T-13483

Regular

RA

T-13483

Name Flowers of the Sun LLC
Attn: Christian Houde
Address 234 Browns Rd
Williams, OR 97544
manager@flowersofthesun.com

Change in POD
Date Filed 6-30-2020
Initial notice date 7-14-2020
DPD issued date
PD issued date 4/16/2021
PD notice date 4/16/2021
Date of FO 5/5/2021 Vol 120 Page 4107

C-Date 10/1/2027
COBU due date 10/01/2023
COBU Received date
Certificate issued 97061
97232

DESCRIPTION OF WATER RIGHT(s)

Name of Stream East Fork Williams Creek; West Fork Williams Creek
Trib. of Williams Creek

Use Irrigation County Josephine
Quantity of water (CFS) No. of Acres
Name of ditch

App#	Per #	Cert #	PR Date
S-46099	S-2772	3353	12/28/1915
Decree	V.4 pg. 1	16317	12/31/1878

FEES PAID

Date	Amount	Receipt #
6-30-2020	$1,680.00	132939
6-30-2020	$125.00	132931
7-24-2020	$1,597.99	133118
3-11-2021	$179.40	134734

FEES REFUNDED

Date	Amount	Receipt #

Assignments:

Irrigation District

Agent Rick Parsons - rick.parsons@parsonswater.com

CWRE
CC's list Josephine County

☐ - Oversized map – Location

Mailing List for Final Transfer Certificate(s)

Copies Mailed
by: KMWF
(STAFF)
on: SEP 01 2023
(DATE)

Transfer Application: T-13483

Certificate: 97232 (C-3353)

Certificate/Transfer Holder: (include copy of map)
CHRISTIAN HOUDE
PO BOX 159
WILLIAMS, OR 97544

Is the Transfer Holder(s) of record currently identified as a landowner of any tax lots involved as confirmed by the County records? **YES**

Copies of Proposed Transfer Certificate(s) to be sent to:

1. Vault
2. File

Other persons to receive copies: (include map):

5. RICK PARSONS, CWRE

Record Marking(s):
1. Original Application# S4699
2. Old Certificate# 3353

STATE OF OREGON

COUNTY OF JOSEPHINE

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

CHRISTIAN HOUDE
FLOWERS OF THE SUN, LLC
PO BOX 159
WILLIAMS, OR 97544

confirms the right to the use of water perfected under the terms of Permit S-2772. The amount of water used to which this right is entitled is limited to the amount used beneficially, and shall not exceed the amount specified, or its equivalent in the case of rotation, measured at the point of diversion from the source. The specific limits and conditions of the use are listed below.

SOURCE: EAST FORK WILLIAMS CREEK, A TRIBUTARY OF APPLEGATE RIVER

USE: IRRIGATION OF 12.62 ACRES

RATE: 0.07 CUBIC FOOT PER SECOND

PRIORITY DATE: DECEMBER 28, 1915

The point of diversion is located as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
38 S	5 W	WM	35	SW SW	FLOWERS PUMP - 850 FEET NORTH AND 450 FEET EAST FROM SW CORNER, SECTION 35

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

A description of the place of use is as follows:

Twp	Rng	Mer	Sec	Q-Q	Acres
38 S	5 W	WM	35	SW SW	12.62

The quantity of water diverted at the new point of diversion (Flowers Ditch), shall not exceed the quantity of water lawfully available at the original point of diversion (Eastside Ditch) described as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
39 S	5 W	WM	14	SE NW	EASTSIDE DITCH - 2400 FEET SOUTH AND 1900 FEET EAST FROM SW CORNER, SECTION 14

NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW

This is an order in other than a contested case. This order is subject to judicial review under ORS 183.482. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.482. Pursuant to ORS 183.482, ORS 536.075 and OAR 137-003-0675, you may petition for judicial review and 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.

Water measurement conditions:

a) The water user shall maintain the totalizing flow meter, or, another suitable measuring device as approved by the director, in good working order, at each new point of diversion, with the exception that water rights issued to the Bureau of Reclamation, or an irrigation district (or similar entity) are not subject to the condition.

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

The water user shall operate and maintain the fish screen at the new point of diversion consistent with Oregon Department of Fish and Wildlife's operational and maintenance standards.

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

Rights to the use of water for power purposes are limited to a period of forty years from the date of priority of the right, as herein set forth, subject to a preference right of renewal under the laws of existing at the date of the expiration of the right for power purposes, as herby confirmed and limited.

This certificate is issued to confirm a change in POINT OF DIVERSION approved by an order of the Water Resources Director entered May 5, 2021, at Special Order Volume 120, Page 467, approving Transfer Application T-13483, and together with Certificate 95257, supersedes Certificate 3353, State record of Water Right Certificates.

Issued SEP 0 1 2023.

Dwight French
Water Right Services Division Administrator, for
Douglas E. Woodcock, Acting Director
Oregon Water Resources Department

Mailing List for Proposed Transfer Certificate(s)

Copies Mailed
by: KMWF
(STAFF)
on: APR 2 8 2023
(DATE)

Transfer Application: T-13483

Certificate: ***** **(C-3353)**

Certificate/Transfer Holder: (include copy of map)
CHRISTIAN HOUDE
PO BOX 159
WILLIAMS, OR 97544

Is the Transfer Holder(s) of record currently identified as a landowner of any tax lots involved as confirmed by the County records? **YES**

Copies of Proposed Transfer Certificate(s) to be sent to:

1. Watermaster District #: 14
2. File

Other persons to receive copies: (include map):

5. RICK PARSONS, CWRE

Record Marking(s):
1. Original Application# S4699
2. Old Certificate# 3353

Tracking Sheet 29

Oregon
Kate Brown, Governor

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

DATE MAILED: APR 2 8 2023

NOTICE

PROPOSED

Reference: Transfer Application T-13483

Enclosed is a proposed certificate of water right and map. The proposed certificate represents the extent water was used within the terms of an order approving the transfer based upon a Claim of Beneficial Use, prepared by a Certified Water Right Examiner, that either you or a previous transfer holder submitted.

The certificate is the final step in the water right process. The Department encourages you to review this proposal. If you do not agree with the proposed certificate, Oregon Administrative Rule 690-330-010 (2) allows the transferee or landowner 60 days from the mailing date of this notice to request the Department to reconsider the contents of the proposed certificate.

If you do not agree with the proposed certificate, Oregon Administrative Rule 690-380-6040 allows the transferee or landowner 60 days from the mailing date of this notice to request the Department to reconsider the contents of the proposed certificate.

If your name is not listed on the proposed certificate, and you are the current landowner, and would like to have the final certificate issued in your name, you may apply through the Department to have the transfer assigned to you. If you have any questions about the assignment process, please contact Mary Bjork at 503-979-9895.

If you agree with the proposed certificate and map no response to this notice is required. Sometime after the 60 day period, a recommendation will be made to the Director to issue a certificate, and if the Director signs the certificate, the recorded certificate of water right will be mailed to you.

If you have any questions please contact Jonnine Skaug at 503-979-9103.

Sincerely,

Dwight French
Administrator
Water Rights Section

STATE OF OREGON

COUNTY OF JOSEPHINE

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

CHRISTIAN HOUDE
FLOWERS OF THE SUN, LLC
PO BOX 159
WILLIAMS, OR 97544

confirms the right to the use of water perfected under the terms of Permit S-2772. The amount of water used to which this right is entitled is limited to the amount used beneficially, and shall not exceed the amount specified, or its equivalent in the case of rotation, measured at the point of diversion from the source. The specific limits and conditions of the use are listed below.

SOURCE: EAST FORK WILLIAMS CREEK, A TRIBUTARY OF APPLEGATE RIVER

USE: IRRIGATION OF 12.62 ACRES

RATE: 0.07 CUBIC FOOT PER SECOND

PRIORITY DATE: DECEMBER 28, 1915

The point of diversion is located as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
38 S	5 W	WM	35	SW SW	FLOWERS PUMP - 850 FEET NORTH AND 450 FEET EAST FROM SW CORNER, SECTION 35

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

A description of the place of use is as follows:

Twp	Rng	Mer	Sec	Q-Q	Acres
38 S	5 W	WM	35	SW SW	12.62

The quantity of water diverted at the new point of diversion (Flowers Ditch), shall not exceed the quantity of water lawfully available at the original point of diversion (Eastside Ditch) described as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
39 S	5 W	WM	14	SE NW	EASTSIDE DITCH - 2400 FEET SOUTH AND 1900 FEET EAST FROM SW CORNER, SECTION 14

NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW

This is an order in other than a contested case. This order is subject to judicial review under ORS 183.482. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.482. Pursuant to ORS 183.482, ORS 536.075 and OAR 137-003-0675, you may petition for judicial review and 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.

PROPOSED

PROPOSED

Water measurement conditions:

a) The water user shall maintain the totalizing flow meter, or, another suitable measuring device as approved by the director, in good working order, at each new point of diversion, with the exception that water rights issued to the Bureau of Reclamation, or an irrigation district (or similar entity) are not subject to the condition.

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

The water user shall operate and maintain the fish screen at the new point of diversion consistent with Oregon Department of Fish and Wildlife's operational and maintenance standards.

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

Rights to the use of water for power purposes are limited to a period of forty years from the date of priority of the right, as herein set forth, subject to a preference right of renewal under the laws of existing at the date of the expiration of the right for power purposes, as herby confirmed and limited.

This certificate is issued to confirm a change in POINT OF DIVERSION approved by an order of the Water Resources Director entered May 5, 2021, at Special Order Volume 120, Page 467, approving Transfer Application T-13483, and together with Certificate 95257, supersedes Certificate 3353, State record of Water Right Certificates.

Issued _____

PROPOSED

Dwight French
Water Right Services Division Administrator, for
Douglas F. Woodcock, Acting Director
Oregon Water Resources Department

PROPOSED

Certificate ****

Mailing List for Final Transfer Certificate(s)

Copies Mailed
by: KMWF
(STAFF)
on: MAY 12 2023
(DATE)

Transfer Application: T-13483

Certificate: 97061 (C-16317)

Certificate/Transfer Holder: (include copy of map)
CHRISTIAN HOUDE
FLOWERS OF THE SUN LLC
PO BOX 159
WILLIAMS, OR 97544

Is the Transfer Holder(s) of record currently identified as a landowner of any tax lots involved as confirmed by the County records? **YES**

Copies of Final Transfer Certificate(s) to be sent to:

1. Watermaster District #: 14
2. Water Availability
3. Vault
4. File

Other persons to receive copies: (include map):

5. RICK PARSONS, CWRE

Record Marking(s):
Original Application# DECREE: ROGUE RIVER FINAL DECREE
Original certificate# 16317

STATE OF OREGON

COUNTY OF JOSEPHINE

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

CHRISTIAN HOUDE
FLOWERS OF THE SUN, LLC
PO BOX 159
WILLIAMS, OR 97544

confirms the right to the use of waters as limited and conditioned below. The amount of water used to which this right is entitled is limited to the amount used beneficially, and shall not exceed the amount specified, or its equivalent in the case of rotation, measured at the point of diversion from the source.

This right was confirmed by decree of the Circuit Court of the State of Oregon for Jackson County. The decree is of record at Salem, in the Order Record of the Water Resources Director in Volume 4, at Page 1.

SOURCE: EAST AND WEST FORKS WILLIAMS CREEK

USE: IRRIGATION OF 0.8 ACRE

RATE: 0.02 CUBIC FOOT PER SECOND

PRIORITY DATE: 1878

The point of diversion is located as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
38 S	5 W	WM	35	SW SW	FLOWERS PUMP - 850 FEET NORTH AND 450 FEET EAST FROM SW CORNER, SECTION 35

A description of the place of use is as follows:

Twp	Rng	Mer	Sec	Q-Q	Acres
38 S	5 W	WM	35	SW SW	0.8

The quantity of water diverted at the new point of diversion (Flowers pump), shall not exceed the quantity of water lawfully available at the original point of diversion (Caldwell Ditch East and West Fork described as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
39S	5 W	WM	3	NE NE	CALDWELL DITCH WEST FORK - 940 FEET SOUTH AND 1330 FEET WEST FROM NE CORNER, SECTION 3
39S	5W	WM	3	NE NE	CALDWELL DITCH EAST FORK – 800 FEET SOUTH AND 1185 FEET WEST FROM NE CORNER, SECTION 3

NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW

This is an order in other than a contested case. This order is subject to judicial review under ORS 183.482. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.482. Pursuant to ORS 183.482, ORS 536.075 and OAR 137-003-0675, you may petition for judicial review and 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.

Water measurement conditions:

a) The water user shall maintain the totalizing flow meter, or, another suitable measuring device, as approved by the Director, in good working order at each new point of diversion, with the exception that water rights issued to the Bureau of Reclamation, or an irrigation district (or similar entity) are not subject to the condition.

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

The water user shall operate and maintain the fish screen at the new point of diversion consistent with Oregon Department of Fish and Wildlife's operational and maintenance standards

The right to use of the water for irrigation purposes is restricted to the lands or place of use described and is subject to all other conditions and limitations contained in the decree.

Said right shall be subject to all other conditions and limitations contained in said decree.

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

This certificate is issued to confirm a change in POINT OF DIVERSION approved by an order of the Water Resources Director entered May 5, 2021, at Special Order Volume 120, Page 467, approving Transfer Application T-13483, and together with Certificate 95258, supersedes Certificate T-16317, State record of Water Right Certificates.

Issued MAY 1 2 2023.

Dwight French
Water Right Services Division Administrator, for
Douglas E. Woodcock, Acting Director
Oregon Water Resources Department

TRANSFER

Memo- Proof to Satisfaction

Transfer App # T-13483	
WRD Reviewer (CW) Brecke EC	Date: March 2023
WRD Peer Reviewer (PR) J Skaug	Date: April 2023

ORIGINAL CERT:	CHANGE REQUESTED:					RR Cert:
2993	☐ POU	☑ POD/POA	☐ APOD/APOA	☐ USE		95257
16317	☐ POU	☑ POD/POA	☐ APOD/APOA	☐ USE		95252
	☐ POU	☐ POD/POA	☐ APOD/APOA	☐ USE		
	☐ POU	☐ POD/POA	☐ APOD/APOA	☐ USE		

PREPARATION:

CW	PR	RESEARCH:			
☑	☒	☑ CBU Report/Map	☑ Transfer Order Ord 120 Vol 46 Issued Date 5/5/21	☐ Assignment ☑ n/a	☐ Transfer Extension ☑ n/a
		Electronic Folder:			
☑	☐	☑ Create CBU folder	☑ Create Work Packet Folder		
☑	☐	**SCAN:** Above documents into "CBU Folder"			
☑	☐	**SAVE:** other documents in "Work Packet Folder"			
		☑ Certificate(s)	☑ Transfer App Maps (To/From)	☐	
		☑ OrMap Tax Lot Map	☑ Ownership Report	☐ BLM Cadastral Survey	☐ GW Logs
		☐ GW Conditions ☐ n/a	☐ Mitigation ☐ n/a	☐ POU Report (conflict) [POU ONLY] ☐ n/a	☐ Others: ☒ n/a
☐	☒	**SEARCH:**			
		☑ Interactive Mapper	☐ AOI ☑ n/a	☑ Map and TaxLot ID 3205350000070	☐ Receiving LO: ☐ n/a
		Research Comments: Confirm ODFW approval (satisfied)		New Landowner:	

REVIEW OF CLAIM:

ORDER REQ/D	CERTIFICATE REQ'D	COMPLIED YES/NO	CONDITIONS:	NOTES:
☑ Y ☐ N/A	☐ Y ☐ N/A	☑ Y ☐ N	Fish Condition	May 2021 (satisfied)
☑ Y ☐ N/A	☐ Y ☐ N/A	☑ Y ☐ N	Meter/Measuring Device	- May 2021
☐ Y ☐ N/A	☐ Y ☐ N/A	☐ Y ☐ N	Water Use Reporting	
☐ Y ☐ N/A	☐ Y ☐ N/A	☐ Y ☐ N	SWL (Month)	
☐ Y ☐ N/A	☐ Y ☐ N/A	☐ Y ☐ N	Dedicated MMS tube	
☐ Y ☐ N/A	☐ Y ☐ N/A	☐ Y ☐ N	Well Id	
☐ Y ☐ N/A	☐ Y ☐ N/A	☐ Y ☐ N	Other:	
☑ Y ☐ N/A	☐ Y ☐ N/A	☐ Y ☐ N	C-date: Oct. 1, 2022	EXT C-Date: May 2021- completed

REVIEW OF MAP: (Only the changes approved)

CW	PR		Notes:
☐	☑	Verify POA/POD Location (New Only)	
☐	☐	Verify POU (New only)	
☐	☐	POU clearly identified by Use Type/Certificate	
☐	☑	DLC/GOV'T LOT	
		☐ Original Cert Map for *unchanged* POU/POD/POA (Attached for Peer Reviewer/Data)	☐ Note Maps for Reference

POD/POA/APOD/POA ONLY: RUN CAPACITY CALCULATOR AND SAVE CALCS TO APPLICATION FOLDER:

POD/POA-NEW/ADD'T	AUTHORIZED RATE	CLAIM RATE	CALCULATED RATE	NOTES:
Flowers pump	0.18 (81 gpm)	0.07	0.68 cfs (30.7 gpm)	

DETERMINATION:

CW	PR	DOCUMENT	NOTES:
☐	☐	LETTER FOR CLARIFICATION	
☐	☐	DRAFT (PLEASE EXPLAIN)	
☐	☐	PROPOSED	
☐	☐	FINAL	
☐	☐	PROPOSED ORDER TO CANCEL	

FINAL CHECKS: Review your document; BEFORE printing proposed for Support

CW	PR	DID YOU CHECK?	NOTES:
☐	☐	DATA REVIEW	
		☐ POA/POD/DAM TABLES/DESCRIPTIONS	☐ PLACE OF USE TABLES, INCLUDING ACRES FOR GOV'T LOTS/DLC
☐	☐	SPELL CHECK DOC	
☐	☐	MAPS: Identified for Reference	
☐		CERT NUMBER ISSUED:	
		Original Cert # App	New Cert #
		Original Cert # App	New Cert #
		Original Cert # App	New Cert #
		Original Cert # App	New Cert #

EXTRAS: BEFORE Printing your Final Certificate

CW	PR	DID YOU CHECK?	NOTES:
☐	☐	DATA REVIEW COMMENTS UPDATED	
☐	☐	SPELL CHECKED DOC	

CASEWORKER REVIEW COMMENTS:

PEER REVIEWER COMMENTS:

CLAIM OF BENEFICIAL USE for Transfer New or Additional POD Only

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

RECEIVED
NOV 05 2021
OWRD

A fee of $230 must accompany this form for any Transfer final orders including a water right with a priority date of July 9, 1987, or later.

Example – A transfer involves 5 rights and one of the rights has a priority date of July 9, 1987, or later, the fee is required.

A separate form shall be completed for each transfer.

This form is subject to revision. **Begin each new claim** by checking for a new version of this form at: https://www.oregon.gov/OWRD/Forms/Pages/default.aspx
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.

"Section 8" of this form is intended to aid in the completion of this form and should not be submitted.

A claim of beneficial use includes both this report and a map. If the map is being mailed separately from this form, please include a note with this form indicating such.

If you have questions regarding the completion of this form, please call 503-979-9103.

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:
https://www.oregon.gov/OWRD/programs/WaterRights/RA/Pages/default.aspx

SECTION 1

GENERAL INFORMATION

Type of Authorized Change

This Claim is being submitted for a transfer where the only authorized change was a change in either point(s) of diversion or additional point(s) of diversion, or a combination of both. (YES) NO
If additional changes were authorized, you will need to select a different form.

1. File Information

APPLICATION #
T-13483

2. Property Owner (current owner information)

Applicant/Business Name	Phone No.	Additional Contact No.
Flowers of the Sun, LLC	**530.575.0598**	**Christian Houde**

Address			
234 Browns Road			
City	State	Zip	E-Mail
Williams	**OR**	**97501**	**manager@flowersofthesun.com**

If the current property owner is not the transfer holder of record, it is recommended that an assignment be filed with the Department. ***Each*** *transfer holder of record must sign this form.*

3. Transfer holder of record (this may, or may not, be the current property owner)

Transfer Holder of Record		
Same as above		
Address		
City	State	Zip

4. Date of Site Inspection:

September 22, 2021

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

Name	Date	Association with the Project
Christian Houde	**9/22/2021**	**Manager**

6. County:

Josephine

7. If any property described in the place of use of the transfer final order is excluded from this report, identify the owner of record for that property (ORS 537.230(5)):

Owner of Record		
NA		
Address		
City	State	Zip

Add additional tables for owners of record as needed

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NOV 05 2021
OWRD

RECEIVED
NOV 05 2021
OWRD

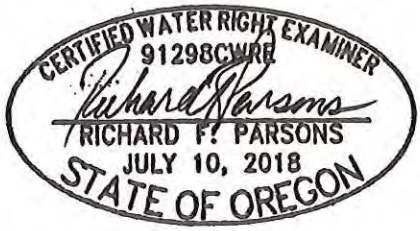
SECTION 2

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.

Seal and Signature



CWRE NAME		PHONE NO.	ADDITIONAL CONTACT NO.
Rick Parsons		303.667.5067	
ADDRESS 1619 Minear Rd			
CITY Medford	STATE OR	ZIP 97501	E-MAIL rick.parsons@parsonswater.com

Transfer Holder of Record Signature or Acknowledgement

Each *transfer holder of record must sign this form in the space provided below.*

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	TITLE	DATE
	Christian Houde	Manager	9/22/2021

RECEIVED
NOV 05 2021
OWRD

SECTION 3

CLAIM DESCRIPTION

Note: The Claim only needs to describe the new or additional point(s) of diversion. This Claim does not need to provide information for the original point(s) of diversion unless the original point of diversion is either a new or additional point of diversion on another right involved in this transfer.

1. New or additional point of diversion name or number:

POINT OF DIVERSION (POD) NAME OR NUMBER (CORRESPOND TO MAP)	SOURCE
Flowers Pump	**Williams Creek**

2. Variations:

Was the use developed differently from what was authorized by the transfer final order, or extension final? If yes, describe below. YES (NO)

(e.g. *"The order allowed three new/additional points of diversion. The water user only developed one of the points."*)

3. Claim Summary:

NEW OR ADDITIONAL POD NAME OR #	MAXIMUM RATE AUTHORIZED IN ORDER	CALCULATED THEORETICAL RATE BASED ON SYSTEM	AMOUNT OF WATER MEASURED
Flowers Pump	**0.18 cfs (81 gpm)**	**30.7 gpm**	**27 gpm**

RECEIVED
NOV 05 2021
OWRD

SECTION 4

SYSTEM DESCRIPTION

Are there multiple new or additional Points of Diversion (POD)s? YES (NO)

A. POD System Information

Provide the following information concerning the point of diversion. Information provided must describe the equipment used to appropriate water from the point of diversion.

1. Pump Information

MANUFACTURER	MODEL	SERIAL NUMBER	TYPE (CENTRIFUGAL, TURBINE OR SUBMERSIBLE)	INTAKE SIZE	DISCHARGE SIZE
Pentair / Berkeley	**Sta-Rite HS Series**	**Inaccessible – pump installed in creek in sealed 6" PVC pipe**	**Submersible**	**10.25" self-cleaning fish screen**	**2"**

2. Motor Information

MANUFACTURER	HORSEPOWER
Pentair / Berkeley	**1 Hp**

3. Theoretical Pump Capacity

HORSEPOWER	OPERATING PSI	LIFT FROM SOURCE TO PUMP	LIFT FROM PUMP TO PLACE OF USE	TOTAL PUMP OUTPUT (IN CFS)
1	**19.7**	**3 ft**	**50 ft**	**0.07**

4. Provide pump calculations:

19.7 psi = 53 feet divided by 2.54 feet of head per psi equals 20.8661 psi operating pressure

1 Hp times 7.04 ft^4/sec/Hp divided by 103 ft total head equals 0.0683 cfs (~30.7 gpm)

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 (IN CFS)
146,700 gallons	**146,970 gallons**	**10 min**	**27 gpm**

Reminder: For pump calculations use the reference information at the end of this document.

