

T-13862

Historic

T-13862

Name Gary & Jessica SteinAddress PO Box 798  
Gold Hill Oregon 97525Change in PODDate Filed 11/3/2021Initial notice date 11/10/2021

DPD issued date

PD issued date

PD notice date

Date of FO 5/30/2023 Vol 128 Page 423-424

C-Date

COBU due date

COBU Received date

Certificate issued

## DESCRIPTION OF WATER RIGHT(s)

Name of Stream Rogue riverTrib. of Pacific OceanUse Irrigation County Jackson

Quantity of water (CFS) No. of Acres

Name of ditch

App# 523502 Per # 518531 Cert # 684109 PR Date 10/28/2018

App# Per # Cert # PR Date

App# Per # Cert # PR Date

App# Per # Cert # PR Date

App# Per # Cert # PR Date

## FEES PAID

Date	Amount	Receipt #
<u>11-3-2021</u>	<u>\$1360.00</u>	<u>136156</u>

## FEES REFUNDED

Date	Amount	Receipt #
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Assignments:

Irrigation District

Agent

CWRE

CC's list Jackson county☐ - Oversized map - Location



# WATER RIGHT TRANSFER COVER SHEET

Transfer: T- 13862

Transfer Specialist:

Transfer Type: Historic POD Transfer

*Corey*

<b>Applicant:</b> GARY & JESSICA STEIN PO BOX 798 GOLD HILL, OR 97525 Email: _____ Phone: _____		<b>Agent:</b> <input type="checkbox"/> N/A UNAVAILABLE Email: _____ Phone: _____	
<b>Irrigation District:</b> <input type="checkbox"/> N/A Email: _____		<b>CWRE:</b> <input type="checkbox"/> N/A Email: _____	
<b>Affected Local Gov'ts:</b> <input type="checkbox"/> N/A Jackson County Planning & Development County Courthouse Email: _____		<b>Affected Tribal Gov't:</b> <input type="checkbox"/> N/A UNAVAILABLE Email: _____	
<b>Current Landowner if other than Applicant:</b> <input type="checkbox"/> N/A Email: _____		<b>Receiving Landowner:</b> <input type="checkbox"/> N/A Email: _____	

## Water Rights Affected

File Marked	App. File # or Decree Name	Permit	Certificate	RR/CR Needed	RR/CR Nos.
<input type="checkbox"/>	S23502	S18531	68469	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>				<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>				<input type="checkbox"/> Yes <input type="checkbox"/> No	

## Key Dates & Initial Actions:

Rec'd: November 3, 2021	Proposed Action(s): POINT OF DIVERSION	
Fees Pd: 1360.00	WM District: 13	ODFW District:
Initial Public Notice: November 16, 2021	WM Review sent:	ODFW Review sent:
Acknowledgement Letter Sent <input checked="" type="checkbox"/>		GW Review sent: <input type="checkbox"/> N/A
County sent cc: of Ack Letter <input type="checkbox"/>	BOR notified (date): <input type="checkbox"/> N/A	
Newspaper quote requested:	Request for news \$ sent:	News \$ received:
Request to publish sent:	Affidavit of publication received:	Last day of publication:

Document	Drafted	Peer Review	Changes Made	Coordinator	Changes Made	Signature Bin	Signature Date
DPD	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____ Initials: _____	CW Sent: _____	N/A
PD	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____	Date: _____
FO	Date: 2/3/23 Initials: cc	Date: 3/9/23 Initials: AED	Date: _____ Initials: _____	Date: 3/20/23 Initials: PKs	Date: 3/24/23 Initials: ce	Date: 5/19/23	Date: 5/31/2023 FPO

Special Issues: \_\_\_\_\_

Special Order Volume: Vol. \_\_\_\_\_ Pages \_\_\_\_\_



BEFORE THE WATER RESOURCES DEPARTMENT  
OF THE  
STATE OF OREGON

In the Matter of Transfer Application	)	FINAL ORDER APPROVING A CHANGE IN
T-13862, Jackson County	)	POINT OF DIVERSION TO REFLECT HISTORIC
	)	USE

**Authority**

ORS 540.532 establishes the process in which a water right holder may submit a request for a change in point of diversion to reflect historical use under an existing water right. OAR Chapter 690-380-2120 implements the statute and provides the Department's procedures and criteria for evaluating historic point of diversion/appropriation transfer applications.

**Applicant**

GARY R. AND JESSICA STEIN  
PO BOX 798  
GOLD HILL, OR 97525

**Findings of Fact**

1. On November 3, 2021, GARY R. AND JESSICA STEIN filed a transfer application for authorization of an historic point of diversion under Certificate 68469. The Department assigned the application number T-13862.
2. Notice of the application for transfer was published on November 16, 2021, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. On February 10, 2023, the Department contacted the applicant by written correspondence to notify the applicant of a deficiency in the application. The application map did not identify the entirety of the portion of the right, not involved in the proposed transfer. Pursuant to OAR 690-380-3100(2)(f), the map shall include the location of any part of the right not involved in the proposed transfer. For transfers involving less than 67 percent of the entire place of use of the right, the map shall include at least the location of the portions of the right not involved in the proposed transfer which are included in the same quarter-quarter sections as the proposed transfer. The Department requested that the

This is a final order in other than a 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 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.



deficiencies be resolved by April 12, 2023. The applicants' agent submitted a revised map the same day.

4. The portion of the right to be transferred is as follows:

**Certificate:** 68469 in the name of GENERAL DEVELOPMENT COMPANY (perfected under Permit S-18531)  
**Use:** IRRIGATION OF 1.85 ACRES  
**Priority Date:** OCTOBER 28, 1948  
**Rate:** 0.012 CUBIC FOOT PER SECOND  
**Limit/Duty:** The amount of water used for irrigation together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second (or its equivalent) and 4.5 acre-feet for each acre irrigated during the irrigation season of each year FROM APRIL 2 TO OCTOBER 31 OF EACH YEAR.  
**Period of Use:** APRIL 2 TO OCTOBER 31  
**Source:** THE ROGUE RIVER, a tributary of THE PACIFIC OCEAN

**Authorized Point of Diversion:**

Twp	Rng	Mer	Sec	Q-Q	GLot	Measured Distances
36 S	3 W	WM	13	SW NE	2	POD 1 - 1550 FEET SOUTH AND 2340 FEET WEST FROM THE NE CORNER OF SECTION 13

**Authorized Place of Use:**

IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	GLot	DLC	Acres
36 S	3 W	WM	13	NW NE		13	0.03
36 S	3 W	WM	13	NE NW	1		1.82
						Total	1.85

5. Transfer Application T-13862 proposes to move the authorized point of diversion approximately 1,085 feet downstream to reflect historical use to:

Twp	Rng	Mer	Sec	Q-Q	GLot	Measured Distances
36 S	3 W	WM	13	NE NW	1	POD 2 - 800 FEET SOUTH AND 3125 FEET WEST FROM THE NE CORNER OF SECTION 13

6. The Oregon Department of Fish and Wildlife (ODFW) has determined that a fish screening and/or by-pass device is necessary at the new point of diversion to prevent fish from entering the diversion and/or safely transport fish back to the body of water from which the fish were diverted and that the diversion is not currently equipped with an appropriate fish screening and/or by-pass device. This diversion may be eligible for screening cost share funds.



***Transfer Review Criteria (ORS 540.532 and OAR 690-380-2120)***

7. Pursuant to OAR 690-380-2120(2)(a), evidence has been submitted that the actual, current point of diversion for the water right in question, as described in Finding No. 6, has been in use for more than 10 years.
8. Pursuant to OAR 690-380-2120(2)(c), the Watermaster provided a statement that to his knowledge there has been no complaint of injury due to the use of water at the actual, current point of diversion, prior to the transfer request.
9. Pursuant to OAR 690-380-2120(3), the Department provided the applicant a list of the affected water rights and a copy of the notice to be provided to each affected water right holder. The applicant has provided written proof of service of notice of the proposed transfer on all affected water right holders.
10. Water has been used within the last five years according to the terms and conditions of the right. There is no evidence available that would demonstrate that the right is subject to forfeiture under ORS 540.610.
11. A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing right are present.
12. The proposed change would not result in enlargement of the right.
13. The proposed change would not result in injury to other water rights.

**Conclusions of Law**

The proposed change in point of diversion to reflect historical use in application T-13862 is consistent with the requirements of ORS 540.532, and OAR 690-380-2120.

**Now, therefore, it is ORDERED:**

1. The change proposed in T-13862 is approved and effective immediately.
2. The right to the use of the water is restricted to beneficial use at the place of use described, and is subject to all other conditions and limitations contained in Certificate 68469 and any related decree.
3. Water right Certificate 68469 is cancelled. Certificate 97007 will be issued to describe the change in point of diversion for the portion of the right included in T-13862. Certificate 97008 shall be issued to describe the portion of Certificate 68469 not modified by this order. Together, Certificates 97007 and 97008 shall supersede Certificate 68469.
4. The quantity of water diverted at the new point of diversion (POD 2) shall not exceed the quantity of water lawfully available at the original point of diversion (POD 1).

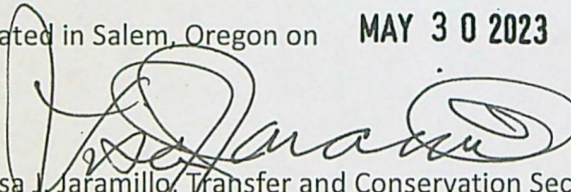


5. Water use measurement conditions:

- a. Before water use may begin under this order, the water user shall install a totalizing flow meter, or, with prior approval of the Director, another suitable measuring device, at each point of diversion (new and existing).
- b. The water user shall maintain the meters or measuring devices in good working order.
- c. The water user shall allow the Watermaster access to the meters or measuring devices; provided however, where the meters or measuring devices are located within a private structure, the Watermaster shall request access upon reasonable notice.

6. Prior to October 1, 2024, the water user shall install a fish screening and/or by-pass device, as appropriate, at the new point of diversion consistent with the Oregon Department of Fish and Wildlife's (ODFW) design and construction standards. Prior to installation, the water user shall obtain written approval from ODFW that the required screen and/or by-pass device meets ODFW's criteria. Prior to submitting a Claim of Beneficial Use, the water user must obtain written approval from ODFW that the required screening and/or by-pass device was installed to the state's criteria. The water user shall maintain and operate the fish screen and/or by-pass device, as appropriate, at the point of diversion consistent with ODFW's operational and maintenance standards.

Dated in Salem, Oregon on **MAY 30 2023**

  
Lisa J. Jaramillo, Transfer and Conservation Section Manager, for  
DOUGLAS E. WOODCOCK, ACTING DIRECTOR  
Oregon Water Resources Department

Mailing date: **MAY 31 2023**





# Oregon

Tina Kotek, Governor

## Water Resources Department

North Mall Office Building

725 Summer St NE, Suite A

Salem, OR 97301

Phone 503 986-0900

Fax 503 986-0904

May 31, 2023

GARY & JESSICA STEIN  
PO BOX 798  
GOLD HILL, OR 97525

REFERENCE: Transfer Application T-13862

Enclosed is a copy of the final order approving your water right transfer application.

Also enclosed is a certificate issued to confirm the historic change in point of diversion approved by the final order contained herein. Please read this document carefully and abide by the requirements.

If you have any questions related to the approval of this transfer, you may contact your caseworker, Corey Courchane, by telephone at (503) 979-3511 or by e-mail at [Corey.A.Courchane@water.oregon.gov](mailto:Corey.A.Courchane@water.oregon.gov).

Sincerely,

Flor Pena  
Water Right Services Support  
Transfers and Conservation Section

cc: Shavon L. Haynes, Watermaster Dist. # 13 (via email)  
Jackson county

Enclosures



## STATE OF OREGON

## COUNTY OF JACKSON

## CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

GARY R. AND JESSICA STEIN  
PO BOX 798  
GOLD HILL, OR 97525-0798

confirms the right to use the waters of THE ROGUE RIVER, a tributary of THE PACIFIC OCEAN for IRRIGATION of 1.85 ACRES.

This right was perfected under Permit S-18531. The date of priority is OCTOBER 28, 1948. The right is limited to 0.012 CUBIC FOOT PER SECOND or its equivalent in case of rotation, measured at the point of diversion from the source.

The point of diversion is located as follows:

TwP	Rng	Mer	Sec	Q-Q	GLot	Measured Distances
36 S	3 W	WM	13	NE NW	1	POD 2 - 800 FEET SOUTH AND 3125 FEET WEST FROM THE NE CORNER OF SECTION 13

The amount of water used for irrigation together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second (or its equivalent) and 4.5 acre-feet for each acre irrigated during the irrigation season of each year FROM APRIL 2 TO OCTOBER 31 OF EACH YEAR.

The use shall conform to such reasonable rotation system as may be ordered by the proper state officer.

A description of the place of use to which this right is appurtenant is as follows:

IRRIGATION						
TwP	Rng	Mer	Sec	Q-Q	GLot	Acres
36 S	3 W	WM	13	NW NE		0.03
36 S	3 W	WM	13	NE NW	1	1.82
Total						1.85

This is a final order in other than a 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 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.



Water use measurement conditions:

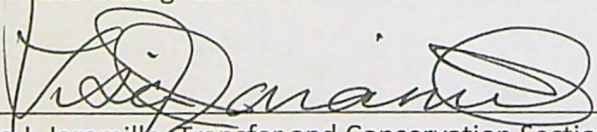
- a. Before water use may begin under this order, the water user shall install a totalizing flow meter, or, with prior approval of the Director, another suitable measuring device, at each point of diversion (new and existing).
- b. The water user shall maintain the meters or measuring devices in good working order.
- c. The water user shall allow the Watermaster access to the meters or measuring devices; provided however, where the meters or measuring devices are located within a private structure, the Watermaster shall request access upon reasonable notice.

Prior to October 1, 2024, the water user shall install a fish screening and/or by-pass device, as appropriate, at the new point of diversion consistent with the Oregon Department of Fish and Wildlife's (ODFW) design and construction standards. Prior to installation, the water user shall obtain written approval from ODFW that the required screen and/or by-pass device meets ODFW's criteria. Prior to submitting a Claim of Beneficial Use, the water user must obtain written approval from ODFW that the required screening and/or by-pass device was installed to the state's criteria. The water user shall maintain and operate the fish screen and/or by-pass device, as appropriate, at the point of diversion consistent with ODFW's operational and maintenance standards.

