

T-10527

T-10527

RA

Name Medford Irrigation DistrictAddress 1340 Meyers Lane
Medford, OR 97501
(541) 899-9913Change in USE/POU/APODDate Filed 1-30-08Initial notice date 2-12-08

DPD issued date

PD issued date

PD notice date

Date of FO 3-17-09 Vol 77 Page 384

C-Date

COBU due date

COBU Received date 12/9/2011Certificate issued RR 84949

DESCRIPTION OF WATER RIGHT(s)

Name of Stream fourmile lake / Fish Lake / Fish Lake Res.Trib. of fourmile Creek / North Fork Little Butte CreekUse Industrial / Manufacturing / Domestic County Jackson

Quantity of water (CFS) No. of Acres

Name of ditch

App # S-589 Per # S-407 Cert # 81635 PR Date 1910

App # Per # Cert # PR Date

App # Per # Cert # PR Date

App # Per # Cert # PR Date

App # Per # Cert # PR Date

FEES PAID

Date	Amount	Receipt #
1-30-08	\$1400.00	91340
3-17-08	125.00	91767

FEES REFUNDED

Date	Amount	Receipt #
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Assignments:

Irrigation District Rogue River Valley I.D. 3139 Merriam Rd. Medford, OR 97501Agent Herb Farber : Po Box 5286 : Central Point, OR 97502CWRE Same as agentCC's list KOCAP Enterprises Inc : Po Box 1608 : Medford, OR 97501City of Eagle Point : Po Box 779 : Eagle Point, OR 97524Contractor GSI - Ted Ressler (Danielle MacBain)☐ - Oversized map - Location

COBU MAP #0647

folder U

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

RECEIPT # **91340**

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

INVOICE # _____

RECEIVED FROM: City of Eagle Point
BY: _____

APPLICATION	
PERMIT	
TRANSFER	T-10527

CASH: ☐ CHECK: # 21403 OTHER: (IDENTIFY) ☐

TOTAL REC'D \$ 1,400.00

1083 TREASURY 4170 WRD MISC CASH ACCT

0407 COPIES	\$
OTHER: (IDENTIFY) _____	\$

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

4270 WRD OPERATING ACCT

MISCELLANEOUS		
0407 COPY & TAPE FEES	\$	
0410 RESEARCH FEES	\$	
0408 MISC REVENUE: (IDENTIFY) _____	\$	
TC162 DEPOSIT LIAB. (IDENTIFY) _____	\$	
0240 EXTENSION OF TIME	\$	
WATER RIGHTS:		
0201 SURFACE WATER	\$	0202
0203 GROUND WATER	\$	0204
0205 TRANSFER	\$ <u>1400.00</u>	
WELL CONSTRUCTION		
0218 WELL DRILL CONSTRUCTOR	\$	0219
LANDOWNER'S PERMIT		0220
OTHER (IDENTIFY) _____		

0536 TREASURY 0437 WELL CONST. START FEE

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

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

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

TREASURY OTHER / RDX

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

RECEIPT: **91340**

DATED: 1/30/08

BY: J. S. NINE

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

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

In the Matter of Transfer Application	)	FINAL ORDER
T-10527, Jackson County	)	APPROVING AN ADDITIONAL,
	)	POINT OF DIVERSION, AND
	)	CHANGES IN CHARACTER OF USE,
	)	AND PLACE OF USE

Authority

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

Applicant

MEDFORD IRRIGATION DISTRICT
1340 MYERS LANE
MEDFORD, OREGON 97501-3646

Receiving Landowner

CITY OF EAGLE POINT
P.O. BOX 779
EAGLE POINT, OREGON 97524

Findings of Fact

Background

1. On January 30, 2008, Medford Irrigation District filed an application to change the character of use, place of use, and add an additional point of diversion under Certificate 81635. The Department assigned the application number T-10527. The City of Eagle Point is the receiving water right holder and will be responsible for completion of the proposed changes after the final order is issued.
2. On June 7, 2007, Certificate 81635 was cancelled by Special Order Volume 72, Pages 255-261, approving transfer application T-10160. Certificate 83263 was issued to supersede Certificate 81635 and describe the portions of the right not involved in T-10160.

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

3. On June 18, 2008, the Department contacted Medford Irrigation District by written correspondence to notify the applicant of deficiencies in the application. The Department requested that the deficiencies be resolved by July 21, 2008. The Department received a written response by the applicant to all identified issues by August 11, 2008.

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

Certificate: 83263 in the names of MEDFORD IRRIGATION DISTRICT and ROGUE RIVER VALLEY IRRIGATION DISTRICT (perfected under Permit S-407)
Use: MANUFACTURING
Priority Date: MARCH 31, 1910
Rate: 0.5 CUBIC FOOT PER SECOND
Source: FOURMILE LAKE RESERVOIR, within the KLAMATH RIVER BASIN, and waters draining or flowing into the CASCADE CANAL AND FISH LAKE RESERVOIR, within the ROGUE RIVER BASIN; constructed under Permit R-50

Authorized Points of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Measured distances
36 S	2 E	WM	20	SE NE	NORTH FORK LITTLE BUTTE CREEK - 40 FEET NORTH AND 620 FEET WEST FROM THE E $\frac{1}{4}$ CORNER OF SECTION 20
36 S	5 E	WM	9	SW NW	FOUR MILE LAKE DAM - 3600 FEET NORTH AND 4200 FEET EAST FROM THE SW CORNER OF SECTION 9
37 S	4 E	WM	4	SE SE	FISH LAKE DAM - 4000 FEET SOUTH AND 600 FEET EAST FROM THE NE CORNER OF SECTION 4

Authorized Place of Use:

MANUFACTURING USES				
Twp	Rng	Mer	Sec	Q-Q
37 S	1 W	WM	31	NE $\frac{1}{4}$
37 S	1 W	WM	31	SE $\frac{1}{4}$
37 S	1 W	WM	32	SW $\frac{1}{4}$

5. There is an apparent scrivener's error in two of the POD descriptions on Certificate 83263 (described in Finding #4 above). The Four Mile Lake Dam point of diversion (POD) description should give the coordinates from the "SE corner", not the "SW corner" as currently listed. Additionally, the Fish Lake Dam POD description states "600 feet East from NE corner", this should be "600 feet West from NE corner". Corrections to the POD coordinates are based on the maps and correspondence from the applicant and confirmation from an aerial photo and other maps of the area. The authorized points of diversion should be described as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured distances
36 S	2 E	WM	20	SE NE	NORTH FORK LITTLE BUTTE CREEK - 40 FEET NORTH AND 620 FEET WEST FROM THE E 1/4 CORNER OF SECTION 20
36 S	5 E	WM	9	SW NW	FOUR MILE LAKE DAM - 3600 FEET NORTH AND 4200 FEET WEST FROM THE SE CORNER OF SECTION 9
37 S	4 E	WM	4	SE SE	FISH LAKE DAM - 4000 FEET SOUTH AND 600 FEET WEST FROM THE NE CORNER OF SECTION 4

6. Transfer Application T-10527 proposes to add an additional point of diversion approximately 16 miles downstream from the closest existing POD associated with the portion of the certificate proposed for transfer (North Fork Little Butte Creek POD). The proposed additional POD, the Medford Water Commission Duff Treatment Plant, is located:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured distances
36 S	2 W	WM	13	SW NW	41	3,961.8 FEET SOUTH AND 1,883.3 FEET EAST FROM THE NE CORNER OF DLC 42 IN SEC. 11 (ALSO DESCRIBED AS SOUTH 25°25'28" EAST 4,385.6 FEET FROM THE NE CORNER OF DLC 41 IN SECTION 11)

7. Transfer Application T-10527 proposes to change the character of use to MUNICIPAL. The season of use under the right will continue to be limited to the irrigation season.
8. Transfer Application T-10527 also proposes to change the place of use of this portion of the right to the city limits of the City of Eagle Point, which includes:

MUNICIPAL USE				
Twp	Rng	Mer	Sec	Q-Q
35 S	1 W	WM	34	SE 1/4 NE 1/4
35 S	1 W	WM	34	SW 1/4 NE 1/4
35 S	1 W	WM	34	SE 1/4 NW 1/4
35 S	1 W	WM	34	NE 1/4 SW 1/4
35 S	1 W	WM	34	SE 1/4 SW 1/4
35 S	1 W	WM	34	SE 1/4
35 S	1 W	WM	35	SW 1/4 NW 1/4
35 S	1 W	WM	35	NW 1/4 SW 1/4
35 S	1 W	WM	35	SW 1/4 SW 1/4
36 S	1 W	WM	2	NW 1/4 NW 1/4
36 S	1 W	WM	2	SW 1/4 NW 1/4

MUNICIPAL USE				
Twp	Rng	Mer	Sec	Q-Q
36 S	1 W	WM	2	SE ¼ NW ¼
36 S	1 W	WM	2	SW ¼
36 S	1 W	WM	3	ALL
36 S	1 W	WM	4	SE ¼ NE ¼
36 S	1 W	WM	4	NE ¼ SE ¼
36 S	1 W	WM	4	SE ¼ SE ¼
36 S	1 W	WM	9	NE ¼ NE ¼
36 S	1 W	WM	9	SE ¼ NE ¼
36 S	1 W	WM	10	N ½
36 S	1 W	WM	10	NE ¼ SW ¼
36 S	1 W	WM	10	NW ¼ SW ¼
36 S	1 W	WM	11	NW ¼ NE ¼
36 S	1 W	WM	11	SW ¼ NE ¼
36 S	1 W	WM	11	NW ¼
36 S	1 W	WM	11	NE ¼ SW ¼
36 S	1 W	WM	11	NW ¼ SW ¼
36 S	1 W	WM	11	NW ¼ SE ¼

9. KOGAP Enterprises signed a quitclaim deed #2006-02353 to transfer the water rights, releasing their claim and responsibility, to Medford Irrigation District on April 19, 2006. The quitclaim deed was recorded in the Jackson County deed records on May 5, 2006.
10. Notice of the application for transfer was published on February 12, 2008, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
11. 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.
12. A letter from the Medford Irrigation District dated, August 20, 2008, stated that water was used at the KOGAP mill for dust control on roads and for keeping the logs in approximately 30 acres of log decks wet. The system included a small pond, from which water was pumped to the sprinklers and water trucks were filled. These uses could beneficially consume the full volume of water allowed under the right to be transferred, being 181.5 acre-feet, with the balance needed to meet the demand supplied by another water right (Certificate 15667).
13. On August 20, 2008, the Department received letters dated July 15, 2008 from Medford Irrigation District and from Rogue River Valley Irrigation District, requesting modifications to better describe portions of Certificate 83263 not involved in T-10527. The affected portions are the two portions of the right for Jackson County Roads and Parks, currently listed as "manufacturing" uses in Township 37S, Range 1W, Sections 9 and 16; Township 37S, Range 2W, Section 16; and Township 36S, Range 1W, E½ of Section 27. The letters explained that the use is consistent with manufacturing purposes on roads and land owned or

maintained by Jackson County Roads and Parks within the mapped boundaries of the irrigation districts, as shown by an accompanying map. The submitted map identified points in each district where water is delivered for use on the roads.

14. On September 2, 2008, the Department mailed a copy of the draft Preliminary Determination proposing to approve Transfer Application T-10527 to the applicant. The applicant responded by providing the necessary information to demonstrate that the applicant is authorized to pursue the transfer.
15. On October 28, 2008, the Department issued a Preliminary Determination proposing to approve Transfer Application T-10527 and mailed a copy to the applicant. Additionally, notice of the Preliminary Determination for the transfer application was published on the Department's weekly notice on November 4, 2008, and in the Upper Rogue Independent newspaper on November 18, 25, and December 2, 2008, pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notice.

Transfer Review Criteria [OAR 690-380-4010(2)]

16. Water has been used within the last five years according to the terms and conditions of the right, as evidenced by issuance of Certificate 81635 on May 25, 2006, and no evidence is available that would demonstrate that the right is subject to forfeiture under ORS 540.610.
17. A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing right were present within the five-year period prior to submittal of Application T-10527.
18. The proposed change from manufacturing to municipal use would not result in enlargement of the right.
19. The proposed changes would not result in injury to other water rights.

Conclusions of Law

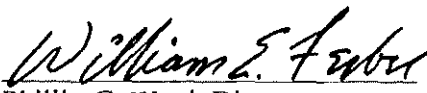
The changes in character of use, place of use, and an additional point of diversion proposed in Transfer Application T-10527 are consistent with the requirements of ORS 540.505 to 540.580 and OAR 690-380-5000.

Now, therefore, it is ORDERED:

1. The changes in character use, place of use, and an additional point of diversion proposed in Transfer Application T-10527 are approved.
2. The right to the use of the water is restricted to beneficial use at the place of use described, and is subject to all other conditions and limitations contained in Certificate 83263 and any related decree.

3. Water right Certificate 83263 is cancelled. A new certificate will be issued describing that portion of the right not affected by this transfer and incorporating the corrections in Finding of Fact No. 5 and the descriptions contained in Finding of Fact No. 13 above.
4. The former place of use of the transferred right shall no longer receive water under this right.
5. The maximum quantity of water diverted at the additional point of diversion for the transferred portion of the right, together with that diverted at the old points of diversion, shall not exceed the quantity of water lawfully available at the original points of diversion, being 0.5 cfs, not to exceed 181.5 acres-feet per year.
6. Prior to diverting water, the water user shall install a fish screening and/or by-pass device, as appropriate, at the new point of diversion consistent with the Oregon Department of Fish and Wildlife's (ODFW) design and construction standards. Prior to installation, the water user shall obtain written approval from ODFW that the required screen and/or by-pass device meets ODFW's criteria. Prior to submitting a Claim of Beneficial Use, the water user must obtain written approval from ODFW that the required screening and/or by-pass device was installed to the state's criteria. The water user shall maintain and operate the fish screen and/or by-pass device, as appropriate, at the point of diversion consistent with ODFW's operational and maintenance standards.
7. The water user shall maintain the existing headgate and shall make such improvements as may be required by the Department.
8. The approved changes shall be completed and full beneficial use of the water shall be made on or before **October 1, 2013**. A Claim of Beneficial Use prepared by a Certified Water Rights Examiner shall be submitted by the applicant to the Department within one year after the deadline for completion of the changes and full beneficial use of the water.
9. When satisfactory proof of the completed changes is received, a new certificate confirming the portion of the right transferred will be issued.

Dated at Salem, Oregon this 17th day of March 2009.


✓ Phillip C. Ward, Director

Mailing date: MAR 24 2009

STATE OF OREGON

COUNTY OF JACKSON

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

ROGUE RIVER VALLEY IRRIGATION DISTRICT
3139 MERRIMAN ROAD
MEDFORD, OREGON, 97501

MEDFORD IRRIGATION DISTRICT
1340 MEYERS LANE
MEDFORD, OR 97501

confirms the right to use the waters of FOUR MILE LAKE RESERVOIR, within the KLAMATH RIVER BASIN; and waters draining or flowing into the CASCADE CANAL and FISH LAKE RESERVOIR, within the ROGUE RIVER BASIN; as constructed under Permit R-50; for MANUFACTURING AND DOMESTIC USES.

This right was perfected under Permit S-407. The date of priority is MARCH 31, 1910. This right is limited to 7.85 CUBIC FEET PER SECOND for manufacturing uses, and 0.415 CFS FOR DOMESTIC USES AT FISH LAKE CABINS AND RESORT; or its equivalent in case of rotation, measured at the point of diversion from the source.

Water is conveyed from Four Mile Lake via the Cascade Canal, and held, and stored in Fish Lake. Water is rediverted and released into the North Fork Little Butte Creek, and is rediverted into the Main Canal shared by Rogue River Valley and Medford Irrigation Districts. At Bradshaw Drop the water is split between the Hopkins Canal and the Medford Canal.

Total diversions through the Main Canal from North Fork and South Fork of Little Butte Creek shall not exceed 140 CFS at any one time.

The points of diversion are located as follows:

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
36 S	1 E	WM	8	SW SW	BRADSHAW DROP
36 S	2 E	WM	20	SE NE	NORTH FORK LITTLE BUTTE CREEK: 40 FEET NORTH AND 620 FEET WEST FROM THE E1/4 CORNER OF SECTION 20
36 S	5 E	WM	9	SW NW	FOUR MILE LAKE DAM: 3600 FEET NORTH AND 4200 FEET EAST FROM THE SW CORNER OF SECTION 9
37 S	4 E	WM	4	SE SE	FISH LAKE DAM: 4000 FEET SOUTH AND 600 FEET EAST FROM THE NE CORNER OF SECTION 4

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

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

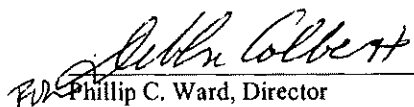
Twp.	Rng.	Mer.	Sec.	Q-Q	Tax Lot(s)	Quantity	Type of Use	Name of User
36 S	1 E	W.M.	9	NW ¼	2800, 2900	0.5 cfs	Manufacturing	Panther Crushing
36 S	1 W	W.M.	26	--		0.25 cfs	Manufacturing	Rogue Aggregates
37 S	1 W	W.M.	9, 16	--		1.25 cfs	Manufacturing	Jackson County Roads and Parks
37 S	2 W	W.M.	16	--			Manufacturing	
37 S	1 W	W.M.	1	--		1.0 cfs	Manufacturing	Dry Creek Landfill
37 S	1 W	W.M.	31	NE ¼		0.5 cfs	Manufacturing	KOGAP
37 S	1 W	W.M.	31	SE ¼			Manufacturing	
37 S	1 W	W.M.	32	SW ¼			Manufacturing	
36 S	1 W	W.M.	27	E ½		0.1 cfs	Manufacturing	Jackson County Roads and Parks
36 S	2 W	W.M.	22	--		0.5 cfs	Manufacturing	Self Trucking, Inc.
36 S	2 W	W.M.	22	--		0.5 cfs	Manufacturing	Plumley Trucking, Inc.
36 S	2 W	W.M.	28	--		0.5 cfs	Manufacturing	Rock & Ready Mix
37 S	1 W	W.M.	5	--		0.5 cfs	Manufacturing	Medford Ready Mix, Inc.
37 S	1 W	W.M.	5	NW NW	301	0.25 cfs	Manufacturing	Hawkins Gunite
37 S	2 W	W.M.	1	--		1.0 cfs	Manufacturing	LTM, Inc.
37 S	2 W	W.M.	11	--		0.25 cfs	Manufacturing	Central Point Lumber
36 S	1 W	W.M.	22	NW NE; NE NW	201, 202, 203	0.5 cfs	Manufacturing	Southern Oregon Underground
37 S	2 W	W.M.	14	SW NE; NE SE	100	0.25 cfs	Manufacturing	Boise Cascade Corp.
36 S	4 E	W.M.	34, 35	--		0.415 cfs	Domestic	Fish Lake Cabins, Resort, and Campgrounds
37 S	4 E	W.M.	2, 3	--			Domestic	

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

This certificate describes that portion of the water right confirmed by Certificate 81635, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered June 5, 2007, approving Transfer Application T-10160.

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.

WITNESS the signature of the Water Resources Director, affixed June 5, 2007


Phillip C. Ward, Director



Oregon

John A. Kitzhaber, M.D., Governor

Department of Fish and Wildlife

Fish Division

3406 Cherry Avenue NE

Salem, OR 97303

503-947-6200

Fax: 503-947-6202

www.dfw.state.or.us

COPY

*from transfer
file T-9973*



April 14, 2011

Eric Johnson, P.E.
Principal Engineer
Medford Water Commission
200 S. Ivy St.
Medford, OR 97501

Re: Duff Treatment Plant Screen Inspection

Dear Mr. Johnson,

Thank you for your and Andy's courteous assistance with the fish screen evaluation at the Duff Treatment Plant during my recent visit. With your help, I was able to discern that your screening facility has been constructed and is being operated according to the fish screening and passage criteria of our Department. I particularly appreciate witnessing the air burst cleaning sequence and the underwater post construction video of the "T-Screen."

Your facility is a good example of diligent efforts to effectively and reliably protect fish while providing water for the public in your beautiful area of Oregon.

Sincerely,

Michael Lambert
Lead Project Manager,
Fish Screening & Passage Program

cc: Carol Bradford, Medford Irrigation District
Rich Kilbane, ODFW, Central Point

MEMO –Proof to Satisfaction (March 17, 2014)

Application #	Permit #	Transfer # T-10507
WRD Reviewer Jessica Joyce	Date 8.29.14	
WRD Peer Reviewer	Date	

Research

- ☒ Organize file in chronological order
- ☒ Pull CBU Report & Map(s), Application Map, relevant Permit, Certificate, or Transfer Order, most recent Assignments, Extension Orders, SWL Measurements, Fish Screen Certification Documents, Water Use Reports & Pump Tests
- ☒ Search for Water Right Location using Interactive Mapper. Identify Tax Lots & check for Area of Interest (AOI)
+ - Medford IR District
+ - Rogue River Valley
- ☒ Water Organization identified using AOI? ___ No ___ Yes 5t, Room 171, Medford, OR 97501
If "Yes" cc: Medford Water Commission; 2005 IVY & Add to Mailing List
- N/A Print Tax Lot Map from ormap.net for the original Place of Use, and confirm Current Ownership & Address with County Assessor
If there is a new owner, Add to Mailing List, including the owner(s) name & tax lot number
- N/A Print Platecard & check for Place of Use Conflict? ___ No ___ Yes
If "Yes", provide copy of certificate & relevant map
- N/A Print BLM Cadastral Survey
- N/A Does Claim Map identify correct DLC, Gov't Lots, QQ's? ___ No ___ Yes
If "No", either _____ WRD amend map OR _____ prepare Order of Certification

Reviewing Claim

Have conditions on relevant permit, certificate, or transfer order been complied with? Yes, No, OR N/A

- _____ Fish Conditions
- _____ Meter/measuring device
- _____ Water Use Reporting
- _____ Pump Test (post December 19, 1988)
- _____ Other Conditions _____
- _____ SWL
- _____ C-Date _____

_____ Run Capacity Calculator and Print Findings (for pump, sprinklers, pipes, ditches, as appropriate)

NOTES:

Sp. Ord. Vol. 77 pg. 384 3.17.09

Sources operated by Medford IR District, and Rogue Valley IR District

Determination

___ I've determined that the permit/transfer was fully developed as authorized and that a **FINAL** Certificate should be issued.

___ I've determined that the permit/transfer was not fully developed as authorized and that a **PROPOSED** Certificate should be issued. A proposed Certificate should be issued for the following reason(s):

___ I've determined that beneficial use was NOT made within the terms and conditions and that a **Proposed Order of Certification** (denial) should be issued. A proposed Order of Certification should be issued for the following reason(s):

Processing

___ Stamp PROPOSED or Assign CERT# _____ or ORDER OF CERTIFICATION (circle one)

___ Draft Certificates or Proposed Order of Certifications are available in the Application directory.

___ Prepare Mailing List. Include Applicant(s); Receiving Landowner(s); Current Owner(s); Water Organizations; CWRE. Indicate records to be marked.

___ Record marking:	App _____	Permit _____	Cert _____
	App _____	Permit _____	Cert _____
	App _____	Permit _____	Cert _____
	App _____	Permit _____	Cert _____

NOTES:

#1 - Auth. orig. POD's not mapped. Only Addtl POD mapped

Pump Capacity Calculator

using Department designed formula:

MEDFORD WATER COMMISSION DIVERSION PUMP #3

$(hp)(\text{efficiency}) / (\text{lift} + \text{psi head}) = \text{capacity in cfs}$

Efficiency:

Centrifugal = 6.61

Turbine = 7.04

Data Entry (fill in underlined blanks)

HP = 500
Efficiency = 7.04
Lift = 68
PSI = 0

Results Calculated

$(hp)(\text{efficiency}) = 3520$
Head based on psi = 0.0
Total dynamic head = 68.0
(head + lift)

Pump Capacity = 51.765 cubic feet per second
CBU = 32.56 CFS

Pump Capacity Calculator

using Department designed formula:

MEDFORD WATER COMMISSION HIGH SERVICE PUMP #4

$(\text{hp})(\text{efficiency}) / (\text{lift} + \text{psi head}) = \text{capacity in cfs}$

Efficiency:

Centrifugal = 6.61

Turbine = 7.04

Data Entry (fill in underlined blanks)

HP = 800
Efficiency = 7.04
Lift = 68
PSI = 0

Results Calculated

$(\text{hp})(\text{efficiency}) = 5632$
Head based on psi = 0.0
Total dynamic head = 68.0
(head + lift)

Pump Capacity = 82.824 cubic feet per second
CBU = 32.56 CFS



Oregon Water Resources Department
Water Rights Information Query Results

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Records/Page: 10

	<u>Contacts</u>	<u>Application</u>	<u>Permit</u>	<u>Certificate</u>	<u>Claim</u>	<u>Decree</u>	<u>Transfers</u>	<u>Status</u> <u>Download</u>
Select	APPLICANT: ▷ COUNTY OF JACKSON ROADS AND PARKS 200 ANTELOPE RD WHITE CITY, OR 97503 RECEIVING LAND OWNER: ▷ CITY OF EAGLE POINT PO BOX 779 EAGLE POINT, OR 97524	S589	S407				▷ T10614 (Confirming)	NC
Select	APPLICANT: ▷ MEDFORD IRRIGATION DISTRICT 1340 MYERS LANE MEDFORD, OR 97501-3646 LANDOWNER: ▷ CITY OF EAGLE POINT PO BOX 779 EAGLE POINT, OR 97524	S589	S407				▷ T10527 (Confirming)	NC
Select	APPLICANT: ▷ MEDFORD IRRIGATION DISTRICT PO BOX 70 JACKSONVILLE, OR 97530 RECEIVING LAND OWNER: ▷ CITY OF EAGLE POINT PO BOX 779 EAGLE POINT, OR 97524	E194	E19				▷ T10960 (Confirming)	NC
Select	APPLICANT: ▷ MEDFORD IRRIGATION DISTRICT PO BOX 70 JACKSONVILLE, OR 97530 ▷ RECEIVING LAND OWNER: CITY OF EAGLE POINT	S589	S407				▷ T10960 (Confirming)	NC

	PO BOX 779 EAGLE POINT, OR 97524							
Select	OWNER: ▷ CITY OF EAGLE POINT PO BOX 779 EAGLE POINT, OR 97524 OWNER: ▷ ROGUE RIVER VALLEY IRRIGATION DISTRICT 3139 MERRIMAN RD MEDFORD, OR 97501	S589	S407	89864				NC Download

STATE OF OREGON

COUNTY OF JACKSON

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

ROGUE RIVER VALLEY IRRIGATION DISTRICT
3139 MERRIMAN ROAD
MEDFORD, OREGON, 97501

MEDFORD IRRIGATION DISTRICT
1340 MEYERS LANE
MEDFORD, OR 97501

confirms the right to use the waters of FOUR MILE LAKE RESERVOIR, within the KLAMATH RIVER BASIN; and waters draining or flowing into the CASCADE CANAL and FISH LAKE RESERVOIR, within the ROGUE RIVER BASIN; as constructed under Permit R-50; for MANUFACTURING AND DOMESTIC USES.

This right was perfected under Permit S-407. The date of priority is MARCH 31, 1910. This right is limited to 7.85 CUBIC FEET PER SECOND for manufacturing uses, and 0.415 CFS FOR DOMESTIC USES AT FISH LAKE CABINS AND RESORT; or its equivalent in case of rotation, measured at the point of diversion from the source.

Water is conveyed from Four Mile Lake via the Cascade Canal, and held, and stored in Fish Lake. Water is rediverted and released into the North Fork Little Butte Creek, and is rediverted into the Main Canal shared by Rogue River Valley and Medford Irrigation Districts. At Bradshaw Drop the water is split between the Hopkins Canal and the Medford Canal.

Total diversions through the Main Canal from North Fork and South Fork of Little Butte Creek shall not exceed 140 CFS at any one time.

The points of diversion are located as follows:

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
36 S	1 E	WM	8	SW SW	BRADSHAW DROP
36 S	2 E	WM	20	SE NE	NORTH FORK LITTLE BUTTE CREEK: 40 FEET NORTH AND 620 FEET WEST FROM THE E1/4 CORNER OF SECTION 20
36 S	5 E	WM	9	SW NW	FOUR MILE LAKE DAM: 3600 FEET NORTH AND 4200 FEET EAST FROM THE SW CORNER OF SECTION 9
37 S	4 E	WM	4	SE SE	FISH LAKE DAM: 4000 FEET SOUTH AND 600 FEET EAST FROM THE NE CORNER OF SECTION 4

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

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

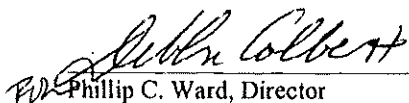
Twp.	Rng.	Mer.	Sec.	Q-Q	Tax Lot(s)	Quantity	Type of Use	Name of User
36 S	1 E	W.M.	9	NW ¼	2800, 2900	0.5 cfs	Manufacturing	Panther Crushing
36 S	1 W	W.M.	26	--		0.25 cfs	Manufacturing	Rogue Aggregates
37 S	1 W	W.M.	9, 16	--		1.25 cfs	Manufacturing	Jackson County Roads and Parks
37 S	2 W	W.M.	16	--			Manufacturing	
37 S	1 W	W.M.	1	--		1.0 cfs	Manufacturing	Dry Creek Landfill
37 S	1 W	W.M.	31	NE ¼		0.5 cfs	Manufacturing	KOGAP
37 S	1 W	W.M.	31	SE ¼			Manufacturing	
37 S	1 W	W.M.	32	SW ¼			Manufacturing	
36 S	1 W	W.M.	27	E ½		0.1 cfs	Manufacturing	Jackson County Roads and Parks
36 S	2 W	W.M.	22	--		0.5 cfs	Manufacturing	Self Trucking, Inc.
36 S	2 W	W.M.	22	--		0.5 cfs	Manufacturing	Plumley Trucking, Inc.
36 S	2 W	W.M.	28	--		0.5 cfs	Manufacturing	Rock & Ready Mix
37 S	1 W	W.M.	5	--		0.5 cfs	Manufacturing	Medford Ready Mix, Inc.
37 S	1 W	W.M.	5	NW NW	301	0.25 cfs	Manufacturing	Hawkins Gunit
37 S	2 W	W.M.	1	--		1.0 cfs	Manufacturing	LTM, Inc.
37 S	2 W	W.M.	11	--		0.25 cfs	Manufacturing	Central Point Lumber
36 S	1 W	W.M.	22	NW NE; NE NW	201, 202, 203	0.5 cfs	Manufacturing	Southern Oregon Underground
37 S	2 W	W.M.	14	SW NE; NE SE	100	0.25 cfs	Manufacturing	Boise Cascade Corp.
36 S	4 E	W.M.	34, 35	--		0.415 cfs	Domestic	Fish Lake Cabins, Resort, and Campgrounds
37 S	4 E	W.M.	2, 3	--			Domestic	

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

This certificate describes that portion of the water right confirmed by Certificate 81635, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered June 5, 2007, approving Transfer Application T-10160.

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.

WITNESS the signature of the Water Resources Director, affixed June 5, 2007


Phillip C. Ward, Director

STATE OF OREGON

COUNTY OF JACKSON

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

ROGUE RIVER VALLEY IRRIGATION DISTRICT
3139 MERRIMAN ROAD
MEDFORD, OREGON 97501

MEDFORD IRRIGATION DISTRICT
1340 MYERS LANE
MEDFORD, OREGON 97501-3646

confirms the right to use the waters of FOUR MILE LAKE RESERVOIR, within the KLAMATH RIVER BASIN; and water draining or flowing into the CASCADE CANAL and FISH LAKE RESERVOIR, within the ROGUE RIVER BASIN; as constructed under Permit R-50; for MANUFACTURING AND DOMESTIC USES.

This right was perfected under Permit S-407. The date of priority is MARCH 31, 1910. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 7.35 CUBIC FEET PER SECOND (cfs) , for MANUFACTURING USES and 0.415 cfs for DOMESTIC USES AT FISH LAKE CABINS AND RESORT; or its equivalent in case of rotation, measured at the point of diversion.

Water is conveyed from Four Mile Lake via the Cascade Canal, and held, and stored in Fish Lake. Water is re-diverted and released into the North Fork Little Butte Creek, and is re-diverted into the Main Canal shared by Rogue River Valley and Medford Irrigation Districts. At Bradshaw Drop the water is split between the Hopkins Canal and the Medford Canal.

Total diversions through the Main Canal from North Fork and South Fork of Little Butte Creek shall not exceed 140 CFS at any one time.

The points of diversion are located as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
36 S	1 E	WM	8	SW SW	BRADSHAW DROP
36 S	2 E	WM	20	SE NE	NORTH FORK LITTLE BUTTE CREEK - 40 FEET NORTH AND 620 FEET WEST FROM THE E¼ CORNER OF SECTION 20
36 S	5 E	WM	9	SW NW	FOUR MILE LAKE DAM - 3600 FEET NORTH AND 4200 FEET WEST FROM THE SE CORNER OF SECTION 9
37 S	4 E	WM	4	SE SE	FISH LAKE DAM - 4000 FEET SOUTH AND 600 FEET WEST FROM NE CORNER OF SECTION 4

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

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.

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

Twp	Rng	Mer	Sec	Q-Q	Quantity	Tax Lot	Type of Use	Name of User
36 S	4 E	WM	34	—	0.415 cfs		Domestic	Fish Lake Cabins, Resort and Campgrounds
36 S	4 E	WM	35	—				
37 S	4 E	WM	2	—			Domestic	
37 S	4 E	WM	3	—				
36 S	1 E	WM	9	NW¼	0.5 cfs	2800 2900	Manufacturing	Panther Crushing
36 S	1 W	WM	26	—	0.25 cfs		Manufacturing	Rogue Aggregates
37 S	1 W	WM	9 (point of delivery from irrigation district)	County roads and park land within the mapped boundaries of Medford Irrigation District	1.25 cfs		Manufacturing	Jackson County Roads and Parks
37 S	1 W	WM	16 (point of delivery from irrigation district)					
37 S	2 W	WM	9 (point of delivery from irrigation district)					
37 S	1 W	WM	1	—	1.0 cfs		Manufacturing	Dry Creek Landfill
36 S	1 W	WM	27 (point of delivery from irrigation district)	County roads and park land within the mapped boundaries of Rogue River Valley Irrigation District	0.1 cfs		Manufacturing	Jackson County Roads and Parks
36 S	2 W	WM	22	—	0.5 cfs		Manufacturing	Self Trucking, Inc.
36 S	2 W	WM	22	—	0.5 cfs		Manufacturing	Plumley Trucking, Inc.
36 S	2 W	WM	28	—	0.5 cfs		Manufacturing	Rock & Ready Mix
37 S	1 W	WM	5	—	0.5 cfs		Manufacturing	Medford Ready Mix, Inc.
37 S	1 W	WM	5	NW NW	0.25 cfs	301	Manufacturing	Hawkins Gunite
37 S	2 W	WM	1	—	1.0 cfs		Manufacturing	LTM, Inc.
37 S	2 W	WM	11	—	0.25 cfs		Manufacturing	Central Point Lumber
36 S	1 W	WM	22	NW NE NE NW	0.5 cfs	201 202 203	Manufacturing	Southern Oregon Underground
36 S	2 W	WM	14	SW NE NE SE	0.25 cfs	100	Manufacturing	Boise Cascade Corp.

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

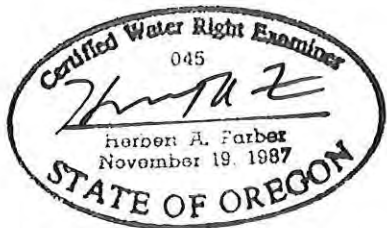
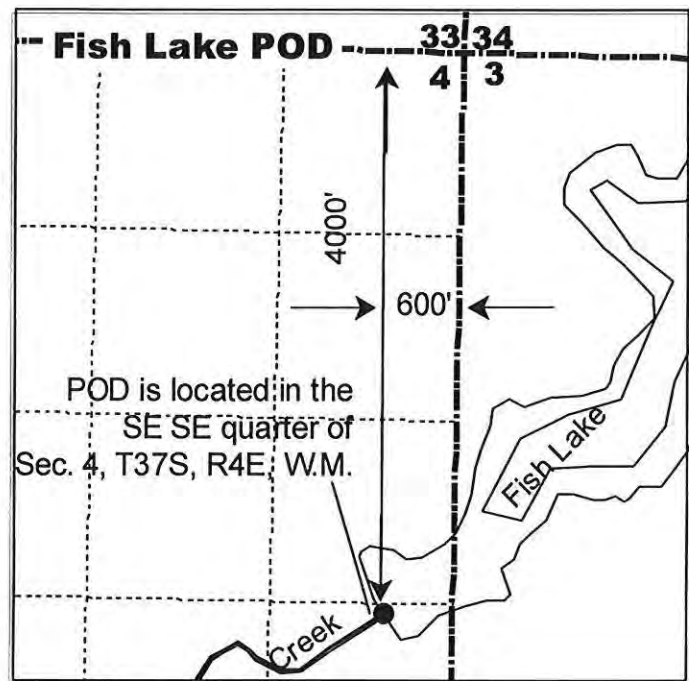
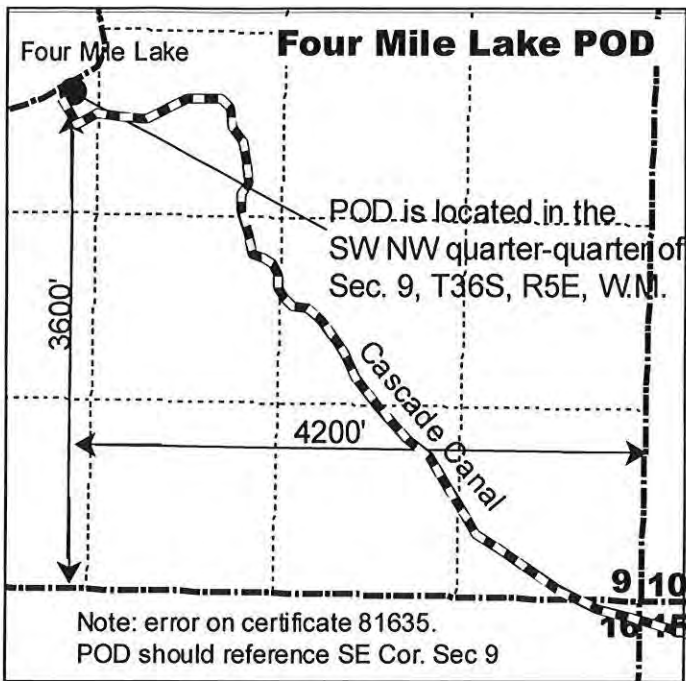
This certificate corrects the locations for the Four Mile Lake Dam and Fish Lake Dam points of diversion and the place of use description for Jackson County Roads and Parks. This certificate also describes that portion of the water right confirmed by Certificate 83263, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered MAR 17 2009, approving Transfer Application T-10527.

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.

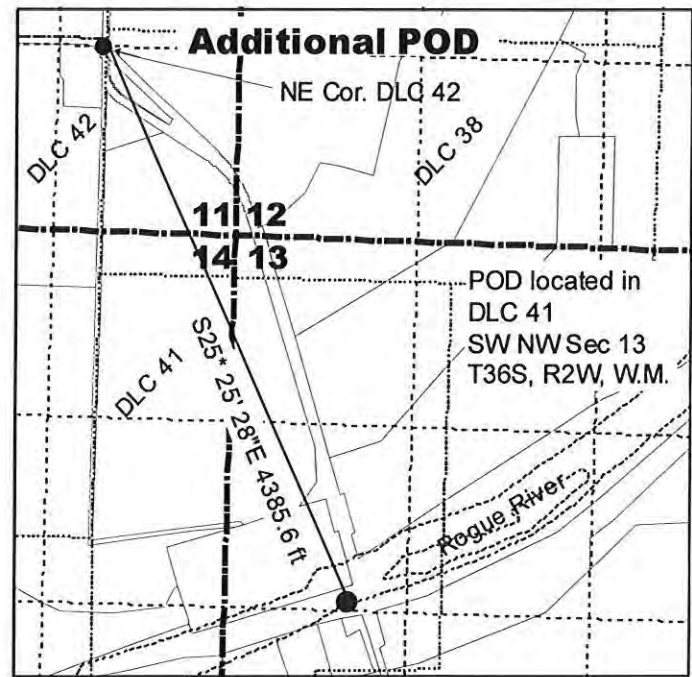
WITNESS the signature of the Water Resources Director, affixed MAR 17 2009.

William E. Feber
for Phillip C. Ward, Director

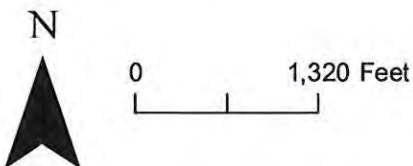
Map of POD for Transfer from T 37 S, R 1 W, Section 31 & 32 Map 2 of 3



RENEWAL DATE 12-31-09



**Note: This map is not to be
used for property line location.
It is for water right proposes only.**



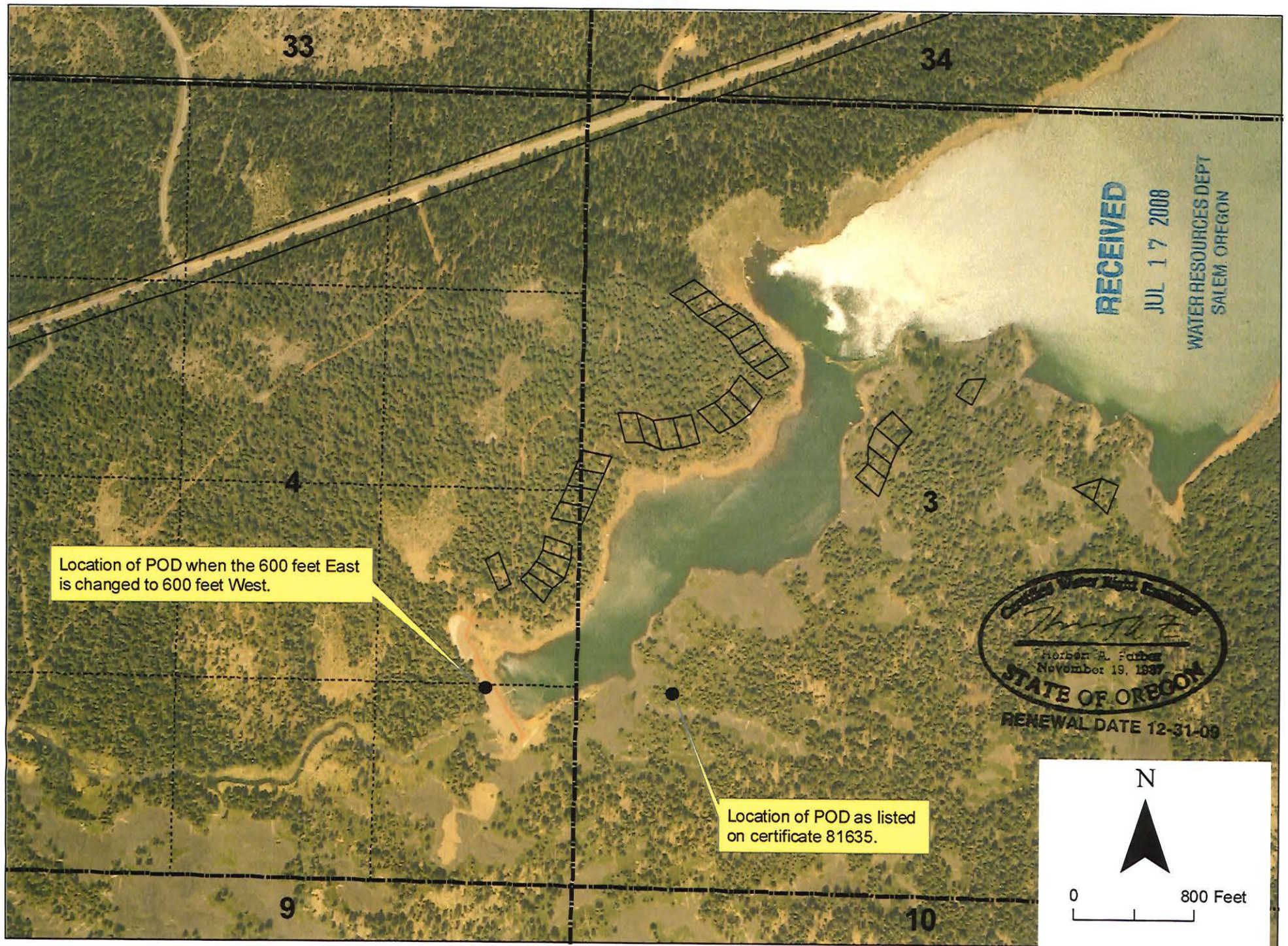
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WATER RESOURCES DEPT
SALEM, OREGON

FARBER
SURVEYING

PO Box 5286
Central Point, Oregon 97502
Phone 541-664-5599
Fax 541-664-5603
Email hafarber@charter.net

Farber & Sons, Inc.
431 Oak Street
Central Point, Oregon
Tax ID: 93-1057173

Fish Lake POD



Completion Checklist for CWRE Claims of Beneficial Use

Application # T 10527



Date Received 12/19/2011
 CWRE Name Herb Farber Claim Logged ☒
 File Marked ☒
 Oversized Map # 0647 folder U
 Read the file and attach a copy of the permit or transfer final order. _____

Map Review:

- ☒ Map on polyester film (OAR 690-014-0170(1) & 310-0050(1)(b))
- ☒ Application & permit #; or transfer # (OAR 690-014-0100(1))
- ☒ Disclaimer (OAR 690-014-0170(5))
- ☒ North arrow (OAR 690-310-0050(2)(c))
- ☒ CWRE stamp and signature (OAR 690-014 & 310-0050)
- ☒ Appropriate scale (1" = 1320', 1" = 400', or the original full-size scale of the county assessor map) (014 & 310)
- ☒ Township, range, section, and tax lot numbers (OAR 690-310-0050(4))
- _____ Source illustrated if surface water (OAR 690-014-0170(3))
- _____ Point(s) of diversion or appropriation (illustrated) (OAR 690-014(4) & 690-310-0050)
- _____ Point(s) of diversion or appropriation (coordinates) (OAR 690-014(4) & 690-310-0050)
- _____ Conveyance structures illustrated (pump, pipelines, ditches, etc.) (OAR 690-310-0050)
- _____ Description of the location, in relation to the point of diversion or appropriation, of any fish screens, by-pass devices, and measuring devices required (OAR 690-014(4))
- _____ Place of use (1/4 1/4, or projected 1/4 1/4 lines within DLCs, or Gov Lots; if irrigation, # of acres in each subdivision; if for domestic or human consumption, location of dwelling or spigot) (OAR 690-310-0050, 690-014, 690-380-6010)

Report Review:

- ☒ On form or format provided by the Department (OAR 690-014-0100(1))
- ☒ Application & permit #; or transfer # (OAR 690-014)
- ☒ Ownership information (OAR 690-014)
- ☒ Date of survey (OAR 690-014)
- ☒ Person interviewed (OAR 690-014)
- ☒ County (OAR 690-014)
- ☒ Tax lot information (OAR 690-014)
- _____ Description of conveyances system (from POD to POU) (OAR 690-014-0100)
- _____ Source(s) of water (OAR 690-014-0100)
- _____ Point of diversion/appropriation location (OAR 690-014-0100)
- _____ Use, period of use, and rate for use (OAR 690-014-0100)
- _____ Place of use location (OAR 690-014-0100)
- _____ Type of use (OAR 690-014-0100)
- _____ Extent of use (OAR 690-014-0100)
- _____ Rate and Duty (OAR 690-014-0100)
- _____ Diversion rate for each use (OAR 690-014-0100)
- _____ Diversion works description (pump make, serial model, capacity, and description) (OAR 690-014-0100)
- _____ System capacity (OAR 690-014-0100)
 - _____ Calculated capacity of system (required)
 - _____ Measured amount of use (optional)
- _____ Permit/Transfer Final Order Conditions (OAR 690-014-0100)
 - _____ Time limits
 - _____ Initial water level measurements
 - _____ Annual static water level measurements
 - _____ Measurement, recording, and reporting
 - _____ Meter/measuring device
 - _____ Water use reporting
 - _____ Fish screening and/or by-pass
 - _____ Pump test (ground water)
 - _____ Other conditions
- ☒ CWRE stamp and signature (OAR 690-014-0100)
- ☒ Signature(s) of permittee of transfer holder (OAR 690-014-0100)

DEF = deficient

N/A = Not Applicable

Certificate Issuance Processing Checklist

_____ Map and COBU reviewed
_____ Conflict check (include copy of plat card printout) Any Conflicts? _____
_____ Check for ownership

Staff Recommendations:

_____ Proof to the Satisfaction has been established to the full extent as described in the permit or transfer order.
_____ Proof to the Satisfaction has been not been established to the full extent as described in the permit or transfer order and the right should be limited as follows: _____
_____ Proof to the Satisfaction has not been established for the following reasons: _____
_____ **Proposed Actions:**
_____ Send letter requesting the following items/information: _____
_____ Send letter recommending extension to cure deficiencies: _____

Can certificate be processed further?

_____ Yes

If "Yes":

_____ Proposed
_____ Final

Certificate # _____

Mailing list:

Proposed:

Final:

**CLAIM OF
BENEFICIAL USE
for Permits claiming more
than 0.1 cfs and All Transfers**



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

**A fee of \$150 must accompany this form to be accepted for permits
with a priority date of July 9, 1987, or later. (ORS 536.050(1))**

A separate form shall be completed for each permit.

In cases where a permit has been amended through the permit amendment process, a separate claim for the permit amendment is not required. Incorporate the permit amendment into the claim for the permit.

This form is subject to revision. **Begin each new claim** by checking for a new version of this form at:
http://www.wrd.state.or.us/OWRD/WR/cwre_info.shtml#.

The completion of this form is required by OAR 690-014-0100(1) and 690-014-0110(4).

Please type or print in dark ink. If this form is found to contain errors or omissions, it may be returned to you. **Every item must have a response.** If any requested information does not apply to the claim, insert "NA." **Do not delete or alter any section of this form unless directed by the form.** The Department may require the submittal of additional information from any water user or authorized agent.

If you have questions regarding the completion of this form, please call 503-986-0900 and ask for the Certificate Section.

The Department has a program that allows it to enter into a voluntary agreement with an applicant for expedited services. Under such an agreement, the applicant pays the cost to hire additional staff that would not otherwise be available. This program means a certificate may be issued in about a month. For more information on this program see http://www.wrd.state.or.us/OWRD/mgmt_reimbursements/authority.shtml.

SECTION 1

GENERAL INFORMATION

DEC 09 2011

WATER RESOURCES DEPT
SALEM, OREGON

1. File Information

APPLICATION # (G, R, S or T) T-10527	PERMIT # (IF APPLICABLE)	PERMIT AMENDMENT # (IF APPLICABLE)
--	--------------------------	------------------------------------

2. Property Owner (current owner information)

APPLICANT/BUSINESS NAME City of Eagle Point		PHONE NO. 541-826-4212	ADDITIONAL CONTACT NO.
ADDRESS PO Box 779			
CITY Eagle Point,	STATE OR	ZIP 97524	E-MAIL davidhussell@cityofeaglepoint.org

If the current property owner is not the permit or transfer holder of record, it is recommended that an assignment be filed with the Department. **The COBU must be signed by the permit or transfer holder of record.**

3. Is the Property Owner the permit or transfer holder of record?

YES NO

Are there additional permit or transfer holders of record?

