

# CLAIM OF BENEFICIAL USE for Transfer with Multiple Changes – Surface Water



**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)

**A fee of \$230 must accompany this form for any Transfer final orders including a water right with a priority date of July 9, 1987, or later.**

Example – A transfer involves 5 rights and one of the rights has a priority date of July 9, 1987, or later, the fee is required.

**A separate form shall be completed for each transfer.**

This form is subject to revision. **Begin each new claim** by checking for a new version of this form at:  
<https://www.oregon.gov/OWRD/Forms/Pages/default.aspx>

The completion of this form is required by OAR 690-014-0100(1) and 690-014-0110(4).

Please type or print in dark ink. If this form is found to contain errors or omissions, it may be returned to you. **Every item must have a response.** If any requested information does not apply to the claim, insert "NA." **Do not delete or alter any section of this form unless directed by the form.** The Department may require the submittal of additional information from any water user or authorized agent.

"Section 8" of this form is intended to aid in the completion of this form and should not be submitted.

A claim of beneficial use includes both this report and a map. If the map is being mailed separately from this form, please include a note with this form indicating such.

If you have questions regarding the completion of this form, please call 503-979-9103.

The Department has a program that allows it to enter into a voluntary agreement with an applicant for expedited services. Under such an agreement, the applicant pays the cost to hire additional staff that would not otherwise be available. This program means a certificate may be issued in about a month. For more information on this program see:

<https://www.oregon.gov/OWRD/programs/WaterRights/RA/Pages/default.aspx>

## SECTION 1

### GENERAL INFORMATION

#### Type of Authorized Change

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This Claim is being submitted for a transfer involving multiple changes. YES

Mark all that apply:

- |  |  |
|--|--|
| 1. <input checked="" type="checkbox"/> Change in POD(s) or Additional POD(s) | 2. <input checked="" type="checkbox"/> Change in Place of Use      |
| 3. <input type="checkbox"/> Change in Character of Use                       | 4. <input type="checkbox"/> Change in Character of Use – Reservoir |

**1. File Information**

APPLICATION # <b>T-13555</b>
---------------------------------

**2. Property Owner (current owner information)**

APPLICANT/BUSINESS NAME <b>Lawrence B. Harboldt</b>		PHONE NO. <b>541-660-8140</b>	ADDITIONAL CONTACT NO.
ADDRESS <b>1452 NW Lawnridge Ave.</b>			
CITY <b>Grants Pass</b>	STATE <b>OR</b>	ZIP <b>97526</b>	E-MAIL

If the current property owner is not the transfer holder of record, it is recommended that an assignment be filed with the Department. ***Each*** transfer holder of record must sign this form.

**3. Transfer holder of record (this may, or may not, be the current property owner)**

TRANSFER HOLDER OF RECORD <b>Avis Harboldt</b>			
ADDRESS <b>12863 Redwood Highway</b>			
CITY <b>Wilderville</b>	STATE <b>OR</b>	ZIP <b>97543</b>	

**4. Date of Site Inspection:**

<b>1/31/2024</b>
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**5. Person(s) interviewed and description of their association with the project:**

NAME	DATE	ASSOCIATION WITH THE PROJECT
<b>Lawrence B. Harboldt</b>	<b>1/31/2024</b>	<b>Trustee of Harboldt Living Trust</b>
<b>Jim McCarthy</b>	<b>1/31/2024</b>	<b>Project Sponsor</b>

**6. County:**

<b>Josephine</b>
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**7. If any property described in the place of use of the transfer final order is excluded from this report, identify the owner of record for that property (ORS 537.230(5)):**

OWNER OF RECORD		
ADDRESS		
CITY	STATE	ZIP

Add additional tables for owners of record as needed

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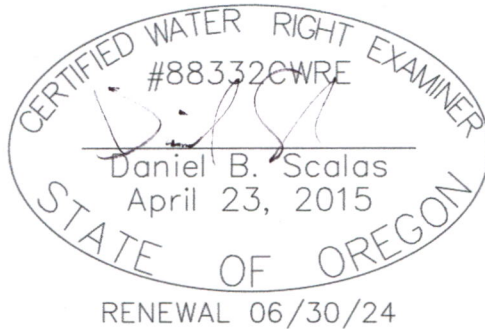
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**SECTION 2  
SIGNATURES**

CWRE Statement, Seal and Signature

The facts contained in this Claim of Beneficial Use are true and correct to the best of my knowledge.



CWRE NAME <b>Daniel B. Scalas</b>		PHONE NO. <b>541-884-4666</b>	ADDITIONAL CONTACT NO.	
ADDRESS <b>1435 Esplanade Ave.</b>				
CITY <b>Klamath Falls</b>	STATE <b>OR</b>	ZIP <b>97601</b>	E-MAIL <b>dscalas@adkinsengineering.com</b>	

Transfer Holder of Record Signature or Acknowledgement

***Each*** transfer holder of record must sign this form in the space provided below.

The facts contained in this Claim of Beneficial Use are true and correct to the best of my knowledge. I request that the Department issue a water right certificate.

SIGNATURE	PRINT OR TYPE NAME	TITLE	DATE
	<b>Lawrence B. Harboldt</b>	<b>Trustee of Harboldt Living Trust</b>	<b>3/7/24</b>

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**SECTION 3**  
**Changes Made**

**Note: The Claim only needs to describe the changes that were authorized in the transfer final order.**

**Change #1**

**New or Additional Point of Diversion**  
**Change in POD(s) or Additional POD(s)**

Did the transfer order authorize a change in the points of diversion or additional points of diversion? **YES**

**1. New or additional point of diversion name or number:**

POINT OF DIVERSION (POD) NAME OR NUMBER (CORRESPOND TO MAP)	SOURCE
<b>POD #3</b>	<b>Slate Creek</b>

**2. Variations:**

Was the use developed differently from what was authorized by the transfer final order, or extension final? **NO**

If yes, describe below.

