

Name Leslie C. and Rachael A. Martin S-88655  
By 11777 Highway 238  
Addre Jacksonville Or. 97530

Application No. S-88655  
Permit No. 5.55202  
Certificate No. \_\_\_\_\_

**FEES PAID**

| Date    | Amount     | Receipt No. |
|---------|------------|-------------|
| 8-6-18  | \$1,342.40 | 127563      |
| 4/24/19 | 520.00     | 129604      |
| 7-10-23 | 230.00     | 141123      |
|         |            |             |
|         |            |             |
|         | Cert. Fee  |             |

\_\_\_\_\_ 2024 \_\_\_\_\_  
\_\_\_\_\_

Priority AUGUST 6, 2018  
County JACKSON WM# 13

Date  
DENIED \_\_\_\_\_  
MISFILED \_\_\_\_\_ Volume Page  
WITHDRAWN \_\_\_\_\_  
CANCELLED \_\_\_\_\_

**FEES REFUNDED**

| Date | Amount | Receipt No. |
|------|--------|-------------|
|      |        |             |
|      |        |             |
|      |        |             |

**RELATED FILES**

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

**ASSIGNMENTS**

| Date | To Whom | Address |
|------|---------|---------|
|      |         |         |
|      |         |         |
|      |         |         |
|      |         |         |
|      |         |         |
|      |         |         |
|      |         |         |

**DEVELOPMENT**

Date

Completion 5/8/2024  
Extended to \_\_\_\_\_  
Final Proof received \_\_\_\_\_  
Proposed Cert. Mailed \_\_\_\_\_

**REMARKS**

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

**MAP LOCATION**

KS 8/13/2018



STATE OF OREGON  
WATER RESOURCES DEPARTMENT

RECEIPT # **129606**

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

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

RECEIVED FROM:

BY: Thompson Creek Winery LLC; dba Red Lily Vineyards

APPLICATION 5-88655  
PERMIT  
TRANSFER

CASH: ☐ CHECK: ☒ 4249 OTHER: (IDENTIFY) ☐  
TOTAL REC'D \$ 520.00

**1083 TREASURY 4170 WRD MISC CASH ACCT**

0407 COPIES \$  
OTHER: (IDENTIFY) \$

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

**4270 WRD OPERATING ACCT**

**MISCELLANEOUS**

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

**WATER RIGHTS:**

0201 SURFACE WATER EXAM FEE \$ 0202 RECORD FEE \$ 520.00  
0203 GROUND WATER \$ 0204 \$  
0205 TRANSFER \$

**WELL CONSTRUCTION**

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

OTHER (IDENTIFY)

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

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

**0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER**

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

**TREASURY OTHER / RDX**

FUND TITLE  
OBJ. CODE VENDOR #  
DESCRIPTION \$

RECEIPT: **129606**

DATED: 4/24/19 BY: C. Wettrich

Distribution - White Copy - Customer, Yellow Copy - Fiscal, Blue Copy - File, Buff Copy - Fiscal

Sterling Savings Bank Recording fee re BOR Contract 199E101984

OWRD

APR 24 2019

RECEIVED

Thompson Creek Winery LLC • dba Red Lily Vineyards  
Oregon Water Resources Department  
Date 4/16/2019 Type Bill Reference  
Original Amt. 520.00 Balance Due 520.00  
Check Amount 520.00 Payment 520.00  
4249



STATE OF OREGON  
WATER RESOURCES DEPARTMENT

725 Summer St. N.E. Ste. A

SALEM, OR 97301-4172

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

RECEIPT # 127563

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

RECEIVED FROM:

BY:

CASH:

CHECK #

OTHER: (IDENTIFY)

☐
☒
☐

APPLICATION

PERMIT

TRANSFER

TOTAL REC'D

\$ 1342.40

1083 TREASURY 4170 WRD MISC CASH ACCT

0407 COPIES

\$

OTHER: (IDENTIFY)

\$

0243 I/S Lease

0244 Muni Water Mgmt. Plan

0245 Cons. Water

4270 WRD OPERATING ACCT

MISCELLANEOUS

0407 COPY & TAPE FEES

\$

0410 RESEARCH FEES

\$

0408 MISC REVENUE: (IDENTIFY)

\$

TC162 DEPOSIT LIAB. (IDENTIFY)

\$

0240 EXTENSION OF TIME

\$

WATER RIGHTS:

EXAM FEE

\$ 1,342.40

0202

RECORD FEE

\$

0201 SURFACE WATER

0203 GROUND WATER

0204

\$

0205 TRANSFER

\$

WELL CONSTRUCTION

EXAM FEE

\$

0219

LICENSE FEE

\$

0218 WELL DRILL CONSTRUCTOR

LANDOWNER'S PERMIT

0220

\$

OTHER (IDENTIFY)

0536 TREASURY 0437 WELL CONST. START FEE

0211 WELL CONST START FEE

\$

CARD #

0210 MONITORING WELLS

\$

CARD #

OTHER (IDENTIFY)

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

0233 POWER LICENSE FEE (FW/WRD)

\$

0231 HYDRO LICENSE FEE (FW/WRD)

\$

HYDRO APPLICATION

\$

TREASURY OTHER / RDX

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

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

DESCRIPTION \_\_\_\_\_

\$

RECEIPT: 127563

DATED: 8/6/18

BY: [Signature]

Distribution - White Copy - Customer, Yellow Copy - Fiscal, Blue Copy - File, Buff Copy - Fiscal

Sterling Savings Bank Permit fee

www.BUSINESSCHECKONLINE.com

1,342.40

Permit fee

8/3/2018

1,342.40

4004

Oregon Water Resources Department

Thompson Creek Winery LLC • dba Red Lily Vineyards

RECEIVED

AUG 06 2018

OWRD





# Oregon

Tina Kotek, Governor

## Water Resources Department

725 Summer St NE, Suite A

Salem, OR 97301

(503) 986-0900

[www.oregon.gov/owrd](http://www.oregon.gov/owrd)

7/11/2023

Leslie and Rachel Martin  
11777 Hwy 238  
Jacksonville, OR 97530

On July 10<sup>th</sup>, 2023, the Water Resources Department received the Claim of Beneficial Use (COBU) for the following file:

Application S-88655 Permit S-55202

The COBU included a report and map. In the future the Department will review your submittal. At that time we will review these items and provide a final certificate, proposed certificate, or a request for additional information.

If you are interested in having your COBU reviewed sooner, you may pay to have your file processed immediately, using the Reimbursement Authority program, which is described at: <https://www.oregon.gov/owrd/programs/WaterRights/RA/Pages/default.aspx>

Customer Service phone: (503) 986-0900

Enclosed is your receipt for the \$230.00 COBU recording fee.

If you sell the property, please contact the Department, or have the new owners contact the Department about the need to file an assignment.

Cc: file S-88655



# Checklist for Claims of Beneficial Use Received at CSG Counter

|                             |                          |
|-----------------------------|--------------------------|
| Application #: S-88655      | WRD Reviewer: Nick Reece |
| Transfer #:                 |                          |
| Date Received: 7/10/2023    |                          |
| CWRE Name: Rick Parsons     |                          |
| Priority Date (s): 8/6/2018 |                          |

## Fees Required:

- ☒ YES ☐ NO ☐ A fee of \$230 must accompany this form for permits with priority dates of July 9, 1987, or later.
- ☐ YES ☒ NO ☒ A fee of \$230 must accompany this form for any transfers including a water right with a priority date of July 9, 1987, or later.
- Example – A transfer involves 5 rights and one of the rights has a priority date of July 9, 1987, or later, the fee is required.

Fill in App or Transfer Number

## Map Review:

- ☒ Map on polyester film (OAR 690-014-0170(1) & 310-0050(1)(b))
- ☒ Application & permit #; or transfer # (OAR 690-014-0100(1))
- ☒ Disclaimer (OAR 690-014-0170(5))
- ☒ North arrow (OAR 690-310-0050(2)(c))
- ☒ CWRE stamp and signature (OAR 690-014 & 310-0050)
- ☒ Appropriate scale (1" = 1320', 1" = 400', or the original full-size scale of the county assessor map) (014 & 310)
- ☒ Township, range, section, and tax lot numbers (OAR 690-310-0050(4))

## Report Review:

- ☒ On form provided by the Department (OAR 690-014-0100(1))
- ☒ Application & permit #; or transfer # (OAR 690-014)
- ☒ Ownership information (OAR 690-014)
- ☒ Date of survey (OAR 690-014)
- ☒ Person interviewed (OAR 690-014)
- ☒ County (OAR 690-014)
- ☒ CWRE stamp and signature (OAR 690-014-0100)
- ☒ Signature(s) of all permittee of transfer holder (OAR 690-014-0100)

| MONEY SLIP               |                                |                             |                |
|--------------------------|--------------------------------|-----------------------------|----------------|
| DATE:                    | RECEIPT #:                     |                             |                |
| RECEIVED FROM:           |                                | APPLICATION PERMIT TRANSFER |                |
| CASH                     | CHECK #                        | OTHER IDENTIFY              | TOTAL RECEIVED |
| <input type="checkbox"/> | <input type="checkbox"/>       | <input type="checkbox"/>    |                |
| 0001 TREASURY            |                                | 4770 MISC CASH ADCT.        |                |
| 0407                     | COPIES                         | 0001                        |                |
| 0001                     | OTHER                          | 0001                        |                |
| 0203 Interest & Lease    |                                | 0204 State Water Right Plan |                |
| 0001                     |                                | 0205 Cont. Water            |                |
| 0001 TREASURY            |                                | 4770 MISC OPERATIONS ADCT.  |                |
| 0407                     | MISCELLANEOUS COPY & TAMP FEES | 4611                        |                |
| 0410                     | RESEARCH FEES                  |                             |                |
| 0408                     | MISC REVENUE (IDENTIFY)        |                             |                |
| 10102                    | DISPOST (MISC IDENTIFY)        |                             |                |
| 0240                     | EXTENSION OF TIME              |                             |                |
| WATER RIGHTS             |                                | EXAM FEE                    | RECORD FEE     |
| 0201                     | SURFACE WATER                  |                             |                |
| 0202                     | GROUND WATER                   |                             |                |
| 0203                     | TRANSFER                       |                             |                |
| WELL CONSTRUCTION        |                                | EXAM FEE                    | RECORD FEE     |
| 0210                     | WELL DRILL CONSTRUCTION        |                             |                |
| 0211                     | LANDOWNER'S PERMIT             |                             |                |
| 0212                     | OTHER (IDENTIFY)               |                             |                |
| 0200                     | 0200                           | COBU                        | 222.00         |
| 0001 TREASURY            |                                | 0407 HYDROLOGIC FEE         |                |
| 0220                     | PUMP LICENSE FEE (PUMPING)     | LOC NUMBER                  |                |
| 0221                     | HYDRO LICENSE FEE (PUMPING)    |                             |                |
| HYDRO APPLICATION        |                                |                             |                |
| SPECIAL INSTRUCTIONS:    |                                |                             |                |

☐ RETURN TO APPLICANT - LETTER ATTACHED

## Groundwater File Review:

- ☐ Pump Test not required (Priority Date prior to December 20, 1988) \*If no, include pump test flyer w/acknowledgment letter
- ☐ Pump Test required (Priority Date on or after December 20, 1988)
- ☐ Pump Test submitted
- ☐ Pump Test not submitted



**STATE OF OREGON  
WATER RESOURCES DEPARTMENT**

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

RECEIPT # **141123**

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

RECEIVED FROM: Parsons Water Consulting, LLC  
BY: \_\_\_\_\_

|             |         |
|-------------|---------|
| APPLICATION | S-88655 |
| PERMIT      | S-55202 |
| TRANSFER    |         |

CASH: ☐ CHECK: # 1301 OTHER: (IDENTIFY) ☐

TOTAL REC'D \$ 230.00

**1083 TREASURY 4170 WRD MISC CASH ACCT**

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

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

**4270 WRD OPERATING ACCT**

**MISCELLANEOUS**

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

**WATER RIGHTS:**

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

**WELL CONSTRUCTION**

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

0250 OTHER (IDENTIFY) COBU 230.00

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

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

**0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER**

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

**TREASURY OTHER / RDX**

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

RECEIPT: **141123**

DATED: 7-10-23

BY: mcalik



**CLAIM OF  
BENEFICIAL USE  
for Surface Water Permits  
claiming more than 0.1 cfs**



**Oregon Water Resources Department**  
725 Summer Street NE, Suite A  
Salem, Oregon 97301-1266  
(503) 986-0900  
[www.oregon.gov/OWRD](http://www.oregon.gov/OWRD)

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**A fee of \$230 must accompany this form for permits  
with priority dates of July 9, 1987, or later.**

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

*In cases where a permit has been amended through the permit amendment process, a separate claim for the permit amendment is not required. Incorporate the permit amendment into the claim for the permit.*

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

Go to "Resources for Water Right Examiners (CWRE)" Page  
<https://www.oregon.gov/OWRD/programs/WaterRights/COBU/Pages/default.aspx>

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

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

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

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

The Department has a program that allows it to enter into a voluntary agreement with an applicant for expedited services. Under such an agreement, the applicant pays the cost to hire additional staff that would not otherwise be available. This program means a certificate may be issued in about a month. For more information on this program see  
<https://www.oregon.gov/OWRD/programs/WaterRights/RA/Pages/default.aspx>

**SECTION 1**

**GENERAL INFORMATION**

**1. File Information:**

|                                 |                            |                                 |
|---------------------------------|----------------------------|---------------------------------|
| APPLICATION #<br><b>S-88655</b> | PERMIT #<br><b>S-55202</b> | PERMIT AMENDMENT #<br><b>T-</b> |
|---------------------------------|----------------------------|---------------------------------|



JUL 10 2023

## 2. Property Owner (current owner information):

OWRD

|   |                    |                                  |   |
|---|--------------------|----------------------------------|---|
| APPLICANT/BUSINESS NAME<br><b>LESLIE AND RACHAEL MARTIN</b> |                    | PHONE NO.<br><b>541.778.3982</b> | ADDITIONAL CONTACT NO.                    |
| ADDRESS<br><b>11777 HWY 238</b>                             |                    |                                  |   |
| CITY<br><b>JACKSONVILLE</b>                                 | STATE<br><b>OR</b> | ZIP<br><b>97530</b>              | E-MAIL<br><b>LES@REDLILYVINEYARDS.COM</b> |

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

## 3. Permit or holder of record (this may, or may not, be the current property owner):

|   |       |     |
|---|-------|-----|
| PERMIT HOLDER OF RECORD<br><b>SAME AS ABOVE</b> |       |     |
| ADDRESS   |       |     |
| CITY  | STATE | ZIP |

|                                    |       |     |
|------------------------------------|-------|-----|
| ADDITIONAL PERMIT HOLDER OF RECORD |       |     |
| ADDRESS                            |       |     |
| CITY                               | STATE | ZIP |

## 4. Date of Site Inspection:

MAY 7, 2023

## 5. Person(s) interviewed and description of their association with the project:

| NAME                  | DATE             | ASSOCIATION WITH THE PROJECT |
|-----------------------|------------------|------------------------------|
| <b>LESLIE MARTIN</b>  | <b>5/7/2023</b>  | <b>PERMIT HOLDER</b>         |
| <b>RACHAEL MARTIN</b> | <b>6/12/2023</b> | <b>PERMIT HOLDER</b>         |

## 6. County:

JACKSON

## 7. If any property described in the place of use of the permit final order is excluded from this report, identify the owner of record for that property (ORS 537.230(5)):

|                 |       |     |
|-----------------|-------|-----|
| OWNER OF RECORD |       |     |
| ADDRESS         |       |     |
| CITY            | STATE | ZIP |

Add additional tables for owners of record as needed



JUL 10 2023

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SECTION 2  
SIGNATURESCWRE Statement, Seal and Signature

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

Seal and Signature



|                           |             |                           |   |
|---------------------------|-------------|---------------------------|---|
| CWRE NAME<br>RICK PARSONS |             | PHONE NO.<br>541.499.0257 | ADDITIONAL CONTACT NO.<br>303.667.5067 (cell) |
| ADDRESS<br>1619 MINEAR RD |             |                           |   |
| CITY<br>MEDFORD           | STATE<br>OR | ZIP<br>97501              | CITY<br>MEDFORD                               |

Permit Holder of Record Signature or AcknowledgementEach permit holder of record must sign this form in the space provided below.

