

Application No.

87908

E-II

FEES PAID

Permit No.

S-54977

Certificate No.

Date
6-17-13

Amount
\$1909.00

Receipt No.
109068

Date

DENIED

MISFILED

WITHDRAWN

CANCELLED

Volume Page

FEES REFUNDED

Date

Amount

Receipt No.

Cert. Fee

Name
By
Address

S-87908
APPLEGATE RIVER IRRIGATION
C/O CONNIE CLABORN
348 HAMILTON RD
JACKSONVILLE OR 97530

C 2020

Priority

JUNE 17, 2013

County

JACKSON

WM#

13

RELATED FILES

ASSIGNMENTS

Date

To Whom

Address

DEVELOPMENT

Date

Completion 11-20-2020

Extended to

Final Proof received

Proposed Cert. Mailed

REMARKS

Continued upon
approval of T-102188
T-10189, T-10190
T-10191, T-10192
T-10193

MAP LOCATION

Jan. 2015
Thomas Hubbard
541 899-2223
is the co-chair of this
pump group.

Connie Claborn is the
secretary.

RECEIVED

NOV 16 2020

OWRD



Scale: 1"=600'

Date: October 21, 2020

LEGEND

- Found Survey Monument
- Denotes Building
- ▨ Denotes Irrigated Area
- Ⓜ Denotes Flow Meter
- Ⓢ Denotes Fish Screen
- BP Denotes Booster Pump
- Pipeline

CLAIM OF BENEFICIAL USE MAP
APPLICATION S-87908 PERMIT-S-54799

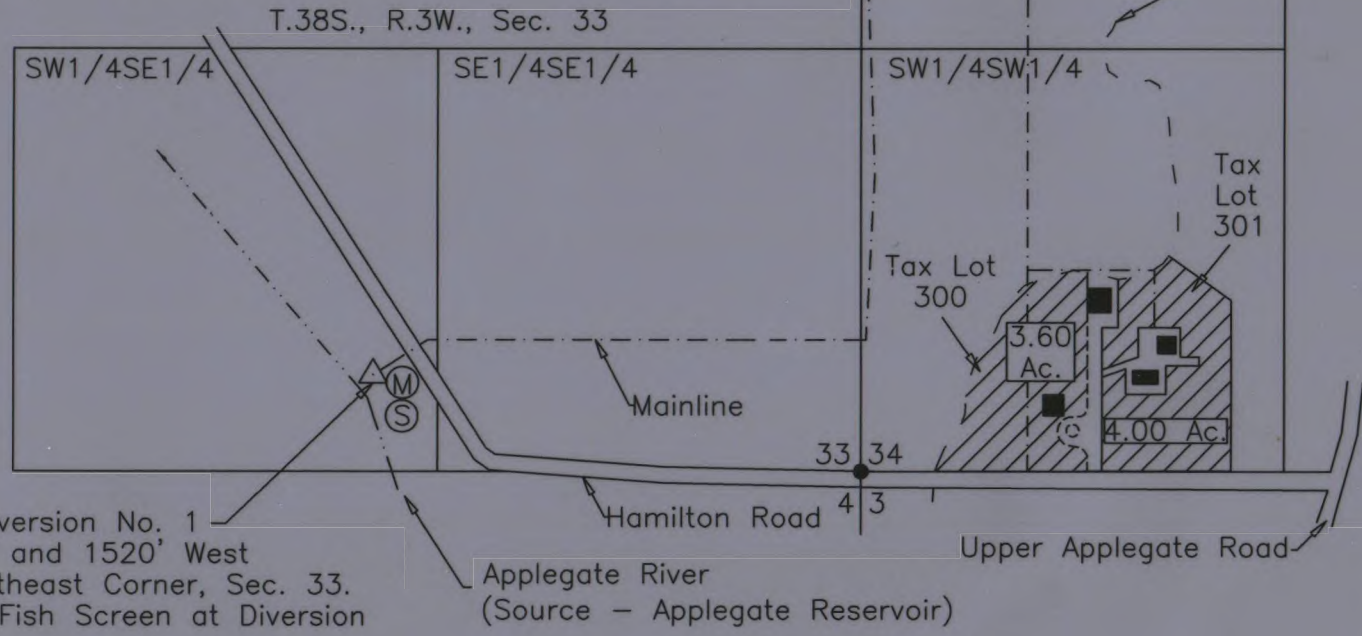
SITUATED IN
SW1/4SW1/4, SEC. 34
T.38S., R.3W., W.M.
JACKSON COUNTY, OREGON
FOR

APPLEGATE RIVER IRRIGATION CORP.
348 HAMILTON ROAD-JACKSONVILLE, OR 97530
PROPERTIES

JUDITH A. WELLS	AND	GARON L. WELLS
126 HAMILTON ROAD		118 HAMILTON ROAD
JACKSONVILLE, OR 97530		JACKSONVILLE, OR 97530
TAX LOT 300		TAX LOT 301
MAP 38 3W 34		MAP 38 3W 34

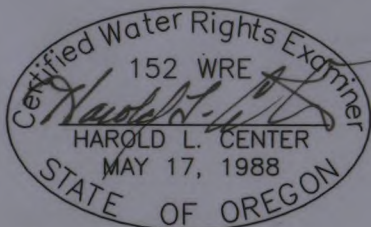
T.38S., R.3W., Sec. 34

NW1/4SW1/4



Point of Diversion No. 1
300' North and 1520' West
of the Southeast Corner, Sec. 33.
Meter and Fish Screen at Diversion

Applegate River
(Source - Applegate Reservoir)



HAROLD L. CENTER
2604 David Lane
Medford, OR. 97504
Phone 541-535-6108
Oregon Certificate No. 152

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

Renews: 12/31/21

Project: ARIC_20-16 (WELLS)

RECEIVED

MAR 26 2007

WATER RESOURCES DEPT
SALEM, OREGON

RECEIVED

JUL 12 2006

WATER RESOURCES DEPT
SALEM, OREGON

FINAL PROOF MAP T9664
SE1/4SE1/4 SEC. 33, T.38S., R.3W., W.M.
JACKSON COUNTY, OREGON

FOR
ALFRED J. AND KAREN L. HARDMAN
570 HAMILTON ROAD
JACKSONVILLE, OR 97530

RECEIVED

NOV 16 2020

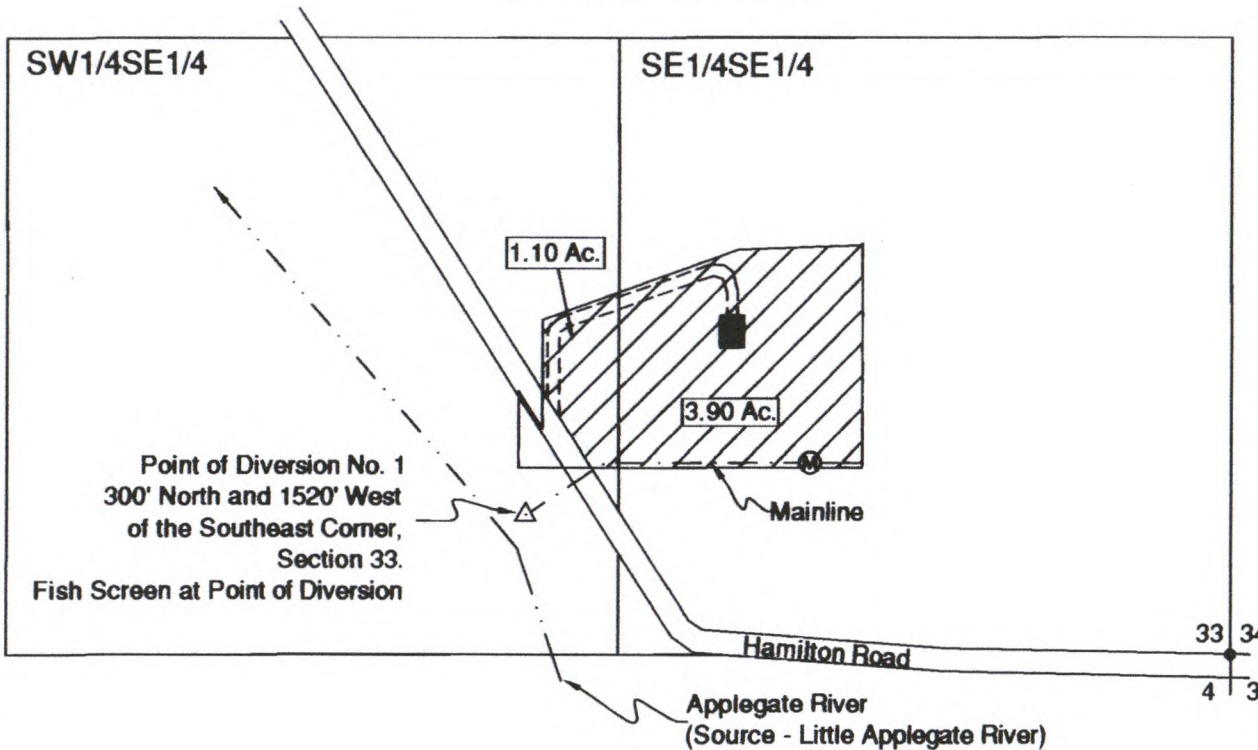
OWRD



Scale: 1"=400'

Date: June 16, 2006

T.38S., R.3W., Sec. 33

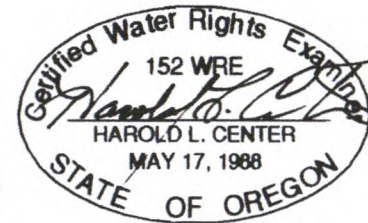


LEGEND

- Found Survey Monument
- Denotes Building
- Ⓜ Flow Meter



Denotes Area Under Special
Order Volume 68, Pages
14-16, Priority Date Sept. 1,
1857



HAROLD L. CENTER
2604 David Lane
Medford, OR. 97504
Phone 541-535-6108
Oregon Certificate No. 152
Certificate Renewal Date: 12/31/2007

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

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Dave & Dale
Paddock
Property

FINAL PROOF MAP T9665
SE1/4SE1/4 SEC. 33, T.38S., R.3W., W.M.
JACKSON COUNTY, OREGON

FOR
ADRIAN J. CORTEZ JR.
5194 TRAIL CANYON DRIVE
MIRA LOMA. CA 91572

RECEIVED
AUG 14 2006
WATER RESOURCES DEPT
SALEM, OREGON



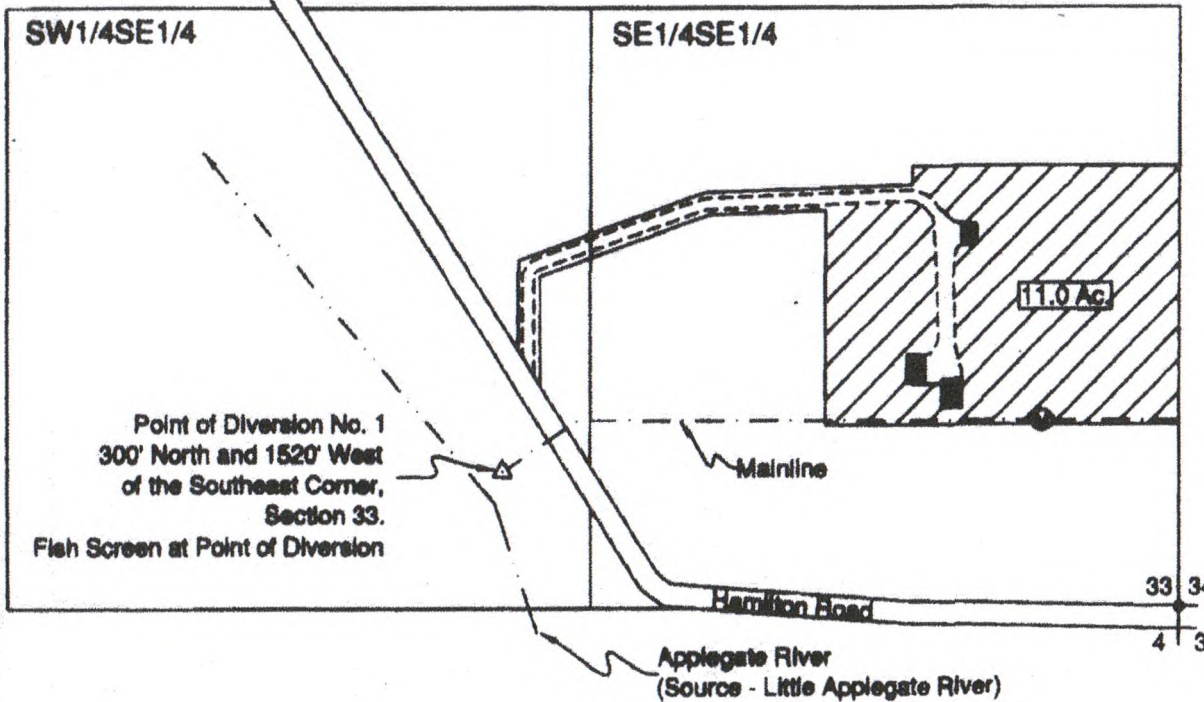
Scale: 1"=400'
Date: May 17, 2006

RECEIVED BY OWRD

JUN 17 2013

SALEM, OR

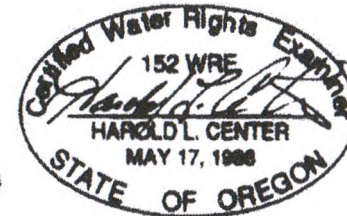
T.38S., R.3W., Sec. 33



LEGEND

- Found Survey Monument
- Denotes Building
- ⊙ Flow Meter
- ▨ Denotes area under Special Order Volume 68, Pages 11-13, Priority Date Sept. 1, 1857

5-87908



HAROLD L. CENTER
2604 David Lane
Medford, OR. 97504
Phone 541-535-6108
Oregon Certificate No. 152
Certificate Renewal Date: 12/31/2007

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

EXHIBIT C: PROOF MAP #2 OF 6

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NOV 16 2020

RECEIVED
NOV 02 2006
WATER RESOURCES DEPT
SALEM, OREGON

FINAL PROOF MAP T9666
SE1/4SE1/4 SEC. 33, T.38S., R.3W., W.M.
JACKSON COUNTY, OREGON
FOR
THOMAS F. HUBBARD
294 HAMILTON ROAD
JACKSONVILLE, OR 97530

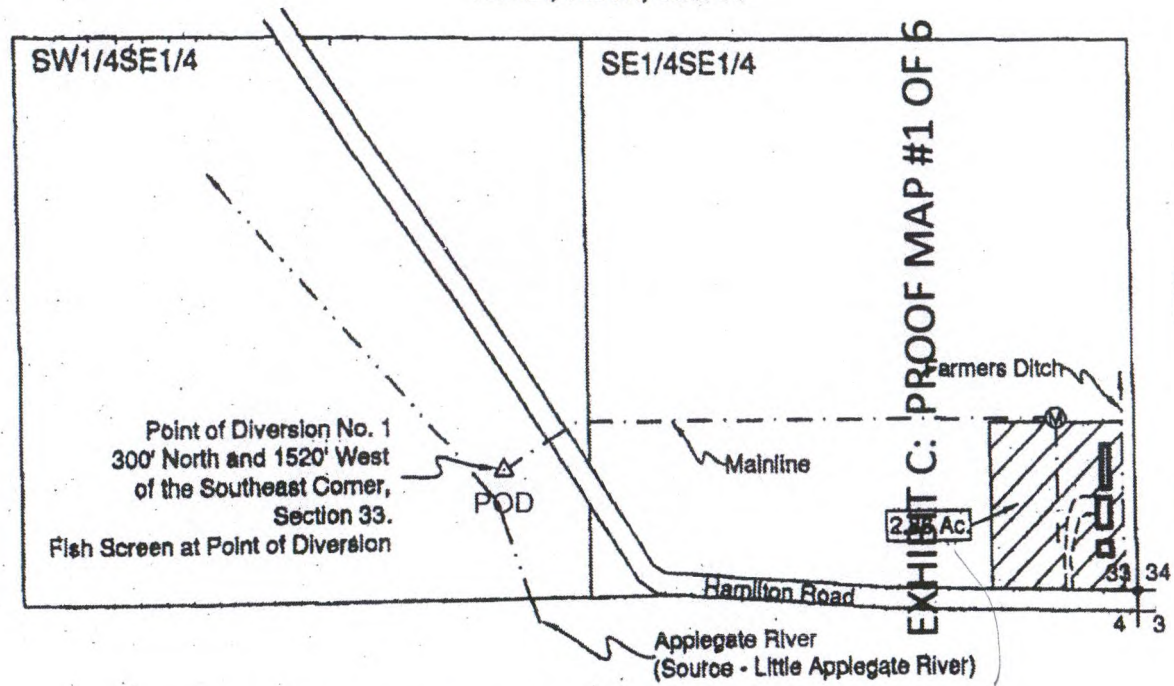
RECEIVED BY OWRD
JUN 17 2013
SALEM, OR

OWRD

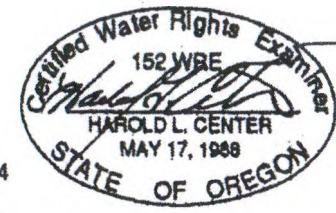
T.38S., R.3W., Sec. 33



Scale: 1"=400'
Date: October 2, 2006



- LEGEND**
- Found Survey Monument
 - Denotes Building
 - ⊙ Flow Meter
 - ▨ Denotes area under Special Order Volume 88, Pages 28-30, Priority Date Sept. 1, 1857



HAROLD L. CENTER
2604 David Lane
Medford, OR. 97504
Phone 541-535-6108
Oregon Certificate No. 15P
Certificate Renewal Date: 12/31/2007

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

EXHIBIT C: PROOF MAP #3 OF 6

2006-8-5

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RECEIVED BY OWRD

JUN 17 2013

SALEM, OR

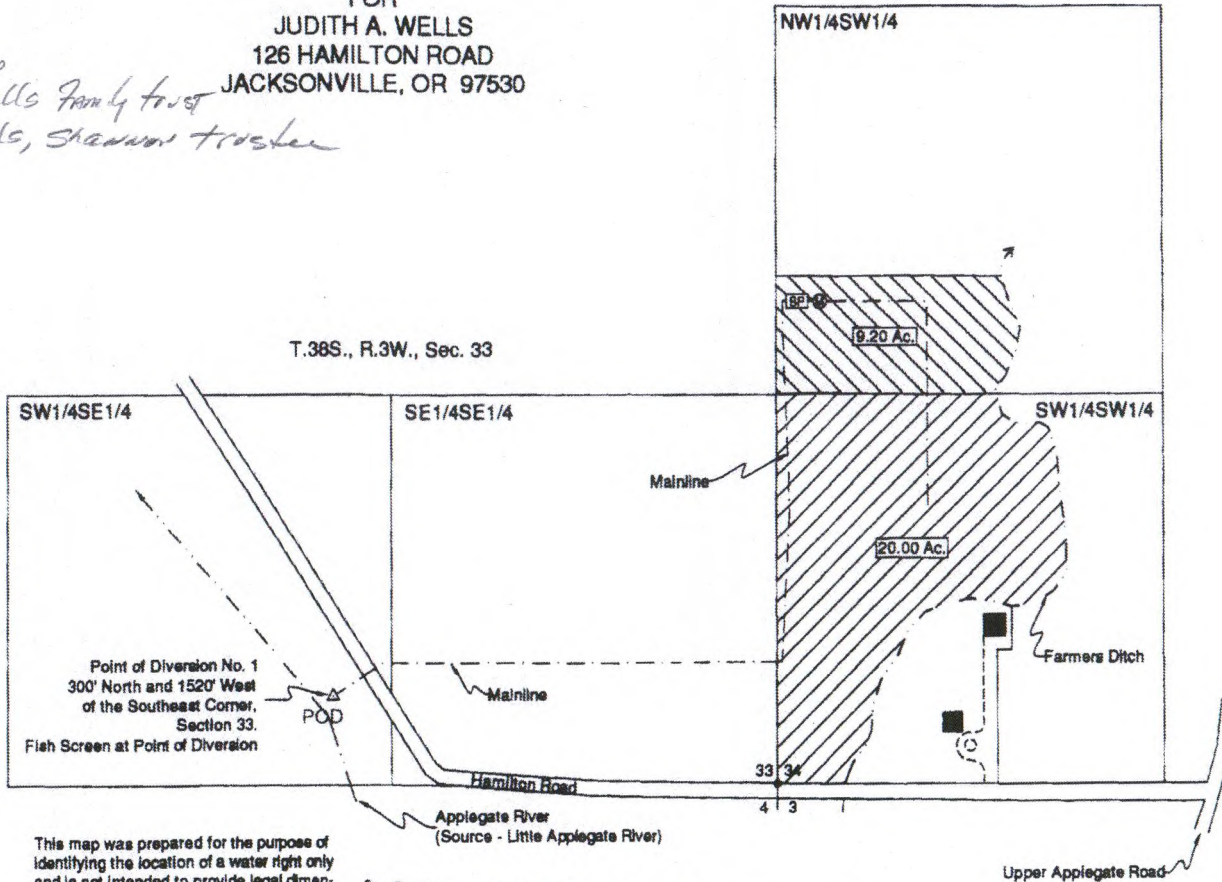
FINAL PROOF MAP T~~9668~~⁹⁶⁶⁷
NW1/4SW1/4, SW1/4SW1/4, SEC. 34, T.38S., R.3W., W.M.
JACKSON COUNTY, OREGON

FOR
JUDITH A. WELLS
126 HAMILTON ROAD
JACKSONVILLE, OR 97530

*Now
Wells Family Trust
Wells, Shannon Trustee*

T.38S., R.3W., Sec. 34

T.38S., R.3W., Sec. 33



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



Scale: 1"=400'
Date: June 16, 2006

LEGEND

- Found Survey Monument
- Denotes Building
- ⊙ Flow Meter
- BP Booster Pump
- ▨ Denotes area under Special Order Volume 68, Pages 3-8, Priority Date 1858
- ▩ Denotes area under Special Order Volume 68, Pages 3-8, Priority Date Aug. 29, 1961



HAROLD L. CENTER
2804 David Lane
Medford, OR. 97504
Phone 541-535-8108
Oregon Certificate No. 152
Certificate Renewal Date: 12/31/2007

00216

0216

00216 MAP # 0216

EXHIBIT C: PROOF MAP #4 OF 6

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AUG 14 2006

WATER RESOURCES DEPT
SALEM, OREGON

RECEIVED
 JUL 12 2006
 WATER RESOURCES DEPT
 SALEM, OREGON

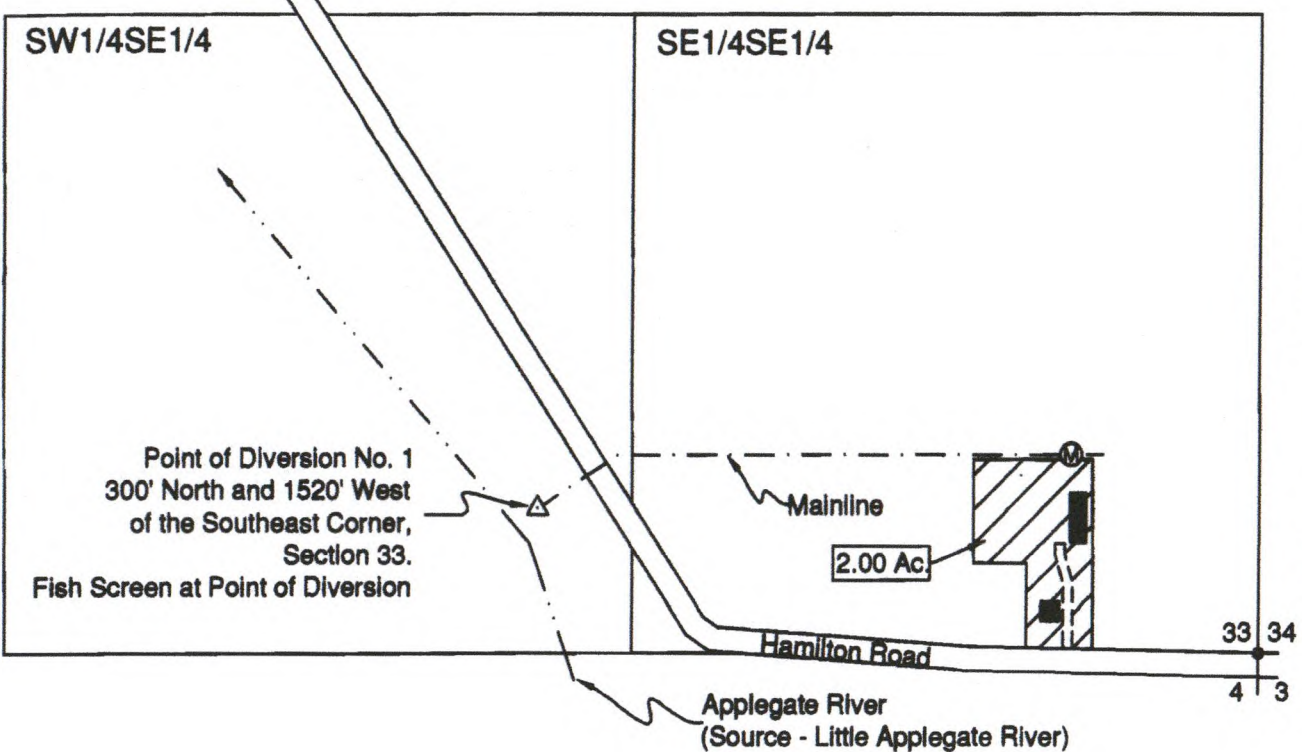
FINAL PROOF MAP T9668
 SE1/4SE1/4 SEC. 33, T.38S., R.3W., W.M.
 JACKSON COUNTY, OREGON
 FOR
 CONNIE S. CLABORN
 348 HAMILTON ROAD
 JACKSONVILLE, OR 97530

RECEIVED
 / 16 2020
 OWRD



Scale: 1"=400'
 Date: June 16, 2006

T.38S., R.3W., Sec. 33



- LEGEND**
- Found Survey Monument
 - Denotes Building
 - ⊙ Flow Meter
 - ▨ Denotes area under Special Order Volume 68, Pages 17-19, Priority Date Sept. 1, 1857



HAROLD L. CENTER
 2604 David Lane
 Medford, OR. 97504
 Phone 541-535-6108
 Oregon Certificate No. 152
 Certificate Renewal Date: 12/31/2007

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

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COBU MAP # 0213

FINAL PROOF MAP
TRANSFER T-9669
SE1/4NE1/4, SE1/4SE1/4, SEC. 33
SW1/4NW1/4, SE1/4NW1/4, NW1/4SW1/4, NE1/4SW1/4, SECTION 34
T. 38 S., R. 3 W., W.M.
JACKSON COUNTY, OREGON
FOR
ANN WISNOUSKY
1352 APPLGATE ROAD
JACKSONVILLE, OR 97530
JUNE 1, 2006

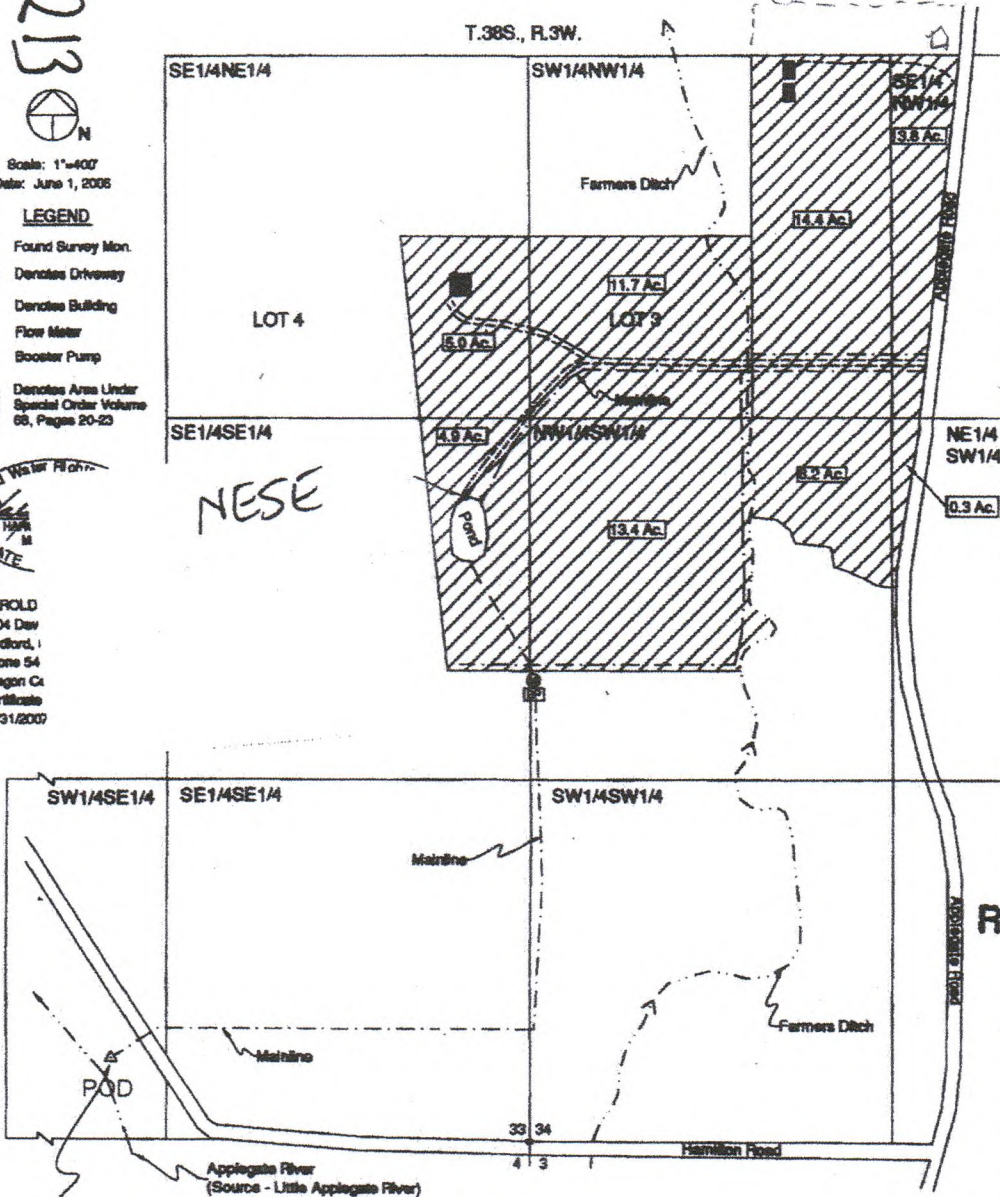
Scale: 1"=400'
Date: June 1, 2006

LEGEND

- Found Survey Mon.
- Denotes Driveway
- Denotes Building
- Flow Meter
- Booster Pump
- ▨ Denotes Area Under Special Order Volume 66, Pages 20-23

Division Water Right
STATE

HAROLD
2804 Daw
Medford, OR
Phone 54
Oregon Co
Certificate
12/31/2007



Point of Diversion No. 1
300' North and 1520' West
of the Southeast Corner,
Section 33.
Fish Screen at Point of Diversion

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JUL 24 2006
WATER RESOURCES DEPT
SALEM, OREGON

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

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JUN 17 2013
SALEM, OR

[-07900

CLAIM OF BENEFICIAL USE

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APPLICATION S-87908 PERMIT S-54877 PUMP GROUP 3-A

APPLEGATE IRRIGATION CORPORATION
348 Hamilton Road, Jacksonville, OR 97530

This report, along with the previously submitted Claim of Beneficial Use reports for transfers T-9664, T-9665, T-9667, T-9668 and T-9969 serve as the Claim of Beneficial use for pump group 3-A under permit S-54977. Note: The referenced COBU maps for the claims are attached. A new map for the 7.60 acres added in the SW1/4SW1/4 is attached. 2.40 acres were not developed.