This certificate is issued to confirm an HISTORIC CHANGE IN POINT OF DIVERSION approved by an order of the Water Resources Director entered MAY 30 2023, approving Transfer Application T- 13862, and supersedes Certificate 68469, State Record of Water Right Certificates.

The right to the use of the water for the above purpose is restricted to beneficial use on the lands or place of use described. The use confirmed herein may be made only at times when sufficient water is available to satisfy all prior rights, including rights for maintaining instream flows.

WITNESS the signature of the Water Resources Director, affixed MAY 30 2023.

  
\_\_\_\_\_  
Lisa J. Jaramillo, Transfer and Conservation Section Manager, for  
DOUGLAS E. WOODCOCK, ACTING DIRECTOR  
Oregon Water Resources Department



## STATE OF OREGON

## COUNTY OF JACKSON

## CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

GENERAL DEVELOPMENT COMPANY

P. O. BOX 488

MEDFORD, OR 97501

confirms the right to use the waters of THE ROGUE RIVER, a tributary of THE PACIFIC OCEAN for IRRIGATION of 54.4 ACRES.

This right was perfected under Permit S-18531. The date of priority is OCTOBER 28, 1948. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 0.342 CUBIC FOOT PER SECOND or its equivalent in case of rotation, measured at the point of diversion from the source.

The point of diversion is located as follows:

Twp	Rng	Mer	Sec	Q-Q	GLot	Measured Distances
36 S	3 W	WM	13	SW NE	2	1550 FEET SOUTH AND 2340 FEET WEST FROM THE NE CORNER OF SECTION 13

The amount of water used for irrigation together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second (or its equivalent) and 4.5 acre-feet for each acre irrigated during the irrigation season FROM APRIL 2 TO OCTOBER 31 OF EACH YEAR.

The use shall conform to such reasonable rotation system as may be ordered by the proper state officer.

A description of the place of use to which this right is appurtenant is as follows:

IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	GLot	DLC	Acres
36 S	3 W	WM	12	SE SW	4		6.70
36 S	3 W	WM	12	SW SE	4		6.20
36 S	3 W	WM	13	NE NE		13	0.20
36 S	3 W	WM	13	NW NE		13	26.17
36 S	3 W	WM	13	SW NE	2		7.40
36 S	3 W	WM	13	NE NW	1		7.73
						Total	54.4

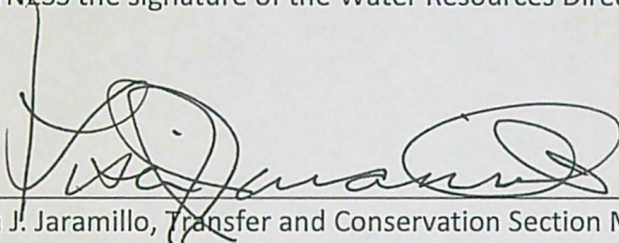


This certificate describes that portion of water right Certificate 68469, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered MAY 30 2023, approving Transfer Application T-13862.

The issuance of this superseding certificate does not confirm the status of the water right in regard to the provisions of ORS 540.610 pertaining to forfeiture or abandonment.

The right to the use of the water for the above purpose is restricted to beneficial use on the lands or place of use described. The use confirmed herein may be made only at times when sufficient water is available to satisfy all prior rights, including rights for maintaining instream flows.

WITNESS the signature of the Water Resources Director, affixed MAY 30 2023.

A handwritten signature in black ink, appearing to read "Lisa J. Jaramillo", is written over a horizontal line.

Lisa J. Jaramillo, Transfer and Conservation Section Manager, for  
DOUGLAS E. WOODCOCK, ACTING DIRECTOR  
Oregon Water Resources Department



In the Matter of Transfer Application ) FINAL ORDER APPROVING A CHANGE IN  
T-13862, JACKSON County ) POINT OF DIVERSION TO REFLECT HISTORIC  
 ) USE

## 127



deficiencies be resolved by April 12, 2023. The applicants' agent submitted a revised map the same day.

4. The portion of the right to be transferred is as follows:

**Certificate:** 68469 in the name of GENERAL DEVELOPMENT COMPANY (perfected under Permit S-18531)  
**Use:** IRRIGATION OF 1.85 ACRES  
**Priority Date:** OCTOBER 28, 1948  
**Rate:** 0.012 CUBIC FOOT PER SECOND  
**Limit/Duty:** The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second (or its equivalent) and 4.5 acre-feet for each acre irrigated during the irrigation season of each year FROM APRIL 2 TO OCTOBER 31 OF EACH YEAR.  
**Period of Use:** APRIL 2 TO OCTOBER 31  
**Source:** THE ROGUE RIVER, a tributary of THE PACIFIC OCEAN

**Authorized Point of Diversion:**

Twp	Rng	Mer	Sec	Q-Q	GLot	Measured Distances
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**Authorized Place of Use:**

IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	GLot	DLC	Acres
36 S	3 W	WM	13	NW NE		13	0.03
36 S	3 W	WM	13	NE NW	1		1.82
Total							1.85

5. Transfer Application T-13862 proposes to move the authorized point of diversion approximately 1,085 feet downstream to reflect historical use to:

Twp	Rng	Mer	Sec	Q-Q	GLot	Measured Distances
36 S	3 W	WM	13	NE NW	1	POD 2 - 800 FEET SOUTH AND 3125 FEET WEST FROM THE NE CORNER OF SECTION 13

6. The Oregon Department of Fish and Wildlife (ODFW) has determined that a fish screening and/or by-pass device is necessary at the new point of diversion to prevent fish from entering the diversion and/or safely transport fish back to the body of water from which the fish were diverted and that the diversion is not currently equipped with an appropriate fish screening and/or by-pass device. This diversion may be eligible for screening cost share funds.



**Transfer Review Criteria (ORS 540.532 and OAR 690-380-2120)**

7. Pursuant to OAR 690-380-2120(2)(a), evidence has been submitted that the actual, current point of diversion for the water right in question, as described in Finding No. 6, has been in use for more than 10 years.
8. Pursuant to OAR 690-380-2120(2)(c), the Watermaster provided a statement that to his knowledge there has been no complaint of injury due to the use of water at the actual, current point of diversion, prior to the transfer request.
9. Pursuant to OAR 690-380-2120(3), the Department provided the applicant a list of the affected water rights and a copy of the notice to be provided to each affected water right holder. The applicant has provided written proof of service of notice of the proposed transfer on all affected water right holders.
10. Water has been used within the last five years according to the terms and conditions of the right. There is no evidence available that would demonstrate that the right is subject to forfeiture under ORS 540.610.
11. A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing right are present.
12. The proposed change would not result in enlargement of the right.
13. The proposed change would not result in injury to other water rights.

**Conclusions of Law**

The proposed change in point of diversion to reflect historical use in application T-1386213862 is consistent with the requirements of ORS 540.532, and OAR 690-380-2120.

**Now, therefore, it is ORDERED:**

1. The change proposed in T-1386213862 is approved and effective immediately.
2. The right to the use of the water is restricted to beneficial use at the place of use described, and is subject to all other conditions and limitations contained in Certificate 6846968469 and any related decree.
3. Water right Certificate 6846968469 is cancelled. Certificate XXXXX68469 will be issued to describe the change in point of diversion for the portion of the right included in T-1386213862. Certificate XXXXX68469 shall be issued to describe the portion of Certificate 6846968469 not modified by this order. Together, Certificates XXXXX and XXXXX shall supersede Certificate 6846968469.
4. The quantity of water diverted at the new point of diversion (POD 2) shall not exceed the quantity of water lawfully available at the original point of diversion (POD 1).

*delete that bookmark*



5. Water use measurement conditions:

- a. Before water use may begin under this order, the water user shall install a totalizing flow meter, or, with prior approval of the Director, another suitable measuring device, at each point of diversion (new and existing). ✓
  - b. The water user shall maintain the meters or measuring devices in good working order.
  - c. The water user shall allow the Watermaster access to the meters or measuring devices; provided however, where the meters or measuring devices are located within a private structure, the Watermaster shall request access upon reasonable notice.
6. Prior to October 1, 2024, the water user shall install a fish screening and/or by-pass device, as appropriate, at the new point of diversion consistent with the Oregon Department of Fish and Wildlife's (ODFW) design and construction standards. Prior to installation, the water user shall obtain written approval from ODFW that the required screen and/or by-pass device meets ODFW's criteria. Prior to submitting a Claim of Beneficial Use, the water user must obtain written approval from ODFW that the required screening and/or by-pass device was installed to the state's criteria. The water user shall maintain and operate the fish screen and/or by-pass device, as appropriate, at the point of diversion consistent with ODFW's operational and maintenance standards.

Dated in Salem, Oregon on

Lisa J. Jaramillo, Transfer and Conservation Section Manager, for

~~THOMAS M. BYLER, DIRECTOR~~

Oregon Water Resources Department

DOUGLAS E. WOODCOCK, ACTING DIRECTOR

Mailing date:





# Oregon

Tina Kotek, Governor

## Water Resources Department

North Mall Office Building  
725 Summer St NE, Suite A  
Salem, OR 97301  
Phone 503 986-0900  
Fax 503 986-0904  
[www.oregon.gov/owrd](http://www.oregon.gov/owrd)

March , 2023

VIA E-MAIL

### Applicant

GARY R. AND JESSICA STEIN  
PO BOX 798  
GOLD HILL, OR 97525

SUBJECT: Water Right Transfer Application T- 13862

Your water right transfer change in point of diversion to reflect historical use is in the first phase of processing.

Submittal of the following required items are needed at this time:

1. We are required by rule to provide you with a list of affected water right holders affected by your proposed change in point of diversion to reflect historical use. The listing of the potential affected water right holders is set out in the enclosed Proof of Service form.

You are responsible for mailing or hand-delivering a copy of the enclosed Notice to the persons listed on the Proof of Service form. In addition, you must provide proof to the Department that you mailed or hand-delivered a copy of the Notice to all of the identified affected water right holders.

Upon completion of mailing or hand-delivering a copy of the enclosed Notice to the persons listed, **please complete the enclosed Proof of Service form and return it to my attention at:**

Oregon Water Resources Department  
Attn: Corey Courchane  
725 Summer Street NE, Suite A  
Salem, OR 97301

2. You must submit a **Report of Ownership** for the lands where the water right(s) are currently located (i.e., the FROM lands). This report:
  - a) Must be prepared by a title company;
  - b) Shall include a "prepared by" statement and the date the title company prepared the report printed on the cover sheet;
  - c) Must be:



- i. Prepared within 3 months of the Draft Preliminary Determination showing current ownership; **OR**
- ii. Prepared within 3 months of recording of a water right conveyance agreement; **OR**
- iii. Have a prepared date showing ownership at the time a water right conveyance agreement was recorded.

*If water right conveyance agreements are involved, it is helpful to provide copies of those agreements along with the Report of Ownership.*

**IMPORTANT:** In order for the Department to clearly understand the date that the title company prepared the Report of Ownership, the title company must indicate/state the date that they prepared the report on the coversheet and/or first page of the report.

- d) Must include a list of owners at the time the report was generated; **AND**
- e) Must include a legal description of the property where the water right to be transferred is currently located (i.e., the FROM lands).

After you have mailed or hand-delivered the Notice to the persons identified in the Proof of Service, a 30-day comment period will run. This time period will allow the affected holders of the water rights identified to provide comments on whether the requested change in point of diversion will cause injury. After this 30-day comment period, we will determine whether you have satisfied the requirements, the change does not cause injury, or if any conditions will need to be met to prevent injury.

Enclosed is a copy of Oregon Department of Fish and Wildlife (ODFW) Additional Fish Screening and Passage Information for the Applicant. You will note that ODFW requires a fish screening and/or by-pass device to be installed. We will establish a deadline for compliance with this condition. Please contact the ODF&W personnel listed on the document for assistance.

The Watermaster has determined that a water measurement device is necessary at the diversion point. Enclosed is a contact information sheet to assist you in pursuing additional information or approval of the required (or alternate) device.

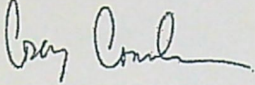
Issuance of the Final Order will occur shortly after we receive your response, the proof of service, and the report of ownership. The order may be issued denying the application as incomplete if I do not receive your response, proof of service, and the report of ownership by

30 days.



Please do not hesitate to contact me, at [corey.a.courchane@water.oregon.gov](mailto:corey.a.courchane@water.oregon.gov) or (503) 979-3917, if I may be of assistance.

Sincerely,

A handwritten signature in black ink, appearing to read "Corey Courchane", with a stylized, flowing script.

Corey Courchane  
Allocation of Conserved Water  
Transfer and Conservation Section

cc: Transfer Application file T-13862  
Shavon Haynes, District 13 Watermaster (*via e-mail*)

Enclosures:

Notice  
Proof of Service  
ODFW Contact Sheet  
Watermaster Contact Sheet



# IMPORTANT NOTICE

## OF

### PROPOSED CHANGE IN A WATER RIGHT POINT OF DIVERSION

Gary R. and Jessica Stein, PO Box 798, Gold Hill, OR 97525, submitted a transfer application to the Oregon Water Resources Department under ORS 540.532 requesting a change in point of diversion of Water Right Certificate 68469 to reflect more than 10 years of historical use of water at a point of diversion other than that described in the water right Certificate. The Transfer Application number is **T-13862**.

The authorized point of diversion evidenced by Certificate 68469 is:

Twp	Rng	Mer	Sec	Q-Q	GLot	Measured Distances
36 S	3 W	WM	13	SW NE	2	1550 FEET SOUTH AND 2340 FEET WEST FROM THE NE CORNER OF SECTION 13

Gary R. and Jessica Stein, PO Box 798, Gold Hill, OR 97525 propose to officially change the point of diversion to the following location:

Twp	Rng	Mer	Sec	Q-Q	GLot	Measured Distances
36 S	3 W	WM	13	NE NW	1	800 FEET SOUTH AND 3125 FEET WEST FROM THE NE CORNER OF SECTION 13

#### ***Why You Received This Notice***

You have received this notice because the Oregon Water Resources Department has identified you as the owner of the land or water right that may be affected by the proposed change in point of diversion. By law, it is the responsibility of the applicant to provide you notice of the proposed change in point of diversion / appropriation. The applicant is also required to provide the Department with written proof that this notice was delivered to you.

