

Regular

RA

Name Avis HarbaldtAddress 12803 Redwood Hwy
Wilderville Oregon 97543Change in PODDate Filed 11/16/2020Initial notice date 12/15/2020DPD issued date 5/26/2021PD issued date 6/7/2021PD notice date 6/8/2021Date of FO 7/14/2021 Vol 121 Page 33-38C-Date 10/11/2022COBU due date 10/11/2022

COBU Received date

Certificate issued

DESCRIPTION OF WATER RIGHT(S)

Name of Stream Slate CreekTrib. of Applegate riverUse Irrigation IndustrialCounty Josephine

Quantity of water (CFS) _____ No. of Acres _____

Name of ditch _____

App# 519040 Per # 5141046 Cert # 15257 PR Date 10/14/1940App# 522759 Per # 5178120 Cert # 15522 PR Date 8/15/1947App# 5312103 Per # 5241031 Cert # 27392 PR Date 12/18/1950

App# _____ Per # _____ Cert # _____ PR Date _____

App# _____ Per # _____ Cert # _____ PR Date _____

FEES PAID

Date	Amount	Receipt #
11-16-2020	\$1,100.00	133948
1-8-2021	\$125.00	CAC0116
1-19-2021	\$1,119.41	134347

FEES REFUNDED

Date	Amount	Receipt #

Assignments:

Irrigation District

Agent Robert Borst Borst engineering

CWRE

CC's list



Oregon

Tina Kotek, Governor

Water Resources Department

725 Summer St NE, Suite A

Salem, OR 97301

(503) 986-0900

www.oregon.gov/owrd

March 13, 2024

Lawrence Harboldt
1452 NW Lawnridge Ave
Grants Pass, OR 97526

On March 13, 2024, the Water Resources Department received the Claim of Beneficial Use (COBU) for the following file:

Application T-13555

The COBU included a report and map. In the future the Department will review your submittal. At that time we will review these items and provide a final certificate, proposed certificate, or a request for additional information.

If you are interested in having your COBU reviewed sooner, you may pay to have your file processed immediately, using the Reimbursement Authority program, which is described at: <https://www.oregon.gov/owrd/programs/WaterRights/RA/Pages/default.aspx>

Customer Service phone: (503) 986-0900

If you sell the property, please contact the Department, or have the new owners contact the Department about the need to file an assignment.

Cc: file T-13555

Application #:	WRD Reviewer:Corie
Transfer #:T-13555	
Date Received:3/13/2024	
CWRE Name:Daniel Scalas	
Priority Date (s):10/14/1940, 8/15/1947, 12/18/1956	

☐ YES ☐ NO A fee of \$230 must accompany this form for permits with priority dates of July 9, 1987, or later.

☐ YES ☒ NO A fee of \$230 must accompany this form for any transfers including a water right with a priority date of July 9, 1987, or later.

Example – A transfer involves 5 rights and one of the rights has a priority date of July 9, 1987, or later, the fee is required.

Fill in

- ☒ Map on polyester film (OAR 690-014-0170(1) & 310-0050(1)(b))
- ☒ Application & permit #; or transfer # (OAR 690-014-0100(1))
- ☒ Disclaimer (OAR 690-014-0170(5))
- ☒ North arrow (OAR 690-310-0050(2)(c))
- ☒ CWRE stamp and signature (OAR 690-014 & 310-0050)
- ☒ Appropriate scale (1" = 1320', 1" = 400', or the original full-size scale of the county assessor map) (014 & 310)
- ☒ Township, range, section, and tax lot numbers (OAR 690-310-0050(4))

- ☒ On form provided by the Department (OAR 690-014-0100(1))
- ☒ Application & permit #; or transfer # (OAR 690-014)
- ☒ Ownership information (OAR 690-014)
- ☒ Date of survey (OAR 690-014)
- ☒ Person interviewed (OAR 690-014)
- ☒ County (OAR 690-014)
- ☒ CWRE stamp and signature (OAR 690-014-0100)
- ☒ Signature(s) of all permittee of transfer holder (OAR 690-014-0100)

Ok to accept per CH

MONEY SLIP			
DATE:		RECEIPT #:	
RECEIVED FROM:		ADDRESS:	
CASH <input type="checkbox"/> CHECK <input type="checkbox"/> OTHER (IDENTIFY) _____ <input type="checkbox"/> DEBITAL <input type="checkbox"/> DEBIT CARD (IDENTIFY) _____		RECEIVED BY: _____ SIGNATURE: _____	
0407 COPIES _____ 0408 OTHER (IDENTIFY) _____		0409 _____ 0410 _____	
CASH Payment Location _____		CASH Payment Method (FBI) _____	
CASH Payment Amount _____		CASH Payment Date _____	
0411 RECEIPT # _____			
0407 MISCELLANEOUS 4611 0408 COPY & TAPE FEES 0409 RESEARCH FEES 0410 MISD. REVENUE (IDENTIFY) _____ 0411 TOL. & EXP. (IDENTIFY) _____ 0412 SUBSCRIPTION OF TIME _____			
0413 WATER RIGHTS 0414 SURFACE WATER 0415 GROUND WATER 0416 TRANSPORT		0417 _____ 0418 _____ 0419 _____ 0420 _____	
0421 WELL CONSTRUCTION 0422 WELL DRILL CONSTRUCTION 0423 LANDOWNER'S PERMIT 0424 OTHER (IDENTIFY) CORU		0425 _____ 0426 _____ 0427 _____ 0428 _____	
0429 TOTAL DEDUCTION _____			
0430 RECEIPT # _____			
0431 POWER LICENSE FEE (FEDERAL) 0432 HYDRO LICENSE FEE (FEDERAL) 0433 HYDRO APPLICATION _____			
SPECIAL INSTRUCTIONS:			

☐ Pump Test not required (Priority Date prior to December 20, 1988) *If no, include pump test flyer w/acknowledgment letter
☐ Pump Test required (Priority Date on or after December 20, 1988)
☐ Pump Test submitted
☐ Pump Test not submitted

**CLAIM OF
BENEFICIAL USE
for Transfer with Multiple
Changes – Surface Water**



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

A fee of \$230 must accompany this form for any Transfer final orders including a water right with a priority date of July 9, 1987, or later.

Example – A transfer involves 5 rights and one of the rights has a priority date of July 9, 1987, or later, the fee is required.

A separate form shall be completed for each transfer.

This form is subject to revision. **Begin each new claim** by checking for a new version of this form at:
<https://www.oregon.gov/OWRD/Forms/Pages/default.aspx>

The completion of this form is required by OAR 690-014-0100(1) and 690-014-0110(4).

Please type or print in dark ink. If this form is found to contain errors or omissions, it may be returned to you. **Every item must have a response.** If any requested information does not apply to the claim, insert "NA." **Do not delete or alter any section of this form unless directed by the form.** The Department may require the submittal of additional information from any water user or authorized agent.

"Section 8" of this form is intended to aid in the completion of this form and should not be submitted.

A claim of beneficial use includes both this report and a map. If the map is being mailed separately from this form, please include a note with this form indicating such.

If you have questions regarding the completion of this form, please call 503-979-9103.

The Department has a program that allows it to enter into a voluntary agreement with an applicant for expedited services. Under such an agreement, the applicant pays the cost to hire additional staff that would not otherwise be available. This program means a certificate may be issued in about a month. For more information on this program see:

<https://www.oregon.gov/OWRD/programs/WaterRights/RA/Pages/default.aspx>

SECTION 1

GENERAL INFORMATION

Type of Authorized Change

This Claim is being submitted for a transfer involving multiple changes.

YES

Mark all that apply:

- | | |
|--|--|
| 1. <input checked="" type="checkbox"/> Change in POD(s) or Additional POD(s) | 2. <input checked="" type="checkbox"/> Change in Place of Use |
| 3. <input type="checkbox"/> Change in Character of Use | 4. <input type="checkbox"/> Change in Character of Use – Reservoir |

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1. File Information

APPLICATION #
T-13555

2. Property Owner (current owner information)

APPLICANT/BUSINESS NAME Lawrence B. Harboldt		PHONE NO. 541-660-8140	ADDITIONAL CONTACT NO.
ADDRESS 1452 NW Lawnridge Ave.			
CITY Grants Pass	STATE OR	ZIP 97526	E-MAIL

If the current property owner is not the transfer holder of record, it is recommended that an assignment be filed with the Department. ***Each transfer holder of record must sign this form.***

3. Transfer holder of record (this may, or may not, be the current property owner)

TRANSFER HOLDER OF RECORD Avis Harboldt		
ADDRESS 12863 Redwood Highway		
CITY Wilderville	STATE OR	ZIP 97543

4. Date of Site Inspection:

1/31/2024

5. Person(s) interviewed and description of their association with the project:

NAME	DATE	ASSOCIATION WITH THE PROJECT
Lawrence B. Harboldt	1/31/2024	Trustee of Harboldt Living Trust
Jim McCarthy	1/31/2024	Project Sponsor

6. County:

Josephine

7. If any property described in the place of use of the transfer final order is excluded from this report, identify the owner of record for that property (ORS 537.230(5)):

OWNER OF RECORD		
ADDRESS		
CITY	STATE	ZIP

Add additional tables for owners of record as needed

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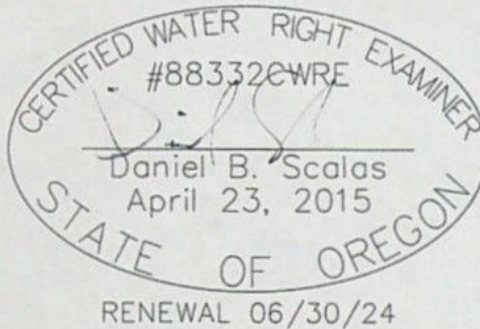
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SECTION 2
SIGNATURES

CWRE Statement, Seal and Signature

The facts contained in this Claim of Beneficial Use are true and correct to the best of my knowledge.

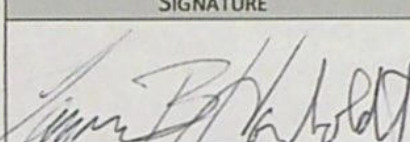


CWRE NAME Daniel B. Scalas		PHONE NO. 541-884-4666	ADDITIONAL CONTACT NO.
ADDRESS 1435 Esplanade Ave.			
CITY Klamath Falls	STATE OR	ZIP 97601	E-MAIL dscalas@adkinsengineering.com

Transfer Holder of Record Signature or Acknowledgement

Each transfer holder of record must sign this form in the space provided below.

The facts contained in this Claim of Beneficial Use are true and correct to the best of my knowledge. I request that the Department issue a water right certificate.

SIGNATURE	PRINT OR TYPE NAME	TITLE	DATE
	Lawrence B. Harboldt	Trustee of Harboldt Living Trust	3/7/24

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SECTION 3

Changes Made

Note: The Claim only needs to describe the changes that were authorized in the transfer final order.

Change #1

New or Additional Point of Diversion

Change in POD(s) or Additional POD(s)

Did the transfer order authorize a change in the points of diversion or additional points of diversion?

YES

1. New or additional point of diversion name or number:

POINT OF DIVERSION (POD) NAME OR NUMBER (CORRESPOND TO MAP)	SOURCE
POD #3	Slate Creek

2. Variations:

Was the use developed differently from what was authorized by the transfer final order, or extension final?

NO

If yes, describe below.

(e.g. "The order allowed three new/additional points of diversion. The water user only developed one of the points.")

--

3. Claim Summary:

NEW OR ADDITIONAL POD NAME OR #	MAXIMUM RATE AUTHORIZED IN ORDER	CALCULATED THEORETICAL RATE BASED ON SYSTEM	AMOUNT OF WATER MEASURED
POD #3	0.535 CFS	0.87 CFS	N/A

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System Description

Are there multiple new or additional Points of Diversion (POD)?

NO

A. POD System Information

Provide the following information concerning the point of diversion. Information provided must describe the equipment used to appropriate water from the point of diversion.

1. Pump Information

MANUFACTURER	MODEL	SERIAL NUMBER	TYPE (CENTRIFUGAL, TURBINE OR SUBMERSIBLE)	INTAKE SIZE	DISCHARGE SIZE
Hitachi	VCTI-KK	G26060B	Submersible	6"	6"

2. Motor Information

MANUFACTURER	HORSEPOWER
Hitachi	10 HP

3. Theoretical Pump Capacity

HORSEPOWER	OPERATING PSI	LIFT FROM SOURCE TO PUMP	LIFT FROM PUMP TO PLACE OF USE	TOTAL PUMP OUTPUT (IN CFS)
10 HP	30 PSI	5'	0'	0.87 CFS

4. Provide pump calculations:

See Attachment D for theoretical pump capacity calculations.

5. Measured Pump Capacity (using meter if meter was present and system was operating)

INITIAL METER READING	ENDING METER READING	DURATION OF TIME OBSERVED	TOTAL PUMP OUTPUT (IN CFS)
N/A			

Reminder: For pump calculations use the reference information at the end of this document.

6. Additional notes or comments related to the system:

B. Gravity Flow Pipe

(THE DEPARTMENT TYPICALLY USES THE HAZEN-WILLIAM'S FORMULA FOR A GRAVITY FLOW PIPE SYSTEM)

1. Does the diversion involve a gravity flow pipe?

NO

C. Gravity Flow Canal or Ditch

(THE DEPARTMENT TYPICALLY USES MANNING'S FORMULA FOR CANALS AND DITCHES)

1. Does the diversion involve a gravity flow ditch or canal?

NO

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Change #2

Change in Place of Use

Did the transfer order authorize a change in the place of use?

YES

1. Claim Summary – Authorized Use:

If Irrigation or Nursery Use:

THE # OF ACRES ALLOWED	THE # OF ACRES DEVELOPED
2.0	2.0

2. Variations:

Was the use developed differently from what was authorized by the transfer final order?

NO

If yes, describe below.

(e.g. "The order authorized a change in place of use for 40 acres. The water user only developed 38 acres.")

Change #3

Change in Character of Use

Did the transfer order authorize a change in character of use? **NO**

Change #4

Change in Character of Use – Reservoir

Did the transfer order authorize a change in character of use for a reservoir? **NO**

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SECTION 4 CONDITIONS

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All conditions contained in the transfer final order, or any extension final order shall be addressed. Reports that do not address all performance related conditions will be returned.

1. Time Limits:

Describe how the water user has complied with each of the development timelines established in the transfer final order and any extensions of time issued for the transfer:

	DATE FROM TRANSFER	DATE THE AUTHORIZED CHANGES WERE COMPLETED *THIS DATE MUST FALL BETWEEN THE "ISSUANCE DATE" AND THE "COMPLETENESS DATE"
ISSUANCE DATE	7/14/2021	
COMPLETENESS DATE FROM ORDER (C)	10/1/2022	10/6/2021

* MUST BE WITHIN PERIOD BETWEEN TRANSFER FINAL ORDER, OR ANY EXTENSION FINAL ORDER ISSUANCE AND THE DATE TO COMPLETE THE CHANGE

2. Is there an extension final order(s)?

NO

3. Measurement Conditions:

a. Does the transfer final order, or any extension final order require the installation of a meter or other approved measuring device? YES

Reminder: If a meter or approved measuring device was required, the COBU map must indicate the location of the device in relation to the point of diversion.

b. Has a meter been installed?

YES

c. Meter Information

POD NAME OR #	MANUFACTURER	SERIAL #	CONDITION (WORKING OR NOT)	CURRENT METER READING	DATE INSTALLED
POD 3	Seametrics	07212762	Working	220.55 acre-feet	10/6/2021

4. Recording and reporting conditions

a. Is the water user required to report the water use to the Department?

NO

5. Fish Screening

a. Are any points of diversion required to be screened to prevent fish from entering the point of diversion? YES

Reminder: If fish screening devices were required, the COBU map must indicate their location in relation to the point of diversion.

b. Has the fish screening been installed?

YES

c. When was the fish screening installed?

DATE	BY WHOM
9/29/2021	Trask Design and Construction

Reminder: If the permit or transfer final order was issued on or after February 1, 2011, the fish screen is required to be approved by the Oregon Department of Fish and Wildlife regardless of the rate of diversion.

d. If the diversion involves a pump and the total diversion rate of all rights at the point of diversion is less than 225 gpm (0.5 cfs) and the permit was issued prior to February 1, 2011:

- Has the self-certification form previously been submitted to the Department? **N/A**

If not, go to <https://www.oregon.gov/OWRD/Forms/Pages/default.aspx>, complete and attach a copy of the 'ODFW Small Pump Screen Self Certification' form to this claim, and send a copy of it to the Oregon Department of Fish and Wildlife (ODFW).

Reminder: Failure to submit evidence of a timely installed fish screen may result in an unfavorable determination. The ODFW self certification form needs to have been previously submitted or be attached to this form.

e. If the diversion does **not** involve a pump or the total diversion rate of all rights at the point of diversion is 225 gpm (0.5 cfs) or greater:

- Has the ODFW approval been previously submitted? **YES**

If not, contact and work with ODFW to ensure compliance. To demonstrate compliance, provide signed documentation from ODFW. A form is available at:

<https://www.oregon.gov/OWRD/Forms/Pages/default.aspx>

Reminder: Failure to submit evidence of a timely installed fish screen may result in an unfavorable determination. In order to receive a favorable approval, the ODFW/WRD "Fish Screen Inspection" form needs to have been previously submitted or be attached to this form.

6. By-pass Devices

a. Are any points of diversion required to have a by-pass device to prevent fish from entering the point of diversion? **NO**

7. Other conditions required by the transfer final order or extension final order:

- a. Was the water user required to restore the riparian area if it was disturbed? **NO**
- b. Was a fishway required? **NO**
- c. Other conditions? **NO**

If "YES" to any of the above, identify the condition and describe the water user's actions to comply with the condition(s):

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SECTION 5

ATTACHMENTS

Provide a list of any additional documents you are attaching to this report:

ATTACHMENT NAME	DESCRIPTION
Attachment A	Copy of Transfer Final Order T-13555
Attachment B	Claim of Beneficial Use Map (on mylar)
Attachment C	Claim of Beneficial Use Map (paper copy)
Attachment D	Theoretical Pump Capacity Calculations
Attachment E	ODFW Fish Screen Approval Letter
Attachment F	Living Trust Prepared for Lawrence G. Harboldt and Avis A. Harboldt
Attachment G	Josephine County Tax Map T37S-R7W-17

SECTION 6

CLAIM OF BENEFICIAL USE MAP

The Claim of Beneficial Use Map must be submitted with this claim. Claims submitted without the Claim of Beneficial Use map will be returned. The map shall be submitted on polyester film at a scale of 1" = 1320 feet, 1" = 400 feet, or the original full-size scale of the county assessor map for the location.

For the purpose of this Claim, the map identifying the location of the place of use does not require a new survey. The location of the place of use identified on the Claim map should be based on the original right of record at the time the transfer final order was issued. In transfers approved for additional points of diversion, the original points must be identified the map based on the original right of record at the time the transfer final order was issued.

Provide a general description of the survey method used to prepare the map. Examples of possible methods include, but are not limited to, a traverse survey, GPS, or the use of aerial photos. If the basis of the survey is an aerial photo, provide the source, date, series and the aerial photo identification number.

This Claim of Beneficial Use Map was prepared from field measurements, NAIP 2024 aerial photography, Josephine County tax maps, and Oregon GLO maps.

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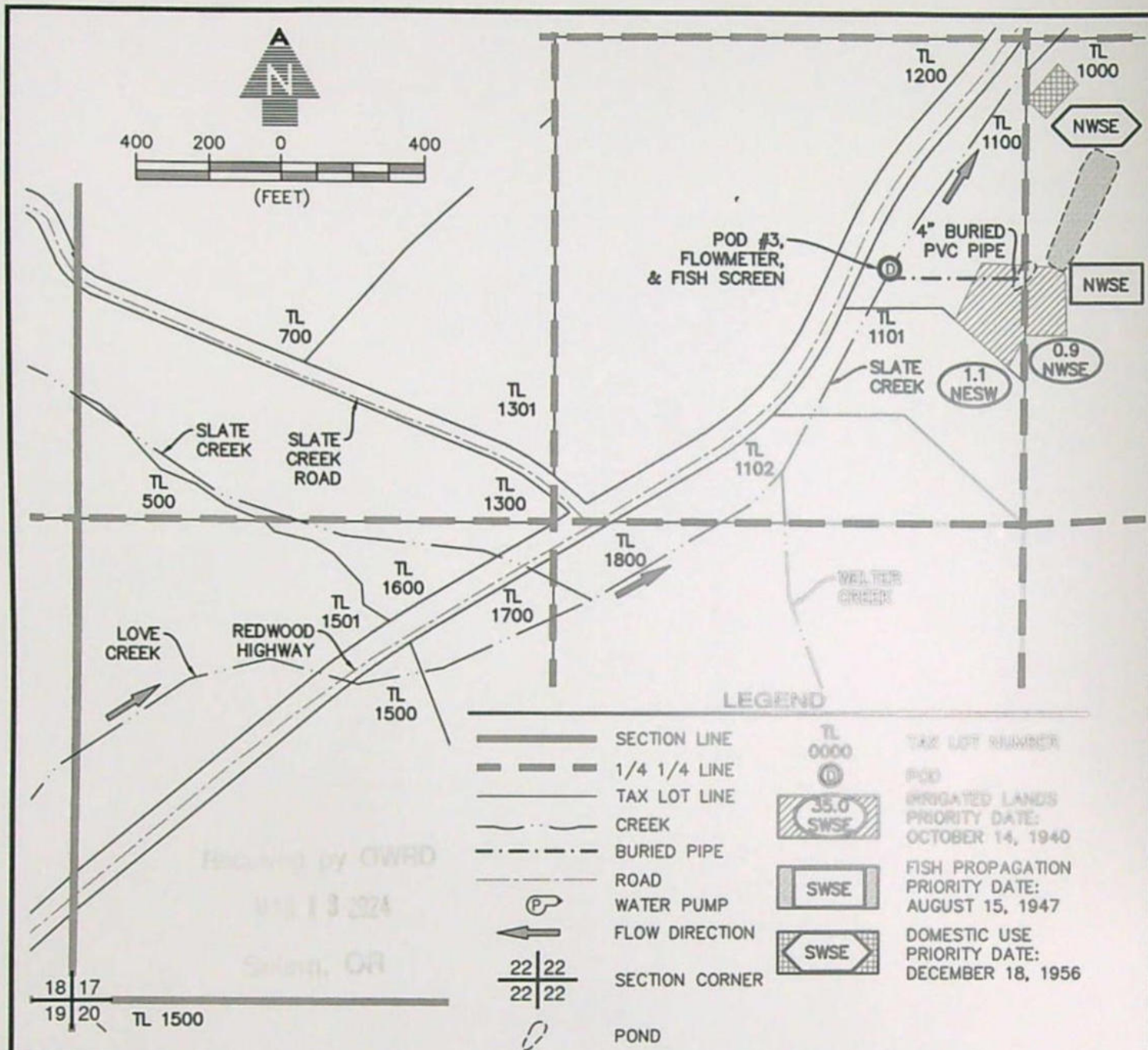
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Map Checklist

Please be sure that the map you submit includes ALL the items listed below.
(Reminder: Incomplete maps and/or claims may be returned.)

- ☒ Map on polyester film
- ☒ Appropriate scale (1" = 400 feet, 1" = 1320 feet, or the original full-size scale of the county assessor map)
- ☒ Township, Range, Section, Donation Land Claims, and Government Lots
- ☒ If irrigation, number of acres irrigated within each projected Donation Land Claims, Government Lots, Quarter-Quarters
- ☒ Locations of fish screens and/or fish by-pass devices in relationship to point of diversion
- ☒ Locations of meters and/or measuring devices in relationship to point of diversion or appropriation
- ☒ Conveyance structures illustrated (pumps, reservoirs, pipelines, ditches, etc.)
- ☒ Point(s) of diversion or appropriation (illustrated and coordinates)
- ☒ Tax lot boundaries and numbers
- ☒ Source illustrated if surface water
- ☒ Disclaimer ("This map is not intended to provide legal dimensions or locations of property ownership lines")
- ☒ Application and permit number or transfer number
- ☒ North arrow
- ☒ Legend
- ☒ CWRE stamp and signature

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NOTES:

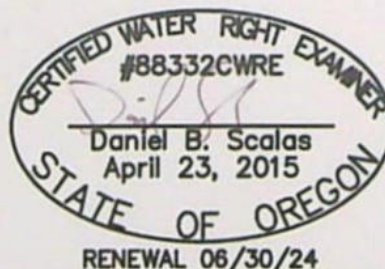
1. THIS MAP WAS PREPARED FROM FIELD MEASUREMENTS, NAIP 2024 AERIAL PHOTOGRAPHY, JOSEPHINE COUNTY TAX MAPS, AND OREGON GLO MAPS.
2. THE PURPOSE OF THIS MAP IS TO IDENTIFY THE LOCATION OF THE WATER RIGHT ONLY, AND IS NOT INTENDED TO PROVIDE DIMENSIONS OR LOCATION OF PROPERTY LINES.

3. DATES OF PRIORITY FOR THE WATER RIGHTS IN TRANSFER T-13555 ARE LISTED BELOW:

- CERTIFICATE 15257: OCTOBER 14, 1940
- CERTIFICATE 15522: AUGUST 15, 1947
- CERTIFICATE 27392: DECEMBER 18, 1956

POD LOCATION:

POD #3: 2056' NORTH & 365' WEST FROM THE SOUTHEAST CORNER OF SE1/4 SW1/4 OF SECTION 17; LATITUDE: 42.350556, LONGITUDE: -123.554722



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1435 ESPLANADE AVENUE, KLAMATH FALLS, OR 97601

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CLAIM OF BENEFICIAL USE FINAL PROOF MAP

FOR

AVIS HARBOLDT
T37S, R7W, SEC. 17, WM
JOSEPHINE COUNTY, OREGON
TRANSFER T-13555

Pump Capacity Calculation Sheet

Date: 2/1/2024

using Department designed formula:

$$(\text{hp})(\text{efficiency}) / (\text{lift} + \text{psi head}) = \text{capacity in cfs}$$

Efficiency:

Centrifugal = 6.61

Turbine = 7.04

Data Entry (fill in underlined blanks)

HP = 10
Efficiency = 7.04
Lift = 5
PSI = 30

Results Calculated

(hp)(efficiency) = 70.4
Head based on psi = 76.2
Total dynamic head = 81.2
(head + lift)

Pump Capacity = 0.87 cubic feet per second

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Oregon

Tina Kotek, Governor

Department of Fish and Wildlife

Rogue Watershed District Office

1495 East Gregory Road

Central Point, OR 97502

(541) 826-8774

Fax (541) 826-8776

September 28, 2023

Larry Harboldt, Trustee
Harboldt Living Trust
12863 Redwood Hwy
Wilderville, OR 97543-9710

Mr. Harboldt,

Regarding Oregon Department of Water Resources water right transfer T-13555 affecting Certificates 15257, 15522, and 27392 the Oregon Department of Fish and Wildlife is satisfied that the requirement for fish screening has been met and determined that a fish bypass device and fishway are not necessary.

Sincerely,

Peter Samarin
Rogue Assistant District Fish Biologist
541-930-2702

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This
LIVING TRUST
prepared for

LAWRENCE G. HARBOLDT
and
AVIS A. HARBOLDT

by
JAKE R. WHITMIRE
Attorney at Law
711 Bennett Avenue
Medford, Oregon 97504
(541) 772-3055
(800) 888-1396

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Notice of removal shall be effective when made in writing by either:

Personally delivering notice to the Trustee and securing a written receipt, or

Mailing notice in the United States mail to the last known address of the Trustee by certified mail, return receipt requested.

Section 3. Replacement of Trustees

Whenever a Trustee is removed, dies, resigns, becomes legally incapacitated, or is otherwise unable or unwilling to serve, that Trustee shall be replaced as follows:

a. The Death or Disability of a Trustee While We Are Serving as Trustees

We may serve as the only Trustees or we may name any number of Trustees to serve with us. If any of these other Trustees subsequently die, resign, become legally incapacitated, or are otherwise unable or unwilling to serve as a Trustee, we may or may not fill the vacancy, as we both agree.

b. Disability Trustees of LAWRENCE G. HARBOLDT

Upon the disability of LAWRENCE G. HARBOLDT, AVIS A. HARBOLDT shall serve as disability Trustee.

If the nondisabled Trustmaker is then serving as a Trustee, she shall continue to serve upon the disability of LAWRENCE G. HARBOLDT.

If the disability Trustee is unwilling or unable to serve, or cannot continue to serve for any other reason, then the following shall be named as replacement disability Trustees in the order in which their names appear:

1. LAWRENCE B. HARBOLDT
2. BRIAN G. HARBOLDT

c. Disability Trustees of AVIS A. HARBOLDT

Upon the disability of AVIS A. HARBOLDT, LAWRENCE G. HARBOLDT shall serve as disability Trustee.

If the nondisabled Trustmaker is then serving as a Trustee, he shall continue to serve upon the disability of AVIS A. HARBOLDT.

If the disability Trustee is unwilling or unable to serve, or cannot continue to serve for any other reason, then the following shall be named as replacement disability Trustees in the order in which their names appear:

1. LAWRENCE B. HARBOLDT
2. BRIAN G. HARBOLDT

d. Death Trustees of LAWRENCE G. HARBOLDT

On the death of LAWRENCE G. HARBOLDT, AVIS A. HARBOLDT acting as our death Trustee shall replace all of our initial Trustees, if they are then serving, or all of the disability Trustees, if they are then serving.

If the surviving Trustmaker is then serving as a Trustee, she shall continue to serve upon the death of LAWRENCE G. HARBOLDT.

If the death Trustee is unwilling or unable to serve as a death Trustee, or cannot continue to serve for any other reason, then the following shall be named as successor death Trustees in the order in which their names appear:

1. LAWRENCE B. HARBOLDT
2. BRIAN G. HARBOLDT

e. Death Trustees of AVIS A. HARBOLDT

On the death of AVIS A. HARBOLDT, LAWRENCE G. HARBOLDT acting as our death Trustee shall replace all of our initial Trustees, if they are then serving, or all of the disability Trustees, if they are then serving.

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If the surviving Trustmaker is then serving as a Trustee, he shall continue to serve upon the death of AVIS A. HARBOLDT.

If the death Trustee is unwilling or unable to serve as a Trustee, or cannot continue to serve for any other reason, then the following shall be named as successor death Trustees in the order in which their names appear:

1. LAWRENCE B. HARBOLDT
2. BRIAN G. HARBOLDT

f. Successor Trustees

A successor death Trustee shall be replaced upon death, resignation, or legal disability and the next successor death Trustee in the order named above shall serve and carry out the terms and provisions of our trust.

A Trustee may be listed more than once in this Section or an initial Trustee may also be named as a disability Trustee or a Trustee who will serve at death. Naming a Trustee more than once is done as a convenience only and is not to be construed as a termination of that Trustee's trusteeship.

g. Unfilled Trusteeship

In the event no named Trustees are available, a majority of the beneficiaries then eligible to receive mandatory or discretionary distributions of net income under this agreement shall forthwith name a successor Trustee.

If a majority of the beneficiaries then eligible to receive mandatory or discretionary distributions of net income under this agreement cannot agree on a successor Trustee, any beneficiary can petition a court of competent jurisdiction, ex parte, to designate a successor Trustee.

The court that designates the successor Trustee shall not acquire any jurisdiction over any trust created under this agreement, except to the extent necessary to name a successor Trustee.

