

Date Certificate issued _____

REECE Nick A * WRD

From: CLARK Gerald E * WRD
Sent: Wednesday, July 3, 2024 8:41 AM
To: REECE Nick A * WRD
Subject: FW: Permit: S 53379

Nick,

Could you please print out this message and place it in the file that Christi just emailed about?

Thanks! Have a great day!

Gerry

[Gerry Clark](#)

He/Him/His

Program Analyst, Certificate Section, Water Right Services Division | Phone 503-979-9103

From: CLARK Gerald E * WRD <Gerald.E.CLARK@water.oregon.gov>
Sent: Tuesday, July 2, 2024 9:55 AM
To: Bryce Withers <brycewrs@gmail.com>
Subject: RE: Permit: S 53379

Bryce,

Thanks for reaching out to let me know that you need additional time to complete and submit the Claim. I have updated WRIS to indicate that the hold deadline is now August 1, 2024. You can view the hold action workflow item at:

[Permit: S 53379 * \(state.or.us\)](#)

Hope you have a great 4th of July also!

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 503-979-9103

From: Bryce Withers <brycewrs@gmail.com>
Sent: Tuesday, July 2, 2024 9:15 AM
To: CLARK Gerald E * WRD <Gerald.E.CLARK@water.oregon.gov>
Subject: Re: Permit: S 53379

Gerry,

Yes that work, thank you.

On Tue, Jul 2, 2024 at 8:50 AM CLARK Gerald E * WRD <Gerald.E.CLARK@water.oregon.gov> wrote:

Bryce,

Would August 1, 2024 work for you?

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 503-979-9103

From: Bryce Withers <brycewrs@gmail.com>
Sent: Tuesday, July 2, 2024 8:48 AM
To: CLARK Gerald E * WRD <Gerald.E.CLARK@water.oregon.gov>
Subject: Permit: S 53379

Hi Gerry,

I believe that John let you know that we are working on a CBU for Permit S-53379 and it looks like there was a 7-1 deadline. It is taking longer than expected. Can we get the deadline extended please for the CBU? Hope you have a great 4th of July!

--

Bryce Withers

Water Right Specialist

(541)408-1400 cell

Water Right Services, LLC
PO Box 1830
Bend, OR 97709

<https://oregonwater.us>

--

Bryce Withers

Water Right Specialist
(541)408-1400 cell

Water Right Services, LLC
PO Box 1830
Bend, OR 97709

<https://oregonwater.us>

CLARK Gerald E * WRD

From: CLARK Gerald E * WRD
Sent: Monday, April 22, 2024 6:33 AM
To: John Short
Cc: Cal Schmidt
Subject: RE: Application G-81987 / Permit G-53379 Eaton under contract for CBU

John,

Thanks for the notification. Based on your request, we will hold action on the proposed cancellation until after July 1, 2024. I have updated WRIS with a Hold Action date of July 1, 2024:

[Permit: S 53379 * \(state.or.us\)](#)

Please let me know if you have any additional questions concerning this permit.

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 503-979-9103

From: John Short <johnshort@usa.com>
Sent: Thursday, April 18, 2024 10:33 AM
To: CLARK Gerald E * WRD <Gerald.E.CLARK@water.oregon.gov>
Cc: Cal Schmidt <cals@sfvineyards.com>
Subject: Application G-81987 / Permit G-53379 Eaton under contract for CBU

Hello Gerry!

Beautiful days for fly fishing!!

Current owner Schmidt Family Vineyards received one of OWRD's 60 day cure or cancel letters and has contracted with Water Right Services, LLC to complete their CBU. I've already finished their inspection with the report and mapping to follow in 8-10 weeks. Please remove them from OWRD's bad list.

Thanks!

Sincerely,
John

John A. Short CCB# 197121

541-389-2837

Water Right Services, LLC
PO Box 1830
Bend, OR 97709

[REDACTED]

Mailing List for 60-Day Letter

Application: S-81987

Permit: S-53379

Permit Holder(s):

WALTER E EATON
242 MISSOURI FLAT RD
GRANTS PASS OR 97527

Copies Mailed

by: TM
(STAFF)

on: 3.8.2024
(DATE)

Is the Permit Holder(s) of record currently identified as a landowner of any tax lots involved as confirmed by the County records? **NO**

Copies of 60 Day Letter to be sent to Permit Holder(s) and following:

1. Watermaster District #13 (auto email)
2. File

Other persons to receive copies:

1. **New Land Owner:**
Calvin and Judy Schmidt
242 Missouri Flat Rd.
Grants Pass, OR 97527

← this is who
the mail was
sent to.



Oregon

Tina Kotek, Governor

Water Resources Department
North Mall Office Building
725 Summer St NE, Suite A
Salem, OR 97301-1266
Phone: 503-986-0900
Fax: 503-986-0904
www.Oregon.gov / OWRD

March 8, 2024

Calvin and Judy Schmidt
242 Missouri Flat Rd.
Grants Pass, OR 97527

Reference: Application **S-81987**, Permit **S-53379**

Dear Property Owner,

The attached letter is being sent to you as you have been identified as the owner of the land that has this permit. Please see the enclosed 'Resource Sheet' to access the assignment form if you wish to continue using this water.

Should you have any questions, you may contact me at the address above, by telephone at 503-979-9983, or email at Tonya.l.miller@water.oregon.gov. Email is the best way to reach me.

Sincerely,

Tonya Miller
Backlog Reduction Caseworker





Oregon

Tina Kotek, Governor

Water Resources Department

North Mall Office Building
725 Summer St NE, Suite A
Salem, OR 97301-1266
Phone: 503-986-0900

Fax: 503-986-0904

www.Oregon.gov / OWRD

NOTE: For water rights information and useful forms, please see our web site at
www.oregon.gov/OWRD

Certified mail number 7022 3330 0000 2824 9245

Return receipt requested

March 8th, 2024

WALTER E EATON
242 MISSOURI FLAT RD
GRANTS PASS, OR 97527

Reference: Application S-81987, Permit S-53379

Dear Permit Holder:

This letter is in regard to your water use permit as referenced above. Your permit required you to complete the development of your water use by October 1, 2002.

In order for the Department to consider issuance of a certificate of water right, you are required by law to hire a certified water right examiner to prepare and submit a claim of beneficial use that includes a final proof survey map of the development. The map and claim of beneficial use were to have been submitted to our Department within one year of October 1, 2002. The fee for submitting a claim of beneficial use is \$230.00. Please see the enclosed 'Resource Sheet' for our current database of CWRE's.

If you are not finished with the development of your permit, you need to file an application for an extension of time to complete your development. The fee for filing an extension of time is \$780.00. Please see the enclosed 'Resource Sheet' to access the extension of time form.

In the event that you are no longer using water as allowed by this permit, you should cancel it so that we may clear our records. Please see the enclosed 'Resource Sheet' to access the cancellation form, if you are interested in this option.

If you have not submitted either a Claim of Beneficial Use or a request for an extension of time for your permit within 60 days of the date of this letter (May 17, 2024) the Department may issue a Final Order to cancel your permit without further notice. If the Department issues a Final Order to cancel your permit, and you request reconsideration of the final order and reinstatement of your permit, there is a \$610.00 reinstatement fee that is charged in addition to the claim of beneficial use or extension of time fee.

Should you have any questions, please contact me at Tonya.L.Miller@water.oregon.gov, the address above or by telephone at 503-979-9983. Email is the best way to reach me.

Sincerely,

Tonya Miller
Backlog Reduction Caseworker

Enclosures (1)

cc: File
OWRD Watermaster District 13





RESOURCE SHEET

Please visit our Department's website at www.oregon.gov/owrd to locate the following information and forms:

Voluntary Cancellation of a Permit

Whenever the owner of a permit wishes to cancel a permit due to inability to develop the permit or the permit is no longer usable for any reason, the owner may cancel the permit by submitting a form to authorize the cancellation of a permit.

Additional information and links to the forms are available at:

www.oregon.gov/owrd/programs/WaterRights/Permits/Pages/CancelPermit.aspx

- For questions related to Voluntary Cancellation of a Permit, contact Mary Bjork by phone at 503-979-9895 or by email at Mary.F.Bjork@water.oregon.gov

Application for Permit Extension of Time

An Extension of Time is a process in which the Department can approve additional time for a permit holder to perfect the beneficial use of water as authorized by the permit. An Extension of Time may be approved if the permit holder has demonstrated reasonable diligence in developing the beneficial use of water as authorized under the permit and the Department can find good cause to do so. Each Application is reviewed on a case-by-case basis. An Extension of Time may provide the ability for a permit holder to extend their completion of construction date (B-date) and complete application of water date (C-date).

Additional information and links to the forms are available at:

www.oregon.gov/owrd/programs/WaterRights/Permits/Pages/Extension.aspx

- For questions related to Extensions of Time, contact Jeffrey Pierceall by phone at 503-979-3213 or by email at Jeffrey.D.Pierceall@water.oregon.gov

Assignments

An Assignment is a formal process to change the name of the holder of an application, permit, limited license, transfer, permit amendment or groundwater registration claim (i.e., non-perfected, non-certificated rights). This process is similar to changing the name on the title of a car. An Assignment ensures that the Department knows who the water right record belongs to and who will be responsible for finalizing the right.

Additional information and links to the forms are available at:

www.oregon.gov/owrd/programs/WaterRights/Permits/Assignment/Pages/default.aspx

- For questions related to Assignments, contact Mary Bjork by phone at 503-979-9895 or by email at Mary.F.Bjork@water.oregon.gov



RESOURCE SHEET

Self-Certification Form (for qualifying Alternate Review reservoirs only)

Certain qualifying reservoir permits allow the permit holder to self-certify their reservoir permit. For a reservoir permit to qualify for this process, the reservoir must meet each of the following criteria:

- 1) The permit was issued under the authority of ORS 537.409; and
- 2) No secondary permit exists for the use of water stored in the reservoir; and
- 3) The developed capacity of the reservoir is less than 9.2 acre-feet; and
- 4) The water was stored by the date required in the permit

Additional information and links to the forms are available at:

www.oregon.gov/owrd/programs/WaterRights/Cert/Pages/default.aspx

- To locate the Claim form, follow the above link, click on "Forms", and next on "Claims of Beneficial Use for Reservoirs (storing less than 9.2 acre-feet permitted under ORS 537.409)
- For questions related to Self Certification of a qualifying reservoir, please call the staff member identified on the letter you received.

Find a Certified Water Right Examiners (CWRE)

CWREs are engineers, surveyors, and registered geologists who have passed a certification to perform water right related functions including the preparation of Claims of Beneficial Use (COBU). The COBU is both a report that describes the extent to which the use authorized under the permit has been developed and a map that identifies where the use and point of diversion or well is located. In addition, the COBU describes how conditions have been timely complied with.

Additional information and links to the forms are available at:

www.oregon.gov/owrd/programs/WaterRights/Cert/Pages/default.aspx

- To locate a CWRE, follow the above link and click on "Find a CWRE"
- For questions related to locating a CWRE, contact the Department at 503-986-0900; and then select 2 for Customer Service Staff

Reimbursement Authority Program For Certificates

Reimbursement Authority is a program that provides the Department the ability to enter into a voluntary agreement with an applicant for expedited the processing of the Claim of Beneficial Use. Under such an agreement, the applicant pays the cost for expedited services not otherwise available.

Additional information and links to the forms are available at:

<https://www.oregon.gov/owrd/programs/WaterRights/RA/Pages/Certificate.aspx>

For questions related to expediting the review of your Claim of Beneficial Use through the Reimbursement Authority Program, contact Kerry Kavanagh by phone at 503-979-3203 or by email at Kerry.L.Kavanagh@water.oregon.gov



Oregon

John A. Kitzhaber, MD, Governor

Water Resources Department

North Mall Office

Calvin Schmidt
242 Missouri Flat Road
Grants Pass, OR 97527

April 7, 2014, 2014

REFERENCE: Application for Extension of Time

Dear Mr. Schmidt:

The Water Right Services Division has received your application.
APPLICATION FILE #: S-81987 (Permit S-53379).

However, I am returning the application materials and your check. The Department's official permit records still indicate that Walter E. Eaton is the permit holder of record. Only a permit holder of record can change or modify a water right permit.

I have enclosed two forms you can use to have the permit assigned to your name; A Request for Assignment which Mr. Eaton would use to assign his interest in the permit to you AND a Request for Assignment by Proof of Ownership to use if Mr. Eaton is unavailable to make the assignment.

Please return one assignment form with the \$85 fee and your original signed extension of time application and \$575 check and we will gladly update our records and begin processing your application for an extension of time.

Due to a backlog of applications, I would suggest you ask for an extension through October 1, 2015. Simply cross-out and initial the new date on the application.

If you have questions concerning your extension of time application, please contact Steven Parrett at (503) 986-0825. For general information about the Water Resources Department, you may contact the Water Resources' Customer Service Group at (503) 986-0801 or you may access the Department's website at: www.wrd.state.or.us.

Warm Regards,

Steven Parrett
Adjudication and Permit Extension Specialist
Oregon Water Resources Department

Check was

Voided/Returned
on 4/8/14

lchall



Oregon

John A. Kitzhaber, MD, Governor

Water Resources Department

North Mall Office Building
725 Summer Street NE, Suite A
Salem, OR 97301-1271
503-986-0900
FAX 503-986-0904

Calvin Schmidt
242 Missouri Flat Road
Grants Pass, OR 97527

April 7, 2014, 2014

REFERENCE: Application for Extension of Time

Dear Mr. Schmidt:

The Water Right Services Division has received your application for an extension of time for **APPLICATION FILE #: S-81987 (Permit S-53379)**.

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Warm Regards,

Steven Parrett

Adjudication and Permit Extension Specialist
Oregon Water Resources Department

ZIP: 97527
CSZ: GRANTS PASS, OR 97527

SITUS: 242 MISSOURI FLAT RD
ST_NO: 242
ST_NAME: MISSOURI FLAT
APPR_VALUE: 29910
ASSD_VALUE: 28140

R323862 - SCHMIDT LIVING TRUST

MAPNUMX: 3705360000060100
 MAPNUM: 37053600000601
 ACCOUNT: R323862
 TWN: 37
 RNG: 05
 SEC: 36
 QQ: 00
 TAXLOT: 000601

IMP_VALUE: 747260
 LAND_APPR: 8720
 LAND_MKT: 241890
 RMV: 989150
 ACREAGE: 5
 LEGAL_ACRE: 63.67
 PROP_CLASS: 551
 BLDG_CLASS: 141

TL: 000601
 TYPE: 00

CODE: 14;05
 MAINT: D
 NBHD: 1600
 YR_BLT: 1964
 SQ_FT: 3592
 LIVING_AREA: 3592
 BEDRMS: 3
 ZONE: EF
 SPTB_CODES: SFP SFPI
 SPTB_AMOUNTS: 10275 4750
 MH_VALUE: 0
 TAXES: 5767.2399999999998
 SALE_DATE: 4/6/2000
 SALE_PRICE: 635000
 DEED_TYPE: BS
 INST_NO: 00-20728;00-
 SALE_TYPE: FI

NAME: SCHMIDT LIVING TRUST
 ADDRESS: SCHMIDT, JUDY A TRUSTEE
 ADDR1: %SCHMIDT, CALVIN G TRUSTEE
 ADDR2: SCHMIDT, JUDY A TRUSTEE
 ADDR3: 242 MISSOURI FLAT RD
 CITY: GRANTS PASS
 STATE: OR
 ZIP: 97527
 CSZ: GRANTS PASS, OR 97527

SITUS: 242 MISSOURI FLAT RD
 ST_NO: 242
 ST_NAME: MISSOURI FLAT
 APPR_VALUE: 756110
 ASSD_VALUE: 663160
 R3238622 - SCHMIDT LIVING TRUST

MAPNUMX: 3705360000060100
 MAPNUM: 37053600000601
 ACCOUNT: R3238622
 TWN: 37
 RNG: 05
 SEC: 36
 QQ: 00
 TAXLOT: 000601

IMP_VALUE: 0
 LAND_APPR: 28140
 LAND_MKT: 203190
 RMV: 203190
 ACREAGE: 58.68
 LEGAL_ACRE: 63.67
 PROP_CLASS: 551

TL: 000601
 TYPE: 00

CODE: 05;14
 MAINT: D
 NBHD: 1600
 ZONE: EF
 SPTB_AMOUNTS: 0
 MH_VALUE: 0
 TAXES: 167.19
 SALE_DATE: 4/6/2000
 SALE_PRICE: 635000
 DEED_TYPE: BS
 INST_NO: 00-20728;00-
 SALE_TYPE: FI

NAME: SCHMIDT LIVING TRUST
 ADDRESS: SCHMIDT, JUDY A TRUSTEE
 ADDR1: %SCHMIDT, CALVIN G TRUSTEE
 ADDR2: SCHMIDT, JUDY A TRUSTEE
 ADDR3: 242 MISSOURI FLAT RD
 CITY: GRANTS PASS
 STATE: OR



Oregon

John A. Kitzhaber, MD, Governor

Water Resources Department
North Mall Office Building
725 Summer St. NE, Suite A
Salem, OR 97301
Phone 503-986-0900
FAX 503-986-0904
www.wrd.state.or.us

NOTE: For water rights information and useful forms, please see our web site at
www.oregon.gov/OWRD

February 3, 2014

Certified mail number **7012 2210 0002 6662 4715**

Return receipt requested

Calvin and Judy Schmidt
242 Missouri Flat Rd.
Grants Pass, OR 97527

Reference: Application S-81987, Permit S-53379

Dear Permit Holder:

This letter is in regard to your water use permit as referenced above. Your permit required you to complete the development of your water use by October 1, 2002.

In order for the Department to consider issuance of a certificate of water right, you are required by law to hire a certified water right examiner to prepare and submit a claim of beneficial use that includes a final proof survey map of the development. The map and claim of beneficial use were to have been submitted to our Department within one year of October 1, 2002. The fee for submitting a claim of beneficial use is \$175.00. Please see the enclosed 'Resource Sheet' for our current database of CWRE's.

If you are not finished with the development of your permit, you need to file an application for an extension of time to complete your development. The fee for filing an extension of time is \$575.00. Please see the enclosed 'Resource Sheet' to access the extension of time form.

In the event that you are no longer using water as allowed by this permit, you should cancel it so that we may clear our records. Please see the enclosed 'Resource Sheet' to access the cancellation form, if you are interested in this option.

If you have not submitted either a Claim of Beneficial Use or a request for an extension of time for your permit within 60 days of the date of this letter (April 4, 2014) the Department may issue a Final Order to cancel your permit without further notice. If the Department issues a Final Order to cancel your permit, and you request reconsideration of the final order and reinstatement of your permit, there is a \$450.00 reinstatement fee that is charged in addition to the claim of beneficial use or extension of time fee.

Should you have any questions, you may contact me at the address above or by telephone at 503-986-0817.

Sincerely,

Jerry Sauter
Water Rights Program Analyst

Enclosures (1)

cc: File S-81987
OWRD Watermaster District 14



Mailing List for 60-Day Letter

Application: S-81987

Permit: S-53379

Permit Holder(s):

WALTER E EATON
242 MISSOURI FLAT RD
GRANTS PASS OR 97527

Copies Mailed	
by: <u>TM</u>	(STAFF)
on: <u>10.6.2023</u>	(DATE)

Is the Permit Holder(s) of record currently identified as a landowner of any tax lots involved as confirmed by the County records? **YES**

Copies of Cancellation Order to be sent to Permit Holder(s) and following:

1. Watermaster District #13 (auto email)
2. File

Other persons to receive copies:

- 1.



Oregon

Tina Kotek, Governor

Water Resources Department

North Mall Office Building
725 Summer Street NE, Suite A

Salem, OR 97301

Phone: 503-986-0900

Fax: 503-986-0904

www.Oregon.gov/OWRD

**NOTE: For water rights information and useful forms, please see our web site at
www.oregon.gov/OWRD**

Certified mail number 7021 1970 0001 3950 4874

Return receipt requested

October 06, 2023

WALTER E EATON
242 MISSOURI FLAT RD
GRANTS PASS, OR 97527

Reference: Application S-81987, Permit S-53379

Dear Permit Holder:

This letter is in regard to your water use permit as referenced above. Your permit required you to complete the development of your water use by October 1, 2002.

In order for the Department to consider issuance of a certificate of water right, you are required by law to hire a certified water right examiner to prepare and submit a claim of beneficial use that includes a final proof survey map of the development. The map and claim of beneficial use were to have been submitted to our Department within one year of October 1, 2002. The fee for submitting a claim of beneficial use is \$230.00. Please see the enclosed 'Resource Sheet' for our current database of CWRE's.

If you are not finished with the development of your permit, you need to file an application for an extension of time to complete your development. The fee for filing an extension of time is \$780.00. Please see the enclosed 'Resource Sheet' to access the extension of time form.

In the event that you are no longer using water as allowed by this permit, you should cancel it so that we may clear our records. Please see the enclosed 'Resource Sheet' to access the cancellation form, if you are interested in this option.

If you have not submitted either a Claim of Beneficial Use or a request for an extension of time for your permit within 60 days of the date of this letter (December 15, 2023) the Department may issue a Final Order to cancel your permit without further notice. If the Department issues a Final Order to cancel your permit, and you request reconsideration of the final order and reinstatement of your permit, there is a \$610.00 reinstatement fee that is charged in addition to the claim of beneficial use or extension of time fee.

Should you have any questions, please contact me at Tonya.L.Miller@water.oregon.gov, the address above or by telephone at 503-979-9983. Email is the best way to reach me.

