

T-14081

Regular

T-14081

Name Kenneth Alan & Amy H. Montgomery

DESCRIPTION OF WATER RIGHT(S)

Address 2792 Rainbow Glen Road
Fallbrook, CA 92028
kam7578@gmail.comName of Stream SPRSTrib. of Montgomery CreekUse Irrigation ; Domestic County Josephine

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

Name of ditch _____

App# Decree Per # v. 11 pg. 504 Cert # 47289 PR Date 11/11/2008

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

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

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

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

Change in USE, POW, PODDate Filed 8-26-2022Initial notice date 9-13-2022

DPD issued date _____

PD issued date _____

PD notice date _____

Date of FO 6/10/2025 Vol 134 Page 938-942

C-Date _____

COBU due date _____

COBU Received date _____

Certificate issued _____

FEES PAID

Date	Amount	Receipt #
<u>8-26-2022</u>	<u>\$3,540.00</u>	<u>139003</u>

FEES REFUNDED

Date	Amount	Receipt #
------	--------	-----------

Assignments: _____

Irrigation District _____

Agent _____

CWRE _____

CC's list Josephine County☐ - Oversized map - Location _____



Oregon

Tina Kotek, Governor

Water Resources Department

North Mall Office Building

725 Summer St NE, Suite A

Salem, OR 97301

Phone 503 986-0900

Fax 503 986-0904

June 10, 2025

Kenneth Alan and Amy Montgomery
2792 Rainbow Glen Rd
Fallbrook, CA 92028

REFERENCE: Transfer Application T-14081

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

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

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

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

If you have any questions related to the approval of this transfer, you may contact your caseworker, Dante Luongo, by telephone at (971) 304-5006 or by e-mail at Dante.j.luongo@water.oregon.gov.

Sincerely,

David V. Jones Jr

Water Rights Services Support

Transfers and Conservation Section

cc: Scott C. Ceciliani, Watermaster Dist. # 14 (via email)
Josephine County, Local Government

Enclosure

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

In the Matter of Transfer Application	)	FINAL ORDER APPROVING A CHANGE IN
T-14081, Josephine County	)	POINT OF DIVERSION, A CHANGE IN PLACE
	)	OF USE AND CHANGE IN CHARACTER OF
	)	USE

Authority

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

Applicant

KENNETH ALAN MONTGOMERY AND AMY H. MONTGOMERY
2792 RAINBOW GLEN ROAD
FALLBROOK, CA 92028

Findings of Fact

1. On August 26, 2022, Kenneth Alan Montgomery and Amy H. Montgomery filed an application for a change in point of diversion, a change in place of use and a change in character of use under Certificate 47289. The Department assigned the application number T-14081.
2. On February 5, 2025, the Department issued a Final Order Approving a Change in Point of Diversion to Reflect Historical Use under Certificate 47289, recorded at Special Order Volume 133, Pages 823-825. The Department subsequently issued superseding Certificate 98235 describing the change. Transfer Application T-14081 will act on Certificate 98235.
3. Notice of the application for transfer was published on September 13, 2022, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.

This final order is subject to judicial review by the Court of Appeals under ORS 183.482. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.482(1). Pursuant to ORS 536.075 and OAR 137-003-0675, you may petition for judicial review or petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied.

4. On February 21, 2025, the Department sent a copy of the draft Preliminary Determination proposing to approve Transfer Application T-14081 to the applicants. The draft Preliminary Determination cover letter set forth a deadline of March 23, 2025, for the applicants to respond. The applicants requested that the Department proceed with issuance of a Preliminary Determination and provided the necessary information to demonstrate that the applicants are authorized to pursue the transfer.
5. On April 14, 2025, the Department issued a Preliminary Determination proposing to approve Transfer Application T-14081 and sent a copy to the applicants. Additionally, notice of the Preliminary Determination for the transfer application was published in the Department's weekly notice on April 15, 2025, and in the Grants Pass Courier newspaper on April 18 and 25, 2025, pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notices.

6. The right to be transferred is as follows:

Certificate: 98235 in the name of KENNETH ALAN MONTGOMERY AND AMY H. MONTGOMERY (confirmed by Illinois River Decree (F))

Use: IRRIGATION OF 0.6 ACRE

Priority Date: NOVEMBER 11, 1908

Limit/Duty: The amount of water to which such right is entitled, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed one cubic foot per second for each 50 acres of land irrigated during the irrigation season from April 1 to November 1 of each year.

Period of Use: APRIL 1 TO NOVEMBER 1 OF EACH YEAR

Source: SPRINGS, a tributary of UNNAMED STREAM

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
38 S	8 W	WM	22	NW SW	POD 2 – 1670 FEET NORTH AND 950 FEET EAST FROM THE SW CORNER OF SECTION 22

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
38 S	8 W	WM	22	NE SW	0.6

7. Certificate 98235 does not accurately describe the location of the authorized point of diversion however, the applicant has provided information indicating that the authorized point of diversion is located as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
38 S	8 W	WM	22	NW SW	POD 2 – 780 FEET SOUTH AND 700 FEET EAST FROM THE W1/4 CORNER OF SECTION 22

8. Transfer Application T-14081 proposes to move the point of diversion approximately 540 feet upstream to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
38 S	8 W	WM	22	NW SW	POD 3 - 640 FEET SOUTH AND 100 FEET EAST FROM THE W1/4 CORNER OF SECTION 22

9. Transfer Application T-14081 also proposes to change the place of use of the right to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
38 S	8 W	WM	22	NE SW	0.25
38 S	8 W	WM	22	NW SW	0.25
TOTAL					0.5

10. Transfer Application T-14081 also proposes to change the character of use of 0.1 acre from irrigation to domestic use for two households.

DOMESTIC USE				
Twp	Rng	Mer	Sec	Q-Q
38 S	8 W	WM	22	NE SW
38 S	8 W	WM	22	NW SW

11. Certificate 98235 describes the irrigation season as being April 1 to November 1 of each year. Therefore, the change in character of use from irrigation to domestic use for two households will be limited to April 1 to November 1 of each year.
12. The rate of diversion for the proposed domestic use for two households shall be limited to 0.002 cfs ($0.1 \text{ acre} \div 50 = 0.002$) and shall be further limited to a total quantity of 0.35 acre-feet ($3.5 \text{ af/ac during the irrigation season} \times 0.1 \text{ ac} = 0.35 \text{ af}$) during the entire year.

Transfer Review Criteria [OAR 690-380-0100(14), 690-380-4010(2), 690-380-2110(2), 690-380-2200, and 690-380-2300]

13. Water has been used within the five-year period prior to submittal of Transfer Application T-14081 according to the terms and conditions of the right. There is no information in the record that would demonstrate that the right is subject to forfeiture under ORS 540.610.
14. A water delivery system sufficient to use the full amount of water allowed under the existing right was present within the five-year period prior to submittal of Transfer Application T-14081.
15. The water right is subject to transfer as defined in ORS 540.505(4) and OAR 690-380-0100(14).
16. The proposed point of diversion diverts water from the same source of surface water as the authorized point of diversion, as required by OAR 690-380-2110(2).
17. The proposed changes, as conditioned, would not result in enlargement of the right.

18. The proposed changes, as conditioned, would not result in injury to other existing water rights.
19. All other application requirements are met.

Conclusions of Law

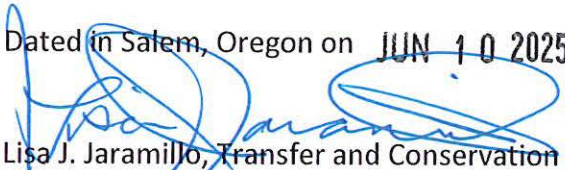
The change in point of diversion, change in place of use, and change in character of use proposed in Transfer Application T-14081 are consistent with the requirements of ORS 540.505 to 540.580 and OAR 690-380-5000.

Now, therefore, it is ORDERED:

1. The change in point of diversion, change in place of use, and change in character of use proposed in Transfer Application T-14081 are approved.
2. The right to the use of the water is restricted to beneficial use at the place of use described and is subject to all other conditions and limitations contained in Certificate 98235 and any related decree.
3. Approval of this transfer application does not constitute nor grant legal access onto or through another person's property for purposes of accessing the new point of diversion or the new place of use.
4. Water right Certificate 98235 is cancelled.
5. The quantity of water diverted at the new point of diversion (POD 3), shall not exceed the quantity of water lawfully available at the original point of diversion (POD 2).
6. Water shall be acquired from the same source of surface water as the original point of diversion.
7. The former place of use of the transferred right shall no longer receive water under the right.
8. The rate of diversion for the proposed domestic use for two households shall be limited to 0.002 cfs ($0.1 \text{ acre} \div 50 = 0.002$) and shall be further limited to a total quantity of 0.35 acre-feet during the irrigation season, being from April 1 to November 1 of each year.
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. Prior to diverting water, the water user shall install a headgate to control and regulate the quantity of water diverted. The type and plans of the headgate must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department. The water user shall maintain the headgate as required by the Department.
11. Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2026**. A Claim of Beneficial Use prepared by a Certified Water Right Examiner shall be submitted by the applicant to the Department within one year after the deadline for completion of the changes and full beneficial use of the water.
12. After satisfactory proof of beneficial use is received, a new certificate confirming the right transferred will be issued.