B. Gravity Flow Pipe

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

1. Does the diversion involve a gravity flow pipe? YES (NO)

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C. Gravity Flow Canal or Ditch

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

1. Does the diversion involve a gravity flow ditch or canal? YES (NO)

D. Additional notes or comments related to the system:

System infrastructure capable of pumping 30 gpm (0.07 cfs), which is sufficient to meet 0.02 cfs of C-16317 changed water right (1878 priority) and 0.05 cfs of C-3353 changed water (1915 priority)

SECTION 5

CONDITIONS

All conditions contained in the 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:

Describe how the water user has complied with each of the development timelines established in the transfer final order and any extensions of time issued for the transfer:

	DATE FROM TRANSFER	DATE THE NEW AND/OR ADDITIONAL POD(S) WERE READY FOR USE *THIS DATE MUST FALL BETWEEN THE "ISSUANCE DATE" AND THE "COMPLETENESS DATE"
ISSUANCE DATE	**May 5, 2021**	
COMPLETENESS DATE FROM ORDER (C)	**October 21, 2022**	**May 2021**

* MUST BE WITHIN PERIOD BETWEEN TRANSFER FINAL ORDER, OR ANY EXTENSION FINAL ORDER ISSUANCE AND THE DATE TO COMPLETE THE CHANGE

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

3. Measurement Conditions:

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

If "NO", items b through f 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.

b. Has a meter been installed? (YES) NO

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c. Meter Information

POD Name or #	Manufacturer	Serial #	Condition (working or not)	Current Meter Reading	Date Installed
Flower Pump	**Master Meter**	**20009276**	**Working**	**146,970 gallons**	**May 2021**
				as of 9/22/2021	

If a meter has been installed, items d through f relating to this section may be deleted.

4. Recording and reporting conditions

a. Is the water user required to report the water use to the Department? YES (NO)

5. 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 b through e 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
May 2021	**Quinns Well Pump and Filtration Service**

Reminder: If the permit or transfer final order was issued on or after February 1, 2011, the fish screen is required to be approved by the Oregon Department of Fish and Wildlife regardless of the rate of diversion.

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) and the permit was issued prior to February 1, 2011:

- Has the self-certification form previously been submitted to the Department? (NA) YES NO

If not, go to https://www.oregon.gov/OWRD/Forms/Pages/default.aspx, complete and attach a copy of the 'ODFW Small Pump Screen Self Certification' form to this claim, and send a copy of it to the Oregon Department of Fish and Wildlife (ODFW).

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? (NA) YES NO

If not, contact and work with ODFW to ensure compliance. To demonstrate compliance, provide signed documentation from ODFW. A form is available at: https://www.oregon.gov/OWRD/Forms/Pages/default.aspx

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.

6. 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)

7. Other conditions required by the transfer final order or extension final order:

a. Was the water user required to restore the riparian area if it was disturbed? YES (NO)

b. Was a fishway required? YES (NO)

c. 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 6

ATTACHMENTS

Provide a list of any additional documents you are attaching to this report:

ATTACHMENT NAME	DESCRIPTION
ODFW Fish Screen letter	**ODFW fish screen approval**

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 polyester 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.

For the purpose of this Claim, the map identifying the location of the place of use does not require a new survey. The location of the place of use identified on the Claim map should be based on the original right of record at the time the transfer final order was issued. In transfers approved for additional points of diversion, the original points must be identified the map based on the original right of record at the time the transfer final order was issued.

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

WATER RIGHT CLAIM OF BENEFICIAL USE MAP

T-13483

FLOWERS OF THE SUN LLC
234 BROWNS ROAD
WILLIAMS, OR 97544

SITUATED IN SECTION 35 T38S R5W, W.M.
JOSEPHINE COUNTY OREGON

LEGEND

- FLOWERS PUMP – POINT OF DIVERSION and FISH SCREEN
  850' NORTH AND 450' EAST OF SOUTHWEST CORNER OF SECTION 35
- FLOWERS PUMP METER
  ~215' SOUTHEAST OF FLOWERS PUMP
  665' NORTH AND 555' EAST OF SOUTHWEST CORNER OF SECTION 35

T-13483 PLACE OF USE IN SW SW SECTION 35

- C-16317 – 0.8 ACRES
- C-3353 – 12.62 ACRES

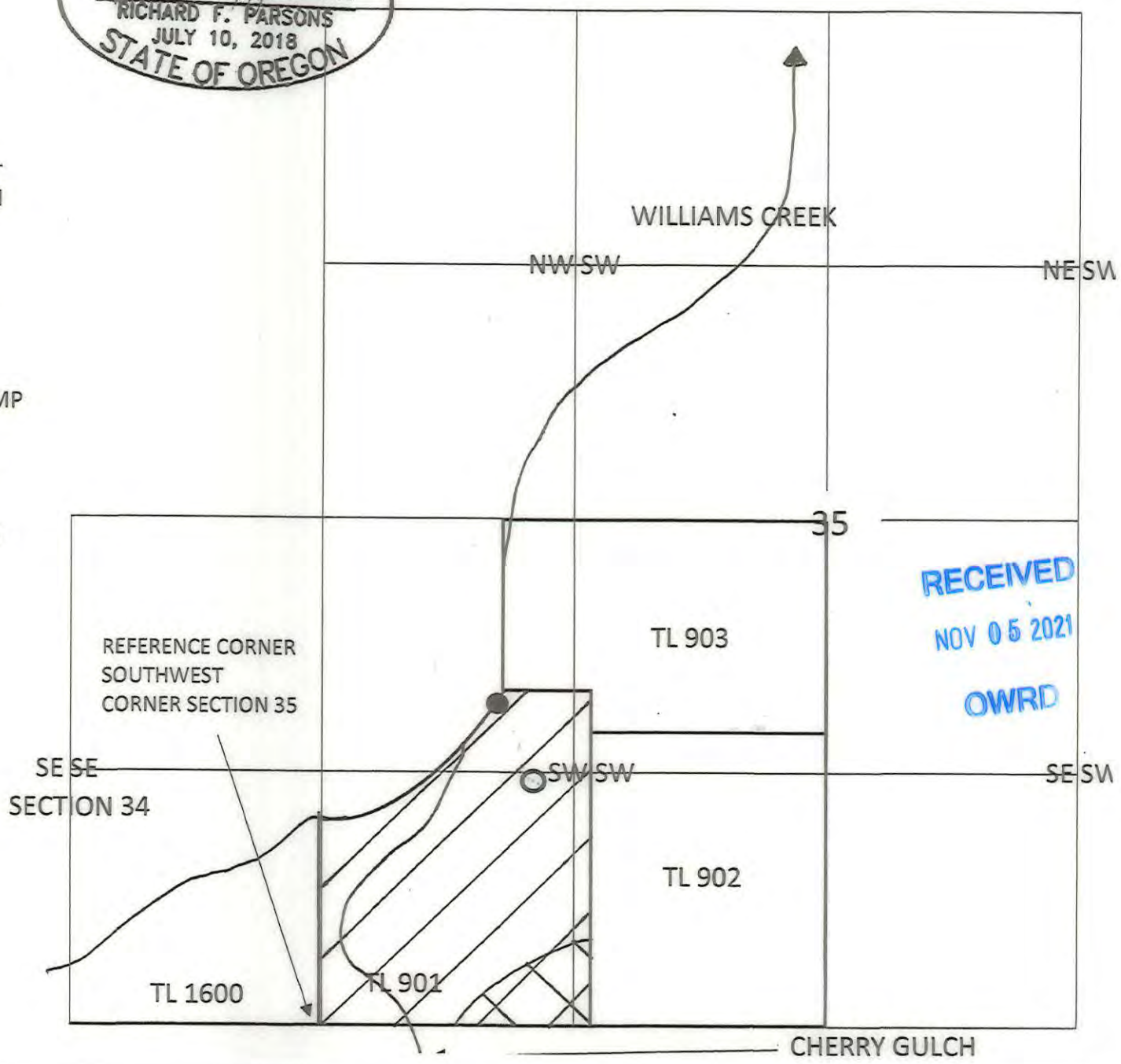
N

0 200' 400'
SCALE: 1" = 400'

This map is not intended to provide legal dimensions or locations of property ownership lines

ParsonsWater Consulting LLC
rick.parsons@parsonwater.com
541.499.0257 303.667.5067

CERTIFIED WATER RIGHT EXAMINER
91298CWRE
Richard Parsons
RICHARD F. PARSONS
JULY 10, 2018
STATE OF OREGON



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basis of the survey is an aerial photo, provide the source, date, series and the aerial photo identification number.

Site visit included GPS recording supported by video survey and confirmation on USGS mapping and available surveys

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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 and/or fish by-pass devices in relationship to point of diversion
- ☐ Locations of meters and/or measuring devices in relationship to point of diversion or appropriation
- ☐ Conveyance structures illustrated (pumps, reservoirs, pipelines, ditches, etc.) ***Not required for this type of Claim of Beneficial Use**
- ☐ 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

Oregon
Kate Brown, Governor

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

November 19, 2021

Flowers of the Sun LLC
234 Browns Road
Williams OR 97501

On November 5, 2021, the Water Resources Department received the Claim of Beneficial Use (COBU) for the following Transfer(s):

T-13483

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:

https://www.oregon.gov/OWRD/programs/WaterRights/RA/Pages/Certificate.aspx

For all other questions please call our Customer Service phone: (503) 986-0900.

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

cc: file T-13483
Rick Parsons, CWRE

Oregon
Kate Brown, Governor

Department of Fish and Wildlife
Rogue Watershed District Office
1495 E Gregory Rd
Central Point, OR 97502-9430
(541) 826-8774
Fax: (541) 826-8776
www.myodfw.com

October 14, 2021

Christian Houde
Flowers of the Sun, LLC
234 Browns Rd.
Williams, OR 97544

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Dear Christian,

Regarding OWRD water right transfer T-13483, ODFW is satisfied that the requirement for fish screening at the new point of diversion has been met. Thank you.

Sincerely,

Rich Kilbane
SW Field Coordinator
Fish Screening and Passage Program

(541) 857-2421

Cc: Rick Parsons, CWRE

Oregon
Kate Brown, Governor

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

May 5, 2021

CHRISTIAN HOUDE
FLOWERS OF THE SUN LLC
234 BROWNS RD
WILLIAMS, OR 97544

REFERENCE: Transfer Application T-13483

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

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

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

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

If you have any questions related to the approval of this transfer, you may contact your caseworker, Tamera Smith, by telephone at (503) 986-0886 or by e-mail at Tamera.L.Smith@oregon.gov.

Sincerely,

Julie Baustian

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

cc: Scott C. Ceciliani, Watermaster Dist. #14 (via email)
Josephine County Planning Division
Richard F. Parsons, Agent

Enclosure

BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON

In the Matter of Transfer Application T-13483, Josephine County	))	FINAL ORDER APPROVING CHANGES IN POINTS OF DIVERSION

Authority

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

Applicant

CHRISTIAN HOUDE
FLOWERS OF THE SUN, LLC
234 BROWNS RD
WILLIAMS, OR 97544

Findings of Fact

1. On June 30, 2020, CHRISTIAN HOUDE, FLOWERS OF THE SUN, LLC filed an application to change the points of diversion under Certificates 3353 and 16317. The Department assigned the application number T-13483.

2. Notice of the application for transfer was published on July 14, 2020, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.

3. On November 3, 2020, the Department requested a field investigation be conducted to locate the Caldwell Ditch diversion point on East Fork Williams Creek and the point where water was diverted from West Fork Williams Creek into the Caldwell Ditch.

4. On November 10, 2020, the applicant's agent provided information including Lidar and aerial photographs showing the measured distances of the original points of diversion for Certificate 16317.

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.

5. On November 16, 2020, the watermaster provided a new watermaster review in light of the documentation received from the agent defining the location of the original points of diversion for Certificate 16317.

6. On January 30, 2021, the Department mailed a copy of the draft Preliminary Determination proposing to approve Transfer Application T-13483 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of March 1, 2021, for the applicant to respond. The applicant requested that the Department proceed with issuance of a Preliminary Determination and provided the necessary information to demonstrate that the applicant is authorized to pursue the transfer.

7. On April 1, 2021, the Department issued a Preliminary Determination proposing to approve Transfer T-13483 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 April 6, 2021, and in the Grant's Pass Daily Courier newspaper on April 6 and 13, 2021 pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notice.

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

Certificate: 3353 in the name of JOHN VAN ZANT; C/O M.L. OPDYCKE (perfected under Permit S-2772)
Use: IRRIGATION of 12.62 ACRES
Priority Date: DECEMBER 28, 1915
Rate: 0.16 CUBIC FOOT PER SECOND
Source: EAST FORK WILLIAMS CREEK, tributary of APPLEGATE RIVER

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
38 S	5 W	WM	35	SW SW	12.62

9. Certificate 3353 does not describe the measured distance of the point of diversion, however information is available from the applicant, indicating that the point of diversion is located as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
39 S	5 W	WM	14	SE NW	EASTSIDE DITCH – 2400 FEET SOUTH AND 1900 FEET EAST FROM THE NW CORNER OF SECTION 14

10. Transfer Application T-13483 proposes to move the authorized point of diversion downstream approximately 3.38 miles (mi.) to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
38 S	5 W	WM	35	SW SW	FLOWERS PUMP – 800 FEET NORTH AND 430 FEET EAST FROM THE SW CORNER OF SECTION 35

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

Certificate: 16317 in the name of C.E. ROSE (confirmed by Rogue River Final Decree, Volume 4, Page 1)
Use: IRRIGATION of 0.8 ACRE
Priority Date: 1878
Rate: 0.02 CUBIC FOOT PER SECOND
Source: EAST AND WEST FORKS OF WILLIAMS CREEK

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
38 S	5 W	WM	35	SW SW	0.8

12. Certificate 16317 does not describe the measured distance of the points of diversion, however information is available from the applicant's agent, indicating that the points of diversion are located as follows:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Measured Distance
39 S	5 W	WM	3	NE NE	CALDWELL DITCH WEST FORK – 940 FEET SOUTH AND 1330 FEET WEST FROM THE NE CORNER OF SECTION 3
39 S	5 W	WM	3	NE NE	CALDWELL DITCH EAST FORK – 800 FEET SOUTH AND 1185 FEET WEST FROM THE NE CORNER OF SECTION 3

13. Transfer Application T-13483 proposes to move the authorized point of diversion downstream approximately 3.38 miles (mi.) to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
38 S	5 W	WM	35	SW SW	FLOWERS PUMP – 800 FEET NORTH AND 430 FEET EAST FROM THE SW CORNER OF SECTION 35

12. The Oregon Department of Fish and Wildlife (ODFW) has determined that a fish screen is necessary at the new point of diversion to prevent fish from entering the diversion and that the diversion is not currently equipped with an appropriate fish screen. This diversion may be eligible for screening cost-share funds

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. There is no information in the record that would demonstrate that the rights are 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 rights were present within the five-year period prior to submittal of Transfer Application T-13483.

15. The proposed change would not result in enlargement of the rights.

16. The proposed changes would not result in injury to other water rights.

17. All other application requirements are met.

Conclusions of Law

The change in points of diversion proposed in Transfer Application T-13483 are consistent with the requirements of ORS 540.505 to 540.580 and OAR 690-380-5000.

Now, therefore, it is ORDERED:

1. The change in points of diversion proposed in Transfer Application T-13483 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 Certificates 3353, 16317, and any related decree.

3. Water right Certificates 3353 and 16317 are cancelled. New certificates will be issued describing those portions of the rights not affected by this transfer.

4. For Certificate 3353, the quantity of water diverted at the new point of diversion (Flowers Pump) shall not exceed the quantity of water lawfully available at the original point of diversion (Eastside Ditch).

5. For Certificate 16317, the quantity of water diverted at the new point of diversion (Flowers Pump) shall not exceed the quantity of water lawfully available at the original points of diversion (Caldwell Ditch East and West Fork).

6. Water use measurement conditions:

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

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

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

7. Prior to diverting water, the water user shall install an approved fish screen at the new point of diversion and shall provide to the OWRD a written statement from Oregon Department of Fish and Wildlife (ODFW) that the installed screen meets the state's criteria, or that ODFW has determined a screen is not necessary.

8. The water user shall operate and maintain the fish screen at the new point of diversion consistent with ODFW's operational and maintenance standards. If ODFW determines the screen is not functioning properly, and is unsuccessful in working with the water user to

meet ODFW standards, ODFW may request that OWRD regulate the use of water until OWRD receives notification from ODFW that the fish screen is functioning properly.

9. Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2022**. A Claim of Beneficial Use prepared by a Certified Water Right Examiner shall be submitted by the applicant to the Department within one year after the deadline for completion of the changes and full beneficial use of the water.

10. After satisfactory proof of beneficial use is received, new certificates confirming the rights transferred will be issued.

Dated in Salem, Oregon on MAY 05 2021

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

Mailing date: MAY 06 2021

STATE OF OREGON

COUNTY OF JOSEPHINE

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

C.E. ROSE
WILLIAMS, OR

confirms the right to use the waters of the EAST AND WEST FORK WILLIAMS CREEK for IRRIGATION of 11.2 ACRES.

This right was confirmed by decree of the Circuit Court of the State of Oregon for Jackson County. The decree is of record at Salem, in the Order Record of the Water Resources Director in Volume 4, Page 1. The date of priority is 1878.

The amount of water to which such right is entitled, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed 0.22 cubic foot per second.

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

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
38 S	5 W	WM	35	SW SW	1.2
38 S	5 W	WM	34	SE SE	10.0
				TOTAL	11.2

This certificate describes that portion of water right Certificate 16317, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered MAY 0 5 2021, approving Transfer Application T-13483

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.

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.

The right to the use of the water for the above purpose is restricted to beneficial use on the lands or place of use described and is subject to all other conditions and limitations contained in said decree.

WITNESS the signature of the Water Resources Director, affixed MAY 05 2021.

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

 Recorded in State Record of Water Right Certificates numbered 95258.

STATE OF OREGON

COUNTY OF JOSEPHINE

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

JOHN VAN ZANT C/O M.L. OPDYCKE
GRANTS PASS, OR

confirms the right to use the waters of the EAST FORK WILLIAMS CREEK, a tributary of APPLEGATE RIVER for IRRIGATION of 27.38 ACRES.

This right was perfected under Permit S-2772. The date of priority is December 28, 1915. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 0.34 CUBIC FOOT PER SECOND, or its equivalent in case of rotation, measured at the point of diversion.

The amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed 0.34 cubic foot per second, or its equivalent in case of rotation. The use hereunder for irrigation shall conform to such reasonable rotation system as may be ordered by the proper state officer.

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

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
38 S	5 W	WM	34	SE SE	5.0
38 S	5 W	WM	35	SW SW	22.38
				TOTAL	27.38

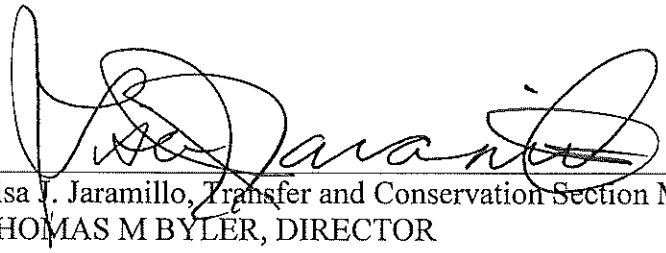
This certificate describes that portion of water right Certificate 3353, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered MAY 0 5 2021 approving Transfer Application T-13483.

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.

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.

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.

WITNESS the signature of the Water Resources Director, affixed MAY 05 2021.



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

 Recorded in State Record of Water Right Certificates numbered 95257.

WATER RIGHT TRANSFER COVER SHEET

Transfer: T- 13483 Transfer Specialist: TS

Transfer Type: Regular **RA**

Applicant:	**Agent:** ☐ N/A
FLOWERS OF THE SUN LLC CHRISTIAN HOUDE 234 BROWNS RD WILLIAMS, OR 97544 Email: Phone:	RICK PARSONS 1619 MINEAR RD MEDFORD, OR 97501 Email: Phone:
Irrigation District: ☐ N/A Email:	**CWRE:** ☐ N/A Email:
Affected Local Gov'ts: ☐ N/A Josephine County Email:	**Affected Tribal Gov't:** ☐ N/A UNAVAILABLE Email:
Current Landowner if other than Applicant: ☐ N/A Email:	**Receiving Landowner:** ☐ N/A Email:

Water Rights Affected

File Marked	App. File # or Decree Name	Permit	Certificate	RR/CR Needed	RR/CR Nos.
☐	S-4699	S-2722	3353	☐ Yes ☐ No	
☐	Decree	v. 4 pg. 1	16317	☐ Yes ☐ No	
☐				☐ Yes ☐ No	

Key Dates & Initial Actions:

Rec'd: June 30, 2020	Proposed Action(s): POINT OF DIVERSION	
Fees Pd: 1680.00	WM District: 14	ODFW District:
Initial Public Notice: July 14, 2020	WM Review sent: ✓ some issues	ODFW Review sent: ✓
Acknowledgement Letter Sent ☒	✓ Re-Review	GW Review sent: X N/A
County sent cc: of Ack Letter ☒	BOR notified (date): X N/A	
Newspaper quote requested: ✓	Request for news $ sent: 3-3	News $ received: ✓ 3-11-21
Request to publish sent: ✓	Affidavit of publication received: 4-16	Last day of publication: 4-13

Grants Pass Daily Courier – yes NP 3.38 in 7.25 in.

Document	Drafted	Peer Review	Changes Made	Coordinator	Changes Made	Signature Bin	Signature Date
DPD	Date: 12-2020 Initials: TB	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: 4/22/21 Initials: PKS	Date: 1-30-2021 Initials: TB	CW Sent: 1-30-2021	N/A
PD	Date: 2-13-21 Initials: TB	Date: 2-16-21 Initials: Joan	Date: _____ Initials: _____	Date: 2/19/21 Initials: PKS	Date: 3-3-21 Initials: TB	Date: 3-22-21	Date: _____
FO	Date: 4-10-21 Initials: TB	Date: 4/13/21 Initials: SMH	Date: _____ Initials: _____	Date: 4/16/21 Initials: PKS	Date: 4-21-21 Initials: TB	Date: 4-21-21 TB	Date: _____

Special Issues: WM concerns: emailed agent 10-20 for field investigation

Special Order Volume: Vol. _____ Pages _____ New info yielded WM re-review NP

TDC313

STATE OF OREGON

WATER RESOURCES DEPARTMENT

RECEIPT # 134734

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

INVOICE # _____

RECEIVED FROM: Flowers of the Sun LLC

BY: _____

APPLICATION	
PERMIT	
TRANSFER	1-13483

CASH: ☐ CHECK:# ☒ 5212 OTHER: (IDENTIFY) ☐ _____

TOTAL REC'D $ 179.40

1083 TREASURY 4170 WRD MISC CASH ACCT

0407	COPIES	46118	$
0207	OTHER:	(IDENTIFY) Newspaper Notice	$ 179.40

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:

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

WELL CONSTRUCTION

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

_____ OTHER (IDENTIFY) _____

0536 TREASURY 0437 WELL CONST. START FEE

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

_____ OTHER (IDENTIFY) _____

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

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

____ TREASURY OTHER / RDX

FUND _____ TITLE _____

OBJ. CODE _____ VENDOR # _____

DESCRIPTION _____ $

RECEIPT: 134734 DATED: 3-11-2021 BY: Mary Cr

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

RECEIVED
APR 15 2021
OWRD

Grants Pass
Daily Courier

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

AFFIDAVIT OF PUBLICATION

State of Oregon)
County of Josephine) ss.

