

T-14037

InStream

T-14037

Name City of ashland  
attn Scott Flannery  
 Address 20 East main Street  
Ashland Oregon 97520

Change in POW USE  
 Date Filed 6/24/2022  
 Initial notice date 7/12/2022  
 DPD issued date 9-13-22  
 PD issued date 11-9-2022  
 PD notice date  
 Date of FO 1/11/2023 Vol 127 Page 229

C-Date  
 COBU due date  
 COBU Received date  
 Certificate issued

## DESCRIPTION OF WATER RIGHT(S)

Name of Stream ashland creek

Trib. of Bear Creek

Use Imigation livestock County Jackson

Quantity of water (CFS) No. of Acres

Name of ditch

App# Decree Per # Rogue river Cert # 95315 PR Date

App# Per # Cert # PR Date

App# Per # Cert # PR Date

App# Per # Cert # PR Date

App# Per # Cert # PR Date

FEES PAID		
Date	Amount	Receipt #
<u>06/24/22</u>	<u>\$1,225.00</u>	<u>138507</u>

FEES REFUNDED		
Date	Amount	Receipt #

Assignments:

Irrigation District Talent Imigation Astrict

Agent GSI water Solutions - adam Sussman

CWRE  
 CC's list City of ashland

☐ - Oversized map - Location





# Oregon

Tina Kotek, Governor

## Water Resources Department

North Mall Office Building

725 Summer St NE, Suite A

Salem, OR 97301

Phone 503 986-0900

Fax 503 986-0904

[www.oregon.gov/owrd](http://www.oregon.gov/owrd)

### Applicant

City of Ashland

Attn: Scott Fleury

20 East Main Street

Ashland, Oregon 97520

[scott.fleury@ashland.or.us](mailto:scott.fleury@ashland.or.us)

### Agent

GSI Water Solutions, Inc.

Attn: Adam Sussman

1600 SW Western Boulevard, Suite 240

Corvallis, Oregon 97333

[asussman@gsiws.com](mailto:asussman@gsiws.com)

SUBJECT: Instream Transfer Application T-14037

Enclosed is a copy of the final order approving your instream water right transfer application and copy of the remaining right certificate and confirming instream certificate.

I want to express appreciation for your participation in this program and cooperation in helping to improve streamflows for fish and aquatic life.

Please do not hesitate to contact me at [Sarah.A.Henderson@water.oregon.gov](mailto:Sarah.A.Henderson@water.oregon.gov) or 503-979-9872 if I may be of assistance.

Sincerely,

Sarah Henderson

Flow Restoration Coordinator

Transfer and Conservation Section

cc: Transfer Application file T-14037  
Shavon Haynes, District 13 Watermaster (*via e-mail*)  
Talent Irrigation District (*via automated email*)  
ODFW, (*via automated email*)  
DEQ, (*via automated email*)

encs



BEFORE THE WATER RESOURCES DEPARTMENT  
OF THE  
STATE OF OREGON

In the Matter of Instream Transfer	)	FINAL ORDER APPROVING A CHANGE IN
Application T-14037, Jackson County	)	PLACE OF USE AND CHARACTER OF USE

**Authority**

Oregon Revised Statutes (ORS) 540.505 to 540.580 establishes 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 implements the statutes and provides the Department's procedures and criteria for evaluating transfer applications. OAR Chapter 690, Division 077 provides additional criteria for evaluating transfers to instream water rights.

**Applicant**

City of Ashland  
Attn: Scott Fleury  
20 East Main Street  
Ashland, Oregon 97520  
[scott.fleury@ashland.or.us](mailto:scott.fleury@ashland.or.us)

**Agent**

GSI Water Solutions, Inc.  
Attn: Adam Sussman  
1600 SW Western Boulevard, Suite 240  
Corvallis, Oregon 97333  
[asussman@gsiws.com](mailto:asussman@gsiws.com)

**Findings of Fact**

1. On June 24, 2022, the City of Ashland filed an application to change the place of use and character of use under Certificate 95315 to instream use. The Department assigned the application number T-14037.
2. Notice of the application for transfer was published on July 12, 2022, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. Consistent with land use requirements, notice of the intent to file the instream transfer application was provided by the applicant to the City of Ashland local government. Additionally, the Department provided notification of the proposed action to the local government and Talent Irrigation District upon receipt of Transfer Application T-14037.

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 September 13, 2022, the Department sent a copy of the draft Preliminary Determination proposing to approve Instream Transfer Application T-14037 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of October 13, 2022, for the applicant to respond. 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.
5. On November 9, 2022, the Department issued a Preliminary Determination proposing to approve Instream Transfer Application T-14037 and sent a copy to the applicant. Additionally, notice of the Preliminary Determination for the transfer application was published on the Department's weekly notice on November 15, 2022, and in the Medford Mail Tribune newspaper on November 20, 2022, and November 27, 2022, pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notices.

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

**Certificate:** 95315 in the name of J. A. Parker (confirmed by Rogue River Final Decree in Volume 4, at Page 1)

**Use:** Irrigation of 5.0 ACRES

**Priority Date:** 1858

**Rate:** 0.10 Cubic Foot Per Second

**Source:** Ashland Creek a tributary of Bear Creek

**Authorized Point of Diversion:** Not described on certificate

**Authorized Place of Use:**

Irrigation					
Twp	Rng	Mer	Sec	Q-Q	Acres
39 S	1 E	WM	5	SE NE	5.0

7. Certificate 95315 does not describe the location of the point of diversion. The applicant and the Department's Watermaster, for purposes of this instream transfer, describe the point of diversion as follows:

Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Measured Distances
39 S	1 E	WM	9	NW NW	200	HELMAN DITCH: 315 FEET SOUTH AND 760 FEET EAST FROM THE NW CORNER OF SECTION 9

8. Certificate 95315 does not specify the irrigation season. However, the Rogue River Decree establishes the irrigation season for the area as April 1 through October 31.
9. A total of 42.4 acre-feet of water may be beneficially used annually under the existing right.
10. Instream Transfer Application T-14037 proposes to change the character of use to instream use for conservation, maintenance, and enhancement of aquatic and fish life, wildlife, fish and wildlife habitat, and other ecological values; recreation; and pollution abatement.



11. Instream Transfer Application T-14037 proposes to change the place of use of the right to a point on Helman Ditch, located in T39S, R1E, WM, Sec. 9, NWNW.
12. The applicant proposes the quantities water to be transferred instream be as protected follows:

Period	Rate (cfs)	Volume (acre-feet)
April 1 to October 31	0.10	42.4

13. The applicant requested that any instream water right established as a result of this instream transfer be additive to existing instream water rights for the same reach established pursuant to ORS 537.348 (instream transfer process) and ORS 537.470 (allocation of conserved water process). The applicant also requested that any instream water rights established as a result of this instream transfer replace a portion of any existing instream rights established pursuant to ORS 537.346 (minimum streamflow conversion) and ORS 537.341 (state agency instream application process), with a more senior priority date.

***Instream Transfer Review Criteria (OAR 690-77-0075 and 690-380-4010)***

14. Water has been used within the last five years according to the terms and conditions of the right; and there is no information in the record that would demonstrate that the right is subject to forfeiture under ORS 540.610.
15. A diversion structure and ditch sufficient to use the full amount of water allowed under the existing right were present within the five-year period prior to submittal of Application T-14037.
16. The quantities to be transferred and protected instream is as follows:

**Instream Point:** At the POD described below:

Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Measured Distances
39 S	1 E	WM	9	NW NW	200	HELMAN DITCH: 315 FEET SOUTH AND 760 FEET EAST FROM THE NW CORNER OF SECTION 9

Certificate	Priority Date	Instream Rate (cfs)	Instream Volume (AF)	Period Protected Instream
95315	1858	0.10	42.4	April 1 – October 31

17. The proposed changes would not result in enlargement of the right.
18. The proposed changes would not result in injury to other water rights.
19. The amount and timing of the proposed instream flow is allowable within the limits and use of the original water right.



20. The protection of flows at the authorized point of diversion is appropriate, considering:
- a) The instream water right begins at the recorded point of diversion;
  - b) The location of confluences with other streams downstream of the point of diversion;
  - c) There are known areas of natural loss of streamflow to the river bed downstream from the point of diversion; and
  - d) Any return flows resulting from the exercise of the existing water right would re-enter the river downstream of the point of the instream water right.
21. Any instream water right established as a result of this instream transfer will be additive to existing instream water rights for the same reach established pursuant to ORS 537.348 (instream transfer process) and ORS 537.470 (allocation of conserved water process). Any instream water right established as a result of this instream transfer will replace a portion of any existing instream rights established pursuant to ORS 537.346 (minimum streamflow conversion) and ORS 537.341 (state agency instream application process), with a more senior priority date.
22. There is no information in the record that would demonstrate the quantities proposed to be transferred instream will exceed the estimated average natural flows. The total monthly quantities of water to be protected under proposed instream right at the point will provide for a beneficial purpose.

#### Conclusions of Law

The changes in character of use and place of use to instream use proposed in application T-14037 are consistent with the requirements of ORS 540.505 to 540.580, ORS 537.348, OAR 690-380-5000, and OAR 690-077-0075.

#### Now, therefore, it is ORDERED:

1. The changes in character of use and place of use to instream use proposed in application T-14037 are approved.
2. Water right certificate 95315 is cancelled. A new certificate confirming the instream water right shall be issued. A new certificate describing that portion of the right not affected by this transfer shall be issued.
3. The instream water right shall provide for the protection of streamflows for a point located at Helman Ditch, located in T39S, R1E, WM, Sec. 9, NWNW.



4. The quantities of water to be protected under the instream water right are:

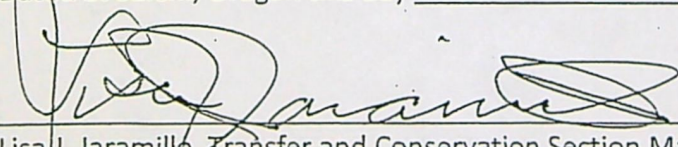
**Instream Point:** At the POD described below:

Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Measured Distances
39 S	1 E	WM	9	NW NW	200	HELMAN DITCH: 315 FEET SOUTH AND 760 FEET EAST FROM THE NW CORNER OF SECTION 9

Certificate	Priority Date	Instream Rate (cfs)	Instream Volume (AF)	Period Protected Instream
95315	1858	0.10	42.4	April 1 – October 31

5. Within the specified stream reach, the amount of water to which this right is entitled shall not exceed the quantity of water legally available at the original point of diversion.
6. The instream right established by this transfer shall replace a portion of instream water rights established pursuant to ORS 537.341 or 537.346 and be in addition to instream water rights established pursuant to ORS 537.348 or 537.470 unless otherwise specified by an order approving a new instream water right under these statutes.
7. The right to the use of the water is restricted to beneficial use at the place of use described and is subject to all other conditions and limitations contained in Certificate 95315 and any related decree.
8. The former place of use of the transferred water shall no longer receive water as part of this right.

Dated at Salem, Oregon this day JAN 11 2023.

  
\_\_\_\_\_  
Lisa J. Jaramillo, Transfer and Conservation Section Manager, for  
Douglas E. Woodcock, Acting Director  
Oregon Water Resources Department

Mailing date: JAN 12 2023



STATE OF OREGON

COUNTY OF JACKSON

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

STATE OF OREGON  
WATER RESOURCES DEPARTMENT

confirms the right to use the waters of Ashland Creek, tributary of Bear Creek, for instream use for conservation, maintenance and enhancement of aquatic and fish life, wildlife, fish and wildlife habitat and other ecological values; recreation; and pollution abatement.

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 1858.

The quantities and location to be protected instream is as follows:

**Instream Point:** At the POD described below:

Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Measured Distances
39 S	1 E	WM	9	NW NW	200	HELMAN DITCH: 315 FEET SOUTH AND 760 FEET EAST FROM THE NW CORNER OF SECTION 9

Priority Date	Instream Rate (cfs)	Instream Volume (AF)	Period Protected Instream
1858	0.10	42.4	April 1 – October 31

The instream right established by this transfer shall replace a portion of instream water rights established pursuant to ORS 537.341 or 537.346 and shall be in addition to instream water rights established pursuant to ORS 537.348 or 537.470, unless otherwise specified by a subsequent order establishing a new instream water right.

The right is subject to all other terms and conditions of Certificate 95315, and any related decree.

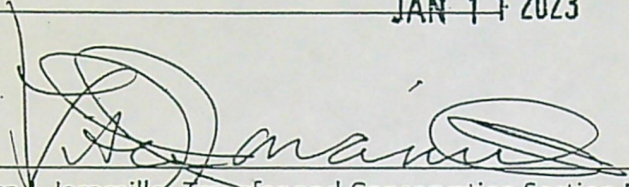
This is a final order in other than a contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-0080, you may petition for judicial review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



This certificate is issued to confirm a change in use and place of use approved by an order of the Water Resources Director recorded in Special Order Volume 127, Page 229-33 approving Instream Transfer T-14037, and supersedes a portion of Certificate 95315, State Record of Water Right Certificates.

WITNESS the signature of the Water Resources Director, affixed

JAN 11 2023

  
\_\_\_\_\_  
Lisa J. Jaramillo, Transfer and Conservation Section Manager, for  
Douglas E. Woodcock, Acting Director  
Oregon Water Resources Department



STATE OF OREGON

COUNTY OF JACKSON

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

J. A. PARKER  
ASHLAND, OR

confirms the right to use the waters of ASHLAND CREEK, a tributary of BEAR CREEK, for IRRIGATION of 0.36 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 1858.

The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 0.007 CUBIC FOOT PER SECOND.

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

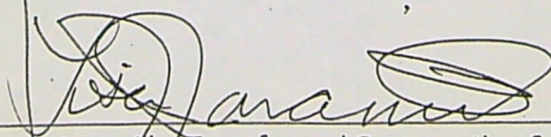
IRRIGATION AND STOCK					
Twp	Rng	Mer	Sec	Q-Q	Acres
39 S	1 E	WM	5	SE NE	0.36

This certificate describes that portion of water right Certificate 95315, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered JAN 11 2023, approving Transfer Application T-14037.

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 JAN 11 2023.

