/gw/well\\_log/Default.aspx](http://apps.wrd.state.or.us/apps/gw/well_log/Default.aspx)

**AND/OR**

Describe the construction of the authorized and proposed well(s) in Table 3 for any wells that do not have a well log. For *proposed wells not yet constructed or built*, provide “a best estimate” for each requested information element in the table. The Department recommends you consult a licensed well driller, geologist, or certified water right examiner to assist with assembling the information necessary to complete Table 3.

**Table 3. Construction of Point(s) of Appropriation**

Any well(s) in this listing must be clearly tied to corresponding well(s) described in Table 1 and shown on the accompanying application map. Failure to provide the information will delay the processing of your transfer application until it is received. The information is necessary for the department to assess whether the proposed well(s) will access the same source aquifer as the authorized point(s) of appropriation (POA). The Department is prohibited by law from approving POA changes that do not access the same source aquifer.

Proposed or Authorized POA Name or Number	Is well already built? (Yes or No)	If an existing well: OWRD Well ID Tag No. L-___	Total well depth	Casing Diameter	Casing Intervals (feet)	Seal depth(s) (intervals)	Perforated or screened intervals (in feet)	Static water level of completed well (in feet)	Source aquifer (sand, gravel, basalt, etc.)	Well -specific rate (cfs or gpm). If less than full rate of water right

**Received**

**MAY 08 2024**

TACS

## Part 5 of 5 – Water Right Information

Please use a separate Part 5 for each water right being changed. See instructions on page 6, to copy and paste additional Part 5s, or to add additional rows to tables within the form.

CERTIFICATE # 48963

Received

### Description of Water Delivery System

APR 12 2024

System capacity: PHILLIPS DITCH - 3 cubic feet per second (cfs) OR

OWRD

\_\_\_\_\_ 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. **THE C-48963 WATER RIGHT IS APPURTENANT TO 7.9 ACS OF LAND OWNED BY RSF ENTERPRISES LLC. 5.9 ACS WERE LEASED FOR INSTREAM USE UNDER IL-1686 BETWEEN JUNE 2018 THROUGH OCTOBER 2022. AS NOTED IN THE FINAL ORDER FOR THIS LEASE, THE WATERMASTER COMPLETED A REVIEW IN MAY 2018 AND DETERMINED THAT DIVERSION OF THE FULL RATE HAD BEEN MEASURED AT THE POINT OF DIVERSION (PHILLIPS DITCH HEADGATE) IN RECENT YEARS. THE DIVERSION OF THE FULL RATE OF THE REMAINING 2.0 ACRES OF C-48963 THAT WAS NOT INCLUDED IN IL-1686 OR IL-1687 HAS BEEN MEASURED AT THE POINT OF DIVERSION OVER THE LAST FIVE YEARS.**

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

POD/POA Name or Number	Is this POD/POA Authorized on the Certificate or is it Proposed?	If POA, OWRD Well Log ID# (or Well ID Tag # L-___)	Twtp	Rng	Sec	¼	¼	Tax Lot, DLC or Gov't Lot	Measured Distances (from a recognized survey corner)
PHILLIPS DITCH	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed		39 S	2 W	29	NE	NW		680' S 9' W OF N1/4 CORNER SECTION 29 T39S R2W
APOD 1	<input type="checkbox"/> Authorized <input checked="" type="checkbox"/> Proposed		39 S	2 W	19	SW	NW		2250' S 10' E OF NE CORNER SECTION 19 T39S R3W
APOD 2	<input type="checkbox"/> Authorized <input checked="" type="checkbox"/> Proposed		39 S	3 W	24	SE	NE		2010' S 255' W OF NE CORNER SECTION 24 T39S R3W
APOD 3	<input type="checkbox"/> Authorized <input checked="" type="checkbox"/> Proposed		39 S	3 W	24	SE	NE		360' S 1420' W OF NE CORNER SECTION 24 T39S R3WW

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

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

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

- Yes Complete only the Proposed ("to" or "on" lands) section of Table 2 on the next page. Use the "CODES" listed above to describe the proposed changes.
- No Complete all of Table 2 to describe the portion of the water right to be changed.