Dated in Salem, Oregon on **JUN 10 2025**


Lisa J. Jaramillo, Transfer and Conservation Section Manager, for
IVAN GALL, DIRECTOR
Oregon Water Resources Department

Mailing Date: **JUN 11 2025**

WATER RIGHT TRANSFER COVER SHEET

Transfer: T- 14081

Transfer Specialist:

Transfer Type: Regular Transfer

Dante Luongo

Applicant: KENNETH ALAN AND AMY H. MONTGOMERY 2792 RAINBOW GLEN ROAD FALLBROOK, CA 92028 Email: _____ Phone: _____		Agent: ☐ N/A UNAVAILABLE Email: _____ Phone: _____	
Irrigation District: ☐ N/A Email: _____		CWRE: ☐ N/A Email: _____	
Affected Local Gov'ts: ☐ N/A Josephine County Email: _____		Affected Tribal Gov't: ☐ N/A UNAVAILABLE Email: _____	
Current Landowner if other than Applicant: ☐ N/A Email: _____		Receiving Landowner: ☐ N/A Email: _____	

Water Rights Affected

File Marked	App. File # or Decree Name	Permit	Certificate	RR/CR Needed	RR/CR Nos.
☐	Decree; Illinois River	v. 11 pg. 504	47289	☐ Yes ☐ No	
☐				☐ Yes ☐ No	
☐				☐ Yes ☐ No	

Key Dates & Initial Actions:

Rec'd: August 26, 2022	Proposed Action(s): POINT OF DIVERSION; PLACE OF USE; USE	
Fees Pd: 3540.00	WM District: 14	ODFW District:
Initial Public Notice: September 13, 2022	WM Review sent:	ODFW Review sent:
Acknowledgement Letter Sent ☐		GW Review sent: ☐ N/A
County sent cc: of Ack Letter ☐	BOR notified (date): ☐ N/A	
Newspaper quote requested:	Request for news \$ sent:	News \$ received:
Request to publish sent:	Affidavit of publication received:	Last day of publication:

Document	Drafted	Peer Review	Changes Made	Coordinator	Changes Made	Signature Bin	Signature Date
DPD	Date: <u>2-10-25</u> Initials: <u>AL</u>	Date: <u>2-11-25</u> Initials: <u>JS</u>	Date: _____ Initials: _____	Date: <u>2-14-25</u> Initials: <u>CC</u>	Date: <u>2-21-25</u> Initials: <u>AL</u>	CW Sent: _____	N/A
PD	Date: <u>3-13-25</u> Initials: <u>AL</u>	Date: <u>3-17-25</u> Initials: <u>SB</u>	Date: _____ Initials: _____	Date: <u>3-14-25</u> Initials: <u>CC</u>	Date: <u>3-21-25</u> Initials: <u>AL</u>	Date: _____	Date: <u>4/14/2025</u>
FO	Date: <u>5-28-25</u> Initials: <u>AL</u>	Date: <u>5-5-25</u> Initials: <u>JS</u>	Date: <u>5-4-25</u> Initials: <u>SB</u>	Date: <u>5-4-25</u> Initials: <u>CC</u>	Date: <u>5-24-25</u> Initials: <u>AL</u>	Date: <u>6-5-25</u>	Date: <u>6/10/2025</u>

Special Issues: _____

Special Order Volume: Vol. 134 Pages 938-942

**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 # **144993**

INVOICE # _____

RECEIVED FROM: Amy H Montgomery
BY: Kenneth A Montgomery

APPLICATION	
PERMIT	
TRANSFER	<u>T-14081</u>

CASH: ☐ CHECK: # 1661 OTHER: (IDENTIFY) 1

TOTAL REC'D \$ 20467

1083 TREASURY 4170 WRD MISC CASH ACCT

0407 COPIES	<u>46118</u>	\$
<u>0207</u> OTHER:	(IDENTIFY) <u>Newspaper Notice</u>	\$ <u>204.67</u>

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

4270 WRD OPERATING ACCT

MISCELLANEOUS

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

WATER RIGHTS:

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

WELL CONSTRUCTION

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

OTHER (IDENTIFY) _____

0536 TREASURY 0437 WELL CONST. START FEE

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

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

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

TREASURY OTHER / RDX

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

RECEIPT:

144993

DATED:

4-9-25

BY:

Ken Montgomery

Received
MAY 02 2025
OWRD

Grants Pass Daily Courier

P.O. Box 1468, 409 S.E. 7th Street • Grants Pass, Oregon 97528

AFFIDAVIT OF PUBLICATION

State of Oregon)
County of Josephine) ss.

I, Sarah Hannon, being first duly sworn, depose and say that I am a manager of Courier Publishing Co., printer of the Grants Pass Daily Courier, a newspaper of general circulation in Josephine and Jackson Counties in Oregon, as defined by ORS 193.010 and 193.020; printed and published at Grants Pass, in the aforesaid counties and state; that the LEGAL NOTICE, a printed copy of which is herein enclosed, was published in the entire issue of said paper, for two insertions, on the following dates:

April 18, 2025; April 25, 2025.

LEGAL NOTICE

Notice of Preliminary Determination for Water Right Transfer T-14081

T-14081 filed by Kenneth Alan Montgomery and Amy H. Montgomery, 2792 Rainbow Glen Rd, Fallbrook, CA 92028, proposes a change in point of diversion, a change in place of use and a change in character of use under Certificate 47289. The right allows the use of 1/50th of one cubic foot per second for each 50 acres irrigated from springs in Sec. 22, T38S, R8W, WM for irrigation in Sec. 22, T38S, R8W, WM. The applicant proposes to change in point of diversion within Sec. 22, T38S, R8W, WM to change the place of use within Sec. 22, T38S, R8W, WM; and to change the character of use of 0.1 acre from irrigation to domestic use for two households. The Water Resources Department proposes to approve the transfer, based on the requirements of ORS Chapter 540 and OAR 690-380-5000.

Any person may file, jointly or severally, a protest or standing statement within 30 days after the last date of newspaper publication of this notice, April 25, 2025. Call (503) 986-0935 to obtain additional information. If no protests are filed, the Department will issue a final order consistent with the preliminary determination.

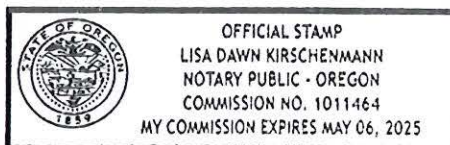
No. 00515077 - 04/18, 04/25, 2025



Subscribed and sworn to before me this
twenty-eighth day of April, 2025.



Notary Public of Oregon





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

April 14, 2025

VIA CERTIFIED MAIL AND E-MAIL

KENNETH ALAN MONTGOMERY
AMY H. MONTGOMERY
2792 RAINBOW GLEN RD
FALLBROOK, CA 92028

SUBJECT: Water Right Transfer Application T-14081

Please find enclosed the Preliminary Determination indicating that, based on the information available, the Department intends to approve application T-14081. This document is an intermediate step in the approval process; water may not be used legally as proposed in the transfer application until a Final Order has been issued by the Department. Please read this entire letter carefully to determine your responsibility for additional action.

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

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

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

Please don't hesitate to contact me at 971 304-5006 or Dante.J.Luongo@water.oregon.gov, if I may be of assistance.

Sincerely,

Dante Luongo
Transfer Specialist
Transfer and Conservation Section

cc: Transfer Application file T-14081
Scott C. Ceciliani, District 14 Watermaster (*via e-mail*)

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

In the Matter of Transfer Application	)	PRELIMINARY DETERMINATION
T-14081, Josephine County	)	PROPOSING APPROVAL OF A CHANGE IN
	)	POINT OF DIVERSION A CHANGE IN PLACE
	)	OF USE AND CHANGE IN CHARACTER OF
	)	USE

Authority

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

Applicant

KENNETH ALAN MONTGOMERY AND AMY H. MONTGOMERY
2792 RAINBOW GLEN ROAD
FALLBROOK, CA 92028

Findings of Fact

1. On August 26, 2022, Kenneth Alan Montgomery and Amy H. Montgomery filed an application for a change in point of diversion, a change in place of use and a change in character of use under Certificate 47289. The Department assigned the application number T-14081.
2. On February 5, 2025, the Department issued a Final Order Approving a Change in Point of Diversion to Reflect Historical Use under Certificate 47289, recorded at Special Order Volume 133, Pages 823-825. The Department subsequently issued superseding Certificate 98235 describing the change. Transfer Application T-14081 will act on Certificate 98235.
3. Notice of the application for transfer was published on September 13, 2022, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.

Pursuant to OAR 690-380-4030, any person may file a protest or standing statement within 30 days after the last date of publication of the newspaper notice or the Department's weekly notice as prescribed by OAR 690-380-4020, whichever is later, of this preliminary determination.

4. On February 21, 2025, the Department sent a copy of the draft Preliminary Determination proposing to approve Transfer Application T-14081 to the applicants. The draft Preliminary Determination cover letter set forth a deadline of March 23, 2025, for the applicants to respond. The applicants requested that the Department proceed with issuance of a Preliminary Determination and provided the necessary information to demonstrate that the applicants are authorized to pursue the transfer.

5. The right to be transferred is as follows:

Certificate: 98235 in the name of KENNETH ALAN MONTGOMERY AND AMY H. MONTGOMERY (confirmed by Illinois River Decree (F))

Use: IRRIGATION OF 0.6 ACRE

Priority Date: NOVEMBER 11, 1908

Limit/Duty: The amount of water to which such right is entitled, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed one cubic foot per second for each 50 acres of land irrigated during the irrigation season from April 1 to November 1 of each year.