  
\_\_\_\_\_  
Lisa J. Jaramillo, Transfer and Conservation Section Manager, for  
Douglas E. Woodcock, Acting Director  
Oregon Water Resources Department



# WATER RIGHT TRANSFER COVER SHEET

Transfer: T- 14037

Transfer Specialist: Sarah

Transfer Type: Instream Transfer

<b>Applicant:</b> City of Ashland, Attn: Scott Fleury 20 East Main Street Ashland, OR 97520 Email: scott.fleury@ashland.or.us Phone: 541-552-2412	<b>Agent:</b> <input type="checkbox"/> N/A GSI, Attn: Adam Sussman 1600 SW Western Boulevard, Ste 240 Corvallis, OR 97333 Email: asussman@gsiws.com Phone: 541-257-9001
<b>Irrigation District:</b> <input type="checkbox"/> N/A Talent Irrigation District PO Box 467 Talent, OR 97540	ODFW – via automated email DEQ – via automated email
<b>Affected Local Gov'ts:</b> <input type="checkbox"/> N/A City Of Ashland 20 East Main Street Ashland, OR 97520	<b>CWRE:</b> <input checked="" type="checkbox"/> N/A <b>Affected Tribal Gov't:</b> <input checked="" type="checkbox"/> N/A <b>Receiving Landowner:</b> <input checked="" type="checkbox"/> N/A
<b>Current Landowner if other than Applicant:</b> <input checked="" type="checkbox"/> N/A Email:	

## Water Rights Affected

File Marked	App. File # or Decree Name	Permit	Certificate	RR/CR Needed	RR/CR Nos.
<input type="checkbox"/>	Rogue river decree	----	95315	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	CF – 96785
<input type="checkbox"/>				<input type="checkbox"/> Yes <input type="checkbox"/> No	RR – 96786
<input type="checkbox"/>				<input type="checkbox"/> Yes <input type="checkbox"/> No	

## Key Dates & Initial Actions:

Rec'd: June 24, 2022	Proposed Action(s): PLACE OF USE; USE - instream	
Fees Pd: 1225.00	WM District: 13	ODFW District: rogue
Initial Public Notice: July 12, 2022	WM Review sent: 7/6/22	ODFW Review sent: auto- no review
Acknowledgement Letter Sent <input checked="" type="checkbox"/>		GW Review sent: <input checked="" type="checkbox"/> N/A
County sent cc: of Ack Letter <input checked="" type="checkbox"/>	BOR notified (date): <input checked="" type="checkbox"/> N/A	
Newspaper quote requested: 9/28/22	Request for news \$ sent: 10/4/22	News \$ received: 10/11/22
Request to publish sent:	Affidavit of publication received: 12/5/22	Last day of publication: 11/27/22

Document	Drafted	Peer Review	Changes Made	Coordinator	Changes Made	Signature Bin	Signature Date
DPD	Date: 9/12/22 Initials: SH	Date: 9/13/22 Initials: CC	Date: 9/13/22 Initials: SH	Date: 9/13/22 Initials: SH	Date: XXX Initials: XXX	CW Sent: 9/13/22	N/A
PD	Date: 9/29/22 Initials: SH	Date: 10/11/22 Initials: JS	Date: 10/11/22 Initials: SH	Date: 10/11/22 Initials: SH	Date: XXX Initials: XXX	Date: 10/31/22	Date: 11/9/22
FO	Date: 12/1/22 Initials: SH	Date: 12/2/22 Initials: CC	Date: 12/2/22 Initials: SH	Date: 12/29/22 Initials: SH	Date: 12/29/22 Initials: SH	Date: _____	Date: 11/1/2023

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

Special Order Volume: Vol. 127 Pages 229



STATE OF OREGON  
WATER RESOURCES DEPARTMENT

RECEIPT # 139329

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

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

RECEIVED FROM: City of Ashland  
BY: \_\_\_\_\_

CASH: ☐ CHECK: # 48338 OTHER: (IDENTIFY) \_\_\_\_\_

APPLICATION	
PERMIT	
TRANSFER	<u>T-14037</u>
TOTAL REC'D	<u>\$246.96</u>

**1083 TREASURY 4170 WRD MISC CASH ACCT**

0407 COPIES 46118 \$  
0207 OTHER: (IDENTIFY) Newspaper Notice \$246.96  
0243 I/S Lease \_\_\_\_\_ 0244 Muni Water Mgmt. Plan \_\_\_\_\_ 0245 Cons. Water \_\_\_\_\_

**4270 WRD OPERATING ACCT**

**MISCELLANEOUS**

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

**WATER RIGHTS:**

0201	SURFACE WATER	EXAM FEE \$	0202	RECORD FEE \$
0203	GROUND WATER	\$	0204	\$
0205	TRANSFER	\$		

**WELL CONSTRUCTION**

0218	WELL DRILL CONSTRUCTOR	EXAM FEE \$	0219	LICENSE FEE \$
	LANDOWNER'S PERMIT		0220	\$

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

**0536 TREASURY 0437 WELL CONST. START FEE**

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

**0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER**

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

**TREASURY OTHER / RDX**

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

RECEIPT: 139329

DATED: 10/11/2022 BY: [Signature]

Distribution - White Copy - Customer, Yellow Copy - Fiscal, Blue Copy - File, Buff Copy - Fiscal

City of Ashland

PAGE: 1 OF 1

CHECK NUMBER: 00048338

INVOICE DATE	INVOICE NUMBER	DESCRIPTION	INVOICE AMOUNT
09/30/2022	TRANS APP T-14037	FOR NOTICE T-14037	\$246.96

RECEIVED

OCT 11 2022

OWRD

Vendor No.	Vendor Name	Check No.	Check Date	Check Amount
97	STATE OF OREGON	48338	10/07/2022	\$246.96



DEC 05 2022

OWRD

## AFFIDAVIT OF PUBLICATION

\*\*\*\* THIS IS NOT A BILL \*\*\*\*

On Behalf of:  
Oregon Water Resources Department  
725 Summer Street NE  
Suite A  
SALEM, OR 97301

STATE OF OREGON COUNTY OF JACKSON:

I, Kristy Gallon, being first duly sworn, depose and say that I am the principal clerk of Mail Tribune, a newspaper of general circulation, as defined by ORS 193.010 and 193.020; published at Medford in the aforesaid county and state; that the public notice, a published copy of which is hereto annexed, was published in the entire issue of said online newspaper for 2 successive and consecutive insertion(s) in the following issues 11/20/2022, 11/27/2022 (HERE SET FORTH DATES OF ISSUE).

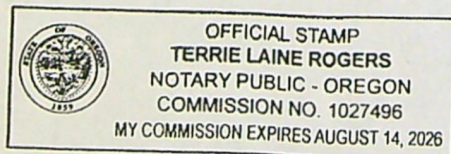
Kristy Gallon  
Affiant

Subscribed and sworn to before me this

1<sup>st</sup> day of Dec., 2022.

Terrie L Rogers  
Notary State of Oregon County of Jackson

My commission expires Aug. 14, 2026



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

Publication Cost: \$205.80 | T-14037  
Ad No: 15020 Customer No: 103032

## COPY OF ADVERTISEMENT

**Notice of Preliminary  
Determination for  
Water Right Transfer  
T-14037**

T-14037 filed by City of Ashland, 20 East Main Street, Ashland, Oregon 97520, proposes changes in place of use and character of use under Certificate 95315. The right allows the use of 0.10 cfs from Ashland Creek, tributary of Bear Creek in Sec. 9, T39S, R1E, W.M. for irrigation in Sec. 5, T39S, R1E, W.M. The applicant proposes to create an instream use in Ashland Creek at the point of diversion. The Water Resources Department proposes to approve the transfer, based on the requirements of ORS Chapter 540, OAR 690-380-5000 and OAR 690-077-0075.

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 11/27/2022. Call (503) 979-9931 to obtain additional information. If no protests are filed, the Department will issue a final order consistent with the preliminary determination.

November 20 and 27, 2022



U.S. Postal Service™  
**CERTIFIED MAIL® RECEIPT**  
Domestic Mail Only

For delivery information, visit our website at [www.usps.com](http://www.usps.com)®.

**OFFICIAL USE**

Certified Mail Fee

\$

Extra Services & Fees (check box, add fee as appropriate)

- ☐ Return Receipt (hardcopy) \$ \_\_\_\_\_  
☐ Return Receipt (electronic) \$ \_\_\_\_\_  
☐ Certified Mail Restricted Delivery \$ \_\_\_\_\_  
☐ Adult Signature Required \$ \_\_\_\_\_  
☐ Adult Signature Restricted Delivery \$ \_\_\_\_\_

Postmark  
Here

CITY OF ASHLAND  
SCOTT FLEURY  
20 EAST MAIN ST  
ASHLAND, OR 97520

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

CITY OF ASHLAND  
SCOTT FLEURY  
20 EAST MAIN ST  
ASHLAND, OR 97520



9590 9402 6816 1074 5422 22

2. Article Number (Transfer from service label)

7021 1970 0001 3950 2856

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature

*[Signature]*

- ☐ Agent  
☐ Addressee

B. Received by (Printed Name)

*Traavis Reeder*

C. Date of Delivery

*11/14/22*

D. Is delivery address different from item 1?

☐ Yes

If YES, enter delivery address below:

☐ No

**RECEIVED**

**NOV 17 2022**

**OWRD**

- ☐ Adult Signature  
☐ Adult Signature Restricted Delivery  
☐ Certified Mail®  
☐ Certified Mail Restricted Delivery  
☐ Collect on Delivery  
☐ Collect on Delivery Restricted Delivery  
☐ Registered Mail  
☐ Registered Mail Restricted Delivery

- ☐ Priority Mail Express®  
☐ Registered Mail™  
☐ Registered Mail Restricted Delivery  
☐ Signature Confirmation™  
☐ Signature Confirmation Restricted





# Oregon

Kate Brown, Governor

## Water Resources Department

725 Summer St NE, Suite A

Salem, OR 97301

(503) 986-0900

Fax (503) 986-0904

NOV 09 2022

DATE: \_\_\_\_\_

VIA CERTIFIED MAIL AND E-MAIL

**Applicant**

City of Ashland

Attn: Scott Fleury

20 East Main Street

Ashland, Oregon 97520

[scott.fleury@ashland.or.ur](mailto:scott.fleury@ashland.or.ur)

**Agent**

GSI Water Solutions, Inc.

Attn: Adam Sussman

1600 SW Western Boulevard, Suite 240

Corvallis, Oregon 97333

[asussman@gsiws.com](mailto:asussman@gsiws.com)

SUBJECT: Instream Transfer Application T-14037

Please find enclosed the Preliminary Determination indicating that, based on the information available, the Department intends to approve instream transfer application T-14037. This document is an intermediate step in the approval process; water may not be used legally as proposed in the transfer application until a Final Order 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 newspaper, 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 503-979-9872 or [sarah.a.henderson@water.oregon.gov](mailto:sarah.a.henderson@water.oregon.gov) 503-986-0886 or [Patrick.K.Starnes@wrdd.state.or.us](mailto:Patrick.K.Starnes@wrdd.state.or.us) if I may be of assistance.

Sincerely,

Sarah Henderson

Transfer and Conservation Section

cc: Transfer Application file T-14037  
Shavon Haynes, District 13 Watermaster (via e-mail)  
Talent Irrigation District ([tid@talentid.org](mailto:tid@talentid.org))



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

In the Matter of Instream Transfer	)	PRELIMINARY DETERMINATION
Application T-14037, Jackson County	)	PROPOSING APPROVAL OF A CHANGE IN
	)	PLACE OF USE AND CHARACTER OF USE

**Authority**

Oregon Revised Statutes (ORS) 540.505 to 540.580 establishes 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 implements the statutes and provides the Department's procedures and criteria for evaluating transfer applications. OAR Chapter 690, Division 077 provides additional criteria for evaluating transfers to instream water rights.

**Applicant**

City of Ashland  
Attn: Scott Fleury  
20 East Main Street  
Ashland, Oregon 97520  
[scott.fleury@ashland.or.ur](mailto:scott.fleury@ashland.or.ur)

**Agent**

GSI Water Solutions, Inc.  
Attn: Adam Sussman  
1600 SW Western Boulevard, Suite 240  
Coryallis, Oregon 97333  
[asussman@gsiws.com](mailto:asussman@gsiws.com)

**Findings of Fact**

1. On June 24, 2022, the City of Ashland filed an application to change the place of use and character of use under Certificate 95315 to instream use. The Department assigned the application number T-14037.
2. Notice of the application for transfer was published on July 12, 2022, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. Consistent with land use requirements, notice of the intent to file the instream transfer application was provided by the applicant to the City of Ashland local government. Additionally, the Department provided notification of the proposed action to the local government and Talent Irrigation District upon receipt of Transfer Application T-14037.

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.
--



4. On September 13, 2022, the Department sent a copy of the draft Preliminary Determination proposing to approve Instream Transfer Application T-14037 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of October 13, 2022, for the applicant to respond. 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.

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

**Certificate:** 95315 in the name of J. A. Parker (confirmed by Rogue River Final Decree in Volume 4, at Page 1)

**Use:** Irrigation of 5.0 ACRES

**Priority Date:** 1858

**Rate:** 0.10 Cubic Foot Per Second

**Source:** Ashland Creek a tributary of Bear Creek

**Authorized Point of Diversion:** Not described on certificate

**Authorized Place of Use:**

Irrigation					
Twp	Rng	Mer	Sec	Q-Q	Acres
39 S	1 E	WM	5	SE NE	5.0

6. Certificate 95315 does not describe the location of the point of diversion. The applicant and the Department's Watermaster, for purposes of this instream transfer, describe the point of diversion as follows:

Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Measured Distances
39 S	1 E	WM	9	NW NW	200	HELMAN DITCH: 315 FEET SOUTH AND 760 FEET EAST FROM THE NW CORNER OF SECTION 9

7. Certificate 95315 does not specify the irrigation season. However, the Rogue River Decree establishes the irrigation season for the area as April 1 through October 31.
8. A total of 42.4 acre-feet of water may be beneficially used annually under the existing right.
9. Instream Transfer Application T-14037 proposes to change the character of use to instream use for conservation, maintenance, and enhancement of aquatic and fish life, wildlife, fish and wildlife habitat, and other ecological values; recreation; and pollution abatement.
10. Instream Transfer Application T-14037 proposes to change the place of use of the right to a point on Helman Ditch, located in T39S, R1E, WM, Sec. 9, NWNW.