Additional water is provided for two properties within the SW ¼ SW ¼ Section 34, T38S, R 3W as follows:

4.00 Acres, Tax Lot 301 – 38 3W 34C currently owned by Wells, Garon L., 118 Hamilton Road, Jacksonville, OR 97530.

3.60 Acres, Tax Lot 300 – 38 3W 34C currently owned by Wells Family Trust.

Map Attached Showing Place of Use and Meter Location. Irrigation Distribution Map Attached Showing Water Delivery System For Fields 4, 5, 6 and 7.

Pump Group 3A consists of 7 water users using 2 main and booster pumps.

APPLEGATE RIVER IRRIGATION CORPORATION

Water User T -9664, Hardman Property now owned by Pico, Thomas 4329 Railroad Ave., Pleasanton, CA 94566

Water User T-9665, Cortez Property now owned by Lore Holdings LLC, 580 Hamilton Road, Jacksonville, Or 97530.

Water User T-9666, Hubbard Property now owned by Hubbard, Thomas, 294 Hamilton Road, Jacksonville, OR 97530.

Water User T-9667, Wells Property now owned by Wells Family Trust, 126 Hamilton Road, Jacksonville, OR 97530. Note, 5.27 acres of the Wells Family Trust property is now owned by Wells, Garon L. Identified as Tax Lot 301, T38S, R3W

Water User T-9668m Claiborn Property now owned by Claiborn, Connie, 348 Hamilton Road, Jacksonville, OR 97530.

Water user T-9669, Ann Wisnousky, 1352 Applegate Road, Jacksonville, OR 97530 is now owned by Wisnousky Land LLC

A site visit was conducted on 10/21/2020 to inspect the properties and equipment used.

Person interviewed was: Tom Hubbard – ARIC President

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1. The point of diversion and place of use have not changed.
2. Equipment used, including the pumps and flow meters are the same.

Authorized Point of Re-Diversion:

Twp	Rng	Mer	Sec	Q-Q	Measured Distance
38 S	3 W	WM	33	SW SE	300 FEET NORTH AND 1520 FEET WEST FROM SE CORNER, SECTION 33

Authorized Place of Use:

Twp	Rng	Mer	Sec	Q-Q	Acres
38 S	3 W	WM	33	SE NE	5.00
38 S	3 W	WM	33	NE SE	4.90
38 S	3 W	WM	33	SW SE	1.10
38 S	3 W	WM	33	SE SE	19.76
38 S	3 W	WM	34	SW NW	26.10
38 S	3 W	WM	34	SE NW	3.10
38 S	3 W	WM	34	NE SW	0.30
38 S	3 W	WM	34	NW SW	28.80
38 S	3 W	WM	34	SW SW	27.60

CONDITIONS:

1. MEASUREMENTS – Totalizing Flow Meters (meter locations shown on enclosed COBU maps)
 - a. METER – All are consistent with meters listed on COBU Reports.
 - b. Record monthly use and report annually. Report was submitted for 2019/2010.
2. FISH SCREEN/BYPASS - The fish screen was approved 7/15/05 per attachment and is still being used. Attachment-1 also stated bypass devices are not required.

RECEIVED

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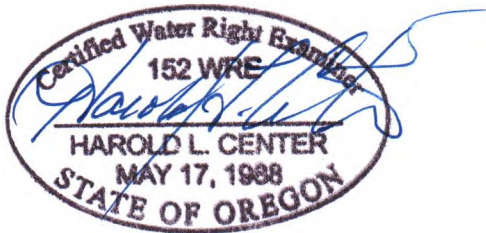
CLAIM OF BENEFICIAL USE

APPLICATION S-87908 PERMIT S-54977 PUMP GROUP 3-4

APPLEGATE RIVER IRRIGATION CORPORATION
(continued)

- 3. Bureau of Reclamation Contract 13XX10797 is currently in effect.
- 4. Riparian area has not been disturbed as the system was pre-existing.
- 5. COMPLETION DATE: November 20, 2020. Permit issued 11/20/2015. The water system was pre-existing and water has been used under the terms and conditions of permit S-54977 during the 2019-2020 irrigation season.

CWRE Statement, Seal and Signature



RENEWS: 12/31/21

CERTIFIED WATER RIGHT EXAMINER

Harold L. Center
2604 David Lane
Medford, OR 97504

PHONE: 541-535-6108
Email: center1071@gmail.com

PERMIT HOLDER – Applegate Irrigation Corporation Signature of Acknowledgement:


Signature

TOM HUBBARD CO-CHAIR 11-11-20
Print or Type Name, Title Date

CLAIM OF BENEFICIAL USE

APPLICATION S-87908 PERMIT S-54877 PUMP GROUP 3-A

APPLEGATE IRRIGATION CORPORATION
348 Hamilton Road, Jacksonville, OR 97530

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List of Exhibits

1. Map scale waiver, email G. Clark to H.L. Center
2. ODFW Fish Screen Inspection 7/15/05
3. Final Proof Maps T-9664 to T 9669
4. Irrigation system layout diagram for Wells Tax Lots 300 and 301



Harold Center <center1071@gmail.com>

Re: Permit S-54799 ARIC

1 message

CLARK Gerald E * WRD <Gerald.E.Clark@oregon.gov>
To: "orcenter1071@charter.net" <orcenter1071@charter.net>

Tue, Nov 3, 2020 at 5:36 AM

Harold,

Your request for a waiver of the map scale is approved. A map at a scale of 1" = 600' is acceptable.

Please update the map legend as it relates to the area irrigated. The map currently indicates "Denotes Area To Be Irrigated". Please update to read " Denotes Area Irrigated".

Please let me know if you have any additional questions.

Gerry

[Gerry Clark](#)

He/Him/His

Oregon Water Resources Department

Program Analyst, Certificate Section, Water Right Services Division

725 Summer Street NE, Suite A Salem, OR 97301 | Phone 503-986-0811

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On Nov 2, 2020, at 1:13 PM, Harold Center <center1071@gmail.com> wrote:

Good Day Gerry,

Please see the attached map, this map is for the additional 7.6 acres (was 10) that was added to the lake water permit. I noticed the map got drafted to 1/600 trying to fit 8.5 x 11 paper to match the size of the maps of record printed from the web site. I am requesting a map scale waiver. If the size needs to be 1/400 I can redo it.

Thanks

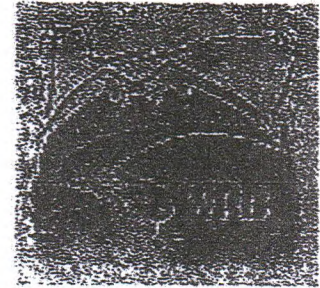
Harold L. Center, PLS CWRE

<CCF11022020_0003.pdf>

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OREGON DEPARTMENT OF FISH AND WILDLIFE
OREGON WATER RESOURCES DEPARTMENT

Pump Grp-3A

FISH SCREEN INSPECTION FORM

Applicant: CORTEZ, HARDMAN, CLABORN, WELLS, HUBBARD,
Name: WINGSKY'S Water Right Number: _____ Water Right Amount (cfs) _____

Address: _____ Phone _____

Diversion
Stream: Applegate R. Tributary to: Rogue R.

Address (if different than applicants): _____

Diversion Type: pump Location: T _____, R _____, Sec. _____

GPS Coordinates: 42.21547 -123.05863 SATS: 8

Pump Information

Brand: Berkeley (x2) Horsepower: 30 hp ea Intake Size: 6" ea

Screen Information

(manifold)
Type: Sute-flo Installed by: Techtrain Date Installed: 3-05

Date of Inspection: 7-15-05 Inspected by: Rich Hulbame Agency: ODFW

Comments: Bypass NOT REQUIRED

- Screen meets current state criteria for fish protection.
- Screen does not meet current state criteria for fish protection.
- Another screen inspection should be done before water use begins.

Recd From Shannon Wells 10/20/20

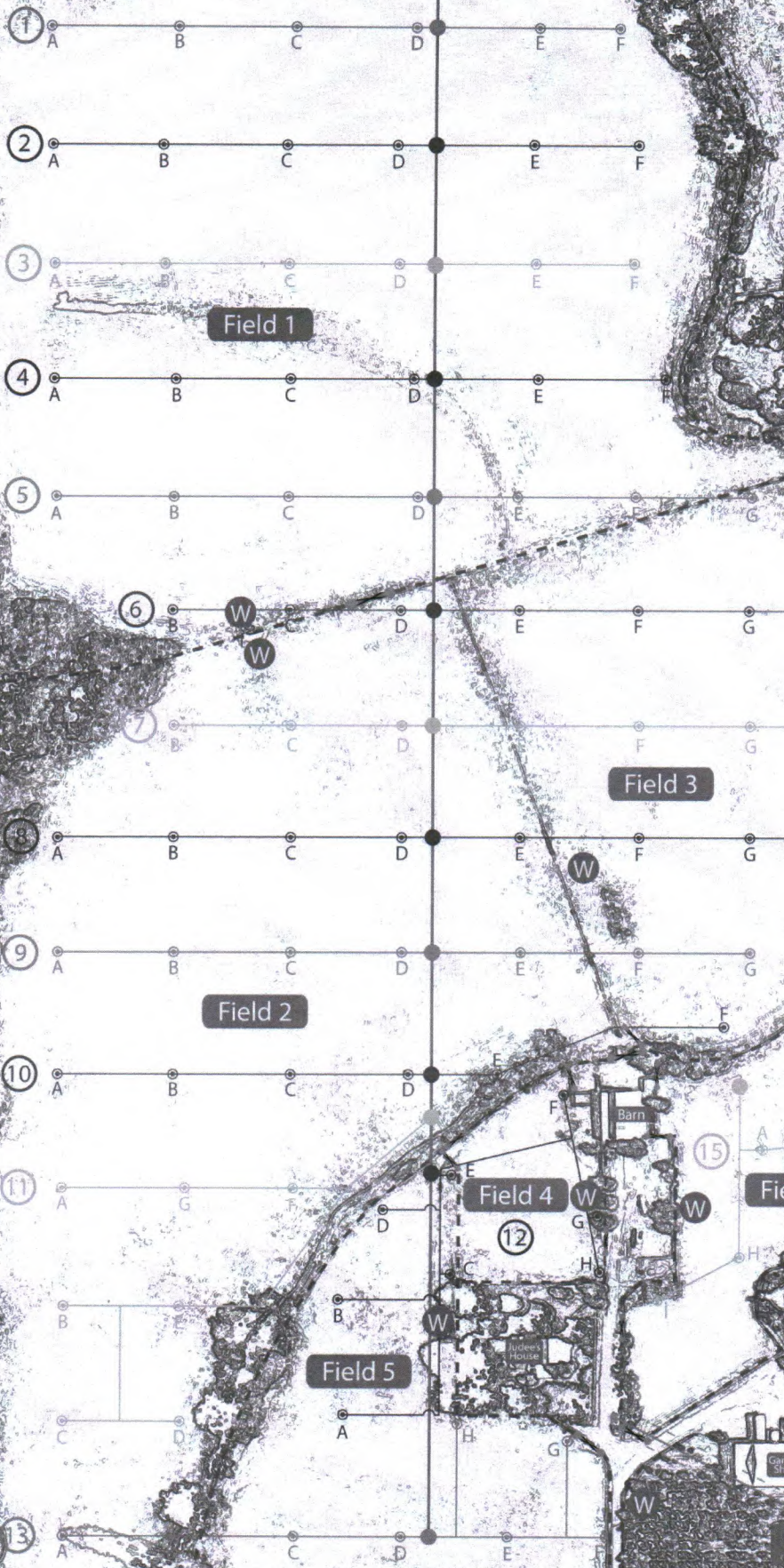
Private Access Road

IRRIGATION MAINLINE

Gate
 Station
 Solenoid
 Riser
 W Water Trough
 Fence
 Pumps

0 50 100 150 200 Feet

Wells Ranch House
 Bed & Barn
 20000 E 22
 Jacksonville Oregon



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Hamilton Road

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NOV 23 2020

OWRD

To: GERRY CLARK
OWRD

CLAIM OF BENEFICIAL USE

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ON S-87908 PERMIT S-54977 PUMP GROUP 3-A

APPLEGATE RIVER IRRIGATION CORPORATION
48 Hamilton Road, Jacksonville, OR 97530

Previously submitted Claim of Beneficial Use reports for transfers T-9968 and T-9969 serve as the Claim of Beneficial use for pump group 3-A. The referenced COBU maps for the claims are attached. A new map in the SW1/4SW1/4 is attached. 2.40 acres were not developed.

Additional water is provided for two properties within the SW 1/4 SW 1/4 Section 34, T38S, R 3W as follows:

4.00 Acres, Tax Lot 301 – 38 3W 34C currently owned by Wells, Garon L., 118 Hamilton Road, Jacksonville, OR 97530.

3.60 Acres, Tax Lot 300 – 38 3W 34C currently owned by Wells Family Trust.

Map Attached Showing Place of Use and Meter Location. Irrigation Distribution Map Attached Showing Water Delivery System For Fields 4, 5, 6 and 7.

Pump Group 3A consists of 7 water users using 2 main and booster pumps.

APPLEGATE RIVER IRRIGATION CORPORATION

Water User T-9664, Hardman Property now owned by Pico, Thomas 4329 Railroad Ave., Pleasanton, CA 94566

Water User T-9665, Cortez Property now owned by Lore Holdings LLC, 580 Hamilton Road, Jacksonville, Or 97530.

Water User T-9666, Hubbard Property now owned by Hubbard, Thomas, 294 Hamilton Road, Jacksonville, OR 97530.

Water User T-9667, Wells Property now owned by Wells Family Trust, 126 Hamilton Road, Jacksonville, OR 97530. Note, 5.27 acres of the Wells Family Trust property is now owned by Wells, Garon L. Identified as Tax Lot 301, T38S, R3W

Water User T-9668m Claiborn Property now owned by Claiborn, Connie, 348 Hamilton Road, Jacksonville, OR 97530.

Water user T-9669, Ann Wisnousky, 1352 Applegate Road, Jacksonville, OR 97530 is now owned by Wisnousky Land LLC

CLAIM OF BENEFICIAL USE

APPLICATION S-87908 PERMIT S-54977 PUMP GROUP 3-AAPPLEGATE RIVER IRRIGATION CORPORATION
348 Hamilton Road, Jacksonville, OR 97530

This report, along with the previously submitted Claim of Beneficial Use reports for transfers T-9664, T-9665, T-9667, T-9668 and T-9969 serve as the Claim of Beneficial use for pump group 3-A under permit S-54977. Note: The referenced COBU maps for the claims are attached. A new map for the 7.60 acres added in the SW1/4SW1/4 is attached. 2.40 acres were not developed.

Additional water is provided for two properties within the SW ¼ SW ¼ Section 34, T38S, R 3W as follows:

4.00 Acres, Tax Lot 301 – 38 3W 34C currently owned by Wells, Garon L., 118 Hamilton Road, Jacksonville, OR 97530.

3.60 Acres, Tax Lot 300 – 38 3W 34C currently owned by Wells Family Trust.

Map Attached Showing Place of Use and Meter Location. Irrigation Distribution Map Attached Showing Water Delivery System For Fields 4, 5, 6 and 7.

Pump Group 3A consists of 7 water users using 2 main and booster pumps.

APPLEGATE RIVER IRRIGATION CORPORATION

Water User T -9664, Hardman Property now owned by Pico, Thomas 4329 Railroad Ave., Pleasanton, CA 94566

Water User T-9665, Cortez Property now owned by Lore Holdings LLC, 580 Hamilton Road, Jacksonville, Or 97530.

Water User T-9666, Hubbard Property now owned by Hubbard, Thomas, 294 Hamilton Road, Jacksonville, OR 97530.

Water User T-9667, Wells Property now owned by Wells Family Trust, 126 Hamilton Road, Jacksonville, OR 97530. Note, 5.27 acres of the Wells Family Trust property is now owned by Wells, Garon L. Identified as Tax Lot 301, T38S, R3W

Water User T-9668m Claiborn Property now owned by Claiborn, Connie, 348 Hamilton Road, Jacksonville, OR 97530.

Water user T-9669, Ann Wisnousky, 1352 Applegate Road, Jacksonville, OR 97530 is now owned by Wisnousky Land LLC

A site visit was conducted on 10/21/2020 to inspect the properties and equipment used.

Person interviewed was: Tom Hubbard – ARIC President

1. The point of diversion and place of use have not changed.
2. Equipment used, including the pumps and flow meters are the same.

Authorized Point of Re-Diversion:

Twp	Rng	Mer	Sec	Q-Q	Measured Distance
38 S	3 W	WM	33	SW SE	300 FEET NORTH AND 1520 FEET WEST FROM SE CORNER, SECTION 33

Authorized Place of Use:

Twp	Rng	Mer	Sec	Q-Q	Acres
38 S	3 W	WM	33	SE NE	5.00
38 S	3 W	WM	33	NE SE	4.90
38 S	3 W	WM	33	SW SE	1.10
38 S	3 W	WM	33	SE SE	19.76
38 S	3 W	WM	34	SW NW	26.10
38 S	3 W	WM	34	SE NW	3.10
38 S	3 W	WM	34	NE SW	0.30
38 S	3 W	WM	34	NW SW	28.80
38 S	3 W	WM	34	SW SW	27.60

CONDITIONS:

1. MEASUREMENTS – Totalizing Flow Meters (meter locations shown on enclosed COBU maps)
 - a. METER – All are consistent with meters listed on COBU Reports.
 - b. Record monthly use and report annually. Report was submitted for 2019/2010.
2. FISH SCREEN/BYPASS - The fish screen was approved 7/15/05 per attachment and is still being used. Attachment-1 also stated bypass devices are not required.

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CLAIM OF BENEFICIAL USE

APPLICATION S-87908 PERMIT S-54977 PUMP GROUP 3-4

APPLEGATE RIVER IRRIGATION CORPORATION
(continued)

- 3. Bureau of Reclamation Contract 13XX10797 is currently in effect.
- 4. Riparian area has not been disturbed as the system was pre-existing.
- 5. COMPLETION DATE: November 20, 2020. Permit issued 11/20/2015. The water system was pre-existing and water has been used under the terms and conditions of permit S-54977 during the 2019-2020 irrigation season.

CWRE Statement, Seal and Signature



CERTIFIED WATER RIGHT EXAMINER

Harold L. Center
2604 David Lane
Medford, OR 97504

PHONE: 541-535-6108
Email: center1071@gmail.com

Reviews: 12/31/21

PERMIT HOLDER – Applegate River Irrigation Corporation - Signature of Acknowledgement:

Signature

CO-CHAIR TOM HUBBARD

Print or Type Name, Title

11-19-20

Date

RECEIVED

NOV 23 2020

OWRD

CLAIM OF BENEFICIAL USE

APPLICATION S-87908 PERMIT S-54977 PUMP GROUP 3-A

APPLEGATE RIVER IRRIGATION CORPORATION
348 Hamilton Road, Jacksonville, OR 97530

List of Exhibits

1. Map scale waiver, email G. Clark to H.L. Center
2. ODFW Fish Screen Inspection 7/15/05
3. Final Proof Maps T-9664 to T 9669
4. Irrigation system layout diagram for Wells Tax Lots 300 and 301

RECEIVED

NOV 23 2020

OWRD



Scale: 1"=600'

Date: October 21, 2020

LEGEND

- Found Survey Monument
- Denotes Building
- ▨ Denotes Irrigated Area
- Ⓜ Denotes Flow Meter
- Ⓢ Denotes Fish Screen
- BP Denotes Booster Pump
- Pipeline

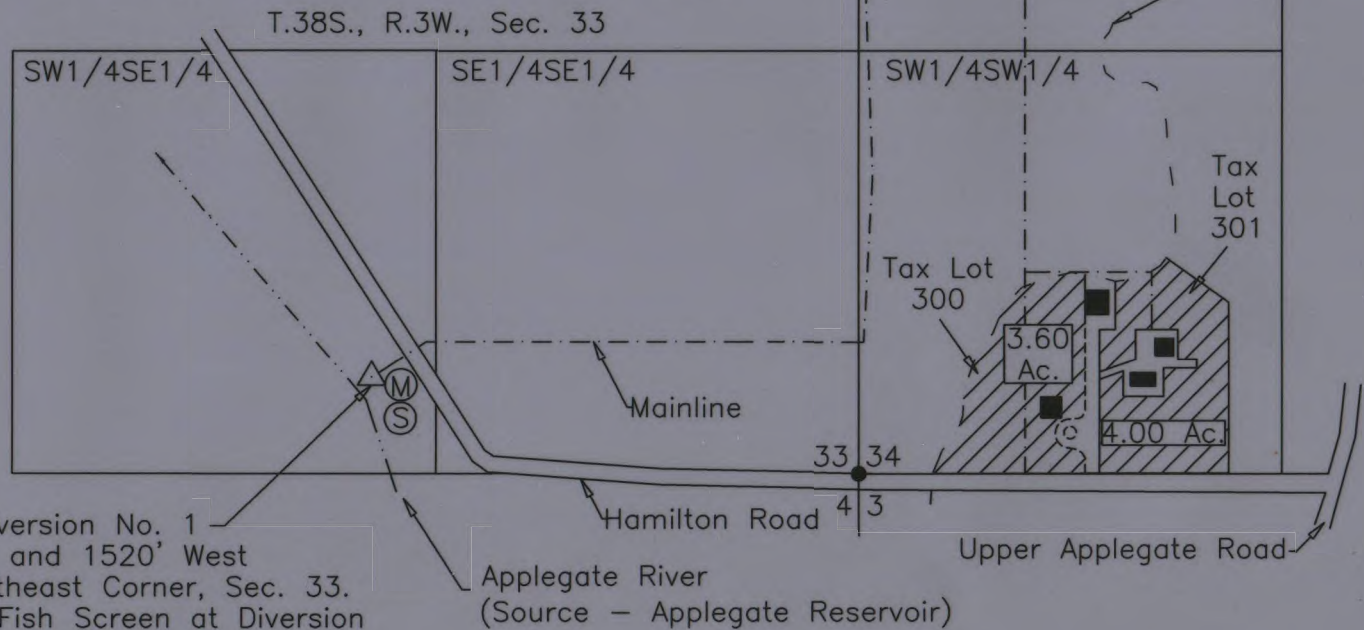
CLAIM OF BENEFICIAL USE MAP
APPLICATION S-87908 PERMIT-S-54977

SITUATED IN
SW1/4SW1/4, SEC. 34
T.38S., R.3W., W.M.
JACKSON COUNTY, OREGON

T.38S., R.3W., Sec. 34

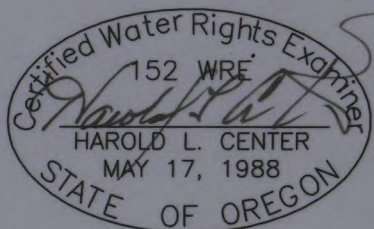
FOR
APPLEGATE RIVER IRRIGATION CORP.
348 HAMILTON ROAD-JACKSONVILLE, OR 97530
PROPERTIES

JUDITH A. WELLS	AND	GARON L. WELLS
126 HAMILTON ROAD		118 HAMILTON ROAD
JACKSONVILLE, OR 97530		JACKSONVILLE, OR 97530
TAX LOT 300		TAX LOT 301
MAP 38 3W 34		MAP 38 3W 34



Point of Diversion No. 1
300' North and 1520' West
of the Southeast Corner, Sec. 33.
Meter and Fish Screen at Diversion

Applegate River
(Source - Applegate Reservoir)



HAROLD L. CENTER
2604 David Lane
Medford, OR. 97504
Phone 541-535-6108
Oregon Certificate No. 152

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

Renews: 12/31/21

Project: ARIC_20-16 (WELLS)

RECEIVED BY OWRD

JUN 17 2013

SALEM, OR

MAP TO ACCOMPANY APPLICATION FOR AN A

Authorized Point of Diversion is
350' South and 900' West from the NE
Corner of Section 14, being within
the NE 1/4 of NE 1/4 of Section 14
Township 39 South, Range 3 West
OF WM in Jackson County, Ore.

Pr
15
38
Ja

Superseded
11/16/2020

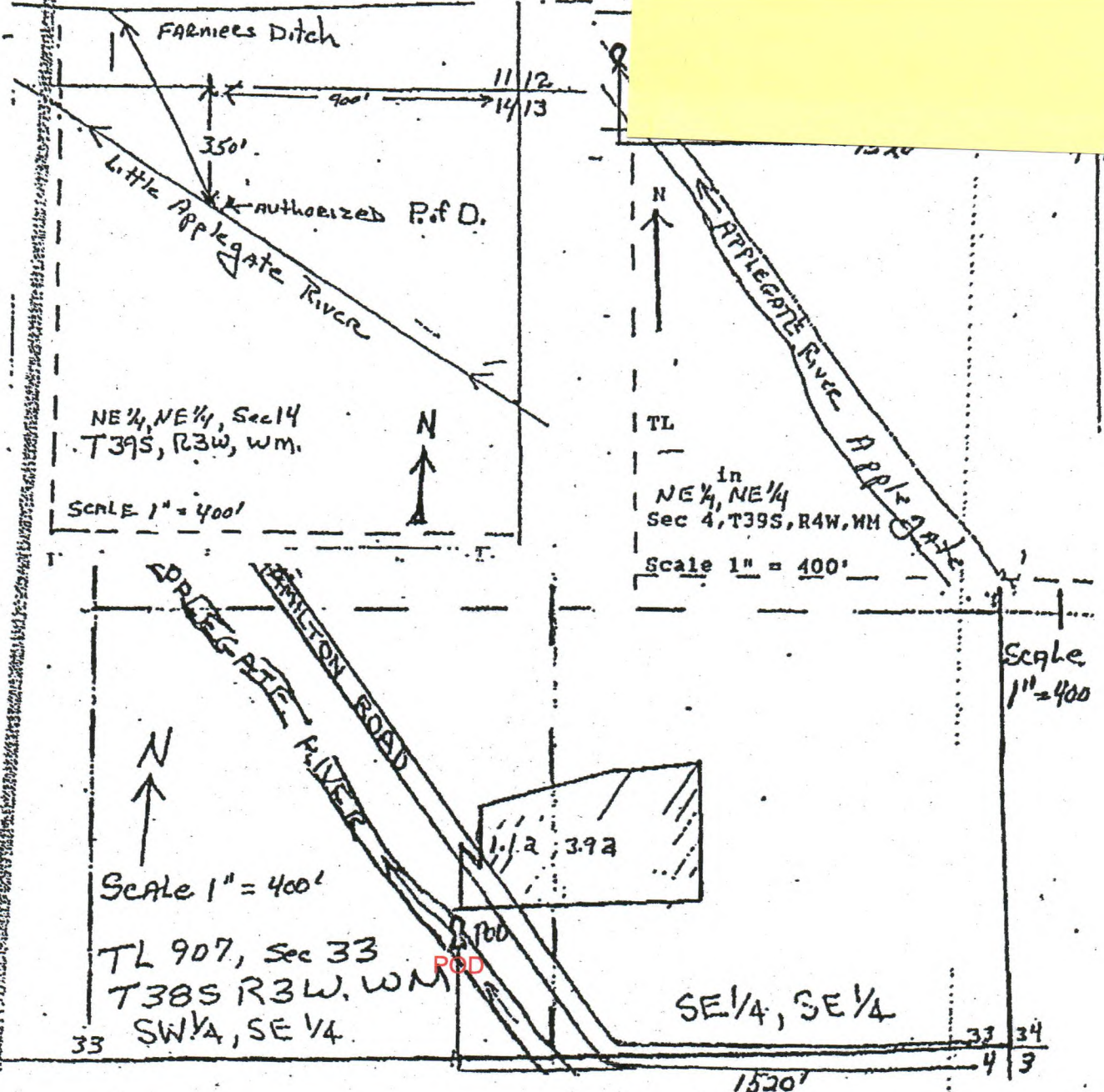


EXHIBIT C: PROOF MAP #1 OF 6

S-87908

RECEIVED BY OWRD

JUN 17 2013

SALEM, OR

MAP TO ACCOMPANY APPLICATION FOR AN ADDITIONAL POD

THOMAS MINTKOVICH
Pied. Family Trust
T-966011

Authorized Point of Diversion is
350' South and 900' West from the NE
Corner of Section 14, being within
the NE 1/4 of NE 1/4 of Section 14
Township 39 South, Range 3 West
Of WM in Jackson County, Ore.

