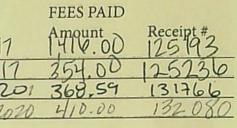


T-12774

Name Gin Guei Ebnesaijad Joy Luck Farm, LLC Address 225 West Rapp Rd. Talent, OR 97540	DESCRIPTION OF WATER RIGHT(s) Name of Stream Wagner Cr.		D
Change in $APOD$ Date Filed $11-20-17$ Initial notice date $11-23-20(7)$ DPD issued date $9-20-20(9)$ Rev. 10/20 19	Trib. of <u>Bear Cr.</u> Use <u>I rogation</u> , <u>Dome.strc</u> , <u>Live.stock</u> Quantity of water (CFS) Name of ditch	_County_JaousonNo. of Acres	
PD issued date 01 28 2020 PD notice date 01 28 2020 Date of FOVolPage	App#RogueR. Per # App#Per # Per # App#Per # Per # App#Per # Per #	Cert #_745]2 Cert #_48966 Cert # _Cert #	_ PR Date <u>1854</u> _ PR Date D _ PR Date D
C-Date COBU due date COBU Received date Certificate issued	App# Per #	Cert #	PR Date
Certificate Issued			
Assignments:			
rigation District Talent Irrigation District	PO Box 467 Talent, OR 97	540	
		540	

T-12774



FEES REFUNDED Amount Receipt

		WAT	ER RESOL	OF OREGON	IENT	
RECE	EIPT #]	.25236	SALEM	mer St. N.E. Ste. A I, OR 97301-4172 I0 / (503) 986-0904 (fax)	INVOICE #	
RECE	IVED FRO	M: Aluna	Miche	le	APPLICATION	
BY:					PERMIT	
CASH				EVA	TRANSFER	+=12774
	т. С	1089			TOTAL REC'D	\$ 354.00
	1083	TREASURY	4170 WF	ND MISC CASH AC	CT	
	0407	COPIES				\$
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	\$ 1004			TOTAL REC'D	\$1,416.00
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	25193		-15-17 BY:_ Copy - Fiscal, Blue Co		Wrich

Water Right Transfer Cover Sheet

Transfer T-12774

Transfer Specialist: Corey

Transfer Type: Regular

Applicant Name/Address:	Agent Name/Address:	Rec Landowner Name/Address:
GIN GUEI EBNESAJJAD	ALUNA MICHELLE	
225 WEST RAPP RD	225 WEST RAPP RD	
TALENT, OR 97540	TALENT, OR 97540	
CWRE Name/Number:	Irr. District Name/Address:	Affected Gov'ts Name/Address:
		Jackson County Planning &
		Developmentcounty
		Courthouse
Commentors: Name/Address:		Current Landowner Name/Address:

Water Rights Affected

Records Marked	Records Copied	App File No. or Decree Name	Permit No.	Certificate No.	RR/CR Needed	RR/CR Nos.
		Rogue R	Decree	74512	Yes No	94833
				48966	Yes No	94832
					Yes No	

Key Dates & Initial Actions

Rec'd: November 20, 2017	Proposed Action(s): ADDITIONAL POINT OF DIVERSION		
ees Pd: 1770.00	WM District: 13	ODFW District:	
nitial Notice: November 28, 2017	WM Review sent: 11/27/17	ODFW Review sent: 11/27/17	
Acknowledgement Letter Sent 🛛		GW Review sent: furd Mail Tribone of and quested:	
Processing Dates & Actions	Med	fund Mail Tribune not and	
Deficiency Contacts:	Newspaper quote re	quested: Wheator & Andrew GPP 5P°	
DPD Mailed: 9/20/19/ Devis	W DPD 10/28/19 not required	1/2/22	
DPD Mailed: 9	Request for news	s \$ sent: 1/9/20	
ODFW contact sheet sent with D		<u> </u>	
WM measurement contact sheet s	Beaust to public	1/10/20	
PD Signed:	Request to public	sh sent to newspaper: 1/29/20 lication received: 2/18/20	
PD Weekly Notice:	Affidavit of publ	lication received: 410100	
201	Sed PO 10 Dany, Po to	ave	
	1 0.00		
DPD Review (Optional)	PD Review (Salem) Reviewer: B ALD	Final Order Review (Salem)	
Reviewer: 81619		Reviewer: Date:	
Coordinator:PISPKS		Coordinator:	
Date: 9/19/1/ 10/28/	- 101 101.1.1.	Date:	
Comments/Special Issues:			
111			
Special Order Volume: Vol 114	Pages Final Order Sign	ature Date:	
Notice of FO email'd to processors _			
Revised Peer Review - 10	14/19 02		
Never reaching the	1. 1. 70		





Department of Fish and Wildlife

Fish Division 4034 Fairview Industrial Dr. SE Salem, OR 97302 503-947-6200 Fax: 503-947-6202 www.dfw.state.or.us



RECEIVED BY OWRD

OCT 1 2 2017

SALEM, OR

February 29, 2016

Travis Kelly, Jackson County Watermaster 10 South Oakdale Medford, OR 97501

RE: OWRD application for temporary point of diversion transfer on Wagner Creek

Dear Mr. Kelly,

The Oregon Department of Fish and Wildlife (ODFW) supports Aluna Michelle's (authorized agent) application proposing to temporarily transfer a point of diversion for irrigation water downstream on Wagner Creek. This POD was formerly known as the Rapp/Parrish diversion and maintains a valid water right (Cert # 74512). The Rapp/Parrish diversion was a partial passage barrier to native migratory fish. By moving the point of diversion downstream and switching the method of diversion from a dam to a pump would result in two primary benefits to native migratory fish, improved fish passage and water left instream for a longer stream reach. In fact, ODFW encourages the applicant to permanently transfer the POD to the proposed new location and permanently abandon the current POD.

Please feel free to contact me with any questions.

Sincerely an

Jay Doino Western Oregon Stream Restoration Program Biologist Oregon Department of Fish and Wildlife Rogue Watershed District Office



NOV 1 5 2017 SALEM. OR

T 12774

COUPCHANE Corey A * WRD

From: Sent: To: Subject:

JARAMILLO Lisa J * WRD Monday, February 14, 2022 3:32 PM COURCHANE Corey A * WRD FW: PLEASE REVIEW by COB 2/14/2022 --Question related protested PD for T-12774 (Joy Luck Farms) and proposed settlement

Hi Corey,

Would you please print a hard copy of this and place it in the Transfer file record for T-12774 the next time you're in the office? Please also save a copy of it in the electronic folder.

Thanks, 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: HAYNES Shavon L * WRD <Shavon.L.HAYNES@water.oregon.gov> Sent: Monday, February 14, 2022 7:33 AM To: JARAMILLO Lisa J * WRD <Lisa.J.JARAMILLO@water.oregon.gov> Cc: JOHNSTONE Jake D * WRD <Jake.D.JOHNSTONE@water.oregon.gov> Subject: RE: PLEASE REVIEW by COB 2/14/2022 --Question related protested PD for T-12774 (Joy Luck Farms) and proposed settlement

Lisa,

I prefer the OWRD-prepared alternate language for Condition #12:.

I still am concerned about the transfer of domestic and stock to nursery that is to be used from November 1- March 31.

Thanks,

Shavon Haynes (him/his)

District 13 Watermaster – Field Services 10 S. Oakdale, Room 309a Medford, Oregon 97501 | Phone (w) 541-774-6883 (c) 541-218-5125 Integrity | Service | Technical Excellence | Teamwork | Forward-Looking From: JARAMILLO Lisa J * WRD <<u>Lisa.J.JARAMILLO@water.oregon.gov</u>> Sent: Sunday, February 13, 2022 6:06 PM To: HAYNES Shavon L * WRD <<u>Shavon.L.HAYNES@water.oregon.gov</u>> Cc: JOHNSTONE Jake D * WRD <<u>Jake.D.JOHNSTONE@water.oregon.gov</u>> Subject: PLEASE REVIEW by COB 2/14/2022 --Question related protested PD for T-12774 (Joy Luck Farms) and proposed settlement Importance: High

Hi Shavon,

I'm working with our Protest Section to evaluate a proposed settlement presented by Aluna Huang (applicant) as it relates to her protest of the Preliminary Determination (PD) issued on January 28, 2020 for Transfer T-12774 (Joy Luck Farms), which is located within your Watermaster District, and I've got a couple of questions for you below.

If possible, it would be great if you could provide your response by COB on Monday, February 14, 2022. (If not
possible, please let me know.) Jake – I'm including you on this email just in case Shavon it out.

One of her settlement proposals has to do with Condition #12 under "Determination and Proposed Action" on Page 9 of the Preliminary Determination for T-12774, which is shown below:

12. Prior to diverting water, the water user shall install a headgate to control and regulate the quantity of water diverted. The type and plans of the headgate must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department. The water user shall maintain the headgate as required by the Department.

(Link to PD for T-12774: https://apps.wrd.state.or.us/apps/misc/vault/vault.aspx?Type=TRFolder&folder image id=23587)

Aluna provided the following statement and proposal as it relates to Condition #12 for T-12774:

"I'm happy to ensure that any headgate that is part of my operation meets the standards required by the Department. However, there are some situations where a headgate is inapplicable, such as when a gravity-flow takeout is not utilized (for instance, with a pump). This is the case at the additional point of diversion being authorized in my transfer, which is lower than most if not all of the irrigable land on my property and thus requires a pump. It may also be the case at my original point of diversion, depending on how the dynamic forces of nature are currently impacting the configuration of the diversion ditch and creek. I spoke with my local watermaster about this, and he agreed that clarification is needed specifying that when a gravity-flow mechanism is not used to divert the water, installation of what is commonly understood as a "headgate" should not be required prior to diverting water. I'd be happy to work with the Department to craft the appropriate language. May I suggest this as a replacement: "Prior to diverting water, the water user shall ensure that there is a Department-approved headgate in place, or some other way to control and regulate the quantity of water diverted. The water user shall maintain any required headgate or water-flow-control mechanism as required by the Department."

So, here are my questions for you:

1. Are you agreeable to replacing Condition #12 in the PD issued on January 28, 2020 with Aluna's proposed language for Condition #12?

Aluna's proposed language for Condition #12:

"Prior to diverting water, the water user shall ensure that there is a Department-approved headgate in place, or some other way to control and regulate the quantity of water diverted. The water user shall maintain any required headgate or water-flow-control mechanism as required by the Department."

2. If you are <u>NOT</u> agreeable to replacing Condition #12 in the PD issued on January 28, 2020 with Aluna's proposed language for Condition #12, would you be comfortable with the following:

OWRD-prepared alternate language for Condition #12:

"Prior to diverting water, the was user shall install a headgate <u>or other suitable water flow control</u> <u>mechanism</u> to control and regulate the quantity of water diverted. The type and plans of the headgate <u>or</u> <u>other suitable water flow control mechanism</u> must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department. The water user shall maintain the headgate <u>or other suitable water flow control mechanism</u> as required by the Department."

-I prefer this version of Condition#12

PLEASE NOTE: Red, underlined text above is new text added to the original Condition #12 contained in the Preliminary Determination for T-12774 issued on January 28, 2020.

Thank you so much for your assistance. Please feel free to contact me if you have any questions or concerns.

Thanks, 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



Water Resources Department 725 Summer St NE, Suite A Salem, OR 97301 (503) 986-0900 Fax (503) 986-0904

March 12, 2020

Aluna Michelle Gin Guei Ebnesajjad/Joy Luck Farm LLC 225 West Rapp Road Talent, OR 97540

Re: Receipt of protest on Application T-12774 in the name of Joy Luck Farm LLC

Dear Ms. Michelle,

Enclosed is receipt #132080 for check #1198 in the amount of \$410.00 in payment of the fee to file the protest to the Preliminary Determination on Application T-12774. The Department will review the protest and I will contact you once that review is complete.

Please contact me directly with any questions.

Sincerely,

Patricia Mc Carty

Patricia McCarty Protest Program Coordinator Water Right Services Division 503-986-0820 patricia.e.mccarty@oregon.gov

OREGON The second of the seco	Received of ter 5 pm 3-9-2000 RECEIVED & MAR 1 0 2020 Date Received (Date Stamp Here) Date Received (Date Stamp Here)	STATE OF OREGON WATER RESOURCES DEPARTMENT RECEIPT # 132080 RECEIPT # 132080 NVOICE #
Applicant Name(s) & Address: Aluna Michell		RECEIVED FROM: ////////////////////////////////////
Transaction Type: A clandrum Ho Protest Fees Received: \$ Ø In Cash In Check: Check No.	F Gled 3-9-2020	TOTAL REC'D \$ <th< th=""></th<>
Name(s) on Check:		MISCELLANEOUS 4 7235 0407 COPY & TAPE FEES 0410 RESEARCH FEES 0408 MISC REVENUE: (IDENTIFY)
Thank you for your submission. Oregon Water Resources Dep review your submittal as soon as possible. If your submission is determined to be complete, you will rece an acknowledgement letter stating your submittal is complete	eive a receipt for the fees paid and	TC162 DEPOSIT LIAB. (IDENTIFY) S 0240 EXTENSION OF TIME \$ WATER RIGHTS: EXAM FEE S 0201 SURFACE WATER \$ 0203 GROUND WATER \$ 0205 TRANSFER \$
If determined to be incomplete, your submission and the acco an explanation of deficiencies that must be addressed in orde If you have any questions, please feel free to contact the Depa	ompanying fees will be returned with r for the submittal to be accepted.	WELL CONSTRUCTION EXAM FEE LICENSE FEE 0218 WELL DRILL CONSTRUCTOR \$ 0219 \$ LANDOWNER'S PERMIT 0220 \$ \$ 02223 OTHER (IDENTIFY) Protest Appl. A 410.00
at 503-986-0801 or 503-986-0810. Sincerely, OWRD Customer Service Staff Submission received by: (Name of OWRD staff)		0536 TREASURY 0437 WELL CONST. START FEE 0211 WELL CONST START FEE \$ CARD # 0210 MONITORING WELLS \$ CARD # 010 MONITORING WELLS \$ CARD # 011 OTHER (IDENTIFY) CARD # 0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER 0233 POWER LICENSE FEE (FW/WRD) \$ \$ 0231 HYDRO LICENSE FEE (FW/WRD) \$ \$ HYDRO APPLICATION \$ \$ \$
 Instructions for OWRD staff: Complete this Submission Receipt, and make two (2) copies. Place of copy with the submission (<i>i.e., the application or other document</i>). Date-stamp all pages. (<i>NOTE: Do not stamp check.</i>) Give this original Submission Receipt to the applicant. 	one copy with the check/cash; and place the oth	TREASURY OTHER / RDX
 Record Submission Receipt information on the "RECEIVED OVER THE Place the Submission Receipt with check/cash in the small top draws Submission Receipt with submission (application/other document) in 	er (i.e., "Fiscal Pick Up Drawer"). Place the	RECEIPT: 132080 DATED 3-9-2020 By: Milled i Distribution – White Copy - Customer, Yellow Copy - Fiscal, Blue Copy - File, Buff Copy - Fiscal

725 Summer St. NE, Suite A, Salem, OR 97301 Phone: 503-986-0900

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www.oregon.gov/OWRD . April 2019

PROTEST BY APPLICANT ON WATER RIGHTS TRANSFER T-12774

Applicant/Protestant: Aluna Michelle, agent of Gin Guei Ebnesajjad, Joy Luck Farm LLC.

Address: 225 West Rapp Road, Talent, OR 97540

Email: alunamichelle@hotmail.com

.. .

Phone: 302-588-9329

RECEIVED MAR 0 9 2020

Protest Fee: \$410 enclosed, made out to Oregon Water Resources Department

Dear Oregon Water Resources Department (OWRD) staff,

I sincerely appreciate the effort that you have put in to process my application. I do still see errors in the Preliminary Determination, which I have listed below, so I am filing this protest pursuant to Oregon Administrative Rule (OAR) 690-380-4030 and OAR 690-002-0030. I look forward to working with the Department to resolve them. Please feel free to email or call me anytime to discuss this matter. (And please note, I have had trouble in the past with my Department caseworker's emails not getting through my SPAM filter, so if you email me and don't hear back, please feel free to call and leave a voicemail as well.)

Thank you in advance for your time and attention,

Aluna Michelle Hugn Notes:

- In seeking to comply with OAR 690-380-4030 (3) which refers to an "affidavit required under OAR 690-380-4020(3)", I looked up OAR 690-380-4020(3) and found only an inapplicable rule regarding the publication cost of newspaper notice, which did not make any sense and required no affidavit. I inquired about this with Patricia McCarty, Protest Coordinator at OWRD, and she told me that that part of the rule was a typographical error, and that I could disregard it.
- Where I thought it would be helpful, I've tried to use bolded and italicized text to indicate requested changes. Underlined emphasis was added by me to the quoted sections.
- The phrase "the decree" below refers to the Rogue River Decree.
- If you need to see the raw evidence referred to below (emails, etc.) and you are not able to obtain them from within your Department for some reason, please ask; I would be happy to provide them if needed.
- I plan to submit a public records request to verify some of the information referenced below as soon as I am able, and I would be happy to share the results of my research with you if needed so again, please ask.
- Several of my points below are interrelated such that the quantities cited in one point are referenced/used in a subsequent point. I tried to make it clear what quantities I was referring to, but if you have any questions, please ask me for clarification.
- Herein I quote Department guidance documents along with the decree, Oregon Administrative Rules (OAR) and Oregon Revised Statutes (ORS), however I believe that Department guidance documents don't have the legal authority that the decree, OAR and ORS have, since I know of no legal document which authorizes the Department to follow their guidance documents, especially if they run contrary to the legal mandates. So, while Department guidance documents may confirm the legal mandates of the decree, OAR and ORS, if there are differences the Department guidance may not overrule the decree, OAR or ORS.

TAMP N SIRIANNI - OREGON IO. 994813 MBER 18, 2023 Here are the issues I believe need correction in the Preliminary Determination (PD):

1. Finding of Fact #30 incorrectly describes nursery use as limited to the irrigation season in its second sentence where it reads: "Irrigation and nursery would be limited to the irrigation season." The part about the nursery use being limited to the irrigation season is an error since Determination and Proposed Actions #6, 7, 8 & 9 detail nursery use outside of the irrigation season (November 1 through March 31 of each year). Additionally, I have been told several times by various OWRD employees since 2016 (when I first began inquiring about nursery use) that nursery use is year-round. Under OWRD guidance, I submitted my transfer application to reflect year-round nursery use, specifically by requesting to exchange my year-round irrigation/domestic/stock rights for year-round nursery use each year from April 1 to October 30, as well as November 1 to March 31 – the totality of which constitutes year-round use. This needs to be corrected and made explicit in the PD, so as to avoid misunderstanding about the year-round nature of nursery use.

Hence, Finding of Fact #30 should be revised to read as follows: "Certificates 48966 and 74512 do not specify a period of allowed use; however, domestic, stock *and nursery use* is generally considered a year-round use. *Irrigation* would be limited to the irrigation season. Certificates 48966 and 74512 do not specify an irrigation season; however, consistent with the Rogue River Decree, the irrigation season is April 1 through October 31. Information contained in the decree allows water to be diverted for domestic and stock year round; during the irrigation season water diverted for irrigation purposes includes water diverted for domestic and stock. *New nursery use permits issued by the Department are generally for year-round use.*"

2. Findings of Fact #31, 32 & 33.

Finding of Fact #33 arrives at an annual volume limitation via domestic water use estimates. However, according to the OWRD guidance document *Technical Operations Manual* dated July 1, 2010 page 1, "Some states only allow the consumptive use portion of a water right to be transferred. Other states only allow transfer of the quantity of water that has historically been diverted. <u>Oregon</u> is a 'face value' state. The full quantity of water allowed under a water right may be transferred." Since my domestic water right is an Oregon water right, my domestic use transfer should be conducted according to its face value, as directed by the guidance.

RECEIVED MAR 0 9 2020

This face value conversion is in alignment with information provided by my Department caseworker, as well as information referenced in this PD. On October 9, 2019, my OWRD caseworker emailed me the following information: "January 1, 1971 is when the Department established new regulation guidelines for what rates were allowed for domestic use. It was determined at this time that 0.005 cfs for 1 house domestic, was a sufficient rate that would allow maximum beneficial use of water for 1 household." Finding of Fact #31 reiterates this claim, stating "The Department recognizes 0.005 cubic foot per second (cfs) as an allowable rate for domestic use for one household...." And Finding of Fact #30 states "Information contained in the decree allows water to be diverted for domestic and stock year round...." So domestic water use is by nature and by decree (as stated in Finding of Fact 30) year-round, since there is no period of time (days, hours, months) throughout the year when it's generally accepted that households stop drinking water, cooking, bathing, washing, etc (using water). Hence, there are no limits or conditions on OWRD's 0.005 cfs rate to limit domestic

. ..

use to anything less than continuous use year-round use at 0.005 cfs, and this year-round application at 0.005 cfs was deemed by the Department to constitute maximum beneficial use.

Further confirming this face value calculation are the following two passages:

. .

The 1956 "Rules and Regulations of the State Engineer Together with Instructions and Suggestions for Procedure in Filing Surface Water Applications" adopted by Sp. Order Volume 9, p. 27 which states: "For Domestic Purposes – 0.01 (1/100) of a cubic foot per second is considered sufficient for the use of one family. This amount is <u>equal to</u> <u>approximately 4 ¹/₂ gallons per minute or 6,463 gallons per day</u>." (p. 19)

And the 1970 "Rules and Regulations of the State Engineer Relative to Appropriation and Use of Surface Water Together with Instructions and Suggestions for Procedure in Filing Surface Water Applications" by the State Engineer which states on page 16: "For Domestic Purposes – 0.01 (1/100) of a cubic foot per second is the maximum considered sufficient for the use of one family and...is equal to approximately 4 ½ gallons per minute or 6,463 gallons per day."

Both of these passages prove that the Department is clearly authorizing a full face-value conversion from 0.01 cfs to 6,463 gallons per day, which for a year-round use such as domestic would equal 7.2445 acre feet per year. Per the Department's own guidelines and decreed information then, 0.005 cfs was set as the authorized rate reflecting maximum beneficial year-round domestic use - the two "Rules and Regulations" passages above make this explicit: specifically, that the Department's rates were meant to be applied as continuous flow rates in calculating maximum beneficial use volumes. So the domestic rate authorized by the Department already is premised upon and takes into account year-round continuous use, since domestic use has always been considered year-round – otherwise, there would have been stipulations placed on that authorized rate, but nowhere do I see any such limitations or stipulations that reduce domestic use to anything less than continuous year-round use.

Furthermore, there are mandates within the decree referring to "continuous flow" and "seepage and evaporation losses" of irrigation waters (see Item #5 below). I have been told by OWRD staff multiple times that irrigation, domestic and stock uses are tied together, as first put forth in an email from my Department caseworker dated 5/14/18 stating "According to what I underlined, the Department's interpretation, and guidance from our Transfer Program Policy Coordinator, Kelly Starnes, is that all 3 uses, being irrigation, stock, and domestic are tied together." The underlined reference was as follows from Rogue River Decree section 74, 1919: "...during the irrigation season the amount of water herein allowed and diverted for irrigation purposes shall include the quantity to which each such claimant is entitled for stock and domestic purposes." This is reiterated in Finding of Fact #30 when it states that "during the irrigation season water diverted for irrigation purposes includes water diverted for domestic and stock." Since domestic and stock use are tied to irrigation use, it follows that domestic and stock use, along with irrigation, are also understood by the decree as rates set by the decree to account for both continuous use and seepage and evaporation losses, for the purposes of calculation.

Additionally, to the best of my knowledge, the OWRD's precedent and current method with other transfers for domestic water right annual duty (volume limitation) calculation is a straight multiplication of the OWRD's domestic rate x time. I have been informed by my Department caseworker via email that the "Department evaluates each application with equal consideration and

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judgment" so that means my annual duty calculation should follow the same methodology applied to other transfers. I do not know why Finding of Facts #31-33 would be diminishing my right in a manner never before used with other transfers, as they seem to be doing.

However, this is not the only problem here.

Both the 1956 "Rules and Regulations of the State Engineer Together with Instructions and Suggestions for Procedure in Filing Surface Water Applications" adopted by Sp. Order Volume 9, p. 27, and the 1970 "Rules and Regulations of the State Engineer Relative to Appropriation and Use of Surface Water Together with Instructions and Suggestions for Procedure in Filing Surface Water Applications" by the State Engineer quoted above give a rate of 0.01 cfs for domestic use, which is two times greater than the 0.005 cfs rate for domestic use used in Finding of Fact #31.

I am guessing that my Department caseworker's 0.005 cfs rate figure might actually have come from a 1976 memo by Larry Jebousek listing the following criteria:

"0.01 cfs for 1 or 2 house domestic including 1/2 acre lawn and garden...

0.005 cfs for 1 house domestic (not to include lawn and garden)"

The OWRD Technical Operations Manual dated August 15, 2008 states on page 1 that "For decreed rights, staff must interpret the individual decrees and associated case histories to determine if lawn or garden use is allowed under residential water rights" then on page 2 "The change in 1970 that required applicants to apply for a domestic expanded water right or domestic and irrigation rights if they wanted to irrigated a lawn or garden has resulted in the allowable uses under water rights for domestic purposes that are senior to 1971 being potentially less restrictive than those rights issued during or after 1971." My water right in question is dated 1852 which would put it in the 'less restrictive' category referenced above. I have not seen any evidence from the Department staff proving that my domestic water right does not include lawn and garden and therefore qualifies for the lower 0.005 cfs rate. On the contrary, I would argue that ½ acre lawn and garden to sustain a domicile were much more likely than not back in both 1852 (priority/establishment date of the water right in question) and 1919 (when the decree was issued) – therefore my decreed domestic water right should qualify for the 0.01 cfs rate under the Department guidance.

Additionally and alternatively, Finding of Fact #33 states: "Estimates of in-house domestic use available from agencies such as the United States Geological Survey (USGS), American Water Works Association (AWWA), and Penn State Cooperative Extension indicate an average in-house domestic water use of approximately 70 gallons per person per day...." There are several things wrong with taking this type of estimates out of context and misapplying it to OWRD domestic water use maximum beneficial use calculations that are used to create annual volume limitations, including:

- As stated in Finding of Fact #33, these are "estimates", not measures of maximum beneficial use as is the Department's mandate.
- As stated in Finding of Fact #33, these are estimates that "indicate an average" per capita water use. "Average" water use is not the same thing as maximum beneficial water use. Except where all data points are equal, averages always exclude the highest and lowest data points (excluding the "maximum" nature of "maximum beneficial use"). Averages also do not take into account the "beneficial" nature of "maximum beneficial use". "Beneficial use" is defined by the OAR as follows:

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Definitions

(5) "Beneficial Use" means the reasonably efficient use of water without waste for a purpose consistent with the laws, rules and the best interests of the people of the state.

Nowhere in the above "beneficial use" definition do I see any mention of averages - or estimates, for that matter.

- I have seen figures for water use ranging wildly, up to almost five times the "70 gallons per person per day" figure quoted in Finding of Fact #33 – and I am have only done a cursory online search so there may very well be even higher figures out there. Even if one accepted the use of "estimates" to quantify maximum beneficial use, I believe the OWRD should be looking at the highest figures to inform their calculations, rather than using averages, lest they be at risk of inadvertently diminishing/cancelling a percentage/portion of water users' rights.
- Are the "estimates" based on or applicable to Oregon? I did not find reference on the USGS, AWWA or Penn State Cooperative Extension websites to any Oregon water use study data, so I would say they are not locally based or locally accurate/applicable.
- There are a range of underlying assumptions in the fabrication of any "estimate"; are the USGS, AWWA and Penn State assumptions completely applicable to domestic use under my water right? I have not been able to find the particular assumptions used in the quoted studies, but it is likely that they are not 100% applicable.
- Do these "estimates" use the OWRD's definition to guide what precisely they were counting as domestic use, per OAR? Nowhere on the USGS, AWWA or Penn State Cooperative Extension websites did I find reference to the OAR definition below. Were they taking the exact same things into account? I have not been able to find the particular definitions of domestic use used in the quoted studies, but it is likely that they are not exactly the same as the OAR definition.

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Definitions

(14) "Domestic Water Use" means the use of water for human consumption, household purposes, domestic animal consumption that is ancillary to residential use of the property or related accessory uses.

(15) "Domestic Use Expanded" means the use of water, in addition to that allowed for domestic use, for watering up to 1/2-acre of lawn or noncommercial garden.

Given all of the above considerations, Finding of Fact #31 should be amended to read as follows: "Certificate 74512 does not specify a total quantity of water to be diverted annually for domestic use. The Department recognizes 0.01 cubic foot per second (cfs) as an allowable rate for domestic use of one household during the period November 1 through March 31. If the domestic use was diverted continuously at the authorized rate of 0.01 cfs for 365 days per year (0.01 cfs x 60 sec/min x 60 min/hr x 24 hr/day x 365 days/year \div 43,560 square feet per acre = 7.244479 acre-feet per year), is the maximum that could have been diverted." Findings of Fact #32 and 33 should be deleted.



3. Finding of Fact #34 currently refers to an "authorized rate of 0.005 cfs" for stock use. Through several inquiries with Department staff, I have been told that there is Department guidance on this "authorized rate of 0.005 cfs". However and contrarily, the decree which established and governs my water right states: "the amount so diverted and used for stock purposes shall not exceed the rate of 1/40 of a cubic foot per second of time for each 500 head of stock", as confirmed by my Department caseworker via 12/2/19 email. (The rate of 1/40th cfs equals 0.025 cfs, which is five times greater than the 0.005 cfs rate used in Finding of Fact #34.)

Since the decree authorizes a rate of 1/40th cfs, and my water rights were authorized by the decree, the Finding of Fact #34 calculation should be based on "the authorized rate of 0.025 cfs for each 500 head of stock", rather than the 0.005 cfs figure currently used therein. The resultant calculation would lead to a maximum diversion of 18.111198 acre-feet per year, rather than the 3.62 acre-feet per year figure currently used in Finding of Fact #34. This maximum diversion figure is indicated by the "face value" approach authorized by Department guidance, as elaborated in Point #4, see below.

4. Finding of Fact #35. This finding currently contains the following passage: "...the diversion is not currently equipped with an appropriate fish screening and/or by-pass device...." Contrary to this finding, however, I currently have, and always had (since 2015 when I began managing the property), an appropriate fish screening and/or by-pass device at my diversion. I contacted the Oregon Department of Fish and Wildlife (ODFW) the week of 2/17/20 and spoke with the staff who handled my OWRD transfer information request over there; he said he never indicated to OWRD that I didn't have an appropriate fish screening and/or by-pass device, and that there wasn't even any such choice offered in the multiple-choice form which he was given to fill out. I have also received a letter from ODFW staff verifying the fact that I do indeed have appropriate fish screening and/or by- device at my diversion – please see the letter included at the end of this protest.

Therefore, this Finding of Fact #35 needs to be corrected to read as follows: "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. The diversion is *currently equipped* with an appropriate fish screening and/or by-pass device."

5. Determination and Proposed Action #4. The certificated irrigation rate for the acreage that I am transferring to nursery use is 0.01 cfs, as authorized by Certificate 74512. This was the rate established and authorized by my certificate, and anything less would be a diminishment/forfeiture/cancellation of the decree and my right.

Determination and Proposed Action #4 retains my certificated irrigation rate as its new nursery operation use rate, however it further limits the usage to a "total volume diverted of 2.25 acre feet (0.5 acres x 4.5 acre feet per acre)...." I have yet to find or be shown any written Department guidance describing this "4.5 acre feet per acre" formula. However, as in Point #2 above, I have found Department guidance which specifies that the duty (annual volume limitation) calculation should be based on the face value of the authorized rate at continuous flow. Again, according to the OWRD guidance document *Technical Operations Manual* dated July 1, 2010 page 1, "Oregon is a 'face value' state. The full quantity of water allowed under a water right may be transferred." Since my irrigation water right is an Oregon water right, my irrigation use transfer should be conducted according to its face value, as directed by the guidance.

Authorizing this face-value calculation, the decree I am governed by states:

"[I]t is hereby determined, adjudicated, ordered and decreed that the following claimants and appropriators named in the following statement of their respective and relative rights have

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appropriated, and are entitled to the use of, the waters of the stream herein embraced under which their names appear, as of the priority date and to the extent set forth in said statement and that each of said claimants is entitled to, and shall have issued to him, water right certificate or certificates, according to law, in accordance with said statement, defining, establishing and confirming his title and right to the use of the waters of the particular stream or streams herein embraced to which he is hereby decreed a right, as set forth in said statement. That the name and post office address of each such appropriator of the waters of Rogue River and its tributaries herein embraced, together with the date of relative priority of each such appropriation, the maximum amount of such appropriation in cubic feet per second of time, in continuous flow, throughout the irrigation season herein fixed...are as follows, to-wit: [tabulated statement including descriptions of my original water right holders Oliver Helms and Fred and Martha Rapp]" (Rogue River Decree, 1919, section 6)

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"That the quantity of water allowed in each case herein for irrigation purposes is the <u>maximum quantity of water which each claimant is entitled to divert and use in continuous</u> flow throughout the irrigation season, herein fixed; but said claimants shall be entitled to, and may, use the equivalent of the amount herein allowed as a rate of <u>continuous flow</u>, under a proper rotation system, as herein provided for; and when rotation is impossible or impracticable, and the claimant does not require the use of the water continuously for irrigation purposes, he may, under the supervision and direction of the water master, divert and use during the period of actual use by him, <u>the equivalent in acre feet of the maximum quantity to which he is entitled herein as a rate of continuous flow</u>." (Rogue River Decree, 1919, section 77)

Here the decree explicitly spells out that the quantity allowed in each case under the decree is the "maximum quantity" "in acre feet" of water diverted and used in "continuous flow".

As explained in Point #2 above, irrigation, domestic and stock are tied together per Department interpretation of the decree. Therefore, the continuous flow equivalency spelled out by 1956 "Rules and Regulations of the State Engineer Together with Instructions and Suggestions for Procedure in Filing Surface Water Applications" adopted by Sp. Order Volume 9, p. 27, and the 1970 "Rules and Regulations of the State Engineer Relative to Appropriation and Use of Surface Water Together with Instructions and Suggestions for Procedure in Filing Surface Water Applications" by the State Engineer regarding domestic use also cited in Point #2 above, apply by association to irrigation use. As you may recall, this continuous flow equivalency states:

"0.01 (1/100) of a cubic foot per second...is <u>equal to approximately 4 ¹/₂ gallons per minute</u> or 6,463 gallons per day."

To help explain and substantiate annual volume calculations based on continuous flow, the decree states:

"That the quantities of water herein allowed and confirmed unto the several parties, as set forth in the general statement of rights herein, are to be measured, in each case, at or in the vicinity of the heads of intakes of the respective ditches of the several claimants, with a reasonable <u>allowance</u>, in each case where the ditch, including the service lateral, exceeds three-fourths of a mile in length, <u>for seepage and evaporation losses</u> in conducting the water to the place of use for irrigation purposes. In distributing the water allotted to the various claimants herein, the water master shall, in addition to distributing to the several claimants the quantities herein allowed, for irrigation purposes, also <u>add a sufficient quantity to</u>

compensate for reasonable seepage and evaporation losses in the case of all ditches diverting water for irrigation purposes which are in excess of three-fourths of a mile in length from the head to the place where the ditch enters the lands where the water is used. In all cases where the ditch, including service laterals, does not exceed three-fourths of a mile in length, following the course of the ditch from its head or intake at the stream, to the point where such ditch or the service lateral enters the lands of such claimant, the quantity herein allowed in each such case shall be measured at the headgate or intake of such ditch where the same leaves the natural stream, or in the immediate vicinity thereof at the most convenient point of measurement; and such quantities in each such case shall include the amount of water necessary to compensate for such seepage and evaporation losses in transit to the place of use. For all other uses or purposes than irrigation and stock and domestic supply, the quantity of water allowed in each case herein is intended to, and shall, include a sufficient amount for all reasonable seepage and evaporation losses in transit in conducting the water to the place of use, and the quantity of water allowed in each such case shall be measured to the claimant at the point where the ditch or canal leaves the natural channel of the stream whence the water is diverted " (Rogue River Decree, 1919, section 73)

Here the decree is explicitly acknowledging seepage and evaporation losses along ditches, and specifying that the quantities allowed to water users must account for seepage and evaporation losses along ditches in their calculation. My original point of diversion, which is being retained in this transfer, is pretty far from my land, up a long open conveyance ditch – so any annual volume calculation must take seepage and evaporation losses along ditches into account.

Seepage and evaporation are also a factor when it comes to applying water beneficially on my land, since irrigation is and has been done through a combination of sprinklers (which are inherently subject to evaporation) and flood irrigation (which is inherently subject to seepage/percolation) – so any annual volume calculation must take seepage and evaporation losses from water application on my land into account.

Consequently, the annual duty calculation for the conversion of my irrigation right to nursery should be a full face value calculation of the authorized rate at continuous flow. Therefore, Determination and Proposed Action #4 should read: "The rate of diversion for the change in character of use from irrigation to the proposed nursery operation use shall be limited to 0.01 cubic foot per second and shall further be limited to a total volume diverted of 7.244479 acre-feet (0.01 cfs x 60 sec/min x 60 min/hr x 24 hr/day x 365 days/year \div 43,560 square feet per acre = 7.244479 acre-feet) during the original season of use, being April 1 to October 31."

6. Determination and Proposed Action #5.

- All the "per acre" phrases here are incorrect and should be removed. The listed diversion rates as they originated from Certificate 74512 were never issued on a "per acre" basis. The listed duties are all calculated for the actual acreage amount I am transferring to nursery use the final quantities are given in total acreage amounts, not "per acre". Including the phrase "per acre" with each of these would result in an extra and incorrect diminishment of my certificated rate and duty, further reducing my stated rates and duties by 50% to give me just half of the amounts due to me.
- b. The duty amounts listed here should be corrected as indicated in Point #5.
- c. The phrase "or its equivalent" should be included in Determination and Proposed Action #5a, similar to how it already appears in Determination and Proposed Action #5b, c and d since they are similar clauses in intent and thus should also be similar in form, to make

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d. The last sentence of Determination and progress perton #501 is reduced ont, unnecessary and printially containing. It should be that de leterd.

explicit that equivalency is allowed. I have been given a few different instances, by Department staff and others, of when the "or its equivalent" phrase applies including in the case of rotation, in the case of alternative measurement units, and in the case of variability over the course of the year. All of these may be applicable to each clause of Determination and Proposed Action #5, hence the "or its equivalent" phrase should be included in each. Therefore, Determination and Proposed Action #5 should read as follows:

"5. The change in character of use from irrigation to the proposed nursery use shall be further limited such that:

a) The amount of water used for NURSERY OPERATIONS is limited to a diversion rate of **0.01 cubic foot per second (or its equivalent) and 7.24 acre-feet** during the irrigation season of each year.

b) For the irrigation of containerized nursery plants, the amount of water diverted is limited to 0.01 cubic foot per second (or its equivalent) and 7.24 acre-feet during the irrigation season of each year.

c) For the irrigation of in-ground nursery plants, the amount of water diverted is limited to 0.01 cubic foot per second (or its equivalent) and 7.24 acre-feet during the irrigation season of each year.

d) For the irrigation of any other crop, the amount of water diverted is limited to **0.01 cubic foot per second (or its equivalent) and 7.24 acre-feet** during the irrigation season of each year."

7. Determination and Proposed Action #6. This should be revised to cite the rate and duty as determined in Point #2 above, due to the reasons given therein. Also the Finding of Fact #27 that is cited here describes a point of diversion rather than domestic use – so the reference is incorrect and needs to be changed to a finding that describes domestic use since that's what this Determination and Proposed Action #6 deals with.

So this section should be revised to read as follows: "The rate of diversion for the change in character of use from domestic use to the proposed nursery operations use shall be limited to 0.01 cubic foot per second and shall be further limited, as identified in Finding of Fact #31, to a total volume diverted of 7.244479 acre-feet during the authorized period of use, being November 1 through March 31 of each year."

8. Determination and Proposed Action #7.

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- a. This section should be revised to cite the rate and duty as determined in Point #2 above, due to the reasons given therein.
- b. As in Point #6c above and for similar reasons, the phrase "or its equivalent" should be applied in Determination and Proposed Action #7a, b, c and d.
- c. Therefore, this section should be revised to read as follows:

"7. The change in character of use from domestic use to the proposed nursery use shall be further limited such that:

a) The amount of water used for NURSERY OPERATIONS is limited to a diversion of **0.01 cubic foot per second (or its equivalent) and 7.244479 acre feet** during the period of authorized use, being November 1 through March 31 of each year.

b) For the irrigation of containerized nursery plants, the amount of water diverted is limited to 0.01 cubic foot per second (or its equivalent) and 7.244479 acre feet during the period of authorized use, being November 1 through March 31 of each year.

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c) For the irrigation of in-ground nursery plants, the amount of water diverted is limited to 0.01 cubic foot per second (or its equivalent) and 7.244479 acre feet during the period of authorized use, being November 1 through March 31 of each year.

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d) For the irrigation of any other crop, the amount of water diverted is limited to 0.01 cubic foot per second (or its equivalent) and 7.244479 acre feet during the period of authorized use, being November 1 through March 31 of each year."

- 9. Determination and Proposed Action #8.
 - a. This section should be revised to cite the rate and duty as determined in Point #3 above, due to the reasons given therein.
 - b. This section should be revised to cite the correct Finding of Fact which applies to this Determination and Proposed Action (rather than Finding of Fact #28 which is currently cited but is not the most applicable to this Determination and Proposed Action section). That would be Finding of Fact #34 under the current number system, however with Findings of Fact #32 and 33 deleted after consideration of Point #2 above, this would renumber things such that the correct Finding may be Finding of Fact #32.
 c. So this section should be revised to read as follows:
 - "The rate of diversion for the change in character of use from stock to the proposed nursery operations use shall be limited to 0.025 cubic foot per second and shall be further limited, as identified in Finding of Fact #32, to a total volume diverted of 18.111198 acre-feet during the authorized period of use, being November 1 through March 31 of each year."
- 10. Determination and Proposed Action #9.
 - a. This section should be revised to cite the rate and duty as determined in Point #3 above, due to the reasons given therein.
 - b. As in Point #6c above, the phrase "or its equivalent" should be applied in Determination and Proposed Action #9a, b, c and d for similar reasons.
 - c. So this section should be revised to read as follows:

"9. The change in character of use from stock to the proposed nursery use shall be further limited such that:

a) The amount of water used for NURSERY OPERATIONS is limited to a diversion of 0.025 cubic foot per second (or its equivalent) and 18.111198 acre feet during the period of authorized use, being November 1 through March 31 of each year.

b) For the irrigation of containerized nursery plants, the amount of water diverted is limited to 0.025 cubic foot per second (or its equivalent) and 18.111198 acre feet during the period of authorized use, being November 1 through March 31 of each year.

c) For the irrigation of in-ground nursery plants, the amount of water diverted is limited to **0.025 cubic foot per second (or its equivalent) and 18.111198 acre feet** during the period of authorized use, being November 1 through March 31 of each year.

d) For the irrigation of any other crop, the amount of water diverted is limited to 0.025 cubic foot per second (or its equivalent) and 18.111198 acre feet during the period of authorized use, being November 1 through March 31 of each year."

11. Additional Determination and Proposed Action needed: When I asked the Department whether or not my non-irrigation rights (described in Determination and Proposed Actions #6, 7, 8 & 9) were additive, I first received the answer that no they were not additive (via an email from the Department caseworker on 2/19/20), and then I received a corrected answer that yes in fact, they were additive (verbally, during a conference call with senior Department transfer staff on 2/24/20). Since this has already been a confusing point, even amongst the Department staff, there needs to be an additional

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"Determination and Proposed Action" section that makes this additive nature explicit. This is what needs to be added:

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"Determination and Proposed Action #9.5: To be explicit, from November 1 through March 31 of each year, the rates and volumes described in Determination and Proposed Actions Numbers 6, 7, 8 & 9 are additive, so that the total proposed nursery operation usage will be limited to 0.035 cfs (the sum of the 0.01 cfs rate from Determination and Proposed Action #6 + the 0.025 cfs rate from Determination and Proposed Action #8) and 25.355677 acre feet (the sum of the 7.244479 acre feet volume from Determination and Proposed Action #6 + the 18.111198 acre feet volume from Determination and Proposed Action #6 + the 18.111198 acre feet volume from Determination and Proposed Action #6 + the 18.111198 acre feet volume from Determination and Proposed Action #6 + the 18.111198 acre feet volume from Determination and Proposed Action #6 + the 18.111198 acre feet volume from Determination and Proposed Action #6 + the 18.111198 acre feet volume from Determination and Proposed Action #6 + the 18.111198 acre feet volume from Determination and Proposed Action #6 + the 18.111198 acre feet volume from Determination and Proposed Action #6 + the 18.111198 acre feet volume from Determination and Proposed Action #6 + the 18.111198 acre feet volume from Determination and Proposed Action #6 + the 18.111198 acre feet volume from Determination and Proposed Action #6 + the 18.111198 acre feet volume from Determination and Proposed Action #6 + the 18.111198 acre feet volume from Determination and Proposed Action #6 + the 18.111198 acre feet volume from Determination and Proposed Action #6 + the 18.111198 acre feet volume from Determination and Proposed Action #6 + the 18.111198 acre feet volume from Determination and Proposed Action #6 + the 18.111198 acre feet volume from Determination and Proposed Action #6 + the 18.111198 acre feet volume from Determination and Proposed Action #6 + the 18.111198 acre feet volume from Determination and Proposed Action #6 + the 18.111198 acre feet volume from Determination #6 + the 18.111198 acre feet volume f

- a) The amount of water used for NURSERY OPERATIONS is limited to a diversion of 0.035 cfs and 25.355677 acre feet during the period of authorized use, being November 1 through March 31 of each year.
- b) For the irrigation of containerized nursery plants, the amount of water diverted is limited to 0.035 cfs and 25.355677 acre feet during the period of authorized use, being November 1 through March 31 of each year.
- c) For the irrigation of in-ground nursery plants, the amount of water diverted is limited to 0.035 cfs and 25.355677 acre feet during the period of authorized use, being November 1 through March 31 of each year.
- d) For the irrigation of any other crop, the amount of water diverted is limited to 0.035 cfs and 25.355677 acre feet during the period of authorized use, being November 1 through March 31 of each year."
- 12. Determination and Proposed Action #12. As it currently reads, Determination and Proposed Action #12 requires that I install a new headgate at each diversion approved under this transfer, since it states that "Prior to diverting water, the water user shall install a headgate to control and regulate the quantity of water diverted. The type and plants of the headgate must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department".

I would be happy to install a new headgate at either of the points of diversion (PODs) confirmed under this transfer, but only if they are necessary. The basic physics of the situation at both PODs make it unlikely that a new headgate would be necessary to control the flow of water diverted out of Wagner Creek since:

1) At my historical POD, there is already an established, functioning headgate at the opening of my conveyance ditch that's been in place for what appears to be a long time. Even without a headgate there, however, the creek has become so downcut through the years that the creek water level is about 5 feet below the ditch entrance and the likelihood of uncontrolled water flow into the ditch is slim to none. My current plan is to use a pump to lift the creek water up into the open ditch there, so there would be no need for a headgate in that case.

2) At my requested POD (on my property), I pretty much have no choice but to pump the water out of the creek since that spot is lower than virtually all of the land I will be watering. So again there would be no need for a headgate at that POD.

I have explained the above situation multiple times to Department staff since first reaching out about this issue via email on 10/30/19, and was advised to consult my local watermaster for resolution. After reaching out to the watermaster on 10/31/19 and repeated attempts to solicit a common-sense solution from Department staff, I was finally advised to schedule a meeting with the watermaster to discuss this point. I did so and when I finally met with him on 2/27/20, he explained that a pump switch would to his mind qualify as a headgate. However, I am concerned that not everyone would see it this way, since, as he also acknowledged, a pump is not commonly construed as a headgate.

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Thankfully my watermaster called my Department caseworker to inquire whether the language of this section could be amended to be applicable to my situation wherein a (new) headgate may not be necessary, such as if I install a pump for my water take-out.

Therefore, this section should be revised to read as follows:

"12. Prior to diverting water, the water user shall install a headgate or have some sort of water-flow-control mechanism to control and regulate the quantity of water diverted, if or as necessary. The water user shall maintain any required headgate or waterflow-control mechanism as required by the Department."

13. Determination and Proposed Action #13: As stated in Point #4 above, I already have an appropriate/sufficient fish screening and/or by-pass device at my new point of diversion spot. However this fact is not acknowledged in the current language. As it stands now, this Determination and Proposed Action #13 would require me to install a duplicate fish screening and/or by-pass device, since it specifies that "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", whereas I already have a satisfactory one in place.

Therefore, this section should be revised to read as follows:

"The water user has installed 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, and has obtained written approval from ODFW that the required screening and/or by-pass device meets the state's criteria. The water user must include this written approval in their submission of a Claim of Beneficial Use. 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."

In addition to the above points, I believe there have been some omissions/misstatements which require the following clarifications/corrections in the PD:

A. Finding of Fact #4 needs to have some sentences added to the end of it, so that it reads as follows: "On May 18, 2018, the applicant requested additional time in order to respond to the deficiencies in the application. The Department requested that the deficiencies be resolved by June 25, 2018. The applicant worked closely with the Department via several email exchanges to resolve the deficiencies, culminating in a phone call with the Department caseworker on June 21, 2018 during which it was determined that further clarification from the Department manager was necessary in order to provide the applicant with sufficient information to make a decision as to how to proceed, and the previously-set deadline could be pushed out accordingly. A conference call was set up for July 5, 2018." I (applicant) left a voicemail with the Department caseworker on 6/18/18, emailed him on 6/19/18, had a phone call with him on 6/21/18, emailed him again on 6/22/18 to reschedule the conference call due to lack of childcare, emailed him again on 6/29/18 to gratefully accept his rescheduling, and finally had a conference call with the Department on 7/5/18. I believe the Department has records of all of these exchanges, but please let me know if you need copies. The current partial recounting of facts gives the impression that I simply missed

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the OWRD's deadline, when in fact that wasn't the case at all. I needed information from the Department in order to resolve the requested deficiencies, and it was only through several exchanges over the course of several weeks (due to conflicting schedules and limited time) that the Department was able to give me that information. The basis for my requested action is that this is the entirety of the truth, which I'd like included rather than simply a partial story that makes it seem like I missed deadlines when in truth I didn't. I have made great and authentic effort to solicit guidance, fulfill requests, communicate regularly and timely, and resolve issues with the Department since 2015 (way before I ever submitted my first permanent transfer application in 2017, and then continuously throughout the process during which I have been given conflicting instructions from the Department resulting in much confusion, delay, resubmissions, etc.), and I would like that spirit reflected in the record.

B. Finding of Fact #6 needs to have some sentences added to the end of it, so that it reads as follows: "On August 29, 2018, the applicant requested additional time to allow for the Certified Water Rights Examiner to submit revised maps. The Department requested that the deficiencies be resolved by September 21, 2018. On September 21, 2018, the applicant submitted the requested materials, satisfying the deadline. However, on September 24, 2018, the Department requested that the submitted materials be revised and submitted by September 28, 2018. After several more email exchanges to get clarity on the situation, the Department pushed the deadline for revised materials out futher until October 12, 2018." I (applicant) emailed the Department caseworker the requested materials on 9/21/18. He (the Department caseworker) reviewed them and responded with corrections needed on 9/24/18. I emailed him back on 9/24/18, 9/26/18 and 9/27/18 to get clarification on the corrections needed. He emailed me on 9/24/18 moving the deadline for corrected materials to 9/28/18, then again on 9/28/18 moving the deadline for corrected materials to 10/12/18. I believe the Department has records of all of these exchanges, but please let me know if you need copies. The current partial recounting of facts gives the impression that I simply missed the OWRD's deadline, when in fact that wasn't the case at all. I needed information from the Department in order to resolve the requested deficiencies, and it was only through several exchanges over the course of several weeks (due to conflicting schedules and limited time) that the Department was able to give me that information. The basis for my requested action is that this is the entirety of the truth, which I'd like included rather than simply a partial story that makes it seem like I missed deadlines when in truth I didn't. I have made great and authentic effort to solicit guidance, fulfill requests, communicate regularly and timely, and resolve issues with the Department since 2015 (way before I ever submitted my first permanent transfer application in 2017, and then continuously throughout the process), and I would like that spirit reflected in the record.

C. Finding of Fact #13 needs to have some sentences added to the end of it, so that it reads as follows: "On May 8, 2019, the Department contacted the applicant by written correspondence to notify the applicant additional evidence was needed, or to withdraw the 0.5 acres from the application. The Department requested that the deficiencies by resolved by May 24, 2019. As directed by the Department on May 9, 2019, the applicant met with the local watermaster on May 20, 2019, and on May 21, 2019 requested a deadline extension so that she could provide the Department with the information requested by the watermaster. On May 22, 2019, the Department caseworker extended the deadline for resolution of the deficiencies out to May 31, 2019." I (applicant) emailed the Department caseworker on 5/8/19, met with the watermaster on 5/20/19, and emailed the Department caseworker on 5/20/19 to request a deadline extension to resolve the deficiencies based on the specifications provided by the watermaster. On 5/22/19, the Department caseworker extended the deadline out to 5/31/19. I believe the Department has records of all of these exchanges, but please let me know if you need copies. The current partial recounting of facts gives the impression that I simply missed the OWRD's deadline, when in fact that wasn't the

DANAD

. . . .

13 of 14

case at all. I needed information from the Department in order to resolve the requested deficiencies, and it was only through several exchanges over the course of several weeks (due to conflicting schedules and limited time) that the Department was able to give me that information. The basis for my requested action is that this is the entirety of the truth, which I'd like included rather than simply a partial story that makes it seem like I missed deadlines when in truth I didn't. I have made great and authentic effort to solicit guidance, fulfill requests, communicate regularly and timely, and resolve issues with the Department since 2015 (way before I ever submitted my first permanent transfer application in 2017, and then continuously throughout the process), and I would like that spirit reflected in the record.

- D. Finding of Fact #14 currently states that "a written statement" was received by May 31, 2019. However, a total of five written statements were submitted by that date (two via email, three via postal mail). Three of these written statement hardcopies were sent to both my local watermaster's office as well as the OWRD office in Salem the week of 5/27/19, and when I called my local watermaster's office on 5/30/19 to see if they had been received, the front desk staff confirmed that three letters/written statements had been received. In addition, I emailed scanned copies of these three letters/written statements to the Department caseworker on 5/31/19. Emails between myself and my OWRD caseworker confirm the fact that the OWRD had received all five written statements by the May 31, 2019 deadline; most if not all of these had been sent to both the OWRD office in Salem, as well as my local watermaster's office. This finding should be revised so that it reflects the entire truth of the relevant facts, not just a partial truth, as follows: "By May 31, 2019, the Department had received *multiple* written statements from neighbors describing irrigation taking place on the place of use in question within the previous five year period."
- E. Finding of Fact #15 currently states that "the Department received a signed and notarized Evidence of Use Affidavit from the applicant" by June 21, 2019. However, there were in fact *three* notarized Evidence of Use Affidavits were submitted by me and received by the Department not just one, as is indicated in the current PD. This finding should be revised to reflect the entire truth of the relevant facts, not just a partial truth, as follows: "By June 21, 2019, the Department had received *three* signed and notarized Evidence of Use Affidavits from the applicant, resolving the deficiencies."
- F. Finding of Fact #17. Finding of Fact #16 currently states that a deadline of October 21, 2019 was set forth for the applicant to respond to the draft PD. I sent several emails to the Department caseworker responding to the draft PD (two emails on 10/9/19, and another on 10/10/19). On 10/14/19 the Department caseworker emailed to inform me that an error I had pointed out in the first draft PD was in fact incorrect, and a revised PD was being drafted which would set a new due date for my response. Finding of Fact #17 needs to have this information added: specifically, that I responded before the October 21st deadline, and also that the Department told me they'd be issuing a revised draft so the old deadline wouldn't apply. So Finding of Fact #17 should be revised to read as follows: "On October 9 & 10, 2019, the applicant responded and brought to the Department's attention that a significant error had been made in the draft Preliminary Determination issued on September 20, 2019. The rate and duty seasonal limitation for the change in character of use from domestic and stock to nursery use under Certificate 74512 was not included as a Finding of Fact. On October 14, 2019, the Department notified the applicant that a revised draft PD was being drafted, and that a new due date for response would be set subsequent to its issuance."

RECEIVED MAR 0 9 2020





Department of Fish and Wildlife

Rogue Watershed District Office 1495 E Gregory Rd Central Point, OR 97502-9430 (541) 826-8774 Fax: (541) 826-8776 www.myodfw.com



March 3, 2020

Joy Luck Farm, LLC 225 West Rapp Rd. Talent, OR 97540

MAR 0 9 2020

OWRD

Dear Aluna,

Regarding OWRD water right transfer T-12774, ODFW is satisfied that all of the requirements relating to fish screening at the new point of diversion have been met, and has determined that a fish bypass device is not required. Thank you.

Sincerely,

RLK

Rich Kilbane SW Field Coordinator Fish Screening and Passage Program

(541) 826-8774 ext. 243

ADDEN DUNY to BROTEST

G. Determination # 3 should have a text added to clarify that new water right certificates will be issued purs mant to this transfer, Sinc arrently it says that the old certificantes will be cancelled, but it doesn't tay that new cutfiates inil be issued in their place. Therefore, this should be revised to: " water Right Contrates 489616 and 74512 are canalled New certificates will be issued of clearity the dranged apported by this transfer, as well as that portion of the rights not Specifically appected by This tran ser that the to the H. Determination #11 come closes not recognize eitherthe potential that no water nights be diverted at a forther taken out at the old diversion by someare then than Applicant (gince he old point of direction is not on my land) 50 I'd like this to be rikevised to " Ma. Byre dissing water, at a particular point of diversion, the water user shall install a totalicippin meter, or, into prov approval of the Director Cor (whenever neter most sense here), a rother Guisalle measuring device, at the applicable point of diversion. @ Only waters directed by the Appliant for use apport under this transker shall be carted towards rake and dety/annue volume limition listed in Determinations # 4-9, and whenever a else yley may appear in this P. D." 8.1.

for Ilc, Also, the my old point of diversion (pub) is or another person's property. Si Watermaster will red to work out access there on their burn. Also, my motoring at the new POD, my meter will be on my privat property, So . I want to klaring that water master reads to request access with reasonable sites notice. So this section should be revised to: "Ilc. Upon a waternaster's request of access upon resonable notice, the water user shall allow for pre waternast access to moter 5 or measuring devies, where possible. However, water master access to property that and does not belong to the Appliant/water uses is out of water user's hands." Addendur to process on T- 12774 by: Alma Michelle, 225 W. Rapp Rd, Talent OR

ADDENDUM TO PROTEST ON T-12774

By Aluna Michelle, 225 West Rapp Road, Talent, OR 97540

ali

- G. Determination and Proposed Action #3 should have text added to clarify that new water right certificates will be issued pursuant to this transfer, since currently it says that the old certificates will be cancelled, but it doesn't say that new certificates will be issued in their place. Therefore, this should be revised to: "Water right Certificates 48966 and 74512 are cancelled. New certificates will be issued describing the changes approved by this transfer, as well as that portion of the rights not affected by this transfer."
- H. Determination and Proposed Action #11 currently does not recognize either the potential that no water might be diverted at one takeout point or another, or that water may be taken out at the old point of diversion by someone other than Applicant (since the old point of diversion is not on my land and I have no control over other's actions they could divert water there for their own purposes, rather than for application on my land under my water right). Since both of these might be a possibility, I would like this to be acknowledged and accounted for. So I'd like this to be revised to:

"11a. Before diverting water at a particular point of diversion, the water user shall install a totalizing flow meter, or, with prior approval of the Director* (or whomever makes the most sense here), another suitable measuring device, at the applicable point of diversion. Only waters diverted by the Applicant for uses approved under this transfer shall be counted towards rate and duty/annual volume limitations listed in Determination and Proposed Actions #4, 5, 6, 7, 8, 9, and wherever else they may appear in this PD."

Also, for 11c, my old point of diversion (POD) is on another person's property. So the Watermaster will need to work out access there on their own. Also, at the new POD, my meter will be on my private property. So I want to clarify that the Watermaster needs to request access with reasonable notice. So this section should be revised to read as follows:

"11c. Upon a Watermaster's request of access upon reasonable notice, the water user shall allow the Watermaster access to meters or measuring devices, where possible. However, Watermaster access to property that does not belong to the Applicant/water user is out of the water user's hands."

State of OREGON County of	OFFICIAL STAMP COLLIN STEPHEN SIRIANNI NOTARY PUBLIC - OREGON COMMISSION NO. 994813 MY COMMISSION EXPIRES DECEMBER 18, 2023
Signed or attested before me on MARCH 20 20	OFFICIAL
Notary Public - State of Oregon	COLLIN STEPH NOTARY PUBL COMMISSION MY COMMISSION EXPIRES DEC

* I'm not sure who "the Director" refers to – is that the OWRD Director Tom Byler? I'd like to make sure this reference is appropriate, and gets clarified accordingly.

necessary for his household and stock use, and the amount so diverted and used for stock purposes shall not exceed the rate of 1/40 of a cubic foot per second of time for each 500 head of stock. During the irrigation season, houver, the amount diverted for irrigation purposes shall include the amount required for stock and domestic purposes. 38.

That the rights herein confirmed for irrigation purposes are confined and limited to the irrigation of the lands herein described, and the waters appropriated are and shall remain appurtenant to said lanus, as provided by law.

39.

That the waters of said stream, or tributaries thereof, shall be diverted under the rights of appropriation hereby confirmed in the order of the dates of relstive priority of the respective rights of appropriation as herein set forth, and at all times when the waters of said stream or its tributaries are not required by these parties having prior if ghts thereto for the purposes of their appropriation and actually used by them for a beneficial purpose, the same shall be at the disposel of and subject to the use of subsequent appropriators in the order of their appropriation are hereby confirmed to divert a greater amount of water into the band of the ditch through which water is diverted than the claimant entitled thereto can beneficially use for the purposes of his appropriation and not to exceed the quantity limited in the tabulated statement if used continuously, or its equivalent under a proper rotation system; it being understood and the rights of the parties being hereby confirmed upon this basis, that the amounts to which said appropriators are entitled by virtue of their appropriations as herein confirmed do not exceed at any time such amount as is reasonably necessary for baneficial use in connection with their said rights, and that beneficial use in all cases and at all times shall be and is the masure and limit of their said rights of appropriation, and theright is hereby reserved at future times to limit the said rights of appropriation to a less amount of water than herein confirmed, in accordance with the amount required for beneficial use as the same my beneficiar be determined in future proceedings; the amount of water herein confirmed in each case being the maximum quantity of water to which the appropriator is entitled in continuous flow.

40.

That the quantity of water confirmed for irrigation purposes in each case to the claimants heretefore named is the maximum quantity of water which said claimcats are entitled to divert and use in continuous flow throughout the irrigation season herein fixed; and said claimants shall be entitled to divert and use the equivalent of said amount in continuous flow if used in rotation as herein provided for, or when rotation is impossible or impracticable and the claimant does not require the use of the water continuously, he is entitled to divert and use during the actual period of use, the equivalent in acre feet of the maximum quantity to which he is entitled in continuous flow It is not intended hereby to determine the quantity of water to which said claimants are entitled during the periods of actual use of mater as hereinafter set forth.

