

Application for a Permit to Use Surface Water



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

SECTION 1: APPLICANT INFORMATION AND SIGNATURE

Applicant

NAME JESSICA CLEMENTS		RECEIVED SEP 02 2022	
PHONE (WK)	CELL 541-507-7295		
ADDRESS 4619 LOWER RIVER ROAD			
CITY GRANTS PASS	STATE OR	ZIP 97526	E-MAIL * RHURRINVESTMENTS@GMAIL.COM

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Organization

NAME RHURR INVESTMENTS I, LLC		PHONE	FAX
ADDRESS 4619 LOWER RIVER ROAD			CELL 541-507-7295
CITY GRANTS PASS	STATE OR	ZIP 97526	E-MAIL * RHURRINVESTMENTS@GMAIL.COM

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

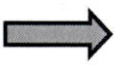
AGENT / BUSINESS NAME HOLLIE CANNON		PHONE	FAX
ADDRESS 3246 HAMMER ST			CELL 541-821-5848
CITY KLAMATH FALLS	STATE OR	ZIP 97603	E-MAIL * HCANNON@WATERRIGHTSOLUTIONS.COM

Note: Attach multiple copies as needed

* By providing an e-mail address, consent is given to receive all correspondence from the Department electronically. (Paper copies of the proposed and final order documents will also be mailed.)

By my signature below I confirm that I understand:

- I am asking to use water specifically as described in this application.
- Evaluation of this application will be based on information provided in the application.
- I cannot legally use water until the Water Resources Department issues a permit.
- The Department encourages all applicants to wait for a permit to be issued before beginning construction of any proposed diversion. Acceptance of this application does not guarantee a permit will be issued.
- If I begin construction prior to the issuance of a permit, I assume all risks associated with my actions.
- If I receive a permit, I must not waste water.
- If development of the water use is not according to the terms of the permit, the permit can be cancelled.
- The water use must be compatible with local comprehensive land use plans.
- Even if the Department issues a permit, I may have to stop using water to allow senior water right holders to receive water to which they are entitled.



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

	JESSICA CLEMENTS AUTH. REP.	8/2/2022
Applicant Signature	Print Name and Title if applicable	Date
Applicant Signature	Print Name and Title if applicable	Date



SECTION 2: PROPERTY OWNERSHIP

Please indicate if you own all the lands associated with the project from which the water is to be diverted, conveyed, and used.

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- YES, there are no encumbrances.
- YES, the land is encumbered by easements, rights of way, roads or other encumbrances.
- NO, I have a recorded easement or written authorization permitting access.
- NO, I do not currently have written authorization or easement permitting access.
- NO, written authorization or an easement is not necessary, because the only affected lands I do not own are state-owned submersible lands, and this application is for irrigation and/or domestic use only (ORS 274.040).
- NO, because water is to be diverted, conveyed, and/or used only on federal lands.

Affected Landowners: List the names and mailing addresses of all owners of any lands that are not owned by the applicant and that are crossed by the proposed ditch, canal or other work, even if the applicant has obtained written authorization or an easement from the owner. *(Attach additional sheets if necessary).*

N/A

Legal Description: You must provide the legal description of: 1. The property from which the water is to be diverted, 2. Any property crossed by the proposed ditch, canal or other work, and 3. Any property on which the water is to be used as depicted on the map. **See attached deed.**

SECTION 3: SOURCE OF WATER

A. Proposed Source of Water

Provide the commonly used name of the water body from which water will be diverted, and the name of the stream or lake it flows into (if unnamed, say so), and the locations of the point of diversion (POD):

Source 1: Lost Creek Reservoir	Tributary to: Rogue River
TRSQQ of POD: T33S, R1W, Sec 26 SENW	
Source 2: Re-diversion from Rogue River	Tributary to: Pacific Ocean
TRSQQ of POD: T36S, R6W, Sec 22 NWNW	

If any source listed above is stored water that is authorized under a water right permit, certificate, or decree, attach a copy of the document or list the document number (for decrees, list the volume, page and/or decree name).

B. Applications to Use Stored Water

Do you, or will you, own the reservoir(s) described in Section 3A above?

- Yes. No. (Enclose a copy of your written notification to the operator of the reservoir of your intent to file this application, which should have been mailed or delivered to the operator.)

If *all* sources listed in Section 3A are stored water, the Department will review your application using the expedited process provided in ORS 537.147, unless you check the box below. Please see the instruction booklet for more information.

- By checking this box, you are requesting that the Department process your application under the standard process outlined in ORS 537.150 and 537.153, rather than the expedited process provided by ORS 537.147. To file an application under the standard process, you must enclose the following:

- A copy of a signed non-expired contract or other agreement with the owner of the reservoir (if not you) to impound the volume of water you propose to use in this application.
- A copy of your written agreement with the party (if any) delivering the water from the reservoir to you.

SECTION 4: SENSITIVE, THREATENED OR ENDANGERED FISH SPECIES PUBLIC INTEREST INFORMATION

This information must be provided for your application to be accepted as complete. The Water Resources Department will determine whether the proposed use will impair or be detrimental to the public interest with regard to sensitive, threatened or endangered fish species.

To answer the following questions, use the map provided in Attachment 3 or the link below to determine whether the proposed point of diversion (POD) is located in an area where the Upper Columbia, the Lower Columbia, and/or the Statewide public interest rules apply.

For more detailed information, click on the following link and enter the T,R,S,QQ or the Lat/Long of a POD and click on "Submit" to retrieve a report that will show which section, if any, of the rules apply:
https://apps.wrd.state.or.us/apps/misc/lkp_trsqg_features/

If you need help to determine in which area the proposed POD is located, please call the customer service desk at (503) 986-0900.

Upper Columbia - OAR 690-033-0115 thru -0130

Is the POD located in an area where the Upper Columbia Rules apply?