Proposed Additional POD: 300 feet North and
1520 feet West from SE corner, section 33 Twp
38S, Rng 3W Mer WM, Sec 33, Q-Q SW SE
Jackson County, Oregon

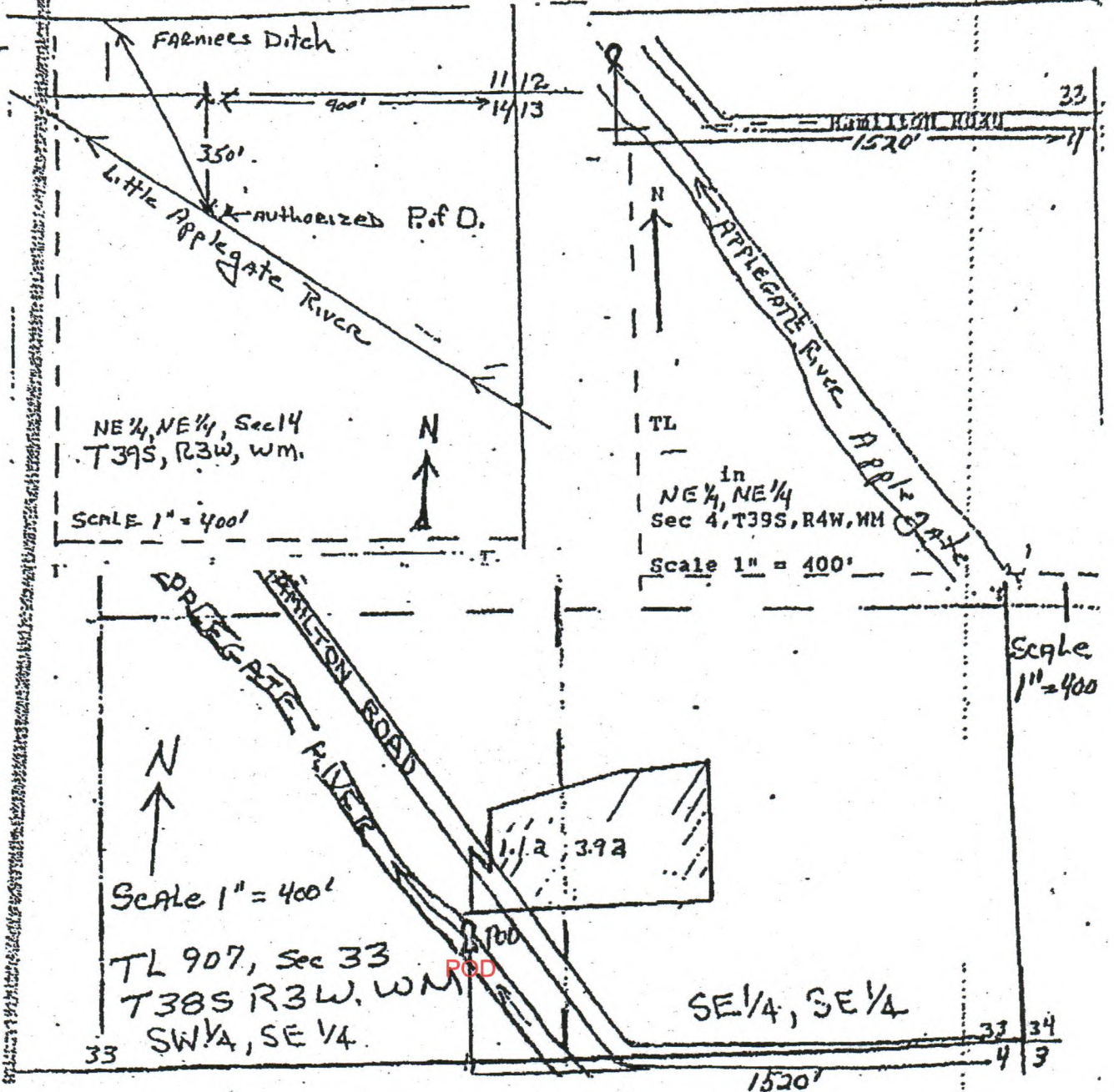


EXHIBIT C: PROOF MAP #1 OF 6

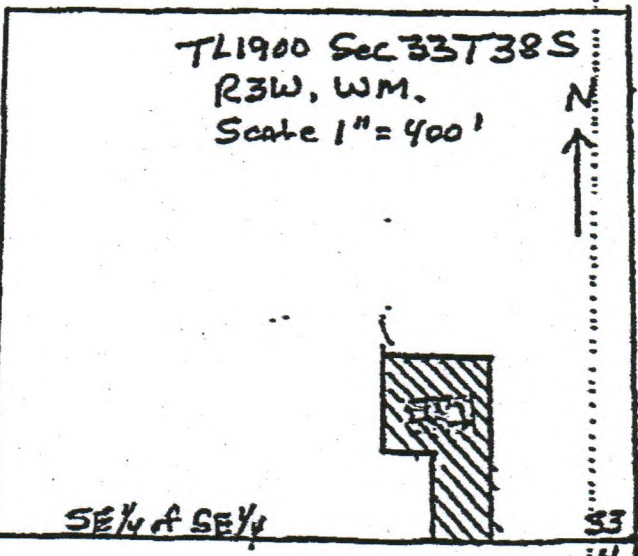
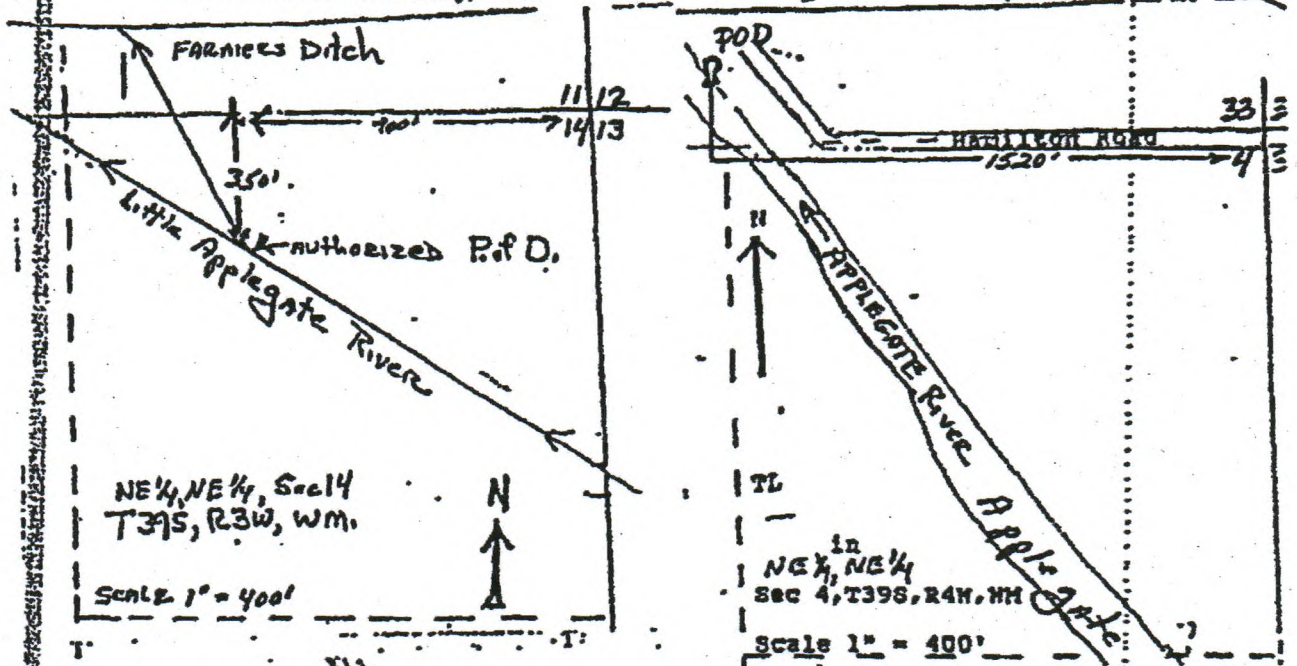
S-87908

MAP TO ACCOMPANY APPLICATION FOR AN ADDITIONAL POD

CONNIE CLABORN
T-9668

Authorized Point of Diversion is
350' South and 900' West from the NE
Corner of Section 14, being within
the NE 1/4 of NE 1/4 of Section 14
Township 39 South, Range 3 West
Of WM in Jackson County, Ore.

Proposed Additional POD: 300 feet North and
1520 feet West from SE corner, section 33 Twp
38S, Rng 3W Mer WM, Sec 33, Q-Q SW SE
Jackson County, Oregon



RECEIVED BY OWRD

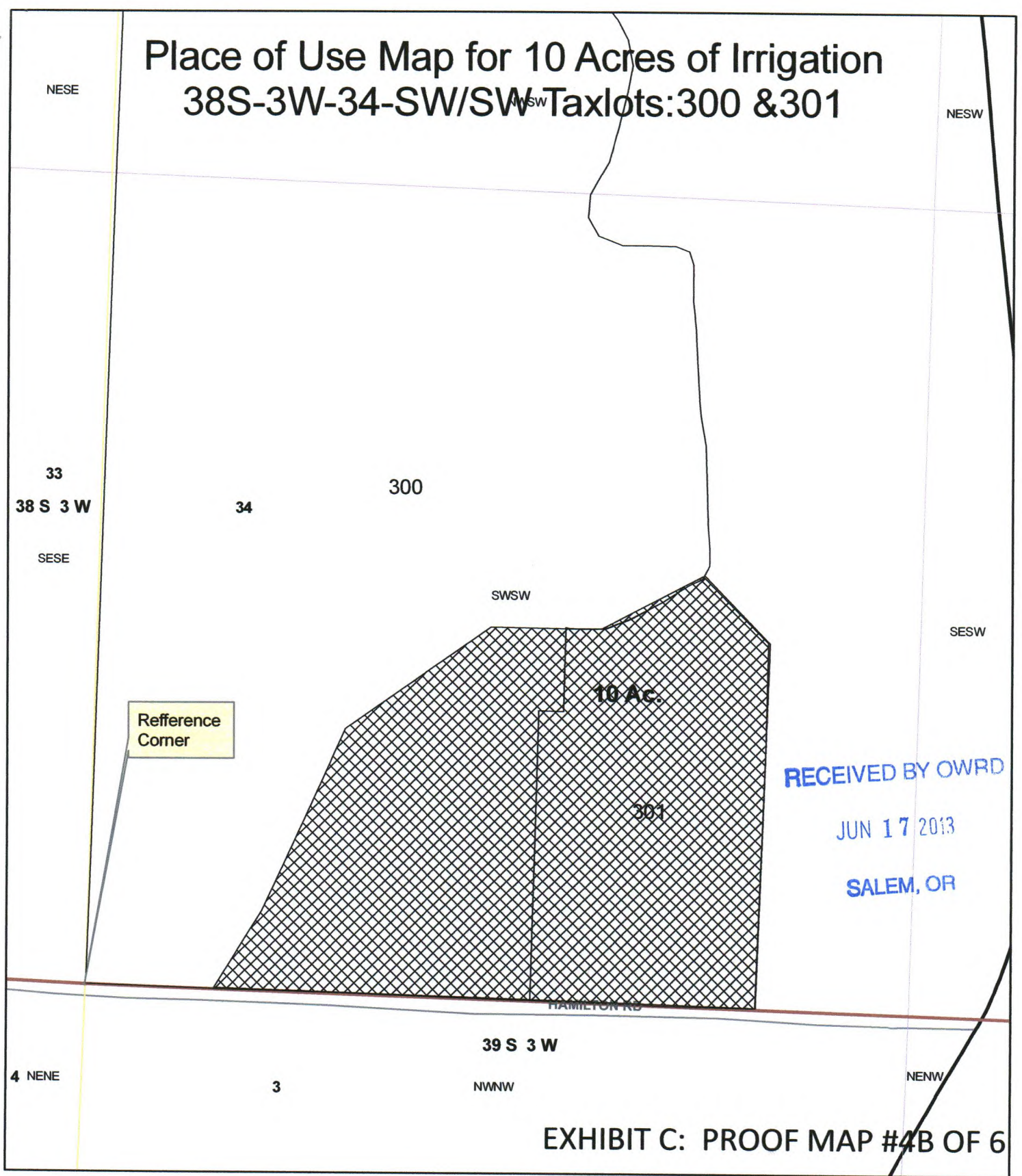
JUN 17 2013

SALEM, OR

EXHIBIT C: PROOF MAP #5 OF 6

S-87908

Place of Use Map for 10 Acres of Irrigation 38S-3W-34-SW/SW Taxlots:300 &301



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JUN 17 2013
SALEM, OR

EXHIBIT C: PROOF MAP #4B OF 6



1 inch = 200 feet



Legend

- Tax Lots
- Sections
- Townships
- Quarter quarters
- Place of Use

S-87908

RECEIVED BY OWRD

JUN 17 2013

SALEM, OR

9667
FINAL PROOF MAP T.38S.
NW1/4SW1/4, SW1/4SW1/4, SEC. 34, T.38S., R.3W., W.M.
JACKSON COUNTY, OREGON
FOR
JUDITH A. WELLS
126 HAMILTON ROAD
JACKSONVILLE, OR 97530

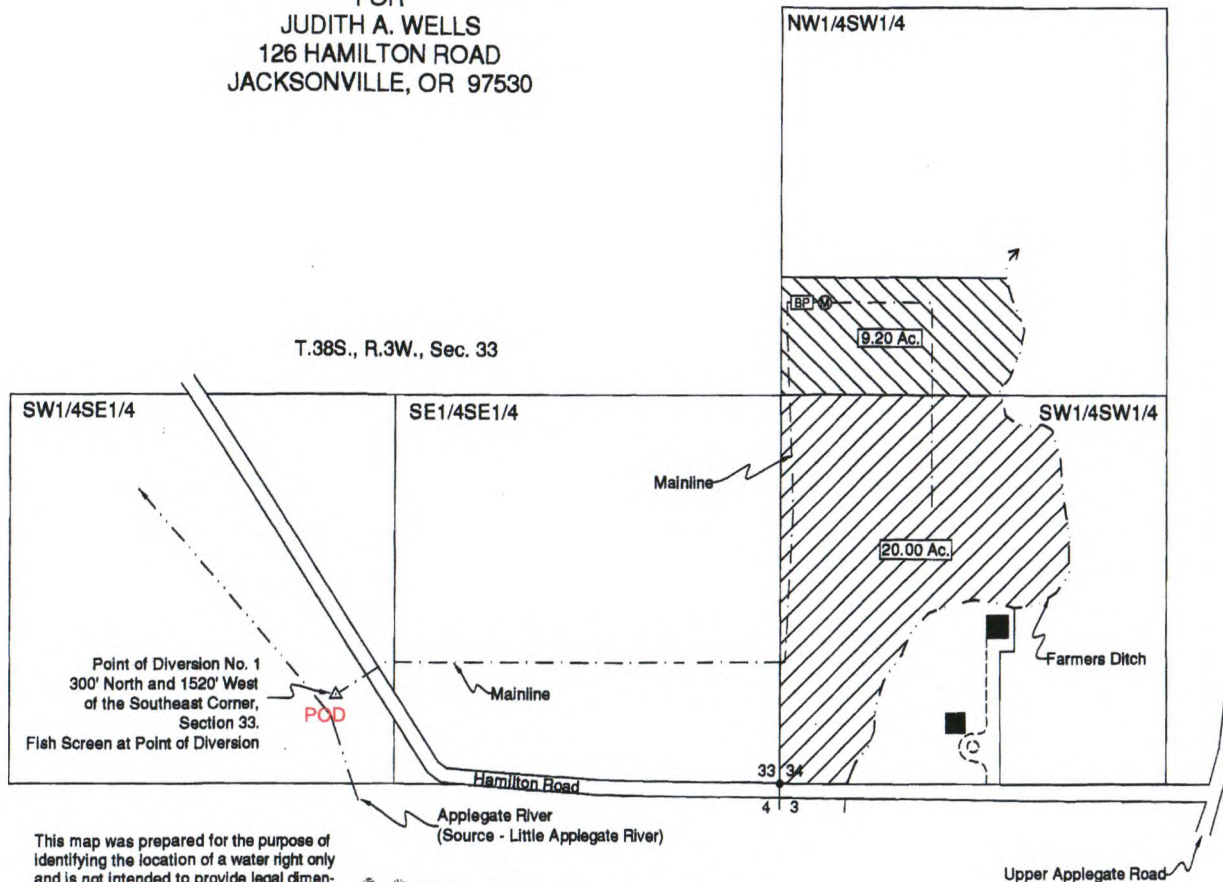
T.38S., R.3W., Sec. 34



Scale: 1"=400'
Date: June 16, 2006

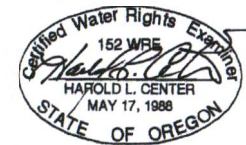
LEGEND

- Found Survey Monument
- Denotes Building
- ⊙ Flow Meter
- BP Booster Pump
- ▨ Denotes area under Special Order Volume 68, Pages 3-6, Priority Date 1858
- ▧ Denotes area under Special Order Volume 68, Pages 3-6, Priority Date Aug. 29, 1961



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

COPY MAP # 0216



HAROLD L. CENTER
2604 David Lane
Medford, OR. 97504
Phone 541-535-6108
Oregon Certificate No. 152
Certificate Renewal Date: 12/31/2007

RECEIVED
AUG 14 2006
WATER RESOURCES DEPT
SALEM, OREGON

EXHIBIT C: PROOF MAP #4 OF 6

0058-5

0216

RECEIVED
 NOV 02 2006
 WATER RESOURCES DEPT
 SALEM, OREGON

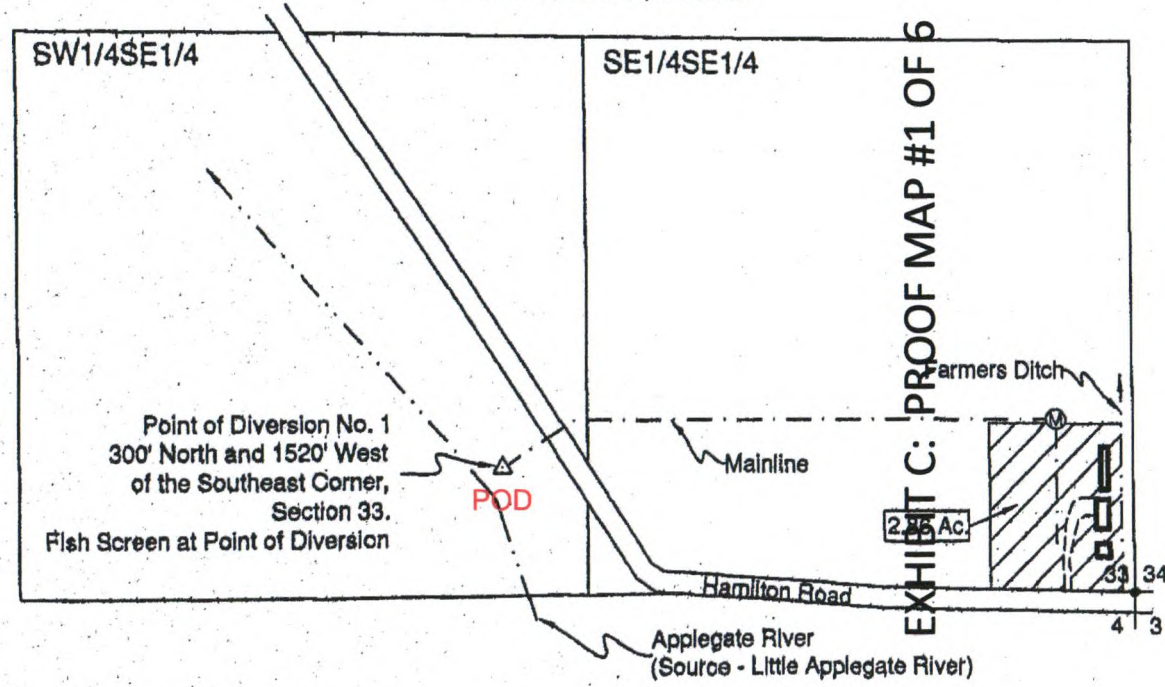
FINAL PROOF MAP T9666
 SE1/4SE1/4 SEC. 33, T.38S., R.3W., W.M.
 JACKSON COUNTY, OREGON
 FOR
 THOMAS F. HUBBARD
 294 HAMILTON ROAD
 JACKSONVILLE, OR 97530

RECEIVED BY OWRD
 JUN 17 2013
 SALEM, OR



Scale: 1"=400'
 Date: October 2, 2006

T.38S., R.3W., Sec. 33



- LEGEND**
- Found Survey Monument
 - Denotes Building
 - ⊙ Flow Meter
 - ▨ Denotes area under Special Order Volume 88, Pages 28-30, Priority Date Sept. 1, 1857



HAROLD L. CENTER
 2604 David Lane
 Medford, OR. 97504
 Phone 541-535-6108
 Oregon Certificate No. 152
 Certificate Renewal Date: 12/31/2007

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

0028-5

FINAL PROOF MAP T9665
 SE1/4SE1/4 SEC. 33, T.38S., R.3W., W.M.
 JACKSON COUNTY, OREGON

Dave & Dale
 Paddock
 Property

FOR
 ADRIAN J. CORTEZ JR.
 5194 TRAIL CANYON DRIVE
 MIRA LOMA, CA 91572

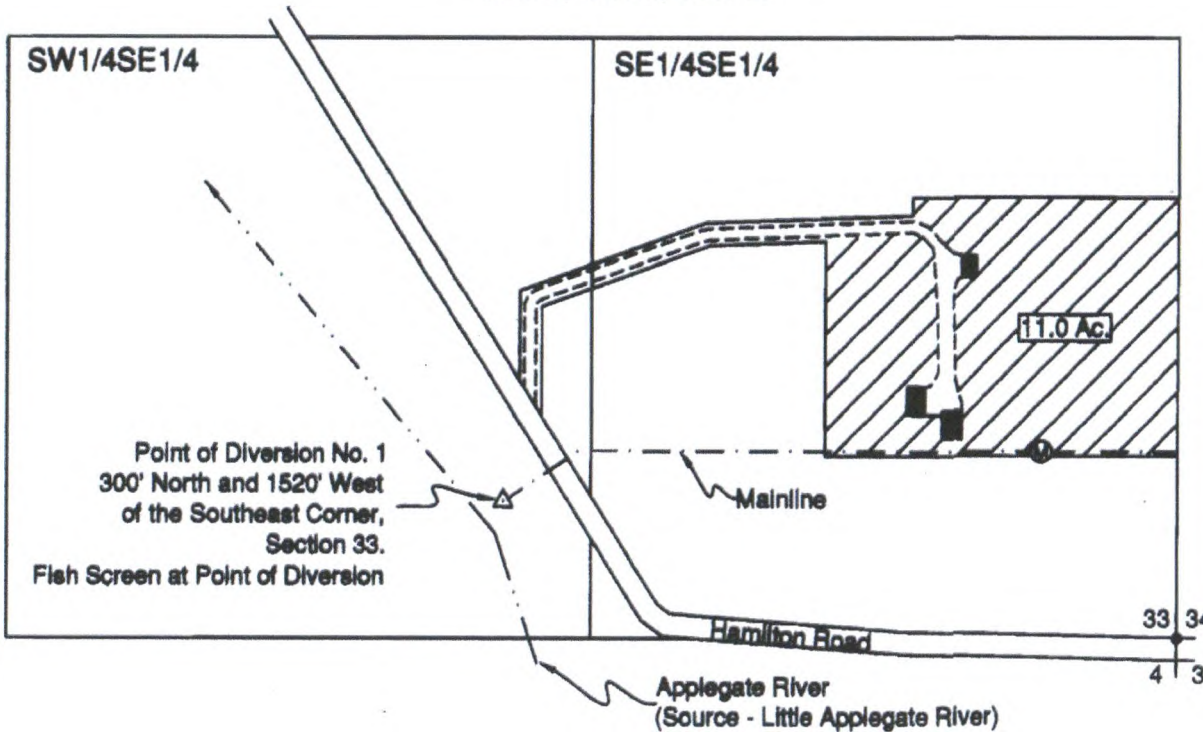
RECEIVED
 AUG 14 2006
 WATER RESOURCES DEPT
 SALEM, OREGON



RECEIVED BY OWRD
 JUN 17 2013
 SALEM, OR

Scale: 1"=400'
 Date: May 17, 2006

T.38S., R.3W., Sec. 33



LEGEND

- Found Survey Monument
- Denotes Building
- ⊙ Flow Meter
- ▨ Denotes area under Special Order Volume 68, Pages 11-13, Priority Date Sept. 1, 1857

S-87908



HAROLD L. CENTER
 2604 David Lane
 Medford, OR. 97504
 Phone 541-535-6108
 Oregon Certificate No. 152
 Certificate Renewal Date: 12/31/2007

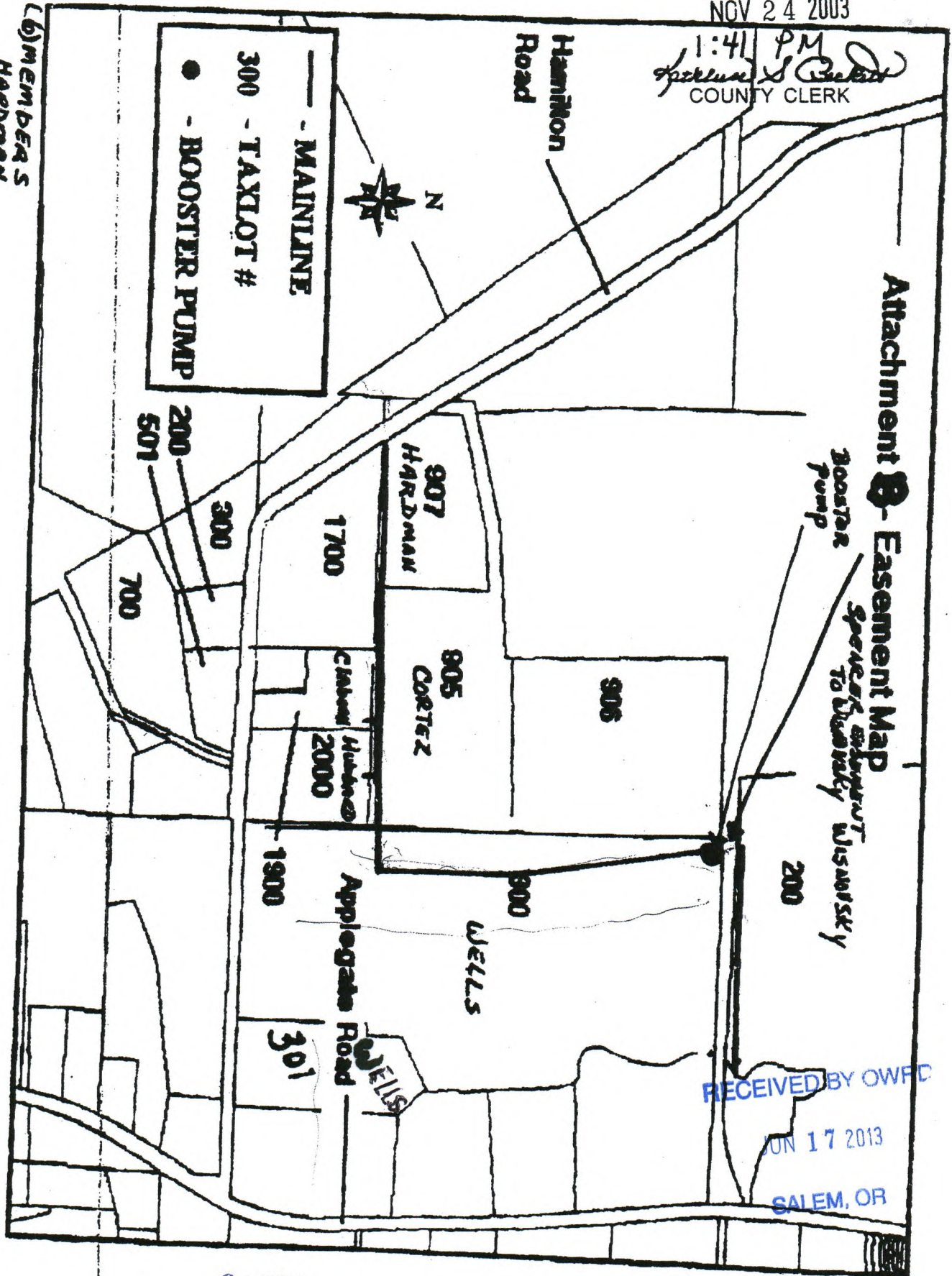
This map was prepared for the purpose of identifying the location of a water right only and is not intended to provide legal dimensions or location of property ownership.

NOV 24 2003

1:41 PM
Spelman S. Pickett
COUNTY CLERK

Pump Group 3a

MEMBERS
HARDMAN
CARTER
CLARKSON
HUBBARD
WELLS



S-87900

EX-E

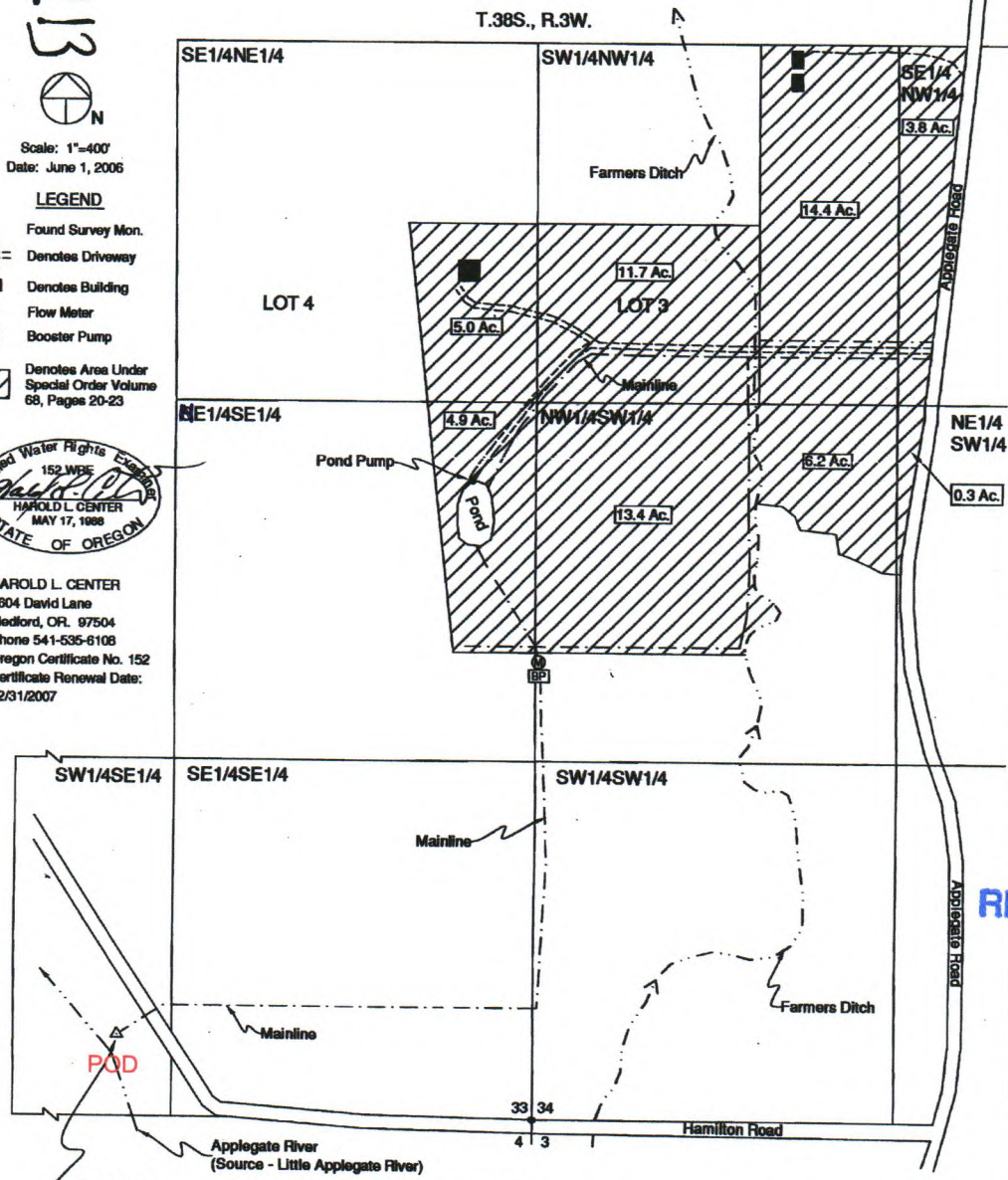
COBU MAP # 0213

FINAL PROOF MAP
TRANSFER T-9669
SE1/4NE1/4, SE1/4SE1/4, SEC. 33
SW1/4NW1/4, SE1/4NW1/4, NW1/4SW1/4, NE1/4SW1/4, SECTION 34
T. 38 S., R. 3 W., W.M.
JACKSON COUNTY, OREGON
FOR
ANN WISNOUSKY
1352 APPLGATE ROAD
JACKSONVILLE, OR 97530
JUNE 1, 2006

- Scale: 1"=400'
Date: June 1, 2006
- LEGEND**
- Found Survey Mon.
 - ==== Denotes Driveway
 - Denotes Building
 - ⊙ Flow Meter
 - BP Booster Pump
 - ▨ Denotes Area Under Special Order Volume 68, Pages 20-23



HAROLD L. CENTER
2604 David Lane
Medford, OR. 97504
Phone 541-535-6108
Oregon Certificate No. 152
Certificate Renewal Date:
12/31/2007



Point of Diversion No. 1
300' North and 1520' West
of the Southeast Corner,
Section 33.
Fish Screen at Point of Diversion

RECEIVED
JUL 24 2006
WATER RESOURCES DEPT
SALEM, OREGON

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

RECEIVED BY OWRD
JUN 17 2013
SALEM, OR

5-87908

87908

CLARK Gerald E * WRD

From: Harold Center <center1071@gmail.com>
Sent: Wednesday, November 04, 2020 5:39 AM
To: CLARK Gerald E * WRD
Subject: RE: Permit S-54799 ARIC

Got it, Thanks

Sent from [Mail](#) for Windows 10

From: [CLARK Gerald E * WRD](#)
Sent: Wednesday, November 4, 2020 5:37 AM
To: [Harold Center](#)
Subject: Re: Permit S-54799 ARIC

Harold,

I wanted to make sure that you received this response. The original message was from your charter email address.

