

G1

FILE#: G 15711
 Na RUSSELL JUNCAL
 JUNCAL, NORA
 1965 HILT RD
 Ac HORN BROOK, CA 96044

Application No. G15711Permit No. G-15529Certificate No. 90826

Stream Index, Page No. _____

Date filed _____

Priority _____

Action suspended until C08

Return to applicant _____

Date of approval _____

CONSTRUCTION

Date for beginning _____

Date for completion _____

Extended to _____

Date for application of water 10-1-08

Extended to _____

PROSECUTION OF WORK

Form "A" filed _____

Form "B" filed _____

Form "C" filed _____

FINAL PROOF

Blank mailed _____

Proof received C0BU 11/3/2008Date certificate issued OCT 23 2015**FEES PAID**

Date	Amount	Receipt No.
<u>EXAM 2-25-02</u>	<u>400⁰⁰</u>	<u>51145</u>
<u>11-12-03</u>	<u>250.00</u>	<u>64260</u>

Cert. Fee

FEES REFUNDED

Date	Amount	Check No.

ASSIGNMENTS

Date	To Whom	Address	Volume	Page

REMARKSRELATED FILE G-15712-ND

PUMP TEST
3-28-2013
 APPROVED

CBU Map # 390 (folder N)

09/25/2003 Guadalupe Springs Issue Reiner, Doug, Terry, Tim
does an exempt spring w/a permit get protection under OR water law

+ issue final order when no easement - permit issued
when easement is shown

+ under what author. do we ignore SW availability

-
- ① Tuncal withdraw protest — .015 cfs for Julia B.
 - ② Tuncal would get 0.14 cfs from well
Tuncal would withdraw SW & reserv.
120 days for proof of easement
w/draw protest against Holmes
 - ③ Holmes get 0.01 cfs

TO: Water Rights Section

MARCH 14, 2002

FROM:

Groundwater/Hydrology Section

IVAN GALL

Reviewer's Name

SUBJECT:

Application G-

15711

GROUNDWATER/SURFACE WATER CONSIDERATIONS

1. ~~PER THE~~ Basin rules, one or more of the proposed POA's is/is not within _____ feet/mile of a surface water source (_____) and taps a groundwater source hydraulically connected to the surface water.
2. BASED UPON OAR 690-09 currently in effect, I have determined that the proposed groundwater use
 - a. X will have the potential for substantial interference with the nearest surface water source, namely UNNAMED SPRING; or
 - b. _____ will not have the potential for substantial interference with the nearest surface water source, namely _____; or
 - c. _____ will, if properly conditioned, adequately protect the surface water from interference:
 - i. _____ The permit should contain condition #(s) _____; or
 - ii. _____ The permit should contain special condition(s) as indicated in "Remarks" below;
 - iii. _____ The permit should be conditioned as indicated in item 4 below; or
 - d. _____ will, with well reconstruction, adequately protect the surface water from substantial interference.

GROUNDWATER AVAILABILITY CONSIDERATIONS

3. BASED UPON available data, I have determined that groundwater for the proposed use
 - a. _____ will likely be available in the amount requested without injury to prior rights and/or is within the capacity of the resource; or
 - b. X will not be available in the amount requested without injury to prior rights and/or is within the capacity of the resource; or
 - c. _____ will, if properly conditioned, avoid injury to existing rights or to the groundwater resource:
 - i. _____ The permit should contain condition #(s) _____;
 - ii. _____ The permit should contain special condition(s) as indicated in "Remarks" below;
 - iii. _____ The permit should be conditioned as indicated in item 4 below; or
4.
 - a. _____ THE PERMIT should allow groundwater production from no deeper than _____ feet below land surface;
 - b. _____ The permit should allow groundwater production from no shallower than _____ feet below land surface;
 - c. _____ The permit should allow groundwater production only from the _____ groundwater reservoir between approximately _____ feet and _____ feet below land surface;
 - d. _____ Well reconstruction is necessary to accomplish one or more of the above conditions.
 - e. _____ One or more POA's commingle two or more sources of water. The applicant must select one source of water per POA and specify the proportion of water to be produced from each source.

REMARKS:

(Well Construction Considerations on Reverse Side)

WELL CONSTRUCTION (If more than one well doesn't meet standards, attach an additional sheet.)

5. THE WELL which is the point of appropriation for this application does not meet current well construction standards based upon:
- a. ☐ review of the well log;
 - b. ☐ field inspection by _____;
 - c. ☐ report of CWRE _____;
 - d. ☐ other: (specify) _____
6. THE WELL construction deficiency:
- a. ☐ constitutes a health threat under Division 200 rules;
 - b. ☐ commingles water from more than one groundwater reservoir;
 - c. ☐ permits the loss of artesian head;
 - d. ☐ permits the de-watering of one or more groundwater reservoirs;
 - e. ☐ other: (specify) _____
7. THE WELL construction deficiency is described as follows: _____
8. THE WELL
- a. ☐ was constructed according to the standards in effect at the time of original construction or most recent modification.
 - b. ☐ was not constructed according to the standards in effect at the time of original construction or most recent modification.
 - c. ☐ I do not know if it met standards at the time of construction.

RECOMMENDATION:

- A. ☐ I recommend including the following condition in the permit: "No water may be appropriated under terms of this permit until the well(s) has been repaired to conform to current well construction standards and proof of such repair is filed with the Enforcement Section of the Water Resources Department."
- B. ☐ I recommend withholding issuance of the permit until evidence of well reconstruction is filed with the Enforcement Section of the Water Resources Department.
- C. ☐ REFER this review to Enforcement Section for concurrence.

THIS SECTION TO BE COMPLETED BY ENFORCEMENT PERSONNEL

I concur in G/H's recommendation A or B above relating to conditioning or withholding the permit.

(Signature)

_____, 200____

I do not concur in G/H's recommendation A or B above relating to conditioning or withholding the permit for the following reasons: _____

(Signature)

_____, 200____

MEMO

MARCH 14, 2002

 TO^-

Application G- 15711

FROM

GW: IVAN GALL
(Reviewer's Name)

SUBJECT

Scenic Waterway Interference Evaluation

Yes

The source of appropriation is within or above a Scenic Waterway



No

5

Yes

Use the Scenic Waterway condition (Condition 7J).

☐

No

Doug - Is there a scenic waterway on the Klamath? Below Cottonwood Crk?

PREPONDERANCE OF EVIDENCE FINDING: (Check box only if statement is true)



At this time the Department is unable to find that there is a preponderance of evidence that the proposed use of ground water will measurably reduce the surface water flows necessary to maintain the free-flowing character of a scenic waterway in quantities necessary for recreation, fish and wildlife.

FLOW REDUCTION: (To be filled out only if Preponderance of Evidence box is not checked)

Exercise of this permit is calculated to reduce monthly flows in _____ Scenic Waterway by the following amounts expressed as a proportion of the consumptive use by which surface water flow is reduced.

[illegible]



Oregon

John A. Kitzhaber, M.D., Governor

Water Resources Department

942 SW 6th Street
Suite E
Grants Pass, OR 97526
(541) 471-2886
FAX (541) 471-2876

WATER RESOURCES DEPARTMENT MEMORANDUM

Date: March 14, 2002
To: Groundwater/Hydrology
From: Ivan Gall – Southwest Region Hydrogeologist, Grants Pass
Subject: GW Application G-15711

Applicant: Russell and Nora Juncal
Seek: 0.14 cfs for 1.8 acres; 4.5 acre-feet
From: One drilled well, Cottonwood Creek sub-basin, Klamath Basin
Proposed Use: Group Domestic and wildlife (year-round), Irrigation and fire protection (April 1 – October 31)
Quad Names: Siskiyou Pass and Mt. Ashland

Well # 1 **(JACK 21247)**
41S/02E-18aa (NE of the NE), Jackson County
Well elevation at site is ~3,100 feet (NGVD 1929)
Well is ~ 50 feet south from an unnamed seasonal tributary to Cottonwood Creek
Unnamed tributary elevation is ~3,100 feet (NGVD 1929)
Well is 135 feet deep, cased to 20 feet, and sealed to 18 feet bgs
Water first found at 102 feet bgs
SWL: 10-15-1979 11 feet bgs (from well log)
Well is located 934.5 feet North and 586.2 feet West of the SE corner of Section 18
(from application map)

Evaluation Summary

The subject property is located on the Oregon-California border near an unnamed tributary to Cottonwood Creek. The well is located approximately 1,800 feet west of Interstate 5. Topography is moderate, generally sloping to the south-southwest.

The applicant is applying for a primary right of 0.14 cubic feet per second [cfs; approximately 63 gallons per minute (gpm)] with a total duty of 4.5 acre-feet for year-round group domestic use, seasonal irrigation of 1.8 acres, and seasonal fire protection.

The bedrock geology in the area is composed of marine mudstone of the Blue Gulch Mudstone member of the Hornbrook Formation. GRID lists three well logs in section 18: JACK 21247, 21248, and 21250. The depth to bedrock varies from 10 to 22 feet bgs. The bedrock was logged as claystone, sandstone, and volcanic rock. Based on the three well logs above, the static water levels



vary between 11 and 28 feet in the area. Two of the reported well yields are 150 gpm, the third only 4 gpm.

No water level data from any state observation wells exists for this area.

The well is approximately 5,100 feet northeast of Cottonwood Creek, the major drainage in the area. Based on the distance between the well and Cottonwood Creek, and the relatively small rate and duty requested, it is unlikely that substantial interference would occur. Because of the proximity of the well to the unnamed tributary to Cottonwood Creek, it is possible that substantial interference could occur between them. However, Bruce Sund, District 14 watermaster, indicates that the drainage probably only flows during large precipitation events.

Discussions with Larry Menteer, District 13 watermaster, and Del Sparks, District 17 watermaster, indicate that there is a spring located close to the well (within approximately 100 feet). Apparently the spring has recently been filed on by at least one landowner, and the spring provides water for several households. There has been a history of water disputes between the various neighbors over the last two years, including allegations of spring interference resulting from use of the applicant's well. The spring location was not provided on the application map for this permit. The relatively shallow static level provided on the well log suggests the possibility for substantial interference with the spring.

Recommendation:

Ground water does not appear to be available from JACK 21247 for irrigation and year-round domestic use without the potential for substantial interference with a nearby spring. The applicant could provide data to show no substantial interference between the subject well and the nearby spring to facilitate further review of this application.

References:

1. WRD GRID well log database.
2. 1983 Provisional USGS topographic maps, Siskiyou Pass and Mt. Ashland, OR-CA 1:24,000 sheets.
3. Nilsen, Tor H., 1993. Stratigraphy of the Cretaceous Hornbrook Formation, Southern Oregon and Northern California. USGS Professional Paper 1521.

OREGON WATER RESOURCES DEPARTMENT

MEETING AGENDA

THURSDAY, APRIL 17, 2003 - 9:00-11:00 AM (TWO HOURS)

MEDFORD CITY HALL ANNEX, 200 NORTH IVY, MEDFORD, OREGON

SUBJECT: PENDING WATER RIGHT APPLICATIONS NEAR UN-NAMED SPRING REFERRED TO AS AGUADALUPE SPRING≡

	MINUTES	WHO
1. WELCOME & INTRODUCTIONS	5	ALL
2. REVIEW AGENDA	5	RENEE MOULUN
3. GOALS FOR MEETING	5	RENEE MOULUN
4. DESCRIPTION OF TYPICAL SETTLEMENT PROCESS	5	RENEE MOULUN
5. DESCRIPTION OF TYPICAL CONTESTED CASE HEARING PROCESS	10	RENEE MOULUN
6. REVIEW OF THE PENDING APPLICATIONS & THEIR STATUS	10	DWIGHT FRENCH
7. EXPLANATION OF THE DEPARTMENT=S PROPOSED FINAL ORDERS	5	DWIGHT FRENCH
8. SHARING OF INDIVIDUAL PERSPECTIVES (Each party will have an opportunity to describe what settlement opportunities might exist.)	5 each	ALL
9. DEPARTMENT SUMMARY	5	RENEE MOULUN
10. DISCUSSION OF POSSIBLE SETTLEMENT OPPORTUNITIES	20	ALL
11. NEXT STEPS	5	RENEE MOULUN

March 7, 2003

TO: Chris and Anita Holm, 14930 Barney Road, Plymouth CA 95669
Julia Burns, PO Box 11026, Ashland OR 97520
B. Bloom, Hornecker Cowling et al, 717 Murphy Rd, Medford OR 97504
Russell and Nora Juncal, 1965 Hilt Road, Hornbrook CA 96044
Frederick Marken and Ilona Toko, 177 E 11th Street, Chico CA 96044

FROM: Renee Moulun, Protest Program Coordinator
Oregon Water Resources Department

SUBJECT: A MEETING REGARDING WATER RIGHT APPLICATIONS
G15711 and S85175 - Juncal
S84817, S85127, R85199 and R85200 - Burns
S85219 - Holm
G15735 - Marken and Toko

As you are aware, there have been several protests filed against the above listed applications. The Oregon Water Resources Department ("OWRD") strongly encourages negotiated agreements to resolve these types of disputes and would like to facilitate a discussion between the participants with the goal of resolving the issues raised in the protests.

We would like you to meet with OWRD staff to discuss these issues on **Thursday, April 17, 2003 from 9:00-11:00a.m. at Medford City Hall Annex, 200 North Ivy, Medford, Oregon.** This meeting is limited to applicants and those parties who timely filed protests. There will be no opportunity for public comment.

If you have any questions, concerns or need special accommodations for the meeting, please do not hesitate to contact Renee Moulun, Protest Program Coordinator at (503)378-8455 ext. 239. Please also confirm your attendance with Renee.

copies: files referenced above
WRD staff

To: Doug Woodcock
From: Ivan Gall <Ivan.K.GALL@wrд.state.or.us>
Subject: Guadalupe Springs
Cc:
Bcc:
Attached:

I spoke with Monty Elliott on Friday morning regarding his involvement in Guadalupe Springs. He seems to have a good history of prior property owners, why the wells are there, but does not seem to know too much about recent events. He has made a very concerted effort to distance himself from the parties involved.

He was the one who advised the previous property owners to drill north of the springs. The "State Line" fault is major, bringing the Eocene sediments in contact with the Cretaceous Hornbrook. Monty felt that by drilling north of the fault, and what he believes to be a southward gradient, you would intercept water dammed against the fault. The previous owners wanted to irrigate, so they put in 3 wells, then their operation went bankrupt.
ivan

Mr. Ivan Gall
Oregon Water Resources Department
942 S.W. 6th Street
Grants Pass, Oregon 97526

April 14, 2003

VIA FAX

Dear Ivan Gall,

On Saturday, April 12th, 2003 I sent to you by U.S. Mail a videotape and a 2- page letter. I would like to add to the letter my **greatest concern** which was not spelled out very clearly. It is a question of not only misusing but overusing the aquafir.

It is very clear that Mr. Juncal has been using this aquafir to furnish water for his development of hundreds of acres of land. He still has more projects for the future. I have in the past been told by Mr. Juncal that I'd better drill a well on my land because our spring was going dry. Mr. Juncal has no right to this spring. It has been "dedded" 100% to three houses in California.

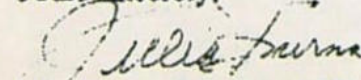
What's more, he is clearly not pumping ground water but rather extracting water directly from the spring box and using this as the water for his projects. I have done research.

While in Salem on March 24, 2003 Renee Moulun and Dwight French told me that "consensus" would be used to determine at the scheduled April 17, 2003 meeting of applicants **whether or not the springbox would be "cleaned" of its diversions**. That's an impossible situation since the majority there would be individuals who created and are benefiting from the diversions. Under these circumstances it would be impossible for me to attend that meeting. Without cleaning the springbox of really gross diversions we could never be sure of getting our Proposed Water Right allotments. **And would these illegal diversions then not be built into these Water Rights?** I am very concerned that an independent hydrological test was never done on the spring, and we therefore don't even know accurately the amount of water we are splitting.

It seems absolutely necessary that the misuse of that aquafir be thoroughly investigated and corrected. I trust that you will be able to help us with this. A synopsis of the videotape is attached.

Thank you in advance for your help.

Yours sincerely,



Julia Burns, P.O. Box 1026, Ashland, Oregon 97520 (541) 552-0131 (fax and phone)

Cc Renee Moulun, Mr. Fred Lister, Mr. Benjamin Bloom, Mr. Frederick Marken, Mr. Chris Holm, Mr. Del Sparks, Watermaster No. 17, Mr. Doug Woodcock

Mr. Ivan Gall
Oregon Water Resources Department
942 S.W. 6th Street
Grants Pass, Oregon 97526

April 12, 2003

Dear Ivan Gall,

As you may know I, Julia Burns, have applied for an Oregon Water Right on a spring located in Jackson County, Oregon. It is a spring which has served three houses since antiquity. There are now a number of applications being considered. The attached meeting notice dated March 7, 2003 spells out the situation pretty clearly.

I have the feeling that you are aware of all of this for when I was last in Salem Renee Moulun mentioned that you would be going to the spring in question with she and Dwight French. My response was that unless you were to actually get down into the springbox and explore, such a visit would not be truly helpful in the sense that I feel help is needed here. I also suggested that you need to have a copy of the videotape which I put together from many videos I made while preparing for a litigation over the use of this spring.

I am taking the liberty of providing you with a copy of this videotape. It is about 45 minutes in length. I have taken one sequence which I filmed on September 5, 1999 and have run it three times in sequence at the beginning of the tape. I did this so that the pvc pipe in the mid left corner can be seen. This pipe was stuck into the springbox in order to take water out, in the direction of the wells. This is one way in which water has been disappearing from the spring in order to create an aquafir which has been used by the wells. I will fax you a commentary on the videotape on Monday. It is not yet ready.

This same sequence can be seen later on in the videotape. On this September 5, 1999 Mr. Marken gave Glen Archibald permission to draw water from the spring through the spigot on the spring line. I was told Mr. Archibald's water pump was malfunctioning, and that he needed water to fill his water tank. I began videotaping the procedure at approximately 9 am and finished just after 4 p.m. ... 4 different visits. Never once was there movement in the spring during this time, neither water coming in, nor going out. Suddenly as Mr. Archibald turned off his pump, we see movement again in the springbox. If one watches closely, one can see bubbles coming into the springbox from this pvc pipe which does not belong there.

I don't think you will see this pvc pipe on your visit. As someone became aware of my knowledge, the pipe was removed. But just a few days ago Don Harding and I discovered another way that water is being removed from the springbox over into the area of the wells, creating, if you will, an aquafir which the wells then pump up. I will share this information with you when you visit.

On March 6th, 2003, Don Harding and myself came upon Mr. Lonnie Cornwell opening up Mr. Fred Marken's well, a well that I had never known to be functioning and which I had been told was collapsed. I understood from Mr. Cornwell that he was commissioned to do the work by Russel Juncal on behalf of Frederick Marken.

Mr. Cornwell attached this well to the spring mainline, against my protests. (see attached letter dated March 10, 2003). They have to have tested this attachment for on March 17, 2003 Jon Nauman, another friend and myself visited the area on our way to the BLM land. I could not even show my two companions the inside of the springbox, for when we took off the cover of the springbox all we could see was high dirty water that was so murky one could see nothing. Normally one can see to the very bottom of the springbox. I warned my tenant to not use the water without boiling it. It's my understanding that the tenants at Mr. Marken's house use bottled water for drinking and that the Cornwells are using their wellwater.

On Thursday, April 10, 2003 Don Harding and I visited the spring area again. As we took off the top of the springbox there were many many big flies...maybe 20 or 30... sitting there on top of the water. In all my years I never saw this before. When we drained out some of the water so that we could see through the murk to the bottom of the springbox we could see larvae jumping in and out of the silt. We measured up to a foot of silt at the bottom of the springbox. I returned to the spring yesterday with a videocamera and managed to get a picture of the larvae jumping. I had hoped to to put this on the videocassette I am enclosing here for you, but I am not sure I can manage to manipulate the mechanics of this in time to get this videocassette in the U.S. Mails to you today.

Monday I hope to get to Yreka with water samples from all of the contaminated areas. As you will see from the attached letter written to Lonnie Cornwell on March 10, 2003 Mr. Juncal, Mr. Cornwell and Mr. Marken broke every deed and agreement in putting the water into that pipeline, a pipeline which has been used exclusively for springwater for about 150 years. This means that the springline as well as my private tank are also contaminated, as well as the pipeline out of my private tank and the pipeline into the various houses.

Because of my concern over all of the controversies and because of the impending meeting and the Proposed Final Orders, I telephoned Mr. Fred Lister of your Ground Water Division in Salem. We spoke for a short time and he clarified as much as he could from what I was able to tell him. Mr. Lister strongly suggested that I contact you. It's my impression that he thinks you should visit this spring to see what is going on.

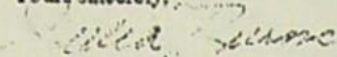
I had discussed with him the various ways in which Mr. Juncal et al have been extracting water directly from the spring in order to "feed the wells". I am not entirely clear on all the ground/surface mechanics, but it is my impression that if wells are actually pumping surface water rather than ground water, then their 15,000 gpd exemption is not valid.

Department the structure this caretaker stayed in for about a week was vandalized by someone who broke a hole right through the wall of the structure.

The CC&R's point out that if Mr. Marken does any "future development", i.e. decides to activate his well, he has a right to put in his own line in the 10-foot wide water line easement. In a letter Mr. Moody suggested that Mr. Marken could also put his pipeline down the road.

I plan to use my tank for my own water. It is certainly time that I be given a little peaceful use of my own land. The attachment of Mr. Marken's well must be removed from the springline.

Yours sincerely,


Julia Burns, P.O. Box 1026, Ashland, Oregon 97520 (541) 552-0131 (fax and phone)

Attachments: Affidavits Dick Davis

CC Mr. Fred Marken, Mr. Benjamin Blom, Judge Kosel, Renee Moulun, OWRD,
Watermaster #17

video on spring associated with Juncal's dam & approximately 7' - 10' L
S-84817, S85127, R85199 and R85200.

Note...these are only clips cut out of videos taken through the years...It was first put together to prove there was water. I had been told that I could have 10 gpm but there was no water. Then by Montecore that I should have 20 gpm but they couldn't be assured it would get to my land.

First clip...which I have repeated 3 x to get the point across. We see the springbox inside on September 5, 1999. Glen Archibald was supposedly given permission to turn off our line so he could siphon water from our springline in order to fill his 1500 gallon tank. His pump had supposedly gone off.

I arrived early in the morning and then monitored the springbox all day, at least 4 times. Every time I monitored it, there was no water moving into the springbox, none moving out. Then, when Glen Archibald (who has no right to the water, and is taking it through Russel Juncal) stopped taking water, then the springbox came "back to life", with water flowing in from both sides of the springbox. I repeated this 3 times because you can see on the "inside" side of the springbox...i.e. the side nearest the videocamera. a PVC pipe sticking out slightly. You will see bubbles coming back in from there, not a usual phenomenon. I had not uncovered the lowerline at that time, but that could explain the stillness at the spring when someone was draining it all day. Water going out the lower line....leaving no action in the springbox itself.

The first sequence after this shows Robert Bly...water engineer...turning on the spigot and finding x gallons per minute. We go to the spring and look at things there. Then we return to the spigot...NO WATER.

There is then a sequence of shots with different people turning on the spigot on our line. Pan shots show the Juncal residence, just across from the spigot. Over and over again we find that the main line for our water is without water. Then when Juncal et al become aware of our presence, the water comes on again. Matt Reed and Jim state that the pressure is too great for gravity feed. I.e. this water that has come on is from "another source". We have now come to know that that "other source" is Mr. Juncal's pressure tank. I have actually seen Juncal turning on the switch which then diverts the water back to our line.

There are sequences with my sister there...with the springbox nailed down so we could not observe...and lots of heavy equipment marks belonging to Cornwell equipment...where they have clearly been "working with" the terrain where are the pipes to the system. They also enlarged the draw catching the water, so that pipes could be pushed up into the springbox, bringing water down into the draw that goes past the Juncal residence.

Mr. Ivan Gall
Oregon Water Resources Department
942 S.W. 6th Street
Grants Pass, Oregon 97526

April 12, 2003

Dear Ivan Gall,

As you may know I, Julia Burns, have applied for an Oregon Water Right on a spring located in Jackson County, Oregon. It is a spring which has served three houses since antiquity. There are now a number of applications being considered. The attached meeting notice dated March 7, 2003 spells out the situation pretty clearly.

