

# Application for a Permit to Use Surface Water

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Oregon Water Resources Department  
725 Summer Street NE, Suite A  
Salem, Oregon 97301-1266  
(503) 986-0900  
www.wrd.state.or.us

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## Water-Use Permit Application Processing

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### 1. Completeness Determination

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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 ([www.oregon.gov/owrd/law.our](http://www.oregon.gov/owrd/law.our)). 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 \$200. 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 \$350.00 for the applicant and \$700.00 for non-applicants. Protests are filed on approximately 10% 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.

# 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.wrd.state.or.us

## SECTION 1: APPLICANT INFORMATION AND SIGNATURE

### Applicant Information

NAME <b>Louis P. and Anita Scaparo</b>		PHONE (HM) <b>541-659-6012</b>	
PHONE (WK)	CELL	FAX	
ADDRESS <b>994 Ferry Road</b>			
CITY <b>Grants Pass</b>	STATE <b>Oregon</b>	ZIP <b>97526</b>	E-MAIL *

### Organization Information

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

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### Agent Information – 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 *

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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 final order documents will also be mailed.)

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By my signature below I confirm that I understand:

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- 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 packet.
- I cannot legally use water until the Water Resources Department issues a permit to me.
- 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 get 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 get water to which they are entitled.

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

Applicant Signature

Applicant Signature

**Louis P. Scaparo, Owner**  
Print Name and title if applicable

**Anita Scaparo, Owner**  
Print Name and title if applicable

**2-5-16**  
Date

**2-5-16**  
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.
  - This land is encumbered by easements, rights of way, roads or other encumbrances.
- No
  - I have a recorded easement or written authorization permitting access.
  - I do not currently have written authorization or easement permitting access.
  - 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).
  - Water is to be diverted, conveyed, and/or used only on federal lands.

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List the names and mailing addresses of all affected landowners (*attach additional sheets if necessary*).

**TL600: POD and Pipe Route**  
 Bureau of Land Management  
 Medford District Office  
 3040 Biddle Road  
 Medford, OR 97504

**Ferry Road: Pipe Route**  
 Josephine County  
 Public Works Dept.  
 201 River Heights Way  
 Grants Pass, OR 97527

**TL200: Pipe Route**  
 Wilma G. Rosenthal  
 1080 Ferry Road  
 Grants Pass, OR 97526

*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.*

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**SECTION 3: SOURCE OF WATER**

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**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:

Source : **Irrigation: Lost Creek Reservoir**      Tributary to: **Rogue River**

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 item 3A above?

- Yes.
- No. (Please enclose a copy of your written notification to the operator of the reservoir of your intent to file this application, which you should have already 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: 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 thru October 31	4.50 acre-feet

**For irrigation use only:**

Please indicate the number of primary and supplemental acres to be irrigated.

Primary: **1.00 Acre** Supplemental: NA

List the Permit or Certificate number of the underlying primary water right(s): NA

Indicate the maximum total number of acre-feet you expect to use in an irrigation season: **4.50 af**

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

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## SECTION 5: WATER MANAGEMENT

### A. Diversion and Conveyance

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

Pump (give horsepower and type): **1.5 hp Submersible**

Other means (describe): \_\_\_\_\_

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

**Water is diverted at an existing infiltration gallery constructed in a gravel bar on the north bank of the Rogue River at the POD approved for Certificates No. 84285, 84819 and 84921. A 1.5 hp submersible pump conveys water through approximately 2850' of 1.5" PVC underground pipe to a 1000 gallon underground storage tank on the subject property. A 0.5 hp submersible pump conveys water from the existing tank to the proposed house where it is treated and used for domestic use per Certificate No. 84819. This application proposes to use the existing system for the irrigation of lawns, landscaping and a noncommercial garden.**

### B. Application Method

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

**The landscape and garden areas will be irrigated using a combination of drip applicators and pop-up sprinklers utilizing a zoned irrigation system controlled by timers.**

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### 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.