Gerry

Sent from my iPad

On Nov 3, 2020, at 5:36 AM, CLARK Gerald E * WRD <Gerald.E.Clark@oregon.gov> wrote:

Harold,

Your request for a waiver of the map scale is approved. A map at a scale of 1" = 600' is acceptable.

Please update the map legend as it relates to the area irrigated. The map currently indicates "Denotes Area To Be Irrigated". Please update to read " Denotes Area Irrigated".

Please let me know if you have any additional questions.

Gerry

Gerry Clark

He/Him/His

Oregon Water Resources Department

Program Analyst, Certificate Section, Water Right Services Division

| Phone [503-986-0811](tel:503-986-0811)

On Nov 2, 2020, at 1:13 PM, Harold Center <center1071@gmail.com> wrote:

Good Day Gerry,

Please see the attached map, this map is for the additional 7.6 acres (was 10) that was added to the lake water permit. I noticed the map got drafted to 1/600 trying to fit 8.5 x 11 paper to match the size of the maps of record printed from the web site. I am requesting a map scale waiver. If the size needs to be 1/400 I can redo it.

Thanks

Harold L. Center, PLS CWRE

<CCF11022020_0003.pdf>

WILKE Laura K * WRD

From: CLARK Gerald E * WRD
Sent: Wednesday, June 06, 2018 4:42 PM
To: WILKE Laura K * WRD
Cc: JARAMILLO Lisa J * WRD
Subject: RE: Little Applegate - sw permits to use stored water

Laura,

I don't know how we would flag them. I propose that we put a copy of this e-mail chain in each of these files. This should help people see how the other permits associated with the project.

Gerry

Gerry Clark

Program Analyst, Certificate Section
725 Summer Street NE, Suite A Salem, OR 97301 | Phone 503-986-0811



From: WILKE Laura K * WRD
Sent: Wednesday, June 06, 2018 3:05 PM
To: CLARK Gerald E * WRD
Cc: JARAMILLO Lisa J * WRD
Subject: RE: Little Applegate - sw permits to use stored water

Thanks for the update Gerry – really appreciate it. There's a few other permits to be on the lookout for as well that were part of this project:

S-54941 (File S-87915) – 2020 C Date (Schuderi)
S-55027 (File S-87914) and – 2021 C Date (Lucas, Anderson and Christie)
S-54977 (File S-87908) – 2020 C Date (Applegate River Irrigation Co)

Should we or do we need to put any flags into these files?

Laura

Laura Wilke

FLOW RESTORATION PROGRAM COORDINATOR
725 Summer Street NE, Suite A Salem, OR 97301 | Phone 503-986-0884



From: CLARK Gerald E * WRD
Sent: Monday, June 04, 2018 12:08 PM
To: WILKE Laura K * WRD
Cc: JARAMILLO Lisa J * WRD
Subject: RE: Little Applegate - sw permits to use stored water

Laura,

For the permit that we rescinded the certificate for (Permit 54721), the Corporation is currently working to extend the permit. It sounds as though some of the patrons did not have a totalizing flow meter in place as required, or may not have applied water following issuance of the permit. For those patrons that have completed use under the permit, some of them are currently working with CWREs to complete claims for their portions of the permit.

On Tuesday, May, 29th, the Department sent Mr. Wright copies of the Claims for the transfers associated with permits 550015, 55016, and 55017. The Corporation had requested these so that they could work with affected landowners regarding the submittal of Claims for those permits also:

Permit S-55015
T-8934
T-8935

Permit S-55016
T-8963

Permit S-55017
T-8948
T-9465
T-9654

Please let me know if you have any additional questions.

Gerry

Gerry Clark
Water Right Services Division
Water Resources Department
725 Summer Street NE, Suite A
Salem, Oregon 97301

Phone: 503-986-0811

From: WILKE Laura K * WRD
Sent: Monday, June 04, 2018 10:39 AM
To: CLARK Gerald E * WRD
Cc: JARAMILLO Lisa J * WRD
Subject: Little Applegate - sw permits to use stored water

Hi Gerry – I just wanted to touch base and see how things are going on the Little Applegate final proof side of the project. I think last we left off, we had to pull back the certificate we issued to AIC and work with them on getting a CWRE, putting together the final proof survey and site report, etc to get that all together to send in consistent with existing process. This was then going to set the stage for the others coming down the pipeline that will need assistance/guidance when they get to this point as well. Did I need to get you a list or did I do it already of the surface water permits involved in this project and their corresponding C dates – so we could flag those as part of this overall project??

Laura

Laura Wilke

FLOW RESTORATION PROGRAM COORDINATOR

725 Summer Street NE, Suite A Salem, OR 97301 | Phone 503-986-0884



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

In the Matter of Water Rights Application)
S-87908, Jackson County)

FINAL ORDER
APPROVING THE USE OF
STORED WATER

Authority

ORS 537.147 establishes the process by which an application to use stored water exclusively may be submitted. OAR Chapter 690, Divisions 310 and 340 implement the statute, and provide the Department's procedures and criteria for evaluating applications to use stored water exclusively.

Findings of Fact

1. On June 17, 2013, Applegate River Irrigation Corporation submitted an application for a water-use permit pursuant to ORS 537.147.
2. The Department provided public notice of the application in the Department's weekly public notice on September 29, 2015. A 30-day comment period followed.
3. The Department has evaluated the application and any comments received, and finds that no public interest in ORS 537.170(8) would be affected adversely by the proposed use.

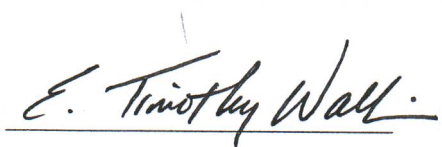
Conclusions of Law

Application S-87908 is consistent with the requirements of ORS 537.147, and OAR Chapter 690.

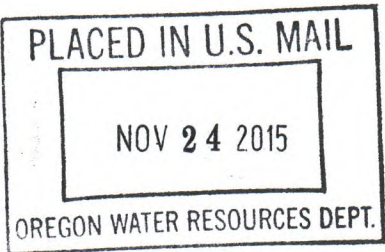
Now Therefore, it is Ordered:

Application S-87908 is approved, and Permit Number S-54977 is issued as limited by the conditions contained therein.

Dated at Salem, Oregon on NOVEMBER 20 2015.



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



NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW

This is an order in other than a contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-0080, 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.

This order was produced by Barbara Park. If you have any questions about any of the statements contained in this document, I can be reached at 503-986-0859 or Barbara.J.Park@wrд.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

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO:

APPLEGATE RIVER IRRIGATION CORPORATION
 348 HAMILTON RD
 JACKSONVILLE OR 97530

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

APPLICATION FILE NUMBER: S-87908

SOURCE OF WATER: APPLEGATE RESERVOIR, CONSTRUCTED UNDER PERMIT R-7810,
 TRIBUTARY TO APPLEGATE RIVER

PURPOSE OR USE: IRRIGATION OF 119.76 ACRES

MAXIMUM VOLUME: 629.0 ACRE-FEET, FURTHER LIMITED TO 1.84 CUBIC FEET PER
 SECOND (OR AS FURTHER LIMITED BY CONTRACT)

DATE OF PRIORITY: JUNE 17, 2013

PERIOD OF USE: APRIL 1 THROUGH OCTOBER 31

Authorized Point of Re-Diversion:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
38 S	3 W	WM	33	SW SE	300 FEET NORTH AND 1520 FEET WEST FROM SE CORNER, SECTION 33

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to a diversion of not to exceed 5.25 acre-feet per acre for each acre irrigated during the irrigation season of each year. The right to the use of the water for the above purpose is restricted to beneficial use on the lands or place of use described.

Authorized Place of Use:

Twp	Rng	Mer	Sec	Q-Q	Acres
38 S	3 W	WM	33	SE NE	5.00
38 S	3 W	WM	33	NE SE	4.90
38 S	3 W	WM	33	SW SE	1.10
38 S	3 W	WM	33	SE SE	19.76
38 S	3 W	WM	34	SW NW	26.10
38 S	3 W	WM	34	SE NW	3.80
38 S	3 W	WM	34	NE SW	0.30
38 S	3 W	WM	34	NW SW	28.80
38 S	3 W	WM	34	SW SW	30.00

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

- A. Before water use may begin under this permit, the permittee shall install a totalizing flow meter at each point of re-diversion. The permittee shall maintain the device in good working order.

- B. The permittee shall allow the watermaster access to the device; provided however, where any device is located within a private structure, the watermaster shall request access upon reasonable notice.
- C. The permittee shall keep a complete record of the volume of water diverted each month, and shall submit a report which includes water-use measurements to the Department annually, or more frequently as may be required by the Director. Further, the Director may require the permittee to report general water-use information, including the place and nature of use of water under the permit.
- D. The Director may provide an opportunity for the permittee to submit alternative measuring and reporting procedures for review and approval.

The use of water under this right is subject to the terms and conditions of contract No. 13XX10797, or a satisfactory replacement, between the Bureau of Reclamation and the permittee, a copy of which is on file in the records of the Water Resources Department.

The water user shall install, maintain, and operate fish screening and fish passage devices consistent with current Oregon Department of Fish and Wildlife (ODFW) standards. Fish screening is to prevent fish from entering the proposed diversion, while passage devices provide adequate upstream and downstream passage for fish. The required screen and passage devices are to be in place and functional, and approved in writing by ODFW prior to diversion of water. The water user may submit evidence in writing that ODFW has determined screens and/or passage devices are not necessary.

STANDARD CONDITIONS

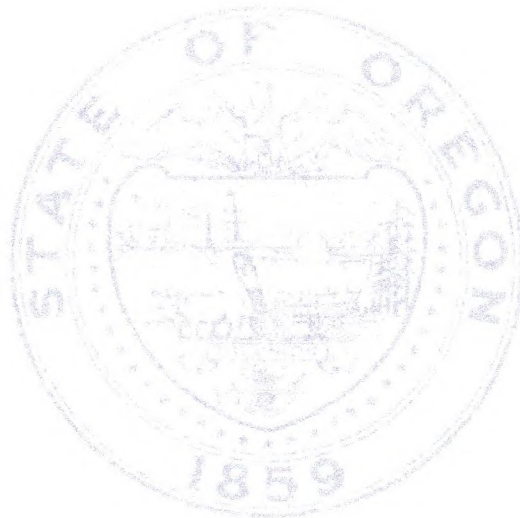
1. Failure to comply with any of the provisions of this permit may result in action including, but not limited to, restrictions on the use, civil penalties, or cancellation of the permit.
2. Where two or more water users agree among themselves as to the manner of rotation in the use of water and such agreement is placed in writing and filed by such water users with the watermaster, and such rotation system does not infringe upon such prior rights of any water user not a party to such rotation plan, the watermaster shall distribute the water according to such agreement.
3. 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.
4. 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.
5. 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.
6. 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.
7. Completion of construction and application of the water shall be made within five years of the date of permit issuance. If beneficial use of permitted water has not been made before this date, the permittee may submit an application for extension of time, which may be approved based upon the merit of the application.

8. Within one year after making beneficial use of water, the permittee shall submit a claim of beneficial use, which includes a map and report, prepared by a Certified Water Rights Examiner.

Issued NOVEMBER 20 2015.

E. Timothy Wallin

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



RECEIVED BY OWRD

JUN 17 2013

SALEM, OR

MAP TO ACCOMPANY APPLICATION FOR AN ADDITIONAL POD

Thomas Munk-Kay
Pico, Family Trust
T-96611

Authorized Point of Diversion is
350' South and 900' West from the NE
Corner of Section 14, being within
the NE 1/4 of NE 1/4 of Section 14
Township 39 South, Range 3 West
OFWM in Jackson County, Ore.

Proposed Additional POD: 300 feet North and
1520 feet West from SE corner, section 33 Twp
38S, Rng 3W Mer WM, Sec 33, Q-Q SW SE
Jackson County, Oregon

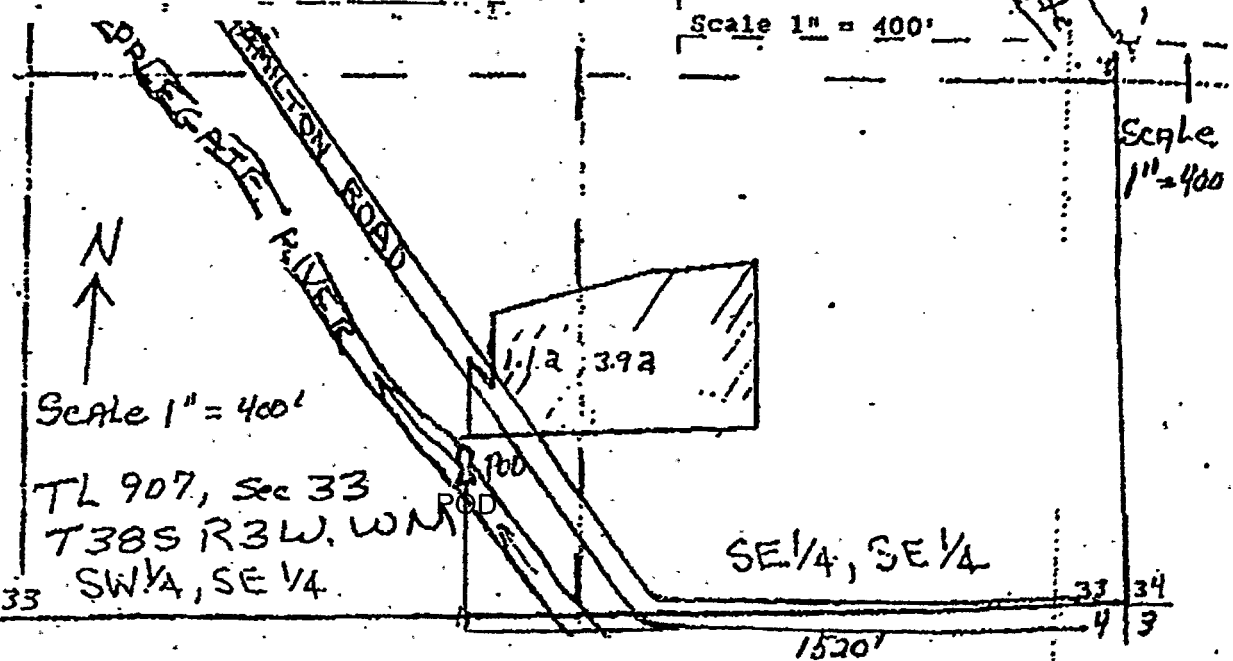
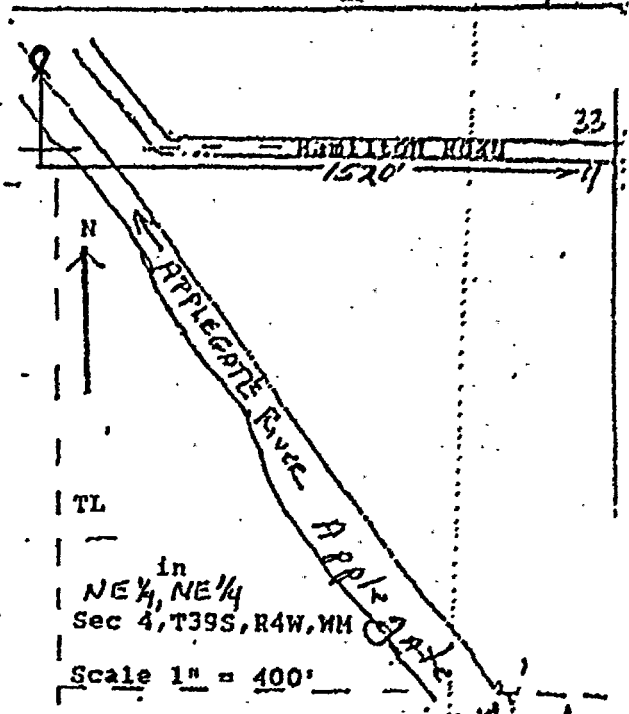
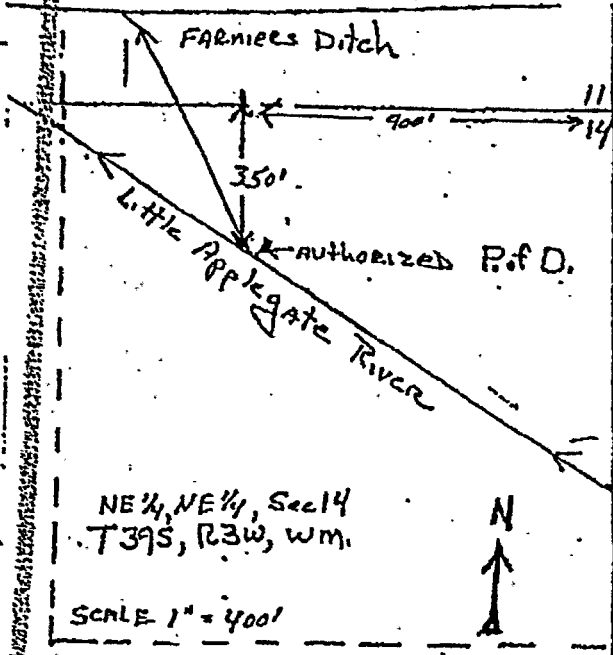


EXHIBIT C: PROOF MAP #1 OF 6

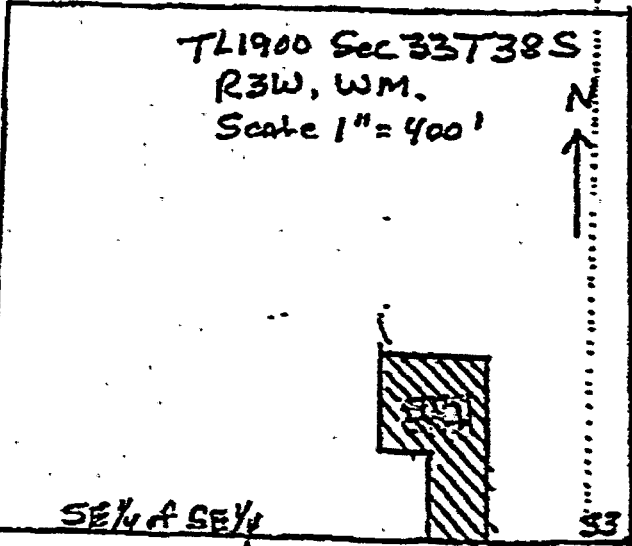
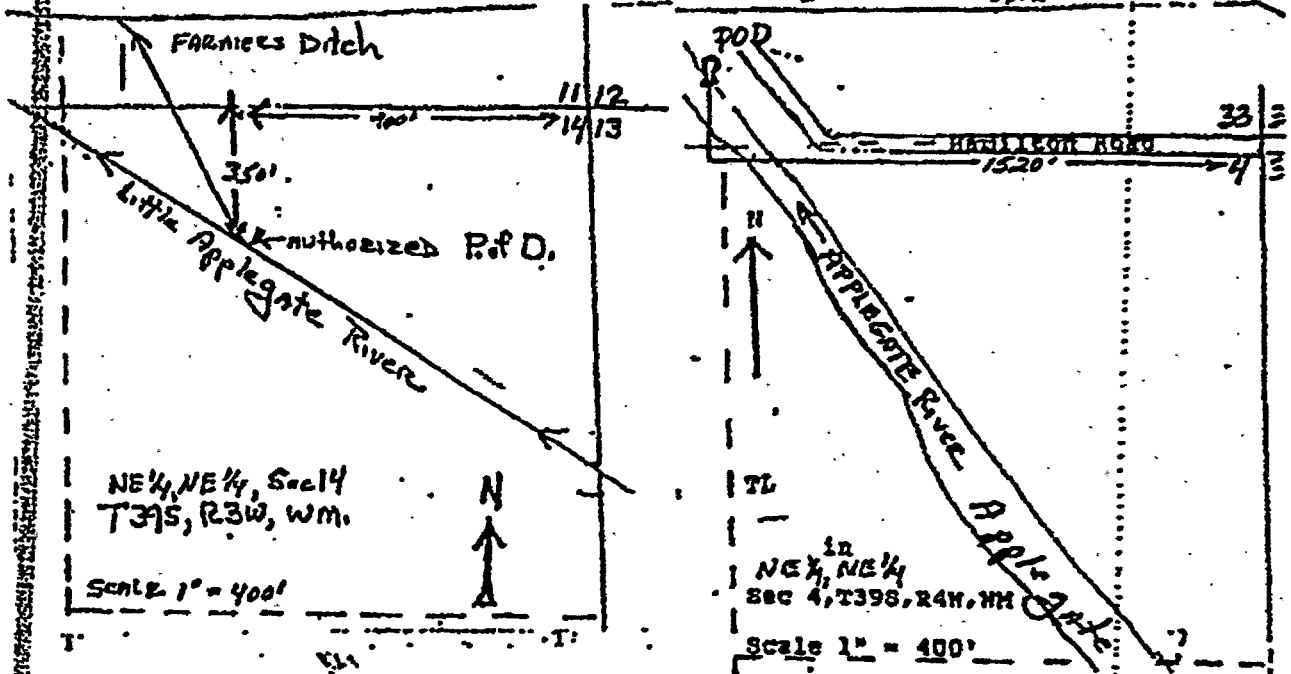
S-87908

MAP TO ACCOMPANY APPLICATION FOR AN ADDITIONAL POD

CONNIE CLABORN
T-9668

Authorized Point of Diversion is
350' South and 900' West from the NE
Corner of Section 14, being within
the NE 1/4 of NE 1/4 of Section 14
Township 39 South, Range 3 West
OFWM in Jackson County, Ore.

Proposed Additional POD: 300 feet North and
1520 feet West from SE corner, section 33 Twp
38S, Rng 3W Mer WM, Sec 33, Q-Q SW SE
Jackson County, Oregon



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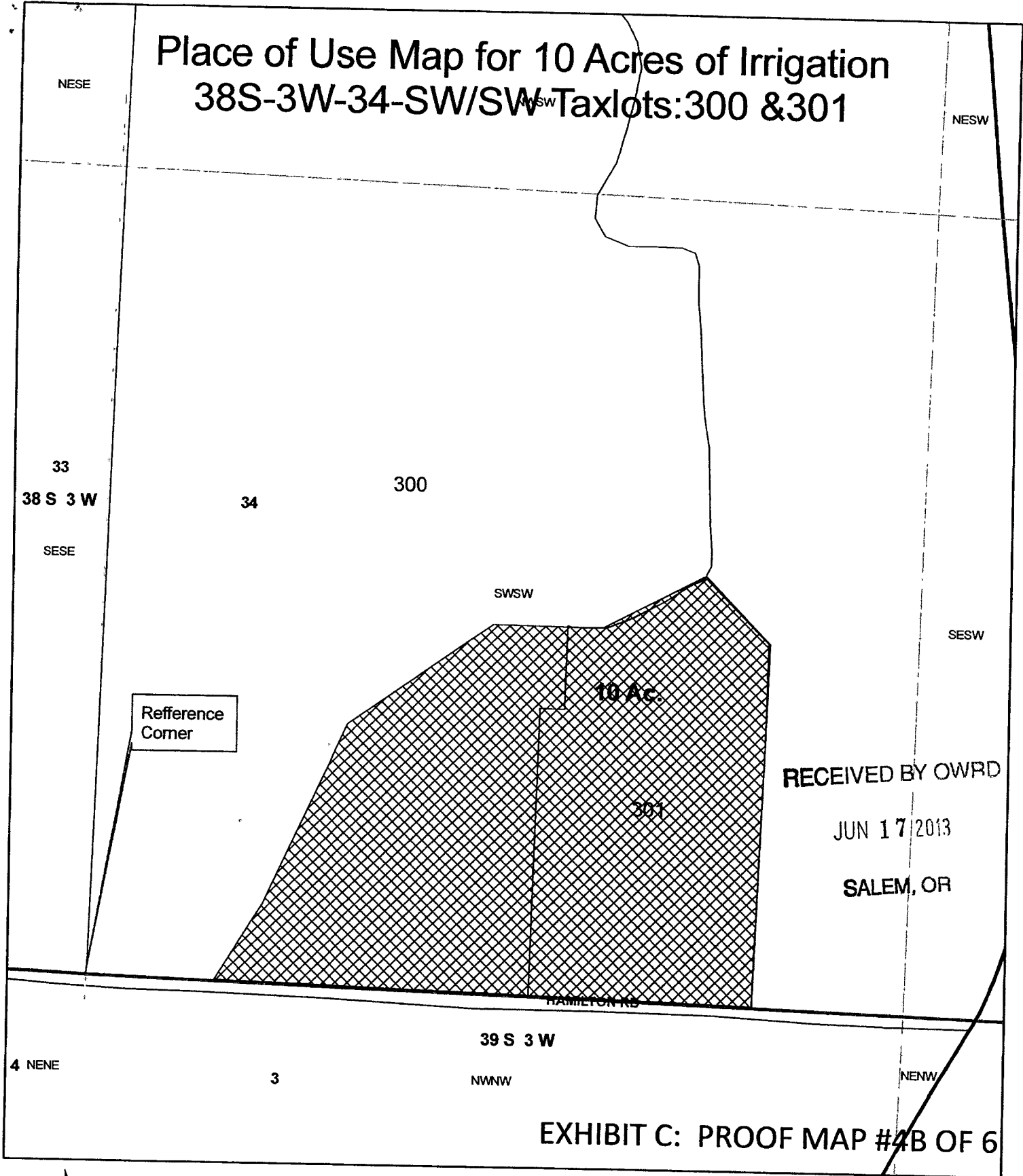
JUN 17 2013

SALEM, OR

EXHIBIT C: PROOF MAP #5 OF 6

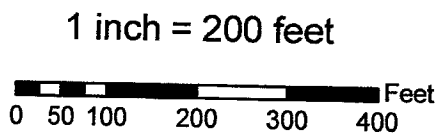
5-87908

Place of Use Map for 10 Acres of Irrigation 38S-3W-34-SW/SW Taxlots:300 &301



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JUN 17 2013
SALEM, OR

EXHIBIT C: PROOF MAP #4B OF 6



- Legend**
- Tax Lots
 - Townships
 - Sections
 - Quarter quarters
 - Place of Use

S-87908

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JUN 17 2013

SALEM, OR

FINAL PROOF MAP ⁹⁶⁶⁷ ~~9668~~
NW1/4SW1/4, SW1/4SW1/4, SEC. 34, T.38S., R.3W., W.M.
JACKSON COUNTY, OREGON
FOR
JUDITH A. WELLS
126 HAMILTON ROAD
JACKSONVILLE, OR 97530

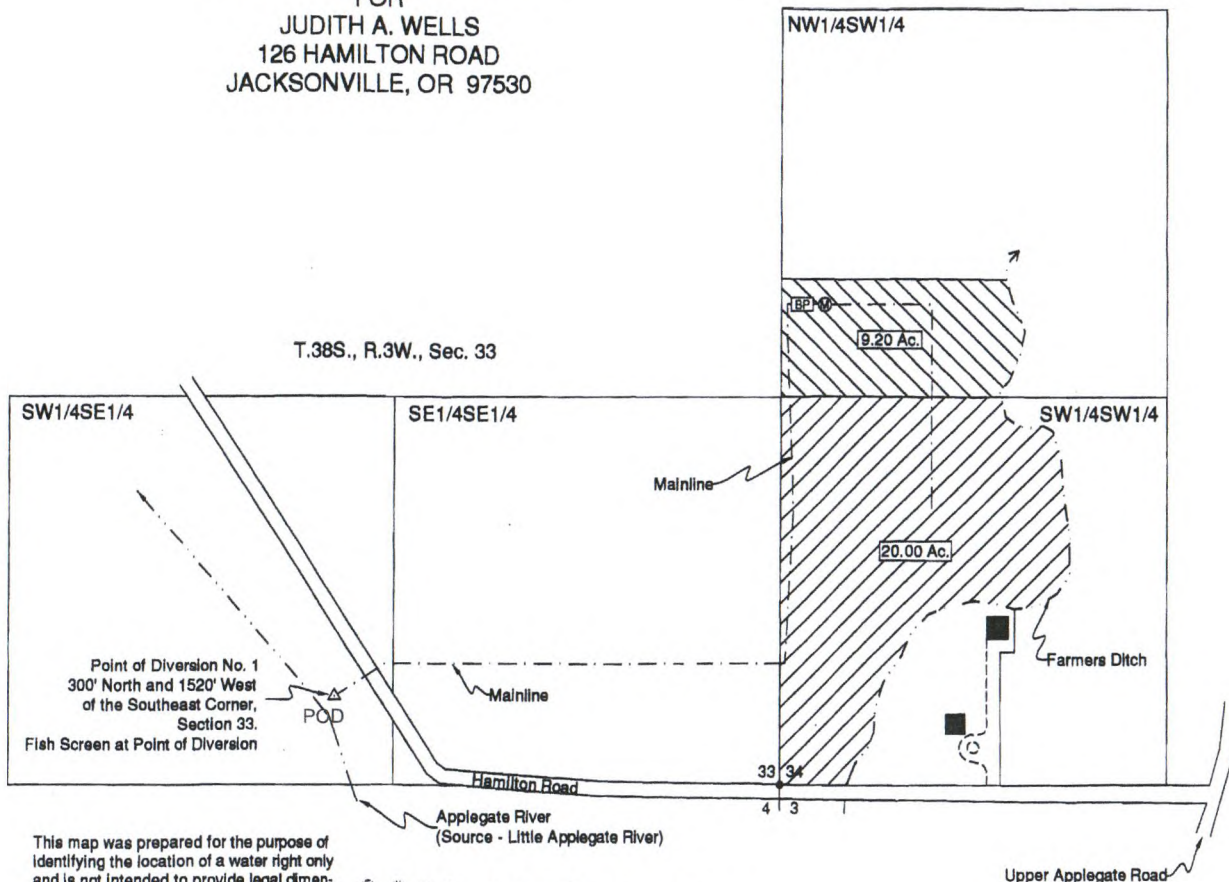
T.38S., R.3W., Sec. 34



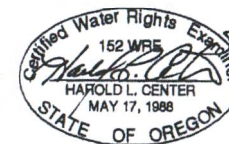
Scale: 1"=400'
Date: June 16, 2006

LEGEND

- Found Survey Monument
- Denotes Building
- ⊙ Flow Meter
- ⊠ Booster Pump
- ▨ Denotes area under Special Order Volume 88, Pages 3-6, Priority Date 1858
- ▧ Denotes area under Special Order Volume 68, Pages 3-6, Priority Date Aug. 29, 1961