*(e.g. "The order allowed three new/additional points of diversion. The water user only developed one of the points.")*

**3. Claim Summary:**

NEW OR ADDITIONAL POD NAME OR #	MAXIMUM RATE AUTHORIZED IN ORDER	CALCULATED THEORETICAL RATE, BASED ON SYSTEM	AMOUNT OF WATER MEASURED
<b>POD #3</b>	<b>0.535 CFS</b>	<b>0.87 CFS</b>	<b>N/A</b>

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**System Description**

Are there multiple new or additional Points of Diversion (POD)? **NO**

**A. POD System Information**

Provide the following information concerning the point of diversion. Information provided must describe the equipment used to appropriate water from the point of diversion.

**1. Pump Information**

MANUFACTURER	MODEL	SERIAL NUMBER	TYPE (CENTRIFUGAL, TURBINE OR SUBMERSIBLE)	INTAKE SIZE	DISCHARGE SIZE
<b>Hitachi</b>	<b>VCTI-KK</b>	<b>G26060B</b>	<b>Submersible</b>	<b>6"</b>	<b>6"</b>



**2. Motor Information**

MANUFACTURER	HORSEPOWER
Hitachi	10 HP

**3. Theoretical Pump Capacity**

HORSEPOWER	OPERATING PSI	LIFT FROM SOURCE TO PUMP	LIFT FROM PUMP TO PLACE OF USE	TOTAL PUMP OUTPUT (IN CFS)
10 HP	30 PSI	5'	0'	0.87 CFS

**4. Provide pump calculations:**

See Attachment D for theoretical pump capacity calculations.

**5. Measured Pump Capacity (using meter if meter was present and system was operating)**

INITIAL METER READING	ENDING METER READING	DURATION OF TIME OBSERVED	TOTAL PUMP OUTPUT (IN CFS)
N/A			

Reminder: For pump calculations use the reference information at the end of this document.

**6. Additional notes or comments related to the system:**

**B. Gravity Flow Pipe**

(THE DEPARTMENT TYPICALLY USES THE HAZEN-WILLIAM'S FORMULA FOR A GRAVITY FLOW PIPE SYSTEM)

1. Does the diversion involve a gravity flow pipe? NO

**C. Gravity Flow Canal or Ditch**

(THE DEPARTMENT TYPICALLY USES MANNING'S FORMULA FOR CANALS AND DITCHES)

1. Does the diversion involve a gravity flow ditch or canal? NO

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**Change #2**

**Change in Place of Use**

Did the transfer order authorize a change in the place of use? YES

**1. Claim Summary – Authorized Use:**

If Irrigation or Nursery Use:

THE # OF ACRES ALLOWED	THE # OF ACRES DEVELOPED
2.0	2.0

**2. Variations:**

Was the use developed differently from what was authorized by the transfer final order? NO

If yes, describe below.

(e.g. "The order authorized a change in place of use for 40 acres. The water user only developed 38 acres.")

**Change #3**

**Change in Character of Use**

Did the transfer order authorize a change in character of use? **NO**

**Change #4**

**Change in Character of Use – Reservoir**

Did the transfer order authorize a change in character of use for a reservoir? **NO**

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**SECTION 4**  
**CONDITIONS**

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All conditions contained in the transfer final order, or any extension final order shall be addressed. Reports that do not address all performance related conditions will be returned.

**1. Time Limits:**

Describe how the water user has complied with each of the development timelines established in the transfer final order and any extensions of time issued for the transfer:

	DATE FROM TRANSFER	DATE THE AUTHORIZED CHANGES WERE COMPLETED *THIS DATE MUST FALL BETWEEN THE "ISSUANCE DATE" AND THE "COMPLETENESS DATE"
ISSUANCE DATE	<b>7/14/2021</b>	
COMPLETENESS DATE FROM ORDER (C)	<b>10/1/2022</b>	<b>10/6/2021</b>

\* MUST BE WITHIN PERIOD BETWEEN TRANSFER FINAL ORDER, OR ANY EXTENSION FINAL ORDER ISSUANCE AND THE DATE TO COMPLETE THE CHANGE

**2. Is there an extension final order(s)?****NO****3. Measurement Conditions:**

a. Does the transfer final order, or any extension final order require the installation of a meter or other approved measuring device? **YES**

**Reminder: If a meter or approved measuring device was required, the COBU map must indicate the location of the device in relation to the point of diversion.**

b. Has a meter been installed? **YES**

**c. Meter Information**

POD NAME OR #	MANUFACTURER	SERIAL #	CONDITION (WORKING OR NOT)	CURRENT METER READING	DATE INSTALLED
<b>POD 3</b>	<b>Seametrics</b>	<b>07212762</b>	<b>Working</b>	<b>220.55 acre-feet</b>	<b>10/6/2021</b>

**4. Recording and reporting conditions**

a. Is the water user required to report the water use to the Department? **NO**

**5. Fish Screening**

a. Are any points of diversion required to be screened to prevent fish from entering the point of diversion? **YES**

**Reminder: If fish screening devices were required, the COBU map must indicate their location in relation to the point of diversion.**

b. Has the fish screening been installed? **YES**

c. When was the fish screening installed?

DATE	BY WHOM
<b>9/29/2021</b>	<b>Trask Design and Construction</b>

**Reminder: If the permit or transfer final order was issued on or after February 1, 2011, the fish screen is required to be approved by the Oregon Department of Fish and Wildlife regardless of the rate of diversion.**

d. If the diversion **involves a pump *and*** the total diversion rate of all rights at the point of diversion is less than 225 gpm (0.5 cfs) and the permit was issued prior to February 1, 2011:

- Has the self-certification form previously been submitted to the Department? **N/A**

If not, go to <https://www.oregon.gov/OWRD/Forms/Pages/default.aspx> , complete and attach a copy of the 'ODFW Small Pump Screen Self Certification' form to this claim, and send a copy of it to the Oregon Department of Fish and Wildlife (ODFW).

