

T-14179

Temporary

T-14179

Name Julie CaputoAddress 8191 South Fork Little Butte Creek RD  
Eagle Point, OR 97524  
Julie @ Caputo-group.comChange in POU APODDate Filed 2/28/2023Initial notice date 3/1/2023

DPD issued date

PD issued date

~~PD notice date~~ 4-21-2023Date of FO ↓ Vol 128 Page 1164

C-Date

COBU due date

COBU Received date

Certificate issued

## DESCRIPTION OF WATER RIGHT(S)

Name of Stream South Fork Little Butte CreekTrib. of Little Butte CreekUse Irrigation / LivestockCounty Jackson

Quantity of water (CFS)

No. of Acres

Name of ditch

App# Decree Per # Little Butte Creek Cert # 17226 PR Date 7/1/1907

App# Per # Cert # PR Date

App# Per # Cert # PR Date

App# Per # Cert # PR Date

App# Per # Cert # PR Date

## FEES PAID

Date	Amount	Receipt #
<u>2-28-2023</u>	<u>\$475.94</u>	<u>140213</u>

## FEES REFUNDED

Date	Amount	Receipt #
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Assignments:

Irrigation District

Agent Lance Wyss / Rogue River Watershed Council - lwyss@rogueriverwc.orgCWRE Jackson County

CC's list

☐ - Oversized map - Location



# WATER RIGHT TRANSFER COVER SHEET

Transfer: T-14179

Transfer Specialist: Scott

Transfer Type: Temporary Transfer

Reimbursement Authority? ☐

<b>Applicant:</b> JULIE CAPUTO 8191 SOUTH FORK LITTLE BUTTE CREEK RD EAGLE POINT, OR 97524		<b>Agent:</b> LANCE WYSS 89 ALDER ST CENTRAL POINT, OR 97502	<b>Receiving Landowner:</b>
<b>Current Landowner if other than Applicant:</b>	<b>CWRE:</b>	<b>Irrigation District:</b>	
<b>Affected Local Gov'ts:</b> Jackson County Planning & Development County Courthouse	<b>Affected Tribal Gov't:</b>	<b>BOR Notified (date):</b>	

## Water Rights Affected

File Marked	App. File # or Decree Name	Permit	Certificate	RR/CR Needed	RR/CR Nos.
<input type="checkbox"/>	Little Butte Creek	Decree	17226	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
<input type="checkbox"/>				<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>				<input type="checkbox"/> Yes <input type="checkbox"/> No	

## Key Dates & Initial Actions (Support Staff)

Rec'd: February 28, 2023	Proposed Action(s): ADDITIONAL POINT OF DIVERSION; PLACE OF USE	
Fees Pd: 475.94	Acknowledgement Letter Sent <input checked="" type="checkbox"/>	Basin: 15 Rogue
Initial Public Notice:	County sent cc: of Ack Letter <input checked="" type="checkbox"/>	County: JACKSON
WM District: 13 Shavon L. Haynes	WM Review request sent:	WM Review date received:
ODFW District:	ODFW Review sent:	ODFW Review date received:
Groundwater	GW Review sent:	GW Review date received:

## Caseworker Actions: Newspaper & PD Notice:

Newspaper notice needed: <input type="checkbox"/>	Name of Newspaper:
Newspaper notice sent to coordinator:	Newspaper notice quote requested (NRS1):
Request for news \$ sent:	News \$ received:
Affidavit of publication received:	Last day of publication:

## Peer Review:

Document	Drafted	Peer Review	Coordinator	Changes Made	Signature Bin	Signature Date
DPD	Date: <del>_____</del> Initials: <del>_____</del>	Date: <del>_____</del> Initials: <del>_____</del>	Date: <del>_____</del> Initials: <del>_____</del>	Date: <del>_____</del> Initials: <del>_____</del>	CW Sent: <del>_____</del> WM Sheet <input type="checkbox"/> ODFW Sheet: <input type="checkbox"/>	N/A
PD	Date: <del>_____</del> Initials: <del>_____</del>	Date: <del>_____</del> Initials: <del>_____</del>	Date: <del>_____</del> Initials: <del>_____</del>	Date: <del>_____</del> Initials: <del>_____</del> Data Review Date: <del>_____</del>	Date: <del>_____</del>	Date: <del>_____</del>
FO	Date: <u>3/27/23</u> Initials: <u>Scott</u>	Date: <u>3/28/23</u> Initials: <u>AW</u>	Date: <u>4/18/23</u> Initials: <u>PKS</u>	Date: <u>4/20/23</u> Initials: <u>Scott</u>	Date: <u>4/20/23</u> No. of docs for sig: <u>1</u>	Date: <u>4-21-23</u>

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

Special Order Volume: Vol. 128 Pages 1164-1167





# Oregon

Tina Kotek, Governor

## Water Resources Department

North Mall Office Building

725 Summer St NE, Suite A

Salem, OR 97301

Phone 503 986-0900

Fax 503 986-0904

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

April 21, 2023

JULIE CAPUTO  
8191 SOUTH FORK LITTLE BUTTE CREEK RD  
EAGLE POINT, OR 97524

REFERENCE: District Temporary Transfer Application T-14179

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

The temporary change shall be effective at the beginning of the 2023 irrigation season. The use shall revert to the original authorized place of use at the end of the 2027 irrigation season.

If you have any questions related to the approval of this temporary transfer, you may contact your caseworker, Scott Grew, by telephone at (503) 986-0890 or by e-mail at [Scott.A.Grew@water.oregon.gov](mailto:Scott.A.Grew@water.oregon.gov).

Sincerely,

Stacy H. Phillips  
Restoration Program Technician  
Transfers and Conservation Section

cc: Shavon L. Haynes, Watermaster Dist. # 13 (via email)  
Lance Wyss, Agent

Enclosure

BEFORE THE WATER RESOURCES DEPARTMENT  
OF THE  
STATE OF OREGON

In the Matter of Transfer Application	)	FINAL ORDER APPROVING A TEMPORARY
T-14179, JACKSON County	)	CHANGE IN PLACE OF USE AND
	)	ADDITIONAL POINT OF DIVERSION

**Authority**

Oregon Revised Statute (ORS) 540.505 to 540.580 establish the process in which a water right holder may submit a request to temporarily transfer the place of use and, if necessary to convey the water to the temporary place of use, the point of diversion authorized under an existing water right.

Oregon Administrative Rule (OAR) Chapter 690, Division 380 implements the statutes and provides the Department's procedures and criteria for evaluating transfer applications.

**Applicant**

JULIE CAPUTO  
8191 SOUTH FORK LITTLE BUTTE CREEK RD  
EAGLE POINT, OR 97524

LORI DUTTON  
7730 SOUTH FORK LITTLE BUTTE CREEK RD  
EAGLE POINT, OR 97524

**Findings of Fact**

1. On February 28, 2023, JULIE CAPUTO AND LORI DUTTON, filed an application to temporarily change the place of use and add a point of diversion to serve the proposed place of use under Certificate 17226 for a period of 5 years. The Department assigned the application number T-14179.
2. Notice of the application for transfer was published on March 7, 2023, pursuant to OAR 690-380-4000.

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



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

**Certificate:** 17226 in the name of C.E. WHILHITE (confirmed by Little Butte Creek (F))  
**Use:** IRRIGATION of 0.7 ACRES  
**Priority Date:** JULY 1, 1907  
**Rate:** 0.01 CUBIC FOOT PER SECOND; MEASURED AT THE HEAD OF THE DITCH OR THE POINT WHERE THE SAME LEAVES THE NATURAL STREAM  
**Period of Use:** APRIL 1<sup>ST</sup> TO OCTOBER 1<sup>ST</sup> OF EACH YEAR  
**Source:** SOUTH FORK OF LITTLE BUTTE CREEK

**Authorized Place of Use:**

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
37 S	2 E	WM	11	NE SW	3.6
37 S	2 E	WM	11	SE SW	0.8
37 S	2 E	WM	11	NW SE	4.2
37 S	2 E	WM	11	SW SE	3.9
Total					12.5

4. The Department received information from the applicant that describes the location of the authorized point of diversion for Certificate 17226 as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
37 S	2 E	WM	13	NW NW	42.358027, -122.537771

5. Temporary Transfer Application T-14179 proposes to temporarily change the place of use of the right to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
37 S	2 E	WM	11	NE SW	0.7

6. An additional point of diversion is necessary to convey the water to the proposed temporary place of use. Temporary Transfer Application T-14179 proposes to move the authorized point of diversion approximately 0.8 mile downstream to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
37 S	2 E	WM	11	SW SE	42.362054, -122.551137

**Temporary Transfer Review Criteria**

7. Water has been used within the last five years according to the terms and conditions of the right. There is no evidence available that would demonstrate that the right is subject to forfeiture under ORS 540.610.
8. A diversion structure and ditch sufficient to use the full amount of water allowed under the existing right are present.



9. The proposed changes would prevent the lands from which the water right is removed during the period of the temporary transfer from receiving water under the transferred right, as required by ORS 540.523(7).
10. The proposed changes would not result in injury to other water rights. This finding is made through an abbreviated review recognizing that the transfer may be revoked under ORS 540.523(5) if the Department later finds that the transfer is causing injury to any existing water right.

#### Conclusions of Law

The temporary change in place of use and additional point of diversion to convey water to the temporary place of use proposed in Temporary Transfer Application T-14179 is consistent with the requirements of ORS 540.523 and OAR 690-380-8000.

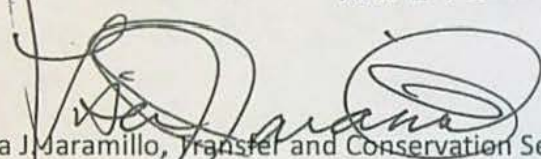
#### Now, therefore, it is ORDERED:

1. The temporary change in place of use and additional point of diversion to convey water to the temporary place of use proposed in Temporary Transfer Application T-14179 is approved.
2. The former place of use **shall not** be irrigated as part of this water right during the 2023, 2024, 2025, 2026 and 2027 irrigation seasons.
3. The use shall revert to the authorized place of use at the end of the 2027 irrigation season. The authorization to use the additional point of diversion shall be terminated concurrently.
4. The approval of this temporary transfer may be revoked or modified if the Department finds the changes cause injury to any existing water right.
5. The quantity of water diverted at the proposed temporary additional point of diversion, together with that diverted at the original point of diversion, shall not exceed the quantity of water lawfully available at the original point of diversion.
6. A subsequent application for permanent transfer of Certificate 17226 shall be subject to a full and complete review to determine consistency with the requirements of OAR Chapter 690, Division 380. Approval of this temporary transfer does not establish a precedent for approval of a subsequent application filed for a permanent transfer.
7. The use of water at the temporary place of use authorized by this transfer shall be in accordance with the terms and conditions of Certificate 17226.
8. The time during which water is used under this approved temporary transfer does not apply toward a finding of forfeiture under ORS 540.610.
9. 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.
  - 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.
10. The use of the remaining water right described by Certificate 17226 shall continue to be in accordance with the terms and conditions of Certificate 17226.