41.

That the rights of appropriation for power purposes hereby confirmed confor no right upon the claimants entitled thereto to the use of the waters involved for any other or different purpose or use, and in each case the waters diverted for power purposes shall be so used as not to substantially diminish or consume the quantity diverted, and the said waters so diverted shall be returned to the stream, or the present point of return, at substantially the same place as the said waters have herefore been returned, and no change in the place of return of the said waters so used for power purposes, or in the use thereof, shall be privited which shall tend to substantially diminish the quantity of water diverted, or interfere with the rights of other appropriators, it being understood that the rights of use hereby confirmed for power purposes in each case Association, as among themselves, and their respective interests in said ditch and appropriations; but that upon taking final proof as to the completion of said appropriations, as set forth in the preceding paragraph, proof shall also be required of said claimants and taken by said Superintendent respecting their several and respective interests therein, and the quantity of water to which each of said claimants shall be entitled shall be determined from his interest, as so determined, and thereby his proportional part of said 350 inches ascertained, and made appurtenant to his particular tract of land, and water right certificate issued to him accordingly.

31.

That as between Silliam O. Benjamin, first party, S. B. Pettingill, second party, and Charles B. Sean, Eliza A. Chapman and Dora L. Marshall, third parties, the said parties shall rotate in the use of water as provided in paragraph 46 of the findings herein, and set forth in their stipulation, a part of the record herein. In the event, however, that it is more practicable and economical to do so, said claimants may be required to rotate in the use of water in accordance with the general plan of rotation herein provided for.

32.

That s. E. Peyton and R. B. Waughn, claimants to the waters of Vie Camp Greek, shall use the waters or said stream to the extent they are entitled thereto as botween themselves, as provided in paragraph 50 of the findings herein.

33.

That Hrs. Ora Jones, claimant to the waters of Bear branch, a tributary of Evans Creek, is entitled to intervene herein and submit proof of her rights to the waters of said stream, and shall have all the rights wouchesfed by law to claimants who have been duly served herein and have appeared beretofore and within the time required by law. That therights of the said claimant are as set forth in the tabulated statement in peragraph 3 hereof.

34.

That as between the Town of futte Falls, the Facific & Eastern Sailway Company, and Butte Falls Lumber Company, corporations, the said claimants shall use the waters of Ginger Creek, a tributary of Big Butte Creek, in accordance with the provisions of their stipulation set forth in paragraph 52 of the findings herein.

That the Butte Pails Lumber Company, a corporation, claiment to the waters of big butte Creek, has no right to the use of the waters of said stream for irrigation purposes, and its rights of use are hereby limited to the use of the waters of said stream for power purposes and the return thereof to said stream after use substantially undiminished in quantity.

35.

That the irrightion season commences subsequent to the 1st of April of each year, and terminates before the 1st of November of each year, and the use of the waters herein involved for irrightion purposes is hereby confined to said season. That the use of water for domestic and stock purposes continues throughout the year, but during the irrightion season the waters diverted for irrightion purposes shall include the waters diverted for domestic and stock purposes.

36.

That the quantities of water herein confirmed to the several claimants are to be measured at or in the vicinity of the heads or intakes of the respective ditches diverting water from the stream whence such appropriation is diverted.

That the rights for domestic and stock purposes as hareby confirmed entitle the owner of such right to divert and use such amount of water as is reasonably

Association, as among themselves, and their respective interests in said ditch and appropriations; but that upon taking final proof as to the completion of said appropriations, as set forth in the preceding paragraph, proof shall also be required of said claimants and taken by said Superintendent respecting their several and respective interests therein, and the quantity of water to which each of said claimants shall be entitled shall be determined from his interest, as so determined, and thereby his proportional part of said 350 inches ascertained, and made appurtenant to his particular tract of land, and water right certificate issued to him accordingly.

31.

That as between William 0. Benjamin, first party, S. B. Pettingill, second party, and Charles H. Bean, Eliza A. Chapman and Dora L. Marshall, third parties, the said parties shall rotate in the use of water as provided in paragraph 48 of the findings herein, and set forth in their stipulation, a part of the record herein. In the event, however, that it is more practicable and economical to do so, said claimants may be required to rotate in the use of water in accordance with the general plan of rotation herein provided for.

32.

That M. E. Peyton and R. B. Vaughn, claimants to the waters of Tie Camp Creek, shall use the waters of said stream to the extent they are entitled thereto as between themselves, as provided in paragraph 50 of the findings herein.

33.

That Mrs. Ora Jones, claimant to the waters of Bear branch, a tributary of Evans Creek, is entitled to intervene herein and submit proof of her rights to the waters of said stream, and shall have all the rights vouchsafed by law to claimants who have been duly served herein and have appeared heretofore and within the time required by law. That therights of the said claimant are as set forth in the tabulated statement in paragraph 3 hereof.

34.

That as between the Town of Putte Falls, the Pacific & Eastern Railway Company, and Butte Falls Lumber Company, corporations, the said claimants shall use the waters of Ginger Creek, a tributary of Big Butte Creek, in accordance with the provisions of their stipulation set forth in paragraph 52 of the findings herein.

That the Butte Falls Lumber Company, a corporation, claiment to the waters of Big Butte Creek, has no right to the use of the waters of said stream for irrigation purposes, and its rights of use are hereby limited to the use of the waters of said stream for power purposes and the return thereof to said stream after use substantially undiminished in quantity.

35.

That the irrigation season commences subsequent to the 1st of April of each year, and terminates before the 1st of November of each year, and the use of the waters herein involved for irrigation purposes is hereby confined to said season. That the use of water for domestic and stock purposes continues throughout the year, but during the irrigation season the waters diverted for irrigation purposes shall include the waters diverted for domestic and stock purposes.

36.

That the quantities of water herein confirmed to the several elaimants are to be measured at or in the vicinity of the heads or intakes of the respective ditches diverting water from the stream whence such appropriation is diverted.

37.

That the rights for domestic and stock purposes as hereby confirmed entitle the owner of such right to divert and use such amount of water as is reasonably

necessary for his household and stock use, and the amount so diverted and used for stock purposes shall not exceed the rate of 1/40 of a cubic foot per second of time for each 500 head of stock. During the irrigation season, however, the amount diverted for irrigation purposes shall include the amount required for stock and domestic purposes.

38.

That the rights herein confirmed for irrigation purposes are confined and limited to the irrigation of the lands herein described, and the waters appropriated are and shall remain appurtenant to said lands, as provided by law.

39.

That the waters of sold stream, or tributaries thereor, shall be diverted under the rights of appropriation hereby confirmed in the order of the dates of relative priority of the respective rights of appropriation as herein set forth, and at all times when the waters of sold stream or its tributaries are not required by those parties having prior if ghts thereto for the purposes of their appropriation and actually used by them for a beneficial purpose, the same shall be at the disposal of and subject to the use of subsequent appropristors in the order of their priority rights, and at all times the waters diverted by those having a right thereto shall be beneficially, economically and reasonably used, without waste, and no rights of appropriation are hereby confirmed to divert a greater amount of water into the head of the ditch through which water is diverted than the claimant entitled thereto can beneficially use for the purposes of his appropriation and not to exceed the quantity limited in the tabulated statement if used continuously, or its equivalent under a proper rotation system; it being understood and the rights of the parties being hereby confirmed upon this basis, that the amounts to which sold appropriators are entitled by virtue of their appropriations as herein confirmed do not exceed at any time such amount as is reasonably necessary for beneficial use in connection with their sold rights, and that beneficial use in all cases and at all times shall be and is the measure and limit of their sold rights of appropriation, and theright is hereby reserved at future times to limit the said rights of appropriation to a less amount of water than herein confirmed, in accordance with the amount required for beneficial use as the same may hereofter be determined in future proceedings; the amount of water herein confirmed in each case being the maximum quantity of mater to which the appropriator is entitled in continuous flow.

40.

That the quantity of water confirmed for irrigation purposes in each case to the claimants heretofore named is the maximum quantity of water which said claiments are entitled to divert and use in continuous flow throughout the irrigation season herein fixed; and said claimants shall be entitled to divert and use the equivalent of said amount in continuous flow if used in rotation as herein provided for, or when rotation is impossible or impracticable and the claimant does not require the use of the water continuously, he is entitled to divert and use during the actual period of use, the equivalent in acre feet of the maximum quantity to which he is entitled in continuous flow It is not intended hereby to determine the quantity of water to which said claimants are entitled during the periods of actual use of said water except where the use is continuous, end in all cases where it is possible and practicable the claimants herein shall be permitted and required to rotate in the use of water as hereinafter set forth.

41.

That the rights of appropriation for power purposes hereby confirmed confer no right upon the claimants entitled thereto to the use of the waters involved for any other or different purpose or use, and in each case the waters diverted for power purposes shall be so used as not to substantially diminish or consume the quantity diverted, and the said waters so diverted shall be returned to the stream, or the present point of return, at substantially the same place as the said waters have heretofore been returned, and no change in the place of return of the said waters so used for power purposes, or in the use thereof, shall be permitted which shall tend to substantially diminish the quantity of water diverted, or interfere with the rights of other appropriators, it being understood that the rights of use hereby confirmed for power purposes in each case

COURCHANE Corey A * WRD

From: Sent: To: Subject: aluna michelle <alunamichelle@hotmail.com> Wednesday, February 19, 2020 3:35 PM COURCHANE Corey A * WRD; JARAMILLO Lisa J * WRD Re: Gin Guei Ebnesajjad, Joy Luck Farm LLC, T-12774

Hi Corey and Lisa,

Thanks for getting back to me with your responses.

I am even more puzzled than before, and getting anxious since I would very much like to make sure I understand the PD fully before I submit my protest, which is due quite soon. I will respond below in blue, hopefully your screens can convey the font color. Please let me know your thoughts.

Thanks in advance, Aluna

From: COURCHANE Corey A * WRD <Corey.A.Courchane@oregon.gov> Sent: Wednesday, February 19, 2020 1:54 PM To: aluna michelle <alunamichelle@hotmail.com> Cc: JARAMILLO Lisa J * WRD <Lisa.J.Jaramillo@oregon.gov> Subject: RE: Gin Guei Ebnesajjad, Joy Luck Farm LLC, T-12774

Good afternoon Aluna,

Please see responses below.

Thank you,

Corey Courchane

From: JARAMILLO Lisa J * WRD <Lisa.J.Jaramillo@oregon.gov> Sent: Wednesday, February 19, 2020 9:06 AM To: COURCHANE Corey A * WRD <Corey.A.Courchane@oregon.gov> Subject: FW: Gin Guei Ebnesajjad, Joy Luck Farm LLC, T-12774

FYI...

<u>Lisa J. Jaramillo</u> Transfer and Conservation Section Manager 725 Summer Street NE, Suite A, Salem, OR 97301 | Phone 503-986-0880



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

From: aluna michelle <<u>alunamichelle@hotmail.com</u>> Sent: Tuesday, February 18, 2020 5:00 PM To: JARAMILLO Lisa J * WRD <<u>Lisa.J.Jaramillo@oregon.gov</u>> Subject: Re: Gin Guei Ebnesajjad, Joy Luck Farm LLC, T-12774

Hi Lisa,

Thanks so much for being willing to take my questions. Here they are:

 The POD's for Certificate #48966 and #74512: Just double-checking here....The two authorized PODs for the two certificates have different descriptions in Findings of Fact #22 and 26. I'm pretty sure they both refer to the same place on the ground - specifically, the spot that's described in my transfer application as POD-1. But I wanted to make sure, since I'm not a surveyor. Can you tell me if these are the same spots? In my transfer application, I requested both POD-1 and POD-2 to be my authorized PODs for both certificates, so as long as they'll both be authorized by this determination, I'm good with that. I just wanted to make sure, since again I'm not a surveyor.

Finding of Fact (FOF) 22: that's how it's described on Certificate 48966. Certificate 74512 does not provide a measured distance, however one was provided on your application by the CWRE that completed your maps. This is why FOF 26 is different. I assume these are the same spots as that is what they appear to be when mapped, however that is a question for your CWRE. The Department relies on the information provided in your application

Oh, I thought that you would know about this, since you are approving these locations. However, I understand if you are not surveyors either. I have contacted my CWRE.

 Is nursery use described as "year-round" in the Rogue River Decree? Is it described at all? (Not sure if it's a "newer" use that the Rogue River Decree predates.)

Nursery use is not discussed in the decree, as this was not a defined use when the decree was issued.

Ok, thank you.

3. Finding of Fact #34. Do you know where the 0.005 cfs rate here came from? Corey and my attorney told me the decree gives a rate of 1/40th of a cfs for stock use, but that's 0.025 cfs, not 0.005 cfs.

I did not provide a flat rate for stock use, as it isn't called out in certificate, decree, or basin plan. I provided you a copy of this description from the Rogue River Decree in my email to you on May 14, 2018 (attached above).

Hi Corey - you provided the rate of 0.005 cfs for stock use - 0.005cfs - it's listed in Finding of Fact #34, and you used it as the basis for the stock-based nursery rate and duty in Determination and Proposed Actions #8 and 9. So I'm asking where you got this rate.

4. Determination and Proposed Action #5, 7 and 9: Can you explain to me the significance of the phrase "or its equivalent"? I'm trying to figure out where/when it needs to be included, as it currently seems to appear sporadically. This is standard language that has been and is currently used by the Department on all permits and certificates across the State of Oregon. This is not application specific.

I am trying to understand the meaning and significance of the phrase "or its equivalent". My attorney told me one meaning for it, but according to that meaning, it's mis-placed in your PD. I would like to make sure it's correct, so I am asking you to explain to me its meaning and significance so I can make sure it's correct.

Determination and Proposed Action #7 and 9. I just want to confirm my understanding of these actions here. So as the Preliminary Determination (PD) currently stands, these actions indicate that from Nov. 1 through March 31 each year, my total authorized rate for nursery use would be 0.01 cfs (0.005 cfs from domestic and 0.005 cfs from stock) and my total authorized duty would be 4.09 acrefeet (.47 acre feet from domestic and 3.62 acre feet from stock), correct? Though the actual quantities need to be updated, I basically just want to make sure that my understanding is correct in that the rates and duties in Action #7 and Action #9 (whatever the quantities end up being) are additive.

It is not additive. The highlighting on the attached document is where this is called out.

am so confused. If they are not additive, then what is my nursery use rate and duty from Nov. 1 through March 31 each year, according to your PD?

Determination and Proposed Action #5, 7 and 9: Since these three actions together describe my nursery use year-round, should there be a summary statement that clarifies the usage? Specifically, one that says that from April 1 through October 31 of each year, my nursery use would have the duty and rate specified by Determination #5, and from November 1 through March 31 each year my nursery rate would be the rates of Determinations #7 and 9 added together, and the duties of Determinations #7 and 9 added together? So that it's crystal clear? Is this something I should just ask for in my protest?

Nothing more is needed. In the Preliminary Determination, please see Conditions 4, 6, and 8 on pages 7 and 8.

Because of the confusion in the above point, I think this should definitely be spelled out explicitly. Determination and Proposed Action #12. Does a fish-screened pump intake, or other water-lifting mechanism need a headgate? Does an old but functioning headgate need to be replaced by a new headgate?

This was requested in the Watermaster's review and it is a condition that we carry forward if the Watermaster recommends it. Please see your email from me on October 31, 2019. I advised that you need to discuss this with the Watermaster.

Yes Corey, as I wrote you before in my emails on 10/31/19 and 11/30/19, I asked the watermaster about this and he never responded, which is why I thought I would ask you and Lisa.

8. I noticed that there were some changes to the document, between the Revised Draft PD that I was sent before, and the published PD. I am assuming that won't happen with the Final Order, right? That is, the Final Order will be issued to reflect precisely what is in the PD and anything that's settled upon after the protest period, right? And if it's not, then I will have recourse at that point, correct?

The Final Order will reflect what's in the PD. Nothing will change, except for a paragraph at the beginning, identifying the issuance of the PD on January 28, 2020, with subsequent public notice in the Medford Mail Tribune. The Preliminary Determination is what the Department is considering at this time, so focus primarily on

the PD. Don't be concerned with changes between the initial draft and the PD. The PD is all that you should be concerned with at this time.

Ok, so the Final Order will just be a re-print of the PD, with the addition of a paragraph at the beginning identifying the issuance of the PD on 1-28-20 and subsequent public notice in the Medford Mail Tribune?

Thanks in advance, Aluna

From: JARAMILLO Lisa J * WRD <<u>Lisa.J.Jaramillo@oregon.gov</u>> Sent: Tuesday, February 18, 2020 10:29 AM To: aluna michelle <<u>alunamichelle@hotmail.com</u>> Subject: RE: Gin Guei Ebnesajjad, Joy Luck Farm LLC, T-12774

Hi Aluna,

What specific questions do you still have?

Thank you, Lisa

<u>Lisa J. Jaramillo</u> Transfer and Conservation Section Manager 725 Summer Street NE, Suite A, Salem, OR 97301 | Phone 503-986-0880



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From: aluna michelle <alunamichelle@hotmail.com> Sent: Monday, February 17, 2020 1:56 PM To: JARAMILLO Lisa J * WRD <Lisa.J.Jaramillo@oregon.gov> Subject: Re: Gin Guei Ebnesajjad, Joy Luck Farm LLC, T-12774

Hi Lisa, I have some questions of information/clarification on the preliminary determination that were never answered by Corey. Would you be able to answer my questions, so that I can fully understand the preliminary determination in order to evaluate and respond to it accurately? If so, please let me know if I can email them over to you.

Sincerely, Aluna From: aluna michelle <<u>alunamichelle@hotmail.com</u>> Sent: Wednesday, February 12, 2020 11:44 AM To: JARAMILLO Lisa J * WRD <<u>Lisa.J.Jaramillo@oregon.gov</u>> Cc: MCCARTY Patricia E * WRD <<u>Patricia.E.Mccarty@oregon.gov</u>> Subject: Re: Gin Guei Ebnesajjad, Joy Luck Farm LLC, T-12774

Thank you so much for the information and swift reply Lisa! That's very helpful, and I've spoken with Patricia, who was also very helpful.

Sincerely, Aluna

From: JARAMILLO Lisa J * WRD <<u>Lisa.J.Jaramillo@oregon.gov</u>> Sent: Wednesday, February 12, 2020 10:58 AM To: aluna michelle <<u>alunamichelle@hotmail.com</u>> Cc: MCCARTY Patricia E * WRD <<u>Patricia.E.Mccarty@oregon.gov</u>> Subject: RE: Gin Guei Ebnesajjad, Joy Luck Farm LLC, T-12774

Hi Aluna,

We don't have an official form for filing a protest; however, here is some information that should help.

Your protest must be in written form and must be accompanied by the \$410 Protest Fee (*specified in Oregon Revised Statutes (ORS)* 536.050(1)(j)(B)). Additionally, the protest must be received by the Department by the protest deadline date no later than 5:00 pm.

A protest shall raise all reasonably ascertainable issues and submit all reasonably available arguments supporting the person's position by the close of the protest period, and it must contain a detailed statement of:

(a) Facts sufficient to show that the protestant is entitled to the relief or action requested;

(b) The specific relief or action requested;

(c) The name and address of the protestant and other person or persons necessary to, or having a direct interest in, the proceeding; and

(d) Citation of legal authority or basis for the claim or relief asserted or requested

For your reference, I've included the specific rules related to protests below.

Please contact Patricia McCarty, Protest Coordinator, if you have any questions related to the protest. I've included her on this email so you'll have her email address. You can also contact her by telephone at 503-986-0820.

Sincerely, Lisa Jaramillo

Oregon Administrative Rule (OAR) 690-380-4030: Protests and Requests for Hearings

Within 30 days after the date of last publication of the newspaper notice or the Department's weekly notice as prescribed by OAR 690-380-4020, whichever is later:
 (a) Any person may file, jointly or saverally, with the Department, a protect or stending statement is a statement.

(a) Any person may file, jointly or severally, with the Department, a protest or standing statement; and

(b) If the Department's preliminary determination is that a proposed change in point of diversion or appropriation would result in injury, the applicant may file a notification of intent to pursue approval of the transfer under OAR 690-380-5030 to 690-380-5050.

(2) A person filing a protest under this rule must comply with the provisions of OAR 690-002-0030 and include the fee required under ORS 536.050.

(3) An applicant filing a protest under this rule must provide the affidavit required under OAR 690-380-4020(3) to the Department prior to or concurrent with the filing of the protest.

(4) Each person submitting a protest shall raise all reasonably ascertainable issues and submit all reasonably available arguments supporting the person's position by the close of the protest period. Failure to raise a reasonably ascertainable issue in a protest or failure to provide sufficient specificity to afford the Department an opportunity to respond to the issue may preclude consideration of the issue during the hearing.

OAR 690-002-0030: Form and Content of Protest

(1) Except as otherwise provided in ORS Chapter 537 and OAR 690 divisions 77 and 310 relating to applications for water rights, in ORS Chapter 543 relating to hydroelectric projects, and in OAR 690, division 17 relating to cancellation of perfected and developed water rights, a protest must be in writing, signed by the protestant or the protestant's attorney or authorized representative, and include any statutory filing fee. A protest must contain a detailed statement of:
 (a) Facts sufficient to show that the protestant is entitled to the relief or action requested;

(b) The specific relief or action requested;

(c) The name and address of the protestant and other person or persons necessary to, or having a direct interest in, the proceeding; and

(d) Citation of legal authority or basis for the claim or relief asserted or requested.

Lisa J. Jaramillo

Transfer and Conservation Section Manager 725 Summer Street NE, Suite A, Salem, OR 97301 | Phone 503-986-0880



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From: aluna michelle <<u>alunamichelle@hotmail.com</u>> Sent: Wednesday, February 12, 2020 9:36 AM To: JARAMILLO Lisa J * WRD <<u>Lisa.J.Jaramillo@oregon.gov</u>> Subject: Re: Gin Guei Ebnesajjad, Joy Luck Farm LLC, T-12774

Hi Lisa, I looked for a protest form and instructions on the OWRD website but couldn't find one. Could you help me put my protest together? And if I should I be directing my inquiries to Corey or someone else, please do let me know. Thanks in advance,

Aluna

On Feb 4, 2020, at 3:36 PM, JARAMILLO Lisa J * WRD <Lisa.J.Jaramillo@oregon.gov> wrote:

Hi Aluna,

Thank you for the message. At this point, if you don't agree with the findings and conclusions of the Preliminary Determination, I recommend you consider filing a protest.

Sincerely, Lisa

Lisa J. Jaramillo

Transfer and Conservation Section Manager 725 Summer Street NE, Suite A, Salem, OR 97301 | Phone 503-986-0880

<image003.jpg> Integrity | Service | Technical Excellence | Teamwork | Forward-Looking

From: aluna michelle <<u>alunamichelle@hotmail.com</u>> Sent: Tuesday, February 4, 2020 12:50 PM To: JARAMILLO Lisa J * WRD <<u>Lisa.J.Jaramillo@oregon.gov</u>> Subject: Re: Gin Guei Ebnesajjad, Joy Luck Farm LLC, T-12774

Hi Lisa, hope this note finds you well in the new year.

I was wondering about my transfer application, and whether I should go ahead and file a protest. I guess that's what we had agreed upon before, but I still think that my objections are pretty clear and straightforward - and I had a chance to consult a water rights attorney who works with you guys a lot, and he confirmed my concerns. So I wanted to check and see whether you'd like to take a look at them first - maybe it's something that can be straightened out without a formal protest. If you don't have time for that though, I can go ahead with the formal protest, but again I do hope there'd be consideration of the protest fee if you agree my objections are valid. Does that sound alright to you?

Thanks in advance for your consideration, Aluna Michelle

On Dec 5, 2019, at 8:43 AM, JARAMILLO Lisa J * WRD <<u>Lisa.J.Jaramillo@oregon.gov</u>> wrote:

Good morning Aluna,

Thank you for the message. I appreciate your consideration.

If you have any questions about how to file a protest, please feel free to contact us.

Have a good rest of the week, Lisa

<u>Lisa J. Jaramillo</u> Transfer and Conservation Section Manager 725 Summer Street NE, Suite A, Salem, OR 97301 | Phone 503-986-0880

<image002.jpg> Integrity | Service | Technical Excellence | Teamwork | Forward-Looking

From: aluna michelle <<u>alunamichelle@hotmail.com</u>> Sent: Wednesday, December 4, 2019 6:04 PM To: COURCHANE Corey A * WRD <<u>Corey.A.Courchane@oregon.gov</u>>; JARAMILLO Lisa J * WRD <<u>Lisa.J.Jaramillo@oregon.gov</u>> Subject: Re: Gin Guei Ebnesajjad, Joy Luck Farm LLC, T-12774

P.S. My apologies to Corey especially, I know you told me initially that I would have my chance to submit input during the protest period. I guess I just got worried since this is such a big process, but after ruminating on things, I realized there wasn't need for such concern, and I don't want to cause unnecessary work and delay - there's been so much already. So please accept my apologies! (Sorry I forgot to put this in my last note)

From: aluna michelle <<u>alunamichelle@hotmail.com</u>> Sent: Wednesday, December 4, 2019 5:55 PM To: COURCHANE Corey A * WRD <<u>Corey.A.Courchane@oregon.gov</u>>; JARAMILLO Lisa J * WRD <<u>Lisa.J.Jaramillo@oregon.gov</u>> Subject: Re: Gin Guei Ebnesajjad, Joy Luck Farm LLC, T-12774

Hi again Corey and Lisa,

After we spoke, I thought more about the situation and realized that it's not such a big deal to go ahead with the PD as it stands. As long as I have a chance to submit my input, which I guess the protest period is made for. I do hope that if there are clear errors, there might be consideration on the protest fee. But I'm just thinking that you guys might be especially busy during the holiday season, and I don't want to delay things more than they already have been. So please go ahead with the PD, and I'm sorry for any inconvenience!!

Best, Aluna

BEFORE THE WATER RESOURCES DEPARTMENT OF THE STATE OF OREGON

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In the Matter of Transfer Application T-12774, Jackson County

PRELIMINARY DETERMINATION PROPOSING APPROVAL OF AN ADDITIONAL POINT OF DIVERSION, A CHANGE IN PLACE OF USE, AND A CHANGE IN CHARACTER OF USE

Authority

Oregon Revised Statutes (ORS) 540.505 to 540.580 establish the process in which a water right holder may submit a request to transfer the point of diversion, place of use, or character of use authorized under an existing water right. Oregon Administrative Rules (OAR) Chapter 690, Division 380 implement the statutes and provides the Department's procedures and criteria for evaluating transfer applications.

Applicant

GIN GUEI EBNESAJJAD JOY LUCK FARM LLC 225 WEST RAPP RD TALENT, OR 97540

Findings of Fact

- On November 20, 2017, GIN GUEI EBNESAJJAD; JOY LUCK FARM, LLC filed an application for an additional point of appropriation and to change the place of use under Certificates 48966 and 74512, and to change the character of use under Certificate 74512. The Department assigned the application number T-12774.
- Notice of the application for transfer was published on November 28, 2017, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
- On April 25, 2018, the Department contacted the applicant by written correspondence to notify the applicant of the deficiencies in the application. The Department requested that the deficiencies be resolved by May 25, 2018.
- On May 18, 2018, the applicant requested additional time in order to respond to the deficiencies in the application. The Department requested that the deficiencies be resolved by June 25, 2018.

Pursuant to OAR 690-380-4030, any person may file a protest or standing statement within 30 days after the last date of publication of notice of this preliminary determination.

- 5. On July 5, 2018, the Department contacted the applicant by telephone to clarify the process of completing a transfer regarding a decreed right which involves irrigation, stock, and domestic, and to discuss what options were available for the applicant. The Department requested that the deficiencies be resolved by August 31, 2018.
- 6. On August 29, 2018, the applicant requested additional time to allow for the Certified Water Rights Examiner to submit revised maps. The Department requested that the deficiencies be resolved by September 21, 2018.
- On October 12, 2018, the applicant submitted revised tables and maps. After reviewing the revisions, the Department determined that 1.1 acres being transferred under Certificates 49866 and 74512 were layered in the SW NE of Section 26, T38S, R1W, WM, and had to either move together or be cancelled.
- 8. On November 6, 2018, the applicant submitted revised tables and maps, resolving the deficiencies.
- 9. On November 29, 2018, the Department determined evidence of use on 0.5 acres that is proposed to change character of use to nursery, was not sufficient enough in detailing beneficial use of water had been made within the five years prior to submittal of T-12774. The Department also determined the place of use under Certificates 48966 and 74512 are located within the Talent Irrigation District (TID); and that a Supplemental Form D from TID, granting consent to the changes requested under T-12774 would need to be submitted. The Department contacted the applicant by written correspondence to notify the applicant of the deficiencies in the application.
- 10. On February 6, 2019, the Department contacted the applicant by written correspondence to notify the applicant of the deficiencies in the application. The Department requested that the deficiencies be resolved by March 8, 2019. The applicant submitted the required Supplemental Form D the same day.
- 11. On March 8, 2019, the applicant submitted additional evidence of use supporting documentation.
- 12. On April 30, 2019, the Department determined that the additional evidence submitted, was not sufficient enough to suggest the 0.5 acre designated for change in character of use to nursery had been irrigated.
- 13. On May 8, 2019, the Department contacted the applicant by written correspondence to notify the applicant additional evidence was needed, or to withdraw the 0.5 acres from the application. The Department requested that the deficiencies be resolved by May 24, 2019.
- 14. On May 31, 2019, the Department received a written statement from a neighboring landowner, which described irrigation taking place on the place of use in question within the previous five years prior.
- On June 21, 2019, the Department received a signed and notarized Evidence of Use Affidavit from the applicant, resolving the deficiencies.

- 16. On September 20, 2019, the Department mailed a copy of the draft Preliminary Determination proposing to approve Transfer Application T-12774 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of October 21, 2019, for the applicant to respond.
- 17. On October 9, 2019, it was brought to the Department's attention that a scrivener's error existed in the draft Preliminary Determination issued on September 20, 2019. The rate and duty seasonal limitation for the change in character of use from domestic and stock to nursery use under Certificate 74512 was not included as a Finding of Fact.
- 18. On October 24, 2019, the applicant requested to extend the time to complete application of the water to full beneficial use to October 1, 2025.
- On October 28, 2019, the Department mailed a copy of the revised draft Preliminary Determination proposing to approve Transfer Application T-12774 to the applicant. The revised draft Preliminary Determination cover letter set forth a deadline of December 2, 2019, for the applicant to respond.
- 20. On November 30, 2019, the applicant responded with questions seeking additional information on the Department's findings and determinations, essentially not agreeing with the Department's findings. The Department responded by informing the applicant the Department had made its determination and will proceed with the application process, and granted an extension to December 6, 2019, to receive the report of ownership from the title company.
- 21. On December 9, 2019, the applicant requested that the Department proceed with issuance of a Preliminary Determination and provided the necessary information to demonstrate that the applicant is authorized to pursue the transfer.
- 22. The portion of the first right to be transferred is as follows:

48966 in the name of OLIVER HELMS (confirmed by Rogue River (F)
State Water Board)
IRRIGATION of 1.1 ACRES and STOCK
1854
0.02 CUBIC FOOT PER SECOND
WAGNER CREEK, a tributary of BEAR CREEK

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
38 S	1 W	WM	35	NWNW	880 FEET NORTH AND 475 FEET WEST FROM THE SE CORNER OF DLC 66

Authorized Place of Use:

	IRRIG	ATION A	ND ST	ГОСК	
Twp	Rng	Mer	Sec	Q-Q	Acres
38 S	1 W	WM	26	SW NE	1.1

 Transfer Application T-12774 proposes an additional point of diversion approximately 0.7 mile downstream to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
38 S	1 W	WM	26	NE SW	2500 FEET NORTH AND 2450 FEET EAST FROM THE SW CORNER OF SECTION 26

24. Transfer Application T-12774 also proposes to change the place of use of the right to:

Twp	Rng	Mer	Sec	Q-Q	Acres
38 S	1 W	WM	26	SW NE	0.2
38 S	1 W	WM	26	NE SW	0.4
38 S	1 W	WM	26	NW SE	0.5
				Total	1.1

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

74512 in the name of FRED AND MARTHA RAPP (confirmed by Rogue
River (F) State Water Board)
DOMESTIC, STOCK, and IRRIGATION of 8.0 ACRES, BEING 0.6
ACRE WITH 1852 PRIORITY, 4.7 ACRES WITH 1854 PRIORITY, AND
2.7 ACRES WITH 1864 PRIORITY
1852 - WAGNER AND THORNTON DITCH, 1854 - ROCKEFELLOW
DITCH, AND 1864 – DAVENPORT DITCH
0.01 CUBIC FOOT PER SECOND (CFS) WITH 1852 PRIORITY, 0.05
CFS WITH 1854 PRIORITY, AND 0.16 CFS WITH 1864 PRIORITY
WAGNER CREEK, a tributary of BEAR CREEK

Authorized Points of Diversion:

DITCH
WAGNER AND THORNTON
ROCKEFELLOW
DAVENPORT

Authorized Place of Use:

Twp	Rng	Mer	Sec	Q-Q	Acres
38 S	1 W	WM	26	SW NE	1.1
38 S	1 W	WM	26	SENW	0.6
38 S	1 W	WM	26	NE SW	3.6
38 S	1 W	WM	26	NW SE	2.7
				Total	8.0

26. The Department received information from the applicant that better describes the location of the authorized point of diversion for Certificate 74512 as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
38 S	1 W	WM	35	NW NW	620 FEET SOUTH AND 900 FEET EAST FROM THE SW CORNER OF SECTION 26

 Transfer Application T-12774 proposes an additional point of diversion approximately 0.7 mile downstream to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
38 S	1 W	WM	26	SW NE	2500 FEET NORTH AND 2450 FEET EAST FROM THE SW CORNER OF SECTION 26

- 28. Transfer Application T-12774 proposes to change the character of use for a portion of the right to nursery.
- 29. Transfer Application T-12774 also proposes to change the place of use of the right to:

Twp	Rng	Mer	Sec	Q-Q	Acres	Priority Date
38 S	1 W	WM	26	SW NE	0.2	1854
38 S	1 W	WM	26	SE NW	0.1	1852
38 S	1 W	WM	26	NE SW	3.6	1854
38 S	1 W	WM	26	NE SW	0.4	1854
38 S	1 W	WM	26	NW SE	2.7	1864
38 S	1 W	WM	26	NW SE	0.5	1854
				Total	7.5	

			NURS	SERY		
Twp	Rng	Mer	Sec	Q-Q	Acres	Priority Date
38 S	1 W	WM	26	NW SE	0.5	1852

- 30. Certificates 48966 and 74512 do not specify a period of allowed use; however, domestic and stock use is generally considered a year-round use. Irrigation and nursery would be limited to the irrigation season. Certificates 48966 and 74512 do not specify an irrigation season; however, consistent with the Rogue River Decree, the irrigation season is April 1 through October 31. Information contained in the decree allows water to be diverted for domestic and stock year round; during the irrigation season water diverted for irrigation purposes includes water diverted for domestic and stock.
- 31. Certificate 74512 does not specify a total quantity of water to be diverted annually for domestic use; however, ORS 540.610 states "beneficial use shall be the basis, the measure and the limit of all rights to the use of water in this state." The Department recognizes 0.005 cubic foot per second (cfs) as an allowable rate for domestic use of one household during the period of November 1 through March 31. If the domestic use was diverted continuously at the authorized rate of 0.005 cfs for 365 days per year (0.005 cfs x 60 sec/min x 60 min/hr x 24 hr/day x 365 days/year ÷ 43,560 square feet per acre = 3.62 acre-feet per year), is the maximum that could have been diverted. However, water for domestic use is not continuously diverted for 24 hours per day, 365 days per year.
- 32. Use of more water per year than what could have been used for maximum beneficial use for the original domestic use would constitute enlargement of the right, which is not allowed. Therefore, to avoid enlarging the right under the proposed nursery use, an annual volume limit should be added to the right based on the best available estimate of the maximum amount of water that could have been beneficially diverted and used for domestic use during a year.

- 33. Estimates of in-house domestic use available from agencies such as the United States Geological Survey (USGS), American Water Works Association (AWWA) and Penn State Cooperative Extension indicate an average in-house domestic water use of approximately 70 gallons per person per day, or approximately 0.47 acre-feet per year for a household that includes six people. Therefore, the annual volume limitation to be placed on the domestic use for this right is 0.47 acre-feet per year (0.47 acre-feet per year x 1 home = 0.47 acre feet per year).
- 34. Certificate 74512 does not specify a total quantity of water to be diverted annually for stock use. If diverted continuously at the authorized rate of 0.005 cfs for 365 days per year (0.005 cfs x 60 sec/min x 60 min/hr x 24 hr/day x 365 days/year ÷ 43,560 square feet per acre = 3.62 acre-feet per year), is the maximum that could have been diverted for stock.
- 35. 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 [OAR 690-380-4010(2)]

- 36. Water has been used within the last five years according to the terms and conditions of the rights. There is no information in the record that would demonstrate that the rights are subject to forfeiture under ORS 540.610.
- 37. A diversion structure and ditch sufficient to use the full amount of water allowed under the existing rights were present within the five-year period prior to submittal of Transfer Application T-12774.
- 38. The proposed changes would not result in enlargement of the rights.
- 39. The proposed changes would not result in injury to other water rights.
- 40. All other application requirements are met..

Determination and Proposed Action

The additional point of diversion, change in place of use, and change in character of use proposed in Transfer Application T-12774 appear to be consistent with the requirements of ORS 540.505 to 540.580 and OAR 690-380-5000. If protests are not filed pursuant to OAR 690-380-4030, the transfer application will be approved.

If Transfer Application T-12774 is approved, the final order will include the following:

1. The additional point of diversion, change in place of use, and change in character of use proposed in Transfer Application T-12774 are approved.

- 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 Certificates 48966 and 74512, and any related decree.
- 3. Water right Certificates 48966 and 74512 are cancelled. New certificates will be issued describing that portion of the rights not affected by this transfer.
- 4. The rate of diversion for the change in character of use from irrigation to the proposed nursery operation use shall be limited to 0.01 cubic foot per second and shall be further limited to a total volume diverted of 2.25 acre feet (0.5 acres x 4.5 acre feet per acre) during the original season of use, being April 1 to October 31.
- 5. The change in character of use from irrigation to the proposed nursery use shall be further limited such that:
 - a) The amount of water used for NURSERY OPERATIONS is limited to a diversion of 0.01 cubic foot per second per acre and 2.25 acre feet per acre during the irrigation season of each year.
 - b) For the irrigation of containerized nursery plants, the amount of water diverted is limited to 0.01 cubic foot per second (or its equivalent) and 2.25 acre feet per acre during the irrigation season of each year.
 - c) For the irrigation of in-ground nursery plants, the amount of water diverted is limited to 0.01 cubic foot per second (or its equivalent) and 2.25 acre feet per acre during the irrigation season of each year.
 - d) For the irrigation of any other crop, the amount of water diverted is limited to 0.01 cubic foot per second (or its equivalent) and 2.25 acre feet per acre during the irrigation season of each year. The use of water for irrigation of any other crop shall be limited to 0.5 acres.
- 6. The rate of diversion for the change in character of use from domestic use to the proposed nursery operations use shall be limited to 0.005 cubic foot per second and shall be further limited, as identified in Finding of Fact 27, to a total volume diverted of 0.47 acre-feet during the period of authorized use, being November 1 through March 31 of each year.
- 7. The change in character of use from domestic use to the proposed nursery use shall be further limited such that:
 - a) The amount of water used for NURSERY OPERATIONS is limited to a diversion of 0.005 cubic foot per second and 0.47 acre feet during the period of authorized use, being November 1 through March 31 of each year.
 - b) For the irrigation of containerized nursery plants, the amount of water diverted is limited to 0.005 cubic foot per second and 0.47 acre feet during the period of authorized use, being November 1 through March 31 of each year.

- c) For the irrigation of in-ground nursery plants, the amount of water diverted is limited to 0.005 cubic foot per second (or its equivalent) and 0.47 acre feet during the period of authorized use, being November 1 through March 31 of each year.
- d) For the irrigation of any other crop, the amount of water diverted is limited to 0.005 cubic foot per second and 0.47 acre feet during the period of authorized use, being November 1 through March 31 of each year.
- 8. The rate of diversion for the change in character of use from stock to the proposed nursery operations use shall be limited to 0.005 cubic foot per second and shall be further limited, as identified in Finding of Fact 28, to a total volume diverted of 3.62 acre-feet during the period of authorized use, being November 1 through March 31 of each year.
- 9. The change in character of use from stock to the proposed nursery use shall be further limited such that:
 - a) The amount of water used for NURSERY OPERATIONS is limited to a diversion of 0.005 cubic foot per second and 3.62 acre feet during the period of authorized use, being November 1 through March 31 of each year.
 - b) For the irrigation of containerized nursery plants, the amount of water diverted is limited to 0.005 cubic foot per second and 3.62 acre feet during the period of authorized use, being November 1 through March 31 of each year.
 - c) For the irrigation of in-ground nursery plants, the amount of water diverted is limited to 0.005 cubic foot per second (or its equivalent) and 3.62 acre feet during the period of authorized use, being November 1 through March 31 of each year.
 - d) For the irrigation of any other crop, the amount of water diverted is limited to 0.005 cubic foot per second and 3.62 acre feet during the period of authorized use, being November 1 through March 31 of each year
- 10. The quantity of water diverted at the additional point of diversion (POD 2), together with that diverted at the original point of diversion (POD 1), shall not exceed the quantity of water lawfully available at the original point of diversion (POD 1).
- 11. 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.

- 12. Prior to diverting water, the water user shall install a headgate to control and regulate the quantity of water diverted. The type and plans of the headgate must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department. The water user shall maintain the headgate as required by the Department.
- 13. Prior to diverting water, 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.
- 14. The former place of use of the transferred rights shall no longer receive water under the rights.
- 15. Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2025**. A Claim of Beneficial Use prepared by a Certified Water Right Examiner shall be submitted by the applicant to the Department within one year after the deadline for completion of the changes and full beneficial use of the water.

16. After satisfactory proof of beneficial use is received, new certificates confirming the rights transferred will be issued.

Dated at Salem, Oregon this

Lisa J. Jaramillo, Transfer and Conservation Section Manager, for THOMAS M. BYLER, DIRECTOR Oregon Water Resources Department

This Preliminary Determination was prepared by Corey Courchane. If you have questions about the information in this document, you may reach me at 503-986-0825 or corey.a.courchane@oregon.gov

Protests should be addressed to the attention of Water Rights Services Division, Water Resources Department, 725 Summer St. NE, Suite A, Salem, OR 97301-1266.

Notice Regarding Service Members: Active duty service members have a right to stay proceedings under the federal Service Members Civil Relief Act. 50 U.S.C. App. §§501-597b. You may contact the Oregon State Bar or the Oregon Military Department for more information. The toll-free telephone number for the Oregon State Bar is: 1 (800) 452-8260. The toll-free telephone number of the Oregon Military Department is: 1 (800) 452-7500. The Internet address for the United States Armed Forces Legal Assistance Legal Services Locator website is: http://legalassistance.law.af.mil

BEFORE THE WATER RESOURCES DEPARTMENT OF THE STATE OF OREGON

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In the Matter of Transfer Application T-12774, Jackson County FINAL ORDER APPROVING AN ADDITIONAL POINT OF DIVERSION, A CHANGE IN PLACE OF USE, AND A CHANGE IN CHARACTER OF USE

Authority

Oregon Revised Statutes (ORS) 540.505 to 540.580 establish the process in which a water right holder may submit a request to transfer the point of diversion, place of use, or character of use authorized under an existing water right. Oregon Administrative Rules (OAR) Chapter 690, Division 380 implement the statutes and provides the Department's procedures and criteria for evaluating transfer applications.

Applicant

GIN GUEI EBNESAJJAD JOY LUCK FARM LLC 225 WEST RAPP RD TALENT, OR 97540

Findings of Fact

- On November 20, 2017, GIN GUEI EBNESAJJAD; JOY LUCK FARM, LLC filed an application for an additional point of appropriation and to change the place of use under Certificates 48966 and 74512, and to change the character of use under Certificate 74512. The Department assigned the application number T-12774.
- 2. Notice of the application for transfer was published on November 28, 2017, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
- On April 25, 2018, the Department contacted the applicant by written correspondence to notify the applicant of the deficiencies in the application. The Department requested that the deficiencies be resolved by May 25, 2018.

This final order is subject to judicial review by the Court of Appeals under ORS 183.482. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.482(1). Pursuant to ORS 536.075 and OAR 137-003-0675, 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.

- 4. On May 18, 2018, the applicant requested additional time in order to respond to the deficiencies in the application. The Department requested that the deficiencies be resolved by June 25, 2018.
- 5. On July 5, 2018, the Department contacted the applicant by telephone to clarify the process of completing a transfer regarding a decreed right which involves irrigation, stock, and domestic, and to discuss what options were available for the applicant. The Department requested that the deficiencies be resolved by August 31, 2018.
- On August 29, 2018, the applicant requested additional time to allow for the Certified Water Rights Examiner to submit revised maps. The Department requested that the deficiencies be resolved by September 21, 2018.
- 7. On October 12, 2018, the applicant submitted revised tables and maps. After reviewing the revisions, the Department determined that 1.1 acres being transferred under Certificates 49866 and 74512 were layered in the SW NE of Section 26, T38S, R1W, WM, and had to either move together or be cancelled.
- 8. On November 6, 2018, the applicant submitted revised tables and maps, resolving the deficiencies.
- 9. On November 29, 2018, the Department determined evidence of use on 0.5 acres that is proposed to change character of use to nursery, was not sufficient enough in detailing beneficial use of water had been made within the five years prior to submittal of T-12774. The Department also determined the place of use under Certificates 48966 and 74512 are located within the Talent Irrigation District (TID), and that a Supplemental Form D from TID, granting consent to the changes requested under T-12774 would need to be submitted. The Department contacted the applicant by written correspondence to notify the applicant of the deficiencies in the application.
- 10. On February 6, 2019, the Department contacted the applicant by written correspondence to notify the applicant of the deficiencies in the application. The Department requested that the deficiencies be resolved by March 8, 2019. The applicant submitted the required Supplemental Form D the same day.
- 11. On March 8, 2019, the applicant submitted additional evidence of use supporting documentation.
- 12. On April 30, 2019, the Department determined that the additional evidence submitted, was not sufficient enough to suggest the 0.5 acre designated for change in character of use to nursery had been irrigated.
- 13. On May 8, 2019, the Department contacted the applicant by written correspondence to notify the applicant additional evidence was needed, or to withdraw the 0.5 acres from the application. The Department requested that the deficiencies be resolved by May 24, 2019.

- 14. On May 31, 2019, the Department received a written statement from a neighboring landowner, which described irrigation taking place on the place of use in question within the previous five years prior.
- 15. On June 21, 2019, the Department received a signed and notarized Evidence of Use Affidavit from the applicant, resolving the deficiencies.
- 16. On September 20, 2019, the Department mailed a copy of the draft Preliminary Determination proposing to approve Transfer Application T-12774 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of October 21, 2019, for the applicant to respond.
- 17. On October 9, 2019, it was brought to the Department's attention that a scrivener's error existed in the draft Preliminary Determination issued on September 20, 2019. The rate and duty seasonal limitation for the change in character of use from domestic and stock to nursery use under Certificate 74512 was not included as a Finding of Fact.
- 18. On October 24, 2019, the applicant requested to extend the time to complete application of the water to full beneficial use to October 1, 2025.
- On October 28, 2019, the Department mailed a copy of the revised draft Preliminary Determination proposing to approve Transfer Application T-12774 to the applicant. The revised draft Preliminary Determination cover letter set forth a deadline of December 2, 2019, for the applicant to respond.
- 20. On November 30, 2019, the applicant responded with questions seeking additional information on the Department's findings and determinations, essentially not agreeing with the Department's findings. The Department responded by informing the applicant the Department had made its determination and will proceed with the application process, and granted an extension to December 6, 2019, to receive the report of ownership from the title company.
- 21. On December 9, 2019, the applicant requested that the Department proceed with issuance of a Preliminary Determination and provided the necessary information to demonstrate that the applicant is authorized to pursue the transfer.
- 22. On January 28, 2020, the Department issued a Preliminary Determination proposing to approve Transfer T-12774 and mailed a copy to the applicant. Additionally, notice of the Preliminary Determination for the transfer application was published on the Department's weekly notice on January 28, 2020, and in the Medford Mail Tribune newspaper on February 1 and 8, 2020 pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notice.

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

Certificate:	48966 in the name of OLIVER HELMS (confirmed by Rogue River (F)
	State Water Board)
Use:	IRRIGATION of 1.1 ACRES and STOCK
Priority Date:	1854
Rate:	0.02 CUBIC FOOT PER SECOND
Source:	WAGNER CREEK, a tributary of BEAR CREEK

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
38 S	1 W	WM	35	NWNW	880 FEET NORTH AND 475 FEET WEST FROM THE SE CORNER OF DLC 66

Authorized Place of Use:

	IRRIGA	ATION A	ND S	ГОСК	
Twp	Rng	Mer	Sec	Q-Q	Acres
38 S	1 W	WM	26	SW NE	1.1

24. Transfer Application T-12774 proposes an additional point of diversion approximately 0.7 mile downstream to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
38 S	1 W	WM	26	NE SW	2500 FEET NORTH AND 2450 FEET EAST FROM THE SW CORNER OF SECTION 26

25. Transfer Application T-12774 also proposes to change the place of use of the right to:

Twp	Rng	Mer	Sec	Q-Q	Acres
38 S	1 W	WM	26	SW NE	0.2
38 S	1 W	WM	26	NE SW	0.4
38 S	1 W	WM	26	NW SE	0.5
				Total	1.1

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

Certificate:	74512 in the name of FRED AND MARTHA RAPP (confirmed by Rogue
	River (F) State Water Board)
Use:	DOMESTIC, STOCK, and IRRIGATION of 8.0 ACRES, BEING 0.6
	ACRE WITH 1852 PRIORITY, 4.7 ACRES WITH 1854 PRIORITY, AND
	2.7 ACRES WITH 1864 PRIORITY
Priority Date:	1852 - WAGNER AND THORNTON DITCH, 1854 - ROCKEFELLOW
	DITCH, AND 1864 - DAVENPORT DITCH
Rate:	0.01 CUBIC FOOT PER SECOND (CFS) WITH 1852 PRIORITY, 0.05
Source:	WAGNER CREEK, a tributary of BEAR CREEK
	0.01 CUBIC FOOT PER SECOND (CFS) WITH 1852 PRIORITY, 0.05 CFS WITH 1854 PRIORITY, AND 0.16 CFS WITH 1864 PRIORITY

Authorized Points of Diversion:

DITCH
WAGNER AND THORNTON
ROCKEFELLOW
DAVENPORT

Authorized Place of Use:

Twp	Rng	Mer	Sec	Q-Q	Acres
38 S	1 W	WM	26	SW NE	1.1
38 S	1 W	WM	26	SE NW	0.6
38 S	1 W	WM	26	NE SW	3.6
38 S	1 W	WM	26	NW SE	2.7
				Total	8.0

27. The Department received information from the applicant that better describes the location of the authorized point of diversion for Certificate 74512 as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
38 S	1 W	WM	35	NW NW	620 FEET SOUTH AND 900 FEET EAST FROM THE SW CORNER OF SECTION 26

 Transfer Application T-12774 proposes an additional point of diversion approximately 0.7 mile downstream to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
38 S	1 W	WM	26	SW NE	2500 FEET NORTH AND 2450 FEET EAST FROM THE SW CORNER OF SECTION 26

- 29. Transfer Application T-12774 proposes to change the character of use for a portion of the right to nursery.
- 30. Transfer Application T-12774 also proposes to change the place of use of the right to:

Twp	Rng	Mer	Sec	Q-Q	Acres	Priority Date
38 S	1 W	WM	26	SW NE	0.2	1854
38 S	1 W	WM	26	SENW	0.1	1852
38 S	1 W	WM	26	NE SW	3.6	1854
38 S	1 W	WM	26	NE SW	0.4	1854
38 S	1 W	WM	26	NW SE	2.7	1864
38 S	1 W	WM	26	NW SE	0.5	1854
				Total	7.5	

30-19.			NURS	SERY		
Twp	Rng	Mer	Sec	Q-Q	Acres	Priority Date
38 S	1 W	WM	26	NW SE	0.5	1852

- 31. Certificates 48966 and 74512 do not specify a period of allowed use; however, domestic and stock use is generally considered a year-round use. Irrigation and nursery would be limited to the irrigation season. Certificates 48966 and 74512 do not specify an irrigation season; however, consistent with the Rogue River Decree, the irrigation season is April 1 through October 31. Information contained in the decree allows water to be diverted for domestic and stock year round; during the irrigation season water diverted for irrigation purposes includes water diverted for domestic and stock.
- 32. Certificate 74512 does not specify a total quantity of water to be diverted annually for domestic use; however, ORS 540.610 states "beneficial use shall be the basis, the measure and the limit of all rights to the use of water in this state." The Department recognizes 0.005 cubic foot per second (cfs) as an allowable rate for domestic use of one household during the period of November 1 through March 31. If the domestic use was diverted continuously at the authorized rate of 0.005 cfs for 365 days per year (0.005 cfs x 60 sec/min x 60 min/hr x 24 hr/day x 365 days/year ÷ 43,560 square feet per acre = 3.62 acre-feet per year), is the maximum that could have been diverted. However, water for domestic use is not continuously diverted for 24 hours per day, 365 days per year.
- 33. Use of more water per year than what could have been used for maximum beneficial use for the original domestic use would constitute enlargement of the right, which is not allowed. Therefore, to avoid enlarging the right under the proposed nursery use, an annual volume limit should be added to the right based on the best available estimate of the maximum amount of water that could have been beneficially diverted and used for domestic use during a year.
- 34. Estimates of in-house domestic use available from agencies such as the United States Geological Survey (USGS), American Water Works Association (AWWA) and Penn State Cooperative Extension indicate an average in-house domestic water use of approximately 70 gallons per person per day, or approximately 0.47 acre-feet per year for a household that includes six people. Therefore, the annual volume limitation to be placed on the domestic use for this right is 0.47 acre-feet per year (0.47 acre-feet per year x 1 home = 0.47 acre feet per year).
- 35. Certificate 74512 does not specify a total quantity of water to be diverted annually for stock use. If diverted continuously at the authorized rate of 0.005 cfs for 365 days per year (0.005 cfs x 60 sec/min x 60 min/hr x 24 hr/day x 365 days/year ÷ 43,560 square feet per acre = 3.62 acre-feet per year), is the maximum that could have been diverted for stock.
- 36. 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 [OAR 690-380-4010(2)]

- 37. Water has been used within the last five years according to the terms and conditions of the rights. There is no information in the record that would demonstrate that the rights are subject to forfeiture under ORS 540.610.
- 38. A diversion structure and ditch sufficient to use the full amount of water allowed under the existing rights were present within the five-year period prior to submittal of Transfer Application T-12774.
- 39. The proposed changes would not result in enlargement of the rights.
- 40. The proposed changes would not result in injury to other water rights.
- 41. All other application requirements are met..

Conclusions of Law

The additional point of diversion, change in place of use, and change in character of use proposed in Transfer Application T-12774 are consistent with the requirements of ORS 540.505 to 540.580 and OAR 690-380-5000.

Now, therefore, it is ORDERED:

- 1. The additional point of diversion, change in place of use, and change in character of use proposed in Transfer Application T-12774 are approved.
- 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 Certificates 48966 and 74512, and any related decree.
- Water right Certificates 48966 and 74512 are cancelled. New certificates will be issued describing that portion of the rights not affected by this transfer.
- 4. The rate of diversion for the change in character of use from irrigation to the proposed nursery operation use shall be limited to 0.01 cubic foot per second and shall be further limited to a total volume diverted of 2.25 acre feet (0.5 acres x 4.5 acre feet per acre) during the original season of use, being April 1 to October 31.
- 5. The change in character of use from irrigation to the proposed nursery use shall be further limited such that:
 - a) The amount of water used for NURSERY OPERATIONS is limited to a diversion of 0.01 cubic foot per second per acre and 2.25 acre feet per acre during the irrigation season of each year.
 - b) For the irrigation of containerized nursery plants, the amount of water diverted is limited to 0.01 cubic foot per second (or its equivalent) and 2.25 acre feet per acre during the irrigation season of each year.

- c) For the irrigation of in-ground nursery plants, the amount of water diverted is limited to 0.01 cubic foot per second (or its equivalent) and 2.25 acre feet per acre during the irrigation season of each year.
- d) For the irrigation of any other crop, the amount of water diverted is limited to 0.01 cubic foot per second (or its equivalent) and 2.25 acre feet per acre during the irrigation season of each year. The use of water for irrigation of any other crop shall be limited to 0.5 acres.
- 6. The rate of diversion for the change in character of use from domestic use to the proposed nursery operations use shall be limited to 0.005 cubic foot per second and shall be further limited, as identified in Finding of Fact 27, to a total volume diverted of 0.47 acre-feet during the period of authorized use, being November 1 through March 31 of each year.
- 7. The change in character of use from domestic use to the proposed nursery use shall be further limited such that:
 - a) The amount of water used for NURSERY OPERATIONS is limited to a diversion of 0.005 cubic foot per second and 0.47 acre feet during the period of authorized use, being November 1 through March 31 of each year.
 - b) For the irrigation of containerized nursery plants, the amount of water diverted is limited to 0.005 cubic foot per second and 0.47 acre feet during the period of authorized use, being November 1 through March 31 of each year.
 - c) For the irrigation of in-ground nursery plants, the amount of water diverted is limited to 0.005 cubic foot per second (or its equivalent) and 0.47 acre feet during the period of authorized use, being November 1 through March 31 of each year.
 - d) For the irrigation of any other crop, the amount of water diverted is limited to 0.005 cubic foot per second and 0.47 acre feet during the period of authorized use, being November 1 through March 31 of each year.
- 8. The rate of diversion for the change in character of use from stock to the proposed nursery operations use shall be limited to 0.005 cubic foot per second and shall be further limited, as identified in Finding of Fact 28, to a total volume diverted of 3.62 acre-feet during the period of authorized use, being November 1 through March 31 of each year.
- 9. The change in character of use from stock to the proposed nursery use shall be further limited such that:
 - a) The amount of water used for NURSERY OPERATIONS is limited to a diversion of 0.005 cubic foot per second and 3.62 acre feet during the period of authorized use, being November 1 through March 31 of each year.
 - b) For the irrigation of containerized nursery plants, the amount of water diverted is limited to 0.005 cubic foot per second and 3.62 acre feet during the period of authorized use, being November 1 through March 31 of each year.

- c) For the irrigation of in-ground nursery plants, the amount of water diverted is limited to 0.005 cubic foot per second (or its equivalent) and 3.62 acre feet during the period of authorized use, being November 1 through March 31 of each year.
- d) For the irrigation of any other crop, the amount of water diverted is limited to 0.005 cubic foot per second and 3.62 acre feet during the period of authorized use, being November 1 through March 31 of each year
- 10. The quantity of water diverted at the additional point of diversion (POD 2), together with that diverted at the original point of diversion (POD 1), shall not exceed the quantity of water lawfully available at the original point of diversion (POD 1).
- 11. 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.
- 12. Prior to diverting water, the water user shall install a headgate to control and regulate the quantity of water diverted. The type and plans of the headgate must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department. The water user shall maintain the headgate as required by the Department.
- 13. Prior to diverting water, 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.
- 14. The former place of use of the transferred rights shall no longer receive water under the rights.
- 15. Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2025**. A Claim of Beneficial Use prepared by a Certified Water Right Examiner shall be submitted by the applicant to the Department within one year after the deadline for completion of the changes and full beneficial use of the water.

16. After satisfactory proof of beneficial use is received, new certificates confirming the rights transferred will be issued.

Dated at Salem, Oregon this _____,

Lisa J. Jaramillo, Transfer and Conservation Section Manager, for THOMAS M. BYLER, DIRECTOR Oregon Water Resources Department

Mailing date: _____

STATE OF OREGON

COUNTY OF JACKSON

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

OLIVER HELMS TALENT, OR 97540

confirms the right to use the waters of WAGNER CREEK, a tributary of BEAR CREEK for IRRIGATION of 8.3 ACRES and STOCK.

This right was confirmed by decree of the Circuit Court of the State of Oregon for Jackson County. The decree is of record at Salem, in the Order Record of the Water Resources Director in Volume 4, at Page 1. The date of priority is 1854.

The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 0.11 CUBIC FOOT PER SECOND.

The point of diversion is located as follows:

Twp Rng		g Mer Sec		Q-Q	Measured Distances		
38 S	1 W	WM	35	NWNW	880 FEET NORTH AND 475 FEET WEST FROM THE SE CORNER OF DLC 66		

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

Twp	Rng	Mer	Sec	Q-Q	Acres
38 S	1 W	WM	26	NE NE	2.5
38 S	1 W	WM	26	NW NE	2.3
38 S	1 W	WM	26	SW NE	2.7
38 S	1 W	WM	26	SE NE	0.8
			-	Total	8.3

This certificate describes that portion of water right Certificate 48966, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered ______, approving Transfer Application T-12774.

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 and is subject to all other conditions and limitations contained in said decree.

WITNESS the signature of the Water Resources Director, affixed

Lisa J. Jaramillo, Transfer and Conservation Section Manager, for THOMAS M BYLER, DIRECTOR Oregon Water Resources Department

STATE OF OREGON

COUNTY OF JACKSON

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

FRED AND MARTHA RAPP TALENT, OR 97540

confirms the right to use the waters of WAGNER CREEK, a tributary of BEAR CREEK for DOMESTIC, STOCK, AND IRRIGATION OF 36.04 ACRES, BEING 0.6 ACRES WITH 1852 PRIORITY, 16.24 ACRES WITH 1854 PRIORITY, AND 18.6 ACRES WITH 1864 PRIORITY.

This right was confirmed by decree of the Circuit Court of the State of Oregon for Jackson County. The decree is of record at Salem, in the Order Record of the Water Resources Director in Volume 4, at Page 1. The dates of priority are 1852 – WAGNER AND THORNTON DITCH, 1854 – ROCKEFELLOW DITCH, AND 1864 – DAVENPORT DITCH.

The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 0.01 CUBIC FOOT PER SECOND (CFS) WITH 1852 PRIORITY, 0.19 CFS WITH 1854 PRIORITY, AND 1.09 CFS WITH 1864 PRIORITY, or its equivalent in case of rotation, measured at the point of diversion from the source.