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



HAROLD L. CENTER
2604 David Lane
Medford, OR. 97504
Phone 541-535-8108
Oregon Certificate No. 152
Certificate Renewal Date: 12/31/2007

COPY MAP # 0216

EXHIBIT C: PROOF MAP #4 OF 6

RECEIVED
AUG 14 2006
WATER RESOURCES DEPT
SALEM, OREGON

80218-5

0216

RECEIVED
 NOV 02 2006
 WATER RESOURCES DEPT
 SALEM, OREGON

FINAL PROOF MAP T9666
 SE1/4SE1/4 SEC. 33, T.38S., R.3W., W.M.
 JACKSON COUNTY, OREGON

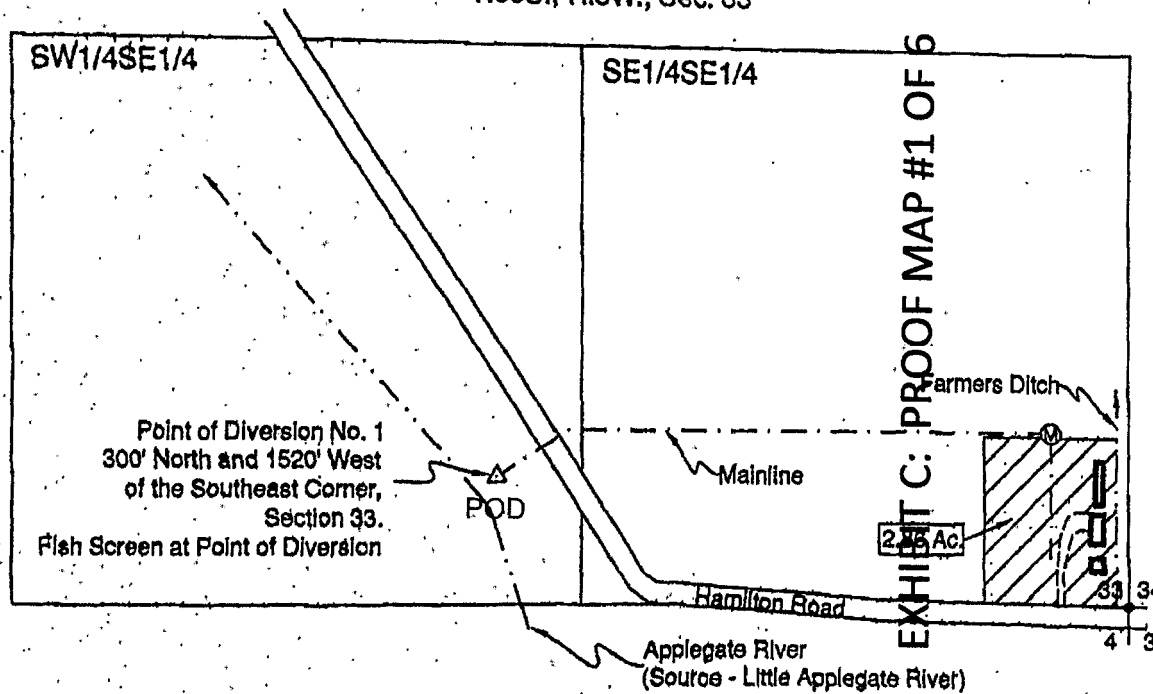
FOR
 THOMAS F. HUBBARD
 294 HAMILTON ROAD
 JACKSONVILLE, OR 97530

RECEIVED BY OWRD
 JUN 17 2013
 SALEM, OR

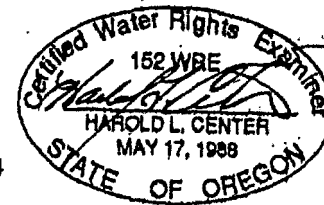


Scale: 1"=400'
 Date: October 2, 2006

T.38S., R.3W., Sec. 33



- LEGEND**
- Found Survey Monument
 - Denotes Building
 - ⊙ Flow Meter
 - ▨ Denotes area under Special Order Volume 68, Pages 28-30, Priority Date Sept. 1, 1857



HAROLD L. CENTER
 2604 David Lane
 Medford, OR. 97504
 Phone 541-535-6108
 Oregon Certificate No. 152
 Certificate Renewal Date: 12/31/2007

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EXHIBIT C: PROOF MAP #3 OF 6

S-87700

FINAL PROOF MAP T9665
 SE1/4SE1/4 SEC. 33, T.38S., R.3W., W.M.
 JACKSON COUNTY, OREGON

Dave & Dale
 Paddock
 Property

FOR
 ADRIAN J. CORTEZ JR.
 5194 TRAIL CANYON DRIVE
 MIRA LOMA, CA 91572

RECEIVED
 AUG 14 2006
 WATER RESOURCES DEPT
 SALEM, OREGON

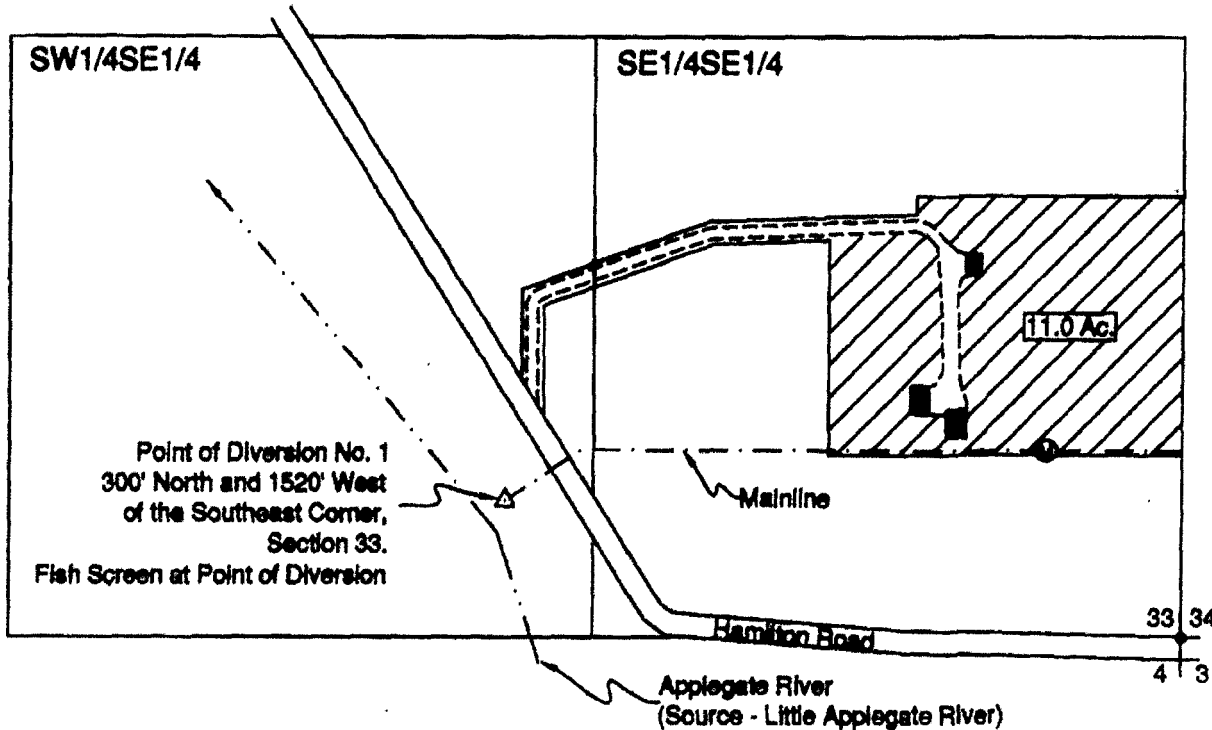


RECEIVED BY OWRD

Scale: 1"=400'
 Date: May 17, 2006

JUN 17 2013

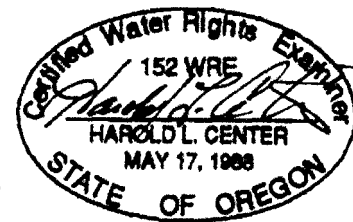
T.38S., R.3W., Sec. 33



LEGEND

- Found Survey Monument
- Denotes Building
- ⊙ Flow Meter
- ▨ Denotes area under Special Order Volume 68, Pages 11-13, Priority Date Sept. 1, 1857

SALEM, OR



S-07900

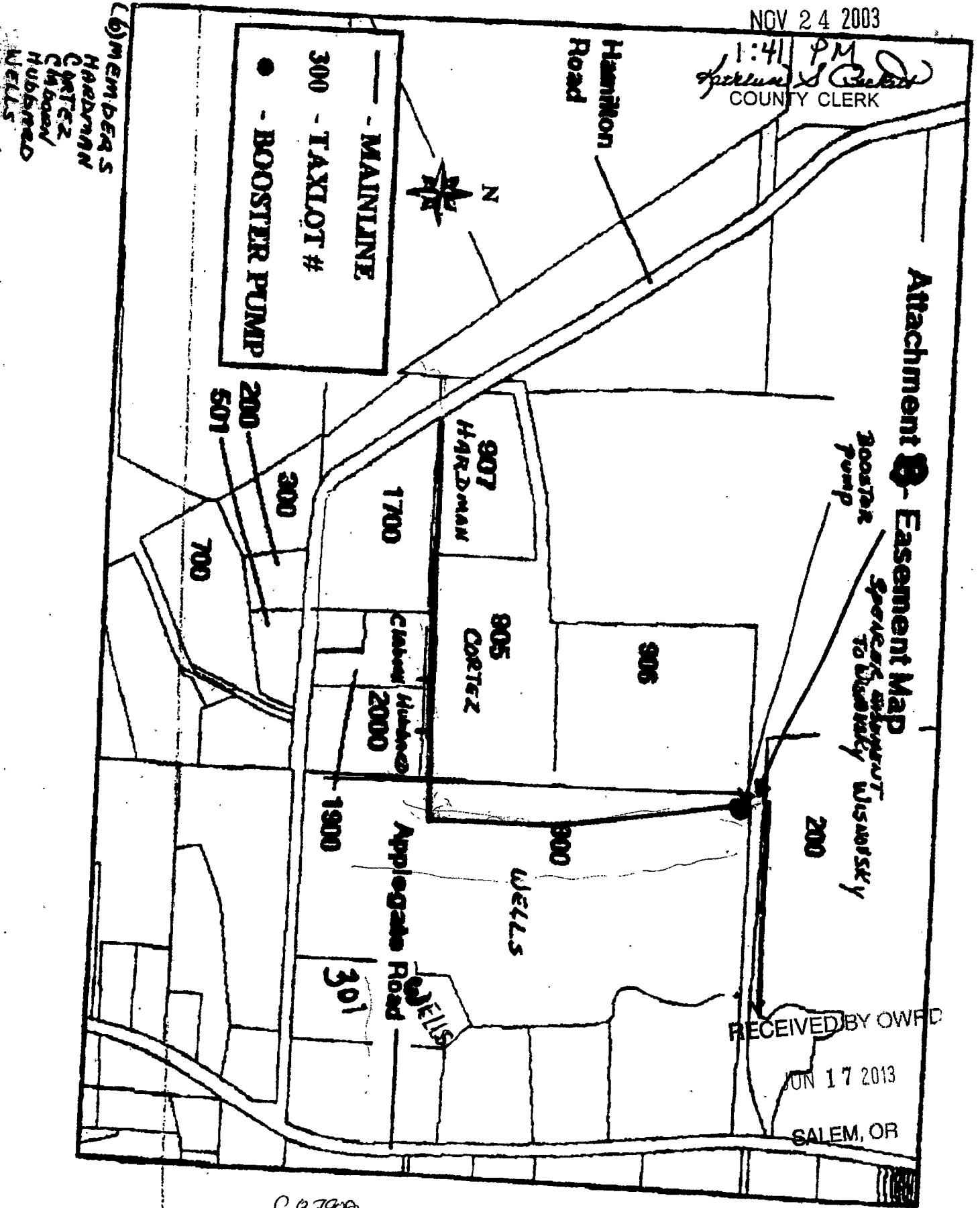
This map was prepared for the purpose of identifying the location of a water right only and is not intended to provide legal dimensions or location of property ownership.

HAROLD L. CENTER
 2604 David Lane
 Medford, OR. 97504
 Phone 541-535-6108
 Oregon Certificate No. 152
 Certificate Renewal Date: 12/31/2007

NOV 24 2003

1:41 PM
Jackson S. Reed
COUNTY CLERK

Trump Group 3a



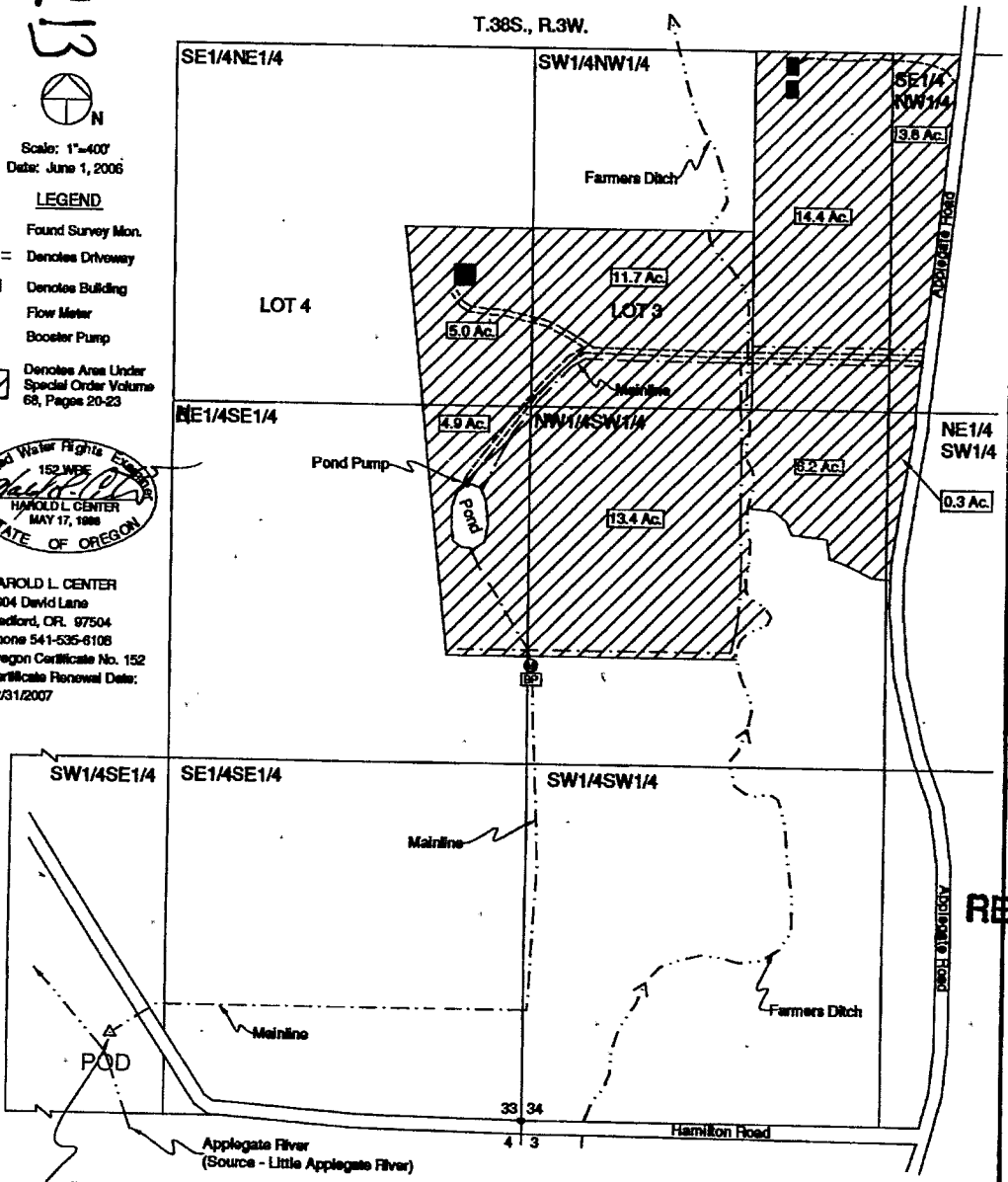
MEMBERS
HARDMAN
COETZ
CHUBBY
HUBBARD
WELLS

S-87900

EX-E

COBU MAP # 0213

FINAL PROOF MAP
TRANSFER T-9669
SE1/4NE1/4, SE1/4SE1/4, SEC. 33
SW1/4NW1/4, SE1/4NW1/4, NW1/4SW1/4, NE1/4SW1/4, SECTION 34
T. 38 S., R. 3 W., W.M.
JACKSON COUNTY, OREGON
FOR
ANN WISNOUSKY
1352 APPLGATE ROAD
JACKSONVILLE, OR 97530
JUNE 1, 2006



- Scale: 1"=400'
Date: June 1, 2006
- LEGEND**
- Found Survey Mon.
 - Denotes Driveway
 - Denotes Building
 - Flow Meter
 - BP Booster Pump
 - ▨ Denotes Area Under Special Order Volume 68, Pages 20-23

Harold L. Center
2004 David Lane
Medford, OR. 97504
Phone 541-536-6108
Oregon Certificate No. 152
Certificate Renewal Date:
12/31/2007



RECEIVED BY OWRC
JUN 17 2013
SALEM, OR

RECEIVED
JUL 24 2006
WATER RESOURCES DEPT
SALEM, OREGON

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

Point of Diversion No. 1
300' North and 1520' West
of the Southeast Corner,
Section 33.
Fish Screen at Point of Diversion

5-0790

Mailing List for FO

Scheduled Mailing Date:

Application: S-87908

Permit: S-54977

Original mailed to Applicant with CBU form:

- ✓ APPLGATE RIVER IRRIGATION CORPORATION
C/O CONNIE CLABORN
348 HAMILTON RD
JACKSONVILLE OR 97530

Copies Mailed
by: <u>BW</u>
(STAFF)
on: <u>11/24/15</u>
(DATE)

Copies of FO sent to:

- ✓ 1. File S-87908
- ✓ 2. Water Availability (Shawn Ortiz-Turner)

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

- ✓ 1. Agent, Judith Wells, 126 Hamilton Rd, Jacksonville, OR 97530
- ✓ 2. David and Dale Paddock, 580 Hamilton Rd., Jacksonville OR 97530
- ✓ 3. Thomas F. Hubbard, 294 Hamilton Rd., Jacksonville OR 97530
- ✓ 4. Ann M. Wisnovsky, 1352 Upper Applegate Rd., Jacksonville OR 97530

Copies of Map sent to (remember to reduce copy margins):

- ✓ 1. Watermaster District 13, Travis N. Kelly
- ✓ 2. Regional Manager: SW REGION

ted Secondary Final Order Checklist

C/O CONNIE CLABORN APPLGATE RIVER IRIGATION CORPORATION (ARIC)

119.76 ac

R (4 ST) / 629 AF / APR1 - OCT 31

119.76 ac / 629 AF / APR1 - OCT 31

Duty 5.25 per contract

Comment Deadline 10/29/2015

No Yes Comment eval? No Yes

is a public interest described in ORS 537.170(8)? No Yes; issue a PFO

Conditions

Medium Totalizing < 100 AF Large Totalizing ≥ 100 AF

Use "Large" for temp control (including NU), or when the applicant is a government entity

Is water available and legally stored? Yes Permit #: R-7810 No

Reservoir Name Applegate Reservoir

Rogue River Basin Project

Storage contract NA BOR Doug Co Corp of Eng needed obtained # 13XX10797

Land use allowed outright not allowed being pursued county notified NA

POU conflict NA No No, different sources No, make up a deficiency in rate No, existing not at max. rate Yes

Use is supplemental, checked for primary rights w/ diff source NA Yes limits

App w/in a District boundary No Yes, cc:

MU or QM NA will complete construction within 20 years Lisa reviewed recommendations

Authorized agent specified NA Yes Judith Wells, 126 Hamilton Rd, Jacksonville, OR 97530

Copy to SWR WM # 13 a.i.o. members? NW Planning Council NCR agent DOA CRIFC CWRE CTUIR (if w/in Umat Basin) US Fish & Wildlife

DOA Food Safety Division (bottled water) city (w/in 5-mile muni wells) DEQ Reg Mang (303D)

* NEVER State Parks (even if sww)

prepare FO
9/22
bp
ON NOTICE
until 10/29/15

Application #: S-87908 Applicant: C/O CONNIE CLABORN APPLGATE RIVER IRRIGATION CORPORATION

Fees

<u>Base Fee</u>	<u>Water Amount (Q)</u>		
\$450 400 ⁻	20 AF up to 20 AF @ ^{\$25} \$30/af	=	<u>500⁻</u>
	609 AF at \$1 each	=	<u>609⁻</u>
<u>400⁻</u> (base)		+	<u>1209⁻</u> (Q)
		=	1659⁻ 1509 ⁻ (total exam fee)

EXAM FEE REQUIRED	<u>1509⁻</u>	RECORDING FEE REQUIRED	\$450 <u>400⁻</u>
EXAM FEE PAID	<u>(-1509⁻)</u>	RECORDING FEE PAID	<u>(-400⁻)</u>
STILL OWED	<u>∅</u>	STILL OWED	<u>∅</u>

App/map meet min. req Yes No ALO info map legal
(If no, don't do an FO yet; send a certified letter.)

FO w/ permit # 5-54977

FO w/ draft permit; still needed:

- fees
- easement
- contract
- land use

Name: Barbara Park Date: 11/5/2015

Peer Reviewer: _____

The purpose of this checklist is to be used as a working document by Department staff to aid in the production of the related Initial Review, Proposed Final Order, or Final Order. It is not intended to be a complete record of all factors which were considered to produce the document, nor is it intended to serve any purpose other than that stated above. The related Initial Review, Proposed Final Order, or Final Order is intended to stand alone as the record of factors considered in its production.

Surface Water Application Information
Applegate River Irrigation Corporation
6/1/13

5-87908

Map #	TLI #	TRNX #	CERT #	T	R	S	TAX LOT	ACRES	1/4, 1/4	IRRIG. ACRES	NAME	ADDRESS	DESCRIPTION	Water to be:	Plan Designation (e.g., Rural Res./RR-5)	Proposed Land Use:
1	T 10189	T 9664	C 80989	38 S	3W	33	907	4.99	SWSE 1.1ac, SESE 3.9ac	5	Thomas and Karen Pico, (Prev. Hardman)	Application assigned to Pico	Irrigator, ARIC Member	Conveyed	RR-5	No Change
2	T 10191	T 9665	C 87024	38 S	3W	33	905	11.76	SESE 11ac	11	David and Dale Paddock, (Prev. Cortez Jr)	580 Hamilton Rd., Jacksonville, OR 97530	Irrigator, ARIC Member	Conveyed	EFU	No Change
3	T 10192	T 9666	C 87074	38 S	3W	33	2000	3.41	SESE 2.86ac	2.86	Thomas F. Hubbard	294 Hamilton Rd., Jacksonville, OR 97530	Irrigator, ARIC Member	Conveyed	RR-5	No Change
4	T 10188	T 9667	C 86830	38 S	3W	34				39.2	Judith A. Wells	126 Hamilton Rd., Jacksonville, OR 97530	Irrigator, ARIC Member	Conveyed		No Change
4	T 10188	T 9667	C 86831	38 S	3W	34	300	32.96	NWSW 9.2ac, SWSW 30ac		Judith A. Wells	126 Hamilton Rd., Jacksonville, OR 97530	Irrigator, ARIC Member	Conveyed	EFU	No Change
5	T 10190	T 9668	C 86982	38 S	3W	33	1900	2.27	SESE 2ac	2	Connie S. Claborn	348 Hamilton Rd., Jacksonville, OR 97530	Irrigator, ARIC Member	Conveyed	RR-5	No Change
6	T 10193	T 9669	C 86833	38 S	3W	33	1800, 200	1800=43.5, 200=31.91	SENE 5ac, NWSE 4.9ac	59.7	Ann M. Wisnovsky	1352 Upper Applegate Rd., Jacksonville, OR 97530	Irrigator, ARIC Member	Conveyed	EFU	No Change
6	T 10193	T 9669	C 86834	38 S	3W	34	1800, 200, 201	201=2.3	SWNW 26.1ac, SENE 3.8ac, NWSW 19.6ac, NESW 0.3ac		Ann M. Wisnovsky	1352 Upper Applegate Rd., Jacksonville, OR 97530	Irrigator, ARIC Member	Conveyed	EFU	No Change
				38 S	3W	33	903	1.52			W. Evers/J. Englehart	(shown on maps 1, 3, 4 & 6)	Point of Diversion, Applegate River	Diverted	RR-5	No Change

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JUN 17 2013

SALEM, OR

EXHIBIT A

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JUN 17 2013

EXHIBIT A

SALEM, OR

Listing of members of the Applegate River Irrigation, Inc., and the acreage in each quarter-quarter section to be irrigated under this contract.

TOWNSHIP 38 SOUTH - RANGE 3 WEST, WILLAMETTE MERIDIAN			
NAME	ACRES	SECTION	40-ACRE TRACT
Ann M. Wisnovsky	59.7	33	SENW 5 acres NWSE 4.9 acres
		34	SWNW 26.1 acres SENW 3.8 acres NWSW 19.6 acres NESW 0.3 acres
Judith Ann Wells and Shannon L. Wells <i>GARON L. WELLS</i>	^{39.2} 205.8 <i>af</i>	34	NWSW 9.2 acres SWSW 30 acres
Dave Paddock and Dale Paddock	¹¹ 57.8 <i>af</i>	33	SESE 11 acres
Thomas and Karen Pico Family Trust	⁵ 26.3 <i>af</i>	33	SWSE 1.1 acres SESE 3.9 acres
Connie S. Claborn	² 10.5 <i>af</i>	33	SESE 2 acres
Thomas F. Hubbard	^{2.86} 15.2 <i>af</i>	33	SESE 2.86 acres
TOTAL NO. OF ACRES	119.06		

S-8708

EX-D

Point of Diversion Characteristics

Right:	App: S 87908 *
Name:	APPLEGATE RIVER IRRIGATION CORPORATION C/O CONNIE CLABORN

TRSQQ: 38.00S-03.00W-33-SWSE

County: Jackson

Basin: Rogue

WM District: 13

WM Region: SW

Withdrawn Area:

WAB: APPLEGATE R > ROGUE R - AB JOE G (250)

Priority WAB: APPLEGATE R @ 14366000 (OWRD: Very good, ODFW: Highest) (250)

Rule 4D:

Groundwater Restricted Area:

Scenic Water Way: ABOVE The Rogue Scenic Waterway

Division 33: STATEWIDE

Water Quality Limited: Yes

ER

TRSQQ: 40.00S-04.00W-25-SESE

County: Jackson

Basin: Rogue

WM District: 13

WM Region: SW

Withdrawn Area:

WAB: APPLEGATE R > ROGUE R - AB KANAKA G (251)

Priority WAB: APPLEGATE R @ 14362000 (OWRD: Fair, ODFW: High) (251)

Rule 4D:

Groundwater Restricted Area:

Scenic Water Way: ABOVE The Rogue Scenic Waterway

Division 33: STATEWIDE

Water Quality Limited: Yes

Dear Laura

Enclosed is some
info that you can add to
my family stuff. Maybe
we can make some
sense of this. ?

