

T-10342

T-10342

7415

RA

Name Gordon C. Rose & Judith D. Rose

By _____

Address 8908 John Day DrGold Hill, OR 97525541-855-7629Change in pay/USEDate filed 3-16-07

Date of hearing _____

Place of hearing _____

Date of order 10-22-07 Vol. 73, page 531

Date for application of water _____

Proof mailed _____

Proof received _____

Certificate issued _____ Vol. _____, page _____

DESCRIPTION OF WATER RIGHT

Name of stream Rogue RiverTrib. of Pacific Ocean County of JacksonUse IR

Quantity of water _____ No. of acres _____

Name of ditch _____

Date of priority 7/28/1955 ~~10/38/1918~~In name of John Day John & Mary Day

Adjudication, Vol. _____, page _____

App. No. 530171 523502 Per. No. 523796 518531 Cert. No. 81513 41771

Certificate cancelled _____

Notation made on record by _____

FEES PAID

Date	Amount	Receipt No.
<u>3/16/07</u>	<u>125.00</u>	<u>86672</u>
<u>3/16/07</u>	<u>700.00</u>	<u>86680</u>
TOTAL . . .		
	Cert. Fee	

FEES REFUNDED

Date	Amount	Check No.
<u>7/16/07</u>	<u>350.00</u>	<u>86680</u>

REMARKS

Agent/CWRE: Joe Strahl 171 S. 2nd St. Central Point OR 97502 541-301-2946
 541-665-5233

NOTED

Jackson County 10 S Oakdale Ave Medford OR 97501

Contractor: Pacific Hydro

Public Notice 3-27-07

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

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

INVOICE # _____

86680

RECEIVED FROM: Public Works Management

BY: _____

APPLICATION	
PERMIT	
TRANSFER	10342

CASH: ☐ CHECK: # 10313 OTHER: (IDENTIFY) ☐

TOTAL REC'D \$ 700.00

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	\$ <u>700.00</u>		

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 (FWWRD)	\$ _____
0231 HYDRO LICENSE FEE (FWWRD)	\$ _____
HYDRO APPLICATION	\$ _____

TREASURY OTHER / RDX

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

RECEIPT:

86680

DATED: 3/16/07 BY: _____

**Time Limited Transfer
Instream
T 36 S, R 2 W, WM
Section 7 & 18
T 36 S, R 3 W, WM
Section 12 & 13**



CWRE stamp

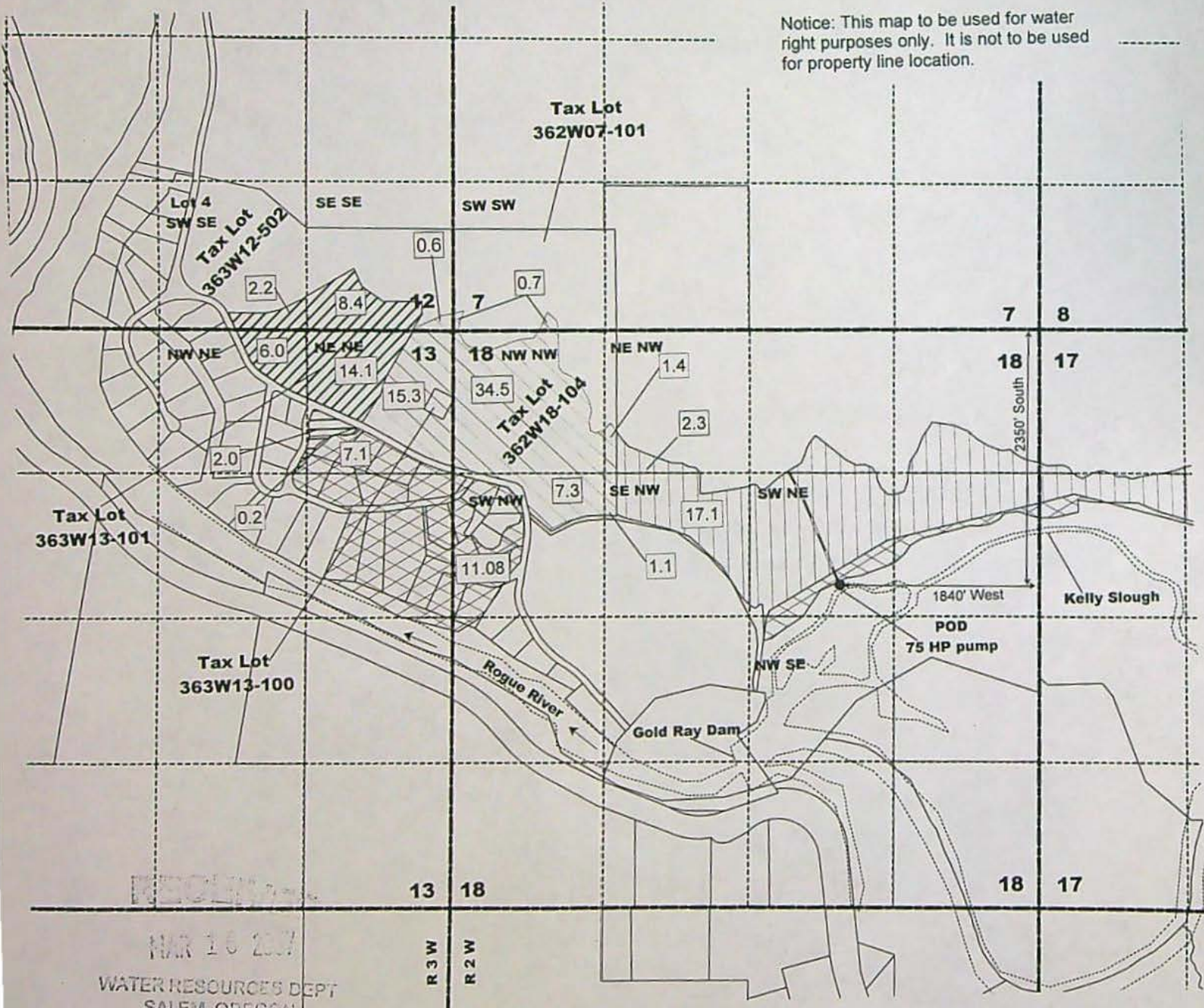


Scale 1" = 1320'

Legend

- Cert 41771 tranfer
- Cert 41771 remaining
- Cert 81513 transfer
- Cert 81513 Neary transfer
- Certificate 81513 no change

Notice: This map to be used for water right purposes only. It is not to be used for property line location.



MAR 16 2007
WATER RESOURCES DEPT
SALEM OREGON

STATE OF OREGON
COUNTY OF JACKSON
CERTIFICATE OF WATER RIGHT

This Is to Certify, That **JOHN S. & MARY P. DAY**
c/o Ben Day 97501
of **West Main at Oakdale, Medford, Oregon**, State of **Oregon**, has made proof
to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of
Rogue River

a tributary of **Pacific Ocean** for the purpose of
irrigation of 32.9 acres

under Permit No. **18531** of the State Engineer, and that said right to the use of said waters
has been perfected in accordance with the laws of Oregon; that the priority of the right hereby
confirmed dates from **October 28, 1948**

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

or its equivalent in case of rotation, measured at the point of diversion from the stream.
The point of diversion is located in the **SW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 18, T. 36 S., R. 3 W., W. M.,**
2350 feet South and 1840 feet West from NE Corner, Section 18.

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

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

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

2.2 acres Lot 4 (SW $\frac{1}{4}$ SE $\frac{1}{4}$)
8.4 acres SE $\frac{1}{4}$ SE $\frac{1}{4}$
Section 12
16.1 acres NE $\frac{1}{4}$ NE $\frac{1}{4}$
6.2 acres NW $\frac{1}{4}$ NE $\frac{1}{4}$
Section 13
T. 36 S., R. 3 W., W. M.

This certificate is issued to confirm a change in point of diversion approved by
an order of the State Engineer entered April 27, 1970, and together with the certi-
ficates recorded at pages 41769 and 41770, Volume 33, supersedes certificate of
water right heretofore issued to General Development Co. and recorded at page 27274,
Volume 19, State Record of Water Right Certificates.

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

WITNESS the signature of the State Engineer, affixed

this date. **March 5, 1975**

Chris L. Wheeler

State Engineer

Recorded in State Record of Water Right Certificates, Volume 33, page 41771

T10247

STATE OF OREGON
COUNTY OF JACKSON
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

JOHN DAY
P.O. BOX 488
MEDFORD, OREGON 97501

confirms the right to use the waters of the ROGUE RIVER, TRIBUTARY OF PACIFIC OCEAN, for IRRIGATION of 204.58 ACRES.

This right was perfected under Permit 23796. The date of priority is July 28, 1955. The right is limited to not more than 2.55 cubic feet per second (cfs), or its equivalent in case of rotation, measured at the point of diversion from the source.

The point of diversion is located as follows:

TWP	RNG	MER	SEC	LOT	¼ - ¼	LOCATION
36 S	2 W	W.M.	18		NW NE	

The amount of water used for irrigation together with the amount secured under any other right existing for the same lands shall be limited to ONE-EIGHTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion not to exceed 4.5 acre feet per acre for each acre irrigated during the irrigation season of each year.

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

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

IRRIGATION						
TWP	RNG	MER	SEC	LOT	¼ - ¼	ACRES
36 S	3 W	W.M.	12		SE SE	0.60
36 S	3 W	W.M.	13		NE NE	22.40
36 S	3 W	W.M.	13		NW NE	0.20
36 S	3 W	W.M.	13		SW NE	0.40
36 S	3 W	W.M.	13		SE NE	23.00
36 S	3 W	W.M.	13		NE SE	0.50
36 S	2 W	W.M.	7		SW SW	0.70
36 S	2 W	W.M.	17		NE NW	2.90

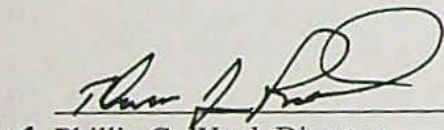
IRRIGATION						
TWP	RNG	MER	SEC	LOT	¼ - ¼	ACRES
36 S	2 W	W.M.	17		NW NW	0.30
36 S	2 W	W.M.	17		SW NW	9.70
36 S	2 W	W.M.	17		SE NW	8.40
36 S	2 W	W.M.	18		NE NE	7.70
36 S	2 W	W.M.	18		NW NE	2.50
36 S	2 W	W.M.	18		SW NE	33.10
36 S	2 W	W.M.	18		SE NE	16.00
36 S	2 W	W.M.	18		NE NW	3.70
36 S	2 W	W.M.	18		NW NW	34.50
36 S	2 W	W.M.	18		SW NW	18.38
36 S	2 W	W.M.	18		SE NW	18.20
36 S	2 W	W.M.	18		NW SW	0.40
36 S	2 W	W.M.	18		NW SE	1.00
TOTAL:						204.58

This certificate describes that portion of the water right confirmed by Certificate 57547, State Record of Water Right Certificates, NOT canceled by the provisions of an order of the Water Resources Director entered JUL 0 7 2005, and recorded in Special Order Volume 65, Page 178, canceling a portion of the water right. This certificate supersedes Certificate 57547.

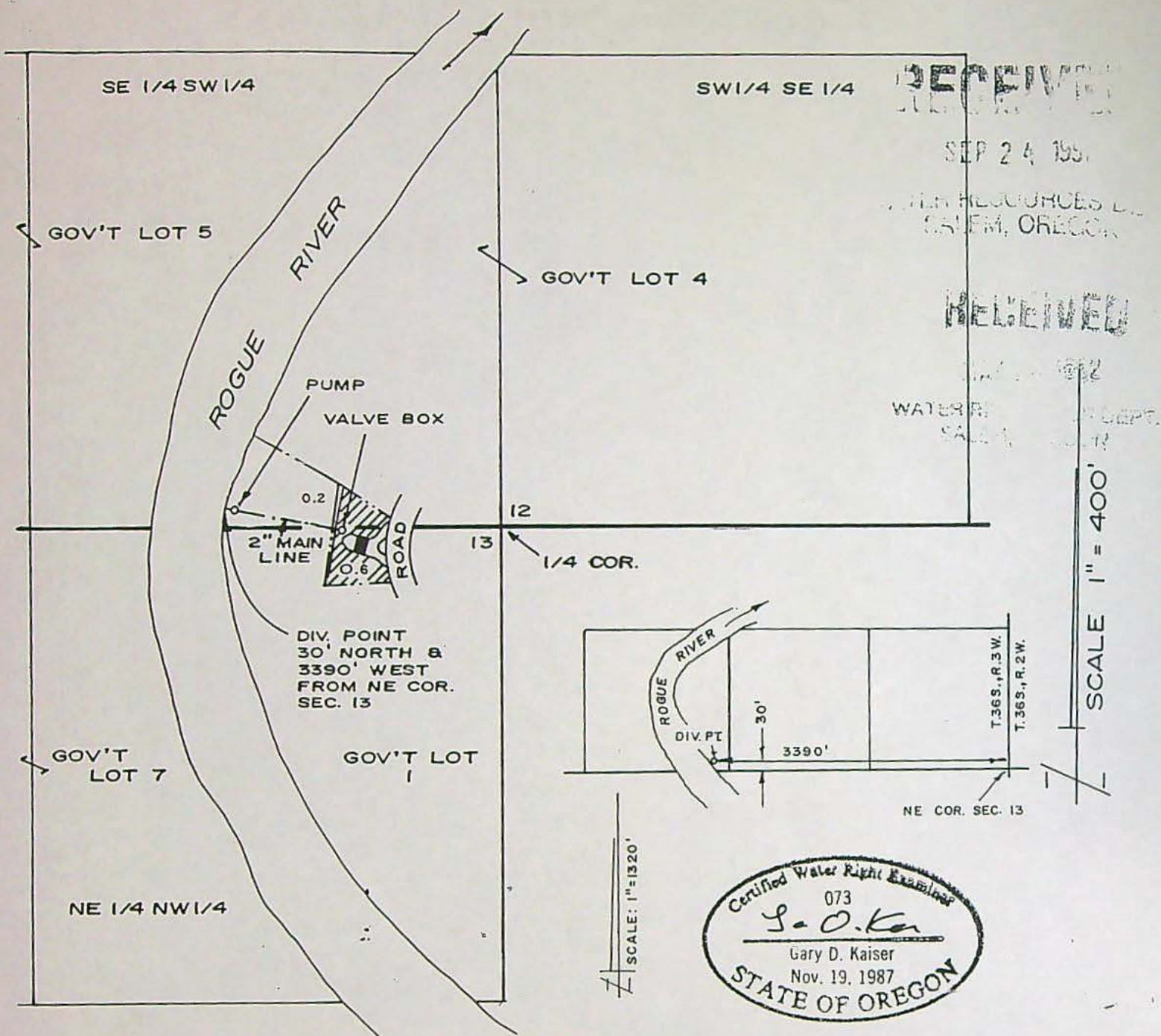
The issuance of this superseding certificate does not confirm the status of the water right in regard to the provisions of ORS 540.610 pertaining to forfeiture or abandonment.

The right to the use of water for the above purpose is restricted to beneficial use on the lands or place of use described.

Issued: JUL 0 7 2005


 Phillip C. Ward, Director
 Water Resources Department

T. 36 S., R. 3 W., W.M.



FINAL PROOF MAP

APPLICATION No. T-6301

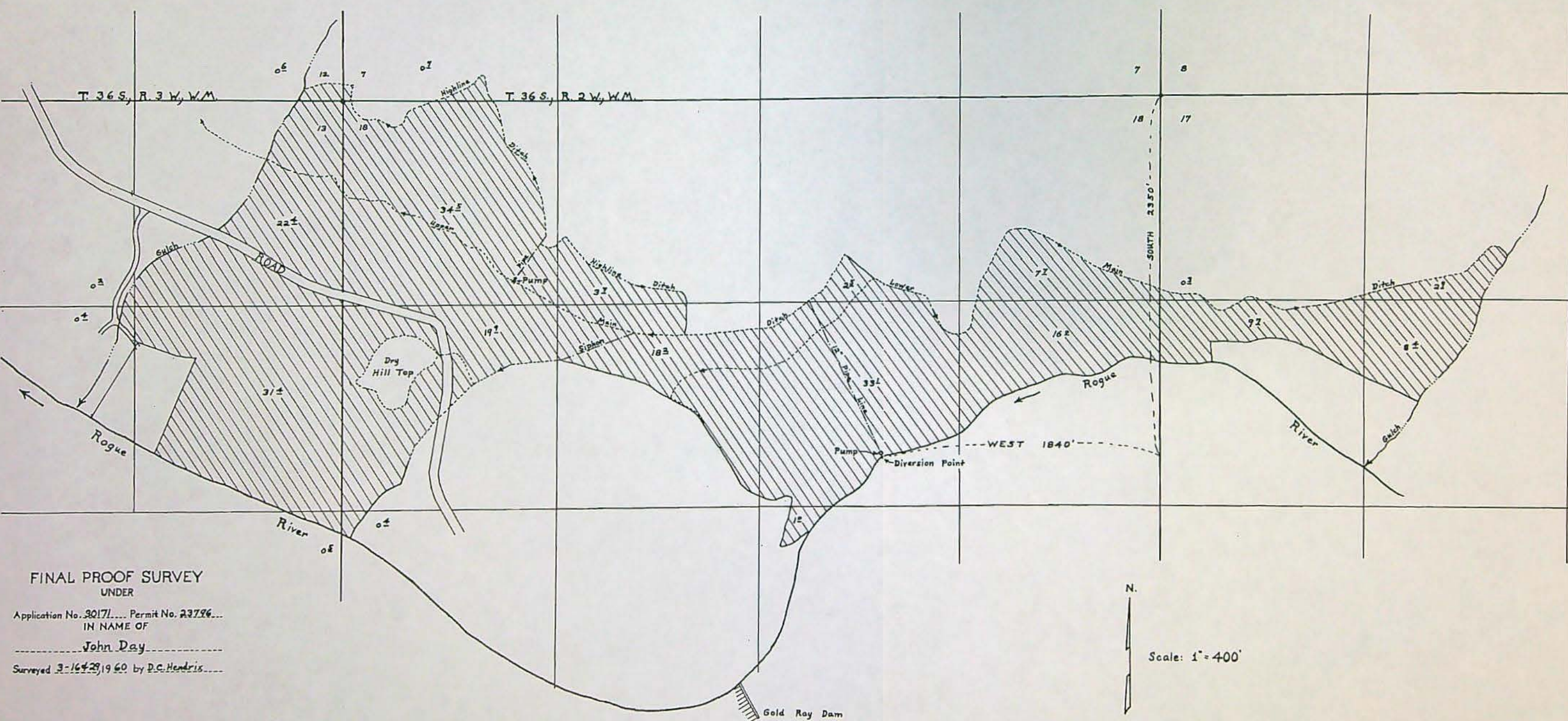
IN THE NAME OF

DALE L. BOYLE

NOTE THIS MAP HAS BEEN
PREPARED FOR WATER RIGHT
PURPOSES ONLY, NOT FOR
PROPERTY BOUNDARY LOCATIONS

MAP PREPARED SEPTEMBER 18, 1991 BY GARY D. KAISER

REVISED MAY 4, 1992 G.D.K.



FINAL PROOF SURVEY
UNDER

Application No. 30171... Permit No. 23796...
IN NAME OF

John Day

Surveyed 3-16-29, 1960 by D.C. Hendris



Scale: 1" = 400'



Oregon

Theodore R. Kulongoski, Governor

Water Resources Department

North Mall Office Building
725 Summer Street NE, Suite A
Salem, OR 97301-1266
503-986-0900
FAX 503-986-0904

October 23, 2007

GORDON C. ROSE
JUDITH D. ROSE
8908 JOHN DAY DRIVE
GOLD HILL OR 97525

Reference: Transfer 10342

Enclosed is a copy of the order approving your time-limited instream water right transfer application.

If you have any questions, please call Bob Rice at 503-986-0885.

Sincerely,

Sarah Henderson

for Doug Parrow
Natural Resource Specialist

DP:sh

cc: Watermaster #13
Watermaster #14
Watermaster #19
Joe Strahl, Agent (171 S. 2nd Street, Central Point, OR 97502)

Enclosure



BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON

In the Matter of Time-Limited Instream)	FINAL ORDER APPROVING A
Transfer Application T-10342, Jackson)	CHANGE IN PLACE OF USE AND
County)	CHARACTER OF USE

Authority

ORS 540.505 to 540.580 establishes the process in which a water right holder may submit a request to transfer the point of diversion, place of use, or character of use authorized under an existing water right. OAR Chapter 690, Division 380 implements the statutes and provides the Department's procedures and criteria for evaluating transfer applications. OAR Chapter 690, Division 077 provides additional criteria for evaluating transfers to instream water rights.

Applicant

GORDON C. AND JUDITH D. ROSE
8908 JOHN DAY DRIVE
GOLD HILL, OR 97525

Findings of Fact

Background

1. On March 16, 2007, Gordon C. and Judith D. Rose filed a time-limited instream transfer application to temporarily change the character of use and place of use under Certificates 81513 and 41771 to instream use for a period of three years. The Department assigned the application number T-10342.

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

Certificate: 81513 in the name of JOHN DAY (perfected under Permit S-23796)

Use: IRRIGATION of 60.9 ACRES

Priority Date: JULY 28, 1955

Rate: 0.76 CUBIC FOOT PER SECOND (CFS)

Limit/Duty: ONE-EIGHTIETH cfs per acre, not to exceed 4.5 acre-feet per acre per year

Source: ROGUE RIVER, tributary to PACIFIC OCEAN

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q
36 S	2 W	WM	18	NW NE

This is an order in other than a contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60 day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-0080, you may either 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.

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
36 S	2 W	WM	7	SW SW	0.7
36 S	2 W	WM	18	NE NW	1.4
36 S	2 W	WM	18	NW NW	34.5
36 S	2 W	WM	18	SW NW	7.3
36 S	2 W	WM	18	SE NW	1.1
36 S	3 W	WM	12	SE SE	0.6
36 S	3 W	WM	13	NE NE	15.3

3. A scrivener's error has been identified on Certificate 81513. The authorized point of diversion is incorrectly listed as being in the NW¼ NE¼ of Section 18. The scrivener's error occurred when Certificate 52205 was issued as a remaining right to confirm the portion of the original Certificate 27276 that was not cancelled by the provisions of an order dated May 7, 1984, Volume 38, Page 236. The scrivener's error has been carried from one remaining right to the next, being from Certificate 52205 to Certificate 57547 and again to Certificate 81513. The correct location of the authorized point of diversion for Certificate 81513 as described in Certificate 27276 is provided below.

Point of Diversion for Certificate 81513 is more accurately described as:

Twp	Rng	Mer	Sec	Q-Q
36 S	2 W	WM	18	SW NE

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

Certificate: 41771 in the name of JOHN S. AND MARY P. DAY (perfected under Permit S-18531)

Use: IRRIGATION of 30.7 ACRES

Priority Date: OCTOBER 28, 1948

Rate: 0.20 CUBIC FOOT PER SECOND

Limit/Duty: ONE-EIGHTIETH cfs per acre, not to exceed 4.5 acre-feet per acre per year

Source: ROGUE RIVER, tributary to PACIFIC OCEAN

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
36 S	3W	WM	18	SW NE	2350 FEET SOUTH AND 1840 FEET WEST FROM THE NE CORNER OF SECTION 18

Authorized Place of Use:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres
36 S	3 W	WM	12	SW SE	4	2.2
36 S	3 W	WM	12	SE SE		8.4
36 S	3 W	WM	13	NE NE		14.1
36 S	3 W	WM	13	NW NE		6.0

5. As a result of a scrivener's error in Certificate 41771, the authorized point of diversion is incorrectly listed as being in Range 3 West. Certificate 41771 confirms the changes in the point of diversion and place of use for a portion of Certificate 27274 under Transfers D-140 and D-141. The correct location as described in the order approving Transfers D-140 and D-141 is provided below.

Point of Diversion for Certificate 41771 is more accurately described as:

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
36 S	2W	WM	18	SW NE	2350 FEET SOUTH AND 1840 FEET WEST FROM THE NE CORNER OF SECTION 18

6. The following quantities of water may be beneficially used annually under the existing rights:

Certificate	Quantity of Water that May Be Beneficially Used Annually in Acre-Feet (AF)
81513	274.05
41771	84.50

7. Application T-10342 proposes to change the character of use to instream use for conservation, maintenance and enhancement of aquatic and fish life, wildlife, fish and wildlife habitat and other ecological values for a period of three years.
8. The applicant requests that the water use revert to its authorized use and place of use after three years from the date of the order. Since water under a right may not be protected instream and diverted to out-of-stream use within the same irrigation season, the instream use may be allowed for a term of three irrigation seasons, beginning in 2007 and ending October 31, 2009. The applicant has requested the ability to terminate the order with six months written notice.
9. Application T-10342 proposes to change the place of use of the right to create an instream reach from the authorized points of diversion to the mouth of the Rogue River.
10. The applicant proposes the quantities water to be transferred instream to be protected as follows:

Certificate	Priority	Rate (cfs)	Volume(AF)	Period	Reach
81513	JULY 28, 1955	0.76	274.35	April 2 to October 1	POD (as described in Finding of Fact #3) to Mouth of Rogue River
41771	OCTOBER 28, 1948	0.196	70.74	April 2 to October 1	POD (as described in Finding of Fact #5) to Mouth of Rogue River

11. There are several existing instream water rights, Certificates 59806 (priority date of May 22, 1959), 59807 (priority date of February 24, 1966), 59816 (priority date of May 22, 1959), 59817 (February 24, 1966), 59847 (priority date of May 22, 1959), and 59848 (priority date of February 24, 1966) within the same reach as that proposed for the new instream water right. These rights were established under ORS 537.346, the process to convert minimum

perennial streamflows to instream water rights, for the purpose of supporting aquatic life and minimizing pollution.

12. The applicant proposes to replace a portion of the existing instream water rights established under ORS 537.346, evidenced by Certificates 59806, 59807, 59816, 59817, 59847, and 59848, and any instream water right established under ORS 537.341 (state agency application process). The applicant also proposes that an instream water right established as a result of this instream transfer be additive to any instream water rights established pursuant to ORS 537.348 (instream transfer process) and ORS 537.470 (allocation of conserved water process).
13. The application includes Land Use Information forms completed and signed by a representative of the Jackson County planning department. Additionally, the Department has provided notification of the proposed action to Josephine County, Curry County, and the cities of Gold Hill, Rogue River, Grants Pass, and Gold Beach.
14. Notice of the application for transfer was published on March 27, 2007, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
15. On July 17, 2007, the Department mailed a copy of the draft Preliminary Determination proposing to approve Transfer Application T-10342 to the applicants. The draft Preliminary Determination set forth a deadline of August 20, 2007, for the applicants to respond. On July 20, 2007, the applicants requested that the Department proceed with issuance of a Preliminary Determination and provided the necessary information to demonstrate that the applicant is authorized to pursue the transfer.
16. On August 21, 2007, the Department issued a Preliminary Determination proposing to approve Transfer T-10342 and mailed a copy to the applicants. Additionally, notice of the Preliminary Determination for the transfer application was published on the Department's weekly notice on August 21, 2007, and in the Medford Mail Tribune newspaper on September 3, 10, and 17, 2007, pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notice.

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

17. Water has been used within the last five years according to the terms and conditions of the rights, and there is no information in the record that would demonstrate that the rights are subject to forfeiture under ORS 540.610.
18. A diversion structure and ditch sufficient to use the full amount of water allowed under the existing rights were present within the five-year period prior to submittal of Application T-10342.
19. At the rate and volume requested to be protected instream from Certificate 81513, water may not be transferred instream for the full period (182 days) requested by the applicant. Water may be protected for a shorter period (181 days), being April 2 through September 29.

20. The volume requested to be protected instream (274.35 AF) from Certificate 81513 is slightly higher than the full duty allowed by the right (274.05 AF).
21. At the requested instream rate and considering the full duty of the right, water may be protected instream over a longer period than requested (182 days) from Certificate 41771, being April 2 through October 31 (213 days), the full irrigation season.
22. Based upon Findings of Fact #18 through #20, on July 20, 2007, the applicants (by way of their agent), agreed to modify the quantities to be transferred and protected instream as follows:

Certificate	Priority	Rate (cfs)	Volume(AF)	Period	Reach
81513	JULY 28, 1955	0.76	274.05	April 2 through September 29	POD (as described in Finding of Fact #3) to Mouth of Rogue River
41771	OCTOBER 28, 1948	0.20	84.5	April 2 through October 31	POD (as described in Finding of Fact #5) to Mouth of Rogue River

23. The proposed change, as modified, would not result in enlargement of the rights.
24. The proposed change, as modified, would not result in injury to other water rights.
25. The amount of the proposed instream flow and the timing of the proposed instream flow is allowable within the limits and use of the original water rights.
26. The protection of flows within the proposed reach is appropriate, considering:
 - a) The instream water rights begin at the recorded points of diversion;
 - b) The location of confluences with other streams downstream of the point of diversion;
 - c) There are no known areas of natural loss of streamflow to the river bed downstream from the point of diversion; and
 - d) There are no known return flows resulting from the exercise of the existing water rights.
27. The existing instream water rights in the reach are sufficient to protect the monthly quantities of water necessary for conservation, maintenance and enhancement of aquatic and fish life, wildlife, fish and wildlife habitat and other ecological values, but some of the existing instream water rights are at times not met, and the rights proposed for transfer will allow replacement of portions of the existing instream water rights with earlier priority dates.
28. The total monthly quantities of water to be protected under the existing and proposed instream rights within the proposed reach will provide for a beneficial purpose and do not exceed the estimated average natural flow.
29. By replacing portions of Certificates 59806, 59807, 59816, 59817, 59847, and 59848, the instream rights will provide protection for streamflows identified as necessary for

conservation, maintenance and enhancement of aquatic and fish life, wildlife, fish and wildlife habitat and other ecological values under an earlier priority date during the term of this transfer.

30. The applicant has requested the ability to terminate the order approving this time-limited instream transfer with six months written notice to the Department. Instream and irrigation water use may not occur within the same irrigation season of a calendar year. Once water has been protected instream during a calendar year, a request to terminate the order may not go into affect until the following calendar year. Water may also not be used for irrigation purposes until the following calendar year. To prevent any injury or enlargement, the order may be terminated with written notification to the Department by February 1 of each year for the same calendar year.

Conclusions of Law

The changes in character of use and place of use to instream use proposed in application T-10342 are consistent with the requirements of ORS 540.505 to 540.580, ORS 537.348, OAR 690-380-5000, and OAR 690-077-0075.

Now, therefore, it is ORDERED:

1. The temporary changes in character of use and place of use to instream use proposed in application T-10342 are approved from the date of this order through October 31, 2009, unless terminated earlier.
2. The instream water right established under this order shall provide for protection of streamflows as follows:

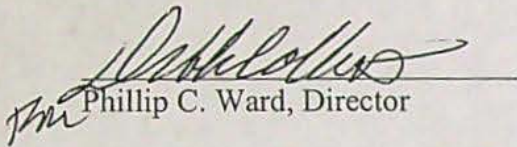
Certificate	Priority	Rate (cfs)	Period	Reach
81513	JULY 28, 1955	0.76	April 2 through September 29	POD (as described in Finding of Fact #3) to Mouth of Rogue River
41771	OCTOBER 28, 1948	0.20	April 2 through October 31	POD (as described in Finding of Fact #5) to Mouth of Rogue River

3. During the term of this order, the instream water right shall replace a portion of instream water rights established pursuant to ORS 537.341 or 537.346 and be in addition to instream water rights established pursuant to ORS 537.348 or 537.470.
4. The right to the use of the water is restricted to beneficial use at the place of use described, and is subject to all other conditions and limitations contained in Certificates 81513 and 41771 and any related decree.
5. The exercise of the rights evidenced by Certificates 81513 and 41771 for irrigation at the former places of use (as described in Findings of Fact #2 and #4) shall be SUSPENDED, without loss of priority, for the term of the transfer authorized herein.
6. The water right holder has the option of terminating the time-limited instream transfer with notification to the Department by February 1 of each year. If a termination request is

received during the irrigation season, an order terminating this time-limited instream transfer right will not go into affect until the following calendar year.

7. Upon expiration of this transfer, on either November 1, 2009 or by an order authorizing early termination of the time-limited instream transfer, the use of water shall revert to its original use and place of use as described by Certificates 81513 and 41771.

Dated at Salem, Oregon this 22 day of October 2007.


Phillip C. Ward, Director

Mailing date: OCT 24 2007

Water Right Transfer Completion Checklist

T-10342

Transfer Specialist: Bob

Water Rights Affected

App File No.	Permit No.	Certificate No.	RR/CR Needed	RR/CR Nos.
		81573	<input checked="" type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
		41271	<input checked="" type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
			<input type="checkbox"/> Yes <input type="checkbox"/> No	

Copies Needed

Watermaster District: 1318, 19

CWRE No.: 222

Irrig Dist Name/Address: NA

Commentors Name/Address: _____

Draft PD

- ☐ DPD Mailed _____
- ☐ DPD Response _____
- ☐ Workflow _____

Preliminary Determination

- ☐ Electronic Files uploaded
- ☐ Preliminary Determination
- ☐ PD Cover letter
- ☐ Newspaper Notice (if required)
- ☐ Workflow/Date Sent to Salem
- ☐ File Folder updated
- ☐ Fee Refund Due
- ☐ Remaining Rights
- ☐ Public Notice, Salem
- ☐ Audit Sheet

Comments/Special Issues: 3 Year Time-Limited Instream Transfer, went through RA

DPD Review (Optional)

Reviewer: Laura Date: 6/26/07

Coordinator: _____ Date: _____

PD Review (Salem)

Reviewer: Laura Date: 8/6/07

Coordinator: DDP Date: 8/14/07

Final Order Review (Salem)

Reviewer: DDP Date: 10/17/07

Coordinator: _____ Date: _____

Comments/Special Issues:

Special Order Volume: 73, Pages 531

Final Order Signature Date: 10-22-07

☒ WRIS clone correction needed

Bob

**NOTICE OF PRELIMINARY
DETERMINATION FOR
WATER RIGHT TRANSFER
T-10342**

T-10342 filed by Gordon C. and Judith D. Rose (8908 John Day Drive, Gold Hill, Oregon 97525) proposes a change in place of use and character of use for a portion of the rights under Certificates 81513 and 41771. Certificate 81513 allows the use of 0.76 cfs (priority date July 28, 1955) from a diversion in Sec. 18, T36S, R2W, W.M. for irrigation in Sec. 12 and 13, T36S, R3W, and Sec. 7 and 18, T36S, R2W, W.M. Certificate 41771 allows the use of 0.20 cfs (priority date October 28, 1948) from a diversion in Sec. 18, T36S, R2W, W.M. for irrigation in Sec. 12 and 13, T36S, R3W, W.M. The applicant proposes to change the place of use and character of use to create an instream use in the Rogue River (from the point of diversion on the Rogue River to the mouth) for a period of three years. The Water Resources Department has concluded that the proposed transfer appears to be consistent with the requirements of ORS Chapter 540 and OAR 690-380-5000 and OAR 690-077-0075.

Any person may file, jointly or severally, with the Department a protest or standing statement within 30 days after the date of final publication of notice in the Department's weekly notice or of this newspaper notice, whichever is later. A protest form and additional information on filing protests may be obtained by calling (503) 986-0881. The last date of newspaper publication is September 17, 2007. If no protests are filed, the Department will issue a final order consistent with the preliminary determination.

September 3, 10, 17, 2007

Affidavit of Publication

State of Oregon,)
County of Jackson) ss.

I, Cheryl A. Curtis, being first duly sworn, depose and say that I am the Principal Clerk of Medford Mail Tribune newspaper of general circulation, printed and published at Medford in the aforesaid county and state; that the

Notice Of Preliminary

a printed copy of which is hereto annexed, was published in the entire issue of said newspaper for 3 Insertions in the following issues: September 3, 10, 17, 2007

Cheryl A. Curtis

Subscribed and sworn to before me this 20 day of September, 2007.

Molly Taylor
Notary public for Oregon

My Commission expires 13th day of March 2010.



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OCT 01 2007

**WATER RESOURCES DEPT
SALEM, OREGON**

PW Public Works
M Management, Inc.

Central Point Office
171 South Second Street
Central Point, OR 97502
(541) 665-5233
(541) 665-5266 Fax

Talent Office
200 Suncrest Road
Talent, OR 97540
(541) 535-5531
(541) 535-5062 Fax

July 17, 2007

To: Bob Rice, Water Resources
From: Joe Strahl, CWRE #222 *Joe Strahl*
RE: Concurrence with Preliminary Determination Findings

Please be advised that, as agent for Gordon and Judith Rose, I concur in the Findings of Fact #17 through #20 as provided with your letter of July 5, 2007.

cc Mr. and Mrs. Rose

*Additional
affidavit info &
ROI provided*

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**WATER RESOURCES DEPT
SALEM, OREGON**

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Talent, OR 97540
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(541) 535-5062 Fax

July 18, 2007

Bob Rice
Field Services Division
Water Resources Department
725 Summer Street NE, Suite A
Salem, Oregon 97301-1266
Ph (503) 986-0885
Fax (503) 986-0903

RE: Transfer Application T-10342

Dear Bob,

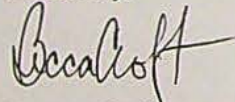
In response to the recent preliminary determination letter regarding Transfer Application T-10342 for Gordon and Judith Rose, I am pleased to enclose the following documents:

- 1) A notarized Supplemental Form B from Mr. George Neary attesting to the use of water on the Rose property (specifically identified, as requested)
- 2) Letters from Mr. & Mrs. Rose and Joe Strahl, introducing ledgers and a sample invoice for horse boarding activity on the irrigated property. The purpose of these letters and documentation is to demonstrate that irrigation was for a "beneficial use", in that the boarded horses were pastured on the irrigated land.
- 3) A memo from Joe Strahl, as agent for Mr. & Mrs. Rose, concurring with findings in the preliminary determination letter.

Per your instructions, I have ordered a Lot Book report from the title company and will be forwarding that information early next week via email.

If you have questions about the supporting documents, or require further supporting documentation, please feel free to contact me at 541.665.5233. I will be happy to help you in any way.

Sincerely,



Becca Croft

Enclosures

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WATER RESOURCES DEPT
SALEM, OREGON

Water Right Transfer Supplemental Form B

AFFIDAVIT ATTESTING TO THE USE OF WATER

State of California

)
) ss

County of Sacramento

I, George H. Neary, in my capacity as neighboring property owner, mailing address 10350 Dryden Drive, Reno, Nevada 89511, telephone number (775) 852-3194, being first duly sworn depose and say:

1. I attest that:

- ☒ Water was used during the previous five years on the entire authorized place of use of the water right proposed for transfer as described on the accompanying transfer application; or
- ☐ The water right was leased instream at some time within the last five years. The instream lease number is as follows: _____; 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.