Sincerely,

Tonya Miller
Backlog Reduction Caseworker

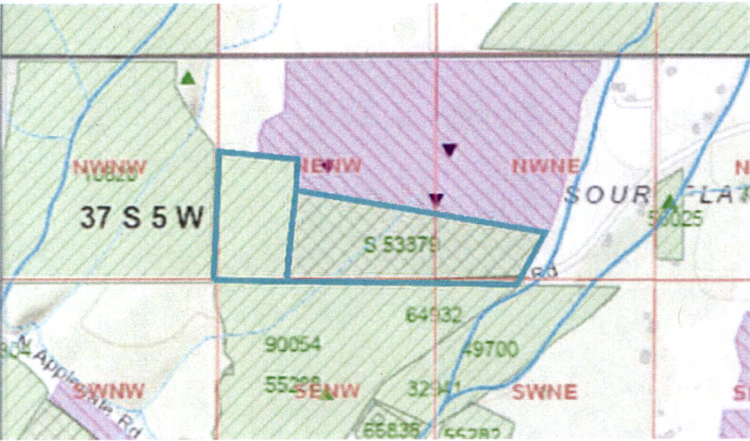
Enclosures (1)

cc: File
OWRD Watermaster District 13



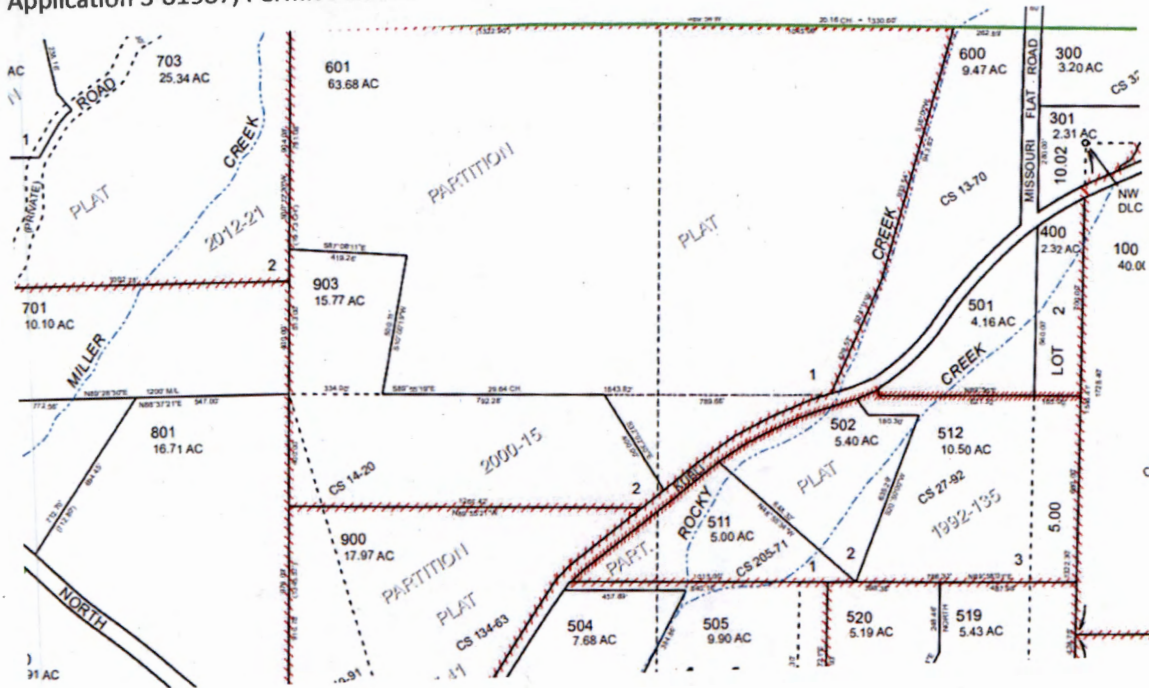
WR Map Tool

Application S-81987, Permit S-53379



OR Map Tool

Application S-81987, Permit S-53379



SK
Oregon

TM
Water Resources Department
Water Rights Services Division
725 Summer Street NE, Suite A
Salem, OR 97301-1266

CERTIFIED MAIL



FIRST-CLASS

7021 1970 0001 3950 4874



US POSTAGE PAID PITNEY BOWES



ZIP 97301 \$ 008.53⁰
02 7W
0008029484 OCT 06 2023

RECEIVED

OCT 20 2023

OWRD

S-81987
Walter E. Eaton
242 Missouri Flat Rd.
Grants Pass, OR 97527

NL
10/10

ANK

.. 9400921579292151

ANK

9752739488-1-1286

NIXIE

971 FE 1

0010/19/23

RETURN TO SENDER
ATTEMPTED - NOT KNOWN
UNABLE TO FORWARD

BC: 97301126673

*0129-05523-08-01



WR
SENDER: COMPLETE THIS SECTION

- Complete Items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

Article Addressed to

S-81987
Walter E. Eaton
242 Missouri Flat Rd.
Grants Pass, OR 97527



9590 9402 7624 2122 6078 92

2. Article Number (Transfer from service label)

7021 1970 0001 3950 4874

PS Form 3811, July 2020 PSN 7530-02-000-9053

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

☐ Agent☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type

- ☐ Adult Signature
- ☐ Adult Signature Restricted Delivery
- ☐ Certified Mail®
- ☐ Certified Mail Restricted Delivery
- ☐ Collect on Delivery
- ☐ Collect on Delivery Restricted Delivery
- ☐ Insured Mail
- ☐ Insured Mail Restricted Delivery (over \$500)

☐ Priority Mail Express®☐ Registered Mail™☐ Registered Mail Restricted Delivery☐ Signature Confirmation™☐ Signature Confirmation Restricted Delivery

Domestic Return Receipt

TM-60 D.L



Oregon

Tina Kotek, Governor

Water Resources Department

North Mall Office Building
725 Summer Street NE, Suite A

Salem, OR 97301

Phone: 503-986-0900

Fax: 503-986-0904

www.Oregon.gov/OWRD

*NOTE: For water rights information and useful forms, please see our web site at
www.oregon.gov/OWRD*

Certified mail number 7021 1970 0001 3950 4874

Return receipt requested

October 06, 2023

WALTER E EATON
242 MISSOURI FLAT RD
GRANTS PASS, OR 97527

Reference: Application S-81987, Permit S-53379

Dear Permit Holder:

This letter is in regard to your water use permit as referenced above. Your permit required you to complete the development of your water use by October 1, 2002.

In order for the Department to consider issuance of a certificate of water right, you are required by law to hire a certified water right examiner to prepare and submit a claim of beneficial use that includes a final proof survey map of the development. The map and claim of beneficial use were to have been submitted to our Department within one year of October 1, 2002. The fee for submitting a claim of beneficial use is \$230.00. Please see the enclosed 'Resource Sheet' for our current database of CWRE's.

If you are not finished with the development of your permit, you need to file an application for an extension of time to complete your development. The fee for filing an extension of time is \$780.00. Please see the enclosed 'Resource Sheet' to access the extension of time form.

In the event that you are no longer using water as allowed by this permit, you should cancel it so that we may clear our records. Please see the enclosed 'Resource Sheet' to access the cancellation form, if you are interested in this option.

If you have not submitted either a Claim of Beneficial Use or a request for an extension of time for your permit within 60 days of the date of this letter (December 15, 2023) the Department may issue a Final Order to cancel your permit without further notice. If the Department issues a Final Order to cancel your permit, and you request reconsideration of the final order and reinstatement of your permit, there is a \$610.00 reinstatement fee that is charged in addition to the claim of beneficial use or extension of time fee.

Should you have any questions, please contact me at Tonya.L.Miller@water.oregon.gov, the address above or by telephone at 503-979-9983. Email is the best way to reach me.

Sincerely,

Tonya Miller
Backlog Reduction Caseworker

Enclosures (1)

cc: File
OWRD Watermaster District 13



Please visit our Department's website at www.oregon.gov/owrd to locate the following information and forms:

Voluntary Cancellation of a Permit

Whenever the owner of a permit wishes to cancel a permit due to inability to develop the permit or the permit is no longer usable for any reason, the owner may cancel the permit by submitting a form to authorize the cancellation of a permit.

Additional information and links to the forms are available at:

www.oregon.gov/owrd/programs/WaterRights/Permits/Pages/CancelPermit.aspx

- For questions related to Voluntary Cancellation of a Permit, contact Mary Bjork by phone at 503-979-9895 or by email at Mary.F.Bjork@water.oregon.gov

Application for Permit Extension of Time

An Extension of Time is a process in which the Department can approve additional time for a permit holder to perfect the beneficial use of water as authorized by the permit. An Extension of Time may be approved if the permit holder has demonstrated reasonable diligence in developing the beneficial use of water as authorized under the permit and the Department can find good cause to do so. Each Application is reviewed on a case-by-case basis. An Extension of Time may provide the ability for a permit holder to extend their completion of construction date (B-date) and complete application of water date (C-date).

Additional information and links to the forms are available at:

www.oregon.gov/owrd/programs/WaterRights/Permits/Pages/Extension.aspx

- For questions related to Extensions of Time, contact Jeffrey Pierceall by phone at 503-979-3213 or by email at Jeffrey.D.Pierceall@water.oregon.gov

Assignments

An Assignment is a formal process to change the name of the holder of an application, permit, limited license, transfer, permit amendment or groundwater registration claim (i.e., non-perfected, non-certificated rights). This process is similar to changing the name on the title of a car. An Assignment ensures that the Department knows who the water right record belongs to and who will be responsible for finalizing the right.

Additional information and links to the forms are available at:

www.oregon.gov/owrd/programs/WaterRights/Permits/Assignment/Pages/default.aspx

- For questions related to Assignments, contact Mary Bjork by phone at 503-979-9895 or by email at Mary.F.Bjork@water.oregon.gov



Self-Certification Form (for qualifying Alternate Review reservoirs only)

Certain qualifying reservoir permits allow the permit holder to self-certify their reservoir permit. For a reservoir permit to qualify for this process, the reservoir must meet each of the following criteria:

- 1) The permit was issued under the authority of ORS 537.409; and
- 2) No secondary permit exists for the use of water stored in the reservoir; and
- 3) The developed capacity of the reservoir is less than 9.2 acre-feet; and
- 4) The water was stored by the date required in the permit

Additional information and links to the forms are available at:

www.oregon.gov/owrd/programs/WaterRights/Cert/Pages/default.aspx

- To locate the Claim form, follow the above link, click on "Forms", and next on "Claims of Beneficial Use for Reservoirs (storing less than 9.2 acre-feet permitted under ORS 537.409)
- For questions related to Self Certification of a qualifying reservoir, please call the staff member identified on the letter you received.

Find a Certified Water Right Examiners (CWRE)

CWREs are engineers, surveyors, and registered geologists who have passed a certification to perform water right related functions including the preparation of Claims of Beneficial Use (COBU). The COBU is both a report that describes the extent to which the use authorized under the permit has been developed and a map that identifies where the use and point of diversion or well is located. In addition, the COBU describes how conditions have been timely complied with.

Additional information and links to the forms are available at:

www.oregon.gov/owrd/programs/WaterRights/Cert/Pages/default.aspx

- To locate a CWRE, follow the above link and click on "Find a CWRE"
- For questions related to locating a CWRE, contact the Department at 503-986-0900; and then select 2 for Customer Service Staff

Reimbursement Authority Program For Certificates

Reimbursement Authority is a program that provides the Department the ability to enter into a voluntary agreement with an applicant for expedited the processing of the Claim of Beneficial Use. Under such an agreement, the applicant pays the cost for expedited services not otherwise available.

Additional information and links to the forms are available at:

<https://www.oregon.gov/owrd/programs/WaterRights/RA/Pages/Certificate.aspx>

For questions related to expediting the review of your Claim of Beneficial Use through the Reimbursement Authority Program, contact Kerry Kavanagh by phone at 503-979-3208 or by email at Kerry.L.Kavanagh@water.oregon.gov

Oregon

Water Resources Department
North Mall Office Building
725 Summer St NE, Suite A
Salem, OR 97301-1266

ADDRESS SERVICE REQUESTED

CERTIFIED MAIL™



7012 2210 0002 6661 7977

02 1R
0006555310 DEC 16 2013
MAILED FROM ZIP CODE 97301

Season's Greetings

\$ 06.11⁰

RECEIVED BY OWRD

DEC 30 2013

SALEM, OR

S-81987

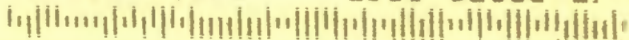
Walter E. Eaton
242 Missouri Flat Rd.
Grants Pass, OR 97527

NIXIE 970 7E 1009 0012/28/13

RETURN TO SENDER
NOT DELIVERABLE AS ADDRESSED
UNABLE TO FORWARD

BC: 97301126673 *1329-01682-17-01

975270106426



SENDER: COMPLETE THIS SECTION

- Complete Items 1, 2, and 3. Also complete Item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

S-81987

Walter E. Eaton
242 Missouri Flat Rd.
Grants Pass, OR 97527

2. Article Number

(Transfer from service label)

PS Form 3811, February 2004

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X☐ Agent☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type

☐ Certified Mail☐ Express Mail☐ Registered☐ Return Receipt for Merchandise☐ Insured Mail☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

Domestic Return Receipt

102595-02-M-1540



Oregon

John A. Kitzhaber, MD, Governor

Water Resources Department

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

**NOTE: For water rights information and useful forms, please see our web site at
www.oregon.gov/OWRD**

December 16, 2013

Certified mail number **7012 2210 0002 6661 7977**
Return receipt requested

Walter E. Eaton
242 Missouri Flat Rd.
Grants Pass, OR 97527

Reference: Application S-81987, Permit S-53379

Dear Permit Holder:

This letter is in regard to your water use permit as referenced above. Your permit required you to complete the development of your water use by October 1, 2002.

In order for the Department to consider issuance of a certificate of water right, you are required by law to hire a certified water right examiner to prepare and submit a claim of beneficial use that includes a final proof survey map of the development. The map and claim of beneficial use were to have been submitted to our Department within one year of October 1, 2002. The fee for submitting a claim of beneficial use is \$175.00. Please see the enclosed 'Resource Sheet' for our current database of CWRE's.

If you are not finished with the development of your permit, you need to file an application for an extension of time to complete your development. The fee for filing an extension of time is \$575.00. Please see the enclosed 'Resource Sheet' to access the extension of time form.

In the event that you are no longer using water as allowed by this permit, you should cancel it so that we may clear our records. Please see the enclosed 'Resource Sheet' to access the cancellation form, if you are interested in this option.

If you have not submitted either a Claim of Beneficial Use or a request for an extension of time for your permit within 60 days of the date of this letter (February 14, 2014) the Department may issue a Final Order to cancel your permit without further notice. If the Department issues a Final Order to cancel your permit, and you request reconsideration of the final order and reinstatement of your permit, there is a \$450.00 reinstatement fee that is charged in addition to the claim of beneficial use or extension of time fee.

Should you have any questions, you may contact me at the address above or by telephone at 503-986-0817.

Sincerely,

Jerry Sauter
Water Rights Program Analyst

Enclosures (1)

cc: File S-81987
OWRD Watermaster District 14



RESOURCE SHEET

Please visit our Departments website at www.wrd.state.or.us to locate the forms you will need.

Voluntary Cancellation

- Click on "Forms" (Column to the left)
- Under Index click on "Cancellation and Diminishment of Water Right Forms"
- Click on "Affidavit for Voluntarily Cancellation of a Water Right Permit" (3rd item on the list)

Extension of Time Applications

- Click on "Forms" (Column to the left)
- Under Index click on "Other Forms"
- Click on either the "Application for Water Right Extension of Time" or "Application for Water Right Extension of Time for Quasi-Municipal & Municipal Water Use Permit" (1st & 2nd items on the list)

Assignment

- Click on "Forms" (Column to the left)
- Under Index click on "Other Forms"
- Click on either "Request for Assignment" or "Request for Assignment in the Absence of Permit Holder" (11th & 12th items on the list)

Self Certification Form

- Click on "Forms" (Column to the left)
- Under Index click on "Other Forms"

Click on "Claim of Beneficial Use (for qualifying alternate review reservoirs only)" (7th item on the list)

Certified Water Rights Examiner (CWRE)

From the Departments home page:

- Click on "Water Rights" (Column to the left)
- Click on "Learning About and Applying for Water Rights" (1st item on list)
- Click on "Certified Water Right Examiners Query" (5th paragraph)

If you have any questions please call the Customer Service Group at 503-986-0801.



Oregon

John A. Kitzhaber, MD, Governor

Water Resources Department
North Mall Office Building
725 Summer St. NE, Suite A
Salem, OR 97301
Phone 503-986-0900
FAX 503-986-0904
www.wrd.state.or.us

**NOTE: For water rights information and useful forms, please see our web site at
www.oregon.gov/OWRD**

December 16, 2013

Certified mail number **7012 2210 0002 6661 7977**
Return receipt requested

Walter E. Eaton
242 Missouri Flat Rd.
Grants Pass, OR 97527

Reference: Application S-81987, Permit S-53379

Dear Permit Holder:

This letter is in regard to your water use permit as referenced above. Your permit required you to complete the development of your water use by October 1, 2002.

In order for the Department to consider issuance of a certificate of water right, you are required by law to hire a certified water right examiner to prepare and submit a claim of beneficial use that includes a final proof survey map of the development. The map and claim of beneficial use were to have been submitted to our Department within one year of October 1, 2002. The fee for submitting a claim of beneficial use is \$175.00. Please see the enclosed 'Resource Sheet' for our current database of CWRE's.

If you are not finished with the development of your permit, you need to file an application for an extension of time to complete your development. The fee for filing an extension of time is \$575.00. Please see the enclosed 'Resource Sheet' to access the extension of time form.

In the event that you are no longer using water as allowed by this permit, you should cancel it so that we may clear our records. Please see the enclosed 'Resource Sheet' to access the cancellation form, if you are interested in this option.

If you have not submitted either a Claim of Beneficial Use or a request for an extension of time for your permit within 60 days of the date of this letter (February 14, 2014) the Department may issue a Final Order to cancel your permit without further notice. If the Department issues a Final Order to cancel your permit, and you request reconsideration of the final order and reinstatement of your permit, there is a \$450.00 reinstatement fee that is charged in addition to the claim of beneficial use or extension of time fee.

Should you have any questions, you may contact me at the address above or by telephone at 503-986-0817.

Sincerely,

Jerry Sauter
Water Rights Program Analyst

Enclosures (1)

cc: **File S-81987**
OWRD Watermaster District 14



PERMIT STATUS REVIEW BY BW DATE 8-29-13 FILE # S-81987

1. Per Dwight French, **do not** send "C" DATE NOTICE PACKET if : update appropriate db

no Extension pending _____

no Assignment is pending _____

no Cancellation has been requested _____

no Dept. has already sent a certified 60-Day Compliance letter (date _____, # _____)

Was **60 days notice** allowed? Y N If No, How Much Time ? _____

Was mail deliverable as addressed? Y N date _____

If mail returned, online/www check ? Y N date _____ successful ? Y N

Re-send Cert. Letter ? Y N date _____

Send cancellation order Y N

no Claim of beneficial use and final proof map (COBU) have been received by Department

Date information received _____

2. IF NONE OF THE ABOVE APPLY

yes Send **certified** "C" date notice packet to permit holder.

C DATE 10-1-2002 BASIN NUMBER 15 WM # 14

CWRE or AGENT none



United States Department of the Interior

BUREAU OF RECLAMATION

Pacific Northwest Region
1150 North Curtis Road, Suite 100
Boise, Idaho 83706-1234



PN-3323
WTR-4.00

JUN 2 2000

Mr. Walter E. Eaton
242 Missouri Flat Road
Grants Pass OR 97527

Subject: Applegate Reservoir Water Service Contract No. 009E101277

Dear Mr. Eaton:

Enclosed for your records is a fully executed original of Contract No. 009E101277, which provides for an irrigation water supply from Applegate Reservoir commencing with the 2000 irrigation season. This contract replaces a portion of former Contract No. 8-07-10-W1194 with you. Thank you for completing the subject contract.

Sec. 31001.(i) of the Debt Collection Improvement Act of 1996 (Chapter 10 of Pub. L. 104-134) requires each contractor with an agency of the United States to furnish their taxpayer identifying number and each agency to disclose to that contractor its intent to use such number for purposes of collecting and reporting on any delinquent amounts arising out of such contractor's relationship with the Government. Because you are a contractor with the United States (under this Applegate Reservoir contract), we are required to ask that you provide your taxpayer identifying number (social security number or employer identification number) in the enclosed postage-paid envelope.

Should you have any contract questions, please contact Larry Parsons at the above address or telephone (208) 378-5346. Should you have any billing questions, please contact Nancy Catron at telephone (208) 378-5065.

Sincerely,

Ryan M. Patterson
Program Manager
Lands and Repayment

RECEIVED

JUN 05 2000

WATER RESOURCES DEPT.
SALEM, OREGON

Enclosures

cc: Water Rights Division
Oregon Water Resources Department
158 12th Street NE
Salem OR 97310

Mr. Bruce Sund
Josephine County Watermaster
942 SW 6th Street Suite E
Grants Pass OR 97526

US Army Corps of Engineers
Attention: CENPP-PE-HR
PO Box 2946
Portland OR 97208
(each w/copy of contract)

RECEIVED

JUN 05 2000

WATER RESOURCES DEPT.
SALEM, OREGON

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF RECLAMATION

Rogue River Basin Project, Oregon

CONTRACT FOR WATER SERVICE

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	Acknowledgments	11
	Exhibit A	

RECEIVED

JUN 05 2000

WATER RESOURCES DEPT.
SALEM, OREGON

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF RECLAMATION

Rogue River Basin Project, Oregon

CONTRACT FOR WATER SERVICE

THIS CONTRACT, made this 1st day of June, 2000, pursuant to section 9(e) of the Act of August 4, 1939 (53 Stat. 1187), and section 8 of the Act of December 22, 1944 (58 Stat. 887, 891), (which acts are commonly known and referred to as the Reclamation Laws), and the Flood Control Act of 1962 (76 Stat. 1173), between the UNITED STATES OF AMERICA, hereinafter referred to as the United States, represented by the Contracting Officer executing this contract, and Walter E. Eaton, 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 Rogue River Basin Project, from which there is a flow of water that can be used for irrigation of land and other beneficial uses, 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

3. WHEREAS, the Contractor owns land hereinafter described, for which a water supply is desired to be secured from the United States;

4. WHEREAS, The United States of America entered into a contract on December 24, 1997, Contract No. 8-07-10-W1194, with Walter E. Eaton for an irrigation water supply from Applegate Reservoir for lands now owned by the Contractor; and

NOW, THEREFORE, in consideration of the premises and the payment by the Contractor to the United States of the charges in the manner hereinafter provided, it is agreed:

Termination of Prior Contract

5. Contract No. 8-07-10-W1194, dated December 24, 1997, is being replaced by this contract and is no longer of any force and effect.

Lands for Which Water is Furnished: Limitations on Deliveries

6. The United States shall make available each year to the Contractor during the irrigation season from April 1 to October 31, inclusive, water from the Rogue River Basin Project for the irrigation of land owned by the Contractor described as follows:

4.44 acres in NE1/4 NW1/4, Section 36, T. 37 S., R. 5 W., W.M.

Of the land described, not more than 4.44 acres are to be irrigated. The amount of water to be made available 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 20 acre-feet of stored water annually, measured at the point of delivery of said water.

