

**ASSIGNED**

Ross Hrncir R-88261  
PO Box 966  
Hallettsville, Texas 77964

Application No. R-88261 **ALT**

Permit No. R-15198

Certificate No. \_\_\_\_\_

**FEEES PAID**

Date	Amount	Receipt No.
7/15/16	1070.00	120538
5-16-2020	\$ 100.00	132460
6-1-23	\$ 780.00	140840
	Cert. Fee	

Name  
By  
Address

Date

**DENIED** \_\_\_\_\_

**MISFILED** \_\_\_\_\_

**WITHDRAWN** \_\_\_\_\_

**CANCELLED** \_\_\_\_\_

Volume | Page

**FEEES REFUNDED**

Date	Amount	Receipt No.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_ C-26

Priority July 15, 2016

County JACKSON WM# 13

**RELATED FILES**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**ASSIGNMENTS**

Date	To Whom	Address
10/29/2020	Jacob Fisher; Rogue Family Farms, LLC	1424 N. River Rd.; Gold Hill, OR. 97524

**DEVELOPMENT**

Date

Completion December 16, 2021

Extended to 10-1-2026

Final Proof received \_\_\_\_\_

Proposed Cert. Mailed \_\_\_\_\_

**REMARKS**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**MAP LOCATION**

KS 7/15/2016

Mailing List for Extension FO Copies

FO Date: November 17, 2023

Copies Mailed

Application: R-88261

By: KMWF

Permit: R-15198

On: NOV 17 2023

Original mailed to permit holder

Rogue Family Farms  
13003 HWY 62  
Eagle Point, OR 97524

**Copies sent to:**

1. WRD - App. File R-88261/ Permit R-15198
2. Other permit holders of record besides applicant
3. WRD – Keith Mills, Dam Safety (*for standard reservoir permits only*)
4. WRD - Kelly Starnes, Permit Amendments (*if necessary*)
5. Agent or CWRE representing the Permit Holder

Fee paid as specified under ORS 536.050 to receive copy:

6. None

Receiving notification via e-mail FO available in WRIS for review  
(DONE BY EXTENSION SPECIALIST)

7. WRD - Watermaster District 13, Shavon Haynes

CASEWORKER: JDP

**Oregon Water Resources Department**  
**Water Right Services Division**

**Application for Extension of Time**

In the Matter of the Application for an Extension of Time )  
for Permit R-15198, Water Right Application R-88261 ) FINAL ORDER  
in the name of Rogue Family Farms; Jacob Fisher )

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**Permit Information**

Application:	R-88261
Permit:	R-15198
Basin:	Rogue / Watermaster District 13
Date of Priority:	July 15, 2016
Source of Water:	runoff, tributary to Little Butte Creek
Storage Facility:	XP Reservoir
Purpose or Use:	multiple purpose
Maximum Rate/Volume:	8.2 acre-feet (AF)

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**This Extension of Time request is being processed in accordance with Oregon Revised Statute 537.230 and 539.010(5), and Oregon Administrative Rule Chapter 690, Division 315.**

**Appeal Rights**

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.

**Application History**

Permit R-15198 was issued by the Department on December 16, 2016. The permit specified complete application of water to beneficial use by, December 16, 2021. On June 1, 2023, Jacob Fisher of Rogue Family Farms submitted an Application for Extension of Time for Permit R-15198. In accordance with OAR 690-315-0050(2), on September 19, 2023, the Department issued a Proposed Final Order proposing to extend the time to apply water to full beneficial use from December 16, 2021, to October 1, 2026. The protest period closed November 3, 2023, in accordance with OAR 690-315-0060(1). No protest was filed.

## FINDINGS OF FACT

The Department adopts and incorporates by reference the findings in the Proposed Final Order dated September 19, 2023.

At time of issuance of the Proposed Final Order the Department concluded that, based on the factors demonstrated by the applicant, the permit may be extended subject to no additional conditions.

## CONCLUSION OF LAW

The applicant has demonstrated good cause for the permit extension pursuant to ORS 537.230, 539.010(5) and OAR 690-315-0040(2).

## ORDER

The extension of time for Application R-88261, Permit R-15198, therefore, is approved.

The deadline for applying water to full beneficial use within the terms and conditions of the permit is extended from December 16, 2021, to October 1, 2026.

DATED: November 17, 2023



Dwight French  
Water Right Services Division Administrator, for  
Thomas M. Byler, Director  
Oregon Water Resources Department

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- If you have any questions about statements contained in this document, please contact Permit Extension Specialist at (503)979-3213.
  - If you have other questions about the Department or any of its programs, please contact our Water Resources Customer Service Group at (503) 986-0900
-

Mailing List for Extension PFO Copies

PFO Date: September 19, 2023

Copies Mailed

Application: R-88261

Permit: R-15198

By: KMWF

On: SEP 19 2023

Original mailed to Applicant:

Rogue Family Farms  
13003 HWY 62  
Eagle Point, OR 97524

Copies sent to:

1. WRD - App. File R-88261/ Permit R-15198
2. Rick Parsons (by email) representing the Permit Holder
3. Other permit holders of record besides applicant

Fee paid as specified under ORS 536.050 to receive copy:

4. None

Receiving via e-mail (10 AM Tuesday of signature date)  
(DONE BY EXTENSION SPECIALIST)

5. WRD - Watermaster District 13, Shavon Haynes

CASEWORKER: JDP

**Oregon Water Resources Department  
Water Right Services Division**

**Application for Extension of Time**

In the Matter of the Application for an Extension of Time ) PROPOSED  
for Permit R-15198, Water Right Application R-88261 ) FINAL  
in the name of Rogue Family Farms; Jacob Fisher ) ORDER

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**Permit Information**

Application:	R-88261
Permit:	R-15198
Basin:	Rogue / Watermaster District 13
Date of Priority:	July 15, 2016
Source of Water:	runoff; tributary to Little Butte Creek
Storage Facility:	XP Reservoir
Purpose or Use:	multiple purpose
Maximum Rate/Volume:	8.2 acre-feet (AF)

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***Please read this Proposed Final Order in its entirety.***

*In summary, the Department proposes to:*

- Grant an extension of time to apply water to full beneficial use from December 16, 2021, to October 1, 2026.<sup>1</sup>

This Extension of Time request is being processed in accordance with Oregon Revised Statute 537.230 and 539.010(5), and Oregon Administrative Rule Chapter 690, Division 315

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<sup>1</sup> Pursuant to ORS 537.230(5), upon the completion of beneficial use of water allowed under the permit, the permit holder shall hire a certified water rights examiner to survey the appropriation. Within one year after the complete application of water to a beneficial use (or by the date allowed for the complete application of water to a beneficial use), the permit holder shall submit a map of the survey and the claim of beneficial use.

## ACRONYM QUICK REFERENCE

Application – Application for Extension of Time  
Department – Oregon Water Resources Department  
ODFW – Oregon Department of Fish and Wildlife  
PFO – Proposed Final Order  
FOF – Finding of Fact  
AF - acre-feet

## AUTHORITY

Generally, see **ORS 537.230** and **OAR Chapter 690 Division 315**.

**ORS 537.230(2)** provides in pertinent part that the Oregon Water Resources Department (Department) may, for good cause shown, order an extension of time within which irrigation or other works shall be completed or the right perfected. In determining the extension, the Department shall give due weight to the considerations described under ORS 539.010(5) and to whether other governmental requirements relating to the project have significantly delayed completion of construction or perfection of the right.

**ORS 539.010(5)** instructs the Director to consider: the cost of the appropriation and application of the water to a beneficial purpose; the good faith of the appropriator; the market for water or power to be supplied; the present demands therefor; and the income or use that may be required to provide fair and reasonable returns upon the investment.

**OAR 690-315-0040** provides that in order to approve an application for an extension of time to complete construction or apply water to full beneficial use, the Department shall make the findings in OAR 690-315-0040(1) including a finding that there is “good cause” to approve the extension. OAR 690-315-0040(2)-(4) contains the factors that the Department must consider to make findings that support a “good cause” determination.

## **FINDINGS OF FACT**

1. On December 16, 2016 Permit R-15198 was issued by the Department. The permit authorizes the storage of up to 8.2 AF of water in XP Reservoir from the runoff, tributary to Little Butte Creek, for multiple purpose use. The permit specified actual construction was to begin and complete storage of water was to be made on or before December 16, 2021.
2. On June 29, 2020, an assignment from Ross Hrnair to Jacob Fisher – Rogue Family Farms, was recorded in the records of the Water Resources Department.
3. On June 1, 2023, Jacob Fisher of Rogue Family Farms, submitted an “Application for Extension of Time” (Application) to the Department, requesting the time to apply water to full beneficial use under the terms and conditions of Permit R-15198 be extended from December 16, 2021, to October 1, 2026. This is the first permit extension requested for Permit R-15198.

4. On June 20, 2023, notification of the Application for Permit R-15198 was published in the Department's Public Notice. No public comments were received.

**Review Criteria [OAR 690-315-0040]**

*In order to approve an Application for an Extension of Time to complete construction and/or apply water to full beneficial use pursuant to ORS 537.230 or 537.630, or to begin construction, pursuant to ORS 537.248, the Department must make the findings in OAR 690-315-0040(1)(a) – (d).*

**Complete Extension of Time Application [OAR 690-315-0040(1)(a)]**

5. On June 1, 2023, the Department received a completed Application and the fee specified in ORS 536.050 from the permit holder.

**Start of Construction [OAR 690-315-0040(1)(b) and 690-315-0040(5)]**

6. Construction of the reservoir began prior to the December 16, 2021 deadline specified in the permit. According to the permit holder, construction of the reservoir began prior to permit issuance by a previous landowner.

Based on Findings of Fact (FOF)-6, the Department has determined the permit holder began construction prior to December 16, 2021.

**Good Cause [OAR 690-315-0040(1)(d)]**

*The Department must find that there is "good cause" to approve the extension. In making a "good cause" finding, the Department shall consider the requirements set forth under OAR 690-315-0040(2).*

**Reasonable Diligence of the Appropriator [OAR 690-315-0040(2)(a)]**

*In order to make a finding of "good cause" to approve the extension, the Department shall consider whether the applicant has demonstrated "reasonable diligence" in previous performance under the permit. OAR 690-315-0040(2)(a). In determining "reasonable diligence", the Department shall consider, but is not limited to, the following factors: a) The amount of construction completed within the time allowed in the permit or previous extension; b) The amount of beneficial use made of the water during the permit or previous extension time limits; c) Water right holder conformance with the permit or previous extension conditions; and d) Financial investments made toward developing the beneficial use of water.*

**Amount of Construction [OAR 690-315-0040(3)(a)]**

*The amount of construction completed within the time allowed in the permit or previous extension.<sup>2</sup>*

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<sup>2</sup> "Actual Construction" is defined in OAR 690-315-0020(3)(d)(A) and (B) as physical work performed toward completion of the water system which demonstrates the water right permit holder's good faith and intention to complete the project with reasonable diligence. Actual construction does not include planning a diversion system, formulating a business plan, securing financing, letting contracts, purchasing but not installing equipment, surveying, clearing land or planting crops.



7. Construction of the water system or reservoir began prior to December 16, 2021.
8. No other work was accomplished during the original development time frame under Permit R-15198.
9. Since December 16, 2021, the reservoir area has been excavated and depend to allow storage of the maximum volume of water authorized.

The Application provides evidence that progress of physical work, enough to qualify as the minimum necessary, has been made towards completion of the water system for the Department to find good cause and reasonable diligence towards complete application of water to a beneficial use.

**Compliance with Conditions [OAR 690-315-0040(3)(c)]**

*The water right permit holder's conformance with the permit or previous extension conditions.*

10. The Department has considered the permit holder's compliance with conditions, and has identified the following concern, the record does not show that an outlet pipe has been installed.

Based on FOF 10, the Department has determined that the permit holder has not demonstrated compliance with following (or any of the) permit conditions as required by Permit R-15198:

- "The storage of water herein is subject to the installation and maintenance of an outlet pipe (with a minimum diameter of 8" for any in-channel reservoir). This requirement may be waived if the Department Determines other means have been provided to evacuate water when necessary."

The permit holder indicates that a pump capable of evacuating the water from the reservoir is available. The permit holder is responsible to provide evidence that other means, sufficient to evacuate water from the reservoir, is provided. In order to legally perfect the use of water under this permit, the permit holder must demonstrate that all conditions of the permit have been satisfied.

**Beneficial Use of Water [OAR 690-315-0040(3)(b)]**

*The amount of beneficial use made of the water during the permit time limits or previous extension time limits.*

11. A maximum volume of 3.0 AF of water has been stored from the runoff, tributary to Little Butte Creek for multiple purpose use.

Based on FOF 10, the Department has determined that beneficial use of water has not yet been demonstrated under this permit because not all permit conditions were satisfied by December 16, 2021.

**Financial Investments to appropriate and Apply Water to a Beneficial Purpose [OAR 690-315-0040(2)(b),(3)(d),(4)(d)]**

12. The permit holder has invested approximately \$6,000, which is the total projected cost for complete development of this project.

Based on FOF 12, the Department has determined that the permit holder had made an investment, which provides evidence of good cause and reasonable diligence towards the complete application of water to a beneficial use.

**Reasonable Diligence of the Appropriator [OAR 690-315-0040(2)(a)]**

The Application provides evidence of progress towards completion of the water system; a financial investment has been made; the permit holder has not demonstrated compliance with all permit conditions, and; beneficial use has not been demonstrated. The Department has determined the applicant has demonstrated the minimum necessary for the Department to find reasonable diligence towards complete application of water to a beneficial use.

**The Market and Present Demands for Water [OAR 690-315-0040(4)(a-f)]**

*The Department's determinations of market and present demand for water or power to be supplied shall consider the requirements set forth under OAR 690-315-0040(4)(a-f). In accordance with OAR 690-315-0040(4), the Department shall consider, but is not limited to, the following factors when determining the market and the present demand for water or power to be supplied:*

- *(a) The amount of water available to satisfy other affected water rights and scenic waterway flows;*
- *(b) Special water use designations established since permit issuance, including but not limited to state scenic waterways, federal wild and scenic rivers, serious water management problem areas or water quality limited sources established under 33 U.S.C. 1313(d);*
- *(c) The habitat needs of sensitive, threatened or endangered species, in consultation with the Oregon Department of Fish and Wildlife;*
- *(d) Economic investment in the project to date;*
- *(e) Other economic interests dependent on completion of the project; and*
- *(f) Other factors relevant to the determination of the market and present demands for water and power.*

**OAR 690-315-0040(4)(a)**

**The amount of water available to satisfy other affected water rights and scenic waterway flows.**

13. A review of the amount of water available to satisfy other affected water rights and scenic waterway flows was determined at the time of issuance of Permit R-15198; furthermore, water availability for other affected water rights and scenic waterway flows after the permit was issued is determined when an application for a new water right is submitted.

14. Water Availability Analysis for the Little Butte Creek, (Tributary Rogue Rive) at the mouth (watershed ID 263) show that no water is available during the months of June through November at the 50% exceedance level.

**OAR 690-315-0040(4)(b)**

Special water use designations established since permit issuance, including but not limited to state scenic waterways, federal wild and scenic rivers, serious water management problem areas or water quality limited sources established under 33 U.S.C. 1313(d).

15. Little Butte Creek, is not located within a Withdrawn Area.
16. Little Butte Creek is located above the Rogue Scenic Waterway.
17. Little Butte Creek is not in a location listed by the Department of Environmental Quality as a water quality limited stream.

**OAR 690-315-0040(4)(c)**

The habitat needs of sensitive, threatened or endangered species, in consultation with the Oregon Department of Fish and Wildlife.

18. Little Butte Creek is located within an area ranked "highest" for stream flow restoration needs as determined by the Department in consultation with the Oregon Department of Fish and Wildlife, and is located within a Sensitive, Threatened or Endangered Fish Species Area as identified by the Department in consultation with Oregon Department of Fish and Wildlife.

**OAR 690-315-0040(4)(d)**

Economic interests dependent on completion of the project.

19. An approximate total of \$6,000 has been invested in the project.

**OAR 690-315-0040(4)(e)**

Other economic interests dependent on completion of the project.

20. Other economic interests dependent on the completion of the project have not been identified.

**OAR 690-315-0040(4)(f)**

Other factors relevant to the determination of the market and present demand for water and power.

21. No other factors relevant to the determination of the market and present demand for water and power have been identified.

**Fair Return Upon Investment [OAR 690-315-0040(2)(f)]**

22. The use and income from the permitted water development will likely result in reasonable returns upon the investment made to date.

**Other Governmental Requirements [OAR 690-315-0042(2)(g)]**

23. Delay in the development of this project that was caused by other governmental requirements have not been identified.

**Unforeseen Events [OAR 690-315-0040(2)(h)]**

24. No unforeseen events were identified that extended the length of time needed to fully develop and perfect Permit R-15198.

**Denial of an Extension Would Result in Undue Hardship [OAR 690-315-0040(2)(i)]**

25. A denial of the extension would result in undue hardship, and there are no other reasonable alternatives exist for meeting water use needs.

**Good Faith of the Appropriator [OAR 690-315-0040(2)(c)]**

26. The Application provides evidence of good faith of the appropriator under Permit R-15198.

Based on FOF 6, 7, 8, 9, 11, 12, and 19, the Department has determined that the applicant has shown good faith and reasonable diligence.

**Duration of Extension [OAR 690-315-0040(1)(c)]**

*Under OAR 690-315-0040(1)(c), in order to approve an extension of time for water use permits the Department must find that the time requested is reasonable and the applicant can complete the project within the time requested.*

27. As of June 1, 2023, the permit holder states the remaining work to be completed consists of completing construction of the water system and applying water to full beneficial use.

Given the amount of development left to occur, the Department has determined that the permit holder's request to have until October 1, 2026, store water under the terms and conditions of Permit R-15198 is both reasonable and necessary.

**Good Cause [OAR 690-315-0040(1)(d)]**

*The Department must find that there is "good cause" to approve the extension. In making a "good cause" finding, the Department shall consider the requirements set forth under OAR 690-315-0040(2).*

The Department has considered the reasonable diligence and good faith of the appropriator, the cost to appropriate and apply water to a beneficial purpose, the market and present demands for water to be supplied, the financial investment made and fair and reasonable return upon the investment, the requirements of other governmental agencies, and unforeseen events over which the permit holder had no control, whether denial of the extension will result in undue hardship to the applicant and whether there are no other reasonable alternatives for meeting water use needs, any other factors relevant to a determination of good cause, and has determined that the applicant has shown that good cause exists for an extension of time to complete construction and apply water to full beneficial use pursuant to OAR 690-315-0040(1)(d).

### CONCLUSIONS OF LAW

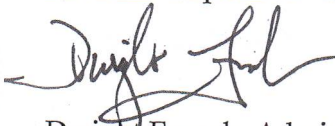
1. The Applicant has submitted a complete extension application form and the fee specified in ORS 536.050, as required by OAR 690-315-0040(1)(a).
2. The Applicant complied with construction timeline requirements to begin construction as required by ORS 537.230, OAR 690-315-0040(1)(b) and OAR 690-315-0040(5).
3. Based on Finding of Facts 6, through 12, completion of construction and full application of water to beneficial use can be accomplished by October 1, 2026<sup>3</sup>, as required by OAR 690-315-0040(1)(c).
4. The Applicant can complete the project within the time period requested for the extension on the project.
5. The Applicant has demonstrated good cause for the extension.

### PROPOSED ORDER

Based upon the foregoing Findings of Fact and Conclusions of Law, the Department proposes to issue an order to:

Extend the time to apply water to beneficial use under Permit R-15198 from December 16, 2021, to October 1, 2026.

DATED: September 19, 2023



Dwight French, Administrator  
Water Right Services Division

*If you have any questions,  
please check the information  
box on the last page for the  
appropriate names and  
phone numbers.*

<sup>3</sup>Pursuant to ORS 537.230(5), upon the completion of beneficial use of water allowed under the permit, the permittee shall hire a certified water rights examiner to survey the appropriation. Within one year after the complete application of water to a beneficial use (or by the date allowed for the complete application of water to a beneficial use), the permittee shall submit a map of the survey and a new or revised claim of beneficial use as deemed appropriate by the Department.

## Protests

Pursuant to OAR 690-315-0060(1), the applicant or any other person adversely affected or aggrieved by the proposed final order may submit a written protest to the proposed final order. Protests must be received by the Water Resources Department no later than **November 3, 2023**, at this address: Oregon Water Resources Department, Water Right Services Division, 725 Summer St NE, Suite A, Salem, OR 97301-1266. Protests may not be submitted by electronic mail. OAR 690-002-0025(3).

Protests must be in writing and include all of the following:

- The name, address, and telephone number of the protestant
- A detailed description of the protestant's interest in the proposed final order, and, if the protestant claims to represent the public interest, a precise statement of the public interest represented
- A detailed description of how the action proposed in the proposed final order would impair or be detrimental to the protestant's interest
- A detailed description of how the proposed final order is in error or deficient, and how to correct the alleged error or deficiency
- If the applicant protests, a statement of whether a hearing is requested
- Citation of legal authority supporting the protestant, if known
- Proof of service of the protest on the water right permit holder, if protestant is other than the water right permit holder, and
- If you are the applicant, the protest fee of \$480 required by ORS 536.050; and
- If you are not the applicant, the protest fee of \$950 required by ORS 536.050.