Received TACS

14456 -

MAY 08 2024

Please use and attach additional pages of Table 2 as needed.  
See page 6 for instructions.

Do you have questions about how to fill-out the tables?  
Contact the Department at 503-986-0900 and ask for Transfer Staff.

**Table 2. Description of Changes to Water Right Certificate # 48963**

List the change proposed for the acreage in each ¼ ¼. If more than one change is proposed, specify the acreage associated with each change.  
If there is more than one POD/POA involved in the proposed changes, specify the acreage associated with each POD/POA.

AUTHORIZED (the "from" or "off" lands) The listing that appears on the certificate BEFORE PROPOSED CHANGES List only that part or portion of the water right that will be changed.											Proposed Changes (see "CODES" from previous page)	PROPOSED (the "to" or "on" lands) The listing as it would appear AFTER PROPOSED CHANGES are made.															
Twp	Rng	Sec	¼	¼	Tax Lot	Gvt Lot or DLC	Acres	Type of USE listed on Certificate	POD(s) or POA(s) (name or number from Table 1)	Priority Date		Twp	Rng	Sec	¼	¼	Tax Lot	Gvt Lot or DLC	Acres	New Type of USE	POD(s)/ POA(s) to be used (from Table 1)	Priority Date					
<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	
															2	S	9	E	2	SW	NW	500		5.0		POD #6	1901
39	S	3	W	24	SE	NE	500		3.5	IRRIG	PHILLIPS D	1902	APOD	39	S	3	W	24	SE	NE	500		3.5		APOD 1 APOD 2 APOD 3	1902	
39	S	3	W	24	NE	NE	500		4.4	IRRIG	PHILLIPS D	1902	APOD	39	S	3	W	24	NE	NE	500		4.4		APOD 1 APOD 2 APOD 3	1902	
TOTAL ACRES:							7.9						TOTAL ACRES:							7.9							

Additional remarks: \_\_\_\_\_.

Received  
MAY 08 2024

OWRD

TACS

14456 -

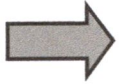
Received  
APR 12 2024

OWRD

**For Place of Use or Character of Use Changes**

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

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



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

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

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

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

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

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

Well log(s) are attached for each authorized and proposed well(s) that are clearly labeled and associated with the corresponding well(s) in Table 1 above and on the accompanying application map.

**Tip:** You may search for well logs on the Department's web page at:

[http://apps.wrd.state.or.us/apps/gw/well\\_log/Default.aspx](http://apps.wrd.state.or.us/apps/gw/well_log/Default.aspx)

**AND/OR**

Describe the construction of the authorized and proposed well(s) in Table 3 for any wells that do not have a well log. For *proposed wells not yet constructed or built*, provide "a best estimate" for each requested information element in the table. The Department recommends you consult a licensed well driller, geologist, or certified water right examiner to assist with assembling the information necessary to complete Table 3.

**Table 3. Construction of Point(s) of Appropriation**

Any well(s) in this listing must be clearly tied to corresponding well(s) described in Table 1 and shown on the accompanying application map. Failure to provide the information will delay the processing of your transfer application until it is received. The information is necessary for the department to assess whether the proposed well(s) will access the same source aquifer as the authorized point(s) of appropriation (POA). The Department is prohibited by law from approving POA changes that do not access the same source aquifer.