YES NO

4. Date of Site Inspection: August 30, 2011

5. Person(s) interviewed and description of their association with the project:

NAME	DATE	ASSOCIATION WITH THE PROJECT
Jim Stockton	August 30, 2011	Manager of Medford Water Commission Duff Water Treatment Plant
Cordy Johnson	August 30, 2011	City Eagle Point Public Works Department

6. County: Jackson

7. If any property described in the place of use of the permit or transfer final order is excluded from this report, identify the owner of record for that property (ORS 537.230(4)):

**Mark "NA" if there are no owners of property not included in this claim

OWNER OF RECORD		
n/a		
ADDRESS		
CITY	STATE	ZIP

Are there additional Owners of Record?

YES NO

SECTION 2

SYSTEM DESCRIPTION

A. Points of Diversion/Appropriation

1. Point of diversion/appropriation name or number:

POINT OF DIVERSION/APPROPRIATION (POD/POA) NAME OR NUMBER (CORRESPOND TO MAP)	WELL LOG ID # FOR ALL WORK PERFORMED ON THE WELL (IF APPLICABLE)	WELL TAG # (IF APPLICABLE)
Four Mile Lake Dam		

Attach each well log available for the well (include the log for the original well and any subsequent alterations, reconstructions, or deepenings)

2. Point of diversion/appropriation source and, if from surface water, the tributary:

POD/POA NAME OR NUMBER	SOURCE	TRIBUTARY
	Four Mile Creek	Upper Klamath Lake

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WATER RESOURCES DEPT
SALEM, OREGON

3. Developed use(s), period of use, and rate for each use:

POD/POA NAME OR NUMBER	USES	IF IRRIGATION, LIST CROP TYPE	SEASON OR MONTHS WHEN WATER WAS USED	RATE OR VOLUME FOR USE (CFS, GPM, OR AF)
	Municipal			0.5cfs
Total Quantity of Water Used				

4. Provide a general narrative description of the distribution works. This description must trace the water system from **each** point of diversion or appropriation to the place of use:

The water affected by this COBU is storage of Four Mile Lake Reservoir, water flowing into the Cascade Canal and Fish Lake Reservoir. The water from Four Mile Lake Reservoir is transported through the Cascade Canal, the canal also diverts the natural flow into the canal. The Cascade Canal drains into Fish Lake Reservoir. The combined water of all three sources is released as needed into the North Fork of Little Butte Creek. These sources are in joint operation by Medford Irrigation District and Rogue River Valley Irrigation District. The water flows down the North Fork of Little Butte Creek to the North Fork Diversion where it can be diverted into the Joint Canal for transport through the canal system to be released into several creeks that return to Little Butte Creek or the water can be passed through the North Fork Diversion to flow down Little Butte Creek to the Rogue River and thence down the Rogue River to the intake of the Medford Water Commission Duff Water Treatment Plant. At this point the Medford Water Commission diverts water for the City of Medford and several client cities, including the City of Eagle Point and the City of Central Point. There are 5 diversion pumps that pump water into a 42 inch mainline. The flow is metered before entering the water treatment plant. After flowing through the various steps of treatment to reach potable water standards the water is stored in a 5 million gallon reservoir used as a bulge in the system. The water is pumped into the distribution system by 5 high service pumps. A branch of the Medford Water Commission system serves the White City area. It is from this branch that the City of Eagle Point receives delivery into the system owned by the City. There are three boost pumps that provide the pressure to deliver the water through the City and to two storage tanks used as a bulge in the system.

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WATER RESOURCES DEPT
SALEM, OREGON

SECTION 2

SYSTEM DESCRIPTION (B through H)

Are there multiple PODs or POAs?

YES NO

If "YES" you will need to copy and complete Sections 2B through 2H for each POD/POA.

POD/POA Name or Number this section describes (only needed if there is more than one):

POD from Rogue River

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DEC 09 2011

B. Place of Use

1. Is the right for municipal use?

WATER RESOURCES DEPT

YES NO

SALEM OREGON

Reminder: The map associated with this claim must identify Donation Land Claims (DLC), Government Lots (Gov Lot), Quarter-Quarters (QQ), and if for irrigation, the number of acres irrigated within each projected DLC, Gov Lot, and QQ.

C. Diversion and Delivery System Information

Provide the following information concerning the diversion and delivery system. Information provided must describe the equipment used to transport and apply the water from the point of diversion/appropriation to the place of use.

1. Is a pump used?

YES NO

If "NO" items 2 through item 6 may be deleted.

Please note that there are five diversion pumps operated by the Medford Water Commission. Pumps #1, 2 and 5 are rated at 10.5 CFS. Pumps #3 and #5 are rated at 26.25 CFS. At the time of field survey for this COBU no pumps were monitored for this COBU. Listed below is the data on pump #3. All of these pumps remain operational

1. Pump information **Medford Water Commission diversion pump #3** (there are 5 diversion pumps)

Brand	Model	Serial Number	Type (centrifugal, turbine or submersible)	Intake size	Discharge size
Peerless		240006	Turbine	20 inch	20 inch

2. Motor information

Brand	Model	Horsepower	Max RPM	Voltage
US	CG0350361-179	500	880	460

3. Meter information (if required in permit or transfer final order)

Make	Serial #	Condition (working or not)	Current meter reading	Notes
Rosemont	086D132756	Working	904.64 million gallons	Registers in 1000 gallon units.

4. Measurement device description

Device description	Condition (working or not)	Notes
Impeller inside pipe	working	Registers in 1000 gallon units.

5. Measured pump capacity (using meter if meter was present and system was operating)

Initial meter reading	Ending meter reading	Duration of time observed	Total pump output
1477.65 MG	1477.96	20MIN	310,000 GAL

6. Theoretical pump capacity

Horsepower	Operating psi	Lift from source to pump *If a well, the water level during pumping (see pump test results)	Lift from pump to place of use	Total pump output
500		0	68 ft to reservoir	32.56 CFS

7. Provide pump calculations in the box below:

See attached pump calculation sheet titled "Diversion Pump"

Please note the water from the diversion pump flows through the water treatment plant by gravity to the 5 million gallon storage tank. The purpose of this tank is to absorb the difference in flow between the amount being pumped by the diversion pumps and the high service pumps. As the system senses increasing demand for water by the various customers supplied by the Medford Water Commission, of which the City of Eagle Point is a customer, the number of high service pump pumping increases. When the system senses declining storage in the 5 million storage tank, then more diversion pumps enter service. The total capacity of all the diversion pumps is designed to be 103.8 CFS. The combined capacity of all the pumps is greater than the capacity of the pipelines and treatment plant. The reason is to provide spare pumps in case of failure or maintenance of a pump. The total permitted and certificated water rights for this POD is 68.5cfs per Larry Rain, Manager Medford Water Commission.

The total design capacity of the high service pumps is 2 pumps at 12.47 CFS and 2 pumps at 24.94 CFS and 1 at 22.17 CFS. At any moment in time it depends on whether the 5 million gallon storage tank is filling or emptying on the number and combination of pumps that are in operation. At the time of the field survey high service pump #4 was in operation. Following is the data on that pump.

1. Pump information **Medford Water Commission high service pump #4** (there are 5 high service pumps)

Brand	Model	Serial Number	Type (centrifugal, turbine or submersible)	Intake size	Discharge size
Gould	VIT-FF	306178 2STG	Turbine	20 inch	20 inch

2. Motor information

Brand	Model	Horsepower	Max RPM	Voltage
US Electric	CF03600190-926 80-05419 NRR	800	1185	2300 Amps 178

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3. Meter information (if required in permit or transfer final order)

Make	Serial #	Condition (working or not)	Current meter reading	Notes
See above				

4. Measurement device description

Device description	Condition (working or not)	Notes
NA		

5. Measured pump capacity (using meter if meter was present and system was operating)

Note the rated capacity of this pump is 22.17 CFS

Initial meter reading	Ending meter reading	Duration of time observed	Total pump output

6. Theoretical pump capacity

Horsepower	Operating psi	Lift from source to pump *If a well, the water level during pumping (see pump test results)	Lift from pump to place of use	Total pump output
500		0	68 ft to reservoir	32.56 CFS

7. Provide pump calculations in the box below:

See attached pump calculation sheet titled "High Service Pump #4"

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Note: the water subject to this COBU is transported by Medford Water Commission from the Rogue River through the Medford Water Commission system to the system of the City of Eagle Point, as indicated on the COBU map. At this point the water is metered to the City. The meter information below pertains to water used exclusively by the City of Eagle Point.

There is a pump station, as indicated on the COBU map to boost the pressure to the elevation of the water storage tanks owned by the City of Eagle Point. The tanks are used as a bulge in the system to satisfy the demand of the City when the supply from the Medford Water Commission is not sufficient. At times of the day the tanks are filling and at times of high demand water is being withdrawn.

The pump station consists of four pumps. As demand for water by the City increases the pumps sense the demand and turn on to satisfy the demand. At the time of the field survey pump #3 and 4 was in operation. There is excess pump capacity to provide reserve in case of the need to repair or maintenance takes a pump out of service.

1. Pump information **City of Eagle Point boost pump #1**

Brand	Model	Serial Number	Type (centrifugal, turbine or submersible)	Intake size	Discharge size
Peerless	C 1250 A	20609250186	Centrifugal	8 inch	8 inch to 20 inch manifold

2. Motor information

Brand	Model	Horsepower	Max RPM	Voltage
Baldon	NA	40	1750	460

1. Pump information **City of Eagle Point boost pump #2**

Brand	Model	Serial Number	Type (centrifugal, turbine or submersible)	Intake size	Discharge size
Peerless	C 1660	20612080113	Centrifugal	10 inch	10 inch to

					20 inch manifold
--	--	--	--	--	------------------

2. Motor information

Brand	Model	Horsepower	Max RPM	Voltage
Baldon	NA	100	1750	460

1. Pump information City of Eagle Point boost pump #3

Brand	Model	Serial Number	Type (centrifugal, turbine or submersible)	Intake size	Discharge size
Peerless	C 1600	20612080103	Centrifugal	10 inch	10 inch to 20 inch manifold

2. Motor information

Brand	Model	Horsepower	Max RPM	Voltage
Baldon	NA	100	1750	460

1. Pump information City of Eagle Point boost pump #4

Brand	Model	Serial Number	Type (centrifugal, turbine or submersible)	Intake size	Discharge size
Peerless	C 1250 A	20612080111	Centrifugal	10 inch	10 inch to 20 inch manifold

2. Motor information

Brand	Model	Horsepower	Max RPM	Voltage
Baldon	NA	40	1750	460

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3. Meter information (if required in permit or transfer final order)

Make	Serial #	Condition (working or not)	Current meter reading	Notes
Sensus	59441531	Working		6" meter

3. Meter information (if required in permit or transfer final order)

Make	Serial #	Condition (working or not)	Current meter reading	Notes
Sensus	60755323	Working		8" meter

4. Measurement device description

Device description	Condition (working or not)	Notes
Impeller inside pipe	working	Registers in 1000 gallon units.

6. Measured pump capacity (using meter if meter was present and system was operating)

Initial meter reading	Ending meter reading	Duration of time observed	Total pump output
6" meter	Flow observed a 3,000 gpm for system	20m 0 s	60,000 gal 3000 GPM
8" meter		20 m 0 s	60,000 gal 3000 GPM

6. Theoretical pump capacity

Horsepower	Operating psi	Lift from source to pump *If a well, the water level during pumping (see pump test results)	Lift from pump to place of use	Total pump output
100	110	Intake pressure is 74.5 PSI	189 ft to reservoir	6.15 CFS

7. Provide pump calculations in the box below:

See attached pump calculation sheet titled "Boost Pump #2"

Note: the capacity of pump #1 is calculated at 2.46 CFS. The capacity of pumps #2, #3 and #4 are 6.15 CFS each.

D. Groundwater Source Information (Well and Sump)

1. Is the appropriation from ground water (well or sump)?

YES NO

If "NO", items 2 through 8 relating to this section may be deleted.

E. Storage

1. Does the distribution system include in-system storage (i.e. storage tank, bulge in system / reservoir)

YES NO

If "NO", item 2 and 3 relating to this section may be deleted.

If "YES" is it a: Storage Tank

YES NO

Bulge in System / Reservoir

YES NO

Complete appropriate table(s) below, unused table may be deleted.

2. Storage Tank:

MATERIAL (CONCRETE, FIBERGLASS, METAL, ETC.)	CAPACITY (IN GALLONS)	ABOVE GROUND OR BURIED
Medford Water Commission storage reservoir Used for bulge in system for entire system of which City of Eagle Point is a part Tank is concrete	5 million gallons	buried

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2. Storage Tank:

MATERIAL (CONCRETE, FIBERGLASS, METAL, ETC.)	CAPACITY (IN GALLONS)	ABOVE GROUND OR BURIED
City of Eagle Point steel reservoir	2000,000	Above ground

2. Storage Tank:

MATERIAL (CONCRETE, FIBERGLASS, METAL, ETC.)	CAPACITY (IN GALLONS)	ABOVE GROUND OR BURIED
City of Eagle Point steel reservoir	3.5 million gallons	Above ground

3. Bulge in System / Reservoir:

F. Gravity Flow Pipe

(THE DEPARTMENT TYPICALLY USES THE HAZEN-WILLIAM'S FORMULA FOR A GRAVITY FLOW PIPE SYSTEM)

1. Does the system involve a gravity flow pipe?

YES NO

If "NO", items 2 through 4 relating to this section may be deleted.

G. Gravity Flow Canal or Ditch

(THE DEPARTMENT TYPICALLY USES MANNING'S FORMULA FOR CANALS AND DITCHES)

1. Is a gravity flow canal or ditch used to convey the water as part of the distribution system?

YES NO

If "NO", items 2 through 4 relating to this section may be deleted.

Attach measurement notes.

H. Reservoir

1. Does the claim involve a reservoir modified through a transfer?

YES NO

Reminder: This section should only be completed if the reservoir right has been modified through the transfer process. If the claim is for a permitted reservoir use the Claim of Beneficial Use form for reservoirs.

If "NO", items 2 through 9 relating to this section may be deleted.

SECTION 3 CONDITIONS

Please pay special attention to this section. All conditions contained in the permit, permit amendment, transfer final order, or any extension final order shall be addressed. Reports that do not address all performance related conditions will be returned.

1. Time Limits:

Permits, transfer final orders, and any extension final orders contain any or all of the following dates; the date when the actual construction work was to begin, the date when the construction was to be completed, and the date when the complete application of water to the proposed use is to be completed by. These dates may be referred to as ABC dates. Describe how the water user has complied with each of the development timelines established in the permit, extension or transfer final order:

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SALEM, OREGON

	DATE FROM PERMIT OR TRANSFER	DATE ACCOMPLISHED*	DESCRIPTION OF ACTIONS TAKEN BY WATER USER TO COMPLY WITH THE TIME LIMITS
ISSUANCE DATE	March 24, 2009		
BEGIN CONSTRUCTION (A)	N/A		
COMPLETE CONSTRUCTION (B)	N/A		
COMPLETE APPLICATION OF WATER (C)	10-1-2013	08-30-11	System in place, using water

* MUST BE WITHIN PERIOD BETWEEN PERMIT, TRANSFER FINAL ORDER, OR ANY EXTENSION FINAL ORDER ISSUANCE AND THE DATE TO COMPLETELY APPLY WATER

2. Is there an extension final order(s)? YES NO

If "NO", you may delete item 3 in this section.

4. Initial Water Level Measurements:

a. Was the water user required to submit an initial static water level measurement? YES NO

If "NO", items 4b through 4d relating to this section may be deleted.

5. Annual Static Water Level Measurements:

a. Was the water user required to submit annual static water level measurements? YES NO

If "NO", items 5b through 5e relating to this section may be deleted.

6. Pump Test (Required for most ground water permits prior to issuance of a certificate)

a. Did the permit require the submittal of a pump test? YES NO

If "NO", items 6b through 6d relating to this section may be deleted.

7. Measurement Conditions:

a. Does the permit, permit amendment, transfer final order, or any extension final order require the installation of a meter or approved measuring device? YES NO

If "NO", items 7b through 7f relating to this section may be deleted.

Reminder: If a meter or approved measuring device was required, the COBU map must indicate the location of the device in relation to the point of diversion or appropriation.

b. Has a meter been installed? YES NO

c. Meter Information

POD/POA NAME OR #	MANUFACTURER	SERIAL #	CONDITION (WORKING OR NOT)	CURRENT METER READING	DATE INSTALLED

d. If a meter has not been installed, has a suitable measuring device been installed and approved by the Department?

YES NO

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If a meter has been installed, items 7e through 7g relating to this section may be deleted.

Note:

The meter at the Medford Water Commission treatment plant has been in existence for many years. The meter at the delivery point from Medford Water Commission to the City of Eagle Point has been in existence for many years. The water right related to this COBU is intended to begin the process of replacing water used by the City of Eagle point owned by the Medford Water Commission water right with water right owned by the City of Eagle Point. Therefore the system has been in use for many years. The Lake Creek gauging station in Little Butte Creek (Station number 14346700) is listed on the Final Order as satisfying the measurement requirement.

8. Recording and reporting conditions

a. Is the water user required to report the water use to the Department?

YES NO

If "NO", item 8b relating to this section may be deleted.

If the reports have not been submitted, attach a copy of the reports if available.

9. Fish Screening

a. Are any points of diversion required to be screened to prevent fish from entering the point of diversion?

YES NO

If "NO", items 9b through 9e relating to this section may be deleted.

Reminder: If fish screening devices were required, the COBU map must indicate their location in relation to the point of diversion.

b. Has the fish screening been installed?

YES NO

c. When was the fish screening installed?

DATE	BY WHOM

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d. If the diversion **involves a pump** *and* the **total** diversion rate of all rights at the point of diversion is less than 225 gpm (0.5 cfs):

- Has the self-certification form previously been submitted to the Department?
- If not, go to <http://www.wrd.state.or.us/OWRD/PUBS/forms.shtml>, complete and attach a copy of the self-certification form to this claim, and send a copy of it to the Oregon Department of Fish and Wildlife (ODFW).

NA YES NO

Reminder: Failure to submit evidence of a timely installed fish screen may result in an unfavorable determination. The ODFW self certification form needs to have been previously submitted or be attached to this form.

e. If the diversion does **not involve a pump** *or* the **total** diversion rate of all rights at the point of diversion is 225 gpm (0.5 cfs) or greater:

- Has the ODFW approval been previously submitted?
- If not, contact and work with ODFW to ensure compliance. To demonstrate compliance, provide signed documentation from ODFW. A form is available at <http://www.wrd.state.or.us/OWRD/PUBS/forms.shtml>

NA YES NO

Reminder: Failure to submit evidence of a timely installed fish screen may result in an unfavorable determination. In order to receive a favorable approval, the ODFW/WRD "Fish Screen Inspection" form needs to have been previously submitted or be attached to this form.

10. By-pass Devices

a. Are any points of diversion required to have a by-pass device to prevent fish from entering the point of diversion?

YES NO

If "NO", items 10b and 10c relating to this section may be deleted.

Reminder: If by-pass devices were required, the COBU map must indicate their location in relation to the point of diversion.

b. Has the by-pass device been installed?

YES NO

c. Describe the diversion works as related to whether a by-pass device is installed or unnecessary:

(Provide a letter from ODFW indicating the device is approved or is unnecessary. If there is no letter from ODFW, explain whether or not a by-pass device is necessary.)

DESCRIPTION	IF INSTALLED (DATE)	IF INSTALLED, BY WHOM
(I.E. "ODFW HAS APPROVED THE BY-PASS DEVICE" OR "NO BY-PASS DEVICE IS NECESSARY BECAUSE THERE IS A DIRECT DIVERSION FROM THE STREAM VIA A PUMP ON RIVER LEFT STREAM BANK WITH FOOT VALVE DESCENDING DIRECTLY INTO NATURAL POOL.") IN ADDITION, YOU MAY ATTACH PHOTOS TO THIS CLAIM.		
See attached letter of acceptance by ODFW		

11. Other conditions required by permit, permit amendment final order, extension final order, or transfer final order

a. Were there special well construction standards?

YES NO

b. Was submittal of a ground water monitoring plan required?

YES NO

c. Was the water user required to restore the riparian area if it was disturbed?

YES NO

d. Was a fishway required?

YES NO

e. Was submittal of a letter from an engineer required prior to storage of water?

YES NO

f. Was submittal of a water management and conservation plan required?

YES NO

g. Other conditions?

YES NO

If "YES" to any of the above, identify the condition and describe the water user's actions to comply with the condition(s):

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SECTION 4 VARIATIONS

Include a description of variations from the permit, permit amendment final order, extension final order, or transfer final order. (i.e. *"The permit allowed three points of diversion. The water user only developed one of the points."* or *"The permit allowed 40.0 acres of irrigation. The water user only developed 10.0 acres."*)

n/a

SECTION 5 ATTACHMENTS

If you are attaching any documents to this report, provide a list:

ATTACHMENT NAME	DESCRIPTION
Pump calculations 6 sheets	Pump capacity calculations for pumps and list of Eagle Point SN
Table 1	List of quarter quarter for place of use.

SECTION 6 CLAIM SUMMARY

POD / POA NAME OR #	MAXIMUM RATE AUTHORIZED	CALCULATED THEORETICAL RATE BASED ON SYSTEM	AMOUNT OF WATER MEASURED	USE	# OF ACRES ALLOWED	# OF ACRES DEVELOPED
Rogue River	0.5 cfs	20.91 cfs-Eagle Point system	6.7 cfs	municipal	City limits	all

SECTION 7 CLAIM OF BENEFICIAL USE MAP

The Claim of Beneficial Use Map must be submitted with this claim. Claims submitted without the Claim of Beneficial Use map will be returned. The map shall be submitted on poly film at a scale of 1" = 1320 feet, 1" = 400 feet, or the original full-size scale of the county assessor map for the location.

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Provide a general description of the survey method used to prepare the map. Examples of possible methods include, but are not limited to, a traverse survey, GPS, or the use of aerial photos. If the basis of the survey is an aerial photo, provide the source, date, series and the aerial photo identification number.



Map Checklist

Please be sure that the map you submit includes ALL the items listed below.

(Reminder: Incomplete maps and/or claims may be returned.)

- ☐ Map on polyester film.
- ☐ Appropriate scale (1" = 400 feet, 1" = 1320 feet, or the original full-size scale of the county assessor map)
- ☐ Township, Range, Section, Donation Land Claims, and Government Lots
- ☐ If irrigation, number of acres irrigated within each projected Donation Land Claims, Government Lots, Quarter-Quarters
- ☐ Locations of fish screens, fish by-pass devices, meters and measuring devices in relationship to point of diversion or appropriation.
- ☐ Conveyance structures illustrated (pumps, reservoirs, pipelines, ditches, etc.)
- ☐ Point(s) of diversion or appropriation (illustrated and coordinates)
- ☐ Tax lot boundaries and numbers
- ☐ Source illustrated if surface water
- ☐ Disclaimer ("This map is not intended to provide legal dimensions or locations of property ownership lines")
- ☐ Application and permit number or transfer number
- ☐ North arrow
- ☐ Legend
- ☐ CWRE stamp and signature

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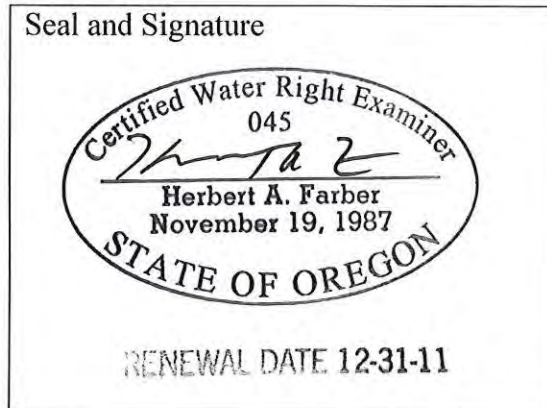
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SECTION 8 SIGNATURES

CWRE Statement, Seal and Signature

The facts contained in this Claim of Beneficial Use are true and correct to the best of my knowledge.



CWRE NAME Herbert A Farber	PHONE No. 541-664-5599	ADDITIONAL CONTACT No.	
ADDRESS 431 Oak Street			
CITY Central Point	STATE OREGON	ZIP 97502	E-MAIL herb@farbersurveying.com

Permit or Transfer Holder's of Record Signature or Acknowledgement

The facts contained in this Claim of Beneficial Use are true and correct to the best of my knowledge. I request that the Department issue a water right certificate.

SIGNATURE	PRINT OR TYPE NAME	DATE
<i>David A. Hussell</i>	DAVID A. HUSSELL	12/06/11

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Pump Capacity Calculation Sheet

Diversion Pump 3 and 4

using Department designed formula:

$$(\text{hp})(\text{efficiency}) / (\text{lift} + \text{psi head}) = \text{capacity in cfs}$$

Efficiency:

Centrifugal = 6.61

Turbine = 7.04

Data Entry (fill in underlined blanks)

HP =	<u>500</u>
Efficiency =	<u>7.04</u>
Lift =	<u>96</u>
PSI =	<u>15</u>

Results Calculated

(hp)(efficiency) =	3520
Head based on psi =	38.1
Total dynamic head =	134.1
(head + lift)	

Pump Capacity = 26.25 feet per second

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Pump Capacity Calculation Sheet

Diversion Pump 1-2 and 5

using Department designed formula:

$$(\text{hp})(\text{efficiency}) / (\text{lift} + \text{psi head}) = \text{capacity in cfs}$$

Efficiency:

Centrifugal = 6.61

Turbine = 7.04

Data Entry (fill in underlined blanks)

HP = 200
Efficiency = 7.04
Lift = 96
PSI = 15

Results Calculated

(hp)(efficiency) = 1408
Head based on psi = 38.1
Total dynamic head = 134.1
(head + lift)

Pump Capacity = 10.50 feet per second

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Pump Capacity Calculation Sheet

High Service Pump #2 and 1

using Department designed formula:

$$(\text{hp})(\text{efficiency}) / (\text{lift} + \text{psi head}) = \text{capacity in cfs}$$

Efficiency:

Centrifugal = 6.61

Turbine = 7.04

Data Entry (fill in underlined blanks)

HP = 450
Efficiency = 7.04
Lift = 0
PSI = 100

Results Calculated

(hp)(efficiency) = 3168
Head based on psi = 254.0
Total dynamic head = 254.0
(head + lift)

Pump Capacity = 12.47 feet per second

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Pump Capacity Calculation Sheet

High Service Pump #4

using Department designed formula:

$$(\text{hp})(\text{efficiency}) / (\text{lift} + \text{psi head}) = \text{capacity in cfs}$$

Efficiency:

Centrifugal = 6.61

Turbine = 7.04

Data Entry (fill in underlined blanks)

HP =	<u>800</u>
Efficiency =	<u>7.04</u>
Lift =	<u>0</u>
PSI =	<u>100</u>

Results Calculated

(hp)(efficiency) =	5632
Head based on psi =	254.0
Total dynamic head =	254.0
(head + lift)	

Pump Capacity = 22.17 feet per second

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Pump Capacity Calculation Sheet

High Service Pump #3 and 5

using Department designed formula:

$$(\text{hp})(\text{efficiency}) / (\text{lift} + \text{psi head}) = \text{capacity in cfs}$$

Efficiency:

Centrifugal = 6.61

Turbine = 7.04

Data Entry (fill in underlined blanks)

HP =	<u>900</u>
Efficiency =	<u>7.04</u>
Lift =	<u>0</u>
PSI =	<u>100</u>

Results Calculated

(hp)(efficiency) =	6336
Head based on psi =	254.0
Total dynamic head =	254.0
(head + lift)	

Pump Capacity = 24.94 feet per second

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Gerry Clark

From: Gerry Clark
Sent: Monday, September 19, 2011 11:07 AM
To: 'Herb Farber'
Subject: RE: T-9973 and T-10527

Herb,

Your request for a waiver is approved as requested. Please be aware that for Claims for municipal use, OAR 690-014-0170 (6), indicates that you do not need to request a waiver to use a different scale for your map:

Maps depicting municipal place of use need only show the township, range, section, and quarter-quarter sections where use has occurred under the subject permit. The scale for a municipal place of use map should be sufficient to identify the quarter-quarters involved in the place of use.

Sorry we won't see you this year. Please let me know if you have any additional questions.

Gerry

Gerry Clark
Water Right Services Division
Water Resources Department
725 Summer Street NE, Suite A
Salem, Oregon 97301

Phone: 503-986-0811
Fax: 503-986-0901

WRD Home Page: www.wrd.state.or.us

From: Herb Farber [mailto:herb@farbersurveying.com]
Sent: Saturday, September 17, 2011 7:52 AM
To: Gerry Clark
Subject: T-9973 and T-10527

Good morning,

I am in the process of producing COBU's for these transfers. I am requesting approval to use 11X17 at a scale of 1"=2000' for these municipal water uses. This is consistent with the last one done for the City of Eagle Point.

Sorry that I lost track of time and will miss this year's water rights class. I will catch up next year.

Thanks,

Herb

Farber Surveying
431 Oak Street
Central Point Oregon 97502

Phone 541-664-5599
Fax 541-664-5603

www.farbersurveying.com

9/19/2011



200 South Ivy Street - Room 177 Medford, Oregon 97501
Customer Service (541) 774-2430 • Administration (541) 774-2440
Fax (541) 774-2555 • wtrcom@ci.medford.or.us
www.medfordwater.org

November 16, 2010

Gerry Clark
Oregon Water Resources Department
Water Rights and Adjudications Diversion
725 NE Summer Street, Suite A
Salem, OR 97301

RE: Water Use Permit S-53445, Application S-80641
Water Use Permit S-47672, Application S-60890
Water Use Permit S-52650, Application S-71996
Water Use Permit S-53898, Application S-84029
Transfer T-9900
Transfer T-10465
Transfer T-10120
Transfer T-9973
Transfer T-10527
Transfer T-10160
Transfer T-10614
Transfer T-10960

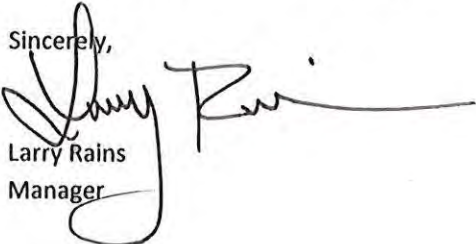
Dear Mr. Clark;

The water rights identified above have a point of diversion at the Medford Water Commission's (Commission) Duff Water Treatment Plant. In the interest of sound management of its water system, the Commission requests to receive notification if a claim of beneficial use is submitted for any of these water rights.

Please direct the notice to: Bob Jones
Medford Water Commission
200 S. Ivy Street, Room 177
Medford, OR 97501
(541) 774-2439
bjones@ci.medford.or.us

Please contact me if you have any questions about this request. I can be reached at (541) 774-2430.

Sincerely,


Larry Rains
Manager

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WATER RESOURCES DEPT.
SALEM, OREGON

Committed to
Excellence in Water Quality • Professionalism • Customer Satisfaction • System Reliability



Oregon

John A. Kitzhaber, MD, Governor

Water Resources Department
North Mall Office Building
725 Summer Street NE, Suite A
Salem, OR 97301-1271
503-986-0900
FAX 503-986-0904

December 15, 2011

CITY of EAGLE POINT
PO BOX 779
EAGLE POINT OR 97524

On December 8, 2011, the Water Resources Department received the Claim of Beneficial Use (COBU) for the following file(s):

T-9973 and T-10527

The COBU included a report and map. The Department hopes to review your submittal within approximately 2 - 4 years. At that time we will review these items and provide a final certificate, proposed certificate, or a request for additional information.

If you are interested in having your COBU reviewed sooner, you may pay to have your file processed immediately, using the Reimbursement Authority program, which is described at:
http://www.wrd.state.or.us/OWRD/mgmt_reimbursement_authority.shtml

For all other questions please call our Customer Service phone: (503) 986-0801.

If you sell the property, please contact the Department, or have the new owners contact the Department about the need to file an assignment.

7-10527

Township 36 S , Range 2E W.M .

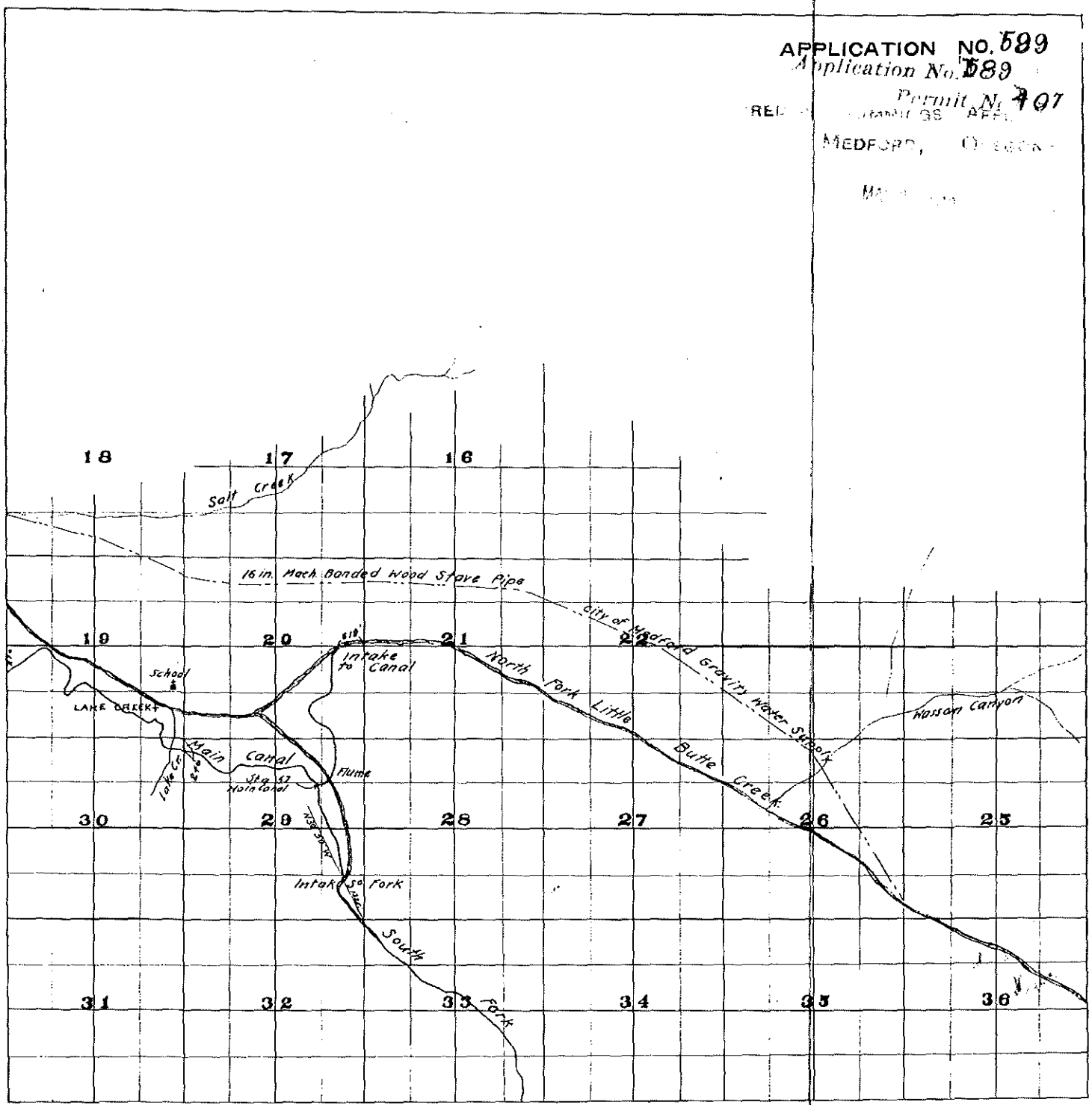
APPLICATION NO. 589
Application No. 589

Permit No. 707

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MEDFORD, OREGON

MAY 1909



CERTIFICATE OF SURVEYOR

Irving Worthington, of Medford Oregon do hereby certify that this map was made from notes taken during an actual survey made under my immediate supervision during Apr, May, June, July, Aug, and Sept, 1909 and that it correctly represents the works described in the accompanying application together with the location of streams and other ditches in the immediate vicinity and has written thereon the area in each smallest legal subdivision which it is proposed to irrigate.

LEGEND

- Lands under existing rights.
- Lands applied for.

Subscribed and sworn to before me this 10 day of May 1909

Irving Worthington Surveyor
James W. Smith
Notary Public State of Oregon.

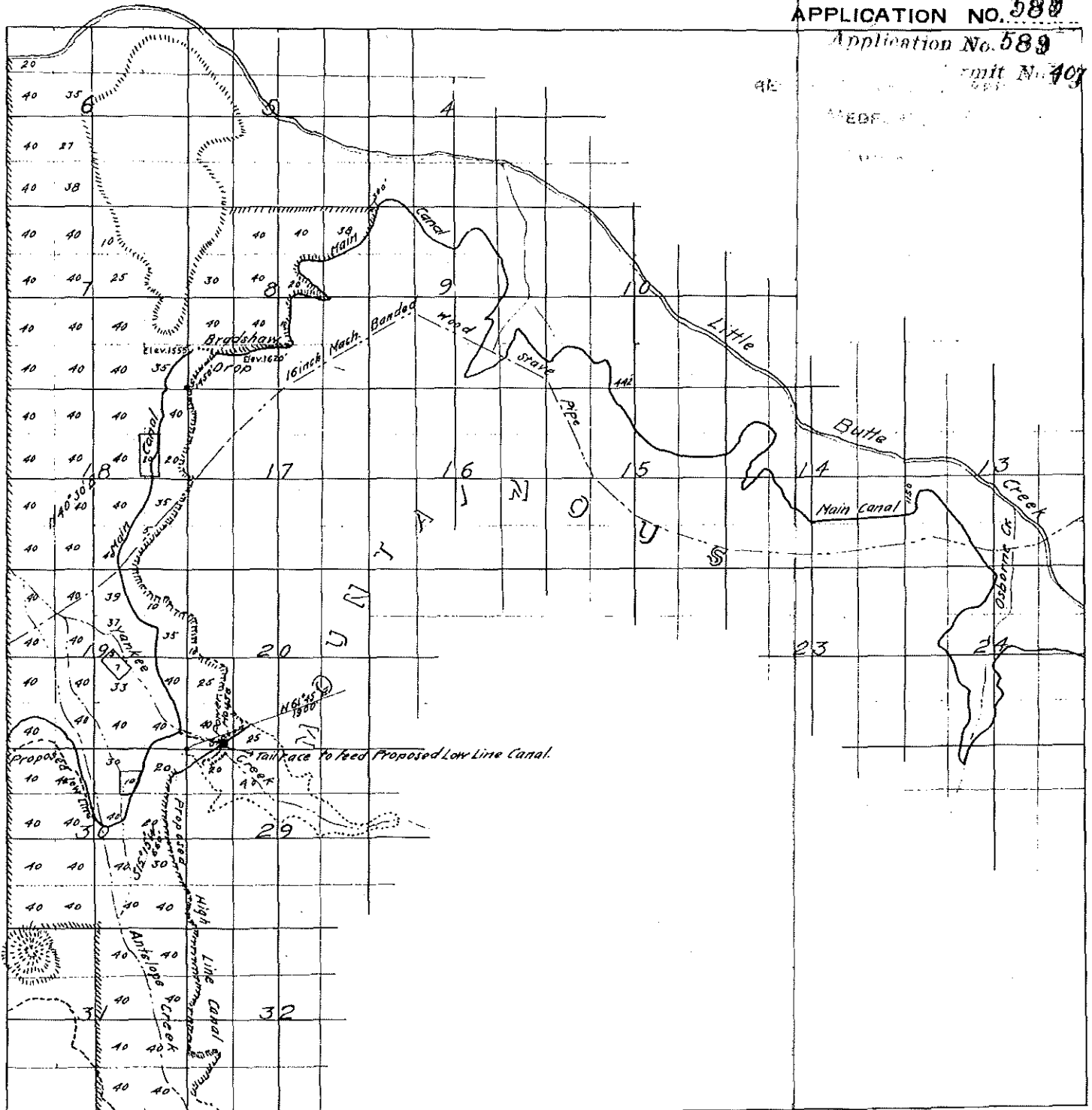
RECEIVED PUBLIC FOR TOLSON COUNTY
REMISSION EXTENDED UNTIL 1910

Township 36 S., Range 1 E W.M.

APPLICATION NO. 580

Application No. 589

Permit No. 407



CERTIFICATE OF SURVEYOR

LEGEND

- Lands under existing rights.
- Lands applied for

I, Irring Northrup S.W., of Medford Oregon do hereby certify that this map was made from notes taken during an actual survey made under my immediate supervision during Apr. May, June, July, Aug and Sept. 1908 and that it correctly represents the works described in the accompanying application together with the location of streams and other ditches in the immediate vicinity and has written thereon the area in each smallest legal subdivision which is proposed to be irrigated.

Subscribed and sworn to before me this 10 day of July 1911.

Notary Public State of Oregon.

NOTARY PUBLIC FOR IN YSON COUNTY, OREGON.
MY COMMISSION EXPIRES 28, 1912

Application No. 189

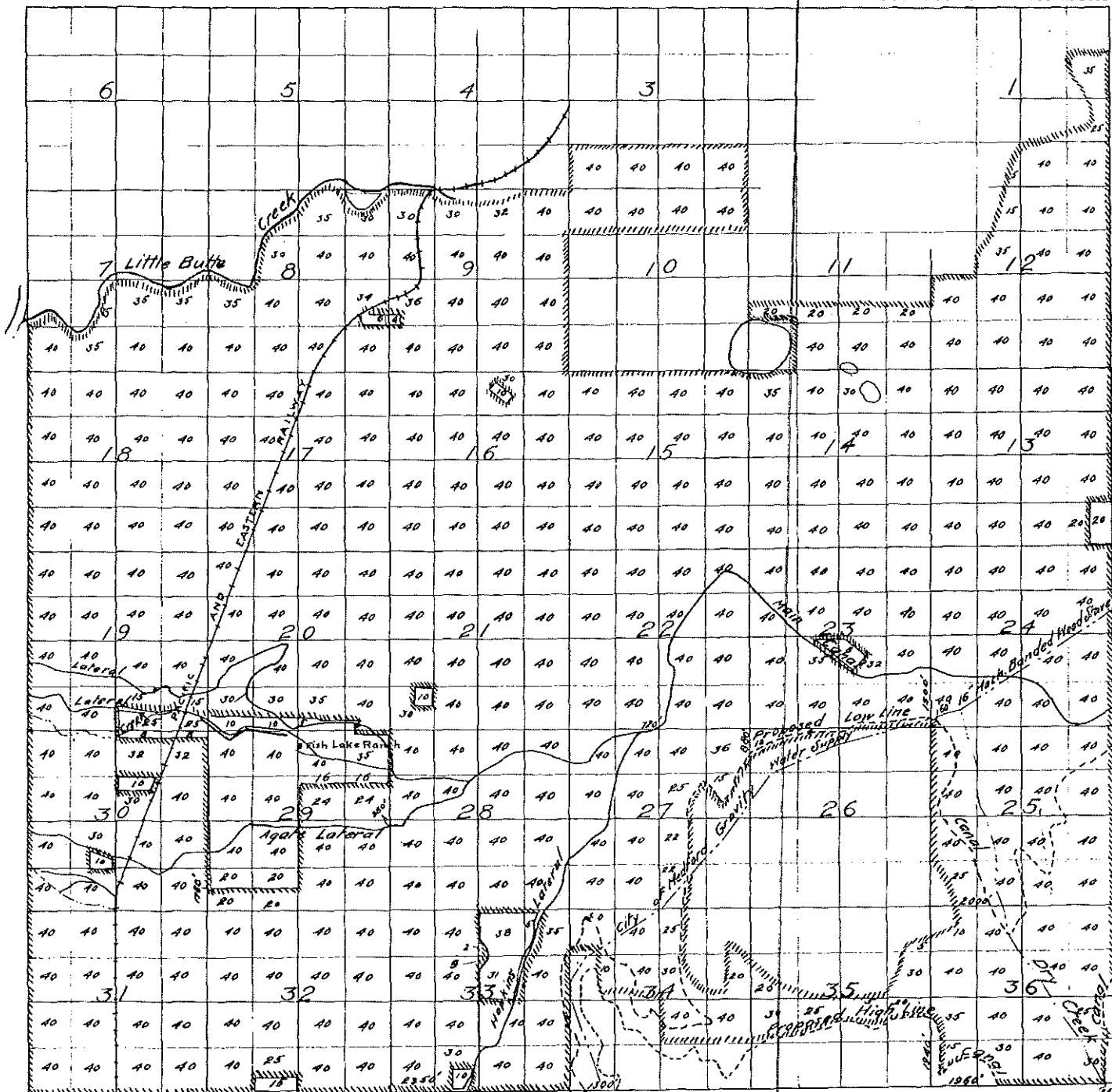
Unit No. 707

Township 36 S.,

Range 1 W W M.

MAR 28 1910

APPLICATION NO. 189



CERTIFICATE OF SURVEYOR

LEGEND

-  Lands under existing rights.
-  Lands applied for.

I, Living Worthington, of Madford Oregon do hereby certify that this map was made from notes taken during an actual survey made under my immediate supervision during Apr. May, June, July, Aug. and Sept. 1909 and that it correctly represents the works described in the accompanying application together with the location of streams and other ditches in the immediate vicinity and has written thereon the area in each smallest legal subdivision which is proposed to irrigate.

Subscribed and sworn to before me this 14 day of April 1910.

Spring Worthington Surveyor
Notary Public State of Oregon.

NOTARY PUBLIC FOR JACKSON COUNTY, OREGON.
MY COMMISSION EXPIRES JUNE 25, 1911

Township

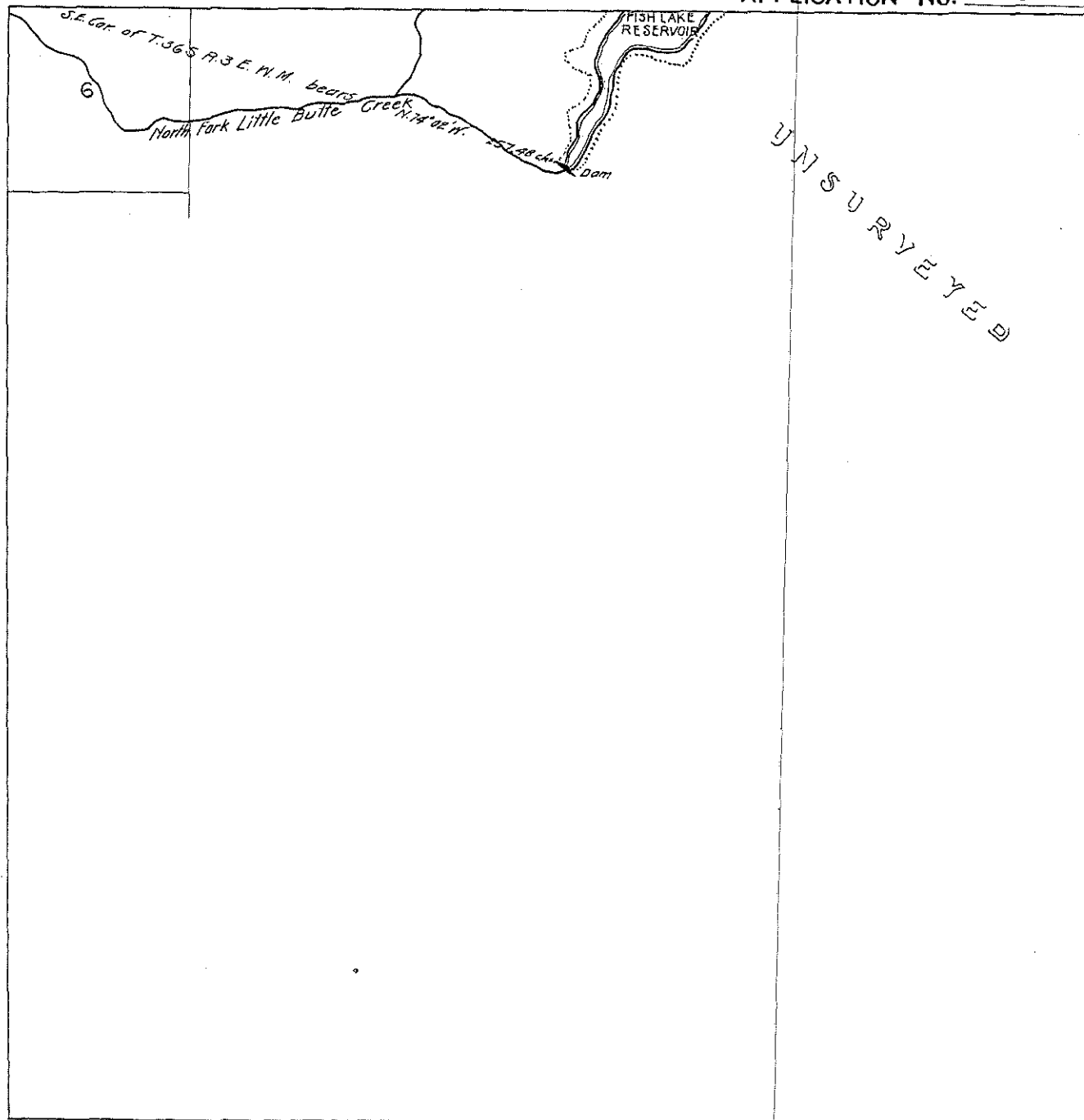
37 S ,

Range 4 E W M

Application No. 589

Permit No. 407

APPLICATION NO. 589



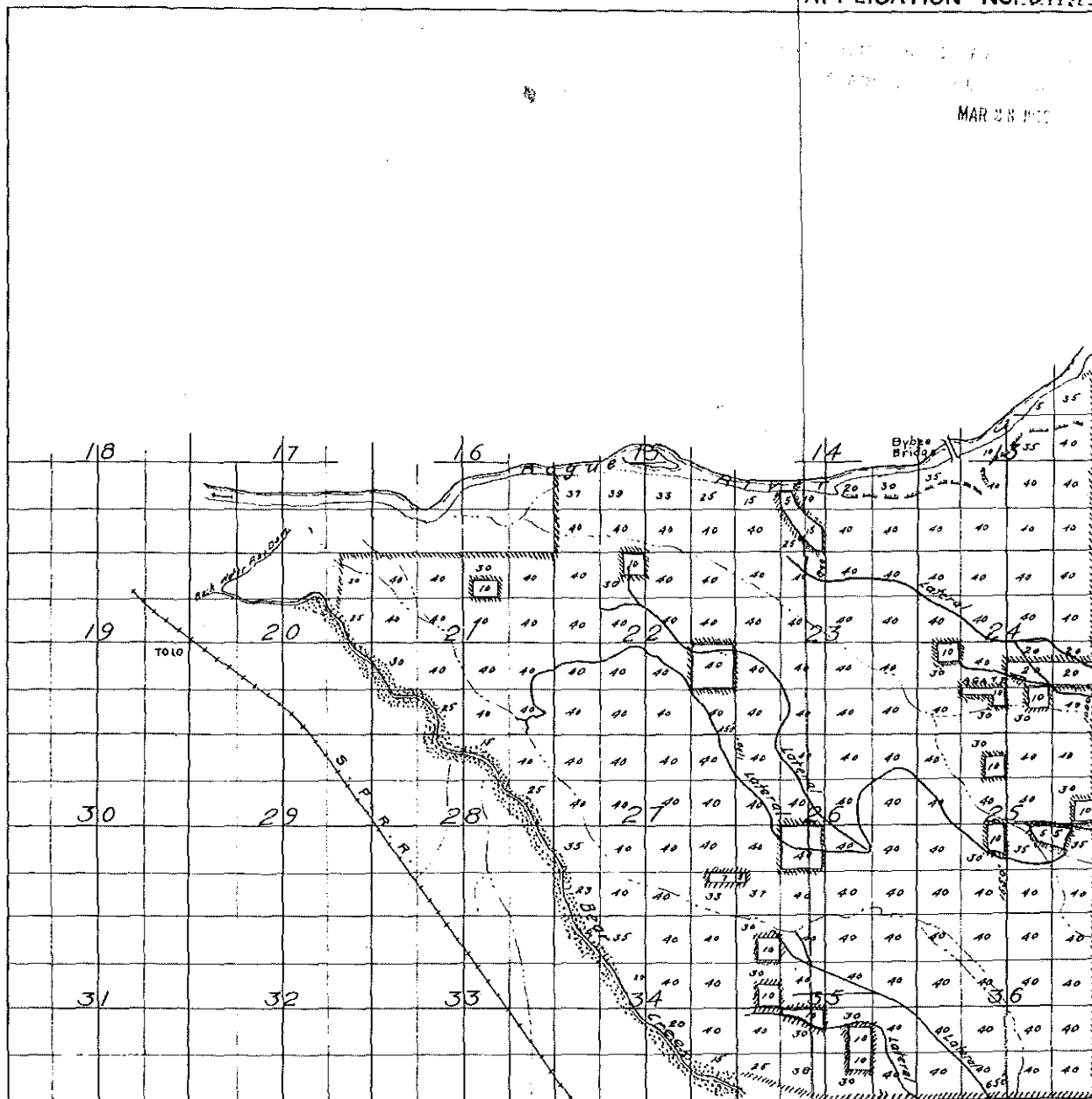
Township 36 S.,

Range 2 W.W.M.

