



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

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

	Application / Decree	Permit / Previous Transfer	Certificate
1.			85462
2.			
3.			
4.			
5.			
6.			

- Attach a **separate Supplemental Form A** (Description of Proposed Change(s) to a Water Right) for **each** water right listed above.

- Check **all** proposed change(s) included in this transfer application:

- Place of Use
- Point of Diversion (POD)
- Additional Point of Diversion
- Character of Use
- Point of Appropriation (POA, or well)
- Additional POA
- Instream Transfer
- Surface Water POD to Ground Water POA
- Substitution of Supplemental Groundwater right for Primary Surface water right
- Historic POD change
- Exchange
- Other

- Reason(s) for change(s): LITTLE APPLIGATE STREAMFLOW AND FISH HABITAT IMPROVEMENT PROGRAM (LASHEP)  
**5. WATER DELIVERY SYSTEM**

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

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

30 H.P. PUMP FROM CURRENT AUTHORIZED P.O.D. AT APPLIGATE RIVER, CONVEY WATER TO PLACE OF USE BY BURIED PIPE, APPLICATION OF WATER BY PORTABLE SPRINKLERS. FOR COMPLETE DESCRIPTION OF SYSTEM SEE T-8936 COBU REPORT

- System capacity: 1.64 cubic feet per second (cfs). If the transfer involves multiple rights that have independent systems, describe the capacity for each system separately.

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**6. EVIDENCE OF BENEFICIAL WATER USE**

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

**7. AFFECTED DISTRICTS**

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

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

**8. LOCAL GOVERNMENTS**

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

JACKSON COUNTY DEVELOPMENT SERVICES  
 10 SOUTH OAKDALE AVE. , Room 100  
 MEDFORD, OR. 97501

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**9. LAND OWNERSHIP**

- Does the applicant own the lands where the portion of the water right proposed for transfer is currently located?  Yes  No

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

Names of Current Landowner(s): STAGE LEFT FARM, LLC.  
First Last

Address: 10670 ROCHESTER AVE  
Los Angeles CA. 90024  
City State Zip

- For place of use changes:

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

- Yes  No  N/A - NOT APPLICABLE TO INSTREAM TRANSFERS

If "No", provide the following information:

Names of Receiving Landowner(s): \_\_\_\_\_  
First Last

Address: \_\_\_\_\_  
\_\_\_\_\_  
City State Zip

- Check one of the following:

- The receiving landowner will be responsible for completion of the proposed changes after the final order is issued. All notices and correspondence should be sent to this landowner.
- The applicant will remain responsible for completion of changes. Notices and correspondence should continue to be sent to the applicant and applicant's agent.
- N/A. (Not applicable. Application is for an Instream Water Right Transfer

**10. Other Remarks (optional)**

[Empty rectangular box for other remarks]