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**The amount of water requested is considered to be the minimum amount needed to provide adequate water for domestic use and to properly maintain the proposed landscaping and garden areas. The timed irrigation will allow the application to be made during the early morning hours to provide more efficient usage and minimize evaporation losses. An in-line flow meter is used to quantify the amount of water diverted. The entire delivery system is underground and is located within existing easements.**

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## SECTION 6: 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 to prevent uptake of fish and other aquatic life. Describe planned actions:

**The POD/Pump Site is completely underground except for the pump access conduit. The infiltration gallery consists of a 12" diameter perforated PVC pipe wrapped with a geotextile filter fabric. The water enters the gallery via percolation through the sand/gravel bar. The water is not pumped directly from the river. No fish screen is needed.**

Excavation or clearing of banks will be kept to a minimum to protect riparian or streamside areas. Describe planned actions:

**The existing POD site is in a gravel bar on the north bank of the Rogue River. The existing infiltration gallery (described above) was constructed in 1998. No additional work is needed at the POD site. No erosion hazard will be introduced by the approval of this application.**

Operating equipment in a water body will be managed and timed to prevent damage to aquatic life. Describe:

**The pump used to divert water from the river located inside a 12" PVC underground infiltration gallery constructed on the north river bank. No aquatic life should be impacted.**

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

**The delivery system proposed for this application already exists and is being used to supply water for Certificates No. 84285, 84819 and 84921. No further excavation of the delivery system is required for this application, therefore there is no potential of erosion damage. No treatment of the water is proposed, therefore no chemicals will be required. The proposed pump is electrical, therefore there is no danger from a potential fuel spill.**

## SECTION 7: PROJECT SCHEDULE

Date construction will begin: **May, 2016**

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Date construction will be completed: **July, 2016**

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Date beneficial water use will begin: **August, 2016**

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## SECTION 8: WITHIN A DISTRICT

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

Irrigation District Name <b>NA</b>		Address	
City	State	Zip	

**SECTION 9: REMARKS**

Use this space to clarify any information you have provided in the application.

**The water delivery system proposed for this application currently provides water to three users located at Tax Lots 112, 114 and 116 of Assessor's Map No. 36-07-02-AD per Certificates No. 84285, 84819 and 84921. The applicant proposes to install an irrigation system on Tax Lot 116 utilizing the existing delivery system and water to be provided per a proposed B.O.R. water contract which is being applied for concurrent with this application.**

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5/18/72  
5/19/72

# 69083

36-7-2  
600 AS

100637

Sign & return

VOL 283 PAGE 607

Tax Lot  
600  
Deed

UNITED STATES  
DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT

SD-M- 9

DEED

KNOW ALL MEN BY THESE PRESENTS, That GORDON L. HANEY and JUDITH HANEY, his wife; and ANDREAS B. RECHNITZER and MARTHA RECHNITZER, his wife, hereinafter called Grantor, whether one or more, for the true and actual consideration of \$113,500.00, does hereby grant, bargain, sell and convey to the UNITED STATES OF AMERICA and its assigns, all that real property situated in Josephine County, State of Oregon, described as:

PARCEL I

Government Lots 3 and 4 of Section 2, Township 36 South, Range 7 West of the Willamette Meridian, Josephine County, Oregon.

LESS AND EXCEPT: Beginning at a point 316 feet South of the East Quarter corner of said Section; thence South 79°03' West, 623 feet; thence South 21°10' West, 543 feet; thence South 34°12' East, 157.8 feet; thence South 24°23' East 259 feet to a point on the North line of a tract owned by Josephine County, Oregon; thence West 100 feet, more or less, to the Easterly bank of Rogue River; thence Southeasterly along Rogue River to an intersection with the East line of Section 2; thence North to the point of beginning, and;

ALSO LESS AND EXCEPT: Beginning at the East quarter corner of said Section; thence South 316 feet; thence South 79°03' West, 623 feet to approximate center of Ferry Road; thence northerly along the approximate centerline of said road to the northerly boundary of Lot 4; thence east to the point of beginning, and;

ALSO LESS AND EXCEPT: That certain tract of land conveyed to Donald W. Bryant and Robin C. Bryant, husband and wife, by deed recorded October 11, 1971, in Book 278, Page 189, Deed Records of Josephine County.

SUBJECT TO: Any portion of the above Parcel I lying within Ferry Road, aka Upper Ferry Park Road.

