

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

OCT 04 2019

OWRD

SECTION 1: APPLICANT INFORMATION AND SIGNATURE

Applicant

NAME ESTATE OF MARIE GAIL MCELROY, JOSEPH V. RYCKMAN, PERSONAL REPRESENTATIVE		PHONE (HM) 216-496-0463	
PHONE (WK)	CELL 216-312-4150 AND 216-496-0463		FAX _____
ADDRESS 10907 EDGWATER DRIVE			
CITY CLEVELAND	STATE OH	ZIP 44102	E-MAIL * RYCKMAJ@GMAIL.COM AND CHINASTONE@AOL.COM

Organization

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

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



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.

- 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.

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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*).

NA

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: Applegate Lake Reservoir Permit R-7810	Tributary to: Applegate River
TRSQQ of POD: T37S R6W Sec 24 NE SW	
Source 2:	Tributary to:
TRSQQ of POD:	

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.)

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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.

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)

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SOURCE	USE	PERIOD OF USE	
Applegate Lake Res.	irrigation	Irrigation season	30 <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: 10.0 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: 30

- 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: _____

SECTION 6: WATER MANAGEMENT

A. Diversion and Conveyance

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

- Pump (give horsepower and type): Centrifugal estimate 3 to 5 HP
- Other means (describe): _____

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

Portable pump and enclosed pipeline

B. Application Method

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

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.

Pump will only be operated when necessary for crop. Delivery system will be a closed system. 3 AF per acre is a conservative estimate of water application in this area

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: apply for cost share program with ODF&W
- 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: Riparian area will not be disturbed
- 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: Portable pump - no work instrem
- Water quality will be protected by preventing erosion and run-off of waste or chemical products.
Describe planned actions: Sprinkler or drip application. Monitored so no runoff
- List other federal and state permits or contracts to be obtained, if a water right permit is granted.
Applying for BOR contract for use of stored water

SECTION 8: PROJECT SCHEDULE

- a) Date construction will begin: summer 2020
- b) Date construction will be completed: 10/1/2025
- c) Date beneficial water use will begin: 10/1/2025

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*). This application may be supplemental if certificate 34846 continues to be valid. It will be primary if not.

CONTRACT DATA SHEET

copy



U.S. Bureau of Reclamation
Attn: PN-3324
1150 North Curtis Road
Boise, ID 83706-1234
208-378-5344

RECLAMATION

Managing Water in the West

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1. Applicant Information:

A. Landowners

- 1) Name of landowner(s): Estate of Marie Gail McElroy, Joseph V. Ryckman, personal representative
- 2) Address: 10907 Edgewater Drive, Cleveland, OH 44102
- 3) Mailing Address (if different): _____
- 4) Taxpayer Identification Number(s): _____
(Social Security Number or Employer Identification Number)¹
- 5) Do you own all of the land where you propose to divert and make use of water? Yes

B. Water User Organizations (Such as 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, # 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 Lake Reservoir

3. Proposed point of diversion: 360 feet South and 620 feet West
of NE corner of SW 1/4 of Section 24, Township 37S, Range 6W,
Willamette Meridian.

4. A water right permit to divert storage water is required. Application or file number with OWRD if you have applied for a permit to divert storage water: Application to be submitted.

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

6. Do you currently hold a right to natural flows for irrigating the property described herein? Yes if still valid
If yes, what is/are the priority date(s)? 2/12/1921
7. Total quantity of water from storage requested: 30 acre-feet.
8. Location of land to be irrigated in each 40-acre tract:

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TOWNSHIP	RANGE	SECTION	40-ACRE TRACT (1/4) (1/4)	NO. of ACRES	TYPE of IRRIGATED CROP
37S	6W	24	NE1/4 SW 1/4	10	Pasture grass

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)].
Not currently farmed
10. Is the land identified above currently being irrigated? no If yes, what is the source? (*natural flows, wells, etc.*) Applegate River
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: Diversion will be screened
12. Telephone number where you can be reached during the day: 216-496-0463

Before returning the completed Contract Data Sheet to the address provided on page 1, please check that you have done the following:

- ANSWERED ALL QUESTIONS COMPLETELY
- ATTACHED AND IDENTIFIED ADDITIONAL SHEET(S) AS NECESSARY
- ATTACHED THE REQUIRED MAP
- SUBMIT PAYMENT FOR THE APPROPRIATE CONTRACT ADMINISTRATION FEE ², 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. In the event that 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.