11. The applicant proposes the quantities water to be transferred instream be as protected follows:

Period	Rate (cfs)	Volume (acre-feet)
April 1 to October 31	0.10	42.4

12. The applicant requested that any instream water right established as a result of this instream transfer be additive to existing instream water rights for the same reach established pursuant to ORS 537.348 (instream transfer process) and ORS 537.470 (allocation of conserved water process). The applicant also requested that any instream water rights established as a result of this instream transfer replace a portion of any existing instream rights established pursuant to ORS 537.346 (minimum streamflow conversion) and ORS 537.341 (state agency instream application process), with a more senior priority date.

***Instream Transfer Review Criteria (OAR 690-77-0075 and 690-380-4010)***

13. Water has been used within the last five years according to the terms and conditions of the right, and there is no information in the record that would demonstrate that the right is subject to forfeiture under ORS 540.610.
14. A diversion structure and ditch sufficient to use the full amount of water allowed under the existing right were present within the five-year period prior to submittal of Application T-14037.
15. The quantities to be transferred and protected instream is as follows:

**Instream Point:** At the POD described below:

Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Measured Distances
39 S	1 E	WM	9	NW NW	200	HELMAN DITCH: 315 FEET SOUTH AND 760 FEET EAST FROM THE NW CORNER OF SECTION 9

Certificate	Priority Date	Instream Rate (cfs)	Instream Volume (AF)	Period Protected Instream
95315	1858	0.10	42.4	April 1 – October 31

16. The proposed changes would not result in enlargement of the right.
17. The proposed changes would not result in injury to other water rights.
18. The amount and timing of the proposed instream flow is allowable within the limits and use of the original water right.



19. The protection of flows at the authorized point of diversion is appropriate, considering:
  - a) The instream water right begins at the recorded point of diversion;
  - b) The location of confluences with other streams downstream of the point of diversion;
  - c) There are known areas of natural loss of streamflow to the river bed downstream from the point of diversion; and
  - d) Any return flows resulting from the exercise of the existing water right would re-enter the river downstream of the point of the instream water right.
20. Any instream water right established as a result of this instream transfer will be additive to existing instream water rights for the same reach established pursuant to ORS 537.348 (instream transfer process) and ORS 537.470 (allocation of conserved water process). Any instream water right established as a result of this instream transfer will replace a portion of any existing instream rights established pursuant to ORS 537.346 (minimum streamflow conversion) and ORS 537.341 (state agency instream application process), with a more senior priority date.
21. There is no information in the record that would demonstrate the quantities proposed to be transferred instream will exceed the estimated average natural flows. The total monthly quantities of water to be protected under proposed instream right at the point will provide for a beneficial purpose.

#### **Determination and Proposed Action**

The changes in character of use and place of use to instream use proposed in application T-14037 appear to be consistent with the requirements of ORS 540.505 to 540.580, ORS 537.348, OAR 690-380-5000, and OAR 690-077-0075. If protests are not filed pursuant to OAR 690-380-4030, the application will be approved.

*If Transfer Application T-14037 is approved, the final order will include the following:*

1. *The changes in character of use and place of use to instream use proposed in application T-14037 are approved.*
2. *Water right certificate 95315 is cancelled. A new certificate confirming the instream water right shall be issued. A new certificate describing that portion of the right not affected by this transfer shall be issued.*
3. *The instream water right shall provide for the protection of streamflows for a point located at Helman Ditch, located in T39S, R1E, WM, Sec. 9, NWNW.*



4. The quantities of water to be protected under the instream water right are:

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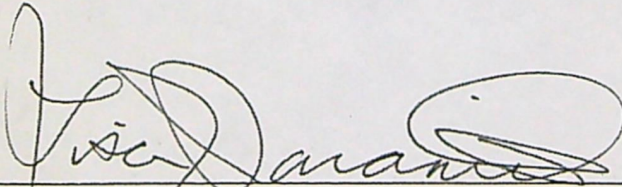
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5. Within the specified stream reach, the amount of water to which this right is entitled shall not exceed the quantity of water legally available at the original point of diversion.
6. The instream right established by this transfer shall replace a portion of instream water rights established pursuant to ORS 537.341 or 537.346 and be in addition to instream water rights established pursuant to ORS 537.348 or 537.470 unless otherwise specified by an order approving a new instream water right under these statutes.
7. The right to the use of the water is restricted to beneficial use at the place of use described and is subject to all other conditions and limitations contained in Certificate 95315 and any related decree.
8. The former place of use of the transferred water shall no longer receive water as part of this right.

NOV 09 2022

Dated at Salem, Oregon this day \_\_\_\_\_.

  
\_\_\_\_\_  
Lisa J. Jaramillo, Transfer and Conservation Section Manager, for  
Douglas E. Woodcock, Acting Director  
Oregon Water Resources Department

This Preliminary Determination was prepared by Sarah Henderson. If you have questions about the information in this document, you may reach me at 503-979-9872 or Sarah.A.Henderson@water.oregon.gov

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





# Oregon

Kate Brown, Governor

## Water Resources Department

725 Summer St NE, Suite A

Salem, OR 97301

(503) 986-0900

Fax (503) 986-0904

NOV 09 2022

DATE: \_\_\_\_\_

VIA CERTIFIED MAIL AND E-MAIL

### Applicant

City of Ashland

Attn: Scott Fleury

20 East Main Street

Ashland, Oregon 97520

[scott.fleury@ashland.or.us](mailto:scott.fleury@ashland.or.us)

### Agent

GSI Water Solutions, Inc.

Attn: Adam Sussman

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Sincerely,

Sarah Henderson

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cc: Transfer Application file T-14037  
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#### **Determination and Proposed Action**

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*If Transfer Application T-14037 is approved, the final order will include the following:*

1. *The changes in character of use and place of use to instream use proposed in application T-14037 are approved.*
2. *Water right certificate 95315 is cancelled. A new certificate confirming the instream water right shall be issued. A new certificate describing that portion of the right not affected by this transfer shall be issued.*
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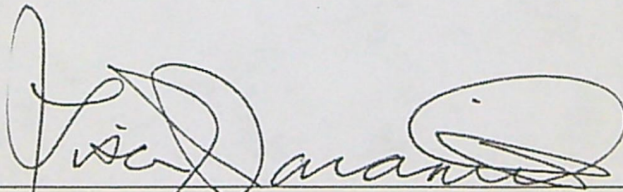
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7. The right to the use of the water is restricted to beneficial use at the place of use described and is subject to all other conditions and limitations contained in Certificate 95315 and any related decree.
8. The former place of use of the transferred water shall no longer receive water as part of this right.

NOV 09 2022

Dated at Salem, Oregon this day \_\_\_\_\_.



Lisa J. Jaramillo, Transfer and Conservation Section Manager, for  
Douglas E. Woodcock, Acting Director  
Oregon Water Resources Department

This Preliminary Determination was prepared by Sarah Henderson. If you have questions about the information in this document, you may reach me at 503-979-9872 or Sarah.A.Henderson@water.oregon.gov

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





**Oregon**  
Kate Brown, Governor

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

DATE: October 4, 2022

**Applicant**

City of Ashland  
Attn: Scott Fleury  
20 East Main Street  
Ashland, Oregon 97520  
[scott.fleury@ashland.or.ur](mailto:scott.fleury@ashland.or.ur)

**Agent**

GSI Water Solutions, Inc.  
Attn: Adam Sussman  
1600 SW Western Boulevard, Suite 240  
Corvallis, Oregon 97333  
[asussman@gsiws.com](mailto:asussman@gsiws.com)

**RECEIVED**

**OCT 11 2022**

**OWRD**

SUBJECT: Water Right Transfer Application T-14037

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:

1. submit a check for \$246.96 (to cover cost of publication of the notice), made out to the Oregon Water Resources Department.
2. write "for T-14037 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 November 3, 2022.

**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 November 3, 2022, a Preliminary Determination may be issued denying the application as incomplete.

Please do not hesitate to contact me at 503-979-9872 or [Sarah.A.Henderson@water.oregon.gov](mailto:Sarah.A.Henderson@water.oregon.gov), if I may be of assistance.

Sincerely,

Sarah Henderson  
Transfer and Conservation Section

cc: T- 14037

3X-----

Attached is a check for \$246.96 (PCA #46118) for Newspaper Notice for Transfer T-14037 made out to Oregon Water Resources Department ( or WRD)

- "for T-14037 NOTICE" written on front of check

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

Caseworker: Sarah Henderson



## HENDERSON Sarah A \* WRD

---

**From:** HENDERSON Sarah A \* WRD  
**Sent:** Tuesday, October 4, 2022 10:23 AM  
**To:** kgrigsby@gsiws.com; scott.fleury@ashland.or.us; asussman@gsiws.com  
**Cc:** HENDERSON Sarah A \* WRD  
**Subject:** T-14037 Newspaper Fee Request  
**Attachments:** T-14037-News-Notice-Fee-Request-Letter.pdf

Good Morning Everyone,

Attached is the Newspaper Fee Request for the publication in the newspaper for Instream Transfer T-14037.

Please let me know if you have any questions.

Sarah

*Sarah A. Henderson*

Flow Restoration Program Coordinator  
Transfer and Conservation Section  
725 Summer St. NE, Suite A | Salem, OR 97301  
Work Cell 503-979-9872  
Email: [sarah.a.henderson@water.oregon.gov](mailto:sarah.a.henderson@water.oregon.gov)



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

**NOTE:** The Salem office is now open to the public. Given that many staff will continue teleworking remotely or have job duties that take them into the field on a regular basis, availability of staff in the office is not guaranteed 8 a.m. - 5 p.m. every day. The Salem office of OWRD is closed for customer service drop-ins from Noon – 1pm. **Customers and visitors are encouraged to schedule an appointment in advance if they wish to meet in person with specific staff members.** Alternative methods for meeting, such as by phone or virtually via Teams, are also available.





# Oregon

Kate Brown, Governor

## Water Resources Department

725 Summer St NE, Suite A

Salem, OR 97301

(503) 986-0900

Fax (503) 986-0904

DATE: October 4, 2022

### Applicant

City of Ashland  
Attn: Scott Fleury  
20 East Main Street  
Ashland, Oregon 97520  
[scott.fleury@ashland.or.ur](mailto:scott.fleury@ashland.or.ur)

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Attn: Adam Sussman  
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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 November 3, 2022, a Preliminary Determination may be issued denying the application as incomplete.**

Please do not hesitate to contact me at 503-979-9872 or [Sarah.A.Henderson@water.oregon.gov](mailto:Sarah.A.Henderson@water.oregon.gov), if I may be of assistance.

Sincerely,

Sarah Henderson  
Transfer and Conservation Section

cc: T- 14037

X-----

**Attached** is a check for \$246.96 (PCA #46118) for Newspaper Notice for Transfer T-14037 made out to Oregon Water Resources Department ( or WRD)

- **"for T-14037 NOTICE" written on front of check**

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

Caseworker: Sarah Henderson



## HENDERSON Sarah A \* WRD

---

**From:** Kim Grigsby <kgrigsby@gsiws.com>  
**Sent:** Wednesday, September 28, 2022 9:48 AM  
**To:** HENDERSON Sarah A \* WRD  
**Cc:** Adam Sussman; Scott Fleury  
**Subject:** FW: T-14037 Draft Preliminary Determination  
**Attachments:** Property Profile Report - TL 200 Randy St.pdf

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Hi Sarah,

Attached is the required land ownership report for Transfer T-14037. As you will see, it shows that CMK Development LLC is the landowner. A consent from Kyle Taylor (CMK's managing member) was included in our transfer application (see Attachment C).

We have reviewed the draft preliminary determination, and we agree with the proposed action and conditions.

Thank you,  
Kim

**Kimberly Grigsby**  
Principal Water Resources Consultant  
direct: 541.257.9004 | mobile: 503.351.1912  
1600 SW Western Boulevard, Suite 240, Corvallis, OR 97333  
GSI Water Solutions, Inc. | [www.gsiws.com](http://www.gsiws.com)  
*pronouns: she, her*

---

**From:** HENDERSON Sarah A \* WRD [<mailto:Sarah.A.HENDERSON@water.oregon.gov>]  
**Sent:** Tuesday, September 13, 2022 3:19 PM  
**To:** [scott.fleury@ashland.or.us](mailto:scott.fleury@ashland.or.us); Adam Sussman <[asussman@gsiws.com](mailto:asussman@gsiws.com)>  
**Cc:** [tid@talentid.org](mailto:tid@talentid.org); HAYNES Shavon L \* WRD <[Shavon.L.HAYNES@water.oregon.gov](mailto:Shavon.L.HAYNES@water.oregon.gov)>; HENDERSON Sarah A \* WRD <[Sarah.A.HENDERSON@water.oregon.gov](mailto:Sarah.A.HENDERSON@water.oregon.gov)>  
**Subject:** T-14037 Draft Preliminary Determination

Good Afternoon Everyone,

Attached is the Draft Preliminary Determination and Cover Letter for Instream Transfer Application T-14037.

Please review the documents enclosed and respond by the deadline of October 13, 2022.

Let me know if there are any questions, concerns or problems with opening the documents.

Also, let me know if you need a hard copy sent via USPS mail.

Thank you and have a wonderful day.





## Property Profile Report

*Today's Date:*

**09/22/2022**

*Owner Name:*

**Cmk Development LLC**

*Property Address:*

**Randy St  
Ashland OR 97520**

*Reference Number:*

**391E05AD00200**

*Account Number:*

**10053846**

### **Four Southern Oregon locations to serve you:**

1555 E McAndrews Rd, Ste 100  
Medford, OR 97504  
541.779.2811

3539 Heathrow Way, Ste 100  
Medford, OR 97504  
541.245.6730

180 Lithia Way, Ste 101  
Ashland, OR 97520  
541.488.2240

744 NE 7th St  
Grants Pass, OR 97526  
541.476.1171

This title information has been furnished, without charge, in conformance with guidelines approved by the State of Oregon Insurance Commissioner. The Insurance Division cautions that indiscriminate use only benefiting intermediaries will not be permitted. No liability is assumed for any errors in this record.

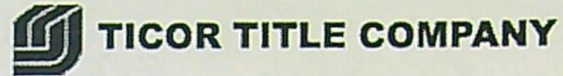
The information compiled in this report(s) was imported from a vendor-provided database source. Although the information is deemed reliable and every effort has been taken to correct data imperfections, Ticor Title cannot be held responsible for any inaccuracies.