I have the feeling that you are aware of all of this for when I was last in Salem Renee Moulun mentioned that you would be going to the spring in question with she and Dwight French. My response was that unless you were to actually get down into the springbox and explore, such a visit would not be truly helpful in the sense that I feel help is needed here. I also suggested that you need to have a copy of the videotape which I put together from many videos I made while preparing for a litigation over the use of this spring.

I am taking the liberty of providing you with a copy of this videotape. It is about 45 minutes in length. I have taken one sequence which I filmed on September 5, 1999 and have run it three times in sequence at the beginning of the tape. I did this so that the pvc pipe in the mid left corner can be seen. This pipe was stuck into the springbox in order to take water out, in the direction of the wells. This is one way in which water has been disappearing from the spring in order to create an aquafir which has been used by the wells. I will fax you a commentary on the videotape on Monday. It is not yet ready.

This same sequence can be seen later on in the videotape. On this September 5, 1999 Mr. Marken gave Glen Archibald permission to draw water from the spring through the spigot on the spring line. I was told Mr. Archibald's water pump was malfunctioning, and that he needed water to fill his water tank. I began videotaping the procedure at approximately 9 am and finished just after 4 p.m....4 different visits. Never once was there movement in the spring during this time, neither water coming in, nor going out. Suddenly as Mr. Archibald turned off his pump, we see movement again in the springbox. If one watches closely, one can see bubbles coming into the springbox from this pvc pipe which does not belong there.

I don't think you will see this pvc pipe on your visit. As someone became aware of my knowledge, the pipe was removed. But just a few days ago Don Harding and I discovered another way that water is being removed from the springbox over into the area of the wells, creating, if you will, an aquafir which the wells then pump up. I will share this information with you when you visit.

On March 6th, 2003, Don Harding and myself came upon Mr. Lonnie Cornwell opening up Mr. Fred Marken's well, a well that I had never known to be functioning and which I had been told was collapsed. I understood from Mr. Cornwell that he was commissioned to do the work by Russel Juncal on behalf of Frederick Marken.

Mr. Cornwell attached this well to the spring mainline, against my protests. (see attached letter dated March 10, 2003). They have to have tested this attachment for on March 17, 2003 Jon Nauman, another friend and myself visited the area on our way to the BLM land. I could not even show my two companions the inside of the springbox, for when we took off the cover of the springbox all we could see was high dirty water that was so murky one could see nothing. Normally one can see to the very bottom of the springbox. I warned my tenant to not use the water without boiling it. It's my understanding that the tenants at Mr. Marken's house use bottled water for drinking and that the Cornwells are using their wellwater.

On Thursday, April 10, 2003 Don Harding and I visited the spring area again. As we took off the top of the springbox there were many many big flies...maybe 20 or 30... sitting there on top of the water. In all my years I never saw this before. When we drained out some of the water so that we could see through the murk to the bottom of the springbox we could see larvae jumping in and out of the silt. We measured up to a foot of silt at the bottom of the springbox. I returned to the spring yesterday with a videocamera and managed to get a picture of the larvae jumping. I had hoped to to put this on the videocassette I am enclosing here for you, but I am not sure I can manage to manipulate the mechanics of this in time to get this videocassette in the U.S. Mails to you today.

Monday I hope to get to Yreka with water samples from all of the contaminated areas. As you will see from the attached letter written to Lonnie Cornwell on March 10, 2003 Mr. Juncal, Mr. Cornwell and Mr. Marken broke every deed and agreement in putting the water into that pipeline, a pipeline which has been used exclusively for springwater for about 150 years. This means that the springline as well as my private tank are also contaminated, as well as the pipeline out of my private tank and the pipeline into the various houses.

Because of my concern over all of the controversies and because of the impending meeting and the Proposed Final Orders, I telephoned Mr. Fred Lister of your Ground Water Division in Salem. We spoke for a short time and he clarified as much as he could from what I was able to tell him. Mr. Lister strongly suggested that I contact you. It's my impression that he thinks you should visit this spring to see what is going on.

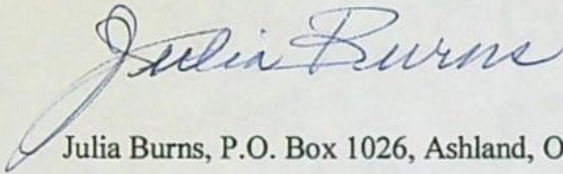
I had discussed with him the various ways in which Mr. Juncal et al have been extracting water directly from the spring in order to "feed the wells". I am not entirely clear on all the ground/surface mechanics, but it is my impression that if wells are actually pumping surface water rather than ground water, then their 15,000 gpd exemption is not valid.

One of my great concerns is that in the past Mr. Juncal has told me that I had better drill a well on my land because the spring was going dry. It was going dry because Mr. Juncal was furnishing 6 or 7 lands with it. He insists that it is his well water that he has been using. The facts of the matter might prove otherwise.

My greatest concern is that these inequities could now be carried over into our water rights.

Thank you for reading this and for viewing this videocassette and, mostly, for coming to visit this area. I hope to see you here.

Yours Sincerely,

A handwritten signature in cursive script, reading "Julia Burns". The signature is written in dark ink and is positioned above the typed name.

Julia Burns, P.O. Box 1026, Ashland, Oregon 97520 (541) 552-0131 (fax and phone)

Cc Renee Moulun, Fred Lister, Mr. Benjamin Bloom, Mr. Lonnie Cornwell, Mr. Marken

Lonnie Cornwell
2139 Hilt Road
Hornbrook, Ca 96044

March 10, 2003

Dear Mr. Cornwell,

When I arrived at the spring/water system area on Sunday, March 9, 2003, you were already well advanced in your work of attaching the well belonging to Mr. Marken to the established main water line which goes from the springbox to the springwater tank located on my land. On Sunday I reminded you that Mr. Moody, creator of the CC&R's and one of the authorities you quote for your actions, was very explicit that well water and spring water were not to be combined. When I reminded you of this you sent me to Mr. Russel Juncal who "commissioned" you to do this work".

Mr. Juncal reports that both you and the Markens have expressed a willingness to sell your part in the "system" to him. As you know the Covenants go with the land and cannot be changed without the agreement of all three parties. It was not clear whether Mr. Juncal was actually purchasing both of your properties so as to have rights to the Covenants or not.

Judge Roger T. Kosel in his Decision of Siskiyou County Case No. SCCVCV 99-538 prohibits you from entering my property without giving prior 24 hours notice. This order has been constantly violated. The court has previously ordered that we must give 24 hours notice before working on any part of the system. You have broken these orders in this case because your "notice letter" dated March 6 was clearly written **after** an individual and I encountered you already well into the work of activating Mr. Marken's well. You also broke court orders when you repaired pipes broken on Roadway B without giving me notice and the opportunity to be present.

I will remind you that you both refused to pay for the new tank which I installed to keep water from being wasted down the hill and out into the road, inundating our houses in the process. You both refused because you both planned to "set up your own systems". This was the main thrust of the litigation, having your own tanks on your own lands so that I would be left with my tank for my own use. Judge Kosel gave you permission to set up your own systems. Neither you nor Mr. Juncal nor Mr. Marken have the right to use my tank in any manner, including the manner you have in mind, and I do not give you permission to do so.

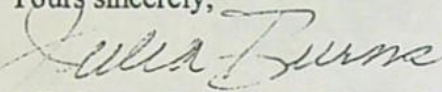
If Judge Kosel changed the CC&R's he should have extinguished the easements upon my land. Mr. Glen Archibald who has threatened myself and my guests many times with pistol and shotgun in hand has threatened that he can "still come onto my land because he can travel on the easements belonging to the Cornwells and Markens."

After I submitted the attached affidavits of Dick Davis to the Oregon Water Resources Department the structure this caretaker stayed in for about a week was vandalized by someone who broke a hole right through the wall of the structure.

The CC&R's point out that if Mr. Marken does any "future development", i.e. decides to activate his well, he has a right to put in his own line in the 10-foot wide water line easement. In a letter Mr. Moody suggested that Mr. Marken could also put his pipeline down the road.

I plan to use my tank for my own water. It is certainly time that I be given a little peaceful use of my own land. The attachment of Mr. Marken's well must be removed from the springline.

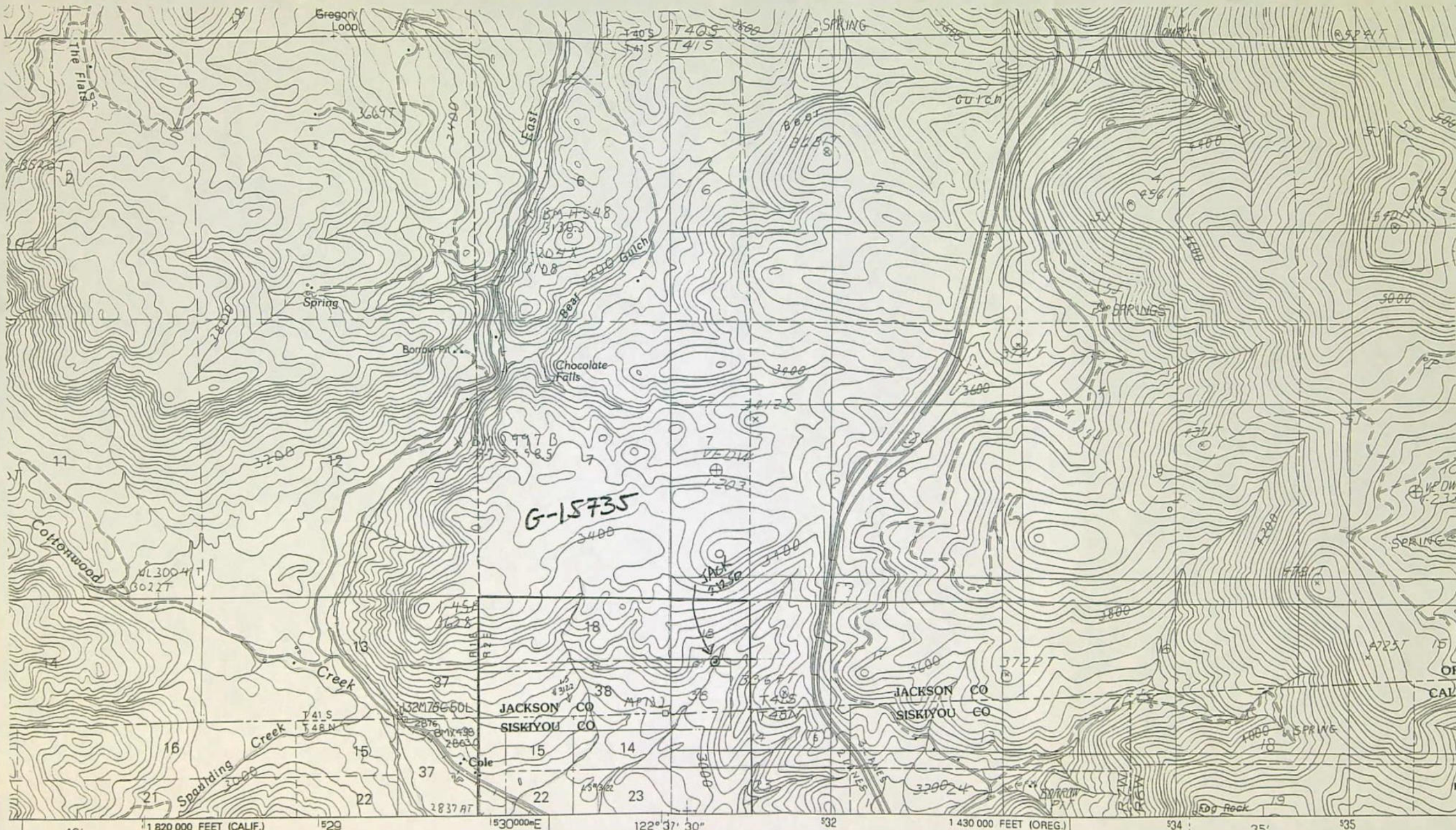
Yours sincerely,

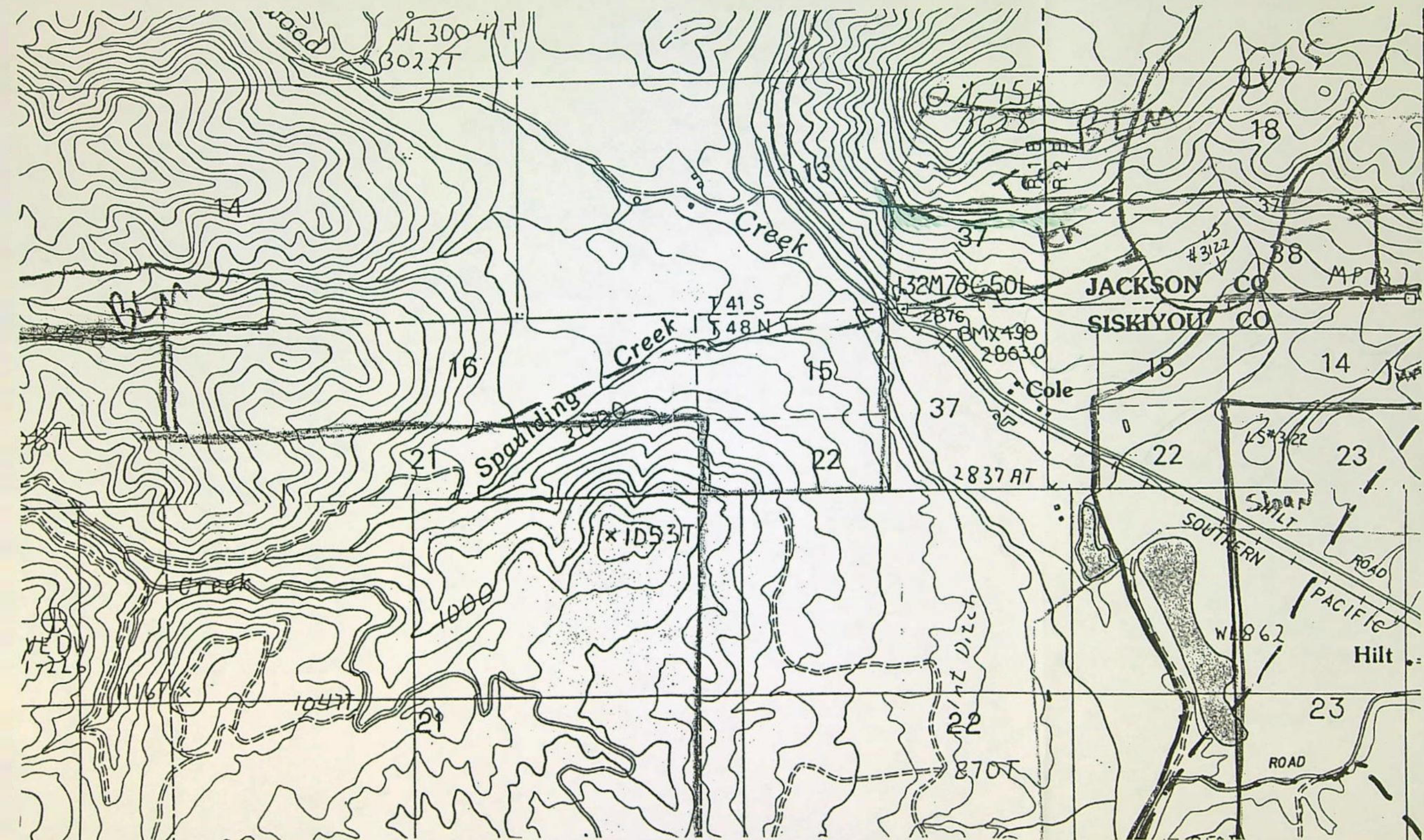


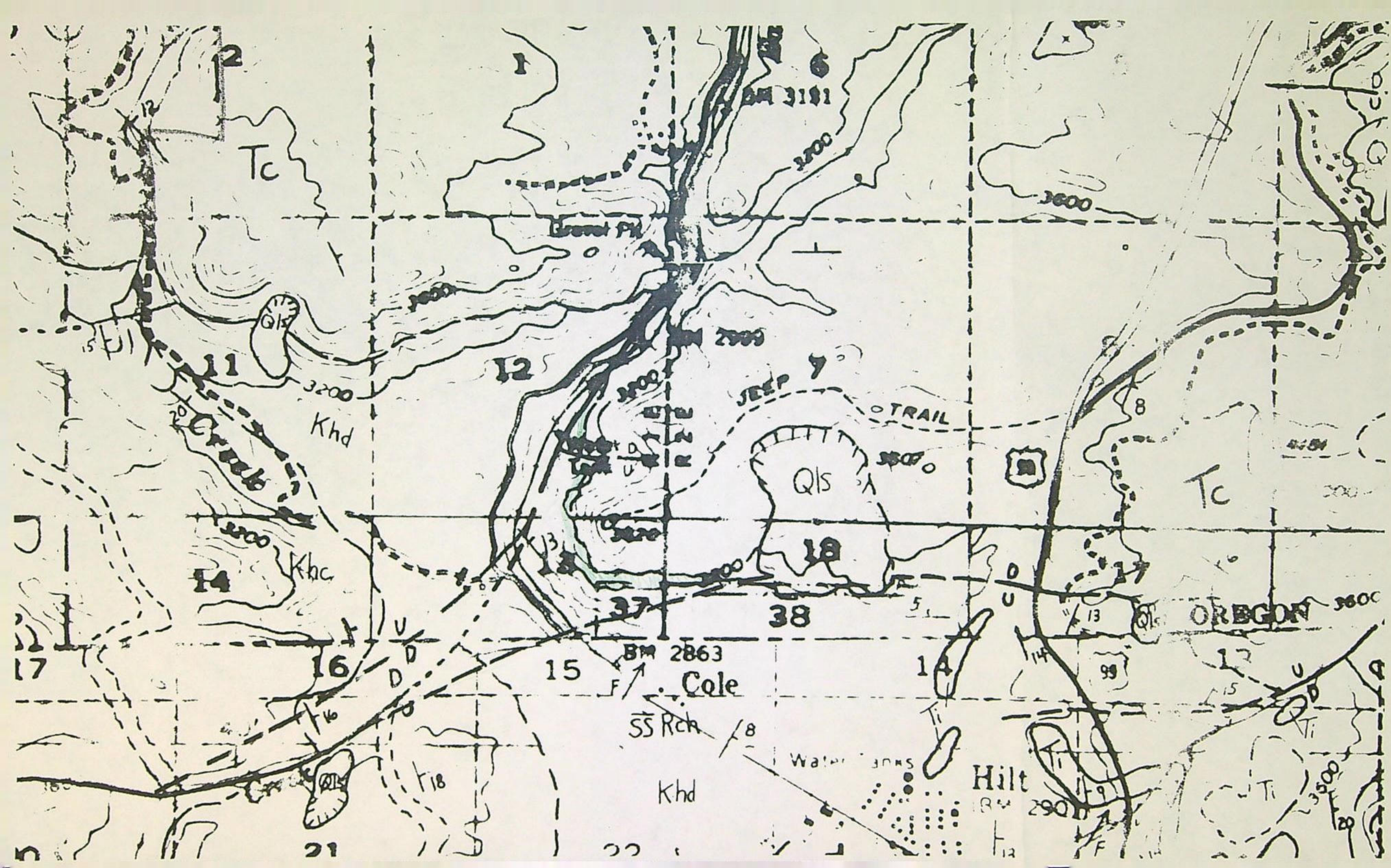
Julia Burns, P.O. Box 1026, Ashland, Oregon 97520 (541) 552-0131 (fax and phone)

Attachments: Affidavits Dick Davis

CC Mr. Fred Marken, Mr. Benjamin Bloom, Judge Kosel, Renee Moulun, OWRD,
Watermaster #17









Julia Burns

WHOLISTIC HEALTH FACILITATOR

- . Ortho Bionomy
- . Accupressure
- . Regression
- . One Brain
- . Rebirthing
- . REIKI

Aura, Chakra, Energy Balancing, Intuitive Counseling

4/16/03

Fay dan Burns
Call

APR-16-2003 08:54 AM JULIA/BURNS

541 552 0131

P.01

552-0131

1104 PARADISE LN, ASHLAND, OR 97520 (541) ~~482-1397~~

I, Julia Burns, on the morning of March 6th, 2003 went to Hilt, California to meet with two builders and the building inspector. We were able to pass an inspection on my dome.

After this meeting Don Harding and I went to the spring in Oregon which serves my property with water. When we arrived I was surprised to see Lonnie Cornwell there. He appeared to be working on Mr. Frederick Marken's well. Since I purchased my land in 1986 I have never known this well to be functioning. I did note, though, that in September of 2002, when the three watermasters were at this land examining the spring, that the Marken well had been cut open.

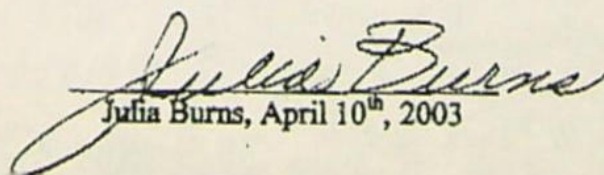
On March 6th, 2003 Don Harding and I continued on, past the Marken well, to the springbox referenced above. We opened the springbox and observed the water within. The water was fairly low. Don Harding was struck by the fact that the water was moving from the side away from the wells directly over to the side facing the wells. As I recall, the water was moving fast in the direction toward the well side. There were some swirls in the flow. There seemed to be virtually no water going toward the pipe. In my years of observing this spring I had never seen this kind of "action" before.

I am aware that this took place after Mr. Juncal changed the pump in his pumphouse. The pump that had been in his pumphouse was now sitting over at Mr. Marken's well.

On Sunday, March 9th, 2003 I took many photos of Lonnie Cornwell attaching Mr. Marken's well to the line which had always been dedicated to springwater. My objections to this proposed attachment were futile. Mr. Cornwell said that it was Mr. Juncal who had "commissioned" him to do the work.

On Tuesday, April 8th, 2003 Don Harding and I traveled again to the area of the spring referenced above. On this date we probed around and found that there appears to be about a foot of silt at the bottom of the springbox. The depth of the springbox appeared to be 7 feet. If one were to subtract a foot of silt, the depth of the springbox would appear to be about 8 feet. Further probes determined that on the bottom of the springbox on the side which is away from the wells, in the upper (toward BLM land) corner, there appears to be a hole which could be roughly 4 inches in diameter. Probes also showed that the entire length of the side of the springbox which is facing the wells seemed to be dug out. There seemed to be several inches at the bottom of the box which was void. As there was water in the box it was impossible to explore this further. I realized then that this could explain what Don Harding and I saw on March 6th, 2003...the water flowing freely and fast across the springbox and out toward the wells, not going toward the outgoing pipe at all.

I swear, under penalty of perjury under the laws of California and Oregon that what I say above is true and correct. I am willing and able to testify to these facts.


Julia Burns, April 10th, 2003

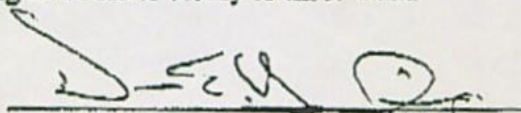
On March 6th, 2003 I, Don Harding, went to Hill, California, with Julia Burns to meet with the building inspector regarding her dome inspection. After this we went together to look at the spring which serves her land with water. The spring is about a mile away in Jackson, County.

When we arrived at the spring area I noticed that a man who I came to know as Mr. Lonnie Cornwell was working on a well close to the spring. I came to know that this well belonged to a man called Frederick Marken. When Julia and I went to look at the springbox the man loaded up his blue truck and "took off" in a hurry.

Julia and I observed the water flow in the springbox. The water appeared to enter from the the side of the springbox which is away from the wellhouse. The water seemed to be flowing out all along the other side of the springbox, the side towards the wellhouse. (see diagram) There seemed to be very little water going over toward the side where the pipe opening is.

I, Don Harding, have worked with landscaping and with waste water treatment plants for approximately seven years. I have also worked at a water recycling center where I did all of the maintenance. For three years I studied landscape architecture and water behavior under Russ Dixon and Stephen Potter, as well as with Mike Skinner of Skinner Irrigation.

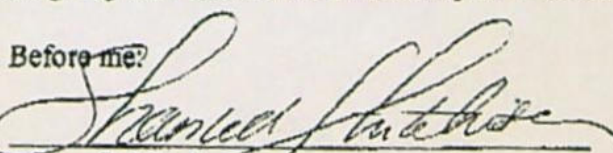
I swear, under penalty of perjury under the laws of California and Oregon that what I say above is true and correct. I am willing and able to testify to these facts.