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

| SIGNATURE               | PRINT OR TYPE NAME | TITLE         | DATE    |
|-------------------------|--------------------|---------------|---------|
| <i>Leslie Martin</i>    | LESLIE MARTIN      | PERMIT HOLDER | 6-21-23 |
| <i>Rachael A Martin</i> | RACHAEL MARTIN     | PERMIT HOLDER | 6-29-23 |
|                         |                    |               |         |
|                         |                    |               |         |
|                         |                    |               |         |



**SECTION 3**  
**CLAIM DESCRIPTION**

**RECEIVED**  
**JUL 10 2023**  
**OWRD**

**1. Point of diversion name or number:**

|  |
|--|
| POINT OF DIVERSION (POD) NAME OR NUMBER<br>(CORRESPOND TO MAP) |
| <b>RED LILY POD</b>  |

**2. Point of diversion source and tributary:**

| POD<br>NAME OR NUMBER | SOURCE                     | TRIBUTARY              |
|-----------------------|----------------------------|------------------------|
| <b>RED LILY POD</b>   | <b>APPLEGATE RESERVOIR</b> | <b>APPLEGATE RIVER</b> |

**3. Developed use(s), period of use, and rate for each use:**

| POD<br>NAME OR NUMBER               | USES              | IF IRRIGATION,<br>LIST CROP TYPE     | SEASON OR MONTHS<br>WHEN WATER<br>WAS USED | ACTUAL RATE OR VOLUME<br>USED<br>(CFS, GPM, OR AF) |
|-------------------------------------|-------------------|--------------------------------------|--|--|
| <b>RED LILY POD</b>                 | <b>IRRIGATION</b> | <b>PASTURE, HAY,<br/>LANDSCAPING</b> | <b>APR - OCT</b>                           | <b>121.5 AFY</b>                                   |
| <b>Total Quantity of Water Used</b> |                   |                                      |  | <b>121.5 AFY</b>                                   |

**4. Provide a general narrative description of the distribution works.** This description must trace the water system from each point of diversion to the place of use:

**A 30 HP PUMP DIVERTS WATER FROM THE RIVER THROUGH A 10" DIAMETER SCREENED INTAKE STRUCTURE. WATER IS LIFTED ~65' FROM THE RIVER TO A 10 HP BOOSTER PUMP LOCATED ON THE SOUTH SIDE OF THE FOWLER OFFENBACHER DITCH THAT BISECTS THE PROPERTY. THIS LATTER PUMP LIFTS THE WATER ANOTHER 180' TO A POND AT THE TOP END OF THE DELIVERY SYSTEM. WATER IS DELIVERED TO THE S-55202 POU VIA A LATERAL FROM THE MAINLINE BETWEEN THE BOOSTER PUMP AND THE POND. THE LATERAL FEEDS INTO A DRIP IRRIGATION SYSTEM. THE POND CAN DELIVER WATER TO THE POU DOWN THE MAINLINE VIA GRAVITY IF THE PUMP AT THE RIVER IS NOT ACTIVE.**

**5. Variations:**

Was the use developed differently from what was authorized by the permit, or permit amendment final order? If yes, describe below.

YES ☐ NO ☒

**6. Claim Summary:**

| POD<br>NAME OR #    | MAXIMUM<br>RATE<br>AUTHORIZED | CALCULATED<br>THEORETICAL RATE<br>BASED ON SYSTEM | AMOUNT OF<br>WATER MEASURED | USE               | # OF ACRES<br>ALLOWED | # OF ACRES<br>DEVELOPED |
|---------------------|-------------------------------|---|-----------------------------|-------------------|-----------------------|-------------------------|
| <b>RED LILY POD</b> | <b>121.5 AFY</b>              | <b>600 GPM</b>                                    | <b>N/A</b>                  | <b>IRRIGATION</b> | <b>27</b>             | <b>27</b>               |
|                     |                               |   |                             |                   |                       |                         |



## SECTION 4

### SYSTEM DESCRIPTION

Are there multiple PODs?

YES ☒ NO

If "YES" you will need to copy and complete a separate Section 4 for each POD.

RECEIVED

POD Name or Number this section describes (only needed if there is more than one):

JUL 10 2023

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#### A. Place of Use

1. Is the right for municipal use?

YES ☒ NO

If "YES" the table below may be deleted.

| TWP                   | RNG | MER | SEC | QQ    | GLOT | DLC | USE   | IF IRRIGATION,<br># PRIMARY<br>ACRES | IF IRRIGATION, #<br>SUPPLEMENTAL<br>ACRES |
|-----------------------|-----|-----|-----|-------|------|-----|-------|--------------------------------------|---|
| 38S                   | 4W  | WM  | 25  | SW NE |      | 5   | IRRIG | 1.4                                  |   |
|                       |     |     |     | NE SW |      |     |       | 2.8                                  |   |
|                       |     |     |     | NW SE |      |     |       | 22.8                                 |   |
| Total Acres Irrigated |     |     |     |       |      |     |       | 27.0                                 |   |

Reminder: The map associated with this claim must identify Donation Land Claims (DLC), Government Lots (GLOT), Quarter Quarters (QQ), and if for irrigation, the number of acres irrigated within each projected DLC, GLOT, and QQ.

#### B. Diversion and Delivery System Information

Provide the following information concerning the diversion and delivery system. Information provided must describe the equipment used to transport and apply the water from the point of diversion to the place of use.

1. Is a pump used?

☒ YES ☐ NO

If "NO" items 2 through item 6 may be deleted.

2. Pump Information:

| MANUFACTURER | MODEL | SERIAL NUMBER | TYPE (CENTRIFUGAL, TURBINE OR<br>SUBMERSIBLE) | INTAKE SIZE | DISCHARGE<br>SIZE |
|--------------|-------|---------------|---|-------------|-------------------|
| BERKELEY     | B3ZPL | M.19467       | CENTRIFUGAL                                   | 10"         | 6"                |
|              |       |               |   |             |                   |

3. Motor Information:

| MANUFACTURER        | HORSEPOWER |
|---------------------|------------|
| BALDOR ELECTRIC CO. | 30 HP      |
|                     |            |



**4. Theoretical Pump Capacity:**

| HORSEPOWER | OPERATING PSI | LIFT FROM SOURCE TO PUMP | LIFT FROM PUMP TO PLACE OF USE | TOTAL PUMP OUTPUT (IN CFS) |
|------------|---------------|--------------------------|--------------------------------|----------------------------|
| 30         | 3000 PSI MAX  | 10 FT                    | 65 FT                          | 3.21                       |

**5. Provide pump calculations:**

$(HP)(EFFICIENCY) / \text{TOTAL DYNAMIC HEAD} = (30 * 8.02) / [\text{LIFT (10)} + \text{HEAD } ((25.6/0.433) * 1.1)] = 3.21 \text{ CFS}$   
 / 1439.7 GPM  
 7.89 EFFICIENCY BASED ON NEMA NOM. EFF. = 91

**6. Measured Pump Capacity (using meter if meter was present and system was operating):** N/A

| INITIAL METER READING | ENDING METER READING | DURATION OF TIME OBSERVED | TOTAL PUMP OUTPUT (IN CFS) |
|-----------------------|----------------------|---------------------------|----------------------------|
|                       |                      |                           |                            |

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

**7. Is the distribution system piped?**

YES NO

If "NO" items 8 through item 13 may be deleted.

**8. Mainline Information:**

| MAINLINE SIZE  | LENGTH  | TYPE OF PIPE                           | BURIED OR ABOVE GROUND |
|--|---------|--|------------------------|
| 6"   | 3000 FT | STEEL TO BOOSTER PUMP AND PVC TO POND. | UNDERGROUND            |
| LATERAL TO S-55202 POU AT ABOUT 1800 FT ALONG MAINLINE; BELOW POND |         |  |                        |

**9. Lateral or Handline Information:**

| LATERAL OR HANDLINE SIZE | LENGTH  | TYPE OF PIPE | BURIED OR ABOVE GROUND |
|--------------------------|---------|--------------|------------------------|
| 2"                       | 1800 FT | PVC          | UNDERGROUND            |
|                          |         |              |                        |
|                          |         |              |                        |

**10. Sprinkler Information:** N/A

| SIZE | OPERATING PSI | SPRINKLER OUTPUT (GPM) | TOTAL NUMBER OF SPRINKLERS | MAXIMUM NUMBER USED | TOTAL SPRINKLER OUTPUT (CFS) |
|------|---------------|------------------------|----------------------------|---------------------|------------------------------|
|      |               |                        |                            |                     |                              |
|      |               |                        |                            |                     |                              |
|      |               |                        |                            |                     |                              |

Reminder: For sprinkler output determination use the reference information at the end of this document.

**11. Drip Emitter Information:**

| SIZE | OPERATING PSI | EMITTER OUTPUT (GPM) | TOTAL NUMBER OF EMITTERS | MAXIMUM NUMBER USED | TOTAL EMITTER OUTPUT (CFS) |
|------|---------------|----------------------|--------------------------|---------------------|----------------------------|
|      |               | 0.0167               | 14761                    | 14761               | 0.55                       |



**12. Drip Tape Information: N/A**

| DRIPPER<br>SPACING IN<br>INCHES | GPM PER<br>100 FEET | TOTAL<br>LENGTH OF<br>TAPE | MAXIMUM<br>LENGTH OF TAPE<br>USED | TOTAL TAPE<br>OUTPUT<br>(CFS) | ADDITIONAL INFORMATION |
|---------------------------------|---------------------|----------------------------|-----------------------------------|-------------------------------|------------------------|
|                                 |                     |                            |                                   |                               |                        |

**13. Pivot Information: N/A**

| MANUFACTURER | MAXIMUM WETTED<br>RADIUS | OPERATING<br>PSI | TOTAL PIVOT<br>OUTPUT (GPM) | TOTAL PIVOT<br>OUTPUT (CFS) |
|--------------|--------------------------|------------------|-----------------------------|-----------------------------|
|              |                          |                  |                             |                             |

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**C. Storage**

1. Does the distribution system include in-system storage (e.g. storage tank, bulge in system / reservoir)?

YES

NO

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If "NO", item 2 and 3 relating to this section may be deleted.

If "YES" is it a:           Storage Tank  
                                    Bulge in System / Reservoir

YES  
YESNO  
NO

Complete appropriate table(s), unused table may be deleted.

**2. Storage Tank:**

| MATERIAL<br>(CONCRETE, FIBERGLASS, METAL, ETC.) | CAPACITY<br>(IN GALLONS) | ABOVE GROUND OR BURIED |
|---|--------------------------|------------------------|
|   |                          |                        |

**3. Bulge in System / Reservoir:**

| RESERVOIR NAME OR NUMBER<br>(CORRESPOND TO MAP) | APPROXIMATE DAM HEIGHT | APPROXIMATE CAPACITY (IN ACRE<br>FEET) |
|---|------------------------|--|
| P-81442 POND                                    | EXCAVATED              | 3.0                                    |

**D. Gravity Flow Pipe**

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

1. Does the system involve a gravity flow pipe? NOT SEPARATE FROM MAINLINE

YES

NO

If "NO", items 2 through 4 relating to this section may be deleted.

**E. Gravity Flow Canal or Ditch**

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

1. Is a gravity flow canal or ditch used to convey the water as part of the distribution system?

YES

NO

If "NO", items 2 through 4 relating to this section may be deleted.

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

|  |
|--|
|  |
|--|



## SECTION 5 CONDITIONS

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

### 1. Time Limits:

Permits and any extension final orders contain any or all of the following dates: the date when the actual construction work was to begin, the date when the construction was to be completed, and the date when the complete application of water to the proposed use was to be completed. These dates may be referred to as ABC dates. Describe how the water user has complied with each of the development timelines established in the permit or permit extension of time:

|                                   | DATE FROM PERMIT | DATE ACCOMPLISHED* | DESCRIPTION OF ACTIONS TAKEN BY WATER USER TO COMPLY WITH THE TIME LIMITS                      |
|-----------------------------------|------------------|--------------------|--|
| ISSUANCE DATE                     | 3/8/2019         |                    |  |
| BEGIN CONSTRUCTION (A)            | 3/8/2024         | 2018               | ENTIRE SYSTEM INSTALLED AND BENEFICIALLY USED IN LATE-SUMMER 2018 AND USED ANNUALLY SINCE THEN |
| COMPLETE CONSTRUCTION (B)         | 3/8/2024         | 2018               |  |
| COMPLETE APPLICATION OF WATER (C) | 3/8/2024         | 2019               |  |

\* MUST BE WITHIN PERIOD BETWEEN PERMIT OR ANY EXTENSION FINAL ORDER ISSUANCE AND THE DATE TO COMPLETELY APPLY WATER

### 2. Is there an extension final order(s)?

YES ☒ NO

If "NO", items a and b relating to this section may be deleted.

### 3. Measurement Conditions:

a. Does the permit, permit amendment, or any extension final order require the installation of a meter or approved measuring device?

YES ☒ NO

If "NO", items b through f relating to this section may be deleted.

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

b. Has a meter been installed?

YES ☒ NO

### c. Meter Information

| POD NAME OR # | MANUFACTURER | SERIAL #    | CONDITION<br>(WORKING OR NOT) | CURRENT METER<br>READING | DATE<br>INSTALLED |
|---------------|--------------|-------------|-------------------------------|--------------------------|-------------------|
| RED LILY POD  | McCROMETER   | 13-04215-06 | WORKING                       | 14989 CUBIC FEET         | 2018              |
|               |              |             |                               |                          |                   |

If a meter has been installed, items d through f relating to this section may be deleted.

### 4. Recording and reporting conditions:

a. Is the water user required to report the water use to the Department?

YES ☒ NO

If "NO", item b relating to this section may be deleted.



b. Have the reports been submitted?

☒ YES ☐ NO

If the reports have not been submitted, attach a copy of the reports if available.