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

- ☒ Personal observation ☐ Professional expertise

3. My knowledge is specific to the use of water at the following locations:

Township		Range		Mer	Sec	¼ ¼ Section	Gov't Lot or DLC	Acres (if applicable)
36	S	2	W	WM	7	SW SW		0.7
36	S	2	W	WM	18	NW NW		34.5
36	S	2	W	WM	18	NE NW		1.4
36	S	2	W	WM	18	SW NW		7.3
36	S	2	W	WM	18	SE NW		1.1
36	S	3	W	WM	12	SE SE		9.0
36	S	3	W	WM	12	SW SE	4	2.2
36	S	3	W	WM	13	NE NE		29.4
36	S	3	W	WM	13	NW NE		6.0

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SALEM, OREGO**

(continues on reverse side)

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

4. The water right was exercised for the authorized purpose described below (e.g., crops grown):

Property was used for pasture.

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**WATER RESOURCES DEPT
SALEM, OREGON**

5. The water delivery system used to apply water as authorized by the right is described below:

There is a 75 HP pump on my property that pumps water up to a ditch that irrigates my property and extends onto the Rose property. I once owned the Rose property and irrigated both properties as one unit.

6. One or more of the following documentation supporting the above statements is attached:

- ☐ Copy of a water right certificate that was issued within the last five years (not a remaining right certificate),
- ☐ Copies of receipts from sales of irrigated crops or for expenditures relating to the use of water,
- ☐ Records such as Farm Service Agency crop reports, irrigation district records, an NRCS farm management plan, or records of other water suppliers,
- ☐ Dated aerial photographs of the lands or other photographs containing sufficient detail to establish the location and date of the photograph,
- ☐ Dedicated power usage records or receipts,
- ☐ Instream lease number _____,
- ☒ Other: The irrigation of this property was not for commercial production; however, I irrigated to the minimum required to maintain a valid water right by making beneficial use at least once every five years. Irrigation promoted better pasture growth for horses.

Signature of Affiant

Date

Signature of Affiant

Date

Signed and sworn to (or affirmed) before me this 16th day of July, 20 07.



Maria Vang
Notary Public for California

My Commission Expires: October 8, 2009

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

Gordon C. Rose
Judith D. Rose
8908 John Day Drive
Gold Hill, Oregon 97525

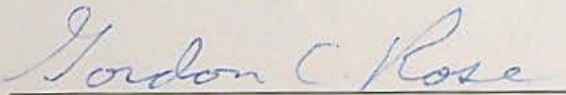
July 16, 2007

In regards to: Application T-10342

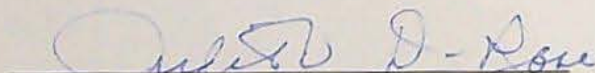
To Whom It May Concern:

Attached are copies of ledger sheets of invoices and receipts and several sample invoices for horse boarding and pasturing on our irrigated property as described below:

Township		Range		Mer	Sec	$\frac{1}{4}$ $\frac{1}{4}$ Section		Gov't Lot or DLC	Acres (if applicable)
36	S	2	W	WM	7	SW	SW		0.7
36	S	2	W	WM	18	NW	NW		34.5
36	S	2	W	WM	18	NE	NW		1.4
36	S	2	W	WM	18	SW	NW		7.3
36	S	2	W	WM	18	SE	NW		1.1
36	S	3	W	WM	12	SE	SE		9.0
36	S	3	W	WM	12	SW	SE	4	2.2
36	S	3	W	WM	13	NE	NE		29.4
36	S	3	W	WM	13	NW	NE		6.0



Gordon C. Rose



Judith D. Rose

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SALEM, OREGO

PW Public Works
M Management, Inc.

Central Point Office
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(541) 665-5266 Fax

Talent Office
200 Suncrest Road
Talent, OR 97540
(541) 535-5531
(541) 535-5062 Fax

July 17, 2007

To: Bob Rice, Water Resources
From: Joe Strahl, CWRE #222 *Joe Strahl*
RE: Evidence of Beneficial Use of Water – Invoices and Ledger Sheets

Gordon and Judith Rose operate a horse boarding and pasturing operation. I have seen ledgers and invoices from the Roses that go back to 1992. I copied just a few of the more recent ones from 2006 and 2007. These are attached. It is hoped that these will be enough for your needs. Please advise if more receipts or copies of ledger sheets are required. Thank you.

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**WATER RESOURCES DEPT
SALEM, OREGO**

COPY

John MacDiarmid?
Annie + Stella

70 Ocean Blvd
Central Point, Or. 97502
664-3771
Call 842-0183

DATE	ITEMS	DEBITS	CREDITS	BALANCE
2/21/66	2 mules Annie Spotted 15 yr. Stella Red 15 yr.	\$3.00/day/mule 66.00/day		
2/21/66	Worming @ 15.00	30		30-
	4-Way @ 13.00	26		56-
	W. Nils @ 25.00	54		110-
4/6	W. Nils boosters @ 27 x 2	54		164-
	Board 8 days in Feb.	48		212
	Board 31 days in March	186		398
	Board 20 days in April	120		518
4/21	Received		518	
7/21	2 mules removed -			
12/22	Mules returned			150
1/2	Due board 12-22 - 1/31-07	190		76-
	Received		190	

MacDiarmid

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WATER RESOURCES DEPT
SALEM, OREGO

COPY

NAME	BUSINESS	DATE	ITEMS	DEBIT	CREDIT	BALANCE
			no carry over			
12/10			2 warnings @ 15	30		30 -
12/31			Due board 12/31 - 1/31 @ 180	180		210 -
1/9			Due board 1/31 - 2/28	180		180 -
			Sublet & paid 1/15/2007		180	
1/11			Received		180	
2/27			Board 2/28 - 3/31	180		180 -
			2 warnings @ 15			
			2 4/ways @ 13.50			
			2 W. Nile boosters @ 17			
2/27			Received		211	291
3/mid			Meds 2 mules			
			warning	15 -		
			4-way	15 -		
			W. Nile Booster	32 -		
					124	124 -
3/31			Due board 3/31 - 4/8			
			114 day = 32 x 2 = 64			64
4/10			Received			

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**WATER RESOURCES DEPT
SALEM, OREGON**

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WATER RESOURCES DEPT
SALEM, OREGO

NAME		ADDRESS				
Jim & Janet Rawlings		16755 Williams Hwy. Williams OR 97144 846-4461 0282 Cell 261-7585				
BUSINESS		INDIVIDUAL	TERMS	CREDIT LIMIT	RATING	
DATE	ITEMS	FOL.	V	DEBITS	CREDITS	BALANCE
11/10	"Summer's Joy" 20 yr. old mare					
	Due board 11/10-30			50		50-
11/10	Received				50	-
11/30	Due board 11/30-12/31			75		75-
11/10	Received 11/10				75	-
	(for 12/30-12/31)					-
12/10	Worming			15		15
12/15	Received (12/1-31)				75	15
1/2	Fuel trim			20		35
2/27	Due board 2/31-2/28			75		110-
2/27	Due board 2/28-3/31			75		185-
4/26	Received				150	35-
3/2	Received				35	-
3/13	Fuel trim			20		20-
3/13	Mede					
	worming					
	4-way	62		62		82
	W. Nite					
3/31	Due board 3/31-4/30			75		157

14-055
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WATER RESOURCES DEPT
SALEM, OREGO

NAME		ADDRESS					
BUSINESS		INDIVIDUAL		TERMS	CREDIT LIMIT	RATING	
DATE	ITEMS	FOL.	✓	DEBITS	CREDITS	BALANCE	
4/25	Carry over received						157 -
4/29	Due board 4/30-5/31 Received from above			75	232	T	95 85
5/30	Due board 5/31-6/30			90			90
6/6	Received				90		
6/15	Wormy			15			15 -
6/28	Due board 6/30-7/21			90			105 -
6/5	Full turn			30			135 -
7/11	Received				195		
	\$195 is for July + Aug. + wormy						30 -

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WATER RESOURCES DEPT
SALEM, OREGO

12/7 C. Marbury	200-
12/2 J. Harris 135-60	75-
12/9 N. Bradley 98-23	75-
12/14 M. Edmonds 110-75	35
12/14 G. Dunn	75
12/19 H. Bradley 93-23	75-
12/21 B. Thompson	280
12/14 E. Gueringer 20-20	-
1/14 (for 2005) B. Cowling	624.35
50 (for 2005) Verstegen	75-

1439.35

Total 19749.15

2/6 Marbury for 2005	100-
Marbury for 2005	100-

3/7 B.

200

19749.15

19949.15

2006

1/2 G. Dunn	90-
1/2 J. Gipson	90
1/4 D. Muir	70
1/3 J. Anderson	70-
1/6 E. Gueringer 20-20	-
1/5 J. Harris 135-60	90
12/30 N. Bradley	90
1/8 J. Applen	100-
1/16 L. Martiney	70
1/13 B. Thompson 135-60	300-
1/31 J. Anderson	75-
2/1 D. Muir	75-
2/2 E. Gueringer	75-
2/6 L. Martiney	75-
2/4 B. Cowling 367.65	267.65
2/1 J. Harris	75-
2/7 G. Dunn 95-20	75
2/4 J. Applen 270-120	150-
2/12 J. Gipson 135-60	75-
2/19 N. Bradley	75-
2/20 H. Verstegen	100-
2/28 J. Anderson	75-

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WATER RESOURCES DEPT
SALEM, OREGON

12/14 ~~M. Bradly~~ 93-23 75-
12/21 ~~B. Thompson~~ 180-
12/14 ~~E. Gueringer~~ 25-60 15-

2/27	B. Thompson	345-85	260
3/4	L. Martiney	95-20	75-
3/5	J. Apples		150
3/6	M. Edwards		75
3/6	N. Bradley	100-25	75
3/7	B. Cowling		150-
3/8	E. Gueringer	45-75	75-
3/17	B. Thompson		335-
3/18	J. Gibson		75-
3/18	J. Dunn		75-
4/2	J. Apples	380-60	320-
4/1	J. Anderson	190-60-	130
4/4	E. Gueringer		115
4/3	D. Meier		55
4/1	J. Harris		130
4/11	E. McKinnon		110
4/15	M. Edwards		130
4/14	L. Martiney		130
4/21	J. Macdonald	490-85	518
4/20	B. Thompson		465
4/23	J. Gibson		190
			3578

5/1	J. Dunn		150-
4/21	M. Verstegan		150-
5/2	J. Anderson		75-
5/1	J. Apples		150-
5/5	J. Harris	135-60	75-
5/7	N. Bradley		205-
5/8	E. Gueringer		75-
5/6	J. Dunn		75-
5/15	L. Martiney		75-
5/17	B. Cowling	589.75-100	48970
5/22	J. Gibson		75
6/22	M. Edwards		75-
5/26	M. Verstegan		100-
5/28	B. Thompson	245-30	225-
6/4	J. Apples	230-80	150
6/3	J. Anderson	135-60	75-
6/8	J. Harris	95-20	75-
6/10	L. Martiney		75-
6/11	B. Cowling		150
6/12	E. Gueringer	345-120	225-
6/10	N. Bradley	100-25	75-
6/17	J. Gibson		75
6/12	M. Edwards	95-20	75-
6/9	J. Dunn		75-

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WATER RESOURCES DEPT
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6/26	C. Marbury		200-
6/26	B. Thompson		240-
7/3	J. Apple		180-
7/5	N. Bradley		90
7/7	H. Ansell		75
7/7	J. Narves		90
7/6	G. Dunn	110-20	90
7/13	D. Muir		262 50
8/21	M. Edwards		90
7/11	J. Anderson	415-415 40	90
7/25	B. Thompson	125-60	370
7/30	J. Anderson	327.41-100	75
7/31	B. Couling		427 91
8/1	J. Gibson		245-
8/4	E. Gueringer		15-
8/4	J. Apple	210-60	250
8/6	L. Martiney		90-
8/3	N. Ansell	110-20	90
8/8	2 bales hay		10
8/12	G. Dunn		75-
8/20	M. Versteegen		75-
8/27	J. Apple	170-20	150-
8/27	J. Anderson		75-
8/28	B. Thompson		305-
			376041

9/2	J. Narves	135-60	
7/5	N. Bradley	100-25	
9/1	L. Martiney	95-20	
9/10	B. Couling		(222.93) 223.9
9/12	G. Dunn		75-
9/16	E. Gueringer	210-60	150
10/1	J. Apple	260-60	260
10/1	M. Tackitt		15-
9/28	B. Thompson		260-
10/1	N. Bradley		90-
10/1	D. Muir		90-
9/30	J. Anderson		150-
10/3	B. Couling	165-15	90
10/6	H. Ansell		150
10/5	C. Marbury		100-
10/6	J. Narves		90
10/10	E. Gueringer		15-
10/10	G. Dunn	115-20	90-
10/21	E. Gueringer	245-20	205-
10/28	B. Thompson	420-85	385
11/1	J. Anderson		75-
11/4	J. Apple	170-20	150-
11/3	B. Couling	135-60	75-
11/1	D. Muir		75

299790

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WATER RESOURCES DEPT
SALEM, OREGO

9/29	M. Verstegen	167-
11/2	J. Norris 135-60	60- 75-
11/7	H. Bradley	75
11/2	J. Deenn	75-
11/11	J. Rawlinson 110-20	125- 90-
11/11	Lori Martiney	35
11/14	H. Ansell 55-20	75
11/30	H. Ansell 75	260
11/29	B. Thompson 135-60	75
12/1	J. Anderson	150
12/3	J. Applen 210-60	150
12/2	K. Sisson	1000-
12/1	C. Marbury	300-
12/1	D. Muir	75
12/6	J. Deenn	75
12/6	J. Norris 135-60	75-
12/7	B. Cowley	75
12/15	J. Rawlinson	75
12/18	H. Bradley	123 49
12/22	J. Mc Deunt	180
12/19	L. Martiney	75-
2 12/26	B. Thompson 375	375-
1/3	K. Sisson	180-
		3705 49

2007	1/3	K. Sisson	180 -
	1/6	L. Martiney	90
	1/7	J. Applen	180
	1/8	J. Anderson	90
	1/10	J. Norris	90
	1/11	J. Mac-deismial	180 -
	1/16	B. Cowley	90 -
	1/11	J. Deenn	90 -
	1/20	H. Bradley 1345-40	26891
	1/24	B. Thompson	305-
	1/26	H. Ansell 300	240
	1/29	K. Sisson	150
	1/4	J. Applen 130-60	170

Total \$ 19544.15

Total 21605 49

2007

CUSTOMER'S ORDER NO.		DEPARTMENT		DATE	
NAME <i>L. Hamp</i>					
ADDRESS <i>John Harris</i>					
CITY, STATE, ZIP <i>Medford, OR.</i>					
SOLD BY		CASH	C.O.D.	CHARGE	ON ACCT.
				MDSE RETD	PAID OUT
QUANTITY	DESCRIPTION			PRICE	AMOUNT
1	<i>Previous</i>				
2	<i>4/29</i>	<i>One board 4/30 - 5/31</i>			<i>75 -</i>
3	<i>4/3</i>	<i>Shoes</i>			<i>60</i>
4					
5	<i>5/30</i>	<i>One board 5/31 - 6/30</i>			<i>90</i>
6	<i>5/29</i>	<i>Shoes</i>			<i>60</i>
7					
8					
9	<i>We will be gone from</i>				
10	<i>6/15 through 6/18.</i>				
11					
12					
13					
14					
15					
16					
17					
18					
19					
20					<i>285 -</i>
RECEIVED BY					

Bob Rice

From: Becca Croft [becca@pwmanagers.com]
Sent: Thursday, July 26, 2007 1:15 PM
To: Bob Rice
Subject: Lotbook Report/Map - 48g0487227 / Rose
Attachments: Maps.pdf; Public Records Report.PDF

Bob,

Attached is the lot book report required for the Rose WRT application (T-10342). Please advise if you require further information on this application or if this meets the requirements outlined in your DPD.

Regards,

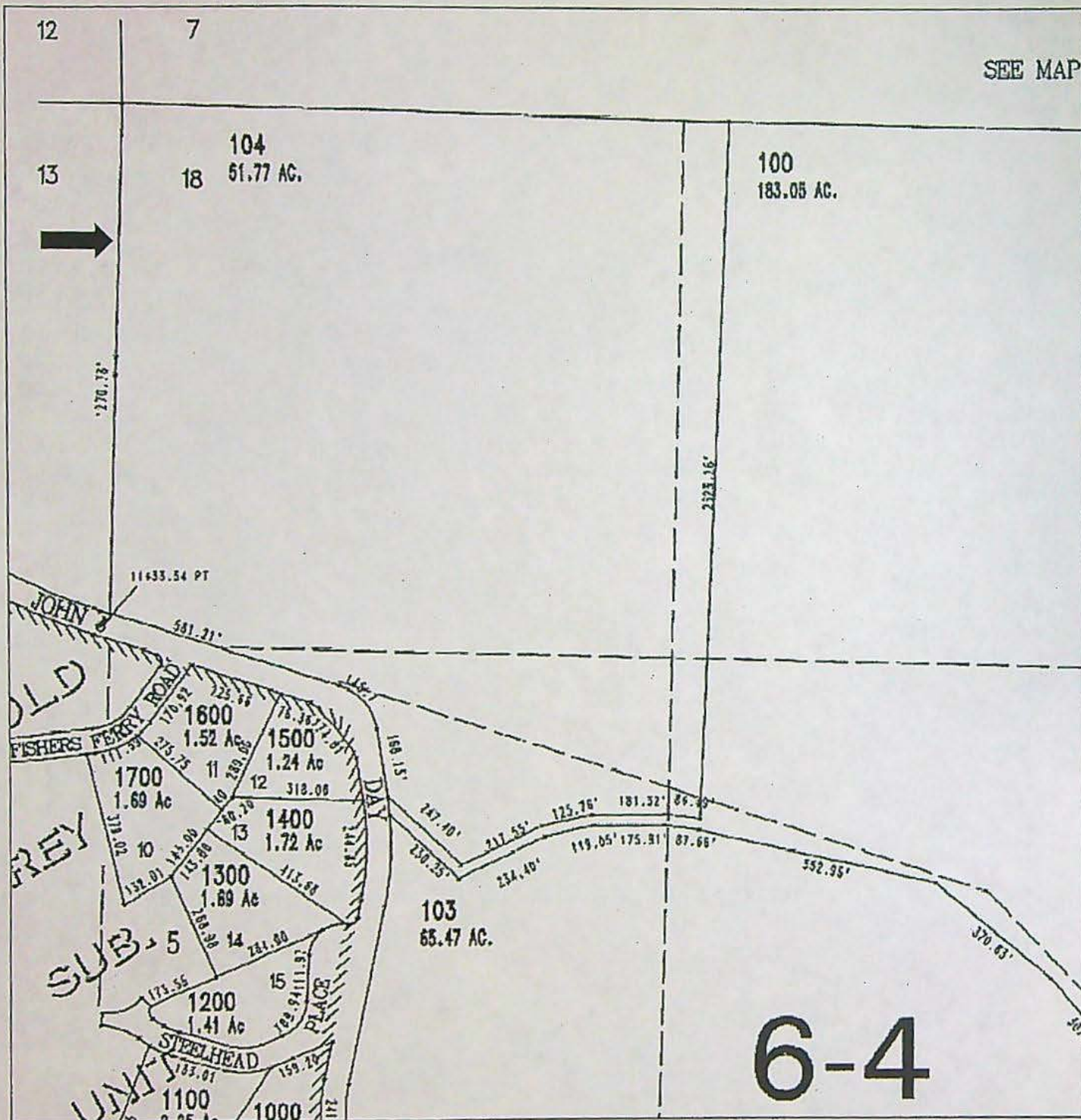
Becca Croft

Public Works Management, Inc.

PW **Public Works**
Management, Inc.

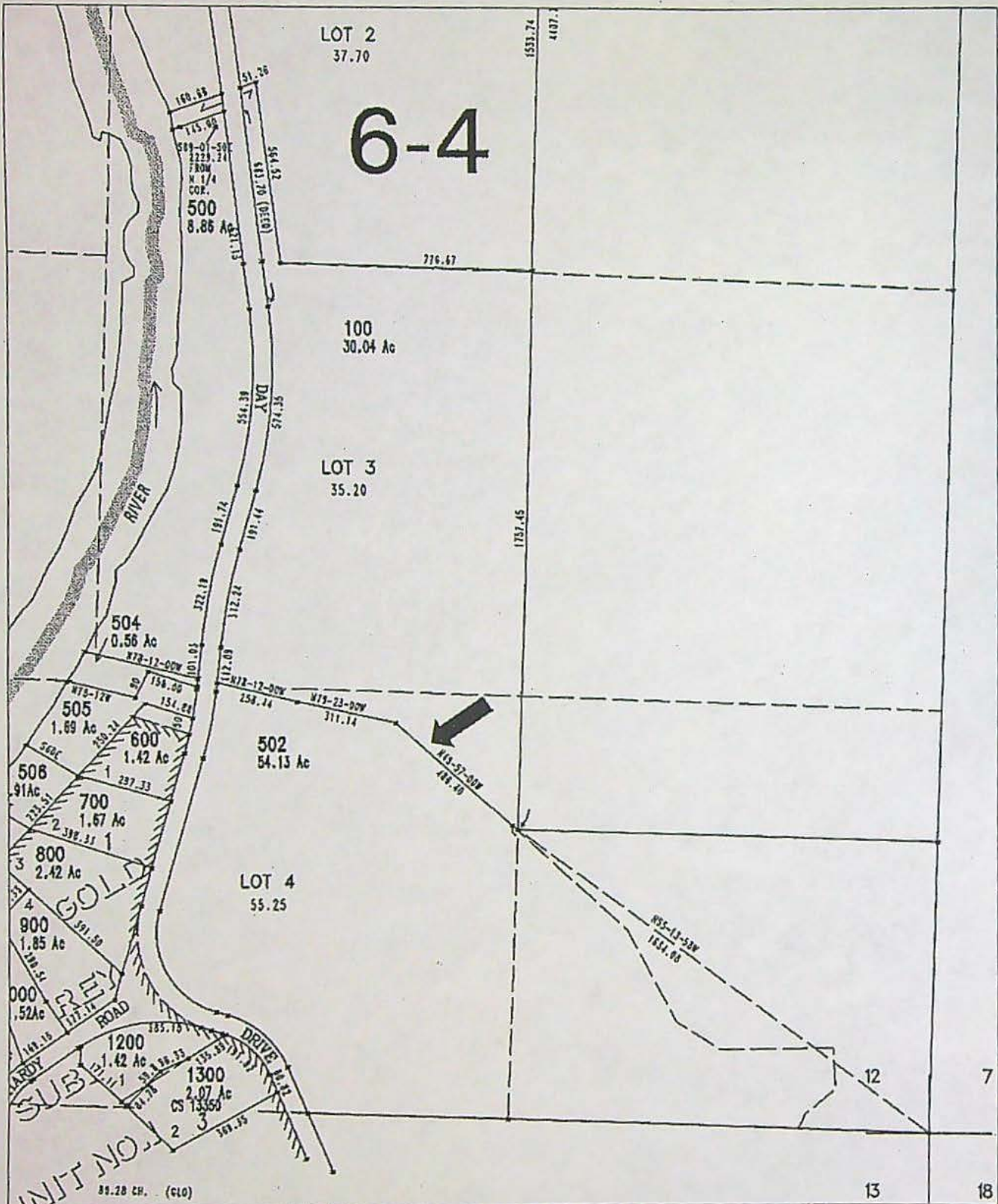
171 South Second Street
Central Point, OR 97502
Ph. 541.665.5233
Fax 541.665.5266
becca@pwmanagers.com

7/26/2007

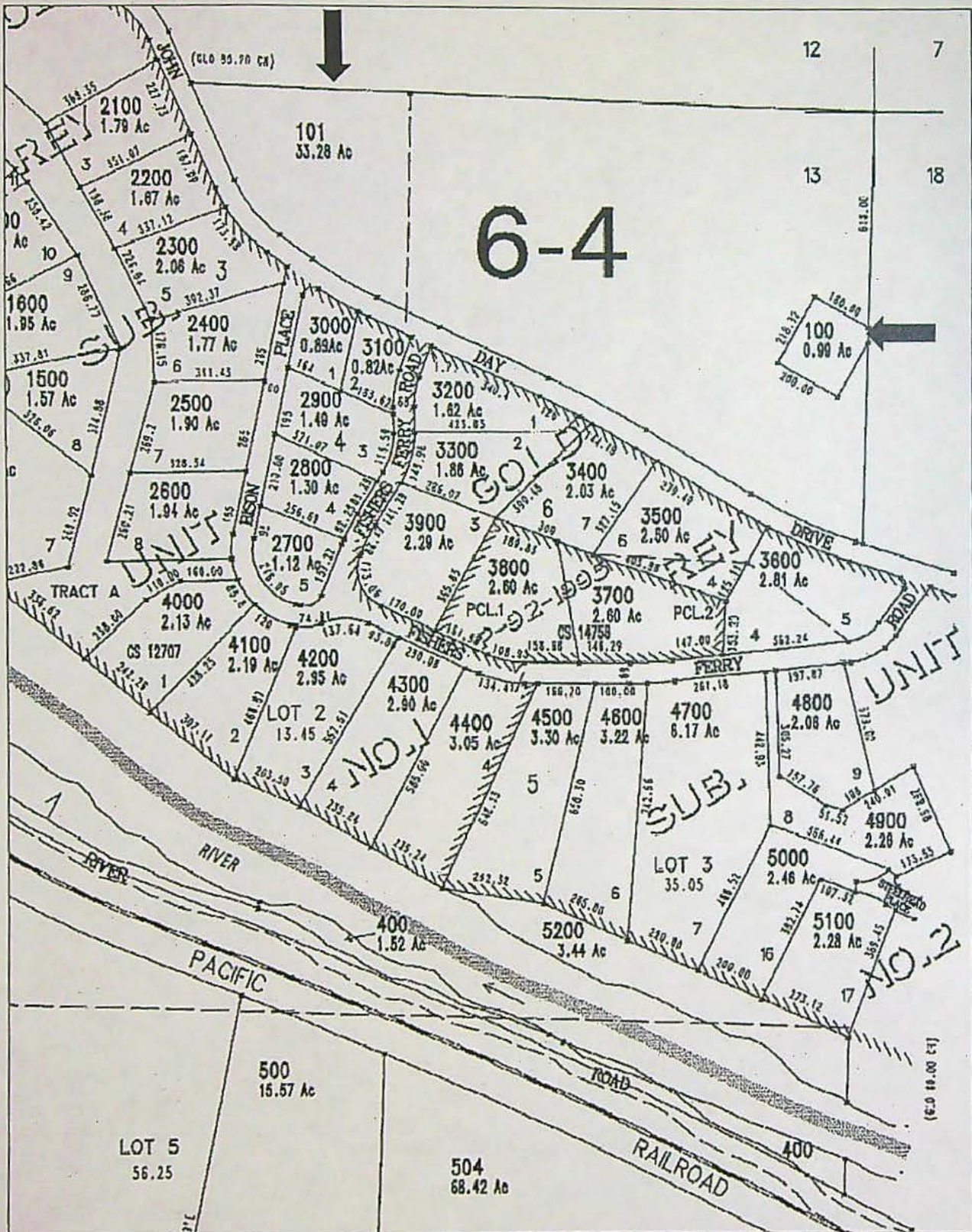


Assessor's Map: 36-2W-18

This print is made solely for the purpose of assisting in locating the premises, and the Company assumes no liability for information printed on this map, including zoning, variation (if any) from actual dimensions, and locations as determined by survey.



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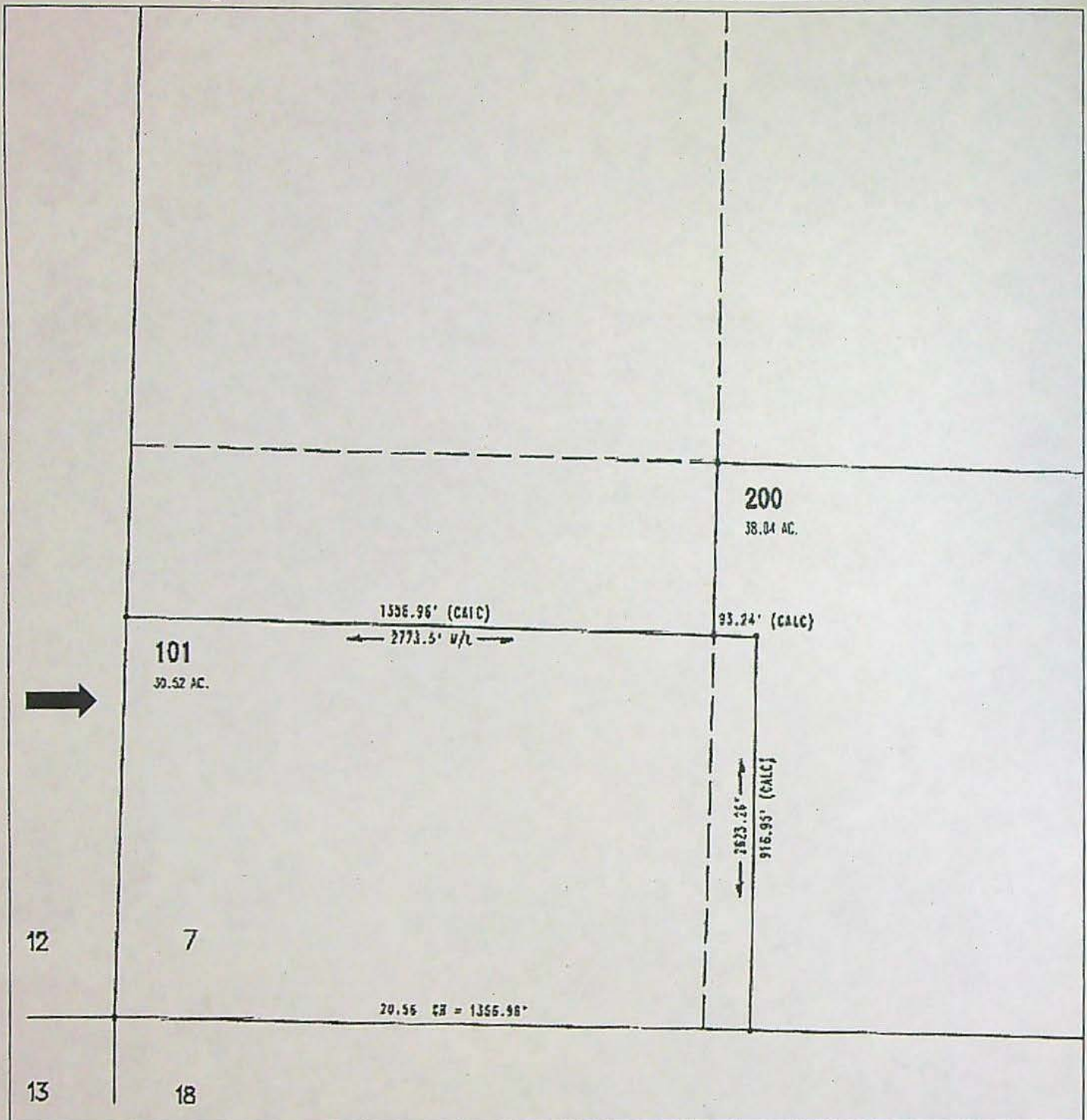
Assessor's Map: 36-3W-13

This print is made solely for the purpose of assisting in locating the premises, and the Company assumes no liability for information printed on this map, including zoning, variation (if any) from actual dimensions, and locations as determined by survey.



**LandAmerica
Lawyers Title**

1555 East McAndrews Road Suite 100
Medford OR 97504
V: 541-779-2811 F: 541-734-8750



Assessor's Map: 36-2W-07

This print is made solely for the purpose of assisting in locating the premises, and the Company assumes no liability for information printed on this map, including zoning, variation (if any) from actual dimensions, and locations as determined by survey.



Lawyers Title Insurance Corporation
Medford Main Branch
1555 E. McAndrews Road, Suite 100
Medford, OR 97504
541-779-2811 FAX 541-734-8750

PUBLIC RECORDS REPORT

THIS REPORT IS FOR THE EXCLUSIVE USE OF:

Attn: Becca Croft
Public Works Management, Inc.
171 South Second Street
Central Point, OR 97502

Date Prepared: July 25, 2007
Order No.: 48g0487227
File Reference: ROSE

CONDITIONS, STIPULATIONS AND DEFINITIONS

(I) Definitions:

- (a) "Customer": The person or persons named or shown on this cover sheet.
- (b) "Effective date": The title plant date of July 20, 2007.
- (c) "Land": The land described, specifically as by reference, in this public record report and improvements affixed thereto which by law constitute real property.
- (d) "Liens and encumbrances": Include taxes, mortgages, and deeds of trust, contracts, assignments, rights of way, easements, covenants, and other restrictions on title.
- (e) "Public records": Those records which by the laws of the State of Oregon impart constructive notice of matters relating to said land.

(II) Liability of Lawyers Title Insurance Corporation:

- (a) THIS IS NOT A COMMITMENT TO ISSUE TITLE INSURANCE AND DOES NOT CONSTITUTE A POLICY OF TITLE INSURANCE.
- (b) The liability of Lawyers Title Insurance Corporation for errors or omissions in this public record report is limited to the amount of the fee paid by the customer, provided, however, that Lawyers Title Insurance Corporation has no liability in the event of no actual loss to the customer.
- (c) No costs of defense, or prosecution of any action, is afforded to the customer.
- (d) In any event, Lawyers Title Insurance Corporation assumes no liability for loss or damage by reason of the following:
 - 1. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the public records.
 - 2. Any facts, rights, interests or claims which are not shown by the public records but which could be ascertained by an inspection of the land or by making inquiry of persons in possession thereof.
 - 3. Easements, liens or encumbrances, or claims thereof, which are not shown by the public records.
 - 4. Discrepancies, encroachments, shortage in area, conflicts in boundary lines or any other facts which a survey would disclose.
 - 5. (i) Unpatented mining claims; (ii) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (iii) water rights or claims or title to water.
 - 6. Any right, title, interest, estate or easement in land beyond the lines of the area specifically described or referred to in this report, or in abutting streets, roads, avenues, alleys, lanes, ways or waterways.

7. Any law, ordinance or governmental regulation (including but not limited to building and zoning laws, ordinances or regulations) restricting, regulating, prohibiting or relating to (i) the occupancy, use or enjoyment of the land; (ii) the character, dimensions or location of an improvement now or hereafter erected on the land; (iii) a separation in ownership or a change in the dimensions or area of the land or any parcel of which the land is or was a part; or (iv) environmental protection, or the effect of any violation of these laws, ordinances or governmental regulations, except to the extent that a notice of the enforcement thereof or a notice of a defect, lien or encumbrance resulting from a violation or alleged violation affecting the land has been recorded in the public records at the effective date hereof.
8. Any governmental police power not excluded by (II)(d)(7) above, except to the extent that notice of the exercise thereof or a notice of a defect, lien or encumbrance resulting from a violation or alleged violation affecting the land has been recorded in the public records at the effective date hereof.
9. Defects, liens, encumbrances, adverse claims or other matters created, suffered, assumed, agreed to or actually known by the customer.

(III) Report Entire Contract:

Any rights or actions or rights of action that the customer may have or may bring against Lawyers Title Insurance Corporation arising out of the subject matter of this report must be based on the provisions of this report. No provision or condition of this report can be waived or changed except by a writing signed by an authorized officer of Lawyers Title Insurance Corporation. By accepting this form report, the customer acknowledges and agrees that the customer has been afforded the opportunity to purchase a title insurance policy but has elected to utilize this form of public record report and accepts the limitation of liability of Lawyers Title Insurance Corporation as set forth herein.

(IV) Fee:

The fee charged for this Report does not include supplemental reports, updates or other additional services of Lawyers Title Insurance Corporation.

REPORT

Order No. : 48g0487227

Effective Date : 5:00 P.M. on July 20, 2007

Customer Ref. :

- A. The land referred to in this public record report is located in the County of Jackson, State of Oregon, and is described as follows:**

SEE ATTACHED EXHIBIT "A"

- B. As of the effective date and according to the public records, we find title to the land apparently vested in:**

Gordon C. Rose and Judith D. Rose, each as to an undivided one-half (1/2) interest, as tenants in common, as to TRACTS A, B, and C

- C. And as of the effective date and according to the public records. The land is subject to the following liens and encumbrances, which are not necessarily shown in the order of priority:**

1. NOTE: 2006-07 TAXES ARE PAID IN FULL and are being shown for informational purposes only.
Original Amount : \$74.61
Account No. 10164354; Levy Code 6-03; 363W12 502
2. NOTE: 2006-07 TAXES ARE PAID IN FULL and are being shown for informational purposes only.
Original Amount : \$70.85
Account No. 10771036; Levy Code 6-03; Map 362W18 104
3. NOTE: 2006-07 TAXES ARE PAID IN FULL and are being shown for informational purposes only.
Original Amount : \$34.05
Account No. 10771069; Levy Code 6-03; 362W07 101
4. NOTE: 2006-07 TAXES ARE PAID IN FULL and are being shown for informational purposes only.
Original Amount : \$13.46
Account No. 10750550; Levy Code 6-03; Map 363W13 101
5. NOTE: 2006-07 TAXES ARE PAID IN FULL and are being shown for informational purposes only.
Original Amount : \$5,508.93
Account No. 10164362; Levy Code 6-04; Map 363W13 100
6. As disclosed by the assessment and tax roll, the premises herein have been specially assessed for farm use. If the land becomes disqualified for this special assessment under the statutes, an additional tax, plus interest and penalty, will be levied for the number of years in which this special assessment was in effect for the land.
Tax Identification : 10164362, 10750550, 10771069, 10771036 and 10164354
7. Regulations, levies, liens assessments, rights of way and easements for ditches and canals of the Rogue River Valley Irrigation District.