### **TITLE AND ESCROW SERVICES**

**[www.ticortitleoregon.com](http://www.ticortitleoregon.com)**

**For all your customer service needs: [TicorSOCS@ticortitle.com](mailto:TicorSOCS@ticortitle.com)**



**Parcel Information**

Parcel #:	10053846
Tax Lot:	391E05AD00200
Site Address:	Randy St
	Ashland OR 97520
Owner:	Cmk Development LLC
Owner2:	
Owner Address:	1679 Jackson Rd
	Ashland OR 97520
Twn/Range/Section:	39S / 01E / 05 / NE
Parcel Size:	0.13 Acres (5,662 SqFt)
Plat/Subdivision:	West Village Ph 1
Lot:	
Block:	
Census Tract/Block:	001800 / 1034
Waterfront:	

**Assessment Information**

Market Land Value:	\$10.00
Market Impr Value:	\$0.00
Market Total Value:	\$10.00
Assessed Impr Value:	\$0.00
Assessed Land Value:	\$0.00
Assessed Total Value:	\$0.00

**Tax Information**

Levy Code Area:	0501
Levy Rate:	15.7831
Tax Year:	2021
Annual Tax:	\$63,252.69

**Legal****Land**

Cnty Land Use:	010 - Misc. Residential - Unbuildable-size	Land Use Std:	RSFR - Single Family Residence
Zoning:	Ashland-R-1-5 - Residential - Single Family	Recreation:	
School District:	5 - Ashland	Primary School:	HELMAN ELEMENTARY SCHOOL
Middle School:	ASHLAND MIDDLE SCHOOL	High School:	ASHLAND HIGH SCHOOL

**Improvement**

Year Built:	Fin. SqFt:	Bedrooms:
Floor 1 SqFt:	Floor 2 SqFt:	Bathrooms:
Basement Fin. SqFt:	Attic Fin SqFt:	Garage:
Patio SqFt:	Porch SqFt:	Carport SqFt:
Roof Covering:	Fireplace:	AC: No
Heat:		

**Transfer Information**

Rec. Date:	05/02/2022	Sale Price:	\$691,377.00	Doc Num:	14431	Doc Type:	Deed
Owner:	Cheryl Bentley	Grantor:	CMK DEV LLC	Title Co:	FIRST AMERICAN TITLE	Lender:	
Orig. Loan Amt:							
Finance Type:		Loan Type:					

Sentry Dynamics, Inc. and its customers make no representations, warranties or conditions, express or implied, as to the accuracy or completeness of information contained in this report.



Account Sequence	Map TL Sequence	Assessment Year 2022	<a href="#">Print Window</a> <a href="#">Close Window</a>
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Assessment Info for Account 1-005384-6 Map 391E05AD Taxlot 200  
Report For Assessment Purposes Only Created September 22, 2022

Account Info	Tax Year 2021 Info	Land Info
Account: 1-005384-6	<a href="#">Pay Taxes Online</a>	Tax Code: 5-01
Map: 391E05AD 200		Acreage: 0.13
Owner: CMK DEVELOPMENT LLC		Zoning:
Situs Address: RANDY ST ASHLAND R		Land Class: RT 0.13 Ac
Mailing Address: CMK DEVELOPMENT LLC 1679 JACKSON RD ASHLAND OR, 975209617	Tax Report: <a href="#">Details</a>	Property Class: 010
Appraiser: 187	Tax Statement: <a href="#">Details</a>	Stat Class: 000
	Tax History: <a href="#">Details</a>	Unit ID: 196228-1
	Tax Details: <a href="#">Details</a>	Maintenance Area: 2
	Tax Rates: <a href="#">Details</a>	Neighborhood: 000
		Study Area: 03
		Account Status: ACTIVE
		Tax Status: Assessable
		Sub Type: NORMAL

Sales Data (ORCATS)

Last Sale (consideration > 0)	Sale Date	Instrument Number	Sales History
\$ 2,100,000	Jul 29, 2019	2019-22188	<a href="#">Details</a>

Value Summary Detail ( For Assessment Year 2022 - Subject To Change )

ID	Value Source	Code Area	SA	Stat Class	Rural Fire Dist.	Size	Size Type
1	MINIMUM VALUE	5-01	0		R	0.13	A
ID	Value Source	RMV	M5	Exception Value	Previous Max AV	Previous Max SAV	Max AV
1	MINIMUM VALUE	\$ 10	\$ 10	\$ 0	\$ 0	\$ 0	\$ 0

Market Value Summary ( For Assessment Year 2022 - Subject To Change )

Code Area	Type	Acreage	RMV	M5	MAV	AV
5-01	LAND	0.13	\$ 10	\$ 10	\$ 0	\$ 0
Value History <a href="#">Details</a>		Total:	\$ 10	\$ 10	\$ 0	\$ 0

Photos and Scanned Documents

Type	Item Number	Image Files	
ACCOUNT PHOTO	1	1	<a href="#">PDF</a>
ACCOUNT PHOTO	2	1	<a href="#">PDF</a>
ACCOUNT PHOTO	3	1	<a href="#">PDF</a>
ACCOUNT PHOTO	4	1	<a href="#">PDF</a>
ACCOUNT PHOTO	5	1	<a href="#">PDF</a>
ACCOUNT PHOTO	6	1	<a href="#">PDF</a>
SCANNED ASSESSOR DOCUMENTS	(See new portal)	(See new portal)	<a href="#">Portal</a>

Appraisal Maintenance

2007 - INVENTORY REVIEW 2014 - FARM & FOREST SITE REVIEW (F-FARM & FOREST REVIEW) 2018 - HISTORY ONLY R.T. (HISTORY) 2020 - RESIDENTIAL R.T. (X-% COMP/MINOR CHGS/LNDSCP) 2021 - RESIDENTIAL R.T. 2022 - RESIDENTIAL R.T. (A-SINGLE FAMILY DWELLING) 2022 - SEG REVIEW ONLY (V-SEGREGATION REVIEW)
--

Account Comments

(1) 5/09/96 SUBDIVIDABLE 09/30/03 changed RMV class from 401 to 101 to correct trending "No Exception changes" #71>>> 2006-04-25 UPDATED IMPROVEMENT ADJUSTMENT IN MASS>>>1/2/14 GOOD FENCING IN PLACE. TWO LLAMAS ONLY AT THIS TIME. RECENT COWS ON PROPERTY. NONE NOTED AT THIS TIME. SITE VISIT SPRING/SUMMER 2014. #146>>> 4/13/2015 NLC #168>>> 3/2/2020 CORRECTED RMV CL FROM 101 TO 401. RMV ONLY. #173>>> 4/1/20 NAC #187>>> 7/22/2020 DISQUALIFIED 5.92 AC FROM FARM SA DUE TO NO LONGER IN USE. CHANGED PCL. POSTED \$84,718.53 PATL. #146>>> 12/31/20 ADDED INFRASTRUCTURE AS EXC. #182>>> 3/1/21 NLC #187>>> 05/24/21 MOVING \$63,252.69 OF FARM PATL TO DUE/PAYABLE FOR COLLECTION D/T SUBDIV PLAT ON 4.42 ACRES. \$21,465.84 REMAINS FARM PATL FOR 1.50 RESERVE ACRES. #162>>> 08/10/2021 WEST VILLAGE PHASES 1 & 2, REC 5/27/2021 CS-23343. SEG 391E05AD-201-225 OUT OF TL 200. SEE SUB WORK SHEET. PATL OF \$63,252.69 POSTED AS DUE/PAYABLE FOR 2021. UNBUILDABLE, TREAT LIKE COMMON AREA BALANCED 2021, DO NOT CPR IN 2022. # 176>>>1/14/22 NAC #187 >>>

Exemptions / Special Assessments / Notations / Potential Liability

Notations	Description	Tax Amount	Year Added	Value Amount
CARTOGRAPHIC ACTIVITY			2021	
MINIMUM VALUE UNBUILDABLE			2021	
YR. END TRC—AFTER NOV. 30			2011	
CARTOGRAPHIC ACTIVITY			2009	
RECALCULATION			2008	

Location Map



Close Window

Print Window

## ORCATS Sales Data for Account 1-005384-6

1 Records Found

Book - Page	Sale Date	Sale Price	Grantee	Grantor	Document Type
2019-22188	Jul 29, 2019	\$ 2,100,000	CMK DEVELOPMENT LLC	COWAN DIANE T TRUSTEE FBO	WD

## JV File

Journal Voucher No.	Journal Voucher Date	Sale Date	Instrument Number	Instrument Type	Map Taxlot	Fee Owner	Sale \$
<u>2001-02705C</u>	01/29/2001	1/3/2001	<u>2001-00257</u>	<u>DC</u>	391E05AD 200	COWAN DIANE T TRUSTEE FBO	\$0.00
<u>2001-02707</u>	01/29/2001	1/3/2001	<u>2001-00253</u>	<u>WD</u>	391E05AD 200	COWAN DIANE T TRUSTEE FBO	\$0.00
<u>1996-02953</u>	02/27/1996	1/26/1996	<u>1996-02732</u>	<u>WD</u>	391E05AD 200	COWAN DONALD M TRUSTEE	\$0.00

## JV History File

Journal Voucher No.	Journal Voucher Date	Instrument Number	Instrument Type	JV Type	Vol Page
1974-02896		1973-18734		1	-
1965-03412		1964-00000		1	569-509
1963-05558		1962-00000		1	532-502
1996-02953	02/27/1996	1996-02732	WD	1	-
2001-02707	01/29/2001	2001-00253	WD	1	-
2001-02705C	01/29/2001	2001-00257	DC	1	-

Close Window

Print Window





After recording return to:  
First American Title  
370 Lithia Way  
Ashland OR 97520

Until a change is requested all tax  
statements shall be sent to the  
following address:  
CMK Development LLC an Oregon  
Limited Liability Company  
1236 Disk Drive Suite A  
Medford, OR 97501

File No.: 7162-3222350 (JS)  
Date: July 26, 2019

THIS SPACE RESERVED

Jackson County Official Records **2019-022188**  
R-WD  
Stn=7 SIMPSOHP 07/31/2019 02:07:47 PM  
\$20.00 \$10.00 \$8.00 \$11.00 \$60.00 **\$109.00**

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

Christine Walker - County Clerk

### STATUTORY WARRANTY DEED

**Donald G. Cowan and Douglas S. Cowan, Trustees, or their successors in trust, under the Cowan Family Trust (Survivor's Trust) dated December 6, 1995 and Donald G. Cowan and Douglas S. Cowan, Trustees, or their successors in interest, under the Cowan Credit Shelter Trust dated August 24, 2000, Grantor, conveys and warrants to CMK Development LLC an Oregon Limited Liability Company, Grantee, the following described real property free of liens and encumbrances, except as specifically set forth herein:**

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

**Subject to:**

1. Covenants, conditions, restrictions and/or easements, if any, affecting title, which may appear in the public record, including those shown on any recorded plat or survey.
2. The **2019-2020** Taxes, a lien not yet payable.

The true consideration for this conveyance is **\$2,100,000.00**. (Here comply with requirements of ORS 93.030)



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 this 29 day of July, 2019.

Cowan Family Trust (Survivor's Trust) dated  
December 6, 1995

Cowan Credit Shelter Trust dated August 24,  
2000

Donald G. Cowan, Trustee

Douglas S. Cowan  
Douglas S. Cowan, Trustee

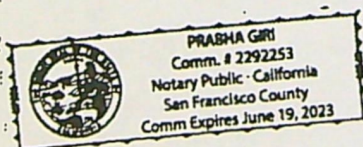
Donald G. Cowan, Trustee

Douglas S. Cowan  
Douglas S. Cowan, Trustee

STATE OF Oregon CALIFORNIA )  
County of SAN FRANCISCO )ss.

This instrument was acknowledged before me on this 29<sup>th</sup> day of JULY, 2019  
by Donald G. Cowan as Trustee of Cowan Family Trust (Survivor's Trust) dated December 6, 1995 and as  
Trustee of Cowan Credit Shelter Trust dated August 24, 2000, on behalf of the trusts.

PRABHA GIRI



Notary Public for California  
My commission expires: 06/19/2023



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 this 29 day of July, 2019.

Cowan Family Trust (Survivor's Trust) dated  
December 6, 1995

Donald G. Cowan  
Donald G. Cowan, Trustee

Douglas S. Cowan, Trustee

Cowan Credit Shelter Trust dated August 24,  
2000

Donald G. Cowan  
Donald G. Cowan, Trustee

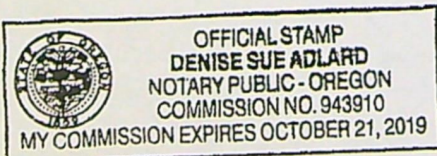
Douglas S. Cowan, Trustee

STATE OF Oregon )  
County of Clackamas ) ss.

This instrument was acknowledged before me on this 29<sup>th</sup> day of July, 2019  
by Donald G. Cowan as Trustee of Cowan Family Trust (Survivor's Trust) dated December 6, 1995 and as  
Trustee of Cowan Credit Shelter Trust dated August 24, 2000, on behalf of the trusts.

Denise Adlard

Notary Public for Oregon  
My commission expires: 10/21/19





**EXHIBIT A**

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

**TRACT A:**

Beginning at the Northwest corner of Donation Land Claim No. 40, Township 39 South, Range 1 East of the Willamette Meridian, Jackson County, Oregon; thence South 0° 03' West along the West line of said claim, 190.55 feet to the Northerly side line of the Southern Pacific Company's Railroad right of way; thence along said Northerly side line as follows: South 47° 48' East, 116.20 feet; thence South 45° 56' East, 108.0 feet; South 44° 28' East, 86.20 feet; South 42° 50' East 100.0 feet; South 41° 37' East, 39.15 feet to an iron pin 3/4 inch in diameter for corner; thence North 179.35 feet; thence East 194 feet, 10 inches to the Southwest corner of tract described in Volume 102, Page 295 Deed Records, Jackson County, Oregon; thence North 328.0 feet to the North line of said Claim No. 40; thence West along said claim line, 537.60 feet to the point of beginning. EXCEPTING THEREFROM the following: Commencing at the Northwest corner of Donation Land Claim No. 40, Township 39 South, Range 1 East of the Willamette Meridian, Jackson County, Oregon; thence South 0° 03' West along the West line of said claim, 190.55 feet to the Northerly side line of the Southern Pacific Company's Railroad right of way; thence along said Northerly side line as follows: South 47° 48' East, 116.20 feet; South 45° 56' East 108.0 feet; South 44° 28' East, 86.20 feet; South 42° 50' East, 100.0 feet; South 41° 37' East, 39.15 feet to an iron pin, 3/4 inch in diameter for corner; thence North 179.35 feet to the true point of beginning; thence South 89° 57' East, along the North line of Otis Street, in the City of Ashland, Jackson County, Oregon, 70.54 feet; thence North 125.28 feet; thence North 89° 57' West, 83.0 feet; thence South 125.28 feet; thence South 89° 57' East, 12.46 feet to the true point of beginning.