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5. Fish Screening:

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

☒ YES ☐ NO

If "NO", items b through e relating to this section may be deleted.

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

b. Has the fish screening been installed?

☒ YES ☐ NO

c. When was the fish screening installed?

| DATE | BY WHOM                           |
|------|-----------------------------------|
| 2020 | VALLEY IRRIGATION AND DITCH WORKS |

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

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

- Has the self-certification form previously been submitted to the Department? ☒ NA ☐ YES ☐ NO

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

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

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

- Has the ODFW approval been previously submitted? ☒ NA ☐ YES ☐ NO

If not, contact and work with ODFW to ensure compliance. To demonstrate compliance, provide signed documentation from ODFW. A form is available at:

<https://www.oregon.gov/OWRD/Forms/Pages/default.aspx>

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



## 6. By-pass Devices:

a. Are any points of diversion required to have a by-pass device to prevent fish from entering the point of diversion?

YES

NO

If "NO", items b and c relating to this section may be deleted.

## 7. Other conditions required by permit, permit amendment final order, or extension final order:

a. Was the water user required to restore the riparian area if it was disturbed?

YES

NO

b. Was a fishway required?

YES

NO

c. Was submittal of a water management and conservation plan required?

YES

NO

d. Other conditions?

YES

NO

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

**WATER USE SUBJECT TO CONDITIONS OF RECLAMATION CONTRACT THAT HAS BEEN MAINTAINED AND VALID SINCE EXECUTED IN 2018. SPRINKLER IRRIGATION OF WATER PUMPED FROM THE RIVER HAS ENSURED WATER HAS BEEN USED WITHOUT WASTE.**

## SECTION 6 ATTACHMENTS

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

| ATTACHMENT NAME | DESCRIPTION                              |
|-----------------|--|
| ODFW LETTER     | CONFIRMS ADEQUACY OF FISH SCREEN ON PUMP |
|                 |  |
|                 |  |



## SECTION 7

## CLAIM OF BENEFICIAL USE MAP

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

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

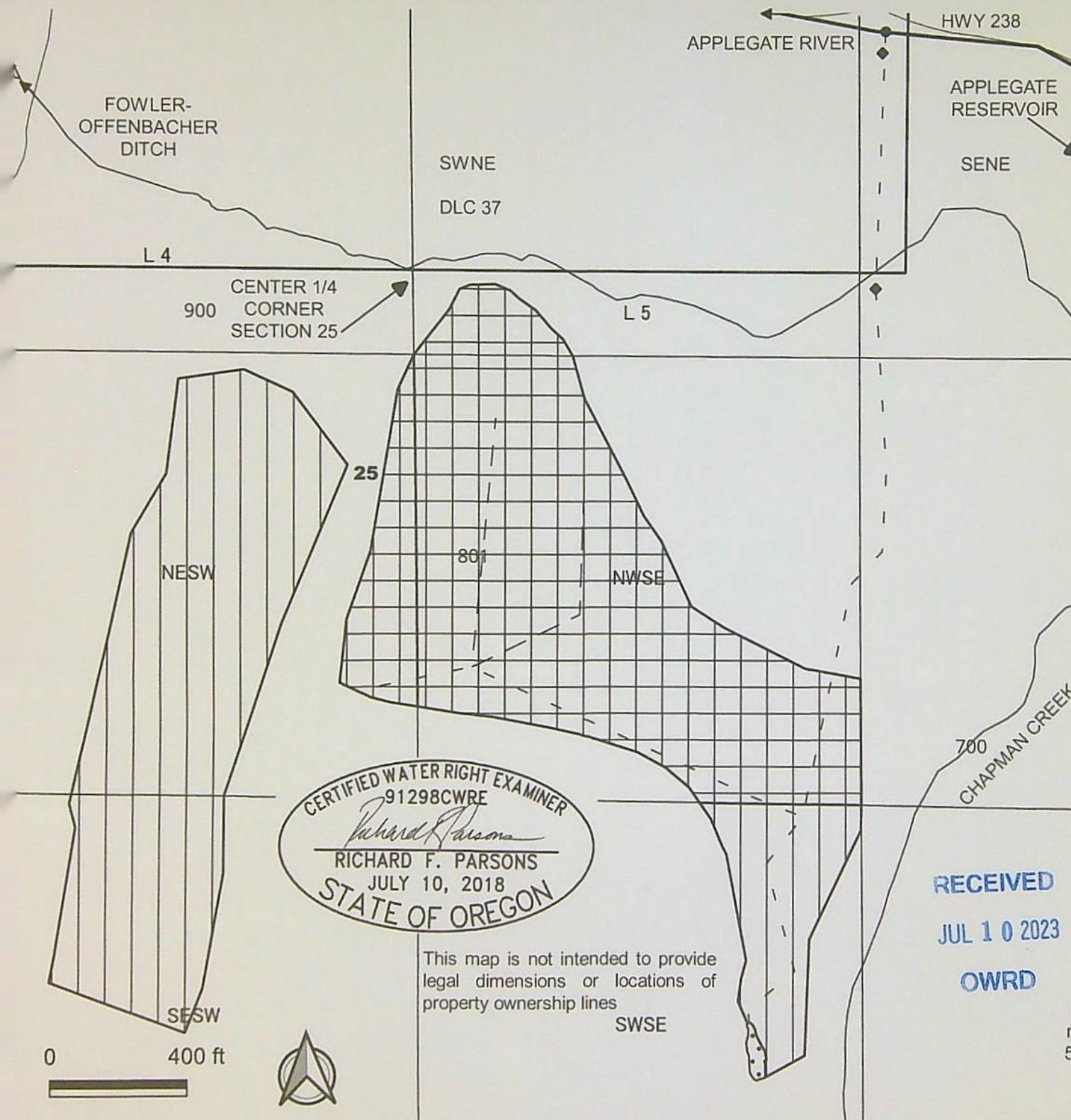
**GPS CONFIRMED BY REVIEW OF VARIOUS AERIAL PHOTOS****Map Checklist**

Please be sure that the map you submit includes ALL the items listed below.

(Reminder: Incomplete maps and/or claims may be returned.)

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





LESLIE & RACHAEL MARTIN  
11777 HWY 238  
JACKSONVILLE, OR 97530

CLAIM OF BENEFICIAL USE

APPLICATION NO. S-88655  
PERMIT S-55202

SECTION 25, TOWNSHIP 38 S  
RANGE 4 W, W.M.  
JACKSON COUNTY OREGON

● RED LILY POD and SCREEN  
945' NORTH and 1390' EAST  
FROM CENTER 1/4 CORNER  
SECTION 25, T38S R4W

S-55202  
27 ACS TOTAL  
SUPPLEMENTAL TO C-34147

1.4 ACS SW NE (LOT 5)  
2.8 ACS NE SW  
22.8 ACS NW SE

C-34147 PLACE OF USE

P-88412 POND

◆ PUMPS  
METER AT NORTHERN PUMP  
BOOSTER PUMP AT DITCH

— IRRIGATION LINE AND  
DRIP EMITTERS

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ParsonsWater Consulting LLC  
rick.parsons@parsonwater.com  
541.499.0257 303.667.5067



CERTIFIED WATER RIGHT EXAMINER  
91298CWRE  
*Richard F. Parsons*  
RICHARD F. PARSONS  
JULY 10, 2018  
STATE OF OREGON

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





# Oregon

Tina Kotek, Governor

Department of Fish and Wildlife  
Rogue Watershed District Office  
1495 East Gregory Rd.  
Central Point, OR 97502  
Phone: 541-826-8774  
Fax: 541-826-8776  
[www.odfw.com](http://www.odfw.com)

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June 21, 2023

Leslie and Rachael Martin  
11777 Hwy 238  
Jacksonville, OR 97530

Dear Leslie and Rachael,

Regarding Oregon Water Resources Department water right permit S-55145 and S-55202, ODFW has determined the fish screen at the point-of-diversion located at 42.23949, -123.11659 meets current fish protection criteria and fish bypass devices are not necessary. Thank you.

Sincerely,

Josh Kelsey  
SW Screens & Passage Coordinator  
Fish Screening and Passage Program  
(541) 857-2424



# Mailing List for Permit

Scheduled Mailing Date:

Application: S-88655

Permit: S-55202

Original mailed to applicant:

LESLIE MARTIN  
RACHAEL A. MARTIN  
11777 HWY 238  
JACKSONVILLE OR 97530

Sent via auto email:

1. WRD - Watermaster District 13, Shavon Haynes

Copies of FO and map sent to:

1. File S-88655
2. WRD - Surface Water Section

Application Specialist: Kim French

**Copies Mailed**

by: TM

(STAFF)

on: 5/9/2019

(DATE)





# Oregon

Kate Brown, 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](http://www.wrd.state.or.us)

April 26, 2019

LESLIE C. MARTIN  
RACHEL A. MARTIN  
11777 HWY 238  
JACKSONVILLE OR 97530

RE: Application S-88655

Dear Applicant,

On December 11, 2018, the Department issued a Final Order and draft permit for Application S-88655. Issuance of a permit was contingent on the submission of a valid and executed water contract with the Bureau of Reclamation and payment of a recording fee.

As of this date, the Department has received the valid executed contract and the required recording fee; therefore enclosed please find a copy of Permit S-55202 for water use from the Applegate Reservoir for supplemental irrigation of 27.0 acres.

Please feel free to contact me at 503 986-0816 or [Kim.R.French@oregon.gov](mailto:Kim.R.French@oregon.gov) if you have any questions.

Regards,

Kim French  
Water Right Application Specialist

enclosure



STATE OF OREGON

COUNTY OF JACKSON

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO:

LESLIE MARTIN  
RACHAEL A. MARTIN  
11777 HWY 238  
JACKSONVILLE OR 97530

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

APPLICATION FILE NUMBER: S-88655

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

PURPOSE OR USE: SUPPLEMENTAL IRRIGATION OF 27.0 ACRES

MAXIMUM VOLUME: 121.5 ACRE-FEET (OR AS FURTHER LIMITED BY CONTRACT)

DATE OF PRIORITY: AUGUST 6, 2018

PERIOD OF USE: APRIL 1 THROUGH OCTOBER 31

**Authorized Point of Re-Diversion:**

| Twp  | Rng | Mer | Sec | Q-Q   | Measured Distances  |
|------|-----|-----|-----|-------|---|
| 38 S | 4 W | WM  | 25  | SW NE | 890 FEET NORTH AND 1350 FEET EAST FROM C1/4 CORNER,<br>SECTION 25 |

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to a diversion of not to exceed 4.5 acre-feet per acre for each acre irrigated during the irrigation season of each year. The right to the use of the water for the above purpose is restricted to beneficial use on the lands or place of use described.

**Authorized Place of Use:**

| Twp  | Rng | Mer | Sec | Q-Q   | Acres |
|------|-----|-----|-----|-------|-------|
| 38 S | 4 W | WM  | 25  | SW NE | 1.40  |
| 38 S | 4 W | WM  | 25  | NE SW | 2.80  |
| 38 S | 4 W | WM  | 25  | NW SE | 22.80 |

**1. Measurement Devices and Recording/Reporting of Annual Water Use Conditions:**

- A. Before water use may begin under this permit, the permittee shall install a totalizing flow meter at each point of re-diversion. The permittee shall maintain the device in good working order.
- B. The permittee shall allow the watermaster access to the device; provided however, where any device is located within a private structure, the watermaster shall request access upon reasonable notice.



- C. The permittee shall keep a complete record of the volume of water diverted each month, and shall submit a report which includes water-use measurements to the Department annually, or more frequently as may be required by the Director. Further, the Director may require the permittee to report general water-use information, including the place and nature of use of water under the permit.
  - D. The Director may provide an opportunity for the permittee to submit alternative measuring and reporting procedures for review and approval.
- 2. The water user shall install, maintain, and operate fish screening and fish passage devices consistent with current Oregon Department of Fish and Wildlife (ODFW) standards. Fish screening is to prevent fish from entering the proposed diversion, while passage devices provide adequate upstream and downstream passage for fish. The required screen and passage devices are to be in place and functional, and approved in writing by ODFW prior to diversion of water. The water user may submit evidence in writing that ODFW has determined screens and/or passage devices are not necessary.
  - 3. The use of water under this right is subject to the terms and conditions of contract No. 199E101984, or a satisfactory replacement, between the Bureau of Reclamation and the permittee, a copy of which must be on file in the records of the Water Resources Department.

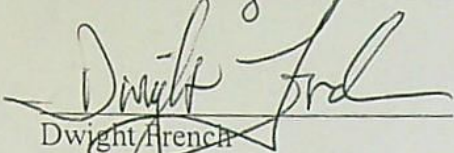
#### STANDARD CONDITIONS

- 1. Failure to comply with any of the provisions of this permit may result in action including, but not limited to, restrictions on the use, civil penalties, or cancellation of the permit.
- 2. Where two or more water users agree among themselves as to the manner of rotation in the use of water and such agreement is placed in writing and filed by such water users with the watermaster, and such rotation system does not infringe upon such prior rights of any water user not a party to such rotation plan, the watermaster shall distribute the water according to such agreement.
- 3. This permit is for the beneficial use of water without waste. The water user is advised that new regulations may require the use of best practical technologies or conservation practices to achieve this end.
- 4. By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.
- 5. The use of water allowed herein may be made only at times when sufficient water is available to satisfy all prior rights, including prior rights for maintaining instream flows.
- 6. Construction of the water system shall begin within five years of the date of permit issuance. The deadline to begin construction may not be extended. This permit is subject to cancellation proceedings if the begin construction deadline is missed.
- 7. Complete application of the water shall be made within five years of the date of permit issuance. If beneficial use of permitted water has not been made before this date, the permittee may submit an application for extension of time, which may be approved based upon the merit of the application.



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

Issued May 8<sup>th</sup>, 2019



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







## United States Department of the Interior

BUREAU OF RECLAMATION  
Pacific Northwest Regional Office  
1150 North Curtis Road  
Boise, ID 83706-1234

PN-6324  
2.2.4.23

APR 09 2019

Mr. Leslie C. Martin  
Ms. Rachel A. Martin  
11777 HWY 238  
Jacksonville, OR 97530

Subject: Contract for Rogue River Basin Water Service, Contract No. 199E101984,  
Applegate Reservoir, Oregon

Dear Mr. and Ms. Martin:

Enclosed for your records is a fully executed original of Contract No. 199E101984, which provides water use for irrigation beginning with the 2019 irrigation season.

The contract provides irrigation use of up to 121.5 acre- feet of stored water annually from the Applegate Reservoir, Rogue River Basin Project for the 40-year period from the date first written on the contract.

If you have questions or concerns, please contact Ms. Joy Kelley, Repayment Specialist, at (208) 378-5346 or via email at [jkelly@usbr.gov](mailto:jkelly@usbr.gov).