Jill
541-899-1472

WATER RIGHT APPLICATION MAP
 SW1/4SW1/4, SEC. 34, T.38S., R.3W., W.M.
 JACKSON COUNTY, OREGON
 FOR
 GARON L. AND SARA E. WELLS
 118 HAMILTON ROAD
 JACKSONVILLE, OR 97530



Scale: 1"=400'
 Date: August 9, 2007

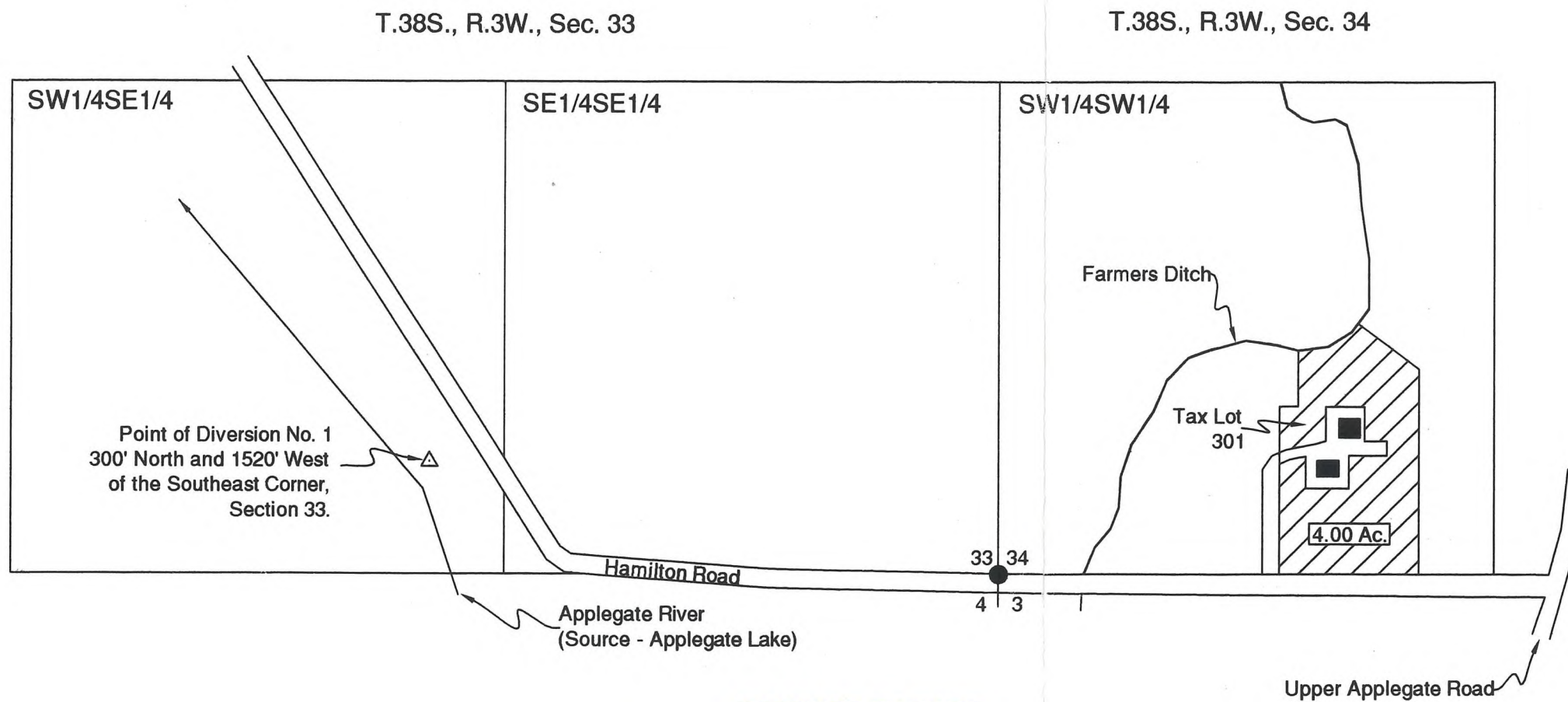
LEGEND

- Found Survey Monument
- Denotes Building
- ▨ Denotes Area To Be Irrigated

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HAROLD L. CENTER
 2604 David Lane
 Medford, OR. 97504
 Phone 541-535-6108
 Oregon Certificate No. 152
 Certificate Renewal Date: 12/31/2007



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FEB 20 2014

SALEM, OR

STATE OF OREGON
COUNTY OF JACKSON
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

CHARLES 'COLLIE' WELLS
JACKSONVILLE, OREGON, 97530

confirms the right to use the waters of a WELL in the APPLGATE RIVER BASIN for IRRIGATION of 5.0 ACRES and SUPPLEMENTAL IRRIGATION OF 10.0 ACRES.

This right was perfected under Permit G-8515. The date of priority is FEBRUARY 22, 1979. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.191 CUBIC FOOT PER SECOND or its equivalent in case of rotation, measured at the well.

The well is located as follows:

SE $\frac{1}{4}$ SW $\frac{1}{4}$, SECTION 34, T 38 S, R 3 W, WM; 480 FEET NORTH AND 1440 FEET EAST FROM THE SW CORNER, SECTION 34.

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 2 $\frac{1}{2}$ acre-feet per acre for each acre irrigated during the irrigation season of each year.

The use shall conform to such reasonable rotation system as may be ordered by the proper state officer.

A description of the place of use to which this right is appurtenant is as follows:

	<u>PRIMARY</u>	<u>SUPPLEMENTAL</u>
SW $\frac{1}{4}$ SW $\frac{1}{4}$	5.0 ACRES	10.0 ACRES
	SECTION 34	
TOWNSHIP 38 SOUTH, RANGE 3 WEST, W.M.		

This use may be regulated if analysis of data available discloses that the appropriation will measurably reduce the surface water flows necessary to maintain the free-flowing character of a scenic waterway in quantities necessary for recreation, fish and wildlife in effect as of the priority date of this right or as those quantities may be subsequently reduced.

This certificate describes that portion of the water right confirmed by Certificate 64109, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered OCT 09 1998, approving Transfer Application 8034

The issuance of this superseding certificate does not confirm the status of the water right in regard to the provisions of ORS 540.610 pertaining to forfeiture or abandonment.

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FEB 20 2014

SALEM, OR

The right to the use of the water for the above purpose is restricted to beneficial use on the lands or place of use described.

WITNESS the signature of the Water Resources Director,
affixed OCT 09 1998.

/s/ Tom Paul (for)
Martha O. Pagel, Director

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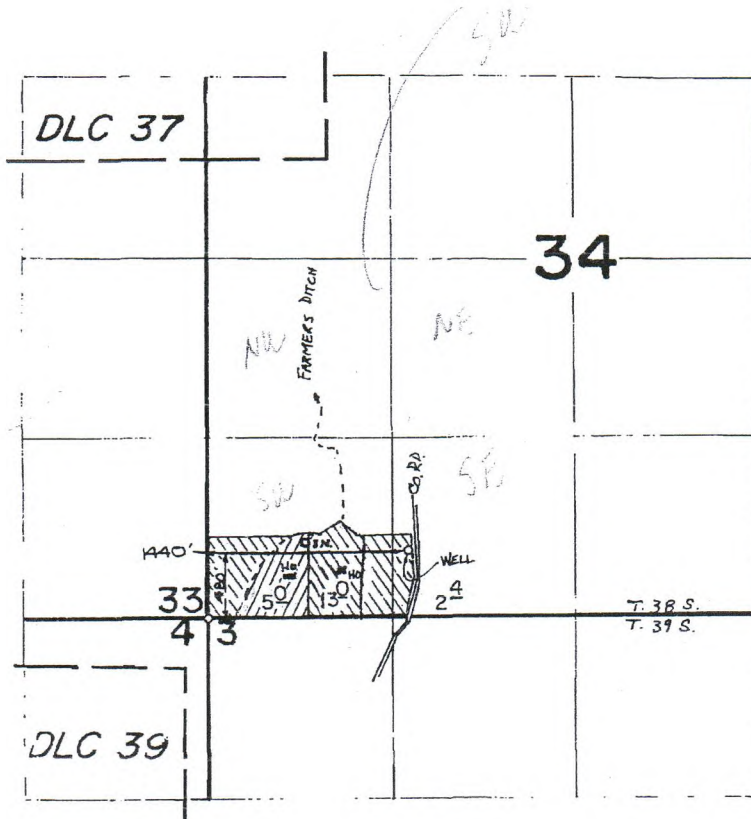
FEB 20 2014

SALEM, OR

Recorded in State Record of Water Right Certificates numbered 75834.

T-8034.LHN

T. 38 S., R. 3 W., W.M.



Supplemental
Primary

FINAL PROOF SURVEY
UNDER

Application No. G.9142... Permit No. G.8515.....
IN NAME OF

CHARLES "COLLIE" WELLS

Surveyed APRIL 21, 1982, by B. R. SUND.....

RECEIVED BY OWRD

FEB 20 2014

SALEM, OR

F. Oregon

Forfeiture

With certain exceptions[41], water that is not used for five or more consecutive years is presumed forfeited by statute.[42] Upon forfeiture the water right ceases to exist and becomes “waters to be appropriated.” ORS 540.610(2)(a)-(h) lists the circumstances a user must show in order to defeat the presumption and retain the water right. Water rights are not subject to forfeiture if the owners use less water to accomplish the beneficial use, as long as they had a facility capable of using the full amount and were ready, willing, and able to do so. When a water user uses water from the designated source and for the designated purpose but from an unauthorized point of diversion for the statutory forfeiture period, the water right will not be forfeited.[43] Forfeiture does not occur automatically; OWRD must follow specific procedures including initiation of a legal proceeding.[44] There is also a statute of limitations on forfeiture: If the period of non-use ended more than fifteen years ago, the water right of use may not be subject to cancellation by law.[45] Unlike other states, Oregon applies statutory forfeiture to pre-code rights.[46]

Abandonment

Abandonment is a common law concept that requires a water user with the intent to abandon the right to relinquish or cease use. The filing of a voluntary cancellation affidavit by the owner of the appurtenant land without a physical act of abandonment is considered by OWRD to be sufficient intent to cancel the water right.

Application

The due diligence attorney may be required to interview neighbors, review aerial photographs, and review local watermaster files to make a determination that forfeiture and abandonment are not implicated in a particular transaction.

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SALEM, OR

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FEB 20 2014

SALEM, OR

Point of Diversion Map Showing Place of Use and Pipeline

NW1/4SW1/4, SW1/4SW1/4, SEC. 34, T.38S., R.3W., W.M.
JACKSON COUNTY, OREGON

FOR
JUDITH A. WELLS
126 HAMILTON ROAD
JACKSONVILLE, OR 97530

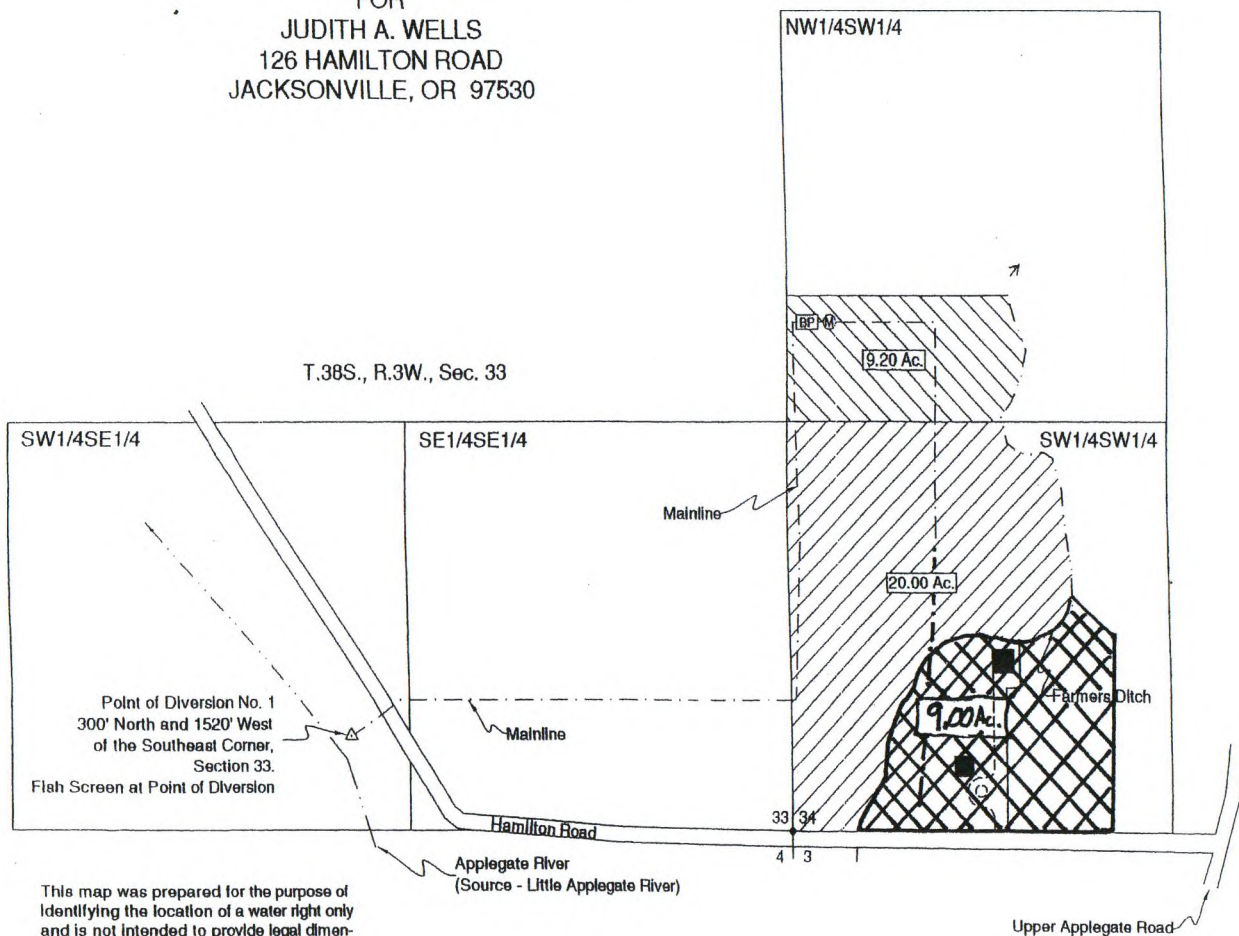
T.38S., R.3W., Sec. 34



Scale 1" = 650'

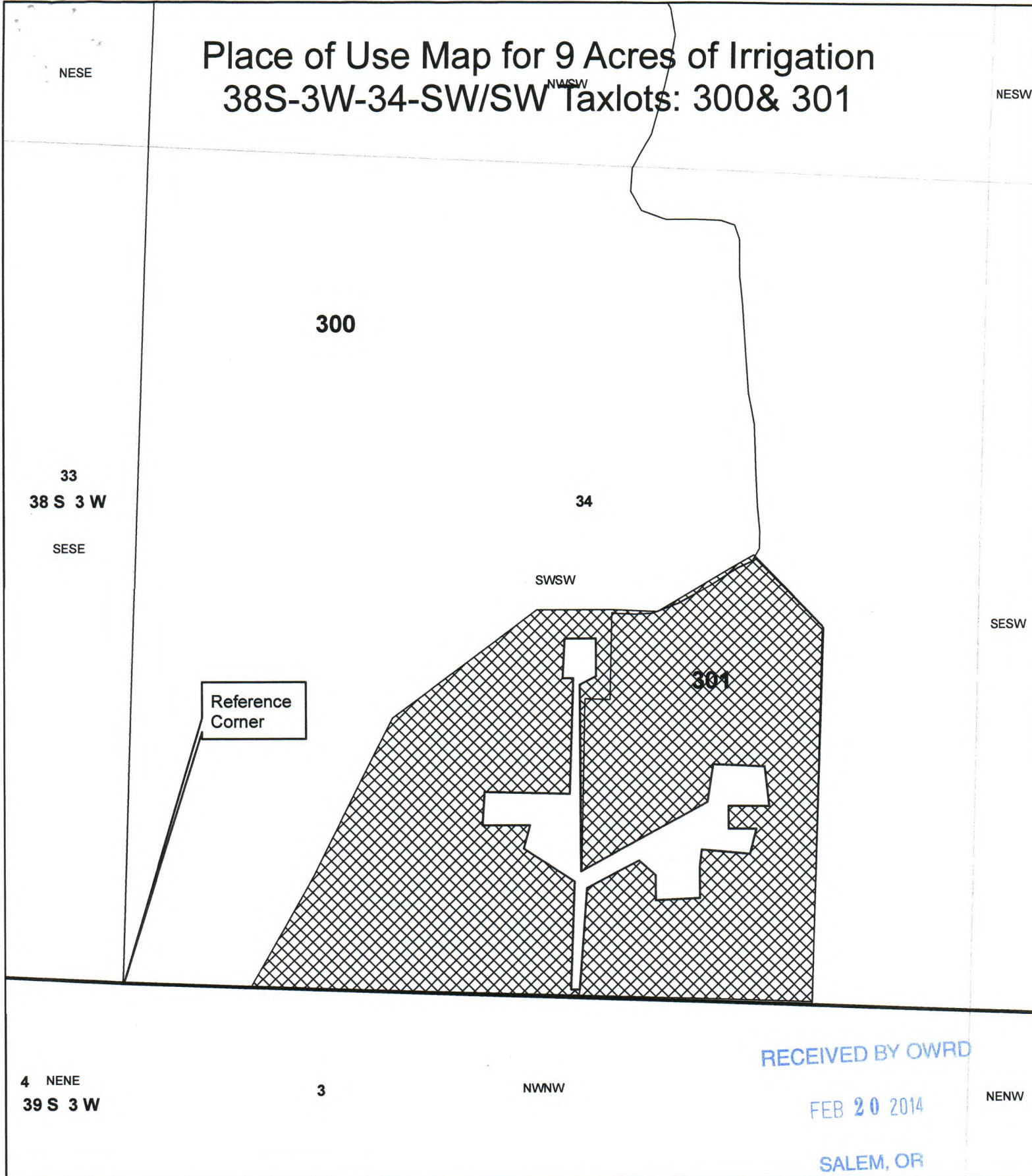
LEGEND

- Found Survey Monument
- Denotes Building
- ⊗ Flow Meter
- ⊠ Booster Pump
- Denotes area under Special Order Volume 68, Pages 3-6, Priority Date 1858
- Denotes area under Special Order Volume 68, Pages 3-6, Priority Date Aug. 29, 1961
- Proposed POU



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

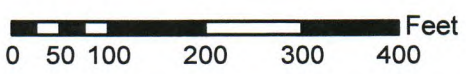
Place of Use Map for 9 Acres of Irrigation 38S-3W-34-SW/SW Taxlots: 300 & 301








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1 inch = 200 feet



Legend

-  Tax Lots
-  Townships
-  Place of Use
-  Sections
-  Quarter quarters

Standard Application Completeness Checklist

Minimum Requirements (OAR 690-310-0040)(ORS 537.400)

This is the checklist used by WRD staff

Application S-87908 County Jackson Priority Date 6-17-2013
Township T 38 South Range R 3 West Section 33 (POD SWSE)
Amount 629 AF ^{STORED H₂O - APPELEGATE RES.} Use Irrigation 119.76 AF WM Dist # 13
Applicant Name Applegate River Irrigation Corporation
Receipt No. 109068

Caseworker Assigned Kerry Kavanagh Mary Rohling

Applicant/Organization Name, Mailing Address, and Telephone Number.

All applicants or the applicant's authorized agent (include title or authority if for an organization or corporation), must sign the application in ink. *Signature must be an original "wet" signature. Copies cannot be accepted.*

Source of water. If stored water, is the stored water component filed out, including a non-expired agreement for stored water must be included. (ORS 537.400) **NOTE:** *A surface water application cannot be filed at the same time as a Reservoir or Alt Reservoir if it will be for the use of the stored water under the PROPOSED Reservoir application, Expedited Secondary(E2).* Contract No. 13XX10797

If for stored water not under contract, is the source valid / Permit or Certificate issued Y / N
List Permit or Certificate number _____

The proposed source is or is not (circle one) withdrawn from further appropriation. If it is withdrawn under ORS 538, then return application and fees. If it is withdrawn by other means, accept the application and a negative IR will be issued.

Property ownership indicated.

If applicant does not own all the land, the affected landowner=s name and mailing address must be listed.

If applicant does not own all the land, a signed statement declaring the existence of either written authorization or an easement permitting access to land crossed by the proposed ditch canal or other work must be submitted.

Well Development (pg. 4 & 5) or a well log report.

Proposed use of water. If supplemental, list primary acreage. (*Irrigation and Suppl Irrigation together, is 2 uses*)

Supplemental data sheets enclosed (if needed)

Form M (Municipal or Quasi-Municipal) N/A

Spring Description Sheet (if source is a spring) N/A

- Amount of water from *each* source in gallons per minute (GPM), cubic feet per second (CFS), or acre feet (AF)
- Period of use
- Water management section (Please estimate if the water system has not been designed).
- Resource Protection Section (*N/A for Groundwater*)
- Project schedule (If system is already completed, indicate "existing").
 - Preliminary plans and specifications including dam height, width, crest width and surface area for each reservoir for all standard reservoir applications *N/A*
 - A map prepared by a CWRE for a standard reservoir application proposing to store more than 9.2 acre feet and having a dam height of more than 10 feet *N/A*
 - ^{ok} You must include a Legal description of all the properties involved where water is diverted, crossed, and used. The Legal description includes a metes and bounds, or other government survey description. A copy of the deed, land sales contract or title insurance policy can provide this information, or you may submit a lot book report prepared by a title company. The Department will not accept a copy of the tax bill. *N/A*
 - A completed Land-Use Form or receipt signed and dated by the appropriate planning department officials. *Please be certain that the Land-Use form lists all lands involved and all uses proposed. Date of signature must be within the past 12 months. Signature must be an original "wet" signature. Copies cannot be accepted.*
 - *Exhibit A missing*
 - The map must meet all the minimum requirements of OAR 690-310-0050.
 - Township, Range, Section
 - Location of main canals, ditches, pipelines or flumes (if POA/POD is outside of POU)
 - Place of use, 1/4, 1/4=s and tax lot clearly identified
 - Even map scale not less than 4" = 1 mile (example: 1" = 100 ft, 1" = 200 ft, etc.)
 - Location of **each** diversion point, well or dam by reference to a recognized public land survey corner. Multiple wells shall be uniquely labeled, and identified on well logs if existing.
 - Reference corner on map
 - North Directional Symbol
 - Number of acres per 1/4, 1/4, if for irrigation, nursery, or agriculture
 - Other _____

Fees: Amount of water requested 629

Base Fee \$ 400
 1st CFS/AF \$ 500
 Addtnl CFS/ AF @ 604 ^{#1} = 604
 Addtnl POD/POA @ _____ = _____
 Addtnl Use @ _____ = _____

Total Exam Fees \$ 1504
 Permit Recording Fees \$ 400
 Mitigation Fee \$ _____
 Total Paid \$ 1909
 Amount Due \$ 1904
 Amount Returned \$ 5

→ no refund
 1909 - correct
 - bp
 1/5/15

Reviewed by: Ann Reece Date: 6-19-2013

Application for a Permit to Use Surface Water



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

SECTION 1: APPLICANT INFORMATION AND SIGNATURE

Applicant Information

NAME		PHONE (HM)	
PHONE (WK)	CELL	FAX	
ADDRESS			
CITY	STATE	ZIP	E-MAIL *

Organization Information

NAME Applegate River Irrigation Corporation (ARIC)		PHONE 541-899-7279	FAX
ADDRESS 348 Hamilton Road (In Care of: Connie Claborn, Treasurer)			CELL
CITY Jacksonville	STATE OR	ZIP 97530	E-MAIL * tytygram@yahoo.com

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

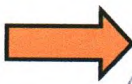
AGENT / BUSINESS NAME Judith Wells (Chairperson)		PHONE 541-899-1472	FAX
ADDRESS 126 Hamilton Road			CELL
CITY Jacksonville	STATE OR	ZIP 97530	E-MAIL * wellsranch@gmail.com

Note: Attach multiple copies as needed

* By providing an e-mail address, consent is given to receive all correspondence from the department electronically. (paper copies of the final order documents will also be mailed.)

By my signature below I confirm that I understand:

- I am asking to use water specifically as described in this application.
- Evaluation of this application will be based on information provided in the application packet.
- I cannot legally use water until the Water Resources Department issues a permit to me.
- The Department encourages all applicants to wait for a permit to be issued before beginning construction of any proposed diversion. Acceptance of this application does not guarantee a permit will be issued.
- If I begin construction prior to the issuance of a permit, I assume all risks associated with my actions.
- If I get a permit, I must not waste water.
- If development of the water use is not according to the terms of the permit, the permit can be cancelled.
- The water use must be compatible with local comprehensive land use plans.
- Even if the Department issues a permit, I may have to stop using water to allow senior water right holders to get water to which they are entitled.



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

Judith Wells
Applicant Signature
Connie Claborn
Applicant Signature

Judith Wells, Chairperson
Print Name and title if applicable
Connie Claborn, Treasurer
Print Name and title if applicable

6/13/13
Date
6/13/13
Date

Revise	App. No. <u>S-87908</u>	For Department Use	Permit No. _____	Date _____
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SECTION 2: PROPERTY OWNERSHIP

Please indicate if you own all the lands associated with the project from which the water is to be diverted, conveyed, and used.

- Yes
 - There are no encumbrances.
 - This land is encumbered by easements, rights of way, roads or other encumbrances.
- No
 - I have a recorded easement or written authorization permitting access.
 - I do not currently have written authorization or easement permitting access.
 - Written authorization or an easement is not necessary, because the only affected lands I do not own are state-owned submersible lands, and this application is for irrigation and/or domestic use only (ORS 274.040).
 - Water is to be diverted, conveyed, and/or used only on federal lands.

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

EXHIBIT A: ATTACHED LIST OF ORGANIZATION MEMBERS, Transfer/Certificate Numbers, TRS, etc.
~~EXHIBIT B: ATTACHED COPY OF ORGANIZATIONAL BY-LAWS WILL SUFFICE AS AUTHORIZATION.~~

You must provide the legal description of: 1. The property from which the water is to be diverted, 2. Any property crossed by the proposed ditch, canal or other work, and 3. Any property on which the water is to be used as depicted on the map.

SECTION 3: SOURCE OF WATER

A. Proposed Source of Water

Provide the commonly used name of the water body from which water will be diverted, and the name of the stream or lake it flows into. If unnamed, say so:

Source 1: Applegate Reservoir Tributary to: Applegate River
 Source 2: _____ Tributary to: _____
 Source 3: _____ Tributary to: _____
 Source 4: _____ Tributary to: _____

If any source listed above is stored water that is authorized under a water right permit, certificate, or decree, attach a copy of the document or list the document number (for decrees, list the volume, page and/or decree name).

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B. Applications to Use Stored Water

Do you, or will you, own the reservoir(s) described in item 3A above?

JUN 17 2013

- Yes.
- No. (Please enclose a copy of your written notification to the operator of the reservoir of your intent to file this application, which you should have already mailed or delivered to the operator.)

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If *all* sources listed in item 3A are stored water, the Department will review your application using the expedited process provided in ORS 537.147, unless you check the box below. Please see the instruction booklet for more information.

By checking this box, you are requesting that the Department process your application under the standard process outlined in ORS 537.150 and 537.153, rather than the expedited process provided by ORS 537.147. To file an application under the standard process, you must enclose the following:

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- A copy of a signed non-expired contract or other agreement with the owner of the reservoir (if not you) to impound the volume of water you propose to use in this application.
- A copy of your written agreement with the party (if any) delivering the water from the reservoir to you.

SECTION 4: WATER USE

Provide the amount of water you propose to use from each source, for each use, in cubic feet-per-second (cfs) or gallons-per-minute (gpm). If the proposed use is from storage, provide the amount in acre-feet (af):
(1 cfs equals 448.8 gpm. 1 acre-foot equals 325,851 gallons or 43,560 cubic feet)

SOURCE	USE	PERIOD OF USE	AMOUNT
Applegate Reservoir /Applegate River	Irrigation & Stock (Livestock) Use	April 1-October 31	629 <input type="checkbox"/> cfs <input type="checkbox"/> gpm <input checked="" type="checkbox"/> af
			<input type="checkbox"/> cfs <input type="checkbox"/> gpm <input type="checkbox"/> af
			<input type="checkbox"/> cfs <input type="checkbox"/> gpm <input type="checkbox"/> af
			<input type="checkbox"/> cfs <input type="checkbox"/> gpm <input type="checkbox"/> af

For irrigation use only:

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

Primary: 119.76 Acres Supplemental: Acres

List the Permit or Certificate number of the underlying primary water right(s): EXHIBIT A: ATTACHED

Indicate the maximum total number of acre-feet you expect to use in an irrigation season: 629

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

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SECTION 5: WATER MANAGEMENT

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A. Diversion and Conveyance

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

 Pump (give horsepower and type): 2) 30 hp Berkley Pumps at the Point of Diversion on the Applegate River Other means (describe): _____

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

2 main pumps in the river then conveyed to users through a pressurized system using booster pumps.

B. Application Method

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

Multi methods will be used: wheel lines, in ground sprinklers and drip systems

C. Conservation

Please describe why the amount of water requested is needed and measures you propose to: prevent waste; measure the amount of water diverted; prevent damage to public uses of affected surface waters.

All diversions will be metered and all water used will be for beneficial purposes listed.

SECTION 6: RESOURCE PROTECTION

In granting permission to use water from a stream or lake, the state encourages, and in some instances requires, careful control of activities that may affect the waterway or streamside area. See instruction guide for a list of possible permit requirements from other agencies. Please indicate any of the practices you plan to undertake to protect water resources.

- Diversion will be screened to prevent uptake of fish and other aquatic life.
Describe planned actions: ~~ODFW~~ approved screens installed and in use.
- Excavation or clearing of banks will be kept to a minimum to protect riparian or streamside areas.
Describe planned actions: ~~NO EXCAVATION PLANNED.~~
- Operating equipment in a water body will be managed and timed to prevent damage to aquatic life.
Describe: ~~NO EXCAVATION OR EQUIPMENT WILL OCCUR.~~
- Water quality will be protected by preventing erosion and run-off of waste or chemical products.
Describe: ~~EROSION AND RUN-OFF WILL NOT OCCUR DUE TO LACK OF NEED FOR EQUIPMENT AND CONSTRUCTION AT THE PUMP SITES.~~

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SECTION 7: PROJECT SCHEDULE

SALEM, OR

Date construction will begin: COMPLETED

Date construction will be completed: COMPLETED YEARS BEFORE THIS APPLICATION

Date beneficial water use will begin: ASAP

SECTION 8: WITHIN A DISTRICT

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

Irrigation District Name	Address	
City	State	Zip

SECTION 9: REMARKS

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

_____ This application is to be processed with time limited transfers which transfer underlying rights to instream use rate of diversion for the 629 acre-feet is up to 1/65th cfs per acre per BOR contract.

- EXHIBIT A: ATTACHED LIST OF ORGANIZATION MEMBERS, Transfer/Certificate Numbers, TRS, etc.
- EXHIBIT B: ATTACHED COPY OF ORGANIZATIONAL BY-LAWS WILL SUFFICE AS AUTHORIZATION.
- EXHIBIT C: ATTACHED PROOF MAPS FOR ALL 6 MEMBERS
- EXHIBIT D: ATTACHED BOR Contract
- EXHIBIT E: ATTACHED COPIES OF EASEMENTS

5-87908

Land Use Information Form

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JUN 17 2013

SALEM, OR



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

NOTE TO APPLICANTS

In order for your application to be processed by the Water Resources Department (WRD), this Land Use Information Form must be completed by a local government planning official in the jurisdiction(s) where your water right will be used and developed. The planning official may choose to complete the form while you wait, or return the receipt stub to you. Applications received by WRD without the Land Use Form or the receipt stub will be returned to you. Please be aware that your application will not be approved without land use approval.

This form is NOT required if:

- 1) Water is to be diverted, conveyed, and/or used only on federal lands; **OR**
- 2) The application is for a water right transfer, allocation of conserved water, exchange, permit amendment, or ground water registration modification, and **all** of the following apply:
 - a) The existing and proposed water use is located entirely within lands zoned for exclusive farm-use or within an irrigation district;
 - b) The application involves a change in place of use only;
 - c) The change does not involve the placement or modification of structures, including but not limited to water diversion, impoundment, distribution facilities, water wells and well houses; **and**
 - d) The application involves irrigation water uses only.