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@co.josephine.or.us

September 27, 2019

Re: OWRD Land Use Information Form for 7032 New Hope Rd, Map No. 37-06-24, TLs 2000 & 2001

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.

A Development Permit is required for all development in a flood hazard area, this includes new/replacement irrigation equipment, Section 19.69.A080, JCC. 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

Kayla Wallace, CFM

Associate Planner

541-474-5427

Email: kwallace@co.josephine.or.us

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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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JOCO - PLANNING

Applicant

NAME ESTATE OF MARIE GAIL MCELROY, JOSEPH V. RYCKMAN MD, PERSONAL REPRESENTATIVE		PHONE (HM) 216-496-0463	
PHONE (WK)	CELL 216-312-4150	FAX —	
ADDRESS 10907 EDGWATER DRIVE			
CITY CLEVELAND	STATE OH	ZIP 44102	E-MAIL* ryckmaj@gmail.com + Chinastore@aol

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	6W	24	NESW	2000 2001	EF	<input checked="" type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	farm
						<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

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) _____

Estimated quantity of water needed: 30 AF 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:

We wish to irrigate the property. We are proposing to use a portable pump.

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.

app 5-88747

For Local Government Use Only

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JOCO - PLANNING

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

NAME Kayla Wallace, CFM	TITLE: Associate Planner
SIGNATURE Kayla Wallace	PHONE: 541-474-5427
DATE: 9/27/19	
GOVERNMENT ENTITY Josephine County Community Development-Planning	

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: _____

app 5 - 20747

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RECORDING COVER SHEET (Please Print or Type)
This cover sheet was prepared by the person presenting the instrument for recording. The information on this sheet is a reflection of the attached instrument and was added for the purpose of meeting first page recording requirements in the State of Oregon, ORS 205.234, and does NOT affect the instrument.

AFTER RECORDING RETURN TO:

James and Holmbeck LLC
P.O. Box 578
Grants Pass, OR 97528

JOSEPHINE COUNTY OFFICIAL RECORDS
ART HARVEY, COUNTY CLERK **2013-001569**
DED-DED
Cnt=1 Pgs=4 Stn=1 JEDWARDS 01/31/2013 02:48 PM
\$20.00 \$11.00 \$15.00 \$8.00 \$5.00 Total:\$59.00



00306141201300015690040040

I, Art Harvey, County Clerk, certify that the within document was received and duly recorded in the official records of Josephine County.

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1) **TITLE(S) OF THE TRANSACTION(S)** ORS 205.234(a)
Administrator's Deed

2) **DIRECT PARTY / GRANTOR(S)** ORS 205.125(1)(b) and 205.160
Jonathan Carr, Trust Officer, Representative for Wells Fargo Bank, N.A.,
Administrator of the Estate of Helen N. Janicki

3) **INDIRECT PARTY / GRANTEE(S)** ORS 205.125(1)(a) and 205.160
Marie McElroy, a single woman

4) **TRUE AND ACTUAL CONSIDERATION**
ORS 93.030(5) - Amount in dollars or other
\$ _____ Other
Partial Distribution of Estate Assets

5) **SEND TAX STATEMENTS TO:**
Marie Gail McElroy
10915 Edgewater Drive
Cleveland, OH 44113

6) **SATISFACTION of ORDER or WARRANT** ORS 205.125(1)(e)
CHECK ONE: FULL
(If applicable) PARTIAL

7) **The amount of the monetary obligation imposed by the order or warrant.** ORS 205.125(1)(c)
\$ _____

8) **If this instrument is being Re-Recorded, complete the following statement, in accordance with ORS 205.244:** "RERECORDED AT THE REQUEST OF Grantor, the Estate of Helen N. Janicki TO CORRECT legal description of conveyed real property PREVIOUSLY RECORDED IN BOOK _____ AND PAGE _____, OR AS FEE NUMBER 2013-001307."