Sincerely,

E. Gail McGarry  
Program Manager  
Reclamation Law Administration

Enclosure

cc: Water Rights Division  
Oregon Water Resources Department  
725 Summer Street NE, Suite A  
Salem, OR 97301-1271  
(w/encl)

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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 9 day of April, 2019, 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 **Leslie C. and Rachael A. Martin**, 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

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3. WHEREAS, Reclamation has met all environmental compliance requirements for the execution of this contract through preparation and issuance of Categorical Exclusion Checklist, PN-BFO-CE-2019-022, approved on February 11, 2019; and

4. WHEREAS, the Contractor owns land hereinafter described, for which a water supply from Applegate Reservoir 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 RELEASED**

5. The United States shall release 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:

22.80 acres, NW ¼ SE ¼, Section 25, T. 38 S., R. 4 W., W.M.  
2.80 acres, NW ¼ SW ¼, Section 25, T. 38 S., R. 4 W., W.M.  
1.40 acres SW ¼ NE ¼, Section 25, T. 38 S., R. 4 W., W.M.

**LIMITATIONS ON RELEASES**

6. Of the land described, not more than 27 acres are to be irrigated. The amount of water which may be applied beneficially in accordance with good usage in the irrigation of the land above described, up to a maximum diversion of 121.5 acre-feet of stored water annually, measured at the point of diversion of said water. The obligation of the United States to release water under this contract is subject to an operating plan for the Rogue River Basin Project, determined in accordance with the laws governing the project and other applicable federal laws, including the Endangered Species Act (ESA). If it is determined through development of the operating plan that irrigation water in the basin, or any part of the basin, needs to be reduced, temporarily or longer, any available water will be prorated equally between the Contractor and existing and future contractors in the impacted area.

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### PAYMENTS FOR WATER

7. (a) An annual payment of \$972 for the first irrigation season shall be made to the United States at the time of executing this contract, and subsequent annual payments of \$972 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 divert up to a maximum of 121.5 acre-feet of stored water for irrigation of the lands described in Article 5 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 diverted each month by the Contractor during the irrigation season and on other factors in addition to the amount of stored water actually diverted, as deemed appropriate by the Contracting Officer. Any such adjustment will be determined and subtracted from the payment for the next year by the Contracting Officer: Provided, that for an adjustment to be made, information on the amounts of stored water diverted 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 5 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.

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(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) Upon execution of the contract, the Contractor shall furnish the Contracting Officer with the Contractor's taxpayer's identification number (TIN). The purpose for requiring the Contractor's TIN is for collecting and reporting any delinquent amounts arising out of the Contractor's relationship with the United States.

(e) Payments required hereunder shall be made to the Bureau of Reclamation at the location described in Article 17 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 payments. If a payment is not received by the due date, the Contractor shall pay an interest charge on the delinquent payment for each day the payment is delinquent beyond the due date. If a payment becomes 60 days delinquent, in addition to the interest charge, the Contractor shall pay an administrative charge to cover additional costs of billing and processing the delinquent payment. If a payment is delinquent 90 days or more, in addition to the interest and administrative charges, the Contractor shall pay a penalty charge for each day the payment is delinquent beyond the due date, based on the remaining balance of the payment due at the rate of 6 percent per year. The Contractor shall also pay any fees incurred for debt collection services associated with a delinquent payment.

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(b) The interest rate charged shall be the greater of either 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. The interest rate charged will 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 charges, second to the administrative charges, third to the accrued interest, and finally to the overdue payment.

#### RELEASE OF WATER

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

(b) Water diverted pursuant to this contract shall be measured at the following point(s) of diversion in accordance with Oregon State law:

890 feet north and 1,350 feet east of center  $\frac{1}{4}$  corner of  
Section 25, Township 38 South, Range 4 West, Willamette Meridian

The Contractor 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 diverted 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 shall maintain all fish screens used to divert stored water under this contract at all times in compliance with applicable guidelines from the Oregon

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Department of Fish & Wildlife and the National Marine Fisheries Service and remain available at all times for inspection by representatives of these agencies at no cost to the United States.

(d) The Contractor hereby acknowledges Reclamation's authority to conduct periodic contract compliance reviews in accordance with Reclamation Manual Policy, *Periodic Review of Water Deliveries with Respect to Contract Terms* (WTR P08), and Reclamation Manual Directives and Standards, *Periodic District Reviews of Water Deliveries with Respect to Contract Terms – Processing for Resolving Unauthorized Use* (WTR 08-01).

### 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 5. 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 release 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 5 becomes dependent upon membership in the organization established for that purpose.

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(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. This contract shall become effective as of the date first above written and will continue in effect for a period of 40 years unless sooner terminated in accordance with the provisions of Articles 11 or 13 or by agreement of the parties hereto: Provided; that upon expiration of the 40-year term, renewals may be made by the Secretary of the Interior for successive periods not to exceed 40 years and under terms and conditions mutually agreeable to the parties hereto: Provided further; that the terms and conditions of each renewal shall be negotiated in light of circumstances prevailing at the time of renewal and agreed upon not later than 1 year prior to the expiration of the then existing contract.

#### 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.

#### CONSTRAINTS ON THE AVAILABILITY OF WATER (WATER SHORTAGES)

14. In its operation of the Project, the Contracting Officer will use all reasonable means to guard against a condition of shortage in the quantity of water to be made available to the Contractor pursuant to this Contract. In the event the Contracting Officer determines that a

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condition of shortage appears probable, the Contracting Officer will notify the Contractor of said determination as soon as practicable.

If there is a condition of shortage because of inaccurate runoff forecasting or other similar operational errors affecting the Project; drought and other physical or natural causes beyond the control of the Contracting Officer; or actions taken by the Contracting Officer to meet current and future legal obligations, then no liability shall accrue against the United States or any of its officers, agents, or employees for any damage, direct or indirect, arising therefrom.

### TITLE TO PROJECT WORKS

15. Title to all of the Rogue River Basin Project and associated works shall be and remain in the United States until otherwise provided for by the Congress.

### DISCLAIMER

16. No provision of this contract, nor of any renewal thereof, nor the release 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 for whom water is released.

### NOTICES

17. 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, Reclamation Law Administration, Pacific Northwest Region, Bureau of Reclamation, 1150 N. Curtis Road, Boise, ID 83706-1234, and on behalf of the United States, when mailed, postage prepaid, or delivered to Leslie C. And Rachael A. Martin, 11777 HWY 238, Jacksonville, OR 97530. The designation of the addressee or the address may be changed by notice given in the same manner as provided in this article for other notices.

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## GENERAL PROVISIONS

18. 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. GENERAL OBLIGATION -- BENEFITS CONDITIONED UPON PAYMENT
- b. CONTINGENT UPON APPROPRIATION OR ALLOTMENT OF FUNDS
- c. OFFICIALS NOT TO BENEFIT
- d. ASSIGNMENTS LIMITED -- SUCCESSORS AND ASSIGNS OBLIGATION
- e. BOOKS, RECORDS, AND REPORTS
- f. COMPLIANCE WITH FEDERAL RECLAMATION LAWS
- g. PROTECTION OF WATER AND AIR QUALITY
- h. WATER CONSERVATION
- i. EQUAL EMPLOYMENT OPPORTUNITY
- j. COMPLIANCE WITH CIVIL RIGHTS LAWS AND REGULATIONS
- k. PRIVACY ACT COMPLIANCE
- l. MEDIUM FOR TRANSMITTING PAYMENTS
- m. CONTRACT DRAFTING CONSIDERATIONS
- n. CHANGES IN CONTRACTORS ORGANIZATION

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By:

: SS

)

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

CONTRACTOR

By: Leslie C. Martin  
Leslie C. Martin

By: Rachel A. Martin  
Rachel A. Martin

STATE OF Oregon  
: ss  
County of Jackson

On this 28<sup>th</sup> day of March, 2019, before me, a notary public, personally appeared Leslie C. Martin and Rachel A. Martin known to me to be the persons whose names are subscribed to the foregoing instrument and acknowledged that they are the legal owner of the property for which a water supply is to be provided under the contract and has executed this contract as their 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.



(SEAL)

Deborah Leigh Lusk  
Notary Public in and for the  
State of Oregon  
Residing at: Jacksonville, Or.  
My commission expires: 5-21-2021

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**GENERAL PROVISIONS --- ROGUE RIVER BASIN PROJECT**

GENERAL OBLIGATION -- BENEFITS CONDITIONED UPON PAYMENT

(a). (1) The obligation of the Contractor to pay the United States as provided in this contract is a general obligation of the Contractor notwithstanding the manner in which the obligation may be distributed among the Contractor's water users and notwithstanding the default of individual water users in their obligation to the Contractor.

(2) The payment of charges becoming due pursuant to this contract is a condition precedent to receiving benefits under this contract. The United States shall not make water available to the Contractor through Rogue River Basin project facilities during any period that the Contractor is in arrears in the advance payment of the greater of \$8 per acre-foot or \$50 due the United States. The Contractor shall not deliver water under the terms and conditions of this contract for lands or parties that are in arrears in the advance payment of water use as levied or established by the Contractor.

CONTINGENT UPON APPROPRIATION OR ALLOTMENT OF FUNDS

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

OFFICIALS NOT TO BENEFIT

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

ASSIGNMENT LIMITED--SUCCESSORS AND ASSIGNS OBLIGATION

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

BOOKS, RECORDS, AND REPORTS

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

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## COMPLIANCE WITH FEDERAL RECLAMATION LAWS

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

## PROTECTION OF WATER AND AIR QUALITY

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

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

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

## 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 a water conservation plan, as required by subsection 210(b) of the Reclamation Reform Act of 1982 and 43 C.F.R. 427.i (Water Conservation Rules and Regulations).

## EQUAL EMPLOYMENT OPPORTUNITY

(i). 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, sexual orientation, gender identity, or national origin. The Contractor will take affirmative action to ensure that applicants are employed, and that the employees are treated during employment, without regard to their race, color, religion, sex, sexual orientation, gender identity, 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 advancements for employees placed by or on behalf of the Contractor, state that all qualified applicants will receive consideration for employment without regard to race, color, religion, sex, sexual orientation, gender identity, or national origin.

(3) The contractor will not discharge or in any other manner discriminate against any employee or applicant for employment because such employee or applicant has inquired about, discussed, or

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disclosed the compensation of the employee or applicant or another employee or applicant. This provision shall not apply to instances in which an employee who has access to the compensation information of other employees or applicants as a part of such employee's essential job functions discloses the compensation of such other employees or applicants to individuals who do not otherwise have access to such information, unless such disclosure is in response to a formal complaint or charge, in furtherance of an investigation, proceeding, hearing, or action, including an investigation conducted by the employer, or is consistent with the contractor's legal duty to furnish information.

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

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

(6) The Contractor will furnish all information and reports required by Executive Order No. 11246 of September 24, 1965, and by the rules, regulations, and orders of the Secretary of Labor, or pursuant thereto, and will permit access to his books, records, and accounts by the Contracting Agency and the Secretary of Labor for purposes of investigation to ascertain compliance with such rules, regulations, and orders.

(7) In the event of the Contractor's noncompliance with the nondiscrimination clauses of this contract or with any of such rules, regulations, or orders, this contract may be canceled, terminated or suspended in whole or in part and the Contractor may be declared ineligible for further Government contracts in accordance with procedures authorized in Executive Order No. 11246 of Sept. 24, 1965, and such other sanctions may be imposed and remedies invoked as provided in Executive Order NO. 11246 of September 24, 1965, or by rule, regulation, or order of the Secretary of Labor, or as otherwise provided by law.

(8) The Contractor will include the provisions of paragraphs (1) through (8) 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 Executive Order No. 11246 of September 24, 1965, 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 CIVIL RIGHTS LAWS AND REGULATIONS

(j). (1) The Contractor shall comply with Title VI of the Civil Rights Act of 1964 (Pub. L. 88-352; 42 U.S.C. § 2000d), the Rehabilitation Act of 1973 (Pub. L. 93-112, Title V, as amended; 29 U.S.C. § 791, et seq.), the Age Discrimination Act of 1975 (Pub. L. 94-135, Title III; 42 U.S.C. § 6101, et seq.), [Title II of the Americans with Disabilities Act of 1990 (Pub. L. 101-336; 42 U.S.C. § 12131, et seq.),] [Title III of the Americans with Disabilities Act of 1990 (Pub. L. 101-336; 42 U.S.C. § 12181, et seq.),]2 and any other applicable civil rights laws, and with the applicable implementing regulations and any guidelines imposed by the U.S. Department of the Interior and/or Bureau of Reclamation.

(2) These statutes prohibit any person in the United States from being excluded from

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participation in, be denied the benefits of, or being otherwise subjected to discrimination under any program or activity receiving financial assistance from the Bureau of Reclamation on the grounds of race, color, national origin, disability, or age. By executing this contract, the Contractor agrees to immediately take any measures necessary to implement this obligation, including permitting officials of the United States to inspect premises, programs, and documents.

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

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

#### PRIVACY ACT COMPLIANCE

(k). (1) The Contractor shall comply with the Privacy Act of 1974 (Privacy Act) (5 U.S.C. § 552a) and the Department of the Interior rules and regulations under the Privacy Act (43 CFR § 2.45 et seq.) in maintaining landholder certification and reporting records required to be submitted to the Contractor for compliance with Sections 206, 224(c), and 228 of the Reclamation Reform Act of 1982 (43 U.S.C. §§ 390ff, 390ww, and 390zz), and pursuant to 43 C.F.R. § 426.18.

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

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

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

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

#### EDIUM FOR TRANSMITTING PAYMENTS

(1) All payments from the Contractor to the United States under this contract shall be by the medium requested by the United States on or before the date payment is due. The required method of

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payment may include checks, wire transfers, or other types of payment specified by the United States.

(2) Upon execution of the contract, the Contractor shall furnish the Contracting Officer with the Contractor's taxpayer's identification number (TIN). The purpose for requiring the Contractor's TIN is for collecting and reporting any delinquent amounts arising out of the Contractor's relationship with the United States.

#### CONTRACT DRAFTING CONSIDERATIONS

(m). This Contract has been, negotiated and reviewed by the parties hereto, each of whom is sophisticated in the matters to which this Contract pertains. Articles 1 through 17 of this Contract have been drafted, negotiated, and reviewed by the parties, and no one party shall be considered to have drafted the stated articles.