Application No. 589
Enlargement Permit No. 407

APPLICATION NO. 589.

MAR 28 1909



CERTIFICATE OF SURVEYOR

LEGEND

-  Lands under existing rights.
-  Lands applied for.

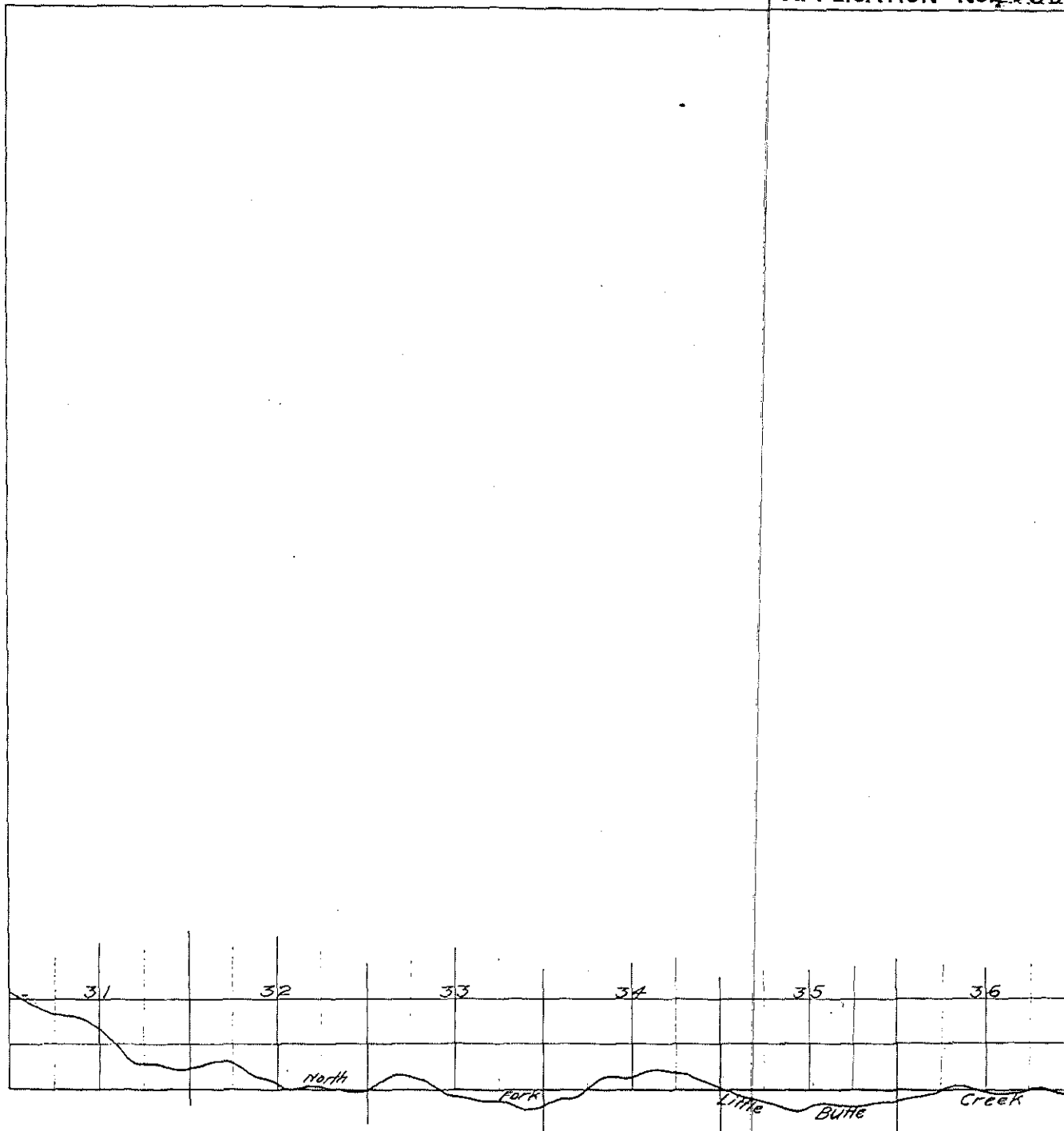
I, Irring Northington of Medford Oregon do hereby certify that this map was made from notes taken during an actual survey made under my immediate supervision during Nov. May, June, July, Aug. and Sept. 1909 and that it correctly represents the works described in the accompanying application together with the location of streams and other ditches in the immediate vicinity and has written thereon the area in each smallest legal subdivision which it is proposed to irrigate.

Subscribed and sworn to before me this 10th day of March 1909.

Notary Public State of Oregon.

NOTARY PUBLIC FOR HICKS - 100-174, 54-124
BY COMMISSION EXPIRES JAN 18 1910

APPLICATION NO. 589.



MAR 28 1910

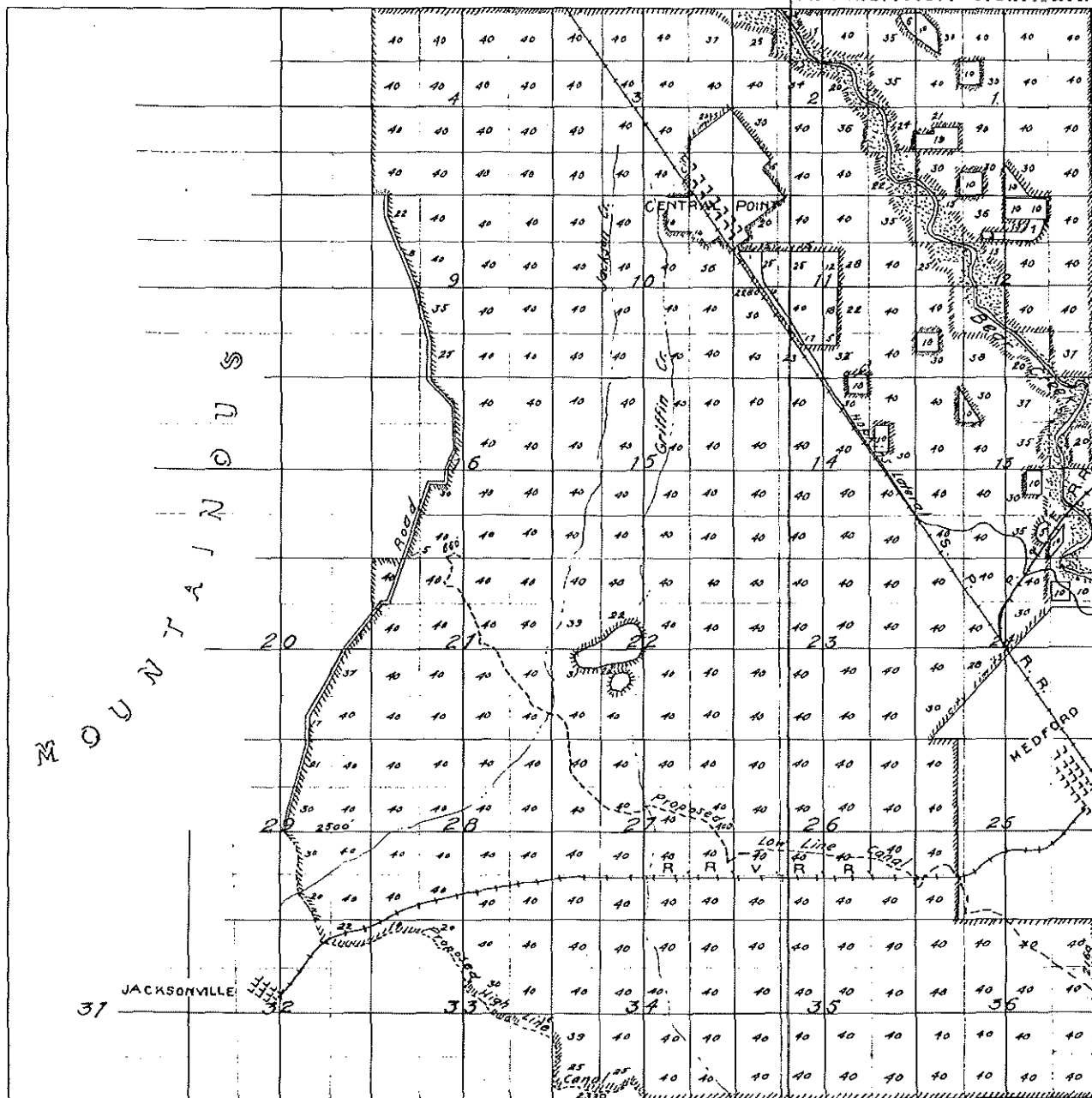
Application No. 589

Enlargement Permit No. 407

Township.....37 S.,

Range 2 W W M

APPLICATION NO. 583



CERTIFICATE OF SURVEYOR

1. Irving Northington of Medford Oregon do hereby certify that this map was made from notes taken during an actual survey made under my immediate supervision during Apr. May, June, July, Aug. and Sept. 1909 and that it correctly represents the works described in the accompanying application together with the location of streams and other ditches in the immediate vicinity and has written thereon the area in each smallest legal subdivision which the proposed tract occupies.

Subscribed and sworn to before me this 10th day of July 1911

Notary Public State of Oregon.

NOTARY PUBLIC FOR JACKSON COUNTY, OREGON.
MY COMMISSION EXPIRES JUNE 23, 1917

LEGEND

Lands under existing rights.

Lands applied for:

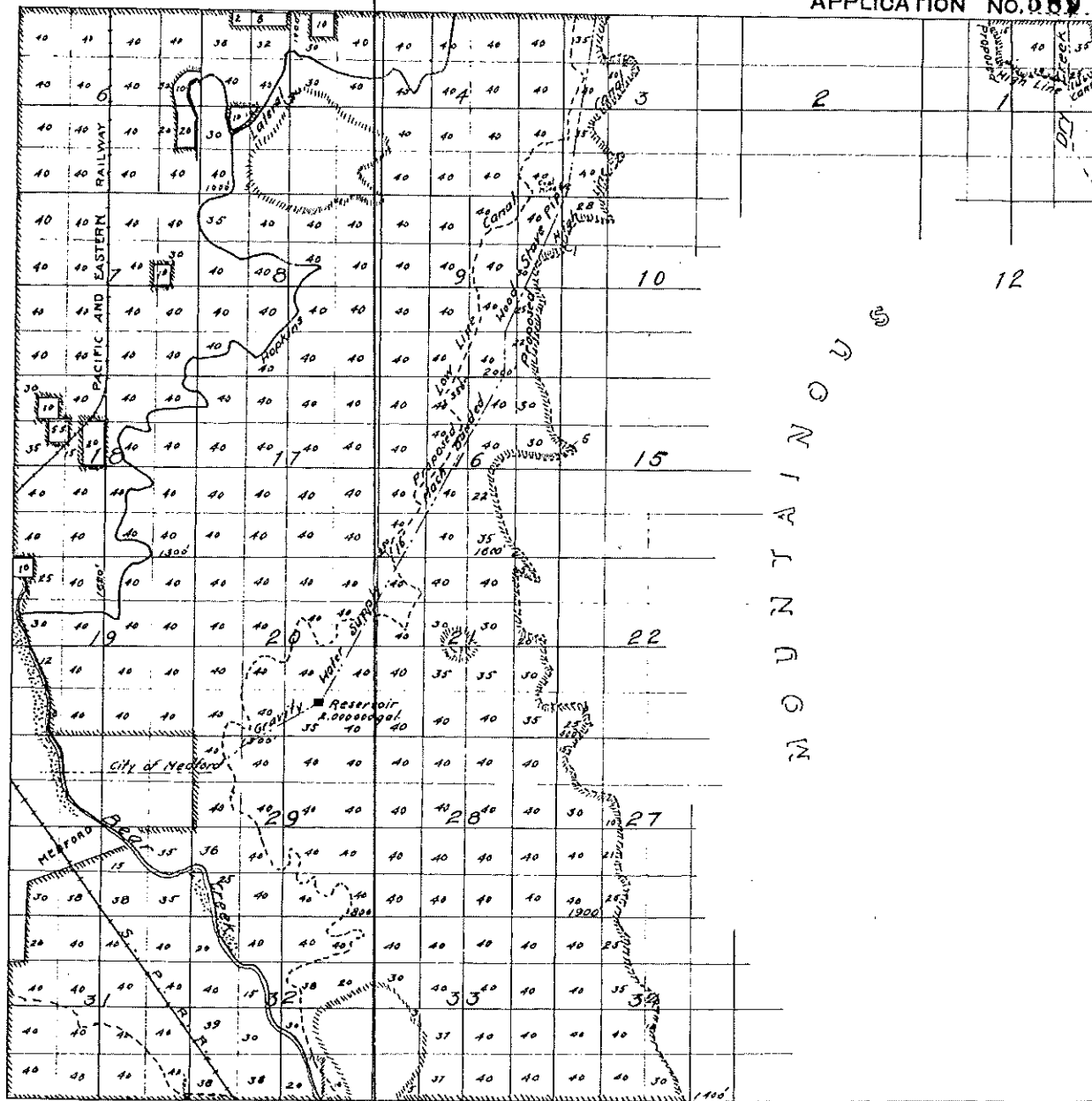
Township 37 S.,

Range 1 W.W.M.

Application No. 589

Entirement Permit No. 407

APPLICATION NO. 589



MOUNTAIN

CERTIFICATE OF SURVEY OR

LEGEND



Lands under existing rights.



Lands applied for.

I, J. H. W. W. W. of Medford Oregon do hereby certify that this map was made from notes taken during an actual survey made under my immediate supervision during for May, June, July, Aug and Sept. 1909 and that it correctly represents the works described in the accompanying application together with the location of streams and other ditches in the immediate vicinity and has written thereon the area in each smallest legal subdivision which is proposed to be made.

Subscribed and sworn to before me this 10 day of Sept 1909.

J. H. W. W. W. Notary Public State of Oregon.

NOTARY PUBLIC FOR JACKSON COUNTY, OREGON
MY COM. EXPIRES JAN. 24, 1910

MAR 25 1910

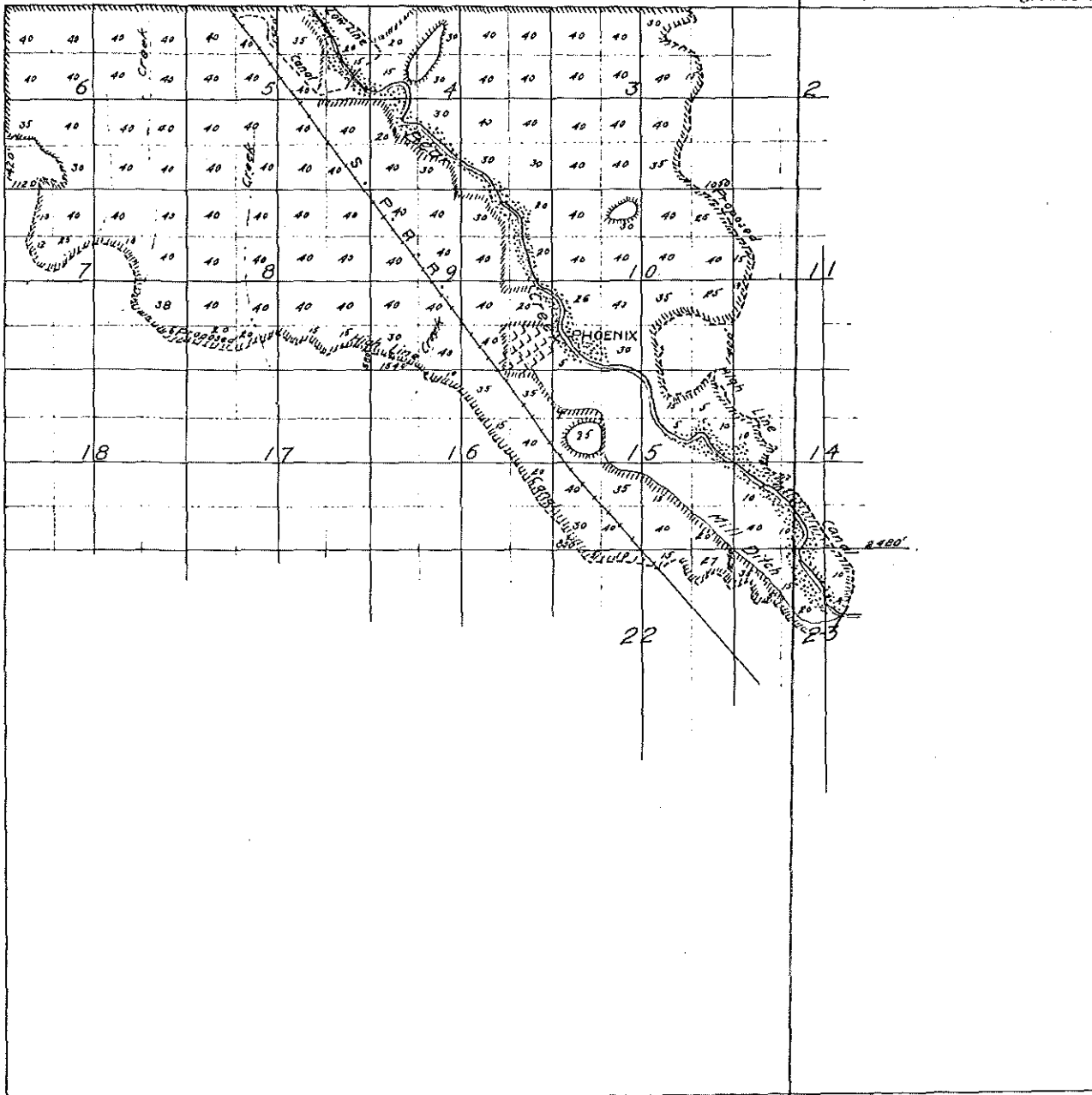
Township 3 S S.,

Range 1 W W M.

Application No 589

Enlargement Permit No. 207

APPLICATION NO. 5



CERTIFICATE OF SURVEYOR

I, Irving Worthington, of Medford Oregon, do hereby certify that this map was made from notes taken during an actual survey made under my immediate supervision during Apr. May, June, July, Aug. and Sept. 1909 and that it correctly represents the works described in the accompanying application together with the location of streams and other ditches in the immediate vicinity and has written thereon the area in each smallest legal subdivision which it is proved to contain.

Subscribed and sworn to before me this 10th day of June 1910.

J. A. Nye
Notary Public State of Oregon.

LEGEND

-  Lands under existing rights
-  Lands applied for.

RECORDED IN ARIZONA COUNTY BOOK 11
PAGE 111 DATED JUNE 20, 1910

MAY 22 1910

Township

38 S,

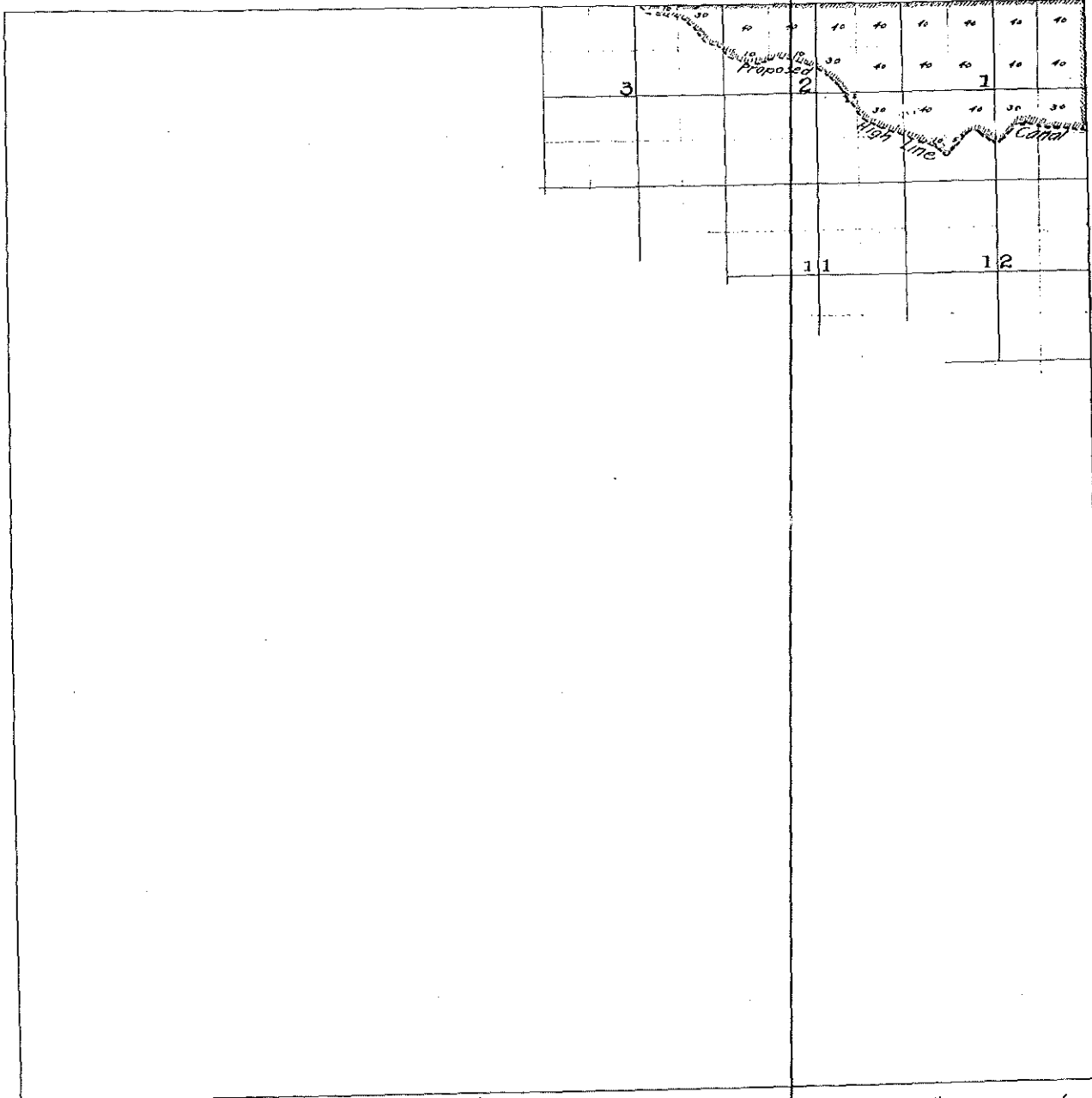
Range

2 W.W.M.

Application No. 590

Permit No. 407

APPLICATION NO. 590



CERTIFICATE OF SURVEYOR

I, Irving Northrup, of Medford Oregon do hereby certify that this map was made from notes taken during an actual survey made under my immediate supervision during the months of May, June, July, Aug and Sept. 1909 and that it correctly represents the works described in the accompanying application together with the location of streams and other ditches in the immediate vicinity and has written thereon the area in each smallest legal subdivision which is proposed to be included.

Subscribed and sworn to before me this 10th day of June, 1910.

Notary Public State of Oregon.

NOTARY PUBLIC FOR JACKSON COUNTY, OREGON.
EXPIRES JUNE 24, 1911.

LEGEND



Lands under existing rights



Lands applied for.

STATE OF OREGON

COUNTY OF JACKSON

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

ROGUE RIVER VALLEY IRRIGATION DISTRICT
3139 MERRIMAN ROAD
MEDFORD, OREGON 97501

MEDFORD IRRIGATION DISTRICT
1340 MEYERS LANE
MEDFORD, OR 97501

confirms the right to use the waters of FOUR MILE LAKE RESERVOIR, within the KLAMATH RIVER BASIN; and waters draining or flowing into the CASCADE CANAL and FISH LAKE RESERVOIR, within the ROGUE RIVER BASIN; as constructed under Permit R-50; for MANUFACTURING AND DOMESTIC USES.

This right was perfected under Permit 407. The date of priority is MARCH 31, 1910. This right is limited to 9.1 CUBIC FEET PER SECOND for manufacturing uses, and 0.415 CFS FOR DOMESTIC USES AT FISH LAKE CABINS AND RESORT; or its equivalent in case of rotation; measured at the point of diversion from the source.

Water is conveyed from Four Mile Lake via the Cascade Canal, and held, and stored in Fish Lake. Water is reddiverted and released into the North Fork Little Butte Creek; and is reddiverted into the Main Canal shared by Rogue River Valley and Medford Irrigation Districts. At Bradshaw Drop the water is split between the Hopkins Canal and the Medford Canal.

This certificate, together with certificates numbered 80571 and 80572 for irrigation within the Medford and Rogue River Valley Irrigation Districts, confirms all water rights perfected under permit 407. Total diversions through the Main Canal from North Fork and South Fork of Little Butte Creek shall not exceed 140 CFS at any one time.

The points of diversion are located as follows:

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
36 S	1 E	WM	8	SW SW	BRADSHAW DROP
36 S	2 E	WM	20	SE NE	NORTH FORK LITTLE BUTTE CREEK: 40 feet North & 620 feet West from E1/4 corner, Section 20
36 S	5 E	WM	9	SW NW	FOUR MILE LAKE DAM: 3600 feet North & 4200 feet East from SW corner, Section 9
37 S	4 E	WM	4	SE SE	FISH LAKE DAM: 4000 feet South & 600 feet East from NE corner, Section 4

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

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

F10527

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

Twp.	Rng.	Mer.	Sec.	Q-Q	Tax Lot	Quantity	Type of Use	Name of User
36S	1E	W.M.	9	NW ¼	2800, 2900	0.5 cfs	Manufacturing	Panther Crushing
36S	1W	W.M.	26	--		0.25 cfs	Manufacturing	Rogue Aggregates
37S	1W	W.M.	9, 16	--		1.25 cfs	Manufacturing	Jackson County Roads and Parks
37S	2W	W.M.	16	--			Manufacturing	
37S	1W	W.M.	1	--		1.0 cfs	Manufacturing	Dry Creek Landfill
37S	1W	W.M.	31	NE ¼		0.5 cfs	Manufacturing	KOGAP
37S	1W	W.M.	31	SE ¼			Manufacturing	
37S	1W	W.M.	32	SW ¼			Manufacturing	
36S	1W	W.M.	27	E ½		0.1 cfs	Manufacturing	Jackson County Roads and Parks
36S	1W	W.M.	30	--		0.75 cfs	Manufacturing	P & M Cedar
36S	2W	W.M.	22	--		0.5 cfs	Manufacturing	Self Trucking, Inc.
36S	2W	W.M.	22	--		0.5 cfs	Manufacturing	Plumley Trucking, Inc.
36S	2W	W.M.	28	--		0.5 cfs	Manufacturing	Rock & Ready Mix
37S	1W	W.M.	5	--		0.5 cfs	Manufacturing	Medford Ready Mix, Inc.
37S	1W	W.M.	5	NW NW	301	0.25 cfs	Manufacturing	Hawkins Gunite
37S	1W	W.M.	7	--		0.5 cfs	Manufacturing	U.S. Forest Service
37S	2W	W.M.	1	--		1.0 cfs	Manufacturing	LTM, Inc.
37S	2W	W.M.	11	--		0.25 cfs	Manufacturing	Central Point Lumber
36S	1W	W.M.	22	NW NE; NE NW	201, 202, 203	0.5 cfs	Manufacturing	Southern Oregon Underground
37S	2W	W.M.	14	SW NE NE SE	100	0.25 cfs	Manufacturing	Boise Cascade Corp.
36S	4E	W.M.	34, 35	--		0.415 cfs	Domestic	Fish Lake Cabins, Resort, and Campgrounds
37S	4E	W.M.	2, 3	--			Domestic	

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

This certificate describes that portion of the water right confirmed by Certificate 80573, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered May 25, 2006, approving Transfer Application 9973, and also corrects the place of use description for Boise Cascade and Hawkins Gunite.

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.

WITNESS the signature of the Water Resources Director, affixed May 25, 2006.


Phillip C. Ward, Director

Recorded in State Record of Water Right Certificates numbered 81635



Oregon

Theodore R. Kulongoski, Governor

Water Resources Department

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

March 23, 2009

MEDFORD IRRIGATION DISTRICT
1340 MYERS LANE
MEDFORD OR 97501-3646

REFERENCE: Transfer Application T-10527

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

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

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

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

If you have any questions related to the approval of this transfer, you may contact me by telephone at (503) 986-0883 or by e-mail at Sarah.A.Henderson@ wrd.state.or.us.

Sincerely,

Sarah Henderson
Executive Support
Field Services Division

cc: Watermaster Dist. #13
Herb Farber, Agent
City of Eagle Point, Landowner
Rogue River Valley Irrigation District
KOGAP Enterprises Inc., Landowner

Enclosure

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

In the Matter of Transfer Application	)	FINAL ORDER
T-10527, Jackson County	)	APPROVING AN ADDITIONAL,
	)	POINT OF DIVERSION, AND
	)	CHANGES IN CHARACTER OF USE,
	)	AND PLACE OF USE

Authority

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

Applicant

MEDFORD IRRIGATION DISTRICT
1340 MYERS LANE
MEDFORD, OREGON 97501-3646

Receiving Landowner

CITY OF EAGLE POINT
P.O. BOX 779
EAGLE POINT, OREGON 97524

Findings of Fact

Background

1. On January 30, 2008, Medford Irrigation District filed an application to change the character of use, place of use, and add an additional point of diversion under Certificate 81635. The Department assigned the application number T-10527. The City of Eagle Point is the receiving water right holder and will be responsible for completion of the proposed changes after the final order is issued.
2. On June 7, 2007, Certificate 81635 was cancelled by Special Order Volume 72, Pages 255-261, approving transfer application T-10160. Certificate 83263 was issued to supersede Certificate 81635 and describe the portions of the right not involved in T-10160.

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

3. On June 18, 2008, the Department contacted Medford Irrigation District by written correspondence to notify the applicant of deficiencies in the application. The Department requested that the deficiencies be resolved by July 21, 2008. The Department received a written response by the applicant to all identified issues by August 11, 2008.

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

Certificate: 83263 in the names of MEDFORD IRRIGATION DISTRICT and ROGUE RIVER VALLEY IRRIGATION DISTRICT (perfected under Permit S-407)

Use: MANUFACTURING

Priority Date: MARCH 31, 1910

Rate: 0.5 CUBIC FOOT PER SECOND

Source: FOURMILE LAKE RESERVOIR, within the KLAMATH RIVER BASIN, and waters draining or flowing into the CASCADE CANAL AND FISH LAKE RESERVOIR, within the ROGUE RIVER BASIN; constructed under Permit R-50

Authorized Points of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Measured distances
36 S	2 E	WM	20	SE NE	NORTH FORK LITTLE BUTTE CREEK - 40 FEET NORTH AND 620 FEET WEST FROM THE E¼ CORNER OF SECTION 20
36 S	5 E	WM	9	SW NW	FOUR MILE LAKE DAM - 3600 FEET NORTH AND 4200 FEET EAST FROM THE SW CORNER OF SECTION 9
37 S	4 E	WM	4	SE SE	FISH LAKE DAM - 4000 FEET SOUTH AND 600 FEET EAST FROM THE NE CORNER OF SECTION 4

Authorized Place of Use:

MANUFACTURING USES				
Twp	Rng	Mer	Sec	Q-Q
37 S	1 W	WM	31	NE ¼
37 S	1 W	WM	31	SE ¼
37 S	1 W	WM	32	SW ¼

5. There is an apparent scrivener's error in two of the POD descriptions on Certificate 83263 (described in Finding #4 above). The Four Mile Lake Dam point of diversion (POD) description should give the coordinates from the "SE corner", not the "SW corner" as currently listed. Additionally, the Fish Lake Dam POD description states "600 feet East from NE corner", this should be "600 feet West from NE corner". Corrections to the POD coordinates are based on the maps and correspondence from the applicant and confirmation from an aerial photo and other maps of the area. The authorized points of diversion should be described as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured distances
36 S	2 E	WM	20	SE NE	NORTH FORK LITTLE BUTTE CREEK - 40 FEET NORTH AND 620 FEET WEST FROM THE E $\frac{1}{4}$ CORNER OF SECTION 20
36 S	5 E	WM	9	SW NW	FOUR MILE LAKE DAM - 3600 FEET NORTH AND 4200 FEET WEST FROM THE SE CORNER OF SECTION 9
37 S	4 E	WM	4	SE SE	FISH LAKE DAM - 4000 FEET SOUTH AND 600 FEET WEST FROM THE NE CORNER OF SECTION 4

6. Transfer Application T-10527 proposes to add an additional point of diversion approximately 16 miles downstream from the closest existing POD associated with the portion of the certificate proposed for transfer (North Fork Little Butte Creek POD). The proposed additional POD, the Medford Water Commission Duff Treatment Plant, is located:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured distances
36 S	2 W	WM	13	SW NW	41	3,961.8 FEET SOUTH AND 1,883.3 FEET EAST FROM THE NE CORNER OF DLC 42 IN SEC. 11 (ALSO DESCRIBED AS SOUTH 25°25'28" EAST 4,385.6 FEET FROM THE NE CORNER OF DLC 41 IN SECTION 11)

7. Transfer Application T-10527 proposes to change the character of use to MUNICIPAL. The season of use under the right will continue to be limited to the irrigation season.
8. Transfer Application T-10527 also proposes to change the place of use of this portion of the right to the city limits of the City of Eagle Point, which includes:

MUNICIPAL USE				
Twp	Rng	Mer	Sec	Q-Q
35 S	1 W	WM	34	SE $\frac{1}{4}$ NE $\frac{1}{4}$
35 S	1 W	WM	34	SW $\frac{1}{4}$ NE $\frac{1}{4}$
35 S	1 W	WM	34	SE $\frac{1}{4}$ NW $\frac{1}{4}$
35 S	1 W	WM	34	NE $\frac{1}{4}$ SW $\frac{1}{4}$
35 S	1 W	WM	34	SE $\frac{1}{4}$ SW $\frac{1}{4}$
35 S	1 W	WM	34	SE $\frac{1}{4}$
35 S	1 W	WM	35	SW $\frac{1}{4}$ NW $\frac{1}{4}$
35 S	1 W	WM	35	NW $\frac{1}{4}$ SW $\frac{1}{4}$
35 S	1 W	WM	35	SW $\frac{1}{4}$ SW $\frac{1}{4}$
36 S	1 W	WM	2	NW $\frac{1}{4}$ NW $\frac{1}{4}$
36 S	1 W	WM	2	SW $\frac{1}{4}$ NW $\frac{1}{4}$

MUNICIPAL USE				
Twp	Rng	Mer	Sec	Q-Q
36 S	1 W	WM	2	SE ¼ NW ¼
36 S	1 W	WM	2	SW ¼
36 S	1 W	WM	3	ALL
36 S	1 W	WM	4	SE ¼ NE ¼
36 S	1 W	WM	4	NE ¼ SE ¼
36 S	1 W	WM	4	SE ¼ SE ¼
36 S	1 W	WM	9	NE ¼ NE ¼
36 S	1 W	WM	9	SE ¼ NE ¼
36 S	1 W	WM	10	N ½
36 S	1 W	WM	10	NE ¼ SW ¼
36 S	1 W	WM	10	NW ¼ SW ¼
36 S	1 W	WM	11	NW ¼ NE ¼
36 S	1 W	WM	11	SW ¼ NE ¼
36 S	1 W	WM	11	NW ¼
36 S	1 W	WM	11	NE ¼ SW ¼
36 S	1 W	WM	11	NW ¼ SW ¼
36 S	1 W	WM	11	NW ¼ SE ¼

9. KOGAP Enterprises signed a quitclaim deed #2006-02353 to transfer the water rights, releasing their claim and responsibility, to Medford Irrigation District on April 19, 2006. The quitclaim deed was recorded in the Jackson County deed records on May 5, 2006.
10. Notice of the application for transfer was published on February 12, 2008, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
11. 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.
12. A letter from the Medford Irrigation District dated, August 20, 2008, stated that water was used at the KOGAP mill for dust control on roads and for keeping the logs in approximately 30 acres of log decks wet. The system included a small pond, from which water was pumped to the sprinklers and water trucks were filled. These uses could beneficially consume the full volume of water allowed under the right to be transferred, being 181.5 acre-feet), with the balance needed to meet the demand supplied by another water right (Certificate 15667).
13. On August 20, 2008, the Department received letters dated July 15, 2008 from Medford Irrigation District and from Rogue River Valley Irrigation District, requesting modifications to better describe portions of Certificate 83263 not involved in T-10527. The affected portions are the two portions of the right for Jackson County Roads and Parks, currently listed as "manufacturing" uses in Township 37S, Range 1W, Sections 9 and 16; Township 37S, Range 2W, Section 16; and Township 36S, Range 1W, E½ of Section 27. The letters explained that the use is consistent with manufacturing purposes on roads and land owned or

maintained by Jackson County Roads and Parks within the mapped boundaries of the irrigation districts, as shown by an accompanying map. The submitted map identified points in each district where water is delivered for use on the roads.

14. On September 2, 2008, the Department mailed a copy of the draft Preliminary Determination proposing to approve Transfer Application T-10527 to the applicant. The applicant responded by providing the necessary information to demonstrate that the applicant is authorized to pursue the transfer.
15. On October 28, 2008, the Department issued a Preliminary Determination proposing to approve Transfer Application T-10527 and mailed a copy to the applicant. Additionally, notice of the Preliminary Determination for the transfer application was published on the Department's weekly notice on November 4, 2008, and in the Upper Rogue Independent newspaper on November 18, 25, and December 2, 2008, pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notice.

Transfer Review Criteria [OAR 690-380-4010(2)]

16. Water has been used within the last five years according to the terms and conditions of the right, as evidenced by issuance of Certificate 81635 on May 25, 2006, and no evidence is available that would demonstrate that the right is subject to forfeiture under ORS 540.610.
17. A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing right were present within the five-year period prior to submittal of Application T-10527.
18. The proposed change from manufacturing to municipal use would not result in enlargement of the right.
19. The proposed changes would not result in injury to other water rights.

Conclusions of Law

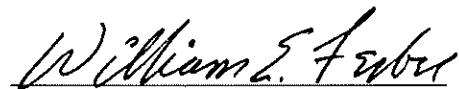
The changes in character of use, place of use, and an additional point of diversion proposed in Transfer Application T-10527 are consistent with the requirements of ORS 540.505 to 540.580 and OAR 690-380-5000.

Now, therefore, it is ORDERED:

1. The changes in character use, place of use, and an additional point of diversion proposed in Transfer Application T-10527 are approved.
2. The right to the use of the water is restricted to beneficial use at the place of use described, and is subject to all other conditions and limitations contained in Certificate 83263 and any related decree.

3. Water right Certificate 83263 is cancelled. A new certificate will be issued describing that portion of the right not affected by this transfer and incorporating the corrections in Finding of Fact No. 5 and the descriptions contained in Finding of Fact No. 13 above.
4. The former place of use of the transferred right shall no longer receive water under this right.
5. The maximum quantity of water diverted at the additional point of diversion for the transferred portion of the right, together with that diverted at the old points of diversion, shall not exceed the quantity of water lawfully available at the original points of diversion, being 0.5 cfs, not to exceed 181.5 acres-feet per year.
6. Prior to diverting water, the water user shall install a fish screening and/or by-pass device, as appropriate, at the new point of diversion consistent with the Oregon Department of Fish and Wildlife's (ODFW) design and construction standards. Prior to installation, the water user shall obtain written approval from ODFW that the required screen and/or by-pass device meets ODFW's criteria. Prior to submitting a Claim of Beneficial Use, the water user must obtain written approval from ODFW that the required screening and/or by-pass device was installed to the state's criteria. The water user shall maintain and operate the fish screen and/or by-pass device, as appropriate, at the point of diversion consistent with ODFW's operational and maintenance standards.
7. The water user shall maintain the existing headgate and shall make such improvements as may be required by the Department.
8. The approved changes shall be completed and full beneficial use of the water shall be made on or before **October 1, 2013**. A Claim of Beneficial Use prepared by a Certified Water Rights Examiner shall be submitted by the applicant to the Department within one year after the deadline for completion of the changes and full beneficial use of the water.
9. When satisfactory proof of the completed changes is received, a new certificate confirming the portion of the right transferred will be issued.

Dated at Salem, Oregon this 17th day of March 2009.



Phillip C. Ward, Director

Mailing date: MAR 24 2009

STATE OF OREGON

COUNTY OF JACKSON

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

ROGUE RIVER VALLEY IRRIGATION DISTRICT
3139 MERRIMAN ROAD
MEDFORD, OREGON 97501

MEDFORD IRRIGATION DISTRICT
1340 MYERS LANE
MEDFORD, OREGON 97501-3646

confirms the right to use the waters of FOUR MILE LAKE RESERVOIR, within the KLAMATH RIVER BASIN; and water draining or flowing into the CASCADE CANAL and FISH LAKE RESERVOIR, within the ROGUE RIVER BASIN; as constructed under Permit R-50; for MANUFACTURING AND DOMESTIC USES.

This right was perfected under Permit S-407. The date of priority is MARCH 31, 1910. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 7.35 CUBIC FEET PER SECOND (cfs) , for MANUFACTURING USES and 0.415 cfs for DOMESTIC USES AT FISH LAKE CABINS AND RESORT; or its equivalent in case of rotation, measured at the point of diversion.

Water is conveyed from Four Mile Lake via the Cascade Canal, and held, and stored in Fish Lake. Water is re-diverted and released into the North Fork Little Butte Creek, and is re-diverted into the Main Canal shared by Rogue River Valley and Medford Irrigation Districts. At Bradshaw Drop the water is split between the Hopkins Canal and the Medford Canal.

Total diversions through the Main Canal from North Fork and South Fork of Little Butte Creek shall not exceed 140 CFS at any one time.

The points of diversion are located as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
36 S	1 E	WM	8	SW SW	BRADSHAW DROP
36 S	2 E	WM	20	SE NE	NORTH FORK LITTLE BUTTE CREEK - 40 FEET NORTH AND 620 FEET WEST FROM THE E¼ CORNER OF SECTION 20
36 S	5 E	WM	9	SW NW	FOUR MILE LAKE DAM - 3600 FEET NORTH AND 4200 FEET WEST FROM THE SE CORNER OF SECTION 9
37 S	4 E	WM	4	SE SE	FISH LAKE DAM - 4000 FEET SOUTH AND 600 FEET WEST FROM NE CORNER OF SECTION 4

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

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.

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

Twp	Rng	Mer	Sec	Q-Q	Quantity	Tax Lot	Type of Use	Name of User
36 S	4 E	WM	34	—	0.415 cfs		Domestic	Fish Lake Cabins, Resort and Campgrounds
36 S	4 E	WM	35	—				
37 S	4 E	WM	2	—			Domestic	
37 S	4 E	WM	3	—				
36 S	1 E	WM	9	NW¼	0.5 cfs	2800 2900	Manufacturing	Panther Crushing
36 S	1 W	WM	26	—	0.25 cfs		Manufacturing	Rogue Aggregates
37 S	1 W	WM	9 (point of delivery from irrigation district)	County roads and park land within the mapped boundaries of Medford Irrigation District	1.25 cfs		Manufacturing	Jackson County Roads and Parks
37 S	1 W	WM	16 (point of delivery from irrigation district)					
37 S	2 W	WM	9 (point of delivery from irrigation district)					
37 S	1 W	WM	1	—	1.0 cfs		Manufacturing	Dry Creek Landfill
36 S	1 W	WM	27 (point of delivery from irrigation district)	County roads and park land within the mapped boundaries of Rogue River Valley Irrigation District	0.1 cfs		Manufacturing	Jackson County Roads and Parks
36 S	2 W	WM	22	—	0.5 cfs		Manufacturing	Self Trucking, Inc.
36 S	2 W	WM	22	—	0.5 cfs		Manufacturing	Plumley Trucking, Inc.
36 S	2 W	WM	28	—	0.5 cfs		Manufacturing	Rock & Ready Mix
37 S	1 W	WM	5	—	0.5 cfs		Manufacturing	Medford Ready Mix, Inc.
37 S	1 W	WM	5	NW NW	0.25 cfs	301	Manufacturing	Hawkins Gunite
37 S	2 W	WM	1	—	1.0 cfs		Manufacturing	LTM, Inc.
37 S	2 W	WM	11	—	0.25 cfs		Manufacturing	Central Point Lumber
36 S	1 W	WM	22	NW NE NE NW	0.5 cfs	201 202 203	Manufacturing	Southern Oregon Underground
36 S	2 W	WM	14	SW NE NE SE	0.25 cfs	100	Manufacturing	Boise Cascade Corp.

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

This certificate corrects the locations for the Four Mile Lake Dam and Fish Lake Dam points of diversion and the place of use description for Jackson County Roads and Parks. This certificate also describes that portion of the water right confirmed by Certificate 83263, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered MAR 17 2009, approving Transfer Application T-10527.

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.

WITNESS the signature of the Water Resources Director, affixed MAR 17 2009.

William E. Feber
For Phillip C. Ward, Director

Water Right Transfer Checklist

Transfer T-10527

Transfer Specialist: SW Region Drawer

Transfer Type: Regular

Applicant Name/Address: Meford Irrigation District, 1340 Meyers Lane, Medford, OR 97501

Agent Name/Address: Herb Farber, PO Box 5286 Central Point Oregon 97502

CWRE Name/Number: Same as agent

Rec Landowner Name/Address: City of Eagle Point, PO Box 779, Eagle Point, OR 97524

Irr. District Name/Address: Rogue River Valley Irrigation District, 3139 Merriman Road, Medford, OR 97501

Affected Gov'ts Name/Address: _____

Commentors: Name/Address: Current LO: KOGAP Enterprises Inc. PO Box 1608, Medford, OR 97501

Water Rights Affected

Records Marked	Records Copied	App File No. or Decree Name	Permit No.	Certificate No.	RR/CR Needed	RR/CR Nos.
☒	☒	S 589	S 407	81635 <u>83263</u>	☒ Yes ☐ No	
☐	☐				☐ Yes ☐ No	
☐	☐				☐ Yes ☐ No	

Key Dates & Initial Actions

Rec'd: <u>01/30/08</u>	Proposed Action(s): POU POD HST APOD USE OTHER: USE/POU/APOD	
Fees Pd: <u>1400</u>	WM District: <u>13</u>	ODFW District: <u>Jay Doyno</u>
Initial Notice: <u>02/12/08</u>	WM Review sent: <u>02/13/08</u>	ODFW Review sent: <u>02/13/08</u>
Acknowledgement Letter Sent ☒		GW Review sent: <u>none</u>

Processing Dates & Actions

Deficiency Contacts: N/A

Newspaper Pub Affid Due: _____

☐ not required

DPD Mailed: 7/2/08

Affid of Pub Rec'd: _____

☐ ODFW contact sheet sent with DPD, or ☐ N/A

Last Day Published: _____

PD Mailed: _____

Affidavit Reminder Sent: _____

PD Weekly Notice: _____

Reminder Deadline: _____

Preliminary Determination

☐ Electronic Files uploaded

☐ Preliminary Determination

☐ PD Cover letter

☐ Fee Refund Due

☐ PD Notice

☐ Remaining Rights

☐ File Assigned/ ModPod updated

DPD Review (Optional)	PD Review (Salem)	Final Order Review (Salem)
Reviewer: _____	Reviewer: <u>Carrie Jones</u>	Reviewer: <u>PKS</u>
Date: _____	Date: <u>10/23/08</u>	Date: <u>3/11/09</u>
Coordinator: _____	Coordinator: <u>ASR</u>	Coordinator: _____
Date: _____	Date: <u>10/24/08</u>	Date: _____

Comments/Special Issues: Reimbursement Authority

Manufacturing use (100% consumptive) being converted to municipal + being separated from the irrigation district certificate. Correction of POD descriptions + redefinition of Jackson County POU on RR certificate.

Special Order Volume: Vol 77 Pages 384

Final Order Signature Date: MAR 17 2009

Notice of FO email'd to processors dorothy

Application

- ☐ The type of change is clearly indicated.
☐ The application is appropriately signed.
☐ Appropriate fees were paid. ☐ If overpayment, Refund Request to be sent with FO
☐ Land use form matches affected tax lots and is signed by proper official. (*from ALL affected Govt's*)
☐ Ditch company, district and/or BOR, sent a copy of the application and map, if appropriate.
☐ All required attachments received.

Water right subject to transfer

- ☐ Certificated right or Proof accepted "to the satisfaction...."
☐ The right been exercised according to terms & conditions of certificate.
☐ Delivery system has the capacity to fully divert the rate/duty of the right.
☐ No information in record that suggests forfeiture.
☐ No conflicts identified on the plat cards and plat card reports printed.
☐ Affidavits prepared for rights that need to be canceled or diminished.

Application Map

- ☐ The map has an original CWRE signature.
☐ The map size and scale accurate and appropriate per OAR 690-380-3100(1)(b)(c)&(d).
☐ All authorized and proposed POD's/POA's and POU's shown and clearly labeled.
☐ Metes and bounds for the POD's/POA's are properly described on the map.
☐ The POD/POA dimensions & ¼ ¼ on map match the transfer application and certificate descriptions.
☐ Map acres match the tabulation on the certificate.
☐ Have final proof maps/deed maps for the rights. ☐ Application map matches certificate FPS.
☐ Have necessary aerial photos.

Determining the "From" and "To" Lands (*make working copy of application and certificates to mark on*)

- ☐ Only the authorized POD's/POA's and POU's to be transferred are listed.
☐ Application & certificate tabulations match. (*Mark on appl. and cert. copies and note corrections needed*)
☐ Marked on certificate the acreage being transferred, cancelled and remaining by ¼ ¼.

Ownership

- ☐ The deed/ROLI matches the "from" lands. (Don't need to check "to" lands.)
☐ Have current tax lot map. (*If transfer application is several years old, contact assessor's office*)
☐ The applicant is the owner of the "from" lands.
☐ All owners on the deed/ROLI have signed the application.
☐ If necessary, there is a notarized, signed statement of consent from landowners other than applicant.
☐ If necessary, there is a copy of written notification to each lien holder identified on ROLI.
☐ Agent has authorization to make decisions.