Don Harding, April 10th 2003

STATE OF OREGON)
) ss.
COUNTY OF JACKSON)

On THIS 10TH day of April, 2003, I personally appeared with the above named Don Harding and acknowledged the foregoing instrument to be a voluntary act and deed.

Before me:


Notary Public for Oregon
My Commission Expires:



OREGON WATER RESOURCES DEPARTMENT



State of Oregon
Water Resources Department
158 12th ST NE, Salem, OR 97301
(503) 378-8455
www.wrd.state.or.us

FAX TRANSMITTAL

TO: Ivan Galt FAX NUMBER: _____
DATE: 4/10/03 PAGES: 11, INCLUDING COVER SHEET
FROM: Renee Houston PHONE: (503) 378-8455 EXT. 239
COMMENTS: Juncal's hydro report for field
trip visit next wed. Call me if you
have questions.

DIRECTOR'S OFFICE

- Water Resources Commission
- Legislation and Rules
- Public Information

**FIELD & TECHNICAL
SERVICES**

- Hydrographics
- Ground Water
- Information Services
- GIS/Mapping

FAX: (503) 378-2496

ADMINISTRATIVE SERVICES

- Fiscal / Accounting
- Human Resources / Personnel
- Water Development Loan Fund
- Support Services

**FIELD & TECHNICAL
SERVICES**

- Dam Safety
- Enforcement
- Regional Liaisons
- Transfers

FAX: (503) 378-8130

WATER RIGHTS

- Water Rights information
- Adjudications
- Hydroelectric
- Certifications / Final Proofs
- Hearings / Contested Cases

NORTHWEST REGION

- District 16 Watermaster

FAX: (503) 378-6203

HORNECKER, COWLING, HASSEN & HEYSELL, L.L.P.

Attorneys at Law

717 Murphy Road
Medford, OR 97504

(541) 779-8900

Fax: (541) 779-2982

http://www.roguelaw.com

Gregory T. Hornecker
Robert L. Cowling
John R. Hassen
R. Ray Heyssel
H. Scott Plouse
P. David Ingalls
Adam T. Stamper*
Joseph E. Kellerman

James A. Wallan
Benjamin M. Bloom
Charles E. Bolen
Alan D.B. Harper
Ryan C. Vanderhoof
Richard L. Billin

Of Counsel - Fred Aebi

Retired - B. Kent Blackhurst
Ervin B. Hogan 1927 - 2000

*Also admitted in California

FACSIMILE TRANSMISSION

Date: 4-10-03
To: Renee Moulton
Fax No: 1-503-378-6203
From: Benjamin M. Bloom
File No: 23984B
Re: Juncal v. Holm
Pages: 10 (including cover page)

COMMENTS: Following please find a Pumping
Test Report for the 1965 Pitt Road property -
Juncal Well.

- ☐ An original is being mailed.
☐ An original is being delivered.
☒ An original is available upon request.
☐ Facsimile transmittal only.

If you do not receive all of the described material please call 779-8900 immediately. -- ask for Sylvia.

CONFIDENTIALITY NOTICE

This telecopier transmission (and/or documents accompanying it) may contain confidential information belonging to the sender which is protected by the attorney-client privilege. The information is intended only for the use of the individual or entity named above. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution or the taking of any action in reliance on the contents of this information is strictly prohibited. If you have received this transmission in error, please immediately notify us by telephone to arrange for return of the documents.

04/10/03

11:07

503 378 6203

WATER RIGHTS/NWR --- AL COOK

0003/011

PUMPING TEST REPORT

For

**Juncal Well
1965 Hill Road
Hornbrook, CA**

Prepared for

**Siskiyou County Department of Public Health
806 South Main Street
Yreka, CA 96097**

Prepared by

**Russell W. Juncal
CA Registered Geologist No. 3864
CA Certified Hydrogeologist No. 171**

May 21, 1997

2002

P. 02

FAX NO. 541 779 2982

Ground Zero

HRK-10-2003 THU 10:20 AM HUGH ATTORNEYS AT LAW

04/09/03 15:22 FAX 12088386482

1.0 Test Format/Methodology

The subject well is located in Jackson County Oregon approximately 1300 feet north of the Juncal property. A three inch supply line on a deeded easement connects the well to the Juncal property.

On May 110, 1997 a Grundfos submersible pump was set and the well was pumped continuously for approximately 400 minutes at a rate of 20 gallons per minute (gpm). During the test the flow rate was measured with a digital meter and adjusted using a ball valve on the flowline. Drawdown in the well was measured using a Solinst conductivity probe.

The drawdown - time data were plotted using the computer program AQTESOLV (Gereghty and Miller, 1990). Both the Cooper-Jacob (semi-log) and the Theis (log-log) methods were used for plotting and interpreting the data. These plots are attached.

2.0 Interpretation of Results

The pumping rate varied less than 0.3 gpm during the entire test and this is considered to be a constant rate test. The total drawdown over the 400 minute pumping period was less than 7 feet. The two test interpretation methods indicated similar transmissivity values of approximately 0.3 ft^2 per minute.

Using the Cooper-Jacob plot an estimate of the long term drawdown in the well under continuous pumping can be made. Projecting the straightline from the end of the pumping test at approximately 400 minutes to a time of one year (525,600 minutes) indicates the total drawdown in the well would be less than 11 feet.

3.0 Conclusions

The well is capable of producing over 20 gallons per minute on a sustained yield basis with minimal drawdown relative to total well depth (135 feet). This is consistent with testing by the driller (noted on drilling log) which showed production of 150 gpm with 20 feet of drawdown.

04/10/03

11:08

503 378 6203

WATER RIGHTS/NWR --- AL COOK

005/011

ATTACHMENT I

COOPER-JACOB AND THEIS PLOTS

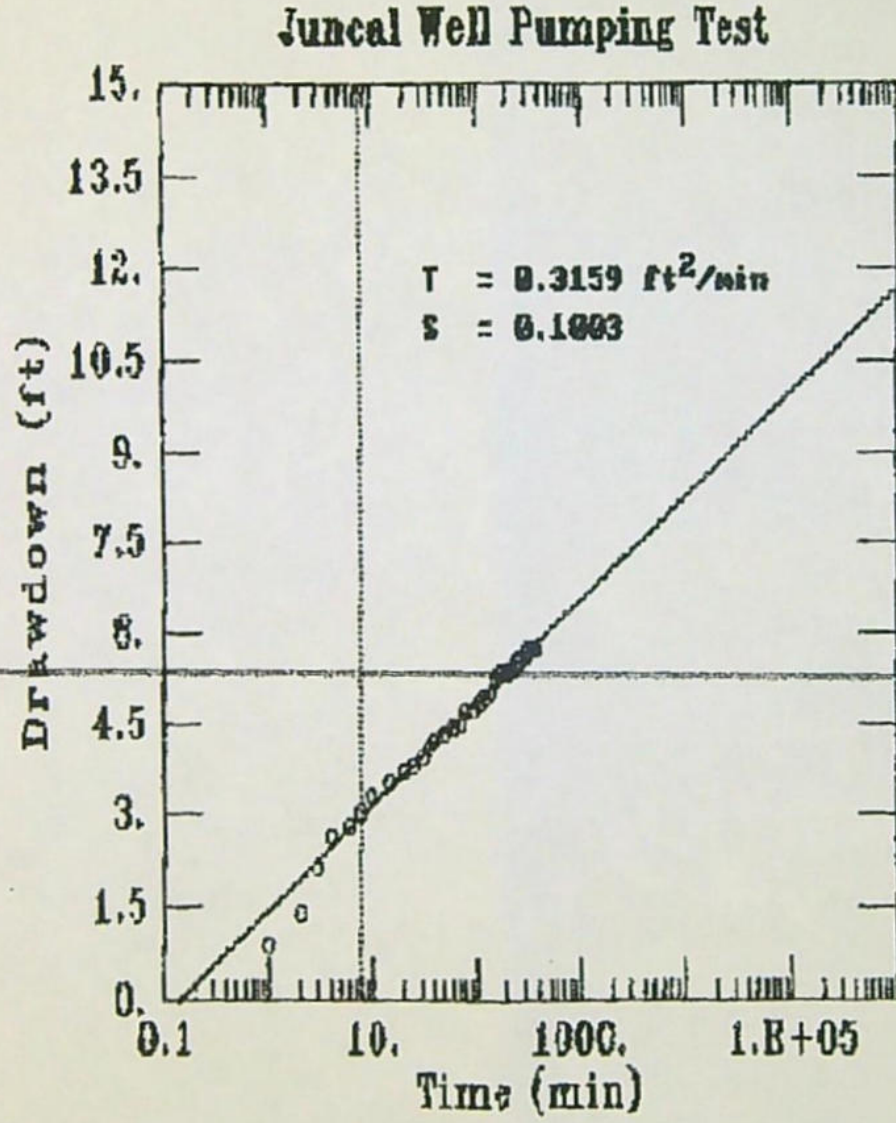
P. 04
004

FAX NO. 541 779 2982

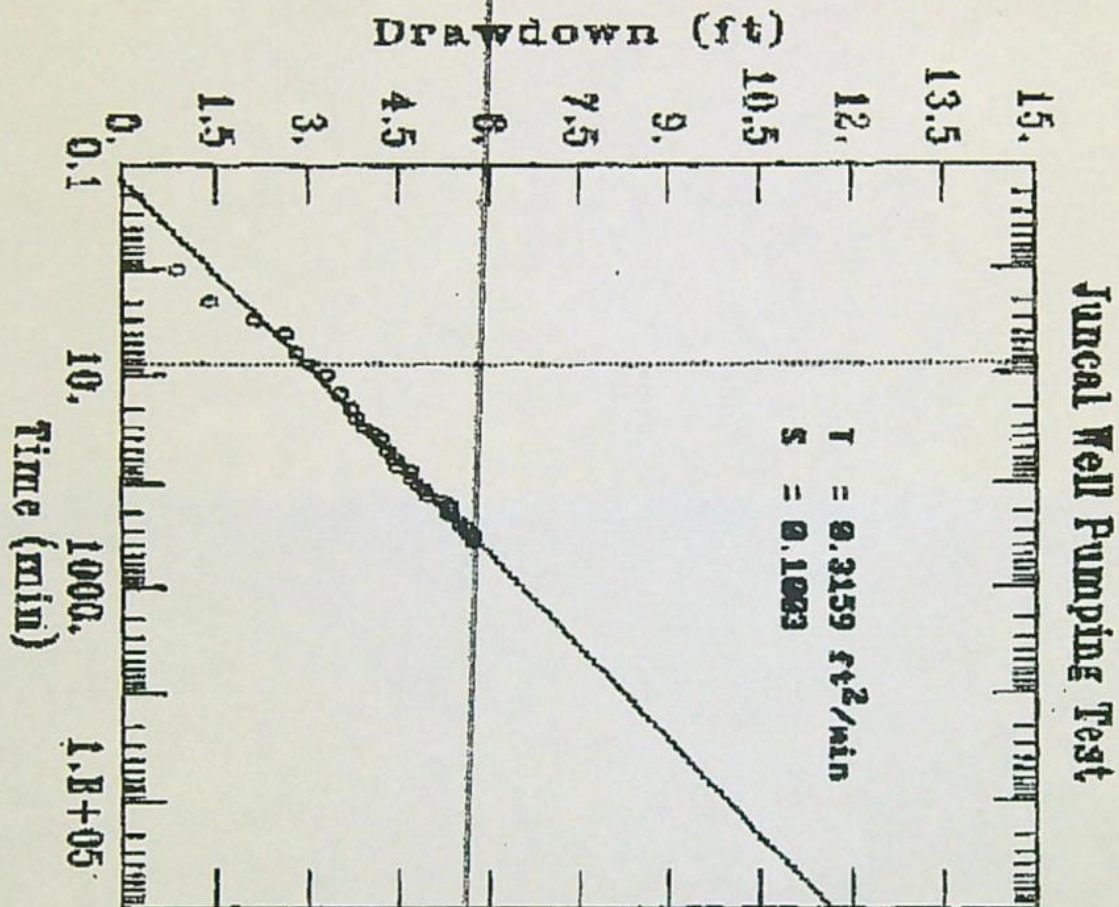
Ground Zero

ATTORNEYS AT LAW

04/09/03 15:22 FAX 12086366462



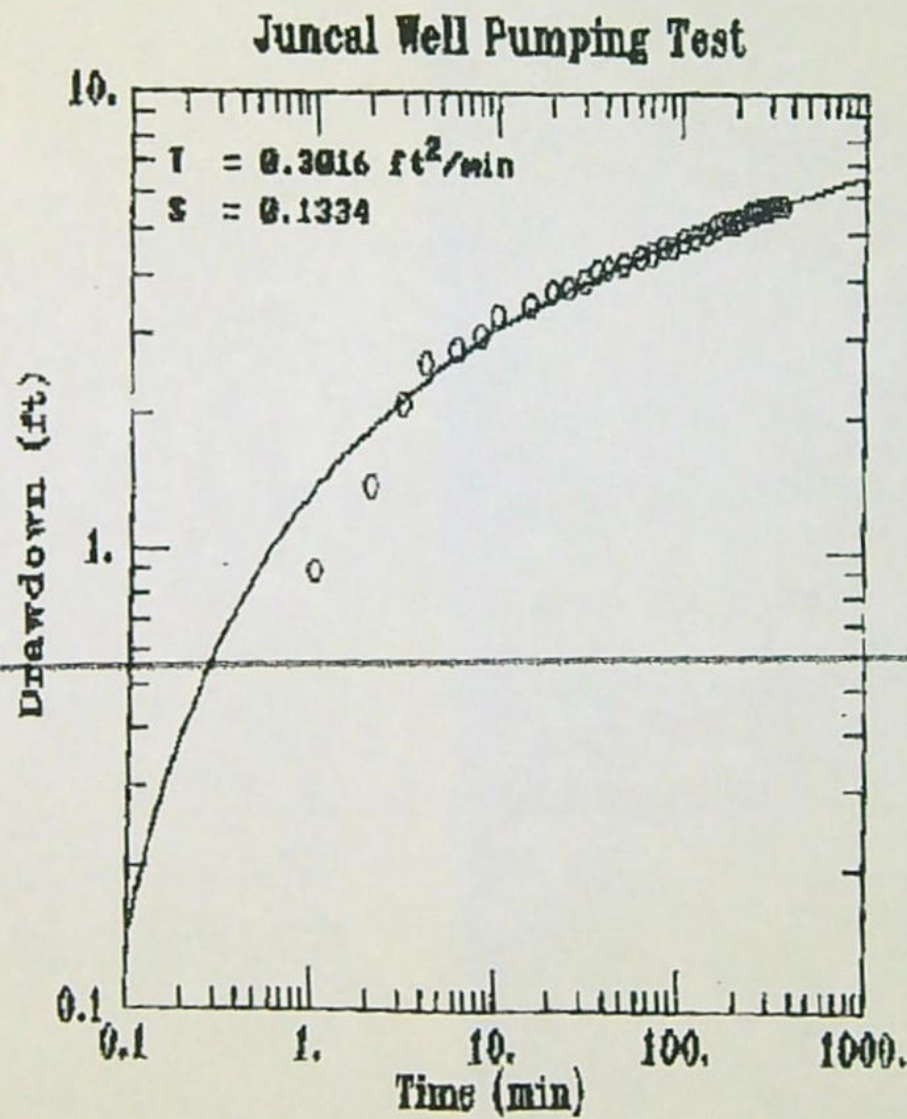
AQTESOLV
GERAGHTY & MILLER, INC.
Modeling Group



AQTESOLV
GERACITY
WILLER, INC.
Modeling Group

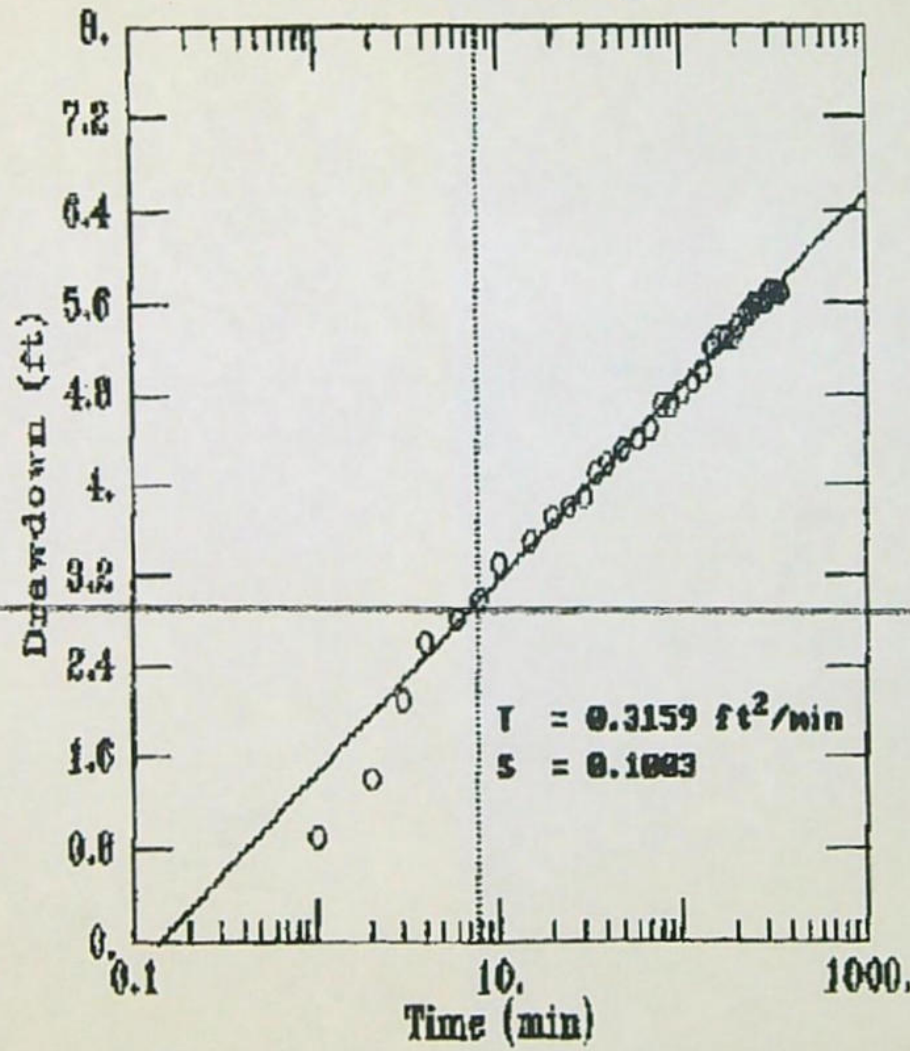
Ground Zero

04/09/03 15:22 FAX 13008380480



AQTESOLV
GERAGHTY & MILLER, INC.
Modeling Group

Juncal Well Pumping Test



AQTESOLV
GERAGHY & MILLER, INC.
Modeling Group

04/10/03

11:10

503 378 6203

WATER RIGHTS/NWR +--+ AL COOK

010/011

A Q T E S O L V R E S U L T S

Version 1.10

05/15/97

03:37:28

TEST DESCRIPTION

Data set..... junc.dat
Data set title..... Juncal Well Pumping Test
Company..... Mill Creek Associates
Project..... S7
Client..... Russell Juncal
Location..... Bilt CA
Test date..... 05/10/97
Test well..... 1
Obs. well..... none

Knowns and Constants:

No. of data points..... 35
Pumping rate..... 2.94
Radius to obs. well..... 1

ANALYTICAL METHOD

Cooper-Jacob (confined aquifer)

RESULTS FROM VISUAL CURVE MATCHING

VISUAL MATCH PARAMETER ESTIMATES

Estimate
T = 3.1589E-001
S = 1.0035E-001

TYPE CURVE DATA

T = 3.15892E-001
S = 1.00346E-001

0000

P. 09

FAX NO. 541 779 2982

Ground Zero

MAY 10 2003 THU 10:41 AM NORTH HILLOCKERS AT LAW

04/08/03 15:22 FAX 12008386482

A Q T E S O L V
A Program for
Automatic Estimation of Aquifer Coefficients
From Aquifer Test Data

By:

Glenn M. Duffield
and
James O. Rumbaugh, III

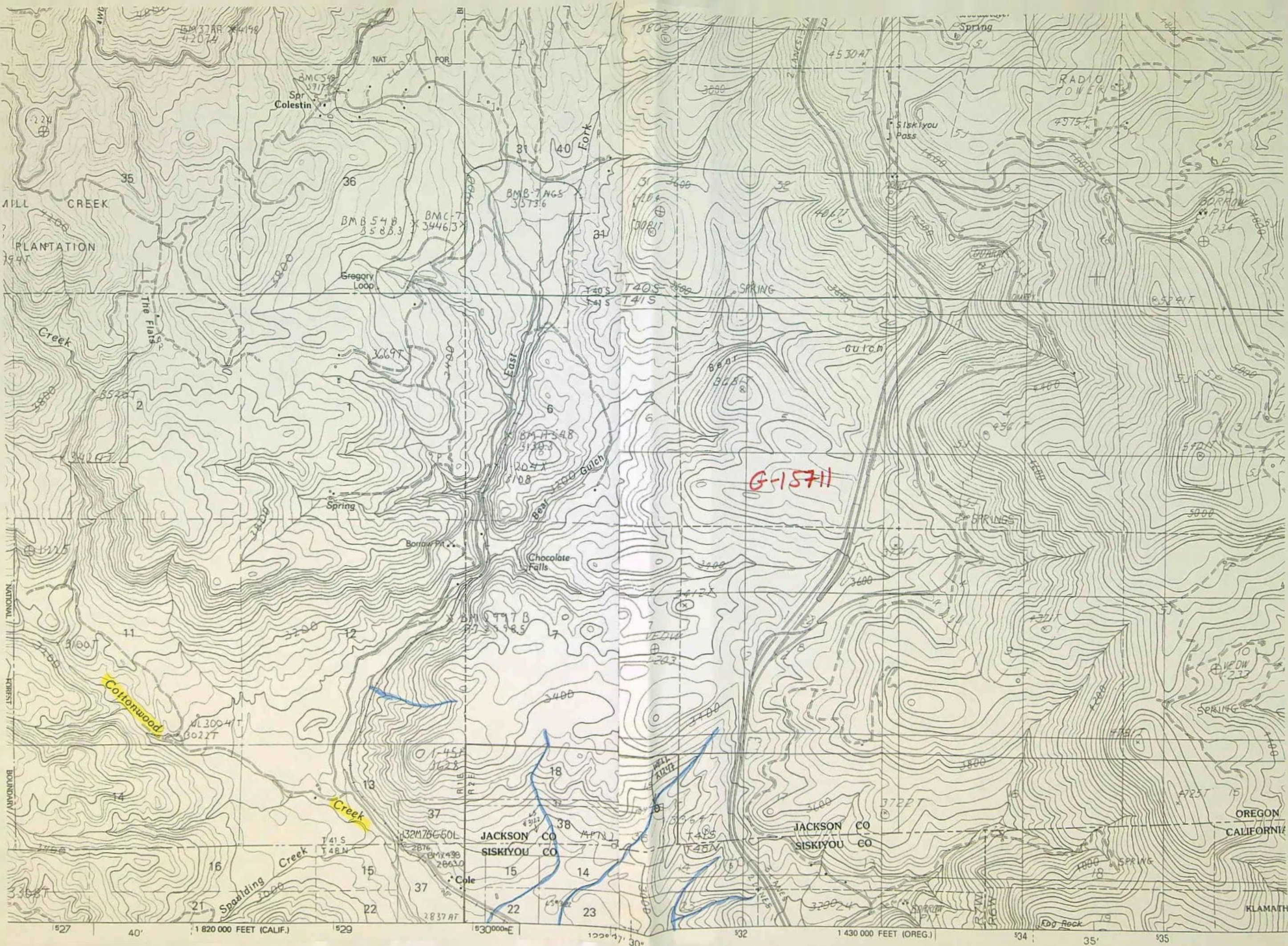
Geraghty & Miller Modeling Group
1895 Preston White Drive, Suite 301
Reston, VA 22091
(703) 476 - 0335

A Q T E S O L V is a user-friendly program designed to analyze data from aquifer tests automatically. Aquifer coefficients for a variety of aquifer test conditions can be estimated by A Q T E S O L V, including the following:

- o confined aquifers, unconfined aquifers,
and leaky aquifers
- o pumping tests, injection tests, recovery tests,
and slug tests

Features:

- o Nonlinear least-squares estimation of aquifer coefficients
- o Statistical analysis of results
- o Complete graphical display of results



G-15711

Cottonwood

Creek

JACKSON CO
SISKIYOU CO

JACKSON CO
SISKIYOU CO

OREGON
CALIFORNIA

KLAMATH

182000 FEET (CALIF.)

143000 FEET (OREG.)

WATER RESOURCES DEPARTMENT.
SALEM, OREGON 97310
within 30 days from the date
of well completion.