8. An easement disclosed by instrument,
Recorded : April 29, 1893
As : Volume 25, page 575
In favor of : James Braden Construction
For : Maintenance of a dam
(Affects a portion of TRACT A)
9. An easement created by instrument, including the terms and provisions thereof,
Recorded : May 5, 1913
As : Volume 100, page 286
In favor of : PacifiCorp, an Oregon corporation, or its predecessor in interest
For : Transmission and distribution of electricity, and other purposes
(Affects portions of TRACTS A, B, C)
10. An easement created by instrument, including the terms and provisions thereof,
Recorded : October 30, 1925
As : Volume 157, page 202
Recorded : April 2, 1926
As : Volume 159, page 547
Recorded : April 4, 1935
As : Volume 202, page 287
Recorded : July 5, 1950
As : Volume 336, page 120
Recorded : July 9, 1959
As : Volume 396, pages 295 and 296
Recorded : December 17, 1954
As : Volume 403, page 361
Recorded : April 5, 1956
As : Volume 424, page 260
Recorded : May 25, 1956
As : Volume 427, page 13
In favor of : PacifiCorp, an Oregon corporation, or its predecessor in interest
For : Transmission and distribution of electricity, and other purposes
(Affects all TRACTS)
11. An easement created by instrument, including the terms and provisions thereof,
Recorded as : Volume 534, page 486; Volume 538, page 126; Volume 550, page 423, Deed Records
And as : 68-04879, Official Records
In favor of : PacifiCorp, an Oregon corporation, or its predecessor in interest
For : Transmission and distribution of electricity, and other purposes
(Affects all TRACTS)

12. An undivided 1/2 interest in all of the sand, gravel and topsoil situate in place upon that portion of the property lying southerly of boundary line set forth and reserved by John S. Day and Mary P. Day in deed to George Neary et al recorded April 7, 1977, as No. 77-06767, Official Records, said rights herein reserved to grantors shall terminate on March 1, 2077, or earlier, if the holders or the rights reserved at any time fail to appoint a common attorney in fact or trustee with power to bind them to any contract or conveyance with respect to the rights herein reserved within 90 days after the mailing by grantees, their heirs, successors or assigns of notice to the then owners and holders of the rights herein reserved at their respective last know addresses requiring such appointment.
13. Covenants, conditions, restrictions, easements, and/or setbacks, imposed by instrument, including the terms and provisions thereof,
Recorded : February 22, 1985
As : 85-02510
(Affects all TRACTS)
NOTE: This exception omits from said instrument any covenant, condition or restriction based on race, color, religion, sex, handicap, familial status or national origin as provided in 42 USC 3604, unless and only to the extent that the covenant (a) is not in violation of state or federal law, (b) is exempt under 42 USC 3607, or (c) relates to a handicap, but does not discriminate against handicapped people.
14. Covenants, conditions, restrictions, easements, and/or setbacks, imposed by instrument, including the terms and provisions thereof,
Recorded : November 13, 1986
As : 86-22968
(Affects a portion of Tax Lot 502)
NOTE: This exception omits from said instrument any covenant, condition or restriction based on race, color, religion, sex, handicap, familial status or national origin as provided in 42 USC 3604, unless and only to the extent that the covenant (a) is not in violation of state or federal law, (b) is exempt under 42 USC 3607, or (c) relates to a handicap, but does not discriminate against handicapped people.
15. Restrictive covenant executed in compliance with the Jackson County Land Development Ordinance
Recorded : November 13, 1986
As : 86-22968
16. Restrictive covenant executed in compliance with the Jackson County Land Development Ordinance
Recorded : April 22, 1987
As : 87-07635 Re-recorded May 28, 1987 As 87-10584
(Affects TRACT B)
17. Restrictive covenant executed in compliance with the Jackson County Land Development Ordinance
Recorded : April 22, 1987
As : 87-07636
(Affects TRACT B)

18. An easement created by instrument, including the terms and provisions thereof,
Recorded : September 3, 1987
As : 87-18642
In favor of : PacifiCorp, an Oregon corporation, or its predecessor in
interest
For : Transmission and distribution of electricity, and other
purposes
(Affects TRACTS A and B)
19. Restrictive covenant executed in compliance with the Jackson County Land
Development Ordinance
Recorded : January 12, 1988
As : 88-00613
(Affects TRACT A)
20. Covenants, conditions, restrictions, easements, and/or setbacks, imposed by
instrument, including the terms and provisions thereof,
Recorded : January 12, 1988
As : 88-00613
(Affects TRACT A)
**NOTE: This exception omits from said instrument any covenant, condition or
restriction based on race, color, religion, sex, handicap, familial status or
national origin as provided in 42 USC 3604, unless and only to the extent that
the covenant (a) is not in violation of state or federal law, (b) is exempt
under 42 USC 3607, or (c) relates to a handicap, but does not discriminate
against handicapped people.**
21. Covenants, conditions, restrictions, easements, and/or setbacks, imposed by
instrument, including the terms and provisions thereof,
Recorded : February 17, 1989
As : 89-03402
**NOTE: This exception omits from said instrument any covenant, condition or
restriction based on race, color, religion, sex, handicap, familial status or
national origin as provided in 42 USC 3604, unless and only to the extent that
the covenant (a) is not in violation of state or federal law, (b) is exempt
under 42 USC 3607, or (c) relates to a handicap, but does not discriminate
against handicapped people.**
22. An easement disclosed by instrument,
Recorded : January 23, 1992
As : 92-01891
In favor of : Richard Krost
For : Well and pipeline
23. An easement disclosed by instrument,
Recorded : January 23, 1992
As : 92-01891
In favor of : Calvin Cannon
For : Ingress and egress

NOTES:

A.) We have searched and find no federal or state liens or judgments of record in Jackson County, Oregon against the above named vestee(s).

Exhibit "A"

TRACT A:

Beginning at the Southeast corner of Section 12, Township 36 South, Range 3 West, of the Willamette Meridian, Jackson County, Oregon; thence North 55° 13' 58" West 1634.08 feet to the true point of beginning of the herein described tract of land; thence North 49° 57' West, 486.40 feet; thence North 79° 23' West 311.14 feet; thence North 78° 12' West 258.44 feet to a 5/8 inch steel pin on the Easterly right of way line of John Day Drive; thence Southerly along said right of way line 1605.66 feet to a 5/8 inch steel pin which bears West from the Southeast corner of said Section 12; thence East 1942.87 feet to said southeast corner; thence South 1241.20 feet to a point on the Northerly right of way line of said John Day Drive; thence South 73° 51' East, along said right of way line 581.42 feet to Engineer's Station 117 + 38.86; thence Southeasterly along the arc of a 132.32 foot radius curve to the right (the long chord of which bears South 42° 16' 30" East 138.56 feet) a distance of 145.70 feet to Engineer's Station 118 + 51.63; thence South 10° 42' East along the Easterly right of way line of said John Day Drive, 168.13 feet to a 5/8 inch steel pin; thence South 49° 04' 02" East 247.40 feet to a 5/8 inch steel pin; thence North 62° 39' 39" East 217.55 feet to a 5/8 inch steel pin; thence North 75° 57' 20" East 125.76 feet to a 5/8 inch steel pin; thence North 88° 10' 32" East 181.32 feet to a 5/8 inch steel pin; thence South 83° 26' 55" East 86.49 feet to a 5/8 inch steel pin; thence North 2623.26 feet to a 5/8 inch steel pin; thence West 2773.5 feet, more or less, to a point on the West line of the East half of the East half of said Section 12; thence North 55° 13' 58" West 24 feet, more or less, to the true point of beginning.

Account No. 10164354; Levy Code 6-03; Map 363W12 502

Account No. 10771036; Levy Code 6-03; Map 362W18 104

Account No. 10771069; Levy Code 6-03; Map 362W07 101

TRACT B:

The North half of the Northeast quarter of Section 13, Township 36 South, Range 3 West of the Willamette Meridian, Jackson County, Oregon, lying Northerly of John Day Drive county road as it currently exists. EXCEPTING THEREFROM the following: Commencing at the Section corner common to Sections 12 and 13 in Township 36 South, Range 3 West and Sections 7 and 18 in Township 36 South, Range 2 West of the Willamette Meridian, Jackson County, Oregon, thence South along said Section line 618 feet to the true point of beginning; thence North 62° 00' 00" West a distance of 180 feet; thence South 28° 00' 00" West a distance of 218.32 feet; thence South 62° 00' 00" East a distance of 200 feet; thence North 28° 00' 00" East a distance of 180 feet, more or less, to the East line of Section 13, said Township and Range; thence North along said section line to the true point of beginning.

Account No. 10750550; Levy Code 6-03; Map 363W13 101

TRACT C:

Commencing at the Section corner common to Sections 12 and 13 in Township 36 South, Range 3 West and Sections 7 and 18 in Township 36 South, Range 2 West of the Willamette Meridian, Jackson County, Oregon; thence South along said Section line 618 feet to the true point of beginning; thence North 62° 00' 00" West a distance of 180 feet; thence South 28° 00' 00" West a distance of 218.32 feet; thence South 62° 00' 00" East a distance of 200 feet; thence North 28° 00' 00" East a distance of 180 feet, more or less, to the East line of Section 13, said Township and Range; thence North along said section line to the true point of beginning.

Account No. 10164362; Levy Code 6-03; Map 363W13 100



Oregon

Theodore R. Kulongoski, Governor

Water Resources Department

725 Summer Street NE, Suite A

Salem, OR 97301-1271

503-986-0900

FAX 503-986-0904

Pol Noticed

8-21-07

August 21, 2007

GORDON C. ROSE
8908 JOHN DAY DRIVE
GOLD HILL OR 97525

SUBJECT: Time-Limited Instream Transfer Application T-10342

Please find enclosed the Preliminary Determination indicating that, based on the information available, the Department intends to approve application T-10342. This document is an intermediate step in the approval process; water may not be used legally as proposed in the transfer application until a Final Order has been issued by the Department. Please read this entire letter carefully to determine your responsibility for additional action.

A public notice is being published in the Department's weekly publication simultaneously with issuance of the Preliminary Determination. The notice initiates a 30-day 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.

Because of the change in character of use, the applicant is responsible for giving public notice of the transfer changes in a local newspaper having a general circulation in the area of the water right. The notice must be published at least once a week for three consecutive weeks. We have prepared the notice for you (enclosed). The deadline for individuals to file protests or standing statements is 30 days after the date of last publication. Please have the newspaper insert the date of last publication in the proper place. After publication, the Department needs to receive an affidavit specifying the dates the notice was published. Typically, the newspaper will prepare and mail an original *affidavit of publication* to the Department, however you will want to request specifically that they do so. The newspaper can mail the affidavit to me at the address above.

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

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

Please do not hesitate to contact me at 503-986-0885 or Robert.D.Rice@wrdd.state.or.us if I may be of assistance.

Sincerely,

Bob Rice
Field Services Division

cc: Larry Menteer, District 13 Watermaster
Kathy Smith, District 14 Watermaster
Mitch Lewis, District 19 Watermaster
Joe Strahl, CWRE #222

encs

**Notice of Preliminary Determination for
Water Right Transfer T-10342**

T-10342 filed by Gordon C. and Judith D. Rose (8908 John Day Drive, Gold Hill, Oregon 97525) proposes a change in place of use and character of use for a portion of the rights under Certificates 81513 and 41771. Certificate 81513 allows the use of 0.76 cfs (priority date July 28, 1955) from a diversion in Sec. 18, T36S, R2W, W.M. for irrigation in Sec. 12 and 13, T36S, R3W, and Sec. 7 and 18, T36S, R2W, W.M. Certificate 41771 allows the use of 0.20 cfs (priority date October 28, 1948) from a diversion in Sec. 18, T36S, R2W, W.M. for irrigation in Sec. 12 and 13, T36S, R3W, W.M. The applicant proposes to change the place of use and character of use to create an instream use in the Rogue River (from the point of diversion on the Rogue River to the mouth) for a period of three years. The Water Resources Department has concluded that the proposed transfer appears to be consistent with the requirements of ORS Chapter 540 and OAR 690-380-5000 and OAR 690-077-0075.

Any person may file, jointly or severally, with the Department a protest or standing statement within 30 days after the date of final publication of notice in the Department's weekly notice or of this newspaper notice, whichever is later. A protest form and additional information on filing protests may be obtained by calling (503) 986-0881. The last date of newspaper publication is [DATE OF LAST PUBLICATION]. If no protests are filed, the Department will issue a final order consistent with the preliminary determination.

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

In the Matter of Time-Limited Instream)	PRELIMINARY DETERMINATION
Transfer Application T-10342, Jackson)	PROPOSING APPROVAL OF A
County)	CHANGE IN PLACE OF USE AND
)	CHARACTER OF USE

Authority

ORS 540.505 to 540.580 establishes the process in which a water right holder may submit a request to transfer the point of diversion, place of use, or character of use authorized under an existing water right. OAR Chapter 690, Division 380 implements the statutes and provides the Department's procedures and criteria for evaluating transfer applications. OAR Chapter 690, Division 077 provides additional criteria for evaluating transfers to instream water rights.

Applicant

GORDON C. AND JUDITH D. ROSE
8908 JOHN DAY DRIVE
GOLD HILL, OR 97525

Findings of Fact

Background

1. On March 16, 2007, Gordon C. And Judith D. Rose filed a time-limited instream transfer application to temporarily change the character of use and place of use under Certificates 81513 and 41771 to instream use for a period of three years. The Department assigned the application number T-10342.
2. The portion of the first right to be transferred is as follows:

Certificate: 81513 in the name of JOHN DAY (perfected under Permit S-23796)

Use: IRRIGATION of 60.9 ACRES

Priority Date: JULY 28, 1955

Rate: 0.76 CUBIC FOOT PER SECOND (CFS)

Limit/Duty: ONE-EIGHTIETH cfs per acre, not to exceed 4.5 acre-feet per acre per year

Source: ROGUE RIVER, tributary to PACIFIC OCEAN

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q
36 S	2 W	WM	18	NW NE

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

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
36 S	2 W	WM	7	SW SW	0.7
36 S	2 W	WM	18	NE NW	1.4
36 S	2 W	WM	18	NW NW	34.5
36 S	2 W	WM	18	SW NW	7.3
36 S	2 W	WM	18	SE NW	1.1
36 S	3 W	WM	12	SE SE	0.6
36 S	3 W	WM	13	NE NE	15.3

3. A scrivener's error has been identified on Certificate 81513. The authorized point of diversion is incorrectly listed as being in the NW¼ NE¼ of Section 18. The scrivener's error occurred when Certificate 52205 was issued as a remaining right to confirm the portion of the original Certificate 27276 that was not cancelled by the provisions of an order dated May 7, 1984, Volume 38, Page 236. The scrivener's error has been carried from one remaining right to the next, being from Certificate 52205 to Certificate 57547 and again to Certificate 81513. The correct location of the authorized point of diversion for Certificate 81513 as described in Certificate 27276 is provided below.

Point of Diversion for Certificate 81513 is more accurately described as:

Twp	Rng	Mer	Sec	Q-Q
36 S	2 W	WM	18	SW NE

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

Certificate: 41771 in the name of JOHN S. AND MARY P. DAY (perfected under Permit S-18531)

Use: IRRIGATION of 30.7 ACRES

Priority Date: OCTOBER 28, 1948

Rate: 0.20 CUBIC FOOT PER SECOND

Limit/Duty: ONE-EIGHTIETH cfs per acre, not to exceed 4.5 acre-feet per acre per year

Source: ROGUE RIVER, tributary to PACIFIC OCEAN

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
36 S	3W	WM	18	SW NE	2350 FEET SOUTH AND 1840 FEET WEST FROM THE NE CORNER OF SECTION 18

Authorized Place of Use:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres
36 S	3 W	WM	12	SW SE	4	2.2
36 S	3 W	WM	12	SE SE		8.4
36 S	3 W	WM	13	NE NE		14.1
36 S	3 W	WM	13	NW NE		6.0

5. As a result of a scrivener's error in Certificate 41771, the authorized point of diversion is incorrectly listed as being in Range 3 West. Certificate 41771 confirms the changes in the point of diversion and place of use for a portion of Certificate 27274 under Transfers D-140

and D-141. The correct location as described in the order approving Transfers D-140 and D-141 is provided below.

Point of Diversion for Certificate 41771 is more accurately described as:

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
36 S	2W	WM	18	SW NE	2350 FEET SOUTH AND 1840 FEET WEST FROM THE NE CORNER OF SECTION 18

6. The following quantities of water may be beneficially used annually under the existing rights:

Certificate	Quantity of Water that May Be Beneficially Used Annually in Acre-Feet (AF)
81513	274.05
41771	84.50

7. Application T-10342 proposes to change the character of use to instream use for conservation, maintenance and enhancement of aquatic and fish life, wildlife, fish and wildlife habitat and other ecological values for a period of three years.
8. The applicant requests that the water use revert to its authorized use and place of use after three years from the date of the order. Since water under a right may not be protected instream and diverted to out-of-stream use within the same irrigation season, the instream use may be allowed for a term of three irrigation seasons, ending October 31, 2009. The applicant has requested the ability to terminate the order with six months written notice.
9. Application T-10342 proposes to change the place of use of the right to create an instream reach from the authorized points of diversion to the mouth of the Rogue River.
10. The applicant proposes the quantities water to be transferred instream to be protected as follows:

Certificate	Priority	Rate (cfs)	Volume(AF)	Period	Reach
81513	JULY 28, 1955	0.76	274.35	April 2 to October 1	POD (as described in Finding of Fact #3) to Mouth of Rogue River
41771	OCTOBER 28, 1948	0.196	70.74	April 2 to October 1	POD (as described in Finding of Fact #5) to Mouth of Rogue River

11. There are several existing instream water rights, Certificates 59806 (priority date of May 22, 1959), 59807 (priority date of February 24, 1966), 59816 (priority date of May 22, 1959), 59817 (February 24, 1966), 59847 (priority date of May 22, 1959), and 59848 (priority date of February 24, 1966) within the same reach as that proposed for the new instream water right. These rights were established under ORS 537.346, process to convert minimum perennial streamflows to instream water rights, for the purpose of supporting aquatic life and minimizing pollution.
12. The applicant proposes to replace a portion of the existing instream water rights established under ORS 537.346, evidenced by Certificates 59806, 59807, 59816, 59817, 59847, and 59848, and any instream water right established under ORS 537.341 (state agency

application process). The applicant also proposes that an instream water right established as a result of this instream transfer be additive to any instream water rights established pursuant to ORS 537.348 (instream transfer process) and ORS 537.470 (allocation of conserved water process).

13. The application includes Land Use Information forms completed and signed by a representative of the Jackson County planning department. Additionally, the Department has provided notification of the proposed action to Josephine County, Curry County, and the cities of Gold Hill, Rogue River, Grants Pass, and Gold Beach.
14. Notice of the application for transfer was published on March 27, 2007, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
15. On July 17, 2007, the Department mailed a copy of the draft Preliminary Determination proposing to approve Transfer Application T-10342 to the applicants. The draft Preliminary Determination set forth a deadline of August 20, 2007, for the applicants to respond. On July 20, 2007, the applicants requested that the Department proceed with issuance of a Preliminary Determination and provided the necessary information to demonstrate that the applicant is authorized to pursue the transfer.

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

16. Water has been used within the last five years according to the terms and conditions of the rights, and there is no information in the record that would demonstrate that the rights are subject to forfeiture under ORS 540.610.
17. A diversion structure and ditch sufficient to use the full amount of water allowed under the existing rights were present within the five-year period prior to submittal of Application T-10342.
18. At the rate and volume requested to be protected instream from Certificate 81513, water may not be transferred instream for the full period (182 days) requested by the applicant. Water may be protected for a shorter period (181 days), being April 2 through September 29.
19. The volume requested to be protected instream (274.35 AF) from Certificate 81513 is slightly higher than the full duty allowed by the right (274.05 AF).
20. At the requested instream rate and considering the full duty of the right, water may be protected instream over a longer period than requested (182 days) from Certificate 41771, being April 2 through October 31 (213 days), the full irrigation season.
21. Based upon Findings of Fact #17 through #19, on July 20, 2007, the applicants (by way of their agent, agreed to modify the quantities to be transferred and protected instream as follows:

Certificate	Priority	Rate (cfs)	Volume(AF)	Period	Reach
81513	JULY 28, 1955	0.76	274.05	April 2 through September 29	POD (as described in Finding of Fact #3) to Mouth of Rogue River
41771	OCTOBER 28, 1948	0.20	84.5	April 2 through October 31	POD (as described in Finding of Fact #5) to Mouth of Rogue River

22. The proposed change, as modified, would not result in enlargement of the rights.
23. The proposed change, as modified, would not result in injury to other water rights.
24. The amount of the proposed instream flow and the timing of the proposed instream flow is allowable within the limits and use of the original water rights.
25. The protection of flows within the proposed reach is appropriate, considering:
 - a) The instream water rights begin at the recorded points of diversion;
 - b) The location of confluences with other streams downstream of the point of diversion;
 - c) There are no known areas of natural loss of streamflow to the river bed downstream from the point of diversion; and
 - d) There are no known return flows resulting from the exercise of the existing water rights.
26. The existing instream water rights in the reach are sufficient to protect the monthly quantities of water necessary for conservation, maintenance and enhancement of aquatic and fish life, wildlife, fish and wildlife habitat and other ecological values, but some of the existing instream water rights are at times not met, and the rights proposed for transfer will allow replacement of portions of the existing instream water rights with earlier priority dates.
27. The total monthly quantities of water to be protected under the existing and proposed instream rights within the proposed reach will provide for a beneficial purpose and do not exceed the estimated average natural flow.
28. By replacing portions of Certificates 59806, 59807, 59816, 59817, 59847, and 59848, the instream rights will provide protection for streamflows identified as necessary for conservation, maintenance and enhancement of aquatic and fish life, wildlife, fish and wildlife habitat and other ecological values under an earlier priority date during the term of this transfer.
29. The applicant has requested the ability to terminate the order approving this time-limited instream transfer with six months written notice to the Department. Instream and irrigation water use may not occur within the same irrigation season of a calendar year. Once water has been protected instream during a calendar year, a request to terminate the order may not go into affect until the following calendar year. Water may also not be used for irrigation purposes until the following calendar year. To prevent any injury or enlargement, the order

may be terminated with written notification to the Department by February 1 of each year for the same calendar year.

Determination and Proposed Action

The changes in character of use and place of use to instream use proposed in application T-10342 appear to be consistent with the requirements of ORS 540.505 to 540.580, ORS 537.348, OAR 690-380-5000, and OAR 690-077-0075. If protests are not filed pursuant to OAR 690-380-4030, the application will be approved.

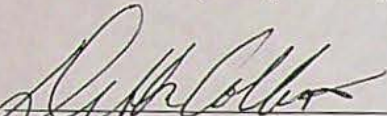
If application T-10342 is approved, the final order will include the following:

- 1. The temporary changes in character of use and place of use to instream use proposed in application T-10342 are approved from the date of this order through October 31, 2009, unless terminated earlier.*
- 2. The instream water right established under this order shall provide for protection of streamflows as follows:*

Certificate	Priority	Rate (cfs)	Period	Reach
81513	JULY 28, 1955	0.76	April 2 through September 29	POD (as described in Finding of Fact #3) to Mouth of Rogue River
41771	OCTOBER 28, 1948	0.20	April 2 through October 31	POD (as described in Finding of Fact #5) to Mouth of Rogue River

- 3. During the term of this order, the instream water right shall replace a portion of instream water rights established pursuant to ORS 537.341 or 537.346 and be in addition to instream water rights established pursuant to ORS 537.348 or 537.470.*
- 4. The right to the use of the water is restricted to beneficial use at the place of use described, and is subject to all other conditions and limitations contained in Certificates 81513 and 41771 and any related decree.*
- 5. The exercise of the rights evidenced by Certificates 81513 and 41771 for irrigation at the former places of use (as described in Findings of Fact #2 and #4) shall be SUSPENDED, without loss of priority, for the term of the transfer authorized herein.*
- 6. The water right holder has the option of terminating the time-limited instream transfer with notification to the Department by February 1 of each year. If a termination request is received during the irrigation season, an order terminating this time-limited instream transfer right will not go into affect until the following calendar year.*
- 7. Upon expiration of this transfer, on either November 1, 2009 or by an order authorizing early termination of the time-limited instream transfer, the use of water shall revert to its original use and place of use as described by Certificates 81513 and 41771.*

Dated at Salem, Oregon this 17th day of August 2007.


Phillip C. Ward, Director

This Preliminary Determination was prepared by a Reimbursement Authority contractor. If you have questions about the information in this document, you may reach Bob Rice at 503-986-0885 or Robert.D.Rice@wrdd.state.or.us.

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

To: File Page 1 of 1
 From: GFK Date: 5/30/07
 Project: Rose Transfer
 Subject: Calculations for Instream Rates and Volumes

Cert 81513

Acres Transferred instream: 60.9 Ac

Volume transferred instream: $60.9 \text{ Ac} \times 4.5 \text{ AF/Ac} = \boxed{274.05 \text{ AF}}$

Proposed instream period: April 2 through Sept. 30 = 182 days

Rate for instream use: $(274.05 \div 182) \div 1.983471 = 0.759 \text{ cfs}$
 $\Rightarrow \boxed{0.76 \text{ cfs}}$

Cert 41771

Rate per acre from Cert.: $0.21 \text{ cfs} / 32.9 \text{ Ac} = 0.006383 \text{ cfs/Ac}$

Max Duty for Cert: $32.9 \text{ Ac} \times 4.5 \text{ AF/Ac} = 148.05 \text{ AF}$

Max Volume based on rate: $0.21 \text{ cfs} \times \frac{448.89 \text{ min}}{\text{cfs}} \times \frac{1440 \text{ min}}{\text{day}} \times 213 \text{ days} \times \frac{\text{AF}}{325851.5 \text{ min}} = 88.7 \text{ AF} < 148.05 \text{ AF}$

Therefore, C41771 is rate-limited.

ODFW Proposed Instream Period: April 2 through Oct 30 = 213 days

~~Rate for instream use:~~ Acres transferred instream: 30.7 Ac

Rate for instream use: $30.7 \text{ Ac} \times \frac{0.006383 \text{ cfs}}{\text{Ac}} = 0.196 \text{ cfs} \Rightarrow \boxed{0.20 \text{ cfs}}$

Volume for instream use: $0.196 \text{ cfs} \times 213 \text{ days} \times 1.983471 = \boxed{82.81 \text{ AF}}$

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Action

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1 2 3 4

* Acreage is not specified

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Water Rights Platcard Report

Meridian: WILLAMETTE Township: 36 South Range: 3 West Section: 12 Records per Page: 6 Search

Water Right	Changing Xfers	Priority	Use	Use Status	DLC	Gov't Lot	QQ(40): Q(160):	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Unknown QQ
Select Cert:29010 OR * <u>Additional Info:</u> JENNINGS PIERCE App: S30041 Permit: S23687 Cert: 29010		6/7/1955	IRRIGATION																0.8								0.3	
Select Cert:36819 RR CN <u>Additional Info:</u> GENERAL DEVELOPMENT CO. App: S23502 Permit: S18531 Cert: 36819		10/28/1948	IRRIGATION CN			4													6.9								0	
Select Cert:41226 OR * <u>Additional Info:</u> MR & MRS JOHN H HIGH App: S43501 Permit: S32539 Cert: 41226		4/18/1967	IRRIGATION			3																				0.1		
Select Cert:41226 OR * <u>Additional Info:</u> MR & MRS JOHN H HIGH App: S43501 Permit: S32539 Cert: 41226		4/18/1967	IRRIGATION			4																					0.9	
Select Cert:41769 RR CR CN <u>Additional Info:</u> GENERAL DEVELOPMENT CO. App: S23502 Permit: S18531 Cert: 41769		10/28/1948	IRRIGATION CN			4													6.9								6.2	
Select Cert:41771 CF * <u>Additional Info:</u> JOHN S/MARY P DAY App: S23502 Permit: S18531 Cert: 41771		T10342 10/28/1948	IRRIGATION																								8.4	

Acreage Legend: 12.25 Regular acreage ~~12.25~~ Acreage is on a canceled right (12.25) Acreage is part of a transfer and has not been proven up on yet (Inchoate) * Acreage is not specified

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Water Rights Platcard Report

Meridian: WILLAMETTE

Township: 36

South

Range: 3

West

Section: 12

Records per Page: 6

Search

Water Right	Changing Xfers	Priority	Use	Use Status	DLC	Gov't Lot	QQ(40):	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Unkown
Select Cert:41771 CF *	T10342	10/28/1948	IRRIGATION			4	Q(160):	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Unkown
Additional Info: JOHN S/MARY P DAY App: S23502 Permit: S18531 Cert: 41771																												
Select Cert:50338 RR CN		10/28/1948	IRRIGATION	CN		4													6-9								6-2	
Additional Info: GENERAL DEVELOPMENT CO. App: S23502 Permit: S18531 Cert: 50338																												
Select Cert:51582 RR CN		10/28/1948	IRRIGATION	CN		4													6-9								6-2	
Additional Info: GENERAL DEVELOPMENT CO. App: S23502 Permit: S18531 Cert: 51582																												
Select Cert:52041 RR CN		10/28/1948	IRRIGATION	CN		4													6-9								6-2	
Additional Info: GENERAL DEVELOPMENT CO. App: S23502 Permit: S18531 Cert: 52041																												
Select Cert:52205 RR CN		7/28/1955	IRRIGATION	CN																								0-6
Additional Info: JOHN DAY App: S30171 Permit: S23796 Cert: 52205																												
Select Cert:57547 RR CN		7/28/1955	IRRIGATION	CN																								0-6
Additional Info: JOHN DAY App: S30171 Permit: S23796 Cert: 57547																												

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12.25 Regular
acreage12.25 Acreage is on a
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Subject

* Acreage is not specified

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*No layered or conflicting rights IDed
WPK*

Water Rights Platcard Report

Meridian: WILLAMETTE

Township: 36

South

Range: 2

West

Section: 18

Records per Page: 6

Search

Water Right	Changing Xfers	Priority	Use	Use Status	DLC	Gov't Lot	QQ(40): Q(160):	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Unknown QQ
Select Cert:36641 OR * <u>Additional Info:</u> JOHN S DAY App: S44880 Permit: S33555 Cert: 36641		5/8/1968	DOMESTIC			5																		
Select Permit:S 54155 * <u>Additional Info:</u> JIM SALYER App: S86076 Permit: S54155		9/13/2004	DOMESTIC																					
Select Permit:S 45063 CN <u>Additional Info:</u> HARRY DUNKERTON App: S60028 Permit: S45063		4/14/1980	DOMESTIC EXPANDED		CN																			
Select Cert:61905 OR * <u>Additional Info:</u> KENNETH R MCGRAW App: S56546 Permit: S42134 Cert: 61905		9/2/1977	DOMESTIC INCLUDING LAWN AND GARDEN																					
Select Cert:27275 OR * <u>Additional Info:</u> JOHN DAY App: S30170 Permit: S23795 Cert: 27275		7/28/1955	FIRE PROTECTION																					
Select Cert:15838 OR CN <u>Additional Info:</u> CALIFORNIA OREGON POWER CO. Decree: ROGUE RIVER FINAL DECREE Cert: 15838		8/5/1902	FISH CULTURE		CN																			

1 2 3 4

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Water Rights Platcard Report

Meridian: WILLAMETTE

Township: 36

South

Range: 2

West

Section: 18

Records per Page: 6

Search

Water Right	Changing Xfers	Priority	Use	Use Status	DLC	Gov't Lot	QQ(40):	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Unkown
Select Cert:54021 OR * Additional Info: OREGON DEPARTMENT OF FISH AND WILDLIFE App: S37619 Permit: S44909 Cert: 54021		5/7/1962	FISH CULTURE				Q(160):	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	QQ
																								*
Select Cert:60007 CF * Additional Info: COUNTY OF JACKSON PARKS DEPT. Decree: ROGUE RIVER (F) STATE WATER BOARD Cert: 60007		8/5/1902	FISH CULTURE											*					*					
Select Permit:S 53961 * Additional Info: DEBORAH JOHNSON App: S85438 Permit: S53961		1/27/2003	HUMAN CONSUMPTION										*											
Select Permit:S 54155 * Additional Info: JIM SALYER App: S86076 Permit: S54155		9/13/2004	HUMAN CONSUMPTION										*											
Select App:S 86590 DN Additional Info: JIM SALYER App: S86590		5/4/2006	HUMAN CONSUMPTION	DN									*											
Select Inchoate: T 6293 CF (REG) * Additional Info: MEDFORD READY MIX CONCETE INC. Decree: ROGUE RIVER (F)(S), 1940		9/22/1888	IRRIGATION												(1.7)									

1 2 3 4

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Meridian: WILLAMETTE Township: 36 South Range: 2 West Section: 18 Records per Page: 6

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Meridian: WILLAMETTE Township: 36 South Range: 2 West Section: 18 Records per Page: 6

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WATER RESOURCES DEPT.
SALEM, OREGON

*No layered or conflicting rights IDed
CFM*

Water Rights Platcard Report

Meridian: WILLAMETTE

Township: 36

South

Range: 3

West

Section: 13

Records per Page: 6

Search

Water Right	Changing Xfers	Priority	Use	Use Status	DLC	Gov't Lot	QQ(40):	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Unknown
							Q(160):	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	QQ
Select Permit:S 45069 CN		5/22/1980	DOMESTIC	CN							*													
Additional Info: MIKE W ROGOFF App: S60171 Permit: S45069																								
Select Permit:S 54154 *		8/18/2004	DOMESTIC								*													
Additional Info: BRENT BLACK App: S86072 Permit: S54154																								
Select Permit:S 48413 CN		2/15/1984	DOMESTIC EXPANDED	CN							*													
Additional Info: LOUIS JOSEPH VIENS App: S68016 Permit: S48413																								
Select Cert:76258 OR *		4/3/1989	DOMESTIC EXPANDED								*													
Additional Info: EDWARD CULVER App: S69861 Permit: S52145 Cert: 76258																								
Select Cert:19742 OR *		9/25/1950	FIRE PROTECTION								*													
Additional Info: WALTER F BRITTAN App: S25303 Permit: S19860 Cert: 19742																								
Select Cert:54021 OR *		5/7/1962	FISH CULTURE																					*
Additional Info: OREGON DEPARTMENT OF FISH AND WILDLIFE App: S37619 Permit: S44909 Cert: 54021																								

1 2 3 4 5 6 7 8 9

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Meridian: WILLAMETTE

Township: 36

South

Range: 3

West

Section: 13

Records per Page: 6

Search

Water Right	Changing Xfers	Priority	Use	Use Status	DLC	Gov't Lot	QQ(40):	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Unknown
							Q(160):	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	QQ
Select Permit:S 54154 *		8/18/2004	HUMAN CONSUMPTION								*													
Additional Info: BRENT BLACK App: S86072 Permit: S54154																								
Select Permit:S 48344 CN		1/16/1984	IRRIGATION	CN						2.8														
Additional Info: LEROY E TADEJA App: S67997 Permit: S48344																								
Select Permit:S 51544 *		2/4/1993	IRRIGATION							1.7														
Additional Info: ROBERT A BELL App: S73231 Permit: S51544																								
Select Cert:19742 OR *		9/25/1950	IRRIGATION							2														
Additional Info: WALTER F BRITTAN App: S25303 Permit: S19860 Cert: 19742																								
Select Cert:19742 OR *		9/25/1950	IRRIGATION							3														
Additional Info: WALTER F BRITTAN App: S25303 Permit: S19860 Cert: 19742																								
Select Cert:27274 OR CN		10/28/1948	IRRIGATION	CN				16.3	33															
Additional Info: GENERAL DEVELOPMENT CO. App: S23502 Permit: S18531 Cert: 27274																								
1 2 3 4 5 6 7 8 9																								

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Meridian: WILLAMETTE

Township: 36

South

Range: 3

West

Section: 13

Records per Page: 6

Search

Water Right	Changing Xfers	Priority	Use	Use Status	DLC	Gov't Lot	QQ(40):	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Unkown
Select Cert:27274 OR CN Additional Info: GENERAL DEVELOPMENT CO. App: S23502 Permit: S18531 Cert: 27274		10/28/1948	IRRIGATION	CN		1	Q(160):	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Unkown
Select Cert:27274 OR CN Additional Info: GENERAL DEVELOPMENT CO. App: S23502 Permit: S18531 Cert: 27274		10/28/1948	IRRIGATION	CN		7				10.4														
Select Cert:27276 OR CN Additional Info: JOHN DAY App: S30171 Permit: S23796 Cert: 27276		7/28/1955	IRRIGATION	CN				22.4	0.2	0.4	31.4								0.5					
Select Cert:28672 OR * Additional Info: ROBERT J WELLS App: S30039 Permit: S23685 Cert: 28672		6/7/1955	IRRIGATION						1															
Select Cert:36819 RR CN Additional Info: GENERAL DEVELOPMENT CO. App: S23502 Permit: S18531 Cert: 36819		10/28/1948	IRRIGATION	CN				0.2	26.0															
Select Cert:36819 RR CN Additional Info: GENERAL DEVELOPMENT CO. App: S23502 Permit: S18531 Cert: 36819		10/28/1948	IRRIGATION	CN		1						12.0												

1 2 3 4 5 6 7 8 9

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WATER RESOURCES DEPT.
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Water Rights Platcard Report

Meridian: WILLAMETTE Township: 36 South Range: 3 West Section: 13 Records per Page: 6

Water Right	Changing Xfers	Priority	Use	Use Status	DLC	Gov't Lot	QQ(40): Q(160):	NE NE	NW NE	SW NE	SE NE	NE NW	NW NW	SW NW	SE NW	NE SW	NW SW	SE SW	NE SE	NW SE	SW SE	SE SE	Unknown QQ
Select Cert:36819 RR CN Additional Info: GENERAL DEVELOPMENT CO. App: S23502 Permit: S18531 Cert: 36819		10/28/1948	IRRIGATION	CN		7				10.4													
Select Cert:41769 RR CR CN Additional Info: GENERAL DEVELOPMENT CO. App: S23502 Permit: S18531 Cert: 41769		10/28/1948	IRRIGATION	CN				0.2	26.0														
Select Cert:41769 RR CR CN Additional Info: GENERAL DEVELOPMENT CO. App: S23502 Permit: S18531 Cert: 41769		10/28/1948	IRRIGATION	CN		1					12.0												
Select Cert:41769 RR CR CN Additional Info: GENERAL DEVELOPMENT CO. App: S23502 Permit: S18531 Cert: 41769		10/28/1948	IRRIGATION	CN		7				10.4													
Select Cert:41771 CF * Additional Info: JOHN S/MARY P DAY App: S23502 Permit: S18531 Cert: 41771	T10342	10/28/1948	IRRIGATION					16.1	6.2														
Select Cert:50338 RR CN Additional Info: GENERAL DEVELOPMENT CO. App: S23502 Permit: S18531 Cert: 50338		10/28/1948	IRRIGATION	CN				0.2	26.2														

1 2 3 4 5 6 7 8 9

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Water Rights Platcard Report

Meridian: WILLAMETTE

Township: 36

South

Range: 3

West

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Records per Page: 6

Search

Water Right	Changing Xfers	Priority	Use	Use Status	DLC	Gov't Lot	QQ(40): Q(160):	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Unkown QQ
Select Cert:50338 RR CN <u>Additional Info:</u> GENERAL DEVELOPMENT CO. App: S23502 Permit: S18531 Cert: 50338		10/28/1948	IRRIGATION	CN		1																						
Select Cert:50338 RR CN <u>Additional Info:</u> GENERAL DEVELOPMENT CO. App: S23502 Permit: S18531 Cert: 50338		10/28/1948	IRRIGATION	CN		7																						
Select Cert:51523 CF * <u>Additional Info:</u> GEORGE B/SYLVA BERENSON App: S23502 Permit: S18531 Cert: 51523		10/28/1948	IRRIGATION																									
Select Cert:51523 CF * <u>Additional Info:</u> GEORGE B/SYLVA BERENSON App: S23502 Permit: S18531 Cert: 51523		10/28/1948	IRRIGATION			1																						
Select Cert:51582 RR CN <u>Additional Info:</u> GENERAL DEVELOPMENT CO. App: S23502 Permit: S18531 Cert: 51582		10/28/1948	IRRIGATION	CN																								
Select Cert:51582 RR CN <u>Additional Info:</u> GENERAL DEVELOPMENT CO. App: S23502 Permit: S18531 Cert: 51582		10/28/1948	IRRIGATION	CN		1																						

1 2 3 4 5 6 7 8 9

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Meridian: WILLAMETTE Township: 36 South Range: 3 West Section: 13 Records per Page: 6