Payments for Water

7. (a) An annual payment of \$160 for the first irrigation season shall be made to the United States at the time of executing this contract, and subsequent annual payments of \$160 will be due on or before April 1 of each succeeding irrigation season in advance of water use. This payment will entitle the Contractor to receive not to exceed 20 acre-feet of stored water

for irrigation of the lands described in Article 6 of this contract. The Contracting Officer will consider adjusting the water service payment downward based on information received from the Contractor, the State of Oregon, or other reliable sources as to the actual amount of stored water delivered each month to the Contractor during the irrigation season and on other factors in addition to the amount of stored water actually delivered, as deemed appropriate by the Contracting Officer. Any such adjustment will be determined and subtracted for the payment for the next year by the Contracting Officer: Provided, that in order for an adjustment to be made, information on the amounts of water and stored water delivered each month must be received in writing by the Contracting Officer by December 1 of that year.

(b) The annual charge set forth in (a) above is based on an initial rate of \$8 per acre-foot of stored water; Provided, that such annual charge shall as a minimum be the greater of either the product of \$2 multiplied by the number of acres described in Article 6 of this contract or \$50. From time to time, but not less often than once every 5 years, the rate per acre-foot of stored water and the minimum payment shall be reviewed by the Contracting Officer and revised, if necessary, by the United States for the irrigation water marketing program of the Rogue River Basin Project. Any revision by the Contracting Officer will apply only to future payments and shall be announced by written notice to the Contractor at least 3 months prior to the beginning of the irrigation season to which the new rate would be applicable.

(c) All payments from the Contractor to the United States under this contract shall be made by the medium requested by the United States. The required medium of payment may include checks, wire transfers, or other types of payment specified by the United States. Except when otherwise specified by the United States, all payments shall be made by check.

(d) Payments required hereunder shall be made to the Bureau of Reclamation at the location described in Article 16 of this contract.

Contract Administration Fee

8. (a) Upon execution of this contract, a \$100 fee for the preparation of this contract is due and payable by the Contractor to the United States.

(b) All future contract actions, including new contracts, contract amendments, supplements, and assignments will be charged a \$100 fee: Provided, That the fee shall be reviewed by the Contracting Officer and revised from time to time to cover costs to the United States.

Charges for Delinquent Payments

9. (a) The Contractor shall be subject to interest, administrative and penalty charges on delinquent installments or payments. When a payment is not received by the due date, the Contractor shall pay an interest charge for each day the payment is delinquent beyond the due date. When a payment becomes 60 days delinquent, the Contractor shall pay an administrative charge to cover additional costs of billing and processing the delinquent payment. When a payment is delinquent 90 days or more, the Contractor shall pay an additional penalty charge of 6 percent per year for each day the payment is delinquent beyond the due date. Further, the Contractor shall pay any fees incurred for debt collection services associated with a delinquent payment.

(b) The interest charge rate shall be the greater of the rate prescribed quarterly in the Federal Register by the Department of the Treasury for application to overdue payments, or the interest rate of 0.5 percent per month prescribed by section 6 of the Reclamation Project Act of 1939 (Public Law 76-260). The interest charge rate shall be determined as of the due date and remain fixed for the duration of the delinquent period.

(c) When a partial payment on a delinquent account is received, the amount received shall be applied, first to the penalty, second to the administrative charges, third to the accrued interest, and finally to the overdue payment.

Furnishing of Water

10. (a) Upon payment of the annual payment specified in subarticle 7(a) above, the United States will furnish water to the Contractor from the Rogue River Basin Project pursuant to this contract. No water shall be furnished if the Contractor is delinquent in payment of the required annual payment.

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

from Northside Applegate Ditch, 4000 feet south and 80 feet east of the northwest corner of Section 6, T. 38 S., R. 4 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 appropriate State-appointed watermaster. The water to be delivered hereunder shall be measured by means of measuring or controlling devices satisfactory to the Contracting Officer. Such devices shall be furnished, installed, and maintained by and at the expense of the Contractor, but they shall be and remain at all times available for reading and monitoring by the United States or the 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) The Contractor and all other entities heretofore or hereafter contracting with the United States for a right to use water from the Rogue River Basin Project shall, to the extent of

their entitlement, have equal priority to the use of water from such project so far as that may be physically practicable and legally possible, without regard to the date of their respective contracts.

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 water to the lands described in Article 6. 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. The obligation of the United States to deliver water under this contract is subject to an operating plan for the Rogue River Basin Project determined in accordance with the law governing the project.

(b) If, at some future date, the Contracting Officer determines there is sufficient demand for irrigation water from the Rogue River Basin Project to justify the formation of an irrigation district, water supply company, or other water user organization, future water service may then be made contingent upon the establishment of such an organization. Under this condition, the Contractor will be notified at least 1 year in advance of the date this contract is terminated and continued water service to the lands described in Article 6 becomes dependent upon membership in the organization established for that purpose.

(c) In the interest of conservation and protection of environmental resources, from time to time, but not less often than once every 5 years, this contract shall be reviewed by the Contracting Officer. The terms and conditions of this contract may be modified, if deemed necessary by the Contracting Officer, to avoid or minimize impacts to candidate, listed or proposed

threatened and endangered species, or other valuable natural resources. Any modification by the Contracting Officer shall be announced by written notice to the Contractor.

Term of Contract

12. (a) This contract shall become effective as of the date first above written and will have a term of not to exceed 10 years; Provided; that this contract will automatically renew for a term of not to exceed 10 years at the end of 10, 20, and 30 years from the date first above written unless sooner terminated in accordance with Articles 11 or 13, or by agreement of the parties hereto, or unilaterally as set forth in (b) below, Provided however; that this contract does not qualify as a long-term contract under the Act of July 2, 1956 (70 Stat. 483) and in no event shall this contract be in effect beyond 40 years through automatic renewals.

(b) Either the Contracting Officer or the Contractor may terminate this contract unilaterally following the first ten-year term or any year thereafter, provided the terminating party has given at least two years advance notice in writing to the other party.

Termination of Contract

13. This contract may be terminated and water service hereunder shall cease at the option of the United States or at any time if the Contractor is delinquent in payment of the water service charge for a period of 90 days or upon failure of the Contractor 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.

United States Not Liable for Water Shortages--Adjustments

14. On account of drought or uncontrollable forces, there may occur a shortage in the total quantity of water available for furnishing to the Contractor by the United States pursuant to this contract. In no event shall any liability accrue against the United States or any of its officers, agents, or employees for any damage direct or indirect arising from such shortages. If such a shortage occurs, the United States will apportion the available water supply among the Contractor and others entitled by existing and future contracts to receive water from the Rogue River Basin Project.

Disclaimer

15. No provision of this contract, nor of any renewal thereof, nor the furnishing of water hereunder will be construed to bind the United States after the expiration of this contract as the basis of a permanent water right. Because of possible fluctuations in reservoir surface elevations and downstream flows associated with the Rogue River Basin 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. Further, the United States will not be held responsible for any acts or omissions of the Contractor's agents or of persons to whom water is furnished.

Notices

16. 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, Lands and Repayment, 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 Walter E. Eaton, 326 Kubli Road, Grants Pass OR 97527. 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 A and is hereby made a part of this contract.

- a. CONTINGENT ON APPROPRIATION OR ALLOTMENT OF FUNDS
- b. WATER AND AIR POLLUTION CONTROL
- c. QUALITY OF WATER
- d. EQUAL OPPORTUNITY
- e. COMPLIANCE WITH RECLAMATION LAWS
- f. ASSIGNMENT LIMITED--SUCCESSORS AND ASSIGNS OBLIGATED
- g. OFFICIALS NOT TO BENEFIT
- h. WATER CONSERVATION
- i. HAZARDOUS MATERIALS

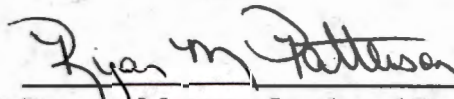
IN WITNESS WHEREOF, the parties hereto have signed their names the day and
year first above written.

CONTRACTOR



Walter E. Eaton

UNITED STATES OF AMERICA



Program Manager, Lands and Repayment
PN Region
Bureau of Reclamation
1150 N. Curtis Road, Suite 100
Boise ID 83706-1234

STATE OF Oregon)
 : ss
County of Josephine)

On this 19th day of May, 2000, before me, a notary public, personally appeared Walter E. Eaton ^{known} to me to be the person whose name is subscribed to the foregoing instrument and acknowledged that he is the legal owner of the property for which a water supply is to be provided under the contract and has executed this assignment of contract as his free and voluntary act and deed.

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



Marlene M. Burnes

Notary Public in and for the
State of Oregon

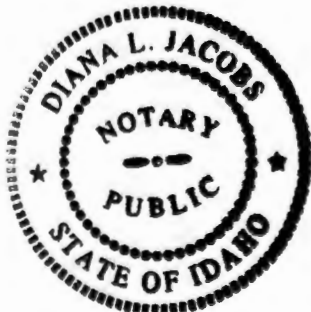
Residing at: Josephine County, Grants Pass, OR
My commission expires: 10/27/2000

(SEAL)

STATE OF IDAHO)
 : ss
County of Ada)

On this 1st day of June, 2000, personally appeared before me Ryan M. Patterson, to me known 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 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.



Diana L. Jacobs

Notary Public in and for the
State of IDAHO

Residing at: Boise
My commission expires: 5-22-06

(SEAL)

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 such funds are not appropriated or allotted.

WATER AND AIR POLLUTION CONTROL

b. The Contractor, in carrying out this contract, 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.

QUALITY OF WATER

c. The operation and maintenance of project facilities shall be performed in such manner as is practicable to maintain the quality of raw water made available through such facilities at the highest level reasonably attainable, as determined by the Contracting Officer. The United States does not warrant the quality of water and is under no obligation to construct or furnish water treatment facilities to maintain or better the quality of water.

EQUAL OPPORTUNITY

d. 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, 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, 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 discrimination because of race, color, religion, sex, 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 said labor union or workers' representative of the Contractor's commitments under Section 202 of Executive Order 11246 of September 24, 1965, and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

(4) The Contractor will comply with all provisions of Executive Order No. 11246 of September 24, 1965, as amended, and of the rules, regulations, and relevant orders of the Secretary of Labor.

(5) The Contractor will furnish all information and reports required by said amended Executive Order and by the rules, regulations, and orders of the Secretary of Labor, or pursuant thereto, and will permit access to its books, records, and accounts by the Contracting Officer 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 the 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 said amended Executive Order, and such other sanctions may be imposed and remedies invoked as provided in said Executive Order, 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 said amended Executive Order, 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 the United States to enter into such litigation to protect the interests of the United States.

COMPLIANCE WITH RECLAMATION LAWS

e. The parties agree that the delivery of irrigation water or the use of Federal facilities pursuant to this contract is subject to Reclamation law, as amended and supplemented, including, but not limited to, the Reclamation Reform Act of 1982 (Public Law 97-293).

ASSIGNMENT LIMITED--SUCCESSORS AND ASSIGNS OBLIGATED

f. 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 shall be valid until approved in writing by the Contracting Officer.

OFFICIALS NOT TO BENEFIT

g. No Member of or Delegate to 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.

WATER CONSERVATION

h. Prior to the delivery of water provided from or conveyed through federally constructed or federally financed facilities pursuant to this contract, the Contractor shall develop an effective water conservation program acceptable to the Contracting Officer. The water conservation program shall contain definite water conservation objectives, appropriate economically feasible water conservation measures, and time schedules for meeting those objectives. At subsequent 5-year intervals, the Contractor shall submit a report on the results of the program to the Contracting Officer for review. Based on the conclusions of the review, the Contracting Officer and the Contractor shall consult and agree to continue or to revise the existing water conservation program.

HAZARDOUS MATERIALS

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

(1) The Contractor shall comply with all applicable Federal, State, and local laws and regulations, and Reclamation policies and instructions, existing or hereafter enacted or promulgated, concerning any hazardous material that will be used, produced, transported, stored or disposed of on or in lands, waters or facilities owned by the United States or administered by Reclamation.

(2) "Hazardous material" means any substance, pollutant or contaminant listed as hazardous under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended, 42 U.S.C. § 9601, et seq., and the regulations promulgated pursuant to that Act.

(3) The Contractor may not allow contamination of lands, waters or facilities owned by the United States or administered by Reclamation by hazardous materials, thermal pollution, refuse, garbage, sewage, effluent, industrial waste, petroleum products, mine tailings, mineral salts, pesticides (including, but not limited to, the misuse of pesticides), pesticide containers or any other pollutants.

(4) The Contractor shall report to Reclamation, within 24 hours of its occurrence, any event which may or does result in pollution or contamination adversely affecting lands, water or facilities owned by the United States or administered by Reclamation.

(5) Violation of any of the provisions of this Article shall constitute grounds for immediate termination of this contract and shall make the Contractor liable for the cost of full and complete remediation and/or restoration of any Federal resources or facilities that are adversely affected as a result of the violation.

(6) The Contractor agrees to include the provision contained in paragraphs (1) through (5) of this Article in any subcontract or third party contract it may enter into pursuant to this contract.

(7) Reclamation agrees to provide information necessary for the Contractor, using reasonable diligence, to comply with the provision of this Article.

STATE OF OREGON

COUNTY OF JOSEPHINE

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

WALTER E. EATON
242 MISSOURI FLAT RD
GRANTS PASS, OREGON 97527

(541)846-7231

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

APPLICATION FILE NUMBER: S-81987

SOURCE OF WATER: APPLGATE LAKE CONSTRUCTED UNDER PERMIT R-7810, A
TRIBUTARY OF ROGUE RIVER

PURPOSE OR USE: IRRIGATION OF 10.0 ACRES AND SUPPLEMENTAL IRRIGATION OF
10.0 ACRES

MAXIMUM VOLUME ALLOWED: 90.0 ACRE-FEET PER YEAR, FROM STORED WATER ONLY

PERIOD OF USE: APRIL 1 THROUGH OCTOBER 31 OR AS MAY BE FURTHER LIMITED
BY CONTRACT WITH THE BUREAU OF RECLAMATION

DATE OF PRIORITY: FEBRUARY 24, 1997

POINT OF DIVERSION LOCATION: SW 1/4 SW 1/4, SECTION 6, T38S, R4W, W.M.;
4000 FEET SOUTH AND 80 FEET EAST FROM THE NW CORNER OF SECTION 6.

The amount of water used for irrigation under this right, together with
the amount secured under any other right existing for the same lands, is
limited to 4 ½ acre-feet for each acre irrigated during the irrigation
season of each year.

THE PLACE OF USE IS LOCATED AS FOLLOWS:

	<u>PRIMARY</u>	<u>SUPPLEMENTAL</u>
NW 1/4 NE 1/4		2.5 ACRES
NE 1/4 NW 1/4	10.0 ACRES	7.5 ACRES
SECTION 36		
TOWNSHIP 37 SOUTH, RANGE 5 WEST, W.M.		

Measurement, recording and reporting conditions:

- A. Before water use may begin under this permit, the permittee shall install a meter or other suitable measuring device as approved by the Director. The permittee shall maintain the meter or measuring device in good working order.
- B. The permittee shall allow the watermaster access to the meter or measuring device; provided however, where the meter or

measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.

- C. The Director may require the permittee to keep and maintain a record of the amount (volume) of water used and may require the permittee to report water use on a periodic schedule as established by the Director. In addition, the Director may require the permittee to report general water use information, the periods of water use and the place and nature of use of water under the permit. The Director may provide an opportunity for the permittee to submit alternative reporting procedures for review and approval.

The permittee shall install, maintain, and operate fish screening and by-pass devices as required by the Oregon Department of Fish and Wildlife to prevent fish from entering the proposed diversion. The required screens and by-pass devices are to be in place, functional and approved by an ODFW representative prior to diversion of any water.

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

The use of water under this right is subject to the terms and conditions of contract No. 8-07-10-W1194, or a satisfactory replacement, between the Bureau of Reclamation and the applicant, a copy of which is on file in the records of the Water Resources Department.

STANDARD CONDITIONS

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

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.

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.

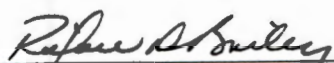
By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

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.

The Director finds that the proposed use(s) of water described by this permit, as conditioned, will not impair or be detrimental to the public interest.

Actual construction work shall begin within one year from permit issuance. Complete application of water to the use shall be made on or before October 1, 2002. Within one year after complete application of water to the proposed use, the permittee shall submit a claim of beneficial use, which includes a map and report, prepared by a Certified Water Rights Examiner (CWRE).

Issued April 15, 1998



Martha O. Pagel, Director
Water Resources Department

RECEIVED

MAR 20 1998

WATER RESOURCES DEPT.
SALEM, OREGON

March 18, 1998

Water Resources Department
Martha O. Pagel - Director

Please find enclosed my check for \$120.00 for Permit
Recording fees for Water Right Application #5-81987,
Proposed Final Order Dated 10/28/97.

Thank you
McClator

Oregon Water Resources Department
Water Rights Division

Water Rights Application
Number S-81987

Final Order

Application History

On February 24, 1997, WALTER E EATON submitted an application to the Department for a water use permit. The Department issued a Proposed Final Order on October 28, 1997. The protest period closed December 12, 1997, and no protest was filed.

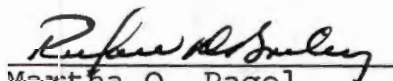
The proposed use would not impair or be detrimental to the public interest.

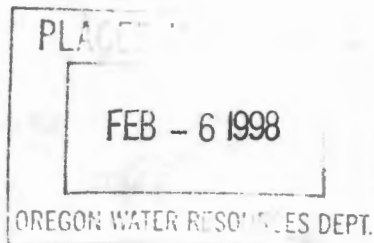
Order

Upon payment of outstanding permit recording fees, Application S-81987 shall be approved as proposed by the Proposed Final Order and as provided on the attached draft permit.

Permit recording fees are required in the amount of \$ 120.00. Said fees are due and payable no later than 60 days from the date of this Final Order. Failure to pay the required permit recording fees within 60 days from the date of this Final Order will result in the proposed rejection of Application S-81987.

DATED January 28, 1998


Martha O. Pagel
Director



Appeal Rights

No changes have been made to the findings of the Proposed Final Order and no protests were filed during the protest period following the Proposed Final Order, therefore, there is no opportunity for appeal or judicial review of this final order (690-310-160(5)).

STATE OF OREGON

COUNTY OF JOSEPHINE

DRAFT PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS DRAFT PERMIT IS HEREBY ISSUED TO

WALTER E. EATON
242 MISSOURI FLAT RD
GRANTS PASS, OREGON 97527

(541) 846-7231

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

APPLICATION FILE NUMBER: S-81987

SOURCE OF WATER: APPLGATE LAKE CONSTRUCTED UNDER PERMIT R-7810, A
TRIBUTARY OF ROGUE RIVER

PURPOSE OR USE: IRRIGATION OF 10.0 ACRES AND SUPPLEMENTAL IRRIGATION OF
10.0 ACRES

MAXIMUM VOLUME ALLOWED: 90.0 ACRE FEET PER YEAR OF STORED WATER ONLY

PERIOD OF USE: APRIL 1 THROUGH OCTOBER 31 OR AS MAY BE FURTHER LIMITED
BY CONTRACT WITH THE BUREAU OF RECLAMATION

DATE OF PRIORITY: FEBRUARY 24, 1997

POINT OF DIVERSION LOCATION: SW 1/4 SW 1/4, SECTION 6, T38S, R4W, W.M.;
4000 FEET SOUTH AND 80 FEET EAST FROM THE NW CORNER OF SECTION 6.

The amount of water used for irrigation under this right, together with
the amount secured under any other right existing for the same lands, is
limited to 4 1/2 acre-feet for each acre irrigated during the irrigation
season of each year.

THE PLACE OF USE IS LOCATED AS FOLLOWS:

	PRIMARY	SUPPLEMENTAL
NW 1/4 NE 1/4		2.5 ACRES
NE 1/4 NW 1/4	10.0 ACRES	7.5 ACRES
SECTION 36		
TOWNSHIP 37 SOUTH, RANGE 5 WEST, W.M.		

Measurement, recording and reporting conditions:

- A. Before water use may begin under this permit, the permittee shall install a meter or other suitable measuring device as approved by the Director. The permittee shall maintain the meter or measuring device in good working order.
- B. The permittee shall allow the watermaster access to the meter or measuring device; provided however, where the meter or

measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.

- C. The Director may require the permittee to keep and maintain a record of the amount (volume) of water used and may require the permittee to report water use on a periodic schedule as established by the Director. In addition, the Director may require the permittee to report general water use information, the periods of water use and the place and nature of use of water under the permit. The Director may provide an opportunity for the permittee to submit alternative reporting procedures for review and approval.

The permittee shall install, maintain, and operate fish screening and by-pass devices as required by the Oregon Department of Fish and Wildlife to prevent fish from entering the proposed diversion. The required screens and by-pass devices are to be in place, functional and approved by an ODFW representative prior to diversion of any water.

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

The use of water under this right is subject to the terms and conditions of contract No. 8-07-10-W1194, or a satisfactory replacement, between the Bureau of Reclamation and the applicant, a copy of which is on file in the records of the Water Resources Department.

STANDARD CONDITIONS

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

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.

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.

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.

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.

The Director finds that the proposed use(s) of water described by this permit, as conditioned, will not impair or be detrimental to the public interest.

Actual construction of the well shall begin within one year from permit issuance. Complete application of the water to the use shall be made on or before October 1, 2002.