Within 60 days after the close of the period for requesting a contested case hearing, the Director shall either issue a final order on the extension request, or schedule a contested case hearing if a protest has been submitted, and, upon review of the issues, the Director finds there are significant disputes related to the proposed agency action; or, the applicant submits a written request for a contested case hearing within 30 days after the close of the period for submitting protests. The hearing will be conducted as provided in Oregon Revised Statutes (ORS) Chapter 183, and Oregon Administrative Rules (OAR) 137-003-0501 to 137-003-0700.

If the applicant does not request a hearing within 30 days after the close of the protest period, or if the request for a hearing is withdrawn, or the Department or the administrative law judge is notified that the protestant will not appear, or the protestant fails to appear, at a scheduled hearing, the Director may issue a Final Order by default. If the Director issues a Final Order by default, the Department designates the relevant portions of its files on this matter, including all



Application: R-88261 Permit: R-15198  
Public Notice Route Slip ... New Application Extension of Time  
per Division 315 Rules... (Extensions received on July 1, 2001 or after)

Applicant/Permit Holder(s) Rogue Family Farms, LLC  
13003 Hwy 62  
Eagle Point OR 97524

Proposed Completion Date: 10-1-2029

WRIG...Money Received on: 6-1-2023

Extension Specialist ...

Added to tracking spreadsheet

After fee is received and app is added to spreadsheet, route to...

Kyler  
 Tonya Miller...

Recent Assignment (Check WRIS for Update)

Publish on Public Notice (initial 30-day comment): Date of notice JUN 20 2023

Update WRIS Database

In the "PNotice Date" field... Enter the date the Extension Application was published on the Public Notice.

In the "Ext Filed" field... Enter the date the Extension Application was received.

Yes or  No: Return file to Extension Specialist after PN JUN 20 2023

NOTES:



STATE OF OREGON  
**WATER RESOURCES DEPARTMENT**

725 Summer St. N.E. Ste. A

SALEM, OR 97301-4172

(503) 986-0900 / (503) 986-0904 (fax)

RECEIPT # **140840**

INVOICE # \_\_\_\_\_

RECEIVED FROM: Reque Family Farms

APPLICATION	R-88261
PERMIT	
TRANSFER	

CASH:  CHECK:# X 50099 OTHER: (IDENTIFY)  \_\_\_\_\_

TOTAL REC'D \$ 790.00

**1083 TREASURY 4170 WRD MISC CASH ACCT**

0407	COPIES		\$
_____	OTHER: (IDENTIFY)	_____	\$
0243 I/S Lease	_____	0244 Muni Water Mgmt. Plan	_____
		0245 Cons. Water	_____

**4270 WRD OPERATING ACCT**

<b>MISCELLANEOUS</b>			
0407	COPY & TAPE FEES		\$
0410	RESEARCH FEES		\$
0408	MISC REVENUE: (IDENTIFY)	_____	\$
TC162	DEPOSIT LIAB. (IDENTIFY)	_____	\$
0240	EXTENSION OF TIME		\$ <u>780.00</u>
<b>WATER RIGHTS:</b>			
0201	SURFACE WATER	EXAM FEE	RECORD FEE
0203	GROUND WATER	\$	0202 \$
0205	TRANSFER	\$	0204 \$
<b>WELL CONSTRUCTION</b>			
0218	WELL DRILL CONSTRUCTOR	EXAM FEE	LICENSE FEE
	LANDOWNER'S PERMIT	\$	0219 \$
			0220 \$
_____	OTHER (IDENTIFY)	_____	

**0536 TREASURY 0437 WELL CONST. START FEE**

0211	WELL CONST START FEE	\$	CARD#
0210	MONITORING WELLS	\$	CARD#
_____	OTHER (IDENTIFY)	_____	

**0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER**

0233	POWER LICENSE FEE (FW/WRD)		\$
0231	HYDRO LICENSE FEE (FW/WRD)		\$
_____	HYDRO APPLICATION		\$

**TREASURY OTHER / RDX**

FUND \_\_\_\_\_ TITLE **RECEIVED OVER THE COUNTER**  
 OBJ. CODE \_\_\_\_\_ VENDOR # \_\_\_\_\_  
 DESCRIPTION \_\_\_\_\_ \$ \_\_\_\_\_

RECEIPT: **140840**

DATED: 6/1/2023 BY: [Signature]



# Oregon

Tina Kotek, Governor

**Water Resources Department**  
North Mall Office Building  
725 Summer Street NE, Suite A  
Salem, OR 97301  
Phone: 503-986-0900  
Fax: 503-986-0904  
[www.Oregon.gov/OWRD](http://www.Oregon.gov/OWRD)

June 14, 2023

REFERENCE: Application for Extension of Time

Dear Extension of Time Applicant:

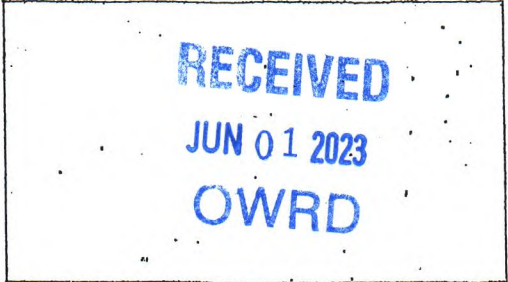
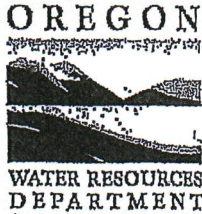
The Water Right Services Division has received your application for an extension of time for **APPLICATION FILE #: R-88261 (Permit R-15198)**. Your application will be reviewed in the future. Following the review, you will receive a Proposed Final Order either approving or rejecting the extension of time request. A 45-day protest period begins upon issuance of the Proposed Final Order. After the protest period closes, a Final Order is issued.

You may continue the use of water under your water right until the Water Resources Department formally takes action on your extension application. If your permit includes conditions, water use reporting, water level measurement reporting, etc., you are required to comply with the conditions.

Any additional development that occurs after the expired completion date, identified on the permit or an extension order, can only be claimed upon an approved extension application.

If you have questions concerning your extension of time application, please contact Jeffrey Pierceall at (503) 979-3213. For general information about the Water Resources Department, you may contact the Water Resources' Customer Service Group at (503) 986-0801 or you may access the Department's website at: [www.wrd.state.or.us](http://www.wrd.state.or.us).

140840



Date Received (Date Stamp Here)

### OWRD Over-the-Counter Submission Receipt

Applicant Name(s) & Address: Jacob Fisher 13003 Hwy 62  
Edge point OR 97524

Transaction Type: Extension

Fees Received: \$ 780<sup>00</sup>

Cash  Check; Check No. 50099  
Name(s) on Check: Rogue Family Farms

Thank you for your submission. Oregon Water Resources Department (Department) staff will review your submittal as soon as possible.

If your submission is determined to be complete, you will receive a receipt for the fees paid and an acknowledgement letter stating your submittal is complete.

If determined to be incomplete, your submission and the accompanying fees will be returned with an explanation of deficiencies that must be addressed in order for the submittal to be accepted.

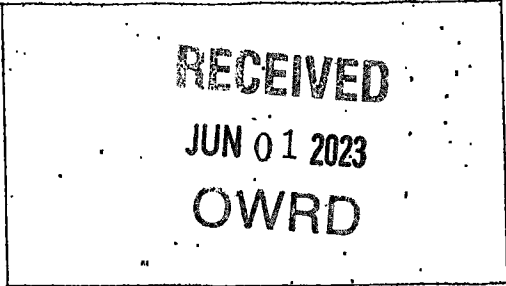
If you have any questions, please feel free to contact the Department's Customer Service staff at 503-986-0801 or 503-986-0810.

Sincerely,  
OWRD Customer Service Staff

Submission received by: Nick Ruelle  
(Name of OWRD staff)

**Instructions for OWRD staff:**

- Complete this Submission Receipt and make two (2) copies. Place one copy with the check/cash; and place the other copy with the submission (i.e., the application or other document).
- Date-stamp all pages. (NOTE: Do not stamp check.)
- Give this original Submission Receipt to the applicant.
- Record Submission Receipt information on the "RECEIVED OVER THE COUNTER" log sheet.
- Fold and put one copy of the Submission Receipt with check/cash into the Safe slot. Place the other copy of the Submission Receipt with submission (application/other document) in the top drawer of filing cabinet.



Date Received (Date Stamp Here)

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Sincerely,  
OWRD Customer Service Staff

Submission received by: Nick Reelf  
(Name of OWRD staff)

### Instructions for OWRD staff:

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**Application for  
Extension of Time  
for a Water Right Permit  
(NON-Municipal/ NON-Quasi-Municipal)**



**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)

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**Criteria for a Permit Extension of Time**

The Department can accept requests for an extension of time on permits to **(1) complete construction**, and/or to **(2) apply water** to beneficial use.

In order to approve a permit extension request the Department must be able to find:

**1) Construction has begun:**

**A. For Groundwater Permits**

Construction of the well(s), *authorized by the permit*, began within 5 years of the date the permit was issued or by the actual construction date specified in the permit.

**B. For Surface Water or Reservoir Permits**

Construction of the water system began within 5 years of the date the permit was issued or by the actual construction date specified in the permit.

**The Department will also confirm that:**

- 2) If required, a fish screen, fish passage or fish by-pass device was installed before or prior to diversion of any water. An exception to the need to confirm installation prior to diversion of any water would be a waiver submitted to the Department from ODFW stating that a fish screen, fish passage or fish by-pass device was not required, provided your permit allows for a waiver.**

**If you have questions, please call the Department at (503)-986-0900 and ask to speak with a permit extension specialist.**

TO THE DIRECTOR OF THE OREGON WATER RESOURCES DEPARTMENT  
**A separate extension application must be submitted for each permit as per  
 OAR 690-315-0020(2).**

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 OWRD

I, JACOB FISHER, MANAGER OF ROGUE FAMILY FARMS

NAME OF PERMIT HOLDER [OAR 690-315-0020(1) and (3)(a)]

13003 HWY 62  
 ADDRESS

EAGLE POINT  
 CITY

OR  
 STATE

97524  
 ZIP

5412191597  
 PHONE

FIELDBOSSPRO@GMAIL.COM  
 E-MAIL ADDRESS

the permit holder of: Application Number R-88261

Permit Number R-15198  
 [OAR 690-315-0020(3)(b)]

do hereby request that the date by which the water development will be completed and water put to full beneficial use, which time now expires on Month: 12 Day: 16 Year: 2021, be extended to October 1, 2026, [OAR 690-315-0020(3)(i)]

I am the permit holder, and may apply for an extension of time under this permit. I understand that false or misleading statements in this extension application are grounds for OWRD to suspend processing of the request and/or reason to deny the extension.

Signature <u>Jacob Fisher</u>		Date <u>31 May 2023</u>
Printed Name <u>JACOB FISHER</u>		Title <u>MANAGER</u>
The agent below is authorized to represent the applicant in all matters relating to THIS application.		Permit Holder Initials <u>JF</u>
Authorized Agent (Print Agent Name) <u>RICK PARSONS</u>	Agent contact <u>541.499.0257</u>	

**Before submitting your Application for Extension of Time, make sure the following items are included:**

- This completed Application for Extension of Time.
- Statutory fee of \$780
- Signature page (Second page of this Application for Extension of Time).
- Letter granting an agent authority to act on behalf of the permit holder (*if applicable*)
- All supporting documentation and/or evidence referenced in the Application for Extension of Time. (ODFW Fish screen approval or waiver, contract for stored water, etc)

**MAIL COMPLETED APPLICATION**  
along with the Supporting documents and/ or evidence and correct fee to:

**Water Resources Department  
Attn: Water Right Permit Extensions  
725 Summer Street NE, Suite A  
Salem, Oregon 97301**

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GENERAL TIPS:

- Permit holders of **municipal or quasi-municipal water use permits DO NOT use this form**. The correct form is APPLICATION FOR EXTENSION OF TIME FOR MUNICIPAL AND QUASI-MUNICIPAL WATER USE PERMITS.
- Request the reasonable amount of time necessary to fully complete construction of the water project and/or to fully use the permitted quantity of water under the terms and conditions of your permit. Should this request be approved, it will be OWRD's expectation that you will complete your project within the new time period allowed. Future extensions may not be granted.
- A separate APPLICATION FOR EXTENSION OF TIME must be submitted for each permit. OAR 690-315-0020(2).
- Permit extensions are evaluated under OAR Chapter 690, Division 315. These rules may be viewed at the State of Oregon, Secretary of State Website. To be granted an extension of time, the Department must make four specific findings; 1) the application is complete, 2) construction of the water system began within the time specified in the permit and applicable statute, 3) there is good cause, and 4) the project can be completed within the time being requested. If the Department cannot make all four findings, the extension of time cannot be approved.
- You may provide OWRD with any additional information or evidence that will aid us in making our decision. Please note that OWRD may require other information that is necessary to evaluate the application. OAR 690-315-0020(3)(n).
- After careful review of the Application for Extension of Time, you may contact OWRD at (503) 986-0900, to ask questions and request assistance from a Permit Extensions Specialist in the Water Rights Services Division.

- An Application for an Extension of Time will be reviewed for completeness. A response is required for each item contained in the application. OWRD will return any incomplete or deficient applications to the applicant. OAR 690-315-0040(1)(a).

**Reference Materials Needed to Complete this Application:**

- **The water right permit.** If needed, a copy of the water right permit can be downloaded from the Department's Website, or, a copy of the permit may be requested by water right application number from the Water Rights Division at 503-986-0900 (copy fees will apply).
- **Previous Applications and Orders.** Copies of previous applications and orders that may inform the completion of the Application for Extension of Time, if available, may be downloaded from the Department's Website. **NOTE: If the document requested is not available on the Department's website, you may be required to submit a Public Record Request.**
- **Documentation which demonstrates compliance with permit conditions** (for example, well construction logs; static water level measurement reports; annual water use reports; ODFW fish screen certification; a plan to monitor the effect of water use on ground water aquifers utilized under the permit; etc.).

**Questions to complete this application for an Extension of Time**

Please see the instruction sheet to help you answer these items.

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1. **Beginning Construction within required deadlines.** OAR 690-315-0020(3)(d)

For Groundwater Permits

**Has construction of the point of appropriation (well) authorized under this permit begun?**

Yes  No

**Date construction began Month: \_\_\_ Day: \_\_\_ Year: \_\_\_**

**Details of construction and attach documentation: \_\_\_\_\_**

For Surface/Reservoir Permit

**Has construction of the water system begun?  Yes  No**

**Date construction began Month: \_\_\_ Day: \_\_\_ Year: 19XX**

**Details of construction and attach documentation: RESERVOIR IS EXCAVATED INTO A HILLSIDE ALONG DRAINAGE THAT RUNS WATER ONLY DURING RAIN EVENTS. THERE IS EARTHEN BERM DAM ABOUT 6' HIGH WITH A 20' TOP WIDTH. A SPILLWAY ALONG THE NORTHERN SIDE IS INTEGRATED INTO THE LOWER REACH OF THE DRAINAGE. THE RESERVOIR HAS BEEN IN PLACE SINCE 1960s/1970s WHEN MILLERS EGG RANCH WAS ESTABLISHED ON THE SITE. AN AERIAL PHOTO FROM 2000 ILLUSTRATING THE RESERVOIR PRIOR TO ISSUANCE OF R-15198 IS ATTACHED ALONG WITH PHOTOGRAPHIC EVIDENCE OF 2022 ENLARGEMENT.**

OAR 690-315-0020(3)(A)(e)(A)

- 2a. **Permits typically contain standard or special conditions that must be fully satisfied to lawfully develop and use permitted water. Review the permit subject to this extension to identify which of**



the conditions listed in the 2<sup>nd</sup> column are contained within it. Using the extra row labeled "other" to specify any other additional conditions included in the permit, or specified in a final order approving a permit amendment or prior extension of time. In the 1<sup>st</sup> column check the box for each condition (row) identified as relevant. In the 3<sup>rd</sup> column check "Yes" if you have completed or met the permit condition. Check "No" if the condition is not yet satisfied. In the 4<sup>th</sup> column, give the date when the condition was satisfied or will be satisfied. Attach any pertinent documentation. Note: a pump test condition does not need to be addressed here however; you must submit the results of the test to the Department for approval prior to certification.

CHART-A

Permit Conditions in this Permit		Have Completed or Met?	Date satisfied/ or will be satisfied
Checkbox	Ground water Check those included on this permit		
<input type="checkbox"/>	Installation of a meter/totalizing flow meter	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	Submittal of annual water usage report	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	Submittal of static water level measurements in the month required	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>		<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	Special well construction standards	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	Submittal of a monitoring plan	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	Well ID tag assigned and installed:	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	Other (Specify):	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	Other (Specify):	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<b>Surface Water or Reservoir</b>			
<input type="checkbox"/>	Installation of a meter/ totalizing flow meter	<input type="checkbox"/> Yes <input type="checkbox"/> No	BOTTOM OF POND IS BELOW GROUND LEVEL AND IS ACCESSIBLE BY EXISTING PUMP. APPLICANT REQUESTS OWRD WAIVE OUTLET PIPE CONDITION IN LIEU OF THE PUMP THAT IS ABLE TO EVACUATE THE ENTIRE STORAGE RESERVOIR
<input type="checkbox"/>	Submittal of annual water use report	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	Installation of a fish screen	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	Installation of a fish by-pass device	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	Installation of a fish passage	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input checked="" type="checkbox"/>	Installation of an outlet gate/pipe/ conduit	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
<input type="checkbox"/>	Submittal of a letter from ODFW that fish screen, fish by-pass device, and or fish passage is not required	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	Submit as-built plans and specification	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	Submittal of a letter from an engineer prior to storage	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input checked="" type="checkbox"/>	Other (Specify): MONITOR STREAMFLOW AT ROGUE R NR AGNESS GAGE AND DISCONTINUE STORAGE DIVERSIONS IF FLOWS ARE < 3500 CFS	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
<input checked="" type="checkbox"/>	Other (Specify): BEGIN CONSTRUCTION PRIOR TO PERMIT EXPIRATION DATE	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	EXISTING RESERVOIR ENLARGED IN 2022
<input checked="" type="checkbox"/>	Other (Specify): STORE PERMITTED VOLUME PRIOR TO PERMIT EXPIRATION DATE	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	2026

2b. If you have identified that you have NOT complied with Permit conditions, explain the reasons why and indicate a date certain, when you will be in compliance. SEE CHART-A RIGHTMOST COLUMN [OAR 690-315-0020(3)(e)]

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3. Provide evidence of physical work made toward completion of the water system, and of progress made toward making beneficial use of water within the permitted time period (CHART-B); and if applicable, within the time period of the most recent extension granted (CHART-C). CHART-B (below) must be completed for all Application for Extension of Time requests. *Use chronological order. Itemize each work item, and do not combine multiple work actions in one area.* (Planning, formulating a business plan, securing financing, letting contracts, purchasing but not installing equipment, surveying, clearing land, or planting crops *is not considered work in the development of the water system. Work accomplished under other water rights may not be considered work under this permit.*)

**CHART-B**

<b>DATE</b>	<b>WORK ACCOMPLISHED BEFORE PERMIT WAS ISSUED</b> <i>List any work done before the permit was issued – eg. well drilled.</i>	<b>COST*</b>
1960s/1970s	RESERVOIR CONSTRUCTED DECADES AGO BY PREVIOUS OWNER OF EGG FARM	\$1,000.00
<b>DATE</b>	<b>WORK ACCOMPLISHED AFTER PERMIT WAS ISSUED and PRIOR TO DATE SPECIFIED IN PERMIT FOR COMPLETE APPLICATION OF WATER</b> <i>List work/actions done during the permitted time period.</i>	<b>COST*</b>
12/16/2016	Date the permit was signed - find date above signature on last page of permit.	
	Date the permit specified complete application of water to the use shall be made- all permits contain this date.	
<b>DATE</b>	<b>WORK ACCOMPLISHED AFTER the date the permit specified complete application of water and prior to any previous extension order</b> <i>COMPETE ONLY IF THIS IS YOUR 1st APPLICATION FOR AN EXTENSION OF TIME: List work done after the date specified in the permit for complete application of water up to the date of this Application for Extension of Time.</i>	<b>COST*</b>
2022 to 2023	EXCAVATE / DEEPEN RESERVOIR	\$5,000.00
<b>Total Cost for Chart-B</b>		<b>\$6,000.00</b>

\* If exact cost is not known, you must provide your best estimate.

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4. If this is not your 1st Application for Extension of Time request, fill out CHART-C below in addition to CHART-B above. Use *chronological order*.

**CHART-C**

DATE	<b>WORK ACCOMPLISHED DURING THE LAST EXTENSION PERIOD</b> <i>List all work done during the last authorized extension period.</i>	COST*
	"Extended From" date for complete application of water used in the most recent Final Order on Extension of Time.	
	"Extended To" date for complete application of water resulting from the most recent Final Order on Extension of Time.	
DATE	<b>WORK ACCOMPLISHED AFTER THE LAST EXTENSION PERIOD EXPIRED</b> <i>List all work done after the last authorized date for complete application of water up to the date of this Application for Extension of Time.</i>	COST*
<b>Total Cost of Chart-C</b>		

\* If exact cost is not known, you must provide your best estimate. [OAR 690-315-0020(3)(f)]

5. Cost of project to date: \$6,000.00  
 (The total combined cost from CHART-B and CHART-C) [OAR 690-315-0020(f)]

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Provide evidence of the maximum rate (or duty, if applicable) of water diverted for beneficial use under this permit made to date.

