

# 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 HAMMEL PROPERTIES, LLC		PHONE (HM) 206-828-8696	
PHONE (WK)	CELL		FAX
ADDRESS PO BOX 21749			
CITY SEATTLE	STATE WA	ZIP 98111	E-MAIL * BRYON@OBCS.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 HOLLIE CANNON / WATER RIGHT SOLUTIONS, LLC		PHONE 541-821-5848	FAX
ADDRESS 3246 HAMMER ST.			CELL
CITY KLAMATH FALLS	STATE OR	ZIP 97603	E-MAIL * HCANNON@WATERRIGHTSOLUTIONS.COM

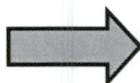
Note: Attach multiple copies as needed

\* 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.)

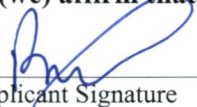
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### By my signature below I confirm that I understand:

- 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**

	<u>Bryon A. Modsen, Manager</u>	<u>6/17/2019</u>
Applicant Signature	Print Name and Title if applicable	Date

Applicant Signature	Print Name and Title if applicable	Date
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**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).*

**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 deeds**

**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: T 33 S R1 E Sec 26 SE NW	
Source 2: POD#1	Tributary to: Rogue River
TRSQQ of POD: T 34 S, R1 W, Sec 33 NW NW	

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/](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.

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#### **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.

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**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	Irrigation	April 1 - October 31	<input type="checkbox"/> cfs <input type="checkbox"/> gpm <input checked="" type="checkbox"/> af 15.12
			<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: 5.04 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: 15.12

- 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): Existing system for other irrigation, 100 hp centrifugal pump
- Other means (describe):

Provide a description of the proposed means of diversion, construction, and operation of the diversion works and conveyance of water.  
Existing system for irrigation of other rights, pumping out of a pond that infiltrates water from the Rogue River.

**B. Application Method**

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

**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.

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**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: Intake pipe will be screened.

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: \_\_\_\_\_

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 other than intake pump and fish screen will be in river.

Water quality will be protected by preventing erosion and run-off of waste or chemical products.  
Describe planned actions: Non-anticipated.

List other federal and state permits or contracts to be obtained, if a water right permit is granted.  
Bureau of Reclamation contract

**SECTION 8: PROJECT SCHEDULE**

- a) Date construction will begin: 2019
- b) Date construction will be completed: October 2020
- c) Date beneficial water use will begin: October 2022

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**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).*

## 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: **\$ 2,710**  
See the Department's Fee Schedule at [www.oregon.gov/owrd](http://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)

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# Water-Use Permit Application Processing

## 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 \$260. 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](http://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 \$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.

## 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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Surface Water — Page 8

For Department Use: App. Number: \_\_\_\_\_

Rev. 06-18



# 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](http://www.oregon.gov/OWRD)

## 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 503-986-0801.

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Land Use Information Form

Page 1 of 3

# 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

**Applicant**

NAME HAMMEL PROPERTIES, LLC		PHONE (HM) 206-828-8696	
PHONE (WK)	CELL		FAX
ADDRESS PO BOX 21749			
CITY SEATTLE	STATE WA	ZIP 98111	E-MAIL* BRYON@OBCS.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:
33 S	1 E	26	SE NW			<input checked="" type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input type="checkbox"/> Used	Irrigation
34 S	1 W	33	NW NW	400		<input checked="" type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input type="checkbox"/> Used	Irrigation
34 S	1 W	33	SE SW	513		<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input type="checkbox"/> Used	Irrigation
34 S	1 W	33	SW SE	501		<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	Irrigation

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

Jackson

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**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 (Lost Creek Reservoir)   
 Groundwater   
 Surface Water (name) \_\_\_\_\_

Estimated quantity of water needed: 15.12   
 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:

Applicant seeks to obtain water right permit to use waters of Lost Creek Reservoir for irrigation.



