

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

RECEIVED
NOV 04 2019
OWRD

SECTION 1: APPLICANT INFORMATION AND SIGNATURE

Applicant

NAME POWELL FAMILY REVOCABLE TRUST		PHONE (HM) 541-218-8770	
PHONE (WK)	CELL	FAX	
ADDRESS 8110 NEW HOPE ROAD			
CITY GRANTS PASS	STATE OR	ZIP 97527	E-MAIL * ELWOODBUES@CHARTER.NET

Organization

NAME NA		PHONE	FAX
ADDRESS			CELL
CITY	STATE	ZIP	E-MAIL *

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

AGENT / BUSINESS NAME STEVE BOYD		PHONE 541-450-7043	FAX
ADDRESS 605 MISSOURI FLAT ROAD			CELL
CITY GRANTS PASS	STATE OR	ZIP 97527	E-MAIL * SSKBOYD@HOTMAIL.COM

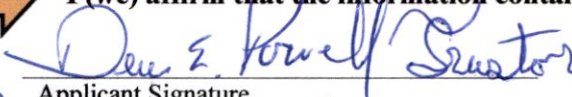
Note: Attach multiple copies as needed

* 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

	Dennis E. Powell	10-31-2019
Applicant Signature	Print Name and Title if applicable	Date
(Powell Family Trust)		
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.

RECEIVED
NOV 04 2019
OWRD

- 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).*

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.

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: APPEL GATE RESERVOIR	Tributary to: APPEL GATE RIVER
TRSQQ of POD: 40S, 4W, 25 SE-SE	
Source 2: MURPHY DITCH	Tributary to: NA
TRSQQ of POD: 37S, 5W, 19 NW-NE	

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_trsqq_features/

If you need help to determine in which area the proposed POD is located, please call the customer service desk at (503) 986-0801.

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.

RECEIVED

NOV 04 2019

OWRD

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
Murphy Ditch (Applegate Reservoir)	Irrigation	April 1 thru October 31	4.5 <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 and supplemental acres to be irrigated.
 Primary: 1.0 Acres Supplemental: _____ Acres
 If supplemental acres are listed, provide the Permit or Certificate number of the underlying primary water right(s):

 Indicate the maximum total number of acre-feet you expect to use in an irrigation season: 4.5 af

- 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: _____

RECEIVED
 NOV 04 2019

SECTION 6: WATER MANAGEMENT

OWRD

A. Diversion and Conveyance

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

- Pump (give horsepower and type): 3/4 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.

The above referenced pump is placed into the source (Murphy Ditch water) and connected to irrigation system PVC piping.

B. Application Method

What equipment and method of application will be used? (e.g., drip, wheel line, high-pressure sprinkler)

Fixed and portable impulse sprinklers and hand watering.

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 is required to irrigate landscaping and ornamental vegetation. Water waste will be prevented through conscientious application and control methods. Flowmeter on pump outlet will be installed as required by Permit.

SECTION 7: RESOURCE PROTECTION

OWRD

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: Murphy Ditch Point of Diversion (POD) from the Applegate River has an existing fish screen to prevent uptake of fish, etc. This information was provided by Herman Baertschiger (541-479-0014), administrator of the Murphy Ditch Association.
- 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: NA - POD for irrigation water is not in riparian or streamside area of the Applegate 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: NA - operating equipment (POD pump) will be installed in Murphy Ditch, not the Applegate River.
- Water quality will be protected by preventing erosion and run-off of waste or chemical products.
Describe planned actions: No chemicals will be used. Run-off will be prevented by conscientious application of irrigation water.
- List other federal and state permits or contracts to be obtained, if a water right permit is granted.
NA

SECTION 8: PROJECT SCHEDULE

- a) Date construction will begin: 11-1-2019
b) Date construction will be completed: 1-1-2020
c) Date beneficial water use will begin: 4-1-2020

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	Address	
City	State	Zip

SECTION 10: REMARKS

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

Section 3A: Location of POD is on Onion Creek, 150 feet from convergence with Murphy Ditch. The water being withdrawn is actually Murphy Ditch water that backs up into Onion Creek to the POD.

Section 3B: See attached copy of Contract Data Sheet & map. These were mailed to the Bureau of Reclamation on 10/23/2019.