PARCEL II

The Southwest Quarter of the Northeast Quarter and Government Lot 2, in Section 2, Township 36 South, Range 7 West of the Willamette Meridian, Josephine County, Oregon.

The parcel of land to which the above description applies contains 106 acres, more or less.

TO HAVE AND TO HOLD the same unto the UNITED STATES OF AMERICA and its assigns forever.

Grantor covenants and warrants that he is lawfully seized and possessed of the real property aforesaid and has the full right, power and authority to execute this conveyance, and that said property is free and clear of liens, claims or encumbrances, and that he will defend the title to the property conveyed herein and quiet enjoyment thereof against the lawful claims and demands of all persons.

Subscribing Witness to the signatures of Gordon L. Haney and Judith Haney.

*Dennis C. How*

Dated this 25 day of May, 1972.

*Gordon L. Haney*  
Gordon L. Haney

*Judith Haney*  
Judith Haney

Accepted subject to approval of title by the Department of Justice:

*Donald J. Shepherd*  
District Manager  
Bureau of Land Management

*Andreas B. Rechnitzer*  
Andreas B. Rechnitzer

*Martha J. Rechnitzer*  
Martha Rechnitzer

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STATE OF )  
 ) ss:  
COUNTY OF )

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On the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, personally came before me, a notary public in and for said County and State, the within-named GORDON L. HANEY and JUDITH HANEY, his wife, to me personally known to be the identical persons described in and who executed the within and foregoing instrument and acknowledged to me that they executed the same as their free and voluntary act and deed, for the uses and purposes therein mentioned.

Given under my hand and official seal the day and year last above written.

My commission expires \_\_\_\_\_

Notary Public in and for the  
State of \_\_\_\_\_  
Residing at \_\_\_\_\_

(SEAL)

STATE OF Virginia )  
 ) ss:  
COUNTY OF Fairfax )

On the 31st day of May, 1972, personally came before me, a notary public in and for said County and State, the within-named ANDREAS B. RECHNITZER and MARTHA RECHNITZER, his wife, to me personally known to be the identical persons described in and who executed the within and foregoing instrument and acknowledged to me that they executed the same as their free and voluntary act and deed, for the uses and purposes therein mentioned.

Given under my hand and official seal the day and year last above written.

My commission expires \_\_\_\_\_

Michael S. Smith  
Notary Public in and for the  
State of Virginia  
Residing at 3407 State Court, F. Lee, Va.

(SEAL)

STATE OF OREGON )  
 ) ss:  
COUNTY OF JACKSON )

Personally appeared David C. How, personally known to me to be the same person who was a subscribing witness to the foregoing instrument, who, being sworn, stated that he resides at Medford, Oregon and that he knew Gordon L. Haney and Judith Haney, husband and wife, the persons described in and who executed the foregoing conveyance, and they acknowledged said instrument to be their voluntary act. Before me:

My commission expires \_\_\_\_\_  
MY COMMISSION EXPIRES SEPT. 20, 1975

William L. Bradley  
Notary Public in and for the  
State of Oregon  
Residing at Medford



Records of Josephine County, Oregon  
A. DONNELLY RABONIS, Co. Clerk  
By: Elizabeth Hernandez Deputy  
Fee \$ 4.00

and recorded at Page 607-608 Vol. 283  
DEED  
COUNTY CLERK  
JOSEPHINE COUNTY OREGON



State of Oregon, )  
County of Josephine, )  
I, A. Donnelly Rabonis, County Clerk and  
ex-officio Recorder of Conveyances, in  
and for said County do hereby certify  
that the within instrument was received  
for record at  
JUN 29 72 PM  
100577

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027805

UNITED STATES  
DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT

RIGHT-OF-WAY GRANT/TEMPORARY USE PERMIT

Issuing Office  
Medford BLM

Serial Number  
OR 51632

Tax Lot  
600  
Easement

1. A (right-of-way) (permit) is hereby granted pursuant to:

- a.  Title V of the Federal Land Policy and Management Act of October 21, 1976 (90 Stat. 2776; 43 U.S.C. 1761);
- b.  Section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185);
- c.  Other (describe) \_\_\_\_\_

