

T-10343

T-10343

TLIS/Instream

RA

Name George H. Neary, Trustee

By _____

Address 16350 Dryden DRReno, NV 89511775-852-3194Change in POU/USEDate filed 3-16-07

Date of hearing _____

Place of hearing _____

Date of order 11-30-07 Vol. 73, page 750

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 7/28/1955In name of John Day

_____ Adjudication, Vol. _____, page _____

App. No. 530171 Per. No. 523196 Cert. No. 81513

Certificate cancelled _____

Notation made on record by _____

FEES PAID

Date	Amount	Receipt No.
<u>3-16-07</u>	<u>875.00</u>	<u>86679</u>
<u>3-16-07</u>	<u>125.00</u>	<u>86673</u>
TOTAL . . .		
	Cert. Fee	

FEES REFUNDED

Date	Amount	Check No.
<u>7/31/07</u>	<u>437.50</u>	<u>86677</u>

REMARKS

EWRE: 541 301-2946
 Agent: Joe Strahl 171 S 2nd St Central Point, OR 97502 541-665-5233

NOTED

Jackson County 105. Oakdale Ave Medford, OR 97501

Contractor: Pacific Hydro

Public Notice 3/27/07



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

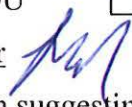
Watermaster Review Form: Water Right Transfer

Transfer Application: T-10343

Review Due Date: 4/20/07

Applicant Name: George H. Neary, Trustee

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: _____

RECEIVED

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	☐ Present and should be maintained.	☐ Should be required prior to diverting water.	☒ May be required in the future.
Headgates	☐ Present and should be maintained.	☐ Should be required prior to diverting water.	☐ May be required in the future.

RECEIVED**APR 11 2007****WATER RESOURCES DEPT
SALEM, OREGON**



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

December 12, 2007

GEORGE H. NEARY, TRUSTEE
10350 DRYDEN DRIVE
RENO, NV 89511

Reference: Transfer 10343

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
Executive Support

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-10343, 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

GEORGE H. NEARY, TRUSTEE
10350 DRYDEN DRIVE
RENO, NV 89511

Findings of Fact

Background

1. On March 16, 2007, George H. Neary, Trustee, filed a time-limited instream transfer application to temporarily change the character of use and place of use under Certificate 81513 to instream use for a period of three years. Hendrika Neary, Trustee, also signed the application. The Department assigned the application number T-10343.

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

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

Use: IRRIGATION of 92.1 ACRES

Priority Date: JULY 28, 1955

Rate: 1.15 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

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	17	NE NW	2.9
36 S	2 W	WM	17	NW NW	0.3
36 S	2 W	WM	17	SW NW	8.2
36 S	2 W	WM	17	SE NW	8.4
36 S	2 W	WM	18	NE NE	7.7
36 S	2 W	WM	18	NW NE	2.5
36 S	2 W	WM	18	SW NE	28.9
36 S	2 W	WM	18	SE NE	13.7
36 S	2 W	WM	18	NE NW	2.3
36 S	2 W	WM	18	SE NW	17.1
36 S	2 W	WM	18	NW SE	0.1

3. A scrivener's error has been identified on Certificate 81513. The authorized point of diversion for Certificate 81513 is incorrectly listed as being in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ 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 certificate 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. A total of 414.45 acre-feet of water may be beneficially used annually under the existing right.
5. Application T-10343 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, from 2007 through 2009.
6. The applicant requests that the water use revert to its authorized use and place of use at the end of the 2009 irrigation season, being October 31, 2009. The applicant has requested the ability to terminate the order with six months written notice.
7. Application T-10343 proposes to change the place of use of the right to create an instream reach from the point of diversion described in Finding of Fact #3 to the mouth of the Rogue River.

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

Period	Rate (cfs)	Volume (acre-feet)
April 2 to October 1	1.15	414.45

9. There are 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 (priority date of 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.
10. 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 rights established 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).
11. 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.
12. 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.
13. On July 26, 2007, the Department mailed a copy of the draft Preliminary Determination proposing to approve Transfer Application T-10343 to the applicant. The draft Preliminary Determination set forth a deadline of September 1, 2007, for the applicant(s) to respond. On August 16, 2007, the applicant requested that the Department proceed with issuance of a Preliminary Determination, and provided the necessary information to demonstrate that the applicant is authorized to pursue the transfer.
14. On September 19, 2007, the Department issued a Preliminary Determination proposing to approve Transfer T-10343 and mailed a copy to the applicant. Additionally, notice of the Preliminary Determination for the transfer application was published on the Department's weekly notice on September 25, 2007, and in the Medford Mail Tribune newspaper on October 8, 15, and 22, 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)

15. Water has been used within the last five years according to the terms and conditions of the right, and there is no information in the record that would demonstrate that the right is subject to forfeiture under ORS 540.610.
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-10343.
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. Based upon Finding of Fact #17, on August 16, 2007, the applicant agreed to modify the quantities to be transferred and protected instream as follows:

Period	Rate (cfs)	Volume (acre-feet)
April 2 through September 29	1.15	414.45

19. The proposed change as modified would not result in enlargement of the right.
20. The proposed change as modified would not result in injury to other water rights.
21. 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.
22. The protection of flows within the proposed reach is appropriate, considering:
 - a) The instream water right begins at the recorded point of diversion;
 - b) The location of confluences with other streams downstream of the point of diversion;
 - c) There are 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 right.
23. 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.
24. 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.

25. 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.
26. 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-10343 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**:

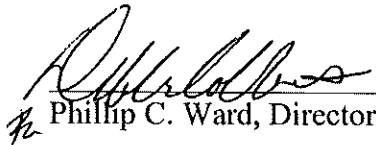
1. The temporary changes in character of use and place of use to instream use proposed in application T-10343 are approved from the date of this order through October 31, 2009, unless terminated earlier.
2. The instream water right shall provide for the protection of streamflows from the authorized point of diversion, described in Finding of Fact #3, to the mouth of the Rogue River.
3. The quantities of water to be protected under the instream water right are:

Priority	Period	Rate (cfs)
July 28, 1955	April 2 through September 29	1.15

4. 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.
5. The right to the use of the water is restricted to beneficial use at the place of use described, and is subject to all other conditions and limitations contained in Certificate 81513.
6. The exercise of the right evidenced by Certificate 81513 for irrigation at the former place of use (as described in Finding of Fact #2) shall be **SUSPENDED**, without loss of priority, for the term of the transfer authorized herein.

7. 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.
8. Upon expiration of this transfer, on either October 31, 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 Certificate 81513.

Dated at Salem, Oregon this 30 day of November 2007.


Phillip C. Ward, Director

Mailing date: DEC 12 2007

Water Right Transfer Completion Checklist

T-10343

Transfer Specialist: Bob

DB✓

Water Rights Affected

App File No.	Permit No.	Certificate No.	RR/CR Needed	RR/CR Nos.
		81513	☐ Yes ☒ No	
			☐ Yes ☐ No	
			☐ Yes ☐ No	

Copies Needed

Watermaster District: 13, 14, 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: Time-limited Instream Transfer

DPD Review (Optional)

Reviewer: _____ Date: _____

Coordinator: _____ Date: _____

PD Review (Salem)

Reviewer: LKS Date: 9/13/07

Coordinator: DRP Date: 9/17/07

Final Order Review (Salem)

Reviewer: LKS Date: 10-23-07

Coordinator: DRP Date: 11/27/07

Comments/Special Issues:

Special Order Volume: 73, Pages 750

Final Order Signature Date: NOV 30 2007

☒ WRIS clone correction needed

Bob Rice

**NOTICE OF PRELIMINARY
DETERMINATION FOR
WATER RIGHT TRANSFER
T-10343**

T-10343 filed by George H. Neary, Trustee (14350 Dryden Drive, Reno, Nevada 89511) proposes a change in place of use and character of use of a portion of Certificate 81513. The right allows the use of 1.15 cfs (priority date July 28, 1955) from a diversion in Sec. 18, T36S, R2W, W.M. for irrigation in Sec. 17 and 18, T36S, R2W, W.M. The applicant proposes to change the place and character of use to 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.

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 October 22, 2007. If no protests are filed, the Department will issue a final order consistent with the preliminary determination.

Oct. 8, 15, 22, 2007

Affidavit of Publication

State of Oregon,)
County of Jackson) ss.

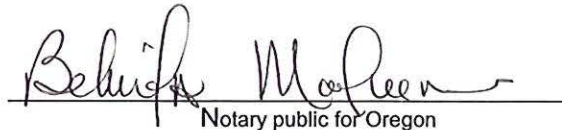
I, Cheryl A. Curtis, being first duly sworn, depose and say that I am the Principal Clerk of Medford Mail Tribune newspaper of general circulation, printed and published at Medford in the aforesaid county and state; that the

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: October 8, 15, 22, 2007



Subscribed and sworn to before me this 31 day of October, 2007.


Notary public for Oregon

My Commission expires 16th day of September 2011.



RECEIVED

NOV 08 2007

**WATER RESOURCES DEPT
SALEM, OREGON**

Becca Croft

From: Becca Croft [becca@pwmanagers.com]
Sent: Monday, November 05, 2007 2:37 PM
To: 'Bob Rice'
Cc: 'joe@pwmanagers.com'
Subject: RE: Neary Transfer, T-10343

*Bob-
your timing is
a little haunting.
☺ Becca*

Bob,

Your email prompted a call to the Mail Tribune, which prompted me to check the mailbox. Though we had asked to have the affidavit sent directly to you, it arrived in our mailbox a few hours ago.

You are very perceptive. I will forward the original to you immediately.

Becca

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

From: Bob Rice [mailto:ricerd@wrд.state.or.us]
Sent: Monday, November 05, 2007 2:16 PM
To: joe@pwmanagers.com
Cc: Becca Croft
Subject: RE: Neary Transfer, T-10343

Joe and Becca,

I'm still waiting on receiving the affidavit of publication on the Neary Transfer. Can you check to see that it has been noticed in the local paper, and if so, ask the newspaper to send (an original) affidavit to me? 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: Joe Strahl [mailto:joe@pwmanagers.com]
Sent: Saturday, September 15, 2007 10:31 AM
To: Bob Rice
Cc: 'Becca Croft'
Subject: RE: Neary Transfer, T-10343

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NOV 08 2007

**WATER RESOURCES DEPT
SALEM, OREGON**

Bob,
Thanks for catching this. We concur, subject of course to the other terms of the time limited transfer. (i.e. we might request a transfer prior to the expiration of the three years.)

Joe Strahl, PE & CWRE

Public Works Management, Inc.
171 S. 2nd Street
Central Point, OR 97502
office (541) 665-5233
fax (541) 665-5266
cell (541) 301-2946
e-mail: joe@pwmanagers.com

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

From: Bob Rice [mailto:ricerd@wrdd.state.or.us]
Sent: Friday, September 14, 2007 5:03 PM
To: joe@pwmanagers.com
Cc: Becca Croft
Subject: Neary Transfer, T-10343

Joe,

Upon review of the PD (which I hope to have signed next week), we found that the application does not identify the public use for which the time-limited instream right is requested.

I have drafted the PD to show that the proposed use is:
"conservation, maintenance and enhancement of aquatic and fish life, wildlife, fish and wildlife habitat and other ecological values for a period of three years."

Please let me know if you concur.

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

No virus found in this incoming message.
Checked by AVG Free Edition.
Version: 7.5.487 / Virus Database: 269.13.19/1008 - Release Date:
9/14/2007
8:59 AM

No virus found in this outgoing message.
Checked by AVG Free Edition.
Version: 7.5.487 / Virus Database: 269.13.19/1008 - Release Date:
9/14/2007
8:59 AM

RECEIVED

NOV 08 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

September 20, 2007

George Neary
10350 Dryden Drive
Reno, NV 89511

SUBJECT: **Transfer Application T-10343**

Please find enclosed the Preliminary Determination indicating that, based on the information available, the Department intends to approve application T-10343. 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 application T-10343 proposes a 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.

Sincerely,

Sarah Henderson

for Bob Rice
Field Services Division

cc: Larry Menteer, District #13 Watermaster
Kathy Smith, District #14 Watermaster
Mitch Lewis, District #19 Watermaster
Joseph L. Strahl, Applicants Agent/CWRE

encs

*Pd Noticed
9-25-07*

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

In the Matter of Time-Limited Instream	)	PRELIMINARY DETERMINATION
Transfer Application T-10343, 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

GEORGE H. NEARY, TRUSTEE
10350 DRYDEN DRIVE
RENO, NV 89511

Findings of Fact

Background

1. On March 16, 2007, George H. Neary, Trustee, filed a time-limited instream transfer application to temporarily change the character of use and place of use under Certificate 81513 to instream use for a period of three years. Hendrika Neary, Trustee, also signed the application. The Department assigned the application number T-10343.

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

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

Use: IRRIGATION of 92.1 ACRES

Priority Date: JULY 28, 1955

Rate: 1.15 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

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	17	NE NW	2.9
36 S	2 W	WM	17	NW NW	0.3
36 S	2 W	WM	17	SW NW	8.2
36 S	2 W	WM	17	SE NW	8.4
36 S	2 W	WM	18	NE NE	7.7
36 S	2 W	WM	18	NW NE	2.5
36 S	2 W	WM	18	SW NE	28.9
36 S	2 W	WM	18	SE NE	13.7
36 S	2 W	WM	18	NE NW	2.3
36 S	2 W	WM	18	SE NW	17.1
36 S	2 W	WM	18	NW SE	0.1

3. A scrivener's error has been identified on Certificate 81513. The authorized point of diversion for Certificate 81513 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 certificate 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. A total of 414.45 acre-feet of water may be beneficially used annually under the existing right.
5. Application T-10343 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, from 2007 through 2009.
6. The applicant requests that the water use revert to its authorized use and place of use at the end of the 2009 irrigation season, being October 31, 2009. The applicant has requested the ability to terminate the order with six months written notice.
7. Application T-10343 proposes to change the place of use of the right to create an instream reach from the point of diversion described in Finding of Fact #3 to the mouth of the Rogue River.
8. The applicant proposes the quantities water to be transferred instream to be protected follows:

Period	Rate (cfs)	Volume (acre-feet)
April 2 to October 1	1.15	414.45

9. There are 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 (priority date of 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.
10. 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 rights established 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).
11. 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.
12. 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.
13. On July 26, 2007, the Department mailed a copy of the draft Preliminary Determination proposing to approve Transfer Application T-10343 to the applicant. The draft Preliminary Determination set forth a deadline of September 1, 2007, for the applicant(s) to respond. On August 16, 2007, the applicant requested that the Department proceed with issuance of a Preliminary Determination, and provided the necessary information to demonstrate that the applicant is authorized to pursue the transfer.

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

14. Water has been used within the last five years according to the terms and conditions of the right, and there is no information in the record that would demonstrate that the right is subject to forfeiture under ORS 540.610.
15. A diversion structure and ditch sufficient to use the full amount of water allowed under the existing right were present within the five-year period prior to submittal of Application T-10343.

16. 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.
17. Based upon Finding of Fact #15, on August 16, 2007, the applicant agreed to modify the quantities to be transferred and protected instream as follows:

Period	Rate (cfs)	Volume (acre-feet)
April 2 to September 29	1.15	414.45

18. The proposed change as modified would not result in enlargement of the right.
19. The proposed change as modified would not result in injury to other water rights.
20. 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.
21. The protection of flows within the proposed reach is appropriate, considering:
- a) The instream water right begins at the recorded point of diversion;
 - b) The location of confluences with other streams downstream of the point of diversion;
 - c) There are 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 right.
22. 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.
23. 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.
24. 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.
25. 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-10343 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-10343 is approved, the final order will include the following:

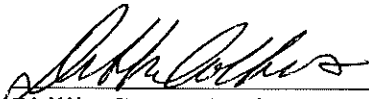
- 1. The temporary changes in character of use and place of use to instream use proposed in application T-10343 are approved from the date of this order through October 31, 2009, unless terminated earlier.*
- 2. The instream water right shall provide for the protection of streamflows from the authorized point of diversion, described in Finding of Fact #3, to the mouth of the Rogue River.*
- 3. The quantities of water to be protected under the instream water right are:*

<i>Priority</i>	<i>Period</i>	<i>Rate (cfs)</i>
<i>July 28, 1955</i>	<i>April 2 through September 29</i>	<i>1.15</i>

- 4. 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.*
- 5. The right to the use of the water is restricted to beneficial use at the place of use described, and is subject to all other conditions and limitations contained in Certificate 81513.*
- 6. The exercise of the right evidenced by Certificate 81513 for irrigation at the former place of use (as described in Finding of Fact #2) shall be SUSPENDED, without loss of priority, for the term of the transfer authorized herein.*
- 7. 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.*

8. *Upon expiration of this transfer, on either October 31, 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 Certificate 81513.*

Dated at Salem, Oregon this 19th day of September 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.