Period of Use: APRIL 1 TO NOVEMBER 1 OF EACH YEAR

Source: SPRINGS, a tributary of UNNAMED STREAM

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
38 S	8 W	WM	22	NW SW	POD 2 – 1670 FEET NORTH AND 950 FEET EAST FROM THE SW CORNER OF SECTION 22

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
38 S	8 W	WM	22	NE SW	0.6

6. Transfer Application T-14081 proposes to move the point of diversion approximately 540 feet upstream to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
38 S	8 W	WM	22	NW SW	POD 3 - 640 FEET SOUTH AND 100 FEET EAST FROM THE W1/4 CORNER OF SECTION 22

7. Transfer Application T-14081 also proposes to change the place of use of the right to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
38 S	8 W	WM	22	NE SW	0.25
38 S	8 W	WM	22	NW SW	0.25
TOTAL					0.5

8. Transfer Application T-14081 also proposes to change the character of use of 0.1 acre from irrigation to domestic use for two households.

DOMESTIC USE				
Twp	Rng	Mer	Sec	Q-Q
38 S	8 W	WM	22	NE SW
38 S	8 W	WM	22	NW SW

9. Certificate 98235 describes the irrigation season as being April 1 to November 1 of each year. Therefore, the change in character of use from irrigation to domestic use for two households will be limited to April 1 to November 1 of each year.
10. The rate of diversion for the proposed domestic use for two households shall be limited to 0.002 cfs ($0.1 \text{ acre} \div 50 = 0.002$) and shall be further limited to a total quantity of 0.35-acre feet ($3.5 \text{ af/ac during the irrigation season} \times 0.1 \text{ ac} = 0.35 \text{ af}$) during the entire year.

Transfer Review Criteria [OAR 690-380-0100(14), 690-380-4010(2), 690-380-2110(2), 690-380-2200, and 690-380-2300]

11. Water has been used within the five-year period prior to submittal of Transfer Application T-14081 according to the terms and conditions of the right. There is no information in the record that would demonstrate that the right is subject to forfeiture under ORS 540.610.
12. A water delivery system sufficient to use the full amount of water allowed under the existing right was present within the five-year period prior to submittal of Transfer Application T-14081.
13. The water right is subject to transfer as defined in ORS 540.505(4) and OAR 690-380-0100(14).
14. The proposed point of diversion diverts water from the same source of surface water as the authorized point of diversion, as required by OAR 690-380-2110(2).
15. The proposed changes, as conditioned, would not result in enlargement of the right.
16. The proposed changes, as conditioned, would not result in injury to other existing water rights.
17. All other application requirements are met.

Determination and Proposed Action

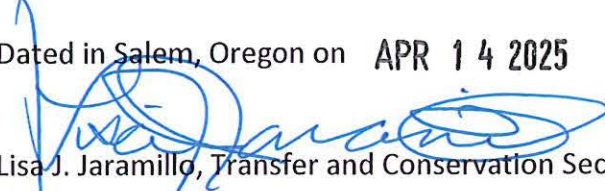
The change in point of diversion, change in place of use, and change in character of use proposed in Transfer Application T-14081 appear to be consistent with the requirements of ORS 540.505 to 540.580 and OAR 690-380-5000. If protests are not filed pursuant to OAR 690-380-4030, the transfer application will be approved.

If Transfer Application T-14081 is approved, the final order will include the following:

1. *The change in point of diversion, change in place of use, and change in character of use proposed in Transfer Application T-14081 are approved.*
2. *The right to the use of the water is restricted to beneficial use at the place of use described and is subject to all other conditions and limitations contained in Certificate 98235 and any related decree.*
3. *Approval of this transfer application does not constitute nor grant legal access onto or through another person's property for purposes of accessing the new point of diversion or the new place of use.*
4. *Water right Certificate 98235 is cancelled.*
5. *The quantity of water diverted at the new point of diversion (POD 3), shall not exceed the quantity of water lawfully available at the original point of diversion (POD 2).*
6. *Water shall be acquired from the same source of surface water as the original point of diversion.*
7. *The former place of use of the transferred right shall no longer receive water under the right.*
8. *The rate of diversion for the proposed domestic use for two households shall be limited to 0.002 cfs ($0.1 \text{ acre} \div 50 = 0.002$) and shall be further limited to a total quantity of 0.35 acre feet during the irrigation season, being from April 1 to November 1 of each year.*
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. *Prior to diverting water, the water user shall install a headgate to control and regulate the quantity of water diverted. The type and plans of the headgate must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department. The water user shall maintain the headgate as required by the Department.*

11. *Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2026**. A Claim of Beneficial Use prepared by a Certified Water Right Examiner shall be submitted by the applicant to the Department within one year after the deadline for completion of the changes and full beneficial use of the water.*
12. *After satisfactory proof of beneficial use is received, a new certificate confirming the right transferred will be issued.*

Dated in Salem, Oregon on **APR 14 2025**


Lisa J. Jaramillo, Transfer and Conservation Section Manager, for
IVAN GALL, DIRECTOR
Oregon Water Resources Department

This Preliminary Determination was prepared by Dante Luongo. If you have questions about the information in this document, you may reach me at 971-304-5006 or Dante.J.Luongo@water.oregon.gov.

Protests

Under the provisions of ORS 540.520(6) & (7) and OAR 690-380-4030, within 30 days after the last date of publication of the newspaper notice or the Department's weekly notice as prescribed by OAR 690-380-4020, whichever is later, any person may file, jointly or severally, a protest expressing opposition of approval of the transfer application and disagreement with this Preliminary Determination or a standing statement in support of this Preliminary Determination. If this Preliminary Determination determines that a change in point of diversion or appropriation would result in injury, the applicant may file a notification of intent to pursue approval of the transfer under OAR 690-380-5030 to 690-380-5050. Protests and standing statements must be received by the Water Resources Department within 30 days after the last date of publication of the newspaper notice or the Department's weekly notice as prescribed by OAR 690-380-4020, whichever is later.

Protests must be in writing and received in hard copy form with the appropriate statutory protest filing fee; protests cannot be filed by electronic mail. [OAR 690-002-0025(3) and 690-380-0100(9)]. The protest must include the following:

- The person's name, address, and telephone number;

- All reasonably ascertainable issues and all reasonably available arguments supporting the person's position by the close of the protest period. Failure to raise a reasonably ascertainable issue in a protest or failure to provide sufficient specificity to afford the Department an opportunity to respond to the issue may preclude consideration of the issue during the hearing;
- If you are the applicant, a protest fee of \$480 required by ORS 536.050; and
- If you are not the applicant, a protest fee of \$950 required by ORS 536.050 and proof of service of the protest upon the applicant.

Requests for Standing

Under the provisions of OAR 690-380-4030(5), the Department shall provide to persons who have filed standing statements as defined under OAR 690-380-0100(11) notice of any differences between the Department's Preliminary Determination and the Final Order, notice of a hearing on the application under OAR 137-003-0535, and an opportunity to request limited party status or party status in the hearing.

Requests for standing must be received in the Water Resources Department no later than 30 days after the last date of publication of the newspaper notice or the Department's weekly notice as prescribed by OAR 690-380-4020, whichever is later. Requests for standing must be in writing, and must include the following:

- The requester's name, mailing address and telephone number;
- If the requester is representing a group, association or other organization, the name, address and telephone number of the represented group;
- A statement that the requester supports the preliminary determination as issued.

After the protest period has ended, the Director will either issue a Final Order or schedule a contested case hearing. The contested case hearing will be scheduled only if a protest has been filed under OAR 690-380-4030. In accordance with OAR 690-380-4200, notice and conduct of the hearing shall:

- Be under the applicable provisions of ORS 183.310 to 183.550, pertaining to contested cases, and the hearing shall be held in the area where the rights are located unless all parties stipulate otherwise; and
- If a protest has asserted that a water right to be transferred has been forfeited through non-use, include the notice and procedures described in OAR 690-017-0500 to 690-017-0900.

If after hearing the Department issues a proposed Final Order finding that a change in point of diversion or appropriation will result in injury, the applicant may file a notification of intent to pursue approval of the transfer under OAR 690-380-5030 to 690-380-5050 within 15 days of receipt of the proposed order. Notwithstanding 690-002-0175, if the applicant files a notification of intent to pursue approval of the transfer under 690-380-5030 to 690-380-5050, the deadline for filing exceptions to the proposed order shall be 30 days after the Department provides notice to the parties that the transfer does not meet the requirements of 690-380-5030 to 690-380-5050.

If you do not request a hearing within 30 days after the close of the protest period, or if you withdraw a request for a hearing, notify the Department or the administrative law judge that you will not appear, or fail to appear at a scheduled hearing, the Director may issue a final order by default. If the Director issues a Final Order by default, the Department designates the relevant portions of its files on this matter, including all materials that you have submitted relating to this matter, as the record for purpose of proving a *prima facie* case upon default.

You may be represented by an attorney at the hearing. Legal aid organizations may be able to assist a party with limited financial resources. Generally, partnerships, corporations, associations, governmental subdivisions, or public or private organizations are represented by an attorney. However, consistent with OAR 690-002-0020 and OAR 690-137-0555, an agency representative may represent partnerships, corporations, associations, governmental subdivisions or public, or private organizations if the Department determines that appearance of a person by an authorized representative will not hinder the orderly and timely development of the record in this case.

Notice Regarding Servicemembers: Active-duty servicemembers have a right to stay proceedings under the federal Servicemembers Civil Relief Act. 50 U.S.C. App. §§501-597b. For more information contact the Oregon State Bar at 800-452-8260, the Oregon Military Department at 971-355-4127, or the nearest United States Armed Forces Legal Assistance Office through <http://legalassistance.law.af.mil>.