Issued _____, 199_

DRAFT - THIS IS **NOT** A PERMIT

Martha O. Pagel, Director
Water Resources Department

FO CHECKLIST

FILE # 81987

REVIEW DATE: 1 / 5 / 98

WEEK # 118

PFO TO FO CONVERSION

INITIALS: **DB**

In preparing the FO, you should check the following:

1. Y / ☒ N Were comments or protests received? If so, from whom and when?
2. ☒ On the PFO CC list, verify names and addresses of **ALL** commentors (regardless of comment date), **affected landowners**, and those who paid the \$10 fee.
3. ☒ Y / N / NA If for Surface water, Have affected landowners been notified? *Per Application*
4. Y / ☒ N Is the file lacking a signed oath of accuracy for the application?
5. Y / ☒ N / NA Has ODFW asked for self certification of screening condition? If so, write "ODFW CERT" in the permit blank on the front of the file.
6. Y / ☒ N Is water use prohibited for one or more months of the normal use period?
7. ☒ Y / ☒ N If # 6 = "Y", is short season letter on file? Note: If short season letter is lacking, see Item #10 below. Give applicant 60 days to submit required information.
8. 120 Verify payment of recording fees (circle the appropriate option)

$$\begin{array}{r} 100 \\ + 2 \times 10 \\ \hline 120 \end{array}$$

 - (1) Issue FO w/permit if fees are paid -- Prepare refund request for excess fees, including standing fees if no protest is filed and no modifications are being made to the PFO
 - (2) Issue FO w/o permit if fees are lacking
9. ☒ Y / ☒ N Is further processing possible? If not state reason: _____
10. ☒ Notify applicant of additional information or fees required prior to permit issuance. (SEND CERTIFIED LETTER & use standard wording from M:\...\FO\TOOLS if possible)
11. ☒ Assign permit numbers to files with oath, fees, and no protests or other issues
12. Y / N Do the PFO conclusions requires modification? Why? _____
(If YES, circle FOMOD and one other type below)

FO Type: (circle types)	DENIAL	FO w/o PERMIT	FO & PERMIT	FOMOD
COMMENTS:		Contract <u>Fee</u>		MGMT CODES:

Modify FO as needed to:

Initials **DB**

13. ☒ Respond to significant comments, issues, or disputes related to the proposed use of water (see notes, if any, listed above)
14. ☒ Include or exclude permit conditions and management codes
15. ☒ Correct PFO errors (such as POD or POU location (verify from map), Permit format)

Once FO document is completed:

16. ☒ Save WordPerfect document in M:\...\FO\WEEK 120 & delete duplicates
17. ☒ Print final draft of document and submit to team leader for review
18. Y / N Team leader review completed



IN REPLY
REFER TO:

PN-3323
WTR-4.00

United States Department of the Interior

BUREAU OF RECLAMATION
Pacific Northwest Region
1150 North Curtis Road, Suite 100
Boise, Idaho 83706-1234

DEC 24 1997

81987
RECEIVED

DEC 31 1997

WATER RESOURCES DEPT
SALEM, OREGON

Mr. Walter E. Eaton
242 Missouri Flat Road
Grants Pass OR 97527

Subject: Water Service Contract No. 8-07-10-W1194, Applegate Reservoir, Rogue River Basin Project

Dear Mr. Eaton:

Enclosed for your records is a fully executed original of Contract No. 8-07-10-W1194, which provides for an irrigation water supply from Applegate Reservoir commencing with the 1998 irrigation season.

Section 31001.(i) of the Debt Collection Improvement Act of 1996 (Chapter 10 of Pub. L. 104-134), requires each contractor with an agency of the United States to furnish their taxpayer identifying number, and each agency to disclose to that person its intent to use such number for purposes of collecting and reporting on any delinquent amounts arising out of such person's relationship with the government.

Because you are a contractor with the United States, we are required to ask that you provide your taxpayer identifying number (social security number or employer identification number) in the enclosed postage-paid envelope. Your assistance is appreciated.

Should you have any questions, please contact Larry Parsons at the above address or telephone (208) 378-5346.

Sincerely,

Lowell Camek

ACTING FOR

Ryan M. Patterson
Program Manager
Lands and Repayment

Enclosure

cc: Oregon Water Resources Department
158 12th Street NE
Salem OR 97310 (w/copy of contract)

Watermaster
101 NW A
Grants Pass OR 97526 (w/copy of contract)

US Army Corps of Engineers
Attention: CENPP-PE-HR
PO Box 2946
Portland OR 97208 (w/copy of contract)

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF RECLAMATION

Rogue River Basin Project, Oregon

CONTRACT FOR WATER SERVICE

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UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF RECLAMATION

Rogue River Basin Project, Oregon

CONTRACT FOR WATER SERVICE

THIS CONTRACT, made this 24th day of December, 1997,
pursuant to section 9(e) of the Act of August 4, 1939 (53 Stat. 1187), and section 8 of the Act of
December 22, 1944 (58 Stat. 887, 891), (which acts are commonly known and referred to as the
Reclamation Laws), and the Flood Control Act of 1962 (76 Stat. 1173), between the UNITED
STATES OF AMERICA, hereinafter referred to as the United States, represented by the
Contracting Officer executing this contract, and Walter E. Eaton, 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 Rogue River Basin Project,
from which there is a flow of water that can be used for irrigation of land and other beneficial uses,
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

3. WHEREAS, the Contractor owns land hereinafter described, for which a water supply is desired to be secured from the United States;

NOW, THEREFORE, in consideration of the premises and the payment by the Contractor to the United States of the charges in the manner hereinafter provided, it is agreed:

Lands for Which Water is Furnished: Limitations on Deliveries

4. The United States shall make available each year to the Contractor during the irrigation season from April 1 to October 31, inclusive, water from the Rogue River Basin Project for the irrigation of land owned by the Contractor described as follows:

17 acres, NE 1/4 NW 1/4, Sec. 36, T. 37 S., R. 5 W., W.M.

3 acres, NW 1/4 NE 1/4, Sec. 36, T. 37 S., R. 5 W., W.M.

Of the land described, not more than 20 acres are to be irrigated. The amount of water to be made available 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 90 acre-feet of stored water annually, measured at the point of delivery of said water.

Payments for Water

5. (a) An annual payment of \$720 for the first irrigation season shall be made to the United States at the time of executing this contract, and subsequent annual payments of \$720 will be due on or before April 1 of each succeeding irrigation season in advance of water use. This payment will entitle the Contractor to receive not to exceed 90 acre-feet of stored water, hereinafter referred to as the base entitlement, for irrigation of the lands described in Article 4 of this contract. The Contracting Officer will consider adjusting the water service payment downward from the base entitlement based on information received from the Contractor, the State of Oregon, or other

reliable sources as to the actual amounts of stored water delivered each month to the Contractor during the irrigation season and on other factors in addition to the amounts of stored water actually delivered, as deemed appropriate by the Contracting Officer. Any such adjustment will be determined and subtracted or added to the payment for the next year by the Contracting Officer: Provided, that in order for an adjustment to be made, information on the amounts of water and stored water delivered each month must be received by the Contracting Officer by December 1 of that year.

(b) The annual charge set forth in (a) above is based on an initial rate of \$8 per acre-foot of stored water; Provided, that such annual charge shall as a minimum be the greater of either the product of \$2 multiplied by the number of acres described in Article 4 of this contract or \$50. From time to time, but not less often than once every 5 years, the rate per acre-foot of stored water and the minimum payment shall be reviewed by the Contracting Officer and revised, if necessary, by the United States for the irrigation water marketing program of the Rogue River Basin Project. Any revision by the Contracting Officer will apply only to future payments and shall be announced by written notice to the Contractor at least 3 months prior to the beginning of the irrigation season to which the new rate would be applicable.

(c) All payments from the Contractor to the United States under this contract shall be made by the medium requested by the United States. The required medium of payment may include checks, wire transfers, or other types of payment specified by the United States. Except when otherwise specified by the United States, all payments shall be made by check.

(d) Payments required hereunder shall be made to the Bureau of Reclamation at the location described in Article 14 of this contract.

Contract Preparation Assignment Fee

6. (a) Upon execution of this contract, a \$100 fee for the preparation of this contract is due and payable by the Contractor to the United States.
- (b) All future contract actions, including new contracts, contract amendments, supplements, and assignments will be charged a \$100 fee: Provided, That the fee shall be reviewed by the Contracting Officer and revised from time to time to cover costs to the United States.

Charges for Delinquent Payments

7. (a) The Contractor shall be subject to interest, administrative and penalty charges on delinquent installments or payments. When a payment is not received by the due date, the Contractor shall pay an interest charge for each day the payment is delinquent beyond the due date. When a payment becomes 60 days delinquent, the Contractor shall pay an administrative charge to cover additional costs of billing and processing the delinquent payment. When a payment is delinquent 90 days or more, the Contractor shall pay an additional penalty charge of 6 percent per year for each day the payment is delinquent beyond the due date. Further, the Contractor shall pay any fees incurred for debt collection services associated with a delinquent payment.
- (b) The interest charge rate shall be the greater of the rate prescribed quarterly in the Federal Register by the Department of the Treasury for application to overdue payments, or the interest rate of 0.5 percent per month prescribed by section 6 of the Reclamation Project Act of 1939 (Public Law 76-260). The interest charge rate shall be determined as of the due date and remain fixed for the duration of the delinquent period.
- (c) When a partial payment on a delinquent account is received, the amount received shall be applied, first to the penalty, second to the administrative charges, third to the accrued interest, and finally to the overdue payment.

Furnishing of Water

8. (a) Upon payment of the annual payment specified in subarticle 5(a) above, the United States will furnish water to the Contractor from the Rogue River Basin Project pursuant to

this contract. No water shall be furnished if the Contractor is delinquent in payment of the required annual payment.

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

from Northside Applegate Ditch, 4000 feet south and 80 feet east of the northwest corner of Sec. 6, T. 38 S., R. 4 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 appropriate State-appointed watermaster. The water to be delivered hereunder shall be measured by means of measuring or controlling devices satisfactory to the Contracting Officer. Such devices shall be furnished, installed, and maintained by and at the expense of the Contractor, but they shall be and remain at all times available for reading and monitoring by the United States or the 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) The Contractor and all other entities heretofore or hereafter contracting with the United States for a right to use water from the Rogue River Basin Project shall, to the extent of their base entitlement, have equal priority to the use of water from such project so far as that may be physically practicable and legally possible, without regard to the date of their respective contracts.

Special Conditions

9. (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 water to the lands described in Article 4. 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. The obligation of the United States to deliver water under this contract is subject to an operating plan for the Rogue River Basin Project determined in accordance with the law governing the project.

(b) If, at some future date, the Contracting Officer determines there is sufficient demand for irrigation water from the Rogue River Basin Project to justify the formation of an irrigation district, water supply company, or other water user organization, future water service may then be made contingent upon the establishment of such an organization. Under this condition, the Contractor will be notified at least 1 year in advance of the date this contract is terminated and continued water service to the lands described in Article 6 becomes dependent upon membership in the organization established for that purpose.

(c) In the interest of conservation and protection of environmental resources, from time to time, but not less often than once every 5 years, this contract shall be reviewed by the Contracting Officer. The terms and conditions of this contract may be modified, if deemed necessary by the Contracting Officer, to avoid or minimize impacts to candidate, listed or proposed threatened and endangered species, or other valuable natural resources. Any modification by the Contracting Officer shall be announced by written notice to the Contractor.

Term of Contract

10. (a) This contract shall become effective as of the date first above written and will have a term of not to exceed 10 years; Provided; that this contract will automatically renew for a term of not to exceed 10 years at the end of 10, 20, and 30 years from the date first above written unless sooner terminated in accordance with Articles 9 or 11, or by agreement of the parties hereto, or unilaterally as set forth in (b) below, Provided however; that this contract does not qualify as a long-term contract under the Act of July 2, 1956 (70 Stat. 483) and in no event shall this contract be in effect beyond 40 years through automatic renewals.

(b) Either the Contracting Officer or the Contractor may terminate this contract unilaterally at the end of 10, 20, or 30 years, provided the terminating party has given at least 5 years advance notice in writing to the other party.

Termination of Contract

11. This contract may be terminated and water service hereunder shall cease at the option of the United States or at any time if the Contractor is delinquent in payment of the water service charge for a period of 90 days or upon failure of the Contractor 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.

United States Not Liable for Water Shortages--Adjustments

12. On account of drought or uncontrollable forces, there may occur a shortage in the total quantity of water available for furnishing to the Contractor by the United States pursuant to this contract. In no event shall any liability accrue against the United States or any of its officers, agents, or employees for any damage direct or indirect arising from such shortages. If such a

shortage occurs, the United States will apportion the available water supply among the Contractor and others entitled by existing and future contracts to receive water from the Rogue River Basin Project.

Disclaimer

13. No provision of this contract, nor of any renewal thereof, nor the furnishing of water hereunder will be construed to bind the United States after the expiration of this contract as the basis of a permanent water right. Because of possible fluctuations in reservoir surface elevations and downstream flows associated with the Rogue River Basin 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. Further, the United States will not be held responsible for any acts or omissions of the Contractor's agents or of persons to whom water is furnished.

Notices

14. 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, Lands and Repayment, Pacific Northwest Region, Bureau of Reclamation, 1150 N. Curtis Road, Boise, Idaho 83706-1234, and on behalf of the United States, when mailed, postage prepaid, or delivered to Walter E. Eaton, 242 Missouri Flat Road, Grants Pass, Oregon 97527. 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.

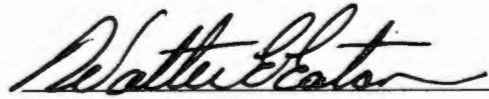
General Provisions

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

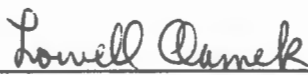
- a. CONTINGENT ON APPROPRIATION OR ALLOTMENT OF FUNDS
- b. WATER AND AIR POLLUTION CONTROL
- c. QUALITY OF WATER
- d. EQUAL OPPORTUNITY
- e. COMPLIANCE WITH RECLAMATION LAWS
- f. ASSIGNMENT LIMITED--SUCCESSORS AND ASSIGNS OBLIGATED
- g. OFFICIALS NOT TO BENEFIT
- h. WATER CONSERVATION
- i. HAZARDOUS MATERIALS

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

CONTRACTOR


Walter E. Eaton

UNITED STATES OF AMERICA

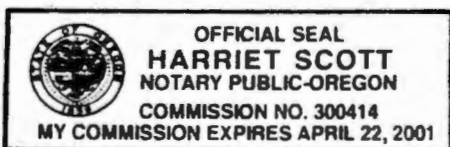

Program Manager, Lands and Repayment
PN Region
Bureau of Reclamation
1150 N. Curtis Road
Boise ID 83706-1234

ACTING FOR

STATE OF Oregon)
 : SS
County of Josephine)

On this 9th day of December, 1997, before me, a notary public, personally appeared Walter E. Estor known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged that he is the legal owner of the property for which a water supply is to be provided under the contract and has executed this assignment of contract as his free and voluntary act and deed.

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



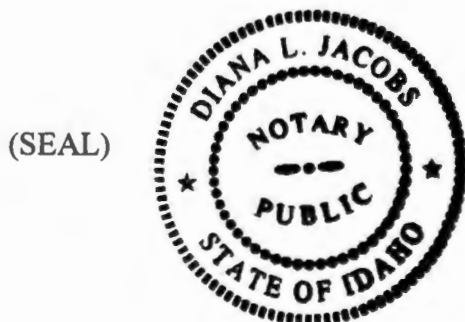
Harriet Scott
Notary Public in and for the
State of Oregon
Residing at: Jackson County
My commission expires: April 22, 2001

(SEAL)

STATE OF IDAHO)
 : SS
County of Ada)

On this 24 day of December, 1997, personally appeared before me Lowell Darnik, to me known 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 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.



Diana L. Jacobs
Notary Public in and for the
State of IDAHO
Residing at: Boise
My commission expires: 5-23-2000

(SEAL)

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 such funds are not appropriated or allotted.

WATER AND AIR POLLUTION CONTROL

b. The Contractor, in carrying out this contract, 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.

QUALITY OF WATER

c. The operation and maintenance of project facilities shall be performed in such manner as is practicable to maintain the quality of raw water made available through such facilities at the highest level reasonably attainable, as determined by the Contracting Officer. The United States does not warrant the quality of water and is under no obligation to construct or furnish water treatment facilities to maintain or better the quality of water.

EQUAL OPPORTUNITY

d. 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, 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, 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 discrimination because of race, color, religion, sex, 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 said labor union or workers' representative of the Contractor's commitments under Section 202 of Executive Order 11246 of September 24, 1965, and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

(4) The Contractor will comply with all provisions of Executive Order No. 11246 of September 24, 1965, as amended, and of the rules, regulations, and relevant orders of the Secretary of Labor.

(5) The Contractor will furnish all information and reports required by said amended Executive Order and by the rules, regulations, and orders of the Secretary of Labor, or pursuant thereto, and will permit access to its

books, records, and accounts by the Contracting Officer 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 the 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 said amended Executive Order, and such other sanctions may be imposed and remedies invoked as provided in said Executive Order, 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 said amended Executive Order, 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 the United States to enter into such litigation to protect the interests of the United States.

COMPLIANCE WITH RECLAMATION LAWS

e. The parties agree that the delivery of irrigation water or the use of Federal facilities pursuant to this contract is subject to Reclamation law, as amended and supplemented, including, but not limited to, the Reclamation Reform Act of 1982 (Public Law 97-293).

ASSIGNMENT LIMITED--SUCCESSORS AND ASSIGNS OBLIGATED

f. 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 shall be valid until approved in writing by the Contracting Officer.

OFFICIALS NOT TO BENEFIT

g. No Member of or Delegate to 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.

WATER CONSERVATION

h. Prior to the delivery of water provided from or conveyed through federally constructed or federally financed facilities pursuant to this contract, the Contractor shall develop an effective water conservation program acceptable to the Contracting Officer. The water conservation program shall contain definite water conservation objectives, appropriate economically feasible water conservation measures, and time schedules for meeting those objectives. At subsequent 5-year intervals, the Contractor shall submit a report on the results of the program to the Contracting Officer for review. Based on the conclusions of the review, the Contracting Officer and the Contractor shall consult and agree to continue or to revise the existing water conservation program.

HAZARDOUS MATERIALS

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

(1) The Contractor shall comply with all applicable Federal, State, and local laws and regulations, and Reclamation policies and instructions, existing or hereafter enacted or promulgated, concerning any hazardous material that will be used, produced, transported, stored or disposed of on or in lands, waters or facilities owned by the United States or administered by Reclamation.

(2) "Hazardous material" means any substance, pollutant or contaminant listed as hazardous under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended, 42 U.S.C. § 9601, et seq., and the regulations promulgated pursuant to that Act.

(3) The Contractor may not allow contamination of lands, waters or facilities owned by the United States or administered by Reclamation by hazardous materials, thermal pollution, refuse, garbage, sewage, effluent, industrial waste, petroleum products, mine tailings, mineral salts, pesticides (including, but not limited to, the misuse of pesticides), pesticide containers or any other pollutants.

(4) The Contractor shall report to Reclamation, within 24 hours of its occurrence, any event which may or does result in pollution or contamination adversely affecting lands, water or facilities owned by the United States or administered by Reclamation.

(5) Violation of any of the provisions of this Article shall constitute grounds for immediate termination of this contract and shall make the Contractor liable for the cost of full and complete remediation and/or restoration of any Federal resources or facilities that are adversely affected as a result of the violation.

(6) The Contractor agrees to include the provision contained in paragraphs (1) through (5) of this Article in any subcontract or third party contract it may enter into pursuant to this contract.

(7) Reclamation agrees to provide information necessary for the Contractor, using reasonable diligence, to comply with the provision of this Article.

RECEIVED

DEC 10 1997

WATER RESOURCES DEPT.
SALEM, OREGON

FILE S-81987

The Northside Applegate River Ditch Co annual meeting was held 2:30 pm March 5 1983 at Jerry Nobles.

The following were present. Jack Bennett Gordon Begg Opal Hayes Lewis Hayes Bob Hodge BJ Hunter Bob Scott Igola Alden Wm Lane Herschel Lane Les Perry Bruce Fain John Mc Mahon John Mantle Jerry Noble and Don Ferrell

The minutes of the previous meeting were read and approved

The secretary presented the financial report for 1982 showing receipts and expenditures with a balance of \$20.20 a motion to accept the financial report passed.

The impasse over forcing Duckworth to remove the culvert obstructing ditch maintenance was discussed. Court costs to remove the restraining order would be \$3500. It was decided to try to get it settled in the future, if road improvements are proposed at the crossing.

Les Perry ~~was~~ suggested we not clean brush from the ditch, and let him do it as needed, when he goes through with his equipment. His proposal was accepted

The secretary was instructed to bill Mr Cooper for our additional costs to repair the ditch that was relocated across his property.

Jack Bennett requested we supply water to an additional 20 acres of his property. There was a consensus among the members that the ditch could supply the water at his diversion point

DEC 10 1997

WATER RESOURCES DEPT.
SALEM, OREGON

a motion was made and passed to grant his request when he gets rights needs water.

The Murphy Electric Irrigation Co has been billed a sum equal to $\frac{1}{3}$ our total expenditures for the year. The Hages' pointed out that this includes billing costs, insurance, corporate fees, etc. that may be duplicated in their costs. They have an assessment rate of \$17 per acre. A motion was passed to bill them in the future for $\frac{1}{3}$ the actual ditch maintenance costs.

Jerry Noble suggested we should consider changing the assessment rates for smaller parcels so they more fairly bear the ditch costs. If the practice of splitting parcels continues, it will place a greater burden of doing business for the Ditch Co.

John McMahon made the motion that the minimum billing be for 3 acre assessments. Motion was seconded and passed.

The Ditch Co. has maintained its works by using roadways across Maxine Bates' property. Possible methods of insuring continued access were discussed, but it was decided to leave the matter alone for the present.

In recognition of the benefits for using the roadways, a motion passed to discontinue billing Maxine Bates for assessments.

John McMahon made a motion the \$9 per acre assessment rate to continue in 1983. Jack Bennett seconded the motion that was passed.

Bob Hodge made motion to retain present board members. Seconded by Bruce Fain and passed.



File S-81987

Russ Clausen
Water Resources Department

15

~~5721040105~~
Sa



Mailing List for PFO Copies

Application #S-81987

PFO Date October 28, 1997

Original mailed to:

Applicant: WALTER E EATON, 242 MISSOURI FLAT RD, GRANTS PASS, OREGON 97527

Copies sent to:

1. WRD - File # S-81987
2. WRD - Water Availability: Ken Stahr

PFO, Map, and Fact Sheet Copies sent to:

3. WRD - Watermaster # District 14
4. WRD - Regional Manager: SWR
5. DIV 33 - ODFW (Jerry Vogt), DOA, DEQ (Russell Harding)

Copies sent to Other Interested Persons (*CWRE, Agent, Well Driller, Commenter, etc.*)

6. State Parks

7. _____

8. _____

9. _____

10. _____

11. _____

12. _____

13. _____

"\$10 LETTER" sent to Interested Persons who have not protested or paid for copies

1. _____

2. _____

3. _____

Copies Mailed	
By: <u>CM</u>	(SUPPORT STAFF)
on: <u>10/28/97</u>	(DATE)

**Oregon Water Resources Department
Water Rights Division**

12/2/97

15 SEWING CONTRACT

THIS IS ON A DITCH
SEE CONDITIONS THAT
APPLICANT IS QUESTIONING
IN DRAFT PERMIT

Water Rights Application
Number S-81987

Proposed Final Order

Summary of Recommendation: The Department recommends that the attached draft permit be issued with conditions.

Additional Items Required: Prior to issuance of a permit the Department must receive the following items:

- 1) Written authorization or easement to use Northside Applegate River Ditch.
- 2) A copy of a signed contract between the Bureau of Reclamation and the applicant.