- Yes No

If yes, you are notified that the Water Resources Department will consult with numerous federal, state, local and tribal governmental entities so it may determine whether the proposed use is consistent with the "Columbia River Basin Fish and Wildlife Program" adopted by the Northwest Power Planning Council in 1994 for the protection and recovery of listed fish species. The application may be denied, heavily conditioned, or if appropriate, mitigation for impacts may be needed to obtain approval for the proposed use.

If yes,

- I understand that the proposed use does not involve appropriation of direct streamflow during the time period April 15 to September 30, except as provided in OAR 690-033-0140.
- I understand that I will install, operate and maintain a fish screen and fish passage as listed in ORS 498.301 through 498.346, and 509.580 through 509.910, to the specifications and extent required by Oregon Department of Fish and Wildlife, prior to diversion of water under any permit issued pursuant to this application.
- I understand that the Oregon Department of Environmental Quality will review my application to determine if the proposed use complies with existing state and federal water quality standards.
- I understand that I will install and maintain water use measurement and recording devices as required by the Water Resources Department, and comply with recording and reporting permit condition requirements.

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Lower Columbia - OAR 690-033-0220 thru -0230

Is the POD located in an area where the Lower Columbia rules apply?

Yes No

If yes, you are notified that that the Water Resources Department will determine, by reviewing recovery plans, the Columbia River Basin Fish and Wildlife Program, and regional restoration programs applicable to threatened or endangered fish species, in coordination with state and federal agencies, as appropriate, whether the proposed use is detrimental to the protection or recovery of a threatened or endangered fish species and whether the use can be conditioned or mitigated to avoid the detriment.

If a permit is issued, it will likely contain conditions to ensure the water use complies with existing state and federal water quality standards; and water use measurement, recording and reporting required by the Water Resources Department. The application may be denied, or if appropriate, mitigation for impacts may be needed to obtain approval of the proposed use.

If yes, provide the following information (the information must be provided with the application to be considered complete).

Yes No The proposed use is for more than **one** cubic foot per second (448.8 gpm) and is not subject to the requirements of OAR 690, Division 86 (Water Management and Conservation Plans).

If yes, provide a description of the measures to be taken to assure reasonably efficient water use:

Statewide - OAR 690-033-0330 thru -0340

Is the POD located in an area where the Statewide rules apply?

Yes No

If yes, the Water Resources Department will determine whether the proposed use will occur in an area where endangered, threatened or sensitive fish species are located. If so, the Water Resources Department, Department of Fish and Wildlife, Department of Environmental Quality, and the Department of Agriculture will recommend conditions required to achieve "no loss of essential habitat of threatened and endangered (T&E) fish species," or "no net loss of essential habitat of sensitive (S) fish species." If conditions cannot be identified that meet the standards of no loss of essential T & E fish habitat or no net loss of essential S fish habitat, the agencies will recommend denial of the application unless they conclude that the proposed use would not harm the species.

SECTION 5: WATER USE

Provide the amount of water you propose to use from each source, for each use, in cubic feet-per-second (cfs) or gallons-per-minute (gpm). If the proposed use is from storage, provide the amount in acre-feet (af):
(1 cfs equals 448.8 gpm. 1 acre-foot equals 325,851 gallons or 43,560 cubic feet)

SOURCE	USE	PERIOD OF USE	AMOUNT
Lost Creek Reservoir	Supplemental Irrigation	April 1 through October 31	9.93 <input type="checkbox"/> cfs <input type="checkbox"/> gpm <input checked="" type="checkbox"/> af
			<input type="checkbox"/> cfs <input type="checkbox"/> gpm <input type="checkbox"/> af
			<input type="checkbox"/> cfs <input type="checkbox"/> gpm <input type="checkbox"/> af
			<input type="checkbox"/> cfs <input type="checkbox"/> gpm <input type="checkbox"/> af

Please indicate the number of primary, supplemental and/or nursery acres to be irrigated.

Primary: 0.0 Acres Supplemental: 3.31 Acres Nursery Use: NA Acres

If supplemental acres are listed, provide the Permit or Certificate number of the underlying primary water right(s): Certificate 8942

Indicate the maximum total number of acre-feet you expect to use in an irrigation season: 9.93

- If the use is **municipal or quasi-municipal**, attach **Form M**
- If the use is **domestic**, indicate the number of households:
- If the use is **mining**, describe what is being mined and the method(s) of extraction:

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SECTION 6: WATER MANAGEMENT

A. Diversion and Conveyance

What equipment will you use to pump water from your source?

- Pump (give horsepower and type): 5 hp centrifugal
- Other means (describe):

Provide a description of the proposed means of diversion, construction, and operation of the diversion works and conveyance of water.

There will be no construction in or within the riparian zone. The pump and fish screen will lay on the bed of the river and connect to a 3 inch hose running up the river bank to the pipeline to the place of use. The pump and fish screen will be placed in the river by hand at the beginning of the needed period of use and be removed in the fall.

B. Application Method

What equipment and method of application will be used? (e.g., drip, wheel line, high-pressure sprinkler)
The crop to be irrigated is pasture, so the method of application will be sprinkler, both solid set and using garden hose.

C. Conservation

Please describe why the amount of water requested is needed and measures you propose to: prevent waste; measure the amount of water diverted; prevent damage to public uses of affected surface waters.

Water will be applied as needed to replace evapotranspiration. Runoff will not be allowed.

SECTION 7: RESOURCE PROTECTION

In granting permission to use water from a stream or lake, the state encourages, and in some instances requires, careful control of activities that may affect the waterway or streamside area. See instruction guide for a list of possible permit requirements from other agencies. Please indicate any of the practices you plan to undertake to protect water resources:

- Diversion will be screened per ODFW specifications in ORS 498.301 through 498.346 to prevent uptake of fish and other aquatic life.
Describe planned actions: Contact ODFW for guidance on the approved fish screen for this situation.
- Excavation or clearing of banks will be kept to a minimum to protect riparian or streamside areas.
Note: If disturbed area is more than one acre, applicant should contact the Department of Environmental Quality to determine if a 1200C permit is required.
Describe planned actions and additional permits required for project implementation:
There will be no clearing of vegetation and or excavation within the riparian zone of the river.
- Operating equipment in a water body will be managed and timed to prevent damage to aquatic life.
Describe planned actions and additional permits required for project implementation:
No equipment will be used in the riparian zone of the river. The pump and all attached hose and fish screen will be hand placed for the period of use and removed at the end of the season.
- Water quality will be protected by preventing erosion and run-off of waste or chemical products.
Describe planned actions:
By using sprinklers and applying water to replace evapotranspiration there will be no opportunity for runoff or erosion.
- List other federal and state permits or contracts to be obtained, if a water right permit is granted.
Contract with US Bureau of Reclamation for the storage and release of stored water of Lost Creek Reservoir.