Section 4. Corporate Fiduciaries

Any corporate fiduciary named in this trust agreement or appointed by a court of competent jurisdiction as a Trustee must be a bank or trust company situated in the United States having trust powers under applicable federal or state law.

Such fiduciary shall have a combined capital and surplus of at least 25 million dollars.

Section 5. Powers and Liabilities of Successor Trustee

Any successor Trustee, whether corporate or individual, shall have all of the rights, powers, and privileges, and be subject to all of the obligations and duties, both discretionary and ministerial, as given to the original Trustees.

Any successor Trustee shall be subject to any restrictions imposed on the original Trustees. No successor Trustee shall be required to examine the accounts, records, and acts of any previous Trustees.

No successor Trustee shall in any way be responsible for any act or omission to act on the part of any previous Trustees.

Received by OWRD

MAR 13 2024

Salem, OR

Article Fifteen

Our Trustee's Administrative and Investment Powers

Section 1. Introduction to Trustee's Powers

Except as otherwise provided in this agreement, our Trustee shall have both the administrative and investment powers enumerated under this Article and any other powers granted under the Uniform Trust Code otherwise known as ORS 130.720 and ORS 130.725 with respect to the various trusts created by this agreement. Our Trustee shall also have the powers enumerated under ORS 130.680 and ORS 130.735 in order to engage an investment advisor to provide discretionary advice for investment of the assets.

Section 2. Powers to Be Exercised in the Best Interests of the Beneficiaries

Our Trustee shall exercise the following administrative and investment powers without the order of any court, as our Trustee determines in its sole and absolute discretion to be in the best interests of the beneficiaries.

Notwithstanding anything to the contrary in this agreement, our Trustee shall not exercise any power in a manner inconsistent with the beneficiaries' right to the beneficial enjoyment of the trust property in accordance with the general principles of the law of trusts.

Section 3. Administrative and Investment Powers

Our Trustee is hereby granted the following administrative and investment powers:

a. Agricultural Powers

Our Trustee may retain, sell, acquire, and continue any farm or ranching operation whether as a sole proprietorship, partnership, or corporation.

It may engage in the production, harvesting, and marketing of both farm and ranch products either by operating directly or with management agencies, hired labor, tenants, or sharecroppers.

It may engage and participate in any government farm program, whether state or federally sponsored.

It may purchase or rent machinery, equipment, livestock, poultry, feed, and seed.

It may improve and repair all farm and ranch properties; construct buildings, fences, and drainage facilities; acquire, retain, improve, and dispose of wells, water rights, ditch rights, and priorities of any nature.

Our Trustee may, in general, do all things customary or desirable to operate a farm or ranch operation for the benefit of the beneficiaries of the various trusts created under this agreement.

b. Business Powers

Our Trustee may retain and continue any business in which one or both of us have or had an interest as a shareholder, partner, sole proprietor, or as a participant in a joint venture, even though that interest may constitute all or a substantial portion of the trust property.

It may directly participate in the conduct of any such business or employ others to do so on behalf of the beneficiaries.

It may execute partnership agreements, buy-sell agreements, and any amendments to them.

It may participate in the incorporation of any trust property; any corporate reorganization, merger, consolidation, recapitalization, liquidation, dissolution; or any stock redemption or cross purchase buy-sell agreement.

It may hold the stock of any corporation as trust property, and may elect or employ directors, officers, employees, and agents and compensate them for their services.

It may sell or liquidate any business interest that is part of the trust property.

It may carry out the provisions of any agreement entered into by one or both of us for the sale of any business interest or the stock thereof.

Our Trustee may exercise all of the business powers granted in this agreement regardless of whether our Trustee is personally interested or an involved party with respect to any business enterprise forming a part of the trust property.

c. Common Fund Powers

For the purpose of convenience with regard to the administration and investment of the trust property, our Trustee may hold the several trusts created under this agreement as a common fund.

Our Trustee may make joint investments with respect to the funds comprising the trust property.

Our Trustee may enter into any transaction authorized by this Article with fiduciaries of other trusts or estates in which any beneficiary hereunder has an interest, even though such fiduciaries are also Trustees under this agreement.

d. Compensation Powers

Our Trustee shall pay from income or principal all of the reasonable expenses attributable to the administration of the respective trusts created in this agreement.

Our Trustee shall pay itself reasonable compensation for its services as fiduciary as provided in this agreement, and shall reasonably compensate those persons employed by our Trustee, including agents, auditors, accountants, and attorneys.

e. Distribution Powers

Our Trustee is specifically authorized to make divisions and distributions of the trust property either in cash or in kind, or partly in cash and partly in kind, or in any proportion it deems advisable.

It shall be under no obligation or responsibility to make pro rata divisions and distributions in kind.

owners' groups, syndicates, and corporations, for the purpose of acquiring, holding, exploiting, developing, operating, or disposing of oil, gas, coal, and other mineral interests.

It may employ the services of consultants or outside specialists in connection with the evaluation, management, acquisition, disposition, or development of any mineral interest, and may pay the cost of such services from the principal or income of the trust property.

Our Trustee may use the general assets of the trusts created under this agreement for the purposes of acquiring, holding, managing, developing, pooling, unitizing, repressuring, or disposing of any mineral interest.

p. Powers of Attorney

Our Trustee may execute, deliver, and grant to any individual or corporation a revocable or irrevocable power of attorney to transact any and all business on behalf of the various trusts created in this agreement.

The power of attorney may grant to the attorney-in-fact all of the rights, powers, and discretion that our Trustee could have exercised.

q. Powers to Merge Similar Trusts

Our Trustee may merge and consolidate any trust created in this agreement with any other trust created by both or either of us, or any other person at any other time, if the other trust contains substantially the same terms for the same beneficiaries, and has at least one Trustee in common with the trust or trusts created in this agreement.

Our Trustee may administer such merged and consolidated trusts as a single trust or unit. If, however, such a merger or consolidation does not appear feasible, as determined in the sole and absolute discretion of our Trustee, the Trustee may consolidate the assets of such trusts for purposes of investment and trust administration while retaining separate records and accounts for the respective trusts.

r. Powers of an Interested Trustee

An interested Trustee is any Trustee who has an interest as a beneficiary in this trust agreement or any trust created by it. In all instances where an

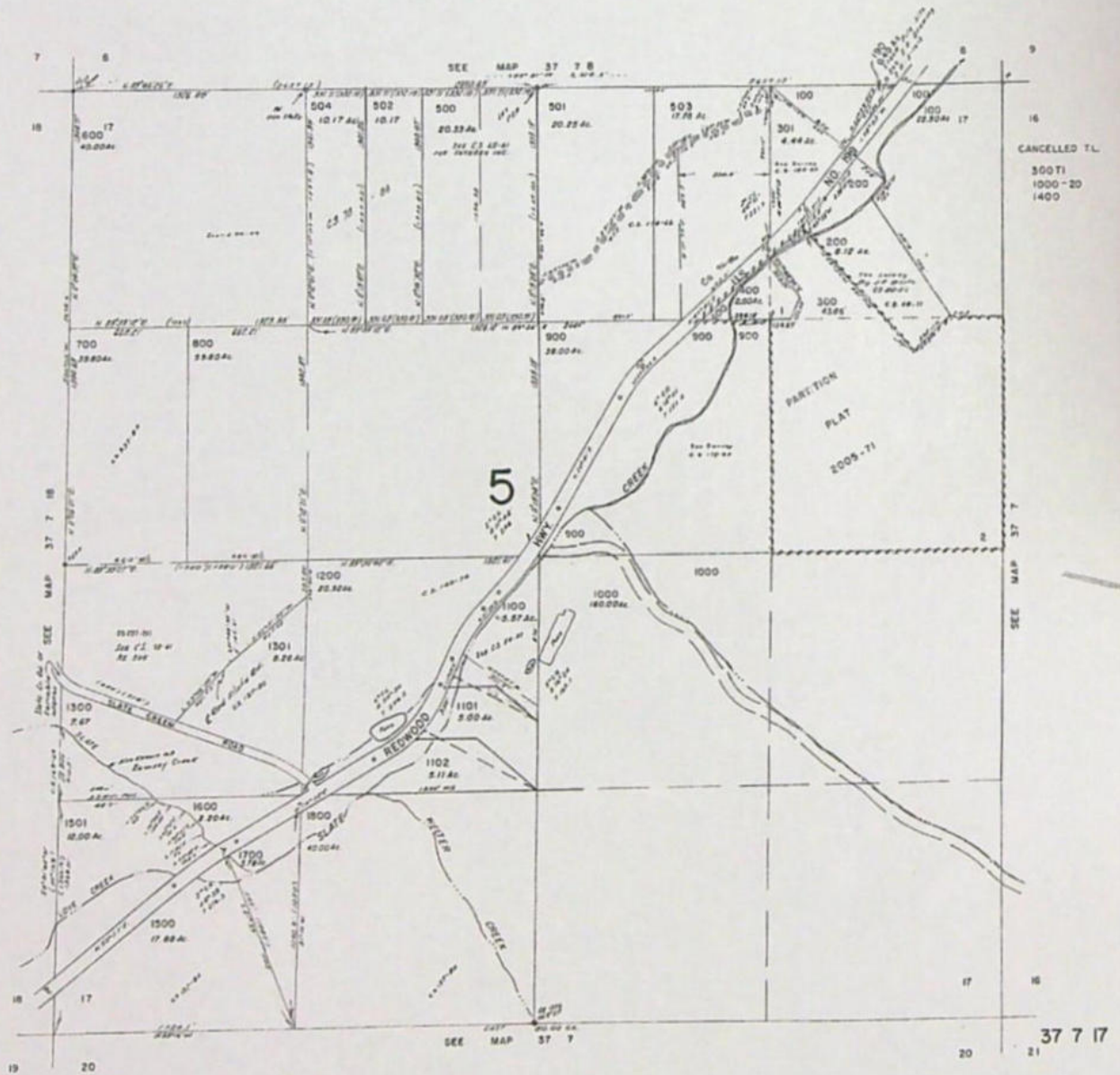
BOOK 16

SECTION 17 T37S R7W.M.
JOSEPHINE COUNTY

37 7 17

This map was prepared for
assessment purposes only.

1" = 400'



Received by OWRD

MAR 13 2024

Salem, OR

BJORK Mary F * WRD

From: BJORK Mary F * WRD
Sent: Thursday, September 28, 2023 9:10 AM
To: Jim McCarthy
Cc: REECE Ann L * WRD; CLARK Gerald E * WRD; CECILIANI Scott C * WRD; BJORK Mary F * WRD
Subject: RE: Request for Assignment T-13555
Attachments: Assignment Request by Proof Form.pdf

Hi Jim,

Regarding your question about skipping the assignment paperwork, the request for assignment process is necessary because Avis submitted and signed the transfer application as applicant, and is therefore recognized by the Department as the transfer holder of record.

In submitting a request for assignment by proof of ownership, Larry can name himself or the trust as the party requesting assignment and if the request is accepted the party requesting assignment will be confirmed as the new transfer holder of record.

I'm available at 503-979-9895 if you'd like to further discuss the process and required proof.

Best Regards,

Mary F. Bjork
Water Rights Program Analyst
725 Summer St NE, Suite A, Salem OR 97301 | Phone 503-979-9895

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-----Original Message-----

From: REECE Ann L * WRD <Ann.L.REECE@water.oregon.gov>
Sent: Thursday, September 28, 2023 7:43 AM
To: Jim McCarthy <jim@waterwatch.org>; BJORK Mary F * WRD <Mary.F.BJORK@water.oregon.gov>; CECILIANI Scott C * WRD <Scott.C.CECILIANI@water.oregon.gov>
Cc: CLARK Gerald E * WRD <Gerald.E.CLARK@water.oregon.gov>
Subject: RE: Request for Assignment T-13555

Jim,

The completion date for this transfer was Oct. 1, 2022. There is not a hard and fast deadline for an extension to be filed. In fact, for this transfer, if needed, the extension "should" have been filed by Oct 1, 2022. An extension filed after the completion date will be accepted for review.

However, If the two acres have been irrigated at the new place of use, and the new POD #3 was functional with a meter and fish screen prior to October 1, 2022, then an extension is not necessary. It would be time to file a claim of beneficial use. Questions about a claim should be directed towards Gerry Clark gerald.e.clark@water.oregon.gov.

If work was not completed and transfer conditions were not met by October 1, 2022, then an extension will be necessary. In review of the extension application, we will look at a description of work completed between July 24, 2021,

and October 1, 2022. Work completed would be physical progress made toward the development of POD #3 (the new POD) downstream from the original PODs, and progress made towards irrigation of 2.0 acres at the proposed place of use. (Have these 2 acres at the new location been irrigated from the new POD?)

How were the transfer conditions met prior to October 1, 2022. Has a totalizing flow meter been installed? Has a fish screen been installed? In not, what progress/communication has occurred with ODFW? Has written approval been obtained?

I hope his helps.

Best Regards,

Ann Reece
District Transfer Program Advisor
Oregon Water Resources Department
725 Summer St NE Suite A | Salem OR 97301
Phone: (503) 979-3214
ann.l.reece@water.oregon.gov
<https://www.oregon.gov/OWRD/programs/WaterRights/Transfers/DistTransfer>

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****Teleworking *** Mon, Tu, Wed, Thurs 7:00 to 4:45; Fri 7:00 to 11AM****

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-----Original Message-----

From: Jim McCarthy <jim@waterwatch.org>
Sent: Wednesday, September 27, 2023 2:16 PM
To: REECE Ann L * WRD <Ann.L.REECE@water.oregon.gov>; BJORK Mary F * WRD <Mary.F.BJORK@water.oregon.gov>; CECILIANI Scott C * WRD <Scott.C.CECILIANI@water.oregon.gov>
Subject: Re: Request for Assignment T-13555

Thanks folks.

A bit more info here: Avis signed the water right transfer paperwork previously as landowner given her status as trustee of the living trust owning her property. Her surviving son Larry is also a trustee of this trust (and more recently power of attorney for his mother). In this case, can Larry sign the paperwork to finish this transfer up without going through assignment paperwork?

The new POD/waterworks installation is all done and my understanding is it has been in use since construction wrapped up in 2021. I'm really just looking for the paperwork path that is least intrusive to the family in this period given the unfortunate correspondence of her death and the COBU deadline. Really just wanted to avoid making them go into the barn to find her irrigation sprinklers, at least for a few weeks.

It sounds as if it may be easier for them to just gather the last bit of info on the partially completed COBU for the CWRE.

One last question. If the deadline falls on a Sunday, does that mean we technically have until Monday (October 2) to get this paperwork to OWRD? Does it go by postmark, date received, or date the check is cashed by OWRD?

Thanks,

Jim

—
Jim McCarthy

Southern Oregon Program Director | WaterWatch of Oregon

541-708-0048

PO Box 261

Ashland, OR 97520

<https://gcc02.safelinks.protection.outlook.com/?url=http%3A%2F%2Fwww.waterwatch.org%2F&data=05%7C01%7CMary.F.BJORK%40water.oregon.gov%7Cd65d9c7e792e4728bb3708dbc03d6502%7Caa3f6932fa7c47b4a0cea598cad161cf%7C0%7C0%7C638315142627083285%7CUnknown%7CTWFpbGZsb3d8eyJWlloiMC4wLjAwMDAiLCJQIjoiV2luMzliLCJBTiI6Ikl1haWwILCJXVCi6Mn0%3D%7C3000%7C%7C%7C&sdata=IKw8ixyydEAJrGzkhGTgSpGKDSqMT6iuKzx2ljwqN8o%3D&reserved=0>

Join WaterWatch to Protect and Restore Oregon's Rivers

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From: REECE Ann L * WRD <Ann.L.REECE@water.oregon.gov>

Sent: Tuesday, September 26, 2023 2:33 PM

To: BJORK Mary F * WRD; CECILIANI Scott C * WRD

Cc: Jim McCarthy

Subject: RE: Request for Assignment T-13555

Thanks, Mary. Let me know if you have any questions about the extension. The main thing with the extension is that they show some physical process before the C-date. Ann

Best Regards,

[cid:image001.png@01D9F086.6A4E98C0]<<https://www.oregon.gov/owrd/Pages/index.aspx>>

Ann Reece

District Transfer Program Advisor

Oregon Water Resources Department

725 Summer St NE Suite A | Salem OR 97301

Phone: (503) 979-3214

ann.l.reece@water.oregon.gov<<mailto:ann.l.reece@water.oregon.gov>>

<https://www.oregon.gov/OWRD/programs/WaterRights/Transfers/DistTransfer><<https://www.oregon.gov/OWRD/programs/WaterRights/Transfers/DistTransfer>>

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

From: BJORK Mary F * WRD <Mary.F.BJORK@water.oregon.gov>

Sent: Tuesday, September 26, 2023 2:29 PM

To: CECILIANI Scott C * WRD <Scott.C.CECILIANI@water.oregon.gov>

Cc: Jim McCarthy <jim@waterwatch.org>; REECE Ann L * WRD <Ann.L.REECE@water.oregon.gov>; BJORK Mary F * WRD <Mary.F.BJORK@water.oregon.gov>

Subject: RE: Request for Assignment T-13555

Hi Scott,

The assignment and extension may be submitted simultaneously, but the extension can only be accepted if the review of the submitted assignment is favorable. Ann Reece is the listed contact for Transfer Extension of Time online<<https://www.oregon.gov/owrd/programs/WaterRights/Transfers/TransferEOT/Pages/default.aspx>>. I'm not sure if that information is current but I'm copying her here.

Two items of proof are necessary for a Request for Assignment by Proof of Ownership. A copy of the Death Certificate will meet the requirement for #3 on the attached form. For the second item, #2 (proof of ownership), a copy of the Deed with Exhibit A, describing the property boundaries, is typically submitted. Examples are listed on the form.

Please note that it is often a good idea to submit two separate checks for each individual process. Each is only complete with the required fee, but if one check is submitted for both, and say the Extension Application is deficient, both processes will be returned.

Hope this helps,

Mary F. Bjork

Water Rights Program Analyst

Oregon Water Resources Department

725 Summer St NE, Suite A, Salem OR 97301 | Cell 503-979-9895 [cid:image002.jpg@01D9F086.6A4E98C0]

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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 8:00 a.m. – 5:00 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.

From: CECILIANI Scott C * WRD <Scott.C.CECILIANI@water.oregon.gov<mailto:Scott.C.CECILIANI@water.oregon.gov>>

Sent: Tuesday, September 26, 2023 12:05 PM

To: BJORK Mary F * WRD <Mary.F.BJORK@water.oregon.gov<mailto:Mary.F.BJORK@water.oregon.gov>>

Cc: Jim McCarthy <jim@waterwatch.org<mailto:jim@waterwatch.org>>

Subject: Request for Assignment T-13555

Hi Mary,

Jim McCarthy with WaterWatch of Oregon reached out to discuss filing an extension of time to allow for completion of a COBU for Transfer: T-13555

(state.or.us)<https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fapps.wrd.state.or.us%2Fapps%2Fwr%2Fwrinfo%2Fwr_transfer_centric.aspx%3Ftransfer_char%3D%26transfer_nbr%3D13555&data=05%7C01%7CMary.F.BJORK%40water.oregon.gov%7Cd65d9c7e792e4728bb3708dbc03d6502%7Caa3f6932fa7c47b4a0cea598cad161cf%7C0%7C0%7C638315142627083285%7CUnknown%7CTWFpbGZsb3d8eyJWljoImCM4wLjAwMDAiLCJQIjoiV2luMzliLCJBTiI6Ikh1haWwiLCJXVCi6Mn0%3D%7C3000%7C%7C%7C&sdata=wdZoz4f%2FCgqjo2rScTroF7%2FJFS0CsnvBFVibZPFtNSg%3D&reserved=0> and to inform me that the applicant, Avis Harboldt, recently passed away....

With the family grieving over the loss of Avis, an extension is probably a good option to explore. To my understanding, with the applicant being unavailable, a request for assignment by proof of ownership (attached) would need to be completed and a copy of a Death Certificate would need to be included. Does that look correct to you? I believe the transfer extension application (attached) can be submitted simultaneously with the request for assignment.

Jim - I'm not sure who is currently working on processing extension applications, but I'll see if I can figure that out.

Estimated cost associated with the assignment and extension:

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[cid:image004.png@01D9F086.6A4E98C0]

Thank you,

Scott Carlo Ceciliani, GIT

Watermaster, District 14

700 NW Dimmick St.

Grants Pass, OR 97526

Cell: (541) 261-2213

Office: (541) 476-1288

[cid:image005.jpg@01D9F086.6A4E98C0]

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Oregon

Kate Brown, Governor

Water Resources Department

725 Summer St NE, Suite A

Salem, OR 97301

(503) 986-0900

Fax (503) 986-0904

July 14, 2021

AVIS HARBOLDT
12863 REDWOOD HWY
WILDERVILLE, OR 97543

REFERENCE: Transfer Application T-13555

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

The time allowed to complete the transfer is specified in the final order. YOU SHOULD GIVE PARTICULAR ATTENTION TO THE TIME LIMIT. The water right for any portion of the authorized change in character of use or change in place of use NOT carried out within the time allowed will be lost.

An extension of the time limit can be allowed only upon a showing that diligent effort has been made to complete the actual change(s) within the time allowed.

You are required to hire a Certified Water Rights Examiner (CWRE) to complete a Claim of Beneficial Use report and map which must be submitted to this Department within one year of the date you complete the change(s) or within one year of the completion date authorized in the transfer final order, whichever occurs first.

If you have any questions related to the approval of this permit amendment, you may contact your caseworker, Tamera Smith, by telephone at (503) 986-0864 or by e-mail at Tamera.L.Smith@oregon.gov.

Sincerely,

Julie C. Baustian
Water Right Services Support
Transfers and Conservation Section

cc: Scott C. Ceciliani, Watermaster Dist. #14 (via email)
Robert G. Borst, Agent

Enclosure

BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON

In the Matter of Transfer Application)	FINAL ORDER APPROVING CHANGES IN
T-13555, Josephine County)	POINTS OF DIVERSION AND A CHANGE IN
)	PLACE OF USE

Authority

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

Applicant

AVIS HARBOLDT
12863 REDWOOD HWY.
WILDERVILLE, OR 97543-9710

Findings of Fact

1. On December 10, 2020, AVIS HARBOLDT filed an application to change the points of diversion under Certificate 15522 and 27392, and to change the point of diversion and place of use under Certificate 15257. The Department assigned the application number T-13555.
2. Notice of the application for transfer was published on December 15, 2020, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. On February 6, 2021, the Department requested legible copies of Table 2 for all certificates in the application. On that same day, the agent for the applicant sent the legible copies.
4. On March 13, 2021, the Department sent a deficiency letter to the agent, requesting that revisions be made by April 12, 2021. On April 7, 2021, revised application and maps were received by the Department, satisfying the deficiency.

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.

5. On May 26, 2021, the Department mailed a copy of the draft Preliminary Determination proposing to approve Transfer Application T-13555 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of June 25, 2021, for the applicant to respond. The applicants 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.
6. On June 7, 2021, the Department issued a Preliminary Determination proposing to approve Transfer T-13535 and mailed a copy to the applicant. Additionally, notice of the Preliminary Determination for the transfer application was published on the Department's weekly notice on June 8, 2017, pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notice.
7. The first right to be transferred is as follows:

Certificate: 15257 in the name of G. L. CHAPMAN (perfected under Permit S-14646)
Use: IRRIGATION OF 2.0 ACRES
Priority Date: OCTOBER 14, 1940
Rate: 0.025 CUBIC FOOT PER SECOND
Limit/Duty: The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to ONE-EIGHTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 4.5 acre feet per acre for each acre irrigated during the irrigation season from April 2, to October 31, of each year.
Source: SLATE CREEK, a tributary of APPLEGATE RIVER

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q
37 S	7 W	WM	17	SE SW

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
37 S	7 W	WM	17	NW SE	2.00

8. The Department received information that better describes the location of the authorized point of diversion for Certificate 15257 as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distance
37 S	7 W	WM	17	SE SW	POD #1 – 1250 FEET NORTH AND 900 FEET WEST FROM THE SE CORNER OF THE SE ¼ SW ¼ OF SECTION 17

9. Transfer Application T-13555 proposes to move the authorized point of diversion approximately 950 feet downstream to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
37 S	7 W	WM	17	NE SW	POD #3 – 2056 FEET NORTH AND 365 FEET WEST FROM THE SE CORNER OF THE SE ¼ SW ¼ OF SECTION 17

10. Transfer Application T-13555 also proposes to change the place of use of the right to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
37 S	7 W	WM	17	NW SE	0.9
37 S	7 W	WM	17	NE SW	1.1
TOTAL					2.0

11. The second right to be transferred is as follows:

Certificate: 15522 in the name of G.L. CHAPMAN (perfected under Permit S-17866)
Use: FISH PROPAGATION
Priority Date: AUGUST 15, 1947
Rate: 0.50 CUBIC FOOT PER SECOND
Source: SLATE CREEK, a tributary of APPLEGATE RIVER

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q
37 S	7 W	WM	17	SE SW

Authorized Place of Use:

FISH PROPAGATION				
Twp	Rng	Mer	Sec	Q-Q
37 S	7 W	WM	17	NW SE

12. Transfer Application T-13555 proposes to move the authorized point of diversion approximately 950 feet downstream to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
37 S	7 W	WM	17	NE SW	POD #3 – 2056 FEET NORTH AND 365 FEET WEST FROM THE SE CORNER OF THE SE ¼ SW ¼ OF SECTION 17

13. The third right to be transferred is as follows:

Certificate: 27392 in the name of GLEN L. CHAPMAN (perfected under Permit S-24631)
Use: DOMESTIC USE FOR FOUR FAMILIES
Priority Date: DECEMBER 18, 1956
Rate: 0.01 CUBIC FOOT PER SECOND
Source: UNNAMED CREEK, tributary of SLATE CREEK

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q
37 S	7 W	WM	17	SE SW

Authorized Place of Use:

DOMESTIC USE FOR FOUR FAMILIES				
Twp	Rng	Mer	Sec	Q-Q
37 S	7 W	WM	17	NW SE

14. The Department received information that better describes the location of the authorized point of diversion for Certificate 27392 as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distance
37 S	7 W	WM	17	NW SE	POD #2 – 1310 FEET NORTH AND 611 FEET WEST FROM THE SE CORNER OF THE SE ¼ SW ¼ OF SECTION 17

15. Transfer Application T-13555 proposes to move the authorized point of diversion approximately 950 feet downstream to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
37 S	7 W	WM	17	NE SW	POD #3 – 2056 FEET NORTH AND 365 FEET WEST FROM THE SE CORNER OF THE SE ¼ SW ¼ OF SECTION 17

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

Transfer Review Criteria [OAR 690-380-4010(2)]

17. Water has been used within the last five years according to the terms and conditions of the rights. There is no information in the records that would demonstrate that the rights are subject to forfeiture under ORS 540.610.
18. A diversion structure and ditch sufficient to use the full amount of water allowed under the existing rights were present within the five-year period prior to submittal of Transfer Application T-13555.
19. The proposed changes would not result in enlargement of the rights.
20. The proposed changes would not result in injury to other water rights.
21. All other application requirements are met.

Determination and Proposed Action

The changes in points of diversion and change in place of use proposed in Transfer Application T-13555 are consistent with the requirements of ORS 540.505 to 540.580 and OAR 690-380-5000.

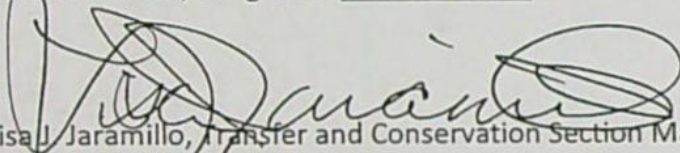
If Transfer Application T-13555 is approved, the final order will include the following:

1. The change in points of diversion and change in place of use proposed in Transfer Application T-13555 are approved.
2. The right to the use of the water is restricted to beneficial use at the place of use described, and is subject to all other conditions and limitations contained in Certificate 15257, 15522, and 27392 and any related decree.
3. Water right Certificates 15257, 15522, and 27392 are cancelled.
4. Under Certificates 15522 and 15257, the quantity of water diverted at the new point of diversion (POD #3), shall not exceed the quantity of water lawfully available at the original point of diversion (POD #1).
5. Under Certificate 27392, the quantity of water diverted at the new point of diversion (POD #3), shall not exceed the quantity of water lawfully available at the original point of diversion (POD #2).
6. Water use measurement conditions:
 - a. Before water use may begin under this order, the water user shall install a totalizing flow meter, or, with prior approval of the Director, another suitable measuring device, at each point of diversion, (new and existing).
 - b. The water user shall maintain the meters or measuring devices in good working order.
 - c. The water user shall allow the Watermaster access to the meters or measuring devices; provided however, where the meters or measuring devices are located within a private structure, the Watermaster shall request access upon reasonable notice.
7. Prior to diverting water, the water user shall install a fish screening and/or by-pass device, as appropriate, at the new point of diversion consistent with the Oregon Department of Fish and Wildlife's (ODFW) design and construction standards. Prior to installation, the water user shall obtain written approval from ODFW that the required screen and/or by-pass device meets ODFW's criteria. Prior to submitting a Claim of Beneficial Use, the water user must obtain written approval from ODFW that the required screening and/or by-pass device was installed to the state's criteria. The water user shall maintain and operate the

fish screen and/or by-pass device, as appropriate, at the point of diversion consistent with ODFW's operational and maintenance standards.

8. The former place of use of the transferred right, under Certificate 15257, shall no longer receive water under the right.
9. Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2022**. A Claim of Beneficial Use prepared by a Certified Water Right Examiner shall be submitted by the applicant to the Department within one year after the deadline for completion of the changes and full beneficial use of the water.
10. After satisfactory proof of beneficial use is received, new certificates confirming the rights transferred will be issued.