Water Right	Changing Xfers	Priority	Use	Use Status	DLC	Gov't Lot	QQ(40):	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Unknown
<u>Select</u> Cert:51582 RR CN		10/28/1948	IRRIGATION	CN		7	Q(160):	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Unknown
Additional Info: GENERAL DEVELOPMENT CO. App: S23502 Permit: S18531 Cert: 51582										±0.4														
<u>Select</u> Cert:52041 RR CN		10/28/1948	IRRIGATION	CN				0.2	26.2															
Additional Info: GENERAL DEVELOPMENT CO. App: S23502 Permit: S18531 Cert: 52041																								
<u>Select</u> Cert:52041 RR CN		10/28/1948	IRRIGATION	CN		1						±0.15												
Additional Info: GENERAL DEVELOPMENT CO. App: S23502 Permit: S18531 Cert: 52041																								
<u>Select</u> Cert:52041 RR CN		10/28/1948	IRRIGATION	CN		2				7.4														
Additional Info: GENERAL DEVELOPMENT CO. App: S23502 Permit: S18531 Cert: 52041																								
<u>Select</u> Cert:52205 RR CN		7/28/1955	IRRIGATION	CN				22.4	0.2	0.4	29.17									0.5				
Additional Info: JOHN DAY App: S30171 Permit: S23796 Cert: 52205																								
<u>Select</u> Cert:57547 RR CN		7/28/1955	IRRIGATION	CN				22.4	0.2	0.4	23									0.5				
Additional Info: JOHN DAY App: S30171 Permit: S23796 Cert: 57547																								

1 2 3 4 5 6 7 8 9

Acreage Legend: 12.25 Regular acreage

±2.25 Acreage is on a canceled right

(12.25) Acreage is part of a transfer and has not been proven up on yet (inchoate)

* Acreage is not specified

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 WATER RESOURCES DEPT.
SALEM, OREGON

Water Rights Platcard Report

Meridian: WILLAMETTE

Township: 36

South Range: 3

West

Section: 13

Records per Page: 6

Search

Water Right	Changing Xfers	Priority	Use	Use Status	DLC	Gov't Lot	QQ(40):	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Unknown QQ
<u>Select</u> Cert:68468 CF *		10/28/1948	IRRIGATION			1		NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
Additional Info: DALE R BOYLE App: S23502 Permit: S18531 Cert: 68468																												
<u>Select</u> Cert:68469 RR *		10/28/1948	IRRIGATION			1																						
Additional Info: GENERAL DEVELOPMENT CO. App: S23502 Permit: S18531 Cert: 68469																												
<u>Select</u> Cert:68469 RR *		10/28/1948	IRRIGATION			2				7.4																		
Additional Info: GENERAL DEVELOPMENT CO. App: S23502 Permit: S18531 Cert: 68469																												
<u>Select</u> Cert:68469 RR *		10/28/1948	IRRIGATION			13		0.2	26.2																			
Additional Info: GENERAL DEVELOPMENT CO. App: S23502 Permit: S18531 Cert: 68469																												
<u>Select</u> Cert:76286 CF *		7/28/1955	IRRIGATION							6.17																		
Additional Info: LES GILMAN App: S30171 Permit: S23796 Cert: 76286																												
<u>Select</u> Permit:S 53947 *		12/23/2002	IRRIGATION					1.14			2.13																	
Additional Info: ERIC KEYS App: S85391 Permit: S53947																												

1 2 3 4 5 6 7 8 9

Acreage Legend: 12.25 Regular acreage

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WATER RESOURCES DEPT.
SALEM, OREGON

Water Rights Platcard Report

Meridian: WILLAMETTE

Township: 36

South Range: 3

West

Section: 13

Records per Page: 6

Search

Water Right	Changing Xfers	Priority	Use	Use Status	DLC	Gov't Lot	QQ(40):	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Unkown
Select Cert:81513 RR *	T10342, T10343	7/28/1955	IRRIGATION				Q(160):	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	QQ
<i>Subject</i> Additional Info: JOHN DAY App: S30171 Permit: S23796 Cert: 81513								22.4	0.2	0.4	23												0.5	
Select Cert:19742 OR *		9/25/1950	LIVESTOCK							*														
Additional Info: WALTER F BRITTAN App: S25303 Permit: S19860 Cert: 19742																								
Select Cert:41770 CF *		10/28/1948	RECREATION							*														
Additional Info: TABLE ROCK ESTATES CLUB INC. App: S23502 Permit: S18531 Cert: 41770																								
Select Cert:41770 CF *		10/28/1948	RECREATION			1					*													
Additional Info: TABLE ROCK ESTATES CLUB INC. App: S23502 Permit: S18531 Cert: 41770																								
Select Cert:41770 CF *		10/28/1948	RECREATION			2				*														
Additional Info: TABLE ROCK ESTATES CLUB INC. App: S23502 Permit: S18531 Cert: 41770																								
Select Cert:41854 OR *		12/1/1969	RECREATION							*														
Additional Info: TABLE ROCK ESTATES CLUB INC. App: R46561 Permit: R5491 Cert: 41854																								

1 2 3 4 5 6 7 8 9

Acreage Legend: 12.25 Regular acreage

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* Acreage is not specified

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AUG 22 2007

WATER RESOURCES DEPT.
SALEM, OREGON

Water Rights Platcard Report

Meridian: WILLAMETTE Township: 36 South Range: 3 West Section: 13 Records per Page: 6 Search

Water Right	Changing Xfers	Priority	Use	Use Status	DLC	Gov't Lot	QQ(40):	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Unkown
							Q(160):	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	QQ
Select Cert:41854 OR *		12/1/1969	RECREATION			1						*												
Additional Info: TABLE ROCK ESTATES CLUB INC. App: R46561 Permit: R5491 Cert: 41854																								
Select Cert:41854 OR *		12/1/1969	RECREATION			2				*														
Additional Info: TABLE ROCK ESTATES CLUB INC. App: R46561 Permit: R5491 Cert: 41854																								
1 2 3 4 5 6 7 8 9																								

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AUG 22 2007

WATER RESOURCES DEPT.
SALEM, OREGON



Oregon

Theodore R. Kulongoski, Governor

Water Resources Department

725 Summer Street NE, Suite A

Salem, OR 97301-1271

503-986-0900

FAX 503-986-0904

July 17, 2007

Gordon C. and Judith D. Rose
8908 John Day Drive
Gold Hill, OR 97525

SUBJECT: Application T-10342 and Partial Refund of Application Fees

Enclosed find a draft of our Preliminary Determination regarding transfer application T-10342. The draft Preliminary Determination reflects the Department's conclusion that, based on the information currently available, the transfer will be approved. This draft is intended to provide you with an opportunity to comment on our findings and conclusions should you wish to do so. Please review the draft carefully to evaluate whether the document is consistent with your intent in seeking the transfer, and whether you agree with the proposed action.

Based on a review of the application, some additional information or clarification is needed. OAR 690-380-3000(12) requires that the Affidavit Attesting to the Use of Water (Supplemental Form B) be accompanied by supporting documentation. To meet this requirement, it appears you have provided a second document. A second affidavit may serve as the required supporting documentation; however, that affidavit must be from a second party, it must specifically describe the property affected by the transfer, and it must be notarized. Your second document does not meet all of these requirements (i.e., it was not signed by a second party, nor was it notarized). Your second document also referred to another affidavit from George Neary dated February 20, 2007. Mr. Neary's affidavit is notarized, but does not specifically describe your property. Please provide a second, notarized affidavit from a second party that fully describes the lands affected by the transfer. For convenience, you may use a second Supplemental Form B for this purpose.

Please also note we are proposing to modify the proposed instream use (see Findings of Fact #17 through #20). This includes extending the ending date of the instream period for Certificate 41771 from September 30 to October 31. Since Certificate 41771 is rate-limited, this proposed change will allow for the transfer of a larger volume of water instream each season.

Because of the change in character of use, the applicant is responsible for publishing notice of the transfer in a local newspaper having a general circulation in the area of the water right. The notice must be published at least once a week for three consecutive weeks. We will provide a copy of the required notice to you on issuance of the Preliminary Determination.

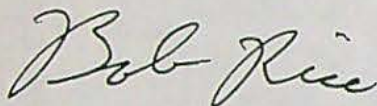
At this time, you must submit a report of ownership and lien information prepared by a title company within the last three months, as required by OAR 690-380-4010(5). If there are additional lien holders identified in the report that have not previously been notified of the transfer, you must send notice of the transfer to them, and submit copies of each such notice to the Department to document that each lien holder has been informed of the transfer.

Issuance of the Preliminary Determination will occur shortly after we receive both your response, including your concurrence with Findings of Fact #17 through #20, and the report of ownership and lien information. If we do not receive your response and the report by August 20, 2007, a Preliminary Determination may be issued rejecting the application. You may provide your response in writing or via e-mail.

By administrative rule, 50 percent of the application fee is waived for instream transfers. As such, the Department is refunding \$350 of the \$700 application fee to Public Works Management, c/o Joe Strahl. Additionally, if you are interested in additional time-limited transfers for periods of time of five years or less, you may want to consider using the Department's instream lease program.

If you have any questions, please do not hesitate to contact me at 503-986-0885 or Robert.D.Rice@wrdd.state.or.us.

Sincerely,

A handwritten signature in cursive script that reads "Bob Rice".

Bob Rice
Field Services Division

cc: Larry Menteer, District #13 Watermaster, via e-mail
Kathy Smith, District #14 Watermaster, via e-mail
Mitch Lewis, District #19 Watermaster, via e-mail
Joseph L. Strahl, Agent and CWRE #222, via e-mail

enc

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

In the Matter of Time-Limited Instream
Transfer Application T-10342, Jackson
County

)
)
)
)
)

D R A F T

PRELIMINARY DETERMINATION
PROPOSING APPROVAL OF A
CHANGE IN PLACE OF USE AND
CHARACTER OF USE

Authority

ORS 540.505 to 540.580 establishes the process in which a water right holder may submit a request to transfer the point of diversion, place of use, or character of use authorized under an existing water right. OAR Chapter 690, Division 380 implements the statutes and provides the Department's procedures and criteria for evaluating transfer applications. OAR Chapter 690, Division 077 provides additional criteria for evaluating transfers to instream water rights.

Applicant

GORDON C. AND JUDITH D. ROSE
8908 JOHN DAY DRIVE
GOLD HILL, OR 97525

Findings of Fact

Background

1. On March 16, 2007, Gordon C. And Judith D. Rose filed a time-limited instream transfer application to temporarily change the character of use and place of use under Certificates 81513 and 41771 to instream use for a period of three years. The Department assigned the application number T-10342.

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

Certificate: 81513 in the name of JOHN DAY (perfected under Permit S-23796)

Use: IRRIGATION of 60.9 ACRES

Priority Date: JULY 28, 1955

Rate: 0.76 CUBIC FEET PER SECOND

Limit/Duty: ONE-EIGHTIETH cfs per acre, not to exceed 4.5 acre-feet per acre per year

Source: ROGUE RIVER, tributary to PACIFIC OCEAN

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q
36 S	2 W	WM	18	NW NE

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
36 S	2 W	WM	7	SW SW	0.7
36 S	2 W	WM	18	NE NW	1.4
36 S	2 W	WM	18	NW NW	34.5
36 S	2 W	WM	18	SW NW	7.3
36 S	2 W	WM	18	SE NW	1.1
36 S	3 W	WM	12	SE SE	0.6
36 S	3 W	WM	13	NE NE	15.3

3. A scrivener's error has been identified on Certificate 81513. The authorized point of diversion is incorrectly listed as being in the NW¼ NE¼ of Section 18. The scrivener's error occurred when Certificate 52205 was issued as a remaining right to confirm the portion of the original Certificate 27276 that was not cancelled by the provisions of an order dated May 7, 1984, Volume 38, Page 236. The scrivener's error has been carried from one remaining right to the next, being from Certificate 52205 to Certificate 57547 and again to Certificate 81513. The correct location of the authorized point of diversion for Certificate 81513 as described in Certificate 27276 is provided below.

Point of Diversion for Certificate 81513 is more accurately described as:

Twp	Rng	Mer	Sec	Q-Q
36 S	2 W	WM	18	SW NE

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

Certificate: 41771 in the name of JOHN S. AND MARY P. DAY (perfected under Permit S-18531)

Use: IRRIGATION of 30.7 ACRES

Priority Date: OCTOBER 28, 1948

Rate: 0.20 CUBIC FEET PER SECOND

Limit/Duty: ONE-EIGHTIETH cfs per acre, not to exceed 4.5 acre-feet per acre per year

Source: ROGUE RIVER, tributary to PACIFIC OCEAN

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
36 S	3W	WM	18	SW NE	2350 FEET S & 1840 FEET W FROM NE CORNER OF SECTION 18

Authorized Place of Use:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres
36 S	3 W	WM	12	SW SE	4	2.2
36 S	3 W	WM	12	SE SE		8.4
36 S	3 W	WM	13	NE NE		14.1
36 S	3 W	WM	13	NW NE		6.0

5. As a result of a scrivener's error in Certificate 41771, the authorized point of diversion is incorrectly listed as being in Range 3 West. Certificate 41771 confirms the changes in the

point of diversion and place of use for a portion of Certificate 27274 under Transfers D-140 and D-141. The correct location as described in the order approving Transfers D-140 and D-141 is provided below.

Point of Diversion for Certificate 41771 is more accurately described as:

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
36 S	2W	WM	18	SW NE	2350 FEET S & 1840 FEET W FROM NE CORNER OF SECTION 18

6. The following quantities of water may be beneficially used annually under the existing rights:

Certificate	Quantity of Water that May Be Beneficially Used Annually in Acre-Feet
81513	274.05
41771	84.50

7. Application T-10342 proposes to change the character of use to instream use for conservation, maintenance and enhancement of aquatic and fish life, wildlife, fish and wildlife habitat and other ecological values for a period of three years.
8. The applicant requests that the water use revert to its authorized use and place of use after three years from the date of the order. Since water under a right may not be protected instream and diverted to out-of-stream use within the same irrigation season, the instream use may be allowed for a term of three irrigation seasons, ending October 31, 2009. The applicant has requested the ability to terminate the order with six months written notice.
9. Application T-10342 proposes to change the place of use of the right to create an instream reach from the authorized points of diversion to the mouth of the Rogue River.
10. The applicant proposes the quantities water to be transferred instream to be protected as follows:

Certificate	Priority	Rate (cfs)	Volume(AF)	Period	Reach
81513	JULY 28, 1955	0.76	274.35	April 2 to October 1	POD (as described in Finding of Fact #3) to Mouth of Rogue River
41771	OCTOBER 28, 1948	0.196	70.74	April 2 to October 1	POD (as described in Finding of Fact #5) to Mouth of Rogue River

11. There are several existing instream water rights, Certificates 59806 (priority date of May 22, 1959), 59807 (priority date of February 24, 1966), 59816 (priority date of May 22, 1959), 59817 (February 24, 1966), 59847 (priority date of May 22, 1959), and 59848 (priority date of February 24, 1966) within the same reach as that proposed for the new instream water right. These rights were established under ORS 537.346, process to convert minimum perennial streamflows to instream water rights, for the purpose of supporting aquatic life and minimizing pollution.
12. The applicant proposes to replace a portion of the existing instream water rights established under ORS 537.346, evidenced by Certificates 59806, 59807, 59816, 59817, 59847, and

59848, and any instream water right established under ORS 537.341 (state agency application process). The applicant also proposes that an instream water right established as a result of this instream transfer be additive to any instream water rights established pursuant to ORS 537.348 (instream transfer process) and ORS 537.470 (allocation of conserved water process).

13. The application includes Land Use Information forms completed and signed by a representative of the Jackson County planning department. Additionally, the Department has provided notification of the proposed action to Josephine County, Curry County, and the cities of Gold Hill, Rogue River, Grants Pass, and Gold Beach.
14. Notice of the application for transfer was published on March 27, 2007, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.

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

15. Water has been used within the last five years according to the terms and conditions of the rights, and there is no information in the record that would demonstrate that the rights are subject to forfeiture under ORS 540.610.
16. A diversion structure and ditch sufficient to use the full amount of water allowed under the existing right were present within the five-year period prior to submittal of Application T-10342.
17. At the rate and volume requested to be protected instream from Certificate 81513, water may not be transferred instream for the full period (182 days) requested by the applicant. Water may be protected for a shorter period (181 days), being April 2 through September 29.
18. The volume requested to be protected instream (274.35 AF) from Certificate 81513 is slightly higher than the full duty allowed by the right (274.05 AF).
19. At the requested instream rate and considering the full duty of the right, water may be protected instream over a longer period than requested (182 days) from Certificate 41771, being April 2 through October 31 (213 days), the full irrigation season.
20. Based upon Findings of Fact #17 through #19, on _____, the applicant agreed to modify the quantities to be transferred and protected instream as follows:

Certificate	Priority	Rate (cfs)	Volume(AF)	Period	Reach
81513	JULY 28, 1955	0.76	274.05	April 2 through September 29	POD (as described in Finding of Fact #3) to Mouth of Rogue River
41771	OCTOBER 28, 1948	0.20	84.5	April 2 through October 31	POD (as described in Finding of Fact #5) to Mouth of Rogue River

21. The proposed change would not result in enlargement of the right.
22. The proposed change would not result in injury to other water rights.

23. The amount of the proposed instream flow and the timing of the proposed instream flow is allowable within the limits and use of the original water right.
24. The protection of flows within the proposed reach is appropriate, considering:
 - a) The instream water rights begin at the recorded points of diversion;
 - b) The location of confluences with other streams downstream of the point of diversion;
 - c) There are no known areas of natural loss of streamflow to the river bed downstream from the point of diversion; and
 - d) There are no known return flows resulting from the exercise of the existing water rights.
25. The existing instream water rights in the reach are sufficient to protect the monthly quantities of water necessary for conservation, maintenance and enhancement of aquatic and fish life, wildlife, fish and wildlife habitat and other ecological values, but some of the existing instream water rights are at times not met, and the rights proposed for transfer will allow replacement of portions of the existing instream water rights with earlier priority dates.
26. The total monthly quantities of water to be protected under the existing and proposed instream rights within the proposed reach will provide for a beneficial purpose and do not exceed the estimated average natural flow.
27. By replacing portions of Certificates 59806, 59807, 59816, 59817, 59847, and 59848, the instream rights will provide protection for streamflows identified as necessary for conservation, maintenance and enhancement of aquatic and fish life, wildlife, fish and wildlife habitat and other ecological values under an earlier priority date during the term of this transfer.
28. The applicant has requested the ability to terminate the order approving this time-limited instream transfer with six months written notice to the Department. Instream and irrigation water use may not occur within the same irrigation season of a calendar year. Once water has been protected instream during a calendar year, a request to terminate the order may not go into affect until the following calendar year. Water may also not be used for irrigation purposes until the following calendar year. To prevent any injury or enlargement, the order may be terminated with written notification to the Department by February 1 of each year for the same calendar year.

Determination and Proposed Action

The changes in character of use and place of use to instream use proposed in application T-10342 appear to be consistent with the requirements of ORS 540.505 to 540.580, ORS 537.348, OAR 690-380-5000, and OAR 690-077-0075. If protests are not filed pursuant to OAR 690-380-4030, the application will be approved.

If application T-10342 is approved, the final order will include the following:

1. *The temporary changes in character of use and place of use to instream use proposed in application T-10342 are approved from the date of this order through October 31, 2009, unless terminated earlier.*
2. *The instream water right established under this order shall provide for protection of streamflows as follows:*

Certificate	Priority	Rate (cfs)	Period	Reach
81513	JULY 28, 1955	0.76	April 2 through September 29	POD (as described in Finding of Fact #3) to Mouth of Rogue River
41771	OCTOBER 28, 1948	0.20	April 2 through October 31	POD (as described in Finding of Fact #5) to Mouth of Rogue River

3. *During the term of this order, the instream water right shall replace a portion of instream water rights established pursuant to ORS 537.341 or 537.346 and be in addition to instream water rights established pursuant to ORS 537.348 or 537.470.*
4. *The right to the use of the water is restricted to beneficial use at the place of use described, and is subject to all other conditions and limitations contained in Certificates 81513 and 41771 and any related decree.*
5. *The exercise of the rights evidenced by Certificates 81513 and 41771 for irrigation at the former places of use (as described in Findings of Fact #2 and #4) shall be SUSPENDED, without loss of priority, for the term of the transfer authorized herein.*
6. *The water right holder has the option of terminating the time-limited instream transfer with notification to the Department by February 1 of each year. If a termination request is received during the irrigation season, an order terminating this time-limited instream transfer right will not go into affect until the following calendar year.*
7. *Upon expiration of this transfer, on either November 1, 2009 or by an order authorizing early termination of the time-limited instream transfer, the use of water shall revert to its original use and place of use as described by Certificates 81513 and 41771.*

Dated at Salem, Oregon this _____ day of _____ 2007.

D R A F T

Phillip C. Ward, Director

This draft Preliminary Determination was prepared by a Reimbursement Authority contractor. If you have questions about the information in this document, you may reach Bob Rice at 503-986-0885 or Robert.D.Rice@wrdd.state.or.us.



STATE OF OREGON
WATER RESOURCES DEPARTMENT
INTEROFFICE MEMO

DATE: August 15, 2007
TO: Application File T-10342
FROM: Bob Rice, Field Services
SUBJECT: Land Use Compatibility – Affected Local Government Notice

On August 16, 2007, the Department mailed notice of the instream transfer application to:

Jackson County
10 S. Oakdale
Medford, OR 97501

Josephine County
P.O. Box 69
Grants Pass, OR 97528

Curry County
P.O. Box 746
Gold Beach, OR 97444

City of Grants Pass
101 NW ``A'' Street
Grants Pass, OR 97526

City of Rogue River
P.O. Box 1137
Rogue River, OR 97537

City of Gold Hill
P.O. Box 308
Gold Hill, OR 97525

These represent affected local governments in which the proposed place of use (instream reach) is located.

This notice is being done to be consistent with the Department's Land Use Planning Procedures guide for instream actions under Division 77.



Oregon

Theodore R. Kulongoski, Governor

Water Resources Department

725 Summer Street NE, Suite A

Salem, OR 97301-1271

503-986-0900

FAX 503-986-0904

Notice of Application for Time-Limited Instream Water Right Transfer 08/16/07

The Department seeks comment on the recently-filed application listed below. Any person may comment on the application. Comments must be received by the Department within 30 days of the date of this notice. The Director may presume that the transfer would be allowed by, and compatible with comprehensive plans unless an affected local government informs the Director otherwise within 30 days of this notice. Comments should be sent to the Transfers Section at the Department's Salem office.

County: JACKSON
Transfer: 10342
Water Right: CERT 81513,41771
Priority Date: 1955,1948
Name: GORDON & JUDITH ROSE
Address: 8908 JOHN DAY DR;GOLD HILL OR 97525
Change: USE/POU
Source: ROGUE RIVER
Authorized POU: T36S R2W 7,18
T36S R3W 12,13
Proposed POU: FROM T36S R2W 18 TO MOUTH RIVER
Authorized USE: IRRIGATION
Proposed USE: INSTREAM

The holder of a water right may apply to permanently change an existing water use subject to transfer. A transfer application may involve any of the following changes: Point of diversion or appropriation (POD; POA); Additional point of diversion or appropriation (APOD; APOA); Historic POD (HIST); Place of use (POU); Character of use (USE); Instream (ISWR); Substitution (SUB); or Exchange (EXCH).

Any person who provides comments within the comment period will receive a copy of the Department's preliminary determination of whether the application should be approved or rejected after the Department has completed a review of the application and will be provided an opportunity to protest the application and preliminary determination at that time.



Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, Oregon 97301-1271
(503) 986-0900
www.wrd.state.or.us

Watermaster Review Form: Water Right Transfer

Transfer Application: T-10342

Review Due Date: 4/20/07

Applicant Name: Gordon/Judith Rose

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

Reviewer(s): Larry Mentee *[Signature]*

Date of Review: Apr. 6, 2007

1. Do you have information suggesting that the water rights may be subject to forfeiture?
☐ Yes ☒ No If "Yes", describe the information and indicate if you intend to file a cancellation affidavit or if you need additional time to determine if a cancellation affidavit should be filed: _____
2. Is there a history of regulation on the source that serves the right proposed for transfer that has involved the right and downstream water rights? ☐ Yes ☒ No Generally characterize the frequency of any regulation or explain why regulation has not occurred:
There has not been regulation on the Rogue River for senior use since 1977 due to the completion of Lost Creek Reservoir.
3. Check here if it appears that downstream water rights benefit from return flows resulting from the current use of the right? ☐ If you check the box, generally characterize the locations where the return flows likely occur and list the water rights that benefit most:

4. Are there upstream water rights that would be affected by the proposed change?
☐ Yes ☒ No If "Yes", describe how the rights would be affected and list the rights most affected: _____
5. 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: _____
6. Would distribution of water for the right after the proposed change result in regulation of other water rights that would not have occurred if use of the existing right was maximized?
☐ Yes ☒ No If "Yes", explain: _____
7. For POU changes, would the original place of use continue to receive water from the same source? ☐ Yes ☒ No ☐ N/A If "Yes", explain: _____
8. For POU or USE changes, 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: _____

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APR 11 2007

9. Are there other issues not identified through the above questions? ☐ Yes ☒ No If "Yes", explain: _____
10. What alternatives may be available for addressing any issues identified above: _____
11. Have headgate notices been issued for the source that serves the right? ☐ Yes ☒ No
12. What water control and measurement conditions should be included in the transfer:

Measurement Devices	<input type="checkbox"/> Present and should be maintained.	<input type="checkbox"/> Should be required prior to diverting water.	<input checked="" type="checkbox"/> May be required in the future.
Headgates	<input type="checkbox"/> Present and should be maintained.	<input type="checkbox"/> Should be required prior to diverting water.	<input type="checkbox"/> May be required in the future.

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WATER RESOURCES DEPT
SALEM, OREGON

Bob Rice

From: Kathy Smith
Sent: Tuesday, June 05, 2007 8:33 AM
To: Bob Rice
Subject: RE: T-10342 Time-Limited Instream Transfer

Works for me.
Kathy

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

From: Bob Rice
Sent: Monday, June 04, 2007 11:36 AM
To: Kathy Smith; Mitch Lewis
Cc: 'Laura.K.SNEDAKER@wrđ.state.or.us'; 'Dorothy Pedersen'; Sarah Henderson; Larry.P.MENTEER@wrđ.state.or.us
Subject: T-10342 Time-Limited Instream Transfer

Hi Mitch and Kathy,

I've got a three year Time-Limited Instream Transfer on the Rogue River that begins in Larry's district and continues to the mouth of the Rogue. This is a Reimbursement Authority Transfer, that we'd like to get processed quickly. However, we only requested a WM review from Larry.

I'm correcting that deficiency now. If you both would let me know if Larry's review works for your districts, or if you have any other limitations that needs to be imposed.

Attached is the application and Larry's review, both by PDF and MS Word. If Larry's review works for you, you can just send me an e-mail indicating that. Otherwise, please fill out a WM review form (you can modify Larry's if its easier).

Many thanks!

--Bob

This reimbursement authority contractor had a second Time-Limited instream transfer in the Rogue. It appears that we did not request your WM review for that one either, so I'll be sending it along via a separate e-mail.

Bob Rice
Field Services Division
Water Resources Department
725 Summer Street NE, Suite A
Salem, Oregon 97301-1266
(503) 986-0885
Fax: 503.986.0903
www.wrđ.state.or.us

Bob Rice

From: Mitch Lewis
Sent: Tuesday, August 14, 2007 2:46 PM
To: Bob Rice
Subject: RE: T-10342 Time-Limited Instream Transfer

Bob, Larry's review looks good to me. To date, I have not regulated any Lower Rogue River water. Done some work on a few tribs, but not the Main Stem.

Go ahead and include my name.

Thanks.

ML

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

From: Bob Rice
Sent: Tuesday, August 14, 2007 12:38 PM
To: Mitch Lewis
Subject: FW: T-10342 Time-Limited Instream Transfer

Hi Mitch,

Please let me know if you're OK with Larry's WM review for this one.

Many thanks!

--Bob

Bob Rice
Field Services Division
Water Resources Department
725 Summer Street NE, Suite A
Salem, Oregon 97301-1266
(503) 986-0885
Fax: 503.986.0903
www.wrd.state.or.us

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

From: Bob Rice
Sent: Monday, June 04, 2007 11:36 AM
To: 'Kathy Smith'; 'Mitch Lewis'
Cc: 'Laura.K.SNEDAKER@wrdd.state.or.us'; 'Dorothy Pedersen'; Sarah Henderson; 'Larry.P.MENTEER@wrdd.state.or.us'
Subject: T-10342 Time-Limited Instream Transfer

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--Bob

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Bob Rice
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725 Summer Street NE, Suite A
Salem, Oregon 97301-1266
(503) 986-0885
Fax: 503.986.0903
www.wrd.state.or.us

Laura Snedaker

From: Bob Rice
Sent: Friday, August 03, 2007 10:37 AM
To: Laura Snedaker
Subject: FW: T-10342 Rose

--Bob

Bob Rice
Field Services Division
Water Resources Department
725 Summer Street NE, Suite A
Salem, Oregon 97301-1266
(503) 986-0885
Fax: 503.986.0903
www.wrd.state.or.us

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

From: Greg Kupillas [mailto:phggek@bctonline.com]
Sent: Tuesday, July 31, 2007 12:34 PM
To: Bob Rice
Subject: RE: T-10342 Rose

Bob:

I did not get a draft copy of the PD. However, based on the information you've provided, there may not be any need to make changes to the draft PD.

I have reviewed the Report of Ownership and Lien Information (ROLI). The ROLI identifies Gordon and Judith Rose as the property owners. The ROLI identifies a number of easements and covenants, and one item identified as "Regulations, levies, liens assessments rights of way and easements for ditches and canals of the Rogue River Valley Irrigation District" but no financial encumbrances. I do not believe any of the easements, covenants, or the "Regulations, levies, liens..." for the Rogue Valley Irrigation District qualify as "liens" for the purpose of notifying lien holders. The property described in the ROLI is consistent with the lands described in the transfer.

I have also reviewed the other information provided by the applicants or their representative, namely, the supporting affidavit from Neary, the ledgers, etc. documenting horse boarding activities, and the statement from Strahl concurring with the findings in the DPD. I believe this information now completes the file and paves the way for issuing the PD.

If you think I may still need to make revisions to the PD, please send me your draft and let me know what changes will be required.

Regards,

Greg Kupillas, R.G., C.W.R.E.

Pacific Hydro-Geology Inc.
18477 S. Valley Vista Rd.
Mulino, OR 97042
503.632.5016

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

From: Bob Rice [mailto:ricerd@wrds.state.or.us]
Sent: Friday, July 27, 2007 9:51 AM
To: phggek@bctonline.com
Subject: T-10342 Rose

Greg,

Attached to this e-mail is a copy of the other information that we've received for this transfer since we issued the DPD.

I'm also attaching a draft copy of the PD. (I converted the DPD to PD, using a template we have, but haven't included any file specific changes.) Based on your review of the material the applicant has submitted since the DPD, please let me know:

- 1) If the file looks complete and is ready to go to PD.
- 2) Make any changes in the PD file that you'd recommend. (I've turned the red-line function so that the proposed changes will be easy to track.)

If you have any questions, please call me.

Thanks!

--Bob

Bob Rice
Field Services Division
Water Resources Department
725 Summer Street NE, Suite A
Salem, Oregon 97301-1266
(503) 986-0885
Fax: 503.986.0903
www.wrd.state.or.us



Oregon

Theodore R. Kulongoski, Governor

Water Resources Department

725 Summer Street NE, Suite A

Salem, OR 97301-1271

503-986-0900

FAX 503-986-0904

July 17, 2007

Gordon C. and Judith D. Rose
8908 John Day Drive
Gold Hill, OR 97525

Revised

SUBJECT: Application T-10342 and Partial Refund of Application Fees

Enclosed find a draft of our Preliminary Determination regarding transfer application T-10342. The draft Preliminary Determination reflects the Department's conclusion that, based on the information currently available, the transfer will be approved. This draft is intended to provide you with an opportunity to comment on our findings and conclusions should you wish to do so. Please review the draft carefully to evaluate whether the document is consistent with your intent in seeking the transfer, and whether you agree with the proposed action.

Based on a review of the application, some additional information or clarification is needed. OAR 690-380-3000(12) requires that the Affidavit Attesting to the Use of Water (Supplemental Form B) be accompanied by supporting documentation. To meet this requirement, it appears you have provided a second document. A second affidavit may serve as the required supporting documentation; however, that affidavit must be from a second party, it must specifically describe the property affected by the transfer, and it must be notarized. Your second document does not meet all of these requirements (i.e., it was not signed by a second party, nor was it notarized). Your second document also referred to another affidavit from George Neary dated February 20, 2007. Mr. Neary's affidavit is notarized, but does not specifically describe your property. Please provide a second, notarized affidavit from a second party that fully describes the lands affected by the transfer. For convenience, you may use a second Supplemental Form B for this purpose.

Please also note we are proposing to modify the proposed instream use (see Findings of Fact #17 through #20). This includes extending the ending date of the instream period for Certificate 41771 from September 30 to October 31. Since Certificate 41771 is rate-limited, this proposed change will allow for the transfer of a larger volume of water instream each season.

Because of the change in character of use, the applicant is responsible for publishing notice of the transfer in a local newspaper having a general circulation in the area of the water right. The notice must be published at least once a week for three consecutive weeks. We will provide a copy of the required notice to you on issuance of the Preliminary Determination.

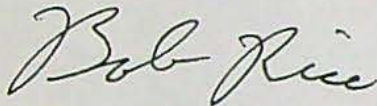
At this time, you must submit a report of ownership and lien information prepared by a title company within the last three months, as required by OAR 690-380-4010(5). If there are additional lien holders identified in the report that have not previously been notified of the transfer, you must send notice of the transfer to them, and submit copies of each such notice to the Department to document that each lien holder has been informed of the transfer.

Issuance of the Preliminary Determination will occur shortly after we receive both your response, including your concurrence with Findings of Fact #17 through #20, and the report of ownership and lien information. If we do not receive your response and the report by August 20, 2007, a Preliminary Determination may be issued rejecting the application. You may provide your response in writing or via e-mail.

By administrative rule, 50 percent of the application fee is waived for instream transfers. As such, the Department is refunding \$350 of the \$700 application fee to Public Works Management, c/o Joe Strahl. Additionally, if you are interested in additional time-limited transfers for periods of time of five years or less, you may want to consider using the Department's instream lease program.

If you have any questions, please do not hesitate to contact me at 503-986-0885 or Robert.D.Rice@wrđ.state.or.us.

Sincerely,

A handwritten signature in cursive script that reads "Bob Rice".

Bob Rice
Field Services Division

cc: Larry Menteer, District #13 Watermaster, via e-mail
Kathy Smith, District #14 Watermaster, via e-mail
Mitch Lewis, District #19 Watermaster, via e-mail
Joseph L. Strahl, Agent and CWRE #222, via e-mail

enc

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

In the Matter of Time-Limited Instream
Transfer Application T-10342, Jackson
County

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)
)

D R A F T

PRELIMINARY DETERMINATION
PROPOSING APPROVAL OF A
CHANGE IN PLACE OF USE AND
CHARACTER OF USE

Authority

ORS 540.505 to 540.580 establishes the process in which a water right holder may submit a request to transfer the point of diversion, place of use, or character of use authorized under an existing water right. OAR Chapter 690, Division 380 implements the statutes and provides the Department's procedures and criteria for evaluating transfer applications. OAR Chapter 690, Division 077 provides additional criteria for evaluating transfers to instream water rights.

Applicant

GORDON C. AND JUDITH D. ROSE
8908 JOHN DAY DRIVE
GOLD HILL, OR 97525

Findings of Fact

Background

1. On March 16, 2007, Gordon C. And Judith D. Rose filed a time-limited instream transfer application to temporarily change the character of use and place of use under Certificates 81513 and 41771 to instream use for a period of three years. The Department assigned the application number T-10342.

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

Certificate: 81513 in the name of JOHN DAY (perfected under Permit S-23796)

Use: IRRIGATION of 60.9 ACRES

Priority Date: JULY 28, 1955

Rate: 0.76 CUBIC FEET PER SECOND

Limit/Duty: ONE-EIGHTIETH cfs per acre, not to exceed 4.5 acre-feet per acre per year

Source: ROGUE RIVER, tributary to PACIFIC OCEAN

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q
36 S	2 W	WM	18	NW NE

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
36 S	2 W	WM	7	SW SW	0.7
36 S	2 W	WM	18	NE NW	1.4
36 S	2 W	WM	18	NW NW	34.5
36 S	2 W	WM	18	SW NW	7.3
36 S	2 W	WM	18	SE NW	1.1
36 S	3 W	WM	12	SE SE	0.6
36 S	3 W	WM	13	NE NE	15.3

3. A scrivener's error has been identified on Certificate 81513. The authorized point of diversion is incorrectly listed as being in the NW¼ NE¼ of Section 18. The scrivener's error occurred when Certificate 52205 was issued as a remaining right to confirm the portion of the original Certificate 27276 that was not cancelled by the provisions of an order dated May 7, 1984, Volume 38, Page 236. The scrivener's error has been carried from one remaining right to the next, being from Certificate 52205 to Certificate 57547 and again to Certificate 81513. The correct location of the authorized point of diversion for Certificate 81513 as described in Certificate 27276 is provided below.

Point of Diversion for Certificate 81513 is more accurately described as:

Twp	Rng	Mer	Sec	Q-Q
36 S	2 W	WM	18	SW NE

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

Certificate: 41771 in the name of JOHN S. AND MARY P. DAY (perfected under Permit S-18531)

Use: IRRIGATION of 30.7 ACRES

Priority Date: OCTOBER 28, 1948

Rate: 0.20 CUBIC FEET PER SECOND

Limit/Duty: ONE-EIGHTIETH cfs per acre, not to exceed 4.5 acre-feet per acre per year

Source: ROGUE RIVER, tributary to PACIFIC OCEAN

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
36 S	3W	WM	18	SW NE	2350 FEET S & 1840 FEET W FROM NE CORNER OF SECTION 18

Authorized Place of Use:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres
36 S	3 W	WM	12	SW SE	4	2.2
36 S	3 W	WM	12	SE SE		8.4
36 S	3 W	WM	13	NE NE		14.1
36 S	3 W	WM	13	NW NE		6.0

5. As a result of a scrivener's error in Certificate 41771, the authorized point of diversion is incorrectly listed as being in Range 3 West. Certificate 41771 confirms the changes in the

point of diversion and place of use for a portion of Certificate 27274 under Transfers D-140 and D-141. The correct location as described in the order approving Transfers D-140 and D-141 is provided below.