Evaluation (materials needed for peer reviewer in bold)

- | | | | | |
|---|--------------------------------------|------------------------------------|--|--|
| ☐ application complete | ☐ map | ☐ FPS | ☐ evidence of use | ☐ land-use form |
| ☐ deed/ROLI | ☐ certificate | ☐ fees paid | ☐ well logs | ☐ plat card |
| ☐ audit | ☐ dpd | | | |

Reviews/comments/conditions received? ☐ Watermaster ☐ ODFW ☐ GW

Headgate	☐ When in the judgment	☐ Prior to diverting	☐ Existing and maintain
Measuring Devices	☐ When in the judgment	☐ Prior to diverting	☐ Existing and maintain
Fish Screen Devices	☐		

Injury: Y N Enlargement: Y N

Conditions to avoid enlargement/injury –

RECEIVED

JAN 09 2009

WATER RESOURCES DEPT
SALEM, OREGON

Affidavit of Publication

STATE OF OREGON)
COUNTY OF JACKSON) ss

I, Jenny Zmerda K being first
duly sworn, depose and say that I am the Bookkeeper
of the Upper Rogue Independent, a newspaper of general
circulation, as defined by ORS 193.010 and ORS 193.020;
published at Eagle Point in the aforesaid county and state:
that the Public Notice - Preliminary Determination
for Water Right Transfer T-10527,
a printed copy of which is hereto annexed, was published in
the entire issue of said newspaper for 3 successive
and consecutive 3 in the following issues:
11/18/08, 11/25/08 + 12/02/08

Subscribed and sworn to before me this 2nd day
December, 2008.



Notary Public for Oregon

My Commission expires

2nd day of April, 2010

Notice of Preliminary
Determination for
Water Right Transfer T-10527

T-10527 filed by MEDFORD
IRRIGATION DISTRICT,
proposes change the character of
use and place of use and add a
point of diversion, under Certificate
81635. The right allows the use of
0.5cfs (priority date MARCH 31,
1910) from FOURMILE LAKE
RESERVOIR in Sec. 9, T 36S,
R 5E, W.M. and FISH LAKE
RESERVOIR in Sec. 4, T 37S, R
4E, W.M. for MANUFACTURING
USES in Sec. 31 and 32, T 37S,
R 1W, W.M. The applicant
proposes to change the character
of use to Municipal, add a point of
diversion approximately 16 miles
downstream (Sec. 13, T 36S, R 2W,
W.M.) and to change the place of
use to the city limits of the City of
Eagle Point. The Water Resources
Department has concluded that the
proposed transfer appears to be
consistent with the requirements of
ORS Chapter 540 and OAR 690-
380-5000.

Any person may file, jointly or
severally, with the Department
a protest or standing statement
within 30 days after the date of
final publication of notice in the
Department's weekly notice or of
this newspaper notice, whichever is
later. A protest form and additional
information on filing protests may
be obtained by calling (503) 986-
0852. The last date of newspaper
publication is December, 2, 2008. If
no protests are filed, the Department
will issue a final order consistent with
the preliminary determination.

TC/4
03



CITY OF EAGLE POINT

"Gateway to the Lakes"

OREGON

January 5, 2009

Dorothy I. Pedersen
Water Resources Department
North Mall Office Building
725 Summer Street NE, Suite A
Salem, OR 97301-1266

Re: Transfer Application T-10527

Dear Ms. Pedersen,

Enclosed please find a copy of the Affidavit of Publication for the above referenced water right transfer. The notice was published three times in Eagle Point's local newspaper the *Upper Rogue Independent*. Should you need anything further to complete the final order for the transfer, please let me know.

Sincerely,

Dena W. Roberts
City Recorder

Enclosure

cc: Carol Bradford
Medford Irrigation District

RECEIVED

JAN 09 2009

**WATER RESOURCES DEPT
SALEM, OREGON**

Upper Rogue Independent

Proud to be independent in Southern Oregon

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Notice of Preliminary Determination for
Water Right Transfer T-10527

T-10527 filed by MEDFORD IRRIGATION DISTRICT, proposes change the character of use and place of use and add a point of diversion, under Certificate 81635. The right allows the use of 0.5cfs (priority date MARCH 31, 1910) from FOURMILE LAKE RESERVOIR in Sec. 9, T 36S, R 5E, W.M. and FISH LAKE RESERVOIR in Sec. 4, T 37S, R 4E, W.M. for MANUFACTURING USES in Sec. 31 and 32, T 37S, R 1W, W.M. The applicant proposes to change the character of use to Municipal, add a point of diversion approximately 16 miles downstream (Sec. 13, T 36S, R 2W, W.M.) and to change the place of use to the city limits of the City of Eagle Point. The Water Resources Department has concluded that the proposed transfer appears to be consistent with the requirements of ORS Chapter 540 and OAR 690-380-5000.

Any person may file, jointly or severally, with the Department a protest or standing statement within 30 days after the date of final publication of notice in the Department's weekly notice or of this newspaper notice, whichever is later. A protest form and additional information on filing protests may be obtained by calling (503) 928-0852. The last date of newspaper publication is December, 2, 2008. If no protests are filed, the Department will issue a final order consistent with the preliminary determination.

Price:

Contact:

no image

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Random Quotes

A door is what a dog is perpetually on the wrong side of. - Ogden Nash

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Sarah Henderson

From: Carol Bradford [medid@medfordid.org]
Sent: Wednesday, December 24, 2008 7:41 AM
To: sarah.a.henderson@wrd.state.or.us.
Subject: FW: T-10527

Attachments: AR-BC260_20081223_102454.pdf



AR-BC260_200812
23_102454.pdf (...)

<<AR-BC260_20081223_102454.pdf>>

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

From: Carol Bradford
Sent: Tuesday, December 23, 2008 9:58 AM
To: 'pedersdi@wrd.state.or.us'
Subject: T-10527

Dear Dorothy,

Carol is out of the office until Dec. 30th and 31st, 2008, I (Aleta Milam) am checking her emails. I think the attachment is what you needed concerning the published announcement in local paper for the transfer DATED 11/25/2008. Please let me know if I can help any other way.

Aleta Milam
Office Manager
Medford Irrigation District

Sarah Henderson

From: Carol Bradford [medid@medfordid.org]
Sent: Wednesday, December 24, 2008 8:03 AM
To: sarah.a.henderson@wrд.state.or.us.
Subject: FW: T-10527 affidavit of publication

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

From: Dorothy Pedersen [mailto:pedersdi@wrд.state.or.us]
Sent: Monday, December 22, 2008 5:01 PM
To: Carol Bradford
Subject: T-10527 affidavit of publication

Hi Carol,

The affidavit of publication for T-10527 was due to the Department on December 12, 2008, however we have not yet received it. Could you please check with the newspaper and have them send the original affidavit to the Department? Once we receive the affidavit, the protest period will end 30 days after the date of publication and provided no protests are timely filed, the Department will issue the Final Order within a few days following the close of the protest period.

Thank you,
Dorothy

Dorothy I. Pedersen
Transfer Program Advisor
(503) 986-0890
Oregon Water Resources Department
725 Summer St. NE, Suite A
Salem, OR 97301-1266



July 15, 2008

Ms Dorothy Pederson
Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, OR 97301

Subject: Clarification of water right certificate 81635

Dear Ms Pederson;

Water right certificate 81635 is issued jointly to Rogue River Valley Irrigation District and Medford Irrigation District(MID). The source of water is from Four Mile Lake Reservoir, Cascade Canal and Fish Lake Reservoir. The use is for Manufacturing.

On said certificate Jackson County Roads and Parks is listed as beneficiary to the use of water as listed. The location listed on the certificate is the location intended for Jackson County to receive delivery from MID.

It is requested that you accept this request and the attached map as clarification of the intent of this portion of the water right. It is requested that the clarification state that the place of use be within the mapped boundaries of MID as shown on the attached map for use by Jackson County consistent with Manufacturing purposes on roads and land owned or maintained by Jackson County Roads and Parks.

Thank you for your consideration in this matter.

Sincerely,

Carol Bradford, District Manager
Medford Irrigation District

RECEIVED

AUG 2 11 2008

WATER RESOURCES DEPT
SALEM, OREGON

Rogue River Valley Irrigation District

3139 Merriman Road Medford, OR 97501 (541) 773-6127 Fax (541) 773-5420

July 15, 2008

Ms Dorothy Pederson
Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, OR 97301

Subject: Clarification of water right certificate 81635

Dear Ms Pederson;

Water right certificate 81635 is issued jointly to Rogue River Valley Irrigation District and Medford Irrigation District. The source of water is from Four Mile Lake Reservoir, Cascade Canal and Fish Lake Reservoir. The use is for Manufacturing.

On said certificate Jackson County Roads and Parks is listed as beneficiary to the use of water as listed. The location listed on the certificate is the location intended for Jackson County to receive delivery from RRVID.

It is requested that you accept this request and the attached map as clarification of the intent of this portion of the water right. It is requested that the clarification state that the place of use be within the mapped boundaries of RRVID as shown on the attached map for use by Jackson County consistent with Manufacturing purposes on roads and land owned or maintained by Jackson County Roads and Parks.

Thank you for your consideration in this matter.

Sincerely,



Brian Hampson
Manager/Secretary
Rogue River Valley Irrigation District

RECEIVED

AUG 21 2008

**WATER RESOURCES DEPT
SALEM, OREGON**

STATE OF OREGON

COUNTY OF JACKSON

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

ROGUE RIVER VALLEY IRRIGATION DISTRICT
3139 MERRIMAN ROAD
MEDFORD, OREGON 97501

MEDFORD IRRIGATION DISTRICT
1340 MEYERS LANE
MEDFORD, OR 97501

confirms the right to use the waters of FOUR MILE LAKE RESERVOIR, within the KLAMATH RIVER BASIN; and waters draining or flowing into the CASCADE CANAL and FISH LAKE RESERVOIR, within the ROGUE RIVER BASIN; as constructed under Permit R-50; for MANUFACTURING AND DOMESTIC USES.

This right was perfected under Permit 407. The date of priority is MARCH 31, 1910. This right is limited to 9.1 CUBIC FEET PER SECOND for manufacturing uses and, 0.415 CFS FOR DOMESTIC USES AT FISH LAKE CABINS AND RESORT; or its equivalent in case of rotation, measured at the point of diversion from the source.

Water is conveyed from Four Mile Lake via the Cascade Canal, and held, and stored in Fish Lake. Water is rediverted and released into the North Fork Little Butte Creek, and is rediverted into the Main Canal shared by Rogue River Valley and Medford Irrigation Districts. At Bradshaw Drop the water is split between the Hopkins Canal and the Medford Canal.

This certificate, together with certificates numbered 80571 and 80572 for irrigation within the Medford and Rogue River Valley Irrigation Districts, confirms all water rights perfected under permit 407. Total diversions through the Main Canal from North Fork and South Fork of Little Butte Creek shall not exceed 140 CFS at any one time.

The points of diversion are located as follows:

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
36 S	1 E	WM	8	SW SW	BRADSHAW DROP
36 S	2 E	WM	20	SE NE	NORTH FORK LITTLE BUTTE CREEK: 40 feet North & 620 feet West from E1/4 corner, Section 20
36 S	5 E	WM	9	SW NW	FOUR MILE LAKE DAM: 3600 feet North & 4200 feet East from SW corner, Section 9
37 S	4 E	WM	4	SE SE	FISH LAKE DAM: 4000 feet South & 600 feet East from NE corner, Section 4

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

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

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

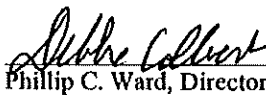
Twp.	Rng.	Mer.	Sec.	Q-Q	Tax Lot	Quantity	Type of Use	Name of User
36S	1E	W.M.	9	NW ¼	2800, 2900	0.5 cfs	Manufacturing	Panther Crushing
36S	1W	W.M.	26	--		0.25 cfs	Manufacturing	Rogue Aggregates
37S	1W	W.M.	9, 16	E ½		1.25 cfs	Manufacturing	Jackson County Roads and Parks (Roads w/in MID boundaries)
37S	2W	W.M.	169	SW ¼			Manufacturing	
37S	1W	W.M.	1	--		1.0 cfs	Manufacturing	Dry Creek Landfill
37S	1W	W.M.	31	NE ¼		0.5 cfs	Manufacturing	KOGAP
37S	1W	W.M.	31	SE ¼			Manufacturing	
37S	1W	W.M.	32	SW ¼			Manufacturing	
36S	1W	W.M.	27	E ½		0.1 cfs	Manufacturing	Jackson County Roads and Parks (Roads within RRVID boundaries)
36S	1W	W.M.	30	--		0.75 cfs	Manufacturing	P & M Cedar
36S	2W	W.M.	22	--		0.5 cfs	Manufacturing	Self Trucking, Inc.
36S	2W	W.M.	22	--		0.5 cfs	Manufacturing	Plumley Trucking, Inc.
36S	2W	W.M.	28	--		0.5 cfs	Manufacturing	Rock & Ready Mix
37S	1W	W.M.	5	--		0.5 cfs	Manufacturing	Medford Ready Mix, Inc.
37S	1W	W.M.	5	NW NW	301	0.25 cfs	Manufacturing	Hawkins Gunitite
37S	1W	W.M.	7	--		0.5 cfs	Manufacturing	U.S. Forest Service
37S	2W	W.M.	1	--		1.0 cfs	Manufacturing	LTM, Inc.
37S	2W	W.M.	11	--		0.25 cfs	Manufacturing	Central Point Lumber
36S	1W	W.M.	22	NW NE; NE NW	201, 202, 203	0.5 cfs	Manufacturing	Southern Oregon Underground
37S	2W	W.M.	14	SW NE NE SE	100	0.25 cfs	Manufacturing	Boise Cascade Corp.
36S	4E	W.M.	34, 35	--		0.415 cfs	Domestic	Fish Lake Cabins, Resort, and Campgrounds
37S	4E	W.M.	2, 3	--			Domestic	

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

This certificate describes that portion of the water right confirmed by Certificate 80573, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered May 28, 2006, approving Transfer Application 9973, and also corrects the place of use description for Boise Cascade and Hawkins Gunitite.

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.

WITNESS the signature of the Water Resources Director, affixed May 25, 2006.


Phillip C. Ward, Director

Recorded in State Record of Water Right Certificates numbered 81635

STATE OF OREGON

COUNTY OF JACKSON

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

ROGUE RIVER VALLEY IRRIGATION DISTRICT
3139 MERRIMAN ROAD
MEDFORD, OREGON, 97501

MEDFORD IRRIGATION DISTRICT
1340 MEYERS LANE
MEDFORD, OR 97501

confirms the right to use the waters of FOUR MILE LAKE RESERVOIR, within the KLAMATH RIVER BASIN; and waters draining or flowing into the CASCADE CANAL and FISH LAKE RESERVOIR, within the ROGUE RIVER BASIN; as constructed under Permit R-50; for MANUFACTURING AND DOMESTIC USES.

This right was perfected under Permit S-407. The date of priority is MARCH 31, 1910. This right is limited to 7.85 CUBIC FEET PER SECOND for manufacturing uses, and 0.415 CFS FOR DOMESTIC USES AT FISH LAKE CABINS AND RESORT; or its equivalent in case of rotation, measured at the point of diversion from the source.

Water is conveyed from Four Mile Lake via the Cascade Canal, and held, and stored in Fish Lake. Water is rediverted and released into the North Fork Little Butte Creek, and is rediverted into the Main Canal shared by Rogue River Valley and Medford Irrigation Districts. At Bradshaw Drop the water is split between the Hopkins Canal and the Medford Canal.

Total diversions through the Main Canal from North Fork and South Fork of Little Butte Creek shall not exceed 140 CFS at any one time.

The points of diversion are located as follows:

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
36 S	1 E	WM	8	SW SW	BRADSHAW DROP
36 S	2 E	WM	20	SE NE	NORTH FORK LITTLE BUTTE CREEK: 40 FEET NORTH AND 620 FEET WEST FROM THE E1/4 CORNER OF SECTION 20
36 S	5 E	WM	9	SW NW	FOUR MILE LAKE DAM: 3600 FEET NORTH AND 4200 FEET EAST FROM THE SW CORNER OF SECTION 9
37 S	4 E	WM	4	SE SE	FISH LAKE DAM: 4000 FEET SOUTH AND 600 FEET EAST FROM THE NE CORNER OF SECTION 4

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

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

Twp.	Rng.	Mer.	Sec.	Q-Q	Tax Lot(s)	Quantity	Type of Use	Name of User
36 S	1 E	W.M.	9	NW ¼	2800, 2900	0.5 cfs	Manufacturing	Panther Crushing
36 S	1 W	W.M.	26	--		0.25 cfs	Manufacturing	Rogue Aggregates
37 S	1 W	W.M.	9, 16	--		1.25 cfs	Manufacturing	Jackson County Roads and Parks
37 S	2 W	W.M.	16	--			Manufacturing	
37 S	1 W	W.M.	1	--		1.0 cfs	Manufacturing	Dry Creek Landfill
37 S	1 W	W.M.	31	NE ¼		0.5 cfs	Manufacturing	KOGAP
37 S	1 W	W.M.	31	SE ¼			Manufacturing	
37 S	1 W	W.M.	32	SW ¼			Manufacturing	
36 S	1 W	W.M.	27	E ½		0.1 cfs	Manufacturing	Jackson County Roads and Parks
36 S	2 W	W.M.	22	--		0.5 cfs	Manufacturing	Self Trucking, Inc.
36 S	2 W	W.M.	22	--		0.5 cfs	Manufacturing	Plumley Trucking, Inc.
36 S	2 W	W.M.	28	--		0.5 cfs	Manufacturing	Rock & Ready Mix
37 S	1 W	W.M.	5	--		0.5 cfs	Manufacturing	Medford Ready Mix, Inc.
37 S	1 W	W.M.	5	NW NW	301	0.25 cfs	Manufacturing	Hawkins Gunite
37 S	2 W	W.M.	1	--		1.0 cfs	Manufacturing	LTM, Inc.
37 S	2 W	W.M.	11	--		0.25 cfs	Manufacturing	Central Point Lumber
36 S	1 W	W.M.	22	NW NE; NE NW	201, 202, 203	0.5 cfs	Manufacturing	Southern Oregon Underground
37 S	2 W	W.M.	14	SW NE; NE SE	100	0.25 cfs	Manufacturing	Boise Cascade Corp.
36 S	4 E	W.M.	34, 35	--		0.415 cfs	Domestic	Fish Lake Cabins, Resort, and Campgrounds
37 S	4 E	W.M.	2, 3	--			Domestic	

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

This certificate describes that portion of the water right confirmed by Certificate 81635, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered June 5, 2007, approving Transfer Application T-10160.

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.

WITNESS the signature of the Water Resources Director, affixed June 5, 2007

Phillip C. Ward
Phillip C. Ward, Director



Oregon

Theodore R. Kulongoski, Governor

Water Resources Department

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

October 28, 2008

MEDFORD IRRIGATION DISTRICT
1340 MYERS LANE
MEDFORD OR 97501-3646

SUBJECT: Transfer Application T-10527

Please find enclosed the Preliminary Determination indicating that, based on the information available, the Department intends to approve application T-10527. This document is an intermediate step in the approval process; water may not be used legally as proposed in the transfer application until a Final Order has been issued by the Department. Please read this entire letter carefully to determine your responsibility for additional action.

A public notice is being published in the Department's weekly publication simultaneously with issuance of the Preliminary Determination. The notice initiates a 30-day period in which any person may file either a protest opposing the decision proposed by the Department in the Preliminary Determination or a standing statement supporting the Department's decision.

Because of the change in character of use, the applicant is responsible for giving public notice of the transfer changes in a local newspaper having a general circulation in the area of the water right. The notice must be published at least once a week for three consecutive weeks. We have prepared the notice for you (enclosed). The deadline for individuals to file protests or standing statements is 30 days after the date of last publication. Please have the newspaper insert the date of last publication in the proper place.

After publication, the Department needs to receive an affidavit specifying the dates the notice was published. Please have the newspaper prepare and mail an original *affidavit of publication* to the Department, to me at the address above by **December 12, 2008**.

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

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

Please do not hesitate to contact me at (503) 986-0890 or Dorothy.I.PEDERSEN@wr.d.state.or.us if I may be of assistance.

Sincerely,

Dorothy I. Pedersen
Field Services Division

cc: Larry Menteer, District 13 Watermaster
Rogue River Valley Irrigation District
City of Medford
Herb Farber, CWRE

encs



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

In the Matter of Transfer Application	)	PRELIMINARY DETERMINATION
T-10527, Jackson County	)	PROPOSING APPROVAL OF AN
	)	ADDITIONAL, POINT OF DIVERSION,
	)	AND CHANGES IN CHARACTER OF
	)	USE, AND PLACE OF USE

Authority

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

Applicant

MEDFORD IRRIGATION DISTRICT
1340 MYERS LANE
MEDFORD OREGON 97501-3646

Receiving Landowner

CITY OF EAGLE POINT
P.O. BOX 779
EAGLE POINT, OREGON 97524

Findings of Fact

Background

1. On January 30, 2008, Medford Irrigation District filed an application to change the character of use, place of use, and add an additional point of diversion under Certificate 81635. The Department assigned the application number T-10527. The City of Eagle Point is the receiving water right holder and will be responsible for completion of the proposed changes after the final order is issued.
2. On June 7, 2007, Certificate 81635 was cancelled by Special Order Volume 72, Pages 255-261, approving transfer application T-10160. Certificate 83263 was issued to supersede Certificate 81635 and describe the portions of the right not involved in T-10160.
3. On June 18, 2008, the Department contacted Medford Irrigation District by written correspondence to notify the applicant of deficiencies in the application. The Department requested that the deficiencies be resolved by July 21, 2008. The Department received a written response by the applicant to all identified issues by August 11, 2008.
4. The portion of the right to be transferred is as follows:

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

Certificate: 83263 in the names of MEDFORD IRRIGATION DISTRICT and ROGUE RIVER VALLEY IRRIGATION DISTRICT (perfected under Permit S-407)

Use: MANUFACTURING

Priority Date: MARCH 31, 1910

Rate: 0.5 CUBIC FOOT PER SECOND

Source: FOURMILE LAKE RESERVOIR within the Klamath River Basin, and FISH LAKE, within the Rogue Rive Basin

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
36 S	2 E	WM	20	SE NE	NORTH FORK LITTLE BUTTE CREEK: 40 FEET NORTH AND 620 FEET WEST FROM THE E1/4 CORNER OF SECTION 20
36 S	5 E	WM	9	SW NW	FOUR MILE LAKE DAM: 3600 FEET NORTH AND 4200 FEET EAST FROM THE SW CORNER OF SECTION 9
37 S	4 E	WM	4	SE SE	FISH LAKE DAM: 4000 FEET SOUTH AND 600 FEET EAST FROM THE NE CORNER OF SECTION 4

Authorized Place of Use:

MANUFACTURING USES				
Twp	Rng	Mer	Sec	Q-Q
37 S	1 W	WM	31	NE ¼
37 S	1 W	WM	31	SE ¼
37 S	1 W	WM	32	SW ¼

5. There is an apparent scrivener's error in two of the POD descriptions on Certificate 83263 (described in Finding #4 above). The Four Mile Lake Dam point of diversion (POD) description should give the coordinates from the "SE corner", not the "SW corner" as currently listed. Additionally, the Fish Lake Dam POD description states "600 feet East from NE corner", this should be "600 feet West from NE corner". Corrections to the POD coordinates are based on the maps and correspondence from the applicant and confirmation from an aerial photo and other maps of the area. The authorized points of diversion should be described as follows:

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
36 S	2 E	WM	20	SE NE	NORTH FORK LITTLE BUTTE CREEK: 40 FEET NORTH AND 620 FEET WEST FROM THE E1/4 CORNER OF SECTION 20
36 S	5 E	WM	9	SW NW	FOUR MILE LAKE DAM: 3600 FEET NORTH AND 4200 FEET WEST FROM THE SE CORNER OF SECTION 9
37 S	4 E	WM	4	SE SE	FISH LAKE DAM: 4000 FEET SOUTH AND 600 FEET WEST FROM THE NE CORNER OF SECTION 4

6. Application T-10527 proposes to add an additional point of diversion approximately 16 miles downstream from the closest existing POD associated with the portion of the certificate proposed for transfer (North Fork Little Butte Creek POD). The proposed additional POD, the Medford Water Commission Duff Treatment Plant, is located:

Twp	Rng	Mer	Sec	Q-Q	DLC	Survey Coordinates
36 S	2 W	WM	13	SW NW	41	3,961.8 FEET SOUTH AND 1,883.3 FEET EAST FROM THE NE CORNER OF DLC 42 IN SEC. 11 (ALSO DESCRIBED AS SOUTH 25 DEGREES, 25 MINUTES, 28 SECONDS EAST, 4,385.6 FEET FROM THE NE CORNER OF DLC 41 IN SECTION 11)

7. Application T-10527 proposes to change the character of use to MUNICIPAL. The season of use under the right will continue to be limited to the irrigation.
8. Application T-10527 also proposes to change the place of use of this portion of the right to the city limits of the City of Eagle Point, which includes:

MUNICIPAL USE				
Twp	Rng	Mer	Sec	Q-Q
35 S	1 W	WM	34	SE ¼ NE ¼
35 S	1 W	WM	34	SW ¼ NE ¼
35 S	1 W	WM	34	SE ¼ NW ¼
35 S	1 W	WM	34	NE ¼ SW ¼
35 S	1 W	WM	34	SE ¼ SW ¼
35 S	1 W	WM	34	SE ¼
35 S	1 W	WM	35	SW ¼ NW ¼
35 S	1 W	WM	35	NW ¼ SW ¼
35 S	1 W	WM	35	SW ¼ SW ¼
36 S	1 W	WM	2	NW ¼ NW ¼
36 S	1 W	WM	2	SW ¼ NW ¼
36 S	1 W	WM	2	SE ¼ NW ¼
36 S	1 W	WM	2	SW ¼
36 S	1 W	WM	3	ALL
36 S	1 W	WM	4	SE ¼ NE ¼
36 S	1 W	WM	4	NE ¼ SE ¼
36 S	1 W	WM	4	SE ¼ SE ¼
36 S	1 W	WM	9	NE ¼ NE ¼
36 S	1 W	WM	9	SE ¼ NE ¼
36 S	1 W	WM	10	N ½
36 S	1 W	WM	10	NE ¼ SW ¼
36 S	1 W	WM	10	NW ¼ SW ¼
36 S	1 W	WM	11	NW ¼ NE ¼
36 S	1 W	WM	11	SW ¼ NE ¼
36 S	1 W	WM	11	NW ¼
36 S	1 W	WM	11	NE ¼ SW ¼
36 S	1 W	WM	11	NW ¼ SW ¼
36 S	1 W	WM	11	NW ¼ SE ¼

9. KOGAP Enterprises signed a quitclaim deed #2006-02353 to transfer the water rights, releasing their claim and responsibility, to Medford Irrigation District on April 19, 2006. The quitclaim deed was recorded in the Jackson County deed records on May 5, 2006.

10. Notice of the application for transfer was published on February 12, 2008, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
11. 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.
12. A letter from the Medford Irrigation District dated, August 20, 2008, stated that water was used at the KOGAP mill for dust control on roads and for keeping the logs in approximately 30 acres of log decks wet. The system included a small pond, from which water was pumped to the sprinklers and water trucks were filled. These uses could beneficially consume the full volume of water allowed under the right to be transferred, being 181.5 acre-feet), with the balance needed to meet the demand supplied by another water right (Certificate 15667).
13. On August 20, 2008, the Department received letters dated July 15, 2008 from Medford Irrigation District and from Rogue River Valley Irrigation District, requesting modifications to better describe portions of Certificate 83263 not involved in T-10527. The affected portions are the two portions of the right for Jackson County Roads and Parks, currently listed as "manufacturing" uses in Township 37S, Range 1W, Sections 9 and 16; Township 37S, Range 2W, Section 16; and Township 36S, Range 1W, E½ of Section 27. The letters explained that the use is consistent with Manufacturing purposes on roads and land owned or maintained by Jackson County Roads and Parks within the mapped boundaries of the irrigation districts, as shown by an accompanying map. The submitted map identified points in each district where water is delivered for use on the roads.
14. On September 2, 2008, the Department mailed a copy of the draft Preliminary Determination proposing to approve Transfer Application T-10527 to the applicant. The applicant responded by providing the necessary information to demonstrate that the applicant is authorized to pursue the transfer.

Transfer Review Criteria [OAR 690-380-4010(2)]

15. Water has been used within the last five years according to the terms and conditions of the right, as evidenced by issuance of Certificate 81635 on May 25, 2006, and no evidence is available that would demonstrate that the right is subject to forfeiture under ORS 540.610.
16. A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing right were present within the five-year period prior to submittal of Application T-10527.
17. The proposed change from manufacturing to municipal use would not result in enlargement of the right.
18. The proposed change would not result in injury to other water rights.

Determination and Proposed Action

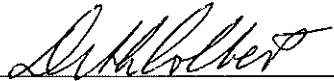
The changes in character of use, place of use, and an additional point of diversion proposed in application T-10527 appear to be consistent with the requirements of ORS 540.505 to 540.580 and OAR 690-380-5000. If protests are not filed pursuant to OAR 690-380-4030, the application will be approved.

If application T-10527 is approved, the final order will include the following:

- 1. The changes in character use, place of use, and an additional point of diversion proposed in application T-10527 are approved.*
- 2. Water right Certificate 83263 is cancelled. A new certificate will be issued describing that portion of the right not affected by this transfer and incorporating the corrections in Finding of Fact #5 and the descriptions contained in Finding of Fact #13 above.*
- 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 Certificate 83263 and any related decree.*
- 4. The former place of use of the transferred right shall no longer receive water under this right.*
- 5. The maximum quantity of water diverted at the additional point of diversion for the transferred portion of the right, together with that diverted at the old points of diversion, shall not exceed the quantity of water lawfully available at the original points of diversion, being 0.5 cfs, not to exceed 181.5 acres-feet per year.*
- 6. Prior to diverting water, the water user shall install a fish screening and/or by-pass device, as appropriate, at the new point of diversion consistent with the Oregon Department of Fish and Wildlife's (ODFW) design and construction standards. Prior to installation, the water user shall obtain written approval from ODFW that the required screen and/or by-pass device meets ODFW's criteria. Prior to submitting a Claim of Beneficial Use, the water user must obtain written approval from ODFW that the required screening and/or by-pass device was installed to the state's criteria. The water user shall maintain and operate the fish screen and/or by-pass device, as appropriate, at the point of diversion consistent with ODFW's operational and maintenance standards.*
- 7. The water user shall maintain the existing headgate and shall make such improvements as may be required by the Department.*
- 8. The approved changes shall be completed and full beneficial use of the water shall be made on or before **October 1, 2013**. A Claim of Beneficial Use prepared by a Certified Water Rights Examiner shall be submitted by the applicant to the Department within one year after the deadline for completion of the changes and full beneficial use of the water.*

9. *When satisfactory proof of the completed changes is received, a new certificate confirming the portion of the right transferred will be issued.*

Dated at Salem, Oregon this 28th day of October 2008.


Phillip C. Ward, Director

This Preliminary Determination was prepared by a Reimbursement Authority contractor. If you have questions about the information in this document, you may reach Dorothy Pedersen at 503-986-0890 or Dorothy.I.Pedersen@wrд.state.or.us.

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

**Notice of Preliminary Determination for
Water Right Transfer T-10527**

T-10527 filed by MEDFORD IRRIGATION DISTRICT, proposes change the character of use and place of use and add a point of diversion, under Certificate 81635. The right allows the use of 0.5cfs (priority date MARCH 31, 1910) from FOURMILE LAKE RESERVOIR in Sec. 9, T 36S, R 5E, W.M. and FISH LAKE RESERVOIR in Sec. 4, T 37S, R 4E, W.M. for MANUFACTURING USES in Sec. 31 and 32, T 37S, R 1W, W.M. The applicant proposes to change the character of use to Municipal, add a point of diversion approximately 16 miles downstream (Sec. 13, T 36S, R 2W, W.M.) and to change the place of use to the city limits of the City of Eagle Point. The Water Resources Department has concluded that the proposed transfer appears to be consistent with the requirements of ORS Chapter 540 and OAR 690-380-5000.

Any person may file, jointly or severally, with the Department a protest or standing statement within 30 days after the date of final publication of notice in the Department's weekly notice or of this newspaper notice, whichever is later. A protest form and additional information on filing protests may be obtained by calling (503) 986-0852. The last date of newspaper publication is [DATE OF LAST PUBLICATION]. If no protests are filed, the Department will issue a final order consistent with the preliminary determination.



Oregon

Theodore R. Kulongoski, Governor

Water Resources Department

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

September 2, 2008

MEDFORD IRRIGATION DISTRICT
1340 MYERS LANE
MEDFORD OR 97501-3646

SUBJECT: Application T-10527

Enclosed find a draft of our Preliminary Determination regarding transfer application T-10527. The document reflects the Department's conclusion that, based on the information currently available, the transfer will be approved. This draft is intended to provide you with an opportunity to comment on our findings and conclusions should you wish to do so. Please review the draft carefully to evaluate whether the document is consistent with your intent in seeking the transfer, and whether you agree with the proposed action.

At this time, you must submit a report of ownership and lien information for the lands to which the water right is appurtenant (the FROM lands) that has been prepared by a title company to describe the ownership of the lands within three months of the time the quitclaim deed was signed (April 19, 2006).

Because the new point of appropriation is more than ¼ mile from the authorized point of diversion and additionally because of the change in character of use, the applicant is responsible for publishing notice of the transfer in a local newspaper having a general circulation in the area of the water right. The notice must be published at least once a week for three consecutive weeks. We will provide a copy of the required notice to you upon issuance of the Preliminary Determination.

Issuance of the Preliminary Determination will occur shortly after we receive both your written response and the report of ownership and lien information. If we do not receive your response and the report by October 3, 2008, a Preliminary Determination may be issued denying the application as incomplete.

Please do not hesitate to contact me at 503-986-0890 or Dorothy.I.Pedersen@wrp.state.or.us if I may be of assistance.

Sincerely,

Dorothy Pedersen
Field Services Division

cc: Larry Menteer, District 13 Watermaster
Rogue River Valley Irrigation District
Herb Farber, agent
City of Eagle Point

enc

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

In the Matter of Transfer Application
T-10527, Jackson County

) **D R A F T**
)
) PRELIMINARY DETERMINATION
) PROPOSING APPROVAL OF A
) CHANGE IN POINT OF DIVERSION,
) AND PLACE OF USE, AND
) CHARACTER OF USE

Authority

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

Applicant

MEDFORD IRRIGATION DISTRICT
1340 MYERS LANE
MEDFORD OR 97501-3646

Findings of Fact

Background

1. On January 30, 2008, Medford Irrigation District filed an application to change the character of use, place of use, and add an additional point of diversion under Certificate 81635. The Department assigned the application number T-10527.

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

Certificate: 81635 in the names of MEDFORD IRRIGATION DISTRICT and ROGUE RIVER VALLEY IRRIGATION DISTRICT (perfected under Permit S-407)

Use: MANUFACTURING

Priority Date: MARCH 31, 1910

Rate: 0.5 CUBIC FOOT PER SECOND

Source: FOURMILE LAKE, tributary to FOURMILE CREEK and FISH LAKE, tributary to LITTLE BUTTE CREEK

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
36 S	2 E	WM	20	SE NE	NORTH FORK LITTLE BUTTE CREEK: 40 FEET NORTH AND 620 FEET WEST FROM THE E1/4 CORNER OF SECTION 20
36 S	5 E	WM	9	SW NW	FOUR MILE LAKE DAM: 3600 FEET NORTH AND 4200 FEET EAST FROM THE SW CORNER OF SECTION 9
37 S	4 E	WM	4	SE SE	FISH LAKE DAM: 4000 FEET SOUTH AND 600 FEET EAST FROM THE NE CORNER OF SECTION 4

Authorized Place of Use:

MANUFACTURING USES				
Twp	Rng	Mer	Sec	Q-Q
37 S	1 W	WM	31	NE ¼
37 S	1 W	WM	31	SE ¼
37 S	1 W	WM	32	SW ¼

3. There is an apparent scrivener's error in two of the POD descriptions on Certificate 81635 (described in Finding #2 above). The Four Mile Lake Dam point of diversion (POD) description should give the coordinates from the "SE corner", not the "SW corner" as currently listed. Additionally, the Fish Lake Dam POD description states "600 feet East from NE corner", this should be "600 feet West from NE corner". Corrections to the POD coordinates are based on the maps and correspondence from the applicant and confirmation from an aerial photo and other maps of the area. The authorized points of diversion should be described as follows:

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
36 S	2 E	WM	20	SE NE	NORTH FORK LITTLE BUTTE CREEK: 40 FEET NORTH AND 620 FEET WEST FROM THE E1/4 CORNER OF SECTION 20
36 S	5 E	WM	9	SW NW	FOUR MILE LAKE DAM: 3600 FEET NORTH AND 4200 FEET WEST FROM THE SE CORNER OF SECTION 9
37 S	4 E	WM	4	SE SE	FISH LAKE DAM: 4000 FEET SOUTH AND 600 FEET WEST FROM THE NE CORNER OF SECTION 4

4. Application T-10527 proposes to add an additional point of diversion approximately 16 miles downstream from the closest existing POD associated with the portion of the certificate proposed for transfer (North Fork Little Butte Creek POD). The proposed additional POD, the Medford Water Commission Duff Treatment Plant, is located:

Twp	Rng	Mer	Sec	Q-Q	DLC	Survey Coordinates
36 S	2 W	WM	13	SW NW	41	3,961.8 FEET SOUTH AND 1,883.3 FEET EAST FROM THE NE CORNER OF DLC 42 IN SEC. 11 (ALSO DESCRIBED AS SOUTH 25 DEGREES, 25 MINUTES, 28 SECONDS EAST, 4,385.6 FEET FROM THE NE CORNER OF DLC 41 IN SECTION 11)

5. Application T-10527 proposes to change the character of use to MUNICIPAL. The season of use under the right will continue to be limited to the irrigation season and the annual volume will be limited so as not exceed 181.5 acre-feet per year.
6. Application T-10527 also proposes to change the place of use of this portion of the right to the city limits of the City of Eagle Point, which includes:

MUNICIPAL USE				
Twp	Rng	Mer	Sec	Q-Q
35 S	1 W	WM	34	SE ¼ NE ¼
35 S	1 W	WM	34	SW ¼ NE ¼
35 S	1 W	WM	34	SE ¼ NW ¼
35 S	1 W	WM	34	NE ¼ SW ¼
35 S	1 W	WM	34	SE ¼ SW ¼
35 S	1 W	WM	34	SE ¼
35 S	1 W	WM	35	SW ¼ NW ¼
35 S	1 W	WM	35	NW ¼ SW ¼
35 S	1 W	WM	35	SW ¼ SW ¼
36 S	1 W	WM	2	NW ¼ NW ¼
36 S	1 W	WM	2	SW ¼ NW ¼
36 S	1 W	WM	2	SE ¼ NW ¼
36 S	1 W	WM	2	SW ¼
36 S	1 W	WM	3	ALL
36 S	1 W	WM	4	SE ¼ NE ¼
36 S	1 W	WM	4	NE ¼ SE ¼
36 S	1 W	WM	4	SE ¼ SE ¼
36 S	1 W	WM	9	NE ¼ NE ¼
36 S	1 W	WM	9	SE ¼ NE ¼
36 S	1 W	WM	10	N ½
36 S	1 W	WM	10	NE ¼ SW ¼
36 S	1 W	WM	10	NW ¼ SW ¼
36 S	1 W	WM	11	NW ¼ NE ¼
36 S	1 W	WM	11	SW ¼ NE ¼
36 S	1 W	WM	11	NW ¼
36 S	1 W	WM	11	NE ¼ SW ¼
36 S	1 W	WM	11	NW ¼ SW ¼
36 S	1 W	WM	11	NW ¼ SE ¼

7. KOGAP Enterprises signed a quitclaim deed to transfer the water rights, releasing their claim and responsibility, to Medford Irrigation District on April 19, 2006. The quitclaim deed was recorded in the Jackson County deed records on May 5, 2006.

8. Notice of the application for transfer was published on February 12, 2008, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
9. 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.
10. The City of Eagle Point is the receiving water right holder and will be responsible for completion of the proposed changes after the final order is issued.
11. On June 18, 2008, the Department contacted Medford Irrigation District by written correspondence to notify the applicant of deficiencies in the application. The Department requested that the deficiencies be resolved by July 21, 2008. The Department received a written response by the applicant to all identified issues by August 11, 2008.
12. Water was used at the KOGAP mill for dust control on roads and for keeping the logs in approximately 30 acres of log decks wet. The system included a small pond, from which water was pumped to the sprinklers and water trucks were filled. These uses could beneficially consume the full volume of water allowed under the right to be transferred, with the balance needed to meet the demand supplied by another water right (Certificate 15667).

Transfer Review Criteria [OAR 690-380-4010(2)]

13. Water has been used within the last five years according to the terms and conditions of the right, as evidenced by issuance of Certificate 81635 on May 25, 2006, and no evidence is available that would demonstrate that the right is subject to forfeiture under ORS 540.610.
14. A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing right were present within the five-year period prior to submittal of Application T-10527.
15. The proposed change from manufacturing to municipal use would not result in enlargement of the right.
16. The proposed change would not result in injury to other water rights.

Determination and Proposed Action

The changes in character of use, place of use, and an additional point of diversion proposed in application T-10527 appear to be consistent with the requirements of ORS 540.505 to 540.580 and OAR 690-380-5000. If protests are not filed pursuant to OAR 690-380-4030, the application will be approved.

If application T-10527 is approved, the final order will include the following:

- 1. The changes in character use, place of use, and an additional point of diversion proposed in application T-10527 are approved.*
- 2. Water right Certificate 81635 is cancelled. A new certificate will be issued describing that portion of the right not affected by this transfer and incorporating the corrections in Finding of Fact #3 above.*
- 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 Certificate 81635 and any related decree.*
- 4. The quantity of water diverted at the additional point of diversion, together with that diverted at the original point of diversion, shall not exceed the quantity of water lawfully available at the original point of diversion.*
- 5. The former place of use of the transferred right shall no longer receive water under this right.*
- 6. The maximum quantity of water diverted at the additional point of diversion for the transferred portion of the right, together with that diverted at the old points of diversion, shall not exceed the quantity of water lawfully available at the original points of diversion, being 0.5 cfs, not to exceed 181.5 acre-feet per year.*
- 7. Prior to diverting water, the water user shall install a fish screening and/or by-pass device, as appropriate, at the new point of diversion consistent with the Oregon Department of Fish and Wildlife's (ODFW) design and construction standards. Prior to installation, the water user shall obtain written approval from ODFW that the required screen and/or by-pass device meets ODFW's criteria. Prior to submitting a Claim of Beneficial Use, the water user must obtain written approval from ODFW that the required screening and/or by-pass device was installed to the state's criteria. The water user shall maintain and operate the fish screen and/or by-pass device, as appropriate, at the point of diversion consistent with ODFW's operational and maintenance standards.*
- 8. The water user shall maintain the existing headgate and shall make such improvements as may be required by the Department.*
- 9. The approved changes shall be completed and full beneficial use of the water shall be made on or before October 1, 2012. A Claim of Beneficial Use prepared by a Certified Water Rights Examiner shall be submitted by the applicant to the Department within one year after the deadline for completion of the changes and full beneficial use of the water.*
- 10. When satisfactory proof of the completed changes is received, a new certificate confirming the portion of the right transferred will be issued.*

Dated at Salem, Oregon this _____ day of _____ 2008.

D R A F T

Phillip C. Ward, Director

This draft Preliminary Determination was prepared by a Reimbursement Authority contractor. If you have questions about the information in this document, you may reach Dorothy Pedersen at 503-986-0890 or Dorothy.I.Pedersen@wrд.state.or.us.



PO Box 5286
Central Point, Oregon 97502
Phone 541-664-5599
Fax 541-664-5603
Email hafarber@charter.net

Farber & Sons, Inc.
431 Oak Street
Central Point, Oregon
Tax ID; 93-1057173

June 23, 2008

Water Resources Department
Ms Dorothy Pederson
725 Summer St NE, Suite A
Salem, OR 97301-1266

Subject T-10527

Dear Ms Pederson;

In reference to your letter of June 18, 2008 we submit the following information.

The documentation concerning the proof of use will be submitted under separate cover by Carol at Medford Irrigation District (MID was the owner of that water right by Quitclaim Deed).

Please find enclosed a revised Map 2 of 3. We have removed reference to the POD "Bradshaw Drop". This POD was included on the map and transfer application because it is listed on the certificate. We do not believe "Bradshaw Drop" fits the definition of a POD because it is the location where water already diverted is split between MID and RRVID, but we were following instructions of MID in referencing it in the application. Reference to Bradshaw Drop should also be dropped from the transfer application.

Attached is an aerial photo map of the POD for Fish Lake Reservoir. You will find that the POD as mapped according to the certificate is obviously wrong. The reference should be as listed on the Map 2 of 3. That certificate was also wrong in describing the error for the POD for Four Mile Lake, we noted that error on the map.

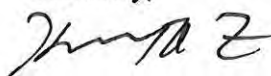
For the Additional POD the area labeled for DLC 41 is correct, the POD description has been corrected to state DLC 41.

The Land Use Form signed by Jackson County is attached.

You are correct that the "instream box" was checked in error.

Thank you for your help in this matter.

Sincerely,


Herbert A Farber

RECEIVED
JUL 17 2008
WATER RESOURCES DEPT
SALEM, OREGON



MEDFORD IRRIGATION DISTRICT

1340 MYERS LANE

TELEPHONE 779-1462

MEDFORD, OREGON 97501

Dorothy Pederson
Water Resources Department
725 Summer St. NE, Suite A
Salem, OR 97301
Subject: T-10527 proof of use

August 8, 2008

Dear Dorothy,

In explanation of the use of water by the KOGAP mill from which we have applied to transfer the Manufacturing water right to the City of Eagle Point, please consider the following.

- 1) The mill used the water for dust control and keeping the logs in the log decks wet.
- 2) The pond was a relatively small impoundment used as a pumping site to the sprinklers on the log decks and a fill point for the water trucks.
- 3) The water consumed by sprinkling log decks is calculated as follows
 - a. There were 30 acres dedicated to log deck
 - b. The log decks were 20 feet high and 50 feet wide (the logs were 40 foot logs, but there is a space between row of deck)
 - c. There were 4686 logs per acre (average log size of 24 inch)
 - d. The surface area of the logs totals 881,008 square feet per acre of deck
 - e. The long term average pan evaporation for Medford for April through September is 34.46 inches
 - f. Assume 50% of each log surface area is wetted
 - g. Assume 50% of pan evaporation inside the deck
 - h. The flow to meet the average daily evaporation for 30 acres of deck is 337 GPM
 - i. The flow to meet peak month evaporation for 30 acres of deck is 759 GPM
- 4) The mill used a truck with a 3000 gallon water tank to control dust on the road surfaces in the mill yard. The average use was 10 loads per day. Road dust control accounts for a 10 hour per day consumption of 50 GPM.
- 5) The mill used water first from MID, and then supplemented the deficiency from a water right by C15667.

The full rate and duty through MID was consumed through the operations of the mill. There was no return flow.

Sincerely,



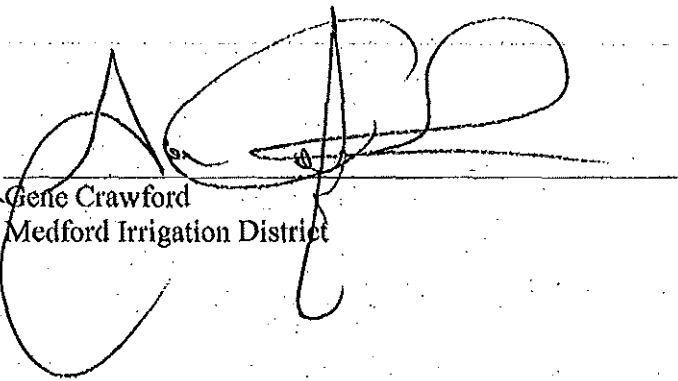
Carol Bradford, District Manager

Ref: KOGAP Mill Water Deliveries

Gene Crawford
Ditchrider/Foreman
Medford Irrigation District

August 8, 2008

As the ditchrider servicing the delivery of water to KOGAP mill property on Myers Lane, I delivered water to the mill from two different POD locations within the District's delivery system. One was from the K-Lateral at the south end of Myers Lane and the other was from our main canal down Swedenburg Creek to Hanson Creek. The water was being applied to huge log decks from a small holding pond located in an opening of the creek that ran underground through the mill and there was also approximately a 5 hp pump located in Hanson Creek that was used on logs decked ready for milling. Tanker trucks were used for dust control on the surrounding roads and milling area all around the property. Water was required nearly 24 hours/day April into October, from the District.



Gene Crawford
Medford Irrigation District



Oregon

Theodore R. Kulongoski, Governor

June 18, 2008

Medford Irrigation District
1340 Meyers Lane
Medford, OR 97501

Water Resources Department

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

REFERENCE: Transfer T-10527

We are examining your water right transfer application. There are some problems that need to be resolved before we can continue processing your application.

1. The 0.5 cfs portion of Certificate 81635 proposed to be transferred to municipal use had been used for manufacturing purposes. Your application states the use more specifically for dust control and a log pond(s) at a lumber mill. Manufacturing/industrial use has a different consumptive use percentage than municipal use. There was not enough information provided in your application to determine the amount of water that was consumptively used for the described manufacturing use. Please submit documentation that will show the amount of water consumptively used for the specific manufacturing uses listed in the application.
2. The point of diversion (POD) map (Map 2 of 3) accompanying the transfer application appears to have several inaccuracies. It describes the coordinates of Bradshaw Drop as "Sec. 20, T 36S, R 2E, W.M." It appears that it is actually located in Sec. 8, T 36S, R 1E, W.M. The Fish Lake POD shows the location as "4000' South and 600' West" from NE corner of Sec. 4 however Certificate 81635 states the location as "4000' South and 600' East" from NE corner of Sec. 4 – please clarify which is correct. The additional POD (Medford WTP) lists an incorrect DLC number (listed DLC 42, is actually DLC 41); an email was submitted on February 19, 2008 by Hollie Cannon of Water Right Solutions, LLC, which acknowledged the error and asked the Department to make the appropriate change. Please submit a revised map reflecting the correct POD coordinates or advise the Department if the newly submitted information more accurately describes the point of diversion.
3. Please clarify if Bradshaw Drop is intended as a POD. If this POD is used how do you propose to measure/quantify the portion of the water to be transferred (0.5 cfs)? Please illustrate the delivery route(s) on the Vicinity Map. Please include labels on the conveyance system, both natural water bodies used and canals.
4. Two Land Use forms were submitted, both from the City of Eagle Point. It appears that a Land Use form from Jackson County is required as water is diverted and conveyed outside of the City.
5. It appears that the Instream Transfers box, under the Land Use Information for Proposed Changes (#11), was mistakenly checked. No action is required.

Please submit the documentation required to establish the consumptive use, a revised point of diversion map and a clarification of Bradshaw Drop as a point of diversion by **July 21, 2008** to Dorothy Pedersen, Water Resources Department, 725 Summer St. NE, Suite A, Salem, OR 97301-1271. If you have any questions, please call me at 503-986-0890.