#### ***The Purpose of This Notice***

The purpose of this notice is to provide you an opportunity to comment upon whether the proposed change will cause injury to the exercise of your water right. **A 30-day comment period begins upon receipt of this notice.** Comments should reference the Transfer Application number **T-13862**, identify the water right subject to injury by permit or certificate number or decree name, and describe the nature of the injury caused by the change in point of diversion.

#### ***Mail Your Comments To:***

Oregon Water Resources Department  
Transfer Section, Field Service Division  
725 Summer Street NE, Suite A  
Salem, OR 97301



***How the Department Will Use Your Comments***

The Department will use these comments to determine whether the proposed change in point of diversion would injure other water rights. The transfer application shall be approved if the Department finds no injury to other water rights.



## PROOF OF SERVICE

I, \_\_\_\_\_, certify that the Notice of Change in Historic Point of Diversion for Transfer Application T-13862 was delivered to the following individuals/entities in the manner and dates identified:

Cert. #	Name and Address	Service Date
28672	Name: Brian R Heimann Trustee et al Address: 2222 Foothill Blvd 263 City, State, Zip: La Canada Flintridge, CA 91011-1456	_____ <input type="checkbox"/> mailing date or _____ <input type="checkbox"/> hand delivered

Dated this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Applicant or Applicant's Agent (printed name)

\_\_\_\_\_  
Applicant or Applicant's Agent (signature)

Return this completed form to:  
Oregon Water Resources Department,  
725 Summer St. NE, Suite A  
Salem, OR 97301-1266



STATE OF OREGON

COUNTY OF JACKSON

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

GARY R. AND JESSICA STEIN  
PO BOX 798  
GOLD HILL, OR 97525-0798

confirms the right to use the waters of THE ROGUE RIVER, a tributary of THE PACIFIC OCEAN for IRRIGATION of 1.85 ACRES.

This right was perfected under Permit S-18531. The date of priority is OCTOBER 28, 1948. The right is limited to 0.012 CUBIC FOOT PER SECOND or its equivalent in case of rotation, measured at the point of diversion from the source.

The point of diversion is located as follows:

TwP	Rng	Mer	Sec	Q-Q	GLot	Measured Distances
36 S	3 W	WM	13	NE NW	1	POD 2 - 800 FEET SOUTH AND 3125 FEET WEST FROM THE NE CORNER OF SECTION 13

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second (or its equivalent) and 4.5 acre-feet for each acre irrigated during the irrigation season of each year FROM APRIL 2 TO OCTOBER 31 OF EACH YEAR.

The use shall conform to such reasonable rotation system as may be ordered by the proper state officer.

A description of the place of use to which this right is appurtenant is as follows:

IRRIGATION						
TwP	Rng	Mer	Sec	Q-Q	GLot	Acres
36 S	3 W	WM	13	NW NE		0.03
36 S	3 W	WM	13	NE NW	1	1.82
Total						1.85

This is a final order in other than a 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 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.

97007



Water use measurement conditions:

- a. Before water use may begin under this order, the water user shall install a totalizing flow meter, or, with prior approval of the Director, another suitable measuring device, at each point of diversion (new and existing).
- b. The water user shall maintain the meters or measuring devices in good working order.
- c. The water user shall allow the Watermaster access to the meters or measuring devices; provided however, where the meters or measuring devices are located within a private structure, the Watermaster shall request access upon reasonable notice.

Prior to October 1, 2024, the water user shall install a fish screening and/or by-pass device, as appropriate, at the new point of diversion consistent with the Oregon Department of Fish and Wildlife's (ODFW) design and construction standards. Prior to installation, the water user shall obtain written approval from ODFW that the required screen and/or by-pass device meets ODFW's criteria. Prior to submitting a Claim of Beneficial Use, the water user must obtain written approval from ODFW that the required screening and/or by-pass device was installed to the state's criteria. The water user shall maintain and operate the fish screen and/or by-pass device, as appropriate, at the point of diversion consistent with ODFW's operational and maintenance standards.

This certificate is issued to confirm an HISTORIC CHANGE IN POINT OF DIVERSION approved by an order of the Water Resources Director entered \_\_\_\_\_, approving Transfer Application T- 13862, and supersedes Certificate 68469, State Record of Water Right Certificates.

The right to the use of the water for the above purpose is restricted to beneficial use on the lands or place of use described. The use confirmed herein may be made only at times when sufficient water is available to satisfy all prior rights, including rights for maintaining instream flows.

WITNESS the signature of the Water Resources Director, affixed \_\_\_\_\_.

\_\_\_\_\_  
Lisa J. Jaramillo, Transfer and Conservation Section Manager, for  
DOUGLAS E. WOODCOCK, ACTING DIRECTOR  
Oregon Water Resources Department



STATE OF OREGON

COUNTY OF JACKSON

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

GENERAL DEVELOPMENT COMPANY  
P. O. BOX 488  
MEDFORD, OR 97501

confirms the right to use the waters of THE ROGUE RIVER, a tributary of THE PACIFIC OCEAN for IRRIGATION of 54.4 ACRES.

This right was perfected under Permit S-18531. The date of priority is OCTOBER 28, 1948. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 0.342 CUBIC FOOT PER SECOND or its equivalent in case of rotation, measured at the point of diversion from the source.

The point of diversion is located as follows:

Twp	Rng	Mer	Sec	Q-Q	GLot	Measured Distances
36 S	3 W	WM	13	SW NE	2	1550 FEET SOUTH AND 2340 FEET WEST FROM THE NE CORNER OF SECTION 13

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second (or its equivalent) and 4.5 acre-feet for each acre irrigated during the irrigation season FROM APRIL 2 TO OCTOBER 31 OF EACH YEAR.

The use shall conform to such reasonable rotation system as may be ordered by the proper state officer.

A description of the place of use to which this right is appurtenant is as follows:

IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	GLot	DLC	Acres
36 S	3 W	WM	12	SE SW	4		6.70
36 S	3 W	WM	12	SW SE	4		6.20
36 S	3 W	WM	13	NE NE		13	0.20
36 S	3 W	WM	13	NW NE		13	26.17
36 S	3 W	WM	13	SW NE	2		7.40
36 S	3 W	WM	13	NE NW	1		7.73
Total							54.4

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This certificate describes that portion of water right Certificate 68469, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered \_\_\_\_\_, approving Transfer Application T-13862.

The issuance of this superseding certificate does not confirm the status of the water right in regard to the provisions of ORS 540.610 pertaining to forfeiture or abandonment.

The right to the use of the water for the above purpose is restricted to beneficial use on the lands or place of use described. *The use confirmed herein may be made only at times when sufficient water is available to satisfy all prior rights, including rights for maintaining instream flows.*  
WITNESS the signature of the Water Resources Director, affixed \_\_\_\_\_.

\_\_\_\_\_  
Lisa J. Jaramillo, Transfer and Conservation Section Manager, for  
DOUGLAS E. WOODCOCK, ACTING DIRECTOR  
Oregon Water Resources Department



Application for  
**Historic Change in Point of  
Diversion/Appropriation**  
Part 1 of 5 – Minimum Requirements Checklist



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

This historic change in point of diversion/appropriation application will be returned if  
Parts 1 through 5 and all required attachments are not completed and included:  
For questions, please call (503) 986-0900, and ask for Transfer Section.

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

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- ☒ Part 1 – Completed Minimum Requirements Checklist.
- ☒ Part 2 – Completed 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 the Transferred Water Rights: **How many water rights are to be transferred? 1 List them here: 68469**  
Please include a separate Part 5 for each water right. (See instructions on page 5)  
**NOTE: A separate transfer application is required for each water right unless the criteria in OAR 690-380-3220 are met.**

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Attachments:

- ☒ Completed Application Map (Does not have to be prepared by a Certified Water Right Examiner).
- ☒ Completed Evidence of Use Affidavit and supporting documentation showing that water has been used on the land for five years prior to transfer filing AND diverted at the actual, current point of diversion/appropriation for more than 10 years.
- ☒ Statement from the local Watermaster, based upon the Watermaster's knowledge and Department records, that no complaint of injury has been made due to the use of water at the actual, current point of diversion/appropriation.
- ☒ Land Use Information Form with approval and signature (or signed land use form receipt stub).
- ☐ ☒ N/A Affidavit(s) of Consent from Landowner (if the applicant does not own the land the water right is on.)
- ☐ ☒ N/A Water Well Report/Well Log for changes in point(s) of appropriation (well(s)) or additional point(s) of appropriation.

(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 – Historic Change in Point of Diversion/Appropriation Application Map Checklist

Your historic change in point of diversion/appropriation application will be returned if any of the map requirements listed below are not met.

Please be sure that the historic change in point of diversion/appropriation 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 white or clear paper or film.
- ☒ The size of the map can be 8½ x 11 inches, 8½ x 14 inches, or up to 30 x 30 inches. For 30 x 30 inch maps, three (3) paper copies and an electronic copy in a .pdf, .tiff or .jpg format are 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) and county tax lot numbers are required.
- ☒ 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.
- ☒ Authorized 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.
- ☒ Actual, current point of diversion/appropriation. Show the 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°).
- ☒ WRD 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 If for more than one actual, current point of diversion/appropriation, separate hachuring is needed for each place of use served by each point of diversion/appropriation, including the 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.

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☒ WRD



### Part 3 of 5 – Fee Worksheet

FEE WORKSHEET for HISTORIC POD/POA TRANSFER			
1	Base Fee (includes Historic POD change to one water right for up to 1 cfs)	1	\$1,360
2	Number of water rights included in transfer <u>1 (2a)</u> Subtract 1 from the number in 2a above: <u>0 (2b)</u> <i>If only one water right this will be 0</i> Multiply line 2b by \$610 and enter » » » » » » » » » » » » » » » » » »	2	0
3	Do you propose to add or change a well, or change from a surface water POD to a well? <input checked="" type="checkbox"/> No: enter 0 <input type="checkbox"/> Yes: enter \$480 for the 1 <sup>st</sup> well to be added or changed <u>0 (3a)</u>  Do you propose to add or change additional wells? <input checked="" type="checkbox"/> No: enter 0 <input type="checkbox"/> Yes: multiply the number of additional wells by \$410 <u>0 (3b)</u> Add line 3a to line 3b and enter » » » » » » » » » » » » » » » » » »	3	0
4	Add entries on lines 1 through 3 above » » » » » » » » <b>Transfer Fee:</b>	4	<b>\$1,360.</b>

☐ Check this box if this project is fully or partially funded by the American Recovery and Reinvestment Act. (Federal stimulus dollars)

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## Part 4 of 5 – Applicant Information and Signature

### Applicant Information

Note: Applicant must be an INDIVIDUAL, as defined by OAR 690-380-2120, that is "a natural person and does not include a government body, organization, business enterprise, or other such entity."

APPLICANT/BUSINESS NAME <b>Gary R. &amp; Jessica Stein</b>			PHONE NO. <b>541-855-2367</b>	ADDITIONAL CONTACT NO.
ADDRESS <b>P.O. Box 798</b>			FAX NO.	
CITY <b>Gold Hill</b>	STATE <b>OR</b>	ZIP <b>97525-0798</b>	E-MAIL	
BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED.				

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

AGENT/BUSINESS NAME			PHONE NO.	ADDITIONAL CONTACT NO.
ADDRESS			FAX NO.	
CITY	STATE	ZIP	E-MAIL	
BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED.				

Explain in your own words what you propose to accomplish with this transfer application; and why:  
**To authorize diversion that has been in place for more than 30 years**

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

By signing this application, I understand that prior to Department approval of the historic change in point of diversion/appropriation, I will be required to provide landownership information and evidence that I am authorized to pursue the change as identified in OAR 690-380-4010(5).

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

Applicant Signature

Gary R. Stein  
Print Name (and Title if applicable)

10/1/21  
Date

Applicant Signature

Jessica Stein  
Print Name (and Title if applicable)

10/1/21  
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.*

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At this time, are the lands in this 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: <http://www.oregon.gov/owrd/docs/transfer-propertytransactions.pdf>

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

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

☐ 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 or used.

ENTITY NAME	ADDRESS	
JACKSON COUNTY	10 SOUTH OAKDALE AVE., ROOM #100	
CITY	STATE	ZIP
MEDFORD	OR	97501

ENTITY NAME	ADDRESS	
CITY	STATE	ZIP

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# Part 5 of 5 – Water Right Information

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

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CERTIFICATE # 68469

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## Description of Water Delivery System

System capacity: .06 cubic feet per second (cfs) OR  
\_\_\_\_\_ gallons per minute (gpm)

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Describe the current water delivery system or the system that was in place at some time within the last five years. Include information on the pumps, canals, pipelines and sprinklers used to divert, convey and apply the water at the authorized place of use. Current system consists of a 5HP Leeson variable frequency motor and Munro LP series pump with a 3" intake and discharge. Buried PVC pipelines deliver water to impulse sprinklers and rotor pop-ups as well as drippers. Pump intake is screened with a SUPR202000 M-L 130 Pump-Rite suction screen that is ODF&W/NMSF/BUREC approved.

**Table 1. Location of Authorized and Current 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 the Current POD/POA that has been used for more than 10 years?	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)
POD 1	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Current		36	S	3	W	13	SW	NE	2	1550 feet South & 2340 feet West from the NE Corner Section 13
POD 2	<input type="checkbox"/> Authorized <input checked="" type="checkbox"/> Current	1085 ft down	36	S	3	W	13	NE	NW	1	800 feet South & 3125 feet West from the NE Corner Section 13
	<input type="checkbox"/> Authorized <input type="checkbox"/> Current										
	<input type="checkbox"/> Authorized <input type="checkbox"/> Current										

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

- ☒ Point of Diversion (POD) ☐ Additional Point of Diversion (APOD)  
☐ Point of Appropriation/Well (POA) ☐ Additional Point of Appropriation (APOA)

Will the historic change in point of diversion/appropriation affect the entire water right?

- ☐ Yes Complete only the proposed section of Table 2 on the next page.  
☒ No Complete all of Table 2 to describe the portion of the water right to be changed.