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**11. ATTACHMENTS**

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

<p><b>Supplemental Form A - Description of Proposed Change(s) to a Water Right</b></p> <p><input checked="" type="checkbox"/> A <u>separate</u> Supplemental Form A is enclosed for <b>each</b> water right to be affected by this transfer.</p> <p><b>Supplemental Form B - Evidence of Use Affidavit(s)</b></p> <p><input checked="" type="checkbox"/> At least one Evidence of Use Affidavit documenting that the right has been used during the last five years or that the right is not subject to forfeiture under ORS 540.610 is attached. The affidavit provided must be the original (not a copy), <b>and</b></p> <p><input type="checkbox"/> The Evidence of Use Affidavit <b>must</b> be accompanied by <b>supporting documentation</b>.</p> <p><b>Map</b></p> <p><input checked="" type="checkbox"/> <i>Water Right Transfer</i> The map must be prepared by a Certified Water Right Examiner and meet the requirements of OAR 690-380-3100 unless a waiver has been granted. The map provided must be the original, not a copy. <i>WAIVER ATTACHED</i></p> <p><input type="checkbox"/> <i>Temporary Transfer or Historical POD Change</i> A map meeting the requirements of OAR 690-380-3100 must be included but need <b>not</b> be prepared by a Certified Water Right Examiner.</p> <p><b>Water Well Report(s)/Well Log(s): <i>N/A</i></b></p> <p><input type="checkbox"/> The application is for a change in point of appropriation or change from surface water to ground water and copies of all water well reports are attached.</p> <p><input type="checkbox"/> Water well reports are not available and a description of construction details including well depth, static water level, and information necessary to establish the ground water body developed or proposed to be developed is attached.</p> <p><input type="checkbox"/> <i>N/A</i>. The application does <b>not</b> involve a change in point of appropriation or a change from surface water to ground water, so water well reports are <b>not</b> required.)</p>	<p><b>Land Use Information For Proposed Changes:</b></p> <p><i>For Instream Transfers:</i></p> <p><input checked="" type="checkbox"/> Notice of the intent to file an instream transfer application has been provided to each affected local government along the proposed reach, and copies of the notices are enclosed. (<i>For instream transfers a Land Use Information Form is not required.</i>)</p> <p><i>For All Other Transfers:</i></p> <p><input type="checkbox"/> Land Use Information Form is enclosed; <i>or</i></p> <p><input type="checkbox"/> <b>All</b> of the following criteria are met, therefore a Land Use Information Form is not required:</p> <ul style="list-style-type: none"> <li><input checked="" type="checkbox"/> In EFU zone or irrigation district,</li> <li><input checked="" type="checkbox"/> Change in place of use only,</li> <li><input checked="" type="checkbox"/> No structural changes needed, including diversion works, delivery facilities, other structures, <b>and</b></li> <li><input checked="" type="checkbox"/> Irrigation only.</li> </ul> <p><b>Fees:</b></p> <p><input checked="" type="checkbox"/> Amount enclosed: \$ <u>925.00</u></p> <p>See the Department's Fee Schedule at <a href="http://www.wrd.state.or.us">www.wrd.state.or.us</a> or call (503) 986-0900.</p> <p><b><u>Instream Water Right Transfers, also include:</u></b></p> <p><b>Supplemental Form C - Instream Water Right Transfer</b></p> <p><input checked="" type="checkbox"/> Complete this form to describe the desired nature and attributes for the proposed instream water right.</p> <p><b><u>Temporary Transfers, also include:</u></b></p> <p><b>Recorded Deed:</b></p> <p><input type="checkbox"/> The applicant must submit a copy of the current deed of record for the land <b>from</b> which the authorized place of use or point of diversion/appropriation is being moved.</p> <p><b>Affidavit of Consent:</b></p> <p><input type="checkbox"/> If the applicant is <b>NOT</b> the owner of record for the land <b>from</b> which the authorized place of use or point of diversion/appropriation is being moved, a notarized statement from the actual owner of record consenting to the proposed transfer must be submitted.</p>
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**Before submitting your application to the Department, be sure you have:**

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

**12. SIGNATURES**

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

In accordance with OAR 690-380-3000(13)(a), I (we) understand that prior to Department approval of a permanent transfer and upon my receipt of a draft Preliminary Determination (DPD) for the proposed transfer, I (we) will be required [pursuant to OAR 690-380-4010(5)] to provide the following landownership information and evidence demonstrating that I (we) are authorized to pursue the transfer: *(This report must be prepared no earlier than 3 months prior to the date of the DPD or 3 months prior to the date of recording of a water right conveyance agreement.)*

(a) A report of ownership and lien information that has been prepared by a title company *within the last three months;*

(b) A copy of written notification of the proposed transfer provided by the applicant to **all** lien holders on the subject lands unless the report of ownership and lien information shows that a water right conveyance agreement has been recorded for the subject lands. *If a water right conveyance agreement has been recorded for the subject lands, a copy of the agreement and identification of the owner of the lands at the time the agreement was recorded must be submitted; and*

(c) If the landowner identified in the report of ownership and lien information is **not** the applicant, a notarized statement consenting to the transfer (*attached*) signed by the landowner identified in the report or an authorized representative of the entity to whom the interest in the water right has been conveyed as identified in a water right conveyance agreement or other documentation demonstrating that the applicant is authorized to pursue the transfer in the absence of the consent of the landowner.

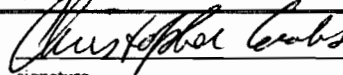
I (we) affirm that interest in the water right has been conveyed to someone other than the landowner, and documents, including a water right conveyance agreement, report of ownership and lien information, and any required lienholder notification are enclosed, demonstrating that I am (we are) authorized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

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

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

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

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

	CHRISTOPHER COMBS, MANAGER	9/18/09	applicant
signature	name and title if applicable (print)	date	
_____	_____	_____	applicant
signature	name and title if applicable (print)	date	

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## Water Right Transfer Supplemental Form A

### DESCRIPTION OF PROPOSED CHANGE(S) TO A WATER RIGHT

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

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

▪ Certificate Number or other identifying number: 85462

### 1. TYPE OF CHANGE(S) PROPOSED

(Check ***all*** that apply.)