Sincerely,

Dorothy I. Pedersen
Water Rights Transfer Specialist

cc: Larry Menteer, Watermaster, District 13
Herb Farber, CWRE

enclosures



Oregon

Theodore R. Kulongoski, Governor

Water Resources Department

725 Summer Street NE, Suite A

Salem, OR 97301-1271

503-986-0900

FAX 503-986-0904

Notice of Application for Water Right Transfer, Temporary Transfer, or Permit Amendment 02/12/08 AND RENOTICED ON 06/24/08

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

County: Jackson
Transfer: T -10527
Water Right: Cert:81635 RR *
Priority Date: 1910
Name: MEDFORD IRRIGATION DISTRICT
Address: 1340 MEYERS LANE, MEDFORD, OR 97501
Change: USE, POU, APOD
Source: FISH LAKE > NORTH FORK LITTLE BUTTE CREEK
FISH LAKE RESERVOIR > NORTH FORK LITTLE BUTTE CREEK
FOURMILE LAKE > FOURMILE CREEK
Authorized USE: MANUFACTURING
Proposed USE: MUNICIPAL
Authorized POU: T37S R1W 31,32
Proposed POU: T35S R1W 34,35
T36S R1W 2,3,4,9,10,11
Authorized POD: T36S R1E 8
T36S R2E 20
T36S R5E 9
T37S R4E 4
Proposed APOD: T36S R2W 13

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

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

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

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



Oregon

Theodore R. Kulongoski, Governor

Water Resources Department

725 Summer Street NE, Suite A

Salem, OR 97301-1271

503-986-0900

FAX 503-986-0904

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FOURMILE LAKE > FOURMILE CREEK
Authorized USE: MANUFACTURING
Proposed USE: MUNICIPAL
Authorized POU: T35S R1W 34,35
T36S R1W 2,3,4,9,10,11
Proposed POU: T37S R1W 31,32
Authorized POD: T36S R1E 8
T36S R2E 20
T36S R5E 9
T37S R4E 4
Proposed APOD: T36S R2W 13

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Sarah Henderson

From: Sarah Henderson
Sent: Tuesday, February 19, 2008 9:40 AM
To: 'Hollie Cannon'
Subject: RE: T-10527

Thanks Hollie, I will make the changes and put a copy of this email with the file.

Have an excellent day!

Sarah

From: Hollie Cannon [mailto:hcannon541@charter.net]
Sent: Tuesday, February 19, 2008 9:45 AM
To: Sarah Henderson
Subject: RE: T-10527

Sarah
By all means, make the changes.

Hollie Cannon
Water Right Solutions, LLC
PO Box 4247
Medford, OR 97501

541-608-6254

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

From: Sarah Henderson [mailto:hendersa@wrds.state.or.us]
Sent: Tuesday, February 19, 2008 9:36 AM
To: Hollie Cannon
Subject: RE: T-10527

Hollie, do you give me permission to change it for you? Sarah

From: Hollie Cannon [mailto:hcannon541@charter.net]
Sent: Tuesday, February 19, 2008 9:03 AM
To: Sarah Henderson
Subject: T-10527

Sarah
I found an error I made on T-10527. On "Map 2 of 3" on the "Additional POD" the POD is listed as being in DLC 42 when it is actually in DLC 41. Schedule A also needs to be changed. Do you need an amended map and Schedule A?

Hollie Cannon
Water Right Solutions, LLC
PO Box 4247
Medford, OR 97501

541-608-6254



Oregon

Theodore R. Kulongoski, Governor

Water Resources Department

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

February 13, 2008

MEDFORD IRRIGATION DISTRICT
1340 MYERS LANE
MEDFORD OR 97501-3646

Reference: Transfer 10527

On January 30, 2008 we received your water right transfer application. The application was accompanied by \$1400.00. Our receipt 91340 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 change.

Your application will be examined to determine if additional information is needed. You will be contacted following this examination. A number of other transfer applications are also awaiting review. As a result, it may be some time before we are able to process your application. If you wish to have your application processed more quickly, you may want to consider use of the Department's reimbursement authority. Under this authority an applicant may receive expedited review by paying the full cost for a pre-qualified contractor to process the applications. For more information on the Reimbursement Authority program, see our website at http://www.wrd.state.or.us/OWRD/mgmt_reimbursement.shtml or call the transfer section.

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

We will notify you if additional information or corrections to the application or map are required.

If you have any questions, please call the Transfer Section, (503)986-0883.

cc: Watermaster #13
Jay Doino, ODFW
Herb Farber, Agent
KOGAP Enterprises Inc.
City of Eagle Point
Rogue River Valley Irrigation District

enclosure

Indicate in this column whether or not the item is satisfied.	Permanent Transfer Application – OAR 690-380 3000 & 3100 Completeness Checklist
Applicant's Name: <u>Medford I.D.</u> (Form last revised: January 11, 2008)	
Section A – Status of Right	
OK	Is this a Water Right that can be transferred? [OAR 690-380-0100(14)] NOTE: The Department can accept a Transfer application for any right that is: ☐ 1) an adjudication with a court decree; <i>or</i> ☐ 2) a certificate that is not cancelled; <i>or</i> ☐ 3) a transfer that's been approved <u>&</u> A COBU has been received by the Department <i>If the subject right <u>does not</u> fall into <u>any</u> of the above categories, RETURN the application & fee to the applicant.</i>
Section B – Type of Change	
POD use APOD	Is the proposed change(s) allowed under the Transfer process? [ORS 540.510] NOTE: Only <u>POD, POA or POU or USE</u> changes are allowed on Transfers. <i>If the application proposes a change <u>other</u> than those listed above, RETURN the application & fee to the applicant.</i>
Section C - Fees	
	Have the appropriate fees been paid? <i>Fee Schedule – ORS 536.050(1)(h)</i> \$400 - Base fee (1st change and 1st CFS of water) + \$400 - Each additional type of change requested + \$200 - Each additional water right or permit + \$200 - For each CFS, or fraction thereof, requested beyond 1st CFS (for POU, Type of Use, or Exchange) Total Required Fees: _____ Total Fees Paid: <u>1400</u> Fees Due (if any): _____ Refund Due (if any): _____ <i>If the applicant has NOT submitted the total fees required, RETURN the application & deficient fee to the applicant.</i>
Section D – Completeness	
Indicate in this column whether an item is incomplete, and if so, identify the deficiency.	Is the Transfer application complete? All required elements necessary for a complete transfer application are listed below. Indicate whether or not the applicant has answered and/or supplied attachments to adequately address each of the following items. If any one of the items is deficient, then the application is incomplete. NOTE: For reference, the application page number upon which each item is requested is identified. <i>If the application is NOT complete, RETURN the application & fee to the applicant.</i>
OK	• Type of transfer application (Page 1)
OK	• Applicant's name, mailing address and contact information. (Page 1)
OK	• Agent's name, mailing address and contact information, <i>if applicable</i>. (Page 1)
OK	• Are the water rights to be affected by this transfer listed? (Page 2) <i>If there are multiple water rights listed..... The applicant must supply a <u>separate "set"</u> of Supplemental Form A for <u>each</u> water right to be transferred.</i>

	Checklist for Supplemental Form A – (Attachments)	
OK	• Certificate # filled in on each page?	(Page 1)
OK	• Type of change(s) proposed clear?	(Page 1)
OK	• Current Water Right information is complete?	(Page 2)
OK	• If for a change in POU or USE..... (Page 2) Are there any “layered” irrigation rights, permits, or GR registrations appurtenant to the same place of use as the water right proposed to be transferred? YES NO If YES..... the other “layered” water uses subject to transfer must either change concurrently or be cancelled, except as provided in OAR 690-380-2240(5). If layered with GR, must submit a GR Modification application as well as this application. Are they included in application? If not, contact applicant or agent.	
OK	• Location description of the authorized POA/POD to be changed. (Page 3) NOTE: Ensure that the location coordinates listed in the application match the point and location coordinates illustrated on the application map. Additionally, if the existing authorized source is ground water (POA), the applicant must either: _____ 1) supply a copy of the well log(s), <u>or</u> _____ 2) if well logs are not available, describe the construction of the well(s) in the table provided on page 3 of the supplemental form A application.	
OK	• Location description of the existing authorized POU and associated acres (if applicable). (Page 4) NOTE: Ensure that the location and number of acres listed per ¼ ¼ in the application match those illustrated on the application map.	
OK	• Location description of the proposed POA/POD. (Page 5) NOTE: Ensure that the proposed location coordinates listed in the application match the proposed point and location coordinates illustrated on the application map. Additionally, if the proposed source is ground water (POA), the applicant must either: _____ 1) supply a copy of the well log(s), <u>or</u> _____ 2) if well logs are not available <u>or</u> the well is not yet constructed, describe the construction of the well(s) in the table provided on page 5 of the application.	
OK	• Location description of the proposed POU and associated acres (if applicable). (Page 6) NOTE: Ensure that the location and number of acres listed per ¼ ¼ in the application match those illustrated on the application map.	
Return back to Page 2 of transfer application		
OK	• The type of changes being proposed. POU / USE / APOD	(Page 2)
OK	• Reason for the transfer.	(Page 2)
OK	• Description of current water delivery system.	(Page 2)
OK	• System Capacity.	(Page 2)

Checklist for Supplemental Form B – (Attachments)	
OK	• Is there a box checked in #1? (Page 1)
	• Is there a box checked in #2? (Page 1)
OK	• Does the description of POU on page 4 of the supplemental form A application, match authorized POU in question #3? (Page 1)
	• In question #4 and #5 are they filled out. 2) (Page 2)
OK	• Is there a box checked in #6? (Page 2)
OK	• Is the #6 supporting documentation included with application? 2) (Page 2)
OK	• Is there an original signature of the notary and notary stamp? 2) (Page 2)
Return back to Page 3 of transfer application	
OK	• Affected districts and local governments. (Page 3) If within a district/local government jurisdiction, ensure that name & mailing address is provided.
OK	• Is the applicant the Landowner of the “from” and “to” Lands? YES NO (Page 4) If NO..... The applicant must list current landowner name & address.
OK	• Who will be responsible for completion of the changes? RC LO (Page 4) Is a box checked? If no box is checked the applicant or agent must be contacted.
OK	• Map..... (Page 5) (Required to be prepared by a CWRE) unless... 1. Map Waiver included with application 2. FP map with advance email or written approval 3. POD/POA without POU change and for entire right with FP map for “from” map if more than 3 rights are included in transfer, is there a separate map for each water right? If larger than 8 ½ X 14 than 3 copies of map is needed & an electronic pdf file of map north arrow size & scale other: _____ authorized acreage per ¼ ¼ matches the water right authorized POD/POA and POU (clearly shown, labeled & matches application listing) point plotted for the authorized POD/POA agrees with location coordinates on supplemental form A and WR proposed POD/POA and/or POU (clearly shown, labeled & matches application “proposed” listing) location coordinates accurately describe the point identified as the proposed POD/POA
OK	• Land Use form, if applicable. (Page 5) Is the form signed by the local planning department staff? May be needed if the POD/POA or POU is moving a great distance <u>and</u> off of land originally involved in WR.
N/A	• If a groundwater right is involved, are the well logs or a description included. (Page 5)
N/A	• If this is an instream water right transfer, is there a form C included and filled out. (Page 5)

OK

• Signature(s) of applicant(s):

(Page 6)

Are one of the boxes checked?

All applicants listed on page 1 of the application must sign the application.

WRD Completeness Reviewer's Name: S. Henderson

Date: 2-5-08

10527

TRANSFER OF WATER RIGHTS (CHANGES TO WATER RIGHTS)

(OAR Chapter 690, Divisions 380 and 385)

I. Regular Transfers, Permit Amendments and Water Right Exchanges

A type of change is any of the following: place of use, point of diversion/appropriation, or character of use.

Base: minimum fee for one change to a single water right or permit.....\$400.00

PLUS:

Each additional water right or permit.....\$200.00

Each additional type of change requested:.....\$400.00 ~~800~~

Each change in place of use or type of use or water exchange.....\$200.00 for each cubic foot per second (cfs) ~~200~~ or fraction thereof in addition to the 1st cfs*

1) place of use
2) Type of use
3) Additional POD

\$1400

II. Temporary Transfers

Temporary transfers are allowed for a change in place of use, point of diversion/appropriation to facilitate a change in place of use, character of use identified in a right to store water, and change in use under some circumstances in the Deschutes Basin

Base.....\$200.00

PLUS:

Each additional water right or permit.....\$ 50.00

Non-Irrigation uses.....\$ 80.00 for each cfs or fraction thereof beyond the 1st cfs*

Irrigation uses.....\$ 1.00 per acre of land irrigated

III. Permanent Irrigation District Transfers

Base.....\$400.00 for up to one cfs

PLUS:

Each additional water right or permit.....\$200.00

Additional fee.....\$200.00 for each cfs or fraction thereof in addition to the 1st cfs*

* NOTE: cfs for supplemental rights to make up a deficiency in water supply do not need to be included in this total.

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ORIGINALS

Transfer Application and Map

Amendments/Revisions to Appl & Map

Receipt

Deed or Lot Book Report

Notarized Consent

Evidence of Use Affidavit

Land Use Information Form

Lien Holder Notification *(if applicable)*

Report of Ownership and Lien Info *(if applicable)*

&

Other Supporting Documentation



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

Application for Water Right Transfer

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

1. TYPE OF TRANSFER APPLICATION

Please check one	
☒ Permanent Transfer	☐ Instream Transfer
☐ Temporary Transfer (1 to 5 yrs.)	☐ Permanent
• total number of years: _____	☐ Time-Limited
(begin year: _____)	☐ Drought Transfer
(end year: _____)	☐ Other

2. APPLICANT INFORMATION

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Name: Medford Irrigation District

First

Last

Address: 1340 Meyers Lane

Medford, OR 97501

City

State

Zip

Phone: 541-779-1462

Home

Work

Other

Fax: 541-779-3594 E-Mail address: medid@medfordid.org

3. AGENT INFORMATION

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

Name: Herb Farber

First

Last

Address: PO Box 5286

Central Point

OR

97502

City

State

Zip

Phone: 541-664-5599

Home

Work

Other

Fax: 541-664-5603 E-Mail address: hafarber@charter.net

- If an agent is listed above, please check one of the following:

☐ Please send all correspondence to Agent. Send *copies* of correspondence to Applicant; or

☒ Please send all correspondence to Applicant. Send *copies* of correspondence to Agent.

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

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

	Application / Decree	Permit / Previous Transfer	Certificate
1.	S-589	S-407	81635
2.			
3.			
4.			
5.			
6.			

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- Attach a **separate Supplemental Form A** *(Description of Proposed Change(s) to a Water Right)* for **each** water right listed above.
- Check **all** proposed change(s) included in this transfer application:
☒ Place of Use ☐ Point of Diversion (POD) ☒ Additional Point of Diversion
☒ Character of Use ☐ Point of Appropriation (POA, or well) ☐ Additional POA
☐ Instream Transfer ☐ Surface Water POD to Ground Water POA
☐ Substitution of Supplemental Groundwater right for Primary Surface water right
☐ Historic POD change ☐ Other
- Reason(s) for change(s): Lumber mill is no longer in operation, District desires to put the
Water to beneficial use for municipal use.

5. WATER DELIVERY SYSTEM

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

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

The water stored in Four Mile and Fish Lake is released into the North Fork of Little Butte Creek, then diverted into MID canal for transport to current place of use. KOGAP used a 15 HP pump to pump water from POD from district for log pond and dust control

- System capacity: 1.5 cubic feet per second (cfs). If the transfer involves multiple rights that have independent systems, describe the capacity for each system separately.

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6. EVIDENCE OF BENEFICIAL WATER USE

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

7. AFFECTED DISTRICTS

- Are any of the water rights proposed for transfer located within or served by an irrigation or other water district? ☒ Yes ☐ No
- Will any of the water rights be located within or served by an irrigation or other water district after the proposed transfer? ☒ Yes ☐ No
- Is water for any of the rights supplied under a water service agreement or other contract for stored water with a federal agency or other entity? ☐ Yes ☒ No

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

8. LOCAL GOVERNMENTS

- List the name and mailing address of all local governments (i.e., each county, city, municipal corporation, or tribal government within whose jurisdiction water will be diverted, conveyed or used).

Jackson County, 10 Oakdale, Medford, OR 97501 * Medford Irrigation District, 1340 Meyers Ln., Medford, OR 97501 * Rogue River Valley Irrigation District, 3139 Merriman Rd, Medford, OR 97501 * City of Medford, 411 W 8th, Medford, OR 97501 * City of Eagle Point, PO Box 779, Eagle Point, OR 97524

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9. LAND OWNERSHIP

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

*If "No", provide the following information. For Temporary Transfers, also include a **notarized statement granting consent** to the transfer from **each** of the landowners (for Permanent Transfers see Section 12(c)):*

Names of Current Landowner(s): KOGAP Enterprises Inc

First

Last

Address: PO Box 1608

Medford

City

OR

State

97501

Zip

Note: Medford Irrigation District holds right to transfer by quit claim deed, attached.

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

☐ Yes

☒ No

☐ N/A - NOT APPLICABLE TO INSTREAM TRANSFERS

If "No", provide the following information:

Names of Receiving Landowner(s): City of Eagle Point

First

Last

Address: PO Box 779

Eagle Point

City

OR

State

97524

Zip

- Check one of the following:

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

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

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

10. Other Remarks (optional)

Medford Irrigation District holds the right to transfer this water right by quit claim

Deed signed by KOGAP Enterprises on April 19, 2006 and recorded in Jackson

County Official Records recording number 2006-023593.

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11. ATTACHMENTS

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

Supplemental Form A –

Description of Proposed Change(s) to a Water Right

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

Supplemental Form B –

Evidence of Use Affidavit(s)

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

Map

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

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

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

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Land Use Information For Proposed Changes:

For Instream Transfers:

- ☒ Notice of the intent to file an instream transfer application has been provided to each affected local government along the proposed reach, and copies of the notices are enclosed. (*For instream transfers a Land Use Information Form is not required.*)

For All Other Transfers:

- ☐ Land Use Information Form is enclosed; *or*
- ☐ All of the following criteria are met, therefore a Land Use Information Form is not required:
- ① In EFU zone or irrigation district,
 - ② Change in place of use only,
 - ③ No structural changes needed, including diversion works, delivery facilities, other structures, *and*
 - ④ Irrigation only.

Fees:

- ☐ Amount enclosed: \$ 1400.00
See the Department's Fee Schedule at www.wrd.state.or.us or call (503) 986-0900.

Instream Water Right Transfers, also include:

Supplemental Form C –

Instream Water Right Transfer

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

Temporary Transfers, also include:

Recorded Deed:

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

Affidavit of Consent:

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

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

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

12. SIGNATURES

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

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

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

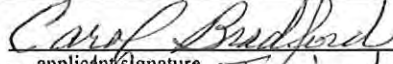
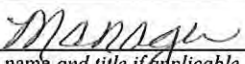
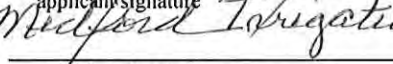
☒ I (we) affirm that interest in the water right has been conveyed to someone other than the landowner, and documents, including a water right conveyance agreement, report of ownership and lien information, and any required lienholder notification **are enclosed**, demonstrating that I am (we are) authorized to pursue the transfer. I (we) understand that we may be required to provide additional information upon receipt of the draft Preliminary Determination.

☐ I (we) affirm that the applicant is a municipality, as defined in ORS 540.510(3)(b), and that the right is in the name of the municipality or a predecessor. Therefore, pursuant to OAR 690-380-3000(13)(b), the applicant is **NOT** required to provide the above described report of ownership and lien information.

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

☐ I (we) affirm that this is a temporary transfer and a copy of the deed for the "from" land (and affidavits of consent from any other landowners, if applicable) is enclosed.

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

 applicant signature	 name and title if applicable (print)	<u>12/6/07</u> date
 applicant signature	 name and title if applicable (print)	 date

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Water Right Transfer Supplemental Form A

DESCRIPTION OF PROPOSED CHANGE(S) TO A WATER RIGHT

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

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

■ Certificate Number or other identifying number: 81635

1. TYPE OF CHANGE(S) PROPOSED

(Check *all* that apply.)

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

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2. CURRENT WATER RIGHT INFORMATION

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

☒ Certificated Right	81635	S-407
	Certificate Number	Permit Number or Decree Name
☐ Adjudicated, Non-certificated Right	Name of Decree	Page Number
☐ Permit for which Proof has been Approved	Permit Number	Date Claim of Beneficial Use Submitted
☐ Transferred Right for which Proof has been Filed	Previous Transfer Number	Date Claim of Beneficial Use Submitted

- Name on Permit, Certificate, or Decree: Rogue River Valley and Medford Irrigation District
- County: Jackson
- Authorized Use(s) to be Affected by Transfer: Manufacturing
- Priority Date(s): March 31, 1910

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

- Source(s) of Water to be Affected by Transfer: Four Mile Lake Reservoir, Fish Lake Reservoir, Cascade Canal,

Tributary to: Four Mile and Cascade Canal are tributary to Klamath Basin, Fish Lake tributary to Little Butte Creek

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

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

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

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

If "Yes", what are the Permit, Registration or Certificate Numbers? S-23210 & 53323 This application does not affect these existing rights.

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

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▪ Certificate Number or other identifying number: 81635

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

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

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

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

If Ground Water, OWRD Well Log ID No. (or Well ID Tag No. L-____)	Source and Priority Date	Township	Range	Mer	Sec	¼ ¼	Tax Lot, DLC or Gov't Lot	Survey Coordinates (coordinates from a recognized survey corner)
	No change to existing POD							

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

☐ Yes ☒ No (*Surface water source only.*)

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

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

or

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

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

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

[illegible]

▪ Certificate Number or other identifying number: 81635

Will the ENTIRE water right be affected by this transfer? ☐ Yes ☒ No

If "Yes", the remainder of this page does not need to be completed. Go on to the next page.

If "No", the following information **must be provided** only for those places of use that **are involved in the transfer (i.e., list only the portion of the water right to be affected by the change.)**
Attach additional pages as necessary.

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

Location of Existing Authorized Place of Use to be Affected:

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

Source and Priority Date	Township	Range	Mer	Sec	¼ ¼ Section	Tax Lot, DLC or Gov't Lot	Acres (if applicable)
Four Mile Lake Reservoir Cascade Canal Fish Lake Reservoir March 31, 1910	37 S	1 W	W M	31	NE		
Four Mile Lake Reservoir Cascade Canal Fish Lake Reservoir March 31, 1910	37 S	1 W	W M	31	SE		
Four Mile Lake Reservoir Cascade Canal Fish Lake Reservoir March 31, 1910	37 S	1 W	W M	32	SW		

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■ Certificate Number or other identifying number: 81635

3. PROPOSED CHANGES TO THE WATER RIGHT

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

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

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

☐ N/A – Instream Water Right Transfer

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

Source	Township	Range	Mer	Sec	¼ ¼ Section	Tax Lot, DLC or Gov't Lot	Survey Coordinates (coordinates from a recognized survey corner)
Four Mile Lake Reservoir Cascade Canal Fish Lake Reservoir	36 S	2 W	W M	13	SW NW	362W13- 801 DLC 41	3961.8 Feet South and 1883.3 Feet East from the NE Corner of DLC 42 in Section 11, T36S, R2W, W.M.

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

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

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

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

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

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

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■ Certificate Number or other identifying number: 81635

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

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

Source	Township	Range	Mer	Sec	¼ ¼ Section	Tax Lot, DLC or Gov't Lot	Acres (if applicable)
See Attached Table 1							

Remarks: The intent of this transfer is convert a manufacturing use to municipal use for the City of Eagle Point. The District will have the flexibility to divert the water through its system and deliver to the water treatment plant (additional POD), or to release the water directly into Little Butte Creek for delivery to the water treatment plant (additional POD). The water will be diverted by Medford Water Commission at the additional POD and delivered to the place of use in the City of Eagle Point. The Medford Irrigation District will measure the release into Little Butte Creek at the Lake Creek gauging station at Lake Creek number 14346700

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Table 1

SE NE
SW NE
SE NW
NE SW
SE SW
NE SE
NW SE
SW SE
SE SE
35 S 1 W S 34

SE NE
NE SE
SESE
36 S 1 W S 4

SW NW
NW SW
SW SW
35 S 1 W S 35

NE NE
SE NE
36 S 1 W S 9

NW NW
SW NW
SE NW
NE SW
NW SW
SW SW
SE SW
36 S 1 W S 2

NE NE
NW NE
SW NE
SE NE
NE NW
NW NW
SW NW
SE NW
NE SW
NW SW
36 S 1 W S 10

NE NE
NW NE
SW NE
SE NE
NE NW
NW NW
SW NW
SE NW
NE SW
NW SW
SW SW
SE SW
NE SE
NW SE
SW SE
SE SE
36 S 1 W S 3

NW NE
SW NE
NE NW
NW NW
SW NW
SE NW
NE SW
NW SW
NW SE
36 S 1 W S 11

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T 10527

Sarah Henderson

From: Hollie Cannon [hcannon541@charter.net]
Sent: Tuesday, February 19, 2008 10:24 AM
To: Sarah Henderson
Subject: RE: T-10527

Thank you. Transfer T-10465 uses the same map and I just checked and I made that same mistake on it also. T-10465 should have gone to expedited review. This mistake could have contaminated several other files also. I will track them down.

Hollie Cannon
Water Right Solutions, LLC
PO Box 4247
Medford, OR 97501

541-608-6254

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

From: Sarah Henderson [mailto:hendersa@wrđ.state.or.us]
Sent: Tuesday, February 19, 2008 9:47 AM
To: Hollie Cannon
Subject: RE: T-10527

Thanks Hollie, I will make the changes and put a copy of this email with the file.

Have an excellent day!

Sarah

From: Hollie Cannon [mailto:hcannon541@charter.net]
Sent: Tuesday, February 19, 2008 9:45 AM
To: Sarah Henderson
Subject: RE: T-10527

Sarah
By all means, make the changes.

Hollie Cannon
Water Right Solutions, LLC
PO Box 4247
Medford, OR 97501

541-608-6254

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

From: Sarah Henderson [mailto:hendersa@wrđ.state.or.us]
Sent: Tuesday, February 19, 2008 9:36 AM
To: Hollie Cannon
Subject: RE: T-10527

Hollie, do you give me permission to change it for you? Sarah

From: Hollie Cannon [mailto:hcannon541@charter.net]
Sent: Tuesday, February 19, 2008 9:03 AM
To: Sarah Henderson
Subject: T-10527

Sarah

I found an error I made on T-10527. On "Map 2 of 3" on the "Additional POD" the POD is listed as being in DLC 42 when it is actually in DLC 41. Schedule A also needs to be changed. Do you need an amended map and Schedule A?

Hollie Cannon
Water Right Solutions, LLC
PO Box 4247
Medford, OR 97501

541-608-6254

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

State of Oregon)
) ss
County of Jackson)

I, Carol Bradford, in my capacity as Manager of Medford Irrigation District,
mailing address 1340 Meyers Lane, Medford, OR 97501
telephone number (541) 779-1462, being first duly sworn depose and say:

1. I attest that:

- ☒ Water was used during the previous five years on the entire authorized place of use of the water right proposed for transfer as described on the accompanying transfer application; **or**
- ☐ The water right was leased instream at some time within the last five years. The instream lease number is as follows: _____; **or**
- ☐ The water right is not subject to forfeiture and documentation that a presumption of forfeiture for non-use would be rebutted under ORS 540.610(2) is attached.

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

☐ Personal observation ☐ Professional expertise

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

Township		Range		Mer	Sec	¼ ¼ Section	Gov't Lot or DLC	Acres (if applicable)
37	S	1	W	W M	31	NE		
37	S	1	W	W M	31	SE		
37	S	1	W	W M	32	SW		

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SALEM, OREGON**

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

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

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

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

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Prof. [Signature], Manager
Signature of Affiant

12/4/07
Date

Signed and sworn to (or affirmed) before me this 6th day of Dec, 2007.



Aleta Milan
Notary Public for Oregon

My Commission Expires: 1-28-2011

T 10527

Original Cert

STATE OF OREGON
COUNTY OF JACKSON
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

ROGUE RIVER VALLEY IRRIGATION DISTRICT
3139 MERRIMAN ROAD
MEDFORD, OREGON 97501

MEDFORD IRRIGATION DISTRICT
1340 MEYERS LANE
MEDFORD, OR 97501

confirms the right to use the waters of

FOUR MILE LAKE RESERVOIR, within the KLAMATH RIVER BASIN; and waters draining or flowing into the CASCADE CANAL and FISH LAKE RESERVOIR, within the ROGUE RIVER BASIN; as constructed under Permit R-50; for MANUFACTURING AND DOMESTIC USES.

This right was perfected under Permit 407. The date of priority is MARCH 31, 1910. This right is limited to 10 CUBIC FEET PER SECOND for manufacturing uses and, 0.415 CFS FOR DOMESTIC USES AT FISH LAKE CABINS AND RESORT; or its equivalent in case of rotation, measured at the point of diversion from the source.

Water is conveyed from Four Mile Lake via the Cascade Canal, and held, and stored in Fish Lake. Water is rediverted and released into the North Fork Little Butte Creek, and is rediverted into the Main Canal shared by Rogue River Valley and Medford Irrigation Districts. At Bradshaw Drop the water is split between the Hopkins Canal and the Medford Canal.

This certificate, together with certificates numbered 80571 and 80572 for irrigation within the Medford and Rogue River Valley Irrigation Districts, confirms all water rights perfected under permit 407. Total diversions through the Main Canal from North Fork and South Fork of Little Butte Creek shall not exceed 140 CFS at any one time.

The points of diversion are located:

FOUR MILE LAKE DAM: 3600 FEET NORTH AND 4200 FEET EAST OF SW CORNER OF SECTION 9, being within SWNW OF SECTION 9, TOWNSHIP 36 SOUTH, RANGE 5 EAST, W.M.

This is a final order in other than contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review of the order must be filed within the 60 days of the date of service.

T 10527

Page 1 of 4

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FISH LAKE DAM : 4000 FEET SOUTH AND 600 FEET EAST OF NE CORNER OF SECTION 4, being within SESE OF SECTION 4, TOWNSHIP 37 SOUTH, RANGE 4 EAST, W.M.

NORTH FORK LITTLE BUTTE CREEK: 40 FEET NORTH AND 620 FEET WEST FROM E 1/4 CORNER OF SECTION 20, being within the SENE OF SECTION 20, TOWNSHIP 36 SOUTH, RANGE 2 EAST, W.M.,

BRADSHAW DROP: SW1/4 SW1/4, SECTION 8, TOWNSHIP 36 SOUTH, RANGE 1 EAST, W.M.,

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

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

Panther Crushing, Inc.	Tax Lots 2800 and 2900	
	NW 1/4	0.5 cfs
	SECTION 9	
	TOWNSHIP 36 SOUTH, RANGE 1 EAST, W.M.	

Rogue Aggregates, Inc.	SECTION 26	0.25 cfs
	TOWNSHIP 36 SOUTH, RANGE 1 WEST, W.M.	

Jackson County Roads and Parks		1.25 cfs
	SECTIONS 9 and 16	
	TOWNSHIP 37 SOUTH, RANGE 1 WEST, W.M.	
	SECTION 16	
	TOWNSHIP 37 SOUTH, RANGE 2 WEST, W.M.	

Dry Creek Landfill	SECTION 1	1.0 cfs
	TOWNSHIP 37 SOUTH, RANGE 1 WEST, W.M.	

KOGAP	NE 1/4 AND SE 1/4	
	SECTION 31	
	SW 1/4	
	SECTION 32	0.5 cfs
	TOWNSHIP 37 SOUTH, RANGE 1 WEST, W.M.	

Jackson County Roads and Parks	E 1/2	1.0 cfs
	SECTION 27	
	TOWNSHIP 36 SOUTH, RANGE 1 WEST, W.M.	
P & M Cedar		
	SECTION 30	0.75 cfs
	TOWNSHIP 36 SOUTH, RANGE 1 WEST, W.M.	
Self Trucking, Inc.		
	SECTION 22	0.5 cfs
	TOWNSHIP 36 SOUTH, RANGE 2 WEST, W.M.	
Plumley Trucking, Inc.		
	SECTION 22	0.5 cfs
	TOWNSHIP 36 SOUTH, RANGE 2 WEST, W.M.	
Rock & Ready Mix		
	SECTION 28	0.5 cfs
	TOWNSHIP 36 SOUTH, RANGE 2 WEST, W.M.	
Medford Ready Mix, Inc.		
	SECTION 5	0.5 cfs
	TOWNSHIP 37 SOUTH, RANGE 1 WEST, W.M.	
Hawkins Gunite		
	SECTION 6	0.25 cfs
	TOWNSHIP 37 SOUTH, RANGE 1 WEST, W.M.	
U.S. Forest Service		
	SECTION 7	0.5 cfs
	TOWNSHIP 37 SOUTH, RANGE 1 WEST, W.M.	
LTM, Inc.		
	SECTION 1	1.0 cfs
	TOWNSHIP 37 SOUTH, RANGE 2 WEST, W.M.	
Central Point Lumber		
	SECTION 11	0.25 cfs
	TOWNSHIP 37 SOUTH, RANGE 2 WEST, W.M.	
Southern Oregon Underground	NWNE, NENW	
	TAXLOTS 201, 202, & 203	
	SECTION 22	0.5 cfs
	TOWNSHIP 36 SOUTH, RANGE 1 WEST, W.M.	
Boise Cascade Corp		0.25 cfs

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**WATER RESOURCES DEPT
SALEM, OREGON**

T 10527

DOMESTIC USES AT 31 FISH LAKE CABINS, RESORT AND CAMPGROUNDS
SECTIONS 34 AND 35
TOWNSHIP 36 SOUTH, RANGE 4 EAST, W.M.
SECTIONS 2 & 3
TOWNSHIP 37 SOUTH, RANGE 4 EAST, W.M.

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

This certificate also confirms orders of the Water Resources Director approving permit amendments as follows:

T- 8011 to amend the place of use for 0.5 cubic feet per second of industrial use as recorded at Special Order Volume 53 Page 263.

WITNESS the signature of the Water Resources Director,

affixed January 28 2004..


Paul R. Cleary

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**WATER RESOURCES DEPT
SALEM, OREGON**

Recorded in State Record of Water Right Certificates numbered 80573

Remaining right Cert.

STATE OF OREGON

COUNTY OF JACKSON

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

ROGUE RIVER VALLEY IRRIGATION DISTRICT
3139 MERRIMAN ROAD
MEDFORD, OREGON 97501

MEDFORD IRRIGATION DISTRICT
1340 MEYERS LANE
MEDFORD, OR 97501

confirms the right to use the waters of FOUR MILE LAKE RESERVOIR, within the KLAMATH RIVER BASIN; and waters draining or flowing into the CASCADE CANAL and FISH LAKE RESERVOIR, within the ROGUE RIVER BASIN; as constructed under Permit R-50; for MANUFACTURING AND DOMESTIC USES.

This right was perfected under Permit 407. The date of priority is MARCH 31, 1910. This right is limited to 9.1 CUBIC FEET PER SECOND for manufacturing uses and, 0.415 CFS FOR DOMESTIC USES AT FISH LAKE CABINS AND RESORT; or its equivalent in case of rotation, measured at the point of diversion from the source.

Water is conveyed from Four Mile Lake via the Cascade Canal, and held, and stored in Fish Lake. Water is rediverted and released into the North Fork Little Butte Creek, and is rediverted into the Main Canal shared by Rogue River Valley and Medford Irrigation Districts. At Bradshaw Drop the water is split between the Hopkins Canal and the Medford Canal.

This certificate, together with certificates numbered 80571 and 80572 for irrigation within the Medford and Rogue River Valley Irrigation Districts, confirms all water rights perfected under permit 407. Total diversions through the Main Canal from North Fork and South Fork of Little Butte Creek shall not exceed 140 CFS at any one time.

The points of diversion are located as follows:

TwP	Rng	Mer	Sec	Q-Q	Survey Coordinates
36 S	1 E	WM	8	SW SW	BRADSHAW DROP
36 S	2 E	WM	20	SE NE	NORTH FORK LITTLE BUTTE CREEK: 40 feet North & 620 feet West from E1/4 corner, Section 20
36 S	5 E	WM	9	SW NW	FOUR MILE LAKE DAM: 3600 feet North & 4200 feet East from SW corner, Section 9
37 S	4 E	WM	4	SE SE	FISH LAKE DAM: 4000 feet South & 600 feet East from NE corner, Section 4

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

T 10527

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**WATER RESOURCES DEPT
SALEM, OREGON**

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

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

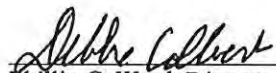
Twp.	Rng.	Mer.	Sec.	Q-Q	Tax Lot	Quantity	Type of Use	Name of User
36S	1E	W.M.	9	NW ¼	2800, 2900	0.5 cfs	Manufacturing	Panther Crushing
36S	1W	W.M.	26	--		0.25 cfs	Manufacturing	Rogue Aggregates
37S	1W	W.M.	9, 16	--		1.25 cfs	Manufacturing	Jackson County Roads and Parks
37S	2W	W.M.	16	--			Manufacturing	
37S	1W	W.M.	1	--		1.0 cfs	Manufacturing	Dry Creek Landfill
37S	1W	W.M.	31	NE ¼		0.5 cfs	Manufacturing	KOGAP
37S	1W	W.M.	31	SE ¼			Manufacturing	
37S	1W	W.M.	32	SW ¼			Manufacturing	
36S	1W	W.M.	27	E ½		0.1 cfs	Manufacturing	Jackson County Roads and Parks
36S	1W	W.M.	30	--		0.75 cfs	Manufacturing	P & M Cedar
36S	2W	W.M.	22	--		0.5 cfs	Manufacturing	Self Trucking, Inc.
36S	2W	W.M.	22	--		0.5 cfs	Manufacturing	Plumley Trucking, Inc.
36S	2W	W.M.	28	--		0.5 cfs	Manufacturing	Rock & Ready Mix
37S	1W	W.M.	5	--		0.5 cfs	Manufacturing	Medford Ready Mix, Inc.
37S	1W	W.M.	5	NW NW	301	0.25 cfs	Manufacturing	Hawkins Gunite
37S	1W	W.M.	7	--		0.5 cfs	Manufacturing	U.S. Forest Service
37S	2W	W.M.	1	--		1.0 cfs	Manufacturing	LTM, Inc.
37S	2W	W.M.	11	--		0.25 cfs	Manufacturing	Central Point Lumber
36S	1W	W.M.	22	NW NE; NE NW	201, 202, 203	0.5 cfs	Manufacturing	Southern Oregon Underground
37S	2W	W.M.	14	SW NE NE SE	100	0.25 cfs	Manufacturing	Boise Cascade Corp.
36S	4E	W.M.	34, 35	--		0.415 cfs	Domestic	Fish Lake Cabins, Resort, and Campgrounds
37S	4E	W.M.	2, 3	--			Domestic	

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

This certificate describes that portion of the water right confirmed by Certificate 80573, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered May 25, 2006, approving Transfer Application 9973, and also corrects the place of use description for Boise Cascade and Hawkins Gunite.

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.

WITNESS the signature of the Water Resources Director, affixed May 25, 2006.


Phillip C. Ward, Director

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**WATER RESOURCES DEPT
SALEM, OREGON**

T 10527

Recorded in State Record of Water Right Certificates numbered 81635

T. 10527

Township 36 S., Range 2E W.M.

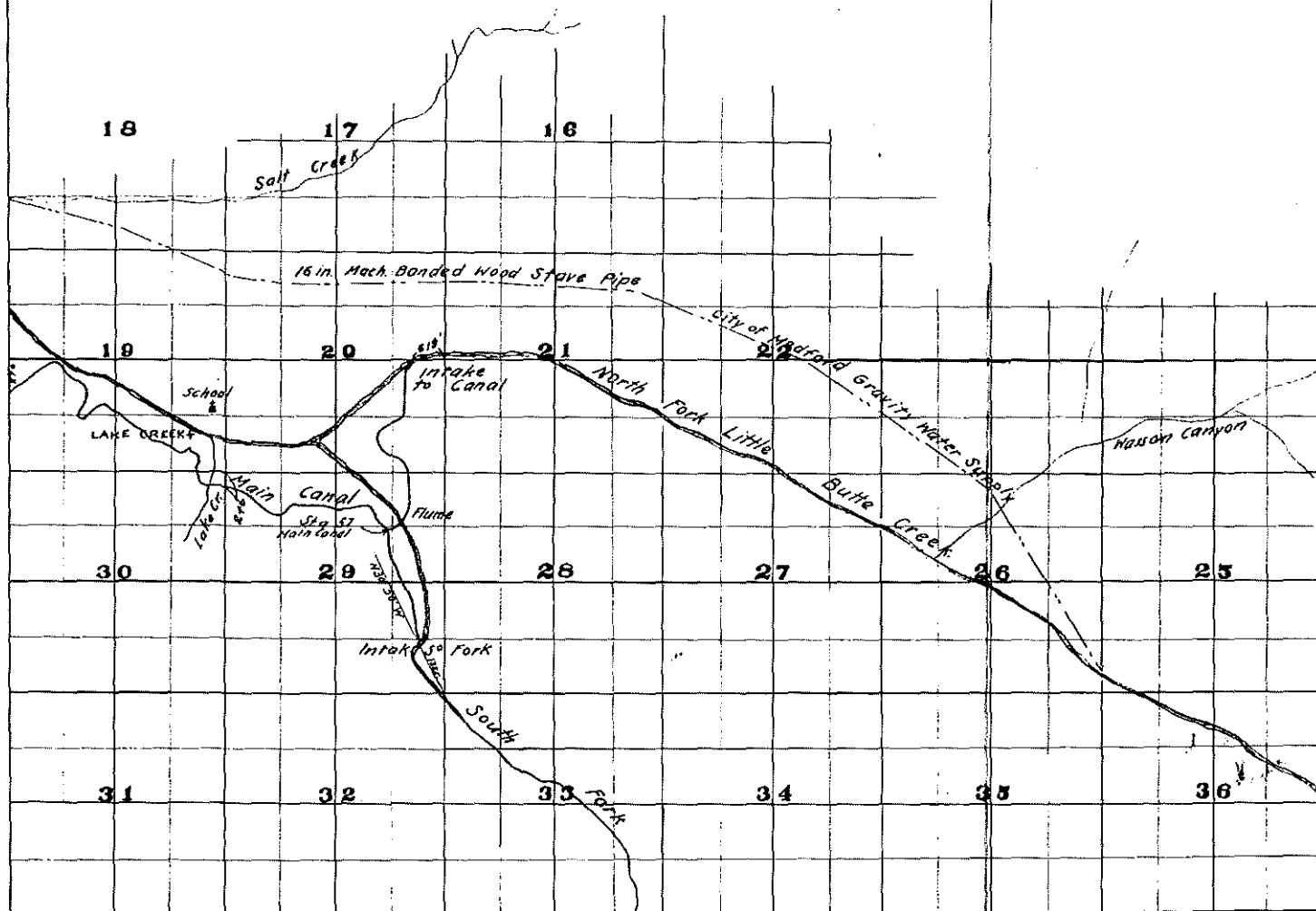
APPLICATION NO. 589
Application No. 589

Permit No. 407

RED - 1911 35 APPL

MEDFORD, OREGON

MAY 1911



CERTIFICATE OF SURVEYOR

LEGEND



Lands under existing rights.



Lands applied for.

I, Irving Worthington, of Medford Oregon do hereby certify that this map was made from notes taken during an actual survey made under my immediate supervision during Apr. May, June, July, Aug. and Sept. 1909 and that it correctly represents the works described in the accompanying application together with the location of streams and other ditches in the immediate vicinity and has written thereon the area in each smallest legal subdivision which it is proposed to irrigate.

Subscribed and sworn to before me this 10 day of May, 1909.

Notary Public State of Oregon.

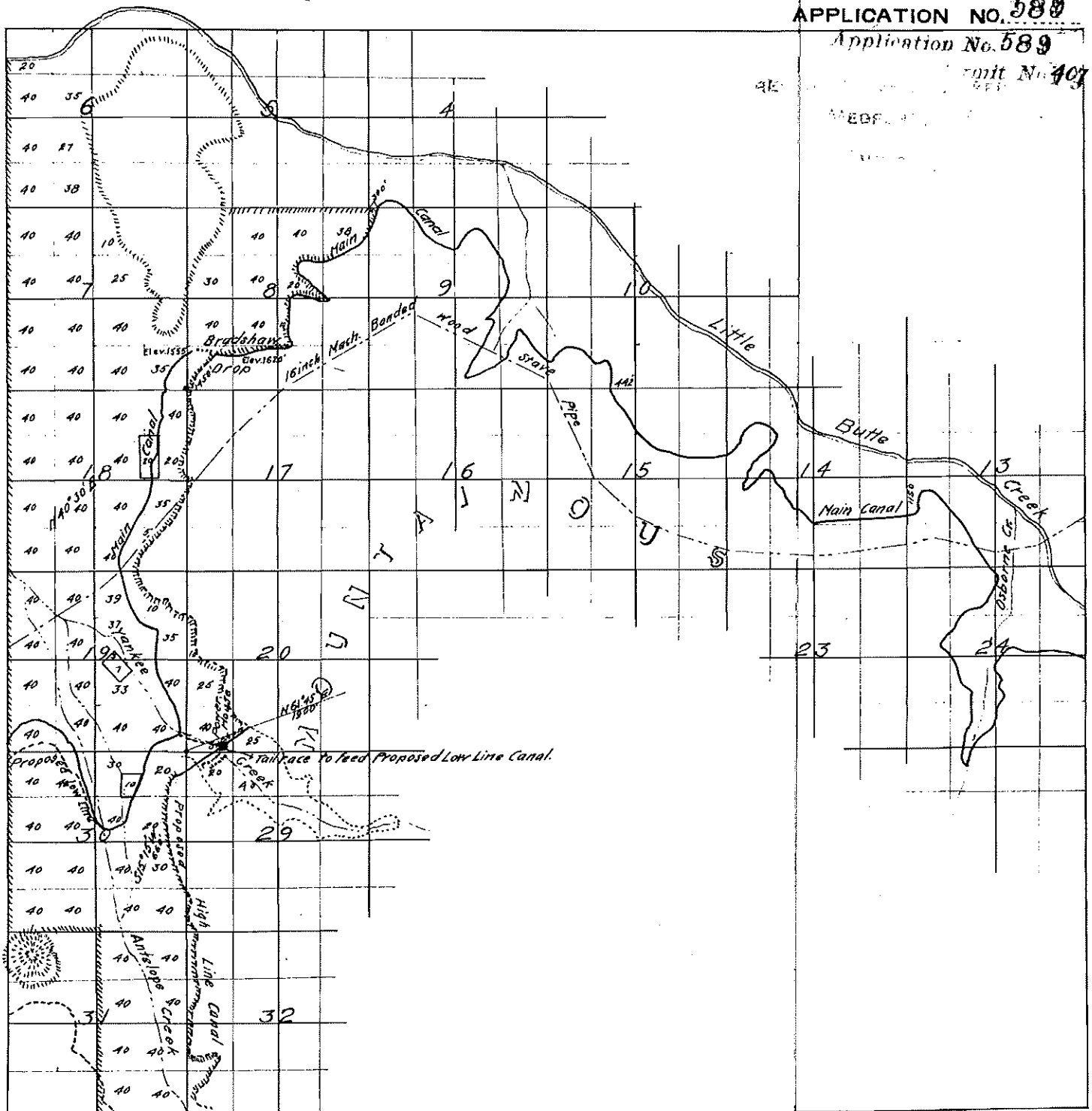
NOTARY PUBLIC FOR JACKSON COUNTY
COMMISSION EXPIRES 1911

Township 36 S., Range 1 E.W.M.

APPLICATION NO. 580

Application No. 589

Permit No. 407



CERTIFICATE OF SURVEYOR

LEGEND

-  Lands under existing rights.
-  Lands applied for

I, Irving Northrup, of Medford Oregon do hereby certify that this map was made from notes taken during an actual survey made under my immediate supervision during Apr. May, June, July, Aug. and Sept. 1909 and that it correctly represents the works described in the accompanying application together with the location of streams and other ditches in the immediate vicinity and has written thereon the area in each smallest legal subdivision which is proposed to be irrigated.

Subscribed and sworn to before me this 10th day of May, 1910.

Notary Public State of Oregon.

NOTARY PUBLIC FOR JOHNSON COUNTY, OREGON
MY COMMISSION EXPIRES 28, 1911

2000

Range... 1 W W M ...

MAR 28 1970

APPLICATION NO. 588



1. Irving Mathiasen, of Madford Oregon do hereby certify that this map was made from notes taken during an actual survey made under my immediate supervision during Apr. May, June, July, Aug. and Sept. 1909 and that it correctly represents the works described in the accompanying application together with the location of streams and other ditches in the immediate vicinity and has written thereon the area in each smallest legal subdivision which is proposed to be irrigated.

Subscribed and sworn to before me this 19... day of...

Notary Public State of Oregon

NOTARY PUBLIC FOR JACKSON COUNTY, OREGON
MY COMMISSION EXPIRES JUNE 29, 1941

10 Lands under existing rights.

Lands applied for.

