

Historic

Name Bryan Long
 Address 3903 Helms Rd
Grants Pass Oregon 97627

Change in POD
 Date Filed 8/24/2020
 Initial notice date 9/8/2020
 DPD issued date _____
 PD issued date _____
 PD notice date denial
 Date of FO 12/28/2021 Vol 127 Page 243

C-Date _____
 COBU due date _____
 COBU Received date _____
 Certificate issued _____

Assignments: _____

Irrigation District _____

Agent Scott Fern water rights sfansurveypr@gmail

CWRE _____
 CC's list Josephine county Planning

DESCRIPTION OF WATER RIGHT(s)

Name of Stream Grave Creek

Trib. of Rogue river

Use irrigation County Josephine

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

Name of ditch _____

App# Decree Per # Rogue river final Cert # 116530 PR Date 12/31/1891

App# Decree Per # Rogue river final Cert # 116533 PR Date 4/30/1873

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

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

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

FEES PAID

Date	Amount	Receipt #
<u>8-24-2020</u>	<u>\$1,680.00</u>	<u>133310</u>

FEES REFUNDED

Date	Amount	Receipt #
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Oregon
Kate Brown, Governor

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

April 26, 2022

BRYAN LONG
1690 LELAND ROAD
SUNNY VALLEY, OR 97526

FINAL ORDER ON RECONSIDERATION

Reference: T-13515

Enclosed is an Order on Reconsideration as recorded in Special Order Vol. 122, Page 915, issued to withdraw and supersede the final order recorded in Special Order Vol. 122 Page 243. The final order recorded in (OLD) Special Order Vol. XXX Page XXX is of no further force or effect.

If you have any questions related to the approval of this temporary transfer, you may contact your caseworker, Corey Courchane by telephone at (503) 979-3917 or by e-mail at Corey.A.Courchane@oregon.gov.

Sincerely,

Julie C. Baustian
Water Right Support
Transfers and Conservation Section

cc: Watermaster Dist. # 14, Scott C. Ceciliani (*via email*)
Agent: Scott D. Fein

Enclosures

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

In the Matter of Transfer Application	)	SUPERSEDING FINAL ORDER ON
T-13515, Josephine County	)	RECONSIDERATION AND APPROVING A
	)	CHANGE IN POINTS OF DIVERSION TO
	)	REFLECT HISTORIC USE

Authority

ORS 540.532 establishes the process in which a water right holder may submit a request for a change in point of diversion to reflect historical use under an existing water right. OAR Chapter 690-380-2120 implements the statute and provides the Department's procedures and criteria for evaluating historic point of diversion/appropriation transfer applications.

ORS 536.075(2) and OAR 137-003-0675 describe the process for reconsideration of an order in a contested case.

Applicant

BRYAN LONG
1690 LELAND ROAD
SUNNY VALLEY, OR 97526

Findings of Fact

1. On September 3, 2020, BRYAN LONG filed a transfer application for authorization of historic points of diversion under Certificates 16530 and 16533. The Department assigned the application number T-13515.
2. On September 11, 1956, the Department issued a Final Order (Special Order Volume 9, Page 35) under Transfer Application B-94, approving a change in point of diversion under Certificate 16533.
3. On March 2, 2020, BRYAN LONG filed a water right instream transfer application proposing to create instream use under Certificates 15608, 16530, and 16533. The Department assigned the application number T-13382.

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

4. Notice of the application for transfer was published on September 8, 2020, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
5. On October 2, 2020, the Department notified the applicant's agent that a location for the authorized point of diversion for Certificate 16533 needed to be identified. Certificate 16533 does not identify a location for the authorized point of diversion, and one is not described by the Rogue River Decree. Due to an instream water right, being Certificate 72697, located within the reach of Grave Creek where the applicant is proposing the current historic points of diversion, the Department needs to ensure T-13515 will not cause injury to the instream water right.
6. On March 24, 2021, the agent provided additional information to the Department. The information identifies a location that will be a downstream change for the authorized point of diversion under Certificate 16533, and will not be injurious to Certificate 72697. In summary, the agent stated, "From extensive review of the decree maps and diligently researching every ancient record paper available to me through the D14 Watermaster I have deduced the following. All lands on the on this property other than cert. 16533 were served at one time by the Steen Beer Ditch which originated in the NWSE of section 12 in T34S, R6W. I firmly believe the Alta Ditch is the Steen Beer Ditch, the name changed somewhere along the way, Though we will never know was the Alta ditch is not on any map. The August 25-31, 1936 decree survey represents this well (upper right corner says 5-4-4)."
7. On April 7, 2021, the Department's District 14 Watermaster provided documentation that describes the approximate location for the original point of diversion under Certificate 16533 to be, "Northwest $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of Section 12, Township 34 South, Range 6 West of Willamette Meridian."
8. On September 15, 2021, the Department contacted the applicant by written correspondence to notify the applicant and the applicant's agent of the next steps in the Historic Point of Diversion process. The Department requested written proof of service of notice of the proposed transfer on all affected water right holders, and a report of ownership for the lands where the water rights are currently located. The Department requested the required items be submitted by October 15, 2021. The Department did not receive a response.
9. On October 18, 2021, the Department contacted the applicant's agent by written correspondence. Hard copies of the correspondence sent to the applicant on September 15, 2021, were sent back to the Department, "Return to sender, undeliverable, unable to forward." The Department requested the required items be submitted by November 18, 2021, or a Final Order may be issued denying the application as incomplete. The Department did not receive a response.
10. On December 28, 2021, Transfer Application T-13515 was denied and the order is recorded in Special Order Volume 122, Page 243. Transfer Application T-13515 was denied for failure to meet the requirements under ORS 540.532, and OAR 690-380-2120.

11. On February 25, 2022, pursuant to ORS 536.075 and OAR 137-004-0080, the Department received a timely Request for Reconsideration from Scott Fein, Agent on behalf of the applicant. The Department also received a report of ownership from a title company and the written proof of service, resolving the deficiencies.
12. On March 21, 2022, the Department issued a Notice of Reconsideration of Final Order on Transfer Application T-13515.
13. The Department has reconsidered the Final Order issued on December 28, 2021, recorded in Special Order Volume 122, Page 243, denying a change in points of diversion to reflect historical use and is withdrawing this final order.

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

Certificate: 16530 in the name of V.E. FARLEIGH (confirmed by ROGUE RIVER FINAL Decree)
Use: IRRIGATION of 65.0 ACRES
Priority Date: 1891
Rate: 1.09 CUBIC FEET PER SECOND
Source: GRAVE CREEK, a tributary of ROGUE RIVER

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q
Not specified in certificate				

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
34 S	6 W	WM	10	NW NW	40.0
34 S	6 W	WM	10	SW NW	20.0
34 S	6 W	WM	10	SE NW	5.0
Total					65.0

15. The Rogue River Final Decree identifies the authorized point of diversion for Certificate 16530 as:

Ditch
Alta Ditch

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

Certificate: 16533 in the name of T. J. MACKIN, J. R. MACKIN and MARGARET MCCASLIN, (confirmed by ROGUE RIVER FINAL Decree)
Use: IRRIGATION of 115.0 ACRES
Priority Date: 1891 for TRACT NO. 1
Rate: 1.79 CUBIC FEET PER SECOND for TRACT NO. 1
Source: GRAVE CREEK, a tributary of ROGUE RIVER

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q
Not specified in certificate				

Authorized Place of Use:

IRRIGATION – TRACT NO. 1					
Twp	Rng	Mer	Sec	Q-Q	Acres
34 S	6 W	WM	9	NE NE	27.0
34 S	6 W	WM	9	NW NE	26.0
34 S	6 W	WM	9	SW NE	8.0
34 S	6 W	WM	9	SE NE	23.0
34 S	6 W	WM	9	NE NW	31.0
Total					115.0

17. Based on additional information provided by the District 14 Watermaster, the authorized point of diversion for Certificate 16533 is located as follows:

Twp	Rng	Mer	Sec	Q-Q	Ditch
34 S	6 W	WM	12	NW SE	Alta Ditch

18. Transfer Application T-13515 proposes to move the authorized points of diversion downstream to reflect historical use to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances	Approximate distance from authorized point of diversion in miles (mi.)
34 S	6 W	WM	4	SE SE	POD 1 - 65 FEET NORTH AND 60 FEET WEST FROM THE NE CORNER OF SECTION 9	3.6 mi.
34 S	6 W	WM	9	NW NE	POD 2 - 165 FEET SOUTH AND 2340 FEET WEST FROM THE NE CORNER OF SECTION 9	4.0 mi.

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

Transfer Review Criteria (ORS 540.532 and OAR 690-380-2120)

20. Pursuant to OAR 690-380-2120(2)(a), evidence has been submitted that the actual, current points of diversion for the water right in question, as described in Finding No. 9, has been in use for more than 10 years.
21. Pursuant to OAR 690-380-2120(2)(c), the Watermaster provided a statement that to his knowledge there has been no complaint of injury due to the use of water at the actual, current points of diversion, prior to the transfer request.

22. Pursuant to OAR 690-380-2120(3), the Department provided the applicant a list of the affected water rights and a copy of the notice to be provided to each affected water right holder. The applicant provided written proof of service of notice of the proposed transfer on all affected water right holders. The Department received one timely comment. The comment did not address how the proposed change in point of diversion to reflect historical use would cause injury.
23. Water has been used within the last five years according to the terms and conditions of the rights. There is no evidence available that would demonstrate that the rights are subject to forfeiture under ORS 540.610.
24. A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing rights are present.
25. The proposed change would not result in enlargement of the rights.
26. The proposed change would not result in injury to other water rights.

Conclusions of Law

The proposed change in points of diversion to reflect historical use in application T-13515 is consistent with the requirements of ORS 540.532, and OAR 690-380-2120.

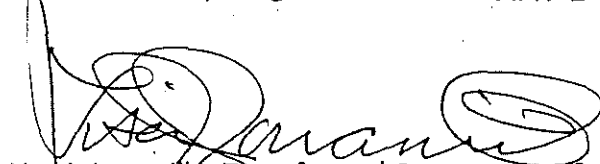
Now, therefore, it is ORDERED:

1. This final order supersedes the order "Final Order Denying a Change in Points of Diversion to Reflect Historic Use," recorded at Special Order Volume 122, Pages 243-247.
2. The change proposed in T-13515 is approved and effective immediately.
3. The right to the use of the water is restricted to beneficial use at the place of use described, and is subject to all other conditions and limitations contained in Certificates 16530 and 16533, and any related decree.
4. Water right certificates 16530 and 16533 are cancelled. Certificate 96295 will be issued to describe the change in points of diversion for Certificate 16530, and Certificate 96296 will be issued to describe the change in points of diversion for the portion of Certificate 16533 included in T-13515. Certificate 96297 shall be issued to describe the portion of Certificate 16533 not modified by this order. Together, the new Certificates shall supersede Certificates 16530 and 16533.
5. The quantity of water diverted at the new points of diversion (POD 1 and 2), shall not exceed the quantity of water lawfully available at the original point of diversion (Alta Ditch).

6. Prior to October 1, 2023, the water user shall install and maintain an approved suitable measuring device for measuring and recording the quantity of water diverted. The type and plans of the headgate and measuring device must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department.
7. Prior to October 1, 2023, the water user shall install a fish screening and/or by-pass device, as appropriate, at the new point of diversion consistent with the Oregon Department of Fish and Wildlife's (ODFW) design and construction standards. Prior to installation, the water user shall obtain written approval from ODFW that the required screen and/or by-pass device meets ODFW's criteria. Prior to submitting a Claim of Beneficial Use, the water user must obtain written approval from ODFW that the required screening and/or by-pass device was installed to the state's criteria. The water user shall maintain and operate the fish screen and/or by-pass device, as appropriate, at the point of diversion consistent with ODFW's operational and maintenance standards.
8. The final order on denial of a change in points of diversion to reflect historical use recorded at Special Order Volume 122, Pages 243 to 247 is hereby withdrawn, and is of no further force or effect.

Dated in Salem, Oregon on

APR 26 2022



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

Mailing date:

APR 27 2022

STATE OF OREGON
COUNTY OF JOSEPHINE
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

BRYAN LONG
1690 LELAND ROAD
SUNNY VALLEY, OR 97526

confirms the right to use the waters of GRAVE CREEK, a tributary of ROGUE RIVER for IRRIGATION of 65.0 ACRES.

This right was confirmed by decree of the Circuit Court of the State of Oregon for Josephine County. The decree is of record at Salem, in the Order Record of the Water Resources Director in Volume 4, at Page 1. The date of priority is 1891. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 1.09 CUBIC FEET PER SECOND.

The points of diversion are located as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
34 S	6 W	WM	4	SE SE	POD 1 - 65 FEET NORTH AND 60 FEET WEST FROM THE NE CORNER OF SECTION 9
34 S	6 W	WM	9	NW NE	POD 2 - 165 FEET SOUTH AND 2340 FEET WEST FROM THE NE CORNER OF SECTION 9

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

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
34 S	6 W	WM	10	NW NW	40.0
34 S	6 W	WM	10	SW NW	20.0
34 S	6 W	WM	10	SE NW	5.0
Total					65.0

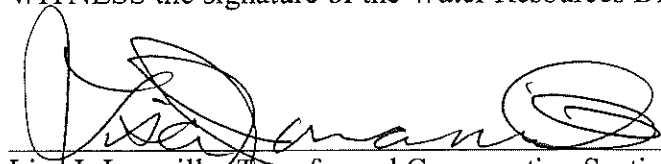
Prior to October 1, 2023, the water user shall install and maintain a headgate, an in-line flow meter, weir, or other suitable device for measuring and recording the quantity of water diverted. The type and plans of the headgate and measuring device must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department.

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

Prior to October 1, 2023, the water user shall install and maintain a fish screen or fish by-pass device, as appropriate, at the new point of diversion. The type and plans of the screen or by-pass device must be approved by the Oregon Department of Fish and Wildlife prior to beginning of construction, and shall be installed under the supervision of the Department of Fish and Wildlife.

This certificate is issued to confirm an HISTORIC CHANGE IN POINT OF DIVERSION approved by an order of the Water Resources Director entered APR 26 2022, approving Transfer Application T-13515, and supersedes Certificate 16530, State Record of Water Right Certificates.

WITNESS the signature of the Water Resources Director, affixed APR 26 2022.

A handwritten signature in black ink, appearing to read "Lisa J. Jaramillo", written over a horizontal line.

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

STATE OF OREGON
COUNTY OF JOSEPHINE
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

BRYAN LONG
1690 LELAND ROAD
SUNNY VALLEY, OR 97526

confirms the right to use the waters of GRAVE CREEK, a tributary of ROGUE RIVER for IRRIGATION of 115.0 ACRES.

This right was confirmed by decree of the Circuit Court of the State of Oregon for Josephine County. The decree is of record at Salem, in the Order Record of the Water Resources Director in Volume 4, at Page 1. The date of priority is 1891 for TRACT NO. 1.

The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 1.79 CUBIC FEET PER SECOND FOR TRACT NO. 1.

The points of diversion are located as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
34 S	6 W	WM	4	SE SE	POD 1 - 65 FEET NORTH AND 60 FEET WEST FROM THE NE CORNER OF SECTION 9
34 S	6 W	WM	9	NW NE	POD 2 - 165 FEET SOUTH AND 2340 FEET WEST FROM THE NE CORNER OF SECTION 9

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

IRRIGATION - TRACT NO. 1					
Twp	Rng	Mer	Sec	Q-Q	Acres
34 S	6 W	WM	9	NE NE	27.0
34 S	6 W	WM	9	NW NE	26.0
34 S	6 W	WM	9	SW NE	8.0
34 S	6 W	WM	9	SE NE	23.0
34 S	6 W	WM	9	NE NW	31.0
Total					115.0

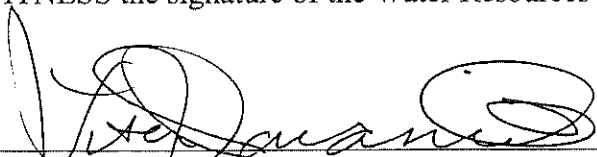
Prior to October 1, 2023, the water user shall install and maintain a headgate, an in-line flow meter, weir, or other suitable device for measuring and recording the quantity of water diverted. The type and plans of the headgate and measuring device must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department.

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

Prior to October 1, 2023, the water user shall install and maintain a fish screen or fish by-pass device, as appropriate, at the new point of diversion. The type and plans of the screen or by-pass device must be approved by the Oregon Department of Fish and Wildlife prior to beginning of construction, and shall be installed under the supervision of the Department of Fish and Wildlife.

This certificate is issued to confirm an HISTORIC CHANGE IN POINT OF DIVERSION approved by an order of the Water Resources Director entered APR 26 2022, approving Transfer Application T-13515, and supersedes Certificate 16533, State Record of Water Right Certificates.

WITNESS the signature of the Water Resources Director, affixed APR 26 2022.



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

STATE OF OREGON

COUNTY OF JOSEPHINE

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

T. J. MACKIN, J. R. MACKIN, AND MARGARET McCASLIN
LELAND, OR 97495

confirms the right to use the waters of GRAVE CREEK, a tributary of ROGUE RIVER for
IRRIGATION of 2.0 ACRES, in Tract No. 1, and IRRIGATION of 34.0 ACRES, in Tract No. 2.

This right was confirmed by decree of the Circuit Court of the State of Oregon for Josephine County.
The decree is of record at Salem, in the Order Record of the Water Resources Director in Volume 4, at
Page 1. The date of priority is 1891 for TRACT NO. 1, and JUNE, 1873 for TRACT NO. 2.

The amount of water to which this right is entitled is limited to an amount actually used beneficially, and
shall not exceed 0.03 CUBIC FOOT PER SECOND (CFS) for TRACT NO. 1, and 0.57 CUBIC FOOT
PER SECOND for TRACT NO. 2.

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

IRRIGATION – TRACT NO. 1					
Twp	Rng	Mer	Sec	Q-Q	Acres
34 S	6 W	WM	9	SE NW	2.0

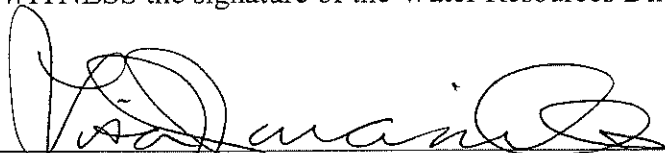
IRRIGATION – TRACT NO. 2					
Twp	Rng	Mer	Sec	Q-Q	Acres
34 S	6 W	WM	4	SW SE	17.0
34 S	6 W	WM	4	SE SE	12.0
34 S	6 W	WM	9	NW NE	5.0
Total					34.0

This certificate describes that portion of water right Certificate 16533, State Record of Water Right
Certificates, NOT modified by the provisions of an order of the Water Resources Director entered
APR 26 2022, approving Transfer Application T-13515.

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 and is subject to all other conditions and limitations contained in said decree.

WITNESS the signature of the Water Resources Director, affixed APR 26 2022.

A handwritten signature in black ink, appearing to read "Lisa J. Jaramillo", written over a horizontal line.

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

WATER RIGHT TRANSFER COVER SHEET

Transfer: T- 13515

Transfer Specialist:

Transfer Type: Historic POD

Corey

Applicant: <u>BRYAN LONG</u> <u>3903 HELMS RD</u> <u>GRANTS PASS, OR 97527</u> Email: _____ Phone: _____		Agent: ☐ N/A <u>SCOTT D. FEIN</u> <u>600 TYLER CREEK RD</u> <u>ASHLAND, OR 97520-9453</u> Email: _____ Phone: _____	
Irrigation District: ☐ N/A Email: _____		CWRE: ☐ N/A Email: _____	
Affected Local Gov'ts: ☐ N/A <u>Josephine County Planning</u> Email: _____		Affected Tribal Gov't: ☐ N/A <u>UNAVAILABLE</u> Email: _____	
Current Landowner if other than Applicant: ☐ N/A Email: _____		Receiving Landowner: ☐ N/A Email: _____	

Water Rights Affected

File Marked	App. File # or Decree Name	Permit	Certificate	RR/CR Needed	RR/CR Nos.
☐	<u>DECREE</u>	<u>ROGUE RIVER FINAL</u>	<u>16530</u>	☐ Yes ☒ No	
☐	<u>DECREE</u>	<u>R. RIVER FINAL</u>	<u>16533</u>	☒ Yes ☐ No	<u>96297</u>
☐				☐ Yes ☐ No	

Hist CF 96295 96296

Key Dates & Initial Actions:

Rec'd: <u>September 3, 2020</u>	Proposed Action(s): <u>POINT OF DIVERSION</u>	
Fees Pd: <u>1680.00</u>	WM District: <u>14</u>	ODFW District:
Initial Public Notice: <u>September 8, 2020</u>	WM Review sent:	ODFW Review sent:
Acknowledgement Letter Sent ☒		GW Review sent: ☐ N/A
County sent cc: of Ack Letter ☐	BOR notified (date): ☐ N/A	
Newspaper quote requested:	Request for news \$ sent:	News \$ received:
Request to publish sent:	Affidavit of publication received:	Last day of publication:

Document	Drafted	Peer Review	Changes Made	Coordinator	Changes Made	Signature Bin	Signature Date
DPD	Date: <u>4/1/21</u> Initials: <u>CC</u>	Date: <u>4/8/21</u> Initials: <u>SCOTT</u>	Date: _____ Initials: _____	Date: <u>4/9/21</u> Initials: <u>PKS</u>	Date: _____ Initials: _____	CW Sent: _____	N/A
PD	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____	Date: _____
FO	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: <u>9/15/21</u> Initials: <u>CC</u>	Date: _____	Date: _____
<i>FO to Denny</i>	<i>11/18/21 CC</i>	<i>11/29/21 Scott</i>		<i>12/13/21 PKS</i>	<i>12/15/21 CC</i>	<i>12/15/21 CC</i>	<i>12/28/2021</i>

Special Issues:

Special Order Volume: Vol. _____ Pages _____

Reconsideration PO

<i>3/2/22 CC</i>	<i>PK 3/2/22</i>	<i>Coordinator 4/5/22 PKS</i>	<i>Changes 4/8/22 CC</i>	<i>Sign Bin 4/8/22</i>	<i>Sign Date 4/20/2022</i>
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Transfer Cover Sheet

Last Revised 10-29-18

Bill and Nancy Hansen

100 Placer Rd

Wolf Creek, OR 97497

RECEIVED

MAR 18 2022

OWRD

Oregon Water Resources Department

Transfer Section

725 Summer St. NE, Suite A

Salem, OR 97301

Application Number: T-13515

To whom it may concern:

We are currently the last recipient of ditch water for irrigation from the diversion of Grave Creek in Sunny Valley. Will this proposal require us to divert water past us or will it take water ahead of us?

We do not receive water for the entire season and last year water ran out in early July. How will this proposed change impact our irrigation water amount?

Thanks,

Bill and Nancy Hansen

OF PROPOSED CHANGE IN A WATER RIGHT POINT OF DIVERSION

RECEIVED

MAR 18 2022

OWRD

Bryan Long, 3903 Helms Rd., Grants Pass, OR 97520, submitted a transfer application to the Oregon Water Resources Department under ORS 540.532 requesting a change in point of diversion of Water Right Certificate 13704 to reflect more than 10 years of historical use of water at a point of diversion other than that described in the water right Certificate. The Transfer Application number is **T-13515**.

The authorized point of diversion evidenced by the Rogue River Decree is:

Ditch
Alta Ditch

Bryan Long, 3903 Helms Rd., Grants Pass, OR 97520, propose to officially change the point of diversion to the following location:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
34 S	6 W	WM	4	SE SE	POD 1 - 65 FEET NORTH AND 60 FEET WEST FROM THE NE CORNER OF SECTION 9
34 S	6 W	WM	9	NW NE	POD 2 - 165 FEET SOUTH AND 2340 FEET WEST FROM THE NE CORNER OF SECTION 9

Why You Received This Notice

You have received this notice because the Oregon Water Resources Department has identified you as the owner of the land or water right that may be affected by the proposed change in point of diversion. By law, it is the responsibility of the applicant to provide you notice of the proposed change in point of diversion / appropriation. The applicant is also required to provide the Department with written proof that this notice was delivered to you.

The Purpose of This Notice

The purpose of this notice is to provide you an opportunity to comment upon whether the proposed change will cause injury to the exercise of your water right. **A 30-day comment period begins upon receipt of this notice.** Comments should reference the Transfer Application number **T-13515**, identify the water right subject to injury by permit or certificate number or decree name, and describe the nature of the injury caused by the change in point of diversion.

Mail Your Comments To:

Oregon Water Resources Department
Transfer Section
725 Summer Street NE, Suite A
Salem, OR 97301

How the Department Will Use Your Comments

The Department will use these comments to determine whether the proposed change in point of diversion would injure other water rights. The transfer application shall be approved if the Department finds no injury to other water rights.

Revised 6/25/10



Oregon

Kate Brown, Governor

Water Resources Department

725 Summer St NE, Suite A

Salem, OR 97301

(503) 986-0900

Fax (503) 986-0904

March 24, 2022

Applicant

BRYAN LONG
1690 LELAND ROAD
SUNNY VALLEY, OR 97526

Re: Notice of Reconsideration of Final Order on Transfer Application T-13515

Dear Applicant,

Pursuant to OAR 137-004-0080(1)(2), the Department received a Request for Reconsideration of the Final Order issued on December 28, 2021 (Sp. Or. Volume 122, Page 243), denying a change in points of diversion to reflect historic use under Transfer Application T-13515. This letter serves as notice that the Department is reconsidering the Final Order on Transfer Application T-13515. The Final Order remains in effect during reconsideration. On conclusion of reconsideration the Department will issue an order confirming, modifying or reversing the existing order.

Sincerely,

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

cc: File T-13515
Scott Ceciliani, Watermaster District 14 (*via email*)
Scott Fein, Agent (*via email*)
Patricia McCarty, Protest Program Coordinator (*via email*)

COURCHANE Corey A * WRD

From: HENDERSON Sarah A * WRD
Sent: Monday, February 28, 2022 10:39 AM
To: Scott Fein
Cc: JARAMILLO Lisa J * WRD; STARNES Patrick K * WRD; COURCHANE Corey A * WRD; FRENCH Dwight W * WRD; HENDERSON Sarah A * WRD
Subject: RE: T13515 Reconsideration Request
Attachments: 13515-Historic Proof of Service_completed.pdf; T13515 reconsideration request.pdf; OME Report.pdf

Hi Scott,

Thank you for letting me know that a reconsideration request was sent for T-13515.

I am cc'ing everyone so that they know as well.

Sarah

Please note email address update: sarah.a.henderson@water.oregon.gov

Sarah A. Henderson

Flow Restoration Program Coordinator
Transfer and Conservation Section
725 Summer St. NE, Suite A | Salem, OR 97301
Work Cell 503-979-9872
Email: sarah.a.henderson@water.oregon.gov



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

From: Scott Fein <sfeinsurveyor@gmail.com>
Sent: Monday, February 28, 2022 8:26 AM
To: HENDERSON Sarah A * WRD <Sarah.A.HENDERSON@water.oregon.gov>
Cc: JARAMILLO Lisa J * WRD <Lisa.J.JARAMILLO@water.oregon.gov>
Subject: Fwd: T13515 Reconsideration Request

Sent from my iPhone

Begin forwarded message:

From: Scott Fein <sfeinsurveyor@gmail.com>
Date: February 25, 2022 at 11:02:54 AM PST
To: JARAMILLO Lisa J * WRD <Lisa.J.JARAMILLO@water.oregon.gov>

Cc: Bryan Long <blong29777@yahoo.com>, faithvalleyranch@yahoo.com
Subject: T13515 Reconsideration Request

Hi Lisa,
please find attached a memo explaining what happened and the benefit of approving T13515,
the requested proof of service and ownership information.
Hard copies have been sent to your office via USPS.

Can you please confirm receipt?