If you have questions about how to file a protest or if you have previously filed a protest and you want to know the status, please contact Will Davidson at 503-507-2749.

If you have questions about the Department or any of its programs, please contact our Water Resources Customer Service Group at 503-986-0900.

Address any correspondence to: Oregon Water Resources Department, Transfer and Conservation Section, 725 Summer Street NE, Suite A, Salem OR 97301-1266.

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-14081

Review Due Date:

Applicant Name: Kenneth Alan Montgomery and Amy H. Montgomery

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

Reviewer(s): Scott Ceciliani *Scott Ceciliani* Date of Review: 05/02/2023

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:
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:

If this transfer is approved, the POU will be appurtenant to an additional parcel of land. If there were to be a deficiency in the source, we may need to distribute water between users covered under the confirming right and the remaining right.
5. In your estimation, if the proposed change is approved, are there upstream water rights that would be affected? ☐ Yes ☒ No If "Yes", describe how the rights would be affected and list the rights most affected:

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

☒ N/A

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

Unknown

☐ N/A

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

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

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

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

☒ Yes ☐ No If "Yes", explain:

Certificate 47289 describes a rate 1/50 of a cfs per acre irrigated, but does not specify a duty. 1/50 of a cfs diverted over the 214 day irrigation season would equate to ~8.48 acre feet of water per acre, which exceeds the consumptive use values in the Oregon Crop Water Use and Irrigation Requirements (Cuenca, 1992).

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:

A headgate should be installed to allow for distribution and regulation.

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	☐ Submerged Orifice
☐ Parshall Flume	☐ Flow Restrictor
☒ Other: <u>Totalizing flow meter or, with approval, another suitable measuring</u>	

Oregon Water Resources Department
Measurement Condition Information for the Applicant
(To be sent with the Draft Preliminary Determination or Final Order)

Transfer #: T- **14081**

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

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

☒ at each new point of diversion/appropriation.

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

Watermaster name: **Scott Ceciliani**

District: **14**

Address: **700 NW Dimmick Street**

City/State/Zip: **Grants Pass, OR 97526**

Phone: **Office: 541-476-1288; Cell: 541-261-2213**

Email: **OWRD.District14@water.oregon.gov or Scott.C.Ceciliani@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



Oregon
Kate Brown, Governor

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

September 12, 2022

KENNETH ALAN MONTGOMERY
AMY H. MONTGOMERY
2792 RAINBOW GLEN ROAD
FALLBROOK, CA 92028

Reference: Application T-14081

On August 26, 2022, OWRD received your water right Permanent Transfer Application. The application was accompanied by \$3540.00. Our receipt number 139003 is enclosed.

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

This application may require publication of a notice for two consecutive weeks in a newspaper with general circulation in the area where the water right is located. If it is determined that newspaper notice will be required, the Department will prepare the notice and notify you of the cost. You will be responsible for submitting payment to the Department prior to publication of the notice.

Except as provided under ORS 540.510(3) for municipalities, you may not use water for the new use, in the new place of use or from the new point of diversion until a final order approving the transfer application has been issued by the Department. In order to avoid any possible forfeiture of the water right, you should continue to use the water as described by your existing water right.

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

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

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

Cc: Watermaster Dist. #14, Scott C. Ceciliani (*via email*)
Josephine County

Enclosure

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

RECEIPT # **139003**

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

INVOICE # _____

RECEIVED FROM: Kenneth A. Montgomery
BY: Tom H. Montgomery

APPLICATION	
PERMIT	
TRANSFER	<u>7-14081</u>

CASH: ☐ CHECK: # 121 OTHER: (IDENTIFY) ☐

TOTAL REC'D \$3,540.00

1083 TREASURY 4170 WRD MISC CASH ACCT

0407 COPIES \$
OTHER: (IDENTIFY) \$

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

4270 WRD OPERATING ACCT

MISCELLANEOUS

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

WATER RIGHTS:

0201 SURFACE WATER \$ 0202 \$
0203 GROUND WATER \$ 0204 \$

0205 TRANSFER \$3,540.00

WELL CONSTRUCTION

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

OTHER (IDENTIFY) _____

0536 TREASURY 0437 WELL CONST. START FEE

0211 WELL CONST START FEE \$ CARD#
0210 MONITORING WELLS \$ CARD#

OTHER (IDENTIFY) _____

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

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

TREASURY OTHER / RDX

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

RECEIPT: **139003**

DATED: 08/26/22 BY: [Signature]

Application for Permanent Water Right Transfer



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

Part 1 of 5 – Minimum Requirements Checklist

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

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

RECEIVED

AUG 26 2022

OWRD

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

- ☒ Part 1 – Completed Minimum Requirements Checklist.
- ☒ Part 2 – Completed Transfer Application Map Checklist.
- ☒ Part 3 – Application Fee, payable by check to the Oregon Water Resources Department, and completed Fee Worksheet, page 3. Try the new online fee calculator at:
http://apps.wrd.state.or.us/apps/misc/wrd_fee_calculator.
- ☒ Part 4 – Completed Applicant Information and Signature.
- ☒ Part 5 – Information about Water Rights to be Transferred: **How many water rights are to be transferred? 1 List them here: 47289**
Please include a separate Part 5 for each water right. (See instructions on page 6)
NOTE: A separate transfer application is required for each water right unless the criteria in OAR 690-380-3220 are met.

Attachments:

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

(For Staff Use Only)

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

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

Other/Explanation _____

Staff: _____ 503- _____ Date: ____/____/____

Part 2 of 5 – Transfer Application Map

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

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

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

Part 3 of 5 – Fee Worksheet

FEE WORKSHEET for PERMANENT TRANSFER (except Substitution)

1	Base Fee (includes one type of change to one water right for up to 1 cfs)	1	\$1,360
2	Types of change proposed: ☒ Place of Use ☒ Character of Use ☒ Point of Diversion/Appropriation Number of above boxes checked = <u> 3 (2a) </u> Subtract 1 from the number in line 2a = <u> 2 (2b) If only one change, this will be 0</u> Multiply line 2b by \$1090 and enter » 	2	\$2,180
3	Number of water rights included in transfer <u> 1 (3a) </u> Subtract 1 from the number in 3a above: <u> 0 (3b) If only one water right this will be 0</u> Multiply line 3b by \$610 and enter » 	3	\$0
4	Do you propose to add or change a well, or change from a surface water POD to a well? ☒ No: enter 0 ☐ Yes: enter \$480 for the 1 st well to be added or changed _____ (4a) Do you propose to add or change additional wells? ☒ No: enter 0 ☐ Yes: multiply the number of additional wells by \$410 _____ (4b) Add line 4a to line 4b and enter » 	4	\$0
5	Do you propose to change the place of use or character of use? ☐ No: enter 0 on line 5 ☒ Yes: enter the cfs for the portions of the rights to be transferred (see below*): <u>0.012 (5a)</u> Subtract 1.0 from the number in 5a above: <u> 0 (5b)</u> If 5b is 0 or less, enter 0 on line 5 » If 5b is greater than 0, round up to the nearest whole number: <u> 0 (5c)</u> and multiply 5c by \$410, then enter on line 5 » 	5	\$0
6	Add entries on lines 1 through 5 above » » » » » » » » » » Subtotal:	6	\$3,540
7	Is this transfer: ☐ necessary to complete a project funded by the Oregon Watershed Enhancement Board (OWEB) under ORS 541.932? ☐ 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 6 by 0.5 and enter on line 7 » If no box is applicable, enter 0 on line 7 » 	7	\$0
8	Subtract line 7 from line 6 » » » » » » » » » » » » » » » » » » Transfer Fee:	8	\$3,540

*Example for Line 5a calculation to transfer 45.0 acres of Primary Certificate 12345 (total 1.25 cfs for 100 acres) and 45.0 acres of Supplemental Certificate 87654 (1/80 cfs per acre) on the same land:

1. For irrigation calculate cfs for each water right involved as follows:
 - a. Divide total authorized cfs by total acres in the water right (*for C12345, 1.25 cfs ÷ 100 ac*); then multiply by the number of acres to be transferred to get the transfer cfs (*x 45 ac = 0.56 cfs*).
 - b. If the water right certificate does not list total cfs, but identifies the allowable use as 1/40 or 1/80 of a cfs per acre; multiply number of acres proposed for change by either 0.025 (1/40) or 0.0125 (1/80). (*For C87654, 45.0 ac x 0.0125 cfs/ac = 0.56 cfs*)
2. Add cfs for the portions of water rights on all the land included in the transfer; however **do not count cfs for supplemental rights on acreage for which you have already calculated the cfs fee for the primary right on the same land**. The fee should be assessed only once for each "on the ground" acre included in the transfer. (*In this example, blank 5a would be only 0.56 cfs, since both rights serve the same 45.0 acres. Blank 5b would be 0 and Line 5 would then also become 0*).

FEE WORKSHEET for SUBSTITUTION

1	Base Fee (includes change to one well)	1	\$990.00
	Number of wells included in substitution <u>0 (2a)</u> Subtract 1 from the number in 2a above: <u>0 (2b)</u> <i>If only one well this will be 0</i>		
2	Multiply line 2b by \$480 and enter » » » » » » » » » » » » » » » »	2	\$0
3	Add entries on lines 1 through 2 above » » » » » » Fee for Substitution:	3	\$0

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AUG 26 2022

QWED

Part 4 of 5 – Applicant Information and Signature

Applicant Information

APPLICANT/BUSINESS NAME Kenneth Alan Montgomery and Amy H. Montgomery			PHONE NO. 541-764-0363	ADDITIONAL CONTACT NO.
ADDRESS 2792 Rainbow Glen Road			FAX NO.	
CITY Fallbrook	STATE CA	ZIP 92028	E-MAIL kam7578@gmail.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			PHONE NO.	ADDITIONAL CONTACT NO.
ADDRESS			FAX NO.	
CITY	STATE	ZIP	E-MAIL	
BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED.				