**Notice of Preliminary Determination for
Water Right Transfer T-10343**

T-10343 filed by George H. Neary, Trustee (10350 Dryden Drive, Reno, Nevada 89511) proposes a change in place of use and character of use of a portion of Certificate 81513. The right allows the use of 1.15 cfs (priority date July 28, 1955) from a diversion in Sec. 18, T36S, R2W, W.M. for irrigation in Sec. 17 and 18, T36S, R2W, W.M. The applicant proposes to change the place and character of use to 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.

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.



STATE OF OREGON
WATER RESOURCES DEPARTMENT
INTEROFFICE MEMO

DATE: August 15, 2007
TO: Application File T-10343
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: 10343
Water Right: CERT 81513
Priority Date: 1955
Name: GEORGE H NEARY, TRUSTEE
Address: 10350 DRYDEN DR; RENO NV 89511
Change: USE/POU
Source: ROGUE RIVER
Authorized POU: T36S R2W 17,18
Proposed POU: FROM T36S R2W 18 TO MOUTH OF 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.

Bob Rice

From: Joe Strahl [joe@pwmanagers.com]
Sent: Saturday, September 15, 2007 10:31 AM
To: Bob Rice
Cc: 'Becca Croft'
Subject: RE: Neary Transfer, T-10343

Bob,
Thanks for catching this. We concur, subject of course to the other terms of the time limited transfer. (i.e. we might request a transfer prior to the expiration of the three years.)

Joe Strahl, PE & CWRE
Public Works Management, Inc.
171 S. 2nd Street
Central Point, OR 97502
office (541) 665-5233
fax (541) 665-5266
cell (541) 301-2946
e-mail: joe@pwmanagers.com

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

From: Bob Rice [mailto:ricerd@wrdd.state.or.us]
Sent: Friday, September 14, 2007 5:03 PM
To: joe@pwmanagers.com
Cc: Becca Croft
Subject: Neary Transfer, T-10343

Joe,

Upon review of the PD (which I hope to have signed next week), we found that the application does not identify the public use for which the time-limited instream right is requested.

I have drafted the PD to show that the proposed use is:
"conservation, maintenance and enhancement of aquatic and fish life, wildlife, fish and wildlife habitat and other ecological values for a period of three years."

Please let me know if you concur.

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

No virus found in this incoming message.

Checked by AVG Free Edition.

Version: 7.5.487 / Virus Database: 269.13.19/1008 - Release Date: 9/14/2007
8:59 AM

No virus found in this outgoing message.

Checked by AVG Free Edition.

Version: 7.5.487 / Virus Database: 269.13.19/1008 - Release Date: 9/14/2007
8:59 AM

*No Layered rights I Del.
GEEK*

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	NE	NW	SW	SE	Unknown
Q(160):	NE	NW	SW	SE	NE	NW	NW	NW	NW	NW	NW	SE	NE	SW	SW	SW	SW	SW	SW	SW	SE	SE	SE	SE	SE	SE	SE	QQ
Select Cert:36641 OR *		5/8/1968	DOMESTIC			5												*										
<u>Additional Info:</u> JOHN S DAY App: S44880 Permit: S33555 Cert: 36641																												
Select Permit:S 54155 *		9/13/2004	DOMESTIC											*														
<u>Additional Info:</u> JIM SALYER App: S86076 Permit: S54155																												
Select Permit:S 45063 CN		4/14/1980	DOMESTIC EXPANDED											*														
<u>Additional Info:</u> HARRY DUNKERTON App: S60028 Permit: S45063																												
Select Cert:61905 OR *		9/2/1977	DOMESTIC INCLUDING LAWN AND GARDEN											*														
<u>Additional Info:</u> KENNETH R MCGRAW App: S56546 Permit: S42134 Cert: 61905																												
Select Cert:27275 OR *		7/28/1955	FIRE PROTECTION													*												
<u>Additional Info:</u> JOHN DAY App: S30170 Permit: S23795 Cert: 27275																												
Select Cert:15838 OR CN		8/5/1902	FISH CULTURE													*	*	*	*	*	*	*	*	*	*	*	*	
<u>Additional Info:</u> CALIFORNIA OREGON POWER CO. Decree: ROGUE RIVER FINAL DECREE Cert: 15838																												

1 2 3 4

1 2 3 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) [12.25] Acreage has been suspended * Acreage is not specified

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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	Unkown
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					NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Unkown
Select Permit:S 53961 * Additional Info: DEBORAH JOHNSON App: S85438 Permit: S53961		1/27/2003	HUMAN CONSUMPTION					NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Unkown
Select Permit:S 54155 * Additional Info: JIM SALYER App: S86076 Permit: S54155		9/13/2004	HUMAN CONSUMPTION					NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Unkown
Select App:S 86590 DN Additional Info: JIM SALYER App: S86590		5/4/2006	HUMAN CONSUMPTION	DN				NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Unkown
Select Inchoate: T 6293 CF (REG) * Additional Info: MEDFORD READY MIX CONCETE INC. Decree: ROGUE RIVER (F)(S), 1940		9/22/1888	IRRIGATION					NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Unkown

1 2 3 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 RESOURCES DEPT
SALEM, OREGONhttp://apps2.wrd.state.or.us/apps/wr/wrinfo/wr_platcard.aspx

5/22/2007

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 NW	QQ(160): NE NE NE NE NW NW NW NW	SE NW	NE SW	NW SW	SW SW	SE SW	NE SE	NW SE	SW SE	Unkown QQ
Select Inchoate: T 6426 CF (REG) *		9/22/1888	IRRIGATION								(0.02)		(0.98)				
Additional Info: MEDFORD READY MIX CONCRETE INC. Decree: ROGUE RIVER (F)(S), 1940																	
Select Permit:S 51544 *		2/4/1993	IRRIGATION								0.6						
Additional Info: ROBERT A BELL App: S73231 Permit: S51544																	
Select Cert:27275 OR *		7/28/1955	IRRIGATION								1.45						
Additional Info: JOHN DAY App: S30170 Permit: S23795 Cert: 27275																	
Select Cert:27276 OR CN		7/28/1955	IRRIGATION CN				7.7	2.5	33.1	16	3.7	34.5	19.9	18.2	0.4		±
Additional Info: JOHN DAY App: S30171 Permit: S23796 Cert: 27276																	
Select Cert:S2205 RR CN		7/28/1955	IRRIGATION CN				7.7	2.5	33.1	16	3.7	34.5	19.65	18.2	0.4		±
Additional Info: JOHN DAY App: S30171 Permit: S23796 Cert: S2205																	
Select Cert:S7547 RR CN		7/28/1955	IRRIGATION CN				7.7	2.5	33.1	16	3.7	34.5	19.65	18.2	0.4		±
Additional Info: JOHN DAY App: S30171 Permit: S23796 Cert: S7547																	

1 2 3 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 RESOURCES DEPT

http://apps2.wr.state.or.us/apps/wr/wrinfo/wr_platcard.aspx

5/22/2007

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	Unknown QQ
Select Permit:S 53950 *		1/27/2003	IRRIGATION					NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Unknown QQ
Additional Info: DEBORAH JOHNSON App: S85437 Permit: S53950								NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Unknown QQ
Select Permit:S 54179 *		11/19/2004	IRRIGATION					NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Unknown QQ
Additional Info: MICHAEL PARKER App: S86134 Permit: S54179								NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Unknown QQ
Select Cert:81513 RR *	T10342, T10343	7/28/1955	IRRIGATION					7.7	2.5	33.1	16	3.7	34.5	18.38	18.2			0.4				1		
Additional Info: JOHN DAY App: S30171 Permit: S23796 Cert: 81513								7.7	2.5	33.1	16	3.7	34.5	18.38	18.2			0.4				1		
Select Cert:27275 OR *		7/28/1955	IRRIGATION AND DOMESTIC														1.55							
Additional Info: JOHN DAY App: S30170 Permit: S23795 Cert: 27275																	1.55							
Select Cert:15838 OR CN		8/5/1902	POWER DEVELOPMENT													*	*	*	*	*	*	*	*	
Additional Info: CALIFORNIA OREGON POWER CO. Decree: ROGUE RIVER FINAL DECREE Cert: 15838																*	*	*	*	*	*	*	*	
Select Cert:60007 CF *		8/5/1902	RECREATION							*	*					*	*			*	*	*	*	
Additional Info: COUNTY OF JACKSON PARKS DEPT. Decree: ROGUE RIVER (F) STATE WATER BOARD Cert: 60007										*	*					*	*			*	*	*	*	

1 2 3 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 RESOURCES DEPT
SALEM, OREGON
http://apps2.wrd.state.or.us/apps/wr/wrinfo/wr_platcard.aspx

5/22/2007

To: File Page 1 of 1
From: GK Date: 5/30/07
Project: Neary Transfer - T-10343
Subject: Calculations for Rate and Duty - Certificate 81513

Rate per acre from C 81513: $2.55 \text{ cfs} / 204.58 \text{ Ac} = 0.01246 \text{ cfs/Ac}$

Acres Transferred instream: 92.1 Ac

Volume Transferred instream: $92.1 \text{ Ac} \times 4.5 \text{ AF/Ac} = 414.45 \text{ AF}$

Proposed Instream Period: April 2 through Sept. 30 = 182 days

Rate for instream use: $(414.45 \div 182) \div 1.483471 = 1.148 \text{ cfs}$

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WATER RESOURCES DEPT
SALEM, OREGON

Action

To: Fib Page 1 of 1
From: GK Date: 5/29/07
Project: Rove
Subject: IS Water Rights Priority Dates

Instream Water RightPriority Date

59806	5/22/59
59807	2/24/66
59816	5/22/59
59817	2/24/66
59847	5/22/59
59848	2/24/66
54021	5/7/62

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SEP 21 2007

WATER RESOURCES DEPT
SALEM, OREGON

Action

To: FRB Page 1 of 1
From: GR Date: 5/27/07
Project: Ren and Neiry Transfers
Subject: Contact Info from Oregon Blue Book

✓ Jackson County:

✓ Gold Hill - P.O. Box 308, Gold Hill, OR 97525 (541-855-1525)
~~Angela~~ Ph. (541-855-1525) Fax (541-855-4501)

✓ Rogue River - P.O. Box 1137, CA, at Rogue Riv, OR 97537
Ph (541-582-4401) Fax (541-582-0937)

✓ Josephine County

P.O. Box 69, Grants Pass, OR 97528
Ph (541-474-5243) Fax (541-474-5246)
gharvey@Co.josephine.or.us

✓ Grants Pass - 101 NW "A" St. 97526
Ph (541-474-6360) Fax (541-479-0812)

✓ Curry County

P.O. Box 746, Gold Beach, 97444
Ph (541-247-3295) Fax (541-247-6440) kolennr@Co.curry.or.us

✓ Brookings - 898 Elk Dr. 97415
Ph (541-469-2163) Fax (541-469-3650)

✓ Jackson Co.

100 S. Oakdale, Medford 97501
Ph (541-774-6116) Fax (541-774-~~6705~~ 6705)
boe@jacksoncounty.org

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SEP 21 2007

WATER RESOURCES DEPT
SALEM, OREGON

Action



Public Works
Management, Inc.

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

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

March 13, 2007

Oregon Water Resources Department
725 Summer Street, NE
Suite A
Salem, OR 97301-1271

Attn: Ms. Sarah Henderson

RE: Applications for Time Limited Transfer

Dear Ms. Henderson:

This letter is to transmit two applications for a time limited transfer to in-stream use of water rights associated with certificates 81513 and 41771. We are also requesting that these applications be reviewed and considered concurrently since they involve water rights associated with adjacent properties that share these water rights.

We intend to request and follow the reimbursement authority process. Enclosed is the application and initial fee for following this process.

Thank you for your consideration.

Sincerely,

Joseph L. Strahl, P.E. and C.W.R.E.
Public Works Management, Inc.

RECEIVED

MAR 16 2007

WATER RESOURCES DEPT
SALEM OREGON

10343

February 20, 2007

Oregon Water Resources Department
725 Summer St. NE Suite A
Salem, OR 97301-1271

Subject: Time limited transfer of Certificate 81513

Attached please find the application to transfer portions of water certificate 81513 to instream use, time limited.

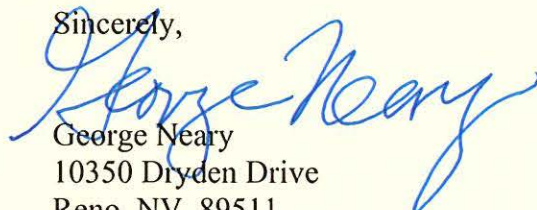
This time limited transfer pertains to the portions is said certificate that covers land owned by Mr. George Neary. The portions of this water right on adjacent ownerships are not affected by this transfer (although it is anticipated that an application for a time limited transfer will be submitted soon by one of the neighboring owners).

This time limited transfer is being requested during a time that I am studying how to use my property in the next few years. It is my desire to keep the water right valid while I evaluate the best use of the property. I request the time limited transfer by conditioned so that I can terminate the instream transfer with six months of written notice.

I have appointed Mr. Joe Strahl as my agent in this matter because I do not live in Medford, Oregon longer. Mr. Strahl will be able to supply any additional information you may need.

Thank you for your consideration in this matter.

Sincerely,


George Neary
10350 Dryden Drive
Reno, NV 89511
Phone (775) 852-3194
Fax (775) 852-3898

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WATER RESOURCES DEPT
SALEM OREGON

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**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

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

RECEIPT # **86679**

INVOICE # _____

RECEIVED FROM: Public Works Management

BY: _____

APPLICATION	
PERMIT	
TRANSFER	T-103413

CASH: ☐ CHECK: # ✓ 4312 OTHER: (IDENTIFY) ☐ _____

TOTAL REC'D \$ 875.00

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 \$ 875.00

WELL CONSTRUCTION

0218 WELL DRILL CONSTRUCTOR \$ _____ 0219 \$ _____

LANDOWNER'S PERMIT 0220 \$ _____

OTHER (IDENTIFY) _____

0536 TREASURY 0437 WELL CONST. START FEE

0211 WELL CONST START FEE \$ _____ CARD # _____

0210 MONITORING WELLS \$ _____ CARD # _____

OTHER (IDENTIFY) _____

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

0233 POWER LICENSE FEE (FW/WRD) \$ _____

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

HYDRO APPLICATION \$ _____

TREASURY OTHER / RDX

FUND _____ TITLE _____

OBJ. CODE _____ VENDOR # _____

DESCRIPTION \$ _____

RECEIPT: **86679**

DATED: 3-16-07 BY: [Signature]

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	
☐ Permanent Transfer	☒ Instream Transfer
☐ Temporary Transfer	☐ Permanent
- total number of years: _____ (begin year: _____) (end year: _____)	☒ Time-Limited
	☐ Drought Transfer
	☐ Other

2. APPLICANT INFORMATION

Name: George H. Neary, Trustee

First
Last

Address: 10350 Dryden Dr

Reno	NV	89511
City	State	Zip

Phone: 775-852-3194

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

Address: 171 S 2nd St

Central Point	OR	97502
City	State	Zip

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.