**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.

**Receipt for Request for Land Use Information**

Applicant name: Hollie Cannon

City or County: Jackson County, OR Staff contact: Nick Schubert

Signature:  Phone: (541) 774-6907 Date: 6/12/19

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## 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."**

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:	
		<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
		<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.

NAME	TITLE:	<b>RECEIVED</b>
SIGNATURE	PHONE:	<b>JUN 27 2019</b>
GOVERNMENT ENTITY		<b>OWRD</b>

**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: \_\_\_\_\_

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 being submitted 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? No  
If yes, what is/are the priority date(s)? \_\_\_\_\_
7. Total quantity of water from storage requested: 15.12 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
34 S	1 W	33	SW SE	5.04	Pasture

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]).  
Pasture for livestock
10. Is the land identified above currently being irrigated? No If yes, what is the source? (natural flows, wells, etc.) \_\_\_\_\_
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: Intake pipe will be screened. Existing system for irrigation of other water rights, pumping out of a pond that infiltrates water from the Rogue River.
12. Telephone number where you can be reached during the day: 206-828-8696

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# CONTRACT DATA SHEET



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

**RECLAMATION**  
*Managing Water in the West*

 **COPY**

1. Applicant Information:

A. Landowners

- 1) Name of Landowner(s): Hammel Properties, LLC
- 2) Address: PO Box 21749, Seattle, WA 98111
- 3) Mailing Address (if different): \_\_\_\_\_
- 4) Taxpayer Identification Number(s): \_\_\_\_\_  
(Social Security Number or Employer Identification Number<sup>1</sup>)
- 5) Do you own all of the land where you propose to divert and make use of water? Own the land to be irrigated. I do not own the land where the POD's are located.

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

3. Proposed point of diversion:

Lost Creek Reservoir Outlet Tower: NW1/4 Sec 26 of Township 33S, Range 1W, Willamette Meridian  
Our POD#1 is: 1197 feet South and 321 feet East of NW corner of Section 33, Township 34S, Range 1W, Willamette Meridian.

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**JUN 27 2019**  
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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 FEE<sup>2</sup>. MAKE CHECK PAYABLE TO THE U.S. BUREAU OF RECLAMATION

<sup>1</sup>. 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.

<sup>2</sup>. 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.

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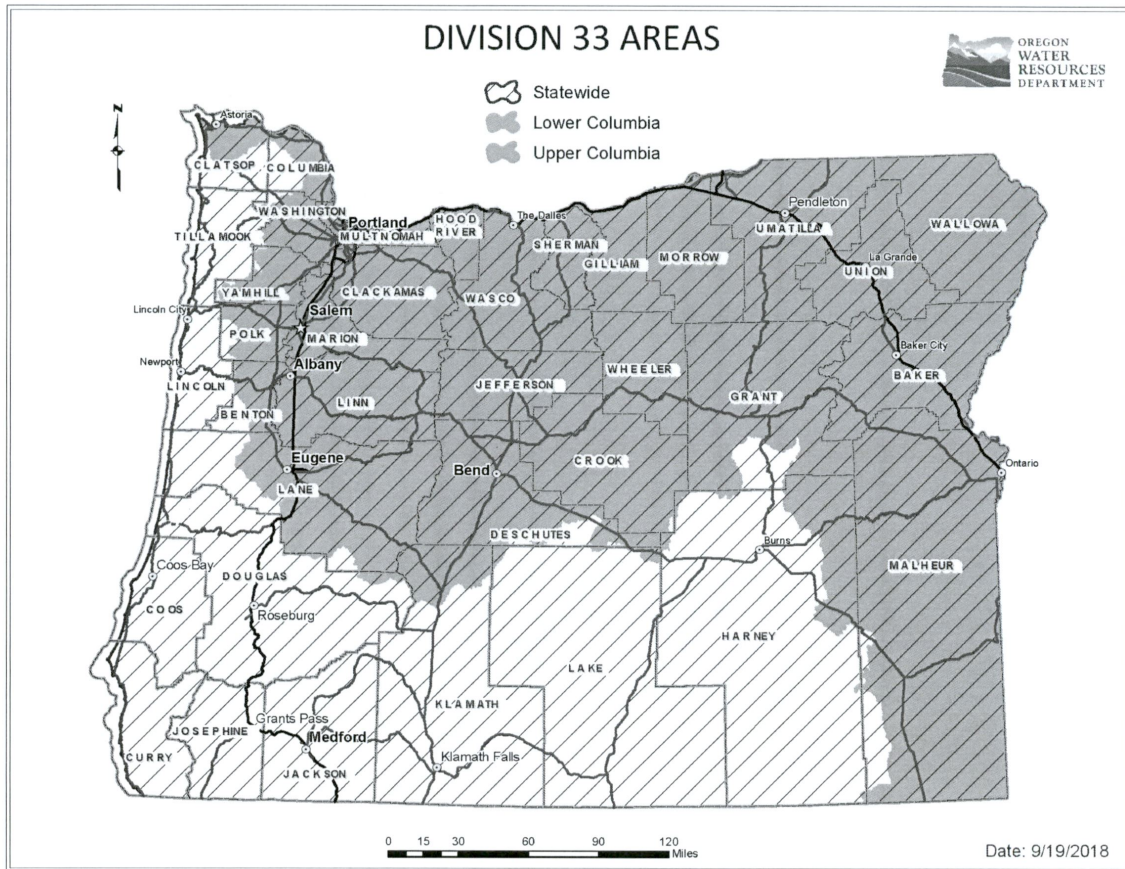
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Figure 1: Map of Division 33 Areas