Thank you,
Scott

Scott Fein
Certified Water Rights Examiner
Professional Land Surveyor
Certified Federal Surveyor
541-842-0795
sfeinsurveyor@gmail.com



Virus-free. www.avast.com

Received by OWRD

FEB 28 2022

Salem, OR

PROOF OF SERVICE

I, Scott Fein, CWRE, certify that the Notice of Change in Historic Point of Diversion for Transfer Application T-13515 was delivered to the following individuals/entities in the manner and dates identified:

Cert. #	Name and Address	Service Date
16539, 37666	Name: Robert W. Stumbo Address: 2245 Coyote Creek Rd City, State, Zip: Wolf Creek, OR 97497	<u>2/24/2022</u> ☒ mailing date or ☐ hand delivered
16539	Name: Ruth Monical Address: 500 Placer Rd City, State, Zip: Sunny Valley, OR 97497	<u>2/24/2022</u> ☒ mailing date or ☐ hand delivered
	Name: Charles B. Kaiser (TOD) Address: 722 Placer Rd City, State, Zip: Wolf Creek, OR 97497	<u>2/24/2022</u> ☒ mailing date or ☐ hand delivered
	Name: Patricia J. Lewis and Debora Justice Address: 780 Placer Rd City, State, Zip: Wolf Creek, OR 97497	<u>2/24/2022</u> ☒ mailing date or ☐ hand delivered
	Name: Richard J. Pekarek Address: 516 Stewart Rd City, State, Zip: Grants Pass, OR 97526	<u>2/24/2022</u> ☒ mailing date or ☐ hand delivered
	Name: Jesse Stumbo Address: 620 Placer Rd City, State, Zip: Wolf Creek, OR 97497	<u>2/24/2022</u> ☒ mailing date or ☐ hand delivered
	Name: Laurel R. and Nancy K. Alexander Address: 682 Placer Rd City, State, Zip: Sunny Valley, OR 97497	<u>2/24/2022</u> ☒ mailing date or ☐ hand delivered
26066, 29011, 37666	Name: Colin Morris Address: 4607 Pheasant Ln City, State, Zip: Montague, CA 96064	<u>2/24/2022</u> ☒ mailing date or ☐ hand delivered

Return this completed form to:
Oregon Water Resources Department,
725 Summer St. NE, Suite A
Salem, OR 97301-1266

29011, 37666	Name: Melissa and John M. Peterson Address: 331 Leland Rd City, State, Zip: Wolf Creek, OR 97497	<u>2/24/2022</u> ☒ mailing date or ☐ hand delivered
31784	Name: Thomas L. and Janet E. Goldsmith Address: 1059 Placer Rd City, State, Zip: Sunny Valley, OR 97497	<u>2/24/2022</u> ☒ mailing date or ☐ hand delivered
37666, 48363, 48367	Name: April Roberta Shephard c/o: April Roberta Martins Address: 13128 NE 145 th PL City, State, Zip: Kirkland, WA 98034	<u>2/24/2022</u> ☒ mailing date or ☐ hand delivered
37666	Name: Jerry Alan and Alice M. Price Address: PO Box 22 City, State, Zip: Wolf Creek, OR 97497	<u>2/24/2022</u> ☒ mailing date or ☐ hand delivered
	Name: William H. and Nancy P. Hansen Address: 100 Placer Rd City, State, Zip: Wolf Creek, OR 97497	<u>2/24/2022</u> ☒ mailing date or ☐ hand delivered
	Name: Christie Lynn Milligan Address: 162 Placer Rd City, State, Zip: Wolf Creek, OR 97497	<u>2/24/2022</u> ☒ mailing date or ☐ hand delivered
	Name: Sheryl L. Benton Address: 526 Sunny Valley Loop City, State, Zip: Wolf Creek, OR 97497	<u>2/24/2022</u> ☒ mailing date or ☐ hand delivered
	Name: State of Oregon c/o: Department of State Lands, Asset Management Section Address: 775 Summer St NE Ste 100 City, State, Zip: Salem, OR 97301	<u>2/24/2022</u> ☒ mailing date or ☐ hand delivered
	Name: Gary L and Ruth A Monical Address: 500 Placer Rd City, State, Zip: Sunny Valley, OR 97497	<u>2/24/2022</u> ☒ mailing date or ☐ hand delivered

Return this completed form to:
Oregon Water Resources Department,
725 Summer St. NE, Suite A
Salem, OR 97301-1266

47409	Name: Kao Fow and Mouang Choy Saelee Address: 967 Placer Rd City, State, Zip: Wolf Creek, OR 97497	<u>2/24/2022</u> ☒ mailing date or ☐ hand delivered
85582	Name: David C Oehling, Trustee c/o: Grants Pass Surgical Assoc. PC Address: 1600 NW 6 th St, North Suite City, State, Zip: Grants Pass, OR 97526	<u>2/24/2022</u> ☒ mailing date or ☐ hand delivered
	Name: Charles H. Geissel and Toni D. O'Malley Address: 382 Espey Rd City, State, Zip: Grants Pass, OR 97527	<u>2/24/2022</u> ☒ mailing date or ☐ hand delivered
	Name: Wayne Joseph and Stephanie Louise Marko Trust Wayne J and Stephanie L Marko, Trustees Address: PO Box 70 City, State, Zip: Hydesville, CA 95547	<u>2/24/2022</u> ☒ mailing date or ☐ hand delivered
	Name: Robert Li Qun Lin and Helen Hong Yang Address: 1761 Lake Vista Way City, State, Zip: Folsom, CA 95630	<u>2/24/2022</u> ☒ mailing date or ☐ hand delivered
	Name: Cross Family Trust William L and Sharon L Cross, Trustees Address: 294 Circle Dr City, State, Zip: Oroville, CA 95966	<u>2/24/2022</u> ☒ mailing date or ☐ hand delivered
	Name: Mario Francisco Torres Address: 551 Sunny Glen Way City, State, Zip: Wolf Creek, OR 97497	<u>2/24/2022</u> ☒ mailing date or ☐ hand delivered
	Name: Igor Ummel and Megan Hable Address: 2426 Paradise Village Way City, State, Zip: Las Vegas, NV 89120	<u>2/24/2022</u> ☒ mailing date or ☐ hand delivered
	Name: Marlin B Biencourt, Joseph H Ashbridge III, and Monique Y Ashbridge Address: 655 Sunny Glen Way City, State, Zip: Wolf Creek, OR 97497	<u>2/24/2022</u> ☒ mailing date or ☐ hand delivered

Return this completed form to:
Oregon Water Resources Department,
725 Summer St. NE, Suite A
Salem, OR 97301-1266

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Name: Christopher Shane and Jennifer M Ferguson Address: 660 Sunny Glen Way City, State, Zip: Wolf Creek, OR 97497	<u>2/24/2022</u> ☒ mailing date or ☐ hand delivered
Name: Kenneth Earl and Tommie June Barnette Address: 1025 Sunny Glen Way City, State, Zip: Wolf Creek, OR 97497	<u>2/24/2022</u> ☒ mailing date or ☐ hand delivered
Name: William M Strader Address: 220 Green Leaf Way City, State, Zip: Wolf Creek, OR 97497	<u>2/24/2022</u> ☒ mailing date or ☐ hand delivered
Name: Edith M McDonald and Rhonda L Chrestionson Address: 600 Sunny Glen Way City, State, Zip: Wolf Creek, OR 97497	<u>2/24/2022</u> ☒ mailing date or ☐ hand delivered
Name: Robert E and Janet C Kugel Rev Trust Robert E and Janet Kugel, Trustees Address: 625 Sunny Glen Way City, State, Zip: Wolf Creek, OR 97497	<u>2/24/2022</u> ☒ mailing date or ☐ hand delivered
Name: Timari Davis and Kareen Wakeland Haskin Address: 630 Sunny Glen Way City, State, Zip: Wolf Creek, OR 97497	<u>2/24/2022</u> ☒ mailing date or ☐ hand delivered
Name: Tabitha C Durham Address: 584 Sunny Glen Way City, State, Zip: Wolf Creek, OR 97497	<u>2/24/2022</u> ☒ mailing date or ☐ hand delivered
Name: Charles E and Heather D Zousel Address: 550 Sunny Glen Way City, State, Zip: Wolf Creek, OR 97497	<u>2/24/2022</u> ☒ mailing date or ☐ hand delivered
Name: Luther C Durham Address: 91 Bacons Neck Rd City, State, Zip: Greenwich, NJ 08323	<u>2/24/2022</u> ☒ mailing date or ☐ hand delivered
Name: Benjamin J and Tiffany Mori Address: 315 NE Fetzner Ave	<u>2/24/2022</u> ☒ mailing date or

Return this completed form to:
Oregon Water Resources Department,
725 Summer St. NE, Suite A
Salem, OR 97301-1266

City, State, Zip: Grants Pass, OR 97526	☐ hand delivered
Name: Sandra K Farmer Address: 636 Sunny Glen Way City, State, Zip: Wolf Creek, OR 97497	<u>2/24/2022</u> ☒ mailing date or ☐ hand delivered
Name: Cyrus F and Natalie J Boyer c/o Owen Macphee Address: 1907 Crow Rd City, State, Zip: Merlin, OR 97532	<u>2/24/2022</u> ☒ mailing date or ☐ hand delivered
Name: Sheri A and K R Smith Rev Trust Shari A and K R Smith, Trustees Address: 812 Sunny Glen Way City, State, Zip: Sunny Valley, OR 97497	<u>2/24/2022</u> ☒ mailing date or ☐ hand delivered
Name: Cassandra L Warren Address: 464 Sunny Glen Way City, State, Zip: Wolf Creek, OR 97497	<u>2/24/2022</u> ☒ mailing date or ☐ hand delivered
Name: Jennifer Schlecht Address: 110 Sunny Glen Way City, State, Zip: Wolf Creek, OR 97497	<u>2/24/2022</u> ☒ mailing date or ☐ hand delivered
Name: Ronald R and Maria C Fry Address: 250 Sunny Glen Way City, State, Zip: Sunny Valley, OR 97497	<u>2/24/2022</u> ☒ mailing date or ☐ hand delivered

Received by OWRD

Dated this 24 day of February, 20 22.

FEB 28 2022

Salem, OR

Scott Fein, Certified Water Rights Examiner

Applicant or Applicant's Agent (printed name)

Scott Fein

Applicant or Applicant's Agent (signature)

Return this completed form to:
Oregon Water Resources Department,
725 Summer St. NE, Suite A
Salem, OR 97301-1266

Scott Fein Water Rights
Professional Land Surveyor
Certified Water Rights Examiner
Certified Federal Surveyor
Oregon Certificate & Idaho Certificate
600 Tyler Creek Rd.
Ashland, OR 97520
541-842-0795
sfeinsurveyor@gmail.com

Received by OWRD

FEB 28 2022

Salem, OR

To:
Lisa Jaramillo
Oregon Water Resources Department
725 Summer St. NE, SUITE A
Salem, OR 97301
RE: **RECONSIDERATION REQUEST T13515**

February 24, 2022

Dear Lisa,

Following our January 6, 2022, correspondence via phone and email, which included the applicant Bryan Long; we all concluded that an addressing issue, returned mail to the department, and COVID-19 effects led to the applicant and myself inadvertently missing a deadline.

This transfer was requested by the department as part of a long effort on the applicant, me, the department, ODFW, and ODEQ. Water rights applications G18792, T13382 are tied to T13515.

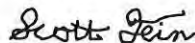
This is all part of an extensive effort in which mitigation was achieved with agency and landowner consent to create permanent instream water rights in the magnitude of 1.0 CFS with a 1890 priority date in Graves Creek. T13515 is the final component part of a multiyear process that many hands have worked on in the effort to find the balance in water management for habitat and farming simultaneously. By not approving T13515 the department would be forced to deny G18792 and T13382. This would be great harm to the applicant and the state of Oregon by failing to seize the opportunity to create permanent instream water rights with an 1890 priority date on Graves Creek with landowner cooperation. The applicant would be greatly harmed economically via denial of G18792 because of not approving T13515 through reconsideration. Furthermore ODFW, ODEQ, and OWRD have all supported the Graves Creek habitat protection mitigation efforts by the applicant and me.

The department had request proof of service for the notice of historic POD be provided and title company prepared ownership report. The deadline was missed as explained above.

You will find attached documentation for the completed proof of service notice and ownership report request completed.

Please acknowledge the efforts of providing the requested information albeit delayed due to circumstances beyond control of the applicant. We look forward to receiving approvals of T13515 and in T13382 and G18792 simultaneously. Thank you for your assistance and accommodation.

Sincerely,



Scott Fein
Certified Water Rights Examiner

To: Lisa Jaramillo OWRD
CC: Bryan Long
Delivered via email 2/25/22
USPS 2/25/22



Ticor Title Company of Oregon
744 NE 7th Street
(541)476-1171

OWNERSHIP AND MONETARY ENCUMBRANCES REPORT WITH GENERAL INDEX LIENS
Informational Report of Ownership and Monetary Encumbrances

To ("Customer"): Bryan Long
3903 Helms Road
Grants Pass, OR 97527

Received by OWRD

FEB 28 2022

Salem, OR

Customer Ref.: _____
Order No.: 470322080688
Effective Date: February 14, 2022 at 08:00 AM
Charge: \$150.00

The information contained in this report is furnished by Ticor Title Company of Oregon (the "Company") as a real property information service based on the records and indices maintained by the Company for the county identified below. THIS IS NOT TITLE INSURANCE OR A PRELIMINARY TITLE REPORT FOR, OR COMMITMENT FOR, TITLE INSURANCE. No examination has been made of the title to the herein described property, other than as specifically set forth herein. Liability for any loss arising from errors and/or omissions is limited to the lesser of the charge or the actual loss, and the Company will have no greater liability by reason of this report. THIS REPORT IS SUBJECT TO THE LIMITATIONS OF LIABILITY STATED BELOW, WHICH LIMITATIONS OF LIABILITY ARE A PART OF THIS REPORT.

THIS REPORT INCLUDES ONLY MONETARY ENCUMBRANCES.

Part One - Ownership and Property Description

Owner. The apparent vested owner of the property ("the Property") as of the Effective Date is:

Faith Valley Ranch LLC, an Oregon limited liability company who also appears of record as The Faith Valley Ranch, LLC, an Oregon limited liability company as to Parcels I, II, & IV AND Triple 7 Land and Livestock, LLC, an Oregon limited liability company who acquired title as Triple 7 Land and Livestock, LLC as to Parcel III

Premises. The Property is:

(a) **Street Address:**

1775 Leland Rd, Wolf Creek, OR 97497

(b) **Legal Description:**

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

Part Two - Monetary Encumbrances

Monetary Encumbrances. As of the Effective Date, the Property appears subject to the following monetary encumbrances of record, not necessarily listed in order of priority, including liens specific to the subject property and general index liens (liens that are not property specific but affect any real property of the named person in the same county):

EXCEPTIONS

1. Unpaid Property Taxes with partial payment are as follows:

Fiscal Year: 2021-2022
Original Amount: \$779.81
Unpaid Balance: \$519.87, plus interest, if any
Levy Code: 08
Account No.: [REDACTED]
Map No.: 34-06-03-00-000400
(Affects Parcel I)
CODE SPLIT

Unpaid Property Taxes with partial payment are as follows:

Fiscal Year: 2021-2022
Original Amount: \$316.03
Unpaid Balance: \$210.68, plus interest, if any
Levy Code: 08
Account No.: [REDACTED]
Map No.: 34-06-04-00-000502
(Affects Portion of Parcel III)

Unpaid Property Taxes with partial payment are as follows:

Fiscal Year: 2021-2022
Original Amount: \$2,996.06
Unpaid Balance: \$1,990.31, plus interest, if any
Levy Code: 05
Account No.: [REDACTED]
Map No.: 34-06-09-00-000100
(Affects Balance of Parcel III)
CODE SPLIT

Unpaid Property Taxes with partial payment are as follows:

Fiscal Year: 2021-2022
Original Amount: \$676.14
Unpaid Balance: \$447.00, plus interest, if any
Levy Code: 05
Account No.: [REDACTED]
Map No.: 34-06-10-00-000300
(Affects Parcel II and a Portion of Parcel I)

Unpaid Property Taxes with partial payment are as follows:

Fiscal Year: 2021-2022
Original Amount: \$1,888.53
Unpaid Balance: \$1,259.02, plus interest, if any
Levy Code: 08
Account No.: [REDACTED]
Map No.: 34-06-04-00-000500
(Affects Parcel IV)

Received by OWRD
FEB 28 2022
Salem, OR

Please contact the Tax Collector's Office to confirm all amounts owing, including current fiscal year taxes, supplemental taxes, escaped assessments and any delinquencies.

2. The Land has been classified as Forest Land, as disclosed by the tax roll. If the Land becomes disqualified, said Land may be subject to additional taxes and/or penalties.
(Affects All Parcels)
3. The Land has been classified as Forest homesite, as disclosed by the tax roll. If the Land becomes disqualified, said Land may be subject to additional taxes and/or penalties.
(Affects Parcel IV)
4. As disclosed by the assessment and tax roll, the premises herein were once specially assessed for farmland, forestland or other special assessment status and later disqualified. Per ORS 308A.700 to 308A.733, additional taxes were imposed and remain as potential additional tax liability for the property. A check with the Assessor's office will be necessary to determine the effect and continuation of the additional tax liability.
(Affects a Portion of Parcel I, a Portion of Parcel III, Parcel II and Parcel IV)
5. A deed of trust to secure an indebtedness in the amount shown below,

Amount: \$1,000,000.00
Dated: June 15, 2018
Trustor/Grantor: Faith Valley Ranch, LLC
Trustee: AgriBank, FCB, a corporation
Beneficiary: Farm Credit Services of America, FLCA, a corporation organized under the Farm Credit Act of 1971, as amended
Recording Date: June 18, 2018
Recording No.: 2018-007528
(INCLUDES ADDITIONAL PROPERTY)

6. A deed of trust to secure an indebtedness in the amount shown below,

Amount: \$400,000.00
Dated: October 12, 2018
Trustor/Grantor: Faith Valley Ranch, LLC, an Oregon limited liability aka The Faith Valley Ranch, LLC, an Oregon limited liability company and Triple 7 Land and Livestock, LLC
Trustee: Farm Credit Services of America, FLCA, a corporation
Beneficiary: Farm Credit Services of America, FLCA, a corporation organized under the Farm Credit Act of 1971
Recording Date: October 23, 2018
Recording No.: 2018-013496
(INCLUDES OTHER PROPERTY)

7. A deed of trust to secure an indebtedness in the amount shown below,

Amount: \$180,000.00
Dated: May 30, 2019
Trustor/Grantor: Triple 7 Land and Livestock, LLC and Faith Valley Ranch LLC
Trustee: AgriBank, FCB, a corporation
Beneficiary: Farm Credit Services of America, FLCA, a corporation organized under the Farm
Credit Act of 1971, as amended
Recording Date: May 30, 2019
Recording No.: 2019-006305

and Re-Recording Date: August 29, 2019
and Re-Recording No: 2019-010900
(INCLUDES ADDITIONAL PROPERTY)

Note: Property taxes for the fiscal year shown below are paid in full.

Fiscal Year: 2021-2022
Amount: \$21.97
Levy Code: 05
Account No.: [REDACTED]
Map No.: 34-06-03-00-000400
(Affects Balance of Parcel I)

Note: Property taxes for the fiscal year shown below are paid in full.

Fiscal Year: 2021-2022
Amount: \$19.40
Levy Code: 08
Account No.: [REDACTED]
Map No.: 34-06-09-00-000100
(Affects Balance of Parcel III)

Please contact the Tax Collector's Office to confirm all amounts owing, including current fiscal year taxes, supplemental taxes, escaped assessments and any delinquencies.

End of Reported Information

There will be additional charges for additional information or copies. For questions or additional requests, contact:

Trudy Lycett
541-476-1171
Trudy.Lycett@ticortitle.com

EXHIBIT "A"
Legal Description

Received by OWRD
FEB 28 2022
Salem, OR

PARCEL I:

Commencing at the Southwest corner of Section 9, Township 34 South, Range 6 West, of the Willamette Meridian, Josephine County, Oregon; thence East 20 chains to the Southwest corner of the Southeast Quarter of the Southwest Quarter of said Section 9 for the point of beginning of premises to be described; thence North along the West line of the East Half of the West Half of said Section 9 to the Northwest corner of the Northeast quarter of the Northwest Quarter of said Section; thence East along the North line of Section 9, a distance of 20 chains to the Southwest corner of the Southwest Quarter of the Southeast Quarter of Section 4, said Township and Range; thence North along the centerline of said Section 4, a distance of 40 chains to the center of said Section; thence East along the North line of the Northwest Quarter of the Southeast Quarter of said Section, 20 chains to the Southwest corner of the Southeast Quarter of the Northeast Quarter of said Section; thence North along the West line of the Southeast Quarter of the Northeast Quarter of said Section, 20 chains to the Northwest corner thereof; thence East along the North line of the Southeast Quarter of the Northeast Quarter of said Section, 20 chains to the East line of Section 4; thence South along the East line of Section 4, a distance of 40 chains to the Northwest corner of Government Lot 4, Section 3, said Township and Range; thence East along the North line of Government Lot 4 and Government Lot 3, Section 3, a distance of 40 chains to the Northeast corner of said Government Lot 3, being also the North and South centerline of said Section 3, thence South along the North and South centerline of said Section 3, a distance of 20 chains to the South line of Section 3; thence West along the South line of Section 3, a distance of 15.04 chains; thence South 60 chains; thence West parallel with the South lines of Sections 10 and 9, said Township and Range, 64.91 chains to the Northeast corner of the Southeast Quarter of the Southwest Quarter of Section 9; thence South along the East line of said Southeast Quarter of the Southwest Quarter, 20 chains to the South line of said Section 9; thence West along the South line of said Section 9, a distance of 20 chains to the point of beginning.

LESS AND EXCEPT the following: Beginning at a point on the North side of a county road which is located 2510 feet West and 1070 feet North of the Southeast corner of Section 3, Township 34 South, Range 6 West, of the Willamette Meridian, Josephine County, Oregon; thence North 1° 30' 00" East 157 feet; thence North 89° West 198 feet; thence South 2° 30' 00" East 130 feet to the county road; thence Southeasterly along the North right of way of the county road 192 feet to the point of beginning.

ALSO LESS AND EXCEPT the following: A tract of land situated in the West Half of Section 10, Township 34 South, Range 6 West, of the Willamette Meridian, Josephine County, Oregon, described as follows: Beginning at the West Quarter corner of said Section; thence North 8.23 chains; thence North 51° 30' 00" East, 1.07 chains; thence South 77° 30' 00" East, 2 chains; thence South 75° 00' 00" East, 4.5 chains; thence South 65° 00' 00" East 1.6 chains; thence South 87° 30' 00" East 2 chains; thence South 79° 00' 00" East, 1.98 chains; thence North 78° 00' 00" East, 1 chain; thence North 71° 30' 00" East, 1.95 chains; thence North 59° 00' 00" East 1.15 chains; thence South 85° 30' 00" East, 2 chains; thence North 89° 00' 00" East, 2.5 chains; thence North 84° 30' 00" East to the East line of a tract described in Volume 170, Page 167, Josephine County Deed Records, said point being 15.04 chains West of the North and South centerline of said Section; thence South to the North line of the Southeast Quarter of the Southwest Quarter of said Section; thence West 24.91 chains to the West line of said Section; thence North along said West line 20 chains to the point of beginning.

ALSO LESS AND EXCEPT: A tract of land situated in Section 9, Township 34 South, Range 6 West, of the Willamette Meridian, Josephine County, Oregon, described as follows: Beginning at the East Quarter corner of said Section; thence North 8.23 chains; thence South 75° 30' 00" West, 1.46 chains; thence South 78° West, 2.5 chains; thence South 80° 30' 00" West, 2 chains; thence South 64° 30' 00" West, 2.5 chains; thence South 55° 30' 00" West, 2.3 chains; thence South 25° West, 2.5 chains; thence South 36° 30' 00" West, 2.5 chains; thence South 36° West, 1.5 chains; thence South 35° 30' 00" West, 1.39 chains; thence South 84° West, 2.5 chains; thence South 85° West, 2.33 chains; thence North 7° West, 2.5 chains; thence North 13° West, 1.51 chains; thence North 6° West, 1.45 chains; thence North 3° West, 1 chain; thence North 17° East, 40 chains; thence North 26° 30' 00" West, 2.64 chains; thence North 86° West, 2.5 chains; thence North 23° West, 2.5 chains; thence North 15° West, 2.5 chains; thence North 18° 30' 00" West, 2.5 chains; thence North 18° West, 2.5 chains; thence North 18° 30' 00" West, 2.5 chains; thence North 20° West, 1.44 chains; thence North 89° 30' 00" West, 2.5 chains; thence South 89° West, 1.63 chains; thence North 71° 30' 00" West, 2.5 chains; thence North 73° West, 2.5 chains; thence North 71° 30' 00" West, .81 chains; thence South 73° 30' 00" West, 2.5

EXHIBIT "A"

Legal Description

chains; thence south 68° 30' 00" West, .46 chains; thence South 15° West, 2.73 chains; thence North 84° West, 2.5 chains; thence North 84° 30' 00" West, 2.73 chains; thence West to the West line of the East Half of the West Half of said Section; thence South 60 chains to the Southwest corner of the Southeast Quarter of the Southwest Quarter of said Section; thence East 20 chains to the South Quarter corner of said Section; thence North 20 chains to the Northeast corner of the Southeast Quarter of the Southwest Quarter of said Section; thence East 40 chains to the Southeast corner of the Northeast Quarter of the Southeast Quarter of said Section; thence North 20 chains to the point of beginning.

ALSO LESS AND EXCEPT: A parcel of real property, lying in the Southeast Quarter of Section 4, Township 34 South, Range 6 West, of the Willamette Meridian, Josephine County, Oregon, being more particularly described as follows: Commencing at the South Quarter corner of said Section 4; thence North 0° 11' 22" West along the North-South centerline of said Section, 223.04 feet to the center of Leland Road, the true point of beginning; thence North 82° 24' 29" East 137.21 feet; thence North 69° 36' 53" East 120.11 feet; thence North 52° 32' 35" East, 177.03 feet; thence North 62° 52' 18" East 284.87 feet; thence North 25° 11' 18" East, 236.33 feet; thence North 56° 10' 42" East 174.13 feet; thence following the centerline of a private roadway, thence South 58° 59' 24" West 200.07 feet; thence South 52° 03' 18" West, 142.63 feet; thence North 79° 34' 00" West, 68.90 feet; thence North 20° 12' 06" West 227.34 feet; thence North 19° 44' 48" East 177.74 feet; thence North 46° 19' 35" East 120.85 feet; thence North 27° 57' 36" East 115.0 feet; thence West 622.10 feet to the North-South centerline of said Section 4; thence following said centerline South 0° 11' 22" East, 996.07 feet to the true point of beginning.

ALSO LESS AND EXCEPT: Commencing at the Southwest corner of the Northwest Quarter of the Southwest Quarter of Section 10, Township 34 South, Range 6 West, of the Willamette Meridian, Josephine County, Oregon; thence South 89° 39' 40" East 1644.06 feet to a 5/8 inch iron rod at the Southeast corner of tract described in Volume 285, Page 458, Josephine County Deed Records; thence North° 09' 10" West along the East line of said tract 1589.40 feet to a 5/8 inch iron rod on the Northerly right of way line of Sunnys Glen Way, thence continue North 0° 09' 10" West 260.48 feet to a 5/8 inch iron rod at the Northeast corner of said tract described in Volume 285, Page 458, said Deed records for the true point of beginning. Thence South 84° 30' West, 277.92 feet to a 5/8 inch iron rod; thence South 89° West, 165.00 feet to a 5/8 inch iron rod; thence North 85° 30' West, 62 feet; thence North 14° 30' East 97.0 feet; thence South 85° 30' East 62 feet; thence North 89° East 165.0 feet; thence North 84° 30' East to a point which bears North 00° 09' 10" West of the true point of beginning; thence South 00° 09' 10" East to the true point of beginning.

ALSO EXCEPTING THEREFROM: Beginning at the Northwest corner of Section 10, Township 34 South, Range 6 West of the Willamette Meridian, Josephine County, Oregon; thence along the North line of said Section 10, North 89° 44' East, 1647.36 feet to an iron rod which is the true point of beginning, said point also being the West line of property described in Volume 105, Page 495, Josephine County Deed Records; thence North along said West line 26.77 feet to the Northwest corner thereof; thence South 67° 30' East, 49.50 feet; thence South 44° 30' West, 13.20 feet to the North line of said Section 10; thence West along the North line of said Section to the point of beginning.

ALSO LESS AND EXCEPT all that portion lying within public roads.

ALSO EXCEPTING THEREFROM any portion of the hereinabove described property lying within the boundaries of Partition Plat No. 2002-011, Josephine County, Oregon.

PARCEL II:

Commencing at the West Quarter corner of Section 10, Township 34 South, Range 6 West, of the Willamette Meridian, Josephine County, Oregon; thence South 89° 36' 00" East, 329.88 feet; thence North 0° 09' 10" East 119.49 feet; thence South 78° East 202.02 feet to a 5/8 inch iron rod set per Survey No. 293-72; thence South 74° 21' 00" East, 184.02 feet to a 5/8 inch iron rod; thence North 89° 46' 00" East, 270.40 feet to a 5/8 inch iron rod; thence North 87° 58' 30" East, 69.41 feet to a 5/8 inch iron rod, said rod being set on the Northerly right of way line of Sunnys Glen Way; thence Easterly along said right of way line, 150 feet for the true point of beginning; thence Westerly along said right of way line 150 feet to a 5/8 inch iron rod; thence North 04° 00' 00" East, 472.05 feet to a

EXHIBIT "A"
Legal Description

5/8 inch iron rod; thence South 85° 30' 00" East, 70.0 feet; thence Southerly in a straight line that when extended, would intersect the true point of beginning to a point 50 feet Northerly along said line from the true point of beginning; thence Southeasterly in a straight line, to a point on the Northerly right of way line of Sunnyglen Way, 50 feet Easterly of the true point of beginning; thence Westerly, along said right of way line to the true point of beginning.

PARCEL III:

Parcel 3 of Partition Plat No. 2002-011, Josephine County, Oregon.

PARCEL IV:

Parcel 1 of Partition Plat No. 2002-011, Josephine County, Oregon

Received by OWRD
FEB 28 2022
Salem, OR

LIMITATIONS OF LIABILITY

"CUSTOMER" REFERS TO THE RECIPIENT OF THIS REPORT.

CUSTOMER EXPRESSLY AGREES AND ACKNOWLEDGES THAT IT IS EXTREMELY DIFFICULT, IF NOT IMPOSSIBLE, TO DETERMINE THE EXTENT OF LOSS WHICH COULD ARISE FROM ERRORS OR OMISSIONS IN, OR THE COMPANY'S NEGLIGENCE IN PRODUCING, THE REQUESTED REPORT, HEREIN "THE REPORT." CUSTOMER RECOGNIZES THAT THE FEE CHARGED IS NOMINAL IN RELATION TO THE POTENTIAL LIABILITY WHICH COULD ARISE FROM SUCH ERRORS OR OMISSIONS OR NEGLIGENCE. THEREFORE, CUSTOMER UNDERSTANDS THAT THE COMPANY IS NOT WILLING TO PROCEED IN THE PREPARATION AND ISSUANCE OF THE REPORT UNLESS THE COMPANY'S LIABILITY IS STRICTLY LIMITED. CUSTOMER AGREES WITH THE PROPRIETY OF SUCH LIMITATION AND AGREES TO BE BOUND BY ITS TERMS

THE LIMITATIONS ARE AS FOLLOWS AND THE LIMITATIONS WILL SURVIVE THE CONTRACT:

ONLY MATTERS IDENTIFIED IN THIS REPORT AS THE SUBJECT OF THE REPORT ARE WITHIN ITS SCOPE. ALL OTHER MATTERS ARE OUTSIDE THE SCOPE OF THE REPORT.

CUSTOMER AGREES, AS PART OF THE CONSIDERATION FOR THE ISSUANCE OF THE REPORT AND TO THE FULLEST EXTENT PERMITTED BY LAW, TO LIMIT THE LIABILITY OF THE COMPANY, ITS LICENSORS, AGENTS, SUPPLIERS, RESELLERS, SERVICE PROVIDERS, CONTENT PROVIDERS AND ALL OTHER SUBSCRIBERS OR SUPPLIERS, SUBSIDIARIES, AFFILIATES, EMPLOYEES, AND SUBCONTRACTORS FOR ANY AND ALL CLAIMS, LIABILITIES, CAUSES OF ACTION, LOSSES, COSTS, DAMAGES AND EXPENSES OF ANY NATURE WHATSOEVER, INCLUDING ATTORNEY'S FEES, HOWEVER ALLEGED OR ARISING, INCLUDING BUT NOT LIMITED TO THOSE ARISING FROM BREACH OF CONTRACT, NEGLIGENCE, THE COMPANY'S OWN FAULT AND/OR NEGLIGENCE, ERRORS, OMISSIONS, STRICT LIABILITY, BREACH OF WARRANTY, EQUITY, THE COMMON LAW, STATUTE OR ANY OTHER THEORY OF RECOVERY, OR FROM ANY PERSON'S USE, MISUSE, OR INABILITY TO USE THE REPORT OR ANY OF THE MATERIALS CONTAINED THEREIN OR PRODUCED, SO THAT THE TOTAL AGGREGATE LIABILITY OF THE COMPANY AND ITS AGENTS, SUBSIDIARIES, AFFILIATES, EMPLOYEES, AND SUBCONTRACTORS SHALL NOT IN ANY EVENT EXCEED THE COMPANY'S TOTAL FEE FOR THE REPORT.