Dated in Salem, Oregon on **APR 21 2023**

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

Mailing Date: **APR 25 2023**



## 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-14179

Review Due Date: 03/31/2023

Applicant Name: Julie Caputo

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

Reviewer(s): S. Haynes

Date of Review: 03/03/2023

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:  
  
Regulation on Little Butte Creek occurs every year
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:

☒ 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:

☐ Weir  
☐ Parshall Flume  
☐ Other: \_\_\_\_

☐ Submerged Orifice  
☐ Flow Restrictor



## Oregon Water Resources Department

## Measurement Condition Information for the Applicant

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

Transfer #: T- 14179



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



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



at each new point of diversion/appropriation.

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

Watermaster name: Shavon Haynes

District: 13

Address: 10 South Oakdale Rm 309

City/State/Zip: Medford Oregon 97501

Phone: 541.774.6880

Email: shavon.l.haynes@water.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



## GREW Scott A \* WRD

---

**From:** Lance Wyss <lwyss@rogueriverwc.org>  
**Sent:** Monday, March 20, 2023 10:26 AM  
**To:** GREW Scott A \* WRD  
**Cc:** julie@caputo-group.com; lorislakecreekgardens@gmail.com; HAYNES Shavon L \* WRD  
**Subject:** Re: Temporary Transfer T-14179

Hi Scott-  
I see what you are going for now!

Please use the table that you altered and attached.

Thank you again for getting this application correctly moving through the process.

Thanks,

**Lance Wyss** | Restoration Biologist | (he/him/his)  
**Rogue River Watershed Council** | 89 Alder Street | Central Point, OR 97502  
Cell Phone: 541.601.9330  
Phone: 541.423.6188  
Email: [lwyss@rogueriverwc.org](mailto:lwyss@rogueriverwc.org)  
Website: [www.rogueriverwc.org](http://www.rogueriverwc.org)

On Mon, Mar 20, 2023 at 9:44 AM GREW Scott A \* WRD <[Scott.A.GREW@water.oregon.gov](mailto:Scott.A.GREW@water.oregon.gov)> wrote:

Lance,

I received your amended table 2. I have altered the table to reflect only the acres that are changing. I think this makes it cleaner and that the acres add up in the total acres column at the bottom.

Please let me know if you want to use this one or if you would like to submit a cleaner copy.

Thank you,

Scott



Scott Grew

Transfer Specialist

Oregon Water Resources Department

503-986-0890

---

**From:** Lance Wyss <[lwyss@rogueriverwc.org](mailto:lwyss@rogueriverwc.org)>  
**Sent:** Monday, March 20, 2023 8:32 AM  
**To:** GREW Scott A \* WRD <[Scott.A.GREW@water.oregon.gov](mailto:Scott.A.GREW@water.oregon.gov)>  
**Cc:** [julie@caputo-group.com](mailto:julie@caputo-group.com); [lorislakecreekgardens@gmail.com](mailto:lorislakecreekgardens@gmail.com); HAYNES Shavon L \* WRD <[Shavon.L.HAYNES@water.oregon.gov](mailto:Shavon.L.HAYNES@water.oregon.gov)>  
**Subject:** Re: Temporary Transfer T-14179

Good morning-

I reread this email today on a call with Shavon. He explained what is needed and answered my question about the total acres available for irrigating from the temporary transfer (APOD/ POU).

I have updated the Table 2 content as you requested. I have attached it. Please let me know if you need anything else from me.

Thank you for working on this!

Thanks,

**Lance Wyss** | Restoration Biologist | (he/him/his)

**Rogue River Watershed Council** | 89 Alder Street | Central Point, OR 97502

Cell Phone: 541.601.9330

Phone: 541.423.6188

Email: [lwyss@rogueriverwc.org](mailto:lwyss@rogueriverwc.org)

Website: [www.rogueriverwc.org](http://www.rogueriverwc.org)





## GREW Scott A \* WRD

---

**From:** GREW Scott A \* WRD  
**Sent:** Friday, March 17, 2023 2:51 PM  
**To:** lwyss@rogueriverwc.org; julie@caputo-group.com; lorislakecreekgardens@gmail.com  
**Cc:** HAYNES Shavon L \* WRD; GREW Scott A \* WRD  
**Subject:** Temporary Transfer T-14179

Hello Lance,

I am working on processing Temporary Transfer T-14179.

The proposed temporary additional point of diversion can be used in supplying water to the proposed temporary place of use. OAR 690-380-8000 1(a)

- Please update the table 2 with just the 0.7 acres that are being transferred temporarily.

Thank you,

Let me know if you have any questions.

Scott

Scott Grew  
Transfer Specialist  
Oregon Water Resources Department  
503-986-0890





# Oregon

Tina Kotek, Governor

## Water Resources Department

North Mall Office Building

725 Summer St NE, Suite A

Salem, OR 97301

Phone 503 986-0900

Fax 503 986-0904

March 1, 2023

JULIE CAPUTO

8191 SOUTH FORK LITTLE BUTTE CREEK RD

EAGLE POINT, OR 97524

Reference: Application T-14179

On February 28, 2023, the Department received your water right Temporary Transfer Application. The application was accompanied by \$475.94. Receipt number 140213 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.

Except as provided under ORS 540.510(3) for municipalities, you may not *temporarily* use water at the new place of use or from the new point of appropriation until a final order approving the temporary transfer application has been issued by the Department. Additionally, pursuant to OAR 690-380-8010, the lands from which an irrigation water right is to be temporarily transferred and the land to which the right is to be temporarily transferred may not both receive water during the same season. If the temporary transfer is approved during an irrigation season and water has already been used at the currently authorized location during that season, then the temporary transfer will not take effect until the following season.

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

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

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

Jackson County

Lance Wyss, Agent

Enclosure



## Oregon Water Resources Department

Date 2/23/2023  
Type Bill  
Reference

Original Amt.  
475.94

Balance Due  
475.94

Check Amount

2/23/2023  
Discount

Payment  
475.94  
475.94

003326

RRWC Bank Account

RECEIVED  
FEB 28 2023  
OWRD

475.94

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 # 140213

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

RECEIVED FROM:

Rogue River Watershed  
Council

BY:

CASH:

CHECK: #

OTHER: (IDENTIFY)

☐☒

3326

☐

APPLICATION

PERMIT

TRANSFER

7-14179

TOTAL REC'D

\$475.94

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 &amp; TAPE FEES

\$

0410 RESEARCH FEES

\$

0408 MISC REVENUE: (IDENTIFY)

\$

TC162 DEPOSIT LIAB. (IDENTIFY)

\$

0240 EXTENSION OF TIME

\$

WATER RIGHTS:

EXAM FEE

RECORD FEE

0201 SURFACE WATER

\$

0202

\$

0203 GROUND WATER

\$

0204

\$

0205 TRANSFER

\$475.94

WELL CONSTRUCTION

EXAM FEE

LICENSE FEE

0218 WELL DRILL CONSTRUCTOR

\$

0219

\$

LANDOWNER'S PERMIT

0220

\$

OTHER (IDENTIFY)

0536 TREASURY 0437 WELL CONST. START FEE

0211 WELL CONST START FEE

\$

CARD#

0210 MONITORING WELLS

\$

CARD#

OTHER (IDENTIFY)

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

0233 POWER LICENSE FEE (FW/WRD)

\$

0231 HYDRO LICENSE FEE (FW/WRD)

\$

HYDRO APPLICATION

\$

TREASURY

OTHER / RDX

FUND TITLE

OBJ. CODE VENDOR

DESCRIPTION

\$

RECEIPT:

140213

DATED:

2-28-2023

BY:

RECEIVED  
OVER THE COUNTER



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

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

☒ Part 1 – Completed Minimum Requirements Checklist.

☒ Part 2 – Completed Temporary 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 online fee calculator at:  
[http://apps.wrd.state.or.us/apps/misc/wrd\\_fee\\_calculator](http://apps.wrd.state.or.us/apps/misc/wrd_fee_calculator).

☒ Part 4 – Completed Applicant Information and Signature.

☒ Part 5 – Information about Transferred Water Rights: **How many water rights are to be transferred?** 1 **List them here:** 17226

Please include a separate Part 5 for each water right. (See instructions on page 6)

☒ ☐ N/A For standard Temporary Transfer (one to five years) **Begin Year** 2023 **End Year** 2027

☐ ☒ N/A Temporary Drought Transfer (Only in counties where the Governor has declared drought)

☒ Completed Temporary Transfer Application Map.

☒ Completed Evidence of Use Affidavit and supporting documentation.

☒ Current recorded deed for the land **from** which the authorized place of use is temporarily being moved.

☒ ☐ N/A Affidavit(s) of Consent from Landowner(s) (if the applicant does not own the land upon which the water right is located.) **(SEE SIGNATURE PAGE BELOW FOR 2 LANDOWNERS)**

☐ ☒ N/A Supplemental Form D – For water rights served by or issued in the name of a district. Complete when the temporary transfer applicant is not the district.

☒ ☐ N/A Oregon Water Resources Department's Land Use Information Form with approval and signature from each local land use authority in which water is to be diverted, conveyed, and/or used. Not required if water is to be diverted, conveyed, and/or used only on federal lands or if all of the following apply: a) a change in place of use only, b) no structural changes, c) the use of water is for irrigation only, and d) the use is located within an irrigation district or an exclusive farm use zone.

☐ ☒ N/A Water Well Report/Well Log for changes in point(s) of appropriation (well(s)) or additional point(s) of appropriation (if necessary to convey water to the proposed place of use).