Dated in Salem, Oregon on JUL 14 2021



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

Mailing date: JUL 15 2021

WATER RIGHT TRANSFER COVER SHEET

Transfer: T- 13555

Transfer Type: Regular

Transfer Specialist: *PB*

Applicant: AVIS HARBOLDT 12863 REDWOOD HWY WILDERVILLE, OR 97543 Email: <i>NO</i> Phone:		Agent: <input type="checkbox"/> N/A ROBERT BORST Email: <i>WJW</i> Phone:	
Irrigation District: <input type="checkbox"/> N/A Email:		CWRE: <input type="checkbox"/> N/A <i>Interested Party</i> Email: <i>WJW</i> <i>WW Jim McCarty</i>	
Affected Local Gov'ts: <input type="checkbox"/> N/A Email:		Affected Tribal Gov't: <input type="checkbox"/> N/A UNAVAILABLE Email:	
Current Landowner if other than Applicant: <input type="checkbox"/> N/A Email:		Receiving Landowner: <input type="checkbox"/> N/A Email:	

Water Rights Affected *POD x3*

File Marked	App. File # or Decree Name	Permit	Certificate	RR/CR Needed	RR/CR Nos.
<input type="checkbox"/>	S-19040	S-14646	15257	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
<input type="checkbox"/>	S-22759	S-17866	15522	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
<input type="checkbox"/>	S-31263	S-24631	27392	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	

Key Dates & Initial Actions:

Rec'd: December 10, 2020	Proposed Action(s): POINT OF DIVERSION + <i>POD</i>	
Fees Pd: 1100.00	WM District: 14	ODFW District: <i>Vol 626</i>
Initial Public Notice: December 15, 2020	WM Review sent: <i>revd 1-26 626</i>	ODFW Review sent: <i>screen now</i>
Acknowledgement Letter Sent <input type="checkbox"/>	<i>N+E</i>	GW Review sent: <input checked="" type="checkbox"/> N/A
County sent cc: of Ack Letter <input type="checkbox"/>	BOR notified (date): <input type="checkbox"/> N/A	
Newspaper quote requested:	Request for news \$ sent:	News \$ received:
Request to publish sent:	Affidavit of publication received:	Last day of publication: <i>6-8</i>

Document	Drafted	Peer Review	Changes Made	Coordinator	Changes Made	Signature Bin	Signature Date
DPD	Date: <i>4-17-21</i> Initials: <i>B</i>	Date: <i>4-25-21</i> Initials: <i>AW</i>	Date: <i>5-17-21</i> Initials: <i>PKS</i>	Date: <i>5-24-21</i> Initials: <i>B</i>	Date: <i>5-24-21</i> Initials: <i>B</i>	CW Sent: <i>5-26-21</i>	N/A
PD	Date: <i>5-24-21</i> Initials: <i>B</i>	Date: <i>6-1-21</i> Initials: <i>Tom</i>	Date: <i>6-2-21</i> Initials: <i>PKS</i>	Date: <i>6-2-21</i> Initials: <i>B</i>	Date: <i>6-2-21</i> Initials: <i>B</i>	Date: <i>6-2-21</i>	Date: <i>6-8-21</i>
FO	Date: <i>6-12-21</i> Initials: <i>PB</i>	Date: <i>6-14-21</i> Initials: <i>Statt</i>	Date: <i>6-21-21</i> Initials: <i>PKS</i>	Date: <i>6-28-21</i> Initials: <i>B</i>	Date: <i>6-28-21</i> Initials: <i>B</i>	Date: <i>7-13-21</i>	Date:

Special Issues: *see Htr from Jos. Cnty planner - develop permit in process!*

Special Order Volume: Vol. _____ Pages _____

2/6 revd revised T. 2x3

*IP - stakeholders WW - Jim McCarty
4-7-21 revised app + maps*

*addt'l 405 fee for Δ POD =
21930
3
130*

Pub Notice 4-8

SMITH Tamera L * WRD

From: CECILIANI Scott C * WRD
Sent: Monday, February 01, 2021 4:19 PM
To: WRD_DL_transferreviews
Cc: SMITH Tamera L * WRD
Subject: WM Review T-13555
Attachments: WMR_Transfer_Review_T-13555.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Good Afternoon,

Attached is my WM Review for T-13555.

I would like to point out that C-27392 allows for "domestic use for 4 families" and the max rate is 0.01cfs. It appears as though a ½ acre area for lawn/garden has been defined on the transfer map and I'm not entirely sure that this right allows for ½ acre of lawn/garden.

Thank you,

Scott

Scott Ceciliani, GIT

Watermaster, District 14

700 NW Dimmick St., Grants Pass, OR 97526.

Office 541-476-1288 | Cell 541-261-2213



OREGON
WATER
RESOURCES
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Integrity | Service | Technical Excellence | Teamwork | Forward-Looking

Jim McCarthy

Southern Oregon Program Director | WaterWatch of Oregon

541-708-0048

PO Box 261

Ashland, OR 97520

www.waterwatch.org

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From: Robert Borst <robert.g.borst@borstengineeringconstruction.com> on behalf of Robert Borst
<robert.g.borst@borstengineeringconstruction.com>

Date: Thursday, January 14, 2021 at 10:38 AM

To: SMITH Tamera L * WRD <Tamera.L.Smith@oregon.gov>, Jim McCarthy <jim@waterwatch.org>

Subject: RE: T-13555 application Land Use Form

Good Morning Tamera,

Thank you for bringing this to our attention. I confess that I am surprised to hear this as it was my understanding that this required Land Use Form was properly completed and submitted along with the Transfer Application and Transfer Map that I prepared. In fact, it was my understanding that the act of properly completing all these required supplemental forms is what delayed this package two months from being submitted to the department. In any event, I have added Jim to this email to make him aware of this issue so he may comment and advise how best to resolve this issue. I am glad to hear that an email resolution is acceptable.

I believe the public comment period for this Transfer concludes today. When convenient for you, we would greatly appreciate it if you could advise us what you received in this regard.

Please stay safe and healthy in these crazy times!

SMITH Tamera L * WRD

From: Jim McCarthy <jim@waterwatch.org>
Sent: Wednesday, March 17, 2021 10:40 AM
To: Robert Borst; SMITH Tamera L * WRD
Cc: CECILIANI Scott C * WRD
Subject: Re: T-13555 Avis Harboldt deficiency letter - ACTION REQUESTED response to questions from agent

Follow Up Flag: Follow up
Flag Status: Flagged

Hello All,

I spoke with Avis' son Larry this morning. He confirmed that they are satisfied with the Irrigation Place of Use map Bob generated for the original application (question 2 below).

Regarding the domestic right (question 6 below), the family does wish to include all four domestic uses in this transfer.

Please proceed with this understanding.

Regarding the additional fee of \$465, please deduct this from WaterWatch's account with OWRD. If our account needs more funds, please let me know and we'll top it up.

Thanks,

Jim

—

Jim McCarthy

Southern Oregon Program Director | WaterWatch of Oregon

541-708-0048

PO Box 261

Ashland, OR 97520

www.waterwatch.org

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From: Robert Borst <robert.g.borst@borstengineeringconstruction.com> on behalf of Robert Borst <robert.g.borst@borstengineeringconstruction.com>
Date: Tuesday, March 16, 2021 at 11:22 AM
To: SMITH Tamera L * WRD <Tamera.L.Smith@oregon.gov>, Jim McCarthy <jim@waterwatch.org>
Cc: CECILIANI Scott C * WRD <Scott.C.Ceciliani@oregon.gov>
Subject: RE: T-13555 Avis Harboldt deficiency letter - ACTION REQUESTED response to questions from agent

Good Morning Tamera & Jim,

Ah yes, having a day off during the normal business week is great as it allows you to schedule appointments and to accomplish things that one otherwise couldn't do without taking vacation time off from work. Back during my early days at Boeing when I was an engineer, I worked four ten hour days and I had either Friday/Saturday/Sunday or Saturday/Sunday/Monday off. My preference was Mondays off as I never looked forward to Mondays... However, when I made the mistake of going into management, I had to work the normal Monday through Friday routine. Gayle and I are taking a day off tomorrow to do some Spring skiing at Mount Shasta. Anyhow, thanks Tamera as always for the quick and helpful response.

Yes Tamera, you fully answered my questions and fully clarified what I now need to do. Our first order of business will be to chat with the land owner and confirm that what I showed on the Transfer Application Map for irrigation area/acreage is indeed what they want going forward given that we will now formally request a Transfer of the Irrigation Place of Use. I would be very surprised if this is NOT the case as I previously discussed this with them over the phone after I examined their property when I was initially creating the Transfer Application Map...but who knows... *Jim, could you please initiate this conversation? And perhaps also let them know that this Transfer of Irrigation Place of Use is another benefit to them for supporting this project. I will give you a call later today so we may discuss all of this so you fully understand and support it and so I may revise the Transfer Application accordingly.*

Tamera, I have never actually done a OAR 690-380-3100 FROM/TO map so I will need to review the OAR and my CRWE workshop handbooks to better understand what exactly is required here. Do you possibly happen to have an example of a well done FROM/TO map that you could share with me?

WaterWatch sometimes has a celebration party at the end of these conservation projects for those who were involved and who can attend such functions. It would be great to meet you in person at this site if this happens and if you can attend. I always think it beneficial to get some boots on the ground experience whenever possible to augment office process experience. Doing so often provides broader perspective and understanding.

Thank you,
Bob

From: SMITH Tamera L * WRD
Sent: Tuesday, March 16, 2021 8:11 AM
To: [Robert Borst](#)
Cc: [Jim McCarthy](#)
Subject: RE: T-13555 Avis Harboldt deficiency letter - ACTION REQUESTED response to questions from agent

Good morning Robert,

I do work Saturday, but I am off on Mondays, which I quite like. I've answered your questions below, in green.

Let me know if I missed anything, and thank you for getting back to me so quickly.

Kindest regards,
Tamera Smith
Transfer Caseworker
Reimbursement Authority

From: Robert Borst <robert.g.borst@borstengineeringconstruction.com>
Sent: Saturday, March 13, 2021 2:55 PM
To: SMITH Tamera L * WRD <Tamera.L.Smith@oregon.gov>
Cc: Jim McCarthy <jim@waterwatch.org>; CECILIANI Scott C * WRD <Scott.C.Ceciliani@oregon.gov>
Subject: RE: T-13555 Avis Harboldt deficiency letter - ACTION REQUESTED

Hi Tamera,

It looks like we are both working this Saturday... I am glad to hear that you and Kelly got a chance to meet and discuss this and that he is doing well. I cut and pasted the deficiencies that you identified below and I directly embedded my comments and questions to make sure that I fully understand what needs to be accomplished to ensure that I fully and properly comply in a timely manner.

1. Certificate 15257 map: Please show the acres/tax lot.

Are you needing me to label/show the hatched in irrigation area shown in the Transfer Application Map with the irrigated acres for tax lot 1000 and 1100? Yes, please. Or are you needing me to label/show the acres of all the tax lots shown on the Transfer Application Map?

2. Certificate 15257 map 1Ž4 1Ž4 does not match the Certificate. Please provide a FROM map, listing the actual certificated acres and a TO map, for the new place of use. Be sure to add a change in place of use below T. 1. This change will require **additional fees** of \$930/2 (ODFW discount) = **\$465.00**. (see fee worksheet No. 2). Also below T. 1 please check the box that "All of the proposed changes affect the entire water right" = YES.

I think you are saying that the hatched irrigation area shown in the Transfer Application Map does not agree with the original permit/certification map (attached). Yes, I was fully aware of this historical difference, I discussed this with Kelly and I noted this in Attachment 1 of the Transfer Application. So I think you are saying that accomplishing an official change of Place of Use is how you would like to remedy this issue? Yes, please. I am thinking that I should perhaps have Jim bounce this off the land owner to make sure that what I am showing in the Transfer Application Map is truly what they want for their Place of Use. Again, what I showed in the Transfer Application Map was what appeared to me at the time to be the current irrigation place of use. If we are going to pursue an official change of Place of Use, it probably makes sense to confirm with the land owner that we have this correct. That would be a good idea.

Any guidance that you can provide to help me understand what exactly is a FROM map and a TO map would be greatly appreciated. It's required by rule OAR 690-380-3000(18), then must follow the map requirements under OAR 690-380-3100. I would have thought that the attached original permit/certification map is the FROM map and the Transfer Application Map is the TO map? Are you needing two additional maps in addition to the Transfer Application Map? Anyhow, I will need some help to better understand exactly what you need here.

3. Certificate 15257 Table 2: FROM lands are correct, please update the TO lands

I think you saying that I should change the TO lands to reflect that the historical Place of Use may have moved to tax lots 1000 and 1100. Is this correct? Correct.

4. Certificate 15522 Beneath T. 1: Please check the box that "All of the proposed changes affect the entire water right" = YES

Yes, I fully understand this one...my mistake... ☺

5. Certificate 15522 Table 2 Type of Use should list fish prop. Not mill pond.

Yes, I fully understand this one too. There was an order to change use from mill pond to fish prop. At the time I wasn't sure if I should reflect the original certificate use or the more recent order use. I guess the actual current use make the most sense. ☺

6. Certificate 27392: How many of the four domestic uses are being transferred? If it's all four, the map is fine as is. If it's less than all four, please provide a FROM map showing location of each family location of use and a TO map, showing what is being transferred. Table 2 should reflect this. Below T. 2 should list a change in place of use. Finally, what is the answer to "Will all of the proposed changes affect the entire water right?" Choose YES or NO, to match the above changes.

I will definitely need to have Jim chat with the land owner on this one. Sounds good. After you and I last discussed this issue and you suggested I hold until further direction, I subsequently got to thinking that it wouldn't be an easy task for me to actually determine this answer with 100% certainty as all the water works for this place is via an underground concrete conduit maze. If you ever have an opportunity to visit this property, I highly recommend that you do so. This place looks like it was literally constructed by the Romans. I don't know how they poured all the concrete that it took to create these underground water work pathways back in the day when they did this. It would be a challenge to accomplish what they did today. Anyhow, I can fully appreciate why ODFW wants to transition to a metered pump system. It sounds pretty incredible! I'd love to see it.

Sorry for all my too many questions, but again, I want to fully understand what needs to be accomplished to ensure that I fully and properly comply in a timely manner.

Thank you,
Bob

From: SMITH Tamera L * WRD
Sent: Saturday, March 13, 2021 12:56 PM
To: Robert Borst
Cc: Jim McCarthy; CECILIANI Scott C * WRD
Subject: T-13555 Avis Harboldt deficiency letter - ACTION REQUESTED

Good afternoon Bob,

I hope this email finds you well. Kelly and I were able to meet this week and go over what you and he had discussed prior to application. I've put everything that needs some adjustment into the letter attached. I've cc'd Jim McCarthy, as Water Watch had supplied some of the funding previously, and there are some additional fees required.

Should you have any questions, please let me know. I'm happy to help.

Kindest regards,

Tamera Smith
Transfer Caseworker
Reimbursement Authority

Watermaster Review Form: Water Right Transfer



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

Transfer Application: T-13555

Review Due Date:

Applicant Name: Avis Harboldt

Proposed Changes: ☐ POU ☒ POD ☐ POA ☐ USE ☐ OTHER

Reviewer(s): Scott Ceciliani

Date of Review: 01/26/2021

1. Do you have evidence that the right has not been used in the last 5 years and that the presumption of forfeiture would not likely be rebuttable? ☐ Yes ☒ No If "Yes", attach evidence (e.g. dated aerial photo showing pavement or building on the land for >5 yrs.)
2. Is there a history of regulation on the source that serves this (or these) right(s) that has involved the transferred right(s) and downstream water rights? ☐ Yes ☒ No Generally characterize the frequency of any regulation or explain why regulation has not occurred:
3. Have headgate notices been issued for the source that serves the transferred right(s)?
☐ Yes ☐ No ☒ Records not available.
4. In your estimation, after the proposed change, would distribution of water for the right(s) result in regulation of other water rights that would not have occurred if use under the original right(s) was/were maximized? ☐ Yes ☒ No If "Yes", explain:
5. In your estimation, if the proposed change is approved, are there upstream water rights that would be affected? ☐ Yes ☒ No If "Yes", describe how the rights would be affected and list the rights most affected:

6. Check here ☐ if it appears that downstream water rights benefit from return flows resulting from the current use of the transferred right(s)? If you check the box, generally characterize the locations where the return flows likely occur and list the water rights that benefit most:

☒ N/A

7. For POD changes and instream transfers, check here if there are channel losses between the old and new PODs or within the proposed instream reach? If you check the box, describe and, if possible, estimate the losses:

Unknown

☐ N/A

8. For instream transfers that propose protection of a reach beyond the mouth of the source stream:

☒ N/A Would the quantity be measureable into the receiving stream consistent with OAR 690-077-0015(8)? ☐ Yes ☐ No

9. For POU changes: ☒ N/A Is it likely the original place of use would continue to receive water from the same source? ☐ Yes ☐ No If "Yes", explain:

10. For POU or USE changes: ☒ N/A In your best judgment, would use of the existing right at "full face value," result in the diversion of more water than can be used beneficially and without waste?

☐ Yes ☐ No If "Yes", explain:

11. For POU changes that involve micro-irrigation: ☒ N/A

- a. Has the applicant made changes (absent a transfer) to convert to micro-irrigation within the current place of use boundary of the water right proposed for transfer, and previously demonstrated to the Department through monitoring and site inspections by the Watermaster that the proposed transfer will not result in injury or enlargement?

☐ Yes ☐ No If "Yes", explain:

- b. Has a temporary transfer of this nature been previously filed and approved on the same lands (or portions thereof) as those lands involved in this transfer?

☐ Yes ☐ No If "Yes", answer the following:

- i. Were there any problems with more acres being irrigated (or wetted) than were authorized under the temporary transfer? ☐ Yes ☐ No If "Yes", explain:
- ii. Did the designated areas that were to remain dry (or not wetted) under the temporary transfer actually remain dry? ☐ Yes ☐ No If "No", explain:
- iii. Did the applicant comply with and meet all of the conditions of the temporary transfer? ☐ Yes ☐ No If "No", explain:
- iv. Do you have any other observations regarding the temporary transfer? ☐ Yes ☐ No If "Yes", describe:
- v. Did the applicant demonstrate to the Department through monitoring and site inspections by the Watermaster that neither injury nor enlargement occurred as a result of the temporary transfer? ☐ Yes ☐ No If "No", explain:

- c. To the best of your knowledge, if this transfer is approved, does it appear that:

- i. "Injury" will occur to other water rights that share the same source?

☐ Yes ☐ No If "Yes", explain:

- ii. "Enlargement" of the water right being transferred will occur?

☐ Yes ☐ No If "Yes", explain:

12. Are there other issues not identified through the above questions that should be considered in determining whether the change "can be effected without injury to other rights"?

☐ Yes ☐ No If "Yes", explain:

13. What alternatives may be available for addressing any issues identified above:

14. Do conditions need to be included in the transfer order to avoid enlargement of the right or injury to other rights? ☐ No ☒ Yes, as checked and provided below:

☐ For POU changes that involve micro-irrigation, provide the monitoring and reporting conditions necessary to prevent injury/enlargement:

☐ A Headgate should be required prior to diverting water.

☒ Measurement Devices for POD or POA: (if this condition is selected, also fill in the top sections of Page 4)

*a. Before water use may begin under this order, the water user shall install a **totalizing flow meter***, or, with prior approval of the Director, another suitable measuring device, ☐ at each point of diversion/appropriation (new and existing) OR at each new point of diversion/appropriation ☒ with the exception that water rights issued to the Bureau of Reclamation or an irrigation district (or similar entity) are not subject to this condition.*

b. The water user shall maintain the meters or measuring devices in good working order.

c. The water user shall allow the Watermaster access to the meters or measuring devices; provided however, where the meters or measuring devices are located within a private structure, the Watermaster shall request access upon reasonable notice.

☐ Reservoir water use measurement: (if this condition is selected, also fill in the top sections of Page 4)

*a. Before water use may begin under this order, the water user shall install **staff gages***, or, with prior approval of the Director, other suitable measuring devices, that measure the entire range and stage between empty and full in each reservoir. Staff gages shall be United States Geological Survey style.*

b. Before water use may begin under this order, if the reservoir is located in channel, weirs or other suitable measuring devices must be installed upstream and downstream of the reservoir, and, an adjustable outlet valve must be installed. The water user shall maintain such devices in good working order. A written waiver may be obtained, if in the judgment of the Director, the installation of weirs or other suitable measuring devices, or the adjustable outlet valve, will provide no public benefit.

* The following alternative device(s) should be substituted for the bold, underlined device in the above selected condition:

<input type="checkbox"/> Weir	<input type="checkbox"/> Submerged Orifice
<input type="checkbox"/> Parshall Flume	<input type="checkbox"/> Flow Restrictor
<input type="checkbox"/> Other: ____	

Oregon Water Resources Department

Measurement Condition Information for the Applicant

(To be sent with the Draft Preliminary Determination or Final Order)

Transfer #: T- 13555



In order to avoid enlargement of the right or injury to other rights, a totalizing flow meter will be required to be installed prior to diversion of water, as a condition of this transfer:



at each point of diversion/appropriation (new and existing) **OR**



at each new point of diversion/appropriation.

For additional information, or to obtain approval of a different type of measurement device, the applicant should contact the area Watermaster:

Watermaster name: Scott Ceciliani

District: 14

Address: 700 NW Dimmick Street

City/State/Zip: Grants Pass, OR 97526

Phone: 541-261-2213

Email: Scott.C.Ceciliani@oregon.gov

Note: If a device other than the one specified in the Preliminary Determination or Final Order is approved by the Watermaster, fill out and mail the form below to the Salem office.

Approval of an Alternate Measurement Device

T-

(to be filled out after consultation with the applicant, or after a site visit)

On behalf of the Director, I authorize use of the following suitable alternate measurement device:

 Watermaster signature

 District

 Date

If this form is used for approval of an alternative measurement device, it must be mailed to:

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

SMITH Tamera L * WRD

From: Robert Borst <robert.g.borst@borstengineeringconstruction.com>
Sent: Saturday, February 06, 2021 3:10 PM
To: SMITH Tamera L * WRD; Jim McCarthy
Subject: RE: T-13555 application Tables 2: ACTION REQUESTED
Attachments: permanent_wr_transfer_app.pdf; Transfer Application Map.pdf

Hi Tamera,

No, I had not seem this. But this could also be because I got Starlink internet last week and I have been playing with it...

I have attached PDFs of Transfer Application and Map. The requested tables are in landscape. Please confirm receipt and that this satisfies your need. Otherwise I'll do something else.

Thank you,
Bob Borst

From: SMITH Tamera L * WRD
Sent: Saturday, February 6, 2021 2:53 PM
To: Jim McCarthy; Robert Borst
Subject: FW: T-13555 application Tables 2: ACTION REQUESTED

The connections weren't working great last weekend, I don't think you received this. Please see below. Thank you

From: SMITH Tamera L * WRD
Sent: Saturday, January 30, 2021 2:09 PM
To: 'Jim McCarthy' <jim@waterwatch.org>; Robert Borst <robert.g.borst@borstengineeringconstruction.com>
Subject: T-13555 application Tables 2: ACTION REQUESTED

Hi Jim and Bob,

I went to the office to pull the hard copy file to verify that the Tables 2 for each Certificate are not legible as received. Could one of you email me each Table 2, in a landscape format? (showing entire table)

I was hoping that it had just been incorrectly scanned into our electronic system, but no luck. The pages in question are 7, 9, and 11.

Kindest regards,
Tamera

SMITH Tamera L * WRD

From: Jim McCarthy <jim@waterwatch.org>
Sent: Thursday, January 14, 2021 11:55 AM
To: SMITH Tamera L * WRD; Robert Borst
Subject: Re: T-13555 application Land Use Form
Attachments: 12863 Redwood Hwy OWRD LUCS.pdf

Hello Tamera,

Double apologies! I hope I have now attached the correctly completed form.

Thanks,

Jim

From: SMITH Tamera L * WRD <Tamera.L.Smith@oregon.gov>
Date: Thursday, January 14, 2021 at 11:46 AM
To: Jim McCarthy <jim@waterwatch.org>, Robert Borst <robert.g.borst@borstengineeringconstruction.com>
Subject: RE: T-13555 application Land Use Form

Good morning Jim,

The form you attached is identical to what the Department received in the application. As you will note, only the receipt stub is signed. The signed receipt is only applicable for new water rights.

The Land Use form must be completely filled out (there are two pages, please see attached), including response/sign-off by the county. I do apologize that this was not caught initially when the transfer application was initially returned some time ago for deficiencies.

If you have any questions, please let me know.

Best, Tamera

From: Jim McCarthy <jim@waterwatch.org>
Sent: Thursday, January 14, 2021 10:48 AM
To: Robert Borst <robert.g.borst@borstengineeringconstruction.com>; SMITH Tamera L * WRD <Tamera.L.Smith@oregon.gov>
Subject: Re: T-13555 application Land Use Form

Hello Tamera,

Sorry for any confusion. I had thought the form was mailed with the application. Attached is a scan of the signed form.

Thanks,

Jim

Thank you,
Bob Borst

CWRE 85406
www.BorstEngineeringConstruction.com

From: SMITH Tamera L * WRD
Sent: Thursday, January 14, 2021 10:15 AM
To: Robert Borst
Subject: T-13555 application Land Use Form

Good morning Bob,

I am just looking through the application T-13555 for Harboldt.

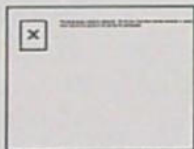
Unfortunately, to process the file, the Department requires a filled out and signed Land Use Form. I apologize for the inconvenience. I'm hoping that management can soon agree on an improved Land Use Form that will specify that only new water rights can be processed with the receipt.

If there is anything I can do to assist, please let me know.

Email is acceptable to receive the signed Land Use form.

Kindest regards,

Tamera Smith, Transfer Caseworker



Thank you for contacting the Water Resources Department. I am currently teleworking in an effort to maintain services, while encouraging Oregonians to stay home, stay healthy, and save lives by reducing the spread of COVID 19. I will be checking email and voicemails Monday through Friday, and I will respond to your request as soon as possible.

Please note that due to the COVID-19, our operations are subject to change. Please visit our website at www.oregon.gov/owrd for updates on our operations.

We appreciate your understanding as we work to protect the health of Oregonians while also providing services.



Oregon

Kate Brown, Governor

Water Resources Department

725 Summer St NE, Suite A

Salem, OR 97301

(503) 986-0900

Fax (503) 986-0904

JUNE 7, 2021

AVIS HARBOLDT
12863 REDWOOD HWY
WILDERVILLE, OR 97543

SUBJECT: Water Right Transfer Application T-13555

Please find enclosed the Preliminary Determination indicating that, based on the information available, the Department intends to approve application T-13555. 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, 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 Department's notice.

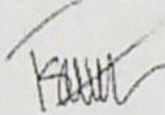
If no protest is filed, the Department will issue a Final Order consistent with the Preliminary Determination. You should receive a copy of the Final Order about 30 days after the close of the protest period.

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.

IMPORTANT: Due to COVID-19, the Department's office is closed to walk-in services. The Department encourages the submission of protests by U.S. mail. Please consider mailing early to ensure the Department receives the protest by the deadline specified above.

Please do not hesitate to contact me at 503-986-0886 or Patrick.K.Starnes@wrd.state.or.us if I may be of assistance.

Kindest regards,

A handwritten signature in dark ink, appearing to read 'Tamera Smith', with a stylized flourish at the end.

Tamera Smith
Transfer Specialist
Transfer and Conservation Section

cc: Transfer Application file T-13555
Scott C. Ceciliani, District 14 Watermaster *(via e-mail)*
Jake Johnstone, SW Region Manager *(via e-mail)*
Robert G. Borst, Agent for the applicant *(via e-mail)*
Jim McCarthy, Water Watch, Interested Party *(via e-mail)*

encs

BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON

In the Matter of Transfer Application)	PRELIMINARY DETERMINATION
T-13555, Josephine County)	PROPOSING APPROVAL OF CHANGES IN
)	POINTS OF DIVERSION AND A CHANGE IN
)	PLACE OF USE

Authority

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

Applicant

AVIS HARBOLDT
12863 REDWOOD HWY.
WILDERVILLE, OR 97543-9710

Findings of Fact

1. On December 10, 2020, AVIS HARBOLDT filed an application to change the points of diversion under Certificate 15522 and 27392, and to change the point of diversion and place of use under Certificate 15257. The Department assigned the application number T-13555.
2. Notice of the application for transfer was published on December 15, 2020, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. On February 6, 2021, the Department requested legible copies of Table 2 for all certificates in the application. On that same day, the agent for the applicant sent the legible copies.
4. On March 13, 2021, the Department sent a deficiency letter to the agent, requesting that revisions be made by April 12, 2021. On April 7, 2021, revised application and maps were received by the Department, satisfying the deficiency.

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

5. On May 26, 2021, the Department mailed a copy of the draft Preliminary Determination proposing to approve Transfer Application T-13555 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of June 25, 2021, for the applicant to respond. The applicants 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.

6. The first right to be transferred is as follows:

Certificate: 15257 in the name of G. L. CHAPMAN (perfected under Permit S-14646)
Use: IRRIGATION OF 2.0 ACRES
Priority Date: OCTOBER 14, 1940
Rate: 0.025 CUBIC FOOT PER SECOND
Limit/Duty: The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to ONE-EIGHTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 4.5 acre feet per acre for each acre irrigated during the irrigation season from April 2, to October 31, of each year.
Source: SLATE CREEK, a tributary of APPLEGATE RIVER

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q
37 S	7 W	WM	17	SE SW

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
37 S	7 W	WM	17	NW SE	2.00

7. The Department received information that better describes the location of the authorized point of diversion for Certificate 15257 as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distance
37 S	7 W	WM	17	SE SW	POD #1 – 1250 FEET NORTH AND 900 FEET WEST FROM THE SE CORNER OF THE SE ¼ SW ¼ OF SECTION 17

8. Transfer Application T-13555 proposes to move the authorized point of diversion approximately 950 feet downstream to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
37 S	7 W	WM	17	NE SW	POD #3 – 2056 FEET NORTH AND 365 FEET WEST FROM THE SE CORNER OF THE SE ¼ SW ¼ OF SECTION 17

9. Transfer Application T-13555 also proposes to change the place of use of the right to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
37 S	7 W	WM	17	NW SE	0.9
37 S	7 W	WM	17	NE SW	1.1
TOTAL					2.0

10. The second right to be transferred is as follows:

Certificate: 15522 in the name of G.L. CHAPMAN (perfected under Permit S-17866)
Use: FISH PROPAGATION
Priority Date: AUGUST 15, 1947
Rate: 0.50 CUBIC FOOT PER SECOND
Source: SLATE CREEK, a tributary of APPLEGATE RIVER

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q
37 S	7 W	WM	17	SE SW

Authorized Place of Use:

FISH PROPAGATION				
Twp	Rng	Mer	Sec	Q-Q
37 S	7 W	WM	17	NW SE

11. Transfer Application T-13555 proposes to move the authorized point of diversion approximately 950 feet downstream to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
37 S	7 W	WM	17	NE SW	POD #3 – 2056 FEET NORTH AND 365 FEET WEST FROM THE SE CORNER OF THE SE ¼ SW ¼ OF SECTION 17

12. The third right to be transferred is as follows:

Certificate: 27392 in the name of GLEN L. CHAPMAN (perfected under Permit S-24631)
Use: DOMESTIC USE FOR FOUR FAMILIES
Priority Date: DECEMBER 18, 1956
Rate: 0.01 CUBIC FOOT PER SECOND
Source: UNNAMED CREEK, tributary of SLATE CREEK

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q
37 S	7 W	WM	17	SE SW

Authorized Place of Use:

DOMESTIC USE FOR FOUR FAMILIES				
Twp	Rng	Mer	Sec	Q-Q
37 S	7 W	WM	17	NW SE

13. The Department received information that better describes the location of the authorized point of diversion for Certificate 27392 as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distance
37 S	7 W	WM	17	NW SE	POD #2 – 1310 FEET NORTH AND 611 FEET WEST FROM THE SE CORNER OF THE SE ¼ SW ¼ OF SECTION 17

14. Transfer Application T-13555 proposes to move the authorized point of diversion approximately 950 feet downstream to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
37 S	7 W	WM	17	NE SW	POD #3 – 2056 FEET NORTH AND 365 FEET WEST FROM THE SE CORNER OF THE SE ¼ SW ¼ OF SECTION 17

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

Transfer Review Criteria [OAR 690-380-4010(2)]

16. Water has been used within the last five years according to the terms and conditions of the rights. There is no information in the records that would demonstrate that the rights are subject to forfeiture under ORS 540.610.
17. A diversion structure and ditch sufficient to use the full amount of water allowed under the existing rights were present within the five-year period prior to submittal of Transfer Application T-13555.
18. The proposed changes would not result in enlargement of the rights.
19. The proposed changes would not result in injury to other water rights.
20. All other application requirements are met.

Determination and Proposed Action

The changes in points of diversion and change in place of use proposed in Transfer Application T-13555 appear to be consistent with the requirements of ORS 540.505 to 540.580 and OAR 690-380-5000. If protests are not filed pursuant to OAR 690-380-4030, the transfer application will be approved.