CUSTOMER AGREES THAT THE FOREGOING LIMITATION ON LIABILITY IS A TERM MATERIAL TO THE PRICE THE CUSTOMER IS PAYING, WHICH PRICE IS LOWER THAN WOULD OTHERWISE BE OFFERED TO THE CUSTOMER WITHOUT SAID TERM. CUSTOMER RECOGNIZES THAT THE COMPANY WOULD NOT ISSUE THE REPORT BUT FOR THIS CUSTOMER AGREEMENT, AS PART OF THE CONSIDERATION GIVEN FOR THE REPORT, TO THE FOREGOING LIMITATION OF LIABILITY AND THAT ANY SUCH LIABILITY IS CONDITIONED AND PREDICATED UPON THE FULL AND TIMELY PAYMENT OF THE COMPANY'S INVOICE FOR THE REPORT.

THE REPORT IS LIMITED IN SCOPE AND IS NOT AN ABSTRACT OF TITLE, TITLE OPINION, PRELIMINARY TITLE REPORT, TITLE REPORT, COMMITMENT TO ISSUE TITLE INSURANCE, OR A TITLE POLICY, AND SHOULD NOT BE RELIED UPON AS SUCH. THE REPORT DOES NOT PROVIDE OR OFFER ANY TITLE INSURANCE, LIABILITY COVERAGE OR ERRORS AND OMISSIONS COVERAGE. THE REPORT IS NOT TO BE RELIED UPON AS A REPRESENTATION OF THE STATUS OF TITLE TO THE PROPERTY. THE COMPANY MAKES NO REPRESENTATIONS AS TO THE REPORT'S ACCURACY, DISCLAIMS ANY WARRANTY AS TO THE REPORT, ASSUMES NO DUTIES TO CUSTOMER, DOES NOT INTEND FOR CUSTOMER TO RELY ON THE REPORT, AND ASSUMES NO LIABILITY FOR ANY LOSS OCCURRING BY REASON OF RELIANCE ON THE REPORT OR OTHERWISE.

Ticor Title Company of Oregon
Order No. 470322080688

IF CUSTOMER (A) HAS OR WILL HAVE AN INSURABLE INTEREST IN THE SUBJECT REAL PROPERTY, (B) DOES NOT WISH TO LIMIT LIABILITY AS STATED HEREIN AND (C) DESIRES THAT ADDITIONAL LIABILITY BE ASSUMED BY THE COMPANY, THEN CUSTOMER MAY REQUEST AND PURCHASE A POLICY OF TITLE INSURANCE, A BINDER, OR A COMMITMENT TO ISSUE A POLICY OF TITLE INSURANCE. NO ASSURANCE IS GIVEN AS TO THE INSURABILITY OF THE TITLE OR STATUS OF TITLE. CUSTOMER EXPRESSLY AGREES AND ACKNOWLEDGES IT HAS AN INDEPENDENT DUTY TO ENSURE AND/OR RESEARCH THE ACCURACY OF ANY INFORMATION OBTAINED FROM THE COMPANY OR ANY PRODUCT OR SERVICE PURCHASED.

NO THIRD PARTY IS PERMITTED TO USE OR RELY UPON THE INFORMATION SET FORTH IN THE REPORT, AND NO LIABILITY TO ANY THIRD PARTY IS UNDERTAKEN BY THE COMPANY.

CUSTOMER AGREES THAT, TO THE FULLEST EXTENT PERMITTED BY LAW, IN NO EVENT WILL THE COMPANY, ITS LICENSORS, AGENTS, SUPPLIERS, RESELLERS, SERVICE PROVIDERS, CONTENT PROVIDERS, AND ALL OTHER SUBSCRIBERS OR SUPPLIERS, SUBSIDIARIES, AFFILIATES, EMPLOYEES AND SUBCONTRACTORS BE LIABLE FOR CONSEQUENTIAL, INCIDENTAL, INDIRECT, PUNITIVE, EXEMPLARY, OR SPECIAL DAMAGES, OR LOSS OF PROFITS, REVENUE, INCOME, SAVINGS, DATA, BUSINESS, OPPORTUNITY, OR GOODWILL, PAIN AND SUFFERING, EMOTIONAL DISTRESS, NON-OPERATION OR INCREASED EXPENSE OF OPERATION, BUSINESS INTERRUPTION OR DELAY, COST OF CAPITAL, OR COST OF REPLACEMENT PRODUCTS OR SERVICES, REGARDLESS OF WHETHER SUCH LIABILITY IS BASED ON BREACH OF CONTRACT, TORT, NEGLIGENCE, THE COMPANY'S OWN FAULT AND/OR NEGLIGENCE, STRICT LIABILITY, BREACH OF WARRANTIES, FAILURE OF ESSENTIAL PURPOSE, OR OTHERWISE AND WHETHER CAUSED BY NEGLIGENCE, ERRORS, OMISSIONS, STRICT LIABILITY, BREACH OF CONTRACT, BREACH OF WARRANTY, THE COMPANY'S OWN FAULT AND/OR NEGLIGENCE OR ANY OTHER CAUSE WHATSOEVER, AND EVEN IF THE COMPANY HAS BEEN ADVISED OF THE LIKELIHOOD OF SUCH DAMAGES OR KNEW OR SHOULD HAVE KNOWN OF THE POSSIBILITY FOR SUCH DAMAGES.

END OF THE LIMITATIONS OF LIABILITY

Received by OWRD
FEB 28 2022
Salem, OR

COURCHANE Corey A * WRD

From: HENDERSON Sarah A * WRD
Sent: Monday, February 28, 2022 10:39 AM
To: Scott Fein
Cc: JARAMILLO Lisa J * WRD; STARNES Patrick K * WRD; COURCHANE Corey A * WRD; FRENCH Dwight W * WRD; HENDERSON Sarah A * WRD
Subject: RE: T13515 Reconsideration Request
Attachments: 13515-Historic Proof of Service_completed.pdf; T13515 reconsideration request.pdf; OME Report.pdf

Hi Scott,

Thank you for letting me know that a reconsideration request was sent for T-13515.

I am cc'ing everyone so that they know as well.

Sarah

Please note email address update: sarah.a.henderson@water.oregon.gov

[Sarah A. Henderson](#)

Flow Restoration Program Coordinator
Transfer and Conservation Section
725 Summer St. NE, Suite A | Salem, OR 97301
Work Cell 503-979-9872
Email: sarah.a.henderson@water.oregon.gov



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

From: Scott Fein <sfeinsurveyor@gmail.com>
Sent: Monday, February 28, 2022 8:26 AM
To: HENDERSON Sarah A * WRD <Sarah.A.HENDERSON@water.oregon.gov>
Cc: JARAMILLO Lisa J * WRD <Lisa.J.JARAMILLO@water.oregon.gov>
Subject: Fwd: T13515 Reconsideration Request

Sent from my iPhone

Begin forwarded message:

From: Scott Fein <sfeinsurveyor@gmail.com>
Date: February 25, 2022 at 11:02:54 AM PST
To: JARAMILLO Lisa J * WRD <Lisa.J.JARAMILLO@water.oregon.gov>

Cc: Bryan Long <blong29777@yahoo.com>, faithvalleyranch@yahoo.com
Subject: T13515 Reconsideration Request

Hi Lisa,
please find attached a memo explaining what happened and the benefit of approving T13515,
the requested proof of service and ownership information.
Hard copies have been sent to your office via USPS.

Can you please confirm receipt?

Thank you,
Scott

--

Scott Fein

Certified Water Rights Examiner

Professional Land Surveyor

Certified Federal Surveyor

541-842-0795

sfeinsurveyor@gmail.com



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PROOF OF SERVICE

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FEB 25 2022

OWRD

I, Scott Fein, CWRE, certify that the Notice of Change in Historic Point of Diversion for Transfer Application T-13515 was delivered to the following individuals/entities in the manner and dates identified:

Cert. #	Name and Address	Service Date
16539, 37666	Name: Robert W. Stumbo Address: 2245 Coyote Creek Rd City, State, Zip: Wolf Creek, OR 97497	<u>2/24/2022</u> ☒ mailing date or ☐ hand delivered
16539	Name: Ruth Monical Address: 500 Placer Rd City, State, Zip: Sunny Valley, OR 97497	<u>2/24/2022</u> ☒ mailing date or ☐ hand delivered
	Name: Charles B. Kaiser (TOD) Address: 722 Placer Rd City, State, Zip: Wolf Creek, OR 97497	<u>2/24/2022</u> ☒ mailing date or ☐ hand delivered
	Name: Patricia J. Lewis and Debora Justice Address: 780 Placer Rd City, State, Zip: Wolf Creek, OR 97497	<u>2/24/2022</u> ☒ mailing date or ☐ hand delivered
	Name: Richard J. Pekarek Address: 516 Stewart Rd City, State, Zip: Grants Pass, OR 97526	<u>2/24/2022</u> ☒ mailing date or ☐ hand delivered
	Name: Jesse Stumbo Address: 620 Placer Rd City, State, Zip: Wolf Creek, OR 97497	<u>2/24/2022</u> ☒ mailing date or ☐ hand delivered
	Name: Laurel R. and Nancy K. Alexander Address: 682 Placer Rd City, State, Zip: Sunny Valley, OR 97497	<u>2/24/2022</u> ☒ mailing date or ☐ hand delivered
26066, 29011, 37666	Name: Colin Morris Address: 4607 Pheasant Ln City, State, Zip: Montague, CA 96064	<u>2/24/2022</u> ☒ mailing date or ☐ hand delivered

Return this completed form to:
Oregon Water Resources Department,
725 Summer St. NE, Suite A
Salem, OR 97301-1266

29011, 37666	Name: Melissa and John M. Peterson Address: 331 Leland Rd City, State, Zip: Wolf Creek, OR 97497	<u>2/24/2022</u> ☒ mailing date or ☐ hand delivered
31784	Name: Thomas L. and Janet E. Goldsmith Address: 1059 Placer Rd City, State, Zip: Sunny Valley, OR 97497	<u>2/24/2022</u> ☒ mailing date or ☐ hand delivered
37666, 48363, 48367	Name: April Roberta Shephard c/o: April Roberta Martins Address: 13128 NE 145 th PL City, State, Zip: Kirkland, WA 98034	<u>2/24/2022</u> ☒ mailing date or ☐ hand delivered
37666	Name: Jerry Alan and Alice M. Price Address: PO Box 22 City, State, Zip: Wolf Creek, OR 97497	<u>2/24/2022</u> ☒ mailing date or ☐ hand delivered
	Name: William H. and Nancy P. Hansen Address: 100 Placer Rd City, State, Zip: Wolf Creek, OR 97497	<u>2/24/2022</u> ☒ mailing date or ☐ hand delivered
	Name: Christie Lynn Milligan Address: 162 Placer Rd City, State, Zip: Wolf Creek, OR 97497	<u>2/24/2022</u> ☒ mailing date or ☐ hand delivered
	Name: Sheryl L. Benton Address: 526 Sunny Valley Loop City, State, Zip: Wolf Creek, OR 97497	<u>2/24/2022</u> ☒ mailing date or ☐ hand delivered
	Name: State of Oregon c/o: Department of State Lands, Asset Management Section Address: 775 Summer St NE Ste 100 City, State, Zip: Salem, OR 97301	<u>2/24/2022</u> ☒ mailing date or ☐ hand delivered
	Name: Gary L and Ruth A Monical Address: 500 Placer Rd City, State, Zip: Sunny Valley, OR 97497	<u>2/24/2022</u> ☒ mailing date or ☐ hand delivered

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47409	Name: Kao Fow and Mouang Choy Saelee Address: 967 Placer Rd City, State, Zip: Wolf Creek, OR 97497	<u>2/24/2022</u> ☒ mailing date or ☐ hand delivered
85582	Name: David C Oehling, Trustee c/o: Grants Pass Surgical Assoc. PC Address: 1600 NW 6 th St, North Suite City, State, Zip: Grants Pass, OR 97526	<u>2/24/2022</u> ☒ mailing date or ☐ hand delivered
	Name: Charles H. Geissel and Toni D. O'Malley Address: 382 Espey Rd City, State, Zip: Grants Pass, OR 97527	<u>2/24/2022</u> ☒ mailing date or ☐ hand delivered
	Name: Wayne Joseph and Stephanie Louise Marko Trust Wayne J and Stephanie L Marko, Trustees Address: PO Box 70 City, State, Zip: Hydesville, CA 95547	<u>2/24/2022</u> ☒ mailing date or ☐ hand delivered
	Name: Robert Li Qun Lin and Helen Hong Yang Address: 1761 Lake Vista Way City, State, Zip: Folsom, CA 95630	<u>2/24/2022</u> ☒ mailing date or ☐ hand delivered
	Name: Cross Family Trust William L and Sharon L Cross, Trustees Address: 294 Circle Dr City, State, Zip: Oroville, CA 95966	<u>2/24/2022</u> ☒ mailing date or ☐ hand delivered
	Name: Mario Francisco Torres Address: 551 Sunny Glen Way City, State, Zip: Wolf Creek, OR 97497	<u>2/24/2022</u> ☒ mailing date or ☐ hand delivered
	Name: Igor Ummel and Megan Hable Address: 2426 Paradise Village Way City, State, Zip: Las Vegas, NV 89120	<u>2/24/2022</u> ☒ mailing date or ☐ hand delivered
	Name: Marlin B Biencourt, Joseph H Ashbridge III, and Monique Y Ashbridge Address: 655 Sunny Glen Way City, State, Zip: Wolf Creek, OR 97497	<u>2/24/2022</u> ☒ mailing date or ☐ hand delivered

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Name: Christopher Shane and Jennifer M Ferguson Address: 660 Sunny Glen Way City, State, Zip: Wolf Creek, OR 97497	<u>2/24/2022</u> ☒ mailing date or ☐ hand delivered
Name: Kenneth Earl and Tommie June Barnette Address: 1025 Sunny Glen Way City, State, Zip: Wolf Creek, OR 97497	<u>2/24/2022</u> ☒ mailing date or ☐ hand delivered
Name: William M Strader Address: 220 Green Leaf Way City, State, Zip: Wolf Creek, OR 97497	<u>2/24/2022</u> ☒ mailing date or ☐ hand delivered
Name: Edith M McDonald and Rhonda L Chrestionson Address: 600 Sunny Glen Way City, State, Zip: Wolf Creek, OR 97497	<u>2/24/2022</u> ☒ mailing date or ☐ hand delivered
Name: Robert E and Janet C Kugel Rev Trust Robert E and Janet Kugel, Trustees Address: 625 Sunny Glen Way City, State, Zip: Wolf Creek, OR 97497	<u>2/24/2022</u> ☒ mailing date or ☐ hand delivered
Name: Timari Davis and Kareen Wakeland Haskin Address: 630 Sunny Glen Way City, State, Zip: Wolf Creek, OR 97497	<u>2/24/2022</u> ☒ mailing date or ☐ hand delivered
Name: Tabitha C Durham Address: 584 Sunny Glen Way City, State, Zip: Wolf Creek, OR 97497	<u>2/24/2022</u> ☒ mailing date or ☐ hand delivered
Name: Charles E and Heather D Zousel Address: 550 Sunny Glen Way City, State, Zip: Wolf Creek, OR 97497	<u>2/24/2022</u> ☒ mailing date or ☐ hand delivered
Name: Luther C Durham Address: 91 Bacons Neck Rd City, State, Zip: Greenwich, NJ 08323	<u>2/24/2022</u> ☒ mailing date or ☐ hand delivered
Name: Benjamin J and Tiffany Mori Address: 315 NE Fetzner Ave	<u>2/24/2022</u> ☒ mailing date or

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725 Summer St. NE, Suite A
Salem, OR 97301-1266

City, State, Zip: Grants Pass, OR 97526	_____ ☐ hand delivered
Name: Sandra K Farmer Address: 636 Sunny Glen Way City, State, Zip: Wolf Creek, OR 97497	<u>2/24/2022</u> ☒ mailing date or _____ ☐ hand delivered
Name: Cyrus F and Natalie J Boyer c/o Owen Macphee Address: 1907 Crow Rd City, State, Zip: Merlin, OR 97532	<u>2/24/2022</u> ☒ mailing date or _____ ☐ hand delivered
Name: Sheri A and K R Smith Rev Trust Shari A and K R Smith, Trustees Address: 812 Sunny Glen Way City, State, Zip: Sunny Valley, OR 97497	<u>2/24/2022</u> ☒ mailing date or _____ ☐ hand delivered
Name: Cassandra L Warren Address: 464 Sunny Glen Way City, State, Zip: Wolf Creek, OR 97497	<u>2/24/2022</u> ☒ mailing date or _____ ☐ hand delivered
Name: Jennifer Schlecht Address: 110 Sunny Glen Way City, State, Zip: Wolf Creek, OR 97497	<u>2/24/2022</u> ☒ mailing date or _____ ☐ hand delivered
Name: Ronald R and Maria C Fry Address: 250 Sunny Glen Way City, State, Zip: Sunny Valley, OR 97497	<u>2/24/2022</u> ☒ mailing date or _____ ☐ hand delivered

Dated this 24 day of February, 2022.

Scott Fein, Certified Water Rights Examiner
Applicant or Applicant's Agent (printed name)

Scott Fein

Applicant or Applicant's Agent (signature)

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Salem, OR 97301-1266

Scott Fein Water Rights
Professional Land Surveyor
Certified Water Rights Examiner
Certified Federal Surveyor
Oregon Certificate & Idaho Certificate
600 Tyler Creek Rd.
Ashland, OR 97520
541-842-0795
sfeinsurveyor@gmail.com

To:
Lisa Jaramillo
Oregon Water Resources Department
725 Summer St. NE, SUITE A
Salem, OR 97301
RE: **RECONSIDERATION REQUEST T13515**

February 24, 2022

Dear Lisa,

Following our January 6, 2022, correspondence via phone and email, which included the applicant Bryan Long; we all concluded that an addressing issue, returned mail to the department, and COVID-19 effects led to the applicant and myself inadvertently missing a deadline.

This transfer was requested by the department as part of a long effort on the applicant, me, the department, ODFW, and ODEQ. Water rights applications G18792, T13382 are tied to T13515.

This is all part of an extensive effort in which mitigation was achieved with agency and landowner consent to create permanent instream water rights in the magnitude of 1.0 CFS with a 1890 priority date in Graves Creek. T13515 is the final component part of a multiyear process that many hands have worked on in the effort to find the balance in water management for habitat and farming simultaneously. By not approving T13515 the department would be forced to deny G18792 and T13382. This would be great harm to the applicant and the state of Oregon by failing to seize the opportunity to create permanent instream water rights with an 1890 priority date on Graves Creek with landowner cooperation. The applicant would be greatly harmed economically via denial of G18792 because of not approving T13515 through reconsideration. Furthermore ODFW, ODEQ, and OWRD have all supported the Graves Creek habitat protection mitigation efforts by the applicant and me.

The department had request proof of service for the notice of historic POD be provided and title company prepared ownership report. The deadline was missed as explained above.

You will find attached documentation for the completed proof of service notice and ownership report request completed.

Please acknowledge the efforts of providing the requested information albeit delayed due to circumstances beyond control of the applicant. We look forward to receiving approvals of T13515 and in T13382 and G18792 simultaneously. Thank you for your assistance and accommodation.

Sincerely,

Scott Fein

Scott Fein
Certified Water Rights Examiner

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To: Lisa Jaramillo OWRD
CC: Bryan Long
Delivered via email 2/25/22
USPS 2/25/22



Ticor Title Company of Oregon
744 NE 7th Street
(541)476-1171

OWNERSHIP AND MONETARY ENCUMBRANCES REPORT WITH GENERAL INDEX LIENS
Informational Report of Ownership and Monetary Encumbrances

To ("Customer"): Bryan Long
3903 Helms Road
Grants Pass, OR 97527

Customer Ref.: _____
Order No.: 470322080688
Effective Date: February 14, 2022 at 08:00 AM
Charge: \$150.00

The information contained in this report is furnished by Ticor Title Company of Oregon (the "Company") as a real property information service based on the records and indices maintained by the Company for the county identified below. THIS IS NOT TITLE INSURANCE OR A PRELIMINARY TITLE REPORT FOR, OR COMMITMENT FOR, TITLE INSURANCE. No examination has been made of the title to the herein described property, other than as specifically set forth herein. Liability for any loss arising from errors and/or omissions is limited to the lesser of the charge or the actual loss, and the Company will have no greater liability by reason of this report. THIS REPORT IS SUBJECT TO THE LIMITATIONS OF LIABILITY STATED BELOW, WHICH LIMITATIONS OF LIABILITY ARE A PART OF THIS REPORT.

THIS REPORT INCLUDES ONLY MONETARY ENCUMBRANCES.

Part One - Ownership and Property Description

Owner. The apparent vested owner of the property ("the Property") as of the Effective Date is:

Faith Valley Ranch LLC, an Oregon limited liability company who also appears of record as The Faith Valley Ranch, LLC, an Oregon limited liability company as to Parcels I, II, & IV AND Triple 7 Land and Livestock, LLC, an Oregon limited liability company who acquired title as Triple 7 Land and Livestock, LLC as to Parcel III

Premises. The Property is:

(a) **Street Address:**

1775 Leland Rd, Wolf Creek, OR 97497

(b) **Legal Description:**

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

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Part Two - Monetary Encumbrances

Monetary Encumbrances. As of the Effective Date, the Property appears subject to the following monetary encumbrances of record, not necessarily listed in order of priority, including liens specific to the subject property and general index liens (liens that are not property specific but affect any real property of the named person in the same county):

EXCEPTIONS

1. Unpaid Property Taxes with partial payment are as follows:

Fiscal Year: 2021-2022
Original Amount: \$779.81
Unpaid Balance: \$519.87, plus interest, if any
Levy Code: 08
Account No.: [REDACTED]
Map No.: 34-06-03-00-000400
(Affects Parcel I)
CODE SPLIT

Unpaid Property Taxes with partial payment are as follows:

Fiscal Year: 2021-2022
Original Amount: \$316.03
Unpaid Balance: \$210.68, plus interest, if any
Levy Code: 08
Account No.: [REDACTED]
Map No.: 34-06-04-00-000502
(Affects Portion of Parcel III)

Unpaid Property Taxes with partial payment are as follows:

Fiscal Year: 2021-2022
Original Amount: \$2,996.06
Unpaid Balance: \$1,990.31, plus interest, if any
Levy Code: 05
Account No.: [REDACTED]
Map No.: 34-06-09-00-000100
(Affects Balance of Parcel III)
CODE SPLIT

Unpaid Property Taxes with partial payment are as follows:

Fiscal Year: 2021-2022
Original Amount: \$676.14
Unpaid Balance: \$447.00, plus interest, if any
Levy Code: 05
Account No.: [REDACTED]
Map No.: 34-06-10-00-000300
(Affects Parcel II and a Portion of Parcel I)

Unpaid Property Taxes with partial payment are as follows:

Fiscal Year: 2021-2022
Original Amount: \$1,888.53
Unpaid Balance: \$1,259.02, plus interest, if any
Levy Code: 08
Account No.: [REDACTED]
Map No.: 34-06-04-00-000500
(Affects Parcel IV)

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Please contact the Tax Collector's Office to confirm all amounts owing, including current fiscal year taxes, supplemental taxes, escaped assessments and any delinquencies.

2. The Land has been classified as Forest Land, as disclosed by the tax roll. If the Land becomes disqualified, said Land may be subject to additional taxes and/or penalties.
(Affects All Parcels)
3. The Land has been classified as Forest homesite, as disclosed by the tax roll. If the Land becomes disqualified, said Land may be subject to additional taxes and/or penalties.
(Affects Parcel IV)
4. As disclosed by the assessment and tax roll, the premises herein were once specially assessed for farmland, forestland or other special assessment status and later disqualified. Per ORS 308A.700 to 308A.733, additional taxes were imposed and remain as potential additional tax liability for the property. A check with the Assessor's office will be necessary to determine the effect and continuation of the additional tax liability.
(Affects a Portion of Parcel I, a Portion of Parcel III, Parcel II and Parcel IV)
5. A deed of trust to secure an indebtedness in the amount shown below,

Amount: \$1,000,000.00
Dated: June 15, 2018
Trustor/Grantor: Faith Valley Ranch, LLC
Trustee: AgriBank, FCB, a corporation
Beneficiary: Farm Credit Services of America, FLCA, a corporation organized under the Farm Credit Act of 1971, as amended
Recording Date: June 18, 2018
Recording No.: 2018-007528
(INCLUDES ADDITIONAL PROPERTY)

6. A deed of trust to secure an indebtedness in the amount shown below,

Amount: \$400,000.00
Dated: October 12, 2018
Trustor/Grantor: Faith Valley Ranch, LLC, an Oregon limited liability aka The Faith Valley Ranch, LLC, an Oregon limited liability company and Triple 7 Land and Livestock, LLC
Trustee: Farm Credit Services of America, FLCA, a corporation
Beneficiary: Farm Credit Services of America, FLCA, a corporation organized under the Farm Credit Act of 1971
Recording Date: October 23, 2018
Recording No.: 2018-013496
(INCLUDES OTHER PROPERTY)

7. A deed of trust to secure an indebtedness in the amount shown below,

Amount: \$180,000.00
Dated: May 30, 2019
Trustor/Grantor: Triple 7 Land and Livestock, LLC and Faith Valley Ranch LLC
Trustee: AgriBank, FCB, a corporation
Beneficiary: Farm Credit Services of America, FLCA, a corporation organized under the Farm
Credit Act of 1971, as amended
Recording Date: May 30, 2019
Recording No.: 2019-006305

and Re-Recording Date: August 29, 2019
and Re-Recording No: 2019-010900
(INCLUDES ADDITIONAL PROPERTY)

Note: Property taxes for the fiscal year shown below are paid in full.

Fiscal Year: 2021-2022
Amount: \$21.97
Levy Code: 05
Account No.: [REDACTED]
Map No.: 34-06-03-00-000400
(Affects Balance of Parcel I)

Note: Property taxes for the fiscal year shown below are paid in full.

Fiscal Year: 2021-2022
Amount: \$19.40
Levy Code: 08
Account No.: [REDACTED]
Map No.: 34-06-09-00-000100
(Affects Balance of Parcel III)

Please contact the Tax Collector's Office to confirm all amounts owing, including current fiscal year taxes, supplemental taxes, escaped assessments and any delinquencies.

End of Reported Information

There will be additional charges for additional information or copies. For questions or additional requests, contact:

Trudy Lycett
541-476-1171
Trudy.Lycett@ticortitle.com

EXHIBIT "A"
Legal Description

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PARCEL I:

Commencing at the Southwest corner of Section 9, Township 34 South, Range 6 West, of the Willamette Meridian, Josephine County, Oregon; thence East 20 chains to the Southwest corner of the Southeast Quarter of the Southwest Quarter of said Section 9 for the point of beginning of premises to be described; thence North along the West line of the East Half of the West Half of said Section 9 to the Northwest corner of the Northeast quarter of the Northwest Quarter of said Section; thence East along the North line of Section 9, a distance of 20 chains to the Southwest corner of the Southwest Quarter of the Southeast Quarter of Section 4, said Township and Range; thence North along the centerline of said Section 4, a distance of 40 chains to the center of said Section; thence East along the North line of the Northwest Quarter of the Southeast Quarter of said Section, 20 chains to the Southwest corner of the Southeast Quarter of the Northeast Quarter of said Section; thence North along the West line of the Southeast Quarter of the Northeast Quarter of said Section, 20 chains to the Northwest corner thereof; thence East along the North line of the Southeast Quarter of the Northeast Quarter of said Section, 20 chains to the East line of Section 4; thence South along the East line of Section 4, a distance of 40 chains to the Northwest corner of Government Lot 4, Section 3, said Township and Range; thence East along the North line of Government Lot 4 and Government Lot 3, Section 3, a distance of 40 chains to the Northeast corner of said Government Lot 3, being also the North and South centerline of said Section 3, thence South along the North and South centerline of said Section 3, a distance of 20 chains to the South line of Section 3; thence West along the South line of Section 3, a distance of 15.04 chains; thence South 60 chains; thence West parallel with the South lines of Sections 10 and 9, said Township and Range, 64.91 chains to the Northeast corner of the Southeast Quarter of the Southwest Quarter of Section 9; thence South along the East line of said Southeast Quarter of the Southwest Quarter, 20 chains to the South line of said Section 9; thence West along the South line of said Section 9, a distance of 20 chains to the point of beginning.

LESS AND EXCEPT the following: Beginning at a point on the North side of a county road which is located 2510 feet West and 1070 feet North of the Southeast corner of Section 3, Township 34 South, Range 6 West, of the Willamette Meridian, Josephine County, Oregon; thence North 1° 30' 00" East 157 feet; thence North 89° West 198 feet; thence South 2° 30' 00" East 130 feet to the county road; thence Southeasterly along the North right of way of the county road 192 feet to the point of beginning.

ALSO LESS AND EXCEPT the following: A tract of land situated in the West Half of Section 10, Township 34 South, Range 6 West, of the Willamette Meridian, Josephine County, Oregon, described as follows: Beginning at the West Quarter corner of said Section; thence North 8.23 chains; thence North 51° 30' 00" East, 1.07 chains; thence South 77° 30' 00" East, 2 chains; thence South 75° 00' 00" East, 4.5 chains; thence South 65° 00' 00" East 1.6 chains; thence South 87° 30' 00" East 2 chains; thence South 79° 00' 00" East, 1.98 chains; thence North 78° 00' 00" East, 1 chain; thence North 71° 30' 00" East, 1.95 chains; thence North 59° 00' 00" East 1.15 chains; thence South 85° 30' 00" East, 2 chains; thence North 89° 00' 00" East, 2.5 chains; thence North 84° 30' 00" East to the East line of a tract described in Volume 170, Page 167, Josephine County Deed Records, said point being 15.04 chains West of the North and South centerline of said Section; thence South to the North line of the Southeast Quarter of the Southwest Quarter of said Section; thence West 24.91 chains to the West line of said Section; thence North along said West line 20 chains to the point of beginning.