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

April 6, 2021; April 13, 2021.

LEGAL NOTICE

NOTICE OF PRELIMINARY DETERMINATION FOR WATER RIGHT TRANSFER T-13483

T-13483 filed by Christian Houde, Flowers of the Sun, LLC, 234 Browns Road, Williams OR 97544, proposes a change in point of diversion under Certificates 3353 and 16317. Certificate 3353 allows the use of 0.16 cubic foot per second (cfs) from the East Fork Williams Creek in Sec. 14, T39S, R5W, WM for irrigation in Sec. 35, T38S, R5W, WM. Certificate 16317 allows the use of 0.02 cfs from the East and West Forks of Williams Creek in Sec. 3, T39S, R5W, WM for irrigation in Sec. 35, T38S, R5W, WM. The applicant proposes to move the points of diversion to Sec. 35, T38S, R5W, WM. The Water Resources Department proposes to approve the transfer, based on the requirements of ORS Chapter 540 and OAR 690-380-5000.

Any person may file, jointly or severally, a protest or standing statement within 30 days after the last date of newspaper publication of this notice, 4/13/2021. Call (503) 986-0815 to obtain additional information. If no protests are filed, the Department will issue a final order consistent with the preliminary determination.

IMPORTANT: Due to COVID-19, the Department's office is closed to walk-in services. The Department encourages the submission of protests by U.S. mail. Please consider mailing early to ensure the Department receives the protest by the deadline

Subscribed and sworn to before me this thirteenth day of April, 2021.

Notary Public of Oregon

My commission expires the twenty first day of March, 2023.

OFFICIAL STAMP
CHRISTINE HOLLY CRAINE
NOTARY PUBLIC - OREGON
COMMISSION NO. 985546
MY COMMISSION EXPIRES MARCH 21, 2023

SMITH Tamera L * WRD

From: CECILIANI Scott C * WRD
Sent: Monday, November 16, 2020 11:36 AM
To: SMITH Tamera L * WRD
Cc: JOHNSTONE Jake D * WRD
Subject: RE: Houde T-13483
Attachments: WMR_Transfer_Review_Form T-13483.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Re-Review

Tamera,

Attached is my updated WM Review for T-13483.

The field investigation that Rick Parsons conducted to determine the points of diversion for the Caldwell Ditch provides the best location information available at this time. If you would like to view the short clips from Rick's field investigation I can put them on the exchange, let me know.

Please let me know if you have any questions.

Thank you,

Scott

Scott Ceciliani, GIT
Watermaster, District 14
700 NW Dimmick St., Grants Pass, OR 97526.
Office 541-476-1288 | Cell 541-261-2213

OREGON WATER RESOURCES DEPARTMENT

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

From: SMITH Tamera L * WRD <Tamera.L.Smith@oregon.gov>
Sent: Thursday, November 12, 2020 4:01 PM
To: CECILIANI Scott C * WRD <Scott.C.Ceciliani@oregon.gov>
Subject: RE: Houde T-13483

Sounds good. I'll hold tight until I hear back from you. Thanks for letting me know.

Best, Tamera

From: CECILIANI Scott C * WRD <Scott.C.Ceciliani@oregon.gov>
Sent: Thursday, November 12, 2020 3:58 PM
To: SMITH Tamera L * WRD <Tamera.L.Smith@oregon.gov>
Subject: RE: Houde T-13483

I need to update my WM Review for T-13483.

Scott Ceciliani, GIT
Watermaster, District 14
700 NW Dimmick St., Grants Pass, OR 97526.
Office 541-476-1288 | Cell 541-261-2213



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

From: SMITH Tamera L * WRD <Tamera.L.Smith@oregon.gov>
Sent: Thursday, November 12, 2020 11:01 AM
To: CECILIANI Scott C * WRD <Scott.C.Ceciliani@oregon.gov>
Subject: Automatic reply: Houde T-13483

I am currently teleworking in an effort to maintain services, while encouraging Oregonians to stay home, stay healthy, and save lives by reducing the spread of COVID-19. I will be checking email everyday, and will respond to your request as soon as possible. I will be checking voicemail and will return you call, however, email will be the best way to reach me. Please note that due to COVID-19, our operations are subject to change. Please visit our website at www.oregon.gov/owrd for updates on our operations. We appreicate your understanding as we work to protect the health of Oregonians while also providing services.

Watermaster Review Form: Water Right Transfer

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

Transfer Application: T-13483 Review Due Date:

Applicant Name: Christian Houde / Flowers of the Sun LLC

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

Reviewer(s): Scott Ceciliani Date of Review: 11/13/2020

1. Do you have evidence that the right has not been used in the last 5 years and that the presumption of forfeiture would not likely be rebuttable? ☐ Yes ☑ No If "Yes", attach evidence (e.g. dated aerial photo showing pavement or building on the land for >5 yrs.)

2. Is there a history of regulation on the source that serves this (or these) right(s) that has involved the transferred right(s) and downstream water rights? ☑ Yes ☐ No Generally characterize the frequency of any regulation or explain why regulation has not occurred:

   Williams Creek has been regulated for senior calls for water on an almost yearly bases. Regulation typically starts around the month of July. Normally, two rounds of regulation occur with the first round affecting water rights with priority dates 1900 and junior and the second round affecting water rights with priority dates junior to 1858.

3. Have headgate notices been issued for the source that serves the transferred right(s)?
   ☐ Yes ☐ No ☑ Records not available.

4. In your estimation, after the proposed change, would distribution of water for the right(s) result in regulation of other water rights that would not have occurred if use under the original right(s) was/were maximized? ☐ Yes ☑ No If "Yes", explain:

5. In your estimation, if the proposed change is approved, are there upstream water rights that would be affected? ☑ Yes ☐ No If "Yes", describe how the rights would be affected and list the rights most affected:

   See Questions 13.

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

☑ N/A

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

Unknown.

☐ N/A

8. For instream transfers that propose protection of a reach beyond the mouth of the source stream:
☑ N/A Would the quantity be measureable into the receiving stream consistent with OAR 690-077-0015(8)? ☐ Yes ☐ No

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

10. For POU or USE changes: ☑ N/A In your best judgment, would use of the existing right at "full face value," result in the diversion of more water than can be used beneficially and without waste?
☐ Yes ☐ No If "Yes", explain:

11. For POU changes that involve micro-irrigation: ☑ N/A
    a. Has the applicant made changes (absent a transfer) to convert to micro-irrigation within the current place of use boundary of the water right proposed for transfer, and previously demonstrated to the Department through monitoring and site inspections by the Watermaster that the proposed transfer will not result in injury or enlargement?
    ☐ Yes ☐ No If "Yes", explain:

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

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

i. Were there any problems with more acres being irrigated (or wetted) than were authorized under the temporary transfer? ☐ Yes ☐ No If "Yes", explain:

ii. Did the designated areas that were to remain dry (or not wetted) under the temporary transfer actually remain dry? ☐ Yes ☐ No If "No", explain:

iii. Did the applicant comply with and meet all of the conditions of the temporary transfer? ☐ Yes ☐ No If "No", explain:

iv. Do you have any other observations regarding the temporary transfer?

☐ Yes ☐ No If "Yes", describe:

v. Did the applicant demonstrate to the Department through monitoring and site inspections by the Watermaster that neither injury nor enlargement occurred as a result of the temporary transfer? ☐ Yes ☐ No If "No", explain:

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

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

☐ Yes ☐ No If "Yes", explain:

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

☐ Yes ☐ No If "Yes", explain:

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

☑ Yes ☐ No If "Yes", explain:

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

Calls for water should be addressed at the original points of diversion. Standard transfer language - quantity of water diverted at the new point of diversion shall not exceed the quantity of water lawfully available at the original points of diversion.

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

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

☐ A Headgate should be required prior to diverting water.

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

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

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

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

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

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

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

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

☐ Weir
☐ Parshall Flume
☐ Other: ___
☐ Submerged Orifice
☐ Flow Restrictor

Oregon Water Resources Department

Measurement Condition Information for the Applicant

(To be sent with the Draft Preliminary Determination or Final Order)

Transfer #: T- 13483

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

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

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

Watermaster name: Scott Ceciliani

District: 14

Address: 700 NW Dimmick Street

City/State/Zip: Grants Pass, OR 97526

Phone: 541-261-2213

Email: Scott.C.Ceciliani@oregon.gov

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

****

Approval of an Alternate Measurement Device T-

(to be filled out after consultation with the applicant, or after a site visit)

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

_____

_____

_____ _____

Watermaster signature District Date

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

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

Watermaster Review Form: Water Right Transfer

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

Transfer Application: T-13483 Review Due Date:

Applicant Name: Christian Houde / Flowers of the Sun LLC

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

Reviewer(s): Scott Ceciliani Date of Review: 11/13/2020

1. Do you have evidence that the right has not been used in the last 5 years and that the presumption of forfeiture would not likely be rebuttable? ☐ Yes ☑ No If "Yes", attach evidence (e.g. dated aerial photo showing pavement or building on the land for >5 yrs.)

2. Is there a history of regulation on the source that serves this (or these) right(s) that has involved the transferred right(s) and downstream water rights? ☑ Yes ☐ No Generally characterize the frequency of any regulation or explain why regulation has not occurred:

   Williams Creek has been regulated for senior calls for water on an almost yearly bases. Regulation typically starts around the month of July. Normally, two rounds of regulation occur with the first round affecting water rights with priority dates 1900 and junior and the second round affecting water rights with priority dates junior to 1858.

3. Have headgate notices been issued for the source that serves the transferred right(s)?
   ☐ Yes ☐ No ☑ Records not available.

4. In your estimation, after the proposed change, would distribution of water for the right(s) result in regulation of other water rights that would not have occurred if use under the original right(s) was/were maximized? ☐ Yes ☑ No If "Yes", explain:

5. In your estimation, if the proposed change is approved, are there upstream water rights that would be affected? ☑ Yes ☐ No If "Yes", describe how the rights would be affected and list the rights most affected:

   See Questions 13.

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

☑ N/A

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

Unknown.

☐ N/A

8. For instream transfers that propose protection of a reach beyond the mouth of the source stream:
☑ N/A Would the quantity be measureable into the receiving stream consistent with OAR 690-077-0015(8)? ☐ Yes ☐ No

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

10. For POU or USE changes: ☑ N/A In your best judgment, would use of the existing right at "full face value," result in the diversion of more water than can be used beneficially and without waste?
☐ Yes ☐ No If "Yes", explain:

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

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ii. Did the designated areas that were to remain dry (or not wetted) under the temporary transfer actually remain dry? ☐ Yes ☐ No If "No", explain:

iii. Did the applicant comply with and meet all of the conditions of the temporary transfer? ☐ Yes ☐ No If "No", explain:

iv. Do you have any other observations regarding the temporary transfer?

☐ Yes ☐ No If "Yes", describe:

v. Did the applicant demonstrate to the Department through monitoring and site inspections by the Watermaster that neither injury nor enlargement occurred as a result of the temporary transfer? ☐ Yes ☐ No If "No", explain:

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

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

☐ Yes ☐ No If "Yes", explain:

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

☐ Yes ☐ No If "Yes", explain:

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

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

☐ Weir
☐ Parshall Flume
☐ Other: ___
☐ Submerged Orifice
☐ Flow Restrictor

Season, Rate and Duty for Irrigation Rights			
Stream	Season	Rate cfs/ac	Duty ac-ft
14 - Klamath Basin			
Annie Creek	3/1-10/31	1/80	3.0
Cherry Creek	5/1-10/1	1/80	3.0
Fourmile Creek	3/1-10/31	1/50	5.0
Lost River	3/1-9/30	1/80	2.5
Lost River Tributaries	3/1-10/31	1/40	3.0
Klamath Lake	3/1-10/31	1/40	3.0
Klamath River	3/1-10/31	1/40	3.0
Sevenmile Creek	3/1-10/31	1/50	5.0
Sprague River	3/1-10/1	1/40	3.0
Swan Lake	3/15-9/30	1/40	3.0
Wildhorse Creek	3/1-10/31	1/40	3.0
Williamson River	3/1-10/31	1/40	3.0
Wood River	3/1-10/31	1/50	5.0
15 - Rogue Basin			
Rogue River Tributaries	3/1-10/31	1/40	4.5
Althouse Creek	4/1-10/31	1/50	3.5
Illinois River	4/1-11/1	1/50	3.5
Little Butte Creek	4/1-10/1	1/80	4.5
Rogue River	4/1-11/1	1/80	4.5
Sucker Creek	4/1-10/31	1/50	
16 - Umpqua Basin			
Cow Creek	4/1-10/1	1/70	3.5
All other streams	3/1-10/31	1/80	2.5
17 - South Coast Basin			
McVay Creek	4/1-9/30	1/80	2.5
All other waters	3/1-10/31	1/80	2.5
18 - Mid Coast Basin			
All waters	3/1-10/31	1/80	2.5
Mehl Creek trib to Umpqua River	3/1-10/31	1/80	2.5

why not 4/1-end?

Houle / Flowers email agent 10-20

SMITH Tamera L * WRD

From: CECILIANI Scott C * WRD
Sent: Thursday, October 15, 2020 1:45 PM
To: WRD_DL_transferreviews
Cc: SMITH Tamera L * WRD; JOHNSTONE Jake D * WRD
Subject: T-13483
Attachments: WMR_Transfer_Review_Form T-13483.pdf; Black Regulation Book Note Caldwell Ditch.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Good Afternoon!

I've attached my Watermaster Review for T-13483. In addition, I've provided some information and a few comments below that I felt important to include with my review.

Moving the POD downstream to a location where more streamflow is likely available could lead to the appropriation of more water than what's available at the original points of diversion.

The point of diversion location for C-16317 is unknown. I was unable to locate any language in the Rogue River Decree describing the location of the Caldwell Ditch. I was able to locate an older unofficial document created possibly by OWRD staff describing the point of diversion for the Caldwell Ditch as being within 39s-05w-03 NENE (attached). Not knowing the location of the point of the diversion creates a problem for both our Department and the applicant, because we don't have a known point to quantify the resource for distribution and regulation purposes.

The other issue is that C-16317 identifies two sources, West Fork Williams Creek and East Fork Williams Creek. I can only gather that the Caldwell Ditch originated at West Fork Williams Creek (possibly in the NENE) and then somehow crossed through East Fork Williams Creek picking up this source water along the way. 2 points of diversion? In my opinion, a field investigation should be conducted to locate, if possible, the Caldwell Ditch diversion point on East Fork Williams Creek and the point where water was diverted from West Fork Williams Creek into the Caldwell Ditch.

Please contact me with any questions.

Thank you,

Scott

done ✓
Scott submitted re-review on 11/16

Scott Ceciliani, GIT
Watermaster, District 14
700 NW Dimmick St., Grants Pass, OR 97526.
Office 541-476-1288 | Cell 541-261-2213

Oregon Water Resources Department

Measurement Condition Information for the Applicant

(To be sent with the Draft Preliminary Determination or Final Order)

Transfer #: T- 13483

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

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

☑ *at each new point of diversion/appropriation.*

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

Watermaster name: Scott Ceciliani

District: 14

Address: 700 NW Dimmick Street

City/State/Zip: Grants Pass, OR 97526

Phone: 541-261-2213

Email: Scott.C.Ceciliani@oregon.gov

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

****

Approval of an Alternate Measurement Device T-

(to be filled out after consultation with the applicant, or after a site visit)

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

_____

_____

_____ _____

Watermaster signature District Date

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

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

Caldwell Ditch (E. F. Wms. Creek)

Pt/div. $NE\frac{1}{4}NE\frac{1}{4}$ Twp 39 R5 Sec. 3

16317	Eilts	T38 R5 $SW\frac{1}{4}SW\frac{1}{4}$	35	1878
"	Swearingen	$SE\frac{1}{4}SE\frac{1}{4}$	34	2/ 10/.24

Caldwell ditch abandoned

Watermaster Review Form: Water Right Transfer

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

Transfer Application: T-13483

Review Due Date:

Applicant Name: Christian Houde / Flowers of the Sun LLC

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

Reviewer(s): Scott Ceciliani

Date of Review: 10/01/2020

1. Do you have evidence that the right has not been used in the last 5 years and that the presumption of forfeiture would not likely be rebuttable? ☐ Yes ☑ No If "Yes", attach evidence (e.g. dated aerial photo showing pavement or building on the land for >5 yrs.)

2. Is there a history of regulation on the source that serves this (or these) right(s) that has involved the transferred right(s) and downstream water rights? ☑ Yes ☐ No Generally characterize the frequency of any regulation or explain why regulation has not occurred:

   Regulation occurs on Williams Creek and its tributaries on an almost yearly bases for senior water right holders with 1858 priority.

3. Have headgate notices been issued for the source that serves the transferred right(s)?
   ☐ Yes ☐ No ☑ Records not available.

4. In your estimation, after the proposed change, would distribution of water for the right(s) result in regulation of other water rights that would not have occurred if use under the original right(s) was/were maximized? ☐ Yes ☑ No If "Yes", explain:

5. In your estimation, if the proposed change is approved, are there upstream water rights that would be affected? ☑ Yes ☐ No If "Yes", describe how the rights would be affected and list the rights most affected:

   Users between the original points of diversion and the subject property could experience an increased flow at their diversions.

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

When the Caldwell Ditch and Eastside Ditch were being utilized to convey water to the subject property, return flows could have contributed to streamflow between the ditch diversions and the subject property. However, based on the application this is not the current means of conveyance.

☑ N/A

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

Unknown.

☐ N/A

8. For instream transfers that propose protection of a reach beyond the mouth of the source stream:
☑ N/A Would the quantity be measureable into the receiving stream consistent with OAR 690-077-0015(8)? ☐ Yes ☐ No

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

10. For POU or USE changes: ☑ N/A In your best judgment, would use of the existing right at "full face value," result in the diversion of more water than can be used beneficially and without waste?
☐ Yes ☐ No If "Yes", explain:

11. For POU changes that involve micro-irrigation: ☑ N/A
    a. Has the applicant made changes (absent a transfer) to convert to micro-irrigation within the current place of use boundary of the water right proposed for transfer, and previously demonstrated to the Department through monitoring and site inspections by the Watermaster that the proposed transfer will not result in injury or enlargement?
    ☐ Yes ☐ No If "Yes", explain:

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

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

i. Were there any problems with more acres being irrigated (or wetted) than were authorized under the temporary transfer? ☐ Yes ☐ No If "Yes", explain:

ii. Did the designated areas that were to remain dry (or not wetted) under the temporary transfer actually remain dry? ☐ Yes ☐ No If "No", explain:

iii. Did the applicant comply with and meet all of the conditions of the temporary transfer? ☐ Yes ☐ No If "No", explain:

iv. Do you have any other observations regarding the temporary transfer?

☐ Yes ☐ No If "Yes", describe:

v. Did the applicant demonstrate to the Department through monitoring and site inspections by the Watermaster that neither injury nor enlargement occurred as a result of the temporary transfer? ☐ Yes ☐ No If "No", explain:

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

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

☐ Yes ☐ No If "Yes", explain:

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

☐ Yes ☐ No If "Yes", explain:

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

☐ Yes ☑ No If "Yes", explain:

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

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

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

☐ A Headgate should be required prior to diverting water.

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

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

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

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

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

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

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

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

☐ Weir
☐ Parshall Flume
☐ Other: ___
☐ Submerged Orifice
☐ Flow Restrictor

Oregon Water Resources Department

Measurement Condition Information for the Applicant

(To be sent with the Draft Preliminary Determination or Final Order)

Transfer #: T- 13483

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

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

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

Watermaster name: Scott Ceciliani

District: 14

Address: 700 NW Dimmick Street

City/State/Zip: Grants Pass, OR 97526

Phone: 541-261-2213

Email: Scott.C.Ceciliani@oregon.gov

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

****

Approval of an Alternate Measurement Device T-

(to be filled out after consultation with the applicant, or after a site visit)

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

_____

_____

_____ _____

Watermaster signature District Date

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

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

SMITH Tamera L * WRD

From: Rick Parsons <rick.parsons@parsonswater.com>
Sent: Tuesday, November 10, 2020 12:36 PM
To: CECILIANI Scott C * WRD
Cc: SMITH Tamera L * WRD; christian houde
Subject: Re: Houde T-13483
Attachments: Caldwell Ditch Lidar figure.pdf

No sweat on the name, Scott.

I put two videos from my iPhone that I took during the site visit in a Shared Album. I'm pretty low tech on the Apple products so tell me if you can access the "Caldwell Ditch PODs" album. The first video (94 secs long) starts on the W Fk Williams Ck and approaches what I believe is the likely initial diversion point for the Caldwell Ditch. The second video (105 secs long) follows the depression btwn the W Fk and E Fk. I believe the second diversion point likely picked up water from the E Fk and then carried the water from the east side of the E Fk in a northeasterly direction. Stop the second video at 88 secs to see the historical path of the ditch blw the E Fk diversion. The E Fk POD outfall is near the ditch that goes across the 150 Browns Rd property. The ditch trace is evidenced on the quad map I sent over last week and the attached Lidar figure. The conveyance on the Lidar figure also supports the ditch tuning to the east to supply the 12-acre Caldwell Ditch POU, of which 2 acres are on the Houde property.

Rick

ParsonsWater Consulting LLC
http://parsonswater.com
rick.parsons@parsonswater.com
541.499.0257 303.667.5067 (mobile)

On Tue, Nov 10, 2020 at 10:15 AM CECILIANI Scott C * WRD <Scott.C.Ceciliani@oregon.gov> wrote:

Rick, I apologize for misspelling your name in the last email.

Scott Carlo Ceciliani, GIT
Watermaster, District 14
700 NW Dimmick St.
Grants Pass, OR 97526
Cell: (541) 261-2213

From: CECILIANI Scott C * WRD <Scott.C.Ceciliani@oregon.gov>
Sent: Tuesday, November 10, 2020 10:14 AM
To: SMITH Tamera L * WRD <Tamera.L.Smith@oregon.gov>; Rick Parsons <rick.parsons@parsonswater.com>
Cc: christian houde <manager@flowersofthesun.com>
Subject: Re: Houde T-13483

Rich,

Did you happen to take any photos of the Caldwell Ditch or remnants of the ditch while you were in the field? If so, could you please share those photos. Can you please explain what you observed in the field that helped you in identifying the two PODs associated with the Caldwell Ditch.

Thank you,

Scott

Scott Carlo Ceciliani, GIT
Watermaster, District 14
700 NW Dimmick St.
Grants Pass, OR 97526
Cell: (541) 261-2213

From: SMITH Tamera L * WRD <Tamera.L.Smith@oregon.gov>
Sent: Friday, November 6, 2020 4:43 PM
To: Rick Parsons <rick.parsons@parsonswater.com>
Cc: CECILIANI Scott C * WRD <Scott.C.Ceciliani@oregon.gov>; christian houde <manager@flowersofthesun.com>
Subject: RE: Houde T-13483

Thank you Rick,

There will be more description of the necessary documents when we get to the PD stage.