app 5-80747

JOSEPHINE COUNTY OFFICIAL RECORDS
ART HARVEY, COUNTY CLERK 2013-001307
DED-DED 01/28/2013 12:09 PM
Cnt=1 Pgs=3 Stn=2 RHENKELS \$15.00 \$11.00 \$15.00 \$8.00 \$5.00 Total:\$54.00

ⓧ
2



I, Art Harvey, County Clerk, certify that the within document was received and duly recorded in the official records of Josephine County.

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ADMINISTRATOR'S DEED

GRANTOR'S NAME & ADDRESS:

Jonathan Carr, Trust Officer
Representative for
Wells Fargo Bank, N.A.
P.O. Box 41629
Austin, TX 78704-9926
Administrator of the
Estate of Helen N. Janicki, Deceased

**UNTIL A CHANGE IS REQUESTED
ALL TAX STATEMENTS SHALL BE
SENT TO:**

Marie Gail McElroy
10915 Edgewater Drive
Cleveland, OH 44113

GRANTEE'S NAMES & ADDRESSES:

Marie Gail McElroy
10915 Edgewater Drive
Cleveland, OH 44113

AFTER RECORDING RETURN TO:

James and Holmbeck LLC
130 N.W. "D" Street
Grants Pass, OR 97526

GRANTOR: Jonathan Carr, Trust Officer, Representative for Wells Fargo Bank, N.A., of the Estate of Helen N. Janicki, Deceased, Josephine County Circuit Case No.: 09-P-0320.

GRANTEE: Marie Gail McElroy, a single woman.

CONSIDERATION:

The true and actual consideration paid for this transfer, stated in terms of dollars, is ZERO DOLLARS (\$0.00), but consists of the distribution of some of the assets of the Estate of Helen N. Janicki, Deceased, in Josephine County Circuit Court, Case No.: 09-P-0320.

THIS INDENTURE, made this 26th day of April, 2012, is by and between Jonathan Carr, Trust Officer, Representative for Wells Fargo Bank, N.A. (and hereinafter referred to as the "Grantor"), which is the duly appointed, qualified and acting Administrator of the Estate of Helen N. Janicki, being the "Estate" herein and with Helen N. Janicki being

ADMINISTRATOR'S DEED

-1-

app 5-08747

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deceased (and referred to as the "Deceased" herein), and Marie Gail McElroy (hereinafter referred to as the "Grantee").

FOR VALUE RECEIVED and the consideration hereinafter stated, the receipt whereof is hereby acknowledged, the Grantor grants, sells, warrants and conveys, and by these presents does grant, bargain, sell and convey, to the Grantee and to the Grantee's successors and assigns, all the estate, right and interest of the Deceased at the time of the Deceased's death, and all the right, title and interest that the Estate, by operation of law or otherwise, may have thereafter acquired in that real property situated in the County of Josephine, State of Oregon, with the tenements, hereditaments and appurtenances anywise appertaining thereto, as described below and incorporated herein by this reference:

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Parcel 2 and 3 of the Partition Plan No. 2012-5.

Beginning at the Southwest corner of the Southeast Quarter of the Southeast Quarter of the Northwest Quarter of Section 24, Township 37 South, Range 6 West of the Willamette Meridian, Josephine County, Oregon, thence East along the South line of said subdivision 25 feet; thence South parallel with the East line of the Northeast Quarter of the Southwest Quarter to the original channel of the Applegate River; thence Northwesterly along said original channel to a point which bears South from the point of beginning; thence North to the point of beginning (said real property being also currently described as Tax Lot 2000; Map No. 37062400, Josephine County, Oregon, 7032 New Hope Road, Grants Pass, OR):