Explain in your own words what you propose to accomplish with this transfer application, and why:
We purchased tax lot 500 in 2020 without any water rights and will transfer half of the water rights we have on tax lot 525 to tax lot 500. We currently purchase bottled water for our household use on tax lot 525 and will change some of the irrigation water to domestic use for that household. We will move the POD uphill to be above tax lot 500 to get gravity flow water. We had well JOSE 59411 drilled in 2014 on tax lot 525 and it produce insignificant water yield, ie 0.1 gpm.

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

Check One Box

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

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By my signature below, I confirm that I understand:

- Prior to Department approval of the transfer application, I may be required to submit payment to the Department for publication of a notice in a newspaper with general circulation in the area where the water right is located, once per week for two consecutive weeks. If more than one qualifying newspaper is available, I suggest publishing the notice in the following newspaper: Grants Pass The Daily Courier.
- Amendments to the application may only be made in response to the Department's Draft Preliminary Determination (DPD). The applicant will have a period of at least 30 days to amend the application to address any issues identified by the Department in the DPD, or to withdraw the application. Note that amendments may be subject to additional fees, pursuant to ORS 536.050.
- Failure to complete an approved change in place of use and/or change in character of use, will result in loss of the water right (OAR 690-380-6010).
- Refunds may only be granted upon request and, as set forth in ORS 536.050(4)(a), if the Director determines that a refund of all or part of a fee is appropriate in the interests of fairness to the public or necessary to correct an error of the Department.

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

Applicant signature

Kenneth Alan Montgomery

Print Name (and Title if applicable)

Date

8-24-22

Applicant signature

Amy H. Montgomery

Print Name (and Title if applicable)

Date

8-24-22

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

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

Check the following boxes that apply:

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

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

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

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

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

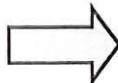
RECEIVING LANDOWNER NAME			PHONE NO.	ADDITIONAL CONTACT NO.
NA				
ADDRESS			FAX NO.	RECEIVED
CITY	STATE	ZIP	E-MAIL	AUG 26 2022
Describe any special ownership circumstances:				OWRD
The confirming Certificate shall be issued in the name of: ☐ Applicant ☐ Receiving Landowner				

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

IRRIGATION DISTRICT NAME NA	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 NA	ADDRESS	
CITY	STATE	ZIP

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

ENTITY NAME Josephine County	ADDRESS 500 NW 6th	
CITY Grants Pass	STATE OR	ZIP 97527

ENTITY NAME	ADDRESS	
CITY	STATE	ZIP

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Part 5 of 5 – Water Right Information

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

CERTIFICATE # 47289

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Description of Water Delivery System

System capacity: _____ cubic feet per second (cfs) OR

23 gallons per minute (gpm)

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Describe the current water delivery system or the system that was in place at some time within the last five years. Include information on the pumps, canals, pipelines, and sprinklers used to divert, convey, and apply the water at the authorized place of use. Water is diverted from the spring at POD2 with an above ground 1.25" poly hose downhill into a wooden 1000 gallon water tank. From the tank a buried 2" PVC pipe delivers water downhill to irrigate the 0.6 acre field at 55 psi. Impact sprinklers apply water at 4 gpm each. One or two sprinklers are normally used at a time. The system is shared with a neighbor on their portion of the same water right.

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)
POD2	☒ Authorized ☐ Proposed		38 S	8 W	22	NW SW	515	700 ft E & 780 ft S from the W ¼ corner section 22.
POD3	☐ Authorized ☒ Proposed		38 S	8 W	22	NW SW	529	100 ft E & 640 ft S from the W¼ corner section 22.
	☐ Authorized ☐ Proposed							
	☐ Authorized ☐ Proposed							

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

- | | |
|--|---|
| ☒ Place of Use (POU) | ☐ Supplemental Use to Primary Use (S to P) |
| ☒ Character of Use (USE) | ☐ Point of Appropriation/Well (POA) |
| ☒ Point of Diversion (POD) | ☐ Additional Point of Appropriation (APOA) |
| ☐ Additional Point of Diversion (APOD) | ☐ Substitution (SUB) |
| ☐ Surface Water POD to Ground Water POA (SW/GW) | ☐ Government Action POD (GOV) |

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

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

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

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

Table 2. Description of Changes to Water Right Certificate # 47289

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

AUTHORIZED (the "from" or "off" lands) The listing that appears on the certificate BEFORE PROPOSED CHANGES List only that part or portion of the water right that will be changed.													Proposed Changes (see "CODES" from previous page)	PROPOSED (the "to" or "on" lands) The listing as it would appear AFTER PROPOSED CHANGES are made.										
Twp	Rng	Sec	¼ ¼	Tax Lot	Gvt Lot or DLC	Acres	Type of USE listed on Certificate	POD(s) or POA(s) (name or number from Table 1)	Priority Date	Twp	Rng	Sec		¼ ¼	Tax Lot	Gvt Lot or DLC	Acres	New Type of USE	POD(s)/ POA(s) to be used (from Table 1)	Priority Date				
EXAMPLE																								
2	S	9	E 15 NE NW	100		15.0	Irrigation	POD #1 POD #2	1901	POU/POD	2	S	9	E 1 NW NW	500	1	10.0		POD #5	1901				
											2	S	9	E 2 SW NW	500		5.0		POD #6	1901				
38	S	8	W 22 NE SW	525		0.25	IR	POD2	1908	POD	38	S	8	W 22 NE SW	525		0.25	IR	POD3	1908				
38	S	8	W 22 NE SW	525		0.05	IR	POD2	1908	POD/POU/ USE	38	S	8	W 22 NE SW	525		-	DO	POD3	1908				
38	S	8	W 22 NE SW	525		0.05	IR	POD2	1908	POD/POU/ USE	38	S	8	W 22 NW SW	500		-	DO	POD3	1908				
38	S	8	W 22 NE SW	525		0.25	IR	POD2	1908	POD/POU	38	S	8	W 22 NW SW	500		0.25	IR	POD3	1908				
TOTAL ACRES:						0.6					TOTAL ACRES:						0.5							

Additional remarks: POD1 has not been used for more than 42 years. We purchased tax lot 525 in 1977 and POD2 has been used since 1980. The decree map indicates POD1 is the POD but the original certificate 13896 did not specify a POD. Transfer N-30 in 1966 created domestic water for one household and identified POD1 as shown on certificate 47289. The Watermaster in 1980 is said to have verbally approved using POD2. POD2 is 350 feet northwest of POD1 and was recently located from the W¼ corner of section 22 by GPS. POD2 is considered the existing POD. Each proposed domestic use rate will be 0.001 cfs and each ¼ acre irrigation rate will be 0.005 cfs.

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For Place of Use or Character of Use Changes

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

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



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

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

Ground water supplemental Permit or Certificate # NA;

Surface water primary Certificate # NA.

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For a change from Supplemental Irrigation Use to Primary Irrigation Use

Identify the primary certificate to be cancelled. Certificate # NA

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

- ☐ Well log(s) are attached for each authorized and 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

AND/OR

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

Table 3. Construction of Point(s) of Appropriation

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

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

Application for Water Right Transfer Evidence of Use Affidavit



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

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

State of Oregon)
) ss

County of JOSEPHINE

I, AMY H. MONTGOMERY, in my capacity as OWNER,

mailing address 2792 RAINBOW GLEN ROAD, FALLBROOK, CALIFORNIA 92028

telephone number (951)764-0363, being first duly sworn depose and say:

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

☐ Personal observation

☒ Professional expertise

2. I attest that:

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

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

Certificate #	Township		Range		Mer	Sec	¼ ¼		Gov't Lot or DLC	Acres (if applicable)
47289	38	S	8	W	Wi	22	NE	SW		0.6

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)

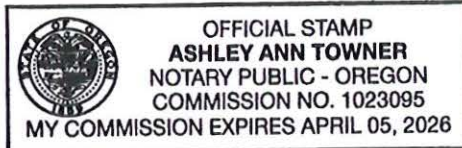
3. The water right was used for: (e.g., crops, pasture, etc.): HAY AND SOIL BUILDING

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.

Amy A Montgomery
Signature of Affiant

8-17-22
Date

Signed and sworn to (or affirmed) before me this 17th day of August, 20 22.