**TRACT B:**

Beginning at the Northwest corner of Donation Land Claim No. 40, Township 39 South, Range 1 East of the Willamette Meridian, Jackson County, Oregon; thence East along the North line of said claim, 542.60 feet; thence North 160.5 feet; thence West 542.60 feet; thence South 160.5 feet to the point of beginning.



## HENDERSON Sarah A \* WRD

---

**From:** HENDERSON Sarah A \* WRD  
**Sent:** Tuesday, September 13, 2022 3:19 PM  
**To:** scott.fleury@ashland.or.us; asussman@gsiws.com  
**Cc:** tid@talentid.org; HAYNES Shavon L \* WRD; HENDERSON Sarah A \* WRD  
**Subject:** T-14037 Draft Preliminary Determination  
**Attachments:** T-14037-dpd-approve-FINAL.pdf; T-14037-dpd-cover-FINAL.pdf

Good Afternoon Everyone,

Attached is the Draft Preliminary Determination and Cover Letter for Instream Transfer Application T-14037.

Please review the documents enclosed and respond by the deadline of October 13, 2022.

Let me know if there are any questions, concerns or problems with opening the documents.

Also, let me know if you need a hard copy sent via USPS mail.

Thank you and have a wonderful day.

Sarah

Sarah A. Henderson

Flow Restoration Program Coordinator  
Transfer and Conservation Section  
725 Summer St. NE, Suite A | Salem, OR 97301  
Work Cell 503-979-9872  
Email: [sarah.a.henderson@water.oregon.gov](mailto:sarah.a.henderson@water.oregon.gov)



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

**NOTE:** The Salem office is now open to the public. Given that many staff will continue teleworking remotely or have job duties that take them into the field on a regular basis, availability of staff in the office is not guaranteed 8 a.m. - 5 p.m. every day. The Salem office of OWRD is closed for customer service drop-ins from Noon – 1pm. **Customers and visitors are encouraged to schedule an appointment in advance if they wish to meet in person with specific staff members.** Alternative methods for meeting, such as by phone or virtually via Teams, are also available.





**Oregon**  
Kate Brown, Governor

**Water Resources Department**

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

DATE: September 13, 2022

VIA E-MAIL

**Applicant**

City of Ashland  
Attn: Scott Fleury  
20 East Main Street  
Ashland, Oregon 97520  
[scott.fleury@ashland.or.ur](mailto:scott.fleury@ashland.or.ur)

**Agent**

GSI Water Solutions, Inc.  
Attn: Adam Sussman  
1600 SW Western Boulevard, Suite 240  
Corvallis, Oregon 97333  
[asussman@gsiws.com](mailto:asussman@gsiws.com)

Reference: Water Right Transfer Application T-14037

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-14037. The document reflects the Department's conclusion that, based on the information currently available, the transfer will be approved. Your response and submittal of the items outlined below are required by October 13, 2022.

***Required items needing your immediate attention:***

1. Please carefully review the Draft Preliminary Determination to verify that it accurately reflects the changes you intend to make and to become familiar with the proposed conditions.
2. **Respond in writing** by October 13, 2022, with acknowledgement that you agree to the proposed action and conditions.
3. If you find any errors, please let me know.
4. **REQUIRED:** You must submit a **Report of Ownership** for the lands where the water right(s) are currently located (i.e., the FROM lands). This report:
  - a) Must be prepared by a title company;
  - b) Shall include a "prepared by" statement and the date the title company prepared the report printed on the cover sheet;
  - c) Must be:
    - i. Prepared within 3 months of the Draft Preliminary Determination showing current ownership; **OR**
    - ii. Prepared within 3 months of recording of a water right conveyance agreement; **OR**
    - iii. Have a prepared date showing ownership at the time a water right conveyance agreement was recorded.



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

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

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

**What happens next...**

Once the Preliminary Determination is issued a publication period is required. Because of a change in character of use, 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. As outlined in OAR 690-380-4020(3), publication costs include both the direct cost of the notice and indirect processing costs (not to exceed 20% of the direct costs) for processing.

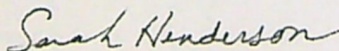
Issuance of the Preliminary Determination will occur shortly after we receive:

1. Your written response to the conditions and proposed action in the Draft Preliminary Determination (e-mail is acceptable); and
2. The Report of Ownership, the title company must indicate/state the date that they prepared the ownership report on the coversheet and/or first page of the report.

**If we do not receive the items listed above by October 13, 2022, a Preliminary Determination may be issued denying the application as incomplete.**

Please do not hesitate to contact me at 503-979-9872 or [sarah.a.henderson@water.oregon.gov](mailto:sarah.a.henderson@water.oregon.gov) if I may be of assistance.

Sincerely,



Sarah Henderson  
Flow Restoration Program Coordinator  
Transfer and Conservation Section

cc: Transfer Application file T-14037  
Shavon Haynes, District 13 Watermaster (via e-mail)  
Talent Irrigation District ([tid@talentid.org](mailto:tid@talentid.org))



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

In the Matter of Instream Transfer  
Application T-14037, Jackson County

)  
) **D R A F T** PRELIMINARY  
)  
) DETERMINATION PROPOSING APPROVAL  
) OF A CHANGE IN PLACE OF USE AND  
) CHARACTER OF USE

**Authority**

Oregon Revised Statutes (ORS) 540.505 to 540.580 establishes 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 implements the statutes and provides the Department's procedures and criteria for evaluating transfer applications. OAR Chapter 690, Division 077 provides additional criteria for evaluating transfers to instream water rights.

**Applicant**

City of Ashland  
Attn: Scott Fleury  
20 East Main Street  
Ashland, Oregon 97520  
[scott.fleury@ashland.or.ur](mailto:scott.fleury@ashland.or.ur)

**Agent**

GSI Water Solutions, Inc.  
Attn: Adam Sussman  
1600 SW Western Boulevard, Suite 240  
Corvallis, Oregon 97333  
[asussman@gsiws.com](mailto:asussman@gsiws.com)

**Findings of Fact**

1. On June 24, 2022, the City of Ashland filed an application to change the place of use and character of use under Certificate 95315 to instream use. The Department assigned the application number T-14037.
2. Notice of the application for transfer was published on July 12, 2022, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. Consistent with land use requirements, notice of the intent to file the instream transfer application was provided by the applicant to the City of Ashland local government. Additionally, the Department provided notification of the proposed action to the local government and Talent Irrigation District upon receipt of Transfer Application T-14037.

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

**Certificate:** 95315 in the name of J. A. Parker (confirmed by Rogue River Final Decree)  
**Use:** Irrigation of 5.0 ACRES  
**Priority Date:** 1858  
**Rate:** 0.10 Cubic Foot Per Second



**Source:** Ashland Creek, tributary of Bear Creek  
**Authorized Point of Diversion:** Not described on certificate  
**Authorized Place of Use:**

Irrigation					
Twp	Rng	Mer	Sec	Q-Q	Acres
39 S	1 E	WM	5	SE NE	5.0

5. Certificate 95315 does not provide a description of the location of the point of diversion. Based upon additional information provided by the applicant and the Department's Watermaster, for purposes of this instream transfer, the point of diversion is described as follows:

Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Measured Distances
39 S	1 E	WM	9	NW NW	200	HELMAN DITCH: 315 FEET SOUTH AND 760 FEET EAST FROM THE NW CORNER OF SECTION 9

6. Certificate 95315 does not specify the irrigation season. However, the Rogue River Decree establishes the irrigation season for the area as April 1 through October 31.
7. A total of 42.4 acre-feet of water may be beneficially used annually under the existing right.
8. Instream Transfer Application T-14037 proposes to change the character of use to instream use for conservation, maintenance and enhancement of aquatic and fish life, wildlife, fish and wildlife habitat and other ecological values; recreation; and pollution abatement.
9. Instream Transfer Application T-14037 proposes to change the place of use of the right to a point on Helman Ditch, located in T39S, R1E, WM, Sec. 9, NWNW.
10. The applicant proposes the quantities water to be transferred instream be as protected follows:

Period	Rate (cfs)	Volume (acre-feet)
April 1 to October 31	0.10	42.4

11. The applicant has requested that any instream water right established as a result of this instream transfer be additive to existing instream water rights for the same reach established pursuant to ORS 537.348 (instream transfer process) and ORS 537.470 (allocation of conserved water process). The applicant has also requested that any instream water rights established as a result of this instream transfer replace a portion of any existing instream rights established pursuant to ORS 537.346 (minimum streamflow conversion) and ORS 537.341 (state agency instream application process), with a more senior priority date.



***Instream Transfer Review Criteria (OAR 690-77-0075 and 690-380-4010)***

12. Water has been used within the last five years according to the terms and conditions of the right, and there is no information in the record that would demonstrate that the right is subject to forfeiture under ORS 540.610.
13. A diversion structure and ditch sufficient to use the full amount of water allowed under the existing right were present within the five-year period prior to submittal of Application T-14037.
14. The quantities to be transferred and protected instream is as follows:

**Instream Point:** At the POD described below:

Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Measured Distances
39 S	1 E	WM	9	NW NW	200	HELMAN DITCH: 315 FEET SOUTH AND 760 FEET EAST FROM THE NW CORNER OF SECTION 9

Certificate	Priority Date	Instream Rate (cfs)	Instream Volume (AF)	Period Protected Instream
95315	1858	0.10	42.4	April 1 – October 31

15. The proposed change would not result in enlargement of the right.
16. The proposed change would not result in injury to other water rights.
17. The amount and timing of the proposed instream flow is allowable within the limits and use of the original water right.
18. The protection of flows at the authorized point of diversion is appropriate, considering:
  - a) The instream water right begins at the recorded point of diversion;
  - b) The location of confluences with other streams downstream of the point of diversion;
  - c) There are known areas of natural loss of streamflow to the river bed downstream from the point of diversion; and
  - d) Any return flows resulting from the exercise of the existing water right would re-enter the river downstream of the point of the instream water right.
19. Any instream water right established as a result of this instream transfer will be additive to existing instream water rights for the same reach established pursuant to ORS 537.348 (instream transfer process) and ORS 537.470 (allocation of conserved water process). Any instream water right established as a result of this instream transfer will replace a portion of any existing instream rights established pursuant to ORS 537.346 (minimum streamflow



conversion) and ORS 537.341 (state agency instream application process), with a more senior priority date.

20. There is no information in the record that would demonstrate the quantities proposed to be transferred instream will exceed the estimated average natural flows. The total monthly quantities of water to be protected under proposed instream right at the point will provide for a beneficial purpose.

#### **Determination and Proposed Action**

The changes in character of use and place of use to instream use proposed in application T-14037 appear to be consistent with the requirements of ORS 540.505 to 540.580, ORS 537.348, OAR 690-380-5000, and OAR 690-077-0075. If protests are not filed pursuant to OAR 690-380-4030, the application will be approved.

*If Transfer Application T-14037 is approved, the final order will include the following:*

1. *The changes in character of use and place of use to instream use proposed in application T-14037 are approved.*
2. *Water right certificate 95315 is cancelled. A new certificate confirming the instream water right shall be issued. A new certificate will be issued describing that portion of the right not affected by this transfer.*
3. *The instream water right shall provide for the protection of streamflows for a point located at Helman Ditch, located in T39S, R1E, WM, Sec. 9, NWNW.*
4. *The quantities of water to be protected under the instream water right are:*

**Instream Point:** *At the POD described below:*

<b>Twp</b>	<b>Rng</b>	<b>Mer</b>	<b>Sec</b>	<b>Q-Q</b>	<b>Tax Lot</b>	<b>Measured Distances</b>
39 S	1 E	WM	9	NW NW	200	HELMAN DITCH: 315 FEET SOUTH AND 760 FEET EAST FROM THE NW CORNER OF SECTION 9

<b>Certificate</b>	<b>Priority Date</b>	<b>Instream Rate (cfs)</b>	<b>Instream Volume (AF)</b>	<b>Period Protected Instream</b>
95315	1858	0.10	42.4	April 1 – October 31

5. *Within the specified stream reach, the amount of water to which this right is entitled shall not exceed the quantity of water legally available at the original point of diversion.*
6. *The instream right established by this transfer shall replace a portion of instream water rights established pursuant to ORS 537.341 or 537.346 and be in addition to instream water rights established pursuant to ORS 537.348 or 537.470 unless otherwise specified by an order approving a new instream water right under these statutes.*



7. *The right to the use of the water is restricted to beneficial use at the place of use described and is subject to all other conditions and limitations contained in Certificate 95315 and any related decree.*
8. *The former place of use of the transferred water shall no longer receive water as part of this right.*

Dated at Salem, Oregon this day \_\_\_\_\_.

**D R A F T**

\_\_\_\_\_  
Lisa J. Jaramillo, Transfer and Conservation Section Manager, for  
Tom M. Byler, Director, Oregon Water Resources Department

This draft Preliminary Determination was prepared by Sarah Henderson. If you have questions about the information in this document, you may reach me at 503-979-9872 or [Sarah.A.Henderson@water.oregon.gov](mailto:Sarah.A.Henderson@water.oregon.gov)





Oregon  
Kate Brown, Governor

**Water Resources Department**

725 Summer St NE, Suite A

Salem, OR 97301

(503) 986-0900

Fax (503) 986-0904

July 6, 2022

CITY OF ASHLAND  
SCOTT FLEURY  
20 EAST MAIN ST  
ASHLAND, OR 97520

Reference: Instream Transfer T- 14037

On June 24, 2022, we received your water right Transfer application. The application was accompanied by \$1225.00. Our receipt number 138507 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.

This application may 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 for the new use, in the new place of use 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) 979-9931.