Staff: \_\_\_\_\_ Phone: \_\_\_\_\_ Date: \_\_\_\_/\_\_\_\_/\_\_\_\_



## Part 2 of 5 – Temporary Transfer Application Map Checklist

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

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

- ☐ ☒ N/A If more than three water rights are involved, separate maps are needed for each water right.
- ☒ Permanent quality printed with dark ink on good quality paper.
- ☒ The size of the map can be 8½ x 11 inches, 8½ x 14 inches, 11 x 17 inches, or up to 30 x 30 inches. For 30 x 30 inch maps, one extra copy is required.
- ☒ A north arrow, a legend, and scale.
- ☒ The scale of the map must be: 1 inch = 400 feet, 1 inch = 1,320 feet; the scale of the Final Proof/Claim of Beneficial Use Map (the map used when the permit was certificated); the scale of the county assessor map if the scale is not smaller than 1 inch = 1,320 feet; or a scale that has been pre-approved by the Department.
- ☒ Township, Range, Section, ¼ ¼, DLC, Government Lot, and other recognized public land survey lines.
- ☒ Tax lot boundaries (property lines) are required. Tax lot numbers are recommended.
- ☒ Major physical features including rivers and creeks showing direction of flow, lakes and reservoirs, roads, and railroads.
- ☒ Major water delivery system features from the point(s) of diversion/appropriation such as main pipelines, canals, and ditches.
- ☒ Existing place of use that includes separate hachuring for each water right, priority date, and use including number of acres in each quarter-quarter section, government lot, or in each quarter-quarter section as projected within government lots, donation land claims, or other recognized public land survey subdivisions. If less than the entirety of the water right is being changed, a separate hachuring is needed for lands left unchanged.
- ☒ ☐ N/A Proposed temporary 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) to convey water to the new temporary place of use, 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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## OWRE

FEE WORKSHEET for TEMPORARY (not drought) TRANSFERS					
1	Base Fee (includes temporary change to one water right for up to 1 cfs)		1	\$950.00	
2	Number of water rights included in transfer: <u>1</u> (2a) Subtract 1 from the number in 3a above: <u>0</u> (2b) If only one water right this will be 0 Multiply line 2b by \$310.00 and enter » » » » » » » » » » » » » » » »		2	0.00	
3	Do you propose to change the place of use for a non-irrigation use? <input checked="" type="checkbox"/> No: enter 0 on line 3 » » » » » » » » » » » » » » » » <input type="checkbox"/> Yes: enter the cfs for the portions of the rights to be transferred: _____ (3a) Subtract 1.0 from the number in 3a above: _____ (3b) If 3b is 0, enter 0 on line 3 » » » » » » » » » » » » » » » » If 3b is greater than 0, round up to the nearest whole number: _____ (3c) and multiply 4c by \$230.00, then enter on line 3		3	0.00	
4	Do you propose to change the place of use for an irrigation use? <input type="checkbox"/> No: enter 0 on line 4 » » » » » » » » » » » » » » » » <input checked="" type="checkbox"/> Yes: enter the number of acres in the footprint of the place of use for the portions of the rights to be transferred: <u>0.7</u> (4a) Multiply the number of acres in 4a above by \$2.70 and enter on line 4 » »		4	1.89	
5	Add entries on lines 1 through 4 above » » » » » » » » » » Subtotal:		5	<del>950.00</del>	
6	Is this transfer: <input checked="" type="checkbox"/> necessary to complete a project funded by the Oregon Watershed Enhancement Board (OWEB) under ORS 541.932? <input type="checkbox"/> endorsed in writing by ODFW as a change that will result in a net benefit to fish and wildlife habitat? If one or more boxes is checked, multiply line 5 by 0.5 and enter on line 6 »		6	<del>475.00</del>	
7	If no box is applicable, enter 0 on line 7 » » » » » » » » » » » » » » » »		7	<del>475.00</del>	
7	Subtract line 6 from line 5 » » » » » » » » » » » Transfer Fee:		7	<del>475.00</del>	

FEE WORKSHEET for TEMPORARY DROUGHT TRANSFERS			
1	Base Fee (includes drought application and recording fee for up to 1 cfs)	1	\$200.00
	Enter the cfs for the portions of the rights to be transferred (see example below*): <div style="text-align: right;">_____ (2a)</div> Subtract 1.0 from the number in 2a above: _____ (2b) If 2b is 0, enter 0 on line 2 » » » » » » » » » » » » » » » » If 2b is greater than 0, round up to the nearest whole number: _____ (2c) and multiply 2c by \$50, then enter on line 2 » » » » » » » » »		
2		2	
3	Add entries on lines 1 through 2 above » » » » » » » » » <b>Transfer Fee:</b>	3	

\*Example for Line 2a calculation to transfer 45.0 acres of Primary Certificate 12345 (total 1.25 cfs for 100 acres) and 45.0 acres of Supplemental Certificate 87654 (1/80 cfs per acre) on the same land:

1. Divide total authorized cfs by total acres in the water right (for C12345,  $1.25 \text{ cfs} \div 100 \text{ ac}$ ); then multiply by the number of acres to be transferred to get the transfer cfs ( $\times 45 \text{ ac} = 0.56 \text{ cfs}$ ).
2. If the water right certificate does not list total cfs, but identifies the allowable use as  $1/40$  or  $1/80$  of a cfs per acre; multiply number of acres proposed for change by either  $0.025$  ( $1/40$ ) or  $0.0125$  ( $1/80$ ). (For C87654,  $45.0 \text{ ac} \times 0.0125 \text{ cfs/ac} = 0.56 \text{ cfs}$ )
3. Add cfs for the portions of water rights on all the land included in the transfer; however **do not count cfs for supplemental rights on acreage for which you have already calculated the cfs fee for the primary right on the same land**. The fee should be assessed only once for each "on the ground" acre included in the transfer. (In this example, blank 2a would be only  $0.56 \text{ cfs}$ , since both rights serve the same  $45.0$  acres. Blank 2b would be  $0$  and Line 2 would then also become  $0$ ).



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## Part 4 of 5 – Applicant Information and Signature

## Applicant Information

APPLICANT/BUSINESS NAME Julie Caputo		PHONE NO. 503-933-1589	ADDITIONAL CONTACT NO.
ADDRESS 8191 South Fork Little Butte Creek Road			FAX NO.
CITY Eagle Point	STATE OR	ZIP 97524	E-MAIL julie@caputo-group.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.			

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

AGENT/BUSINESS NAME Lance Wyss/ Rogue River Watershed Council		PHONE NO. 541-601-9330	ADDITIONAL CONTACT NO.
ADDRESS 89 Alder Street			FAX NO.
CITY Central Point	STATE OR	ZIP 97502	E-MAIL lwyss@rogueriverwc.org
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:

Irrigate native trees and shrubs to restore the floodplain forest, beneficial to fish and wildlife species and habitat  
If you need additional space, continue on a separate piece of paper and attach to the application as "Attachment 1".

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

Applicant (District) signature

Print Name (and Title if applicable)

Date

Applicant (District) signature

Print Name (and Title if applicable)

Date

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

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

Applicant: Lori Dutton

Phone No: 541-826-6641

Address: 7730 South Fork Little Butte Creek Road

City: Eagle Point State: OR Zip Code: 97524

E-mail: lorislakecreekgardens@gmail.com

Signature Lori DuttonPrint Name Lori DuttonDate 2/8/2023



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☐ 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. (NOTE: If this box is checked, you must complete and attach Supplemental Form D.)

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 local governments (each county, city, municipal corporation, or tribal government) within whose jurisdiction water will be diverted, conveyed and/or used.

ENTITY NAME	ADDRESS	
Jackson County	10 S Oakdale Ave	
CITY	STATE	ZIP
Medford	OR	97501

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 rows to tables within the form.

Water Right Certificate # 17226

## Description of Water Delivery System

System capacity: 0.55 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. gravel push-up dam and canal for flood irrigation

**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 - SF Little Butte Creek	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed		37 S	02 E	13	NW NW	372E4301	
POD 2	<input type="checkbox"/> Authorized <input checked="" type="checkbox"/> Proposed		37 S	02 E	11	SW SE	372E4200	
	<input type="checkbox"/> Authorized <input type="checkbox"/> Proposed							
	<input type="checkbox"/> Authorized <input type="checkbox"/> Proposed							

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

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

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

- ☐ Place of Use (POU)                      ☐ Point of Appropriation/Well (POA)  
☐ Character of Use (USE)                  ☐ Additional Point of Appropriation (APOA)  
☐ Point of Diversion (POD)              ☐ Additional Point of Diversion (APOD)

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

- ☐ Yes              Complete only the Proposed ("to" 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 fill-out the tables?  
Contact the Department at 503-986-0900 and ask for Transfer Staff.

Table 2. Description of Temporary Changes to Water Right Certificate # 17226

List only the part of the right that will be changed. For the acreage in each  $\frac{1}{4}$   $\frac{1}{4}$ , list the change proposed. If more than one change, specify the acreage associated with each change. If more than one POD/POA, 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	
"	"	"	"	"	"	"	"	"	"	EXAMPLE	"	"	"	2	S	9	E	2	SW	NW	500		5.0		POD #6	1901	
37	S	2	E	11	NE	SW	4200 4202		3.6	Irrigation	POD 1	1907	POU/APOD	37	S	2	E	11	NE	SW	4200 4202		4.3		POD 2	1907	
37	S	2	E	11	SE	SW	4200		1.3	Irrigation	POD 1	1907	APOD	37	S	2	E	11	SE	SW	4200		1.3		POD 2	1907	
37	S	2	E	11	NW	SE	4200 4202		4.2	Irrigation	POD 1	1907	APOD	37	S	2	E	11	NW	SE	4200 4202		4.2		POD 2	1907	
37	S	2	E	11	SW	SE	4200		3.9	Irrigation	POD 1	1907	POU/APOD	37	S	2	E	11	SW	SE	4200		3.2		POD 2	1907	
TOTAL ACRES							13.0							TOTAL ACRES							13.0						

Additional remarks:

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Revised 7/1/2021

Temporary Transfer Application – Page 8 of 10

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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 Temporary Changes to Water Right Certificate #** 17226

List only the part of the right that will be changed. For the acreage in each  $\frac{1}{4}$ , list the change proposed. If more than one change, specify the acreage associated with each change. If more than one POD/POA, 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	$\frac{1}{4}$	$\frac{1}{4}$	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	$\frac{1}{4}$	$\frac{1}{4}$	Tax Lot	Gvt Lot or DLC	Acre	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
"	"	"	"	"	"	"	"	"	"	EXAMPLE	"	"	"	2	S	9	E	2	SW	NW	500		5.0		POD #6	1901
													POU/APOD	37	S	2	E	11	NE	SW	4200 4202		0.7		POD 2	1907
37	S	2	E	11	SW	SE	4200		0.7	Irrigation	POD 1	1907	POU/APOD													
TOTAL ACRES										0.7	TOTAL ACRES													0.7		

Additional remarks:

Received by OWRD



FEB 28 2023

Water Right Certificate # 17226

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## For Place 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 540.525, any "layered" water use such as an irrigation right that is supplemental to a primary right proposed for temporary transfer can be included in the transfer or remain unused on the authorized place of use. If the primary water right does not revert soon enough to allow use of the supplemental right within five years, the supplemental right shall become subject to cancellation for nonuse under ORS 540.610.

If a change in point(s) of appropriation (well(s)) or additional point(s) of appropriation is necessary to convey the water to the new temporary place of use you must provide:

- ☐ Well log(s) for each authorized and proposed well(s) that are clearly labeled and associated with the corresponding well(s) in Table 1 above and on the accompanying application map. (Tip: You may search for well logs on the Department's web page at: [http://apps.wrd.state.or.us/apps/gw/well\\_log/Default.aspx](http://apps.wrd.state.or.us/apps/gw/well_log/Default.aspx))

## AND/OR

- ☐ Describe the construction of the authorized and proposed well(s) in Table 3 below for any well that does not have a well log. For a *proposed well(s) 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



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# Klamath Basin/County Drought Transfer Applications

Table 4. Klamath Basin/County Well Information (DROUGHT TRANSFER APPLICATIONS ONLY)

Is there currently a flowmeter installed on each of the POAs listed in Table 1 of this application? ☐ Yes ☐ No\*

*\*Please note that watermaster staff will visit the well to confirm flowmeter presence. Where possible, watermaster staff will take a static water level measurement. Alterations to the well head may be required in order to make the water level measurements.*

For each well, please provide a description of the flowmeter location, the serial number, the current flowmeter reading and the date the reading was taken in the table below.