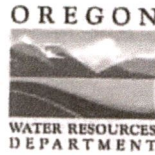
Proposed or Authorized POA Name or Number	Is well already built? (Yes or No)	If an existing well: OWRD Well ID Tag No. L-____	Total well depth	Casing Diameter	Casing Intervals (feet)	Seal depth(s) (intervals)	Perforated or screened intervals (in feet)	Static water level of completed well (in feet)	Source aquifer (sand, gravel, basalt, etc.)	Well -specific rate (cfs or gpm). If less than full rate of water right

Received  
MAY 08 2024  
OWRD

Received  
APR 12 2024  
OWRD

# Land Use Information Form OWRD

Received  
MAY 08 2024



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

NAME TYLER ROLEN RSF ENTERPRISES LLC		PHONE 541.659.3999	
MAILING ADDRESS 3375 LITTLE APPLGATE RD			
CITY JACKSONVILLE	STATE OR	ZIP 97530	EMAIL ROLENSTONEFARMS@GMAIL.COM

## 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:
39S	3W	24	NENE	100 101 500	RR5 RR5 EFU	<input type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	IRRIG
39S	3W	24	SENE	500	EFU	<input type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	IRRIG
39S	3W	24	NENE	400	EFU	<input checked="" type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input type="checkbox"/> Used	IRRIG
39S	2W	19	NWN W	702	RR5	<input checked="" type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input type="checkbox"/> Used	IRRIG

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

JACKSON

**NOTE:** A separate Land Use Information Form must be completed and submitted for each county and city, as applicable.

## B. Description of Proposed Use

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

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

Source of water:   
 Reservoir/Pond   
 Ground Water   
 Surface Water (name) LITTLE APPLGATE RIVER

Estimated quantity of water needed: 0.64   
 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:

FILING FOR ADDITIONAL POINT OF DIVERSION FROM LITTLE APPLGATE RIVER FOR WATER RIGHTS APPURTENANT TO RSF ENTERPRISES LLC. POINT OF DIVERSION TBD BAED ON OWRD FINDINGS

**Note to applicant:** For new water right applications only, if the Land Use Information Form cannot be completed while you wait, please have a local government representative sign the receipt on the bottom of page 4 and include it with the application filed with the Oregon Water Resources Department.

Received

APR 12 2024

## 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 use(s), 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 use(s), 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:	
Land Use Authorization	4.2-1, 6.2-1	<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input checked="" 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 Oregon Water Resources Department regarding this proposed use of water in the box below or on a separate sheet.

Name: Francisco Hernandez Title: Planner III  
 Signature: [Signature] Date: 04.01.2024  
 Governmental Entity: Jackson County Development Services Phone: 541.774.6907

**Receipt Acknowledging Request for Land Use Information**

**Note to Local Government Representative:**  
 Please complete this form and return it to the applicant. **For new water right applications only**, if you are unable to complete this form while the applicant waits, you may complete this receipt and return it to the applicant. If you sign the receipt, you will have 30 days from the date of OWRD's Public Notice of the application to submit the completed Land Use Information Form to Oregon Water Resources Department. Please note while OWRD can accept a signed receipt as part of intake for an application for a new permit to use or store water, a completed Land Use Information Form is required for all other applications.

Applicant Name: \_\_\_\_\_

Staff Name: \_\_\_\_\_ Title: \_\_\_\_\_

Staff Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Governmental Entity: \_\_\_\_\_ Phone: \_\_\_\_\_

Received

MAY 08 2024

OWRD

14456 -

# Application for Water Right Transfer

## Evidence of Use Affidavit



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

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

State of Oregon )  
 ) ss  
 County of JACKSON)

I, TYLER ROLEN, in my capacity as OWNER,  
 mailing address 3375 LITTLE APPLGATE ROAD JACKSONVILLE, OR 97530  
 telephone number (541)531.9597, being first duly sworn depose and say:

Received  
 MAY 08 2024  
 OWRD

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

- Personal observation                       Professional expertise

2. I attest that:

Water was used during the previous five years on the **entire** place of use for Certificate # \_\_\_\_\_; **OR**

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

Certificate #	Township	Range	Mer	Sec	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: IL-1686 AND IL-1687 (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)

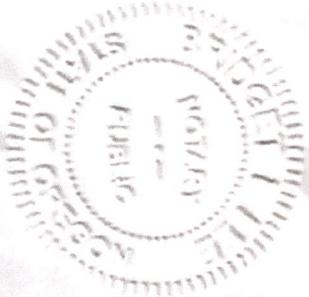
3. The water right was used for: (e.g., crops, pasture, etc.): INSTREAM LEASE

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

4/24/24  
Date

Signed and sworn to (or affirmed) before me this 24 day of 04, 2024.