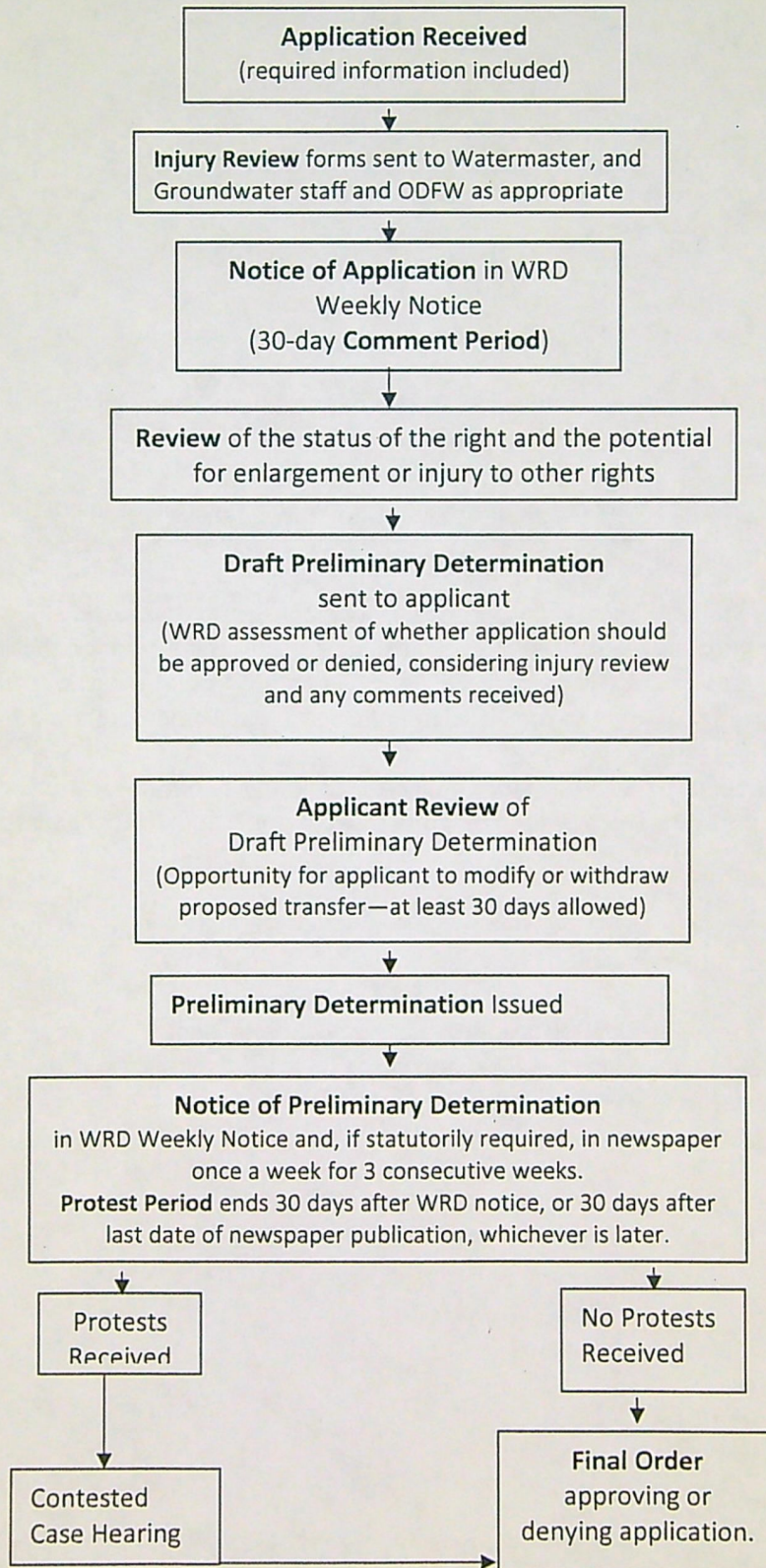
Cc: Watermaster Dist. #13 (via email)  
City of Ashland  
Talent Irrigation District  
Adam Sussman, Agent

Enclosure



## Instream Transfer Process

OAR 690 Divisions 380 and 077





STATE OF OREGON  
WATER RESOURCES DEPARTMENT

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

RECEIPT # 138507

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

RECEIVED FROM: City of Ashland  
BY: Accounts Payable

APPLICATION \_\_\_\_\_  
PERMIT \_\_\_\_\_  
TRANSFER T-14037

CASH: ☐ CHECK: # 45561 OTHER: (IDENTIFY) ☐

TOTAL REC'D \$ 1,225.00

1083 TREASURY 4170 WRD MISC CASH ACCT

0407 COPIES \$ \_\_\_\_\_  
OTHER: (IDENTIFY) \$ \_\_\_\_\_

0243 I/S Lease \_\_\_\_\_ 0244 Muni Water Mgmt. Plan \_\_\_\_\_ 0245 Cons. Water \_\_\_\_\_

4270 WRD OPERATING ACCT

MISCELLANEOUS

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

WATER RIGHTS:

	EXAM FEE		RECORD FEE
0201 SURFACE WATER	\$ _____	0202	\$ _____
0203 GROUND WATER	\$ _____	0204	\$ _____
0205 TRANSFER	\$ <u>1,225.00</u>		

	EXAM FEE		LICENSE FEE
0218 WELL DRILL CONSTRUCTOR	\$ _____	0219	\$ _____
LANDOWNER'S PERMIT		0220	\$ _____

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

0536 TREASURY 0437 WELL CONST. START FEE

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

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

0233 POWER LICENSE FEE (FWWRD) \$ \_\_\_\_\_  
0231 HYDRO LICENSE FEE (FWWRD) \$ \_\_\_\_\_  
HYDRO APPLICATION \$ \_\_\_\_\_

TREASURY OTHER / RDX

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

RECEIPT: 138507

DATED: 05/24/22 BY: [Signature]

Distribution - White Copy - Customer, Yellow Copy - Fiscal, Blue Copy - File, Buff Copy - Fiscal

City of Ashland

PAGE: 1 OF 1

CHECK NUMBER:

00045561

INVOICE DATE	INVOICE NUMBER	DESCRIPTION	INVOICE AMOUNT
05/11/2022	TRANSFER APP 5/22	WATER RIGHTS TRANSFER APPLICATION	\$1,225.00

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Vendor No.	Vendor Name	Check No.	Check Date	Check Amount
97	OREGON WATER RESOURCES DEPARTMENT	45561	05/20/2022	\$1,225.00



Application for  
Water Right Instream Transfer  
Part 1 of 6 – Minimum Requirements Checklist



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

**This transfer application will be returned if Parts 1 through 6 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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FOR ALL INSTREAM TRANSFER APPLICATIONS

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

- ☒ Part 1 – Completed Minimum Requirements Checklist.
- ☒ Part 2 – Completed Map Checklist.
- ☒ Part 3 – Application Fee, payable by check to the Oregon Water Resources Department, and completed Fee Worksheet, page 3. Try the new online fee calculator at: [http://apps.wrd.state.or.us/apps/misc/wrd\\_fee\\_calculator](http://apps.wrd.state.or.us/apps/misc/wrd_fee_calculator). If you have questions, call Customer Service at (503) 986-0801. **The required fee of \$1,225 is enclosed.**  
Note: Instream transfers are considered both a change in place of use and character of use. In addition, an automatic 50% fee waiver applies to all instream transfers.
- ☒ Part 4 – Completed Applicant Information and Signature.
- ☒ Part 5 – Completed Instream Use Information.
- ☒ Part 6 – Information about the Transferred Water Rights: **How many water rights are to be transferred? 1 List them here: 95315 (Attachment A)**  
Please include a separate Part 6 for each water right. (See instructions on page 8)

**Attachments:**

- ☒ Completed Instream Transfer Application Map. **(Attachment B)**
- ☒ Completed Evidence of Use Affidavit and supporting documentation. **(Attachment C)**
- ☒ ☐ N/A Affidavit(s) of Consent from Landowner(s) (if the applicant does not own the land the water right is on.) **(Attachment D)**
- ☒ ☐ 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. **(Attachment E)**
- ☒ Land Use Notice - Notice of the intent to file an instream transfer application must be provided to each affected local government along the proposed reach. Copies of the notices must be enclosed with the instream transfer application. **(Attachment F)**

(For Staff Use Only)

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

- ☐ Application fee not enclosed/insufficient ☐ Map not included or incomplete
- ☐ Land Use Form not enclosed or incomplete
- ☐ Additional signature(s) required ☐ Part \_\_\_\_\_ is incomplete

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

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



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

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

☒ ☐ N/A Certified Water Right Examiner (CWRE) Stamp and Original Signature. For list of CWREs see [http://apps.wrd.state.or.us/apps/wr/cwre\\_license\\_view/](http://apps.wrd.state.or.us/apps/wr/cwre_license_view/).

OR

☐ ☒ N/A Waiver of requirement that map be prepared by a CWRE. Completed map waiver form is signed by the Department's Regional Manager and included in the application. The map **must** still meet Department mapping requirements described below.

☐ ☒ N/A If **more than three** water rights are involved, separate maps are needed for each water right.

☒ Permanent quality printed with dark ink on good quality paper.

☒ The size of the map can be 8½ x 11 inches, 8½ x 14 inches, 11 x 17 inches, or up to 30 x 30 inches. For 30 x 30 inch maps, one extra copy is required.

☒ A north arrow, a legend, and scale.

☒ The scale of the map must be: 1 inch = 400 feet, 1 inch = 1,320 feet, the scale of the Final Proof/Claim of Beneficial Use Map (the map used when the permit was certificated), the scale of the county assessor map if the scale is not smaller than 1 inch = 1,320 feet, or a scale that has been pre-approved by the Department.

☒ Township, Range, Section, quarter-quarter, DLC, Government Lot, and other recognized public land survey lines.

☒ Tax lot boundaries (property lines) are required. Tax lot numbers are recommended.

☒ Major physical features including rivers and creeks showing direction of flow, lakes and reservoirs, roads, and railroads.

☒ Major water delivery system features from the point(s) of diversion/appropriation such as main pipelines, canals, and ditches.

☒ Existing place of use that includes separate hachuring for each water right, priority date and use including number of acres in each quarter-quarter section, government lot, or in each quarter-quarter section as projected within government lots, donation land claims, or other recognized public land survey subdivisions. If less than the entirety of the water right is being changed, a separate hachuring is needed for lands left unchanged.

☒ ☐ N/A Existing diversion point(s) with distance and bearing or coordinates from a recognized survey corner. This information can generally be found in your water right certificate or permit.

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## Part 3 of 6 – Fee Worksheet

FEE WORKSHEET for INSTREAM TRANSFER			
1	Base Fee (includes Place of Use and Character of Use to Instream changes to one water right for up to 1 cfs)	1	\$2,450
	Number of water rights included in transfer <u>1 (2a)</u> Subtract 1 from the number in 2a above: <u>0 (2b)</u> <i>If only one water right, this will be 0</i>		
2	Multiply line 2b by \$610 and enter » » » » » » » » » » » » » » » »	2	0
	Enter the cfs for the portions of the rights to be transferred (see example below*): <u>0.1 cfs (3a)</u> Subtract 1.0 from the number in 3a above: <u>0 (3b)</u> If 3b is 0, enter 0 on line 3 » » » » » » » » » » » » » » » » If 3b is greater than 0, round up to the nearest whole number: <u>      (3c)      </u> and multiply 3c by \$410, then enter on line 3 » » » » » » » » » »		
3	» »	3	0
4	Add entries on lines 1 through 3 above » » » » » » » » » » Subtotal:	4	\$2,450
5	Multiply line 4 by 0.5 and enter on line 5 » » » » » » » » » » » » » » » »	5	\$1,225
6	Subtract line 5 from line 4 » » » » » » » » » » » » » » » » <b>Transfer Fee:</b>	6	<b>\$1,225</b>

\*Example for Line 3a calculation to transfer 45.0 acres of Primary Certificate 12345 (total 1.25 cfs for 100 acres) and 45.0 acres of Supplemental Certificate 87654 (1/80 cfs per acre) on the same land:

1. 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 3a would be only 0.56 cfs, since both rights serve the same 45.0 acres. Blank 3b would be 0 and Line 3 would then also become 0*).

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## Part 4 of 6 – Applicant Information and Signature

Is this a ☒ Permanent Instream Transfer or ☐ Time-Limited Instream Transfer?

### Applicant Information

APPLICANT/BUSINESS NAME <b>City of Ashland, ATTN: Scott Fleury</b>			PHONE NO. <b>541-552-2412</b>	ADDITIONAL CONTACT NO.
ADDRESS <b>20 East Main St.</b>			FAX NO.	
CITY <b>Ashland</b>	STATE <b>OR</b>	ZIP <b>97520</b>	E-MAIL <b>scott.fleury@ashland.or.us</b>	
BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED.				

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

AGENT/BUSINESS NAME <b>GSI Water Solutions, Inc. ATTN: Adam Sussman</b>			PHONE NO. <b>541-257-9001</b>	ADDITIONAL CONTACT NO.
ADDRESS <b>1600 SW Western Boulevard, Suite 240</b>			FAX NO.	
CITY <b>Corvallis</b>	STATE <b>OR</b>	ZIP <b>97333</b>	E-MAIL <b>asussman@gsiws.com</b>	
BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED.				

Explain in your own words what you propose to accomplish with this transfer application, and why:  
**The City of Ashland is proposing to permanently transfer a 0.1 cfs portion of Certificate 95315 instream.**

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 that 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.

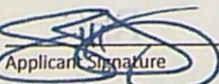
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I understand that prior to Department approval of the transfer, I may be required to submit payment to the Department for publication of a notice in a newspaper with general circulation in the area where the water right is located, once per week for two consecutive weeks. If more than one qualifying newspaper is available, I suggest publishing the notice in the following newspaper: Mail Tribune.