OWNER'S WELL NAME OR NUMBER.	WELL TAG NUMBER (IF AVAILABLE)	WELL LOG ID (E.G., KLAM 1234)	FLOWMETER SERIAL NUMBER	FLOWMETER READING	FLOWMETER DATE	FLOWMETER LOCATION



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Grant No. 222-2002-19877  
Grant Name: South Fork Little Butte Creek RM 6.2 Ecological Restoration Project

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Oregon Watershed Enhancement Board  
RESTORATION GRANT AGREEMENT

Grantee: Rogue River WC

Grant Number: 222-2002-19877

Grant Name: South Fork Little Butte Creek RM 6.2 Ecological Restoration Project

Award Amount: \$346,868.00

Project Completion Date: 12/31/2027

Award Date: 4/26/2022

Progress Report Date(s):

10/1/2023, 10/1/2024, and 10/1/2025

Post-Implementation Status Reporting Period:

3 years (See Exhibit D)

Post-Implementation Report (PISR) Schedule:

Three PISRs will be required. Due Dates will be October 31 in one year, October 31 in two years and October 31 in three years following an approved Project Completion Report.

**Grantee**

Rogue River WC  
89 Alder Street  
Central Point, OR 97502-2273  
Phone: (541) 423-6187  
Email: bbarr@rogueriverwc.org  
Contact: Brian Barr

**Project Manager for the Grantee**

Lance Wyss  
N/A  
89 Alder Street  
Central Point, OR 97502  
Phone: (541) 423-6188  
Email: lwyss@rogueriverwc.org

**Payee**

Rogue River WC  
Anna Johnson  
89 Alder Street  
Central Point, OR 97502  
Phone: 541-423-6186  
Email: ajohnson@rogueriverwc.org

**Project Manager for the Board**

Oregon Watershed Enhancement Board  
Mark Grenbemer  
775 Summer St NE Ste 360  
Salem, OR 97301-1290  
Phone: (971) 345-7021  
Email: mark.grenbemer@oweb.oregon.gov

This grant is funded \$203,647.00 from state and \$143,221.00 from federal funds (Catalogue Federal Domestic Assistance Number listed in Exhibit I). The state funds may include Oregon Lottery funds or another state fund source and must comply with the requirements defined in Article XV, section 4b(2) of the Oregon Constitution. If the Grantee expends more than \$750,000 in federal funds from all federal sources in one fiscal year, Grantee may be subject to the federal Single Audit Act requirements in 2 CFR 200.501 and additional federal requirements identified in Exhibit H (Federal Grant Requirements).

This Grant Agreement is between the Oregon Watershed Enhancement Board, hereafter called "Board," and the Grantee as identified above, in consideration of the mutual covenants contained herein. This Agreement consists of the following, in descending order of precedence: modifications to this Agreement contained in Exhibit B, if applicable, this Agreement less all exhibits attached, Exhibits K (Grant Application selected for funding by the Board), H (Federal Grant Requirements), B (Conditions of Agreement), A (Schedule for Release of Funds), C (Project Completion Report Requirements), D (Post-Implementation Status Report Requirements), E (Permits and Licenses), F (Cooperative/Landowner Agreement(s)), G (Oregon Prevailing Wage Rate Law), I (Information Required for Federal Funding), and J (Insurance Requirements).

14179



FEB 28 2023

## OWRD

Grant No. 222-2002-19877  
Grant Name: South Fork Little Butte Creek RM 6.2 Ecological Restoration Project**A. Authorization**

This grant is authorized by ORS 541.890 to 541.958, as amended by Oregon Laws 2011, chapter 643, and is subject to Oregon Administrative Rules 695-001-0000 to 695-050-0050, as such rules may periodically be amended by the Board.

**B. Grant Award**

The Grantee agrees to perform the Project described in the grant application (Exhibit K) and as specified in this Agreement. The Board will disburse Grant Funds in accordance with Exhibit A (Schedule for Release of Funds).

The Grantee agrees that funds provided by the Board will be used only for the Project.

"Payee" designated on page one (1) of this Agreement means the person or entity designated by Grantee to administer grant payments under this Agreement.

**C. Term of Agreement**

Unless otherwise specified in Exhibit B, upon signature by all parties and approval as required by law, this Agreement is effective as of the Award Date specified on page one (1) of this Agreement, and expires on the Project Completion Date specified on page one (1) of this Agreement.

**D. Funding Conditions**

The Board's obligation to disburse funds to Grantee under this Agreement is subject to the Board having received, on the date of each disbursement, sufficient funding, appropriations, limitations, allotments, or other expenditure authority to allow the Board, in the exercise of its reasonable administrative discretion, to make each disbursement. Nothing in this Agreement entitles Grantee to receive payment under this Agreement from any part of Oregon state government other than the Board, and nothing in this Agreement is to be construed as permitting any violation of Article IX, section 7 of the Oregon Constitution or any other law regulating liabilities or monetary obligations of the State of Oregon.

As a condition for the disbursement of any Board funds, the Grantee agrees to do the following:

**1. Obtain Necessary Permits and Licenses**

Submit to the Board's Project Manager, before release of any Board funds for the Project components requiring permits or licenses, or for activities dependent on portions of the Project for which a permit or license has yet to be issued, copies of all permits and licenses from local, state or federal agencies or governing bodies that have been obtained, or written evidence acceptable to the Board that permits and licenses are not needed (see Exhibit E, Permits and Licenses) as required by ORS 541.932(10).

This statute gives OWEB discretion in releasing funds for portions of projects that do not require a permit or license. In considering whether to release funds for portions of on-the-ground restoration activities that do not require permits or licenses, OWEB will consider whether the activities provide ecological benefit consistent with the project objectives, and are not dependent on the portion of the project for which a permit or license has yet to be issued. OWEB also has the discretion to condition its release of funds based on specific circumstances of a project. Grantee should review Exhibit B Conditions of Agreement for any related conditions with respect to permitting, licensing and fund release.

**2. Obtain Signed Landowner Agreements**

Unless otherwise specified in Exhibit B, the Board will not release any payments under this Agreement until Grantee has submitted to the Board's Project Manager copies of signed Cooperative/Landowner Agreements for each Project site. Such Cooperative/Landowner Agreements shall at a minimum contain the agreements and certification outlined in Exhibit F.

**3. Comply With Implementation Conditions**

(a) Submit to the Board's Project Manager, before release of any Board funds, documentation that non-Board match of at least 25% of the total amount of funding from the Board has been secured as required by OAR 695-005-0060(2), unless otherwise specified in Exhibit B, Conditions of Agreement, or;

For Focused Investment Partnership Projects, in accordance with OAR 695-047-0110(7), the matching funds requirement is reduced to a minimum of at least \$1.00. However, any cash or in-kind match funding utilized in the course of completing this grant must be documented in the Project Completion Report (Exhibit C). Submit to the Board's Project Manager, before release of any Board funds, documentation that \$1.00 minimum match requirement will be met for the grant.



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- (b) Comply with the applicable Oregon Aquatic Habitat Restoration Guidelines under the Oregon Plan for Salmon and Watersheds.  
See <https://www.oregon.gov/OWEB/> "Resources" then "Field & Technical Guide" then "Aquatic Habitat Guide".
  - (c) Provide written notice to the Board's Project Manager of any Grantee address changes, Grantee Project Manager changes or Payee changes.
4. **Document and Report Project Completion; Board Approval**
- (a) Submit to the Board's Project Manager all receipts, expenditure tracking sheets and other accounting records through the Project Completion Date, to document expenditure of grant fund installments, and to account for all other funding, in-kind contributions and donations in the Project Completion Report.
  - (b) Submit to the Board's Project Manager within 60 days after the Project Completion Date, a Project Completion Report and the final Request for release of Funds that complies with Exhibit C, and includes any special reporting required in Exhibit B. Reports received after 60 days will be marked as "outstanding" until approved by the Board's designee. New grant agreements will not be released if Grantee has any outstanding reports.
  - (c) Upon receipt of a Project Completion Report and the final Request for Release of Funds, the Board's designee has 90 days to either approve the report and release final funds, or notify Grantee of any concerns or missing information that must be submitted before the report is considered complete. If there are any unresolved issues 90 days after receipt of the Project Completion Report and the final Request for Release of Funds, then the grant will be marked "outstanding." New grant agreements will not be released if Grantee has any outstanding reports.
  - (d) "Board approval" of the Project Completion Report means the report has been approved by the Board's Program Manager or delegate, and the final Request for Release of Funds has been approved by the Board's Fiscal Manager or delegate. The Project Completion Report will show as "outstanding" (i.e., overdue and not approved) on the Board's Grant Management System ("OGMS") until the report and Request for Release of Funds has been approved by the Board. New grant agreements will not be released to Grantee if Grantee has any outstanding reports.

**E. Records Maintenance and Access**

1. **Access to Records and Facilities.** The Board, the Secretary of State's Office of the State of Oregon and their duly authorized representatives will have access to the books, documents, papers and records of Grantee that are directly related to this Agreement, the grant moneys provided hereunder, or the Project for the purpose of making audits and examinations. In addition, the Board, the Secretary of State's Office of the State of Oregon and their duly authorized representatives may make and retain excerpts, copies and transcriptions of the foregoing books, documents, papers and records. Grantee will permit authorized representatives of the Board and the Secretary of State's Office of the State of Oregon to perform site reviews of all services delivered as part of the Project.
2. **Retention of Records.** Grantee will retain and keep accessible all books, documents, papers, and records that are directly related to this Agreement, the grant moneys or the Project for a minimum of six (6) years, or such longer period as may be required by other provisions of this Agreement or applicable law, following termination or expiration of this Agreement. If there are unresolved audit questions or litigation at the end of the six-year period, Grantee will retain the records until the questions or litigation is resolved.
3. **Expenditure Records.** Grantee will document the expenditure of all grant moneys disbursed by the Board under this Agreement. Grantee will create and maintain all expenditure records in accordance with generally accepted accounting principles and in sufficient detail to permit the Board to verify how the grant moneys were expended, including without limitation accounting for all other funds expended, as well as in-kind services and donated materials.



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**F. Amendments: Changes in Project Approved by Board**

1. Except as provided in Section F(3), any modifications of this Agreement must be mutually agreed to in writing by all parties.
2. All amendments, such as award amendments, time extensions and reinstatements may proceed regardless of reporting obligation status.
3. Grantee agrees to complete the Project as approved by the Board unless proposed modifications to the Project are submitted in writing to, and approved in writing by, the Board's Project Manager or, if required by this Agreement, the Board's Program Manager, prior to the beginning of any work proposed in the modification. Modifications to the budget categories shown in Exhibit A may be approved for change upon signature of the Board's Project Manager.

**G. Assignment**

The Grantee will not assign or transfer its interest in this Agreement without prior written approval from the Board.