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

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**2. CURRENT WATER RIGHT INFORMATION**

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

<input checked="" type="checkbox"/> Certified Right	<u>85462</u> Certificate Number	<u>ROGUE RIVER</u> Permit Number or Decree Name
<input type="checkbox"/> Adjudicated, Non-certificated Right	_____ Name of Decree	_____ Page Number
<input type="checkbox"/> Permit for which Proof has been Approved	_____ Permit Number	_____ Date Claim of Beneficial Use Submitted
<input type="checkbox"/> Transferred Right for which Proof has been Filed	_____ Previous Transfer Number	_____ Date Claim of Beneficial Use Submitted

Name on Permit, Certificate, or Decree: STAGE LEFT FARM, LLC.

County: JACKSON

Authorized Use(s) to be Affected by Transfer: IRRIGATION

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Priority Date(s): SEPTEMBER 1, 1857

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

Source(s) of Water to be Affected by Transfer: LITTLE APPLGATE RIVER

Tributary to: APPLGATE RIVER

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

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

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

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

If "Yes", what are the Permit, Registration or Certificate Numbers? 60701, 60800, 61179  
60702, 62251  
*Pursuant to ORS 540.510, any "layered" water use or a right that is supplemental to a primary right proposed for transfer must be included in the transfer or be cancelled, except as provided in OAR 690-380-2240(5).*

certificate      permit

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▪ Certificate Number or other identifying number: 85462

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

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

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

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

If Ground Water, OWRD Well Log ID No. (or Well ID Tag No. L-___)	Source and Priority Date	Township	Range	Mer	Sec	¼¼	Tax Lot, DLC or Gov't Lot	Survey Coordinates (coordinates from a recognized survey corner)
	LITTLE APPLEGATE RIVER SEPT. 1, 1857	39S	3 W	W.M.	14	NENE	—	LAT- 42.18400 OWRD Long- 123.0174 POSITION

- Does the water right being transferred involve a ground water source(s)?  
 Yes      No (Surface water source only.)

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

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

or

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

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

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

OWRD Well No. as identified in table above	Diameter	Type and size of casing	No. of feet of casing	Intervals casing is perforated (in feet)	Seal depth	Est. depth to water	Est. depth to water bearing stratum	Type of access port or measuring device	Total well depth
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▪ Certificate Number or other identifying number: 85462

**3. PROPOSED CHANGES TO THE WATER RIGHT**

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

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

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

N/A – Instream Water Right Transfer

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

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

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

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

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

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

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

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

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

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

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

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

Originating Water Right Number (as identified in the transfer application)	Priority Date	Source	Proposed Instream Period	Rate (cfs)*	Volume (ac-ft)**
85462	Sept. 1, 1857	Little Applegate	April Thru Oct.	1.64	—
<b>Total Volume:</b>					

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

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

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

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Additional information: \_\_\_\_\_

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

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

- Water is requested to be protected within a reach.  
Location of proposed reach (if an instream water right reach is requested, identify the upstream and downstream extent of the reach): ORIGINAL P.O.D. TO MOUTH of Little Applegate River.

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

- None  
 Other (such conditions may include, but are not limited to, reductions in the instream flow levels in cfs per month or total ac-ft, the effective reach(es) or lake levels of the instream flow, measuring locations and the strategy for monitoring the instream flow or lake levels): LIMITED TO CERTIFICATE 85462, GROUND WATER Right G-60701 and PERMITS ~~85462~~ NOT INCLUDED.

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

- No
Yes (identify other instream water rights): TO BE IDENTIFIED BY OWRD

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

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

- Yes
No. If no, please explain your intent below.