SECTION 8: PROJECT SCHEDULE

- a) Date construction will begin: June 2023
- b) Date construction will be completed: October 2024
- c) Date beneficial water use will begin: September 2023

SECTION 9: WITHIN A DISTRICT

- Check here if the point of diversion or place of use are located within or are served by an irrigation or other water district.

Irrigation District Name Fort Vannoy Irrigation District	Address PO Box 2316	
City Grants Pass	State OR	Zip 97528

SECTION 10: REMARKS

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Use this space to clarify any information you have provided in the application. (*Attach additional sheets if necessary*).

Minimum Requirements Checklist

Minimum Requirements (OAR 690-310-0040, OAR 690-310-0050 & ORS 537.140)

Include this checklist with the application

Check that each of the following items is included. The application will be returned if all required items are not included. If you have questions, please call the Water Rights Customer Service Group at (503) 986-0900.

Please submit the original application and signatures to the Water Resources Department. Applicants are encouraged to keep a copy of the completed application.

- SECTION 1: Applicant Information and Signature
- SECTION 2: Property Ownership
- SECTION 3: Source of Water
- SECTION 4: Sensitive, Threatened or Endangered Fish Species Public Interest Information
- SECTION 5: Water Use
- SECTION 6: Water Management
- SECTION 7: Resource Protection
- SECTION 8: Project Schedule
- SECTION 9: Within a District
- SECTION 10: Remarks

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Include the following additional items:

- Land Use Information Form with approval and signature of local planning department (*must be an original*) or signed receipt.
- Provide the legal description of: (1) the property from which the water is to be diverted, (2) any property crossed by the proposed ditch, canal or other work, and (3) any property on which the water is to be used as depicted on the map.
- Fees - Amount enclosed: \$1,630.00
See the Department's Fee Schedule at www.oregon.gov/owrd or call (503) 986-0900.
- Map that includes the following items:
 - Permanent quality and drawn in ink
 - Even map scale not less than 4" = 1 mile (example: 1" = 400 ft, 1" = 1320 ft, etc.)
 - North Directional Symbol
 - Township, Range, Section, Quarter/Quarter, Tax Lots
 - Reference corner on map
 - Location of each diversion, by reference to a recognized public land survey corner (distances north/south and east/west)
 - Indicate the area of use by Quarter/Quarter and tax lot identified clearly.
 - Number of acres per Quarter/Quarter and hatching to indicate area of use if for primary irrigation, supplemental irrigation, or nursery
 - Location of main canals, ditches, pipelines or flumes (if well is outside of the area of use)

Water-Use Permit Application Processing

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1. Completeness Determination

The Department evaluates whether the application and accompanying map contain all of the information required under OAR 690-310-0040 and OAR 690-310-0050. The Department also determines whether the proposed use is prohibited by statute. If the Department determines that the application is incomplete, all fees have not been paid, or the use is prohibited by statute, the application and all fees submitted are returned to the applicant.

2. Initial Review

The Department reviews the application to determine whether water is available during the period requested, whether the proposed use is restricted or limited by rule or statute, and whether other issues may preclude approval of or restrict the proposed use. An Initial Review (IR) containing preliminary determinations is mailed to the applicant. The applicant has 14 days from the mailing date to withdraw the application from further processing and receive a refund of all fees paid minus \$310. The applicant may put the application on hold for up to 180 days and may request additional time if necessary.

3. Public Notice

Within 7 days of the mailing of the initial review, the Department gives public notice of the application in the weekly notice published by the Department at www.oregon.gov/owrd. The public comment period is 30 days from publication in the weekly notice.

4. Proposed Final Order Issued

The Department reviews any comments received, including comments from other state agencies related to the protection of sensitive, threatened or endangered fish species. Within 60 days of completion of the IR, the Department issues a Proposed Final Order (PFO) explaining the proposed decision to deny or approve the application. A PFO proposing approval of an application will include a draft permit, and may request additional information or outstanding fees required prior to permit issuance.

5. Public Notice

Within 7 days of issuing the PFO, the Department gives public notice in the weekly notice. Notice includes information about the application and the PFO. Protest must be received by the Department within 45 days after publication of the PFO in the weekly notice. Anyone may file a protest. The protest filing fee is \$480.00 for the applicant and \$950.00 for non-applicants. Protests are filed on approximately 10 percent of Proposed Final Orders. If a protest is filed the Department will attempt to settle the protest but will schedule a contested case hearing if necessary.

6. Final Order Issued

If no protests are filed, the Department can issue a Final Order within 60 days of the close of the period for receiving protest. If the application is approved, a permit is issued. The permit specifies the details of the authorized use and any terms, limitations or conditions that the Department deems appropriate

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After recording return to:
RHURR Investments I LLC
4619 Lower River Road
Grants Pass, OR 97526

Until a change is requested all tax
statements shall be sent to the
following address:
RHURR Investments I LLC
4619 Lower River Road
Grants Pass, OR 97526

File No.: 7151-3930659 (td)
Date: May 02, 2022

THIS SPACE RESERVED FOR RECORDER'S USE

JOSEPHINE COUNTY OFFICIAL RECORDS	
RHIANNON HENKELS, COUNTY CLERK	2022-006187
DED-WRD	05/04/2022 03:42 PM
Cnt=1 Pgs=3 Stn=4 LBOSS	
\$15.00 \$11.00 \$10.00 \$60.00 \$5.00	\$101.00
I, Rhiannon Henkels, County Clerk, certify that the within document was received and duly recorded in the official records of Josephine County.	