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For more detailed information, click on the following link and enter the TRSQQ or the Lat/Long of a POD and click on "Submit" to retrieve a report that will show which section, if any, of the Division 33 rules apply: [https://apps.wrd.state.or.us/apps/misc/lkp\\_trsqq\\_features/](https://apps.wrd.state.or.us/apps/misc/lkp_trsqq_features/)

**EXHIBIT B**  
**Schedule of Exceptions**

1. The assessment roll and the tax roll disclose that the within described premises were specially zoned or classified for Farm use. If the land has become or becomes disqualified for such use under the statute, an additional tax or penalty may be imposed.
2. These premises are situated in the Eagle Point Irrigation District, and subject to the levies and assessments thereof, water and irrigation rights, easements for ditches and canals and regulations concerning the same.
3. 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 Langei Creek.
4. The rights of the public in and to that portion of the premises herein described lying within the limits of streets, roads and highways.
5. Easement, including terms and provisions contained therein:  
  
Recording Information: October 11, 1923 in Volume 146, Page 282, Deed Records,  
Jackson County, Oregon  
In Favor of: Eagle Point Irrigation  
For: Construction and operation ditch  
Affects: 25 foot strip along said irrigation canal
6. Easement, including terms and provisions contained therein:  
  
Recording Information: June 18, 1936 in Volume 208, Page 201, Deed Records,  
Jackson County, Oregon  
In Favor of: Eagle Point Irrigation  
For: Right to enter upon premises for purpose of construction and  
maintenance of canals and laterals

92-39232

20.00  
10.00  
20.00

BARGAIN AND SALE DEED

John E. McCaw, Jr., Grantor, conveys to the Double R Ranch Trust, Grantee, the following described real property situated in Jackson County Oregon, to wit:

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

The true consideration for this conveyance is \$0.

Until a change is requested, all tax statements shall be sent to the following address: No change.

THIS INSTRUMENT WILL 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 APPROVED USES.

Dated this 14 day of December, 1992.

*[Signature]*  
\_\_\_\_\_  
John E. McCaw, Jr.

STATE OF WASHINGTON )  
County of King ) ss. December 14, 1992

Personally appeared the above named John E. McCaw, Jr. and acknowledged the foregoing instrument to be his voluntary act and deed.