**H. Permission Required to Access Private Property; Access to Project Sites**

In carrying out this Agreement, Grantee will not access any private property without first obtaining written consent from the landowner of the private property. Grantee will direct its contractors not to access private property without first obtaining written consent from the landowner of the private property.

Upon Board request and consistent with the Cooperative/Landowner Agreement(s) meeting the requirements as specified in Exhibit F, Grantee will seek the landowner's permission for mutually convenient access

to the Project site by Board members and their representatives for the purposes of evaluating Project implementation, completion, post-implementation status or effectiveness.

**I. Public Domain Information**

Projects funded by this grant may be used in the collection of monitoring information on private lands about the effects of the Project on aquatic or terrestrial conditions. Grantee acknowledges that all monitoring information obtained from private lands may become public information subject to the requirements of ORS 192.311 to 192.478.

**J. Post-Implementation Maintenance and Post-Implementation Reports**

1. Projects funded by the Board are intended to provide long-term benefits to the watershed. The Grantee or landowner will provide necessary and normal maintenance to sustain the value of the Project once it is completed. Maintenance will be in accordance with the terms of the Cooperative/Landowner Agreement(s) (Exhibit F).
2. Grantee shall submit Post-Implementation Status Reports documenting the status of the Project that are satisfactory to the Board and comply with Exhibit D and any special reporting requirements in Exhibit B. Reporting shall be at a frequency and for the period specified on page one (1) of this Agreement.
3. Reports are not considered complete until Grantee has responded to the Board's concerns and questions in a manner satisfactory to the Board's Project Manager and Program Manager. "Board approval" means the report has been approved by the Board's Program Manager or delegate. A report will show as "outstanding" (i.e., overdue and not approved) on OGMS until the report has been approved by the Board. New grant agreements will not be released to Grantee if Grantee has any outstanding reports.



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**K. Termination of Grant Agreement**

1. This Agreement may be terminated:
  - (a) At any time by mutual written consent of all parties;
  - (b) Upon written notice by the Board to Grantee for Grantee's failure to perform any provision of this Agreement;
  - (c) Upon 30 days written notice by the Board to Grantee for any other reason specified in writing; or
  - (d) At any time, upon written notice by the Board, if the Board lacks sufficient funding, appropriations, limitations, allotments, or other expenditure authority to allow the Board, in the exercise of its reasonable administrative discretion, to disburse the grant funds.
2. Within 30 days of termination, Grantee will return to the Board any unspent funds provided by the Board under this Agreement in accordance with Section P, Recovery of Grant Funds. The Board will reimburse the Grantee for authorized services performed and eligible expenses incurred before the termination under this Agreement.

**L. Compliance With Applicable Law**

Grantee shall comply with all federal, state and local laws, regulations, executive orders and ordinances applicable to this Agreement or to the Project. Without limiting the generality of the foregoing, Grantee expressly agrees to comply with the following laws, regulations and executive orders to the extent they are applicable to the Agreement or the Project: (a) all applicable requirements of state civil rights and rehabilitation statutes, rules and regulations, (b) Titles VI and VII of the Civil Rights Act of 1964, as amended, (c) Sections 503 and 504 of the Rehabilitation Act of 1973, as amended, (d) the Americans with Disabilities Act of 1990, as amended, (e) Executive Order 11246, as amended, (f) the Health Insurance Portability and Accountability Act of 1996, (g) the Age Discrimination in Employment Act of 1967, as amended, and the Age Discrimination Act of 1975, as amended, (h) the Vietnam Era Veterans' Readjustment Assistance Act of 1974, as amended, (i) all regulations and administrative rules established pursuant to the foregoing laws, and (j) all other applicable requirements of federal civil rights and rehabilitation statutes, rules and regulations. These laws, regulations and executive orders are incorporated by reference herein to the extent that they are applicable to the Agreement or the Project and required by law to be so incorporated. Grantee shall not discriminate against any individual, who receives or applies for services as part of the Project, on the basis of actual or perceived age, race, creed, religion, color, national origin, gender, disability, marital status, sexual orientation, age or citizenship. All employers, including Grantee, that employ subject workers who provide services in the State of Oregon shall comply with ORS 656.017 and provide the required Workers' Compensation coverage, unless such employers are exempt under state law.

**M. Grantee Authority**

The individual signing on behalf of the Grantee hereby certifies and swears under penalty of applicable law that s/he is authorized to act on behalf of Grantee, has authority and knowledge regarding Grantee's payment of taxes, and to the best of her/his knowledge, Grantee is not in violation of any Oregon tax laws.

**N. Indemnity**

Subject to the limitations of the Oregon Tort Claims Act (ORS 30.260 - 30.300), Grantee will defend (subject to any limitation imposed by ORS Chapter 180), save, hold harmless, and indemnify the State of Oregon and the Board 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 Grantee or its officers, employees, contractors, or agents under this Agreement or in the implementation of the Project.



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## OWRD

### O. Designation of Forum

Any party bringing a legal action or proceeding against any other party arising out of or relating to this Agreement shall bring the legal action or proceeding in the Circuit Court of the State of Oregon for Marion County. Each party hereby consents to the exclusive jurisdiction of such court, waives any objection to venue, and waives any claim that such forum is an inconvenient forum.

### P. Recovery of Grant Funds

Any funds disbursed to Grantee under this Agreement that are expended in violation or contravention of one or more of the provisions of this Agreement or that remain unexpended on the earlier of termination of this Agreement or the Project Completion Date must be returned to the Board not later than 15 days after the Board's written demand.

### Q. Counterparts

This Agreement may be executed in several counterparts, including by facsimile or by signature on a portable document format (pdf) delivered by email, all of which when taken together shall constitute one agreement binding on all parties, notwithstanding that all parties are not signatories to the same counterpart. Each copy of this Agreement so executed shall constitute an original.

### R. Insurance

1. In addition to any insurance specified in Exhibit J, Grantee shall carry the insurance types and amounts described below and will continue this coverage through Project completion. In addition, the Grantee shall require that all contractors or consultants hired for construction, restoration, technical design, assessment or monitoring contracts carry the minimum insurance types and amounts described below. The minimum insurance requirements do not apply to contractors not engaged in these types of activities, for example, those engaged in facilitation, data analysis, or web design, etc.. Contractor insurance requirements do not apply to landowners with whom the Grantee is contracting to perform work on the landowner's property.

Insurance Type	Minimum Amount
General liability	\$1,000,000 per occurrence, \$2,000,000 annual aggregate
Auto liability	\$1,000,000 combined single limit

2. If requested by the Board, Grantee shall provide to the Board Certificate(s) of Insurance for all required insurance. As proof of insurance the Board has the right to request copies of insurance policies and endorsements relating to the insurance requirements in this Agreement.
3. Grantee or the insurer must provide at least 30 days' written notice to the Board before cancellation of, material change to, potential exhaustion of aggregate limits of, or non-renewal of the required insurance coverage(s).



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THIS AGREEMENT, INCLUDING ALL MATERIALS INCORPORATED BY REFERENCE, CONSTITUTES THE ENTIRE AGREEMENT BETWEEN THE PARTIES ON THIS SUBJECT. THERE ARE NO UNDERSTANDINGS, AGREEMENTS, OR REPRESENTATIONS, ORAL OR WRITTEN, NOT SPECIFIED HERE REGARDING THIS AGREEMENT. NO WAIVER, CONSENT, MODIFICATION OR CHANGE OF TERMS OF THIS AGREEMENT SHALL BIND EITHER PARTY UNLESS IN WRITING AND 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. THE FAILURE OF THE BOARD TO ENFORCE ANY PROVISION OF THIS AGREEMENT SHALL NOT CONSTITUTE A WAIVER BY THE BOARD OF THAT OR ANY OTHER PROVISION. GRANTEE, BY EXECUTING THIS AGREEMENT, HEREBY ACKNOWLEDGES THAT GRANTEE HAS READ THIS AGREEMENT, UNDERSTANDS IT AND AGREES TO BE BOUND BY ITS TERMS AND CONDITIONS.


CERTIFICATION

GRANTEE CERTIFIES THAT GRANTEE WILL NOT BEGIN WORK ON PROJECTS INVOLVING PRIVATE LANDS UNTIL GRANTEE HAS SECURED COOPERATIVE LANDOWNER AGREEMENTS (EXHIBIT F) WITH ALL PARTICIPATING PRIVATE LANDOWNERS THAT, AT A MINIMUM, COMPLY WITH SECTION H AND INCLUDE THE FOLLOWING:

- (a) Identification of the party responsible for repairs and maintenance of the Project; and
- (b) Acknowledgement that the landowner is aware of the application to OWEB and that information relating to the work, including effectiveness monitoring data, is a public record.

AGREED:

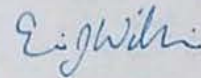
FOR THE GRANTEE:

  
\_\_\_\_\_  
Grantee Signature

Brian P. Barw  
\_\_\_\_\_  
Print Name

2022 Jun 3  
\_\_\_\_\_  
Date

FOR THE BOARD:

  
\_\_\_\_\_  
OWEB Program Manager

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Date: 2022.06.03  
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(If the grant is for more than \$150,000)

APPROVED FOR LEGAL SUFFICIENCY:

/S/ Diane Lloyd  
\_\_\_\_\_  
Assistant Attorney General  
Oregon Department of Justice

May 29, 2022  
\_\_\_\_\_  
Date

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Grant No. 222-2002-19877  
Grant Name: South Fork Little Butte Creek RM 6.2 Ecological Restoration Project**OWRD****EXHIBIT A****SCHEDULE FOR RELEASE OF FUNDS**

All fund requests shall comply with the Board's Billing Instructions and Budget Categories Definitions and Policies, (see OWEB's website <https://www.oregon.gov/OWEB/> "manage your grant" and choose "payments & budget") and be submitted using the most current Request for Release of Funds form signed by the Grantee, Payee, or other agent authorized by Grantee. Disbursement of funds is subject to the Board having sufficient funding on the date of each disbursement. The Board will not reimburse the Grantee for any expenditure incurred prior to the award date of the grant agreement except for fees charged by an affected city or county for processing the required Land Use Information Sheet. Payment requests will be processed after approval by the Board's Project and Fiscal Managers or delegates.

Funds are released upon Board approval of receipts or invoices for amounts \$250 or more (excluding indirect cost grant administration) for purchases or work accomplished along with an expense tracking spreadsheet for all Board expenses.

Funds may also be released in advance on the basis of a detailed estimate of expenses. Copies of receipts, invoices or supporting documentation, for amounts \$250 or more (excluding indirect cost grant administration) must be submitted to document OWEB funds previously advanced for this grant within 120 days of the date of the payment. Also, an expense tracking spreadsheet for all OWEB expenses shall be submitted. Failure to comply may delay new grants from being issued, and other grant payment requests and amendments.

The grant budget consists of the elements listed below.