#### CHANGES IN CONTRACTOR'S ORGANIZATION

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

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## Expedited Secondary Final Order Checklist

Application #: S-88655 Applicant: LESLIE C. MARTIN

Basin # 15

Requested Use/Rate/Season 15-27.0 AC; 121.5 AF; 4/1-10/31

Allowed Use/Rate/Season 15-27.0 AC; 121.5 AF; 4/1-10/31 Duty 4.5

Noticed on 8/21/18 Comment Deadline 9/20/18

Electronic/written comments? ☒ No ☐ Yes

Comment eval? ☒ N/A ☐ No ☐ Yes

Were there any comments that raise a public interest described in ORS 537.170(8)? ☒ No ☐ Yes; issue a PFO

Conditions ☐ Medium Totalizing < 100 AF ☒ Large Totalizing ≥ 100 AF  
Use "Large" for temp control (including NU), or when the applicant is a government entity

Other Conditions \_\_\_\_\_

Is water available and legally stored? ☐ No ☒ Yes Permit #: R-7B10

Reservoir Name APPLEGATE RES

Storage contract ☐ NA ☒ BOR ☐ Doug Co ☐ Corp of Eng ☒ needed ☐ obtained

Land use ☐ allowed outright ☐ not allowed ☐ being pursued ☐ county notified ☐ NA OBTAINED

POU conflict ☐ NA ☒ No ☐ No, different sources ☐ No, make up a deficiency in rate

☐ Yes \_\_\_\_\_

Use is supplemental, checked for primary rights w/ diff source ☐ NA ☒ Yes limits 4.5 AF / AC

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

MU or QM ☒ NA ☐ will complete construction within 20 years

☐ reviewed – recommendations \_\_\_\_\_

Authorized agent specified ☒ NA ☐ Yes \_\_\_\_\_

Copy to ☐ NCR ☒ WM # 13 \_\_\_\_\_ ☐ a.l.o. \_\_\_\_\_

☐ agent \_\_\_\_\_  
☐ CWRE ☐ a.l.o. \_\_\_\_\_  
☐ city \_\_\_\_\_  
(w/in 5-mile muni wells)



## Fees

|                                 |                |                       |            |
|---------------------------------|----------------|-----------------------|------------|
| Base (\$520)                    | <u>520</u>     | Recording Fee (\$520) | <u>520</u> |
| Up to 20 AF @ \$35/AF           | <u>700</u>     |                       |            |
| <u>102</u> Add'l AF @ \$1.20/AF | <u>122.40</u>  |                       |            |
| Exam Fee Required               | <u>1342.40</u> |                       |            |
| Exam Fees Paid                  | <u>1342.40</u> | Recording Fee Paid    | <u>0</u>   |
| Still Owed/Refund               | <u>0</u>       | Owed before Permit    | <u>520</u> |

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

CANCELLING CERTS 57655 & 57656 → CONCURRENT  
W/ PERMIT ISSUANCE

☐ FO w/ permit # \_\_\_\_\_
 ☒ FO w/ draft permit; still needed:
 ☐ FO denied

☒ fees

☐ easement

☒ contract

☐ land use

Name: Kim R. French Date: 11/5/18 Peer Reviewer: Lisa 11.9.18  
Alyssa 11/21/18

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

Revised 5/16/18





Oregon Water Resources Department  
Point of Diversion Characteristics

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[Return](#) [Contact Us](#)

## Point of Diversion Characteristics

|        |                |
|--------|----------------|
| Right: | App: S 88655 * |
| Name:  | LESLIE MARTIN  |

### TRSQQ: 38.00S-04.00W-25-SWNE

County: Jackson

Basin: Rogue

WM District: 13

WM Region: SW

Withdrawn Area:

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

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

Rule 4D:

Groundwater Restricted Area:

Scenic Water Way: ABOVE The Rogue Scenic Waterway

Division 33: Statewide

Water Quality Limited: Yes

### TRSQQ: 40.00S-04.00W-25-SESE

County: Jackson

Basin: Rogue

WM District: 13

WM Region: SW

Withdrawn Area:

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

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

Rule 4D:

Groundwater Restricted Area:

Scenic Water Way: ABOVE The Rogue Scenic Waterway

Division 33: Statewide

Water Quality Limited: Yes





Oregon Water Resources Department  
Water Rights with Coincident Places of Use

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## Place of Use Conflict Report

The following rights have acreage in the same quarter-quarter as App: S 88655 \*

| Right                        | Name                    | Decree                            | App     | Permit  | Cert  | Priority   | Status | Use           | T-R-S-QQ              | DLC                                 | Gov't Lot | Acres              |
|------------------------------|-------------------------|-----------------------------------|---------|---------|-------|------------|--------|---------------|-----------------------|-------------------------------------|-----------|--------------------|
| <del>CERT:30755 CR *</del>   | JOHN & FRED OFFENBACHER | ROGUE RIVER (F) STATE WATER BOARD |         |         | 30755 | 12/31/1888 | NC     | <del>IR</del> | 38.00S-04.00W-25-NESW | <input checked="" type="checkbox"/> |           | <del>6.0000</del>  |
|                              |                         |                                   |         |         |       |            |        | <del>IR</del> | 38.00S-04.00W-25-NWSE | <input checked="" type="checkbox"/> |           | <del>15.8000</del> |
|                              |                         |                                   |         |         |       |            |        | <del>IR</del> | 38.00S-04.00W-25-SWNE | <input checked="" type="checkbox"/> |           | <del>8.8000</del>  |
| <del>CERT:788 OR *</del>     | J WHITEHEAD             |                                   | S-1638  | S-802   | 788   | 8/21/1911  | NC     | IR            | 38.00S-04.00W-25-NWSE | <input checked="" type="checkbox"/> |           | 2.0000             |
| <del>CERT:34147 OR *</del>   | FREDERICK H LEADLEY     |                                   | S-30755 | S-24228 | 34147 | 5/10/1956  | NC     | IR            | 38.00S-04.00W-25-SWNE | <input checked="" type="checkbox"/> | 5         | 1.4000             |
|                              |                         |                                   |         |         |       |            |        | IR            | 38.00S-04.00W-25-NWSE | <input checked="" type="checkbox"/> |           | 22.8000            |
|                              |                         |                                   |         |         |       |            |        | IR            | 38.00S-04.00W-25-NESW | <input checked="" type="checkbox"/> |           | 2.8000             |
|                              |                         |                                   |         |         |       |            |        | IR            | 38.00S-04.00W-25-NESW | <input checked="" type="checkbox"/> |           | 14.4000            |
| <del>CERT:57655 OR *</del>   | APPLEGATE BRANGUS RANCH |                                   | S-50272 | S-37905 | 57655 | 4/6/1973   | NC     | <del>IR</del> | 38.00S-04.00W-25-NESW | <input checked="" type="checkbox"/> |           | <del>2.8000</del>  |
|                              |                         |                                   |         |         |       |            |        | <del>IR</del> | 38.00S-04.00W-25-NWSE | <input checked="" type="checkbox"/> |           | <del>22.8000</del> |
|                              |                         |                                   |         |         |       |            |        | <del>IR</del> | 38.00S-04.00W-25-SWNE | <input checked="" type="checkbox"/> | 5         | <del>1.4000</del>  |
| <del>CERT:57656 OR *</del>   | APPLEGATE BRANGUS RANCH |                                   | S-62061 | S-46020 | 57656 | 8/3/1981   | NC     | <del>IR</del> | 38.00S-04.00W-25-SWNE | <input checked="" type="checkbox"/> | 5         | <del>1.4000</del>  |
|                              |                         |                                   |         |         |       |            |        | <del>IR</del> | 38.00S-04.00W-25-NWSE | <input checked="" type="checkbox"/> |           | <del>22.8000</del> |
|                              |                         |                                   |         |         |       |            |        | <del>IR</del> | 38.00S-04.00W-25-NESW | <input checked="" type="checkbox"/> |           | <del>2.8000</del>  |
| <del>CERT:55667 OR *</del>   | JACK E DOWNS            |                                   | S-69090 | S-50108 | 66667 | 5/8/1987   | NC     | <del>IR</del> | 38.00S-04.00W-25-SWNE | <input checked="" type="checkbox"/> | 37        | <del>0.4000</del>  |
| <del>PERMIT: S-55145 *</del> | RACHAEL MARTIN          |                                   | S-88131 | S-55145 |       | 9/22/2015  | NC     | <del>IR</del> | 38.00S-04.00W-25-SWNE | <input checked="" type="checkbox"/> |           | <del>0.9000</del>  |

PRIMARY  
IR



STATE OF OREGON  
COUNTY OF JACKSON  
**CERTIFICATE OF WATER RIGHT**

**This Is to Certify, That**      **FREDERICK H. LEADLEY**

of Route 1, Box 72, Applegate, 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 Chapman Creek and Keeler Creek

a tributary of Applegate River for the purpose of irrigation of 52.9 acres

under Permit No. 24228 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 May 10, 1956

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 0.66 cubic foot per second; being 0.39 c.f.s. from Chapman Creek and 0.27 c.f.s. from Keeler Creek

or its equivalent in case of rotation, measured at the point of diversion from the stream. The point of diversion is located in the SE $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 26; NW $\frac{1}{4}$  NE $\frac{1}{4}$ , Section 36, T. 38 S., R. 4 W., W. M. Diversion points located: Keeler - 470 feet North and 490 feet West from the SE Corner, Section 26; Chapman - 350 feet South and \* 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  $\frac{1}{2}$  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:

| Chapman Creek | Keeler Creek |  |
|---------------|--------------|--|
| 1.4 acres     |              | Lot 5 (SW $\frac{1}{4}$ NE $\frac{1}{4}$ ) |
| 2.8 acres     | 14.4 acres   | NE $\frac{1}{4}$ SW $\frac{1}{4}$          |
|               | 7.0 acres    | SE $\frac{1}{4}$ SW $\frac{1}{4}$          |
| 22.8 acres    |              | NW $\frac{1}{4}$ SE $\frac{1}{4}$          |
| 4.5 acres     |              | SW $\frac{1}{4}$ SE $\frac{1}{4}$          |
|               |              | Section 25                                 |
|               |              | T. 38 S., R. 4 W., W. M.                   |

\* 300 feet West from the SE Corner, SW $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 25.

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.      July 31, 1967

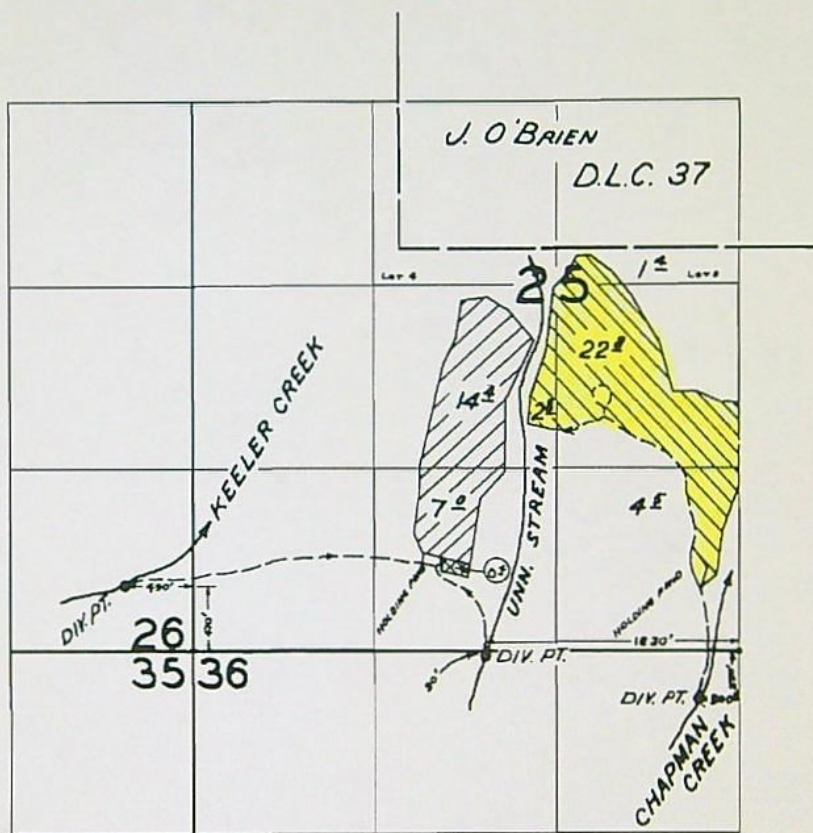
CHRIS L. WHEELER State Engineer

Recorded in State Record of Water Right Certificates, Volume

26, page 34147



T. 38 S. R. 4 W. W. M.



FLOODED FROM CHAMPAIN CR.

FLOODED FROM UNN. STREAM

SPRINKLED FROM KEELER CR. & UNN. STREAM

# FINAL PROOF SURVEY

Application No. 30755 Permit No. 24228  
IN NAME OF

FREDERICK H. LEADLEY

Surveyed JUN 26 1965, by C. GARDNER



**E-2**

Yes ☒ No ☐

## Standard Application Completeness Checklist

For use with Groundwater and Surface Water Applications Only

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

For use by WRD staff only

Application S-88655 County Jackson Priority Date 8/6/18

Township 38S Range 4W Section 25

Amount 121.5 Af. Use Irrigation WM Dist. # 13

Applicant Name LESLIE C. AND RACHAEL L. MARTIN

Receipt No. 127563 Caseworker Assigned: ☐ Barbe ☐ Kim ☒ Lisa ☐ Scott

☒ Applicant/Organization Name and Mailing Address

☒ Signature of *all* applicants (include title or authority of representative if applicant is an organization or corporation). \*Applicant's agent may NOT sign application.

☒ Property Ownership: Does the applicant own all the land for the proposed project? ☒ Y ☐ N

If No:

☐ The affected landowner's name(s) and mailing address(s) must be listed

☐ A signed statement declaring the existence of either written authorization or an easement permitting access to land crossed by the proposed ditch canal or other work must be submitted.

☒ For a SW Application: Source of water must be indicated.

☒ If the source is stored water, is the stored water component filled out and does the applicant own the reservoir or include a non-expired agreement for stored water? (ORS 537.400)

*NOTE: A surface water application cannot be filed at the same time as a Reservoir or Alt Reservoir if it will be for the use of the stored water under the PROPOSED Reservoir application, Exp. Secondary (E2)(ORS 537.147).*

☐ If for stored water not under contract, is the source authorized under a permit, certificate, or decree?

Permit or Certificate issued ☐ Y ☐ N Permit or Certificate # \_\_\_\_\_

☐ For a GW Application: Well Development Tables completed and/or a well log report included (if existing)

☒ Division 33, Public Interest Information (Sensitive, Threatened, Endangered, Fish Species)

☒ Proposed Water Use

☒ Amount of water from *each* source in GPM, CFS, or AF

☒ Period of use indicated

☐ If for supplemental irrigation, primary acreage or underlying permit or certificate number listed  
(Primary and Supplemental Irrigation counts as 2 uses)

☒ Water Management Section (Estimates if the water system has not been designed)

☒ Resource Protection Section

☒ Project schedule (If system is already completed, indicate "existing.")



- N/A**
- ☐ Supplemental data sheets enclosed (if needed)
    - ☐ Form M (Municipal or Quasi-Municipal)
    - ☐ Spring Description Sheet (if source is a spring)
  - ☒ A completed **Land-Use Form** or receipt signed and dated by the appropriate planning department officials. *Please be certain that the Land-Use form lists all lands involved and all uses proposed. Date of signature must be within the past 12 months.*
  - ☒ A **Legal Description** of all the properties involved where water is diverted, crossed, and used. The Legal description includes a metes and bounds or other government survey description. A copy of the deed, land sales contract or title insurance policy can provide this information, or applicant may submit a lot book report prepared by a title company. Copies of tax bills are not acceptable.
  - TBP** ☐ The proposed source **IS / IS NOT** (circle one) restricted or withdrawn from further appropriation. *NOTE: If it is withdrawn under ORS 538, return application and fees.*
  - ☒ The **map** must meet all the minimum requirements of OAR 690-310-0050.
    - ☒ Township, Range, Section
    - ☒ Location of main canals, ditches, pipelines or flumes (if POA/POD is outside of POU)
    - ☒ Place of use, 1/4-1/4's and tax lot clearly identified
    - ☒ Even map scale not less than 4" = 1 mile (1" = 1320 ft.); examples: 1" = 100 ft., 1" = 200 ft.
    - ☒ Location of *each* diversion point or well by reference to a recognized public land survey corner. Multiple wells shall be uniquely labeled, and identified on well logs, if existing.
    - ☒ Reference corner on map
    - ☒ North Directional Symbol
    - ☒ Number of acres per 1/4 1/4 if for irrigation, nursery, or agriculture
  - ☒ **Fees: Print out from Fee Calculator**

|            |                    |
|------------|--------------------|
| Total Fees | \$ <u>1,862.40</u> |
| Fee Paid   | \$ <u>1,342.40</u> |
| Amount Due | \$ <u>520.00</u>   |

Reviewed by: E. G.