Application History

On February 24, 1997, WALTER E. EATON submitted an application to the Department for the following water use permit:

- Amount of Water: 0.22 CUBIC FOOT PER SECOND FROM APPELEGATE RIVER AND 90.0 ACRE-FEET FROM APPELEGATE LAKE
- Use of Water: PRIMARY IRRIGATION OF 10.0 ACRES AND SUPPLEMENTAL IRRIGATION OF 20.0 ACRES
- Source of Water: APPELEGATE RIVER AND APPELEGATE LAKE CONSTRUCTED UNDER R-7810 AND R-7829, TRIBUTARIES OF ROGUE RIVER
- Area of Proposed Use: ~~JACKSON~~ County within, SECTION 36, TOWNSHIP 37 SOUTH, RANGE 5 WEST, W.M. JOSEPHINE
- Water Delivery System: Water is delivered to a 6 inch mainline from the Northside Applegate River Ditch via a 25 HP pump.

On 7/22/97, the Department mailed the applicant notice of its Initial Review, determining that "The use of 90.0 ACRE-FEET (STORED WATER) FROM APPELEGATE LAKE, CONSTRUCTED UNDER PERMITS R-7810 AND R-7829 for SUPPLEMENTAL IRRIGATION OF 20.0 ACRES may be allowed April 1 through November 1 of each year. The use of 0.22 CUBIC FOOT PER SECOND (LIVE FLOW) for PRIMARY IRRIGATION OF 10.0 ACRES FROM APPELEGATE RIVER, A TRIBUTARY OF ROGUE RIVER is allowable during the month of May only." The applicant did not notify the Department to stop processing the application within 14 days of that date.

On 8/5/97, the Department gave public notice of the application in its weekly notice. The public notice included a request for comments, and information for interested persons about both obtaining future notices and a copy of the proposed final order.

Written comments were received from the applicant on October 1, 1997.

In reviewing applications, the Department may consider any relevant sources of information, including the following:

- comments by or consultation with another state agency
- any applicable basin program
- any applicable comprehensive plan or zoning ordinance
- the amount of water available
- the rate and duty for the proposed use
- pending senior applications and existing water rights of record
- the Scenic Waterway requirements of ORS 390.835
- applicable statutes, administrative rules, and case law
- Additional Public Interest Standards for New Appropriations (OAR Chapter 690, Div. 33)
- any comments received

Findings of Fact

The Rogue Basin Program allows the following uses: IRRIGATION AND SUPPLEMENTAL IRRIGATION

Senior water rights exist on APPLGATE RIVER AND APPLGATE LAKE, TRIBUTARIES OF ROGUE RIVER or on downstream waters.

APPLGATE RIVER AND APPLGATE LAKE, TRIBUTARIES OF ROGUE RIVER are above a State Scenic Waterway.

An assessment of water availability has been completed. This assessment compared a calculation of natural streamflow minus the consumption portion of all relevant rights of record. A copy of this assessment is in the file. This assessment determined that water is available for further appropriation (at an 80 percent exceedance probability) from live flow for the month of May only. The use of stored water is allowed APRIL 1 THROUGH OCTOBER 31, the irrigation season.

In accordance with OAR 690-33-330, an interagency team reviewed this proposed use for potential adverse impacts on sensitive, threatened and endangered fish populations. This team consisted of representatives from the Oregon Departments of Water Resources (WRD), Environmental Quality, Fish and Wildlife (DFW), and Agriculture. WRD and DFW representatives included both technical and field staff. The interagency team recommended that additional limitations or conditions of use be imposed on this application as follows:

The use shall be allowed from stored water only.

The permittee shall install, maintain, and operate fish screening and by-pass devices as required by the Oregon Department of Fish and

Wildlife to prevent fish from entering the proposed diversion. The required screens and by-pass devices are to be in place, functional and approved by an ODFW representative prior to diversion of any water.

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

The amount of water requested, 0.22 CUBIC FOOT PER SECOND FROM APPELEGATE RIVER AND 90.0 ACRE-FEET FROM APPELEGATE LAKE, shall be restricted to 90.0 ACRE-FEET of stored water only.

Conclusions of Law

Under the provisions of ORS 537.153, the Department must presume that a proposed use will not impair or be detrimental to the public interest if the proposed use is allowed in the applicable basin program established pursuant to ORS 536.300 and 536.340 or given a preference under ORS 536.310(12), if water is available, if the proposed use will not injure other water rights and if the proposed use complies with rules of the Water Resources Commission.

The proposed use requested in this application is allowed in the Rogue Basin Plan.

No preference for this use is granted under the provisions of ORS 536.310(12).

Water is available for the proposed use.

The proposed use will not injure other water rights.

The proposed use complies with rules of the Water Resources Commission.

The proposed use complies with the State Agency Agreement for land use.

For these reasons, the required presumption has been established.

Once the required presumption has been established, under the provisions of ORS 537.153(2) it may be overcome by a preponderance of evidence that either:

- (a) One or more of the criteria for establishing the presumption are not satisfied; or
- (b) The proposed use will impair or be detrimental to the public interest as demonstrated in comments, in a protest . . . or in a finding of the department that shows:
 - (A) The specific public interest under ORS 537.170(8) that would be impaired or detrimentally affected; and

- (B) Specifically how the identified public interest would be impaired or detrimentally affected.

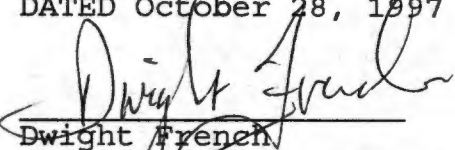
In this application, all criteria for establishing the presumption have been satisfied, as noted above. The presumption has not been overcome by a preponderance of evidence that the proposed use will impair or be detrimental to the public interest.

The Department therefore concludes that water is available in the amount necessary for the proposed use; the proposed use will not result in injury to existing water rights; and the proposed use will not impair or be detrimental to the public interest as provided in ORS 537.170.

Recommendation

The Department recommends that the attached draft permit be issued with conditions.

DATED October 28, 1997


Dwight French
Water Rights Section Manager

Protest Rights

Under the provisions of 537.621(7), you have the right to protest this proposed final order. Your protest must be in writing, and must include the following:

- Your name, address, and telephone number;
- A description of your interest in the proposed final order, and, if you claim to represent the public interest, a precise statement of the public interest represented;
- A detailed description of how the action proposed in this proposed final order would impair or be detrimental to your interest;
- A detailed description of how the proposed final order is in error or deficient, and how to correct the alleged error or deficiency;
- Any citation of legal authority to support your protest, if known; and
- If you are not the applicant, the \$200 protest fee required by ORS 536.050 and proof of service of the protest upon the applicant.
- If you are the applicant, a statement of whether or not you are requesting a contested case hearing. If you do not request a hearing, the Department will presume that you do not wish to contest the findings of the proposed final order.

- If you do not protest this Proposed Final Order and if no substantive changes are made in the final order, you will not have an opportunity for judicial review, protest or appeal of the final order when it is issued.

Your protest must be received in the Water Resources Department no later than December 12, 1997.

After the protest period has ended, the Director will either issue a final order or schedule a contested case hearing. The contested case hearing will be scheduled only if a protest has been submitted and if

- upon review of the issues, the director finds that there are significant disputes related to the proposed use of water, or
- the applicant requests a contested case hearing within 30 days after the close of the protest period.

RWK-WEEK 118

DRAFT

This is not a permit!!!

DRAFT

STATE OF OREGON

COUNTY OF JOSEPHINE

DRAFT PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS DRAFT PERMIT IS HEREBY ISSUED TO

WALTER E. EATON
242 MISSOURI FLAT RD
GRANTS PASS, OREGON 97527

(541)846-7231

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

APPLICATION FILE NUMBER: S-81987

SOURCE OF WATER: APPLGATE LAKE CONSTRUCTED UNDER PERMIT R-7810 AND R-7829, TRIBUTARY OF ROGUE RIVER

PURPOSE OR USE: IRRIGATION OF 10.0 ACRES AND SUPPLEMENTAL IRRIGATION OF 10.0 ACRES

MAXIMUM VOLUME ALLOWED: 90.0 ACRE FEET PER YEAR OF STORED WATER ONLY

PERIOD OF USE: APRIL 1 THROUGH OCTOBER 31 OR AS MAY BE FURTHER LIMITED BY CONTRACT WITH THE BUREAU OF RECLAMATION

DATE OF PRIORITY: FEBRUARY 24, 1997

POINT OF DIVERSION LOCATION: SW 1/4 SW 1/4, SECTION 6, T38S, R4W, W.M. 4000 FEET SOUTH AND 80 FEET EAST FROM THE NW CORNER OF SECTION 6.

The amount of water used for irrigation under this right, together with the amount secured under any other right existing for the same lands, is limited to 4 ½ acre-feet acre-feet for each acre irrigated during the irrigation season of each year.

THE PLACE OF USE IS LOCATED AS FOLLOWS:

	PRIMARY	SUPPLEMENTAL
NW 1/4 NE 1/4		2.5 ACRES
NE 1/4 NW 1/4	10.0 ACRES	7.5 ACRES
SECTION 36		
TOWNSHIP 37 SOUTH, RANGE 5 WEST, W.M.		

Measurement, recording and reporting conditions:

- A. Before water use may begin under this permit, the permittee shall install a meter or other suitable measuring device as approved by the Director. The permittee shall maintain the meter or measuring device in good working order.

- B. The permittee shall allow the watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.
- C. The Director may require the permittee to keep and maintain a record of the amount (volume) of water used and may require the permittee to report water use on a periodic schedule as established by the Director. In addition, the Director may require the permittee to report general water use information, the periods of water use and the place and nature of use of water under the permit. The Director may provide an opportunity for the permittee to submit alternative reporting procedures for review and approval.

The permittee shall install, maintain, and operate fish screening and by-pass devices as required by the Oregon Department of Fish and Wildlife to prevent fish from entering the proposed diversion. The required screens and by-pass devices are to be in place, functional and approved by an ODFW representative prior to diversion of any water.

BY
PHONE
ON A
DITCH
NOT THE
ROGUE
RIVER

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

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

STANDARD CONDITIONS

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

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.

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.

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.

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.

The Director finds that the proposed use(s) of water described by this permit, as conditioned, will not impair or be detrimental to the public interest.

Actual construction work shall begin within one year from permit issuance. Complete application of the water to the use shall be made on or before October 1, 2001.

Issued _____, 199_

DRAFT - THIS IS NOT A PERMIT

Water Resources Department
Director

PFO CHECKLIST

Application #: 5 81987

Basin: 15 ROLLE WAB: 010267800

County JOSEPHINE Township 37S Range 5W Section 36 1/4 1/4 SE NW

- ☒ 1. Is the file complete by the Minimum Requirements Checklist? Y/N
- ☒ 2. Shortcomings (items needed before a permit and/or FO can be issued) Y/N *A CONTRACT FOR STORED H₂O WE DO HAVE HIS LETTER STATING HE IS PURSUING STORED H₂O AS "DOCUMENTARY EVID."*
- ☒ 3. Check file for indicators that the process should not continue until a later date (ie - protest, letter to file indicating hold, or other)
- ☒ 4. Groundwater Review A B C D River/Stream Name _____ Conditions _____
 - a. Groundwater Availability A B C
 - b. Is second groundwater review necessary? (comments) Y/N
 - c. Is HB 1033 review complete? Y/N
- ☒ 5. If source is groundwater, is the well located in a groundwater limited area? (If applicable, include map with POD) Y/N
- ☒ 6. Is use from a B.O.R. project? Y/N Contract in file? Y/N Contract # _____
- ☒ 7. Is the use allowed by the Basin Program? Y/N Limited? Y/N _____
- ☒ 8. Water Availability Data OK / REDONE / NA (50% before July 17, 1992; 80% live flow & 50% storage after July 17, 1992)
- ☒ 9. Is the source withdrawn or limited by statute or Department withdrawal order? Y/N _____
- ☒ 10. Is the Proposed Use located in or above a Scenic Waterway? Y/N ABOVE ROLLE RIVER
- ☒ 11. Division 33: Above Bonn (after July 17, 1992) Y/N/NA
Below Bonn (after April 8, 1994; June 3, 1994) Y/N/NA
Statewide - (in shaded areas on T, E, and S Map - after June 3, 1994) Y/N/NA
- ☒ 12. Have conflicts been identified, verified and/or addressed? Y/N OVER →
- ☒ 13. Rate 1/40 Duty 4 1/2 Irrigation Season _____
- ☒ 14. Period of Allowed Use STORED H₂O ONLY PER ONEFW DIV 33 4/1 - 10/31
- ☒ 15. Allowed Rate of Use 90 AC FT
- ☒ 16. Is the use **Small** (≤ 0.1 cfs, ≤ 9.2 AF), **Medium** (> 0.1 or < 1.5 cfs, > 9.2 or < 100 AF) or **Large** (≥ 1.5 cfs, ≥ 100 AF)?
- ☒ 17. Conditions ONEFW, B54C
- ☒ 18. IR Public Notice Date 7/22/97 8/5/97
- ☒ 19. Documents used in determination are attached and highlighted
- ☒ 20. Spell Check
- ☒ 21. Check for Accuracy
- ☒ 22. Final PFO report hard copy check (format, margins, etc.) *R 7810 R 7829*
- ☐ 23. Final PFO has been saved to m:\groups\wr\pfoldone\week#application # *10 PRI 10 SUPP*
- ☐ 24. Fill out PFO CC List (don't forget to check for other property owners)
 - a. Re-notify Water Availability? (Rate, Duty and Period of Allowed Use changes) Y/N *JERRY VOLT SUR*

Name: RUK

Date: 10/21/97

ODFW (JERRY VOGT)

DOA

DEQ (RUSSELL HARDING)

THERE IS NO CONFLICT. MR. EATON MADE IT CLEAR
IN HIS LETTER RECEIVED 10/1/97 THAT HE IS MERELY
ADDING AN ADDITIONAL 10° AC OF IRR TO THE 50° HE
ALREADY HAS, (HE OWNS 65 AC [64.06 PER TAX LOT MAP])
AND IS ALSO REQUESTING SUPP IRR ON 10° AC.
REGARDLESS, EVEN IF THERE IS A CONFLICT, HE DID
NOT RECEIVE HIS FULL RATE UNDER THE TWO EXISTING
CERTS.

IR CHECKLIST

Application #: S-81987 Vol _____ Subbasin _____

Basin: 15 WAB: 010267800 POU-WAB _____

Ownership 37 South Range 5W 0102678032 Section _____ 1/4 1/4 _____

✓ 1. Completeness checklist verified. Y / N or No Checklist

✓ 2. Indicators that the process should not continue (ie - protest, items missing, letter to file indicating hold, or other) Y / N

N/A 3. Groundwater review A B C D _____

a. Is the well located in a groundwater limited area? Y / N _____

✓ 4. SWW Y / N Triage Y / N conditions/restrictions Y / N _____

✓ 5. Basin Program limitations? Y / N 690-515-004(1)(a)

✓ 6. Withdrawn? Y / N season allowed _____

✓ 7. Basin Maps have been checked Y / N The River Mile is _____

✓ 8. Water Availability (50% < July 17, 1992 ** 80% [50% storage] > July 17, 1992) NA LIVE FLOW: WATER AVAILABLE MAY ONLY

✓ 9. Rate/Duty/Season 1/40 4.5 4/1-11/1 (REQUESTED 4/1-10/31) / FULL SOD

✓ 10. Use IRR 20.0 AC (10 AC, 20 SOD) Period of Allowed Use 4/1-11/1

✓ 11. Priority Date(s) 2/24/97

✓ 12. B.O.R. project Y / N contract # _____

✓ 13. ~~TMDL Basin?~~ Y / N (Tualatin, Yamhill, Pudding) DIVISION 33 STATEWIDE / N New or Old? Map Date _____

✓ 14. Conflicts Y / N

✓ 15. Conditions? (BOR, GW, other) Y / N W/ TWO GROUNDWATER RIGHTS CERTIFICATES ATTACHED

✓ 16. Land use approval OK'd 500 Below needs approval county notified NA

✓ 17. Watermaster Dist: (1 2 16 18 - NWR) (3 4 5 - NCR) (6 8 9 10 - ER) (11 12 17 - SCR) (14) 15 19 (SWR)

✓ 18. Letter will be Good Limited Bad Bad w/IRshort because _____

* CONFLICTS W/ CORTS 37562 + 42928

* R-7810, R-7829 STORAGE PERMITS FOR APPROPRIATE LAKE

* 7J

* PRI CORT - 64932

* NEED EVIDENCE

* NEED PRI + SPP ACRES ON MAP.

Name: Conroy Date: 7/14/97

APP. NO. / PERMIT NO.	CERT NO.	GOV'T LOT DLC	NE				NW				SW				SE			
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE
D 16256	16256	V							13.00 (IR)			30.00 (IR)						
D 16290	55288	V			0.20 (IR)					1.50 (IR)								
D 16290	49700	V			7.80 (IR)					5.50 (IR)								
D 16304	16304	V							4.00 (IR)									
D 32830	32830	V															14.60 (IR)	
D 32941	32941	V								5.00 (IR)								
G 1942 G 1785	33162	V							11.80 (IR) (S)			24.90 (IR) (S)						
G 1986 G 1828	35916	V												6.80 (IR) (S)				
		LOT 6												4.20 (IR)				
		DLC 37											24.10 (IR)	8.10 (IR)		0.20 (IR)	3.80 (IR) (S)	
		DLC 37												18.00 (IR) (S)				
		DLC 37								14.20 (IR) (S)							0.20 (IR) (S)	3.00 (IR)

S 56103	56025	V		1.80														
S 42146				(ID)														
S 57337	60773	V								5.00								
S 43155										(IR)								
S 57447	55687	V										11.80					3.00	
S 43268												(IR)					(IR)	
			DLC 57									(S)					(S)	
			LOT 6										4.90					
													(IR)					
													(S)					
													1.40					
													(IR)					
													(S)					
S 58813	55282	V								0.20								
S 44328										(IR)								
S 58748	55493	V								0.20								
S 44688										(IR)								
										(S)								
											3.50							
											(IR)							
											1.50							
											(IR)							
											(S)							
S 61894	55283	V								4.80								
S 45884										(IR)								
										(S)								

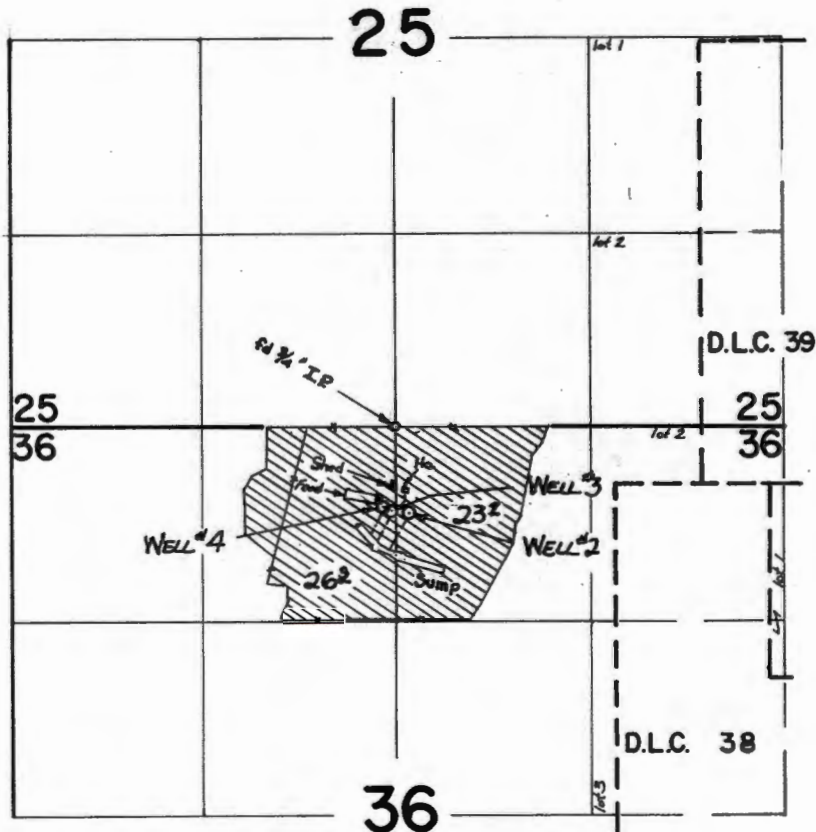
Continuing with Township 37.00 S Range 5.00 W SECTION 36

6/ 6/1997

APP. NO. / PERMIT NO.	CERT NO.	GOV'T LOT DLC	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE
S 61894	55283	V								0.20								
S 45884										(IR)								
										(S)								
S 61895	66836	V								4.00								
S 45936										(IR)								
										(S)								
S 61918	64719	V								4.00								
S 45937										(IR)								

									(S)								
S	62209	55688	V	DLC 57									4.90				
S	46080												(IR)				
				LOT 6									(S)				
													1.40				
													(IR)				
													(S)				
												11.80				3.00	
												(IR)				(IR)	
												(S)				(S)	
S	61921	64932	V				1.80			28.00							
S	46735						(IR)			(IR)							
							(S)			(S)							

T. 37S. R. 5 W. W.M.



Well #2 located 580'S & 80'E, Sump located 880'S both from
N 1/4 Cor Sec 36, N 1/4 IP Well #3, 570'S & 40'W; Well #4,
530'S & 90'W; both from N 1/4 Cor. Sec. 36

FINAL PROOF SURVEY
UNDER

Application No. G-5095 G-4809 SUPPLEMENTAL TO
G-3419 Permit No. G-3205
IN NAME OF

JACK A. BENNETT

Surveyed 30 APRIL, 1970, by D.R. BUELL
SEPT. 16, 1974 L. TOLL

STATE OF OREGON
COUNTY OF JOSEPHINE

CERTIFICATE OF WATER RIGHT

This Is to Certify, That JACK A. BENNETT

of 1330 East Park Street, Grants Pass, State of Oregon, has made proof to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of well No. 2 and one sump

a tributary of Carls Creek (Applegate River) for the purpose of irrigation of 50.0 acres

under Permit No. G-3205 of the State Engineer, and that said right to the use of said waters has been perfected in accordance with the laws of Oregon; that the priority of the right hereby confirmed dates from March 16, 1966

that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed 0.22 cubic foot per second

or its equivalent in case of rotation, measured at the point of diversion from the stream. The point of diversion is located in the NW¼ NE¼, NE¼ NW¼, Section 36, T. 37 S., R. 5 W., W. M. Wells located: Well No. 2 - 580 feet South and 80 feet East; Sump - 880 feet due South; both from NW Corner, Section 36.