The points of diversion are located as follows:

DI	ТСН
WAGNER AN	D THORNTON
ROCKE	FELLOW
DAVE	ENPORT

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

DOMES	TIC, STOC	K, AND I	RRIGAT	ION - PRIOR	ITY 1852
Twp	Rng	Mer	Sec	Q-Q	Acres
38 S	1 W	WM	26	SENW	1.20

Twp	Rng	Mer	Sec	Q-Q	Acres
38 S	1 W	WM	26	SW NE	12.90
38 S	1 W	WM	26	NWSW	0.30
38 S	1 W	WM	26	SE SW	0.50
38 S	1 W	WM	26	NE SE	2.54
				Total	16.24

Twp	Rng	Mer	Sec	Q-Q	Acres
38 S	1 W	WM	26	SE SW	6.50
38 S	1 W	WM	26	NE SE	8.40
38 S	1 W	WM	35	NENW	3.70
				Total	18.6

This certificate describes that portion of water right Certificate 74512, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered ______, approving Transfer Application T-12774.

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 and is subject to all other conditions and limitations contained in said decree.

WITNESS the signature of the Water Resources Director, affixed

Lisa J. Jaramillo, Transfer and Conservation Section Manager, for THOMAS M BYLER, DIRECTOR Oregon Water Resources Department

STATE OF OREGON WATER RESOURCES DEPARTMENT RECEIPT # 131766 725 Summer St. N.E. Ste. A SALEM, OR 97301-4172 INVOICE # (503) 986-0900 / (503) 986-0904 (fax) INVOICE #	
RECEIVED FROM: Aluna Michelle APPLICATION BY: PERMIT TRANSFER T-12774	
CASH: CHECK:# 1194 OTHER: (IDENTIFY) TOTAL REC'D \$ 368-59	
1083 TREASURY 4170 WRD MISC CASH ACCT	
0407 COPIES 46118 Newspaper Notice \$ 368.59	
0243 I/S Lease 0244 Muni Water Mgmt. Plan 0245 Cons. Water	
4270 WRD OPERATING ACCT	
MISCELLANEOUS	
0407 COPY & TAPE FEES S	
0410 RESEARCH FEES \$	
0408 MISC REVENUE: (IDENTIFY) \$ TC162 DEPOSIT LIAB. (IDENTIFY) \$	
1C162 DEPOSIT LIAB. (IDENTIFY) 3 0240 EXTENSION OF TIME 5	
0201 SURFACE WATER S 0202 S	
0203 GROUND WATER \$ 0204	
0205 TRANSFER \$	
WELL CONSTRUCTION EXAM FEE LICENSE FEE	
0218 WELL DRILL CONSTRUCTOR \$ 0219 \$	
OTHER (IDENTIFY)	
0536 TREASURY 0437 WELL CONST. START FEE	
0211 WELL CONST START FEE \$ CARD #	
0210 MONITORING WELLS S CARD #	
OTHER (IDENTIFY)	
0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER	
0233 POWER LICENSE FEE (FW/WRD) \$	
0231 HYDRO LICENSE FEE (FW/WRD) \$	
HYDRO APPLICATION S	
TREASURY OTHER / RDX	
FUND TITLE	DEGEN
OBJ. CODE VENDOR #	RECEIVED
DESCRIPTION \$	IAN O 1 0000
	JAN 2 1 2020
121700 1-11-707D Billing	
RECEIPT: 131766 DATED: 1-21-20284 Multi	OWRD
Distribution White Copy - Customer, Yellow Copy - Fiscal, Blue Copy - File, Buff Copy - Fiscal	
×	
Attached is a check for \$368.59 (PCA #46118) for	
out to Oregon Water Resources Department (or W	
• "for T- 12774 NOTICE" written on from	t of check

Mail to: Oregon Water Resources Department 725 Summer St. NE, Suite A Salem, OR 97301-1266

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Caseworker: cc

OR WATER RESOURCES DEPT 725 SUMMER ST NE STE A Salem, OR 97301

Affidavit of Publication ***THIS IS NOT A BILL***

CASE NO.

State of Oregon County of Jackson

At I The

I, <u>Charles Duncan</u>, being first duly sworn, depose and say that I am the principal clerk of Medford Mail Tribune, a newspaper of general circulation, as defined by ORS 193.010 and 193.020;

printed at Medford in the aforesaid county and state; that the <u>PUBLIC NOTICE</u>, a printed copy of which is hereto annexed, was published in the entire issue of said newspaper for 2 successive and consecutive <u>insertion(s)</u> in the following issues 2.1.20, 2.8.20 (HERE SET FORTH DATES OF ISSUE)

Che A Dour

Subscribed and sworn to before me this $// t^{t_{h}}$ day of feb. 2020.



Lerie 4 Hog

NOTARY FUBLIC FOR OREGON

My commission expires 24th day of Stot. , 2022.

Rosebud Media - Mail Tribune - Ashland Tidings 111 N Fir St Medford, OR 97501

PUBLICATION	EXPIRE DATE	AD CAPTION	# TIMES	AMOUNT	PO
Mail Tribune	2.8.20	Notice of Preliminary Determin	2	307.16	

RECEIVED

FEB 1 8 2020

OWRD

Notice of Preliminary Determination for Water Right Transfer T-12774

T-12774 filed by Gin Guei Ebnesajjad/Joy Luck Farm, LLC, 225 West Rapp Road, Talent, OR, 97540, proposes an additional point of diversion, a change in place of use and character of use under Certificates 48966 and 74512. Certificate 48966 allows the use of 0.02 cubic foot per second from Wagner Creek in Sec. 35, T38S, R1W, WM for irrigation and stock in Sec. 26, T38S, R1W, WM. The applicant proposes an additional point of diversion in Sec. 26, T38S, R1W, WM and to change the place of use within Sec. 26, T38S, R1W, WM. Certificate 74512 allows the use of 0.22 cubic foot per second from Wagner Creek for domestic, stock, and irrigation in Sec. 26, T38S, R1W, WM. The applicant proposes an additional point of diversion in Sec. 26, T38S, R1W, WM and to change the place of use within Sec. 26, T38S, R1W, WM and to change the character of use to nursery. The Water Resources Department proposes to approve the transfer, based on the requirements of ORS Chapter 540 and OAR 690-380-5000.

Any person may file, jointly or severally, a protest or standing statement within 30 days after the last date of newspaper publication of this notice, 02/08/2020. Call (503) 986-0815 to obtain additional information. If no protests are filed, the Department will issue a final order consistent with the preliminary determination.

February 1 & 8, 2020

RECEIVED

OWRD

COURCHANE Corey A * WRD

From: Sent: To: Cc: Subject: Attachments:

COURCHANE Corey A * WRD Wednesday, February 19, 2020 1:55 PM 'aluna michelle' JARAMILLO Lisa J * WRD RE: Gin Guei Ebnesajjad, Joy Luck Farm LLC, T-12774 T-12774.pdf

Good afternoon Aluna,

Please see responses below.

Thank you,

Corey Courchane

From: JARAMILLO Lisa J * WRD <Lisa.J.Jaramillo@oregon.gov> Sent: Wednesday, February 19, 2020 9:06 AM To: COURCHANE Corey A * WRD <Corey.A.Courchane@oregon.gov> Subject: FW: Gin Guei Ebnesajjad, Joy Luck Farm LLC, T-12774

FYI

<u>Lisa J. Jaramillo</u> Transfer and Conservation Section Manager 725 Summer Street NE, Suite A, Salem, OR 97301 | Phone 503-986-0880



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

From: aluna michelle <alunamichelle@hotmail.com> Sent: Tuesday, February 18, 2020 5:00 PM To: JARAMILLO Lisa J * WRD <Lisa.J.Jaramillo@oregon.gov> Subject: Re: Gin Guei Ebnesajjad, Joy Luck Farm LLC, T-12774

Hi Lisa,

Thanks so much for being willing to take my questions. Here they are:

 The POD's for Certificate #48966 and #74512: Just double-checking here....The two authorized PODs for the two certificates have different descriptions in Findings of Fact #22 and 26. I'm pretty sure they both refer to the same place on the ground - specifically, the spot that's described in my transfer application as POD-1. But I wanted to make sure, since I'm not a surveyor. Can you tell me if these are the same spots? In my transfer application, I requested both POD-1 and POD-2 to be my authorized PODs for both certificates, so as long as they'll both be authorized by this determination, I'm good with that. I just wanted to make sure, since again I'm not a surveyor. Finding of Fact (FOF) 22: that's how it's described on Certificate 48966. Certificate 74512 does not provide a measured distance, however one was provided on your application by the CWRE that completed your maps. This is why FOF 26 is different. I assume these are the same spots as that is what they appear to be when mapped, however that is a question for your CWRE. The Department relies on the information provided in your application

 Is nursery use described as "year-round" in the Rogue River Decree? Is it described at all? (Not sure if it's a "newer" use that the Rogue River Decree predates.)

Nursery use is not discussed in the decree, as this was not a defined use when the decree was issued.

3. Finding of Fact #34. Do you know where the 0.005 cfs rate here came from? Corey and my attorney told me the decree gives a rate of 1/40th of a cfs for stock use, but that's 0.025 cfs, not 0.005 cfs.

I did not provide a flat rate for stock use, as it isn't called out in certificate, decree, or basin plan. I provided you a copy of this description from the Rogue River Decree in my email to you on May 14, 2018 (attached above).

4. Determination and Proposed Action #5, 7 and 9: Can you explain to me the significance of the phrase "or its equivalent"? I'm trying to figure out where/when it needs to be included, as it currently seems to appear sporadically.

This is standard language that has been and is currently used by the Department on all permits and certificates across the State of Oregon. This is not application specific.

5. Determination and Proposed Action #7 and 9. I just want to confirm my understanding of these actions here. So as the Preliminary Determination (PD) currently stands, these actions indicate that from Nov. 1 through March 31 each year, my total authorized rate for nursery use would be 0.01 cfs (0.005 cfs from domestic and 0.005 cfs from stock) and my total authorized duty would be 4.09 acrefeet (.47 acre feet from domestic and 3.62 acre feet from stock), correct? Though the actual quantities need to be updated, I basically just want to make sure that my understanding is correct in that the rates and duties in Action #7 and Action #9 (whatever the quantities end up being) are additive.

It is not additive. The highlighting on the attached document is where this is called out.

6. Determination and Proposed Action #5, 7 and 9: Since these three actions together describe my nursery use year-round, should there be a summary statement that clarifies the usage? Specifically, one that says that from April 1 through October 31 of each year, my nursery use would have the duty and rate specified by Determination #5, and from November 1 through March 31 each year my nursery rate would be the rates of Determinations #7 and 9 added together, and the duties of Determinations #7 and 9 added together? So that it's crystal clear? Is this something I should just ask for in my protest?

Nothing more is needed. In the Preliminary Determination, please see Conditions 4, 6, and 8 on pages 7 and 8.

7. Determination and Proposed Action #12. Does a fish-screened pump intake, or other water-lifting mechanism need a headgate? Does an old but functioning headgate need to be replaced by a new headgate?

This was requested in the Watermaster's review and it is a condition that we carry forward if the Watermaster recommends it. Please see your email from me on October 31, 2019. I advised that you need to discuss this with the Watermaster.

8. I noticed that there were some changes to the document, between the Revised Draft PD that I was sent before, and the published PD. I am assuming that won't happen with the Final Order, right? That is, the Final Order will be issued to reflect precisely what is in the PD and anything that's settled upon after the protest period, right? And if it's not, then I will have recourse at that point, correct?

The Final Order will reflect what's in the PD. Nothing will change, except for a paragraph at the beginning, identifying the issuance of the PD on January 28, 2020, with subsequent public notice in the Medford Mail Tribune. The Preliminary Determination is what the Department is considering at this time, so focus primarily on the PD. Don't be concerned with changes between the initial draft and the PD. The PD is all that you should be concerned with at this time.

Thanks in advance, Aluna

From: JARAMILLO Lisa J * WRD <<u>Lisa.J.Jaramillo@oregon.gov</u>> Sent: Tuesday, February 18, 2020 10:29 AM To: aluna michelle <<u>alunamichelle@hotmail.com</u>> Subject: RE: Gin Guei Ebnesajjad, Joy Luck Farm LLC, T-12774

Hi Aluna,

What specific questions do you still have?

Thank you, Lisa

<u>Lisa J. Jaramillo</u> Transfer and Conservation Section Manager 725 Summer Street NE, Suite A, Salem, OR 97301 | Phone 503-986-0880



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From: aluna michelle <<u>alunamichelle@hotmail.com</u>> Sent: Monday, February 17, 2020 1:56 PM To: JARAMILLO Lisa J * WRD <<u>Lisa.J.Jaramillo@oregon.gov</u>> Subject: Re: Gin Guei Ebnesajjad, Joy Luck Farm LLC, T-12774

Hi Lisa, I have some questions of information/clarification on the preliminary determination that were never answered by Corey. Would you be able to answer my questions, so that I can fully understand the preliminary determination in order to evaluate and respond to it accurately? If so, please let me know if I can email them over to you. Sincerely, Aluna

From: aluna michelle <alunamichelle@hotmail.com> Sent: Wednesday, February 12, 2020 11:44 AM To: JARAMILLO Lisa J * WRD <Lisa.J.Jaramillo@oregon.gov> Cc: MCCARTY Patricia E * WRD <Patricia.E.Mccarty@oregon.gov> Subject: Re: Gin Guei Ebnesajjad, Joy Luck Farm LLC, T-12774

Thank you so much for the information and swift reply Lisa! That's very helpful, and I've spoken with Patricia, who was also very helpful.

Sincerely, Aluna

From: JARAMILLO Lisa J * WRD <<u>Lisa.J.Jaramillo@oregon.gov</u>> Sent: Wednesday, February 12, 2020 10:58 AM To: aluna michelle <<u>alunamichelle@hotmail.com</u>> Cc: MCCARTY Patricia E * WRD <<u>Patricia.E.Mccarty@oregon.gov</u>> Subject: RE: Gin Guei Ebnesajjad, Joy Luck Farm LLC, T-12774

Hi Aluna,

We don't have an official form for filing a protest; however, here is some information that should help.

Your protest must be in written form and must be accompanied by the \$410 Protest Fee (*specified in Oregon Revised Statutes (ORS) 536.050(1)(j)(B)*). Additionally, the protest must be received by the Department by the protest deadline date no later than 5:00 pm.

A protest shall raise all reasonably ascertainable issues and submit all reasonably available arguments supporting the person's position by the close of the protest period, and it must contain a detailed statement of:

(a) Facts sufficient to show that the protestant is entitled to the relief or action requested;

(b) The specific relief or action requested;

(c) The name and address of the protestant and other person or persons necessary to, or having a direct interest in, the proceeding; and

(d) Citation of legal authority or basis for the claim or relief asserted or requested

For your reference, I've included the specific rules related to protests below.

Please contact Patricia McCarty, Protest Coordinator, if you have any questions related to the protest. I've included her on this email so you'll have her email address. You can also contact her by telephone at 503-986-0820.

Sincerely, Lisa Jaramillo

Oregon Administrative Rule (OAR) 690-380-4030: Protests and Requests for Hearings

(1) Within 30 days after the date of last publication of the newspaper notice or the Department's weekly notice as prescribed by OAR 690-380-4020, whichever is later:

(a) Any person may file, jointly or severally, with the Department, a protest or standing statement; and

(b) If the Department's preliminary determination is that a proposed change in point of diversion or appropriation would result in injury, the applicant may file a notification of intent to pursue approval of the transfer under OAR 690-380-5030 to 690-380-5050.

(2) A person filing a protest under this rule must comply with the provisions of OAR 690-002-0030 and include the fee required under ORS 536.050.

(3) An applicant filing a protest under this rule must provide the affidavit required under OAR 690-380-4020(3) to the Department prior to or concurrent with the filing of the protest.

(4) Each person submitting a protest shall raise all reasonably ascertainable issues and submit all reasonably available arguments supporting the person's position by the close of the protest period. Failure to raise a reasonably ascertainable issue in a protest or failure to provide sufficient specificity to afford the Department an opportunity to respond to the issue may preclude consideration of the issue during the hearing.

OAR 690-002-0030: Form and Content of Protest

(1) Except as otherwise provided in ORS Chapter 537 and OAR 690 divisions 77 and 310 relating to applications for water rights, in ORS Chapter 543 relating to hydroelectric projects, and in OAR 690, division 17 relating to cancellation of perfected and developed water rights, a protest must be in writing, signed by the protestant or the protestant's attorney or authorized representative, and include any statutory filing fee. A protest must contain a detailed statement of:

(a) Facts sufficient to show that the protestant is entitled to the relief or action requested;

(b) The specific relief or action requested;

(c) The name and address of the protestant and other person or persons necessary to, or having a direct interest in, the proceeding; and

(d) Citation of legal authority or basis for the claim or relief asserted or requested.

<u>Lisa J. Jaramillo</u>

Transfer and Conservation Section Manager 725 Summer Street NE, Suite A, Salem, OR 97301 | Phone 503-986-0880



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From: aluna michelle <<u>alunamichelle@hotmail.com</u>> Sent: Wednesday, February 12, 2020 9:36 AM To: JARAMILLO Lisa J * WRD <<u>Lisa.J.Jaramillo@oregon.gov</u>> Subject: Re: Gin Guei Ebnesajjad, Joy Luck Farm LLC, T-12774

Hi Lisa, I looked for a protest form and instructions on the OWRD website but couldn't find one. Could you help me put my protest together? And if I should I be directing my inquiries to Corey or someone else, please do let me know. Thanks in advance, Aluna

On Feb 4, 2020, at 3:36 PM, JARAMILLO Lisa J * WRD <Lisa.J.Jaramillo@oregon.gov> wrote:

Hi Aluna,

Thank you for the message. At this point, if you don't agree with the findings and conclusions of the Preliminary Determination, I recommend you consider filing a protest.

Sincerely, Lisa

Lisa J. Jaramillo Transfer and Conservation Section Manager 725 Summer Street NE, Suite A, Salem, OR 97301 | Phone 503-986-0880

<image003.jpg> Integrity | Service | Technical Excellence | Teamwork | Forward-Looking

From: aluna michelle <<u>alunamichelle@hotmail.com</u>> Sent: Tuesday, February 4, 2020 12:50 PM To: JARAMILLO Lisa J * WRD <<u>Lisa.J.Jaramillo@oregon.gov</u>> Subject: Re: Gin Guei Ebnesajjad, Joy Luck Farm LLC, T-12774

Hi Lisa, hope this note finds you well in the new year.

I was wondering about my transfer application, and whether I should go ahead and file a protest. I guess that's what we had agreed upon before, but I still think that my objections are pretty clear and straightforward - and I had a chance to consult a water rights attorney who works with you guys a lot, and he confirmed my concerns. So I wanted to check and see whether you'd like to take a look at them first - maybe it's something that can be straightened out without a formal protest. If you don't have time for that though, I can go ahead with the formal protest, but again I do hope there'd be consideration of the protest fee if you agree my objections are valid. Does that sound alright to you?

Thanks in advance for your consideration, Aluna Michelle

On Dec 5, 2019, at 8:43 AM, JARAMILLO Lisa J * WRD <<u>Lisa.J.Jaramillo@oregon.gov</u>> wrote:

Good morning Aluna,

Thank you for the message. I appreciate your consideration.

If you have any questions about how to file a protest, please feel free to contact us.

Have a good rest of the week, Lisa

<u>Lisa J. Jaramillo</u> Transfer and Conservation Section Manager 725 Summer Street NE, Suite A, Salem, OR 97301 | Phone 503-986-0880

<image002.jpg> Integrity | Service | Technical Excellence | Teamwork | Forward-Looking

From: aluna michelle <<u>alunamichelle@hotmail.com</u>> Sent: Wednesday, December 4, 2019 6:04 PM To: COURCHANE Corey A * WRD <<u>Corey.A.Courchane@oregon.gov</u>>; JARAMILLO Lisa J * WRD <<u>Lisa.J.Jaramillo@oregon.gov</u>> Subject: Re: Gin Guei Ebnesajjad, Joy Luck Farm LLC, T-12774

P.S. My apologies to Corey especially, I know you told me initially that I would have my chance to submit input during the protest period. I guess I just got worried since this is such a big process, but after ruminating on things, I realized there wasn't need for such concern, and I don't want to cause unnecessary work and delay - there's been so much already. So please accept my apologies! (Sorry I forgot to put this in my last note)

From: aluna michelle <<u>alunamichelle@hotmail.com</u>> Sent: Wednesday, December 4, 2019 5:55 PM To: COURCHANE Corey A * WRD <<u>Corey.A.Courchane@oregon.gov</u>>; JARAMILLO Lisa J * WRD <<u>Lisa.J.Jaramillo@oregon.gov</u>> Subject: Re: Gin Guei Ebnesajjad, Joy Luck Farm LLC, T-12774

Hi again Corey and Lisa,

After we spoke, I thought more about the situation and realized that it's not such a big deal to go ahead with the PD as it stands. As long as I have a chance to submit my input, which I guess the protest period is made for. I do hope that if there are clear errors, there might be consideration on the protest fee. But I'm just thinking that you guys might be especially busy during the holiday season, and I don't want to delay things more than they already have been. So please go ahead with the PD, and I'm sorry for any inconvenience!!

Best, Aluna

197 A 104

COURCHANE Corey A * WRD

From: Sent: To: Subject:

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JARAMILLO Lisa J * WRD Tuesday, February 04, 2020 3:37 PM COURCHANE Corey A * WRD FW: Gin Guei Ebnesajjad, Joy Luck Farm LLC, T-12774

Hi Corey,

Please place a copy of this correspondence in the Transfer Application file.

Thank you, Lisa

Lisa J. Jaramillo

Transfer and Conservation Section Manager 725 Summer Street NE, Suite A, Salem, OR 97301 | Phone 503-986-0880



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<u>Lisa J. Jaramillo</u> Transfer and Conservation Section Manager 725 Summer Street NE, Suite A, Salem, OR 97301 | Phone 503-986-0880



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Have a good rest of the week, Lisa

<u>Lisa J. Jaramillo</u> Transfer and Conservation Section Manager 725 Summer Street NE, Suite A, Salem, OR 97301 | Phone 503-986-0880

<image002.jpg> Integrity | Service | Technical Excellence | Teamwork | Forward-Looking

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Best, Aluna

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Water Resources Department 725 Summer St NE, Suite A Salem, OR 97301 (503) 986-0900 Fax (503) 986-0904

January 28, 2020

GIN GUEI EBNESAJJAD JOY LUCK FARM LLC 225 WEST RAPP RD TALENT, OR 97540

SUBJECT: Water Right Transfer Application T-12774

Please find enclosed the Preliminary Determination indicating that, based on the information available, the Department intends to approve application T-12774. This document is an intermediate step in the denial process; water may not be used legally as proposed in the transfer application until a Final Order to approve the transfer has been issued by the Department. Please read this entire letter carefully to determine your responsibility for additional action.

A public notice is being published in the Department's weekly publication and in the Medford Mail Tribune, simultaneously with issuance of the Preliminary Determination. The notice initiates a period in which any person may file either a protest opposing the decision proposed by the Department in the Preliminary Determination or a standing statement supporting the Department's decision. The protest period will end 30 days after the last date of newspaper publication.

If no protest is filed, the Department will issue a Final Order consistent with the Preliminary Determination. You should receive a copy of the Final Order about 30 days after the close of the protest period.

If a protest is filed, the application may be referred to a contested case proceeding. A contested case provides an opportunity for the proponents and opponents of the decision proposed in the Preliminary Determination to present information and arguments supporting their position in a quasi-judicial proceeding.

Please do not hesitate to contact me, at <u>corey.a.courchane@oregon.gov</u> or (503) 986-0825, if I may be of assistance.

Sincerely,

Corey Courchane Transfer Specialist Transfer and Conservation Section

cc: T-12774 Shavon Haynes, District 13 Watermaster (via e-mail)

encs

BEFORE THE WATER RESOURCES DEPARTMENT OF THE STATE OF OREGON

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In the Matter of Transfer Application T-12774, Jackson County PRELIMINARY DETERMINATION PROPOSING APPROVAL OF AN ADDITIONAL POINT OF DIVERSION, A CHANGE IN PLACE OF USE, AND A CHANGE IN CHARACTER OF USE

Authority

Oregon Revised Statutes (ORS) 540.505 to 540.580 establish the process in which a water right holder may submit a request to transfer the point of diversion, place of use, or character of use authorized under an existing water right. Oregon Administrative Rules (OAR) Chapter 690, Division 380 implement the statutes and provides the Department's procedures and criteria for evaluating transfer applications.

Applicant

GIN GUEI EBNESAJJAD JOY LUCK FARM LLC 225 WEST RAPP RD TALENT, OR 97540

Findings of Fact

- On November 20, 2017, GIN GUEI EBNESAJJAD; JOY LUCK FARM, LLC filed an application for an additional point of appropriation and to change the place of use under Certificates 48966 and 74512, and to change the character of use under Certificate 74512. The Department assigned the application number T-12774.
- Notice of the application for transfer was published on November 28, 2017, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
- On April 25, 2018, the Department contacted the applicant by written correspondence to notify the applicant of the deficiencies in the application. The Department requested that the deficiencies be resolved by May 25, 2018.
- 4. On May 18, 2018, the applicant requested additional time in order to respond to the deficiencies in the application. The Department requested that the deficiencies be resolved by June 25, 2018.

Pursuant to OAR 690-380-4030, any person may file a protest or standing statement within 30 days after the last date of publication of notice of this preliminary determination.

- 5. On July 5, 2018, the Department contacted the applicant by telephone to clarify the process of completing a transfer regarding a decreed right which involves irrigation, stock, and domestic, and to discuss what options were available for the applicant. The Department requested that the deficiencies be resolved by August 31, 2018.
- On August 29, 2018, the applicant requested additional time to allow for the Certified Water Rights Examiner to submit revised maps. The Department requested that the deficiencies be resolved by September 21, 2018.
- On October 12, 2018, the applicant submitted revised tables and maps. After reviewing the revisions, the Department determined that 1.1 acres being transferred under Certificates 49866 and 74512 were layered in the SW NE of Section 26, T38S, R1W, WM, and had to either move together or be cancelled.
- On November 6, 2018, the applicant submitted revised tables and maps, resolving the deficiencies.
- 9. On November 29, 2018, the Department determined evidence of use on 0.5 acres that is proposed to change character of use to nursery, was not sufficient enough in detailing beneficial use of water had been made within the five years prior to submittal of T-12774. The Department also determined the place of use under Certificates 48966 and 74512 are located within the Talent Irrigation District (TID), and that a Supplemental Form D from TID, granting consent to the changes requested under T-12774 would need to be submitted. The Department contacted the applicant by written correspondence to notify the applicant of the deficiencies in the application.
- 10. On February 6, 2019, the Department contacted the applicant by written correspondence to notify the applicant of the deficiencies in the application. The Department requested that the deficiencies be resolved by March 8, 2019. The applicant submitted the required Supplemental Form D the same day.
- 11. On March 8, 2019, the applicant submitted additional evidence of use supporting documentation.
- 12. On April 30, 2019, the Department determined that the additional evidence submitted, was not sufficient enough to suggest the 0.5 acre designated for change in character of use to nursery had been irrigated.
- 13. On May 8, 2019, the Department contacted the applicant by written correspondence to notify the applicant additional evidence was needed, or to withdraw the 0.5 acres from the application. The Department requested that the deficiencies be resolved by May 24, 2019.
- 14. On May 31, 2019, the Department received a written statement from a neighboring landowner, which described irrigation taking place on the place of use in question within the previous five years prior.
- 15. On June 21, 2019, the Department received a signed and notarized Evidence of Use Affidavit from the applicant, resolving the deficiencies.

- 16. On September 20, 2019, the Department mailed a copy of the draft Preliminary Determination proposing to approve Transfer Application T-12774 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of October 21, 2019, for the applicant to respond.
- 17. On October 9, 2019, it was brought to the Department's attention that a scrivener's error existed in the draft Preliminary Determination issued on September 20, 2019. The rate and duty seasonal limitation for the change in character of use from domestic and stock to nursery use under Certificate 74512 was not included as a Finding of Fact.
- On October 24, 2019, the applicant requested to extend the time to complete application of the water to full beneficial use to October 1, 2025.
- On October 28, 2019, the Department mailed a copy of the revised draft Preliminary Determination proposing to approve Transfer Application T-12774 to the applicant. The revised draft Preliminary Determination cover letter set forth a deadline of December 2, 2019, for the applicant to respond.
- 20. On November 30, 2019, the applicant responded with questions seeking additional information on the Department's findings and determinations, essentially not agreeing with the Department's findings. The Department responded by informing the applicant the Department had made its determination and will proceed with the application process, and granted an extension to December 6, 2019, to receive the report of ownership from the title company.
- 21. On December 9, 2019, the applicant requested that the Department proceed with issuance of a Preliminary Determination and provided the necessary information to demonstrate that the applicant is authorized to pursue the transfer.
- 22. The portion of the first right to be transferred is as follows:

Certificate:	48966 in the name of OLIVER HELMS (confirmed by Rogue River (F) State Water Board)
Use:	IRRIGATION of 1.1 ACRES and STOCK
Priority Date:	
Rate:	0.02 CUBIC FOOT PER SECOND
Source:	WAGNER CREEK, a tributary of BEAR CREEK

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
38 S	1 W	WM	35	NWNW	880 FEET NORTH AND 475 FEET WEST FROM THE SE CORNER OF DLC 66

Authorized Place of Use:

	IRRIG	ATION A	ND ST	TOCK	
Twp	Rng	Mer	Sec	Q-Q	Acres
38 S	1 W	WM	26	SW NE	1.1

 Transfer Application T-12774 proposes an additional point of diversion approximately 0.7 mile downstream to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
38 S	1 W	WM	26	NE SW	2500 FEET NORTH AND 2450 FEET EAST FROM THE SW CORNER OF SECTION 26

24. Transfer Application T-12774 also proposes to change the place of use of the right to:

Twp	Rng	Mer	Sec	Q-Q	Acres
38 S	1 W	WM	26	SW NE	0.2
38 S	1 W	WM	26	NE SW	0.4
38 S	1 W	WM	26	NW SE	0.5
				Total	1.1

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

74512 in the name of FRED AND MARTHA RAPP (confirmed by Rogue
River (F) State Water Board)
DOMESTIC, STOCK, and IRRIGATION of 8.0 ACRES, BEING 0.6
ACRE WITH 1852 PRIORITY, 4.7 ACRES WITH 1854 PRIORITY, AND
2.7 ACRES WITH 1864 PRIORITY
1852 - WAGNER AND THORNTON DITCH, 1854 - ROCKEFELLOW
DITCH, AND 1864 – DAVENPORT DITCH
0.01 CUBIC FOOT PER SECOND (CFS) WITH 1852 PRIORITY, 0.05
CFS WITH 1854 PRIORITY, AND 0.16 CFS WITH 1864 PRIORITY
WAGNER CREEK, a tributary of BEAR CREEK

Authorized Points of Diversion:

DITCH
WAGNER AND THORNTON
ROCKEFELLOW
DAVENPORT

Authorized Place of Use:

Twp	Rng	Mer	Sec	Q-Q	Acres
38 S	1 W	WM	26	SW NE	1.1
38 S	1 W	WM	26	SE NW	0.6
38 S	1 W	WM	26	NE SW	3.6
38 S	1 W	WM	26	NW SE	2.7
				Total	8.0

26. The Department received information from the applicant that better describes the location of the authorized point of diversion for Certificate 74512 as follows:

Tw)	Rng	Mer	Sec	Q-Q	Measured Distances
38 5	5	1 W	WM	35	NW NW	620 FEET SOUTH AND 900 FEET EAST FROM THE SW CORNER OF SECTION 26

 Transfer Application T-12774 proposes an additional point of diversion approximately 0.7 mile downstream to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
38 S	1 W	WM	26	SW NE	2500 FEET NORTH AND 2450 FEET EAST FROM THE SW CORNER OF SECTION 26

- 28. Transfer Application T-12774 proposes to change the character of use for a portion of the right to nursery.
- 29. Transfer Application T-12774 also proposes to change the place of use of the right to:

Twp	Rng	Mer	Sec	Q-Q	Acres	Priority Date
38 S	1 W	WM	26	SW NE	0.2	1854
38 S	1 W	WM	26	SENW	0.1	1852
38 S	1 W	WM	26	NE SW	3.6	1854
38 S	, 1 W	WM	26	NE SW	0.4	1854
38 S	1 W	WM	26	NW SE	2.7	1864
38 S	1 W	WM	26	NW SE	0.5	1854
				Total	7.5	

			NURS	SERY		
Twp	Rng	Mer	Sec	Q-Q	Acres	Priority Date
38 S	1 W	WM	26	NW SE	0.5	1852

- 30. Certificates 48966 and 74512 do not specify a period of allowed use; however, domestic and stock use is generally considered a year-round use. Irrigation and nursery would be limited to the irrigation season. Certificates 48966 and 74512 do not specify an irrigation season; however, consistent with the Rogue River Decree, the irrigation season is April 1 through October 31. Information contained in the decree allows water to be diverted for domestic and stock year round; during the irrigation season water diverted for irrigation purposes includes water diverted for domestic and stock.
- 31. Certificate 74512 does not specify a total quantity of water to be diverted annually for domestic use; however, ORS 540.610 states "beneficial use shall be the basis, the measure and the limit of all rights to the use of water in this state." The Department recognizes 0.005 cubic foot per second (cfs) as an allowable rate for domestic use of one household during the period of November 1 through March 31. If the domestic use was diverted continuously at the authorized rate of 0.005 cfs for 365 days per year (0.005 cfs x 60 sec/min x 60 min/hr x 24 hr/day x 365 days/year ÷ 43,560 square feet per acre = 3.62 acre-feet per year), is the maximum that could have been diverted. However, water for domestic use is not continuously diverted for 24 hours per day, 365 days per year.
- 32. Use of more water per year than what could have been used for maximum beneficial use for the original domestic use would constitute enlargement of the right, which is not allowed. Therefore, to avoid enlarging the right under the proposed nursery use, an annual volume limit should be added to the right based on the best available estimate of the maximum amount of water that could have been beneficially diverted and used for domestic use during a year.

- 33. Estimates of in-house domestic use available from agencies such as the United States Geological Survey (USGS), American Water Works Association (AWWA) and Penn State Cooperative Extension indicate an average in-house domestic water use of approximately 70 gallons per person per day, or approximately 0.47 acre-feet per year for a household that includes six people. Therefore, the annual volume limitation to be placed on the domestic use for this right is 0.47 acre-feet per year (0.47 acre-feet per year x 1 home = 0.47 acre feet per year).
- 34. Certificate 74512 does not specify a total quantity of water to be diverted annually for stock use. If diverted continuously at the authorized rate of 0.005 cfs for 365 days per year (0.005 cfs x 60 sec/min x 60 min/hr x 24 hr/day x 365 days/year ÷ 43,560 square feet per acre = 3.62 acre-feet per year), is the maximum that could have been diverted for stock.
- 35. 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 [OAR 690-380-4010(2)]

- 36. Water has been used within the last five years according to the terms and conditions of the rights. There is no information in the record that would demonstrate that the rights are subject to forfeiture under ORS 540.610.
- 37. A diversion structure and ditch sufficient to use the full amount of water allowed under the existing rights were present within the five-year period prior to submittal of Transfer Application T-12774.
- 38. The proposed changes would not result in enlargement of the rights.
- 39. The proposed changes would not result in injury to other water rights.
- 40. All other application requirements are met..

Determination and Proposed Action

The additional point of diversion, change in place of use, and change in character of use proposed in Transfer Application T-12774 appear to be consistent with the requirements of ORS 540.505 to 540.580 and OAR 690-380-5000. If protests are not filed pursuant to OAR 690-380-4030, the transfer application will be approved.

If Transfer Application T-12774 is approved, the final order will include the following:

1. The additional point of diversion, change in place of use, and change in character of use proposed in Transfer Application T-12774 are approved.

- 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 Certificates 48966 and 74512, and any related decree.
- 3. Water right Certificates 48966 and 74512 are cancelled. New certificates will be issued describing that portion of the rights not affected by this transfer.
- 4. The rate of diversion for the change in character of use from irrigation to the proposed nursery operation use shall be limited to 0.01 cubic foot per second and shall be further limited to a total volume diverted of 2.25 acre feet (0.5 acres x 4.5 acre feet per acre) during the original season of use, being April 1 to October 31.
- 5. The change in character of use from irrigation to the proposed nursery use shall be further limited such that:
 - a) The amount of water used for NURSERY OPERATIONS is limited to a diversion of 0.01 cubic foot per second per acre and 2.25 acre feet per acre during the irrigation season of each year.
 - b) For the irrigation of containerized nursery plants, the amount of water diverted is limited to 0.01 cubic foot per second (or its equivalent) and 2.25 acre feet per acre during the irrigation season of each year.
 - c) For the irrigation of in-ground nursery plants, the amount of water diverted is limited to 0.01 cubic foot per second (or its equivalent) and 2.25 acre feet per acre during the irrigation season of each year.
 - d) For the irrigation of any other crop, the amount of water diverted is limited to 0.01 cubic foot per second (or its equivalent) and 2.25 acre feet per acre during the irrigation season of each year. The use of water for irrigation of any other crop shall be limited to 0.5 acres.
- 6. The rate of diversion for the change in character of use from domestic use to the proposed nursery operations use shall be limited to 0.005 cubic foot per second and shall be further limited, as identified in Finding of Fact 27, to a total volume diverted of 0.47 acre-feet during the period of authorized use, being November 1 through March 31 of each year.
- 7. The change in character of use from domestic use to the proposed nursery use shall be further limited such that:
 - a) The amount of water used for NURSERY OPERATIONS is limited to a diversion of 0.005 cubic foot per second and 0.47 acre feet during the period of authorized use, being November 1 through March 31 of each year.
 - b) For the irrigation of containerized nursery plants, the amount of water diverted is limited to 0.005 cubic foot per second and 0.47 acre feet during the period of authorized use, being November 1 through March 31 of each year.

- c) For the irrigation of in-ground nursery plants, the amount of water diverted is limited to 0.005 cubic foot per second (or its equivalent) and 0.47 acre feet during the period of authorized use, being November 1 through March 31 of each year.
- d) For the irrigation of any other crop, the amount of water diverted is limited to 0.005 cubic foot per second and 0.47 acre feet during the period of authorized use, being November 1 through March 31 of each year.
- 8. The rate of diversion for the change in character of use from stock to the proposed nursery operations use shall be limited to 0.005 cubic foot per second and shall be further limited, as identified in Finding of Fact 28, to a total volume diverted of 3.62 acre-feet during the period of authorized use, being November 1 through March 31 of each year.
- 9. The change in character of use from stock to the proposed nursery use shall be further limited such that:
 - a) The amount of water used for NURSERY OPERATIONS is limited to a diversion of 0.005 cubic foot per second and 3.62 acre feet during the period of authorized use, being November 1 through March 31 of each year.
 - b) For the irrigation of containerized nursery plants, the amount of water diverted is limited to 0.005 cubic foot per second and 3.62 acre feet during the period of authorized use, being November 1 through March 31 of each year.
 - c) For the irrigation of in-ground nursery plants, the amount of water diverted is limited to 0.005 cubic foot per second (or its equivalent) and 3.62 acre feet during the period of authorized use, being November 1 through March 31 of each year.
 - d) For the irrigation of any other crop, the amount of water diverted is limited to 0.005 cubic foot per second and 3.62 acre feet during the period of authorized use, being November 1 through March 31 of each year
- 10. The quantity of water diverted at the additional point of diversion (POD 2), together with that diverted at the original point of diversion (POD 1), shall not exceed the quantity of water lawfully available at the original point of diversion (POD 1).
- 11. 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 wafer 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.

- 12. Prior to diverting water, the water user shall install a headgate to control and regulate the quantity of water diverted. The type and plans of the headgate must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department. The water user shall maintain the headgate as required by the Department.
- 13. Prior to diverting water, 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.
- 14. The former place of use of the transferred rights shall no longer receive water under the rights.
- 15. Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2025**. A Claim of Beneficial Use prepared by a Certified Water Right Examiner shall be submitted by the applicant to the Department within one year after the deadline for completion of the changes and full beneficial use of the water.

16. After satisfactory proof of beneficial use is received, new certificates confirming the rights transferred will be issued.

JAN 2 8 2020	
Dated at Salem, Oregon this	
Lisa I. Jaramille, Transfer and Conservation Section Manager, THOMAS M. BYLER, DIRECTOR Oregon Water Resources Department	for

This Preliminary Determination was prepared by Corey Courchane. If you have questions about the information in this document, you may reach me at 503-986-0825 or corey.a.courchane@oregon.gov

Protests should be addressed to the attention of Water Rights Services Division, Water Resources Department, 725 Summer St. NE, Suite A, Salem, OR 97301-1266.

Notice Regarding Service Members: Active duty service members have a right to stay proceedings under the federal Service Members Civil Relief Act. 50 U.S.C. App. §§501-597b. You may contact the Oregon State Bar or the Oregon Military Department for more information. The toll-free telephone number for the Oregon State Bar is: 1 (800) 452-8260. The toll-free telephone number of the Oregon Military Department is: 1 (800) 452-7500. The Internet address for the United States Armed Forces Legal Assistance Legal Services Locator website is: http://legalassistance.law.af.mil



January 9, 2020

GIN GUEI EBNESAJJAD JOY LUCK FARM LLC 225 WEST RAPP RD TALENT, OR 97540

SUBJECT: Water Right Transfer Application T-12774

Your water right transfer is ready for issuance of the Preliminary Determination, once the Department receives payment for publication of the newspaper notice.

Items needed before the next phase of processing...

At this time you need to:

- submit a check for \$368.59 (to cover cost of publication of the notice), made out to the Oregon Water Resources Department.
- 2. write "for T-12774 NOTICE" on the front of your check, and
- 3. submit it with the tracking stub at the bottom of this letter.

Mail the check to 725 Summer St. NE, Suite A, Salem, OR 97301-1266, no later than February 10, 2020.

What happens next...

Shortly after receiving payment, the Department will issue the Preliminary Determination, initiate publication in the Medford Mail Tribune newspaper, and also publish the notice on the Department's weekly notice. Publication of the notice will initiate a protest period during which any person may file either a protest opposing the decision proposed by the Department in the Preliminary Determination or a standing statement supporting the Department's decision.

If we do not receive payment for newspaper notice by February 10, 2020, a Preliminary Determination may be issued denying the application as incomplete.

Attached is a check for \$368.59 (PCA #46118) for Newspaper Notice for Transfer T-12774 made out to Oregon Water Resources Department (or WRD)

• "for T- 12774 NOTICE" written on front of check

Please do not hesitate to contact me, at <u>corey.a.courchane@oregon.gov</u> or (503) 986-0825, if I may be of assistance.

Sincerely,

Cray Com

Corey Courchane Transfer Specialist Transfer and Conservation Section

cc: T-12774 Shavon L. Haynes, District 13 Watermaster (via e-mail) Aluna Michelle, Agent for the applicant (via e-mail)

COURCHANE Corey A * WRD

From: Sent: To: Cc: Subject: PHILLIPS Stacy H * WRD Thursday, January 09, 2020 9:52 AM STARNES Patrick K * WRD COURCHANE Corey A * WRD RE: Newspaper Estimate for Transfer Application T-12774

Hey Corey,

Thank quote came in for this notice. Total cost will be \$368.59.

Thanks,

Stacy H. Phillips

Restoration Program Technician 725 Summer Street NE, Suite A, Salem, OR 97301 | Office: 503-986-0898 Email: <u>stacy.h.phillips@oregon.gov</u>



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

From: STARNES Patrick K * WRD <Patrick.K.Starnes@oregon.gov> Sent: Wednesday, January 08, 2020 2:39 PM To: PHILLIPS Stacy H * WRD <Stacy.H.Phillips@oregon.gov> Cc: COURCHANE Corey A * WRD <Corey.A.Courchane@oregon.gov> Subject: Newspaper Estimate for Transfer Application T-12774

Hi Stacy -

Corey will need a quote for the attached TRANSFER Application notice to run in the Medford Mail Tribune newspaper. Run time is two weeks.

Thanks!

Kelly

Kelly Starnes, Transfer Program Analyst Oregon Water Resources Department 725 Summer St NE Suite A Salem OR 97301-1271 Telephone: 503-986-0886 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.

COURCHANE Corey A * WRD

From:	aluna michelle <alunamichelle@hotmail.com></alunamichelle@hotmail.com>
Sent:	Monday, December 09, 2019 11:45 AM
To:	COURCHANE Corey A * WRD
Subject:	Fwd: Document Delivery Notice - Order #470319065055 Ref 1: 225 West Rapp Road,
	Talent OR 97540 Ref 2: Joy Luck Farm, LLC
Attachments:	Map.pdf; ATT00001.htm; Vesting Deed.pdf; ATT00002.htm; OME Report.pdf; ATT00003.htm

Hi Corey, here's that land ownership report. Please let me know if there's anything else you need from me at this point. Best and Happy Holidays, Aluna

Begin forwarded message:

From: "Lynell.South@ticortitle.com" <Lynell.South@ticortitle.com> To: "alunamichelle@hotmail.com" <alunamichelle@hotmail.com> Subject: Document Delivery Notice - Order #470319065055 Ref 1: 225 West Rapp Road, Talent OR 97540 Ref 2: Joy Luck Farm, LLC

TICOR TITLE

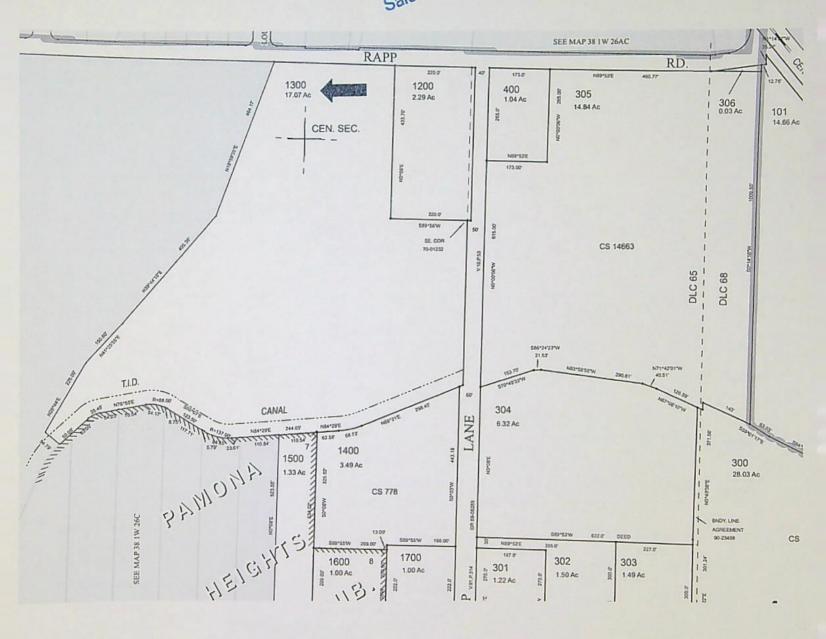
Please click on the attachment(s) above to access your documents.

From: Lynell South - TT Medford Airport Lynell.South@ticortitle.com 541-245-6730

NOTICE: The information contained in this message is proprietary and/or confidential and may be privileged. If you are not the intended recipient of this communication, you are hereby notified to: (i) delete the message and all copies; (ii) do not disclose, distribute or use the message in any manner; and (iii) notify the sender immediately.

Map & Tax Lot : 38-1W-26-0D-1300

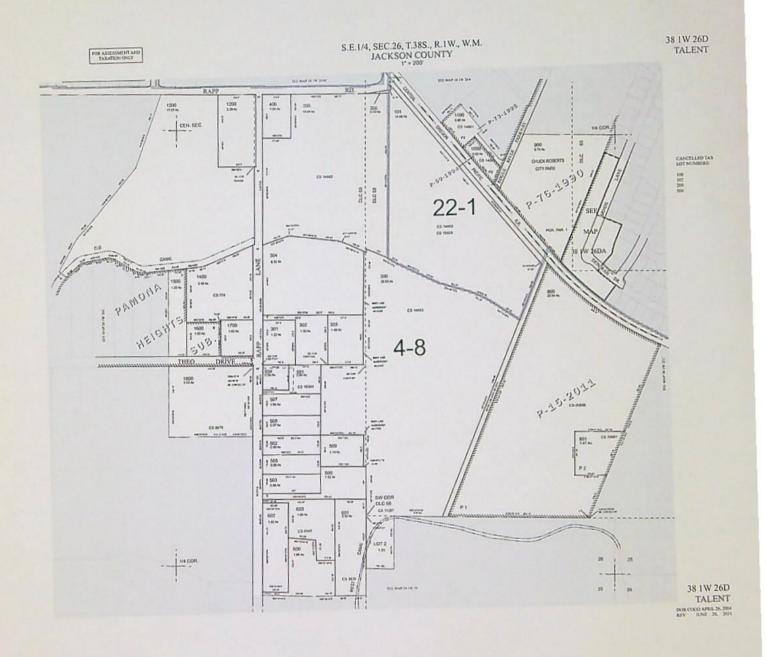
TICOR TITLE Received by OWRD DEC 0 9 2019 DEC 0 9 2019 Calem, OR



JACKSON COUNTY 1555 E. McAndrews Road, Ste.100 Medford, Oregon 97504 P: 541-779-2811 F: 541-772-6079 or-tic-medfordtitle@ticortitle.com

JOSEPHINE COUNTY 744 NE 7th Street Grants Pass, Oregon 97526 P: 541-476-1171 F: 541-476-1174 or-ttc-grantspasstitle@ticortitle.com

This print is made solely for the purpose of assisting in locating the premises, and the Company assumes no liability for information printed on this map, including but not limited to zoning, variations (if any) in area, actual dimensions, and locations as determined by survey.



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ORIE DATA DOGOZOTI 2 16 53 FM Crawfold



Ticor Title Company of Oregon 744 NE 7th Street (541)476-1171

OWNERSHIP AND MONETARY ENCUMBRANCES REPORT WITH GENERAL INDEX LIENS Informational Report of Ownership and Monetary Encumbrances

To ("Customer"):	Aluna Michelle
	225 West Rapp Road
	Talent, OR 97540

Customer Ref.:	
Order No.:	470319065055
Effective Date:	December 5, 2019 at 08:00 AM
Charge:	\$100.00

The information contained in this report is furnished by Ticor Title Company of Oregon (the "Company") as a real property information service based on the records and indices maintained by the Company for the county identified below. THIS IS NOT TITLE INSURANCE OR A PRELIMINARY TITLE REPORT FOR, OR COMMITMENT FOR, TITLE INSURANCE. No examination has been made of the title to the herein described property, other than as specifically set forth herein. Liability for any loss arising from errors and/or omissions is limited to the lesser of the charge or the actual loss, and the Company will have no greater liability by reason of this report. THIS REPORT IS SUBJECT TO THE LIMITATIONS OF LIABILITY STATED BELOW, WHICH LIMITATIONS OF LIABILITY ARE A PART OF THIS REPORT.

THIS REPORT INCLUDES ONLY MONETARY ENCUMBRANCES.

Part One - Ownership and Property Description

Owner. The apparent vested owner of the property ("the Property") as of the Effective Date is:

Joy Luck Farm, LLC, an Oregon limited liability company

Premises. The Property is: (a) Street Address:	Received by OWRD
225 West Rapp Road, Talent, OR 97540	DEC 0 9 2019
(b) Legal Description: SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF	Salem, OR

Ticor Title Company of Oregon Order No. 470319065055

Part Two - Monetary Encumbrances

Monetary Encumbrances. As of the Effective Date, the Property appears subject to the following monetary encumbrances of record, not necessarily listed in order of priority, including liens specific to the subject property and general index liens (liens that are not property specific but affect any real property of the named person in the same county):

EXCEPTIONS

- As disclosed by the assessment and tax roll, the premises herein have been specially assessed for farm use. If the land becomes disqualified for this special assessment under the statutes, an additional tax, plus interest and penalty, will be levied for the number of years in which this special assessment was in effect for the land. Tax Identification: 10034411.
- Regulations, levies, liens, assessments, rights of way and easements of Rogue Valley Sewer Service District.
- 3. Regulations, levies, liens, assessments, rights of way and easements of Talent Irrigation District.
- A deed of trust to secure an indebtedness in the amount shown below,

Amount:	\$320,000.00
Dated:	February 9, 2015
Trustor/Grantor:	Gin Guei H Ebnesajjad, a single person
Trustee:	Fidelity National Title In Co
Beneficiary:	Wells Fargo Bank, N.A.
Loan No .:	0384810941
Recording Date:	February 10, 2015
Recording No.:	2015-003703

End of Reported Information

There will be additional charges for additional information or copies. For questions or additional requests, contact:

Trudy Lycett 541-476-1171 Trudy.Lycett@ticortitle.com

JL 1300/

EXHIBIT "A" Legal Description

Commencing at a 3/4 inch iron pipe found set for the southeast corner of Donation Land Claim No. 63, Township 38 South, Range 1 West of the Willamette Meridian, Jackson County, Oregon; thence North 1855.53 feet; thence East, 1.35 feet to a 5/8 inch rebar with plastic cap set for the southeast corner of tract described in Document No. 69-04336, Official Records of Jackson County, Oregon; thence along the easterly boundary of said tract and the northerly projection thereof; North 00° 02' 43" East (record = North 00° 02' 49" East), 564.26 feet to a found 1/2 inch iron pipe located on the southerly right of way line of West Rapp (County Road); thence along said road line, North 89°53' East, 1331,46-feet to a 5/8 inch rebar with plastic cap set for the True Point of Beginning; thence South 18° 59' 35" West, 464.17 feet; thence South 39° 44' 10" West, 405.36 feet; thence South 41° 25' 55" West, 150.60 feet; thence South 28° 44' West, 226.00 feet; thence South 50° 59' 30" East, 54.79 feet to intersect the northerly boundary of PAMONA HEIGHTS SUBDIVISION (recorded); thence Easterly along said subdivision boundary to the northeast corner of Lot 7 thereof; thence Easterly following the southerly right of way line of the "TALENT MIDDLE CANAL" of the Talent Irrigation District to an intersection with the westerly right of way line of Rapp Lane; thence northerly along said lane boundary to the southeast corner of tract described in Document No. 70-01232 said Official Records; thence Westerly, along the southerly line of said tract and its westerly extension, 220 feet; thence North 0° 08' East 433.70 feet, more or less, to the southerly right of way line of West Rapp (County) Road; thence South 89° 53' West, along said road line to the point of beginning.

> Received by OWRD DEC 0 9 2019 Salem, OR

Ticor Title Company of Oregon Order No. 470319065055

LIMITATIONS OF LIABILITY

"CUSTOMER" REFERS TO THE RECIPIENT OF THIS REPORT.

CUSTOMER EXPRESSLY AGREES AND ACKNOWLEDGES THAT IT IS EXTREMELY DIFFICULT, IF NOT IMPOSSIBLE, TO DETERMINE THE EXTENT OF LOSS WHICH COULD ARISE FROM ERRORS OR OMISSIONS IN, OR THE COMPANY'S NEGLIGENCE IN PRODUCING, THE REQUESTED REPORT, HEREIN "THE REPORT." CUSTOMER RECOGNIZES THAT THE FEE CHARGED IS NOMINAL IN RELATION TO THE POTENTIAL LIABILITY WHICH COULD ARISE FROM SUCH ERRORS OR OMISSIONS OR NEGLIGENCE. THEREFORE, CUSTOMER UNDERSTANDS THAT THE COMPANY IS NOT WILLING TO PROCEED IN THE PREPARATION AND ISSUANCE OF THE REPORT UNLESS THE COMPANY'S LIABILITY IS STRICTLY LIMITED. CUSTOMER AGREES WITH THE PROPRIETY OF SUCH LIMITATION AND AGREES TO BE BOUND BY ITS TERMS

THE LIMITATIONS ARE AS FOLLOWS AND THE LIMITATIONS WILL SURVIVE THE CONTRACT:

ONLY MATTERS IDENTIFIED IN THIS REPORT AS THE SUBJECT OF THE REPORT ARE WITHIN ITS SCOPE. ALL OTHER MATTERS ARE OUTSIDE THE SCOPE OF THE REPORT.

CUSTOMER AGREES, AS PART OF THE CONSIDERATION FOR THE ISSUANCE OF THE REPORT AND TO THE FULLEST EXTENT PERMITTED BY LAW, TO LIMIT THE LIABILITY OF THE COMPANY, ITS LICENSORS, AGENTS, SUPPLIERS, RESELLERS, SERVICE PROVIDERS, CONTENT PROVIDERS AND ALL OTHER SUBSCRIBERS OR SUPPLIERS, SUBSIDIARIES, AFFILIATES, EMPLOYEES. AND SUBCONTRACTORS FOR ANY AND ALL CLAIMS, LIABILITIES, CAUSES OF ACTION, LOSSES, COSTS, DAMAGES AND EXPENSES OF ANY NATURE WHATSOEVER, INCLUDING ATTORNEY'S FEES, HOWEVER ALLEGED OR ARISING, INCLUDING BUT NOT LIMITED TO THOSE ARISING FROM BREACH OF CONTRACT, NEGLIGENCE, THE COMPANY'S OWN FAULT AND/OR NEGLIGENCE, ERRORS, OMISSIONS, STRICT LIABILITY, BREACH OF WARRANTY, EQUITY, THE COMMON LAW, STATUTE OR ANY OTHER THEORY OF RECOVERY, OR FROM ANY PERSON'S USE, MISUSE, OR INABILITY TO USE THE REPORT OR ANY OF THE MATERIALS CONTAINED THEREIN OR PRODUCED, SO THAT THE TOTAL AGGREGATE LIABILITY OF THE COMPANY AND ITS AGENTS, SUBSIDIARIES, AFFILIATES, EMPLOYEES, AND SUBCONTRACTORS SHALL NOT IN ANY EVENT EXCEED THE COMPANY'S TOTAL FEE FOR THE REPORT.

CUSTOMER AGREES THAT THE FOREGOING LIMITATION ON LIABILITY IS A TERM MATERIAL TO THE PRICE THE CUSTOMER IS PAYING, WHICH PRICE IS LOWER THAN WOULD OTHERWISE BE OFFERED TO THE CUSTOMER WITHOUT SAID TERM. CUSTOMER RECOGNIZES THAT THE COMPANY WOULD NOT ISSUE THE REPORT BUT FOR THIS CUSTOMER AGREEMENT, AS PART OF THE CONSIDERATION GIVEN FOR THE REPORT, TO THE FOREGOING LIMITATION OF LIABILITY AND THAT ANY SUCH LIABILITY IS CONDITIONED AND PREDICATED UPON THE FULL AND TIMELY PAYMENT OF THE COMPANY'S INVOICE FOR THE REPORT.

THE REPORT IS LIMITED IN SCOPE AND IS NOT AN ABSTRACT OF TITLE, TITLE OPINION, PRELIMINARY TITLE REPORT, TITLE REPORT, COMMITMENT TO ISSUE TITLE INSURANCE, OR A TITLE POLICY, AND SHOULD NOT BE RELIED UPON AS SUCH. THE REPORT DOES NOT PROVIDE OR OFFER ANY TITLE INSURANCE, LIABILITY COVERAGE OR ERRORS AND OMISSIONS COVERAGE. THE REPORT IS NOT TO BE RELIED UPON AS A REPRESENTATION OF THE STATUS OF TITLE TO THE PROPERTY. THE COMPANY MAKES NO REPRESENTATIONS AS TO THE REPORT'S ACCURACY, DISCLAIMS ANY WARRANTY AS TO THE REPORT, ASSUMES NO DUTIES TO CUSTOMER, DOES NOT INTEND FOR CUSTOMER TO RELY ON THE REPORT, AND ASSUMES NO LIABILITY FOR ANY LOSS OCCURRING BY REASON OF RELIANCE ON THE REPORT OR OTHERWISE. Ticor Title Company of Oregon Order No. 470319065055

IF CUSTOMER (A) HAS OR WILL HAVE AN INSURABLE INTEREST IN THE SUBJECT REAL PROPERTY. (B) DOES NOT WISH TO LIMIT LIABILITY AS STATED HEREIN AND (C) DESIRES THAT ADDITIONAL LIABILITY BE ASSUMED BY THE COMPANY, THEN CUSTOMER MAY REQUEST AND PURCHASE A POLICY OF TITLE INSURANCE, A BINDER, OR A COMMITMENT TO ISSUE A POLICY OF TITLE INSURANCE. NO ASSURANCE IS GIVEN AS TO THE INSURABILITY OF THE TITLE OR STATUS OF TITLE. CUSTOMER EXPRESSLY AGREES AND ACKNOWLEDGES IT HAS AN INDEPENDENT DUTY TO ENSURE AND/OR RESEARCH THE ACCURACY OF ANY INFORMATION OBTAINED FROM THE COMPANY OR ANY PRODUCT OR SERVICE PURCHASED.

NO THIRD PARTY IS PERMITTED TO USE OR RELY UPON THE INFORMATION SET FORTH IN THE REPORT, AND NO LIABILITY TO ANY THIRD PARTY IS UNDERTAKEN BY THE COMPANY.

CUSTOMER AGREES THAT, TO THE FULLEST EXTENT PERMITTED BY LAW, IN NO EVENT WILL THE COMPANY, ITS LICENSORS, AGENTS, SUPPLIERS, RESELLERS, SERVICE PROVIDERS, CONTENT PROVIDERS, AND ALL OTHER SUBSCRIBERS OR SUPPLIERS, SUBSIDIARIES, AFFILIATES, EMPLOYEES AND SUBCONTRACTORS BE LIABLE FOR CONSEQUENTIAL, INCIDENTAL, INDIRECT, PUNITIVE, EXEMPLARY, OR SPECIAL DAMAGES, OR LOSS OF PROFITS, REVENUE, INCOME, SAVINGS, DATA, BUSINESS, OPPORTUNITY, OR GOODWILL, PAIN AND SUFFERING, EMOTIONAL DISTRESS, NON-OPERATION OR INCREASED EXPENSE OF OPERATION, BUSINESS INTERRUPTION OR DELAY, COST OF CAPITAL, OR COST OF REPLACEMENT PRODUCTS OR SERVICES, REGARDLESS OF WHETHER SUCH LIABILITY IS BASED ON BREACH OF CONTRACT, TORT, NEGLIGENCE, THE COMPANY'S OWN FAULT AND/OR NEGLIGENCE, STRICT LIABILITY, BREACH OF WARRANTIES, FAILURE OF ESSENTIAL PURPOSE, OR OTHERWISE AND WHETHER CAUSED BY NEGLIGENCE, ERRORS, OMISSIONS, STRICT LIABILITY, BREACH OF CONTRACT, BREACH OF WARRANTY, THE COMPANY'S OWN FAULT AND/OR NEGLIGENCE OR ANY OTHER CAUSE WHATSOEVER, AND EVEN IF THE COMPANY'S OWN FAULT AND/OR NEGLIGENCE OR ANY OTHER CAUSE WHATSOEVER, AND EVEN IF THE COMPANY HAS BEEN ADVISED OF THE LIKELIHOOD OF SUCH DAMAGES OR KNEW OR SHOULD HAVE KNOWN OF THE POSSIBILITY FOR SUCH DAMAGES.