(Do not write above this line)

State Permit No.

Name Carl Williford
Address 55 Ranch Hill Calif

Rotary ☒	Driven ☐	Domestic ☒	Industrial ☐	Municipal ☐
Cable ☐	Jettied ☐	Irrigation ☐	Test Well ☐	Other ☐
☐	Bored ☐			

Threaded ☐ Welded ☒

4" Diam. from 0 ft. to 20 ft. Gage 250
" Diam. from ft. to ft. Gage
" Diam. from ft. to ft. Gage

Perforated? ☐ Yes ☒ No.

Type of perforator used

Size of perforations	in. by	in.
perforations from	ft. to	ft.
perforations from	ft. to	ft.
perforations from	ft. to	ft.

Well screen installed? ☐ Yes ☒ No

Manufacturer's Name _____

Type _____ Model No. _____

Diam. _____ Slot size _____ Set from _____ ft. to _____ ft.

Diam. _____ Slot size _____ Set from _____ ft. to _____ ft.

Drawdown is amount water level is lowered below static level

Is a pump test made? ☐ Yes ☒ No If yes, by whom?

Field:	gal./min. with	ft. drawdown after	hrs
"	"	"	"
"	"	"	"
Bailer test	150 gal./min. with	20 ft. drawdown after	1 hrs
Artesian flow	g.p.m.		
Temperature of water	59 Depth artesian flow encountered ft		

Well seal—Material used Complete
Well sealed from land surface to 18 ft
Diameter of well bore to bottom of seal 10 in.
Diameter of well bore below seal 6 in.
Number of sacks of cement used in well seal 6 sacks
How was cement grout placed? Pumped Down
Bottom Spacer

Was a drive shoe used? ☒ Yes ☐ No Plugs Size: location ft.
 Did any strata contain unusable water? ☐ Yes ☒ No
 Type of water? depth of strata
 Method of sealing strata off
 Was well gravel packed? ☐ Yes ☒ No Size of gravel:
 Gravel placed from ft. to ft.

County Jackson Driller's well number 58-19
Sew 1/4 Hw 1/4 Section 18 T. 41S R. 21E W.M.
 Bearing and distance from section or subdivision corner

Depth at which water was first found 100 ft.
 Static level 11 ft. below land surface. Date 10-15-79
 Artesian pressure _____ lbs. per square inch. Date _____

Diameter of well below casing 4

Depth drilled 135 ft. Depth of completed well 135 ft.

Formation: Describe color, texture, grain size and structure of materials; and show thickness and nature of each stratum and aquifer penetrated, with at least one entry for each change of formation. Report each change in position of Static Water Level and indicate principal water-bearing strata.

[illegible]

Work started 10-15 1939 Completed 10-15 1939
Date well drilling machine moved off of well 10-15 1939

Drilling Machine Operator's Certification:

This well was constructed under my direct supervision. Materials used and information reported above are true to my best knowledge and belief.

[Signed] Cus. Cart Date 10-19, 1977
(Drilling Machine Operator)

Drilling Machine Operator's License No. 997

Water Well Contractor's Certification:

This well was drilled under my jurisdiction and this report is true to the best of my knowledge and belief.

Name GAT CANTAN WELL DRILLING
(Person, firm or corporation) (Type or print)

Address 244 Johnson Rd Jville Ga

[Signed] Art Craft
(Water Well Contractor)

Contractor's License No. 599 Date 12-19 1920

NOTICE TO WATER WELL CONTRACTOR
The original and first copy of this report
are to be filed with the

RECEIVED

WATER WELL REPORT

DEC 15 1978 STATE OF OREGON

WATER RESOURCES DEPARTMENT,

SALEM, OREGON 97310

within 30 days from the date
of well completion.

WATER RESOURCES DEPT
SALEM, OREGON

(Please type or print)

(Do not write above this line)

State Well No. 46/25-18ad

State Permit No. _____

(1) OWNER:

Name Gale Willey
Address SS Bar Ranch
Holt, Calif

(2) TYPE OF WORK (check):

New Well ☐ Deepening ☐ Reconditioning ☐ Abandon ☐

If abandonment, describe material and procedure in Item 12.

(3) TYPE OF WELL:

Rotary ☒ Driven ☐
Cable ☐ Jetted ☐
Dug ☐ Bored ☐

(4) PROPOSED USE (check):

Domestic ☒ Industrial ☐ Municipal ☐
Irrigation ☐ Test Well ☐ Other ☐

CASING INSTALLED:

6 " Diam. from +1 1/2 ft. to 25 ft. Gage 1250
" Diam. from _____ ft. to _____ ft. Gage _____
" Diam. from _____ ft. to _____ ft. Gage _____

PERFORATIONS:

Perforated? ☐ Yes ☒ No

Type of perforator used _____

Size of perforations _____ in. by _____ in.
_____ perforations from _____ ft. to _____ ft.
_____ perforations from _____ ft. to _____ ft.
_____ perforations from _____ ft. to _____ ft.

(7) SCREENS:

Well screen installed? ☐ Yes ☒ No

Manufacturer's Name _____

Type _____ Model No. _____

Diam. _____ Slot size _____ Set from _____ ft. to _____ ft.

Diam. _____ Slot size _____ Set from _____ ft. to _____ ft.

(8) WELL TESTS:

Drawdown is amount water level is
lowered below static level

Was a pump test made? ☐ Yes ☒ No If yes, by whom?

Yield: _____ gal./min. with _____ ft. drawdown after _____ hrs.

" " " " " "

" " " " " "

Boiler test 150 gal./min. with _____ ft. drawdown after 1 hrs.

Artesian flow _____ g.p.m. _____

Temperature of water _____ Depth artesian flow encountered _____ ft.

(9) CONSTRUCTION:

Well seal—Material used Cement Grout

Well sealed from land surface to 35 ft.

Diameter of well bore to bottom of seal 10 in.

Diameter of well bore below seal 6 in.

Number of sacks of cement used in well seal 12 sacks

How was cement grout placed? pressure grouted

Was a drive shoe used? ☒ Yes ☐ No Plugs _____ Size: location _____ ft.

Did any strata contain unusable water? ☐ Yes ☒ No

Type of water? Good depth of strata 92-207

Method of sealing strata off _____

Was well gravel packed? ☐ Yes ☒ No Size of gravel: _____

Gravel placed from _____ ft. to _____ ft.

(10) LOCATION OF WELL:

County Jackson Driller's well number _____

SE 1/4 N2 1/4 Section 18 T. 41 S. R. 2 E W.M.

Bearing and distance from section or subdivision corner _____

(11) WATER LEVEL: Completed well.

Depth at which water was first found 92 ft.

Static level 12 ft. below land surface. Date 12-8-78

Artesian pressure _____ lbs. per square inch. Date _____

(12) WELL LOG:

Diameter of well below casing 6

Depth drilled 207 ft. Depth of completed well 207 ft.

Formation: Describe color, texture, grain size and structure of materials;
and show thickness and nature of each stratum and aquifer penetrated,
with at least one entry for each change of formation. Report each change in
position of Static Water Level and indicate principal water-bearing strata.

MATERIAL	From	To	SWL
Clay stick black	0	4	—
Conglomerate soft Yellow	4	17	—
Sandstone Yellow	17	19	—
Rock blue hard	19	57	—
Volcanic Rock Gray medium - hard	57	65	—
Light blue - Green Rock	65	92	12
Fractured - light blue - Green Rock	92	141	12
Volcanic Rock Red	141	169	12
Blue - Green Rock	169	196	12
Brown Rock	196	207	12

Work started 12-7 1978 Completed 12-8 1978

Date well drilling machine moved off of well 12-8 1978

Drilling Machine Operator's Certification:

This well was constructed under my direct supervision.
Materials used and information reported above are true to my
best knowledge and belief.

[Signed] John Studebaker Date 12-8, 1978
(Drilling Machine Operator)

Drilling Machine Operator's License No. 1008

Water Well Contractor's Certification:

This well was drilled under my jurisdiction and this report is
true to the best of my knowledge and belief.

Name Studebaker Well Drilling
(Person, firm or corporation) (Type or print)

Address 170 Maywood Way

[Signed] John Studebaker
(Water Well Contractor)

Contractor's License No. 679 Date 12-8, 1978

(USE ADDITIONAL SHEETS IF NECESSARY)

SP-40856-119

WATER RESOURCES DEPARTMENT.
SALEM, OREGON 97310
within 30 days from the date
of well completion.

(Do not write above this line)

State Permit No. _____

Contractor's License No. 999 Date 7-9 1972

SP-45654-110

Oregon Water Resources Department



State of Oregon
Water Resources Department
10 South Oakdale Rm 309A
Phone: 541-774-6880
<http://www.wrd.state.or.us>

FAX TRANSMITTAL

To: IVAN

Fax Number: 471-2876

Date: 3/13/92

Pages: 2, including cover sheet

From: _____

Phone: 541-774-6187 fax _____

Comments:

Here it is!!!

415-2E

DIRECTOR'S OFFICE

- Water Resources Commission
- Legislation and Rules
- Public Information

FIELD & TECHNICAL SERVICES

- Hydrographics
- Ground Water
- Information Services
- GIS/Mapping

Fax: 503-378-2496

ADMINISTRATIVE SERVICES

- Fiscal / Accounting
- Human Resources / Personnel
- Water Development Loan Fund
- Support Services

FIELD & TECHNICAL SERVICES

- Dam Safety
- Enforcement
- Regional Liaisons
- Transfers

Fax: 503-378-8130

WATER RIGHTS

- Water Rights Information
- Adjudications
- Hydroelectric
- Certificates / Final Proofs
- Hearings / Contested Cases

Fax: 503-378-6203

SOUTHWEST REGION

- District 13 Watermaster

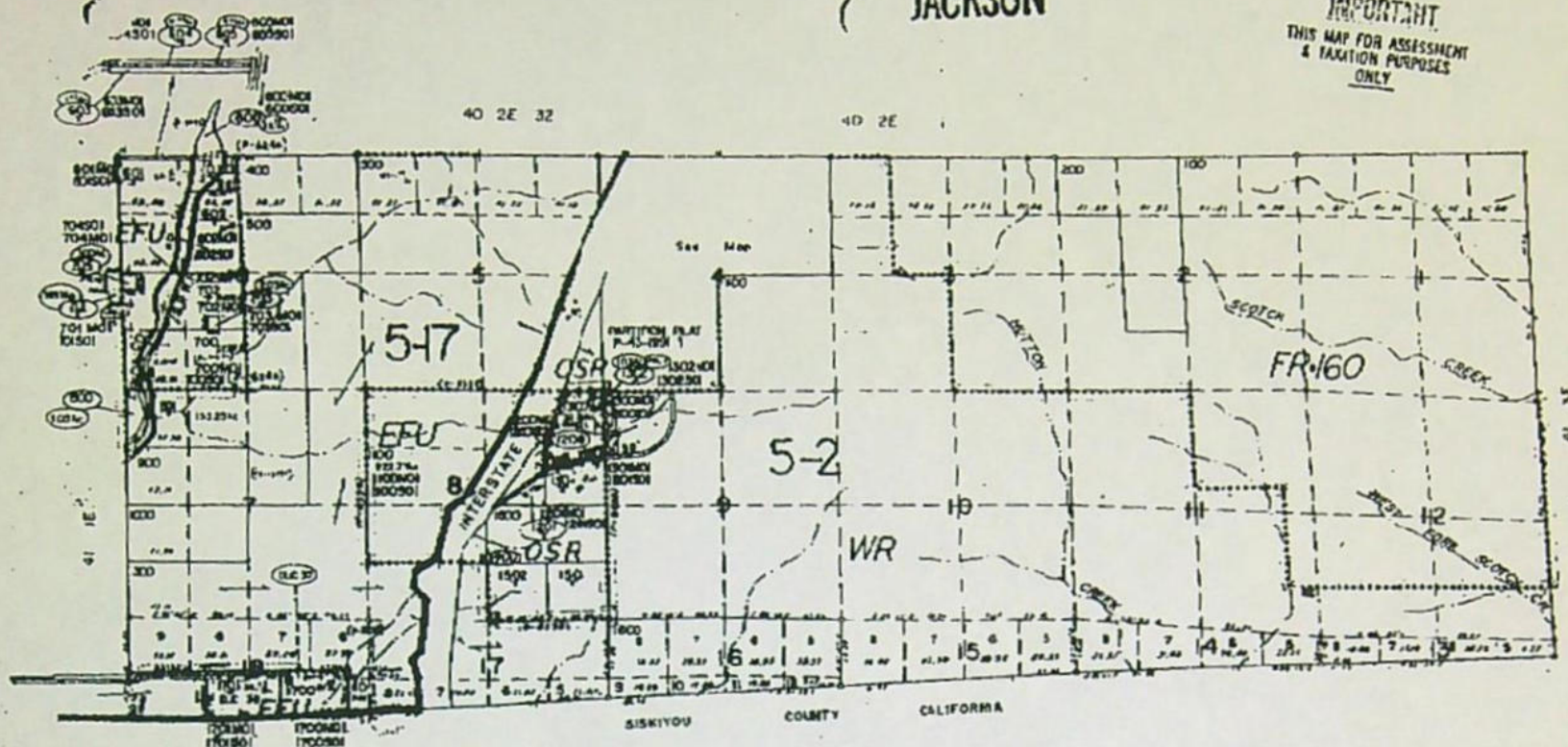
Fax: 541-774-6187

P.02

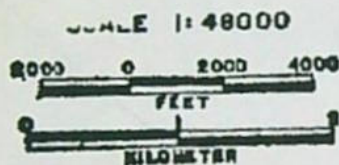
JACKSON

IMPORTANT
THIS MAP FOR ASSESSMENT
& TAXATION PURPOSES
ONLY

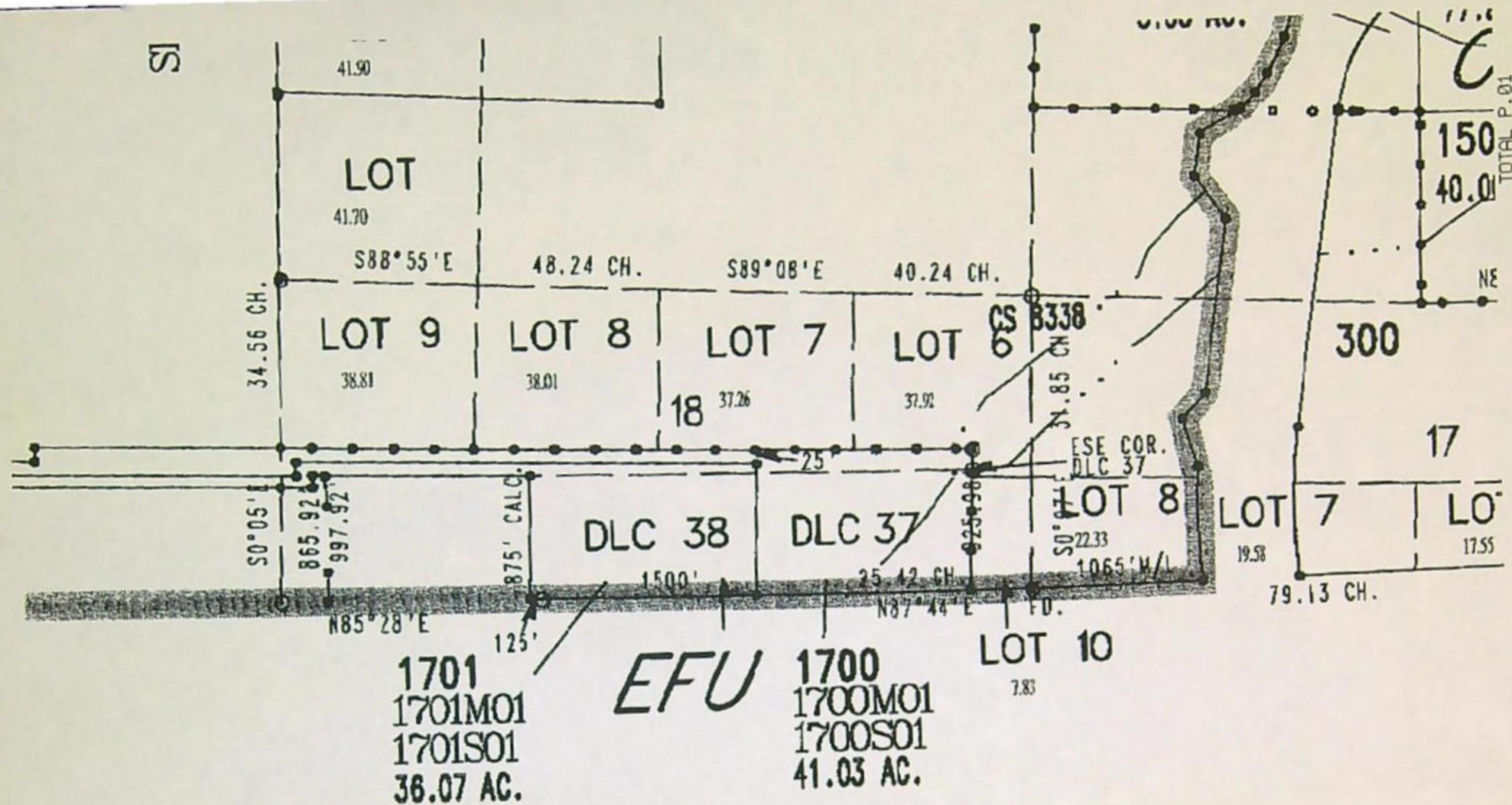
TOTAL P.02



RECEIVED
MAR 27 1995
DEPT. OF REVENUE
STATE OF OREGON



MAR-17-1990 08:12



Juan



State of Oregon
Water Resources Department
168 12th Street NE, Salem, OR 97310
(503)378-8465 • (800)824-3189
www.wrd.state.or.us

Application for a Permit to Use Ground Water

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

1. APPLICANT INFORMATION

RECEIVED

FEB 25 2002

WATER RESOURCES DEPT.
SALEM, OREGON

A. Individuals

Applicant: Russell Juncal
First Last
Co-applicant: Nora Juncal
First Last
Mailing address: 1965 Hilt Road
Hornbrook CA 96044
City State Zip
Phone: 530-475-3863
Home Work Other
*Fax: _____ *E-Mail address: juncalrw@snowcrest.net

B. Organizations

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

Name of organization: _____
Name and title of person applying: _____
Mailing address of organization: _____

City State Zip
Phone: _____
Day Evening
*Fax: _____ *E-Mail address: _____
*Optional information

6-15711 2-25-02

Ground Water/1

2. PROPERTY OWNERSHIP

RECEIVED

FEB 25 2002

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

WATER RESOURCES DEPT.
SALEM, OREGON

☐ Yes (Skip to section 3 "Ground water Development.")

☒ No Please check the appropriate box below.

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

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

List the names and mailing addresses of all affected landowners.*

Chris C. Holm
 14930 Barney Rd
 Plymouth CA 95669-9730

*If more than 25 landowners are involved, a list is not required. See instructions.

3. GROUND WATER DEVELOPMENT

A. Number of well(s): one B. Name of nearest surface water body: Cottonwood Cr.

C. Distance from well(s) to nearest stream or lake: 1) 5,100 feet

2) _____ 3) _____ 4) _____

D. If distance from surface water is less than one mile, indicate elevation difference between nearest surface water and well head. 1) 200 feet

2) _____ 3) _____ 4) _____

E. Well Characteristics

Wells must be constructed according to standards set by the Department for the construction and maintenance of water wells. If the well is already constructed, please enclose a copy of the well constructor's log and the well ID number, if available, for each well with this application. Identify each well with a number corresponding to the wells designated on the map and proceed to question F in this section of the form. If the well has not been constructed, or if you do not have a well log, please complete the following:

Well(s) will be constructed by: _____

Address: _____

Completion date: _____

Ground Water/ 2

2. Please provide a description of your well development. (Attach additional sheets if needed.)

Well No.	Diameter	Type and size of casing	No. of feet of casing	Interval casing is perforated (in feet)	Seal depth	Est. depth to water	Est. depth to water bearing stratum	Type of access port or measuring device	Total well depth
See attached well log JC 21247									

F. Artesian Flows

If your water well is flowing artesian, describe your water control and conservation works:

4. WATER USE

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

A. Type(s) of Use(s)

See list of beneficial uses provided in the instructions.

- If your proposed use is domestic, indicate the number of households to be supplied with water: 2
- If your proposed use is irrigation, please attach Form I
- If your proposed use is mining, attach Form R
- If your proposed use is municipal or quasi-municipal, attach Form M
- If your proposed use is commercial/industrial, attach Form Q

RECEIVED

FEB 25 2002

WATER RESOURCES DEPT.
SALEM, OREGON

B. Amount of Water

Provide the production rate in gallons per minute (gpm) and the total annual amount of water you need from each well, from each source or aquifer, for each use. You do not need to provide source information if you are submitting a well log with your application.

Well No.	Source or aquifer	Type of use	Total rate of water requested (in gpm)	Total annual quantity (in gallons)	Production rate of well (in gpm)
1	Sandstone	Irrigation	20.2	1.47 million	150
1	Sandstone	Domestic Group	20.8	11 million	150
1	Sandstone	Wildlife	15.0	7.9 million	150
1	Sandstone	Fire protection	5.0	2.6 million	150

C. Maximum Rate of Use Requested

What is the maximum, instantaneous rate of water that will be used? 0.14 CFS

(The fees for your application will be based on this amount.)

D. Period of Use

Indicate the time of year you propose to use the water: Irrigation and Fire: April through Oct.
Domestic & Wildlife: year around

(For seasonal uses like irrigation give dates when water use would begin and end, e.g. March 1–October 31.)

E. Acreage

If you will be applying water to land, please give the total number of acres where water will be applied or used: 1.8 acre

(This number should be consistent with your application map.)

5. WATER MANAGEMENT**A. Diversion**

What equipment will you use to pump water from your well(s)?

- ☒ Pump (give horsepower and pump type) Grundfos JP5 1/4 HP 1" discharge into
☐ Other means (describe) a 3000 gallon storage tank

B. Transport

How will you transport water to your place of use?

- ☐ Ditch or canal (give average width and depth)

Width _____ Depth _____

Is the ditch or canal to be lined? ☐ Yes ☐ No

- ☒ Pipe (give diameter and total length)

Diameter 3 inch Length 1,155 feet

- ☐ Other (describe) _____

RECEIVED

FEB 25 2002

WATER RESOURCES DEPT.
SALEM, OREGON

C. Application/Distribution Method

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

Pipeline and gravity pressure from storage tank

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

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

Distribution method

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

D. Conservation

What methods will you use to conserve water? Why did you choose this distribution or application method? For example, if you are using sprinkler irrigation rather than drip irrigation, explain. If you need additional space, attach a separate sheet.

Drip and low pressure sprinklers were chosen because of the water efficiency to
irrigate the shrubs and lawn in the landscape area without killing the native trees from
over watering.

6. PROJECT SCHEDULE

Indicate the anticipated dates that the following construction tasks should begin. If construction has already begun, or is completed, please indicate that date.

Well and pipeline already installed, the remaining

Proposed date construction will begin construction will begin at issuance of permitProposed date construction will be completed September 2002Proposed date beneficial water use will begin September 2002**7. REMARKS**

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

This application is for a source of ground water in Oregon and use in California.See attach cover letter for complete explanation.

RECEIVED

FEB 25 2002

WATER RESOURCES DEPT.
SALEM, OREGON

8. MAP REQUIREMENTS

The Department cannot process your application without accurate information showing the source of water and location of water use. You must include a map with this application form that clearly indicates the township, range, section, and quarter/quarter section of the proposed well location and place of use. The map must provide tax lot numbers. See the map guidelines sheet for detailed map specifications.