Beginning at the Southwest corner of the Southeast Quarter of the Southeast Quarter of the Northwest Quarter of Section 24, Township 37 South, Range 6 West of the Willamette Meridian, Josephine County, Oregon; thence East along the South line of said subdivision 125 feet to the true point of beginning; thence continuing East along the South line of said subdivision to the Northeast corner of the Northeast Quarter of the Southwest Quarter of said Section 24; thence South along the East line of the Northeast Quarter of the Southwest Quarter of said Section 24, to the original channel of the Applegate River; thence Northwesterly along said original channel to a point which bears South from the true point of beginning; thence North to the true point of beginning (said real property being also currently described as Tax Lot 2001, Map No. 37062400; Josephine County, Oregon, New Hope Road, Grants Pass, OR):

GRANTOR CONVEYS THE ABOVE DESCRIBED REAL PROPERTY AND IMPROVEMENTS LOCATED THEREON IN "AS IS" CONDITION. GRANTEE ACCEPTS THIS DEED AND ACKNOWLEDGES THAT GRANTOR HAS MADE NO REPRESENTATIONS OR WARRANTIES CONCERNING THE PROPERTY. GRANTOR HAS ADVISED GRANTEE TO HAVE THE PROPERTY INSPECTED BY PROFESSIONAL INSPECTORS AND GRANTEE HAS CONDUCTED EVERY INSPECTION OF THE PROPERTY WHICH GRANTEE DESIRE TO MAKE AND ACCEPTS THE PROPERTY IN ITS PRESENT CONDITION WITH EVERY DEFECT, INCLUDING MATERIAL DEFECTS.

ADMINISTRATOR'S DEED

-2-

app 5-00747

(4) (S)

TO HAVE AND TO HOLD the same unto the Grantee and the Grantee's heirs and assigns forever.

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BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, AND SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, AND SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009.

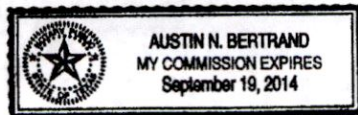
IN WITNESS WHEREOF, the said Grantor, has executed this deed the day and year first above written.

Jonathan Carr, Trust Officer, Representative for Wells Fargo Bank, N.A., Administrator of the Estate of Helen N. Janicki, Deceased

By [Signature]

STATE OF TEXAS, County of Travis) ss.

This instrument was acknowledged before me on the 26th day of April, 2012, by Jonathan Carr, Trust Officer, Representative for Wells Fargo Bank, N.A., which is the Administrator of the Estate of Helen N. Janicki, Deceased, and on behalf of which estate this instrument was executed.



[Signature]
Notary Public for Texas

ADMINISTRATOR'S DEED

-3-

app 5-00747

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Verified Correct Copy of Original 12/6/2018.

IN THE CIRCUIT COURT OF THE STATE OF OREGON FOR JOSEPHINE COUNTY

In the Matter of the Estate of

Case No: 18PB09116

Marie Gail McElroy,

Deceased,

LETTERS TESTAMENTARY

STATE OF OREGON)

) ss.

County of Josephine)

THIS CERTIFIES THAT the will of Marie Gail McElroy, has been proven and Joseph V Ryckman, MD has been appointed, and is at the date hereof the duly appointed, qualified and acting personal representative of the will and estate of the decedent.

IN WITNESS WHEREOF, I, as Trial Court Administrator of the Circuit Court of the State of Oregon for the County of Josephine, in which proceedings for administration upon the estate are pending, do hereto subscribe my name and affix the seal of the court on December 6, 20 18.

TRIAL COURT ADMINISTRATOR



By:

K. Bender
Judicial Services Specialist

* - - Property Data Selection Menu - -

Owner: MCELROY, MARIE GAIL

Prop ID : R325369 (Real Estate) (118764) C/O ARLENE B STEUER, GUARDIA
Map Tax Lot: 37-06-24-00-002000-00 1648 WESTHILL BLVD
Legal : P.P. 2012-05, PARCEL 2, ACRES 5.02 WESTLAKE, OH 44145

Situs : 7032 NEW HOPE RD Year Built :
GRANTS PASS, OR 97527 Living Area:

Name(s) :
Area : 05

Sale Info : 2019 Roll Values

Deed Type : ADMIN	RMV Land	\$	231,970	(+)
Instrument: 13-001569	RMV Improvements	\$	0	(+)
2018 Tax Status * No Taxes Due *	RMV Total	\$	231,970	(=)
Current Levied Taxes : 1,073.92	Total Exemptions	\$	0	
Special Assessments : 18.75	M5 Net Value	\$	231,970	
	M50 Assd Value	\$	163,780	

(AD) Alt Disp (O)wnership	(Y) primary (H)istory	(L)and/Impr (W) Spec Assmt	(G)en Appr (.) More
------------------------------	--------------------------	-------------------------------	------------------------

Enter Option from Above or <RET> to Exit: __

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* - - Property Data Selection Menu - -
 Owner: MCELROY, MARIE GAIL
 Prop ID : R325370 (Real Estate) (118764) C/O ARLENE B STEUER, GUARDIA
 Map Tax Lot: 37-06-24-00-002001-00 1648 WESTHILL BLVD
 Legal : P.P. 2012-05, PARCEL 3, ACRES 9.37 WESTLAKE, OH 44145

Situs : NEW HOPE RD Year Built :
 GRANTS PASS, OR 97527 Living Area:
 Name(s) :
 Area : 05
 Sale Info : 2019 Roll Values
 Deed Type : ADMIN RMV Land \$ 209,400 (+)
 Instrument: 13-001569 RMV Improvements \$ 2,850 (+)
 2018 Tax Status * No Taxes Due * RMV Total \$ 212,250 (=)
 Current Levied Taxes : 256.30 Total Exemptions \$ 0
 Special Assessments : 67.15 M5 Net Value \$ 212,250
 M50 Assd Value \$ 39,080

(AD) Alt Disp	(Y) primary	(L)and/Impr	(G)en Appr
(O)wnership	(H)istory	(W) Spec Assmt	(.) More

Enter Option from Above or <RET> to Exit: __

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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

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: \$ 1,752.00
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)



Oregon Water Resources Department
Stored Water Only Applications - Expedited Secondary

- [Main](#)
- [Return](#)
- [Help](#)
- [Contact Us](#)

Today's Date: Monday, September 9, 2019

Base Application Fee.		\$520.00
Acre feet of Stored Water to be diverted.	030	\$712.00
Permit Recording Fee. ***		\$520.00
*** the Permit Recording Fee is not required when the application is submitted but, must be paid before a permit will be issued. It is fully refundable if a permit is not issued. If the recording fee is not paid prior to issuance of the Final Order, permit issuance will be delayed.	<input type="button" value="Recalculate"/>	
Estimated cost of Permit Application		\$1,752.00

OWRD Fee Schedule

Fee Calculator Version: B20170117

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apps-88747



Oregon
Kate Brown, Governor

Water Resources Department

725 Summer St NE, Suite A

Salem, OR 97301

(503) 986-0900

Fax (503) 986-0904

October 7, 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-88747**. 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,

Judy Ferrell
Customer Service Representative
Oregon Water Resources Department

COPY

cc:
File

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.



Superior Water Right Consulting, LLC

NORM DAFT
"The Water Guy"

245 Glenoak Lane
Grants Pass, OR 97526

Phone (Cell): 541 761-1057
Home phone: 541 479-9866
normthewaterguy@charter.net

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October 3, 2019

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

Water Rights Section,

Please find the enclosed documents:

1. Application to use stored water from Applegate Lake Reservoir
2. Copy of Contract Data Sheet submitted to the Bureau of Reclamation
3. Map of proposed irrigation
4. Land Use Information Form signed by Josephine County
5. Property ownership and descriptions
6. Letters Testamentary – certifying Joseph V Ryckman, MD is the personal representative of will and estate of Marie Gail McElroy
7. A check for \$1,752.00 to cover OWRD fees

Please note that there will be no new construction within the flood plain as water will be diverted using a portable pump. Also, there is an existing water right from the Applegate River which uses the same diversion point (Cert. 34846). The validity of this right is unknown at this time. The enclosed application may end up as being supplemental if there are no issues with the underlying right.

Thank you.

Norman E. Daft