ALSO LESS AND EXCEPT: A tract of land situated in Section 9, Township 34 South, Range 6 West, of the Willamette Meridian, Josephine County, Oregon, described as follows: Beginning at the East Quarter corner of said Section; thence North 8.23 chains; thence South 75° 30' 00" West, 1.46 chains; thence South 78° West, 2.5 chains; thence South 80° 30' 00" West, 2 chains; thence South 64° 30' 00" West, 2.5 chains; thence South 55° 30' 00" West, 2.3 chains; thence South 25° West, 2.5 chains; thence South 36° 30' 00" West, 2.5 chains; thence South 36° West, 1.5 chains; thence South 35° 30' 00" West, 1.39 chains; thence South 84° West, 2.5 chains; thence South 85° West, 2.33 chains; thence North 7° West, 2.5 chains; thence North 13° West, 1.51 chains; thence North 6° West, 1.45 chains; thence North 3° West, 1 chain; thence North 17° East, 40 chains; thence North 26° 30' 00" West, 2.64 chains; thence North 86° West, 2.5 chains; thence North 23° West, 2.5 chains; thence North 15° West, 2.5 chains; thence North 18° 30' 00" West, 2.5 chains; thence North 18° West, 2.5 chains; thence North 18° 30' 00" West, 2.5 chains; thence North 20° West, 1.44 chains; thence North 89° 30' 00" West, 2.5 chains; thence South 89° West, 1.63 chains; thence North 71° 30' 00" West, 2.5 chains; thence North 73° West, 2.5 chains; thence North 71° 30' 00" West, .81 chains; thence South 73° 30' 00" West, 2.5

EXHIBIT "A"

Legal Description

chains; thence south 68° 30' 00" West, .46 chains; thence South 15° West, 2.73 chains; thence North 84° West, 2.5 chains; thence North 84° 30' 00" West, 2.73 chains; thence West to the West line of the East Half of the West Half of said Section; thence South 60 chains to the Southwest corner of the Southeast Quarter of the Southwest Quarter of said Section; thence East 20 chains to the South Quarter corner of said Section; thence North 20 chains to the Northeast corner of the Southeast Quarter of the Southwest Quarter of said Section; thence East 40 chains to the Southeast corner of the Northeast Quarter of the Southeast Quarter of said Section; thence North 20 chains to the point of beginning.

ALSO LESS AND EXCEPT: A parcel of real property, lying in the Southeast Quarter of Section 4, Township 34 South, Range 6 West, of the Willamette Meridian, Josephine County, Oregon, being more particularly described as follows: Commencing at the South Quarter corner of said Section 4; thence North 0° 11' 22" West along the North-South centerline of said Section, 223.04 feet to the center of Leland Road, the true point of beginning; thence North 82° 24' 29" East 137.21 feet; thence North 69° 36' 53" East 120.11 feet; thence North 52° 32' 35" East, 177.03 feet; thence North 62° 52' 18" East 284.87 feet; thence North 25° 11' 18" East, 236.33 feet; thence North 56° 10' 42" East 174.13 feet; thence following the centerline of a private roadway, thence South 58° 59' 24" West 200.07 feet; thence South 52° 03' 18" West, 142.63 feet; thence North 79° 34' 00" West, 68.90 feet; thence North 20° 12' 06" West 227.34 feet; thence North 19° 44' 48" East 177.74 feet; thence North 46° 19' 35" East 120.85 feet; thence North 27° 57' 36" East 115.0 feet; thence West 622.10 feet to the North-South centerline of said Section 4; thence following said centerline South 0° 11' 22" East, 996.07 feet to the true point of beginning.

ALSO LESS AND EXCEPT: Commencing at the Southwest corner of the Northwest Quarter of the Southwest Quarter of Section 10, Township 34 South, Range 6 West, of the Willamette Meridian, Josephine County, Oregon; thence South 89° 39' 40" East 1644.06 feet to a 5/8 inch iron rod at the Southeast corner of tract described in Volume 285, Page 458, Josephine County Deed Records; thence North° 09' 10" West along the East line of said tract 1589.40 feet to a 5/8 inch iron rod on the Northerly right of way line of Sunnyglen Way, thence continue North 0° 09' 10" West 260.48 feet to a 5/8 inch iron rod at the Northeast corner of said tract described in Volume 285, Page 458, said Deed records for the true point of beginning. Thence South 84° 30' West, 277.92 feet to a 5/8 inch iron rod; thence South 89° West, 165.00 feet to a 5/8 inch iron rod; thence North 85° 30' West, 62 feet; thence North 14° 30' East 97.0 feet; thence South 85° 30' East 62 feet; thence North 89° East 165.0 feet; thence North 84° 30' East to a point which bears North 00° 09' 10" West of the true point of beginning; thence South 00° 09' 10" East to the true point of beginning.

ALSO EXCEPTING THEREFROM: Beginning at the Northwest corner of Section 10, Township 34 South, Range 6 West of the Willamette Meridian, Josephine County, Oregon; thence along the North line of said Section 10, North 89° 44' East, 1647.36 feet to an iron rod which is the true point of beginning, said point also being the West line of property described in Volume 105, Page 495, Josephine County Deed Records; thence North along said West line 26.77 feet to the Northwest corner thereof; thence South 67° 30' East, 49.50 feet; thence South 44° 30' West, 13.20 feet to the North line of said Section 10; thence West along the North line of said Section to the point of beginning.

ALSO LESS AND EXCEPT all that portion lying within public roads.

ALSO EXCEPTING THEREFROM any portion of the hereinabove described property lying within the boundaries of Partition Plat No. 2002-011, Josephine County, Oregon.

PARCEL II:

Commencing at the West Quarter corner of Section 10, Township 34 South, Range 6 West, of the Willamette Meridian, Josephine County, Oregon; thence South 89° 36' 00" East, 329.88 feet; thence North 0° 09' 10" East 119.49 feet; thence South 78° East 202.02 feet to a 5/8 inch iron rod set per Survey No. 293-72; thence South 74° 21' 00" East, 184.02 feet to a 5/8 inch iron rod; thence North 89° 46' 00" East, 270.40 feet to a 5/8 inch iron rod; thence North 87° 58' 30" East, 69.41 feet to a 5/8 inch iron rod, said rod being set on the Northerly right of way line of Sunnyglen Way; thence Easterly along said right of way line, 150 feet for the true point of beginning; thence Westerly along said right of way line 150 feet to a 5/8 inch iron rod; thence North 04° 00' 00" East, 472.05 feet to a

EXHIBIT "A"
Legal Description

5/8 inch iron rod; thence South 85° 30' 00" East, 70.0 feet; thence Southerly in a straight line that when extended, would intersect the true point of beginning to a point 50 feet Northerly along said line from the true point of beginning; thence Southeasterly in a straight line, to a point on the Northerly right of way line of Sunnyglen Way, 50 feet Easterly of the true point of beginning; thence Westerly, along said right of way line to the true point of beginning.

PARCEL III:

Parcel 3 of Partition Plat No. 2002-011, Josephine County, Oregon.

PARCEL IV:

Parcel 1 of Partition Plat No. 2002-011, Josephine County, Oregon

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LIMITATIONS OF LIABILITY

"CUSTOMER" REFERS TO THE RECIPIENT OF THIS REPORT.

CUSTOMER EXPRESSLY AGREES AND ACKNOWLEDGES THAT IT IS EXTREMELY DIFFICULT, IF NOT IMPOSSIBLE, TO DETERMINE THE EXTENT OF LOSS WHICH COULD ARISE FROM ERRORS OR OMISSIONS IN, OR THE COMPANY'S NEGLIGENCE IN PRODUCING, THE REQUESTED REPORT, HEREIN "THE REPORT." CUSTOMER RECOGNIZES THAT THE FEE CHARGED IS NOMINAL IN RELATION TO THE POTENTIAL LIABILITY WHICH COULD ARISE FROM SUCH ERRORS OR OMISSIONS OR NEGLIGENCE. THEREFORE, CUSTOMER UNDERSTANDS THAT THE COMPANY IS NOT WILLING TO PROCEED IN THE PREPARATION AND ISSUANCE OF THE REPORT UNLESS THE COMPANY'S LIABILITY IS STRICTLY LIMITED. CUSTOMER AGREES WITH THE PROPRIETY OF SUCH LIMITATION AND AGREES TO BE BOUND BY ITS TERMS

THE LIMITATIONS ARE AS FOLLOWS AND THE LIMITATIONS WILL SURVIVE THE CONTRACT:

ONLY MATTERS IDENTIFIED IN THIS REPORT AS THE SUBJECT OF THE REPORT ARE WITHIN ITS SCOPE. ALL OTHER MATTERS ARE OUTSIDE THE SCOPE OF THE REPORT.

CUSTOMER AGREES, AS PART OF THE CONSIDERATION FOR THE ISSUANCE OF THE REPORT AND TO THE FULLEST EXTENT PERMITTED BY LAW, TO LIMIT THE LIABILITY OF THE COMPANY, ITS LICENSORS, AGENTS, SUPPLIERS, RESELLERS, SERVICE PROVIDERS, CONTENT PROVIDERS AND ALL OTHER SUBSCRIBERS OR SUPPLIERS, SUBSIDIARIES, AFFILIATES, EMPLOYEES, AND SUBCONTRACTORS FOR ANY AND ALL CLAIMS, LIABILITIES, CAUSES OF ACTION, LOSSES, COSTS, DAMAGES AND EXPENSES OF ANY NATURE WHATSOEVER, INCLUDING ATTORNEY'S FEES, HOWEVER ALLEGED OR ARISING, INCLUDING BUT NOT LIMITED TO THOSE ARISING FROM BREACH OF CONTRACT, NEGLIGENCE, THE COMPANY'S OWN FAULT AND/OR NEGLIGENCE, ERRORS, OMISSIONS, STRICT LIABILITY, BREACH OF WARRANTY, EQUITY, THE COMMON LAW, STATUTE OR ANY OTHER THEORY OF RECOVERY, OR FROM ANY PERSON'S USE, MISUSE, OR INABILITY TO USE THE REPORT OR ANY OF THE MATERIALS CONTAINED THEREIN OR PRODUCED, **SO THAT THE TOTAL AGGREGATE LIABILITY OF THE COMPANY AND ITS AGENTS, SUBSIDIARIES, AFFILIATES, EMPLOYEES, AND SUBCONTRACTORS SHALL NOT IN ANY EVENT EXCEED THE COMPANY'S TOTAL FEE FOR THE REPORT.**

CUSTOMER AGREES THAT THE FOREGOING LIMITATION ON LIABILITY IS A TERM MATERIAL TO THE PRICE THE CUSTOMER IS PAYING, WHICH PRICE IS LOWER THAN WOULD OTHERWISE BE OFFERED TO THE CUSTOMER WITHOUT SAID TERM. CUSTOMER RECOGNIZES THAT THE COMPANY WOULD NOT ISSUE THE REPORT BUT FOR THIS CUSTOMER AGREEMENT, AS PART OF THE CONSIDERATION GIVEN FOR THE REPORT, TO THE FOREGOING LIMITATION OF LIABILITY AND THAT ANY SUCH LIABILITY IS CONDITIONED AND PREDICATED UPON THE FULL AND TIMELY PAYMENT OF THE COMPANY'S INVOICE FOR THE REPORT.

THE REPORT IS LIMITED IN SCOPE AND IS NOT AN ABSTRACT OF TITLE, TITLE OPINION, PRELIMINARY TITLE REPORT, TITLE REPORT, COMMITMENT TO ISSUE TITLE INSURANCE, OR A TITLE POLICY, AND SHOULD NOT BE RELIED UPON AS SUCH. THE REPORT DOES NOT PROVIDE OR OFFER ANY TITLE INSURANCE, LIABILITY COVERAGE OR ERRORS AND OMISSIONS COVERAGE. THE REPORT IS NOT TO BE RELIED UPON AS A REPRESENTATION OF THE STATUS OF TITLE TO THE PROPERTY. THE COMPANY MAKES NO REPRESENTATIONS AS TO THE REPORT'S ACCURACY, DISCLAIMS ANY WARRANTY AS TO THE REPORT, ASSUMES NO DUTIES TO CUSTOMER, DOES NOT INTEND FOR CUSTOMER TO RELY ON THE REPORT, AND ASSUMES NO LIABILITY FOR ANY LOSS OCCURRING BY REASON OF RELIANCE ON THE REPORT OR OTHERWISE.

Ticor Title Company of Oregon
Order No. 470322080688

IF CUSTOMER (A) HAS OR WILL HAVE AN INSURABLE INTEREST IN THE SUBJECT REAL PROPERTY, (B) DOES NOT WISH TO LIMIT LIABILITY AS STATED HEREIN AND (C) DESIRES THAT ADDITIONAL LIABILITY BE ASSUMED BY THE COMPANY, THEN CUSTOMER MAY REQUEST AND PURCHASE A POLICY OF TITLE INSURANCE, A BINDER, OR A COMMITMENT TO ISSUE A POLICY OF TITLE INSURANCE. NO ASSURANCE IS GIVEN AS TO THE INSURABILITY OF THE TITLE OR STATUS OF TITLE. CUSTOMER EXPRESSLY AGREES AND ACKNOWLEDGES IT HAS AN INDEPENDENT DUTY TO ENSURE AND/OR RESEARCH THE ACCURACY OF ANY INFORMATION OBTAINED FROM THE COMPANY OR ANY PRODUCT OR SERVICE PURCHASED.

NO THIRD PARTY IS PERMITTED TO USE OR RELY UPON THE INFORMATION SET FORTH IN THE REPORT, AND NO LIABILITY TO ANY THIRD PARTY IS UNDERTAKEN BY THE COMPANY.

CUSTOMER AGREES THAT, TO THE FULLEST EXTENT PERMITTED BY LAW, IN NO EVENT WILL THE COMPANY, ITS LICENSORS, AGENTS, SUPPLIERS, RESELLERS, SERVICE PROVIDERS, CONTENT PROVIDERS, AND ALL OTHER SUBSCRIBERS OR SUPPLIERS, SUBSIDIARIES, AFFILIATES, EMPLOYEES AND SUBCONTRACTORS BE LIABLE FOR CONSEQUENTIAL, INCIDENTAL, INDIRECT, PUNITIVE, EXEMPLARY, OR SPECIAL DAMAGES, OR LOSS OF PROFITS, REVENUE, INCOME, SAVINGS, DATA, BUSINESS, OPPORTUNITY, OR GOODWILL, PAIN AND SUFFERING, EMOTIONAL DISTRESS, NON-OPERATION OR INCREASED EXPENSE OF OPERATION, BUSINESS INTERRUPTION OR DELAY, COST OF CAPITAL, OR COST OF REPLACEMENT PRODUCTS OR SERVICES, REGARDLESS OF WHETHER SUCH LIABILITY IS BASED ON BREACH OF CONTRACT, TORT, NEGLIGENCE, THE COMPANY'S OWN FAULT AND/OR NEGLIGENCE, STRICT LIABILITY, BREACH OF WARRANTIES, FAILURE OF ESSENTIAL PURPOSE, OR OTHERWISE AND WHETHER CAUSED BY NEGLIGENCE, ERRORS, OMISSIONS, STRICT LIABILITY, BREACH OF CONTRACT, BREACH OF WARRANTY, THE COMPANY'S OWN FAULT AND/OR NEGLIGENCE OR ANY OTHER CAUSE WHATSOEVER, AND EVEN IF THE COMPANY HAS BEEN ADVISED OF THE LIKELIHOOD OF SUCH DAMAGES OR KNEW OR SHOULD HAVE KNOWN OF THE POSSIBILITY FOR SUCH DAMAGES.

END OF THE LIMITATIONS OF LIABILITY

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Oregon
Kate Brown, Governor

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

December 28, 2021

BRYAN LONG
3903 HELMS RD
GRANTS PASS, OR 97527

Reference: Transfer Application T-13515

The above referenced transfer application was denied in the records of the Water Resources Department on December 28, 2021, by Special Order Volume 122, Page 243 (copy enclosed).

The transfer application is of no further force or effect.

If you have any questions related to the approval of this temporary transfer, you may contact your caseworker, Corey Courchane by telephone at (503) 979-3917 or by e-mail at Corey.A.Courchane@oregon.gov.

Sincerely,

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

cc: Scott C. Ceciliani, Watermaster Dist. # 14 (via email)
Josephine County Planning
Scott D. Fein, Agent

Enclosure

BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON

In the Matter of Transfer Application	)	FINAL ORDER DENYING A CHANGE IN
T-13515, Josephine County	)	POINTS OF DIVERSION TO REFLECT
	)	HISTORIC USE

Authority

ORS 540.532 establishes the process in which a water right holder may submit a request for a change in point of diversion to reflect historical use under an existing water right. OAR Chapter 690-380-2120 implements the statute and provides the Department's procedures and criteria for evaluating historic point of diversion/appropriation transfer applications.

Applicant

BRYAN LONG
1690 LELAND ROAD
SUNNY VALLEY, OR 97526

Findings of Fact

1. On September 3, 2020, BRYAN LONG filed a transfer application for authorization of historic points of diversion under Certificates 16530 and 16533. The Department assigned the application number T-13515.
2. On September 11, 1956, the Department issued a Final Order (Special Order Volume 9, Page 35) under Transfer Application B-94, approving a change in point of diversion under Certificate 16533.
3. On March 2, 2020, BRYAN LONG filed a water right instream transfer application proposing to create instream use under Certificates 15608, 16530, and 16533. The Department assigned the application number T-13382.
4. Notice of the application for transfer was published on September 8, 2020, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.

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

5. On October 2, 2020, the Department notified the applicant's agent that a location for the authorized point of diversion for Certificate 16533 needed to be identified. Certificate 16533 does not identify a location for the authorized point of diversion, and one is not described by the Rogue River Decree. Due to an instream water right, being Certificate 72697, located within the reach of Grave Creek where the applicant is proposing the current historic points of diversion, the Department needs to ensure T-13515 will not cause injury to the instream water right.
6. On March 24, 2021, the agent provided additional information to the Department. The information identifies a location that will be a downstream change for the authorized point of diversion under Certificate 16533, and will not be injurious to Certificate 72697. In summary, the agent stated, "From extensive review of the decree maps and diligently researching every ancient record paper available to me through the D14 Watermaster I have deduced the following. All lands on the on this property other than cert. 16533 were served at one time by the Steen Beer Ditch which originated in the NWSE of section 12 in T34S, R6W. I firmly believe the Alta Ditch is the Steen Beer Ditch, the name changed somewhere along the way, Though we will never know was the Alta ditch is not on any map. The August 25-31, 1936 decree survey represents this well (upper right corner says 5-4-4)."
7. On April 7, 2021, the Department's District 14 Watermaster provided documentation that describes the approximate location for the original point of diversion under Certificate 16533 to be, "Northwest ¼ of the Southeast ¼ of Section 12, Township 34 South, Range 6 West of Willamette Meridian."
8. On September 15, 2021, the Department contacted the applicant by written correspondence, providing the applicant with a list of affected water right holders affected by the proposed change in point of diversion to reflect historical use. The applicant must notify affected landowners and upon completion, complete and mail a Proof of Service form back to the Department. The correspondence also requested a report of ownership for the lands appurtenant to the water rights involved in T-13515. The Department requested the materials be received by October 15, 2021. The Department did not receive a response.
9. On October 18, 2021, the Department contacted the applicant's agent by written correspondence to notify them that the October 15 deadline had passed, and nothing was received. The Department also identified that the correspondence sent on September 15, 2021, to the mailing address of the applicant was returned, "Return to sender, undeliverable, unable to forward." The Department requested the agent provide a current address for the applicant and extended the deadline to receive the requested materials to November 18, 2021. The Department did not receive a response.

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

Certificate: 16530 in the name of V.E. FARLEIGH (confirmed by ROGUE RIVER FINAL Decree)

Use: IRRIGATION of 65.0 ACRES

Priority Date: 1891

Rate: 1.09 CUBIC FEET PER SECOND

Source: GRAVE CREEK, a tributary of ROGUE RIVER

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q
Not specified in certificate				

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
34 S	6 W	WM	10	NW NW	40.0
34 S	6 W	WM	10	SW NW	20.0
34 S	6 W	WM	10	SE NW	5.0
Total					65.0

11. The Rogue River Final Decree identifies the authorized point of diversion for Certificate 16530 as:

Ditch
Alta Ditch

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

Certificate: 16533 in the name of T. J. MACKIN, J. R. MACKIN and MARGARET MCCASLIN, (confirmed by ROGUE RIVER FINAL Decree)

Use: IRRIGATION of 117.0 ACRES

Priority Date: 1891 for TRACT NO. 1

Rate: 1.82 CUBIC FEET PER SECOND for TRACT NO. 1

Source: GRAVE CREEK, a tributary of ROGUE RIVER

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q
Not specified in certificate				

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
34 S	6 W	WM	9	NE NE	27.0
34 S	6 W	WM	9	NW NE	26.0
34 S	6 W	WM	9	SW NE	8.0
34 S	6 W	WM	9	SE NE	23.0
34 S	6 W	WM	9	NE NW	31.0
34 S	6 W	WM	9	SE NW	2.0
Total					117.0

13. Based on additional information provided by the District 14 Watermaster, the authorized point of diversion for Certificate 16533 is located as follows:

Twp	Rng	Mer	Sec	Q-Q	Ditch
34 S	6 W	WM	12	NW SE	Alta Ditch

14. Transfer Application T-13515 proposes to move the authorized points of diversion downstream to reflect historical use to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances	Approximate distance from authorized point of diversion in miles (mi.)
34 S	6 W	WM	4	SE SE	POD 1 - 65 FEET NORTH AND 60 FEET WEST FROM THE NE CORNER OF SECTION 9	3.6 mi.
34 S	6 W	WM	9	NW NE	POD 2 - 165 FEET SOUTH AND 2340 FEET WEST FROM THE NE CORNER OF SECTION 9	4.0 mi.

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

Transfer Review Criteria (ORS 540.532 and OAR 690-380-2120)

16. Pursuant to OAR 690-380-2120(2)(a), evidence has been submitted that the actual, current points of diversion for the water right in question, as described in Finding No. 9, has been in use for more than 10 years.
17. Pursuant to OAR 690-380-2120(2)(c), the Watermaster provided a statement that to his knowledge there has been no complaint of injury due to the use of water at the actual, current points of diversion, prior to the transfer request.

18. Pursuant to OAR 690-380-2120(3), the Department provided the applicant a list of the affected water rights and a copy of the notice to be provided to each affected water right holder. The applicant has not provided written proof of service of notice of the proposed transfer on all affected water right holders.
19. Water has been used within the last five years according to the terms and conditions of the rights. There is no evidence available that would demonstrate that the rights are subject to forfeiture under ORS 540.610.
20. A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing rights are present.
21. The proposed change would not result in enlargement of the rights.
22. The proposed change would not result in injury to other water rights.

Conclusions of Law

The proposed change in points of diversion to reflect historical use in application T-13515 is **NOT** consistent with the requirements of ORS 540.532, and OAR 690-380-2120.

Now, therefore, it is ORDERED:

Transfer Application T-13515 is denied for failure to meet the requirements under ORS 540.532, and OAR 690-380-2120.

Dated in Salem, Oregon on

DEC 28 2021



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

Mailing date:

DEC 29 2021



Oregon
Kate Brown, Governor

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

September 15, 2021

BRYAN LONG
3903 HELMS RD
GRANTS PASS, OR 97527

SUBJECT: Water Right Transfer Application T-13515

Your water right transfer change in point of diversion to reflect historical use is in the first phase of processing.

Submittal of the following required items are needed at this time:

1. We are required by rule to provide you with a list of affected water right holders affected by your proposed change in point of diversion to reflect historical use. The listing of the potential affected water right holders is set out in the enclosed Proof of Service form.

You are responsible for mailing or hand-delivering a copy of the enclosed Notice to the persons listed on the Proof of Service form. In addition, you must provide proof to the Department that you mailed or hand-delivered a copy of the Notice to all of the identified affected water right holders.

Upon completion of mailing or hand-delivering a copy of the enclosed Notice to the persons listed, **please complete the enclosed Proof of Service form and return it to my attention at:**

Oregon Water Resources Department
Attn: Corey Courchane
725 Summer Street NE, Suite A
Salem, OR 97301

2. You must submit a **Report of Ownership** for the lands where the water right(s) are currently located (i.e., the FROM lands). This report:
 - a) Must be prepared by a title company;
 - b) Shall include a "prepared by" statement and the date the title company prepared the report printed on the cover sheet;
 - c) Must be:
 - i. Prepared within 3 months of the Draft Preliminary Determination showing current ownership; **OR**
 - ii. Prepared within 3 months of recording of a water right conveyance agreement; **OR**
 - iii. Have a prepared date showing ownership at the time a water right conveyance agreement was recorded.

If water right conveyance agreements are involved, it is helpful to provide copies of those agreements along with the Report of Ownership.

IMPORTANT: In order for the Department to clearly understand the date that the title company prepared the Report of Ownership, the title company must indicate/state the date that they prepared the report on the coversheet and/or first page of the report.

- d) Must include a list of owners at the time the report was generated; **AND**
- e) Must include a legal description of the property where the water right to be transferred is currently located (i.e., the FROM lands).

After you have mailed or hand-delivered the Notice to the persons identified in the Proof of Service, a 30-day comment period will run. This time period will allow the affected holders of the water rights identified to provide comments on whether the requested change in point of diversion will cause injury. After this 30-day comment period, we will determine whether you have satisfied the requirements, the change does not cause injury, or if any conditions will need to be met to prevent injury.

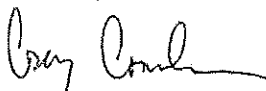
Enclosed is a copy of Oregon Department of Fish and Wildlife (ODFW) Additional Fish Screening and Passage Information for the Applicant. You will note that ODFW requires a fish screening and/or by-pass device to be installed. We will establish a deadline for compliance with this condition. Please contact the ODF&W personnel listed on the document for assistance.

The Watermaster has determined that a water measurement device is necessary at the diversion point. Enclosed is a contact information sheet to assist you in pursuing additional information or approval of the required (or alternate) device.

Issuance of the Final Order will occur shortly after we receive your response, the proof of service, and the report of ownership. The order may be issued denying the application as incomplete if I do not receive your response, proof of service, and the report of ownership by **October 15, 2021**.

Please do not hesitate to contact me, at corey.a.courchane@oregon.gov or (503) 986-0825, if I may be of assistance.

Sincerely,



Corey Courchane
Transfer Specialist
Transfer and Conservation Section

cc: Transfer Application file T-13515
Scott C. Ceciliani, District 14 Watermaster (via e-mail)
Scott D. Fein, Agent for the applicant (via e-mail)

Enclosures:

Notice
Proof of Service
ODFW Contact Sheet

IMPORTANT NOTICE

OF

PROPOSED CHANGE IN A WATER RIGHT

POINT OF DIVERSION

Bryan Long, 3903 Helms Rd., Grants Pass, OR 97520, submitted a transfer application to the Oregon Water Resources Department under ORS 540.532 requesting a change in point of diversion of Water Right Certificate 13704 to reflect more than 10 years of historical use of water at a point of diversion other than that described in the water right Certificate. The Transfer Application number is T-13515.

The authorized point of diversion evidenced by the Rogue River Decree is:

Ditch
Alta Ditch

Bryan Long, 3903 Helms Rd., Grants Pass, OR 97520, propose to officially change the point of diversion to the following location:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
34 S	6 W	WM	4	SE SE	POD 1 - 65 FEET NORTH AND 60 FEET WEST FROM THE NE CORNER OF SECTION 9
34 S	6 W	WM	9	NW NE	POD 2 - 165 FEET SOUTH AND 2340 FEET WEST FROM THE NE CORNER OF SECTION 9

Why You Received This Notice

You have received this notice because the Oregon Water Resources Department has identified you as the owner of the land or water right that may be affected by the proposed change in point of diversion. By law, it is the responsibility of the applicant to provide you notice of the proposed change in point of diversion / appropriation. The applicant is also required to provide the Department with written proof that this notice was delivered to you.

The Purpose of This Notice

The purpose of this notice is to provide you an opportunity to comment upon whether the proposed change will cause injury to the exercise of your water right. **A 30-day comment period begins upon receipt of this notice.** Comments should reference the Transfer Application number T-13515, identify the water right subject to injury by permit or certificate number or decree name, and describe the nature of the injury caused by the change in point of diversion.

Mail Your Comments To:

Oregon Water Resources Department
Transfer Section
725 Summer Street NE, Suite A
Salem, OR 97301

How the Department Will Use Your Comments

The Department will use these comments to determine whether the proposed change in point of diversion would injure other water rights. The transfer application shall be approved if the Department finds no injury to other water rights.