*TIP:* Report the rate used to date. Unless full beneficial use has been made, this rate will be less than the rate authorized on the permit.

**6. For Surface Water Permit Extensions (e.g. S-XXXX or R-XXXX):**

*TIP:* Report the rate in the same units of measurement as specified in the permit.

Maximum rate used to date = \_\_\_\_\_ cfs (cubic feet per second) or,

Maximum rate used to date = \_\_\_\_\_ gpm (gallons per minute) or,

Maximum volume of stored water used to date = \_\_\_\_\_ AF or,

Maximum volume stored annually to date = 3 AF

**7. For Ground Water Permit Extensions (e.g. G-XXXX):**

*TIP:* Include information from ALL wells that pertain to this permit, including drilled wells not currently used.

**CHART-D**

Well # as identified on Permit	Water User's Well #	Has this well been drilled?	IF DRILLED					If yes, provide the Permit, Certificate, or Transfer No.
			Well Log Number e.g. MORR 50473	Well Tag Number e.g. # 27566 or N/A	Is the actual drilled location authorized on this permit or on a permit amendment?	Maximum instantaneous rate used to date from this well - under <u>this permit</u> only (CFS or GPM)	Is this well authorized or utilized under any OTHER water rights?	
		Yes <input type="checkbox"/> No <input type="checkbox"/>			Yes <input type="checkbox"/> No <input type="checkbox"/>		Yes <input type="checkbox"/> No <input type="checkbox"/>	- -
		Yes <input type="checkbox"/> No <input type="checkbox"/>			Yes <input type="checkbox"/> No <input type="checkbox"/>		Yes <input type="checkbox"/> No <input type="checkbox"/>	- -
		Yes <input type="checkbox"/> No <input type="checkbox"/>			Yes <input type="checkbox"/> No <input type="checkbox"/>		Yes <input type="checkbox"/> No <input type="checkbox"/>	- -
		Yes <input type="checkbox"/> No <input type="checkbox"/>			Yes <input type="checkbox"/> No <input type="checkbox"/>		Yes <input type="checkbox"/> No <input type="checkbox"/>	- -
		Yes <input type="checkbox"/> No <input type="checkbox"/>			Yes <input type="checkbox"/> No <input type="checkbox"/>		Yes <input type="checkbox"/> No <input type="checkbox"/>	- -
		Yes <input type="checkbox"/> No <input type="checkbox"/>			Yes <input type="checkbox"/> No <input type="checkbox"/>		Yes <input type="checkbox"/> No <input type="checkbox"/>	- -
		Yes <input type="checkbox"/> No <input type="checkbox"/>			Yes <input type="checkbox"/> No <input type="checkbox"/>		Yes <input type="checkbox"/> No <input type="checkbox"/>	- -
Total instantaneous rate from all wells utilized under this permit								

8. Has a Permit Amendment Application been filed? Yes  No   
If yes, identify Transfer No. T-\_\_\_\_\_

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[OAR 690-315-0020(3)(e)(C)]

**9. For Irrigation and Nursery Use Permits Extensions**

Provide the total number of acres irrigated to date under this permit.

a) Total acres irrigated to date: \_\_\_\_\_

b) List by year, the number of acres irrigated each year since permit issuance.

Year	Acres	Year	Acres	Year	Acres

c) Provide a copy of the application map identifying the acres irrigated.

d) Please specify the number of acres irrigated by each Point of Diversion/Point of Appropriation (POD/POA).

(POD/POA)# \_\_\_\_\_ Acres \_\_\_\_\_ (POD/POA) # \_\_\_\_\_ Acres \_\_\_\_\_

(POD/POA) # \_\_\_\_\_ Acres \_\_\_\_\_ (POD/POA) # \_\_\_\_\_ Acres \_\_\_\_\_

[OAR 690-315-0020(3)(i)(j)]

**10. In the chart below provide a summary of your future plans and schedule to complete the construction of the water system, and/or apply water to full beneficial use under the terms and conditions of the permit.**

**CHART-E**

APPROXIMATE DATE RANGE (projected)	WORK OR ACTION TO BE ACCOMPLISHED (projected)	ESTIMATED COST (projected)
2024-2026	WATER WILL BE STORED IN ENLARGED RESERVOIR DURING THE SPRING STORAGE SEASON (DEC-MAY) IN THE COMING YEARS. THREE YEARS POST-CONSTRUCTION REQUESTED FOR EXTENSION TO PROVIDE FOR VARIABLE HYDROLOGIC YEARS	\$0.00
Year: 2026	Date intend to apply water to full beneficial use under the terms and conditions of this permit.	
<b>Total Cost</b>		<b>\$0.00</b>

[OAR 690-315-0020(3)(g)]

**11. Estimated remaining cost to complete the project: 0**

*(The total cost from CHART-E)*

[OAR 690-315-0020(3)(j)]

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**12. Provide a summary of your plan to complete construction, meeting all permit conditions and apply the water to beneficial use:** *(List all tasks or steps needed to complete the project, the date when each task will be completed, and the cost associated with each task; attach additional pages if necessary.)* SEE DISCUSSION IN CHART-E

[OAR 690-315-0020(3)(k)]

**13. Justify the time requested to complete the project and/or apply the water to full beneficial use.** *(Include any other information or evidence to establish that the requested amount of time is sufficient and that you will be able to complete the project within the amount of time requested.)*

AT TIME OF PURCHASE OF PROPERTY IN 2019, APPLICANT WAS UNAWARE THAT WATER RIGHT PERMITS EXPIRED. APPLICANT WAS MADE AWARE OF THE FACT THIS PERMIT WAS PAST ITS EXPIRATION DATE BOTH THROUGH CONSULTATION WITH THEIR WATER RIGHTS ENGINEER, RICK PARSONS, AND FROM QUESTIONS RAISED DURING OWRD REVIEW OF THE APPLICATION (LL-1950) FOR A LIMITED LICENSE FOR THE USE OF THE STORED WATER DURING THE 2023 IRRIGATION SEASON.

[OAR 690-315--0020(3)(l)]

**14a. Will a denial of the extension result in undue hardship?** *(Describe the hardship and the effects.)* YES. THIS PROPERTY WAS HISTORICALLY AN EGG FARM WITH ABOUT 7 WELLS DRILLED AND USED FOR COMMERCIAL PURPOSES. PRECEDING PROPERTY OWNER APPLIED FOR A NURSERY RIGHT ON THE ~72-ACRE PROPERTY USING THOSE WELLS IN 2016 (APPLICATION NO. G-18350). A PFO WAS ISSUED IN MAY 2019 THAT HAS BEEN CONTESTED AND IS CURRENTLY AWAITING A CASE HEARING DATE IN FRONT OF AN ADMINISTRATIVE LAW JUDGE. WITHOUT ACCESS TO THE GROUND WATER FOR NURSERY IRRIGATION, THE SUBJECT RESERVOIR IS THE SOLE ONSITE SUPPLY READILY AVAILABLE FOR IRRIGATION USE. IF THE EXTENSION FOR THE STORAGE RIGHT WAS DENIED, APPLICANT MAY NEED TO TRUCK WATER ON TO THE PROPERTY FOR IRRIGATION USE AND THAT WOULD BE PROHIBITIVELY EXPENSIVE.

**14b. Are there any other reasonable alternatives that exist for meeting your water use needs?** *(Explain in detail, consider other potential sources of water, and describe their feasibility)* NO. SEE 14a ABOVE.

[OAR 690-315-0020(3)(h)]

**15. Was the delay in the timely completion of this water development project and/or timely application of water to full beneficial use caused by any additional government requirements, other than the conditions contained within the permit, which significantly delayed the completion and perfection of this right?** *(Explain in detail, including how much time did this delay the project; list dates.)* NO

[OAR 690-315-0020(3)(h)]

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**16. Describe any unforeseen events which contributed to the delay of completion of this project that you had no control over.** *(Explain in detail what the unforeseen events were (i.e. health issues, natural disaster) and how much time was spent addressing the unforeseen events. Delays caused by business decisions are not considered unforeseen events)* NONE, OTHER THAN LACK OF AWARENESS THAT PERMITS HAD EXPIRATION DATES.

[OAR 690-315-0020(3)(h)]

**17. Describe any additional reasons why the construction was not completed, and/or water was not beneficially used within permit time limits.** *(Provide supporting information for the reason(s) that best fits your circumstances.)*

\_\_\_\_\_

[OAR 690-315-0020(3)(m)(n)]

**18. Provide any other information you wish OWRD to consider while evaluating your Application for Extension of Time.**

\_\_\_\_\_

[OAR 690-315-0040(2)(f)]

**19. Will the income or use of the water project provide a fair and reasonable return on your investment?** *(Explain in detail)* YES. AS NOTED ABOVE, HAVING ACCESS TO WATER ONSITE IS NECESSARY FOR THE COST BENEFIT OF IRRIGATION OPERATIONS TO WORK OUT.

[OAR 690-315-0040(4)(d)]

**20. Describe in detail if there are other economic interest, beyond those of the permit holder, which are dependent upon the completion of this project.** *(Who will be effected and how?)*

\_\_\_\_\_

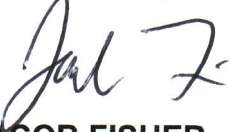
RECEIVED  
JUN 01 2023  
OWRD

MAY 31, 2023

TO WHOM IT MAY CONCERN:

THIS NOTICE IS TO DESIGNATE RICK PARSONS WITH PARSONSWATER CONSULTING AS AN AGENT ON BEHALF OF ROGUE FAMILY FARMS FOR THIS PERMIT EXTENSION REQUEST AND FOR ALL WATER RIGHTS AND WATER RELATED MATTERS INVOLVING ROGUE FAMILY FARMS.

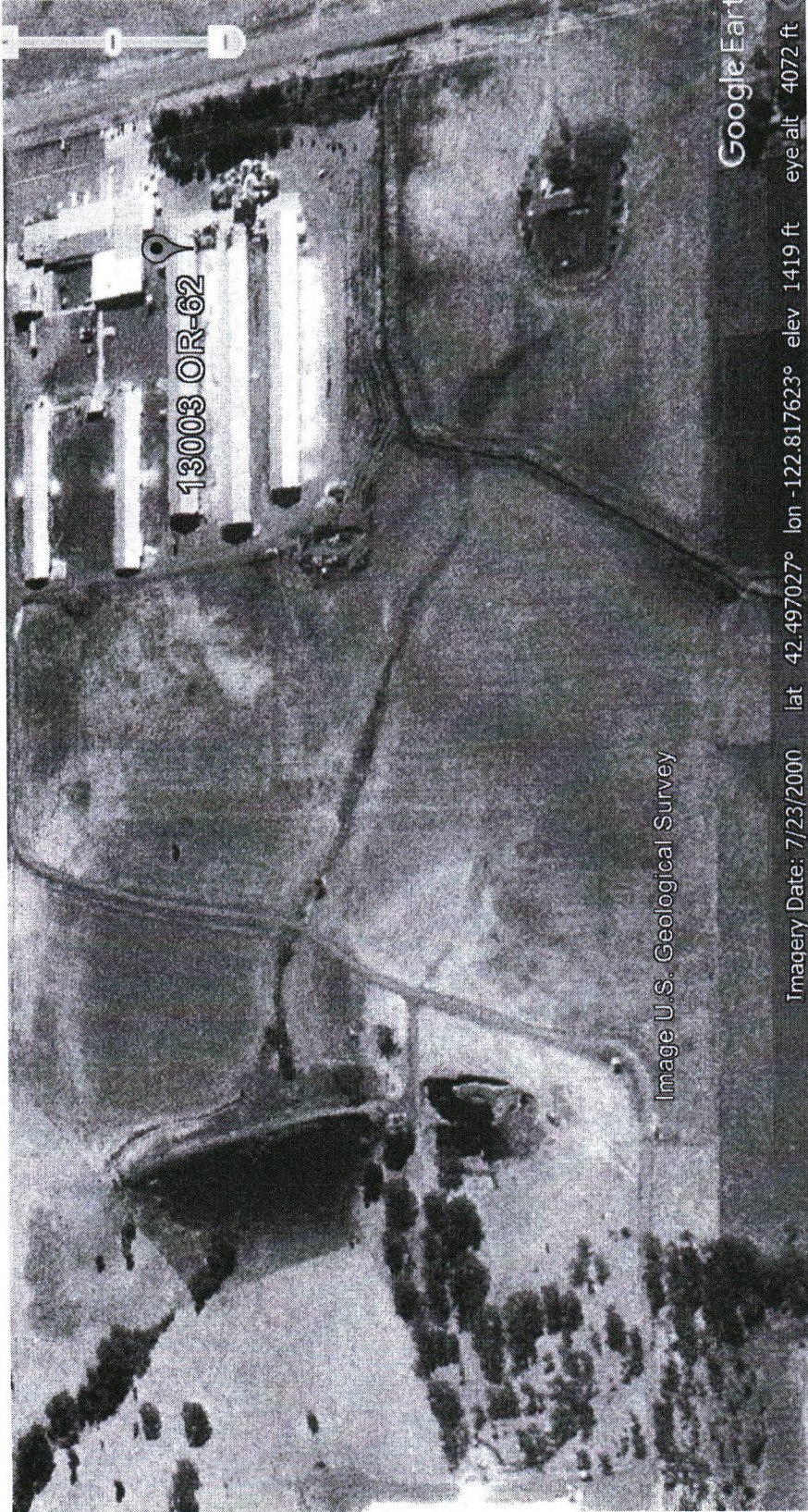
THANK YOU,

A handwritten signature in black ink, appearing to read "Jacob Fisher".

JACOB FISHER  
MANAGER, ROGUE FAMILY FARMS

RECEIVED  
JUN 01 2023  
OWRD





13003 OR-62

Image U.S. Geological Survey

Google Earth

Imagery Date: 7/23/2000 lat 42.497027° lon -122.817623° elev 1419 ft eye alt 4072 ft

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JUN 01 2023  
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RECEIVED

JUN 01 2023

OWRD

STATE OF OREGON

COUNTY OF JACKSON

PERMIT TO STORE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO:

ROSS HRNCIR; XP INVESTMENTS LLC  
PO BOX 966  
HALLETTSVILLE TX 77964

The specific limits and conditions of the use are listed below.

APPLICATION FILE NUMBER: R-88261

SOURCE OF WATER: RUNOFF, TRIBUTARY TO LITTLE BUTTE CREEK

STORAGE FACILITY: XP RESERVOIR

MAXIMUM VOLUME: 8.2 ACRE-FEET

DATE OF PRIORITY: JULY 15, 2016

WATER MAY BE APPROPRIATED AS FOLLOWS: DECEMBER 1 THROUGH MAY 31

USE: MULTIPLE PURPOSE

**Authorized Point of Diversion:**

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
35 S	1 W	WM	28	NE SE	463 FEET SOUTH AND 774 FEET WEST FROM E1/4 CORNER, SECTION 28

**The Area To Be Submerged:**

Twp	Rng	Mer	Sec	Q-Q
35 S	1 W	WM	28	NE SE

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Measurement devices, and recording/reporting of annual water storage conditions:

- A. The Director may require the permittee to install a staff gage that measures the entire range and stage between full reservoir level and dead-pool level in the reservoir. If no dead-pool, the gage must measure the full depth of the reservoir. If the Director notifies the permittee to install a staff gage, the permittee shall install such device within the period stated in the notice. Once installed, the permittee shall maintain the device in good working order and shall allow the watermaster access to the device.
- B. The Director may require the permittee to keep and maintain a record of the volume of water stored, and may require the permittee to report water-storage on a periodic schedule as established by the Director. In addition, the Director may require the permittee to report general water-use information, the periods of water use and the place and nature of use of water under the permit.
- C. The Director may provide an opportunity for the permittee to submit alternative measuring and reporting procedures for review and approval.

The storage of water allowed herein is subject to the installation and maintenance of an outlet pipe (with a minimum diameter of 8" for any in-channel reservoir). This requirement may be waived if the Department determines other means have been provided to evacuate water when necessary.

The permittee shall pass all live flow outside the storage season described above.

The Director may require the user to measure inflow and outflow, above and below the reservoir respectively, to ensure that live flow is not impeded outside the storage season. Measurement devices and their implementation must be acceptable to the Director, and the Director may require that data be recorded on a specified periodic basis and reported to the Department annually or more frequently.

The permittee shall not construct, operate or maintain any dam or artificial obstruction to fish passage in the channel of the subject stream without providing a fishway to ensure adequate upstream and downstream passage for fish, unless the permittee has requested and been granted a fish passage waiver by the Oregon Fish and Wildlife Commission. The permittee is hereby directed to contact an Oregon Department of Fish and Wildlife Fish Passage Coordinator, before beginning construction of any in-channel obstruction.

Notwithstanding that ODFW has made a determination that fish screens are not necessary at the time of permit issuance, the permittee may be required in the future to install, maintain, and operate fish-screening devices to prevent fish from entering the proposed diversion.

This permit allows an annual appropriation (not to exceed the specified volume). This permit does not provide for the appropriation of water for out-of-reservoir uses, the maintenance of the water level or maintaining a suitable freshwater condition. If any water is to be used for out-of-reservoir purposes, a secondary water right is required. If any additional live flow is to be appropriated to maintain either the water level or a suitable freshwater condition, an additional water right is required.

Diversion of water under this permit is contingent on designated scenic waterway flows being met downstream. The user is required to monitor streamflow at Rogue River near Agness, OR, gage 14372300, and discontinue diversion when the flows specified below are unmet at the gage. At the discretion of the Director, the location and nature of streamflow monitoring required to protect scenic waterway flows is subject to change. In addition, the watermaster may regulate diversion under this right if it is determined by the Department that the flows listed below are unmet at the gage.

Rogue Scenic Waterway	
Month	Minimum Flow (cfs)
January	3500
February	3500
March	3500
April	3500
May	3000
December	3500

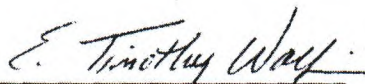
RECEIVED  
JUN 01 2023  
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#### STANDARD CONDITIONS

1. Failure to comply with any of the provisions of this permit may result in action including, but not limited to, restrictions on the use, civil penalties, or cancellation of the permit.
2. This permit is for the beneficial use of water without waste. The water user is advised that new regulations may require the use of best practical technologies or conservation practices to achieve this end.

3. By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.
4. The use of water allowed herein may be made only at times when sufficient water is available to satisfy all prior rights, including prior rights for maintaining instream flows.
5. If the riparian area is disturbed in the process of developing a point of diversion, the permittee shall be responsible for restoration and enhancement of such riparian area in accordance with ODFW's Fish and Wildlife Habitat Mitigation Policy OAR 635-415. For purposes of mitigation, the ODFW Fish and Wildlife Habitat Mitigation Goals and Standards, OAR Chapter 635, Division 415, shall be followed.
6. The use may be restricted if the quality of downstream waters decreases to the point that those waters no longer meet existing state or federal water quality standards due to reduced flows.
7. If the volume of the completed reservoir is 9.2 acre feet or more and a dam is used to impound the water, the height of the dam shall be less than 10.0 feet.
8. Construction of the water system shall begin within five years of the date of permit issuance. The deadline to begin construction may not be extended. This permit is subject to cancellation proceedings if the begin construction deadline is missed.
9. The permitted volume of water shall be stored within five years of the date of permit issuance. If additional time is needed, the permittee may submit an application for extension of time, which may be approved based upon the merit of the application.
10. Within one year after storage of water, the permittee shall submit a claim of beneficial use to the Oregon Water Resources Department.
11. The claim of beneficial use shall be prepared by a Certified Water Right Examiner in conformance with the requirements of OAR 690-014 if an associated secondary permit exists for the use of stored water under this permit, or if the reservoir capacity is equal to or greater than 9.2 acre-feet.
12. If no secondary permit exists and the reservoir capacity is less than 9.2 acre-feet of water, the claim of beneficial use need not be prepared by a Certified Water Right Examiner. The information submitted to the Oregon Water Resources Department shall include:
  - a. the dimensions of the reservoir;
  - b. the maximum capacity of the reservoir in acre-feet; and
  - c. a map identifying the location of the reservoir prepared in compliance with Departmental standards.