Point of Diversion for Certificate 41771 is more accurately described as:

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
36 S	2W	WM	18	SW NE	2350 FEET S & 1840 FEET W FROM NE CORNER OF SECTION 18

6. The following quantities of water may be beneficially used annually under the existing rights:

Certificate	Quantity of Water that May Be Beneficially Used Annually in Acre-Feet
81513	274.05
41771	84.50

7. Application T-10342 proposes to change the character of use to instream use for conservation, maintenance and enhancement of aquatic and fish life, wildlife, fish and wildlife habitat and other ecological values for a period of three years.
8. The applicant requests that the water use revert to its authorized use and place of use after three years from the date of the order. Since water under a right may not be protected instream and diverted to out-of-stream use within the same irrigation season, the instream use may be allowed for a term of three irrigation seasons, ending October 31, 2009. The applicant has requested the ability to terminate the order with six months written notice.
9. Application T-10342 proposes to change the place of use of the right to create an instream reach from the authorized points of diversion to the mouth of the Rogue River.
10. The applicant proposes the quantities water to be transferred instream to be protected as follows:

Certificate	Priority	Rate (cfs)	Volume(AF)	Period	Reach
81513	JULY 28, 1955	0.76	274.35	April 2 to October 1	POD (as described in Finding of Fact #3) to Mouth of Rogue River
41771	OCTOBER 28, 1948	0.196	70.74	April 2 to October 1	POD (as described in Finding of Fact #5) to Mouth of Rogue River

11. There are several existing instream water rights, Certificates 59806 (priority date of May 22, 1959), 59807 (priority date of February 24, 1966), 59816 (priority date of May 22, 1959), 59817 (February 24, 1966), 59847 (priority date of May 22, 1959), and 59848 (priority date of February 24, 1966) within the same reach as that proposed for the new instream water right. These rights were established under ORS 537.346, process to convert minimum perennial streamflows to instream water rights, for the purpose of supporting aquatic life and minimizing pollution.
12. The applicant proposes to replace a portion of the existing instream water rights established under ORS 537.346, evidenced by Certificates 59806, 59807, 59816, 59817, 59847, and

59848, and any instream water right established under ORS 537.341 (state agency application process). The applicant also proposes that an instream water right established as a result of this instream transfer be additive to any instream water rights established pursuant to ORS 537.348 (instream transfer process) and ORS 537.470 (allocation of conserved water process).

13. The application includes Land Use Information forms completed and signed by a representative of the Jackson County planning department. Additionally, the Department has provided notification of the proposed action to Josephine County, Curry County, and the cities of Gold Hill, Rogue River, Grants Pass, and Gold Beach.
14. Notice of the application for transfer was published on March 27, 2007, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.

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

15. Water has been used within the last five years according to the terms and conditions of the rights, and there is no information in the record that would demonstrate that the rights are subject to forfeiture under ORS 540.610.
16. A diversion structure and ditch sufficient to use the full amount of water allowed under the existing right were present within the five-year period prior to submittal of Application T-10342.
17. At the rate and volume requested to be protected instream from Certificate 81513, water may not be transferred instream for the full period (182 days) requested by the applicant. Water may be protected for a shorter period (181 days), being April 2 through September 29.
18. The volume requested to be protected instream (274.35 AF) from Certificate 81513 is slightly higher than the full duty allowed by the right (274.05 AF).
19. At the requested instream rate and considering the full duty of the right, water may be protected instream over a longer period than requested (182 days) from Certificate 41771, being April 2 through October 31 (213 days), the full irrigation season.
20. Based upon Findings of Fact #17 through #19, on _____, the applicant agreed to modify the quantities to be transferred and protected instream as follows:

Certificate	Priority	Rate (cfs)	Volume(AF)	Period	Reach
81513	JULY 28, 1955	0.76	274.05	April 2 through September 29	POD (as described in Finding of Fact #3) to Mouth of Rogue River
41771	OCTOBER 28, 1948	0.20	84.5	April 2 through October 31	POD (as described in Finding of Fact #5) to Mouth of Rogue River

21. The proposed change would not result in enlargement of the right.
22. The proposed change would not result in injury to other water rights.

23. The amount of the proposed instream flow and the timing of the proposed instream flow is allowable within the limits and use of the original water right.
24. The protection of flows within the proposed reach is appropriate, considering:
 - a) The instream water rights begin at the recorded points of diversion;
 - b) The location of confluences with other streams downstream of the point of diversion;
 - c) There are no known areas of natural loss of streamflow to the river bed downstream from the point of diversion; and
 - d) There are no known return flows resulting from the exercise of the existing water rights.
25. The existing instream water rights in the reach are sufficient to protect the monthly quantities of water necessary for conservation, maintenance and enhancement of aquatic and fish life, wildlife, fish and wildlife habitat and other ecological values, but some of the existing instream water rights are at times not met, and the rights proposed for transfer will allow replacement of portions of the existing instream water rights with earlier priority dates.
26. The total monthly quantities of water to be protected under the existing and proposed instream rights within the proposed reach will provide for a beneficial purpose and do not exceed the estimated average natural flow.
27. By replacing portions of Certificates 59806, 59807, 59816, 59817, 59847, and 59848, the instream rights will provide protection for streamflows identified as necessary for conservation, maintenance and enhancement of aquatic and fish life, wildlife, fish and wildlife habitat and other ecological values under an earlier priority date during the term of this transfer.
28. The applicant has requested the ability to terminate the order approving this time-limited instream transfer with six months written notice to the Department. Instream and irrigation water use may not occur within the same irrigation season of a calendar year. Once water has been protected instream during a calendar year, a request to terminate the order may not go into affect until the following calendar year. Water may also not be used for irrigation purposes until the following calendar year. To prevent any injury or enlargement, the order may be terminated with written notification to the Department by February 1 of each year for the same calendar year.

Determination and Proposed Action

The changes in character of use and place of use to instream use proposed in application T-10342 appear to be consistent with the requirements of ORS 540.505 to 540.580, ORS 537.348, OAR 690-380-5000, and OAR 690-077-0075. If protests are not filed pursuant to OAR 690-380-4030, the application will be approved.

If application T-10342 is approved, the final order will include the following:

1. *The temporary changes in character of use and place of use to instream use proposed in application T-10342 are approved from the date of this order through October 31, 2009, unless terminated earlier.*
2. *The instream water right established under this order shall provide for protection of streamflows as follows:*

Certificate	Priority	Rate (cfs)	Period	Reach
81513	JULY 28, 1955	0.76	April 2 through September 29	POD (as described in Finding of Fact #3) to Mouth of Rogue River
41771	OCTOBER 28, 1948	0.20	April 2 through October 31	POD (as described in Finding of Fact #5) to Mouth of Rogue River

3. *During the term of this order, the instream water right shall replace a portion of instream water rights established pursuant to ORS 537.341 or 537.346 and be in addition to instream water rights established pursuant to ORS 537.348 or 537.470.*
4. *The right to the use of the water is restricted to beneficial use at the place of use described, and is subject to all other conditions and limitations contained in Certificates 81513 and 41771 and any related decree.*
5. *The exercise of the rights evidenced by Certificates 81513 and 41771 for irrigation at the former places of use (as described in Findings of Fact #2 and #4) shall be SUSPENDED, without loss of priority, for the term of the transfer authorized herein.*
6. *The water right holder has the option of terminating the time-limited instream transfer with notification to the Department by February 1 of each year. If a termination request is received during the irrigation season, an order terminating this time-limited instream transfer right will not go into affect until the following calendar year.*
7. *Upon expiration of this transfer, on either November 1, 2009 or by an order authorizing early termination of the time-limited instream transfer, the use of water shall revert to its original use and place of use as described by Certificates 81513 and 41771.*

Dated at Salem, Oregon this _____ day of _____ 2007.

D R A F T

Phillip C. Ward, Director

This draft Preliminary Determination was prepared by a Reimbursement Authority contractor. If you have questions about the information in this document, you may reach Bob Rice at 503-986-0885 or Robert.D.Rice@wrdd.state.or.us.



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

Application for Water Right Transfer

Please type or print legibly in dark ink. If your application is incomplete or inaccurate, we will return it to you. If any requested information does not apply to your application, insert "N/A" to indicate "Not Applicable." As you complete this form, please refer to notes and guidance included on the application. A summary of review criteria and procedures that are generally applicable to these applications is available at www.wrd.state.or.us/OWRD/PUBS/forms.shtml.

1. TYPE OF TRANSFER APPLICATION

Please check one	
<input type="checkbox"/> Permanent Transfer	<input checked="" type="checkbox"/> Instream Transfer
<input type="checkbox"/> Temporary Transfer	<input type="checkbox"/> Permanent
• total number of years: _____	<input checked="" type="checkbox"/> Time-Limited
(begin year: _____)	<input type="checkbox"/> Drought Transfer
(end year: _____)	<input type="checkbox"/> Other

2. APPLICANT INFORMATION

Name: _____ Gordon C. Rose and Judith D. Rose
First Last
Address: _____ 8908 John Day Dr

City State Zip
Gold Hill OR 97525
Phone: _____ 541-855-7629
Home Work Other
Fax: _____ E-Mail address: _____

3. AGENT INFORMATION

(The agent listed is authorized to represent the applicant in all matters relating to this transfer application.)

Name: _____ Joe Strahl
First Last
Address: _____ 171 S 2nd St

City State Zip
Central Point OR 97502
Phone: _____ 541-665-5233 541-301-2946
Home Work Other
Fax: _____ 541-665-5266 E-Mail address: _____ joe@pwmanagers.com

- If an agent is listed above, please check one of the following:
 - ☐ Please send all correspondence to Agent. Send *copies* of correspondence to Applicant; or
 - ☒ Please send all correspondence to Applicant. Send *copies* of correspondence to Agent.

T 10342

4. PROPOSED CHANGE(S) TO WATER RIGHT(S)

- List **all** water rights to be affected by this transfer. Indicate the certificate, permit, decree or other identifying number(s) in the table below: *(Attach additional pages as necessary.)*

	Application / Decree	Permit / Previous Transfer	Certificate
1.	S 30171	S23796	81513
2.	S 23502	S18531	41771
3.			
4.			
5.			
6.			

- Attach a **separate Supplemental Form A** *(Description of Proposed Change(s) to a Water Right)* for **each** water right listed above.
- Check **all** proposed change(s) included in this transfer application:
 - ☐ Place of Use ☐ Point of Diversion ☐ Additional Point of Diversion
 - ☐ Character of Use ☐ Point of Appropriation ☐ Additional Point of Appropriation
 - ☒ Instream Transfer ☐ Surface Water source to Ground Water source
- Reason(s) for change(s): It is no longer economic to use this water right for pasture. It is the desire of the owner to use this water right for instream benefit and maintain a valid water right while keeping options open for future irrigation. It is requested the instream use be conditioned so that applicant can terminate the instream use upon six months written notice.

5. WATER DELIVERY SYSTEM

- Describe the **current** water delivery system **or** the system that **was in place** at some time **within the last 5 years**. Include information on the pumps, canals, pipelines and sprinklers used to divert, convey and apply the water at the authorized place of use. If the transfer involves multiple rights that have independent systems, describe each system separately.

The description must be sufficient to demonstrate that the full quantity of water to be transferred can be conveyed from the authorized source and applied at the authorized location and that the applicant is ready, willing, and able to exercise the right.

The currently used system consists of a 75 HP pump from Kelly Slough. The discharge is 12-inch PVC pipe lifting a discharge of 3.8 CFS into the high ditch and 5.5 CFS when the middle ditch is used. There is a ditch along the high side of the irrigated area that is 8 to 10 feet across the top and 2.5 feet deep. There are 18 inch concrete pipes with the slide gates used to check the flow to distribute the water to the area with water right. The property is flood irrigated through a system of lateral and collection ditches for redistribution.

- System capacity: 5.5 cubic feet per second (cfs). If the transfer involves multiple rights that have independent systems, describe the capacity for each system separately.

NA

RECEIVED

MAR 16 2007

WATER RESOURCES DEPT
SALEM OREGON

6. EVIDENCE OF BENEFICIAL WATER USE

- Attach one or more **Evidence of Use Affidavits** (Supplemental Form B) demonstrating that each of the right(s) involved in the transfer have been exercised in the last five years in accordance with the terms and conditions of the right or that a presumption of forfeiture for non-use could be rebutted. The Evidence of Use Affidavit(s) **must include supporting documentation** such as the following:
 - ▶ Copies of receipts from sales of irrigated crops or for expenditures relating to use of water;
 - ▶ Records such as Farm Service Agency crop reports, irrigation district records, an NRCS farm management plan, or records of other water suppliers;
 - ▶ Dated aerial photographs of the lands or other photographs containing sufficient detail to establish location and date of the photograph; *or*
 - ▶ If the right has **not** been used during the past five years, documentation that the presumption of forfeiture would be rebutted under ORS 540.610(2).

7. AFFECTED DISTRICTS AND LOCAL GOVERNMENTS

- Are any of the water rights proposed for transfer located within or served by an irrigation or other water district? ☐ Yes ☒ No
- Will any of the water rights be located within or served by an irrigation or other water district after the proposed transfer? ☐ Yes ☒ No
- Is 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? ☐ Yes ☒ No

If "Yes", for any of the above, list the name and mailing address of the district, agency and/or entity:

NA

- List the name and mailing address of all affected local governments (e.g., county, city, municipal corporation, and tribal governments within whose jurisdiction the rights are located).

Jackson County, 10 S Oakdale Ave., Medford, OR 97501

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8. LAND OWNERSHIP

- Does the applicant own the lands **FROM** which the right is being transferred? ☒ Yes ☐ No

If "No", provide the following information. For Temporary Transfers, also include a notarized statement granting consent to the transfer from each of the landowners:

Names of Current Landowner(s): _____

First

Last

Address: _____

City

State

Zip

- Does the applicant own the lands **TO** which the right is being transferred?

☐ Yes

☐ No

☒ N/A - NOT APPLICABLE TO INSTREAM TRANSFERS

If "No", provide the following information:

Names of Receiving Landowner(s): _____

First

Last

Address: _____

City

State

Zip

- Check one of the following:

☐ The receiving landowner will be responsible for completion of the proposed changes after the final order is issued. All notices and correspondence should be sent to this landowner.

☐ The applicant will remain responsible for completion of changes. Notices and correspondence should continue to be sent to the applicant and applicant's agent.

☒ N/A. (Not applicable. Application is for an Instream Water Right Transfer.)

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9. ATTACHMENTS

Check each of the following attachments included with this application.
The application will be returned if all required attachments are not included.

Supplemental Form A –

Description of Proposed Change(s) to a Water Right

- ☒ A separate Supplemental Form A is enclosed for each water right to be affected by this transfer.

Supplemental Form B –

Evidence of Use Affidavit(s)

- ☒ At least one Evidence of Use Affidavit documenting that the right has been used during the last five years or that the right is not subject to forfeiture under ORS 540.610 is attached. The affidavit provided must be the original (not a copy), and
- ☐ The Evidence of Use Affidavit must be accompanied by supporting documentation.

Map

- ☒ *Water Right Transfer*
The map must be prepared by a Certified Water Right Examiner and meet the requirements of OAR 690-380-3100 unless a waiver has been granted. The map provided must be the original, not a copy.
- ☐ *Temporary Transfer or Historical POD Change*
A map meeting the requirements of OAR 690-380-3100 must be included but need not be prepared by a Certified Water Right Examiner.

Water Well Report(s)/Well Log(s):

- ☐ The application is for a change in point of appropriation or change from surface water to ground water and copies of all water well reports are attached.
- ☐ Water well reports are not available and a description of construction details including well depth, static water level, and information necessary to establish the ground water body developed or proposed to be developed is attached.
- ☐ N/A. The application does not involve a change in point of appropriation or a change from surface water to ground water, so water well reports are not required.)

Land Use Information Form:

- ☒ Enclosed; *or*
- ☐ Not Required if all of the following are met:
- ① In EFU zone or irrigation district,
 - ② Change in place of use only,
 - ③ No structural changes needed, including diversion works, delivery facilities, other structures, *and*
 - ④ Irrigation only.

Fees:

- ☒ Amount enclosed: \$700.00
See the Department's Fee Schedule at www.wrd.state.or.us or call (503) 986-0900.

Instream Water Right Transfers, also include:

Supplemental Form C –

Instream Water Right Transfer

- ☒ Complete this form to describe the desired nature and attributes for the proposed instream water right.

Temporary Transfers, also include:

Recorded Deed:

- ☐ The applicant must submit a copy of the current deed of record for the land **from** which the authorized place of use or point of diversion/appropriation is being moved.

Affidavit of Consent:

- ☐ If the applicant is **NOT** the owner of record for the land **from** which the authorized place of use or point of diversion/appropriation is being moved, a notarized statement from the actual owner of record consenting to the proposed transfer must be submitted.

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Before submitting your application to the Department, be sure you have:

- Answered each question completely.
- Included all the required attachments.
- Provided original signatures for all named deed holders, or other parties, with an interest in the water right.
- Included a check payable to the Oregon Water Resources Department for the appropriate amount.

10. SIGNATURES

- Check one of the following, as appropriate, and sign the application in the signature box below:

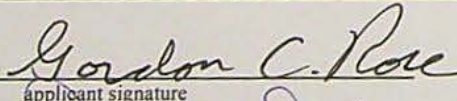
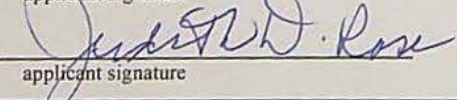
☒ In accordance with OAR 690-380-3000(13)(a), I (we) understand that prior to Department approval of a permanent transfer and upon my receipt of a draft Preliminary Determination for the proposed transfer, I (we) will be required [pursuant to OAR 690-380-4010(5)] to provide the following landownership information and evidence demonstrating that I (we) are authorized to pursue the transfer:

- (a) A report of ownership and lien information that has been prepared by a title company *within the last three months*;
- (b) A copy of written notification of the proposed transfer provided by the applicant to all lien holders on the subject lands unless the report of ownership and lien information shows that a water right conveyance agreement has been recorded for the subject lands. *If a water right conveyance agreement has been recorded for the subject lands, a copy of the agreement and identification of the owner of the lands at the time the agreement was recorded must be submitted; and*
- (c) If the landowner identified in the report of ownership and lien information is not the applicant, a **notarized statement consenting to the transfer** (attached) signed by the landowner identified in the report or an authorized representative of the entity to whom the interest in the water right has been conveyed as identified in a water right conveyance agreement or other documentation demonstrating that the applicant is authorized to pursue the transfer in the absence of the consent of the landowner.

☐ I (we) affirm that 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. Therefore, pursuant to OAR 690-380-3000(13)(b), the applicant is **NOT** required to provide the above described report of ownership and lien information.

☐ I (we) affirm that the applicant is an entity with the authority to condemn property and is acquiring the property to which the water right proposed for transfer is appurtenant by condemnation. Documentation is provided with this application supporting this statement. Therefore, pursuant to OAR 690-380-3000(13)(c), the applicant is **NOT** required to provide the above described report of ownership and lien information. (NOTE: Such an entity may only apply for a transfer under this subsection if it has filed a condemnation action to acquire the property.)

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

	Gordon C. Rose	3-13-07
applicant signature	name (print)	date
	Judith D. Rose	3/13/2007
applicant signature	name (print)	date

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Water Right Transfer Supplemental Form A

DESCRIPTION OF PROPOSED CHANGE(S) TO A WATER RIGHT

List only one water right per page. A separate Supplemental Form A must be completed for each certificate, permit, decree, or other right involved in the proposed transfer.

Attach additional copies of Supplemental Form A as needed to describe other certificates, permits, decrees or other rights involved in this transfer.

- Certificate Number or other identifying number: 81513

1. TYPE OF CHANGE(S) PROPOSED

(Check *all* that apply.)

Point of Diversion or Appropriation	Place of Use	Character of Use
<input type="checkbox"/> Change (The old point of diversion or appropriation will <u>not</u> be used for the portion of the water right affected by the transfer.)	<input type="checkbox"/> All of the right will be exercised at a different location than currently authorized (Use of water at the current location will be discontinued.)	Proposed new use:
<input type="checkbox"/> Additional (Both the old <u>and</u> new points of diversion or appropriation will be used for the portion of the water right affected by the transfer.)	<input checked="" type="checkbox"/> Only a portion of the right will be exercised at a different location than currently authorized (Use of water at the current location will be discontinued.)	<input type="checkbox"/> Irrigation
<input type="checkbox"/> Historic Point of Diversion or Appropriation Change (Unauthorized point of diversion or appropriation used for more than 10 years.)		<input type="checkbox"/> Municipal
<input type="checkbox"/> Surface Water to Ground Water (A new point of appropriation will be used instead of the old point of diversion. The old point of diversion will <u>not</u> be used.)		<input type="checkbox"/> Quasi-municipal
<input type="checkbox"/> Point of Diversion Change due to Government Action (The old point of diversion or appropriation can no longer be used due to government action.)		<input type="checkbox"/> Commercial
<input type="checkbox"/> Exchange (Water from another source will be used in exchange for supplying an equal amount of replacement water to that source.)		<input type="checkbox"/> Industrial
		<input checked="" type="checkbox"/> Instream (complete and attach <i>Supplemental Form C</i>)
		<input type="checkbox"/> Domestic (indicate number of households) _____
		<input type="checkbox"/> Other _____
		<input type="checkbox"/> Substitution (A supplemental ground water right will be substituted for a primary surface water right.)
		<input type="checkbox"/> Supplemental Use to Primary Use (Primary water right shall be cancelled and the supplemental water right will change to primary use.)

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2. CURRENT WATER RIGHT INFORMATION

Water Right Subject to Transfer (check and complete one of the following):

<input checked="" type="checkbox"/> Certificated Right	81513	S 23796
	Certificate Number	Permit Number or Decree Name
<input type="checkbox"/> Adjudicated, Non-certificated Right	_____	_____
	Name of Decree	Page Number
<input type="checkbox"/> Permit for which Proof has been Approved	_____	_____
	Permit Number	Date Claim of Beneficial Use Submitted
<input type="checkbox"/> Transferred Right for which Proof has been Filed	_____	_____
	Previous Transfer Number	Date Claim of Beneficial Use Submitted

- Name on Permit, Certificate, or Decree: John Day
- County: Jackson
- Authorized Use(s) to be Affected by Transfer: Irrigation
- Priority Date(s): July 28, 1955

*If there are **multiple Priority Dates** identified on the water right, any information provided on **pages 3 through 6** of this form **must identify** which priority date is associated with each of the authorized and proposed points of diversion or appropriation and places of use.*

- Source(s) of Water to be Affected by Transfer: Rogue River

Tributary to: Pacific Ocean

*If there are **multiple Sources** listed on the water right, any information provided on **pages 3 through 6** of this form **must identify** which source is associated with each of the authorized and proposed points of diversion or appropriation and places of use.*

For applications proposing a Change in Place of Use or Character of Use:

- Are there **Other Water Rights**, Permits or Ground Water Registrations associated with this land?

☐ Yes ☒ No ☐ N/A – No Change in Place of Use or Character of Use

If "Yes", what are the Permit, Registration or Certificate Numbers? _____

*Pursuant to ORS 540.510, any "layered" water use or a right that is supplemental to a primary right proposed for transfer **must be included in the transfer or be cancelled**, except as provided in OAR 690-380-2240(5).*

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■ Certificate Number or other identifying number: **81513**

The following information **must be provided only** for those points of diversion or appropriation that are involved in the transfer (i.e., list only the portion of the water right you propose to transfer.) Attach additional pages as necessary.

Government lot and donation land claim numbers must be included in the tables below **only** if the information is reflected on the existing water right.

Location of Existing Authorized Point(s) of Diversion or Appropriation to be Changed:

(i.e., the allowed point(s) of diversion or appropriation listed on the water right that will be affected by the proposed transfer, the "FROM" point(s) of diversion or appropriation)

If Ground Water, OWRD Well Log ID No. (or Well ID Tag No. L-___)	Source and Priority Date	Township	Range	Mer	Sec	¼ ¼	Tax Lot, DLC or Gov't Lot	Survey Coordinates (coordinates from a recognized survey corner)
	Rogue River July 28, 1955	36 S	2W	WM	18	SW NE	362W18-100	South 2350 and West 1840 From the NE cor. Sec. 18

■ Does the water right being transferred involve a ground water source(s)?

☐ Yes ☒ No (Surface water source only.)

If "Yes", for each authorized point of appropriation (well) involved, you must either:

A. Supply a copy of the well log(s) for each point of appropriation that is **clearly labeled** and associated with the corresponding well in the table above and on the accompanying application map. (NOTE: You may search for well logs on the Department's web page at: <http://www.wrd.state.or.us>)

or

B. If a well log is **not** available, you must describe the construction of the authorized point of appropriation by completing the table below. Attach additional copies as necessary.

Construction of Existing Authorized Point(s) of Appropriation – (Only needed if no well log is available.)

Wells in this listing must be **clearly tied** to corresponding well location(s) described in the table above and shown on the accompanying application map.

OWRD Well No. as identified in table above	Diameter	Type and size of casing	No. of feet of casing	Intervals casing is perforated (in feet)	Seal depth	Est. depth to water	Est. depth to water bearing stratum	Type of access port or measuring device	Total well depth

■ Certificate Number or other identifying number: 81513

The following information **must be provided only** for those places of use that **are involved in the transfer (i.e., list only the portion of the water right you propose to transfer.)** Attach additional pages as necessary.

Government lot and donation land claim numbers must be included in the tables below **only** if the information is reflected on the existing water right.

Location of Existing Authorized Place of Use to be Affected:

(i.e., the allowed lands listed on the water right that will be affected by the proposed transfer, the "FROM" lands)

Source and Priority Date	Township	Range	Mer	Sec	$\frac{1}{4}$ $\frac{1}{4}$ Section	Tax Lot, DLC or Gov't Lot	Acres (if applicable)
Rogue River July 28, 1955	36 S	2W	WM	7	SW SW	362W7-101	0.7
Rogue River July 28, 1955	36 S	2W	WM	18	NE NW	362W18-104	1.4
Rogue River July 28, 1955	36 S	2W	WM	18	NW NW	362W18-104	34.5
Rogue River July 28, 1955	36 S	2W	WM	18	SW NW	362W18-104	7.3
Rogue River July 28, 1955	36 S	2W	WM	18	SE NW	362W18-104	1.1
Rogue River July 28, 1955	36 S	3W	WM	12	SE SE	363W12-502	0.6
Rogue River July 28, 1955	36 S	3W	WM	13	NE NE	363W13-101	15.3

■ Certificate Number or other identifying number: 81513

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3. PROPOSED CHANGES TO THE WATER RIGHT

Describe proposed changes to the water right involving point(s) of diversion and/or appropriation. Survey coordinates described below should accurately correspond to the points shown on the accompanying application map. Attach additional pages as necessary.

Location of Proposed Point(s) of Diversion or Appropriation:

(i.e., the "TO" point(s) of diversion or appropriation)

☒ N/A – Instream Water Right Transfer

*(NOTE: Complete this table **only** if a Change in Point of Diversion or Appropriation is being proposed.)*

Source	Township	Range	Mer	Sec	¼ ¼ Section	Tax Lot, DLC or Gov't Lot	Survey Coordinates (coordinates from a recognized survey corner)

- If there are proposed point(s) of appropriation (wells) listed in the table above, are the well(s) already constructed? ☐ Yes ☐ No ☒ N/A - No proposed well(s) listed above.

*If "Yes", attach and **clearly label** the corresponding well log(s) for each proposed well, **or** if well log(s) are **not** available, describe the construction of the well(s) using the table below. (NOTE: You may search for well logs on the Department's web page at: <http://www.wrd.state.or.us>)*

If "No", describe the anticipated construction for the proposed well(s) in the following table:

Construction of Proposed Point(s) of Appropriation or Well(s)

*Well numbers in this listing must be **clearly tied** to corresponding well location(s) described in the table above and shown on the accompanying application map.*

Well already built? (Yes/No)	If an existing well, OWRD Well Log ID No. (or Well ID Tag No. L-)	Diameter	Type and size of casing	No. of feet of casing	Intervals casing is perforated (in feet)	Seal depth	Est. depth to water	Est. depth to water bearing stratum	Type of access port or measuring device	Total well depth

- Certificate Number or other identifying number: **81513**

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Describe proposed changes to the water right involving place of use. Information described below should accurately correspond to the proposed place of use shown on the accompanying application map. Attach additional pages as necessary.

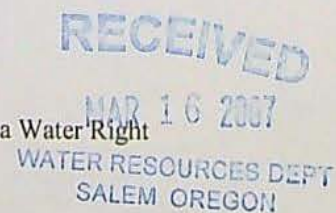
Location of Proposed Place of Use: (i.e., the "TO" lands) ☒ N/A – Instream Water Right Transfer

(NOTE: Complete this table **only** if a Change in Place of Use is being proposed.)

Source	Township	Range	Mer	Sec	¼ ¼ Section	Tax Lot, DLC or Gov't Lot	Acres (if applicable)

Remarks: _____

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Water Right Transfer Supplemental Form A

DESCRIPTION OF PROPOSED CHANGE(S) TO A WATER RIGHT

List only one water right per page. A separate Supplemental Form A must be completed for each certificate, permit, decree, or other right involved in the proposed transfer.

Attach additional copies of Supplemental Form A as needed to describe other certificates, permits, decrees or other rights involved in this transfer.

- Certificate Number or other identifying number: 41771

1. TYPE OF CHANGE(S) PROPOSED

(Check *all* that apply.)

Point of Diversion or Appropriation	Place of Use	Character of Use
<input type="checkbox"/> Change (The old point of diversion or appropriation will <u>not</u> be used for the portion of the water right affected by the transfer.)	<input type="checkbox"/> All of the right will be exercised at a different location than currently authorized (Use of water at the current location will be discontinued.)	Proposed new use: <input type="checkbox"/> Irrigation <input type="checkbox"/> Municipal <input type="checkbox"/> Quasi-municipal <input type="checkbox"/> Commercial <input type="checkbox"/> Industrial <input checked="" type="checkbox"/> Instream (complete and attach <i>Supplemental Form C</i>) <input type="checkbox"/> Domestic (indicate number of households) _____ <input type="checkbox"/> Other _____
<input type="checkbox"/> Additional (Both the old <u>and</u> new points of diversion or appropriation will be used for the portion of the water right affected by the transfer.)	<input checked="" type="checkbox"/> Only a portion of the right will be exercised at a different location than currently authorized (Use of water at the current location will be discontinued.)	<input type="checkbox"/> Substitution (A supplemental ground water right will be substituted for a primary surface water right.)
<input type="checkbox"/> Historic Point of Diversion or Appropriation Change (Unauthorized point of diversion or appropriation used for more than 10 years.)		<input type="checkbox"/> Supplemental Use to Primary Use (Primary water right shall be cancelled and the supplemental water right will change to primary use.)
<input type="checkbox"/> Surface Water to Ground Water (A new point of appropriation will be used instead of the old point of diversion. The old point of diversion will <u>not</u> be used.)		
<input type="checkbox"/> Point of Diversion Change due to Government Action (The old point of diversion or appropriation can no longer be used due to government action.)		
<input type="checkbox"/> Exchange (Water from another source will be used in exchange for supplying an equal amount of replacement water to that source.)		

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2. CURRENT WATER RIGHT INFORMATION

Water Right Subject to Transfer (check and complete one of the following):

<input checked="" type="checkbox"/> Certificated Right	41771	S 18531
	Certificate Number	Permit Number or Decree Name
<input type="checkbox"/> Adjudicated, Non-certificated Right	_____	_____
	Name of Decree	Page Number
<input type="checkbox"/> Permit for which Proof has been Approved	_____	_____
	Permit Number	Date Claim of Beneficial Use Submitted
<input type="checkbox"/> Transferred Right for which Proof has been Filed	_____	_____
	Previous Transfer Number	Date Claim of Beneficial Use Submitted

- Name on Permit, Certificate, or Decree: John S. & Mary P. Day
- County: Jackson
- Authorized Use(s) to be Affected by Transfer: Irrigation
- Priority Date(s): October 28, 1948

*If there are **multiple Priority Dates** identified on the water right, any information provided on **pages 3 through 6** of this form **must identify** which priority date is associated with each of the authorized and proposed points of diversion or appropriation and places of use.*

- Source(s) of Water to be Affected by Transfer: Rogue River

Tributary to: Pacific Ocean

*If there are **multiple Sources** listed on the water right, any information provided on **pages 3 through 6** of this form **must identify** which source is associated with each of the authorized and proposed points of diversion or appropriation and places of use.*

For applications proposing a Change in Place of Use or Character of Use:

- Are there **Other Water Rights**, Permits or Ground Water Registrations associated with this land?

☐ Yes ☒ No ☐ N/A – No Change in Place of Use or Character of Use

If "Yes", what are the Permit, Registration or Certificate Numbers? _____

*Pursuant to ORS 540.510, any "layered" water use or a right that is supplemental to a primary right proposed for transfer **must be included in the transfer or be cancelled**, except as provided in OAR 690-380-2240(5).*

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■ Certificate Number or other identifying number: **41771**

The following information **must be provided only** for those points of diversion or appropriation that are involved in the transfer (i.e., list only the portion of the water right you propose to transfer.) Attach additional pages as necessary.

Government lot and donation land claim numbers must be included in the tables below **only** if the information is reflected on the existing water right.

Location of Existing Authorized Point(s) of Diversion or Appropriation to be Changed:

(i.e., the allowed point(s) of diversion or appropriation listed on the water right that will be affected by the proposed transfer, the "FROM" point(s) of diversion or appropriation)

If Ground Water, OWRD Well Log ID No. (or Well ID Tag No. L-____)	Source and Priority Date	Township	Range	Mer	Sec	¼ ¼	Tax Lot, DLC or Gov't Lot	Survey Coordinates (coordinates from a recognized survey corner)
	Rogue River July 28, 1955	36 S	2W	WM	18	SW NE	362W18-100	South 2350 and West 1840 From the NE cor. Sec. 18

■ Does the water right being transferred involve a ground water source(s)?

☐ Yes ☒ No (Surface water source only.)

If "Yes", for each authorized point of appropriation (well) involved, you must either:

A. Supply a copy of the well log(s) for each point of appropriation that is **clearly labeled** and associated with the corresponding well in the table above and on the accompanying application map. (NOTE: You may search for well logs on the Department's web page at: <http://www.wrd.state.or.us>)

or

B. If a well log is **not** available, you must describe the construction of the authorized point of appropriation by completing the table below. Attach additional copies as necessary.

Construction of Existing Authorized Point(s) of Appropriation – (Only needed if no well log is available.)

Wells in this listing must be clearly tied to corresponding well location(s) described in the table above and shown on the accompanying application map.

OWRD Well No. as identified in table above	Diameter	Type and size of casing	No. of feet of casing	Intervals casing is perforated (in feet)	Seal depth	Est. depth to water	Est. depth to water bearing stratum	Type of access port or measuring device	Total well depth

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▪ Certificate Number or other identifying number: 41771

*The following information **must be provided** only for those places of use that **are involved in the transfer** (i.e., list only the portion of the water right you propose to transfer.) Attach additional pages as necessary.*

Government lot and donation land claim numbers must be included in the tables below only if the information is reflected on the existing water right.

Location of Existing Authorized Place of Use to be Affected:

(i.e., the allowed lands listed on the water right that will be affected by the proposed transfer, the "FROM" lands)

[illegible]

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■ Certificate Number or other identifying number: 41771

3. PROPOSED CHANGES TO THE WATER RIGHT

Describe proposed changes to the water right involving point(s) of diversion and/or appropriation. Survey coordinates described below should accurately correspond to the points shown on the accompanying application map. Attach additional pages as necessary.

Location of Proposed Point(s) of Diversion or Appropriation:

(i.e., the "TO" point(s) of diversion or appropriation)

☒ N/A - Instream Water Right Transfer

(NOTE: Complete this table **only** if a Change in Point of Diversion or Appropriation is being proposed.)

Source	Township	Range	Mer	Sec	¼ ¼ Section	Tax Lot, DLC or Gov't Lot	Survey Coordinates (coordinates from a recognized survey corner)

- If there are proposed point(s) of appropriation (wells) listed in the table above, are the well(s) already constructed? ☐ Yes ☐ No ☒ N/A - No proposed well(s) listed above.

If "Yes", attach and clearly label the corresponding well log(s) for each proposed well, or if well log(s) are **not** available, describe the construction of the well(s) using the table below. (NOTE: You may search for well logs on the Department's web page at: <http://www.wrd.state.or.us>)

If "No", describe the anticipated construction for the proposed well(s) in the following table:

Construction of Proposed Point(s) of Appropriation or Well(s)

Well numbers in this listing must be clearly tied to corresponding well location(s) described in the table above and shown on the accompanying application map.

Well already built? (Yes/No)	If an existing well, OWRD Well Log ID No. (or Well ID Tag No. L-)	Diameter	Type and size of casing	No. of feet of casing	Intervals casing is perforated (in feet)	Seal depth	Est. depth to water	Est. depth to water bearing stratum	Type of access port or measuring device	Total well depth

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■ Certificate Number or other identifying number: **41771**

Describe proposed changes to the water right involving place of use. Information described below should accurately correspond to the proposed place of use shown on the accompanying application map. Attach additional pages as necessary.

Location of Proposed Place of Use: (i.e., the "TO" lands) ☒ N/A – Instream Water Right Transfer
(NOTE: Complete this table only if a Change in Place of Use is being proposed.)

Source	Township	Range	Mer	Sec	¼ ¼ Section	Tax Lot, DLC or Gov't Lot	Acres (if applicable)

Remarks: _____

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Water Right Transfer Supplemental Form C

INSTREAM WATER RIGHT TRANSFER

- ☐ **Permanent Instream Transfer** or ☒ **Time-Limited Instream Transfer**
 Please contact the Department with any questions on filling out this form. Attach additional pages, if necessary.

1. Identify the public use for which the instream right is requested (check one).

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

2. Instream use proposed to be created by the instream transfer:

Originating Water Right Number (as identified in the transfer application)	Priority Date	Source	Proposed Instream Period	Rate (cfs)*	Volume (ac-ft)**
81513	July 28, 1955	Rogue River	April 2 to Oct 1	0.76	274.35
41771	October 28, 1948	Rogue River	April 2 to Oct 1	0.196	70.74
Total Volume:					345.09

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

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

The quantity allocated during any period may not exceed the quantity that may be used under the existing right during that period. The total volume of water for the year may not exceed the total volume of water that may be used during the year under the existing right.

Additional information: _____

3. Identify the location of the proposed instream water right.

- ☐ Water is requested to be protected at a point.
 Location (i.e. the point of diversion (POD), or if the water right has more than one POD or if a POD is not described on the water right, please provide the legal description): _____

- ☒ Water is requested to be protected within a reach.
 Location of proposed reach (if an instream water right reach is requested, identify the upstream and downstream extent of the reach): Current POD to mouth

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

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

T 10342

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

☐ No

☒ Yes (identify other instream water rights):

Certificates 59847, 59848, 59806, 59807, 59816, 59817 and 54021

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

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

☒ Yes

☐ No. If no, please explain your intent below.

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

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

☒ No; or

☐ Yes (Provide supporting documentation that demonstrates why additional flows are significant for the public use requested.); or

☐ Yes, and it is presumed that flows that exceed the estimated average natural flow or natural lake levels are significant because:

☐ The requested flow does not exceed the maximum amount of any instream water right application applied for under ORS 537.341 (state agency instream water right application process) for the same reach or portion thereof, and the requested public use is for the same public use as the aforementioned instream water right application;
and

☐ For the specified time period that flows are requested to exceed the estimated average natural flow or lake level, the stream is in an ODFW flow restoration priority watershed (A copy of the priority watershed map indicating the specific watershed involved should be included with the application. Priority watershed maps may be found on the OWRD web page); or

☐ The stream is listed as water quality limited and DEQ has provided scientific information that demonstrates that increased flows would improve water quality. (The scientific information provided by DEQ should be included with the transfer application.)