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to one-eightieth of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 2½ acre feet per acre for each acre irrigated during the irrigation season of each year,

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

A description of the place of use under the right hereby confirmed, and to which such right is appurtenant, is as follows:

23.7 acres NW¼ NE¼
26.3 acres NE¼ NW¼
Section 36
T. 37 S., R. 5 W., W. M.

The right to the use of the water for the purposes aforesaid is restricted to the lands or place of use herein described.

WITNESS the signature of the State Engineer, affixed

this date. June 14, 1971

CHRIS L. WHEELER

State Engineer

STATE OF OREGON

COUNTY OF

JOSEPHINE

CERTIFICATE OF WATER RIGHT

This Is to Certify, That JACK A. BENNETT

of 1330 East Park Street, Grants Pass, State of Oregon, 97526, has made proof to the satisfaction of the Water Resources Director, of a right to the use of the waters of Wells No. 3 and 4

a tributary of Caris Creek (Applegate River) for the purpose of supplemental irrigation of 50.0 acres

under Permit No. G-4809 and that said right to the use of said waters has been perfected in accordance with the laws of Oregon; that the priority of the right hereby confirmed dates from February 3, 1970

that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed 0.22 cubic foot per second, being 0.13 c.f.s. from Well No. 3 and 0.09 c.f.s. from Well No. 4

or its equivalent in case of rotation, measured at the point of diversion from the stream. The point of diversion is located in the NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 36, T. 37 S., R. 5 W., W. M., Well #3-570 feet South and 40 feet West; Well #4-530 feet South and 90 feet West; both from the NW $\frac{1}{4}$ Corner, Section 36.

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to one-eightieth of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 2 $\frac{1}{4}$ acre feet per acre for each acre irrigated during the irrigation season of each year; provided further that the right allowed herein shall be limited to any deficiency in the available supply of any prior right existing for the same land and shall not exceed the limitation allowed herein,

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

A description of the place of use under the right hereby confirmed, and to which such right is appurtenant, is as follows:

23.7 acres NW $\frac{1}{4}$ NE $\frac{1}{4}$
26.3 acres NE $\frac{1}{4}$ NW $\frac{1}{4}$
Section 36
T. 37 S., R. 5 W., W. M.

The right to the use of the water for the purposes aforesaid is restricted to the lands or place of use herein described.

WITNESS the signature of the Water Resources Director, affixed

this date. April 21, 1976

James E. Saxson
Water Resources Director

WATER AVAILABILITY TABLE

Basin: ROGUE

Exceedance Level: 80

Water Availability Subbasin: 0102678000000000 (and Nested Subbasins)

Time: 08:54

Date: 06/06/1997

Item #	W.A. Subbasin	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Sto
1	0100000000000000	YES	YES	YES	YES	YES	YES	NO	NO	NO	YES	NO	YES	YES
2	0102000000000000	NO	YES	YES	YES	YES	NO	NO	NO	NO	NO	NO	NO	YES
3	0102600000000000	NO	NO	NO	NO	YES	NO	NO	NO	NO	NO	NO	NO	YES
4	0102670000000000	NO	NO	NO	NO	YES	NO	NO	NO	NO	NO	NO	NO	YES
5	0102678000000000	NO	NO	NO	NO	YES	NO	NO	NO	NO	NO	NO	NO	YES

STREAM NAMES

Basin: ROGUE

Water Availability Subbasin: 0102678000000000 (and Nested Subbasins)

Time: 08:54

Date: 06/06/1997

WAB #	Stream Name	Tributary to
0100000000000000	ROGUE R @ mouth	PACIFIC OCEAN
0102000000000000	ROGUE R @ 14372300	PACIFIC OCEAN
0102600000000000	ROGUE R ab MEADOW CR	PACIFIC OCEAN
0102670000000000	ROGUE R ab GRAVE CR	PACIFIC OCEAN
0102678000000000	APPLEGATE R @ mouth	ROGUE R

LIMITING WATER AVAILABILITY SUBBASINS

Water Availability Subbasin: 0102678000000000

Basin: ROGUE

Exceedance Level: 80

Time: 08:54

Date: 06/06/1997

Month	Limiting Subbasin	Stream Name	Water Available?	Net Water Available
1	0102670000000000	ROGUE R ab GRAVE CR	NO	-901.0
2	0102670000000000	ROGUE R ab GRAVE CR	NO	-601.0
3	0102670000000000	ROGUE R ab GRAVE CR	NO	-521.0
4	0102670000000000	ROGUE R ab GRAVE CR	NO	-647.0
5	0102670000000000	ROGUE R ab GRAVE CR	YES	165.0
6	0102670000000000	ROGUE R ab GRAVE CR	NO	-1081.0
7	0102670000000000	ROGUE R ab GRAVE CR	NO	-1147.0
8	0102670000000000	ROGUE R ab GRAVE CR	NO	-1662.0
9	0102670000000000	ROGUE R ab GRAVE CR	NO	-1618.0
10	0102670000000000	ROGUE R ab GRAVE CR	NO	-470.0
11	0102670000000000	ROGUE R ab GRAVE CR	NO	-2240.0
12	0102670000000000	ROGUE R ab GRAVE CR	NO	-1130.0
Stor	0102678000000000	APPLEGATE R @ mouth	YES	159000.0

DETAILED REPORT ON WATER AVAILABILITY

Basin: ROGUE

Stream: ROGUE R @ mouth

Water Availability Subbasin: 0100000000000000

ID Number:

266

Exceedance Level: 80

Time: 08:54

Date: 06/06/1997

Month	Natural Stream Flow	CU + Stor Prior to 1/1/93	Net Min. Flow 1/1/93	CU + Stor After 1/1/93	Net Min. Flow Now	Instream Water Rights	Net Water Available
1	6870.00	617.00	6250.00	0.93	6250.00	3500.00	2750.00
2	10300.00	1850.00	8450.00	1.54	8450.00	3500.00	4950.00
3	9300.00	1410.00	7890.00	1.12	7890.00	3500.00	4390.00
4	7670.00	989.00	6680.00	7.86	6670.00	3500.00	3170.00
5	6060.00	223.00	5840.00	6.88	5830.00	3000.00	2830.00
6	3420.00	422.00	3000.00	4.03	2996.00	2700.00	296.00
7	2080.00	504.00	1580.00	4.76	1575.00	2000.00	-425.00
8	1650.00	453.00	1200.00	3.81	1196.00	2400.00	-1204.00
9	1580.00	370.00	1210.00	2.49	1208.00	2400.00	-1192.00
10	1920.00	117.00	1800.00	0.58	1799.00	1600.00	199.00
11	2740.00	159.00	2580.00	0.15	2580.00	3500.00	-920.00
12	5750.00	255.00	5490.00	0.50	5490.00	3500.00	1990.00
Stor	5690000	511000	5180000	2070	5180000	2100000	3180000

DETAILED REPORT OF ISWRs

Basin: ROGUE

Stream: ROGUE R @ mouth

Water Availability Subbasin: 0100000000000000

Time: 08:54

Date: 06/06/1997

-----ISWRs-----							
APP # :	-91503D	266A	0	0	0	RESULTANT	
STATUS:	Scenic WW	Cert.					
1	3500.0	935.0	0.0	0.0	0.0	3500.0	X
2	3500.0	935.0	0.0	0.0	0.0	3500.0	X
3	3500.0	935.0	0.0	0.0	0.0	3500.0	X
4	3500.0	935.0	0.0	0.0	0.0	3500.0	X
5	3000.0	935.0	0.0	0.0	0.0	3000.0	X
6	2700.0	935.0	0.0	0.0	0.0	2700.0	X
7	2000.0	935.0	0.0	0.0	0.0	2000.0	X
8	2400.0	935.0	0.0	0.0	0.0	2400.0	X
9	2400.0	935.0	0.0	0.0	0.0	2400.0	X
10	1600.0	935.0	0.0	0.0	0.0	1600.0	X
11	3500.0	935.0	0.0	0.0	0.0	3500.0	X
12	3500.0	935.0	0.0	0.0	0.0	3500.0	X

DETAILED REPORT ON WATER AVAILABILITY

Basin: ROGUE

Stream: ROGUE R @ 14372300

Water Availability Subbasin: 0102000000000000

ID Number: 14372300

Exceedance Level: 80

Time: 08:54

Date: 06/06/1997

Month	Natural Stream Flow	CU + Stor Prior to 1/1/93	Net Min. Flow 1/1/93	CU + Stor After 1/1/93	Net Min. Flow Now	Instream Water Rights	Net Water Available
1	3950.00	530.00	3420.00	0.73	3419.30	3500.00	-80.70
2	5800.00	1710.00	4090.00	1.18	4089.00	3500.00	589.00
3	5360.00	1300.00	4060.00	0.76	4059.00	3500.00	559.00
4	4630.00	980.00	3650.00	7.50	3642.00	3500.00	142.00
5	3980.00	200.00	3780.00	5.93	3774.00	3000.00	774.00
6	2350.00	420.00	1930.00	1.53	1928.00	2700.00	-772.00
7	1500.00	500.00	1000.00	2.02	998.00	2000.00	-1002.00
8	1280.00	443.00	837.00	1.70	835.00	2400.00	-1565.00
9	1250.00	359.00	891.00	1.17	890.00	1600.00	-710.00
10	1420.00	110.00	1310.00	0.43	1310.00	1600.00	-290.00
11	1770.00	130.00	1640.00	0.11	1640.00	3500.00	-1860.00
12	3290.00	180.00	3110.00	0.44	3110.00	3500.00	-390.00
Stor	3270000	478000	2790000	1410	2790000	2050000	936000

DETAILED REPORT OF ISWRs

Basin: ROGUE

Stream: ROGUE R @ 14372300

Water Availability Subbasin: 0102000000000000

Time: 08:54

Date: 06/06/1997

-----ISWRs-----						
APP # :	-91503A	0	0	0	0	RESULTANT
STATUS: Scenic WW						

1	3500.0	0.0	0.0	0.0	0.0	3500.0 X
2	3500.0	0.0	0.0	0.0	0.0	3500.0 X
3	3500.0	0.0	0.0	0.0	0.0	3500.0 X
4	3500.0	0.0	0.0	0.0	0.0	3500.0 X
5	3000.0	0.0	0.0	0.0	0.0	3000.0 X
6	2700.0	0.0	0.0	0.0	0.0	2700.0 X
7	2000.0	0.0	0.0	0.0	0.0	2000.0 X
8	2400.0	0.0	0.0	0.0	0.0	2400.0 X
9	1600.0	0.0	0.0	0.0	0.0	1600.0 X
10	1600.0	0.0	0.0	0.0	0.0	1600.0 X
11	3500.0	0.0	0.0	0.0	0.0	3500.0 X
12	3500.0	0.0	0.0	0.0	0.0	3500.0 X

DETAILED REPORT ON WATER AVAILABILITY

Basin: ROGUE

Stream: ROGUE R ab MEADOW CR

Water Availability Subbasin: 0102600000000000

ID Number: 31531001

Exceedance Level: 80

Time: 08:54

Date: 06/06/1997

Month	Natural Stream Flow	CU + Stor Prior to 1/1/93	Net Min. Flow 1/1/93	CU + Stor After 1/1/93	Net Min. Flow Now	Instream Water Rights	Net Water Available
1	3550.00	610.00	2940.00	0.71	2939.00	3500.00	-561.00
2	5220.00	1840.00	3380.00	1.16	3379.00	3500.00	-121.00
3	4820.00	1410.00	3410.00	0.70	3409.30	3500.00	-90.70
4	4180.00	980.00	3200.00	7.19	3193.00	3500.00	-307.00
5	3630.00	210.00	3420.00	5.45	3415.00	3000.00	415.00
6	2160.00	410.00	1750.00	0.87	1749.00	2700.00	-951.00
7	1400.00	488.00	912.00	1.15	911.00	2000.00	-1089.00
8	1220.00	439.00	781.00	0.97	780.00	2400.00	-1620.00
9	1190.00	360.00	830.00	0.68	829.00	2400.00	-1571.00
10	1320.00	110.00	1210.00	0.27	1210.00	1600.00	-390.00
11	1560.00	160.00	1400.00	0.09	1400.00	3500.00	-2100.00
12	2900.00	250.00	2650.00	0.42	2650.00	3500.00	-850.00
Stor	2940000	505000	2440000	1180	2440000	2100000	641000

DETAILED REPORT OF ISWRs

Basin: ROGUE

Stream: ROGUE R ab MEADOW CR

Water Availability Subbasin: 0102600000000000

Time: 08:54

Date: 06/06/1997

-----ISWRs-----							
APP # :	-91503B	0	0	0	0	0	RESULTANT
STATUS:	Scenic WW						
1	3500.0	0.0	0.0	0.0	0.0	0.0	3500.0 X
2	3500.0	0.0	0.0	0.0	0.0	0.0	3500.0 X
3	3500.0	0.0	0.0	0.0	0.0	0.0	3500.0 X
4	3500.0	0.0	0.0	0.0	0.0	0.0	3500.0 X
5	3000.0	0.0	0.0	0.0	0.0	0.0	3000.0 X
6	2700.0	0.0	0.0	0.0	0.0	0.0	2700.0 X
7	2000.0	0.0	0.0	0.0	0.0	0.0	2000.0 X
8	2400.0	0.0	0.0	0.0	0.0	0.0	2400.0 X
9	2400.0	0.0	0.0	0.0	0.0	0.0	2400.0 X
10	1600.0	0.0	0.0	0.0	0.0	0.0	1600.0 X
11	3500.0	0.0	0.0	0.0	0.0	0.0	3500.0 X
12	3500.0	0.0	0.0	0.0	0.0	0.0	3500.0 X

DETAILED REPORT ON WATER AVAILABILITY

Basin: ROGUE

Stream: ROGUE R ab GRAVE CR

Water Availability Subbasin: 0102670000000000

ID Number: 31531002

Exceedance Level: 80

Time: 08:54

Date: 06/06/1997

Month	Natural Stream Flow	CU + Stor Prior to 1/1/93	Net Min. Flow 1/1/93	CU + Stor After 1/1/93	Net Min. Flow Now	Instream Water Rights	Net Water Available
1	3210.00	610.00	2600.00	0.54	2599.00	3500.00	-901.00
2	4740.00	1840.00	2900.00	0.90	2899.00	3500.00	-601.00
3	4390.00	1410.00	2980.00	0.55	2979.00	3500.00	-521.00
4	3830.00	970.00	2860.00	7.18	2853.00	3500.00	-647.00
5	3370.00	200.00	3170.00	5.44	3165.00	3000.00	165.00
6	2010.00	390.00	1620.00	0.86	1619.00	2700.00	-1081.00
7	1320.00	466.00	854.00	1.14	853.00	2000.00	-1147.00
8	1160.00	421.00	739.00	0.97	738.00	2400.00	-1662.00
9	1130.00	347.00	783.00	0.68	782.00	2400.00	-1618.00
10	1240.00	110.00	1130.00	0.26	1130.00	1600.00	-470.00
11	1420.00	160.00	1260.00	0.09	1260.00	3500.00	-2240.00
12	2620.00	250.00	2370.00	0.31	2370.00	3500.00	-1130.00
Stor	2690000	500000	2190000	1130	2190000	2100000	438000

DETAILED REPORT OF ISWRs

Basin: ROGUE

Stream: ROGUE R ab GRAVE CR

Water Availability Subbasin: 0102670000000000

Time: 08:54

Date: 06/06/1997

-----ISWRs-----							
APP # :	-91503C	0	0	0	0	0	RESULTANT
STATUS: Scenic WW							
1	3500.0	0.0	0.0	0.0	0.0	0.0	3500.0 X
2	3500.0	0.0	0.0	0.0	0.0	0.0	3500.0 X
3	3500.0	0.0	0.0	0.0	0.0	0.0	3500.0 X
4	3500.0	0.0	0.0	0.0	0.0	0.0	3500.0 X
5	3000.0	0.0	0.0	0.0	0.0	0.0	3000.0 X
6	2700.0	0.0	0.0	0.0	0.0	0.0	2700.0 X
7	2000.0	0.0	0.0	0.0	0.0	0.0	2000.0 X
8	2400.0	0.0	0.0	0.0	0.0	0.0	2400.0 X
9	2400.0	0.0	0.0	0.0	0.0	0.0	2400.0 X
10	1600.0	0.0	0.0	0.0	0.0	0.0	1600.0 X
11	3500.0	0.0	0.0	0.0	0.0	0.0	3500.0 X
12	3500.0	0.0	0.0	0.0	0.0	0.0	3500.0 X

DETAILED REPORT ON WATER AVAILABILITY

Basin: ROGUE

Stream: APPLEGATE R @ mouth

Water Availability Subbasin: 0102678000000000

ID Number:

249

Exceedance Level: 80

Time: 08:54

Date: 06/06/1997

Month	Natural Stream Flow	CU + Stor Prior to 1/1/93	Net Min. Flow 1/1/93	CU + Stor After 1/1/93	Net Min. Flow Now	Instream Water Rights	Net Water Available
1	373.00	4.09	369.00	0.07	368.90	300.00	68.90
2	674.00	307.00	367.00	0.12	366.90	300.00	66.90
3	792.00	342.00	450.00	0.07	450.00	340.00	110.00
4	662.00	374.00	288.00	0.37	287.60	340.00	-52.40
5	591.00	41.90	549.00	0.56	548.00	360.00	188.00
6	222.00	55.50	167.00	0.35	167.00	360.00	-193.00
7	91.80	74.60	17.20	0.48	17.00	120.00	-103.00
8	59.00	62.70	-3.71	0.40	-4.00	120.00	-124.00
9	45.80	43.10	2.66	0.27	2.00	120.00	-118.00
10	56.00	15.00	41.00	0.09	41.00	360.00	-319.00
11	146.00	3.51	142.00	0.01	142.00	360.00	-218.00
12	244.00	3.75	240.00	0.04	240.00	300.00	-60.00
Stor	419000	98200	321000	170	321000	202000	159000

DETAILED REPORT OF ISWRs

Basin: ROGUE

Stream: APPLEGATE R @ mouth

Water Availability Subbasin: 0102678000000000

Time: 08:54

Date: 06/06/1997

-----ISWRs-----							
APP # :	249A	0	0	0	0	0	RESULTANT
STATUS:	Cert.						
1	300.0	0.0	0.0	0.0	0.0	0.0	300.0 C
2	300.0	0.0	0.0	0.0	0.0	0.0	300.0 C
3	340.0	0.0	0.0	0.0	0.0	0.0	340.0 C
4	340.0	0.0	0.0	0.0	0.0	0.0	340.0 C
5	360.0	0.0	0.0	0.0	0.0	0.0	360.0 C
6	360.0	0.0	0.0	0.0	0.0	0.0	360.0 C
7	120.0	0.0	0.0	0.0	0.0	0.0	120.0 C
8	120.0	0.0	0.0	0.0	0.0	0.0	120.0 C
9	120.0	0.0	0.0	0.0	0.0	0.0	120.0 C
10	360.0	0.0	0.0	0.0	0.0	0.0	360.0 C
11	360.0	0.0	0.0	0.0	0.0	0.0	360.0 C
12	300.0	0.0	0.0	0.0	0.0	0.0	300.0 C

RECEIVED

OCT 01 1997

WATER RESOURCES DEPT.
SALEM, OREGON

Walter E. Eaton
242 Missouri Flat Rd.
Grants Pass, OR 97527

Mr. Cory C. Engel
Water Right Processing Technician
Oregon Water Resources Department
Salem, OR.

Ref. File S-81987

Dear Sir:

I am in receipt of your letter of July 22, 1997 regarding my application for a water right, and I'm writing back to address some issues raised in your letter.

First, I would like to confirm that I wish to continue with the application process.

Second, regarding Initial Review Determination #4 -

In a telephone conversation with the Bureau of Reclamation office in Boise, ID, I was advised that they did have my application for a contract for release of stored water, and that they would be processing it soon. They would not send your department evidence of the contract until it was signed by me, meaning the process would have to be complete. They also advised me they process applications in batches, and they would wait until they had a batch complete before contracts would be issued. I was lead to believe this would take place by late September.

Third, I acknowledge that primary irrigation from live flow from the Applegate River is available only during the month of May.

Fourth, regarding Water Right Certificates #37562 and 42928 -

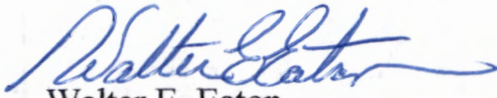
There is no conflict of water rights with these Certificated Rights and the rights I am applying for. The property involved is a 65 acre parcel. Certificates 37562/42928 are for primary and supplemental rights to 50 acres of the 65 total. With this application I am requesting primary and supplemental rights to an additional 10 acres of the 65 total. (Thus 60 acres would be irrigated vs. the current 50 acres.) In addition, I'm applying for a second supplemental right for 10 acres of the original 50 acres.

I hope this information will help you complete the application process for my request. You may recall that in early August we conversed on the phone, and you estimated that a Proposed Final Order could be issued mid October. Please advise me if this schedule is still accurate, or if there is a new estimated completion date, or if you will require any further information to help you complete this application.

I am an officer in the Merchant Marine, and am currently assigned aboard ship at sea. However, my wife is available to answer or relay any questions to me. Please note that if immediate correspondence does not come back to you, it is because of the delay in communication resulting from the nature of my work.

Thank you for your time and effort in processing this application.

Respectfully,



Walter E. Eaton

Division 33 Application Review Sheet for Use by ODFW Staff
Recommendations for Water Right Applications that may affect the Habitat of
Sensitive, Threatened or Endangered Fish Species OAR 690-33-310 through 340
Date: July 22, 1997 14 Day Deadline: August 5, 1997

Application # S-81987 Name: Walter Eaton

1) Will the proposed use occur in an area that may affect the essential habitat of sensitive, threatened or endangered fish species? [690-33-330(1)]

No / Yes Species? Coho Salmon Status S T E

If Yes, continue, if NO go to Public Interest Review Sheet (BACK PAGE)

What stage or value is at risk: Spawning; Incubation; Rearing; Passage; Habitat Value

2) Will the proposed use result in a loss in the essential habitat of threatened or endangered

species or a net loss in the habitat of sensitive species? No / Yes

A) Standard of "net loss" applies to sensitive species statewide [690-33-330(2)(a)]

B) Standard of "loss" of applies to T or E species outside the Columbia Basin [690-33-330(2)(b)]

3) Can conditions be applied to mitigate the impact to the essential habitat of STE species?