9. SIGNATURE

By my signature below I confirm that I understand:

- I am asking to use water specifically as described in this application.
- Evaluation of this application will be based on information provided in the application packet.
- I cannot legally use water until the Water Resources Department issues a permit to me.
- If I get a permit, I must not waste water.
- If development of the water use is not according to the terms of the permit, the permit can be canceled.
- The water use must be compatible with local comprehensive land use plans.
- Even if the Department issues a permit to me, I may have to stop using water to allow senior water right holders to get water they are entitled to, and

I swear that all information provided in this application is true and correct to the best of my knowledge:

Rex L. Lical

Signature of Applicant

2/20/02

Date

Nora R. Jensen

Signature of Co-applicant

2.20.02

Date

Before you submit your application be sure you have:

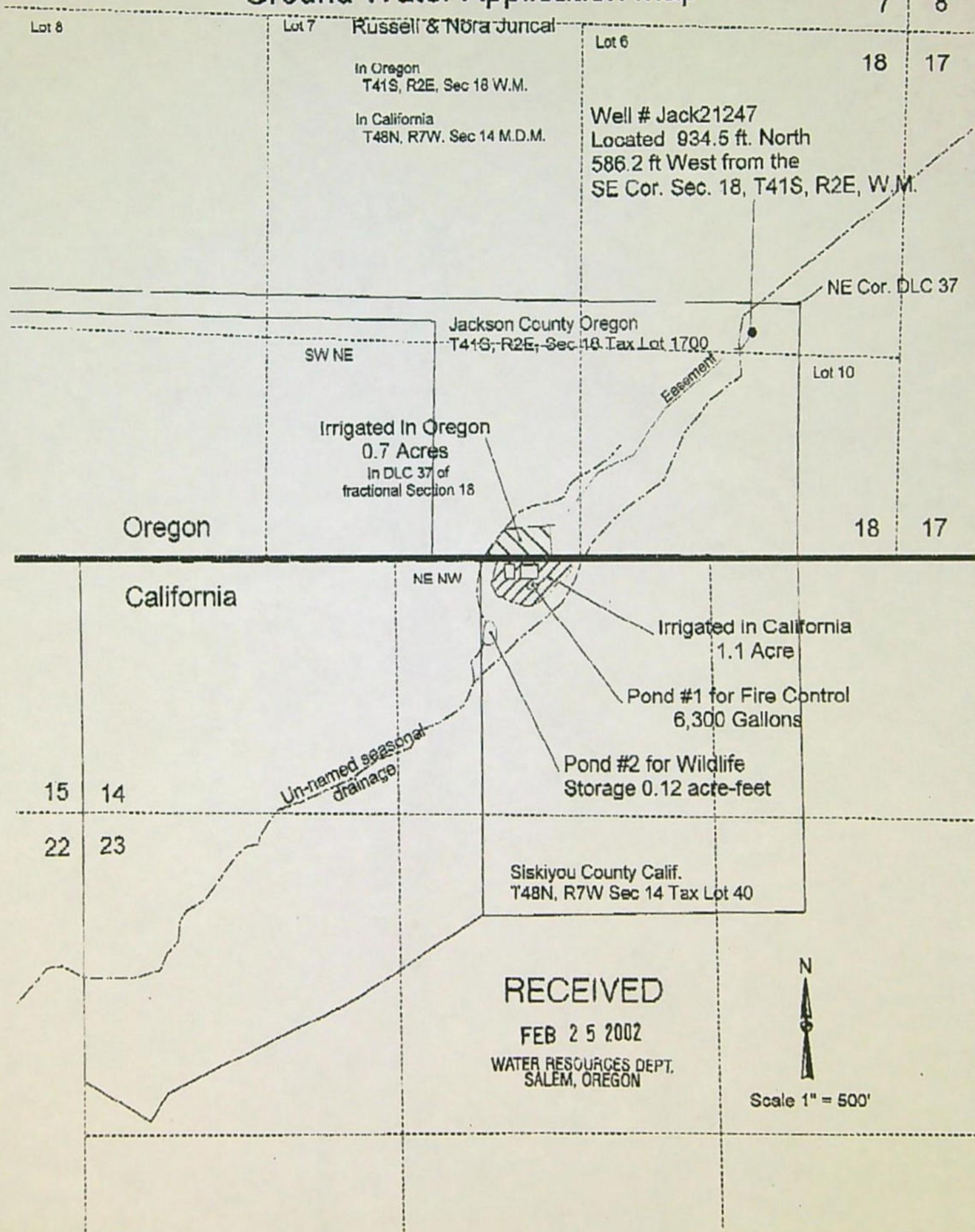
- Answered each question completely.
- Attached a legible map which includes township, range, section, quarter/quarter and tax lot number.
- Included a Land Use Information Form or receipt stub signed by a local official.
- Included the legal description of all the property involved with this application. You may supply a copy of the deed, land sales contract, or title insurance policy to meet this requirement.
- Included a check payable to the Oregon Water Resources Department for the appropriate amount.

RECEIVED

FEB 25 2002

WATER RESOURCES DEPT.
SALEM, OREGON

Ground Water Application Map





Oregon Water Resources Department

FORM I
FOR IRRIGATION WATER USE

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

☒ Primary ☐ Supplemental

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

Primary: 1.8 Acres

Secondary: _____ Acres

List the permit or certificate number of the primary water right: no. _____

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

1. Landscape ☒ Full season ☐ Partial season (from: _____ to _____)
2. _____ ☐ Full season ☐ Partial season (from: _____ to _____)
3. _____ ☐ Full season ☐ Partial season (from: _____ to _____)
4. _____ ☐ Full season ☐ Partial season (from: _____ to _____)

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

4.5 acre-feet

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

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

- ☐ Daily during daytime hours ☐ Daily during nighttime hours
- ☐ Two or three times weekly during daytime ☐ Two or three times weekly during nighttime
- ☐ Weekly, during daytime hours ☐ Weekly, during nighttime hours
- ☒ Other, explain: as required to replace evapotranspiration

RECEIVED

FEB 25 2002

WATER RESOURCES DEPT.
SALEM, OREGON

03/12/02 13:21

503 378 2496

WATER RESOURCES →→→ Cook/Sund

0008

The original and first copy of this report
are to be filed with the

WATER WELL REPORT

WATER RESOURCES DEPARTMENT

SALEM, OREGON 97310

within 30 days from the date
of well completion.

STATE OF OREGON

(Please type or print)

State Well No.

State Permit No.

(Do not write above this line)

21247

(1) OWNER:

Name Carl Miller
Address SS Ranch Hill Calif

(2) TYPE OF WORK (check):

New Well ☒ Deepening ☐ Reconditioning ☐ Abandon ☐

If abandonment, describe material and procedure in Item 12.

(3) TYPE OF WELL:

Rotary ☒ Driven ☐
Cable ☐ Jetted ☐
Dug ☐ Bored ☐

(4) PROPOSED USE (check):

Domestic ☒ Industrial ☐ Municipal ☐
Irrigation ☐ Test Well ☐ Other ☐

(5) CASING INSTALLED:

Threaded ☐ Welded ☒
Diam. from 0 ft. to 2.0 ft. Gage 250
Diam. from ft. to ft. Gage
Diam. from ft. to ft. Gage

(6) PERFORATIONS:

Perforated? ☐ Yes ☒ No

If perforator used

Size of perforations in. by in.
perforations from ft. to ft.
perforations from ft. to ft.
perforations from ft. to ft.

(7) SCREENS:

Well screen installed? ☐ Yes ☒ NoManufacturer's Name
Type Model No.
Diam. Slot size ft. to ft.
Diam. Slot size in. from ft. to ft.

(8) WELL TESTS:

Drawdown is amount water level is
lowered below static levelWas a pump test made? ☐ Yes ☒ No If yes, by whom?Yield: gal./min. with ft. drawdown after hrs.Ball test 150 gal./min. with 2.0 ft. drawdown after 1 hrs.Artesian flow g.p.m.Temperature of water 52 Depth artesian flow encountered ft.

(9) CONSTRUCTION:

Well seal—Material used CementWell sealed from land surface to ft.Diameter of well bore to bottom of seal 10 in.Diameter of well bore below seal 6 in.Number of sacks of cement used in well seal 6 sacksHow was cement grout placed Pumped DownWas a drive shoe used? ☒ Yes ☐ No Size: location ft.Did any strata contain unusable water? ☐ Yes ☒ NoType of water ft. of strataMethod of sealing strata off Was well (gravel) packed? ☐ Yes ☒ No Size of gravel: Gravel placed from ft. to ft.

(10) LOCATION OF WELL:

County Jackson Driller's well number 58-79
Sec 1/4 T. 44 S. R. 21E W.M.
Bearing and distance from section or subdivision corner

(11) WATER LEVEL: Completed well.

Depth at which water was first found 100 ft.
Static level 11 ft. below land surface. Date 10-15-79
Artesian pressure lbs. per square inch. Date

(12) WELL LOG:

Diameter of well below casing 6
Depth drilled 135 ft. Depth of completed well 135 ft.Formation: Describe color, texture, grain size and structure of materials;
and show thickness and nature of each stratum and aquifer penetrated,
with at least one entry for each change of formation. Report each change in
position of Static Water Level and indicate principal water-bearing strata.

MATERIAL	From	To	SWL
CLAY	0	10	
SANDSTONE	10	135	11

RECEIVED

OCT 29 1979

WATER RESOURCES DEPT

SALEM, OREGON

RECEIVED

FEB 25 2002

WATER RESOURCES DEPT.
SALEM, OREGONWork started 10-15 1979 Completed 10-15 1979Date well drilling machine moved off of well 10-15 1979

Drilling Machine Operator's Certification:

This well was constructed under my direct supervision.
Materials used and information reported above are true to my
best knowledge and belief.[Signed] Carl Cook Date 10-19-79
(Drilling Machine Operator)Drilling Machine Operator's License No. 997

Water Well Contractor's Certification:

This well was drilled under my jurisdiction and this report is
true to the best of my knowledge and belief.Name Carl Cook Drill
(Person, firm or corporation) (Type or print)Address 244 Johnson St. Seaside, Or[Signed] Carl Cook
(Water Well Contractor)Contractor's License No. 599 Date 10-19 1979

(USE ADDITIONAL SHEETS IF NECESSARY)

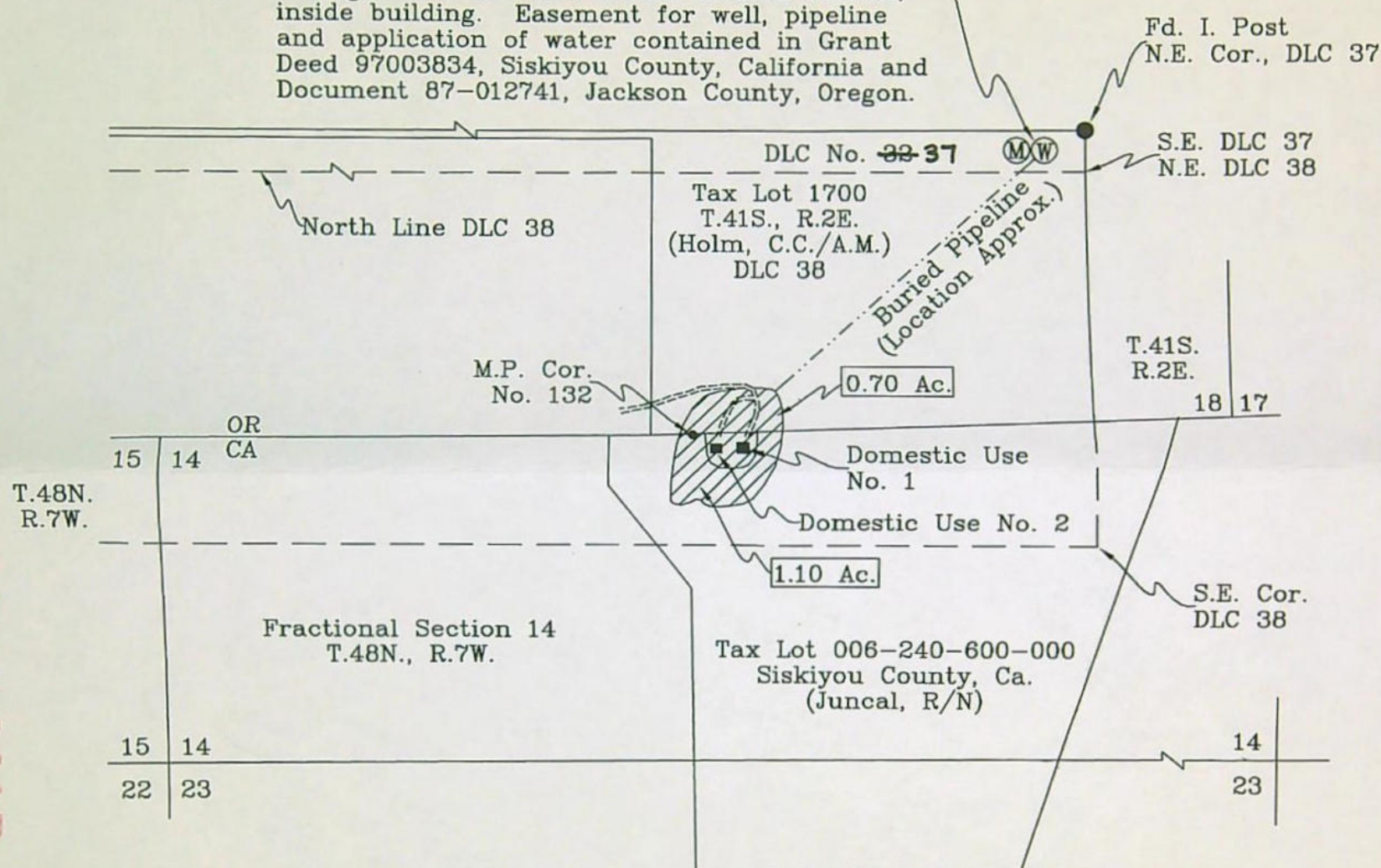
WRS-1000-110

0370

CLAIM OF BENEFICIAL USE MAP
APPLICATION G-15711 PERMIT G-15529
FOR
RUSSELL AND NORA JUNCAL
1965 HILTON ROAD
HORN BROOK, CA 96044
SITUATED IN
DLC NO. 38
TOWNSHIP 41 SOUTH, RANGE 2 EAST, WILLAMETTE MERIDIAN
JACKSON COUNTY, OREGON
AND
FRACTIONAL SECTION 14
TOWNSHIP 48 NORTH, RANGE 7 WEST, MT. DIABLO MERIDIAN
SISKIYOU COUNTY, CALIFORNIA

Source: Well No. Jack 21247
Bears South 63.00' and West
128.00' from N.E. Cor., DLC 37

Note: Storage tank and flow meter located at well,
inside building. Easement for well, pipeline
and application of water contained in Grant
Deed 97003834, Siskiyou County, California and
Document 87-012741, Jackson County, Oregon.



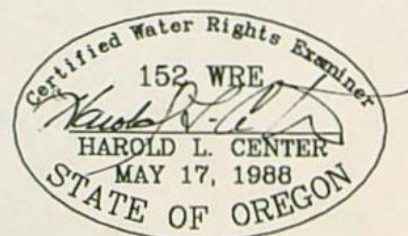
Scale: 1" = 400' 500' WCD
12/7/2021

LEGEND

- Found Survey Monument
- Denotes Structure/Building
- Denotes Driveway
- - - - Denotes Buried Pipeline
- (M) Denotes Flow Meter
- ▨ Denotes Area Being Irrigated

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

Note: Storage tank and flow meter
located at well inside building.



HAROLD L. CENTER
2604 David Lane
Medford, OR. 97504
Phone 541-535-6108
Oregon Certificate No. 152
Certificate Renewal Date: 12/31/2009

RECEIVED

NOV 03 2008

WATER RESOURCES DEPT
SALEM, OREGON

Project 08-14

COBU MAP # 390

CLARK Gerald E * WRD

From: CLARK Gerald E * WRD
Sent: Tuesday, December 7, 2021 11:47 AM
To: Harold Center (center1071@gmail.com)
Subject: RE: Certificate 90826 (Application G-15711) - CBU Map Scale and Waiver for Scale on CBU Map for Permit S-54027 (Application S-85219)
Attachments: Revised CBU Map Certificate 90826.pdf

Harold,

I have made the update regarding the scale per your request. A copy of the revised map is attached for your reference.

Please let me know if you have any additional questions.

Have a great day!

Gerry Clark

He/Him/His

Oregon Water Resources Department

Program Analyst, Certificate Section, Water Right Services Division

725 Summer Street NE, Suite A Salem, OR 97301 | Phone 503-979-9103

From: CLARK Gerald E * WRD
Sent: Monday, December 6, 2021 9:13 AM
To: Harold Center (center1071@gmail.com) <center1071@gmail.com>
Subject: Certificate 90826 (Application G-15711) - CBU Map Scale and Waiver for Scale on CBU Map for Permit S-54027 (Application S-85219)

Harold,

Thanks for the call this morning to discuss the map scale on the Claim map for the above certificate. You had indicated that the scale on the map was incorrect and that the correct scale is 1" = 500'.

I plan to update the scale on the map from 1" = 400' to 1" = 500' and will send you a copy of the map with the revision note. In addition, I will notify our Data Center so that the map image in WRIS can be replaced.

As for the CBU map for permit S-54027, consider this email as a waiver to prepare the CBU map at a scale of 1" = 500'. Please attach a copy of this message to your Claim to document the waiver approval.

Please let me know if you have any additional questions.

Gerry

Gerry Clark

He/Him/His

Oregon Water Resources Department

Program Analyst, Certificate Section, Water Right Services Division

725 Summer Street NE, Suite A Salem, OR 97301 | Phone 503-979-9103

0390

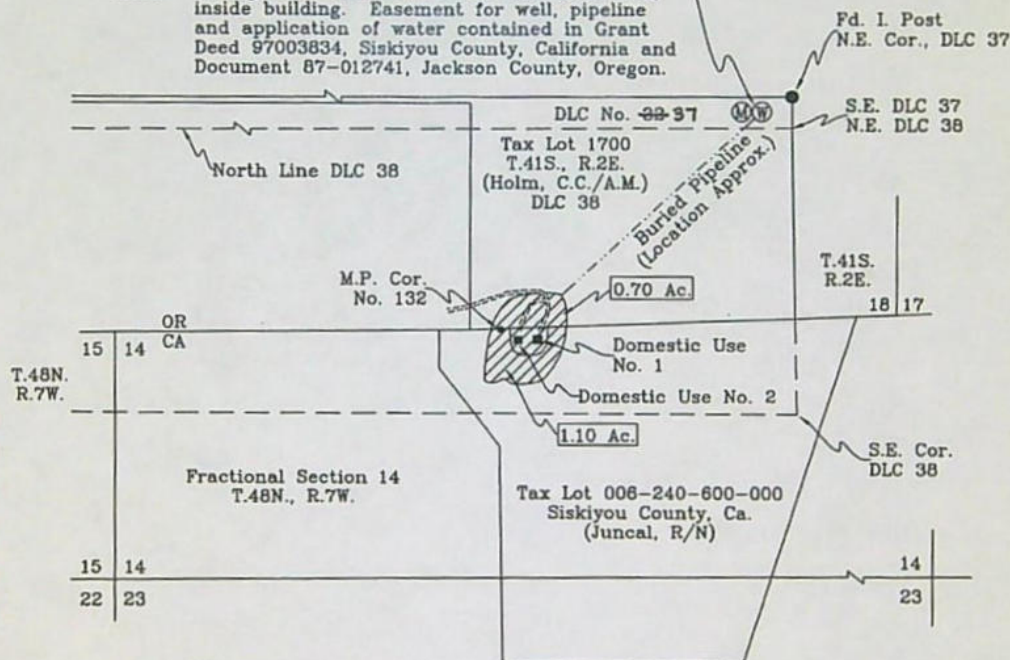
CLAIM OF BENEFICIAL USE MAP
APPLICATION G-15711 PERMIT G-15529
FOR

RUSSELL AND NORA JUNCAL
1965 HILTON ROAD
HORN BROOK, CA 96044
SITUATED IN
DLC NO. 38

TOWNSHIP 41 SOUTH, RANGE 2 EAST, WILLAMETTE MERIDIAN
JACKSON COUNTY, OREGON
AND
FRACTIONAL SECTION 14
TOWNSHIP 48 NORTH, RANGE 7 WEST, MT. DIABLO MERIDIAN
SISKIYOU COUNTY, CALIFORNIA

Source: Well No. Jack 21247
Bears South 63.00' and West
128.00' from N.E. Cor., DLC 37

Note: Storage tank and flow meter located at well,
inside building. Easement for well, pipeline
and application of water contained in Grant
Deed 97003834, Siskiyou County, California and
Document 87-012741, Jackson County, Oregon.



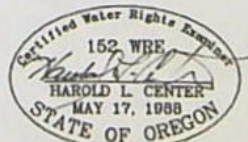
Scale: 1"=400' 500' 12/1/2021

LEGEND

- Found Survey Monument
- Denotes Structure/Building
- Denotes Driveway
- - - - - Denotes Buried Pipeline
- (M) Denotes Flow Meter
- ▨ Denotes Area Being Irrigated

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

Note: Storage tank and flow meter
located at well inside building.



HAROLD L. CENTER
2604 David Lane
Medford, OR. 97504
Phone 541-535-6108
Oregon Certificate No. 152
Certificate Renewal Date: 12/31/2009

RECEIVED

NOV 03 2008

WATER RESOURCES DEPT
SALEM, OREGON

Project 08-14

STATE OF OREGON
COUNTY OF JACKSON
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

RUSSELL JUNCAL
NORA JUNCAL
1965 HILT RD
HORN BROOK, CALIFORNIA 96044

confirms the right to use the waters of A WELL IN COTTONWOOD CREEK BASIN for IRRIGATION OF 1.8 ACRES AND GROUP DOMESTIC FOR TWO HOUSEHOLDS.

This right was perfected under Permit G-15529. The date of priority is FEBRUARY 25, 2002. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 0.091 CUBIC FOOT PER SECOND (CFS); BEING 0.045 CFS FOR IRRIGATION AND 0.046 CFS FOR GROUP DOMESTIC, measured at the well.

The period of use is year round for domestic use and April 1 through October 31 for irrigation.

The well is located as follows:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
41 S	2 E	WM	18	NE NE	37	63 FEET SOUTH AND 128 FEET WEST FROM NE CORNER, DLC 37

A description of the place of use is as follows:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
41 S	2 E	WM	18	SW NE	0.7
48 N	7 W	MDM	14	SE SW	1.1

DOMESTIC USE				
Twp	Rng	Mer	Sec	Q-Q
48 N	7 W	MDM	14	SE SW

Measurement, recording and reporting conditions:

- A. The water user shall maintain a meter or other suitable measuring device as approved by the Director in good working order.
- B. The water user shall allow the watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.

NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW

This is an order in other than a contested case. This order is subject to judicial review under ORS 183.484 and ORS 536.075. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.484(2). Pursuant to ORS 183.484, ORS 536.075 and OAR 137-004-0080, you may petition for judicial review and 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. In addition, under ORS 537.260 any person with an application, permit or water right certificate subsequent in priority may jointly or severally contest the issuance of the certificate within three months after issuance of the certificate.

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

If substantial interference with a senior water right occurs due to withdrawal of water from any well listed on this right, then use of water from the well(s) shall be discontinued or reduced and/or the schedule of withdrawal shall be regulated until or unless the Department approves or implements an alternative administrative action to mitigate the interference. The Department encourages junior and senior appropriators to jointly develop plans to mitigate interferences.

The well shall be maintained in accordance with the General Standards for the Construction and Maintenance of Water Wells in Oregon. The works shall be equipped with a usable access port, and may also include an air line and pressure gauge adequate to determine the water level elevation in the well at all times.

The Director may require water level or pump test results every ten years.

Failure to comply with any of the provisions of this right may result in action including, but not limited to, restrictions on the use, civil penalties, or cancellation of the right.

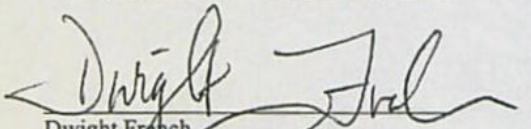
This right is for the beneficial use of water without waste. The water user is advised that new regulations may require the use of best practical technologies or conservation practices to achieve this end.