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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.			
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

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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: \$ 875.00
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:

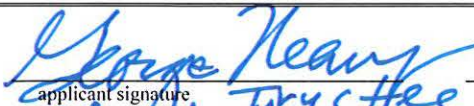
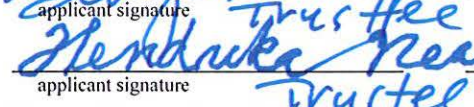
☒ In accordance with OAR 690-380-3000(13)(a), I (we) understand that prior to Department approval of a permanent transfer and upon my receipt of a draft Preliminary Determination for the proposed transfer, I (we) will be required [pursuant to OAR 690-380-4010(5)] to provide the following landownership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

	George Neary	2/20/07
applicant signature	name (print)	date
	Hendrika Neary	2/20/07
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
☐ 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.) ☐ 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.) ☐ Historic Point of Diversion or Appropriation Change (Unauthorized point of diversion or appropriation used for more than 10 years.) ☐ 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.) ☐ Point of Diversion Change due to Government Action (The old point of diversion or appropriation can no longer be used due to government action.) ☐ Exchange (Water from another source will be used in exchange for supplying an equal amount of replacement water to that source.)	☐ All of the right will be exercised at a different location than currently authorized (Use of water at the current location will be discontinued.) ☒ 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.)	Proposed new use: ☐ Irrigation ☐ Municipal ☐ Quasi-municipal ☐ Commercial ☐ Industrial ☒ Instream (complete and attach <i>Supplemental Form C</i>) ☐ Domestic (indicate number of households) _____ ☐ Other _____ ☐ Substitution (A supplemental ground water right will be substituted for a primary surface water right.) ☐ 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):

☒ Certificated Right	81513	S 23796
	Certificate Number	Permit Number or Decree Name
☐ Adjudicated, Non-certificated Right		
	Name of Decree	Page Number
☐ Permit for which Proof has been Approved		
	Permit Number	Date Claim of Beneficial Use Submitted
☐ 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

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■ 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	¼ ¼ Section	Tax Lot, DLC or Gov't Lot	Acres (if applicable)
Rogue River July 28, 1955	36 S	2W	WM	17	NE NW	362W17-100	2.9
Rogue River July 28, 1955	36 S	2W	WM	17	NW NW	362W17-100	0.3
Rogue River July 28, 1955	36 S	2W	WM	17	SW NW	362W17-100	8.2
Rogue River July 28, 1955	36 S	2W	WM	17	SE NW	362W17-100	8.4
Rogue River July 28, 1955	36 S	2W	WM	18	NE NE	362W18-100	7.7
Rogue River July 28, 1955	36 S	2W	WM	18	NW NE	362W18-100	2.5
Rogue River July 28, 1955	36 S	2W	WM	18	SW NE	362W18-100	28.9
Rogue River July 28, 1955	36 S	2W	WM	18	SE NE	362W18-100	13.7
Rogue River July 28, 1955	36 S	2W	WM	18	NE NW	362W18-100	2.3
Rogue River July 28, 1955	36 S	2W	WM	18	SE NW	362W18-100	17.1
Rogue River July 28, 1955	36 S	2W	WM	18	NW SE	362W18-100	0.1

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

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**

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	1.15	414.45
Total Volume:					414.45

* 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): _____

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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 conditions so that it can be terminated on six months written notice from the applicant.

Water Right Transfer Supplemental Form B

AFFIDAVIT ATTESTING TO THE USE OF WATER

State of Oregon

))
) ss

County of Jackson

I, George Neary, in my capacity as owner , mailing address 10350 Dryden Dr, Reno, NV 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	17	NE NW		2.9
36	S	2	W	WM	17	NW NW		0.3
36	S	2	W	WM	17	SW NW		8.2
36	S	2	W	WM	17	SE NW		8.4
36	S	2	W	WM	18	NE NE		7.7
36	S	2	W	WM	18	NW NE		2.5
36	S	2	W	WM	18	SW NE		28.9
36	S	2	W	WM	18	SE NE		13.7
36	S	2	W	WM	18	NE NW		2.3
36	S	2	W	WM	18	SE NW		17.1
36	S	2	W	WM	18	NE SE		0.1

(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):

Pasture for cattle

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

75 HP pump lifts water 130 feet from Kelly Slough on the Rogue River through a 12 inch PVC pipe . The pipe discharges into a mid level ditch and a high ditch. From the ditches the water is flood irrigated over the area with water right.

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: see attached affidavit

George Henry
Signature of Affiant

2/28/07
Date

Signed and sworn to (or affirmed) before me this 28 day of Feb, 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.

Supplemental Form B

Affidavit Attesting to the Use of Water

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SALEM, OREGON

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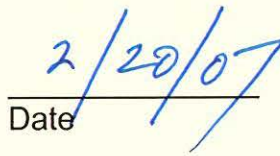
AFFIDAVIT

This affidavit is to certify that I, George Neary, have owned the Neary Ranch in Township 36S, Range 2W of Jackson County, Oregon since the early 1980's. This ranch was purchased by me from John Day. Water rights for 204.58 acres were acquired by John Day under permit 23796 dated July 28, 1955 and these rights were transferred to me when I purchased the property from John Day.

I was actively engaged in ranching activity on this property until 1987 and used the water rights on an annual basis until that time. I have subsequently leased the land for cattle grazing and pasturing.

In order to keep these water rights in effect subsequent to ceasing my active involvement in ranching activities I have hired Mr. Eugene Coggins of Medford, Oregon to apply water to the land associated with the water rights on an intermittent basis to assure that beneficial use of the water for irrigation purposes has been made at least once every five years. For the past couple of years the irrigation water has not been applied to the land in sufficient quantities to maintain a good hay crop. I no longer have an interest in fully irrigating the land. In order to further protect the water rights from forfeiture I have authorized Mr. Joe Strahl (Oregon CWRE #222) of Public Works Management, Inc. to act, until authorization is revoked by me in writing, as my agent to transfer the rights to in-stream uses on a time limited basis.

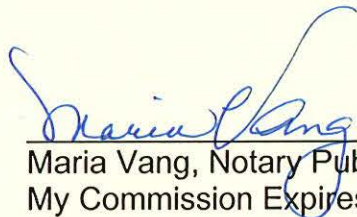

George S. Neary


Date

STATE OF CALIFORNIA)
) ss.
COUNTY OF SACRAMENTO)

Subscribed and sworn to (or affirmed) before me on this 20th day of February, 2007, by George S. Neary, personally known to me or proved to me on the basis of satisfactory evidence to be the person(s) who appeared before me.




Maria Vang, Notary Public
My Commission Expires on October 8, 2009

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AFFIDAVIT

This affidavit is to certify that I, Eugene Coggins, was hired by Mr. George Neary to periodically apply water to Mr. Neary's property under his water right certificates 81513 and 41771. I maintained the pumping equipment (75 HP, 6" pump) through my company, Gene's Pump Service, from 1988 until last year. I irrigated the property associated with the above mentioned water right certificates at least every five years since 1988.

On October 10, 2006 I showed John Blanchard of JB's Pump Service how to operate the pump and irrigation equipment. The maintenance of the equipment has been turned over to Mr. Blanchard because I am reducing my involvement in the pump business.


Eugene L. Coggins

2-27-07
Date

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SALEM, OREGON

AFFIDAVIT

This affidavit is to certify that I, Jim Estramado, have pastured and grazed cattle on the Neary Ranch in Township 36S, Range 2W of Jackson County, Oregon yearly since 1997.

Jim Estramado
Jim Estramado

3-13-07
Date

STATE OF OREGON)
) ss.
COUNTY OF JACKSON)

Subscribed and ~~sworn~~ to (or affirmed) before me on this 13 day of March, 2007, by Jim Estramado, personally known to me on the basis of satisfactory evidence to be the person(s) who appeared before me.



Kathy Cannon
Kathy Cannon, Notary Public
My Commission Expires on 4-17-07

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17

To Number Call 1-800-485-8810

C

GENE'S PUMP SERVICE

P.O. Box 1043
 MEDFORD, OREGON 97501
 (541) 771-4661
 CCR 541822

3408

☐ PICK UP ☐ DELIVER		REASON <i>Leaky</i>	REPAIR IN ☐ HOME ☐ SHOP	DATE OF ORDER <i>10-15-02</i>
DATE PROMISED <i>10-15-02</i>			APARTMENT	
DATE OF CASH PAYMENT			☐ ESTIMATE ☐ WARRANTY ☐ CONTRACT ☐ CASH ☐ CHARGE ☐ C.O.D.	
LOC. <i>Job Site: Heavy Ranch</i> <i>Gold Hill, Oregon</i>		SERIAL NO.		
ART NO.	DESCRIPTION	PRICE	AMOUNT	
	Repair hole in suction pipe & prime pump		98.70	
20'	1" 1/2" flex hose			
1"	1" 1/2" disconnected couplings		102.74	
1"	1" Ball valve		16.50	
bor. 1 man 3 1/2 hrs. bor. 1 man 1 hr. + 1 man 1 hr.		TOTAL <i>541.94</i>		
You: <i>Done</i>		CASH ON COMPLETION <i>541.94</i>		
I hereby accept above performed service, and certify, as being satisfactory and acknowledge that equipment has been left in good condition.				

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NN 00-00741

George and Rita Neary
10350 Dryden Drive
Reno, Nevada 89511

Grantor's Name and Address

George and Rita Neary, Trustees
10350 Dryden Drive
Reno, Nevada 89511

Grantee's Name and Address

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

George and Rita Neary
10350 Dryden Drive
Reno, Nevada 89511

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

STATE OF OREGON,
County of _____

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.

SPACE RESERVED
FOR
RECORDER'S USE

BARGAIN AND SALE DEED

KNOW ALL BY THESE PRESENTS that GEORGE HAROLD NEARY and HENDRIKA NEARY, his wife,

hereinafter called grantor, for the consideration hereinafter stated, does hereby grant, bargain, sell and convey unto GEORGE HAROLD NEARY and HENDRIKA NEARY, As Trustees of the GEORGE HAROLD AND HENDRIKA NEARY REVOCABLE LIVING TRUST, created October 27, 1999, 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:

THE LAND REFERRED TO IS SITUATED IN THE STATE OF OREGON, COUNTY OF JACKSON, AND DESCRIBED AS FOLLOWS:

See attached Description Sheets (4 pages)

**Conveyance is not a sale but a transfer to a revocable living trust for the benefit of grantor. (Rev. & Tax Code §62)

(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 [Ⓢ], 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 December 28, 1999; 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.

George Harold Neary
GEORGE HAROLD NEARY
Hendrika Neary
HENDRIKA NEARY

STATE OF OREGON, County of WashingtonThis instrument was acknowledged before me on Dec 28, 1999by George H. NearyThis instrument was acknowledged before me on Dec 28, 1999by Hendrika Neary

as _____

of _____



YVONNE M. BIRD
Notary Public - State of Nevada
Appointment Recorded in Washoe County
No. 02-1024-2 - EXPIRES APR. 18, 2000

Yvonne M. Bird
Notary Public for Oregon
My commission expires 4-18-2000

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T 10343

DESCRIPTION SHEET

The land referred to in this report/policy is situated in the State of Oregon, County of Jackson and is described as follows:

PARCEL 1:

Beginning at the Southwest corner of the East Half of the Southeast Quarter of Section 1, Township 36 South, Range 3 West, of the Willamette Meridian, Jackson County, Oregon; thence North along the West line of said East Half, a distance of 1320 feet to the true point of beginning of the herein described tract of land; thence West 1924 feet, more or less, to a 5/8 inch steel pin on the East line of John Day Drive; thence North 0° 16' 03" West along said East line to a point on the South line of the Northwest Quarter of said Section 1; thence Westerly 60 feet, more or less, to a 3/4 inch iron pipe marking the Northeast corner of a tract of land described in Volume 298, Page 332, Jackson County, Oregon, Deed Records; thence along the Northerly line of said tract of land as follows: South 87° 39' 10" West 449.27 feet, South 82° 02' 40" West 478.08 feet, North 23° 59' 30" West 101.23 feet, South 72° 22' 30" West 153.16 feet to the centerline of Sam's Creek, the Northwestern corner of said tract of land; thence Northwesternly along said centerline to a point on the South line of said Northwest Quarter of said Section 1; thence South 89° 45' East along said South line to a point which is South 89° 45' East 1026.03 feet from the West Quarter corner of said Section 1; thence North 88° 54' East 508.14 feet; thence North 72° 22' East 124.55 feet; thence North 54° 12' East 98.48 feet; thence North 48° 05' East 188.70 feet; thence North 44° 58' East 127.90 feet; thence South 31° 36' East 136.22 feet; thence South 65° 58' East 210.80 feet; thence South 59° 56' East 153.41 feet; thence South 0° 16' West 49.38 feet to a point on the South line of said Northwest Quarter of said section 1; thence South 89° 45' East 1600 feet, more or less, to the Northwest corner of the East Half of the Southeast Quarter of said Section 1; thence South 1320 feet, more or less, to the true point of beginning. EXCEPTING THEREFROM that portion lying within the following described tract; Commencing at the South Quarter corner of Section 1, Township 36 South, Range 3 West of the Willamette Meridian, Jackson County, Oregon; thence North 2644.24 feet and West 670.03 feet to a 5/8 inch iron pin; thence North 87° 39' 10" East 0.66 feet to the Westerly right of way line of John Day Drive for the true point of beginning; thence South 0° 20' 30" East, 725.13 feet along said right of way line; thence North 68° 39' 53" West 535.06 feet to a 5/8 inch rebar on the Southeasterly right of way line of Oregon State Highway #234; thence Northeasterly along said right of way line to the Southerly right of way line of John Day Drive; thence Southeasterly along said Drive to the true point of beginning.

PARCEL 2:

Beginning at the at the South Quarter corner of Section 1, Township 36 South, Range 3 West of the Willamette Meridian, Jackson County, Oregon; thence South 89° 28' 04" East 1322.68 feet to the Southwest corner of the East Half of the Southeast Quarter of said Section 1; thence North along the West line of said East Half, a distance of 1320 feet; thence West 1924 feet, more or less, to a point on the East line of John Day Drive; thence Southerly along said East line to a point which bears North 89° 28' 04" West from the point of beginning; thence South 89° 28' 04" East 400.23 feet to the point of beginning.