PROOF OF SERVICE

I, _____, certify that the Notice of Change in Historic Point of Diversion for Transfer Application T-13515 was delivered to the following individuals/entities in the manner and dates identified:

Cert. #	Name and Address	Service Date
16539, 37666	Name: Robert W. Stumbo Address: 2245 Coyote Creek Rd City, State, Zip: Wolf Creek, OR 97497	_____ ☐ mailing date or _____ ☐ hand delivered
16539	Name: Ruth Monical Address: 500 Placer Rd City, State, Zip: Sunny Valley, OR 97497	_____ ☐ mailing date or _____ ☐ hand delivered
	Name: Charles B. Kaiser (TOD) Address: 722 Placer Rd City, State, Zip: Wolf Creek, OR 97497	_____ ☐ mailing date or _____ ☐ hand delivered
	Name: Patricia J. Lewis and Debora Justice Address: 780 Placer Rd City, State, Zip: Wolf Creek, OR 97497	_____ ☐ mailing date or _____ ☐ hand delivered
	Name: Richard J. Pekarek Address: 516 Stewart Rd City, State, Zip: Grants Pass, OR 97526	_____ ☐ mailing date or _____ ☐ hand delivered
	Name: Jesse Stumbo Address: 620 Placer Rd City, State, Zip: Wolf Creek, OR 97497	_____ ☐ mailing date or _____ ☐ hand delivered
	Name: Laurel R. and Nancy K. Alexander Address: 682 Placer Rd City, State, Zip: Sunny Valley, OR 97497	_____ ☐ mailing date or _____ ☐ hand delivered
26066, 29011, 37666	Name: Colin Morris Address: 4607 Pheasant Ln City, State, Zip: Montague, CA 96064	_____ ☐ mailing date or _____ ☐ hand delivered

Return this completed form to:
Oregon Water Resources Department,
725 Summer St. NE, Suite A
Salem, OR 97301-1266

29011, 37666	Name: Melissa and John M. Peterson Address: 331 Leland Rd City, State, Zip: Wolf Creek, OR 97497	_____ ☐ mailing date or _____ ☐ hand delivered
31784	Name: Thomas L. and Janet E. Goldsmith Address: 1059 Placer Rd City, State, Zip: Sunny Valley, OR 97497	_____ ☐ mailing date or _____ ☐ hand delivered
37666, 48363, 48367	Name: April Roberta Shephard c/o: April Roberta Martins Address: 13128 NE 145 th PL City, State, Zip: Kirkland, WA 98034	_____ ☐ mailing date or _____ ☐ hand delivered
37666	Name: Jerry Alan and Alice M. Price Address: PO Box 22 City, State, Zip: Wolf Creek, OR 97497	_____ ☐ mailing date or _____ ☐ hand delivered
	Name: William H. and Nancy P. Hansen Address: 100 Placer Rd City, State, Zip: Wolf Creek, OR 97497	_____ ☐ mailing date or _____ ☐ hand delivered
	Name: Christie Lynn Milligan Address: 162 Placer Rd City, State, Zip: Wolf Creek, OR 97497	_____ ☐ mailing date or _____ ☐ hand delivered
	Name: Sheryl L. Benton Address: 526 Sunny Valley Loop City, State, Zip: Wolf Creek, OR 97497	_____ ☐ mailing date or _____ ☐ hand delivered
	Name: State of Oregon c/o: Department of State Lands, Asset Management Section Address: 775 Summer St NE Ste 100 City, State, Zip: Salem, OR 97301	_____ ☐ mailing date or _____ ☐ hand delivered
	Name: Gary L and Ruth A Monical Address: 500 Placer Rd City, State, Zip: Sunny Valley, OR 97497	_____ ☐ mailing date or _____ ☐ hand delivered

Return this completed form to:
Oregon Water Resources Department,
725 Summer St. NE, Suite A
Salem, OR 97301-1266

47409	Name: Kao Fow and Mouang Choy Saelee Address: 967 Placer Rd City, State, Zip: Wolf Creek, OR 97497	_____ ☐ mailing date or _____ ☐ hand delivered
85582	Name: David C Oehling, Trustee c/o: Grants Pass Surgical Assoc. PC Address: 1600 NW 6 th St, North Suite City, State, Zip: Grants Pass, OR 97526	_____ ☐ mailing date or _____ ☐ hand delivered
	Name: Charles H. Geissel and Toni D. O'Malley Address: 382 Espey Rd City, State, Zip: Grants Pass, OR 97527	_____ ☐ mailing date or _____ ☐ hand delivered
	Name: Wayne Joseph and Stephanie Louise Marko Trust Wayne J and Stephanie L Marko, Trustees Address: PO Box 70 City, State, Zip: Hydesville, CA 95547	_____ ☐ mailing date or _____ ☐ hand delivered
	Name: Robert Li Qun Lin and Helen Hong Yang Address: 1761 Lake Vista Way City, State, Zip: Folsom, CA 95630	_____ ☐ mailing date or _____ ☐ hand delivered
	Name: Cross Family Trust William L and Sharon L Cross, Trustees Address: 294 Circle Dr City, State, Zip: Oroville, CA 95966	_____ ☐ mailing date or _____ ☐ hand delivered
	Name: Mario Francisco Torres Address: 551 Sunny Glen Way City, State, Zip: Wolf Creek, OR 97497	_____ ☐ mailing date or _____ ☐ hand delivered
	Name: Igor Ummel and Megan Hable Address: 2426 Paradise Village Way City, State, Zip: Las Vegas, NV 89120	_____ ☐ mailing date or _____ ☐ hand delivered
	Name: Marlin B Biencourt, Joseph H Ashbridge III, and Monique Y Ashbridge Address: 655 Sunny Glen Way City, State, Zip: Wolf Creek, OR 97497	_____ ☐ mailing date or _____ ☐ hand delivered

Return this completed form to:
 Oregon Water Resources Department,
 725 Summer St. NE, Suite A
 Salem, OR 97301-1266

	Name: Christopher Shane and Jennifer M Ferguson Address: 660 Sunny Glen Way City, State, Zip: Wolf Creek, OR 97497	_____ ☐ mailing date or _____ ☐ hand delivered
	Name: Kenneth Earl and Tommie June Barnette Address: 1025 Sunny Glen Way City, State, Zip: Wolf Creek, OR 97497	_____ ☐ mailing date or _____ ☐ hand delivered
	Name: William M Strader Address: 220 Green Leaf Way City, State, Zip: Wolf Creek, OR 97497	_____ ☐ mailing date or _____ ☐ hand delivered
	Name: Edith M McDonald and Rhonda L Chrestionson Address: 600 Sunny Glen Way City, State, Zip: Wolf Creek, OR 97497	_____ ☐ mailing date or _____ ☐ hand delivered
	Name: Robert E and Janet C Kugel Rev Trust Robert E and Janet Kugel, Trustees Address: 625 Sunny Glen Way City, State, Zip: Wolf Creek, OR 97497	_____ ☐ mailing date or _____ ☐ hand delivered
	Name: Timari Davis and Kareen Wakeland Haskin Address: 630 Sunny Glen Way City, State, Zip: Wolf Creek, OR 97497	_____ ☐ mailing date or _____ ☐ hand delivered
	Name: Tabitha C Durham Address: 584 Sunny Glen Way City, State, Zip: Wolf Creek, OR 97497	_____ ☐ mailing date or _____ ☐ hand delivered
	Name: Charles E and Heather D Zousel Address: 550 Sunny Glen Way City, State, Zip: Wolf Creek, OR 97497	_____ ☐ mailing date or _____ ☐ hand delivered
	Name: Luther C Durham Address: 91 Bacons Neck Rd City, State, Zip: Greenwich, NJ 08323	_____ ☐ mailing date or _____ ☐ hand delivered
Name: Benjamin J and Tiffany Mori Address: 315 NE Fetzner Ave	_____ ☐ mailing date or	

Return this completed form to:
 Oregon Water Resources Department,
 725 Summer St. NE, Suite A
 Salem, OR 97301-1266

City, State, Zip: Grants Pass, OR 97526	_____ ☐ hand delivered
Name: Sandra K Farmer Address: 636 Sunny Glen Way City, State, Zip: Wolf Creek, OR 97497	_____ ☐ mailing date or _____ ☐ hand delivered
Name: Cyrus F and Natalie J Boyer c/o Owen Macphee Address: 1907 Crow Rd City, State, Zip: Merlin, OR 97532	_____ ☐ mailing date or _____ ☐ hand delivered
Name: Sheri A and K R Smith Rev Trust Shari A and K R Smith, Trustees Address: 812 Sunny Glen Way City, State, Zip: Sunny Valley, OR 97497	_____ ☐ mailing date or _____ ☐ hand delivered
Name: Cassandra L Warren Address: 464 Sunny Glen Way City, State, Zip: Wolf Creek, OR 97497	_____ ☐ mailing date or _____ ☐ hand delivered
Name: Jennifer Schlecht Address: 110 Sunny Glen Way City, State, Zip: Wolf Creek, OR 97497	_____ ☐ mailing date or _____ ☐ hand delivered
Name: Ronald R and Maria C Fry Address: 250 Sunny Glen Way City, State, Zip: Sunny Valley, OR 97497	_____ ☐ mailing date or _____ ☐ hand delivered

Dated this ____ day of _____, 20__.

Applicant or Applicant's Agent (printed name)

Applicant or Applicant's Agent (signature)

Return this completed form to:
Oregon Water Resources Department,
725 Summer St. NE, Suite A
Salem, OR 97301-1266

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

Transfer #: T- 13515

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

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



at each new point of diversion/appropriation.

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

Watermaster name: Scott Cecilliani

District: 14

Address: 700 NW Dimmick Street

City/State/Zip: Grants Pass, OR 97526

Phone: Office: 541-476-1288, Cell: 541-261-2213

Email: OWRD.district14@oregon.gov Or Scott.C.Cecilliani@oregon.gov

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

Approval of an Alternate Measurement Device**T- 13515***(to be filled out after consultation with the applicant, or after a site visit)*

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

Watermaster signature

14

District

Date

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

Oregon Water Resources Department

725 Summer Street NE, Suite A

Salem, OR 97301-1266

Oregon 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 #: T-13515

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 is required as a condition of this transfer. The fish screen must meet ODFW's design, construction, operational and maintenance standards.

Pursuant to ORS 498.306, cost-share funds may be available to assist in the installation of fish screening.

The applicant should contact the ODFW staff member below to obtain additional information on the design, construction, operational, and maintenance standards for the fish screen and to obtain information about ODFW's cost-sharing program for screening. **Prior to installation, the water user must obtain written approval from ODFW that the required screen meets ODFW's criteria.**

ODFW staff name: Rich Kilbane

Address: 1495 E Gregory Rd

City/State/Zip: Central Point/OR/97502

Phone: (541) 826-8774

- ☒ 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 member 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: Jason Brandt

Address: 4192 North Umpqua Hwy

City/State/Zip: Roseburg/OR/97470

Phone: (541) 315-6222



Oregon

Kate Brown, Governor

Water Resources Department

725 Summer St NE, Suite A

Salem, OR 97301

(503) 986-0900

Fax (503) 986-0904

September , 2021

BRYAN LONG
3903 HELMS RD
GRANTS PASS, OR 97527

SUBJECT: Water Right Transfer Application T-13515

Your water right transfer change in point of diversion to reflect historical use is in the first phase of processing.

Submittal of the following required items are needed at this time:

1. We are required by rule to provide you with a list of affected water right holders affected by your proposed change in point of diversion to reflect historical use. The listing of the potential affected water right holders is set out in the enclosed Proof of Service form.

You are responsible for mailing or hand-delivering a copy of the enclosed Notice to the persons listed on the Proof of Service form. In addition, you must provide proof to the Department that you mailed or hand-delivered a copy of the Notice to all of the identified affected water right holders.

Upon completion of mailing or hand-delivering a copy of the enclosed Notice to the persons listed, **please complete the enclosed Proof of Service form and return it to my attention at:**

Oregon Water Resources Department
Attn: Corey Courchane
725 Summer Street NE, Suite A
Salem, OR 97301

2. You must submit a **Report of Ownership** for the lands where the water right(s) are currently located (i.e., the FROM lands). This report:
 - a) Must be prepared by a title company;
 - b) Shall include a "prepared by" statement and the date the title company prepared the report printed on the cover sheet;
 - c) Must be:
 - i. Prepared within 3 months of the Draft Preliminary Determination showing current ownership; **OR**
 - ii. Prepared within 3 months of recording of a water right conveyance agreement; **OR**
 - iii. Have a prepared date showing ownership at the time a water right conveyance agreement was recorded.

If water right conveyance agreements are involved, it is helpful to provide copies of those agreements along with the Report of Ownership.

IMPORTANT: In order for the Department to clearly understand the date that the title company prepared the Report of Ownership, the title company must indicate/state the date that they prepared the report on the coversheet and/or first page of the report.

- d) Must include a list of owners at the time the report was generated; **AND**
- e) Must include a legal description of the property where the water right to be transferred is currently located (i.e., the FROM lands).

After you have mailed or hand-delivered the Notice to the persons identified in the Proof of Service, a 30-day comment period will run. This time period will allow the affected holders of the water rights identified to provide comments on whether the requested change in point of diversion will cause injury. After this 30-day comment period, we will determine whether you have satisfied the requirements, the change does not cause injury, or if any conditions will need to be met to prevent injury.

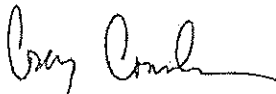
Enclosed is a copy of Oregon Department of Fish and Wildlife (ODFW) Additional Fish Screening and Passage Information for the Applicant. You will note that ODFW requires a fish screening and/or by-pass device to be installed. We will establish a deadline for compliance with this condition. Please contact the ODF&W personnel listed on the document for assistance.

The Watermaster has determined that a water measurement device is necessary at the diversion point. Enclosed is a contact information sheet to assist you in pursuing additional information or approval of the required (or alternate) device.

Issuance of the Final Order will occur shortly after we receive your response, the proof of service, and the report of ownership. The order may be issued denying the application as incomplete if I do not receive your response, proof of service, and the report of ownership by **October , 2021**.

Please do not hesitate to contact me, at corey.a.courchane@oregon.gov or (503) 986-0825, if I may be of assistance.

Sincerely,



Corey Courchane
Transfer Specialist
Transfer and Conservation Section

cc: Transfer Application file T-13515
Scott C. Cecilian, District 14 Watermaster (via e-mail)
Scott D. Fein, Agent for the applicant (via e-mail)

Enclosures:

Notice
Proof of Service
ODFW Contact Sheet

PROOF OF SERVICE

I, _____, certify that the Notice of Change in Historic Point of Diversion for Transfer Application T-13515 was delivered to the following individuals/entities in the manner and dates identified:

Cert. #	Name and Address	Service Date
16539, 37666	Name: Robert W. Stumbo Address: 2245 Coyote Creek Rd City, State, Zip: Wolf Creek, OR 97497	_____ ☐ mailing date or _____ ☐ hand delivered
16539	Name: Ruth Monical Address: 500 Placer Rd City, State, Zip: Sunny Valley, OR 97497	_____ ☐ mailing date or _____ ☐ hand delivered
	Name: Charles B. Kaiser (TOD) Address: 722 Placer Rd City, State, Zip: Wolf Creek, OR 97497	_____ ☐ mailing date or _____ ☐ hand delivered
	Name: Patricia J. Lewis and Debora Justice Address: 780 Placer Rd City, State, Zip: Wolf Creek, OR 97497	_____ ☐ mailing date or _____ ☐ hand delivered
	Name: Richard J. Pekarek Address: 516 Stewart Rd City, State, Zip: Grants Pass, OR 97526	_____ ☐ mailing date or _____ ☐ hand delivered
	Name: Jesse Stumbo Address: 620 Placer Rd City, State, Zip: Wolf Creek, OR 97497	_____ ☐ mailing date or _____ ☐ hand delivered
	Name: Laurel R. and Nancy K. Alexander Address: 682 Placer Rd City, State, Zip: Sunny Valley, OR 97497	_____ ☐ mailing date or _____ ☐ hand delivered
26066, 29011, 37666	Name: Colin Morris Address: 4607 Pheasant Ln City, State, Zip: Montague, CA 96064	_____ ☐ mailing date or _____ ☐ hand delivered

Return this completed form to:
Oregon Water Resources Department,
725 Summer St. NE, Suite A
Salem, OR 97301-1266

29011, 37666	Name: Melissa and John M. Peterson Address: 331 Leland Rd City, State, Zip: Wolf Creek, OR 97497	_____ ☐ mailing date _____ or _____ _____ ☐ hand delivered
31784	Name: Thomas L. and Janet E. Goldsmith Address: 1059 Placer Rd City, State, Zip: Sunny Valley, OR 97497	_____ ☐ mailing date _____ or _____ _____ ☐ hand delivered
37666, 48363, 48367	Name: April Roberta Shephard c/o: April Roberta Martins Address: 13128 NE 145 th PL City, State, Zip: Kirkland, WA 98034	_____ ☐ mailing date _____ or _____ _____ ☐ hand delivered
37666	Name: Jerry Alan and Alice M. Price Address: PO Box 22 City, State, Zip: Wolf Creek, OR 97497	_____ ☐ mailing date _____ or _____ _____ ☐ hand delivered
	Name: William H. and Nancy P. Hansen Address: 100 Placer Rd City, State, Zip: Wolf Creek, OR 97497	_____ ☐ mailing date _____ or _____ _____ ☐ hand delivered
	Name: Christie Lynn Milligan Address: 162 Placer Rd City, State, Zip: Wolf Creek, OR 97497	_____ ☐ mailing date _____ or _____ _____ ☐ hand delivered
	Name: Sheryl L. Benton Address: 526 Sunny Valley Loop City, State, Zip: Wolf Creek, OR 97497	_____ ☐ mailing date _____ or _____ _____ ☐ hand delivered
	Name: State of Oregon c/o: Department of State Lands, Asset Management Section Address: 775 Summer St NE Ste 100 City, State, Zip: Salem, OR 97301	_____ ☐ mailing date _____ or _____ _____ ☐ hand delivered
	Name: Gary L and Ruth A Monical Address: 500 Placer Rd City, State, Zip: Sunny Valley, OR 97497	_____ ☐ mailing date _____ or _____ _____ ☐ hand delivered

Return this completed form to:
Oregon Water Resources Department,
725 Summer St. NE, Suite A
Salem, OR 97301-1266

47409	Name: Kao Fow and Mouang Choy Saelee Address: 967 Placer Rd City, State, Zip: Wolf Creek, OR 97497	_____ ☐ mailing date or _____ ☐ hand delivered
85582	Name: David C Oehling, Trustee c/o: Grants Pass Surgical Assoc. PC Address: 1600 NW 6 th St, North Suite City, State, Zip: Grants Pass, OR 97526	_____ ☐ mailing date or _____ ☐ hand delivered
	Name: Charles H. Geissel and Toni D. O'Malley Address: 382 Espey Rd City, State, Zip: Grants Pass, OR 97527	_____ ☐ mailing date or _____ ☐ hand delivered
	Name: Wayne Joseph and Stephanie Louise Marko Trust Wayne J and Stephanie L Marko, Trustees Address: PO Box 70 City, State, Zip: Hydesville, CA 95547	_____ ☐ mailing date or _____ ☐ hand delivered
	Name: Robert Li Qun Lin and Helen Hong Yang Address: 1761 Lake Vista Way City, State, Zip: Folsom, CA 95630	_____ ☐ mailing date or _____ ☐ hand delivered
	Name: Cross Family Trust William L and Sharon L Cross, Trustees Address: 294 Circle Dr City, State, Zip: Oroville, CA 95966	_____ ☐ mailing date or _____ ☐ hand delivered
	Name: Mario Francisco Torres Address: 551 Sunny Glen Way City, State, Zip: Wolf Creek, OR 97497	_____ ☐ mailing date or _____ ☐ hand delivered
	Name: Igor Ummel and Megan Hable Address: 2426 Paradise Village Way City, State, Zip: Las Vegas, NV 89120	_____ ☐ mailing date or _____ ☐ hand delivered
	Name: Marlin B Biencourt, Joseph H Ashbridge III, and Monique Y Ashbridge Address: 655 Sunny Glen Way City, State, Zip: Wolf Creek, OR 97497	_____ ☐ mailing date or _____ ☐ hand delivered

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 Salem, OR 97301-1266

Name: Christopher Shane and Jennifer M Ferguson Address: 660 Sunny Glen Way City, State, Zip: Wolf Creek, OR 97497	_____ ☐ mailing date _____ or _____ ☐ hand delivered
Name: Kenneth Earl and Tommie June Barnette Address: 1025 Sunny Glen Way City, State, Zip: Wolf Creek, OR 97497	_____ ☐ mailing date _____ or _____ ☐ hand delivered
Name: William M Strader Address: 220 Green Leaf Way City, State, Zip: Wolf Creek, OR 97497	_____ ☐ mailing date _____ or _____ ☐ hand delivered
Name: Edith M McDonald and Rhonda L Chrestionson Address: 600 Sunny Glen Way City, State, Zip: Wolf Creek, OR 97497	_____ ☐ mailing date _____ or _____ ☐ hand delivered
Name: Robert E and Janet C Kugel Rev Trust Robert E and Janet Kugel, Trustees Address: 625 Sunny Glen Way City, State, Zip: Wolf Creek, OR 97497	_____ ☐ mailing date _____ or _____ ☐ hand delivered
Name: Timari Davis and Kareen Wakeland Haskin Address: 630 Sunny Glen Way City, State, Zip: Wolf Creek, OR 97497	_____ ☐ mailing date _____ or _____ ☐ hand delivered
Name: Tabitha C Durham Address: 584 Sunny Glen Way City, State, Zip: Wolf Creek, OR 97497	_____ ☐ mailing date _____ or _____ ☐ hand delivered
Name: Charles E and Heather D Zousel Address: 550 Sunny Glen Way City, State, Zip: Wolf Creek, OR 97497	_____ ☐ mailing date _____ or _____ ☐ hand delivered
Name: Luther C Durham Address: 91 Bacons Neck Rd City, State, Zip: Greenwich, NJ 08323	_____ ☐ mailing date _____ or _____ ☐ hand delivered
Name: Benjamin J and Tiffany Mori Address: 315 NE Fetzner Ave	_____ ☐ mailing date _____ or

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725 Summer St. NE, Suite A
Salem, OR 97301-1266

City, State, Zip: Grants Pass, OR 97526	_____ ☐ hand delivered
Name: Sandra K Farmer Address: 636 Sunny Glen Way City, State, Zip: Wolf Creek, OR 97497	_____ ☐ mailing date or _____ ☐ hand delivered
Name: Cyrus F and Natalie J Boyer c/o Owen Macphee Address: 1907 Crow Rd City, State, Zip: Merlin, OR 97532	_____ ☐ mailing date or _____ ☐ hand delivered
Name: Sheri A and K R Smith Rev Trust Shari A and K R Smith, Trustees Address: 812 Sunny Glen Way City, State, Zip: Sunny Valley, OR 97497	_____ ☐ mailing date or _____ ☐ hand delivered
Name: Cassandra L Warren Address: 464 Sunny Glen Way City, State, Zip: Wolf Creek, OR 97497	_____ ☐ mailing date or _____ ☐ hand delivered
Name: Jennifer Schlecht Address: 110 Sunny Glen Way City, State, Zip: Wolf Creek, OR 97497	_____ ☐ mailing date or _____ ☐ hand delivered
Name: Ronald R and Maria C Fry Address: 250 Sunny Glen Way City, State, Zip: Sunny Valley, OR 97497	_____ ☐ mailing date or _____ ☐ hand delivered

Dated this ____ day of _____, 20__.

Applicant or Applicant's Agent (printed name)

Applicant or Applicant's Agent (signature)

Return this completed form to:
Oregon Water Resources Department,
725 Summer St. NE, Suite A
Salem, OR 97301-1266

BEFORE THE STATE ENGINEER OF OREGON

Josephine County

IN THE MATTER OF THE APPLICATION)
OF JOHN M. BIENCOURT FOR THE APPRO-)
VAL OF A CHANGE IN POINT OF DIVER-)
SION OF WATER FROM GRAVE CREEK.)

ORDER

APPROVING APPLICATION

On April 5, 1956 John M. Biencourt of Sunny Valley, Oregon, filed an application for the approval of a change in point of diversion of water from Grave Creek, pursuant to the provisions of ORS 540.510 to 540.530.

The decree of the circuit court for Jackson County, Oregon, entered April 26, 1919, in the matter of the determination of the relative rights to the waters of Rogue River and its tributaries, adjudicated a water right in the name of T. J. Mackin, J. R. Mackin and Margaret McCaslin for the irrigation of 17 acres in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ and 12 acres in the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 4, and 5 acres in the NW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 9, Township 34 South, Range 6 West, W. M., from Grave Creek with a date of priority of June 1873. Certificate of Water Right issued to Charles G. Guth, Jr., and C. W. Johnston and recorded at page 15608, Volume 13, State Record of Water Right Certificates, confirms a right under Permit 15550 for the irrigation of 6 acres in Lot 4 (SW $\frac{1}{4}$ SW $\frac{1}{4}$), Section 3 and 12 acres in the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 4, Township 34 South, Range 6 West, W. M., from Grave Creek with a date of priority of July 21, 1943. These lands are irrigated through the Mackin ditch, the point of diversion of said ditch being located 650 feet north and 1850 feet east from the southwest corner of Section 3, and being within the SE $\frac{1}{4}$ SW $\frac{1}{4}$, said Section 3, Township 34 South, Range 6 West, W. M.

The applicant herein, owner of the land above described, proposes to irrigate said land by means of a portable pump along Grave Creek on his land between a point 5 feet south and 650 feet west and a point 5 feet south

and 1970 feet west, both from the southeast corner of Section 4, and being within the $S\frac{1}{2} SE\frac{1}{4}$, said Section 4, Township 34 South, Range 6 West, W. M.

Notice by publication as provided by ORS 540.520 was given in the Bulletin, a newspaper printed and having general circulation in Josephine County, Oregon, for a period of three weeks and being the issues of June 26 and July 2 and 9, 1956. The time for hearing as set forth in the notice, namely: August 21, 1956, was not less than thirty days after the last publication of the notice.

Mr. Tom R. Pearce, Watermaster of District No. 16, has filed a statement to the effect that the proposed change in point of diversion of water from Grave Creek may be made without injury to existing rights.

No objections having been filed and it appearing the proposed change in point of diversion of water from Grave Creek 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 of water from Grave Creek, to-wit:

From a point located 650 feet north and 1850 feet east from the southwest corner of Section 3, and being within the $SE\frac{1}{4} SW\frac{1}{4}$, said Section 3, Township 34 South, Range 6 West, W. M.,

To a portable pump to be located on applicant's lands along Grave Creek between a point 5 feet south and 650 feet west from the southeast corner of Section 4, and a point 5 feet south and 1970 feet west from the said southeast corner of Section 4, both within the $S\frac{1}{2} SE\frac{1}{4}$, Section 4, Township 34 South, Range 6 West, W. M.,

for the irrigation of 6 acres in Lot 4 ($SW\frac{1}{4} SE\frac{1}{4}$), Section 3, and 12 acres in the $SE\frac{1}{4} SE\frac{1}{4}$, Section 4, with a date of priority of July 21, 1943, and 17 acres in the $SW\frac{1}{4} SE\frac{1}{4}$ and 12 acres in the $SE\frac{1}{4} SE\frac{1}{4}$, Section 4, and 5 acres in the $NW\frac{1}{4} NE\frac{1}{4}$, Section 9, Township 34 South, Range 6 West, W. M., with a date of priority of June 1873, be and the same hereby is approved.

It is FURTHER ORDERED that the construction work shall be completed and the change in point of diversion of water made on or before October 1, 1957 or within such extension of time as may be granted by the State Engineer for good cause shown.

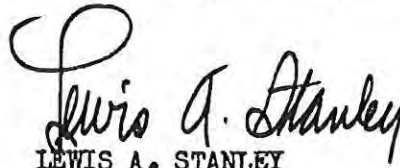
It is FURTHER ORDERED that the quantity of water diverted at the new point of diversion shall not exceed the quantity of water that is available at the old point of diversion.

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 pumping plant and related works shall include a weir or other suitable device for measuring the water to which the applicant is entitled.

That the plans of the weir or other suitable device be approved by the watermaster of Josephine County, Oregon, before the beginning of construction work and that the weir or measuring device be installed under the general supervision of said watermaster.

Dated at Salem, Oregon this 11th day of September 1956.


LEWIS A. STANLEY
State Engineer

Noted on Deed

Vol. 4, p. 37 and 2

Page 16533

Comm. Dec. 1, 1956

Ind. File # B-97

The Alta Ditch is about nine miles in length, extending from the south side of Grave Creek near the southwest corner of the Northwest $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of Section 12, Township 34 South, Range 6 West of Willamette Meridian; runnign thence in a general westerly course on the south side of Grage Creek to and upon the Southeast $\frac{1}{4}$ of Section 6, and all that part of the Northeast $\frac{1}{4}$ of Section 6 south of a line drawn parallel with and 165 feet north of the south line of Northeast $\frac{1}{4}$; all being in the Township 34 South, Range 6 West of Willamette Meridian, and now owned by Henry Miller, otherwise known as H. K. Miller.

The ditch was constructed in sections, the middle section between Rat Creek and Dog Creek in 1891, the upper section from Rat Creek to the head of the ditch in 1892, and the lower section from Dog Creek to the Miller lands in 1894.

As first constructed the ditch was 48 inches wide on top, 30 inches on the bottom, 24 inches deep, with a fall averaging about a quarter of an inch to the rod.

The ditch was enlarged in 1898 to the width of 7 feet on top, and 4 feet on the bottom, 3 feet deep and having a capacity of 3000 miner's inches.

From the time of its construction the ditch was used for both irriga-
tion and mining purposes on the various lands hereinafter described. The mining right attached to the lands now owned by Henry Miller, who acquired said lands together with the ditch and water right by deed recorded in Vol. 25 of Deed Records at page 77.

The irrigation rights were as follows:-

In consideration of right of way, H. O. Williams and T. E. Whitaker reserved one third of the water flowing in the ditch prior to its enlargement during the irrigating season, their right being limited to the use of all the waters for first two working days of each week for each irrigating season, and said right being limited for a term of fifty years from and after July 23, 1892.

That by virtue of the construction of what is called the middle section of said ditch, and a portion of the lower section in 1891, T. J. Mackin and J. R. Mackin acquired the exclusive right to all the

WATER RIGHTS: LANDS IN A GENERAL MANNER ON THE
OF THE WATERS OF SECTION 18, OWNED BY HONORABLE MEN OF
SOUTH SIDE OF PLATE CREEK NEAR THE SOUTHWEST CORNER OF THE WATERS OF
THE WATERS OF SECTION 18, OWNED BY HONORABLE MEN OF

waters of said ditch during the irrigating season, viz; from May first to
October first of each year; but that no formal conveyance of the same was
made or recorded.

That thereafter the said T. J. Mackin and J. R. Mackin transferred
unto A. A. Porter the right to the use of 500 inches of said waters for
one day of each week for irrigation purposes; and that subsequently, on or
about Dec. 22, 1909, Henry Miller, having succeeded to and become the
owner of said ditch and water right, subject to the irrigation rights
aforesaid, evidenced and confirmed said rights by a deed of conveyance
unto T. J. Mackin, J. R. Mackin and A. A. Porter of the waters of said
ditch for irrigation purposes during the period aforesaid.

As consideration for right of way, the predecessors in interest of
V. E. Farley acquired, and V. E. Farley succeeded to and now
holds the legal title of 250 miner's inches of the water of said ditch
for irrigation purposes for one day of each week beginning with May first
and ending September thirtieth of each year.

That the said T. J. Mackin and J. R. Mackin own and have the right
to all of the waters not reserved as aforesaid during the whole irrigation
season, but the rights of all of the parties in interest in said ditch
are equal in case of a shortage of water, and all should pro rata equally.

Witness my hand and seal of office at the City of Denver, Colorado, this 1st day of January, 1911.

into the ditch from the head of the ditch hereinbefore described, extending down on the westerly side of said creek and connecting with the ditch hereinbefore described and supplementing the same. This connecting ditch from the head down is three feet wide on top, 16 inches wide on the bottom and 16 inches deep, and having a grade of fifteen inches in each thousand feet, and has a capacity of about 250 miner's inches, and this water is used with the waters of the main ditch for mining and irrigating the same lands during the same seasons as that hereinbefore set forth.

The waters of the Alta ditch used for mining purposes are supplemented by ditch from Tom East Creek, built in 1878. The ditch is three feet wide on top, two feet on the bottom, two feet deep, with a fall of fifteen inches to the thousand feet, and having a capacity of between 500 inches of water, said water having been used for mining purposes on the premises aforesaid since the construction of the ditch.

Claimant has also supplemented the waters of the Alta ditch by a ditch connecting with the same from Jap Creek- ditch of the same dimensions as from Tom East Creek, and built about the year 1878, both of said ditches and the ditch from Tom East creek joining the Alta ditch on the claimant's lands, and no other persons having any interest in either of said ditches.

COURCHANE Corey A * WRD

From: Scott Fein <sfeinsurveyor@gmail.com>
Sent: Wednesday, April 07, 2021 1:18 PM
To: COURCHANE Corey A * WRD
Cc: CECILIANI Scott C * WRD; JARAMILLO Lisa J * WRD; HENDERSON Sarah A * WRD; JOHNSTONE Jake D * WRD
Subject: Re: Bryan Long, T-13515

Thank you Corey.

Hopefully, that is soon they have already consented to the mitigation component as a part of G-18792's application. I spoke with applicant recently who was hoping to have this in place for at least part of this irrigation season due to the drought conditions.

On Wed, Apr 7, 2021 at 10:10 AM COURCHANE Corey A * WRD <Corey.A.Courchane@oregon.gov> wrote:

Scott,

Everything has been received on your end, in order for me to proceed. Just waiting on ODFW.