Kindest regards, Tamera

From: Rick Parsons <rick.parsons@parsonswater.com>
Sent: Friday, November 06, 2020 10:07 AM
To: SMITH Tamera L * WRD <Tamera.L.Smith@oregon.gov>
Cc: CECILIANI Scott C * WRD <Scott.C.Ceciliani@oregon.gov>; christian houde <manager@flowersofthesun.com>
Subject: Re: Houde T-13483

I just remembered you indicated you will also need proof of ownership of the proposed POD. The property deed is attached.

On Fri, Nov 6, 2020 at 9:46 AM Rick Parsons <rick.parsons@parsonswater.com> wrote:

> Tamera - Per your Nov 3, 2020 email and our phone conversation you indicated a few issues identified regarding Transfer Application 13483 that would need to be addressed to support a Department Proposal to Approve.
>
> - The authorized and proposed points of diversion of appropriation must be located accurately in reference to a public land survey corner.
> - ODFW identification of the need for a fish screen to be incorporated into pump intake at the proposed POD; i.e., the Flowers Pump.
> - Watermaster identification of need to incorporate a measuring device on the proposed POD.
>
> As noted in our phone conversation, Applicant intends to replace the existing pump and piping at the proposed POD upon approval of the Transfer Application. Applicant has committed to install an ODFW-approved fish screen and a totalizer meter sufficient to record diversions as part of the infrastructure upgrade.

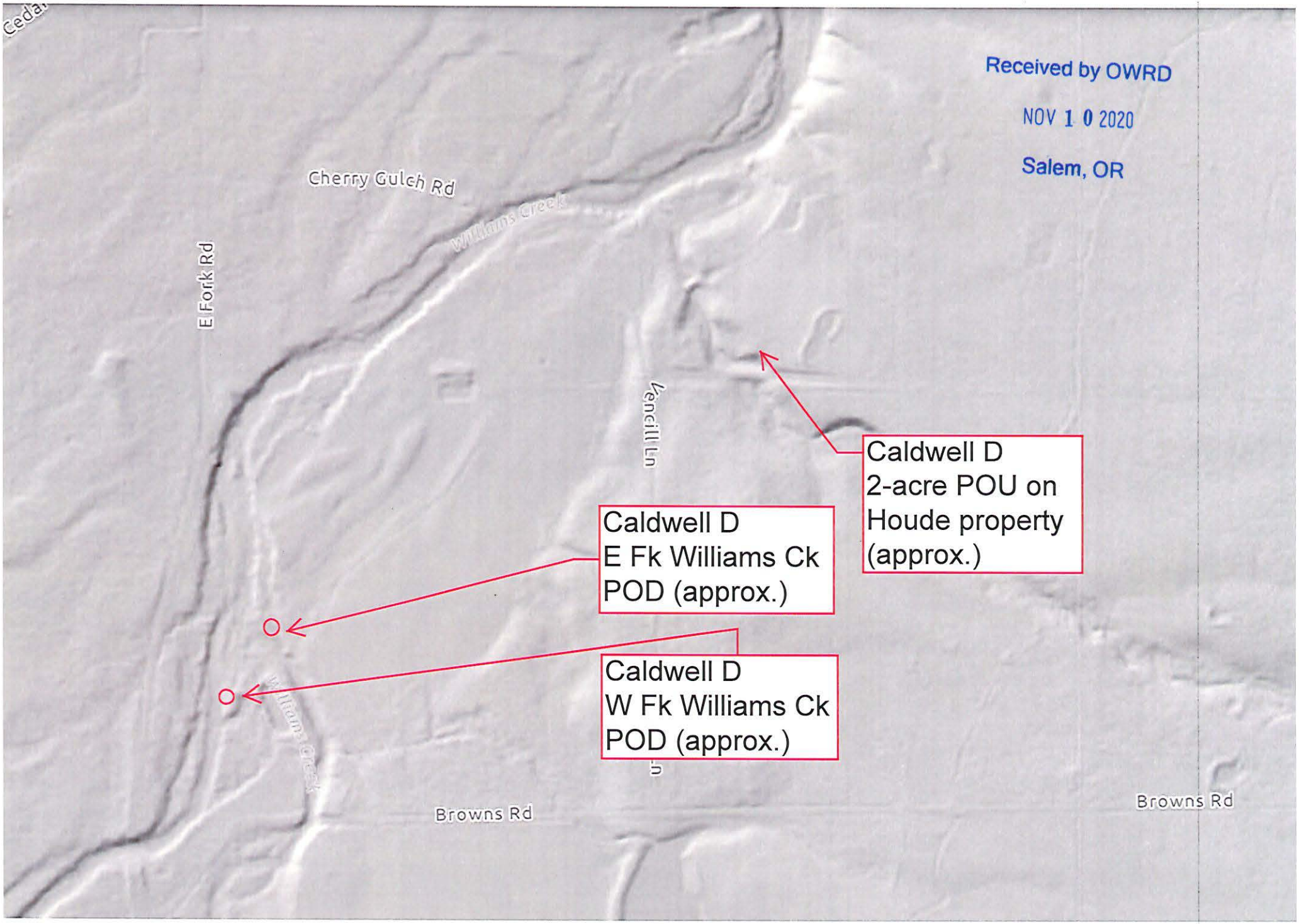
As noted in the Transfer Application, the proposed POD on Williams Creek is located at a point approx. 800' North and 430' East of the SW Corner of Section 35 T38S R5W. I conducted a field investigation yesterday to locate the two Caldwell Ditch authorized PODs. I identified the likely POD on W Fk Williams Ck that fed into an incised lateral towards the E Fk Williams Ck. A moderate-slope bank on the east side of the E Fk Williams Ck was evidenced almost immediately downstream from the outfall of the W Fk lateral. It is likely this bank was traversed by the Caldwell Ditch E Fk diversion lateral since the surrounding banks of the E Fk are markedly steeper.

The locations of the two authorized PODs for the Caldwell Ditch are within the NE1/4 NE 1/4 of Section 3 T39S R5W, as shown on the attached figure. The locations of the PODs on the figure are also denoted by the distance from a reference corner of Section 3.

I hope this addresses your outstanding concerns and provides sufficient evidence to move forward with issuance of a Preliminary Determination that can then be published in the OWRD Weekly Notice and the Grants Pass Daily Courier.

Regards,
Rick Parsons

ParsonsWater Consulting LLC
http://parsonswater.com
rick.parsons@parsonswater.com
541.499.0257 303.667.5067 (mobile)


Received by OWRD
NOV 10 2020
Salem, OR
Cherry Gulch Rd
E Fork Rd
Williams Creek
Pencill Ln
Caldwell D
2-acre POU on
Houde property
(approx.)
Caldwell D
E Fk Williams Ck
POD (approx.)
Caldwell D
W Fk Williams Ck
POD (approx.)
Browns Rd
Browns Rd

T-13483

Oregon Water Resources Department

Measurement Condition Information for the Applicant

(To be sent with the Draft Preliminary Determination or Final Order)

Transfer #: T- 13483

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

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

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

Watermaster name: Scott Ceciliani

District: 14

Address: 700 NW Dimmick Street

City/State/Zip: Grants Pass, OR 97526

Phone: 541-261-2213

Email: Scott.C.Ceciliani@oregon.gov

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

****

Approval of an Alternate Measurement Device T-

(to be filled out after consultation with the applicant, or after a site visit)

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

_____

_____

_____ _____

Watermaster signature District Date

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

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

Oregon
Kate Brown, Governor

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

APRIL 1, 2021

CHRISTIAN HOUDE
FLOWERS OF THE SUN, LLC
234 BROWNS ROAD
WILLIAMS, OR 97544

SUBJECT: Water Right Transfer Application T-13483

Please find enclosed the Preliminary Determination indicating that, based on the information available, the Department intends to approve application T-13483. This document is an intermediate step in the approval process; water may not be used legally as proposed in the transfer application until a Final Order has been issued by the Department. Please read this entire letter carefully to determine your responsibility for additional action.

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

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

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

IMPORTANT: Due to COVID-19, the Department's office is closed to walk-in services. The Department encourages the submission of protests by U.S. mail. Please consider mailing early to ensure the Department receives the protest by the deadline specified above.

Please do not hesitate to contact me at 503-986-0886 or Patrick.K.Starnes@wrd.state.or.us if I may be of assistance.

Kindest regards,

Tamera Smith
Transfer Caseworker
Transfer and Conservation Section

BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON

In the Matter of Transfer Application T-13483, Josephine County	)))	PRELIMINARY DETERMINATION PROPOSING APPROVAL OF CHANGES IN POINTS OF DIVERSION

Authority

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

Applicant

CHRISTIAN HOUDE
FLOWERS OF THE SUN, LLC
234 BROWNS RD
WILLIAMS, OR 97544

Findings of Fact

1. On June 30, 2020, CHRISTIAN HOUDE, FLOWERS OF THE SUN, LLC filed an application to change the points of diversion under Certificates 3353 and 16317. The Department assigned the application number T-13483.

2. Notice of the application for transfer was published on July 14, 2020, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.

3. On November 3, 2020, the Department requested a field investigation be conducted to locate the Caldwell Ditch diversion point on East Fork Williams Creek and the point where water was diverted from West Fork Williams Creek into the Caldwell Ditch.

4. On November 10, 2020, the applicant's agent provided information including Lidar and aerial photographs showing the measured distances of the original points of diversion for Certificate 16317.

5. On November 16, 2020, the watermaster provided a new watermaster review in light of the documentation received from the agent defining the location of the original points of diversion for Certificate 16317.

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.

6. On January 30, 2021, the Department mailed a copy of the draft Preliminary Determination proposing to approve Transfer Application T-13483 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of March 1, 2021, for the applicant to respond. The applicant requested that the Department proceed with issuance of a Preliminary Determination and provided the necessary information to demonstrate that the applicant is authorized to pursue the transfer.

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

Certificate: 3353 in the name of JOHN VAN ZANT; C/O M.L. OPDYCKE (perfected under Permit S-2772)
Use: IRRIGATION of 12.62 ACRES
Priority Date: DECEMBER 28, 1915
Rate: 0.16 CUBIC FOOT PER SECOND
Source: EAST FORK WILLIAMS CREEK, tributary of APPLEGATE RIVER

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
38 S	5 W	WM	35	SW SW	12.62

8. Certificate 3353 does not describe the measured distance of the point of diversion, however information is available from the applicant, indicating that the point of diversion is located as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
39 S	5 W	WM	14	SE NW	EASTSIDE DITCH – 2400 FEET SOUTH AND 1900 FEET EAST FROM THE NW CORNER OF SECTION 14

9. Transfer Application T-13483 proposes to move the authorized point of diversion downstream approximately 3.38 miles (mi.) to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
38 S	5 W	WM	35	SW SW	FLOWERS PUMP – 800 FEET NORTH AND 430 FEET EAST FROM THE SW CORNER OF SECTION 35

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

Certificate: 16317 in the name of C.E. ROSE (confirmed by Rogue River Final Decree, Volume 4, Page 1)
Use: IRRIGATION of 0.8 ACRE
Priority Date: 1878
Rate: 0.02 CUBIC FOOT PER SECOND
Source: EAST AND WEST FORKS OF WILLIAMS CREEK

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
38 S	5 W	WM	35	SW SW	0.8

11. Certificate 16317 does not describe the measured distance of the points of diversion, however information is available from the applicant's agent, indicating that the points of diversion are located as follows:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Measured Distance
39 S	5 W	WM	3	NE NE	CALDWELL DITCH WEST FORK – 940 FEET SOUTH AND 1330 FEET WEST FROM THE NE CORNER OF SECTION 3
39 S	5 W	WM	3	NE NE	CALDWELL DITCH EAST FORK – 800 FEET SOUTH AND 1185 FEET WEST FROM THE NE CORNER OF SECTION 3

12. Transfer Application T-13483 proposes to move the authorized point of diversion downstream approximately 3.38 miles (mi.) to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
38 S	5 W	WM	35	SW SW	FLOWERS PUMP – 800 FEET NORTH AND 430 FEET EAST FROM THE SW CORNER OF SECTION 35

12. The Oregon Department of Fish and Wildlife (ODFW) has determined that a fish screen is necessary at the new point of diversion to prevent fish from entering the diversion and that the diversion is not currently equipped with an appropriate fish screen. This diversion may be eligible for screening cost-share funds

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. There is no information in the record that would demonstrate that the rights are 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 rights were present within the five-year period prior to submittal of Transfer Application T-13483.

15. The proposed change would not result in enlargement of the rights.

16. The proposed changes would not result in injury to other water rights.

17. All other application requirements are met.

Determination and Proposed Action

The change in points of diversion proposed in Transfer Application T-13483 appear to be consistent with the requirements of ORS 540.505 to 540.580 and OAR 690-380-5000. If protests are not filed pursuant to OAR 690-380-4030, the transfer application will be approved.

If Transfer Application T-13483 is approved, the final order will include the following:

1. The change in points of diversion proposed in Transfer Application T-13483 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 Certificates 3353, 16317, and any related decree.*

3. *Water right Certificates 3353 and 16317 are cancelled. New certificates will be issued describing those portions of the rights not affected by this transfer.*

4. *For Certificate 3353, the quantity of water diverted at the new point of diversion (Flowers Pump) shall not exceed the quantity of water lawfully available at the original point of diversion (Eastside Ditch).*

5. *For Certificate 16317, the quantity of water diverted at the new point of diversion (Flowers Pump) shall not exceed the quantity of water lawfully available at the original points of diversion (Caldwell Ditch East and West Fork).*

6. *Water use measurement conditions:*

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

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

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

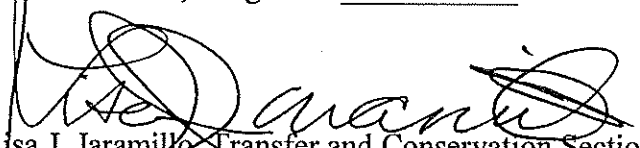
7. *Prior to diverting water, the water user shall install an approved fish screen at the new point of diversion and shall provide to the OWRD a written statement from Oregon Department of Fish and Wildlife (ODFW) that the installed screen meets the state's criteria, or that ODFW has determined a screen is not necessary.*

8. *The water user shall operate and maintain the fish screen at the new point of diversion consistent with ODFW's operational and maintenance standards. If ODFW determines the screen is not functioning properly, and is unsuccessful in working with the water user to meet ODFW standards, ODFW may request that OWRD regulate the use of water until OWRD receives notification from ODFW that the fish screen is functioning properly.*

9. *Full beneficial use of the water shall be made, consistent with the terms of this order, on or before* ***October 1, 2022****. A Claim of Beneficial Use prepared by a Certified Water Right Examiner shall be submitted by the applicant to the Department within one year after the deadline for completion of the changes and full beneficial use of the water.*

10. *After satisfactory proof of beneficial use is received, new certificates confirming the rights transferred will be issued.*

Dated in Salem, Oregon on APR 0 1 2021



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

This Preliminary Determination was prepared by: Tamera Smith. If you have any questions about the information in this document, you may reach me at 503-986-0864 or tamera.l.smith@oregon.gov

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

IMPORTANT: Due to COVID-19, the Department's office is closed to walk-in services. The Department encourages the submission of protests by U.S. mail. Please consider mailing early to ensure the Department receives the protest by the deadline specified above.

Notice Regarding Service Members: Active duty service members have a right to stay these proceedings under the federal service members Civil Relief Act. For more information contact the Oregon State Bar at 800-452-8260, the Oregon Military Department at 503-584-3571, or the nearest United States Armed Forces Legal Assistance Office through http://legalassistance.law.af.mil. The Oregon Military Department does not have a toll free number.

SMITH Tamera L * WRD

From: Rick Parsons <rick.parsons@parsonswater.com>
Sent: Tuesday, February 09, 2021 10:09 AM
To: SMITH Tamera L * WRD
Cc: christian houde; CECILIANI Scott C * WRD
Subject: Re: T-13483 Houde/Flowers of the Sun DPD: ACTION REQUESTED
Attachments: Flowers of the Sun Land Report T-13483 20210208.pdf

Follow Up Flag: Flag for follow up
Flag Status: Flagged

Taera - Applicant agrees with the terms outlined in the Draft Preliminary Determination (DPD) in T-13483.

As requested in the Jan 30, 2021 cover letter included with the DPD you will find a Property Report for the Subject Property attached to this email.

We will await notice from you regarding the cost to publish the DPD in the local newspaper and remit payment asap.

Regards,

Rick

ParsonsWater Consulting LLC
http://parsonswater.com
rick.parsons@parsonswater.com
541.499.0257 303.667.5067 (mobile)

On Sat, Jan 30, 2021 at 1:00 PM SMITH Tamera L * WRD <Tamera.L.Smith@oregon.gov> wrote:

> Good afternoon,
>
> Please see the attached.
>
> Kindest regards,
>
> Tamera Smith
>
> Transfer Caseworker

First American

First American Title Insurance Company

118 NE C Street
Grants Pass, OR 97526
Phn - (541)476-6884
Fax - (866)637-1007

PUBLIC RECORD REPORT

THIS REPORT IS ISSUED BY THE ABOVE-NAMED COMPANY ("THE COMPANY") FOR THE EXCLUSIVE USE OF:

Flowers of The Sun
234 Browns Road
Williams, OR 97544
Phone: (530)575-0598
Fax:

Date Prepared	: February 08, 2021
Effective Date	: 8:00 A.M on January 27, 2021
Order No.	: 7159-3670249
Subdivision	: VENCILL LANE

The information contained in this report is furnished by First American Title Insurance Company (the "Company") as an information service based on the records and indices maintained by the Company for the county identified below. This report is not title insurance, is not a preliminary title report for title insurance, and is not a commitment for title insurance. No examination has been made of the Company's records, other than as specifically set forth in this report. Liability for any loss arising from errors and/or omissions is limited to the lesser of the fee paid or the actual loss to the Customer, and the Company will have no greater liability by reason of this report. This report is subject to the Definitions, Conditions and Stipulations contained in it.

REPORT

A. The Land referred to in this report is located in the County of Josephine, State of Oregon, and is described as follows:

As fully set forth on Exhibit "A" attached hereto and by this reference made a part hereof.

B. As of the Effective Date, the tax account and map references pertinent to the Land are as follows:

As fully set forth on Exhibit "A" attached hereto and by this reference made a part hereof.

C. As of the Effective Date and according to the Public Records, we find title to the land apparently vested in:

As fully set forth on Exhibit "B" attached hereto and by this reference made a part hereof

D. As of the Effective Date and according to the Public Records, the Land is subject to the following liens and encumbrances, which are not necessarily shown in the order of priority:

As fully set forth on Exhibit "C" attached hereto and by this reference made a part hereof.

EXHIBIT "A"
(Land Description Map Tax and Account)

PARCEL 1 OF VENCILL LANE MAJOR PARTITION LYING IN THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 35, TOWNSHIP 38 SOUTH, RANGE 5 WEST OF THE WILLAMETTE MERIDIAN, JOSEPHINE COUNTY, OREGON. LESS AND EXCEPT ANY PORTION LYING WITHIN THE LIMITS OF VENCILL LANE.

Map No.: 38-05-35 TL 901
Tax Account No.: R326867, R3268672 and M202096

EXHIBIT "C"
(Liens and Encumbrances)

1. Subject to the requirements and provisions of ORS Chapter 820, pertaining to the registration and transfer of ownership of mobile homes and any interest or liens disclosed thereby.

2. Rights of the public and of governmental bodies in and to that portion of the premises herein described lying below the high water mark of Williams Creek.

3. Any adverse claim based upon the assertion that some portion of said land has been removed from or brought within the boundaries thereof by an avulsive movement of the Williams Creek or has been formed by the process of accretion or reliction or has been created by artificial means or has accreted to such portion so created.

4. Easement, including terms and provisions contained therein:
   Recording Information: Volume 235, Page 499, Deed Records
   In Favor of: Pacific Power and Light Company
   For: Right of way

5. Easement, including terms and provisions contained therein:
   Recording Information: April 05, 1966 as Volume 249, Page 278, Deed Records
   For: 100 foot non-exclusive easement to install and maintain an irrigation pipeline

6. Easement as shown on the recorded plat/partition
   For: power utility line
   Affects: see plat for exact location

7. Road Maintenance Agreement, including terms and provisions thereof.
   Recorded: January 06, 1981 as Document No. 81-00168

8. Easement, including terms and provisions contained therein:
   Recording Information: April 06, 1984 as Document No. 84-04116 and July 27, 1989 as Document No. 89-10964
   For: ingress and egress

9. Agricultural Structure Use Covenant, including terms and provisions thereof.
   Recorded: December 30, 2019 as Document No. 2019-016650

10. Agricultural Structure Use Covenant, including terms and provisions thereof.
    Recorded: February 20, 2020 as Document No. 2020-002513

11. Agricultural Structure Use Covenant, including terms and provisions thereof.
    Recorded: February 20, 2020 as Document No. 2020-002514

12. Easement, including terms and provisions contained therein:
    Recording Information: May 01, 2020 as Document No. 2020-006092
    In Favor of: PacifiCorp, an Oregon corporation, its successors and assigns
    For: Underground Right of Way

13. A Contract of Sale and the terms and conditions thereof:

Vendor/Seller:	Flowers of the Sun LLC
Vendee/Purchaser:	Christian JJR Houde
As disclosed by:	Memorandum of Contract
Recorded:	January 26, 2021
Recording Information:	Document No. 2021-001499

NOTE: Taxes for the year 2020-2021 PAID IN FULL

Tax Amount:	$2,389.90
Map No.:	38-05-35 TL 901
Property ID:	R326867
Tax Code No.:	06

NOTE: Taxes for the year 2020-2021 PAID IN FULL

Tax Amount:	$137.45
Map No.:	38-05-35 TL 901
Property ID:	R3268672
Tax Code No.:	08

NOTE: Taxes for the year 2020-2021 PAID IN FULL

Tax Amount:	$83.45
Map No.:	38-05-35 TL 901
Property ID:	M202096
Tax Code No.:	06

(Affects Mobile Home)

NOTE: TOGETHER WITH: An easement for ingress and egress, created by instrument Recorded June 4, 1981, Document No. 81-09106, Josephine County, Oregon.

NOTE: TOGETHER WITH: a non-exclusive easement for ingress and egress as disclosed in Document No. 84-02201, Official Records of Josephine County, Oregon.

NOTE: We find no outstanding voluntary liens of record affecting subject property. An inquiry should be made concerning the existence of any unrecorded lien or other indebtedness which could give rise to any security interest in the subject property.

DEFINITIONS, CONDITIONS AND STIPULATIONS

1. **Definitions.** The following terms have the stated meaning when used in this report:
   (a) "Customer": The person or persons named or shown as the addressee of this report.
   (b) "Effective Date": The effective date stated in this report.
   (c) "Land": The land specifically described in this report and improvements affixed thereto which by law constitute real property.
   (d) "Public Records": Those records which by the laws of the state of Oregon impart constructive notice of matters relating to the Land.