Bridget L Lee  
Notary Public for Oregon

My Commission Expires: 5/3/25

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 type="checkbox"/> Aerial photos containing sufficient detail to establish location and date of photograph	<p>Multiple photos can be submitted to resolve different areas of a water right. If the photograph does not print with a "date stamp" or without the source being identified, the date of the photograph and source should be added.</p> <p>Sources for aerial photos: OSU – <a href="http://www.oregonexplorer.info/imagery">www.oregonexplorer.info/imagery</a> OWRD – <a href="http://www.wrd.state.or.us">www.wrd.state.or.us</a> Google Earth – <a href="http://earth.google.com">earth.google.com</a> TerraServer – <a href="http://www.terraserver.com">www.terraserver.com</a></p>
<input checked="" type="checkbox"/> Approved Lease establishing beneficial use within the last 5 years	Copy of instream lease or lease number

Received

MAY 08 2024



**BEFORE THE WATER RESOURCES DEPARTMENT  
OF THE  
STATE OF OREGON**

In the Matter of Instream Lease Application ) DETERMINATION and  
IL-1686, Jackson County ) FINAL ORDER ON PROPOSED  
) INSTREAM LEASE

**Authority**

Oregon Revised Statute (ORS) 537.348 establishes the process in which a water right holder may submit a request to lease an existing water right for instream purposes. Oregon Administrative Rule (OAR) Chapter 690, Division 077 implements the statutes and provides the Department's procedures and criteria for evaluating instream lease applications.

**Lessor**

Oak Primary Group, LLC  
4001 Little Applegate Rd  
Jacksonville, OR 97530

Received  
MAY 08 2024

**Findings of Fact**

OWRD

1. On May 14, 2018, Oak Primary Group, LLC, filed an application to lease a portion of Certificates 38957 and 48963 for instream use. The Department assigned the application number IL-1686.

2. The portion of the right to be leased is as follows:

**Certificate:** 38957 in the name of E.E. Sharp & John W. Eek  
(perfected under S-29734)  
**Use:** Irrigation of 13.42 acres  
**Priority Date:** June 11, 1964  
**Quantity:** **Rate:** 0.336 Cubic Foot per Second (CFS)  
**Volume:** 60.39 Acre-Feet (AF)  
**Limit:** One-Fortieth CFS per acre, not to exceed 4.5 AF per acre per year  
**Source:** Little Applegate River, a tributary of Applegate River

**Authorized Point of Diversion (POD):**

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
39 S	2 W	WM	29	NE NW	680 FEET SOUTH AND 9 FEET WEST FROM THE N1/4 CORNER OF SECTION 29

**Authorized Place of Use:**

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
39 S	3 W	WM	24	NE NE	12.92
39 S	3 W	WM	24	SE NE	0.50
Total Acres					13.42

Received  
APR 12 2024  
OWRD

This is a final order in other than contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60 day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-0080 you may either petition for judicial review or petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied.

- Certificate 38957 does not specify the irrigation season. However, the Rogue River Decree establishes the irrigation season for the area as April 1 through October 1.
- The portion of the right to be leased is as follows:

**Certificate:** 48963 in the name of Stella and Emerson Merrick, et al  
(confirmed by decree of the Circuit Court of the State of Oregon for Jackson County. The decree is of record at Salem, in the Order Record of the Water Resources Director in Volume 4, at Page 1)

**Use:** Irrigation of 5.90 acres

**Priority Date:** 1902

**Quantity:** **Rate:** 0.148 Cubic Foot per Second (CFS)  
**Volume:** 26.55 Acre-Feet (AF)  
**Limit:** limited to an amount actually beneficially used for said purposes, and shall not exceed 0.557 cubic foot per second.