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

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

- No; or
Yes (Provide supporting documentation that demonstrates why additional flows are significant for the public use requested.); or PROVIDED BY OWRD

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

- The requested flow does not exceed the maximum amount of any instream water right application applied for under ORS 537.341 (state agency instream water right application process) for the same reach or portion thereof, and the requested public use is for the same public use as the aforementioned instream water right application; and
For the specified time period that flows are requested to exceed the estimated average natural flow or lake level, the stream is in an ODFW flow restoration priority watershed (A copy of the priority watershed map indicating the specific watershed involved should be included with the application. Priority watershed maps may be found on the OWRD web page); or
The stream is listed as water quality limited and DEQ has provided scientific information that demonstrates that increased flows would improve water quality. (The scientific information provided by DEQ should be included with the transfer application.)

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

- The time-limited instream transfer is for a specific number of years: Begin Year to End Year

- The time-limited instream transfer is to terminate based upon other conditions: Conditions: SEE ATTACHED

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IN-STREAM WATER RIGHT TRANSFER  
Water Right Transfer Supplemental Form C  
Attachment A-1  
Certificate No. 85462

Water Right Certificates 60701, 60800, 61179, 60702, and 62251 are NOT included as part of this In-Stream Water Right Transfer and are to remain in place as Supplemental to the new surface water right permit throughout the duration of the project. If the project is terminated the water rights are to revert to original status.

This transfer is contingent upon the US Bureau of Reclamation providing the applicant with a contract for stored water from the Applegate reservoir to replace the water transferred by this agreement. This transfer will be terminated if USBR or any other agency should terminate the contract for stored water or be unable to provide the water in the amount contracted. Additionally, a right to use stored water is needed from the OWRD, prior to using water from Applegate Reservoir. See Attachment B-1 for details.

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## INSTREAM WATER RIGHT TRANSFER

### Attachment B-1

Certificate Number or other identifying number **CERT 85462**

This application for a Time Limited Transfer, if issued, provides for an instream transfer, and is being established by the Water Right Holder (WRH) in conjunction with the issuance to the WRH of an OWRD Additional Point of Diversion and a prospective U.S. Bureau of Reclamation (USBR) Contract for stored water from the Applegate Reservoir. This Time-Limited Water Right Transfer shall not become operative until the USBR enters into a bilaterally acceptable contract with the WRH for stored water from the Applegate Reservoir without charge and containing the termination provisions recited in the following numbered paragraphs below. If the USBR and the WRH enter into such stored water contract then commencing with the date of this Order, this Time Limited Transfer is for a period of twenty-five (25) years, and is automatically renewed for successive twenty-five (25) year periods, unless any of the following events occur, in which case the Time-Limited Transfer is terminated, as described below.:

- (1) The USBR unilaterally determines that the Stored Water Contract with the WRH no longer provides sufficient benefits to the United States
- (2) The WRH holder exercises its contractually reserved right to terminate the USBR Stored Water Contract in the event the USBR Contracting Officer notifies the WRH of the intent to modify the contract by change order or Supplemental Agreement as deemed necessary to avoid or minimize impacts to candidate, listed or proposed threatened and endangered species, or other valuable natural resources
- (3) The receipt by the WRH of a contract termination notice from the USBR Contracting Officer that the USBR contract with the WRH is summarily terminated because the USBR has determined that the water for instream flows from the Little Applegate River are not protected instream by the State of Oregon
- (4) The USBR provides sixty (60) days written notice of contract termination to the WHR upon a finding that less water for instream flows from the Little Applegate River water right is furnished to the United States than that provided from stored water
- (5) The WRH provides 60 days written notice of contract termination to the USBR upon a finding that less stored water is furnished to the WRH than water provided from instream flows from the Little Applegate River water right
- (6) The USBR provides a notice to the WRH that it is terminating the Stored Water Contract for any other lawful purpose

In the event of termination of the USBR Stored Water Contract, this Time Limited Transfer between the Oregon Water Resources Department (OWRD) and the WRH simultaneously terminates. In the event of such termination, or in the absence of renewal of this Time Limited Transfer, the WRH may exercise their original Little Applegate River surface water rights at any authorized Point of Diversion (POD), including the Original Point of Diversion on the Little Applegate River or at an Additional Point of Diversion (APOD) on the Applegate River for which final proof has been made to the satisfaction of the Director of the Water Resources Department. The right will retain it's original priority date.

Upon termination of this time-limited transfer, the original certificate will be in full force and effect, with the water right reverting to its original place of use, with all associated attributes.

**RECEIVED**

SEP 24 2009

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Supplemental Form B

WATER RESOURCES DEPT  
SALEM, OREGON

Instream Water Right Transfer