END OF THE LIMITATIONS OF LIABILITY

Received by OWRD DEC 0 9 2019 Salem, OR RECORDING REQUESTED BY AND WHEN RECORDED MAIL TO: Melisa A. Button Hornecker Cowling LLP 717 Murphy Road Medford, OR 97504

UNTIL A CHANGE IS REQUESTED: SEND ALL TAX STATEMENTS TO: Joy Luck Farm, LLC 225 W Rapp Road Talent, OR 97540

Jackson County Official Records 2016-002917 R-BSD 02/02/2016 01:25:13 PM Stn=19 FOOTENL \$64.00 S15.00 S11.00 S10.00 S8.00 S20.00

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

Received by OWRD DEC 0 9 2019 Salem, OR

BARGAIN AND SALE DEED

FOR VALUE RECEIVED, GIN GUEI H. EBNESAJJAD, as Grantor, does hereby grant, bargain, sell and convey unto, JOY LUCK FARM, LLC, an Oregon limited liability company, as Grantee, all that certain real property located in Jackson County, Oregon, and more particularly described as follows:

See Exhibit A.

The consideration for this transfer is ZERO DOLLARS.

TOGETHER WITH all improvements, easements, hereditaments and appurtenances thereto, and subject to such rights, easements, covenants, restrictions and zoning regulations as appear of record or based upon the premises.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7. CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACOUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

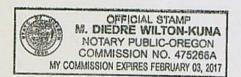
IN WITNESS WHEREOF, Grantor has hereunto subscribed her name to this instrument effective February 1, 2016.

GRANTOR:

STATE OF OREGON

County of Jackson

On February 1, 2016, before me, the undersigned Notary Public in and for said State, personally appeared Gin Guei H. Ebnesajjad, known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that she executed the same.



)) ss.

)

Notary Public for the State of Oregon My Commission Expires: 02/03/2017

Exhibit A

Commencing at a 3/4 inch iron pipe found set for the southeast corner of Donation Land Claim No. 63, Township 38 South, Range 1 West of the Willamette Meridian, Jackson County, Oregon; thence North 1855.53 feet; thence East, 1.35 feet to a 5/8 inch rebar with plastic cap set for the southeast corner of tract described in Document No. 69-04336, Official Records of Jackson County, Oregon; thence along the easterly boundary of sald tract and the northerly projection thereof; North 00° 02′ 43° East (record = North 00° 02′ 49″ East), 564.26 feet to a found 1/2 inch iron pipe located on the southerly right of way line of West Rapp (County Road); thence along said road line, North 89° 53′ East, 1331.46 feet to a 5/8 inch rebar with plastic cap set for the True Point of Beginning; thence South 18° 59′ 35° West, 464.17 feet; thence South 39° 44′ 10″ West, 405.36 feet; thence South 18° 59′ 35″ West, 150.60 feet; thence South 38° 44′ 10″ West, 405.36 feet; thence South 41° 25′ 55″ West, 150.60 feet; thence South 38° 44′ 10″ West, 405.36 feet; thence South 41° 25′ 55″ West, 150.60 feet; thence South 38° 44′ West, 226.00 feet; thence South 50° 50′ 30″ East, 54.79 feet to intersect the northerly boundary to the northeast corner of Lot 7 thereof; thence Easterly along said subdivision boundary to the northeast corner of Lot 7 thereof; thence Easterly along said aubdivision boundary to the northeast corner of Lot 7 thereof; thence Easterly following the southerly right of way line of the "TALENT MIDDLE CANAL" of the Talent Irrigation District to an intersection with the westerly right of way line of Rapp Lane; thence northerly along said lane boundary to the southeast corner of tract described in Document No. 70-01232 said Official Records; thence Westerly, along the southerly line of said tract and its westerly extension, 220 feet; thence North 0° 08′ East 433.70 feet, more or less, to the southerly right of way line of West Rapp (County) Road; thence South 89° 53′ West, along said road line to the point of beginning.

> Received by OWRD DEC 0 9 2019 Salem, OR

COURCHANE Corey A * WRD

From: Sent: To: Subject: aluna michelle <alunamichelle@hotmail.com> Monday, December 09, 2019 9:38 AM COURCHANE Corey A * WRD Re: Gin Guei Ebnesajjad, Joy Luck Farm LLC, T-12774

Hi again Corey,

FYI Update: I just heard from the title office, they said they should have the report available midday. I will email it up to you as soon as I receive it.

Best, Aluna

From: aluna michelle <alunamichelle@hotmail.com> Sent: Monday, December 9, 2019 9:21 AM To: COURCHANE Corey A * WRD <Corey.A.Courchane@oregon.gov> Subject: Re: Gin Guei Ebnesajjad, Joy Luck Farm LLC, T-12774

Hi Corey,

FYI I just called the title office since they had told me the land ownership report would be ready last week. They told me things got slowed up with the holidays, but they're checking on it and will let me know as soon as possible whether or not it will be ready today. I will let you know as soon as I hear from them.

Thanks, Aluna

From: aluna michelle <alunamichelle@hotmail.com> Sent: Monday, December 2, 2019 1:45 PM To: COURCHANE Corey A * WRD <Corey.A.Courchane@oregon.gov> Subject: Re: Gin Guei Ebnesajjad, Joy Luck Farm LLC, T-12774

Hi Corey, thanks for your swift reply.

Thanks for your deadline extension for the report of land ownership. I hadn't ordered that report previously because I wasn't sure when the preliminary determination (PD) would be published and I was aware of the 3 month window from time of PD publication that the report had to be created to be valid. But since you are saying you are going ahead with the PD, I went ahead and ordered that report today. I will send it along as soon as I am able - they told me previously that it should take 3-4 days, so I'm expecting it in by the end of the week if not earlier.

I appreciate your responses to my points. However, I am still concerned that there might be errors in the PD that might encumber the transfer process and result in more delay and expense down the road, that could be

avoided at this point. So I hope it's alright with you - I just called and spoke with Lisa Jaramillo, and she said, she would take a look at the PD and my concerns. She said she would also be in touch with you.

I know this has been a long transfer application process with many unexpected twists and delays already. I hope for everyone's sake that we can find a smooth resolution to it soon. Thanks for all of your efforts, Aluna

From: COURCHANE Corey A * WRD <Corey.A.Courchane@oregon.gov> Sent: Monday, December 2, 2019 9:31 AM To: aluna michelle <alunamichelle@hotmail.com> Subject: RE: Gin Guei Ebnesajjad, Joy Luck Farm LLC, T-12774

Aluna,

You haven't received anything from me or the Watermaster, as I am waiting on the written agreement and report of ownership. That moves us to the next step. The Department has provided you with our findings and determinations based on current information, which has been reviewed several times by others in the Transfers section. These are the Department's findings and that's how we are proceeding at this time. The deadline is today, however, I will grant extra time to receive the report of ownership to Friday, December 6, 2019. The Department will proceed to the next step, being issuance of the Preliminary Determination (PD), whether we receive the report of ownership or not. I believe we are at a point that you do not agree with the Department's findings. If this is the case, the only way to resolve this is by submitting a protest once I issue the PD.

Thank you,

Corey

From: aluna michelle <alunamichelle@hotmail.com> Sent: Saturday, November 30, 2019 2:46 PM To: COURCHANE Corey A * WRD <Corey.A.Courchane@oregon.gov> Subject: Re: Gin Guei Ebnesajjad, Joy Luck Farm LLC, T-12774

Hi Corey,

I haven't seen anything in my email from you or my watermaster, so I thought I'd check in. Have you heard anything from Shavon?

Also, my computer just got fixed so I finally had a chance to give the revised preliminary determination a close read. Thanks for fixing the errors from before, and including the 5-year prove-up period. The revision still has some sections that concern me as I'm worried there still may be some further corrections needed; I'll share them below. Please let me know how to proceed.

- POD's for Certificate #48966 and #74512. Just double-checking here....The two authorized PODs for the two certificates have different descriptions in Findings of Fact #'s 19 and 23. I'm pretty sure they both refer to the same place on the ground - specifically, the spot that's described in my transfer application as POD-1. But I wanted to make sure, since I'm not a surveyor. Can you tell me if these are the same spots? I requested both POD-1 and POD-2 to be my authorized PODs for both certificates, so as long as they'll both be authorized by this determination, I'm good with that.
- 2. Finding of Fact #27, page 5. The second sentence reads "Irrigation and nursery would be limited to the irrigation season." However, as we've discussed before, nursery use is year-round. So I believe this

- finding should read "domestic, stock and nursery use is year-round. Irrigation would be limited to the irrigation season."
- 3. Finding of Fact #28-30, page 5. Our research, as confirmed by our water rights attorney who has facilitated several other water rights transfers, has revealed that the precedent on domestic water right annual duty calculation is a straight multiplication based on the domestic rate of 0.005 cfs that you had provided in an earlier email when you stated "January 1, 1971 is when the Department established new regulation guidelines for what rates were allowed for domestic use...." So that would result in an annual duty for domestic use of the 3.62 acre-feet per year, as you had calculated in Finding of Fact #28. I know you also emailed me previously that the "Department evaluates each application with equal consideration and judgment." which I think also means that the process for calculating water right duties must follow the same process, or be at risk of unfair discrimination between applicants. Can you amend this to the 3.62 acre feet figure, so that it follows the Department precedent? 0.47 AF is what you would be allowed, because as the language states, "domestic use is not continuously diverted for 24 hours per day, 365 days per year."
- 4. Finding of Fact #31, page 5. I don't remember if I asked you before, so forgive me if I'm repeating myself. I'm just curious, where did you get this authorized rate of 0.005 cfs for stock use? Our attorney says the decree states a different (and higher) amount. Decree states, "the amount so diverted and used for stock purposes shall not exceed the rate of 1/40 of a cubic foot per second of time for each 500 head of stock."
- 5. Determination and Proposed Action #4, page 6. Again, I believe the irrigation-season duty should be a straight calculation based on the 0.01 cfs rate during the irrigation season, which would be closer to 4 acre feet for April-October. Rates and duties are calculated based on the acres involved with changing place of use or changing character of use.
- 6. Determination and Proposed Action #5, page 7.
 - a. All the "per acre" phrases here seem incorrect and should be removed, since the duty is a total sum amount that is already based on my acreage, and should not be further reduced by the "per acre" phrase. That would be an extra (and incorrect) reduction in the calculation. (Even if the duty was the 2.25 acre-feet figure you wrote, it would be incorrect to include "per acre" since that 2.25 figure already took the 0.5 acres into consideration, and including "per acre" would actually mean that the duty was being reduced further to 1.125 acre-feet. But as indicated in the previous point above, the duty should be more than 2.25 acre-feet anyways).
 - b. Also, the duty amounts listed here should be updated, as indicated in point #5 above.
 - c. Also, where it reads "or its equivalent" (as in 5b, c and d), it should read "or its equivalent in case of rotation" (which is what our attorney said was the historical origin of this phrase), so that the meaning is clear.
- 7. Determination and Proposed Action #7c, page 7 and 9c, page 8. The "or its equivalent" phrase again should read "or its equivalent in case of rotation".
- 8. Determination and Proposed Action #7 and #9. I just want to confirm my understanding of these actions here. So as the determination currently stands, these actions indicate that from Nov. 1 through March 31 each year, my total authorized rate would be 0.01 cfs (0.005 cfs from domestic and 0.005 cfs from stock) and my total authorized duty would be 4.09 acre-feet (.47 acre feet from domestic and 3.62 acre feet from stock), correct? Though the actual quantities need to be updated, I basically just want to make sure that my understanding is correct in that the rates and duties in Action #7 and Action #9 (whatever the quantities end up being) are additive.
- 9. Determination and Proposed Action #12, page 8. As I mentioned before, I plan to install a pump with fish screen to divert my water at the POD on my land. In this case, there would be no need for a headgate, so could you please remove this stipulation or amend the language to clarify that a headgate

is only necessary if the means to divert the water is a dam? This is Watermaster's determination. Based on Watermaster review, this conditions must be added.

Ok, I just got my computer fixed so I'm scrambling to get my input in time, but I'm pretty sure that's it. Please let me know if you have questions on anything above. And please let me know what the next steps are. Once we've ironed out this preliminary determination draft, I can get that report of land ownership ordered (they said it should only take a few days to generate).

Thanks so much and happy holidays, Aluna

COURCHANE Corey A * WRD

From:	aluna michelle <alunamichelle@hotmail.com></alunamichelle@hotmail.com>
Sent:	Wednesday, December 04, 2019 6:04 PM
To:	COURCHANE Corey A * WRD; JARAMILLO Lisa J * WRD
Subject:	Re: Gin Guei Ebnesajjad, Joy Luck Farm LLC, T-12774

P.S. My apologies to Corey especially, I know you told me initially that I would have my chance to submit input during the protest period. I guess I just got worried since this is such a big process, but after ruminating on things, I realized there wasn't need for such concern, and I don't want to cause unnecessary work and delay - there's been so much already. So please accept my apologies! (Sorry I forgot to put this in my last note)

From: aluna michelle <alunamichelle@hotmail.com> Sent: Wednesday, December 4, 2019 5:55 PM To: COURCHANE Corey A * WRD <Corey.A.Courchane@oregon.gov>; JARAMILLO Lisa J * WRD <Lisa.J.Jaramillo@oregon.gov> Subject: Re: Gin Guei Ebnesajjad, Joy Luck Farm LLC, T-12774

Hi again Corey and Lisa,

After we spoke, I thought more about the situation and realized that it's not such a big deal to go ahead with the PD as it stands. As long as I have a chance to submit my input, which I guess the protest period is made for. I do hope that if there are clear errors, there might be consideration on the protest fee. But I'm just thinking that you guys might be especially busy during the holiday season, and I don't want to delay things more than they already have been. So please go ahead with the PD, and I'm sorry for any inconvenience!!

Best, Aluna

COURCHANE Corey A * WRD

From: Sent: To: Subject: COURCHANE Corey A * WRD Monday, December 02, 2019 9:31 AM 'aluna michelle' RE: Gin Guei Ebnesajjad, Joy Luck Farm LLC, T-12774

Aluna,

You haven't received anything from me or the Watermaster, as I am waiting on the written agreement and report of ownership. That moves us to the next step. The Department has provided you with our findings and determinations based on current information, which has been reviewed several times by others in the Transfers section. These are the Department's findings and that's how we are proceeding at this time. The deadline is today, however, I will grant extra time to receive the report of ownership to Friday, December 6, 2019. The Department will proceed to the next step, being issuance of the Preliminary Determination (PD), whether we receive the report of ownership or not. I believe we are at a point that you do not agree with the Department's findings. If this is the case, the only way to resolve this is by submitting a protest once I issue the PD.

Thank you,

Corey

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COURCHANE Corey A * WRD

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- 1. POD's for Certificate #48966 and #74512. Just double-checking here....The two authorized PODs for the two certificates have different descriptions in Findings of Fact #'s 19 and 23. I'm pretty sure they both refer to the same place on the ground - specifically, the spot that's described in my transfer application as POD-1. But I wanted to make sure, since I'm not a surveyor. Can you tell me if these are the same spots? I requested both POD-1 and POD-2 to be my authorized PODs for both certificates, so as long as they'll both be authorized by this determination, I'm good with that. Some Haw it's criber
- 2. Finding of Fact #27, page 5. The second sentence reads "Irrigation and nursery would be limited to the finding should read "domestic, stock and nursery use is year-round. Irrigation would be limited to the and irrigation season " No irrigation season." However, as we've discussed before, nursery use is year-round. So I believe this irrigation season." No
- 3. Finding of Fact #28-30, page 5. Our research, as confirmed by our water rights attorney who has facilitated several other water rights transfers, has revealed that the precedent on domestic water right annual duty calculation is a straight multiplication based on the domestic rate of 0.005 cfs that you had provided in an earlier email when you stated "January 1, 1971 is when the Department established new regulation guidelines for what rates were allowed for domestic use...." So that would result in an annual duty for domestic use of the 3.62 acre-feet per year, as you had calculated in Finding of Fact #28. I know you also emailed me previously that the "Department evaluates each application with equal consideration and judgment." - which I think also means that the process for calculating water right duties must follow the same process, or be at risk of unfair discrimination between applicants. Can you amend this to the 3.62 acre feet figure, so that it follows the Department precedent? No - Domestic culculater corsectly

- Finding of Fact #31, page 5. I don't remember if I asked you before, so forgive me if I'm repeating myself. I'm just curious, where did you get this authorized rate of 0.005 cfs for stock use? Our attorney says the decree states a different (and higher) amount.
- 5. Determination and Proposed Action #4, page 6. Again, I believe the irrigation-season duty should be a straight calculation based on the 0.01 cfs rate during the irrigation season, which would be closer to 4 acre feet for April-October. No - per here all rates But is are based on 6. Determination and Proposed Action #5, page 7.
- - a. All the "per acre" phrases here seem incorrect and should be removed, since the duty is a total sum amount that is already based on my acreage, and should not be further reduced by the

Nope - Standard lunguage

"per acre" phrase. That would be an extra (and incorrect) reduction in the calculation. (Even if the duty was the 2.25 acre-feet figure you wrote, it would be incorrect to include "per acre" since that 2.25 figure already took the 0.5 acres into consideration, and including "per acre" would actually mean that the duty was being reduced further to 1.125 acre-feet. But as indicated in the previous point above, the duty should be more than 2.25 acre-feet anyways).

1

- b. Also, the duty amounts listed here should be updated, as indicated in point #5 above.
- c. Also, where it reads "or its equivalent" (as in 5b, c and d), it should read "or its equivalent in case of rotation" (which is what our attorney said was the historical origin of this phrase), so that the meaning is clear.
- 7. Determination and Proposed Action #7c, page 7 and 9c, page 8. The "or its equivalent" phrase again should read "or its equivalent in case of rotation".
- 8. Determination and Proposed Action #7 and #9. I just want to confirm my understanding of these actions here. So as the determination currently stands, these actions indicate that from Nov. 1 through March 31 each year, my total authorized rate would be 0.01 cfs (0.005 cfs from domestic and 0.005 cfs from stock) and my total authorized duty would be 4.09 acre-feet (.47 acre feet from domestic and 3.62 acre feet from stock), correct? Though the actual quantities need to be updated, I basically just want to make sure that my understanding is correct in that the rates and duties in Action #7 and Action #9 (whatever the quantities end up being) are additive.
- 9. Determination and Proposed Action #12, page 8. As I mentioned before, I plan to install a pump with fish screen to divert my water at the POD on my land. In this case, there would be no need for a headgate, so could you please remove this stipulation or amend the language to clarify that a headgate is only necessary if the means to divert the water is a dam?

Ok, I just got my computer fixed so I'm scrambling to get my input in time, but I'm pretty sure that's it. Please let me know if you have questions on anything above. And please let me know what the next steps are. Once we've ironed out this preliminary determination draft, I can get that report of land ownership ordered (they said it should only take a few days to generate).

Thanks so much and happy holidays, Aluna necessary for his household and stock use, and the amount so diverted and used for stock purposes shall not exceed the rate of 1/40 of a cubic foot per second of time for each 500 head of stock. During the irrigation season, however, the amount diverted for irrigation purposes shall include the amount required for stock and domestic purposes.

38.

That the rights herein confirmed for irrigation purposes are confined and limited to the irrigation of the lands herein described, ami the waters appropriated are and shall remain appurtement to said lands, as provided by law.

39.

That the waters of said stream, or tributaries thereor, shall be diverted under the rights of appropriation hereby confirmed in the order of the dates of relative priority of the respective rights of appropriation as herein set forth, and at all times when the waters of said stream or its tributaries are not required by those parties having prior if ghts thereto for the purposes of their appropriation and actually used by them for a beneficial purpose, the same shall be at the disposal of and subject to the use of subsequent appropriators in the order of their priority rights, and at all times the waters diverted by those having a right thereto shall be beneficially, economically and reasonably used, without waste, and no rights of appropriation are hereby confirmed to divert a greater arount of water into the head of the ditch through which water is diverted than the claimant entitled thereto can beneficially use for the purposes of his appropriation and not to exceed the quantity limited in the tabulated statement if used continuously, or its equivalent under a proper rotation system; it being understood and the rights of the parties being hereby confirmed upon this basis, that the amounts to which said appropriators are entitled by virtue of their appropriations as herein confirmed do not exceed at any time such amount as is reasonably necessary for beneficial use in connection with their said rights, and that beneficial use in all cases and at all times shall be and is the masure and limit of their said rights of appropriation, and theright is hereby reserved at future times to limit the said rights of appropriation to a less amount of water than herein confirmed, in accordance with the amount required for beneficial use as the same may hereafter be determined in future proceedings; the amount of water herein confirmed in each case being the maximum quantity of water to which the appropriator is entitled in continuous flow.

40.

That the quantity of water confirmed for irrigation purposes in each case to the claimants heretofore named is the maximum quantity of water which said claimants are entitled to divert and use in continuous flow throughout the irrigation season herein fixed; and said claimants shall be entitled to divert and use the equivalent of said amount in continuous flow if used in rotation as herein provided for, or when rotation is impossible or impracticable and the claimant does not require the use of the water continuously, he is entitled to divert and use during the actual period of use, the equivalent in acre feet of the maximum quantity to which he is entitled in continuous flow It is not intended hereby to determine the quantity of water to which said claimants are entitled during the periods of actual use of said water except where the use is continuous, and in all cases where it is possible and practicable the claimants herein shall be permitted and required to rotate in the use of water as hereinafter set forth.

41.

That the rights of appropriation for power purposes hereby confirmed confer no right upon the claimants entitled thereto to the use of the waters involved for any other or different purpose or use, and in each case the waters diverted for power purposes shall be so used as not to substantially diminish or consume the quantity diverted, and the said waters so diverted shall be returned to the stream, or the present point of return, at substantially the same place as the said waters have heretofore been returned, and no change in the place of return of the said waters so used for power purposes, or in the use thereof, shall be permitted which shall tend to substantially diminish the quantity of water diverted, or interfere with the rights of other appropriators, it being understood that the rights of use hereby confirmed for power purposes in each case

COURCHANE Corey A * WRD

From: Sent: To: Subject: COURCHANE Corey A * WRD Thursday, October 31, 2019 8:50 AM 'aluna michelle' RE: Gin Guei Ebnesaijad, Joy Luck Farm LLC, T-12774

See below.

From: aluna michelle <alunamichelle@hotmail.com> Sent: Thursday, October 31, 2019 8:47 AM To: COURCHANE Corey A * WRD <Corey.A.Courchane@oregon.gov> Subject: Re: Gin Guei Ebnesajjad, Joy Luck Farm LLC, T-12774

Thanks Corey.

Yes that is why I asked for the date of the nursery guidance - so I could put in a public records request for it. Can you give me the date it was issued by OWRD?

I also saw your other email, thanks for that info.

I need to understand the nursery use limitations, so that I may properly evaluate them. Can you explain them to me in plain English? I can understand that this is standard language used by your department, but that doesn't change the fact that I need to understand it, and I really don't. Why the need for the breakdown? What does it mean in terms of how much total water I can use, and how that water can be used. It's extremely confusing to me and I want to make sure I understand it correctly, so I am going to the source - you - in my appeal for help to understand this part. The breakdown is to prevent enlargement of the right. I do not have dates when the Department determined the rates, duties, and nursery language. This is why you will need to submit a public records request.

Also, what date was the guidance on the 4.5 acre feet figure issued? I'd like to include that in my public records request.

Regarding the headgate, I am going to be pumping out of my new diversion point so I don't see any need for a headgate. Is there a way you would reconsider this requirement? You would need to discuss this with the Watermaster.

Thanks for the swift response. Aluna

On Oct 31, 2019, at 8:33 AM, COURCHANE Corey A * WRD < Corey.A.Courchane@oregon.gov> wrote:

Aluna,

As I said before you will have to submit a public records request: https://www.oregon.gov/OWRD/aboutus/Pages/Public-Records-Request.aspx.

Thank you,

Corey

From: aluna michelle <<u>alunamichelle@hotmail.com</u>> Sent: Wednesday, October 30, 2019 10:51 PM To: COURCHANE Corey A * WRD <<u>Corey.A.Courchane@oregon.gov</u>> Subject: Re: Gin Guei Ebnesajjad, Joy Luck Farm LLC, T-12774

Oh, one more thing. Can you give me the date(s) that those nursery operation guidelines were issued by the OWRD?

Thanks, Aluna

From: aluna michelle <alunamichelle@hotmail.com> Sent: Wednesday, October 30, 2019 10:41 PM To: COURCHANE Corey A * WRD <<u>Corey.A.Courchane@oregon.gov</u>> Subject: Re: Gin Guei Ebnesajjad, Joy Luck Farm LLC, T-12774

Hi Corey,

I'm just starting to go over the revised draft you sent me, and have come up with a few questions. Can you help me understand the following?:

- 1. Page 6, Determination and Proposed Action #4, where did you get the 4.5 acre feet figure from?
- 2. Page 7 and 8, can you explain the breakdown of the nursery operations? I don't really understand each term (nursery operations vs. irrigation of containerized nursery plants vs. irrigation of in-ground nursery plants vs. irrigation of any other crop). And I don't understand why it's broken down into the specific categories, with various rates and duties placed on each specific type. Why are they broken down like that, and what does it mean in terms of my water use?
- 3. Page 8, #12. I didn't think I needed a headgate if I have a pump. Do I? If so, why?

Thanks, Aluna

From: COURCHANE Corey A * WRD <<u>Corey.A.Courchane@oregon.gov</u>> Sent: Monday, October 28, 2019 10:00 AM To: aluna michelle <<u>alunamichelle@hotmail.com</u>>; Dan Scalas <<u>DScalas@adkinsengineering.com</u>> Cc: HAYNES Shavon L * WRD <<u>Shavon.L.Haynes@oregon.gov</u>> Subject: Gin Guei Ebnesajjad, Joy Luck Farm LLC, T-12774

Good morning,

Please see attached, and let me know if I may be of further assistance. A hard copy will also be sent to the applicant.

Thank you,





Water Resources Department 725 Summer St NE, Suite A Salem, OR 97301 (503) 986-0900 Fax (503) 986-0904

October 28, 2019

GIN GUEI EBNESAJJAD JOY LUCK FARM LLC 225 WEST RAPP RD TALENT, OR 97540

Reference: Water Right Transfer Application T-12774

Your water right transfer is in the first of three phases of processing. Enclosed is a revised draft of the Department's Preliminary Determination regarding Transfer Application T-12774. The document reflects the Department's conclusion that, based on the information currently available, the transfer will be approved.

Items needed before the next phase of processing...

- Please review the revised draft carefully to see if it accurately reflects the changes you
 intend to make, and to become familiar with all proposed conditions. You will need to
 respond in writing by the deadline provided below, whether you agree with the proposed
 action and conditions. Also we will appreciate having you let us know if there are
 typographical errors that need to be corrected.
- 2. A report of landownership for the lands to which the water right(s) are appurtenant (the FROM lands) is required. The report must be prepared by a title company and meet the criteria below. (Reports may be called by various names, such as Customer Service Report, Property Analysis Report (PAR), List Pack, Lot Book Report, etc.)
 - a) The title company's report must either be:
 - 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) prepared at any time, but showing ownership at the time a water right conveyance agreement was recorded.
 - b) The ownership report shall include:
 - i) Date the ownership report was generated or prepared; and
 - ii) List of owners at that time; and
 - iii) Legal description of the property where the water right to be transferred is currently located.
 - c) You will need to submit a notarized statement of consent from any landowner listed in the ownership report who is not already included in the transfer application, or other information such as a water right conveyance agreement, if applicable.
- 3. Notice of this transfer will need to be published in a newspaper with general circulation in the area where the water rights are currently located. You will be responsible for the charges. Please confirm the Medford Mail Tribune as the newspaper you prefer to publish in so we can get an accurate estimate of the cost.

Conditions to your water right...

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

This transfer will require installation of a fish screen at the new diversion point **prior to diversion of water. You may not divert water prior to installation and approval of the fish screen by the Oregon Department of Fish and Wildlife (ODFW)**. You may wish to contact the ODFW staff person listed on the enclosed contact sheet for more information about the screen and to determine a reasonable timeline.

Please note the proposed date by which all conditions must be met: October 1, 2025. If the required completion date is insufficient to comply with any of the conditions, you may extend the date at no cost to you during this stage of processing. Please let me know by the comment deadline so we can make the proper arrangements to get you the time you need.

What happens next...

Once the Preliminary Determination is issued a publication period is required. Because there is more than ¼ mile between the new and the authorized points of diversion, the Department will publish notice of the transfer in a local newspaper having a general circulation in the area of the water right at least once per week for two consecutive weeks. You are responsible for sending a check to cover the cost of publication prior to the issuance of the Preliminary Determination and publication of notice.

Issuance of the Preliminary Determination will occur shortly after we receive:

- 1. Your written response to the conditions and proposed action in the revised draft Preliminary Determination (e-mail is acceptable); and
- 2. Report of ownership, and affidavits of consent from any landowners shown in the ownership report who have not signed the transfer application.

If we do not receive the items listed above by December 2, 2019, a Preliminary Determination may be issued denying the application as incomplete.

Please do not hesitate to contact me, at <u>corey.a.courchane@oregon.gov</u> or (503) 986-0825, if I may be of assistance.

Sincerely,

Cray Comb

Corey Courchane Transfer Specialist Transfer and Conservation Section

cc: Transfer Application file T-12774 Shavon L. Haynes, District 13 Watermaster (via e-mail) Aluna Michelle, Agent for the applicant (via e-mail) Dan Scalas, CWRE #88332

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BEFORE THE WATER RESOURCES DEPARTMENT OF THE STATE OF OREGON

In the Matter of Transfer Application T-12774, Jackson County

REVISED

DRAFT

PRELIMINARY DETERMINATION PROPOSING APPROVAL OF AN ADDITIONAL POINT OF DIVERSION, A CHANGE IN PLACE OF USE, AND A CHANGE IN CHARACTER OF USE

Authority

Oregon Revised Statutes (ORS) 540.505 to 540.580 establish the process in which a water right holder may submit a request to transfer the point of diversion, place of use, or character of use authorized under an existing water right. Oregon Administrative Rules (OAR) Chapter 690, Division 380 implement the statutes and provides the Department's procedures and criteria for evaluating transfer applications.

Applicant

GIN GUEI EBNESAJJAD JOY LUCK FARM LLC 225 WEST RAPP RD TALENT, OR 97540

Findings of Fact

- On November 20, 2017, GIN GUEI EBNESAJJAD; JOY LUCK FARM, LLC filed an application for an additional point of appropriation and to change the place of use under Certificates 48966 and 74512, and to change the character of use under Certificate 74512. The Department assigned the application number T-12774.
- Notice of the application for transfer was published on November 28, 2017, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
- On April 25, 2018, the Department contacted the applicant by written correspondence to notify the applicant of the deficiencies in the application. The Department requested that the deficiencies be resolved by May 25, 2018.
- 4. On May 18, 2018, the applicant requested additional time in order to respond to the deficiencies in the application. The Department requested that the deficiencies be resolved by June 25, 2018.

- 5. On July 5, 2018, the Department contacted the applicant by telephone to clarify the process of completing a transfer regarding a decreed right which involves irrigation, stock, and domestic, and to discuss what options were available for the applicant. The Department requested that the deficiencies be resolved by August 31, 2018.
- On August 29, 2018, the applicant requested additional time to allow for the Certified Water Rights Examiner to submit revised maps. The Department requested that the deficiencies be resolved by September 21, 2018.
- On October 12, 2018, the applicant submitted revised tables and maps. After reviewing the revisions, the Department determined that 1.1 acres being transferred under Certificates 49866 and 74512 were layered in the SW NE of Section 26, T38S, R1W, WM, and had to either move together or be cancelled.
- 8. On November 6, 2018, the applicant submitted revised tables and maps, resolving the deficiencies.
- 9. On November 29, 2018, the Department determined evidence of use on 0.5 acres that is proposed to change character of use to nursery, was not sufficient enough in detailing beneficial use of water had been made within the five years prior to submittal of T-12774. The Department also determined the place of use under Certificates 48966 and 74512 are located within the Talent Irrigation District (TID), and that a Supplemental Form D from TID, granting consent to the changes requested under T-12774 would need to be submitted. The Department contacted the applicant by written correspondence to notify the applicant of the deficiencies in the application.
- 10. On February 6, 2019, the Department contacted the applicant by written correspondence to notify the applicant of the deficiencies in the application. The Department requested that the deficiencies be resolved by March 8, 2019. The applicant submitted the required Supplemental Form D the same day.
- 11. On March 8, 2019, the applicant submitted additional evidence of use supporting documentation.
- On April 30, 2019, the Department determined that the additional evidence submitted, was not sufficient enough to suggest the 0.5 acre designated for change in character of use to nursery had been irrigated.
- 13. On May 8, 2019, the Department contacted the applicant by written correspondence to notify the applicant additional evidence was needed, or to withdraw the 0.5 acres from the application. The Department requested that the deficiencies be resolved by May 24, 2019.
- 14. On May 31, 2019, the Department received a written statement from a neighboring landowner, which described irrigation taking place on the place of use in question within the previous five years prior.

- 15. On June 21, 2019, the Department received a signed and notarized Evidence of Use Affidavit from the applicant, resolving the deficiencies.
- 16. On September 20, 2019, the Department mailed a copy of the draft Preliminary Determination proposing to approve Transfer Application T-12774 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of October 21, 2019, for the applicant to respond.
- 17. On October 9, 2019, it was brought to the Department's attention that a scrivener's error existed in the draft Preliminary Determination issued on September 20, 2019. The rate and duty seasonal limitation for the change in character of use from domestic and stock to nursery use under Certificate 74512 was not included as a Finding of Fact.
- 18. On October 24, 2019, the applicant requested to extend the time to complete application of the water to full beneficial use to October 1, 2025.
- 19. The portion of the first right to be transferred is as follows:

Certificate:	48966 in the name of OLIVER HELMS (confirmed by Rogue River (F)
	State Water Board)
Use:	IRRIGATION of 1.1 ACRES and STOCK
Priority Date:	1854
Rate:	0.02 CUBIC FOOT PER SECOND
Source:	WAGNER CREEK, a tributary of BEAR CREEK

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
38 S	1 W	WM	35	NWNW	880 FEET NORTH AND 475 FEET WEST FROM THE SE CORNER OF DLC 66

Authorized Place of Use:

	IRRIGA	ATION A	ND ST	FOCK	
Twp	Rng	Mer	Sec	Q-Q	Acres
38 S	1 W	WM	26	SW NE	1.1

 Transfer Application T-12774 proposes an additional point of diversion approximately 0.7 mile downstream to:

Twp	Rng Mer See		Sec	Q-Q	Measured Distances
38 S	1 W	WM	26	SW NE	2500 FEET NORTH AND 2450 FEET EAST FROM THE SW CORNER OF SECTION 26

21. Transfer Application T-12774 also proposes to change the place of use of the right to:

Twp	Rng	Mer	Sec	Q-Q	Acres
38 S	1 W	WM	26	SW NE	0.2
38 S	1 W	WM	26	NE SW	0.4
38 S	1 W	WM	26	NW SE	0.5
		and a second		Total	1.1

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

Certificate:	74512 in the name of FRED AND MARTHA RAPP (confirmed by Rogue
	River (F) State Water Board)
Use:	DOMESTIC, STOCK, and IRRIGATION of 8.0 ACRES, BEING 0.6
	ACRE WITH 1852 PRIORITY, 4.7 ACRES WITH 1854 PRIORITY, AND
	2.7 ACRES WITH 1864 PRIORITY
Priority Date:	1852 – WAGNER AND THORNTON DITCH, 1854 – ROCKEFELLOW
	DITCH, AND 1864 – DAVENPORT DITCH
Rate:	0.01 CUBIC FOOT PER SECOND (CFS) WITH 1852 PRIORITY, 0.05
	CFS WITH 1854 PRIORITY, AND 0.16 CFS WITH 1864 PRIORITY
Source:	WAGNER CREEK, a tributary of BEAR CREEK

Authorized Points of Diversion:

DITCH
WAGNER AND THORNTON
ROCKEFELLOW
DAVENPORT

Authorized Place of Use:

Twp	Rng	Mer	Sec	Q-Q	Acres
38 S	1 W	WM	26	SW NE	1.1
38 S	1 W	WM	26	SENW	0.6
38 S	1 W	WM	26	NE SW	3.6
38 S	1 W	WM	26	NW SE	2.7
				Total	8.0

23. The Department received information from the applicant that better describes the location of the authorized point of diversion for Certificate 74512 as follows:

Tw	p	Rng	Mer	Sec	Q-Q	Measured Distances
38	S	1 W	WM	35	NWNW	620 FEET SOUTH AND 900 FEET EAST FROM THE SW CORNER OF SECTION 26

24. Transfer Application T-12774 proposes an additional point of diversion approximately 0.7 mile downstream to:

Twp	Twp Rng Mer Sec		Q-Q	Measured Distances	
38 S	1 W	WM	26	SW NE	2500 FEET NORTH AND 2450 FEET EAST FROM THE SW CORNER OF SECTION 26

25. Transfer Application T-12774 proposes to change the character of use for a portion of the right to nursery.

26. Transfer Application T-12774 also proposes to change the place of use of the right to:

Twp	Rng	Mer	Sec	Q-Q	Acres	Priority Date
38 S	1 W	WM	26	SW NE	0.2	1854
38 S	1 W	WM	26	SENW	0.1	1852
38 S	1 W	WM	26	NE SW	3.6	1854

Twp	Rng	Mer	Sec	Q-Q	Acres	Priority Date
38 S	1 W	WM	26	NE SW	0.4	1854
38 S	1 W	WM	26	NW SE	2.7	1864
38 S	1 W	WM	26	NW SE	0.5	1854
				Total	7.5	

			NURS	SERY		
Twp	Rng	Mer	Sec	Q-Q	Acres	Priority Date
38 S	1 W	WM	26	NW SE	0.5	1852

- 27. Certificates 48966 and 74512 do not specify a period of allowed use; however, domestic and stock use is generally considered a year-round use. Irrigation and nursery would be limited to the irrigation season. Certificates 48966 and 74512 do not specify an irrigation season; however, consistent with the Rogue River Decree, the irrigation season is April 1 through October 31. Information contained in the decree allows water to be diverted for domestic and stock year round; during the irrigation season water diverted for irrigation purposes includes water diverted for domestic and stock.
- 28. Certificate 74512 does not specify a total quantity of water to be diverted annually for domestic use; however, ORS 540.610 states "beneficial use shall be the basis, the measure and the limit of all rights to the use of water in this state." The Department recognizes 0.005 cubic foot per second (cfs) as an allowable rate for domestic use of one household during the period of November 1 through March 31. If the domestic use was diverted continuously at the authorized rate of 0.005 cfs for 365 days per year (0.005 cfs x 60 sec/min x 60 min/hr x 24 hr/day x 365 days/year ÷ 43,560 square feet per acre = 3.62 acre-feet per year), is the maximum that could have been diverted. However, water for domestic use is not continuously diverted for 24 hours per day, 365 days per year.
- 29. Use of more water per year than what could have been used for maximum beneficial use for the original domestic use would constitute enlargement of the right, which is not allowed. Therefore, to avoid enlarging the right under the proposed nursery use, an annual volume limit should be added to the right based on the best available estimate of the maximum amount of water that could have been beneficially diverted and used for domestic use during a year.
- 30. Estimates of in-house domestic use available from agencies such as the United States Geological Survey (USGS), American Water Works Association (AWWA) and Penn State Cooperative Extension indicate an average in-house domestic water use of approximately 70 gallons per person per day, or approximately 0.47 acre-feet per year for a household that includes six people. Therefore, the annual volume limitation to be placed on the domestic use for this right is 0.47 acre-feet per year (0.47 acre-feet per year x 1 homes = 0.47 acre feet per year).
- 31. Certificate 74512 does not specify a total quantity of water to be diverted annually for stock use. If diverted continuously at the authorized rate of 0.005 cfs for 365 days per year (0.005 cfs x 60 sec/min x 60 min/hr x 24 hr/day x 365 days/year ÷ 43,560 square feet per acre = 3.62 acre-feet per year), is the maximum that could have been diverted for stock.

32. 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 [OAR 690-380-4010(2)]

- 33. Water has been used within the last five years according to the terms and conditions of the rights. There is no information in the record that would demonstrate that the rights are subject to forfeiture under ORS 540.610.
- 34. A diversion structure and ditch sufficient to use the full amount of water allowed under the existing rights were present within the five-year period prior to submittal of Transfer Application T-12774.
- 35. The proposed changes would not result in enlargement of the rights.
- 36. The proposed changes would not result in injury to other water rights.
- 37. All other application requirements are met.

Determination and Proposed Action

The additional point of diversion, change in place of use, and change in character of use proposed in Transfer Application T-12774 appear to be consistent with the requirements of ORS 540.505 to 540.580 and OAR 690-380-5000. If protests are not filed pursuant to OAR 690-380-4030, the transfer application will be approved.

If Transfer Application T-12774 is approved, the final order will include the following:

- 1. The additional point of diversion, change in place of use, and change in character of use proposed in Transfer Application T-12774 are approved.
- 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 Certificates 48966 and 74512, and any related decree.
- 3. Water right Certificates 48966 and 74512 are cancelled. New certificates will be issued describing that portion of the rights not affected by this transfer.
- 4. The rate of diversion for the change in character of use from irrigation to the proposed nursery operation use shall be limited to 0.01 cubic foot per second and shall be further limited to a total volume diverted of 2.25 acre feet (0.5 acres x 4.5 acre feet per acre) during the original season of use, being April 1 to October 31.

- 5. The change in character of use from irrigation to the proposed nursery use shall be further limited such that:
 - a) The amount of water used for NURSERY OPERATIONS is limited to a diversion of 0.01 cubic foot per second per acre and 2.25 acre feet per acre during the irrigation season of each year.
 - b) For the irrigation of containerized nursery plants, the amount of water diverted is limited to 0.01 cubic foot per second (or its equivalent) and 2.25 acre feet per acre during the irrigation season of each year.
 - c) For the irrigation of in-ground nursery plants, the amount of water diverted is limited to 0.01 cubic foot per second (or its equivalent) and 2.25 acre feet per acre during the irrigation season of each year.
 - d) For the irrigation of any other crop, the amount of water diverted is limited to 0.01 cubic foot per second (or its equivalent) and 2.25 acre feet per acre during the irrigation season of each year. The use of water for irrigation of any other crop shall be limited to 0.5 acres.
- 6. The rate of diversion for the change in character of use from domestic use to the proposed nursery operations use shall be limited to 0.005 cubic foot per second and shall be further limited, as identified in Finding of Fact 27, to a total volume diverted of 0.47 acre-feet during the period of authorized use, being November 1 through March 31 of each year.
- 7. The change in character of use from domestic use to the proposed nursery use shall be further limited such that:
 - a) The amount of water used for NURSERY OPERATIONS is limited to a diversion of 0.005 cubic foot per second and 0.47 acre feet during the period of authorized use, being November 1 through March 31 of each year.
 - b) For the irrigation of containerized nursery plants, the amount of water diverted is limited to 0.005 cubic foot per second and 0.47 acre feet during the period of authorized use, being November 1 through March 31 of each year.
 - c) For the irrigation of in-ground nursery plants, the amount of water diverted is limited to 0.005 cubic foot per second (or its equivalent) and 0.47 acre feet during the period of authorized use, being November 1 through March 31 of each year.
 - d) For the irrigation of any other crop, the amount of water diverted is limited to 0.005 cubic foot per second and 0.47 acre feet during the period of authorized use, being November 1 through March 31 of each year.

- 8. The rate of diversion for the change in character of use from stock to the proposed nursery operations use shall be limited to 0.005 cubic foot per second and shall be further limited, as identified in Finding of Fact 28, to a total volume diverted of 3.62 acre-feet during the period of authorized use, being November 1 through March 31 of each year.
- 9. The change in character of use from stock to the proposed nursery use shall be further limited such that:
 - a) The amount of water used for NURSERY OPERATIONS is limited to a diversion of 0.005 cubic foot per second and 3.62 acre feet during the period of authorized use, being November 1 through March 31 of each year.
 - b) For the irrigation of containerized nursery plants, the amount of water diverted is limited to 0.005 cubic foot per second and 3.62 acre feet during the period of authorized use, being November 1 through March 31 of each year.
 - c) For the irrigation of in-ground nursery plants, the amount of water diverted is limited to 0.005 cubic foot per second (or its equivalent) and 3.62 acre feet during the period of authorized use, being November 1 through March 31 of each year.
 - d) For the irrigation of any other crop, the amount of water diverted is limited to 0.005 cubic foot per second and 3.62 acre feet during the period of authorized use, being November 1 through March 31 of each year
- 10. The quantity of water diverted at the additional point of diversion (POD 2), together with that diverted at the original point of diversion (POD 1), shall not exceed the quantity of water lawfully available at the original point of diversion (POD 1).
- 11. 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.
- 12. Prior to diverting water, the water user shall install a headgate to control and regulate the quantity of water diverted. The type and plans of the headgate must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department. The water user shall maintain the headgate as required by the Department.
- 13. Prior to diverting water, 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.

- 14. The former place of use of the transferred rights shall no longer receive water under the rights.
- 15. Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2025**. A Claim of Beneficial Use prepared by a Certified Water Right Examiner shall be submitted by the applicant to the Department within one year after the deadline for completion of the changes and full beneficial use of the water.
- 16. After satisfactory proof of beneficial use is received, new certificates confirming the rights transferred will be issued.

Dated at Salem, Oregon this

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REVISED DRAFT

Lisa J. Jaramillo, Transfer and Conservation Section Manager, for THOMAS M. BYLER, DIRECTOR Oregon Water Resources Department

This revised draft Preliminary Determination was prepared by Corey Courchane. If you have questions about the information in this document, you may reach me at 503-986-0825 or corey.a.courchane@oregon.gov

COURCHANE Corey A * WRD

From: Sent: To: Subject: COURCHANE Corey A * WRD Thursday, October 24, 2019 11:45 AM 'aluna michelle' RE: Joy Luck Farm, T-12774

Aluna,

I would recommend waiting until the revised draft Preliminary Determination is issued before answering any questions, as some things will create a better understanding. I will push the date for completion out 5 years, which you will see on the revised DPD.

Thank you,

Corey

From: aluna michelle <alunamichelle@hotmail.com> Sent: Thursday, October 24, 2019 10:38 AM To: COURCHANE Corey A * WRD <Corey.A.Courchane@oregon.gov> Subject: Re: Joy Luck Farm, T-12774

Hi Corey,

I wanted to let you know that I have another CWRE consulting me to help me understand and work through this last part of my transfer. His name is Bob Jones, and he just called me to let me know he met with Shavon Haynes last week to iron out some questions. Bob said he may call you too, so I wanted to give you the heads up.

I told Bob that you're working on reissuing that draft proposal, and he recommended that I let you know I still have a few questions on some things; maybe they're things that you're already editing in the next draft proposal, but in case they're not, he thought I should bring them up in case it saves us all some work and back-and-forth in the drafts.

So I still have some questions on page 6 (of the original draft preliminary determination), section 4 and 5, especially 5d. Bob and I are still going through the numbers and timelines, because some of them don't make sense to me. I know I brought this up before, so again you may have already addressed it.

And I still have questions on page 4, sections 25-27, since as you said the Department issued guidelines stating that 0.005cfs per household was a sufficient rate that would allow maximum beneficial use for domestic use, and domestic use is year-round. The rate given in those guidelines was already calculated to reflect maximum beneficial use on a year-round basis, so the corresponding duty should simply be the 3.62 acre feet per year.

Also I'm a little concerned about the time given for proving up (page 7, section 11). I have a lot of the infrastructure in place and I don't expect that my claim of beneficial use to take too long, but I have also learned in these past few years managing this property that things have a way of taking WAAAAAAAAYYYYYYY longer than I expected. This transfer has taken so much longer, putting my irrigation system in took so much longer, working out the kinks in my irrigation system took so much longer, and our financial situation has

recently changed pretty dramatically, and I'm still a single mom with a young kid and the only one here to do all of this work. So even though I am totally anticipating being able to prove up in a couple years, I think it would be prudent for me to ask for 5 years for the prove-up - in case our finances don't improve enough to allow for swift completion of the final elements for the claim of beneficial use, and in case of unexpected delays.

Please let me know your thoughts. Thanks, Aluna

From: COURCHANE Corey A * WRD <<u>Corey.A.Courchane@oregon.gov</u>> Sent: Tuesday, October 15, 2019 7:32 AM To: aluna michelle <<u>alunamichelle@hotmail.com</u>> Subject: RE: Joy Luck Farm, T-12774

Aluna,

Once I issue the revised draft Preliminary Determination (DPD), you have 30 days to respond and submit report of ownership from a title company. Once the 30 day deadline arrives, the Department will move forward whether the applicant disagrees or not. Upon issuance of the revised DPD, a 30 day protest period begins. This is the applicant's opportunity to rebut the findings and determinations of the Department. The applicant would work with our Protest Coordinator to come to a conclusion and move forward. There is extra cost for protesting, and the time can be considerable depending upon what the applicant's argument is. This is the process. If the Department took the time with each file to hash out the details and any issues that are of concern, the backlog would be much greater than it is today, and the Department wouldn't issue Final Orders in a successful manner.

Public records requests are handled with a quick response. We have been given guidance from the Director's office on what we are allowed to issue to the general public. Anything outside the scope of the specifics surrounding the application itself must be retrieved through a public records request. Yes, I have the information handy, but this is the guidance we have been given from the Director's office. Again, this is the process.

You are requesting a change in character of use of 0.5 acres into nursery. That isn't going to allow very much water to begin with as it's only 0.5 acres. The Department has had procedures and guidelines in place for quite some time to ensure limitations are placed on transferred rights to ensure that enlargement or injury do not occur. This is the process. The Department evaluates each application with equal consideration and judgment.

Thank you,

Corey

From: aluna michelle <<u>alunamichelle@hotmail.com</u>> Sent: Monday, October 14, 2019 5:31 PM To: COURCHANE Corey A * WRD <<u>Corey.A.Courchane@oregon.gov</u>> Subject: Re: Joy Luck Farm, T-12774

Thanks for the info Corey.

What happens if I disagree with your findings? How are disagreements resolved? It's not easier to iron out any issues beforehand, like with the nursery use issue we just discovered?

2

Regarding the guidance you referred to, what do I ask for in a public records request? I'm concerned that whoever tries to fulfill my request won't know what I'm talking about unless I direct them to a very specific record, which of course I won't know how to do unless you tell me the name of it. Plus, I don't know how long it'll take to fulfill such a request, and I want to get everything settled in time for your due date. Is there any reason you can't just send it to me directly? I assume you have it handy somewhere, since you used it to figure the preliminary determination, right?

Thanks, Aluna

From: COURCHANE Corey A * WRD <<u>Corey.A.Courchane@oregon.gov</u>> Sent: Monday, October 14, 2019 2:39 PM To: aluna michelle <<u>alunamichelle@hotmail.com</u>> Subject: RE: Joy Luck Farm, T-12774

Aluna,

I have the revised draft Preliminary Determination going through peer review right now. Once I receive it back, I will issue the revised draft Preliminary Determination. This will establish a new due date for a response and report of ownership information. The Department will look forward to your response by the new due date, upon which the Department will move forward to the next step, being issuance of the Preliminary Determination. Once that is issued, there is a 30 day protest period. If there is any disagreement with the Department's findings and determinations, this is where I recommend you take the opportunity to contest if you do not agree with our findings.

The rates and duties, and standard language we use for nursery use are not in rule and statute, but are based on guidance set many years ago by others at the Department. If you would like to know more, I recommend submitting a Public Records request: <u>https://www.oregon.gov/OWRD/aboutus/Pages/Public-Records-Request.aspx</u>.

Thank you,

Corey Courchane

COREY A COURCHANE | TRANSFER SPECIALIST TRANSFER AND CONSERVATION SECTION

Water Resources Department | 725 Summer St. NE, Suite A | Salem, Oregon 97301 Ph: 503 986-0825 | Fax: 503 986-0901 Email: corey.a.courchane@oregon.gov | Web: http://www.oregon.gov/OWRD

From: aluna michelle <<u>alunamichelle@hotmail.com</u>> Sent: Monday, October 14, 2019 2:25 PM To: COURCHANE Corey A * WRD <<u>Corey.A.Courchane@oregon.gov</u>> Subject: Re: Joy Luck Farm, T-12774

Hi Corey, Ok great, thanks for letting me know. I'm wondering a few things at this point... First, there are some other parts of the preliminary determination that may need attention, but I'd like to do some research first. Is it a big deal to issue a draft preliminary determination? If it is, then maybe you could send me the text you draft for the year-round nursery use so I can review that, then we should make sure we are clear on all the other points before you issue the next draft determination? What do you think? I wanted to bring this up in case it can help streamline this process.

Also, I really need to see that text you were referring to earlier since I simply cannot in good conscience agree to a document which I don't understand. I know that your departmental decisions must be based on some public document. So I'll copy below the parts of my questions that remain unanswered; can you please point me to where I can find your references, online or otherwise, so I may examine them for myself?

Finally, since you will be re-issuing a draft preliminary determination at some point, I am assuming that the Oct. 21st deadline for response to the previous one will be pushed out another month or so when you issue that next draft, yes? I am hoping that we can take the time we need to get all these issues settled, so I wanted to ask since the Oct. 21st deadline is already almost upon us.

Thanks in advance and here are those questions I was referring to above (blue text is mine):

- Page 4, Item 25, what I had meant earlier was where did you get that "authorized rate of 0.005cfs"? I didn't see that in my certificate. Is it in a decree or statute, if so can you point me to it?
 January 1, 1971 is when the Department established new regulation guidelines for what rates were allowed for domestic use. It was determined at this time that 0.005 cfs for 1 house domestic, was a sufficient rate that would allow maximum beneficial use of water for 1 household.
 Can you tell me where to find these regulations online? I'd like to see the whole text.
- Page 6, Item 5, why are the different nursery operations given different rates? Can you point me to whatever rule describes nursery operations?
 Only the definition of nursery use is described in rule. The Department established standard Nursery Operations rate/duty condition limitations, in order to prevent enlargement.
 Can you tell me where to find these rules online? Again, I'd like to see the whole text.

Best, Aluna

From: COURCHANE Corey A * WRD <<u>Corey.A.Courchane@oregon.gov</u>> Sent: Monday, October 14, 2019 8:55 AM To: aluna michelle <<u>alunamichelle@hotmail.com</u>> Subject: RE: Joy Luck Farm, T-12774

Good morning Aluna,

You are correct regarding the season of use for nursery, having one rate for irrigation, and another rate for the use of domestic and stock during the off-season. That portion was overlooked, so I will be issuing a revised draft Preliminary Determination.

Thank you,

Corey

From: aluna michelle <<u>alunamichelle@hotmail.com</u>> Sent: Thursday, October 10, 2019 12:52 PM

To: COURCHANE Corey A * WRD < Corey.A.Courchane@oregon.gov>

Cc: STARNES Patrick K * WRD <<u>Patrick.K.Starnes@oregon.gov</u>>; JARAMILLO Lisa J * WRD <<u>Lisa.J.Jaramillo@oregon.gov</u>> Subject: Re: Joy Luck Farm, T-12774

Hi Corey, thanks for your response. Please see blue text below.

I used "Reply All" since you had added some recipients. But I don't mean to be cluttering up anyone's inbox, so if you don't want me to continue "replying all", please let me know.

Thanks, Aluna

From: COURCHANE Corey A * WRD <<u>Corey.A.Courchane@oregon.gov</u>> Sent: Wednesday, October 9, 2019 2:37 PM To: aluna michelle <<u>alunamichelle@hotmail.com</u>> Cc: STARNES Patrick K * WRD <<u>Patrick.K.Starnes@oregon.gov</u>>; JARAMILLO Lisa J * WRD <<u>Lisa.J.Jaramillo@oregon.gov</u>> Subject: RE: Joy Luck Farm, T-12774

Aluna,

Please see answers below.

Thank you,

Corey

From: aluna michelle <alunamichelle@hotmail.com> Sent: Wednesday, October 09, 2019 12:47 PM To: COURCHANE Corey A * WRD <<u>Corey.A.Courchane@oregon.gov</u>> Subject: Re: Joy Luck Farm, T-12774

Hi Corey, thanks for your swift reply.

Ok then, here are more questions:

 Page 3, Item 18, were you just listing the areas with changes to just APOD and POU, but not USE? Or were you trying to list all the areas with APOD and POU changes, including USE changes (in which case the nursery acres need to be listed right?)? Either way, I'm wondering if there's an error here, since I thought the first entry was just an APOD change.

According to the most recent revisions submitted on October 6, 2018, it is identified that the change in character of use is taking place under Certificate 74512. Please see Finding of Fact (FOF) 22 and 23. Page 3 item 18 identifies the proposed place of use you have identified in your application for change in place of use under Cert 48966.

Ok thanks. Guess I was looking at an outdated table from your WRIS, it's been a little confusing with all the map and table versions at this point! I'm still wondering why the first item is listed, since it's not changing the place of use - that 0.2 acres is staying in the SWNE, right? Does it make a difference whether it's listed or not?

Page 3, Item 19, can you check your calculation for the rate for Priority date 1864?

According to the most recent revisions submitted on October 6, 2018, you are proposing 2.7 acres for transfer with an 1864 priority date. 1.25 cfs (full rate authorized by Cert 74512 1864 priority date)/21.3 acres = 0.058685446 cfs/acre (2.7) = 0.158450704 cfs. 0.16 cfs Ok thanks.

Page 4, Item 24, why does it say "nursery would be limited to the irrigation season"? You and Patrick
had told me that nursery was year-round.

Yes Patrick and I told you that nursery is a year round use. However we informed you on the conference call that when you perform a change in character of use from irrigation to nursery, the length of season doesn't change, and that your nursery use would be limited to the irrigation season. The Department does not have the authority to change the season, as this would create enlargement of the water right. The season of use for proposed nursery operations under the Transfer will be limited to the season of use authorized for the irrigation under the Water Right Certificate.

But I am transferring my irrigation/stock/domestic rights to nursery, so you had told me that I would have less water in the non-irrigation season than during the irrigation season, but that I would still have water year round (irrigation rate during the irrigation season, stock and domestic rate during the non-irrigation season, amounting to water year-round albeit at different rates depending on time of the year). Is that still true?

Page 4, Item 25, what I had meant earlier was where did you get that "authorized rate of 0.005cfs"? I didn't see that in my certificate. Is it in a decree or statute, if so can you point me to it?
 January 1, 1971 is when the Department established new regulation guidelines for what rates were allowed for domestic use. It was determined at this time that 0.005 cfs for 1 house domestic, was a sufficient rate that would allow maximum beneficial use of water for 1 household.
 Can you tell me where to find these regulations online? I'd like to see the whole text.

Page 6, Item 5, why are the different nursery operations given different rates? Can you point me to whatever rule describes nursery operations?
 Only the definition of nursery use is described in rule. The Department established standard Nursery Operations rate/duty condition limitations, in order to prevent enlargement.
 Can you tell me where to find these rules online? Again, I'd like to see the whole text.

Thanks again, Aluna

From: COURCHANE Corey A * WRD <<u>Corey.A.Courchane@oregon.gov</u>> Sent: Wednesday, October 9, 2019 11:01 AM To: aluna michelle <<u>alunamichelle@hotmail.com</u>> Subject: RE: Joy Luck Farm, T-12774

Aluna,

The rates I have calculated are proportionate to the acres that are being affected by the transfer. Please see my answers below.

Thank you,

Corey

From: aluna michelle <<u>alunamichelle@hotmail.com</u>> Sent: Wednesday, October 09, 2019 10:05 AM e . a

To: COURCHANE Corey A * WRD <<u>Corey.A.Courchane@oregon.gov</u>> Subject: Re: Joy Luck Farm, T-12774

Hi Corey, I just found your email in my junk mail (again!) and checked and found the hard copy too. I'm so glad we've made it to this point, thanks for putting this all together!

I just went through the preliminary determination quickly, and have a few questions upon first glance:

- On page 3, can you help me understand your calculations or how you came up with the rates in items 16 and 19?
 0.13 cfs (full rate authorized by Cert. 48966)/9.4 acres = 0.013829787 cfs/acre (1.1 acres) = 0.01521 cfs, therefore rate allowed for transfer under Cert 48966 is 0.02 cfs.
 0.02 cfs (full rate authorized by Cert 74512 with 1852 priority date)/1.8 acres = 0.01111111 cfs/acre(0.6 acres) = 0.0066 cfs, therefore rate allowed for transfer under Cert 74512 with 1852 priority is 0.01 cfs I used the same calculation for 1854 and 1864 priority dates
- On page 5, can you point me to the part of my certificate that states the authorized rates you quoted in items 25 and 28?

This is self-explanatory, as how the rates were derived are explained in 25 and 28.

 On page 6, can you help me understand your calculations/how you came up with the rates in Item 4 and 5?

#4 is the rate of 0.47 AF identified in Finding of Fact #27 plus the AF amount identified in Finding of Fact #25. #5 is the 4.09 AF (total of volumes from FOF 25 and 27) multiplied by 0.5 acre (which is what you are proposing for change in character of use to nursery).

Thanks in advance, Aluna

From: COURCHANE Corey A * WRD <<u>Corey.A.Courchane@oregon.gov</u>> Sent: Friday, September 20, 2019 7:31 AM To: aluna michelle <<u>alunamichelle@hotmail.com</u>> Cc: HAYNES Shavon L * WRD <<u>Shavon.L.Haynes@oregon.gov</u>> Subject: Joy Luck Farm, T-12774

Good morning,

Please see attached, and let me know if I may be of further assistance. A hard copy will also be sent.

Thank you,

Corey Courchane

COREY A COURCHANE | TRANSFER SPECIALIST TRANSFER AND CONSERVATION SECTION

Water Resources Department | 725 Summer St. NE, Suite A | Salem, Oregon 97301 Ph: 503 986-0825 | Fax: 503 986-0901 Email: corey.a.courchane@oregon.gov | Web: http://www.oregon.gov/OWRD

COURCHANE Corey A * WRD

From:	aluna michelle <alunamichelle@hotmail.com></alunamichelle@hotmail.com>
Sent:	Thursday, October 10, 2019 12:52 PM
To:	COURCHANE Corey A * WRD
Cc:	STARNES Patrick K * WRD; JARAMILLO Lisa J * WRD
Subject:	Re: Joy Luck Farm, T-12774

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Can you tell me where to find these rules online? Again, I'd like to see the whole text.

Thanks again, Aluna

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Aluna,

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Thank you,

Corey

From: aluna michelle <<u>alunamichelle@hotmail.com</u>> Sent: Wednesday, October 09, 2019 10:05 AM To: COURCHANE Corey A * WRD <<u>Corey.A.Courchane@oregon.gov</u>> Subject: Re: Joy Luck Farm, T-12774

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This is self-explanatory, as how the rates were derived are explained in 25 and 28.
On page 6, can you help me understand your calculations/how you came up with the rates in Item 4 and 5?

#4 is the rate of 0.47 AF identified in Finding of Fact #27 plus the AF amount identified in Finding of Fact #25. #5 is the 4.09 AF (total of volumes from FOF 25 and 27) multiplied by 0.5 acre (which is what you are proposing for change in character of use to nursery).

Thanks in advance, Aluna

From: COURCHANE Corey A * WRD <<u>Corey.A.Courchane@oregon.gov</u>> Sent: Friday, September 20, 2019 7:31 AM To: aluna michelle <<u>alunamichelle@hotmail.com</u>> Cc: HAYNES Shavon L * WRD <<u>Shavon.L.Haynes@oregon.gov</u>> Subject: Joy Luck Farm, T-12774

Good morning,

Please see attached, and let me know if I may be of further assistance. A hard copy will also be sent.