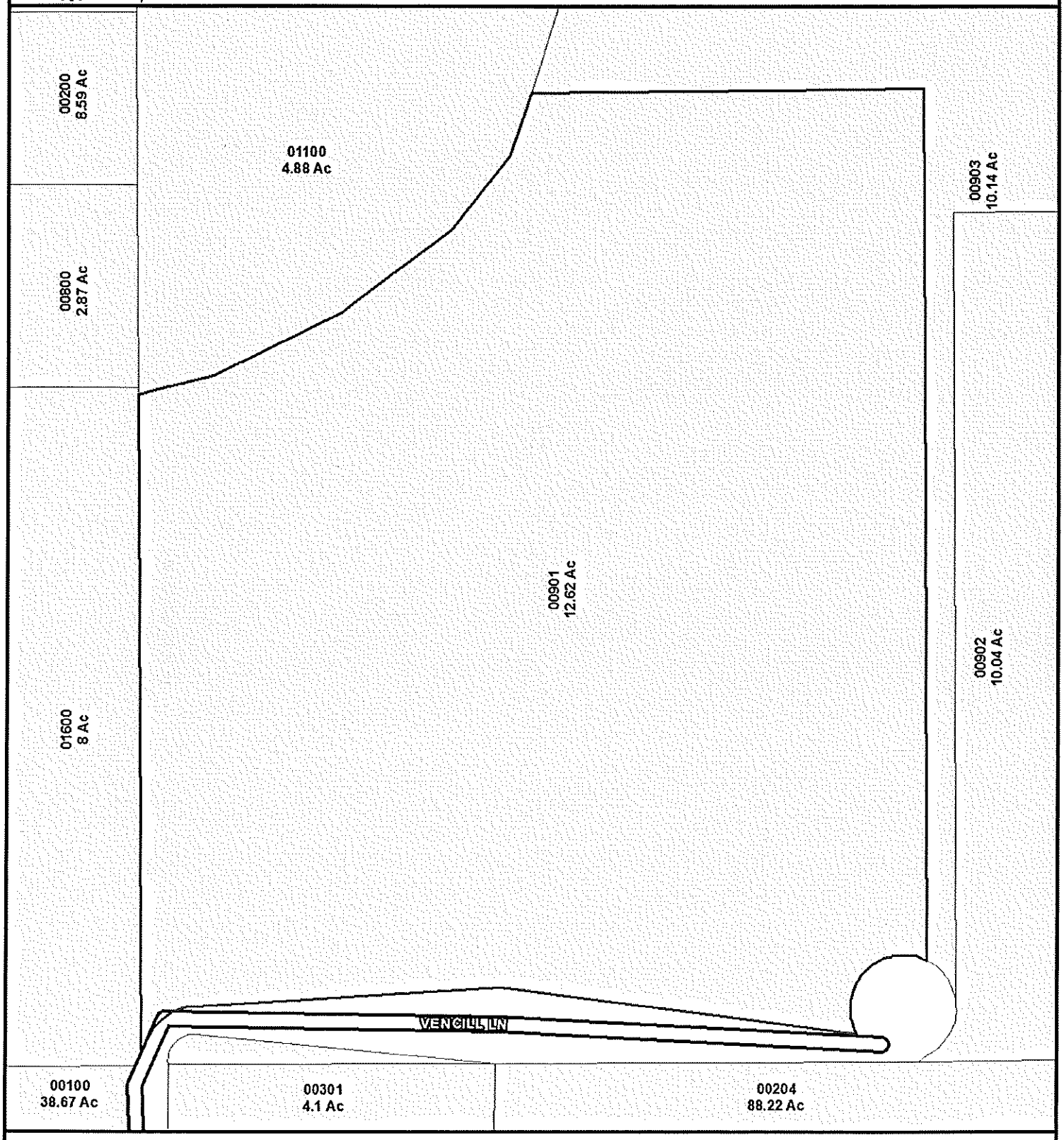
2. **Liability of the Company.**
   (a) THIS REPORT IS NOT AN INSURED PRODUCT OR SERVICE OR A REPRESENTATION OF THE CONDITION OF TITLE TO REAL PROPERTY. IT IS NOT AN ABSTRACT, LEGAL OPINION, OPINION OF TITLE, TITLE INSURANCE COMMITMENT OR PRELIMINARY REPORT, OR ANY FORM OF TITLE INSURANCE OR GUARANTY. THIS REPORT IS ISSUED EXCLUSIVELY FOR THE BENEFIT OF THE APPLICANT THEREFOR, AND MAY NOT BE USED OR RELIED UPON BY ANY OTHER PERSON. THIS REPORT MAY NOT BE REPRODUCED IN ANY MANNER WITHOUT FIRST AMERICAN'S PRIOR WRITTEN CONSENT. FIRST AMERICAN DOES NOT REPRESENT OR WARRANT THAT THE INFORMATION HEREIN IS COMPLETE OR FREE FROM ERROR, AND THE INFORMATION HEREIN IS PROVIDED WITHOUT ANY WARRANTIES OF ANY KIND, AS-IS, AND WITH ALL FAULTS. AS A MATERIAL PART OF THE CONSIDERATION GIVEN IN EXCHANGE FOR THE ISSUANCE OF THIS REPORT, RECIPIENT AGREES THAT FIRST AMERICAN'S SOLE LIABILITY FOR ANY LOSS OR DAMAGE CAUSED BY AN ERROR OR OMISSION DUE TO INACCURATE INFORMATION OR NEGLIGENCE IN PREPARING THIS REPORT SHALL BE LIMITED TO THE FEE CHARGED FOR THE REPORT. RECIPIENT ACCEPTS THIS REPORT WITH THIS LIMITATION AND AGREES THAT FIRST AMERICAN WOULD NOT HAVE ISSUED THIS REPORT BUT FOR THE LIMITATION OF LIABILITY DESCRIBED ABOVE. FIRST AMERICAN MAKES NO REPRESENTATION OR WARRANTY AS TO THE LEGALITY OR PROPRIETY OF RECIPIENT'S USE OF THE INFORMATION HEREIN.
   (b) No costs (including, without limitation attorney fees and other expenses) of defense, or prosecution of any action, is afforded to the Customer.
   (c) In any event, the Company assumes no liability for loss or damage by reason of the following:

      (1) Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the Public Records.
      (2) Any facts, rights, interests or claims which are not shown by the Public Records but which could be ascertained by an inspection of the land or by making inquiry of persons in possession thereof.
      (3) Easements, liens or encumbrances, or claims thereof, which are not shown by the Public Records.
      (4) Discrepancies, encroachments, shortage in area, conflicts in boundary lines or any other facts which a survey would disclose.
      (5) (i) Unpatented mining claims; (ii) reservations or exceptions in patents or in Acts authorizing the issuance thereof, (iii) water rights or claims or title to water.
      (6) Any right, title, interest, estate or easement in land beyond the lines of the area specifically described or referred to in this report, or in abutting streets, roads, avenues, alleys, lanes, ways or waterways.
      (7) Any law, ordinance or governmental regulation (including but not limited to building and zoning laws, ordinances or regulations) restricting, regulating, prohibiting or relating to (i) the occupancy, use or enjoyment on the land; (ii) the character, dimensions or location of any improvement now or hereafter erected on the land; (iii) a separation in ownership or a change in the dimensions or area of the land or any parcel of which the land is or was a part; or (iv) environmental protection, or the effect of any violation of these laws, ordinances or governmental regulations, except to the extent that a notice of the enforcement thereof or a notice of a defect, lien or encumbrance resulting from a violation or alleged violation affecting the land has been recorded in the Public Records at the effective date hereof.
      (8) Any governmental police power not excluded by 2(d)(7) above, except to the extent that notice of the exercise thereof or a notice of a defect, lien or encumbrance resulting from a violation or alleged violation affecting the land has been recorded in the Public Records at the effective date hereof.
      (9) Defects, liens, encumbrances, adverse claims or other matters created, suffered, assumed, agreed to or actually known by the Customer.

3. **Charge.** The charge for this report does not include supplemental reports, updates or other additional services of the Company.

First American Title

38053500000901,38053500000901
234 Browns Rd
Williams, OR 97544



Taxlot

Subject Taxlot

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2/2/2021

Houde / Flowers emi'd agent 10-20

SMITH Tamera L * WRD

From: CECILIANI Scott C * WRD
Sent: Thursday, October 15, 2020 1:45 PM
To: WRD_DL_transferreviews
Cc: SMITH Tamera L * WRD; JOHNSTONE Jake D * WRD
Subject: T-13483
Attachments: WMR_Transfer_Review_Form T-13483.pdf; Black Regulation Book Note Caldwell Ditch.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Good Afternoon!

I've attached my Watermaster Review for T-13483. In addition, I've provided some information and a few comments below that I felt important to include with my review.

Moving the POD downstream to a location where more streamflow is likely available could lead to the appropriation of more water than what's available at the original points of diversion.

The point of diversion location for C-16317 is unknown. I was unable to locate any language in the Rogue River Decree describing the location of the Caldwell Ditch. I was able to locate an older unofficial document created possibly by OWRD staff describing the point of diversion for the Caldwell Ditch as being within 39s-05w-03 NENE (attached). Not knowing the location of the point of the diversion creates a problem for both our Department and the applicant, because we don't have a known point to quantify the resource for distribution and regulation purposes.

The other issue is that C-16317 identifies two sources, West Fork Williams Creek and East Fork Williams Creek. I can only gather that the Caldwell Ditch originated at West Fork Williams Creek (possibly in the NENE) and then somehow crossed through East Fork Williams Creek picking up this source water along the way. 2 points of diversion? In my opinion, a field investigation should be conducted to locate, if possible, the Caldwell Ditch diversion point on East Fork Williams Creek and the point where water was diverted from West Fork Williams Creek into the Caldwell Ditch.

Please contact me with any questions.

Thank you,

Scott

done ✓
Scott submitted re-review on 11/16

Scott Ceciliani, GIT
Watermaster, District 14
700 NW Dimmick St., Grants Pass, OR 97526.
Office 541-476-1288 | Cell 541-261-2213

Caldwell Ditch (E. F. Wms. Creek)

Pt/div. NE¼NE¼ Twp 39 R5 Sec. 3

				1878
16317	Eilts	T38 R5 SW¼SW¼	35	2/
"	Swearingen	SE¼SE¼	34	10/.24

Caldwell ditch abandoned

SMITH Tamera L * WRD

From: Rick Parsons <rick.parsons@parsonswater.com>
Sent: Tuesday, November 10, 2020 12:36 PM
To: CECILIANI Scott C * WRD
Cc: SMITH Tamera L * WRD; christian houde
Subject: Re: Houde T-13483
Attachments: Caldwell Ditch Lidar figure.pdf

No sweat on the name, Scott.

I put two videos from my iPhone that I took during the site visit in a Shared Album. I'm pretty low tech on the Apple products so tell me if you can access the "Caldwell Ditch PODs" album. The first video (94 secs long) starts on the W Fk Williams Ck and approaches what I believe is the likely initial diversion point for the Caldwell Ditch. The second video (105 secs long) follows the depression btwn the W Fk and E Fk. I believe the second diversion point likely picked up water from the E Fk and then carried the water from the east side of the E Fk in a northeasterly direction. Stop the second video at 88 secs to see the historical path of the ditch blw the E Fk diversion. The E Fk POD outfall is near the ditch that goes across the 150 Browns Rd property. The ditch trace is evidenced on the quad map I sent over last week and the attached Lidar figure. The conveyance on the Lidar figure also supports the ditch tuning to the east to supply the 12-acre Caldwell Ditch POU, of which 2 acres are on the Houde property.

Rick

ParsonsWater Consulting LLC
http://parsonswater.com
rick.parsons@parsonswater.com
541.499.0257 303.667.5067 (mobile)

On Tue, Nov 10, 2020 at 10:15 AM CECILIANI Scott C * WRD <Scott.C.Ceciliani@oregon.gov> wrote:

Rick, I apologize for misspelling your name in the last email.

Scott Carlo Ceciliani, GIT
Watermaster, District 14
700 NW Dimmick St.
Grants Pass, OR 97526
Cell: (541) 261-2213

From: CECILIANI Scott C * WRD <Scott.C.Ceciliani@oregon.gov>
Sent: Tuesday, November 10, 2020 10:14 AM
To: SMITH Tamera L * WRD <Tamera.L.Smith@oregon.gov>; Rick Parsons <rick.parsons@parsonswater.com>
Cc: christian houde <manager@flowersofthesun.com>
Subject: Re: Houde T-13483

Rich,

Did you happen to take any photos of the Caldwell Ditch or remnants of the ditch while you were in the field? If so, could you please share those photos. Can you please explain what you observed in the field that helped you in identifying the two PODs associated with the Caldwell Ditch.

Thank you,

Scott

Scott Carlo Ceciliani, GIT
Watermaster, District 14
700 NW Dimmick St.
Grants Pass, OR 97526
Cell: (541) 261-2213

From: SMITH Tamera L * WRD <Tamera.L.Smith@oregon.gov>
Sent: Friday, November 6, 2020 4:43 PM
To: Rick Parsons <rick.parsons@parsonswater.com>
Cc: CECILIANI Scott C * WRD <Scott.C.Ceciliani@oregon.gov>; christian houde <manager@flowersofthesun.com>
Subject: RE: Houde T-13483

Thank you Rick,

There will be more description of the necessary documents when we get to the PD stage.

Kindest regards, Tamera

From: Rick Parsons <rick.parsons@parsonswater.com>
Sent: Friday, November 06, 2020 10:07 AM
To: SMITH Tamera L * WRD <Tamera.L.Smith@oregon.gov>
Cc: CECILIANI Scott C * WRD <Scott.C.Ceciliani@oregon.gov>; christian houde <manager@flowersofthesun.com>
Subject: Re: Houde T-13483

I just remembered you indicated you will also need proof of ownership of the proposed POD. The property deed is attached.

On Fri, Nov 6, 2020 at 9:46 AM Rick Parsons <rick.parsons@parsonswater.com> wrote:

> Tamera - Per your Nov 3, 2020 email and our phone conversation you indicated a few issues identified regarding Transfer Application 13483 that would need to be addressed to support a Department Proposal to Approve.
>
> - The authorized and proposed points of diversion of appropriation must be located accurately in reference to a public land survey corner.
> - ODFW identification of the need for a fish screen to be incorporated into pump intake at the proposed POD; i.e., the Flowers Pump.
> - Watermaster identification of need to incorporate a measuring device on the proposed POD.
>
> As noted in our phone conversation, Applicant intends to replace the existing pump and piping at the proposed POD upon approval of the Transfer Application. Applicant has committed to install an ODFW-approved fish screen and a totalizer meter sufficient to record diversions as part of the infrastructure upgrade.

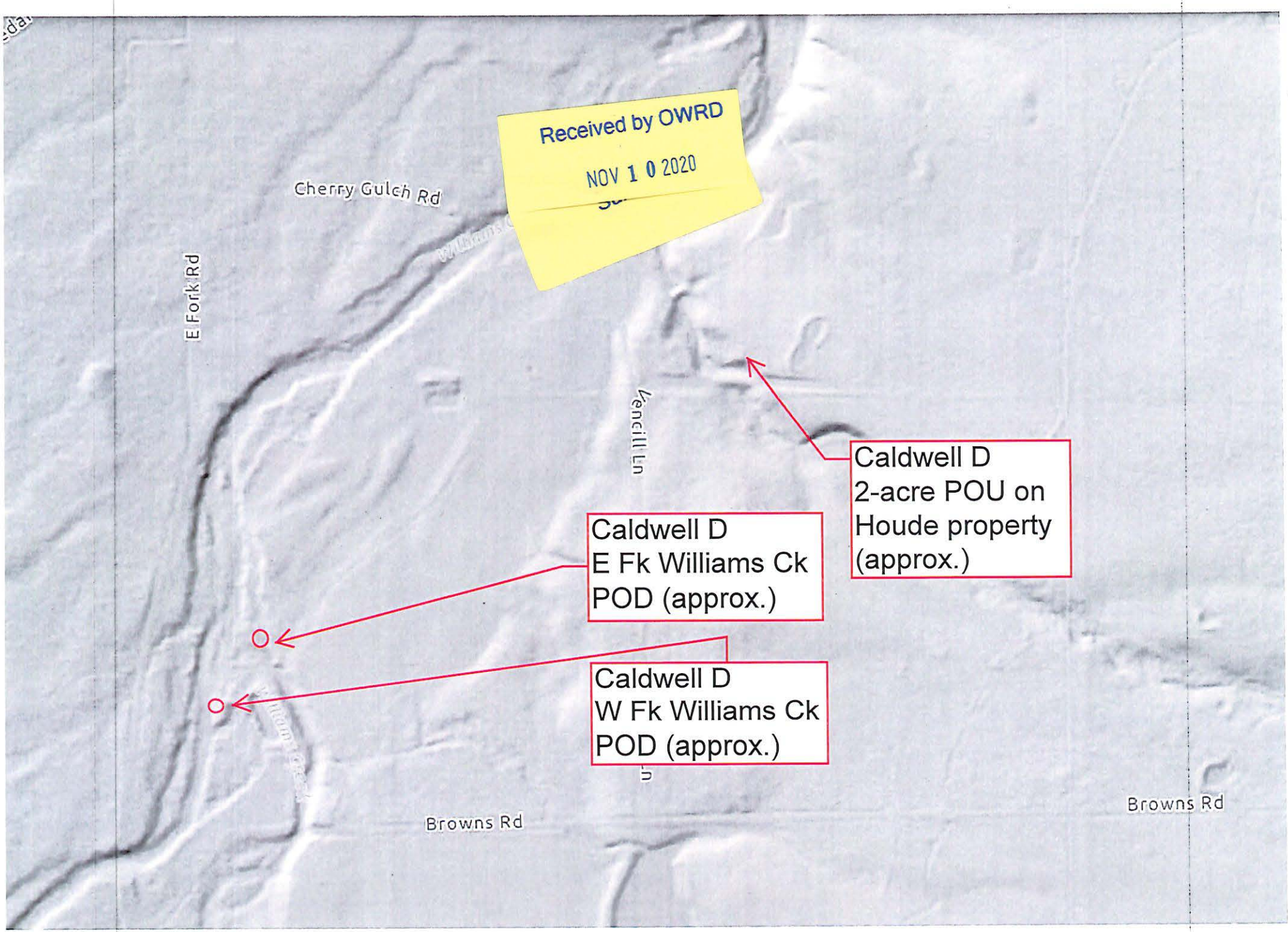
As noted in the Transfer Application, the proposed POD on Williams Creek is located at a point approx. 800' North and 430' East of the SW Corner of Section 35 T38S R5W. I conducted a field investigation yesterday to locate the two Caldwell Ditch authorized PODs. I identified the likely POD on W Fk Williams Ck that fed into an incised lateral towards the E Fk Williams Ck. A moderate-slope bank on the east side of the E Fk Williams Ck was evidenced almost immediately downstream from the outfall of the W Fk lateral. It is likely this bank was traversed by the Caldwell Ditch E Fk diversion lateral since the surrounding banks of the E Fk are markedly steeper.

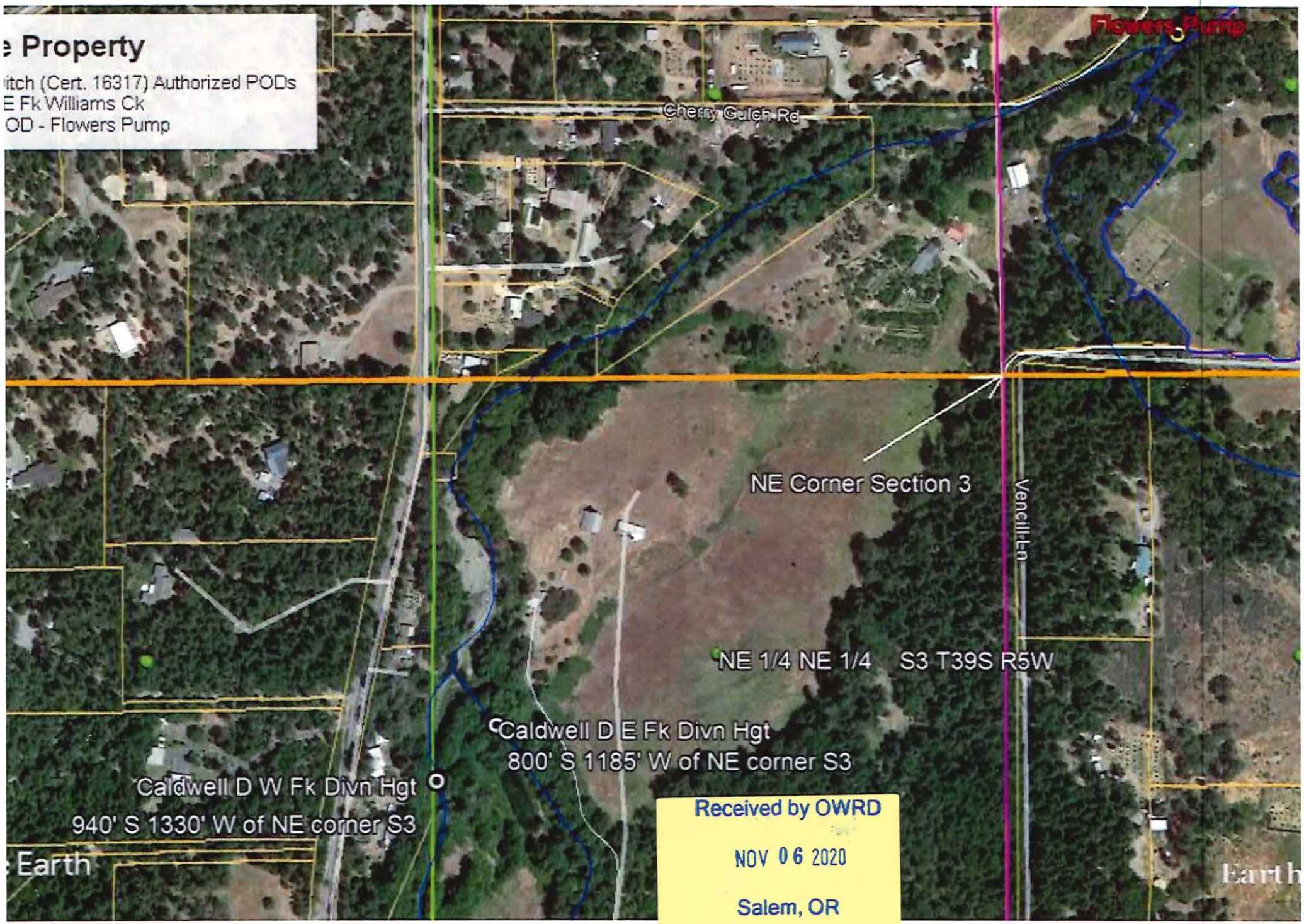
The locations of the two authorized PODs for the Caldwell Ditch are within the NE1/4 NE 1/4 of Section 3 T39S R5W, as shown on the attached figure. The locations of the PODs on the figure are also denoted by the distance from a reference corner of Section 3.

I hope this addresses your outstanding concerns and provides sufficient evidence to move forward with issuance of a Preliminary Determination that can then be published in the OWRD Weekly Notice and the Grants Pass Daily Courier.

Regards,
Rick Parsons

ParsonsWater Consulting LLC
http://parsonswater.com
rick.parsons@parsonswater.com
541.499.0257 303.667.5067 (mobile)


Received by OWRD
NOV 10 2020
Cherry Gulch Rd
E Fork Rd
Pencill Ln
Caldwell D
2-acre POU on
Houde property
(approx.)
Caldwell D
E Fk Williams Ck
POD (approx.)
Caldwell D
W Fk Williams Ck
POD (approx.)
Browns Rd
Browns Rd



Received by OWRD

NOV 06 2020

Salem, OR

T-13483

Application for Water Right
Transfer
Evidence of Use Affidavit

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

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

State of Oregon)
) ss
County of Jackson)

I, Rick Parsons, in my capacity as agent for Flowers of the Sun LLC

mailing address 1619 Minear Rd Medford, OR 97501

telephone number (541)-499-0257, being first duly sworn depose and say:

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

☐ Personal observation ☒ Professional expertise

2. I attest that:

☐ Water was used during the previous fiv... use for Certificate # _____ ; **OR**

T-13483

☒ My knowledge is specific to the use of w... locations within the last five years:

Certificate #	Township		Range		Mer	Sec	¼ ¼	Gov't Lot or DLC	Acres (if applicable)
16317	38	S	5	W	WM	35	SW SW		0.8
3353	38	S	5	W	WM	35	SW SW		4.6

OR

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

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

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

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

(continues on reverse side)

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

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

Richard Parsons
Signature of Affiant

10/5/2020
Date

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Signed and sworn to (or affirmed) before me this 5TH day of OCTOBER, 2020.