7. For a time-limited instream transfer, please answer the following:

☒ The time-limited instream transfer is for a specific number of years:

Begin Year 2007 to End Year 2009

☐ The time-limited instream transfer is to terminate based upon other conditions:

Conditions: It is requested this transfer be conditioned so that it can be terminated on six months written notice from the applicant.

T 10342

**Time Limited Transfer
Instream
T 36 S, R 2 W, WM
Section 7 & 18
T 36 S, R 3 W, WM
Section 12 & 13**








CWRE stamp

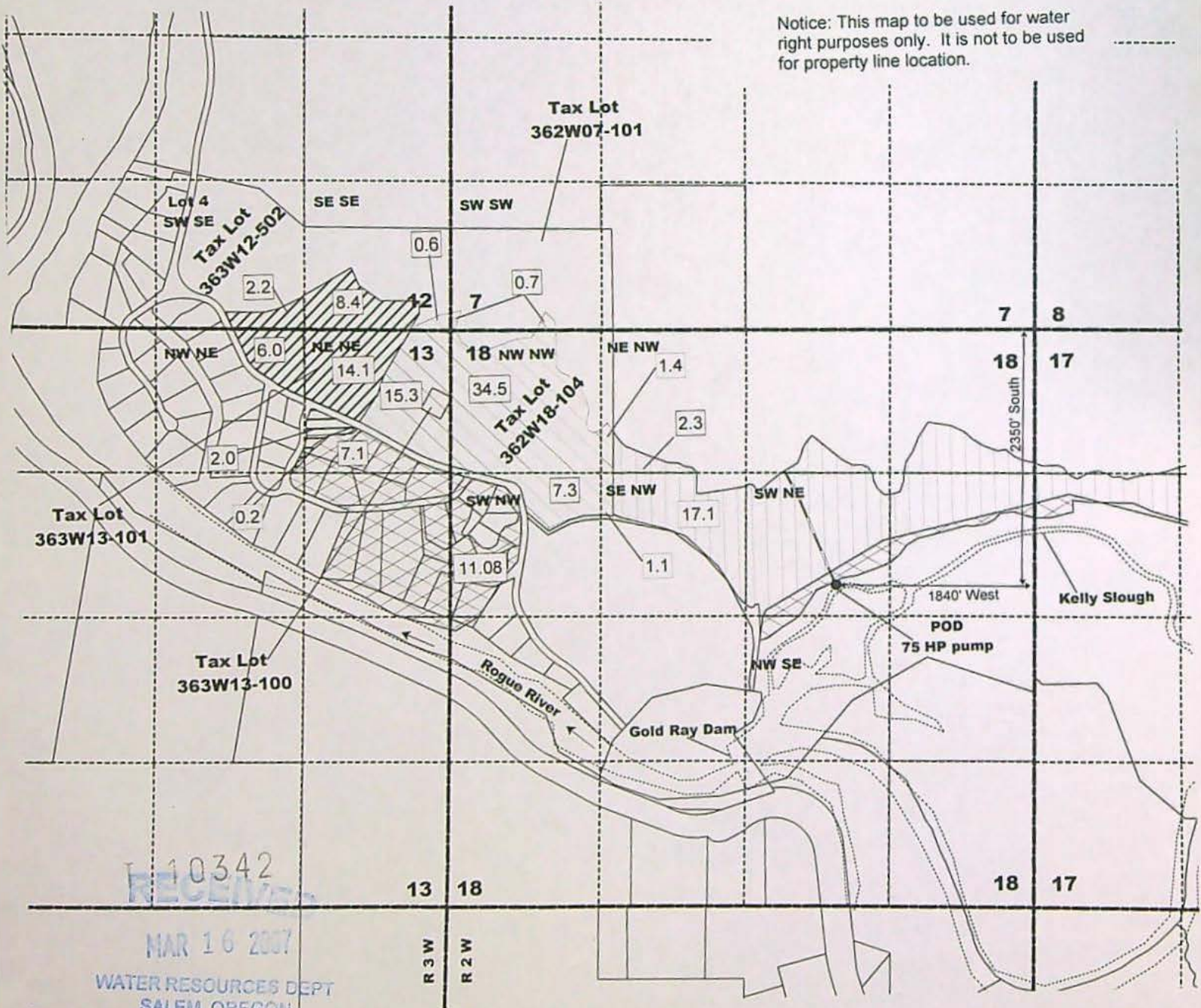


Scale 1" = 1320'

Legend

-  Cert 41771 transfer
-  Cert 41771 remaining
-  Cert 81513 transfer
-  Cert 81513 Neary transfer
-  Certificate 81513 no change

Notice: This map to be used for water right purposes only. It is not to be used for property line location.



10342
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MAR 16 2007
WATER RESOURCES DEPT
SALEM OREGON

Water Right Transfer Supplemental Form B **AFFIDAVIT ATTESTING TO THE USE OF WATER**

State of Oregon

)

) ss

County of Jackson

We, Gordon C Rose and Judith D Rose, in our capacity as owners,
 mailing address 8908 John Day Dr, Gold Hill, Oregon 97525, telephone number (541) 855-7629,
 being first duly sworn depose and say:

1. I attest that:

- ☒ Water was used during the previous five years on the entire authorized place of use of the water right proposed for transfer as described on the accompanying transfer application; or
- ☐ The water right was leased instream at some time within the last five years. The instream lease number is as follows: _____; 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.

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

☒ Personal observation☐ Professional expertise

3. My knowledge is specific to the use of water at the following locations:

Township	Range	Mer	Sec	¼ ¼ Section	Gov't Lot or DLC	Acres (if applicable)
36	S	2	W	WM	7	SW SW 0.7
36	S	2	W	WM	18	NW NW 34.5
36	S	2	W	WM	18	NE NW 1.4
36	S	2	W	WM	18	SW NW 7.3
36	S	2	W	WM	18	SE NW 1.1
36	S	3	W	WM	12	SE SE 9.0
36	S	3	W	WM	12	SW SE 4 2.2
36	S	3	W	WM	13	NE NE 29.4
36	S	3	W	WM	13	NW NE 6.0

(continues on reverse side)

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

Supplemental Form B

- 1 -

Affidavit Attesting to the Use of Water

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 MAY 15 2007
 WATER RESOURCES DEPT
 SALEM OREGON

T 10342

4. The water right was exercised for the authorized purpose described below (e.g., crops grown):
Property was used for pasture.

5. The water delivery system used to apply water as authorized by the right is described below:

There is a 75 HP pump on the Neary property that pumps water up to a ditch that irrigates the Neary property and extends onto my property. My property was once owned by Neary and irrigates as a unit with said property.

6. One or more of the following documentation supporting the above statements is attached:

- ☐ Copy of a water right certificate that was issued within the last five years (not a remaining right certificate),
- ☐ Copies of receipts from sales of irrigated crops or for expenditures relating to the use of water,
- ☐ Records such as Farm Service Agency crop reports, irrigation district records, an NRCS farm management plan, or records of other water suppliers,
- ☐ Dated aerial photographs of the lands or other photographs containing sufficient detail to establish the location and date of the photograph,
- ☐ Dedicated power usage records or receipts,
- ☐ Instream lease number _____,
- ☒ Other: **The irrigation of this property was not for production purposes. Mr. Neary irrigated to the minimum required to maintain a valid water right.**

Gordon C. Rose
Signature of Affiant

3-13-07
Date

Judith D. Rose
Signature of Affiant

3/13/07
Date



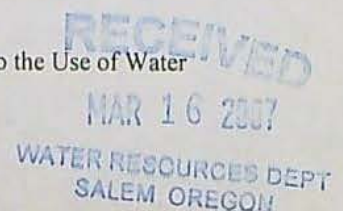
Signed and sworn to (or affirmed) before me this 13 day of March, 2007.



Kathy Cannon
Notary Public for Oregon

My Commission Expires: 4-17-2007

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



AFFIDAVIT

Gordon and Judy Rose acquired land in Sections 7, 17 and 18 of T 36 S, R 2 W and in Sections 12 and 13 of T 36 S, R 3 W that previously was owned by John Day and later by George Neary.

Water rights were acquired with this property as follows:

Certificate 81513 for 60.3 acres

Certificate 41771 for 32.9 acres

The point of delivery of this water was through the Neary Ranch. Mr. Neary was allowed to apply water in accordance with the above water rights as necessary to preserve those rights and as he has certified in his affidavit of February 20, 2007.

Judy D. Rose
Judy Rose

2-19-07
Date

Gordon C. Rose
Gordon Rose

2-19-07
Date

NN 01 22127

10:32

Gordon C. Rose
 8908 John Day Dr.
 Gold Hill, Oregon 97525
 Grantor's Name and Address

Judith D. Rose
 8908 John Day Dr.
 Gold Hill, OR 97525
 Grantee's Name and Address

After recording, return to (Name, Address, Zip):

Judith D. Rose
 8908 John Day Dr.
 Gold Hill, OR 97525

Until requested otherwise, send all tax statements to (Name, Address, Zip):

NO CHANGE

SPACE RESERVED
FOR
RECORDER'S USESTATE OF OREGON,
County of _____ } ss.

I certify that the within instrument was
 received for record on _____,
 at _____ o'clock _____ M., and recorded in
 book/reel/volume No. _____ on page _____
 and/or as fee/file/instrument/microfilm/reception
 No. _____, Records of said County.

Witness my hand and seal of County affixed.

NAME TITLE

By _____, Deputy.

BARGAIN AND SALE DEED

KNOW ALL BY THESE PRESENTS that GORDON C. ROSE

hereinafter called grantor, for the consideration hereinafter stated, does hereby grant, bargain, sell and convey unto
 JUDITH D. ROSE

hereinafter called grantee, and unto grantee's heirs, successors and assigns, all of that certain real property, with the tenements, hereditaments and appurtenances thereunto belonging or in any way appertaining, situated in JACKSON County, State of Oregon, described as follows, to-wit:

SEE EXHIBIT "A" ATTACHED

(IF SPACE INSUFFICIENT, CONTINUE DESCRIPTION ON REVERSE)

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

The true and actual consideration paid for this transfer, stated in terms of dollars, is \$ NONE. However, the actual consideration consists of or includes other property or value given or promised which is ☐ part of the ☒ the whole (indicate which) consideration. (The sentence between the symbols ϕ , if not applicable, should be deleted. See ORS 93.030.)

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

IN WITNESS WHEREOF, the grantor has executed this instrument on MAY 16, 2001; if grantor is a corporation, it has caused its name to be signed and its seal, if any, affixed by an officer or other person duly authorized to do so by order of its board of directors.

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930.

GORDON C. ROSE

STATE OF OREGON, County of JACKSON) ss.
This instrument was acknowledged before me on MAY 16, 2001

by GORDON C. ROSE

This instrument was acknowledged before me on _____

by _____

as _____

of _____



Notary Public for Oregon

My commission expires _____

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MAR 16 2007

WATER RESOURCES DEPT
SALEM OREGON

T 10342

01 22127

Jackson County, Oregon
Recorded
OFFICIAL RECORDS

MAY 16 2001

10:32 AM

J. S. Beck
COUNTY CLERKPARCEL 1:

Beginning at the Southeast corner of Section 12, Township 36 South, Range 3 West, of the Willamette Meridian, Jackson County, Oregon; thence North $55^{\circ} 13' 58''$ West 1634.08 feet to the true point of beginning of the herein described tract of land; thence North $49^{\circ} 57'$ West, 486.40 feet; thence North $79^{\circ} 23'$ West 311.14 feet; thence North $78^{\circ} 12'$ West 258.44 feet to a 5/8 inch steel pin on the Easterly right of way line of John Day Drive; thence Southerly along said right of way line 1605.66 feet to a 5/8 inch steel pin which bears West from the Southeast corner of said Section 12; thence East 1942.87 feet to said Southeast corner; thence South 1241.10 feet to a point on the Northerly right of way line of said John Day Drive; thence South $73^{\circ} 51'$ East, along said right of way line 581.42 feet to Engineer's Station 117 + 38.86; thence Southeasterly along the arc of a 132.32 foot radius curve to the right (the long chord of which bears South $42^{\circ} 16' 30''$ East 138.56 feet) a distance of 145.70 feet to Engineer's Station 118 + 51.63; thence South $10^{\circ} 42'$ East along the Easterly right of way line of said John Day Drive, 168.13 feet to a 5/8 inch steel pin; thence South $49^{\circ} 04' 02''$ East 247.40 feet to a 5/8 inch steel pin; thence North $62^{\circ} 39' 39''$ East 217.55 feet to a 5/8 inch steel pin; thence North $75^{\circ} 57' 20''$ East 125.76 feet to a 5/8 inch steel pin; thence North $88^{\circ} 10' 32''$ East 181.32 feet to a 5/8 inch steel pin; thence South $83^{\circ} 26' 55''$ East 86.49 feet to a 5/8 inch steel pin; thence North 2623.26 feet to a 5/8 inch steel pin; thence West 2773.5 feet, more or less, to a point on the West line of the East Half of the East Half of said Section 12; thence North $55^{\circ} 13' 58''$ West 24 feet, more or less, to the true point of beginning.

PARCEL 2:

Beginning at the Southeast corner of Section 12, Township 36 South, Range 3 West of the Willamette Meridian, Jackson County, Oregon; thence North $55^{\circ} 13' 58''$ West 1634.08 feet; thence North $49^{\circ} 57'$ West 486.40 feet; thence North $79^{\circ} 23'$ West, 311.14 feet; thence North $78^{\circ} 12'$ West 318.92 feet to a 5/8 inch steel pin on the Westerly right of way line of John Day Drive, the true point of beginning of the herein described tract of land; thence South $4^{\circ} 33' 20''$ West along said right of way line, 26.47 feet; thence North $74^{\circ} 00'$ West 158.00 feet; thence South $25^{\circ} 00'$ West 90.00 feet; thence North $78^{\circ} 12'$ West to a point on the Easterly Mean High Water Line of the Rogue River; thence Northeasterly along said Mean High Water Line to a point which bears North $78^{\circ} 12'$ West from the true point of beginning; thence South $78^{\circ} 12'$ East to the true point of beginning.

2

T 10342

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MAR 16 2007

WATER RESOURCES DEPT
SALEM OREGON

Jackson County Official Records 2004-041286
R-BSD
Cnt=1 Stn=3 MORGANS 07/20/2004 01:29:18 PM
\$15.00 \$5.00 \$11.00 Total:\$31.00



01044496200400412860030034

I, Kathleen S. Beckett, County Clerk for Jackson County, Oregon,
certify that the instrument identified herein was recorded in the Clerk
records.
Kathleen S. Beckett - County Clerk

When Recorded Return To:

John R. Hassen, Esq.
Hornecker, Cowling, Hassen & Heysell, L.L.P.
717 Murphy Road
Medford, Oregon 97504

Send Tax Statements To:

Gordon C. Rose and
Judith D. Rose
8908 John Day Road
Gold Hill, Oregon 97525

BARGAIN AND SALE DEED

Gordon C. Rose and Judith D. Rose, Grantors, convey to Gordon C. Rose and Judith D. Rose, Grantees, each as to an undivided one-half (1/2) interest, as tenants in common, all that real property situated in Jackson County, Oregon, described as follows, to wit:

TRACT 1

The North half of the Northeast quarter of Section 13, Township 36 South, Range 3 West of the Willamette Meridian, Jackson County, Oregon, lying Northerly of John Day Drive county road as it currently exists;

EXCEPTING THEREFROM the following:

Commencing at the Section corner common to Sections 12 and 13 in Township 36 South, Range 3 West and Sections 7 and 18 in Township 36 South, Range 2 West of the Willamette Meridian, Jackson County, Oregon, thence South along said Section line 618 feet to the true point of beginning; thence North 62° 00' 00" West a distance of 180 feet; thence South 28° 00' 00" West a distance of 218.32 feet; thence South 62° 00' 00" East a distance of 200 feet; thence North 28° 00' 00" East a distance of 180 feet, more or less, to the East line of Section 13, said Township and Range; thence North along said section line to the true point of beginning.

Tax lot 101

Excepting Tax lot 100

Bargain and Sale Deed - 1

T 10342

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MAR 16 2007

WATER RESOURCES DEPT
SALEM OREGON

STATE OF: Oregon)
) ss.
County of Jackson)

On this 16 day of July, 2004, personally appeared Gordon C. Rose and Judith D. Rose, and acknowledged the foregoing instrument to be their voluntary act and deed.

Julie A. Thomas

Notary Public for Oregon

My Commission Expires: September 6, 2004

12/8/07

Just

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Bargain and Sale Deed - 3

T 10342

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MAR 16 2007
WATER RESOURCES DEPT
SALEM OREGON

Jackson County Official Records 2004-041286
R-BSD
Cnt=1 Stn=3 MORGANS 07/20/2004 01:29:18 PM
\$15.00 \$5.00 \$11.00 Total:\$31.00



01044496200400412860030034

I, Kathleen S. Beckett, County Clerk for Jackson County, Oregon,
certify that the instrument identified herein was recorded in the Clerk
records.
Kathleen S. Beckett - County Clerk

When Recorded Return To:

John R. Hassen, Esq.
Hornecker, Cowling, Hassen & Heysell, L.L.P.
717 Murphy Road
Medford, Oregon 97504

Send Tax Statements To:

Gordon C. Rose and
Judith D. Rose
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Gold Hill, Oregon 97525

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EXCEPTING THEREFROM the following:

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Bargain and Sale Deed - 1

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WATER RESOURCES DEPT
SALEM OREGON

TRACT 2

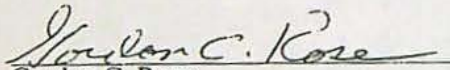
Commencing at the Section corner common to Sections 12 and 13 in Township 36 South, Range 3 West and Sections 7 and 18 in Township 36 South, Range 2 West of the Willamette Meridian, Jackson County, Oregon, thence South along said Section line 618 feet to the true point of beginning; thence North 62° 00' 00" West a distance of 180 feet; thence South 28° 00' 00" West a distance of 218.32 feet; thence South 62° 00' 00" East a distance of 200 feet; thence North 28° 00' 00" East a distance of 180 feet, more or less, to the East line of Section 13, said Township and Range; thence North along said section line to the true point of beginning.

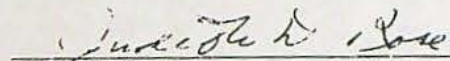
Tax lot 100

There is no cash consideration for this transfer. This deed is being recorded to clarify that the Grantees own the property subject hereto as tenants-in-common.

THIS INSTRUMENT WILL NOT ALLOW USE OF THE REAL PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. THE PROPERTY DESCRIBED IN THIS INSTRUMENT MAY NOT BE WITHIN A FIRE PROTECTION DISTRICT PROTECTING STRUCTURES. THE PROPERTY IS SUBJECT TO LAND USE LAWS AND REGULATIONS, WHICH, IN FARM OR FOREST ZONES, MAY NOT AUTHORIZE CONSTRUCTION OR SITING OF A RESIDENCE AND WHICH LIMIT LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930 IN ALL ZONES. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES AND EXISTENCE OF FIRE PROTECTION FOR STRUCTURES.

UNDER CERTAIN CIRCUMSTANCES, A PERSON WHO PERFORMS CONSTRUCTION RELATED ACTIVITIES MAY CLAIM A LIEN UPON REAL PROPERTY AFTER A SALE TO THE PURCHASER FOR A TRANSACTION OR ACTIVITY THAT OCCURRED BEFORE THE SALE. A VALID CLAIM MAY BE ASSERTED AGAINST THE PROPERTY THAT YOU ARE PURCHASING EVEN IF THE CIRCUMSTANCES THAT GIVE RISE TO THAT CLAIM HAPPENED BEFORE YOUR PURCHASE OF THE PROPERTY. THIS INCLUDES, BUT IS NOT LIMITED TO, CIRCUMSTANCES WHERE THE OWNER OF THE PROPERTY CONTRACTED WITH A PERSON OR BUSINESS TO PROVIDE LABOR, MATERIAL, EQUIPMENT OR SERVICES TO THE PROPERTY AND HAS NOT PAID THE PERSON OR BUSINESS IN FULL.


Gordon C. Rose


Judith D. Rose

Notarial Certificate Attached

Bargain and Sale Deed - 2

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MAR 16 2007

WATER RESOURCES DEPT
SALEM, OREGON

10342

STATE OF: Oregon)
County of Jackson) ss.
)

On this 16 day of July, 2004, personally appeared Gordon C. Rose and Judith D. Rose, and acknowledged the foregoing instrument to be their voluntary act and deed.

Julie A. Thomas

Notary Public for Oregon

My Commission Expires: September 6, 2004

12/8/07

just

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Bargain and Sale Deed - 3

T 10342

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MAR 10 2007
WATER RESOURCES DEPT
SALEM OREGON



Oregon Water Resources Department Land Use Information Form

THIS FORM IS NOT REQUIRED IF: 1) water is to be diverted, conveyed, and/or used only on federal lands; or 2) the application is for a water-right transfer, allocation of conserved water, exchange, permit amendment, or ground water registration modification, and all of the following apply: a) only the place of use is proposed for change, b) there are no structural changes, c) the use of water is for irrigation, and d) the use is located in an irrigation district or exclusive farm-use zone.

Applicant Name: Judith D. Rose
Mailing Address: 8908 John Day Drive
City: Gold Hill State: Oregon Zip: 97525 Day Phone: 541-852-3194

This application is related to a Measure 37 claim. ☐ Yes ☐ No

A. Land and Location

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

Township	Range	Section	1/4 1/4	Tax Lot #	Plan Designation (e.g. Rural Residential/RR-5)	Water to be:	Proposed Land Use:
36S	2W	7		362W07-101		<input type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	
36S	2W	18		362W18-104		<input type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	
36S	3W	12		363W12-502		<input type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	
36S	3W	13		363W13-101		<input type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	

List all counties and cities where water is proposed to be diverted, conveyed, or used. Jackson

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 ☐ Exchange of Water
☐ Allocation of Conserved Water ☐ Limited Water Use License
☐ Permit Amendment or Ground Water Registration Modification

Source of water: ☐ Reservoir/Pond ☐ Ground Water ☒ Surface Water (name) Rogue River

Estimated quantity of water needed: 0.956 ☒ cubic feet per second ☐ gallons per minute ☐ acre-feet

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

Briefly describe: This is for a time limited transfer of the water right to instream use

Note to applicant: If the Land Use Information Form cannot be completed while you wait, please have a local government representative sign the receipt below and include it with the application filed with the Water Resources Department.

Receipt for Request for Land Use Information

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

RECEIVED

MAR 30 2007

WATER RESOURCES DEPT
SALEM, OREGON

For Local Government Use Only

The following section must be completed by a planning official from each county and city listed unless the project will be located entirely within the city limits. In that case, only the city planning agency must complete this form.

This deals only with the local land-use plan. Do not include approval for activities such as building or grading permits.

Please check the appropriate box below and provide the requested information

☒ Land uses to be served by proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): Section 4.2.2, Table 4.2-1.

- ☐ Land uses to be served by proposed water uses (including proposed construction) involve discretionary land-use approvals as listed in the table below. (Please attach documentation of applicable land-use approvals which have already been obtained. Record of Action/land-use decision and accompanying findings are sufficient.)
If approvals have been obtained but all appeal periods have not ended, check "Being pursued".

Type of Land-Use Approval Needed (e.g. plan amendments, rezones, conditional-use permits, etc.)	Cite Most Significant, Applicable Plan Policies & Ordinance Section References	Land-Use Approval:	
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being pursued <input type="checkbox"/> Not being pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being pursued <input type="checkbox"/> Not being pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being pursued <input type="checkbox"/> Not being pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being pursued <input type="checkbox"/> Not being pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being pursued <input type="checkbox"/> Not being pursued

Local governments are invited to express special land-use concerns or make recommendations to the Water Resources Department regarding this proposed use of water below, or on a separate sheet.

RECEIVED

MAR 30 2007

**WATER RESOURCES DEPT
SALEM, OREGON**

Name: TRACIE NICKEL Title: Planner II
 Signature: Tracie Nickel Phone: 774-6951 Date: 3/26/07
 Government Entity: Jackson County

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

Receipt for Request for Land Use Information

Applicant name: GORDON ROSE

City or County: Jackson County

Staff contact: TRACIE NICKEL

Signature: Tracie Nickel

Phone: 774-6951

Date: 3/13/07

Last updated 12/22/06 WR



Oregon

Theodore R. Kulongoski, Governor

Water Resources Department

725 Summer Street NE, Suite A

Salem, OR 97301-1271

503-986-0900

FAX 503-986-0904

August 14, 2007

GORDON C. ROSE
8908 JOHN DAY DRIVE
GOLD HILL OR 97525

SUBJECT: Time-Limited Instream Transfer Application T-10342

Please find enclosed the Preliminary Determination indicating that, based on the information available, the Department intends to approve application T-10342. This document is an intermediate step in the approval process; water may not be used legally as proposed in the transfer application until a Final Order has been issued by the Department. Please read this entire letter carefully to determine your responsibility for additional action.

A public notice is being published in the Department's weekly publication simultaneously with issuance of the Preliminary Determination. The notice initiates a 30-day 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.

Because of the change in character of use, the applicant is responsible for giving public notice of the transfer changes in a local newspaper having a general circulation in the area of the water right. The notice must be published at least once a week for three consecutive weeks. We have prepared the notice for you (enclosed). The deadline for individuals to file protests or standing statements is 30 days after the date of last publication. Please have the newspaper insert the date of last publication in the proper place. After publication, the Department needs to receive an affidavit specifying the dates the notice was published. Typically, the newspaper will prepare and mail an original *affidavit of publication* to the Department, however you will want to request specifically that they do so. The newspaper can mail the affidavit to me at the address above.

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

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

Please do not hesitate to contact me at 503-986-0885 or Robert.D.Rice@wrdd.state.or.us if I may be of assistance.

Sincerely,

Bob Rice
Field Services Division

cc: Larry Menteer, District 13 Watermaster
Kathy Smith, District 14 Watermaster
David Williams, District 15 Watermaster
Joe Strahl, CWRE #222

encs

**Notice of Preliminary Determination for
Water Right Transfer T-10342**

T-10342 filed by Gordon C. and Judith D. Rose (8908 John Day Drive, Gold Hill, Oregon 97525) proposes a change in place of use and character of use for a portion of the rights under Certificates 81513 and 41771. Certificate 81513 allows the use of 0.76 cfs (priority date July 28, 1955) from a diversion in Sec. 18, T36S, R2W, W.M. for irrigation in Sec. 12 and 13, T36S, R3W, and Sec. 7 and 18, T36S, R2W, W.M. Certificate 41771 allows the use of 0.20 cfs (priority date October 28, 1948) from a diversion in Sec. 18, T36S, R2W, W.M. for irrigation in Sec. 12 and 13, T36S, R3W, W.M. The applicant proposes to change the place of use and character of use to create an instream use in the Rogue River (from the point of diversion on the Rogue River to the mouth) for a period of three years. The Water Resources Department has concluded that the proposed transfer appears to be consistent with the requirements of ORS Chapter 540 and OAR 690-380-5000 and OAR 690-077-0075.

Any person may file, jointly or severally, with the Department a protest or standing statement within 30 days after the date of final publication of notice in the Department's weekly notice or of this newspaper notice, whichever is later. A protest form and additional information on filing protests may be obtained by calling (503) 986-0881. The last date of newspaper publication is [DATE OF LAST PUBLICATION]. If no protests are filed, the Department will issue a final order consistent with the preliminary determination.

Bob Rice*e-mailed
reply on 5/23***From:** Greg Kupillas [phggek@bctonline.com]**Sent:** Wednesday, May 23, 2007 12:35 PM**To:** Bob Rice**Subject:** Rose (T-10342) and Neary (T-10343) Reimbursement Authority Transfers

Bob:

I've completed the reviews for these two transfers and have come up with a number of issues that I think will require clarification or additional information. At this point, I am not sure if the issues need to be raised using a deficiency letter, or if we can simply address them in the DPD cover letter. I am hoping you can review the issues, as I have outlined below, and then give me your recommendation.

Rose, T-10342

1. The supporting documentation offered for the Affidavit Attesting to the Use of Water (Affidavit) seems to be an un-notarized affidavit from the Roses attesting to the maintenance irrigation performed by the previous owner, Mr. Neary. From my experience, I understand that a second affidavit can be accepted as supporting documentation, but that second affidavit must be notarized. *at least one affidavit (notarized) is needed*
2. I come up with some different rates and volumes for the instream use based on the proposed instream period and allowed duty. Assuming an instream period of 183 days (April 2 to October 1), and a duty of 4.5 AF/acre, I calculate the following rates and volumes for the two certificates involved: C81513 (60.9 acres) - 0.76 cfs (which matches theirs) and volume of 274.05 AF (which is close to theirs of 274.35 AF); and C41771 (30.7 acres) - 0.38 cfs (compared to their 0.196 cfs) and 138.15 AF (compared to their 70.74 AF). *use through 182 days (to does not include Oct 1) and is for to 213, - send calculation*
3. The Land Use Information Form does not include all of the tax lots involved in the transfer. Specifically, tax lot 36 3W 13 100 is not included on the LUI form. *not scrivener's sec (sent 57547 (sent prior to 481513))*

Additionally, I believe there are a couple of scrivener's errors on the two original certificates that will need to be corrected in the final order. Specifically, Certificate 81513 locates the POD in the NW NE of Section 18 (T36S, R2W), but I believe the actual location is in the SW NE of Section 18. Also, Certificate 41771 locates the same POD in the SW NE of Section 18, T36S, R3W, but I believe it is in R2W. The POD location is given correctly in the transfer application, as far as I can tell. I think this issue can be easily addressed in the DPD, PD, and Final Order documents.

Neary, T-10343

1. The applicant offers several documents as supporting evidence for the Affidavit. One of these is an affidavit from Eugene Coggins attesting to his maintenance irrigation of Neary's land and maintenance of the pumping equipment. This affidavit is not notarized. It might not make a difference, because the other supporting documentation (i.e., invoice for pump repair expenses) may be sufficient. In cases like this, I am not completely comfortable making the call, so I will defer to the Department.
2. The public use for which the instream right is requested is not indicated on Form C.
3. I get a slightly different rate for the instream use. My calculations, assuming 92.1 acres, a period of 183 days, and a duty of 4.5 AF/acre, yield a rate of 1.14 cfs, compared to their 1.15 cfs.
4. Not all of the tax lots involved in the transfer are included on the LUI form. Specifically, tax lot 36 2W 17 100 is not included on the LUI form. *not scrivener's sec (sent 27877 (sent prior to 481513))*

I think these issues are all of the type that may be addressed in the DPD cover letters. Please let me know if you agree. If so, I will go ahead and prepare the deliverables. If you think we need to generate deficiency letters, I will do that next.

Regards,

Greg Kupillas, R.G., C.W.R.E.

Pacific Hydro-Geology Inc.
18477 S. Valley Vista Rd.
Mulino, OR 97042
503.632.5016

5/23/2007

C- 81513

Duty (AF) Full Rate (cfs)

274.05

0.760

9/30/2007

4/3/2007

181 day use period

1,507,438

181

4/2/2007

9/29/2007

29. The existing instream water right in the reach/at the point is sufficient to protect the monthly quantities of water necessary for _____ and the right proposed for transfer will allow replacement of a portion of the existing instream water right with an earlier priority date. **or**

30. The total monthly quantities of water to be protected under the existing and proposed instream rights in the reach/at the point will provide for a beneficial purpose and do not exceed the estimated average natural flow. **or**

The total monthly quantities of water to be protected under the existing and proposed instream rights in the reach/at the point will provide for a beneficial purpose and exceed the estimated average natural flow, but are significant for the (purpose) of the instream right.

7. The instream right established by this transfer shall replace a portion of instream water rights established pursuant to ORS 537.341 or 537.346 and be in addition to instream water rights established pursuant to ORS 537.348 or 537.470. **or**

The instream right established by this transfer shall be in addition to instream water rights established pursuant to ORS 537.341, 537.346, 537.348 or 537.470. **or** During the term of this order, the instream water right shall replace a portion of instream water rights established pursuant to ORS 537.341 during the period _____.

but give
at times
not net

BEFORE THE STATE ENGINEER OF OREGON: 1969, Division

Jackson County

IN THE MATTER OF THE APPLICATIONS)
OF JOHN S. AND MARY P. DAY FOR THE)
APPROVAL OF A CHANGE IN POINT OF)
DIVERSION AND CHARACTER OF USE OF)
WATER FROM ROGUE RIVER)

ORDER APPROVING
TRANSFERS NO. D-140
AND NO. D-141

On October 10, 1969, John S. and Mary P. Day filed an application in the office of the State Engineer for approval of a change in point of diversion and an application for approval of a change in use of water pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of Water right issued to General Development Company and recorded at page 27274, Volume 19, State Record of Water Right Certificates, confirms a right to the use of not to exceed 0.38 cubic foot per second of water from Rogue River for the irrigation of, among other lands, 25.7 acres in Lot 4 (SW¼ SE¼) and 12.2 acres in SE¼ SE¼, Section 12 and 16.1 acres in NE¼ NE¼ and 6.2 acres in NW¼ NE¼, Section 13, Township 6 South, Range 3 West, W.M., with a date of priority of October 28, 1948.

These lands are irrigated by means of a pump located 1550 feet south and 2310 feet west from the NE corner of Section 13 being within the SW¼ NE¼, Section 13, Township 36 South, Range 3 West, W.M.

The applicants herein, owners of the lands above described, propose to irrigate 2.2 acres in Lot 4 (SW¼ SE¼), 8.4 acres in SE¼ SE¼, Section 12, 16.1 acres in NE¼ NE¼ and 6.2 acres in NW¼ NE¼, Section 13, Township 36 South, Range 3 West, W.M. from a point of diversion to be located 2350 feet south and 1840 feet west from the NE corner of Section 18 being within the SW¼ NE¼ of Section 18, Township 36 South, Range 2 West, W.M. and change the use of water from the irrigation

of 23.5 acres in Lot 4 (SW $\frac{1}{4}$ SE $\frac{1}{4}$) and 3.8 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 12, Township 36 South, Range 3 West, W.M. to maintenance of a reservoir for recreational use.

Notice of the filing of the applications was given by publication setting forth a time and place certain for hearing objections to the proposed change in character of use and point of diversion of water, if any there were, namely: at the county courthouse in Medford, Oregon, on March 11, 1970, at 9:30 a.m. The notice was published in the Ashland Daily Tidings, a newspaper printed and having general circulation in Jackson County, Oregon, for a period of three weeks in the issues of January 12, 19, and 26, 1970. The date set for hearing in said notice was not less than thirty days after the last publication of the notice.

Mr. David C. Hendrix, Watermaster of District No. 13, has filed a report to the effect that the proposed change in character of use and point of diversion may be made without injury to existing rights.

NOW, THEREFORE, it hereby is ORDERED that the proposed change in point of diversion of water from Rogue River, to-wit:

From a point located 1550 feet south and 2310 feet west from the NE corner of Section 13 being within the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 13, Township 36 South, Range 3 West, W.M.

To a point to be located 2350 feet south and 1840 feet west from the NE corner of Section 18 being within the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 18, Township 36 South, Range 2 West, W.M.

for the irrigation of 2.2 acres in Lot 4 (SW $\frac{1}{4}$ SE $\frac{1}{4}$), 8.4 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 12, 16.1 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ and 6.2 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 13, Township 36 South, Range 3 West, W.M., with a date of priority of October 28, 1948, and the proposed change in use of 0.17 cubic foot per second of water from the irrigation of 25.3 acres in Lot 4 (SW $\frac{1}{4}$ SE $\frac{1}{4}$) and 3.8 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 12, Township 36

South, Range 3 West, W.M. to the use of recreation in a reservoir to be constructed under permit No. R-5491 in Lot 4 (SE¼ SW¼ and SW¼ SE¼), Section 12, and NW¼ NE¼ and Lot 7 (SW¼ NE¼), Section 13, Township 36 South, Range 3 West, W.M., with a date of priority of October 28, 1948, is approved.

It is FURTHER ORDERED that said water so transferred shall be applied to beneficial use and the change in point of diversion made on or before October 1, 1971.

It is FURTHER ORDERED that the quantity of water diverted at the new point of diversion shall not exceed the quantity of water that is available at the old point of diversion and shall be limited to 0.21 cubic foot per second.

It is FURTHER ORDERED that the following provisions shall be effective when in the judgement of the watermaster it becomes necessary to install headgates and measuring devices.

That the diversion works shall include an in-line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled.

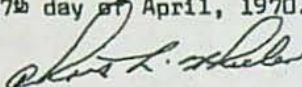
That the type and plans of the measuring device be approved by the watermaster before the beginning of construction work and that the weir or measuring device be installed under the general supervision of said watermaster.

The right to the use of 0.01 cubic foot per second of water for the irrigation of 2.0 acres in Lot 4 (SW¼ SE¼), Section 12, Township 36 South, Range 3 West, W.M. as evidenced by the certificate recorded at page 27274, Volume 19, State Record of Water Right Certificates, was canceled by order of the State Engineer entered August 23, 1967.

It is FURTHER ORDERED that certificate of water right heretofore issued to General Development Company is canceled and in lieu thereof a new certificate be issued describing the lands not involved

in this proceeding and excluding the right canceled by the order entered August 23, 1967, and upon receipt of proof satisfactory to the State Engineer of completion of the authorized change in character of use and point of diversion, a certificate of water right shall be issued to John S. and Mary P. Day confirming the change in point of diversion and use of water.

Dated at Salem, Oregon, this 27th day of April, 1970.


CHRIS L. WHEELER
State Engineer

STATE OF OREGON
COUNTY OF JACKSON
CERTIFICATE OF WATER RIGHT

This Is to Certify, That JOHN DAY

of P.O. Box 488, Medford, State of Oregon, has made proof to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of Rogue River a tributary of Pacific Ocean for the purpose of irrigation of 214.5 acres.

under Permit No. 23796 of the State Engineer, and that said right to the use of said waters has been perfected in accordance with the laws of Oregon; that the priority of the right hereby confirmed dates from July 28, 1955,

that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed 2.68 cubic feet per second,

or its equivalent in case of rotation, measured at the point of diversion from the stream. The point of diversion is located in the SW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 18, Township 36 South, Range 2 West, W.M.