Before me:

*[Signature]*  
\_\_\_\_\_  
Notary Public for Washington  
My Commission Expires: 12/19/95

X After Recording Return To:  
Thomas S. Hiller, Esq.  
Davis Wright Tremaine  
1300 S.W. 5th Avenue, Suite 2300  
Portland, OR 97201

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92-39232

Title No. 608690

EXHIBIT 'A'

The following described property all being in Jackson County,  
State of Oregon:

Government Lot 3 in Section 28, Township 34 South, Range 1 West,  
Willametta Meridian; EXCEPTING THEREFROM that portion of the  
following described Parcel that is situated in said Government Lot  
3: Beginning at a 3/4" iron bolt monumenting the center quarter  
corner of Section 28 in Township 34 South, Range 1 West of the  
Willametta Meridian in Jackson County, Oregon; thence South  
89°55'10" East, along the east-west centerline of said Section 28  
a distance of 667.29 feet (Record South 89°54'20" East 667.81  
feet) to a 5/8" iron pin; thence South 42° 07'53" East 148.84 feet  
(Record South 42°07'10" East 147.92 feet) to a 3/4" iron bolt;  
thence South 85°02'03" East (Record South 85°01'20" East) 450.13  
feet; thence North 00°04'05" East 335.95 feet; thence North  
89°55'10" West 620.00 feet to a 5/8" iron witness corner; thence  
continue North 89°55'10" West 10.00 feet; thence North 74°49'07"  
West 143.36 feet to a 5/8" iron pin; thence North 79°16'21" West  
240.08 feet to a 5/8" iron pin witness corner; thence continue  
North 79°16'21" West 18.00 feet, more or less, to intersect the  
easterly bank of the Rogue River; thence in a Southwesterly  
direction along said bank of the Rogue River to intersect the  
north-south centerline of said Section 28; thence South 00°01'40"  
East along said centerline 150.0 feet, more or less, (Record South  
0°01'20" East 148.73 feet) to the point of beginning.  
Also excepting a strip of land 25.00 feet in width, the southerly  
and easterly line of which is described as follows: Commencing at a  
3/4" iron bolt at the center quarter corner of Section 28 in  
Township 34 South, Range 1 West of the Willametta Meridian in  
Jackson County, Oregon thence South 89°55'10" East, along the  
east-west centerline of said Section 28 a distance of 667.29 feet  
(Record South 89°54'20" East 667.81 feet) to a 5/8" iron pin; thence  
South 42°07'53" East 148.84 feet (Record South 42°07'10" East 147.92  
feet) to a 3/4" iron bolt, thence South 85°02'03" East (Record South  
85°01'20" East) 450.13 feet to the true point of beginning of said  
southerly and easterly line; thence continue South 85°02'03" East  
106.32 feet to a 5/8" iron pin at the northwest corner of tract  
described in deed recorded as No. 77-03515 of the Official Records  
of Jackson County, Oregon; thence South 89°54'10" East 588.68 feet,  
more or less, to a point North 89°54'10" West 50.00 feet from the  
west line of tract described in deed recorded as No. 77-17296, said  
Official Records; thence North, along the west line of said tract  
described in deed recorded as No. 77-03315, said Official Records,  
to an angle point on said line; thence North 47°06' East, along the  
northwesterly line of said tract to an angle point on said line;  
thence South 88°50' East, along the northerly line of said tract to  
the westerly line of Crater Lake Highway for the point of terminus.

2

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92-39232

Title No. 608690

ALSO, part of Government Lots 4 and 5 in Section 28, and part of Government Lot 1 in Section 29 in Township 34 South, Range 1 West, Willamette Meridian, situated Southerly of the Centerline of the Rogue River as presently located.

ALSO, the Southeast quarter of the Southwest quarter and the Southwest quarter of the Southeast quarter in Section 28, Township 34 South, Range 1 West, Willamette Meridian.

ALSO, a strip of land 33 feet wide along the line between the Southeast quarter of the Southeast quarter and Government Lot 2, said strip being equal in width on each side of said line, in Section 28, Township 34 South, Range 1 West, Willamette Meridian. EXCEPT that portion lying within the Public Highway along the East end of said strip.