2. Nature of Interest:

a. By this instrument, the holder Paul Beltis receives a right to construct, operate, maintain, and terminate a water pump and waterline on public lands (or Federal land for MLA Rights-of-Way) described as follows:

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T. 36 S., R. 7 W., Section 2, N $\frac{1}{2}$ SE $\frac{1}{4}$ , W.M.,  
Josephine County, Oregon

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RIGHT-OF-WAY ATTACHMENT

This right-of-way holder is aware that the Bureau of Land Management (BLM) administered lands in western Oregon are managed primarily for timber resource activities which include timber harvesting, reforestation, and tree release programs. BLM forest management activities may also include clearcutting, application of herbicides, firewood cutting, and prescribed burning. Logging operations cause dust and noise. Many of these activities are considered objectionable by residents living on adjacent private lands. BLM roads will be used to haul timber. Other important resources of these lands include wildlife habitat, minerals, soil and water quality, recreation opportunities, and others. The holder should also be aware that the BLM may grant other rights-of-way across BLM lands, and also may enter into agreements for exchange or sale of BLM administered lands.

b. The right-of-way or permit area granted herein is 5 feet wide, 1,200 feet long and contains 0.14 acres, more or less. ~~None of the right-of-way area is on BLM lands.~~

c. This instrument shall terminate on August 1, 2015, 20 years from its effective date unless, prior thereto, it is relinquished, abandoned, terminated, or modified pursuant to the terms and conditions of this instrument or of any applicable Federal law or regulation.

d. This instrument  may  may not be renewed. If renewed, the right-of-way or permit shall be subject to the regulations existing at the time of renewal and any other terms and conditions that the authorized officer deems necessary to protect the public interest.

e. Notwithstanding the expiration of this instrument or any renewal thereof, early relinquishment, abandonment, or termination, the provisions of this instrument, to the extent applicable, shall continue in effect and shall be binding on the holder, its successors, or assigns, until they have fully satisfied the obligations and/or liabilities accruing herein before or on account of the expiration, or prior termination, of the grant.

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Exhibit B  
OR 51632

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OTHER TERMS AND CONDITIONS

1. The Holder shall comply with the applicable Federal and State laws and regulations concerning the use of pesticides (i.e., insecticides, herbicides, fungicides, rodenticides, and other similar substances) in all activities/ operations under this grant. The Holder shall obtain from the Authorized Officer approval of a written plan prior to the use of such substances. The plan must provide the type and quantity of material to be used; the pest, insect, fungus, etc. to be controlled; the method of application; the location for storage and disposal of containers; and other information that the Authorized Officer may require. The plan should be submitted no later than December 1 of any calendar year that covers the proposed activities for the next fiscal year (i.e., December 1, 1979, deadline for a fiscal year 1981 action). Emergency use of pesticides may occur. The use of substances on or near the right-of-way shall be in accordance with the approved plan. A pesticide shall not be used if the Secretary of the Interior has prohibited its use. A pesticide shall be used only in accordance with its registered uses and within other limitations if the Secretary has imposed limitations. Pesticides shall not be permanently stored on public lands authorized for use under this grant.
2. The Holder shall promptly remove and dispose of all waste caused by its activities as directed by the Authorized Officer. The term "waste" as used herein means all discarded matter including, but not limited to, human waste, trash, garbage, refuse, petroleum products, ashes, and equipment.
3. The United States will not be held liable for any damage to the water system caused by the general public or as a result of fire, wind, or other natural disasters or as a result of silvicultural practices, timber harvesting operations, or other actions stemming from the land management activities of the Bureau of Land Management.
4. Cultural and Paleontological Resources. Any cultural and/or paleontological resource (historic or prehistoric site or object) discovered by the holder, or any person working on his behalf, on public or Federal land shall be immediately reported to the authorized officer. Holder shall suspend all operations in the immediate area of such discovery until written authorization to proceed is issued by the authorized officer. An evaluation of the discovery will be made by the authorized officer to determine appropriate actions to prevent the loss of significant cultural or scientific values. The holder will be responsible for the

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cost of evaluation and any decision as to proper mitigation measures will be made by the authorized officer after consulting with the holder.