Thank you,

Corey Courchane

COREY A COURCHANE | TRANSFER SPECIALIST

COURCHANE Corey A * WRD

From: Sent: To: Subject: COURCHANE Corey A * WRD Wednesday, October 09, 2019 11:02 AM 'aluna michelle' RE: Joy Luck Farm, T-12774

Aluna,

The rates I have calculated are proportionate to the acres that are being affected by the transfer. Please see my answers below.

Thank you,

Corey

From: aluna michelle <alunamichelle@hotmail.com> Sent: Wednesday, October 09, 2019 10:05 AM To: COURCHANE Corey A * WRD <Corey.A.Courchane@oregon.gov> Subject: Re: Joy Luck Farm, T-12774

Hi Corey, I just found your email in my junk mail (again!) and checked and found the hard copy too. I'm so glad we've made it to this point, thanks for putting this all together!

I just went through the preliminary determination quickly, and have a few questions upon first glance:

 On page 3, can you help me understand your calculations or how you came up with the rates in items 16 and 19?

0.13 cfs (full rate authorized by Cert. 48966)/9.4 acres = 0.013829787 cfs/acre (1.1 acres) = 0.01521 cfs, therefore rate allowed for transfer under Cert 48966 is 0.02 cfs.

0.02 cfs (full rate authorized by Cert 74512 with 1852 priority date)/1.8 acres = 0.011111111 cfs/acre(0.6 acres) = 0.0066 cfs, therefore rate allowed for transfer under Cert 74512 with 1852 priority is 0.01 cfs

I used the same calculation for 1854 and 1864 priority dates

 On page 5, can you point me to the part of my certificate that states the authorized rates you quoted in items 25 and 28?

This is self-explanatory, as how the rates were derived are explained in 25 and 28.

 On page 6, can you help me understand your calculations/how you came up with the rates in Item 4 and 5?

#4 is the rate of 0.47 AF identified in Finding of Fact #27 plus the AF amount identified in Finding of Fact #25.

#5 is the 4.09 AF (total of volumes from FOF 25 and 27) multiplied by 0.5 acre (which is what you are proposing for change in character of use to nursery).

Thanks in advance, Aluna

From: COURCHANE Corey A * WRD <Corey.A.Courchane@oregon.gov> Sent: Friday, September 20, 2019 7:31 AM To: aluna michelle <alunamichelle@hotmail.com> Cc: HAYNES Shavon L * WRD <Shavon.L.Haynes@oregon.gov> Subject: Joy Luck Farm, T-12774

Good morning,

Please see attached, and let me know if I may be of further assistance. A hard copy will also be sent.

Thank you,

Corey Courchane

COREY A COURCHANE | TRANSFER SPECIALIST TRANSFER AND CONSERVATION SECTION

Water Resources Department | 725 Summer St. NE, Suite A | Salem, Oregon 97301 Ph: 503 986-0825 | Fax: 503 986-0901 Email: corey.a.courchane@oregon.gov | Web: http://www.oregon.gov/OWRD

Virus-free. www.avast.com

Notice of Preliminary Determination for Water Right Transfer T-12774

T-12774 filed by Gin Guei Ebnesajjad/Joy Luck Farm, LLC, 225 West Rapp Road, Talent, OR, 97540, proposes an additional point of diversion, a change in place of use and character of use under Certificates 48966 and 74512. Certificate 48966 allows the use of 0.02 cubic foot per second from Wagner Creek in Sec. 35, T38S, R1W, WM for irrigation and stock in Sec. 26, T38S, R1W, WM. The applicant proposes an additional point of diversion in Sec. 26, T38S, R1W, WM and to change the place of use within Sec. 26, T38S, R1W, WM. Certificate 74512 allows the use of 0.22 cubic foot per second from Wagner Creek for domestic, stock, and irrigation in Sec. 26, T38S, R1W, WM. The applicant proposes an additional point of diversion in Sec. 26, T38S, R1W, WM. The applicant proposes an additional point of diversion in Sec. 26, T38S, R1W, WM. The applicant proposes an additional point of diversion in Sec. 26, T38S, R1W, WM. The applicant proposes an additional point of diversion in Sec. 26, T38S, R1W, WM. The applicant proposes an additional point of diversion in Sec. 26, T38S, R1W, WM and to change the place of use within Sec. 26, T38S, R1W, WM; and to change the place of use within Sec. 26, T38S, R1W, WM; and to change the place of use within Sec. 26, T38S, R1W, WM; and to change the requirements of ORS Chapter 540 and OAR 690-380-5000.

Any person may file, jointly or severally, a protest or standing statement within 30 days after the last date of newspaper publication of this notice, MM/DD/YEAR. Call (503) 986-0815 to obtain additional information. If no protests are filed, the Department will issue a final order consistent with the preliminary determination.

STATE OF OREGON

COUNTY OF JACKSON

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

OLIVER HELMS TALENT, OR 97540

confirms the right to use the waters of WAGNER CREEK, a tributary of BEAR CREEK for IRRIGATION of 8.3 ACRES and STOCK.

This right was confirmed by decree of the Circuit Court of the State of Oregon for Jackson County. The decree is of record at Salem, in the Order Record of the Water Resources Director in Volume 4, at Page 1. The date of priority is 1854.

The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 0.11 CUBIC FOOT PER SECOND.

The point of diversion is located as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
38 S	1 W	WM	35	NWNW	880 FEET NORTH AND 475 FEET WEST FROM THE SE CORNER OF DLC 66

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

Twp	Rng	Mer	Sec	Q-Q	Acres
38 S	1 W	WM	26	NE NE	2.5
38 S	1 W	WM	26	NW NE	2.3
38 S	1 W	WM	26	SW NE	2.7
38 S	1 W	WM	, 26	SE NE	0.8
				Total	8.3

This certificate describes that portion of water right Certificate 48966, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered ______, approving Transfer Application T-12774.

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 and is subject to all other conditions and limitations contained in said decree.

WITNESS the signature of the Water Resources Director, affixed

Lisa J. Jaramillo, Transfer and Conservation Section Manager, for THOMAS M BYLER, DIRECTOR Oregon Water Resources Department

STATE OF OREGON

COUNTY OF JACKSON

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

FRED AND MARTHA RAPP TALENT, OR 97540

confirms the right to use the waters of WAGNER CREEK, a tributary of BEAR CREEK for DOMESTIC, STOCK, AND IRRIGATION OF 36.04 ACRES, BEING 0.6 ACRES WITH 1852 PRIORITY, 16.24 ACRES WITH 1854 PRIORITY, AND 18.6 ACRES WITH 1864 PRIORITY.

This right was confirmed by decree of the Circuit Court of the State of Oregon for Jackson County. The decree is of record at Salem, in the Order Record of the Water Resources Director in Volume 4, at Page 1. The dates of priority are 1852 – WAGNER AND THORNTON DITCH, 1854 – ROCKEFELLOW DITCH, AND 1864 – DAVENPORT DITCH.

The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 0.01 CUBIC FOOT PER SECOND (CFS) WITH 1852 PRIORITY, 0.19 CFS WITH 1854 PRIORITY, AND 1.09 CFS WITH 1864 PRIORITY, or its equivalent in case of rotation, measured at the point of diversion from the source.

The points of diversion are located as follows:

DITCH
WAGNER AND THORNTON
ROCKEFELLOW
DAVENPORT

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

DOMES	FIC, STOC	CK, AND I	RRIGAT	ION - PRIOR	ITY 1852
Twp	Rng	Mer	Sec	Q-Q	Acres
38 S	1 W	WM	26	SENW	1.20

Twp	Rng	Mer	Sec	Q-Q	Acres
38 S	1 W	WM	26	SW NE	12.90
38 S	1 W	WM	26	NWSW	0.30
38 S	1 W	WM	26	SE SW	0.50
38 S	1 W	WM	26	NE SE	2.54
				Total	16.24

Twp	Rng	Mer	Sec	Q-Q	Acres
38 S	1 W	WM	26	SE SW	6.50
38 S	1 W	WM	26	NE SE	8.40
38 S	1 W	WM	35	NENW	3.70
				Total	18.6

This certificate describes that portion of water right Certificate 74512, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered ______, approving Transfer Application T-12774.

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 and is subject to all other conditions and limitations contained in said decree.

WITNESS the signature of the Water Resources Director, affixed _

Lisa J. Jaramillo, Transfer and Conservation Section Manager, for THOMAS M BYLER, DIRECTOR Oregon Water Resources Department





Water Resources Department 725 Summer St NE, Suite A Salem, OR 97301 (503) 986-0900 Fax (503) 986-0904

September 20, 2019

GIN GUEI EBNESAJJAD JOY LUCK FARM LLC 225 WEST RAPP RD TALENT, OR 97540

Reference: Water Right Transfer Application T-12774

Your water right transfer is in the first of three phases of processing. Enclosed is a draft of the Department's Preliminary Determination regarding Transfer Application T-12774. The document reflects the Department's conclusion that, based on the information currently available, the transfer will be approved.

Items needed before the next phase of processing...

- Please review the draft carefully to see if it accurately reflects the changes you intend to
 make, and to become familiar with all proposed conditions. You will need to respond in
 writing by the deadline provided below, whether you agree with the proposed action and
 conditions. Also we will appreciate having you let us know if there are typographical errors
 that need to be corrected.
- 2. A report of landownership for the lands to which the water right(s) are appurtenant (the FROM lands) is required. The report must be prepared by a title company and meet the criteria below. (Reports may be called by various names, such as Customer Service Report, Property Analysis Report (PAR), List Pack, Lot Book Report, etc.)
 - a) The title company's report must either 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) prepared at any time, but showing ownership at the time a water right conveyance agreement was recorded.
 - b) The ownership report shall include:
 - i) Date the ownership report was generated or prepared; and
 - ii) List of owners at that time; and
 - iii) Legal description of the property where the water right to be transferred is currently located.
 - c) You will need to submit a notarized statement of consent from any landowner listed in the ownership report who is not already included in the transfer application, or other information such as a water right conveyance agreement, if applicable.
- 3. Notice of this transfer will need to be published in a newspaper with general circulation in the area where the water rights are currently located. You will be responsible for the charges. Please confirm the Medford Mail Tribune as the newspaper you prefer to publish in so we can get an accurate estimate of the cost.

Conditions to your water right...

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

This transfer will require installation of a fish screen at the new diversion point **prior to diversion of water. You may not divert water prior to installation and approval of the fish screen by the Oregon Department of Fish and Wildlife (ODFW)**. You may wish to contact the ODFW staff person listed on the enclosed contact sheet for more information about the screen and to determine a reasonable timeline.

Please note the proposed date by which all conditions must be met: October 1, 2021. If the required completion date is insufficient to comply with any of the conditions, you may extend the date at no cost to you during this stage of processing. Please let me know by the comment deadline so we can make the proper arrangements to get you the time you need.

What happens next...

Once the Preliminary Determination is issued a publication period is required. Because there is more than ¼ mile between the new and the authorized points of diversion, the Department will publish notice of the transfer in a local newspaper having a general circulation in the area of the water right at least once per week for two consecutive weeks. You are responsible for sending a check to cover the cost of publication prior to the issuance of the Preliminary Determination and publication of notice.

Issuance of the Preliminary Determination will occur shortly after we receive:

- Your written response to the conditions and proposed action in the draft Preliminary Determination (e-mail is acceptable); and
- 2. Report of ownership, and affidavits of consent from any landowners shown in the ownership report who have not signed the transfer application.

If we do not receive the items listed above by October 21, 2019, a Preliminary Determination may be issued denying the application as incomplete.

Please do not hesitate to contact me, at <u>corey.a.courchane@oregon.gov</u> or (503) 986-0825, if I may be of assistance.

Sincerely,

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Cray Com

Corey Courchane Transfer Specialist Transfer and Conservation Section

cc: Transfer Application file T-12774 Shavon L. Haynes, District 13 Watermaster (via e-mail) Aluna Michelle, Agent for the applicant (via e-mail)

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BEFORE THE WATER RESOURCES DEPARTMENT OF THE STATE OF OREGON

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In the Matter of Transfer Application T-12774, Jackson County

DRAFT

PRELIMINARY DETERMINATION PROPOSING APPROVAL OF AN ADDITIONAL POINT OF DIVERSION, A CHANGE IN PLACE OF USE, AND A CHANGE IN CHARACTER OF USE

Authority

Oregon Revised Statutes (ORS) 540.505 to 540.580 establish the process in which a water right holder may submit a request to transfer the point of diversion, place of use, or character of use authorized under an existing water right. Oregon Administrative Rules (OAR) Chapter 690, Division 380 implement the statutes and provides the Department's procedures and criteria for evaluating transfer applications.

Applicant

GIN GUEI EBNESAJJAD JOY LUCK FARM LLC 225 WEST RAPP RD TALENT, OR 97540

Findings of Fact

- On November 20, 2017, GIN GUEI EBNESAJJAD; JOY LUCK FARM, LLC filed an application for an additional point of appropriation and to change the place of use under Certificates 48966 and 74512, and to change the character of use under Certificate 74512. The Department assigned the application number T-12774.
- Notice of the application for transfer was published on November 28, 2017, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
- On April 25, 2018, the Department contacted the applicant by written correspondence to notify the applicant of the deficiencies in the application. The Department requested that the deficiencies be resolved by May 25, 2018.
- On May 18, 2018, the applicant requested additional time in order to respond to the deficiencies in the application. The Department requested that the deficiencies be resolved by June 25, 2018.

- 5. On July 5, 2018, the Department contacted the applicant by telephone to clarify the process of completing a transfer regarding a decreed right which involves irrigation, stock, and domestic, and to discuss what options were available for the applicant. The Department requested that the deficiencies be resolved by August 31, 2018.
- On August 29, 2018, the applicant requested additional time to allow for the Certified Water Rights Examiner to submit revised maps. The Department requested that the deficiencies be resolved by September 21, 2018.
- On October 12, 2018, the applicant submitted revised tables and maps. After reviewing the revisions, the Department determined that 1.1 acres being transferred under Certificates 49866 and 74512 were layered in the SW NE of Section 26, T38S, R1W, WM, and had to either move together or be cancelled.
- 8. On November 6, 2018, the applicant submitted revised tables and maps, resolving the deficiencies.
- 9. On November 29, 2018, the Department determined evidence of use on 0.5 acres that is proposed to change character of use to nursery, was not sufficient enough in detailing beneficial use of water had been made within the five years prior to submittal of T-12774. The Department also determined the place of use under Certificates 48966 and 74512 are located within the Talent Irrigation District (TID), and that a Supplemental Form D from TID, granting consent to the changes requested under T-12774 would need to be submitted. The Department contacted the applicant by written correspondence to notify the applicant of the deficiencies in the application.
- 10. On February 6, 2019, the Department contacted the applicant by written correspondence to notify the applicant of the deficiencies in the application. The Department requested that the deficiencies be resolved by March 8, 2019. The applicant submitted the required Supplemental Form D the same day.
- 11. On March 8, 2019, the applicant submitted additional evidence of use supporting documentation.
- On April 30, 2019, the Department determined that the additional evidence submitted, was not sufficient enough to suggest the 0.5 acres designated for change in character of use to nursery had been irrigated.
- 13. On May 8, 2019, the Department contacted the applicant by written correspondence to notify the applicant additional evidence was needed, or to withdraw the 0.5 acres from the application. The Department requested that the deficiencies be resolved by May 24, 2019.
- 14. On May 31, 2019, the Department received a written statement from a neighboring landowner, which described irrigation taking place on the place of use in question within the previous five years prior.
- 15. On June 21, 2019, the Department received a signed and notarized Evidence of Use Affidavit from the applicant, resolving the deficiencies.

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

Certificate:	48966 in the name of OLIVER HELMS (confirmed by Rogue River (F)
	State Water Board)
Use:	IRRIGATION of 1.1 ACRES and STOCK
Priority Date:	1854
Rate:	0.02 CUBIC FOOT PER SECOND
Source:	WAGNER CREEK, a tributary of BEAR CREEK

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	 Measured Distances
38 S	1 W	WM	35	NWNW	880 FEET NORTH AND 475 FEET WEST FROM THE SE CORNER OF DLC 66

Authorized Place of Use:

	IRRIGA	ATION A	ND ST	FOCK	
Twp	Rng	Mer	Sec	Q-Q	Acres
38 S	1 W	WM	26	SW NE	1.1

17. Transfer Application T-12774 proposes an additional point of diversion approximately 0.7 mile downstream to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
38 S	1 W	WM	26	SW NE	2500 FEET NORTH AND 2450 FEET EAST FROM THE SW CORNER OF SECTION 26

18. Transfer Application T-12774 also proposes to change the place of use of the right to:

Twp	Rng	Mer	Sec	Q-Q	Acres
38 S	1 W	WM	26	SW NE	0.2
38 S	1 W	WM	26	NE SW	0.4
38 S	1 W	WM	26	NW SE	0.5
				Total	1.1

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

Certificate:	74512 in the name of FRED AND MARTHA RAPP (confirmed by Rogue
	River (F) State Water Board)
Use:	DOMESTIC, STOCK, and IRRIGATION of 8.0 ACRES, BEING 0.6
	ACRE WITH 1852 PRIORITY, 4.7 ACRES WITH 1854 PRIORITY, AND
	2.7 ACRES WITH 1864 PRIORITY
Priority Date:	1852 - WAGNER AND THORNTON DITCH, 1854 - ROCKEFELLOW
	DITCH, AND 1864 – DAVENPORT DITCH
Rate:	0.01 CUBIC FOOT PER SECOND (CFS) WITH 1852 PRIORITY, 0.05
	CFS WITH 1854 PRIORITY, AND 0.16 CFS WITH 1864 PRIORITY
Source:	WAGNER CREEK, a tributary of BEAR CREEK

Authorized Points of Diversion:

and the second	DITCH
WAGNER	AND THORNTON
ROC	CKEFELLOW

DITCH	
DAVENPORT	

Authorized Place of Use:

Twp	Rng	Mer	Sec	Q-Q	Acres
38 S	1 W	WM	26	SW NE	1.1
38 S	1 W	WM	26	SENW	0.6
38 S	1 W	WM	26	NE SW	3.6
38 S	1 W	WM	26	NW SE	2.7
		1100		Total	8.0

20. The Department received information from the applicant that better describes the location of the authorized point of diversion for Certificate 74512 as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
38 S	1 W	WM	35	NW NW	620 FEET SOUTH AND 900 FEET EAST FROM THE SW CORNER OF SECTION 26

 Transfer Application T-12774 proposes an additional point of diversion approximately 0.7 mile downstream to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
38 S	1 W	WM	26	SW NE	2500 FEET NORTH AND 2450 FEET EAST FROM THE SW CORNER OF SECTION 26

- 22. Transfer Application T-12774 proposes to change the character of use for a portion of the right to nursery.
- 23. Transfer Application T-12774 also proposes to change the place of use of the right to:

Twp	Rng	Mer	Sec	Q-Q	Acres	Priority Date
38 S	1 W	WM	26	SW NE	0.2	1854
38 S	1 W	WM	26	SENW	0.1	1852
38 S	1 W	WM	26	NE SW	3.6	1854
38 S	1 W	WM	26	NE SW	0.4	1854
38 S	1 W	WM	26	NW SE	2.7	1864
38 S	1 W	WM	26	NW SE	0.5	1854
				Total	7.5	

		1	NURSE	ERY		
Twp	Rng	Mer	Sec	Q-Q	Acres	Priority Date
38 S	1 W	WM	26	NW SE	0.5	1852

24. Certificates 48966 and 74512 do not specify a period of allowed use; however, domestic and stock use is generally considered a year-round use. Irrigation and nursery would be limited to the irrigation season. Certificates 48966 and 74512 do not specify an irrigation season; however, consistent with the Rogue River Decree, the irrigation season is April 1 through October 31.

- 25. Certificate 74512 does not specify a total quantity of water to be diverted annually for domestic use; however, ORS 540.610 states "beneficial use shall be the basis, the measure and the limit of all rights to the use of water in this state." If the domestic use was diverted continuously at the authorized rate of 0.005 cfs for 365 days per year (0.005 cfs x 60 sec/min x 60 min/hr x 24 hr/day x 365 days/year ÷ 43,560 square feet per acre = 3.62 acre-feet per year), is the maximum that could have been diverted. However, water for domestic use is not continuously diverted for 24 hours per day, 365 days per year.
- 26. Use of more water per year than what could have been used for maximum beneficial use for the original domestic use would constitute enlargement of the right, which is not allowed. Therefore, to avoid enlarging the right under the proposed nursery use, an annual volume limit should be added to the right based on the best available estimate of the maximum amount of water that could have been beneficially diverted and used for domestic use during a year.
- 27. Estimates of in-house domestic use available from agencies such as the United States Geological Survey (USGS), American Water Works Association (AWWA) and Penn State Cooperative Extension indicate an average in-house domestic water use of approximately 70 gallons per person per day, or approximately 0.47 acre-feet per year for a household that includes six people. Therefore, the annual volume limitation to be placed on the domestic use for this right is 0.47 acre-feet per year (0.47 acre-feet per year x 1 homes = 0.47 acre feet per year).
- 28. Certificate 74512 does not specify a total quantity of water to be diverted annually for stock use. If diverted continuously at the authorized rate of 0.005 cfs for 365 days per year (0.005 cfs x 60 sec/min x 60 min/hr x 24 hr/day x 365 days/year ÷ 43,560 square feet per acre = 3.62 acre-feet per year), is the maximum that could have been diverted for stock.
- 29. 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 [OAR 690-380-4010(2)]

- 30. Water has been used within the last five years according to the terms and conditions of the rights. There is no information in the record that would demonstrate that the rights are subject to forfeiture under ORS 540.610.
- A diversion structure and ditch sufficient to use the full amount of water allowed under the existing rights were present within the five-year period prior to submittal of Transfer Application T-12774.
- 32. The proposed changes would not result in enlargement of the rights.
- 33. The proposed changes would not result in injury to other water rights.

T-12774.cac

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34. All other application requirements are met.

Determination and Proposed Action

The additional point of diversion, change in place of use, and change in character of use proposed in Transfer Application T-12774 appear to be consistent with the requirements of ORS 540.505 to 540.580 and OAR 690-380-5000. If protests are not filed pursuant to OAR 690-380-4030, the transfer application will be approved.

If Transfer Application T-12774 is approved, the final order will include the following:

- 1. The additional point of diversion, change in place of use, and change in character of use proposed in Transfer Application T-12774 are approved.
- 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 Certificates 48966 and 74512, and any related decree.
- 3. Water right Certificates 48966 and 74512 are cancelled. New certificates will be issued describing that portion of the rights not affected by this transfer.
- 4. The rate of diversion for the proposed nursery use shall be limited to 0.01 cubic foot per second and shall be further limited to a total quantity of (0.47 af + 3.62 af) = 4.09 acre feet during the entire year.
- 5. The proposed nursery use shall be further limited such that:
 - a) The amount of water used for NURSERY OPERATIONS is limited to a diversion of 0.01 cubic foot per second per acre and (4.09 af x 0.5 acre) 2.045 acre feet per acre per year.
 - *b)* For the irrigation of containerized nursery plants, the amount of water diverted is limited to 0.01 cubic foot per second (or its equivalent) and 2.045 acre feet per acre per year.
 - c) For the irrigation of in-ground nursery plants, the amount of water diverted is limited to 0.01 cubic foot per second (or its equivalent) and 2.045 acre feet per acre per year.
 - d) For the irrigation of any other crop, the amount of water diverted is limited to 0.01 cubic foot per second (or its equivalent) and 1.25 acre feet per acre during the irrigation season of each year. The use of water for irrigation of any other crop shall be limited to 0.6 acres.
- 6. The quantity of water diverted at the additional point of diversion (POD 2), together with that diverted at the original point of diversion (POD 1), shall not exceed the quantity of water lawfully available at the original point of diversion (POD 1).

- 7. 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.
- 8. Prior to diverting water, the water user shall install a headgate to control and regulate the quantity of water diverted. The type and plans of the headgate must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department. The water user shall maintain the headgate as required by the Department.
- 9. Prior to diverting water, 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.
- 10. The former place of use of the transferred rights shall no longer receive water under the rights.
- 11. Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2021**. A Claim of Beneficial Use prepared by a Certified Water Right Examiner shall be submitted by the applicant to the Department within one year after the deadline for completion of the changes and full beneficial use of the water.

12. After satisfactory proof of beneficial use is received, new certificates confirming the rights transferred will be issued.

Dated at Salem, Oregon this _____

DRAFT

Lisa J. Jaramillo, Transfer and Conservation Section Manager, for THOMAS M. BYLER, DIRECTOR Oregon Water Resources Department

This draft Preliminary Determination was prepared by Corey Courchane. If you have questions about the information in this document, you may reach me at 503-986-0825 or <u>corey.a.courchane@oregon.gov</u>

Application for Water Right Transfer Evidence of Use Affidavit



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

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

State of Oregon

SS

County of JACKSON)

I, SCOTT PLOSS, in my capacity as WITNESS,

mailing address 302 WEST NEVADA STREET, ASHLAND, OR 97520

telephone number (541)517-6565, being first duly sworn depose and say:

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

Personal observation Professional expertise

2. I attest that:

- Water was used during the previous five years on the entire place of use for Certificate # ____; OR
- My knowledge is specific to the use of water at the following locations within the last five years:

Certificate #	Town	nship	Ra	inge	Mer	Sec	1/4	1/4	Gov't Lot or DLC	Acres (if applicable)
74512	38	S	1	W	will A-	26	SE	NW	1300	0.6
74512	38	S	1	W	willA - metle	26	SW	NE	1300	1.1
74512	38	S	1	W	willA- mette	26	NW	SE	1300	2.7
74512	38	S	1	W	willA- Mette	26	NE	SW	1300	3.6
48966	38	S	1	W	WillA - mette	26	SW	NE	1300	1.1

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 <u>not</u> leased instream.); OR
- The water right is not subject to forfeiture and documentation that a presumption of forfeiture for non-use would be rebutted under ORS 540.610(2) is attached.
- Water has been used at the actual current point of diversion or appropriation for more than 10 years for Certificate # ____(For Historic POD/POA Transfers) RECEIVED

(continues on reverse side)

JUN 2 1 2019

- 3. The water right was used for: (e.g., crops, pasture, etc.): CROPS, HAY, PASTURE
- 4. I understand that if I do not attach one or more of the documents shown in the table below to support the above statements, my application will be considered incomplete.

0

Signature of Affiant

t

6/11/2019 Date 11th

Signed and sworn to (or affirmed) before me this

OFFICIAL STAMP MAEGAN M HILL NOTARY PUBLIC-OREGON COMMISSION NO. 977159A MY COMMISSION EXPIRES JULY 22, 2022

Notary Public for Oregon

My Commission Expires: JULY 22,2072

day of June, 2019.

Supporting Documents	Examples
Copy of a water right certificate that has been issued within the last five years. (not a remaining right certificate)	Copy of confirming water right certificate that shows issue date
Copies of receipts from sales of irrigated crops or for expenditures related to use of water	 Power usage records for pumps associated with irrigation use Fertilizer or seed bills related to irrigated crops Farmers Co-op sales receipt
Records such as FSA crop reports, irrigation district records, NRCS farm management plan, or records of other water suppliers	 District assessment records for water delivered Crop reports submitted under a federal loan agreement Beneficial use reports from district IRS Farm Usage Deduction Report Agricultural Stabilization Plan CREP Report
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 –www.oregonexplorer.info/imagery OWRD – www.wrd.state.or.us Google Earth – earth.google.com TerraServer – www.terraserver.com
Approved Lease establishing beneficial use within the last 5 years	Copy of instream lease or lease number

RECEIVED

JUN 2 1 2019

Remodeling Excellence L.L.C. Electrical Excellence BCD 193147 CCB C731 Cell 541-517-6565 302 West Nevada Street Ashland, OR 97520

Shavon L. Haynes Oregon Water Resources Department 10 South Oakdale Rm 309A Medford, OR 97501

Corey Courchane Oregon Water Resources Department 725 Summer St. NE, Suite A Salem, Oregon 97301

To Whom it may concern, I Scott Ploss as an electrical contractor/general contractor started working down at Joy Luck farm at 225 West Rapp Rd. in Talent approximately 4 years ago. Scope of work has included multiple building consultations with the focus of developing the property as a more efficiently run farm, troubleshooting and repairs of the main household, wiring a large building on the property. For the past 1 1/2 years, working on a large irrigation project in order to better develop the property as a working farm. This project is for a pressurize irrigation system for easier and more efficient delivery of water around the property. I have seen Ms Michelle have various types of irrigation cobbled together in use through out the property over the years I have been working there. A combination of flood, hand lines, flexible 3" flat hose, a gas powered-pump, small electric pumps and standard hoses, various types of sprinklers to water crops she planted, existing fruit and nut trees, even wild blackberry, all over the property on both sides of the creek.

Please feel free to reach out to me if you have any questions my number is 541-517-6565. Regards

2 TP/2

Scott Ploss, Remodeling Excellence LLC May 28, 2019

MAY 31 2019 OWRD

Application for Water Right Transfer Evidence of Use Affidavit



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

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

State of Oregon

SS

County of JACKSON)

I, DANIEL REISINGER, in my capacity as witness,

mailing address 15922 HIGHWAY 66, ASHLAND, OREGON 97520

telephone number (541)840-6188, being first duly sworn depose and say:

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

Personal observation Professional expertise

2. I attest that:

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

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

Certificate #	Town	nship	Ra	nge	Mer	Sec	1/4	1/4	Gov't Lot or DLC	Acres (if applicable)	
74512	38	S	1	W	Willa - mette	26	SE	NW	1300	0.6	291
											-

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 <u>not</u> leased instream.); OR
- The water right is not subject to forfeiture and documentation that a presumption of forfeiture for non-use would be rebutted under ORS 540.610(2) is attached.
- Water has been used at the actual current point of diversion or appropriation for more than 10 years for Certificate # ____(For Historic POD/POA Transfers)

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JUN 2 1 2019

Revised 2/5/2010

Evidence of Use Affidavit - Page 1 of 2

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- 3. The water right was used for: (e.g., crops, pasture, etc.): CROPS
- 4. I understand that if I do not attach one or more of the documents shown in the table below to support the above statements, my application will be considered incomplete.

Signature of Affiant

6-10-19 Date

Signed and sworn to (or affirmed) before me this 10 day of June



Notary Public for Oregon My Commission Expires: 9/25/2022

Examples Supporting Documents Copy of a water right certificate that has been Copy of confirming water right certificate that shows issue date issued within the last five years. (not a remaining right certificate) Copies of receipts from sales of irrigated crops • Power usage records for pumps associated with irrigation or for expenditures related to use of water use . Fertilizer or seed bills related to irrigated crops 0 Farmers Co-op sales receipt Records such as FSA crop reports, irrigation . District assessment records for water delivered district records, NRCS farm management plan, or . Crop reports submitted under a federal loan agreement records of other water suppliers . Beneficial use reports from district IRS Farm Usage Deduction Report . . Agricultural Stabilization Plan **CREP** Report 0 Aerial photos containing sufficient detail to Multiple photos can be submitted to resolve different areas of a establish location and date of photograph 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 -www.oregonexplorer.info/imagery OWRD - www.wrd.state.or.us Google Earth - earth.google.com TerraServer - www.terraserver.com Approved Lease establishing beneficial use Copy of instream lease or lease number within the last 5 years

RECEIVED

JUN 2 1 2019

Shavon L. Haynes - District 13 Watermaster Oregon Water Resources Department 10 South Oakdale Rm 309A Medford, Oregon 97501

Corey Courchane – Transfer Specialist Oregon Water Resources Department 725 Summer St. NE, Suite A Salem, Oregon 97301

Dear Mr. Haynes and Mr. Courchane,

I am writing to attest to the fact that Aluna Michelle has watered her land in Talent, including all around the big barn by Wagner Creek. I have helped with different projects at her farm since I used to farm and still have farm equipment that I lend out, and also since my family has lived and done business in this valley since 1907 and I know lots of old farmers who have tried things this way and that over the years. I remember seeing Aluna watering her property around that big barn down by the creek a few years ago must've been 2016, and I asked what in the heck she was doing that for, and she said she had put down some seed for livestock she wanted to have there someday. I thought that was too bad cuz I always thought that barn would be better for hay than livestock, but maybe livestock was a good idea after all. She gave me eggs from chickens she had over there recently and boy were they good, a lot better than store-bought!

Yours truly,

Dan Reisinger 15922 Highway 66 Ashland, Oregon 97520 541-840-6188

MAY 31 2019 OWRD

Application for Water Right Transfer Evidence of Use Affidavit



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

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

State of Oregon

SS

'County of JACKSON)

I, <u>WILL HILLIGOSS</u>, in my capacity as <u>WITNESS</u>,

mailing address 822 BLAINE STREET, ASHLAND, OR 97520

telephone number (541)488-0046, being first duly sworn depose and say:

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

Personal observation	Professiona	l expertise
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- 2. I attest that:
 - Water was used during the previous five years on the entire place of use for Certificate # ____; OR
 - My knowledge is specific to the use of water at the following locations within the last five years:

Certificate #	Town	nship	Ra	nge	Mer	Sec	1/4	1⁄4	Gov't Lot or DLC	Acres (if applicable)	
74512	38	S	1	W	AMICT	26 rz. 26	SE	NW	1300	0.6	wrest
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OR

- Confirming Certificate # _____ has been issued within the past five years; OR
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- Water has been used at the actual current point of diversion or appropriation for more than 10 years for Certificate # ____(For Historic POD/POA Transfers) RECEIVED

(continues on reverse side)

JUN 2 1 2019

- 3. 'The water right was used for: (e.g., crops, pasture, etc.): CROPS
- 4. I understand that if I do not attach one or more of the documents shown in the table below to support the above statements, my application will be considered incomplete.

Signature of Affiant

•

6/\$/2019

Signed and sworn to (or affirmed) before me this $7^{\frac{14}{2}}$ day of $50^{\frac{19}{2}}$, 2019.



Notary Public for Oregon

My Commission Expires: Oct. 16 2022

Supporting Documents	Examples
Copy of a water right certificate that has been issued within the last five years. (not a remaining right certificate)	Copy of confirming water right certificate that shows issue date
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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 –www.oregonexplorer.info/imagery OWRD – www.wrd.state.or.us Google Earth – earth.google.com TerraServer – www.terraserver.com
Approved Lease establishing beneficial use within the last 5 years	Copy of instream lease or lease number

RECEIVED

JUN 2 1 2019

Will Hilligoss 822 Blaine Street Ashland, Oregon 97520

May 26, 2019

Shavon L. Haynes - District 13 Watermaster Oregon Water Resources Department 10 South Oakdale Rm 309A Medford, Oregon 97501

Dear Sir,

I write in regards to a water rights transfer application T-12774 for Joy Luck Farm, LLC and Aluna Michelle.

I have known Aluna for several years, since before her mother bought Joy Luck Farm. Since her son was born in 2014, I have helped take care of him because his father stepped out of the picture and she is a single mom struggling to raise both a child and a farm. I am a retired engineer and have a house in Ashland, but also own property in Talent, a ranch in northern California and in the past have owned acreage here in Oregon, so Aluna has shared with me many of the challenges with the property. Over the years I have spent time helping out around the farm both taking care of her son and helping her troubleshoot various issues that have come up in establishing a farm and managing property.

Aluna has asked me to write you about her use of water on the property. I remember seeing Aluna watering her property a few years ago (2016 I believe) using a pump in Wagner creek. She used hoses, old aluminum pipes and sprinklers, and pumped water to the land on the west side of Wagner Creek around the barn. She said she was trying to plant a cover/forage crop there, since she hadn't found it practical to make garden beds there. I'm not sure how well the crop grew in, but she did say she recently put chickens over there and I have had some of the fresh eggs she has gotten.

Feel free to contact me with any questions @(541) 488-0046.

Respectfully,

Und fall:

Will Hilligoss

cc: Corey Courchane – Transfer Specialist Oregon Water Resources Department 725 Summer St. NE, Suite A Salem, Oregon 97301

MAY 31 2019

From: Sent: To: Subject: Attachments: Honey Bee <hapistitch@icloud.com> Thursday, May 30, 2019 8:26 AM COURCHANE Corey A * WRD Re: Witnessed Irrigation Water Usage Joy Luck Farm map.pdf

Dear Mr. Courchane,

With this application map I have placed a check mark in the specific place of irrigation use witnessed. I certainly hope my limited skills at adding check marks to pdf files actually comes across. I will be sending the signed Affidavit for Evidence of Use today. Yours, Michele Bashaw

On May 30, 2019, at 7:51 AM, COURCHANE Corey A * WRD <<u>Corey.A.Courchane@oregon.gov</u>> wrote:

Good morning,

Thank you for submitting additional information to support Joy Luck Farm's transfer application. Please see attached. This is their application map involving the changes they are requesting. Please indicate exactly which location you are describing as being irrigated by the sprinkler system. Also, as a witness, and to support your witness statement, the Department would need you to submit an Affidavit for Evidence of Use. This does need to be notarized, and will need to be sent through the mail as all affidavits require a wet signature.

Thank you,

Corey Courchane

COREY A COURCHANE | TRANSFER SPECIALIST TRANSFER AND CONSERVATION SECTION

Water Resources Department | 725 Summer St. NE, Suite A | Salem, Oregon 97301 Ph: 503 986-0825 | Fax: 503 986-0901 Email: corey.a.courchane@oregon.gov | Web: http://www.oregon.gov/OWRD

From: Honey Bee <<u>hapistitch@icloud.com</u>> Sent: Thursday, May 30, 2019 7:08 AM To: COURCHANE Corey A * WRD <<u>Corey.A.Courchane@oregon.gov</u>> Subject: Witnessed Irrigation Water Usage RE: Witnessed Irrigation Water Usage in year 2018 on Property of 225 W. Rapp Rd. Talent, Oregon

. .

TO: Corey A. Courchane, Transfer Specialist Water Resources Department 725 Summer St. NE, Suite A Salem, Oregon 97301

Dear Mr. Courchane,

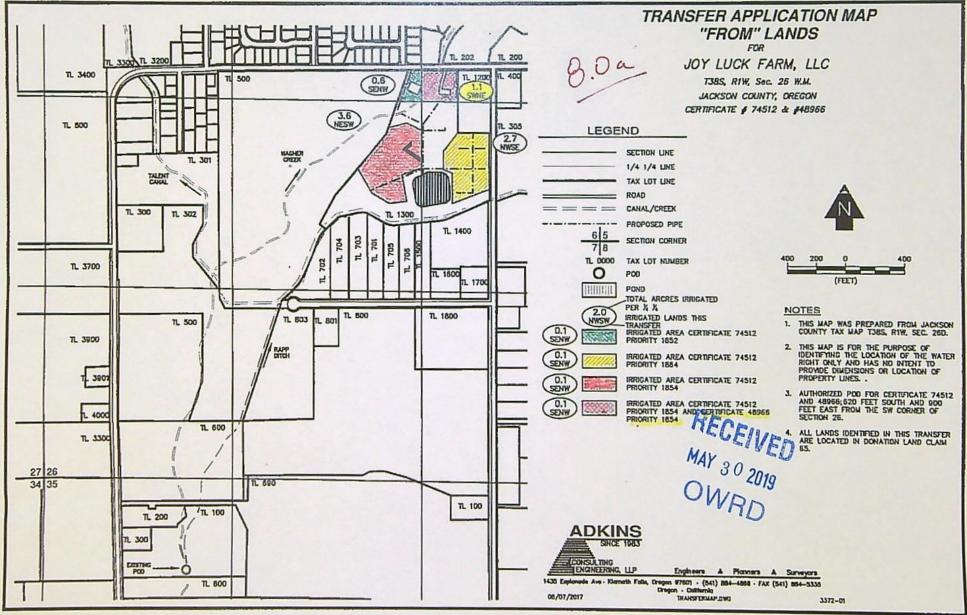
There was use of a sprinkler system (3 or 4 pulse heads) to irrigate the area directly northwest of, and adjacent to irrigation pond owned by Joy Luck Farm, LLC., Aluna Michelle, Owner/Manager.

This witnessed by myself, Michele Bashaw, during the late summer/early fall of 2018.

Sincerely Yours, Michele Bashaw

201 W. Rapp Rd. Talent, Oregon

<Joy Luck Farm map.pdf><evidence of use form.pdf>



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From:	Honey Bee <hapistitch@icloud.com></hapistitch@icloud.com>
Sent:	Thursday, May 30, 2019 7:08 AM
To:	COURCHANE Corey A * WRD
Subject:	Witnessed Irrigation Water Usage

RE: Witnessed Irrigation Water Usage in year 2018 on Property of 225 W. Rapp Rd. Talent, Oregon

TO: Corey A. Courchane, Transfer Specialist Water Resources Department 725 Summer St. NE, Suite A Salem, Oregon 97301

Dear Mr. Courchane,

There was use of a sprinkler system (3 or 4 pulse heads) to irrigate the area directly northwest of, and adjacent to irrigation pond owned by Joy Luck Farm, LLC., Aluna Michelle, Owner/Manager.

This witnessed by myself, Michele Bashaw, during the late summer/early fall of 2018.

Sincerely Yours,

Michele Bashaw

201 W. Rapp Rd. Talent, Oregon

From: Sent: To: Subject: HAYNES Shavon L * WRD Thursday, May 30, 2019 9:25 AM COURCHANE Corey A * WRD RE: Witnessed Irrigation Water Usage

Corey,

I agree that this does not address the property in question.

Shavon Haynes

From: COURCHANE Corey A * WRD Sent: Thursday, May 30, 2019 7:24 AM To: HAYNES Shavon L * WRD <Shavon.L.Haynes@oregon.gov> Subject: FW: Witnessed Irrigation Water Usage

Good morning Shavon,

Here is a witness statement emailed to me this morning regarding Joy Luck Farm/ Aluna Michelle T-12774. I still think this doesn't get us there, based on the description, "directly northwest of, and adjacent to irrigation pond." The standard definition of adjacent is, "next to or adjoining something else." Based on that, looking at the map, I would make the assumption that this refers to the NE SW, not the SE NW, which is the area in question. Would you agree?

Thank you,

Corey

From: Honey Bee <<u>hapistitch@icloud.com</u>> Sent: Thursday, May 30, 2019 7:08 AM To: COURCHANE Corey A * WRD <<u>Corey.A.Courchane@oregon.gov</u>> Subject: Witnessed Irrigation Water Usage

RE: Witnessed Irrigation Water Usage in year 2018 on Property of 225 W. Rapp Rd. Talent, Oregon

TO: Corey A. Courchane, Transfer Specialist Water Resources Department 725 Summer St. NE, Suite A Salem, Oregon 97301

Dear Mr. Courchane,

There was use of a sprinkler system (3 or 4 pulse heads) to irrigate the area directly northwest of, and adjacent to irrigation pond owned by Joy Luck Farm, LLC., Aluna Michelle, Owner/Manager.

This witnessed by myself, Michele Bashaw, during the late summer/early fall of 2018.

From: Sent: To: Subject: Matt Suhr <happydirt@gmail.com> Wednesday, May 29, 2019 10:25 AM HAYNES Shavon L * WRD; COURCHANE Corey A * WRD Re: Aluna Michelle

Dear Sir:

This message is to affirm that Aluna Michelle was farm partner with me at HappyDirt Veggie Patch from 2011 through 2014, when she left to start her own farm. We grew a wide variety of vegetables which we sold through a CSA, at farmers markets and to local stores and restaurants. We also grew and sold blackberries. We irrigated wild blackberry stands, pruned them for access, and harvested the berries. Irrigation was crucial for berry size and quality. While this is not common practice locally for a commercial farming operation, it worked well for us, and I continue with this practice farming on my own.

If you have any further questions about this, feel free to contact me.

Sincerely,

Matt Suhr

HappyDirt Veggie Patch 3524 Alley Lane Medford, OR 97501 541-499-4903



Water Resources Department 725 Summer St NE, Suite A Salem, OR 97301 (503) 986-0900

Fax (503) 986-0904

May 8, 2019

Joy Luck Farm, LLC Gin Guei Ebnesajjad 225 West Rapp Road Talent, OR 97540

REFERENCE: Water Right Transfer Application T-12774

The Department has recently attempted to coordinate resolution of a deficiency regarding your water right transfer application. On March 8, 2019, the Department received additional information to provide evidence of use on 0.5 acres in the SE NW, as the Watermaster has questioned the use of water within the last 5 years. On March 11, 2019, the additional information that was submitted was sent to the Watermaster for review. On April 30, 2019, the Department determined that the additional information that was submitted, was not sufficient enough to suggest the lands in question have been irrigated.

On April 30, 2019, the Department issued a response to you through electronic mail, and no response has been received. You can either request for additional time to provide more evidence by inquiring with Shavon, or you can remove the 0.5 acres from the application, and use another 0.5 acres from elsewhere that will satisfy the requirements.

If the Department does not receive a response by May 24, 2019, a Preliminary Determination may be issued denying the application for not meeting the requirements of OAR 690-380-3000(12).

Please do not hesitate to contact me, at <u>corey.a.courchane@oregon.gov</u> or (503) 986-0825, if I may be of assistance.

Sincerely,

Corey Courchane Transfer Specialist Transfer and Conservation Section

cc: Shavon L. Haynes, Watermaster, District 13 Aluna Michelle, Agent Daniel B. Scalas, CWRE

From: Sent: To: Subject: aluna michelle <alunamichelle@hotmail.com> Friday, March 08, 2019 2:54 PM COURCHANE Corey A * WRD Re: message

aluna michelle has shared a OneDrive file with you. To view it, click the link below.

watering history documents 1.docx

Hi Corey, here are my additional supporting documents detailing my water use on the SENW section of my property. It was too big of a file to attach directly, so I uploaded it to the cloud; let me know if you cannot download it for some reason. Otherwise, please let me know if you have any questions or need further information. Please also let me know what the next steps are.

Thank you, Aluna

From: aluna michelle <alunamichelle@hotmail.com> Sent: Friday, March 8, 2019 11:54 AM To: Corey.A.Courchane@oregon.gov Subject: Re: message

Hi Corey,

I just wanted to let you know that I dropped by Shavon's office to submit some more documents this morning. I also wanted to ask for his help in finding more aerial photos since I searched the ones listed by OWRD already and got a subscription to Terraserver, but the photos that I found were either not from the relevant time periods or were too blurry to be of use. Unfortunately Shavon was out of the office but his assistant suggested asking the Assessor's office for maps. They were very obliging, but their images are not for relevant dates either. If you have any other suggestions as far as where to get aerial photos (other than Google Earth, <u>Terraserver.com</u>, or the OSU Oregon mapping tool), I'm all ears. In the meantime, I'll go ahead and email you what I've got when I get home to my computer this afternoon. I just wanted to keep you posted. Hope all's well,

Aluna

On Feb 6, 2019, at 8:53 AM, COURCHANE Corey A * WRD < Corey.A.Courchane@oregon.gov> wrote:

Nope same thing I sent this morning. The receipt for the service plan on a pump isn't enough to satisfy evidence of use. The Department interprets this as, "A pump was purchased, a service plan was purchased for the pump, but was the pump installed and used?" The other caveat is that we are focused on one specific area, being 0.5 acres. In this case, some photographic evidence is going to be the primary way of supporting the use of water on the POU in question. I would recommend re-visiting with Shavon.

Corey

From: aluna michelle [mailto:alunamichelle@hotmail.com] Sent: Wednesday, February 06, 2019 8:42 AM To: COURCHANE Corey A * WRD Subject: Re: message

Thanks - looks like the same thing you sent earlier this morning? Or was there any other info you had sent previously? I don't want to miss anything this time.

Again, I'm sorry not to have sent that email yesterday, I could've sworn I had sent it! Aluna

From: COURCHANE Corey A * WRD <<u>Corey.A.Courchane@oregon.gov</u>> Sent: Wednesday, February 6, 2019 8:21 AM To: aluna michelle Subject: RE: message

Please see attached.

Corey

From: aluna michelle [mailto:alunamichelle@hotmail.com] Sent: Wednesday, February 06, 2019 8:18 AM To: COURCHANE Corey A * WRD Subject: message

Hi Corey, I saw you called yesterday but I'm having difficulty retrieving the message; I can only view a transcript of the message so I'm not sure what all you said. I think I saw something about sending me an email, but I checked my inbox and didn't find anything. If you sent me an email, can you please re-send? I know your emails have gotten lost in my spam box in the past. Sorry, technical difficulties! Thanks,

Aluna

×

Virus-free. www.avast.com

WATER USAGE HISTORY on the SENW section of 225 West Rapp Road, Talent, OR 97540

By Aluna Michelle, Property Manager

January 2015: My mother signed for the purchase of 225 West Rapp Road, Talent, OR 97540
from Lenny and Sally Parrish. They handed over the property in March 2015. When I spoke to
Mr. and Mrs. Parrish about their water usage, they said they had watered the entire property
from their one point of diversion (POD) upstream in Wagner Creek by constructing a dam each
year to divert their water into a long ditch to the property. See below.

ppl	ication for	Wat	ter R	ight				Ro	Sum Sum	Vater Resources Department ner Street NE, Suite A
Tra	nsfer							R	103) 986	
vide	ence of Use	e Aff	idav	it				Sour	DUR WW.WIL	51219.01.01
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Count	and the second									
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maili	ng address _2	25 WES	TRAPP	ROAD.	TALEN	T. OREGO	N 97540	-		
elept	hone number (54)601-	6330, 1	being	first duly	y swort	n depose and	say:	
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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 <u>not</u> leased instream.); OR

The water right is not subject to forfeiture and documentation that a presumption of forfeiture for non-use would be rebutted under ORS 540.610(2) is attached.

Water has been used at the actual current point of diversion or appropriation for more than 10 years for Certificate # _____(For Historic POD/POA Transfers)

Revised 2/5/2010

Evidence of Use Affidavit - Page 1 of 2

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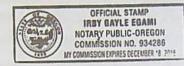
(continues on reverse side)

- 3. The water right was used for: (e.g., crops, pasture, etc.): HAY. CROPS. PASTURE. LIVESTOCK. DOMESTIC
- I understand that if I do not attach one or more of the documents shown in the table below to support the above statements, my application will be considered incomplete.

Signature of Affirm

6/29/17

Signed and sworn to (or affirmed) before me this 6 day of 29, 2017.



Ny Commission Expires: Dec. 18, 2018

Examples Supporting Documents Copy of confirming water right certificate that shows issue date Copy of a water right certificate that has been issued within the last five years. (not a remaining right certificate) Copies of receipts from sales of irrigated crops . Power usage records for pumps associated with irrigation or for expenditures related to use of water use 0 Fertilizer or seed bills related to irrigated crops 0 Farmers Co-op sales receipt Records such as FSA crop reports, irrigation 0 District assessment records for water delivered district records, NRCS farm management plan, or • Crop reports submitted under a federal loan agreement records of other water suppliers • Beneficial use reports from district • **IRS Farm Usage Deduction Report** • Agricultural Stabilization Plan 0 **CREP** Report Multiple photos can be submitted to resolve different areas of a Aerial photos containing sufficient detail to establish location and date of photograph 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 -www.oregonexplorer.info/imagery OWRD - www.wrd.state.or.us Google Earth - earth.google.com TerraServer - www.terraserver.com Approved Lease establishing beneficial use Copy of instream lease or lease number

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within the last 5 years

Evidence of Use Affidavit - Page 2 of 2

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4/25/15: Gas water pump purchased from Harbor Freight. Actually my mother was in town • then, and she's the one who purchased the pump for me to use at the property. In any case, it was purchased through my account at Harbor Freight. It's been so long that I've lost the receipt, but the local Harbor Freight staff was able to give me a printout from their records of the pump service protection plan that was purchased with the pump.

		Customer 51	ion (ESP)				
Phon	e Number	Customer St					
Phon	e Number	Customer St					
Phon	e Number	Customer St					
			ore And Receipt	RA Nu	mber		
							_
	Cu	stomer Phone (required):				
Contra	ct Status						
~ N	ot Started, A	ctive	Product Sku:	-		fearch.	
F	ulfilled, Explo	red, Canceled					
Search	Results						
	Customer Name	City, State Zip	Phone Number	SKU	Product Description	Sold Date	Status
	MICHELLE. ALUNA	TALENT, OR 97540	(302) 588-9329	69667	COMPRESSOR OIL-LUBE 2HP BGAL	04/20/2015	Fulfilled
	MICHELLE,	TALENT, OR 97540	(302) 588-9329	69774	2 GAS ENGINE CLR WATR PUMP EPA	04/25/2015	Lupired
	MICHELLE,	TALENT. OR 97540	(302) 588-9329	61884	6AMP RECIP SAW VRS ROTAT HNDL	05/24/2015	Espired
1	MICHELLE,	TALENT, OR 97540	(302) 588-9329	91223	* * 4-1/2* Angle Grinder	05/24/2015	Expired
	MICHELLE.	TALENT. OR 97540	(302) 588-9329	60704	Power Inverter 1000W	05/25/2015	Canceled
1		01101010		68751	45 Watt Solar Panel Kit	05/25/2015	Canceled
	ALUNA MICHELLE	TALENT,	(302) 588-9329				
	ALUNA MICHELLE, ALUNA MICHELLE,	OR 97540 TALENT,	(302) 588-9329	69662	INVERTER-2000W/4000W LED	05/25/2015	Canceled
	ALUNA MICHELLE. ALUNA MICHELLE. MICHELLE.	OR 97540 TALENT, OR 97540 TALENT,	(302) 588-9329		DISPL		Canceled
	ALUNA MICHELLE, ALUNA MICHELLE, ALUNA	OR 97540 TALENT, OR 97540	(302) 588-9329 (302) 588-9329	69712	DISPL INVERTER POWER3000-WATTS		Canceled
	ALUNA MICHELLE ALUNA MICHELLE ALUNA MICHELLE ALUNA	OR 97540 TALENT, OR 97540 TALENT, OR 97540 TALENT, OR 97540	(302) 588-9329 (302) 588-9329 (302) 588-9329	69712 60495	DISPL INVERTER POWER3000-WATTS 1/2in Hammer Drill 6.5 AMP VSR	05/25/2015 05/26/2017	Canceled Fulfilled
	ALUNA MICHELLE ALUNA MICHELLE ALUNA MICHELLE ALUNA MICHELLE	OR 97540 TALENT, OR 97540 TALENT, OR 97540 TALENT,	(302) 588-9329 (302) 588-9329	69712 60495 69667	DISPL INVERTER POWER3000-WATTS 1/2in Hammer Drill 6.5 AMP VSR	05/25/2015 05/26/2017 05/26/2017	Canceled Fulfilled

(302) 588-9329 60495 1/2in Hammer Drill 6.5 AMP VSR 05/27/2018 Active

(302) 588-9329 62279 MULTI-TOOL SINGLE SPEED 1.6A 06/24/2018 Active

MICHELLE

MICHELLE

ALUNA

ALUNA

TALENT, OR 97540

TALENT, OR 97540

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- May or June 2015 I believe:
 - I noticed that the soil in the SENW section was the nicest on the property, so I thought I might start some garden beds over there. I figured I'd better set up the water first, so I tried watering the SENW section using aluminum handline from the pond outlet (there's a valve at the base of the pond), hoses laid across creek and sprinklers left on the property from previous owners. Gravity alone provided pretty poor pressure down there; I could only realistically run with one sprinkler at a time so it took forever getting things watered. I gave up partway through since it took so long to get the water applied and I had so many other things to do. I figured I'd better try using the pump to aid in the process.
- 7/16/15: I purchased a foot valve and other pump parts. Found a bunch of other parts lying around the farm, and was given fish screen material by Oregon Department of Fish and Wildlife staff so that I could make an appropriate suction hose for my pump. I worked on hooking up the

pump at the pond, to the handline down towards the creek, to hoses strung across the creek, and was able to sprinkle the areas I hadn't reached before, but only lightly - enough to know I could reach them. I was glad to get at least a little water over there, since I was concerned about fire danger. And I was able to water the blackberry which I thought would be good for the farm stand I planned to have over on that side of the property eventually; I thought it'd be convenient to pick and sell it right there (I've sold blackberry pints before and it's always sold surprisingly well). Plus, the blackberry lends privacy where there's a gap in my wooden fence, so I wanted it to grow. Unfortunately, around that time I had to shift my focus as I lost my friend who was going to put a new roof on my house after I had torn off the old one. So I had to put my farming plans on the backburner as I scrambled to get a roof on my house before the rainy season.

 Here's a picture of some raised beds I set up over there, but ended up abandoning. Some I got rid of, but these two are still over there (on left side of photo).

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9/11/15: Purchased 2x300' rolls of 3" lay-flat hose & fittings from Rain-flo •



Rain-Flo Irrigation LLC 929 Reading Rd. East Earl, PA 17519 Phone: (717) 445-3000 Fax: (717) 445-8304

INVOICE

Invoice Number	Dute	Page
52420	September 11, 2015	1 of I

Bill To: Aluna Michelle 225 West Rapp Rd Talent, OR 97540

Phone: (302) 588-9329

Ship To: Aluna Michelle

Phone: (302) 588-9329

225 West Rapp Rd Talent, OR 97540

Customer ID	Sales	Persoa	P.O. Number	Ship Date	Ship Via	Terms	
R19819	CU	RVIN		9/11/2015	New Penn	Cash/Check/Credi	Card
Ordered	Shipped			Description		Unit Price	Extended
2.00	2.00	GLF300	Roll 3* Medium	Pressure Green Layfi	at [Rivulin]	235.00	470.0
1.00	1.00	200-302	3 X 2 HEX BUS	HING GALV		7.37	7.3
1.00	1.00	AL-A3	Pes 3* Female !	NPTx Male Camlock I	Part A	7.00	7.0
2.00	2.00	AL-C3	Pes 3* Female 0	Camlock x Hose Part C	C Quick coupler	12.00	24.0
2.00	2.00	AL-E3	Pc 3* Male Can	nlock x Hose Part E	Quick Coupler	8.00	16.0
1.00	1,00	6852	Box 3* All Stai	nless Steel Clamps		10.25	10.1
		TRACKING # NP Current Pa Data 9/11/2015	ME 83590583-7 tyments Applied to <u>Reference</u> Visa: ** 5496	Invuice	<u>Ami Auth. Code</u> 5689.62 03544C		
A STATE OF STREET					Payment: \$689.62 Payment: 9/11/2015	Subtotal	534.0
					Card Info: Visa: ** 5496		
					action ID: 115658 uth. Code: 03544C	Sales Tax	

Created by Eagle Bassests Management Syste

Thank You!

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 April 2016: I planted some English laurel starts over across the creek with the intention of eventually having enough to sell, so I watered it but not well enough and they died. I never ended up pulling two of the plants, so they're still over there. You can tell they died from lack of water because they still have dead leaves on them.





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 9/27/16-10/4/16: I borrowed the flail mower and pasture harrow from the Jackson Soil and Water Conservation District (JSWCD) to plant a non-irrigated pasture mix I had bought from the Grange. I had this vision of raising chickens on pasture over there on the SENW, since it's the area with the most enclosed fencing on the property. It's also less open (has tree cover), which I thought would help protect the chickens from hawks. So I planted a pasture mix for them which wouldn't require too much water, in case I had a hard time with the watering like I had previously. I ended up mowing, overseeding the pasture mix then harrowing, and I gave the area one round of watering to give it a start before the rainy season since it had been pretty dry. Since I had my temporary POD approved at this point, I pumped from the creek directly to the SENW section across the creek. I was trying to go no-till, but the mix didn't take very well so I think perhaps I didn't seed or water enough, or my timing was off, or simply the flail mower/pasture harrow technique wasn't good enough where I tried it.

3402019	Mat stars worksis Outson	3402010	Mari atura michela - Cultura	
RE: equipment rentals		From: aluna michelle [malho:alunamichelle@hotmail.com] Sent: Wodnesday, February 27, 2019 11:17 AM		
Trevor Morris < tre Thu 2/25/2019 8:25 AM	vor.morris@jswcd.org>	To: Trevor Morris et Subject: equipment	revocmorns@jdwcd.org> rentals	
	enchele@lutnai.com>	Hi Trevor, I left you a voicemail but thought I'd go ahead and email you too, in case that'		
Aluna	and a second s			
		easier. I was wond	dering if you're still in charge of equipment rentals. I'm wonde	
I apologize in advance	for the slow response, with the snow we had, my daughter's school	if there's a way I ca	an access my equipment cental history. I don't think I knot all	
was cancelled to I was out a couple days.		rental agreements unfortunately, otherwise I'd have that info myself. But if you lo		
The second second second		records there, wou	ald there be a way of accessing my rental history by chance? I	
The dates below is wh	at I can find on file,	just looking for the	dates I rented, and what piece of equipment it was. Would y	
5/20/16 - 6/3/16 Flail	Mount	let me know what	you think?	
	9/27/16 10/4/16 Hall Mower and Pasture Harrow 11/8/18 - 11/13/18 Fail Mower		Thanks in advance,	
11/8/18 - 11/13/18			Aluna	
11/8/18 - 11/20/18 5	il Maisture Step Probe			
For some reason I am.				
my hire date so I will o	not showing any rentals in 2017, a lot of these records are long before mult with Girst when he arrives and see if I can't find some other			
dates that you may have	rentild the equipment.			
If there is anything elos	please give me a call or email me back here!			
Thank you!!!				
LIVEN KORIT				
Trever Morris				
Administrative Assi				
	ter Conservation District			
80 Alder St., Central	Point, OR 97502			
Office 541-423-6167				
Email trever.morris	Riswed.org			
www.juwcd.org				
Land and				
"Turning Natural Reason	te Concerns Into Opportunities"			
Mps. Rockick Ive contradigh(DAA)/Auk)	VIACADLIN-SHOCKEDURISES-MARICAAARTAAANU/AP-DADTAINASA-ME-ADUPUTTUDIICE	Non-Ten days in a sub-		
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MAR 0 8 2019 OWRD

	Met were raitedy (falles)	petro Nel averticit that
		Proc 8/2: 31.99
Invoice C13839		Extended Price 31.99
GRANGE CO-OP CEN	TRAL POINT « invoice@grangecoop.com>	Subtoral 13194
West 3/6/2018 11:02 AM		Ter 0.00
To AUMANICHELE DI-CT	HALLOW VALINAWCHELLI EHOTMAL.COM-	Total 131.94
Attached please find a	copy of invoice C13639	
		Payment Information:
Dear ALUNA MCHELL	L	BankCard 10134
Thursda series for some a serie	ent purchase from GRANGE CO-OP CENTIAL POINT	Store Information
the a past for Jora Let	and have seen as successing the second second second	CRANCE CO-OP
Below is a superiary of	your purchase on invoice C13819	CENTRAL FORT STORE
and the second s		215 S. FICHT, P.D. BOX 3637
Invoice: C13039		CENTRAL POINT OREGON \$7502
		(541) 664-6601
Date 03/30/2016		
and a series of the series of		CAUNCE CO-OP CENTRAL POINT appreciates your business?
Costomer # 217666		
Sold to		Sent from small address: environ@grangesop.com true can view this knotce antine at
ALUNA MICHELLE		https://www.enum.enum.enum/instain/made.html.mesus.shti?
3534 ALLEV LN		Evening the more C1227 Balance
MEDI-ORD, OR \$7501	407	
SED SNIPH		
Description 5# Non-1	and Barran Mar	
Quantity(BC) 4	ing record to a	
Price(BG) 16.99		
Extended Price: 0	7.96	
5802 403965		
Description S0b Gra/ Quantity(BO), 1	UNIT FLATIC ACID	
Price(BG) 3159		
Extended Price	1.99	
5037 403965		
Description S0b Grav	ular Humir And	
Quantity(BC): 1		
	and the state of t	11 Bandala to personal Relation Party Renation and Statistics Publication of
and the property of the second s	and the second s	

 10/16/16: I purchased the chicks I had been wanting to raise from Meyer Hatchery. I had them by the SENW section that I had been preparing for them (there was power over there and an insulated area to keep them warm). But they proved way too much for me at the time, and I ended up selling them.