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SALEM, OREGON

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PARCEL 3:

Beginning at the Northwest corner of Section 18, Township 36 South, Range 2 West, of the Willamette Meridian, Jackson County, Oregon; thence South 1241.10 feet to a point on the Northerly right of way line of John Day Drive; thence South 73° 51' East along said right of way line 581.42 feet to the Engineer's Station 117+38.86; thence Southeasterly along the arc of a 132.32 foot radius curve to the right (the 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 said right of way line 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 marking the true point of beginning of the herein described tract of land; thence South 2623.26 feet to a 5/8 inch steel pin; thence North 83° 26' 55" West 86.49 feet to a 5/8 inch steel pin; thence South 88° 10' 32" West 181.32 feet to a 5/8 inch steel pin; thence South 75° 57' 20" West 125.76 feet to a 5/8 inch steel pin; thence South 62° 39' 39" West 217.55 feet to a 5/8 inch steel pin; thence North 49° 04' 02" West 247.40 feet to a 5/8 inch steel pin on the Easterly right of way line of John Day Drive; thence South 10° 42' East along said right of way line 1.39 feet to Engineer's Station 120+21.15; thence Southeasterly along said right of way line, being the arc of a 746.20 foot radius curve to the right (the chord of which bears South 8° 57' 48" East 45.23 feet), a distance of 45.24 feet; thence South 49° 04' 02" East 230.25 feet; thence North 62° 39' 39" East 234.40 feet; thence North 75° 57' 20" East 119.05 feet; thence North 88° 10' 32" East 175.91 feet; thence South 83° 26' 55" East 87.66 feet; thence South 78° 19' 15" East 552.96 feet; thence South 51° 00' 10" East 370.63 feet; thence South 40° 25' 05" East 307.42 feet; thence South 27° 11' 10" East 501.63 feet; thence South 4° 15' 20" East 152.03 feet; thence South 7° 56' West, 339.66 feet; thence South 5° 21' East 44.86 feet to a point on the Northerly line of a tract of land described in Document No. 72-15761, Official Records of Jackson County, Oregon; thence South 80° 00' 10" East to the Northerly Southwest corner of a tract of land described in Document No. 79-04847, said Official Records; thence North 6° 36' 10" East 662.15 feet; thence North 27° 58' 30" East 71.54 feet; thence North 58° 51' 40" East 1246.62 feet; thence North 76° 04' 50" East 1452 feet, more or less, to a point on the East line of said Section 18; thence North 1619 feet, more or less, to the Northeast corner of said Section 18; thence North 5280 feet, more or less, to the Southeast corner of Section 6 in said Township and Range; thence West 1320 feet, more or less, to the Southeast corner of the Southwest Quarter of the Southeast Quarter of said Section 6; thence North 1320 feet, more or less, to the Northeast corner of said Quarter-Quarter; thence West 2640 feet, more or less, to the Southeast corner of the Northwest Quarter of the Southwest Quarter of said Section 6; thence North 1320 feet, more or less, to the Northeast corner of said Quarter-Quarter; thence West 1320 feet, more or less, to the Northwest corner of said Quarter-Quarter; thence West 1320 feet, more or less, to the Northwest corner of the Northeast Quarter of the Southeast Quarter of Section 1, Township 36 South, Range 3 West of the Willamette Meridian, Jackson County, Oregon; thence South 2640 feet, more or less, to the Northwest corner of the East One-Half of Section 12 in said Township and Range; thence South 0° 02' 30" West along the West line of said East One-Half of the East One-Half, 4407.7 feet to a point which bears West from the true point of beginning; thence East 2773.5 feet to the true point of beginning. EXCEPTING THEREFROM that portion described as follows: 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

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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 1241.10 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" West 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.

PARCEL 4:

The West half of the Northwest Quarter of Section 6, Township 36 South, Range 2 West, Willamette Meridian, Jackson County, Oregon. ALSO: The East Half of the Northwest Quarter of Section 6, Township 36 South, Range 2 West, Willamette Meridian, Jackson County, Oregon. ALSO: The Northeast Quarter of the Southwest Quarter of Section 6, Township 36 South, Range 2 West, Willamette Meridian, Jackson County, Oregon. EXCEPTING THEREFROM that portion conveyed to the State of Oregon through its State Highway Commission by deed recorded in Volume 346, Page 163, Jackson County, Oregon, Deed Records.

PARCEL 5:

Beginning at the Southwest corner of Section 8, Township 36 South, Range 2 West of the Willamette Meridian, Jackson County, Oregon; thence East 1320 feet, more or less, to the Southeast corner of the West One-Half of the West One-Half of said Section 8; thence North 5280 feet, more or less, to the Northeast corner of said West One-Half; thence East 660 feet, more or less, to Southwest corner of Southeast One-Quarter of Southeast One-Quarter of Southwest One-Quarter of Section 5, in said Township and Range; thence North 650 feet, more or less, to the Northwest corner of said Southeast One-Quarter of Southeast One-Quarter of Southwest One-Quarter; thence East 660 feet, more or less, to the Northeast corner of said Southeast One-Quarter of Southeast One-Quarter of Southwest One-Quarter; thence North 660 feet, more or less, to the Northwest corner of Southwest One-Quarter of Southeast One-Quarter of section 5; thence East 1320 feet, more or less, to the Northeast corner of said Southwest One-Quarter of Southeast One-Quarter; thence South 1320 feet, more or less, to the Southeast corner of said Southwest One-Quarter of Southeast One-Quarter; thence South 5280 feet, more or less, to the Southwest corner of East One-Half of East One-Half of Section 8; thence South 1980 feet, more or less, to the Southwest corner of North One-Half of Southeast One-Quarter of Northeast One-Quarter of Section 17 in said Township and Range; thence East 1320 feet, more or less, to the Southeast corner of said North One-Half; thence East 1320 feet, more or less, to the Southeast corner of North One-Half of Southwest One-Quarter of Northwest One-Quarter of Section 16 in said Township and Range; thence North 660 feet, more or less, to thence Northwest corner of Government Lot 7 in said Section 16; thence East 1320 feet, more or less,

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SALEM, OREGON

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LEGAL DESCRIPTION CONTINUED

to Northeast corner of said Government Lot 7; thence South along the East line of said Government Lot to the centerline of the main channel of the Rogue River; thence Westerly along said centerline to Southeast corner of a tract of land described in Document No. 80-26162, Official Records of Jackson County, Oregon; thence North 455 feet, more or less, to the Northeast corner of said tract of land; thence North 88° 41' 40" West 553.89 feet; thence North 75° 54' 20" West 475.21 feet; thence South 79° 19' 10" West 449.68 feet; thence North 68° 34' 10" West 531.81 feet; thence North 58° 26' 10" West 355.84 feet; thence North 53° 09' 00" West 733.50 feet; thence North 57° 42' 50" West 1169.59 feet; thence North 75° 45' 20" West 331.09 feet to the Northwest corner of said tract of land described in Document No. 80-26162; thence South 1895 feet, more or less, to the centerline of said Rogue River; thence Southwesterly along said centerline to Southeast corner of a tract of land described in Document No. 79-04847, said Official Records; thence North to Northeast corner of said tract of land described in Document No. 79-04847, said Official Records; thence North 75° 45' 20" West along the North line of said tract 1530.02 feet; thence South 76° 04' 50" West along said North line 330 feet, more or less, to a point on the West line of said Section 17; thence North 1619 feet, more or less, to the point of beginning.

Jackson County, Oregon
Recorded
OFFICIAL RECORDS

JAN 11 2000

9:01 AM
Theresa S. [Signature]
COUNTY CLERK

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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: George Nearly, Trustee
Mailing Address: 10350 Dryden Drive
City: Reno State: NV Zip: 89511 Day Phone: 775-852-3194

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	¼ ¼	Tax Lot #	Plan Designation (e.g. Rural Residential/RR-5)	Water to be:	Proposed Land Use:
36 S	2 W	18		362W18-100	Rogue River instream	☐ Diverted ☒ Conveyed ☒ Used	instream
						☐ Diverted ☐ Conveyed ☐ Used	
						☐ Diverted ☐ Conveyed ☐ Used	
						☐ Diverted ☐ Conveyed ☐ 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: 1.15 ☒ 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 transfer is for a time limited transfer of irrigation water right to instream on the Rogue River

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

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SALEM, OREGON

T 10343

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): 4.4-1.

☐ 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:	
		☐ Obtained ☐ Denied	☐ Being pursued ☐ Not being pursued
		☐ Obtained ☐ Denied	☐ Being pursued ☐ Not being pursued
		☐ Obtained ☐ Denied	☐ Being pursued ☐ Not being pursued
		☐ Obtained ☐ Denied	☐ Being pursued ☐ Not being pursued
		☐ Obtained ☐ Denied	☐ Being pursued ☐ Not being pursued

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

Name: Charles Bennett Title: Planner I
 Signature: [Signature] Phone: 774-6907 Date: 2-1-07
 Government Entity: Jackson County

Conditionally Approved ()
 Approved (X)
 Denied ()
 By: Charles Bennett Date: 2-1-07
 Jackson County Planning & Development

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

Receipt for Request for Land Use Information

Applicant name: _____

City or County: _____ Staff contact: _____

Signature: _____ Phone: _____ Date: _____

Last updated 12/22/06 WR
 MAR 10 2007

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 SALEM, OREGON

10342

Time Limited Transfer Instream

T 36 S, R 2 W, WM
Section 17 and 18

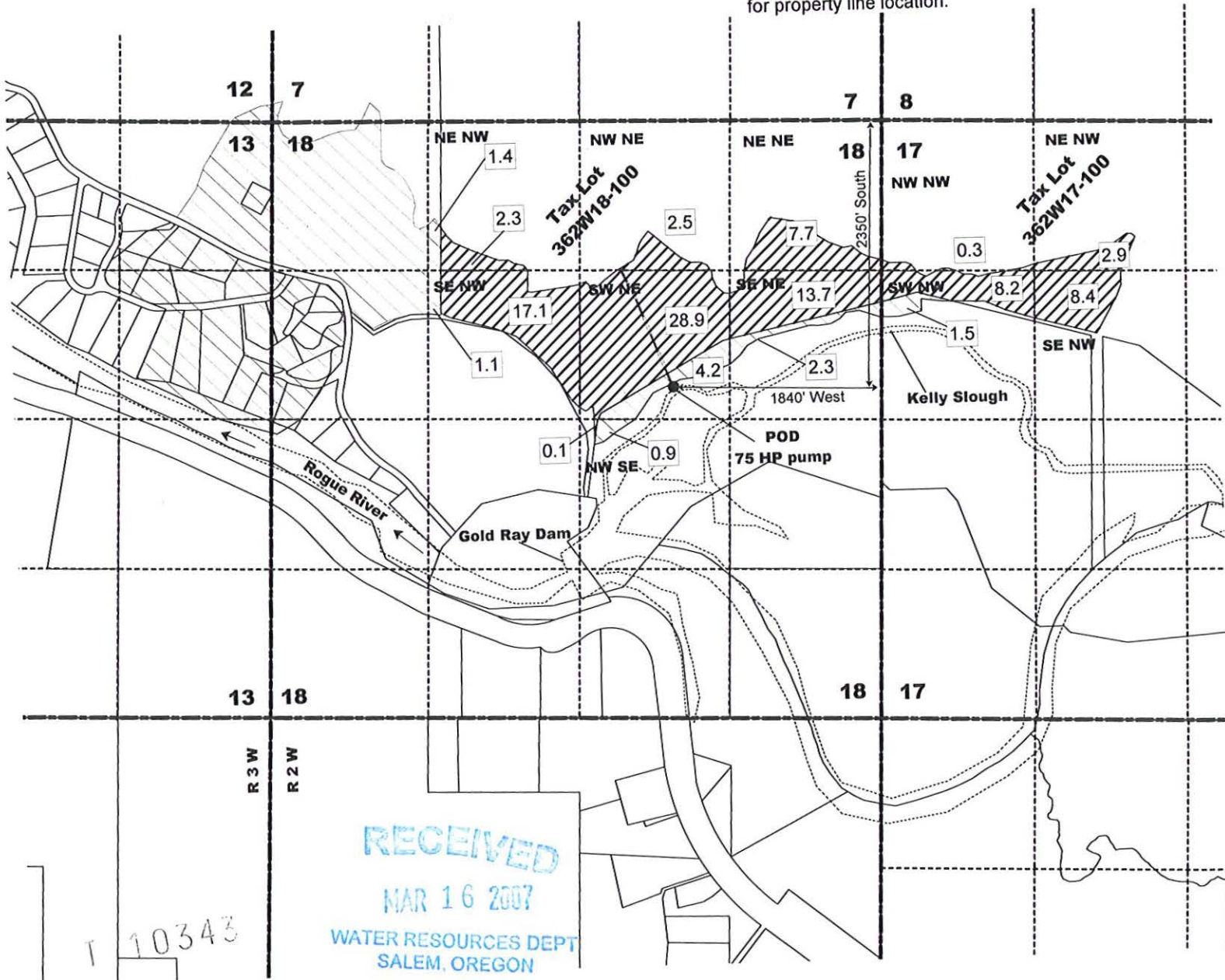


Scale 1" = 1320'

Legend

- Portion of C 81513 to be Transferred
- Certificate 81513 no change
- Section Line
- Quarter-Quarter Line

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



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APPLICATION TYPE:

LUC (Land Use Compatibility Statement)

CASE STATUS: **Received**USE CATEGORY: **Farm Uses**ZONING: **EFU**PROCESS: **Type 1**SITE ADDRESS: **JOHN DAY DR**PRIMARY PARCEL NUMBER: **36-2W-18-100**

ASSOCIATED LOTS:

DIRECTIONS TO PROPERTY: **TOWARD THE END OF JOHN DAY DR - SEE MAP ATTACHED TO ELECTRICAL PERMIT FOR SERVICE LOCATION**

DECISION:

ZONE USE ID:

APPLICATION NO: **ZON2007-00215**MASTER NO: **ZON2007-00215**PROJECT NO: **ZON2007-00215**RECEIVED DATE: **02/01/2007**ASSIGNED STAFF: **CHB**

<u>People Associated With This Case</u>	<u>Case Description</u>
<u>Primary Owner</u> NEARY GEORGE HAROLD TRUSTEE 16414 HWY 99 Unit CHICO, CA 95926 NEARY GEORGE HAROLD TRUSTEE 2961 HWY 32 35 CHICO, CA 95973-8656 <u>Owner</u> NEARY GEORGE H/HENDRIKA <u>Owner</u> NEARY GEORGE HAROLD TRUSTEE <u>Owner</u> NEARY HENDRIKA TRUSTEE FBO <u>Owner</u> REVOCABLE LIVING TRUST	irrigation luc

COMMENTS:

2/1/07: AGENT FOR PROPERTY OWNER REQUESTS A LUC FOR TRANSFER OF WATER RIGHT. PER 2004 LDO CHAPTER 4.4-1. PROPOSED USE IS ALLOWED. NO ZONING CONCERNS. CHB

This decision is limited to the County's review of applicable zoning rules and land use law, as outlined in the Jackson County Comprehensive Plan, the Jackson County Land Development Ordinance, and the Oregon Administrative Rules and Revised Statutes relating to land use. Other County, State, and Federal agencies may have regulatory review authority for development projects. The decision rendered herein neither implies nor guarantees compliance with the requirements of any other regulatory agency. It is the applicant's responsibility to ensure compliance with the requirements of any other regulatory agency or provisions of law prior to initiating development.

By: Charles Bennett

Date:

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 SALEM, OREGON

T 10343

PW Public Works
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

August 13, 2007

Mr. Bob Rice
Water Resources Department
725 Summer Street NE, Suite A
Salem, OR 97301-0900

RE: Application T-10343 - Neary Water Rights

Dear Bob:

Enclosed please find a properly notarized affidavit from Mr. Eugene Coggins on Form B that verifies irrigation of specific properties associated with this in-stream transfer. It is my understanding that this affidavit and the Neary affidavit will suffice to show beneficial use. The affidavit that was submitted several months ago from Jim Estramado may be ignored by Water Resources, since it is not needed.

Also enclosed is a lot book report (i.e. report of ownership and lien information) on the subject properties.

I have reviewed the draft determination and concur with it.

We are planning on publishing the appropriate notice on both the Neary and Rose transfers (T-10343 and T-10342). Please provide the required notification for posting at your earliest opportunity.

Please advise if you require further information.

Sincerely,



Joseph L. Strahl, PE and CWRE

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

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SALEM, OREGON**

State of Oregon)
) ss
 County of Jackson

I, Eugene Coggins, in my capacity as contractor for Mr. George Neary, mailing address 3695 Dry Creek Road, Medford, OR 97504, phone number (541) 779-3117, 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):

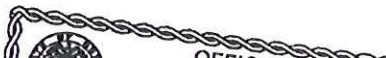
- ☒ Personal observation ☐ Professional expertise

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	17	NE NW		2.9
36	S	2	W	WM	17	NW NW		0.3
36	S	2	W	WM	17	SW NW		8.2
36	S	2	W	WM	17	SE NW		8.4
36	S	2	W	WM	18	NE NE		7.7
36	S	2	W	WM	18	NW NE		2.5
36	S	2	W	WM	18	SW NE		28.9
36	S	2	W	WM	18	SE NE		13.7
36	S	2	W	WM	18	NE NW		2.3
36	S	2	W	WM	18	SE NW		17.1
36	S	2	W	WM	18	NE SE		0.1

(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):

Applied water to pasture lands

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

I was hired by Mr. George Neary to periodically apply water to Mr. Neary's property by his water right certificates 81513 and 41771. I maintained the pumping equipment (75 HP, 6" pump) through my company, Gene's Pump Service, from 1988 until 2006. I irrigated the property associated with the above mentioned water right certificates at least once every five years since 1988.