**Source:** Little Applegate River, a tributary of Applegate River

**Authorized Point of Diversion (POD):**

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
39 S	2 W	WM	29	NE NW	680 FEET SOUTH AND 9 FEET WEST FROM THE N1/4 CORNER OF SECTION 29

**Authorized Place of Use:**

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
39 S	3 W	WM	24	NE NE	2.40
39 S	3 W	WM	24	SE NE	3.50
Total Acres					5.90

Received  
MAY 08 2024  
OWRD

- Certificate 48963 does not specify the irrigation season. However, the Rogue River Decree establishes the irrigation season for the area as April 1 through October 1.
- Certificate 48963 does not specify duty limit per acre. However, Permits issued in the area specify the duty limit as 4.5 acre feet.
- The lease application includes the information required under OAR 690-077-0076(3). The Department provided notice of the lease application pursuant to OAR 690-077-0077(1). Fifteen comments were received on June 11, 2018, within the 21 day comment period, expressing concern with the validity of water right Certificates 38957 and 48963 and whether the water right has been exercised within the last five years from upper Phillips ditch.
- On May 16, 2018, the Watermaster completed a review of IL-1686 and has determined that diversion of the full rate has been measured at the point of diversion in recent years.
- The instream use is as follows:  
Little Applegate River, a tributary of Applegate River

Received  
APR 12 2024  
OWRD

**Instream Point:** At the POD (as described in Finding of Fact No. 2 and 4)

Certificate	Priority Date	Instream Rate (CFS)	Instream Volume (AF)	Period Protected Instream
38957	6/11/1964	0.336	60.39	April 1 through October 1
48963	1902	0.148	26.55	
Totals		0.484	86.94	

10. The amount and timing of the proposed instream flow is allowable within the limits and use of the original water right.
11. The protection of flows at the authorized point of diversion is appropriate, considering:
  - a. The instream water use begins at the recorded point of diversion;
  - b. The location of confluences with other streams downstream of the point of diversion.
  - c. There are no known areas of natural loss of streamflow to the river bed downstream from the point of diversion; and
  - d. Any return flows resulting from the exercise of the existing water right would re-enter the river downstream of the point of the instream water right.
12. The total monthly quantities of water to be protected under the existing and proposed instream rights at the point will provide for a beneficial purpose.
13. The Department has determined that the estimated average natural flows may be exceeded due to the following:
  - a) There is an existing state agency established instream water right certificate (Certificate 45996) within the same reach or portion of the reach to be established by the proposed instream lease. In addition, the quantities to be protected instream will not exceed the amounts requested in the original instream water right application (IS-70982) filed by the Oregon Department of Fish and Wildlife; and
  - b) The water right proposed to be leased is in an Oregon Department of Fish and Wildlife flow restoration priority watershed.
14. If approved, this instream lease is not reasonably expected to significantly affect land use as prescribed by ORS 197.180, OAR Chapter 660, Divisions 30 and 31, and OAR Chapter 690, Division 5.
15. The instream right established by this instream lease shall replace a portion of instream water rights established pursuant to ORS 537.341 or 537.346
16. Based upon review of the application, comments received, information provided by the Department's Watermaster, and other available information, the Department finds that the lease will not result in injury or enlargement. The order approving this instream lease may be modified or revoked under OAR 690-077-0077 if the Department later finds that the lease is causing injury to any existing water right or enlargement of the original right.
17. If a right which has been leased is later proposed to be leased again, transferred and/or reviewed under an allocation of conserved water, a new injury review shall be required. For example, instream transfers will be subject to a full and complete review to determine consistency with the requirements of OAR Chapter 690, Division 380 and Division 077. Approval of this lease does not establish a precedent for approval of any future transactions.

Received

APR 12 2024

Received

MAY 08 2024

14456 - OWRD

18. The Lessor has requested that the lease terminate on October of 2023; however, an instream lease can only be active in five year increments. The lease will terminate on October 1, 2022. The lease may commence on the date this final order is signed.

19. The Lessor has requested the option of terminating the lease early with written notice to the Department.

**Conclusions of Law**

The Department concludes that the lease will not result in injury or enlargement, OAR 690-077-0077. The lease conforms to the applicable provisions of OAR 690-077-0015.