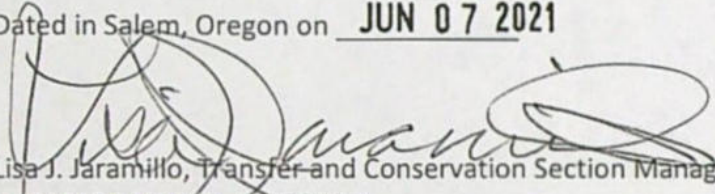
If Transfer Application T-13555 is approved, the final order will include the following:

1. *The change in points of diversion and change in place of use proposed in Transfer Application T-13555 are approved.*
2. *The right to the use of the water is restricted to beneficial use at the place of use described, and is subject to all other conditions and limitations contained in Certificate 15257, 15522, and 27392 and any related decree.*
3. *Water right Certificates 15257, 15522, and 27392 are cancelled.*
4. *Under Certificates 15522 and 15257, the quantity of water diverted at the new point of diversion (POD #3), shall not exceed the quantity of water lawfully available at the original point of diversion (POD #1).*
5. *Under Certificate 27392, the quantity of water diverted at the new point of diversion (POD #3), shall not exceed the quantity of water lawfully available at the original point of diversion (POD #2).*
6. *Water use measurement conditions:*
 - a. *Before water use may begin under this order, the water user shall install a totalizing flow meter, or, with prior approval of the Director, another suitable measuring device, at each point of diversion, (new and existing).*
 - b. *The water user shall maintain the meters or measuring devices in good working order.*
 - c. *The water user shall allow the Watermaster access to the meters or measuring devices; provided however, where the meters or measuring devices are located within a private structure, the Watermaster shall request access upon reasonable notice.*
7. *Prior to diverting water, the water user shall install a fish screening and/or by-pass device, as appropriate, at the new point of diversion consistent with the Oregon Department of Fish and Wildlife's (ODFW) design and construction standards. Prior to installation, the water user shall obtain written approval from ODFW that the required screen and/or by-pass device meets ODFW's criteria. Prior to submitting a Claim of Beneficial Use, the water user must obtain written approval from ODFW that the required screening and/or by-pass*

device was installed to the state's criteria. The water user shall maintain and operate the fish screen and/or by-pass device, as appropriate, at the point of diversion consistent with ODFW's operational and maintenance standards.

8. The former place of use of the transferred right, under Certificate 15257, shall no longer receive water under the right.
9. Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2022**. A Claim of Beneficial Use prepared by a Certified Water Right Examiner shall be submitted by the applicant to the Department within one year after the deadline for completion of the changes and full beneficial use of the water.
10. After satisfactory proof of beneficial use is received, new certificates confirming the rights transferred will be issued.

Dated in Salem, Oregon on **JUN 07 2021**


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

This Preliminary Determination was prepared by: Tamera Smith. If you have any questions about the information in this document, you may reach me at 503-986-0864 or tamera.l.smith@oregon.gov

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

IMPORTANT: Due to COVID-19, the Department's office is closed to walk-in services. The Department encourages the submission of protests by U.S. mail. Please consider mailing early to ensure the Department receives the protest by the deadline specified above.

Notice Regarding Service Members: Active duty service members have a right to stay these proceedings under the federal service members Civil Relief Act. For more information contact the Oregon State Bar at 800-452-8260, the Oregon Military Department at 503-584-3571, or the nearest United States Armed Forces Legal Assistance Office through <http://legalassistance.law.af.mil> <http://legalassistance.law.af.mil>. The Oregon Military Department does not have a toll free number.

**Notice of Preliminary Determination for
Water Right Transfer T-13555**

T-13555 filed by Avis Harboldt, 12863 Redwood Hwy, Wilderville, OR 97543-9710, proposes a change in points of diversion and a change in place of use under Certificates 15257, 15522, and 27392. Certificate 15257 allows the use of 0.025 cubic foot per second (CFS) from the Slate Creek in Sec. 17, T37S, R7W, WM for irrigation in Sec. 17, T37S, R7W, WM. The applicant proposes to move the point of diversion within Sec. 17, T37S, R7W, WM and to change the place of use to Sec. 17, T37S, R7W, WM. Certificate 15522 allows the use of 0.50 CFS from the Slate Creek in Sec. 17, T37S, R7W, WM for mill pond use in Sec. 17, T37S, R7W, WM. The applicant proposes to move the point of diversion within Sec. 17, T37S, R7W, WM. Certificate 27392 allows the use of 0.01 CFS from the Slate Creek in Sec. 17, T37S, R7W, WM for domestic use for 4 families in Sec. 17, T37S, R7W, WM. The applicant proposes to move the point of diversion within Sec. 17, T37S, R7W, WM. The Water Resources Department proposes to approve the transfer, based on the requirements of ORS Chapter 540 and OAR 690-380-5000.

Any person may protest the preliminary determination or may file a standing statement. Pursuant to OAR 690-380-4030(3) and OAR 690-382-9000, protests must raise all reasonably ascertainable issues and include all reasonably available arguments supporting the person's position. In addition, protests must be accompanied by an \$810 protest fee for non-applicant, or \$410 protest fee for applicant. Call (503) 986-0815 to obtain additional information. Protests must be received by the Department on or before [30 days after WRD notice], or within 30 days of the last date of publication in a newspaper, whichever is later. If no protests are filed, the Department will issue a final order consistent with the preliminary determination.

IMPORTANT: Due to COVID-19, the Department's office is closed to walk-in services. The Department encourages the submission of protests by U.S. mail. Please consider mailing early to ensure the Department receives the protest by the deadline specified above.

SMITH Tamera L * WRD

From: Jim McCarthy <jim@waterwatch.org>
Sent: Friday, May 28, 2021 10:59 AM
To: SMITH Tamera L * WRD; JARAMILLO Lisa J * WRD
Cc: robert.g.borst@borstengineeringconstruction.com
Subject: Re: T-13555 Avis Harboldt report of ownership tax lot 1000 CORRECTED

Follow Up Flag: Follow up
Flag Status: Flagged

Attached please find acknowledgment letter signed by Avis Harbolt. Hard copy to follow in mail. Please contact me at +15419419450 with any questions.

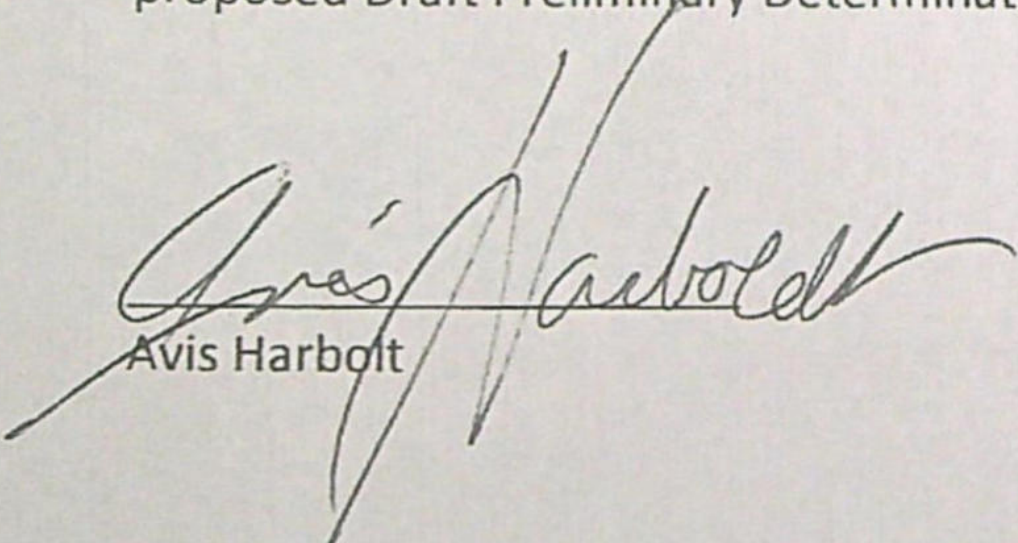
Thanks,

Jim

Water Resources Department
Attn: Tamera Smith
725 Summer St NE, Suite A
Salem, OR 97301

Reference: Water Right Transfer Application T-135

The Draft Preliminary Determination provided on May 1, 2014
was carefully reviewed and accurately reflects the content of the
proposed Draft Preliminary Determination action and


Avis Harbolt

6/2/14
Date

From: SMITH Tamera L * WRD <Tamera.L.Smith@oregon.gov>
Sent: Friday, May 28, 2021 7:19:09 AM
To: Jim McCarthy <jim@waterwatch.org>; JARAMILLO Lisa J * WRD <Lisa.J.Jaramillo@oregon.gov>
Cc: robert.g.borst@borstengineeringconstruction.com <robert.g.borst@borstengineeringconstruction.com>
Subject: RE: T-13555 Avis Harboldt report of ownership tax lot 1000 CORRECTED

Received. Thank you

From: Jim McCarthy <jim@waterwatch.org>
Sent: Thursday, May 27, 2021 3:26 PM
To: SMITH Tamera L * WRD <Tamera.L.Smith@oregon.gov>; JARAMILLO Lisa J * WRD <Lisa.J.Jaramillo@oregon.gov>
Cc: robert.g.borst@borstengineeringconstruction.com
Subject: Re: T-13555 Avis Harboldt report of ownership tax lot 1000 CORRECTED
Importance: High

Please see attached report with cover page correction.

Jim McCarthy
Southern Oregon Program Director | WaterWatch of Oregon
541-708-0048
PO Box 261
Ashland, OR 97520
www.waterwatch.org

Join WaterWatch to Protect and Restore Oregon's Rivers



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Date Prepared: May 27, 2021

Prepared for:

Avis Harboldt

Property address:

12835 Redwood Hwy.
Wilderville, OR 97543

Thank you for the opportunity to assist you!

Please let us know if there is anything else you need.

Alyssa Rodriguez

The information provided is deemed reliable, but is not guaranteed.

NOTICE: This message is intended for the use of the addressee and may contain information that is privileged and confidential. If you receive this communication in error, please notify our customer service department immediately by telephone. Thank you!



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Medford, OR 97504
541.779.7660
541.779.3506 fax

Ashland

346 E Main St.
Ashland, OR 97520
541.488.0778
541.488.1104 fax

www.amerititle.com



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Josephine County Property Profile Information

Parcel #: R325882
 Tax Acct #: 3707170000100000
 Owner: Harboldt Living Trust
 CoOwner:
 Site: 12835 Redwood Hwy
 Wilderville OR 97543 - 9091
 Mail: 12863 Redwood Hwy
 Wilderville OR 97543
 Land Use: 661 Forest - Small Tract Forestland (STF) -
 Improved (typical of class)
 Std Land Use: OTHR - Other
 Twn/Rng/Sec: 37S / 07W / 17
 Legal:

ASSESSMENT & TAX INFORMATION

Market Year: 2020
 Market Total: \$299,440.00
 Market Land: \$284,090.00
 Market Impr: \$15,350.00
 Assessment Year: 2020
 Assessed Total: \$73,190.00
 Exemption:
 Taxes: \$950.00
 Levy Code: 05
 Levy Rate: 6.7547

PROPERTY CHARACTERISTICS

Year Built: 1970 1970
 Bedrooms: 3
 Bathrooms: 1
 Total Area: 882 SqFt
 Attic Fin/Unfin: /
 Bsmt Fin/Unfin: /
 Building Type: Mfs Class 4 Single Wide
 Pool: No
 Heat Source: EVAP
 Roof Cover: ALM
 Garage SF:
 Carport:
 Porch/Patio: /
 Lot Size: 160.00 Acres (6,969,600 SqFt)
 Neighborhood: 1400
 Lot:
 Block:
 Plat/Subdiv:
 Zoning: FC
 School Dist: Three Rivers School District
 Primary School: Ft Vannoy Elementary School
 Middle School: Lincoln Savage Middle School
 High School: Hidden Valley High School
 Census: 1038 - 361500
 Watershed: Lower Applegate River
 Waterfront:
 Recreation:

SALE & LOAN INFORMATION

Sale Date:
 Sale Amount:
 Document #: 17-UD-046;14-008362
 Deed Type:
 Loan Amount:
 Lender:
 Loan Type:
 Interest Type:
 Title Co:

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.

IMPROVEMENT: R3258821

Impr Desc: MFD HOME; HI#
 176164
 Total SqFt: 882
 Bedrooms: 3
 Mfd Home:

Year Built: 1970

Foundation: M.PIER
 Bathrooms: 1

PARCEL ID: R325882

Ext Wall: STL_ALU

Heat Type: EVAP
 Condition:

IMPROVEMENT: R3258822**PARCEL ID: R325882**

Impr Desc: RAMADA

Year Built: 0

Ext Wall:

Total SqFt: 952

Foundation:

Heat Type:

Bedrooms: 0

Bathrooms: 0

Condition:

Mfd Home:

IMPROVEMENT: R3258823**PARCEL ID: R325882**

Impr Desc: SHOP

Year Built: 0

Ext Wall: RUS

Total SqFt: 1,056

Foundation: CC

Heat Type:

Bedrooms: 0

Bathrooms: 0

Condition:

Mfd Home:

- - Property Account Summary (R325882) - -

Property: R325882 37-07-17-00-001000-00 05 HARBOLDT LIV TRUST (136524)
 Spec Use: STF - SMALL TRACT FORESTLAND %HARBOLDT, AVIS A TRUSTEE
 ACRES 160.00, POTENTIAL ADD'L TAX LIAB 12863 REDWOOD HWY
 WILDERVILLE, OR 97543

All		Batch: Inq -		Eff Date Paid: 05/26/2021		
ID#	Bill ID	Levied Tax	Tax Paid	Interest	Amount Paid	Date Paid
1.	1996.42132 0	395.24	395.24		395.24	01/01/97
2.	1997.45839 0	373.90	373.90	3.99	377.89	11/16/98
3.	1998.45830 0	341.48	331.24	<10.24>	331.24	11/16/98
4.	1999.46870 0	361.54	361.54		361.54	05/12/00
5.	2000.47180 0	359.87	349.07	<10.80>	349.07	11/15/00
6.	2001.47385 0	423.42	410.72	<12.70>	410.72	11/14/01
7.	2002.47680 0	497.15	482.24	<14.91>	482.24	11/12/02
8.	2003.47977 0	440.48	427.27	<13.21>	427.27	11/17/03
9.	2004.48247 0	441.76	428.51	<13.25>	428.51	11/15/04

*** Continued ***

(N)ext Page

(D#) Down

(B)ottom

(.) More

Enter Option From Above, or <RET> or 'X' to Exit: __

- - Property Account Summary (R325882) - -

Property: R325882 37-07-17-00-001000-00 05 HARBOLDT LIV TRUST (136524)
 Spec Use: STF - SMALL TRACT FORESTLAND %HARBOLDT, AVIS A TRUSTEE
 ACRES 160.00, POTENTIAL ADD'L TAX LIAB 12863 REDWOOD HWY
 WILDERVILLE, OR 97543

All		Batch: Inq -		Eff Date Paid: 05/26/2021	
10.	2005.48701 0	497.03	482.12	<14.91>	482.12 11/15/05
11.	2006.47721 0	498.80	483.84	<14.96>	483.84 11/15/06
12.	2007.48171 0	494.09	479.27	<14.82>	479.27 11/15/07
13.	2008.49438 0	570.15	553.05	<17.10>	553.05 11/17/08
14.	2009.49732 0	534.48	518.45	<16.03>	518.45 11/16/09
15.	2010.50491 0	571.65	554.50	<17.15>	554.50 11/15/10
16.	2011.50381 0	564.50	547.56	<16.94>	547.56 11/15/11
17.	2012.48990 0	637.85	637.85	2.84	640.69 12/11/12
18.	2013.52468 0	659.42	639.64	<19.78>	639.64 11/14/13
19.	2014.52495 0	704.19	683.06	<21.13>	683.06 10/13/14
20.	2015.52196 0	740.81	718.59	<22.22>	718.59 10/12/15

*** Continued ***

(N)ext Page

(P)revious

(U#) Up

(.) More

Enter Option From Above, or <RET> or 'X' to Exit: ____

- - Property Account Summary (R325882) - -

Property: R325882 37-07-17-00-001000-00 05 HARBOLDT LIV TRUST (136524)
 Spec Use: STF - SMALL TRACT FORESTLAND %HARBOLDT, AVIS A TRUSTEE
 ACRES 160.00, POTENTIAL ADD'L TAX LIAB 12863 REDWOOD HWY
 WILDERVILLE, OR 97543

All		Batch: Inq -		Eff Date Paid: 05/26/2021	
21.	2016.52062 0	771.27	748.13	<23.14>	748.13 10/24/16
22.	2017.48233 0	866.99	840.98	<26.01>	840.98 11/06/17
23.	2018.48232 0	848.94	823.47	<25.47>	823.47 10/16/18
24.	2019.48300 0	882.77	856.29	<26.48>	856.29 11/06/19
25.	2020.48691 0	950.26	921.75	<28.51>	921.75 10/21/20

*** No taxes are due on this property ***

*** End of Display ***

(P)revious	(U#) Up	(T)op	(.) More
------------	---------	-------	----------

Enter Option From Above, or <RET> or 'X' to Exit: __

*

- - Property Data Selection Menu - -

Prop ID : R325882 (Real Estate) (136524) Owner: HARBOLDT LIV TRUST
 Map Tax Lot: 37-07-17-00-001000-00 %HARBOLDT, AVIS A TRUSTEE
 Legal : ACRES 160.00, POTENTIAL ADD'L TAX 12863 REDWOOD HWY
 LIAB WILDERVILLE, OR 97543

Situs : 12835 REDWOOD HWY	Year Built : 1970
WILDERVILLE, OR 97543	Living Area: 882
Name(s) :	2020 Roll Values
Area : 05	RMV Land Non-LSU \$ 126,500 (+)
Sale Info :	RMV Land LSU \$ 157,590 (+)
Deed Type : DCRT	RMV Improvements \$ 15,350 (+)
Instrument: 17-UD-046	RMV Total \$ 299,440 (=)
2020 Tax Status * No Taxes Due *	Land LSU \$ 2,430
Current Levied Taxes : 494.38	Total Exemptions \$ 0
Special Assessments : 455.88	M5 Net Value \$ 146,110
	M50 Assd Value \$ 73,190

(AD) Alt Disp
(O)wnership

(Y) primaryY
(H)istory

(L)and/Impr
(W) Spec Assmt

(G)en Appr
(.) More

Enter Option from Above or <RET> to Exit: __

- - Ownership, Sales and Deed History Screen - -

Property ID : R325882 37-07-17-00-001000-00
Legal Description: ACRES 160.00, POTENTIAL ADD'L TAX LIAB

Mort Code: Exemptions:
Mort Acct:

ID.	Buyer.....	Seller.....	Sales Info	Deed Info.....
1.	HARBOLDT LIV TRUST %HARBOLDT, AVIS A TRUS 12863 REDWOOD HWY WILDERVILLE, OR 97543	HARBOLDT LIVING TRUST %HARBOLDT, LAWRENCE G HARBOLDT, AVIS A TRUST 12863 REDWOOD HWY WILDERVILLE, OR 97543		Num.: 17-UD-046 Type: DCRT Date: 10/18/2016

2.	HARBOLDT LIVING TRUST %HARBOLDT, LAWRENCE G HARBOLDT, AVIS A TRUST 12863 REDWOOD HWY WILDERVILLE, OR 97543	HARBOLDT, LAWRENCE G 12863 REDWOOD HWY WILDERVILLE, OR 97543		Num.: 14-008362 Type: WD Date: 08/13/2014

Enter 'A' for Alternate Display, D# for Display, 'INS' to Insert, ID# of a Deed
Record, or <RET> to Exit: ____

- - Appraisal Land and Improvement Information - -

Property ID: R325882 (Real Estate) 37-07-17-00-001000-00

Neighborhood : 1400

- - Land Segments - -					
Land #	Description.....	PROP CLS	Size	RMV Total	Special Use
L1	401 - TRACT-RES-IMPR	401	1.0000-AC	\$100,690	\$0
L2	STF - SM TRACT FORES	661	153.0000-AC	\$174,790	\$2,430
L3	401 - TRACT-RES-IMPR	401	6.0000-AC	\$6,850	\$0
L4	OSD - OSD-RESIDENTIA	401		\$30,090	\$0
Land Totals Lgl AC(160.00)			160.0000-AC	\$312,420	\$2,430

- - Improvements - -					
Imp #	Description.....	TYPE	BLDG TYPE	#SEGS	RMV Total
I1	MFD HOME; HI# 176164	M	941	1	\$10,550
I2	RAMADA	I	300	1	\$1,340
I3	SHOP	I	200	1	\$5,420
Improvement Totals					\$17,310

Enter 'P' to Print Appraisal Card,
'L#' or 'I#' of Existing Segment, 'AM'-Amenities, 'AD'-Alt Disp, or <RET> to Exit:

- - Land Detail (Market) - -

Property ID: R325882 37-07-17-00-001000-00 Segment 1 Of 4
Type Land : 401 (TRACT-RES-IMPROV Appr Method : LT
Prop Class : 401 Primary: 661 Appr Year : 2021
Land Class : Land Table : FCB1
Nbhd Code : Primary: 1400 Base Price : \$98,722
Nbhd Adj. %: Total %Adjust :
Legal Acres: 160.00 Total \$Adjust :
Size - ACRS: 1.00 RMV Total : \$98,720
Size - SQFT: Trend Adj % : 102.00%
Eff. Front : Trend RMV Tot : \$100,690
Eff. Depth :
Unit Count :

Situs Addr :
Comments :
Site Development
Exception Code :
Value :
BE Copy Trnd/Adj: No

'A'-Adjust

'T'-Trend Data

'AL'-Allocate

Enter selection or <RET> to Exit: __

- - Land Detail (Market) - -

Property ID: R325882 37-07-17-00-001000-00 Segment 2 Of 4
Type Land : STF (SM TRACT FOREST) Appr Method : A
Prop Class : 661 Primary: 661 Appr Year : 2021
Land Class : Land Table : FCBI
Nbhd Code : Primary: 1400 Unit Price : \$1,120
Nbhd Adj. %: Total %Adjust :
Legal Acres: 160.00 Total \$Adjust :
Size - ACRS: 153.00 RMV Total : \$171,360
Size - SQFT: Trend Adj % : 102.00%
Eff. Front : Trend RMV Tot : \$174,790
Eff. Depth : Spec Use Apply : Yes 77 STF: 2015
Unit Count : Land Spec Use : \$2,430
Site Development
Situs Addr : Exception Code :
Value :
Potential Additional Tax Liability BE Copy Trnd/Adj: No
Comments :

'U'-Special Use

'A'-Adjust

'P'-PATL Msg

(.) More

Enter selection or <RET> to Exit: __

- - Land Detail (Market) - -

Property ID: R325882 37-07-17-00-001000-00 Segment 3 Of 4
Type Land : 401 (TRACT-RES-IMPROV Appr Method : A
Prop Class : 401 Primary: 661 Appr Year : 2021
Land Class : Land Table : FCBI
Nbhd Code : Primary: 1400 Unit Price : \$1,120
Nbhd Adj. %: Total %Adjust :
Legal Acres: 160.00 Total \$Adjust :
Size - ACRS: 6.00 RMV Total : \$6,720
Size - SQFT: Trend Adj % : 102.00%
Eff. Front : Trend RMV Tot : \$6,850
Eff. Depth :
Unit Count :

Situs Addr :
Comments :
Site Development
Exception Code :
Value :
BE Copy Trnd/Adj: No

'A'-Adjust

'T'-Trend Data

'AL'-Allocate

Enter selection or <RET> to Exit: __

- - Land Detail (Market) - -

Property ID: R325882 37-07-17-00-001000-00 Segment 4 Of 4
Type Land : OSD (OSD-RESIDENTIAL) Appr Method : LT
Prop Class : 401 Primary: 661 Appr Year : 2021
Land Class : Land Table : OSDR
Nbhd Code : Primary: 1400 Base Price : \$29,500
Nbhd Adj. %: Total %Adjust :
Legal Acres: 160.00 Total \$Adjust :
Size - ACRS: RMV Total : \$29,500
Size - SQFT: Trend Adj % : 102.00%
Eff. Front : Trend RMV Tot : \$30,090
Eff. Depth :
Unit Count :

Situs Addr :
Comments :
Site Development
Exception Code :
Value :
BE Copy Trnd/Adj: No

'A'-Adjust

'T'-Trend Data

'AL'-Allocate

Enter selection or <RET> to Exit: ____

- - Improvement Maintenance - -

Property ID: R325882 37-07-17-00-001000-00 Imp 1 Of 3
 Owners Name: HARBOLDT LIV TRUST Nbhd: 1400
 Living Area/Value : 882 / \$10,340

1. Type Imp : M	7. Appr Method : C Cost Value
2. Description : MFD HOME; HI# 176164	8. Cost Value : \$10,340
3. Bldg Type : 941 (MH CLASS 4 SINGLE WID	9. Income Value: \$0
4. Cmplx/Bldg : NOT EXEMPT	10. Trend Adj% : 102.00%
5. M/S Zip Code:	RMV Imprv: \$10,550
6. Comment : VIN# 1619652062;	

- - Improvement Segments - -

Seg ID	Type - Description.....	Class	Area	Mthd	RMV Total
S1	MSW - MFG HOME; SINGLE-WI	M4	882+	M	\$10,340
Totals:			882		\$10,340

T-Trend	CM-Comment	SK-Sketch	N-NextPg	(.) More
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Enter Seg ID or <RET> to Exit: ____

- - Improvement Maintenance - -

Property ID: R325882 37-07-17-00-001000-00 Imp 2 Of 3

Owners Name: HARBOLDT LIV TRUST

Nbhd: 1400

Living Area/Value : 0 / \$0

- | | |
|-------------------------------------|-------------------------------|
| 1. Type Imp : I | 7. Appr Method : C Cost Value |
| 2. Description : RAMADA | 8. Cost Value : \$1,310 |
| 3. Bldg Type : 300 (FARM BUILDINGS) | 9. Income Value: \$0 |
| 4. Cmplx/Bldg : | 10. Trend Adj% : 102.00% |
| 5. M/S Zip Code: | RMV Imprv: \$1,340 |
| 6. Comment : | |

- - Improvement Segments - -

Seg ID	Type - Description.....	Class	Size	Mthd	RMV Total
S1	FHC - HAY COVER	4	952	I	\$1,310
Totals:					0
					\$1,310

T-Trend	CM-Comment	SK-Sketch	N-NextPg	(.) More
---------	------------	-----------	----------	----------

Enter Seg ID or <RET> to Exit: ____

- - Improvement Maintenance - -

Property ID: R325882 37-07-17-00-001000-00 Imp 3 Of 3

Owners Name: HARBOLDT LIV TRUST

Nbhd: 1400

Living Area/Value : 0 / \$0

1. Type Imp : I	7. Appr Method : C Cost Value
2. Description : SHOP	8. Cost Value : \$5,310
3. Bldg Type : 200 (MISC SMALL STRUCTURE)	9. Income Value: \$0
4. Cmplx/Bldg :	10. Trend Adj% : 102.00%
5. M/S Zip Code:	RMV Imprv: \$5,420
6. Comment :	

- - Improvement Segments - -

Seg ID	Type - Description.....	Class	Size	Mthd	RMV Total
S1	FGB - GENERAL PURPOSE BUI	5	1056	I	\$5,310
Totals:					0
					\$5,310

T-Trend	CM-Comment	SK-Sketch	N-NextPg	(.) More
---------	------------	-----------	----------	----------

Enter Seg ID or <RET> to Exit: ____

- - General Appraisal Information - -

Property ID : R325882 (Real Estate) 37-07-17-00-001000-00
Owners Name : HARBOLDT LIV TRUST
Legal Desc : ACRES 160.00, POTENTIAL ADD'L TAX LIAB

- | | |
|--------------------------|-------------------------|
| 1. Last Apprsd: 04/28/09 | Number Improvements : 3 |
| 2. Appraiser : BKI | Number Land Segments: 4 |
| 3. Next Apprsl: | |
| 4. Next Reason: | Building Permits : |
| 5. Maint Area : B | |
| 6. Utilities : | |
| 7. Topography : | |
| 8. Access : | |
| 9. Other : INSP-O | |
| 10. Zone : FC | |
| 11. Remarks : | |

Enter 'RM' for remarks or <RET> To Return:

- - Special Assessment Summary (R325882) - -

Property ID: R325882

Code Area: 05

Legal: ACRES 160.00, POTENTIAL ADD'L TAX LIAB

Filter=ALL

SA ID	Type	Special Assessment Description	Mthd	Unit Pr	Unit Ct	Value
S1	SFP	ODF WILDFIRE PROTECTION-TIMBER	C	2.5524	160	\$408.38
S2	SFPI	ODF WILDFIRE PROTECTION-SURCHA	C	47.50	1	\$47.50
Total:						\$455.88

Enter Special Assessment ID "S#", "O" for Omitted Prop,
or <RET> to Exit: ____

Grantor's Name and Address
LAWRENCE G. HARBOLDT
12863 REDWOOD HWY
WILDERVILLE, OREGON 97543
Grantee's Name and Address
LAWRENCE G. HARBOLDT AND
AVIS A. HARBOLDT, TRUSTEES
HARBOLDT LIVING TRUST
DATED JULY 31, 2014
12863 REDWOOD HWY
WILDERVILLE, OREGON 97543
After recording, return to:
THE ESTATE PLANNING GROUP
711 BENNETT AVENUE
MEDFORD, OREGON 97504
Until requested otherwise, send all tax statements to:
LAWRENCE G. HARBOLDT
AVIS A. HARBOLDT
12863 REDWOOD HWY
WILDERVILLE, OREGON 97543

JOSEPHINE COUNTY OFFICIAL RECORDS
ART HARVEY, COUNTY CLERK 2014-008362
DED-WRD 08/13/2014 10:07 AM
Cnt=1 Pgs=2 Stn=2 SDICKINS
\$10.00 \$11.00 \$20.00 \$10.00 \$5.00 Total:\$56.00



00336529201400083620020027

I, Art Harvey, County Clerk, certify that the within document was received and duly recorded in the official records of Josephine County.

WARRANTY DEED

KNOW ALL BY THESE PRESENTS that LAWRENCE HARBOLDT, aka LAWRENCE G. HARBOLDT hereinafter called grantor, for the consideration hereinafter stated, to grantor paid by LAWRENCE G. HARBOLDT AND AVIS A. HARBOLDT, TRUSTEES, OR THEIR SUCCESSORS IN TRUST, UNDER THE HARBOLDT LIVING TRUST DATED JULY 31, 2014, AND ANY AMENDMENTS THERETO, hereinafter called grantee, do hereby grant, bargain, sell and convey unto grantee and grantee's heirs, successors and assigns, that certain real property, with the tenements, hereditaments and appurtenances thereunto belonging or in any way appertaining, situated in Josephine County, State of Oregon, described as follows, to-wit:

SEE ATTACHED EXHIBIT "A"

The liability and obligations of the Grantor to Grantee and Grantee's heirs and assigns under the warranties and covenants contained herein or provided by law shall be limited to the extent of coverage that would be available to Grantor under any policy of title insurance issued to the Grantor at the time Grantor acquired the property. The limitations contained herein expressly do not relieve Grantor of any liability or obligation under this instrument, but merely define the scope, nature and amount of such liability or obligations.

To Have and to Hold the same unto grantee and grantee's heirs, successors and assigns forever.

And grantor hereby covenants to and with grantee and grantee's heirs, successors and assigns, that grantor is lawfully seized in fee simple of the above granted premises, free from all encumbrances except: NONE, and that grantor will warrant and forever defend the premises and every part and parcel thereof against the lawful claims and demands of all persons whomsoever, except those claiming under the above described encumbrances.