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

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

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

0.6 acres SE $\frac{1}{4}$ SE $\frac{1}{4}$	7.7 acres NE $\frac{1}{4}$ NE $\frac{1}{4}$
Section 12	2.5 acres NW $\frac{1}{4}$ NE $\frac{1}{4}$
22.4 acres NE $\frac{1}{4}$ NE $\frac{1}{4}$	33.1 acres S $\frac{1}{4}$ NE $\frac{1}{4}$
0.2 acres NW $\frac{1}{4}$ NE $\frac{1}{4}$	16.0 acres SE $\frac{1}{4}$ NE $\frac{1}{4}$
0.4 acres SW $\frac{1}{4}$ NE $\frac{1}{4}$	3.7 acres NE $\frac{1}{4}$ NW $\frac{1}{4}$
0.5 acres NE $\frac{1}{4}$ SE $\frac{1}{4}$	34.5 acres NW $\frac{1}{4}$ NW $\frac{1}{4}$
31.4 acres SE $\frac{1}{4}$ NE $\frac{1}{4}$	19.9 acres SW $\frac{1}{4}$ NW $\frac{1}{4}$
Section 13	18.2 acres SE $\frac{1}{4}$ NW $\frac{1}{4}$
Township 36 South, Range 3 West, W.M.	0.4 acres NW $\frac{1}{4}$ SW $\frac{1}{4}$
	1.0 acres NW $\frac{1}{4}$ SE $\frac{1}{4}$
0.7 acres SW $\frac{1}{4}$ S $\frac{1}{4}$	Section 18
Section 7	Township 36 South, Range 2 West, W.M.
2.9 acres NE $\frac{1}{4}$ NW $\frac{1}{4}$	
0.3 acres NW $\frac{1}{4}$ NW $\frac{1}{4}$	
9.7 acres SW $\frac{1}{4}$ NW $\frac{1}{4}$	
8.4 acres SE $\frac{1}{4}$ NW $\frac{1}{4}$	
Section 17	

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

WITNESS the signature of the State Engineer, affixed

this date. July 11, 1960

.....LEWIS A. STANLEY.....
State Engineer

STATE OF OREGON

COUNTY OF

JACKSON

Recorded by 57547

76286

CERTIFICATE OF WATER RIGHT

This Is to Certify, That

JOHN DAY

of PO Box 488, Medford, State of Oregon 97501, has made proof to the satisfaction of the Water Resources Director, of a right to the use of the waters of Rogue River

a tributary of Pacific Ocean for the purpose of irrigation of 212.02 acres

under Permit No. 23796 and that said right to the use of said waters has been perfected in accordance with the laws of Oregon; that the priority of the right hereby confirmed dates from July 28, 1955 that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed 2.65 cubic feet per second

or its equivalent in case of rotation, measured at the point of diversion from the stream. The point of diversion is located in the NW 1/4 NE 1/4, Section 18, T36S, R2W, WM.

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

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

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

SEE NEXT PAGE

0.6 acre SE 1/4 SE 1/4	7.7 acres NE 1/4 NE 1/4
Section 12	2.5 acres NW 1/4 NE 1/4
22.4 acres NE 1/4 NE 1/4	33.1 acres SW 1/4 NE 1/4
0.2 acre NW 1/4 NE 1/4	16.0 acres SE 1/4 NE 1/4
0.4 acre SW 1/4 NE 1/4	3.7 acres NE 1/4 NW 1/4
0.5 acre NE 1/4 SE 1/4	34.5 acres NW 1/4 NW 1/4
29.17 acres SE 1/4 NE 1/4	19.65 acres SW 1/4 NW 1/4
Section 13	18.2 acres SE 1/4 NW 1/4
Township 36 South, Range 3 West, WM	0.4 acre NW 1/4 SW 1/4
0.7 acre SW 1/4 SW 1/4	1.0 acre NW 1/4 SE 1/4
Section 7	Section 18
2.9 acres NE 1/4 NW 1/4	Township 36 South, Range 2 West, WM
0.3 acre NW 1/4 NW 1/4	
9.7 acres SW 1/4 NW 1/4	
8.4 acres SE 1/4 NW 1/4	
Section 17	

This certificate describes that portion of the water right confirmed by the prior certificate recorded at page 27276, Volume 19, State Record of Water Right Certificates, NOT canceled by the provisions of an order of the Water Resources Director entered on May 7, 1984.

The issuance of this superseding certificate does not confirm the status of the water right in regard to the provisions of ORS 540.610 pertaining to forfeiture or abandonment.

The right to the use of the water for the purposes aforesaid is restricted to the lands or place of use herein described. and is subject to minimum flows established by the Water Policy Review Board with an effective date prior to this right.

WITNESS the signature of the Water Resources Director, affixed

this date. August 14, 1984

/s/ William H. Young

Water Resources Director

Recorded in State Record of Water Right Certificates, Volume 47 , page ~~52205~~

2650C

CANCELED
76286 & 57547

STATE OF OREGON

COUNTY OF JACKSON

CERTIFICATE OF WATER RIGHT

THIS IS TO CERTIFY, that JOHN DAY,
of P.O. BOX 488, MEDFORD, OREGON 97501, has a right to the use of the
waters of ROGUE RIVER, TRIBUTARY OF PACIFIC OCEAN, for the purpose of
IRRIGATING 205.85 ACRES.

The right has been perfected under Permit 23796. The date of priority
is JULY 28, 1955. The right is limited to not more than 2.57 CUBIC
FEET PER SECOND or its equivalent in case of rotation, measured at the
point of diversion from the source.

The point of diversion is located as follows:

NW1/4 NE1/4, SECTION 18, T 36 S, R 2 W, W.M.

The amount of water used for irrigation, together with the amount
secured under any other right existing for the same lands, shall be
limited to ONE-EIGHTIETH of one cubic foot per second per acre, or its
equivalent for each acre irrigated and shall be further limited to a
diversion of not to exceed 4.5 acre-feet per acre for each acre
irrigated during the irrigation season of each year.

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

SEE NEXT PAGE

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

0.6 ACRE SE1/4 SE1/4 SECTION 12	9.7 ACRES SW1/4 NW1/4 8.4 ACRES SE1/4 NW1/4 SECTION 17
22.4 ACRES NE1/4 NE1/4 0.2 ACRE NW1/4 NE1/4 0.4 ACRE SW1/4 NE1/4 0.5 ACRE NE1/4 SE1/4 23.0 ACRES SE1/4 NE1/4 SECTION 13	7.7 ACRES NE1/4 NE1/4 2.5 ACRES NW1/4 NE1/4 33.1 ACRES SW1/4 NE1/4 16.0 ACRES SE1/4 NE1/4 3.7 ACRES NE1/4 NW1/4 34.5 ACRES NW1/4 NW1/4 19.65 ACRES SW1/4 NW1/4 18.2 ACRES SE1/4 NW1/4 0.4 ACRE NW1/4 SW1/4 1.0 ACRE NW1/4 SE1/4 SECTION 18
TOWNSHIP 36 SOUTH, RANGE 3 WEST, W.M.	
0.7 ACRE SW1/4 SW1/4 SECTION 7	
2.9 ACRES NE1/4 NW1/4 0.3 ACRE NW1/4 NW1/4	TOWNSHIP 36 SOUTH, RANGE 2 WEST, W.M.

The right to the use of the water for the above purpose is restricted to beneficial use on the lands or place of use described.

This certificate describes that portion of the water right confirmed by certificate 52205, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered JUNE 30, 1987, approving transfer application 5933.

The issuance of this superseding certificate does not confirm the status of the water right in regard to the provisions of ORS 540.610 pertaining to forfeiture or abandonment.

The right is subject to minimum flows established by the Water Resources Commission with an effective date prior to this right.

WITNESS the signature of the Water Resources Director, affixed this date AUGUST 18, 1988.

/s/ WILLIAM H. YOUNG
Water Resources Director

Recorded in State Record of Water Right Certificates numbered 57547

T-5933

WATER AVAILABILITY TABLE

Water Availability as of 6/ 7/2007 for

ROGUE R > PACIFIC OCEAN - AB CURRY G AT GAGE 14359000

Watershed ID #: 270
Time: 19:06

Basin: ROGUE

Exceedance Level: 50

Date: 06/07/2007

Item #	Watershed ID #	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Sto
1	266	YES	YES	YES	YES	YES	YES	NO	NO	NO	YES	YES	YES	YES
2	31531008	YES	YES	YES	YES	YES	YES	NO	NO	NO	NO	NO	YES	YES
3	31531001	YES	YES	YES	YES	YES	NO	NO	NO	NO	NO	NO	YES	YES
4	31531002	YES	YES	YES	YES	YES	NO	NO	NO	NO	NO	NO	YES	YES
5	31530801	YES	YES	YES	YES	YES	NO	NO	NO	NO	NO	NO	YES	YES
6	268	YES	YES	YES	YES	YES	NO	NO	NO	NO	NO	NO	YES	YES
7	270	YES	YES	YES	YES	YES	NO	NO	NO	NO	NO	NO	YES	YES

STREAM NAMES

Water Availability as of 6/ 7/2007 for

ROGUE R > PACIFIC OCEAN - AB CURRY G AT GAGE 14359000

Watershed ID #: 270

Basin: ROGUE

Exceedance Level: 50

Item	Watershed ID	Stream Name
1	266	ROGUE R > PACIFIC OCEAN - AT MOUTH
2	31531008	ROGUE R > PACIFIC OCEAN - AB SHASTA COSTA CR
3	31531001	ROGUE R > PACIFIC OCEAN - AB MEADOW CR
4	31531002	ROGUE R > PACIFIC OCEAN - AB GRAVE CR
5	31530801	ROGUE R > PACIFIC OCEAN - AB APPLGATE R
6	268	ROGUE R > PACIFIC OCEAN - AB FALL CR
7	270	ROGUE R > PACIFIC OCEAN - AB CURRY G AT GAGE 14359000

LIMITING WATERSHEDS

Water Availability as of 6/ 7/2007 for

ROGUE R > PACIFIC OCEAN - AB CURRY G AT GAGE 14359000

Watershed ID #: 270
Time: 19:06

Basin: ROGUE

Exceedance Level: 50

Date: 06/07/2007

Mnth	Limiting Watershed	Stream Name	Water Avail?	Net Water Available
1	31531002	ROGUE R > PACIFIC OCEAN - AB GRAVE CR	YES	872.0
2	270	ROGUE R > PACIFIC OCEAN - AB CURRY G AT GAGE 143	YES	642.0
3	31531002	ROGUE R > PACIFIC OCEAN - AB GRAVE CR	YES	364.0
4	31531002	ROGUE R > PACIFIC OCEAN - AB GRAVE CR	YES	519.0
5	31531002	ROGUE R > PACIFIC OCEAN - AB GRAVE CR	YES	1080.0
6	31531002	ROGUE R > PACIFIC OCEAN - AB GRAVE CR	NO	-434.0
7	31531002	ROGUE R > PACIFIC OCEAN - AB GRAVE CR	NO	-996.0
8	31531002	ROGUE R > PACIFIC OCEAN - AB GRAVE CR	NO	-1719.0
9	31531002	ROGUE R > PACIFIC OCEAN - AB GRAVE CR	NO	-1603.0
10	31531002	ROGUE R > PACIFIC OCEAN - AB GRAVE CR	NO	-444.0
11	31531002	ROGUE R > PACIFIC OCEAN - AB GRAVE CR	NO	-1761.0
12	270	ROGUE R > PACIFIC OCEAN - AB CURRY G AT GAGE 143	YES	1050.0
Stor	270	ROGUE R > PACIFIC OCEAN - AB CURRY G AT GAGE 143	YES	274000.0

DETAILED REPORT ON THE WATER AVAILABILITY CALCULATION

Water Availability as of 6/ 7/2007 for

ROGUE R > PACIFIC OCEAN - AT MOUTH

Watershed ID #:

266

Basin: ROGUE

Exceedance Level: 50

Time: 19:06

Date: 06/07/2007

Month	Natural Stream Flow	Consumptiv Use and Storage	Expected Stream Flow	Reserved Stream Flow	Instream Require- ments	Net Water Available
1	13100.00	1130.00	12000.00	0.00	3500.00	8470.00
2	16900.00	2520.00	14400.00	0.00	3500.00	10900.00
3	13900.00	2280.00	11600.00	0.00	3500.00	8130.00
4	11700.00	1550.00	10200.00	0.00	3500.00	6650.00
5	8190.00	477.00	7710.00	0.00	3000.00	4710.00
6	4890.00	655.00	4230.00	0.00	2700.00	1530.00
7	2690.00	715.00	1970.00	0.00	2000.00	-25.50
8	1980.00	653.00	1330.00	0.00	2400.00	-1073.00
9	1930.00	557.00	1370.00	0.00	2400.00	-1027.00
10	2420.00	294.00	2130.00	0.00	1600.00	527.00
11	5040.00	340.00	4700.00	0.00	3500.00	1200.00
12	12300.00	606.00	11700.00	0.00	3500.00	8190.00
Stor-50%	5700000	704000	5000000	0	2120000	3010000

DETAILED REPORT OF CONSUMPTIVE USES AND STORAGES

Water Availability as of 6/ 7/2007 for

ROGUE R > PACIFIC OCEAN - AT MOUTH

Watershed ID #:

266

Basin: ROGUE

Exceedance Level: 50

Time: 19:06

Date: 06/07/2007

Mo	Storage	Irrig	Munic	Ind/Man	Commer	Domest	Agricul	Other	Total
1	759.00	0.04	357.00	3.69	0.02	8.18	2.28	0.01	1130.00
2	2080.00	0.05	427.00	3.69	0.03	8.19	2.28	0.01	2520.00
3	1800.00	0.07	461.00	3.69	0.03	8.19	2.28	0.01	2280.00
4	1020.00	101.00	415.00	3.69	0.03	8.18	2.28	0.01	1550.00
5	2.92	163.00	297.00	3.60	0.03	8.18	2.29	0.01	477.00
6	0.17	230.00	411.00	3.59	0.03	8.17	2.28	0.02	655.00
7	0.00	308.00	393.00	3.59	0.03	8.17	2.28	0.02	715.00
8	0.00	254.00	385.00	3.59	0.03	8.16	2.28	0.02	653.00
9	0.00	166.00	377.00	3.59	0.03	8.16	2.28	0.02	557.00
10	8.73	52.10	218.00	3.59	0.03	8.17	2.28	0.02	293.00
11	112.00	0.09	213.00	3.59	0.03	8.17	2.28	0.02	339.00
12	256.00	0.04	336.00	3.60	0.03	8.18	2.28	0.01	606.00

DETAILED REPORT OF RESERVATIONS FOR CONSUMPTIVE USE

Water Availability as of 6/ 7/2007 for

ROGUE R > PACIFIC OCEAN - AT MOUTH

Watershed ID #:

266

Basin: ROGUE

Exceedance Level: 50

Time: 19:06

Date: 06/07/2007

Reservations								
APP #	0	0	0	0	0	0	0	TOTAL
Status								
Use								
1	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
2	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
3	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
4	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
5	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
6	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
7	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
8	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
9	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
10	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
11	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
12	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00

DETAILED REPORT OF INSTREAM REQUIREMENTS

Water Availability as of 6/ 7/2007 for

ROGUE R > PACIFIC OCEAN - AT MOUTH

Watershed ID #:

266

Basin: ROGUE

Exceedance Level: 50

Time: 19:06

Date: 06/07/2007

ISWRs								
APP #	MF 265	MF 266	SY 91503	0	0	0	0	MAXIMUM
Status	Cert.	Cert.	SWW					
1	735.00	935.00	3500.00	0.00	0.00	0.00	0.00	3500.00
2	735.00	935.00	3500.00	0.00	0.00	0.00	0.00	3500.00
3	735.00	935.00	3500.00	0.00	0.00	0.00	0.00	3500.00
4	735.00	935.00	3500.00	0.00	0.00	0.00	0.00	3500.00
5	735.00	935.00	3000.00	0.00	0.00	0.00	0.00	3000.00
6	735.00	935.00	2700.00	0.00	0.00	0.00	0.00	2700.00
7	735.00	935.00	2000.00	0.00	0.00	0.00	0.00	2000.00
8	735.00	935.00	2400.00	0.00	0.00	0.00	0.00	2400.00
9	735.00	935.00	2400.00	0.00	0.00	0.00	0.00	2400.00
10	735.00	935.00	1600.00	0.00	0.00	0.00	0.00	1600.00
11	735.00	935.00	3500.00	0.00	0.00	0.00	0.00	3500.00
12	735.00	935.00	3500.00	0.00	0.00	0.00	0.00	3500.00

DETAILED REPORT ON THE WATER AVAILABILITY CALCULATION

Water Availability as of 6/ 7/2007 for

ROGUE R > PACIFIC OCEAN - AB SHASTA COSTA CR

Watershed ID #: 31531008

Basin: ROGUE

Exceedance Level: 50

Time: 19:06

Date: 06/07/2007

Month	Natural Stream Flow	Consumptiv Use and Storage	Expected Stream Flow	Reserved Stream Flow	Instream Require- ments	Net Water Available
1	6780.00	1020.00	5760.00	0.00	3500.00	2260.00
2	9190.00	2390.00	6810.00	0.00	3500.00	3310.00
3	7520.00	2160.00	5360.00	0.00	3500.00	1860.00
4	6680.00	1530.00	5150.00	0.00	3500.00	1650.00
5	5320.00	453.00	4870.00	0.00	3000.00	1870.00
6	3350.00	627.00	2720.00	0.00	2700.00	23.10
7	1920.00	683.00	1240.00	0.00	2000.00	-764.00
8	1460.00	624.00	836.00	0.00	2400.00	-1564.00
9	1490.00	605.00	885.00	0.00	2400.00	-1515.00
10	1700.00	297.00	1400.00	0.00	1600.00	-198.00
11	2660.00	293.00	2370.00	0.00	3500.00	-1133.00
12	6450.00	493.00	5960.00	0.00	3500.00	2460.00
Stor-50%	3270000	667000	2610000	0	2120000	805000

DETAILED REPORT OF CONSUMPTIVE USES AND STORAGES

Water Availability as of 6/ 7/2007 for

ROGUE R > PACIFIC OCEAN - AB SHASTA COSTA CR

Watershed ID #: 31531008

Basin: ROGUE

Exceedance Level: 50

Time: 19:06

Date: 06/07/2007

Mo	Storage	Irrig	Munic	Ind/Man	Commer	Domest	Agricul	Other	Total
1	660.00	0.04	346.00	2.79	0.01	6.17	2.15	0.01	1020.00
2	1960.00	0.05	416.00	2.79	0.01	6.17	2.15	0.01	2390.00
3	1690.00	0.07	450.00	2.79	0.01	6.17	2.15	0.01	2150.00
4	1020.00	95.70	404.00	2.79	0.01	6.17	2.15	0.01	1530.00
5	2.41	154.00	286.00	2.70	0.01	6.17	2.16	0.01	453.00
6	0.01	218.00	398.00	2.69	0.01	6.15	2.15	0.02	627.00
7	0.00	292.00	380.00	2.69	0.01	6.14	2.15	0.02	683.00
8	0.10	241.00	372.00	2.69	0.01	6.14	2.15	0.02	624.00
9	72.90	157.00	364.00	2.69	0.01	6.15	2.15	0.02	605.00
10	30.10	49.40	207.00	2.69	0.01	6.15	2.15	0.02	298.00
11	80.10	0.09	202.00	2.69	0.01	6.15	2.15	0.02	293.00
12	157.00	0.04	325.00	2.70	0.01	6.17	2.15	0.01	493.00

DETAILED REPORT ON THE WATER AVAILABILITY CALCULATION

Water Availability as of 6/ 7/2007 for

ROGUE R > PACIFIC OCEAN - AB MEADOW CR

Watershed ID #: 31531001

Basin: ROGUE

Exceedance Level: 50

Time: 19:06

Date: 06/07/2007

Month	Natural Stream Flow	Consumptiv Use and Storage	Expected Stream Flow	Reserved Stream Flow	Instream Require- ments	Net Water Available
1	6060.00	1110.00	4950.00	0.00	3500.00	1450.00
2	8240.00	2510.00	5730.00	0.00	3500.00	2230.00
3	6750.00	2270.00	4480.00	0.00	3500.00	984.00
4	6040.00	1530.00	4510.00	0.00	3500.00	1010.00
5	4870.00	456.00	4410.00	0.00	3000.00	1410.00
6	3060.00	630.00	2430.00	0.00	2700.00	-270.00
7	1770.00	688.00	1080.00	0.00	2000.00	-917.00
8	1360.00	628.00	733.00	0.00	2400.00	-1667.00
9	1400.00	535.00	865.00	0.00	2400.00	-1535.00
10	1550.00	278.00	1270.00	0.00	1600.00	-328.00
11	2300.00	322.00	1980.00	0.00	3500.00	-1523.00
12	5730.00	588.00	5140.00	0.00	3500.00	1640.00
Stor-50%	2950000	690000	2260000	0	2120000	523000

DETAILED REPORT OF CONSUMPTIVE USES AND STORAGES

Water Availability as of 6/ 7/2007 for

ROGUE R > PACIFIC OCEAN - AB MEADOW CR

Watershed ID #: 31531001

Basin: ROGUE

Exceedance Level: 50

Time: 19:06

Date: 06/07/2007

Mo	Storage	Irrig	Munic	Ind/Man	Commer	Domest	Agricul	Other	Total
1	751.00	0.04	346.00	3.21	0.01	6.86	2.22	0.01	1110.00
2	2090.00	0.05	416.00	3.21	0.01	6.86	2.22	0.01	2520.00
3	1800.00	0.04	450.00	3.21	0.01	6.86	2.22	0.01	2260.00
4	1020.00	96.50	404.00	3.21	0.01	6.86	2.22	0.01	1530.00
5	2.41	155.00	286.00	3.11	0.01	6.86	2.23	0.01	456.00
6	0.01	219.00	398.00	3.10	0.01	6.85	2.22	0.02	629.00
7	0.00	295.00	380.00	3.10	0.01	6.85	2.22	0.02	687.00
8	0.00	243.00	372.00	3.10	0.01	6.85	2.22	0.02	627.00
9	0.00	158.00	364.00	3.10	0.01	6.85	2.22	0.02	534.00
10	8.73	49.80	207.00	3.10	0.01	6.85	2.22	0.02	278.00
11	108.00	0.09	202.00	3.10	0.01	6.85	2.22	0.02	322.00
12	250.00	0.04	325.00	3.11	0.01	6.86	2.22	0.01	587.00

Date: 06/07/2007

Date: 06/07/2007

[illegible]

DETAILED REPORT ON THE WATER AVAILABILITY CALCULATION

Water Availability as of 6/ 7/2007 for

ROGUE R > PACIFIC OCEAN - AB GRAVE CR

Watershed ID #: 31531002

Basin: ROGUE

Exceedance Level: 50

Time: 19:06

Date: 06/07/2007

Month	Natural Stream Flow	Consumptiv Use and Storage	Expected Stream Flow	Reserved Stream Flow	Instream Require- ments	Net Water Available
1	5480.00	1110.00	4370.00	0.00	3500.00	872.00
2	7460.00	2510.00	4950.00	0.00	3500.00	1450.00
3	6130.00	2270.00	3860.00	0.00	3500.00	364.00
4	5540.00	1520.00	4020.00	0.00	3500.00	519.00
5	4520.00	445.00	4080.00	0.00	3000.00	1080.00
6	2880.00	614.00	2270.00	0.00	2700.00	-434.00
7	1670.00	666.00	1000.00	0.00	2000.00	-996.00
8	1290.00	610.00	681.00	0.00	2400.00	-1719.00
9	1320.00	523.00	797.00	0.00	2400.00	-1603.00
10	1430.00	274.00	1160.00	0.00	1600.00	-444.00
11	2060.00	321.00	1740.00	0.00	3500.00	-1761.00
12	5150.00	586.00	4560.00	0.00	3500.00	1060.00
Stor-50%	2700000	684000	2010000	0	2120000	319000

DETAILED REPORT OF CONSUMPTIVE USES AND STORAGES

Water Availability as of 6/ 7/2007 for

ROGUE R > PACIFIC OCEAN - AB GRAVE CR

Watershed ID #: 31531002

Basin: ROGUE

Exceedance Level: 50

Time: 19:06

Date: 06/07/2007

Mo	Storage	Irrig	Munic	Ind/Man	Commer	Domest	Agricul	Other	Total
1	750.00	0.04	346.00	2.96	0.01	6.59	2.21	0.01	1110.00
2	2090.00	0.05	416.00	2.96	0.01	6.59	2.21	0.01	2520.00
3	1800.00	0.04	450.00	2.96	0.01	6.59	2.21	0.01	2260.00
4	1020.00	89.60	404.00	2.96	0.01	6.58	2.21	0.01	1530.00
5	2.40	144.00	286.00	2.86	0.01	6.58	2.22	0.01	444.00
6	0.01	204.00	398.00	2.85	0.01	6.58	2.21	0.01	614.00
7	0.00	274.00	380.00	2.85	0.01	6.58	2.21	0.01	666.00
8	0.00	225.00	372.00	2.85	0.01	6.58	2.21	0.01	609.00
9	0.00	147.00	364.00	2.85	0.01	6.58	2.21	0.01	523.00
10	8.73	46.30	207.00	2.85	0.01	6.58	2.21	0.01	274.00
11	107.00	0.09	202.00	2.85	0.01	6.58	2.21	0.01	321.00
12	249.00	0.04	325.00	2.86	0.01	6.58	2.21	0.01	586.00

DETAILED REPORT ON THE WATER AVAILABILITY CALCULATION

Water Availability as of 6/ 7/2007 for

ROGUE R > PACIFIC OCEAN - AB APPLGATE R

Watershed ID #: 31530801

Basin: ROGUE

Exceedance Level: 50

Time: 19:06

Date: 06/07/2007

Month	Natural Stream Flow	Consumptiv Use and Storage	Expected Stream Flow	Reserved Stream Flow	Instream Require- ments	Net Water Available
1	4340.00	1130.00	3210.00	0.00	0.00	3210.00
2	4810.00	2040.00	2770.00	0.00	0.00	2770.00
3	4180.00	1810.00	2370.00	0.00	0.00	2370.00
4	4460.00	1070.00	3390.00	0.00	0.00	3390.00
5	4100.00	409.00	3690.00	0.00	0.00	3690.00
6	2550.00	566.00	1980.00	0.00	0.00	1980.00
7	1580.00	603.00	977.00	0.00	0.00	977.00
8	1300.00	557.00	743.00	0.00	0.00	743.00
9	1290.00	487.00	803.00	0.00	0.00	803.00
10	1360.00	259.00	1100.00	0.00	0.00	1100.00
11	2030.00	350.00	1680.00	0.00	0.00	1680.00
12	3520.00	568.00	2950.00	0.00	0.00	2950.00
Stor-50%	2140000	589000	1550000	0	0	1550000

DETAILED REPORT OF CONSUMPTIVE USES AND STORAGES

Water Availability as of 6/ 7/2007 for

ROGUE R > PACIFIC OCEAN - AB APPLGATE R

Watershed ID #: 31530801

Basin: ROGUE

Exceedance Level: 50

Time: 19:06

Date: 06/07/2007

Mo	Storage	Irrig	Munic	Ind/Man	Commer	Domest	Agricul	Other	Total
1	772.00	0.00	346.00	2.00	0.01	3.88	1.67	0.01	1130.00
2	1620.00	0.00	416.00	2.00	0.01	3.88	1.67	0.01	2040.00
3	1350.00	0.00	450.00	2.00	0.01	3.88	1.67	0.01	1810.00
4	583.00	70.50	404.00	2.00	0.01	3.88	1.67	0.01	1070.00
5	1.99	113.00	286.00	1.90	0.01	3.88	1.68	0.01	408.00
6	0.00	160.00	398.00	1.90	0.01	3.88	1.67	0.01	565.00
7	0.00	215.00	380.00	1.90	0.01	3.88	1.67	0.01	602.00
8	0.00	177.00	372.00	1.90	0.01	3.88	1.67	0.01	556.00
9	0.00	115.00	364.00	1.90	0.01	3.88	1.67	0.01	486.00
10	8.73	36.30	207.00	1.90	0.01	3.88	1.67	0.01	260.00
11	140.00	0.00	202.00	1.90	0.01	3.88	1.67	0.01	349.00
12	235.00	0.00	325.00	1.90	0.01	3.88	1.67	0.01	567.00

DETAILED REPORT ON THE WATER AVAILABILITY CALCULATION

Water Availability as of 6/ 7/2007 for

ROGUE R > PACIFIC OCEAN - AB FALL CR

Watershed ID #:

268

Basin: ROGUE

Exceedance Level: 50

Time: 19:06

Date: 06/07/2007

Month	Natural Stream Flow	Consumptiv Use and Storage	Expected Stream Flow	Reserved Stream Flow	Instream Require- ments	Net Water Available
1	4230.00	1110.00	3120.00	0.00	1200.00	1920.00
2	4690.00	2030.00	2670.00	0.00	1200.00	1470.00
3	4090.00	1800.00	2290.00	0.00	1200.00	1090.00
4	4410.00	1050.00	3360.00	0.00	1200.00	2160.00
5	4110.00	394.00	3720.00	0.00	1200.00	2520.00
6	2530.00	510.00	2020.00	0.00	1200.00	820.00
7	1560.00	546.00	1010.00	0.00	1200.00	-186.00
8	1290.00	500.00	789.00	0.00	1200.00	-411.00
9	1290.00	432.00	858.00	0.00	1200.00	-342.00
10	1370.00	246.00	1120.00	0.00	1200.00	-76.00
11	2010.00	339.00	1670.00	0.00	1200.00	472.00
12	3440.00	555.00	2890.00	0.00	1200.00	1690.00
Stor-50%	2110000	569000	1540000	0	869000	731000

DETAILED REPORT OF CONSUMPTIVE USES AND STORAGES

Water Availability as of 6/ 7/2007 for

ROGUE R > PACIFIC OCEAN - AB FALL CR

Watershed ID #:

268

Basin: ROGUE

Exceedance Level: 50

Time: 19:06

Date: 06/07/2007

Mo	Storage	Irrig	Munic	Ind/Man	Commer	Domest	Agricul	Other	Total
1	771.00	0.00	334.00	1.65	0.01	3.79	1.53	0.01	1110.00
2	1610.00	0.00	404.00	1.65	0.01	3.79	1.53	0.01	2020.00
3	1350.00	0.00	438.00	1.65	0.01	3.79	1.53	0.01	1790.00
4	583.00	69.00	392.00	1.65	0.01	3.79	1.53	0.01	1050.00
5	1.89	111.00	274.00	1.55	0.01	3.79	1.54	0.01	394.00
6	0.00	157.00	346.00	1.55	0.01	3.79	1.53	0.01	510.00
7	0.00	211.00	328.00	1.55	0.01	3.79	1.53	0.01	546.00
8	0.00	173.00	320.00	1.55	0.01	3.79	1.53	0.01	500.00
9	0.00	113.00	312.00	1.55	0.01	3.79	1.53	0.01	432.00
10	8.73	35.50	195.00	1.55	0.01	3.79	1.53	0.01	246.00
11	142.00	0.00	190.00	1.55	0.01	3.79	1.53	0.01	339.00
12	235.00	0.00	313.00	1.55	0.01	3.79	1.53	0.01	555.00

DETAILED REPORT OF RESERVATIONS FOR CONSUMPTIVE USE

Water Availability as of 6/ 7/2007 for

ROGUE R > PACIFIC OCEAN - AB FALL CR

Watershed ID #:

268

Basin: ROGUE

Exceedance Level: 50

Time: 19:06

Date: 06/07/2007

Reservations								
APP #	0	0	0	0	0	0	0	TOTAL
Status								
Use								
1	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
2	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
3	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
4	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
5	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
6	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
7	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
8	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
9	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
10	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
11	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
12	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00

DETAILED REPORT OF INSTREAM REQUIREMENTS

Water Availability as of 6/ 7/2007 for

ROGUE R > PACIFIC OCEAN - AB FALL CR

Watershed ID #:

268

Basin: ROGUE

Exceedance Level: 50

Time: 19:06

Date: 06/07/2007

ISWRs								
APP #	MF 267	MF 268	0	0	0	0	0	MAXIMUM
Status	Cert.	Cert.						
1	1000.00	1200.00	0.00	0.00	0.00	0.00	0.00	1200.00
2	1000.00	1200.00	0.00	0.00	0.00	0.00	0.00	1200.00
3	1000.00	1200.00	0.00	0.00	0.00	0.00	0.00	1200.00
4	1000.00	1200.00	0.00	0.00	0.00	0.00	0.00	1200.00
5	1000.00	1200.00	0.00	0.00	0.00	0.00	0.00	1200.00
6	1000.00	1200.00	0.00	0.00	0.00	0.00	0.00	1200.00
7	1000.00	1200.00	0.00	0.00	0.00	0.00	0.00	1200.00
8	1000.00	1200.00	0.00	0.00	0.00	0.00	0.00	1200.00
9	1000.00	1200.00	0.00	0.00	0.00	0.00	0.00	1200.00
10	1000.00	1200.00	0.00	0.00	0.00	0.00	0.00	1200.00
11	1000.00	1200.00	0.00	0.00	0.00	0.00	0.00	1200.00
12	1000.00	1200.00	0.00	0.00	0.00	0.00	0.00	1200.00

DETAILED REPORT ON THE WATER AVAILABILITY CALCULATION

Water Availability as of 6/ 7/2007 for

ROGUE R > PACIFIC OCEAN - AB CURRY G AT GAGE 14359000

Watershed ID #: 270

Basin: ROGUE

Exceedance Level: 50

Time: 19:06

Date: 06/07/2007

Month	Natural Stream Flow	Consumptiv Use and Storage	Expected Stream Flow	Reserved Stream Flow	Instream Require- ments	Net Water Available
1	3580.00	1210.00	2370.00	0.00	1200.00	1170.00
2	3970.00	2130.00	1840.00	0.00	1200.00	642.00
3	3520.00	1910.00	1620.00	0.00	1200.00	420.00
4	3940.00	1120.00	2820.00	0.00	1200.00	1620.00
5	3870.00	453.00	3420.00	0.00	1200.00	2220.00
6	2480.00	508.00	1970.00	0.00	1200.00	772.00
7	1550.00	532.00	1020.00	0.00	1200.00	-182.00
8	1290.00	495.00	795.00	0.00	1200.00	-405.00
9	1280.00	439.00	841.00	0.00	1200.00	-359.00
10	1340.00	312.00	1030.00	0.00	1200.00	-172.00
11	1800.00	429.00	1370.00	0.00	1200.00	170.00
12	2900.00	647.00	2250.00	0.00	1200.00	1050.00
Stor-50%	1900000	610000	1290000	0	869000	487000

DETAILED REPORT OF CONSUMPTIVE USES AND STORAGES

Water Availability as of 6/ 7/2007 for

ROGUE R > PACIFIC OCEAN - AB CURRY G AT GAGE 14359000

Watershed ID #: 270

Basin: ROGUE

Exceedance Level: 50

Time: 19:06

Date: 06/07/2007

Mo	Storage	Irrig	Munic	Ind/Man	Commer	Domest	Agricul	Other	Total
1	790.00	0.00	418.00	1.51	0.00	2.31	1.38	0.01	1210.00
2	1630.00	0.00	488.00	1.51	0.00	2.31	1.38	0.01	2120.00
3	1370.00	0.00	522.00	1.51	0.00	2.31	1.38	0.01	1900.00
4	583.00	54.30	476.00	1.51	0.00	2.31	1.38	0.01	1120.00
5	1.86	87.50	358.00	1.41	0.00	2.31	1.39	0.01	452.00
6	0.00	123.00	379.00	1.41	0.00	2.31	1.38	0.01	507.00
7	0.00	166.00	361.00	1.41	0.00	2.31	1.38	0.01	532.00
8	0.00	137.00	353.00	1.41	0.00	2.31	1.38	0.01	495.00
9	0.00	88.90	345.00	1.41	0.00	2.31	1.38	0.01	439.00
10	0.01	28.00	279.00	1.41	0.00	2.31	1.38	0.01	312.00
11	150.00	0.00	274.00	1.41	0.00	2.31	1.38	0.01	429.00
12	245.00	0.00	397.00	1.41	0.00	2.31	1.38	0.01	647.00

DETAILED REPORT OF RESERVATIONS FOR CONSUMPTIVE USE

Water Availability as of 6/ 7/2007 for

ROGUE R > PACIFIC OCEAN - AB CURRY G AT GAGE 14359000

Watershed ID #: 270

Basin: ROGUE

Exceedance Level: 50

Time: 19:06

Date: 06/07/2007

Reservations								
APP #	0	0	0	0	0	0	0	TOTAL
Status								
Use								
1	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
2	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
3	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
4	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
5	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
6	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
7	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
8	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
9	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
10	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
11	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
12	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00

DETAILED REPORT OF INSTREAM REQUIREMENTS

Water Availability as of 6/ 7/2007 for

ROGUE R > PACIFIC OCEAN - AB CURRY G AT GAGE 14359000

Watershed ID #: 270

Basin: ROGUE

Exceedance Level: 50

Time: 19:06

Date: 06/07/2007

ISWRs								
APP #	MF 269	MF 270	0	0	0	0	0	MAXIMUM
Status	Cert.	Cert.						
1	1000.00	1200.00	0.00	0.00	0.00	0.00	0.00	1200.00
2	1000.00	1200.00	0.00	0.00	0.00	0.00	0.00	1200.00
3	1000.00	1200.00	0.00	0.00	0.00	0.00	0.00	1200.00
4	1000.00	1200.00	0.00	0.00	0.00	0.00	0.00	1200.00
5	1000.00	1200.00	0.00	0.00	0.00	0.00	0.00	1200.00
6	1000.00	1200.00	0.00	0.00	0.00	0.00	0.00	1200.00
7	1000.00	1200.00	0.00	0.00	0.00	0.00	0.00	1200.00
8	1000.00	1200.00	0.00	0.00	0.00	0.00	0.00	1200.00
9	1000.00	1200.00	0.00	0.00	0.00	0.00	0.00	1200.00
10	1000.00	1200.00	0.00	0.00	0.00	0.00	0.00	1200.00
11	1000.00	1200.00	0.00	0.00	0.00	0.00	0.00	1200.00
12	1000.00	1200.00	0.00	0.00	0.00	0.00	0.00	1200.00

Rate, Duty and Instream Period Calculator for Instream Leases and Transfers

Enter appropriate info into blue boxes.

Information shown in purple boxes show calculation results.

Instream Calculator			
Application number	Certificate #	Priority Date	
	41771	10/28/1948	
Enter # of Acres			
30.7			
Enter rate/acre (ie 1/80)		Max Instream Rate in CFS	
0.0125		0.384	Rate A: Based on rate per acre
Enter Full Rate Allowed by Certificate in CFS	Enter total # acres allowed by Certificate		
0.210	32.90	0.196	Rate B: Proportional based on full certificate
Enter duty/acre	Max Instream Volume in AF		
4.50	138.15		
	Lesser of Rate A or B in CFS		
	0.196		
Optional =	Enter alternative rate (cannot be greater than the lessor of Rate A or B)		
	0.200		
			number days instream
	Based on Lessor of Rate A or B above		355
	Based on Alternative Rate		348

Period Water Proposed to be Protected Instream at Maximum Rate (uses number of days instream from above table)			
Period may not exceed the season of use or extend outside the season of use (ie irrigation season)			
Based on Lessor of Rate A or B above		Based on Alternative Rate	
	Enter proposed begin date		
begin date	4/2/2007	begin date	4/2/2007
end date	3/21/2008	end date	3/14/2008
	OR period may be leased instream		OR period may be leased instream
	Enter proposed end date		Enter proposed end date
end date			
begin date	#####	begin date	#####

Optional - for alternative instream periods including the full irrigation season			
Enter Proposed begin and end dates			
begin date		Number of Days in Identified Period	
end date		1 Days	
		CFS rate	
		69.773	

Rate, Duty and Instream Period Calculator for Instream Leases and Transfers

Enter appropriate info into blue boxes.