Budget Category	Amount
<b>OWEB Funds</b>	
Salaries, Wages and Benefits	\$48,546.00
Contracted Services	\$241,274.00
Travel and Training	\$1,722.00
Materials and Supplies	\$17,430.00
<b>Categories Subtotal</b>	<b>\$308,972.00</b>
Indirect Costs	\$30,898.00
Post Grant	\$6,998.00
<b>Grant Total</b>	<b>\$346,868.00</b>

Up to the final 10% of the grant ( \$34,687.00 ) will not be released for payment until the Board's approval of the Project Completion Report including all grant expense documentation.  
OAR 695-005-0060(7).

If Federally Negotiated Indirect Cost Rate (FNICR) is selected as the indirect cost method, then an approved plan as of grant application due date or later must be on file at OWEB before funds for indirect costs will be released.

Submittal and Board approval of a Project Completion Report and final Request for Release of Funds will authorize the Board to retain any remaining unspent funds.



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EXHIBIT B

CONDITIONS OF AGREEMENT

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1. First Payment: Map

OWEB will not release any funds for a Project site until Grantee has submitted to the Board's Project Manager a map that shows where the photo points have been established. Baseline criteria for the map include 8 1/2 x 11 size and .pdf format. Minimum background layers include recent aerial imagery, Project boundary, streams, and roads/highways.

2. First Payment: Photo Points

OWEB will not release any funds for a Project site until Grantee has submitted to the Board's Project Manager pre-Project photos at photo points established to track visual change(s) resulting from restoration Project. Grantee should carefully consider photo point locations to ensure photos clearly show the same sites and perspective in future photos to meet reporting requirements (see Exhibits C and D) and demonstrate that completed restoration meets the scope of work described in the grant application.

3. Project Completion Report: Plant Stewardship

In addition to the requirements in Exhibit C, the Project Completion Report shall include the following regarding plant stewardship:

1. List of species planted and the overall planting density.
2. Summary of actions completed to promote plantings reaching a "free-to-grow" state, including interplanting, invasive species control, irrigation, or other activities related to plant stewardship.
3. An analysis of progress towards restoring target plant community(ies) described in the grant application. This could be described by data on plant survival and mortality, native plant density, and/or percent cover of natives versus invasive plant species.
4. Photo points taken at least once during the growing season.

4. Post-Implementation Status Reporting: Plant Stewardship

In addition to the requirements in Exhibit D, Post-Implementation Status Reports shall include the following regarding plant stewardship:

1. Summary of actions completed to promote plantings reaching a "free-to-grow" state, including interplanting, invasive species control, irrigation, or other activities related to plant stewardship.
2. An analysis of progress towards restoring target plant community(ies) described in the grant application. This could be described by data on plant survival and mortality, native plant density, and/or percent cover of natives versus invasive plant species.
3. Photo points taken at least once during the growing season.

5. Project Completion Report: Effectiveness Monitoring

In addition to the requirements in Exhibit C, the Project Completion Report shall include a description of Effectiveness Monitoring status towards achieving the monitoring scope of work described in the Grant Application, detailing actions completed to date and any findings from this work.

6. Post-Implementation Status Reporting: Effectiveness Monitoring



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In addition to the requirements in Exhibit D, Post-Implementation Status Reports shall include a description of Effectiveness Monitoring status towards achieving the monitoring scope of work described in the Grant Application, detailing actions completed to date and any findings from this work.

### 7. Project Specific: Other

**Combined Funding Agreement:** This grant is a joint funding agreement with \$203,647 from state funds and \$143,221 from federal funds. The project implementation extends beyond three years to meet the objectives proposed in the grant application. The following conditions apply in order to facilitate this combined fund source agreement and project timeline: (a) **Progress Reports** - On October 1, 2023, October 1, 2024 and October 1, 2025, the Grantee shall submit to the Board's Project Manager a Progress Report that must include: (i.) A table featuring the Project Element, Start and End Dates, as outlined in the application 'Proposed Solution' section under "List the major project elements and time schedule for each, including post project implementation". This table should also include a column that indicates whether each project element is complete (yes/no) and a column that includes comments by the Grantee briefly explaining the progress of each project element, as applicable. The October 1, 2024 progress report must also include: (i.) A payment request that accounts for all current expenses, and is accompanied by the necessary payment request documentation, such as receipts and an expense tracking report; (ii.) Reporting of percent funds to be used for plant stewardship work planned for plants to reach a free-to-grow status; and (iii.) Submission of an Oregon Watershed Restoration Inventory (OWRI) report. (b) **Grant Agreement Amendment** - Upon approval of the 2024 Progress Report, this agreement may be amended to reduce the final 10% holdback of funding until project completion to 10% of the remaining unspent grant funds. (c) **Unspent Funds** - OWEB reserves the right to recapture any unspent project funds if the Grantee is unable to spend them on restoration activities that align with proposed activities and locations described in the grant application.



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EXHIBIT C

PROJECT COMPLETION REPORT REQUIREMENTS

Oregon Administrative Rule 695-010-0100(1) states that "Grantee must submit a report at completion of the Project describing the work done and placing it in its larger watershed context." Therefore, **Grantee must submit a Project Completion Report within 60 days following the Project Completion Date**, that includes, but is not limited to, (1) through (7) below.

The Project Completion Report must be submitted electronically on the Board's Grant Management System (OGMS). Electronic submission requires an OGMS User Identification and password. To request a User Identification and password, call (503) 986-0183.

1. A final Project summary that in 200 words or less, describes what the Project accomplished and what problem(s) it addressed. The information you provide will be used for accountability and reporting purposes, and displayed for the general public. Please make a clear and concise statement; avoid jargon and acronyms. For guidance see <https://www.oregon.gov/OWEB/> "manage your grant" and choose "reporting requirements".
2. A brief, narrative description of the Project including:
  - (a) Background on the problem that generated the Project;
  - (b) A description of the work done, placing it in its larger watershed context;
  - (c) A description and explanation of any changes to the original proposal;
  - (d) A summary of any outreach activities related to the Project, including identification of any tours or presentations and copies of newspaper or other media coverage about the Project;
  - (e) Lessons learned, if any, from the Project; and
  - (f) Recommendations, if any, for more effective implementation of similar projects.
3. See Exhibit B for any additional reporting requirements for the Project Completion Report.
4. Documentation that the Project complies with the Oregon Aquatic Habitat Restoration and Enhancement Guide, if applicable. See <https://www.oregon.gov/OWEB/> "Resources" then Field & Technical Guide" then choose "Aquatic Habitat Guide".
5. Color photographs of the Project areas before and after the Project completion taken at pre-set photo points. Guidelines for photo point documentation are provided on the OWEB website at: <https://www.oregon.gov/OWEB/> "Resources" then "Field & Technical Guide" then "Photo Point Monitoring".
6. Submit Oregon Watershed Restoration Inventory (OWRI) reports with the required map(s) and location information. Instructions for OWRI reporting and submittal are available on the OWEB website at: <https://www.oregon.gov/OWEB/> "Project Data & Reporting" then "OWRI".
7. Complete and submit the Federal Lobbying and Litigation Certificate to the Board's Project Manager with the final request for funds. The forms are available on the OWEB website at <https://www.oregon.gov/OWEB/> "manage your grant" and choose "forms".



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EXHIBIT D

POST-IMPLEMENTATION STATUS REPORT REQUIREMENTS

Oregon Administrative Rule 695-010-0100(2) states that "Grantee will track the status of the Project, and continue its maintenance, submitting periodic reports on a schedule set by the Board. All reports will be filed with the Board or at a location specified by the Board."

A Post-Implementation Status Report ("Status Report") must include:

1. An assessment of whether the Project continues to meet the goals specified in the Grant Agreement.
2. Information or materials required by the Grant Agreement Exhibit B Conditions of Agreement.
3. A description of any maintenance or modifications made since Project completion or since the last Status Report, whichever was last.
4. An accounting of any costs associated with Project maintenance and reporting to the Board.
5. A summary of any public awareness activities related to the Project undertaken since Project completion or since the last Status Report, whichever was last.
6. Lessons learned, if any, from the Project.
7. Unless otherwise specified, the Grantee will provide color photos of all Project elements (i.e., fencing, planting, or structures) to show compliance of the Project with the Board funding decision. Photo points will be set up, and the color photographs should be taken with the same focal-length lens at the same time of year, showing conditions before and after Project completion. Guidelines for photo point documentation are provided on the OWEB website at: <https://www.oregon.gov/OWEB/> "Resources" then "Field & Technical Guide" then choose "Photo Point Monitoring".



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## EXHIBIT E

## PERMITS AND LICENSES

Section D.1. of this Agreement outlines requirements for permits and licenses. Exhibit B Conditions of Agreement may contain additional conditions with respect to permitting, licensing and fund release.

Before the release of Board funds for activities requiring a permit or license, or for activities dependent on portions of the Project for which a permit or license has yet to be issued, the Grantee must submit to the Board's Project Manager copies of all required permits or licenses, or submit written evidence acceptable to the Board that permits and licenses are not required.

OWEB may release funds for elements of the Project that do not require a permit or license. To be considered for release, Grantee must provide written documentation to the Board's Project Manager requesting such consideration and affirming that the Project element(s) for which no permits or licenses are required will lead to ecological benefits consistent with the Project objectives, and are not dependent on the portion of the Project for which a permit or license has yet to be issued.

The following are often required for projects involving waterway alteration or watershed enhancement.

- Removal/Fill permit(s) – Dept. of State Lands      ▪ Fill permit(s) – US Army Corps of Engineers
- Water Right Permit(s) – Water Resources Dept.      ▪ City or County permit(s)
- Zone or Development Permit(s) – City or County Planning Department
- State, Federal and Tribal Cultural Resources Protection permits
- 401 Water Quality Certificate - Department of Environmental Quality

The foregoing list of permits and licenses is not exhaustive. I understand that it is my responsibility to determine which permits, licenses and General Authorizations are required for the Project.

List the components of your Project requiring permits or licenses and the associated permit(s)/license(s). If necessary, list additional activities requiring a permit or license, the name of the permit or license and issuer on a separate page and attach to this Exhibit. By its signature on this Agreement, the Grantee certifies to OWEB that the following is a complete and accurate list of the Project components requiring permits or licenses and the associated required permits or licenses.

Project Activity Requiring Permit/License	Permit/License Name and Entity Issuing
Instream construction	RGP-4: NWP-2007-99915 (ACOE via USFS)
" "	DSL 42104 GP (DSL via USFS)
" "	Wyden Authority (via USFS)
Riparian vegetation	439-21-00166-70N (Jackson County)

☐ The work related to this project will not require permits or licenses.



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Grant No. 222-2002-19877  
Grant Name: South Fork Little Butte Creek RM 6.2 Ecological Restoration Project

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EXHIBIT F

COOPERATIVE/LANDOWNER AGREEMENT(S)

---

All Cooperative/Landowner Agreements for projects shall include, but is not limited to:

- Landowner's certification that the landowner owns the land where the work will be carried out;
- Landowner's agreement to allow Grantee to carry out the work, or a portion of the work on the Landowner's property;
- Landowner's agreement to maintain the Project, or allow maintenance of the Project, over a time period consistent with the grant application;
- Landowner's agreement to allow the OWEB Board and its representatives access to the site where the work is being carried out for inspection and evaluation; and
- Landowner's acknowledgment that he/she is aware of the application to OWEB and that information relating to the work, including effectiveness monitoring data, is a public record.