On October 10, 2006 I showed John Blanchard of JB's Pump Service how to operate the pump and irrigation equipment. The maintenance of the equipment has been turned over to Mr. Blanchard because I am reducing my involvement in the pump business.

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: _____

Signature of Affiant

Eugene L. Boggius

Date

8-8-07

Signed and sworn to (or affirmed) before me this *8th* day of *August*, 20*07*.



Notary Public for Oregon

My Commission Expires: *3-13-11*

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



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

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

Date Prepared: :August 13, 2007

LOT BOOK REPORT NO. :48g0487296

PARTY REFERENCE:

TITLE OFFICER CONTACT: Donna O'Grady: 541-779-2811; Fax: 772-6079
Email: dogrady@landam.com

Lawyers Title Insurance Corporation
LOT BOOK REPORT

WE HAVE SEARCHED OUR TRACT INDICES AS TO THE FOLLOWING DESCRIBED PROPERTY:

SEE ATTACHED EXHIBIT "A"

and as of August 06, 2007 at 5:00 PM:

WE FIND THE LAST DEED OF RECORD RUNS TO:

George Harold Neary and Hendrika Neary, as Trustees of the George Harold and Hendrika Neary Revocable Living Trust, created October 27, 1999

WE ALSO FIND THE FOLLOWING APPARENT ENCUMBRANCES, TAXES AND CITY LIENS WITHIN YEARS PRIOR TO THE EFFECTIVE DATE HEREIN:

1. 2007-2008 taxes, a lien in an amount to be determined, but not yet payable.

NOTE: 2006-07 TAXES ARE PAID IN FULL and are being shown for informational purposes only. This exception will not be shown on a title insurance policy.

Original Amount : \$1,969.67

Account No. 10162094; Levy Code 6-03; Map 362W17 100

2. 2007-2008 taxes, a lien in an amount to be determined, but not yet payable.

NOTE: 2006-07 TAXES ARE PAID IN FULL and are being shown for informational purposes only. This exception will not be shown on a title insurance policy.

Original Amount : \$256.93

Account No. 10162100; Levy Code 256.93; Map 362W18 100

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3. 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 : 10162100
4. The assessment roll and the tax roll disclose that the within described property has been specially assessed as Open Space Land. If the land becomes disqualified for this special assessment under the statute or if there is a change in open space use, additional taxes may be levied as provided for in the statutes.
(362W17 Tax Lot 100)
5. As disclosed by the assessment and tax roll, the premises herein were once specifically assessed for farm use and later disqualified. Per ORS 308.384, additional taxes were imposed and remain as potential additional tax liability for the property.
(362W17 Tax Lot 100)
6. Any adverse claim based on the assertion that any portion of the subject land has been removed from or brought within the subject land's boundaries by the process of accretion or reliction or any change in the location of the Rogue River.
7. Any adverse claim based on the assertion that any portion of the subject land has been created by artificial means or has accreted to such portions so created, or based on the provisions of ORS 274.905 to 274.940.
8. Any adverse claim based on the assertion that any portion of the subject land is now or at any time has been below the ordinary high water line of the Rogue River.
9. Rights of fishing, navigation, commerce, flood control, propagation of anadromous fish, and recreation, and other rights of the public, Indian tribes or governmental bodies in and to the waters of the Rogue River.
10. Regulations, levies, liens assessments, rights of way and easements for ditches and canals of the Rogue River Valley Irrigation District.
11. The effect of said property, or some portion thereof, lying within the boundaries of the Table Rock District Improvement Company, and rights, liens and assessments resulting therefrom.
12. Right to overflow, and to back the water of Rogue River upon the lands herein described; and rights of way not exceeding 16 feet in width for power line; and right of way not exceeding 16 feet in width for irrigation pipe line, and a right of way not exceeding 20 feet in width for wagon road; granted to California Oregon Power Company, by instrument,
Recorded : April 5, 1913
As : Volume 100 page 286
(Affects Parcel 1)
13. An easement created by instrument, including the terms and provisions thereof,
Recorded : July 9, 1954
As : Volume 396 page 296
In favor of : PacifiCorp, an Oregon corporation, or its predecessor in interest
For : Transmission and distribution of electricity, and other purposes

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14. An easement created by instrument, including the terms and provisions thereof,
Recorded : March 17, 1975
As : 75-02929
In favor of : John S. Day, et ux
For : Right of way purposes
15. 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 of the Official Records of Jackson County, Oregon, said rights herein reserved to grantors shall terminate on March 1, 2077, or earlier, if the holders of 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 known addresses requiring such appointment.
(Affects a portion of Tract B)
16. Covenants, conditions, restrictions, easements, and/or setbacks, imposed by instrument, including the terms and provisions thereof,
Recorded : February 22, 1985
As : 85-02510
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.
(Affects both Tracts)
17. Covenants, conditions, restrictions, easements, and/or setbacks, imposed by instrument, including the terms and provisions thereof,
Recorded : November 13, 1986
As : 86-22970
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.
(Affects Tract A)
- The said terms, provisions, covenants, conditions, restrictions, easements, and/or setbacks were amended by instrument,
Recorded : January 26, 2006
As : 2006-004192
18. Covenants, conditions, restrictions, easements, and/or setbacks, imposed by instrument, including the terms and provisions thereof,
Recorded : November 13, 1986
As : 86-22971
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.
(Affects Tract B)

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SALEM, OREGON

The said terms, provisions, covenants, conditions, restrictions, easements, and/or setbacks were amended by instrument,

Recorded : January 26, 2006

As : 2006-004192

19. An easement created by instrument, including the terms and provisions thereof,
Recorded : February 17, 1989
As : 89-03402
In favor of : Calvin J. Cannon, et ux
For : Well drilling
20. Memorandum of Option Agreement, by and between George Harold and Hendrika Neary Revocable Living Trust, owners, and John Elmore, et al, optionee, subject to the terms and provisions thereof,
Recorded : March 9, 2006
As : No. 2006-011916

We have also searched our general index for unsatisfied judgments and tax liens against the above named grantees and find the following:

- 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).
- B. CHAIN OF TITLE: The county deed records show no conveyance affecting the subject property recorded during the period beginning 24 months before, and ending on, the effective date of this report.

JMR/jmr

NOTE: As herein stated, this lot book report is for your special use only, and is not to be construed as commitment to issue title insurance or endorsement to any existing title policy, and is not for the purpose of foreclosure of any mortgage, trust deed, contract or mechanic's lien. This report is issued as a Lot Book Report only, and is limited to the amount paid therefore.

THIS IS NOT A TITLE REPORT, since no examination has been made of the title to the above described property. Our search for apparent encumbrances was limited to our tract indices and therefore, above listings do not include additional matters which might have been disclosed by an examination of the recorded title. We assume no liability in connection with this Lot Book Report and will not be responsible for errors or omissions therein. If you require supplemental reports, rechecks or other services, additional charges may apply.

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Exhibit "A"

Tract A:

Beginning at the northwest corner of Section 18, Township 36 South, Range 2 West, of the Willamette Meridian, Jackson County, Oregon; thence South 1241.10 feet to a point on the northerly right of way line of John Day Drive; thence South 73° 51' East along said right of way line 581.42 feet to the Engineer's Station 117+38.86; thence Southeasterly along the arc of a 132.32 foot radius curve to the right (the 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 said right of way line 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 the True Point of Beginning; thence North 83° 26' 55" West 86.49 feet to a 5/8 inch steel pin; thence South 88° 10' 32" West 181.32 feet to a 5/8 inch steel pin; thence South 75° 57' 20" West 125.76 feet to a 5/8 inch steel pin; thence South 62° 39' 39" West 217.55 feet to a 5/8 inch steel pin; thence North 49° 04' 02" West 247.40 feet to a 5/8 inch steel pin on the easterly right of way line of John Day Drive; thence South 10° 42' East along said right of way line 1.39 feet to Engineer's Station 120+21.15; thence Southeasterly along said right of way line, being the arc of a 746.20 foot radius curve to the right (the chord of which bears South 8° 57' 48" East 45.23 feet), a distance of 45.24 feet; thence South 49° 04' 02" East 230.25 feet; thence North 62° 39' 39" East 234.40 feet; thence North 75° 57' 20" East 119.05 feet; thence North 88° 10' 32" East 175.91 feet; thence South 83° 26' 55" East 87.66 feet; thence South 78° 19' 15" East 552.96 feet; thence South 51° 00' 10" East 370.63 feet; thence South 40° 25' 05" East 307.42 feet; thence South 27° 11' 10" East 501.63 feet; thence South 4° 15' 20" East 152.03 feet; thence South 7° 56' West 339.66 feet; thence South 5° 21' East 44.86 feet to a point on the northerly line of a tract of land described in No. 72-15761, Official Records; thence South 80° 00' 10" East to the northerly southwest corner of a tract of land described in No. 79-04847, Official Records; thence North 06° 36' 10" East 662.15 feet; thence North 27° 58' 30" East 71.54 feet; thence North 58° 51' 40" East 1246.62 feet; thence North 76° 04' 50" East 1452 feet, more or less, to a point on the east line of Section 18; thence North, along said east line, 1619 feet, more or less, to the northeast corner of Section 18; thence West, along the north line of said Section 18 to a point that is North of the True Point of Beginning; thence South to the True Point of Beginning.

10162100, Levy Code 6-03, Map 362W18 100

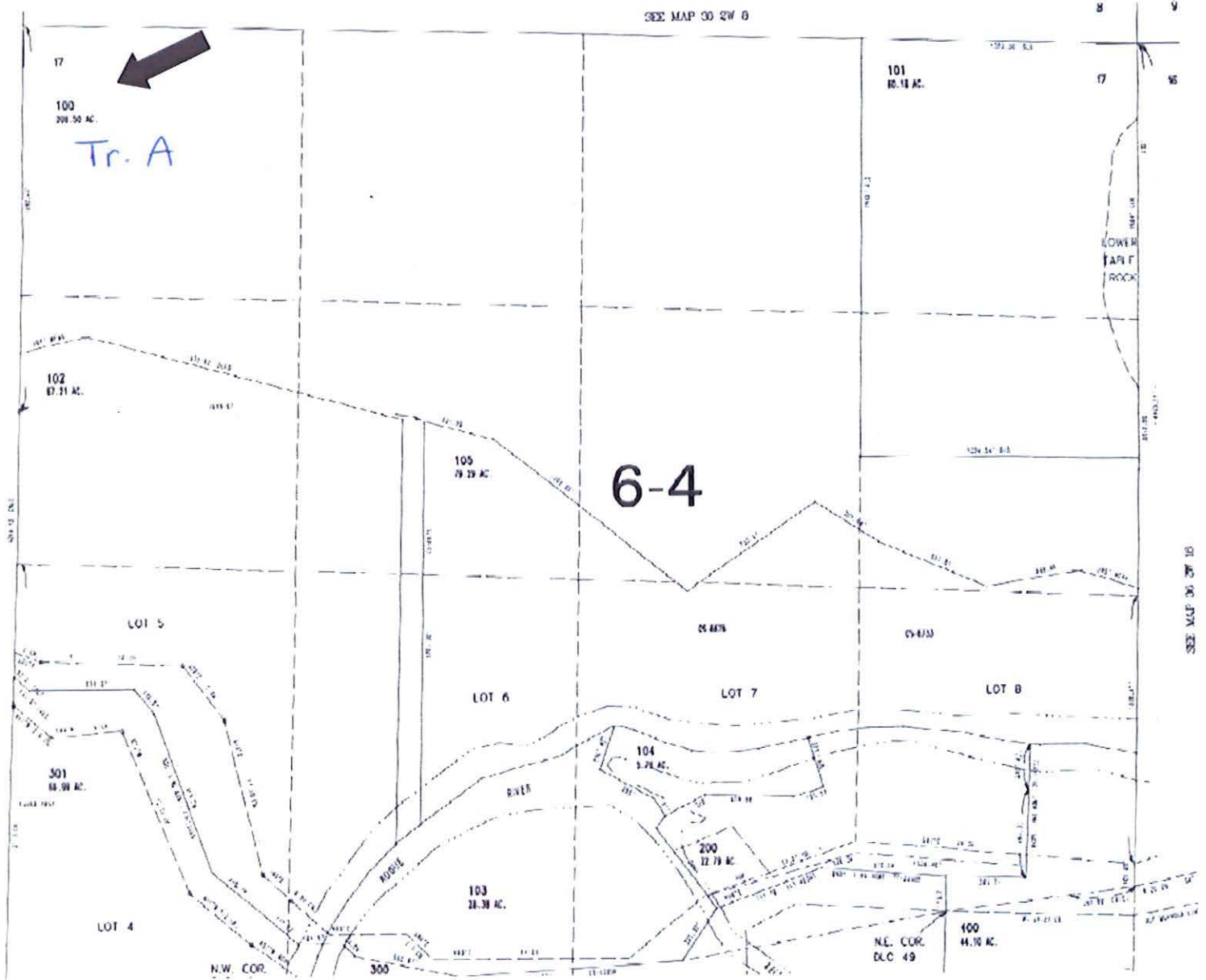
Tract B:

Beginning at the Northwest corner of Section 17, Township 36 South, Range 2 West of the Willamette Meridian, Jackson County, Oregon; thence East along the North line of Section 17 to the northwest corner of the East Half of the Northeast quarter of Section 17; thence South 1980 feet, more or less, to the southwest corner of North Half of Southeast Quarter of Northeast Quarter of Section 17; thence East 1320 feet, more or less, to the East line of Section 17; thence South 620.0 feet, more or less to the Northerly line of a tract of land described in No. 80-26162, Official Records; thence along the northerly line of said tract the following courses; North 75° 54' 20" West 395.0 feet, more or less to an angle point in said northerly line; South 79° 19' 10" West 449.68 feet; North 68° 34' 10" West 531.81 feet; North 58° 26' 10" West 355.84 feet; South 53° 09' 00" West 733.50 feet; North 57° 42' 50" West 1169.59 feet; and North 75° 45' 20" West 331.09 feet to the northwest corner of said tract; thence South along the west line thereof 1895 feet, more or less, to the centerline of Rogue River; thence Southwesterly, along said centerline, to the southeasterly corner of a tract of land described in No. 79-04847, Official Records; thence North along the east line of

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said tract to the northeast corner thereof; thence North 75° 45' 20" West, along the north line of said tract, 1530.02 feet; thence South 76° 04' 50" West, along said north line, 330 feet, more or less, to a point on the west line of Section 17; thence North along said west line, 1619 feet, more or less to the Point of Beginning.