**Reminder: Failure to submit evidence of a timely installed fish screen may result in an unfavorable determination. The ODFW self certification form needs to have been previously submitted or be attached to this form.**

e. If the diversion does **not involve a pump *or*** the total diversion rate of all rights at the point of diversion is 225 gpm (0.5 cfs) or greater:

- Has the ODFW approval been previously submitted? **YES**

If not, contact and work with ODFW to ensure compliance. To demonstrate compliance, provide signed documentation from ODFW. A form is available at:  
<https://www.oregon.gov/OWRD/Forms/Pages/default.aspx>

**Reminder: Failure to submit evidence of a timely installed fish screen may result in an unfavorable determination. In order to receive a favorable approval, the ODFW/WRD "Fish Screen Inspection" form needs to have been previously submitted or be attached to this form.**

**6. By-pass Devices**

a. Are any points of diversion required to have a by-pass device to prevent fish from entering the point of diversion? **NO**

**7. Other conditions required by the transfer final order or extension final order:**

- a. Was the water user required to restore the riparian area if it was disturbed? **NO**
- b. Was a fishway required? **NO**
- c. Other conditions? **NO**

If "YES" to any of the above, identify the condition and describe the water user's actions to comply with the condition(s):

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**SECTION 5  
ATTACHMENTS**

Provide a list of any additional documents you are attaching to this report:

ATTACHMENT NAME	DESCRIPTION
<b>Attachment A</b>	<b>Copy of Transfer Final Order T-13555</b>
<b>Attachment B</b>	<b>Claim of Beneficial Use Map (on mylar)</b>
<b>Attachment C</b>	<b>Claim of Beneficial Use Map (paper copy)</b>
<b>Attachment D</b>	<b>Theoretical Pump Capacity Calculations</b>
<b>Attachment E</b>	<b>ODFW Fish Screen Approval Letter</b>
<b>Attachment F</b>	<b>Living Trust Prepared for Lawrence G. Harboldt and Avis A. Harboldt</b>
<b>Attachment G</b>	<b>Josephine County Tax Map T37S-R7W-17</b>

**SECTION 6  
CLAIM OF BENEFICIAL USE MAP**

The Claim of Beneficial Use Map must be submitted with this claim. Claims submitted without the Claim of Beneficial Use map will be returned. The map shall be submitted on polyester film at a scale of 1" = 1320 feet, 1" = 400 feet, or the original full-size scale of the county assessor map for the location.

For the purpose of this Claim, the map identifying the location of the place of use does not require a new survey. The location of the place of use identified on the Claim map should be based on the original right of record at the time the transfer final order was issued. In transfers approved for additional points of diversion, the original points must be identified the map based on the original right of record at the time the transfer final order was issued.

Provide a general description of the survey method used to prepare the map. Examples of possible methods include, but are not limited to, a traverse survey, GPS, or the use of aerial photos. If the basis of the survey is an aerial photo, provide the source, date, series and the aerial photo identification number.

**This Claim of Beneficial Use Map was prepared from field measurements, NAIP 2024 aerial photography, Josephine County tax maps, and Oregon GLO maps.**

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## Map Checklist

Please be sure that the map you submit includes ALL the items listed below.  
(Reminder: Incomplete maps and/or claims may be returned.)

- Map on polyester film
- Appropriate scale (1" = 400 feet, 1" = 1320 feet, or the original full-size scale of the county assessor map)
- Township, Range, Section, Donation Land Claims, and Government Lots
- If irrigation, number of acres irrigated within each projected Donation Land Claims, Government Lots, Quarter-Quarters
- Locations of fish screens and/or fish by-pass devices in relationship to point of diversion
- Locations of meters and/or measuring devices in relationship to point of diversion or appropriation
- Conveyance structures illustrated (pumps, reservoirs, pipelines, ditches, etc.)
- Point(s) of diversion or appropriation (illustrated and coordinates)
- Tax lot boundaries and numbers
- Source illustrated if surface water
- Disclaimer ("This map is not intended to provide legal dimensions or locations of property ownership lines")
- Application and permit number or transfer number
- North arrow
- Legend
- CWRE stamp and signature

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**ATTACHMENT A**  
**Copy of Transfer Final Order T-13555**

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**BEFORE THE WATER RESOURCES DEPARTMENT  
OF THE  
STATE OF OREGON**

In the Matter of Transfer Application	)	FINAL ORDER APPROVING CHANGES IN
T-13555, Josephine County	)	POINTS OF DIVERSION AND A CHANGE IN
	)	PLACE OF USE

**Authority**

Oregon Revised Statutes (ORS) 540.505 to 540.580 establish the process in which a water right holder may submit a request to transfer the point of diversion, place of use, or character of use authorized under an existing water right. Oregon Administrative Rules (OAR) Chapter 690, Division 380 implement the statutes and provides the Department's procedures and criteria for evaluating transfer applications.

**Applicant**

AVIS HARBOLDT  
12863 REDWOOD HWY.  
WILDERVILLE, OR 97543-9710

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**Findings of Fact**

1. On December 10, 2020, AVIS HARBOLDT filed an application to change the points of diversion under Certificate 15522 and 27392, and to change the point of diversion and place of use under Certificate 15257. The Department assigned the application number T-13555.
2. Notice of the application for transfer was published on December 15, 2020, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. On February 6, 2021, the Department requested legible copies of Table 2 for all certificates in the application. On that same day, the agent for the applicant sent the legible copies.
4. On March 13, 2021, the Department sent a deficiency letter to the agent, requesting that revisions be made by April 12, 2021. On April 7, 2021, revised application and maps were received by the Department, satisfying the deficiency.

This final order is subject to judicial review by the Court of Appeals under ORS 183.482. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.482(1). Pursuant to ORS 536.075 and OAR 137-003-0675, you may petition for judicial review or petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied.



5. On May 26, 2021, the Department mailed a copy of the draft Preliminary Determination proposing to approve Transfer Application T-13555 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of June 25, 2021, for the applicant to respond. The applicants requested that the Department proceed with issuance of a Preliminary Determination and provided the necessary information to demonstrate that the applicant is authorized to pursue the transfer.
6. On June 7, 2021, the Department issued a Preliminary Determination proposing to approve Transfer T-13535 and mailed a copy to the applicant. Additionally, notice of the Preliminary Determination for the transfer application was published on the Department's weekly notice on June 8, 2017, pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notice.
7. The first right to be transferred is as follows:

**Certificate:** 15257 in the name of G. L. CHAPMAN (perfected under Permit S-14646)  
**Use:** IRRIGATION OF 2.0 ACRES  
**Priority Date:** OCTOBER 14, 1940  
**Rate:** 0.025 CUBIC FOOT PER SECOND  
**Limit/Duty:** The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to ONE-EIGHTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 4.5 acre feet per acre for each acre irrigated during the irrigation season from April 2, to October 31, of each year.  
**Source:** SLATE CREEK, a tributary of APPLGATE RIVER