ALSO, Government Lot 9 in Section 28, Township 34 South, Range 1 West, Willamette Meridian.

ALSO, the Northwest quarter of the Northeast quarter; the Northeast quarter of the Northwest quarter; the Northwest quarter of the Northwest quarter; Government Lot 1; the Southeast quarter of the Northwest quarter; the Southwest quarter of the Northeast quarter; Government Lot 2; the Northeast quarter of the Southwest quarter; Government Lot 3; and the South 24 feet of the Northeast quarter of the Northeast quarter in Section 33, Township 34 South, Range 1 West, Willamette Meridian.

ALSO, part of Government Lot 1 and of the Northeast quarter of the Northwest quarter in Section 4, Township 35 South, Range 1 West, Willamette Meridian described as follows: Beginning at the North quarter corner of said Section 4; thence West along the North line of said Section, 1435 feet; thence South, 700 feet; thence East, 1435 feet; thence North, 700 feet to the point of beginning.

ALSO, all that portion of Government Lots 1, 2 and 3 in Section 32, Township 34 South, Range 1 West, Willamette Meridian, lying Easterly of the following described line: Commencing at the corner common to Section 28, 29, 32 and 33 in Township 34 South, Range 1 West of the Willamette Meridian in Jackson County, Oregon, thence North 89°59'50" West, along the north boundary of said Section 32, a distance of 1115.0 feet to the true point of beginning; thence South 12°24' East 610.0 feet; thence South 31°38' East 525.0 feet; thence South 56°26' East 715.0 feet; thence South 8°35' West 470.0 feet, more or less, to intersect the Easterly projection of the northerly boundary of tract described in Volume 471 page 392 of the Dead Records of Jackson County, Oregon, the termination of said line.

3-

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92-39232

Title No. 608690

ALSO, a Parcel in Sections 28 and 29 in Township 35 South, Range 1 West, Willametta Meridian, Jackson County, Oregon, being all that portion of the Rogue River lying Easterly of the center line of said River as said river was originally meandered by the U.S. General Land Office in July, 1855, with said center line being described as follows:

BEGINNING at a point on the South boundary of said Section 29, which point bears Westerly 162.56 feet from the Southeast Section corner of said Section 29, and which point is the center of the aforesaid meandered River;

THENCE North 15°17'29" East, 168.09 feet; THENCE North 41°04'57" East, 65.47 feet; THENCE North 36°59'47" West, 144.89 feet; THENCE North 54° 26'26" West, 413.63 feet; THENCE North 05°51'15" West, 223.95 feet; THENCE North 05°51'15" West, 95 feet more or less to the center of the Rogue River as it now exists, being the point of terminus of said center line. (Said center line is based on a survey by Larry J. Friar November 30, 1989, filed January 17, 1990 as Survey No. 11870 in the Jackson County Records).

ALSO, a parcel in Sections 32 and 33 in Township 35 South, Range 1 West, Willametta Meridian, Jackson County, Oregon being all that portion of the Rogue River lying Easterly of the center line of said river as said river was originally meandered by the U.S. General Land Office in July, 1855, with said center line being described as follows:

BEGINNING at a point on the South boundary of said Section 33, which bears Westerly 1854.51 feet more or less from the South one-quarter corner of said Section 33, and which point is the center of the aforesaid meandered river;

THENCE North 06°58'50" West, 1291.60 feet; THENCE North 15°29'10" West, 1391.07 feet; THENCE North 34°18'51" West, 465.10 feet; THENCE North 47° 53'42" West, 588.42 feet to the point of terminus of said center line; THENCE from the said point of terminus North 87°54'55" East, 264.08 feet to intersect the most southerly corner of the line described in Deed recorded as Instrument No. 69-08700 in the Records of said Jackson County, intending in this call to define the Northerly boundary of the parcel to be included herein. (Said center line is based on a survey by Larry J. Friar November 30, 1989, filed January 17, 1990 as Survey No. 11870 in the Jackson County Records).