Date: 8/7/18



# Mailing List for FO

Scheduled Mailing Date:

Application: S-88655

Permit: DRAFT

**Original mailed to applicant:**

LESLIE MARTIN  
RACHAEL A. MARTIN  
11777 HWY 238  
JACKSONVILLE OR 97530

**Sent via auto email:**

1. WRD - Watermaster District 13, Shavon Haynes

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

1. File S-88655
2. WRD – Surface Water Section

Application Specialist: Kim French

**Copies Mailed**

by: TM

(STAFF)

on: 12/12/2018

(DATE)



OREGON WATER RESOURCES DEPARTMENT  
WATER RIGHT SERVICES DIVISION

Water Right Application S-88655 in the )  
name of LESLIE MARTIN and )  
RACHAEL A. MARTIN )

FINAL ORDER  
APPROVING THE USE OF  
STORED WATER

**Authority**

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

**FINDINGS OF FACT**

1. On August 6, 2018, Leslie Martin and Rachael A. Martin submitted an application for a water-use permit pursuant to ORS 537.147.

|               |  |
|---------------|--|
| Volume:       | 121.5 ACRE-FEET  |
| Use:          | SUPPLEMENTAL IRRIGATION OF 27.0 ACRES  |
| Source:       | APPLEGATE RESERVOIR, CONSTRUCTED UNDER PERMIT R-7810, TRIBUTARY TO ROGUE RIVER |
| County:       | JACKSON COUNTY   |
| Place of Use: | SECTION 25, TOWNSHIP 38 SOUTH, RANGE 4 WEST, W.M.                              |

2. The Department provided public notice of the application in the Department's weekly public notice on August 21, 2018. A 30-day comment period followed.
3. The Department has evaluated the application and any comments received, and finds that no public interest under ORS 537.170(8) would be affected adversely by the proposed use.

**CONCLUSIONS OF LAW**

1. Application S-88655 is consistent with the requirements of ORS 537.147, and OAR Chapter 690.

**NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW**

This is an order in other than a contested case. This order is subject to judicial review under ORS 536.075 and ORS 183.484. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.484(2). Pursuant to OAR 137-004-0080, you may petition for judicial review or petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied.

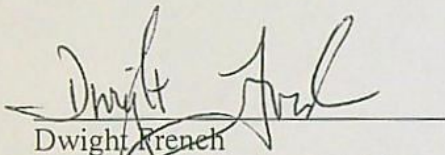


ORDER

Application S-88655 is approved. Upon submission of a valid, executed contract with the Bureau of Reclamation authorizing the diversion of stored water from the Applegate Reservoir and outstanding permit recording fees in the amount of \$520, a permit shall be issued authorizing the proposed water use. Failure to meet this requirement within 60 days from the date of this Final Order may result in the proposed rejection of the application.

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

Dated at Salem, Oregon on December 11<sup>th</sup>, 2018



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

If you have questions about statements contained in this document, please contact Kim French at Kim.R.French@oregon.gov or 503-986-0816.

If you have other questions about the Department or any of its programs please contact our Water Resources Customer Service Group at 503-986-0900.



STATE OF OREGON

COUNTY OF JACKSON

DRAFT PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS DRAFT PERMIT IS HEREBY ISSUED TO:

LESLIE MARTIN  
RACHAEL A. MARTIN  
11777 HWY 238  
JACKSONVILLE OR 97530

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

APPLICATION FILE NUMBER: S-88655

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

PURPOSE OR USE: SUPPLEMENTAL IRRIGATION OF 27.0 ACRES

MAXIMUM VOLUME: 121.5 ACRE-FEET (OR AS FURTHER LIMITED BY CONTRACT)

DATE OF PRIORITY: AUGUST 6, 2018

PERIOD OF USE: APRIL 1 THROUGH OCTOBER 31

**Authorized Point of Re-Diversion:**

| Twp  | Rng | Mer | Sec | Q-Q   | Measured Distances  |
|------|-----|-----|-----|-------|---|
| 38 S | 4 W | WM  | 25  | SW NE | 890 FEET NORTH AND 1350 FEET EAST FROM C1/4 CORNER,<br>SECTION 25 |

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to a diversion of not to exceed 4.5 acre-feet per acre for each acre irrigated during the irrigation season of each year. The right to the use of the water for the above purpose is restricted to beneficial use on the lands or place of use described.

**Authorized Place of Use:**

| Twp  | Rng | Mer | Sec | Q-Q   | Acres |
|------|-----|-----|-----|-------|-------|
| 38 S | 4 W | WM  | 25  | SW NE | 1.40  |
| 38 S | 4 W | WM  | 25  | NE SW | 2.80  |
| 38 S | 4 W | WM  | 25  | NW SE | 22.80 |

**1. Measurement Devices and Recording/Reporting of Annual Water Use Conditions:**

- A. Before water use may begin under this permit, the permittee shall install a totalizing flow meter at each point of re-diversion. The permittee shall maintain the device in good working order.
- B. The permittee shall allow the watermaster access to the device; provided however, where any device is located within a private structure, the watermaster shall request access upon reasonable notice.



- C. The permittee shall keep a complete record of the volume of water diverted each month, and shall submit a report which includes water-use measurements to the Department annually, or more frequently as may be required by the Director. Further, the Director may require the permittee to report general water-use information, including the place and nature of use of water under the permit.
  - D. The Director may provide an opportunity for the permittee to submit alternative measuring and reporting procedures for review and approval.
- 2. The water user shall install, maintain, and operate fish screening and fish passage devices consistent with current Oregon Department of Fish and Wildlife (ODFW) standards. Fish screening is to prevent fish from entering the proposed diversion, while passage devices provide adequate upstream and downstream passage for fish. The required screen and passage devices are to be in place and functional, and approved in writing by ODFW prior to diversion of water. The water user may submit evidence in writing that ODFW has determined screens and/or passage devices are not necessary.
  - 3. The use of water under this right is subject to the terms and conditions of contract No. XXXX, or a satisfactory replacement, between the Bureau of Reclamation and the permittee, a copy of which must be on file in the records of the Water Resources Department.

#### STANDARD CONDITIONS

- 1. Failure to comply with any of the provisions of this permit may result in action including, but not limited to, restrictions on the use, civil penalties, or cancellation of the permit.
- 2. Where two or more water users agree among themselves as to the manner of rotation in the use of water and such agreement is placed in writing and filed by such water users with the watermaster, and such rotation system does not infringe upon such prior rights of any water user not a party to such rotation plan, the watermaster shall distribute the water according to such agreement.
- 3. This permit is for the beneficial use of water without waste. The water user is advised that new regulations may require the use of best practical technologies or conservation practices to achieve this end.
- 4. By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.
- 5. The use of water allowed herein may be made only at times when sufficient water is available to satisfy all prior rights, including prior rights for maintaining instream flows.
- 6. Construction of the water system shall begin within five years of the date of permit issuance. The deadline to begin construction may not be extended. This permit is subject to cancellation proceedings if the begin construction deadline is missed.
- 7. Complete application of the water shall be made within five years of the date of permit issuance. If beneficial use of permitted water has not been made before this date, the permittee may submit an application for extension of time, which may be approved based upon the merit of the application.



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

Issued \_\_\_\_\_ 2018

DRAFT – NOT A PERMIT

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



# Application for a Permit to Use Surface Water



Oregon Water Resources Department  
725 Summer Street NE, Suite A  
Salem, Oregon 97301-1266  
503-986-0900  
www.oregon.gov/OWRD

## SECTION 1: APPLICANT INFORMATION AND SIGNATURE

### Applicant

|   |                      |              |                                      |
|---|----------------------|--------------|--------------------------------------|
| NAME<br>LESLIE C. AND RACHAEL A. MARTIN |                      |              | PHONE (HM)<br>NONE                   |
| PHONE (WK)<br>541-778-3982              | CELL<br>541-778-3982 |              | FAX<br>NONE                          |
| ADDRESS<br>11777 HIGHWAY 238            |                      |              |                                      |
| CITY<br>JACKSONVILLE                    | STATE<br>OR          | ZIP<br>97530 | E-MAIL *<br>LES@REDLILYVINEYARDS.COM |

### Organization

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

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

|                       |       |     |          |     |
|-----------------------|-------|-----|----------|-----|
| AGENT / BUSINESS NAME |       |     | PHONE    | FAX |
| ADDRESS               |       |     | CELL     |     |
| CITY                  | STATE | ZIP | E-MAIL * |     |

Note: Attach multiple copies as needed

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

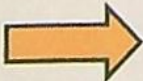
### By my signature below I confirm that I understand:

- I am asking to use water specifically as described in this application.
- Evaluation of this application will be based on information provided in the application.
- I cannot legally use water until the Water Resources Department issues a permit.
- The Department encourages all applicants to wait for a permit to be issued before beginning construction of any proposed diversion. Acceptance of this application does not guarantee a permit will be issued.
- If I begin construction prior to the issuance of a permit, I assume all risks associated with my actions.
- If I 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, I may have to stop using water to allow senior water right holders to receive water to which they are entitled.

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AUG 06 2018

OWRD

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

Leslie Martin  
Applicant Signature

Leslie Martin  
Print Name and Title if applicable

8-3-18  
Date

Rachael A Martin  
Applicant Signature

Rachael A Martin  
Print Name and Title if applicable

8-3-18  
Date



## SECTION 2: PROPERTY OWNERSHIP

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

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

RECEIVED

AUG 06 2018

OWRD

**Affected Landowners:** List the names and mailing addresses of all owners of any lands that are not owned by the applicant and that are crossed by the proposed ditch, canal or other work, even if the applicant has obtained written authorization or an easement from the owner. *(Attach additional sheets if necessary).*

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

## SECTION 3: SOURCE OF WATER

### A. Proposed Source of Water

Provide the commonly used name of the water body from which water will be diverted, and the name of the stream or lake it flows into (if unnamed, say so), and the locations of the point of diversion (POD):

|                                      |                           |
|--------------------------------------|---------------------------|
| Source 1: Applegate Lake Reservoir   | Tributary to: Rogue River |
| TRSQQ of POD: T38S,R4W, Sec. 25 SENE |                           |
| Source 2:                            | Tributary to:             |
| TRSQQ of POD:                        |                           |

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

### B. Applications to Use Stored Water

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

- ☐ Yes. ☒ No. (Enclose a copy of your written notification to the operator of the reservoir of your intent to file this application, which should have been mailed or delivered to the operator.)



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

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

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

#### SECTION 4: SENSITIVE, THREATENED OR ENDANGERED FISH SPECIES PUBLIC INTEREST INFORMATION

This information must be provided for your application to be accepted as complete. The Water Resources Department will determine whether the proposed use will impair or be detrimental to the public interest with regard to sensitive, threatened or endangered fish species.

To answer the following questions, use the map provided in [Attachment 3](#) or the link below to determine whether the proposed point of diversion (POD) is located in an area where the Upper Columbia, the Lower Columbia, and/or the Statewide public interest rules apply.

For more detailed information, click on the following link and enter the T,R,S,QQ or the Lat/Long of a POD and click on "Submit" to retrieve a report that will show which section, if any, of the rules apply:  
[https://apps.wrd.state.or.us/apps/misc/lkp\\_trsqq\\_features/](https://apps.wrd.state.or.us/apps/misc/lkp_trsqq_features/)

If you need help to determine in which area the proposed POD is located, please call the customer service desk at (503) 986-0801.

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##### Upper Columbia - OAR 690-033-0115 thru -0130

Is the POD located in an area where the Upper Columbia Rules apply?

☐ Yes ☒ No

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If yes, you are notified that the Water Resources Department will consult with numerous federal, state, local and tribal governmental entities so it may determine whether the proposed use is consistent with the "Columbia River Basin Fish and Wildlife Program" adopted by the Northwest Power Planning Council in 1994 for the protection and recovery of listed fish species. The application may be denied, heavily conditioned, or if appropriate, mitigation for impacts may be needed to obtain approval for the proposed use.

If yes,

- I understand that the proposed use does not involve appropriation of direct streamflow during the time period April 15 to September 30, except as provided in OAR 690-033-0140.
- I understand that I will install, operate and maintain a fish screen and fish passage as listed in ORS 498.301 through 498.346, and 509.580 through 509.910, to the specifications and extent required by Oregon Department of Fish and Wildlife, prior to diversion of water under any permit issued pursuant to this application.



- I understand that the Oregon Department of Environmental Quality will review my application to determine if the proposed use complies with existing state and federal water quality standards.
- I understand that I will install and maintain water use measurement and recording devices as required by the Water Resources Department, and comply with recording and reporting permit condition requirements.

**Lower Columbia - OAR 690-033-0220 thru -0230**

Is the POD located in an area where the Lower Columbia rules apply?

☐ Yes ☒ No

**If yes, you are notified** that the Water Resources Department will determine, by reviewing recovery plans, the Columbia River Basin Fish and Wildlife Program, and regional restoration programs applicable to threatened or endangered fish species, in coordination with state and federal agencies, as appropriate, whether the proposed use is detrimental to the protection or recovery of a threatened or endangered fish species and whether the use can be conditioned or mitigated to avoid the detriment.

If a permit is issued, it will likely contain conditions to ensure the water use complies with existing state and federal water quality standards; and water use measurement, recording and reporting required by the Water Resources Department. The application may be denied, or if appropriate, mitigation for impacts may be needed to obtain approval of the proposed use.

**If yes, provide the following information** (the information must be provided with the application to be considered complete).

☐ Yes ☐ No The proposed use is for more than **one** cubic foot per second (448.8 gpm) and is not subject to the requirements of OAR 690, Division 86 (Water Management and Conservation Plans).

**If yes, provide a description of the measures to be taken to assure reasonably efficient water use:**

**Statewide - OAR 690-033-0330 thru -0340**

Is the POD located in an area where the Statewide rules apply?

☐ Yes ☒ No

**If yes, the Water Resources Department will determine** whether the proposed use will occur in an area where endangered, threatened or sensitive fish species are located. If so, the Water Resources Department, Department of Fish and Wildlife, Department of Environmental Quality, and the Department of Agriculture will recommend conditions required to achieve "no loss of essential habitat of threatened and endangered (T&E) fish species," or "no net loss of essential habitat of sensitive (S) fish species." If conditions cannot be identified that meet the standards of no loss of essential T & E fish habitat or no net loss of essential S fish habitat, the agencies will recommend denial of the application unless they conclude that the proposed use would not harm the species.