NOTE TO LOCAL GOVERNMENTS

The person presenting the attached Land Use Information Form is applying for or modifying a water right. The Water Resources Department (WRD) requires its applicants to obtain land-use information to be sure the water rights do not result in land uses that are incompatible with your comprehensive plan. Please complete the form or detach the receipt stub and return it to the applicant for inclusion in their water right application. You will receive notice once the applicant formally submits his or her request to the WRD. The notice will give more information about WRD's water rights process and provide additional comment opportunities. You will have 30 days from the date of the notice to complete the land-use form and return it to the WRD. If no land-use information is received from you within that 30-day period, the WRD may presume the land use associated with the proposed water right is compatible with your comprehensive plan. Your attention to this request for information is greatly appreciated by the Water Resources Department. If you have any questions concerning this form, please contact the WRD's Customer Service Group at 503-986-0801.

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Land Use Information Form

JUN 17 2013

SALEM, OR



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

Applicant: Applegate River Irrigation Corporation
First

In Care of: Judee Wells (Chairperson)
Last

Mailing Address: 126 Hamilton Road

Jacksonville
City

OR
State

97530
Zip

Daytime Phone: 541-899-1472

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:
						<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	
						<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:

See Attached Exhibit A for table of Land and Location

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) Applegate Reservoir/Applegate River

Estimated quantity of water needed: 629 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 Stock/Livestock Use

Briefly describe:

Orchard, Vineyard and pasture crop irrigation and stock/livestock water. This application is to be processed with time limited transfers which transfer underlying rights to instream use rate of diversion for the 629 acre-feet is up to 1/65th cfs per acre per BOR contract.

Note to applicant: If the Land Use Information Form cannot be completed while you wait, please have a local government representative sign the receipt at the bottom of the next page and include it with the application filed with the Water Resources Department.

See bottom of Page 3. →

Surface Water/9

Revised 2/1/2012

WR

S-87908

For Local Government Use Only

JUN 17 2013

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.

SALEM, OR

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): irrigation 4.2-1.
- Land uses to be served by the proposed water uses (including proposed construction) involve discretionary land-use approvals as listed in the table below. (Please attach documentation of applicable land-use approvals which have already been obtained. Record of Action/land-use decision and accompanying findings are sufficient.) **If approvals have been obtained but all appeal periods have not ended, check "Being pursued."**

Type of Land-Use Approval Needed (e.g., plan amendments, rezones, conditional-use permits, etc.)	Cite Most Significant, Applicable Plan Policies & Ordinance Section References	Land-Use Approval:	
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued

Local governments are invited to express special land-use concerns or make recommendations to the Water Resources Department regarding this proposed use of water below, or on a separate sheet.

Name: Tracie Nickel Title: Senior Planner
 Signature: *Tracie Nickel* Phone: 541-774-6951 Date: 5-29-13
 Government Entity: Jackson County

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



Receipt for Request for Land Use Information

Applicant name: _____
 City or County: _____ Staff contact: _____
 Signature: _____ Phone: _____ Date: _____

S-87908

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BY LAWS GOVERNING

JUN 17 2013

APPLEGATE RIVER IRRIGATION CORPORATION, INC.

SALEM, OR

Applegate River Irrigation Corporation, Inc., hereafter referred to as the "Corporation", was issued Articles of Incorporation - Nonprofit by the Secretary of State, State of Oregon on May 23, 2012, Registry number 858320-96

ARTICLE I.

The members of this corporation comprised a segment of the membership of the predecessor association known as the FARMERS DITCH ASSOCIATION. Each member executed an agreement with the Applegate River Watershed Council (ARWC) titled LANDOWNERS AGREEMENT, which in addition to other provisions, provided that members as Water Right Holders agreed to provide an In-stream Lease of members water rights from the Little Applegate River in exchange for use of stored water from the Applegate Reservoir. The members of this Corporation set forth in Attachment A hereto. Membership shall be transferred to the new owners upon the sale or transfer of property by the current owner.

ARTICLE II.

The purpose of this Corporation, the business enterprise, and pursuit in which it will engage is the maintenance, operation, and repair of pumping facilities and mainlines for irrigation sprinkling systems on member properties consistent with State of Oregon issued Water Rights from a designated point of diversion on the main stem of the Applegate River, and in satisfaction of agreements entered into with external agencies and parties.

The purpose of these bylaws is to establish written rights and responsibilities for and by mutual benefit and agreement of the members of this Corporation for its operation under the Laws of the State of Oregon, and to establish a board of Directors to administer the functions of the Corporation.

The corporation, through the Board of Directors shall have the power to accomplish the following:

1. To administer and perform all the terms and conditions of any stored water contracts now in force or hereinafter made in which the members have interest.

2-87908

EX - B

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2. If the Applegate River Watershed Council transfers title of irrigation developments (i.e., Pump stations including appurtenances and mainlines, etc.) installed on members properties to the Corporation, each member assumes the responsibility for the management and expense (other than Power Fund interest income allocations) for maintaining repairing, operating and safe guarding such irrigation developments throughout their life expectancy. Where there are Two pipelines in one trench the respective group must also follow these responsibilities.
3. To receive, invest, and/or administer a Power Fund, the interest income of which shall be used to allocate and pay all of part of energy costs associated with the operation of the Pump Stations.

ARTICLE III.

The principal office and place of business of the Corporation shall be the residence of the Chairman, Applegate River Irrigation, Inc.. The Corporation Chairman shall maintain and hold the office records of the Corporation, with the exception of financial, accounting, and Power Trust Fund records if applicable which shall be maintained and held by the Secretary/Treasurer. The Chairman and Secretary/Treasurer shall hand to their successor, respectively, all records held by them upon completion of their term in office.

ARTICLE IV.

The duration of this Corporation shall be perpetual.

ARTICLE V.

This Corporation shall not have capital stock. However, in the event of dissolution, any Corporation assets then existing shall be distributed to each member prorated by water right acreage. There shall be no fee for membership. Dues shall not be assessed on the members except by vote of the membership for the administration of the corporation.

ARTICLE VI.

The duties and responsibilities of Board of Directors and members are as follows:

1. Members shall meet annually to elect the following Board of Directors:
 - a.) Chairman
 - b.) Vice Chairman
 - c.) Secretary/ Treasurer

5-87708

EX-B

JUN 17 2013

SALEM, OR

2. The authority and responsibilities of the Board of Directors is to conduct and administer the business of the corporation as forth in Article II above including, but not limited to, the contract for stored water with the Bureau of Reclamation; and administration of the Power Trust Fund as hereinafter set forth in Article VIII. Inasmuch as an In-Stream lease of member Water Rights will be entered into directly between each Lessee and the Lessor, the corporation's responsibility with respect to such leases shall be limited to assuring that such comply with and are held in force for the duration of the Bureau of Reclamation contract for stored water from the Applegate Reservoir.
3. Maintenance/Repair of Mainline and pumps.
- a.) Minor maintenance (check oil, grease, etc.) not requiring a technician. Day to day care of pumps, may be done by any member when needed.
 - b.) Major Repair beyond our expertise should be made by a licensed, bonded, and insured, irrigation technician agreed upon by the members or the Board in the case of an emergency.

ARTICLE VII.

The Corporation shall hold the meetings as follows:

- 1. ANNUAL: There shall be an annual meeting each calendar year on the First Tuesday of November. The principal items of business will be as follows:
 - a.) The Power Trust Fund committee will provide an annual report.
 - b.) Chairman will report a summary of the past season's irrigation operation as reported by each member, and will report on other business/operations during the past year.
 - c.) Treasurer will give a financial report status and summary, and will collect Corporation dues as may previously have been voted upon.
 - d.) The members of the Corporation shall elect officers as follows.
 - (1) Chairman
 - (2) Vice Chairman
 - (3) Secretary/Treasurer

S-87908

EX-B

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- e.) The chairman shall bring before the membership and Board of Directors any pending Old business.
 - f.) The Chairman shall present and/or elicit any new business for consideration of the membership and Board of Directors for vote or disposition.
2. SPECIAL: When called by the Board of Directors. Each member will be notified of any special meeting no less than seven (7) calendar days in advance thereof.
 3. VOTES: Votes shall be based on one vote per property for all matters except monetary. On monetary matters, votes shall be based on one vote per water right acreage.
 4. WRITTEN VOTES: Written votes of a member who is unable to attend an annual or special meeting must be received within seven(7) calendar days of the meeting, with the exception of an emergency.
 5. QUORUM: A quorum shall be no less than 2/3 of eligible members.

ARTICLE VIII.

The Corporation is expected to be granted to it the equitable and allocable share of a permanent trust fund for the electric power consumption costs of the Pump Stations pressurized irrigation system as contemplated by the Landowners Agreement between members and the Applegate River Watershed Council. The intent is that the interest income generated by the trust fund, herein referred to as the Power Trust Fund, will be used to pay all or a pro-rated part of the costs to operate the pumps by each member.

None of the capital funds of the Power Trust shall be used to pay energy costs.

The Board of Directors shall adhere to the following tenants:

- a.) That the Power Trust Fund be administered by the Corporation Board of Directors in accordance with Article VII above.
- b.) That the Power Trust Fund be invested in a Financial Institution, backed by FDIC, with the principal protected.
- c.) That the disbursement of interest income be made to the Corporation Treasurer. To be disbursed to the electric company, after allocation of interest is made to members ledgers.

S-87900

EX-13

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- d.) That allocation of funds for power expense be made to members based on their legal water rights acreage as determined by the Oregon Water Resources Department (OWRD).
- e.) If the interest income is not sufficient to cover power consumption costs, the difference shall be the responsibility of the members.

ARTICLE IX.

These bylaws may be amended at any time by a two thirds(2/3) majority of eligible voters.

In WITNESS HEREOF, THE UNDERSIGNED MEMBERS HAVE SUBSCRIBED TO THESE CORPORATION BY LAWS THIS 6th Day of Sept., 2008.

New owner

Alfred J. Hardman
 Alfred J. Hardman
Thomas and Karen Pico Family Trust

Karen L. Hardman
 Karen L. Hardman

Connie S. Claborn
 Connie S. Claborn

Judith Ann Wells
 Judith Ann Wells
Gregory L. Wells

Ann Wisnovsky
 Ann Wisnovsky

Thomas Hubbard
 Thomas Hubbard

New owner

Adrian Cortez
 Adrian Cortez
Dave and Dale Paddock

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EX-B

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF RECLAMATION

Rogue River Basin Project, Oregon

CONTRACT FOR EXCHANGE OF WATER SERVICE

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Exhibit D

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PN Draft 10/09/2012

Contract No. 13XX10797

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF RECLAMATION

Rogue River Basin Project, Oregon

CONTRACT FOR EXCHANGE OF WATER SERVICE

THIS CONTRACT, made this 28th day of February, 2013, pursuant to section 14 of the Act of August 4, 1939 (53 Stat. 1187), as amended and supplemented; section 8 of the Act of December 22, 1944 (58 Stat. 887, 891); the Flood Control Act of 1962 (76 Stat. 1173); and section 5.a. (2) of the Endangered Species Act (Act of December 28, 1973, 87 Stat. 884) between the UNITED STATES OF AMERICA, hereinafter referred to as the United States, represented by the Contracting Officer executing this contract, and the Applegate River Irrigation, Inc., hereinafter referred to as the Contractor;

WITNESSETH, THAT:

Explanatory Recitals

2. WHEREAS, The United States has constructed and operates Applegate and Lost Creek Reservoirs in the Rogue River Basin, Oregon, herein styled the Project, from which there is a flow of water that can be used for irrigation of land, which flow, as it has been developed or as it will be augmented, has been appropriated by the United States pursuant to the laws of Oregon for beneficial use under the Federal Reclamation Laws; and

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3. WHEREAS, the Contractor represents that its members hold senior water rights on the Little Applegate River as established by the State of Oregon Rogue River Decree, which if left instream, would significantly enhance both fish habitat and fish passage; and

4. WHEREAS, the Contractor is participating with the Oregon Water Trust and local, State, and Federal partners in the Little Applegate River Streamflow and Fish Habitat Improvement Project, which in addition to the exchange provided herein, consists of the construction of an irrigation distribution system, installation of pumping plants on the Applegate River and Little Applegate River, and the removal or notching of one or more diversion dams on the Little Applegate River, the goal of which is to improve fish passage and habitat conditions for anadromous fish and to conserve water through improved irrigation methods; and

5. WHEREAS, the State of Oregon Water Resources Department is expected to process time limited transfers to enable the members of the Contractor to transfer their Little Applegate River water rights to instream flow use and to process permits for additional points of diversion on the main stem of the Applegate River; and

6. WHEREAS, the Contractor represents that its members own the land hereinafter described and have agreed to enter into time limited transfers through the State of Oregon to transfer Little Applegate River out-of-stream water rights to instream use for 1.87 cubic feet per second for habitat enhancement and streamflow improvement, as consideration for out-of-stream use of up to 1.84 cubic feet per second of water from the Applegate Reservoir located on the Applegate River in Jackson County, Oregon; and

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WHEREAS, the United States recognizes that the exchange of water provided hereunder would benefit the public interest and the interests of the United States in the protection and restoration of habitat critical to Endangered Species Act listed and candidate species and the conservation of surface water through more efficient irrigation methods.

NOW, THEREFORE, in consideration of the premises hereinafter provided, it is agreed:

Lands for Which Water is Furnished: Limitations on Deliveries

8. Upon issuance of the necessary water permit(s) and final order(s) by the State of Oregon approving the time limited transfer(s), acceptable in form to the United States, of the out-of-stream water rights to instream flow water rights as set forth in subarticle 9(a), the United States shall make available each year to the Contractor during the irrigation season from April 1 to October 31, inclusive, water from Applegate Reservoir in the Project for the irrigation of land served by the Contractor described as follows:

See Exhibit A hereto attached and by this reference made a part hereof.

Of the land described, not more than 119.76 acres are to be irrigated. The amount of water to be made available from Applegate Reservoir in the Project hereunder shall be that quantity which may be applied beneficially in accordance with good usage in the irrigation of the land above described, but not to exceed a maximum diversion of 629 acre-feet of stored water annually, measured at the points of delivery of said water.

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Exchange of Water Rights

9. (a) The United States agrees to annually furnish up to 629 acre-feet of stored water with a rate of up to 1.84 cubic feet per second (with a rate of up to 1/65th cubic feet per second per acre and a duty of up to 5.25 acre-feet per acre) to the Contractor from Applegate Reservoir for the irrigation of 119.76 acres described in Exhibit A of this contract, and in exchange as consideration for the stored water provided herein, the Contractor agrees that the following out-of-stream water rights from the Little Applegate River for 109.76 acres with a rate of up to 1.87 cubic feet per second will be transferred to instream flow rights with the State of Oregon under Oregon State law and administrative rules.

Certificate #	Priority Date	Rate <i>cubic feet per second</i>	Acres	Rate <i>Per acre</i>
16404	1858	0.32	20.0	1/62.5th
35538-27565	1961	0.12	9.2	1/77th
16395	1875	1.12	55.86	1/50 th
49261-36586	1971	0.31	24.7	1/80 th
Totals		1.87	109.76	

The duty of up to 5.25 acre-feet per acre was determined separately from the rate of up to 1/65th cubic feet per second per acre, and neither the duty nor the water provided annually under this contract will be used to change the rate of up to 1.84 cubic feet per second provided to the 119.76 acres described in Exhibit A of this contract.

(b) The Contractor shall provide copies of the time limited transfer(s), final time limited transfer order(s) and necessary water permit(s), and the water right certificate(s), hereinafter referred to as the Exchange Documentation, to the Contracting Officer.

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(c) The Contractor shall provide copies of any changes, amendments, or cancellations of Exchange Documentation within sixty (60) days of receipt from the State of Oregon to the Contracting Officer.

(d) Upon receipt of the full and complete Exchange Documentation, or any changes thereto, the Contracting Officer will review the documentation for acceptability as consideration for the initial and continued releases of stored water.

(e) The use of stored water for irrigation will be furnished at no cost to the Contractor, and the transfer of the out-of-stream water rights to instream flow water rights will be furnished to the State of Oregon at no cost to the United States.

Furnishing of Water

10. (a) Upon receipt of Exchange Documentation acceptable in form to the Contracting Officer and to the Contractor, the United States will furnish water from Applegate Reservoir in the Project pursuant to this contract; Provided, that actions consistent with the requirements of the National Historic Preservation Act and State cultural resources laws shall occur if archeological deposits are discovered during construction of any associated facilities, and compliance with State burial laws shall occur if any human remains are encountered during construction. The Contractor must notify the United States Forest Service for any discoveries during construction of the pump plant and pipeline construction and contact the Natural Resources Conservation Service for discoveries during on-farm construction.

(b) Water for the purposes hereof shall be made available and measured at the following point(s) of diversion:

300 feet north and 1520 feet west from SE corner of Section 33, T. 38 S., R. 3 W. W.M.

The Contractor shall receive said water at the point of diversion and shall be wholly responsible for securing said water at that point and diverting, conveying, and utilizing it. The Contractor shall be required to conform its diversions and releases to the control of the stream as established by the State watermaster. The water to be delivered hereunder shall be measured by means of measuring methods satisfactory to the State watermaster. Such methods shall be maintained by and at the expense of the Contractor, but they shall be and remain at all times available for review by the United States or the State watermaster whose representative may at all times have access to them over any lands of the Contractor. All losses of water from seepage, evaporation, or other cause, below said point of measurement, shall be borne by the Contractor.

(c) If requested, the Contractor shall, to the extent practicable, submit to the Contracting Officer an advance schedule of water deliveries. Changes in such schedule may be made only upon sufficient advance notice to the Contracting Officer to allow the United States to adjust releases to meet the new schedules. The Contractor will provide information in writing to the Contracting Officer by December 1 of each year as to the actual amount of stored water diverted during the irrigation season for the lands described in Exhibit A of this contract. The Oregon Water Resources Department, through the Jackson County Watermaster's Office, will provide, or ensure that it will be provided, in writing to the Contracting Officer by December 1 of each year the amount of instream flow water attributed to the Little Applegate River water rights described in subarticle 9(a); obtained from the State watermaster or other sources whose measurement methodology is approved by the State watermaster and the United States, as outlined in Exhibit C to the contract.

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(d) The Contractor shall maintain all fish screens used to divert stored water under this contract at all times in compliance with applicable guidelines from the Oregon Department of Fish & Wildlife and the National Marine Fisheries Service and the fish screens shall remain available at all times for inspection by representatives of these agencies.

Special Conditions

11. (a) It is the responsibility of the Contractor to comply with the laws of the State of Oregon regarding the obtaining and perfecting of permits to divert stored water to the lands described in Exhibit A. Prior to executing this contract, the Contractor shall secure any easements from the Corps of Engineers which may be required for constructing facilities to divert and convey the stored water and provide written verification of such agreements to the Contracting Officer.

(b) The obligation of the United States to furnish water under this contract is subject to an operating plan for the Project determined in accordance with the law governing the project and other applicable State and Federal laws, including but not limited to the Endangered Species Act (16 U.S.C. § 1531 *et seq.*) (ESA). Furthermore, the obligation of the United States to furnish water under this contract shall be subject and subordinate to a determination of water availability to be made annually by the United States taking into account the operating plan for the Project developed by the Corps of Engineers, water forecasts, and other factors, including but not limited to those that may affect the ability of the United States under the ESA to provide flows for candidate, listed, or proposed species or to protect or preserve designated or proposed critical habitat.

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(c) In the interests of conservation and protection of environmental resources, from time to time, but not less often than once every five (5) years, this contract shall be reviewed by the Contracting Officer. The terms and conditions of this contract, including the amount of stored water provided hereunder, may be modified, as determined by the Contracting Officer, to avoid or minimize impacts to species and/or critical habitat that are proposed, listed, or designated under the ESA, or to special status species (plants/animals) or habitat designated by the State or Indian Tribes that are not covered by the ESA. Any modification to the contract by the Contracting Officer shall be announced by written notice to the Contractor.

Term of Contract

12. This contract shall become effective upon issuance of final time limited transfer order(s) and necessary water permit(s) by the State of Oregon in a form deemed acceptable by the Contracting Officer and shall continue for a period of twenty-five (25) years and shall be automatically renewed for successive twenty-five (25) year periods, unless terminated in accordance with article 13 below; Provided, that no less often than once every five (5) years, this contract shall be reviewed by the Contracting Officer to ensure that it provides sufficient benefits to the United States. Such review(s) will be done at the same time as review(s) to be done by the Contracting Officer under subarticle 11(c).

Termination of Contract

13. (a) This contract may be terminated in whole or in part, and water service hereunder shall cease in whole or in part at the option of the United States upon failure of the Contractor or a member to abide by any notice, order, rule, or regulation of the United States or the State of Oregon now or hereafter established affecting water service hereunder or failure to comply with the conditions specified in subarticles 9(a) and 10(a) or the transfer documents.

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If this contract is terminated as to any member, the contract and the application of its provisions to other members shall not be affected thereby and shall remain in effect to the greatest extent permitted by law.

(b) This contract may be terminated unilaterally by the United States if it determines that it does not provide sufficient benefits to the United States; Provided, it gives at least two (2) years advance notice in writing to the Contractor.

(c) The Contractor may terminate this contract unilaterally in the event that less stored water is furnished to the Contractor than water provided for instream flows from the Little Applegate River water rights described in subarticle 9(a); Provided, the Contractor has given at least 60-days advance notice in writing to the United States. The United States may terminate this contract unilaterally in the event that all water rights from the Little Applegate River provided in subarticle 9(a) are not made available for instream flows; Provided, the United States has given at least 60-days advance notice in writing to the Contractor.

(d) The Contractor may immediately terminate this contract unilaterally in the event the terms and conditions of this contract are modified, if deemed necessary by the Contracting Officer, to avoid or minimize impacts to candidate, listed or proposed threatened and endangered species, or special status species (plants/animals) or habitat designated by the State or Indian Tribes that are not covered by the ESA as set forth in subarticle 11(c).

(e) The United States may immediately terminate this contract unilaterally and cease delivery of stored water upon a determination by the United States that time limited transfers that provide for instream flows from the Little Applegate River water rights as set forth in subarticle 9(a) are not protected instream by the State of Oregon.

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(f) In the event of termination, the Contractor and its members agree that all Contractor and member water rights to water stored in Applegate Reservoir shall be cancelled by the State of Oregon.

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Disclaimer

14. By signing this contract, each member asserts his or her ratification of the contract, agrees that the Contractor represents him or her, and agrees to execute the final time limited transfer order(s) and necessary water permit(s) described herein. No provision of this contract or the furnishing of water hereunder shall confer on the Contractor a permanent water right. Because of possible fluctuations in reservoir surface elevations and downstream flows associated with the Project, the United States does not guarantee the availability of water at the point of the Contractor's diversion facilities as they may now be constructed or constructed hereafter. The United States assumes no responsibility or liability for any illegal taking of endangered species at the Contractor's point(s) of diversion arising from the Contractor's use of water furnished under this contract. Further, the United States shall not be liable for any acts or omissions of the Contractor's agents or of persons to whom water is furnished.

Constraints on the Availability of Water (Water Shortages)

15. (a) In its operation of the Project, the United States will use all reasonable means to guard against a condition of shortage in the quantity of water to be made available to the Contractor pursuant to this contract. In the event the United States determines that a condition of shortage appears probable, the Contracting Officer will notify the Contractor of said determination as soon as practicable.

(b) If there is a condition of shortage because of errors in physical operations of the Project, drought, other physical causes beyond the control of the United States or actions taken by the Contracting Officer to meet current and future legal obligations, then no liability shall accrue against the United States or any of its officers, agents, or employees for any damage, direct or indirect, arising therefrom.

(c) The Contractor assumes no liability for conditions of shortage in the Little Applegate River due to drought or other circumstances beyond the control of the Contractor.

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Notices

16. ~~SALEM, OR~~ Any notice, demand, or request authorized or required by this contract shall be deemed to have been given, on behalf of the Contractor, when mailed, postage prepaid, or delivered to the Program Manager, Repayment and Acreage Limitation, Pacific Northwest Region, Bureau of Reclamation, 1150 N. Curtis Road, Suite 100, Boise, Idaho 83706-1234, and on behalf of the United States, when mailed, postage prepaid, or delivered to Judith Ann Wells, President, Applegate River Irrigation, Inc., 126 Hamilton Road, Jacksonville, Oregon 97530. The designation of the addressee or the address may be changed by notice given in the same manner as provided in this article for other notices.

General Provisions

17. The general provisions applicable to this contract are listed below. The full text of these general provisions is attached as Exhibit B and is hereby made a part of this contract.

- a. CONTINGENT ON APPROPRIATION OR ALLOTMENT OF FUNDS
- b. PROTECTION OF WATER AND AIR QUALITY
- c. EQUAL EMPLOYMENT OPPORTUNITY
- d. COMPLIANCE WITH FEDERAL RECLAMATION LAWS
- e. ASSIGNMENT LIMITED--SUCCESSORS AND ASSIGNS OBLIGATED
- f. OFFICIALS NOT TO BENEFIT
- g. CHANGES IN CONTRACTOR'S ORGANIZATION
- h. BOOKS, RECORDS, AND REPORTS
- i. COMPLIANCE WITH CIVIL RIGHTS LAWS AND REGULATIONS
- j. PRIVACY ACT COMPLIANCE
- k. CONTRACT DRAFTING CONSIDERATIONS

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IN WITNESS WHEREOF, the parties hereto have signed their names the day and year first above written.

The members of the APPLGATE RIVER IRRIGATION, INC. listed in Exhibit A:

[Signature]
[Signature]

Cornie Gibson
Tom Pico

Karen Pico

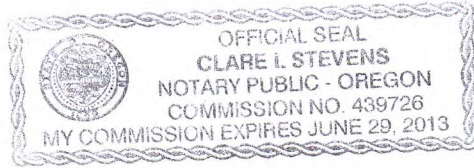
[Signature]

[Signature]

[Signature]

[Signature] POA

[Signature]
[Signature]



Attest:

By:

Clare I. Stevens
Signature and Title

UNITED STATES OF AMERICA

[Signature]
Regional Director

PN Region
Bureau of Reclamation
1150 N. Curtis Road, Suite 100
Boise, ID 83706-1234

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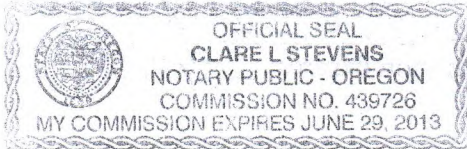
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STATE OF OREGON)
SALEM, OR : SS
County of JACKSON)

On this 04 day of JAN, 20 13, before me, a Notary Public, personally appeared before me the following persons DAVID PADDACK, DALE PADDACK, CONNIE CLABORN, TOM PICO, KAREN PICO, SHANNON WELLS, SUDITHA RAO WELLS, MICHAEL WISNODUSKY, THOMAS HUBBARD, GARON WELLS

whose names are subscribed to the foregoing instrument and acknowledged that they are members of the Applegate River Irrigation, Inc., for which a water supply is to be provided under the contract and have executed this contract document as their free and voluntary act and deed and on oath stated that they are authorized to execute said instrument.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.



(SEAL)

Clare L. Stevens

Notary Public in and for the State of OREGON

Residing at: 7604 Hwy 238 Jacksonvill, Or

My commission expires: 6/29/2013

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STATE OF IDAHO)
: ss
County of Ada)

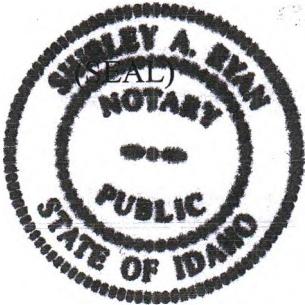
SALEM, OR

On this 28 day of February, 20 13, personally appeared before me Lorri J. Lee, known to me to be the official of the UNITED STATES OF AMERICA that executed the within and foregoing instrument and acknowledged said instrument to be the free and voluntary act and deed of said United States, for the uses and purposes therein mentioned, and on oath stated that he/she was authorized to execute said instrument.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal as of the day and year first above written.

Shirley A. Reyn

Notary Public in and for the
State of IDAHO
Residing at: 1150 N. Curtis Rd, Suite 100, Boise, Id
My commission expires: 4/11/18



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Exhibit B

SALEM, OR
GENERAL PROVISIONS --- ROGUE RIVER BASIN PROJECT

CONTINGENT ON APPROPRIATION OR ALLOTMENT OF FUNDS

a. The expenditure or advance of any money or the performance of any obligation of the United States under this contract shall be contingent upon appropriation or allotment of funds. Absence of appropriation or allotment of funds shall not relieve the Contractor from any obligations under this contract. No liability shall accrue to the United States in case funds are not appropriated or allotted.

PROTECTION OF WATER AND AIR QUALITY

b. (1) Project facilities used to make available and deliver water to the Contractor shall be operated and maintained in the most practical manner to maintain the quality of the water at the highest level possible as determined by the Contracting Officer: Provided, That the United States does not warrant the quality of the water delivered to the Contractor and is under no obligation to furnish or construct water treatment facilities to maintain or improve the quality of water delivered to the Contractor.

(2) The Contractor shall comply with all applicable water and air pollution laws and regulations of the United States and the State of Oregon and shall obtain all required permits or licenses from the appropriate Federal, State, or local authorities necessary for the delivery of water by the Contractor; and shall be responsible for compliance with all Federal, State, and local water quality standards applicable to surface and subsurface drainage and/or discharges generated through the use of Federal or Contractor facilities or project water provided by the Contractor within the Contractor's Project Water Service Area.

(3) This article shall not affect or alter any legal obligations of the Secretary to provide drainage or other discharge services.

EQUAL EMPLOYMENT OPPORTUNITY

c. During the performance of this contract, the Contractor agrees as follows:

(1) The Contractor will not discriminate against any employee or applicant for employment because of race, color, religion, sex, disability, or national origin. The Contractor will take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, color, religion, sex, disability, or national origin. Such action shall include, but not be limited to the following: employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The Contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the Contracting Officer setting forth the provisions of this nondiscrimination clause.

(2) The Contractor will, in all solicitations or advertisements for employees placed by or on behalf of the Contractor, state that all qualified applicants will receive consideration for employment without regard to race, color, religion, sex, disability, or national origin.

(3) The Contractor will send to each labor union or representative of workers with which it has a collective bargaining agreement or other contract or understanding, a notice, to be provided by the Contracting Officer, advising the labor union or workers' representative of the Contractor's commitments under section 202 of Executive Order 11246 of September 24, 1965 (EO 11246), and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

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(4) The Contractor will comply with all provisions of EO 11246, and of the rules, regulations, and relevant orders of the Secretary of Labor.

(5) The Contractor will furnish all information and reports required by EO 11246, and by the rules, regulations, and orders of the Secretary of Labor, or pursuant thereto, and will permit access to his books, records, and accounts by the Contracting Agency and the Secretary of Labor for purposes of investigation to ascertain compliance with such rules, regulations, and orders.