**Authorized Point of Diversion:**

Twp	Rng	Mer	Sec	Q-Q
37 S	7 W	WM	17	SE SW

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**Authorized Place of Use:**

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
37 S	7 W	WM	17	NW SE	2.00

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8. The Department received information that better describes the location of the authorized point of diversion for Certificate 15257 as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distance
37 S	7 W	WM	17	SE SW	POD #1 - 1250 FEET NORTH AND 900 FEET WEST FROM THE SE CORNER OF THE SE ¼ SW ¼ OF SECTION 17

9. Transfer Application T-13555 proposes to move the authorized point of diversion approximately 950 feet downstream to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
37 S	7 W	WM	17	NE SW	POD #3 – 2056 FEET NORTH AND 365 FEET WEST FROM THE SE CORNER OF THE SE ¼ SW ¼ OF SECTION 17

10. Transfer Application T-13555 also proposes to change the place of use of the right to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
37 S	7 W	WM	17	NW SE	0.9
37 S	7 W	WM	17	NE SW	1.1
TOTAL					2.0

11. The second right to be transferred is as follows:

**Certificate:** 15522 in the name of G.L. CHAPMAN (perfected under Permit S-17866)  
**Use:** FISH PROPAGATION  
**Priority Date:** AUGUST 15, 1947  
**Rate:** 0.50 CUBIC FOOT PER SECOND  
**Source:** SLATE CREEK, a tributary of APPLGATE RIVER

**Authorized Point of Diversion:**

Twp	Rng	Mer	Sec	Q-Q
37 S	7 W	WM	17	SE SW

**Authorized Place of Use:**

FISH PROPAGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
37 S	7 W	WM	17	NW SE	

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12. Transfer Application T-13555 proposes to move the authorized point of diversion approximately 950 feet downstream to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
37 S	7 W	WM	17	NE SW	POD #3 – 2056 FEET NORTH AND 365 FEET WEST FROM THE SE CORNER OF THE SE ¼ SW ¼ OF SECTION 17

13. The third right to be transferred is as follows:

**Certificate:** 27392 in the name of GLEN L. CHAPMAN (perfected under Permit S-24631)  
**Use:** DOMESTIC USE FOR FOUR FAMILIES  
**Priority Date:** DECEMBER 18, 1956  
**Rate:** 0.01 CUBIC FOOT PER SECOND  
**Source:** UNNAMED CREEK, tributary of SLATE CREEK

**Authorized Point of Diversion:**

Twp	Rng	Mer	Sec	Q-Q
37 S	7 W	WM	17	SE SW

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**Authorized Place of Use:**

DOMESTIC USE FOR FOUR FAMILIES				
Twp	Rng	Mer	Sec	Q-Q
37 S	7 W	WM	17	NW SE

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14. The Department received information that better describes the location of the authorized point of diversion for Certificate 27392 as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distance
37 S	7 W	WM	17	NW SE	POD #2 – 1310 FEET NORTH AND 611 FEET WEST FROM THE SE CORNER OF THE SE ¼ SW ¼ OF SECTION 17

15. Transfer Application T-13555 proposes to move the authorized point of diversion approximately 950 feet downstream to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
37 S	7 W	WM	17	NE SW	POD #3 – 2056 FEET NORTH AND 365 FEET WEST FROM THE SE CORNER OF THE SE ¼ SW ¼ OF SECTION 17

16. The Oregon Department of Fish and Wildlife (ODFW) has determined that a fish screening and/or by-pass device is necessary at the new point of diversion to prevent fish from entering the diversion and/or safely transport fish back to the body of water from which the fish were diverted and that the diversion is not currently equipped with an appropriate fish screening and/or by-pass device. This diversion may be eligible for screening cost share funds.

***Transfer Review Criteria [OAR 690-380-4010(2)]***

17. Water has been used within the last five years according to the terms and conditions of the rights. There is no information in the records that would demonstrate that the rights are subject to forfeiture under ORS 540.610.
18. A diversion structure and ditch sufficient to use the full amount of water allowed under the existing rights were present within the five-year period prior to submittal of Transfer Application T-13555.
19. The proposed changes would not result in enlargement of the rights.
20. The proposed changes would not result in injury to other water rights.
21. All other application requirements are met.

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**Determination and Proposed Action**

The changes in points of diversion and change in place of use proposed in Transfer Application T-13555 are consistent with the requirements of ORS 540.505 to 540.580 and OAR 690-380-5000.

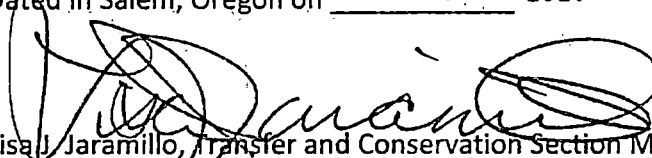
If Transfer Application T-13555 is approved, the final order will include the following:

1. The change in points of diversion and change in place of use proposed in Transfer Application T-13555 are approved.
2. The right to the use of the water is restricted to beneficial use at the place of use described, and is subject to all other conditions and limitations contained in Certificate 15257, 15522, and 27392 and any related decree.
3. Water right Certificates 15257, 15522, and 27392 are cancelled.
4. Under Certificates 15522 and 15257, the quantity of water diverted at the new point of diversion (POD #3), shall not exceed the quantity of water lawfully available at the original point of diversion (POD #1).
5. Under Certificate 27392, the quantity of water diverted at the new point of diversion (POD #3), shall not exceed the quantity of water lawfully available at the original point of diversion (POD #2).
6. Water use measurement conditions:
  - a. Before water use may begin under this order, the water user shall install a totalizing flow meter, or, with prior approval of the Director, another suitable measuring device, at each point of diversion, (new and existing).
  - b. The water user shall maintain the meters or measuring devices in good working order.
  - c. The water user shall allow the Watermaster access to the meters or measuring devices; provided however, where the meters or measuring devices are located within a private structure, the Watermaster shall request access upon reasonable notice.
7. Prior to diverting water, the water user shall install a fish screening and/or by-pass device, as appropriate, at the new point of diversion consistent with the Oregon Department of Fish and Wildlife's (ODFW) design and construction standards. Prior to installation, the water user shall obtain written approval from ODFW that the required screen and/or by-pass device meets ODFW's criteria. Prior to submitting a Claim of Beneficial Use, the water user must obtain written approval from ODFW that the required screening and/or by-pass device was installed to the state's criteria. The water user shall maintain and operate the

fish screen and/or by-pass device, as appropriate, at the point of diversion consistent with ODFW's operational and maintenance standards.