The true and actual consideration paid for this transfer, stated in terms of dollars, is \$ 0.00. However, the actual consideration consists of or includes other property or value given or promised which is the whole consideration.

In construing this deed, where the context so requires, the singular includes the plural, and all grammatical changes shall be made so that this deed shall apply equally to corporations and to individuals.

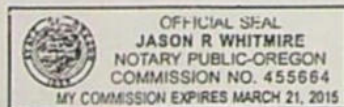
IN WITNESS WHEREOF, the grantor has executed this instrument this 31st day of July, 2014 if grantor is a corporation, it has caused its name to be signed and its seal, if any, affixed by an officer or other person duly authorized to do so by order of its board of directors.

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, AND SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009. 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, AND SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009.

Lawrence G. Harboldt
LAWRENCE G. HARBOLDT

State of Oregon)
: ss.
County of Josephine)

Before me this 31st day of July, 2014, personally appeared LAWRENCE G. HARBOLDT and acknowledged the foregoing instrument to be his voluntary act and deed.



Jason R. Whitmire
Notary Public of Oregon
My Commission expires: 3/21/2015

2

EXHIBIT "A"

12835 Redwood Hwy, 12855 Redwood Hwy, 12863 Redwood Hwy & 12885 Redwood Hwy

The Southeast Quarter of Section 17, Township 37 South, Range 7 West of the Willamette Meridian, Josephine County, Oregon; ALSO that portion of the Northeast Quarter of the Southwest Quarter of said Section 17, lying South and East of the Redwood Highway. *ML*

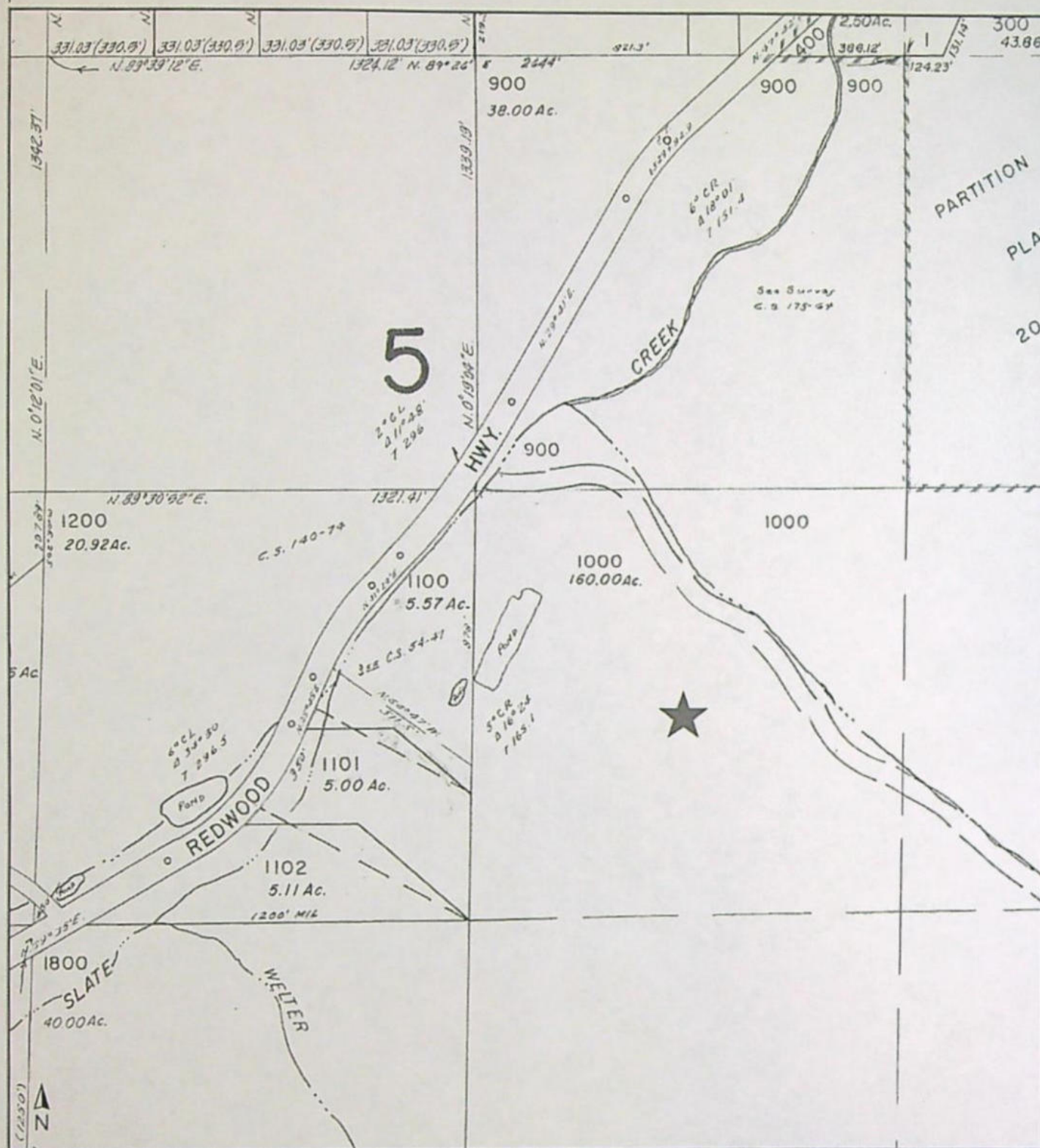
Subject To: 1991-92 Real Property Taxes are now a lien not yet payable; Rights of the public; Easement Vol. 56 Page 628; Vol. 87 Page 629; Vol. 87 Page 630 Vol. 69 Page 801; CC&R's; Trust Deed in favor of Evergreen Federal S&L document No. 85-09910 which the grantee assumes and agrees to pay; Trust Deed in favor of Betty J. Benson document no. 89-10976, which the grantee assumes and agrees to pay; Trust Deed in favor of Betty J. Benson document no. 89-1077 which the grantee assumes and agrees to pay.

40 Acres Upper Joe Creek- tax account R300749

The land referred to in this deed is situated in the State of Oregon, County of Josephine, and is described as follows:

The Northeast Quarter of the Southeast Quarter of Section 24, Township 34 South, Range 5 West of the Willamette Meridian, Josephine County, Oregon. *DLL*

340500-00 5300, Account 300-074-99 Code #5



AmeriTitle

This map/plot is being furnished as an aid in locating the herein described land in relation to adjoining streets, natural boundaries and other land, and is not a survey of the land depicted. Except to the extent a policy of title insurance is expressly modified by endorsement, if any, the company does not insure dimensions, distances, location of easements, acreage or other matters shown thereon.

**12835 Redwood Hwy., Wilderville, OR**

This map/plat is being furnished as an aid in locating the herein described land in relation to adjoining streets, natural boundaries and other land, and is not a survey of the land depicted. Except to the extent a policy of title insurance is expressly modified by endorsement, if any, the company does not insure dimensions, distances, location of easements, acreage or other matters shown thereon.

SMITH Tamera L * WRD

From: Jim McCarthy <jim@waterwatch.org>
Sent: Thursday, May 27, 2021 3:26 PM
To: SMITH Tamera L * WRD; JARAMILLO Lisa J * WRD
Cc: robert.g.borst@borstengineeringconstruction.com
Subject: Re: T-13555 Avis Harboldt report of ownership tax lot 1000 CORRECTED
Attachments: CSP 12835 Redwood Hwy.[7].pdf

Importance: High

Please see attached report with cover page correction.

Jim McCarthy
Southern Oregon Program Director | WaterWatch of Oregon
541-708-0048
PO Box 261
Ashland, OR 97520
www.waterwatch.org

[Join WaterWatch to Protect and Restore Oregon's Rivers](#)



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EMAIL TEXT CALL

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roguevalleycs@amerititle.com | 541-816-0593 (call or text)

Date Prepared: May 27, 2021

Prepared for:

Avis Harboldt

Property address:

12855 Redwood Hwy.
Wilderville, OR 97543

Thank you for the opportunity to assist you!

Please let us know if there is anything else you need.

Alyssa Rodriguez

The information provided is deemed reliable, but is not guaranteed.

NOTICE: This message is intended for the use of the addressee and may contain information that is privileged and confidential. If you receive this communication in error, please notify our customer service department immediately by telephone. Thank you!



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541.608.9322 fax

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Medford, OR 97504
541.779.7660
541.779.3506 fax

Ashland
346 E Main St.
Ashland, OR 97520
541.488.0778
541.488.1104 fax

www.amerititle.com



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Josephine County Property Profile Information

Parcel #: R325883
 Tax Acct #: 3707170000110000
 Owner: Harboldt Living Trust
 CoOwner:
 Site: 12855 Redwood Hwy
 Wilderville OR 97543 - 9091
 Mail: 12863 Redwood Hwy
 Wilderville OR 97543
 Land Use: 401 Tract - Improved (typical of class)
 Std Land Use: CMOB - Mobile Home Parks, Trailers
 Twn/Rng/Sec: 37S / 07W / 17
 Legal:

ASSESSMENT & TAX INFORMATION

Market Year: 2020
 Market Total: \$189,410.00
 Market Land: \$168,810.00
 Market Impr: \$20,600.00
 Assessment Year: 2020
 Assessed Total: \$82,260.00
 Exemption:
 Taxes: \$622.00
 Levy Code: 05
 Levy Rate: 6.7547

SALE & LOAN INFORMATION

Sale Date:
 Sale Amount: \$200,000.00
 Document #:
 Deed Type: Deed
 Loan Amount:
 Lender:
 Loan Type:
 Interest Type:
 Title Co:

PROPERTY CHARACTERISTICS

Year Built: 1979 1979
 Bedrooms: 2
 Bathrooms: 1
 Total Area: 784 SqFt
 Attic Fin/Unfin: /
 Bsmt Fin/Unfin: /
 Building Type: Mfs Class 4 Single Wide
 Pool: No
 Heat Source: FA
 Roof Cover: CSMED
 Garage SF:
 Carport:
 Porch/Patio: /
 Lot Size: 5.57 Acres (242,629 SqFt)
 Neighborhood: 1400
 Lot:
 Block:
 Plat/Subdiv:
 Zoning: WR
 School Dist: Three Rivers School District
 Primary School: Ft Vannoy Elementary School
 Middle School: Lincoln Savage Middle School
 High School: Hidden Valley High School
 Census: 1038 - 361500
 Watershed: Lower Applegate River
 Waterfront:
 Recreation:

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.

IMPROVEMENT: R3258831

Impr Desc: MFD HOME; HI#
 228126
 Total SqFt: 784
 Bedrooms: 2
 Mfd Home:

PARCEL ID: R325883

Year Built: 1979
 Foundation: M.PIER
 Bathrooms: 1
 Ext Wall: MCLD
 Heat Type: FA@784
 Condition:

IMPROVEMENT: R3258832		PARCEL ID: R325883
Impr Desc: DET CARPORT	Year Built: 1970	Ext Wall:
Total SqFt: 952	Foundation:	Heat Type:
Bedrooms: 0	Bathrooms: 0	Condition:
Mfd Home:		
IMPROVEMENT: R3258833		PARCEL ID: R325883
Impr Desc: DECK	Year Built: 0	Ext Wall:
Total SqFt: 320	Foundation: M.PIER	Heat Type:
Bedrooms: 0	Bathrooms: 0	Condition:
Mfd Home:		
IMPROVEMENT: R3258834		PARCEL ID: R325883
Impr Desc: SHED NOTED	Year Built: 0	Ext Wall:
Total SqFt: 0	Foundation:	Heat Type:
Bedrooms: 0	Bathrooms: 0	Condition:
Mfd Home:		

- - Property Account Summary (R325883) - -

Property: R325883 37-07-17-00-001100-00 05 HARBOLDT LIV TRUST (136524)
 ACRES 5.57 %HARBOLDT, AVIS A TRUSTEE
 12863 REDWOOD HWY
 WILDERVILLE, OR 97543

All		Batch: Inq -		Eff Date Paid: 05/26/2021		
ID#	Bill ID	Levied Tax	Tax Paid	Interest	Amount Paid	Date Paid
1.	1996.42133 0	291.62	291.62		291.62	01/01/97
2.	1997.45841 0	254.80	254.80	2.27	257.07	12/18/97
3.	1998.45832 0	260.46	252.65	<7.81>	252.65	11/16/98
4.	1999.46872 0	286.05	286.05		286.05	05/12/00
5.	2000.47182 0	267.06	259.05	<8.01>	259.05	11/15/00
6.	2001.47387 0	322.96	313.27	<9.69>	313.27	11/14/01
7.	2002.47682 0	329.25	319.37	<9.88>	319.37	11/12/02
8.	2003.47979 0	336.95	326.84	<10.11>	326.84	11/17/03
9.	2004.48249 0	340.92	330.69	<10.23>	330.69	11/15/04

*** Continued ***

(N)ext Page

(D#) Down

(B)ottom

(.) More

Enter Option From Above, or <RET> or 'X' to Exit: __

- - Property Account Summary (R325883) - -

Property: R325883 37-07-17-00-001100-00 05 HARBOLDT LIV TRUST (136524)
 ACRES 5.57 %HARBOLDT, AVIS A TRUSTEE
 12863 REDWOOD HWY
 WILDERVILLE, OR 97543

All		Batch: Inq -		Eff Date Paid: 05/26/2021	
10.	2005.48703 0	345.43	335.07	<10.36>	335.07 11/15/05
11.	2006.47723 0	351.96	341.40	<10.56>	341.40 11/15/06
12.	2007.48173 0	358.80	348.04	<10.76>	348.04 11/15/07
13.	2008.49440 0	402.24	390.17	<12.07>	390.17 11/17/08
14.	2009.49734 0	384.29	372.76	<11.53>	372.76 11/16/09
15.	2010.50493 0	393.88	382.06	<11.82>	382.06 11/15/10
16.	2011.50383 0	400.77	388.75	<12.02>	388.75 11/15/11
17.	2012.48991 0	453.04	453.04	2.01	455.05 12/11/12
18.	2013.52469 0	463.90	449.98	<13.92>	449.98 11/14/13
19.	2014.52496 0	480.49	466.08	<14.41>	466.08 10/13/14
20.	2015.52197 0	491.64	476.89	<14.75>	476.89 10/12/15

*** Continued ***

(N)ext Page	(P)revious	(U#) Up	(.) More
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Enter Option From Above, or <RET> or 'X' to Exit: __

- - Property Account Summary (R325883) - -

Property: R325883 37-07-17-00-001100-00 05 HARBOLDT LIV TRUST (136524)
ACRES 5.57 %HARBOLDT, AVIS A TRUSTEE
12863 REDWOOD HWY
WILDERVILLE, OR 97543

All	Batch: Inq -	Eff Date Paid: 05/26/2021
21. 2016.52063 0	507.47 492.25 <15.22>	492.25 10/24/16
22. 2017.48234 0	589.98 572.28 <17.70>	572.28 11/06/17
23. 2018.48233 0	590.01 572.31 <17.70>	572.31 10/16/18
24. 2019.48301 0	599.07 581.10 <17.97>	581.10 11/06/19
25. 2020.48692 0	621.89 603.23 <18.66>	603.23 10/21/20

*** No taxes are due on this property ***
*** End of Display ***

(P)revious

(U#) Up

(T)op

(.) More

Enter Option From Above, or <RET> or 'X' to Exit: __

*

- - Property Data Selection Menu - -

Prop ID : R325883 (Real Estate)
 Map Tax Lot: 37-07-17-00-001100-00
 Legal : ACRES 5.57

Owner: HARBOLDT LIV TRUST
 (136524) %HARBOLDT, AVIS A TRUSTEE
 12863 REDWOOD HWY
 WILDERVILLE, OR 97543

Situs : 12855 REDWOOD HWY
 WILDERVILLE, OR 97543

Year Built : 1979

Living Area: 784

Name(s) :
 Area : 05

Sale Info :

2020 Roll Values

Deed Type : DCRT

RMV Land \$ 168,810 (+)

Instrument: 17-UD-046

RMV Improvements \$ 20,600 (+)

2020 Tax Status * No Taxes Due *

RMV Total \$ 189,410 (=)

Current Levied Taxes : 555.64

Total Exemptions \$ 0

Special Assessments : 66.25

M5 Net Value \$ 189,410

M50 Assd Value \$ 82,260

(AD) Alt Disp
 (O)wnership

(Y) primary
 (H)istory

(L)and/Impr
 (W) Spec Assmt

(G)en Appr
 (.) More

Enter Option from Above or <RET> to Exit: __

- - Ownership, Sales and Deed History Screen - -

Property ID : R325883 37-07-17-00-001100-00
Legal Description: ACRES 5.57

Mort Code:

Exemptions:

Mort Acct:

ID.	Buyer.....	Seller.....	Sales Info	Deed Info.....
1.	HARBOLDT LIV TRUST %HARBOLDT, AVIS A TRUS 12863 REDWOOD HWY WILDERVILLE, OR 97543	HARBOLDT LIVING TRUST %HARBOLDT, LAWRENCE G HARBOLDT, AVIS A TRUST 12863 REDWOOD HWY WILDERVILLE, OR 97543		Num.: 17-UD-046 Type: DCRT Date: 10/18/2016

2.	HARBOLDT LIVING TRUST %HARBOLDT, LAWRENCE G HARBOLDT, AVIS A TRUST 12863 REDWOOD HWY WILDERVILLE, OR 97543	HARBOLDT, LAWRENCE G 12863 REDWOOD HWY WILDERVILLE, OR 97543		Num.: 14-008362 Type: WD Date: 08/13/2014

Enter 'A' for Alternate Display, D# for Display, 'INS' to Insert, ID# of a Deed
Record, or <RET> to Exit: _____

- - Appraisal Land and Improvement Information - -
 Property ID: R325883 (Real Estate) 37-07-17-00-001100-00

Neighborhood : 1400

- - Land Segments - -

Land #	Description.....	PROP CLS	Size	RMV Total	Special Use
L1	401 - TRACT-RES-IMPR	401	1.0000-AC	\$100,690	\$0
L2	401 - TRACT-RES-IMPR	401	4.5700-AC	\$46,000	\$0
L3	OSD - OSD-RESIDENTIA	401		\$30,090	\$0
L4	OSD - OSD-RESIDENTIA	401		\$7,140	\$0
	Land Totals	Lgl AC(5.57)	5.5700-AC	\$183,920	

- - Improvements - -

Imp #	Description.....	TYPE	BLDG TYPE	#SEGS	RMV Total
I1	MFD HOME; HI# 228126	M	941	1	\$10,920
I2	DET CARPORT	R	131	1	\$10,240
I3	DECK	I	200	2	\$1,390
I4	SHED NOTED	I	200	0	\$0
	Improvement Totals				\$22,550

Enter 'P' to Print Appraisal Card,

'L#' or 'I#' of Existing Segment, 'AM'-Amenities, 'AD'-Alt Disp, or <RET> to Exit:

- - Land Detail (Market) - -

Property ID: R325883 37-07-17-00-001100-00 Segment 1 Of 4
Type Land : 401 (TRACT-RES-IMPROV Appr Method : LT
Prop Class : 401 Primary: 401 Appr Year : 2021
Land Class : Land Table : WRB1
Nbhd Code : Primary: 1400 Base Price : \$98,722
Nbhd Adj. %: Total %Adjust :
Legal Acres: 5.57 Total \$Adjust :
Size - ACRS: 1.00 RMV Total : \$98,720
Size - SQFT: Trend Adj % : 102.00%
Eff. Front : Trend RMV Tot : \$100,690
Eff. Depth :
Unit Count :

Situs Addr : Site Development
Exception Code :
Value :
BE Copy Trnd/Adj: No

Comments :

'A'-Adjust

'T'-Trend Data

'AL'-Allocate

Enter selection or <RET> to Exit: __

- - Land Detail (Market) - -

Property ID: R325883 37-07-17-00-001100-00 Segment 2 Of 4
Type Land : 401 (TRACT-RES-IMPROV Appr Method : A
Prop Class : 401 Primary: 401 Appr Year : 2021
Land Class : Land Table : WRBI
Nbhd Code : Primary: 1400 Unit Price : \$9,868
Nbhd Adj. %: Total %Adjust :
Legal Acres: 5.57 Total \$Adjust :
Size - ACRS: 4.57 RMV Total : \$45,100
Size - SQFT: Trend Adj % : 102.00%
Eff. Front : Trend RMV Tot : \$46,000
Eff. Depth :
Unit Count :

Situs Addr :

Site Development
Exception Code :
Value :
BE Copy Trnd/Adj: No

Comments :

'A'-Adjust

'T'-Trend Data

'AL'-Allocate

Enter selection or <RET> to Exit: __

- - Land Detail (Market) - -

Property ID: R325883 37-07-17-00-001100-00 Segment 3 Of 4
Type Land : OSD (OSD-RESIDENTIAL) Appr Method : LT
Prop Class : 401 Primary: 401 Appr Year : 2021
Land Class : Land Table : OSDR
Nbhd Code : Primary: 1400 Base Price : \$29,500
Nbhd Adj. %: Total %Adjust :
Legal Acres: 5.57 Total \$Adjust :
Size - ACRS: RMV Total : \$29,500
Size - SQFT: Trend Adj % : 102.00%
Eff. Front : Trend RMV Tot : \$30,090
Eff. Depth :
Unit Count :

Situs Addr :

Site Development
Exception Code :
Value :
BE Copy Trnd/Adj: No

Comments :

'A'-Adjust

'T'-Trend Data

'AL'-Allocate

Enter selection or <RET> to Exit: __

- - Land Detail (Market) - -

Property ID: R325883 37-07-17-00-001100-00 Segment 4 Of 4
Type Land : OSD (OSD-RESIDENTIAL) Appr Method : LT
Prop Class : 401 Primary: 401 Appr Year : 2021
Land Class : Land Table : OSDS
Nbhd Code : Primary: 1400 Base Price : \$7,000
Nbhd Adj. %: Total %Adjust :
Legal Acres: 5.57 Total \$Adjust :
Size - ACRS: RMV Total : \$7,000
Size - SQFT: Trend Adj % : 102.00%
Eff. Front : Trend RMV Tot : \$7,140
Eff. Depth :
Unit Count :

Situs Addr :
Site Development
Exception Code :
Value :
BE Copy Trnd/Adj: No

Comments :

'A'-Adjust

'T'-Trend Data

'AL'-Allocate

Enter selection or <RET> to Exit: __

- - Improvement Maintenance - -

Property ID: R325883 37-07-17-00-001100-00 Imp 1 Of 4

Owners Name: HARBOLDT LIV TRUST

Nbhd: 1400

Living Area/Value : 784 / \$10,710

- | | |
|---|-------------------------------|
| 1. Type Imp : M | 7. Appr Method : C Cost Value |
| 2. Description : MFD HOME; HI# 228126 | 8. Cost Value : \$10,710 |
| 3. Bldg Type : 941 (MH CLASS 4 SINGLE WID | 9. Income Value: \$0 |
| 4. Cmplx/Bldg : NOT EXEMPT | 10. Trend Adj% : 102.00% |
| 5. M/S Zip Code: | RMV Imprv: \$10,920 |
| 6. Comment : VIN# 09L15380; | |

- - Improvement Segments - -

Seg ID	Type - Description.....	Class	Area	Mthd	RMV Total
S1	MSW - MFG HOME; SINGLE-WI	M4	784+	M	\$10,710
Totals:			784		\$10,710

T-Trend	CM-Comment	SK-Sketch	N-NextPg	(.) More
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Enter Seg ID or <RET> to Exit: ____

- - Improvement Maintenance - -

Property ID: R325883 37-07-17-00-001100-00 Imp 2 Of 4

Owners Name: HARBOLDT LIV TRUST

Nbhd: 1400

Living Area/Value : 0 / \$0

1. Type Imp	: R	7. Appr Method	: C Cost Value
2. Description	: DET CARPORT	8. Cost Value	: \$10,040
3. Bldg Type	: 131 (SFR CLASS 3 SINGLE ST	9. Income Value	: \$0
4. Cmplx/Bldg	:	10. Trend Adj%	: 102.00%
5. M/S Zip Code	:	RMV Imprv	: \$10,240
6. Comment	:		

- - Improvement Segments - -

Seg ID	Type - Description.....	Class	Area	Mthd	RMV Total
S1	CDG - CARPORT DET'D GABLE	3	952	R	\$10,040
Totals:				0	\$10,040

T-Trend	CM-Comment	SK-Sketch	N-NextPg	(.) More
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Enter Seg ID or <RET> to Exit: __

- - Improvement Maintenance - -

Property ID: R325883 37-07-17-00-001100-00 Imp 3 Of 4

Owners Name: HARBOLDT LIV TRUST

Nbhd: 1400

Living Area/Value : 0 / \$0

1. Type Imp	: I	7. Appr Method	: C Cost Value
2. Description	: DECK	8. Cost Value	: \$1,360
3. Bldg Type	: 200 (MISC SMALL STRUCTURE)	9. Income Value	: \$0
4. Cmplx/Bldg	:	10. Trend Adj%	: 102.00%
5. M/S Zip Code	:	RMV Imprv	: \$1,390
6. Comment	:		

- - Improvement Segments - -

Seg ID	Type - Description.....	Class	Size	Mthd	RMV Total
S1	DKF - DECK FIR		320	I	\$760
S2	RCA - ROOF COVER ALUMINUM		320	I	\$600
Totals:				0	\$1,360

T-Trend

CM-Comment

SK-Sketch

N-NextPg

(.) More

Enter Seg ID or <RET> to Exit: __

- - Improvement Maintenance - -

Property ID: R325883 37-07-17-00-001100-00 Imp 4 Of 4
Owners Name: HARBOLDT LIV TRUST Nbhd: 1400
Living Area/Value : 0 / \$0

1. Type Imp	: I	7. Appr Method	: F \$0
2. Description	: SHED NOTED	8. Cost Value	: \$0
3. Bldg Type	: 200 (MISC SMALL STRUCTURE)	9. Income Value	: \$0
4. Cmplx/Bldg	:	10. Trend Adj%	: 102.00%
5. M/S Zip Code	:	RMV Imprv	: \$0
6. Comment	:		

T-Trend	CM-Comment	SK-Sketch	N-NextPg	(.) More
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Enter <RET> to Exit: __

- - General Appraisal Information - -

Property ID : R325883 (Real Estate)
Owners Name : HARBOLDT LIV TRUST
Legal Desc : ACRES 5.57

37-07-17-00-001100-00

1. Last Apprsl: 04/28/09
2. Appraiser : BKI
3. Next Apprsl:
4. Next Reason:
5. Maint Area : B

Number Improvements : 4
Number Land Segments: 4
Building Permits :

6. Utilities :
7. Topography :
8. Access :
9. Other : INSP-O
10. Zone : WR

11. Remarks :

Enter 'RM' for remarks or <RET> To Return:

- - Special Assessment Summary (R325883) - -

Property ID: R325883
Legal: ACRES 5.57

Code Area: 05

Filter=ALL

SA ID	Type	Special Assessment Description	Mthd	Unit Pr	Unit Ct	Value
S1	SFP	ODF WILDFIRE PROTECTION-TIMBER	C	2.5524	5.57	\$18.75
S2	SFPI	ODF WILDFIRE PROTECTION-SURCHA	C	47.50	1	\$47.50
Total:						\$66.25

Enter Special Assessment ID "S#", "O" for Omitted Prop,
or <RET> to Exit: _____

Grantor's Name and Address
LAWRENCE G. HARBOLDT
12863 REDWOOD HWY
WILDERVILLE, OREGON 97543
Grantee's Name and Address
LAWRENCE G. HARBOLDT AND
AVIS A. HARBOLDT, TRUSTEES
HARBOLDT LIVING TRUST
DATED JULY 31, 2014
12863 REDWOOD HWY
WILDERVILLE, OREGON 97543
After recording, return to:
THE ESTATE PLANNING GROUP
711 BENNETT AVENUE
MEDFORD, OREGON 97504
Until requested otherwise, send all tax statements to:
LAWRENCE G. HARBOLDT
AVIS A. HARBOLDT
12863 REDWOOD HWY
WILDERVILLE, OREGON 97543

JOSEPHINE COUNTY OFFICIAL RECORDS
ART HARVEY, COUNTY CLERK 2014-008362
DED-WRD 08/13/2014 10:07 AM
Cnt=1 Pgs=2 Str=2 SDICKINS
\$10.00 \$11.00 \$20.00 \$10.00 \$5.00 Total:\$56.00



00336529201400083620020027

I, Art Harvey, County Clerk, certify that the within document was received and duly recorded in the official records of Josephine County.

WARRANTY DEED

KNOW ALL BY THESE PRESENTS that LAWRENCE HARBOLDT, aka LAWRENCE G. HARBOLDT hereinafter called grantor, for the consideration hereinafter stated, to grantor paid by LAWRENCE G. HARBOLDT AND AVIS A. HARBOLDT, TRUSTEES, OR THEIR SUCCESSORS IN TRUST, UNDER THE HARBOLDT LIVING TRUST DATED JULY 31, 2014, AND ANY AMENDMENTS THERETO, hereinafter called grantee, do hereby grant, bargain, sell and convey unto grantee and grantee's heirs, successors and assigns, that certain real property, with the tenements, hereditaments and appurtenances thereunto belonging or in any way appertaining, situated in Josephine County, State of Oregon, described as follows, to-wit:

SEE ATTACHED EXHIBIT "A"

The liability and obligations of the Grantor to Grantee and Grantee's heirs and assigns under the warranties and covenants contained herein or provided by law shall be limited to the extent of coverage that would be available to Grantor under any policy of title insurance issued to the Grantor at the time Grantor acquired the property. The limitations contained herein expressly do not relieve Grantor of any liability or obligation under this instrument, but merely define the scope, nature and amount of such liability or obligations.

To Have and to Hold the same unto grantee and grantee's heirs, successors and assigns forever.

And grantor hereby covenants to and with grantee and grantee's heirs, successors and assigns, that grantor is lawfully seized in fee simple of the above granted premises, free from all encumbrances except: NONE, and that grantor will warrant and forever defend the premises and every part and parcel thereof against the lawful claims and demands of all persons whomsoever, except those claiming under the above described encumbrances.

The true and actual consideration paid for this transfer, stated in terms of dollars, is \$ 0.00. However, the actual consideration consists of or includes other property or value given or promised which is the whole consideration.

In construing this deed, where the context so requires, the singular includes the plural, and all grammatical changes shall be made so that this deed shall apply equally to corporations and to individuals.

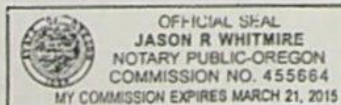
IN WITNESS WHEREOF, the grantor has executed this instrument this 31st day of July, 2014 if grantor is a corporation, it has caused its name to be signed and its seal, if any, affixed by an officer or other person duly authorized to do so by order of its board of directors.

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, AND SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009. 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, AND SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009.

Lawrence G. Harboldt
LAWRENCE G. HARBOLDT

State of Oregon)
: ss.
County of Josephine)

Before me this 31st day of July, 2014, personally appeared LAWRENCE G. HARBOLDT and acknowledged the foregoing instrument to be his voluntary act and deed.