626 Sta	te Route 89 - Pi	tchery	Order Data Customer # Delivery Sales Rep PO #	# 5849 10/16/2016 335985 5hip Prior	<u>O</u> Y
(888) 568-9755 Billing JOY LUCK FARM LLC ALUNA MICHELLI 225 W RAPP RD TALENT OR 97540-9687		Ph 1: 3025		,	
Arrival-Tuesd	tau May 01 2016	a second s	0.040		
	ay nov 01, 2010	s through Thursday Nov 03	Price	Quantity	Extension
Description FPBM FRY PAN Note: Free Extra	IBARGAIN	s through Thursday Nov 0.	Price \$0.00	60	\$0.00
Description FPBM FRY PAN Note: Free Extra FPBM FRY PAN	IBARGAIN	s through Thursday Nov 0.	Price	an internet and the second sec	
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Description FPBM FRY PAN Note: Free Estra FPBM FRY PAN Note: Payment Date	I BARGAIN I BARGAIN Method	Amount	Price \$0.00	60	\$0.00 \$465.00 \$465.00 \$465.00 \$300
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Description FPBM FRY PAN Note: Free Seta FPBM FRY PAN Note: Payment Date 10/16/2016	HEARGAIN HEARGAIN Method Visa	Amount	Price \$0.00	60 1500 Sub-total Discount Shipping Tax Total	\$0.00 \$465.00 \$465.00 \$465.00 \$0.00 \$0.00 \$0.75.06 \$0.00 \$1.140.05
Description FPBM FRY PAN Note: Free Seta FPBM FRY PAN Note: Payment Date 10/16/2016	HEARGAIN HEARGAIN Method Visa	Amount	Price \$0.00 \$0.31	60 1500 Sub-total Discount Shipping Tax	\$0.00 \$465.00 \$465.00 \$405.00 \$0.00 \$075.05 \$0.00

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- October 2017:
 - I still wanted to have chickens over on the SENW someday, so I thought I'd try again with a forage planting, but this time using a better planting technique. I purchased irrigated grass mix, perennial rye, red clover and forage plantain from the Grange Coop. Then I borrowed the flail mower from JSWCD (10/12/17-10/17/17) and the no-till seed drill to plant the seeds (10/19/17-10/25/17).
 - It had rained a tiny bit before I planted, but it had been so dry in general that I watered the ground a bit to try and ensure a better planting than the year before. It still didn't take very well – maybe my technique or planting depth was off since it was my first time using that equipment. I then found out that chickens can eat Miners lettuce, which grows prolifically over there in the winter – so I didn't worry as much anymore about planting forage.

Equipment Rentals	
Trevor Morris <trevor.mo< td=""><td>rris@jswcd.org></td></trevor.mo<>	rris@jswcd.org>
Mon 3/4/2019 11:42 AM To: aluna michelle <alunamichelle< td=""><td>Alexand and</td></alunamichelle<>	Alexand and
Aluna,	@notmail.com>
	't find the actual hard copy of the agreement, but he was able to find this in his emails. This wi at you may have used and when hopefully!
[Hi Clint,	
I'm still interested in renting so rent as follows:	ome of your equipment. I'm most interested in the no-till seed drill, but ideally I would be able
-10/12: flail mower -10/19: no-till drill and ring rol -10/26: ring roller	ler (unless it's advisable to ring roll 1 week after drilling in seed), in which case also
Thanks,	
Aluna	
1	
the changes to the rental polic	as many people as I can that have previously rented or would like the rent in the future about y this year. When you get a chance please review our <u>Equipment rental</u> page on our <u>website</u> for langes. If you have any questions please let me know!
Thanks!	

https://withow.live.com/mail/d/AOM+ADAwATYRMDARIWI+MontHODI/ADSh-MARMADAKAFYAAAM/https://withes/downworttenSorg

Trevor Morris Administrative Assistant

MAR 0 8 2019

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Mai - stura michelle - Outrok

RE: Fall Jackson SWCD Equipment Rental

Clint Nichols <clint.nichols@jswcd.org>

Fri 9/8/2017 4.45 PM To: aluna michelle <alunamichelle@hotmail.com>

1 attachments (2 MB) Equipment Rental Agree_17-09-07.pdf.

That's amazing. You picked the only window in October that the no till drill is available. It's like you're psychic. --)

So, I have you down for picking up the flail mower on 10/12 and returning is on 10/17. I recommend using the ring roller right after seeding if the soil permits (compaction, wetness, etc.) so I have you down for the no till drill and the ring roller on 10/19 and dropping it off on 10/24. Let me know if that works. Attached is the rental agreement as before, but review the directions on page 2 as some things have changed.

Hope the Irrigation project is coming along well. I get updates from Paul and he seems to think things are progressing well. Let me know if I can help with anything.

Clint

300010

-----Original Message-----From: aluna michelle [mailto:alunamichelle@hotmail.com] Sent: Friday, September 08, 2017 2:36 PM To: Clint Nichols Subject: Re: Fall Jackson SWCD Equipment Rental

Hi Clint,

I'm still interested in renting some of your equipment. I'm most interested in the notill seed drill, but ideally I would be able to rent as follows: -10/12: fail mover

-10/19, no-till drill and ring roller (unless it's advisable to ring roll 1 week after drilling in seed), in which case also...

Annahub/Dir Janet Azerba

-10/26 ring roller

Thanks,

Aluna

Sent from my iPhone

> On Aug 25, 2017, at 8:55 AM, Clint Nichols «clint.nichols@jswcd.org> wrote:

Mal stand estimate - Dulleon

> AlL

You are receiving this email because you showed interest in renting at least one piece of equipment Jackson SWCD has available this fall, such as our no-till seed drill or flail mower. Due to overwhelming demand I would like to start scheduling rental appointments as soon as possible. I know it's still pretty hot out so it's hard to think about ideal planting weather, but I need to start getting geople scheduled so it's not a mad dash at the last minute to get things going.

> If you are NOT interested or will be unable to use the equipment this fall, please let me know and I will take your name off the list. If you'd like to instead be put on the waiting list for next spring or fall please let me know.

If you ARE interested, we're doing things a little different than previous years. This year I will be asking that landowners pick up the equipment on Thursday, and return the equipment on the following Tuesday, unless other arrangements have been made. This is to better facilitate with Oregon Dept of Fish & Wildlife staff that assist landowners with loading and unloading equipment. Please let me know what piece of equipment for. I will be scheduling landowners in the order in which they initially contacted me regarding renting the equipment. If your requested window fils up before you submit your request, I will contact you and try and find another window that will work for your schedule. Therefore, please let me know your rental intentions before the end of business day September 8th, two weeks from now. If I don't hear from you within that time frame, I will assume you do NOT intend to rent the equipment to fail.

> Below are the rental windows I have:

- > 1. 9/14 through 9/19
- > 2. 9/21 through 9/26
- >
- > 3. 9/28 through 10/3

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3/5/2019

Re: Fall Jackson SWCD Equipment Rental

aluna michelle

Sat 10/21/2017 6:49 AM To: Clint Nichols <clint.nichols@jswcd.org>

Hi Clint, Ron is busy on Tuesday and is not able to return the no till drill that day. Could he possibly return it on Wednesday instead? Aluna

Mat - siuna michelle - Outlook

Sent from my iPhone

On Oct 18, 2017, at 9:22 AM, Clint Nichols <<u>clint.nichols@jswcd.org</u>> wrote:

Flail mower looked good. We'll hold your deposit checks for the no-till and ring roller rental.

Clint

Sent from my Verizon 4G LTE Smartphone On Oct 17, 2017 4:00 PM, aluna michelle <alunamichelle@hotmail.com> wrote: Thanks I appreciate it Clint.

FYI I just dropped off the flail mower back to ODFW. Am I all set with that now?

Sent from my iPhone

On Oct 17, 2017, at 3:55 PM, Clint Nichols <<u>clint.nichols@jswcd.org</u>> wrote:

I'll contact the other renter and get back to you. If you don't hear from me that probably means I didn't hear from him.

https://budlock.live.com/mail/s/AQMAADAwATY0MDAELWixMmUI0DU4OS0wMAIIMDAKAEYAAAMzhyNJPo5dQYJsilkK54zetBwADhpWzTT6q5pzG 1/11

Clint

From: aluna michelle [mailto:alunamichelle@hotmail.com] Sent: Tuesday, October 17, 2017 6:31 AM

RECEIVED

MAR 08 2019

Invoice D89853

GRANGE CO-OP AG SERVICES «involce@grangecoop.com» Web M/2019 1105 AM Ter AU/AAMICHELEBHOTMAL.CDM « AU/INAMICHELEBHOTMAL.CDM »

Attached please find a copy of invoice D89853 Dear ALUNA MICHELLE

Thank you for your recent purchase from GRANGE CO-OP AG SERVICES.

Below is a summary of your purchase on invoice DB9853. Invoice: DB9853

Date: 10/17/2017

Customer #: 217666

Sold To ALUNA MICHELLE 3524 ALLEY IN MEDFORD, OR 975018802

SKU: 1597860 Description: 50# GRANGE 7 IRRIGATED GRASS Mix Quantity(ID): 11 Prince(IG): 116:50 Extended Price: 116:50

SKU: 1660355 Description: SOP PERENNIAL RVE TETRAPLOID Quantity(EA): 1 Prince(EA): 103.35 Extended Price: 103.35

SKU: 1755125 Description: 50# AG RED CLOVER Quantity(EA): 1

Price(EA): 117.65 Extended Price 117.65

Subtotal 337.50 Tax: 0.00 Total 337.50

Payment Information. BankCard 337.50

Store & Asmatian GRANGE CO-OP AGRICULTURAL SERVICES 32 SOUTH FRONT CENTRAL POINT, OREGON 97502 (541) 664-3993

GRANGE CG-OF AG SERVICES appreciates your business!

Sent from email address: invoice@grangecoop.com You can view this invoice online at https://itex.progrecoop.com/inet/ar/engle.html invoice.ohml invoice.rumberr.0009538/statess.3

14.001

Invoice D89938 GRANGE CO-OP AG SERVICES < invoice@grangecoop.com> wod 542219 (183 AM Te Automotionalite/instanceok +Automatice/instanceok Attached please find a copy of invoice D89938

Mail I at you to the lar - Ch

Dear ALUNA MICHELLE,

Thank you for your recent purchase from GRANGE CO-OP AG SERVICES.

Below is a summary of your purchase on involce DS9938.

Invoice D09938

Date: 10/24/2017

Customer # 217666

Reference ORDR # 389930

Sold To: ALUNA MICHELLE 3524 ALLEY LN MEDFORD, OR 975018802

S02: 1756975 Description: FORAGE PLANTAIN 10# Quantity(EA) 1 Price(EA) 60:00 Extended Price: 60:00

Subtotal 60.00 Tax 0.00 Totat 60.00

Payment Information BankCard 60.00 9 ter exercite Store Information GRANGE CO-OP AGRICULTURAL SERVICES 32 SOUTH FRONT CUNTRAL POINT, OILSGON 97502 (541) 664-3993

14.2118

GRANGE CO-OP AG SERVICES appreciates your business!

Sent from email address: invoice@grangecoop.com You can view this invoice enrine at https://doi.org.engecool.com/inst/da/eagle.html avoice.enu/ invoice.numbers10/02/364/stres_1

> RECEIVED MAR 08 2019 OWRD

3/8/2019

Mal - sluna michelle - Outlook

Re: Fall Jackson SWCD Equipment Rental

aluna michelle

Sat 10/21/2017 6:49 AM To: Clint Nichols <clint.nichols@jswcd.org>

res can recipio - can an enose jor co.org

Hi Clint, Ron is busy on Tuesday and is not able to return the no till drill that day. Could he possibly return it on Wednesday instead? Aluna

Sent from my iPhone

On Oct 18, 2017, at 9:22 AM, Clint Nichols <<u>clint.nichols@jswcd.org</u>> wrote:

Flail mower looked good. We'll hold your deposit checks for the no-till and ring roller rental.

Clint

Sent from my Verizon 4G LTE Smartphone On Oct 17, 2017 4:00 PM, aluna michelle <alunamichelle@hotmail.com> wrote: Thanks I appreciate it Clint.

FYI I just dropped off the flail mower back to ODFW. Am I all set with that now?

Sent from my iPhone

On Oct 17, 2017, at 3:55 PM, Clint Nichols <<u>clint.nichols@jswcd.org</u>> wrote:

I'll contact the other renter and get back to you. If you don't hear from me that probably means I didn't hear from him.

https://buflook.live.com/mail/id/AQMADAwATYOMDAELWIxMm/ADDU40S0wMAIIMDAKAEYAAAM/zh/uPo5/dQYJulAKS4zetDwADrpWzTTRq5pz0. 1/11

Clint

From: aluna michelle [mailto:alunamichelle@hotmail.com] Sent: Tuesday, October 17, 2017 6:31 AM

RECEIVED

MAR 08 2019

- 2018: I finally realized that it had been such a struggle to cultivate the SENW area over the years; I had poured energy and resources into that part of the property because of its good soil, but ultimately my efforts had come up short. Plus, that area being apart from the rest of my fields and smaller seemed better suited for storage, rather than gardens that I needed to attend to regularly. I finally gave up on the idea of intensively cultivating the whole thing and decided to just make a small perennial patch behind the barn where it got the best light and could benefit from the good soil, but hopefully wouldn't require frequent attention and I decided to move the rest in order to consolidate the main cultivation area on the property to another section where I could have a bigger patch. This is why I decided to apply for the transfer to move my rights in the SENW to the NWSE.
- October/November 2018: I prepped area in the SENW in back of the barn for fruit trees by clearing blackberry and smoothing the soil. I had bought fruit trees back in 2015 when my mother first bought the property, but when I went to plant them their planting holes filled with water so I heeled them in "temporarily" until I could transplant them to a more appropriate spot. Finally this year, I have the trees planted in spots I feel good about (after a 4-year "heeling in" period!) – including the patch behind the barn.

1120 5	LIN ONE RENT SOUTH PACIFIC HIGH NT, OR 97540		541-525-6111 P 541-525-5424 P		Ir	Date Out: Tue Operator: OLI	d 11/21/2018 11/20/2018	2:40PM
1	ALUNA MICHELLE			Customer # 34111		Operator: OL	WATLEIG	1CK
	225 W RAPP RD TALENT, OR 97540			Job Descr: .				
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	ALUNA MICHELLE	102	588-9329 Phone				
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 December 2018: I adopted a few chickens and set up a rotational grazing system over in the SENW, which has proven to be a good spot for them. I've pumped water from the creek for them, since it's better than our well water. And they've grazed all over the SENW area, enjoying the Miner's lettuce and bugs especially. Here are some photos of the chickens, the pump setup at the creek, a couple of fuel receipts I found and a sales slip from my first egg sale:





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88/18/2818 849464571 11:48:12 AM

ELMP# 4 PRICE/GAL \$4.399

FUEL TOTAL \$ 14.18

CREDIT \$ 14.18

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1985 Austine Street Austine 48 \$752\$

ASHLAND HILLS FOOD II L341227590001 2495 ASHLAND ST ASHLAND ST 07520 12/22/2018 94749747 11:43:43 AH

XXXX XXXX XXXX 6252 U154 INUDICE 093522 AUTH 312234

PUIPE 1 NON ETH CR 3.0876 PRICE/GAL \$4.899

FUEL TOTAL \$ 12.65

CREDIT \$ 12.65

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USTOMERS OF	RDER NO.		RECEIV	ID BY:			-

 I wish I had thought to take pictures of me watering the SENW section since that would make things easier on everybody, but I never thought of doing that and I cannot find aerial photos from my watering time periods on the websites referenced on OWRD's affidavit of use form (Google Earth, TerraServer, the OSU oregonexplorer.info website, and the OWRD website), nor through the Jackson County Assessor's office. Although I didn't do the best job due to lack of knowledge, experience, energy, equipment and attention, I did apply water on that section throughout the course of my various attempts to farm the land in some way. Since some of these events are years old by now, I haven't been able to find all the receipts I was looking for, but I hope that the photos and documents I've included are helpful in establishing my water use in the SENW. Please let me know if you have any questions or want further information, and I can try and track it down.

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From:	aluna michelle <alunamichelle@hotmail.com></alunamichelle@hotmail.com>	
Sent:	Wednesday, February 06, 2019 8:38 AM	
To:	COURCHANE Corey A * WRD	
Subject:	Re: Joy Luck Farm, LLC, T-12774	
Attachments:	Scan_20190206 (3).png	

Here's the one "receipt" I've tracked down thus far - it's a printout from Harbor Freight for the water pump service protection plan I purchased when I bought my water pump from them. They don't keep copies of receipts that old, and I haven't been able to find my copy from that long ago - but they did have this service plan listing under my account with them, where it lists the pump I bought back in 2014. Not sure if this is relevant, but it's what I've got thus far. I'll keep on looking for other documents that might be helpful. Aluna

From: COURCHANE Corey A * WRD <<u>Corey.A.Courchane@oregon.gov</u>> Sent: Wednesday, February 6, 2019 7:42 AM To: aluna michelle; Dan Scalas Cc: HAYNES Shavon L * WRD Subject: Joy Luck Farm, LLC, T-12774

Good morning,

Please see attached, and let me know if I may be of further assistance. A hard copy will be sent.

Thank you,

Corey Courchane

COREY A COURCHANE | TRANSFER SPECIALIST TRANSFER AND CONSERVATION SECTION

Water Resources Department | 725 Summer St. NE, Suite A | Salem, Oregon 97301 Ph: 503 986-0825 | Fax: 503 986-0901 Email: corey.a.courchane@oregon.gov | Web: http://www.oregon.gov/OWRD

Supplemental Form D

Water Right Transfers Within the Boundaries of or Served by an Irrigation or Other District

[For transfers submitted under OAR Chapter 690 Division 380]

OREGON



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

The Department requires non-district applicants to communicate with districts during the planning and preparation of transfer applications involving water rights having a point of diversion/appropriation (POD/POA) or place of use (POU) served by or located within the boundaries of a district. In some cases district consent to the transfer will be required.

This form must be included with your transfer application if the transfer involves rights served by or located within the boundaries of a district. Use this form for either permanent or temporary transfers.

1. APPLICANT INFORMATION

NAME JOY LUCK FARM, LLC	. GI	V GUEI	EGNEJAJJAD	PHONE (HM)
PHONE (WK) 302-588 9329	CELI 30		7.9329	FAX
ADDRESS 225 W. RAPP RD, TAI	LENT	-		
TALENT	STATE	ZIP 97540	E-MAIL** ALUNA MICHELL	ECHOTMAIL. COM

2. DISTRICT INFORMATION

DISTRICT NAME TALENT IRRIGATION	DISTRICT	PHONE (HM)
PHONE (WK) 541-535-1529	CELL	FAX 541-535-4108
INDERES	EALLIE POBOX 467	
TALENT	STATE ZIP E-MAIL** UR 97540 fidet	alentid. org

** By providing an e-mail address, the applicant and/or the district consent to receive all correspondence from the Department electronically. Copies of final order documents will also be mailed.

3. WATER RIGHTS ISSUED IN THE NAME OF, or LOCATED WITHIN, or SERVED BY AN IRRIGATION OR **OTHER DISTRICT**

a. List the water right(s) involved in this transfer:

	Application / Decree	Permit / Previous Transfer	Certificate	Is the Water Right in the Name of a District or BOR*?
1.	X-12774	-	48966	YES
2.	7-12774	-	74512	YES
3.		-	and the second second	YES

Attach additional pages for additional water rights if necessary.

*Bureau of Reclamation

Supplemental Form D for Division 380 Transfers Within a District

Page 1 of 2

RECEIVED Last Revised 10-2018 FFB 06 2019

b. Determine a district's association with your points of diversion (POD) or appropriation (POA) and places of use (POU). [If you are uncertain how to respond to the questions, please consult the district.]

CURRENT ASSOCIATIONS Please answer the following "yes" or "no" questions:

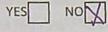
YES NOX

One or more of the current POD(s) / POA(s) involved in the transfer are served by a district or rely on Bureau of Reclamation (BOR) water.

YES NON

All or a portion of the current POU involved in this proposed transfer receives waterD for either primary or supplemental irrigation from the district; *i.e., the POU is currently layered with a district or BOR water supplied water right(s).* FEB 06 2019

PROPOSED ASSOCIATIONS Please answer the following "yes" or "no" questions:



One or more of the proposed POD(s) / POA(s) involved in the transfer are currently served or will be served by a district if the transfer is approved, or rely on BOR water.

YES NOX

All or a portion of the proposed POU involved in this proposed transfer currently receives or will receive either primary or supplemental irrigation from the district; *i.e., the POU will be layered with a district or BOR water supplied water right(s).*

COMMENTS OR ADDITIONAL INFORMATION ABOUT RELATIONSHIPS BETWEEN APPLICANT'S AND DISTRICT'S and/or BOR'S WATER RIGHTS

Area of new P.O.U. south of pond cannot encroach or modify District's canal easement or embankment.

4. APPLICANT'S SIGNATURE

 I certify that I have notified the district about the proposed water right transfer application by [check one]:

email, phone, postal mail, in person, or other (please specify)

(2) I certify that to the best of my knowledge the information contained in this Supplemental Form D is true and accurate.

Aluna Michelle 12-27-18 Name (print) Data Applicant's Signature

5. (WHEN REQUIRED) DISTRICT CONSENT TO THE PROPOSED WATER RIGHT TRANSFER

District consent is required if any box on this form is marked "YES."

The district certifies the following:

(1) The district has reviewed the applicant's proposed water right transfer application and maps; and

(2) The district consents to the proposed water right transfer application.



After proof of completion, the confirming water right certificate is to remain in the name of the U.S. Bureau of Reclamation or the district.



The district will be responsible for submitting the claim of beneficial use.

District Manager Signature

Jim Pendleton

Supplemental Form D for Division 380 Transfers Within a District

Last Revised 10-2018

Page 2 of 2

EXTENDED SERVICE PROTECTION (ESP)

Phone Number	Customer	Store And Receipt	RA Number	
(Customer Pho	ne (required):		•
Contract Status Not Started, Fulfilled, Ex	Active pired, Cancele	Product Sku:		Search

Search Results

	Customer Name	City, State Zip	Phone Number	SKU	Product Description	Sold Date	Status
	MICHELLE, ALUNA	TALENT, OR 97540	(302) 588-9329	69667	COMPRESSOR OIL-LUBE 2HP 8GAL	04/20/2015	Fulfilled
	MICHELLE, ALUNA	TALENT, OR 97540	(302) 588-9329	69774	2 GAS ENGINE CLR WATR PUMP EPA	04/25/2015	Expired
	MICHELLE, ALUNA	TALENT, OR 97540	(302) 588-9329	61884	6AMP RECIP SAW VRS ROTAT HNDL	05/24/2015	Expired
	MICHELLE, ALUNA	TALENT, OR 97540	(302) 588-9329	91223	" " 4-1/2" Angle Grinder	05/24/2015	Expired
1	MICHELLE, ALUNA	TALENT, OR 97540	(302) 588-9329	60704	Power Inverter 1000W	05/25/2015	Canceled
1	MICHELLE, ALUNA	TALENT, OR 97540	(302) 588-9329	68751	45 Watt Solar Panel Kit	05/25/2015	Canceled
1	MICHELLE, ALUNA	TALENT, OR 97540	(302) 588-9329	69662	INVERTER-2000W/4000W LED DISPL	05/25/2015	Canceled
	MICHELLE, ALUNA	TALENT, OR 97540	(302) 588-9329	69712	INVERTER POWER3000-WATTS	05/25/2015	Canceled
1	MICHELLE, ALUNA	TALENT, OR 97540	(302) 588-9329	60495	1/2in Hammer Drill 6.5 AMP VSR	05/26/2017	Fulfilled
	MICHELLE, ALUNA	TALENT, OR 97540	(302) 588-9329	69667	COMPRESSOR OIL-LUBE 2HP BGAL	05/26/2017	Active
1	MICHELLE, ALUNA	TALENT, OR 97540	(302) 588-9329	63022	2 HP Gasoline Auger Powerhead	08/19/2017	Canceleo
1	MICHELLE, ALUNA	TALENT, OR 97540	(302) 588-9329	60495	1/2in Hammer Drill 6.5 AMP VSR	05/27/2018	Active
1	MICHELLE.	TALENT, OR 97540	(302) 588-9329	62279	MULTI-TOOL SINGLE SPEED 1.6A	06/24/2018	Active

RECEIVED

FEB 06 2019

From:	aluna michelle <alunamichelle@hotmail.com></alunamichelle@hotmail.com>					
Sent:	Wednesday, February 06, 2019 8:28 AM					
To:	COURCHANE Corey A * WRD					
Subject:	Re: Joy Luck Farm, LLC, T-12774					

Hi Corey, I'm so sorry I thought I had sent that previous message to you yesterday, but I just checked my Sent box and it wasn't there - it was in my Draft folder - apparently I must've never hit send! I'm so sorry, my mistake. I just read through the attachment you sent this morning. I got that Supplemental Form filled out a while ago, and went to see the watermaster as well - he advised me to look for documents that might evidence use on that one section of land, so I've been looking but it's been so long now that I'm having a hard time finding anything - that's what's been taking me so long. I also spoke to my CWRE this morning, and he suggested talking with my watermaster again. In the meantime, I'll scan and send that Supplemental form next.

Aluna

From: COURCHANE Corey A * WRD <<u>Corey.A.Courchane@oregon.gov</u>> Sent: Wednesday, February 6, 2019 7:42 AM To: aluna michelle; Dan Scalas Cc: HAYNES Shavon L * WRD Subject: Joy Luck Farm, LLC, T-12774

Good morning,

Please see attached, and let me know if I may be of further assistance. A hard copy will be sent.

Thank you,

Corey Courchane

COREY A COURCHANE | TRANSFER SPECIALIST TRANSFER AND CONSERVATION SECTION

Water Resources Department | 725 Summer St. NE, Suite A | Salem, Oregon 97301 Ph: 503 986-0825 | Fax: 503 986-0901 Email: corey.a.courchane@oregon.gov | Web: http://www.oregon.gov/OWRD

From: Sent: To: Subject: aluna michelle <alunamichelle@hotmail.com> Wednesday, February 06, 2019 8:18 AM COURCHANE Corey A * WRD message

Hi Corey, I saw you called yesterday but I'm having difficulty retrieving the message; I can only view a transcript of the message so I'm not sure what all you said. I think I saw something about sending me an email, but I checked my inbox and didn't find anything. If you sent me an email, can you please re-send? I know your emails have gotten lost in my spam box in the past. Sorry, technical difficulties! Thanks,

Aluna



Water Resources Department

725 Summer St NE, Suite A Salem, OR 97301 (503) 986-0900 Fax (503) 986-0904

February 6, 2019

Joy Luck Farm, LLC Gin Guei Ebnesajjad 225 West Rapp Road Talent, OR 97540

REFERENCE: Water Right Transfer Application T-12774

The Department has recently attempted to coordinate resolution of two deficiencies regarding your water right transfer application. On November 29, 2018, the Department sent an electronic request for additional information to support the Evidence of Use on 0.5 acres in the SE NW, as the Watermaster has questioned the use of water within the last 5 years. The Department also requested a Supplemental Form D be submitted, as your water right resides within the Talent Irrigation District.

The Department received a reply on December 19, 2018, informing of the immediate attention to resolve the issues. The Department issued an electronic request for a status update on January 23, 2019, with a follow up voice mail on February 4, 2019. As of February 6, 2019, a response has not been received.

If the Department does not receive the above requested materials by March 8, 2019, a Preliminary Determination may be issued denying the application as incomplete.

Please do not hesitate to contact me, at <u>corey.a.courchane@oregon.gov</u> or (503) 986-0825, if I may be of assistance.

Sincerely,

Corey Courchane Transfer Specialist Transfer and Conservation Section

cc: Shavon L. Haynes, Watermaster, District 13 Aluna Michelle, Agent Daniel B. Scalas, CWRE

From: Sent: To: Subject: COURCHANE Corey A * WRD Wednesday, January 23, 2019 7:33 AM 'aluna michelle' RE: Joy Luck Farm, T-12774

Good morning Aluna,

Just checking in to see what the status regarding the additional Evidence of Use and Supplemental Form D I inquired about in November.

Thank you,

Corey

No response as of and 2/4/19 - called and 2/4/19 - Called and 2/4/19

From: aluna michelle [mailto:alunamichelle@hotmail.com] Sent: Wednesday, December 19, 2018 6:50 AM To: COURCHANE Corey A * WRD Subject: Re: Joy Luck Farm, T-12774

Oh my goodness Corey, I just found this in my spam box as I was looking for something else. I will attend to this immediately. Thanks for letting me know, and in the future if you don't hear back from me right away please feel free to call me to make sure I receive you messages - especially since this has happened before, for some reason my Outlook doesn't seem to like your emails when they aren't a "reply" to one of my messages, no matter how many times I tell it you're not a "spammer".

Aluna 302-588-9329

From: COURCHANE Corey A * WRD <<u>Corey.A.Courchane@oregon.gov</u>> Sent: Thursday, November 29, 2018 9:40 AM To: aluna michelle Subject: Joy Luck Farm, T-12774

Good morning Aluna,

I want to make you aware that the Watermaster has recently indicated the 0.5 acres being transferred from the SE NW for your nursery use in the NW SE, appears to not have been irrigated within the last 5 years. If this is the case, the 0.5 acres would not be available for transfer, and are considered subject to forfeiture. What I would need from you is additional supporting documentation providing evidence of use on the 0.5 acres in question. You may want to contact the Watermaster to clarify.

Also, a the Department has recently determined that the Department requires non-district applicants to communicate with districts during the planning and preparation of transfer applications involving water rights having a point of diversion/appropriation (POD/POA) or place of use (POU) served by or located within the boundaries of a district. In some cases district consent to the transfer will be required. It has been determined that your property resides within the Talent Irrigation District, therefore the attached Supplemental Form D needs to be submitted before I can proceed.

As soon as you can, please submit the Supplemental Form D, and additional supporting documentation providing evidence of use on the 0.5 acres located in the SE NW.

Thank you,

Corey Courchane

COREY A COURCHANE | TRANSFER SPECIALIST TRANSFER AND CONSERVATION SECTION

Water Resources Department | 725 Summer St. NE, Suite A | Salem, Oregon 97301 Ph: 503 986-0825 | Fax: 503 986-0901 Email: corey.a.courchane@oregon.gov | Web: http://www.oregon.gov/OWRD

From: Sent: To: Subject:

1 - -

HAYNES Shavon L * WRD Thursday, November 29, 2018 9:16 AM COURCHANE Corey A * WRD RE: Joy Luck Farm, T-12774

Corey,

Thanks for the info. The from lands are not part of the land that can be irrigated from the open ditch. Historically it was irrigated via a separate ditch. Give me a call when you get a chance.

nuch

Thanks,

Shavon L. Haynes- District 13 Watermaster Oregon Water Resources Department 10 South Oakdale Rm 309A Medford, Oregon 97501 Office: (541) 774-6883 Cell: (541) 218-5125 Shavon.L.Haynes@oregon.gov Water Rights Map Tool/WRIS/Well Log Query/ Does my property have a water right?

From: COURCHANE Corey A * WRD Sent: Thursday, November 29, 2018 8:36 AM To: HAYNES Shavon L * WRD <Shavon.L.Haynes@oregon.gov> Subject: RE: Joy Luck Farm, T-12774

Shavon,

Attached is the evidence of use that was provided. I also looked at Google Earth this morning and the images from 2016 and 2017 do identify some "green" areas on that portion of the property, so I am assuming that irrigation has taken place there. I have projected the nursery rate to be 0.01 cfs for the 0.5 acres, with a duty limitation of 2.045 AF/year during the irrigation season, further limited to 0.005 cfs when irrigation season ends. It hasn't run through peer review yet, so my numbers may change once they are scrutinized[©]. I will contact the applicant to make sure that those lands will be dried up, and are not flood irrigated. Let me know if I should call to discuss further.

Thank you,

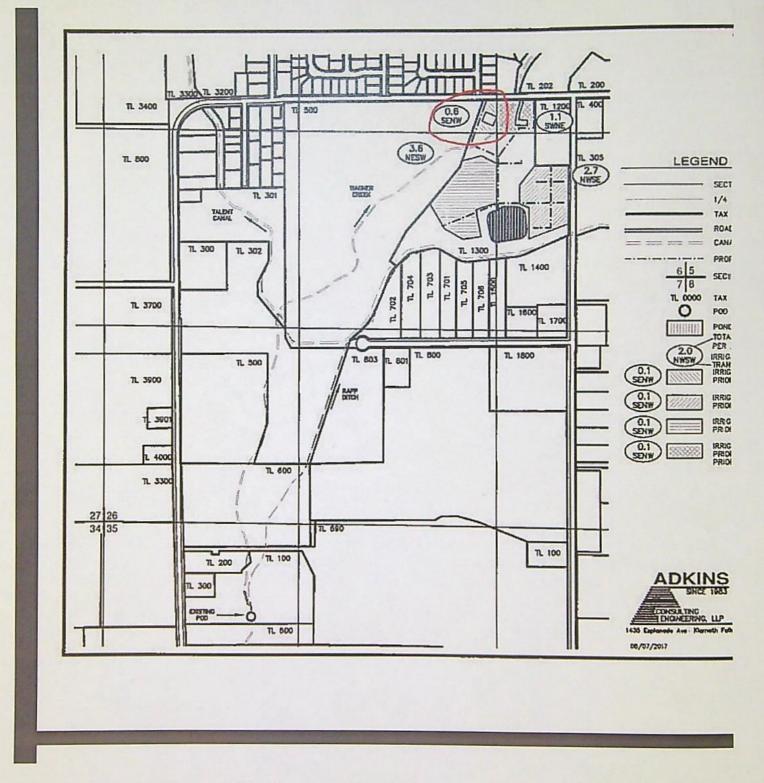
Corey

From: HAYNES Shavon L * WRD Sent: Wednesday, November 28, 2018 12:33 PM To: COURCHANE Corey A * WRD Subject: RE: Joy Luck Farm, T-12774

Corey,

Nothing gets past Mr. Courchane!!!

Based on the new map that was received on 10/12/2018 the 0.5 acres to be dried up is in the SENW (see red circle below):



This portion is not part of the open ditch system thus could not be flood irrigated.

I did not see a affidavit of use for this transfer. Did the applicant submit info for use for the portion indicated in red above? What is the nursery rate going to be?



Shavon L. Haynes- District 13 Watermaster Oregon Water Resources Department 10 South Oakdale Rm 309A Medford, Oregon 97501 Office: (541) 774-6883 Cell: (541) 218-5125 Shavon.L.Haynes@oregon.gov Water Rights Map Tool/WRIS/Well Log Query/ Does my property have a water right?

From: COURCHANE Corey A * WRD Sent: Tuesday, November 27, 2018 1:15 PM To: HAYNES Shavon L * WRD <<u>Shavon.L.Haynes@oregon.gov</u>> Subject: Joy Luck Farm, T-12774

Good afternoon Shavon,

I've been working this transfer for the better part of 2018⁽²⁾ and I was preparing the DPD to include your metering condition from the WM review. However, I saw under #9, you state the original POD is open ditch that may run water and lands could still have ability to receive water. The applicant does state in the application, "Open ditch diversion from Wagner Creek, water is then flood irrigated on property." I just want to clarify that the old POU would continue to receive water, and could not be dried up, is this correct? Let me know what you think (I would sure love to get this transfer off of my desk⁽²⁾).

Thank you,

Corey

COREY A COURCHANE | TRANSFER SPECIALIST TRANSFER AND CONSERVATION SECTION

Water Resources Department | 725 Summer St. NE, Suite A | Salem, Oregon 97301 Ph: 503 986-0825 | Fax: 503 986-0901 Email: corey.a.courchane@oregon.gov | Web: http://www.oregon.gov/OWRD

From: Sent: To: Subject: Attachments: aluna michelle <alunamichelle@hotmail.com> Tuesday, November 06, 2018 1:22 PM COURCHANE Corey A * WRD Fw: draft table and map SKM_C754e18110607090.pdf

Hi Corey, please find attached Dan's signed map.

Is there anything else I need to do at this time?

Thanks, Aluna

From: Dan Scalas <<u>DScalas@adkinsengineering.com</u>> Sent: Tuesday, November 6, 2018 7:06 AM To: aluna michelle Subject: RE: draft table and map

> From: aluna michelle [mailto:alunamichelle@hotmail.com] Sent: Monday, November 5, 2018 1:12 PM To: Dan Scalas Subject: Fw: draft table and map

Hi Dan, I just got word that the draft tables and map from this last round of revisions look good. Could you send me the finalized map so that I can officially submit it?

Thanks,

Aluna

From: COURCHANE Corey A * WRD <<u>Corey.A.Courchane@oregon.gov</u>> Sent: Monday, November 5, 2018 12:35 PM To: aluna michelle Subject: RE: draft table and map

Aluna,

I replied back to your email on October 30, saying the revisions looked good.

Thank you,

Corey

From: aluna michelle [mailto:alunamichelle@hotmail.com] Sent: Monday, November 05, 2018 12:07 PM To: COURCHANE Corey A * WRD Subject: Re: draft table and map

Hi Corey,

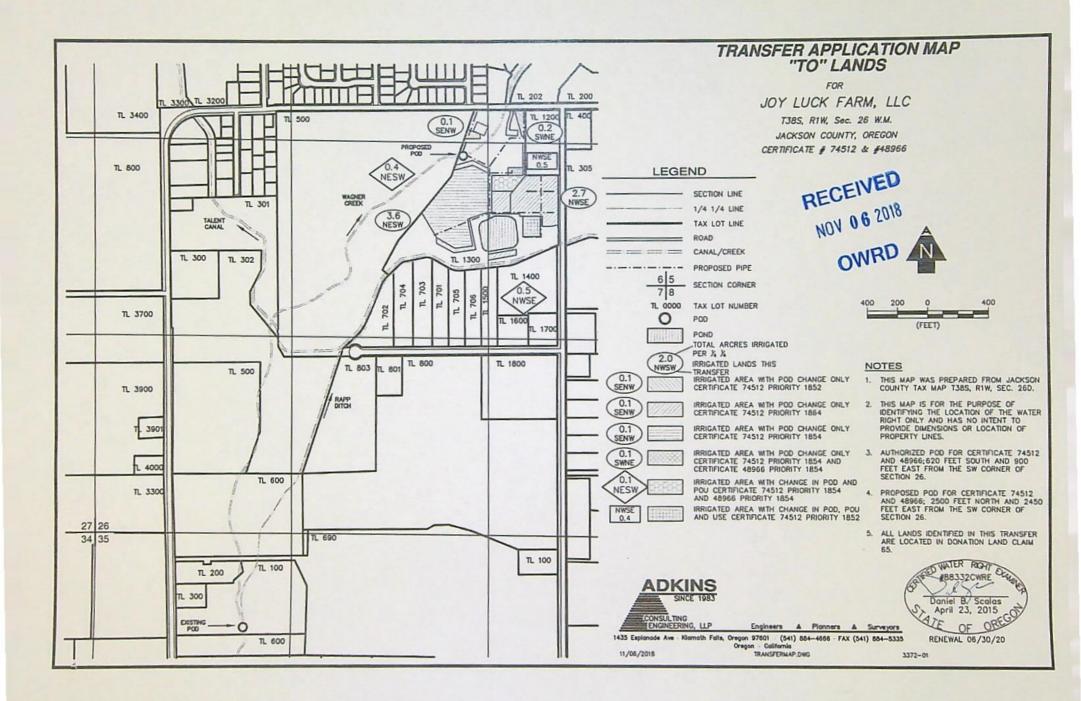
I left you a voicemail last week but thought I'd email as well to check on the status of my application. Have you been able to take a look at my draft map and tables? If so, any feedback?

Thanks, Aluna Michelle

From: aluna michelle <<u>alunamichelle@hotmail.com</u>> Sent: Friday, October 26, 2018 7:27 AM To: COURCHANE Corey A * WRD Subject: draft table and map

Hi Corey, can you take a look at these drafts and let me know if they look alright to you?

Thanks, Aluna



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

CERTIFICATE # 48966

RECEIVED

Description of Water Delivery System

System capacity: .13 cubic feet per second (cfs) OR

____ gallons per minute (gpm)

Describe the current water delivery system or the system that was in place at some time within the last five years. Include information on the pumps, canals, pipelines and sprinklers used to divert, convey and apply the water at the authorized place of use. <u>Open ditch diversion from Wagner Creek, water is then flood irrigated on property.</u>

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

POD/POA Name or Number	Is this POD/POA Authorized on the Certificate or is it Proposed?	If POA, OWRD Well Log ID# (or Well ID Tag # L)	Тwp	Rng	Sec	34 34	Tax Lot, DLC or Gov't Lot	Measured Distances (fróm a recognized survey corner)
POD-1	Authorized Proposed		38 S	1 W	35	NW NW	100	620 feet south and 900 feet east from the SW corner of Section 26
POD-2	Authorized		38 S	1 W	26	SW NE	1300	2500 feet north and 2450 feet east from the SW corner of Section 26
	Authorized Proposed							
	Authorized Proposed							

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

- Place of Use (POU)
 Suppleme

 Character of Use (USE)
 Point of A
 - Point of Diversion (POD)
 - Additional Point of Diversion (APOD)
 - Surface Water POD to Ground Water POA (SW/GW)
- Supplemental Use to Primary Use (S to P)

Point of Appropriation/Well (POA)

Additional Point of Appropriation (APOA)

Substitution (SUB)

Government Action POD (GOV)

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

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

Revised 7/1/2013

Permanent Transfer Application Form – Page 8 of 12

TACS

OCT 26 2018

Please use and attach additional pages of Table 2 as needed. See page 6 for instructions. Do you have questions about how to fill-out the tables? Contact the Department at 503-986-0900 and ask for Transfer Staff.

Table 2. Description of Changes to Water Right Certificate # 48966

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

AUTHORIZED (the "from" or "off" lands) The listing that appears on the certificate BEFORE PROPOSED CHANGES List only that part or portion of the water right that will be changed.							Proposed Changes (see	PROPOSED (the "to" or "on" lands) The listing as it would appear AFTER PROPOSED CHANGES are made.																
	T				Tax	Gvt		Type of USE listed on Certificate	POD(s) or	Date	"CODES" from previous page)	Tw	p	Rr	g	Sec	14	34	Tax Lot	Gvt Lot or DLC	Acres	New Type of USE	POD(s)/ POA(s) to be used (from Table 1)	Priority Date
			1					Long to the second		and the second	EXAMPLE									din'ny fa				- and the second second
9	E	15	NE	NW	100		15.0	Irrigation	POD #1 POD #2	1901	POU/POD	2	s	9	E	1	NW	NW	500	1	10.0		POD #5	1901
												2	s	9	E	2	SW	NW	500		5.0	A LAT A	POD #6	1901
1	w	26	sw	NE	1300	65	0.2	Stock, Domestic & Irrigation	POD-1	1854	APOD	38	s	1	w	26	sw	NE	1300	65	0.2		POD-1 &POD-2	1854
1	w	26	sw	NE	1300	65	0.4	Stock, Domestic & Irrigation	POD-1	1854	APOD, POU	38	s	1	w	26	NE	sw	1300	65	0.4		POD-1 & POD-2	1854
1	w	2	sw	NE	1300	65	0.5	Stock, Domestic & Irrigation	POD-1	1854	APOD, POU	38	s	1	w	26	NW	SE	1300	65	0.5		POD-1 & POD-2	1854
	9	9 E 1 W 1 W	9 E 15 1 W 26 1 W 26	9 E 15 NE 1 W 26 SW 1 W 26 SW	9 E 15 NE NW 1 W 26 SW NE 1 W 26 SW NE	Ring Sec 14 44 Lot 9 E 15 NE NW 100 1 W 26 SW NE 1300 1 W 26 SW NE 1300	Rng Sec ¼ ¼ Iax Lot or DLC 9 E 15 NE NW 100 1 W 26 SW NE 1300 65 1 W 26 SW NE 1300 65	Rng Sec ¼ ¼ Iax Lot Lot of DLC Acres 9 E 15 NE NW 100 15.0 1 W 26 SW NE 1300 65 0.2 1 W 26 SW NE 1300 65 0.4	Rng Sec ¼ ¼ Iax Lot Lot or DLC Acres Tisted on Certificate 9 E 15 NE NW 100 15.0 Irrigation 1 W 26 SW NE 1300 65 0.2 Stock, Domestic & Irrigation 1 W 26 SW NE 1300 65 0.4 Stock, Domestic & Irrigation 1 W 26 SW NE 1300 65 0.5 Stock, Domestic & Irrigation	Rng Sec ¼ ¼ Tax Lot Gvi Lot or DLC Acres Type of OSE listed on Certificate POA(s) (name or number from Table 1) 9 E 15 NE NW 100 15.0 Irrigation POA(s) (name or number from Table 1) 9 E 15 NE NW 100 15.0 Irrigation POD #1 POD #2 1 W 26 SW NE 1300 65 0.2 Stock, Domestic & Irrigation POD-1 1 W 26 SW NE 1300 65 0.4 Domestic & Irrigation POD-1 1 W 2 SW NE 1300 65 0.5 Domestic & Domestic & Irrigation POD-1	RngSec1414Tax LotGvi Lot or DLCAcresType of OSE listed on CertificatePOA(s) (name or number from Table 1)Priority Date9E15NENW10015.0IrrigationPOD #1 POD #219011W26SWNE1300650.2Stock, Domestic & IrrigationPOD-118541W26SWNE1300650.4Stock, Domestic & IrrigationPOD-118541W2SWNE1300650.5Stock, Domestic & IrrigationPOD-11854	RngSec¼ ¼Tax LotGvt Lot or DLCAcresType of USE listed on CertificatePOD(s) or POA(s) (name or number from Table 1)Priority Datefrom previous page)9E15NENW10015.0IrrigationPOD #1 POD #21901POU/POD9E15NENW100IrrigationPOD #1 POD #21901POU/POD1W26SWNE1300650.2Stock, Domestic & IrrigationPOD-11854APOD, POU1W26SWNE1300650.4Domestic & Domestic & IrrigationPOD-11854APOD, POU1W2SWNE1300650.5Domestic & Domestic & Domestic & POD-11854APOD, POU	RngSec¼ ¼Tax LotGvt Lot or DLCAcresType of USE listed on CertificatePOD(s) or POA(s) (name or number from Table 1)Priority Datefrom previous page)Tw9E15NENW10015.0IrrigationPOD #1 POD 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#21901POU/POD2S9E11W26SWNE1300650.2Stock, Domestic & IrrigationPOD-11854APOD, POU38S1W261W26SWNE1300650.4Stock, Domestic & IrrigationPOD-11854APOD, POU38S1W261W22SWNE1300650.5Domestic & Domestic & IrrigationPOD-11854APOD, POU38S1W261W22SWNE1300650.5Domestic & Domestic & IrrigationPOD-11854APOD, POU38S1W26	RngSec¼ ¼Tax LotGvt Lot or DLCAcresType of USE listed on CertificatePriority POA(s) (name or number from Table 1)Priority Datefrom previous page)TwpRngSec¼9E15NENW10015.0IrrigationPOD #1 POD #21901POU/POD2S9E1NW9E15NENW10015.0IrrigationPOD #1 POD #21901POU/POD2S9E1NW1W26SWNE1300650.2Stock, Domestic & IrrigationPOD-11854APOD, POU38S1W26SW1W26SWNE1300650.4Stock, Domestic & IrrigationPOD-11854APOD, POU38S1W26NW1W22SWNE1300650.5Domestic & Domestic & IrrigationPOD-11854APOD, POU38S1W26NW	RngSec1/41/4Tax LotGvt LotAcresType of USE listed on CertificatePriority POA(s) (name or number from Table 1)Priority Datefrom previous page)TwpRngSec1/49E15NENW10015.0IrrigationPOD #1 POD #21901POU/POD2S9E1NWNW9E15NENW10015.0IrrigationPOD #1 POD #21901POU/POD2S9E1NWNW1W26SWNE1300650.2Stock, Domestic & IrrigationPOD-11854APOD, POU38S1W26NW26NEStock, Stock,POD-11854APOD, POU38S1W26NWStock,1W26SWNE1300650.5Domestic & Domestic & IrrigationPOD-11854APOD, POU38S1W26NWStock,1W26SWNE1300650.5Domestic & Domestic & POD-11854APOD, POU38S1W26NWStock,1W2SWNE1300650.5Domestic & Domestic & POD-11854APOD, POU38S1W26NWStock,1W <td>RngSec¼ ¼Tax LotGvt LotAcresType of USE listed on CertificatePOD(s) or PO(s) (name from Table 1)Priority Datefrom previous page)TwpRngSec¼ ¼Tax LotTax Lot9E15NENW10015.0IrrigationPOD #1 POD #21901POU/POD2S9E1NWNW5001W26SWNE1300650.2Stock, Domestic & IrrigationPOD-11854APOD, POU38S1W26NESWNE13001W26SWNE1300650.4Domestic & Domestic & POD-11854APOD, POU38S1W26NESW13001W2SWNE1300650.5Domestic & Domestic & POD-11854APOD, POU38S1W26NESW13001W2SWNE1300650.5Domestic & Domestic & POD-11854APOD, POU38S1W26NWSE1300</td> <td>RngSec1414Tax LotGvt DLCAcresType of USE listed 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1300 65 0.4 Domestic & Irrigation POD-1 1854 APOD, POU 38 S 1 W 26 NW SE 1300 65 0.4 1 W 26 SW NE 1300 65 0.5<!--</td--><td>Rng Sec 14 44 Tax Lot Gvt Lot or DLC Acres Type of USE listed on Certificate Piority POA(\$) are from Table 1) from previous page) Twp Rng Sec 14 44 Tax Lot Gvt Lot or DLC Acres New Type of USE 9 E 15 NE NW 100 - 15.0 Irrigation POD #1 POD #2 1901 POU/POD 2 S 9 E 1 NW NW 500 1 10.0 1 W 26 SW NE 1300 65 0.2 Stock, Irrigation POD-1 1854 APOD, POU 38 S 1 W 26 NE 1300 65 0.4 Domestic & Irrigation POD-1 1854 APOD, POU 38 S 1 W 26 NE 1300 65 0.4 Stock, Irrigation POD-1 1854 APOD, POU 38 S 1 W 26 NE Sw 1300 65 0.4 Stock, Irrigation 1 W 2 SW NE</td><td>RngSec1414Tax LotGvt DLCAcresType of USE listed on CertificatePOD(s) or POA(s) (name from Table 1)Priority Datefrom previous page)TwpRngSec1414Tax LotGvt LotAcresNew Type of USEPOA(s) to be used (from Table 1)9E15NENW10015.0IrrigationPOD #1 POD #21901POU/POD2S9E1NWNW500110.0PoD #59E15NENW10015.0IrrigationPOD #1 POD 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POU38S1W26NWSE1300650.4POD-1 POD-18001W2SWNE1300650.5Domestic & POD-1POD-11854APOD, POU38S1W26NWSE1300

Revised 7/1/2013

TOTAL ACRES: 1.1	TOTAL ACRES: 1.1 .
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Additional remarks: _____

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Revised 7/1/2013

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TACS

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From: Sent: To: Subject: COURCHANE Corey A * WRD Monday, October 15, 2018 10:58 AM 'aluna michelle' RE: updated tables and maps

Options are:

- Either keep 48966 and 74512 together for those 1.1 acres in the SW NE; or
- Transfer 0.9 acres under 48966 along with the 0.9 acres under 74512; or
- Choose 0.9 acres from either right that isn't layered, and use those 0.9 acres for the change in POU and character of use.

Either way that you choose, the Table 2 and map will need to be revised again since those acres have to remain together, whether you decide to keep them in place, or move them together.

From: aluna michelle [mailto:alunamichelle@hotmail.com] Sent: Monday, October 15, 2018 10:22 AM To: COURCHANE Corey A * WRD Subject: Re: updated tables and maps

Hi Corey, What are my options here? Thanks, Aluna

Sent from my iPhone

On Oct 15, 2018, at 8:42 AM, COURCHANE Corey A * WRD < Corey.A.Courchane@oregon.gov> wrote:

Aluna,

After reviewing the revised map, the 1.1 acres identified in Sec. 26, SW NE is covered by both certificates, 48966 and 74512. Essentially they are layered covering the same 1.1 acres. Pursuant to OAR 690-380-2240; a change in place of use or character of use of a water use subject to transfer, a permit, or a certificate of registration that is layered shall be approved or recognized only if concurrent changes to the other layered water uses subject to transfer, permits, and certificates of registration are approved or recognized. What this means is the 0.9 acres under Certificate 74512 you are transferring from the SW NE (0.4 transferred to NE SW and 0.5 acres transferred to NW SE, along with change to nursery) cannot move unless you move 0.9 acres under Cert 48966 with it. Once rights are layered, and if they are both authorized for primary irrigation like 48966 and 74512, they cannot be peeled apart unless they move together. Please let me know how you want to proceed.

Thank you,

Corey

From: aluna michelle [mailto:alunamichelle@hotmail.com] Sent: Friday, October 12, 2018 8:24 AM To: COURCHANE Corey A * WRD Subject: Fwd: updated tables and maps

Hi Corey, here's the map from Dan, and his response. I had asked him about the legend before too, and had gotten the same response then. Please let me know if this will suffice or not, and I can let him know. Thanks, Aluna

Sent from my iPhone

Begin forwarded message:

From: Dan Scalas <<u>DScalas@adkinsengineering.com</u>> Date: October 12, 2018 at 7:48:03 AM PDT To: aluna michelle <<u>alunamichelle@hotmail.com</u>> Subject: RE: updated tables and maps

I think its fine the way it is, basically the acres and location within the shapes in the legend are only examples. Or else the second and third oval shapes in the legend wouldn't work either and these were not identified as being confused. If the legend had to match the map exactly on all our maps, it simply would not work (the legend would be massive). I attached a map here with my signature, it has things changed a little to make it less confusing. -Dan

From: aluna michelle [mailto:alunamichelle@hotmail.com] Sent: Thursday, October 11, 2018 12:06 PM To: Dan Scalas Subject: Fw: updated tables and maps

Hi Dan, please see Corey's response below with items to clarify in the map. Thanks! Aluna

From: COURCHANE Corey A * WRD <<u>Corey.A.Courchane@oregon.gov</u>> Sent: Thursday, October 11, 2018 10:18 AM To: aluna michelle Subject: RE: updated tables and maps

Aluna,

We are almost there! Please see the attached "FROM" lands map (but ignore my red ink at the top). The outlined criss cross hachuring outlined by red doesn't show up on the map (identified in the SE NW). The outlined hexagon shape identifying 0.5 a NW SE is identified by a diamond shape in the NW SE. These two items need to be clarified/fixed and then the maps are good to go for submittal. These may be small things, but once it becomes part of the record, it becomes open to public information. If an interested party wanted to make a comment or protest, they would be confused by looking at the map. This is one reason everything needs to be clear and match. Once the map is fixed, Dan can sign both and then you can submit.

Thank you,

Corey

2.

From: aluna michelle [mailto:alunamichelle@hotmail.com] Sent: Wednesday, October 10, 2018 10:52 AM To: COURCHANE Corey A * WRD Subject: updated tables and maps

Hi Corey,

Here are my updated tables and maps. Could you take a look and let me know if they look alright? I went ahead and included both certificates. Dan said that when we got the OK from you, he could go ahead and get the maps signed.

Thanks, Aluna

Part 4 of 5 - Applicant Information and Signature

APPLICANT/BUSINESS N GIN GUEI EBNESAJ	Children and the second s	FARM, LLC	PHONE NO. 302-588-9329	ADDITIONAL CONTACT NO. 302-598-8005			
ADDRESS 225 WEST RAPP RO	AD			FAX NO. NA			
CITY TALENT	STATE	ZIP 97540	E-MAIL DIMENXIONLLC@GMAIL.COM				

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

AGENT/BUSINESS NAME ALUNA MICHELLE			PHONE NO. 302-588-9329	ADDITIONAL CONTACT NO.				
ADDRESS 225 WEST RAPP ROAD				FAX NO. NA				
CITY TALENT	STATE	ZIP 97540	E-MAIL ALUNAMICHEL	E-MAIL ALUNAMICHELLE@HOTMAIL.COM				
BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED.								

Explain in your own words what you propose to accomplish with this transfer application, and why: Add a point of diversion from Wagner Creek downstream of our original point of diversion, to an access point on our property, to reduce seepage losses from existing conveyance ditch. Change place of use for some acreage to consolidate farming acreage in back area of farm. Change character of use for some acreage from irrigation/stock/domestic to nursery to support the establishment of greenhouse farming ventures.

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

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

Check One Box

By signing this application, I understand that, upon receipt of the draft preliminary determination and prior to Department approval of the transfer, I will be required to provide landownership information and evidence that I am authorized to pursue the transfer as identified in OAR 690-380-4010(5); OR

I affirm the applicant is a municipality as defined in ORS 540.510(3)(b) and that the right is in the name of the municipality or a predecessor; OR

I affirm the applicant is an entity with the authority to condemn property and is acquiring by condemnation the property to which the water right proposed for transfer is appurtenant and have supporting documentation.

I understand that prior to Department approval of the transfer application, I may be required to submit payment to the Department for publication of a notice in a newspaper with general circulation in the area where the water right is located, once per week for two consecutive weeks. If more than one qualifying newspaper is available, I suggest publishing the notice in the following newspaper: Medford Nickel

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TACS



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

Applicant signature

Gin Guei Ebnesajjad, owner Print Name (and Title if applicable)

10/10/2018 Date

Applicant signature

Print Name (and Title if applicable)

Date

Is the applicant the sole owner of the land on which the water right, or portion thereof, proposed for transfer is located? Yes No If NO, include signatures of all deeded landowners (and mailing and/or e-mail addresses if different than the applicant's) or attach affidavits of consent (and mailing and/or e-mail addresses) from all landowners or individuals/entities to which the water right(s) were conveyed.

RECEIVED

OCT 1 2 2018

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

CERTIFICATE # 48966

Description of Water Delivery System

System capacity: .13 cubic feet per second (cfs) OR

gallons per minute (gpm)

Describe the current water delivery system or the system that was in place at some time which the five years. Include information on the pumps, canals, pipelines and sprinklers used to divert, conve and apply the water at the authorized place of use. Open ditch diversion from Wagner Creek, water is then flood irrigated on property.

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

POD/POA Name or Number	Is this POD/POA Authorized on the Certificate or is it Proposed?	If POA, OWRD Well Log ID# (or Well ID Tag # L)	Twp	Rng	Sec	14 14	Tax Lot, DLC or Gov't Lot	Measured Distances (from a recognized survey corner)
POD-1	Authorized		38 S	1 W	35	NW NW	100	620 feet south and 900 feet east from the SW corner of Section 26
POD-2	Authorized		38 S	1 W	26	SW NE	1300	2500 feet north and 2450 feet east from the SW corner of Section 26
	Authorized Proposed							
	Authorized Proposed							

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

	Place of Use (POU)		Supplemental Use to Primary Use (S to P)
	Character of Use (USE)		Point of Appropriation/Well (POA)
	Point of Diversion (POD)		Additional Point of Appropriation (APOA)
R	Additional Point of Diversion (APOD)	1	Substitution (SUB)

Surface Water POD to Ground Wa POA (SW/GW)

ater	11	Government Action POD (GOV)

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

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

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TACS

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

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

Table 2. Description of Changes to Water Right Certificate # 48966

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

Т	he				appe	ars or	the c	ertific	ate BEI		ds) POSED CHA Il be changed.	NGES	Proposed Changes (see			The	lis	ting	PR(as it v	OPOS	appea	he "to ir AFI re ma	TER PI	on" lands) ROPOSED	CHANG	ES
Tw	P	Rnį		Sec		14	Tax Lot	Gvt Lot or DLC	Acres		POD(s) or POA(s) (name or number from Table 1)	Date	"CODES"	Twj	p	Rn	g	Sec	34	34	Tax Lot	Gvt Lot or DLC	Acres	New Type of USE	POD(s)/ POA(s) to be used (from Table 1)	Priority Date
1				-	Carlos and	1200	1			120			EXAMPLE				-			and and a second			1			
2	s	9	E	15	NE	NW	100		15.0	Irrigation	POD #1 POD #2	1901	POU/POD	2	s	9	E	1	NW	NW	500	1	10.0		POD #5	1901
		1							Contraction of the					2	s	9	E	2	sw	NW	500		5,0		POD #6	1901
38	s	1	w	26	sw	NE	1300	65	1.1	Stock & Irrigation	POD-1	1854	APOD	38	s	1	w	26	sw	NE	1300	65	1.1	N/A	POD-1 &POD-2	1854
-															+	-	_									
_															-	-	_									
-																										
																	-									
					1	TOTA	LACR	ES:	1.1										1	TOTAL	LACR	ES:	1.1			

Additional remarks:

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Part 5 of 5 - Water Right Information

Tax

Lot,

DLC

or

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

CERTIFICATE # 74512

Description of Water Delivery System

Is this POD/POA

Authorized on

the Certificate or

POD/POA

Name or

Number

System capacity: .22 cubic feet per second (cfs) OR

If POA,

OWRD Well

Log ID# (or

Well ID

gallons per minute (gpm)

TWD

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. Open ditch diversion from Wagner Creek, water is then flood irrigated on property.

Sec

16 16

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

Rng

Number	is it Proposed?	Well ID Tag # L)	in the second	"P		aile	Jec	-		Gov't Lot	survey comer)
POD-1	Authorized Proposed		38	s	1	w	35	NW	NW	100	620 feet south and 900 feet east from the SW corner of Section 26
POD-2	Authorized Proposed		38	s	1	w	26	sw	NE	1300	2500 feet north and 2450 feet east from the SW corner of Section 26
	Authorized Proposed					÷					
	Authorized Proposed										

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

			· · · · · · · · · · · · · · · · · · ·
X	Place of Use (POU)		Supplemental Use to Primary Use (S to P)
\mathbb{Z}	Character of Use (USE)	L	Point of Appropriation/Well (POA)
	Point of Diversion (POD)		Additional Point of Appropriation (APOA)
\mathbb{X}	Additional Point of Diversion (APOD)		Substitution (SUB)
	Surface Water POD to Ground Water POA (SW/GW)		Government Action POD (GOV)

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

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

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TACS



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RECEIVED

Measured Distances

(from a recognized

Please use and attach additional pages of Table 2 as needed. See page 6 for instructions. Do you have questions about how to fill-out the tables? Contact the Department at 503-986-0900 and ask for Transfer Staff.