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## SECTION 5: WATER USE

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

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

| SOURCE                   | USE | PERIOD OF USE         | AMOUNT   |
|--------------------------|-----|-----------------------|--|
| Applegate Lake Reservoir | IR  | April 1 to October 31 | <input type="checkbox"/> cfs <input type="checkbox"/> gpm <input checked="" type="checkbox"/> af |
|                          |     |                       | <input type="checkbox"/> cfs <input type="checkbox"/> gpm <input type="checkbox"/> af            |
|                          |     |                       | <input type="checkbox"/> cfs <input type="checkbox"/> gpm <input type="checkbox"/> af            |
|                          |     |                       | <input type="checkbox"/> cfs <input type="checkbox"/> gpm <input type="checkbox"/> af            |

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

Primary: \_\_\_\_\_ Acres Supplemental: 27 Acres

If Supplemental Acres are listed, provide the Permit or Certificate number of the underlying primary water right(s): 34147

Indicate the maximum total number of acre-feet you expect to use in an irrigation season: 121.5

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

## SECTION 6: WATER MANAGEMENT

### A. Diversion and Conveyance

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

- ☒ Pump (give horsepower and type): unknown at this time  
☐ Other means (describe): \_\_\_\_\_

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

Pump direct from Applegate River, convey to place of use by buried pipeline

### B. Application Method

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

Apply by sprinkler, drip or low pressure sprinklers

### C. Conservation

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

Water application applied by timer control

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## SECTION 7: RESOURCE PROTECTION

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

- ☒ Diversion will be screened per ODFW specifications in ORS 498.301 through 498.346 to prevent uptake of fish and other aquatic life.

Describe planned actions: intake screened and inspected by ODFW

- ☐ Excavation or clearing of banks will be kept to a minimum to protect riparian or streamside areas.

**Note:** If disturbed area is more than one acre, applicant should contact the Department of Environmental Quality to determine if a 1200C permit is required.

Describe planned actions and additional permits required for project implementation: none required

- ☐ Operating equipment in a water body will be managed and timed to prevent damage to aquatic life. Describe planned actions and additional permits required for project implementation: None required

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

Describe planned actions: native vegetation planting along Applegate River

- ☐ List other federal and state permits or contracts to be obtained, if a water right permit is granted.

None required

## SECTION 8: PROJECT SCHEDULE

- a) Date construction will begin: October 2018  
b) Date construction will be completed: April 2019  
c) Date beneficial water use will begin: May 2019

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## SECTION 9: WITHIN A DISTRICT

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

|                          |         |     |
|--------------------------|---------|-----|
| Irrigation District Name | Address |     |
| City                     | State   | Zip |

## SECTION 10: REMARKS

Use this space to clarify any information you have provided in the application. (*Attach additional sheets if necessary*).  
The requested permit is to replace existing Certificates 57655 and 57656 which would be cancelled at the time the new permit is issued. In the event the new permit is not issued Certificates 57655 and 57656 are NOT to be cancelled.



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For Department Use: App. Number: S-88655



# Land Use Information Form



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

## NOTE TO APPLICANTS

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

**This form is NOT required if:**

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

## NOTE TO LOCAL GOVERNMENTS

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

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WR / FS



# Land Use Information Form



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

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Applicant(s): Leslie C. and Rachael A. Martin

Mailing Address: 11777 Highway 238

City: Jacksonville

State: OR

Zip Code: 97530

Daytime Phone: 541-778-3982

OWRD

## A. Land and Location

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

| Township   | Range     | Section   | ¼ ¼         | Tax Lot #  | Plan Designation (e.g., Rural Residential/RR-5) | Water to be:                                 |  |  | Proposed Land Use: |
|------------|-----------|-----------|-------------|------------|---|--|--|--|--------------------|
| <u>38S</u> | <u>4W</u> | <u>25</u> | <u>SENE</u> | <u>801</u> | <u>EFU</u>                                      | <input checked="" type="checkbox"/> Diverted | <input checked="" type="checkbox"/> Conveyed | <input checked="" type="checkbox"/> Used | <u>EFU</u>         |
| <u>38S</u> | <u>4W</u> | <u>25</u> | <u>NWSE</u> | <u>801</u> | <u>EFU</u>                                      | <input checked="" type="checkbox"/> Diverted | <input checked="" type="checkbox"/> Conveyed | <input checked="" type="checkbox"/> Used | <u>EFU</u>         |
| <u>38S</u> | <u>4W</u> | <u>25</u> | <u>NESW</u> | <u>801</u> | <u>EFU</u>                                      | <input checked="" type="checkbox"/> Diverted | <input checked="" type="checkbox"/> Conveyed | <input checked="" type="checkbox"/> Used | <u>EFU</u>         |
| _____      | _____     | _____     | _____       | _____      | _____   | <input type="checkbox"/> Diverted            | <input type="checkbox"/> Conveyed            | <input type="checkbox"/> Used            | _____              |

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

Jackson County

## B. Description of Proposed Use

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

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

Source of water: ☒ Reservoir/Pond    ☐ Ground Water    ☐ Surface Water (name) Applegate Reservoir

Estimated quantity of water needed: 121.5    ☐ cubic feet per second    ☐ gallons per minute    ☒ acre-feet

Intended use of water: ☒ Irrigation    ☐ Commercial    ☐ Industrial    ☐ Domestic for \_\_\_\_\_ household(s)  
☐ Municipal    ☐ Quasi-Municipal    ☐ Instream    ☐ Other \_\_\_\_\_

Briefly describe:

Supplemental water right from Applegate Reservoir, irrigation of vineyard 27.0 acres.

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

See bottom of Page 3. →



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## For Local Government Use Only

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

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

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

| Type of Land-Use Approval Needed<br>(e.g., plan amendments, rezones, conditional-use permits, etc.) | Cite Most Significant, Applicable Plan Policies & Ordinance Section References | Land-Use Approval:  |  |
|---|--|---|--|
| Farm Use  | Per Table 7.2-1  | <input checked="" type="checkbox"/> Obtained<br><input type="checkbox"/> Denied | <input type="checkbox"/> Being Pursued<br><input type="checkbox"/> Not Being Pursued |
|   |  | <input type="checkbox"/> Obtained<br><input type="checkbox"/> Denied            | <input type="checkbox"/> Being Pursued<br><input type="checkbox"/> Not Being Pursued |
|   |  | <input type="checkbox"/> Obtained<br><input type="checkbox"/> Denied            | <input type="checkbox"/> Being Pursued<br><input type="checkbox"/> Not Being Pursued |
|   |  | <input type="checkbox"/> Obtained<br><input type="checkbox"/> Denied            | <input type="checkbox"/> Being Pursued<br><input type="checkbox"/> Not Being Pursued |
|   |  | <input type="checkbox"/> Obtained<br><input type="checkbox"/> Denied            | <input type="checkbox"/> Being Pursued<br><input type="checkbox"/> Not Being Pursued |

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

Name: Summer Williams Title: Planner I

Signature: [Signature] Phone: 541-774-6907 Date: 7/16/18

Government Entity: Jackson County

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

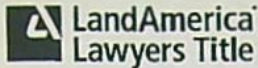
**Receipt for Request for Land Use Information**

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

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

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





After recording return to:  
Leslie C. Martin  
3015 Thompson Creek Rd  
Applegate, OR 97530-9513

Until a change is requested, all tax statements shall be sent  
to the following address:  
Leslie C. Martin  
3015 Thompson Creek Rd  
Applegate, OR 97530-9513

89 Jackson County Official Records 2006-062338

R-WD  
Cnt=1 Str=7 WALKER 12/14/2008 08:00:00 AM  
\$20.00 \$5.00 \$11.00 Total: \$36.00



I, Kathleen S. Beckett, County Clerk for Jackson County, Oregon,  
certify that the instrument identified herein was recorded in the Clerk  
records. Kathleen S. Beckett - County Clerk

### STATUTORY WARRANTY DEED

Mike Wise and Ellen Wise, Grantor, conveys and warrants to Leslie C. Martin and Rachael A. Martin, as tenants by the entirety, Grantee, the following described real property free of encumbrances except as specifically set forth herein:

SEE ATTACHED EXHIBIT "A"

Tax Account No. 10309774 and 10681791

This property is free of encumbrances, EXCEPT:  
SEE EXHIBIT "A" WITH EXCEPTIONS  
The true consideration for this conveyance is \$2,980,000.00

These instructions may be required to be signed in counterparts. When all counterparts have been duly executed and received by you, they will be deemed to comprise one single instrument.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY UNDER ORS 197.352. THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930 AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 197.352.

Dated 15<sup>th</sup> day of November, 2006

Mike Wise

Ellen Wise

STATE OF OREGON  
COUNTY OF JACKSON

The foregoing instrument was acknowledged before me this 15<sup>th</sup> day of November, 2006 by Mike Wise and Ellen Wise.

Notary Public State of Oregon  
My commission expires: 7-10-09



Order No. 46g0468863

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Warranty Deed  
ORRQ 6/2005; Rev. 1/2006

5-88655



State of California  
County of San Mateo

On 11-16-06 before me, Sheri Cookson  
State, personally appeared Ellen Wise or the undersigned, a Notary Public in and for said

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

WITNESS my hand and official seal.

Signature Sheri Cookson

Name Sheri Cookson  
(typed or printed)

(Seal)



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5-88655



Exhibit "A" with Exceptions

TRACT A:

That portion of the following described tracts lying Southerly of the centerline of the Applegate River: Beginning at the Northwest corner of Donation Land Claim No. 37 in Township 38 South, Range 4 West of the Willamette Meridian in Jackson County, Oregon; thence East on the North boundary of said Claim 18.50 chains to a stake; thence South 7.00 chains to the center of the County Road; thence West 9.48 chains to a stake; thence South across Applegate River 22.00 chains to a stake on the South line of said Claim; thence West on said Claim line, 9.02 chains to the Southwest corner of said Claim; thence North, along the West line of said Claim, 29.00 chains to the point of beginning. EXCEPTING THEREFROM the following: Beginning at the Northwest corner of said Donation Land Claim No. 37; thence East, along the North line of said Claim, 18.50 chains to a stake; thence South 330.0 feet, more or less, to a point on the Northerly right of way line of the now existing Oregon State Highway No. 238; thence in a Westerly direction along the North line of said Highway right of way, to the West line of said Donation Land Claim No. 37; thence North, along said West line to the point of beginning. ALSO, Beginning at the most Southerly Southeast corner of Donation Land Claim No. 37 in Township 38 South, Range 4 West of the Willamette Meridian in Jackson County, Oregon; thence North on the East line of said Claim, 12.5 chains to the Southerly line of Applegate River; thence in a Northwesterly direction along said River 23.00 chains to a stake; thence North 3.00 chains to an iron bolt in the center of the County Road; thence West 9.48 chains to a stake; thence South 22.00 chains to a stake on the South line of said Claim, which stake is 9.02 chains East from the Southwest corner of said Claim; thence East along the South line of said Claim 32.48 chains to the point of beginning. EXCEPTING from the above described tracts, the following: Beginning at a point on the Southerly right of way line of the now existing Oregon State Highway No. 238, said point being 18.50 chains East and 7.00 chains, more or less, South of the Northwest corner of Donation Land Claim No. 37 in Township 38 South, Range 4 West of the Willamette Meridian in Jackson County, Oregon; thence Northwesterly along the Southerly right of way line of said Highway No. 238, a distance of 200.0 feet; thence South 198.0 feet, more or less, to the Northerly line of the Applegate River; thence Southeasterly along said Northerly river line 200.0 feet, more or less, to a point South of the point of beginning; thence North 198.0 feet, more or less, to the point of beginning.

TRACT B:

That portion of Lot 6 in Section 25 in Township 38 South, Range 4 West of the Willamette Meridian in Jackson County, Oregon, lying Southerly of the thread of the stream of the Applegate River. EXCEPTING THEREFROM the following: Beginning at the Quarter Section corner common to Section 25 in Township 38 South, Range 4 West and Section 30 in Township 38 South, Range 3 West, of the Willamette Meridian in Jackson County, Oregon; thence West 219.5 feet to a 2 inch x 41 inch iron pipe; thence North 8° 55' East 700.0 feet, more or less, to the Southwesterly bank of the Applegate River; thence Southeasterly along the Southwesterly bank of said River, to a point 350.0 feet North of the point of beginning; thence South 350.0 feet to the point of beginning.

TRACT C:

Lot 5, the East Half of the Southwest Quarter, and the West Half of the Southeast Quarter of Section 25 in Township 38 South, Range 4 West of the Willamette Meridian in Jackson County, Oregon.

TRACT D:

The West 100.0 feet of the following described tract: Commencing at a point on the Southerly right of way line of the existing Oregon State Highway No. 238, said point being 18.50 chains East, and 7.0 chains South, more or less, from the Northwest corner of Donation Land Claim No. 37 in Township 38 South, Range 4 West of the Willamette Meridian in Jackson County, Oregon; thence Northwesterly, along said Southerly right of way line, to its intersection with the West line of said Claim No. 37; thence South, along said West line, to the centerline of the Applegate River; thence Easterly, upstream, along said centerline, to a point South of the true point of beginning; thence North to the true point of beginning.

Account No. 10309774, Levy Code 40-02, Map 384W25 801

Subject to:

1. Unpaid taxes for the year 2006-07  
Original Amount : \$6,103.72  
Unpaid Balance : \$6,103.72, plus interest  
Account No. 10309774 and 10681791; Levy Code 40-02; Map 384W25 801
2. As disclosed by the assessment and tax roll, the premises herein have been specially assessed for farm use. If the land becomes disqualified for this special assessment under the statutes, an additional tax, plus interest and penalty, will be levied for the number of years in which this special assessment was in effect for the land.  
Tax Identification : 10309774

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S-88685

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3. Any adverse claim based on the assertion that any portion of the subject land has been removed from or brought within the subject land's boundaries by the process of accretion or reliction or any change in the location of Applegate River
4. Any adverse claim based on the assertion that any portion of the subject land has been created by artificial means or has accreted to such portions so created, or based on the provisions of ORS 274.905 to 274.940.
5. Any adverse claim based on the assertion that any portion of the subject land is now or at any time has been below the ordinary high water line of Applegate River
6. Rights of fishing, navigation, commerce, flood control, propagation of anadromous fish, and recreation, and other rights of the public, Indian tribes or governmental bodies in and to the waters of Applegate River.
7. Rights of the public, riparian owners and governmental bodies as to the use of the waters of Keeler Creek and the natural flow thereof on and across that portion of the subject land lying below the high water line of said waterway.
8. The rights of the public in and to that portion of the herein described property lying within the limits of Highway 238.
9. An easement created by instrument, including the terms and provisions thereof,  
Recorded : September 13, 1904  
As : Volume 50, , Page 356  
For : Water ditch
10. An easement created by instrument, including the terms and provisions thereof,  
Recorded : July 26, 1940  
As : Volume 226, , Page 572  
In favor of : PacifiCorp, an Oregon corporation, or its predecessor in interest  
For : Transmission and distribution of electricity, and other purposes
11. The premises herein described are within the Applegate Valley Irrigation District, notice of which appears in instrument recorded December 13, 1968 as No. 68-12013, and are subject to the statutory powers thereof, including the power of assessment. As of the date of this report/policy, said district is inactive.
12. A perpetual easement and right of way, including, but not limited to, the right and privilege to locate, construct, relocate, maintain, control and repair a road way over and across, together with rights an privileges in connection therewith, granted to the United States of America, by instrument recorded December 31, 1969, as No. 69-11794, Official Records.
13. A perpetual easement and right of way, including, but not limited to, the right and privilege to locate, construct, relocate, maintain, control and repair a road way over and across, together with rights an privileges in connection therewith, granted to the United States of America, by instrument recorded April 2, 1976, as No. 76-05004, Official Records.