**Now, therefore it is ORDERED:**

1. The Lease as described herein is APPROVED.
2. During each year of the term of the lease, the former place of use will no longer receive water as part of these rights, any supplemental rights, or any other layered irrigation water rights, including ground water registrations and permits.
3. The term of the lease will commence upon approval of the instream lease and terminate on October 1, 2022. For multiyear leases, the lessor *shall* have the option of terminating the lease any time each year with written notice to the Department. However, if the termination request is received less than 30-days prior to the instream use period (April 1 through October 1) or after the water rights' original period of allowed use has begun, the Department may issue an order terminating the lease but use of water may not be allowed until the following calendar year, unless the Director determines that enlargement would not occur.

Dated at Salem, Oregon this day JUN 29 2018.

  
 \_\_\_\_\_  
 Dwight French, Water Right Services Division Administrator, for  
 Thomas M. Byler, Director, Oregon Water Resources Department

**Received**  
 MAY 08 2024  
 OWRD

*This document was prepared by Arla Heard and if you have any questions, please call 503-986-0806.*

Mailing date: JUL 02 2018

**Received**  
 APR 12 2024  
 OWRD

**BEFORE THE WATER RESOURCES DEPARTMENT  
OF THE  
STATE OF OREGON**

In the Matter of Instream Lease Application ) DETERMINATION and  
IL-1687, Jackson County ) FINAL ORDER ON PROPOSED  
 ) INSTREAM LEASE

**Authority**

Oregon Revised Statute (ORS) 537.348 establishes the process in which a water right holder may submit a request to lease an existing water right for instream purposes. Oregon Administrative Rule (OAR) Chapter 690, Division 077 implements the statutes and provides the Department's procedures and criteria for evaluating instream lease applications.

**Lessor**

Forest Stroud  
4001 Little Applegate Rd  
Jacksonville, OR 97530

Received  
MAY 08 2024  
OWRD

**Findings of Fact**

1. On May 14, 2018, Forest Stroud filed an application to lease a portion of Certificate 38957 for instream use. The Department assigned the application number IL-1687.
2. The portion of the right to be leased is as follows:

**Certificate:** 38957 in the name of E.E. Sharp & John W. Eek  
(perfected under S-29734)  
**Use:** Irrigation of 1.62 acres  
**Priority Date:** June 11, 1964  
**Quantity:** **Rate:** 0.041 Cubic Foot per Second (CFS)  
**Volume:** 7.29 Acre-Feet (AF)  
**Limit:** One-Fortieth CFS per acre, not to exceed 4.5 AF per acre per year  
**Source:** Little Applegate River, a tributary of Applegate River

**Authorized Point of Diversion (POD):**

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
39 S	2 W	WM	29	NE NW	680 FEET SOUTH AND 9 FEET WEST FROM THE N1/4 CORNER OF SECTION 29

Received  
APR 12 2024  
OWRD

This is a final order in other than contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60 day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-0080 you may either petition for judicial review or petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied.

**Authorized Place of Use:**

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
39 S	3 W	WM	24	NE NE	1.62

3. Certificate 38957 does not specify the irrigation season. However, the Rogue River Decree establishes the irrigation season for the area as April 1 through October 1.
4. The lease application includes the information required under OAR 690-077-0076(3). The Department provided notice of the lease application pursuant to OAR 690-077-0077(1). Fifteen comments were received on June 11, 2018, within the 21 day comment period, expressing concern with the validity of water right Certificate 38957 and whether the water right has been exercised within the last five years from upper Phillips ditch.
5. On May 23, 2018, the Watermaster completed a review of IL-1687 and has determined that diversion of the full rate has been measured at the point of diversion in recent years.
6. The instream use is as follows:  
Little Applegate River, a tributary of Applegate River

**Instream Point:** At the POD (as described in Finding of Fact No. 2)

Certificate	Priority Date	Instream Rate (CFS)	Instream Volume (AF)	Period Protected Instream
38957	6/11/1964	0.02	7.29	April 1 through October 1

7. The amount and timing of the proposed instream flow is allowable within the limits and use of the original water right.
8. The protection of flows at the authorized point of diversion is appropriate, considering:
  - a. The instream water use begins at the recorded point of diversion;
  - b. The location of confluences with other streams downstream of the point of diversion.
  - c. There are no known areas of natural loss of streamflow to the river bed downstream from the point of diversion; and
  - d. Any return flows resulting from the exercise of the existing water right would re-enter the river downstream of the point of the instream water right.
9. The total monthly quantities of water to be protected under the existing and proposed instream rights at the point will provide for a beneficial purpose.