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

The use of water shall be limited when it interferes with any prior surface or ground water rights.

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.

Issued OCT 23 2015.


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

CLAIM OF BENEFICIAL USE MAP
APPLICATION G-15711 PERMIT G-15529
FOR

RUSSELL AND NORA JUNCAL
1965 HILTON ROAD
HORN BROOK, CA 96044
SITUATED IN
DLC NO. 38
TOWNSHIP 41 SOUTH, RANGE 2 EAST, WILLAMETTE MERIDIAN
JACKSON COUNTY, OREGON
AND
FRACTIONAL SECTION 14
TOWNSHIP 48 NORTH, RANGE 7 WEST, MT. DIABLO MERIDIAN
SISKIYOU COUNTY, CALIFORNIA

Source: Well No. Jack 21247
Bears South 63.00' and West
128.00' from N.E. Cor., DLC 37

Note: Storage tank and flow meter located at well, inside building. Easement for well, pipeline and application of water contained in Grant Deed 97003834, Siskiyou County, California and Document 87-012741, Jackson County, Oregon.

Fd. I. Post
✓N.E. Cor., DLC 37

S.E. DLC 37
N.E. DLC 38

DLC No. ~~22~~ 37

Tax Lot 1700
T.41S., R.2E.
(Holm, C.C./A.M.)
DLC 38

North Line DLC 38

M.P. Cor.
No. 132

0.70 Ac.

T.41S.
R.2E.

18 | 17

T.48N.
R.7W.

OR
CA

Domestic Use
No. 1

Domestic Use No. 2

1.10 Ac.

S.E. Cor.
DLC 38

Fractional Section 14
T.48N., R.7W.

Tax Lot 006-240-600-000
Siskiyou County, Ca.
(Juncal, R/N)

15	14
22	23

$$\frac{14}{23}$$

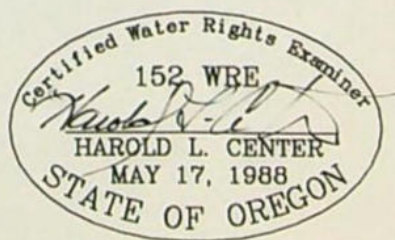

Scale: 1"=400'

LEGEND

- | | |
|---|------------------------------|
|  | Found Survey Monument |
|  | Denotes Structure/Building |
|  | Denotes Driveway |
|  | Denotes Buried Pipeline |
|  | Denotes Flow Meter |
|  | Denotes Area Being Irrigated |

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.

Note: Storage tank and flow meter located at well inside building.



RECEIVED

NOV 03 2008

WATER RESOURCES DEPT
SALEM, OREGON

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

12/31/2009

Project 08-14

COPY



DATE MAILED: October 23, 2015

NOTICE OF CERTIFICATE ISSUANCE

The attached certificate confirms the water right established under the terms of a permit issued by this Department. The water right is now appurtenant to the specific place where the use was established as described by the certificate. The water right is limited to a specific amount of water, but not more than can be beneficially used for the purposes stated within the certificate.

The certificate is a final order in other than a contested case. This order is subject to judicial review under ORS 183.484 and ORS 536.075. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.484(2). Pursuant to ORS 183.484, ORS 536.075 and OAR 137-004-0080, you may petition for judicial review and 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. In addition, under ORS 537.260 any person with an application, permit or water right certificate subsequent in priority may jointly or severally contest the issuance of the certificate within three months after issuance of the certificate.

Oregon law does not allow the Director to reissue a certificate because of a change in the ownership of the appurtenant place of use. The water must be controlled and not wasted. To change the location of the point of diversion, the character of use, or the location of use requires the advance approval of the Water Resources Director.

If any portion of this water right is not used for five or more consecutive years that portion of the right may be subject to forfeiture according to ORS 540.610. Land enrolled in a Federal Reserve Program is not subject to forfeiture during the period of enrollment. Other exceptions to forfeiture are explained in ORS 540.610.

If you have any questions please contact Gerry Clark at 503-986-0811.

Mailing List for Certificate

Scheduled Mailing Date:

Application: G-15711

Permit: G-15529

Certificate: 90826

Permit/Certificate Holder:

RUSSELL JUNCAL
NORA JUNCAL ✓
1965 HILT RD
HORN BROOK CA 96044

Copies Mailed	
by:	<u>Connie Vance</u> (STAFF)
on:	<u>OCT 23 2015</u> (DATE)

Copies of Final Certificate to be sent to:

- ~~1. Watermaster District 13~~
- ~~2. Data Center (include copy of map)~~
3. Water Availability ✓
4. Vault ✓
5. File ✓

Other persons to receive copies: (include map):

Landowner taxlot: 412E000001700

1. Chris Holm ✓
Anita Holm
54368 Mariah Rd.
Myrtle Point, OR 97458
2. HAROLD CENTER, CWRE ✓

MEMO – 2014-2015 Certificate Project Proof to Satisfaction (Aug 7, 2014)

Application # <u>G-15711</u>	Permit # <u>G-15529</u>	Transfer #
WRD Reviewer <u>Brian Creutzburg</u>	Date <u>9-3-2015</u>	
WRD Peer Reviewer <u>J. Joye</u>	Date <u>9-14-15</u>	

Research

- ☒ Organize file in chronological order
- ☒ Pull CBU Report & Map(s), Application Map, relevant Permit, Certificate, or Transfer Order, most recent Assignments, Extension Orders, SWL Measurements, Fish Screen Certification Documents, Water Use Reports & Pump Tests
- ☒ Search for Water Right Location using Interactive Mapper. Identify Tax Lots & check for Area of Interest (AOI)
- ☒ Water Organization identified using AOI? ☒ No ☐ Yes
If "Yes" cc: _____ & Add to Mailing List
- ☒ * Print Tax Lot Map from ormap.net for the original Place of Use, and confirm Current Ownership & Address with County Assessor
If there is a new owner, Add to Mailing List, including the owner(s) name & tax lot number
- ☒ Print Platcard & check for Place of Use Conflict? ☒ No ☐ Yes
If "Yes", provide copy of certificate & relevant map
- ☒ Print BLM Cadastral Survey
- ☒ * Does Claim Map identify correct DLC, Gov't Lots, QQ's? ☐ No ☒ Yes
If "No", either _____ WRD amend map OR _____ prepare Order of Certification

Reviewing Claim

Have conditions on relevant permit, certificate, or transfer order been complied with? Yes, No, OR N/A

- N/A Fish Conditions
- ☒ Yes Meter/measuring device shall install 5/04
- N/A Water Use Reporting May Require
- ☒ Yes Pump Test (post December 19, 1988) Approved 3-28-13
- Other Conditions _____
- N/A SWL
- ☒ Yes C-Date 10-1-08 Water applied to use 05/04
- ☒ Run Capacity Calculator and Print Findings (for pump, sprinklers, pipes, ditches, as appropriate)

NOTES:

- * Spoke w/ Jerry Sauter to confirm $\frac{1}{4}$ locations, and the Govt. Lot & DLC issue for the lands in CA.
- * Could confirm name, but not address from Siskiyou County, CA assessor. Only a low resolution tax lot map was available for free.

Determination

✓ I've determined that the permit/transfer was fully developed as authorized and that a **FINAL** Certificate should be issued.

___ I've determined that the permit/transfer was not fully developed as authorized and that a **PROPOSED** Certificate should be issued. A proposed Certificate should be issued for the following reason(s):

____ I've determined that beneficial use was NOT made within the terms and conditions and that a **Proposed Order of Certification** (denial) should be issued. A proposed Order of Certification should be issued for the following reason(s):

Processing

Stamp PROPOSED or Assign CERT# or ORDER OF CERTIFICATION (circle one)

Draft Certificates or Proposed Order of Certifications are available in the Application directory.

____ Prepare Mailing List. Include Applicant(s); Receiving Landowner(s); Current Owner(s); Water Organizations; CWRE. Indicate records to be marked.

___ Record marking: App _____ Permit _____ Cert _____
 App _____ Permit _____ Cert _____
 App _____ Permit _____ Cert _____
 App _____ Permit _____ Cert _____

NOTES:

[Home](#) | [Login](#)[Print](#) | [Cart](#)

Siskiyou County Assessor's Parcel Search

MIKE MALLORY, ASSESSOR ASSESSMENT AND PROPERTY INFORMATION

[Back to Search Page](#)

ASSESSMENT INFORMATION

Parcel Number (APN): 006-240-600-000

Status: Active FORM ALL OF 6-240-530 & 550 (2005 COMB)

Assessee Name: JUNCAL RUSSELL & NORA

Mailing Address: Unable to display per Gov.Code 6254.21

Situs Address: Unable to display per Gov.Code 6254.21

Current Doc. No./Date: 20130005570 6/19/2013

Tax Rate Area: 081-001

Use Code: 550 Rural Property w/Res

Acreage: 42.80 Zoning: Contact Planning Dept.

PARCEL DESCRIPTION

TWP: 48N JUNCAL PAR PER BLA REC

RGE: 7W 5/28/04 OR 04-0008251

SEC: 14,23

ASSESSED VALUES

Assessment Roll Year: 2015

Land: \$78,477

Structure: \$430,442

Fixtures: \$0

Manufactured Home: \$0

Fixtures Real Prop.: \$0

Personal Property: \$0

Homeowner's Ex.: \$7,000

Other Exemption: \$0

Other Ex. Type:

Net Assessed Value: \$501,919

Ag Preserve: No

Timber Preserve: No

[Preview Map Image](#)[Purchase High Resolution Map](#)[Purchase Property Characteristics](#)

TRANSFER HISTORY

Last six transfers since 1999, if any. Indicated Sales Price based on Documentary Transfer Tax.

Event Date	Document No.	Transferor Name	Indicated Sales Price	Multi-Parcel
06/19/2013	20130005570	JUNCAL RUSSELL & NORA	\$0	No

[Back to Search Page](#)

Parcels accessed to date: 657292

REAL PROPERTY TAX STATEMENT
JULY 1, 2014 TO JUNE 30, 2015
JACKSON COUNTY, OREGON
P.O. Box 1569
MEDFORD, OR 97501

ACCOUNT NO:
10112765

PROPERTY DESCRIPTION

CODE: 0517
MAP: 412E00-00-01700
ACRES: 41.03
SITUS: 1983 HILT RD ASHLAND/COUNTY

HOLM CHRIS C/ANITA M
54368 MARIAH RD
MYRTLE POINT, OR 97458 USA

VALUES:	LAST YEAR	THIS YEAR
REAL MARKET (RMV)		
LAND	99,690	104,630
STRUCTURES	17,840	18,730
TOTAL RMV	117,530	123,360
 TOTAL ASSESSED VALUE	 117,530	 123,360
 VETERAN/MISC EXEMPTION	 0	 0
NET TAXABLE:	117,530	123,360
 TOTAL PROPERTY TAX:	 1,338.21	 1,474.91

EDUCATION SERVICE DISTRICT	43.25
ROGUE COMMUNITY COLLEGE	62.94
ASHLAND SCHOOL DIST 5	510.61
ASHLAND SCHOOL DIST 5 LOCAL OPTI	0.00
EDUCATION TOTAL:	616.80

JACKSON COUNTY	254.11
VECTOR CONTROL	5.29
JACKSON COUNTY SOIL & WATER CONS	6.17
JACKSON COUNTY LIBRARY DISTRICT	64.15
COLESTINE RURAL FIRE DIST	136.57
GENERAL GOVT TOTAL:	466.29

JACKSON COUNTY BONDS	22.01
ROGUE COMMUNITY COLLEGE BONDS	13.42
ASHLAND SCHOOL DIST 5 BONDS	234.90
OR FORESTRY FIRE, SURCHARGE	47.50
OR FORESTRY FIRE, TIMBER	73.99
BONDS - OTHER TOTAL:	391.82

POTENTIAL ADDITIONAL TAX LIABILITY

PAYMENT QUESTIONS (541) 774-6541
VALUE QUESTIONS (541) 774-6059

ALL TAX PAYMENT ARE NOW PROCESSED LOCALLY - PLEASE DO NOT
SEND TO PREVIOUS PROTLAND ADDRESS.

2014 - 2015 TAX (Before Discount) 1,474.91

PAYMENT OPTIONS			
Date Due	3% Option	2% Option	Trimester Option
11/17/14	1,430.66	963.60	491.64
02/16/15			491.64
05/15/15		491.64	491.63
Total	1,430.66	1,455.24	1,474.91

TOTAL DUE (After Discount and Pre-payments) 1,430.66

↑ Tear Here

PLEASE RETURN THIS PORTION WITH YOUR PAYMENT

Tear Here ↑

2014 - 2015 PROPERTY TAXES

JACKSON COUNTY REAL

ACCOUNT NO. 10112765

PAYMENT OPTIONS	Discount	Date Due	Amount	Date Due	Amount	Date Due	Amount
Full Payment Enclosed	3%					11/17/14	1,430.66
or 2/3 Payment Enclosed	2%			& 05/15/15	491.64	11/17/14	963.60
or 1/3 Payment Enclosed	0%	02/16/15	491.64	& 05/15/15	491.63	& 11/17/14	491.64

DISCOUNT IS LOST & INTEREST APPLIES AFTER DUE DATE

☐ Mailing address change on back

Enter Payment Amount

HOLM CHRIS C/ANITA M
54368 MARIAH RD
MYRTLE POINT, OR 97458 USA

MAKE PAYMENT TO:
JACKSON COUNTY TAXATION OFFICE
P.O. BOX 1569
MEDFORD, OR 97501

1807 - 041568 - 143066

15100101127650000049164000009636000001430662

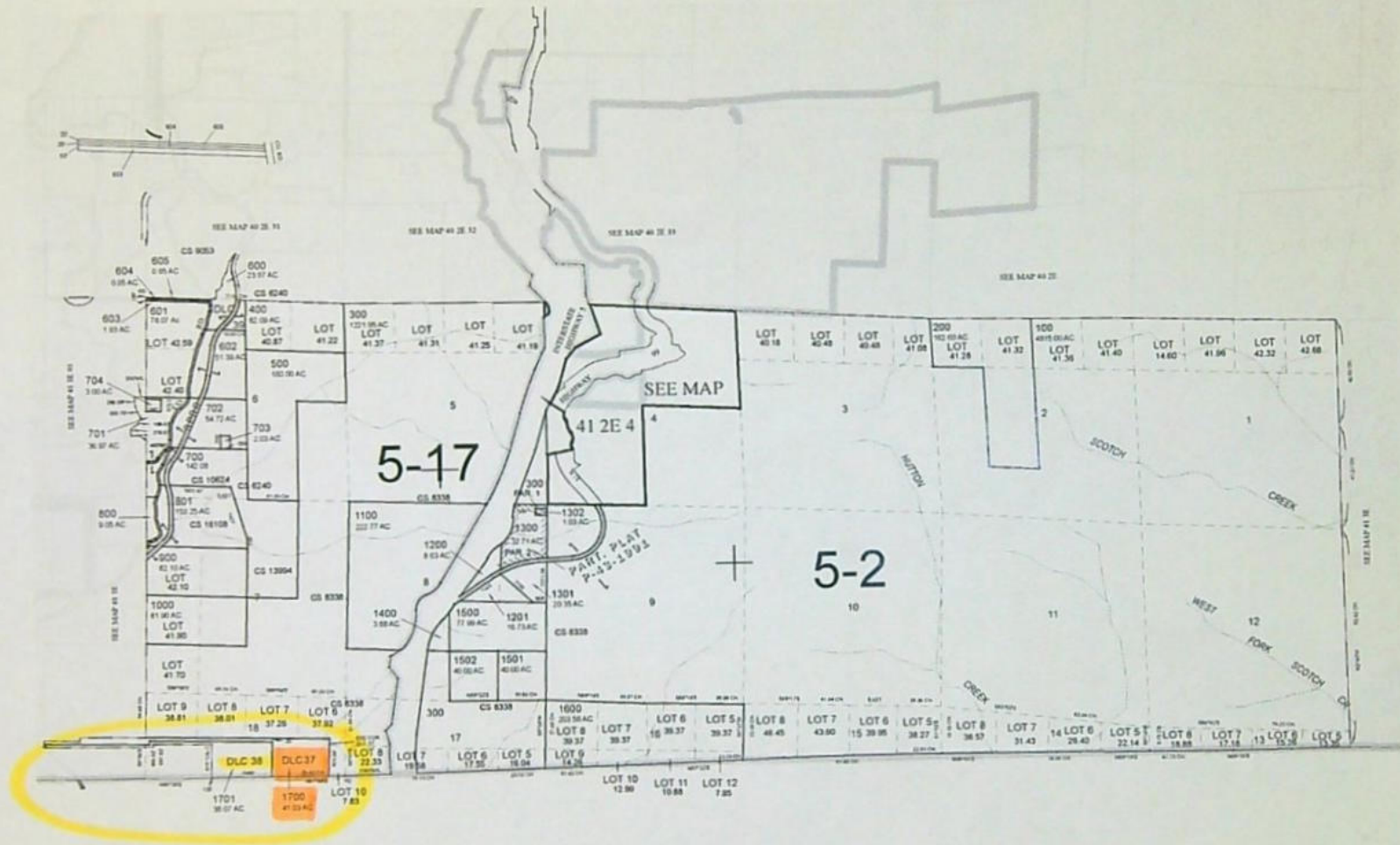
FOR ASSESSMENT AND
TAXATION ONLY

T.41S., R.2E., W.M.
JACKSON COUNTY
1" = 2000'

41 2E
& INDEX

CANCELLED TAX
LOT NUMBERS

1202
1702



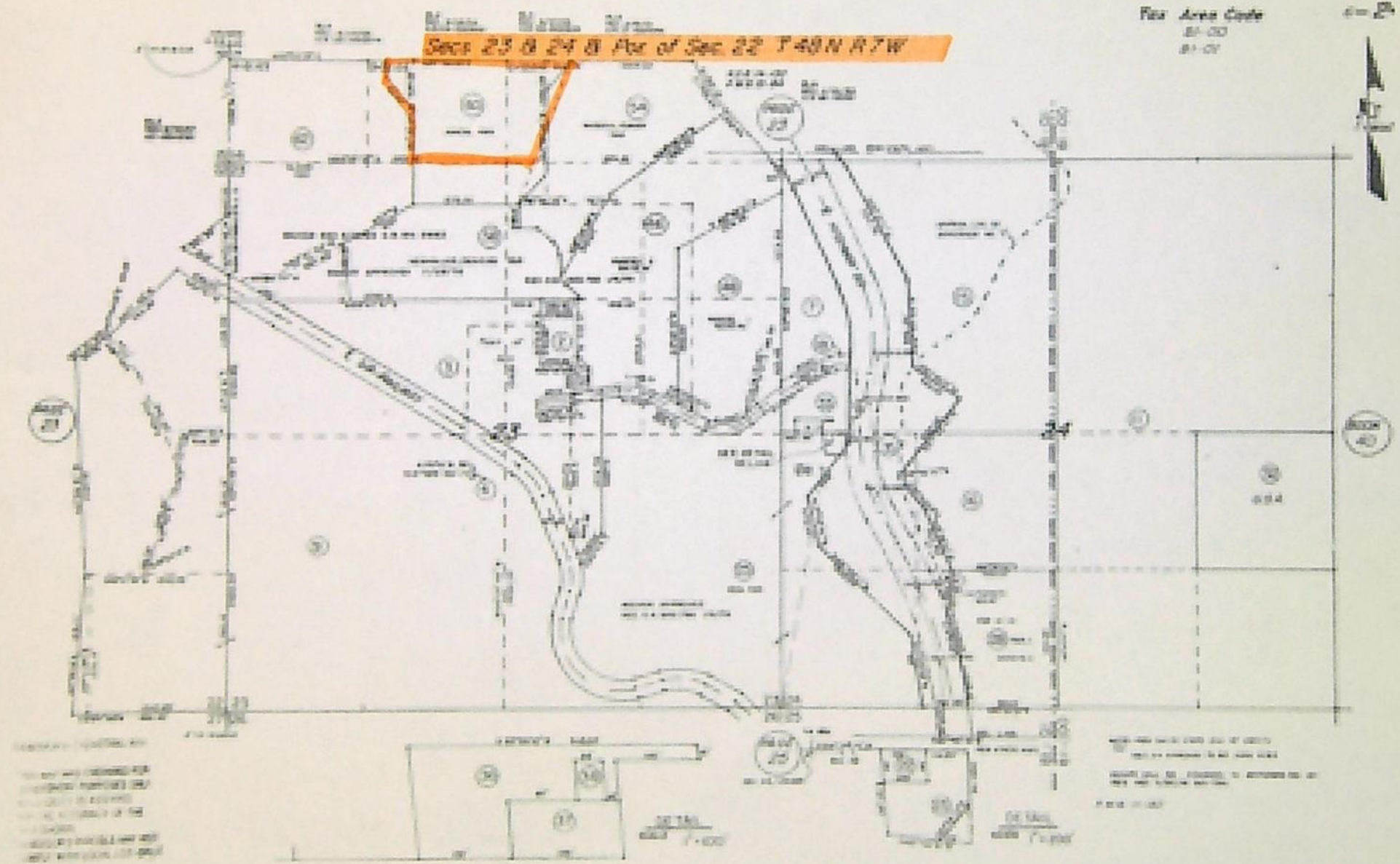
DLC 32 is not located on Assessor map?
I believe POA is w/in DLC 37.

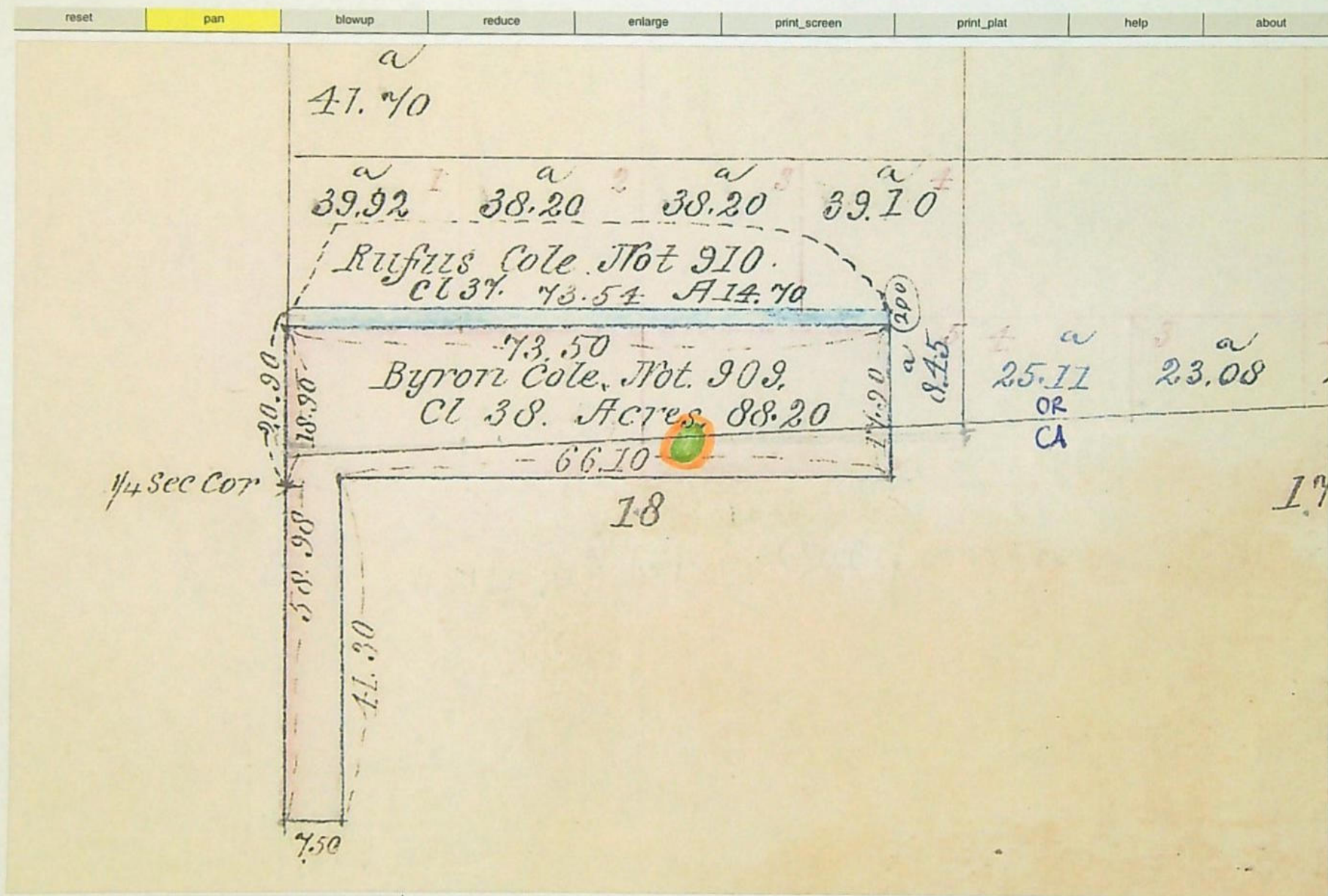
FPS map has some discrepancy between the location of DLC 38.
Because of this, we will not add the location of DLC's or GLOTS, except
DLC 37 + POA location.