Table 2. Description of Changes to Water Right Certificate # 74512

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

т	he	list	~~~		appe	ars o	n the c	ertific	ate BEI		ds) POSED CHA Il be changed.		Proposed Chariges (see			The	e list	ting			appea		TER PI	on" lands) ROPOSED	CHANGI	ES
Tw	P	Rn	T	Sec		34	Tax Lot	Gvt Lot or DLC		Type of USE listed on Certificate	POD(s) or POA(s) (name or number from Table 1)	Priority Date	"CODES" from previous puge)	Tw	P	R	ıg	Sec	14	14	Tax Lot	Gvt Lot or DLC	Acres	New Type of USE	POD(s) POA(s) to be used (from Table 1)	Priority Date
	-		-			tel Brannin	Les Locales		Lananninéria	Juna-Deluminary strate	La constantina and	diama game	EXAMPLE							NAT						
2	s	9	E	15	NE	NW	100		15.0	Irrigation	POD #1 POD #2	1901	POU/POD	2	5	9	E	1	NW	NW	500	志	10.0		POD #5	1901
			ł										E.	2	s	9	E	2	SW	NW	500	1	. 5.0	1. 1. 1.	POD #6	1901
38	s	1	w	26	NE	sw	1300	65	3.6	Irrigation, Stock, Domestic	POD-1	1854	APOD	38	s	1	w	26	NE	sw	1300	65	3.6		POD-1, POD-2	1854
38	s	1	w	26	NW	SE	1300	65	2.7	Irrigation, Stock, Domestic	POD-1	1864	APOD	38	s	1	w	26	NW	SE	1300	65	2.7		POD-1, POD-2	1864
38	s	1	w	26	SE	NW	1300	65	0.1	Irrigation, Stock, Domestic	POD-1	1852	APOD	38	5	1	w	26	SE	NW	1300	65	0.1		POD-1, POD-2	1852
38	s	1	w	26	sw	NE	1300	65	0.2	Irrigation, Stock, Domestic	POD-1	1854	APOD	38	s	1	w	26	sw	NE	1300	65	0.2		POD-1, POD-2	1854
38	s	1	w	26	sw	NE	1300	65	0.4	Irrigation, Stock, Domestic	POD-1	1854	APOD, POL	38	s	1	w	26	NE	sw	1300	65	0,4		POD-1, POD-2	1854
38	s	1	w	26	SE	NW	1300	65	0.5	Irrigation, Stock, Domestic	POD-1	1852	APOD, POU USE	38	s	1	w	26	NW	SE	1300	65	0.5	Nursery	POD-1, POD-2	1852
38	s	1	w	26	sw	NE	1300		0.5	Irrigation, Stock, Domestic	POD-1	1854	APOD, POL	38	s	1	w	_	NW	SE	1300	0 65	0.5		POD-1, POD-2	1854

Revised 7/1/2013

Permanent Transfer Application Form - Page 10 of 13

TACS

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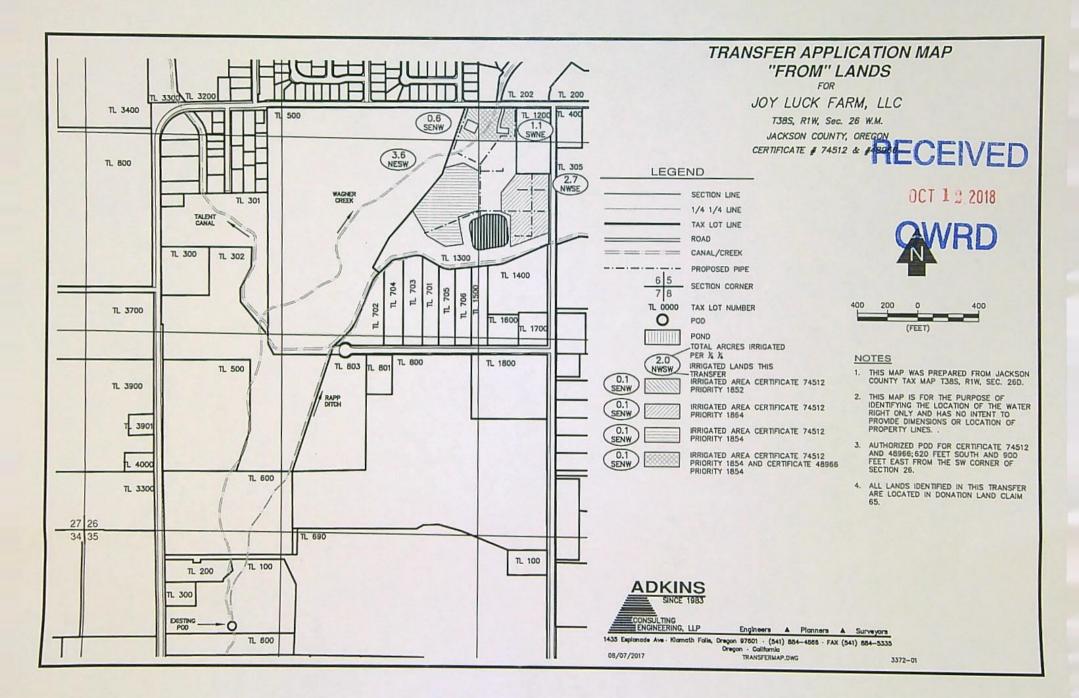
Additional remarks: _____



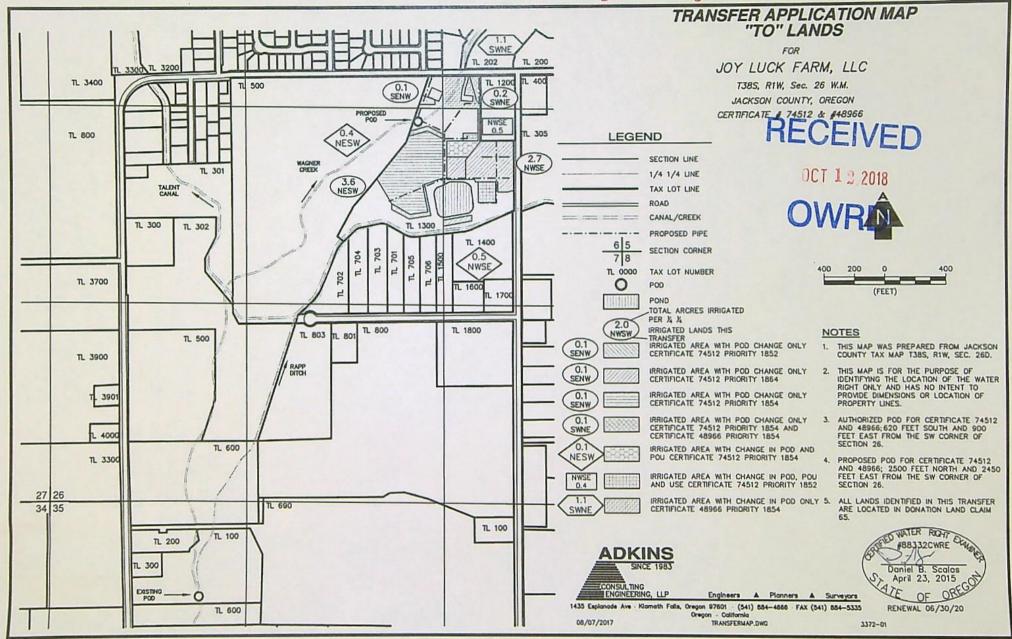
Revised 7/1/2013

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TACS



Revised Superseded 11/6/18



COURCHANE Corey A * WRD

From: Sent: To: Subject:

aluna michelle <alunamichelle@hotmail.com> Friday, September 28, 2018 7:03 AM COURCHANE Corey A * WRD Re: Joy Luck Farm LLC, T-12774

Thanks Corey!!

Sent from my iPhone

On Sep 28, 2018, at 6:59 AM, COURCHANE Corey A * WRD < Corey.A.Courchane@oregon.gov > wrote:

Good morning Aluna,

No problem. I can move the due date for receiving everything to October 12, 2018.

Corey

From: aluna michelle [mailto:alunamichelle@hotmail.com] Sent: Thursday, September 27, 2018 3:48 PM To: COURCHANE Corey A * WRD Subject: Re: Joy Luck Farm LLC, T-12774

Hi Corey, don't worry about my most recent email; based on your previous responses, I think I'm going to go ahead and do the transfer as we discussed, under Cert 74512, and trust the offseason rate will be about half of the in-season rate, as you had indicated during our phone conference (I just looked back at my notes from that call and realized this was already in there). I emailed Dan earlier today about re-doing the map to reflect this, however I have not heard back from him and I'm guessing it may take him more than a day to complete this. I know we talked about getting my materials in tomorrow. I will start working on my application today, but if it takes Dan past tomorrow to update the map, will that be ok? Thanks,

Aluna

From: COURCHANE Corey A * WRD <<u>Corey.A.Courchane@oregon.gov</u>> Sent: Thursday, September 27, 2018 9:41 AM To: aluna michelle Subject: RE: Joy Luck Farm LLC, T-12774

Aluna,

You are correct in saying that stock and domestic are year round uses, however irrigation is not. In the Rogue, irrigation season is limited to 3/1-10/31. So if you intend to change character of use from irrigation to nursery, you get a little more water and you're limited to a season, but you would get the domestic and stock rate during the off-season. Changing character of use from stock to nursery you get less water (stock rate), but you would have it year round.

Corey

From: aluna michelle [mailto:alunamichelle@hotmail.com] Sent: Thursday, September 27, 2018 9:22 AM To: COURCHANE Corey A * WRD Subject: Re: Joy Luck Farm LLC, T-12774

Hmm, I don't understand the seasonality thing. I thought when I spoke on the phone with you and Kelly, you said I could transfer a certain amount of acreage that originally had stock, domestic and irrigation rights on it, to nursery rights because both were year-round. Certificate 74512 gives us stock, domestic and irrigation rights, which are year-round. And that's what I'm wanting to transfer to nursery rights; so why would these nursery rights be limited to the irrigation season? Thanks,

1

Aluna

Sent from my iPhone

On Sep 27, 2018, at 7:44 AM, COURCHANE Corey A * WRD <<u>Corey.A.Courchane@oregon.gov</u>> wrote:

See my answers below.

From: aluna michelle [mailto:alunamichelle@hotmail.com] Sent: Wednesday, September 26, 2018 2:18 PM To: COURCHANE Corey A * WRD Subject: Re: Joy Luck Farm LLC, T-12774

Ok. And basically what that would mean is that my water rights through Cert 49866 remains unchanged (specifically the POD). However I'd get the additional POD and nursery use change under Cert 74512. Correct? Correct

Also, did you see my question regarding the year-round aspect of the new nursery rights? Since it'll be a change of use from stock/domestic/irrigation rights to nursery, the nursery rights will be year-round, correct? No not correct. This would be a limitation. Changing character of use from irrigation to nursery would limit you to the irrigation season only.

Thx! Aluna

From: COURCHANE Corey A * WRD <<u>Corey.A.Courchane@oregon.gov</u>> Sent: Wednesday, September 26, 2018 2:13 PM To: aluna michelle Subject: RE: Joy Luck Farm LLC, T-12774

Aluna,

....

That would work. Just remember that I would need pages revised that identify both certificates together, like page 1, and then any page that identifies Cert 48966 separately needs to be removed.

Corey

From: aluna michelle [mailto:alunamichelle@hotmail.com] Sent: Wednesday, September 26, 2018 2:11 PM To: COURCHANE Corey A * WRD Subject: Re: Joy Luck Farm LLC, T-12774

Hi Corey, just checking in, did you get my last message below? Got some questions for you....Thanks! Aluna

From: aluna michelle <<u>alunamichelle@hotmail.com</u>> Sent: Monday, September 24, 2018 11:02 AM To: COURCHANE Corey A * WRD Subject: Re: Joy Luck Farm LLC, T-12774

Thanks so much for taking a look Corey!

Ok please see my questions in CAPS below.

From: COURCHANE Corey A * WRD <<u>Corey.A.Courchane@oregon.gov</u>> Sent: Monday, September 24, 2018 8:56 AM To: aluna michelle Subject: RE: Joy Luck Farm LLC, T-12774

Aluna,

After reviewing the revised tables you sent, it looks like you still need to make some corrections. The corrected measured distance for the proposed POD needs to be identified on both tables, not just Table 1 for Cert 74512. The revised Table 2 shows the 0.5 acres of nursery, but this is under Cert 74512, when originally Table 2 identified the 0.5 acres change in use to nursery under Cert 48966. If the change in use is occurring under Cert 74512, then Table 2 for Cert 48966 also needs to be revised, unless you are planning to transfer 0.5 acres each under both certificates.

*SINCE I'M HAVING THE NURSERY USE COVERED UNDER CERT 74512, I'D LIKE TO JUST FOCUS ON THAT CERT IN THIS APPLICATION. THE ONLY REASON I HAD INCLUDED CERT 48966 BEFORE WAS FOR THE CHANGE IN USE FROM THE 63 HEAD OF STOCK; BUT IF I'M NOT DOING THAT, I'D JUST DO THE TRANSFER FOR CERT 74512 LIKE IN MY PREVIOUS TEMPORARY TRANSFERS, AND LEAVE CERT 49866 OUT ENTIRELY. SO WHEN I SENT YOU MY DRAFT TABLES, THAT WAS WHAT I HAD IN MIND - THAT THEY WOULD TAKE THE PLACE OF PART 5 IN MY ORIGINAL APPLICATION ENTIRELY.

de-

I took a closer look at the change in character of use from the 63 head of stock to nursery. If you revise your statement on page 5 under "Explain in your own words...." from exchanging 63 head of stock, to exchanging 0.5 acres of IR to 0.5 acres of nursery, you would get a little more water. Under the exchange rate from stock to nursery, I figured that your rate would be 0.00001 cfs. If you exchange 0.5 IR, you would end up with a rate of 0.01 cfs, and a max volume limitation of 1.76 AF. The drawback is that the use would be limited to the irrigation season only, but you do get more water.

*SORRY! I DIDN'T REALIZE I NEEDED TO RESUBMIT MY ENTIRE APPLICATION SINCE YOUR ORIGINAL LETTER HAD MENTIONED ONLY TABLE 1 AND THE MAP. YES, I DEFINITELY WANT TO HAVE THE CHANGE IN USE BE FROM STOCK/DOMESTIC/IRRIGATION TO NURSERY, AS YOU AND KELLY HAD SUGGESTED, THANKS FOR QUANTIFYING THE DIFFERENCE BETWEEN THAT AND THE CHANGE FROM JUST STOCK (YAY!). I THOUGHT THOUGH, THAT SINCE THE CHANGE WILL NOW BE FROM STOCK/DOMESTIC/IRRIGATION TO NURSERY, IT'LL STILL BE YEAR-ROUND (WHICH IS WHAT NURSERY IS MEANT TO BE) SINCE STOCK/DOMESTIC ARE YEAR-ROUND. YES, NO??

Getting the materials in by the end of the week will be fine.

*PHEW, THANK YOU FOR YOUR CONTINUED UNDERSTANDING !!!

Corey

From: aluna michelle [mailto:alunamichelle@hotmail.com] Sent: Friday, September 21, 2018 2:13 PM To: COURCHANE Corey A * WRD Subject: Re: Joy Luck Farm LLC, T-12774

Hi Corey, can you let me know if you got my email this morning? I want to make sure my tables are correct. And I realize today's the due date. If I can't get this finalized today, is it ok to go into next week for the submission? Dan said he's off today, so if there are any changes needed, he won't be able to make them until next week. Sorry somehow things have gotten delayed until the last minute! I think we're pretty close though, hope that's ok. Aluna

Sent from my iPhone

On Sep 21, 2018, at 8:11 AM, COURCHANE Corey A * WRD <<u>Corey.A.Courchane@oregon.gov</u>> wrote:

Aluna,

Table 1 will need to be revised to include the corrected location of the new POD, and Table 2 will need to be revised to show the change in character of use to Nursery under "New Type of Use."

Sorry for the late reply, and I hope that helps.

Corey

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From: aluna michelle [mailto:alunamichelle@hotmail.com] Sent: Thursday, September 20, 2018 9:35 AM To: COURCHANE Corey A * WRD Subject: Re: Joy Luck Farm LLC, T-12774

Hi Corey, you just need an updated Table 1, correct? Or Table 2 as well? Aluna

From: COURCHANE Corey A * WRD <<u>Corey.A.Courchane@oregon.gov</u>> Sent: Thursday, September 20, 2018 7:42 AM To: aluna michelle Subject: RE: Joy Luck Farm LLC, T-12774

Aluna,

Yes I confirmed with Dan that two maps would work. And yes the maps that we receive have to have the CWRE stamp and signature on them in order to be approved. Emailing them tomorrow will work for me.

Thank you,

Corey

From: aluna michelle [mailto:alunamichelle@hotmail.com] Sent: Thursday, September 20, 2018 7:27 AM To: COURCHANE Corey A * WRD Cc: DScalas@adkinsengineering.com Subject: Fwd: Joy Luck Farm LLC, T-12774

Hi Corey, do you need the original signed transfer map?

Also, I assume the two separate maps Dan asked about (one "TO" map and one "FROM" map) are acceptable, is that correct? (You may have already responded to him on that, I just thought I'd double-check.)

I should be able to email you the updated maps and table tomorrow, hope that works!

Thanks,

Aluna

Sent from my iPhone

Begin forwarded message:

From: Dan Scalas <<u>DScalas@adkinsengineering.com</u>> Date: September 18, 2018 at 8:27:53 AM PDT To: "COURCHANE Corey A * WRD (<u>Corey.A.Courchane@oregon.gov</u>)" <<u>Corey.A.Courchane@oregon.gov</u>> Cc: "aluna michelle (<u>alunamichelle@hotmail.com</u>)" <<u>alunamichelle@hotmail.com</u>> Subject: RE: Joy Luck Farm LLC, T-12774

Corey,

Just finishing this transfer map, it's getting kind of messy, would you be okay with two maps for the "from" and "to" lands? Thanks. -Dan

> From: aluna michelle [mailto:alunamichelle@hotmail.com] Sent: Thursday, August 30, 2018 8:37 AM To: COURCHANE Corey A * WRD Cc: Dan Scalas Subject: Re: Joy Luck Farm LLC, T-12774

Hi Corey, my CWRE says that the Sept. 21 should work. Thanks so much! Aluna

From: COURCHANE Corey A * WRD <<u>Corey.A.Courchane@oregon.gov</u>> Sent: Wednesday, August 29, 2018 11:44 AM To: aluna michelle Subject: RE: Joy Luck Farm LLC, T-12774

I can grant additional time to September 21, 2018. Will that work?

Corey

From: aluna michelle [mailto:alunamichelle@hotmail.com] Sent: Wednesday, August 29, 2018 11:05 AM To: COURCHANE Corey A * WRD Subject: Fw: Joy Luck Farm LLC, T-12774

Hi Corey, I contacted my CWRE this morning to make sure he could get the map done in time to submit the updated application by Aug. 31st, and just got this email in response saying he needs a couple more weeks. I'm really sorry, I told him about the deadline months ago and have been in correspondence for guite a while with the map updates; however I think he was out for vacation part of this month, and then I'm guessing he might have had lots of other project deadlines to catch up on when he got back since as you know I had a hard time getting a hold of him this month. So I hate to have to ask, but is there any way you could extend the deadline a couple of weeks? Alternatively, is there any way I could submit the latest draft of the map from my CWRE, and just add the final revisions by hand?

Regards, Aluna

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From: Dan Scalas <<u>DScalas@adkinsengineering.com</u>> Sent: Wednesday, August 29, 2018 8:42 AM To: aluna michelle Subject: RE: Joy Luck Farm LLC, T-12774

Not sure I can make that schedule, I'm pretty slammed right now getting projects completed. It might be a good idea to request some extra time from OWRD, a couple weeks should be sufficient.

COURCHANE Corey A * WRD

From:	aluna michelle <alunamichelle@hotmail.com></alunamichelle@hotmail.com>
Sent:	Wednesday, August 29, 2018 11:05 AM
To:	COURCHANE Corey A * WRD
Subject:	Fw: Joy Luck Farm LLC, T-12774

Hi Corey, I contacted my CWRE this morning to make sure he could get the map done in time to submit the updated application by Aug. 31st, and just got this email in response saying he needs a couple more weeks. I'm really sorry, I told him about the deadline months ago and have been in correspondence for quite a while with the map updates; however I think he was out for vacation part of this month, and then I'm guessing he might have had lots of other project deadlines to catch up on when he got back since as you know I had a hard time getting a hold of him this month. So I hate to have to ask, but is there any way you could extend the deadline a couple of weeks? Alternatively, is there any way I could submit the latest draft of the map from my CWRE, and just add the final revisions by hand?

Regards, Aluna

From: Dan Scalas <<u>DScalas@adkinsengineering.com</u>> Sent: Wednesday, August 29, 2018 8:42 AM To: aluna michelle Subject: RE: Joy Luck Farm LLC, T-12774

Not sure I can make that schedule, I'm pretty slammed right now getting projects completed. It might be a good idea to request some extra time from OWRD, a couple weeks should be sufficient.



COURCHANE Corey A * WRD

From:	aluna michelle <alunamichelle@hotmail.com></alunamichelle@hotmail.com>
Sent:	Thursday, August 02, 2018 11:45 AM
To:	COURCHANE Corey A * WRD
Subject:	Re: notes from last week's conference call

Hi Corey, I just left you a voicemail, thought I'd follow up via email. Could you call me at your earliest convenience?

Thanks in advance, Aluna

From: COURCHANE Corey A * WRD <Corey.A.Courchane@oregon.gov> Sent: Thursday, July 19, 2018 7:45 AM To: aluna michelle Subject: RE: notes from last week's conference call

Aluna,

See my answers below.

From: aluna michelle [mailto:alunamichelle@hotmail.com] Sent: Wednesday, July 18, 2018 2:24 PM To: COURCHANE Corey A * WRD Subject: Re: notes from last week's conference call

Hi Corey, just checking in to see if you got my email last week? If not, I've forwarded it below. Thanks! Aluna

From: aluna michelle <alunamichelle@hotmail.com> Sent: Wednesday, July 11, 2018 9:32 AM To: COURCHANE Corey A * WRD Subject: notes from last week's conference call

Hi Corey,

Here are my notes from our conference call last week. Please let me know if we are on the same page or not. I've also included some questions in italics where I need clarification. Thanks! Aluna

- Kelly and Corey can't speak to how transfers have been handled in the past, but as of right now, the OWRD policy is that domestic, stock and irrigation rights are all tied together, in all situations no matter what the issuing decree.
 - This is because if they were transferred separately, there would be an enlargement of the right. *Could you please demonstrate this for me?*
 - And so theoretically, if one had 0.005 cfs domestic, 0.005 cfs stock and 0.01 cfs irrigation, and wanted to exchange it to end up with 0.01 cfs stock, then couldn't just exchange say the 0.005 cfs domestic for additional 0.005 cfs stock; they'd have to give up their current rights (since they're tied together) but could end up with 0.02 cfs stock during irrigation season and 0.01 cfs stock out of season. Correct?

The rate will be proportional to the amount of acres that are either being transferred, or the area that is "created" by the change in character of use. The Department doesn't typically go into theoretical scenarios, as findings and determinations are based off of the information provided in each application. In this case, theoretically you could end up with 0.02 cfs during irrigation season, but that would mean transferring the entirety of the certificate, and the annual duty (volume in AF) allowed would be the limiting factor in a change in character of use.

• Nursery use is independent from domestic/stock/irrigation and consists of watering for container plants, in-ground plants, and irrigation of any other crop. And also frost watering, right? Year-round.

Pursuant to 690-300-0010 : (30) "Nursery Operations Use" means the use of water for operation of a commercial nursery which may include temperature control, watering of containerized stock, soil preparation, application of chemicals or fertilizers, watering within greenhouses and uses to construct, operate and maintain nursery facilities. The use of water within plant nursery operations constitutes a different use from field irrigation, although that may be a part of nursery use. If used for field irrigation for nursery stock, such use is not restricted to the defined agricultural irrigation season.

- If for example, you had 0.005 cfs domestic, 0.005 cfs stock and 0.01 cfs irrigation right, then you could exchange all that for 0.02 cfs nursery use during irrigation season and 0.01 cfs nursery use out of season.
 - Would these be my number? Per acre?
- Once one does a transfer, you have to prove up on it, or else you lose the right entirely. How does one
 prove up? Do you just have to show that you have a delivery system that is capable of moving the
 amount/rate of water you are authorized for on a certain piece of land? Or do you actually have to
 have crops in the ground/livestock drinking out of troughs/spigots being used for domestic purposes (or
 whatever right you're trying to demonstrate)? How long do you have to prove up?
- Exempt livestock use would apply in my case, whether or not I had decreed livestock rights. Exempt livestock use requires an enclosed delivery system that has an automatic shut-off or overflow return to the creek.

To prove up on a right, you hire a CWRE (Certified Water Rights Examiner) to perform a Claim of Beneficial Use. They will look at the water delivery system, how much water is being used, where it's being used, and any conditions that need to be satisfied. They write up a report and create a map, and submit that to the Department. When the Claim of Beneficial Use comes up for review (depends on the year it was submitted), the Department will review it, and based on the information presented, the Department will issue a water right certificate.

 Exempt domestic use from groundwater sources would apply in my case, whether or not I had decreed domestic rights.

- This is exempt even if it's within a quarter mile from a creek. Is that correct? I would advise you to contact your watermaster concerning this. ORS 537.545 allows for exempt use in single or group domestic purposes not to exceed 15,000 gpd. The statute doesn't say anything about proximity to a surface water source.
- Note that Dept of Health may have some restrictions as to how many houses you have on a single well.
- Fees:

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- o If I amended my application, fees would be adjusted accordingly.
- If I withdrew my application, fees would be refunded except for (\$250 or \$350 or ??) to be retained by OWRD for processing.
- Deadline for my response is now August 31, 2018.

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COURCHANE Corey A * WRD

From:	aluna michelle <alunamichelle@hotmail.com></alunamichelle@hotmail.com>
Sent:	Friday, June 22, 2018 7:36 AM
To:	COURCHANE Corey A * WRD
Subject:	Re: Questions about Water Rights

Hi Corey, thanks again for the conversation yesterday, that was super helpful. FYI I went ahead and called Travis Kelly yesterday and was able to get more clarification which was also helpful. For what it's worth, he said the 0.045 gal/min figure came from the exempt use for livestock scenario from ORS 537141. I told him I was working with you on this and he said he'd be happy to speak with you on anything in case it's helpful. But at this point I think I just need to wait on the other follow up questions we had, and figure out what to do from there. Just thought I'd keep you updated and hopefully save you some trouble too! Cheers,

Aluna

From: aluna michelle <alunamichelle@hotmail.com> Sent: Tuesday, June 19, 2018 2:30 PM To: COURCHANE Corey A * WRD Subject: Re: Questions about Water Rights

Sounds good, will try you tomorrow. Thanks! Aluna

Sent from my iPhone

On Jun 19, 2018, at 2:28 PM, COURCHANE Corey A * WRD < Corey.A.Courchane@oregon.gov> wrote:

Aluna,

I got your voice mail, thank you. I am planning on being available tomorrow afternoon, as I have 2 staff meetings Wed. morning. I will be available after 1.

Thank you,

Corey

From: aluna michelle [mailto:alunamichelle@hotmail.com] Sent: Tuesday, June 19, 2018 2:02 PM To: COURCHANE Corey A * WRD Subject: Re: Questions about Water Rights

Hi Corey, sorry to miss you yesterday. In case you didn't get my voicemail, please feel free to let me know what other times you might be available, and I'll keep trying to catch you. Thanks, Aluna

Sent from my iPhone

On Jun 17, 2018, at 12:10 AM, COURCHANE Corey A * WRD <<u>Corey.A.Courchane@oregon.gov</u>> wrote:

Aluna,

I will be available anytime this afternoon from 1-330. I will also be back in the office on Monday.

Thank you,

Corey

COREY A COURCHANE | TRANSFER SPECIALIST TRANSFER AND CONSERVATION SECTION

Water Resources Department | 725 Summer St. NE, Suite A | Salem, Oregon 97301 Ph: 503 986-0825 | Fax: 503 986-0901 Email: corey.a.courchane@oregon.gov | Web: http://www.oregon.gov/OWRD

From: aluna michelle [mailto:alunamichelle@hotmail.com] Sent: Wednesday, June 13, 2018 12:46 PM To: COURCHANE Corey A * WRD Subject: Fw: Questions about Water Rights

Hi Corey,

I'm guessing you might have already seen the email exchange I had with Sarah Henderson? If not, I'm forwarding it below. I had wanted to check with her because I had spoken with her (and others) at OWRD so extensively when preparing my application that I confess I was rather surprised by the deficiencies you had identified. I hope that's alright with you - I didn't mean you any disrespect, but I had wanted to double-check since I thought I had discussed everything so thoroughly before turning in my application; I guess it wasn't as thorough as I had thought!

Sarah referred me back to you, so here were the specific issues I had written to Sarah about. I'd love to discuss them on the phone with you sometime; would you let me know when's a good time to reach you?

Thanks, Aluna Michelle

From my email to Sarah:

"So I finally submitted our permanent transfer application, T-12774. When I had prepared the application, I had the understanding based on my conversations with you and others at OWRD that I could convert stock rights to nursery rights, and also move those rights from one area to another. My local watermaster

gave me the conversion rate to use (0.045 gal/min/head of livestock and 0.0125 cfs/acre for nursery use).

However, I received a letter from Corey Courchane identifying a couple of deficiencies that I do not quite understand. My understanding is that stock, domestic and irrigation rights can in general be transferred independently. However Corey said that the Rogue River Decree requires that stock, domestic and irrigation rights be transferred together based on a section of the decree that states: "But during the irrigation season the amount of water herein allowed and diverted for irrigation purposes shall include the quantity in which each such claimant is entitled for stock and domestic purposes." Corey said that this section was "interpreted" by the staff at OWRD to mean that stock, domestic and irrigation rights cannot be transferred independently - but to me, this statement does not indicate that at all. I mean no disrespect to Corey or any of the other staff, but I thought I had discussed this with you and others at OWRD previously - which is why I thought I would ask you about it.

The other issue is the rate used for livestock to nursery rights. My watermaster had given me a generic livestock use rate (0.045 gal/min/head of livestock) and said this was the rate used for all livestock, regardless of what it was. However, Corey is indicating that he's not using generic rate, but rather that he's using a 1962 US Health Dept publication with various rates of livestock use based on the type of livestock. I must confess, this seems a bit random or arbitrary to me, especially since he also said that he had searched on the internet and found numerous farm water supply estimates.

Again, I mean no disrespect but I thought I had discussed all of my transfer issues so thoroughly with you and others at OWRD prior to completing my application, that now these issues are a bit of a surprise to me. I'm not sure if I was mistaken before, or if the "interpretations" being used here are valid. Could you help me figure this all out?"

From: HENDERSON Sarah A * WRD <<u>Sarah.A.Henderson@oregon.gov</u>> Sent: Tuesday, June 12, 2018 9:43 AM To: aluna michelle Cc: COURCHANE Corey A * WRD; STARNES Patrick K * WRD Subject: RE: Questions about Water Rights

Hi Aluna,

I apologize if during our discussions over the phone I gave the wrong impression. I don't remember looking at the decree language when talking about the application you were going to submit and I believe I should have.

Corey is correct when we have a water right issued from a decree, the Department must look at all the language in the decree. If the decree states that the irrigation water right also includes stock and domestic, they must stay together. There are other water right certificates that are different, in that the irrigation and stock and domestic are not tied together, but with the Rogue River Decree they are. As to the rates from the previous Watermaster, I do not know where those come from. You are welcome to ask any questions that you have when it comes to your file.

I know that Corey will do his very best when it comes to your application and water right. Because Corey is the Caseworker for you file, I would recommend working with him on your file. I am cc'ing him on this email so that he can see what your questions are.

Again, I apologize for not being able to help you further.

Sarah

From: aluna michelle [mailto:alunamichelle@hotmail.com] Sent: Saturday, June 09, 2018 5:38 PM To: HENDERSON Sarah A * WRD Subject: Re: Questions about Water Rights

Hi Sarah, I just found your email in my junk box, I'm so glad I checked!

Thanks for getting back to me. Here are my questions....

So I finally submitted our permanent transfer application, T-12774. When I had prepared the application, I had the understanding based on my conversations with you and others at OWRD that I could convert stock rights to nursery rights, and also move those rights from one area to another. My local watermaster gave me the conversion rate to use (0.045 gal/min/head of livestock and 0.0125 cfs/acre for nursery use).

However, I received a letter from Corey Courchane identifying a couple of deficiencies that I do not quite understand. My understanding is that stock, domestic and irrigation rights can in general be transferred independently. However Corey said that the Rogue River Decree requires that stock, domestic and irrigation rights be transferred together based on a section of the decree that states: "But during the irrigation season the amount of water herein allowed and diverted for irrigation purposes shall include the quantity in which each such claimant is entitled for stock and domestic purposes." Corey said that this section was "interpreted" by the staff at OWRD to mean that stock, domestic and irrigation rights cannot be transferred independently - but to me, this statement does not indicate that at all. I mean no disrespect to Corey or any of the other staff, but I thought I had discussed this with you and others at OWRD previously - which is why I thought I would ask you about it.

The other issue is the rate used for livestock to nursery rights. My watermaster had given me a generic livestock use rate (0.045 gal/min/head of livestock) and said this was the rate used for all livestock, regardless of what it was. However,

Corey is indicating that he's not using generic rate, but rather that he's using a 1962 US Health Dept publication with various rates of livestock use based on the type of livestock. I must confess, this seems a bit random or arbitrary to me, especially since he also said that he had searched on the internet and found numerous farm water supply estimates.

Again, I mean no disrespect but I thought I had discussed all of my transfer issues so thoroughly with you and others at OWRD prior to completing my application, that now these issues are a bit of a surprise to me. I'm not sure if I was mistaken before, or if the "interpretations" being used here are valid. Could you help me figure this all out?

Thanks in advance! Aluna Michelle

From: HENDERSON Sarah A * WRD <<u>Sarah.A.Henderson@oregon.gov</u>> Sent: Thursday, June 7, 2018 7:32 AM To: <u>alunamichelle@hotmail.com</u> Subject: Questions about Water Rights

Hi Aluna,

I thought maybe an email would work a little better than trying to connect on the phone. I am in and out of meetings today. Can you tell me what questions you have and I will respond in-between meetings. Try to explain exactly what you are asking and I will help you.

Talk soon.

Sarah

Sarah Henderson | Transfer Specialist, Transfer and Conservation Division

Water Resources Department | 725 Summer St. NE, Suite A | Salem, Oregon 97301 Ph: 503.986.0890 | Fax: 503.986.0901 Email: <u>sarah.a.henderson@oregon.gov</u> | Web: <u>http://www.oregon.go</u> <u>v/owrd</u>

COURCHANE Corey A * WRD

From:	aluna michelle <alunamichelle@hotmail.com></alunamichelle@hotmail.com>
Sent:	Friday, May 18, 2018 11:34 AM
To:	COURCHANE Corey A * WRD
Cc:	DScalas@adkinsengineering.com
Subject:	Re: Joy Luck Farm LLC, T-12774

Phew, thanks Corey!! Have a good weekend, Aluna

Sent from my iPhone

On May 18, 2018, at 11:09 AM, COURCHANE Corey A * WRD < Corey.A.Courchane@oregon.gov > wrote:

Hi Aluna,

I've already changed the due date to June 25. Figured you needed additional time.

Thank you,

Corey

From: aluna michelle [mailto:alunamichelle@hotmail.com] Sent: Friday, May 18, 2018 10:29 AM To: COURCHANE Corey A * WRD Subject: Re: Joy Luck Farm LLC, T-12774

Hi Corey, thanks for clarifying, I hated asking you to do something so mundane - I think it was a "the" that I was missing from that one paragraph, and I had guessed it so - but I had wanted to be sure. Thanks!!

I just want to check a few things before proceeding on this. I know you mentioned pushing the due date out a bit if needed. Could we go ahead and do that since it's coming right up? Thought I'd ask while I was thinking of it.

Best, Aluna

Sent from my iPhone

On May 16, 2018, at 1:28 PM, COURCHANE Corey A * WRD <<u>Corey.A.Courchane@oregon.gov</u>> wrote:

Aluna,

Aluna,

Beginning from just before I started highlighting, until number 75.:

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But during the irrigation season the amount of water herein allowed and diverted for irrigation purposes shall include the quantity in which each such claimant is entitled for stock and domestic purposes.

The second attachment isn't related to any document. It's a guideline or additional source that the Department uses in figuring out separate livestock rates. It's an older fact sheet from the US Dept of Health, dated 1962. I've done some research online looking for livestock daily water requirements, and there are numerous farm water supply estimates.

Corey

From: aluna michelle [mailto:alunamichelle@hotmail.com] Sent: Monday, May 14, 2018 12:01 PM To: COURCHANE Corey A * WRD Subject: Re: Joy Luck Farm LLC, T-12774

Hi Corey,

Thanks for sending that. A couple of questions for clarification.

- The first document, I assume is from the Rogue River Decree? The second portion you underlined (labeled 74), I can't quite read the end of it. Could you tell me what it's supposed to say? It seems there's a part of the sentence that must be missing.
- 2. The second attachment you sent, what document is that from?

Thanks! Aluna

From: COURCHANE Corey A * WRD <<u>Corey.A.Courchane@oregon.gov</u>> Sent: Monday, May 14, 2018 9:13 AM To: aluna michelle; Dan Scalas Cc: HAYNES Shavon L * WRD Subject: Joy Luck Farm LLC, T-12774

Good morning Aluna,

Please see attached. I found this within the Rogue River Decree when I first started reviewing the application. According to what I underlined, the Department's interpretation, and guidance from our Transfer Program Policy Coordinator, Kelly Starnes, is that all 3 uses, being irrigation, stock, and domestic are tied together. If one use is moved from a specific amount of acres to another place of use (POU), all 3 uses must move together within those specified acres, they cannot be separated. If only one use is moved, essentially you would be creating an enlargement of the right. Pursuant to OAR 690-380-0100(2)(b)(c): the acreage (footprint of the right) would be increased, and there wouldn't be any guarantee that the former POU of one specific use wouldn't be receiving any water. Once you perform a transfer of POU, the former lands cannot receive any water under the right, essentially they have to be dried up for the duration of the transfer.

I also attached a separate sheet with how we calculate the individual rates of water for livestock. The math I performed follows what Travis Kelly has previously told you; the rate that could be converted to nursery would be based on the number of livestock you water.

I hope this helps, and let me know if I may be of further assistance.

Thank you,

...

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Corey Courchane

COREY A COURCHANE | TRANSFER SPECIALIST TRANSFER AND CONSERVATION SECTION

Water Resources Department | 725 Summer St. NE, Suite A | Salem, Oregon 97301 Ph: 503 986-0825 | Fax: 503 986-0901 Email: corey.a.courchane@oregon.gov | Web: http://www.oregon.gov/OWRD

COURCHANE Corey A * WRD

From: Sent: To: Subject: aluna michelle <alunamichelle@hotmail.com> Friday, May 11, 2018 12:34 PM COURCHANE Corey A * WRD Fw: Quantities

Here's that other string - pardon any duplication messages - I think this string has some messages that weren't captured in the other string, for some reason. Aluna

From: KELLY Travis N <travis.n.kelly@state.or.us> Sent: Monday, May 16, 2016 10:15 AM To: aluna michelle Subject: RE: Quantities

Hi Aluna,

The rate on your certificate includes all of the permitted uses (irrigation, livestock, & domestic). If you transfer a portion to an alternate use (i.e. nursery) it will specifically designate that use w/ a rate. The overall rate will remain the same, but the resulting certificate will have a specific amount designated to the new use.

Get back to me with any questions,

Travis Kelly

Watermaster, District 13

Oregon Water Resources Department

10 South Oakdale Ave. Room 309

Medford, OR 97501

Phone: (541) 774-6882

Fax: (541) 774-6187

travis.n.kelly@wrd.state.or.us

From: aluna michelle [alunamichelle@hotmail.com]

Sent: Friday, May 13, 2016 8:21 PM To: KELLY Travis N Subject: Re: Quantities

Ok. If I transferred some livestock water to nursery, does that limit my livestock water in the future, say if I were to get more livestock? I'm guessing it shouldn't, since my total usage will stay the same regardless, right?

Thx!

Sent from my iPhone

> On May 13, 2016, at 4:41 PM, KELLY Travis N <travis.n.kelly@state.or.us> wrote:

>

> Aluna,

>

> The rates I stated in previous emails are the amount that you could transfer from domestic/livestock to nursery. The actual amount of water you could transfer would be based on the amount you have used, for example if you have used the domestic water in one household then you would potentially be able to transfer that rate to nursery. The same senior would be true for the livestock component, the rate that could be converted to nursery would be based on the number of livestock you water.

>

> Get back to me with any questions,

>

```
> Travis Kelly
>
> Watermaster, District 13
>
> Oregon Water Resources Department
>
> 10 South Oakdale Ave. Room 309
>
> Medford, OR 97501
>
> Phone: (541) 774-6882
>
> Fax: (541) 774-6187
>
> travis.n.kelly@wrd.state.or.us
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> From: aluna michelle [alunamichelle@hotmail.com]
> Sent: Friday, May 13, 2016 11:46 AM
> To: KELLY Travis N
> Subject: Re: Quantities
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> Thanks Travis, that helps!

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> I'm thinking of converting a small portion of my water right character of use to nursery. Does it matter which one I change it from, domestic or livestock, or a smaller portion of both? I'd just like to be able to water sprouts or other greenhouse plants in winter; do you know what quantity I might want to convert, based on typical usage rates? Do you know if there are any other considerations I might want to take into account before making a change like this?
> Thanks.
```

>> On May 13, 2016, at 8:10 AM, KELLY Travis N <travis.n.kelly@state.or.us> wrote:
>> Hi Aluna,
>> During irrigation season the maximum rate that can be diverted is stated on the water right certificate. Since your water right also includes domestic and stock a lesser amount can be diverted outside of irrigation season (November 1 - March 31). Generally the rates associated with domestic and stock are specifically called out in the water right. Since the water right certificate does not specify a specific number of households for the domestic component, the rate outside of irrigation season is based on the number of households (4.5 gallons/minute per household). The use of domestic water is limited uses within a dwelling (cooking, cleaning, bathing, etc.). The amount of water diverted outside irrigation season for livestock use is based on the number of livestock you are watering (0.045 gallons/minute per head of livestock).

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>>
>> Get back to me with any questions,
>>
>> Travis Kelly
>>
>> Watermaster, District 13
>>
>> Oregon Water Resources Department
>>
>> 10 South Oakdale Ave. Room 309
>>
>> Medford, OR 97501
>>
>> Phone: (541) 774-6882
>>
>> Fax: (541) 774-6187
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>> travis.n.kelly@wrd.state.or.us
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>> From: aluna michelle [alunamichelle@hotmail.com]
>> Sent: Thursday, May 12, 2016 7:16 PM
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>> To: KELLY Travis N
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>

> Aluna

>

> Sent from my iPhone

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>> Subject: Re: Quantities
>>
>> Thanks Travis.
>>
>> So just to make sure I understand, the amount of water you can divert for livestock varies with the amount of
livestock you have?
>>
>> Likewise, the domestic water is based on number of houses/households on the property?
>>
>> Thanks for the prompt reply!
>> Aluna
>>
>>
>> Sent from my iPhone
>>
>>> On May 12, 2016, at 4:56 PM, KELLY Travis N <travis.n.kelly@state.or.us> wrote:
>>>
>>> Hi Aluna,
>>>
>>> The quantity of water associated with the domestic and stock is not explicitly stated in your water right. These rates
(domestic and stock) are included in the maximum rate stated in the certificate. Generally speaking the amount of water
that can be diverted for domestic purposes outside of irrigation season (November 1 thru March 31) is limited to 0.01
cfs (4.5 gallons per minute) per household, the amount of water that can be diverted for stock is 0.0001 cfs (0.045
gallons per minute)per head of livestock.
>>>
>>> Get back to me with any questions,
>>>
>>> Travis Kelly
>>>
>>> Watermaster, District 13
>>>
>>> Oregon Water Resources Department
>>>
>>> 10 South Oakdale Ave. Room 309
>>>
>>> Medford, OR 97501
>>>
>>> Phone: (541) 774-6882
>>>
>>> Fax: (541) 774-6187
>>>
>>> travis.n.kelly@wrd.state.or.us
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>>> From: aluna michelle [alunamichelle@hotmail.com]
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>>> Sent: Thursday, May 12, 2016 1:25 PM

>>> To: travis.n.kelly@state.or.us
>>> Subject: Quantities
>>>
>>> Hi Travis! Hope everything's well with you.
>>>
>>> I was wondering if you could help me figure out the quantities/flow rates associated with my domestic and livestock
water rights. It's not in my water rights paperwork, and I looked in the Rogue River Decree, but couldn't find anything
definitive. Do you know how to figure this out?
>>>
>>>
>>>
>>> Thanks!
>>> Aluna
>>>
>>>
>>> Sent from my iPhone

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Water Resources Department 725 Summer St NE, Suite A Salem, OR 97301 (503) 986-0900 Fax (503) 986-0904

April 25, 2018

Joy Luck Farm, LLC Gin Guei Ebnesajjad 225 West Rapp Road Talent, OR 97540

REFERENCE: Water Right Transfer Application T-12774

The Department has completed an initial review of your water right transfer application. There are a couple of deficiencies that need to be resolved before we can continue processing your application:

- The transfer application map and Table 1 in the application appears to describe an incorrect measured distance for the proposed point of diversion (POD). According to the 1"=400' scale provided on the map, it appears the POD is located at least 2400 ft. north of the SW corner of Section 26, and not 1520 feet north as described (see attached maps). Please check the distance, and if necessary, amend the map and Table 1 for both certificates, and re-submit.
- 2. Certificate 48966 was issued based on the Rogue River (F) Decree. With a decreed right, the uses of irrigation, domestic, and stock must remain together, and cannot be separated. The 63 head of stock that is proposed to be transferred from Section 26, SW NE, to 0.5 acre nursery use in Section 26, NW SE, shall either include the irrigation and domestic use for the 0.5 acre portion, or the irrigation and domestic portion will need to be voluntarily cancelled. The application will need to be amended to describe what actions you are proposing to do (page 6).
- 3. The transfer map identifies the character of use change (0.5 acre of nursery) in Section 26, NW SE, however it does not identify where the stock use of 63 head is coming from. Pursuant to 690-380-3100(2)(e), the map shall include the location of the authorized place of use (FROM lands). The 0.5 acre needs to be identified on the map and <u>subtracted</u> from the 1.1 acres in Section 26, SW NE. Without subtracting from the original acres, this would be considered enlargement of the water right. Please amend the amp, and re-submit.

If the Department does not receive the above requested materials by May 25, 2018, a Preliminary Determination may be issued denying the application as incomplete. Please do not hesitate to contact me, at corey.a.courchane@oregon.gov or (503) 986-0825, if I may be of assistance.

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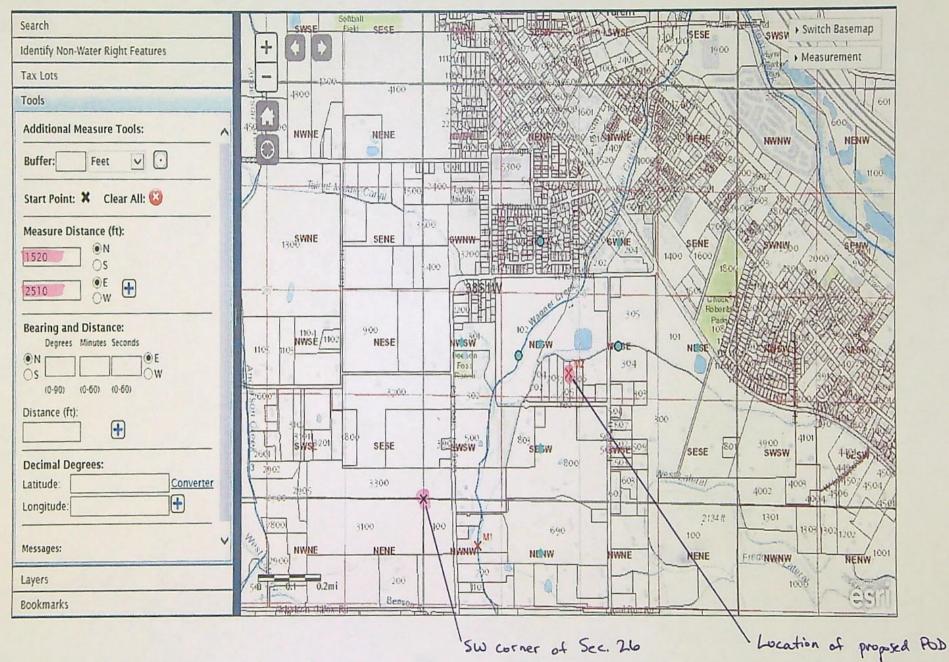
Sincerely,

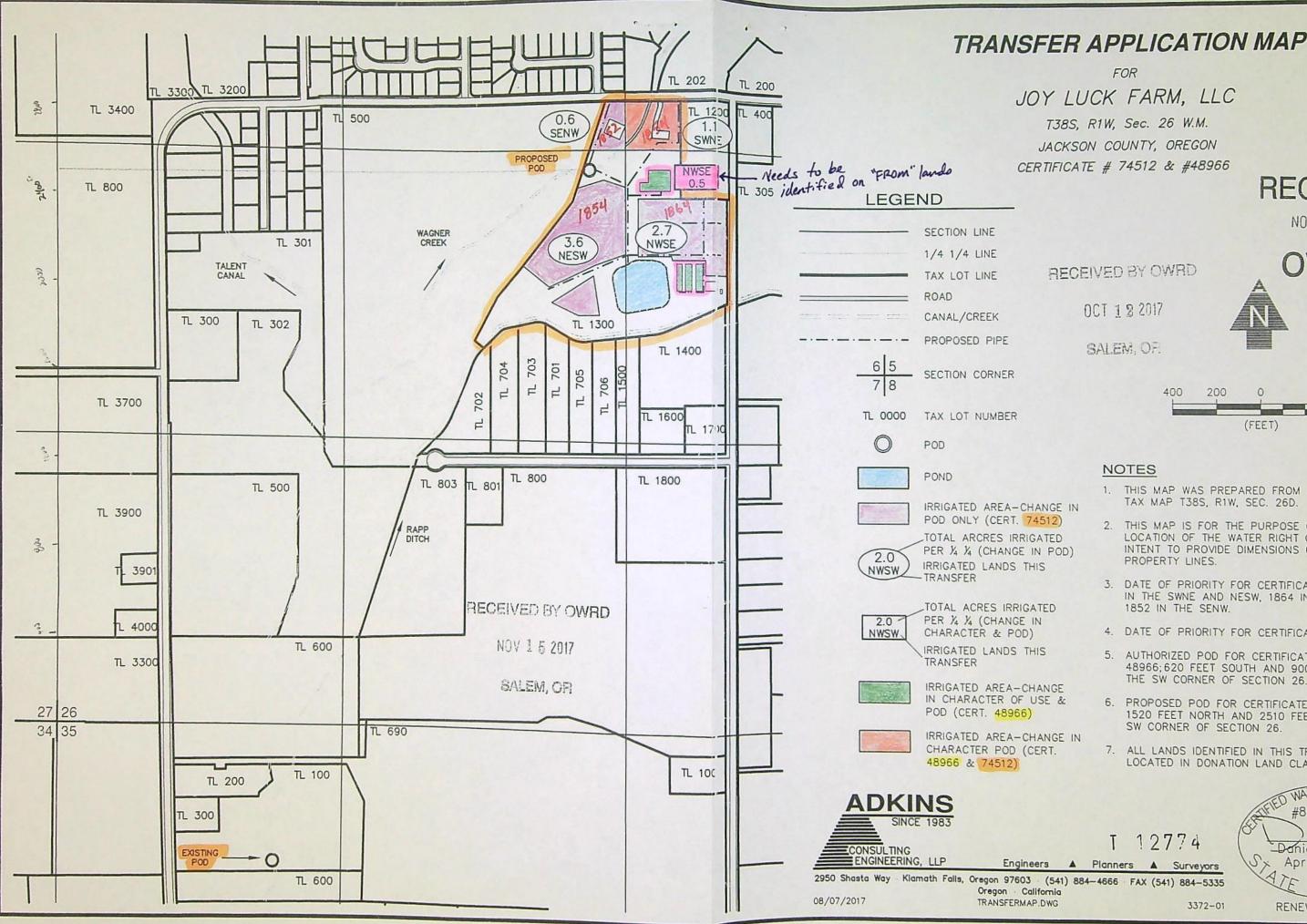
Cory

Corey Courchane Transfer Specialist Transfer and Conservation Section

cc: Shavon L. Haynes, Watermaster, District 13 Aluna Michelle, Agent Daniel B. Scalas, CWRE

enclosures

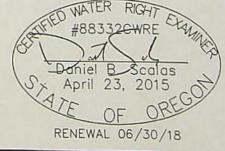




RECEIVED NOV 2 . 2017 OWRD



- 1. THIS MAP WAS PREPARED FROM JACKSON COUNTY TAX MAP T38S, R1W, SEC. 26D.
- 2. THIS MAP IS FOR THE PURPOSE OF IDENTIFYING THE LOCATION OF THE WATER RIGHT ONLY AND HAS NO INTENT TO PROVIDE DIMENSIONS OR LOCATION OF
- 3. DATE OF PRIORITY FOR CERTIFICATE 74512 IS 1854 IN THE SWNE AND NESW, 1864 IN THE NWSE AND 1852 IN THE SENW.
- 4. DATE OF PRIORITY FOR CERTIFICATE 48966 IS 1854.
- 5. AUTHORIZED POD FOR CERTIFICATE 74512 AND 48966; 620 FEET SOUTH AND 900 FEET EAST FROM THE SW CORNER OF SECTION 26.
- 6. PROPOSED POD FOR CERTIFICATE 74512 AND 48966; 1520 FEET NORTH AND 2510 FEET EAST FROM THE SW CORNER OF SECTION 26.
- 7. ALL LANDS IDENTIFIED IN THIS TRANSFER ARE LOCATED IN DONATION LAND CLAIM 65.



Oregon Department of Fish and Wildlife Water Right and Diversion Transfer Comment Form

(ODFW provides to WRD so that WRD can make findings according to statutory requirements.)

Reference Transfer #: T-12774

Date of review: 12/20/2017

A. Please check box if you believe there is a potential for injury to an instream water right. The Oregon Department of Fish and Wildlife (ODFW) believes this proposed transfer may

injure an instream water right(s) on <u>[stream]</u>, tributary to <u></u>, because <u></u>. (Please attach any available supporting information.)

Note: This will prompt WRD to make a determination whether the transfer will injure an instream water right. (OWRD makes the determination of injury to a water right, while ODFW's role is to raise concerns, and to evaluate proposed mitigation and net benefit to the resource if OWRD consents to injury of an instream water right.)

B. Please check <u>one</u> of the following five boxes related to fish screen requirements pursuant to ORS 540.525 or 540.532:

1. Screen Maintain

[Select this option if the new Point of Diversion (POD) requires a fish screen <u>and</u> 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.

<u>Condition:</u> 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 listed 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.

<u>Condition</u>: 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

The electronic version of this form is available at: http://www1.wrd.state.or.us/msword/ODFWScreen.doc. 7/1/2012 Page 1

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 listed 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 <u>not</u> 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:

<u>Finding of Fact:</u> 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.

<u>Condition:</u> 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 may withdraw water at the new point of diversion without a screen until October 1, 20_. 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.

<u>Condition</u>: 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

(541) 826-8774 Phone

Asst District Fish Biologist Title

Peter Samarin Printed Name

Page 2

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-12774

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 East 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: Peter Samarin

Address: 1495 East Gregory Rd

City/State/Zip: Central Point, OR 97502

Phone: (541) 826-8774



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

Watermaster Review Form: Water Right Transfer

Transfer Application: T- <u>12774</u>		Revi	iew Due Date:	11/28/2017
Applicant Name: Joy Luck Farm				
Proposed Changes: 🛛 POU	POD	D POA	USE USE	OTHER
Reviewer(s): <u>S. Haynes</u>		Date	of Review:	<u>Nov. 28, 2017</u>
1. Do you have <u>evidence</u> that the presumption of forfeiture wou evidence (e.g. dated aerial pho	ld not likely be	e rebuttable?	Yes 🛛 No	If "yes", attack
2. Is there a history of regulation				

- 2. Is there a mistory of regulation on the source that serves this (of these) light(s) that has involved the transferred right(s) and downstream water rights? ∑ Yes ∑ No Generally characterize the frequency of any regulation or explain why regulation has not occurred: <u>One of oldest rights on system, POD DS of original POD often called for water last 2 years resulting in voluntary rotation</u>
- Have headgate notices been issued for the source that serves the transferred right(s)?
 Yes ∑ No ☐ Records not available.
- In your estimation, after the proposed change would distribution of water for the right(s) result in regulation of other water rights that would not have occurred if use under the original right(s) was/were maximized?
 Yes No If "Yes", explain:
- 5. In your estimation, if the proposed change is approved, are there upstream water rights that would be affected? Yes No If "Yes", describe how the rights would be affected and list the rights most affected: _____
- 6. Check here ☐ if it appears that downstream water rights benefit from return flows resulting from the current use of the transferred right(s)? If you check the box, generally characterize the locations where the return flows likely occur and list the water rights that benefit most: _______N/A
- For POD changes and instream transfers, check here if there are channel losses between the old and new PODs or within the proposed instream reach? If you check the box, describe and, if possible, estimate the losses: _____ N/A
- For instream transfers that propose protection of a reach beyond the mouth of the source stream: N/A Would the quantity be measureable into the receiving stream consistent with OAR 690-077-0015(8)? Yes No
- 9. For POU changes: N/A Is it likely the original place of use would continue to receive water from the same source? Yes No If "Yes", explain: Original POD is open ditch that may run water and lands could still have ability to receive water

Last revised 7-24-2012

Page 1 of 3

- 10. For POU or USE changes: N/A In your best judgment, would use of the existing right at "full face value," result in the diversion of more water than can be used beneficially and without waste? Yes No If "Yes", explain: _____
- Are there other issues not identified through the above questions that should be considered in determining whether the change "can be effected without injury to other rights"?
 Yes No If "Yes", explain: It does not appear that stock water has been used on the property in recent time, not sure how rate will be measured
- 12. What alternatives may be available for addressing any issues identified above: volume per day for stock watering
- Do conditions need to be included in the transfer order to avoid enlargement of the right or injury to other rights? No XYes, as checked below:
 - A Headgate should be required prior to diverting water.
 - Measurement Devices for POD or POA: (if this condition is selected, also fill in the top sections of page 3)
 - a. Before water use may begin under this order, the water user shall install a <u>totalizing flow meter</u>*, or, with prior approval of the Director, another suitable measuring device, at each point of diversion/appropriation (new and existing) or at each new point of diversion/appropriation.
 - 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.
 - Reservoir water use measurement: (if this condition is selected, also fill in the top sections of page 3)
 - a. Before water use may begin under this order, the water user shall install <u>staff</u> <u>gages</u>*, or, with prior approval of the Director, other suitable measuring devices, that measure the entire range and stage between empty and full in each reservoir. Staff gages shall be United States Geological Survey style.
 - b. Before water use may begin under this order, if the reservoir is located in channel, weirs or other suitable measuring devices must be installed upstream and downstream of the reservoir, and, an adjustable outlet valve must be installed. The water user shall maintain such devices in good working order. A written waiver may be obtained, if in the judgment of the Director, the installation of weirs or other suitable measuring devices, or the adjustable outlet valve, will provide no public benefit.

* The following alternative device(s) should be substituted for the bold, underlined device in the above selected condition:

Weir	Submerged Orifice
Parshall Flume	Flow Restrictor
Other:	

Watermaster Review Form

Transfer Application

Oregon Water Resources Department

Measurement Condition Information for the Applicant

(to be sent with the Draft Preliminary Determination or Final Order)

Transfer #: T-12774

In order to avoid enlargement of the right or injury to other rights, a _____ will be required to be installed **prior to diversion of water**, as a condition of this transfer:

at each point of diversion/appropriation (new and existing) or at each new point of diversion/appropriation.

For additional information, or to obtain approval of a different type of measurement device, the applicant should contact the area Watermaster:

Watermaster name: Shavon Haynes

District: 13

Address: 10 South Oakdale

City/State/Zip: Medford, OR 97501

Phone: (541)774-6880

Email: Shavon.L.Haynes@oregon.gov

Note: If a device other than the one specified in the Preliminary Determination or Final Order is approved by the Watermaster, fill out and mail the form below to the Salem office.

Approval of an Alternate Measurement Device T-____

(to be filled out after consultation with the applicant, or after a site visit)

On behalf of the Director, I authorize use of the following suitable alternate measurement device:

Watermaster signature

District

Date

If this form is used for approval of an alternative measurement device, it must be mailed to:

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

Last revised 7-24-2012

Page 3 of 3





November 27, 2017

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.wrd.state.or.us

GIN GUEI EBNESAJJAD JOY LUCK FARM, LLC 225 WEST RAPP RD TALENT, OR 97540

Reference: Application T- 12774

On November 20, 2017, we received your water right Transfer application. The application was accompanied by \$1770.00. Our receipt number 125193 236 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 will also be sent to Oregon Department of Fish and Wildlife to determine if a fish screen is needed.

Your application will be examined to determine whether additional information is needed. We will notify you if further information or corrections to the application or map are required.

This application <u>may</u> require publication of a notice for two consecutive weeks in a newspaper with general circulation in the area where the water right is located. If it is determined that newspaper notice will be required, the Department will prepare the notice and notify you of the cost. You will be responsible for submitting payment to the Department prior to publication of the notice.

Except as provided under ORS 540.510(3) for municipalities, you may not use water from the new point of diversion until a final order approving the transfer application has been issued by the Department.

In order to avoid any possible forfeiture of the water right, you should continue to use the water as described by your existing water right.

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

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) 986-0807.

Cc: Watermaster Dist. #13 (via email) Aluna Michelle, Agent Enclosure

Transfer Applications: Regular

The holder of a water right may apply to permanently change an existing water use subject to transfer as defined in ORS 540.505(4). An application may involve any of the following changes: Point of diversion or appropriation; Additional point of diversion or appropriation; Historic POD; Place of use; Character of use; Instream; Substitution; or Exchange.

The Department seeks public comment on the recently-filed transfer applications listed below. Any person may comment on a transfer application. Comments must be received by the Department on or before December 28, 2017. Any person who provides comments within the comment period will receive a copy of the Department's preliminary determination of whether the application should be approved or rejected after the Department has completed a review of the application and will be provided an opportunity to protest the application and preliminary determination at that time.