STATUTORY WARRANTY DEED

CCS Properties, LLC, an Oregon Limited Liability Company, Grantor, conveys and warrants to **RHURR Investments I LLC**, Grantee, the following described real property free of liens and encumbrances, except as specifically set forth herein:

See Legal Description attached hereto as Exhibit A and by this reference incorporated herein.

Subject to:

1. Covenants, conditions, restrictions and/or easements, if any, affecting title, which may appear in the public record, including those shown on any recorded plat or survey.

The true consideration for this conveyance is **\$832,281.25**. (Here comply with requirements of ORS 93.030)

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APN: R318522

Statutory Warranty Deed
- continued

File No.: 7151-3930659 (td)

EXHIBIT A

LEGAL DESCRIPTION: Real property in the County of Josephine, State of Oregon, described as follows:

A PARCEL OF LAND SITUATED IN GOVERNMENT LOT 4 OF SECTION 15 AND GOVERNMENT LOT 3 OF SECTION 22, TOWNSHIP 36 SOUTH, RANGE 6 WEST, OF THE WILLAMETTE MERIDIAN, JOSEPHINE COUNTY, OREGON, MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHEAST CORNER OF THE WEST HALF OF THE EAST HALF OF GOVERNMENT LOT 4 IN SECTION 15, TOWNSHIP 36 SOUTH, RANGE 6 WEST, OF THE WILLAMETTE MERIDIAN, JOSEPHINE COUNTY, OREGON; THENCE WEST ALONG THE NORTH LINE OF SAID GOVERNMENT LOT 4, A DISTANCE OF 161 FEET TO THE TRUE POINT OF BEGINNING; THENCE WEST ALONG THE NORTH LINE OF SAID GOVERNMENT LOT 4 A DISTANCE OF 161 FEET, MORE OR LESS, TO THE NORTHEAST CORNER OF THE WEST HALF OF SAID LOT 4; THENCE SOUTH ALONG THE EAST LINE OF THE WEST HALF OF SAID GOVERNMENT LOT 4 AND PROJECTION THEREOF TO THE ROGUE RIVER; THENCE IN AN EASTERLY DIRECTION ALONG THE ROGUE RIVER TO A POINT WHICH IS SOUTH FROM THE TRUE POINT OF BEGINNING AT THE SOUTHWEST CORNER OF PROPERTY DESCRIBED IN VOLUME 216, PAGE 522, JOSEPHINE COUNTY DEED RECORDS; THENCE NORTH ALONG THE WEST LINE OF PROPERTY DESCRIBED IN VOLUME 216, PAGE 522, JOSEPHINE COUNTY DEED RECORDS, TO THE TRUE POINT OF BEGINNING.

NOTE: This Legal Description was created prior to January 01, 2008.

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STATE OF OREGON
COUNTY OF JOSEPHINE

CERTIFICATE OF WATER RIGHT

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This is to Certify, That FORT VANNOY IRRIGATION DISTRICT

of Grants Pass, State of Oregon, has made proof to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of Rogue River

a tributary of Pacific Ocean for the purpose of Irrigation

under Permit No. 9692 of the State Engineer, and that said right to the use of said waters has been perfected in accordance with the laws of Oregon; that the priority of the right hereby confirmed dates from June 21, 1930;

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 10.21 cubic feet per second;

The point of diversion is located in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 14, Township 36S, Range 6W, W.M. The use hereunder for irrigation shall conform to such reasonable rotation system as may be ordered by the proper state officer.

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to one-eightieth of one cubic foot per second per acre, or its equivalent in case of rotation.

A description of the lands irrigated under the right hereby confirmed, and to which such right is appurtenant (if for irrigation or any other purpose), is as follows: 10 acres in the NE $\frac{1}{4}$ NE $\frac{1}{4}$, 20 acres in the NW $\frac{1}{4}$ NE $\frac{1}{4}$, 58 acres in the SW $\frac{1}{4}$ NE $\frac{1}{4}$, 21 acres in the SE $\frac{1}{4}$ NE $\frac{1}{4}$, 15 acres in the SW $\frac{1}{4}$ NW $\frac{1}{4}$, 21 acres in the SE $\frac{1}{4}$ NW $\frac{1}{4}$, 40 acres in the NE $\frac{1}{4}$ SW $\frac{1}{4}$, 40 acres in the NW $\frac{1}{4}$ SW $\frac{1}{4}$, 39 acres in the SE $\frac{1}{4}$ SW $\frac{1}{4}$, 27 acres in the SW $\frac{1}{4}$ SW $\frac{1}{4}$, 13 acres in the NE $\frac{1}{4}$ SE $\frac{1}{4}$, 28 acres in the NW $\frac{1}{4}$ SE $\frac{1}{4}$, 5 acres in the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 15, 160 acres in the SE $\frac{1}{4}$, 4 acres in the NE $\frac{1}{4}$ NE $\frac{1}{4}$, 20 acres in the NW $\frac{1}{4}$ NE $\frac{1}{4}$, 40 acres in the SW $\frac{1}{4}$ NE $\frac{1}{4}$, 15 acres in the SE $\frac{1}{4}$ NE $\frac{1}{4}$, 18 acres in the NE $\frac{1}{4}$ NW $\frac{1}{4}$, 1 acre in the SW $\frac{1}{4}$ NW $\frac{1}{4}$, 33 acres in the SE $\frac{1}{4}$ NW $\frac{1}{4}$, 40 acres in the NE $\frac{1}{4}$ SW $\frac{1}{4}$, 20 acres in the NW $\frac{1}{4}$ SW $\frac{1}{4}$, 40 acres in the SW $\frac{1}{4}$ SW $\frac{1}{4}$, 40 acres in the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 16, 10 acres in the NE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 20, 12 acres in the NE $\frac{1}{4}$ NE $\frac{1}{4}$, 13 acres in the NW $\frac{1}{4}$ NE $\frac{1}{4}$, 18 acres in the NE $\frac{1}{4}$ NW $\frac{1}{4}$, 14 acres in the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 21, 5 acres in the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 22, Township 36 South, Range 6 West of the Willamette Meridian in Josephine County, Oregon, being a total of 817 acres.