5. Holder shall protect all survey monuments, witness corners, reference monuments, and bearing trees within this right-of-way against disturbance during construction, operation, maintenance, and rehabilitation. If any monuments, corners, or accessories are destroyed, obliterated, or damaged during construction, operation, or maintenance, Holder shall secure the services of a Registered Land Surveyor to restore the disturbed monuments, corners, or accessories, at the same location, using surveying procedures found in the Manual of Surveying Instructions for the Survey of the Public Lands of the United States, latest edition. Holders shall record such survey in the appropriate county and shall send a copy to BLM Oregon State Office, P.O. Box 2975, Portland, OR 97208.
6. The Holder shall contact the Authorized Officer or his representative at least seven (7) days prior to the anticipated start of construction to schedule a preconstruction conference. This conference shall be attended by the Holder, or his designated representative(s), and all contractors or agents involved with construction activities under this grant, and the Authorized Officer or his representative(s). The Authorized Officer is the BLM Area Manager, and his designated representative is:

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Name: Matt Craddock/Eric Schoblom  
Address: 3040 Biddle Road, Medford, Oregon 97504  
Telephone No: (503) 770-2272  
Pager No: 857-5525 (Matt)  
Pager No: 857-5528 (Eric)

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7. Natural vegetation shall be cleared or trimmed only when necessary to provide suitable access for construction, operation, maintenance, and termination of the system.
8. Prior to abandonment of the facilities authorized by this grant, the Holder shall contact the Authorized Officer to arrange a joint inspection of the right-of-way. The inspection will be held to agree on an acceptable abandonment and rehabilitation plan. The Authorized Officer must approve the plan in writing prior to the Holder commencing any abandonment and/or rehabilitation activities. The plan may include removal of drainage structures or surface material; recontouring; replacement of topsoil; seeding, mulching, etc.
9. No tree 8 inches in diameter or over at breast height shall be cut without prior written approval from the Authorized Officer during the exercise of those rights granted through this right-of-way.

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OR-110-2810-29 (May 1986)

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5-88226

2  
①

Tax Lot  
200  
Deed

Seller's Name and Address:  
Thomas A. Rosenthal and Wilma G. Rosenthal  
1080 Ferry Road  
Grants, OR 97526

Buyer's Name and Address  
Wilma G. Rosenthal  
1080 Ferry Road  
Grants, OR 97526

After recording return to: 18601  
Paradise Settlement Services, LLC  
401 East Corporate Dr., #290  
Lewisville, TX 75057

Until requested otherwise, send all tax statements to:  
Wilma G. Rosenthal  
1080 Ferry Road  
Grants, OR 97526

FA-1435123 (TO)

Space Above Reserved for Recorder's Use

JOSEPHINE COUNTY OFFICIAL RECORDS  
ART HARVEY, COUNTY CLERK **2009-013059**  
DED-WRD  
Cnt=1 Pgs=2 Stn=4 RECEIPTS 08/12/2009 02:18 PM  
\$10.00 \$11.00 \$4.00 Total: \$25.00



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

25.7

### WARRANTY DEED

Thomas A. Rosenthal and Wilma G. Rosenthal, as tenants by the entirety, Grantor(s), conveys and warrants to Wilma G. Rosenthal, a married woman, Grantee(s), the following described real property free of encumbrances, except as specifically set forth herein:

REAL PROPERTY IN THE COUNTY OF JOSEPHINE, STATE OF OREGON, DESCRIBED AS FOLLOWS:

ALL THAT PORTION OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 2, TOWNSHIP 36 SOUTH, RANGE 7 WEST, OF THE WILLAMETTE MERIDIAN, JOSEPHINE COUNTY, OREGON, LYING WEST OF THE WESTERLY RIGHT OF WAY LINE OF UPPER FERRY ROAD. LESS AND EXCEPT THAT PORTION PLATTED SEPTEMBER 3, 1970, AS FERRY PARK ESTATES.

TAX PARCEL NUMBER: R321686

The property is free from encumbrances except: \_\_\_\_\_

The true consideration is Love and Affection and NO DOLLARS (\$0.00)

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Warranty Deed- Page 1

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SALEM, OR

SALEM, OR

S-88276

2

Dated this 27 day of July, 2009.

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 AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930.