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Grant No. 222-2002-19877  
Grant Name: South Fork Little Butte Creek RM 6.2 Ecological Restoration Project

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EXHIBIT G

OREGON PREVAILING WAGE RATE LAW

---

Grantees may be required to comply with Oregon's prevailing wage rate law, ORS 279C.800-279C.870. This law requires that entities using public funds for public works must pay not less than the prevailing rate of wage for an hour's work, including fringe benefits, in the same trade in the locality where the work is performed. Contracts not exceeding \$50,000 are exempt from prevailing wage rate laws and nonprofit organizations are exempt for work other than construction. Public works is defined as including "roads, highways, buildings, structures and improvements of all types, the construction, reconstruction, major renovation or painting of which is carried on or contracted for by any public agency to serve the public interest . . ." ORS 279C.800(6)(a). Construction is defined as "the initial construction of buildings and other structures, or additions thereto, and of highways and roads." OAR 839-025-0004(5)

Failure to comply with prevailing wage rate laws could result in a Grantee being liable to the workers affected in the amount of their unpaid minimum wages, including all fringe benefits, and in an additional amount equal to unpaid wages as liquidated damages.

Information regarding prevailing wage rate law can be found on the Bureau of Labor and Industries website at [https://www.oregon.gov/BOLI/WHI/PWR/Pages/W\\_PWR\\_Pwrbk.aspx](https://www.oregon.gov/BOLI/WHI/PWR/Pages/W_PWR_Pwrbk.aspx).



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Grant No. 222-2002-19877  
Grant Name: South Fork Little Butte Creek RM 6.2 Ecological Restoration Project

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EXHIBIT H

FEDERAL GRANT REQUIREMENTS

For the purposes of the federal granting agency, OWEB is the recipient of federal funds and in accordance with the State Controller's Oregon Accounting Manual, policy 30.40.00.102, and 2 CFR 200.330, OWEB's determination is that the grantee is the sub-recipient of federal funds. In the following requirements, the Grantee is also referred to as "Recipient".

As a sub-recipient of Federal grant funds, pursuant to this Agreement with the state, Recipient assumes sole liability for that Recipient breach of the conditions of the grant, and will, upon Recipient breach of grant conditions that requires the state to return funds to the grantor, hold harmless and indemnify the state for an amount equal to the funds received under this Agreement; or if legal limitations apply to the indemnification ability of the Recipient grant funds, the indemnification amount will be the maximum amount of funds available for expenditure, including any available contingency funds or other available non-appropriated funds, up to the amount received under this Agreement.

1. All equipment and materials purchased with funds made available by this Agreement must be used only for purposes of the same general nature outlined in this Agreement.
2. Recipient will comply with the requirements in 2 CFR Part 200, or the equivalent applicable provision adopted by the awarding federal agency in 2 CFR Subtitle B, including but not limited to the following:
  - (a) Property Standards. 2 CFR 200.313, or the equivalent applicable provision adopted by the awarding federal agency in 2 CFR Subtitle B, which generally describes the required maintenance, documentation, and allowed disposition of equipment purchased with federal funds.
  - (b) Procurement Standards. When procuring goods or services (including professional consulting services), applicable state procurement regulations found in the Oregon Public Contracting Code, ORS chapters 279A, 279B and 279C or 2 CFR §§ 200.318 through 200.326, or the equivalent applicable provision adopted by the awarding federal agency in 2 CFR Subtitle B, as applicable.
  - (c) Contract Provisions. Recipient shall include the contract provisions listed in 2 CFR Part 200, Appendix II, or the equivalent applicable provision adopted by the awarding federal agency in 2 CFR Subtitle B, in its contracts with non-Federal entities.
3. The Recipient agrees to ensure that all conference, meeting, convention, or training space funded in whole or in part with Federal funds, complies with the Hotel and Motel Fire Safety Act of 1990.
4. The Recipient agrees to comply with the requirements of 2 CFR 200.501, "Audits of States, Local Governments, and Non-Profit Organizations, including, but not limited to, that Subrecipients receiving federal funds in excess of \$750,000 in the Subrecipient's fiscal year are subject to audit conducted in accordance with the provisions of 2 CFR part 200, subpart F. Subrecipient, if subject to this requirement, shall at Subrecipient's own expense submit to Agency a copy of, or electronic link to, its annual audit subject to this requirement covering the funds expended under this Agreement and shall submit or cause to be submitted to Agency the annual audit of any Subrecipient(s), contractor(s), or subcontractor(s) of Subrecipient responsible for the financial management of funds received under this Agreement. Audit costs for audits not required in accordance with 2 CFR part 200, subpart F are unallowable. If Subrecipient did not expend \$750,000 or more in Federal funds in its fiscal year, but contracted with a certified public accountant to perform an audit, costs for performance of that audit shall not be charged to the grant. Subrecipient shall save, protect and hold harmless Agency from the cost of any audits or special investigations performed by the Federal awarding agency or any federal agency with respect to the funds expended under this Agreement. Subrecipient acknowledges and agrees



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Grant No. 222-2002-19877  
Grant Name: South Fork Little Butte Creek RM 6.2 Ecological Restoration Project

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that any audit costs incurred by Subrecipient as a result of allegations of fraud, waste or abuse are ineligible for reimbursement under this or any other agreement between Subrecipient and the State of Oregon.

5. Pursuant to Section 18 of the Lobbying Disclosure Act, the Recipient affirms that it is not a nonprofit organization described in Section 501(c) (4) of the Internal Revenue Code of 1986; or that it is a nonprofit organization described in Section 501(c) (4) of the Code but does not and will not engage in lobbying activities as defined in Section 3 of the Lobbying Disclosure Act.
6. If Grant Agreement exceeds \$100,000, Recipient agrees to comply with Title 40 CFR Part 34, *New Restrictions on Lobbying* and to submit certification and disclosure forms accordingly. Any Recipient who makes a prohibited expenditure under Title 40 CFR Part 34 or fails to file the required certification or lobbying forms shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such expenditure.
7. If Grant Agreement exceeds \$150,000, 41 U.S.C 4712, Enhancement of Recipient and Sub-recipient Employee Whistleblower Protection applies:
  - (a) This award, related sub-awards, and related contracts over the simplified acquisition threshold and all employees working on this award, related sub-awards, and related contracts over the simplified acquisition threshold are subject to the whistleblower rights and remedies established at 41 USC 4712.
  - (b) Recipients, their sub-recipients, and their contractors awarded contracts over the simplified acquisition threshold related to this award, shall inform their employees in writing, in the predominant language of the workforce, of the employee whistleblower rights and protections under 41 USC 4712.
  - (c) The recipient shall insert this clause, including this paragraph (3), in all sub-awards and in contracts over the simplified acquisition threshold related to this award.



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Grant No. 222-2002-19877

Project Name: South Fork Little Butte Creek RM 6.2 Ecological Restoration Project

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EXHIBIT I

Information Required by 2 CFR § 200.331(a)(1)

For the purposes of the federal granting agency, OWEB is the recipient of federal funds and the grantee is the sub-recipient of federal funds.

**Federal Award Identification:**

1. Grantee name (which must match registered name in DUNS): Rogue River WC (dba Rogue River Watershed Council)
2. Grantee's SAM UIN number: JB4GA7XY18B5
3. Federal Award Identification Number (FAIN): NA21NMF4380455
4. Federal Award Date: 7/1/21
5. Total Amount of Federal Funds Obligated by this Agreement: \$143,221.00
6. Total Amount of Federal Funds Obligated to the Subrecipient by the pass-through entity including this Agreement: \$280,183.61
7. Total Amount of Federal Award committed to the Subrecipient by the pass-through entity: \$280,183.61
8. Federal award project description: Pacific Coast Salmon Recovery Pacific Salmon Treaty Program
9. Name of Federal awarding agency, pass-through entity, and contact information for awarding official of the Pass-through entity:
  - (a) Name of Federal awarding agency: National Oceanic and Atmospheric Administration
  - (b) Name of pass-through entity: State of Oregon, Oregon Watershed Enhancement Board
  - (c) Contact information for awarding official of the pass-through entity:

Miriam Scharer  
775 Summer St. NE, Ste 360  
Salem, OR 97301
10. CFDA Number and Name: 11.438  
Federal Award Amount: \$14,775,000.00
11. Is Award R&D? No
12. Grantee's indirect cost rate for the Federal award: 10%



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Grant No. 222-2002-19877  
Grant Name: South Fork Little Butte Creek RM 6.2 Ecological Restoration Project

EXHIBIT J

INSURANCE REQUIREMENTS

Section R of this Agreement specifies the base insurance requirements. The Board considers some projects and project activities to have an increased risk to the organization, organization's employees, volunteers, and the community and may require additional insurance. If required for the Project under this Agreement, the additional insurance types required, the amount, and who will carry the insurance are set forth below.

- ☒ The work related to this Project **will not** require additional insurance beyond base Agreement requirements.
- ☐ The work related to this Project **will** require additional insurance beyond base Agreement requirements.

If Grantee is completing the technical work, they shall carry the insurance types and amounts described below and will continue this coverage through Project completion. If Grantee is contracting out the technical work, they will only be required to meet the minimum OWEB insurance requirements of Section R of this Agreement. Additionally, the Grantee shall require that all contractors or consultants hired for construction, restoration, technical design, assessment or monitoring activities carry the minimum insurance types and amounts described below.

Insurance Type	Coverage Amount	Organization carrying insurance



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# Land Use Information Form

OWRD



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

Applicant(s): Julie Caputo and Lori Dutton

Mailing Address: 8191 SF Little Butte Ck Rd and 7730 SF Little Butte Ck Rd

City: Eagle Point State: OR Zip Code: 97502 Daytime Phone: 503-933-1589 541-826-6641

## A. Land and Location

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

Township	Range	Section	¼ ¼	Tax Lot #	Plan Designation (e.g., Rural Residential/RR-5)	Water to be:			Proposed Land Use:
37S	2E	11	SESW, NWSE SWSE	4200	EFU	<input checked="" type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	EFU
37S	2E	11	NESW, NWSE	4202	EFU	<input checked="" type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	EFU
						<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:

Jackson County

## B. Description of Proposed Use

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

- ☐ Permit to Use or Store Water    ☐ Water Right Transfer    ☐ 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) SF Little Butte CreekEstimated quantity of water needed: 0.3 ☒ cubic feet per second ☐ gallons per minute ☐ acre-feet

Intended use of water: ☒ Irrigation ☐ Commercial ☐ Industrial ☐ Domestic for \_\_\_\_\_ household(s)  
☐ Municipal ☐ Quasi-Municipal ☐ Instream ☐ Other \_\_\_\_\_

Briefly describe:

Irrigation sprinklers will be used to water native trees and shrubs to establish plants for a riparian restoration project. A fish screened will pump water from an additional and temporary Point of Diversion. The land being irrigated has existing Place 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. →



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## For Local Government Use Only

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The following section must be completed by a planning official from each county and city listed unless the project will be located entirely within the city limits. In that case, only the city planning agency must complete this form. This deals only with the local land-use plan. Do not include approval for activities such as building or grading permits.