Thank you,

Corey

From: Scott Fein <sfeinsurveyor@gmail.com>
Sent: Wednesday, April 07, 2021 9:42 AM
To: COURCHANE Corey A * WRD <Corey.A.Courchane@oregon.gov>
Cc: CECILIANI Scott C * WRD <Scott.C.Ceciliani@oregon.gov>; JARAMILLO Lisa J * WRD <Lisa.J.Jaramillo@oregon.gov>; HENDERSON Sarah A * WRD <Sarah.A.Henderson@oregon.gov>; JOHNSTONE Jake D * WRD <Jake.D.Johnstone@oregon.gov>
Subject: Re: Bryan Long, T-13515

Good Day Corey,

do we have what we need now to show this is not an up stream POD transfer?

I Greatly appreciate everyone's help.

Best,

Scott

On Wed, Apr 7, 2021 at 9:24 AM COURCHANE Corey A * WRD <Corey.A.Courchane@oregon.gov> wrote:

Thanks much Scott. I will add it to the application.

Have a great day.

Corey

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

Sent: Wednesday, April 07, 2021 9:16 AM

To: Scott Fein <sfeinsurveyor@gmail.com>; COURCHANE Corey A * WRD <Corey.A.Courchane@oregon.gov>

Cc: JARAMILLO Lisa J * WRD <Lisa.J.Jaramillo@oregon.gov>; HENDERSON Sarah A * WRD <Sarah.A.Henderson@oregon.gov>; JOHNSTONE Jake D * WRD <Jake.D.Johnstone@oregon.gov>

Subject: RE: Bryan Long, T-13515

RE: Alta Ditch

I've attached a .pdf containing three copied pages. These three pages were copied from a document prior to my time in this position. The first paragraph describes the location of the Alta Ditch- "Northwest ¼ of the Southeast ¼ of Section 12, Township 34 South, Range 6 West of Willamette Meridian".

Thanks,

Scott Ceciliani, GIT

Watermaster, District 14

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



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From: CECILIANI Scott C * WRD
Sent: Thursday, March 25, 2021 6:49 PM
To: Scott Fein <sfeinsurveyor@gmail.com>; COURCHANE Corey A * WRD <Corey.A.Courchane@oregon.gov>
Cc: JARAMILLO Lisa J * WRD <Lisa.J.Jaramillo@oregon.gov>; HENDERSON Sarah A * WRD <Sarah.A.Henderson@oregon.gov>; jake.d.johnstone@oregon.gov
Subject: RE: Bryan Long, T-13515

Good Evening,

I have not been able to locate any document describing the diversion point for the Alta Ditch or any map showing the path of the ditch. C-16530 makes no mention of the POD, only the source, Grave Creek. Mr. Fein is likely correct in that the lands associated with C-16530 were likely served via the Steen Beer Ditch, which Mr. Fein has identified as originating in Section 12 of T34S, R6W. Portions of the Steen Beer Ditch are still observable in the area and appear to have been a potential and likely the option for moving water to the POU for C-16530. Based on the age of the right (1891), flood irrigation was likely used and the Steen Beer Ditch being upslope from the POU would have made gravity flood irrigation possible, in my opinion. I think we can all agree on one thing, this must be a downstream transfer because no one is flood irrigating uphill from an open ditch. Unless additional information is found, I will not be disputing the POD for the Alta Ditch being defined with the same location information as what is identified for the Steen Beer Ditch on the RRD map.

The location of the Alta Ditch is a mystery and will likely remain so.

Thank you,

Scott

Scott Ceciliani, GIT

Watermaster, District 14

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

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



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From: Scott Fein <sfeinsurveyor@gmail.com>

Sent: Wednesday, March 24, 2021 3:28 PM

To: COURCHANE Corey A * WRD <Corey.A.Courchane@oregon.gov>

Cc: JARAMILLO Lisa J * WRD <Lisa.J.Jaramillo@oregon.gov>; HENDERSON Sarah A * WRD <Sarah.A.Henderson@oregon.gov>

Subject: Re: Bryan Long, T-13515

Good Day Corey,

thanks for nudging me, it was really good to speak with you about this.

Workload is huge and school schedules are difficult. I really want to see this project to the finish line; it is a very good one.

Here is a synopsis of our discussion of the historic POD and the fact that NO UPSTREAM POD move is occurring and why-

Cert- 16533- the result of transfer B-94(wris) see order V9 P35 was performed at a time water right history where no final proof surveys of claim of beneficial use surveys were completed after the transfer order. In fact there were not even certificates issued post transfer, only an order as I have referenced. There was no follow to validate the order was indeed carried out.

151 feet is arbitrary due to the aforementioned and the fact that the transfer map identifies the section corner and does not describe what was found at said corner. The corner I reference on my survey is of county surveyor records from 1968, after the transfer order was completed. Also, the water right mapping tool has a huge disclaimer do not use it for legal locations. We could have a huge discussion on the use of GIS data and the legality of it. If you have a moment, read ORS 672.060.(16-18), it supports not using the water right mapping tool for this type of evaluation.

Furthermore, from my experience matching any of Tom Pearce's watermaster measurements from the 1950's within 500 feet is amazing.

I am of the professional opinion the 151 feet you reference is not there and the location I surveyed is the authorized location under the aforementioned transfer from 1956. Mr. Long the property owner just wants clean records which is why we included this certificate in the transfer.

Cert 16530- the decree reference's the Alta Ditch, which is not called for in the certificate; a very common occurrence. From extensive review of the decree maps and diligently researching every ancient record paper available to me through the D14 Watermaster I have deduced the following. All lands on the on this property other than cert. 16533 were served at one time by the Steen Beer Ditch which originated in the NWSE of section 12 in T34S, R6W. I firmly believe the Alta Ditch is the Steen Beer Ditch, the name changed somewhere along the way, Though we will never know was the Alta ditch is not on any map. The August 25-31, 1936 decree survey represents this well (upper right corner says 5-4-4). Therefore this is actually a 3 mile downstream move.

No injury of any kind.

Hope this answers the questions. Going to ask that we coordinate closely with Lisa, Sarah, and Kim French as this is tied to G-18792 as part of an approved mitigation plan. It is the lack of specificity in the records that is really causing this historic pod transfer to occur so that Sarah has an authorized location to create the permanent instream right for approximately 1 CFS with a priority date of 1891.

This project has been a long road with multiple entities and applications. There are 3 interdependent OWRD orders that need to be issued simultaneously. Lisa can you help with this?

Super appreciate your assistance.

Please let me know if you need anything from me.

Best,

Scott

On Mon, Mar 22, 2021 at 2:00 PM COURCHANE Corey A * WRD <Corey.A.Courchane@oregon.gov> wrote:

Good afternoon Scott,

Just following up on our phone discussion from March 12, 2021, regarding the information I need for Bryan Long. You had stated that you would get something to me by Monday, March 15, 2021. I am reaching out to check on the status, as there is another application waiting for me to complete T-13515. Please submit the information I need to proceed no later than March 29, 2021.

Thank you,

Corey Courchane

From: JARAMILLO Lisa J * WRD <Lisa.J.Jaramillo@oregon.gov>
Sent: Tuesday, November 17, 2020 9:50 AM
To: Scott Fein <sfeinsurveyor@gmail.com>
Cc: COURCHANE Corey A * WRD <Corey.A.Courchane@oregon.gov>
Subject: RE: Bryan Long, T-13515

Thanks Scott,

No worries. That will work.

Hope you're doing well,

Lisa

Lisa J. Jaramillo

Transfer and Conservation Section Manager

725 Summer Street NE, Suite A, Salem, OR 97301 | Phone 503-986-0880



From: Scott Fein <sfeinsurveyor@gmail.com>
Sent: Tuesday, November 17, 2020 8:57 AM
To: JARAMILLO Lisa J * WRD <Lisa.J.Jaramillo@oregon.gov>
Cc: COURCHANE Corey A * WRD <Corey.A.Courchane@oregon.gov>
Subject: Re: Bryan Long, T-13515

Hi Lisa,

Thanks for the patience, my workload is huge right now; a blessing.

I will get to it this week.

Sent from my iPhone

On Nov 16, 2020, at 10:24 AM, JARAMILLO Lisa J * WRD
<Lisa.J.Jaramillo@oregon.gov> wrote:

Hi Scott,

Yes, we spoke. I believe Corey was simply checking-in. Let us know if there is anything you need from us.

Thanks and have a great day,

Lisa

Lisa J. Jaramillo

Transfer and Conservation Section Manager

725 Summer Street NE, Suite A, Salem, OR 97301 | Phone 503-986-0880

<image001.jpg>

<image002.jpg>

<image003.png>

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From: Scott Fein <sfeinsurveyor@gmail.com>

Sent: Friday, November 13, 2020 1:36 PM

To: COURCHANE Corey A * WRD <Corey.A.Courchane@oregon.gov>

Cc: HENDERSON Sarah A * WRD <Sarah.A.Henderson@oregon.gov>; CECILIANI Scott C * WRD <Scott.C.Ceciliani@oregon.gov>; STARNES Patrick K * WRD

<Patrick.K.Starnes@oregon.gov>; JARAMILLO Lisa J * WRD

<Lisa.J.Jaramillo@oregon.gov>

Subject: Re: Bryan Long, T-13515

It is coming. Lisa and I spoke on it.

Did she inform you?

<image004.jpg>

Virus-free. www.avast.com

On Fri, Nov 13, 2020 at 12:59 PM COURCHANE Corey A * WRD
<Corey.A.Courchane@oregon.gov> wrote:

Good afternoon Scott,

Just checking on the status of the additional information that was requested. Please let me know if I may be of further assistance.

Thank you,

Corey

From: Scott Fein <sfeinsurveyor@gmail.com>
Sent: Friday, October 02, 2020 11:45 AM
To: COURCHANE Corey A * WRD <Corey.A.Courchane@oregon.gov>
Cc: HENDERSON Sarah A * WRD <Sarah.A.Henderson@oregon.gov>; CECILIANI Scott C * WRD <Scott.C.Ceciliani@oregon.gov>; STARNES Patrick K * WRD <Patrick.K.Starnes@oregon.gov>; JARAMILLO Lisa J * WRD <Lisa.J.Jaramillo@oregon.gov>
Subject: Re: Bryan Long, T-13515

Cory-

This is most illogical.

Furthermore you are illegally using GIS data to determine physical and legal features of the earth- see ors 672.060.

You mathematical computations of the iswr is just plain wrong.

Then you are asking me to map something of which there is no record anywhere.

The Alta ditch may be the steen bier ditch but far from certain.

If anything the historic pod is 3 miles downstream from the steen bier mapped location.

Please find a practical way to move this forward with paying attention to the fact that the applicant is creating an permanent instream right as part of mitigation.

Think water management and use, not just arbitrarily applied oar to a perceived GIS based location.

I will be calling Lisa to discuss as this is preposterous request.

Thank you,

Scott

Sent from my iPhone

On Oct 2, 2020, at 9:21 AM, COURCHANE Corey A * WRD <Corey.A.Courchane@oregon.gov> wrote:

Good morning Scott,

Upon reviewing Historic POD transfer T-13515, it has been determined that current historic POD 1 under Certificate 16533 will be moving upstream approximately 151 feet from the authorized POD, potentially injuring Instream Water Right (ISWR) Certificate 72697. This was determined according to the POD as identified in the Department's interactive mapping tool. You have indicated that Alta Ditch, which is the authorized POD for Tract 1 under the Rogue River Decree, has an unknown location, and is not shown on any decree, adjudication, or inchoate maps, and is also not identified through subsequent actions by the Department through other changes or transfers. I agree with your assessment, as I have been unable to determine the location of Alta Ditch.

Based on this information, it is unclear that the POD as identified in the interactive mapping tool is the correct location. This would also make it unclear of whether the POD change truly is an upstream move. I posed this question during our weekly Transfer section conference call yesterday, and it was determined that the Department would need a surveyed location of where the Alta Ditch might approximately be located, in order to determine if the POD change is an upstream move. The Department will be unable to move forward with T-13515 until an approximate location for Alta Ditch has been determined.

The reason for retrieving this additional information is, an upstream move injuring an ISWR is an automatic denial, which could be remedied through requesting the Department to pursue a consent to injury from ODFW. However, the CTI statute does not allow that process for a Historic POD change. The applicant would have to withdraw the Historic application and submit an application for a permanent transfer. Before I ask for a request to withdraw T-13515, I would like to be absolutely certain that we explored every avenue to move T-13515 forward. Please let me know if I may be of further assistance.

Thank you,

Corey Courchane

COREY A COURCHANE | TRANSFER SPECIALIST

TRANSFER AND CONSERVATION SECTION

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

Ph: 503 986-0825 | Fax: 503 986-0901

Email: corey.a.courchane@oregon.gov | Web: <http://www.oregon.gov/OWRD>

--

Scott Fein

**Certified Water Rights Examiner
Professional Land Surveyor**

Certified Federal Surveyor

541-842-0795

sfeinsurveyor@gmail.com

--

Scott Fein

**Certified Water Rights Examiner
Professional Land Surveyor**

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sfeinsurveyor@gmail.com

--

Scott Fein

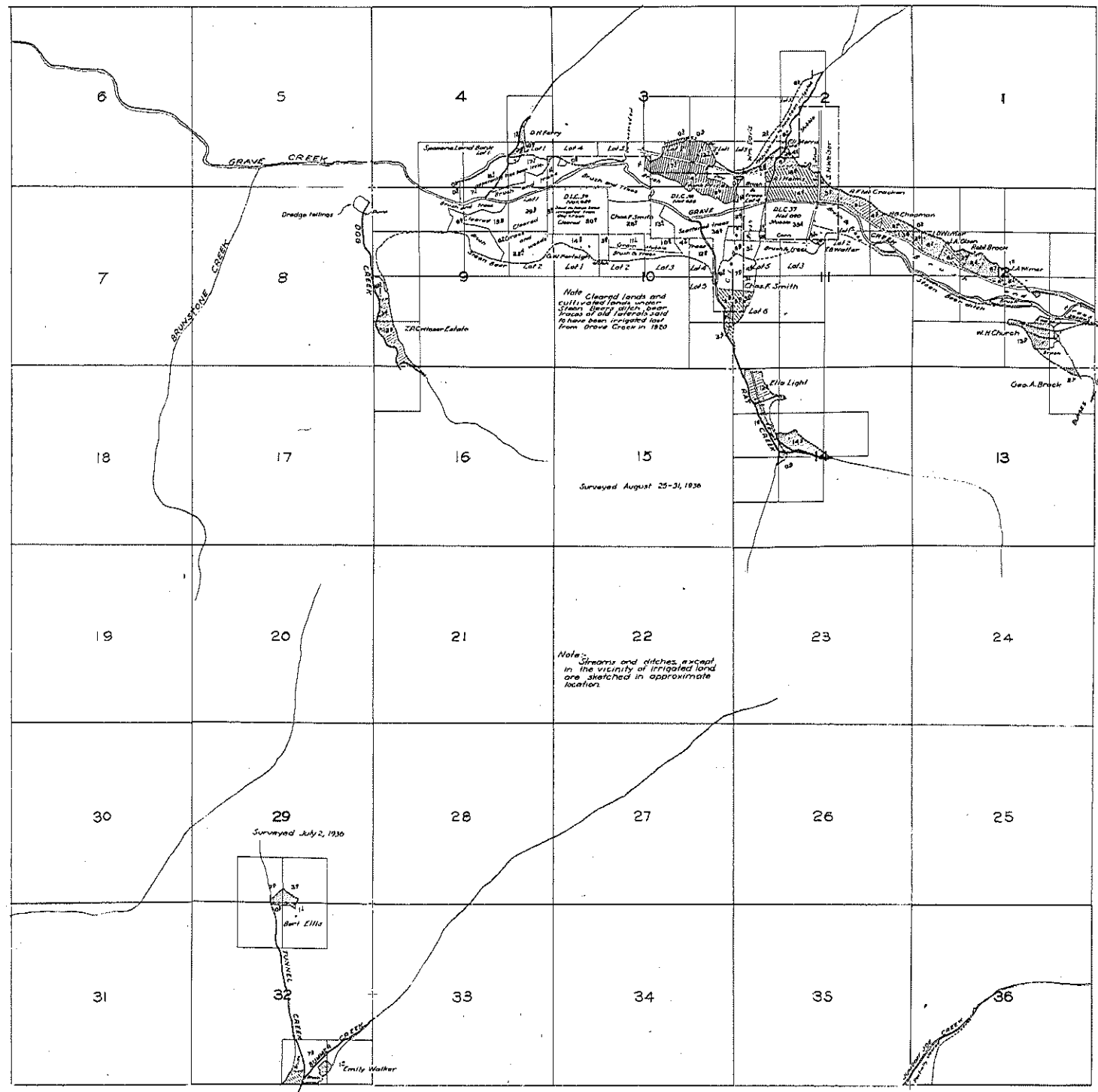
**Certified Water Rights Examiner
Professional Land Surveyor**

Certified Federal Surveyor

541-842-0795

sfeinsurveyor@gmail.com

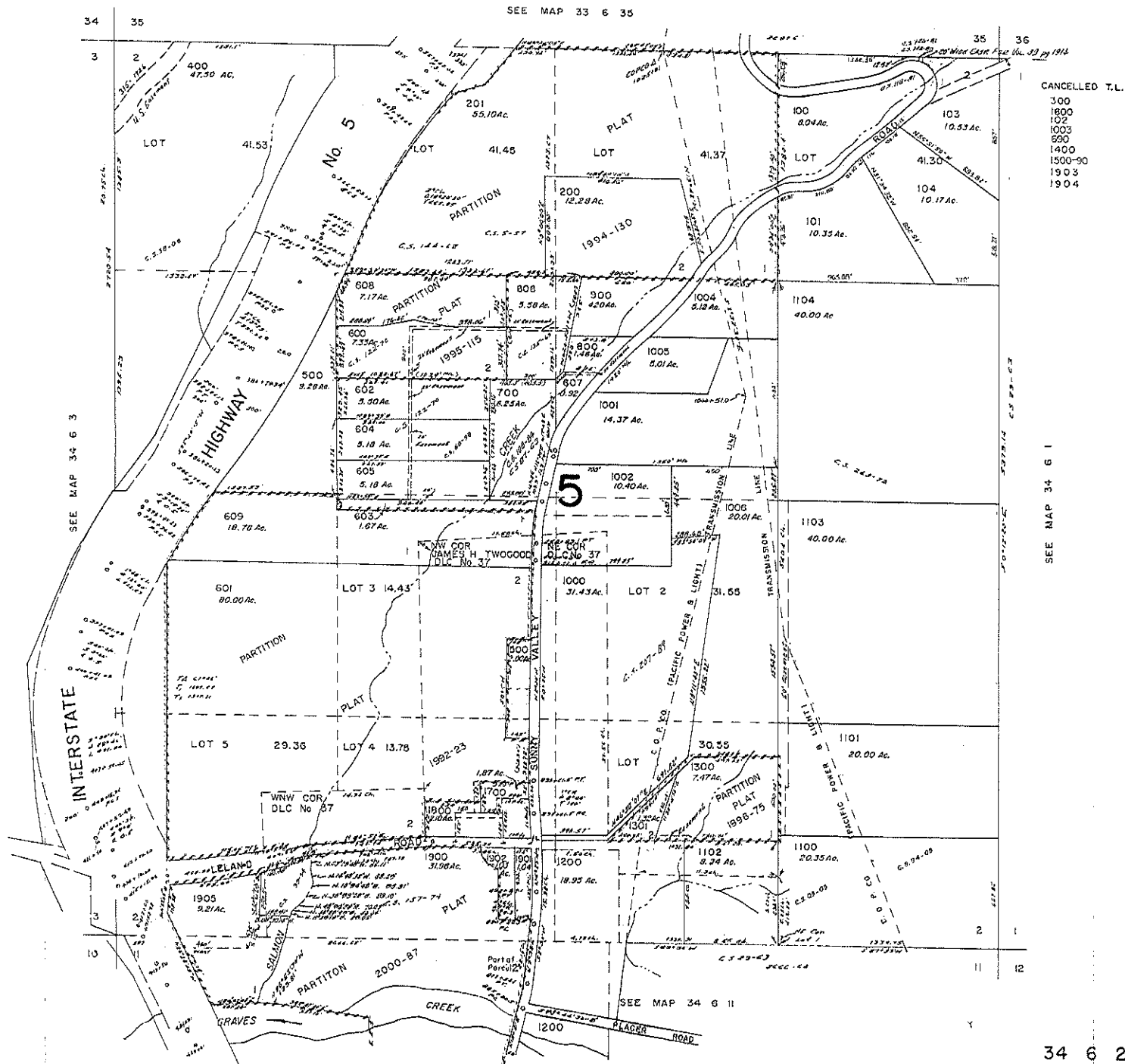
5-4-4



This map was prepared for
assessment purpose only.

1" = 400'

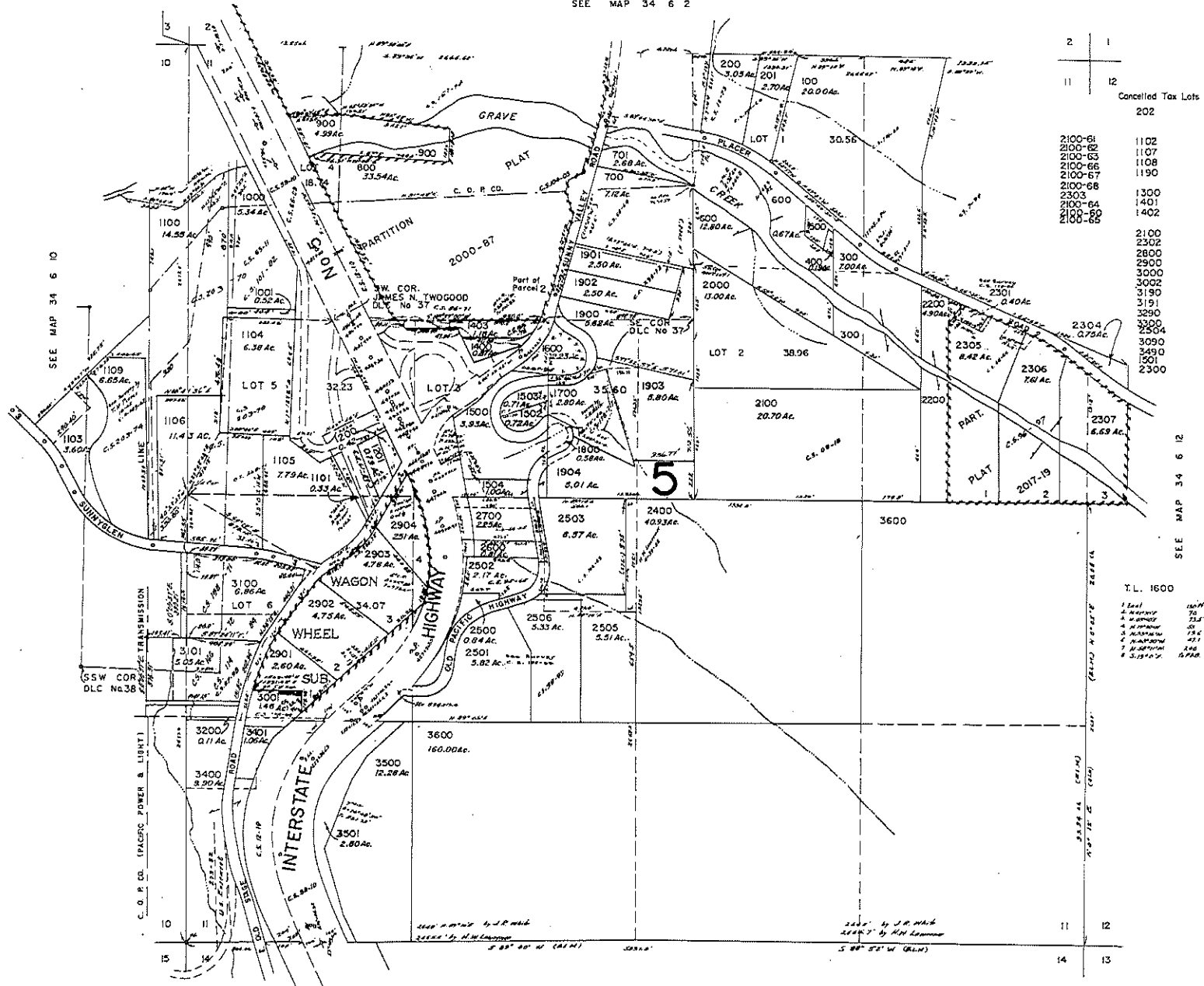
SEE MAP 33 6 35



This map was prepared for
assessment purpose only.

1" = 400'

SEE MAP 34 6 2



SEE MAP 34 6 1

SEE MAP 34 5 7

34 6 12



Oregon

Kate Brown, Governor

Water Resources Department

725 Summer St NE, Suite A

Salem, OR 97301

(503) 986-0900

Fax (503) 986-0904

September 15, 2021

BRYAN LONG
3903 HELMS RD
GRANTS PASS, OR 97527

SUBJECT: Water Right Transfer Application T-13515

Your water right transfer change in point of diversion to reflect historical use is in the first phase of processing.

Submittal of the following required items are needed at this time:

1. We are required by rule to provide you with a list of affected water right holders affected by your proposed change in point of diversion to reflect historical use. The listing of the potential affected water right holders is set out in the enclosed Proof of Service form.

You are responsible for mailing or hand-delivering a copy of the enclosed Notice to the persons listed on the Proof of Service form. In addition, you must provide proof to the Department that you mailed or hand-delivered a copy of the Notice to all of the identified affected water right holders.

Upon completion of mailing or hand-delivering a copy of the enclosed Notice to the persons listed, **please complete the enclosed Proof of Service form and return it to my attention at:**

Oregon Water Resources Department
Attn: Corey Courchane
725 Summer Street NE, Suite A
Salem, OR 97301

2. You must submit a **Report of Ownership** for the lands where the water right(s) are currently located (i.e., the FROM lands). This report:
 - a) Must be prepared by a title company;
 - b) Shall include a "prepared by" statement and the date the title company prepared the report printed on the cover sheet;
 - c) Must be:
 - i. Prepared within 3 months of the Draft Preliminary Determination showing current ownership; **OR**
 - ii. Prepared within 3 months of recording of a water right conveyance agreement; **OR**
 - iii. Have a prepared date showing ownership at the time a water right conveyance agreement was recorded.

If water right conveyance agreements are involved, it is helpful to provide copies of those agreements along with the Report of Ownership.

IMPORTANT: In order for the Department to clearly understand the date that the title company prepared the Report of Ownership, the title company must indicate/state the date that they prepared the report on the coversheet and/or first page of the report.

- d) Must include a list of owners at the time the report was generated; **AND**
- e) Must include a legal description of the property where the water right to be transferred is currently located (i.e., the FROM lands).

After you have mailed or hand-delivered the Notice to the persons identified in the Proof of Service, a 30-day comment period will run. This time period will allow the affected holders of the water rights identified to provide comments on whether the requested change in point of diversion will cause injury. After this 30-day comment period, we will determine whether you have satisfied the requirements, the change does not cause injury, or if any conditions will need to be met to prevent injury.

Enclosed is a copy of Oregon Department of Fish and Wildlife (ODFW) Additional Fish Screening and Passage Information for the Applicant. You will note that ODFW requires a fish screening and/or by-pass device to be installed. We will establish a deadline for compliance with this condition. Please contact the ODF&W personnel listed on the document for assistance.

The Watermaster has determined that a water measurement device is necessary at the diversion point. Enclosed is a contact information sheet to assist you in pursuing additional information or approval of the required (or alternate) device.

Issuance of the Final Order will occur shortly after we receive your response, the proof of service, and the report of ownership. The order may be issued denying the application as incomplete if I do not receive your response, proof of service, and the report of ownership by **October 15, 2021**.

Please do not hesitate to contact me, at corey.a.courchane@oregon.gov or (503) 986-0825, if I may be of assistance.

Sincerely,



Corey Courchane
Transfer Specialist
Transfer and Conservation Section

cc: Transfer Application file T-13515
Scott C. Ceciliani, District 14 Watermaster (via e-mail)
Scott D. Fein, Agent for the applicant (via e-mail)

Enclosures:

Notice
Proof of Service
ODFW Contact Sheet

IMPORTANT NOTICE

OF

PROPOSED CHANGE IN A WATER RIGHT

POINT OF DIVERSION

Bryan Long, 3903 Helms Rd., Grants Pass, OR 97520, submitted a transfer application to the Oregon Water Resources Department under ORS 540.532 requesting a change in point of diversion of Water Right Certificate 13704 to reflect more than 10 years of historical use of water at a point of diversion other than that described in the water right Certificate. The Transfer Application number is **T-13515**.

The authorized point of diversion evidenced by the Rogue River Decree is:

Ditch
Alta Ditch

Bryan Long, 3903 Helms Rd., Grants Pass, OR 97520, propose to officially change the point of diversion to the following location:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
34 S	6 W	WM	4	SE SE	POD 1 - 65 FEET NORTH AND 60 FEET WEST FROM THE NE CORNER OF SECTION 9
34 S	6 W	WM	9	NW NE	POD 2 - 165 FEET SOUTH AND 2340 FEET WEST FROM THE NE CORNER OF SECTION 9

Why You Received This Notice

You have received this notice because the Oregon Water Resources Department has identified you as the owner of the land or water right that may be affected by the proposed change in point of diversion. By law, it is the responsibility of the applicant to provide you notice of the proposed change in point of diversion / appropriation. The applicant is also required to provide the Department with written proof that this notice was delivered to you.

The Purpose of This Notice

The purpose of this notice is to provide you an opportunity to comment upon whether the proposed change will cause injury to the exercise of your water right. **A 30-day comment period begins upon receipt of this notice.** Comments should reference the Transfer Application number **T-13515**, identify the water right subject to injury by permit or certificate number or decree name, and describe the nature of the injury caused by the change in point of diversion.

Mail Your Comments To:

Oregon Water Resources Department
Transfer Section
725 Summer Street NE, Suite A
Salem, OR 97301

How the Department Will Use Your Comments

The Department will use these comments to determine whether the proposed change in point of diversion would injure other water rights. The transfer application shall be approved if the Department finds no injury to other water rights.