Information shown in purple boxes show calculation results.

Instream Calculator			
Application number	Certificate #	Priority Date	
	41771	10/28/1948	
Enter # of Acres			
2.2			
Enter rate/acre (ie 1/80)		Max Instream Rate in CFS	
0.0125		0.028	Rate A: Based on rate per acre
Enter Full Rate Allowed by Certificate in CFS	Enter total # acres allowed by Certificate		
0.210	32.90	0.014	Rate B: Proportional based on full certificate
Enter duty/acre	Max Instream Volume in AF		
4.50	9.90		
	Lesser of Rate A or B in CFS		
	0.014		
Optional =	Enter alternative rate (cannot be greater than the lessor of Rate A or B)		
			number days instream
	Based on Lessor of Rate A or B above		355
	Based on Alternative Rate		ERR

Period Water Proposed to be Protected Instream at Maximum Rate (uses number of days instream from above table)			
Period may not exceed the season of use or extend outside the season of use (ie irrigation season)			
Based on Lessor of Rate A or B above		Based on Alternative Rate	
	Enter proposed begin date		
begin date		begin date	
end date	12/19/1900	end date	ERR
	OR period may be leased instream		OR period may be leased instream
	Enter proposed end date		Enter proposed end date
end date			
begin date	#####	begin date	ERR

Optional - for alternative instream periods including the full irrigation season			
Enter Proposed begin and end dates			
begin date		Number of Days in Identified Period	
end date		1 Days	
		CFS rate	
		5.000	

Rate, Duty and Instream Period Calculator for Instream Leases and Transfers

Enter appropriate info into blue boxes.

Information shown in purple boxes show calculation results.

Instream Calculator			
Application number	Certificate #	Priority Date	
	81513	7/28/1955	
Enter # of Acres			
60.9			
Enter rate/acre (ie 1/80)		Max Instream Rate in CFS	
0.0125		0.761	Rate A: Based on rate per acre
Enter Full Rate Allowed by Certificate in CFS	Enter total # acres allowed by Certificate		
2.550	204.58	0.759	Rate B: Proportional based on full certificate
Enter duty/acre	Max Instream Volume in AF		
4.50	274.05		
	Lesser of Rate A or B in CFS		
	0.759		
Optional =	Enter alternative rate (cannot be greater than the lessor of Rate A or B)		
	0.760		
			number days instream
	Based on Lessor of Rate A or B above		182
	Based on Alternative Rate		181

Period Water Proposed to be Protected Instream at Maximum Rate (uses number of days instream from above table)			
Period may not exceed the season of use or extend outside the season of use (ie irrigation season)			
Based on Lessor of Rate A or B above		Based on Alternative Rate	
	Enter proposed begin date		
begin date	4/2/2007	begin date	4/2/2007
end date	9/30/2007	end date	9/29/2007
	OR period may be leased instream		OR period may be leased instream
	Enter proposed end date		Enter proposed end date
end date			
begin date	#####	begin date	#####

Optional - for alternative instream periods including the full irrigation season			
Enter Proposed begin and end dates			
begin date		Number of Days in Identified Period	
end date		1 Days	
		CFS rate	
		138.409	

Rate, Duty and Instream Period Calculator for Instream Leases and Transfers

Enter appropriate info into blue boxes.

Information shown in purple boxes show calculation results.

Instream Calculator			
Application number	Certificate #	Priority Date	
	81513	7/28/1955	
Enter # of Acres			
143.68			
Enter rate/acre (ie 1/80)		Max Instream Rate in CFS	
0.0125		1.796	Rate A: Based on rate per acre
Enter Full Rate Allowed by Certificate in CFS	Enter total # acres allowed by Certificate		
2.550	204.58	1.791	Rate B: Proportional based on full certificate
Enter duty/acre	Max Instream Volume in AF		
4.50	646.56		
	Lesser of Rate A or B in CFS		
	1.791		
Optional =	Enter alternative rate (cannot be greater than the lessor of Rate A or B)		
			number days instream
	Based on Lessor of Rate A or B above		182
	Based on Alternative Rate		ERR

Period Water Proposed to be Protected Instream at Maximum Rate (uses number of days instream from above table)			
Period may not exceed the season of use or extend outside the season of use (ie irrigation season)			
Based on Lessor of Rate A or B above		Based on Alternative Rate	
	Enter proposed begin date		
begin date		begin date	
end date	6/29/1900	end date	ERR
	OR period may be leased instream		OR period may be leased instream
	Enter proposed end date		Enter proposed end date
end date			
begin date	#####	begin date	ERR

Optional - for alternative instream periods including the full irrigation season			
Enter Proposed begin and end dates			
begin date		Number of Days in Identified Period	
end date		1 Days	
		CFS rate	
		326.545	

STATE OF OREGON
COUNTY OF CURRY
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

STATE OF OREGON
WATER RESOURCES DEPARTMENT
SALEM, OREGON 97310

confirms the right to use the waters of ROGUE RIVER, a tributary of the PACIFIC OCEAN, in the ROGUE RIVER BASIN to maintain an instream flow for the purpose of SUPPORTING AQUATIC LIFE AND MINIMIZING POLLUTION.

The right is for flows to be maintained IN ROGUE RIVER AND ITS TRIBUTARIES ABOVE ITS MOUTH (SECTION 30, T 36 S, R 15 W, W.M.).

The right is established under Oregon Revised Statutes 537.346.

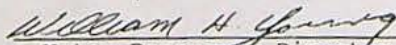
The date of priority is MAY 22, 1959.

The right is limited to not more than 735 cubic feet per second throughout the year.

This instream water right shall not affect domestic or livestock uses or waters legally stored or legally released from storage.

This instream water right shall not affect rights to appropriate water, from the main stem Rogue River, for the irrigation of one acre or less, with priority dates earlier than June 19, 1984.

Witness the signature of the Water Resources Director affixed this 13th day of March, 1989.


Water Resources Director

Recorded in State Record of Water Right Certificates number 59847.

MF265 15.ROGUE R.VOL1.DIST19

STATE OF OREGON
COUNTY OF CURRY
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

STATE OF OREGON
WATER RESOURCES DEPARTMENT
SALEM, OREGON 97310

confirms the right to use the waters of ROGUE RIVER, a tributary of the PACIFIC OCEAN, in the ROGUE RIVER BASIN to maintain an instream flow for the purpose of SUPPORTING AQUATIC LIFE AND MINIMIZING POLLUTION.

The right is for flows to be maintained IN ROGUE RIVER AND ITS TRIBUTARIES ABOVE ITS MOUTH (SECTION 30, T 36 S, R 15 W, W.M.).

The right is established under Oregon Revised Statutes 537.346.

The date of priority is FEBRUARY 24, 1966.

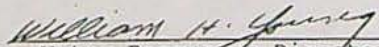
The right is limited to not more than 935 cubic feet per second throughout the year.

This instream water right shall not affect domestic or livestock uses or waters legally stored or legally released from storage.

This instream water right shall not affect rights to appropriate water, from the main stem Rogue River, for the irrigation of one acre or less, with priority dates earlier than June 19, 1984.

The flows listed above include flows established by earlier dated instream water rights.

Witness the signature of the Water Resources Director affixed this 13th day of March, 1989.


Water Resources Director

Recorded in State Record of Water Right Certificates number 59848.

MF266 15.ROGUE R.VOL1.DIST19

STATE OF OREGON
COUNTY OF JACKSON
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

STATE OF OREGON
WATER RESOURCES DEPARTMENT
SALEM, OREGON 97310

confirms the right to use the waters of ROGUE RIVER, a tributary of the PACIFIC OCEAN, in the ROGUE RIVER BASIN to maintain an instream flow for the purpose of SUPPORTING AQUATIC LIFE AND MINIMIZING POLLUTION.

The right is for flows to be maintained IN ROGUE RIVER AND ITS TRIBUTARIES IMMEDIATELY ABOVE SAVAGE RAPIDS DAM (SECTION 24, T 36 S, R 5 W, W.M.).

The right is established under Oregon Revised Statutes 537.346.

The date of priority is FEBRUARY 24, 1966.

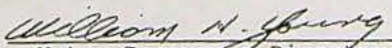
The right is limited to not more than 1200 cubic feet per second throughout the year.

This instream water right shall not affect domestic or livestock uses or waters legally stored or legally released from storage.

This instream water right shall not affect rights to appropriate water, from the main stem Rogue River, for the irrigation of one acre or less, with priority dates earlier than June 19, 1984.

The flows listed above include flows established by earlier dated instream water rights.

Witness the signature of the Water Resources Director affixed this 13th day of March, 1989.


Water Resources Director

Recorded in State Record of Water Right Certificates number 59807.

MF268 15.ROGUE R.VOL1.DIST19

STATE OF OREGON
COUNTY OF JOSEPHINE
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

STATE OF OREGON
WATER RESOURCES DEPARTMENT
SALEM, OREGON 97310

confirms the right to use the waters of ROGUE RIVER, a tributary of the PACIFIC OCEAN, in the ROGUE RIVER BASIN to maintain an instream flow for the purpose of SUPPORTING AQUATIC LIFE AND MINIMIZING POLLUTION.

The right is for flows to be maintained IN ROGUE RIVER AND ITS TRIBUTARIES IMMEDIATELY ABOVE SAVAGE RAPIDS DAM (SECTION 24, T 36 S, R 5 W, W.M.).

The right is established under Oregon Revised Statutes 537.346.

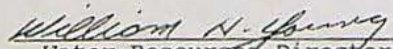
The date of priority is MAY 22, 1959.

The right is limited to not more than 1000 cubic feet per second throughout the year.

This instream water right shall not affect domestic or livestock uses or waters legally stored or legally released from storage.

This instream water right shall not affect rights to appropriate water, from the main stem Rogue River, for the irrigation of one acre or less, with priority dates earlier than June 19, 1984.

Witness the signature of the Water Resources Director affixed this 13th day of March, 1989.


Water Resources Director

Recorded in State Record of Water Right Certificates number 59806.

MF267 15.ROGUE R.VOL1.DIST19

STATE OF OREGON
COUNTY OF JACKSON
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

STATE OF OREGON
WATER RESOURCES DEPARTMENT
SALEM, OREGON 97310

confirms the right to use the waters of ROGUE RIVER, a tributary of the PACIFIC OCEAN, in the ROGUE RIVER BASIN to maintain an instream flow for the purpose of SUPPORTING AQUATIC LIFE AND MINIMIZING POLLUTION.

The right is for flows to be maintained IN ROGUE RIVER AND ITS TRIBUTARIES ABOVE GOLD RAY DAM (SECTION 18, T 37 S, R 2 W, W.M.).

The right is established under Oregon Revised Statutes 537.346.

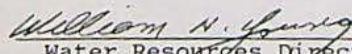
The date of priority is MAY 22, 1959.

The right is limited to not more than 1000 cubic feet per second throughout the year.

This instream water right shall not affect domestic or livestock uses or waters legally stored or legally released from storage.

This instream water right shall not affect rights to appropriate water, from the main stem Rogue River, for the irrigation of one acre or less, with priority dates earlier than June 19, 1984.

Witness the signature of the Water Resources Director affixed this 13th day of March, 1989.


Water Resources Director

Recorded in State Record of Water Right Certificates number 59816.

MF269 15.ROGUE R.VOL1.DIST19

STATE OF OREGON
COUNTY OF JACKSON
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

STATE OF OREGON
WATER RESOURCES DEPARTMENT
SALEM, OREGON 97310

confirms the right to use the waters of ROGUE RIVER, a tributary of the PACIFIC OCEAN, in the ROGUE RIVER BASIN to maintain an instream flow for the purpose of SUPPORTING AQUATIC LIFE AND MINIMIZING POLLUTION.

The right is for flows to be maintained IN THE ROGUE RIVER AND ITS TRIBUTARIES ABOVE GOLD RAY DAM (SECTION 18, T 37 S, R 2 W, W.M.).

The right is established under Oregon Revised Statutes 537.346.

The date of priority is FEBRUARY 24, 1966.

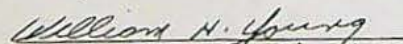
The right is limited to not more than 1200 cubic feet per second throughout the year.

This instream water right shall not affect domestic or livestock uses or waters legally stored or legally released from storage.

This instream water right shall not affect rights to appropriate water, from the main stem Rogue River, for the irrigation of one acre or less, with priority dates earlier than June 19, 1984.

The flows listed above include flows established by earlier dated instream water rights.

Witness the signature of the Water Resources Director affixed this 13th day of March, 1989.


Water Resources Director

Recorded in State Record of Water Right Certificates number 59817.

MF270 15.ROGUE R.VOL1.DIST19

STATE OF OREGON

COUNTY OF

JACKSON

CERTIFICATE OF WATER RIGHT

This Is to Certify, That

DEPARTMENT OF FISH AND WILDLIFE

of PO Box 3503, Portland, State of Oregon 97208, has made proof to the satisfaction of the Water Resources Director, of a right to the use of the waters of Lost Creek Reservoir constructed under Permit R-8410

a tributary of Rogue River
fishery enhancement

for the purpose of

under Permit No. 44909 and that said right to the use of said waters has been perfected in accordance with the laws of Oregon; that the priority of the right hereby confirmed dates from May 7, 1962

that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed 2000 cubic feet per second

or its equivalent in case of rotation, measured at the point of diversion from the stream. The point of diversion is located in the SE 1/4 NW 1/4, Section 26, T33S, R1E, WM; 2000 feet South and 1700 feet East from the NW Corner, Section 26.

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to ----- of one cubic foot per second per acre,

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

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

SEE NEXT PAGE

Location of place of use is the Rogue River channel from Lost Creek Dam to the Pacific Ocean. The river's course crosses, borders, or otherwise occupies a part of the following listed sections. The townships are listed as they are first reached as the river flows downstream, but the sections within those townships are arranged in numerical order.

JACKSON COUNTY

Township 33 South	Range 1 East,	Sections	26, 27, 31, 32, 33, and 34.
T33S	R1W	Sections	35 and 36.
T34S	R1W	Sections	2, 3, 10, 15, 16, 21, 28, 29, 32, and 33.
T35S	R1W	Sections	4, 5, 8, 9, 16, 17, 20, 29, 31, and 32.
T36S	R1W	Sections	6 and 7.
T36S	R2W	Sections	1, 12, 13, 14, 15, 16, 17, 18, 19, and 20.
T36S	R3W	Sections	1, 2, 10, 11, 12, 13, 15, 16, 17, 19, 20, 21, and 22.
T36S	R4W	Sections	19, 20, 21, 22, 24, 25, 26, and 27.

JOSEPHINE COUNTY

T36S	R5W	Sections	19, 20, 21, 22, 23, and 24.
T36S	R6W	Sections	14, 15, 18, 19, 20, 21, 22, 23, and 24.
T36S	R7W	Sections	1, 2, 11, 12, 13, and 14.
T35S	R7W	Sections	4, 5, 6, 8, 9, 10, 11, 14, 23, 24, 25, 26, 35, and 36.
T35S	R8W	Section	1.
T34S	R8W	Sections	1, 2, 5, 6, 12, 13, 24, 25, and 36.
T34S	R7W	Sections	18, 19, and 30.
T34S	R9W	Sections	1 and 2.
T33S	R9W	Sections	16, 21, 22, 23, 26, 35, and 36.
T33S	R8W	Sections	32, 33, 34, and 35.

CURRY COUNTY

T33S	R9W	Sections	16, 17, 18, 21, 22, 23, 26, 35 and 36.
T33S	R10W	Sections	9, 10, 11, 12, 13, 14, 16, 17, 18, 19, and 30.
T33S	R11W	Sections	25, 35, and 36.
T34S	R11W	Sections	1, 2, 3, 8, 9, 10, 16, 17, 18, 19, 30, and 31.
T35S	R11W	Sections	6, 7, and 18.
T35S	R12W	Sections	10, 11, 12, 13, 15, 16, 20, 21, 29, 30, and 31.
T35S	R13W	Sections	31, 32, 33, 34, and 36.
T35S	R14W	Section	36.
T36S	R13W	Sections	1, 2, and 3.
T36S	R14W	Sections	1, 2, 9, 10, 11, 12, 15, 16, 17, 20, 29, and 30.
T36S	R15W	Sections	25 and 36.

The right to the use of the water for the purposes aforesaid is restricted to the lands or place of use herein described. and is subject to minimum flows established by the Water Resources Commission with an effective date prior to this right.

WITNESS the signature of the Water Resources Director, affixed

this date. March 21, 1986

_____/s/ William H. Young_____
Water Resources Director

Recorded in State Record of Water Right Certificates, Volume 49 , page 54021

Dorothy Pedersen

From: Dorothy Pedersen
Sent: Wednesday, April 18, 2007 9:21 AM
To: 'phggek@bctonline.com'
Subject: T-10342 templates, etc.

Attachments: 10342-WM-review.pdf; 10342-odfw-rev.pdf; 10342-dpd-ISWR-TLI-template.doc; Contact List.dot; PD_notice.dot; DPD_cov_approve.dot; DPD_cov_reject.dot; PD_cov_fav_nni.dot; PD_cov_unfav_nni.dot; DeficLet.dot; 10342-Land-use.pdf



10342-WM-review.pdf (30 KB)



10342-odfw-rev.pdf (74 KB)



10342-dpd-ISWR-TLI-template.doc



Contact List.dot (26 KB)



PD_notice.dot (29 KB)



DPD_cov_approve.dot (27 KB)



DPD_cov_reject.dot (28 KB)



PD_cov_fav_nni.doc (30 KB)



PD_cov_unfav_nni.doc (30 KB)



DeficLet.dot (27 KB)



10342-Land-use.pdf (40 KB)

Good morning Greg,

Attached are the watermaster review, the ODFW review, Land Use Information Form and templates for use in the T-10342 project. This is a time limited instream transfer, so it is just like a permanent instream except that you will not be preparing an instream water right certificate, since the change is not permanent.

Thanks,
Dorothy

Dorothy I. Pedersen
Field Services Division
Oregon Water Resources Department
Dorothy.I.PEDERSEN@wrdd.state.or.us
503-986-0890

Shipping Checklist for Reimbursement Authority File

File T- 10342 Applicant: Gordon & Judith Rose

Agent/Contact: Joe Strahl

Ship to Contractor: Pacific Hydro

Items included:

- ☒ Copy of front of file folder
- ☒ Reimbursement Authority Estimate Application
- ☒ Transfer Application form
- ☒ Transfer map
- ☒ Evidence of use affidavit
- ☒ Supporting documentation for evidence of use
- ☒ Land-use Information form
- ☒ Lot book report (or deed if instream or temporary transfer, or application received before 7/1/03)
- ☒ Certificate or copy of decree for each right to be transferred
- ☒ Final Proof map or decree map for each right to be transferred
- ☒ Well logs (if change in POA, SW POD-to-GW POA change)
- ☐ Watermaster review (all transfers) *will be sent later*
- ☐ ODFW review (if change in POD)
- ☒ GW review (if Δ POA, or POD-to-POA change)
- ☐ _____
- ☒ Final Deliverable cover sheet
- ☒ Itemized Estimate sheet for contractor

Additional things to check:

- ☒ All regular application processing fees paid
- ☒ Reimbursement Authority \$125 fee paid for preparing estimate
- ☒ Date of WRD initial Public Notice 3-27-07

Number of sheets copied 21

File contents copied by L. Paschke Date 3-21-07

Reimbursement Authority Process Itemized Estimate Sheet for Water Rights Transfer

Application Number T-10342

Name of Applicant: Gordon C. Rose and Judith D. Rose

Proposed Timeline

3/27/07	Public Notice (start of 30-day comment period).
4/30/07	Completion of draft preliminary determination--1 week after contracts signed and removal of deficiencies, but not before the end of the Public Notice comment period and receipt of all agency reviews (Watermaster, groundwater and ODFW as applicable).
6/4/07	Deadline for applicant review of draft preliminary determination--30 days or more after draft PD mailed to applicant, depending on issues to be resolved.
5 working days after DPD comments received	Completion of contract work: Submittal of PD cover letter, PD public notice (and remaining rights certificates if applicable)--within 5 business days after comments received from applicant that the draft is satisfactory, or after the end of the period for applicant to comment on draft PD and remedy deficiencies.

For purposes of water right transfers, all deliverables must be in Microsoft Word except remaining right certificates for which electronic copies of the existing certificates are currently available in WordPerfect.

Estimate

	Item	Time
1	Review of application for completeness.	
2	Review of "From" lands to confirm consistency with existing right(s) and ownership.	
3	Review of "To" lands for conflicts and preparation of draft deficiency letter (if necessary).	
4	Preparation of draft preliminary determination, DPD cover letter and contact list.	
5	Preparation of PD public notice, PD cover letter (and remaining right certificate(s) if necessary), and processing documentation.	
Total Estimated Time:		

(Indicate the estimated amount of time, in ½ hour increments, needed to complete each item listed.)

Prior to preparing an estimate, contact Department staff if work could not be performed consistent with the proposed timeline. In developing the estimate, review the transfer application, transfer map, existing certificate, and final proof map. Pay particular attention to the clarity of the existing rights and the complexity of the request.

Name of Consultant: Pacific Hydro-Geology, Inc.

Authorized Representative: _____

Date: _____

**Reimbursement Authority
Final Deliverables Cover Sheet
for
Transfers**

Transfer # T-10342

Applicant: Gordon C. Rose and Judith D. Rose

The following items have been submitted electronically*:

- ☐ Contact List
- ☐ Draft Preliminary Determination (DPD)
- ☐ DPD Cover Letter
- ☐ PD Notice
- ☐ PD Cover Letter
- ☐ Remaining Right Certificates (one for each right that is not entirely affected by the transfer)

***NOTE:** Transfer documents should be submitted in MS Word format preferably, or "rich text" format.

The following items are enclosed:

- ☐ Marked copy of transfer application
 - ☐ (for POU changes) Plat Card Report marked to indicate any other rights on the "From" lands
 - ☐ (for POU changes) Plat Card Report marked to indicate rights overlapping proposed POU
 - ☐ Notes or sketches, maps, etc. from evaluation of changes, injury evaluation, etc. that will help document what was considered in reaching the findings and determination in the Preliminary Determination.
 - ☐ Copies of each certificate that is only partially included in the transfer, marked as needed to show what portion of the right is being affected, and what remains unchanged.
- ☐ Signature of Contractor: _____ Date: _____

For WRD use only:

WRD approval by: _____ Date: _____

**WATER RESOURCES DEPARTMENT
REIMBURSEMENT AUTHORITY ESTIMATE APPLICATION**

House Bill 2551 (2003 Oregon Laws) authorizes the Oregon Water Resources Department to expedite or enhance regulatory processes voluntarily requested under the agreement. The voluntary agreement can be entered into with any person requesting services and agreeing to pay the Department's costs of providing the service.

The Department has established a pool of qualified contractors to perform expedited services for water right transfers, water right permits extensions, and water right certificates.

The purpose of this application is to obtain an estimate from the next qualified contractor in the appropriate pool. There is a non-refundable application fee of \$125.00 per request. The contractor will provide an estimate of the cost and of the time required to process and develop a recommendation on the request of a: (check one):

<u>REQUEST</u>	<u>TYPE</u>	<u>FILE NUMBER</u>
<input checked="" type="checkbox"/>	Transfer Application	10342
<input type="checkbox"/>	Certificate Request	
<input type="checkbox"/>	Extension of Time Request	

<u>Applicant Information</u>		<u>Applicant's Representative/Contact</u>
Name: (Please Print)	Gordon and Judith Rose	Joseph Strahl, PE, CWRE
Address:	8908 John Day Dr	171 S 2nd St
	Gold Hill, OR 97525	Central Point, OR 97502
Phone:	541-855-7629	541-665-5233
Fax		541-665-5266
E-Mail Address:		joe@pwmanagers.com

I understand the following:

- There is a non-refundable application fee of \$125.00 per request.
- That upon receipt of my non-refundable application fee in the amount of **\$ 125.00**, OWRD will assign my request to the next contractor in the pool of contractors performing expedited services.
- That this fee covers the copying, the mailing cost, as well as the cost for the contractor to evaluate and provide the estimate for processing of the request.
- That OWRD will provide all pertinent information to the assigned contractor within three (3) business days.
- That OWRD will, within fourteen (14) days, notify me in writing of the estimates of costs and time frame for the expedited service.
- That upon receiving the estimates I may agree or decline to enter into a formal contract to pay the estimated cost in advance to initiate the expedited service.
- An incomplete or inaccurate application may delay the process and increase the cost to process my request.
- Expedited processing does not guarantee a favorable review of my request.
- Send completed Application and payment to:

**OWRD – Reimbursement Authority Program
725 Summer St. NE, Suite A
Salem, OR 97301-1266.**

I certify that I am the (check one) ☐ Applicant ☒ Applicant's Representative ☐ Other (Please specify) _____

Signature: Joseph L. Strahl Name: Joseph L. Strahl

OWRD USE ONLY

Contractor Assigned: Pacific Hydro
OWRD Approval: _____

Total Amount Paid: \$ 125.00

RECEIVED

MAR 16 2007
Revised 6/2/2004

WATER RESOURCES DEPT
SALEM OREGON

RA Due 4-20-07

RECEIVED

MAR 30 2007

WATER RESOURCES DEPT
SALEM, OREGON

Oregon Department of Fish and Wildlife
Water Right and Diversion Transfer Comment Form

(ODFW provides to WRD so that WRD can make findings according to statutory requirements.)

Reference Transfer #: 10342

A. Please check box if you believe there is a potential for injury to an instream water right.

- ☐ The Oregon Department of Fish and Wildlife (ODFW) believes this proposed transfer may injure an instream water right(s) on _____, tributary to _____. Because, _____
(Stream) _____

(Please attach any available supporting information.)

Note: This will prompt WRD to further evaluate and make a determination whether the transfer will injure an instream water right. (WRD is the agency that makes the determination of injury to a water right, while ODFW's role is to raise concerns and to evaluate proposed mitigation and net benefit to the resource if WRD requests concurrence with injury to an instream water right.)

B. Please check one of the following four boxes related to requiring a fish screen and/or by-pass device pursuant to ORS 540.525 or 540.532:

- ☐ 1. The new Point of Diversion (POD) requires a fish screening and/or by-pass device and is currently equipped with an appropriate fish screening and/or by-pass device.

Note: This option will yield the following:

Finding of Fact: The Oregon Department of Fish and Wildlife has determined that a fish screening and/or by-pass device is necessary at the new point of diversion to prevent fish from entering the diversion and/or safely transport fish back to the body of water from which the fish were diverted and that the diversion is currently equipped with an appropriate fish screening and/or by-pass device.

Condition: The water user shall maintain and operate a fish screening and/or by-pass device, as appropriate, at the point of diversion consistent with the Oregon Department of Fish and Wildlife's operational and maintenance standards.

- ☐ 2. The new Point of Diversion (POD) requires a fish screening and/or by-pass device prior to water being diverted. The diversion may be eligible for cost share assistance under ODFW's cost share program.

Option 2 should generally be selected if listed fish species are present at the point of diversion and/or the originating water right diversion is currently screened. If Option 2 is

Please return all 4 pages to: Transfers Section, Water Resources Department,
725 Summer St. NE, Suite A, Salem, OR 97301-1271

The electronic version of this form is available at: <http://www1.wrd.state.or.us/msword/ODFWScreen.doc>.

selected, provide contact information on the "Fish Screening and Passage Information" sheet. The new diversion may be eligible for cost-share.

Note: This option will yield the following:

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

Condition: Prior to diverting water, the water user shall install a fish screening and/or by-pass device, as appropriate, at the new point of diversion consistent with the Oregon Department of Fish and Wildlife's (ODFW) design and construction standards. Prior to installation, the water user shall obtain written approval from ODFW that the required screen and/or by-pass device meets ODFW's criteria. Prior to submitting a Claim of Beneficial Use, the water user must obtain written approval from ODFW that the required screening and/or by-pass device was installed to the state's criteria. The water user shall maintain and operate the fish screen and/or by-pass device, as appropriate, at the point of diversion consistent with ODFW's operational and maintenance standards.

- ☐ 3. The new Point of Diversion (POD) requires a fish screening and/or by-pass device. However, the diversion may be used for up to two years pending a determination of whether cost share assistance under ODFW's cost share program is available.

If Option 3 is selected, provide contact information on the "Fish Screening and Passage Information" sheet. Except in extraordinary circumstances, Option 3 should NOT be checked if listed fish species are present at the point of diversion, the originating water right diversion is screened, cost-share funds are currently available, or the diversion is not eligible for ODFW's cost-share program. If extraordinary circumstances are present, please explain:

Note: This option will yield the following:

Finding of Fact: The Oregon Department of Fish and Wildlife (ODFW) has determined that a fish screening and/or by-pass device is necessary at the new point of diversion to prevent fish from entering the diversion and/or safely transport fish back to the body of water from which the fish were diverted and that the diversion is not currently equipped with an appropriate fish screening and/or by-pass device. Listed fish species are not present at the point of diversion, the originating water right diversion is not screened, cost-share funds are not currently available, and the proposed diversion may be eligible for ODFW's cost-share program. A grace period of two years is appropriate until such time as cost share funds become available to assist in the construction of a fish screening and/or by-pass device. If cost share funds do not become available, the water user must screen within the indicated time period regardless of the availability of cost share funding.

Condition: Within two years after the date of this order, the water user shall install a fish screening and/or by-pass device, as appropriate, at the new point of diversion consistent with the Oregon Department of Fish and Wildlife's (ODFW) design and construction standards. Prior to installation, the water user shall obtain written approval from ODFW that the required screen and/or by-pass device meets ODFW's criteria. The water user may withdraw water at the new point of diversion without screening or by-pass devices until two years after the date of this order. Prior to submitting a Claim of Beneficial Use, the water user must obtain written approval from ODFW that the required screening and/or by-pass device was installed to the state's criteria. The water user shall maintain and operate the fish screen and/or by-pass device, as appropriate, at the point of diversion consistent with ODFW's operational and maintenance standards.

- ☒ 4. The new Point of Diversion (POD) does not currently require a fish screen and/or by-pass device, however, the permittee may be required in the future to install, maintain, and operate fish screening and/or by-pass devices.

Note: This option will yield the following:

Finding of Fact: The Oregon Department of Fish and Wildlife has determined that a fish screening and/or by-pass device may be required in the future at the new point of diversion to prevent fish from entering the diversion and/or safely transport fish back to the body of water from which the fish were diverted and that the diversion is not currently equipped with an appropriate fish screening and/or by-pass device.

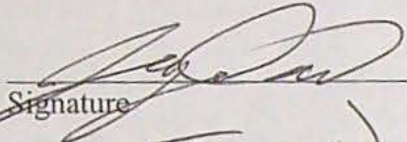
Condition: Within one year after receiving written notification from the Oregon Department of Fish and Wildlife (ODFW) that a fish screening and/or by-pass device is required, the water user shall install a screening and/or by-pass device, as appropriate, at the new point of diversion. The fish screening and/or by-pass device must meet ODFW's design and construction standards. Prior to installation, the water user shall obtain written approval from ODFW that the required screening and/or by-pass device meets ODFW's criteria. Once installed the water user shall maintain and operate the fish screening and/or by-pass device, as appropriate, at the point of diversion consistent with ODFW's operational and maintenance standards.

Signature

Printed Name

Title

Phone


Jay Davis
ODFW
(541) 826 8774

RECEIVED

MAR 30 2007

WATER RESOURCES DEPT
SALEM, OREGON

Oregon Department of Fish and Wildlife
Additional Fish Screening and Passage Information for the Applicant
(To be completed by ODFW for WRD to provide to the applicant.)

Transfer # 10342

The applicant should be aware that fish screening and passage may be required for certain changes in point of diversion if the boxes below are checked.

- ☐ Fish screening and/or fish by-pass devices are required as a condition of this transfer. The fish screen and/or by-pass device must meet ODFW's design, construction, operational and maintenance standards. Fish screening prevents fish from entering the diversion, while a by-pass device safely transports fish back to the body of water from which the fish were diverted.

Pursuant to ORS 498.306, cost share funds may be available to assist in the installation of fish screening and by-pass devices at diversions.

The applicant should contact the ODFW staff below to obtain additional information on the design, construction, operational, and maintenance standards for the required fish screening and/or by-pass device and to obtain information about ODFW's cost sharing program for screening and by-pass devices. **Prior to installation, the water user must obtain written approval from ODFW that the required screening and/or by-pass device meets ODFW's criteria.**

ODFW staff name: _____

Address: _____

City/State/Zip: _____

Phone: (____) _____

- ☐ This transfer may trigger requirements for fish passage under ORS 509.585 because a new point of diversion will be constructed, an existing point of diversion's capacity will be increased, or an existing point of diversion will be abandoned. The applicant should contact the ODFW staff below for a determination of whether native migratory fish are or were present at the applicable location, which will determine whether fish passage must be addressed.

ODFW staff name: _____

Address: _____

City/State/Zip: _____

Phone: (____) _____



Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, Oregon 97301-1271
(503) 986-0900
www.wrd.state.or.us

Watermaster Review Form: Water Right Transfer

Transfer Application: T-10342

Review Due Date: 4/20/07

Applicant Name: Gordon/Judith Rose

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

Reviewer(s): Larry Menteer

Date of Review: Apr. 6, 2007

1. Do you have information suggesting that the water rights may be subject to forfeiture?
☐ Yes ☒ No If "Yes", describe the information and indicate if you intend to file a cancellation affidavit or if you need additional time to determine if a cancellation affidavit should be filed: _____
2. Is there a history of regulation on the source that serves the right proposed for transfer that has involved the right and downstream water rights? ☐ Yes ☒ No Generally characterize the frequency of any regulation or explain why regulation has not occurred:
There has not been regulation on the Rogue River for senior use since 1977 due to the completion of Lost Creek Reservoir.
3. Check here if it appears that downstream water rights benefit from return flows resulting from the current use of the right? ☐ If you check the box, generally characterize the locations where the return flows likely occur and list the water rights that benefit most:

4. Are there upstream water rights that would be affected by the proposed change?
☐ Yes ☒ No If "Yes", describe how the rights would be affected and list the rights most affected: _____
5. 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: _____
6. Would distribution of water for the right after the proposed change result in regulation of other water rights that would not have occurred if use of the existing right was maximized?
☐ Yes ☒ No If "Yes", explain: _____
7. For POU changes, would the original place of use continue to receive water from the same source? ☐ Yes ☒ No ☐ N/A If "Yes", explain: _____
8. For POU or USE changes, 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: _____

9. Are there other issues not identified through the above questions? ☐ Yes ☒ No If "Yes", explain: _____
10. What alternatives may be available for addressing any issues identified above: _____
11. Have headgate notices been issued for the source that serves the right? ☐ Yes ☒ No
12. What water control and measurement conditions should be included in the transfer:

Measurement Devices	<input type="checkbox"/> Present and should be maintained.	<input type="checkbox"/> Should be required prior to diverting water.	<input checked="" type="checkbox"/> May be required in the future.
Headgates	<input type="checkbox"/> Present and should be maintained.	<input type="checkbox"/> Should be required prior to diverting water.	<input type="checkbox"/> May be required in the future.

INTEROFFICE MEMO

DATE: March 19, 2007

TO: Sarah Henderson

FROM: Laura Snedaker

SUBJECT: Acceptance of IS Transfer Application/Mitigation Project MP-_____

The attached IS transfer application is ok to accept. Please do the following as applicable:

- ☐ Please debit \$_____ from _____ account.
- ✓ ☒ Please accept application and fees.
- ✓ ☒ Refund Due: **\$350.00 (overpaid by half - Instream transfers are eligible for a 50% reduction.)**
- ✓ ☒ Please put IS transfer application in a transfer file folder.
- ✓ ☒ Please make copy of the IS transfer for the Watermaster.
- ☐ Please make copy of IS transfer (including attachments – unless otherwise specified) and put in dark blue Mitigation Project file folder.
- ✓ ☒ Please scan IS transfer application and save to appropriate transfer file folder as *****-application
- ✓ ☒ Please put copy of this page in IS transfer file folder.

Notes: Will probably need some additional information to support the affidavit of use.



Oregon

Theodore R. Kulongoski, Governor

Water Resources Department

North Mall Office Building
725 Summer Street NE, Suite A
Salem, OR 97301-1266
503-986-0900
FAX 503-986-0904

March 21, 2007

GORDON C ROSE
JUDITH D ROSE
8908 JOHN DAY DRIVE
GOLD HILL OR 97525

Reference: Time Limited Instream Transfer 10342

On March 16, 2007 we received your water right transfer application requesting a change in use, and place of use for use of water from ROGUE RIVER, tributary to PACIFIC OCEAN. The application was accompanied by \$700. Our receipt 86680 is enclosed.

By copy of this letter, we are asking the Watermaster for his report regarding the potential for injury to existing water rights which may be caused by the change.

Your application will be examined to determine if additional information is needed. You will be contacted following this examination.

We will notify you if additional information or corrections to the application or map are required.

If you have any questions, please call the Transfer Section, (503)986-0900.

cc: Watermaster #13
Joe Strahl, Agent
Jay Doino, ODFW

enclosure

TRANSFER CHECK OFF LIST

TRANSFER FILE #

10342

DATE RECEIVED

3-16-07

DATE MONEY SLIPPED

3-16-07

DATE RECEIPTED

3-16-07

VALID WATER RIGHT?

X Yes No

TEMP ALT AC

IRR DIST

PERM AMEND

DIV 15

TEMP Div 15

ISWR X

LETTER FROM ATTORNEY YES (PUT INFO ON FRONT COVER)

X NO

FOLDER FILLED OUT*

yes

ENTERED IN DB

yes

CONTENTS MARKED

yes

COLOR CODED

X Yes yes

4 COPIES MADE & STAMPED

CERTIFICATE MARKED

yes

CERTIFICATE COPIED

yes

PULL APPLICATIONS

yes

APP FOLDER MARKED

yes

FINAL PROOF MAP COPIED

yes

PERMIT MARKED

no

PERMIT COPIED

/

PERMIT MAP COPIED

/

DECREE MARKED

/

DECREE COPIED

/

ADJUDICATION MAP COPIED

/

ENTRIES CHECKED

CHECKED BY INIT FOLDER

PUBLIC NOTICE DATE

3-27-07

(PREPARED & COPIED) yes

LETTER SENT

yes

Irrigation District no (copy of app & map)

COPY TO WM

yes

BLUE FORM TO WM

yes

Orange Perm Amend/Yellow Temp/Gru Dist/Lav Alt Acr/pink his

COPY TO GW

no

POA, APOA, or [SW TO GW ONLY(as POD)]

BLUE FORM TO GW

no

Orange Perm Amend/Yellow Temp/Gru Dist/Lav Alt Acr/pink his

COPY TO CWRE

yes

LETTER TO ODFW

yes

ALL Surface water POU/USE (POD and APOD FISH SCREENS)

ANSFER SENT TO:

RA/TLIS

SW --- NCR --- SCR --- ER

SHRINK DATA IF THERE ARE MANY FILES INVOLVED AND GLUE TO FOLDER

TRANCHK10/25