8. The former place of use of the transferred right, under Certificate 15257, shall no longer receive water under the right.
9. Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2022**. A Claim of Beneficial Use prepared by a Certified Water Right Examiner shall be submitted by the applicant to the Department within one year after the deadline for completion of the changes and full beneficial use of the water.
10. After satisfactory proof of beneficial use is received, new certificates confirming the rights transferred will be issued.

Dated in Salem, Oregon on JUL 14 2021

  
Lisa J. Jaramillo, Transfer and Conservation Section Manager, for  
THOMAS M BYLER, DIRECTOR  
Oregon Water Resources Department

Mailing date: JUL 15 2021

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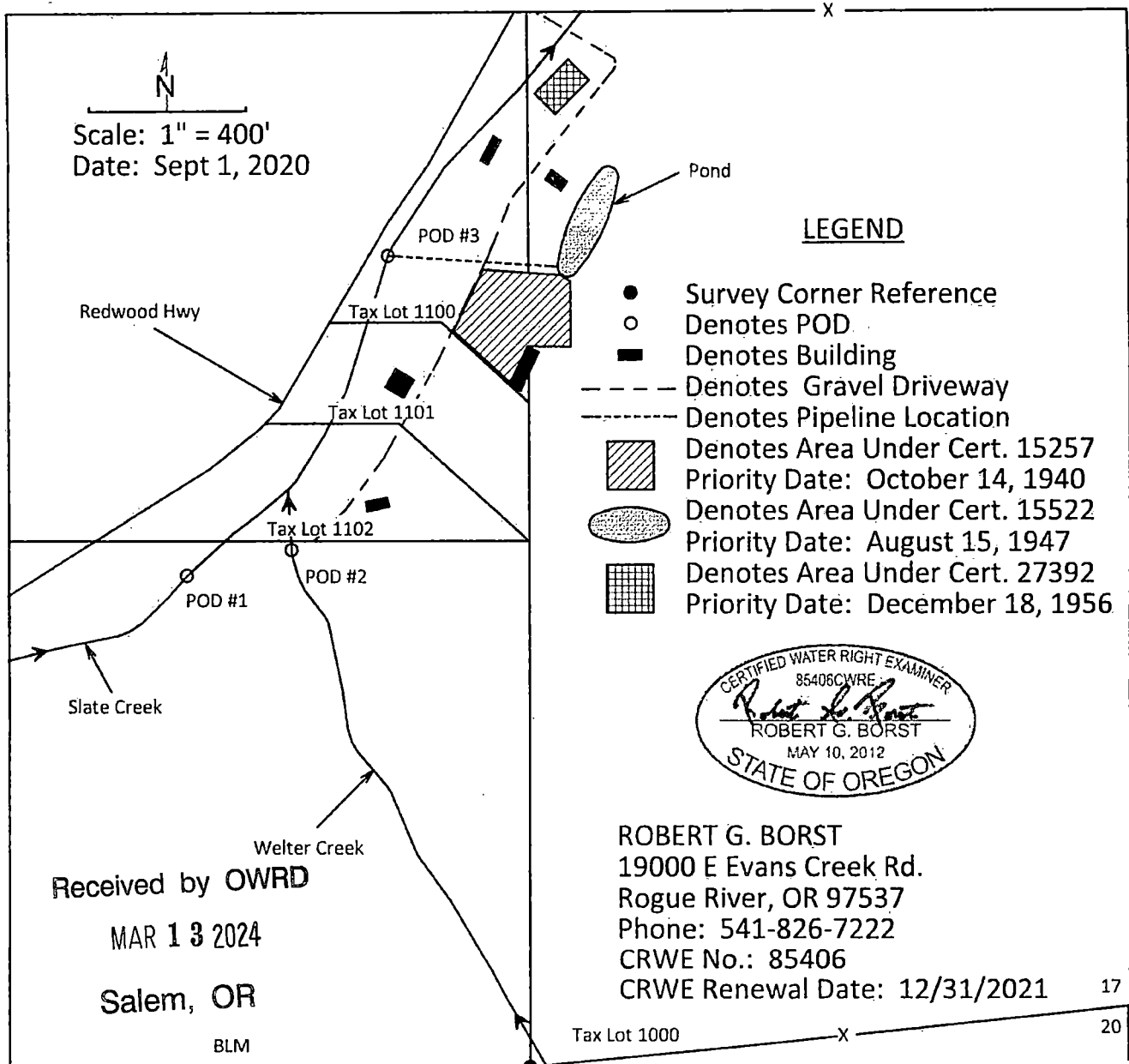
TRANSFER APPLICATION MAP  
 CERTIFICATES 15257, 15522 & 27392  
 SE 1/4 SW 1/4, SEC. 17, T.37S., R.7W., W.M.  
 JOSEPHINE COUNTY, OREGON

FOR  
 AVIS HARBOLDT  
 12863 REDWOOD HWY  
 WILDERVILLE, OR 97543

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POD #1 - Situated 1250 feet North and 900 feet West from Southeast Corner SE 1/4 SW 1/4, SEC. 17, T.37S., R.7W., W.M.  
 42.348346 Degrees North Latitude, 123.556708 Degrees West Longitude

POD #2 - Situated 1310 feet North and 611 feet West from Southeast Corner SE 1/4 SW 1/4, SEC. 17, T.37S., R.7W., W.M.  
 42.348511 Degrees North Latitude, 123.555636 Degrees West Longitude

POD #3 - Situated 2056 feet North and 365 feet West from Southeast Corner SE 1/4 SW 1/4, SEC. 17, T.37S., R.7W., W.M.  
 42.350556 Degrees North Latitude, 123.554722 Degrees West Longitude