Account 10162094, Levy Code 6-03, Map 362W17 100



36-2W-17-100

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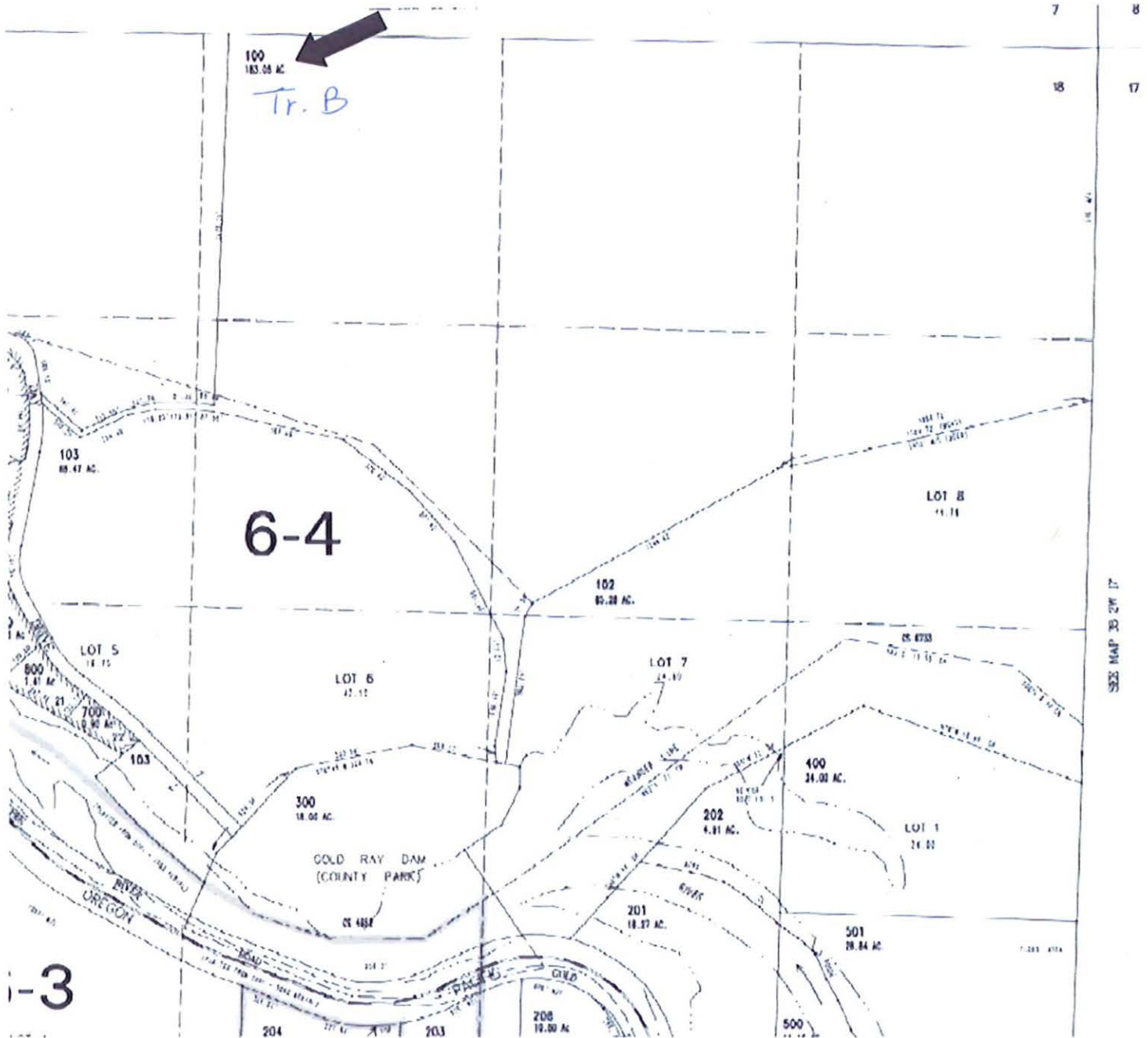
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SALEM, OREGON**

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 but not limited to zoning, variations (if any) in area, 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



36-2W-18-100

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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 but not limited to zoning, variations (if any) in area, actual dimensions, and locations as determined by survey.

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: **\$437.50 (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:

Bob Rice

From: Greg Kupillas [phggek@bctonline.com]
Sent: Monday, August 20, 2007 5:51 PM
To: Bob Rice
Subject: RE: Neary Transfers T-10343

Bob:

I have reviewed the Report of Ownership and Lien Information (ROLI). The ROLI identifies George Harold Neary and Hendrika Neary, as trustees of the George Harold and Hendrika Neary Revocable Trust, as the property owners. Both George and Hendrika Neary have signed the transfer application. The ROLI identifies a number of easements and covenants, an item identified as "Regulations, levies, liens assessments rights of way and easements for ditches and canals of the Rogue River Valley Irrigation District," various other rights of the "public, Indian tribes or governmental bodies in and to the waters of the Rogue River," and one item listed as "The effect of said property, or some portion thereof, lying within the boundaries of the Table Rock District Improvement Company, and rights, liens and assessments resulting therefrom," but no financial encumbrances. I do not believe any of the items listed 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.

This is a typo or a typo error by the writer BR
 I have also reviewed the supporting affidavit from Eugene Coggins. The affidavit includes one small error in the description of the location. In the last line of the location table (Item 3 of the affidavit), the quarter-quarter section is incorrectly given as the NE SE of Section 18. The correct location for the 0.1 acres is the NW SE of Section 18. Otherwise, the affidavit seems to meet the criteria discussed in the DPD cover letter. I don't know if the location error requires any further action. If not, I believe the information provided completes the file and allows for issuance of the PD.

If you think I may need to make any 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@wrd.state.or.us]
Sent: Monday, August 20, 2007 8:06 AM
To: phggek@bctonline.com
Subject: Neary Transfers T-10343

Hi Greg,

Attached are the materials that we received in response to our July 26, 2006 DPD letter. Please review this material and let me know if you believe that it adequately responds to our letter, and if we can proceed with the PD.

8/21/2007



STATE OF OREGON
WATER RESOURCES DEPARTMENT
INTEROFFICE MEMO

DATE: August 15, 2007
TO: Application File T-10343
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.

WATER RESOURCES DEPARTMENT
REQUEST FOR DISTRIBUTION OF FUNDS

TO: Fiscal Services Section

DATE: 7/27/07

FROM: Bob Mize, Transfer Specialist
Phone: 60881

SUBJECT: **TRANSFER FILE - Request for Payment or Refund**

TRANSFER FILE #: T- 10343

RECEIPT #: 86679

Please prepare payment in the amount of \$ 437.50, made payable to:

Name: Public Works Management

Address: c/o Joe Strahl

City: 171 S 2nd Street
Central Point OR 97502

These funds are being paid or refunded as a result of (check one):

- ☐ Request for file to be Rejected/Withdrawn/Misfiled
☒ Excess fees were collected for application/PON
☐ Payment of PON
☐ Protest filing fee
☐ Other: _____

I have reviewed this distribution request and have determined the request to be justified as to the purpose indicated above. Fiscal Services is hereby authorized to process the requested distribution.

Authorized Signature: [Signature]

Date: 7/26/07

0205/46111

[Signature]



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 26, 2007

George Neary
10350 Dryden Drive
Reno, NV 89511

SUBJECT: Application T-10343 and Partial Refund of Application Fees

Enclosed find a draft of our Preliminary Determination regarding transfer application T-10343. 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 additional affidavits. 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 additional affidavits do not meet all of these requirements. (The Coggins statement is not notarized and the Estramado affidavit does not mention irrigation.) 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 Finding of Fact #15) by shortening it one day so that the duty associated with the right is not exceeded.

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 and the report of ownership and lien information. If we do not receive your response and the report by September 1, 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% of the application fee is waived for instream transfers. As such, the Department is refunding \$437.50 of the \$875 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@wrд.state.or.us.

Sincerely,

A handwritten signature in cursive script, appearing to read "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-10343, 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

GEORGE H. NEARY, TRUSTEE
10350 DRYDEN DRIVE
RENO, NV 89511

Findings of Fact

Background

1. On March 16, 2007, George H. Neary, Trustee, filed a time-limited instream transfer application to temporarily change the character of use and place of use under Certificate 81513 to instream use for a period of three years. The Department assigned the application number T-10343.

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

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

Use: IRRIGATION of 92.1 ACRES

Priority Date: JULY 28, 1955

Rate: 1.15 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	17	NE NW	2.9
36 S	2 W	WM	17	NW NW	0.3
36 S	2 W	WM	17	SW NW	8.2
36 S	2 W	WM	17	SE NW	8.4
36 S	2 W	WM	18	NE NE	7.7
36 S	2 W	WM	18	NW NE	2.5
36 S	2 W	WM	18	SW NE	28.9
36 S	2 W	WM	18	SE NE	13.7
36 S	2 W	WM	18	NE NW	2.3
36 S	2 W	WM	18	SE NW	17.1
36 S	2 W	WM	18	NW SE	0.1

3. A scrivener's error has been identified on Certificate 81513. The authorized point of diversion for Certificate 81513 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. A total of 414.45 acre-feet of water may be beneficially used annually under the existing right.
5. Application T-10343 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.
6. 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.
7. Application T-10343 proposes to change the place of use of the right to create an instream reach from the point of diversion described in Finding of Fact #3 to the mouth of the Rogue River.
8. The applicant proposes the quantities water to be transferred instream to be protected follows:

Period	Rate (cfs)	Volume (acre-feet)
April 2 to October 1	1.15	414.45

9. There are 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 (priority date of 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.
10. 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 rights established 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).
11. 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.
12. 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)

13. 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.
14. A diversion structure and ditch sufficient to use the full amount of water allowed under the existing right were present within the five-year period prior to submittal of Application T-10343.
15. 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.
16. Based upon Findings of Fact #15, on _____, the applicant agreed to modify the quantities to be transferred and protected instream as follows:

Period	Rate (cfs)	Volume (acre-feet)
April 2 to September 29	1.15	414.45

17. The proposed change would not result in enlargement of the right.
18. The proposed change would not result in injury to other water rights.
19. 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.
20. The protection of flows within the proposed reach is appropriate, considering:
 - a) The instream water right begins at the recorded point of diversion;
 - b) The location of confluences with other streams downstream of the point of diversion;
 - c) There are 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 right.
21. 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.
22. 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.
23. 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.
24. 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-10343 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-10343 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-10343 are approved from the date of this order through October 31, 2009, unless terminated earlier.*
2. *The instream water right shall provide for the protection of streamflows from the authorized point of diversion, described in Finding of Fact #4, to the mouth of the Rogue River.*
3. *The quantities of water to be protected under the instream water right are:*

<i>Period</i>	<i>Rate (cfs)</i>
<i>April 2 through September 29</i>	<i>1.15</i>
4. *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.*
5. *The right to the use of the water is restricted to beneficial use at the place of use described, and is subject to all other conditions and limitations contained in Certificate 81513.*
6. *The exercise of the right evidenced by Certificate 81513 for irrigation at the former place of use (as described in Finding of Fact #2) shall be SUSPENDED, without loss of priority, for the term of the transfer authorized herein.*
7. *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.*
8. *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 Certificate 81513.*

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@wrд.state.or.us.

**Notice of Preliminary Determination for
Water Right Transfer T-10343**

T-10343 filed by George H. Neary, Trustee (10350 Dryden Drive, Reno, Nevada 89511) proposes a change in place of use and character of use of a portion of Certificate 81513. The right allows the use of 1.15 cfs (priority date July 28, 1955) from a diversion in Sec. 18, T36S, R2W, W.M. for irrigation in Sec. 17 and 18, T36S, R2W, W.M. The applicant proposes to change the place and character of use to 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.

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.

*Revised
Ready to
be sent to
App.*

June __, 2007

George Neary
10350 Dryden Drive
Reno, NV 89511

SUBJECT: Transfer Application T-10343

Please find enclosed the Preliminary Determination indicating that, based on the information available, the Department intends to approve application T-10343. 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 application T-10343 proposes a 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.

Sincerely,

Dorothy I. Pedersen
Field Services Division

cc: Larry Menteer, District #13 Watermaster
Joseph L. Strahl, Applicants Agent/CWRE

encs

**Notice of Preliminary Determination for
Water Right Transfer T-10343**

T-10343 filed by George Neary, 10350 Dryden Drive, Reno, Nevada 89511, proposes a change in place of use and character of use of a portion of Certificate 81513. The right allows the use of 1.15 cfs (priority date July 28, 1955) from a diversion in Sec. 18, T36S, R2W, W.M. (Rogue River Basin) for irrigation in Sections 17 and 18, T36S, R2W, W.M. The applicant proposes to change the place and character of use to instream use. 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.

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.

Dorothy Pedersen

From: Dorothy Pedersen
Sent: Wednesday, April 18, 2007 9:33 AM
To: 'phggek@bctonline.com'
Subject: T-10343 project materials

Attachments: 10343-wm-rev.doc; 10343-odfw-rev.pdf; 10343-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



10343-wm-rev.doc
(80 KB)



10343-odfw-rev.pdf
(72 KB)



10343-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)

Hi Greg,

Attached are materials and templates for T-10343. It is also a time limited instream transfer. What I forgot to mention in the email for T-10342 is that neither of these projects proposes to create mitigation credits, so you can just delete from the DPD template any references to mitigation. I believe those references are all color coded in green.

Have a good day,

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- 10343 Applicant: George Neary

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)
- ☐ ODFW review (if change in POD) *> Will be sent later*
- ☒ 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 18

File contents copied by L. Paschke Date 3-21-07

**Reimbursement Authority Process
Itemized Estimate Sheet
for
Water Rights Transfer**

Application Number T-10343

Name of Applicant: George H. Neary, Trustee

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-10343

Applicant: George D. Neary, Trustee

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>
☒	Transfer Application	<u>10343</u>
☐	Certificate Request	_____
☐	Extension of Time Request	_____

<u>Applicant Information</u>		<u>Applicant's Representative/Contact</u>
Name: (Please Print)	George Neary	Joseph Strahl, PE, CWRE
Address:	10350 Dryden Dr	171 S 2nd St
	Reno, NV 89511	Central Point, OR 97502
Phone:	775-852-3194	541-665-5233
Fax	775-852-3898	541-665-5266
E-Mail Address:		joe@pwmangers.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: <u>Pacific Hydro</u>	Total Amount Paid: <u>\$125</u>
OWRD Approval:	

RECEIVED

MAR 16 2007

WATER RESOURCES DEPT
SALEM OREGON

T-10343

C- 81513

Duty (AF) Full Rate (cfs)

414.45

1.150

9/30/2007

4/3/2007

181 day use period

2.280992

181

4/2/2007

9/29/2007

Bob Rice

From: Laura Snedaker
Sent: Wednesday, August 22, 2007 3:21 PM
To: Bob Rice
Subject: RE: Neary Transfers T-10343

Excellent! Then I would say if everything else matches up in the file – application, ROLI, application map, etc – except that that one quarter quarter on the affidavit has a NE instead of NW, that we can say it's a typo and move forward.

Laura Snedaker
Senior Water Resources Coordinator
Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, OR 97301-1271
Phone: (503) 986-0884
Web: www.oregon.gov/OWRD

From: Bob Rice
Sent: Wednesday, August 22, 2007 3:13 PM
To: Laura Snedaker
Subject: RE: Neary Transfers T-10343

Laura,

Good game plan. See below. 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

From: Laura Snedaker
Sent: Wednesday, August 22, 2007 3:15 PM
To: Bob Rice
Subject: RE: Neary Transfers T-10343

None of the items that Greg identified sounds like a lien holder – things sound ok on that front.

Now for the affidavit – do you feel comfortable calling that a typo and putting a note in the file? **Yes** Do you have any reason to believe that there are any issues with the place of use? **No** Has the Watermaster raised any concerns with non use? **No**

Laura

9/4/2007

Laura Snedaker
 Senior Water Resources Coordinator
 Oregon Water Resources Department
 725 Summer Street NE, Suite A
 Salem, OR 97301-1271
 Phone: (503) 986-0884
 Web: www.oregon.gov/OWRD

From: Bob Rice
Sent: Wednesday, August 22, 2007 2:56 PM
To: Laura Snedaker
Subject: FW: Neary Transfers T-10343

Laura,

Greg Kupillas (RA) identified a minor error in an affidavit (see paragraph 2 below). Please let me know if you think I need to take any follow up actions, or if we're OK with it.

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
36 S	2 W	WM	17	NE NW	2.9
36 S	2 W	WM	17	NW NW	0.3
36 S	2 W	WM	17	SW NW	8.2
36 S	2 W	WM	17	SE NW	8.4
36 S	2 W	WM	18	NE NE	7.7
36 S	2 W	WM	18	NW NE	2.5
36 S	2 W	WM	18	SW NE	28.9
36 S	2 W	WM	18	SE NE	13.7
36 S	2 W	WM	18	NE NW	2.3
36 S	2 W	WM	18	SE NW	17.1
36 S	2 W	WM	18	NW SE	0.1

Acreage with affidavit question is highlighted.