1 intervening POD = C-28672



Table 2. Description of Changes to Water Right Certificate # 68469

[illegible]

2

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CWRD



# HISTORIC CHANGE IN POINT OF DIVERSION TRANSFER

CERTIFICATE 68469

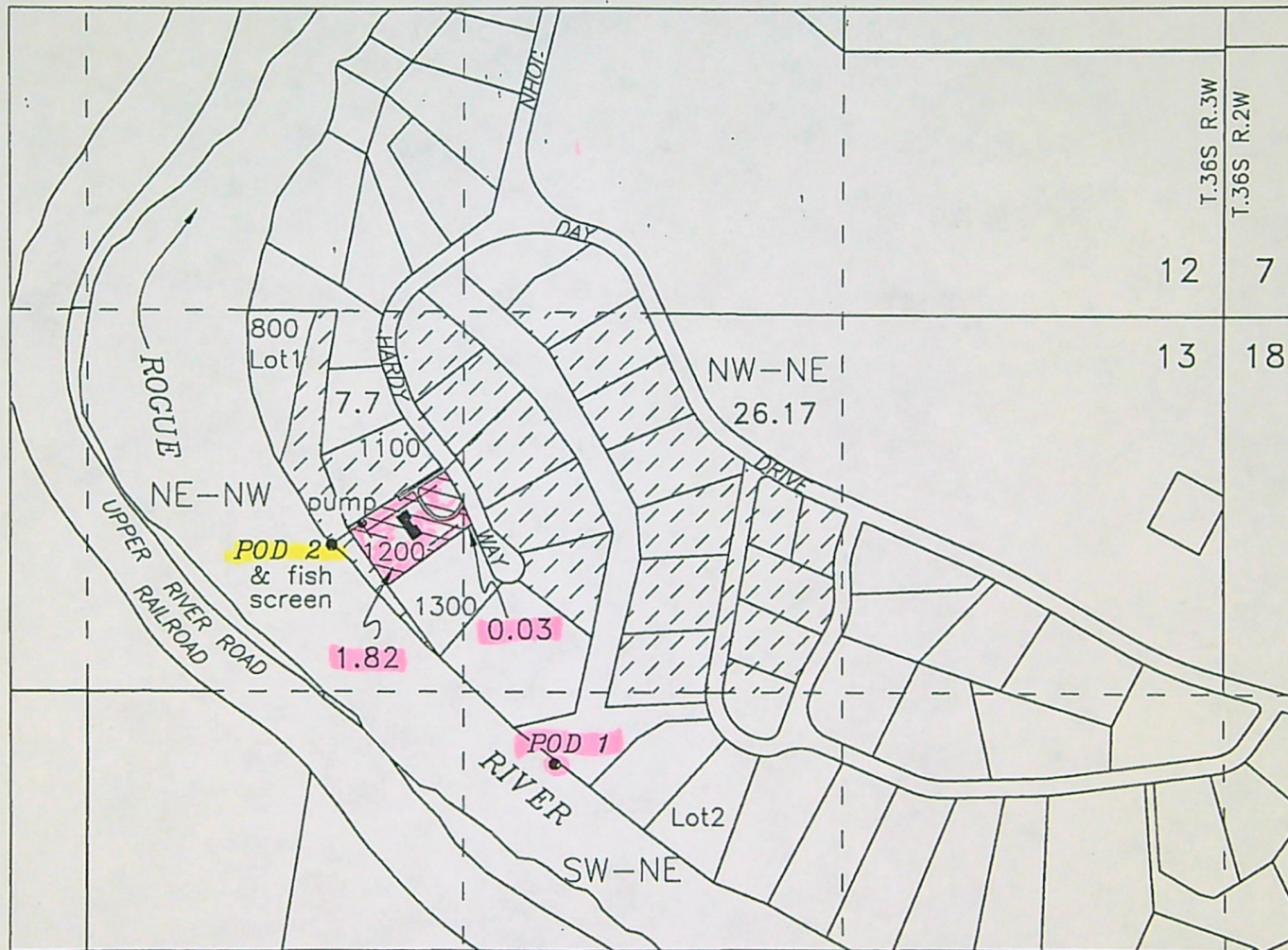
Township 36 South, Range 3 West, W.M.

Jackson County, Oregon

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Legend

**POD-1 AUTHORIZED** - Lot 2, SW/NE, Section 13, 1550 feet South & 2340 feet West from the NE Corner Section 13

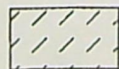
**POD-2 HISTORIC** - Lot 1, NE/NW, Section 13, 800 feet South & 3125 feet West from the NE Corner Section 13 (in place more than 30 years)

Prepared for:

Gary R. & Jessica Stein  
P.O. Box 798  
Gold Hill, OR 97525-0798



Irrigation 1.85 acres 10/28/1948  
(1.82 acres Lot 1 NE/NW  
0.03 acres NW/NE)



Remaining Right  
Irrigation 7.7 acres Lot 1, NE/NW &  
26.17 acres NW/NE Sec. 13

**SUPERIOR WATER RIGHT CONSULTING, LLC**  
245 GLENOAK LANE  
GRANTS PASS, OR 97526 (541) 761-1057

Base Map: Jackson County GIS data  
with current ORmap aerial photo overlay  
for assumed best fit. Survey map 19186  
used for orientation

This map is not intended to provide legal  
dimensions or locations of property ownership lines

138862

Scale  
1 inch = 600 feet

9/16/2021 n.e.d.

\* map only shows 9.52 acres in NENW, 68469 auth = 9.55a + 0.03 acres  
✓ Cert only shows 35.72 acres, 68469 auth = 56.25a (380-3100 (2)(4)) missing





**First American Title™**

*First American Title Insurance Company*

1225 Crater Lake Avenue, Suite 101  
Medford, OR 97504  
Phn - (541)779-7250  
Fax - (866)400-2250

**PUBLIC RECORD REPORT  
FOR NEW SUBDIVISION OR LAND PARTITION**

THIS REPORT IS ISSUED BY THE ABOVE-NAMED COMPANY ("THE COMPANY") FOR THE EXCLUSIVE USE OF:

Jessica Stein  
PO Box 798  
Gold Hill, OR 97525  
Phone: (541)855-2367

**OWRD RECEIVED**  
corey.a.courchane, 5/12/2023, 2:09:01 PM

Date Prepared : May 11, 2023  
Effective Date : 8:00 A.M on May 05, 2023  
Order No. : 7169-4062439  
Subject Property : 8881 Hardy Way, Central Point, OR

The information contained in this report is furnished by First American Title Insurance Company (the "Company") as an information service based on the records and indices maintained by the Company for the county identified below. This report is not title insurance, is not a preliminary title report for title insurance, and is not a commitment for title insurance. No examination has been made of the Company's records, other than as specifically set forth in this report. Liability for any loss arising from errors and/or omissions is limited to the lesser of the fee paid or the actual loss to the Customer, and the Company will have no greater liability by reason of this report. This report is subject to the Definitions, Conditions and Stipulations contained in it.

**REPORT**

- A. The Land referred to in this report is located in the County of Jackson, State of Oregon, and is described as follows:

As fully set forth on Exhibit "A" attached hereto and by this reference made a part hereof.

- B. As of the Effective Date, the tax account and map references pertinent to the Land are as follows:

As fully set forth on Exhibit "A" attached hereto and by this reference made a part hereof.

- C. As of the Effective Date and according to the Public Records, we find title to the land apparently vested in:

As fully set forth on Exhibit "B" attached hereto and by this reference made a part hereof

- D. As of the Effective Date and according to the Public Records, the Land is subject to the following liens and encumbrances, which are not necessarily shown in the order of priority:

As fully set forth on Exhibit "C" attached hereto and by this reference made a part hereof.



**EXHIBIT "A"**  
**(Land Description Map Tax and Account)**

LOT 5, BLOCK 2, GOLD REY SUBDIVISION - UNIT NO. 1, IN JACKSON COUNTY, OREGON, ACCORDING  
TO THE OFFICIAL PLAT THEREOF RECORDED IN VOLUME 8, PAGE 1, PLAT RECORDS.

Map No.: 363W13 1200  
Tax Account No.: 1-017435-0



**EXHIBIT "B"**  
**(Vesting)**

Gary R. Stein and Jessica Stein, Co-Trustees under the Stein Revocable Living Trust  
dated December 19, 1988



**EXHIBIT "C"**  
**(Liens and Encumbrances)**

1. Rights of the public and of governmental bodies in and to that portion of the premises herein described lying below the mean high water mark of Rogue River and the ownership of the State of Oregon in that portion lying below the high water mark of Rogue River.
2. Any adverse claim based upon the assertion that some portion of said land has been removed from or brought within the boundaries thereof by an avulsive movement of the Rogue River or has been formed by the process of accretion or reliction or has been created by artificial means or has accreted to such portion so created.
3. Covenants, conditions, restrictions and/or easements; but deleting any covenant, condition or restriction indicating a preference, limitation or discrimination based on race, color, religion, sex, handicap, family status, or national origin to the extent such covenants, conditions or restrictions violate Title 42, Section 3604(c), of the United States Codes:  
Recording Information: July 03, 1956 as Volume 428, Page 369
4. Easement for electric transmission and distribution lines of one or more wires, and all necessary or desirable appurtenances, including telephone and telegraph wires, towers, poles, props, guys and other supports; and related matters.  
Recording Information: Volume 336, Page 120  
Grantee: Pacific Power & Light Company  
Affects: (Specific location not given)
5. Easement for electric transmission and distribution lines of one or more wires, and all necessary or desirable appurtenances, including telephone and telegraph wires, towers, poles, props, guys and other supports; and related matters.  
Recording Information: Volume 396, Page 296  
Grantee: Pacific Power & Light Company  
Affects: (Specific location not given)
6. Covenants, conditions, restrictions and/or easements; but deleting any covenant, condition or restriction indicating a preference, limitation or discrimination based on race, color, religion, sex, handicap, family status, or national origin to the extent such covenants, conditions or restrictions violate Title 42, Section 3604(c), of the United States Codes:  
Recording Information: October 01, 1997 as Document No. 97-36723  
  
Modification and/or amendment by instrument:  
Recording Information: July 23, 2002 as Document No. 2002-39145  
  
Modification and/or amendment by instrument:  
Recording Information: March 29, 2011 as Document No. 2011-9567
7. Deed of Trust and the terms and conditions thereof.  
Grantor/Trustor: Gary R. Stein and Jessica Stein, Co-Trustees under The Stein Revocable Living Trust Dated December 19, 1988  
Grantee/Beneficiary: Reverse Mortgage Funding, LLC  
Trustee: First American Title Insurance Company  
Amount: \$1,083,000.00  
Recorded: June 22, 2020  
Recording Information: Document No. 2020-020886



**Note: This Deed of Trust contains Line of Credit privileges.** If the current balance owing on said obligation is to be paid in full in the forthcoming transaction, confirmation should be made that the beneficiary will issue a proper request for full reconveyance.

8. Deed of Trust and the terms and conditions thereof.

Grantor/Trustor:	Gary R. Stein and Jessica Stein, Co-Trustees under the Stein Revocable Living Trust dated December 19, 1988
Grantee/Beneficiary:	Commissioner of Housing and Urban Development
Trustee:	Senior Official with responsibility for Single Family Mortgage Insurance Programs in The Department of Housing and Urban Development Field Office with jurisdiction over the property described below, or a designee of that Official
Amount:	\$1,083,000.00
Recorded:	June 22, 2020
Recording Information:	Document No. 2020-020887

**Note: This Deed of Trust contains Line of Credit privileges.** If the current balance owing on said obligation is to be paid in full in the forthcoming transaction, confirmation should be made that the beneficiary will issue a proper request for full reconveyance.

NOTE: Taxes for the year 2022-2023 PAID IN FULL

Tax Amount:	\$6,236.39
Map No.:	363W13 1200
Property ID:	1-017435-0
Tax Code No.:	6-04



## DEFINITIONS, CONDITIONS AND STIPULATIONS

1. **Definitions.** The following terms have the stated meaning when used in this report:
  - (a) "Customer": The person or persons named or shown as the addressee of this report.
  - (b) "Effective Date": The effective date stated in this report.
  - (c) "Land": The land specifically described in this report and improvements affixed thereto which by law constitute real property.
  - (d) "Public Records": Those records which by the laws of the state of Oregon impart constructive notice of matters relating to the Land.
2. **Liability of the Company.**
  - (a) THIS REPORT IS NOT AN INSURED PRODUCT OR SERVICE OR A REPRESENTATION OF THE CONDITION OF TITLE TO REAL PROPERTY. IT IS NOT AN ABSTRACT, LEGAL OPINION, OPINION OF TITLE, TITLE INSURANCE COMMITMENT OR PRELIMINARY REPORT, OR ANY FORM OF TITLE INSURANCE OR GUARANTY. THIS REPORT IS ISSUED EXCLUSIVELY FOR THE BENEFIT OF THE APPLICANT THEREFOR, AND MAY NOT BE USED OR RELIED UPON BY ANY OTHER PERSON. THIS REPORT MAY NOT BE REPRODUCED IN ANY MANNER WITHOUT FIRST AMERICAN'S PRIOR WRITTEN CONSENT. FIRST AMERICAN DOES NOT REPRESENT OR WARRANT THAT THE INFORMATION HEREIN IS COMPLETE OR FREE FROM ERROR, AND THE INFORMATION HEREIN IS PROVIDED WITHOUT ANY WARRANTIES OF ANY KIND, AS-IS, AND WITH ALL FAULTS. AS A MATERIAL PART OF THE CONSIDERATION GIVEN IN EXCHANGE FOR THE ISSUANCE OF THIS REPORT, RECIPIENT AGREES THAT FIRST AMERICAN'S SOLE LIABILITY FOR ANY LOSS OR DAMAGE CAUSED BY AN ERROR OR OMISSION DUE TO INACCURATE INFORMATION OR NEGLIGENCE IN PREPARING THIS REPORT SHALL BE LIMITED TO THE FEE CHARGED FOR THE REPORT. RECIPIENT ACCEPTS THIS REPORT WITH THIS LIMITATION AND AGREES THAT FIRST AMERICAN WOULD NOT HAVE ISSUED THIS REPORT BUT FOR THE LIMITATION OF LIABILITY DESCRIBED ABOVE. FIRST AMERICAN MAKES NO REPRESENTATION OR WARRANTY AS TO THE LEGALITY OR PROPRIETY OF RECIPIENT'S USE OF THE INFORMATION HEREIN.
  - (b) No costs (including, without limitation attorney fees and other expenses) of defense, or prosecution of any action, is afforded to the Customer.
  - (c) In any event, the Company assumes no liability for loss or damage by reason of the following:
    - (1) Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the Public Records.
    - (2) Any facts, rights, interests or claims which are not shown by the Public Records but which could be ascertained by an inspection of the land or by making inquiry of persons in possession thereof.
    - (3) Easements, liens or encumbrances, or claims thereof, which are not shown by the Public Records.
    - (4) Discrepancies, encroachments, shortage in area, conflicts in boundary lines or any other facts which a survey would disclose.
    - (5) (i) Unpatented mining claims; (ii) reservations or exceptions in patents or in Acts authorizing the issuance thereof, (iii) water rights or claims or title to water.
    - (6) Any right, title, interest, estate or easement in land beyond the lines of the area specifically described or referred to in this report, or in abutting streets, roads, avenues, alleys, lanes, ways or waterways.
    - (7) Any law, ordinance or governmental regulation (including but not limited to building and zoning laws, ordinances or regulations) restricting, regulating, prohibiting or relating to (i) the occupancy, use or enjoyment on the land; (ii) the character, dimensions or location of any improvement now or hereafter erected on the land; (iii) a separation in ownership or a change in the dimensions or area of the land or any parcel of which the land is or was a part; or (iv) environmental protection, or the effect of any violation of these laws, ordinances or governmental regulations, except to the extent that a notice of the enforcement thereof or a notice of a defect, lien or encumbrance resulting from a violation or alleged violation affecting the land has been recorded in the Public Records at the effective date hereof.
    - (8) Any governmental police power not excluded by 2(d)(7) above, except to the extent that notice of the exercise thereof or a notice of a defect, lien or encumbrance resulting from a violation or alleged violation affecting the land has been recorded in the Public Records at the effective date hereof.
    - (9) Defects, liens, encumbrances, adverse claims or other matters created, suffered, assumed, agreed to or actually known by the Customer.
3. **Charge.** The charge for this report does not include supplemental reports, updates or other additional services of the Company.