Issued DECEMBER 16 2016



E. Timothy Wallin, Water Rights Program Manager  
for Thomas M. Byler, Director

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# WATER RIGHT APPLICATION MAP

STORAGE WATER IN A RESERVOIR (ALTERNATE PROCESS) – MULTI  
FOR

XP INVESTMENTS LLC

PO BOX 966

HALLETTSVILLE, TX 77964

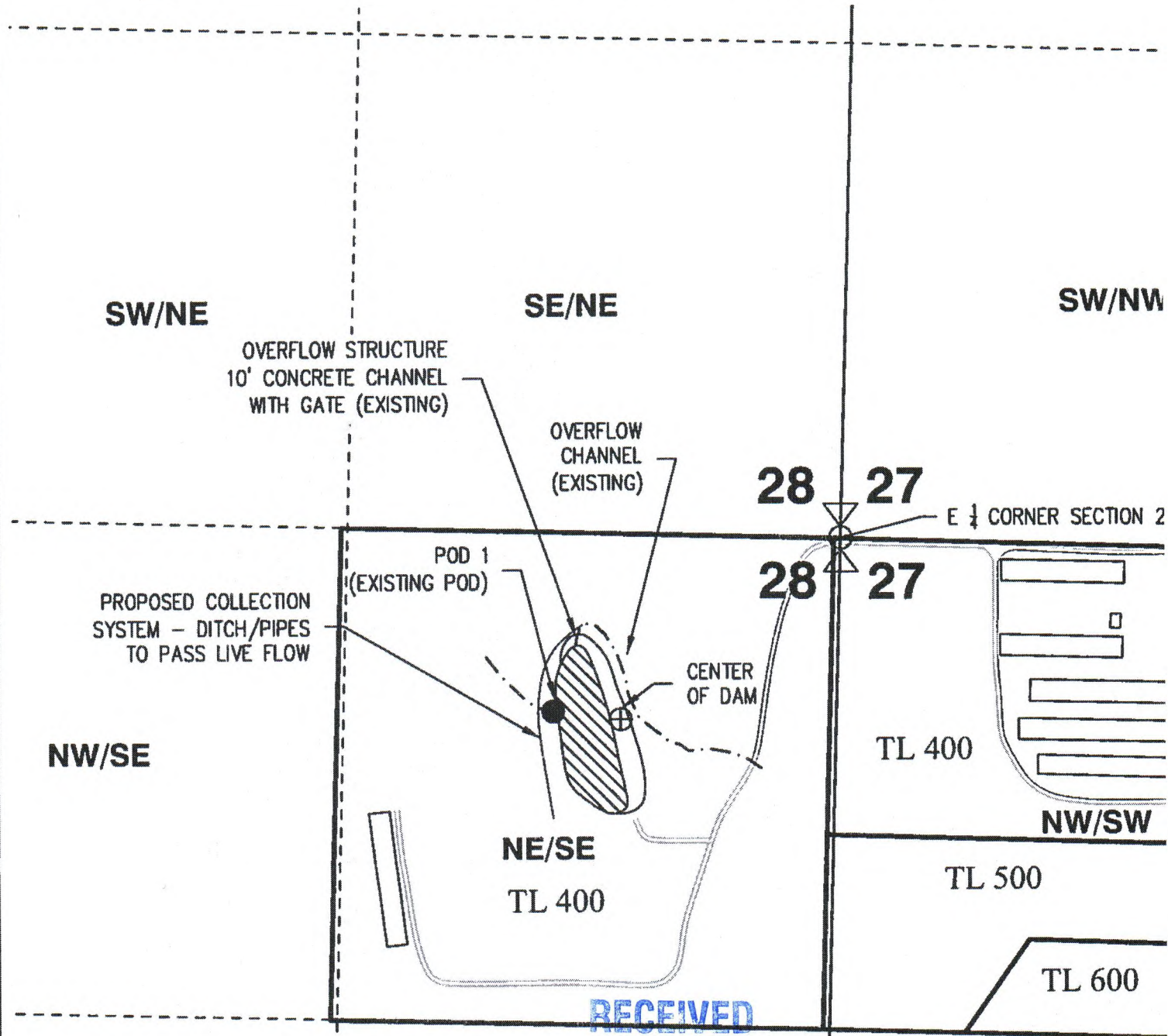
SITUATED IN

SECTION 28, TOWNSHIP 35 SOUTH, RANGE 1 WEST, W.M.  
JACKSON COUNTY, OREGON

RECEIVED BY OWRD

JUL 15 2016

SALEM, OR



RECEIVED

JUN 01 2023

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**STATE OF OREGON  
WATER RESOURCES DEPARTMENT**

725 Summer St. N.E. Ste. A

SALEM, OR 97301-4172

(503) 986-0900 / (503) 986-0904 (fax)

RECEIPT # **132460**

INVOICE # \_\_\_\_\_

RECEIVED FROM: Jacob Fisher  
BY: Rogue Family Farms LLC

APPLICATION	<u>R-88261</u>
PERMIT	
TRANSFER	

CASH:  CHECK:# 299 OTHER: (IDENTIFY)

TOTAL REC'D \$ 100.00

**1083 TREASURY 4170 WRD MISC CASH ACCT**

0407 COPIES \$ \_\_\_\_\_  
OTHER: (IDENTIFY) \$ \_\_\_\_\_

0243 I/S Lease \_\_\_\_\_ 0244 Muni Water Mgmt. Plan \_\_\_\_\_ 0245 Cons. Water \_\_\_\_\_

**4270 WRD OPERATING ACCT**

**MISCELLANEOUS**

0407 COPY & TAPE FEES \$ \_\_\_\_\_  
0410 RESEARCH FEES \$ \_\_\_\_\_  
0408 MISC REVENUE: (IDENTIFY) \$ \_\_\_\_\_  
TC162 DEPOSIT LIAB. (IDENTIFY) \$ \_\_\_\_\_  
0240 EXTENSION OF TIME \$ \_\_\_\_\_

**WATER RIGHTS:**

0201 SURFACE WATER	EXAM FEE	0202	RECORD FEE
0203 GROUND WATER	\$ _____	0204	\$ _____
0205 TRANSFER	\$ _____		

**WELL CONSTRUCTION**

0218 WELL DRILL CONSTRUCTOR	EXAM FEE	0219	LICENSE FEE
LANDOWNER'S PERMIT	\$ _____	0220	\$ _____

0250 OTHER (IDENTIFY) Assignment \$ 100.00

**0536 TREASURY 0437 WELL CONST. START FEE**

0211 WELL CONST START FEE \$ \_\_\_\_\_ CARD # \_\_\_\_\_  
0210 MONITORING WELLS \$ \_\_\_\_\_ CARD # \_\_\_\_\_  
OTHER (IDENTIFY) \_\_\_\_\_

**0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER**

0233 POWER LICENSE FEE (FW/WRD) \$ \_\_\_\_\_  
0231 HYDRO LICENSE FEE (FW/WRD) \$ \_\_\_\_\_  
HYDRO APPLICATION \$ \_\_\_\_\_

**TREASURY OTHER / RDX**

FUND \_\_\_\_\_ TITLE \_\_\_\_\_  
OBJ. CODE \_\_\_\_\_ VENDOR # \_\_\_\_\_  
DESCRIPTION \_\_\_\_\_ \$ \_\_\_\_\_

RECEIPT: **132460**

DATED: 5-6-2020 BY: [Signature]



# Oregon

Kate Brown, Governor

## Water Resources Department

North Mall Office Building

725 Summer St NE, Ste A

Salem, OR 97301

Phone: 503-986-0900

Fax: 503-986-0904

[www.Oregon.gov/OWRD](http://www.Oregon.gov/OWRD)

June 29, 2020

Jacob Fisher  
Rogue Family Farms, LLC  
1424 N. River Road  
Gold Hill, OR 97524

Reference: Application R-88261, Permit R-15198

The assignment from Ross Hrcir - XP Investments, LLC to Jacob Fisher – Rogue Family Farms, LLC have been recorded in the records of the Water Resources Department.

The Departments records will now show Jacob Fisher – Rogue Family Farms, LLC as the permit holder of record.

Our records have been changed accordingly and the original request is enclosed. Receipt number 132460 covering the recording fee is also enclosed.

A permit is not a perfected water right, and has conditions and timelines that must be satisfied prior to a Certificate of Water Right being issued. Please review the permit to be familiar with the conditions and timelines contained in the permit.

Please note that the permit requires complete application of water to the proposed use by December 16, 2021, and within one year after complete application of water to the proposed use, the permittee shall submit a claim of beneficial use, which includes a map and report, prepared by a Certified Water Rights Examiner (CWRE).

Sincerely,

Mary F. Bjork  
Water Rights Program Analyst  
Water Right Services Division

Enclosure: Original Request and Receipt # 132460

cc: Watermaster #13

Ross Hrcir - XP Investments, LLC – PO Box 966, Hallettsville, TX 77964  
Data Center, OWRD (cover letter & request)  
File







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

# Request for Assignment

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If the Department determines that the application is incomplete, fees have not been paid, or the required documents are not acceptable, the application and all fees submitted will be returned to the applicant.

If for multiple rights, a separate form and fee for each right will be required.

I, Ross Hrcir - XP Investments LLC  
 (Name of Current Holder of Record)  
 P.O Box 966 - Hallstsville, TX 77964 (361) 649-3780  
 (Mailing Address) (City) (State) (Zip) (Phone #)

- hereby assign all my interest in and to the entire application/permit/transfer/limited license/groundwater statement; (example, sold all the land authorized under the right)
- hereby assign all my interest in and to a portion of application/permit/transfer/limited license/groundwater statement; (You must include a map showing the portion of the application/permit/transfer order/limited license/groundwater statement to be assigned. Example, sold a portion of the land authorized under the right)
- hereby assign a portion of my interest in and to the entire application/permit/transfer/limited license/groundwater statement; (example, adding an additional person)

Application # R-88261; Permit # R-15198; Transfer # \_\_\_\_\_  
 Limited License # \_\_\_\_\_; Groundwater Statement # \_\_\_\_\_

as filed in the office of the Water Resources Director, to:

Jacob Fisher - Rogue Family Farms LLC  
 (Name of New Owner)  
 1424 N. River Road - Gold Hill, OR 97524 (660) 591-5891  
 (Mailing Address) (City) (State) (Zip) (Phone #)

**Note:** If there are other owners of the property described in the application, permit, transfer order, limited license, or groundwater statement, you must provide a list of all other owners' names and mailing addresses and attach it to this form. Write the initials (first letters) of your first and last names at the spot indicated below \_\_\_\_\_.

\_\_\_\_\_ I hereby certify that I have notified all other owners of the property described in this order, limited license, or groundwater statement of this Request of Assignment.

Witness my hand this 20 day of April, 2020  
 (Day) (Month) (Year)

Signature of Current Holder of Record \_\_\_\_\_

**Failure to provide any of the required information will result in the return of your application.**

ASSIGN - APPROVE  
 NOTB  
 7-11-2020

This certifies assignment and record change at Oregon Water Resources Department effective 8:00 a.m. on date of receipt at Salem, Oregon.  
 Fee receipt # 132460  
 For Director by Mary F. Bjork, Program Analyst in Water Rights Division. *Mary F. Bjork*

The completed "Request for Assignment" form **must** be submitted to the Department along with the recording fee of \$100.

# Mailing List for FO

Scheduled Mailing Date:

**Application:** R-88261

**Permit:** R-15198

**Original mailed to Applicant with CBU form:**

ROSS HRNCIR; XP INVESTMENTS LLC  
PO BOX 966  
HALLETTSVILLE TX 77964

**Copies of FO and map sent to:**

1. File R-88261
2. WRD - Hydrographics
3. Watermaster District 13, Travis N. Kelly
4. Region Manager: SW REGION
5. Eagle Point Irrigation District

**Copies of FO sent to other interested persons (CWRE, Agent, Commenter, etc.):**

1. EVAN MALEPSY  
ROGUE CIVIL LLC  
52 PINERIDGE LANE  
EAGLE POINT, OR 97524

<b>Copies Mailed</b>	
by:	<u>JP</u>
	(STAFF)
on:	<u>12-19-16</u>
	(DATE)

STATE OF OREGON

COUNTY OF JACKSON

PERMIT TO STORE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO:

ROSS HRNCIR; XP INVESTMENTS LLC  
PO BOX 966  
HALLETTSVILLE TX 77964

The specific limits and conditions of the use are listed below.

APPLICATION FILE NUMBER: R-88261

SOURCE OF WATER: RUNOFF, TRIBUTARY TO LITTLE BUTTE CREEK

STORAGE FACILITY: XP RESERVOIR

MAXIMUM VOLUME: 8.2 ACRE-FEET

DATE OF PRIORITY: JULY 15, 2016

WATER MAY BE APPROPRIATED AS FOLLOWS: DECEMBER 1 THROUGH MAY 31

USE: MULTIPLE PURPOSE

**Authorized Point of Diversion:**

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
35 S	1 W	WM	28	NE SE	463 FEET SOUTH AND 774 FEET WEST FROM E1/4 CORNER, SECTION 28

**The Area To Be Submerged:**

Twp	Rng	Mer	Sec	Q-Q
35 S	1 W	WM	28	NE SE

Measurement devices, and recording/reporting of annual water storage conditions:

- A. The Director may require the permittee to install a staff gage that measures the entire range and stage between full reservoir level and dead-pool level in the reservoir. If no dead-pool, the gage must measure the full depth of the reservoir. If the Director notifies the permittee to install a staff gage, the permittee shall install such device within the period stated in the notice. Once installed, the permittee shall maintain the device in good working order and shall allow the watermaster access to the device.
- B. The Director may require the permittee to keep and maintain a record of the volume of water stored, and may require the permittee to report water-storage on a periodic schedule as established by the Director. In addition, the Director may require the permittee to report general water-use information, the periods of water use and the place and nature of use of water under the permit.
- C. The Director may provide an opportunity for the permittee to submit alternative measuring and reporting procedures for review and approval.

The storage of water allowed herein is subject to the installation and maintenance of an outlet pipe (with a minimum diameter of 8" for any in-channel reservoir). This requirement may be waived if the Department determines other means have been provided to evacuate water when necessary.

The permittee shall pass all live flow outside the storage season described above.

The Director may require the user to measure inflow and outflow, above and below the reservoir respectively, to ensure that live flow is not impeded outside the storage season. Measurement devices and their implementation must be acceptable to the Director, and the Director may require that data be recorded on a specified periodic basis and reported to the Department annually or more frequently.

The permittee shall not construct, operate or maintain any dam or artificial obstruction to fish passage in the channel of the subject stream without providing a fishway to ensure adequate upstream and downstream passage for fish, unless the permittee has requested and been granted a fish passage waiver by the Oregon Fish and Wildlife Commission. The permittee is hereby directed to contact an Oregon Department of Fish and Wildlife Fish Passage Coordinator, before beginning construction of any in-channel obstruction.

Notwithstanding that ODFW has made a determination that fish screens are not necessary at the time of permit issuance, the permittee may be required in the future to install, maintain, and operate fish-screening devices to prevent fish from entering the proposed diversion.

This permit allows an annual appropriation (not to exceed the specified volume). This permit does not provide for the appropriation of water for out-of-reservoir uses, the maintenance of the water level or maintaining a suitable freshwater condition. If any water is to be used for out-of-reservoir purposes, a secondary water right is required. If any additional live flow is to be appropriated to maintain either the water level or a suitable freshwater condition, an additional water right is required.

Diversion of water under this permit is contingent on designated scenic waterway flows being met downstream. The user is required to monitor streamflow at Rogue River near Agness, OR, gage 14372300, and discontinue diversion when the flows specified below are unmet at the gage. At the discretion of the Director, the location and nature of streamflow monitoring required to protect scenic waterway flows is subject to change. In addition, the watermaster may regulate diversion under this right if it is determined by the Department that the flows listed below are unmet at the gage.

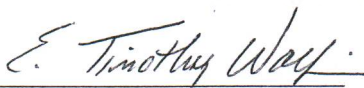
Rogue Scenic Waterway	
Month	Minimum Flow (cfs)
January	3500
February	3500
March	3500
April	3500
May	3000
December	3500

#### STANDARD CONDITIONS

1. Failure to comply with any of the provisions of this permit may result in action including, but not limited to, restrictions on the use, civil penalties, or cancellation of the permit.
2. This permit is for the beneficial use of water without waste. The water user is advised that new regulations may require the use of best practical technologies or conservation practices to achieve this end.

3. By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.
4. The use of water allowed herein may be made only at times when sufficient water is available to satisfy all prior rights, including prior rights for maintaining instream flows.
5. If the riparian area is disturbed in the process of developing a point of diversion, the permittee shall be responsible for restoration and enhancement of such riparian area in accordance with ODFW's Fish and Wildlife Habitat Mitigation Policy OAR 635-415. For purposes of mitigation, the ODFW Fish and Wildlife Habitat Mitigation Goals and Standards, OAR Chapter 635, Division 415, shall be followed.
6. The use may be restricted if the quality of downstream waters decreases to the point that those waters no longer meet existing state or federal water quality standards due to reduced flows.
7. If the volume of the completed reservoir is 9.2 acre feet or more and a dam is used to impound the water, the height of the dam shall be less than 10.0 feet.
8. Construction of the water system shall begin within five years of the date of permit issuance. The deadline to begin construction may not be extended. This permit is subject to cancellation proceedings if the begin construction deadline is missed.
9. The permitted volume of water shall be stored within five years of the date of permit issuance. If additional time is needed, the permittee may submit an application for extension of time, which may be approved based upon the merit of the application.
10. Within one year after storage of water, the permittee shall submit a claim of beneficial use to the Oregon Water Resources Department.
11. The claim of beneficial use shall be prepared by a Certified Water Right Examiner in conformance with the requirements of OAR 690-014 if an associated secondary permit exists for the use of stored water under this permit, or if the reservoir capacity is equal to or greater than 9.2 acre-feet.
12. If no secondary permit exists and the reservoir capacity is less than 9.2 acre-feet of water, the claim of beneficial use need not be prepared by a Certified Water Right Examiner. The information submitted to the Oregon Water Resources Department shall include:
  - a. the dimensions of the reservoir;
  - b. the maximum capacity of the reservoir in acre-feet; and
  - c. a map identifying the location of the reservoir prepared in compliance with Departmental standards.

Issued DECEMBER 16 2016



*E. Timothy Wallin*

E. Timothy Wallin, Water Rights Program Manager  
for Thomas M. Byler, Director

# WATER RIGHT APPLICATION MAP

STORAGE WATER IN A RESERVOIR (ALTERNATE PROCESS) – MULTIPURPOSE  
FOR

XP INVESTMENTS LLC  
PO BOX 966  
HALLETTVILLE, TX 77964  
SITUATED IN

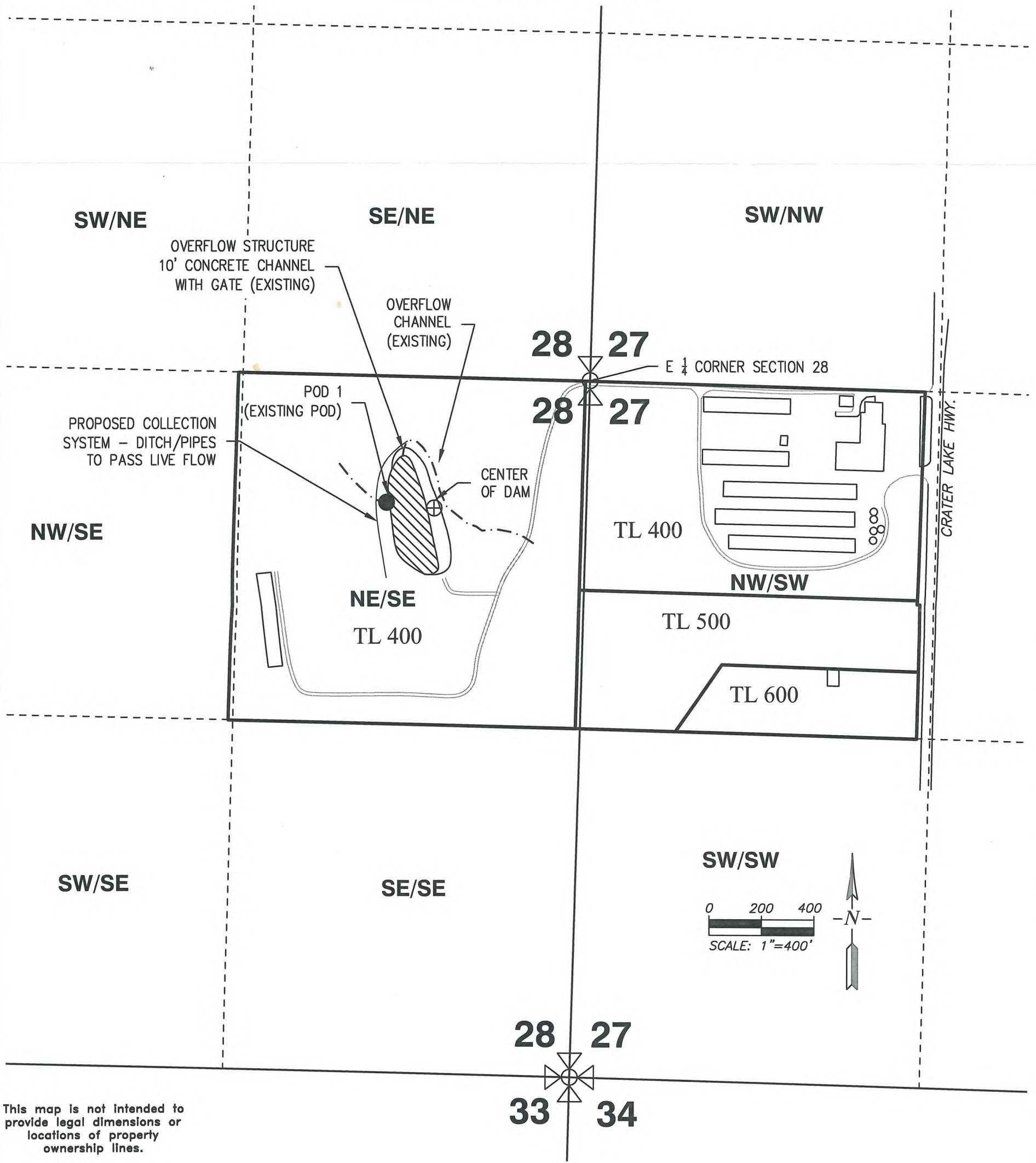
SECTION 28, TOWNSHIP 35 SOUTH, RANGE 1 WEST, W.M.  
JACKSON COUNTY, OREGON

RECEIVED BY OWRD

JUL 15 2016

SALEM, OR

R-88261/R-15198



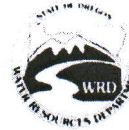
This map is not intended to provide legal dimensions or locations of property ownership lines.