Concerning lien holders, I agree with Greg's recommendation (paragraph 1 below). Do you concur?

--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

From: Greg Kupillas [<mailto:phggek@bctonline.com>]
Sent: Monday, August 20, 2007 5:51 PM
To: Bob Rice
Subject: RE: Neary Transfers T-10343

9/4/2007

Bob:

I have reviewed the Report of Ownership and Lien Information (ROLI). The ROLI identifies George Harold Neary and Hendrika Neary, as trustees of the George Harold and Hendrika Neary Revocable Trust, as the property owners. Both George and Hendrika Neary have signed the transfer application. The ROLI identifies a number of easements and covenants, an item identified as "Regulations, levies, liens assessments rights of way and easements for ditches and canals of the Rogue River Valley Irrigation District," various other rights of the "public, Indian tribes or governmental bodies in and to the waters of the Rogue River," and one item listed as "The effect of said property, or some portion thereof, lying within the boundaries of the Table Rock District Improvement Company, and rights, liens and assessments resulting therefrom," but no financial encumbrances. I do not believe any of the items listed 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 supporting affidavit from Eugene Coggins. The affidavit includes one small error in the description of the location. In the last line of the location table (Item 3 of the affidavit), the quarter-quarter section is incorrectly given as the NE SE of Section 18. The correct location for the 0.1 acres is the NW SE of Section 18. Otherwise, the affidavit seems to meet the criteria discussed in the DPD cover letter. I don't know if the location error requires any further action. If not, I believe the information provided completes the file and allows for issuance of the PD.

If you think I may need to make any 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@wrdd.state.or.us]

Sent: Monday, August 20, 2007 8:06 AM

To: phggek@bctonline.com

Subject: Neary Transfers T-10343

Hi Greg,

Attached are the materials that we received in response to our July 26, 2006 DPD letter. Please review this material and let me know if you believe that it adequately responds to our letter, and if we can proceed with the PD.

Many thanks!

--Bob

Bob Rice
Field Services Division
Water Resources Department
725 Summer Street NE, Suite A

9/4/2007

Salem, Oregon 97301-1266
(503) 986-0885
Fax: 503.986.0903
www.wrd.state.or.us

From: Greg Kupillas [mailto:phggek@bctonline.com]
Sent: Wednesday, August 15, 2007 5:22 PM
To: Bob Rice
Subject: Rose and Neary Transfers

Bob:

I just want to touch base with you and see where we're at with the Rose and Neary Transfers. Please let me know.

Regards,

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

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

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

x fur *rr*
0.3 *0.0*
8.2 *1.5*
6.4 *0.0*
7.7 *0.0*
2.5 *0.0*
28.9 *4.2*
13.7 *2.3*
2.3 *1.4*

17.1 *1.1*

0.1 *0.9*
92.1 *112.48*

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 *204.58* 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


 For Phillip C. Ward, Director
 Water Resources Department

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

STATE OF OREGON

COUNTY OF JACKSON

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

LES GILMAN
2857 OAKRIDGE AVENUE
CENTRAL POINT, OREGON 97502

confirms the right to use the waters of ROGUE RIVER, a tributary of the PACIFIC OCEAN, for IRRIGATING 6.17 ACRES.

This right was perfected under Permit 23796. The date of priority is JULY 28, 1955. This right is limited to 0.08 CUBIC FOOT 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:

SE 1/4 NE 1/4, SECTION 13, TOWNSHIP 36 SOUTH, RANGE 3 WEST, W.M.; 20 FEET NORTH AND 610 FEET WEST FROM THE EAST 1/4 CORNER OF SECTION 13.

The amount of water used for irrigation together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second (or its equivalent) and 4.5 acre-feet for each acre irrigated during the irrigation season of each year.

The use 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:

SE 1/4 NE 1/4 6.17 ACRES
SECTION 13
TOWNSHIP 36 SOUTH, RANGE 3 WEST, W.M.

When in the judgment of the Watermaster it becomes necessary to install head gates and measuring devices:

The diversion works shall include an in-line flow meter, a weir, or other suitable device for measuring the water to which the water user is entitled; and

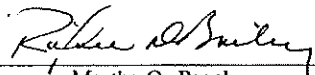
The type and plans of the measuring device be approved by the Watermaster before the beginning of construction work and that the weir or measuring device be installed under the general supervision of said Watermaster.

This certificate is issued to confirm a change in POINT OF DIVERSION approved by an order of the Water Resources Director entered JUNE 30, 1987, and together with Certificate 57547, supersedes Certificate 52205, State Record of Water Right Certificates.

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

The right to the use of the water for the above purpose is restricted to beneficial use on the lands or place of use described. The use confirmed herein may be made only at times when sufficient water is available to satisfy all prior rights, including rights for maintaining instream flows.

WITNESS the signature of the Water Resources Director, affixed SEPTEMBER 16, 1999.


Martha O. Pagel

Recorded in State Record of Water Right Certificates numbered 76286.

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

JACKSON COUNTY

IN THE MATTER OF THE APPLICATION OF)
LES GILMAN FOR APPROVAL OF A CHANGE)
IN POINT OF DIVERSION OF WATER)

ORDER APPROVING
TRANSFER 5933

On April 16, 1987, an application was filed in the office of the Water Resources Director by Les Gilman for approval of a change in point of diversion of water from Rogue River, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 52205, Volume 47, State Record of Water Right Certificates, in the name of John Day, describes a right which includes the use of not to exceed 0.08 cubic foot per second from Rogue River, for irrigation of a certain 6.17 acres in SE 1/4 NE 1/4, Section 13, Township 36 South, Range 3 West, WM with a date of priority of July 28, 1955.

Water for the said right is diverted from a point located 2350 feet South and 1840 feet West from the Northeast Corner of Section 18, being within the SW 1/4 NE 1/4 of Section 18, Township 36 South, Range 2 West, WM.

The applicant herein, owner of the lands above described, proposes to change the point of diversion therefrom to a point located 210 feet North and 530 feet West from the East Quarter Corner of Section 13, being within the SE 1/4 NE 1/4 of Section 13, Township 36 South, Range 3 West, WM.

Notice of the application, pursuant to ORS 540.520(2), was published in The Mail Tribune, a newspaper having general circulation in the area in which the water right is located, for a period of three weeks in the issues of May 15, 22 and 29, 1987.

Bruce R. Sund, Watermaster, has filed a statement to the effect that the proposed change in point of diversion may be made without injury to existing rights.

No objections having been filed and it appearing that the proposed change in point of diversion may be made without injury to existing rights, the application should be approved.

NOW, THEREFORE, it hereby is ORDERED that the proposed change in point of diversion is approved, without loss of priority.

Approval of a water right transfer application does not confirm the status of the right in regard to the provisions of ORS 540.610 pertaining to forfeiture or abandonment.

It is FURTHER ORDERED that the quantity of water diverted at the new point of diversion shall not exceed the quantity of water available at the old point of diversion under the subject right, and shall not exceed 0.08 cubic foot per second.

It is FURTHER ORDERED that the following provisions shall be effective when in the judgment of the Watermaster it becomes necessary to install headgates and measuring devices:

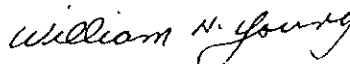
That the diversion works shall include an in-line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled;

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.

It is FURTHER ORDERED that the right to divert water from the point described in Certificate 52205 is hereby canceled, and water shall be used from the new diversion point on or before October 1, 1988.

It is FURTHER ORDERED that the certificate recorded at page 52205, Volume 47, State Record of Water Right Certificates, is canceled; and in lieu thereof a new certificate be issued covering the balance of the right NOT involved in this proceeding; and upon proof satisfactory to the Water Resources Director of completion of works and beneficial use of water to the extent intended under the provisions of this order, a confirming certificate of water right shall be issued to the applicant herein.

Dated at Salem, Oregon, this 30th day of June, 1987.


WILLIAM H. YOUNG,
Director

NOTICE: Judicial review may be obtained by filing a petition for review within 60 days from the service (date of mailing) of this order. Judicial review is pursuant to the provisions of ORS 536.075.

0337/e
0531E

STATE OF OREGON

COUNTY OF

JACKSON

CERTIFICATE OF WATER RIGHT

57547
76286

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
irrigation of 212.02 acres

for the purpose of

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.

See Numerical Error

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
Section 12
22.4 acres NE 1/4 NE 1/4
0.2 acre NW 1/4 NE 1/4
0.4 acre SW 1/4 NE 1/4
0.5 acre NE 1/4 SE 1/4
29.17 acres SE 1/4 NE 1/4
Section 13
Township 36 South, Range 3 West, WM
0.7 acre SW 1/4 SW 1/4
Section 7
2.9 acres NE 1/4 NW 1/4
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

7.7 acres NE 1/4 NE 1/4
2.5 acres NW 1/4 NE 1/4
33.1 acres SW 1/4 NE 1/4
16.0 acres SE 1/4 NE 1/4
3.7 acres NE 1/4 NW 1/4
34.5 acres NW 1/4 NW 1/4
19.65 acres SW 1/4 NW 1/4
18.2 acres SE 1/4 NW 1/4
0.4 acre NW 1/4 SW 1/4
1.0 acre NW 1/4 SE 1/4
Section 18
Township 36 South, Range 2 West, WM

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 557547

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

JOSEPHINE COUNTY

IN THE MATTER OF CANCELLATION)
OF A PORTION OF A WATER RIGHT)
IN THE NAME OF JOHN DAY)
-----)

O R D E R

On April 17, 1984, Wilson D. and Martha L. Bell submitted an affidavit that they are the owners of a certain water right and the lands to which the water right is appurtenant; that they have abandoned any and all interest in and to the said water right and request the same be canceled.

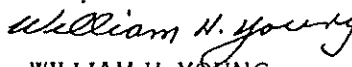
The water right in question is a portion of the right described by the certificate recorded at page 27276, Volume 19, State Record of Water Right Certificates, in the name of John Day, and is for the use of not to exceed 0.03 cubic foot per second of water from Rogue River, with a date of priority of July 28, 1955, for irrigation of 2.23 acres in SE 1/4 NE 1/4, Section 13, Township 36 South, Range 3 West, WM, and 0.25 acre in SW 1/4 NW 1/4, Section 18, Township 36 South, Range 2 West, WM.

ORS 540.621 provides that: "Whenever the owner of a perfected and developed water right certifies under oath to the Water Resources Director that the water right has been abandoned by him and that he desires cancellation thereof, the Water Resources Director shall enter an order canceling the water right."

NOW, THEREFORE, it hereby is ORDERED that the said water right, being a portion of the right described by the certificate recorded at page 27276, Volume 19, State Record of Water Right Certificates, is canceled.

It is FURTHER ORDERED that the said certificate of water right is canceled, and in lieu thereof a new certificate be issued to describe the balance of water right NOT involved in this proceeding.

Dated at Salem, Oregon, this 7th day of May, 1984.


WILLIAM H. YOUNG, ^{CA}
Director

2184C

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

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	
	81663	1883	
Enter # of Acres			
92.1			
Enter rate/acre (ie 1/80)		Max Instream Rate in CFS	
0.0125		1.151	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	1.148	Rate B: Proportional based on full certificate
Enter duty/acre	Max Instream Volume in AF		
4.50	414.45		
	Lesser of Rate A or B in CFS		
	1.148		
Optional =	Enter alternative rate (cannot be greater than the lessor of Rate A or B)		
	1.150		
			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	
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		end date	
begin date	#####	begin date	#####

Optional - for alternative instream periods including the full irrigation season			
Enter Proposed begin and end dates			
begin date	4/2/2007	Number of Days in Identified Period	
end date	9/30/2007	182	Days
		CFS rate	
		1.150	

All in the rounding

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.

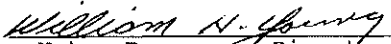
The date of priority is MAY 22, 1959.

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

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The right is established under Oregon Revised Statutes 537.346.

The date of priority is FEBRUARY 24, 1966.

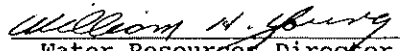
The right is limited to not more than 1200 cubic feet per second throughout the year.

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 JACKSON
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

STATE OF OREGON
WATER RESOURCES DEPARTMENT
SALEM, OREGON 97310

7
above reach

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.

William N. Young
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

7
above
reach

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.

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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.

William N. Young
Water Resources Director

Recorded in State Record of Water Right Certificates number 59817.

MF270 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.

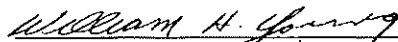
The date of priority is MAY 22, 1959.

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.

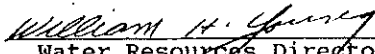
The right is limited to not more than 935 cubic feet per second throughout the year.

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

WATER AVAILABILITY TABLE

Water Availability as of 6/27/2007 for

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

Watershed ID #: 270

Basin: ROGUE

Exceedance Level: 50

Time: 17:17

Date: 06/27/2007

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 6/27/2007 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 6/27/2007 for

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

Watershed ID #: 270

Basin: ROGUE

Exceedance Level: 50

Time: 17:17

Date: 06/27/2007

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 6/27/2007 for

ROGUE R > PACIFIC OCEAN - AT MOUTH

Watershed ID #:

266

Basin: ROGUE

Exceedance Level: 50

Time: 17:17

Date: 06/27/2007

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 6/27/2007 for

ROGUE R > PACIFIC OCEAN - AT MOUTH

Watershed ID #:

266

Basin: ROGUE

Exceedance Level: 50

Time: 17:17

Date: 06/27/2007

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	2.93	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 6/27/2007 for

ROGUE R > PACIFIC OCEAN - AT MOUTH

Watershed ID #:

266

Basin: ROGUE

Exceedance Level: 50

Time: 17:17

Date: 06/27/2007

-----Reservations-----									
APP #	0	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	0.00
2	0.00	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	0.00
4	0.00	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	0.00
6	0.00	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	0.00
8	0.00	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	0.00
10	0.00	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	0.00
12	0.00	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 6/27/2007 for

ROGUE R > PACIFIC OCEAN - AT MOUTH

Watershed ID #:

266

Basin: ROGUE

Exceedance Level: 50

Time: 17:17

Date: 06/27/2007

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

DETAILED REPORT ON THE WATER AVAILABILITY CALCULATION

Water Availability as of 6/27/2007 for

ROGUE R > PACIFIC OCEAN - AB SHASTA COSTA CR

Watershed ID #: 31531008

Basin: ROGUE

Exceedance Level: 50

Time: 17:17

Date: 06/27/2007

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	23.00
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 6/27/2007 for

ROGUE R > PACIFIC OCEAN - AB SHASTA COSTA CR

Watershed ID #: 31531008

Basin: ROGUE

Exceedance Level: 50

Time: 17:17

Date: 06/27/2007

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	2.42	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 6/27/2007 for
 ROGUE R > PACIFIC OCEAN - AB MEADOW CR

Watershed ID #: 31531001

Basin: ROGUE

Exceedance Level: 50

Time: 17:17

Date: 06/27/2007

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 6/27/2007 for
 ROGUE R > PACIFIC OCEAN - AB MEADOW CR

Watershed ID #: 31531001

Basin: ROGUE

Exceedance Level: 50

Time: 17:17

Date: 06/27/2007

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	2.42	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

DETAILED REPORT ON THE WATER AVAILABILITY CALCULATION

Water Availability as of 6/27/2007 for

ROGUE R > PACIFIC OCEAN - AB GRAVE CR

Watershed ID #: 31531002

Basin: ROGUE

Exceedance Level: 50

Time: 17:17

Date: 06/27/2007

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 6/27/2007 for

ROGUE R > PACIFIC OCEAN - AB GRAVE CR

Watershed ID #: 31531002

Basin: ROGUE

Exceedance Level: 50

Time: 17:17

Date: 06/27/2007

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	2.41	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 6/27/2007 for