300.72 Acres - Ch. of Div. Sp. Dr. Vol. 12 p. 207

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

After the expiration of fifty years from the date of this certificate or on the expiration of any federal power license issued in connection with this right, and after not less than two years notice in writing to the holder hereof, the State of Oregon, or any municipality thereof, shall have the right to take over the dams, plants and other structures and all appurtenances thereto which have been constructed for the purpose of devoting to beneficial use the water rights specified herein, upon condition that before taking possession the State or municipality shall pay not to exceed the fair value of the property so taken, plus such reasonable damages, if any, to valuable, serviceable and dependable property of the holder of this certificate, not taken over, as may be caused by the severance therefrom of the property taken in accordance with the provisions of section 5728, Oregon Laws.

WITNESS the signature of the State Engineer,

affixed this 25th day

of November, 1930

Chas. E. Stricklin

State Engineer.

Recorded in State Record of Water Right Certificates, Volume 8, page 8942

CONTRACT DATA SHEET



COPY

Bureau of Reclamation
Attn: CPN-6323
1150 N. Curtis Road
Boise, ID 83706-1234
208-378-5346

RECLAMATION
Managing Water in the West

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1. Applicant Information:

A. Landowners

- 1) Name of Landowner(s): RHURR INVESTMENTS I, LLC (Jessica Clements)
- 2) Address: 4619 Lower River Road, Grants Pass, OR 97526
- 3) Mailing Address (if different): _____
- 4) Taxpayer Identification Number(s): _____
(Social Security Number or Employer Identification Number¹)
- 5) Do you own all of the land where you propose to divert and make use of water? YES

B. Water User Organizations (e.g., Irrigation Districts, Ditch/Canal Companies, Water Control Districts, Water User Associations & Cooperatives, Irrigation Improvement Districts, and similar entities organized according to State Law)

- 1) Name of Organization: _____
- 2) Name & Title of Applicant: _____
- 3) Mailing Address of Organization: _____
- 4) Taxpayer Identification Number: _____
(Social Security Number or Employer Identification Number)
- 5) Please provide the following information:
 - (a) A description of the area served by the organization (location, total acreage, number of water users, prominent crops, etc.)
 - (b) Copy of organization by-laws, articles of incorporation (if applicable), board resolution authorizing the applicant to represent and bind the organization under contract with the United States.

2. Source of water (name of stream, river): Lost Creek Reservoir tributary to Rogue River

3. Proposed point of diversion: 244.2 feet South and 694.5 feet East of SW corner of Section 15, Township 36 S, Range 6 W, Willamette Meridian.

4. A water right permit to divert storage water is required. Application or file number with Oregon Water Resources Department (OWRD) if you have applied for a permit to divert storage water: (See attached application to OWRD)

5. Include a map of lands and diversion points. (Same as required by OWRD for application of surface/ground water permit).

6. Do you currently hold a right to natural flows for irrigating the property described herein? YES
If yes, what is/are the priority date(s)? June 21, 1930

7. Total quantity of water from storage requested: 9.93 acre-feet.

8. Location of land to be irrigated in each 40-acre tract:

TOWNSHIP	RANGE	SECTION	40-ACRE TRACT (1/4) (1/4)	NO. of ACRES	TYPE of IRRIGATED CROP
36 S	6 W	15	SW SW	3.31	Pasture

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9. What is the present use of the land identified above? (farming; idle [fallow cultivated land]; native [appears never to have been tilled]; planted pasture or other [please specify]).
Planted pasture

10. Is the land identified above currently being irrigated? YES If yes, what is the source? (natural flows, wells, etc.) natural flows

11. Diversion must be screened to prevent uptake of fish and other aquatic life. Describe plan(s) to comply with State/Federal fish screen standards: Will contact Oregon Department of Fish & Wildlife and install screen according to their recommendations.

12. Telephone number where you can be reached during the day: 541-507-7295

Before returning the completed Contract Data Sheet to the address provided on page 1, please ensure you have:

- ANSWERED ALL QUESTIONS COMPLETELY
- ATTACHED AND IDENTIFIED ADDITIONAL SHEET(S) AS NECESSARY
- ATTACHED THE REQUIRED MAP
- SUBMIT PAYMENT FOR THE APPROPRIATE CONTRACT ADMINISTRATION FEE². MAKE CHECK PAYABLE TO THE U.S. BUREAU OF RECLAMATION