EHM-June 29, 2016

## LEGEND

- |   |  |
|---|--|
| <ul style="list-style-type: none"> <li>● POINT OF DIVERSION (EXISTING)</li> <li>POD 1:<br/>463' SOUTH AND 774' WEST OF<br/>E 1/4 CORNER SECTION 28</li> <li>⊕ CENTER OF DAM (EXISTING)<br/>484' SOUTH AND 593' WEST OF<br/>E 1/4 CORNER SECTION 28</li> </ul> | <ul style="list-style-type: none"> <li> EXISTING RESERVOIR (XP RESERVOIR)</li> <li>----- 1/4-1/4 SECTION LINE</li> <li>- - - - - EXISTING DRAINAGES</li> </ul> |
|---|--|

# 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

Applicant: Ross Hrncir (XP Investments LLC)  
First Last

Mailing Address: PO Box 966

Hallettsville TX 77964 Daytime Phone: (361) 649-3780  
City State Zip

## A. Land and Location

Please include the following information for all tax lots where water will be diverted (taken from its source), conveyed (transported), and/or used or developed. Applicants for municipal use, or irrigation uses within irrigation districts may substitute existing and proposed service-area boundaries for the tax-lot information requested below.

Township	Range	Section	¼ ¼	Tax Lot #	Plan Designation (e.g., Rural Residential/RR-5)	Water to be:			Proposed Land Use:
						Diverted	Conveyed	Used	
35S	1W	28	NE/SE	400	EFU	<input checked="" type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	Agricultural
						<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used	
						<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used	
						<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used	

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

Jackson

## B. Description of Proposed Use

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

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

Source of water:  Reservoir/Pond  
 Ground Water  
 Surface Water (name) Runoff and unnamed drainage

Estimated quantity of water needed: 8.2  cubic feet per second  
 gallons per minute  
 acre-feet

Intended use of water:  Irrigation  
 Commercial  
 Industrial  
 Domestic for household(s)  
 Municipal  
 Quasi-Municipal  
 Instream  
 Other Multipurpose Reservoir

Briefly describe:

The applicant wishes to obtain a water right to store runoff in an existing reservoir. The proposed use is "multipurpose."

**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. →

**RECEIVED**

DEC 01 2016

WATER RESOURCES DEPT  
 SALEM, OREGON

## For Local Government Use Only

The following section must be completed by a planning official from each county and city listed unless the project will be located entirely within the city limits. In that case, only the city planning agency must complete this form. This deals only with the local land-use plan. Do not include approval for activities such as building or grading permits.

**Please check the appropriate box below and provide the requested information**

Land uses to be served by the proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): \_\_\_\_\_

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

Type of Land-Use Approval Needed (e.g., plan amendments, rezones, conditional-use permits, etc.)	Cite Most Significant, Applicable Plan Policies & Ordinance Section References	Land-Use Approval:	
Type I, Land Use Interpretation	Section 13.13	<input checked="" 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.

Applicant has obtained Type I land use Interpretation, local land use approval through file # 439-16-01858-Z01

Name: Kate J McConwire Title: Planner I  
 Signature: [Signature] Phone: 541.774.6927 Date: 11/30/2016  
 Government Entity: Jackson County Planning

**Note to local government representative:** Please complete this form or sign the receipt below and return it to the applicant. If you sign the receipt, you will have 30 days from the Water Resources Department's notice date to return the completed Land Use Information Form or WRD may presume the land use associated with the proposed use of water is compatible with local comprehensive plans.

**Receipt for Request for Land Use Information**

Applicant name: \_\_\_\_\_  
 City or County: \_\_\_\_\_ Staff contact: \_\_\_\_\_  
 Signature: \_\_\_\_\_ Phone: \_\_\_\_\_ Date: \_\_\_\_\_

RECEIVED

DEC 01 2016



# Mailing List for FO

Scheduled Mailing Date:

**Application:** R-88261

**Permit:** DRAFT

**Original mailed to Applicant with CBU form:**

ROSS HRNCIR; XP INVESTMENTS LLC  
PO BOX 966  
HALLETTSVILLE TX 77964

**Copies of FO and map sent to:**

1. File R-88261
2. WRD - Hydrographics
- ~~3. Watermaster District 13, Travis N. Kelly~~
4. Region Manager: SW REGION
5. Eagle Point Irrigation District

**Copies of FO sent to other interested persons (CWRE, Agent, Commenter, etc.):**

1. EVAN MALEPSY  
ROGUE CIVIL LLC  
52 PINERIDGE LANE  
EAGLE POINT, OR 97524

<b>Copies Mailed</b>	
by:	<u>SP</u> (STAFF)
on:	<u>10-27-16</u> (DATE)

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

In the Matter of Water Rights Application        )  
R-88261, Jackson County                            )

FINAL ORDER  
APPROVING THE STORAGE OF  
SURFACE WATER

**Authority**

Oregon Revised Statutes (ORS) 537.409 establishes the process by which an application to store waters of the public may be submitted.

**Findings of Fact**

1. On JULY 15, 2016, ROSS HRNCIR; XP INVESTMENTS LLC submitted an application for a permit to store water pursuant to ORS 537.409.  
Storage Capacity: 8.2 ACRE-FEET  
Dam Height: LESS THAN 10 FEET  
Source: RUNOFF, TRIBUTARY TO LITTLE BUTTE CREEK  
Location: JACKSON COUNTY IN SECTION 28, TOWNSHIP 35 S, RANGE 1 W, W.M.
2. The required examination fees were paid and minimum application requirements were met.
3. The Department provided public notice of the application in the Department's weekly public notice on July 26, 2016. A 60-day comment period followed.
4. The Department has not received public comment related to the possible issuance of the attached draft permit.
5. The Department has determined that the proposed source has not been withdrawn from further appropriation.
6. The proposed reservoir is not prohibited under ORS 390.835.
7. Water is available for the proposed use according to the Department's water-availability model and the watermaster's assessment.

**APPEAL RIGHTS**

**Appeal to a circuit court:** This is a final order in other than a contested case. Any party affected by a final order in other than a contested case issued by the Water Resources Commission or Water Resources Department may appeal the order to the appropriate circuit court (ORS 536.075). A petition for judicial review must be filed within the 60-day time period specified by ORS 183.484 (2).

**Petition to the Department for Reconsideration of the Final Order:** A person entitled to judicial review of this order may also file a petition for the Department's reconsideration of the order. The petition for reconsideration must be filed with the Department within 60 calendar days after the date of the order. A copy of the petition must also be delivered or mailed to all other persons and agencies requiring notification under statute or rule (OAR 137-004-0080). The petition must set forth the specific grounds for reconsideration, and may be supported by a written argument. The petition may include a request for a stay of the order if the petition complies with the requirements of OAR 137-003-0090 (2). The Department may grant or deny the petition by summary order. If the Department takes no action, the petition is deemed denied as provided by ORS 183.484 (2). A final order remains in effect during reconsideration until stayed or changed. Following reconsideration, the agency must enter a new order, which may be an order affirming the existing order (OAR 137-004-0080). Reconsideration cannot be granted after the filing of a petition for judicial review, unless permitted by the court (OAR 137-004-0080 (6)).

ORS 537.409 does not provide an opportunity to request a contested-case hearing. Appeal rights on this final order approving the application are limited to the above procedures.

8. The Department finds that existing water rights would not be injured by the proposed use.
9. The Department relies on the Oregon Department of Fish and Wildlife's review and recommendations in determining whether a proposed use would pose a significant detrimental impact to existing fishery resources. The Department has determined that, as conditioned, the proposed use will not pose a significant detrimental impact to existing fishery resources.

#### Conclusions of Law

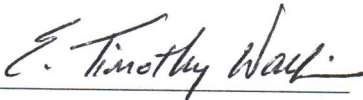
1. Water is available for the proposed use.
2. The proposed use will not injure existing water rights.
3. The proposed use will not pose a significant detrimental impact to existing fishery resources.
4. Application R-88261 is consistent with the requirements of ORS 537.409.

#### Now Therefore, it is Ordered:

Application R-88261 is approved. **Upon receipt of a signed land use form, a permit shall be issued authorizing the proposed water use.** Failure to meet this requirement within 60 days from the date of this Final Order may result in the proposed rejection of the application.

*If you need to request additional time, your written request should be received in the Salem office of the Department within 60 days of this Final Order. The Department will evaluate the request and determine whether or not the request may be approved.*

Dated at Salem, Oregon on OCTOBER 27 2016



E. Timothy Wallin, Water Rights Program Manager  
for Thomas M. Byler, Director

This order was produced by Scott Grew. If you have any questions about any of the statements contained in this document, I can be reached at 503-986-0899 or [scott.a.grew@wrdd.state.or.us](mailto:scott.a.grew@wrdd.state.or.us).

If you have other questions about the Department or any of its programs please contact our Customer Service Group at 503-986-0801. Address all other correspondence to: Water Rights Section, Oregon Water Resources Department, 725 Summer St NE, Suite A, Salem OR 97301-1266, Fax: 503-986-0901.

STATE OF OREGON

COUNTY OF JACKSON

DRAFT PERMIT TO STORE PUBLIC WATERS

THIS DRAFT PERMIT IS HEREBY ISSUED TO:

ROSS HRNCIR; XP INVESTMENTS LLC)  
PO BOX 966  
HALLETTSVILLE TX 77964

The specific limits and conditions of the use are listed below.

APPLICATION FILE NUMBER: R-88261

SOURCE OF WATER: RUNOFF, TRIBUTARY TO LITTLE BUTTE CREEK

STORAGE FACILITY: XP RESERVOIR

MAXIMUM VOLUME: 8.2 ACRE-FEET

DATE OF PRIORITY: JULY 15, 2016

WATER MAY BE APPROPRIATED AS FOLLOWS: DECEMBER 1 THROUGH MAY 31

USE: MULTIPLE PURPOSE

**Authorized Point of Diversion:**

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
35 S	1 W	WM	28	NE SE	463 FEET SOUTH AND 774 FEET WEST FROM E1/4 CORNER, SECTION 28

**The Area To Be Submerged:**

Twp	Rng	Mer	Sec	Q-Q
35 S	1 W	WM	28	NE SE

Measurement devices, and recording/reporting of annual water storage conditions:

- A. The Director may require the permittee to install a staff gage that measures the entire range and stage between full reservoir level and dead-pool level in the reservoir. If no dead-pool, the gage must measure the full depth of the reservoir. If the Director notifies the permittee to install a staff gage, the permittee shall install such device within the period stated in the notice. Once installed, the permittee shall maintain the device in good working order and shall allow the watermaster access to the device.
- B. The Director may require the permittee to keep and maintain a record of the volume of water stored, and may require the permittee to report water-storage on a periodic schedule as established by the Director. In addition, the Director may require the permittee to report general water-use information, the periods of water use and the place and nature of use of water under the permit.

- C. The Director may provide an opportunity for the permittee to submit alternative measuring and reporting procedures for review and approval.

The storage of water allowed herein is subject to the installation and maintenance of an outlet pipe (with a minimum diameter of 8" for any in-channel reservoir). This requirement may be waived if the Department determines other means have been provided to evacuate water when necessary.

The permittee shall pass all live flow outside the storage season described above.

The Director may require the user to measure inflow and outflow, above and below the reservoir respectively, to ensure that live flow is not impeded outside the storage season. Measurement devices and their implementation must be acceptable to the Director, and the Director may require that data be recorded on a specified periodic basis and reported to the Department annually or more frequently.

The permittee shall not construct, operate or maintain any dam or artificial obstruction to fish passage in the channel of the subject stream without providing a fishway to ensure adequate upstream and downstream passage for fish, unless the permittee has requested and been granted a fish passage waiver by the Oregon Fish and Wildlife Commission. The permittee is hereby directed to contact an Oregon Department of Fish and Wildlife Fish Passage Coordinator, before beginning construction of any in-channel obstruction.

Notwithstanding that ODFW has made a determination that fish screens are not necessary at the time of permit issuance, the permittee may be required in the future to install, maintain, and operate fish-screening devices to prevent fish from entering the proposed diversion.

This permit allows an annual appropriation (not to exceed the specified volume). This permit does not provide for the appropriation of water for out-of-reservoir uses, the maintenance of the water level or maintaining a suitable freshwater condition. If any water is to be used for out-of-reservoir purposes, a secondary water right is required. If any additional live flow is to be appropriated to maintain either the water level or a suitable freshwater condition, an additional water right is required.

Diversion of water under this permit is contingent on designated scenic waterway flows being met downstream. The user is required to monitor streamflow at Rogue River near Agness, OR, gage 14372300, and discontinue diversion when the flows specified below are unmet at the gage. At the discretion of the Director, the location and nature of streamflow monitoring required to protect scenic waterway flows is subject to change. In addition, the watermaster may regulate diversion under this right if it is determined by the Department that the flows listed below are unmet at the gage.

Rogue Scenic Waterway	
Month	Minimum Flow (cfs)
January	3500
February	3500
March	3500
April	3500
May	3000
December	3500

## STANDARD CONDITIONS

1. Failure to comply with any of the provisions of this permit may result in action including, but not limited to, restrictions on the use, civil penalties, or cancellation of the permit.
2. This permit is for the beneficial use of water without waste. The water user is advised that new regulations may require the use of best practical technologies or conservation practices to achieve this end.
3. By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.
4. The use of water allowed herein may be made only at times when sufficient water is available to satisfy all prior rights, including prior rights for maintaining instream flows.
5. If the riparian area is disturbed in the process of developing a point of diversion, the permittee shall be responsible for restoration and enhancement of such riparian area in accordance with ODFW's Fish and Wildlife Habitat Mitigation Policy OAR 635-415. For purposes of mitigation, the ODFW Fish and Wildlife Habitat Mitigation Goals and Standards, OAR Chapter 635, Division 415, shall be followed.
6. The use may be restricted if the quality of downstream waters decreases to the point that those waters no longer meet existing state or federal water quality standards due to reduced flows.
7. If the volume of the completed reservoir is 9.2 acre feet or more and a dam is used to impound the water, the height of the dam shall be less than 10.0 feet.
8. Construction of the water system shall begin within five years of the date of permit issuance. The deadline to begin construction may not be extended. This permit is subject to cancellation proceedings if the begin construction deadline is missed.
9. The permitted volume of water shall be stored within five years of the date of permit issuance. If additional time is needed, the permittee may submit an application for extension of time, which may be approved based upon the merit of the application.
10. Within one year after storage of water, the permittee shall submit a claim of beneficial use to the Oregon Water Resources Department.
11. The claim of beneficial use shall be prepared by a Certified Water Right Examiner in conformance with the requirements of OAR 690-014 if an associated secondary permit exists for the use of stored water under this permit, or if the reservoir capacity is equal to or greater than 9.2 acre-feet.
12. If no secondary permit exists and the reservoir capacity is less than 9.2 acre-feet of water, the claim of beneficial use need not be prepared by a Certified Water Right Examiner. The information submitted to the Oregon Water Resources Department shall include:
  - a. the dimensions of the reservoir;
  - b. the maximum capacity of the reservoir in acre-feet; and
  - c. a map identifying the location of the reservoir prepared in compliance with Departmental standards.

Issued \_\_\_\_\_ 2016

**DRAFT – NOT A PERMIT**

---

E. Timothy Wallin, Water Rights Program Manager  
*for* Thomas M. Byler, Director

# ORS 537.409 ALTERNATE RESERVOIR CHECKLIST

**FILE #:** R-88261  
**WM DIST:** 13  
**REGION:** SWR  
**WID #:** 15 - 263  
**PUBLIC NOTICE:** 7/26/2016

Res name: XP Reservoir Use: Multipurpose

Volume: 8.2 Af Dam height:  zero  < 10 ft  12 ft

\*  **Land use**  allowed outright  not approved  being pursued  county notified  **needed**  NA

Stream **withdrawn**  Yes  No

**SWW**  Out  In (may not be allowed)  Above\* Rogue Scenic Waterway  
 \*Make sure to add SWW language from S:\groups\wr\Resource Center\language\Scenic Waterway gages-language

**Electronic/written comments?**  No  Yes \_\_\_\_\_ **Comment eval?**  N/A  No  Yes

**App w/in a District boundary**  No  Yes, cc: Eagle Point IR District

**In Umatilla**  No  Yes - cc: Confederated Tribes of the Umatilla Indian Reservation, Nixyaawii Governance Center  
 46411 Timine Way, Pendleton, Oregon 97801

**Water available:** dec - may

**Allowed season:** IAN FEB MAR APR MAY JUN JUL AUG SEP OCT NOV DEC

**Measurement Conditions:**  Small ( $\leq 9.2$  af) |  Medium ( $> 9.2$ , but  $< 100$  af) |  Large ( $\geq 100$  af or govt. entity)  
 \*use  staff gage if source is runoff or if res is in-channel

**Other Conditions:** use  fishmay if ODFW doesn't request screen/by-pass condition \_\_\_\_\_

**Fees Paid?**  Yes  No, need: \_\_\_\_\_  
 (\$300 base, \$25 per af, & \$400 recording) **OR** (\$350 base, \$30 per af, & \$450 recording)

Base (\$300 or \$350)	<u>350</u>	Recording Fee (\$400 or \$450)	<u>450</u>
AF (\$25, or \$30 per af)	<u>270</u>		
Total Exam Fees	<u>620</u>		
Exam Fees Paid	<u>620</u>	Recording Fee Paid	<u>450</u>

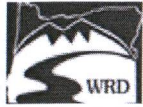
FO w/ permit # \_\_\_\_\_

**FO w/ draft permit; still needed:**  
 fees  
 easement  
 land use

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

Completed by Sy on 9/27/2016. Peer review: bp





Oregon Water Resources Department  
Water Rights with Coincident Places of Use

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

## Place of Use Conflict Report

The following rights have acreage in the same quarter-quarter as App: R 88261 \*

Right	Name	Decree	App	Permit Cert	Priority	Status	Use	T-R-S-QQ	DLC	Gov't Lot	Acres
APP G 18350	ROSS HRNCIR		G-18350		7/22/2016	NC	NU	35.00S-01.00W-28-NESE			38.9000

*hmm...*



# Oregon Water Resources Department Point of Diversion Characteristics

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

## Point of Diversion Characteristics

Right:	App: R 88261 *
Name:	XP INVESTMENTS LLC ROSS HRNCIR

**TRSQQ: 35.00S-01.00W-28-NESE**

County: Jackson  
 Basin: Rogue  
 WM District: 13  
 WM Region: SW  
 Withdrawn Area:

*MIT 205*

WAB: LITTLE BUTTE CR > ROGUE R - AT MOUTH (263)

Priority WAB: LITTLE BUTTE CR @ mouth (OWRD: Very good, ODFW: Highest)  
(263)

Rule 4D:  
 Groundwater Restricted  
 Area:  
 Scenic Water Way: ABOVE The Rogue Scenic Waterway  
 Division 33: STATEWIDE  
 Water Quality Limited:



# Water Availability Analysis

LITTLE BUTTE CR > ROGUE R - AT MOUTH  
ROGUE BASIN

Water Availability as of 9/27/2016

Watershed ID #: 263 [\(Map\)](#)

Date: 9/27/2016

Exceedance Level: 50%

Time: 2:31 PM

[Download Data](#)

## Water Availability

Select any Watershed for Details

Nesting Order	Watershed ID #	Stream Name	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Sto
1	266	ROGUE R> PACIFIC OCEAN- AT MOUTH	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	No	Yes	Yes	Yes	Yes
2	31531008	ROGUE R> PACIFIC OCEAN- AB SHASTA COSTA CR	Yes	Yes	Yes	Yes	Yes	Yes	No	No	No	No	No	Yes	Yes
3	31531001	ROGUE R> PACIFIC OCEAN- AB MEADOW CR	Yes	Yes	Yes	Yes	Yes	Yes	No	No	No	No	No	Yes	Yes
4	31531002	ROGUE R> PACIFIC OCEAN- AB GRAVE CR	Yes	Yes	Yes	Yes	Yes	No	No	No	No	No	No	Yes	Yes
5	31530801	ROGUE R> PACIFIC OCEAN- AB APPLGATE R	Yes	Yes	Yes	Yes	Yes	No	No	No	No	No	No	Yes	Yes
6	268	ROGUE R> PACIFIC OCEAN- AB FALL CR	Yes	Yes	Yes	Yes	Yes	No	No	No	No	No	No	Yes	Yes
7	270	ROGUE R> PACIFIC OCEAN- AB CURRY G AT GAGE 14359000	Yes	Yes	Yes	Yes	Yes	No	No	No	No	No	No	Yes	Yes
8	263	LITTLE BUTTE CR> ROGUE R- AT MOUTH	Yes	Yes	Yes	Yes	Yes	No	No	No	No	No	No	Yes	Yes