Township

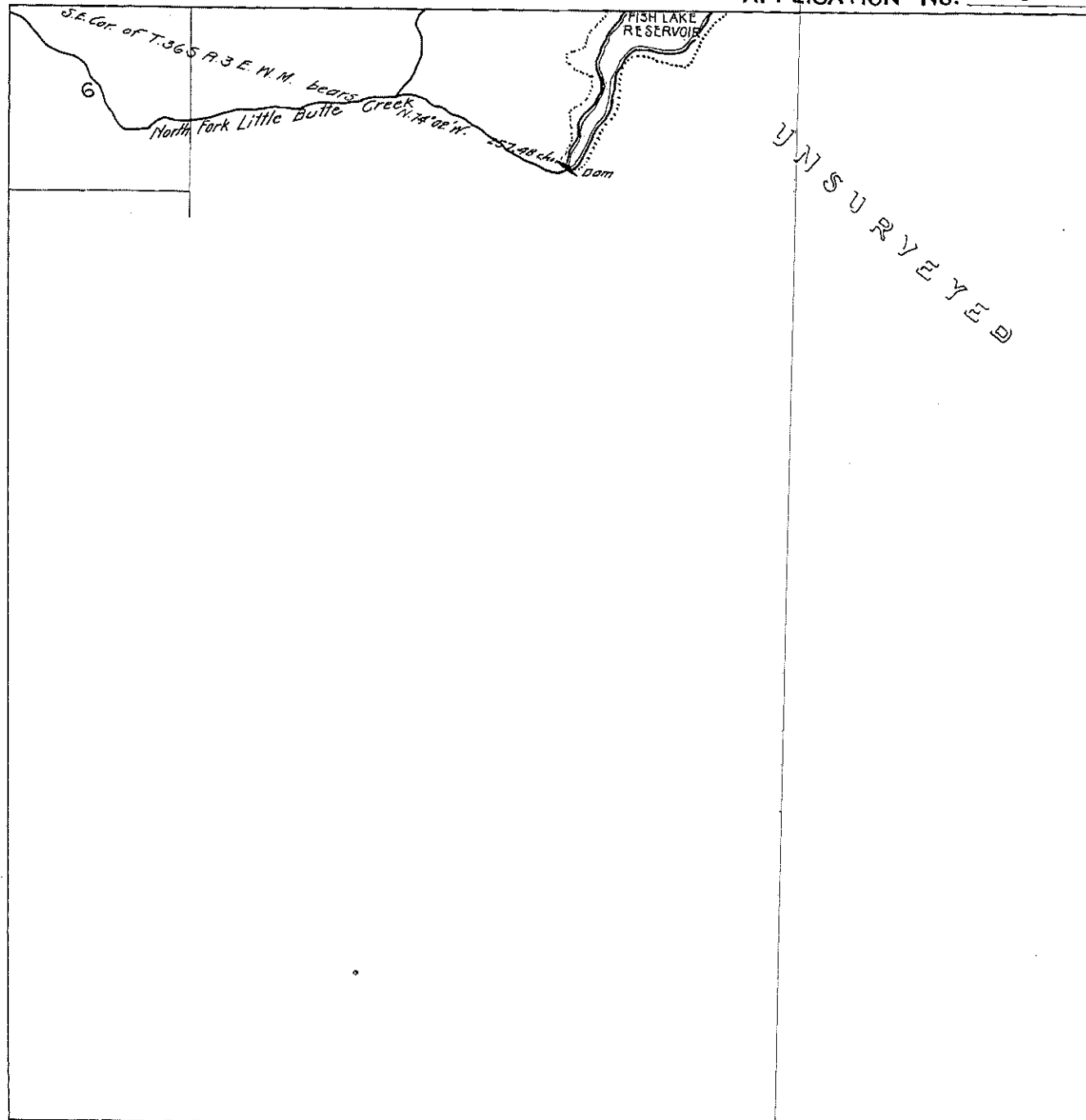
37 S ,

Range 4 E W M

Application No. 589

Permit No. 407

APPLICATION NO. 589

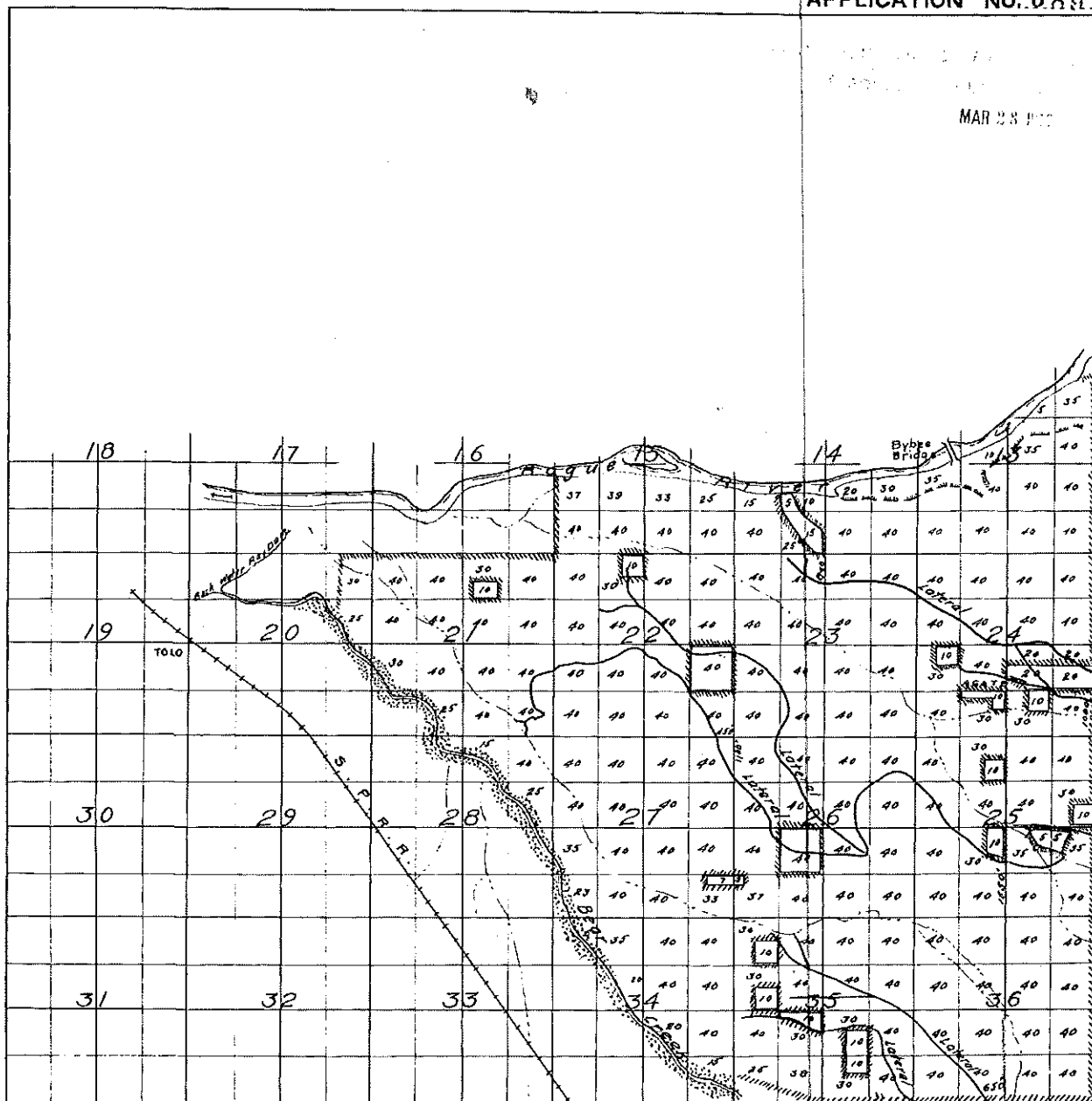


Township 36 S.,

Range 2 W.W.M.

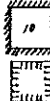
Application No. 589
Enlargement Permit No. 407

APPLICATION NO. 589



CERTIFICATE OF SURVEYOR

LEGEND



Lands under existing rights.

Lands applied for.

I, Irring Northington of Medford Oregon do hereby certify that this map was made from notes taken during an actual survey made under my immediate supervision during Apr. May, June, July, Aug. and Sept. 1909 and that it correctly represents the works described in the accompanying application together with the location of streams and other ditches in the immediate vicinity and has written thereon the area in each smallest legal subdivision which it is proposed to irrigate.

Subscribed and sworn to before me this 10th day of March 1910.

[Signature]
Notary Public State of Oregon.

NOTARY PUBLIC FOR JACKSON COUNTY, OREGON
MY COMMISSION EXPIRES JUNE 16, 1912

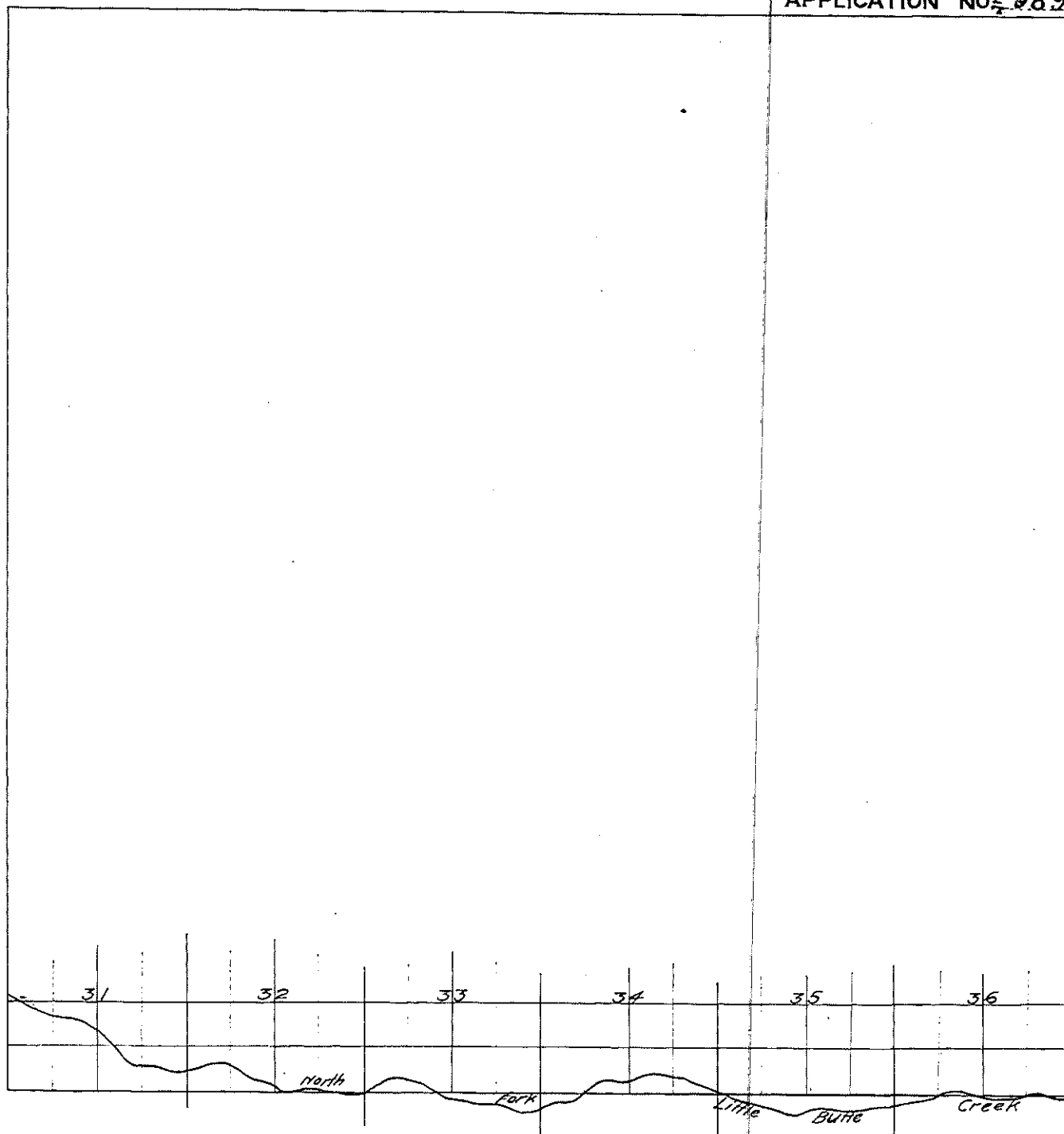
Township.....36 S.,

Range.....3 E W M..

Application No. 188

Permit No 407

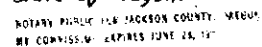
APPLICATION NO. 582.



Application No. 589
Enlargement Permit No. 407

Range 2 W W M Enlargement Permit No. 407

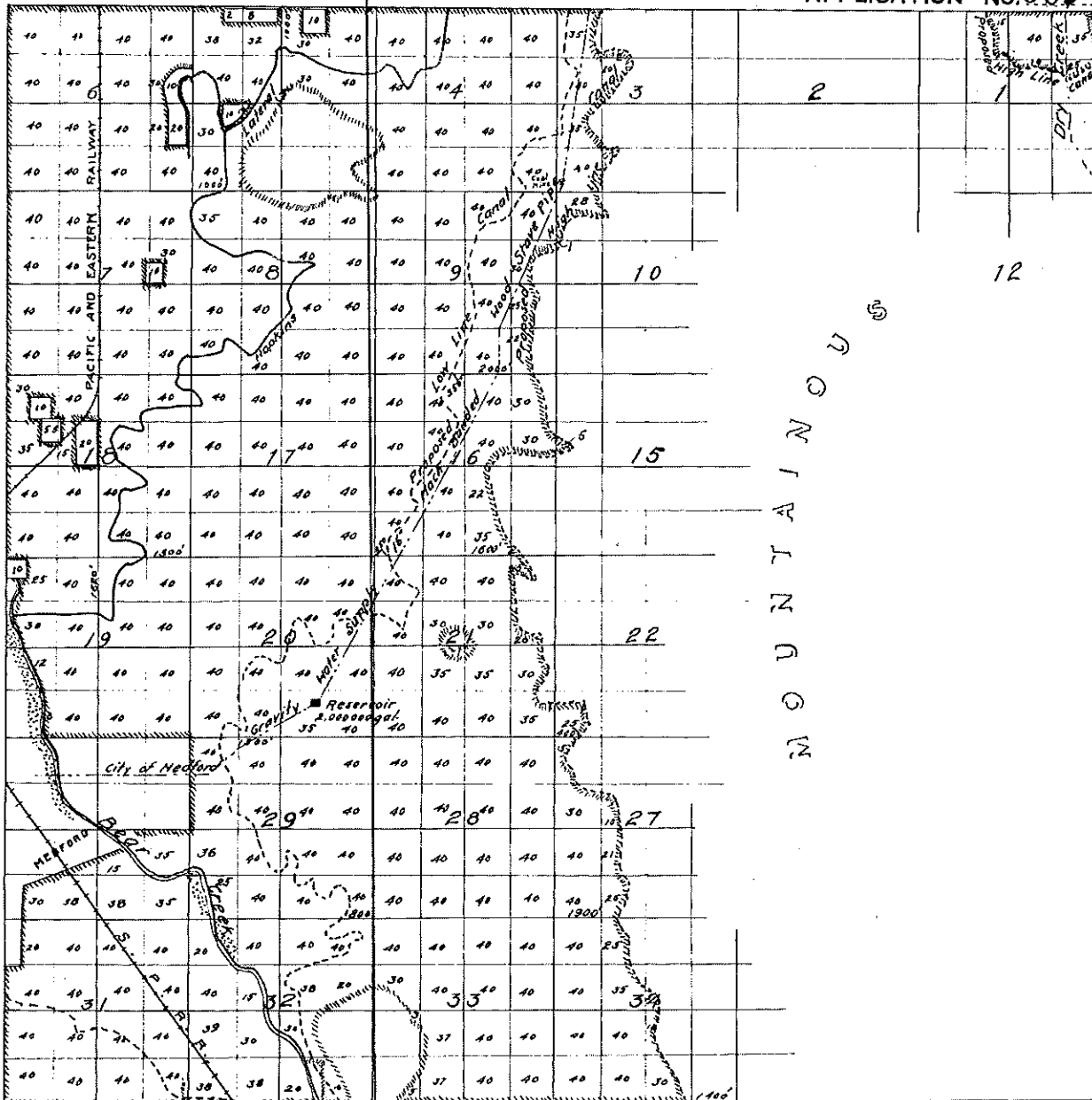
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Lands applied for.

Enlargement Permit No. 407

APPLICATION NO. 589



CERTIFICATE OF SURVEY OR

LEGEND

10 Lands under existing rights.

Lands applied for:

1. Jerome Northington, of Madford Oregon do hereby certify that this map was made from notes taken during an actual survey made under my immediate supervision during the months of May, June, July, Aug and Sept, 1909 and that it correctly represents the works described in the accompanying application together with the location of streams and other details in the immediate vicinity and has written thereon the area in each smallest legal subdivision which I am prepared to investigate.

Jerome Northington, Surveyor.

Subscribed and sworn to before me this 10 day of May, 1910.

Notary Public State of Oregon

NOTARY PUBLIC FOR JACKSON COUNTY MISSISSIPPI
 E. TOMMY BRIDGES EXPIRES JUNE 28, 1981

MAR 25 1910

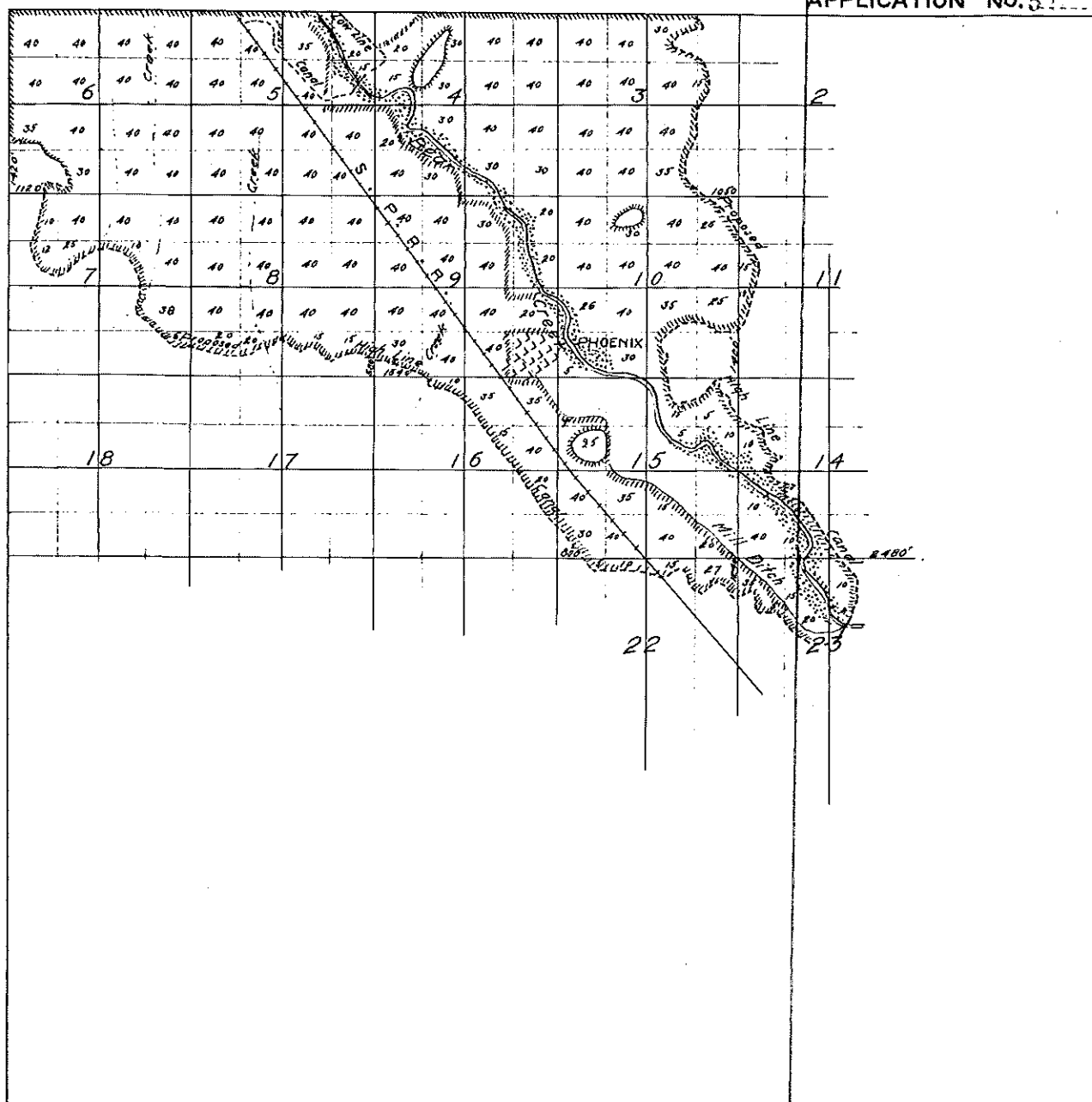
Township..... 3 S. S.,

Range..... 1 W. W. M.

Application No. 588

Enlargement Permit No. 407

APPLICATION NO. 51



CERTIFICATE OF SURVEYOR

I, Irving Worthington, of Medford Oregon, do hereby certify that this map was made from notes taken during an actual survey made under my immediate supervision during Apr. May, June, July, Aug. and Sept. 1909 and that it correctly represents the marks described in the accompanying application together with the location of streams and other ditches in the immediate vicinity and has written thereon the area in each smallest legal subdivision which it is proposed to irri-gate.

Subscribed and sworn to before me this 10th day of July, 1910.

J. A. Nye
Notary Public State of Oregon.

NOTARY PUBLIC, CLATSOP COUNTY, OREGON.
My commission expires June 28, 1911.

LEGEND

-  Lands under existing rights
-  Lands applied for.

MAY 1910

Township

38 S,

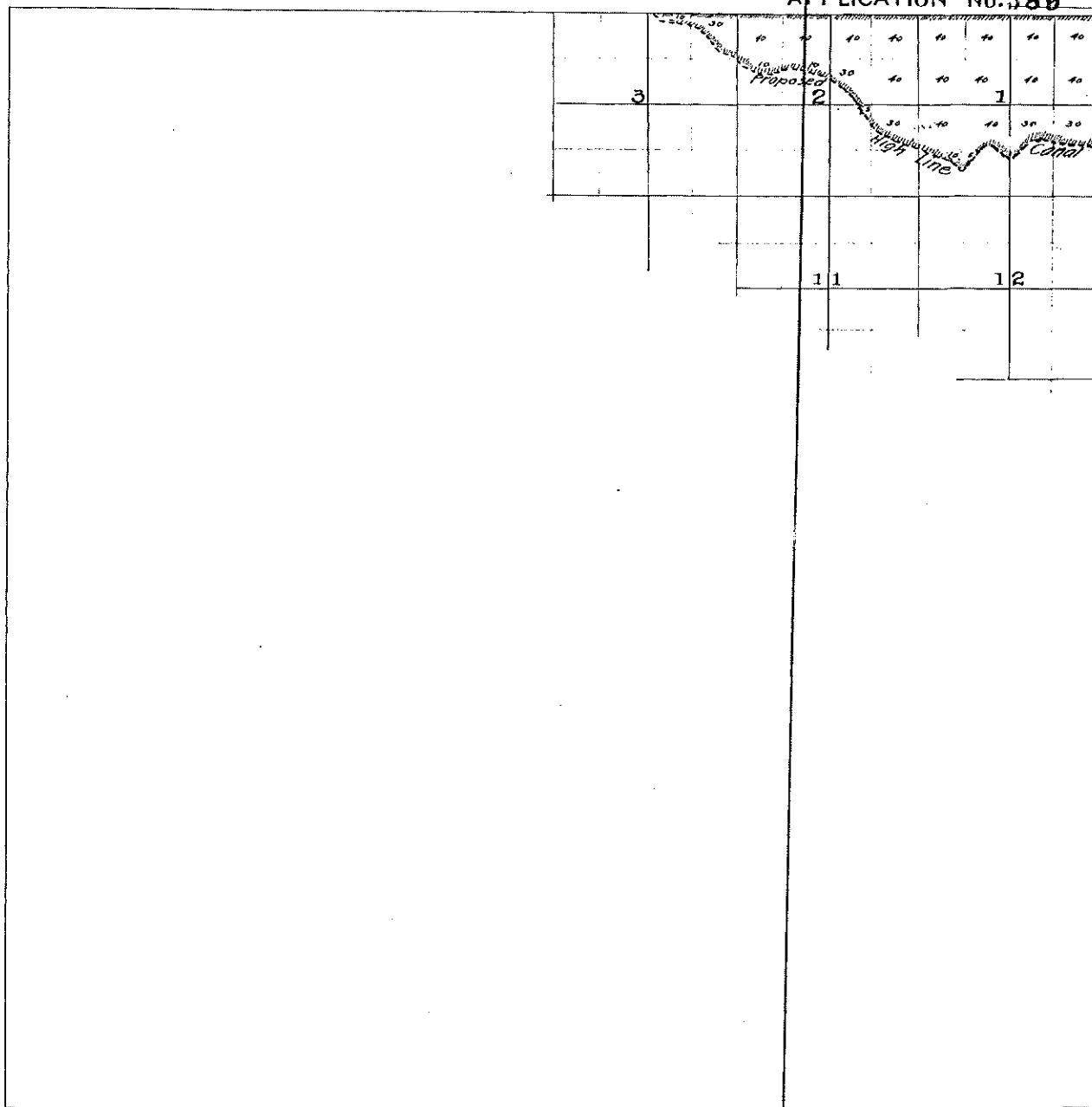
Range

2 W.W.M.

Application No. 580

Permit No. 407

APPLICATION NO. 580



CERTIFICATE OF SURVEYOR

I, Irving Northrup, of Medford Oregon do hereby certify that this map was made from notes taken during an actual survey made under my immediate supervision during the months of May, June, July Aug and Sept. 1909 and that it correctly represents the works described in the accompanying application together with the location of streams and other ditches in the immediate vicinity and has written thereon the area in each smallest legal subdivision which it is proposed to irrigate.

Irving Northrup, Surveyor

Subscribed and sworn to before me this 10 day of June, 1910

Notary Public State of Oregon

NOTARY FOR JACKSON COUNTY, OREGON.

NOTARY PUBLIC JUNE 24, 1910

LEGEND

 Lands under existing rights

 Lands applied for.



LAND-USE COMPATABILITY STATEMENT

THIS DOCUMENT IS SOLELY FOR THE PURPOSES OF REPLYING TO ANOTHER AGENCY'S
REQUEST FOR COMMENTS! THIS IS NOT A LAND-USE PERMIT.

ZONING:

ZIS NUMBER: ZON2008-01376

SITE ADDRESS: 17 S BUCHANAN ST

PROJECT: ZON2008-01376

PRIMARY PARCEL NUMBER: 36-1W-03AB-12200

PRINT DATE: 08/04/2008

ASSOCIATED LOTS:

LAST UPDATED: 08/04/2008 12:00:00AM

Primary Owner

EAGLE POINT CITY OF

Address: CITY ADMINISTRATOR P O BOX 779 EAGLE POIN

PURPOSE OF LUC/ PROJECT DESCRIPTION:

LUCS for WRD

GENERAL LUC INFORMATION:

08/04/2008: MEDFORD IRRIGATION DISTRICT REQUEST ZONING SIGN OFF ON A TRANSFER OF WATER RIGHTS FROM A MANUFACTURING WATER RIGHT TO THE CITY OF EAGLE POINT FOR MUNICIPAL USE. NO PHYSICAL DEVELOPMENT PROPOSED. RIVY

There are no overlays currently identified for this case. This does not necessarily mean there are no overlays applicable to this property.

There are no structures / improvements identified under the Structure/Size section of this case.

There are no structures / improvements identified under the Height / Setback section of this case.

CONDITION DETAILS:

<u>Condition</u>	<u>Hold Level</u>	<u>Edited</u>	<u>Status</u>
------------------	-------------------	---------------	---------------

Staff Signature

Assigned Staff: Robert Ivy

ZIS Recipient Signature

RECEIVED

AUG 08 2008

WATER RESOURCES DEPT
SALEM, OREGON



**PROPERTY ANALYSIS REPORT
PLUS**

MEDFORD IRRIGATION DISTRICT
1340 MYERS LANE
MEDFORD, OR. 97501

September 9, 2008
Report #1
Order Number : 0786985-PARP

Attn: ALETA MILAM

Effective Date: September 3, 2008 at 8:00 A.M. Premium: \$85.00

OWNER

The Last Deed of record runs to:

Kogap Manufacturing Co., Inc., an Oregon Corporation

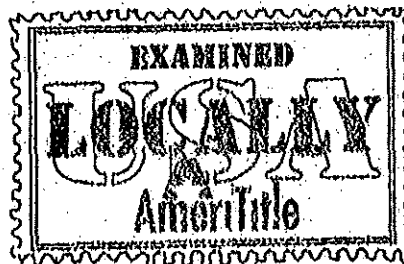
MORTGAGE PREMISES:

(a) Street Address:

STEWART AVENUE, MEDFORD, OREGON 97501

(b) Legal Description

The property described in Exhibit 'A' attached hereto and made a part hereof



Continued on Page 2

Monetary liens affecting the Mortgaged Premises as of Date of this report:

1. 2008-2009 taxes, a lien in an amount to be determined, but not yet payable.
2. City liens, if any of the City of Medford, for which no search has been made.
3. Regulations, including levies, liens, assessments, rights of way and easements of the Rogue Valley Sewer Services, for which no search has been made.
4. Water and irrigation rights and easements for ditches and canals of the Medford Irrigation District. A quitclaim deed for the transfer of interest in a Water Right to the district referenced herein, was recorded September 5, 2006 as Document No. 2006-023593, subject to the terms and provisions thereof.

NOTE: Real Property taxes for the year 2007-2008 in the original amount of \$233.56, PAID IN FULL.

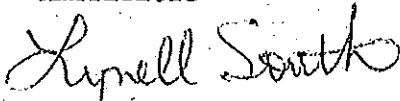
Map No. 371W31A, Tax Lot 2000, Account No. [REDACTED], Code 49-01

NOTE: Any map or sketch enclosed as an attachment herewith is furnished for information purposes only to assist in property location with reference to streets and other parcels. No representation is made as to accuracy and the company assumes no liability for any loss occurring by reason of reliance thereon.

THIS IS NOT A TITLE REPORT, A COMMITMENT TO ISSUE TITLE INSURANCE OR A GUARANTEE OF ANY KIND. No liability is assumed with this report. Our search was limited to our tract indices and no examination of the public record was made. The fee charged for this service does not include supplemental reports or other services. Further dissemination of the information in this report in a form purporting to insure title to the herein described land is prohibited by law.

Yours truly,

AmeriTitle



Lynell South
Title Officer

"Superior Service with Commitment and Respect for Customers and Employees"

EXHIBIT 'A'

Beginning South 89°59' West 866.90 feet from the Northeast corner of Donation Land Claim No. 45, Township 37 South, Range 1 West of the Willamette Meridian in Jackson County, Oregon; thence South 0°01' East 351.87 feet; thence north 89°59' East 274.30 feet to the Westerly line of the Oregon and California railroad right of way; thence North 35°07' West, along said Westerly line, 430.00 feet to the center line of the County Road; thence South 89°59' West, along said center line, 26.85 feet to the point of beginning.

EXCEPTING THEREFROM that portion conveyed to the city of Medford by deed recorded February 16, 1995 as Document No. 95-04268, Official Records of Jackson County, Oregon.

For Informational purposes only, the following is included:
(Map No. 371W31A, Tax Lot 2000, Account No. [REDACTED], Code 49-01)



**PROPERTY ANALYSIS REPORT
PLUS**

MEDFORD IRRIGATION DISTRICT
1340 MYERS LANE
MEDFORD, OR 97501

September 9, 2008
Report #1
Order Number : 0786986-PARP

Attn: ALETA MILAM

Effective Date: September 3, 2008 at 8:00 A.M. Premium: \$85.00

OWNER

The Last Deed of record runs to:

Kogap Enterprises Inc., an Oregon Corporation

MORTGAGE PREMISES:

(a) Street Address:

HIGHWAY 99, MEDFORD, OREGON 97501

(b) Legal Description

The property described in Exhibit 'A' attached hereto and made a part hereof

Continued on Page 2



Monetary liens affecting the Mortgaged Premises as of Date of this report:

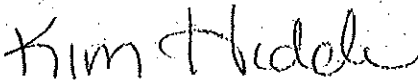
1. 2008-2009 taxes, a lien in an amount to be determined, but not yet payable.
2. Water and irrigation rights and easements for ditches and canals of the Medford Irrigation District. A quitclaim deed for the transfer of interest in a Water Right to the district referenced herein, was recorded May 5, 2006 as Document No. 2006-023593, subject to the terms and provisions thereof.

NOTE: Any map or sketch enclosed as an attachment herewith is furnished for information purposes only to assist in property location with reference to streets and other parcels. No representation is made as to accuracy and the company assumes no liability for any loss occurring by reason of reliance thereon.

THIS IS NOT A TITLE REPORT, A COMMITMENT TO ISSUE TITLE INSURANCE OR A GUARANTEE OF ANY KIND. No liability is assumed with this report. Our search was limited to our tract indices and no examination of the public record was made. The fee charged for this service does not include supplemental reports or other services. Further dissemination of the information in this report in a form purporting to insure title to the herein described land is prohibited by law.

Yours truly,

AmeriTitle



Kim Hidde
Title Examiner

"Superior Service with Commitment and Respect for Customers and Employees"

EXHIBIT 'A'

PARCEL 1:

Begin at a point on the West line of the Southern Pacific Railroad (formerly O. & C. R.R.) right of way which is South 89°59' West 840.05 feet, South 35°07' East 896.09 feet from the Northeast corner of D.L.C. No. 45 in Township 37 South, Range 1 West, run South 89°59' West 200 feet; thence North 35°07' West 150 feet; thence North 89°59' East 200 feet to the Westerly line of the O. & C. R.R. right of way; thence South 35°07' East 150 feet along the Westerly line of the O. & C. R.R. right of way to the point of beginning.

PARCEL 2:

Commencing at the Northeast corner of Donation Land Claim No. 45 in Township 37 South, Range 1 West, of the Willamette Meridian in Jackson County, Oregon; thence South 89°59' West, 840.05 feet to the Westerly right of way of the Southern Pacific Railroad; thence South 35°07' East, 896.09 feet along said right of way line; thence South 89°59' West, 200 feet to the point of beginning; thence South 89°59' West, 24.4 feet; thence North 35°07' West, 150.0 feet; thence North 89°59' East, 24.4 feet; thence South 35°07' East, 150.0 feet to the point of beginning.

For informational purposes only, the following is included:
(Map No. 371W31A, Tax Lot 2300, Account No. [REDACTED], Code 49-01)



**PROPERTY ANALYSIS REPORT
PLUS**

MEDFORD IRRIGATION DISTRICT
1340 MYERS LANE
MEDFORD, OR 97501

September 10, 2008
Report #1
Order Number : 0786987-PARP

Attn: ALETA MILAM

Effective Date: September 3, 2008 at 8:00 A.M. Premium: \$85.00

OWNER

The Last Deed of record runs to:

Kogap Enterprises Inc., an Oregon Corporation

MORTGAGE PREMISES:

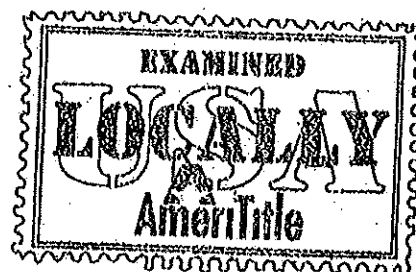
(a) Street Address:

STEWART AVENUE, MEDFORD, OREGON 97501

(b) Legal Description

The property described in Exhibit 'A' attached hereto and made a part hereof

Continued on Page 2



Monetary liens affecting the Mortgaged Premises as of Date of this report:

1. City liens, if any of the City of Medford, for which no search has been made.
2. Water and irrigation rights and easements for ditches and canals of the Medford Irrigation District. A quitclaim deed for the transfer of interest in a Water Right to the district referenced herein, was recorded May 5, 2006 as Document No. 2006-023593, subject to the terms and provisions thereof.
3. Regulations, including levies, liens, assessments, rights of way and easements of the Rogue Valley Sewer Services, for which no search has been made.
4. Mortgage, including the terms and provisions thereof, with interest thereon and such future advances as may be provided therein, given to secure the payment of \$3,000,000.00;
Dated : July 31, 1978
Recorded : August 14, 1978 Document No. 78-17709
Mortgagor : Kogap Manufacturing Company
Mortgagee : First National Bank of Oregon
(Includes other property)

NOTE: We find no judgments or United States Internal Revenue Liens against Kogap Enterprises, Inc.

NOTE: Real Property taxes for the year 2007-2008 in the original amount of \$2,038.75, PAID IN FULL.

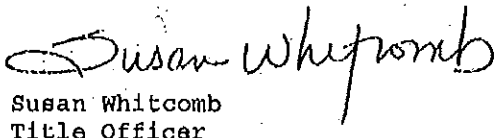
Map No. 371W31A, Tax Lot 2802, Account No. [REDACTED], Code 49-01

NOTE: Any map or sketch enclosed as an attachment herewith is furnished for information purposes only to assist in property location with reference to streets and other parcels. No representation is made as to accuracy and the company assumes no liability for any loss occurring by reason of reliance thereon.

THIS IS NOT A TITLE REPORT, A COMMITMENT TO ISSUE TITLE INSURANCE OR A GUARANTEE OF ANY KIND. No liability is assumed with this report. Our search was limited to our tract indices and no examination of the public record was made. The fee charged for this service does not include supplemental reports or other services. Further dissemination of the information in this report in a form purporting to insure title to the herein described land is prohibited by law.

Yours truly,

AmeriTitle


Susan Whitcomb
Title Officer

"Superior Service with Commitment and Respect for Customers and Employees"

EXHIBIT 'A'

Commencing at the Southeast corner of Donation Land Claim No. 45, Township 37 South, Range 1 West, Willamette Meridian, Jackson County, Oregon; thence along the South line of said Claim, South 89°59'55" West, 972.99 feet to the Easterly line of Myers Lane as described in Document No. 75-03262, Official Records of Jackson County, Oregon; thence along said Easterly line, North 0°19'40" East, 40.00 feet; thence South 89°59'55" West, 251.95 feet; thence along the arc of a 84.59 foot radius curve to the right having a central angle of 89°57'05", a distance of 132.80 feet (the long chord of which bears North 45°01'32" West, 119.58 feet); thence North 0°03'00" West, 1790.95 feet to a 5/8 inch iron pin and the true point of beginning; thence continue along said Easterly line, North 0°03'00" West, 698.23 feet to an angle point in said Easterly line; thence north 45°02'35" East, 21.18 feet (record North 44°58'40" East, 21.20 feet) to the South line of Stewart Avenue; thence along said South line, South 89°59'25" East, 418.44 feet to the Northwest corner of that tract described in Document No. 89-16321, said Official Records; thence along the West line of said tract 6, South 0°00'49" West (record South 0°01' East), 10.00 feet to a brass disk in concrete; thence continue said West line, South 0°00'49" West (record South 0°01' East), 321.91 feet to the Southwest corner thereof; thence along the Westerly line of that tract described in Document No. 94-05968, said Official Records, South 41°31'26" East, 345.61 feet (record South 41°51' East, 352.65 feet) to a brass disk in concrete at the Southwest corner thereof; thence along the South line of said tract, North 89°48'41" East (record North 89°59'00" East), 2.92 feet to a brass disk in concrete at the Northwest corner of that tract described in Document No. 75-11189, said Official Records; thence along the West line of said tract, South 35°11'29" East, 149.95 feet (record South 35°06'55" East, 150.0 feet) to the Southwest corner thereof; thence North 89°59'40" West, 751.19 feet to the true point of beginning.

For Informational purposes only, the following is included:
(Map No. 371W31A, Tax Lot 2802, Account No. [REDACTED], Code 49-01)



**PROPERTY ANALYSIS REPORT
PLUS**

MEDFORD IRRIGATION DISTRICT
1340 MYERS LANE
MEDFORD, OR 97501

September 11, 2008
Report #1
Order Number : 0786988-PARP

Attn: ALETA MILAM

Effective Date: September 3, 2008 at 8:00 A.M. Premium: \$85.00

OWNER

The Last Deed of record runs to:

Kogap Enterprises Inc., an Oregon Corporation

MORTGAGE PREMISES:

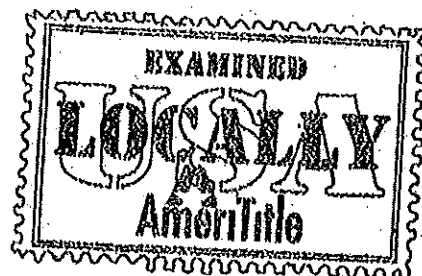
(a) Street Address:

MYERS LANE, MEDFORD, OREGON 97501

(b) Legal Description

The property described in Exhibit 'A' attached hereto and made a part hereof

Continued on Page 2



Monetary liens affecting the Mortgaged Premises as of Date of this report:

1. 2008-2009 taxes, a lien in an amount to be determined, but not yet payable.
2. City liens, if any of the City of Medford, for which no search has been made.
3. Regulations, including levies, liens, assessments, rights of way and easements of the Rogue Valley Sewer Services, for which no search has been made.
4. Water and irrigation rights and easements for ditches and canals of the Medford Irrigation District. A quitclaim deed for the transfer of interest in a Water Right to the district referenced herein, was recorded May 5, 2006 as Document No. 2006-023593, subject to the terms and provisions thereof.
5. Mortgage, including the terms and provisions thereof, with interest thereon and such future advances as may be provided therein, given to secure the payment of \$1,819,047.00,
Dated : August 1, 1973
Recorded : August 9, 1973 Document No. 73-12243
Mortgagor : Kogap Manufacturing Company
Mortgagee : First National Bank of Oregon, a national banking association
(Includes other property)
6. Mortgage, including the terms and provisions thereof, with interest thereon and such future advances as may be provided therein, given to secure the payment of \$3,000,000.00,
Dated : July 31, 1978
Recorded : August 4, 1978 Document No. 78-17709
Mortgagor : Kogap Manufacturing Company
Mortgagee : First National Bank of Oregon, a national banking association
(Includes other property)

NOTE: Real Property taxes for the year 2007-2008 in the original amount of \$7,001.58, PAID IN FULL.

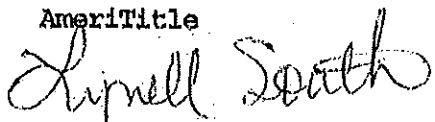
Map No. 371W31A, Tax Lot 4000, Account No. [REDACTED], Code 49-01

NOTE: Any map or sketch enclosed as an attachment herewith is furnished for information purposes only to assist in property location with reference to streets and other parcels. No representation is made as to accuracy and the company assumes no liability for any loss occurring by reason of reliance thereon.

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Yours truly,

AmeriTitle

A handwritten signature in cursive script that reads "Lynell South". The signature is written in dark ink and is positioned to the right of the printed name "Lynell South".

Lynell South
Title Officer

"Superior Service with Commitment and Respect for Customers and Employees"

1501 E. McAndrews Rd (PO Box 1804), Medford, Oregon 97504 (541) 779-7660 Fax (541) 779-3506

EXHIBIT 'A'

Commencing at the Southeast corner of Donation Land Claim No. 45, Township 37 South, Range 1 West, Willamette Meridian, Jackson County, Oregon; thence along the South line of said Claim, South 89°59'55" West, 972.99 feet to the Easterly line of Myers Lane as described in Document No. 75-03262, Official Records of Jackson County, Oregon; thence along said Easterly line, North 0°19'40" East, 40.00 feet; thence South 89°59'55" West, 251.95 feet; thence along the arc of a 84.59 foot radius curve to the right having a central angle of 89°57'05", a distance of 132.80 feet (the long chord of which bears North 45°01'32" West, 119.58 feet); thence North 0°03'00" West, 1074.47 feet to a 5/8 inch iron pin and the true point of beginning; thence continue along said Easterly line, North 0°03'00" West, 716.48 feet to a 5/8 inch iron pin; thence South 89°59'40" East, 751.19 feet to the Southwest corner of that tract described in Document No. 75-11189, said Official Records; thence along the South line of said tract, South 89°59'40" East, 224.12 to the Southwesterly right of way of Southern Pacific Railroad; thence along said right-of-way, South 35°06'42" East, 652.53 feet to a 1 1/4 inch iron pipe at the most Northerly corner of that tract described in Document No. 76-10165, said Official Records; thence along the Westerly line of said tract the following three (3) courses: South 54°53'05" West, 73.95 feet to a brass disk in concrete; thence South 0°14'25" East, 140.43 feet to a brass disk in concrete; thence North 89°59'40" East, 15.12 feet to a 5/8 inch iron pin on the East line of said Claim No. 45; thence along said East line, South 0°14'25" East, 293.96 feet to a 5/8 inch iron pin; thence leaving said East line, along the arc of a 150 foot radius curve to the left having a central angle of 30°34'55", a distance of 80.06 feet (the long chord of which bears North 74°54'21" West, 79.12 feet) to a 5/8 inch iron pin; thence South 89°48'11" West, 573.51 feet to a 5/8 inch iron pin; thence along the arc of a 150 foot radius curve to the right having a central angle of 11°18'02", a distance of 29.58 feet (the long chord of which bears North 84°32'48" West, 29.54 feet) to a 5/8 inch iron pin; thence North 78°53'47" West, 140.07 feet to a 5/8 inch iron pin; thence North 0°15'34" East, 245.78 feet to a brass tag in concrete; thence North 89°59'02" West, 490.82 feet to the true point of beginning.

For Informational purposes only, the following is included:
(Map No. 371W31A, Tax Lot 4000, Account No. [REDACTED], Code 49-01)



**PROPERTY ANALYSIS REPORT
PLUS**

MEDFORD IRRIGATION DISTRICT
1340 MYERS LANE
MEDFORD, OR 97501

September 11, 2008
Report #1
Order Number : 0786989-PARP

Attn: ALETA MILAM

Effective Date: September 3, 2008 at 8:00 A.M. Premium: \$85.00

OWNER

The Last Deed of record runs to:

Kogap Enterprises, Inc., an Oregon Corporation

MORTGAGE PREMISES:

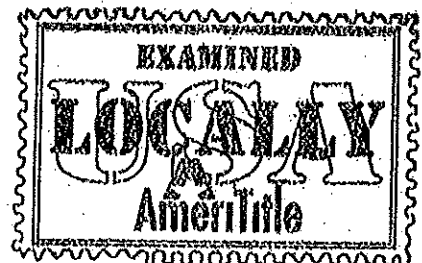
(a) Street Address:

1501 MYERS LANE, MEDFORD, OREGON 97501

(b) Legal Description

The property described in Exhibit 'A' attached hereto and made a part hereof

Continued on Page 2



Monetary liens affecting the Mortgaged Premises as of Date of this report:

1. 2008-2009 taxes, a lien in an amount to be determined, but not yet payable.
2. City liens, if any of the City of Medford, for which no search has been made.
3. Regulations, including levies, assessments, water and irrigation rights and easements for ditches and canals of the Medford Irrigation District, for which no search has been made.
4. Water and irrigation rights and easements for ditches and canals of the Medford Irrigation District. A quitclaim deed for the transfer of interest in a Water Right to the district referenced herein, was recorded May 5, 2006 as Document No. 2006-023593, subject to the terms and provisions thereof.
5. Regulations, including levies, liens, assessments, rights of way and easements of the Rogue Valley Sewer Services, for which no search has been made.
6. Mortgage, including the terms and provisions thereof, with interest thereon and such future advances as may be provided therein, given to secure the payment of \$3,000,000.00,
Dated : July 31, 1978
Recorded : August 4, 1978 Document No. 78-17709
Mortgagor : Kogap Manufacturing Company
Mortgagee : First National Bank of Oregon, a national banking association
(Includes other property)

NOTE: We find no judgments or United States Internal Revenue Liens against Kogap Enterprises, Inc.

NOTE: Real Property taxes for the year 2007-2008 in the original amount of \$962.90, PAID IN FULL.

Map No. 371W31D, Tax Lot 2500, Account No. [REDACTED], Code 4-07

NOTE: Real Property taxes for the year 2007-2008 in the original amount of \$37,010.67, PAID IN FULL.

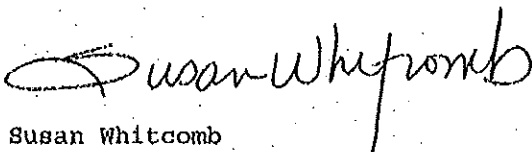
Map No. 371W31D, Tax Lot 2500, Account No. [REDACTED], Code 49-01

NOTE: Any map or sketch enclosed as an attachment herewith is furnished for information purposes only to assist in property location with reference to streets and other parcels. No representation is made as to accuracy and the company assumes no liability for any loss occurring by reason of reliance thereon.

THIS IS NOT A TITLE REPORT, A COMMITMENT TO ISSUE TITLE INSURANCE OR A GUARANTEE OF ANY KIND. No liability is assumed with this report. Our search was limited to our tract indices and no examination of the public record was made. The fee charged for this service does not include supplemental reports or other services. Further dissemination of the information in this report in a form purporting to insure title to the herein described land is prohibited by law.

Yours truly,

AmeriTitle

A handwritten signature in cursive script that reads "Susan Whitcomb". The signature is written in dark ink and is positioned above the printed name and title.

Susan Whitcomb
Title Officer

"Superior Service with Commitment and Respect for Customers and Employees"

EXHIBIT 'A'

Commencing at the Southeast corner of Donation Land Claim No. 45 in Township 37 South, Range 1 West of the Willamette Meridian, Jackson County, Oregon, thence North 00°14'25" West, along the East line of said claim, 38.07 feet to intersect the arc of a 608.41 foot radius curve for the true point of beginning; thence in an Easterly direction 191.93 feet along said 608.44 foot radius curve to the left (the long chord to which bears North 73°45'36" East 191.13 feet); thence North 25°16'37" West 55.41 feet; thence 222.76 feet along the arc of a 154.02 foot radius curve to the right (the long chord to which bears North 16°09'24" East 203.85 feet) to a point of cusp on the arc of a 200.00 foot radius curve on the Western boundary of the tract described in deed recorded as No. 95-06849 of the Official Records of Jackson County, Oregon; thence along the boundary of said described tract in a Northerly direction 59.85 feet along the arc of said 200.00 foot radius curve to the right (the long chord to which bears North 08°34'24" West 59.63 feet); thence North 182.96 feet; thence 91.65 feet along the arc of a 150.00 foot radius curve to the left (the long chord to which bears North 17°30'10" West 90.23 feet); thence North 35°00'21" West 239.13 feet; thence 144.49 feet along the arc of a 150.00 foot radius curve to the left (the long chord to which bears North 62°36'05" West 138.97 feet) to a point on the North boundary of the tract described in deed recorded as No. 95-06853 of said Official Records; thence along the boundary of said described tract, South 89°48'11" West 573.51 feet; thence 29.58 feet along the arc of a 150.00 foot radius curve to the right (the long chord to which bears North 84°32'48" West 29.54 feet); thence North 78°53'47" West 63.67 feet (deed record 63.62 feet) to the Northwest corner of last described tract; thence South 00°03'00" East, along the Western boundary of said described tract, 620.63 feet; thence North 89°57'00" East 399.79 feet; thence South 36°36'08" East 64.08 feet; thence North 89°59'55" East, along the North boundary of the tract described in deed recorded as No. 95-06846 of said Official Records, 305.86 feet to the Northeast corner thereof; thence South 00°14'25" East 228.53 feet to the true point of beginning.

EXCEPTING THEREFROM the lands conveyed in the deed from KOGAP Enterprises, Inc., an Oregon Corporation, formerly known as KOGAP Manufacturing Co., an Oregon corporation to City of Medford, a municipal corporation in the County of Jackson, State of Oregon recorded November 20, 2002 as Document No. 02-61939.

For Informational purposes only, the following is included:

(Map No. 371W31D, Tax Lot 2500, Account No. [REDACTED], Code 4-07)

(Map No. 371W31D, Tax Lot 2500, Account No. [REDACTED], Code 49-01)



**PROPERTY ANALYSIS REPORT
PLUS**

MEDFORD IRRIGATION DISTRICT
1340 MYERS LANE
MEDFORD, OR 97501

September 11, 2008
Report #1
Order Number : 0786991-PARP

Attn: ALETA MILAM

Effective Date: September 3, 2008 at 8:00 A.M. Premium: \$85.00

OWNER

The Last Deed of record runs to:

Kogap Enterprises, Inc., an Oregon Corporation

MORTGAGE PREMISES:

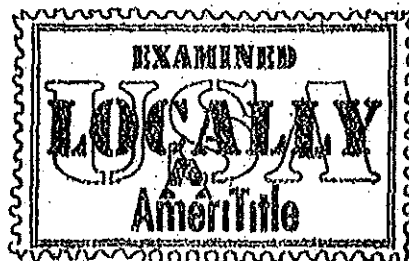
(a) Street Address:

2321 ANTON DRIVE, MEDFORD, OREGON 97501

(b) Legal Description

The property described in Exhibit 'A' attached hereto and made a part hereof

Continued on Page 2



Monetary liens affecting the Mortgaged Premises as of Date of this report:

1. 2008-2009 taxes, a lien in an amount to be determined, but not yet payable.
2. City liens, if any of the City of Medford, for which no search has been made.
3. Water and irrigation rights and easements for ditches and canals of the Medford Irrigation District. A quitclaim deed for the transfer of interest in a Water Right to the district referenced herein, was recorded May 5, 2006 as Document No. 2006-023593, subject to the terms and provisions thereof.
4. Trust Deed, including the terms and provisions thereof with interest thereon and such future advances as may be provided therein, given to secure the payment of \$7,848,003.00,
Dated : December 28, 1999
Recorded : December 30, 1999 Document No. 99-63781
Trustor : Kogap Enterprises, Inc., an Oregon Corporation, also shown of record as Kogap Manufacturing Co.
Trustee : Key Title Company, a corporation
Beneficiary : Northwest Farm Credit Services, ACA, a corporation
(Includes other property)

The beneficial interest in the above Trust Deed was assigned by instrument,

Recorded : February 24, 2000 Document No. 00-06661
To : Northwest Farm Credit Services, FLCA

5. Trust Deed, including the terms and provisions thereof with interest thereon and such future advances as may be provided therein, given to secure the payment of \$1,100,000.00; \$4,021,400.00; \$7,848,003.00
Dated : July 9, 2008
Recorded : July 10, 2008 Document No. 2008-025421
Trustor : Kogap Enterprises, Inc., an Oregon Corporation formerly Kogap Manufacturing Co., an Oregon Corporation
Trustee : Lawyers Title Insurance Corporation
Beneficiary : Northwest Farm Credit Services, FLCA
(Includes other property)
6. The description herein may be subject to approval by the Planning Commission under the regulations and provisions of the Jackson County Subdivision and Zoning Ordinance, including the fees pertinent thereto.
7. The description herein may be subject to the provisions of ORS 92.010 - 92.190 regarding partitioning of property. The forthcoming policy will not provide coverage against violation of these statutes.

NOTE: Real Property taxes for the year 2007-2008 in the original amount of \$135,329.80, PAID IN FULL.