Jason R. Whitmire
Notary Public of Oregon
My Commission expires: 3/21/2015

EXHIBIT "A"

12835 Redwood Hwy, 12855 Redwood Hwy, 12863 Redwood Hwy & 12885 Redwood Hwy

The Southeast Quarter of Section 17, Township 37 South, Range 7 West of the Willamette Meridian, Josephine County, Oregon; ALSO that portion of the Northeast Quarter of the Southwest Quarter of said Section 17, lying South and East of the Redwood Highway. *ML*

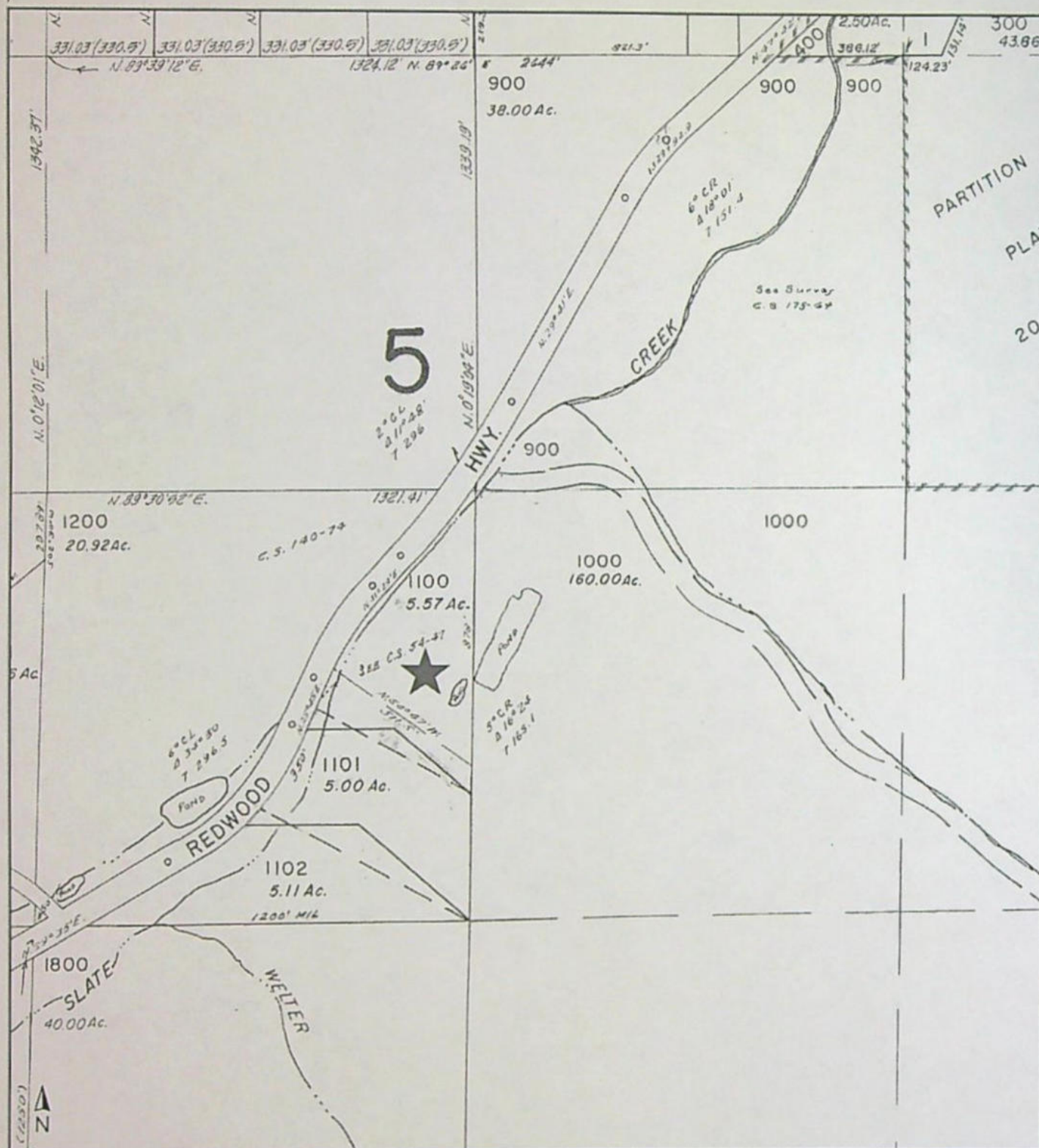
Subject To: 1991-92 Real Property Taxes are now a lien not yet payable; Rights of the public; Easement Vol. 56 Page 628; Vol. 87 Page 629; Vol. 87 Page 630 Vol. 69 Page 801; CC&R's; Trust Deed in favor of Evergreen Federal S&L document No. 85-09910 which the grantee assumes and agrees to pay; Trust Deed in favor of Betty J. Benson document no. 89-10976, which the grantee assumes and agrees to pay; Trust Deed in favor of Betty J. Benson document no. 89-1077 which the grantee assumes and agrees to pay.

40 Acres Upper Joe Creek- tax account R300749

The land referred to in this deed is situated in the State of Oregon, County of Josephine, and is described as follows:

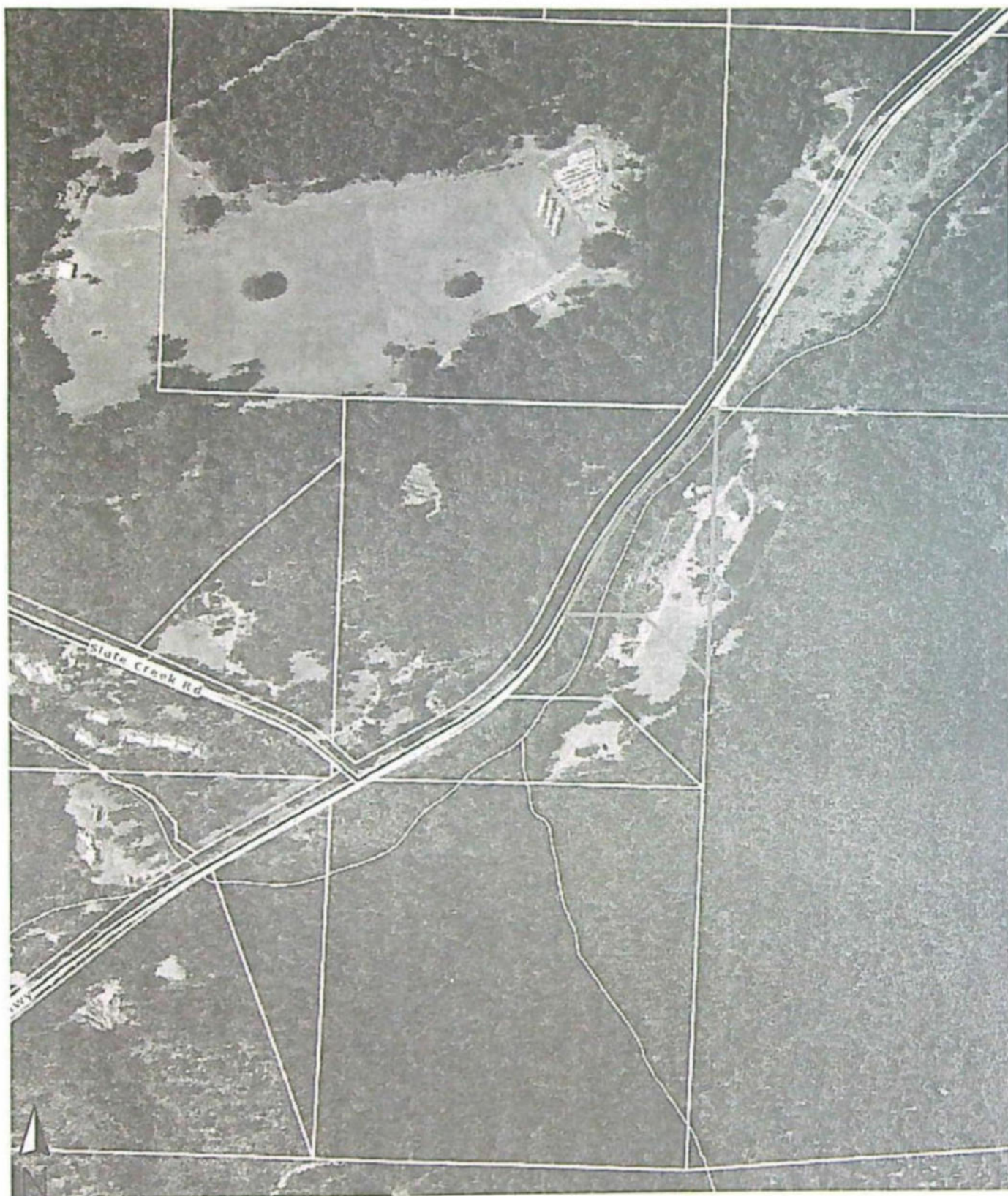
The Northeast Quarter of the Southeast Quarter of Section 24, Township 34 South, Range 5 West of the Willamette Meridian, Josephine County, Oregon. *ML*

340500-00 5300, Account 300-074-99 Code #5



AmeriTitle

This map/plat is being furnished as an aid in locating the herein described land in relation to adjoining streets, natural boundaries and other land, and is not a survey of the land depicted. Except to the extent a policy of title insurance is expressly modified by endorsement, if any, the company does not insure dimensions, distances, location of easements, acreage or other matters shown thereon.

**12855 Redwood Hwy, Wilderville, OR**

This map/plat is being furnished as an aid in locating the herein described land in relation to adjoining streets, natural boundaries and other land, and is not a survey of the land depicted. Except to the extent a policy of title insurance is expressly modified by endorsement, if any, the company does not insure dimensions, distances, location of easements, acreage or other matters shown thereon.



Oregon

Kate Brown, Governor

Water Resources Department

725 Summer St NE, Suite A

Salem, OR 97301

(503) 986-0900

Fax (503) 986-0904

MAY 26, 2021

AVIS HARBOLDT
12863 REDWOOD HWY.
WILDERVILLE, OR 97543-9710

Reference: Water Right Transfer Application T-13555

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-13555. 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 June 24, 2021.

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 June 24, 2021, 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).
5. You must provide a notarized statement of consent signed by any landowner listed in the Report of Ownership who is not already included in the transfer application. The Department's statement of consent form (**Consent By Deeded Landowner**) is available at: [https://www.oregon.gov/OWRD/WRDFormsPDF/consent to transfer form.pdf](https://www.oregon.gov/OWRD/WRDFormsPDF/consent%20to%20transfer%20form.pdf)

Conditions to your water right...

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

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

Please note the proposed date by which all conditions must be met: October 1, 2022. If the required completion date is insufficient to comply with any of the conditions, you may request more time, at no cost to you, during this stage of processing. **Please let me know by the comment deadline if you will need more time and explain the reasons why.**

What happens next...

Once the preliminary determination is issued a publication period is required. The Department will publish a notice in their weekly publication, which opens a 30-day period in which the transfer can be protested.

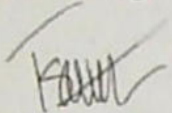
Issuance of the Preliminary Determination will occur shortly after we receive:

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, including affidavits of consent from any landowners shown in the ownership report who have not signed the transfer application. 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 June 24, 2021, a Preliminary Determination may be issued denying the application as incomplete.

Please do not hesitate to contact me at 503-986-0864 or tamera.l.smith@oregon.gov if I may be of assistance.

Kindest regards,



Tamera Smith
Transfer Caseworker
Transfer and Conservation Section

cc: Transfer Application file T-13555
Scott Ceciliani, District 14 Watermaster *(via e-mail)*
Jake Johnstone, Regional Manager SW Region *(via e-mail)*
Robert Borst, Agent for the applicant *(via e-mail)*
Jim McCarthy, WaterWatch, Interested Party *(via e-mail)*

encs

SMITH Tamera L * WRD

From: CECILIANI Scott C * WRD
Sent: Monday, February 01, 2021 4:19 PM
To: WRD_DL_transferreviews
Cc: SMITH Tamera L * WRD
Subject: WM Review T-13555
Attachments: WMR_Transfer_Review_T-13555.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Good Afternoon,

Attached is my WM Review for T-13555.

I would like to point out that C-27392 allows for "domestic use for 4 families" and the max rate is 0.01cfs. It appears as though a ½ acre area for lawn/garden has been defined on the transfer map and I'm not entirely sure that this right allows for ½ acre of lawn/garden.

Thank you,

Scott

Scott Ceciliani, GIT

Watermaster, District 14

700 NW Dimmick St., Grants Pass, OR 97526.

Office 541-476-1288 | Cell 541-261-2213



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

SMITH Tamera L * WRD

From: Robert Borst <robert.g.borst@borstengineeringconstruction.com>
Sent: Saturday, February 06, 2021 3:10 PM
To: SMITH Tamera L * WRD; Jim McCarthy
Subject: RE: T-13555 application Tables 2: ACTION REQUESTED
Attachments: permanent_wr_transfer_app.pdf; Transfer Application Map.pdf

Hi Tamera,

No, I had not seem this. But this could also be because I got Starlink internet last week and I have been playing with it...

I have attached PDFs of Transfer Application and Map. The requested tables are in landscape. Please confirm receipt and that this satisfies your need. Otherwise I'll do something else.

Thank you,
Bob Borst

From: SMITH Tamera L * WRD
Sent: Saturday, February 6, 2021 2:53 PM
To: Jim McCarthy; Robert Borst
Subject: FW: T-13555 application Tables 2: ACTION REQUESTED

The connections weren't working great last weekend, I don't think you received this. Please see below. Thank you

From: SMITH Tamera L * WRD
Sent: Saturday, January 30, 2021 2:09 PM
To: 'Jim McCarthy' <jim@waterwatch.org>; Robert Borst <robert.g.borst@borstengineeringconstruction.com>
Subject: T-13555 application Tables 2: ACTION REQUESTED

Hi Jim and Bob,

I went to the office to pull the hard copy file to verify that the Tables 2 for each Certificate are not legible as received. Could one of you email me each Table 2, in a landscape format? (showing entire table)

I was hoping that it had just been incorrectly scanned into our electronic system, but no luck. The pages in question are 7, 9, and 11.

Kindest regards,
Tamera

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

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

Table 2. Description of Changes to Water Right Certificate # 15257

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

AUTHORIZED (the "from" or "off" lands) The listing that appears on the certificate BEFORE PROPOSED CHANGES List only that part or portion of the water right that will be changed.													Proposed Changes (see "CODES" from previous page)	PROPOSED (the "to" or "on" lands) The listing as it would appear AFTER PROPOSED CHANGES are made.										
Twp	Rng	Sec	¼ ¼	Tax Lot	Gvt Lot or DLC	Acres	Type of USE listed on Certificate	POD(s) or POA(s) (name or number from Table 1)	Priority Date	Twp	Rng	Sec		¼ ¼	Tax Lot	Gvt Lot or DLC	Acres	New Type of USE	POD(s)/ POA(s) to be used (from Table 1)	Priority Date				
EXAMPLE																								
2	S	9	E 15 NE NW	100		15.0	Irrigation	POD #1 POD #2	1901	POU/POD	2	S	9	E 1 NW NW	500	1	10.0		POD #5	1901				
											2	S	9	E 2 SW NW	500		5.0		POD #6	1901				
37	S	7	W 17 NW SE	1000		2	Irrigation	POD #1	1940	POD	37	S	7	W 17 NW SE	1000		2		POD #3	1940				
TOTAL ACRES:						2					TOTAL ACRES:						2							

Additional remarks: Please note that this transfer moves the POD to a different 1/4 1/4 and tax lot.

Received by OWRD

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

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

Table 2. Description of Changes to Water Right Certificate # 15522

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

AUTHORIZED (the "from" or "off" lands) The listing that appears on the certificate BEFORE PROPOSED CHANGES List only that part or portion of the water right that will be changed.											Proposed Changes (see "CODES" from previous page)	PROPOSED (the "to" or "on" lands) The listing as it would appear AFTER PROPOSED CHANGES are made.											
Twp	Rng	Sec	¼ ¼	Tax Lot	Gvt Lot or DLC	Acres	Type of USE listed on Certificate	POD(s) or POA(s) (name or number from Table 1)	Priority Date	Twp		Rng	Sec	¼ ¼	Tax Lot	Gvt Lot or DLC	Acres	New Type of USE	POD(s)/ POA(s) to be used (from Table 1)	Priority Date			
EXAMPLE																							
2	S	9	E 15 NE NW	100		15.0	Irrigation	POD #1 POD #2	1901	POU/POD	2	S	9	E 1 NW NW	500	1	10.0		POD #5	1901			
											2	S	9	E 2 SW NW	500		5.0		POD #6	1901			
37	S	7	W 17 NW SE	1000			Mill Pond	POD #1	1947	POD	37	S	7	W 17 NW SE	1000				POD #3	1947			
TOTAL ACRES:												TOTAL ACRES:											

Additional remarks: Please note that this transfer moves the POD to a different 1/4 1/4 and tax lot. Received by OWRD

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

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

Table 2. Description of Changes to Water Right Certificate # 27392

List the change proposed for the acreage in each 1/4 1/4. If more than one change is proposed, specify the acreage associated with each change.
If there is more than one POD/POA involved in the proposed changes, specify the acreage associated with each POD/POA.

AUTHORIZED (the "from" or "off" lands) The listing that appears on the certificate BEFORE PROPOSED CHANGES List only that part or portion of the water right that will be changed.										Proposed Changes (see "CODES" from previous page)	PROPOSED (the "to" or "on" lands) The listing as it would appear AFTER PROPOSED CHANGES are made.															
Twp	Rng	Sec	1/4 1/4	Tax Lot	Gvt Lot or DLC	Acres	Type of USE listed on Certificate	POD(s) or POA(s) (name or number from Table 1)	Priority Date		Twp	Rng	Sec	1/4 1/4	Tax Lot	Gvt Lot or DLC	Acres	New Type of USE	POD(s)/ POA(s) to be used (from Table 1)	Priority Date						
EXAMPLE																										
2	S	9	E	15	NE	NW	100		15.0	Irrigation	POD #1 POD #2	1901	POU/POD	2	S	9	E	1	NW	NW	500	1	10.0		POD #5	1901
														2	S	9	E	2	SW	NW	500		5.0		POD #6	1901
37	S	7	W	17	NW	SE	1000			Domestic Use	POD #2	1956	POD	37	S	7	W	17	NW	SE	1000				POD #3	1956
TOTAL ACRES:											TOTAL ACRES:															

Additional remarks: Please note that this transfer moves the POD to a different 1/4 1/4 and tax lot.

Received by OWRD

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

RECEIPT # **134347**

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

INVOICE # _____

RECEIVED FROM: Waterwatch Resource
BY: of Oregon, Inc.

APPLICATION	
PERMIT	
TRANSFER	1-13555

CASH: ☐ CHECK: ☒ 1002 OTHER: (IDENTIFY) ☐

TOTAL REC'D \$ **1,119.41**

1083 TREASURY 4170 WRD MISC CASH ACCT

0407 COPIES

OTHER: 0412

(IDENTIFY) 47124

211291-21
Reimbursement Authority

\$

\$ **1119.41**

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

4270 WRD OPERATING ACCT

MISCELLANEOUS

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

\$
\$
\$
\$
\$

WATER RIGHTS:

0201 SURFACE WATER
0203 GROUND WATER
0205 TRANSFER

EXAM FEE

\$
\$
\$

0202
0204

RECORD FEE

\$
\$

WELL CONSTRUCTION

0218 WELL DRILL CONSTRUCTOR
LANDOWNER'S PERMIT

EXAM FEE

\$

0219
0220

LICENSE FEE

\$
\$

OTHER (IDENTIFY) _____

0536 TREASURY 0437 WELL CONST. START FEE

0211 WELL CONST START FEE
0210 MONITORING WELLS

\$
\$

CARD #	
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: **134347**

DATED: 01/19/2001 BY: Mindy Conner

RECEIVED

JAN 19 2021

OWRD

REIMBURSEMENT AUTHORITY
APPLICANT'S AGREEMENT
Contract Number: R11-291-21

This Agreement is between the Oregon Water Resources Department, hereafter OWRD, and Avis Harboldt, hereafter Applicant, hereafter known together as the parties.

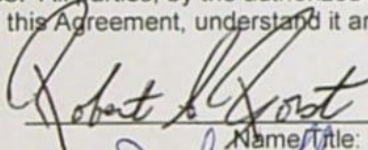
OWRD Information	Applicant's Information	Applicant's Representative
Contact: Kelly Starnes	Name: Avis Harboldt	Name: Borst Engineering & Construction LLC
Title: Transfer Advisor	Contact:	Contact: Robert G. Borst
Address: 725 Summer Street, NE, Suite A Salem, OR 97301-1266	Address: 12863 Redwood Hwy Wilderville, OR 97543-9710	Address: 19000 E. Evans Creek Rd.
Phone: 503 986-0886	Phone: (541) 471-2846	Phone: (541) 826-7222
Fax: 503 986-0901	Fax:	Email:
Email: patrick.k.starnes@oregon.gov	Email:	Robert.g.borst@borstengineeringconstruction.com

Purpose The purpose of this Agreement is to expedite the processing of the Transfer Application. (Application Number: T-13555)

- Authority.** The OWRD has been authorized pursuant to ORS 536.055 to enter into a voluntary agreement with any applicant, permittee or regulated entity (collectively Applicant) for expediting or enhancing a regulatory process. In making this agreement, OWRD shall require the applicant to pay the full cost of expedited process.
- Restrictions.** Applicant and OWRD agree that this Agreement shall not be construed to restrict in any way the decisions and actions by OWRD. OWRD shall be free to exercise independent judgment consistent with existing laws and regulations.
- Effective Date and Duration.** Unless otherwise terminated by non-deposit of funds by the Applicant, this Agreement shall become effective on the date on which both parties have signed the Agreement and the full deposit of the estimated cost of the proposed service.
- Consideration.**
 - Applicant shall pay OWRD in advance for actual costs incurred by OWRD. The estimated maximum reimbursement payable to OWRD under this Agreement is **\$1,119.41**. Applicant agrees to pay the full amount of **\$1,119.41** to OWRD prior to commencement of any work stated in this Agreement. This payment will be placed in an account administered by OWRD and drawn upon as costs are actually incurred. If the actual cost of performing the work is less than payments received, OWRD will refund the unspent balance. If the actual cost of processing exceeds the estimate, the Applicant can either elect to terminate this Agreement or amend the Agreement to reflect the increase in cost.
 - The costs stated in this Agreement do not include the statutory application processing and filing fees.
- Confidentiality.** Applicant agrees that any information provided to or acquired by OWRD under this Agreement will be subject to the Oregon Public Records Law and shall be considered public records.
- Indemnity.** Applicant shall defend, save, hold harmless, and indemnify the State of Oregon, OWRD, and their officers, employees, and agents from and against all claims, suits, actions, losses, damages, liabilities, costs and expenses of any nature resulting from or arising out of, or relating to the activities of Applicant or its representatives, officers, employees, contractors, or agents under this Agreement or with respect to the expedited service. The Applicant acknowledges that the Oregon Water Resources Department cannot and does not guarantee a favorable review under the subject regulatory process.

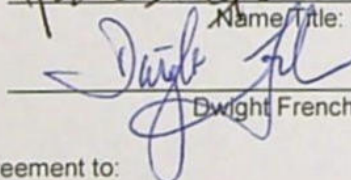
7. **Termination.** Applicant may request to terminate this agreement only in writing at anytime during the process. The Applicant agrees to pay for the work done by OWRD up until the time of the written termination request. OWRD, upon receiving such written termination request from the Applicant, will refund any unspent balance.
8. **Funds Authorized and Available.** By its execution of this Agreement, Applicants certify that sufficient funds are authorized and available to cover the expenditures contemplated by this Agreement.
9. **Duration of Estimate.** The Estimate of Time to completion is **approximately** 120 days once this Agreement has been fully executed and payment of the estimated cost deposited. If the Applicant's Agreement is not received by the Department within thirty (30) days of mailing the Agreement, the Applicant may need to re-apply for a new estimate. NOTE: Any time estimate is approximate; No guarantee of Final Order issuance of a date is certain. Duration estimates do not include any statutory waiting periods.
10. **Completion Date.** OWRD, by the execution of this Agreement does not guarantee the completion date indicated in this Agreement. Completion date is only an estimate and may be affected by the Department's workload, issues arising from the processing of the requested services and Applicant's timely response to requests for additional information. **IMPORTANT:** Due to COVID-19 and actions taken by the State of Oregon to facilitate teleworking as a tool to help prevent the spread of the disease, Department processes for Reimbursement Authority may be unavoidably delayed.
11. **Captions.** The captions or headings in this Agreement are for the convenience only and in no way define, limit, or describe the scope, or intent, of any provision of this Agreement.
12. **Amendment and Merger.** The terms of this Agreement shall not be waived, altered, modified, supplemented or amended in any manner whatsoever, except by written instrument signed by both parties. Such waiver, consent, modification or change, if made, shall be effective only in the specific instance and for the specific purpose given. There are no understandings, agreements or representations, oral or written, not specified herein regarding this Agreement.
13. **Signatures.** All parties, by the authorized representative's signature below, hereby acknowledge that they have read this Agreement, understand it and agree to be bound by its terms and conditions.

For Applicant:

 APP. REP.
Name/Title:

1-14-2020
Date

For OWRD:

 Dwight French – Administrator

1-27-2021
Date

Mail signed Agreement to:

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



WaterWatch of Oregon

Protecting Natural Flows In Oregon Rivers

WATERWATCH

RECEIVED

JAN 19 2021

OWRD

January 15, 2021

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

Attention: Stacy Phillips

RE: Reimbursement – Transfer T-13555

Dear Water Resources Department,

Enclosed is a check in the amount of \$1119.41 to cover reimbursement on Transfer T-13555. Thank you for your attention to this matter.

Sincerely,

John DeVoe
Executive Director
WaterWatch of Oregon

**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 # **133948**

INVOICE # _____

RECEIVED FROM: Ans A Harboldt

BY: _____

APPLICATION	
PERMIT	
TRANSFER	T-13355

CASH: ☐ CHECK: # 3161 OTHER: (IDENTIFY) ☐ _____

TOTAL REC'D \$ 1,100.00

1083 TREASURY 4170 WRD MISC CASH ACCT

0407 COPIES \$ _____

OTHER: (IDENTIFY) \$ _____

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

4270 WRD OPERATING ACCT

MISCELLANEOUS

0407 COPY & TAPE FEES \$ _____

0410 RESEARCH FEES \$ _____

0408 MISC REVENUE: (IDENTIFY) \$ _____

TC162 DEPOSIT LIAB. (IDENTIFY) \$ _____

0240 EXTENSION OF TIME \$ _____

WATER RIGHTS:

0201 SURFACE WATER \$ _____ 0202 \$ _____

0203 GROUND WATER \$ _____ 0204 \$ _____

0205 TRANSFER \$ 1100.00

WELL CONSTRUCTION

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 (FW/WRD) \$ _____

0231 HYDRO LICENSE FEE (FW/WRD) \$ _____

HYDRO APPLICATION \$ _____

TREASURY OTHER / RDX

FUND _____ TITLE _____

OBJ. CODE _____ VENDOR # _____

DESCRIPTION \$ _____

RECEIPT: **133948**

DATED: 11-16-2020 BY: [Signature]

Application for Permanent Water Right Transfer

Part 1 of 5 – Minimum Requirements Checklist



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

This transfer application will be returned if Parts 1 through 5 and all required attachments are not completed and included.

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

RECEIVED

NOV 16 2020

OWRD

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

- ☒ Part 1 – Completed Minimum Requirements Checklist.
- ☒ Part 2 – Completed Transfer Application Map Checklist.
- ☒ Part 3 – Application Fee, payable by check to the Oregon Water Resources Department, and completed Fee Worksheet, page 3. Try the new online fee calculator at: http://apps.wrd.state.or.us/apps/misc/wrd_fee_calculator. If you have questions, call Customer Service at (503) 986-0801.
- ☒ Part 4 – Completed Applicant Information and Signature.
- ☒ Part 5 – Information about Water Rights to be Transferred: How many water rights are to be transferred? 3 List them here: Surface Water Right Certificates 15257, 15522, 27392
Please include a separate Part 5 for each water right. (See instructions on page 6)

Attachments:

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

(For Staff Use Only)

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

- ☒ Application fee not enclosed/insufficient
- ☐ Land Use Form not enclosed or incomplete
- ☐ Additional signature(s) required
- ☐ Map not included or incomplete
- ☐ Evidence of Use Form not enclosed or incomplete
- ☒ Part 1 is incomplete

Other/Explanation

Staff: Joan Smith 503-986-0892

Date: 11/23/2020

Part 2 of 5 – Transfer Application Map

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

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

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

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NOV 16 2020

Part 4 of 5 – Applicant Information and Signature

Applicant Information

APPLICANT/BUSINESS NAME Avis Harboldt		PHONE NO. (541) 471-2846	ADDITIONAL CONTACT NO. (541) 660-8140
ADDRESS 12863 Redwood Hwy			FAX NO.
CITY Wilderville	STATE OR	ZIP 97543-9710	E-MAIL
BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED.			

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

AGENT/BUSINESS NAME Robert G. Borst / Borst Engineering & Construction LLC		PHONE NO. (541) 826-7222	ADDITIONAL CONTACT NO.
ADDRESS 19000 E Evans Creek Rd			FAX NO.
CITY Rogue River	STATE OR	ZIP 97537	E-MAIL Robert.G.Borst@BorstEngineeringConstruction.com
BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED.			

Explain in your own words what you propose to accomplish with this transfer application, and why:
Please see Attachment 1.

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

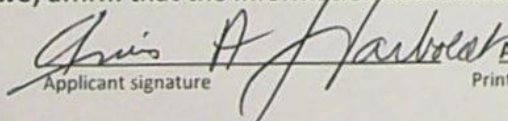
Check One Box

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

By my signature below, I confirm that I understand:

- Prior to Department approval of the transfer application, I may be required to submit payment to the Department for publication of a notice in a newspaper with general circulation in the area where the water right is located, once per week for two consecutive weeks. If more than one qualifying newspaper is available, I suggest publishing the notice in the following newspaper: **Grants Pass Daily Courier**
- Amendments to the application may only be made in response to the Department's Draft Preliminary Determination (DPD). The applicant will have a period of at least 30 days to amend the application to address any issues identified by the Department in the DPD, or to withdraw the application. Note that amendments may be subject to additional fees, pursuant to ORS 536.050.
- Failure to complete an approved change in place of use and/or change in character of use, will result in loss of the water right (OAR 690-380-6010).

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


Applicant signature

Avis Harboldt
Print Name (and Title if applicable)

11/9/20
Date

Is the applicant the sole owner of the land on which the water right, or portion thereof, proposed for transfer is located? ☒ Yes ☐ No If NO, include signatures of all deeded landowners (and mailing and/or e-mail addresses if different than the applicant's) or attach affidavits of consent (and mailing and/or e-mail addresses) from all landowners or individuals/entities to which the water right(s) were conveyed.