*This map was prepared for the purpose of identifying the location of a water right only and is not intended to provide legal dimensions of property ownership.*

13555

**ATTACHMENT B**  
**Claim of Beneficial Use Map (on mylar)**

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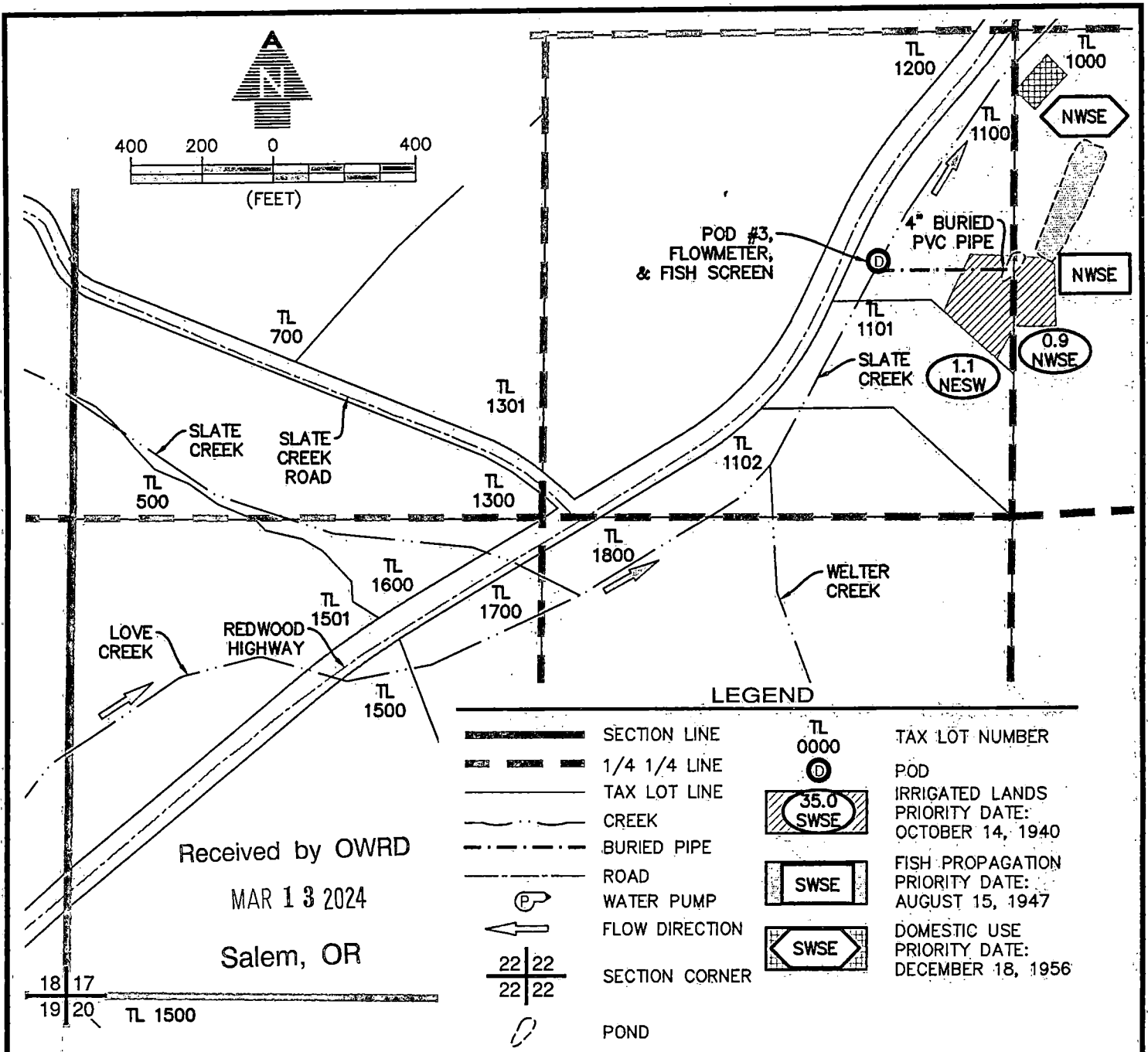
**ATTACHMENT C**  
**Claim of Beneficial Use Map (paper copy)**

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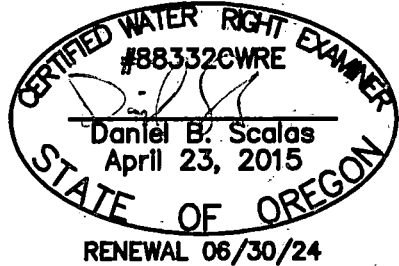
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**NOTES:**

1. THIS MAP WAS PREPARED FROM FIELD MEASUREMENTS, NAIP 2024 AERIAL PHOTOGRAPHY, JOSEPHINE COUNTY TAX MAPS, AND OREGON GLO MAPS.
2. THE PURPOSE OF THIS MAP IS TO IDENTIFY THE LOCATION OF THE WATER RIGHT ONLY, AND IS NOT INTENDED TO PROVIDE DIMENSIONS OR LOCATION OF PROPERTY LINES.
3. DATES OF PRIORITY FOR THE WATER RIGHTS IN TRANSFER T-13555 ARE LISTED BELOW:
  - CERTIFICATE 15257: OCTOBER 14, 1940
  - CERTIFICATE 15522: AUGUST 15, 1947
  - CERTIFICATE 27392: DECEMBER 18, 1956

**POD LOCATION:**

POD #3: 2056' NORTH & 365' WEST FROM THE SOUTHEAST CORNER OF SE1/4 SW1/4 OF SECTION 17; LATITUDE: 42.350556, LONGITUDE: -123.554722



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**CLAIM OF BENEFICIAL USE  
 FINAL PROOF MAP**  
 FOR  
 AVIS HARBOLDT  
 T37S, R7W, SEC. 17, WM  
 JOSEPHINE COUNTY, OREGON  
 TRANSFER T-13555

**ATTACHMENT D**  
**Theoretical Pump Capacity Calculations**

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# Pump Capacity Calculation Sheet

Date: 2/1/2024

using Department designed formula:

$$(\text{hp})(\text{efficiency}) / (\text{lift} + \text{psi head}) = \text{capacity in cfs}$$