No / Yes [690-33-330(3)] Yes or no, which conditions are recommended? (Try to select those from the menu) odfw, b54c; Due to water temperature problems in the Applegate River, water usage for this application should be restricted to stored water only, including during the month of May.

4) If conditions cannot be identified to offset impacts to the essential habitat of STE fish species, would the proposed use harm the species? [690-33-330(4)] No / Yes If yes, explain

WRD Contact: _____ Title: _____

Date: _____

Comments: _____

ODFW Recommendation:

X Approval with fishery conditions See #3 Above

____ Approval without fishery conditions

____ Denial

ODFW Representative(s)

Name: Jerry Vogt Date: August 5, 1997

Name: _____ Date: _____ (M:\div.33\odfw chk lst i
modified.6-25...

July 22, 1997

WALTER E EATON
242 MISSOURI FLAT RD
GRANTS PASS, OREGON 97527

Reference: File S-81987

Dear Applicant:

**THIS IS NOT A PERMIT AND IS
SUBJECT TO CHANGE AT THE NEXT PHASE OF PROCESSING.**

This letter is to inform you of the preliminary analysis of and potential limitations to your water use permit application and to describe your options. In determining whether a water use permit application may be approved, the Department must consider the factors listed below, all of which must be favorable to the proposed use if it is to be allowed. Based on the information you have supplied, the Water Resources Department has made the following preliminary determinations:

Initial Review Determinations:

1. The proposed use is not prohibited by law or rule.
2. The use of water for PRIMARY IRRIGATION OF 10.0 ACRES AND SUPPLEMENTAL IRRIGATION OF 20.0 ACRES **is allowable** under OAR 690-515-004(1)(a), the Rogue Basin Program.
3. Stored water in the amount of 90.0 ACRE-FEET FROM APPELEGATE LAKE, CONSTRUCTED UNDER PERMITS R-7810 AND R-7829 **is available** April 1 through November 1 of each year. Live flow in the amount of 0.22 CUBIC FOOT PER SECOND FROM APPELEGATE RIVER **is available during the month of May only.**
4. Note that we have not yet received evidence of your contract for release of stored water. Before processing of your application may proceed to the Proposed Final Order, it will be necessary to submit documentary evidence that you have obtained a contract for the release of the stored water.



Commerce Building
158 12th Street NE
Salem, OR 97310-0210
(503) 378-3739
FAX (503) 378-8130

Summary of Initial Determinations

The use of 90.0 ACRE-FEET (STORED WATER) FROM APPELGATE LAKE, CONSTRUCTED UNDER PERMITS R-7810 AND R-7829 for SUPPLEMENTAL IRRIGATION OF 20.0 ACRES may be allowed April 1 through November 1 of each year. The use of 0.22 CUBIC FOOT PER SECOND (LIVE FLOW) for PRIMARY IRRIGATION OF 10.0 ACRES FROM APPELGATE RIVER, A TRIBUTARY OF ROGUE RIVER is allowable during the month of May only.

Because of the Departments determination, your application can be moved to the next phase of the water rights application review process. However, due to #3 above your application will likely be limited as summarized above.

Please reference the application number when sending any correspondence regarding the conclusions of this initial review. Comments received within the comment period will be evaluated at the next phase of the process.

At this time, you must decide whether to proceed or to withdraw your application as described below.

Withdrawal Refunds:

If you choose not to proceed, you may withdraw your application and receive a refund (minus a \$50 processing charge per application.) To accomplish this you must notify the Department in writing by **Tuesday, August 5, 1997**. For your convenience you may use the enclosed "STOP PROCESSING" form.

To Proceed With Your Application:

If you choose to proceed with your application, you do not have to notify the Department. Your application will automatically be placed on the Department's Public Notice to allow others the opportunity to comment. After the comment period the Department will complete a public interest review and issue a proposed final order.

Due to the limited period of use for primary irrigaiton from live flow, it is necessary for you to acknowledge in writing that use of live flow may only occur, under the terms of the permit (if one is issued), during the allowed period of use. **Please provide this within 30 days.**

Also note that there are existing primary irrigation rights (Water Right Certificates #37562 and 42928) covering lands where water is proposed to be used for primary irrigation under this application. **Please indicate whether you wish to cancel the conflicting portion of the existing right, or make this application supplemental to the existing right.**

If A Permit Is Issued It Will Likely Include The Following Conditions:

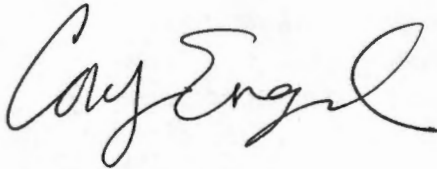
1. Measurement, recording and reporting conditions:
 - A. Before water use may begin under this permit, the permittee shall install a meter or other suitable measuring device as approved by the Director. The permittee shall maintain the meter or measuring device in good working order.
 - B. The permittee shall allow the watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.
 - C. The Director may require the permittee to keep and maintain a record of the amount (volume) of water used and may require the permittee to report water use on a periodic schedule as established by the Director. In addition, the Director may require the permittee to report general water use information, the periods of water use and the place and nature of use of water under the permit. The Director may provide an opportunity for the permittee to submit alternative reporting procedures for review and approval.
2. You may be required to install fish screens at the diversion to meet Oregon Department of Fish and Wildlife specifications for adequate protection of aquatic life.
3. You will be required to comply with state and federal water quality standards.
4. The priority date for this application is February 24, 1997.
5. Use of water under authority of this permit may be regulated if analysis of data available after the permit is issued 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 the right or as those quantities may be subsequently reduced.

WARNING: This initial review does not attempt to address various public interest issues such as sensitive, threatened, or endangered fish species. These issues will be addressed as the Department reviews public comments and prepares a proposed final order. You should be aware that, if significant public interest issues are found to exist, such a finding could have an impact on the eventual outcome of your application.

If you have any questions:

Feel free to call me at (503) 378-8455 or 1 (800) 624-3199 extension 457 if you have any questions. Please have your application number available if you call.

Sincerely,

A handwritten signature in black ink, reading "Cory Engel". The signature is fluid and cursive, with the first name "Cory" and last name "Engel" clearly distinguishable.

Mr. Cory C. Engel
Water Right Processing Technician

cc: Regional Manager, Watermaster District 14, Water Availability Section
enclosures: Flow Chart of Water Right Process
Stop Processing Form

S-81987
wab 15-0102678
pou 15-0102678
gw

Mailing List for IR Copies

Application #S-81987

IR Date : July 22, 1997

Original mailed to:

Applicant: WALTER E EATON , 242 MISSOURI FLAT RD, GRANT'S PASS, OREGON
97527

Copies sent to:

1. WRD - File # S-81987
2. WRD - Water Availability: Ken Stahr

IR, Map, and Fact Sheet Copies sent to:

3. WRD - Watermaster # District 14
4. WRD - Regional Manager (not Bob Main): SWR
5. ODFW District Biologist: JERRY VOGT (JACKSON County)
6. DEQ - Russell Harding (Portland)
7. DOA - Ves Garner

Copies sent to Other Interested Persons (CWRE, Agent, Well Driller, Commenter, etc.)

8. _____
9. _____
10. _____
11. _____
12. _____
13. _____
14. _____
15. _____

Copies Mailed	
By:	<u>CW</u>
	* (SUPPORT STAFF)
	* <u>7/22/97</u>
	(DATE)

ID# CE

M:\O\MACRO\B-SERIES\COPIES\IR

APPLICATION FACT SHEET

Mail to: Applicant, Watermaster, District Biologist (ODFW)

If necessary, also mail to : Regional Water quality manager (DEQ), and DOA

Application File Number: S-81987

Applicant: WALTER E EATON

County: ~~JACKSON~~

Watermaster: District 14

Priority Date: February 24, 1997

Source: APPELATE RIVER AND APPELATE LAKE, CONSTRUCTED UNDER PERMITS
R-7810 AND R-7829, TRIBUTARIES OF ROGUE RIVER

Use: PRIMARY IRRIGATION OF 10.0 ACRES AND SUPPLEMENTAL IRRIGATION OF 20.0
ACRES

Quantity: 0.22 CUBIC FOOT PER SECOND FROM APPELATE RIVER AND 90.0 AF
FROM APPELATE LAKE, CONSTRUCTED UNDER PERMITS R-7810 AND R-7829

Basin Name & Number: Rogue, #15

Stream Index Reference: Volume 6 APPELATE R

Point of Diversion Location: SWSW, SECTION 6, T38S, R4W, W.M.; SE, SECTION 25, T40S,
R4W, W.M.; S1/2

Place of Use:, TOWNSHIP 036 SOUTH, RANGE 5 WEST, W.M. NENW 10.0 ACRES,
SECTION 36, TOWNSHIP 37 SOUTH, RANGE 5 WEST, W.M.

14 DAY STOP PROCESSING DEADLINE DATE: Tuesday, August 5, 1997

PUBLIC NOTICE DATE: Tuesday, August 12, 1997

30 DAY COMMENT DEADLINE DATE: Thursday, September 11, 1997

APPLICATION FACT SHEET

Mail to: *Applicant, Watermaster, District Biologist (ODFW)*
If necessary, also mail to : *Regional Water quality manager (DEQ), and DOA*

Application File Number: S-81987

Applicant: WALTER E EATON

County: JACKSON

Watermaster: District 14

Priority Date: February 24, 1997

Source: APPELGATE RIVER AND APPELGATE LAKE, CONSTRUCTED UNDER PERMITS
R-7810 AND R-7829, TRIBUTARIES OF ROGUE RIVER

Use: PRIMARY IRRIGATION OF 10.0 ACRES AND SUPPLEMENTAL IRRIGATION OF 20.0
ACRES

Quantity: 0.22 CUBIC FOOT PER SECOND FROM APPELGATE RIVER AND 90.0 AF
FROM APPELGATE LAKE, CONSTRUCTED UNDER PERMITS R-7810 AND R-7829

Basin Name & Number: Rogue, #15

Stream Index Reference: Volume 6 APPELGATE R

Point of Diversion Location: SWSW, SECTION 6, T38S, R4W, W.M.; SE, SECTION 25, T40S,
R4W, W.M.; S1/2

Place of Use:, TOWNSHIP 036 SOUTH, RANGE 5 WEST, W.M. NENW 10.0 ACRES,
SECTION 36, TOWNSHIP 37 SOUTH, RANGE 5 WEST, W.M.

14 DAY STOP PROCESSING DEADLINE DATE: Tuesday, August 5, 1997

PUBLIC NOTICE DATE: Tuesday, August 12, 1997

30 DAY COMMENT DEADLINE DATE: Thursday, September 11, 1997

February 27, 1997

WALTER E EATON

242 MISSOURI FLAT RD
GRANTS PASS, OR 97527

REFERENCE: File(s) S-81987

This is to let you know we have received your water use permit application, supporting documentation and fees. A receipt is enclosed here unless you were previously issued one. Your application has been assigned the number listed above.

As you may know, we have a backlog of several thousand applications. Senate Bill 674, passed in the 1995 Legislature, gives the Department staffing and administrative tools to work through that backlog. The bill also sets up an expedited application review process for both pending and new applications. We have until October 31, 1996, to complete work on applications filed through June 30, 1995.

This application, and all applications filed between July 1, 1995, and October 31, 1996, must be processed by April 29, 1997. By that date, the Department must have reached a decision on your request or have scheduled a contested case hearing to settle any unresolved dispute related to your application.

If a permit is approved, the use allowed will be subject to existing Basin Program Rules, instream flow requirements, the demands of prior right holders and other limitations as needed to protect the resource. It may also be subject to new criteria or restrictions deemed necessary by the Oregon Water Resources Commission (a citizen body which oversees the agency's activities) to respond to water resource issues, including current and future Endangered Species Act fish listings.

The filing of an application does not allow you to use water. By law, an applicant may not legally store, divert or use water until the Department issues a final order approving a water right permit. Please bear in mind that the issuance of a permit is not guaranteed; therefore, the Department advises against investments in storage or delivery systems until you receive a permit.

If you have questions about your application, write to us at 158 12th St. NE, Salem, OR 97310 or call the Water Rights Information Group--Ext. 499 at 503-378-8455 or toll-free 800-624-3199. Please refer to your application file number in your inquiry.

Sincerely,

Ms. Anita McLoud
Water Rights Specialist
Water Rights Division



Commerce Building
158 12th Street NE
Salem, OR 97310-0210
(503) 378-3739
FAX (503) 378-8130

PRE-IR APPLICATION PROCESSING OUTLINE

Application File # 5-81987

MINIMUM REQUIREMENTS TO FILE
OAR 690-310-040

DATE

INITIAL

2/25/97

[Signature]

SURFACE AND GROUNDWATER APPLICATIONS

Name and mailing address of applicant
Source of water
Quantity of water
Map meeting requirements of OAR
690-310-050
Nature of proposed use
Names and addresses of legal owners
Easement/authorization statement
Legal description of POD/POU
Description of works and conveyance
Information on waste/measurement, etc
Land use approved yes pending _____
Signature/title of applicant
Oath
Estimated capacity of pump
Primary permit or certificate number
(if application is for supplemental)
Form M _____ Q _____ I X R _____
Examination fee

ADDITIONAL FOR GROUNDWATER APPLICATIONS

Copy of well log (for existing wells)
Groundwater development
Well Characteristics
Rate of flow if no pumping required

ADDITIONAL FOR RESERVOIR APPLICATIONS

HB 2376 exam fee \$10 per acre-foot
CWRE map for dam >10ft AND storage >9.2 AF
Acknowledgement post card to applicant

3/3/97

[Signature]

SUPPORT SERVICES

Stamp contents with application number
Place label on file and calendar card
Route to Initial Review



Application No. 81987
Oregon Water Resources Department
Permit No.

RECEIVED

FEB 24 1997

WATER RESOURCES DEPT.
SALEM, OREGON

FORM I

FOR IRRIGATION WATER USE

1. Please indicate whether you are requesting a primary or supplemental irrigation water right.

☒ Primary ☒ Supplemental

If supplemental, please indicate the number of acres that will be irrigated for each type of use.

Primary: 10 Acres

Secondary: 20 Acres

List the permit or certificate number of the primary water right:

no. 85-472

37562

PERMIT G-3205

2. Please list the anticipated crops you will grow and whether you will be irrigating them for a full or partial season:

1. IRRIGATED PASTURE ☒ Full season ☐ Partial season (from: _____ to _____)

2. GRASS / ALFALFA HAY ☒ Full season ☐ Partial season (from: _____ to _____)

3. _____ ☐ Full season ☐ Partial season (from: _____ to _____)

4. _____ ☐ Full season ☐ Partial season (from: _____ to _____)

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

4.5 acre-feet / ACRE

(1 acre-foot equals 12 inches of water spread over one acre, or 43,560 cubic feet, or 325,851 gallons.)

TOTAL OF 90 ACRE FEET FOR (20 ACRES)

4. How will you schedule your applications of water? Will you be applying water in the evenings, twice a week, daily?

☒ Daily during daytime hours

☒ Daily during nighttime hours

☐ Two or three times weekly during daytime

☐ Two or three times weekly during nighttime

☐ Weekly, during daytime hours

☐ Weekly, during nighttime hours

☐ Other, explain: _____



Oregon Water Resources Department Land Use Information Form

RECEIVED
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WATER RESOURCES DEPT.
SALEM, OREGON

This information is needed to determine compatibility with local comprehensive plans as required by ORS 197.180. The Water Resources Department will use this and other information to evaluate the water use application. DO NOT fill out this form if water is to be diverted, conveyed, or used only on federal lands.

To Be Completed By Applicant

The following section includes information about proposed water use. This section must be completed by the individual or group that is filing an application for a water right with the Water Resources Department.

A. Applicant

Name: WALTER E. EATON

Address: 242 MISSOURI FLAT ROAD

City: GRANTS PASS State: OR Zip: 97527 Day Phone: 846-7231

B. Land and Location

Please provide information as requested below for all tax lots on or through which water will be diverted, conveyed, or used. Check "diverted" if water is diverted (taken) from its source on tax lot, "conveyed" if water is conveyed (transported) on tax lot, and "used" if water will be put to beneficial use on tax lot. More than one box may be checked. (Attach extra sheets as necessary.) 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.

Tax Lot I.D.	Plan Designation (e.g. Rural Residential/RR-5)	Water to be: (check all that apply)		
<u>601</u>	<u>EFU</u>	☐ Diverted	☐ Conveyed	☒ Used
<u>900/901</u>	<u>EFU</u>	☐ Diverted	☒ Conveyed	☐ Used
	<u>T37-R5-S36</u>	☐ Diverted	☐ Conveyed	☐ Used

List counties and cities where water is proposed to be diverted, conveyed, or used. JACKSON / JOSEPHINE

C. Description of Water Use

Indicate what the water will be used for. Include the beneficial use (found in the instruction booklet for your water right application) and use the space below to describe the key characteristics of the project.

Beneficial Use(s): IRRIGATION

Briefly describe: LIVESTOCK PASTURE AND HAY PRODUCTION

Application No. 81987
Permit No.

D. Source

Indicate the source for the proposed water use:

☒ Reservoir/Pond ☐ Ground Water ☐ Surface Water _____ (source)

E. Quantity

Indicate the estimated quantity of water the use will require:

90 ☐ CFS ☐ GPM ☒ Acre-Feet

Receipt for Request for Land Use Information

State of Oregon
Water Resources Department
Commerce Bldg.
158 12th St. NE
Salem, OR 97310-0210
(503)378-8455

For Local Government Use Only

The following section must be completed by a planning official from each county and city listed unless your project will be located entirely within the city limits. In this case, only the city planning agency must complete this form. Please request additional forms as needed or feel free to copy.

A. Allowed Use

Check the appropriate box below and provide requested information.

- ☒ Land uses to be served by proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): 64.02(A). Go to section B "Approval" below
- ☐ Land uses to be served by proposed water uses (including proposed construction) involve discretionary land use approvals as listed in the table below.

Type of Land Use Approval Needed (e.g. plan amendments, rezones, conditional use permits, etc.)	Cite Most Significant, Applicable Plan Policies & Ordinance Section References	Check the item that applies: Land Use Approval:	
		☐ Obtained ☐ Denied	☐ Being pursued ☐ Not being pursued
		☐ Obtained ☐ Denied	☐ Being pursued ☐ Not being pursued
		☐ Obtained ☐ Denied	☐ Being pursued ☐ Not being pursued
		☐ Obtained ☐ Denied	☐ Being pursued ☐ Not being pursued
		☐ Obtained ☐ Denied	☐ Being pursued ☐ Not being pursued

Note: Please attach documentation of applicable local land use approvals which have already been obtained. (Record of Action plus accompanying findings is sufficient.)

B. Approval

Please provide printed name and written signature.

Name: Terri Dickerson Date: 2-14-97
 Title: Code Administrator Phone: 474-5425
 Signature: Terri Dickerson

C. Additional Comments

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

The use of the pond for private recreation
& agricultural is an outright permitted
use. No commercial use allowed.

Note: If this form cannot be completed while the applicant waits, sign and detach the receipt stub as instructed below. You will have 30 days from the Water Resources Department's notice date to return the completed Land Use Information Form or WRD will presume the land use associated with the proposed water right is compatible with local comprehensive plans. (See attached letter.)

Receipt for Request for Land Use Information

Name of water right applicant: _____

This receipt must be signed by a local government representative and returned to the applicant at the time they present this form. This receipt must be included in the application for a water right permit if the local government cannot provide the requested land use information while the applicant waits.

City or County: _____

Staff contact: _____ Phone: _____

Signature: _____ Date: _____

RECEIVED

FEB 24 1997

WATER RESOURCES DEPT.
SALEM, OREGON

STATE OF OREGON
COUNTY OF JACKSON
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

JACK A. BENNETT
1330 EAST PARK STREET
GRANTS PASS, OREGON 97526

81987

confirms the right to use the waters of APPLEGATE LAKE RESERVOIR CONSTRUCTED UNDER PERMIT R-7810, a tributary of APPLEGATE RIVER, for the purpose of SUPPLEMENTAL IRRIGATION OF 29.8 ACRES.

The right has been perfected under Permit 46735. The date of priority is MAY 11, 1982. The right is limited to 30.0 ACRE-FEET OF STORED WATER ONLY, or its equivalent in case of rotation, measured at the point of diversion from the source.

The points of diversion are located as follows:

SW 1/4 SW 1/4, SECTION 6, T 38 S, R 4 W, W.M.; 4000 FEET SOUTH AND 80 FEET EAST FROM THE NW CORNER OF SECTION 6. APPLEGATE DAM LOCATED WITHIN S 1/2 SE 1/4, SECTION 25, T 40 S, R 4 W, W.M.

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 not to exceed 4.5 acre-feet per acre for each acre irrigated during the irrigation season of each year. This right is limited to any deficiency in the available supply of any prior right existing for the same land and shall not exceed the limitation allowed herein. This right is subject to the terms and conditions of Contract No. 1-07-10-W0308, or a satisfactory replacement, between the Bureau of Reclamation and the applicant, a copy of which is on file in the records of the Water Resources Department.

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

A description of the place of use under the right, and to which such right is appurtenant, is as follows:

SW 1/4 NE 1/4 1.8 ACRES
SE 1/4 NW 1/4 28.0 ACRES
SECTION 36
TOWNSHIP 37 SOUTH, RANGE 5 WEST, W.M.

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 this date OCTOBER 29, 1990.

John Borden, Deputy
Water Resources Director

Recorded in State Record of Water Right Certificates numbered 64932

61921.SB

ATTACHMENT "A"

RECEIVED

FEB 24 1997

WATER RESOURCES DEPT.
SALEM, OREGON

The Northeast Quarter of the Northwest Quarter and that portion of the Northwest Quarter of the Northeast Quarter lying Northwest of the county road as now established, all in Section 36, Township 37 South, Range 5 West of the Willamette Meridian, Josephine County, Oregon. EXCEPTING THEREFROM the following: A parcel of land in the Northwest Quarter of the Northeast Quarter of Section 36, Township 37 South, Range 5 West of the Willamette Meridian, Josephine County, Oregon, more particularly described as follows: Commencing at the Northeast corner of the Northwest Quarter of the Northeast Quarter of said Section 36; thence South 89°54'00" West 20.00 feet along the North line of said Section 36 to a point on the Westerly right of way line of Missouri Flat Road, which is the true point of beginning; thence South 89°54'00" West 262.89 feet along the North line of said Section 36 to an iron rod; thence South 16° West 943.83 feet to an iron rod; thence South 24°11'00" West 429.57 feet to an iron rod on the Northwesterly right of way line of Kubli Road; thence Northeasterly along the Northwesterly right of way of Kubli Road to the Westerly right of way line of Missouri Flat Road; thence Northerly along the Westerly right of way line of Missouri Flat Road to the true point of beginning.