41 2E
& INDEX

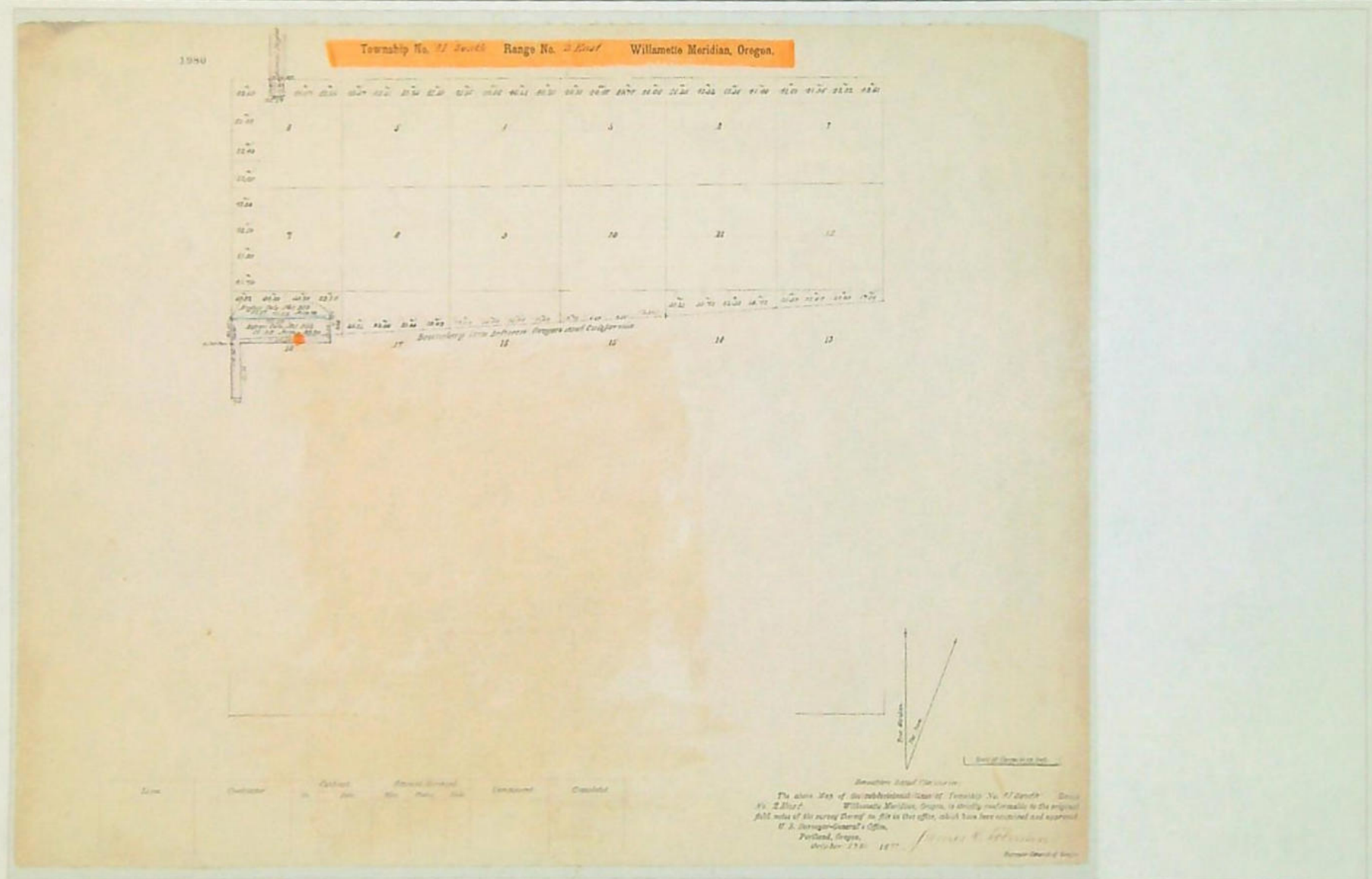
DOR CONVERSION OCTOBER 31, 2000
REV J70E 10, 2008

Only low resolution taxlot map is available for free





reset	pan	blowup	reduce	enlarge	print_screen	print_plat	help	about
-------	-----	--------	--------	---------	--------------	------------	------	-------



Post 132 mi. 70 1/2 Chs

Sec 15
124.44

N. 89° 55' W. 70.50

132 mi. Post

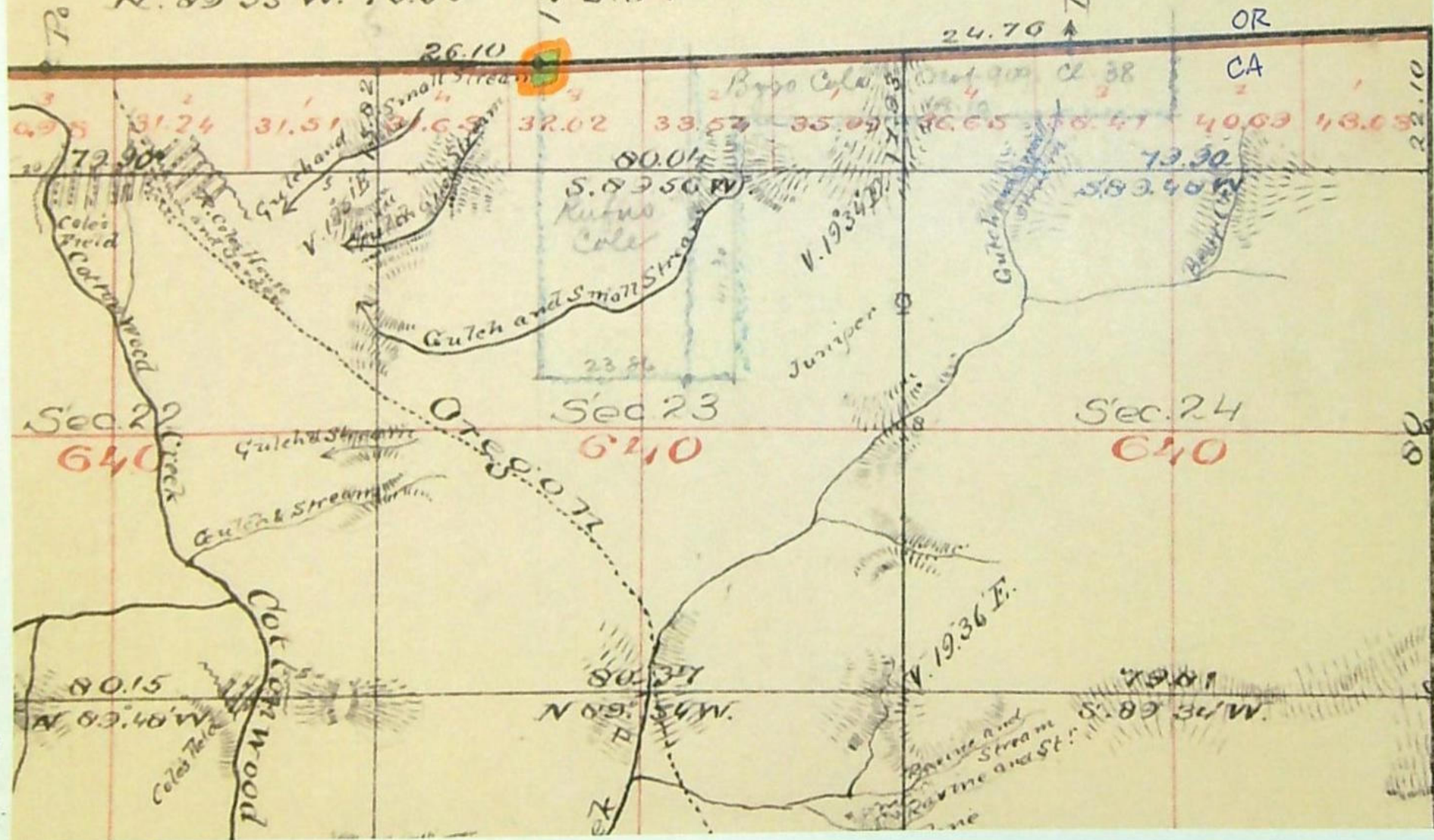
Sec 14
132.28

S. 87° 51' W. 72.50

Post 131 1/2 Mile Cr

Sec 13
158.78

S. 86° 47' W. 55.0



Township N. 48 North

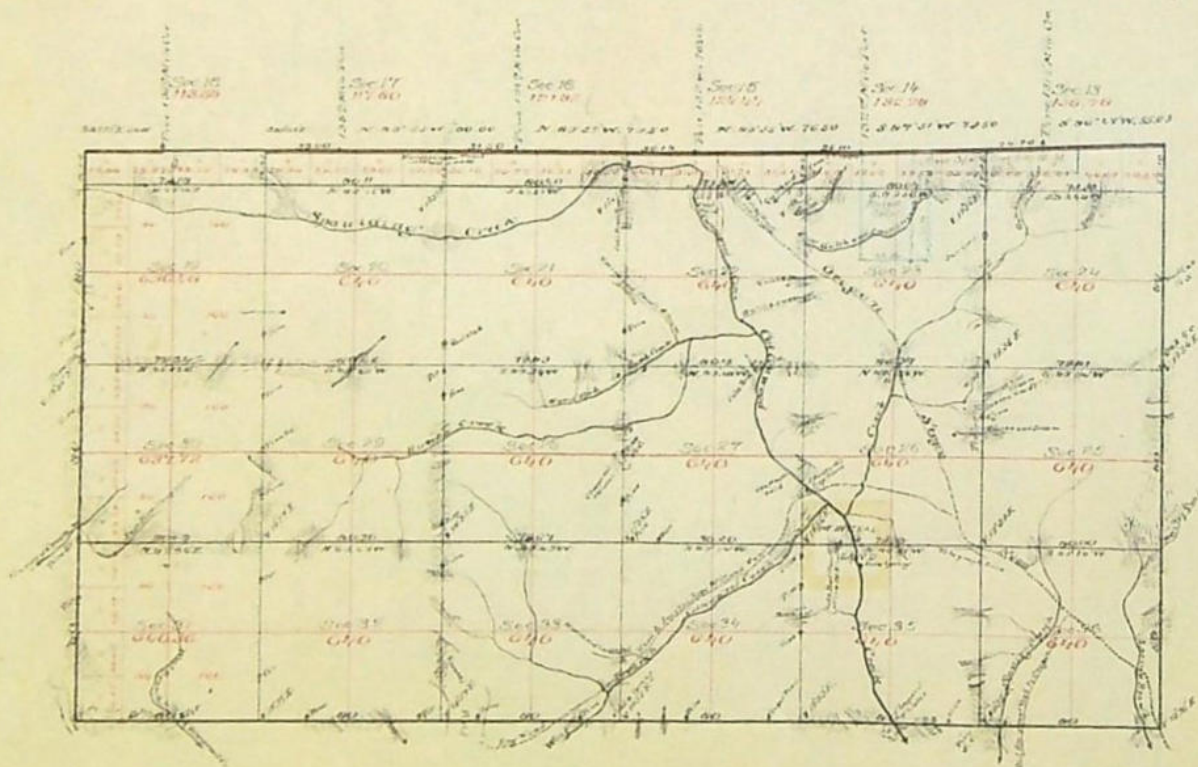
Range N. 7 West

Mount Diablo Meridian.

Report No. 3114

STATE OF OREGON

Received with Surveyor General's Office Jan 4 1876



Aggregate of sections 12 262.71 Acres

Continued reported by Mr. Kay above and enumerated 1530 B

Survey Designation	By whom Surveyed	Date of Contract	Amount of Survey	When Surveyed
North Boundary of Township	D. G. Meyer	October 1st 1867	5 mi. 37 chs 53 lvs	1875
South Boundary of Township	Oleander McKay	September 1st 1875	19 50 15	1875
East Boundary of Township			35 75 55	November 1st 1875

This is a map of Township N. 48 North, Range N. 7 West, Mount Diablo Meridian,
 showing the boundaries of the sections of the Survey thereof, as filed in this Office,
 which have been examined and approved
 Surveyor General's Office,
 San Francisco, California,
 November 4th 1876

Filed 12 Dec 1876
 Stratton

McKay

Water Rights Platcard Report

Meridian: Willamette Township: 41 South Range: 2 East Section: 18
 Records per 999 Page:

Search

Platcards Maps!
 Learn about * View Map

Water Right	Changing Xfers	Priority	Use	Use Status	DLC	Gov't Lot	QQ(40):	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Unkown
Select Permit: G 15529 *		2/25/2002	IRRIGATION				Q(160):	NE	NE	NE	NE	NE	NW	NW	NW	NW	NW	NW	NW	NW	NW	NW	NW	QQ
Additional Info: RUSSELL JUNCAL App: G15711 Permit: G15529	Working File										0.7													
Select Permit: S 53995 CN		7/1/2002	DOMESTIC	CN						*	*													
Additional Info: CHRIS HOLM App: S85219 Permit: S53995																								
Select Permit: S 53995 CN		7/1/2002	LIVESTOCK	CN						*	*													
Additional Info: CHRIS HOLM App: S85219 Permit: S53995																								
Select Permit: S 54027 *		7/1/2002	DOMESTIC							*														
Additional Info: CHRIS HOLM App: S85219 Permit: S54027																								
Select Permit: S 54027 *		7/1/2002	LIVESTOCK							*	*													
Additional Info: CHRIS HOLM App: S85219 Permit: S54027																								

Acreage Legend: 12.25 Regular acreage

~~12.25~~ Acreage is on a canceled right

(12.25) Acreage is part of a transfer and has not been proven up on yet (inchoate)

[12.25] Acreage has been suspended

* Acreage is not specified

Pump Capacity Calculation Sheet

using Department designed formula:

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

Efficiency:

Centrifugal = 6.61

Turbine = 7.04

Data Entry (fill in underlined blanks)

HP = 2 ✓
Efficiency = 6.61 ✓
Lift = 31 ✓
PSI = 25 ✓

Results Calculated

$(hp)(\text{efficiency}) = 13.22$
Head based on psi = 63.5
Total dynamic head = 94.5
(head + lift)

Pump Capacity = 0.140 feet per second ✓

Permitted rate is .091 cfs, so

pump can deliver full rate. ✓

Pipe Capacity Calculator

for pipes flowing full, using the Hazen-Williams Formula

Data Entry (fill in underlined blanks)

Interior Diameter = 3 inches, or 0.25 feet
Roughness Coefficient (C) = 150
Fall = 110 feet per 1200 feet of distance
Grade = 0.091667, or 9.2%

Results calculated

Area of cross-section = 0.0490874 square feet
Wetted Perimeter = 0.7853982 feet
Hydraulic Radius = 0.0625
Velocity = 9.4842994 feet per second

Pipe Capacity = 0.466 cubic feet per second

permitted rate is .091 cfs, so
pipe can deliver full rate. ✓

Sprinkler Capacity Calculator

Data Entry (fill in underlined blanks)

Sprinkler group 1	Nozzle size = <u>7/64</u> inch	(type an apostrophe before the size)
	Pressure = <u>30</u> PSI	<i>0.011 cfs = claim</i>
	Number of heads = <u>2</u>	
Sprinkler group 2 (if applicable)	Nozzle size = <u>7/64</u> inch	(type an apostrophe before the size)
	Pressure = <u>30</u> PSI	<i>0.0695 cfs = claim</i>
	Number of heads = <u>12</u>	
Sprinkler group 3 (if applicable)	Nozzle size = _____ inch	(type an apostrophe before the size)
	Pressure = _____ PSI	
	Number of heads = _____	

0.081 cfs

0.081 cfs

0.045 cfs

Results calculated

Sprinkler group 1 capacity =	3.8 gpm, or	0.008 cfs
Sprinkler group 2 capacity =	22.8 gpm, or	0.051 cfs
Sprinkler group 3 capacity =	0 gpm, or	0.000 cfs
Total sprinkler capacity =	26.6 gpm, or	0.059 cfs

Note: If entered values return a result of 0 gpm or "#N/A", then the sprinkler capacity chart does not contain a rate for that nozzle size and PSI.

A rough alternate calculation can be made using this formula:

$28.93 \times (\text{orifice size in decimal, squared}) \times (\text{square root of pressure})$

(Source: rainbird.com)

Note - output rates in WRD table were lower than those available online from Orbit & Hunter → probably a negligible difference since WRD table is from Rainbird. Regardless, sprinklers are capable of delivering full rate.

Rainbird Nozzle Size Reference

<u>Nozzle #</u>	<u>Size (in)</u>
4	1/16
5	5/64
6	3/32
7	7/64
8	1/8
9	9/64
10	5/32
11	11/64
12	3/16
13	13/64
14	7/32
15	15/64
16	1/4
17	17/64
18	9/32
20	5/16
22	11/32
24	3/8
26	13/32
28	7/16
30	15/32
32	1/2
34	17/32
36	9/16
40	5/8
44	11/16

STATE OF OREGON

COUNTY OF JACKSON OREGON

PERMIT TO APPROPRIATE THE PUBLIC WATERS

Work
Copy

THIS PERMIT IS HEREBY ISSUED TO

RUSSELL & NORA JUNCAL
1965 HILT RD
HORN BROOK, CALIFORNIA 96044

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

APPLICATION FILE NUMBER: G-15711

SOURCE OF WATER: A WELL IN COTTONWOOD CREEK BASIN

PURPOSE OR USE: IRRIGATION OF 1.8 ACRES AND GROUP DOMESTIC FOR TWO HOUSEHOLDS

MAXIMUM RATE: 0.091 CUBIC FOOT PER SECOND (CFS); BEING 0.045 CFS FOR IRRIGATION AND 0.046 CFS FOR GROUP DOMESTIC

PERIOD OF USE: YEAR ROUND FOR DOMESTIC USE AND APRIL 1 THROUGH OCTOBER 31 FOR IRRIGATION

DATE OF PRIORITY: FEBRUARY 25, 2002

WELL LOCATION: NE $\frac{1}{4}$ NE $\frac{1}{4}$, SECTION 18, T41S, R2E, W.M.; 934.5 FEET NORTH AND 586.2 FEET WEST FROM SE CORNER, SECTION 18
South 128.0 NE DLC 37

THE PLACE OF USE IS LOCATED AS FOLLOWS:

SW $\frac{1}{4}$ NE $\frac{1}{4}$ 0.7 ACRE IRRIGATION
SECTION 18

TOWNSHIP 41 SOUTH, RANGE 2 EAST, W.M.

NE $\frac{1}{4}$ NW $\frac{1}{4}$ 1.1 ACRES IRRIGATION AND DOMESTIC USE
SE SW SECTION 8 14

TOWNSHIP 48 NORTH, RANGE 7 WEST, M.D.M.

→ 2nd Table
for Domestic
Use? YES

Measurement, recording and reporting conditions:

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

Application G-15711 Water Resources Department

PERMIT G-15529

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

STANDARD CONDITIONS

If substantial interference with a senior water right occurs due to withdrawal of water from any well listed on this permit, then use of water from the well(s) shall be discontinued or reduced and/or the schedule of withdrawal shall be regulated until or unless the Department approves or implements an alternative administrative action to mitigate the interference. The Department encourages junior and senior appropriators to jointly develop plans to mitigate interferences.

The wells shall be constructed in accordance with the General Standards for the Construction and Maintenance of Water Wells in Oregon. The works shall be equipped with a usable access port, and may also include an air line and pressure gauge adequate to determine water level elevation in the well at all times.

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

Prior to receiving a certificate of water right, the permit holder shall submit the results of a pump test meeting the department's standards, to the Water Resources Department. ~~The~~ Director may require water level or pump test results every ten years thereafter.

Failure to comply with any of the provisions of this permit may result in action including, but not limited to, restrictions on the use, civil penalties, or cancellation of the permit.

This permit is for the beneficial use of water without waste. The water user is advised that new regulations may require the use of best practical technologies or conservation practices to achieve this end.

REAL ESTATE TRANSACTIONS: Pursuant to ORS 537.330, in any transaction for the conveyance of real estate that includes any portion of the lands described in this permit, the seller of the real estate shall, upon accepting an offer to purchase that real estate, also inform the purchaser in writing whether any permit, transfer approval order, or certificate evidencing the water right is available and that the seller will deliver any permit, transfer approval order or certificate to the purchaser at closing, if the permit, transfer approval order or certificate is available.

CULTURAL RESOURCES PROTECTION LAWS: Permittees involved in ground-disturbing activities should be aware of federal and state cultural resources protection laws. ORS 358.920 prohibits the excavation, injury, destruction or alteration of an archeological site or object, or removal of archeological objects from public and private lands without an archeological permit issued by the State Historic Preservation Office. 16 USC 470, Section 106, National Historic Preservation Act of 1966 requires a federal agency, prior to any undertaking to take into account the effect of the undertaking that is included on or eligible for inclusion in the National Register. For further information, contact the State Historic Preservation Office at 503-378-4168, extension 232.

Application G-15711
Basin 14
Gainey

Water Resources Department
Volume 1 U KLAMATH L & MISC

PERMIT G-15529
District 17

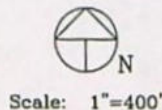
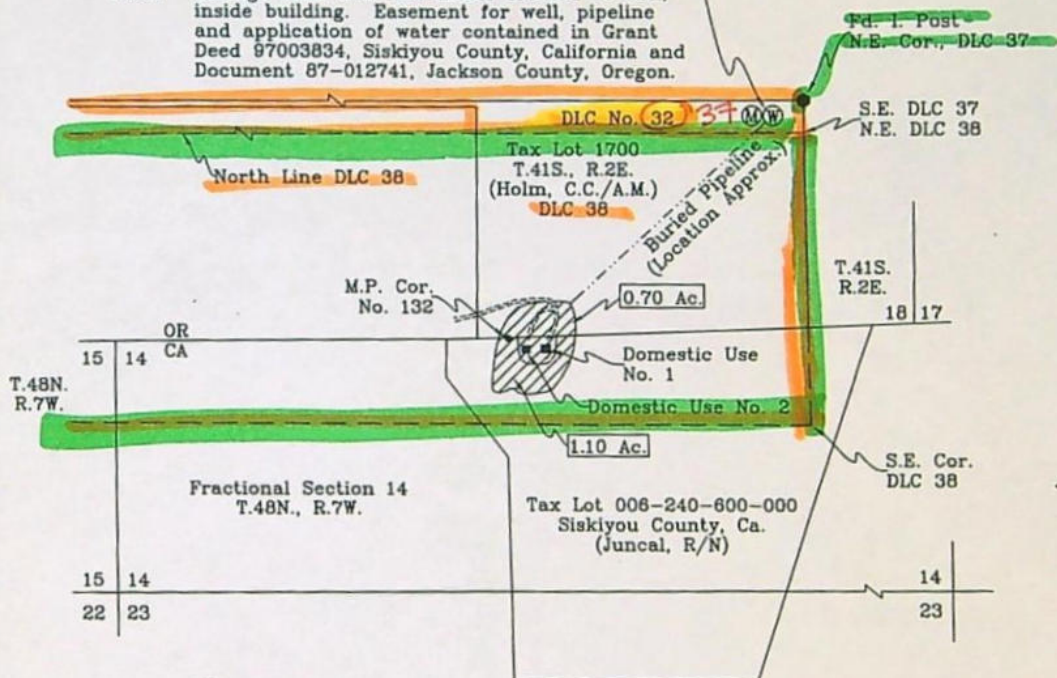
CLAIM OF BENEFICIAL USE MAP
APPLICATION G-15711 PERMIT G-15529
FOR

RUSSELL AND NORA JUNCAL
1965 HILTON ROAD
HORN BROOK, CA 96044

SITUATED IN
DLC NO. 38
TOWNSHIP 41 SOUTH, RANGE 2 EAST, WILLAMETTE MERIDIAN
JACKSON COUNTY, OREGON
AND
FRACTIONAL SECTION 14
TOWNSHIP 48 NORTH, RANGE 7 WEST, MT. DIABLO MERIDIAN
SISKIYOU COUNTY, CALIFORNIA

Source: Well No. Jack 21247
Bears South 63.00' and West
128.00' from N.E. Cor., DLC 37

Note: Storage tank and flow meter located at well,
inside building. Easement for well, pipeline
and application of water contained in Grant
Deed 97003834, Siskiyou County, California and
Document 87-012741, Jackson County, Oregon.