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

  
Applicant Signature

**Scott Fleury, Public Works Director**  
Print Name (and Title if applicable)

**6.13.2022**  
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. **Affidavit of Consent provided (see Attachment D).**



Check the following boxes that apply:

- ☒ Check here if any of the water rights proposed for transfer are located within or served by an irrigation district or other water district before the transfer. (Tip: Complete and attach Supplemental Form D.) **Certificate 95315 is located within the Talent Irrigation District Service Area, however, the right is not in the name of or served by the District.**

IRRIGATION DISTRICT NAME <b>Talent Irrigation District</b>	ADDRESS <b>104 West Valley View Road, PO Box 467</b>	
CITY <b>Talent</b>	STATE <b>OR</b>	ZIP <b>97540</b>

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

ENTITY NAME	ADDRESS	
CITY	STATE	ZIP



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

ENTITY NAME <b>City of Ashland</b>	ADDRESS <b>20 East Main St.</b>	
CITY <b>Ashland</b>	STATE <b>OR</b>	ZIP <b>97520</b>

ENTITY NAME	ADDRESS	
CITY	STATE	ZIP

ENTITY NAME	ADDRESS	
CITY	STATE	ZIP

ENTITY NAME	ADDRESS	
CITY	STATE	ZIP

ENTITY NAME	ADDRESS	
CITY	STATE	ZIP

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JUN 24 2022

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- 14087 -



## Part 5 of 6 – Proposed Instream Use Information

Identify the Public Use for which the instream right is requested (check at least one box):

- ☒ Conservation, maintenance and enhancement of aquatic and fish life, wildlife, fish and wildlife habitat and other ecological values.
- ☒ Recreation
- ☐ Navigation
- ☒ Pollution Abatement

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Instream use proposed to be created by the instream transfer:

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Originating Water Right Number (as identified in Part 5)	Priority Date	Source	Proposed Instream Period	Rate (cfs)*	Volume (ac-ft)**
95315	1858	Ashland Creek	April 1-October 31	0.1	42.4
TOTAL VOLUME					42.4

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

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

Note: The instream rate may not exceed the max rate allowed by the existing right(s) and the total volume may not exceed to max volume or duty allowed by the existing right(s).

Additional Information: \_\_\_\_\_.

Identify the location of the proposed instream water right.

- ☒ Water is requested to be protected at a point.  
Location (i.e. the point of diversion (POD) – use the POD Name or Number from Table 1):  
Helman Ditch.
- ☐ Water is requested to be protected within a reach:  
Location of proposed reach (If an instream water right reach is requested, identify the upstream and downstream extent of the reach):

Recommendations for conditions on the instream use to avoid taking away or impairing existing water rights.

- ☒ None
- ☐ Other (such conditions may include, but are not limited to, reductions in the instream flow levels in cfs per month or total ac-ft, the effective reach(es) or lake levels of the instream flow, measuring locations and the strategy for monitoring the instream flow or lake levels): \_\_\_\_\_.



Are there any existing instream water rights on the same point or within the same requested reach(es) or lake, or on a portion thereof?

☒ No ☐ Yes (identify other instream water rights): \_\_\_\_\_.

Note: New instream water rights are generally (but not always) additive to instream water rights established under ORS 537.348 (instream transfer application process) and ORS 537.470 (allocation of conserved water) and replace a portion of instream water rights established under ORS 537.341 (state agency application process) or ORS 537.346 (conversion of minimum perennial streamflows) with an earlier priority date.

Is it your intent to have the proposed instream water right transfer be additive to any instream water right established under ORS 537.348 and ORS 537.470 and replace a portion of any instream water right established under ORS 537.341 and ORS 537.346 with an earlier priority date?

☒ Yes ☐ No. If no, please explain your intent: \_\_\_\_\_.

If the proposed conversion would add to the amounts of an existing instream water right(s) established under ORS 537.341 or 537.346, provide documentation demonstrating why additional instream flows are necessary. Supporting documentation should include information from the Oregon Dept. of Fish and Wildlife (ODFW) (fish life), Dept. of Environmental Quality (DEQ) (pollution abatement), and/or Parks and Recreation Dept. (recreation).

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

- ☒ No; OR
- ☐ Yes (Provide supporting documentation that demonstrates why additional flows are significant for the public use requested.); OR
- ☐ Yes, and it is presumed that flows that exceed the estimated average natural flow or natural lake levels are significant because:
- ☐ The requested flow does not exceed the maximum amount of any instream water right application applied for under ORS 537.341 (state agency instream water right application process) for the same reach or portion thereof, and the requested public use is for the same public use as the afore mentioned instream water right application, and
  - ☐ For the specified time period that flows are requested to exceed the estimated average natural flow or lake level, the stream is in an ODFW flow restoration priority watershed. A copy of the priority watershed map indicating the specific watershed involved should be included with the application. Priority watershed maps may be found on the OWRD web page; or
  - ☐ The stream is listed as water quality limited and DEQ has provided scientific information that demonstrates that increased flows would improve water quality. The scientific information provided by DEQ should be included with the transfer application.

For a Time Limited Instream Transfer, please answer the following: N/A

- ☐ The time-limited instream transfer is for a specific number of years:  
\_\_\_\_\_ Begin Year to \_\_\_\_\_ End Year
- ☐ Time-limited instream transfer is to terminate based upon other conditions:  
Conditions: \_\_\_\_\_.

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CERTIFICATE # 95315

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Name on Certificate: J ParkerDate(s) of Priority: 1858Source(s) of Water to be Affected by the Transfer: Ashland Creek

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## Description of Water Delivery System

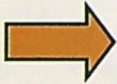
System capacity: 0.11 (0.107 under this water right) cubic feet per second (cfs) OR  
 \_\_\_\_\_ gallons per minute (gpm)

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. Ashland Creek water is conveyed to the place of use via Helman Ditch. The place of use is flood irrigated.

## Other Water Rights

Are there other water right certificates, water use permits or ground water registrations associated with the "from" 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.

## Table 1. Location of Authorized Point(s) of Diversion (POD)

(Note: If the POD name is not specified on the certificate, assign it a name or number here.

Also, if the POD is not described in the Certificate, provide a description below)

POD Name or Number	Priority Date (if different between PODs)	Twp	Rng	Sec	¼ ¼	Tax Lot, DLC or Gov't Lot	Measured Distances (from a recognized survey corner)
Helman Ditch		39 S	1 E	9	NW NW	200	315 feet South and 760 feet East from the NW Corner of Section 9*

\*Certificate 95315 does not list the location of the POD. The location of the POD was identified by the District 13 Water Master, Shavon Haynes.

## Will the proposed instream transfer affect the entire water right?

☐ Yes Then Table 2 on Page 10 does not need to be completed.

☒ No Then complete all of Table 2 to describe the portion of the water right to be changed.



Please use additional pages of Table 2 as needed. See page 8 for instructions. If you have further questions about how to fill out the tables, contact the Department at 503-986-0900 and ask for Transfer Staff.

**Table 2. Description of Change to Water Right Certificate # 95315**

List only the part of the right that will be changed. If more than one POD serves the lands, specify the acreage associated with each POD.

Twp	Rng	Sec	¼ ¼	Tax Lot	Gov't Lot or DLC	Acres if Applicable	Type of USE listed on Certificate	Priority Date (if not the same for all acres or type of use)	POD(s) (name or number from Table 1)
2	S	9	E 14	NE NW	100	15.0	Irrigation	4/1/1900	POD #1 POD #2
"	"	"	"	"	"	EXAMPLE	"	"	"
39	S	1	E 5	SE NE	200	Gov Lot 2 1.78	Irrigation	1858	Helman Ditch
39	S	1	E 5	SE NE	200	DLC 40 3.22	Irrigation	1858	Helman Ditch
TOTAL ACRES						5.0			

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

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## Attachment A

Certificate 95315

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Application for a Water Right Instream Transfer - City of Ashland

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STATE OF OREGON  
COUNTY OF JACKSON  
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

J. A. PARKER  
ASHLAND, OR

confirms the right to use the waters of ASHLAND CREEK, a tributary of BEAR CREEK, for IRRIGATION of 5.36 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 1858.

The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 0.107 CUBIC FOOT PER SECOND.

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

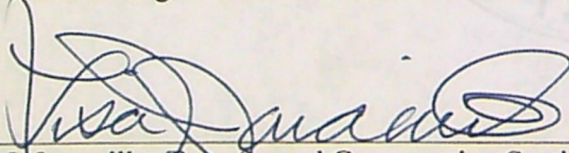
IRRIGATION AND STOCK					
Twp	Rng	Mer	Sec	Q-Q	Acres
39 S	1 E	WM	5	SE NE	5.36

This certificate describes that portion of water right Certificate 16028, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered SEP 13 2021, approving Transfer Application T-13422.

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 SEP 13 2021.



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

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## Attachment B

Application Map

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Application for a Water Right Instream Transfer - City of Ashland

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## Attachment C

Evidence of Use Affidavit

---

Application for a Water Right Instream Transfer – City of Ashland

14037



# 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, KYLE TAYLOR, in my capacity as MANAGING MEMBER, CMK DEVELOPMENT, LLC,

mailing address 1679 JACKSON ROAD, ASHLAND, OR, 97520.

telephone number (541) 621-8095, being first duly sworn depose and say:

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

☒ Personal observation

☐ Professional expertise

2. I attest that:

☒ Water was used during the previous five years on the **entire** place of use included in the transfer for Certificate # 95315; OR

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

Certificate #	Township	Range	Mer	Sec	¼ ¼	Gov't Lot or DLC	Acres (if applicable)

OR

☐ Confirming Certificate # \_\_\_\_\_ has been issued within the past five years; OR

☐ Part or all of the water right was leased instream at some time within the last five years. The instream lease number is: \_\_\_\_\_ (Note: If the entire right proposed for transfer was not leased, additional evidence of use is needed for the portion not leased instream.); OR

☐ The water right is not subject to forfeiture and documentation that a presumption of forfeiture for non-use would be rebutted under ORS 540.610(2) is attached.

☐ Water has been used at the actual current point of diversion or appropriation for more than 10 years for Certificate # \_\_\_\_\_ (For Historic POD/POA Transfers)

(continues on reverse side)

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

[Signature]  
Signature of Affiant

12-6-21  
Date

Signed and sworn to (or affirmed) before me this 6 day of Dec, 2021.



Mel Manzi  
Notary Public for Oregon

My Commission Expires: 10.22.2024

Supporting Documents	Examples
<input type="checkbox"/> Copy of a water right certificate that has been issued within the last five years. (not a remaining right certificate)	Copy of <b>confirming</b> water right certificate that shows issue date
<input type="checkbox"/> Copies of receipts from sales of irrigated crops or for expenditures related to use of water	<ul style="list-style-type: none"> <li>• Power usage records for pumps associated with irrigation use</li> <li>• Fertilizer or seed bills related to irrigated crops</li> <li>• Farmers Co-op sales receipt</li> </ul>
<input type="checkbox"/> Records such as FSA crop reports, irrigation district records, NRCS farm management plan, or records of other water suppliers	<ul style="list-style-type: none"> <li>• District assessment records for water delivered</li> <li>• Crop reports submitted under a federal loan agreement</li> <li>• Beneficial use reports from district</li> <li>• IRS Farm Usage Deduction Report</li> <li>• Agricultural Stabilization Plan</li> <li>• CREP Report</li> </ul>
<input checked="" type="checkbox"/> Aerial photos containing sufficient detail to establish location and date of photograph	<p>Multiple photos can be submitted to resolve different areas of a water right. If the photograph does not print with a "date stamp" or without the source being identified, the date of the photograph and source should be added.</p> <p>Sources for aerial photos:  OSU – <a href="http://www.oregonexplorer.info/imagery">www.oregonexplorer.info/imagery</a>  OWRD – <a href="http://www.wrd.state.or.us">www.wrd.state.or.us</a>  Google Earth – <a href="http://earth.google.com">earth.google.com</a>  TerraServer – <a href="http://www.terraserver.com">www.terraserver.com</a></p>
<input type="checkbox"/> Approved Lease establishing beneficial use within the last 5 years	Copy of instream lease or lease number

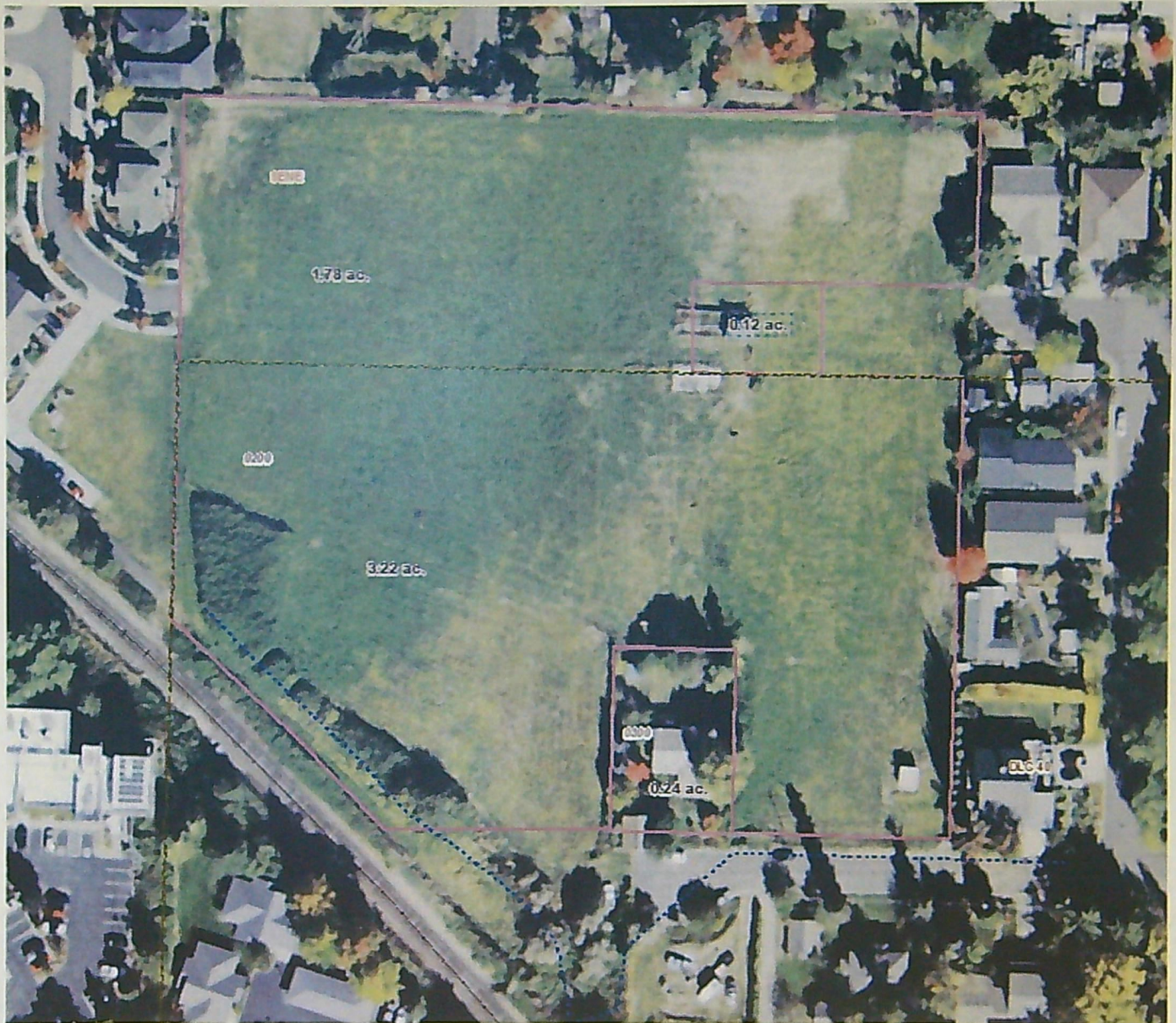
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## Attachment D

Affidavit of Consent

Application for a Water Right Instream Transfer - City of Ashland

14037



# Application for Water Right Transfer



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

## Consent by Deeded Landowner

State of Oregon )  
 )ss  
County of Jackson )

I Kyle Taylor in my/our capacity as Owner,

mailing address 1679 Jackson Road, Ashland, OR, 97520

telephone number 541-621-8095, duly sworn depose and say that I/We

consent to the proposed change(s) to a 5 acre portion of Water Right Certificate Number 95315

described in a Water Right Transfer Application (T-\_\_\_\_),

(transfer number, if known)

submitted by City of Ashland

on the property in tax lot number(s) 200,

Section 5 Township 39 South Range 1 East, W.M.,

located at Otis St. Ashland, Oregon  
(site address)

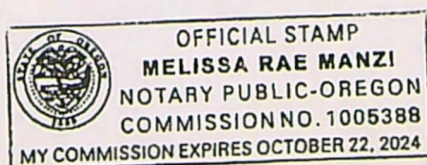
[Signature]  
Signature of Affiant

5-24-22  
Date

\_\_\_\_\_  
Signature of Affiant

\_\_\_\_\_  
Date

Subscribed and Sworn to before me this 24 day of May, 2022.