Thomas A. Rosenthal  
Thomas A. Rosenthal

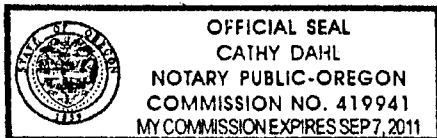
Wilma G. Rosenthal  
Wilma G. Rosenthal

STATE OF OREGON

§  
§  
§

COUNTY OF Josephine

This instrument was acknowledged before me on the 27<sup>th</sup> day of July, 2009, by Thomas A. Rosenthal and Wilma G. Rosenthal.



Cathy Dahl  
Notary Public - State of Oregon  
My commission expires: 09/07/11

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SALEM, OR





# Land Use Information Form



Oregon Water Resources Department  
725 Summer Street NE, Suite A  
Salem, Oregon 97301-1266  
(503) 986-0900  
www.wrd.state.or.us

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## NOTE TO APPLICANTS

SALEM, OR

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 ground water 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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SALEM, OR

# 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.wrd.state.or.us

MAY 09 2016

Applicant(s): **Louis P. and Anita Scaparo SALEM, OR**

Mailing Address: **994 Ferry Road**

City: **Grants Pass** State: **Oregon** Zip Code: **97526** Daytime Phone: **541-659-6012**

## 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 No.	Plan Designation (e.g., Rural Residential/RR-5)	Water to be:	Proposed Land Use:
36 S	7 W	2	Gov. Lot 3 (NWSE)	600 36-7-2	WR	<input checked="" type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input type="checkbox"/> Used	Forest
36 S	7 W	2	Gov. Lot 4 (NESE)	600 36-7-2	WR	<input type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input type="checkbox"/> Used	Forest
36 S	7 W	2	SENE	200 36-7-2 AD	RR-5	<input type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input type="checkbox"/> Used	Residential
36 S	7 W	2	SENE	116 36-7-2 AD	RR-5	<input type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	Residential

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

Josephine

MAR 04 2016

## B. Description of Proposed Use

SALEM, OR

Type of application to be filed with the Water Resources Department:

- Permit to Use or Store Water   
  Water Right Transfer   
  Permit Amendment or Ground Water Registration Modification  
 Limited Water Use License   
  Allocation of Conserved Water   
  Exchange of Water

Source of water:  Reservoir: **(Lost Creek Reservoir)**   
 Ground Water   
 Surface Water:

Estimated quantity of water needed: **4.50**   
 cubic feet per second   
 gallons per minute   
 acre-feet

Intended use of water:  Irrigation   
 Commercial   
 Industrial   
 Domestic for household  
 Municipal   
 Quasi-Municipal   
 Instream   
 Other \_\_\_\_\_

Briefly describe:

**The proposed system will utilize an existing 1.5 hp pump located at the POD for Certificate No. 84819 on the BLM property to divert water from the Rogue River. Approximately 2850 ft of existing underground 1.5" PVC pipe will convey water to the place of use on Tax Lot 116, Map No. 36-7-2-AD. Proposed Use: irrigation from Lost Creek Reservoir per a pending B.O.R. Contract.**

**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.

See bottom of Page 3. →

5-88226

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# For Local Government Use Only

SALEM, OR

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): 65,020.B.5

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.

**Josephine County Planning**

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700 NW Dimmick Street  
Suite C  
Grants Pass, OR 97526

MAR 04 2016

SALEM, OR

Name: NOBA SCHWARTZ Title: PLANNER

Signature: [Signature] Phone: 541-474-5417 Date: 12-7-15

Government Entity: JOSEPHINE COUNTY

**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

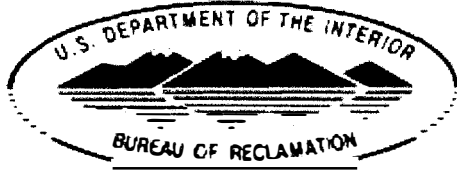
Applicant name: \_\_\_\_\_

City or County: \_\_\_\_\_ Staff contact: \_\_\_\_\_

Signature: \_\_\_\_\_ Phone: \_\_\_\_\_ Date: \_\_\_\_\_

S-88226

# CONTRACT DATA SHEET



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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SALEM, OR

### 1. Applicant Information:

#### A. Landowners

- 1) Name of landowner(s): Louis P. and Anita Scaparo
- 2) Address: 994 Ferry Road
- 3) Mailing Address (if different): same
- 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? No

#### 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: \_\_\_\_\_
- 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): Stored Water from Lost Creek Reservoir via Rogue River

3. Proposed point of diversion: 925 feet South and 1510 feet West  
of E 1/4 corner of Section 2, Township 36 South, Range 7 West,  
Willamette Meridian, Josephine County, Oregon.