Check the following boxes that apply:

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

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

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

If a property sells, the certificated water right(s) located on the land belong to the new owner, unless a sale agreement or other document states otherwise. For more information see:

https://www.oregon.gov/owrd/WRDFormsPDF/Transfer_Property_Transactions.pdf

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

RECEIVED
NOV 16 2020

Describe any special ownership circumstances here: _____

OWRD

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

IRRIGATION DISTRICT NAME	ADDRESS	
CITY	STATE	ZIP

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

ENTITY NAME	ADDRESS	
CITY	STATE	ZIP

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

ENTITY NAME	ADDRESS	
CITY	STATE	ZIP

ENTITY NAME	ADDRESS	
CITY	STATE	ZIP

Part 5 of 5 – Water Right Information

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

CERTIFICATE # 15257

Description of Water Delivery System

System capacity: 0.025 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. Please see Attachment 1

Table 1. Location of Authorized and Proposed Point(s) of Diversion (POD) or Appropriation (POA)

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

POD/POA Name or Number	Is this POD/POA Authorized on the Certificate or is it Proposed?	If POA, OWRD Well Log ID# (or Well ID Tag # L-___)	Twp	Rng	Sec	¼ ¼	Tax Lot, DLC or Gov't Lot	Measured Distances (from a recognized survey corner)
POD #1	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed		37 S	7 W	17	SE SW	BLM	1250' N & 900' W from SE Corner SE 1/4 SW 1/4 Sec. 17
POD #3	<input type="checkbox"/> Authorized <input checked="" type="checkbox"/> Proposed		37 S	7 W	17	NE SW	1100	2056' N & 365' W from SE Corner SE 1/4 SW 1/4 Sec. 17
	<input type="checkbox"/> Authorized <input checked="" type="checkbox"/> Proposed							
	<input type="checkbox"/> Authorized <input type="checkbox"/> Proposed							

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

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

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

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

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

Do you have questions about how to
Contact the Department at 503-986-

Table 2. Description of Changes to Water Right Certificate # 15257

List the change proposed for the acreage in each 1/4 1/4. If more than one change is proposed, specify the acreage associated with each change. If there is more than one POD/POA involved in the proposed changes, specify the acreage associated with each POD/POA.

AUTHORIZED (the "from" or "off" lands) The listing that appears on the certificate BEFORE PROPOSED CHANGES List only that part or portion of the water right that will be changed.											Proposed Changes (see "CODES" from previous page)	PROPOSED (the "to" or "on" lands) The listing as it would appear on the certificate										
Twp	Rng	Sec	1/4	1/4	Tax Lot	Gvt Lot or DLC	Acres	Type of USE listed on Certificate	POD(s) or POA(s) (name or number from Table 1)	Priority Date		Twp	Rng	Sec	1/4	1/4	Tax Lot	Gvt Lot or DLC				
EXAMPLE																						
2	S	9	E	15	NE	NW	100		15.0	Irrigation	POD #1 POD #2	1901	POU/POD	2	S	9	E	1	NW	NW	500	1
														2	S	9	E	2	SW	NW	500	
37	S	7	W	17	NW	SE	1000		2	Irrigation	POD #1	1940	POD	37	S	7	W	17	NW	SE	1000	
TOTAL ACRES:								2					TOTAL ACRES									

Additional remarks: Please note that this transfer moves the POD to a different 1/4 1/4 and tax lot.

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

CERTIFICATE # 15522

Description of Water Delivery System

System capacity: 0.50 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. **Please see Attachment 1**

Table 1. Location of Authorized and Proposed Point(s) of Diversion (POD) or Appropriation (POA)

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

POD/POA Name or Number	Is this POD/POA Authorized on the Certificate or is it Proposed?	If POA, OWRD Well Log ID# (or Well ID Tag # L-___)	Twp	Rng	Sec	¼ ¼	Tax Lot, DLC or Gov't Lot	Measured Distances (from a recognized survey corner)
POD #1	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed		37 S	7 W	17	SE SW	BLM	1250' N & 900' W from SE Corner SE 1/4 SW 1/4 Sec. 17
POD #3	<input type="checkbox"/> Authorized <input checked="" type="checkbox"/> Proposed		37 S	7 W	17	NE SW	1100	2056' N & 365' W from SE Corner SE 1/4 SW 1/4 Sec. 17
	<input type="checkbox"/> Authorized <input type="checkbox"/> Proposed							
	<input type="checkbox"/> Authorized <input type="checkbox"/> Proposed							

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

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

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

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

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

Do you have questions about how to
Contact the Department at 503-986-

Table 2. Description of Changes to Water Right Certificate # 15522

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

AUTHORIZED (the "from" or "off" lands) The listing that appears on the certificate BEFORE PROPOSED CHANGES List only that part or portion of the water right that will be changed.											Proposed Changes (see "CODES" from previous page)	PROPOSED (the "to" or "on" lands) The listing as it would appear on the certificate after the proposed changes are made.						
Twp	Rng	Sec	¼ ¼	Tax Lot	Gvt Lot or DLC	Acre	Type of USE listed on Certificate	POD(s) or POA(s) (name or number from Table 1)	Priority Date	Twp		Rng	Sec	¼ ¼	Tax Lot	Gvt Lot or DLC		
EXAMPLE																		
2	S	9	E 15 NE NW	100		15.0	Irrigation	POD #1 POD #2	1901	POU/POD	2	S	9	E 1 NW NW	500	1		
											2	S	9	E 2 SW NW	500			
37	S	7	W 17 NW SE	1000			Mill Pond	POD #1	1947	POD	37	S	7	W 17 NW SE	1000			
TOTAL ACRES:											TOTAL ACRES							

Additional remarks: Please note that this transfer moves the POD to a different 1/4 1/4 and tax lot.

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13555 1

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

CERTIFICATE # 27392

Description of Water Delivery System

System capacity: 0.01 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. **Please see Attachment 1**

Table 1. Location of Authorized and Proposed Point(s) of Diversion (POD) or Appropriation (POA)

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

POD/POA Name or Number	Is this POD/POA Authorized on the Certificate or is it Proposed?	If POA, OWRD Well Log ID# (or Well ID Tag # L-___)	Twp	Rng	Sec	¼	¼	Tax Lot, DLC or Gov't Lot	Measured Distances (from a recognized survey corner)
POD #2	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed		37	S	7	W	17	SE SW	BLM 1310' N & 611' W from SE Corner SE 1/4 SW 1/4 Sec. 17
POD #3	<input type="checkbox"/> Authorized <input checked="" type="checkbox"/> Proposed		37	S	7	W	17	NE SW	1100 2056' N & 365' W from SE Corner SE 1/4 SW 1/4 Sec. 17
	<input type="checkbox"/> Authorized <input type="checkbox"/> Proposed								
	<input type="checkbox"/> Authorized <input type="checkbox"/> Proposed								

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

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

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

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

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

Do you have questions about how to
Contact the Department at 503-986-

Table 2. Description of Changes to Water Right Certificate # 27392

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

AUTHORIZED (the "from" or "off" lands) The listing that appears on the certificate BEFORE PROPOSED CHANGES List only that part or portion of the water right that will be changed.											Proposed Changes (see "CODES" from previous page)	PROPOSED (the "to" or "on" lands) The listing as it would appear on the certificate						
Twp	Rng	Sec	¼ ¼	Tax Lot	Gvt Lot or DLC	Acres	Type of USE listed on Certificate	POD(s) or POA(s) (name or number from Table 1)	Priority Date	Twp		Rng	Sec	¼ ¼	Tax Lot	Gvt Lot or DLC		
EXAMPLE																		
2	S	9	E 15 NE NW	100		15.0	Irrigation	POD #1 POD #2	1901	POU/POD	2	S	9	E 1 NW NW	500			
											2	S	9	E 2 SW NW	500			
37	S	7	W 17 NW SE	1000			Domestic Use	POD #2	1956	POD	37	S	7	W 17 NW SE	1000			
TOTAL ACRES:											TOTAL ACRES							

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Additional remarks: Please note that this transfer moves the POD to a different 1/4 1/4 and tax lot.

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Certificate # _____

For Place of Use or Character of Use Changes

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

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

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

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

Ground water supplemental Permit or Certificate # _____;

Surface water primary Certificate # _____.

For a change from Supplemental Irrigation Use to Primary Irrigation Use

Identify the primary certificate to be cancelled. Certificate # _____

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

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

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

http://apps.wrd.state.or.us/apps/gw/well_log/Default.aspx

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AND/OR

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

Table 3. Construction of Point(s) of Appropriation

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

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

SMITH Tamera L * WRD

From: Jim McCarthy <jim@waterwatch.org>
Sent: Thursday, January 14, 2021 11:55 AM
To: SMITH Tamera L * WRD; Robert Borst
Subject: Re: T-13555 application Land Use Form
Attachments: 12863 Redwood Hwy OWRD LUCS.pdf

Hello Tamera,

Double apologies! I hope I have now attached the correctly completed form.

Thanks,

Jim

From: SMITH Tamera L * WRD <Tamera.L.Smith@oregon.gov>
Date: Thursday, January 14, 2021 at 11:46 AM
To: Jim McCarthy <jim@waterwatch.org>, Robert Borst <robert.g.borst@borstengineeringconstruction.com>
Subject: RE: T-13555 application Land Use Form

Good morning Jim,

The form you attached is identical to what the Department received in the application. As you will note, only the receipt stub is signed. The signed receipt is only applicable for new water rights.

The Land Use form must be completely filled out (there are two pages, please see attached), including response/sign-off by the county. I do apologize that this was not caught initially when the transfer application was initially returned some time ago for deficiencies.

If you have any questions, please let me know.

Best, Tamera

From: Jim McCarthy <jim@waterwatch.org>
Sent: Thursday, January 14, 2021 10:48 AM
To: Robert Borst <robert.g.borst@borstengineeringconstruction.com>; SMITH Tamera L * WRD <Tamera.L.Smith@oregon.gov>
Subject: Re: T-13555 application Land Use Form

Hello Tamera,

Sorry for any confusion. I had thought the form was mailed with the application. Attached is a scan of the signed form.

Thanks,

Jim

Jim McCarthy

Southern Oregon Program Director | WaterWatch of Oregon

541-708-0048

PO Box 261

Ashland, OR 97520

www.waterwatch.org

Join WaterWatch to Protect and Restore Oregon's Rivers



The information contained in this email message may be privileged, confidential and protected from disclosure. If you are not the intended recipient, any dissemination, distribution or copying is strictly prohibited. If you think that you have received this email message in error, please notify the sender by reply email and delete the message and any attachments.

From: Robert Borst <robert.g.borst@borstengineeringconstruction.com> on behalf of Robert Borst
<robert.g.borst@borstengineeringconstruction.com>

Date: Thursday, January 14, 2021 at 10:38 AM

To: SMITH Tamera L * WRD <Tamera.L.Smith@oregon.gov>, Jim McCarthy <jim@waterwatch.org>

Subject: RE: T-13555 application Land Use Form

Good Morning Tamera,

Thank you for bringing this to our attention. I confess that I am surprised to hear this as it was my understanding that this required Land Use Form was properly completed and submitted along with the Transfer Application and Transfer Map that I prepared. In fact, it was my understanding that the act of properly completing all these required supplemental forms is what delayed this package two months from being submitted to the department. In any event, I have added Jim to this email to make him aware of this issue so he may comment and advise how best to resolve this issue. I am glad to hear that an email resolution is acceptable.

I believe the public comment period for this Transfer concludes today. When convenient for you, we would greatly appreciate it if you could advise us what you received in this regard.

Please stay safe and healthy in these crazy times!

Thank you,
Bob Borst

CWRE 85406
www.BorstEngineeringConstruction.com

From: [SMITH Tamera L * WRD](#)
Sent: Thursday, January 14, 2021 10:15 AM
To: [Robert Borst](#)
Subject: T-13555 application Land Use Form

Good morning Bob,

I am just looking through the application T-13555 for Harboldt.

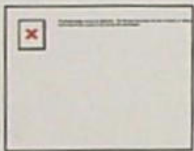
Unfortunately, to process the file, the Department requires a filled out and signed Land Use Form. I apologize for the inconvenience. I'm hoping that management can soon agree on an improved Land Use Form that will specify that only new water rights can be processed with the receipt.

If there is anything I can do to assist, please let me know.

Email is acceptable to receive the signed Land Use form.

Kindest regards,

Tamera Smith, Transfer Caseworker



Thank you for contacting the Water Resources Department. I am currently teleworking in an effort to maintain services, while encouraging Oregonians to stay home, stay healthy, and save lives by reducing the spread of COVID 19. I will be checking email and voicemails Monday through Friday, and I will respond to your request as soon as possible.

Please note that due to the COVID-19, our operations are subject to change. Please visit our website at www.oregon.gov/owrd for updates on our operations.

We appreciate your understanding as we work to protect the health of Oregonians while also providing services.

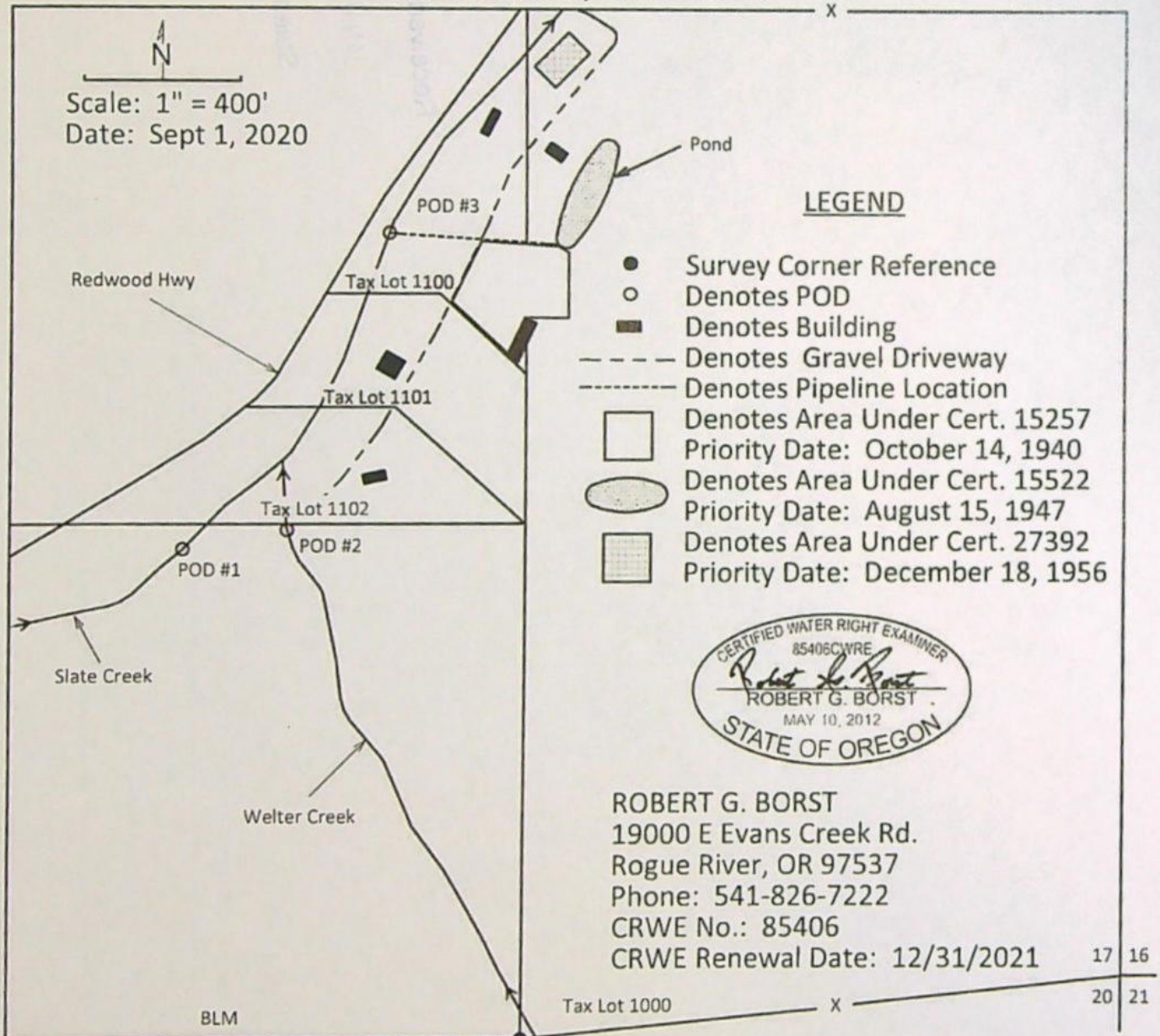
TRANSFER APPLICATION MAP
 CERTIFICATES 15257, 15522 & 27392
 SE 1/4 SW 1/4, SEC. 17, T.37S., R.7W., W.M.
 JOSEPHINE COUNTY, OREGON

Received by OWRD

JAN 14 2021

Salem, OR

FOR
 AVIS HARBOLDT
 12863 REDWOOD HWY
 WILDERVILLE, OR 97543



POD #1 - Situated 1250 feet North and 900 feet West from Southeast Corner SE 1/4 SW 1/4, SEC. 17, T.37S., R.7W., W.M.
 42.348346 Degrees North Latitude, 123.556708 Degrees West Longitude

POD #2 - Situated 1310 feet North and 611 feet West from Southeast Corner SE 1/4 SW 1/4, SEC. 17, T.37S., R.7W., W.M.
 42.348511 Degrees North Latitude, 123.555636 Degrees West Longitude

POD #3 - Situated 2056 feet North and 365 feet West from Southeast Corner SE 1/4 SW 1/4, SEC. 17, T.37S., R.7W., W.M.
 42.350556 Degrees North Latitude, 123.554722 Degrees West Longitude

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



Josephine County, Oregon

Community Development – Planning Division

700 NW Dimmick, Suite C / Grants Pass, OR 97526

(541) 474-5421 / Fax (541) 474-5422

E-mail: planning@josephinecounty.gov

November 20, 2020

Received by OWRD

JAN 14 2021

Salem, OR

**Re: OWRD Land Use Information Form for 12863 Redwood Hwy
Map No. 37-07-17-00, TL 1100 & 1101**

To Whom It May Concern,

Farm Use as defined in ORS 215.203 is an outright permitted use in the Woodlot Resource (WR) zone per Section 19.65.020.B.5 of the *Josephine County Code (JCC)*.

A Development Permit is required for all development in a flood hazard area per Section 19.69A.080, JCC. This includes grading, excavation, new/replacement irrigation equipment, etc. The development permit will be subject to review by the Oregon Department of Fish and Wildlife for compliance with their regulations and Riparian corridor setbacks. Applicant must obtain any necessary permits from the Department of State Lands for work within identified Wetland.

Note: The applicant has submitted an application for development permit which is currently in the process of being issued.

Sincerely,

Kayla Wallace, CFM

Associate Planner

541-474-5427

Email: kwallace@co.josephine.or.us



Oregon

Kate Brown, Governor

Oregon Water Resources Department

Jake D Johnstone
Southwest Region Manager
10 S. Oakdale Rm 309a
Medford Oregon, 97501
Phone: 541-774-6880
jake.d.johnstone@oregon.gov

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April 16, 2019

Oregon Watershed Enhancement Board
775 Summer St NE, Suite 360
Salem, OR 97301-1290

RE: Harboldt Dam Removal Fish Passage Project

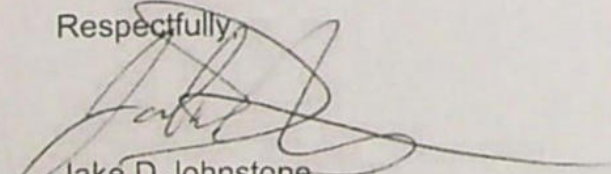
To Grant Review Team:

I am writing in support of WaterWatch of Oregon's proposal for removal of three stream-spanning concrete dams impeding fish passage in the Slate Creek sub basin, a tributary of the Applegate River. These three structures include Harboldt Dam on Slate Creek, ranked on the Oregon Department of Fish and Wildlife (ODFW) Statewide Fish Passage Priority List. The project would also remove two concrete dam structures on Welter Creek, a tributary to Slate Creek. The dams on Welter Creek were previously unknown to fisheries managers but are located in coho salmon habitat and the removal of them would allow fish access to further spawning grounds.

The proposal would develop designs for removal of the three dams as well as a new pump installation to maintain existing water diversion and use on the landowner's property. This project includes a proposed transfer of two points of diversion of approximately 0.6 cubic feet per second total to a new point of diversion located approximately 950 feet downstream on Slate Creek. The water rights involved appear to be certificates 15257, 15522 and 27392. It is my understanding that WaterWatch has secured landowner consent and is working with them on the proposed downstream point of diversion transfer.

OWRD will provide \$1000 of in-kind technical assistance in review and input into the water rights impacted by the dam removal and be available for water rights related questions.

Respectfully,



Jake D Johnstone
Southwest Region Manager, OWRD

Cc: Ivan Gall – Field Services Division Administrator, OWRD
Lisa Snyder – Fiscal Services Administrator, OWRD

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Oregon

Kate Brown, Governor

Department of Fish and Wildlife
Rogue Watershed District Office
1495 East Gregory Road
Central Point, OR 97502
(541) 826-8774
Fax (541) 826-8776

May 19, 2020

Avis A. Harboldt
12863 Redwood Hwy
Wilderville, OR 97543-9710

Re: Endorsement of net fish and wildlife benefit of proposed transfer

Dear Ms. Harboldt:

I am writing to support the proposed transfer of the point of diversion for water right certificates 15257 (0.025 cfs), 15522 (0.5 cfs), and 27392 (0.01 cfs) in the Slate Creek subbasin, a tributary of the Applegate River. This proposed transfer will result in two separate points of diversion being combined into a single point of diversion. In addition, because the new point of diversion is downstream, the proposed transfer will result in an additional 0.535cfs remaining instream on Slate Creek for approximately 950 feet.

For the reasons given above, we believe this transfer will provide a net benefit for fish and wildlife habitat in Slate Creek, and we strongly support this proposed transfer.

Thank you for giving this transfer application your consideration!

Sincerely,

Dan Van Dyke
Rogue District Fish Biologist

13555 1

STATE OF OREGON
COUNTY OF JOSEPHINE

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CERTIFICATE OF WATER RIGHT

OWRD

This Is to Certify, That G. L. CHAPMAN

of Wonder, State of Oregon, has made proof
to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of
Slate Creek
a tributary of Applegate River for the purpose of
Irrigation
under Permit No. 14646 of the State Engineer, and that said right to the use of said waters
has been perfected in accordance with the laws of Oregon; that the priority of the right hereby
confirmed dates from October 14, 1940

that the amount of water to which such right is entitled and hereby confirmed, for the purposes
aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed
0.025 cubic foot per second,

or its equivalent in case of rotation, measured at the point of diversion from the stream.
The point of diversion is located in the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 17, Township 37 South,
Range 7 West, W. M.

The amount of water used for irrigation, together with the amount secured under any other
right existing for the same lands, shall be limited to one-eightieth of one cubic foot per second
per acre, or its equivalent for each acre irrigated and shall be further
limited to a diversion of not to exceed 4 $\frac{1}{2}$ acre feet per acre for each acre
irrigated during the irrigation season from April 2, to October 31, of each
year,

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

A description of the place of use under the right hereby confirmed, and to which such right is
appurtenant, is as follows:

2.0 acres in the NW $\frac{1}{4}$ SE $\frac{1}{4}$
Section 17,
T. 37 S., R. 7 W., W. M.

13555

The right to the use of the water for the purposes aforesaid is restricted to the lands or place of
use herein described.

WITNESS the signature of the State Engineer, affixed

this 15th day of March, 1948.

CHAS. E. STRICKLIN

State Engineer

STATE OF OREGON
COUNTY OF JOSEPHINE
CERTIFICATE OF WATER RIGHT

RECEIVED

NOV 16 2020

OWRD

This Is to Certify, That GLEN L. CHAPMAN

of Wender, State of Oregon, has made proof to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of unnamed creek, a tributary of Slate Creek, tributary of Applegate River for the purpose of domestic use for 4 families,

under Permit No. 24631 of the State Engineer, and that said right to the use of said waters has been perfected in accordance with the laws of Oregon; that the priority of the right hereby confirmed dates from December 18, 1956,

that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed 0.01 cubic foot per second,

or its equivalent in case of rotation, measured at the point of diversion from the stream. The point of diversion is located in the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 17, Township 37 South, Range 7 West, W.M.,

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to - - - - - of one cubic foot per second per acre,

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

A description of the place of use under the right hereby confirmed, and to which such right is appurtenant, is as follows:

domestic
NW $\frac{1}{4}$ SE $\frac{1}{4}$
Section 17
Township 37 South, Range 7 West, W.M.

13555

The right to the use of the water for the purposes aforesaid is restricted to the lands or place of use herein described.

WITNESS the signature of the State Engineer, affixed

this date, AUGUST 3 1960

LEWIS A. STANLEY

State Engineer

STATE OF OREGON
COUNTY OF JOSEPHINE
CERTIFICATE OF WATER RIGHT

RECEIVED

NOV 16 2020

OWRD

This Is to Certify, That G. L. CHAPMAN

of Wonder, State of Oregon, has made proof to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of Slate Creek a tributary of Applegate River for the purpose of mill pond under Permit No. 17866 of the State Engineer, and that said right to the use of said waters has been perfected in accordance with the laws of Oregon; that the priority of the right hereby confirmed dates from August 15, 1947

that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed 0.50 cubic foot per second;

or its equivalent in case of rotation, measured at the point of diversion from the stream. The point of diversion is located in the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 17, Township 37 South, Range 7 West, W. M.

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to — of one cubic foot per second per acre,

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

A description of the place of use under the right hereby confirmed, and to which such right is appurtenant, is as follows:

NE $\frac{1}{4}$ SE $\frac{1}{4}$,
Section 17,
T. 37 S., R. 7 W., W. M.

13555

Ch. in use to fish prop.
Sp. Or. Vol. 9, p. 90

The right to the use of the water for the purposes aforesaid is restricted to the lands or place of use herein described.

WITNESS the signature of the State Engineer, affixed

this 15th day of July, 1948.

CHAS. E. STRICKLIN
State Engineer

BEFORE THE STATE ENGINEER OF OREGON

RECEIVED

Josephine County

NOV 16 2020

IN THE MATTER OF THE APPLICATION)
OF G. L. CHAPMAN FOR THE APPROVAL)
OF A CHANGE IN USE OF WATER FROM)
SLATE CREEK.)

O R D E R

OWRD

APPROVING APPLICATION

On December 18, 1956, G. L. Chapman of Wonder, Oregon, filed an application for the approval of a change in use of water from Slate Creek pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right recorded at page 15522, Volume 13, State Record of Water Right Certificates, was issued to G. L. Chapman confirming a right to the use of 0.5 cubic foot per second of water of Slate Creek under Permit No. 17866 for the maintenance of a mill pond in the NW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 17, Township 37 South, Range 7 West, W. M., with a date of priority of August 15, 1947.

The applicant herein, owner of the lands above described, proposes to change the use heretofore made of the water to that of maintenance of a pond for the propagation of fish.

Notice by publication as provided by ORS 540.520 was given in the Grants Pass Bulletin, a newspaper printed and having general circulation in Josephine County, Oregon, for a period of three weeks and being the issues of January 17, 24 and 31, 1957. The date for hearing as fixed in the notice, namely: March 14, 1957, was not less than thirty days after the last publication of the notice.

Mr. George W. Thrasher, Watermaster of District No. 16, has filed a report to the effect that the proposed change in use of water may be made without injury to existing rights.

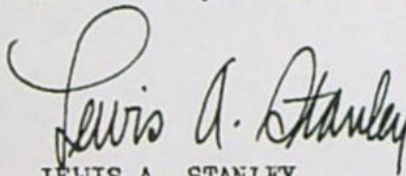
No objections having been filed and it appearing that the proposed change in use of water may be made without injury to existing rights, the application should be approved.

NOW, THEREFORE, it hereby is ORDERED that the proposed change in use of water be and the same hereby is approved, and that the water right for 0.5 cubic foot per second from Slate Creek for the maintenance of a mill pond in the NW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 17, Township 37 South, Range 7 West, W. M., with a date of priority of August 15, 1947, be changed to the maintenance of a pond for the propagation of fish, in the NW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 17, Township 37 South, Range 7 West, W. M.

It is FURTHER ORDERED that the change in use of water shall be completed on or before October 1, 1957 or within such extension of time as may be granted by the State Engineer for good cause shown.

It is FURTHER ORDERED that upon receipt of proof satisfactory to the State Engineer of complete application of water to beneficial use as set forth herein, certificate of water right heretofore issued to G. L. Chapman and recorded at page 15522, Volume 13, State Record of Water Right Certificates, shall be canceled and a new certificate of water right shall be issued to G. L. Chapman or his successor in interest, to the extent to which the water has been applied beneficially.

Dated at Salem, Oregon this 19th day of March 1957.


LEWIS A. STANLEY
State Engineer

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Noted on Cert. 15522

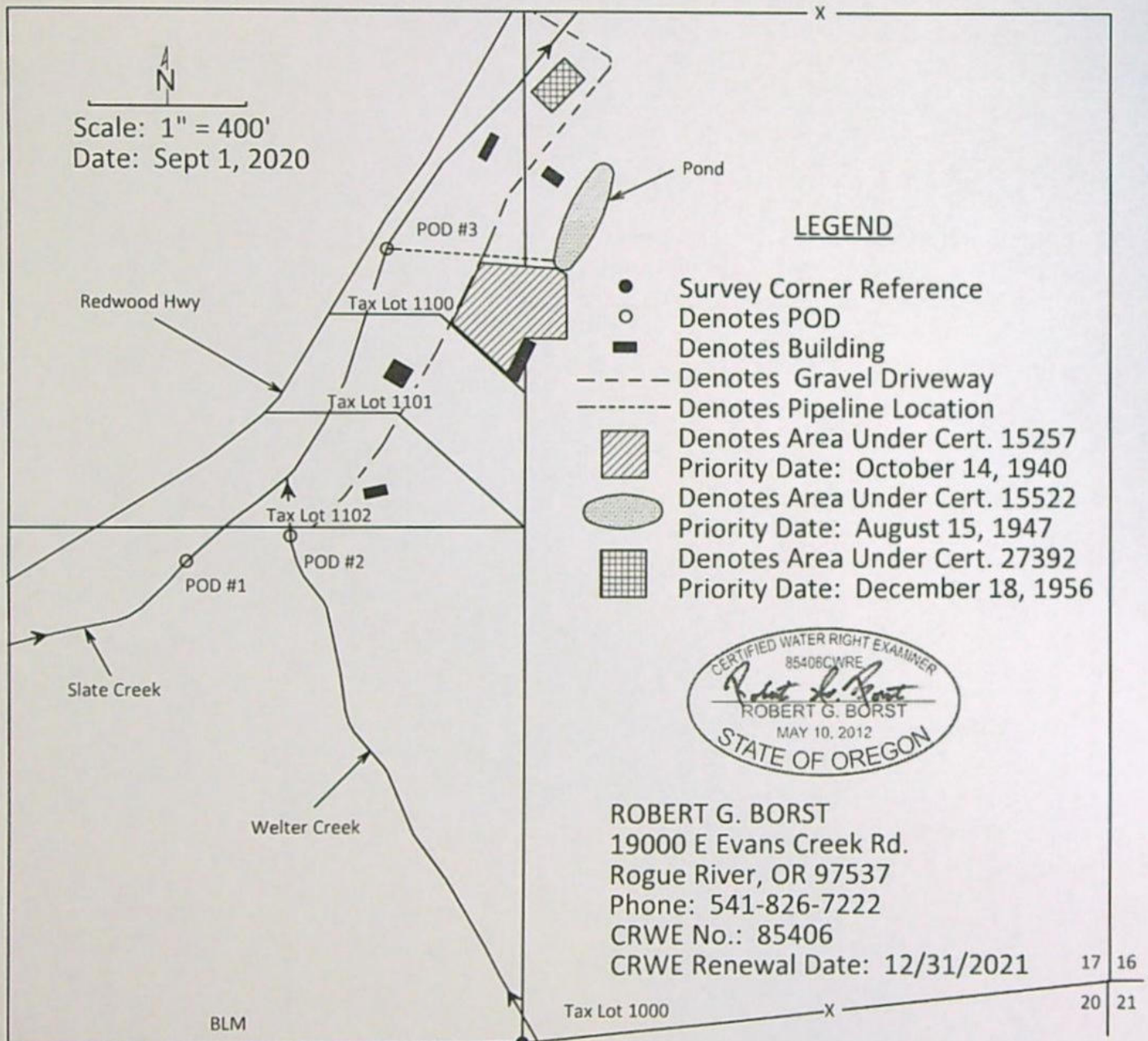
Tr. & D-72

TRANSFER APPLICATION MAP
 CERTIFICATES 15257, 15522 & 27392
 SE 1/4 SW 1/4, SEC. 17, T.37S., R.7W., W.M.
 JOSEPHINE COUNTY, OREGON
 FOR
 AVIS HARBOLDT
 12863 REDWOOD HWY
 WILDERVILLE, OR 97543

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POD #1 - Situated 1250 feet North and 900 feet West from Southeast Corner SE 1/4 SW 1/4, SEC. 17, T.37S., R.7W., W.M.
 42.348346 Degrees North Latitude, 123.556708 Degrees West Longitude

POD #2 - Situated 1310 feet North and 611 feet West from Southeast Corner SE 1/4 SW 1/4, SEC. 17, T.37S., R.7W., W.M.
 42.348511 Degrees North Latitude, 123.555636 Degrees West Longitude

POD #3 - Situated 2056 feet North and 365 feet West from Southeast Corner SE 1/4 SW 1/4, SEC. 17, T.37S., R.7W., W.M.
 42.350556 Degrees North Latitude, 123.554722 Degrees West Longitude

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

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HARBOLDT FSA JUNE 6, 2016

13555 1

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Attachment 1

OWRD

This transfer is to move the original and existing POD #1 of water right certificate 15257 (Irrigation) and water right certificate 15522 (Mill Pond) and existing POD #2 of water right certificate 27392 (Domestic Use) downstream about 950 feet to POD #3 to improve fish habitat in the Slate Creek sub basin, a tributary of the Applegate River. There was a fourth surface water right certificate (29616 Fish Propagation) associated with this property, but it was cancelled. There was an approved Change of Use to certificate 15522 from Mill Pond to Maintenance of a Pond for Fish Propagation. The existing system uses underground concrete conduits and gravity conveyed water to the places of use. This existing system will be replaced with a solar powered, fish screened, metered pump system.