RECEIVED
NOV 04 2019
OWRD

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

RECEIVED
NOV 04 2019
OWRD

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: \$ 1,215
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)

Land Use Information Form



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

RECEIVED

NOV 04 2019

OWRD

Applicant

NAME POWELL FAMILY REVOCABLE TRUST		PHONE (HM) 541-218-8770	
PHONE (WK)	CELL	FAX	
ADDRESS 8110 NEW HOPE ROAD			
CITY GRANTS PASS	STATE OR	ZIP 97527	E-MAIL* ELWOODBUES@CHARTER.NET

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:
37S	5W	19	00 NE-NW	107	RR-5	<input checked="" type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	landscaping
						<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used	
						<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) MURPHY DITCH

Estimated quantity of water needed: 2.5 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:

An application for a permit to use surface water for irrigation of landscaping (lawn, ornamental plants, bushes, trees) is being submitted to the Oregon WRD. Water will be pumped from the Point of Diversion (POD) in the Murphy Ditch which runs through the tax lot per an existing easement. A contract with the Murphy Ditch Assoc. is being applied for.

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.

RECEIVED

OCT 14 2019

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.

RECEIVED

NOV 04 2019

OWRD

Please check the appropriate box below and provide the requested information

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

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

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

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

NAME Mayla Wallace, CFM	TITLE: Associate Planner
SIGNATURE <i>Mayla Wallace</i>	PHONE: 541-474-5427
GOVERNMENT ENTITY	DATE: 10/29/19

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: _____



**JOSEPHINE
COUNTY
TITLE**

118 N.E. "C" Street • P.O. Box 71
Grants Pass, Oregon 97526
(541) 476-6884 • Fax: (541) 479-4437

RECEIVED

NOV 04 2019

OWRD

April 15, 1999
Order No. 99111230-JR

ESCROW DEPARTMENT
Main Office
c/o Jan Rossknecht

RE: LINGBECK-POWELL

Gentlemen:

We are prepared to issue Title Insurance **Standard Coverage ALTA Owners** in the amount of **\$160,000.00** (First American Title Insurance Company of Oregon) in the above form insuring the title to the land hereinafter described. This report is preliminary only and shall become null and void 90 days from the date hereto. This report is for the exclusive use of the parties herein shown and no liability arises hereunder until the full premium has been paid. Liability for payment on recording, cancellation fees and other provisions of the approved rate structure apply hereto.

Dated as of: April 8, 1999 at 5:00 o'clock p.m.

The land referred to in this report is set forth in Description Sheet attached.

VESTEE:

**PALMER G. LINGBECK, as to an undivided one-half interest, and
LUCILLE S. LINGBECK, aka LUCILLE M. SCHAUB,
as to an undivided one-half interest, as tenants in common**

Subject to the usual printed stipulations and exceptions appearing in such form policy and also the following:

1. The herein described property lies within the limits of the Murphy Creek Ditch Association, as disclosed by Articles of Association, recorded April 6, 1965, in Volume 19, Page 186, Josephine County Miscellaneous Records.

Page 1 of 4 Order No. 99111230-JR

Assumed Business Name of Josephine-Crater Title Companies, Inc., an Oregon Corporation

RECEIVED

NOV 04 2019

OWRD

2. Rights of the public in and to any portion lying within the limits of public roadways, if any, and/or rights of private parties over any portion lying within existing roadways or driveways not disclosed by the public records.
3. Irrigation easement granted to Murphy Ditch Association by instrument recorded in Volume 183, Page 229, Josephine County Deed Records.
4. Right of way, including the terms and provisions thereof, granted the California Oregon Power Company, set forth in Volume 70, Page 620, Josephine County Deed Records.
5. Right of way, including the terms and provisions thereof, granted the California Oregon Power Company, set forth in Volume 204, Page 423, Josephine County Deed Records.
6. Easement for ingress and egress, including the terms and conditions, as reserved in instrument recorded January 2, 1979 in Volume 338, Page 28, Josephine County Deed Records.
7. Right of way, including the terms and provisions thereof, granted the California Oregon Power Company, set forth as Document No. 80-14312, Official Records of Josephine County, Oregon.
8. Agreement for non-exclusive easement for ingress and egress including the terms and conditions thereof, recorded May 27, 1981 as Document No. 81-08592 and re-recorded May 29, 1981 as Document No. 81-08717, Official Records of Josephine County, Oregon.
9. Agreement for joint maintenance and roadway easement, including the terms and provisions thereof, as set forth in instrument recorded August 3, 1982 as Document No. 82-10241, Official Records of Josephine County, Oregon.
10. 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 Onion Creek.