Map No. 371W32C, Tax Lot 5400, Account No. [REDACTED], Code 4-07

NOTE: Any map or sketch enclosed as an attachment herewith is furnished for information purposes only to assist in property location with reference to streets and other parcels. No representation is made as to accuracy and the company assumes no liability for any loss occurring by reason of reliance thereon.

THIS IS NOT A TITLE REPORT, A COMMITMENT TO ISSUE TITLE INSURANCE OR A GUARANTEE OF ANY KIND. No liability is assumed with this report. Our search was limited to our tract indices and no examination of the public record was made. The fee charged for this service does not include supplemental reports or other services. Further dissemination of the information in this report in a form purporting to insure title to the herein described land is prohibited by law.

Yours truly,

AmeriTitle

Kim Hidde
Kim Hidde
Title Examiner *by LS*

"Superior Service with Commitment and Respect for Customers and Employees"

EXHIBIT 'A'

Commencing at the Southeast corner of Donation Land Claim No. 45 in Township 37 South, Range 1 West of the Willamette Meridian, Jackson County, Oregon thence South 89°59'55" West, along the South line of said claim, 84.91 feet; thence South 23°02'15" East (deed record South 22°55' East), along the Western boundary of the tract described in Volume 462 page 133 of the Deed Records of Jackson County, Oregon, 465.38 feet, thence North 55°11'01" East 300.09 feet, thence North 32°42'39" East 122.02 feet to the true point of beginning; thence North 32°42'39" East 122.02 feet, thence North 54°53'18" East 467.89 feet to the Southwestern boundary of the Central Oregon & Pacific Railroad; thence South 35°06'42" East, along said railroad boundary, 395.49 feet, thence South 54°53'18" West 421.04 feet; thence South 60°38'50" West 61.52 feet to intersect the arc of a 328.08 foot radius curve; thence 159.97 feet along the arc of a 328.08 foot radius curve to the left (the long chord to which bears North 43°19'16" West 158.39 feet); thence North 57°17'21" West 201.39 feet to the true point of beginning.

EXCEPTING THEREFROM portion deed in Warranty Deed recorded May 14, 2003 as Document No. 03-31087.

Commencing at the Southeast corner of Donation Land Claim No. 45 in Township 37 South, Range 1 West of the Willamette Meridian, Jackson County, Oregon, thence South 89°59'55" West, along the South line of said claim, 84.91, thence South 23°02'15" East (deed record South 22°55' East), along the Western boundary of the tract described in Volume 462 page 133 of the Deed Records of Jackson County, Oregon, 936.78 feet to the South line of Donation Land Claim No. 46, said Township and Range, thence South 89°43'15" East, along said South claim line, 456.22 feet to the true point of beginning; thence North 01°24'59" West 333.36 feet; thence 159.97 feet along the arc of a 328.08 foot radius curve to the left (the long chord to which bears North 15°23'05" West 158.39 feet); thence North 60°38'50" East 61.25 feet; thence north 54°53'18" East 421.04 feet to the Southwestern boundary of the Central Oregon & Pacific Railroad; thence South 35°06'42" East, along said railroad boundary, 932.24 feet to the aforesaid South line of Donation Land Claim No. 46; thence North 89°43'15" West, along said South claim line, 883.99 feet to the true point of beginning.

EXCEPTING THEREFROM that portion deed in Warranty Deed recorded May 14, 2003 as Document No. 03-31087.

For Informational purposes only, the following is included:
(Map No. 371W32C, Tax Lot 5400, Account No. [REDACTED], Code 4-07)

QUITCLAIM DEED TO
TRANSFER WATER RIGHTS

STATE OF OREGON }
 } ss.
County of Jackson }

Jackson County Official Records 2006-023593
R-QCD
Cnt=1 Str=3 MORGANS
\$30.00 \$5.00 \$11.00
05/05/2008 12:40:38 PM
Total: \$48.00



01192034200600235930060069
i, Kathleen S. Beckett, County Clerk for Jackson County, Oregon,
certify that the instrument identified herein was recorded in the Clerk
records.
Kathleen S. Beckett - County Clerk

KOGAP ENTERPRISES, (hereinafter Grantors), are the owners of property in
Medford, Oregon, described as:

Map 37S R1W Section 31A, TL's: 2000, 2300, 2801, 2802, 2803, 2804 & 4000
Map 37S R1W Section 31D, TL's: 2500, 2501, 2800, 2900 & 3000
Map 37S R1W Section 32C, TL's: 5502, 5503 & 5400

(See Attached Exhibit A for legal descriptions)

And by this conveyance and signed transfer application form hereby grants, releases and
quitclaims to Medford Irrigation District (MID) all rights, title, interest, claims and
responsibility for 0.50 CFS for Manufacturing and 55.10 Acres Agriculture of Medford
Irrigation District water rights that are appurtenant to the lands listed above. Medford
Irrigation District may elect to complete the transfer application and submit it to the
Water Resources Department for approval of use of the water right at a new location
and/or use.

By recordation of this deed, grantor hereby notifies any subsequent purchaser of the lands
listed above that grantor, as owner of the subject land, approved the transfer (including a
change in the place and type of use and point of diversion) of the water rights that are
appurtenant to the subject land; and that upon completion of a transfer, by election of
MID, the subject land no longer will have an appurtenant water right, if the transfer
includes a change in the place of use.

This agreement is binding upon the heirs, executors, administrators, successors, and
assigns of the parties to this agreement.

Consideration for this Quitclaim is \$0.00.

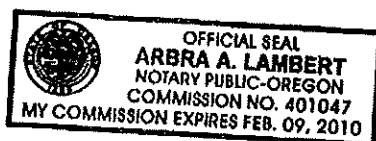
Dated this 19 day of APRIL, 2006.

Marvin Hackwell
Grantor

MARVIN HACKWELL U.P. C.O.O.
Printed Name and Title

Subscribed by and sworn to before me in person this 19th day of APRIL,
2006, by MARVIN HACKWELL

who acknowledges this instrument to be their voluntary act and deed.



Arbora A. Lambert
Notary Public for Oregon
My Commission Expires: FEB 09, 2010

ASSESSMENT & PLANNING DETAILS

Account Details	Sales	Deed Card
Overlay Report	Permit Details	Tax Report

 Click to zoom map to this taxlot.

Account 1-042645-2	
Map & TaxLot	371W31A 2000 pdf
Tax Code	49-01
Acreage	0.98
Zoning	GI
Land Class	UNK 0.98 Ac
Property Class	300
Stat Class	000
Unit ID	
Maintenance Area	5
Neighborhood	000
Study Area	00
Account Status	ACTIVE
Tax Status	Assessable
Sub Type	NORMAL
Owner	KOGAP MFG CO INC
Situs Address	STEWART AVE MEDFORD R
Mailing Address	KOGAP MFG CO INC PO BOX 1608 MEDFORD OR, 97501

371W31A 2000 Totals 0 Imp	
Taxlot Acreage	0.98

ASSESSMENT & PLANNING DETAILS

Account Details	Sales	Deed Card
Overlay Report	Permit Details	Tax Report

 Click to zoom map to this taxlot.

 Account 1-001630-0

Map & TaxLot	371W31D 2500	pdf
Tax Code	4-07	
Acreage	2.93	
Zoning	GI	
Land Class	UNK 2.93 Ac	
Property Class	301	
Stat Class	000	
Unit ID		
Maintenance Area	4	
Neighborhood	000	
Study Area	00	
Account Status	ACTIVE	
Tax Status	Assessable	
Sub Type	NORMAL	
Owner	KOGAP ENTERPRISES INC	
Situs Address	1501 MYERS LN MEDFORD	R
Mailing Address	KOGAP ENTERPRISES INC MC QUEEN MARK TREASURER PO BOX 1608 MEDFORD OR, 97501	

 Associated Taxlots 1 Acct

Tax Code 49-01	R	1-042686-8 371W31D 2500 ACTIVE
Acreage	10.72	

 371W31D 2500 Totals 1 Imp

Taxlot Acreage	13.65
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1-042686-8 Improvements

Building # 1	0 SqFt Food & Kindred Products
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ASSESSMENT & PLANNING DETAILS

Account Details	Sales	Deed Card
Overlay Report	Permit Details	Tax Report

 Click to zoom map to this taxlot.

☐ Account 1-042661-6	
Map & TaxLot	371W31A 4000 pdf
Tax Code	49-01
Acreage	24.79
Zoning	GI
Land Class	UNK 24.79 Ac
Property Class	301
Stat Class	790
Unit ID	
Maintenance Area	5
Neighborhood	000
Study Area	00
Account Status	ACTIVE
Tax Status	Assessable
Sub Type	NORMAL
Agent	LAUSMANN A A
Owner	KOGAP ENTERPRISES INC
Situs Address	MYERS LN MEDFORD 
Mailing Address	LAUSMANN A A ET AL PO BOX 1608 MEDFORD OR, 97501

☐ 371W31A 4000 Totals 1 Imp	
Taxlot Acreage	24.79
1-042661-6 Improvements	
Building # 1	0 SqFt Misc Industrial

ASSESSMENT & PLANNING DETAILS

Account Details	Sales	Deed Card
Overlay Report	Permit Details	Tax Report

 Click to zoom map to this taxlot.

☐ Account 1-087247-5	
Map & TaxLot	371W31A 2802 pdf
Tax Code	49-01
Acreage	8.54
Zoning	GI
Land Class	UNK 8.54 Ac
Property Class	300
Stat Class	000
Unit ID	
Maintenance Area	5
Neighborhood	000
Study Area	00
Account Status	ACTIVE
Tax Status	Assessable
Sub Type	NORMAL
Owner	KOGAP ENTERPRISES INC
Situs Address	STEWART AVE MEDFORD R
Mailing Address	KOGAP ENTERPRISES INC PO BOX 1608 MEDFORD OR, 97501
☐ 371W31A 2802 Totals 0 Imp	
Taxlot Acreage	8.54

ASSESSMENT & PLANNING DETAILS

Account Details	Sales	Deed Card
Overlay Report	Permit Details	Tax Report

Click to zoom map to this taxlot.

Account 1-001660-0	
Map & TaxLot	371W32C 5400 pdf
Tax Code	4-07
Acreage	13.74
Zoning	EFU
Land Class	UNK 13.74 Ac
Property Class	301
Stat Class	703
Unit ID	
Maintenance Area	4
Neighborhood	000
Study Area	00
Account Status	ACTIVE
Tax Status	Assessable
Sub Type	NORMAL
Owner	KOGAP ENTERPRISES INC
Situs Address	2321 ANTON DR MEDFORD R
Mailing Address	KOGAP ENTERPRISES INC P O BOX 1608 MEDFORD OR, 97501

371W32C 5400 Totals 1 Imp	
Taxlot Acreage	13.74
1-001660-0 Improvements	
Building # 1	0 SqFt Industrial - RPR

ASSESSMENT & PLANNING DETAILS

Account Details	Sales	Deed Card
Overlay Report	Permit Details	Tax Report

 [Click to zoom map to this taxlot.](#)

 Account 1-042648-7

Map & TaxLot	371W31A 2300	pdf
Tax Code	49-01	
Acreage	0.63	
Zoning	GI	
Land Class	UNK 0.63 Ac	
Property Class	301	
Stat Class	720	
Unit ID		
Maintenance Area	5	
Neighborhood	000	
Study Area	00	
Account Status	ACTIVE	
Tax Status	Assessable	
Sub Type	NORMAL	
Owner	KOGAP ENTERPRISES INC	
Situs Address	HWY 99 MEDFORD 	
Mailing Address	KOGAP ENTERPRISES INC PO BOX 1608 MEDFORD OR, 97501	

 371W31A 2300 Totals 1 Imp

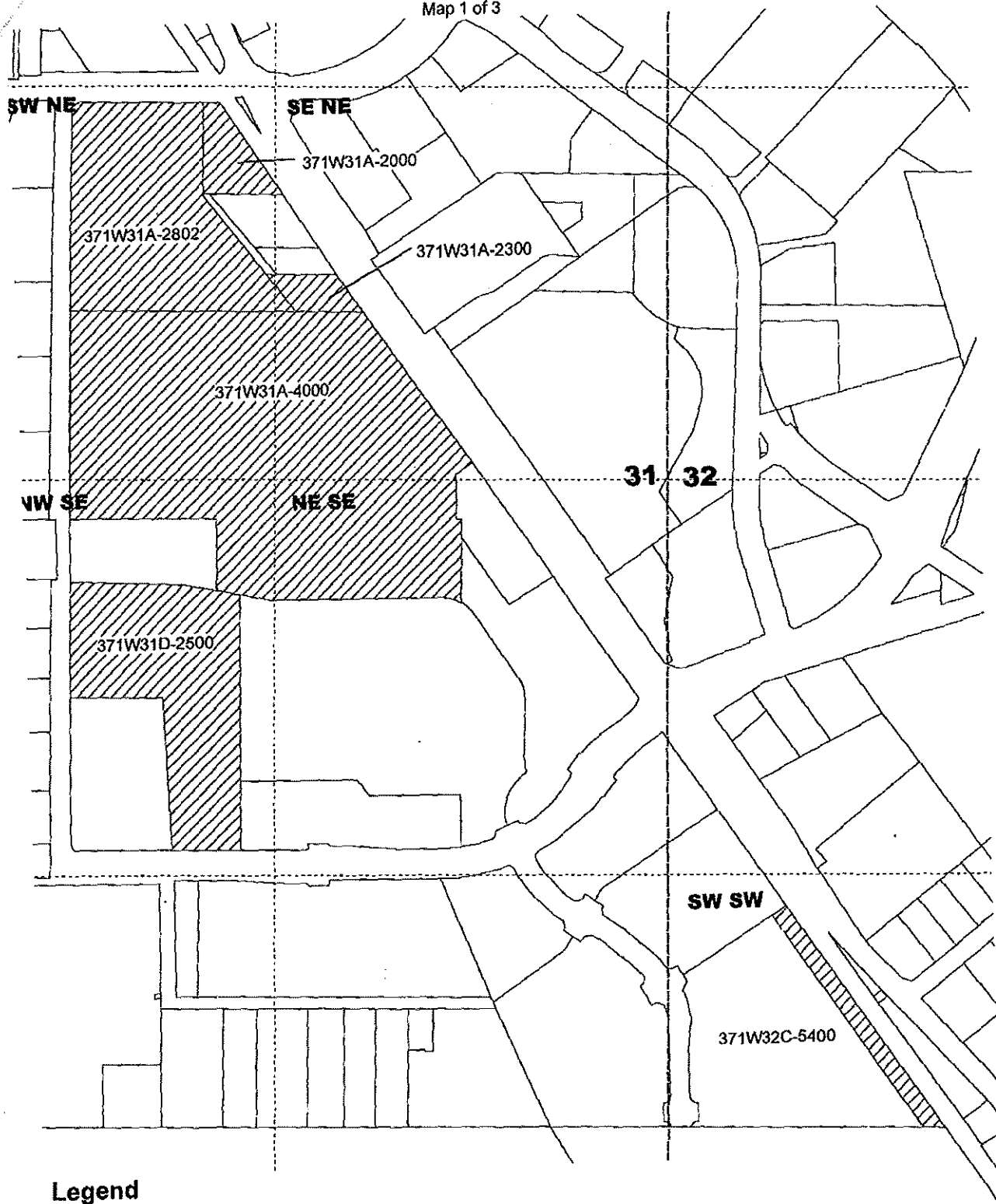
Taxlot Acreage	0.63
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1-042648-7 Improvements

Building # 1	0 SqFt Lumber & Wood Products
--------------	-------------------------------

Transfer of Water Right
From
T 37 S, R 1 W, Sec 31 & 32

Map 1 of 3



Legend

-  Water right to be removed
-  Section line
-  Quarter quarter line



FARBER
SURVEYING

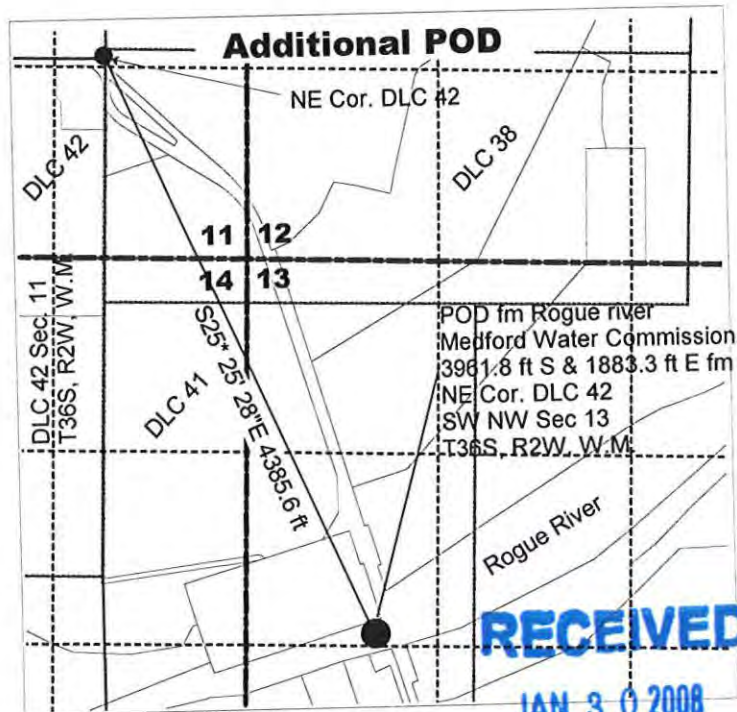
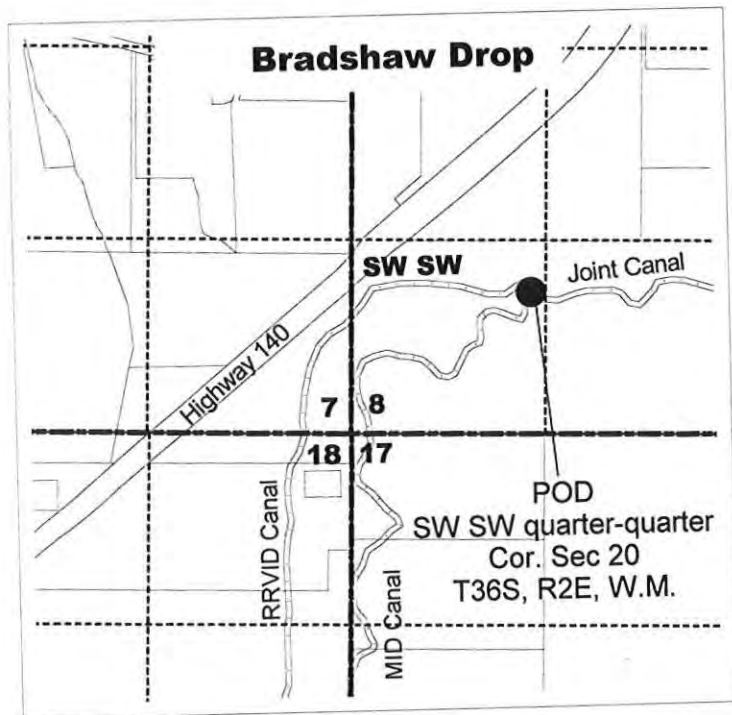
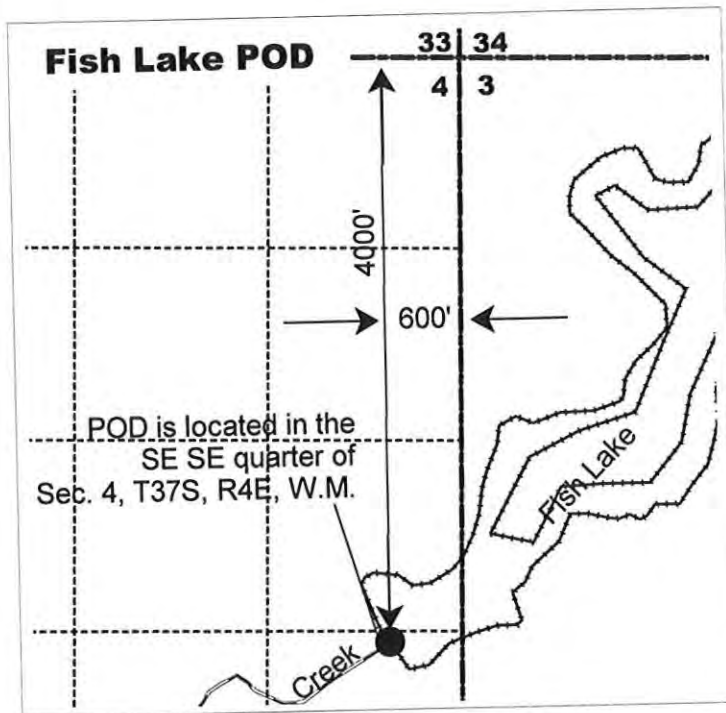
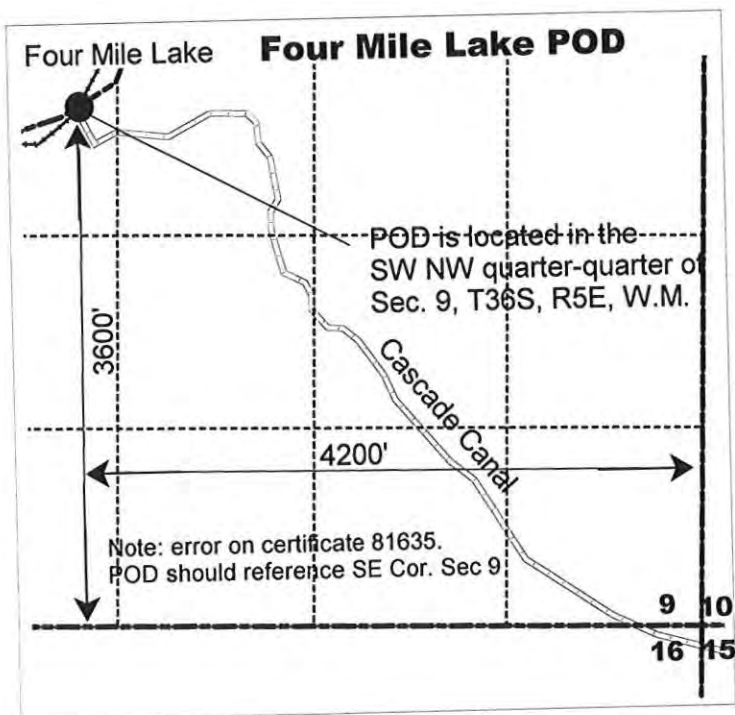
PO Box 5286
Central Point, Oregon 97502

Farber & Sons, Inc.
431 Oak Street

**Map of POD for Transfer from
T 37 S, R 1 W, Section 31 & 32**

Map 2 of 3

*Superseded by map
received 7/17/08*



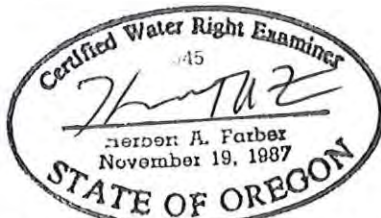
RECEIVED
JAN 30 2008

**WATER RESOURCES DEPT
SALEM, OREGON**

T 10527



**Scale all maps
1" = 1320'**



RENEWAL DATE 12-31-07
Note: This map is not to be used for property line location. It is for water right proposes only.

**FARBER
SURVEYING**

PO Box 5286
Central Point, Oregon 97502
Phone 541-664-5599
Fax 541-664-5603
Email hfarber@charter.net

Farber & Sons, Inc.
431 Oak Street
Central Point, Oregon
Tax ID: 93-1057173

Dorothy Pedersen

From: Dorothy Pedersen
Sent: Tuesday, June 17, 2008 9:33 AM
To: 'Danielle MacBain'
Subject: RE: T-10527 deficiency letter

Danielle,

I think you did an excellent job on the T-10527 deficiency letter!

As per my previous email, do you want to add mention that it appears the Instream transfer box was checked under the Land Use Section by mistake, since they did include the Land Use Information Form? No action is required if that is the case.---I'll hold off sending the letter until I get your response/revision.

I agree that it is not clear from the information they have supplied how MID proposes to deliver water to the Medford treatment plant through their system, using Bradshaw Drop. What you put in the letter is fine, but you might want to also ask that they illustrate their delivery route on the Vicinity Map as well. According to the remarks on Page 7 of Supplemental Form A, they may release the water into Little Butte Creek for delivery to the treatment plant, or may divert it through their system. Certificate 81635 indicates that at Bradshaw Drop the water is split between the Hopkins Canal and the Medford Canal. Presumably, these are the two canals that are shown, but not labelled, on the Vicinity Map. That map does not indicate the route of delivery from one of these canals to the treatment plant.

Regarding the lack of district information in the transfer application...I just looked again at the application and see that they have listed addresses for local governments and districts below under #8. To me, that seems to cover it, so no need to mention it.

Thanks,
Dorothy

From: Danielle MacBain [mailto:DMacBain@GSIWaterSolutions.com]
Sent: Monday, June 16, 2008 11:34 AM
To: Dorothy Pedersen
Subject: T-10527 deficiency letter

Dorothy,

I've written up a deficiency letter that hopefully addresses all the issues that I've encountered with T-10527. Please let me know if the letter is written clearly and concisely for the applicant. Please email or call if it needs changes or notice any errors, etc. I'd like to learn from all the transfer I process, as I'm so new to this, so please give me feedback if you have the time....

Thanks.

Danielle MacBain
GSI Water Solutions, Inc.
990 NW Brooks Street, Suite 2
Bend, OR 97701
Ph: 541.678.5117

6/17/2008

**REIMBURSEMENT AUTHORITY
APPLICANT'S AGREEMENT**

This Agreement is between the **Oregon Water Resources Department**, hereafter OWRD, and **Medford Irrigation District** hereafter Applicants, hereafter known together as the parties.

OWRD Information

Project Contact: Dorothy Pedersen
Title: Transfer Program Advisor
Address: 725 Summer Street, NE
Salem, OR 97301-1271
Phone: 503 986-0890
Fax: 503 986-0903
Email: Dorothy.I.Pedersen@wrdd.state.or.us

Applicant's Information

Medford Irrigation District
Contact:
Address: **1340 Myers Lane**
Medford, OR 501
Phone Number: 541-779-1462
Fax Number: 541-779-3594
Email Address: medid@medfordid.org

Applicant's Representative

Name:
Project Contact:
Address:
Phone Number:
Fax Number:
Email:

1. **Purpose** The purpose of this Agreement is to expedite the processing of the **Transfer Application**. (**Application Number: T-10527**)
2. **Authority** The OWRD has been authorized pursuant to HB 2551(2003 Oregon Laws) to enter into a voluntary agreement with any applicant, permittee or regulated entity (collectively Applicant) for expediting or enhancing a regulatory process. In making this agreement, OWRD shall require the applicant to pay the full cost of expedited process.
3. **Restrictions.** **Medford Irrigation District** and OWRD agree that this Agreement shall not be construed to restrict in any way the decisions and actions by OWRD. OWRD shall be free to exercise independent judgment consistent with existing laws and regulations.
4. **Effective Date and Duration.** Unless otherwise terminated by non-deposit of funds by the Applicant, this Agreement shall become effective on the date on which both parties have signed the Agreement and the full deposit of the estimated cost of the proposed service.
5. **Statement of Work.** The Statement of Work is contained in Exhibit A attached hereto and incorporated by reference into this Agreement. OWRD agrees to perform this work in accordance with the terms and conditions of this Agreement.
6. **Consideration.**
 - a. **Medford Irrigation District** shall pay OWRD in advance for actual costs incurred by OWRD as specified in the Statement of work attached and incorporated as Exhibit A. The estimated maximum reimbursement payable to OWRD under this Agreement is **\$2,040.00**. **Medford Irrigation District** agrees to pay the full amount of **\$2,040.00** to OWRD prior to commencement of any work stated in this Agreement. This payment will be placed in an account administered by OWRD and drawn upon as costs are actually incurred. If the actual cost of performing the work is less than payments received, OWRD will refund the unspent balance. If the actual cost of processing exceeds the estimate, the Applicants can either elect to terminate this Agreement or amend the Agreement to reflect the increase in cost.
 - b. The costs stated in this Agreement do not include the statutory application processing and filing fees.
7. **Subcontracts.** OWRD intends to undertake the work described in this Agreement by assigning the work to a contractor from its established pre-qualified contractor pool

8. **Contract Documents.** This Agreement consists of the following documents which are listed in descending order of precedence: this Agreement and the attached Exhibit A. All attached Exhibits are incorporated into this Agreement by reference.
9. **Confidentiality.** Medford Irrigation District agrees that any information provided to or acquired by OWRD under this Agreement will be subject to the Oregon Public Records Law and shall be considered public records.
10. **Indemnity.** Applicant shall defend, save, hold harmless, and indemnify the State of Oregon, OWRD, GSI Water Solutions Inc. (Contractor) and their officers, employees, and agents from and against all claims, suits, actions, losses, damages, liabilities, costs and expenses of any nature resulting from or arising out of, or relating to the activities of Applicant or its representatives, officers, employees, contractors, or agents under this Agreement or with respect to the expedited service. The Applicant acknowledges that the Oregon Water Resources Department cannot and does not guarantee a favorable review under the subject regulatory process.
11. **Termination.** Applicant may request to terminate this agreement only in writing at anytime during the process. The Applicant agrees to pay for the work done by the Contractor up until the time of the written termination request. OWRD, upon receiving such written termination request from the Applicant and appropriately notifying the Contractor, will refund any unspent balance after paying the contractor for the work done.
12. **Funds Authorized and Available.** By its execution of this Agreement, Applicants certify that sufficient funds are authorized and available to cover the expenditures contemplated by this Agreement.
13. **Duration of Estimate.** The Estimate of Time to complete the work in Exhibit A (Statement of Work) becomes null and void after thirty- (30) days from the date the Applicant's Agreement is mailed. If the Applicant's Agreement is not received by the Department within thirty (30) days of mailing the Agreement, the Applicant must re-apply for a new estimate.
14. **Completion Date.** OWRD, by the execution of this Agreement does not guarantee the completion date indicated in this Agreement. Completion date is only an estimate and may be affected by the Department's workload, issues arising from the processing of the requested services and Applicant's timely response to requests for additional information.
15. **Captions.** The captions or headings in this Agreement are for the convenience only and in no way define limit or describe the scope or intent of any provision of this Agreement.
16. **Amendment and Merger.** The terms of this Agreement shall not be waived, altered, modified, supplemented or amended in any manner whatsoever, except by written instrument signed by both parties. Such waiver, consent, modification or change, if made, shall be effective only in the specific instance and for the specific purpose given. There are no understandings, agreements or representations, oral or written, not specified herein regarding this Agreement.
17. **Signatures.** All parties, by the authorized representative's signature below, hereby acknowledge that they have read this Agreement, understand it and agree to be bound by its terms and conditions.

For Medford Irrigation District: _____
Signature Date

For OWRD: _____
Tracy Loudon – Administrator Date

Mail signed Agreement to:

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

Exhibit A
Statement of Work

Application Number: Medford Irrigation District

Name of Applicant: T-10527

**Reimbursement Authority Process
Itemized Estimate Sheet
For
Transfer Application**

	Item	Time
1	Review of application for completeness.	2.0
2	Review of "From" lands to confirm consistency with existing right(s) and ownership.	3.0
3	Review of "To" lands for conflicts and preparation of draft deficiency letter (if necessary).	4.0
4	Preparation of draft preliminary determination, DPD cover letter and contact list.	4.0
5	Preparation of PD public notice, PD cover letter (and remaining right certificate(s) if necessary), and processing documentation.	4.0
Total Estimated Time:		17.0

Total estimated cost is 17.0 hours at \$120.00 per hour = **\$2,040.00**

Issuance of Draft Preliminary Determination: **June 26, 2008***

Deadline for Applicant's Review of Draft Preliminary Determination: **July 28, 2008***

**Dates are contingent on the Applicant's expeditious resolution of any deficiency and may be affected by Department's work load.*

WORK ORDER

Work Order #: **R09 131 09**
Water Right Contract Work

This Work Order hereby incorporates by reference all of the terms and conditions contained in the Price Agreement between the State of Oregon acting by and through Oregon Water Resources Department and **GSI Water Solutions, Inc.**

Contractor Data	Water Resource Data
Contractor: GSI Water Solutions, Inc. Project Contact: Adam Sussman Address: 1600 Western Blvd., Suite 240 Corvallis, OR 97333 Phone: 541-753-0745 X-11 Fax: 541-7544211 Cell Phone: 541-602-5188 E-Mail: ASussman@GSIWaterSolutions.com	Project Officer: Dorothy Pedersen Transfer Coordinator Address: 725 Summer Street NE, Suite A Phone: (503) 986-0890 Fax: (503) 986-0903 E-Mail: Dorothy.I.Pedersen@wrд.state.or.us

Work Order Effective Date: **6/4/08.**

Part I. General Information. This Work Order is in effect between the contractor and the Department for the processing of water right applications as described in the Master Agreement.

Part II. Work; Acceptance Criteria; Deliverables and Delivery Schedule: – See Statement of Work for delivery schedule.

Part III. Special Considerations. There is no Special Consideration related to this Work Order.

Part IV. Payment Provisions. Unless otherwise specified, payments related to this Work Order shall be made only upon receipt and approval of the final product - The Product includes all deliverables - the Final Check List, Electronic and Paper Reports.

Payment for this work shall be processed upon receiving related invoice and the completed Deliverable Cover Sheet.

Part V. Travel and Other Expenses.

Agency shall not reimburse Contractor for any travel expense under this Contract.

Part VI. Contract Amendments.

The Agency reserves the right to amend the Contract for the Anticipated Amendments, listed below, in accordance with the rules of OAR 125-246-0560.

ANTICIPATED AMENDMENTS

None. Unless specified by the Agency.

Statement of Work

Estimate for Water Rights Transfer

Application Number: T-10527

Name of Applicant: Medford Irrigation District

Estimate For Transfer

	Item	Time
1	Review of application for completeness.	2.0
2	Review of "From" lands to confirm consistency with existing right(s) and ownership.	3.0
3	Review of "To" lands for conflicts and preparation of draft deficiency letter (if necessary).	4.0
4	Preparation of draft preliminary determination, DPD cover letter and contact list.	4.0
5	Preparation of PD public notice, PD cover letter (and remaining right certificate(s) if necessary), and processing documentation.	4.0
Total Estimated Time:		17.0

Proposed Completion of draft preliminary determination – June 18, 2008

Total estimated cost is 17.0 hours at \$90.00 per hour = **\$1,530.00**

**Dates are contingent on the Applicant's expeditious resolution of any deficiency.*

Invoices for this Work Order shall be sent to:

Salem Opeifa
Loan Servicing Specialist
725 Summer Street NE, Suite A
Salem, OR 97301-1271
Phone: (503) 986-0929
Fax: (503) 986-0904

Contractor shall notify OWRD in advance if more than 17.0 hours is needed to complete the work described in the Statement of Work above.

CONTRACTOR, YOU WILL NOT BE PAID FOR SERVICES RENDERED PRIOR TO NECESSARY APPROVALS.

Agency may terminate this Work Order:

- a. Immediately upon written notice if the Department fails to receive funding from the Applicant.
- b. Upon receiving a written Termination Notice from the Applicant.

Contractor will be paid for all work performed up to the time of the written Termination Notice but not to exceed the total amount of this Work Order.

ACCEPTANCE OF TERMS BY CONTRACTOR:

Name

Signature

Date

APPROVED BY AGENCY:

Tracy Loudon

Administrator

Administrative Services

Oregon Water Resources Department

Date

**REIMBURSEMENT AUTHORITY
APPLICANT'S AGREEMENT**

This Agreement is between the **Oregon Water Resources Department**, hereafter OWRD, and **Medford Irrigation District** hereafter Applicants, hereafter known together as the parties.

OWRD Information

Project Contact: Dorothy Pedersen
Title: Transfer Program Advisor
Address: 725 Summer Street, NE
Salem, OR 97301-1271
Phone: 503 986-0890
Fax: 503 986-0903
Email: Dorothy.I.Pedersen@wrdd.state.or.us

Applicant's Information

Medford Irrigation District
Contact: Zachary Tillman
Address: 1340 Myers Lane
Medford, OR 501
Phone Number: 541-779-1462
Fax Number: 541-779-3594
Email Address: medid@medfordid.org

Applicant's Representative

Name:
Project Contact:
Address:
Phone Number:
Fax Number:
Email:

1. **Purpose** The purpose of this Agreement is to expedite the processing of the **Transfer Application**. (**Application Number: T-10527**)
2. **Authority** The OWRD has been authorized pursuant to HB 2551(2003 Oregon Laws) to enter into a voluntary agreement with any applicant, permittee or regulated entity (collectively Applicant) for expediting or enhancing a regulatory process. In making this agreement, OWRD shall require the applicant to pay the full cost of expedited process.
3. **Restrictions.** **Medford Irrigation District** and OWRD agree that this Agreement shall not be construed to restrict in any way the decisions and actions by OWRD. OWRD shall be free to exercise independent judgment consistent with existing laws and regulations.
4. **Effective Date and Duration.** Unless otherwise terminated by non-deposit of funds by the Applicant, this Agreement shall become effective on the date on which both parties have signed the Agreement and the full deposit of the estimated cost of the proposed service.
5. **Statement of Work.** The Statement of Work is contained in Exhibit A attached hereto and incorporated by reference into this Agreement. OWRD agrees to perform this work in accordance with the terms and conditions of this Agreement.
6. **Consideration.**
 - a. **Medford Irrigation District** shall pay OWRD in advance for actual costs incurred by OWRD as specified in the Statement of work attached and incorporated as Exhibit A. The estimated maximum reimbursement payable to OWRD under this Agreement is **\$2,040.00**. **Medford Irrigation District** agrees to pay the full amount of **\$2,040.00** to OWRD prior to commencement of any work stated in this Agreement. This payment will be placed in an account administered by OWRD and drawn upon as costs are actually incurred. If the actual cost of performing the work is less than payments received, OWRD will refund the unspent balance. If the actual cost of processing exceeds the estimate, the Applicants can either elect to terminate this Agreement or amend the Agreement to reflect the increase in cost.
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7. **Subcontracts.** OWRD intends to undertake the work described in this Agreement by assigning the work to a contractor from its established pre-qualified contractor pool

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9. **Confidentiality.** Medford Irrigation District agrees that any information provided to or acquired by OWRD under this Agreement will be subject to the Oregon Public Records Law and shall be considered public records.
10. **Indemnity.** Applicant shall defend, save, hold harmless, and indemnify the State of Oregon, OWRD, Pacific Hydro-Geology Inc. (Contractor) and their officers, employees, and agents from and against all claims, suits, actions, losses, damages, liabilities, costs and expenses of any nature resulting from or arising out of, or relating to the activities of Applicant or its representatives, officers, employees, contractors, or agents under this Agreement or with respect to the expedited service. The Applicant acknowledges that the Oregon Water Resources Department cannot and does not guarantee a favorable review under the subject regulatory process.
11. **Termination.** Applicant may request to terminate this agreement only in writing at anytime during the process. The Applicant agrees to pay for the work done by the Contractor up until the time of the written termination request. OWRD, upon receiving such written termination request from the Applicant and appropriately notifying the Contractor, will refund any unspent balance after paying the contractor for the work done.
12. **Funds Authorized and Available.** By its execution of this Agreement, Applicants certify that sufficient funds are authorized and available to cover the expenditures contemplated by this Agreement.
13. **Duration of Estimate.** The Estimate of Time to complete the work in Exhibit A (Statement of Work) becomes null and void after thirty- (30) days from the date the Applicant's Agreement is mailed. If the Applicant's Agreement is not received by the Department within thirty (30) days of mailing the Agreement, the Applicant must re-apply for a new estimate.
14. **Completion Date.** OWRD, by the execution of this Agreement does not guarantee the completion date indicated in this Agreement. Completion date is only an estimate and may be affected by the Department's workload, issues arising from the processing of the requested services and Applicant's timely response to requests for additional information.
15. **Captions.** The captions or headings in this Agreement are for the convenience only and in no way define limit or describe the scope or intent of any provision of this Agreement.
16. **Amendment and Merger.** The terms of this Agreement shall not be waived, altered, modified, supplemented or amended in any manner whatsoever, except by written instrument signed by both parties. Such waiver, consent, modification or change, if made, shall be effective only in the specific instance and for the specific purpose given. There are no understandings, agreements or representations, oral or written, not specified herein regarding this Agreement.
17. **Signatures.** All parties, by the authorized representative's signature below, hereby acknowledge that they have read this Agreement, understand it and agree to be bound by its terms and conditions.

For Medford Irrigation District: _____
Signature Date

For OWRD: _____
Tracy Loudon – Administrator Date

Mail signed Agreement to:

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

Exhibit A
Statement of Work

Application Number: Medford Irrigation District

Name of Applicant: T-10527

**Reimbursement Authority Process
Itemized Estimate Sheet
For
Transfer Application**

	Item	Time
1	Review of application for completeness.	2.0
2	Review of "From" lands to confirm consistency with existing right(s) and ownership.	3.0
3	Review of "To" lands for conflicts and preparation of draft deficiency letter (if necessary).	4.0
4	Preparation of draft preliminary determination, DPD cover letter and contact list.	4.0
5	Preparation of PD public notice, PD cover letter (and remaining right certificate(s) if necessary), and processing documentation.	4.0
Total Estimated Time:		17.0

Total estimated cost is 17.0 hours at \$120.00 per hour = \$2,040.00

Issuance of Draft Preliminary Determination: **May 22, 2008***

Deadline for Applicant's Review of Draft Preliminary Determination: **June 23, 2008***

**Dates are contingent on the Applicant's expeditious resolution of any deficiency and may be affected by Department's work load.*

Dorothy Pedersen

From: Dorothy Pedersen
Sent: Tuesday, April 15, 2008 3:32 PM
To: 'Ted Ressler'
Subject: T-10527 templates

Attachments: 10527-pd-notice-template.doc; 10527-pd-cov-template.doc; 10527-RA-ReviewChecklist.doc; 10527-dpd-cov-approve-template.doc; 10527-dpd-cov-deny-template.doc; 10527-dpd-template.doc; 10527-rr-81635-xxxxx-template.doc; supplemental-lang.dot; Contact List.dot; DeficLet.dot



10527-pd-notice-template.doc (...)



10527-pd-cov-template.doc (33 ...)



10527-RA-ReviewChecklist.doc (...)



10527-dpd-cov-approve-template...



10527-dpd-cov-deny-template.do...



10527-dpd-template.doc (211 KB...



10527-rr-81635-xxxx-template....



supplemental-lang.Contact List.dot (26 KB)



DeficLet.dot (27 KB)



Hi Ted,

Attached are templates for the T-10527 project, so you'll have them when you have a work order and are ready to start the project. Let me know if you have questions or seem to be missing anything.

Thanks,
Dorothy

Dorothy I. Pedersen
Transfer Program Advisor
(503) 986-0890
Oregon Water Resources Department
725 Summer St. NE, Suite A
Salem, OR 97301-1266

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

Application Number T-10527

Name of Applicant: Medford Irrigation District

Proposed Timeline

4/1/08	Public Notice (start of 30-day comment period).
5/7/08	Completion of draft preliminary determination--1 week after contracts signed and removal of deficiencies, but not before the end of the Public Notice comment period and receipt of all agency reviews (Watermaster, groundwater and ODFW as applicable).
6/12/08	Deadline for applicant review of draft preliminary determination--30 days or more after draft PD mailed to applicant, depending on issues to be resolved.
5 working days after DPD comments received	Completion of contract work: Submittal of PD cover letter, PD public notice (and remaining rights certificates if applicable)--within 5 business days after comments received from applicant that the draft is satisfactory, or after the end of the period for applicant to comment on draft PD and remedy deficiencies.

For purposes of water right transfers, all deliverables must be in Microsoft Word except remaining right certificates for which electronic copies of the existing certificates are currently available in WordPerfect.

Estimate

	Item	Time
1	Review of application for completeness.	2
2	Review of "From" lands to confirm consistency with existing right(s) and ownership.	3
3	Review of "To" lands for conflicts and preparation of draft deficiency letter (if necessary).	4
4	Preparation of draft preliminary determination, DPD cover letter and contact list.	4
5	Preparation of PD public notice, PD cover letter (and remaining right certificate(s) if necessary), and processing documentation.	4
Total Estimated Time:		17

(Indicate the estimated amount of time, in ½ hour increments, needed to complete each item listed.)

Prior to preparing an estimate, contact Department staff if work could not be performed consistent with the proposed timeline. In developing the estimate, review the transfer application, transfer map, existing certificate, and final proof map. Pay particular attention to the clarity of the existing rights and the complexity of the request.

Name of Consultant: GSI Water Solutions, Inc.

Authorized Representative: _____

Date: 4/10/2008

UPS Internet Shipping: View/Print Label

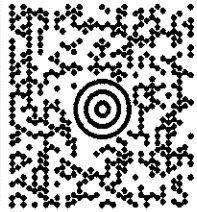
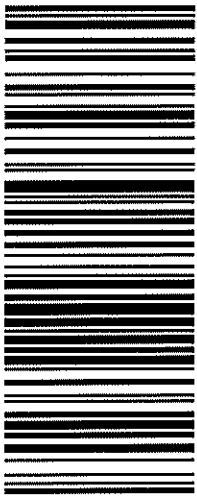
1. **Print the label(s):** Select the Print button on the print dialog box that appears. Note: If your browser does not support this function select Print from the File menu to print the label.
2. **Fold the printed label at the dotted line.** Place the label in a UPS Shipping Pouch. If you do not have a pouch, affix the folded label using clear plastic shipping tape over the entire label.
3. **GETTING YOUR SHIPMENT TO UPS**
Customers without a Daily Pickup
 - Schedule a same day or future day Pickup to have a UPS driver pickup all of your Internet Shipping packages.
 - Hand the package to any UPS driver in your area.
 - Take your package to any location of The UPS Store®, UPS Drop Box, UPS Customer Center, UPS Alliances (Office Depot® or Staples®) or Authorized Shipping Outlet near you. Items sent via UPS Return ServicesSM (including via Ground) are accepted at Drop Boxes.
 - To find the location nearest you, please visit the 'Find Locations' Quick link at ups.com.

Customers with a Daily Pickup

- Your driver will pickup your shipment(s) as usual.

T-10527

FOLD HERE

LISA PASCHKE 503-986-0900 OR WATER RESOURCES DEPT 725 SUMMER ST NE, STE A SALEM OR 97301	LTR	1 OF 1
SHIP TO: TED RESSLER 503-986-0900 GSI WATER SOLUTIONS, INC. SUITE 400 55 SW YAMHILL ST. PORTLAND OR 97204-3318		
OR 972 9-01 		
		
UPS NEXT DAY AIR TRACKING #: 1Z F72 205 01 9233 4434 1		
		
BILLING: P/P		
Reference#1: PCA 47125 Reference#2: D. Pedersen T-10527 UIS 10.1.06. WATRESG 750A 01/2008		
 TM		

Shipping Checklist for Reimbursement Authority File

File T- 10527 Applicant: Medford Irrigation Dist.

Agent/Contact: Herb Farber

Ship to Contractor: GSI

Items included:

- ☒ Copy of front of file folder
- ☒ Reimbursement Authority Estimate Application
- ☒ Transfer Application form
- ☒ Transfer map
- ☒ Evidence of use affidavit
- ☒ Supporting documentation for evidence of use
- ☒ Land-use Information form
- ☒ Lot book report (or deed if instream or temporary transfer, or application received before 7/1/03)
- ☒ Certificate or copy of decree for each right to be transferred
- ☐ Final Proof map or decree map for each right to be transferred — *No final proof map is available for this right.*
- ☒ Well logs (if change in POA, SW POD-to-GW POA change)
- ☐ Watermaster review (all transfers) — *will send later*
- ☒ ODFW review (if change in POD)
- ☒ GW review (if Δ POA, or POD-to-POA change)
- ☐ Transfer review checklist — *will send by email with the templates*
- ☒ Final Deliverable cover sheet
- ☒ Itemized Estimate sheet for contractor

Additional things to check:

- ☒ All regular application processing fees paid
- ☒ Reimbursement Authority \$125 fee paid for preparing estimate
- ☒ Date of WRD initial Public Notice 2/12/08

Number of sheets copied 52

File contents copied by Lisa Paschke Date 3/24/08

Reimbursement Authority Process Itemized Estimate Sheet for Water Rights Transfer

Application Number T-10527

Name of Applicant: Medford Irrigation District

Proposed Timeline

2/12/08	Public Notice (start of 30-day comment period).
5/7/08	Completion of draft preliminary determination--1 week after contracts signed and removal of deficiencies, but not before the end of the Public Notice comment period and receipt of all agency reviews (Watermaster, groundwater and ODFW as applicable).
6/12/08	Deadline for applicant review of draft preliminary determination--30 days or more after draft PD mailed to applicant, depending on issues to be resolved.
5 working days after DPD comments received	Completion of contract work: Submittal of PD cover letter, PD public notice (and remaining rights certificates if applicable)--within 5 business days after comments received from applicant that the draft is satisfactory, or after the end of the period for applicant to comment on draft PD and remedy deficiencies.

For purposes of water right transfers, all deliverables must be in Microsoft Word except remaining right certificates for which electronic copies of the existing certificates are currently available in WordPerfect.

Estimate

	Item	Time
1	Review of application for completeness.	
2	Review of "From" lands to confirm consistency with existing right(s) and ownership.	
3	Review of "To" lands for conflicts and preparation of draft deficiency letter (if necessary).	
4	Preparation of draft preliminary determination, DPD cover letter and contact list.	
5	Preparation of PD public notice, PD cover letter (and remaining right certificate(s) if necessary), and processing documentation.	
Total Estimated Time:		

(Indicate the estimated amount of time, in ½ hour increments, needed to complete each item listed.)

Prior to preparing an estimate, contact Department staff if work could not be performed consistent with the proposed timeline. In developing the estimate, review the transfer application, transfer map, existing certificate, and final proof map. Pay particular attention to the clarity of the existing rights and the complexity of the request.

Name of Consultant: GSI Water Solutions, Inc.

Authorized Representative: _____

Date: _____

Reimbursement Authority
Final Deliverables Cover Sheet
for
Transfers

Transfer # T-10527

Applicant: Medford Irrigation District

The following items have been submitted electronically*:

- ☐ Contact List
- ☐ Draft Preliminary Determination (DPD)
- ☐ DPD Cover Letter
- ☐ PD Notice
- ☐ PD Cover Letter
- ☐ Remaining Right Certificates (one for each right that is not entirely affected by the transfer)
- ☐ Instream Water Right Certificate (if needed)

***NOTE:** Transfer documents should be submitted in MS Word format preferably, or "rich text" format.

The following items are enclosed:

- ☐ Review checklist
- ☐ Marked copy of transfer application
- ☐ (for POU changes) Plat Card Report marked to indicate any other rights on the "From" lands
- ☐ (for POU changes) Plat Card Report marked to indicate rights overlapping proposed POU
- ☐ Notes or sketches, maps, etc. from evaluation of changes, injury evaluation, etc. that will help document what was considered in reaching the findings and determination in the Preliminary Determination.
- ☐ Copies of each certificate that is only partially included in the transfer, marked as needed to show what portion of the right is being affected, and what remains unchanged.

- ☐ Signature of Contractor: _____ Date: _____

For WRD use only:

WRD approval by: _____ **Date:** _____

**WATER RESOURCES DEPARTMENT
REIMBURSEMENT AUTHORITY ESTIMATE APPLICATION**

House Bill 2551 (2003 Oregon Laws) authorizes the Oregon Water Resources Department to expedite or enhance regulatory processes voluntarily requested under the agreement. The voluntary agreement can be entered into with any person requesting services and agreeing to pay the Department's costs of providing the service.

The Department has established a pool of qualified contractors to perform expedited services for water right transfers and water right certificates.