(6) In the event of the Contractor's noncompliance with the nondiscrimination clauses of this contract or with any of such rules, regulations, or orders, this contract may be canceled, terminated or suspended in whole or in part and the Contractor may be declared ineligible for further Government contracts in accordance with procedures authorized in EO 11246, and such other sanctions may be imposed and remedies invoked as provided in EO 11246 or by rule, regulation, or order of the Secretary of Labor, or as otherwise provided by law.

(7) The Contractor will include the provisions of paragraphs (1) through (7) in every subcontract or purchase order unless exempted by the rules, regulations, or orders of the Secretary of Labor issued pursuant to section 204 of EO 11246, so that such provisions will be binding upon each subcontractor or vendor. The Contractor will take such action with respect to any subcontract or purchase order as may be directed by the Secretary of Labor as a means of enforcing such provisions, including sanctions for noncompliance: Provided, however, that in the event the Contractor becomes involved in, or is threatened with, litigation with a subcontractor or vendor as a result of such direction, the Contractor may request that the United States enter into such litigation to protect the interests of the United States.

COMPLIANCE WITH FEDERAL RECLAMATION LAWS

d. The parties agree that the delivery of irrigation water or use of Federal facilities pursuant to this contract is subject to Federal reclamation law, including but not limited to the Reclamation Reform Act of 1982 (43 U.S.C. 390aa et seq.), as amended and supplemented, and the rules and regulations promulgated by the Secretary of the Interior under Federal reclamation law.

ASSIGNMENT LIMITED--SUCCESSORS AND ASSIGNS OBLIGATED

e. The provisions of this contract shall apply to and bind the successors and assigns of the parties hereto, but no assignment or transfer of this contract or any right or interest therein by either party shall be valid until approved in writing by the other party.

OFFICIALS NOT TO BENEFIT

f. No Member of or Delegate to the Congress, Resident Commissioner, or official of the Contractor shall benefit from this contract other than as a water user or landowner in the same manner as other water users or landowners.

CHANGES IN CONTRACTOR'S ORGANIZATION

g. While this contract is in effect, no change may be made in the Contractor's organization, by inclusion or exclusion of lands or by any other changes which may affect the respective rights, obligations, privileges, and duties of either the United States or the Contractor under this contract including, but not limited to, dissolution, consolidation, or merger, except upon the Contracting Officer's written consent.

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BOOKS, RECORDS, AND REPORTS

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h. The Contractor shall establish and maintain accounts and other books and records pertaining to administration of the terms and conditions of this contract, including the Contractor's water supply data; land-ownership, land-leasing, and water-use data; and other matters that the Contracting Officer may require. Reports shall be furnished to the Contracting Officer in such form and on such date or dates as the Contracting Officer may require. Subject to applicable Federal laws and regulations, each party to this contract shall have the right during office hours to examine and make copies of the other party's books and records relating to matters covered by this contract.

COMPLIANCE WITH CIVIL RIGHTS LAWS AND REGULATIONS

i. (1) The Contractor shall comply with Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d), Section 504 of the Rehabilitation Act of 1973 (P.L. 93-112, as amended), the Age Discrimination Act of 1975 (42 U.S.C. 6101, et seq.), Title II of the Americans with Disabilities Act of 1990 if the entity is a State or local government entity [Title III if the entity is a non-government entity], and any other applicable civil rights laws, as well as with their respective implementing regulations and guidelines imposed by the U.S. Department of the Interior and/or Bureau of Reclamation.

(2) These statutes require that no person in the United States shall be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity receiving financial assistance from the Bureau of Reclamation on the grounds of race, color, national origin, disability, or age. By executing this contract, the Contractor agrees to immediately take any measures necessary to implement this obligation, including permitting officials of the United States to inspect premises, programs, and documents.

(3) The Contractor makes this agreement in consideration of and for the purpose of obtaining any and all Federal grants, loans, contracts, property discounts, or other Federal financial assistance extended after the date hereof to the Contractor by the Bureau of Reclamation, including installment payments after such date on account of arrangements for Federal financial assistance which were approved before such date. The Contractor recognizes and agrees that such Federal assistance will be extended in reliance on the representations and agreements made in this article and that the United States reserves the right to seek judicial enforcement thereof.

(4) Complaints of discrimination against the Contractor shall be investigated by the Contracting Officer's Office of Civil Rights.

PRIVACY ACT COMPLIANCE

j. (1) The Contractor shall comply with the Privacy Act of 1974 (5 U.S.C. 552a) (Privacy Act) and the Department of the Interior rules and regulations under the Privacy Act (43 CFR 2.45 et seq.) in maintaining landholder certification and reporting records required to be submitted to the Contractor for compliance with Sections 206, 224(c), and 228 of the Reclamation Reform Act of 1982 (96 Stat. 1261), and pursuant to 43 CFR 426.18.

(2) With respect to the application and administration of the criminal penalty provisions of the Privacy Act (5 U.S.C. 552a(i)), the Contractor and the Contractor's employees who are responsible for maintaining the certification and reporting records referenced in (1) above and are considered to be employees of the Department of the Interior. See 5 U.S.C. 552a(m).

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EX-D

(3) The Contracting Officer or a designated representative shall provide the Contractor with current copies of the Interior Department Privacy Act regulations and the Bureau of Reclamation Federal Register Privacy Act System of Records Notice (Interior/WBR-31, Acreage Limitation) which govern the maintenance, safeguarding, and disclosure of information contained in the landholders' certification and reporting records.

(4) The Contracting Officer shall designate a full-time employee of the Bureau of Reclamation to be the System Manager responsible for making decisions on denials pursuant to 43 CFR 2.61 and 2.64 and amendment requests pursuant to 43 CFR 2.72. The Contractor is authorized to grant requests by individuals for access to their own records.

(5) The Contractor shall forward promptly to the System Manager each proposed denial of access under 43 CFR 2.64 and each request for amendment of records filed under 43 CFR 2.71; notify the requester accordingly of such referral; and provide the System Manager with information and records necessary to prepare an appropriate response to the requester. These requirements do not apply to individuals seeking access to their own certification and reporting forms filed with the Contractor pursuant to 43 CFR 426.18 unless the requester elects to cite the Privacy Act as authority for the request.

CONTRACT DRAFTING CONSIDERATIONS

k. This contract has been negotiated and reviewed by the parties hereto, each of whom is sophisticated in the matters to which this contract pertains. Articles 1 through 15 of this contract have been drafted, negotiated, and reviewed by the parties, and no one party shall be considered to have drafted the stated articles.

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JUN 17 2013

SALEM, OR



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Oregon

JUN 17 2013
Theodore R. Jongoski, Governor

SALEM, OR

Water Resources Department
North Mall Office Building
725 Summer Street NE, Suite A
Salem, OR 97301-1266
503-986-0900
FAX 503-986-0904

November 14, 2007

Bureau of Reclamation
Attn: Ryan Patterson
1150 North Curtis Road, Suite 100
Boise, ID 83706-1234

Dear Mr. Patterson:

The Oregon Water Resources Department (OWRD) supports the Farmer's/Buck and Jones Ditch Project (also known as the Lashep Project) as part of its efforts under the Oregon Plan for Salmon and Watersheds. The purpose of this project is to enhance streamflows in the Little Applegate River by transferring out-of-stream irrigation water rights to instream flow water rights and substituting the use of live flow for irrigation purposes with stored water. When the project is fully implemented, OWRD through the Jackson County Watermaster's Office will take on the responsibility of protecting the new instream water rights on the Little Applegate consistent with their priority dates.

To help meet the objectives of this project, OWRD intends to install and maintain a gauging station on the Little Applegate River with a telemetric link to the Bureau of Reclamation's Hydromet System. This gauge will provide data that will help OWRD monitor streamflows and the new instream water rights. The proposed gauging station will record and display real time instream flow data as outlined in paragraph 10(c) of the proposed contract. OWRD/Jackson County Watermaster's Office "...will also provide, or ensure that it will be provided, in writing to the Contracting Officer by December 1 of each year the amount of instream flow water attributed to the Little Applegate River water rights described in subarticle 9(a); obtained from the State watermaster of other sources whose measurements methodology is approved by the State watermaster and the United States."

We value our continued partnership with the water users participating in the Lashep project and with the Bureau of Reclamation. We look forward to implementing the next phase of this important project.

Sincerely,

Debbie Colbert
Field Services Division Administrator

S-87908

EX-D

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c: Larry Menteer, District 13 Watermaster
Bruce Sund, Deputy South West Region Manager
Bill Ferber, West Region Manager
Ruth Page, Bureau of Reclamation
Larry Parsons, Bureau of Reclamation

03 80007

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11

IRRIGATION PUMP STATION AND PIPELINE EASEMENT

Gloria A. Evers, William H. Evers, and Charles Englehart, hereinafter GRANTORS, in consideration of the sum of ten thousand dollars (\$10,000) the receipt of which is hereby acknowledged by the GRANTORS, do hereby grant and convey to Alfred J. and Karen L. Hardman, Connie Claborn, Thomas F. Hubbard, Adrian J. Cortez, Jr., Ann Wisnovsky, Judith Ann Wells, hereinafter GRANTEES, individually, their heirs, successors, and assigns, as owners of the real property described in Attachment A, the following easement solely for irrigation purposes.

Grantors own certain real property located in Jackson County, Oregon, known as Jackson County Assessor's Map No. Township 38 South, 3 West, Section 33, Lot 903 with the legal description as follows:

Commencing at the Southeast corner of Section 33 in Township 38 South, Range 3 West of the Willamette Meridian in Jackson County, Oregon, thence North 0°29' West, along the East line of said Section, 452.17 feet, thence South 89° 10' 31" west 626.0 feet, thence North 0° 29' 00" West 3.0 feet, thence South 89° 27' 00" West 792.3 feet to the easterly line of Hamilton (County) Road, for the true point of beginning; thence along said road line as follows: South 35° 08' 00" East 471.9 feet, thence South 56° 24' 00" East 36.9 feet, thence South 71° 40' 00" East 37.18 feet, thence leaving said road line, south to the south line of said Section 33; thence West, along said South line, to the centerline of the Applegate River; thence Northwesterly along said centerline to intersect that boundary line established by agreement recorded as No. 70-10009 of the Official Records of Jackson county, Oregon; thence North 0° 12' 30" East, along said boundary line, to a point South 89° 27' 00" West of the true point of beginning; thence North 89° 27' 00" East to the true point of beginning.

Grantees are owners of certain real property located in Jackson County, Oregon, known as Jackson County Assessor's Map No. Township 38 South, 3 West, Section 33: Lot 907 (Hardman), Lot 1900 (Claborn), Lot 2000 (Hubbard), Lot 905 (Cortez); Township 38 South, Range 3 West, Section 34: Lot 200 (Wisnovsky), Lot 300&301 (Wells), with the legal description as follows in Attachment A;

The GRANTORS hereby grant, assign, and set over to the GRANTEES a non-exclusive, permanent, appurtenant easement for the installation, operation, maintenance, and repair of an irrigation pump station and buried irrigation mainline, shall have all rights of ingress and egress to and from this easement, including the right to cut, remove, or trim all vegetation, excepting trees with a diameter of greater than 6 inches (as measured at 4 feet above the ground), necessary for the GRANTEES' use, operation and maintenance of the easement hereby granted and all rights and privileges incident thereto. Removal of vegetation by GRANTEES will be limited to that vegetation growing on or over the easement or access road to the easement. GRANTORS will not provide road access to the property for the purposes of GRANTEE access to their rights under this easement, nor will the GRANTORS be responsible for the upkeep or maintenance of any roads on their property that may currently exist.

GRANTORS hereby grant to the GRANTEES the right to construct a road for the purposes of ingress to and egress from the easement. Said road will be on the north side of GRANTORS' property. Placement of said road must adhere as closely as practicable to the actual easement. As a condition for continued rights granted in this easement, GRANTEES must revegetate and clean up all areas disturbed by construction within three months following the completion of said construction. GRANTEES shall install a gate at the end of the road to restrict unauthorized access to the pump stations. Mineral rights in the easement remain the sole property of the GRANTOR.

The legal description of the easement is as follows:

A strip of land 20 feet in width, near the GRANTORS' northern property boundary, the centerline of which will extend from the edge of the County rights-of-way on Hamilton (County) Road where the GRANTORS' property abuts the Hardman property, to the center of the Applegate River, as depicted generally in Attachment B. The precise location of the centerline will be the center of the pipeline as initially installed.

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SALEM, OR

S-8700

Exhibit E

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

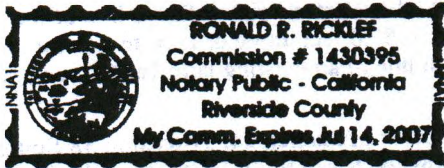
State of California }
County of RIVERSIDE } ss.

On 17 OCTOBER, 2003 before me, RONALD R. RICKLEF
Date Name and Title of Officer (e.g., "Jane Doe, Notary Public")

personally appeared WILLIAM H. EVERS AND GLORIA A. EVERS
Name(s) of Signer(s)

- personally known to me
- proved to me on the basis of satisfactory evidence

to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies) and that by his/her/their signature(s) on the instrument the person(s) or the entity upon behalf of which the person(s) acted, executed the instrument.



WITNESS my hand and official seal.

Ronald R. Ricklef
Signature of Notary Public

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document: _____

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Document Date: _____ Number of Pages: _____

JUN 17 2013

Signer(s) Other Than Named Above: _____

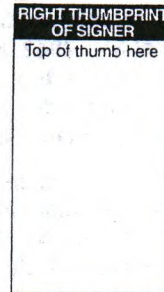
Capacity(ies) Claimed by Signer

SALEM, OR

Signer's Name: _____

- Individual
- Corporate Officer — Title(s): _____
- Partner — Limited General
- Attorney-in-Fact
- Trustee
- Guardian or Conservator
- Other: _____

Signer Is Representing: _____



5-87908

Exhibit E

03 80007

ATTACHMENT A—Grantee Property Legal Descriptions

1. (Hardman) Beginning at the southeast corner of Section 33 in Township 38 South, range 3 West of the Willamette Meridian in Jackson county, Oregon; thence North 452.82 feet, thence West 887.18 feet to a point on the northerly line of tract described in volume 484 page 141 of the Deed records of Jackson County, Oregon, for the true point of beginning; thence North 89°56'45" West (record South 89°27' West), along said northerly line and the westerly projection thereof, 681.69 feet to an intersection with that "North-South" boundary established by agreement recorded as No. 70-10009 of the Official Records of Jackson County, Oregon; thence North 0°14'15" East (record North 0°12'30" East), along said agreement boundary, 184.04 feet to a point in Hamilton (County) Road; thence south 34°29'50" East 87.75 feet to a point in said County road; thence North 0°14'15" East 177.42 feet; thence North 76°06' East 403.44 feet; thence North 85°27'15" East 240.00 feet; thence South 0°03'15" West 405.72 feet to the true point of beginning.
2. (Wisnovsky) Commencing at the Southeast corner of Section 33, township 38 south, range 3 West, Willamette Meridian, Jackson county, Oregon; thence North 1790.0 feet; thence West 225.0 feet to the true point of beginning (said point of beginning being further described as 1267.0 feet East and 20.0 feet North of the Northeast corner of Donation Land Claim No. 41, said Township and Range, and further identified by a 2" iron pipe driven firmly in the ground, from which a 36" white oak tree bears North 47° East, 20.0 feet); thence North 6° west 1574.0 feet, to the North line of Lot 4 in said Section 33; thence East, to the Southeast corner of Lot 4, Section 34, said Township and range; thence North to the Northwest corner of Lot 3, in said Section 34; thence East 784.0 feet, more or less, to the Westerly right of way line of the County road; thence along said right of way line, south 8° West 2197.0 feet, more or less, to a point due East of the true point of beginning; thence West along the North line of an existing lane 1636.0 feet, more or less, to the true point of beginning.
3. (Wells) Taxlot 300, Parcel 1 of 2: Beginning at the southwest corner of Section 34, Township 38 South, Range 3 West, Willamette Meridian, Jackson county, Oregon; thence North 0°30' East, along the West line of said section, 1735.8 feet; thence south 89°43' East, to the high side of the irrigation ditch known as the Farmer's Ditch; thence Southerly, along the high side of said ditch, to its intersection with the South line of said section; thence North 89°26' West along the south line of said Section, 209 feet, more or less, to the point of beginning. Taxlot 300, Parcel 2 of 2: Beginning at the southwest corner of Section 34, Township 38 South, Range 3 West, Willamette Meridian, Jackson county, Oregon; thence South 89°26' East, along the south line of said section, 209 feet, more or less, to the true point of beginning; thence continue south 89°26' East, along the South line of said section, 875 feet, to an iron pipe; thence North 0°34' East, 600 feet, to a ½" iron pipe; thence North 44°26' West; 1238, more or less, to the high side of the Farmer's Ditch; thence Southwesterly along the high side of the Farmer's Ditch, to the true point of beginning (The "high side" of the Farmers Ditch, means the Easterly side of the ditch. It is mutually agreed that the "high side" of the ditch, includes enough ground (land), to properly maintain the ditch, including existing headgates and future headgates of the same design). Taxlot 301: Commencing at a brass capped monument marking the southwest corner of Section 34, Township 38 South, Range 3 West of the Willamette Meridian in Jackson County, Oregon, thence South 89°26' East, along the south line of said Section, 1084 feet to the southeast corner of that tract of land described in Document No. 85-12042, of the Official Records of Jackson County, Oregon, thence Northerly, along the east line of said tract, 600 feet, more or less, to a ¾" diameter iron pipe marking the most easterly northeast corner of said tract and being also the true point of beginning of the herein described tract of land; thence Southerly, along said east line of tract described in Document No. 85-12042, said Official Records, to said southeast corner thereof; thence North 89°26' West, along said south line of Section 34, a distance of 366.00 feet to the southwest corner of said Document 85-12042, said Official Records; thence North 475.00 feet; thence East 40.00 feet; thence North 130 feet, more or less, to a point on the high side of the Farmers Ditch; thence Easterly and Northeasterly, along said high side of the Farmers Ditch, to a point which bears North 45°14'53" West from the true point of beginning; thence South 45°14'53" East to the true point of beginning.
4. (Claborn) Commencing at the Southeast corner of Section 33 in Township 38 South, Range 3 West of the Willamette Meridian in Jackson County, Oregon, thence North 88°55' West 342.09 feet to the true point of beginning; thence North 440.82 feet; thence South 89°10'31" West 287.75 feet to the Northwest corner of tract described in Volume 526 Page 370 of the Deed Records of Jackson county, Oregon; thence South 3°20'50" East along the Westerly line of said tract, 232.37 feet to the Northwest corner of tract described in volume 434 Page 482, said Deed Records; thence South 88°55' East 119.27 feet to the Northeast corner

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JUN 17 2013

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of said tract; thence South 1°25' East 199.68 feet to the South line of said tract described in Volume 526 Page 370, said Deed Records; thence South 88°55' East 150.00 feet to the true point of beginning. EXCEPTING THEREFROM that portion conveyed to Jackson County, Oregon, by deed recorded January 16, 1963 in Volume 539 Page 298 of the Deed Records of Jackson County, Oregon.

- 5. (Hubbard) Commencing at the Southeast corner of Section 33 in Township 38 South, Range 3 West of the Willamette Meridian in Jackson County, Oregon, thence North 88°55' West 342.09 feet; thence North 440.82 feet; thence North 89°10'31" East, 338.25 feet; thence South 0°29' East, 452.17 feet, to the point of beginning. EXCEPTING THEREFROM that portion conveyed to Jackson County, Oregon, by deed recorded in Volume 539 Page 298 Jackson County, Oregon, Deed Records.
- 6. (Cortez) Commencing at the Southeast corner of Section 33 in Township 38 South, Range 3 West of the Willamette Meridian, Jackson County, Oregon; thence along the East boundary of said Section, North 0°08'25" East (record North 0°29'00" West) 452.17 feet to a 1/2" iron bolt found to be set for the Northeast corner of tract described in Volume 484, Page 141, Jackson County, Oregon, Deed Records, for the TRUE POINT OF BEGINNING; thence South 89°45'45" West 626.24 feet (record South 89°10'31" West 626.0 feet) to a 1/2" iron pipe found for a corner of said tract; thence North 0°08'25" East 3.00 feet (record North 0°29'00" West 3.00 feet) to a 3/4" iron pipe found for a corner of said tract; thence North 89°56'45" West 792.25 feet (record South 89°27'00" West 792.3 feet) to a 3/4" iron pipe found set for the Northwest corner of said tract; thence continue North 89°56'45" West (record South 89°27'00" West) 151.50 feet to an intersection with that "North-South" boundary established by agreement recorded as Document No. 70-10009, Official Records of Jackson County, Oregon; thence along said agreement boundary, North 0°14'15" East (record North 0°12'30" East) 328.32 feet; thence North 76°06'00" East 446.50 feet; thence North 85°27'15" East 489.33 feet; thence North 0°56'00" West 30.33 feet; thence North 88°09'55" East 649.51 feet to the East boundary of said Section 33; thence South 0°08'25" West 526.77 feet to the true point of beginning. EXCEPTING THEREFROM the following: Commencing at the Southeast corner of Section 33 in Township 38 South, Range 3 West of the Willamette Meridian, Jackson County, Oregon; thence North 452.82 feet; thence West 887.18 feet to a point on the Northerly line of tract described in Volume 484, Page 141, Jackson County, Oregon, Deed Records, for the true point of beginning; thence North 89°56'45" West (record South 89°27'00" West), along said Northerly line and the Westerly projection thereof, 681.69 feet to an intersection with that "North-South" boundary established by agreement recorded as Document No. 70-10009 of the Official Records of Jackson County, Oregon; thence North 0°14'15" East (record North 0°12'30" East), along said agreement boundary, 184.04 feet to a point in Hamilton (County) Road; thence South 34°29'00" East 87.75 feet to a point in said County Road; thence North 0°14'15" East 177.42 feet; thence North 76°06'00" East 403.44 feet; thence North 85° 27'15" East 240.00 feet; thence South 0°03'15" West 405.72 feet to the true point of beginning.

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SALEM, OR

Irrigation Pump Station and Pipeline Easement 10/16/03

S-B 7908

Ex E

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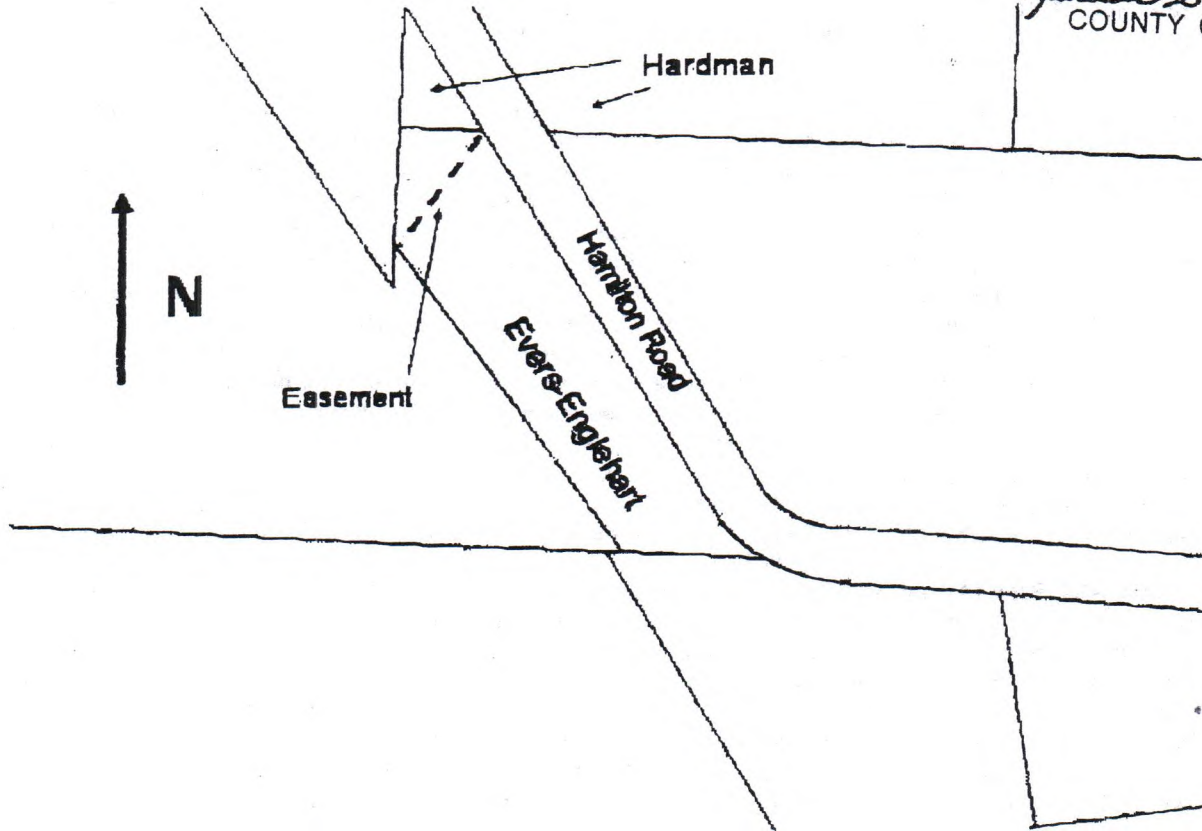
Attachment B – Easement Location

Jackson County, Oregon
Recorded
OFFICIAL RECORDS

NOV 24 2003

1:41 PM

Spencer S. Reed
COUNTY CLERK



RECORDED

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JUN 17 2013

SALEM, OR

Application for a Permit to Use Surface Water



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

Water-Use Permit Application Processing

1. Completeness Determination

The Department evaluates whether the application and accompanying map contain all of the information required under OAR 690-310-0040 and OAR 690-310-0050 (www.oregon.gov/owrd/law.our). The Department also determines whether the proposed use is prohibited by statute. If the Department determines that the application is incomplete, all fees have not been paid, or the use is prohibited by statute, the application and all fees submitted are returned to the applicant.

2. Initial Review

The Department reviews the application to determine whether water is available during the period requested, whether the proposed use is restricted or limited by rule or statute, and whether other issues may preclude approval of or restrict the proposed use. An Initial Review (IR) containing preliminary determinations is mailed to the applicant. The applicant has 14 days from the mailing date to withdraw the application from further processing and receive a refund of all fees paid minus \$200. The applicant may put the application on hold for up to 180 days and may request additional time if necessary.

3. Public Notice

Within 7 days of the mailing of the initial review, the Department gives public notice of the application in the weekly notice published by the Department at www.oregon.gov/owrd. The public comment period is 30 days from publication in the weekly notice.

4. Proposed Final Order Issued

The Department reviews any comments received, including comments from other state agencies related to the protection of sensitive, threatened or endangered fish species. Within 60 days of completion of the IR, the Department issues a Proposed Final Order (PFO) explaining the proposed decision to deny or approve the application. A PFO proposing approval of an application will include a draft permit, and may request additional information or outstanding fees required prior to permit issuance.

5. Public Notice

Within 7 days of issuing the PFO, the Department gives public notice in the weekly notice. Notice includes information about the application and the PFO. Protest must be received by the Department within 45 days after publication of the PFO in the weekly notice. Anyone may file a protest. The protest filing fee is \$300.00 for the applicant and \$600.00 for non-applicants. Protests are filed on approximately 10% of Proposed Final Orders. If a protest is filed the Department will attempt to settle the protest but will schedule a contested case hearing if necessary.

6. Final Order Issued

If no protests are filed, the Department can issue a Final Order within 60 days of the close of the period for receiving protest. If the application is approved, a permit is issued. The permit specifies the details of the authorized use and any terms, limitations or conditions that the Department deems appropriate.

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Minimum Requirements Checklist

Minimum Requirements (OAR 690-310-0040, OAR 690-310-0050 & ORS 537.140)

SALEM, OR

Include this checklist with the application

Check that each of the following items is included. The application will be returned if all required items are not included. If you have questions, please call the Water Rights Customer Service Group at (503) 986-0900.

- SECTION 1: applicant information and signature
- SECTION 2: property ownership
- SECTION 3: source of water requested
- SECTION 4: water use
- SECTION 5: water management
- SECTION 6: resource protection
- SECTION 7: project schedule
- SECTION 8: within a district
- SECTION 9: remarks

Attachments:

-
- Land Use Information Form with approval and signature (*must be an original*) or signed receipt
 - Provide the legal description of: (1) the property from which the water is to be diverted, (2) any property crossed by the proposed ditch, canal or other work, and (3) any property on which the water is to be used as depicted on the map.
 - Fees - Amount enclosed: \$ 1909 -
See the Department's Fee Schedule at www.oregon.gov/owrd or call (503) 986-0900.

Provide a map and check that each of the following items is included:

-
- Permanent quality and drawn in ink
 - Even map scale not less than 4" = 1 mile (example: 1" = 400 ft, 1" = 1320 ft, etc.)
 - North Directional Symbol
 - Township, Range, Section, Quarter/Quarter, Tax Lots
 - Reference corner on map
 - Location of each well, and/or dam if applicable, by reference to a recognized public land survey corner (distances north/south and east/west)
 - Indicate the area of use by Quarter/Quarter and tax lot clearly identified
 - Number of acres per Quarter/Quarter and hatching to indicate area of use if for primary irrigation, supplemental irrigation, or nursery
 - Location of main canals, ditches, pipelines or flumes (if well is outside of the area of use)
 - Other:

S-87908

WATER RESOURCES DEPARTMENT

RECEIPT # 109068

725 Summer St. N.E. Ste. A
SALEM, OR 97301-4172
(503) 986-0900 / (503) 986-0904 (fax)

APPLICATION # _____

RECEIVED FROM: Applegate River Irrigation
BY: Corp

APPLICATION	<u>S-87908</u>
PERMIT	
TRANSFER	

CASH: CHECK: # 592 OTHER: (IDENTIFY)

TOTAL REC'D \$ 1909.00

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 \$ 4611
 0410 RESEARCH FEES \$
 0408 MISC REVENUE: (IDENTIFY) \$
 TC-162 DEPOSIT LIAB. (IDENTIFY) \$
 0240 EXTENSION OF TIME \$

WATER RIGHTS:

0201 SURFACE WATER	EXAM FEE	0202	RECORD FEE
0203 GROUND WATER	\$ <u>1509.00</u>	0204	\$ <u>400.00</u>
0205 TRANSFER	\$		\$

WELL CONSTRUCTION

0218 WELL DRILL CONSTRUCTOR	EXAM FEE	0219	LICENSE FEE
LANDOWNER'S PERMIT	\$	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 (FWWRD) \$ _____
 0231 HYDRO LICENSE FEE (FWWRD) \$ _____
 _____ HYDRO APPLICATION \$ _____

TREASURY OTHER / RDX

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

RECEIPT: 109068

DATED: 6-17-13 BY: B. Williamson