The aforementioned three certificates define the original and existing POD #1 and POD #2 to be in SE 1/4 SW 1/4, SEC. 17, T.37S., R.7 W., W.M. which is on BLM land. These certificates did NOT define measured distances and bearings of the original and existing POD #1 and POD #2 from a recognized Section 17 survey corner. The original survey paperwork did define the original and existing POD #1 to be 1250 feet North and 900 feet West from the Southeast Corner of the SE 1/4 SW 1/4, SEC. 17, T.37S., R.7 W., W.M. which is on BLM land.

Existing POD #1 was determined to have GPS coordinates 42.348346° North Latitude, 123.556708° West Longitude which situates it 1250 feet North and 900 feet West from the Southeast Corner of the SE 1/4 SW 1/4, SEC. 17, T.37S., R.7 W., W.M. which is on BLM land which is consistent with the original survey paperwork. Existing POD #1 is on Slate Creek which is a tributary of the Applegate River.

Existing POD #2 was determined to have GPS coordinates 42.348511° North Latitude, 123.555636° West Longitude which situates it 1310 feet North and 611 feet West from the Southeast Corner of the SE 1/4 SW 1/4, SEC. 17, T.37S., R.7 W., W.M. which is on BLM land. Existing POD #2 is on Welter Creek which a tributary of Slate Creek which is a tributary of the Applegate River.

Proposed POD #3 was determined to have GPS coordinates 42.350556° North Latitude, 123.554722° West Longitude which will situate it 2056 feet North and 365 feet West from the Southeast Corner of the SE 1/4 SW 1/4, SEC. 17, T.37S., R.7 W., W.M. which is on tax lot 1100 of the landowner's property. Proposed POD #3 will be on Slate Creek which is a tributary of the Applegate River and will be about 950 feet downstream from existing POD #1.

Permit S-14646 associated with Certificate 15257 was for irrigation of 10 acres at 0.125 CFS on tax lot 1000. Certificate 15257 calls for irrigation of 2 acres at 0.025 CFS but there is NOT a map defining the irrigated land location. Historical usage appears to have been irrigation of 2 acres rotated between tax lots 1000, 1100 and 1101. Current irrigation is on tax lots 1000 and 1100 as shown on Transfer Application Map.

This proposed transfer of POD location has been endorsed by the Oregon Department of Fish and Wildlife, Oregon Water Resources Department, and the Oregon Watershed Enhancement Board.

13555 1

Land Use Information Form



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

Applicant: AVIS HARBOLDT
First Last
Mailing Address: 12863 REDWOOD HWY
WILDERVILLE OR 97543 Daytime Phone: 541-660-8140
City State Zip

A. Land and Location

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

Township	Range	Section	1/4	Tax Lot #	Plan Designation (e.g., Rural Residential/RR-5)	Water to be:			Proposed Land Use:
375	7W	17	SE-SW	1100	WR	<input checked="" type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	Irrigate
375	7W	17	SE-SW	1000		<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	Irrigate
						<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used	
						<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used	

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

JOSEPHINE COUNTY

B. Description of Proposed Use

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

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

Source of water: ☐ Reservoir/Pond ☐ Ground Water ☒ Surface Water (name) SLATE CREEK

Estimated quantity of water needed: _____ ☐ cubic feet per second ☐ gallons per minute ☐ acre-feet

Intended use of water: ☒ Irrigation ☐ Commercial ☐ Industrial ☒ Domestic for 4 household(s)
☐ Municipal ☐ Quasi-Municipal ☐ Instream ☒ Other POND FOR FISH PROPAGATION

Briefly describe:

THIS TRANSFER WILL MOVE TWO EXISTING DIVERSION POINTS TO A SINGLE DIVERSION POINT NEAR THE EXISTING PLACES OF USE.

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

See bottom of Page 3. →

Received by OWRD

For Local Government Use Only JAN 14 2021

Salem, OR

The following section must be completed by a planning official from each county and city listed unless the project will be located entirely within the city limits. In that case, only the city planning agency must complete this form. This deals only with the local land-use plan. Do not include approval for activities such as building or grading permits.

Please check the appropriate box below and provide the requested information

- ☐ Land uses to be served by the proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): _____
- ☒ Land uses to be served by the proposed water uses (including proposed construction) involve discretionary land-use approvals as listed in the table below. (Please attach documentation of applicable land-use approvals which have already been obtained. Record of Action/land-use decision and accompanying findings are sufficient.) If approvals have been obtained but all appeal periods have not ended, check "Being pursued."

Type of Land-Use Approval Needed (e.g., plan amendments, rezones, conditional-use permits, etc.)	Cite Most Significant, Applicable Plan Policies & Ordinance Section References	Land-Use Approval:	
Development permit	19.69A.040, 19.69A.080 19.69A.090, 19.72.040-B, JCC	<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input checked="" type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued

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

See attached letter date November 20, 2020.

Farm use as defined in ORS 215.203 is an outright permitted use in the Woodlot Resource (WR) zone per Section 19.65.020.B.5 of the JCC.

Name: Kayla Wallace, CFM Title: Associate Planner
 Signature: Kayla Wallace Phone: 541-474-5427 Date: NOV 20, 2020
 Government Entity: Josephine County Community Development - Planning

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

Receipt for Request for Land Use Information

Applicant name: Aris Haeboldt
 City or County: Josephine County Staff contact: Kayla Wallace
 Signature: Kayla Wallace Phone: 541-474-5427 Date: OCT 22, 2020
 Revised 2/8/2010 Land Use Information Form - Page 3 of 3 WR / FS

NOV 16 2020

For Local Government Use Only

OWRD

The following section must be completed by a planning official from each county and city listed unless the project will be located entirely within the city limits. In that case, only the city planning agency must complete this form. This deals only with the local land-use plan. Do not include approval for activities such as building or grading permits.

Please check the appropriate box below and provide the requested information

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

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

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

Name: _____ Title: _____

Signature: _____ Phone: _____ Date: _____

Government Entity: _____

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

Receipt for Request for Land Use Information

Applicant name: Avis Haeboldt

City or County: Josephine County Staff contact: Kayla Wallace

Signature: Kayla Wallace Phone: 541-474-5427 Date: Oct 22, 2020

Revised 2/8/2019

Land Use Information Form - Page 3 of 3

WRD/FS

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NOV 16 2020

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HARBOLDT FSA JUNE 6, 2016

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NOV 16 2020

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HARBOLDT FSA JUNE 6, 2016

13555 4

Application for Water Right Transfer Evidence of Use Affidavit



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

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

RECEIVED

NOV 16 2020

OWRD

State of Oregon)
County of JOSEPHINE) ss

I, AVIS HARBOLDT, in my capacity as OWNER,
mailing address 12863 REDWOOD Hwy, Wilderville 97543
telephone number (541) 471-2846 being first duly sworn depose and say:

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

☒ Personal observation ☐ Professional expertise

2. I attest that:

☐ Water was used during the previous five years on the **entire** place of use for
Certificate # 15522; OR

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

Certificate #	Township	Range	Mer	Sec	1/4 1/4	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)

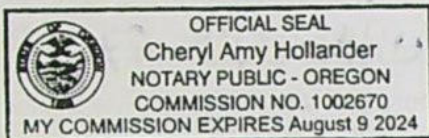
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3. The water right was used for: (e.g., crops, pasture, etc.): Filling Pond for Fish propagation
4. I understand that if I do not attach one or more of the documents shown in the table below to support the above statements, my application will be considered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

Signature of Affiant

Date

Signed and sworn to (or affirmed) before me this 13th day of Nov, 2020



Cheryl Amy Hollander
Notary Public for Oregon

My Commission Expires: Aug 9 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 confirming 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"> • Power usage records for pumps associated with irrigation use • Fertilizer or seed bills related to irrigated crops • Farmers Co-op sales receipt
<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"> • District assessment records for water delivered • Crop reports submitted under a federal loan agreement • Beneficial use reports from district • IRS Farm Usage Deduction Report • Agricultural Stabilization Plan • CREP Report
<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 – www.oregonexplorer.info/imagery OWRD – www.wrd.state.or.us Google Earth – earth.google.com TerraServer – www.terra-server.com</p>
<input type="checkbox"/> Approved Lease establishing beneficial use within the last 5 years	Copy of instream lease or lease number

RECEIVED

NOV 16 2020

Application for Water Right Transfer Evidence of Use Affidavit



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

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

RECEIVED

NOV 16 2020

State of Oregon)
County of JOSEPHINE) ss

I, AVIS HARBOLOTT, in my capacity as OWNER

OWRD

mailing address 12863 REDWOOD Hwy, Wilderville, OR 97543

telephone number (541) 471-2846, being first duly sworn depose and say:

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

☒ Personal observation ☐ Professional expertise

2. I attest that:

☒ Water was used during the previous five years on the entire place of use for
Certificate # 27392; OR

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

Certificate #	Township	Range	Mer	Sec	1/4 1/4	Gov't Lot or DLC	Acres (if applicable)

OR

- ☐ Confirming Certificate # _____ has been issued within the past five years; OR
- ☐ Part or all of the water right was leased instream at some time within the last five years. The instream lease number is: _____ (Note: If the entire right proposed for transfer was not leased, additional evidence of use is needed for the portion not leased instream.); OR
- ☐ The water right is not subject to forfeiture and documentation that a presumption of forfeiture for non-use would be rebutted under ORS 540.610(2) is attached.
- ☐ Water has been used at the actual current point of diversion or appropriation for more than 10 years for Certificate # _____ (For Historic POD/POA Transfers)

(continues on reverse side)

3. The water right was used for: (e.g., crops, pasture, etc.): DOMESTIC USE - 4 houses
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.

Gris Harbold
Signature of Affiant

Date 11/13/20
11/13/2020

Signed and sworn to (or affirmed) before me this 13 day of Nov, 2020.



Cheryl Amy Hollander
Notary Public for Oregon

My Commission Expires: August 9/2024

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

RECEIVED

NOV 16 2020

OWRD

FS

Application for Water Right Transfer Evidence of Use Affidavit



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

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

RECEIVED

NOV 16 2020

OWRD

State of Oregon)
County of JOSEPHINE) ss

I, AVIS HARBOLDT, in my capacity as OWNER,
mailing address 12963 Redwood Hwy, Wilderville, OR 97543
telephone number (541) 471-2576, being first duly sworn depose and say:

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

☒ Personal observation ☐ Professional expertise

2. I attest that:

☒ Water was used during the previous five years on the **entire** place of use for
Certificate # 15257; OR

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

Certificate #	Township	Range	Mer	Sec	1/4 1/4	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)

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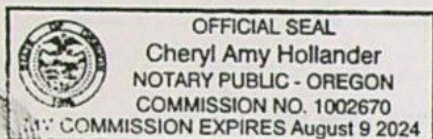
13555 1

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

Gris Harboldt
Signature of Affiant

11/13/20
Date 11/13/2020

Gris Harboldt
Signed and sworn to (or affirmed) before me this 13th day of Nov, 2020



Cheryl Amy Hollander
Notary Public for Oregon

My Commission Expires: Aug. 9 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 confirming 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"> • Power usage records for pumps associated with irrigation use • Fertilizer or seed bills related to irrigated crops • Farmers Co-op sales receipt
<input checked="" 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"> • District assessment records for water delivered • Crop reports submitted under a federal loan agreement • Beneficial use reports from district • IRS Farm Usage Deduction Report • Agricultural Stabilization Plan • CREP Report
<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 – www.oregonexplorer.info/imagery OWRD – www.wrd.state.or.us Google Earth – earth.google.com TerraServer – www.terra-server.com</p>
<input type="checkbox"/> Approved Lease establishing beneficial use within the last 5 years	Copy of instream lease or lease number

NA
Oct
13/20/2020

RECEIVED

NOV 16 2020

OWRD

FS

Checked by Joan Date 11/24/20

(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? Fee paid: 1100 1/200 OK
If not, the correct fee would be: _____, so the amount missing is: FISH# trouble

► If a Government Action POD change (see: Page 5): NO CHARGE

*NOTE: [POD/APOD, POA/APOA, SW to GW, Gov Action] are all counted as one type
POU is counted as one type
[USE or (Supplemental to Primary)] are counted as one type

☒ 3. Page 3 of application: Have all the applicants listed at the top of the page signed?
If no, whose signature is missing? _____

☒ 4. Are all listed certificates or permits shown by WRIS as non-cancelled?
If no, which are cancelled? all OK
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.

☒ 5. 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)

6. If all #1-#5 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 or #5 on this checklist is deficient, the application cannot be accepted. It should be returned and the deficiencies listed in the "staff" section at the bottom of Application Page 1, unless the applicant or agent can resolve the deficiencies within 2-3 days.

Certs & acres involved:

Changes: _____

cfs involved: _____

Source: _____

T-1355



Oregon

Kate Brown, Governor

Water Resources Department

725 Summer St NE, Suite A

Salem, OR 97301

(503) 986-0900

Fax (503) 986-0904

December 10, 2020

AVIS HARBOLDT
12863 REDWOOD HWY
WILDERVILLE, OR 97543

Reference: Application T- 13555

On December 10, 2020, we received your water right Transfer application. The application was accompanied by \$1100.00. Our receipt number 133948 is enclosed.

By copy of this letter, we are asking the Watermaster for a report regarding the potential for injury to existing water rights which may be caused by the requested change. A review form will also be sent to Oregon Department of Fish and Wildlife to determine if a fish screen is needed *or* to our groundwater staff to determine whether the proposed well accesses the same source of water as the original well or as the original POD.

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 from the new point of diversion until a final order approving the transfer application has been issued by the Department. In order to avoid any possible forfeiture of the water right, you should continue to use the water as described by your existing water right.

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

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

If you have any questions, please contact the Transfer Section at (503) 986-0815.

Cc: Watermaster Dist. #14 (*via email*)
Robert Borst, Agent

Enclosure

OREGON WATER RESOURCES DEPARTMENT
ACCOUNT ACTIVITY RECORD

Account Name: WaterWatch – CA000

Activity Date: January 8, 2021

Transaction Description	Number of items or hours	Project Name	Customer contact name	Department personnel providing service	Amount of Activity
Deposit to account					
Copying					
Other: Reimbursement Authority Application	1	T-13555-RA- Application	Jim McCarthy, WaterWatch	Stacy Phillips for Tamera Smith	\$125.00

SMITH Tamera L * WRD

From: Jim McCarthy <jim@waterwatch.org>
Sent: Friday, January 08, 2021 3:53 PM
To: SMITH Tamera L * WRD; Robert Borst; Kelly Starnes
Cc: CECILIANI Scott C * WRD; BATTLESON Ryan D; PHILLIPS Stacy H * WRD
Subject: Re: Harboldt Dam Removal Fish Project (T-13555)
Attachments: HARBOLDT_EST_APP_01-08-21.pdf

Importance: High

Hello Tamera,

Attached is a scan of the completed hard copy now in the mail.

****Please note - no check is included with the mailed hard copy. Instead, please deduct the \$125 fee directly from WaterWatch's account at OWRD. Thanks again to everyone for their help and have a good weekend.**

Regards,

Jim

—

Jim McCarthy

Southern Oregon Program Director | WaterWatch of Oregon

541-708-0048

PO Box 261

Ashland, OR 97520

www.waterwatch.org

[Join WaterWatch to Protect and Restore Oregon's Rivers](#)





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From: SMITH Tamera L * WRD <Tamera.L.Smith@oregon.gov>
Date: Friday, January 8, 2021 at 10:43 AM
To: Robert Borst <robert.g.borst@borstengineeringconstruction.com>, Kelly Starnes <bikeklein@yahoo.com>
Cc: CECILIANI Scott C * WRD <Scott.C.Ceciliani@oregon.gov>, BATTLESON Ryan D <Ryan.D.Battleson@state.or.us>, Jim McCarthy <jim@waterwatch.org>, PHILLIPS Stacy H * WRD <Stacy.H.Phillips@oregon.gov>
Subject: RE: Harboldt Dam Removal Fish Project (T-13555)

Thank you, Bob.

We will keep an eye out for the application.

Best, Tamera

From: Robert Borst <robert.g.borst@borstengineeringconstruction.com>
Sent: Friday, January 08, 2021 10:35 AM
To: Kelly Starnes <bikeklein@yahoo.com>
Cc: CECILIANI Scott C * WRD <Scott.C.Ceciliani@oregon.gov>; SMITH Tamera L * WRD <Tamera.L.Smith@oregon.gov>; BATTLESON Ryan D <Ryan.D.Battleson@state.or.us>; Jim McCarthy <jim@waterwatch.org>
Subject: RE: Harboldt Dam Removal Fish Project (T-13555)

PS – I was advised by Jim McCarthy that we will go RA and I just completed the RA application that Jim will mail this week along with the \$125 fee. Please don't hesitate to contact me if you have any questions associated with the Transfer that I can answer or if I may assist you in any way. Stay safe and healthy!

From: Robert Borst
Sent: Thursday, January 7, 2021 11:26 AM
To: Kelly Starnes
Subject: FW: Harboldt Dam Removal Fish Project (T-13555)

Hi Kelly,

Happy New Year and I hope you are surviving all the craziness... Below is FYI since I threw out your name and since you were so kind to assist me with this Transfer. While the Transfer application and map were ready to be submitted to OWRD in early September, it took the landowner until November to pull together all the supplementary affidavit paperwork and then actually submit the complete Transfer package. The landowner is of an advanced age and her son's home was also burned down in a fire, all of which I believe contributed to this delay. Anyhow, I think all is in now in order and I wanted to make you aware of the below discussion. Please don't hesitate to contact me if you have any questions associated with the Transfer that I can answer or if I may assist you in any way.

Sincerely,
Bob Borst
CWRE 85406

www.BorstEngineeringConstruction.com

From: robert.g.borst@borstengineeringconstruction.com
Date: Jan 5, 2021 5:59 PM
Subject: RE: Harboldt Dam Removal Fish Project (T-13555)
To: SMITH Tamera L * WRD <Tamera.L.Smith@oregon.gov>
Cc: CECILIANI Scott C * WRD <Scott.C.Ceciliani@oregon.gov>, BATTLESON Ryan D <Ryan.D.Battleson@state.or.us>

Thank you Tamera and Scott. We greatly appreciate and welcome all your kind assistance and guidance with this project.

First let me say that while we always like to improve fish habitat as soon as we can, we are ultimately flexible and we mainly just want to align with your process and schedule as best we can.

I will have Jim McCarthy contact you directly as he is more well versed on the project schedule and he controls the project purse strings. My role is solely as CRWE. However, I will share with you what I know relative to your below questions.

I worked with Kelly on this transfer before the landowner submitted it. So Kelly is well versed on all the certificates and other aspects of this transfer. The change of POD is less than 1/4 mile. Per the landowner agreement, the new water system needs to be in place and functional before the dams are removed. The project would be put on hold for a year if the transfer is not approved in time for the 2021 in work window. I don't know if a temporary transfer will satisfy the landowner agreement, but I will make Jim aware of this option.

Please don't hesitate to contact me if you have any questions associated with the transfer that I can answer or if I can assist you in any way.

Thank you,
Bob

On Jan 5, 2021 5:13 PM, SMITH Tamera L * WRD <Tamera.L.Smith@oregon.gov> wrote:

Good afternoon Bob,

As you mentioned earlier in this email, some things have greatly slowed, due to COVID, at the Department. The Transfer Reimbursement Authority program is running at an 8 – 10 month average turnaround, currently. (Up from 5 – 7 month average pre-COVID).

Should you decide to go RA, the application is attached. Fill it out and send in to the Department with the non-refundable \$125 fee. From there, you would receive a cost estimate of the expedited process, which you could then accept or decline.

You might also consider a temporary transfer, application attached, which would probably move the quickest, and buy you a year or two while waiting for the regular transfer to catch up and allowing you to do the work closer to the timeline you are seeking.

If you have any questions or concerns, let me know. I'm happy to help.

Kindest regards,

Tamera Smith

From: CECILIANI Scott C * WRD <Scott.C.Ceciliani@oregon.gov>
Sent: Tuesday, January 05, 2021 4:07 PM
To: robert.g.borst@borstengineeringconstruction.com
Cc: BATTLESON Ryan D <Ryan.D.Battleison@state.or.us>; SMITH Tamera L * WRD <Tamera.L.Smith@oregon.gov>
Subject: RE: Harboldt Dam Removal Fish Project (T-13555)

August/September could be cutting it close.... I recommend contacting Tamera Smith (Tamera.L.Smith@oregon.gov) to discuss the expedited process (Transfer Reimbursement Authority Estimate) and how much of a difference it could potentially make. There are many factors that can affect the length of time needed to go through the entire process and sometimes there are hurdles along the way. For example, a newspaper notice is not required for a change in place of use or for a change in POD of less than one-fourth mile and where there are no intervening diversions between the existing POD and the proposed POD. This component alone can add substantial time to the process.

The following document is a great resource for providing insight about the process- [Criteria for Evaluating Transfer Applications \(oregon.gov\)](#).

Please correct me if I'm wrong here, are you aiming for August/September not only because of the low water, but because of the in water work period? I'm partially asking to clarify whether or not the project could be put on hold for an additional year because of the need to establish the new POD before removing the existing structure.

I've cc'd Tamera on this email.

Thank you,

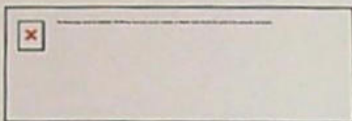
Scott

Scott Ceciliani, GIT

Watermaster, District 14

700 NW Dimmick St., Grants Pass, OR 97526.

Office 541-476-1288 | Cell 541-261-2213



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

From: robert.g.borst@borstengineeringconstruction.com <robert.g.borst@borstengineeringconstruction.com>
Sent: Monday, January 04, 2021 3:31 PM
To: CECILIANI Scott C * WRD <Scott.C.Ceciliani@oregon.gov>
Cc: BATTLESON Ryan D <Ryan.D.Battleison@state.or.us>
Subject: RE: Harboldt Dam Removal Fish Project

Thanks Scott...much appreciated. I imagine with the Covid19, OWRD is short staffed and getting crushed. If you can gain a sense of when they might approve it, that would be greatly appreciated. We might be able to raise additional funds to pay for their expedited process if it helps. I think the tentative plan is to remove the dams at the next low water opportunity, perhaps August/September, and we would first need to accomplish moving the POD and getting the new water system online before then.

Thank you,

Bob

On Jan 4, 2021 2:12 PM, CECILIANI Scott C * WRD <Scott.C.Ceciliani@oregon.gov> wrote:

Ryan & Bob,

I have the transfer application lined up for a Watermaster Review and I'll try to get it squared away as soon as I can. Currently, the transfer has not been assigned to a specific case worker.

Please let me know if I can be of any assistance.

Thanks,

Scott

Scott Carlo Ceciliani, GIT

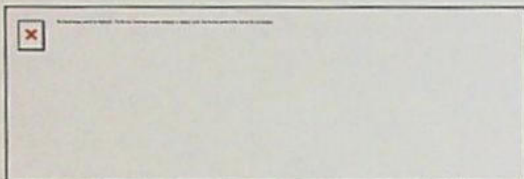
Watermaster, District 14

700 NW Dimmick St.

Grants Pass, OR 97526

Cell: (541) 261-2213

Office: (541) 476-1288



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

From: Robert Borst <robert.g.borst@borstengineeringconstruction.com>

Sent: Monday, January 4, 2021 10:04 AM

To: BATTLESON Ryan D <Ryan.D.Battleson@state.or.us>

Cc: CECILIANI Scott C * WRD <Scott.C.Ceciliani@oregon.gov>

Subject: RE: Harboldt Dam Removal Fish Project

Hi Ryan,

Sure thing and I also hope it proceeds well. I wasn't aware of any Transfer issue, but I just advised Jim McCarthy from WaterWatch to look into it and resolve any issue.

Thanks for the introduction to Scott.

Spignet Creek went completely dry. I did relocate a couple steelhead into our deep pool on East Evans Creek. This was the second time in the 10 years that we have lived here that Spignet Creek went completely dry. I wonder if we have folks illegally pulling water or if this just drought related. Both creeks are running high now and that never happened last year. Hopefully we will get decent snow pack this Winter too.

Cheers,

Bob

From: [Ryan D Battleson](#)
Sent: Monday, January 4, 2021 8:47 AM
To: [Robert Borst](#)
Cc: [Scott Ceciliani \(Scott.c.ceciliani@oregon.gov\)](#)
Subject: RE: Harboldt Dam Removal Fish Project

Bob,

Thanks for keeping me in the loop. I forwarded this to Pete and Dan- as they've been much more involved with Harboldt. Looks like it may have been sent back once, like they were looking for the payment?? But that was probably cleared up and the comment period goes to the 14th of January. Hopefully this runs smoothly. That'll be a big project once completed...good for Quartz Creek!

Just a heads up, Scott Ceciliani is the new JoCo watermaster (at least for a year), Jake works for him though: Scott Ceciliani ([Scott.c.ceciliani@oregon.gov](#))

How did the rest of the fall and summer go for you? Did Spignett Creek stay as a trickle?

Wishing you a Happy New Year as well my friend!

Ryan

Ryan Battleson

Assistant District Fish Biologist | Salmon Trout Enhancement Program (STEP)

ODFW Rogue District Watershed | 1495 East Gregory Road Central Point, OR 97502

541-630-3681 (Cell) | 541-826-8774 ext 72411 (Office) | 541-826-8776 (Fax) | [Ryan.D.Battleson@state.or.us](#)

Check out our new website for the latest fish counts, recreation report and updates to regulations: <https://myodfw.com/fishing>

To receive the quarterly STEP and R&E newsletter by e-mail please sign up at: <http://dfw.state.or.us/fish/STEP/fishworks>

To receive current Rogue River fish happenings, please visit and sign up at: http://www.dfw.state.or.us/fish/local_fisheries/rogue_river/

From: Robert Borst <robert.g.borst@borstengineeringconstruction.com>
Sent: Friday, January 01, 2021 12:36 PM
To: shavon.l.haynes@oregon.gov; JOHNSTONE Jake D * WRD <Jake.D.Johnstone@oregon.gov>; Ryan D Battleson <Ryan.D.Battleson@state.or.us>
Subject: Harboldt Dam Removal Fish Project

I just want to keep you updated on the subject project. The Transfer application was finally submitted to ORWD in November and it is currently in the public comment phase:

https://apps.wrd.state.or.us/apps/wr/wrinfo/wr_transfer_centric.aspx?transfer_nbr=13555&transfer_char=T%20

Best wishes for a Happy New Year!

Sincerely,

Bob Borst

CWRE 85406

www.BorstEngineeringConstruction.com



OREGON WATER
TRANSFER REIMBURSEMENT
ESTIMATE APPLICATION



ORS 536.055 authorizes the Oregon Water Resources Department to process voluntarily requested under the agreement. Please contact Transfer Personnel before submitting an application. The application fee is a non-refundable \$125.00 fee per request. Checks submitted for this application should be separate from Transfer fees. The purpose of this application is to obtain estimates of the cost and time required to process a Transfer Application Request. There is a non-refundable application fee of \$125.00 per request.

TYPE	FILE NUMBER
Transfer Application	Transfer Number T-13555

	Applicant Information	Applicant's Representative/Contact
Name:	Avis Harboldt	Borst Engineering & Construction LLC
Address:	12863 Redwood Hwy Wilderville, OR 97543-9710	Attn: Robert G. Borst 19000 E Evans Creek Rd Rogue River, OR 97537
Phone:	(541)471-2846	(541)826-7222
Fax:		
E-Mail Address:		Robert.G.Borst@BorstEngineeringConstruction.com

I understand the following:

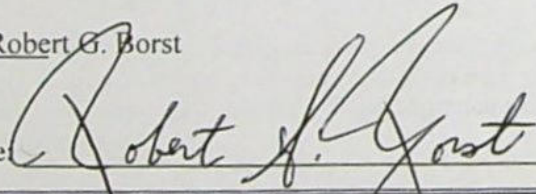
- That upon receipt of my non-refundable application fee of \$ 125.00, OWRD will, within fourteen (14) days, notify me in writing of the estimate of costs and time frame for the expedited service.
- That this fee covers the reimbursement authority staff to evaluate and provide the estimate for processing of the request.
- That OWRD will, within fourteen (14) business days, notify me in writing of the estimates of costs and time frame for the expedited service.
- That upon receiving the estimate I may agree or decline to enter into a formal contract to pay the estimated cost in advance to initiate the expedited service.
- An incomplete or inaccurate application may delay the process and increase the cost to process my request.
- Expedited processing does not guarantee a favorable review of my request.
- Send completed Application and payment to:

Oregon Water Resources Department
Transfer Reimbursement Authority Program
725 Summer St. NE, Suite A
Salem, OR 97301-1271

I certify that I am the (check one):

☐ Applicant ☒ Applicant's Representative ☐ Other (Please specify) _____

Name: Robert G. Borst

Signature: 

OWRD USE ONLY: Reimbursement Authority Number: R11- -

RECEIVED

JAN 11 2021

OWRD

OREGON WATER RESOURCES DEPARTMENT
ACCOUNT ACTIVITY RECORD

Account Name: WaterWatch – CA00016

Activity Date: January 8, 2021

Transaction Description	Number of items or hours	Project Name	Customer contact name	Department personnel providing service	Amount of Activity
Deposit to account					
Copying					
Other: Reimbursement Authority Application	1	T-13555-RA- Application- R11-291-21	Jim McCarthy, WaterWatch	Stacy Phillips for Tamera Smith	\$125.00