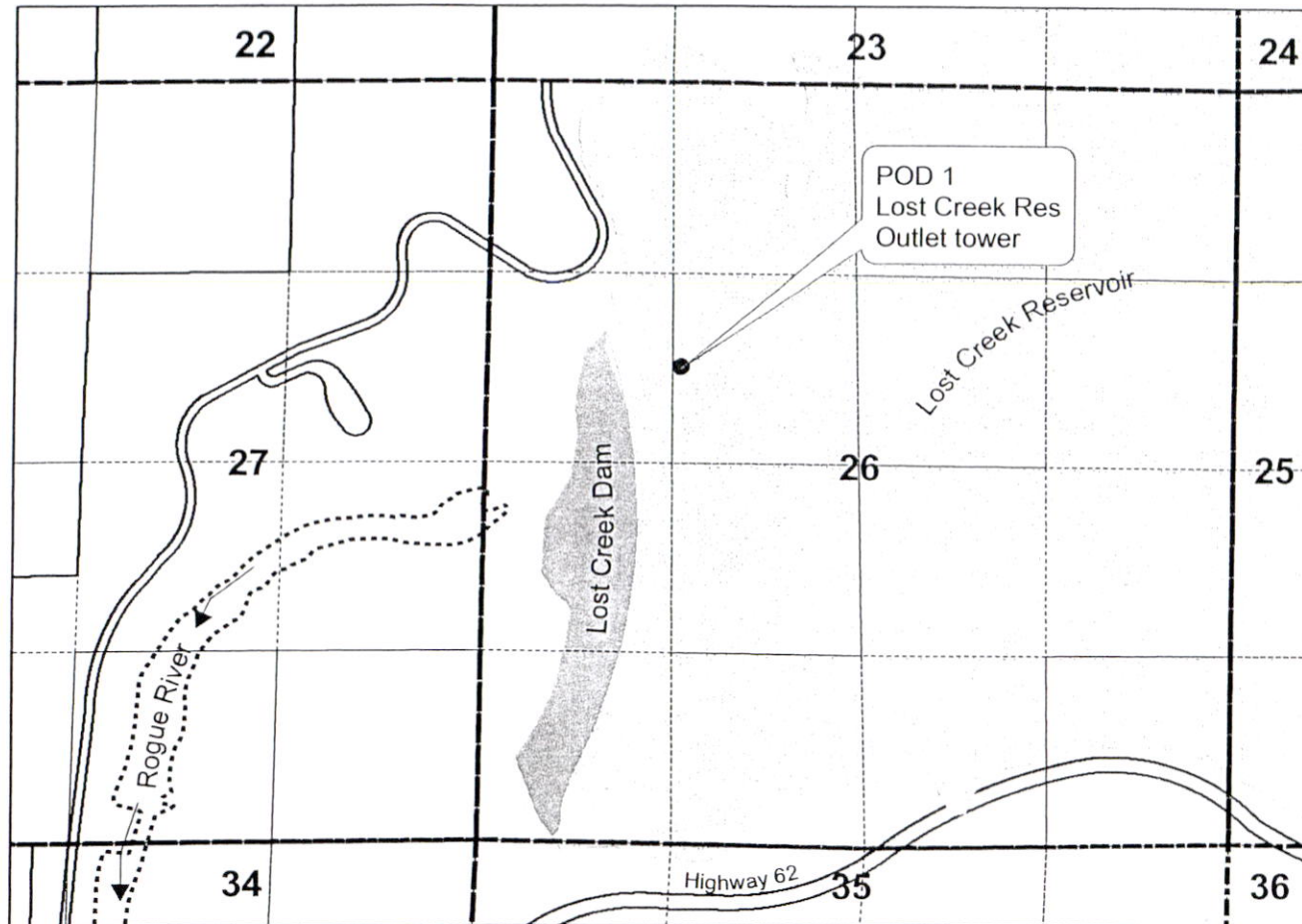
¹ Section 31001.(i) of the Debt Collection Improvement Act of 1996 (Chapter 10 of Pub. L. 104-134) requires each contractor with an agency of the United States to furnish their taxpayer identifying number (social security number or employer identification number) and each agency to disclose to that contractor its intent to use such number for purposes of collecting and reporting on any delinquent amounts arising out of such contractor's relationship with the Government.

² The minimum contract administration fee for most applications is \$100. However, from time to time this fee may be revised to cover the costs of the United States. We recommend you contact this office to verify the current minimum contract administration fee. If the costs to the United States of evaluating the application are in excess of the minimum contract administration fee, an estimate of the reimbursable costs for which advance payment is required will be provided to the applicant.

Rhurr Investments, LLC Application for Supplemental Water Right from Lost Creek Reservoir

T 33 S, R 1 E
Sections 26

Page 1 of 2



Points of Diversion

Lost Creek Reservoir
NW 1/4 Sec 26
T 33 S, R 1 E

POD 1
1992.7 ft South &
1237.4 Ft East Fm
NW Cor Sec 26
T 33 S, R 1 E

Legend

- Rogue River
- Lost Creek Reservoir
- Lost Creek Dam

N



1 inch = 1,320 feet

Note: This map shows the location of Lost Creek Reservoir and outlet structure where the water stored per BOR contract is released into The Rogue River. POD 2 is where the water is rediverted for irrigation use

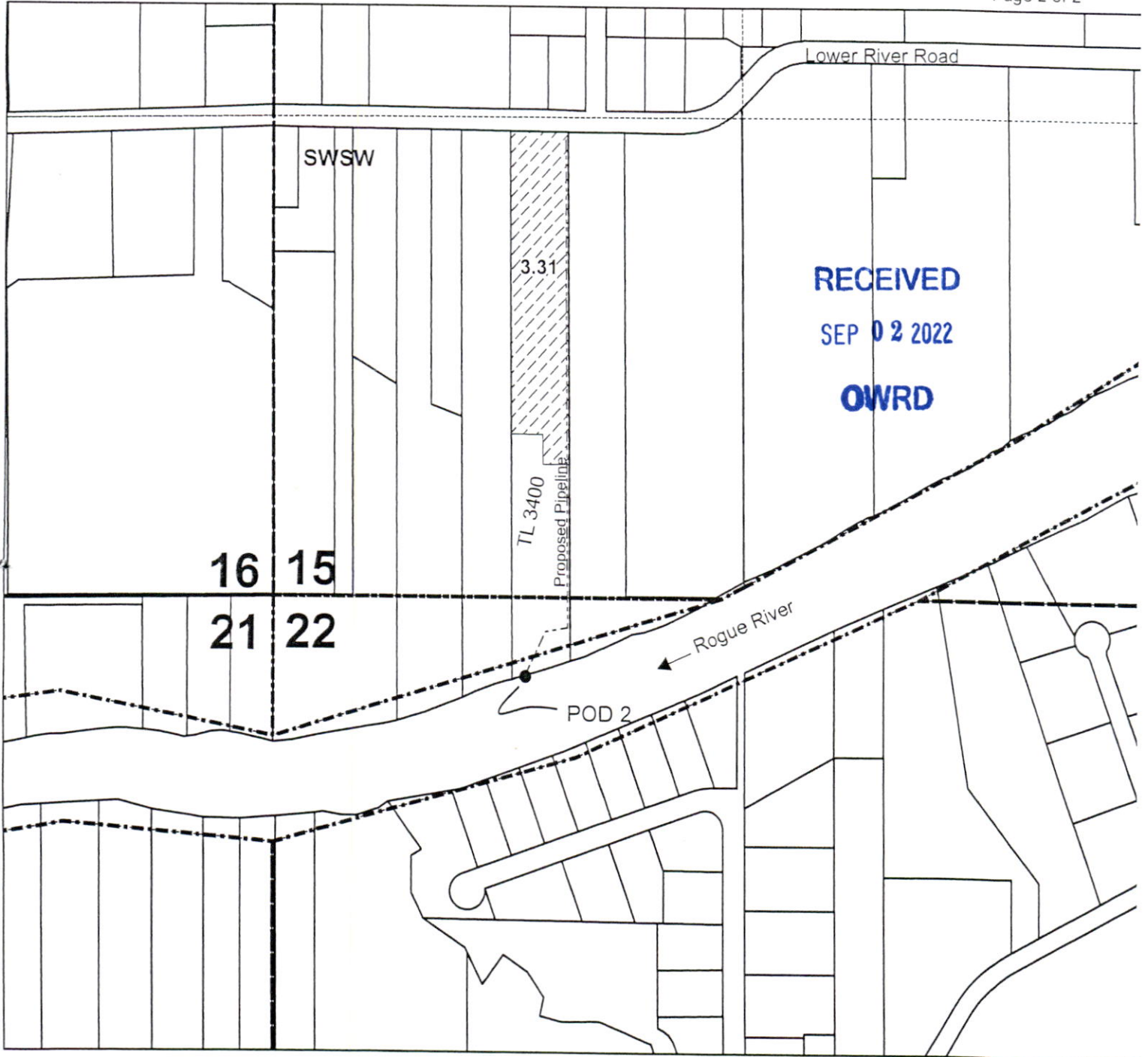
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Rhurr Investments, LLC
Application for Supplemental
Water Right from
Lost Creek Reservoir