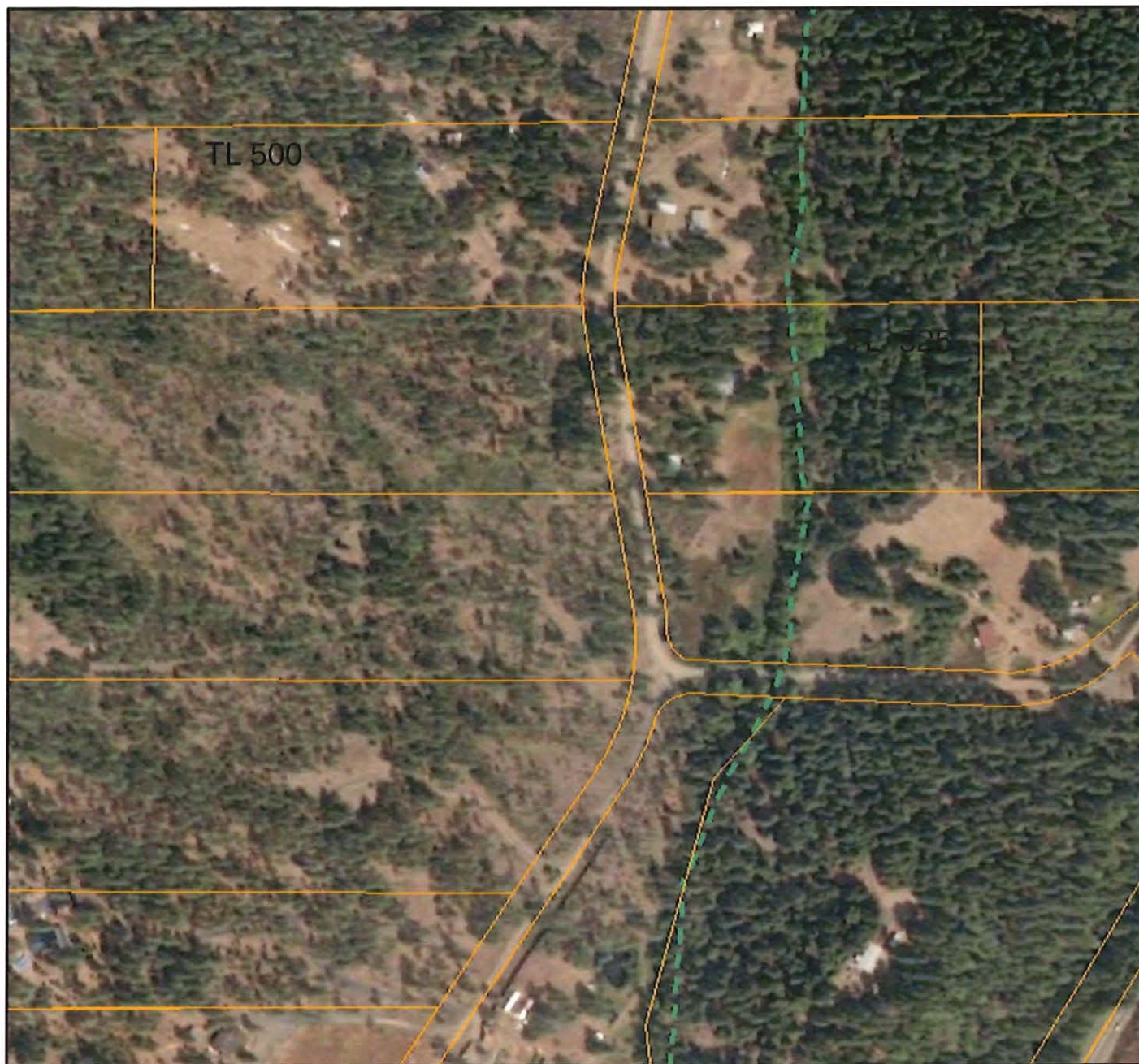


[Signature]
Notary Public for Oregon
My Commission Expires: April 5, 2026

Supporting Documents	Examples
☐ Copy of a water right certificate that has been issued within the last five years. (not a remaining right certificate)	Copy of confirming water right certificate that shows issue date
☐ Copies of receipts from sales of irrigated crops or for expenditures related to use of water	• Power usage records for pumps associated with irrigation use • Fertilizer or seed bills related to irrigated crops • Farmers Co-op sales receipt
☐ Records such as FSA crop reports, irrigation district records, NRCS farm management plan, or records of other water suppliers	• District assessment records for water delivered • Crop reports submitted under a federal loan agreement • Beneficial use reports from district • IRS Farm Usage Deduction Report • Agricultural Stabilization Plan • CREP Report
☒ Aerial photos containing sufficient detail to establish location and date of photograph RECEIVED AUG 26 2022 OWRD	Multiple photos can be submitted to resolve different areas of a water right. If the photograph does not print with a "date stamp" or without the source being identified, the date of the photograph and source should be added. Sources for aerial photos: OSU – www.oregonexplorer.info/imagery OWRD – www.wrd.state.or.us Google Earth – earth.google.com TerraServer – www.terraserver.com
☐ Approved Lease establishing beneficial use within the last 5 years	Copy of instream lease or lease number



Montgomery T38SR8WS22 TLs 500 & 525



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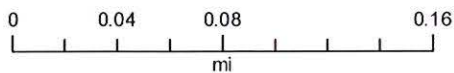
OWRD

Taxlots

— Wetland (Line)



1 inch = 376 feet



Josephine County

Date: 8/11/2022

Note:

The information on this map is furnished for general interest purposes only. This information is provided without warranties of any kind, express or implied, and it should not be used to support any purchase or other investment. Neither Josephine County, Cave Junction, nor Grants Pass will accept responsibility for any errors or inaccuracies in the depicted information. However, notification of any errors will be appreciated.

August 2021
Firefly Imagery
Hybrid





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08/10/2022



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AUG 26 2022
OWARD

08/10/2022



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AUG 26 2022

OWRD

Add a Caption

Monday • Jul 18, 2022 • 10:26 AM [Adjust](#)

 IMG_0187

Apple iPhone XR

HEIF

Rear Camera — 26 mm $f1.8$

12 MP • 4032 × 3024 • 3.2 MB

ISO25 | 26mm | 0 ev | $f1.8$ | 1/1299s

[Add a location...](#)





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Thursday • Jun 9, 2022 • 7:42 AM [Adjust](#)

✓ IMG_9982

Apple iPhone XR

HEIF

Rear Camera — 26 mm $f1.8$

12 MP • 3024 x 4032 • 2.7 MB

ISO32 | 26mm | 0 ev | $f1.8$ | 1/122s

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AUG 26 2022

OWRD



Add a Caption

Friday • Jul 29, 2022 • 9:51 AM

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 IMG_0226

Apple iPhone XR

HEIF

Rear Camera — 26 mm $f1.8$

12 MP • 4032 × 3024 • 3.1 MB

ISO25 | 26mm | 0 ev | $f1.8$ | 1/716s

[Add a location...](#)





Add a Caption

Monday • Jul 18, 2022 • 10:31 AM [Adjust](#)

 IMG_0188

Apple iPhone XR

HEIF

Rear Camera — 26 mm $f1.8$

12 MP • 4032 × 3024 • 4.3 MB

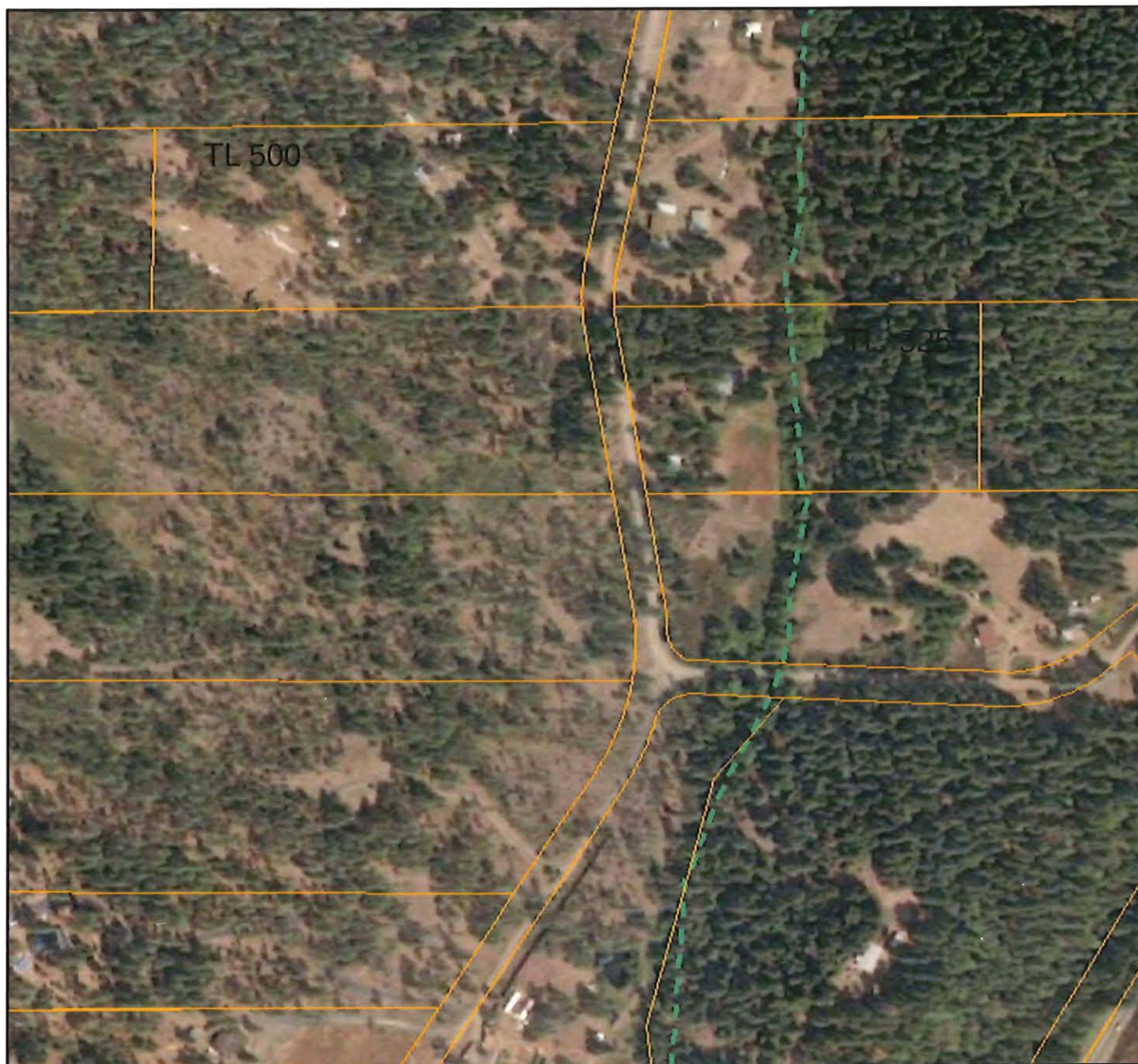
ISO25 | 26mm | 0 ev | $f1.8$ | 1/856s

[Add a location...](#)