[Signature]  
Notary Public for Oregon

My commission expires 10.22.2024



# Attachment E

Supplemental Form D

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Application for a Water Right Instream Transfer – City of Ashland

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## Supplemental Form D

### Water Right Transfers Within the Boundaries of or Served by an Irrigation District or other Water Supplier (Association, Ditch Co., etc.)

[For transfers submitted under OAR Chapter 690 Division 380]



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/water suppliers during the planning and preparation of transfer applications involving water rights having a point of diversion or appropriation (POD/POA) or place of use (POU) served by or located within the boundaries of an irrigation district, or other type of water supplier to which assessments are paid. In some cases consent will be required from the district or water supplier.

This form must be included with any transfer application that involves rights served by or located within the boundaries of a district or other type of water supplier.

#### 1. APPLICANT INFORMATION

NAME City of Ashland, ATTN: Scott Fleury			PHONE (HM)	
PHONE (WK) 541-552-2412		CELL		FAX
ADDRESS 20 East Main St.				
CITY Ashland	STATE OR	ZIP 97520	E-MAIL** scott.fleury@ashland.or.us	

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#### 2. DISTRICT or WATER SUPPLIER INFORMATION

JUN 24 2022

DISTRICT/WATER SUPPLIER NAME Talent Irrigation District			PHONE (HM)	
PHONE (WK) 541-535-1529		CELL		FAX
ADDRESS 104 West Valley View Road, PO Box 467				
CITY Talent	STATE OR	ZIP 97540	E-MAIL**	

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\*\* By providing an e-mail address, the applicant and/or the district/water supplier consents 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 DISTRICT, OTHER DISTRICT, OR WATER SUPPLIER

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, water supplier, or BOR*?
1.	Rogue River Decree	T-13422	95315	YES <input type="checkbox"/>
2.	-	-	-	YES <input type="checkbox"/>
3.	-	-	-	YES <input type="checkbox"/>

Attach additional pages for additional water rights if necessary.

\*Bureau of Reclamation



- b. Determine a district's/water supplier's connection to your points of diversion (POD) or appropriation (POA) and places of use (POU). [You may need to consult with your district/water supplier.]

**CURRENT ASSOCIATIONS** Please answer the following "yes" or "no" questions:

- YES ☐ NO ☒ One or more of the current POD(s) / POA(s) involved in the transfer are served by a district/water supplier or rely on BOR water.
- YES ☐ NO ☒ All or a portion of the current POU involved in this proposed transfer receives water for either primary or supplemental irrigation from the district/water supplier; i.e., the POU is currently layered with a district or BOR water supplied water right(s).

**PROPOSED ASSOCIATIONS** Please answer the following "yes" or "no" questions:

- YES ☐ NO ☒ One or more of the proposed POD(s) / POA(s) involved in the transfer are currently served or will be served by a district/water supplier if the transfer is approved, or rely on BOR water.
- YES ☐ NO ☒ 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/water supplier; i.e., the POU will be layered with a district/water supplier or BOR water supplied water right(s).

**COMMENTS OR ADDITIONAL INFORMATION** Certificate 95315 is located within the Talent Irrigation District Service Area, however, the right is not in the name of or served by the District.

#### 4. APPLICANT'S SIGNATURE

- (1) I certify that I have notified the district/water supplier 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.

  
Applicant Signature

Scott Fleury, Public Works Director  
Name (print)

6/6/2022  
Date

#### 5. (WHEN REQUIRED) DISTRICT or WATER SUPPLIER CONSENT TO THE PROPOSED WATER RIGHT TRANSFER

District Manager or Water Supplier consent is required if any box on this form is marked "YES."

The district/water supplier certifies the following:

- (1) The district/water supplier has reviewed the applicant's proposed water right transfer application and maps; and
- (2) The district/water supplier consents to the proposed water right transfer application.

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YES ☐ NO ☐

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/water supplier.

YES ☐ NO ☐

The district/water supplier will be responsible for submitting the claim of beneficial use prepared by a Certified Water Rights Examiner (CWRE).

\_\_\_\_\_  
Signature of District Manager /Water Supplier

\_\_\_\_\_  
Name (print), Title

\_\_\_\_\_  
Date

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## Attachment F

Land Use Notice

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Application for a Water Right Instream Transfer – City of Ashland

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June 13, 2022

City of Ashland  
20 East Main St.  
Ashland, OR  
97520

To whom it may concern:

The Water Resources Department requires applicants intending to file an application to transfer a water right to instream purposes to notify local governments that could be affected, so that the local government can make sure that the proposed new use does not result in a land use that would be incompatible with its comprehensive plan.

As such, we are notifying you on behalf of the City of Ashland that the City intends to submit an application to the Oregon Water Resources Department proposing to transfer 0.1 cfs of Certificate 95315 instream from April 1 through October 31. The proposed place of instream use would be the point in Ashland Creek where water is diverted by the Helman Ditch (Township 39S, Range 1E, Section 9, NWNW).

If you have any questions regarding the proposed application, or are interested in receiving additional information, please call me at (541) 257-9001

Sincerely,

A handwritten signature in black ink, appearing to read "Adam Sussman", written in a cursive style.

Adam Sussman  
Principal Water Resources Consultant

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June 22, 2022

Sarah Henderson  
Oregon Water Resources Department  
725 NE Summer Street, Suite A  
Salem, OR 97301

Dear Sarah:

GSI Water Solutions, Inc. (GSI) is submitting the enclosed Application for Water Right Instream Transfer on behalf of the City of Ashland (City). The City is proposing to transfer a 0.1 cfs portion (5.0 acres) of Certificate 95315 instream.

Also enclosed is the required application fee of \$1,225.

Please contact me if you have any questions. My phone number is 541-257-9001.

Sincerely,

A handwritten signature in black ink, appearing to read "Adam Sussman", written in a cursive style.

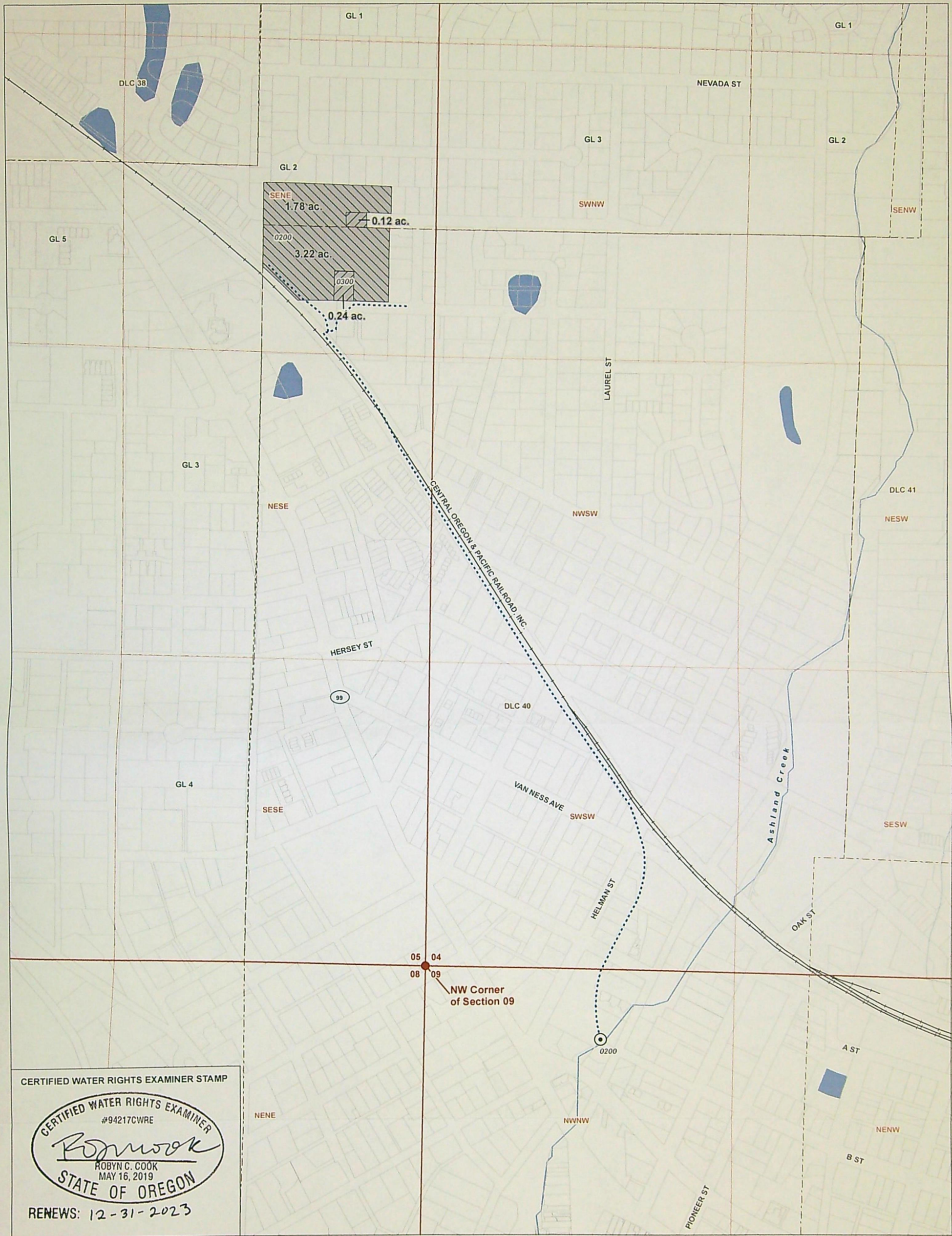
Adam Sussman  
Principal Water Resources Consultant

Enclosures: Application for Water Right Instream Transfer for Certificate 95315  
Check in the amount of \$1,225

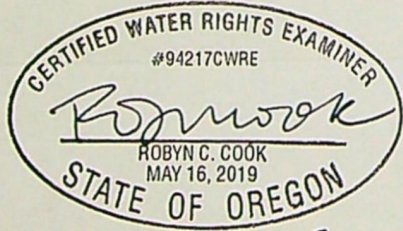
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CERTIFIED WATER RIGHTS EXAMINER STAMP



LEGEND

- Point of Diversion (POD)
- Conveyance
- Place of Use (POU)
- From Lands, 5 ac.
- Remaining Lands, 0.36 ac.
- Donation Land Claim (DLC)
- Government Lot (GL)
- Tax Lot
- Railroad
- Watercourse
- Waterbody

DISCLAIMER

This map was prepared for the purpose of identifying the location of a water right only and it is not intended to provide legal dimensions or location of property ownership lines.

LOCATION DESCRIPTION

Point of Diversion  
Located 315 feet South and 760 feet East from the NW Corner of Section 09, Township 39 South, Range 1 East (W.M.)

Application for Water Right Instream Transfer  
in the Name of City of Ashland

Certificate 95315

Jackson County

Township 39 South, Range 1 East (W.M.)

Date January 19, 2022  
Data Sources: BLM, ESRI, OWRD, USGS, OGIC, Jackson County, L.J. Friar and Associates (2020)

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1 inch = 400 feet





Instream Trans.  
cent-95315  
POU/USE

## Instream Water Right Transfer Application Checklist

Checked by Joan

Date 6/28/22

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

- ☒ 1. Page 1 of application: Are all attachments that have been checked actually included?  
If not, what is missing? \_\_\_\_\_
- ☒ 2. Are fees included and correct?  
If not, the correct fee would be: \_\_\_\_\_, so the amount missing is: \_\_\_\_\_
- ☒ 3. Page 3 of application: Have all the applicants listed at the top of the page signed at the bottom?  
If not, whose signature is missing? \_\_\_\_\_
- ☒ 4. Are all signatures on the application and any affidavits "original"?  
If not, whose "original" signature is missing? \_\_\_\_\_
- ☒ 5. Are all listed certificates or permits shown by WRIS as non-cancelled?  
If not, which are cancelled? \_\_\_\_\_  
For each cancelled certificate, if there has been a remaining right certificate issued that covers the lands in the left side of Table 2, list its number \_\_\_\_\_ and check the #4 box at left on this checklist.
- ☒ 6. If any certificate is in the name of a "district", is a Supplemental Form D from that district enclosed?  
☒ N/A ☐ Form D needed from \_\_\_\_\_ (district)
7. If all #1-#6 boxes on this checklist are checked (with no remaining deficiencies identified), accept the application. Put this check sheet in the transfer folder. If #1, #2, #3, #4, #5 or #6 is deficient, the application cannot be accepted. It should be returned and the **deficiencies listed in the "staff" section at the bottom of Application Page 1**, unless the applicant or agent can resolve the deficiencies within 2-3 days.

T-4037

ok