Efficiency:

Centrifugal = 6.61

Turbine = 7.04

---

## Data Entry (fill in underlined blanks)

---

HP = 10  
Efficiency = 7.04  
Lift = 5  
PSI = 30

## Results Calculated

---

(hp)(efficiency) = 70.4  
Head based on psi = 76.2  
Total dynamic head = 81.2  
(head + lift)

**Pump Capacity = 0.87 cubic feet per second**

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**ATTACHMENT E**  
**ODFW Fish Screen Approval Letter**

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# Oregon

Tina Kotek, Governor

**Department of Fish and Wildlife**  
Rogue Watershed District Office  
1495 East Gregory Road  
Central Point, OR 97502  
(541) 826-8774  
Fax (541) 826-8776

September 28, 2023

Larry Harboldt, Trustee  
Harboldt Living Trust  
12863 Redwood Hwy  
Wilderville, OR 97543-9710

Mr. Harboldt,

Regarding Oregon Department of Water Resources water right transfer T-13555 affecting Certificates 15257, 15522, and 27392 the Oregon Department of Fish and Wildlife is satisfied that the requirement for fish screening has been met and determined that a fish bypass device and fishway are not necessary.

Sincerely,

Peter Samarin  
Rogue Assistant District Fish Biologist  
541-930-2702

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**Attachment F**  
**Living Trust Prepared for Lawrence G.**  
**Harboldt and Avis A. Harboldt**

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This  
**LIVING TRUST**

prepared for

**LAWRENCE G. HARBOLDT**

and

**AVIS A. HARBOLDT**

by

**JAKE R. WHITMIRE**  
Attorney at Law  
711 Bennett Avenue  
Medford, Oregon 97504  
(541) 772-3055  
(800) 888-1396

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Notice of removal shall be effective when made in writing by either:

Personally delivering notice to the Trustee and securing a written receipt, or

Mailing notice in the United States mail to the last known address of the Trustee by certified mail, return receipt requested.

### Section 3. Replacement of Trustees

Whenever a Trustee is removed, dies, resigns, becomes legally incapacitated, or is otherwise unable or unwilling to serve, that Trustee shall be replaced as follows:

**a. The Death or Disability of a Trustee While We Are Serving as Trustees**

We may serve as the only Trustees or we may name any number of Trustees to serve with us. If any of these other Trustees subsequently die, resign, become legally incapacitated, or are otherwise unable or unwilling to serve as a Trustee, we may or may not fill the vacancy, as we both agree.

**b. Disability Trustees of LAWRENCE G. HARBOLDT**

Upon the disability of LAWRENCE G. HARBOLDT, AVIS A. HARBOLDT shall serve as disability Trustee.

If the nondisabled Trustmaker is then serving as a Trustee, she shall continue to serve upon the disability of LAWRENCE G. HARBOLDT.

If the disability Trustee is unwilling or unable to serve, or cannot continue to serve for any other reason, then the following shall be named as replacement disability Trustees in the order in which their names appear:

1. LAWRENCE B. HARBOLDT

2. BRIAN G. HARBOLDT

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**c. Disability Trustees of AVIS A. HARBOLDT**

Upon the disability of AVIS A. HARBOLDT, LAWRENCE G. HARBOLDT shall serve as disability Trustee.

If the nondisabled Trustmaker is then serving as a Trustee, he shall continue to serve upon the disability of AVIS A. HARBOLDT.

If the disability Trustee is unwilling or unable to serve, or cannot continue to serve for any other reason, then the following shall be named as replacement disability Trustees in the order in which their names appear:

1. LAWRENCE B. HARBOLDT
2. BRIAN G. HARBOLDT

**d. Death Trustees of LAWRENCE G. HARBOLDT**

On the death of LAWRENCE G. HARBOLDT, AVIS A. HARBOLDT acting as our death Trustee shall replace all of our initial Trustees, if they are then serving, or all of the disability Trustees, if they are then serving.

If the surviving Trustmaker is then serving as a Trustee, she shall continue to serve upon the death of LAWRENCE G. HARBOLDT.

If the death Trustee is unwilling or unable to serve as a death Trustee, or cannot continue to serve for any other reason, then the following shall be named as successor death Trustees in the order in which their names appear:

1. LAWRENCE B. HARBOLDT
2. BRIAN G. HARBOLDT

**e. Death Trustees of AVIS A. HARBOLDT**

On the death of AVIS A. HARBOLDT, LAWRENCE G. HARBOLDT acting as our death Trustee shall replace all of our initial Trustees, if they are then serving, or all of the disability Trustees, if they are then serving.

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If the surviving Trustmaker is then serving as a Trustee, he shall continue to serve upon the death of AVIS A. HARBOLDT.

If the death Trustee is unwilling or unable to serve as a Trustee, or cannot continue to serve for any other reason, then the following shall be named as successor death Trustees in the order in which their names appear:

1. LAWRENCE B. HARBOLDT
2. BRIAN G. HARBOLDT

**f. Successor Trustees**

A successor death Trustee shall be replaced upon death, resignation, or legal disability and the next successor death Trustee in the order named above shall serve and carry out the terms and provisions of our trust.

A Trustee may be listed more than once in this Section or an initial Trustee may also be named as a disability Trustee or a Trustee who will serve at death. Naming a Trustee more than once is done as a convenience only and is not to be construed as a termination of that Trustee's trusteeship.

**g. Unfilled Trusteeship**

In the event no named Trustees are available, a majority of the beneficiaries then eligible to receive mandatory or discretionary distributions of net income under this agreement shall forthwith name a successor Trustee.

If a majority of the beneficiaries then eligible to receive mandatory or discretionary distributions of net income under this agreement cannot agree on a successor Trustee, any beneficiary can petition a court of competent jurisdiction, ex parte, to designate a successor Trustee.

The court that designates the successor Trustee shall not acquire any jurisdiction over any trust created under this agreement, except to the extent necessary to name a successor Trustee.



#### **Section 4. Corporate Fiduciaries**

Any corporate fiduciary named in this trust agreement or appointed by a court of competent jurisdiction as a Trustee must be a bank or trust company situated in the United States having trust powers under applicable federal or state law.