*First American Title*<sup>™</sup>

First American Title Insurance Company  
1225 Crater Lake Avenue, Suite 101  
Medford, OR 97504

### **Illegal Restrictive Covenants**

Please be advised that any provision contained in this document, or in a document that is attached, linked, or referenced in this document, that under applicable law illegally discriminates against a class of individuals based upon personal characteristics such as race, color, religion, sex, sexual orientation, gender identity, familial status, disability, national origin, or any other legally protected class, is illegal and unenforceable by law.



RECEIVED

APR 07 2023

OWRD  
SALEM, OREGON

PROOF OF SERVICE

I, Jessica Stein, certify that the Notice of Change in Historic Point of Diversion for Transfer Application T-13862 was delivered to the following individuals/entities in the manner and dates identified:

Cert. #	Name and Address	Service Date
28672	Name: Brian R Heimann Trustee et al Address: 2222 Foothill Blvd 263 City, State, Zip: La Canada Flintridge, CA 91011-1456	4.5.23 <input checked="" type="checkbox"/> mailing date or <input type="checkbox"/> hand delivered

Dated this 5 day of April, 202023

Jessica M Stein

Applicant or Applicant's Agent (printed name)

Jessica M Stein

Applicant or Applicant's Agent (signature)

Return this completed form to:  
Oregon Water Resources Department,  
725 Summer St. NE, Suite A  
Salem, OR 97301-1266



**Fw: RE: Transfer T-13862 and Certificate 68469****RECEIVED****APR 07 2023****OWRD  
SALEM, OREGON**

From garyandjess &lt;garyandjess@protonmail.com&gt;

To brian@reidconstruction.com

CC corey.a.courchane@water.oregon.gov

Date Tuesday, April 4th, 2023 at 1:46 PM

I have forwarded the document via email to Brian and Amy Heimann on 04/04/2023 and will follow with the proof of service to Oregon Water Resources..

Brian and Amy,

Any questions, just call. We have to formally transfer our water right from the pickup point in the common area to our backyard where it has been for over 40 years.

Gary & Jessica Stein  
541-855-2367

----- Forwarded Message -----

From: COURCHANE Corey A \* WRD &lt;Corey.A.COURCHANE@water.oregon.gov&gt;

Date: On Friday, March 31st, 2023 at 7:31 AM

Subject: RE: Transfer T-13862 and Certificate 68469

To: garyandjess &lt;garyandjess@protonmail.com&gt;

Good morning,

Thank you for contacting me regarding the cover letter you received. I'm a little confused, as you are requesting advice on how to word the document. The only document you need to send to your neighbor came with the cover letter, and is the one titled, "Important Notice of Proposed Change in a Water Right Point of Diversion." This document needs to be sent to the neighbor, and the document titled "Proof of Service," is filled out and returned to the Oregon Water Resources Department to my attention. Please let me know if I may be of further assistance.

Thank you,

Corey Courchane





# Oregon

Tina Kotek, Governor

## Water Resources Department

North Mall Office Building  
725 Summer St NE, Suite A  
Salem, OR 97301  
Phone 503 986-0900  
Fax 503 986-0904  
[www.oregon.gov/owrd](http://www.oregon.gov/owrd)

March 24, 2023

### Applicant

GARY R. AND JESSICA STEIN  
PO BOX 798  
GOLD HILL, OR 97525

SUBJECT: Water Right Transfer Application T-13862

Your water right transfer change in point of diversion to reflect historical use is in the first phase of processing.

Submittal of the following required items are needed at this time:

1. We are required by rule to provide you with a list of affected water right holders affected by your proposed change in point of diversion to reflect historical use. The listing of the potential affected water right holders is set out in the enclosed Proof of Service form.

You are responsible for mailing or hand-delivering a copy of the enclosed Notice to the persons listed on the Proof of Service form. In addition, you must provide proof to the Department that you mailed or hand-delivered a copy of the Notice to all of the identified affected water right holders.

Upon completion of mailing or hand-delivering a copy of the enclosed Notice to the persons listed, **please complete the enclosed Proof of Service form and return it to my attention at:**

Oregon Water Resources Department  
Attn: Corey Courchane  
725 Summer Street NE, Suite A  
Salem, OR 97301

2. You must submit a **Report of Ownership** for the lands where the water right(s) are currently located (i.e., the FROM lands). This report:
  - a) Must be prepared by a title company;
  - b) Shall include a "prepared by" statement and the date the title company prepared the report printed on the cover sheet;
  - c) Must be:



- i. Prepared within 3 months of the Draft Preliminary Determination showing current ownership; **OR**
- ii. Prepared within 3 months of recording of a water right conveyance agreement; **OR**
- iii. Have a prepared date showing ownership at the time a water right conveyance agreement was recorded.

*If water right conveyance agreements are involved, it is helpful to provide copies of those agreements along with the Report of Ownership.*

**IMPORTANT:** In order for the Department to clearly understand the date that the title company prepared the Report of Ownership, the title company must indicate/state the date that they prepared the report on the coversheet and/or first page of the report.

- d) Must include a list of owners at the time the report was generated; **AND**
- e) Must include a legal description of the property where the water right to be transferred is currently located (i.e., the FROM lands).

After you have mailed or hand-delivered the Notice to the persons identified in the Proof of Service, a 30-day comment period will run. This time period will allow the affected holders of the water rights identified to provide comments on whether the requested change in point of diversion will cause injury. After this 30-day comment period, we will determine whether you have satisfied the requirements, the change does not cause injury, or if any conditions will need to be met to prevent injury.

Enclosed is a copy of Oregon Department of Fish and Wildlife (ODFW) Additional Fish Screening and Passage Information for the Applicant. You will note that ODFW requires a fish screening and/or by-pass device to be installed. We will establish a deadline for compliance with this condition. Please contact the ODF&W personnel listed on the document for assistance.

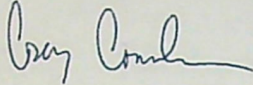
The Watermaster has determined that a water measurement device is necessary at the diversion point. Enclosed is a contact information sheet to assist you in pursuing additional information or approval of the required (or alternate) device.

Issuance of the Final Order will occur shortly after we receive your response, the proof of service, and the report of ownership. The order may be issued denying the application as incomplete if I do not receive your response, proof of service, and the report of ownership by **April 24, 2023.**



Please do not hesitate to contact me, at [corey.a.courchane@water.oregon.gov](mailto:corey.a.courchane@water.oregon.gov) or (503) 979-3917, if I may be of assistance.

Sincerely,



Corey Courchane  
Allocation of Conserved Water  
Transfer and Conservation Section

cc: Transfer Application file T-13862  
Shavon Haynes, District 13 Watermaster (*via e-mail*)

Enclosures:

Notice  
Proof of Service  
ODFW Contact Sheet  
Watermaster Contact Sheet



## PROOF OF SERVICE

I, \_\_\_\_\_, certify that the Notice of Change in Historic Point of Diversion for Transfer Application T-13862 was delivered to the following individuals/entities in the manner and dates identified:

Cert. #	Name and Address	Service Date
28672	Name: Brian R Heimann Trustee et al Address: 2222 Foothill Blvd 263 City, State, Zip: La Canada Flintridge, CA 91011-1456	_____ <input type="checkbox"/> mailing date or _____ <input type="checkbox"/> hand delivered

Dated this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Applicant or Applicant's Agent (printed name)

\_\_\_\_\_  
Applicant or Applicant's Agent (signature)

Return this completed form to:  
Oregon Water Resources Department,  
725 Summer St. NE, Suite A  
Salem, OR 97301-1266





**Oregon**  
Kate Brown, Governor

**Water Resources Department**

725 Summer St NE, Suite A

Salem, OR 97301

(503) 986-0900

Fax (503) 986-0904

November 15, 2021

GARY & JESSICA STEIN  
PO BOX 798  
GOLD HILL, OR 97525

Reference: Application T- 13862

*6/1/22  
Can anybody tell me  
where we are in this  
process. Thanks*

On November 3, 2021, OWRD received your water right application for an Historic POD Transfer. The application was accompanied by \$1360.00. Our receipt number 136756 is enclosed.

By copy of this letter, we are asking the Watermaster for a report regarding the potential for injury to existing water rights which may be caused by the requested change. A review form is also being sent to Oregon Department of Fish and Wildlife to determine if a fish screen will be required.

If the land is sold before the transfer is approved, the buyer's consent to the transfer will be required unless a recorded deed or other legal document clearly established that the water right was not conveyed in the sale.

Please refer to the following page for a chart showing the steps and expected timelines for the processing of your application.

If you have any questions, please contact the Transfer Section at (503) 979-9931.

Cc: Watermaster Dist. #13, Shavon L. Haynes (via email)  
Jackson County Planning

Enclosure

STATE OF OREGON  
**WATER RESOURCES DEPARTMENT**

725 Summer St. N.E. Ste. A  
SALEM, OR 97301-4172

(503) 986-0900 / (503) 986-0904 (fax)

RECEIPT # **136756**

INVOICE # \_\_\_\_\_

RECEIVED FROM: The Stein Group, LLC  
BY: \_\_\_\_\_

APPLICATION	
PERMIT	
TRANSFER	T-13862

CASH: ☐ CHECK: # 1005 OTHER: (IDENTIFY) ☐

TOTAL REC'D \$ 1,360.00

1083 TREASURY 4170 WRD MISC CASH ACCT

0407 COPIES

\$  
\$

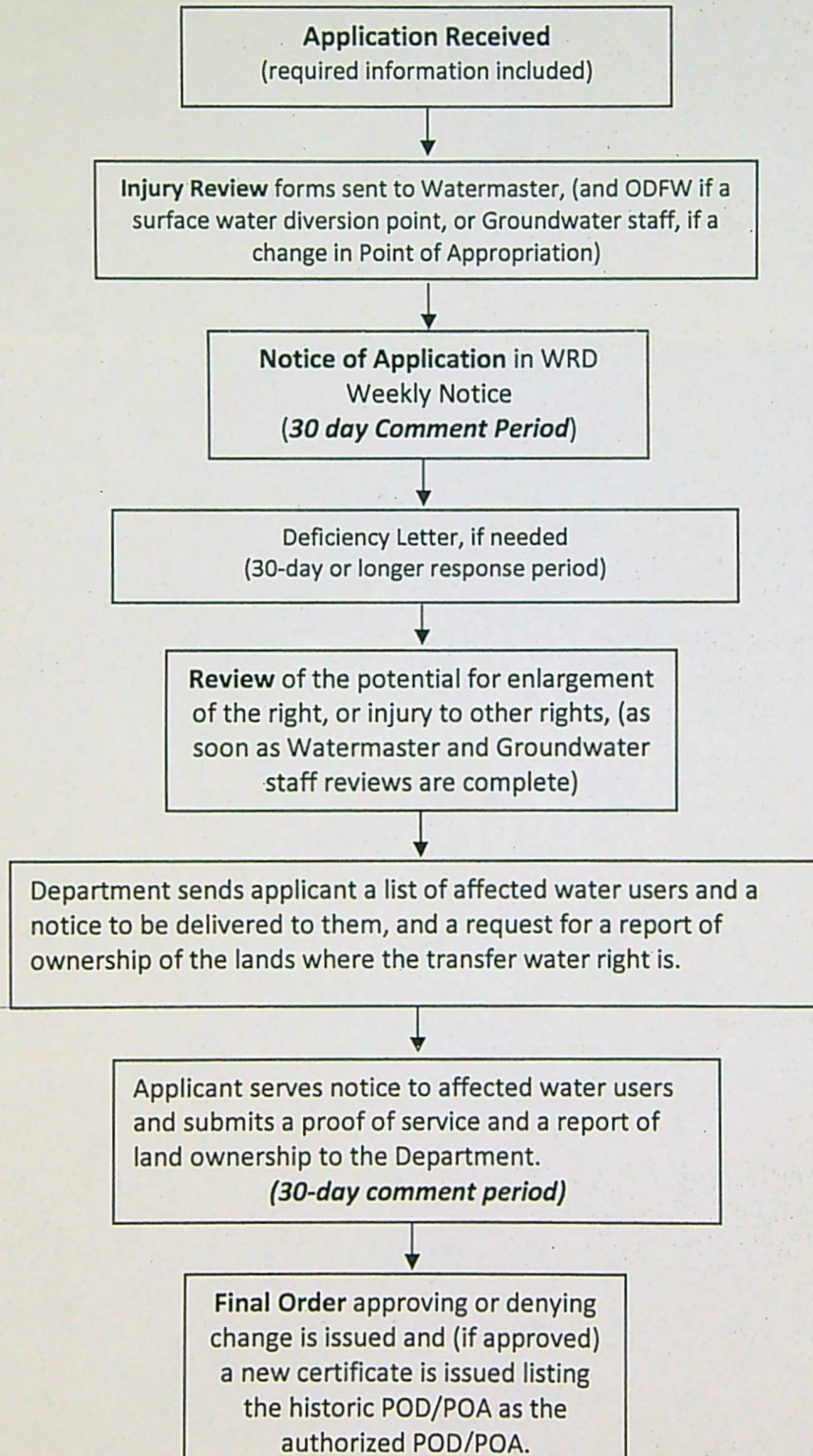
OTHER: (IDENTIFY) \_\_\_\_\_



## Historic Point of Diversion Transfer Process

OAR 690 Division 380

Changes: POD/POA to a point that has been in use for 10 years or more







# Oregon

Kate Brown, Governor

## Water Resources Department

North Mall Office Building

725 Summer St NE, Ste A

Salem, OR 97301

Phone: 503-986-0900

Fax: 503-986-0904

[www.Oregon.gov/OWRD](http://www.Oregon.gov/OWRD)

June 22, 2022

Gary and Jessica Stein  
PO Box 798  
Gold Hill OR 97525

Reference: **Transfer Application T-13862**

Dear Mr. Stein,

I apologize for the delayed response to your letter which I received June 1, 2022.