OFFICIAL STAMP
TYLER E WILKINS
NOTARY PUBLIC - OREGON
COMMISSION NO. 986326
MY COMMISSION EXPIRES APRIL 14, 2023

Tyler E Wilkins
Notary Public for Oregon

My Commission Expires: 04-14-2023

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


5/2016
Flowers Pump
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TAX LOT 901
Vencill Ln

STATE OF OREGON

WATER RESOURCES DEPARTMENT

RECEIPT # 132939

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

INVOICE # _____

RECEIVED FROM: Flowers of the Sun LLC
BY: Christian Houde

APPLICATION	
PERMIT	
TRANSFER	T-13483

CASH: ☐ CHECK:# ☒ 5005 OTHER: (IDENTIFY) ☐ _____

TOTAL REC'D $ 1,680.00

1083 TREASURY 4170 WRD MISC CASH ACCT

0407	COPIES		$
_____	OTHER:	(IDENTIFY) _____	$

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

4270 WRD OPERATING ACCT

4611D

MISCELLANEOUS

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

WATER RIGHTS:

		EXAM FEE		RECORD FEE
0201	SURFACE WATER	$	0202	$
0203	GROUND WATER	$	0204	$
0205	TRANSFER	$ 1,680.00		

WELL CONSTRUCTION

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

_____ OTHER (IDENTIFY) _____

0536 TREASURY 0437 WELL CONST. START FEE

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

_____ OTHER (IDENTIFY) _____

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

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

____ TREASURY OTHER / RDX

FUND _____ TITLE _____

OBJ. CODE _____ VENDOR # _____

DESCRIPTION _____ $ _____

RECEIPT: 132939 DATED: 6-30-2020 BY: _____

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

Application for Permanent Water Right Transfer

Part 1 of 5 – Minimum Requirements Checklist

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

This transfer application will be returned if Parts 1 through 5 and all required attachments are not completed and included.
For questions, please call (503) 986-0900, and ask for Transfer Section.

RECEIVED
JUN 30 2020
OWRD

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

☒ Part 1 – Completed Minimum Requirements Checklist.

☒ Part 2 – Completed Transfer Application Map Checklist.

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

☒ Part 4 – Completed Applicant Information and Signature.

☒ Part 5 – Information about Water Rights to be Transferred: **How many water rights are to be transferred? 2 List them here: 3353 and 16317**
Please include a separate Part 5 for each water right. (See instructions on page 6)

Attachments:

☒ Completed Transfer Application Map.

☒ Completed Evidence of Use Affidavit and supporting documentation.

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

☐ ☒ N/A Supplemental Form D – For water rights served by or issued in the name of an irrigation district. Complete when the transfer applicant is not the irrigation district.

☒ ☐ N/A Oregon Water Resources Department's Land Use Information Form with approval and signature (or signed land use form receipt stub) from each local land use authority in which water is to be diverted, conveyed, and/or used. Not required if water is to be diverted, conveyed, and/or used only on federal lands or if **all** of the following apply: a) a change in place of use only, b) no structural changes, c) the use of water is for irrigation only, and d) the use is located within an irrigation district or an exclusive farm use zone.

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

☐ ☒ N/A Geologist Report for a change from a surface water point of diversion to a ground water point of appropriation (well), if the proposed well is more than 500' from the surface water source and more than 1000' upstream or downstream from the point of diversion. See OAR 690-380-2130 for requirements and applicability.

(For Staff Use Only)

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

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

Other/Explanation _____

Staff: _____ 503-986-0___ Date: ____/____/____

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JUN 30 2020
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Part 2 of 5 – Transfer Application Map

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

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

☒ ☐ N/A Certified Water Right Examiner (CWRE) Stamp and Original Signature. For a list of CWREs, see http://apps.wrd.state.or.us/apps/wr/cwre_license_view/. CWRE stamp and signature are not required for substitutions.

☐ ☒ N/A If **more than three** water rights are involved, separate maps are needed for each water right.

☒ Permanent quality printed with dark ink on good quality paper.

☒ The size of the map can be 8½ x 11 inches, 8½ x 14 inches, 11 x 17 inches, or up to 30 x 30 inches. For 30 x 30 inch maps, one extra copy is required.

☒ A north arrow, a legend, and scale.

☒ The scale of the map must be: 1 inch = 400 feet, 1 inch = 1,320 feet, the scale of the Final Proof/Claim of Beneficial Use Map (the map used when the permit was certificated), the scale of the county assessor map if the scale is not smaller than 1 inch = 1,320 feet, or a scale that has been pre-approved by the Department.

☒ Township, Range, Section, ¼ ¼, DLC, Government Lot, and other recognized public land survey lines.

☒ Tax lot boundaries (property lines) are required. Tax lot numbers are recommended.

☒ Major physical features including rivers and creeks showing direction of flow, lakes and reservoirs, roads, and railroads.

☒ Major water delivery system features from the point(s) of diversion/appropriation such as main pipelines, canals, and ditches.

☒ Existing place of use that includes separate hachuring for each water right, priority date, and use including number of acres in each quarter-quarter section, government lot, or in each quarter-quarter section as projected within government lots, donation land claims, or other recognized public land survey subdivisions. If less than the entirety of the water right is being changed, a separate hachuring is needed for lands left unchanged.

☐ ☒ N/A Proposed place of use that includes separate hachuring for each water right, priority date, and use including number of acres in each quarter-quarter section, government lot, or in each quarter-quarter section as projected within government lots, donation land claims, or other recognized public land survey subdivisions.

☒ Existing point(s) of diversion or well(s) with distance and bearing or coordinates from a recognized survey corner. This information can be found in your water right certificate or permit.

☒ ☐ N/A If you are proposing a change in point(s) of diversion or well(s), show the proposed location and label it clearly with distance and bearing or coordinates. If GPS coordinates are used, latitude-longitude coordinates may be expressed as either degrees-minutes-seconds with at least one digit after the decimal (example – 42°32'15.5") or degrees-decimal with five or more digits after the decimal (example – 42.53764°).

Part 3 of 5 – Fee Worksheet

FEE WORKSHEET for PERMANENT TRANSFER (except Substitution)			
1	Base Fee (includes one type of change to one water right for up to 1 cfs)	*1*	$1,160
2	Types of change proposed: ☐ Place of Use ☐ Character of Use ☒ Point of Diversion/Appropriation Number of above boxes checked = 1 (2a) Subtract 1 from the number in line 2a = 0 (2b) *If only one change, this will be 0* Multiply line 2b by $930 and enter » » » » » » » » » » » » » »	*2*	0
3	Number of water rights included in transfer 2 (3a) Subtract 1 from the number in 3a above: 1 (3b) *If only one water right this will be 0* Multiply line 3b by $520 and enter » » » » » » » » » » » » » »	*3*	520
4	Do you propose to add or change a well, or change from a surface water POD to a well? ☒ No: enter 0 » ☐ Yes: enter $410 »	*4*	0
5	Do you propose to change the place of use or character of use? ☒ No: enter 0 on line 5 » » » » » » » » » » » » » » » » » » ☐ Yes: enter the cfs for the portions of the rights to be transferred (see example below*): (5a) Subtract 1.0 from the number in 5a above: (5b) If 5b is 0 or less, enter 0 on line 5 » » » » » » » » » » » » » » » » If 5b is greater than 0, round up to the nearest whole number: (5c) and multiply 5c by $350, then enter on line 5 » » » » » » » »	*5*	0
6	Add entries on lines 1 through 5 above » » » » » » » » » Subtotal:	*6*	$1,680
7	Is this transfer: ☐ necessary to complete a project funded by the Oregon Watershed Enhancement Board (OWEB) under ORS 541.932? ☐ endorsed in writing by ODFW as a change that will result in a net benefit to fish and wildlife habitat? If one or more boxes is checked, multiply line 6 by 0.5 and enter on line 7 » If no box is applicable, enter 0 on line 7» » » » » » » » » » » » »	*7*	0
8	Subtract line 7 from line 6 » » » » » » » » » » » **Transfer Fee:**	*8*	$1,680

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

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

FEE WORKSHEET for SUBSTITUTION			
1	Base Fee (includes change to one well)	*1*	$840.00
2	Number of wells included in substitution (2a) Subtract 1 from the number in 2a above: (2b) *If only one well this will be 0* Multiply line 2b by $410 and enter » » » » » » » » » » » » »	*2*	
3	Add entries on lines 1 through 2 above » » » » » **Fee for Substitution:**	*3*	

Part 4 of 5 – Applicant Information and Signature

Applicant Information

APPLICANT/BUSINESS NAME			PHONE NO.	ADDITIONAL CONTACT NO.
Christian Houde / Flowers of the Sun LLC			530.575.0598	
ADDRESS				FAX NO.
234 Browns Rd				
CITY	STATE	ZIP	E-MAIL	
Williams	OR	97544	manager@flowersofthesun.com	

BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED.

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

AGENT/BUSINESS NAME			PHONE NO.	ADDITIONAL CONTACT NO.
Rick Parsons / ParsonsWater Consulting LLC			541.499.0257	
ADDRESS				FAX NO.
1619 Minear Rd				
CITY	STATE	ZIP	E-MAIL	
Medford	OR	97501	rick.parsons@parsonswater.com	

BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED.

Explain in your own words what you propose to accomplish with this transfer application, and why:

see Attachment 1

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

Check One Box

☒ By signing this application, I understand that, upon receipt of the draft preliminary determination and prior to Department approval of the transfer, I will be required to provide landownership information and evidence that I am authorized to pursue the transfer as identified in OAR 690-380-4010(5); **OR**

☐ I affirm the applicant is a municipality as defined in ORS 540.510(3)(b) and that the right is in the name of the municipality or a predecessor; **OR**

☐ I affirm the applicant is an entity with the authority to condemn property and is acquiring by condemnation the property to which the water right proposed for transfer is appurtenant and have supporting documentation.

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By my signature below, I confirm that I understand:

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

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

Applicant signature	Print Name (and Title if applicable)	Date
Christian J&R Houde	Christian House, owner Flowers of the Sun LLC	06/01/20

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

Check the following boxes that apply:

☒ The applicant is responsible for completion of change(s). Notices and correspondence should continue to be sent to the applicant.

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

☐ Both the receiving landowner and applicant will be responsible for completion of change(s). Copies of notices and correspondence should be sent to this landowner and the applicant.

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

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

If a property sells, the certificated water right(s) located on the land belong to the new owner, unless a sale agreement or other document states otherwise. For more information see: https://www.oregon.gov/owrd/WRDFormsPDF/Transfer_Property_Transactions.pdf

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

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Describe any special ownership circumstances here: _____

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

IRRIGATION DISTRICT NAME	ADDRESS	
CITY	STATE	ZIP

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

ENTITY NAME	ADDRESS	
CITY	STATE	ZIP

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

ENTITY NAME Josephine County Planning Division	ADDRESS 700 NW Dimmick Street, Suite C	
CITY Grants Pass	STATE OR	ZIP 97526

ENTITY NAME	ADDRESS	
CITY	STATE	ZIP

Part 4 of 5 – Applicant Information and Signature

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

CERTIFICATE # 16317 - Cert. 1 of 2

Description of Water Delivery System 0.017 cfs (7%) or original 0.24 cfs

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

60 gallons per minute (gpm)

Describe the current water delivery system or the system that was in place at some time within the last five years. Include information on the pumps, canals, pipelines, and sprinklers used to divert, convey, and apply the water at the authorized place of use. 1 hp pump connected to 2" PVC pipeline that conveys water from creek to subject property. Property borders Williams Creek. Pipeline conveys water to sprinkler systems serving entire property.

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

POD/POA Name or Number	Is this POD/POA Authorized on the Certificate or is it Proposed?	If POA, OWRD Well Log ID# (or Well ID Tag # L-___)	Twp		Rng		Sec	¼	¼	Tax Lot, DLC or Gov't Lot	Measured Distances (from a recognized survey corner)
Caldwell Ditch	☒ Authorized ☐ Proposed	N/A	39	S	5	W	3	NE	NE	100	UNKNOWN
Flowers Pump	☐ Authorized ☒ Proposed	N/A	38	S	5	W	35	SW	SW	901	approx. 800' North, 430' East of SW corner S35
	☐ Authorized ☐ Proposed										
	☐ Authorized ☐ Proposed										

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

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

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

☐ Yes Complete only the Proposed ("to" or "on" lands) section of Table 2 on the next page. Use the "CODES" listed above to describe the proposed changes.

☒ No Complete all of Table 2 to describe the portion of the water right to be changed.

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

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

Table 2. Description of Changes to Water Right Certificate # 16317 - 0.017 cfs (7%) or original 0.24 cfs

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

AUTHORIZED (the "from" or "off" lands) The listing that appears on the certificate BEFORE PROPOSED CHANGES. List only that part or portion of the water right that will be changed.													Proposed Changes (see "CODES" from previous page)	PROPOSED (the "to" or "on" lands) The listing as it would appear AFTER PROPOSED CHANGES are made.											
Twp	Rng	Sec	¼	¼	Tax Lot	Gvt Lot or DLC	Acres	Type of USE listed on Certificate	POD(s) or POA(s) (name or number from Table 1)	Priority Date			Twp	Rng	Sec	¼	¼	Tax Lot	Gvt Lot or DLC	Acres	New Type of USE	POD(s)/ POA(s) to be used (from Table 1)	Priority Date	
EXAMPLE																									
2	S	9	E	15	NE	NW	100		15.0	Irrigation	POD #1 POD #2	1901	POU/POD	2	S	9	E	1	NW	NW	500	1	10.0		POD #5	1901
														2	S	9	E	2	SW	NW	500		5.0		POD #6	1901
38	S	5	W	35	SW	SW	901		0.8	Irrigation	Caldwell Ditch 1878		POD	38	S	5	W	35	SW	SW	901		0.8	Irrig. Flowers Pump		1878
TOTAL ACRES:							0.8							TOTAL ACRES:								0.8				

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Additional remarks: Based on the available mapping for permitted acreage under the Caldwell Ditch, the acreage on the subject property (Tax Lot 901) represents approximately 40 percent of the two acres total on Tax Lots 901 and 902. This translates into approximately 0.8 acres, which represents 7 percent of the 12 acres assigned to POU for C-16317.

Certificate # 16317

For Place of Use or Character of Use Changes n/a

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

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

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

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

Ground water supplemental Permit or Certificate # _____; n/a
Surface water primary Certificate # _____.

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For a change from Supplemental Irrigation Use to Primary Irrigation Use n/a

Identify the primary certificate to be cancelled. Certificate # _____

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

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

AND/OR

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

Table 3. Construction of Point(s) of Appropriation n/a

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

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

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

CERTIFICATE # 3353 - Cert. 2 of 2

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Description of Water Delivery System 0.16 cfs (32%) or original 0.50 cfs

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

60 gallons per minute (gpm)

Describe the current water delivery system or the system that was in place at some time within the last five years. Include information on the pumps, canals, pipelines, and sprinklers used to divert, convey, and apply the water at the authorized place of use. 1 hp pump connected to 2" PVC pipeline that conveys water from creek to subject property. Property borders Williams Creek. Pipeline conveys water to sprinkler systems serving entire property.

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

POD/POA Name or Number	Is this POD/POA Authorized on the Certificate or is it Proposed?	If POA, OWRD Well Log ID# (or Well ID Tag # L-___)	Twp	Rng	Sec	¼ ¼	Tax Lot, DLC or Gov't Lot	Measured Distances (from a recognized survey corner)
Eastside Ditch	☒ Authorized ☐ Proposed	N/A	39 S	5 W	14	SE NW	202	approx. 2400' South, 1900' East of NW corner S14
Flowers Pump	☐ Authorized ☒ Proposed	N/A	38 S	5 W	35	SW SW	901 430'	approx. 800' North, East of SW corner S35
	☐ Authorized ☐ Proposed							
	☐ Authorized ☐ Proposed							

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

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

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

☐ Yes Complete only the Proposed ("to" or "on" lands) section of Table 2 on the next page. Use the "CODES" listed above to describe the proposed changes.

☒ No Complete all of Table 2 to describe the portion of the water right to be changed.

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

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

Table 2. Description of Changes to Water Right Certificate #3353 - 0.16 cfs (32%) or original 0.50 cfs

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

AUTHORIZED (the "from" or "off" lands) The listing that appears on the certificate BEFORE PROPOSED CHANGES. List only that part or portion of the water right that will be changed.													Proposed Changes (see "CODES" from previous page)	PROPOSED (the "to" or "on" lands) The listing as it would appear AFTER PROPOSED CHANGES are made.											
Twp		Rng		Sec	¼ ¼		Tax Lot	Gvt Lot or DLC	Acres	Type of USE listed on Certificate	POD(s) or POA(s) (name or number from Table 1)	Priority Date		Twp		Rng		Sec	¼ ¼		Tax Lot	Gvt Lot or DLC	Acres	New Type of USE	POD(s)/ POA(s) to be used (from Table 1)	Priority Date
EXAMPLE																										
2	S	9	E	15	NE	NW	100		15.0	Irrigation	POD #1 POD #2	1901	POU/POD	2	S	9	E	1	NW	NW	500	1	10.0		POD #5	1901
														2	S	9	E	2	SW	NW	500		5.0		POD #6	1901
38	S	5	W	35	SW	SW	901		12.62	Irrigation	Eastside Ditch	1915	POD	38	S	5	W	35	SW	SW	901		12.62	Irrig. Flowers	Pump	1915
TOTAL ACRES:									12.62					TOTAL ACRES:									12.62			

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Additional remarks: Lots 901, 902 and 903 total 32.8 acs for Eastside Ditch POU. Presumably the other 2.2 acs that make up the total 35 acres are accounted for based on change in measurement detail over last 100+ years, current rights-of-way, movement of creek layout affecting land area, etc. 12.62 acres of subject property represents 32 percent of 40 acres assigned to POU for C-3353. The 32 percent of the original 0.50 cfs water right corresponds to a change of 0.16 cfs (~72 gpm) associated with C-3353.

Certificate # 3353

For Place of Use or Character of Use Changes n/a

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

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

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

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

Ground water supplemental Permit or Certificate # _____; n/a
Surface water primary Certificate # _____.

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For a change from Supplemental Irrigation Use to Primary Irrigation Use n/a

Identify the primary certificate to be cancelled. Certificate # _____

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

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

AND/OR

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

Table 3. Construction of Point(s) of Appropriation n/a

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

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

ATTACHMENT 1 - The purpose of this application is to acknowledge the water rights appurtenant to the subject property have been used without interruption at the subject property and use of the current POD has occurred without injury to vested water rights. This effort was originally done through a historic use of the POD application. Although the applicant was an individual, a business entity is the deed holder and OWRD advised a Water Right Transfer application to change the POD would be necessary. Therefore, this application is intended to formalize the change in POD that occurred decades ago.

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Additional notes regarding change in POD for two water rights assigned to Tax Lot 901 in Josephine County

C-3353 and C-16317 were established in the Rogue River Decree and proof maps were not included with the associated Certificates. Information regarding Place of Use (POU) is taken from descriptions included in the Decree and associated Certificates. Information regarding Points of Diversion (POD) and POU was gathered from other sources, including file information at the District 14 Watermaster office.

The Eastside Ditch and Caldwell Ditch fell into non-use decades ago. As noted in the attached Affidavit from the previous owner of Lot 901, the POD for the two water rights is a pump in Williams Creek and has been in place prior to her moving to the property and was consistently used during her 25-year tenure on the property. Based on the apparent age of the pump, it is possible it has been in use since water diversions down the Eastside Ditch and Caldwell Ditch ceased.

The location of the Eastside Ditch POD is estimated based on the map included with Permit 2772 (precursor to C-3353). This location, on the East Fork Williams Creek, is consistent with the map included with Permit 13636. The two maps are attached. The location of the POU of 35 acres for the Eastside Ditch water right in the SW SW Section 35 can be inferred from the tax lots on the east side of Williams Creek, which bisects the quarter quarter. The location of the 35 acres is consistent with a map provided by the District 14 office (attached). The map does not specify the location of use of the 5 acres, although it could be conferred as being located in Tax Lot 1600, which is directly east of Tax Lot 901.

The location of the Caldwell Ditch POD is unknown. The location is not specified in the Decree although the District 14 office provided information placing the POD in the NE NE Section 3 Township 39 South Range 5 West. The source of water for the Caldwell Ditch, as noted in the Decree, is the East and West Forks of Williams Creek; therefore, the general location of the POD in the NE NE Section 3 appears reasonable. Without historical evidence regarding the layout of the ditch, it is difficult to identify the location of the POU of 2 acres for the Caldwell Ditch water right in the SW SW Section 35. The map from the District 14 office is one source of information related to the POU under the Caldwell Ditch. It identifies acreage along the south side of the SW SW Section 35 associated with C-16317. Based on the approximate break point along the southern boundary between Task Lots 901 and 902 (see blue line on map), approximately 40 percent of the POU of the Caldwell Ditch acreage within the SW SW Section 35 were within Tax Lot 901.

As to the question of potential injury from approval of the transfer of the Point of Diversion; neither of the ditches associated with the authorized PODs are in use; therefore, there is no injury to other holders of water rights in these ditches pursuant to an approval to the Change in POD. The authorized PODs for both water rights in question were located upstream of the current POD. Therefore, the water associated with C-3353 and C-16317 under review remained in a longer extent of the East and West Forks of Williams Creek than originally anticipated. Diversion of the water at the current downstream POD actually provides a net benefit to other water right holders, in particular the instream flow rights permitted in the area. According to conversations with District 14 Watermaster, Scott Ceciliani and the Southwest District Manager, Jake Johnstone, there is no evidence of complaints associated with the diversion of the C-3353 and C-16317 water rights from Williams Creek adjacent to Tax Lot 901.

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JUN 30 2020
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AFFIDAVIT
OF RENEE FRIEND

STATE OF OREGON)
) **ss.**
COUNTY OF JOSEPHINE)

The undersigned, Renee Monnet Rathbone, formerly Renee Friend certifies the following:

1. I lived at 234 Browns Road Williams, Oregon (Tax Lot 901; the "Property") from 9-1994 through 11-2019
2. A pump and pipeline were in place along the south bank of Williams Creek at the time I purchased the property. My understanding is the pump was and is used to divert the water rights (Certificate 3353 and Certificate 16317) assigned to the Property and neighboring properties located in the Southwest Quarter Southwest Quarter of Section 35, Township 38 South, Range 5 West.
3. The pump was used to divert water for irrigation over the entire Property.
4. The pump was used to divert water for irrigation every year I lived at the Property.

I have personal knowledge of the facts set forth in this affidavit.

Renee Monnet Rathbone
Renee Friend

STATE OF OREGON)
) **ss.**
COUNTY OF Josephine)

The foregoing instrument was acknowledged before me this 4th day of April 2020, by Renee Friend.

Witness my hand and official seal.

My commission expires: Oct 17, 2020.