## Limiting Watersheds

Monthly Streamflow in Cubic Feet per Second  
Annual Volume at 50% Exceedance in Acre-Feet

Month	Limiting Watershed ID #	Stream Name	Water Available?	Net Water Available
JAN	263	LITTLE BUTTE CR > ROGUE R - AT MOUTH	Yes	187.00
FEB	263	LITTLE BUTTE CR > ROGUE R - AT MOUTH	Yes	251.00
MAR	263	LITTLE BUTTE CR > ROGUE R - AT MOUTH	Yes	252.00
APR	263	LITTLE BUTTE CR > ROGUE R - AT MOUTH	Yes	340.00
MAY	263	LITTLE BUTTE CR > ROGUE R - AT MOUTH	Yes	208.00
JUN	31531002	ROGUE R > PACIFIC OCEAN - AB GRAVE CR	No	-286.00
JUL	31531002	ROGUE R > PACIFIC OCEAN - AB GRAVE CR	No	-848.00
AUG	31531002	ROGUE R > PACIFIC OCEAN - AB GRAVE CR	No	-1,570.00
SEP	31531002	ROGUE R > PACIFIC OCEAN - AB GRAVE CR	No	-1,460.00
OCT	31531002	ROGUE R > PACIFIC OCEAN - AB GRAVE CR	No	-409.00
NOV	31531002	ROGUE R > PACIFIC OCEAN - AB GRAVE CR	No	-1,730.00
DEC	263	LITTLE BUTTE CR > ROGUE R - AT MOUTH	Yes	94.10
ANN	263	LITTLE BUTTE CR > ROGUE R - AT MOUTH	Yes	79,900.00

## Detailed Reports for Watershed ID #266

ROGUE R > PACIFIC OCEAN - AT MOUTH  
ROGUE BASIN

Water Availability as of 9/27/2016

Watershed ID #: 266 [\(Map\)](#)

Date: 9/27/2016

Exceedance Level: 50%

Time: 2:31 PM

### Water Availability Calculation

Monthly Streamflow in Cubic Feet per Second  
Annual Volume at 50% Exceedance in Acre-Feet

Month	Natural Stream Flow	Consumptive Uses and Storages	Expected Stream Flow	Reserved Stream Flow	Instream Flow Requirement	Net Water Available
JAN	13,100.00	1,090.00	12,000.00	0.00	3,500.00	8,510.00
FEB	16,900.00	2,490.00	14,400.00	0.00	3,500.00	10,900.00
MAR	13,900.00	2,240.00	11,700.00	0.00	3,500.00	8,160.00
APR	11,700.00	1,510.00	10,200.00	0.00	3,500.00	6,690.00
MAY	8,190.00	443.00	7,750.00	0.00	3,000.00	4,750.00
JUN	4,890.00	508.00	4,380.00	0.00	2,700.00	1,680.00
JUL	2,690.00	568.00	2,120.00	0.00	2,000.00	122.00
AUG	1,980.00	506.00	1,470.00	0.00	2,400.00	-926.00
SEP	1,930.00	409.00	1,520.00	0.00	2,400.00	-879.00
OCT	2,420.00	259.00	2,160.00	0.00	1,600.00	561.00
NOV	5,040.00	305.00	4,730.00	0.00	3,500.00	1,230.00
DEC	12,300.00	571.00	11,700.00	0.00	3,500.00	8,230.00
ANN	5,700,000.00	652,000.00	5,050,000.00	0.00	2,120,000.00	3,050,000.00

### Detailed Report of Consumptive Uses and Storage

Consumptive Uses and Storages in Cubic Feet per Second

Month	Storage	Irrigation	Municipal	Industrial	Commercial	Domestic	Agricultural	Other	Total
JAN	757.00	0.07	323.00	3.69	0.02	8.14	2.29	0.02	1,090.00
FEB	2,080.00	0.07	393.00	3.69	0.03	8.14	2.29	0.03	2,490.00
MAR	1,800.00	0.09	427.00	3.69	0.03	8.14	2.29	0.03	2,240.00
APR	1,020.00	101.00	381.00	3.69	0.03	8.14	2.29	0.03	1,510.00
MAY	2.84	163.00	263.00	3.59	0.03	8.14	2.29	0.03	443.00
JUN	0.09	230.00	264.00	3.59	0.03	8.13	2.29	0.02	508.00
JUL	0.01	309.00	246.00	3.59	0.03	8.12	2.29	0.02	568.00
AUG	0.00	254.00	238.00	3.59	0.03	8.12	2.29	0.02	506.00
SEP	0.00	165.00	230.00	3.59	0.03	8.12	2.29	0.02	409.00
OCT	8.73	52.10	184.00	3.59	0.03	8.12	2.29	0.02	259.00
NOV	112.00	0.07	179.00	3.59	0.03	8.12	2.29	0.02	305.00
DEC	255.00	0.07	302.00	3.59	0.03	8.13	2.29	0.02	571.00

### Detailed Report of Reservations for Storage and Consumptive Uses

Reserved Streamflow in Cubic Feet per Second

No reservations were found for this watershed.

### Detailed Report of Instream Flow Requirements

Instream Flow Requirements in Cubic Feet per Second

Application #	Status	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
MF265A	CERTIFICATE	735.00	735.00	735.00	735.00	735.00	735.00	735.00	735.00	735.00	735.00	735.00	735.00
MF266A	CERTIFICATE	935.00	935.00	935.00	935.00	935.00	935.00	935.00	935.00	935.00	935.00	935.00	935.00
SY91503A	SWW	3,500.00	3,500.00	3,500.00	3,500.00	3,000.00	2,700.00	2,000.00	2,400.00	2,400.00	1,600.00	3,500.00	3,500.00
<b>Maximum</b>		<b>3,500.00</b>	<b>3,500.00</b>	<b>3,500.00</b>	<b>3,500.00</b>	<b>3,000.00</b>	<b>2,700.00</b>	<b>2,000.00</b>	<b>2,400.00</b>	<b>2,400.00</b>	<b>1,600.00</b>	<b>3,500.00</b>	<b>3,500.00</b>

### Detailed Reports for Watershed ID #31531008

ROGUE R > PACIFIC OCEAN - AB SHASTA COSTA CR  
ROGUE BASIN

Water Availability as of 9/27/2016

Watershed ID #: 31531008 ([Map](#))

Exceedance Level: 50%

Date: 9/27/2016

Time: 2:31 PM

## Water Availability Calculation

Monthly Streamflow in Cubic Feet per Second  
Annual Volume at 50% Exceedance in Acre-Feet

Month	Natural Stream Flow	Consumptive Uses and Storages	Expected Stream Flow	Reserved Stream Flow	Instream Flow Requirement	Net Water Available
JAN	6,780.00	982.00	5,800.00	0.00	3,500.00	2,300.00
FEB	9,190.00	2,350.00	6,840.00	0.00	3,500.00	3,340.00
MAR	7,520.00	2,120.00	5,400.00	0.00	3,500.00	1,900.00
APR	6,680.00	1,490.00	5,190.00	0.00	3,500.00	1,690.00
MAY	5,320.00	419.00	4,900.00	0.00	3,000.00	1,900.00
JUN	3,350.00	479.00	2,870.00	0.00	2,700.00	171.00
JUL	1,920.00	536.00	1,380.00	0.00	2,000.00	-616.00
AUG	1,460.00	476.00	984.00	0.00	2,400.00	-1,420.00
SEP	1,490.00	457.00	1,030.00	0.00	2,400.00	-1,370.00
OCT	1,700.00	263.00	1,440.00	0.00	1,600.00	-163.00
NOV	2,660.00	259.00	2,400.00	0.00	3,500.00	-1,100.00
DEC	6,450.00	458.00	5,990.00	0.00	3,500.00	2,490.00
ANN	3,270,000.00	615,000.00	2,660,000.00	0.00	2,120,000.00	826,000.00

## Detailed Report of Consumptive Uses and Storage

Consumptive Uses and Storages in Cubic Feet per Second

Month	Storage	Irrigation	Municipal	Industrial	Commercial	Domestic	Agricultural	Other	Total
JAN	659.00	0.07	311.00	2.79	0.01	6.14	2.15	0.02	982.00
FEB	1,960.00	0.07	381.00	2.79	0.01	6.14	2.15	0.03	2,350.00
MAR	1,700.00	0.09	415.00	2.79	0.01	6.14	2.15	0.03	2,120.00
APR	1,020.00	95.90	369.00	2.79	0.01	6.14	2.15	0.03	1,490.00
MAY	2.57	154.00	251.00	2.69	0.01	6.14	2.15	0.03	419.00
JUN	0.01	218.00	250.00	2.69	0.01	6.13	2.15	0.02	479.00
JUL	0.01	293.00	232.00	2.69	0.01	6.11	2.15	0.02	536.00
AUG	0.10	241.00	224.00	2.69	0.01	6.11	2.15	0.02	476.00
SEP	72.90	157.00	216.00	2.69	0.01	6.12	2.15	0.02	457.00
OCT	30.10	49.40	172.00	2.69	0.01	6.12	2.15	0.02	263.00
NOV	80.10	0.07	167.00	2.69	0.01	6.12	2.15	0.02	259.00
DEC	156.00	0.07	290.00	2.69	0.01	6.14	2.15	0.02	458.00

## Detailed Report of Reservations for Storage and Consumptive Uses

Reserved Streamflow in Cubic Feet per Second

**No reservations were found for this watershed.**

## Detailed Report of Instream Flow Requirements

Instream Flow Requirements in Cubic Feet per Second

Application #	Status	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
SY91503B	SWW	3,500.00	3,500.00	3,500.00	3,500.00	3,000.00	2,700.00	2,000.00	2,400.00	2,400.00	1,600.00	3,500.00	3,500.00
<b>Maximum</b>		<b>3,500.00</b>	<b>3,500.00</b>	<b>3,500.00</b>	<b>3,500.00</b>	<b>3,000.00</b>	<b>2,700.00</b>	<b>2,000.00</b>	<b>2,400.00</b>	<b>2,400.00</b>	<b>1,600.00</b>	<b>3,500.00</b>	<b>3,500.00</b>

### Detailed Reports for Watershed ID #31531001

ROGUE R > PACIFIC OCEAN - AB MEADOW CR  
 ROGUE BASIN

Water Availability as of 9/27/2016

Watershed ID #: 31531001 [\(Map\)](#)  
 Date: 9/27/2016

Exceedance Level: 50%  
 Time: 2:31 PM

### Water Availability Calculation

Monthly Streamflow in Cubic Feet per Second  
 Annual Volume at 50% Exceedance in Acre-Feet

Month	Natural Stream Flow	Consumptive Uses and Storages	Expected Stream Flow	Reserved Stream Flow	Instream Flow Requirement	Net Water Available
JAN	6,060.00	1,070.00	4,990.00	0.00	3,500.00	1,490.00
FEB	8,240.00	2,480.00	5,760.00	0.00	3,500.00	2,260.00
MAR	6,750.00	2,230.00	4,520.00	0.00	3,500.00	1,020.00
APR	6,040.00	1,490.00	4,550.00	0.00	3,500.00	1,050.00
MAY	4,870.00	422.00	4,450.00	0.00	3,000.00	1,450.00
JUN	3,060.00	482.00	2,580.00	0.00	2,700.00	-122.00
JUL	1,770.00	540.00	1,230.00	0.00	2,000.00	-770.00
AUG	1,360.00	480.00	880.00	0.00	2,400.00	-1,520.00
SEP	1,400.00	387.00	1,010.00	0.00	2,400.00	-1,390.00
OCT	1,550.00	243.00	1,310.00	0.00	1,600.00	-293.00
NOV	2,300.00	288.00	2,010.00	0.00	3,500.00	-1,490.00
DEC	5,730.00	552.00	5,180.00	0.00	3,500.00	1,680.00
ANN	2,950,000.00	638,000.00	2,310,000.00	0.00	2,120,000.00	535,000.00

### Detailed Report of Consumptive Uses and Storage

Consumptive Uses and Storages in Cubic Feet per Second

Month	Storage	Irrigation	Municipal	Industrial	Commercial	Domestic	Agricultural	Other	Total
JAN	750.00	0.07	311.00	3.20	0.01	6.83	2.21	0.02	1,070.00
FEB	2,090.00	0.07	381.00	3.20	0.01	6.83	2.21	0.03	2,480.00
MAR	1,800.00	0.07	415.00	3.20	0.01	6.83	2.21	0.03	2,230.00
APR	1,020.00	96.70	369.00	3.20	0.01	6.83	2.21	0.03	1,490.00
MAY	2.57	155.00	251.00	3.10	0.01	6.83	2.21	0.03	422.00
JUN	0.01	220.00	250.00	3.10	0.01	6.83	2.21	0.02	482.00
JUL	0.01	295.00	232.00	3.10	0.01	6.83	2.21	0.02	540.00
AUG	0.00	243.00	224.00	3.10	0.01	6.83	2.21	0.02	480.00
SEP	0.00	158.00	216.00	3.10	0.01	6.83	2.21	0.02	387.00
OCT	8.73	49.80	172.00	3.10	0.01	6.83	2.21	0.02	243.00
NOV	108.00	0.07	167.00	3.10	0.01	6.83	2.21	0.02	288.00
DEC	250.00	0.07	290.00	3.10	0.01	6.83	2.21	0.02	552.00

### Detailed Report of Reservations for Storage and Consumptive Uses

Reserved Streamflow in Cubic Feet per Second

No reservations were found for this watershed.

### Detailed Report of Instream Flow Requirements

Instream Flow Requirements in Cubic Feet per Second

Application #	Status	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
SY91503C	SWW	3,500.00	3,500.00	3,500.00	3,500.00	3,000.00	2,700.00	2,000.00	2,400.00	2,400.00	1,600.00	3,500.00	3,500.00
<b>Maximum</b>		<b>3,500.00</b>	<b>3,500.00</b>	<b>3,500.00</b>	<b>3,500.00</b>	<b>3,000.00</b>	<b>2,700.00</b>	<b>2,000.00</b>	<b>2,400.00</b>	<b>2,400.00</b>	<b>1,600.00</b>	<b>3,500.00</b>	<b>3,500.00</b>

### Detailed Reports for Watershed ID #31531002

ROGUE R > PACIFIC OCEAN - AB GRAVE CR  
 ROGUE BASIN

Water Availability as of 9/27/2016

Watershed ID #: 31531002 [\(Map\)](#)  
 Date: 9/27/2016

Exceedance Level: 50%  
 Time: 2:31 PM

### Water Availability Calculation

Monthly Streamflow in Cubic Feet per Second  
 Annual Volume at 50% Exceedance in Acre-Feet

Month	Natural Stream Flow	Consumptive Uses and Storages	Expected Stream Flow	Reserved Stream Flow	Instream Flow Requirement	Net Water Available
JAN	5,480.00	1,070.00	4,410.00	0.00	3,500.00	907.00
FEB	7,460.00	2,480.00	4,980.00	0.00	3,500.00	1,480.00
MAR	6,130.00	2,230.00	3,900.00	0.00	3,500.00	397.00
APR	5,540.00	1,490.00	4,050.00	0.00	3,500.00	552.00
MAY	4,520.00	410.00	4,110.00	0.00	3,000.00	1,110.00
JUN	2,880.00	466.00	2,410.00	0.00	2,700.00	-286.00
JUL	1,670.00	518.00	1,150.00	0.00	2,000.00	-848.00
AUG	1,290.00	462.00	828.00	0.00	2,400.00	-1,570.00
SEP	1,320.00	375.00	945.00	0.00	2,400.00	-1,460.00
OCT	1,430.00	239.00	1,190.00	0.00	1,600.00	-409.00
NOV	2,060.00	286.00	1,770.00	0.00	3,500.00	-1,730.00
DEC	5,150.00	550.00	4,600.00	0.00	3,500.00	1,100.00
ANN	2,700,000.00	632,000.00	2,070,000.00	0.00	2,120,000.00	332,000.00

### Detailed Report of Consumptive Uses and Storage

Consumptive Uses and Storages in Cubic Feet per Second

Month	Storage	Irrigation	Municipal	Industrial	Commercial	Domestic	Agricultural	Other	Total
JAN	749.00	0.07	311.00	2.95	0.01	6.56	2.20	0.02	1,070.00
FEB	2,090.00	0.07	381.00	2.95	0.01	6.56	2.20	0.03	2,480.00
MAR	1,810.00	0.07	415.00	2.95	0.01	6.56	2.20	0.03	2,230.00
APR	1,020.00	89.80	369.00	2.95	0.01	6.56	2.20	0.03	1,490.00
MAY	2.57	144.00	251.00	2.85	0.01	6.56	2.20	0.03	410.00
JUN	0.01	204.00	250.00	2.85	0.01	6.55	2.20	0.02	466.00
JUL	0.01	274.00	232.00	2.85	0.01	6.55	2.20	0.02	518.00
AUG	0.00	226.00	224.00	2.85	0.01	6.55	2.20	0.02	462.00
SEP	0.00	147.00	216.00	2.85	0.01	6.55	2.20	0.02	375.00
OCT	8.73	46.30	172.00	2.85	0.01	6.55	2.20	0.02	239.00
NOV	107.00	0.07	167.00	2.85	0.01	6.55	2.20	0.02	286.00
DEC	248.00	0.07	290.00	2.85	0.01	6.56	2.20	0.02	550.00

### Detailed Report of Reservations for Storage and Consumptive Uses

Reserved Streamflow in Cubic Feet per Second

No reservations were found for this watershed.

**Detailed Report of Instream Flow Requirements**

Instream Flow Requirements in Cubic Feet per Second

Application #	Status	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
SY91503D	SWW	3,500.00	3,500.00	3,500.00	3,500.00	3,000.00	2,700.00	2,000.00	2,400.00	2,400.00	1,600.00	3,500.00	3,500.00
<b>Maximum</b>		<b>3,500.00</b>	<b>3,500.00</b>	<b>3,500.00</b>	<b>3,500.00</b>	<b>3,000.00</b>	<b>2,700.00</b>	<b>2,000.00</b>	<b>2,400.00</b>	<b>2,400.00</b>	<b>1,600.00</b>	<b>3,500.00</b>	<b>3,500.00</b>

**Detailed Reports for Watershed ID #31530801**

ROGUE R > PACIFIC OCEAN - AB APPLGATE R  
ROGUE BASIN

Water Availability as of 9/27/2016

Watershed ID #: 31530801 ([Map](#))  
Date: 9/27/2016

Exceedance Level: 50%  
Time: 2:31 PM

**Water Availability Calculation**

Monthly Streamflow in Cubic Feet per Second

Annual Volume at 50% Exceedance in Acre-Feet

Month	Natural Stream Flow	Consumptive Uses and Storages	Expected Stream Flow	Reserved Stream Flow	Instream Flow Requirement	Net Water Available
JAN	4,340.00	1,090.00	3,250.00	0.00	0.00	3,250.00
FEB	4,810.00	2,000.00	2,810.00	0.00	0.00	2,810.00
MAR	4,180.00	1,780.00	2,400.00	0.00	0.00	2,400.00
APR	4,460.00	1,030.00	3,430.00	0.00	0.00	3,430.00
MAY	4,100.00	374.00	3,730.00	0.00	0.00	3,730.00
JUN	2,550.00	418.00	2,130.00	0.00	0.00	2,130.00
JUL	1,580.00	455.00	1,120.00	0.00	0.00	1,120.00
AUG	1,300.00	409.00	891.00	0.00	0.00	891.00
SEP	1,290.00	339.00	951.00	0.00	0.00	951.00
OCT	1,360.00	225.00	1,140.00	0.00	0.00	1,140.00
NOV	2,030.00	315.00	1,710.00	0.00	0.00	1,710.00
DEC	3,520.00	532.00	2,990.00	0.00	0.00	2,990.00
ANN	2,140,000.00	537,000.00	1,600,000.00	0.00	0.00	1,600,000.00

**Detailed Report of Consumptive Uses and Storage**

Consumptive Uses and Storages in Cubic Feet per Second

Month	Storage	Irrigation	Municipal	Industrial	Commercial	Domestic	Agricultural	Other	Total
JAN	771.00	0.00	311.00	2.00	0.01	3.87	1.66	0.02	1,090.00
FEB	1,620.00	0.00	381.00	2.00	0.01	3.87	1.66	0.03	2,000.00
MAR	1,360.00	0.00	415.00	2.00	0.01	3.87	1.66	0.03	1,780.00
APR	584.00	70.50	369.00	2.00	0.01	3.87	1.66	0.03	1,030.00
MAY	1.88	113.00	251.00	1.90	0.01	3.87	1.66	0.03	374.00
JUN	0.00	160.00	250.00	1.90	0.01	3.87	1.66	0.02	418.00
JUL	0.00	215.00	232.00	1.90	0.01	3.87	1.66	0.02	455.00
AUG	0.00	177.00	224.00	1.90	0.01	3.87	1.66	0.02	409.00
SEP	0.00	115.00	216.00	1.90	0.01	3.87	1.66	0.02	339.00
OCT	8.72	36.30	172.00	1.90	0.01	3.87	1.66	0.02	225.00



NOV	140.00	0.00	167.00	1.90	0.01	3.87	1.66	0.02	315.00
DEC	234.00	0.00	290.00	1.90	0.01	3.87	1.66	0.02	532.00

### Detailed Report of Reservations for Storage and Consumptive Uses

Reserved Streamflow in Cubic Feet per Second

No reservations were found for this watershed.