Montgomery T38SR8WS22 TLs 500 & 525



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AUG 26 2022

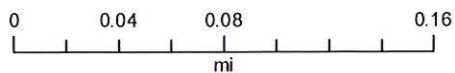
OWRD

Taxlots

— Wetland (Line)



1 inch = 376 feet



Josephine County

Date: 8/11/2022

Note:

The information on this map is furnished for general interest purposes only. This information is provided without warranties of any kind, express or implied, and it should not be used to support any purchase or other investment. Neither Josephine County, Cave Junction, nor Grants Pass will accept responsibility for any errors or inaccuracies in the depicted information. However, notification of any errors will be appreciated.

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Firefly Imagery
Hybrid





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08/10/2022



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AUG 26 2022

OWRD

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Friday • Aug 5, 2022 • 1:28 PM

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 IMG_0302

Apple iPhone XR

HEIF

Rear Camera — 26 mm $f1.8$

12 MP • 3024 × 4032 • 3.9 MB

ISO25 | 26mm | 0 ev | $f1.8$ | 1/1076s

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Friday • Jul 29, 2022 • 9:49 AM

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 IMG_0222

Apple iPhone XR

HEIF

Rear Camera — 26 mm $f1.8$

12 MP • 4032 × 3024 • 3.7 MB

ISO25

26mm

0 ev

$f1.8$

1/822s

[Add a location...](#)



3:50



Today
3:38 PM

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AUG 26 2022

OWRD



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Saturday • May 14, 2022 •
10:26 AM

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🔒 IMG_9857

Apple iPhone XR

HEIF

Rear Camera — 26 mm $f1.8$
12 MP • 3024 × 4032 • 3.4 MB

ISO25 | 26mm | 0 ev | $f1.8$ | 1/743s



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AUG 26 2022

OWRD

Add a Caption

Monday • Jul 18, 2022 • 10:31 AM [Adjust](#)

 IMG_0188

Apple iPhone XR

HEIF

Rear Camera — 26 mm $f1.8$

12 MP • 4032 × 3024 • 4.3 MB

ISO25

26mm

0 ev

$f1.8$

1/856s

[Add a location...](#)



Land Use Information Form



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

201 N Gold Canyon

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AUG 17 2022

JO CO - PLANNING

Applicant(s): Kenneth Alan Montgomery and Amy H. Montgomery

Mailing Address: 2792 Rainbow Glen Road

City: Fallbrook

State: CA

Zip Code: 92028

Daytime Phone: 951-764-0363

A. Land and Location

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

Township	Range	Section	¼ ¼	Tax Lot #	Plan Designation (e.g., Rural Residential/RR-5)	Water to be:			Proposed Land Use:
<u>38S</u>	<u>8W</u>	<u>22</u>	<u>NWSW</u>	<u>529</u>	<u>RR-5</u>	☒ Diverted	☒ Conveyed	☐ Used	_____
<u>38S</u>	<u>8W</u>	<u>22</u>	<u>NWSW</u>	<u>500</u>	<u>RR-5</u>	☐ Diverted	☒ Conveyed	☒ Used	<u>IR & DO</u>
<u>38S</u>	<u>8W</u>	<u>22</u>	<u>NESW</u>	<u>525</u>	<u>RR-5</u>	☐ Diverted	☒ Conveyed	☒ Used	<u>IR & DO</u>
_____	_____	_____	_____	_____	_____	☐ Diverted	☐ Conveyed	☐ Used	_____

List all counties and cities where water is proposed to be diverted, conveyed, and/or used or developed:

Josephine County

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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) Springs

Estimated quantity of water needed: 5.4 ☐ cubic feet per second ☒ gallons per minute ☐ acre-feet

Intended use of water: ☒ Irrigation ☐ Commercial ☐ Industrial ☒ Domestic for 2 household(s)
☐ Municipal ☐ Quasi-Municipal ☐ Instream ☐ Other _____

Briefly describe:

To provide 1/4 acre of irrigation and domestic use for one household on each of tax lots 500 and 525.

We purchased tax lot 500 without a water right and the transfer will provide water from tax lot 525.



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. →

For Local Government Use Only

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

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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:	
		☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued
RECEIVED		☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued
AUG 26 2022		☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued
OWRD		☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued
		☐ Obtained ☐ Denied	☐ Being Pursued ☐ 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: Heater - Onnie Heater Title: Assistant Planner

Signature: Heater Phone: 541 474 5109 Date: 8-22-22

Government Entity: Josephine County Community Development - Planning

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

Josephine County, OR
700 NW Dimmick Street
Suite C
Grants Pass, OR 97526



Receipt for Request for Land Use Information

Applicant name: _____

City or County: _____ Staff contact: _____

Signature: _____ Phone: _____ Date: _____



Community Development - Planning Division
700 NW Dimmick, Suite C
Grants Pass, OR 97526

Receipt Number: PL22-01184

(541) 474-5421
planning@josephinecounty.gov

Payer/Payee: MONTGOMERY FAM LIV TRUST
2792 RAINBOW GLEN RD
FALLBROOK CA 92028

Cashier: Terri Woodruff

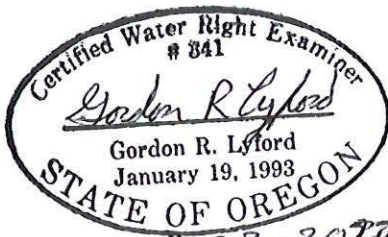
Date: 08/17/2022

Primary Parcel: 38082200000525 Project Description: Water Right Transfer

PL-2022-01388 LAND USE INFORMATION RESPONSE 201 N GOLD CANYON DR

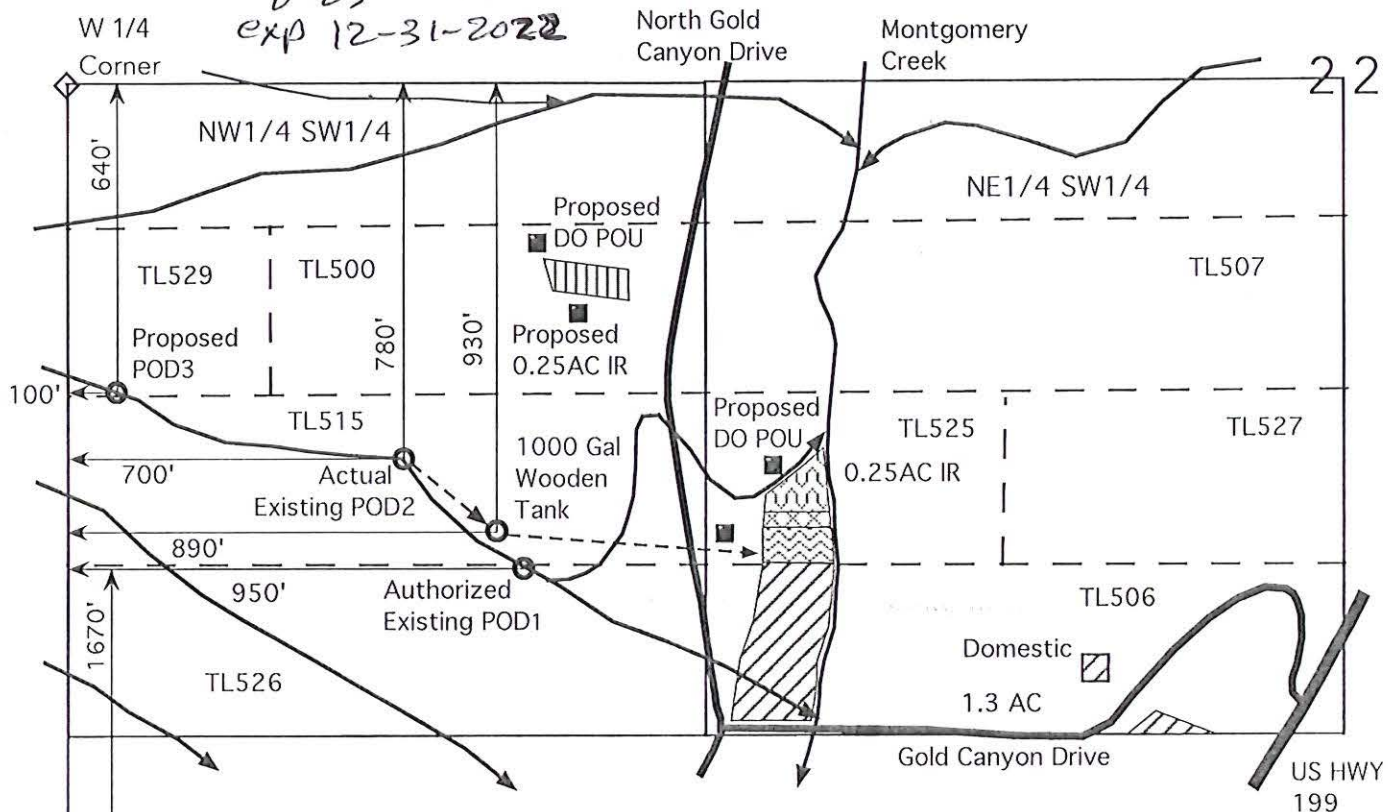
<u>Fee Description</u>	<u>Fee Amount</u>	<u>Amount Paid</u>	<u>Fee Balance</u>
Land Use Information Response	\$125.00	\$125.00	\$0.00
	\$125.00	\$125.00	\$0.00

<u>Payment Method</u>	<u>Reference Number</u>	<u>Payment Amount</u>
CHECK	120	\$125.00
Total Paid:		\$125.00



TRANSFER MAP FROM C#47289
T 38 S, R 8 W, W M, JOSEPHINE COUNTY
Section 22 - N1/2 SW1/4
AUGUST 23, 2022

N
↑
1"=400'



Certificate 47289 has a priority of November 11, 1908 for the irrigation of 2.7 acres with a rate of 0.02 cfs per acre plus domestic use from springs during April 1 through November 1.