Transfer Water Right County/Basin Applicant Name	T 12773 Cert:54268 Linn / Willamette(2) INTERNATIONAL PAPER COMPANY 6400 POPLAR
Proposed Change Sources/TRSQ40Q160 Use/Quantity Priority Date	MEMPHIS, TN 38197 PLACE OF USE,USE,POINT OF DIVERSION, SURFACE WATER TO GROUND WATER WILLAMETTE RIVER > COLUMBIA RIVER / 10.00S 3.00W 32 NENE INDUSTRIAL/MANUFACTURING USES / 18.000 CFS 12/23/1954
Transfer	T 12774
Water Right	Cert:74512 , Cert:48966
County/Basin	Jackson / Rogue(15)
Applicant Name	EBNESAJJAD, GIN GUEI
	JOY LUCK FARM, INC.
	225 WEST RAPP RD
Despaced Change	TALENT, OR 97540 ADDITIONAL POINT OF DIVERSION
Proposed Change Sources/TRSQ40Q160	WAGNER CREEK > BEAR CREEK / 38.00S 1.00W 26 SENW
3001003/11(3Q40Q100	WAGNER CREEK > BEAR CREEK / 38.00S 1.00W 20 SERV
	WAGNER CREEK > BEAR CREEK / 38.00S 1.00W 26 NWSE
	WAGNER CREEK > BEAR CREEK / 38.00S 1.00W 35 NWNW
Use/Quantity	DOMESTIC / 0.020 CFS
	DOMESTIC / 0.240 CFS
	DOMESTIC / 1.250 CFS
	IRRIGATION / 0.130 CFS
Priority Date	12/31/1852, 12/31/1854, 12/31/1864, 12/31/1854

Public Notice date November 28, 2017, Page 12

Dear Tanera plane find unclosed the \$354 fee difference for our permanent water Rigles Transfer for water rights Certificates to the # 74512 3 48966 (| think those are the correct numbers). Call if you have questions - 302-588-9329. pronks, Aluna Mille RECEIVED BY OWRD Joy Luck Familie NOV 2 0 2017 aluna michelle hofmail. con SALEM, OR

7/2017	Transfer Fee Calculation for Permanent (Non-District)	Transfer	
WRD	Oregon Water Resources Department Transfer Fee Calculation for Permanent (Non-District) Transfer	MainReturn	Help Contact Us
Today's Da	ate: Saturday, October 21, 2017		Fee Calculation
Base Fee ((includes one type of change to one water right for up to 1 cfs)		\$1,160.00
ill in inform	mation below Check each box that applies.		
Types of C	Change Proposed: e of Use		
	t of Diversion (POD)/Appropriation (POA); and/or Additional POD/POA; and/or SW POI racter of Use	D to GW POD	\$1,860.00
Enter tota	I number of water rights included in transfer . 2		\$520.00
Check	this box if you propose to add or change a well, or change from a surface water POD to	a well.	
	this box if you propose to change the place of use or character of use for a NON-irrigati e cfs included in the transfer:	ion right.	
Check	this box if you propose to change the place of use or character of use for an irrigation ri	ght.	
Total Trans	sfer CFS(rounded up to the next w hole cfs): 1.00		
Subtotal:			\$3,540.00
Check ear	ch box that applies.		
	Insfer is necessary to complete a project funded by the Oregon W atershed Enhancem inder ORS 541.932.	ent Board	
M The tra habitat.	insfer is endorsed in writing by ODFW as a change that will result in a net benefit to fish	and wildlife	NO.
Discount:			(\$2,124.00
Transfer F	ee: RECEIVED E	BY OWRD	\$1,416.00
Return to	Edit Clear NOV 1 5	2017	
	NOV 2 0 2017 SALEM	OR	

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State of Oregon Water Resources Department 725 Summer Street NE, Suite A Salem, Oregon 97301-1266 (503) 986-0900

Application for **Permanent** Water Right Transfer Part 1 of 5 – Minimum Requirements Checklist

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Check all iter	ns included with this application. (N/A = Not Applicable)
$\boxtimes \checkmark$	Part 1 – Completed Minimum Requirements Checklist. SALEM, OR
	Part 2 – Completed Transfer Application Map Checklist.
× v	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: . If you have questions, call
Piol	Customer Service at (503) 986-0801.
× NO	Part 4 – Completed Applicant Information and Signature.
	Part 5 – Information about Water Rights to be Transferred: How many water rights are to be transferred? <u>2</u> List them here: <u>74512</u> , <u>48966</u> Please include a separate Part 5 for each water right. (See instructions on page 6)
	Attachments:
NV	Completed Transfer Application Map.
$\overline{\wedge}$	Completed Evidence of Use Affidavit and supporting documentation.
□	Affidavit(s) of Consent from Landowner(s) (if the applicant does not own the land the water right is on.)
□ □ N/A	Supplemental Form D – For water rights served by or issued in the name of an irrigation district. Complete when the transfer applicant is not the irrigation district.
⊠ √ ¬ N/A	Land Use Information Form with approval and signature (or signed land use form receipt stub). Not required if water is to be diverted, conveyed, and/or used only on federal lands or if all of the following apply: a) a change in place of use only, b) no structural changes, c) the use of water is for irrigation only, and d) the use is located within an irrigation district or an exclusive farm use zone.
□	Water Well Report/Well Log for changes in point(s) of appropriation (well(s)) or additional point(s) of appropriation.
□	Geologist Report for a change from a surface water point of diversion to a ground water point of appropriation (well), if the proposed well is more than 500' from the surface water source and more than 1000' upstream or downstream from the point of diversion. See OAR 690- 380-2130 for requirements and applicability.
	(For Staff Use Only)
	WE ARE RETURNING YOUR APPLICATION FOR THE FOLLOWING REASON(S):
	Staff:503-986-0 Date://
	RECEIVED RECEIVED BY OWRD
Revised 7/1/2	NOV 2 0 2017 Permanent Transfer Application Form – Page 2 of 14 NOV 1 5 2017 TACS
	OWRD T 12774 SALEM, OR

Your transfer application will be returned if any of the map requirements listed below are not met. Please be sure that the transfer application map you submit includes all the required items and matches the existing water right map. Check all boxes that apply. Certified Water Right Examiner (CWRE) Stamp and Original Signature. For a list of N/A . CWRE stamp and CWREs, see signature are not required for substitutions. If more than three water rights are involved, separate maps are needed for each water right. X N/A Permanent quality printed with dark ink on good quality paper. The size of the map can be 81/2 x 11 inches, 81/2 x 14 inches, 11 x 17 inches, or up to 30 x 30 inches. For 30 x 30 inch maps, one extra copy is required. A north arrow, a legend, and scale. RECEIVED BY OWRDe 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 NOV 1 5 2017 scale that has been pre-approved by the Department. Township, Range, Section, ¼¼, DLC, Government Lot, and other recognized public land SALEM, OR survey lines. X Tax lot boundaries (property lines) are required. Tax lot numbers are recommended. X Major physical features including rivers and creeks showing direction of flow, lakes and reservoirs, roads, and railroads. X Major water delivery system features from the point(s) of diversion/appropriation such as main pipelines, canals, and ditches. X Existing place of use that includes separate hachuring for each water right, priority date, and use including number of acres in each quarter-quarter section, government lot, or in each quarter-quarter section as projected within government lots, donation land claims, or other recognized public land survey subdivisions. If less than the entirety of the water right is being changed, a separate hachuring is needed for lands left unchanged. N/A Proposed place of use that includes separate hachuring for each water right, priority date, and use including number of acres in each quarter-quarter section, government lot, or in each quarter-quarter section as projected within government lots, donation land claims, or other recognized public land survey subdivisions. Existing point(s) of diversion or well(s) with distance and bearing or coordinates from a recognized survey corner. This information can be found in your water right certificate or permit. If you are proposing a change in point(s) of diversion or well(s), show the proposed location N/A 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 RECEIVED BY OWRD NOV 2 0 2017 Permanent Transfer Application Form - Page 3 of 14-Revised 7/1/2013 TACS 12774 OCT 1 2 2017 VRD

This transfer application <u>will be returned</u> 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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T 12774

	least one digit after the decimal (example – 42°32'15.5") or degrees-dec	imal wi	in five or
-	more digits after the decimal (example – 42.53764°). Part 3 of	5 – Fe	e Worksheet
	FEE WORKSHEET for PERMANENT TRANSFER		
1	Base Fee (includes one type of change to one water right for up to 1 cfs)	1	\$1,000
	Types of change proposed:		
	Place of Use RECEIVED	SY OW	HD
	Character of Use		
	Point of Diversion/Appropriation NOV 1 5	2017	
110-21	Number of above boxes checked = $3(2a)$		
2	Subtract 1 from the number in line 2a = <u>1 (2b)</u> <i>If only one change, this will be 0</i> Multiply line 2b by \$800 and enter » » » » » » » » » » » » » » » » »	OR,	1600
2	Number of water rights included in transfer <u>2 (3a)</u>	2	1000
	Subtract 1 from the number in 3a above: <u>1 (3b)</u> If only one water right this will		
	be 0	1	
3		3	450
	Multiply line 3b by \$450 and enter » » » » » » » » » » » » » » » » » » »		
	to a well?		
	No: enter 0 »» » » » » » » » » » » » » » » » » »		
4	Yes: enter \$350 » » » » » » » » » » » » » » » » » » »	4	0
	Do you propose to change the place of use or character of use?		
	No: enter 0 on line 5 » » » » » » » » » » » » » » » » » »		
	Yes: enter the cfs for the portions of the rights to be transferred (see		
	example below*): 0.00625 (5a)		
	Subtract 1.0 from the number in 5a above: <u>-0.99375 (5b)</u>		
	If 5b is 0 or less, enter 0 on line 5 » » » » » » » » » » » » » » » » » »		
-	If 5b is greater than 0, round up to the nearest whole number: <u>? (5c)</u> and	5	0
5	multiply 5c by \$300, then enter on line 5 » » » » » » » » » » Add entries on lines 1 through 5 above » » » » » » » » » » » » Subtotal:	6	3050
0			The second second second
	necessary to complete a project funded by the Oregon Watershed	RECEI	VED BY OWR
	Enhancement Board (OWEB) under ORS 541.932?		
	endorsed in writing by ODFW as a change that will result in a net	00	T 1 2 2017
	benefit to fish and wildlife habitat?		
	If one or more boxes is checked, multiply line 6 by 0.5 and enter on line 7 »	S	ALEM, OR
7	If no box is applicable, enter 0 on line 7» » » » » » » » » » » » » » » » » » »	7	1525
8	Subtract line 7 from line 6 » » » » » » » » » » » » » » Transfer Fee:	8	1525
Cuamp	le for Line 5a calculation to transfer 45.0 acres of Primary Certificate 12345 (total 1.25 cfs for 10	() acros)	and 45 0 acros

<u>*Example for Line 5a calculation</u> to transfer 45.0 acres of Primary Certificate 12345 (total 1.25 cfs for 100 acres) and of Supplemental Certificate 87654 (1/80 cfs per acre) on the same land:

1. For irrigation calculate cfs for each water right involved as follows:

a. Divide total authorized cfs by total acres in the water right (*for C12345, 1.25 cfs ÷100 ac*); then multiply by the number of acres to be transferred to get the transfer cfs (*x 45 ac* = 0.56 *cfs*).

b. If the water right certificate does not list total cfs, but identifies the allowable use as 1/40 or 1/80 of a cfs per acre; multiply number of acres proposed for change by either 0.025 (1/40) or 0.0125 (1/80). (For C87654, 45.0 ac x 0.0125 cfs/ac = 0.56 cfs)

2. Add cfs for the portions of water rights on all the land included in the transfer; however do not count cfs for supplemental rights on acreage for which you have already calculated the cfs fee for the primary right on the same land. The fee should be assessed only once for each "on the ground" acre included in the transfer. (In this example, blank 5a would be only 0.56 cfs, since both rights serve the same 45.0 acres. Blank 5b would be 0 and Line 5 would then also become 0).

1	Base Fee (includes change to one well)	1	\$725.00
2	Number of wells included in substitution (2a) NOV 2 0 2017 Subtract 1 from the number in 3a above: (2b) If only one well this well	ill be 0	
Revi	sed 7/1/2013 Permanent Transfer Application Form – Rag 4 ARD		TA

T. 12774

	Multiply line 2b by \$350 and enter »	»	»	»	»	»	»	»	»	»	»	»	»	»		
3	3 Add entries on lines 1 through 2 above		»	*	»	»	»	Fe	e fo	or S	ub	sti	tut	ion:	3	

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Permanent Transfer Application Form - Page 5 of 14-

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Part 4 of 5 – Applicant Information and Signature

Applicant Information

FAX NO.			
NA			
IL ENXIONLLC@GMAIL.COM			

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

AGENT/BUSINESS NAME ALUNA MICHELLE			PHONE NO. 302-588-9329	ADDITIONAL CONTACT NO.
ADDRESS 225 WEST RAPP ROA	D			FAX NO. NA
СПҮ TALENT	STATE OR	ZIP 97540	E-MAIL ALUNAMICHEL	LE@HOTMAIL.COM
	and the second sec			ORRESPONDENCE FROM THE VTS WILLALSO BE MAILED.

Explain in your own words what you propose to accomplish with this transfer application, and why: Add a point of diversion from Wagner Creek downstream of our original point of diversion, to an access point on our property, to reduce seepage losses from existing conveyance ditch. Also convert 63 head of livestock use to ½ acre nursery use, to support the establishment of a micro-greens farming venture.

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

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

Check One Box

By signing this application, I understand that, upon receipt of the draft preliminary determination and prior to Department approval of the transfer, I will be required to provide landownership information and evidence that I am authorized to pursue the transfer as identified in OAR 690-380-4010(5); **OR**

I affirm the applicant is a municipality as defined in ORS 540.510(3)(b) and that the right is in the name of the municipality or a predecessor; **OR**

I affirm the applicant is an entity with the authority to condemn property and is acquiring by condemnation the property to which the water right proposed for transfer is appurtenant and have supporting documentation.

I (we) affirm that the inf	formation contained in this application is true and	accurate.	NOV 2 0 2017
Applicant signature	Gin Guei Ebnesajjad, owner Print Name (and Title if applicable)	<u>10/23/201</u> Date	OWRD
Applicant signature	Print Name (and Title if applicable)	Date	RECEIVED BY OWND
Revised 7/1/2013	Permanent Transfer Application Form – Pages of 12	7	NOV 1 5 2017 TACS
	T 1	2774	SALEM, OR

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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SALEM, OR

12774

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Permanent Transfer Application Form – Page 7 of 14

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Check the following boxes that apply:

The applicant is responsible for completion of change(s). Notices and correspondence should continue to be sent to the applicant.

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

Both the receiving landowner and applicant will be responsible for completion of change(s). Copies of notices and correspondence should be sent to this landowner and the applicant.

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

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

If a property sells, the certificated water right(s) located on the land belong to the new owner, unless a sale agreement or other document states otherwise. For more information see:

RECEIVING LANDOW	NER NAME		PHONE NO.	ADDITIONAL CONTACT NO.
ADDRESS				FAX NECEIVED BY OWRE
CITY	STATE	ZIP	E-MAIL	OCT 1 2 2017

Describe any special ownership circumstances here:

SALEM, OR

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

IRRIGATION DISTRICT NAME	ADDRESS	
СПҮ	STATE	ZIP

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

ENTITY NAME	ADDRESS	
СПУ	STATE	ZIP

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

ENTITY NAME JACKSON COUNTY	ADDRESS 10 SOUTH OAKD	ALE	
CITY	STATE	ZIP	
MEDFORD	OR	97501	

ENTITY NAME	ADDRESS	
СІТУ	STATE	ZIP



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Permanent Transfer Application Form – Page 8 of 14

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Check the following boxes that apply:

The applicant is responsible for completion of change(s). Notices and correspondence should continue to be sent to the applicant.

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

Both the receiving landowner and applicant will be responsible for completion of change(s). Copies of notices and correspondence should be sent to this landowner and the applicant.

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

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

If a property sells, the certificated water right(s) located on the land belong to the new owner, unless a sale agreement or other document states otherwise. For more information see:

RECEIVING LANDOWN	NER NAME	ADDITIONAL CONTACT NO.		
ADDRESS				FAX RECEIVED BY OWR
CITY	STATE	ZIP	E-MAIL	OCT 1 2 2017

Describe any special ownership circumstances here: _

SALEM, OR

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

IRRIGATION DISTRICT NAME	ADDRESS					
СІТҮ	STATE	ZIP				

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

ENTITY NAME	ADDRESS	
СІТУ	STATE	ZIP

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

ENTITY NAME JACKSON COUNTY	ADDRESS 10 SOUTH OAKDALE							
CITY MEDFORD	STATE OR	ZIP 97501						
ENTITY NAME	ADDRESS							
СІТҮ	STATE ZIP							
	DECEN	ch						

Permanent Transfer Application Form – Page 8 of 14

T 12774 C



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NOV 1 5 2017 TACS

SALEM, OR

17

INSTRUCTIONS for editing the Application Form

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

	D BY OWF D	the application has unlocked, you may:
Microsoft Word 2003	1 5 2017 • ac	dd additional rows to
Unlock the document by one of the following:	ta	bles using the Table
• Using the Tools menu => click Unprotect Document; SAL	EM, OR	ools, and
OR		elect and copy the
 Using the Forms toolbar => click on the Protect/Unprotect 		ages of Part 5 and
To relock the document to enable the checkboxes to work, you w	will need to: se	aste as many additional ets of Part 5 pages as
• Using the Tools menu => click Protect Document;		eeded at the end of the
OR	ap	oplication.
• Using the Forms toolbar => click on the Protect/Unprotect	icon. docur	nent to enable
	check	boxes to work.
Microsoft Word 2007		

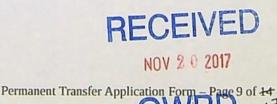
- Unlock the document by clicking the Review tab, then click Protect Document, then click Stop Protect
- To relock the document, click Editing Restrictions, then click Allow Only This Type of Editing, select Filling In Forms from the drop-down menu, then check Yes, Start Enforcing Protection.

Microsoft Word 2010

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

Other Alternatives:

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



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SALEM, OR TACS

12774

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

CERTIFICATE # 74512

Description of Water Delivery System

System capacity: <u>.22</u> cubic feet per second (cfs) **OR**

____ gallons per minute (gpm)

Describe the current water delivery system or the system that was in place at some time within the last five years. Include information on the pumps, canals, pipelines and sprinklers used to divert, convey and apply the water at the authorized place of use. <u>Open ditch diversion from Wagner Creek, water is then flood irrigated on property. Under temporary transfers over the past couple years, water was also pumped from Wagner Creek running through the property at approved POD.</u>

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

POD/POA Name or Number	Is this POD/POA Authorized on the Certificate or is it Proposed?	If POA, OWRD Well Log ID# (or Well ID Tag # L)	Twp		F	lng	Sec	1/4	14 14		14 14		14 14		Measured Distances (from a recognized survey corner)
POD-1	Authorized Proposed		38	s	1	w	35	NW	NW	100	620 feet south and 900 feet east from the SW corner of Section 26				
POD-2	Authorized Proposed		38	s	1	w	26	sw	NE	1300	1520 feet north and 2510 feet east from the SW corner of Section 26				
	Authorized Proposed									R	ECEIVED BY OWRD				
	Authorized Proposed										OCT 1 2 2017				
							-				SALEM, OR				

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

Place of Use (POU) Supplemental Use to Primary Use (S to P) Character of Use (USE) Point of Appropriation/Well (POA) Point of Diversion (POD) Additional Point of Appropriation (APOA) Additional Point of Diversion (APOD) Substitution (SUB) Surface Water POD to Ground Water Government Action POD (GOV) POA (SW/GW) Will all of the proposed changes affect the entire water right? Yes Complete only the Proposed ("to" or "on" lands) section of Table 2 on the next page. Use the "CODES" listed above to describe the proposed changes. NOV 2 0 2017 No Complete all of Table 2 to describe the portion of the water right to be changed. Permanent Transfer Application Form - Page 8 of 12 VRD TACS Revised 7/1/2013 100 17 12774

NOV 1 5 2017

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

12774

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

Table 2. Description of Changes to Water Right Certificate # 74512

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

	Tł	AUTHORIZED (the "from" or "off" lands) The listing that appears on the certificate BEFORE PROPOSED CHANGES List only that part or portion of the water right that will be changed.						Proposed Changes (see			Th	e lis	PROPOSED (the "to" or "on" lands) isting as it would appear AFTER PROPOSED CHANGES are made.														
Г	ſwp	,	Rn	g	Sec	14	1/4	Tax Lot	Gvt Lot or DLC	Acres	Type of USE listed on Certificate	POD(s) or POA(s) (name or number from Table 1)	Priority Date	"CODES" from previous page)	TV	vp	R	ng	Sec	14	14	Tax Lot	Gvt Lot or DLC	Acres	New Type of USE	POD(s)/ POA(s) to be used (from Table 1)	Priority Date
2	2 5	s	9	E	15	NE	NW	100		15.0	Irrigation	POD #1 POD #2	1901	EXAMPLE POU/POD	2	s	9	E	1	NW	NW	500	1	10.0		POD #5	1901
															2	s	9	E	2	sw	NW	500		5.0		POD #6	1901
3	8 5	s	1	w	26	NE	sw	1300	65	3.6	Domestic, Stock & Irrigation	POD-1	1854	APOD	38	s	1	w	26	NE	sw	1300	65	3.6	N/A	POD-1 &POD-2	1854
3	8 5	s	1	w	26	NW	SE	1300	65	2.7	Domestic, Stock & Irrigation	POD-1	1864	APOD	38	s	1	w	26	NW	SE	1300	65	2.7	N/A	POD-1 &POD-2	1864
3	8 5	5	1	w	26	sw	NE	1300	65	1.1	Domestic, Stock & Irrigation	POD-1	1854	APOD	38	s	1	w	26	sw	NE	1300	65	1.1	N/A	POD-1 &POD-2	1854
31	8 5	5	1	w	26	SE	NW	1300	65	0.6	Domestic, Stock & Irrigation	POD-1	1852	APOD	38	s	1	w	26	SE	NW	1300	65	0.6	N/A	POD-1 &POD-2	1852
																		RI	ECE	IVE	D B)	WO	RD				
	T	T			1							REG	CEIVE	D BY OWP	D												
	T	AON		C	5								NOV	5 2017						OCT	122	017					
		20		TIV									SAL	em, or						SAL	EM,	OR					
Re	_	ed :	-	起	j			Perma	nent T	ransfer .	Application F	Form – Pageø	of 12						TA	CS							

TOTAL ACRES:	8.0		T	OTAL ACRES:	8.0		

Additional remarks: _____.

NOV 2 0 2017			
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- 0		NOV 1 5 2017	OCT 1 2 2017
1277		SALEM, OR	SALEM, OR
Revised 7/1/2013	Permanent Transfer Application Form – Page-H [*] of 13		TACS

Certificate # 74512

For Place of Use or Character of Use Changes

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

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

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

For Substitution (ground water supplemental irrigation will be substituted for surface water primary irrigation) NOV 1 5 2017 RECEIVED BY OWRD

Ground water supplemental Permit or Certificate # _____;
Surface water primary Certificate # _____.

SALEM, OR

OCT 1 2 2017

For a change from Supplemental Irrigation Use to Primary Irrigation Use Identify the animers and figure to be encelled. Cartificate # SALEM, OR

Identify the primary certificate to be cancelled. Certificate # _____

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

Well log(s) are attached for each authorized and proposed well(s) that are clearly labeled and associated with the corresponding well(s) in Table 1 above and on the accompanying application map. **Tip:** You may search for well logs on the Department's web page at: <u>http://apps.wrd.state.or.us/apps/gw/well_log/Default.aspx</u>

AND/OR

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

Table 3. Construction of Point(s) of Appropriation

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

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

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

	CERTIFICATE	FEEVED BY ON	CEIVED BY OWRD
Description of W	Vater Delivery System	NOV 1 5 2017	OCT 1 2 2017
System capacity:	.13 cubic feet per second (cfs) OR	101 - 0 2011	
	gallons per minute (gpm)	SALEM, OR	SALEM, OR
and the second sec			

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. Open ditch diversion from Wagner Creek, water is then flood irrigated on property. Under temporary transfers over the past couple years, water was also pumped from Wagner Creek running through the property at approved POD.

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

POD/POA Name or Number	Is this POD/POA Authorized on the Certificate or is it Proposed?	If POA, OWRD Well Log ID# (or Well ID Tag # L)	Т	wp	F	lng	Sec	14	1/4 1/4		Measured Distances (from a recognized survey corner)	
POD-1	Authorized Proposed		38	s	1	w	35	NW	NW	100	620 feet south and 900 feet east from the SW corner of Section 26	
POD-2	Authorized Proposed		38	s	1	w	26	sw	NE	1300	1520 feet north and 2510 feet east from the SW corner of Section 26	
	Authorized Proposed											
	Authorized Proposed											

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

\square	Place of Use (POU)		Supplemental Use to Primary Use (S to P)							
\square	Character of Use (USE)		Point of Appropriation/Well (POA)							
	Point of Diversion (POD)		Additional Point of Appropriation (APOA)							
\boxtimes	Additional Point of Diversion (APOD)		Substitution (SUB)							
	Surface Water POD to Ground Water POA (SW/GW)		Government Action POD (GOV)							
ill all	II all of the proposed changes affect the entire water right?									
Vee	Complete enlethe Descend (14, 2, 4, 1									

Yes	Complete only the Proposed ("to" or "on" lands) section of Table 2 on the next page. Use the	
	Complete only the Proposed ("to" or "on" lands) section of Table 2 on the next page. Use the "CODES" listed above to describe the proposed changes.	
1		

No Complete all of Table 2 to describe the portion of the water right to be changed 2 0 2017

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Permanent Transfer Application Form - Page 9 of 12

14 17 T 12774 TACS

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

12774

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

Table 2. Description of Changes to Water Right Certificate # 48966

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

1	AUTHORIZED (the "from" or "off" lands) The listing that appears on the certificate BEFORE PROPOSED CHANGES List only that part or portion of the water right that will be changed.							Proposed Changes (see	PROPOSED (the "to" or "on" lands) The listing as it would appear AFTER PROPOSED CHANGES are made.																	
Tw	vp	Rn		Sec		1/4	Tax Lot	Gvt Lot or DLC		Turne of LICE	DOD(c) or	Date	"CODES" from previous page)	Tw	γp	Rr	ng	Sec	1/4	14	Tax Lot	Gvt Lot or DLC	Acres	New Type of USE	POD(s)/ POA(s) to be used (from Table 1)	Priority Date
													EXAMPLE	and the											-	
2	s	9	E	15	NE	NW	100		15.0	Irrigation	POD #1 POD #2	1901	POU/POD	2	s	9	E	1	NW	NW	500	1	10.0		POD #5	1901
														2	s	9	E	2	sw	NW	500		5.0		POD #6	1901
38	s	1	w	26	sw	NE	1300	65	1.1	Stock & Irrigation	POD-1	1854			s	1	w	26	sw	NE	1300	65	1.1	N/A	POD-1 &POD-2	1854
38	s	1	w	26	sw	NE	1300	65	63head	Stock	POD-1	1854	APOD, POU, USE	38	s	1	w	26	NW	SE	1300	65	0.5	Nursery	POD-1 &POD-2	1854
		-																								
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	2 1 2																		OR		R	ECE	VED	BY OWF	Ð	
Rev	ised	7/1	ed1	1			Perma	nent T	ransfer A	Application F	orm – Page 40 I ⁴	Fof 18 5 (7	ł			-	Mare I	TA				(DCT 1	2 2017		

TOTAL ACRES:	1.1&63 head	TOTAL ACRES:	1.6

Additional remarks: _____.

Revised 7/1/2013

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 Permanent Transfer Application Form – Pagett of 13 TACS

16 17

For Place of Use or Character of Use Changes

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

If YES, list the certificate, water use permit, or ground water registration numbers: 74512.

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

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

Ground water supplemental Permit or Certificate #;	RECEIVED BY OWN	TO EIVED BY OWRD
Surface water primary Certificate #	NOV 1 5 2017	OCT 1 2 2017
For a change from Supplemental Irrigation Use to Primary Irrig	ation Use NOV 1 5 2017	L & LOII

Identify the primary certificate to be cancelled. Certificate # _____ SALEM, OR SALEM, OR

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

Well log(s) are attached for each authorized and proposed well(s) that are clearly labeled and associated with the corresponding well(s) in Table 1 above and on the accompanying application map. **Tip:** You may search for well logs on the Department's web page at: <u>http://apps.wrd.state.or.us/apps/gw/well_log/Default.aspx</u>

AND/OR

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

Table 3. Construction of Point(s) of Appropriation

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

Proposed or Authorized POA Name or Number	Is well already built? ((Yes or No)	If an existing well: OWRD Well ID Tag No. L	Total well depth	Casing Diameter	Casing Intervals (feet)	Seal depth(s) (intervals)	Perforated or screened intervals (in feet)	Static water level of completed well (in feet)	Source aquifer (sand, gravel, basalt, etc.)	Well -specific rate (cfs or gpm). <u>If</u> less than full rate of water right
										1



Permanent Transfer Application Form - Page 12 of 12-17 17 1 1277 A OWRD





Department of Fish and Wildlife

Fish Division 4034 Fairview Industrial Dr. SE Salem, OR 97302 503-947-6200 Fax: 503-947-6202 www.dfw.state.or.us



February 29, 2016

Travis Kelly, Jackson County Watermaster 10 South Oakdale Medford, OR 97501

RE: OWRD application for temporary point of diversion transfer on Wagner Creek

Dear Mr. Kelly,

The Oregon Department of Fish and Wildlife (ODFW) supports Aluna Michelle's (authorized agent) application proposing to temporarily transfer a point of diversion for irrigation water downstream on Wagner Creek. This POD was formerly known as the Rapp/Parrish diversion and maintains a valid water right (Cert # 74512). The Rapp/Parrish diversion was a partial passage barrier to native migratory fish. By moving the point of diversion downstream and switching the method of diversion from a dam to a pump would result in two primary benefits to native migratory fish, improved fish passage and water left instream for a longer stream reach. In fact, ODFW encourages the applicant to permanently transfer the POD to the proposed new location and permanently abandon the current POD.

Please feel free to contact me with any questions.

Sincerely

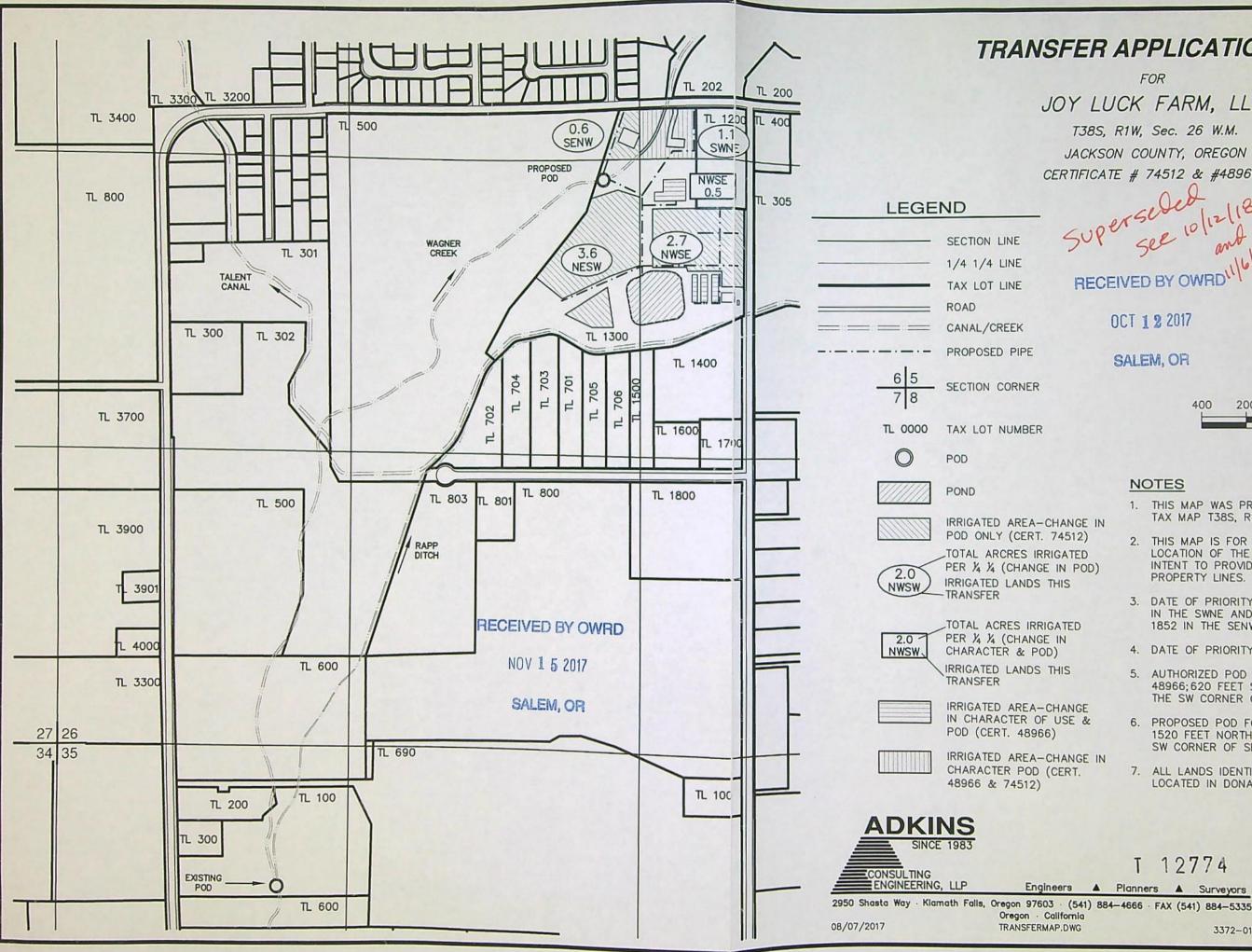
Jay Doino Western Oregon Stream Restoration Program Biologist Oregon Department of Fish and Wildlife Rogue Watershed District Office



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OCT 1 2 2017

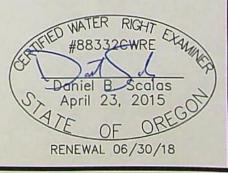


FOR FOR LUCK FARM, LLC ABS, R1W, Sec. 26 W.M. CKSON COUNTY, OREGON TCATE # 74512 & #48966 CATE # 74512 & #48966 CATE BY OWRDUP	MAP RECEIVED NOV & 0 2017 OWRD
SALEM, OR	
400 200 (F	0 400 FEET)

NOTES

- 1. THIS MAP WAS PREPARED FROM JACKSON COUNTY TAX MAP T38S, R1W, SEC. 26D.
- 2. THIS MAP IS FOR THE PURPOSE OF IDENTIFYING THE LOCATION OF THE WATER RIGHT ONLY AND HAS NO INTENT TO PROVIDE DIMENSIONS OR LOCATION OF PROPERTY LINES.
- 3. DATE OF PRIORITY FOR CERTIFICATE 74512 IS 1854 IN THE SWNE AND NESW, 1864 IN THE NWSE AND 1852 IN THE SENW.
- 4. DATE OF PRIORITY FOR CERTIFICATE 48966 IS 1854.
- 5. AUTHORIZED POD FOR CERTIFICATE 74512 AND 48966; 620 FEET SOUTH AND 900 FEET EAST FROM THE SW CORNER OF SECTION 26.
- 6. PROPOSED POD FOR CERTIFICATE 74512 AND 48966; 1520 FEET NORTH AND 2510 FEET EAST FROM THE SW CORNER OF SECTION 26.
- 7. ALL LANDS IDENTIFIED IN THIS TRANSFER ARE LOCATED IN DONATION LAND CLAIM 65.

12774 Engineers A Planners A Surveyors 3372-01



RECEIVED

JUN 30 2017

JACKSON COUNTY PLANNING

Land Use **Information Form**



Oregon Water Resources Department 725 Summer Street NE, Suite A Salem, Oregon 97301-1266 www.wrd.state.or.us RECEIVED BY OWRD

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WR/FS

Applicant: 50 M	Luck	Farm,	LLC	(Gin Gua	- Ehnessyrid	NOV 1 5 2017
Mailing Address:					y Last	SALEM, OR
Talent		() R State	97540 Zip	Daytime Phone: 302 - 588	-9329

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	¥ ¥	Tax Lot #	Plan Designation (e.g., Rural Residential/RR-5)		Water to be:		Proposed Land Use:
385	in	26	D	1300	EFU	Giverted	Conveyed	Used	Farming
						Diverted	Conveyed	Used Used	5
						Diverted	Conveyed	Used Used	
	Contraction of the local distance of the loc					Diverted	Conveyed	Used Used	

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

Jackson County

B. Description of Proposed Use

Type of application to be filed with the Water Resources Department:
Permit to Use or Store Water Water Right Transfer
Limited Water Use License Allocation of Conserved Water Exchange of Water
Source of water: Reservoir/Pond Ground Water Surface Water (name) Wagner Cruck
Estimated quantity of water needed: Z_1 Kubic feet per second gallons per minute acre-feet
Intended use of water: Airrigation Commercial Industrial Municipal Quasi-Municipal Instream Other Struct (1.145+2014)
Briefly describe:
Permanent weeter rights transfer for additional print of diversion in our property. ? converting some livestate rights to nursery, use for marijuan, vegetables and fruit and seedlings and tree stark.
20

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. RECEIVED

See bottom of Page 3. \rightarrow

Revised 2/8/2010

Land Use Information Form - Page 2 of 3

For Local Government Use Only

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

Please check the appropriate box below and provide the requested information

- Land uses to be served by the proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s):
- And 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.)		ficant, Applicable Plan Policies & ance Section References	Land-Use Approval:		
Type LUI as a form use	3.13	JELDO	Denied	Being Pursued Not Being Pursued	
			Obtained Denied	Being Pursued	
•	12.558		Obtained Denied	Being Pursued Not Being Pursued	
			Denied	Being Pursued	
			Obtained Denied	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 shee RECEIVED BY OWRD

		RECEIVED BY OWRD
	OCT 1 2 2017	
		NOV 1 5 2017
	SALEM, OR	
		SALEM, OR
Name: Dawn Nali	Title: Planne	-II
Signature: Indal	Phone: 541-774-	6922 Date: 06/30/2017
Government Entity:)acleson	Comty	
sign the receipt, you will have 30 days from the	ase complete this form or sign the receipt below Water Resources Department's notice date to re- iated with the proposed use of water is compatible	turn the completed Land Use Information
Receipt f	for Request for Land Use Informat	ion
Applicant name:		
City or County:	Staff contact:	RECEIVED
Signature:	Phone:	Data 0 V 2 0 2017
Revised 2/8/2010	Land Use Information Form - Page 3 of 3	WR / FS
	· T	12774 OWRD

470315038268 RECORDING REQUESTED BY:

Ticor Title Company of Oregon 3539 Heathrow Way Suite 100 Medford, OR 97504

GRANTOR: Leonard Parrish and Sally A. Parrish as tenants by the entirety 225 W. Rapp Road Talent, OR 97540

GRANTEE: Gin Guei H. Ebnesajjad an estate in fee simple 16 Balmoral Drive Chadds Ford, PA 19317

SEND TAX STATEMENTS TO: Gin Guei H. Ebnesajjad 225 W Rapp Road Talent, OR 97540

AFTER RECORDING RETURN TO: Gin Guei H. Ebnesajjad 225 W Rapp Road Talent, OR 97540

Escrow No: 470315038268-TTJA02

381W26D 1300 / 10034411

225 W Rapp Road Talent, OR 97540

SPACE ABOVE THIS LINE FOR RECORDER'S USE

WARRANTY DEED - STATUTORY FORM (INDIVIDUAL or CORPORATION)

Leonard Parrish and Sally A. Parrish as tenants by the entirety

Grantor, conveys and warrants to

Gin Guei H. Ebnesaljad an estate in fee simple

Grantee, the following described real property free of encumbrances except as specifically set forth herein:

Commencing at a 3/4 inch iron pipe found set for the southeast corner of Donation Land Claim No. 63, Township 38 South, Range 1 West of the Willamette Meridian, Jackson County, Oregon; thence North 1855.53 feet; thence East, 1.35 feet to a 5/8 inch rebar with plastic cap set for the southeast corner of tract described in Document No. 69-04336, Official Records of Jackson County, Oregon; thence along the easterly boundary of said tract and the northerly projection thereof; North 00° 02' 43" East (record = North 00° 02' 49" East), 564.26 feet to a found 1/2 inch iron pipe located on the southerly right of way line of West Rapp (County Road); thence along said road line, North 89° 53' East, 1331.46 feet to a 5/8 inch rebar with plastic cap set for the True Point of Beginning; thence South 18° 59' 35" West, 464.17 feet; thence South 39° 44' 10" West, 405.36 feet; thence South 41° 25' 55" West, 150.60 feet; thence South 28° 44' West, 226.00 feet; thence South 50° 59' 30" East, 54.79 feet to intersect the northerly boundary of PAMONA HEIGHTS SUBDIVISION (recorded); thence Easterly along said subdivision boundary to the northeast corner of Lot 7 thereof; thence Easterly following the southerly right of way line of the "TALENT MIDDLE CANAL" of the Talent Irrigation District to an intersection with the westerly right of way line of Rapp Lane; thence northerly along said lane boundary to the southeast corner of tract described in Document No. 70-01232 said Official Records; thence Westerly, along the southerly line of said tract and its westerly extension, 220 feet; thence North 0° 08' East 433.70 feet, more or less, to the southerly right of way line of West Rapp (County) Road; thence South 89° 53' West, along said road line to the point of beginning.

The true consideration for this conveyance is \$400,000.00.

470315038268-TTJA02 Deed (Warranty – Statutory (Individual or Corporation)) NOV 2 0 2017

OWRD T 12774

Jackson County Official Records 2015-003702 R-WD 02/10/2015 09:54:28 AM S10.00 S11.00 S10.00 S8.00 S20.00 \$59.00

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

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NOV 1 5 2017

SALEM, OR

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OCT 1 2 2017

ENCUMBRANCES: Easements, conditions, covenants and restrictions of record

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

Dated February 9, 2015; if a corporate grantor, it has caused its name to be signed by order of its board of directors.

a. Paris Milly Sally A/Parrish

State of OREGON

470315038268-TTJA02

Deed (Warranty - Statutory (Individual or Corporation))

- . -

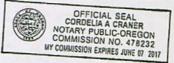
COUNTY of Jackson

This instrument was acknowledged before me on ______

, 2015

Leonard Parrish and Sally A. Parrish b lar ordelia A

Ordelia A. Cranur, Notary Public - State of Oregon My commission expires: 6-7-17



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OCT 1 2 2017

2015-003702

RECORDING REQUESTED BY AND WHEN RECORDED MAIL TO:

Melisa A. Button Hornecker Cowling LLP 717 Murphy Road Medford, OR 97504

....

UNTIL A CHANGE IS REQUESTED: SEND ALL TAX STATEMENTS TO: Joy Luck Farm, LLC

225 W Rapp Road Talent, OR 97540 DCT 1 2 2017

SALEM, OR

BARGAIN AND SALE DEED

FOR VALUE RECEIVED, GIN GUEI H. EBNESAJJAD, as Grantor, does hereby grant, bargain, sell and convey unto, JOY LUCK FARM, LLC, an Oregon limited liability company, as Grantee, all that certain real property located in Jackson County, Oregon, and more particularly described as follows:

See Exhibit A.

The consideration for this transfer is ZERO DOLLARS.

TOGETHER WITH all improvements, easements, hereditaments and appurtenances thereto, and subject to such rights, easements, covenants, restrictions and zoning regulations as appear of record or based upon the premises.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF

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 SALEM, OR

BARGAIN AND SALE DEED - 1

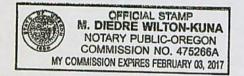
NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

IN WITNESS WHEREOF, Grantor has hereunto subscribed her name to this instrument effective February 1, 2016.

GRANTOR: GIN GUEL ESAJJAR

STATE OF OREGON County of Jackson

On February 1, 2016, before me, the undersigned Notary Public in and for said State, personally appeared Gin Guei H. Ebnesajjad, known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that she executed the same.



)) ss.

> Notary Public for the State of Oregon My Commission Expires: 02/03/2017

> > RECEIVED

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OCT 1 2 2017

SALEM, OR

RECEIVED BY OWRD

NOV 1 5 2017

SALEM, OR

BARGAIN AND SALE DEED - 2

Exhibit A

Commencing at a 3/4 inch iron pipe found set for the southeast corner of Donation Land Claim No. 63, Township 38 South, Range 1 West of the Willamette Meridian, Jackson County, Oregon; thence North 1855.53 feet; thence East, 1.35 feet to a 5/8 inch rebar with plastic cap set for the southeast corner of tract described in Document No. 69-04336, Official Records of Jackson County, Oregon; thence along the easterly boundary of said tract and the northerly projection thereof; North 00° 02′ 43° East (record = Nörli D0° 02′ 49″ East), 584.26 feet to a found 1/2 inch iron pipe located on the southerly right of way line of West Rapp (County Road); thence along said road line, North 89° 53' East, 1331.46 feet to a 5/8 inch rebar with plastic cap set for the True Point of Beginning; thence South 18° 59′ 35° West, 464.17 feet; thence South 39° 44′ 10° West, 405.36 feet; thence South 18° 55′ 35° West, 150.60 feet; thence South 39° 44′ 10° West, 405.36 feet; thence South 18° 55′ 35° West, 150.60 feet; thence South 39° 44′ 10° West, 405.36 feet; thence South 41° 25′ 55° West, 150.60 feet; thence South 39° 44′ West, 226.00 feet; thence South 50° 59′ 30° East, 54.79 feet to intersect the northerly boundary of PAMONA HEIGHTS SUBDIVISION (recorded); thence Easterly along said subdivision boundary to the northeast corner of Lot 7 thereof; thence Easterly following the southerly right of way line of the "TALENT MIDDLE CANAL" of the Talent Irrigation District to an intersection with the westerly right of way line of Rapp Lane; thence northerly along said lane boundary to the southeast corner of tract described in Document No. 70-01232 said Official Records; thence Westerly, along the southerly line of said tract and its westerly extension, 220 feet; thence North 0° 08' East 433.70 feet, more or less, to the southerly right of way line of West Rapp (County) Road; thence South 89° 53' West, along said road line to the point of beginning.

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Application for Water Right Transfer Evidence of Use Affidavit



regon Water Resources Department 25 Summer Street NE, Suite A alem, Oregon 97301-1266 i03) 986-0900 ww.wrd.state.or.us

Please print legibly or type. Be as specific as possible. Attach additional pages if you nee Supporting documentation must be attached.	ed more spacing.
ate of Oregon)) ss	
ounty of JACKSON)	
ALUNA MICHELLE, in my capacity asPROPERTY MANAGER_,	
ailing address 225 West Rapp Road, Talent, Oregon 97540	
lephone number (<u>302)588-9329</u> , being first duly sworn depose and say:	
	RECEIVED BY OWRD
Personal observation Professional expertise	007
	OCT 1 2 2017

2. I attest that:

St

C

I,

m

te

1.

- Water was used during the previous five years on the **entire** place of use for **SALEM, OR**
- My knowledge is specific to the use of water at the following locations within the last five years:

Certificate #	Town	nship	Range		Mer	Sec	1/4 1/4		Gov't Lot or DLC	Acres (if applicable)
74512	38	S	1	w	Willa mette	26	SE	NW	1300	
74512	38	S	1	w	Willa mette	26	SW	NE	1300	
74512	38	S	1	w	Willa mette	26	NW	SE	1300	
74512	38	S	1	w	Willa mette	26	NE	SW	1300	
48966	38	S	1	w	Willa mette	26	SW	NE	1300	RECEIVED BY OWRE
										NOV 1 5 2017

OR

SALEM, OR

OWRD

12774

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 <u>not</u> leased instream.); **OR**

The water right is not subject to forfeiture and documentation that a presumption of forfeiture for non-use would be rebutted under ORS 540.610(2) is attached.

Water has been used at the actual current point of diversion or appropriation for more than 10 years for Certificate # ____(For Historic POD/POA Transfers) NOV 2 0 2017

Evidence of Use Affidavit - Page 1 of 2

(continues on reverse side)

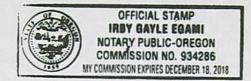
3. The water right was used for: (e.g., crops, pasture, etc.): HAY. ORCHARD. CROPS. PASTURE, LIVESTOCK. DOMESTIC

4. I understand that if I do not attach one or more of the documents shown in the table below to support the above statements, my application will be considered incomplete.

Signature of Affiant

June 29, 2017

Signed and sworn to (or affirmed) before me this 29^{TL} day of <u>June</u>, 20___.



Ngrary Public for Øregon My Commission Expires: Dec. 18, 2018

Supporting Documents	Examples
Copy of a water right certificate that has been issued within the last five years. (not a remaining right certificate)	Copy of confirming water right certificate that shows issue date
Copies of receipts from sales of irrigated crops or for expenditures related to use of water	 Power usage records for pumps associated with irrigation use Fertilizer or seed bills related to irrigated crops Farmers Co-op sales receipt
Records such as FSA crop reports, irrigation district records, NRCS farm management plan, or records of other water suppliers	 District assessment records for water delivered Crop reports submitted under a federal loan agreement Beneficial use reports from district IRS Farm Usage Deduction Report Agricultural Stabilization Plan CREP Report
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.
OCT 1 2 2017 SALEM, OR	Sources for aerial photos: OSU –www.oregonexplorer.info/imagery OWRD – www.wrd.state.or.us Google Earth – earth.google.com TerraServer – www.terraserver.com NOV 1 5 2017
Approved Lease establishing beneficial use within the last 5 years	Copy of instream the entremember D
	SALEM, OR

NOV 2 9 2017

T 12574

Evidence of Use Affidavit - Page 2 of

Application for Water Right Transfer Evidence of Use Affidavit



regon Water Resources Department 25 Summer Street NE, Suite A alem, Oregon 97301-1266 i03) 986-0900 ww.wrd.state.or.us

NOV 2 0 2017

T 12774 OWRD

Please print legibly or type. Be as specific as possible. Attach additional pages if you nee Supporting documentation must be attached.	ed more spacing.
State of Oregon)) ss	
County of JACKSON)	
I, <u></u>	
mailing address225 West RAPP ROAD, TALENT, OREGON 97540	
telephone number (<u>541)601-6330</u> , being first duly sworn depose and say:	
1. My knowledge of the exercise or status of the water right is based on (check on the status).	CEIVED BY OWRD
Personal observation Professional expertise	OCT 1 0 2017
2. I attest that:	OCT 1 2 2017
Water was used during the previous five years on the entire place of use for Certificate #; OR	SALEM, OR
My knowledge is specific to the use of water at the following locations within t	he last five years:

Certificate #	Town	nship	Ra	inge	Mer	Sec	1/4	1/4	Gov't Lot or DLC	Acres (if applicable)	
74512	38	S	1	W	Willa mette	26	SE	NW	1300		
74512	38	S	1	w	Willa mette	26	SW	NE	1300		
74512	38	S	1	w	Willa mette	26	NW	SE	1300		
74512	38	S	1	w	Willa mette	26	NE	SW	1300		
48966	38	S	1	W	Willa mette	26	sw	NE	1300	RECEIVED BY OW	RD
										NOV 1 5 2017	
										SALEM, OR	

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 <u>not</u> 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 RECEIVED 10 years for Certificate # _____(For Historic POD/POA Transfers)

Evidence of Use Affidavit - Page 1 of 2

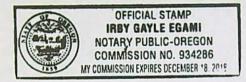
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- 3. The water right was used for: (e.g., crops, pasture, etc.): HAY, CROPS, PASTURE, LIVESTOCK, DOMESTIC
- 4. I understand that if I do not attach one or more of the documents shown in the table below to support the above statements, my application will be considered incomplete.

Signature of Affirm

6/29/17

Signed and sworn to (or affirmed) before me this <u>6</u> day of <u>29</u>, 20<u>17</u>.



July Bayle Egen Notary Public for Gregon My Commission Expires: Dec. 18, 2018

Supporting Documents	Examples
Copy of a water right certificate that has been issued within the last five years. (not a remaining right certificate)	Copy of confirming water right certificate that shows issue date
Copies of receipts from sales of irrigated crops or for expenditures related to use of water	 Power usage records for pumps associated with irrigation use Fertilizer or seed bills related to irrigated crops Farmers Co-op sales receipt
Records such as FSA crop reports, irrigation district records, NRCS farm management plan, or records of other water suppliers	 District assessment records for water delivered Crop reports submitted under a federal loan agreement Beneficial use reports from district IRS Farm Usage Deduction Report Agricultural Stabilization Plan CREP Report
Aerial photos containing sufficient detail to establish location and date of photograph RECEIVED BY OWRD	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.
OCT 1 2 2017	Sources for aerial photos: OSU –www.oregonexplorer.info/imagery
SALEM, OR	OWRD – www.wrd.state.or.us Google Earth – earth.google.com TerraServer – www.terraserver.com
Approved Lease establishing beneficial use within the last 5 years	Copy of instream lease or lease number

NOV 2 9 2017

Evidence of the Athlever Page 2 of 2

Revised 2/5/2010

NOV 1 5 2017

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SALEM, OR 1 12774





	NOV S · 2017	
Т	Joy Luck Farm. M. DATE:	And Luck Farm, Inc. PATE ////////////////////////////////////
127	9	B OCT 1 2 2017
74	11	SALEM, OR
	12 TCFAL 283 50 CUSTOMERS ORDER NO. RECEIVED BY: RECEIVED BY: Received by:	12 885 50 CUSTOMERS ORDER NO. RECEIVED BY: 12 12
	© 2001 REDIFORM (0) 5L527	KEEP THIS COPY FOR YOUR RECORDS

NOV 2 0 2017	
Joy Luck Fam. Inc. DATE: 20/16 NAME: JO,20AN ADDRESS:	Joy Lich Farm. Inc. 381452 Date: 3/26/16 NAME: ADDRESS:
SOLD BY: ABM. QUANTITY DESCRIPTION PRICE AMOUNT QUANTITY DESCRIPTION PRICE AMOUNT 1 Bulls Grass Hay 74.5 72- 2 3	SOLD BY: ABM X CASH C.O.D. CHARGE ON ACCT. MDSE RTD. PAID OUT ABM X DESCRIPTION PRICE AMOUNT ZI 1 Brily Cryss Hary 450 Pay 50 3
V 10 11 11 12 72 - CUSTOMERS ORDER NO. RECEIVED BY: CUSTOMERS ORDER NO. RECE	CUSTOMERS ORDER NO. KEEP THIS COPY FOR YOUR RECORDS

RECEIVED BY OWRD NOV 1 5 2017 SALEM, OR RECEIVED BY OWRD OCT 1 2 2017 SALEM, OR

1 . 1

GRANGE CO-OP AGRICULTURAL SERVICES 32 SOUTH FRONT CENTRAL POINT, OREGON 97502 PHONE: (541) 664-3993

> Shop On-Line Anytime at WWW.GRANGECOOP.COM

ALUNA MICHELLE 3524 ALLEY LN

CUST # 217666 TERMS: NET EOM

MEDFORD

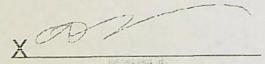
OR 97501-8802

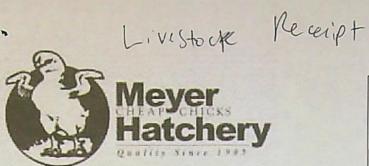
MICHELLE/ALUNA

INV # D83912/3 DATE : 10/07/16 CLERK: OWEN TERM # 220

TIME :11:56 *********** * INVOICE * *******

QUANTITY UM ITEM 1 EA 1680320 1 EA 50AWP	DESCRIPTION 50# HI OCTANE TRITICALE 50# Austrian Winter Peas	SUG.PRICE 18.00 25.99	PRICE/PER 18.00 /EA 25.99 /EA	EXTENSION 18.00 N 25.99 N
RECEIVED	F	RECEIVED BY OW NOV 1 5 2017 SALEM, OR	/BD	EIVED BY OWRD OCT 1 2 2017 SALEM, OR
MID: B76188308997 (CLUB#0000217666)	APP:3 ** PAYMENT RECEIVED ** ** PAID IN FULL ** BANKCARD PAYMENT BKCRD#XXXXXXXXXX6252	43.99 T N S 43.99 T	:383912 AXABLE ON-TAXABLE UB-TOTAL AX AMOUNT OTAL INVOICE	0.00 43.99 43.99 0.00 43.99





626 State Route 89 - Polk, OH 44866 (888) 568-9755

Invoice

Or	der # 584963	
Order	Date 10/16/2016	8V
Custo	omer # 335988	Y J
Delive	ery Ship Priority	78 NP
Sales	Rep	An Invest Pick Dry & Manufacture B
PO #		NPIP# 31-1
Shippi	1g	
ALLIN	A MICHELLE	
a service of the service of	A MICHELLE RAPP RD	
225 W		
225 W TALE	RAPP RD	

Arrival: Tuesday Nov 01, 2016 through Thursday Nov 03, 2016

Description	Price	Quantity	Extension
FPBM FRY PAN BARGAIN	\$0.00	60	\$0.00
Note: Free Extra FPBM FRY PAN BARGAIN Note:	\$0.31	1500	\$465.00

Payment Date	Method	Amount
10/16/2016	Visa	\$1,140.95



Billing -

JOY LUCK FARM, LLC. ALUNA MICHELLE 225 W RAPP RD

TALENT, OR 97540-9687

Sub-total	\$465.00
Discount	\$0.00
Shipping	\$675.95
Tax	\$0.00
Total	\$1,140.95
Paid	\$1,140.95
Amount Due	\$0.00

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NOV 1 5 2017

SALEM, OR

RECEIVED BY OWRD

OCT 1 2 2017

SALEM, OR

RECEIVED NOV 2 0 2017

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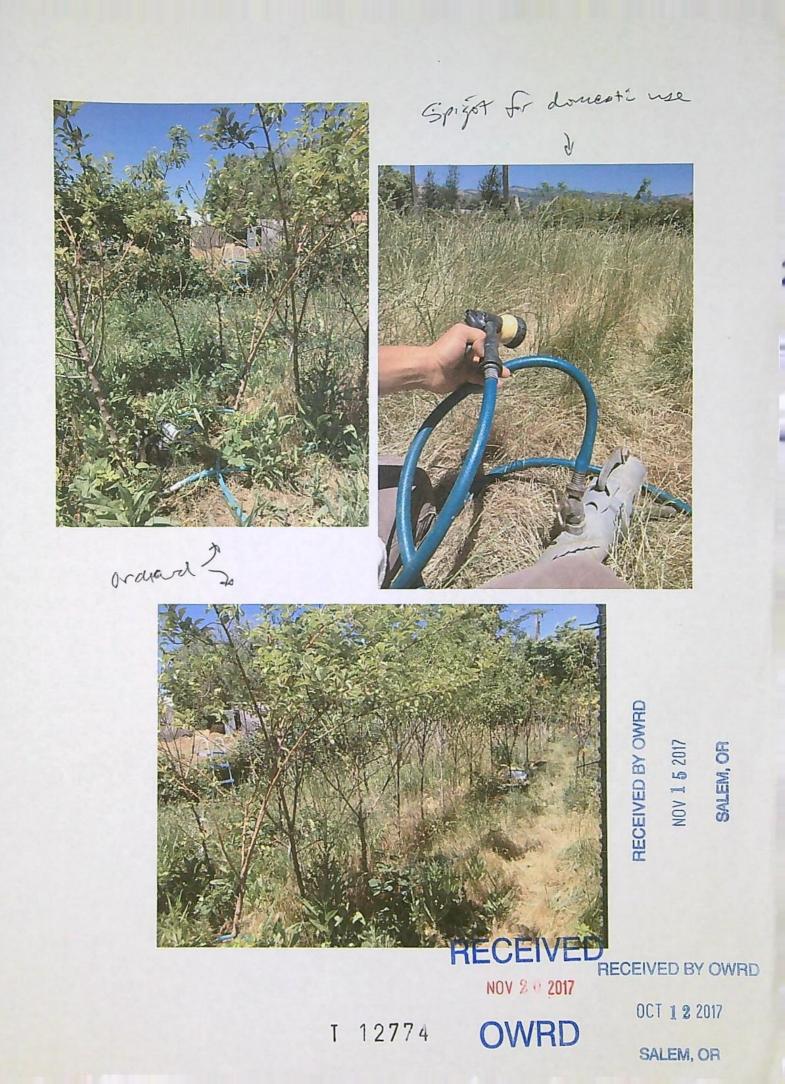


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OWRD SALEM, OR

0CT 1 2 2017 SALEM, OR





RECEIVED MAR 0 9 2020 OWNRD

Date Received (Date Stamp Here)

OWRD	Over-the	e-Counte	er Submiss	ion Receipt
Applicant Name(s)	& Address:	Joy Lu	ck Fari	n LLC
225 Wes	+ Rapp	Road	Talent (OR 97540
Transaction Type:	rotest .			T-12774
Fees Received: \$	410,00	0 H		
Cash	Check:	Check No	1198	
			Check: Aluna	
		Address on C	heck: 225	West Rapp Road 97540
Thank you for your	submission. Or	regon Water Re	sources Departme	nt (Department) staff will

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

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

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

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

Sincerely,	
OWRD Customer Service Staff	
Submission received by:	Ferren
N	ane of OWRD staff)

Instructions for OWRD staff:

- Complete this Submission Receipt, and make two (2) copies. Place one copy with the check/cash; and place the other copy with the submission (*i.e.*, the application or other document).
- Date-stamp all pages. (NOTE: Do not stamp check.)
- · Give this original Submission Receipt to the applicant.
- Record Submission Receipt information on the "RECEIVED OVER THE COUNTER" log sheet.
- Place the Submission Receipt with check/cash in the small top drawer (i.e., "Fiscal Pick Up Drawer"). Place the Submission Receipt with submission (application/other document) in the large bottom drawer.

725 Summer St. NE, Suite A, Salem, OR 97301 Phone: 503-986-0900

www.oregon.gov/OWRD . April 2019



RECEIVED MAR 0 9 2020 OMARD

Date Received (Date Stamp Here)

OWRD Over-the-Counter Submission Receipt			
Applicant Name(s) & Address: Joy Luck Farm LLC			
		Road Talent OR 975	40
Transaction Type:	rotest i	oy Applicant - T-1277	4
Fees Received: \$	410,00		
🗌 Cash	Check:	Check No. 1198	
		Name(s) on Check: Aluna Michelle	
		Address on Check: 225 West Rap Talent OR 97540	p Road
Thank you for your	submission. Or	egon Water Resources Department (Department) st	aff will

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

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

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

Sincerely,	
OWRD Customer Service Staff	
Submission received by: Judy	Ferren
(No	ne of OWRD staff)

Instructions for OWRD staff:

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- Date-stamp all pages. (NOTE: Do not stamp check.)
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- Place the Submission Receipt with check/cash in the small top drave Submission Receipt with submission (application/other document)

725 Summer St. NE, Suite A, Salem, OR 97301 Phone: 503-986-0900

Please Return to Patricia. Thank you,

www.oregon.gov/OWRD . April 2019