T 36 S, R 6 W
Sec 15, SWSW



N
1 inch = 400 feet

POD #2 is the location where
water released from Lost Creek
Reservoir is re-diverted for
supplemental irrigation
Located
244.2 ft South and 694.5 ft East
From the SW Cor. Sec 15
T 36 S, R 6 W, WM

Legend

-  Supplemental Irrigation 3.31 ac
-  POD 2 re-diversion
-  Proposed Pipeline

Land Use Information Form

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

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NOTE TO APPLICANTS

In order for your application to be processed by the Water Resources Department (WRD), this Land Use Information Form must be completed by a local government planning official in the jurisdiction(s) where your water right will be used and developed. The planning official may choose to complete the form while you wait, or return the receipt stub to you. Applications received by WRD without the Land Use Form or the receipt stub will be returned to you. Please be aware that your application will not be approved without land use approval.

This form is NOT required if:

- 1) Water is to be diverted, conveyed, and/or used only on federal lands; **OR**
- 2) The application is for a water right transfer, allocation of conserved water, exchange, permit amendment, or groundwater registration modification, and all of the following apply:
 - a) The existing and proposed water use is located entirely within lands zoned for exclusive farm-use or within an irrigation district;
 - b) The application involves a change in place of use only;
 - c) The change does not involve the placement or modification of structures, including but not limited to water diversion, impoundment, distribution facilities, water wells and well houses; and
 - d) The application involves irrigation water uses only.

NOTE TO LOCAL GOVERNMENTS

The person presenting the attached Land Use Information Form is applying for or modifying a water right. The Water Resources Department (WRD) requires its applicants to obtain land use information to be sure the water rights do not result in land uses that are incompatible with your comprehensive plan. Please complete the form or detach the receipt stub and return it to the applicant for inclusion in their water right application. You will receive notice once the applicant formally submits his or her request to the WRD. The notice will give more information about WRD's water rights process and provide additional comment opportunities. You will have 30 days from the date of the notice to complete the land use form and return it to the WRD. If no land use information is received from you within that 30-day period, the WRD may presume the land use associated with the proposed water right is compatible with your comprehensive plan. Your attention to this request for information is greatly appreciated by the Water Resources Department. If you have any questions concerning this form, please contact the WRD's Customer Service Group at 503-986-0900.

Land Use Information Form

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

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Applicant

NAME RHURR INVESTMENTS I, LLC		PHONE (HM)	
PHONE (WK)	CELL 541-507-7295	FAX	
ADDRESS 4619 LOWER RIVER ROAD			
CITY GRANTS PASS	STATE OR	ZIP 97526	E-MAIL* RHURRINVESTMENTS@GMAIL.COM

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:
36 S	6 W	15	SW SW	3400		<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	Supplemental Irrigation
36 S	6 W	22	NW NW	3400		<input checked="" type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input type="checkbox"/> Used	Supplemental Irrigation
						<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used	
						<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used	

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

Josephine County

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 Groundwater Registration Modification
 Limited Water Use License
 Allocation of Conserved Water
 Exchange of Water

Source of water: Reservoir/Pond
 Groundwater
 Surface Water (name) Lost Creek Reservoir

Estimated quantity of water needed: 9.93
 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:

Water from Lost Creek Reservoir will be used to irrigate 3.31 acres of pasture. Water will be released from Lost Creek Reservoir under contract with U.S. Bureau of Reclamation and pumped from the Rogue River through a pipeline at a diversion point situated near the place of use in T36S, R1W, Sec 15.



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Attachment 2: Land Use Information Form

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): _____
- 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."

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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:	
Development Permit	19.69A.060, 19.69A.080, 19.69A.090, 19.72.040.B, JCC	<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input checked="" type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> 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.

See attached letter date August 25, 2022.