As of this date (6/22/22), there are 44 transfer files in the ready to go queue ahead of T-13862. I would estimate that a caseworker will get assigned the file for processing sometime later this year, in the November-December time period.

If you have any questions, please do not hesitate to contact me, my e-mail address is [patrick.k.starnes@water.oregon.gov](mailto:patrick.k.starnes@water.oregon.gov) and my telephone number is 503-979-3511.

Sincerely,

Kelly Starnes

Transfer Program Analyst

Transfer and Conservation Section

encs





**Oregon Department of Fish and Wildlife**  
**Historic Point of Diversion Fish Screen Requirement Form**  
*(ODFW provides to WRD so that WRD can make findings according to statutory requirements.)*

Reference Transfer #: T-13862

Date of review: 12/2/21

*Please check one of the following five boxes related to fish screen requirements pursuant to ORS 540.532:*

☐ **1. Screen Maintain**

*[Select this option if the new Point of Diversion (POD) requires a fish screen and is currently equipped with an appropriate fish screen that will still be in compliance if the transferred water is diverted from this POD.]*

**Note:** This option will yield the following:

**Finding of Fact:** The Oregon Department of Fish and Wildlife has determined that a fish screen is necessary at the new point of diversion to prevent fish from entering the diversion and that the diversion is currently equipped with an appropriate fish screen.

**Condition:** The water user shall operate and maintain an approved fish screen at the new point of diversion. If Oregon Department of Fish and Wildlife (ODFW) determines the screen is not functioning properly, and is unsuccessful in working with the water user to meet ODFW standards, ODFW may request that OWRD regulate the use of water until OWRD receives notification from ODFW that the fish screen is functioning properly.

☒ **2. Screen Now**

*[Option 2 should generally be selected if fish species are present at the point of diversion and/or the originating water right diversion is currently screened. If Option 2 is selected, provide contact information on the "Fish Screening and Passage Information" sheet. The new diversion may be eligible for cost-share.]*

**Note:** This option will yield the following:

**Finding of Fact:** The Oregon Department of Fish and Wildlife (ODFW) has determined that a fish screen is necessary at the new point of diversion to prevent fish from entering the diversion and that the diversion is not currently equipped with an appropriate fish screen. This diversion may be eligible for screening cost-share funds.

**Condition:** Prior to diverting water, the water user shall install an approved fish screen at the new point of diversion and shall provide to the OWRD a written statement from Oregon Department of Fish and Wildlife (ODFW) that the installed screen meets the state's criteria, or that ODFW has determined a screen is not necessary.

The water user shall operate and maintain the fish screen at the new point of diversion consistent with ODFW's operational and maintenance standards. If ODFW determines the screen is not functioning properly, and is unsuccessful in working with the water user to meet ODFW standards, ODFW may request that OWRD regulate the use of water until OWRD receives notification from ODFW that the fish screen is functioning properly.

*Please return all 3 pages to: Transfers Section, Water Resources Department,  
725 Summer St. NE, Suite A, Salem, OR 97301-1266*



☐ **3. Screen 2 Year**

*[Option 3 may be checked if the change is from an unscreened diversion to a HISTORIC POD or an existing POD in use for another water right, and cost-share funds are not currently available. It should NOT be checked if fish species are present at the point of diversion, the originating water right diversion is screened, cost-share funds are currently available, or the diversion is not eligible for ODFW's cost-share program. Please provide contact information on the "Fish Screening and Passage Information" sheet.] If extraordinary circumstances are present, please explain: \_\_\_\_\_*

**Note:** This option will yield the following:

**Finding of Fact:** The Oregon Department of Fish and Wildlife (ODFW) has determined that a fish screen is necessary at the new point of diversion to prevent fish from entering the diversion and that the diversion is not currently equipped with an appropriate fish screen. Listed fish species are not present at the point of diversion, the originating water right diversion is not screened, cost-share funds are not currently available, and the proposed diversion may be eligible for ODFW's cost-share program. A grace period of two years is appropriate until such time as cost-share funds become available to assist in the construction of a fish screen. If cost-share funds do not become available, the water user must screen within the indicated time period regardless of the availability of cost-share funding.

**Condition:** By October 1, 20\_\_ [Within two years after the date of this order] the water user shall install an approved fish screen at the new point of diversion. The water user shall provide to OWRD a written statement from Oregon Department of Fish and Wildlife (ODFW) that the installed screen meets the state's criteria, or that ODFW has determined a screen is not necessary.

The water user shall maintain and operate the fish screen at the new point of diversion consistent with ODFW's operational and maintenance standards. If ODFW determines the screen is not functioning properly, and is unsuccessful in working with the water user to meet ODFW standards, ODFW may request that OWRD regulate the use of water until OWRD receives notification from ODFW that the fish screen is functioning properly.

☐ **4. Screen Future**

*[Use this option if fish are not currently present, but might possibly be at some future time.]*

**Note:** This option will yield the following:

**Finding of Fact:** The Oregon Department of Fish and Wildlife has determined that the diversion is not currently equipped with an appropriate fish screen, but a fish screen may be required in the future at the new point of diversion to prevent fish from entering the diversion.

**Condition:** The Oregon Department of Fish and Wildlife (ODFW) may require the water user to install an approved fish screen at the new point of diversion within one year after receiving written notification that a fish screen is required. Once installed the water user shall maintain and operate the fish screen at the new point of diversion according to ODFW's operational and maintenance standards. If ODFW determines the screen is not functioning properly, and is unsuccessful in working with the water user to meet ODFW standards, ODFW may request that OWRD regulate the use of water until OWRD receives notification from ODFW that the fish screen is functioning properly.

☐ **5. No Screen Needed**

*[Check this box if fish are not currently present, and are not expected in the future.]*

Signature

Jason Brandt  
Printed Name

(541) 315-6222  
Phone

SW Hydro Coordinator  
Title



**Oregon Department of Fish and Wildlife**  
**Additional Fish Screening and Passage Information for the Applicant**  
*(To be completed by ODFW for WRD to provide to the applicant.)*

Transfer #: T-13862

**The applicant should be aware that fish screening and passage may be required for certain changes in point of diversion if the boxes below are checked.**

- ☒ Fish screening is required as a condition of this transfer. The fish screen must meet ODFW's design, construction, operational and maintenance standards.

Pursuant to ORS 498.306, cost-share funds may be available to assist in the installation of fish screening.

The applicant should contact the ODFW staff member below to obtain additional information on the design, construction, operational, and maintenance standards for the fish screen and to obtain information about ODFW's cost-sharing program for screening. **Prior to installation, the water user must obtain written approval from ODFW that the required screen meets ODFW's criteria.**

ODFW staff name: Rich Kilbane

Address: 1495 E Gregory Rd

City/State/Zip: Central Point/OR/97502

Phone: (541) 826-8774

- ☒ This transfer may trigger requirements for fish passage under ORS 509.585 because a new point of diversion will be constructed, an existing point of diversion's capacity will be increased, or an existing point of diversion will be abandoned. The applicant should contact the ODFW staff member below for a determination of whether native migratory fish are or were present at the applicable location, which will determine whether fish passage must be addressed.

ODFW staff name: Jason Brandt

Address: 4192 North Umpqua Hwy

City/State/Zip: Roseburg/OR/97471

Phone: (541) 315-6222





**Oregon**  
Kate Brown, Governor

**Water Resources Department**

725 Summer St NE, Suite A

Salem, OR 97301

(503) 986-0900

Fax (503) 986-0904

November 15, 2021

GARY & JESSICA STEIN  
PO BOX 798  
GOLD HILL, OR 97525

Reference: Application T- 13862

On November 3, 2021, OWRD received your water right application for an Historic POD Transfer. The application was accompanied by \$1360.00. Our receipt number 136756 is enclosed.

By copy of this letter, we are asking the Watermaster for a report regarding the potential for injury to existing water rights which may be caused by the requested change. A review form is also being sent to Oregon Department of Fish and Wildlife to determine if a fish screen will be required.

If the land is sold before the transfer is approved, the buyer's consent to the transfer will be required unless a recorded deed or other legal document clearly established that the water right was not conveyed in the sale.

Please refer to the following page for a chart showing the steps and expected timelines for the processing of your application.

If you have any questions, please contact the Transfer Section at (503) 979-9931.

Cc: Watermaster Dist. #13, Shavon L. Haynes (via email)  
Jackson County Planning

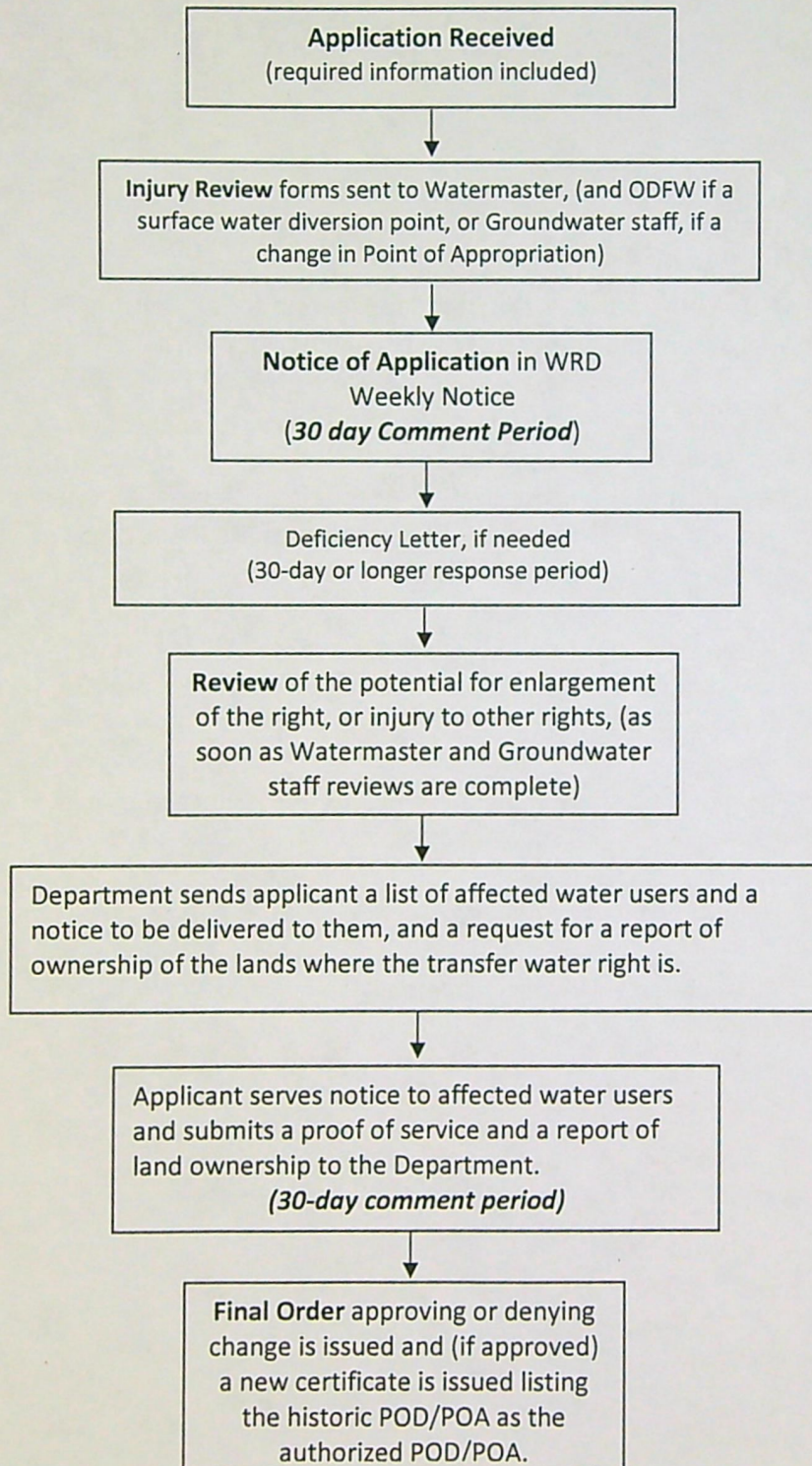
Enclosure



## Historic Point of Diversion Transfer Process

OAR 690 Division 380

Changes: POD/POA to a point that has been in use for 10 years or more





STATE OF OREGON  
WATER RESOURCES DEPARTMENT

RECEIPT # 136756

725 Summer St. N.E. Ste. A  
SALEM, OR 97301-4172  
(503) 986-0900 / (503) 986-0904 (fax)

INVOICE # \_\_\_\_\_

RECEIVED FROM: The Stein Group, LLC  
BY: \_\_\_\_\_

APPLICATION	
PERMIT	
TRANSFER	1-13862

CASH: ☐ CHECK: # 1005 OTHER: (IDENTIFY) ☐

TOTAL REC'D \$ 1,360.00

1083 TREASURY 4170 WRD MISC CASH ACCT

0407 COPIES \$  
OTHER: (IDENTIFY) \$  
0243 I/S Lease 0244 Muni Water Mgmt. Plan 0245 Cons. Water

4270 WRD OPERATING ACCT

MISCELLANEOUS

0407 COPY & TAPE FEES \$  
0410 RESEARCH FEES \$  
0408 MISC REVENUE: (IDENTIFY) \$  
TC162 DEPOSIT LIAB. (IDENTIFY) \$  
0240 EXTENSION OF TIME \$

WATER RIGHTS:

0201 SURFACE WATER \$  
0203 GROUND WATER \$  
0205 TRANSFER \$ 1360.00

WELL CONSTRUCTION

0218 WELL DRILL CONSTRUCTOR \$  
LANDOWNER'S PERMIT \$

OTHER (IDENTIFY) \_\_\_\_\_

0536 TREASURY 0437 WELL CONST. START FEE

0211 WELL CONST START FEE \$  
0210 MONITORING WELLS \$  
OTHER (IDENTIFY) \_\_\_\_\_

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

0233 POWER LICENSE FEE (FW/WRD) \$  
0231 HYDRO LICENSE FEE (FW/WRD) \$  
HYDRO APPLICATION \$

TREASURY OTHER / RDX

FUND \_\_\_\_\_ TITLE \_\_\_\_\_  
OBJ. CODE \_\_\_\_\_ VENDOR # \_\_\_\_\_  
DESCRIPTION \$

RECEIPT: 136756

DATED: 11-3-2021 BY: Mindy Carlson



Application for  
**Historic Change in Point of  
Diversion/Appropriation**  
Part 1 of 5 – Minimum Requirements Checklist



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

This historic change in point of diversion/appropriation application will be returned if  
Parts 1 through 5 and all required attachments are not completed and included.