Such fiduciary shall have a combined capital and surplus of at least 25 million dollars.

#### **Section 5. Powers and Liabilities of Successor Trustee**

Any successor Trustee, whether corporate or individual, shall have all of the rights, powers, and privileges, and be subject to all of the obligations and duties, both discretionary and ministerial, as given to the original Trustees.

Any successor Trustee shall be subject to any restrictions imposed on the original Trustees. No successor Trustee shall be required to examine the accounts, records, and acts of any previous Trustees.

No successor Trustee shall in any way be responsible for any act or omission to act on the part of any previous Trustees.

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**Article Fifteen**  
**Our Trustee's Administrative and**  
**Investment Powers**

**Section 1. Introduction to Trustee's Powers**

Except as otherwise provided in this agreement, our Trustee shall have both the administrative and investment powers enumerated under this Article and any other powers granted under the Uniform Trust Code otherwise known as ORS 130.720 and ORS 130.725 with respect to the various trusts created by this agreement. Our Trustee shall also have the powers enumerated under ORS 130.680 and ORS 130.735 in order to engage an investment advisor to provide discretionary advice for investment of the assets.

**Section 2. Powers to Be Exercised in the Best Interests of the Beneficiaries**

Our Trustee shall exercise the following administrative and investment powers without the order of any court, as our Trustee determines in its sole and absolute discretion to be in the best interests of the beneficiaries.

Notwithstanding anything to the contrary in this agreement, our Trustee shall not exercise any power in a manner inconsistent with the beneficiaries' right to the beneficial enjoyment of the trust property in accordance with the general principles of the law of trusts.

**Section 3. Administrative and Investment Powers**

Our Trustee is hereby granted the following administrative and investment powers:

**a. Agricultural Powers**

Our Trustee may retain, sell, acquire, and continue any farm or ranching operation whether as a sole proprietorship, partnership, or corporation.



It may engage in the production, harvesting, and marketing of both farm and ranch products either by operating directly or with management agencies, hired labor, tenants, or sharecroppers.

It may engage and participate in any government farm program, whether state or federally sponsored.

It may purchase or rent machinery, equipment, livestock, poultry, feed, and seed.

It may improve and repair all farm and ranch properties; construct buildings, fences, and drainage facilities; acquire, retain, improve, and dispose of wells, water rights, ditch rights, and priorities of any nature.

Our Trustee may, in general, do all things customary or desirable to operate a farm or ranch operation for the benefit of the beneficiaries of the various trusts created under this agreement.

#### **D. Business Powers**

Our Trustee may retain and continue any business in which one or both of us have or had an interest as a shareholder, partner, sole proprietor, or as a participant in a joint venture, even though that interest may constitute all or a substantial portion of the trust property.

It may directly participate in the conduct of any such business or employ others to do so on behalf of the beneficiaries.

It may execute partnership agreements, buy-sell agreements, and any amendments to them.

It may participate in the incorporation of any trust property; any corporate reorganization, merger, consolidation, recapitalization, liquidation, dissolution; or any stock redemption or cross purchase buy-sell agreement.

It may hold the stock of any corporation as trust property, and may elect or employ directors, officers, employees, and agents and compensate them for their services.

It may sell or liquidate any business interest that is part of the trust property.

It may carry out the provisions of any agreement entered into by one or both of us for the sale of any business interest or the stock thereof.



Our Trustee may exercise all of the business powers granted in this agreement regardless of whether our Trustee is personally interested or an involved party with respect to any business enterprise forming a part of the trust property.

**c. Common Fund Powers**

For the purpose of convenience with regard to the administration and investment of the trust property, our Trustee may hold the several trusts created under this agreement as a common fund.

Our Trustee may make joint investments with respect to the funds comprising the trust property.

Our Trustee may enter into any transaction authorized by this Article with fiduciaries of other trusts or estates in which any beneficiary hereunder has an interest, even though such fiduciaries are also Trustees under this agreement.

**d. Compensation Powers**

Our Trustee shall pay from income or principal all of the reasonable expenses attributable to the administration of the respective trusts created in this agreement.

Our Trustee shall pay itself reasonable compensation for its services as fiduciary as provided in this agreement, and shall reasonably compensate those persons employed by our Trustee, including agents, auditors, accountants, and attorneys.

**e. Distribution Powers**

Our Trustee is specifically authorized to make divisions and distributions of the trust property either in cash or in kind, or partly in cash and partly in kind, or in any proportion it deems advisable.

It shall be under no obligation or responsibility to make pro rata divisions and distributions in kind.



owners' groups, syndicates, and corporations, for the purpose of acquiring, holding, exploiting, developing, operating, or disposing of oil, gas, coal, and other mineral interests.

It may employ the services of consultants or outside specialists in connection with the evaluation, management, acquisition, disposition, or development of any mineral interest, and may pay the cost of such services from the principal or income of the trust property.

Our Trustee may use the general assets of the trusts created under this agreement for the purposes of acquiring, holding, managing, developing, pooling, unitizing, repressuring, or disposing of any mineral interest.

**p. Powers of Attorney**

Our Trustee may execute, deliver, and grant to any individual or corporation a revocable or irrevocable power of attorney to transact any and all business on behalf of the various trusts created in this agreement.

The power of attorney may grant to the attorney-in-fact all of the rights, powers, and discretion that our Trustee could have exercised.

**q. Powers to Merge Similar Trusts**

Our Trustee may merge and consolidate any trust created in this agreement with any other trust created by both or either of us, or any other person at any other time, if the other trust contains substantially the same terms for the same beneficiaries, and has at least one Trustee in common with the trust or trusts created in this agreement.

Our Trustee may administer such merged and consolidated trusts as a single trust or unit. If, however, such a merger or consolidation does not appear feasible, as determined in the sole and absolute discretion of our Trustee, the Trustee may consolidate the assets of such trusts for purposes of investment and trust administration while retaining separate records and accounts for the respective trusts.

**r. Powers of an Interested Trustee**

An interested Trustee is any Trustee who has an interest as a beneficiary in this trust agreement or any trust created by it. In all instances where an

**ATTACHMENT G**  
**Josephine County Tax Map T37S-R7W-17**

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