ROGUE R > PACIFIC OCEAN - AB APPLGATE R

Watershed ID #: 31530801

Basin: ROGUE

Exceedance Level: 50

Time: 17:17

Date: 06/27/2007

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 6/27/2007 for

ROGUE R > PACIFIC OCEAN - AB APPLGATE R

Watershed ID #: 31530801

Basin: ROGUE

Exceedance Level: 50

Time: 17:17

Date: 06/27/2007

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 6/27/2007 for

ROGUE R > PACIFIC OCEAN - AB FALL CR

Watershed ID #:

268

Basin: ROGUE

Exceedance Level: 50

Time: 17:17

Date: 06/27/2007

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 6/27/2007 for

ROGUE R > PACIFIC OCEAN - AB FALL CR

Watershed ID #:

268

Basin: ROGUE

Exceedance Level: 50

Time: 17:17

Date: 06/27/2007

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	1.90	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 ON THE WATER AVAILABILITY CALCULATION

Water Availability as of 6/27/2007 for

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

Watershed ID #: 270

Basin: ROGUE

Exceedance Level: 50

Time: 17:17

Date: 06/27/2007

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 6/27/2007 for

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

Watershed ID #: 270

Basin: ROGUE

Exceedance Level: 50

Time: 17:17

Date: 06/27/2007

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	1.87	87.40	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

NPC

Search

110342, 7/28/1955 1P
T10343
Subject right

* Acreage is not specified

N/C

Water Rights Platcard Report

Meridian: WILLAMETTE Township: 36 South Range: 2 West Section: 18 Records per Page: 100 Search

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	SW SW	SE SW	NE SE	NW SE	SW SE	SE SE	Unkown QQ
<u>Select</u> Cert:36641 OR * <u>Additional Info:</u> JOHN S DAY App: S44880 Permit: S33555 Cert: 36641		5/8/1968	DOMESTIC			5										*								
<u>Select</u> Permit:S 54155 * <u>Additional Info:</u> JIM SALYER App: S86076 Permit: S54155		9/13/2004	DOMESTIC											*										
<u>Select</u> Permit:S 45063 CN <u>Additional Info:</u> HARRY DUNKERTON App: S60028 Permit: S45063		4/14/1980	DOMESTIC EXPANDED		CN									*										
<u>Select</u> Cert:61905 OR * <u>Additional Info:</u> KENNETH R MCGRAW App: S56546 Permit: S42134 Cert: 61905		9/2/1977	DOMESTIC INCLUDING LAWN AND GARDEN											*										
<u>Select</u> Cert:27275 OR * <u>Additional Info:</u> JOHN DAY App: S30170 Permit: S23795 Cert: 27275		7/28/1955	FIRE PROTECTION												*									
<u>Select</u> 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										*	*	*	*	*	*	*	*	*	
<u>Select</u> Cert:54021 OR * <u>Additional Info:</u> OREGON DEPARTMENT OF FISH AND WILDLIFE App: S37619 Permit: S44909 Cert: 54021		5/7/1962	FISH CULTURE																					*
<u>Select</u> Cert:60007 CF * <u>Additional Info:</u> COUNTY OF JACKSON PARKS DEPT. Decree: ROGUE RIVER (F) STATE WATER BOARD Cert: 60007		8/5/1902	FISH CULTURE												*			*						

Select Permit:S 53961 *	1/27/2003	HUMAN CONSUMPTION							*										
Additional Info: DEBORAH JOHNSON App: S85438 Permit: S53961																			
Select Permit:S 54155 *	9/13/2004	HUMAN CONSUMPTION							*										
Additional Info: JIM SALYER App: S86076 Permit: S54155																			
Select App:S 86590 DN	5/4/2006	HUMAN CONSUMPTION DN							*										
Additional Info: JIM SALYER App: S86590																			
Select Inchoate: T 6293 CF (REG) *	9/22/1888	IRRIGATION											(1.7)						
Additional Info: MEDFORD READY MIX CONCETE INC. Decree: ROGUE RIVER (F)(S), 1940																			
Select Inchoate: T 6426 CF (REG) *	9/22/1888	IRRIGATION							(0.02)				(0.98)						
Additional Info: MEDFORD READY MIX CONCRETE INC. Decree: ROGUE RIVER (F)(S), 1940																			
Select Permit:S 51544 *	2/4/1993	IRRIGATION							0.6										
Additional Info: ROBERT A BELL App: S73231 Permit: S51544																			
Select Cert:27275 OR *	7/28/1955	IRRIGATION								1.45									
Additional Info: JOHN DAY App: S30170 Permit: S23795 Cert: 27275																			
Select Cert:27276 OR CN	7/28/1955	IRRIGATION CN	7-7	2-5	33-1	16	3-7	34-5	19-9	18-2		0-4				1			
Additional Info: JOHN DAY App: S30171 Permit: S23796 Cert: 27276																			
Select Cert:S2205 RR CN	7/28/1955	IRRIGATION CN	7-7	2-5	33-1	16	3-7	34-5	19-65	18-2		0-4				1			
Additional Info: JOHN DAY App: S30171 Permit: S23796 Cert: S2205																			
Select Cert:S7547 RR CN	7/28/1955	IRRIGATION CN	7-7	2-5	33-1	16	3-7	34-5	19-65	18-2		0-4				1			
Additional Info: JOHN DAY App: S30171 Permit: S23796 Cert: S7547																			
Select Permit:S 53950 *	1/27/2003	IRRIGATION							1.2			0.8							
Additional Info: DEBORAH JOHNSON																			

9/13/2007 1:30 PM

Bob Rice

From: Mitch Lewis
Sent: Monday, June 04, 2007 12:52 PM
To: Bob Rice
Subject: RE: T-10343 TLI Transfer

Bob!

Sure glad those forms got streamlined!

Transfers as proposed look good to me. I would suggest Larry take the lead in shepherding the water all the way to the ocean.

ML

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

From: Bob Rice
Sent: Monday, June 04, 2007 11:39 AM
To: Mitch Lewis; Kathy Smith
Cc: 'Laura.K.SNEDAKER@wrdd.state.or.us'; 'Dorothy Pedersen'; Sarah Henderson; Larry.P.MENTEER@wrdd.state.or.us
Subject: T-10343 TLI Transfer

Hi Mitch and Kathy,

Here's the second 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. 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

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.wrdd.state.or.us



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

GEORGE H NEARY, TRUSTEE
10350 DRYDEN DRIVE
RENO NV 89511

Reference: Time Limited Instream Transfer 10343

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 \$875. Our receipt 86679 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



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 Water Right Transfer, Temporary Transfer, or Permit Amendment 03/27/07

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.

County: JACKSON
Transfer: 10343
Water Right: CERT 81513
Priority Date: 1955
Name: GEORGE H NEARY, TRUSTEE
Address: 10350 DRYDEN DR; RENO NV 89511
Change: USE/POU
Source: ROGUE RIVER
Authorized POU: T36S R2W 17,18
Proposed POU: FROM T36S R2W 18 TO MOUTH OF RIVE
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).

The holder of a water right subject to transfer may request to temporarily change the place of use of the water for up to 5 years and, if necessary to convey the water, to temporarily change the point of diversion or appropriation.

The holder of a water right permit may apply to change a point of diversion (POD) or appropriation (POA) or to change the place of use (POU).

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. 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.



Oregon

Theodore R. Kulongoski, Governor

Mailed ~ August 1

Water Resources Department

725 Summer Street NE, Suite A

Salem, OR 97301-1271

503-986-0900

FAX 503-986-0904

July 26, 2007

George Neary
10350 Dryden Drive
Reno, NV 89511

SUBJECT: Application T-10343 and Partial Refund of Application Fees

Enclosed find a draft of our Preliminary Determination regarding transfer application T-10343. 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 additional affidavits. 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 additional affidavits do not meet all of these requirements. (The Coggins statement is not notarized and the Estramado affidavit does not mention irrigation.) 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 Finding of Fact #15) by shortening it one day so that the duty associated with the right is not exceeded.

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 and the report of ownership and lien information. If we do not receive your response and the report by September 1, 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% of the application fee is waived for instream transfers. As such, the Department is refunding \$437.50 of the \$875 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@wrd.state.or.us.

Sincerely,

A handwritten signature in black ink, appearing to read "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-10343, 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

GEORGE H. NEARY, TRUSTEE
10350 DRYDEN DRIVE
RENO, NV 89511

Findings of Fact

Background

1. On March 16, 2007, George H. Neary, Trustee, filed a time-limited instream transfer application to temporarily change the character of use and place of use under Certificate 81513 to instream use for a period of three years. The Department assigned the application number T-10343.

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

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

Use: IRRIGATION of 92.1 ACRES

Priority Date: JULY 28, 1955

Rate: 1.15 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	17	NE NW	2.9
36 S	2 W	WM	17	NW NW	0.3
36 S	2 W	WM	17	SW NW	8.2
36 S	2 W	WM	17	SE NW	8.4
36 S	2 W	WM	18	NE NE	7.7
36 S	2 W	WM	18	NW NE	2.5
36 S	2 W	WM	18	SW NE	28.9
36 S	2 W	WM	18	SE NE	13.7
36 S	2 W	WM	18	NE NW	2.3
36 S	2 W	WM	18	SE NW	17.1
36 S	2 W	WM	18	NW SE	0.1

3. A scrivener's error has been identified on Certificate 81513. The authorized point of diversion for Certificate 81513 is incorrectly listed as being in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ 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. A total of 414.45 acre-feet of water may be beneficially used annually under the existing right.
5. Application T-10343 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.
6. 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.
7. Application T-10343 proposes to change the place of use of the right to create an instream reach from the point of diversion described in Finding of Fact #3 to the mouth of the Rogue River.
8. The applicant proposes the quantities water to be transferred instream to be protected follows:

Period	Rate (cfs)	Volume (acre-feet)
April 2 to October 1	1.15	414.45

9. There are 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 (priority date of 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.
10. 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 rights established 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).
11. 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.
12. 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)

13. 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.
14. A diversion structure and ditch sufficient to use the full amount of water allowed under the existing right were present within the five-year period prior to submittal of Application T-10343.
15. 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.
16. Based upon Findings of Fact #15, on _____, the applicant agreed to modify the quantities to be transferred and protected instream as follows:

Period	Rate (cfs)	Volume (acre-feet)
April 2 to September 29	1.15	414.45

17. The proposed change would not result in enlargement of the right.
18. The proposed change would not result in injury to other water rights.
19. 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.
20. The protection of flows within the proposed reach is appropriate, considering:
 - a) The instream water right begins at the recorded point of diversion;
 - b) The location of confluences with other streams downstream of the point of diversion;
 - c) There are 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 right.
21. 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.
22. 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.
23. 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.
24. 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-10343 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-10343 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-10343 are approved from the date of this order through October 31, 2009, unless terminated earlier.*
- 2. The instream water right shall provide for the protection of streamflows from the authorized point of diversion, described in Finding of Fact #4, to the mouth of the Rogue River.*
- 3. The quantities of water to be protected under the instream water right are:*

<i>Period</i>	<i>Rate (cfs)</i>
<i>April 2 through September 29</i>	<i>1.15</i>

- 4. 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.*
- 5. The right to the use of the water is restricted to beneficial use at the place of use described, and is subject to all other conditions and limitations contained in Certificate 81513.*
- 6. The exercise of the right evidenced by Certificate 81513 for irrigation at the former place of use (as described in Finding of Fact #2) shall be SUSPENDED, without loss of priority, for the term of the transfer authorized herein.*
- 7. 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.*
- 8. 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 Certificate 81513.*

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@wrд.state.or.us.

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 #: 10343

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

(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 # 10343

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: (____) _____

TRANSFER CHECK OFF LIST

TRANSFER FILE #

10343

DATE RECEIVED

3-13-07

DATE MONEY SLIPPED

3-13-07

DATE RECEIPTED

3-13-07

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

4 COPIES MADE & STAMPED

yes

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

/

DECREB MARKED

/

DECREB 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

COPY TO GW

no

BLUE FORM TO GW

no

COPY TO CWRE

yes

LETTER TO ODFW

yes

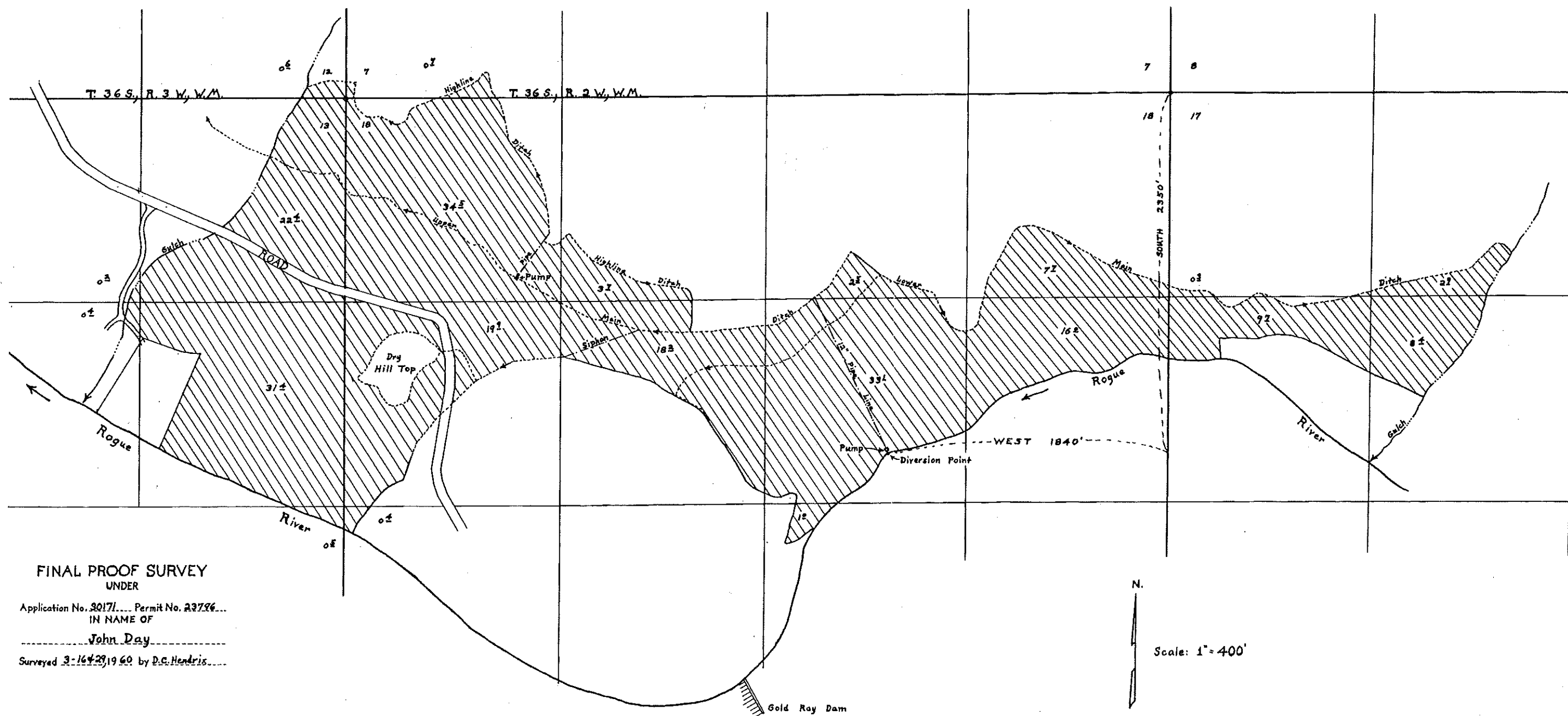
TRANSFER SENT TO:

RA/TLIS

ALL Surface water POU/USE (POD and APOD FISH SCREENS)

SW --- NCR --- SCR --- ER

SHRINK DATA IF THERE ARE MANY FILES INVOLVED AND GLUE TO FOLDER



FINAL PROOF SURVEY
UNDER
Application No. 30171... Permit No. 23726...
IN NAME OF
John Day
Surveyed 3-16-29, 1960 by D.C. Hendris...

N.
Scale: 1" = 400'