Jackson County, Oregon  
Recorded  
OFFICIAL RECORDS

8:18 DEC 21 1992 AM

KATHLEEN S. BECKETT  
CLERK and RECORDER

*Cheryl Augustin*

4-

RECEIVED

JUN 27 2019

OWRD

92-39235

10.00  
10.00  
20.00

BARGAIN AND SALE DEED

John E. McCaw, Jr., Grantor, conveys to the JEM Trust, Grantee, the following described real property situated in Jackson County Oregon, to wit:

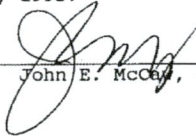
See Exhibit A attached hereto and incorporated herein by this reference.

The true consideration for this conveyance is \$0.

Until a change is requested, all tax statements shall be sent to the following address: No change.

THIS INSTRUMENT WILL 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 APPROVED USES.

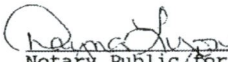
Dated this 14 day of December, 1992.

  
\_\_\_\_\_  
John E. McCaw, Jr.

STATE OF WASHINGTON )  
County of Kinn ) ss. December 14, 1992

Personally appeared the above named John E. McCaw, Jr. and acknowledged the foregoing instrument to be his voluntary act and deed.

Before me:

  
\_\_\_\_\_  
Notary Public for Washington  
My Commission Expires: 12/19/95

X After Recording Return To:  
Thomas S. Hiller, Esq.  
Davis Wright Tremaine  
1300 S.W. 5th Avenue, Suite 2300  
Portland, OR 97201

f:\2128611\1715-R-R.DED



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92-39235

Order No. 703465

EXHIBIT 'A'

Beginning at a point 1150 feet West, from the Southeast corner of the North half of the Southeast quarter of Section 33, Township 34 South, Range 1 West, Willamette Meridian, Jackson County, Oregon; thence continue West, along said line, 25.0 feet; thence North, parallel to and 25.0 feet West, from the most Easterly-West line of tract described in instrument recorded as Document No. 75-02903, Official Records of Jackson County, Oregon, 635.0 feet, to a point that is South 25.0 feet, from the North line of the South half of the North half of the Southeast quarter; thence West, parallel to and 25.0 feet South from said North line, 805.0 feet, to a point on the East line of the Southwest quarter of the Northwest quarter of the Southeast quarter; thence South, along the East line of said quarter-quarter-quarter, to a point that bears South, 330.0 feet, from the Northeast corner thereof; thence Southwesterly, in a straight line, 935.0 feet, more or less, to the most Northerly-Northeast corner of tract described in instrument recorded as Document No. 74-00009, said Official Records; thence West, along the North line of said tract, 300.0 feet, to the North-South center line of Section 33; thence North, along the said North-South center line, to the North line of the South half of the North half of the Southeast quarter, said point also being the Southwest corner of tract described in instrument recorded as Document No. 75-02903, said Official Records; thence East, along the South line of said tract, 1490.0 feet, to the inside ell corner of said tract; thence South, along said West line, 660.0 feet, to the true point of beginning.

Jackson County, Oregon  
Recorded  
OFFICIAL RECORDS

8:18 DEC 21 1992 AM

KATHLEEN S. BECKETT  
CLERK and RECORDER

*Cheryl Anderson*

2-

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501

**AFTER RECORDING RETURN TO**

Eugene L. Grant  
Davis Wright Tremaine LLP  
1300 SW 5<sup>th</sup> Avenue, Suite 2400  
Portland, OR 97201

Jackson County Official Records	<b>2015-008640</b>
R-WD	
Stn=12 BARROWCK	<b>03/26/2015 11:06:32 AM</b>
\$20.00 \$11.00 \$10.00 \$8.00 \$20.00	<b>\$69.00</b>
I, Christine Walker, County Clerk for Jackson County, Oregon, certify that the instrument identified herein was recorded in the Clerk records.	
Christine Walker - County Clerk	