TAX LOT #601

Application No. 81987
Permit No.

RECEIVED

Grants Pass, OR.
February 9, 1997

FEB 24 1997

Oregon Water Resources Department
158 12th St. NE
Salem, OR 97310-0210

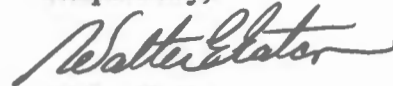
WATER RESOURCES DEPT.
SALEM, OREGON

Dear Sir:

Please find enclosed my application for a permit to use water from the Applegate River system. I believe I have provided all the information and documentation needed for this request, however, if more is needed please call or contact me.

Thankyou for your time and consideration.

Respectfully;



Walter E. Eaton

W.E. Eaton
242 Missouri Flat Rd
Grants Pass, OR 97527
(541) 846-7231

W. EATON
242 Missouri Flat Rd
Grants Pass, OR 97527



Mr. Cong C. Engel
Water Resources Department
158 12TH Street NE

9739731010703





Oregon Water Resources Department

Application for a Permit to Use Surface Water

RECEIVED

FEB 24 1997

WATER RESOURCES DEPT.
SALEM, OREGON

Please type or print in dark ink. If your application is found to be incomplete or inaccurate, we will return it to you. If any requested information does not apply to your application, insert "n/a." Please read and refer to the instruction booklet when completing your application. Thank you.

1. Applicant Information

A. Individuals

(If more than one person is applying, please attach a sheet providing the information below for each person applying.)

Name: EATON WALTER E
Last First MI

Mailing address: 242 MISSOURI FLAT ROAD
GRANTS PASS OR 97527
City State Zip

Phone: (541) 846-7231 N/A
Home Work Other

*Fax: N/A *E-Mail address: N/A

B. Organizations

(Corporations, associations, firms, partnerships, joint stock companies, cooperatives, public and municipal corporations.)

Name of organization: _____

Name and title of person applying: _____

Mailing address of organization: _____

City State Zip

Phone: _____
Day Evening

*Fax: _____ *E-Mail address: _____

*Optional information

For Department Use

App. No. S-81987 Permit No. _____ Date 2/24/97

2. Location and Source

The Department cannot process your application without accurate information showing the source of water and location of water use. You must attach a map to this application form that clearly indicates the township, range, section, and quarter/quarter section of the proposed points of diversion and place of use. The map must provide tax lot numbers. See page 3 in the instruction booklet for detailed map specifications. In addition, please provide the following information:

A. County

In what county is the use proposed? JOSEPHINE

In what county is the diversion proposed? JACKSON

B. River Basin

(see instruction booklet page 3 for list): #15 ROGUE

C. The 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 RIVER Tributary to: ROGUE RIVER

Source 2: APPLEGATE LAKE Tributary to: APPLEGATE RIVER

Source 3: _____ Tributary to: _____

Source 4: _____ Tributary to: _____

D. Property Ownership

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

☒ Yes (Skip to section no. 3 "Water Use")

☐ No Please check the appropriate box below, and on a separate sheet of paper list the names and addresses of all affected landowners.**

☐ I have a recorded easement or written authorization permitting access.

☐ I do not currently have written authorization or easement permitting access.

**If more than 25 landowners are involved, a list is not required. See page 4 in the instruction booklet for more details.

4. Water Management

A. Diversion

What method will you use to divert water from the source?

- ☒ Pump (give horsepower and pump type) 25 HP ELECTRIC CENTRIFUGAL
FROM EXISTING IRRIGATION DITCH.
- ☐ Head-gate (give dimensions) _____
- ☒ Other means (describe) WATER DIVERTED FROM SOURCE BY EXISTING
NORTHSIDE APPELEGATE RIVER DITCH

B. Monitoring

How will you monitor your diversion to be sure you are within the limits of your water right (allowed rate and duty) and you are not wasting water?

- ☒ Weir ON DITCH ☐ Meter ☐ Periodic Sampling
- ☒ Other (describe) CALCULATE RATE OF APPLICATION VIA SPRINKLER SYSTEM.

C. Transport

How will you transport water to your place of use?

- ☒ Ditch, canal (give average width and depth):
Width 8 feet Depth 3 feet
EXISTING NORTHSIDE APPELEGATE RIVER DITCH.
Is the ditch or canal to be lined? ☐ Yes ☒ No
- ☒ Pipe (give diameter and total length)
Diameter(s) 6" Length 2300 FEET
- Other (describe) _____

D. Application/Distribution Method

What equipment will you use to apply water to your place of use?

Irrigation or land application method (check all that apply):

- ☐ Flood ☐ High-pressure sprinkler ☐ Low pressure sprinkler
- ☐ Drip ☐ Water cannons ☐ Center pivot system
- ☒ Hand lines ☐ Wheel lines
- ☐ Siphon tubes or gated pipe with furrows
- ☐ Other, describe _____

Distribution method

- ☒ In-line storage (tank or pond) ☒ Direct pipe from source ☐ Open canal

FEB 24 1997

WATER RESOURCES DEPT.
SALEM, OREGON

E. Conservation

What methods will you use to conserve water? Why did you choose this distribution or application method? Have you considered other methods to transport, apply, distribute or use water? For example, if you are using sprinkler irrigation rather than drip irrigation, explain.

1. ELECTRIC TIMER ON PUMP TO CONTROL PUMPING HOURS.
2. I CHOOSE THIS METHOD FOR DISTRIBUTION/APPLICATION BECAUSE IT IS CONSISTANT WITH EXISTING PRACTICE AND EQUIPMENT/SYSTEM IS CURRENTLY EXISTING
3. No
4. SPRINKLER SYSTEM IS CURRENTLY IN USE.

5. Resource Protection

Protection Practices

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 Appendix A in the instruction booklet for a list of possible permit requirements from other agencies. Please indicate any of the following 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: CURRENTLY BEING ACCOMPLISHED VIA STRUCTURE OF NORTHSIDE APPLEGATE RIVER DITCH.

☒ Excavation or clearing of banks will be kept to a minimum to protect riparian or streamside areas. Describe planned actions: NONE WILL BE REQUIRED

☒ Operating equipment in a water body will be managed and timed to prevent damage to aquatic life. Describe: NONE REQUIRED

☒ Water quality will be protected by preventing erosion and runoff of waste or chemical products. Describe: USAGE WILL BE CONTROLLED TO PREVENT RUNOFF.

☐ Other: LAND IS PLANTED IN PASTURE GRASS. PLANTS PROTECT AGAINST EROSION. CHEMICAL USE IS MINIMIZED.

6. Project Schedule

Proposed date construction will begin SYSTEM CURRENTLY EXISTS

Proposed date construction will be completed SYSTEM CURRENTLY EXISTS

Proposed date beneficial water use will begin JULY 1ST 1997

7. Remarks

If you would like to clarify any information you have provided in the application, please do so here and reference the specific application question you are addressing.

I am currently irrigating 80 acres. This application is for Primary and Secondary rights to 10 additional acres, and Secondary rights to 10 acres of the existing 80 acres.

Diversion, Ditches, Pumps, Pipelines are all currently existing to irrigate the 80 acres. Irrigating the 10 additional acres would be accomplished by head lines off the existing system.

Signature

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.
- If I receive a permit, I must not waste water.
- If development of the water use is not according to the terms of the permit, the permit can be cancelled.
- The water use must be compatible with local comprehensive land use plans.
- Even if the Department issues a permit to me, I may have to stop using water to allow senior water right holders to get water they are entitled to, and

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



Signature of Applicant



Date

Signature of Co-applicant

Date

Before submitting this application, have you:

- Answered every question?
- Included a Land Use Information Form or receipt stub signed by a local official?
- Attached a legible map that meets all the necessary criteria?
- Included a check made out to WRD for at least the amount of the application fee?

3. Water Use

Please read the instruction booklet for more details on "type of use" definitions, how to express the amount of water you need and how to identify the water source you propose to use. You must fill out a supplemental form for some uses as they require specific information for that type of use.

A. Type(s) of Use(s)

(See page 3 in the instruction booklet for a list of Beneficial Uses.)

IRRIGATION

- If your proposed use is domestic, indicate the number of households to be supplied with water: N/A
- If your proposed use is irrigation, please attach Form I
- If your proposed use is mining, attach Form R
- If your proposed use is municipal, attach Form M
- If your proposed use is commercial/industrial or quasi-municipal, attach Form Q

B. Amount of Water

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):

Source	Use	Amount
<u>APPLEGATE RIVER</u>	<u>IRRIGATION</u>	<u>.22</u> ☒ cfs ☐ gpm ☐ af
<u>APPLEGATE LAKE</u>	<u>IRRIGATION</u>	<u>90</u> ☐ cfs ☐ gpm ☒ af
		☐ cfs ☐ gpm ☐ af
		☐ cfs ☐ gpm ☐ af

(1 cfs equals 448.8 gpm. 1 acre-foot equals 325,851 gallons or 43,560 cubic feet)

C. Season of Use

Indicate the time of year you propose to use the water (for seasonal uses such as irrigation, give dates when water use would begin and end):

~~BEGIN~~ ~~END~~ ~~15TH~~ ~~NOV~~ ~~END~~ ~~15TH~~
BEGIN APRIL 1ST END OCT 31ST

D. Acreage

If you will be applying water to land, indicate the total number of acres where water will be applied or used:

20 ACRES

SECTION 36 T.37S. R.5W. W.M. RECEIVED

This map was prepared for assessment purpose only.

JOSEPHINE COUNTY

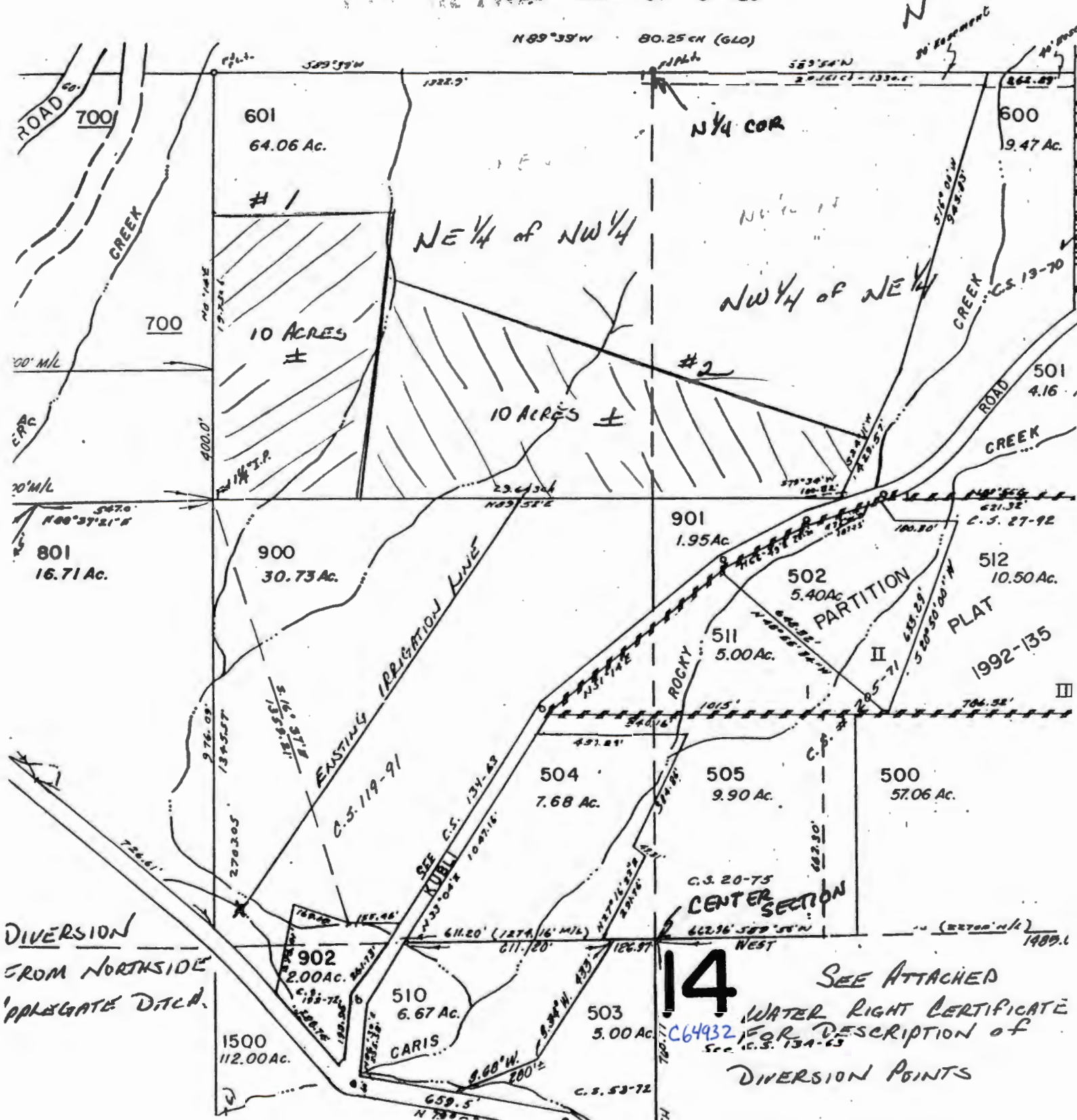
1" = 400'

FEB 24 1997

WATER RESOURCES DEPT.
SALEM, OREGON

Application No. 81987

SEE MAP 37 5 25



DIVERSION
FROM NORTHSIDE
APPLEGATE DITCH

14
SEE ATTACHED
WATER RIGHT CERTIFICATE
FOR DESCRIPTION OF
DIVERSION POINTS

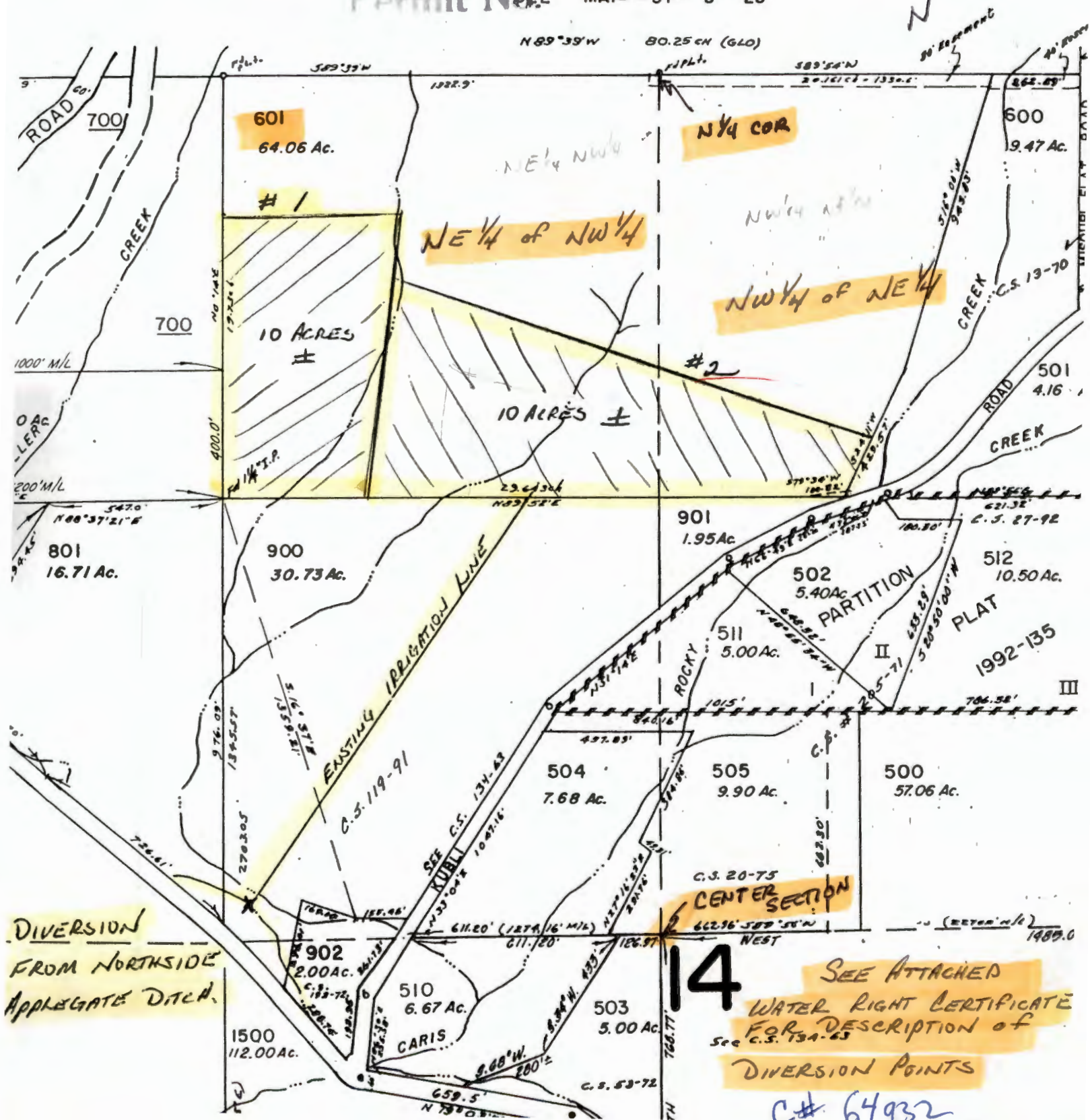
RECEIVED

JOSEPHINE COUNTY

WATER RESOURCES DEPT.
SALEM, OREGON

010 2678

Permit No. **53379** D.E. MAP 37 5 25



**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

RECEIPT # **19829**

158 12TH ST. N.E.
SALEM, OR 97310-0210
378-8455 / 378-8130 (FAX)

INVOICE # _____

RECEIVED FROM: Walter E. Eaton
BY: _____

APPLICATION	81987
PERMIT	
TRANSFER	

CASH: ☐ CHECK: # 476-7451 OTHER: (IDENTIFY) ☐ _____

TOTAL REC'D \$ 120.00

0417 WRD MISC CASH ACCT

ADJUDICATIONS

\$

PUBLICATIONS / MAPS

\$

OTHER: (IDENTIFY) _____

\$

OTHER: (IDENTIFY) _____

\$

REDUCTION OF EXPENSE

CASH ACCT.

\$

PCA AND OBJECT CLASS

VOUCHER #

0427 WRD OPERATING ACCT

PCA 66111

MISCELLANEOUS

0407 COPY & TAPE FEES

\$

0410 RESEARCH FEES

\$

0408 MISC REVENUE: (IDENTIFY) _____

\$

(ew) TC165 DEPOSIT LIAB. (IDENTIFY) _____

\$

(isting) TC168

WATER RIGHTS:

EXAM FEE

RECORD FEE

0201 SURFACE WATER

\$

0202

\$ 120.00

0203 GROUND WATER

\$

0204

\$

0205 TRANSFER

\$

0206

\$

WELL CONSTRUCTION

EXAM FEE

LICENSE FEE

0218 WELL DRILL CONSTRUCTOR

\$

0219

\$

LANDOWNER'S PERMIT

0220

\$

OTHER (IDENTIFY) _____

0437 WELL CONST. START FEE

0211 WELL CONST START FEE

\$

CARD #

0210 MONITORING WELLS

\$

CARD #

OTHER (IDENTIFY) _____

0539 LOTTERY PROCEEDS

1302 LOTTERY PROCEEDS

\$

0467 HYDRO ACTIVITY

LIC NUMBER

0233 POWER LICENSE FEE (FW/WRD)

\$

0231 HYDRO LICENSE FEE (FW/WRD)

\$

HRDRO APPLICATION

\$

RECEIPT # **19829**

DATED: 3-20-98 BY: D. Bushnell

Distribution: White Copy: Customer Yellow Copy: Fiscal Blue Copy: File Buff Copy: Fiscal

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

RECEIPT # **10320**

158 12TH ST. N.E.
SALEM, OR 97310-0210
378-8455 / 378-8130 (FAX)

INVOICE # _____

RECEIVED FROM: Walter E. Eaton

BY: _____

APPLICATION	581987
PERMIT	
TRANSFER	

CASH: ☐ CHECK: # X 96-7451 OTHER: (IDENTIFY) ☐

TOTAL REC'D \$ 700.00

0417 WRD MISC CASH ACCT

ADJUDICATIONS

\$

PUBLICATIONS / MAPS

\$

OTHER: (IDENTIFY)

\$

OTHER: (IDENTIFY)

\$

REDUCTION OF EXPENSE

CASH ACCT.

\$

PCA AND OBJECT CLASS

VOUCHER #

0427 WRD OPERATING ACCT

MISCELLANEOUS

0407 COPY & TAPE FEES

\$

0410 RESEARCH FEES

\$

0408 MISC REVENUE: (IDENTIFY)

\$

TC165 DEPOSIT LIAB. (IDENTIFY)

\$

WATER RIGHTS:

0201 SURFACE WATER

EXAM FEE
\$ 200.00

0202

RECORD FEE
\$ 0

0203 GROUND WATER

\$

0204

\$

0205 TRANSFER

\$

0206

\$

WELL CONSTRUCTION

0218 WELL DRILL CONSTRUCTOR

EXAM FEE
\$

0219

LICENSE FEE
\$

LANDOWNER'S PERMIT

0220

\$

OTHER (IDENTIFY)

0437 WELL CONST. START FEE

0211 WELL CONST START FEE

\$

CARD #

0210 MONITORING WELLS

\$

CARD #

OTHER (IDENTIFY)

0539 LOTTERY PROCEEDS

1302 LOTTERY PROCEEDS

\$

0467 HYDRO ACTIVITY

LIC NUMBER

0233 POWER LICENSE FEE (FWWRD)

\$

\$

0231 HYDRO LICENSE FEE (FWWRD)

\$

\$

HRDRO APPLICATION

\$

RECEIPT # **10320**

DATED: 2-24-97

BY: Melvin Jung

NEW APPLICATION ROUTING SLIP

RECEIPTING 2-28-97 ant

DATA CENTER 2-27-97 SC

~~FRED LISSNER~~ _____

WR DATA ENTRY 2-27-97 gwy

INITIAL REVIEW CE 6/23/97

WR SUPPORT 3/3/97

000221

NUMBER

Check 120 Mo _____ Cash _____

- ☒ Surface Application 81987 0/120
☐ Reservoir Application
☐ Ground Water Application
☐ Transfer Application
☐ PFO Request
☐ Research
☐ Hydroelectric Fees
☐ Copying
☐ Assignment
☐ Extension of Time
☐ Protest
☐ Other
- Dong B.*