For questions, please call (503) 986-0900, and ask for Transfer Section.

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

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- ☒ Part 1 – Completed Minimum Requirements Checklist.
- ☒ Part 2 – Completed 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 the Transferred Water Rights: **How many water rights are to be transferred? 1 List them here: 68469**

OWRD

Please include a separate Part 5 for each water right. (See instructions on page 5)

**NOTE: A separate transfer application is required for each water right unless the criteria in OAR 690-380-3220 are met.**

**Attachments:**

- ☒ Completed Application Map (Does not have to be prepared by a Certified Water Right Examiner).
- ☒ Completed Evidence of Use Affidavit and supporting documentation showing that water has been used on the land for five years prior to transfer filing AND diverted at the actual, current point of diversion/appropriation for more than 10 years.
- ☒ Statement from the local Watermaster, based upon the Watermaster's knowledge and Department records, that no complaint of injury has been made due to the use of water at the actual, current point of diversion/appropriation.
- ☒ Land Use Information Form with approval and signature (or signed land use form receipt stub).
- ☐ ☒ N/A Affidavit(s) of Consent from Landowner (if the applicant does not own the land the water right is on.)
- ☐ ☒ N/A Water Well Report/Well Log for changes in point(s) of appropriation (well(s)) or additional point(s) of appropriation.

(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 – Historic Change in Point of Diversion/Appropriation Application Map Checklist

Your historic change in point of diversion/appropriation application will be returned if any of the map requirements listed below are not met.

Please be sure that the historic change in point of diversion/appropriation 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 white or clear paper or film.
- ☒ The size of the map can be 8½ x 11 inches, 8½ x 14 inches, or up to 30 x 30 inches. For 30 x 30 inch maps, three (3) paper copies and an electronic copy in a .pdf, .tiff or .jpg format are 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) and county tax lot numbers are required.
- ☒ 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.
- ☒ Authorized 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.
- ☒ Actual, current point of diversion/appropriation. Show the 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°).
- ☒ WRD 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 If for more than one actual, current point of diversion/appropriation. separate hachuring is needed for each place of use served by each point of diversion/appropriation, including the 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.

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WRD



# Part 3 of 5 – Fee Worksheet

FEE WORKSHEET for HISTORIC POD/POA TRANSFER			
1	Base Fee (includes Historic POD change to one water right for up to 1 cfs)	1	\$1,360
2	Number of water rights included in transfer <u>1</u> (2a) Subtract 1 from the number in 2a above: <u>0</u> (2b) <i>If only one water right this will be 0</i> Multiply line 2b by \$610 and enter »	2	0
3	Do you propose to add or change a well, or change from a surface water POD to a well? <input checked="" type="checkbox"/> No: enter 0 <input type="checkbox"/> Yes: enter \$480 for the 1 <sup>st</sup> well to be added or changed <u>0</u> (3a) Do you propose to add or change additional wells? <input checked="" type="checkbox"/> No: enter 0 <input type="checkbox"/> Yes: multiply the number of additional wells by \$410 <u>0</u> (3b) Add line 3a to line 3b and enter »	3	0
4	Add entries on lines 1 through 3 above » » » » » » » » <b>Transfer Fee:</b>	4	\$1,360.

☐ Check this box if this project is fully or partially funded by the American Recovery and Reinvestment Act. (Federal stimulus dollars)

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## Part 4 of 5 – Applicant Information and Signature

### Applicant Information

Note: Applicant must be an INDIVIDUAL, as defined by OAR 690-380-2120, that is “a natural person and does not include a government body, organization, business enterprise, or other such entity.”

APPLICANT/BUSINESS NAME <b>Gary R. &amp; Jessica Stein</b>		PHONE NO. <b>541-855-2367</b>	ADDITIONAL CONTACT NO.
ADDRESS <b>P.O. Box 798</b>		FAX NO.	
CITY <b>Gold Hill</b>	STATE <b>OR</b>	ZIP <b>97525-0798</b>	E-MAIL
BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED.			

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

AGENT/BUSINESS NAME		PHONE NO.	ADDITIONAL CONTACT NO.
ADDRESS		FAX NO.	
CITY	STATE	ZIP	E-MAIL
BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED.			

Explain in your own words what you propose to accomplish with this transfer application; and why:  
To authorize diversion that has been in place for more than 30 years

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

By signing this application, I understand that prior to Department approval of the historic change in point of diversion/appropriation, I will be required to provide landownership information and evidence that I am authorized to pursue the change as identified in OAR 690-380-4010(5).

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

Applicant Signature

Gary R. Stein  
Print Name (and Title if applicable)

Date

Applicant Signature

Jessica Stein  
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.*

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At this time, are the lands in this 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:

<http://www.oregon.gov/owrd/docs/transfer-propertytransactions.pdf>

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

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

☐ 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 or used.

ENTITY NAME JACKSON COUNTY	ADDRESS 10 SOUTH OAKDALE AVE., ROOM #100	
CITY MEDFORD	STATE OR	ZIP 97501

ENTITY NAME	ADDRESS	
CITY	STATE	ZIP

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# Part 5 of 5 – Water Right Information

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

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CERTIFICATE # 68469

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## Description of Water Delivery System

System capacity: .06 cubic feet per second (cfs) OR

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\_\_\_\_\_ 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. Current system consists of a 5HP Leeson variable frequency motor and Munro LP series pump with a 3" intake and discharge. Buried PVC pipelines deliver water to impulse sprinklers and rotor pop-ups as well as drippers. Pump intake is screened with a SUPR202000 M-L 130 Pump-Rite suction screen that is ODF&W/NMSF/BUREC approved.

**Table 1. Location of Authorized and Current 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 the Current POD/POA that has been used for more than 10 years?	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)
POD 1	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Current		36 S	3 W	13	SW NE	2	1550 feet South & 2340 feet West from the NE Corner Section 13
POD 2	<input type="checkbox"/> Authorized <input checked="" type="checkbox"/> Current		36 S	3 W	13	NE NW	1	800 feet South & 3125 feet West from the NE Corner Section 13
	<input type="checkbox"/> Authorized <input type="checkbox"/> Current							
	<input type="checkbox"/> Authorized <input type="checkbox"/> Current							

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

- ☒ Point of Diversion (POD)
 ☐ Additional Point of Diversion (APOD)
 ☐ Point of Appropriation/Well (POA)
 ☐ Additional Point of Appropriation (APOA)

Will the historic change in point of diversion/appropriation affect the entire water right?

- ☐ Yes Complete only the proposed section of Table 2 on the next page.
 ☒ No Complete all of Table 2 to describe the portion of the water right to be changed.



**Table 2. Description of Changes to Water Right Certificate # 68469**

[illegible]

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

- ☐ Well log(s) are attached for each authorized and current 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/](http://apps.wrd.state.or.us/apps/gw/well_log/))

OR

- ☐ Describe the construction of the authorized and current well(s) in Table 3 for any wells that do not have a well log.

**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 adequate information is likely to delay the processing of your transfer application.

Current or Authorized POA Name or Number	OWRD Well ID Tag No. L-____ (if available)	Total well depth	Casing Diameter	Casing Intervals (feet)	Seal depth(s) (intervals)	Perforated or screened intervals (in feet)	Static water level of complete d 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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# 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 )  
County of JACKSON ) ss

County of JACKSON)

I, GARY R. STEIN, in my capacity as LAND OWNER,  
mailing address P.O. BOX 798, GOLD HILL, OR 97525-0798  
telephone number (541) 855-2367, being first duly sworn depose and say:

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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: \_\_\_\_ (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 # 68469 (For Historic POD/POA Transfers)

(continues on reverse side)

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

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.

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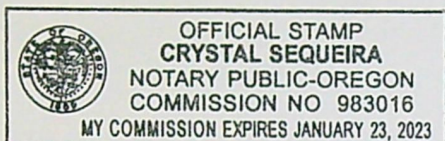
NOV 03 2021

Signature of Affiant

Date

OWRD

Signed and sworn to (or affirmed) before me this 1st day of October, 2021.



Notary Public for Oregon

My Commission Expires: January 23, 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 checked="" type="checkbox"/> Records such as FSA crop reports, irrigation district records, NRCS farm management plan, or records of other water suppliers <div>Notarized and recorded statement from previous owner Dated 8-27-2007</div>	<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	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.  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>
<input type="checkbox"/> Approved Lease establishing beneficial use within the last 5 years	Copy of instream lease or lease number

13862



Jackson County Official Records 2010-013333  
R-N  
Cnt=1 AVGERICN 04/28/2010 11:06:28 AM  
\$10.00 \$10.00 \$5.00 \$11.00 \$15.00 Total:\$51.00



01423849201000133330020023

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

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Notice

August 17, 2007

Ms. Jessica Stein  
P.O. Box 798  
Gold Hill, Oregon 97525

Concerning: Property at 8881 Hardy Way  
Gold Hill, Oregon 97525

Dear Jessica:

I have received your letter and the map concerning the property in the Gold Rey Estates..To be honest with you we were astounded. We lived there for eighteen years and paid the property taxes on river frontage (which was not cheap) .We had a pump in the river from the second month that we were there. It was there the entire eighteen years. We also had permission from the County to put a dock in the river for our fishing boat and jet boat as long as it did not extend into the river more than 12 feet. It was still there when we left and so was the pump. We had Riparian water rights.

We purchased the property from Sigmund and Ann Snelson. They live in California. They were in Ventura on Coldwater Canyon Road. I am not sure that they are still there but they are probably around there somewhere. At no time did John Day have any of our river frontage I am sure that this could be checked out. US Bank paid our taxes for us and received our tax bill the entire time that we lived there. I hope this helps you and if you need anything further , please contact me again.

Sincerely,  
Carolyn Fox

*Carolyn Fox*

State of Washington }  
County of Clark } ss.

On this the 21<sup>st</sup> day of August 2007, before me,

the undersigned Notary Public, personally appeared

*Carolyn Fox*

known to me to be the person(s) whose name(s) is subscribed to the within instrument and acknowledged that she executed the same for the purposes therein contained.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

SHIRLEY F. KLATTENHOFF  
NOTARY PUBLIC  
STATE OF WASHINGTON  
COMMISSION EXPIRES  
JANUARY 31, 2008

*Shirley F. Klattenhoff*  
13862



Application for Water Right  
Historic POD/POA Transfer  
Watermaster Statement



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

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I, Shavon Haynes, Watermaster of District 13,

state that to my knowledge, there has been no claim of injury due to use of an historic point of  
diversion/appropriation for Certificate 68469

from Rogue River located as follows:  
(source)

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

Twp	Rng	Mer	Sec	Q-Q	DLC	GLot	Measured Distances
		W.M.					

OR

☐ by GPS coordinates: Latitude: \_\_\_\_\_

Longitude: \_\_\_\_\_

OR

☒ as shown on the attached map.

[Signature]  
Signature

10/29/2021  
Date

13862



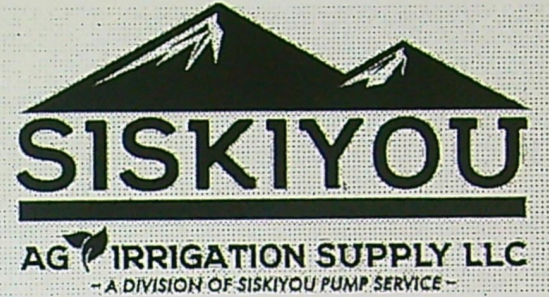
Siskiyou Ag & Irrigation Supply, LLC

545 N Fir St  
Medford, OR 97501  
+1 5418164067  
contact@siskiyouag.com  
https://siskiyouump.com/

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INVOICE

BILL TO  
Gary Stein  
The Stein Group LLC  
P.O. Box 798  
Gold Hill, OR 97525-0798

INVOICE 1118  
DATE 06/10/2021  
TERMS Due on receipt  
DUE DATE 06/10/2021

SALES REP MOBILE # JOB ADDRESS  
Dave Bower 541-973-5514 8881 Hardy Way

PART NUMBER	DESCRIPTION	QTY	NET EACH	EXT/AMOUNT
/COMMENT	AS-Built Invoice	1	0.00	0.00
MUNLP3005B3	MUNRO LP3005B5 5 HP SELF-PRIMING PUMP WITH 3-PHASE 240/480V MOTOR	1	1,905.345	1,905.35
YASVFDY2V56AN1	YASKAWA IQ MICRO 2V56AN1 56AMP NEMA I ENCLOSURE (FOR 5 HP SINGLE PHASE 240V SERVICE)	1	1,957.20	1,957.20
EFFMAPA3224	EFFECTOR PRESSURE TRANSDUCER ONLY 0-145 PSI	1	294.00	294.00
YASVFDIQPUMP01-5	YASKAWA 3W TRANSDUCER CABLE X 16'	1	48.552	48.55
YASVFDY300-035-014	YASKAWA LCD OPERATOR KEYPAD NEMA 3R 300-035-0147	1	210.63	210.63
PVC040030	3" SCH 40 IPS SOLVENT WELD PVC PIPE	320	2.358	754.56
PVC080030	3" SCH 80 IPS SOLVENT WELD PVC PIPE PLAIN END	20	3.978	79.56
436030	436030 3" SCH 40 MALE ADAP MIPT X SLIP	1	4.716	4.72
MISC AG	3" x 20' SUCTION HOSE MIPT X FE CAMLOCK PP	1	207.33	207.33
MISC AG	300-A-PP 3" MALE CAMLOCK X FIPT	1	12.13	12.13
SPES1580-40FSR	SPEARS S1580-030FSR 3" PVC SWING CHECK FIPT X FIPT WITH SR COLLAR	1	145.26	145.26
PACSUPR202000	SUPR202000 M-L 130 PUMP-RITE PASSIVE SUCTION SCREEN ODF&W/NMFS/BUREC APPROVED	1	847.00	847.00
PACSULVMMF525	PUMP-RITE 3" MIPT ADAPTER FOR M-L65	1	91.00	91.00
PACSUPR99M130	PUMP-RITE M-L 130 POWDER COATE BALANCE TUBE ONLY	1	135.00	135.00

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THANK YOU!