NAME Kayla Wallace, CFM		TITLE: Associate Planner
SIGNATURE Kayla Wallace	PHONE: 541-474-5427	DATE: Aug 25, 2022
GOVERNMENT ENTITY Josephine County Community Development - Planning Division		

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

Receipt for Request for Land Use Information

Applicant name: _____

City or County: _____ Staff contact: _____

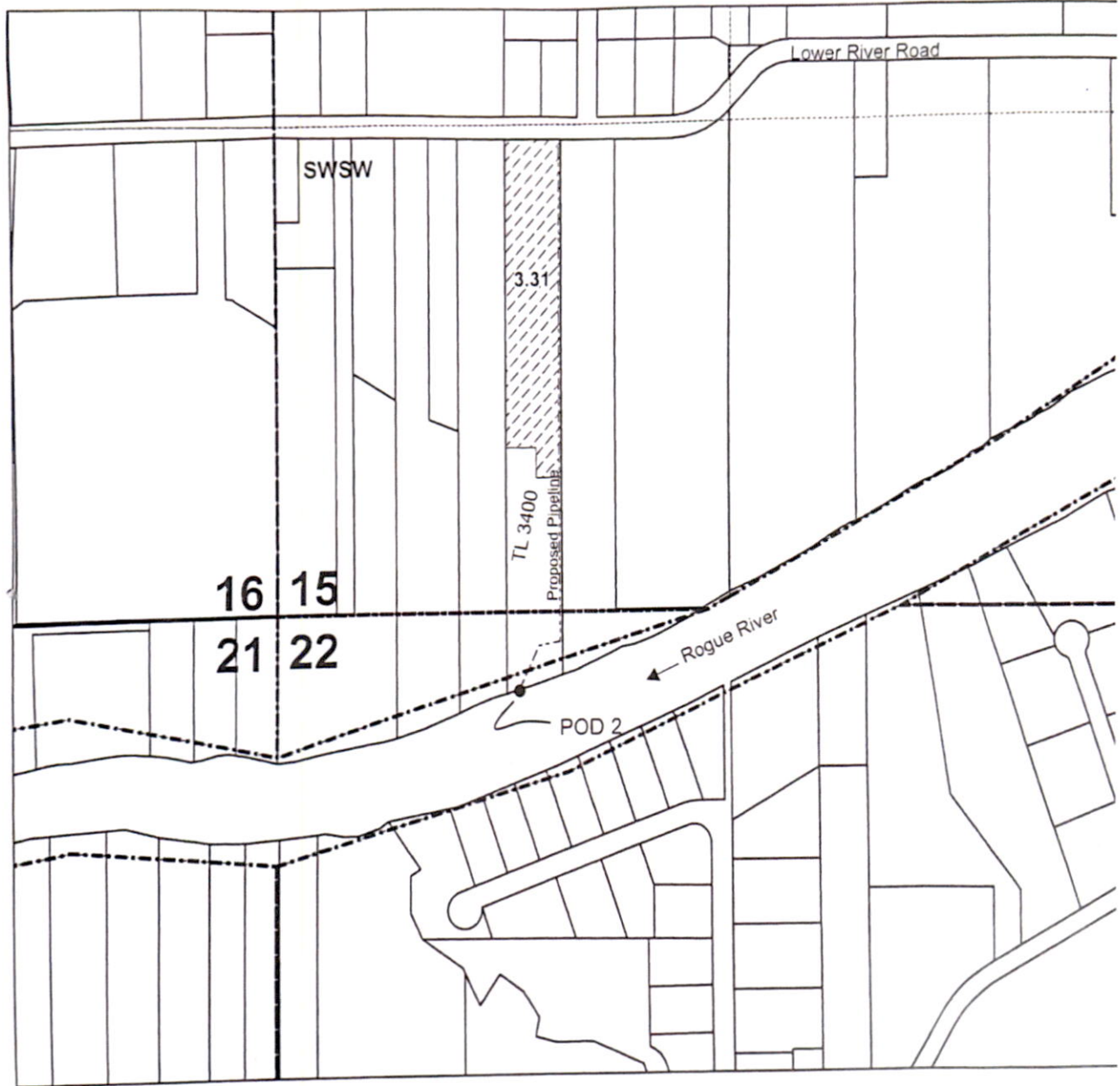
Signature: _____ Phone: _____ Date: _____

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AUG 22 2022
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Rhurr Investments, LLC
Application for Supplemental
Water Right from
Lost Creek Reservoir

T 36 S, R 6 W
Sec 15, SWSW

Page 2 of 2



N
1 inch = 400 feet

POD #2 is the location where water released from Lost Creek Reservoir is re-diverted for supplemental irrigation
Located
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From the SW Cor. Sec 15
T 36 S, R 6 W, WM

Legend

- Supplemental Irrigation 3.31 ac
- POD 2 re-diversion
- Proposed Pipeline

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Josephine County, Oregon

Community Development – Planning Division

700 NW Dimmick, Suite C / Grants Pass, OR 97526

(541) 474-5421 / Fax (541) 474-5422

E-mail: planning@josephinecounty.gov

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August 25, 2022

Re: OWRD Land Use Information Form for 4619 Lower River Rd, Map No. 36-06-15-C0, TL 3400

To Whom It May Concern,

Agriculture, Farming, and farm use are permitted uses outright in the Exclusive Farm (EF) zone per Section 19.64.020.A, JCC.

Per Section 19.69A.060.1, JCC, all encroachments in the floodway are prohibited unless a floodway study is provided from a registered engineer or architect demonstrating through hydrologic and hydraulic analysis performed in accordance with standard engineering practices that the proposed encroachment will not result in an increase (“no-rise”) in flood levels within the community during the occurrence of the base flood discharge.

A Development Permit is required for all development in a flood hazard area per Section 19.69.A080, JCC. This includes grading, excavation, new/replacement irrigation equipment, etc. Should any development be proposed in the special flood hazard area, a development permit will be required prior to commencement of such development. Applicant must obtain any necessary permits from the Department of State Lands for work within identified Wetland areas prior to making application for a development permit. The development permit will be subject to review by the Oregon Department of Fish and Wildlife for compliance with their regulations and Riparian corridor setbacks.

Sincerely,

Kayla Wallace, CFM

Associate Planner

541-474-5427

Email: kwallace@josephinecounty.gov