NOTE 1:

The 1998-99 Real Property Taxes in the amount of \$829.36 are paid.
Map No. 37-05-19-00 TL 107 Acct. R323216 Code 5

NOTE 2:

We have also made a special search for judgments against persons by the name of or name similar to DENNIS E. POWELL and OLIVIA M. POWELL and find none of record.

1985

82-10240

6447 I

Vol 0028-Page 0191

CONTRACT DATA SHEET

OWRD



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

RECLAMATION *Managing Water in the West*

1. Applicant Information:

A. Landowners

- 1) Name of Landowner(s): POWELL FAMILY REVOCABLE TRUST
- 2) Address: 8110 NEW HOPE ROAD, GRANTS PASS, OR 97527
- 3) Mailing Address (if different): same
- 4) Taxpayer Identification Number(s): _____
(Social Security Number or Employer Identification Number)
- 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: NA
- 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): Applegate Reservoir (Murphy Ditch - Applegate River)
3. Proposed point of diversion: 500 feet South and 1,600 feet East of NW 1/4 corner of Section 19, Township 37S, Range 5W, 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: application in-process
5. Include a map of lands and diversion points. (Same as required by OWRD for application of surface/ground water permit).

Submitted to BofR 10/23/2019

6. Do you currently hold a right to natural flows for irrigating the property described herein? NO
If yes, what is/are the priority date(s)? NA

7. Total quantity of water from storage requested: 4.5 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
37S	5W	19	NE-NW	1.0	Landscaping

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]).
LANDSCAPING AND ORNAMENTAL VEGETATION

10. Is the land identified above currently being irrigated? YES If yes, what is the source? (natural flows, wells, etc.) Murphy Ditch water - Josephine County Watermaster has indicated a Surface Water Permit is required to continue utilizing this source.

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: Murphy Ditch Point of Diversion from the Applegate River has an existing fish screen to prevent uptake of fish, etc. This information was provided by Herman Baertschiger (541-479-0014) administrator of the Murphy Ditch Association.

12. Telephone number where you can be reached during the day: 541-218-8770

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.



Oregon

Kate Brown, Governor

Water Resources Department

725 Summer St NE, Suite A

Salem, OR 97301

(503) 986-0900

Fax (503) 986-0904

November 13, 2019

Dear Applicant:

The Oregon Water Resources Department has received your surface water application for a water use permit. Your application has been assigned file number **S-88776**. Please refer to this number when contacting the Department. Should you have any questions about your application, please contact the following Water Rights Specialist assigned to your application:

Kim French, Water Rights Specialist	Phone: 503-986-0816
	Email: kim.r.french@oregon.gov

A description of the steps that are used for processing a surface water application are shown on the reverse side of this letter. Surface water applications that propose to use stored water exclusively are reviewed using an expedited process and contain slightly different processing steps.

The Department's goal is to process applications within statutory deadlines. The first step in the process is issuance of an Initial Review, which summarizes the Department's preliminary determinations. Surface water applications typically receive an Initial Review in approximately two to three months. Copies of the Initial Review, Proposed Final Order, and Final Order will be mailed to you. Applications proposing to use stored water only under the expedited process will receive a Final Order.

Please note that your application is subject to review and comment from other state agencies and interested parties.

Sincerely,

COPY

Judy Ferrell
Customer Service Representative
Oregon Water Resources Department

cc:
File
Steve Boyd, Agent

Water-Use Permit Application Processing Steps

Oregon Water Resources Department

Standard Process for a Surface Water Application:

1. 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 \$260. The applicant may put the application on hold for up to 180 days and may request additional time if necessary.

2. 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.

3. 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 Initial Review, 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.

4. Public Notice & Protest Opportunity

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. A 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 \$410.00 for the applicant and \$810.00 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.

5. 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 will specify the details of the authorized use and any terms, limitations or conditions that the Department deems appropriate.

Expedited Process for a Surface Water Application:

Note: The expedited process only applies to an applications using stored water only under ORS 537.147.

The expedited process allows the Department to process an application within several weeks in cases where no public interest concerns are identified. It does not provide an opportunity to protest the Department's recommendation unless public interest issues are identified, in which case the Department will then evaluate the application using the standard process and a protest opportunity will be available. For expedited applications, the Department issues a Final Order only. Once accepted by the Department, these applications are published in the weekly public notice every Tuesday and a 30-day public comment periods begins. Following the public comment period, the Department can issue the Final Order.