Revised 6/25/10

PROOF OF SERVICE

I, _____, certify that the Notice of Change in Historic Point of Diversion for Transfer Application T-13515 was delivered to the following individuals/entities in the manner and dates identified:

Cert. #	Name and Address	Service Date
16539, 37666	Name: Robert W. Stumbo Address: 2245 Coyote Creek Rd City, State, Zip: Wolf Creek, OR 97497	_____ ☐ mailing date or _____ ☐ hand delivered
16539	Name: Ruth Monical Address: 500 Placer Rd City, State, Zip: Sunny Valley, OR 97497	_____ ☐ mailing date or _____ ☐ hand delivered
	Name: Charles B. Kaiser (TOD) Address: 722 Placer Rd City, State, Zip: Wolf Creek, OR 97497	_____ ☐ mailing date or _____ ☐ hand delivered
	Name: Patricia J. Lewis and Debora Justice Address: 780 Placer Rd City, State, Zip: Wolf Creek, OR 97497	_____ ☐ mailing date or _____ ☐ hand delivered
	Name: Richard J. Pekarek Address: 516 Stewart Rd City, State, Zip: Grants Pass, OR 97526	_____ ☐ mailing date or _____ ☐ hand delivered
	Name: Jesse Stumbo Address: 620 Placer Rd City, State, Zip: Wolf Creek, OR 97497	_____ ☐ mailing date or _____ ☐ hand delivered
	Name: Laurel R. and Nancy K. Alexander Address: 682 Placer Rd City, State, Zip: Sunny Valley, OR 97497	_____ ☐ mailing date or _____ ☐ hand delivered
26066, 29011, 37666	Name: Colin Morris Address: 4607 Pheasant Ln City, State, Zip: Montague, CA 96064	_____ ☐ mailing date or _____ ☐ hand delivered

Return this completed form to:
Oregon Water Resources Department,
725 Summer St. NE, Suite A
Salem, OR 97301-1266

29011, 37666	Name: Melissa and John M. Peterson Address: 331 Leland Rd City, State, Zip: Wolf Creek, OR 97497	_____ ☐ mailing date or _____ ☐ hand delivered
31784	Name: Thomas L. and Janet E. Goldsmith Address: 1059 Placer Rd City, State, Zip: Sunny Valley, OR 97497	_____ ☐ mailing date or _____ ☐ hand delivered
37666, 48363, 48367	Name: April Roberta Shephard c/o: April Roberta Martins Address: 13128 NE 145 th PL City, State, Zip: Kirkland, WA 98034	_____ ☐ mailing date or _____ ☐ hand delivered
37666	Name: Jerry Alan and Alice M. Price Address: PO Box 22 City, State, Zip: Wolf Creek, OR 97497	_____ ☐ mailing date or _____ ☐ hand delivered
	Name: William H. and Nancy P. Hansen Address: 100 Placer Rd City, State, Zip: Wolf Creek, OR 97497	_____ ☐ mailing date or _____ ☐ hand delivered
	Name: Christie Lynn Milligan Address: 162 Placer Rd City, State, Zip: Wolf Creek, OR 97497	_____ ☐ mailing date or _____ ☐ hand delivered
	Name: Sheryl L. Benton Address: 526 Sunny Valley Loop City, State, Zip: Wolf Creek, OR 97497	_____ ☐ mailing date or _____ ☐ hand delivered
	Name: State of Oregon c/o: Department of State Lands, Asset Management Section Address: 775 Summer St NE Ste 100 City, State, Zip: Salem, OR 97301	_____ ☐ mailing date or _____ ☐ hand delivered
	Name: Gary L and Ruth A Monical Address: 500 Placer Rd City, State, Zip: Sunny Valley, OR 97497	_____ ☐ mailing date or _____ ☐ hand delivered

Return this completed form to:
Oregon Water Resources Department,
725 Summer St. NE, Suite A
Salem, OR 97301-1266

47409	Name: Kao Fow and Mouang Choy Saelee Address: 967 Placer Rd City, State, Zip: Wolf Creek, OR 97497	_____ ☐ mailing date _____ or _____ ☐ hand delivered
85582	Name: David C Oehling, Trustee c/o: Grants Pass Surgical Assoc. PC Address: 1600 NW 6 th St, North Suite City, State, Zip: Grants Pass, OR 97526	_____ ☐ mailing date _____ or _____ ☐ hand delivered
	Name: Charles H. Geissel and Toni D. O'Malley Address: 382 Espey Rd City, State, Zip: Grants Pass, OR 97527	_____ ☐ mailing date _____ or _____ ☐ hand delivered
	Name: Wayne Joseph and Stephanie Louise Marko Trust Wayne J and Stephanie L Marko, Trustees Address: PO Box 70 City, State, Zip: Hydenville, CA 95547	_____ ☐ mailing date _____ or _____ ☐ hand delivered
	Name: Robert Li Qun Lin and Helen Hong Yang Address: 1761 Lake Vista Way City, State, Zip: Folsom, CA 95630	_____ ☐ mailing date _____ or _____ ☐ hand delivered
	Name: Cross Family Trust William L and Sharon L Cross, Trustees Address: 294 Circle Dr City, State, Zip: Oroville, CA 95966	_____ ☐ mailing date _____ or _____ ☐ hand delivered
	Name: Mario Francisco Torres Address: 551 Sunny Glen Way City, State, Zip: Wolf Creek, OR 97497	_____ ☐ mailing date _____ or _____ ☐ hand delivered
	Name: Igor Ummel and Megan Hable Address: 2426 Paradise Village Way City, State, Zip: Las Vegas, NV 89120	_____ ☐ mailing date _____ or _____ ☐ hand delivered
	Name: Marlin B Biencourt, Joseph H Ashbridge III, and Monique Y Ashbridge Address: 655 Sunny Glen Way City, State, Zip: Wolf Creek, OR 97497	_____ ☐ mailing date _____ or _____ ☐ hand delivered

Return this completed form to:
 Oregon Water Resources Department,
 725 Summer St. NE, Suite A
 Salem, OR 97301-1266

Name: Christopher Shane and Jennifer M Ferguson Address: 660 Sunny Glen Way City, State, Zip: Wolf Creek, OR 97497	_____ ☐ mailing date or _____ ☐ hand delivered
Name: Kenneth Earl and Tommie June Barnette Address: 1025 Sunny Glen Way City, State, Zip: Wolf Creek, OR 97497	_____ ☐ mailing date or _____ ☐ hand delivered
Name: William M Strader Address: 220 Green Leaf Way City, State, Zip: Wolf Creek, OR 97497	_____ ☐ mailing date or _____ ☐ hand delivered
Name: Edith M McDonald and Rhonda L Chrestionson Address: 600 Sunny Glen Way City, State, Zip: Wolf Creek, OR 97497	_____ ☐ mailing date or _____ ☐ hand delivered
Name: Robert E and Janet C Kugel Rev Trust Robert E and Janet Kugel, Trustees Address: 625 Sunny Glen Way City, State, Zip: Wolf Creek, OR 97497	_____ ☐ mailing date or _____ ☐ hand delivered
Name: Timari Davis and Kareen Wakeland Haskin Address: 630 Sunny Glen Way City, State, Zip: Wolf Creek, OR 97497	_____ ☐ mailing date or _____ ☐ hand delivered
Name: Tabitha C Durham Address: 584 Sunny Glen Way City, State, Zip: Wolf Creek, OR 97497	_____ ☐ mailing date or _____ ☐ hand delivered
Name: Charles E and Heather D Zousel Address: 550 Sunny Glen Way City, State, Zip: Wolf Creek, OR 97497	_____ ☐ mailing date or _____ ☐ hand delivered
Name: Luther C Durham Address: 91 Bacons Neck Rd City, State, Zip: Greenwich, NJ 08323	_____ ☐ mailing date or _____ ☐ hand delivered
Name: Benjamin J and Tiffany Mori Address: 315 NE Fetzner Ave	_____ ☐ mailing date or

Return this completed form to:
Oregon Water Resources Department,
725 Summer St. NE, Suite A
Salem, OR 97301-1266

City, State, Zip: Grants Pass, OR 97526	_____ ☐ hand delivered
Name: Sandra K Farmer Address: 636 Sunny Glen Way City, State, Zip: Wolf Creek, OR 97497	_____ ☐ mailing date or _____ ☐ hand delivered
Name: Cyrus F and Natalie J Boyer c/o Owen Macphee Address: 1907 Crow Rd City, State, Zip: Merlin, OR 97532	_____ ☐ mailing date or _____ ☐ hand delivered
Name: Sheri A and K R Smith Rev Trust Shari A and K R Smith, Trustees Address: 812 Sunny Glen Way City, State, Zip: Sunny Valley, OR 97497	_____ ☐ mailing date or _____ ☐ hand delivered
Name: Cassandra L Warren Address: 464 Sunny Glen Way City, State, Zip: Wolf Creek, OR 97497	_____ ☐ mailing date or _____ ☐ hand delivered
Name: Jennifer Schlecht Address: 110 Sunny Glen Way City, State, Zip: Wolf Creek, OR 97497	_____ ☐ mailing date or _____ ☐ hand delivered
Name: Ronald R and Maria C Fry Address: 250 Sunny Glen Way City, State, Zip: Sunny Valley, OR 97497	_____ ☐ mailing date or _____ ☐ hand delivered

Dated this ____ day of _____, 20__.

Applicant or Applicant's Agent (printed name)

Applicant or Applicant's Agent (signature)

Return this completed form to:
Oregon Water Resources Department,
725 Summer St. NE, Suite A
Salem, OR 97301-1266

Good morning,

Attached is my WM review for T-13515.

Please include the body of this email and Alta Ditch attachment with my review.

The applicant did not identify the location of the original POD (Alta Ditch). I've attached the only document I've been able to locate that describes the location of the Alta Ditch.

Please contact me with any questions.

Thank you,

Scott Carlo Ceciliani, GIT

Watermaster, District 14

700 NW Dimmick St.

Grants Pass, OR 97526

Cell: (541) 261-2213

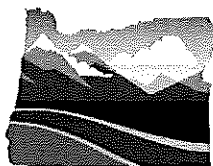
Office: (541) 476-1288



OREGON
WATER
RESOURCES
DEPARTMENT

Watermaster Review Form:

Water Right Transfer



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

Transfer Application: T-13515

Review Due Date:

Applicant Name: Bryan Long

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

Reviewer(s): Scott Ceciliani

Date of Review: 08/27/2021

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

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

☒ N/A

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

Unknown.

☐ N/A

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

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

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

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

☐ Yes ☐ No If "Yes", explain:

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

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

☐ Yes ☐ No If "Yes", explain:

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

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

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

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

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

☐ Yes ☐ No If "Yes", explain:

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

☐ Yes ☐ No If "Yes", explain:

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

☐ Yes ☒ No If "Yes", explain:

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

Standard conditions.

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

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

☐ A Headgate should be required prior to diverting water.

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

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

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

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

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

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

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

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

☐ Weir	☐ Submerged Orifice
☐ Parshall Flume	☐ Flow Restrictor
☒ Other: <u>Approved suitable measuring device</u>	

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

Transfer #: T- 13515



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



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



at each new point of diversion/appropriation.

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

Watermaster name: Scott Ceciliani

District: 14

Address: 700 NW Dimmick Street

City/State/Zip: Grants Pass, OR 97526

Phone: Office: 541-476-1288, Cell: 541-261-2213

Email: OWRD.district14@oregon.gov Or Scott.C.Ceciliani@oregon.gov

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

Approval of an Alternate Measurement Device T- 13515
(to be filled out after consultation with the applicant, or after a site visit)

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

 Watermaster signature

 14

District

 Date

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

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

COURCHANE Corey A * WRD

From: CECILIANI Scott C * WRD
Sent: Thursday, March 25, 2021 6:49 PM
To: Scott Fein; COURCHANE Corey A * WRD
Cc: JARAMILLO Lisa J * WRD; HENDERSON Sarah A * WRD; JOHNSTONE Jake D * WRD
Subject: RE: Bryan Long, T-13515

Good Evening,

I have not been able to locate any document describing the diversion point for the Alta Ditch or any map showing the path of the ditch. C-16530 makes no mention of the POD, only the source, Grave Creek. Mr. Fein is likely correct in that the lands associated with C-16530 were likely served via the Steen Beer Ditch, which Mr. Fein has identified as originating in Section 12 of T34S, R6W. Portions of the Steen Beer Ditch are still observable in the area and appear to have been a potential and likely the option for moving water to the POU for C-16530. Based on the age of the right (1891), flood irrigation was likely used and the Steen Beer Ditch being upslope from the POU would have made gravity flood irrigation possible, in my opinion. I think we can all agree on one thing, this must be a downstream transfer because no one is flood irrigating uphill from an open ditch. Unless additional information is found, I will not be disputing the POD for the Alta Ditch being defined with the same location information as what is identified for the Steen Beer Ditch on the RRD map.

The location of the Alta Ditch is a mystery and will likely remain so.

Thank you,

Scott

Scott Ceciliani, GIT

Watermaster, District 14

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

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



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

From: Scott Fein <sfeinsurveyor@gmail.com>
Sent: Wednesday, March 24, 2021 3:28 PM
To: COURCHANE Corey A * WRD <Corey.A.Courchane@oregon.gov>
Cc: JARAMILLO Lisa J * WRD <Lisa.J.Jaramillo@oregon.gov>; HENDERSON Sarah A * WRD <Sarah.A.Henderson@oregon.gov>
Subject: Re: Bryan Long, T-13515

Good Day Corey,
thanks for nudging me, it was really good to speak with you about this.
Workload is huge and school schedules are difficult. I really want to see this project to the finish line; it is a very good one.

Here is a synopsis of our discussion of the historic POD and the fact that NO UPSTREAM POD move is occurring and why-

Cert- 16533- the result of transfer B-94(wris) see order V9 P35 was performed at a time water right history where no final proof surveys of claim of beneficial use surveys were completed after the transfer order. In fact there were not even certificates issued post transfer, only an order as I have referenced. There was no follow to validate the order was indeed carried out.

151 feet is arbitrary due to the aforementioned and the fact that the transfer map identifies the section corner and does not describe what was found at said corner. The corner I reference on my survey is of county surveyor records from 1968, after the transfer order was completed. Also, the water right mapping tool has a huge disclaimer do not use it for legal locations. We could have a huge discussion on the use of GIS data and the legality of it. If you have a moment, read ORS 672.060.(16-18), it supports not using the water right mapping tool for this type of evaluation.

Furthermore, from my experience matching any of Tom Pearce's watermaster measurements from the 1950's within 500 feet is amazing.

I am of the professional opinion the 151 feet you reference is not there and the location I surveyed is the authorized location under the aforementioned transfer from 1956. Mr. Long the property owner just wants clean records which is why we included this certificate in the transfer.

Cert 16530- the decree reference's the Alta Ditch, which is not called for in the certificate; a very common occurrence. From extensive review of the decree maps and diligently researching every ancient record paper available to me through the D14 Watermaster I have deduced the following. All lands on the on this property other than cert. 16533 were served at one time by the Steen Beer Ditch which originated in the NWSE of section 12 in T34S, R6W. I firmly believe the Alta Ditch is the Steen Beer Ditch, the name changed somewhere along the way, Though we will never know was the Alta ditch is not on any map. The August 25-31, 1936 decree survey represents this well (upper right corner says 5-4-4). Therefore this is actually a 3 mile downstream move.

No injury of any kind.

Hope this answers the questions. Going to ask that we coordinate closely with Lisa, Sarah, and Kim French as this is tied to G-18792 as part of an approved mitigation plan. It is the lack of specificity in the records that is really causing this historic pod transfer to occur so that Sarah has an authorized location to create the permanent instream right for approximately 1 CFS with a priority date of 1891.

This project has been a long road with multiple entities and applications. There are 3 interdependent OWRD orders that need to be issued simultaneously. Lisa can you help with this?

Super appreciate your assistance.

Please let me know if you need anything from me.

Best,

Scott

On Mon, Mar 22, 2021 at 2:00 PM COURCHANE Corey A * WRD <Corey.A.Courchane@oregon.gov> wrote:

Good afternoon Scott,

COURCHANE Corey A * WRD

From: Scott Fein <sfeinsurveyor@gmail.com>
Sent: Wednesday, March 24, 2021 3:28 PM
To: COURCHANE Corey A * WRD
Cc: JARAMILLO Lisa J * WRD; HENDERSON Sarah A * WRD
Subject: Re: Bryan Long, T-13515

Good Day Corey,
thanks for nudging me, it was really good to speak with you about this.
Workload is huge and school schedules are difficult. I really want to see this project to the finish line; it is a very good one.

Here is a synopsis of our discussion of the historic POD and the fact that NO UPSTREAM POD move is occurring and why-

Cert- 16533- the result of transfer B-94(wris) see order V9 P35 was performed at a time water right history where no final proof surveys of claim of beneficial use surveys were completed after the transfer order. In fact there were not even certificates issued post transfer, only an order as I have referenced. There was no follow to validate the order was indeed carried out.

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Furthermore, from my experience matching any of Tom Pearce's watermaster measurements from the 1950's within 500 feet is amazing.

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No injury of any kind.

Hope this answers the questions. Going to ask that we coordinate closely with Lisa, Sarah, and Kim French as this is tied to G-18792 as part of an approved mitigation plan. It is the lack of specificity in the records that is really causing this historic pod transfer to occur so that Sarah has an authorized location to create the permanent instream right for approximately 1 CFS with a priority date of 1891.

This project has been a long road with multiple entities and applications. There are 3 interdependent OWRD orders that need to be issued simultaneously. Lisa can you help with this?

Super appreciate your assistance.

Please let me know if you need anything from me.

Best,

Scott

On Mon, Mar 22, 2021 at 2:00 PM COURCHANE Corey A * WRD <Corey.A.Courchane@oregon.gov> wrote:

Good afternoon Scott,

Just following up on our phone discussion from March 12, 2021, regarding the information I need for Bryan Long. You had stated that you would get something to me by Monday, March 15, 2021. I am reaching out to check on the status, as there is another application waiting for me to complete T-13515. Please submit the information I need to proceed no later than March 29, 2021.

Thank you,

Corey Courchane

From: JARAMILLO Lisa J * WRD <Lisa.J.Jaramillo@oregon.gov>
Sent: Tuesday, November 17, 2020 9:50 AM
To: Scott Fein <sfeinsurveyor@gmail.com>
Cc: COURCHANE Corey A * WRD <Corey.A.Courchane@oregon.gov>
Subject: RE: Bryan Long, T-13515

Thanks Scott,

No worries. That will work.

Hope you're doing well,

Lisa

Lisa J. Jaramillo

Transfer and Conservation Section Manager

725 Summer Street NE, Suite A, Salem, OR 97301 | Phone 503-986-0880



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

From: Scott Fein <sfeinsurveyor@gmail.com>
Sent: Tuesday, November 17, 2020 8:57 AM
To: JARAMILLO Lisa J * WRD <Lisa.J.Jaramillo@oregon.gov>
Cc: COURCHANE Corey A * WRD <Corey.A.Courchane@oregon.gov>
Subject: Re: Bryan Long, T-13515

Hi Lisa,

Thanks for the patience, my workload is huge right now; a blessing.

I will get to it this week.

Sent from my iPhone

On Nov 16, 2020, at 10:24 AM, JARAMILLO Lisa J * WRD <Lisa.J.Jaramillo@oregon.gov> wrote:

Hi Scott,

Yes, we spoke. I believe Corey was simply checking-in. Let us know if there is anything you need from us.

Thanks and have a great day,

Lisa

Lisa J. Jaramillo

Transfer and Conservation Section Manager

725 Summer Street NE, Suite A, Salem, OR 97301 | Phone 503-986-0880

<image001.jpg>

<image002.jpg>

<image003.png>

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From: Scott Fein <sfeinsurveyor@gmail.com>

Sent: Friday, November 13, 2020 1:36 PM

To: COURCHANE Corey A * WRD <Corey.A.Courchane@oregon.gov>

Cc: HENDERSON Sarah A * WRD <Sarah.A.Henderson@oregon.gov>; CECILIANI Scott C * WRD <Scott.C.Ceciliani@oregon.gov>; STARNES Patrick K * WRD <Patrick.K.Starnes@oregon.gov>; JARAMILLO Lisa J * WRD <Lisa.J.Jaramillo@oregon.gov>

Subject: Re: Bryan Long, T-13515

It is coming. Lisa and I spoke on it.

Did she inform you?

<image004.jpg>

Virus-free. www.avast.com

On Fri, Nov 13, 2020 at 12:59 PM COURCHANE Corey A * WRD <Corey.A.Courchane@oregon.gov> wrote:

Good afternoon Scott,

Just checking on the status of the additional information that was requested. Please let me know if I may be of further assistance.

Thank you,

Corey

From: Scott Fein <sfeinsurveyor@gmail.com>
Sent: Friday, October 02, 2020 11:45 AM
To: COURCHANE Corey A * WRD <Corey.A.Courchane@oregon.gov>
Cc: HENDERSON Sarah A * WRD <Sarah.A.Henderson@oregon.gov>; CECILIANI Scott C * WRD <Scott.C.Ceciliani@oregon.gov>; STARNES Patrick K * WRD <Patrick.K.Starnes@oregon.gov>; JARAMILLO Lisa J * WRD <Lisa.J.Jaramillo@oregon.gov>
Subject: Re: Bryan Long, T-13515

Cory-

This is most illogical.

Furthermore you are illegally using GIS data to determine physical and legal features of the earth- see ors 672.060.

You mathematical computations of the iswr is just plain wrong.

Then you are asking me to map something of which there is no record anywhere.

The Alta ditch may be the steen bier ditch but far from certain.

If anything the historic pod is 3 miles downstream from the steen bier mapped location.

Please find a practical way to move this forward with paying attention to the fact that the applicant is creating an permanent instream right as part of mitigation.

Think water management and use, not just arbitrarily applied oar to a perceived GIS based location.

I will be calling Lisa to discuss as this is preposterous request.

Thank you,

Scott

Sent from my iPhone

On Oct 2, 2020, at 9:21 AM, COURCHANE Corey A * WRD
<Corey.A.Courchane@oregon.gov> wrote:

Good morning Scott,

Upon reviewing Historic POD transfer T-13515, it has been determined that current historic POD 1 under Certificate 16533 will be moving upstream approximately 151 feet from the authorized POD, potentially injuring Instream Water Right (ISWR) Certificate 72697. This was determined according to the POD as identified in the Department's interactive mapping tool. You have indicated that Alta Ditch, which is the authorized POD for Tract 1 under the Rogue River Decree, has an unknown location, and is not shown on any decree, adjudication, or inchoate maps, and is also not identified through subsequent actions by the Department through other changes or transfers. I agree with your assessment, as I have been unable to determine the location of Alta Ditch.

Based on this information, it is unclear that the POD as identified in the interactive mapping tool is the correct location. This would also make it unclear of whether the POD change truly is an upstream move. I posed this question during our weekly Transfer section conference call yesterday, and it was determined that the Department would need a surveyed location of where the Alta Ditch might approximately be located, in order to determine if the POD change is an upstream move. The Department will be unable to move forward with T-13515 until an approximate location for Alta Ditch has been determined.

The reason for retrieving this additional information is, an upstream move injuring an ISWR is an automatic denial, which could be remedied through requesting the Department to pursue a consent to injury from ODFW. However, the CTI statute does not allow that process for a Historic POD change. The applicant would have to withdraw the Historic application and submit an application for a permanent transfer. Before I ask for a request to withdraw T-13515, I would like to be absolutely certain that we explored every avenue to move T-13515 forward. Please let me know if I may be of further assistance.

Thank you,

Corey Courchane

COREY A COURCHANE | TRANSFER SPECIALIST

TRANSFER AND CONSERVATION SECTION

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

Ph: 503 986-0825 | Fax: 503 986-0901

Email: corey.a.courchane@oregon.gov | Web: <http://www.oregon.gov/OWRD>

--

Scott Fein

**Certified Water Rights Examiner
Professional Land Surveyor**

Certified Federal Surveyor

541-842-0795

sfeinsurveyor@gmail.com

--

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Certified Federal Surveyor

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Oregon
Kate Brown, Governor

Water Resources Department

725 Summer St NE, Suite A

Salem, OR 97301

(503) 986-0900

Fax (503) 986-0904

September 3, 2020

BRYAN LONG
3903 HELMS RD
GRANTS PASS, OR 97527

Reference: Application T- 13515

On September 3, 2020, we received your water right Transfer application. The application was accompanied by \$1680.00. Our receipt number 133310 is enclosed.

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

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

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

If you have any questions, please contact the Transfer Section at (503) 986-0815.

Cc: Watermaster Dist. #14 (via email)
Josephine County
Scott D. Fein, Agent

Enclosure

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 # 133310

INVOICE #

RECEIVED FROM: Triple T Land

BY:

CASH: ☐ CHECK: # 302 OTHER: (IDENTIFY) ☐

APPLICATION
PERMIT
TRANSFER T-13515

TOTAL REC'D \$1,680.00

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 46110
0407 COPY & TAPE FEES \$
0410 RESEARCH FEES \$
0408 MISC REVENUE: (IDENTIFY) \$
TC162 DEPOSIT LIAB. (IDENTIFY) \$
0240 EXTENSION OF TIME \$
WATER RIGHTS:
0201 SURFACE WATER \$ EXAM FEE 0202 \$ RECORD FEE
0203 GROUND WATER \$ 0204 \$
0205 TRANSFER \$ 1,680.00
WELL CONSTRUCTION EXAM FEE LICENSE FEE
0218 WELL DRILL CONSTRUCTOR \$ 0219 \$
LANDOWNER'S PERMIT 0220 \$
OTHER (IDENTIFY)

0536 TREASURY 0437 WELL CONST. START FEE

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

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

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

TREASURY OTHER / RDX

FUND TITLE
OBJ. CODE VENDOR #
DESCRIPTION \$

RECEIPT: 133310

DATED: 8-24-2020 BY: [Signature]

Distribution - White Copy - Customer, Yellow Copy - Fiscal, Blue Copy - File, Buff Copy - Fiscal



State of Oregon
Water Resources Department
725 Summer Street NE, Suite A
Salem, Oregon 97301-1266
(503) 986-0900

Application for
**Historic Change in Point of
Diversion/Appropriation**
Part 1 of 5 – Minimum Requirements Checklist

**This historic change in point of diversion/appropriation application will be returned if
Parts 1 through 5 and all required attachments are not completed and included.**

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

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



Part 1 – Completed Minimum Requirements Checklist.



Part 2 – Completed Application Map Checklist.



Part 3 – Application Fee, payable by check to the Oregon Water Resources Department, and completed Fee Worksheet, page 3. Try the new online fee calculator at:
http://apps.wrd.state.or.us/apps/misc/wrd_fee_calculator. If you have questions, call
Customer Service at (503) 986-0801.



Part 4 – Completed Applicant Information and Signature.



Part 5 – Information about the Transferred Water Rights: **How many water rights are to be
transferred? 2 List them here: 16530, 16533**

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

Attachments:



Completed Application Map (Does not have to be prepared by a Certified Water Right
Examiner).



Completed Evidence of Use Affidavit and supporting documentation showing that water has
been used on the land for five years prior to transfer filing AND diverted at the actual,
current point of diversion/appropriation for more than 10 years.



Statement from the local Watermaster, based upon the Watermaster's knowledge and
Department records, that no complaint of injury has been made due to the use of water at the
actual, current point of diversion/appropriation.



Land Use Information Form with approval and signature (or signed land use form receipt
stub).



☒ N/A

Affidavit(s) of Consent from Landowner (if the applicant does not own the land the water
right is on.)



☒ N/A

Water Well Report/Well Log for changes in point(s) of appropriation (well(s)) or additional
point(s) of appropriation.

(For Staff Use Only)

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

___ Application fee not enclosed/insufficient

___ Map not included or incomplete

___ Land Use Form not enclosed or incomplete

___ Additional signature(s) required

___ Part ___ is incomplete

Other/Explanation _____

Staff: _____ 503-986-0 _____

Date: ____ / ____ / ____

Part 2 of 5 – Historic Change in Point of Diversion/Appropriation Application Map Checklist

Your historic change in point of diversion/appropriation application will be returned if any of the map requirements listed below are not met.

Please be sure that the historic change in point of diversion/appropriation application map you submit includes all the required items and matches the existing water right map. Check all boxes that apply.

- ☒ ☐ N/A If **more than three** water rights are involved, separate maps are needed for each water right.
- ☒ Permanent quality printed with dark ink on white or clear paper or film.
- ☒ The size of the map can be 8½ x 11 inches, 8½ x 14 inches, or up to 30 x 30 inches. For 30 x 30 inch maps, three (3) paper copies and an electronic copy in a .pdf, .tiff or .jpg format are required.
- ☒ A north arrow, a legend, and scale.
- ☒ The scale of the map must be: 1 inch = 400 feet, 1 inch = 1,320 feet, the scale of the Final Proof/Claim of Beneficial Use Map (the map used when the permit was certificated), the scale of the county assessor map if the scale is not smaller than 1 inch = 1,320 feet, or a scale that has been pre-approved by the Department.
- ☒ Township, Range, Section, ¼ ¼, DLC, Government Lot, and other recognized public land survey lines.
- ☒ Tax lot boundaries (property lines) and county tax lot numbers are required.
- ☒ Major physical features including rivers and creeks showing direction of flow, lakes and reservoirs, roads, and railroads.
- ☒ Major water delivery system features from the point(s) of diversion/appropriation such as main pipelines, canals, and ditches.
- ☒ Authorized point(s) of diversion or well(s) with distance and bearing or coordinates from a recognized survey corner. This information can be found in your water right certificate.
- ☒ Actual, current point of diversion/appropriation. Show the location and label it clearly with distance and bearing or coordinates. If GPS coordinates are used, latitude-longitude coordinates may be expressed as either degrees-minutes-seconds with at least one digit after the decimal (example – 42°32'15.5") or degrees-decimal with five or more digits after the decimal (example – 42.53764°).
- ☒ Existing place of use that includes separate hachuring for each water right, priority date, and use including number of acres in each quarter-quarter section, government lot, or in each quarter-quarter section as projected within government lots, donation land claims, or other recognized public land survey subdivisions. If less than the entirety of the water right is being changed, a separate hachuring is needed for lands left unchanged.
- ☒ ☒ N/A If for more than one actual, current point of diversion/appropriation, separate hachuring is needed for each place of use served by each point of diversion/appropriation, including the number of acres in each quarter-quarter section, government lot, or in each quarter-quarter section as projected within government lots, donation land claims, or other recognized public land survey subdivisions.

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Part 3 of 5 — Fee Worksheet

1	Base Fee (includes Historic POD change to one water right for up to 1 cfs)	1	\$1,160
	Number of water rights included in transfer <u>2 (2a)</u> Subtract 1 from the number in 2a above: <u>1 (2b)</u> <i>If only one water right this will be 0</i>		
2	Multiply line 2b by \$520 and enter » » » » » » » » » » » » » » » »	2	520
	Do you propose to change a well, or change from a surface water POD to a well? ☒ No: enter 0 » ☐ Yes: enter \$410 »		
3		3	0
4	Add entries on lines 1 through 3 above » » » » » » » » Transfer Fee:	4	1680

☐ Check this box if this project is fully or partially funded by the American Recovery and Reinvestment Act. (Federal stimulus dollars)

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Part 4 of 5 – Applicant Information and Signature

Applicant Information

Note: Applicant must be an INDIVIDUAL, as defined by OAR 690-380-2120, that is “a natural person and does not include a government body, organization, business enterprise, or other such entity.”

APPLICANT/BUSINESS NAME Bryan Long		PHONE NO. 541-660-1516	ADDITIONAL CONTACT NO.
ADDRESS 3903 HELMS RD.		FAX NO.	
CITY Grants Pass	STATE OR	ZIP 97527	E-MAIL
BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED.			