○ Existing PODs, proposed POD, and a water tank -▲- 1.25" poly hose and 2.0" PVC pipe

0.25 acres of existing irrigation to have the existing POD2 changed to the proposed POD3.

0.1 acres of existing irrigation to be changed to domestic use for two households at the proposed places of use in tax lots 500 and 525 and to the proposed POD3.

0.25 acres of existing irrigation to be changed to the proposed POU in tax lot 500 and to the proposed POD3.

0.25 acres of proposed irrigation POU in tax lot 500 and to the proposed POD3.

1.3 acres of remaining irrigation rights including domestic use for one family.

21 22
28 27

Roads Unnamed streams Tax lot boundaries Buildings

This map was drawn by Gordon R. Lyford for Ken and Amy Montgomery to support their water right transfer application from certificate 47289 to change POD, POU, and COU. Ken and Amy Montgomery own tax lots 500, 525, and 527.

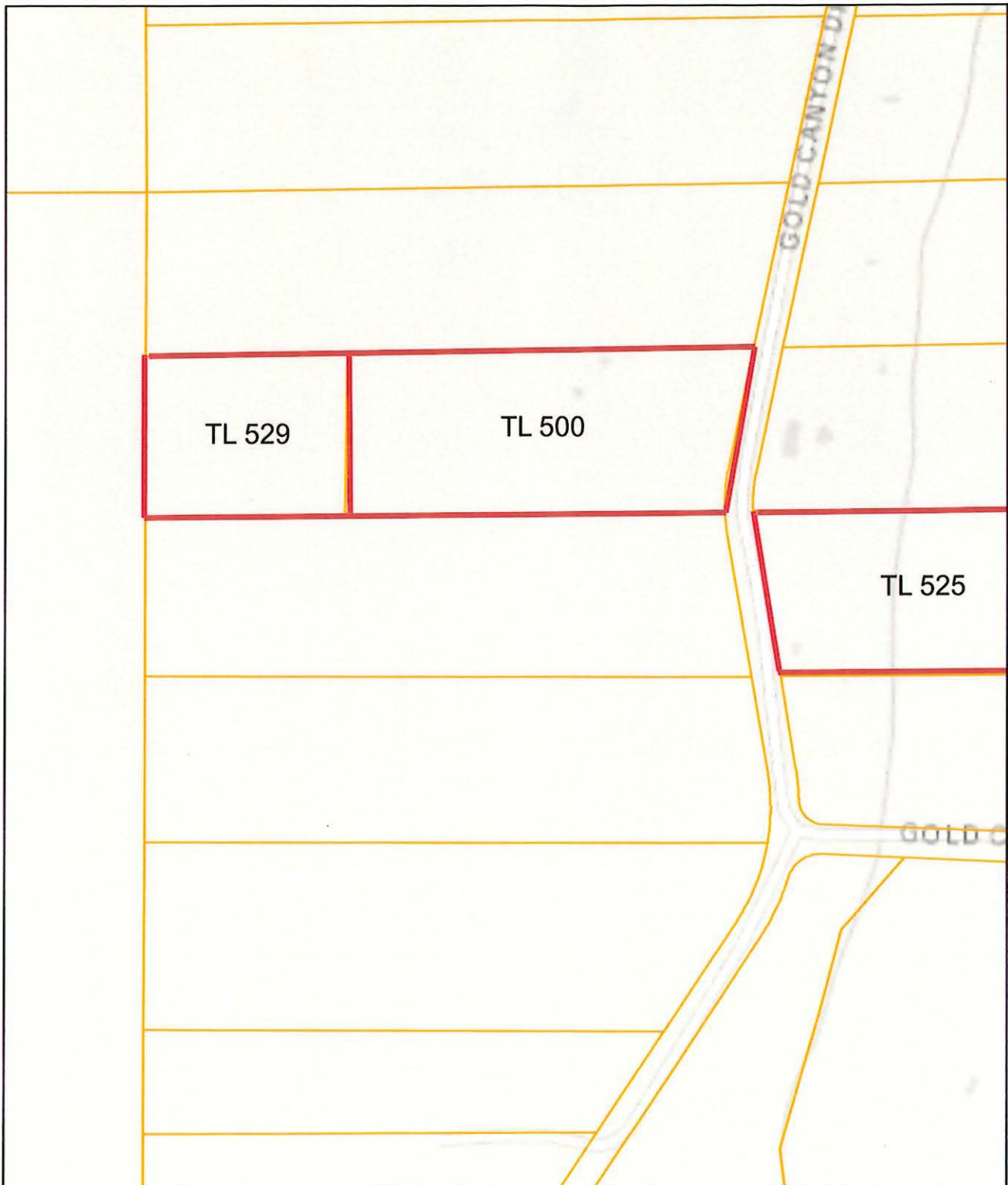
This map was prepared for the purpose of identifying the location of water rights only and is not intended to provide legal dimensions or the location of property ownership lines.

RECEIVED

AUG 26 2022

OWRD

ArcGIS Web Map



8/22/2022, 8:17:26 AM

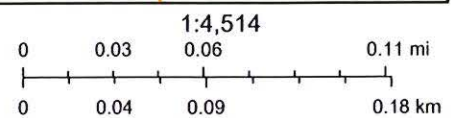
 County Boundary

 Taxlots

RECEIVED

AUG 26 2022

OWEN



Esri, HERE, Garmin, (c) OpenStreetMap contributors, and the GIS user community, Josephine County, Bureau of Land Management, State of Oregon, State of Oregon DOT, State of Oregon GEO, Esri, HERE, Garmin, USGS, EPA



RECEIVED

AUG 28 2022

OWNED

RECEIVED

CO - PLANNING

Montgomery Creek

Montgomery Creek

Gold Canyon Dr

Gold Canyon Drive N

Gold Canyon Drive N

DR

Permanent Transfer Application Intake Completion Checklist

Check the Certificate(s) in WRIS

Transfer # T- 14081

Checked by- <u>SCOT</u> Date- <u>8/31/22</u>	Type of Change(s) Proposed: Mark the Proposed Changes	Substitution	Supplemental to Primary	POU	POD	APOD
Fee Received: <u>3540</u>		Gov Action	Surface to Ground	USE	POA	APOA
Calculated Fee: <u>3540</u>		How many rights to be Transferred? Certificate # <u>47289</u>				
Additional Observations:						

If OK and complete, check box to the left; if NOT, fill in.

- ☒ 1. Is applicant information complete? Have all applicants listed at the top of the page signed at the bottom?
If no, what is missing? Whose signature is missing? _____
- ☒ 2. Does applicant indicate the place of use is in or near an irrigation district? Is a Form D included? ☒ N/A.
Name of the district: _____
- ☒ 3. Part 5 of application, has the applicant(s) completed the entire page and does the information match the description of the explanation of the reasons for transfer on Part 4 of the application?
If no, you may need to contact the applicant or agent? _____
- ☒ 4. Is there only one (1) water right included in this transfer application?
If no, are the criteria of OAR 690-380-3220 for more than one WR met? Yes or No _____
If no, then the transfer application **CANNOT** be accepted. See attached "3220" Decision Tree Flowchart.
- ☒ 5. For multiple certificates do each of the certificates listed on Application Page 1 have their own separate completed Part 5 tables 1 & 2?
If no, which certificate(s) are missing a separate Part 5 tables 1 & 2? _____
- ☒ 6. Is the map prepared and signed by a CWRE? Does the map meet requirements?
If no, what is missing? _____. Map waiver included? ☐ Yes ☐ No
- ☒ 7. If a change in point of appropriation (POA), have the well logs been included? ☒ N/A.
- ☒ 8. If a change in place of use (POU) within Umatilla County, have the applicant(s) provided a Supplemental Form U? ☒ N/A.
- ☒ 9. If all boxes on this checklist are checked (with no remaining deficiencies identified), **ACCEPT** the application.
Put this application intake completeness check sheet in the transfer folder.

OR: ☐ If all boxes to the left are **NOT** checked, then this application is deficient and **CANNOT** be accepted.
It should be returned and the deficiencies listed in the "staff" section at the bottom of Application Page 1, unless the applicant or agent can resolve the deficiencies within 2-3 days.

Actions taken: _____ Date: _____