### Detailed Report of Instream Flow Requirements

Instream Flow Requirements in Cubic Feet per Second

No instream flow requirements were found for this watershed.

### Detailed Reports for Watershed ID #268

ROGUE R > PACIFIC OCEAN - AB FALL CR  
ROGUE BASIN

Water Availability as of 9/27/2016

Watershed ID #: 268 ([Map](#))  
Date: 9/27/2016

Exceedance Level: 50%  
Time: 2:31 PM

### Water Availability Calculation

Monthly Streamflow in Cubic Feet per Second  
Annual Volume at 50% Exceedance in Acre-Feet

Month	Natural Stream Flow	Consumptive Uses and Storages	Expected Stream Flow	Reserved Stream Flow	Instream Flow Requirement	Net Water Available
JAN	4,230.00	1,080.00	3,150.00	0.00	1,200.00	1,950.00
FEB	4,690.00	1,990.00	2,700.00	0.00	1,200.00	1,500.00
MAR	4,090.00	1,770.00	2,320.00	0.00	1,200.00	1,120.00
APR	4,410.00	1,020.00	3,390.00	0.00	1,200.00	2,190.00
MAY	4,110.00	360.00	3,750.00	0.00	1,200.00	2,550.00
JUN	2,530.00	367.00	2,160.00	0.00	1,200.00	963.00
JUL	1,560.00	403.00	1,160.00	0.00	1,200.00	-43.40
AUG	1,290.00	358.00	932.00	0.00	1,200.00	-268.00
SEP	1,290.00	290.00	1,000.00	0.00	1,200.00	-200.00
OCT	1,370.00	213.00	1,160.00	0.00	1,200.00	-42.60
NOV	2,010.00	305.00	1,700.00	0.00	1,200.00	505.00
DEC	3,440.00	520.00	2,920.00	0.00	1,200.00	1,720.00
ANN	2,110,000.00	518,000.00	1,590,000.00	0.00	869,000.00	753,000.00

### Detailed Report of Consumptive Uses and Storage

Consumptive Uses and Storages in Cubic Feet per Second

Month	Storage	Irrigation	Municipal	Industrial	Commercial	Domestic	Agricultural	Other	Total
JAN	770.00	0.00	300.00	1.64	0.01	3.80	1.53	0.02	1,080.00
FEB	1,610.00	0.00	370.00	1.64	0.01	3.80	1.53	0.03	1,990.00
MAR	1,360.00	-0.00	404.00	1.64	0.01	3.80	1.53	0.03	1,770.00

APR	584.00	69.00	358.00	1.64	0.01	3.80	1.53	0.03	1,020.00
MAY	1.82	111.00	240.00	1.55	0.01	3.80	1.53	0.03	360.00
JUN	0.00	157.00	204.00	1.55	0.01	3.80	1.53	0.02	367.00
JUL	0.00	211.00	186.00	1.55	0.01	3.80	1.53	0.02	403.00
AUG	0.00	174.00	178.00	1.55	0.01	3.80	1.53	0.02	358.00
SEP	0.00	113.00	170.00	1.55	0.01	3.80	1.53	0.02	290.00
OCT	8.72	35.60	161.00	1.55	0.01	3.80	1.53	0.02	213.00
NOV	142.00	0.00	156.00	1.55	0.01	3.80	1.53	0.02	305.00
DEC	234.00	0.00	279.00	1.55	0.01	3.80	1.53	0.02	520.00

### Detailed Report of Reservations for Storage and Consumptive Uses

Reserved Streamflow in Cubic Feet per Second

No reservations were found for this watershed.

### Detailed Report of Instream Flow Requirements

Instream Flow Requirements in Cubic Feet per Second

Application #	Status	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
MF267A	CERTIFICATE	1,000.00	1,000.00	1,000.00	1,000.00	1,000.00	1,000.00	1,000.00	1,000.00	1,000.00	1,000.00	1,000.00	1,000.00
MF268A	CERTIFICATE	1,200.00	1,200.00	1,200.00	1,200.00	1,200.00	1,200.00	1,200.00	1,200.00	1,200.00	1,200.00	1,200.00	1,200.00
<b>Maximum</b>		<b>1,200.00</b>	<b>1,200.00</b>	<b>1,200.00</b>	<b>1,200.00</b>	<b>1,200.00</b>	<b>1,200.00</b>	<b>1,200.00</b>	<b>1,200.00</b>	<b>1,200.00</b>	<b>1,200.00</b>	<b>1,200.00</b>	<b>1,200.00</b>

### Detailed Reports for Watershed ID #270

ROGUE R > PACIFIC OCEAN - AB CURRY G AT GAGE 14359000  
 ROGUE BASIN

Water Availability as of 9/27/2016

Watershed ID #: 270 ([Map](#))  
 Date: 9/27/2016

Exceedance Level: 50%  
 Time: 2:31 PM

### Water Availability Calculation

Monthly Streamflow in Cubic Feet per Second  
 Annual Volume at 50% Exceedance in Acre-Feet

Month	Natural Stream Flow	Consumptive Uses and Storages	Expected Stream Flow	Reserved Stream Flow	Instream Flow Requirement	Net Water Available
JAN	3,580.00	1,130.00	2,450.00	0.00	1,200.00	1,250.00
FEB	3,970.00	2,040.00	1,930.00	0.00	1,200.00	726.00
MAR	3,520.00	1,820.00	1,700.00	0.00	1,200.00	504.00
APR	3,940.00	1,030.00	2,910.00	0.00	1,200.00	1,710.00
MAY	3,870.00	367.00	3,500.00	0.00	1,200.00	2,300.00
JUN	2,480.00	343.00	2,140.00	0.00	1,200.00	937.00
JUL	1,550.00	368.00	1,180.00	0.00	1,200.00	-17.60
AUG	1,290.00	330.00	960.00	0.00	1,200.00	-240.00
SEP	1,280.00	275.00	1,010.00	0.00	1,200.00	-195.00
OCT	1,340.00	227.00	1,110.00	0.00	1,200.00	-87.00
NOV	1,800.00	344.00	1,460.00	0.00	1,200.00	256.00
DEC	2,900.00	561.00	2,340.00	0.00	1,200.00	1,140.00
ANN	1,900,000.00	528,000.00	1,370,000.00	0.00	869,000.00	533,000.00

### Detailed Report of Consumptive Uses and Storage

**Consumptive Uses and Storages in Cubic Feet per Second**

Month	Storage	Irrigation	Municipal	Industrial	Commercial	Domestic	Agricultural	Other	Total
JAN	789.00	0.00	333.00	1.50	0.00	2.31	1.38	0.02	1,130.00
FEB	1,640.00	0.00	403.00	1.50	0.00	2.31	1.38	0.03	2,040.00
MAR	1,370.00	0.00	437.00	1.50	0.00	2.31	1.38	0.03	1,820.00
APR	584.00	54.30	391.00	1.50	0.00	2.31	1.38	0.03	1,030.00
MAY	1.78	87.40	273.00	1.41	0.00	2.31	1.38	0.03	367.00
JUN	0.00	124.00	215.00	1.41	0.00	2.31	1.38	0.02	343.00
JUL	0.00	166.00	197.00	1.41	0.00	2.31	1.38	0.02	368.00
AUG	0.00	137.00	189.00	1.41	0.00	2.31	1.38	0.02	330.00
SEP	0.00	88.90	181.00	1.41	0.00	2.31	1.38	0.02	275.00
OCT	0.00	28.00	194.00	1.41	0.00	2.31	1.38	0.02	227.00
NOV	150.00	0.00	189.00	1.41	0.00	2.31	1.38	0.02	344.00
DEC	244.00	0.00	312.00	1.41	0.00	2.31	1.38	0.02	561.00

**Detailed Report of Reservations for Storage and Consumptive Uses**

Reserved Streamflow in Cubic Feet per Second

No reservations were found for this watershed.

**Detailed Report of Instream Flow Requirements**

Instream Flow Requirements in Cubic Feet per Second

Application #	Status	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
MF269A	CERTIFICATE	1,000.00	1,000.00	1,000.00	1,000.00	1,000.00	1,000.00	1,000.00	1,000.00	1,000.00	1,000.00	1,000.00	1,000.00
MF270A	CERTIFICATE	1,200.00	1,200.00	1,200.00	1,200.00	1,200.00	1,200.00	1,200.00	1,200.00	1,200.00	1,200.00	1,200.00	1,200.00
<b>Maximum</b>		<b>1,200.00</b>	<b>1,200.00</b>	<b>1,200.00</b>	<b>1,200.00</b>	<b>1,200.00</b>	<b>1,200.00</b>	<b>1,200.00</b>	<b>1,200.00</b>	<b>1,200.00</b>	<b>1,200.00</b>	<b>1,200.00</b>	<b>1,200.00</b>

**Detailed Reports for Watershed ID #263**

LITTLE BUTTE CR > ROGUE R - AT MOUTH  
 ROGUE BASIN

Water Availability as of 9/27/2016

Watershed ID #: 263 [\(Map\)](#)  
 Date: 9/27/2016

Exceedance Level: 50%  
 Time: 2:31 PM

**Water Availability Calculation**

Monthly Streamflow in Cubic Feet per Second  
 Annual Volume at 50% Exceedance in Acre-Feet

Month	Natural Stream Flow	Consumptive Uses and Storages	Expected Stream Flow	Reserved Stream Flow	Instream Flow Requirement	Net Water Available
JAN	331.00	44.20	287.00	0.00	100.00	187.00
FEB	406.00	55.30	351.00	0.00	100.00	251.00
MAR	411.00	58.90	352.00	0.00	100.00	252.00
APR	458.00	17.80	440.00	0.00	100.00	340.00
MAY	299.00	30.90	268.00	0.00	60.00	208.00
JUN	119.00	48.90	70.10	0.00	20.00	50.10
JUL	81.80	69.80	12.00	0.00	20.00	-8.05
AUG	62.00	56.70	5.27	0.00	20.00	-14.70
SEP	48.10	35.40	12.70	0.00	120.00	-107.00
OCT	30.40	12.00	18.40	0.00	120.00	-102.00

NOV	61.40	22.10	39.30	0.00	100.00	-60.70
DEC	232.00	37.90	194.00	0.00	100.00	94.10
ANN	153,000.00	29,600.00	123,000.00	0.00	57,800.00	82,800.00

### Detailed Report of Consumptive Uses and Storage

Consumptive Uses and Storages in Cubic Feet per Second

Month	Storage	Irrigation	Municipal	Industrial	Commercial	Domestic	Agricultural	Other	Total
JAN	43.50	0.00	0.02	0.41	0.00	0.04	0.17	0.00	44.20
FEB	54.60	0.00	0.02	0.41	0.00	0.04	0.17	0.02	55.30
MAR	58.20	0.00	0.02	0.41	0.00	0.04	0.17	0.02	58.90
APR	4.11	13.00	0.02	0.41	0.00	0.04	0.17	0.02	17.80
MAY	0.17	30.00	0.02	0.41	0.00	0.04	0.17	0.02	30.90
JUN	0.00	48.20	0.08	0.41	0.00	0.04	0.17	0.00	48.90
JUL	0.00	69.20	0.08	0.41	0.00	0.04	0.17	0.00	69.80
AUG	0.00	56.00	0.08	0.41	0.00	0.04	0.17	0.00	56.70
SEP	0.00	34.70	0.08	0.41	0.00	0.04	0.17	0.00	35.40
OCT	11.40	0.00	0.02	0.41	0.00	0.04	0.17	0.00	12.00
NOV	21.50	0.00	0.02	0.41	0.00	0.04	0.17	0.00	22.10
DEC	37.20	0.00	0.02	0.41	0.00	0.04	0.17	0.00	37.90

### Detailed Report of Reservations for Storage and Consumptive Uses

Reserved Streamflow in Cubic Feet per Second

No reservations were found for this watershed.

### Detailed Report of Instream Flow Requirements

Instream Flow Requirements in Cubic Feet per Second

Application #	Status	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
MF262A	CERTIFICATE	31.00	31.00	31.00	31.00	31.00	20.00	20.00	20.00	31.00	31.00	31.00	31.00
MF263A	CERTIFICATE	100.00	100.00	100.00	100.00	60.00	20.00	20.00	20.00	120.00	120.00	100.00	100.00
<b>Maximum</b>		<b>100.00</b>	<b>100.00</b>	<b>100.00</b>	<b>100.00</b>	<b>60.00</b>	<b>20.00</b>	<b>20.00</b>	<b>20.00</b>	<b>120.00</b>	<b>120.00</b>	<b>100.00</b>	<b>100.00</b>



# Oregon Water Resources Department Public Comments

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

## OWRD Public Comment Management

Public Comment Query   Public Comment Detail

*Request Criteria*

**Application** R   88261

**Certificate**

**First Name**

**Company Name**

**Comment**

**Pern**

**Transf**

**Last Nan**

**Em:**

**Exclude NonConse**

Search

Clear

# Alternate Reservoir Application Completeness Checklist

This is the checklist used by WRD staff

Application R-882001 County Jackson  
 Priority Date 7-15-16 Township 36S Range 10W Section 28 Taxlot 400  
 Use Multipurpose Caseworker Park  
 Amount (AF) 8.2 AF Watermaster Kelly B

## Minimum Requirements (ORS 537.409)

**Completed Watermaster review sheet** signed and dated by Watermaster.

Will the reservoir injure an existing water right?  YES  NO

If YES, can conditions be applied to mitigate the injury?  YES  NO **If NO, return the application.**

Did the watermaster determine when water is available for the proposed use?  YES  NO

*The Watermaster review sheet must have been completed within the last 6 months.*

**If the watermaster determined that water is NOT available, return the application.**

**Completed ODFW review sheet** signed and dated by ODFW representative.

Will the reservoir pose a significant detrimental impact to an existing fishery resource?  YES  NO

If YES, can conditions be applied to mitigate the impact?  YES  NO **If NO, return the application.**

*The ODFW review sheet must have been completed within the last 6 months.*

**Completed Land-Use Form** or receipt signed by the appropriate planning department official enclosed?

*Does the use on land-use form match the proposed use on the application? Must be an original "wet" signature within the last 12 months.*

**Landowner Name, Mailing Address** and Telephone Number.

**Source** and tributary listed. **NO WELLS-MUST HAVE GW APP TO USE A WELL AS A SOURCE !!**

**Reservoir Location**- Township, Range, Section, Quarter Quarter, Taxlot

**Dam height**, if applicable

**Total Quantity** of Storage Requested: 8.2 AF

**Proposed Use of the water....** Cannot accept application for use of this stored water at the same time (E2)

**Property ownership indicated?** If applicant does not own all the land is the affected landowner's name and mailing address listed? (Including: lands not owned by applicant, upon which the source is located .....or..... that are crossed by the diversion works. This includes any roads or rights-of-way.)

Provide the **legal description** of all the property involved with this application. You may include a copy of your deed land sales contract or title insurance to meet this requirement

**Environmental Impact** section completed?

**Application signed by the landowner(s)?** All parties noted as applicants must sign the application.

*Must be an original "wet" signature.*

**Acceptable map** \*\* **Indicates requirements of standards set forth by the Commission and causes fatal flaw if not provided by the applicant.**

Reservoir Location - noting Township, Range, Section, 1/4 1/4 and Tax Lot number(s)\*

Scale of the Map (not less than 1" = 1320') \*\*

Reference corner on map

North Directional Symbol \*\*

1/4's clearly identified

Reservoir clearly identified \*\*

Dam or POD (If off channel) Location coordinates referenced to a government land survey corner\* If no dam, use coordinates to center of reservoir.\*\*

Fees enclosed\*\*? Examination: Base Fee\$ 350 Permit Recording Fee\$ 450

plus\$ 270

plus\$ \_\_\_\_\_

**Total Paid \$** 1070

**Total Fees \$** 1070

Completeness Check by: Scott Egg Date: 7-18-16

Revised 2011-3-3



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

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**Application for a Permit to  
 Store Water  
 in a Reservoir  
 (Alternate Review)**

Alternate Review Process (ORS 537.409): You may use this form for any reservoir storing less than 9.2 acre-feet or with a dam less than 10 feet high.

**Use a separate form for each reservoir**

Please type or print in dark ink. If your application is found to be incomplete or inaccurate, we will return it to you. If any requested information does not apply, insert "n/a". A summary of review criteria and procedures that are generally applicable to these applications is available at [www.wrd.state.or.us/OWRD/PUBS/forms.shtml](http://www.wrd.state.or.us/OWRD/PUBS/forms.shtml).

**1. APPLICANT INFORMATION**

Applicant: Ross Hrncir (XP Investments LLC)  
First Last  
 Mailing Address: PO Box 966  
Hallettsville Texas 77964  
City State Zip  
 Phone: (361) 649-3780 Same none  
Home Work Other

Fax: none E-Mail Address\*: rossmh@yahoo.com

\* 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.)

**2. AGENT INFORMATION**

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

Agent: Evan Malepsy  
First Last  
 Mailing Address: 52 Pineridge Lane  
Eagle Point Oregon 97524  
City State Zip  
 Phone: (541) 621-2868 Same none  
Home Work Other

Fax: none E-Mail Address\*: emalepsy@roguecivil.com

\* 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.)

**3. LOCATION AND SOURCE**

A. Reservoir Name: XP Reservoir

B. Source: Provide the name of the water body or other source from which water will be diverted, and the name of the stream or lake it flows into. Indicate if source is run-off, seepage, or an unnamed stream or spring.  
 Source: Run-off and unnamed drainage Tributary to: Little Butte Creek

C. County in which diversion occurs: Jackson

<b>App. No.</b> <u>R-88261</u>	<b>For Department Use</b>	<b>Permit No.</b> _____
		<b>Date</b> _____

**D. Reservoir Location**

Township (N or S)	Range (E or W)	Section	quarter/quarter	tax lot number
36S	1W	28	NE/SE	400

**E. Dam:** Maximum height of dam: 12 feet. If excavated, write "zero feet".

**F. Quantity:** Amount of water to be stored in the reservoir at maximum capacity. List volume in acre-feet: 8.2

Is this project fully or partially funded by the American Recovery and Reinvestment Act? (Federal stimulus dollars)  Yes  No

**4. WATER USE**

Indicate the proposed use(s) of the stored water. **NOTE: You may wish to consider filing for "Multipurpose use" for your reservoir. Multipurpose use does not limit the types of future uses for the stored water. Multipurpose covers all uses including: stockwater, fish and wildlife, aesthetics, domestic, irrigation, agriculture, fire protection and pollution abatement.** If any use will be out of reservoir use, regardless of the type of storage listed, a secondary application must be filed to appropriate the stored water.

Multipurpose Use

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**5. PROPERTY OWNERSHIP**

Please provide a copy of the recorded deed(s).

Do you own all the land where you propose to divert, transport, and use water?

**Yes** (please check appropriate box below then skip to section 5)

There are no encumbrances

This land is encumbered by easements, right of way, roads of way, roads or other encumbrances

**No** (Please check the appropriate box below)

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 irrigated and/or domestic use only (ORS 274.040). (Do not check this box if you described your use as "Multipurpose" in #3 above.)

List the names and mailing addresses of all affected landowners:

N/A



**6. ENVIRONMENTAL IMPACT**

- A. **Channel:** Is the reservoir:  in-stream or  off channel?
- B. **Wetland:** Is the project in a wetland?  Yes  No  Don't know
- C. **Existing:** Is this an existing reservoir?  Yes  No  
If yes, how long has it been in place? ? 16-plus years.
- D. **Fish Habitat:** Is there fish habitat upstream of the proposed structure?  Yes  No  Don't know  
If yes, how much? N/A miles.
- E. **Partnerships:** Have you been working with other agencies?  Yes  No  
Indicate agency, staff and phone numbers of those involved. Also indicate any agencies that are cost sharing in this project.

Watermaster - Shavon Haynes 541-774-6883  
ODFW - Peter Samarin 541-826-774

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**7. 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.

Potential future place of use may be within Irrigation District boundaries, unknown at this time.

Irrigation District Name Eagle Point Irrigation District	Address 2429 Brophy Road	
City Eagle Point	State OR	Zip 97524

**8. DESCRIPTION**

Provide a description of the design and operation of the proposed diversion, including a description of how live flow will be passed outside the authorized storage season. Use this space for narrative. You may also provide narrative and sketches on separate pages.

The reservoir is an existing facility built sometime prior to 2000. The applicant recently purchased the property and wishes to obtain a water right to store water in the reservoir. Runoff that travels across land, and also runoff that is collected in an unnamed drainage, are captured by the reservoir. The reservoir is constructed on the natural drainage swale. A collection system consisting of a ditch and pipes will need to be constructed to bypass live flow outside the storage season. The dam is approximately 12ft high at it's maximum height. Based on measurements, the maximum depth of the reservoir is 12ft. The maximum volume of the reservoir is approximately 8.2 AF. An existing outlet structure, a 10ft wide concrete channel, provides an overflow that directs flows to a natural drainage swale.

If the diversion involves a dam, use this space for sketches of the diversion (e.g. cross-section of the dam with its dimensions, dimension and placement of outlet pipe, means of passing live flow outside of the authorized storage season, and means for providing fish passage).