**UNTIL A CHANGE IS REQUESTED,  
ALL TAX STATEMENTS SHALL BE  
SENT TO THE FOLLOWING  
ADDRESS:**

Hammel Properties, LLC  
520 Pike Street, Suite 1100  
Seattle, WA 98101

**STATUTORY WARRANTY DEED**

**CASINO PROPERTIES XIII LLC**, a Nevada limited liability company, Grantor, conveys and warrants to **HAMMEL PROPERTIES, LLC**, an Oregon limited liability company, Grantee, the following described real property free of encumbrances except as specifically set forth herein:

the real property described in Exhibit "A" attached hereto.

This conveyance is made by Grantor and accepted by Grantee subject to the exceptions to title set forth in Exhibit "B" attached hereto.

The true and actual consideration for this deed is value other than money.

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, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. 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

1 - STATUTORY WARRANTY DEED

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**JUN 27 2019**

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195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

Dated this 23<sup>rd</sup> day of March, 2015

GRANTOR:

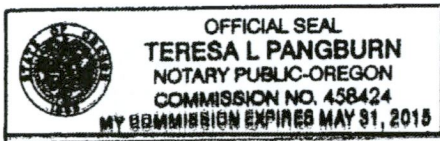
CASINO PROPERTIES XIII LLC

By Eugene L. Grant  
Eugene L. Grant, Manager

STATE OF OREGON            )  
  )        ss.  
County of Multnomah        )

This instrument was acknowledged before me this 23<sup>rd</sup> day of March, 2015, by Eugene L. Grant, as Manager of Casino Properties XIII LLC, a Nevada corporation, on behalf of the corporation.

Teresa L. Pangburn  
NOTARY PUBLIC FOR OREGON  
My Commission Expires: 5-31-15



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**EXHIBIT A**

**Legal Description**

Real property in the County of Jackson, State of Oregon, described as follows:

BEGINNING AT THE SOUTHWEST CORNER OF THE NORTH HALF OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 33, TOWNSHIP 34 SOUTH, RANGE 1 WEST, OF THE WILLAMETTE MERIDIAN IN JACKSON COUNTY, OREGON; THENCE NORTHERLY, ALONG THE NORTH SOUTH CENTER LINE OF SAID SECTION 33, A DISTANCE OF 582 FEET; THENCE EAST 300 FEET; THENCE SOUTH 41°25' EAST, 407 FEET, MORE OR LESS, TO THE NORTHWESTERLY RIGHT OF WAY LINE OF HAMMEL (COUNTY) ROAD, THENCE SOUTHWESTERLY, ALONG SAID ROAD LINE, A MORE OR LESS DISTANCE OF 565 FEET TO INTERSECT THE SOUTH BOUNDARY OF THE NORTH HALF OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 33; THENCE WESTERLY ALONG SAID SOUTH BOUNDARY, A MORE OR LESS DISTANCE OF 80 FEET TO THE POINT OF BEGINNING.

NOTE: This legal description was created prior to January 1, 2008.



Oregon Water Resources Department  
Surface Water Application

Main

Help

Return

Contact Us

Today's Date: Wednesday, May 15, 2019

Base Application Fee.		\$930.00
Number of proposed cubic feet per second (cfs) to be diverted. (1 cfs = 448.83 gallons per minute)	.06	\$350.00
Number of proposed Use's for the appropriated water. (i.e. Irrigation, Supplemental Irrigation, Pond Maintenance, Industrial, Commercial, etc) *	1	
Number of proposed Surface Water points of diversions. **	2	\$350.00
Number of Acre Feet to be diverted from Stored Water. (if the application is appropriating water from a pond/reservoir)	15.12	\$560.00
Permit Recording Fee. ***		\$520.00
* the 1st Water Use is included in the base cost. ** the 1st Surface Water point of diversion is included in the base cost. *** 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.	Recalculate	
Estimated cost of Permit Application		\$2,710.00

OWRD Fee Schedule

Fee Calculator Version: B20170117

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