(SEAL)

OFFICIAL STAMP
CHERYL AMY HOLLANDER
NOTARY PUBLIC-OREGON
COMMISSION NO. 954933A
MY COMMISSION EXPIRES OCTOBER 17, 2020

Cheryl Amy Hollander
Notary Public

OFFICIAL STAMP
CHERYL AMY HOLLANDER
NOTARY PUBLIC-OREGON
COMMISSION NO. 954933A
MY COMMISSION EXPIRES OCTOBER 17, 2020

STATE OF OREGON

COUNTY OF JOSEPHINE

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CERTIFICATE OF WATER RIGHT

This Is to Certify, That C. E. Ross

of Williams, State of Oregon, has a right to the use of the waters of East and West Forks of Williams Creek

for the purpose of irrigation of 12 acres

and that said right has been confirmed by decree of the Circuit Court of the State of Oregon for Jackson County, and the said decree entered of record at Salem, in the Order Record of the STATE ENGINEER, in Volume 4, at page 1; that the priority of the right thereby confirmed dates from 1878;

that the amount of water to which such right is entitled, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed 0.24 cubic foot per second.

A description of the lands irrigated under such right, and to which the water is appurtenant (or, if for other purposes, the place where such water is put to beneficial use), is as follows:

2 acres in SW¼ SW¼
Section 35,
10 acres in SE¼ SE¼
Section 34,
T. 38 S., R. 5 W., W. M.

And said right shall be subject to all other conditions and limitations contained in said decree.
The right to the use of the water for the purposes aforesaid is restricted to the lands or place of use herein described.

WITNESS the signature of the State Engineer, affixed this 30 day of September, 19 49.

CHAS. E. STRICKLIN
State Engineer

Recorded in State Record of Water Right Certificates, Volume 13, page 16317

Permit—500—7-31.

STATE OF OREGON

COUNTY OF JOSEPHINE

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JUN 3 0 2020
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CERTIFICATE OF WATER RIGHT

This is to Certify, That JOHN VAN ZANT, c/o M. L. Opdyoke

of Grants Pass, State of Oregon, has made proof to the satisfaction of the STATE WATER BOARD of Oregon, of a right to the use of the waters of East Fork Williams Creek, a tributary of Applegate River for the purpose of irrigation under Permit No. 2772 of the State Engineer, and that said right to the use of said waters has been perfected in accordance with the laws of Oregon and duly confirmed by order of the STATE WATER BOARD of Oregon, made and entered of record in the Record of Proceedings of said Board, at Salem, in Volume 1, at page 410, on the 17th day of October, 1921; that the priority of the right hereby confirmed dates from December 28, 1915;

that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed 0.60 cubic feet per second, or its equivalent in case of rotation. The use hereunder for irrigation shall conform to such reasonable rotation system as may be ordered by the proper state officer.

A description of the lands under such right, and to which the water hereby confirmed is appurtenant, or, if for other purposes, the place where such water is put to beneficial use, is as follows: 35 acres in the Southwest quarter of Southwest quarter of Section Thirty-five and 5 acres in the Southeast quarter of Southeast quarter of Section Thirty-four, Township Thirty-eight South, Range Five West of Willamette Meridian, in Josephine County, Oregon. (Being a total of 40 acres).

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

Rights to the use of water for power purposes are limited to a period of forty years from the date of priority of the right, as herein set forth, subject to a preference right of renewal under the laws existing at the date of the expiration of the right for power purposes, as hereby confirmed and limited.

WITNESS the seal and signature of the State Water Board, affixed this 17th day of October, 1921

STATE WATER BOARD

(Seal of State Water Board)

By PERCY A. CUPPER
State Engineer, President

Attest: R. W. POTTER
Secretary

Recorded in State Record of Water Right Certificates, Volume 4, page 3353

Application for Water Right
Historic POD/POA Transfer
Watermaster Statement

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

I, SCOTT CECILIANI, Watermaster of District 14,

state that to my knowledge, there has been no claim of injury due to use of an historic point of diversion/appropriation for Certificate 3353 and 16317

from Williams Creek *(source)* located as follows:

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

Twp	Rng	Mer	Sec	Q-Q	DLC	GLot	Measured Distances
38 W	05 W	W.M.	35	swsw			Approximately 800ft North and 430ft East of Southwest corner of Section 35.

OR

☐ by GPS coordinates: Latitude: _____ Longitude: _____

OR

☒ as shown on the attached map.

Signature

4-21-2020
Date

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Land Use Information Form

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

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Applicant(s): Christian Houde / Flowers of the Sun LLC

Mailing Address: 234 Browns Road

City: Williams State: OR Zip Code: 97544 Daytime Phone: 530.575.0598

A. Land and Location

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

Township	Range	Section	¼ ¼	Tax Lot #	Plan Designation (e.g., Rural Residential/RR-5)	Water to be:	Proposed Land Use:
38S	5W	35	SW	~~SW~~ 901	EFU	☒ Diverted ☒ Conveyed ☒ Used	Irrigation
						☐ Diverted ☐ Conveyed ☐ Used	
						☐ Diverted ☐ Conveyed ☐ Used	
						☐ Diverted ☐ Conveyed ☐ Used	

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

Josephine

B. Description of Proposed Use

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

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

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

Estimated quantity of water needed: 80 ☐ 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:

Acknowledge the water rights appurtenant to the property have been used without interruption and use of the current Point of Diversion (POD) has occurred without injury to other water right holders.

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

See bottom of Page 3. →

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MAY 28 2020
JOCO - PLANNING

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 the proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): Josephine County Code Section 19.61.020.B

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

Type of Land-Use Approval Needed (e.g., plan amendments, rezones, conditional-use permits, etc.)	Cite Most Significant, Applicable Plan Policies & Ordinance Section References	Land-Use Approval:	
		☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued
		☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued
		☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued
		☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued
		☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued

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

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

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JUN 30 2020
OWRD

Name: NORA SCHWARTZ Title: PLANNER

Signature: Nora Schwartz Phone: 541-474-5417 Date: 6-4-20

Government Entity: JOSEPHINE 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: Christian JSR Houde

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

Signature: Nora Schwartz Phone: 541-474-5417 Date: 5-28-20

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MAY 28 2020
JOCO - PLANNING

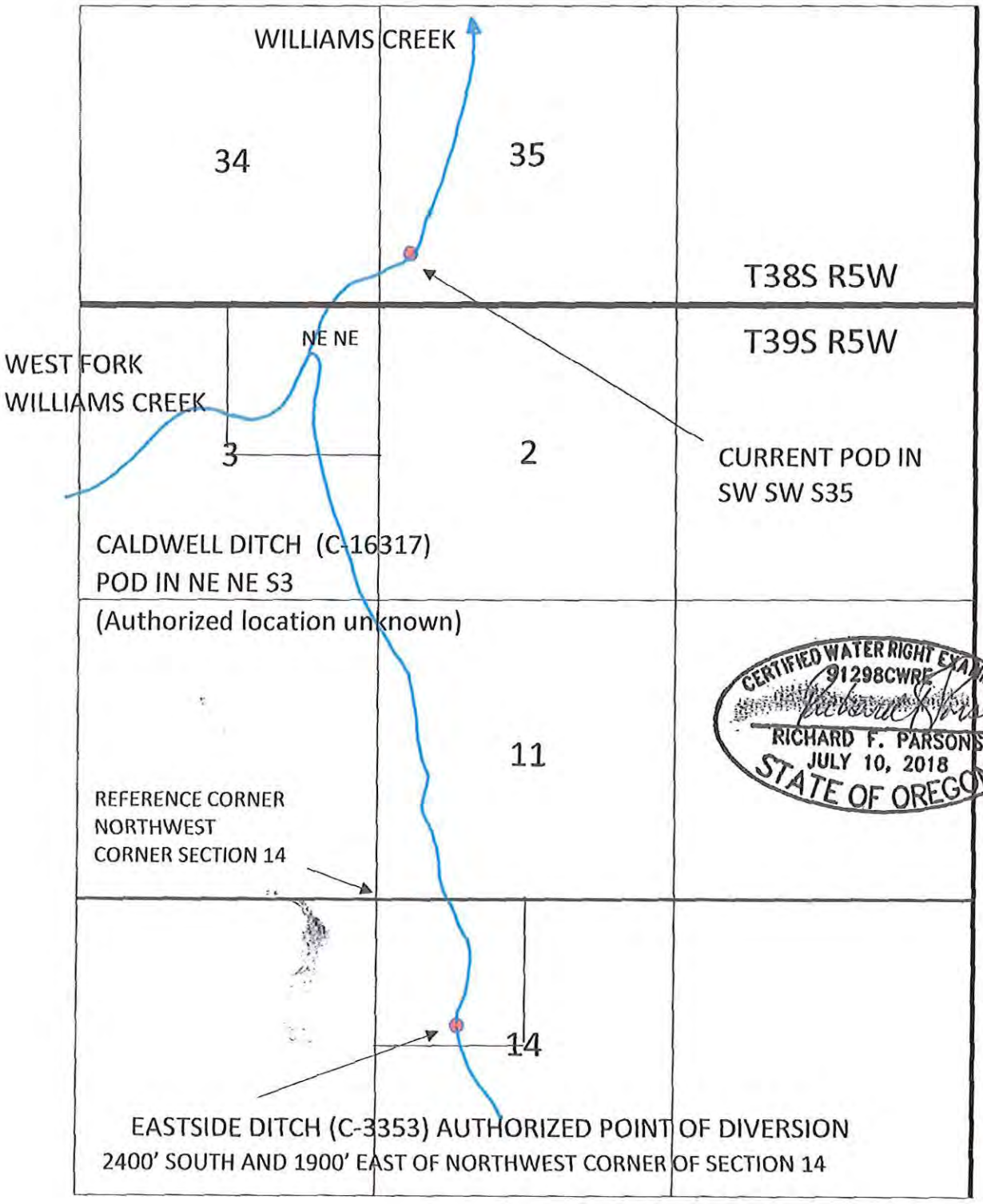
WATER RIGHT APPLICATION MAP (1 of 2)

CHANGE IN POINT OF DIVERSION

FLOWERS OF THE SUN LLC
234 BROWNS ROAD
WILLIAMS, OR 97544

● POINTS OF DIVERSION

AUTHORIZED PODs SITUATED IN SECTIONS 3 AND 14, BOTH OF TOWNSHIP 39 SOUTH RANGE 5 WEST, W.M.
CURRENT POD SITUATED IN SECTION 35 TOWNSHIP 38 SOUTH RANGE 5 WEST, W.M.
JOSEPHINE COUNTY OREGON



N

0 1300' 2600'

SCALE 1" = 2600'

CERTIFIED WATER RIGHT EXAMINER
91298CWRE
RICHARD F. PARSONS
JULY 10, 2018
STATE OF OREGON

RECEIVED
JUN 30 2020
OWRD

ParsonsWater Consulting LL
rick.parsons@parsonwater.con
541.499.0257 303.667.506

WATER RIGHT APPLICATION MAP (2 of 2)

CHANGE IN POINT OF DIVERSION

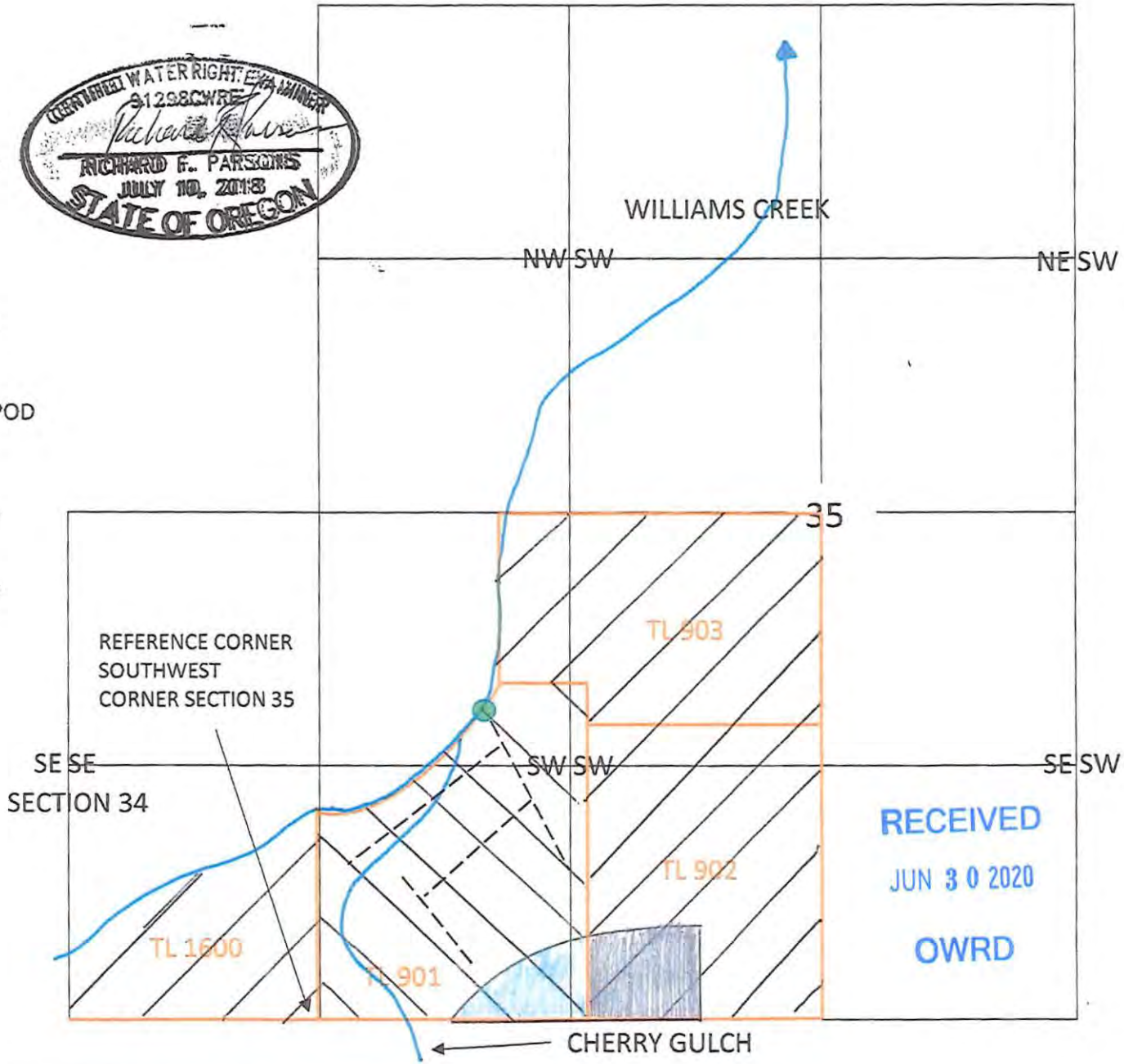
FLOWERS OF THE SUN LLC
234 BROWNS ROAD
WILLIAMS, OR 97544

SITUATED IN SECTION 35 T38S R5W, W.M.
JOSEPHINE COUNTY OREGON

LEGEND

- CURRENT POINT OF DIVERSION APPROXIMATE LOCATION 800' NORTH AND 430' EAST OF SOUTHWEST CORNER OF SECTION 35
- IRRIGATION PIPE TO SPRINKLERS
- C-3353 PLACE OF USE WITH CURRENT POD
- C-3353 PLACE OF USE NOT IRRIGATED WITH CURRENT POD
- C-16317 PLACE OF USE WITH CURRENT POD
- C-16317 PLACE OF USE NOT IRRIGATED WITH CURRENT POD

CERTIFIED WATER RIGHT EXAMINER
91298CWRE
RICHARD F. PARSONS
JULY 10, 2018
STATE OF OREGON



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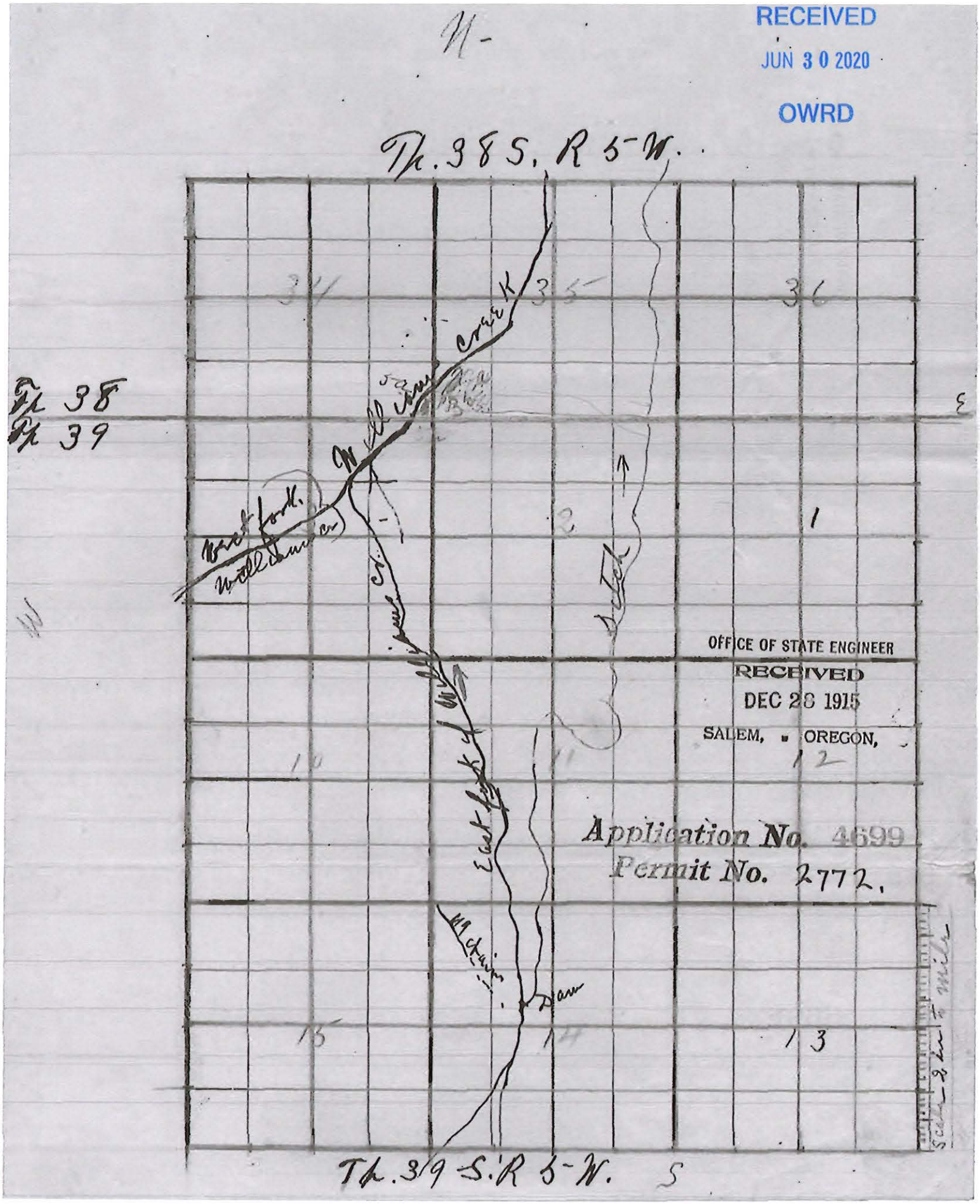
0 200' 400'
SCALE: 1" = 400'

This map is not intended to provide legal dimensions or locations of property ownership lines

ParsonsWater Consulting LLC
rick.parsons@parsonwater.com
541.499.0257 303.667.5067

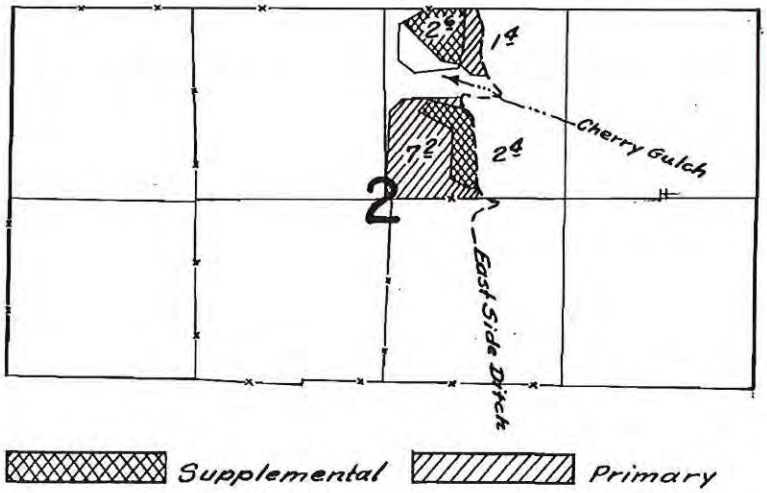
RECEIVED
JUN 30 2020
OWRD

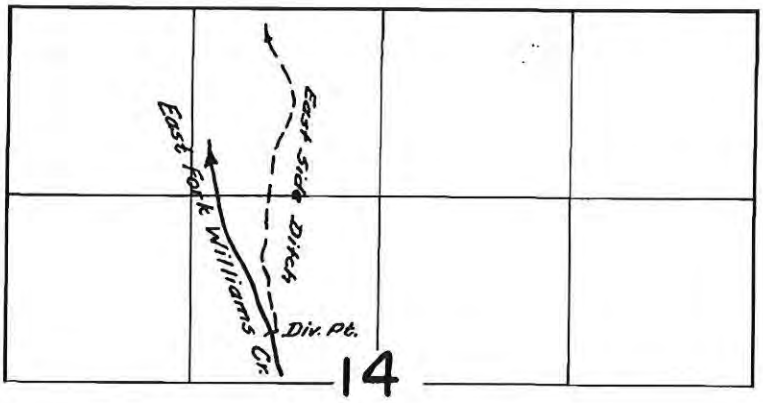
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T. 39S. R. 5W. W.M.