See attached Reservoir plan and cross section.

**9. SIGNATURE**

I swear that all statements made and information provided in this application are true and correct to the best of my knowledge.

 (XP Investments LLC) 7-11-16  
Landowner Signature Date

**Before you submit your application be sure you have:**

- Answered each question completely.
- Included a legible map that includes Township, Range, Section, quarter-quarter and tax lot number.
- The map must meet map requirements to be accepted.
- Included a land use form or receipt stub signed by a local planning official.
- Included a check payable to Oregon Water Resources Department for the appropriate amount.

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SALEM, OR

# WATERMASTER ALTERNATE RESERVOIR APPLICATION REVIEW SHEET

Recommendations for Water Right Applications under the Alternate Reservoir review process (ORS 537.409)

In lieu of the water right application process set forth in ORS 537.140 to 537.211, an owner of a reservoir may submit an alternate reservoir application for a reservoir that has a storage capacity less than 9.2 acre-feet or a dam or impoundment structure less than 10 feet in height. ORS 537.409 describes the criteria used to evaluate alternate reservoir applications.

The review shall be limited to issues pertaining to: a) water availability, b) potential detrimental impact to existing fishery resources; and c) potential injury to existing water rights. (ORS 537.409 (6))

Within 60 days after the department provides public notice...any person may submit detailed, legally obtained information in writing, requesting the department to deny the application for a permit on the basis that the reservoir: (a) Would result in injury to an existing water right; or (b) Would pose a significant detrimental impact to existing fishery resources. (ORS 537.409 (5))

**The review of alternate reservoirs is limited to these criteria only.**

Application #: R-

Applicant's Name:

Ross Hincir (XP Investments LLC)

1) Does the proposed reservoir have the potential to injure existing water rights?

NO  YES

Explain: Small creek that fills reservoir terminates in EPID canal. creek was dry on May 10, 2016 and is believed to only run during periods of rain.

2) Can conditions be applied to mitigate the potential injury to existing water rights?

NO  YES

If YES, which conditions are recommended:

staff plates installed to monitor storage

3) Did you meet with staff from another agency to discuss this application?

NO  YES

Who:

Agency:

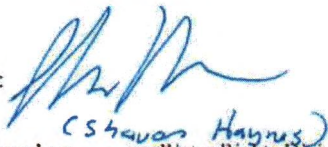
Date:

Who:

Agency:

Date:

Watermaster signature:

  
(Steven Haynes)

Date: 6/29/2016

WRD Contact:

Caseworker:

Water Rights Division, 503-986-0900 / Fax 503-986-0901

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**NOTE: This completed form must be returned to the applicant**

# ODFW Alternate Reservoir Application Review Sheet

**This portion to be completed by the applicant.**

Applicant Name/Address/Phone/Email: XP Investments LLC (Ross Hrncir)

PO Box 966, Hallettsville, TX 77964, / (361) 649-3780 / rossmh@yahoo.com

Reservoir Name: XP Reservoir Source: Runoff & unnamed drainage Volume (AF): 8.2

Twp Rng Sec QQ: 35S1W Sec 28 NE/SE Basin Name: Rogue  in-channel  
 off-channel

Note: It is unlikely that ODFW will be able to complete this form while you wait, nevertheless we recommend making an appointment to submit the form so as to provide any necessary clarifications. See pg. 6 of Instructions for contact information.

**This portion to be completed by Oregon Department of Fish and Wildlife (ODFW) District staff.**

1) Is the proposed project and AO<sup>1</sup> off channel? .....  YES  NO  
 (if yes then proceed to #4; if no then proceed to #2)

2) Is the proposed project or AO located where NMF<sup>2</sup> are or were historically present?.....  YES  NO  
 (if yes then proceed to #3; if no then proceed to #4)

3) If NMF are or were historically present:

- a. Is there an ODFW-approved fish-passage plan?.....  YES  NO
- b. Is there an ODFW-approved fish-passage waiver or exemption?.....  YES  NO

**If fish passage is required under ORS 509.580 through .910, then either 3(a) or 3(b) must be "Yes" to move forward with the application. If responses to 3(a) and 3(b) are "No", then the proposed reservoir does not meet the requirements of Oregon Fish Passage Law and shall not be constructed as proposed.**

4) Would the proposed project pose any other significant detrimental impact to an existing fishery resource locally or downstream?.....  YES  NO  
 Explain below (for example, list STE species or other existing fishery resources that would be impacted negatively.)

Any diversion or appropriation of water for storage during the period June through November poses a significant detrimental impact to existing fishery resources. (For example, if diversion of water for storage during a certain time period would cause a significant detrimental impact to an existing fishery resource, then ODFW should recommend conditions or limitations.)  
 If NMF fish are present at the project site or point of water diversion then the applicant should be advised that a fish screen consistent with screening criteria will be required.

This proposed pond or reservoir contemplates impounding water in the Columbia Basin above Bonneville Dam. ODFW has determined that additional diversions of water in this area pose a significant detrimental impact to existing fishery resources during the period April 15 through September 30.

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<sup>1</sup> AO = Artificial Obstruction means any dam, diversion, culvert or other human-made device placed in waters of this state that precludes or prevents the migration of native migratory fish. ORS 509.580 (1)

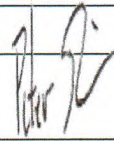
<sup>2</sup> NMF = Native Migratory Fish Species in Oregon as defined by OAR 635 - 412 - 0005 (32)

R-88261

This pond is located on an un-named tributary that eventually flows into Little Butte Creek. Little Butte Creek provides habitat for Coho (federally threatened) and fall Chinook salmon, summer (state sensitive) and winter steelhead, coastal cutthroat trout, and Pacific lamprey (state sensitive). However, this dam is located outside of the range of these fish and ODFW believes if the storage period is conditioned as recommended impacts to fisheries resource can be lessened. Additionally, this pond should not be allowed to impound water if the instream water right on Little Butte Creek is not being met.

If YES, can conditions be applied to mitigate the significant detrimental impact to an existing fishery resource?  
 NO (explain)       YES (select from Menu of Conditions on next page)

b51.a The period of use has been limited to December through May.

ODFW Signature:  Print Name: Peter Samarin

ODFW Title: Asst District Fish Biologist Date: 6/28/2016

NOTE: This completed form must be returned to the applicant.

Revised 10/4/12

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R-08261

# 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.

**Receipt for Request for Land Use Information**

Applicant name: XP Investments  
 City or County: Jackson County Staff contact: Youngsuck Kim  
 Signature: Cliff Youngsuck Phone: 541-774-6946 Date: 6/30/2016

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 JUL 15 2016  
 SALEM, OR

11

Address: \_\_\_\_\_  
Hallettsville TX 77964 Daytime Phone: (361) 649-3780  
City State Zip

**A. Land and Location**

Please include the following information for all tax lots where water will be diverted (taken from its source), conveyed (transported), and/or used or developed. Applicants for municipal use, or irrigation uses within irrigation districts may substitute existing and proposed service-area boundaries for the tax-lot information requested below.

Township	Range	Section	¼ ¼	Tax Lot #	Plan Designation (e.g., Rural Residential/RR-5)	Water to be:			Proposed Land Use:
						Diverted	Conveyed	Used	
35S	1W	28	NE/SE	400	EFU	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Agricultural
						<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
						<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
						<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

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

Jackson

**B. Description of Proposed Use**

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

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

Source of water:  Reservoir/Pond     Ground Water     Surface Water (name) Runoff and unnamed drainage

Estimated quantity of water needed: 8.2     cubic feet per second     gallons per minute     acre-feet

Intended use of water:  Irrigation     Commercial     Industrial     Domestic for household(s)  
 Municipal     Quasi-Municipal     Instream     Other Multipurpose Reservoir

Briefly describe:

The applicant wishes to obtain a water right to store runoff in an existing reservoir. The proposed use is "multipurpose."

**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. →

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JUL 15 2016

10 SALEM, OR

R-00261

# 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

Applicant: Ross Hrncir (XP Investments LLC)  
First Last

Mailing Address: PO Box 966

Hallettsville TX 77964 Daytime Phone: (361) 649-3780  
City State Zip

## A. Land and Location

Please include the following information for all tax lots where water will be diverted (taken from its source), conveyed (transported), and/or used or developed. Applicants for municipal use, or irrigation uses within irrigation districts may substitute existing and proposed service-area boundaries for the tax-lot information requested below.

Township	Range	Section	¼ ¼	Tax Lot #	Plan Designation (e.g., Rural Residential/RR-5)	Water to be:			Proposed Land Use:
						Diverted	Conveyed	Used	
35S	1W	28	NE/SE	400	EFU	<input checked="" type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	Agricultural
						<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used	
						<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used	
						<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used	

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

Jackson

## B. Description of Proposed Use

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

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

Source of water:  Reservoir/Pond   
 Ground Water   
 Surface Water (name) Runoff and unnamed drainage

Estimated quantity of water needed: 8.2  cubic feet per second   
 gallons per minute   
 acre-feet

Intended use of water:  Irrigation   
 Commercial   
 Industrial   
 Domestic for household(s)  
 Municipal   
 Quasi-Municipal   
 Instream   
 Other Multipurpose Reservoir

Briefly describe:

The applicant wishes to obtain a water right to store runoff in an existing reservoir. The proposed use is "multipurpose."

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See bottom of Page 3. →

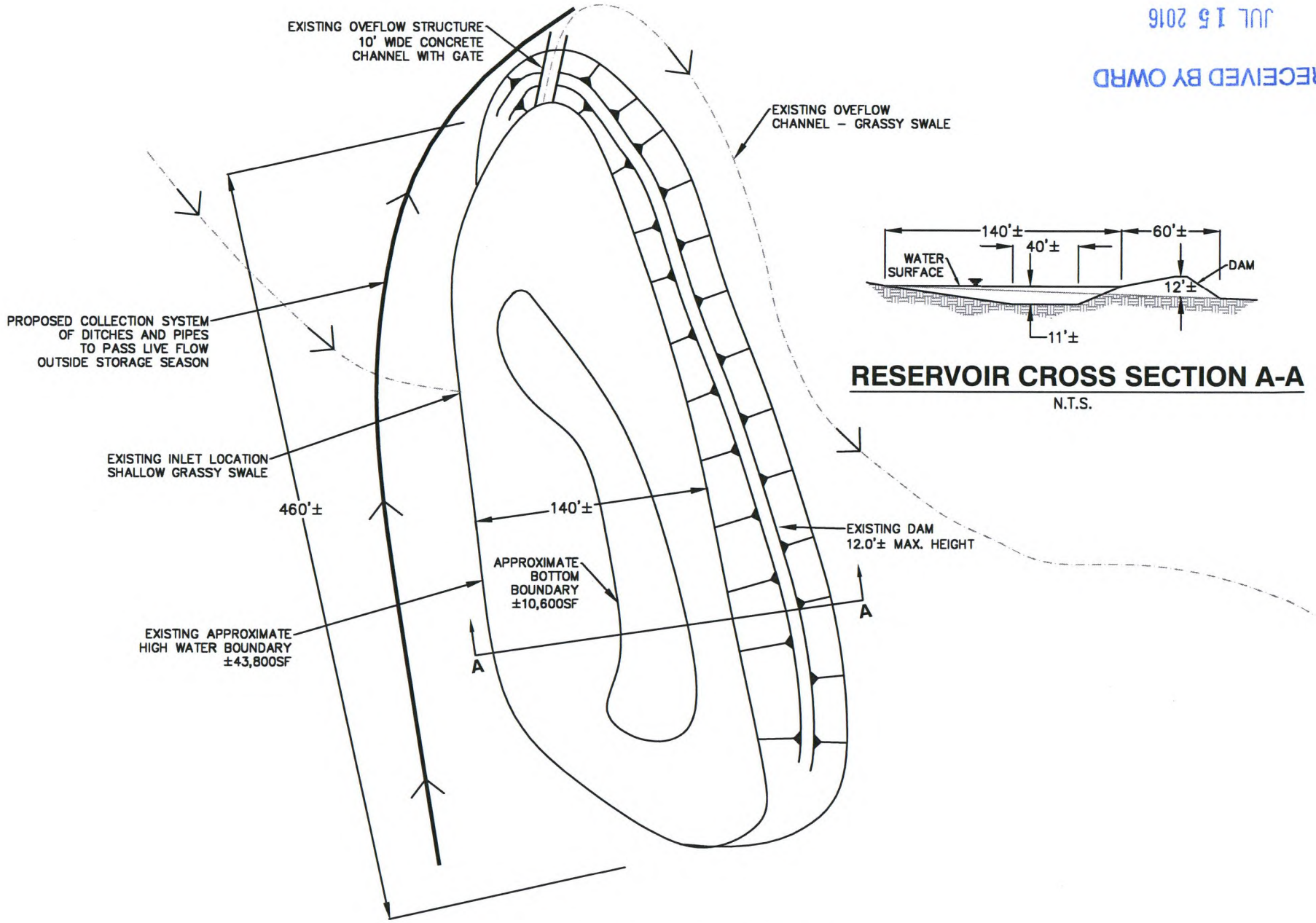
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JUL 15 2016

10 SALEM, OR

R-00261





**RESERVOIR PLAN VIEW**

N.T.S.

TICOR TITLE

470316046645

RECORDING REQUESTED BY:

Ticor Title Company of Oregon  
1555 E. McAndrews, Suite 100  
Medford, OR 97504

GRANTOR:  
WEF Holdings LLC, an Oregon Limited Liability  
Company  
9751 SO Hwy 211  
Canby, OR. 97013

GRANTEE:  
XP Investments LLC,  
1346 US Hwy 77S  
Hallettsville, TX 77964

SEND TAX STATEMENTS TO:  
XP Investments LLC,  
PO Box 966  
Hallettsville, TX 77964

AFTER RECORDING RETURN TO:  
XP Investments LLC,  
PO Box 966  
Hallettsville, TX 77964

Escrow No: 470316046645-TTJA37

351W27 500 / 10233641  
351W27 600 / 10604776  
12811 Hwy 62  
Eagle Point, OR 97524

Jackson County Official Records **2016-015907**  
R-WD  
Str=14 SHINGLJS **05/26/2016 09:35:21 AM**  
\$10.00 \$11.00 \$10.00 \$8.00 \$20.00 **\$59.00**  
I, Christine Walker, County Clerk for Jackson County, Oregon, certify  
that the instrument identified herein was recorded in the Clerk  
records.  
Christine Walker - County Clerk

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SALEM, OR

SPACE ABOVE THIS LINE FOR RECORDER'S USE

**STATUTORY WARRANTY DEED**

WEF Holdings LLC, an Oregon Limited Liability Company, Grantor, conveys and warrants to

XP Investments LLC,, Grantee, the following described real property, free and clear of encumbrances  
except as specifically set forth below, situated in the County of Jackson, State of Oregon:

TRACT A:

Beginning at a point on the west line of the Crater Lake Highway where said Highway intersects  
the south line of the Northwest Quarter of the Southwest Quarter of Section 27 in Township 35  
South, Range 1 West of the Willamette Meridian in Jackson County, Oregon; thence North, along  
the west line of said Highway, 263.0 feet; thence West and parallel to the south line of the  
Northwest Quarter of the Southwest Quarter, a distance of 740.0 feet; thence Southwesterly to a  
point on the south line of the Northwest Quarter of the Southwest Quarter, 920.0 feet West of the  
point of beginning; thence East 920.0 feet to the point of beginning.

TRACT B:

Beginning at a point on the west line of the Crater Lake Highway, 263.0 feet North of the south  
line of the Northwest Quarter of the Southwest Quarter of Section 27 in Township 35 South,  
Range 1 West of the Willamette Meridian in Jackson County, Oregon; thence West, parallel to the  
south line of said Northwest Quarter of the Southwest Quarter of said Section 27, a distance of  
740.0 feet; thence Southwesterly, to a point on the south line of the Northwest Quarter of the  
Southwest Quarter, 920.0 feet West of the west line of the Crater Lake Highway; thence West,  
along said south line, 340.0 feet, more or less, to the southwest corner of said quarter-quarter;  
thence North, along the west line of said Northwest Quarter of the Southwest Quarter, 543.0 feet;  
thence East parallel to the south line of said Northwest Quarter of the Southwest Quarter, 1250.0  
feet, more or less, to the west line of said Crater Lake Highway, as described in deed recorded in  
Volume 273 page 272 of the Deed Records of Jackson County, Oregon; thence South, along said  
west line, 36.0 feet; thence East along said line, 10.0 feet; thence South 244.0 feet, more or less,

470316046645-TTJA37  
Deed (Warranty-Statutory)

①

R-88261

JUL 15 2016

SALEM, OR

to the point of beginning.

TRACT C:

The Northwest Quarter of the Southwest Quarter of Section 27 in Township 35 South, Range 1 West of the Willamette Meridian in Jackson County, Oregon. EXCEPTING THEREFROM the South 543.0 feet. Also, EXCEPTING THEREFROM that portion conveyed to the State of Oregon, by and through its State Highway Commission, by deed recorded in Volume 273 page 272 of the Deed Records of Jackson County, Oregon.

TRACT D:

The Northeast Quarter of the Southeast Quarter of Section 28 in Township 35 South, Range 1 West of the Willamette Meridian in Jackson County, Oregon.

THE TRUE AND ACTUAL CONSIDERATION FOR THIS CONVEYANCE IS \$1,200,000.00. (See ORS 93.030)

Subject to and excepting: Covenants, Conditions, Restrictions, Reservations, set back lines, Power of Special Districts, and easements of Record, if any.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

DATED: 5-24-2016

WEF Holdings LLC, an Oregon Limited Liability Company

BY: Gordon Satrum  
Gordon Satrum Managing Member

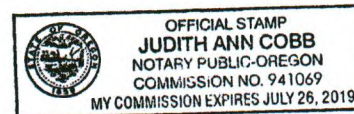
State of OREGON

COUNTY of CLACKAMAS

This instrument was acknowledged before me on MAY 24, 20 16.

by GORDON SATRUM

Judith Ann Cobb, Notary Public - State of Oregon  
My commission expires: 7-26-2019



470316046645-TTJA37  
Deed (Warranty-Statutory)

2

R-88261

52 Pineridge Lane  
Eagle Point, OR 97524  
541-621-2868  
[emalepsy@roquecivil.com](mailto:emalepsy@roquecivil.com)

**Rogue Civil LLC**

## Transmittal

**To:** Ross Hrcir **From:** Evan Malepsy

**Re:** Application to Store Water **cc:**

For Review  Please Comment  Please Reply  For Signature

Comments:

Ross,

Enclosed are the completed application forms and supporting documents for the reservoir permit application. Please sign, include a check for \$1,070 made out to the Oregon Water Resources Department, and mail the originals in the provided envelope. I kept a copy for my files, I recommend you make a copy for your files as well.

Let me know if any questions come up. As we discussed, I am currently working to finish the groundwater application, you will receive it for your signature soon.

Thanks,



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JUL 15 2016

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R-88261

R-88261

Ross Hrncir  
PO Box 966  
Hallettsville, Texas 77964

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PO Box 966  
Hallettsville, Texas 77964

WATER RESOURCES DEPARTMENT

725 Summer St. N.E. Ste. A  
SALEM, OR 97301-4172

(503) 986-0900 / (503) 986-0904 (fax)

RECEIPT # 120538

INVOICE # \_\_\_\_\_

RECEIVED FROM:

Ross Horner

APPLICATION

R-88261

BY:

PERMIT

TRANSFER

CASH:

CHECK:#

OTHER: (IDENTIFY)

2026

TOTAL REC'D

\$ 1070.00

1083 TREASURY 4170 WRD MISC CASH ACCT

0407 COPIES

\$

OTHER: (IDENTIFY)

\$

0243 I/S Lease \_\_\_\_\_ 0244 Muni Water Mgmt. Plan \_\_\_\_\_ 0245 Cons. Water \_\_\_\_\_

4270 WRD OPERATING ACCT

MISCELLANEOUS

46111

0407 COPY & TAPE FEES

\$

0410 RESEARCH FEES

\$

0408 MISC REVENUE: (IDENTIFY)

\$

TC162 DEPOSIT LIAB. (IDENTIFY)

\$

0240 EXTENSION OF TIME

\$

WATER RIGHTS:

0201 SURFACE WATER

EXAM FEE	
\$ 620.00	0202
\$	0204
\$	

RECORD FEE	
\$ 450.00	
\$	

0203 GROUND WATER

0205 TRANSFER

WELL CONSTRUCTION

0218 WELL DRILL CONSTRUCTOR

EXAM FEE	
\$	0219
	0220

LICENSE FEE	
\$	
\$	

LANDOWNER'S PERMIT

OTHER (IDENTIFY)

0536 TREASURY 0437 WELL CONST. START FEE

0211 WELL CONST START FEE

\$	
\$	

CARD #	
CARD #	

0210 MONITORING WELLS

OTHER (IDENTIFY)

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

0233 POWER LICENSE FEE (FW/WRD)

0231 HYDRO LICENSE FEE (FW/WRD)

HYDRO APPLICATION

TREASURY OTHER / RDX

FUND \_\_\_\_\_ TITLE \_\_\_\_\_

OBJ. CODE \_\_\_\_\_ VENDOR # \_\_\_\_\_

DESCRIPTION \_\_\_\_\_ \$

RECEIPT: 120538

DATED: 7/15/16 BY: Hpgrew