Invoice Due upon receipt. Statements will be sent by request only.  
Invoices are PAST DUE if payment is not received within 10 days of the invoice date shown above.  
A 1.5% PAST DUE charge per month will be assessed on all PAST DUE Invoices.



# HISTORIC CHANGE IN POINT OF DIVERSION TRANSFER

CERTIFICATE 68469

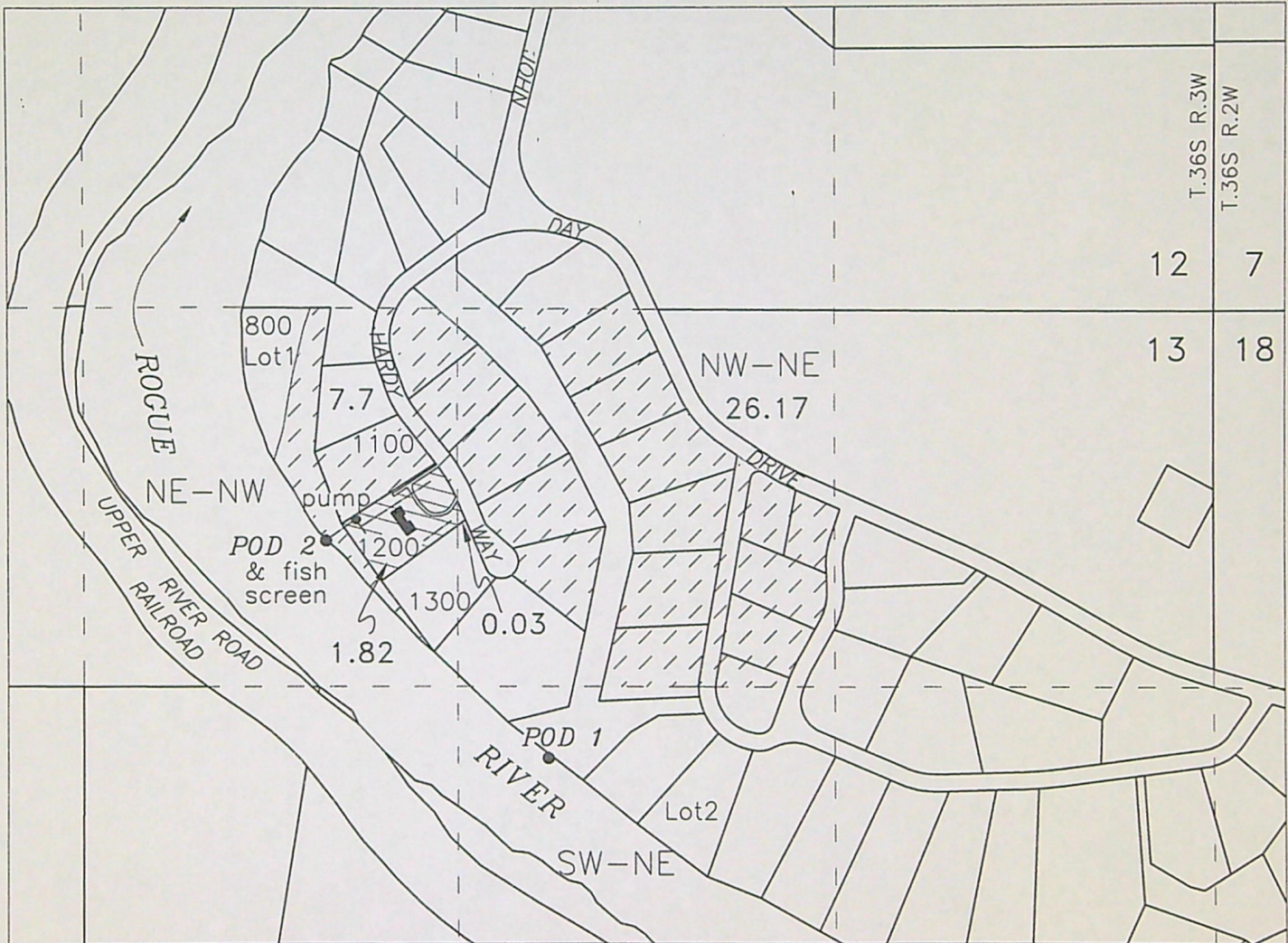
Township 36 South, Range 3 West, W.M.

Jackson County, Oregon

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## Legend

POD-1 AUTHORIZED - Lot 2, SW/NE, Section 13, 1550 feet South & 2340 feet West from the NE Corner Section 13

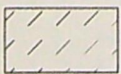
POD-2 HISTORIC - Lot 1, NE/NW, Section 13, 800 feet South & 3125 feet West from the NE Corner Section 13 (in place more than 30 years)

Prepared for:

Gary R. & Jessica Stein  
P.O. Box 798  
Gold Hill, OR 97525-0798



Irrigation 1.85 acres 10/28/1948  
(1.82 acres Lot 1 NE/NW  
0.03 acres NW/NE)



Remaining Right  
Irrigation 7.7 acres Lot 1, NE/NW &  
26.17 acres NW/NE Sec. 13

SUPERIOR WATER RIGHT CONSULTING, LLC  
245 GLENOAK LANE  
GRANTS PASS, OR 97526 (541) 761-1057

Base Map: Jackson County GIS data  
with current ORmap aerial photo overlay  
for assumed best fit. Survey map 19186  
used for orientation

This map is not intended to provide  
dimensions or locations of property ownership lines

13862

Scale  
1 inch = 600 feet

9/16/2021 n.e.d.



# 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

OWRD

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

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Applicant(s): Gary R. & Jessica Stein

Mailing Address: P.O. Box 798

City: Gold Hill

State: OR

Zip Code: 97525-0798 Daytime Phone: 541 855-2367

## A. Land and Location

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

Township	Range	Section	¼ ¼	Tax Lot #	Plan Designation (e.g., Rural Residential/RR-5)	Water to be:			Proposed Land Use:
<u>36S</u>	<u>3W</u>	<u>13</u>	<u>NWNE</u>	<u>1200</u>	<u>RR-2.5</u>	<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	<u>landscape</u>
<u>36S</u>	<u>3W</u>	<u>13</u>	<u>NENW</u>	<u>1200</u>	<u>RR-2.5</u>	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	<u>landscape</u>
<u>36S</u>	<u>3W</u>	<u>13</u>	<u>NENW</u>	<u>800</u>	<u>WR</u>	<input checked="" type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input type="checkbox"/> Used	<u>existing pipeline</u>
_____	_____	_____	_____	_____	_____	<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

## 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) Rogue River

Estimated quantity of water needed: 0.025    ☒ 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:

We are applying to authorize a point of diversion that has been in place for more than 30 years

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

See bottom of Page 3. →

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# For Local Government Use Only

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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): 250 6.4
- ☐ Land uses to be served by the proposed water uses (including proposed construction) involve discretionary land-use approvals as listed in the table below. (Please attach documentation of applicable land-use approvals which have already been obtained. Record of Action/land-use decision and accompanying findings are sufficient.) If approvals have been obtained but all appeal periods have not ended, check "Being pursued."

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

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

Name: Francisco M. Hernandez Title: Planner III

Signature: [Signature] Phone: 541-774-6907 Date: 10-18-2021

Government Entity: Jackson County Development Services

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

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439-21-02860-ZON

10/13/2021

Land Use Compatibility

36-3W-13-1200

ZONING: Rural Residential-2.5

RECORD NO: 439-21-02860-ZON

PROCESS: Type I Permit

PROJECT NAME: LUCS

ASSIGNED STAFF:

RECEIVED DATE: 10/13/2021

SITE ADDRESS: 0 HARDY WAY

Owners

JACKSON COUNTY  
NO ADDRESS SUPPLIED  
MEDFORD, OR 97501

STEIN GARY R TRUSTEE ET AL  
PO BOX 798  
GOLD HILL, OR 97525-0798

Record Detail Description

Water  
Point of Diversion

Contacts

STEIN GARY R TRUSTEE ET AL  
PO BOX 798 GOLD HILL, OR 97525-0798

541-855-2367





## Superior Water Right Consulting, LLC

NORM DAFT  
"The Water Guy"

245 Glenoak Lane  
Grants Pass, OR 97526

Phone (Cell): 541 761-1057541  
761-1057  
Home phone: 541 479-9866  
[normthewaterguy@charter.net](mailto:normthewaterguy@charter.net)

October 30, 2021

Oregon Water Resources Department  
Transfer Section  
725 Summer Street, NE, Suite A  
Salem, OR 97301-1266

Transfer Section,

Please find the following enclosed documents:

1. Historic Transfer Application
2. Transfer Map
3. E-mail approving map scale
4. Affidavit of Use with supporting notarized statement dated 2007
5. Land Use Information Form signed by Jackson County Planning
6. Watermaster Statement
7. A check in the amount of \$1,360.00
8. Invoice from Siskiyou Irrigation Supply, LLC – recent replacement of irrigation system to include a fish screen meeting ODF&W standards.

Please let me know if you have any questions.

Thank You,

Norman E. Daft

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but 68469

## Historic Change in POD/POA Water Right Transfer Application Completeness Checklist

Checked by: Scott

Date: Nov 8, 2021

(If OK, check box to left; if not, fill in the blank)

- ☒ 1. Page 1 of application: Are all attachments that have been checked actually included?  
If not, what is missing? \_\_\_\_\_
- ☒ 2. Does the attached local "Watermaster Statement" indicate that, based upon the watermaster's knowledge and Department records, no complaint of injury has been made due to use of water at the actual, current point of diversion or appropriation (*i.e., the historic POD/POA*)?
- If **NO**, a complaint of injury has NOT been made – proceed to Item #3.
  - If **YES**, a complaint of injury has been made – **STOP!**  
The application does **not** meet the criteria for ORS 540.532 (OAR 690-380-2120).  
→ Return the application/fees and direct the applicant to **instead** use the standard POD/POA change Transfer Application and process under ORS 540.520 & 540.530 (OAR 690-380-2110).
- ☒ 3. Is the applicant an "individual" as required by ORS 540.532 and defined in OAR 690-380-2120(7)?
- If **YES**, the applicant is an "individual" – proceed to Item #4.
  - If **NO**, the applicant is not an "individual" – **STOP!**  
The application does **not** meet the criteria for ORS 540.532 and OAR 690-380-2120(7).  
→ Return the application/fees and direct the applicant to **instead** use the standard POD/POA change Transfer Application and process under ORS 540.520 & 540.530 (OAR 690-380-2110).
- ☒ 4. Are fees included and correct? yes  
If not, the correct fee would be: \_\_\_\_\_, so the amount missing is: \_\_\_\_\_
- ☒ 5. Page 3 of application: Have all the applicants listed at the top of the page signed at the bottom?  
If not, whose signature is missing? \_\_\_\_\_
- ☒ 6. Are all listed certificates or permits shown by WRIS as non-cancelled? yes  
If not, which are cancelled? \_\_\_\_\_  
For each cancelled certificate, if there has been a remaining right certificate issued that covers the lands in the left side of Table 2, list its number \_\_\_\_\_ and check the #4 box at left on this checklist.
- ☒ 7. If any certificate is in the name of a "district", is a Supplemental Form D from that district enclosed?  
☒ N/A ☐ Form D needed from \_\_\_\_\_ (district)
8. If all #1-#7 boxes on this checklist are checked, accept the application. Put this check sheet in the transfer folder. If #1, #2, #3, #4, #5, #6 or #7 on this checklist is deficient, the application cannot be accepted. It should be returned and the **deficiencies listed in the "staff" section at the bottom of Application Page 1**, unless the applicant or agent can resolve the deficiencies within 2-3 days.

total 1.85 new



## Norm Daft

---

**From:** STARNES Patrick K \* WRD <Patrick.K.Starnes@oregon.gov>  
**Sent:** Tuesday, September 14, 2021 9:48 AM  
**To:** JARAMILLO Lisa J \* WRD  
**Cc:** Norm Daft  
**Subject:** Re: Historic Transfer

Good Morning Norm,

The 1" = 600' scale is acceptable for the application.

Kelly

Kelly Starnes, Transfer Program Analyst  
Oregon Water Resources Department  
725 Summer St NE Suite A  
Salem OR 97301-1271  
Cellphone: 503-979-3511 Fax: 503-986-0903  
E-mail: patrick.k.starnes@oregon.gov

Please Note: Under Oregon Law, messages to and from  
this e-mail address may be available to the public.

---

**From:** JARAMILLO Lisa J \* WRD <Lisa.J.Jaramillo@oregon.gov>  
**Sent:** Tuesday, September 14, 2021 8:31:40 AM  
**To:** STARNES Patrick K \* WRD <Patrick.K.Starnes@oregon.gov>  
**Cc:** Norm Daft <normthewaterguy@charter.net>  
**Subject:** RE: Historic Transfer

Hi Kelly,

Please review Norm's request and let him know whether it is acceptable.

Thank you,  
Lisa

Lisa J. Jaramillo

Transfer and Conservation Section Manager  
725 Summer Street NE, Suite A, Salem, OR 97301 | Phone: 503-871-1889 (work cell)



Integrity | Service | Technical Excellence | Teamwork | Forward-Looking

---


**From:** Norm Daft <normthewaterguy@charter.net>  
**Sent:** Monday, September 13, 2021 5:45 PM

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 To: JARAMILLO Lisa J \* WRD <Lisa.J.Jaramillo@oregon.gov>

Subject: Historic Transfer

Lisa,

I'm doing a historic transfer for a client. In preparing the map I find that 1"=400' is too big to get the section corner in and 1"=1320' is way to small to see anything.

I am proposing to scale the map at 1"=600'.

Please let me know if this can be approved.

Thanks.

Norm

Norman E. Daft  
(541) 761-1057

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