The purpose of this application is to obtain an estimate from the next qualified contractor in the appropriate pool. There is a non-refundable application fee of \$125.00 per request. The contractor will provide an estimate of the cost and of the time required to process and develop a recommendation on the request of a: (check one):

<u>REQUEST</u>	<u>TYPE</u>	<u>FILE NUMBER</u>
☒	Transfer Application	<u>T-10527</u>
☐	Certificate Request	_____

Applicant Information		Applicant's Representative/Contact
Name: (Please Print)	<u>Medford Irrigation Dist</u>	
Address:	<u>1340 Myers Lane</u>	
	<u>Medford, OR 97501</u>	
Phone:	<u>541-779-1462</u>	
Fax	<u>541-779-3594</u>	
E-Mail Address:	<u>medid@medfordid.org</u>	

I understand the following:

- There is a non-refundable application fee of \$125.00 per request.
- That upon receipt of my non-refundable application fee in the amount of **\$ 125.00**, OWRD will assign my request to the next contractor in the pool of contractors performing expedited services.
- That this fee covers the copying, the mailing cost, as well as the cost for the contractor to evaluate and provide the estimate for processing of the request.
- That OWRD will provide all pertinent information to the assigned contractor within one (1) business day.
- That OWRD will, within fourteen (14) days, notify me in writing of the estimates of costs and time frame for the expedited service.
- That upon receiving the estimates I may agree or decline to enter into a formal contract to pay the estimated cost in advance to initiate the expedited service.
- An incomplete or inaccurate application may delay the process and increase the cost to process my request.
- Expedited processing does not guarantee a favorable review of my request.

I certify that I am the (check one) ☒ Applicant ☐ Applicant's Representative ☐ Other (Please specify) _____

Signature: Carol Bradford Name: CAROL BRADFORD

OWRD USE ONLY

Contractor Assigned:	<u>GSI</u>	Total Amount Paid: \$
OWRD Approval:		



Oregon Water Resources Department
Land Use Information Form

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WATER RESOURCES DEPT
SALEM, OREGON

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

Applicant Name: Medford Irrigation District
Mailing Address: 1340 Meyers Lane
City: Medford State: OR Zip: 97501 Day Phone: 541-779-1462

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

A. Land and Location

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

Township	Range	Section	¼ ¼	Tax Lot #	Plan Designation (e.g. Rural Residential/RR-5)	Water to be:	Proposed Land Use:
35 & 36 S	1 W				Urban growth boundray	☐ Diverted ☒ Conveyed ☒ Used	Municipal
36 & 37 S	1W-5E	MID	system of POD canl			☒ Diverted ☒ Conveyed ☐ Used	
						☐ Diverted ☐ Conveyed ☐ Used	
						☐ Diverted ☐ Conveyed ☐ Used	

List all counties and cities where water is proposed to be diverted, conveyed, or used. Jackson County
City of Eagle Point

B. Description of Proposed Use

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

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

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

Estimated quantity of water needed: 181.17 ☐ cubic feet per second ☐ gallons per minute ☒ acre-feet

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

Briefly describe: This action will convert a mamufacturing water right to municipal use for the City of Eagle Point. The water is stored in Four Mile and Fish Lakes. The water released from the lakes is transported through Little Butte Creek to the Medford Water Commission's Duff Water Treatment Plant. The water will be transported through the MWC system to the City of Eagle.

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

Receipt for Request for Land Use Information

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

For Local Government Use Only

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

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

Please check the appropriate box below and provide the requested information

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

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

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

Name: _____ Title: _____

Signature: _____ Phone: _____ Date: _____

Government Entity: _____

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: MID

City or County: Jackson Staff contact: R IVY

Signature: [Signature] Phone: 541.774.6959 Date: 7.14.08



Oregon Water Resources Department
Land Use Information Form

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SALEM, OREGON

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

Applicant Name: Medford Irrigation District
Mailing Address: 1340 Meyers Lane
City: Medford State: OR Zip: 97501 Day Phone: 541-779-1462

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

A. Land and Location

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

Township	Range	Section	¼ ¼	Tax Lot #	Plan Designation (e.g. Rural Residential/RR-5)	Water to be:	Proposed Land Use:
35 & 36 S	1 W				Urban growth boundray	☐ Diverted ☒ Conveyed ☒ Used	Municipal
36 & 37 S	1W-5E	MID	system	of POD canl		☒ Diverted ☒ Conveyed ☐ Used	
						☐ Diverted ☐ Conveyed ☐ Used	
						☐ Diverted ☐ Conveyed ☐ Used	

List all counties and cities where water is proposed to be diverted, conveyed, or used. Jackson County
City of Eagle Point

B. Description of Proposed Use

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

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

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

Estimated quantity of water needed: 181.17 ☐ cubic feet per second ☐ gallons per minute ☒ acre-feet

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

Briefly describe: This action will convert a mamufacturing water right to municipal use for the City of Eagle Point. The water is stored in Four Mile and Fish Lakes. The water released from the lakes is transported through Little Butte Creek to the Medford Water Commission's Duff Water Treatment Plant. The water will be transported through the MWC system to the City of Eagle.

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

Receipt for Request for Land Use Information

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

For Local Government Use Only

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Please check the appropriate box below and provide the requested information

- ☒ Land uses to be served by proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): no physical development proposed.
- ☐ Land uses to be served by proposed water uses (including proposed construction) involve discretionary land-use approvals as listed in the table below. (Please attach documentation of applicable land-use approvals which have already been obtained. Record of Action/land-use decision and accompanying findings are sufficient.)
if approvals have been obtained but all appeal periods have not ended, check "Being pursued".

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

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

Name: Robert M. Ivy Title: Planner I
 Signature: [Signature] Phone: 541 774 6859 Date: Aug 4, 2008
 Government Entity: Jackson County

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

Receipt for Request for Land Use Information

Applicant name: _____
 City or County: _____ Staff contact: _____
 Signature: _____ Phone: _____ Date: _____



Oregon Water Resources Department
Land Use Information Form

10527

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Applicant Name: Medford Irrigation District
Mailing Address: 1340 Meyers Lane
City: Medford State: OR Zip: 97501 Day Phone: 541-779-1462

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

A. Land and Location

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

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36&37 S	1W-5E	MID	system	of POD canl		☒ Diverted ☒ Conveyed ☐ Used	
						☐ Diverted ☐ Conveyed ☐ Used	
						☐ Diverted ☐ Conveyed ☐ Used	

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

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WATER RESOURCES DEPT
SALEM, OREGON

B. Description of Proposed Use

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

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

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

Estimated quantity of water needed: 181.17 ☐ cubic feet per second ☐ gallons per minute ☒ acre-feet

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

Briefly describe: This action will convert a mamufacturing water right to municipal use for the City of Eagle Point. The water is stored in Four Mile and Fish Lakes. The water released from the lakes is transported through Little Butte Creek to the Medford Water Commission's Duff Water Treatment Plant. The water will be transported through the MWC system to the City of Eagle.

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Receipt for Request for Land Use Information

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

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Please check the appropriate box below and provide the requested information

- ☒ Land uses to be served by proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): EP ZONING ORDINANCE. PRESENT & FUTURE LAND USES ARE ALL RELATED TO ADEQUATE PROVISION OF MUNICIPAL WATER WITHIN THE EAGLE POINT CITY LIMITS.
- ☐ Land uses to be served by proposed water uses (including proposed construction) involve discretionary land-use approvals as listed in the table below. (Please attach documentation of applicable land-use approvals which have already been obtained. Record of Action/land-use decision and accompanying findings are sufficient.)
If approvals have been obtained but all appeal periods have not ended, check "Being pursued".

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

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

WATER IS TO BE USED FOR ALL EXISTING AND FUTURE NEEDS WITHIN THE CITY OF EAGLE POINT

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WATER RESOURCES DEPT
SALEM, OREGON

Name: BUNNY LINCOLN Title: PLANNER
Signature: BUNNY LINCOLN Phone: 541-826-4212 Date: 12/13/07
Government Entity: CITY OF EAGLE POINT

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

Receipt for Request for Land Use Information

Applicant name: _____
City or County: _____ Staff contact: _____
Signature: _____ Phone: _____ Date: _____

For Local Government Use Only

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Please check the appropriate box below and provide the requested information

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

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

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

WATER FOR GENERAL MUNICIPAL USE

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JAN 30 2008

**WATER RESOURCES DEPT
SALEM, OREGON**

Name: David A. Russell Title: CITY ADMINISTRATOR
Signature: David A. Russell Phone: 541-826-4212 Date: 1/11/08
Government Entity: CITY OF EAGLE POINT, OR.

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

Receipt for Request for Land Use Information

Applicant name: _____

City or County: _____ Staff contact: _____

Signature: _____ Phone: _____ Date: _____

QUITCLAIM DEED TO
TRANSFER WATER RIGHTS

T 10527

Jackson County Official Records 2006-023593

R-QCD

Cnt=1 Stn=3 MORGANS

\$30.00 \$5.00 \$11.00

05/05/2006 12:40:38 PM

Total:\$46.00



01192034200600235930060069

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

Kathleen S. Beckett - County Clerk

STATE OF OREGON }
 } ss.
County of Jackson }

KOGAP ENTERPRISES, (hereinafter Grantors), are the owners of property in
Medford, Oregon, described as:

Map 37S R1W Section 31A, TL's: 2000, 2300, 2801, 2802, 2803, 2804 & 4000

Map 37S R1W Section 31D, TL's: 2500, 2501, 2800, 2900 & 3000

Map 37S R1W Section 32C, TL's: 5502, 5503 & 5400

(See Attached Exhibit A for legal descriptions)

And by this conveyance and signed transfer application form hereby grants, releases and
quitclaims to Medford Irrigation District (MID) all rights, title, interest, claims and
responsibility for 0.50 CFS for Manufacturing and 55.10 Acres Agriculture of Medford
Irrigation District water rights that are appurtenant to the lands listed above. Medford
Irrigation District may elect to complete the transfer application and submit it to the
Water Resources Department for approval of use of the water right at a new location
and/or use.

By recordation of this deed, grantor hereby notifies any subsequent purchaser of the lands
listed above that grantor, as owner of the subject land, approved the transfer (including a
change in the place and type of use and point of diversion) of the water rights that are
appurtenant to the subject land; and that upon completion of a transfer, by election of
MID, the subject land no longer will have an appurtenant water right, if the transfer
includes a change in the place of use.

This agreement is binding upon the heirs, executors, administrators, successors, and
assigns of the parties to this agreement.

Consideration for this Quitclaim is \$0.00.

Dated this 19 day of April, 2006.

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JAN 30 2008

**WATER RESOURCES DEPT
SALEM, OREGON**

Marvin Hackwell
Grantor

MARVIN HACKWELL U.P. C.O.O.
Printed Name and Title

Subscribed by and sworn to before me in person this 19th day of APRIL,
2006, by MARVIN HACKWELL

who acknowledges this instrument to be their voluntary act and deed.



Abra A. Lambert
Notary Public for Oregon
My Commission Expires: FEB 09 2010

original seq file
#426616

1 371W31A 4000

Map 37 1W 31A TL #2000

Commencing at the northeast corner of Donation Land Claim No. 45 in Township 37 South, Range 1 West of the Willamette Meridian in Jackson County, Oregon, thence South 89° 59' 08" West (record South 89° 59' West), along the north boundary of said Claim No. 45, a distance of 866.90 feet to the northeast corner of the tract described in Volume 472 page 142 of the Deed Records of Jackson County, Oregon; thence South 00° 00' 52" East (record South 00° 01' East), along the east boundary of said described tract, 40.00 feet to the true point of beginning; thence continue South 00° 00' 52" East (record South 00° 01' East) along said east boundary, 311.87 feet, more or less, to the northwest corner of that tract described in instrument recorded as No. 94-05968 of the Official Records of Jackson County, Oregon; thence North 89° 59' 08" East (record North 89° 59' East) along the north line of said tract, and the north line of that tract described in instrument recorded in Volume 276 page 94 of the Deed Records of Jackson County, Oregon, 274.30 feet to the westerly line of the Southern Pacific Railroad right-of-way; thence North 35° 08' 07" West (record North 35° 07' West) along said westerly line, 381.10 feet, more or less, to a point North 89° 59' 08" East from the true point of beginning; thence North 89° 59' 08" West, parallel with the north boundary of said Donation Land Claim No. 45, a distance of 54.98 feet to the true point of beginning.

Map 37 1W 31A TL #2300

Commencing at the Northeast corner of Donation Land Claim No. 45, Township 37 South of Range 1 West of the Willamette Meridian, Jackson County, Oregon; thence South 89° 59' West 840.05 feet to the Westerly right-of-way of the Southern Pacific Railroad; thence South 35° 07' East 896.09 feet along said right-of-way line; thence South 89° 59' West 200 feet to the point of beginning. Thence South 89° 59' West 24.4 feet; thence North 35° 07' West 150.0 feet; thence North 89° 59' East 24.4 feet, thence South 35° 07' East 150.0 feet to the point of beginning.

Map 37 1W 31A TL #2802

Document 95-06848

Commencing at the Southeast corner of Donation Land Claim No. 45, Township 37 South, Range 1 west, Willamette Meridian, Jackson County, Oregon; thence along the South line of said Claim, South 89° 59' 55" West, 972.99 feet to the Easterly line of Myers Lane as described in Document No. 75-03262, Official Records of Jackson County, Oregon; thence along said Easterly line, North 0° 19' 40" East, 40.00 feet; thence South 89° 59' 55" West, 251.95 feet; thence along the arc of a 84.59 foot radius curve to the right having a central angle of 89° 57' 05", a distance of 132.80 feet (the long chord of which bears North 45° 01' 32" west, 119.58 feet); thence North 0° 03' 00" West, 1790.95 feet to a 5/8 inch iron pin and the true point of beginning; thence continue along said Easterly line, North 0° 03' .." West, 698.23 feet to an angle point in said Easterly line; thence North 45° 02' 35" East, 21.18 feet (record North 44° 58' 40" East, 21.20 feet) to the South line of Stewart Avenue; thence along said South line, South 89° 59' 25" East, 418.44 feet to the Northwest corner of that tract described in Document No. 89-16321, said Official Records; thence along the West line of said tract, South 0° 00' 49" West (record South 0° 01' East), 10.00 feet to a brass disk in concrete; thence continue said West line, South 0° 00' 49" West (record South 0° 01' East), 321.91 feet to the Southwest corner thereof; thence along the Westerly line of that tract described in Document No. 94-05968, said Official Records, South 41° 31' 26" East, 345.61 feet (record South 41° 51' East, 352.65 feet) to a brass disk in concrete at the Southwest corner thereof; thence along the South line of said tract, North 89° 48' 41" East (record North 89° 59' 00" East), 2.92 feet to a brass disk in concrete at the Northwest corner of that tract described in Document No. 75-11189, said Official Records; thence along the West line of said tract, South 35° 11' 29" East, 149.95 feet (record South 35° 06' 55" East, 150.0 feet) to the Southwest corner thereof; thence North 89° 59' 40" West, 751.19 feet to the true point of beginning. Containing 8.542 acres, more or less.

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SALEM, OREGON**

22

Map 37 1W 31A #2801

Document: OR 01-23429

A tract of land being a portion of Donation Land Claim No. 45, situated in the Northeast one-quarter of Section 31, Township 37 South, Range 1 West of the Willamette Meridian, City of Medford, Jackson County, Oregon, being more particularly described as follows:

10527

Parcel 2 of Partition Plat No. P-35-1998 as recorded in Jackson County Records.

Except therefrom:

The westerly 25.00 feet of said Parcel 2.

Containing 65,228 square feet, more or less.

Map 37 1W 31A #2803

Document: OR 01 23429

A tract of land being a portion of donation Land Claim No. 45, situated in the Northeast one-quarter of Section 31, Township 37 South, Range 1 West of the Willamette Meridian, City of Medford, Jackson County, Oregon, being more particularly described as follows:

Parcel 1 and the westerly 25.00 feet of Parcel 2 of Partition Plat No. P-35-1998 as recorded in Jackson County Records.

Containing 66,203 square feet, more or less.

Map 37 1W 31A #2804

A tract of land being a portion of donation Land Claim No. 45, situated in the Northeast one-quarter of Section 31, Township 37 South, Range 1 West of the Willamette Meridian, City of Medford, Jackson County, Oregon, being more particularly described as follows:

Parcel 2 less the westerly 25.00 feet of Parcel 2 of Partition Plat No. P-35-1998 as recorded in Jackson County Records.

Map 37 1W 31A #40000

Document : OR

Commencing at the Southeast corner of Donation Land Claim No. 45, Township 37 South, Range 1 West, Willamette Meridian, Jackson County, Oregon; thence along the South line of said Claim, South 89° 59' 55" West, 972.99 feet to the Easterly line of Myers Lane as described in Document No. 75-03262, Official Records of Jackson County, Oregon; thence along said Easterly line, North 0° 19' 40" East, 40.00 feet; thence South 89° 59' 55" West, 251.95 feet; thence along the arc of a 84.59 foot radius curve to the right having a central angle of 89° 57' 05", a distance of 132.80 feet (the long chord of which bears North 45° 01' 32" West, 119.58 feet); thence North 0° 03' 00" West, 1074.47 feet to a 5/8 inch iron pin and the true point of beginning; thence continue along said Easterly line, North 0° 03' 00" West, 716.48 feet to a 5/8 inch iron pin; thence South 89° 59' 40" East, 751.19 feet to the Southwest corner of that tract described in Document No. 75-11189, said Official Records; thence along the South line of said tract, South 89° 59' 40" East, 224.12 to the Southwesterly right-of-way of Southern Pacific Railroad; thence along said right-of-way, South 35° 06' 42" East, 652.53 feet to a 1-1/4 inch iron pipe at the most Northerly corner of that tract described in Document No. 76-10165, said Official Records; thence along the Westerly line of said tract the following three (3) courses: South 54° 53' 05" West, 73.95 feet to a brass disk in concrete; thence South 0° 14' 25" East, 140.43 feet to a brass disk in concrete; thence North 89° 59' 40" East, 15.12 feet to a 5/8 inch iron pin on the East line of said Claim No. 45; thence along said East line, South 0° 14' 25" East, 293.96 feet to a 5/8 inch iron pin; thence leaving said East line along the arc of a 150 foot radius curve to the left having a central angle of 30° 34' 55", a distance of 80.06 feet (the long chord of which bears North 74° 54' 21" West, 79.12 feet) to a 5/8 inch iron pin; thence South 89° 48' 11" West, 573.51 feet to a 5/8 inch iron pin; thence along the arc of a 150 foot radius curve to the right having a central angle of 11° 18' 02", a distance of 29.58 feet (the long chord of which bears North 84° 32' 48" West, 29.54 feet) to a 5/8 inch iron pin; thence North 78° 53' 47" West, 140.07 feet to a 5/8 inch iron pin; thence North 0° 15' 34" East, 245.78 feet to a brass tag in concrete; thence North 89° 59' 02" West, 490.82 feet to the true point of beginning. Containing 24.791 acres, more or less.

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Map 37 1W 31D #2500

Document: OR 99-622674

10527

Commencing at the Southeast corner of Donation Land Claim No. 45 in Township 37 South, Range 1 West of the Willamette Meridian, Jackson County, Oregon, thence North 00°14'25" West, along the east line of said claim, 38.07 feet to intersect the arc of a 608.44 foot radius curve for the **true point of beginning**; thence in an easterly direction 191.93 feet along said 608.44 foot radius curve to the left (the long chord to which bears North 73°45'36" East 191.13 feet); thence North 25°16'37" West 55.41 feet; thence 222.76 feet along the arc of a 154.02 foot radius curve to the right (the long chord to which bears North 16°09'24" East 203.85 feet) to a point of cusp on the arc of a 200.00 foot radius curve on the western boundary of the tract described in deed recorded as No. 95-06849 of the Official Records of Jackson County, Oregon; thence along the boundary of said described tract in a northerly direction 59.85 feet along the arc of said 200.00 foot radius curve to the right (the long chord to which bears North 08°34'24" West 59.63 feet); thence NORTH 182.96 feet; thence 91.65 feet along the arc of a 150.00 foot radius curve to the left (the long chord to which bears North 17°30'10" West 90.23 feet); thence North 35°00'21" West 239.13 feet; thence 144.49 feet along the arc of a 150.00 foot radius curve to the left (the long chord to which bears North 62°36'05" West 138.97 feet) to a point on the north boundary of the tract described in deed recorded as No. 95-06853 of said Official Records; thence along the boundary of said described tract, South 89°48'11" West 573.51 feet; thence 29.58 feet along the arc of a 150.00 foot radius curve to the right (the long chord to which bears North 84°32'48" West 29.54 feet); thence North 78°53'47" West 63.67 feet (deed record 63.62 feet) to the northwest corner of last described tract; thence South 00°03'00" East, along the western boundary of said described tract, 620.63 feet; thence North 89°57'00" East 399.79 feet; thence South 36°36'08" East 64.08 feet; thence North 89°59'55" East, along the north boundary of the tract described in deed recorded as No. 95-06846 of said Official Records, 305.86 feet to the northeast corner thereof, thence South 00°14'25" East 228.53 feet to the true point of beginning.

Containing 13.889 acres more or less.

Map 37 1W 31D #2501

Document: OR 99-62673

Commencing at the Southeast corner of Donation Land Claim No. 45 in Township 37 South, Range 1 West of the Willamette Meridian, Jackson County, Oregon, thence North 00°14'25" West, along the east line of said claim, 38.07 feet to intersect the arc of a 608.44 foot radius curve, thence in an easterly direction 191.93 feet along said 608.44 foot radius curve to the left (the long chord to which bears North 73°45'36" East 191.13 feet) to the **true point of beginning**; thence North 25°16'37" West 55.41 feet; thence 222.76 feet along the arc of a 154.02 foot radius curve to the right (the long chord to which bears North 16°09'24" East 203.85 feet) to a point of cusp on the arc of a 200.00 foot radius curve on the western boundary of the tract described in deed recorded as No. 95-06849 of the Official Records of Jackson County, Oregon; thence along the boundary of said described tract in a northerly direction 59.85 feet along the arc of said 200.00 foot radius curve to the right (the long chord to which bears North 08°34'24" West 59.63 feet); thence NORTH 182.96 feet; thence 91.65 feet along the arc of a 150.00 foot radius curve to the left (the long chord to which bears North 17°30'10" West 90.23 feet); thence North 35°00'21" West 239.13 feet; thence 64.43 feet along the arc of a 150.00 foot radius curve to the left (the long chord to which bears North 47°18'43" West 63.94 feet) to a point on the aforesaid east line of claim No. 45; thence North 00°14'25" West, along said claim line, 235.99 feet to the most northern corner of aforesaid described tract; thence South 35°06'55" East 283.53 feet; thence North 54°53'05" East 175.00 feet to the northeast corner of aforesaid described tract being situated on the southwestern boundary of the Central Oregon & Pacific Railroad; thence South 35°06'42" East, along said railroad boundary, 598.72 feet; thence South 55°08'05" West 16.13 feet; thence 292.22 feet along the arc of a 785.55 foot radius curve to the left (the long chord to which bears South 44°28'41" West 290.54 feet) to a point of reverse curve; thence 328.16 feet along the arc of a 608.44 foot radius curve to the right (the long chord to which bears South 49°16'20" West 324.19 feet) to the true point of beginning.

Containing 6.430 acres, more or less.

Map 37 1W 31D #2800

Document: OR 99-62675

Beginning at the Southeast corner of Donation Land Claim No. 45 in Township 37 South, Range 1 West of the Willamette Meridian, Jackson County, Oregon; thence South

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89°59'55" West, along the south line of said claim, 744.70 feet to the southwest corner of the tract described in deed recorded as No. 95-06846 of the Official Records of Jackson County, Oregon; thence North 00°03'00" West 317.70 feet to a point situated on the west boundary of the tract described in deed recorded as No. 95-06853 of said Official Records; thence North 89°57'00" East 399.79 feet; thence South 36°36'08" East 64.08 feet; thence North 89°59'55" East, along the north boundary of said tract described in deed recorded as No. 95-06846 of said Official Records, 305.86 feet to the northeast corner thereof, thence South 00°14'25" East 266.60 feet to the true point of beginning. Containing 5.048 acres, more or less.

10527

Map 37 1W 31D #2900

Document: OR 99-62680

Beginning at the Southeast corner of Donation Land Claim No. 45 in Township 37 South, Range 1 West of the Willamette Meridian, Jackson County, Oregon; thence North 00°14'25" West, along the east line of said claim, 38.07 feet to intersect the arc of a 608.44 foot radius curve; thence in an easterly direction 191.93 feet along said 608.44 foot radius curve to the left (the long chord to which bears North 73°45'36" East 191.13 feet); thence South 25°16'37" East 65.45 feet; thence 183.31 feet along the arc of a 328.08 foot radius curve to the left (the long chord to which bears South 41°16'59" East 180.93 feet); thence South 57°17'21" East 93.71 feet; thence South 32°42'39" West 122.02 feet; thence South 55°11'01" West 300.09 feet to intersect the western boundary of the tract described in Volume 462 page 133 of the Deed Records of Jackson County, Oregon; thence North 23°02'15" West (deed record North 22°55' West), along said western tract boundary, 465.38 feet to intersect the south line of aforesaid Claim No. 45; thence North 89°59'55" East, along said south claim line, 84.91 feet to the true point of beginning.

Containing 3.068 acres, more or less.

Map 37 1W 31D #3000

Document: OR 00-02387

Commencing at the Southeast corner of Donation Land Claim No. 45 in Township 37 South, Range 1 West of the Willamette Meridian, Jackson County, Oregon, thence North 00°14'25" West, along the east line of said claim, 38.07 feet to intersect the arc of a 608.44 foot radius curve, thence in an easterly direction 191.93 feet along said 608.44 foot radius curve to the left (the long chord to which bears North 73°45'36" East 191.93 feet) to the true point of beginning; thence South 25°16'37" East 65.45 feet; thence 183.31 feet along the arc of a 328.08 foot radius curve to the left (the long chord to which bears South 41°16'59" East 180.93 feet); thence South 57°17'21" East 93.71 feet, thence North 32°42'39" East 122.02 feet, thence North 54°53'18" East 467.89 feet to the southwestern boundary of the Central Oregon & Pacific Railroad, thence North 35°06'42" West, along said railroad boundary, 369.24 feet; thence South 55°08'05" West 16.13 feet; thence 292.22 feet along the arc of a 785.55 foot radius curve to the left (the long chord to which bears South 44°28'41" West 290.54 feet to a point of reverse curve; thence 328.16 feet along the arc of a 608.44 foot radius curve to the right (the long chord to which bears South 49°16'20" West 324.19 feet) to the true point of beginning.

Containing 4.67 acres, more or less.

Map 37 1W 32C #5502

Document: OR 00-02388

Commencing at the Southeast corner of Donation Land Claim No. 45 in Township 37 South, Range 1 West of the Willamette Meridian, Jackson County, Oregon thence South 89°59'55" West, along the south line of said claim, 84.91 feet; thence South 23°02'15" East (deed record South 22°55' East), along the western boundary of the tract described in Volume 462 page 133 of the Deed Records of Jackson County, Oregon, 465.38 feet, thence North 55°11'01" East 300.09 feet, thence North 32°42'39" East 122.02 feet to the true point of beginning; thence North 32°42'39" East 122.02 feet, thence North 54°53'18" East 467.89 feet to the southwestern boundary of the Central Oregon & Pacific Railroad; thence South 35°06'42" East, along said railroad boundary, 395.49 feet, thence South 54°53'18" West 421.04 feet; thence South 60°38'50" West 61.52 feet to intersect the arc of a 328.08 foot radius curve; thence 159.97 feet along the arc of a 32808 foot radius curve to the left (the long chord to which bears North 43°19'16" West 158.39 feet); thence North 57°17'21" West 201.39 feet to the true point of beginning.

Containing 4.695 acres, more or less.

Map 37 1W 32C #5503

Document: OR 99-62679

Commencing at the Southeast corner of Donation Land Claim No. 45 in Township 37 South, Range 1 West of the Willamette Meridian, Jackson County, Oregon, thence South 89°59'55" West, along the south line of said claim, 84.91, thence South 23°02'15" East

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(deed record South 22°55' East), along the western boundary of the tract described in Volume 462 page 133 of the Deed Records of Jackson County, Oregon, 465.38 feet to the **true point of beginning**; thence continue South 23°02'15" East (deed record South 22°55' East), along said western tract boundary, 471.40 feet to the south line of Donation Land Claim No. 46, said Township and Range; thence South 89°43'15" East, along said south claim line, 456.22 feet; thence North 01°24'59" West 333.36 feet; thence 319.935 feet along the arc of a 328.08 foot radius curve to the left (the long chord to which bears North 29°21'10" West 307.41 feet); thence North 57°17'21" West 201.39 feet; thence South 32°42'39" West 122.02 feet; thence South 55°11'01" West 300.09 feet to the true point of beginning.

Containing 7.388 acres, more or less.

Map 37 1W 32C # 5400

Document: 99-62678

Commencing at the Southeast corner of Donation Land Claim No. 45 in Township 37 South, Range 1 West of the Willamette Meridian, Jackson County, Oregon, thence South 89°59'55" West, along the south line of said claim, 84.91, thence South 23°02'15" East (deed record South 22°55' East), along the western boundary of the tract described in Volume 462 page 133 of the Deed Records of Jackson County, Oregon, 936.78 feet to the south line of Donation Land Claim No. 46, said Township and Range, thence South 89°43'15" East, along said south claim line, 456.22 feet to the **true point of beginning**; thence North 01°24'59" West 333.36 feet; thence 159.97 feet along the arc of a 328.08 foot radius curve to the left (the long chord to which bears North 15°23'05" West 158.39 feet); thence North 60°38'50" East 61.25 feet; thence North 54°53'18" East 421.04 feet to the southwestern boundary of the Central Oregon & Pacific Railroad; thence South 35°06'42" East, along said railroad boundary, 932.24 feet to the aforesaid south line of Donation Land Claim No. 46; thence North 89°43'15" West, along said south claim line, 883.99 feet to the true point of beginning.

Containing 9.889 acres, more or less.

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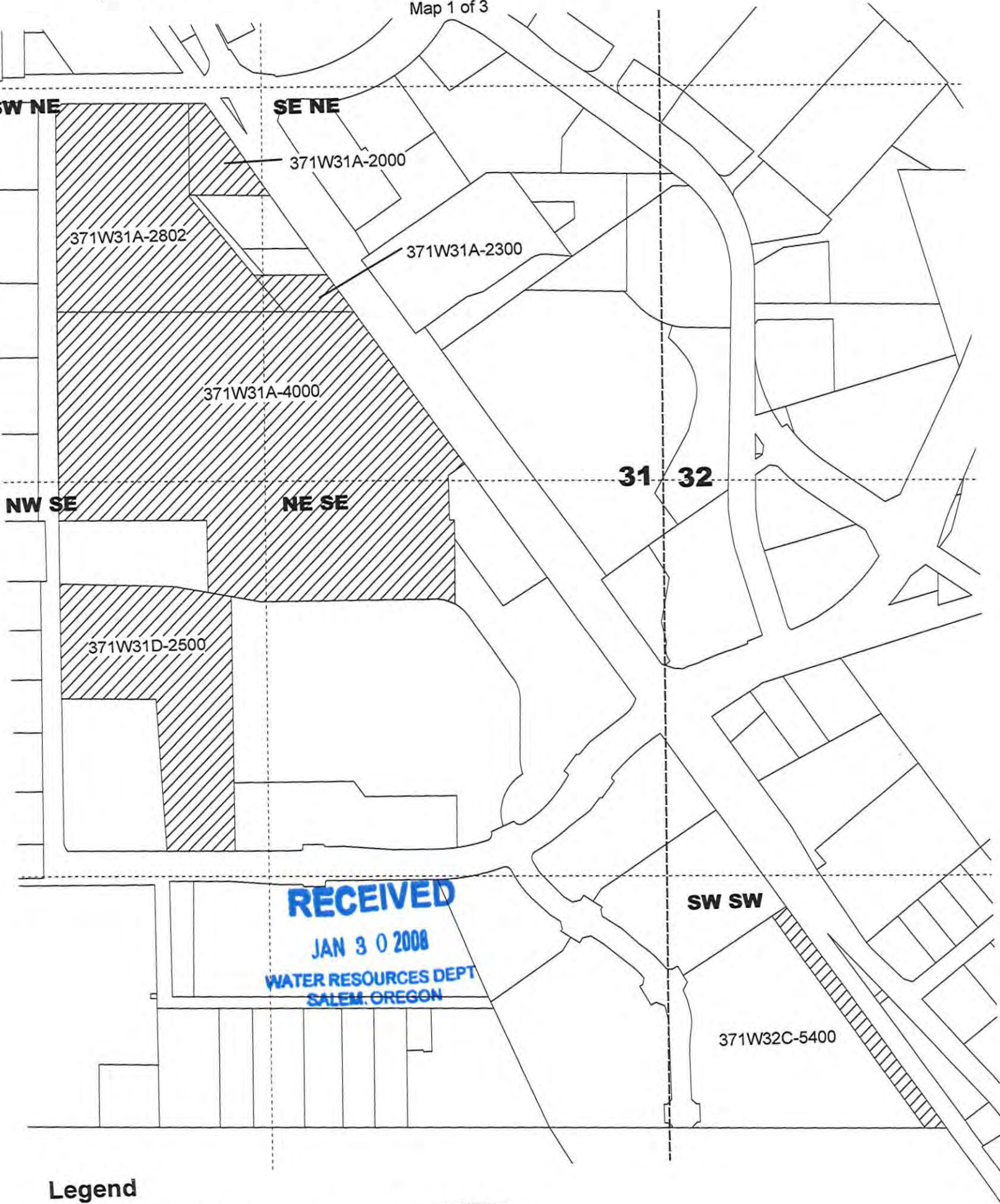
Transfer of Water Right

From

T 37 S, R 1 W, Sec 31 & 32

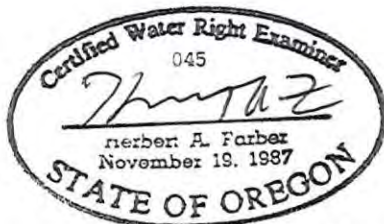
T 10527

Map 1 of 3



Legend

- Water right to be removed
- Section line
- Quarter quarter line



RENEWAL DATE 12-31-07

N



1 inch equals 400 feet

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

FARBER
SURVEYING

PO Box 5286
Central Point, Oregon 97502
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Email hafarber@charter.net

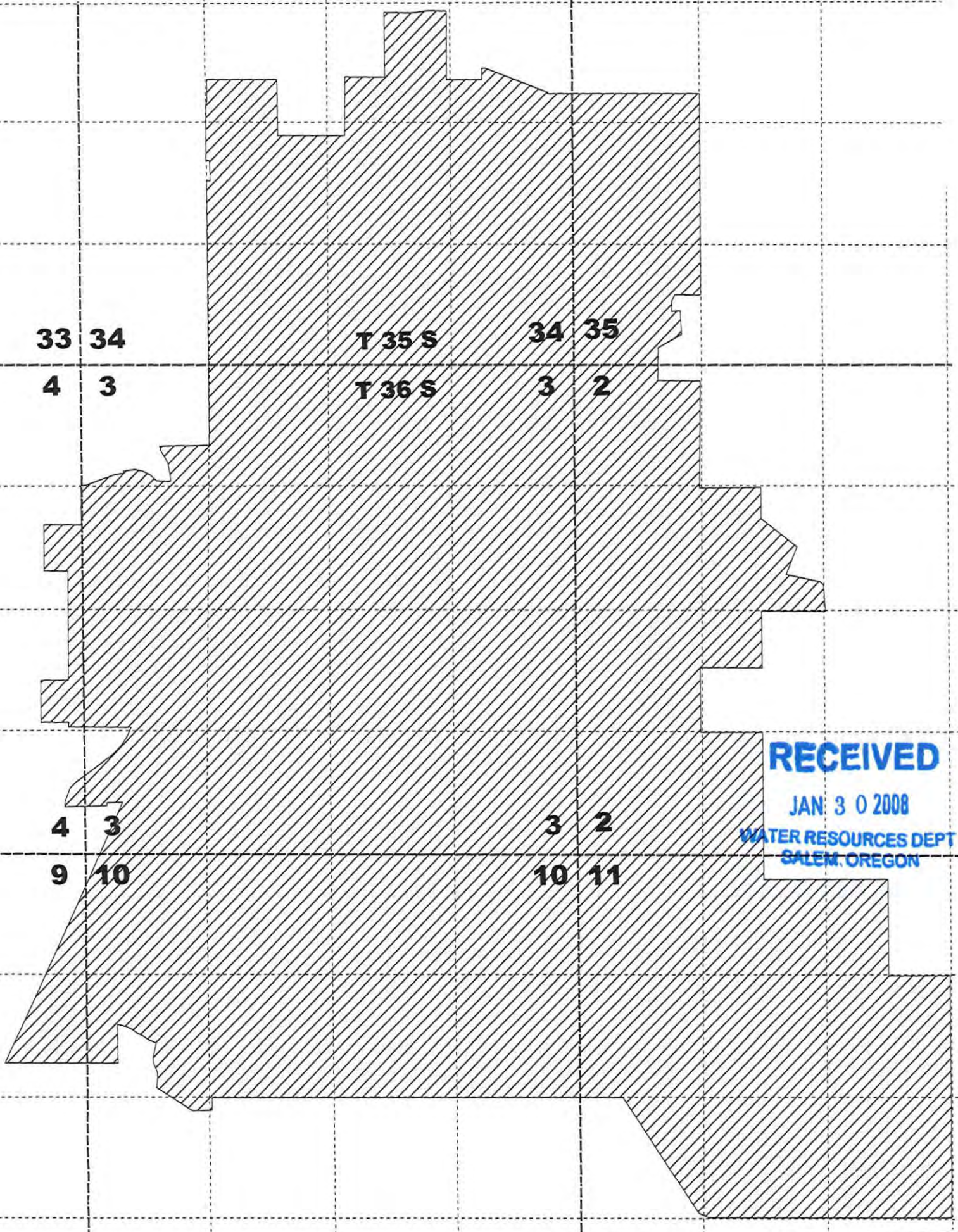
Farber & Sons, Inc.
431 Oak Street
Central Point, Oregon

Tax ID: 93-1057173

City of Eagle Point City Limits
Area of Municipal Water Right Coverage

T 10527

T 35 S, R 1 W, W.M. Sections 34 & 35
T 36 S, R 1 W, W.M. Sections 2, 3, 4, 9, 10 & 11
Map 3 of 3



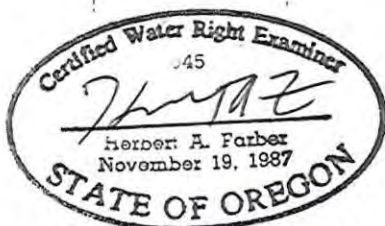
Legend

- Area of Municipal use
- Section line
- Quarter quarter line

N



Scale 1" = 1320'



RENEWAL DATE 12-31-07

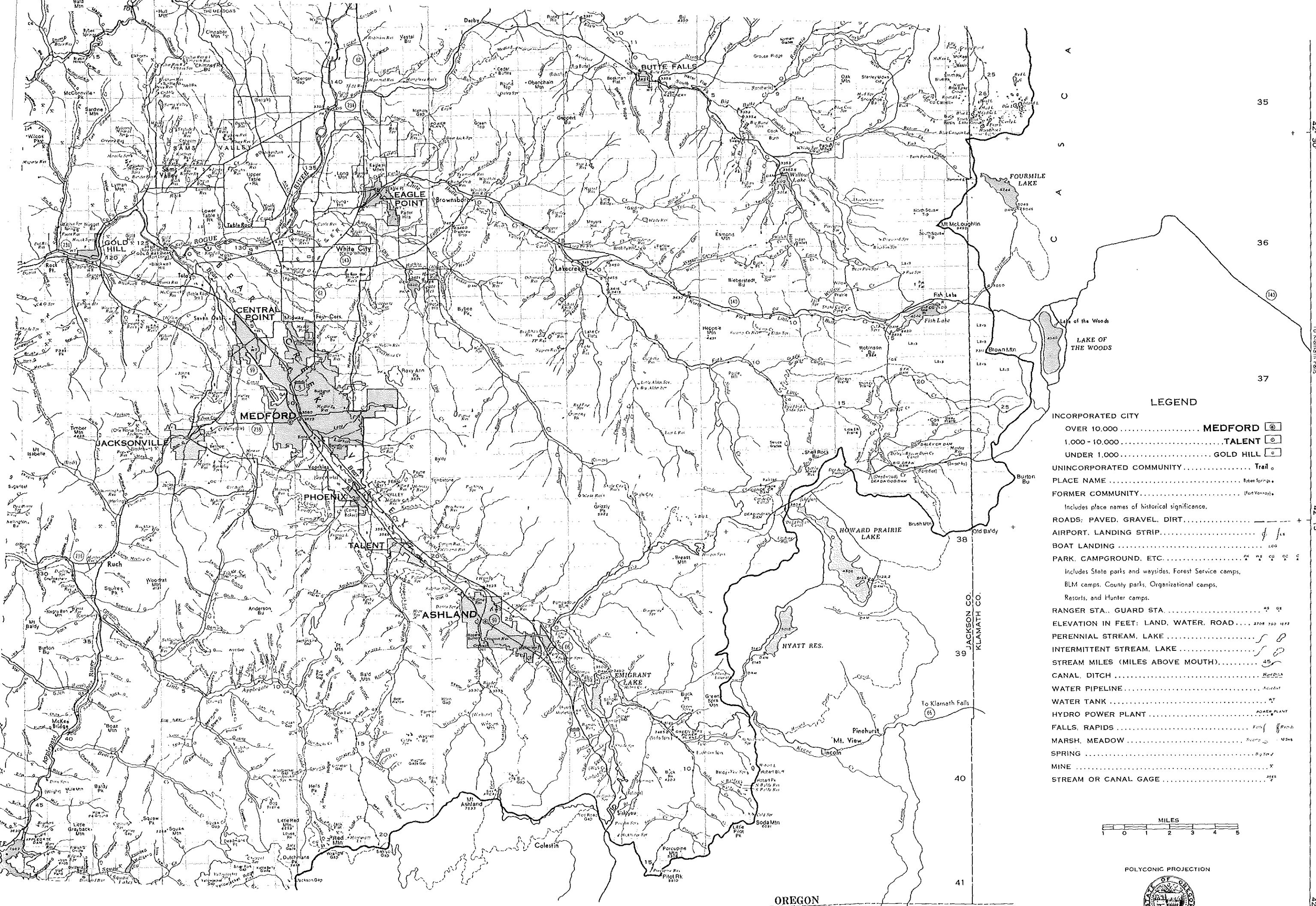
This map is for water right purposes only.
It is not to be used for property line location.



PO Box 5286
Central Point, Oregon 97502
Phone 541-664-5599
Fax 541-664-5603
Email hafarber@charter.net

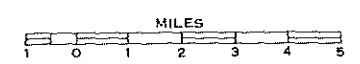
Farber & Sons, Inc.
431 Oak Street
Central Point, Oregon

Tax ID: 93-1057173



LEGEND

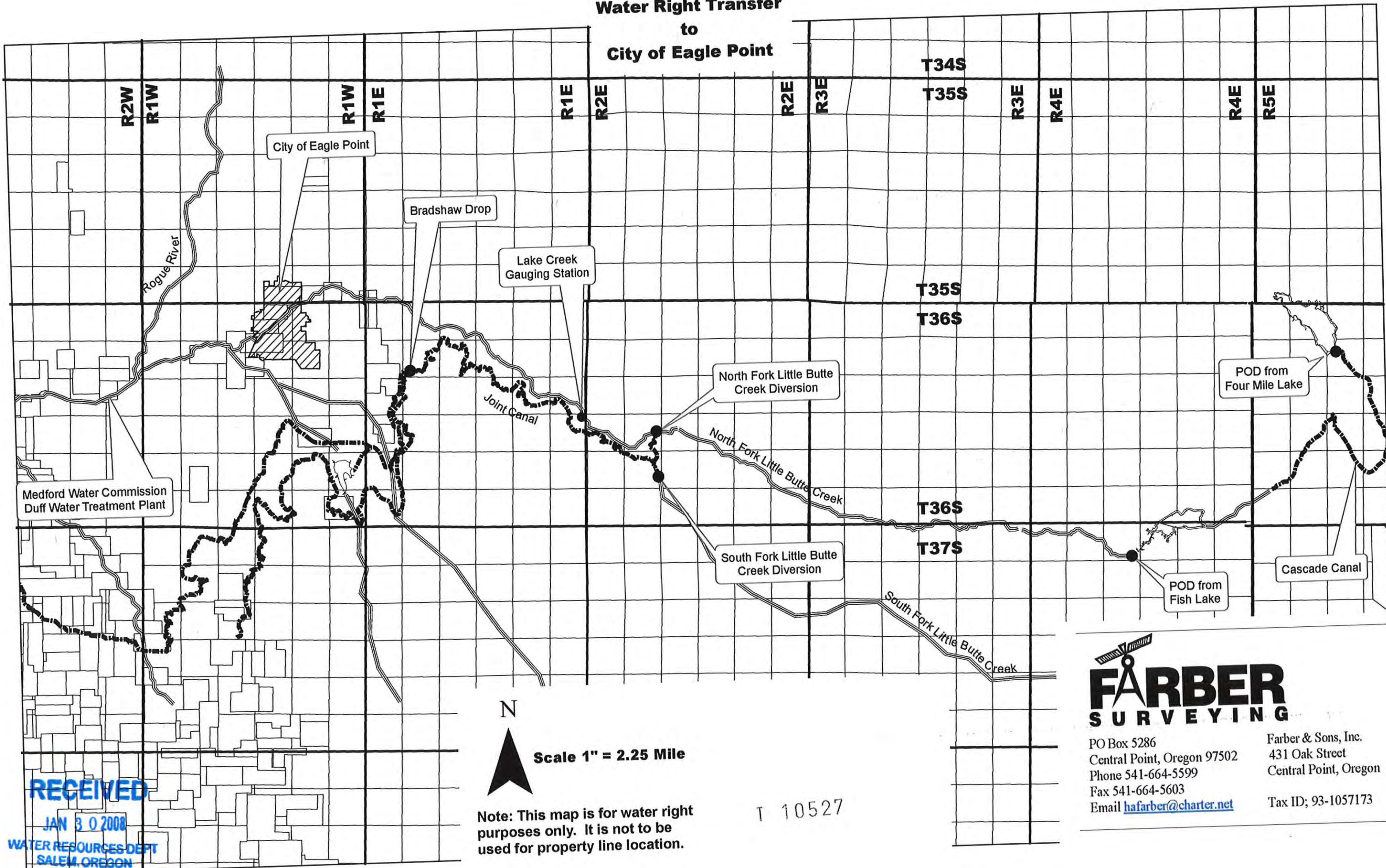
- INCORPORATED CITY
OVER 10,000 MEDFORD
1,000 - 10,000 TALENT
UNDER 1,000 GOLD HILL
UNINCORPORATED COMMUNITY
PLACE NAME
FORMER COMMUNITY
Includes place names of historical significance.
ROADS: PAVED, GRAVEL, DIRT
AIRPORT, LANDING STRIP
BOAT LANDING
PARK, CAMPGROUND, ETC.
Includes State parks and waysides, Forest Service camps,
BLM camps, County parks, Organizational camps,
Resorts, and Hunter camps.
RANGER STA., GUARD STA.
ELEVATION IN FEET: LAND, WATER, ROAD
PERENNIAL STREAM, LAKE
INTERMITTENT STREAM, LAKE
STREAM MILES (MILES ABOVE MOUTH)
CANAL, DITCH
WATER PIPELINE
WATER TANK
HYDRO POWER PLANT
FALLS, RAPIDS
MARSH, MEADOW
SPRING
MINE
STREAM OR CANAL GAGE



POLYCONIC PROJECTION



**Vacinity Map
Water Right Transfer
to
City of Eagle Point**

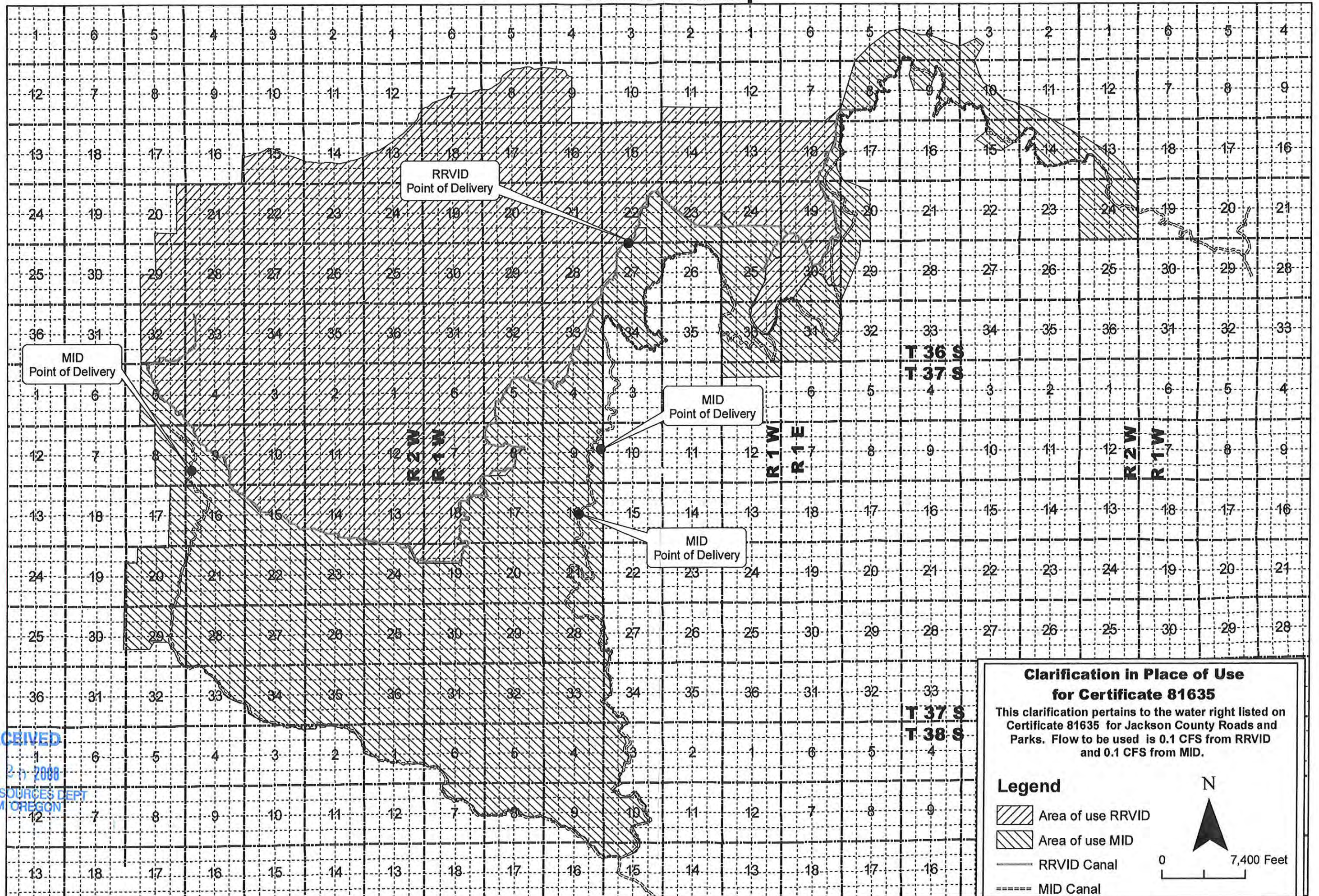


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Farber & Sons, Inc.
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Clarification Map



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