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4 B

S-00655



## CONTRACT DATA SHEET



Bureau of Reclamation  
Attn: PN-6324  
1150 N. Curtis Road  
Boise, ID 83706-1234  
208-378-5344

**RECLAMATION**  
*Managing Water in the West*

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1. Applicant Information:

A. Landowners

- 1) Name of Landowner(s): LESLIE C. AND RACHAEL A. MARTIN
- 2) Address: 11777 HIGHWAY 238, JACKSONVILLE, OR 97530
- 3) Mailing Address (if different): \_\_\_\_\_
- 4) Taxpayer Identification Number(s): 75-3005910  
(Social Security Number or Employer Identification Number<sup>1</sup>)
- 5) Do you own all of the land where you propose to divert and make use of water? YES

B. Water User Organizations (e.g., Irrigation Districts, Ditch/Canal Companies, Water Control Districts, Water User Associations & Cooperatives, Irrigation Improvement Districts, and similar entities organized according to State Law)

- 1) Name of Organization: \_\_\_\_\_
- 2) Name & Title of Applicant: \_\_\_\_\_
- 3) Mailing Address of Organization: \_\_\_\_\_
- 4) Taxpayer Identification Number: \_\_\_\_\_  
(Social Security Number or Employer Identification Number)
- 5) Please provide the following information:
  - (a) A description of the area served by the organization (location, total acreage, number of water users, prominent crops, etc.)
  - (b) Copy of organization by-laws, articles of incorporation (if applicable), board resolution authorizing the applicant to represent and bind the organization under contract with the United States.

2. Source of water (name of stream, river): APPLEGATE RESERVOIR (LAKE)
3. Proposed point of diversion: 890 feet NORTH and 1350 feet EAST of CENTER 1/4 corner of Section 25, Township 38 SOUTH, Range 4 WEST, Willamette Meridian.
4. A water right permit to divert storage water is required. Application or file number with Oregon Water Resources Department (OWRD) if you have applied for a permit to divert storage water: Submitted To OWRD July 2018
5. Include a map of lands and diversion points. (Same as required by OWRD for application of surface/ground water permit).



6. Do you currently hold a right to natural flows for irrigating the property described herein? YES  
If yes, what is/are the priority date(s)? CERTIFICATE 34147 MAY 10 1956
7. Total quantity of water from storage requested: 121.5 acre-feet.
8. Location of land to be irrigated in each 40-acre tract:

| TOWNSHIP | RANGE | SECTION | 40-ACRE TRACT<br>(1/4) (1/4) | NO. of<br>ACRES | TYPE of IRRIGATED CROP |
|----------|-------|---------|------------------------------|-----------------|------------------------|
| 38S      | 4W    | 25      | NW SE                        | 22.80           | VINEYARD               |
| 38S      | 4W    | 25      | NE SW                        | 2.80            | VINEYARD               |
| 38S      | 4W    | 25      | GOUT LOT 5<br>(SWNE)         | 1.40            | VINEYARD               |
|          |       |         |                              |                 | RECEIVED               |
|          |       |         |                              |                 | AUG 06 2018            |
|          |       |         |                              |                 | OWRD                   |

9. What is the present use of the land identified above? (farming; idle [fallow cultivated land]; native [appears never to have been tilled]; planted pasture or other [please specify]).  
EXISTING VINEYARD
10. Is the land identified above currently being irrigated? YES If yes, what is the source? (natural flows, wells, etc.) CHAPMAN CREEK
11. Diversion must be screened to prevent uptake of fish and other aquatic life. Describe plan(s) to comply with State/Federal fish screen standards: INTAKE WILL BE SCREENED TO COMPLY WITH ODFW REQUIREMENTS.
12. Telephone number where you can be reached during the day: 541-778-3982

Before returning the completed Contract Data Sheet to the address provided on page 1, please ensure you have:

- ANSWERED ALL QUESTIONS COMPLETELY
- ATTACHED AND IDENTIFIED ADDITIONAL SHEET(S) AS NECESSARY
- ATTACHED THE REQUIRED MAP
- SUBMIT PAYMENT FOR THE APPROPRIATE CONTRACT ADMINISTRATION FEE<sup>2</sup>. MAKE CHECK PAYABLE TO THE U.S. BUREAU OF RECLAMATION

<sup>1</sup> Section 31001(i) of the Debt Collection Improvement Act of 1996 (Chapter 10 of Pub. L. 104-134) requires each contractor with an agency of the United States to furnish their taxpayer identifying number (social security number or employer identification number) and each agency to disclose to that contractor its intent to use such number for purposes of collecting and reporting on any delinquent amounts arising out of such contractor's relationship with the Government.

<sup>2</sup> The minimum contract administration fee for most applications is \$100. However, from time to time this fee may be revised to cover the costs of the United States. We recommend you contact this office to verify the current minimum contract administration fee. If the costs to the United States of evaluating the application are in excess of the minimum contract administration fee, an estimate of the reimbursable costs for which advance payment is required will be provided to the applicant.



## Minimum Requirements Checklist

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

### Include this checklist with the application

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

Please submit the original application and signatures to the Water Resources Department. Applicants are encouraged to keep a copy of the completed application.

- ☒ SECTION 1: Applicant Information and Signature
- ☒ SECTION 2: Property Ownership
- ☒ SECTION 3: Source of Water
- ☒ SECTION 4: Sensitive, Threatened or Endangered Fish Species Public Interest Information
- ☒ SECTION 5: Water Use
- ☒ SECTION 6: Water Management
- ☒ SECTION 7: Resource Protection
- ☒ SECTION 8: Project Schedule
- ☐ SECTION 9: Within a District
- ☒ SECTION 10: Remarks

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#### Include the following additional items:

- ☒ Land Use Information Form with approval and signature of local planning department (*must be an original*) or signed receipt.
- ☐ Provide the legal description of: (1) the property from which the water is to be diverted, (2) any property crossed by the proposed ditch, canal or other work, and (3) any property on which the water is to be used as depicted on the map.
- ☒ Fees - Amount enclosed: \$ 1342.40  
See the Department's Fee Schedule at [www.oregon.gov/owrd](http://www.oregon.gov/owrd) or call (503) 986-0900.
- ☒ Map that includes the following items:
  - ☒ Permanent quality and drawn in ink
  - ☒ Even map scale not less than 4" = 1 mile (example: 1" = 400 ft, 1" = 1320 ft, etc.)
  - ☒ North Directional Symbol
  - ☒ Township, Range, Section, Quarter/Quarter, Tax Lots
  - ☒ Reference corner on map
  - ☒ Location of each diversion, by reference to a recognized public land survey corner (distances north/south and east/west)
  - ☒ Indicate the area of use by Quarter/Quarter and tax lot identified clearly.
  - ☒ Number of acres per Quarter/Quarter and hatching to indicate area of use if for primary irrigation, supplemental irrigation, or nursery
  - ☒ Location of main canals, ditches, pipelines or flumes (if well is outside of the area of use)





Oregon Water Resources Department  
Stored Water Only Applications - Expedited Secondary

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

Today's Date: Tuesday, August 7, 2018

|  |                             |            |
|--|-----------------------------|------------|
| Base Application Fee.  |                             | \$520.00   |
| Acre feet of Stored Water to be diverted.  | 121.5                       | \$822.40   |
| Permit Recording Fee. ***  |                             | \$520.00   |
| *** the Permit Recording Fee is not required when the application is submitted but, must be paid before a permit will be issued. It is fully refundable if a permit is not issued. If the recording fee is not paid prior to issuance of the Final Order, permit issuance will be delayed. | <a href="#">Recalculate</a> |            |
| Estimated cost of Permit Application   |                             | \$1,862.40 |

OWRD Fee Schedule

|                                   |
|-----------------------------------|
| Fee Calculator Version: B20170117 |
|-----------------------------------|



August 3, 2018

Oregon Water Resources Department  
725 Summer Street N. E., Suite A  
Salem, OR 97301-1271

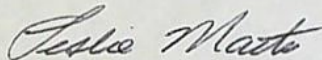
Attn: Surface Water Applications

Attached please find our application for Permit to Use Surface Water, stored water from Applegate Lake Reservoir. Our contract application has been sent to the U.S. Bureau of Reclamation, a copy is included with our surface water application.

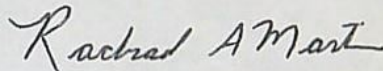
The requested permit is to replace existing Certificates 57655 and 57656 which are to be cancelled at the time the new permit is issued. In the event that the new permit is not issued, Certificates 57655 and 57656 are NOT to be cancelled.

Please contact us if you have any concerns or questions.

Sincerely,



Leslie C. Martin  
11777 Highway 238  
Jacksonville, OR 97530  
541-778-3982



Rachael A. Martin  
11777 Highway 238  
Jacksonville, OR 97530

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MAP OF WATER RIGHT APPLICATION  
SECTION 25, TOWNSHIP 38 SOUTH, RANGE 4 WEST, W.M.  
JACKSON COUNTY, OREGON  
FOR  
LESLIE C. AND RACHAEL A. MARTIN  
11777 HIGHWAY 238  
JACKSONVILLE, OREGON 97530



Scale: 1"=400'  
Date: July 20, 2018

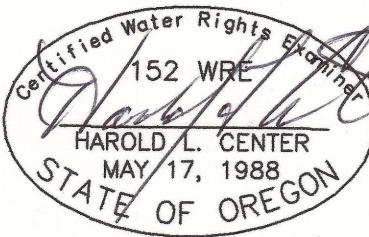
LEGEND

- Found Survey Monument
- Denotes Building/Structure
- Denotes DLC 37 Boundary
- Denotes Tax Lot Boundary
- - - Denotes Section Subdivision Boundary
- PD Denotes Proposed Point of Diversion
- P- Denotes Buried Mainline Pipe
- ▨ Denotes Area Certificate No. 34147, Priority Date May 10, 1956, Primary Proposed Supplemental Right From Applegate Reservoir This Application
- ▩ Denotes Area Certificate No. 34147, Priority Date May 10, 1956, Primary Right-No Supplemental Right

Note-Following Certificates To Be Cancelled Upon Issue Of New Supplemental Permit.

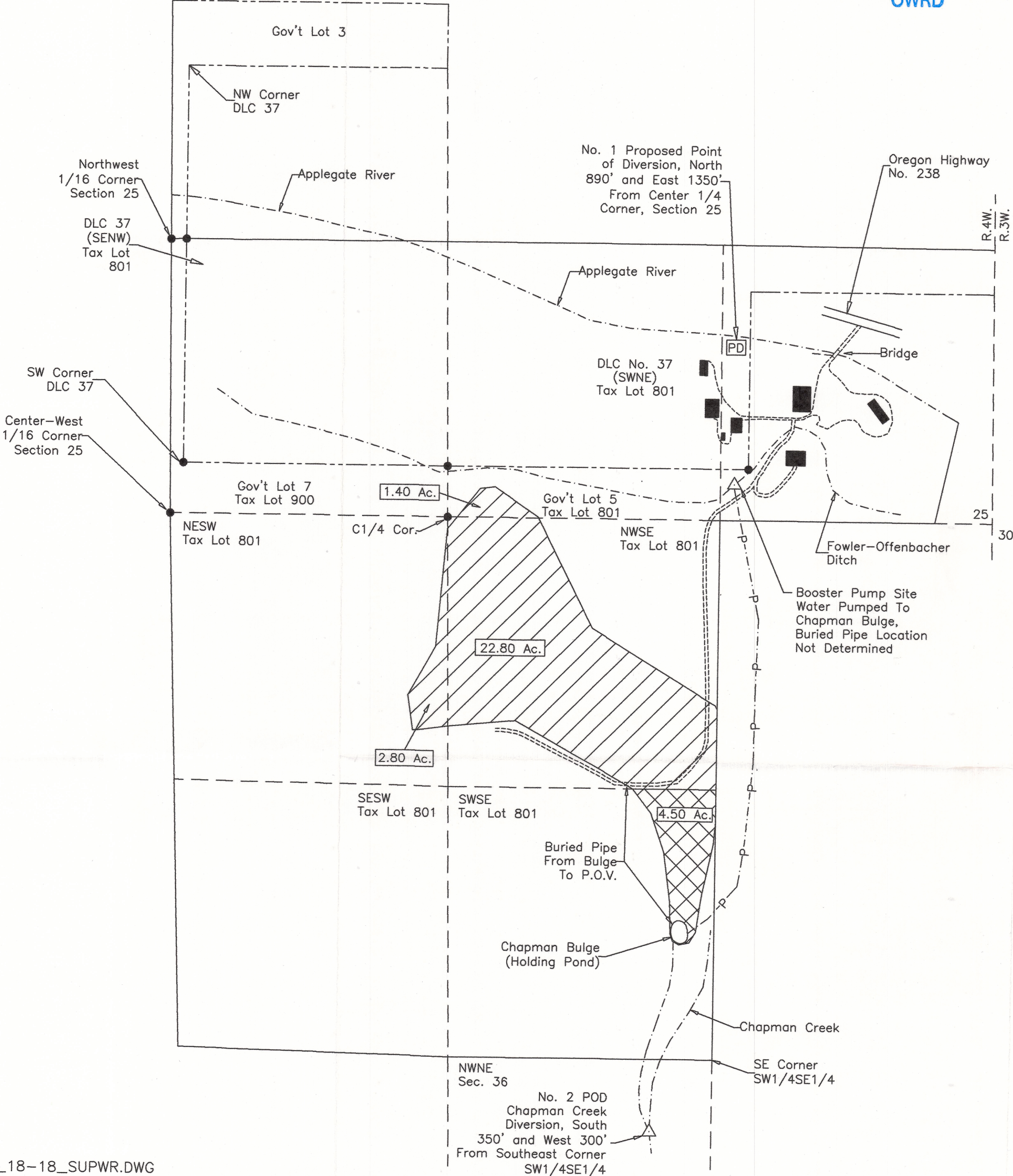
Certificates 57655 and 57656 Affidavits For The Cancellation Of An Entire Water Right Attached.

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



HAROLD L. CENTER, P.L.S., C.W.R.E.  
2604 David Lane  
Medford, OR. 97504  
Phone 541-535-6108  
Oregon Certificate No. 152  
Certificate Renewal Date:

Renews: 12/31/19



Project: MARTIN1\_18-18\_SUPWR.DWG

S-88655