**Please check the appropriate box below and provide the requested information**

- ☒ Land uses to be served by the proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s):
- ☐ 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: Tracie Nickel Title: Planner

Signature: Tracie Nickel Phone: 541-774-6951 Date: 2-9-23

Government Entity: Jackson County

**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: \_\_\_\_\_

City or County: \_\_\_\_\_ Staff contact: \_\_\_\_\_

Signature: \_\_\_\_\_ Phone: \_\_\_\_\_ Date: \_\_\_\_\_

14179



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After recording return to:  
Julie Caputo  
14650 SW 92nd ave, Road  
Tigard, OR 97224

Until a change is requested all tax  
statements shall be sent to the  
following address:

Julie Caputo  
14650 SW 92nd ave, Road  
Tigard, OR 97224

File No.: 7161-3510979 (EV)  
Date: July 06, 2020

THIS SPACE RESERVED

Jackson County Official Records **2020-032542**  
R-WD  
Stn=16 MORGANSS 09/04/2020 03:46:15 PM  
\$20.00 \$10.00 \$11.00 \$11.00 \$60.00 **\$112.00**

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

Christine Walker - County Clerk

### STATUTORY WARRANTY DEED

**Richard E. Bandy and Shirley A. Bandy, as tenants by the entirety**, Grantor, conveys and  
warrants to **Julie Caputo**, Grantee, the following described real property free of liens and  
encumbrances, except as specifically set forth herein:

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

**Subject to:**

1. Covenants, conditions, restrictions and/or easements, if any, affecting title, which may appear in the public record, including those shown on any recorded plat or survey.
2. The **2020-2021** Taxes, a lien not yet payable.

The true consideration for this conveyance is **\$650,000.00**. (Here comply with requirements of ORS 93.030)



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FEB 28 2023

OWRD

APN: 1-024724-1

Statutory Warranty Deed  
- continued

File No.: 7161-3510979 (EV)

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

Dated this 3<sup>rd</sup> day of September, 2020.

Richard E. Bandy  
Richard E. Bandy

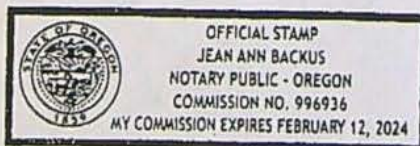
Shirley A. Bandy  
Shirley A. Bandy

STATE OF Oregon )  
County of Jackson ) ss.

This instrument was acknowledged before me on this 3<sup>rd</sup> day of September, 2020  
by **Richard E. Bandy and Shirley A. Bandy.**

Jean Ann Backus

Notary Public for Oregon  
My commission expires: February 12, 2024





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FEB 28 2023

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APN: 1-024724-1

Statutory Warranty Deed  
- continued

File No.: 7161-3510979 (EV)

**EXHIBIT A**

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

**ALL THAT PORTION OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER AND THE EAST HALF OF THE SOUTHWEST QUARTER AND THE SOUTHEAST QUARTER OF SECTION 11, TOWNSHIP 37 SOUTH, RANGE 2 EAST, WILLAMETTE MERIDIAN, JACKSON COUNTY, OREGON, LYING NORTHEASTERLY OF THE CENTER LINE OF LITTLE BUTTE CREEK, AS IT EXISTED IN MARCH 1975.**

**EXCEPTING THEREFROM THAT PORTION CONVEYED TO JACKSON COUNTY FOR ROAD PURPOSES, BY DEED RECORDED IN VOLUME 182, PAGE 510, DEED RECORDS OF JACKSON COUNTY, OREGON.**

**ALSO, EXCEPTING THEREFROM THAT PORTION OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 11, TOWNSHIP 37 SOUTH, RANGE 2 EAST, WILLAMETTE MERIDIAN, JACKSON COUNTY, OREGON, LYING NORTHEASTERLY OF LITTLE BUTTE CREEK ROAD (COUNTY ROAD).**

**ALSO, EXCEPTING THEREFROM THE EAST 465.00 FEET OF THE SOUTHEAST QUARTER OF SECTION 11, TOWNSHIP 37 SOUTH, RANGE 2 EAST, WILLAMETTE MERIDIAN, JACKSON COUNTY, OREGON, LYING NORTH OF LITTLE BUTTE CREEK ROAD (COUNTY ROAD).**

**ALSO, EXCEPTING THEREFROM THE FOLLOWING: BEGINNING AT THE INTERSECTION OF THE SOUTHERLY RIGHT OF WAY LINE OF LITTLE BUTTE CREEK ROAD (COUNTY ROAD) WITH THE WEST LINE OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 11, TOWNSHIP 37 SOUTH, RANGE 2 EAST, WILLAMETTE MERIDIAN, JACKSON COUNTY, OREGON; THENCE SOUTH, ALONG THE WEST LINE OF SAID QUARTER-QUARTER, TO INTERSECT THE CENTER LINE OF THE SOUTH FORK OF LITTLE BUTTE CREEK, AS IT EXISTED IN MARCH 1975; THENCE SOUTHEASTERLY, ALONG SAID CENTER LINE, TO THE SOUTH LINE OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION; THENCE NORTHEASTERLY, IN A STRAIGHT LINE, TO THE INTERSECTION OF THE EAST LINE OF SAID QUARTER-QUARTER WITH THE SOUTHERLY RIGHT OF WAY LINE OF SAID ROAD; THENCE NORTHWESTERLY, ALONG SAID SOUTHERLY RIGHT OF WAY LINE, TO THE POINT OF BEGINNING.**

**ALSO, EXCEPTING THEREFROM THE FOLLOWING: COMMENCING AT THE INTERSECTION OF THE SOUTHERLY RIGHT OF WAY LINE OF LITTLE BUTTE CREEK ROAD (COUNTY ROAD) WITH THE WEST LINE OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 11, TOWNSHIP 37 SOUTH, RANGE 2 EAST, WILLAMETTE MERIDIAN, JACKSON COUNTY, OREGON; THENCE SOUTH, ALONG THE WEST LINE OF SAID QUARTER-QUARTER, TO INTERSECT THE CENTER LINE OF THE SOUTH FORK OF LITTLE BUTTE CREEK, AS IT EXISTED IN MARCH 1975; THENCE SOUTHEASTERLY ALONG SAID CENTER LINE, TO THE SOUTH LINE OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION, FOR THE TRUE POINT OF BEGINNING; THENCE NORTHEASTERLY, IN A STRAIGHT LINE, TO THE INTERSECTION OF THE EAST LINE OF SAID NORTHEAST QUARTER OF THE SOUTHWEST QUARTER WITH THE SOUTHERLY RIGHT OF WAY LINE OF SAID ROAD; THENCE SOUTHEASTERLY ALONG THE SOUTHERLY RIGHT OF WAY LINE OF SAID ROAD, 320.00 FEET;**



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FEB 28 2023

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APN: 1-024724-1

Statutory Warranty Deed  
- continued

File No.: 7161-3510979 (EV)

**THENCE SOUTHWESTERLY, IN A STRAIGHT LINE, TO THE TRUE POINT OF BEGINNING.**

**NOTE: This legal description was created prior to January 1, 2008.**

Unofficial  
Copy



# 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.

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State of Oregon )  
County of Jackson ) ss

I, Julie Caputo, in my capacity as Landowner

mailing address 8191 South Fork Little Butte Creek Road, Eagle Point, OR 97524

telephone number ( 503 ) 933-1589, 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 # 17226; OR

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

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

OR

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

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

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

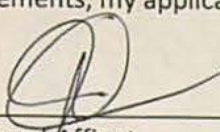
☐ Water has been used at the actual current point of diversion or appropriation for more than  
10 years for Certificate # \_\_\_\_\_ (For Historic POD/POA Transfers)

(continues on reverse side)



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

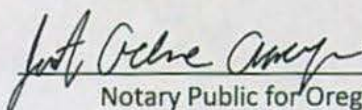
4. I understand that if I do not attach one or more of the documents shown in the table below to support the above statements, my application will be considered incomplete.

  
Signature of Affiant

2/16/23  
Date

Signed and sworn to (or affirmed) before me this 16<sup>th</sup> day of February, 2023.



  
Notary Public for Oregon

My Commission Expires: Feb. 27, 2023

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

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14179  
TACS





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FEB 28 2023

OWRD

Date Received (Date Stamp Here)

## OWRD Over-the-Counter Submission Receipt

Applicant Name(s) & Address: Julie Capito

Transaction Type: Temporary Transfer

Fees Received: \$ 475.94

☐ Cash

☒ Check:

Check No. 003326

Name(s) on Check: Rogue River Watershed Council

Thank you for your submission. Oregon Water Resources Department (Department) staff will review your submittal as soon as possible.

If your submission is determined to be complete, you will receive a receipt for the fees paid and an acknowledgement letter stating your submittal is complete.

If determined to be incomplete, your submission and the accompanying fees will be returned with an explanation of deficiencies that must be addressed in order for the submittal to be accepted.

If you have any questions, please feel free to contact the Department's Customer Service staff at 503-986-0801 or 503-986-0810.

Sincerely,

OWRD Customer Service Staff

Submission received by:

Nick Reece

(Name of OWRD staff)

### Instructions for OWRD staff:

- Complete this Submission Receipt and make two (2) copies. Place one copy with the check/cash; and place the other copy with the submission (i.e., the application or other document).
- Date-stamp all pages. (NOTE: Do not stamp check.)
- Give this original Submission Receipt to the applicant.
- Record Submission Receipt information on the "RECEIVED OVER THE COUNTER" log sheet.
- Fold and put one copy of the Submission Receipt with check/cash into the Safe slot. Place the other copy of the Submission Receipt with submission (application/other document) in the top drawer of filing cabinet.

14179



# Temporary Transfer Map (Caputo/Dutton) Water Right Certificate 17226

RECEIVED



FEB 28 2023

OWRD

T37S R02E Section 11

SF Little Butte Creek Road

TL 4202

"TO" Lands  
0.7 ac

NESW  
3.6 ac

NWSE  
4.2 ac

SESW  
1.3 ac

TL 4205

"FROM" Lands  
0.7 ac

TL 4206

SWSE  
8.6 ac

T37S R02E

SESE  
7.9 ac

TL 4208

TL 4204

TL 4300

TL 4201

Flow Direction

TL 4301

- SF Little Butte Creek
- Existing Irrigation Ditch
- ▲ Proposed POD (42.362054 -122.551137)
- Existing POD (42.358027 -122.537771)
- "FROM" Lands (0.7 acre)
- "TO" Lands (0.7 acre)
- Lands Left Unchanged
- Taxlots
- PLSS Intersected
- PLSS Section
- PLSS Township

14179

0 0.15 Miles 0.3