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

AGENT/BUSINESS NAME Scott Pein Water Rights		PHONE NO. 541-842-0795	ADDITIONAL CONTACT NO.
ADDRESS 600 Tyler Creek Rd.		FAX NO.	
CITY Ashland	STATE OR	ZIP 97520	E-MAIL sfeinsurveyor@gmail.com
BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED.			

By signing this application, I understand that prior to Department approval of the historic change in point of diversion/appropriation, I will be required to provide landownership information and evidence that I am authorized to pursue the change as identified in OAR 690-380-4010(5).

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

Applicant Signature Bryan Herz

Bryan Long
Print Name (and Title if applicable)

1/24/2020
Date

Applicant Signature _____

Print Name (and Title if applicable)

Date _____

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

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

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

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

<http://www.oregon.gov/owrd/docs/transfer-propertytransactions.pdf>

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

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Describe any special ownership circumstances here: _____

AUG 24 2020

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

ENTITY NAME	ADDRESS		
CITY	STATE	ZIP	

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

ENTITY NAME	ADDRESS		
JOSEPHINE COUNTY PLANNING	700 NW DIMMICK ST.		
CITY	STATE	ZIP	
GRANTS PASS	OR	97526	
97			
ENTITY NAME	ADDRESS		
CITY	STATE	ZIP	

Explain in your own words what you propose to accomplish with this transfer application; and why: Document the two long standing historic points of diversion for certificate 16530 and certificate 16533 for tract 1 as tract 2 was authorized with transfer B-94 in 1956. The prior property owner began irrigating from the points of diversion from transfer B-94 in the 1980's when power was installed at POD 1. Sometime in the 1980's as well a larger diesel pump was used to irrigate lands south of POD 2. The intent is document the long standing historic points of diversions.

Part 5 of 5 – Water Right Information

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

CERTIFICATE # 16530

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Description of Water Delivery System

System capacity: 2.0 cubic feet per second (cfs) OR
_____ gallons per minute (gpm)

Describe the current water delivery system or the system that was in place at some time within the last five years. Include information on the pumps, canals, pipelines and sprinklers used to divert, convey and apply the water at the authorized place of use. **40 HP , 240 Volt, 480 GPM pump with 6 ins. diam pipelines at POD 1. 30 HP Diesel Powered 500 GPM pump at POD 2**

Table 1. Location of Authorized and Current Point(s) of Diversion (POD) or Appropriation (POA)
(Note: If the POD/POA name is not specified on the certificate, assign it a name or number here.)

POD/POA Name or Number	Is this POD/POA Authorized on the Certificate or is it the Current POD/POA that has been used for more than 14 years?	Is this POD/POA a Well?	Section	Range	Section	Range	Section	Range	Section	Range	Distance from authorized source (feet)
1	☐ Authorized ☒ Current		34	S	6	W	4	SE	SE	500	From NE Cor. Sec. 9 N65 FT., W60 FT.
2	☐ Authorized ☒ Current		34	S	6	W	9	NW	NE	700	From NE Cor. Sec. 9 S165 FT., W2340 FT.
Alta Ditch per Rogue River Decree	☒ Authorized ☐ Current										Location unknown. Not shown on any decree, adjudication, or inchoate maps or subsequent actions by OWRD or the State Engineer.
	☐ Authorized ☐ Current										

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

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

Will the historic change in point of diversion/appropriation affect the entire water right?

- ☒ Yes Complete only the proposed section of Table 2 on the next page.
☐ No Complete all of Table 2 to describe the portion of the water right to be changed.

Please use and attach additional pages of Table 2 as needed. Do you have questions about how to fill-out the tables? See page 5 for instructions, or contact the Department at 503-986-0900 and ask for Transfer Staff.

Table 2. Description of Changes to Water Right Certificate # 16530

List only the part of the right that will be changed. For the acreage in each $\frac{1}{4}$ $\frac{1}{4}$, list the change proposed. If more than one actual, current POD/POA, specify the acreage associated with each actual, current POD/POA.

[illegible]

Additional remarks: Please review application G-18792 and associated instream transfer. POD 1 & 2 are authorized under transfer B-94 issued in 1956 for certificate 16533 Tract No. 2.

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AUG 24 2020

OWRD

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

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

OR

- ☐ Describe the construction of the authorized and current well(s) in Table 3 for any wells that do not have a well log.

Table 3. Construction of Point(s) of Appropriation

Any well(s) in this listing must be clearly tied to corresponding well(s) described in Table 1 and shown on the accompanying application map. Failure to provide adequate information is likely to delay the processing of your transfer application.

Current or Authorized PO Name or Number	Owner Well ID No. or Other Reference	Well Depth in feet	Current Diversion Point	Current Location Grid	Well Screen Material	Well Screen Material Depth	Well Screen Material Type	Source of Water (e.g., ground water, surface water)	Well Capacity (GPM) or Less than 100 GPM if well is not

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Part 5 of 5 – Water Right Information

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

CERTIFICATE # 16533

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Description of Water Delivery System

System capacity: 2.0 cubic feet per second (cfs) OR
_____ gallons per minute (gpm)

Describe the current water delivery system or the system that was in place at some time within the last five years. Include information on the pumps, canals, pipelines and sprinklers used to divert, convey and apply the water at the authorized place of use. **40 HP, 240 Volt, 480 GPM pump with 6 ins. diam pipelines at POD 1. 30 HP Diesel Powered 500 GPM pump at POD 2**

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

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

POD/POA Name or Number	Is this POD/POA Authorized on the Certificate or is it a Current POD/POA that has been used for more than 5 years?	POA Name or Number	Section	Range	Line	Quarter	Section	Range	Line	Quarter	Distance from NE corner of Section	Measure Distance from NE corner of Section
1	☐ Authorized ☒ Current		34	S	6	W	4	SE	SE	500	From NE Cor. Sec. 9 N65 FT., W60 FT.	
2	☐ Authorized ☒ Current		34	S	6	W	9	NW	NE	700	From NE Cor. Sec. 9 S165 FT., W2340 FT.	
Tract No. 1 Alta Ditch per Rogue River Decree	☒ Authorized ☐ Current										Location unknown. Not shown on any decree, adjudication, or inchoate maps or subsequent actions by OWRD or the State Engineer.	
	☐ Authorized ☐ Current											

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

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

Will the historic change in point of diversion/appropriation affect the entire water right?

- ☒ Yes Complete only the proposed section of Table 2 on the next page.
☐ No Complete all of Table 2 to describe the portion of the water right to be changed.

Please use and attach additional pages of Table 2 as needed. Do you have questions about how to fill-out the tables? See page 5 for instructions, or contact the Department at 503-986-0900 and ask for Transfer Staff.

Table 2. Description of Changes to Water Right Certificate # 16533 (Tract No. 1)

List only the part of the right that will be changed. For the acreage in each $\frac{1}{4}$ $\frac{1}{4}$, list the change proposed. If more than one actual, current POD/POA, specify the acreage associated with each actual, current POD/POA.

Authorized (from lands) as they appear before the changes:										Proposed Change (POD, POA, or POD of POA)	Current (if use for more than ten years) POD(s)/POA(s) to be used (from Table 1)	Priority Date
Tract	Range	Section	Quarter	NE	NW	100	CV, POA or D/C	Acreage (if applicable)	POD(s) or POA(s) (same or different from Table 1)			
2	S	9	E	15	NW	100		15.0	POD #1 POD #2	POD	POD #5	1897
"	"	"	"	"	"	"	"	EXAMPLE	"	"	"	"
34	S	6	W	9	NE	100		27.0	ALTA DITCH	POD	POD 1 & 2	1891
34	S	6	W	9	NW	100		26.0	ALTA DITCH	POD	POD 1 & 2	1891
34	S	6	W	9	SW	100		8.0	ALTA DITCH	POD	POD 1 & 2	1891
34	S	6	W	9	SE	100		23.0	ALTA DITCH	POD	POD 1 & 2	1891
34	S	6	W	9	NE	100		31.0	ALTA DITCH	POD	POD 1 & 2	1891

Additional remarks: Please review application G-18792 and associated instream transfer. This only effects Tract No. 1 of certificate 16533. Tract No. 2 utilizes POD 1 & 2 as authorized through transfer B-94 issued in 1956.

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Application for Water Right Transfer

Evidence of Use Affidavit



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

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

State of Oregon)
County of JOSEPHINE) ss

I, Bryan Long, in my capacity as Property Owner,
mailing address 3903 Helms RD Grants Pass OR 97527
telephone number (541)660-1516, being first duly sworn depose and say:

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

☒ Personal observation ☐ Professional expertise

2. I attest that:

☒ Water was used during the previous five years on the entire place of use for
Certificate # 15608 ; OR

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

Certificate #	Township	Range	Mer	Sec	1/4 1/4	Gov't Lot or DLC	Acres (if applicable)

OR

- ☐ Confirming Certificate # _____ has been issued within the past five years; OR
- ☐ Part or all of the water right was leased instream at some time within the last five years. The instream lease number is: _____ (Note: If the entire right proposed for transfer was not leased, additional evidence of use is needed for the portion not leased instream.); OR
- ☐ The water right is not subject to forfeiture and documentation that a presumption of forfeiture for non-use would be rebutted under ORS 540.610(2) is attached.
- ☒ Water has been used at the actual current point of diversion or appropriation for more than 10 years for Certificate # 15608 (For Historic POD/POA Transfers)

(continues on reverse side)

3. The water right was used for: (e.g., crops, pasture, etc.): IRRIGATION OF CROPS AND PASTURE

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

Bryan Long
Signature of Affiant

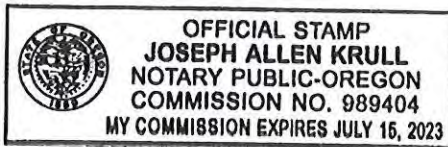
1/23/2020
Date

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OWRD

Signed and sworn to (or affirmed) before me this 23 day of January, 2020.



[Signature]
Notary Public for Oregon

My Commission Expires: July 15, 2023

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

13515

Application for Water Right Transfer Evidence of Use Affidavit



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

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

State of Oregon)
) ss

County of JOSEPHINE)

I, Michael Biencor, in my capacity as FORMER PROPERTY OWNER,

mailing address

telephone number (541) ⁷⁸⁷5602 being first duly sworn depose and say:

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

☒ Personal observation

☐ Professional expertise

2. I attest that:

☒ Water was used during the previous five years on the **entire** place of use for
Certificate # 15608; **OR**

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

Certificate #	Township	Range	Mer	Sec	1/4 1/4	Gov't Lot or DLC	Acres (if applicable)

OR

☐ Confirming Certificate # _____ has been issued within the past five years; **OR**

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

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

☒ Water has been used at the actual current point of diversion or appropriation for more than
10 years for Certificate # 15608 (For Historic POD/POA Transfers)

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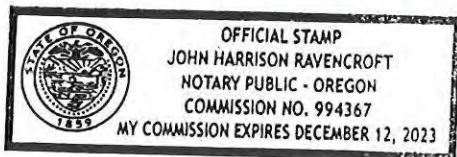
3. The water right was used for: (e.g., crops, pasture, etc.): Pasture & crops

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

[Signature]
Signature of Affiant

1/27/2020
Date

Signed and sworn to (or affirmed) before me this 01 day of 27, 20 20.



[Signature]
Notary Public for Oregon

My Commission Expires: 12/12/2023

Supporting Documents	Examples
☐ Copy of a water right certificate that has been issued within the last five years. (not a remaining right certificate)	Copy of confirming water right certificate that shows issue date
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☐ Approved Lease establishing beneficial use within the last 5 years	Copy of instream lease or lease number

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Application for Water Right Transfer

Evidence of Use Affidavit



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

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

State of Oregon)
County of JOSEPHINE) ss

I, Bryan Long, in my capacity as Property Owner,
mailing address 3903 Helms RD Grants Pass OR, 97527
telephone number (541) 660-1516, being first duly sworn depose and say:

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

☒ Personal observation ☐ Professional expertise

2. I attest that:

☒ Water was used during the previous five years on the entire place of use for
Certificate # 16530; OR

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

Certificate #	Township		Range		Mer	Sec	1/4 1/4	Gov't Lot or DLC	Acres (if applicable)

OR

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- ☐ Part or all of the water right was leased instream at some time within the last five years. The instream lease number is: _____ (Note: If the entire right proposed for transfer was not leased, additional evidence of use is needed for the portion not leased instream.); OR
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- ☒ Water has been used at the actual current point of diversion or appropriation for more than 10 years for Certificate # 16530 (For Historic POD/POA Transfers)

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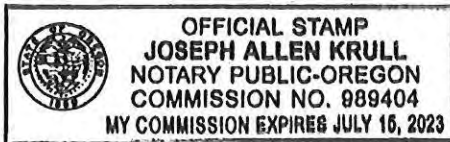
3. The water right was used for: (e.g., crops, pasture, etc.): IRRIGATION OF CROPS AND PASTURE

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

Bryan [Signature]
Signature of Affiant

11/23/2021
Date

Signed and sworn to (or affirmed) before me this 23 day of January, 2020.



[Signature]
Notary Public for Oregon

My Commission Expires: July 15, 2023

Supporting Documents	Examples
☐ Copy of a water right certificate that has been issued within the last five years. (not a remaining right certificate)	Copy of confirming water right certificate that shows issue date
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☐ Approved Lease establishing beneficial use within the last 5 years	Copy of instream lease or lease number

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Application for Water Right Transfer

Evidence of Use Affidavit



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

State of Oregon)
) ss

County of JOSEPHINE)

I, Michael Brienart, in my capacity as FORMER PROPERTY OWNER,

mailing address

telephone number (541) ⁷⁸⁷5102, being first duly sworn depose and say:

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

☒ Personal observation

☐ Professional expertise

2. I attest that:

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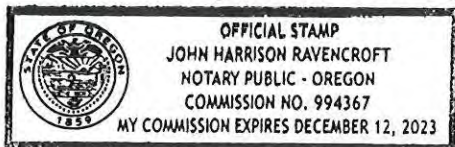
3. The water right was used for: (e.g., crops, pasture, etc.): IRRIGATION OF CROPS AND PASTURE

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

Michael Burt
Signature of Affiant

1/27/2020
Date

Signed and sworn to (or affirmed) before me this 01 day of 27, 2020.



[Signature]
Notary Public for Oregon

My Commission Expires: 12/12/2023

Supporting Documents	Examples
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☐ Approved Lease establishing beneficial use within the last 5 years	Copy of instream lease or lease number

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Application for Water Right Transfer Evidence of Use Affidavit



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

State of Oregon)
County of JOSEPHINE) ss

I, Bryan Long, in my capacity as Property Owner,
mailing address 3903 Helms RD Grants Pass OR, 97527
telephone number (541) 660-1516, being first duly sworn depose and say:

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

☒ Personal observation ☐ Professional expertise

2. I attest that:

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Certificate # 16533 ; OR

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

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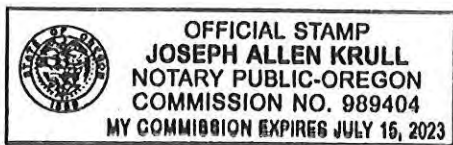
13515

3. The water right was used for: (e.g., crops, pasture, etc.): IRRIGATION OF CROPS AND PASTURE
4. I understand that if I do not attach one or more of the documents shown in the table below to support the above statements, my application will be considered incomplete.

Ben Long
Signature of Affiant

1/23/2020
Date

Signed and sworn to (or affirmed) before me this 23 day of January, 2020.



JK
Notary Public for Oregon

My Commission Expires: July 15, 2023

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Application for Water Right Transfer Evidence of Use Affidavit



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

State of Oregon)

)

ss

County of JOSEPHINE)

I, Michael Biercorst, in my capacity as FORMER PROPERTY OWNER,

mailing address

telephone number (541) 787-5602 being first duly sworn depose and say:

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

☒ Personal observation

☐ Professional expertise

2. I attest that:

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OR

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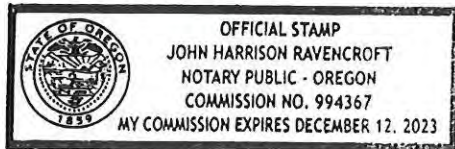
13515

3. The water right was used for: (e.g., crops, pasture, etc.): pasture & crops
4. I understand that if I do not attach one or more of the documents shown in the table below to support the above statements, my application will be considered incomplete.

Cheryl Burt
Signature of Affiant

1/27/2020
Date

Signed and sworn to (or affirmed) before me this 01 day of 27, 2020.



[Signature]
Notary Public for Oregon

My Commission Expires: 12/12/2023

Supporting Documents	Examples
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☐ Approved Lease establishing beneficial use within the last 5 years	Copy of instream lease or lease number

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From
Biencourt
Vic
realtor
Chris Martin

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From
Biercourt
via
Realtor
Chris
Marden

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Application for Water Right
Historic POD/POA Transfer
Watermaster Statement



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

I, Scott Cecilian, Watermaster of District 14,

state that to my knowledge, there has been no claim of injury due to use of an historic point of diversion/appropriation for Certificate 16530 & 16533

from Graves Creek located as follows:
(source)

☒ By Township, Range Section and distances from a Survey Corner:

Twp	Rng	Mer	Sec	Q-Q	DLC	GLot	Measured Distances
34S	6W	W.M.	4	SESE			From NE Cor. Sec. 9 N65 FT. W60 FT.
34S	6W	W.M.	9	NW NE			From NE Cor. Sec. 9 S165 FT. W2340 FT.

OR

☐ by GPS coordinates: Latitude: _____ Longitude: _____

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OR

☒ as shown on the attached map.

Scott Cecilian
Signature

6-12-2020
Date

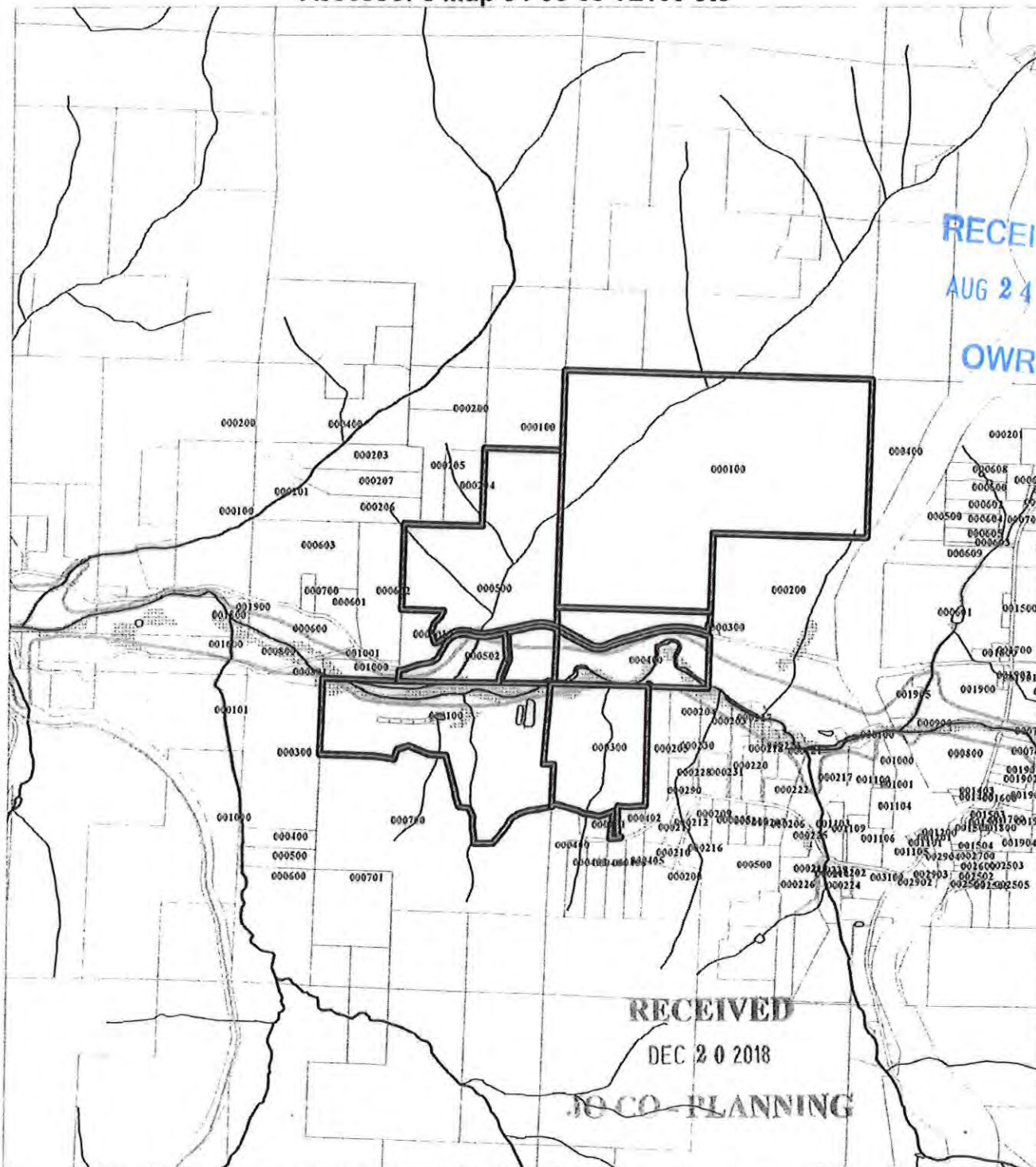
13515

Assessor's Map 34-06-09 TL100 etc

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DEC 20 2018

JO CO PLANNING

Legend

FEMA Flood Map	
Accumulate	
Rpt Flood	
Textile	
Water (line)	
Class 1	
Class 2	
Water (polygon)	
Water Bodies	
Wetlands (line)	
Wetlands (polygon)	

2400 0 2400 4800 Feet

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



Scale
1:27922



13541

Locator Map



Creation date: Thursday, December 20, 2018 C:\Puma\puma apr

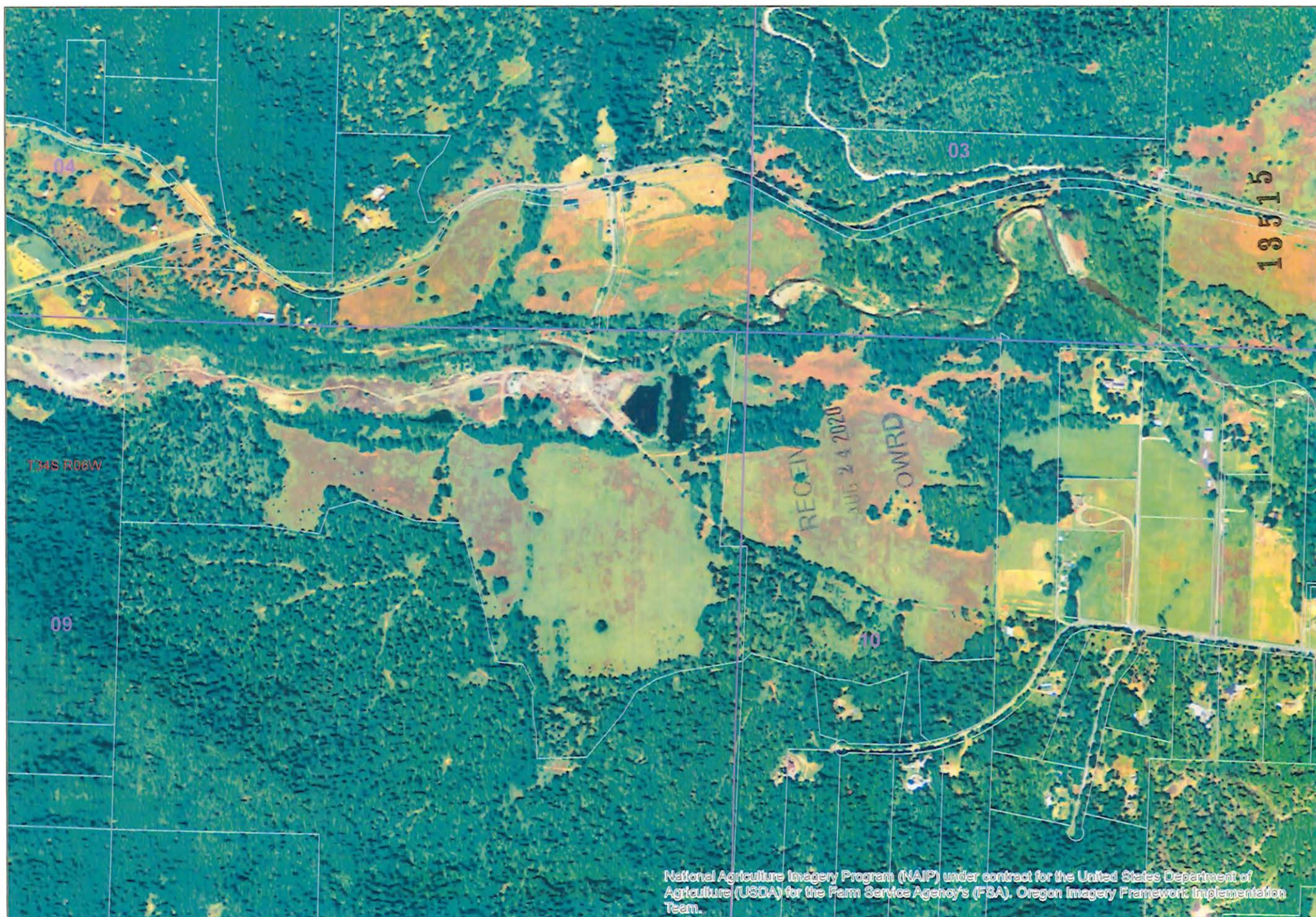
OWRD

HISTORIC POD IN PROGRESS FOR CERTIFICATES
16530 and 16533 FOR USE AT POD 1 & 2.
AUTHORIZED DIVERSION IS ALTA DITCH PER ROGUE
RIVER DECREE. SAID DITCH DOES NOT APPEAR ON
ANY DECREE MAPS.

13515



2016

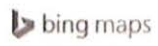


National Agriculture Imagery Program (NAIP) under contract for the United States Department of Agriculture (USDA) for the Farm Service Agency's (FSA). Oregon Imagery Framework Implementation Team.

2012



National Agriculture Imagery Program (NAIP) under contract for the United States Department of Agriculture (USDA) for the Farm Service Agency's (FSA). Oregon Imagery Framework Implementation Team.



Notes

1690 Leland Rd. 2020 Aerial

18515



Land Use Information Form



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

Applicant: Bryan Long
First Last

Mailing Address: 3903 HELMS RD

Grants Pass OR 97527 Daytime Phone: (541) 660-1516
City State Zip

A. Land and Location

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

Township	Range	Section	¼ ¼	Tax Lot #	Plan Designation (e.g., Rural Residential/RR-5)	Water to be:	Proposed Land Use:
34s	6w	3	sw/4 se/4	400		☒ Diverted ☒ Conveyed ☒ Used	Farming
34s	6w	4	se/4 sw/4	500 450 <i>502 BL</i>		☒ Diverted ☒ Conveyed ☒ Used	Farming
34s	6w	9	ne/4w nw/4n sw/4e se/4w nw/4e	100		☒ Diverted ☒ Conveyed ☒ Used	Farming
34s	6w	10	NNW/4 SWNW/4 NE/4W SE/4W	300		☒ Diverted ☒ Conveyed ☒ Used	Farming

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

JOSEPHINE

B. Description of Proposed Use

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

- ☒ Permit to Use or Store Water ☒ Water Right Transfer ☐ Permit Amendment or Ground Water Registration Modification
☐ Limited Water Use License ☐ Allocation of Conserved Water ☐ Exchange of Water

Source of water: ☒ Reservoir/Pond ☒ Ground Water ☒ Surface Water (name) Graves Creek

Estimated quantity of water needed: 2.0 ☒ 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:

Appropriation of water for cultivation of crops

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

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See bottom of Page 3. →

DEC 20 2018

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 landuse plan. Do not include approval for activities such as building or grading permits.

Please check the appropriate box below and provide the requested information

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

Type of Land-Use Approval Needed (e.g., plan amendments, rezones, conditional-use permits, etc.)	Cite Most Significant, Applicable Plan Policies & Ordinance Section References	Land-Use Approval:	
		☐ 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: _____ Title: _____

Signature: _____ Phone: _____ Date: _____

Government Entity: _____

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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: BRYAN LONG

City or County: JOSEPHINE Staff contact: (INTAKE) NORA SCHWARTZ

Signature: Nora Schwartz Phone: 541-474-5421 Date: 12-20-18

13515

Historic Change in POD/POA Water Right Transfer Application Completeness Checklist

Checked by: Jan

Date: 8-27-20

(If OK, check box to left; if not, fill in the blank)

- ☒ 1. Page 1 of application: Are all attachments that have been checked actually included?
If not, what is missing? _____
- ☒ 2. Does the attached local "Watermaster Statement" indicate that, based upon the watermaster's knowledge and Department records, no complaint of injury has been made due to use of water at the actual, current point of diversion or appropriation (*i.e., the historic POD/POA*)?
- If NO, a complaint of injury has NOT been made – proceed to Item #3.
 - If YES, a complaint of injury has been made – **STOP!**
The application does **not** meet the criteria for ORS 540.532 (OAR 690-380-2120).
→ Return the application/fees and direct the applicant to *instead* use the standard POD/POA change Transfer Application and process under ORS 540.520 & 540.530 (OAR 690-380-2110).
- ☒ 3. Is the applicant an "individual" as required by ORS 540.532 and defined in OAR 690-380-2120(7)?
- If YES, the applicant is an "individual" – proceed to Item #4.
 - If NO, the applicant is not an "individual" – **STOP!**
The application does **not** meet the criteria for ORS 540.532 and OAR 690-380-2120(7).
→ Return the application/fees and direct the applicant to *instead* use the standard POD/POA change Transfer Application and process under ORS 540.520 & 540.530 (OAR 690-380-2110).
- ☒ 4. Are fees included and correct?
If not, the correct fee would be: _____, so the amount missing is: _____
- ☒ 5. Page 3 of application: Have all the applicants listed at the top of the page signed at the bottom?
If not, whose signature is missing? _____
- ☒ 6. Are all listed certificates or permits shown by WRIS as non-cancelled?
If not, which are cancelled? _____
For each cancelled certificate, if there has been a remaining right certificate issued that covers the lands in the left side of Table 2, list its number _____ and check the #4 box at left on this checklist.
- ☒ 7. If any certificate is in the name of a "district", is a Supplemental Form D from that district enclosed?
☒ N/A ☐ Form D needed from _____ (district)
8. If all #1-#7 boxes on this checklist are checked, accept the application. Put this check sheet in the transfer folder. If #1, #2, #3, #4, #5, #6 or #7 on this checklist is deficient, the application cannot be accepted. It should be returned and the **deficiencies listed in the "staff" section at the bottom of Application Page 1**, unless the applicant or agent can resolve the deficiencies within 2-3 days.

T-13515