Received  
MAY 08 2024  
OWRD

Received  
APR 12 2024  
OWRD

10. The Department has determined that the estimated average natural flows may be exceeded due to the following:
  - a) There is an existing state agency established instream water right certificate (Certificate 75996) within the same reach or portion of the reach to be established by the proposed instream lease. In addition, the quantities to be protected instream will not exceed the amounts requested in the original instream water right application (IS-70982) filed by the Oregon Department of Fish and Wildlife; and
  - b) The water right proposed to be leased is in an Oregon Department of Fish and Wildlife flow restoration priority watershed.
11. If approved, this instream lease is not reasonably expected to significantly affect land use as prescribed by ORS 197.180, OAR Chapter 660, Divisions 30 and 31, and OAR Chapter 690, Division 5.
12. The instream right established by this instream lease shall replace a portion of instream water rights established pursuant to ORS 537.341 or 537.346
13. Based upon review of the application, comments received, information provided by the Department's Watermaster, and other available information, the Department finds that the lease will not result in injury or enlargement. The order approving this instream lease may be modified or revoked under OAR 690-077-0077 if the Department later finds that the lease is causing injury to any existing water right or enlargement of the original right.
14. If a right which has been leased is later proposed to be leased again, transferred and/or reviewed under an allocation of conserved water, a new injury review shall be required. For example, instream transfers will be subject to a full and complete review to determine consistency with the requirements of OAR Chapter 690, Division 380 and Division 077. Approval of this lease does not establish a precedent for approval of any future transactions.
15. The Lessor has requested that the lease terminate on October 1 of 2022. The lease may commence on the date this final order is signed.
16. The Lessor has requested the option of terminating the lease early with written notice to the Department.

**Conclusions of Law**

The Department concludes that the lease will not result in injury or enlargement, OAR 690-077-0077. The lease conforms to the applicable provisions of OAR 690-077-0015.

**Now, therefore it is ORDERED:**

1. The Lease as described herein is APPROVED.
2. During each year of the term of the lease, the former place of use will no longer receive water as part of these rights, any supplemental rights, or any other layered irrigation water rights, including ground water registrations and permits.

Received

MAY 08 2024

OWRD

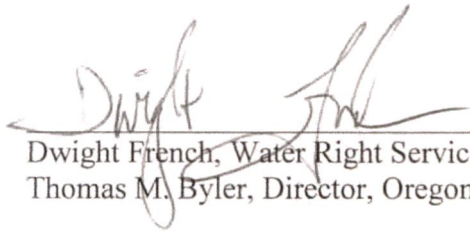
Received

APR 12 2024

OWRD

3. The term of the lease will commence upon approval of the instream lease and terminate on October 1, 2022. For multiyear leases, the lessor *shall* have the option of terminating the lease any time each year with written notice to the Department. However, if the termination request is received less than 30-days prior to the instream use period (April 1 through October 1) or after the water rights' original period of allowed use has begun, the Department may issue an order terminating the lease but use of water may not be allowed until the following calendar year, unless the Director determines that enlargement would not occur.

Dated at Salem, Oregon this day JUN 22 2018



Dwight French, Water Right Services Division Administrator, for  
Thomas M. Byler, Director, Oregon Water Resources Department

Mailing date: JUN 25 2018

*This document was prepared by  
Jessica Joye and if you have any  
questions, please call 503-986-0814.*

Received  
MAY 08 2024

OWRD

Received  
APR 12 2024

OWRD