FINAL PROOF SURVEY
UNDER

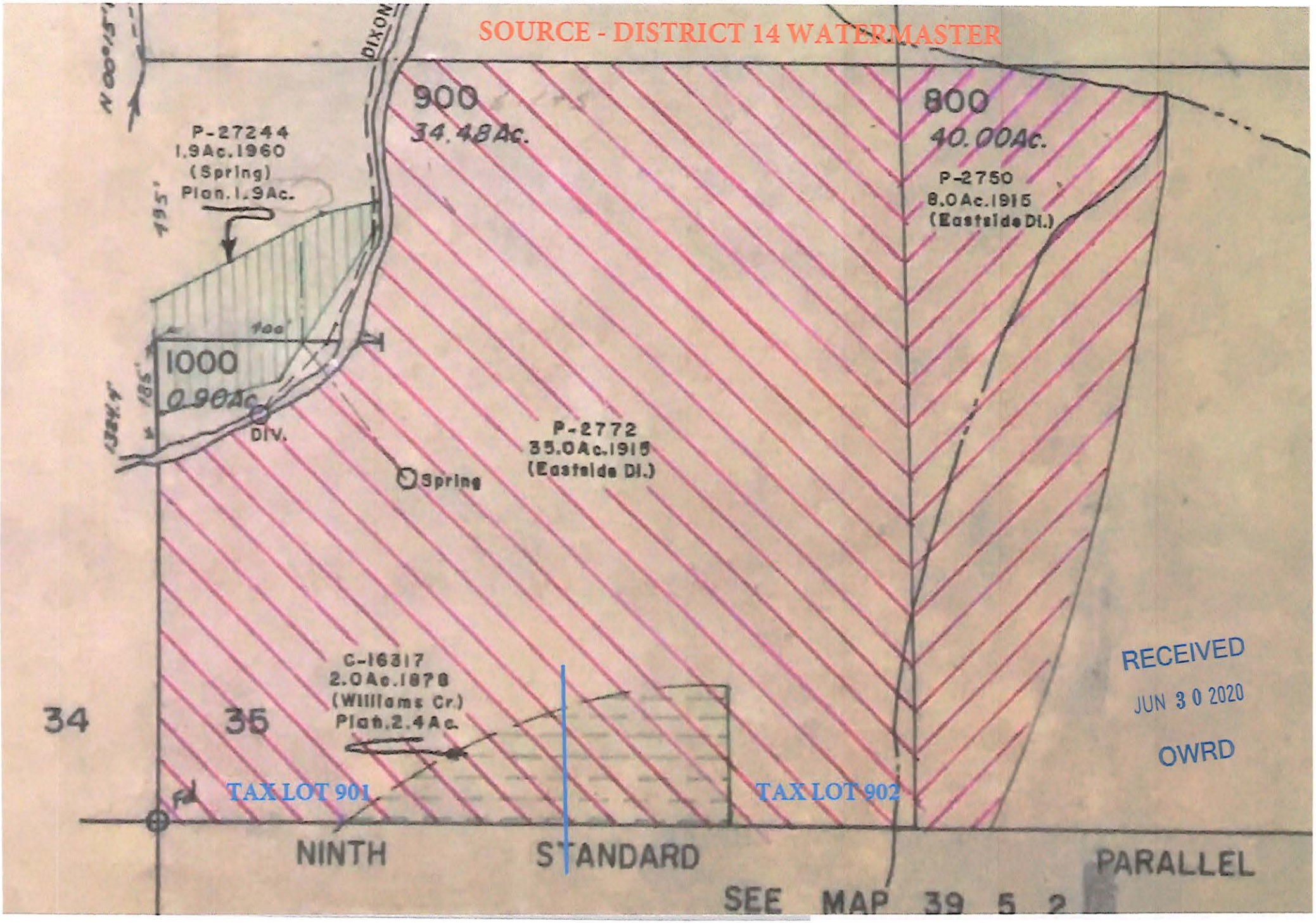
Application No. 17958 Permit No. 13636

IN NAME OF

CLAIR O. BROWN

Surveyed Sept. 29 1960, by R. Steimer

1960-V


SOURCE - DISTRICT 14 WATERMASTER
DIXON
900
34.48Ac.
800
40.00Ac.
P-27244
1.9Ac.1960
(Spring)
Plan.1.9Ac.
P-2750
8.0Ac.1915
(Eastside Di.)
195'
100'
1000
0.90Ac
185'
DIV.
Spring
P-2772
35.0Ac.1915
(Eastside Di.)
C-16317
2.0Ac.1978
(Williams Cr.)
Plan.2.4Ac.
34
35
TAX LOT 901
TAX LOT 902
NINTH
STANDARD
PARALLEL
SEE MAP 39 5 2
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JUN 30 2020
OWRD

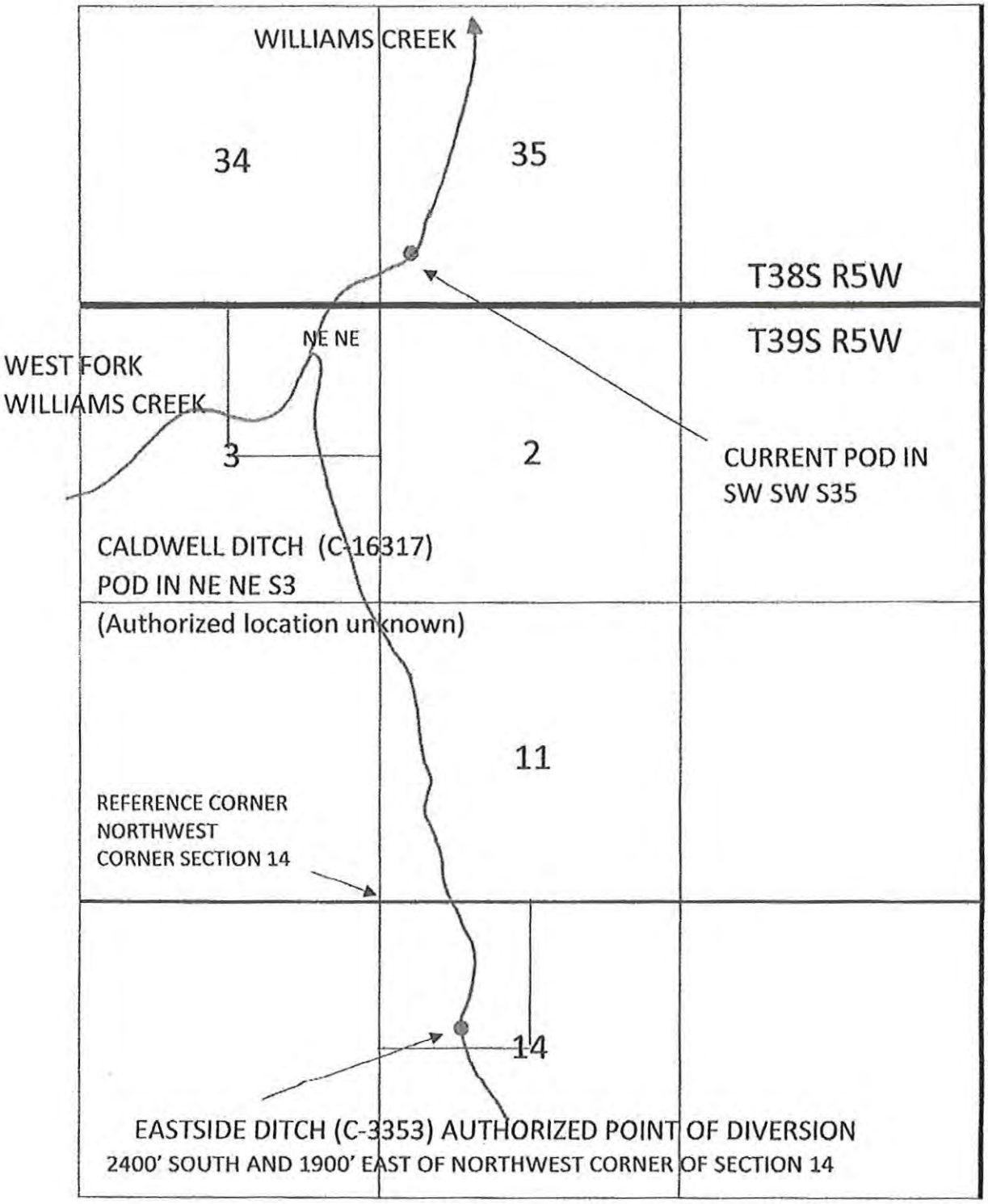
WATER RIGHT APPLICATION MAP (1 of 2)

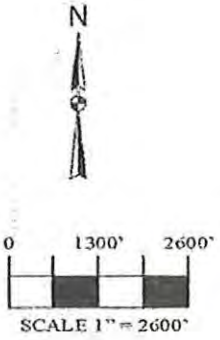
HISTORIC CHANGE IN POINT OF DIVERSION

FLOWERS OF THE SUN LLC
234 BROWNS ROAD
WILLIAMS, OR 97544

● POINTS OF DIVERSION

AUTHORIZED PODs SITUATED IN SECTIONS 3 AND 14, BOTH OF TOWNSHIP 39 SOUTH RANGE 5 WEST, W.M.
CURRENT POD SITUATED IN SECTION 35 TOWNSHIP 38 SOUTH RANGE 5 WEST, W.M.
JOSEPHINE COUNTY OREGON





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ParsonsWater Consulting LL
rick.parsons@parsonwater.con
541.499.0257 303.667.506

WATER RIGHT APPLICATION MAP (2 of 2)

HISTORIC CHANGE IN POINT OF DIVERSION

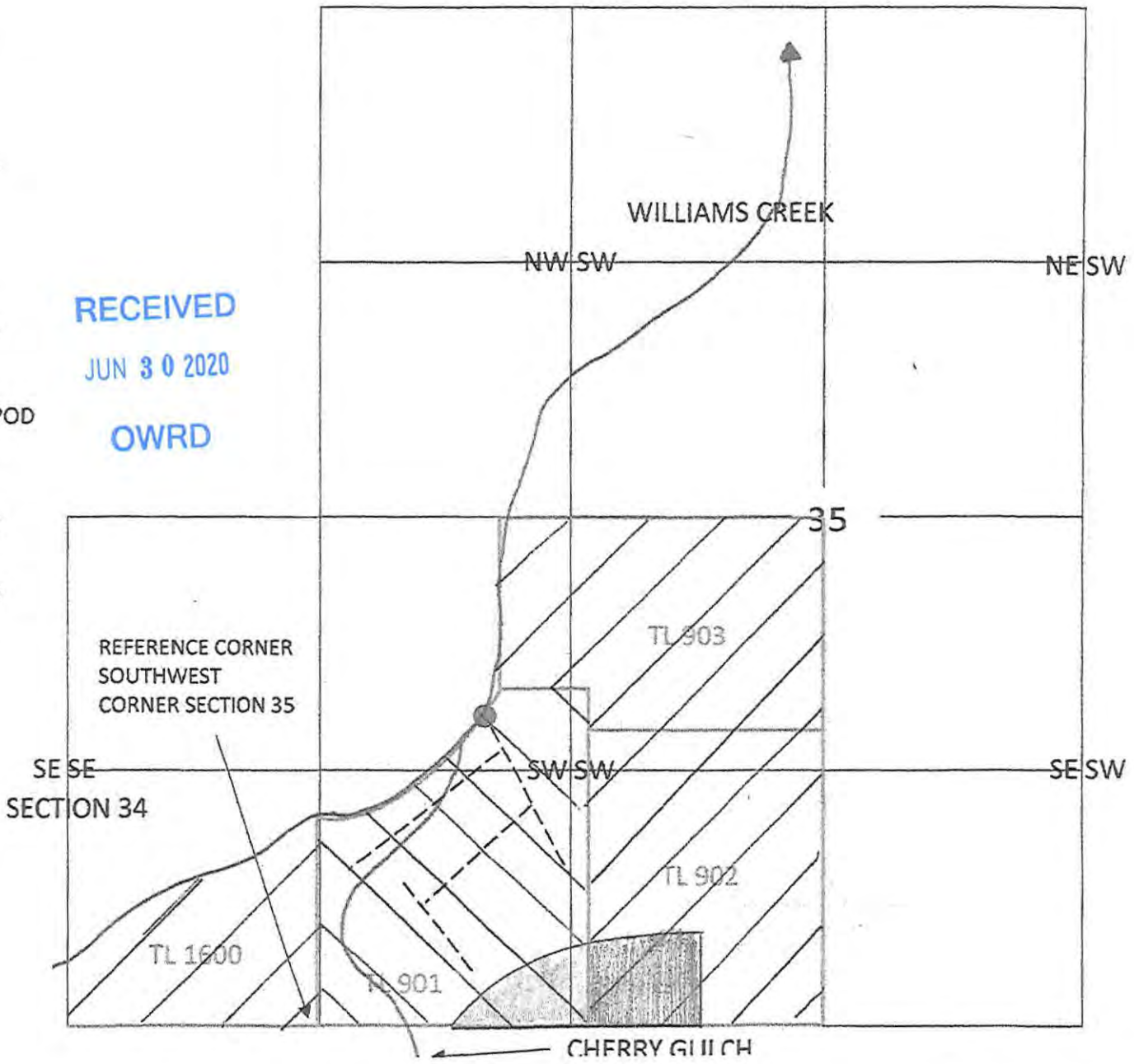
FLOWERS OF THE SUN LLC
234 BROWNS ROAD
WILLIAMS, OR 97544

SITUATED IN SECTION 35 T38S R5W, W.M.
JOSEPHINE COUNTY OREGON

LEGEND

- CURRENT POINT OF DIVERSION APPROXIMATE LOCATION 800' NORTH AND 430' EAST OF SOUTHWEST CORNER OF SECTION 35
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JUN 30 2020
OWRD



N

0 200' 400'
SCALE: 1" = 400'

This map is not intended to provide legal dimensions or locations of property ownership lines

ParsonsWater Consulting LLC
rick.parsons@parsonwater.com
541.499.0257 303.667.5067

Regular Permanent Water Right Transfer Application Checklist

Checked by RB **Date** 1.7.2020

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

Certs & acres involved:
Changes:
cfs involved:
Source:

☑ 1. Page 1 of application: Are all attachments that have been checked actually included?
If not, what is missing? _____

☑ 2. Are fees included and correct? Fee paid: 1680

If not, the correct fee would be: _____, so the amount missing is: _____

▶ If a Government Action POD change (see: Page 5): NO CHARGE

*NOTE: [POD/APOD, POA/APOA, SW to GW, Gov Action] are all counted as one type
POU is counted as one type
[USE *or* (Supplemental to Primary)] are counted as one type

☑ 3. Page 3 of application: Have all the applicants listed at the top of the page signed?
If no, whose signature is missing? _____.

☑ 4. Are all listed certificates or permits shown by WRIS as non-cancelled?
If no, which are cancelled? _____
For each cancelled certificate, if there has been a remaining right certificate issued that covers the lands in the left side of Table 2, list its number _____ and check the #4 box at left on this checklist.

☐ 5. If any certificate is in the name of a "district", is a Supplemental Form D from that district enclosed?
☑ N/A ☐ Form D needed from _____ (district)

6. If all #1-#5 boxes on this checklist are checked (with no remaining deficiencies identified), accept the application. Put this check sheet in the transfer folder. If #1, #2, #3, #4 or #5 on this checklist is deficient, the application cannot be accepted. It should be returned and the **deficiencies listed in the "staff" section at the bottom of Application Page 1**, unless the applicant or agent can resolve the deficiencies within 2-3 days.

3353 N/C

16317 N/C

STATE OF OREGON

WATER RESOURCES DEPARTMENT

RECEIPT # 133118

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

INVOICE # _____

RECEIVED FROM: Flowers of the Sun LLC
BY: Christian Houde

APPLICATION	
PERMIT	
TRANSFER	T-13483

CASH: ☐ CHECK:# ☒ 5057 OTHER: (IDENTIFY) ☐ _____

TOTAL REC'D $ 1,597.99

1083 TREASURY 4170 WRD MISC CASH ACCT

0407	COPIES	47124	$
0412	OTHER:	(IDENTIFY) R11268.21 Reimbursement Authority	$ 1,597.99

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	$

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

		EXAM FEE		LICENSE FEE
	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: 133118 DATED: 7-24-2020 BY: _____

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

RECEIVED
JUL 24 2020
OWRD

REIMBURSEMENT AUTHORITY APPLICANT'S AGREEMENT
Contract Number: R11-268-21

This Agreement is between the **Oregon Water Resources Department**, hereafter OWRD, and Christian Houde, hereafter Applicant, hereafter known together as the parties.

OWRD Information		Applicant's Information		Applicant's Representative	
Contact:	**Kelly Starnes**	Name:	Christian Houde	Name:	Rick Parsons
Title:	Transfer Advisor	Contact:		Contact:	
Address:	725 Summer Street, NE, Suite A Salem, OR 97301-1266	Address:	234 Browns Rd. Williams, OR 97544	Address:	1619 Minear Rd. Medford, OR 97501
Phone:	503 986-0886	Phone:	(530) 575-0598	Phone:	(541) 499-0257
Fax:	503 986-0901	Fax:		Fax:	
Email:	patrick.k.starnes@oregon.gov	Email:	manager@flowersofthesun.com	Email:	rick.parsons@parsonswater.com

Purpose The purpose of this Agreement is to expedite the processing of the **Transfer Application. (Application Number: T-13483)**

1. **Authority.** The OWRD has been authorized pursuant to ORS 536.055 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.

2. **Restrictions.** Applicant 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.

3. **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.

4. **Consideration.**

   a. Applicant shall pay OWRD in advance for actual costs incurred by OWRD. The estimated maximum reimbursement payable to OWRD under this Agreement is **$1,597.99**. Applicant agrees to pay the full amount of **$1,597.99** 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 Applicant 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.

5. **Confidentiality.** Applicant 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.

6. **Indemnity**. Applicant shall defend, save, hold harmless, and indemnify the State of Oregon, OWRD, 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.

7. **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 OWRD up until the time of the written termination request. OWRD, upon receiving such written termination request from the Applicant, will refund any unspent balance.

8. **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.

9. **Duration of Estimate.** The Estimate of Time to completion is approximately 120 days once this Agreement has been fully executed and payment of the estimated cost deposited. If the Applicant's Agreement is not received by the Department within thirty (30) days of mailing the Agreement, the Applicant may need to re-apply for a new estimate.

10. **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.

11. **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.

12. **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.

13. **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 Applicant: CHRISTIAN JSR HOUDE — Name/Title: — 07/15/20 — Date

For OWRD: Dwight French – Administrator — 7.31.20 — Date

Mail signed Agreement to:

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

Flowers of the Sun RA R11-268-21 T-13483				
Review Step				
Front Desk Staff receipts received AA funds				
Transfer Support process Application				
Administrator signs AA				
NRS1 Support enters workflow record in WRIS and updates RA spreadsheet				
NRS2 completes initial review of file for deficiencies				
NRS2 consults with Kelly and/or Lisa				
Watermaster completes review				
NRS2 completes DPD, PN, and RR				
Transfer staff peer reviews DPD, PN, RR				
Transfer Analyst completes policy check at DPD stage				
NRS2 sends DPD to app/agent by email and/or mail				
NRS2 completes PD				
Transfer Staff peer reviews PD				
Transfer Analyst peer reviews PD				
Data Center reviews PD				
Transfer Analyst completes peer review of PN review for newspaper noticing				
Transfer Support requests newspaper quote for PN publishing				
NRS2 sends publishing fee request to applicant				
Transfer Support processes fee and newspaper publishing				
Transfer Support processes public notice (dept notice)				
Administrator signs PD				
NRS2 completes FO and RR				
Transfer Staff peer reviews FO and RR				
Transfer Staff peer reviews FO and RR				
Administrator signs FO				
Transfer Support issues FO, updates WRIS, copy to file, record markings, and sends hard copy				
NRS 1 closes out RA Contract				
		TOTAL ESTIMATE HOURS	32.75	
			TOTAL	$1,597.99

STATE OF OREGON

WATER RESOURCES DEPARTMENT

RECEIPT # 132931

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

INVOICE # _____

RECEIVED FROM: Christian Houde

BY: _____

APPLICATION	
PERMIT	
TRANSFER	T-13483

CASH: ☐ CHECK:# ☒ 1509 OTHER: (IDENTIFY) ☐ _____

TOTAL REC'D	$ 125.00

1083 TREASURY 4170 WRD MISC CASH ACCT

0407	COPIES	47124 R11-268-21	$
0412	OTHER:	(IDENTIFY) Reimbursement Authority	$ 125.00

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:

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

WELL CONSTRUCTION

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

_____ OTHER (IDENTIFY) _____

0536 TREASURY 0437 WELL CONST. START FEE

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

_____ OTHER (IDENTIFY) _____

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

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

_____ TREASURY OTHER / RDX

FUND _____ TITLE _____

OBJ. CODE _____ VENDOR # _____

DESCRIPTION _____ $ _____

RECEIPT: 132931 DATED: 6-30-2020 BY: _____

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

OREGON WATER RESOURCES DEPARTMENT

TRANSFER REIMBURSEMENT AUTHORITY ESTIMATE APPLICATION

ORS 536.055 authorizes the Oregon Water Resources Department to expedite or enhance regulatory processes voluntarily requested under the agreement.

Please contact Transfer Personnel before submitting this request; as the application fee is a non-refundable $125.00 fee per request. Checks submitted for this application should be separate from Transfer fees.

The purpose of this application is to obtain estimates of the cost and time required to process a Transfer Application Request. ***There is a non-refundable application fee of $125.00 per request.***

TYPE	FILE NUMBER
Transfer Application	Transfer Number T-13483

	Applicant Information	Applicant's Representative/Contact
Name:	Christian Houde	Rick Parsons
Address:	234 Browns Road	1619 Minear Rd
	Williams, OR 97544	Medford, OR 97501
Phone:	530.575.0598	541.499.0257
Fax:		
E-Mail Address:	manager@flowersofthesun.com	rick.parsons@parsonswater.com

I understand the following:

- That upon receipt of my non-refundable application fee of **$ 125.00**, OWRD will, within fourteen (14) days, notify me in writing of the estimate of costs and time frame for the expedited service.
- That this fee covers the reimbursement authority staff to evaluate and provide the estimate for processing of the request.
- That OWRD will, within fourteen (14) business days, notify me in writing of the estimates of costs and time frame for the expedited service.
- That upon receiving the estimate I may agree or decline to enter into a formal contract to pay the estimated cost in advance to initiate the expedited service.
- An incomplete or inaccurate application may delay the process and increase the cost to process my request.
- Expedited processing does not guarantee a favorable review of my request.
- Send completed Application and payment to:

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

RECEIVED
JUN 30 2020
OWRD

I certify that I am the *(check one)*:

☒ Applicant ☐ Applicant's Representative ☐ Other *(Please specify)* _____

Name: Christian JJR Houde.

Signature: Christian JJR Houde.

OWRD USE ONLY: Reimbursement Authority Number: R11-268-21

WATER RIGHT TRANSFER COVER SHEET

Transfer: T- 13483 Transfer Specialist:

Transfer Type: Regular

Applicant:	Agent: ☐ N/A
FLOWERS OF THE SUN LLC CHRISTIAN HOUDE 234 BROWNS RD WILLIAMS, OR 97544 Email: Phone:	RICK PARSONS 1619 MINEAR RD MEDFORD, OR 97501 Email: Phone:
Irrigation District: ☐ N/A Email:	**CWRE**: ☐ N/A Email:
Affected Local Gov'ts: ☐ N/A Josephine County Email:	**Affected Tribal Gov't**: ☐ N/A UNAVAILABLE Email:
Current Landowner if other than Applicant: ☐ N/A Email:	**Receiving Landowner**: ☐ N/A Email:

Water Rights Affected

File Marked	App. File # or Decree Name	Permit	Certificate	RR/CR Needed	RR/CR Nos.
☐	S-4699	S-2722	3353	☐ Yes ☐ No	
☐	Decree	v. 4 pg. 1	16317	☐ Yes ☐ No	
☐				☐ Yes ☐ No	

Key Dates & Initial Actions:

Rec'd: June 30, 2020	Proposed Action(s): POINT OF DIVERSION	
Fees Pd: 1680.00	WM District: 14	ODFW District:
Initial Public Notice: July 14, 2020	WM Review sent:	ODFW Review sent:
Acknowledgement Letter Sent ☒		GW Review sent: ☐ N/A
County sent cc: of Ack Letter ☒	BOR notified (date): ☐ N/A	
Newspaper quote requested:	Request for news $ sent:	News $ received:
Request to publish sent:	Affidavit of publication received:	Last day of publication:

Document	Drafted	Peer Review	Changes Made	Coordinator	Changes Made	Signature Bin	Signature Date
DPD	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____ Initials: _____	CW Sent: _____	N/A
PD	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____	Date: _____
FO	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____	Date: _____

Special Issues: _____

Special Order Volume: Vol. _____ Pages _____

Oregon
Kate Brown, Governor

Water Resources Department
North Mall Office Building
725 Summer St NE, Ste A
Salem, OR 97301
Phone: 503-986-0900
Fax: 503-986-0904
www.Oregon.gov/OWRD

July 9, 2020

FLOWERS OF THE SUN LLC
CHRISTIAN HOUDE
234 BROWNS RD
WILLIAMS, OR 97544

Reference: Application T-13483

On June 30, 2020, we received your water right Transfer application. The application was accompanied by $1680.00. Our receipt number 132939 is enclosed.

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

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

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

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

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

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

Cc: Watermaster Dist. #14 *(via email)*
Rick Parsons, Agent
Josephine County

Enclosure