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 is Pending

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?           No            
If yes, what is/are the priority date(s)? \_\_\_\_\_

7. Total quantity of water from storage requested:           4.50           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
<b>36 South</b>	<b>7 West</b>	<b>2</b>	<b>SENE</b>	<b>1.00</b>	<b>Lawn, Landscaping and</b>
					<b>Non-Commercial Garden</b>
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					SALEM, OR

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)].

          NATIVE          

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: **The proposed point of diversion is an existing 1.5 hp submersible pump installed in a 12" PVC underground infiltration gallery approved per Certificates No. 84285, 84819 and 84921. No fish screen is required.**

12. Telephone number where you can be reached during the day:           541-659-6012          

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 <sup>2</sup>, 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.



# Oregon

Kate Brown, Governor

March 8, 2016

Louis P and Anita Scaparo  
994 Ferry Road  
Grants Pass, OR 97526

## Water Resources Department

North Mall Office Building  
725 Summer St NE, Suite A  
Salem, OR 97301  
Phone (503) 986-0900  
Fax (503) 986-0904  
www.wrd.state.or.us

TAX LOT  
# 11

Dear Louis and Anita:

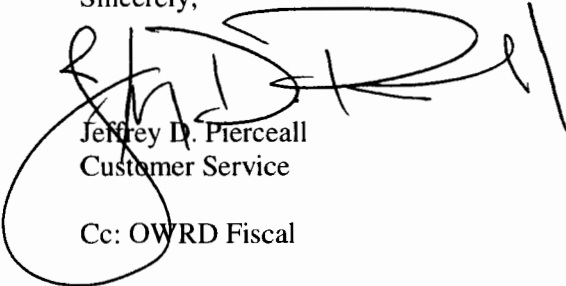
The Water Resources Department has received your applications to use or store water. At this time however, we are unable to accept your applications, because the minimum filing requirements are not met according to the Oregon Administrative Rules (OAR 690-310-0040 and 0050).

We are hereby returning the incomplete applications and the fees submitted. Please return the applications, the required information, and this checklist (on back), so the Department may begin processing your applications in a timely manner.

This review is based only on the completeness of your applications. Any determination of water availability, compliance with basin plan rules, or any other water related issues has not been made.

Should you have any questions, please do not hesitate to contact Customer Service at the address above or by telephone at 503-986-0801.

Sincerely,

  
Jeffrey D. Pierceall  
Customer Service

Cc: OWRD Fiscal

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SALEM, OR





# Oregon

Kate Brown, Governor

March 8, 2016

## Water Resources Department

North Mall Office Building  
725 Summer St NE, Suite A  
Salem, OR 97301  
Phone (503) 986-0900  
Fax (503) 986-0904  
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MAY 09 2016

SALEM, OR

Louis P and Anita Scaparo  
994 Ferry Road  
Grants Pass, OR 97526

Dear Louis and Anita:

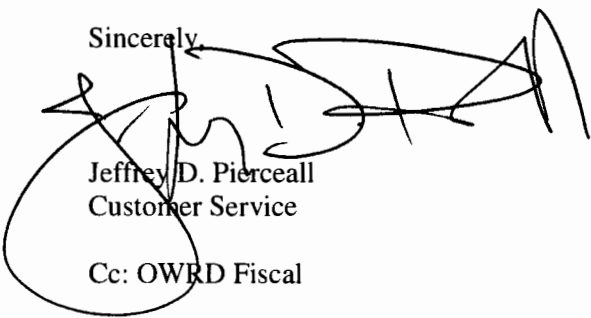
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Sincerely,



Jeffrey D. Pierceall  
Customer Service

Cc: OWRD Fiscal