LEGEND

- Found Survey Monument
- Denotes Structure/Building
- Denotes Driveway
- Denotes Buried Pipeline
- Denotes Flow Meter
- Denotes Area Being Irrigated

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

Note: Storage tank and flow meter
located at well inside building.



HAROLD L. CENTER
2604 David Lane
Medford, OR. 97504
Phone 541-535-6108
Oregon Certificate No. 152
Certificate Renewal Date: 12/31/2009

RECEIVED

NOV 03 2008

WATER RESOURCES DEPT
SALEM, OREGON

COBU MAP # 390

**CLAIM OF BENEFICIAL USE
FOR
Russell and Nora Juncal
1965 Hilt Rd.
Hornbrook, CA 96044**

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 numbered item must have a response. If any requested information does not apply to the Claim, insert "n/a." Do not delete 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. A separate form shall be completed for each permit or transfer final order.

I. General Information

1. File Information

Application Number (G, R, S or T)	Permit Number (if applicable)
G-15711	G-15529

2. Property owner (current owner information)

a. Individuals

Name	Russell Juncal	Nora Juncal
Mailing Address	1965 Hilt Road	1965 Hilt Road
City/State/Zip	Hornbrook, CA 96044	Hornbrook, CA 96044
Phone #	530-475-3863	530-475-3863
Fax #		
e-mail address		

b. Businesses/Organizations N/A

Name	
Contact Person and Title	
Mailing Address	
City/State/Zip	
Phone	
Fax	
e-mail	

RECEIVED

NOV 03 2008

**WATER RESOURCES DEPT
SALEM, OREGON**

If the current property owner is not the permittee or transfer holder of record, it is recommended that an assignment be filed with the Department. The COBU must be signed by the permit/transfer holder of record.

3. Permittee / Transferee of record (this may, or may not, be the current property owner)

c. Individuals

	Individual 1	Individual 2
Name	Russell Juncal	Nora Juncal
Mailing Address	1965 Hilt Road	1965 Hilt Road
City/State/Zip	Hornbrook, CA 96044	Hornbrook, CA 96044

d. Businesses/Organizations N/A

Name	
Contact Person and Title	
Mailing Address	
City/State/Zip	

4. Date of Site Inspection: May 1, 2008

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

Name	Date	Association with the project
Russell Juncal	5/1/08	Land Owner

6. County:

Jackson Co, Oregon
Siskiyou Co, California

7. Tax Lot Information:

Tax map number	Tax lot number
41-2E-1700	Jackson County, Oregon (HOLM)
006-240-600-000	Siskiyou Co., CA, I.D.No. (Juncal)

8. If any property described in the place of use of the permit or transfer final order is excluded from this report, identify the owner of record for that property (ORS 537.230(3)): N/A

**Mark "NA" if there are no owners of property not included in this claim

Name	
Contact Person and Title	
Mailing Address	
City/State/Zip	
Phone #	

Name	
Contact Person and Title	
Mailing Address	
City/State/Zip	
Phone #	

RECEIVED

II. Points of Diversion/Appropriation and Place of Use

For each point of diversion or appropriation, provide the following information. If the claim is for more than one point of diversion/appropriation, copy and complete this section for each point of diversion or appropriation.

1. Provide a general narrative description of the distribution works. This description must trace the water system from the point of diversion or appropriation to and include the place of use:

Water is pumped by centrifugal pump into a 3000 gallon poly tank, water flows from the tank by gravity to place of use. Water is piped to the two (2) domestic places of use and to timer control irrigation application.

RECEIVED

NOV 08 2008

WATER RESOURCES DEPT
SALEM, OREGON

2. Point of diversion/appropriation name or number (correspond to map):

Point of diversion/appropriation name or number (correspond to map)	Well log ID # for all work performed on the well (if applicable)	Well tag # (if applicable)
Point of Appropriation No. 1	Jack 21247	None

Attach each well log available for the well (include the log for the original well and any subsequent alterations, reconstructions, and deepening)

3. Point of diversion/appropriation source and, if from surface water, the tributary:

Source	Tributary to
Well in Cottonwood Creek Basin	Not Determined.

4. Point of diversion/appropriation location:

(DLC, Government Lot, 1/4 1/4, Section, Township, Range)	Reference to a recognized public land survey corner by distance and bearing or by coordinates
NE 1/4 NE 1/4 Sec. 18, T. 41S., R. 2E, WM	South 63.00 ft and West 128.00 ft., from Northwest corner D.L.C. No. 37.

5. Actual use(s), period of use, and rate for each use:

Uses	If irrigation, list crop type	When water is used	Rate for use
Domestic	--	Year Around	0.046
Irrigation	Pasture	April 1 to Oct. 31	0.045

Total Quantity of Water 0.091

6. Place of use for the point of diversion or appropriation:

DLC	Gov lot	1/4 1/4	Section	Township	Range	Use	# of primary acres	# of supplemental acres
38	--	Fractional	18	41S	2E	IR	0.70	Ø
38	--	Fractional	14	48N	7W	IR	1.10	Ø
38	--	Fractional	14	48N	7W	IR	2 Domestic	Ø

Total Acres Irrigated 1.80

Groundwater Source Information (Well and Sump)

**If the appropriation is not from ground water (well or sump), this section, items 1-5, can be deleted.

1. Describe the access port (type and location) or other means to measure the water level in the well in the box below:

Port in top of well casing cap.

2. If well logs are not available, provide as much of the following information as possible:

Casing Diameter	Casing Depth	Total Depth	Completion Date of Original Well	Completion Dates of Alterations	Who the well was drilled for	Well drilled by
6"	20'	135'	10/19/79	Unknown	Willey, Gail	Carter, Arthur

In addition to the information requested in item "2" above, provide any other information which may help the Department locate any well logs associated with this appropriation.

See Jack 21247

Storage tank data

**If this system does not include a storage tank as part of the distribution system, this section, item 1, can be deleted.

1. If the system involved a storage tank, complete the table below:

Material (concrete, fiberglass, metal, etc.)	Capacity in gallons	Above ground or buried
Poly Plastic	3,000	Above Ground in Bldg. at Well

Gravity flow pipe (The Department typically uses the Hazen-William's formula for a gravity flow pipe system)

**If this claim does not rely on a gravity flow pipe to convey the water as part of the distribution system, this section, items 1-3, can be deleted.

1. If the system involves a gravity flow pipe, complete the table below.

Pipe size	Pipe type	"C" factor	Amount of fall	Length of pipe	Slope	Computed rate of water flow
3"	PVC	150	110	1200	9.2%	0.466 CFS

2. Provide calculations in the box below:

Calculation pipe capacity attached.

RECEIVED
NOV 08 2008
WATER RESOURCES DEPT
SALEM, OREGON

3. If an actual measurement was taken, provide the following:

Date of Measurement	Who made the measurement	Measurement method	Measured quantity of water
5/1/08	Harold Center	Bucket Test	40 GPM +/-

Attach measurements notes

System Information:

Provide the following information concerning the diversion and delivery system. Trace the flow of water from the point of diversion/appropriation to the place of use.

1. Pump information

Brand	Model	Serial Number	Type (centrifugal, turbine or submersible)	Intake size	Discharge size
Goulds	GT	K48A34A	Centrifugal	1½"	1½"

2. Motor information

Brand	Model	Horsepower	Max RPM	Voltage
Goulds	GT	2	3450	230V

3. Meter information (if required in permit or transfer final order)

Make	Serial #	Condition (working or not)	Current meter reading	Notes
Sensus	None	Working	07478300	Gallons

4. Measurement device description N/A

Device description	Condition (working or not)	Notes

5. Measured pump capacity (using meter if meter was present and system was operating)

Initial meter reading	Ending meter reading	Duration of time observed	Total pump output
Not operating at time of inspection.			

6. Theoretical pump capacity

Horsepower	Operating psi	Lift from source to pump *If a well, the water level during pumping (see pump test results)	Lift from pump to place of use	Total pump output
2	25	25'	6	0.14 CFS

7. Provide pump calculations in the box below:

$$Q = \frac{6.61 \times 2}{(25' + 6') \cdot 31 + (25 \text{ PSI})} = \frac{13.22}{94.5} = 0.14 \text{ (62.8 GPM)}$$

Assumptions:

1. Suction pipe is in well to a depth of 25'.
2. Tank is 6 ft high. = Total Lift of 31 ft.

RECEIVED
NOV 03 2008
WATER RESOURCES DEPT
SALEM, OREGON

8. Mainline information

Mainline size	Length	Type of pipe	Buried or above ground
3"	1200 ft +/-	PVC	Buried

9. Lateral or handline information

Lateral or handline size	Length	Type of pipe	Buried or above ground
2.5"	500'	PVC	Buried
1.5"	600'	PVC	Buried
1"-3/4"	150'	PVC	Buried

10. Sprinkler information Make and model:

Make	Model	Size	Operating psi	Sprinkler output	Maximum number used	Total sprinkler output
ORBIT	5500	#7	30	2.6	2	5.2
Hunter	PGJ	#2	30	2.6	12	31.2

Refer to the chart of sprinkler output at various pressures for most nozzle sizes attached to this document.

$$Q_{\text{sprinklers}} = \frac{(\text{max \# heads})(\text{gpm/head})}{448.8 \text{ gpm/cfs}} = \text{cfs}$$

11. Additional notes or comments related to the system:

Water is applied to the irrigated areas by timer control application. Irrigated area is divided into "zones" with 12 Hunter PGJ Rotary Sprinklers used. Drip irrigation is utilized for landscape areas and water is applied using miscellaneous sprinklers and garden hose application.

RECEIVED

NOV 03 2008

WATER RESOURCES DEPT
SALEM, OREGON

III. CONDITIONS

Please pay special attention to this section. All conditions contained in the permit or transfer final order shall be addressed. Reports that do not address all performance related conditions will be returned.

1. Time Limits:

- Permits or transfer 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 is to be completed by. 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 transfer final order:

	Dates from permit or transfer final order	Date accomplished	Description of actions taken by water user to comply with the time limits
Begin construction	11/18/03	03/04	
Complete construction	10/01/08	05/04	
Complete application of water	10/01/08	05/04	

4. Measurement, recording, and reporting conditions:

- a. Does the permit or transfer final order require the installation of a meter or approved measuring device?
YES NO

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 or appropriation.

**If "NO", items b through g relating to this section can be deleted.

- b. Has a meter been installed? YES NO

- c. Provide the date the meter was installed:

May, 2004 – Installed by Landowner

- d. If a meter has not been installed, has a suitable measuring device been installed and approved by the Department? YES NO, N/A

- e. If "YES", provide a copy of the letter approving the device, if available. If the letter is not available provide the name and title of the Water Resources Department employee approving the measuring device, and the approximate date of the approval:

Name	Title	Approximate date

- f. Is the water user required to report the water use to the Department? YES NO

- g. Have the reports been submitted? YES NO

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

5. Fish Screening and/or By-pass Devices

- a. Are any points of diversion required to be screened and/or have a by-pass device to prevent fish from entering the point of diversion? YES NO NA

If fish screening and/or by-pass devices were required, the COBU map must indicate their location in relation to the point of diversion.

**If "NO", items b through i relating to this section can be deleted

6. Pump Test (Required for ground permits prior to issuance of a certificate, but not a requirement of permit development)

RECEIVED

NOV 03 2008

WATER RESOURCES DEPT
SALEM, OREGON

- a. Did the permit require the submittal of a pump test? YES NO NA
- b. Has the pump test been previously submitted to the Department? YES NO
- c. Has the pump test been approved by the Department? YES NO
- d. If no, is the pump test attached to this Claim? YES NO

7. **Other Permit Conditions** (examples: special well construct standards, water conservation plans, no obstructions to fish without a fishway, etc.; number as appropriate.)

IV. Variations, Attachments, Conclusions, Map and Signatures

Variations

Include a description of variations from the permit or transfer final order

II – 4. Point of Appropriation – Utilized tie to N.E. Corner D.L.C. 37

II – 6. Place of use listed in permit for California is incorrect. Correct location is within fractional Section 14, T. 48N., R 7W., M.D.M.

Attachments

If you are attaching any documents to this report, provide a list below:

Attachment name	Description
Pump Test	Pump test cover sheet/Pump test data sheet.
Gravity Flow Pipe	Calculation Sheet.
Pump Data Sheet	Goulds Model GT Dimension and performance sheet

Permit and Transfer Final Order Rates and System Rates Comparisons:

POD or POA name or #	Maximum rate allowed by permit or transfer final order	Calculated theoretical rate of water based on system	Actual amount of water measured (if measured)	Developed use	# of acres allowed by permit or transfer final order	# of acres developed
POA 1	0.045	0.466	0.054	IR	1.8	1.8
POA 1	0.046	0.466	0.045	DO	2-Domestic	2-DO

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', 1" = 400', or the original full-size scale of the county assessor map for the location.

In the following box, 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.

RECEIVED

Place of use, Point of Appropriation (well) and tie to N.E. corner of No. 37 made by Garmin Plus III GPS – CONUS/NAD 27 DATUM. Mapping using Jackson County Front Counter GIS Aerial Photos. Property Lines from Jackson County, OR and Siskiyou Co. California Assessors Maps.

RECEIVED

NOV 03 2008

**WATER RESOURCES DEPT
SALEM, OREGON**

CWRE Statement, Seal and Signature

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

CERTIFIED WATER RIGHT EXAMINER

HAROLD L. CENTER
2604 David Lane
Medford, OR 97504
Phone: 541-535-6108
Oregon Certificate No. 152
Certificate Renewal Date: 12/31/09

Seal and Signature



Permit or Transfer Holders Signature or Acknowledgement

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.

Russell Juncal

Signature

Russell Juncal

10-30-08

Date

Nora K. Juncal

Signature

Nora Juncal

10/30/08

Date

RECEIVED

NOV 03 2008

**WATER RESOURCES DEPT
SALEM, OREGON**

Pipe Capacity Calculator

for pipes flowing full, using the Hazen-Williams Formula

Data Entry (fill in underlined blanks)

Interior Diameter = 3 inches, or 0.25 feet
Roughness Coefficient (C) = 150
Fall = 110 feet per 1200 feet of distance
Grade = 0.09166667, or 9.2%

Results calculated

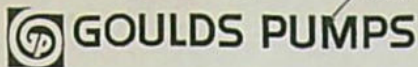
Area of cross-section = 0.04909 square feet
Wetted Perimeter = 0.7854 feet
Hydraulic Radius = 0.0625
Velocity = 9.4843 feet per second

Pipe Capacity = 0.466 cubic feet per second

RECEIVED

NOV 03 2008

**WATER RESOURCES DEPT
SALEM, OREGON**



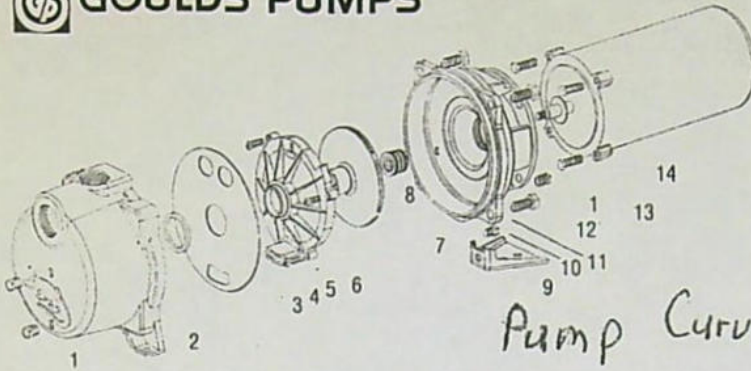
Russell your pump is a GT 20

IRRI-GATOR™ Self-Priming Centrifugal

MODEL

GT

Pump Curve for a GT 20



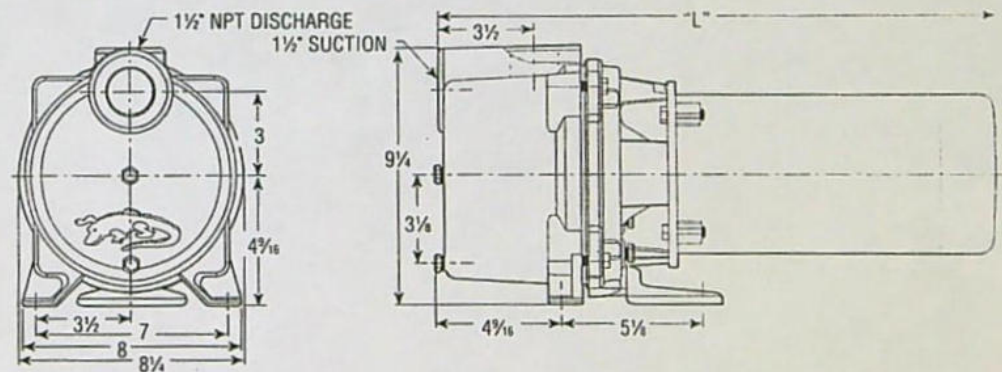
COMPONENTS

Item No.	Description
1	Plug - 1/2" NPT
2	Casing
3	Seal ring - diffuser
4	Diaphragm
5	Machine screw
6	Diffuser
7	Impeller
8	Mechanical seal
9	Foot
10	Bolt - foot to adapter
11	Motor adapter
12	Bolt - casing to adapter
13	Bolt - adapter to motor
14	Deflector

DIMENSIONS AND WEIGHTS

Model	GT07	GT10	GT15	GT20	GT30	GT073	GT103	GT153	GT203	GT303
HP	3/4	1	1 1/2	2	3	3/4	1	1 1/2	2	3
Length "L"	19 1/8	19 1/8	21 1/8	20 1/8	21 1/2	19	19 1/4	20 1/8	20 1/8	21 1/8
Width	8 3/4									
Height	9 1/4									
Wt. (lbs.)	48	52	60	65	76	49	52	55	69	71
Phase	Single					Three				

(All dimensions are in inches and weights in lbs. Do not use for construction purposes.)

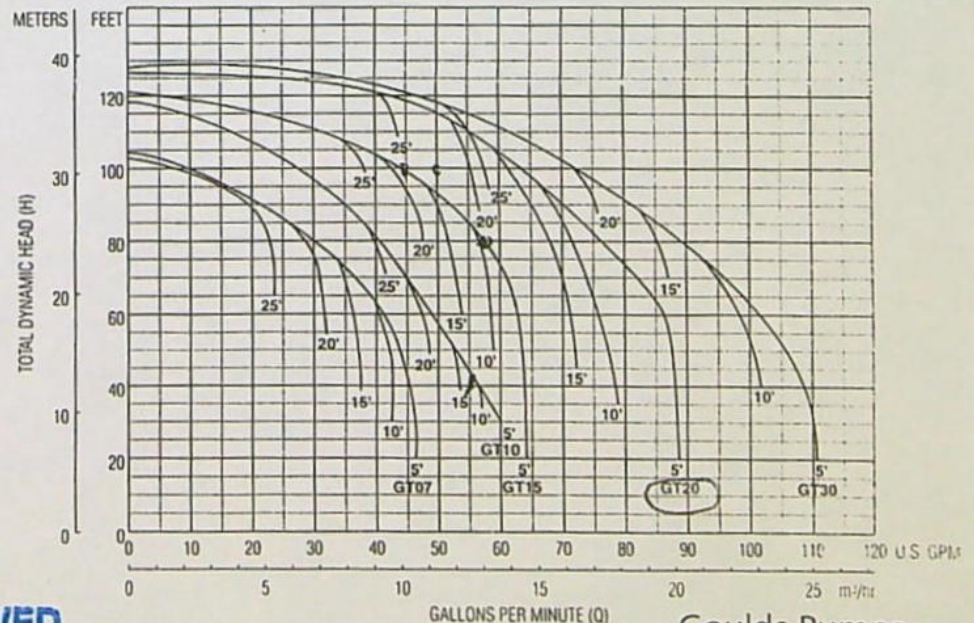


PERFORMANCE RATINGS

Model	PSI Disch. Pressure	Suction Lift in Feet				
		5	10	15	20	25
GT07/ GT073	20	44	41	36	31	24
	30	34	31	26	22	14
	40	10	4	0	0	0
GT10/ GT103	20	53	51	49	46	41
	30	43	41	38	36	32
	40	29	22	16	8	0
GT15/ GT153	20	63	59	54	49	39
	30	60	55	51	46	37
	40	45	38	33	20	14
GT20/ GT203	20	86	77	70	59	46
	30	80	72	67	57	44
	40	65	60	57	50	43
GT30/ GT303	20	105	100	88	76	60
	30	92	90	84	75	57
	40	73	67	62	55	50

Performance ratings are in GPM.

PERFORMANCE CURVE



Single and three phase have same performance.

Goulds Pumps

RECEIVED

NOV 03 2008

WATER RESOURCES DEPT
SALEM, OREGON

MEMORANDUM

TO: DOUG WOODCOCK, GROUND WATER SECTION MANAGER
FROM: CERTIFICATE SECTION
SUBJECT: PUMP TEST FOR PERMIT G-15529 APPLICATION G-15711
DATE: 11/5/2008

The attached pump test was recently received. We have retained the original for application file.

S:\groups\wr\certs\Resource Center\pump test memo normal.doc

Oregon Water Resources Department
PUMP TEST FORM COVER SHEET

Well Owner:

Name: Russell Juncal
Address: 1965 Hilt Road
County: Siskiyou
City: Hornbrook State: CA Zip: 96044
Original owner (from well log): Gail Willey

Well Location:

Township: 41 S Range: 2 E
Section: 18 $\frac{1}{4}$: NE $\frac{1}{16}$: NE $\frac{1}{64}$: NE
Well depth: 135.0 Date drilled: 10/19/1979
Owners well no. (if any): 21247
POD ID: 1

Water Right Information:

Application: G-15711 Permit: G-15529 Certificate: _____
Is this well listed on more than one water right? ☐ Yes If yes, list additional water rights below:
Application: _____ Permit: _____ Certificate: _____
Application: _____ Permit: _____ Certificate: _____

Pump Test:

Test Conducted by: D. Maitregean Well Owner? ☐ Yes
Company: Green Valley Pump Inc.
Address: 609 Green Valley Highway Date of Test: 05/15/2008
City: Talent State: OR Zip: 97540
Daytime phone: 541-535-4275

Method of discharge measurement (see our brochure for more information): Flow meter
Method of water-level measurement (pick one or enter other method used): Electric tape
Length of air line (if used): _____

Pump type (pick one or enter other method used): Self Priming Centrifugal
Was the pump test conducted during normal use of the well? ☒ Yes Note: _____

Are you aware of any wells, other than domestic or stock wells, pumping within 1000 feet of the tested well during the test or within 24 hours prior to the test? ☐ Yes Note: _____
If yes, give approximate distances to each and approximate pumping rate of each. If possible, indicate if they were turned on or off during the test: _____

Is there a lake, stream or other surface water body within $\frac{1}{4}$ mile of the tested well? ☒ Yes If yes, give approximate distance from the well and approximate elevation difference between the surface water and the well head. Approx. distance: 100.00 ft Approx. elevation difference: 3.50 ft
Well elevation is above surface water body.

Description of measuring point (e.g. top port of 1 inch port pipe, west side) top of casing east side

Measuring point distance above land surface 1.00 feet.

Static water level measurements: (A minimum of three measurements are required in the hour before pumping begins at no less than 20 minutes apart):

Time	Depth to water below meas. point	Depth to water below land surface
<u>11:00 am</u>	<u>10.00</u>	<u>9.00</u>
<u>11:20 am</u>	<u>10.00</u>	<u>9.00</u>
<u>11:45 am</u>	<u>10.00</u>	<u>9.00</u>

Discharge measurements: (A discharge measurement is required at the start of pumping and at least once an hour during the test; additional measurements should be noted on the Pump Test Data Sheet):

Time	Discharge Rate	Discharge Units (e.g. gpm, cfs, etc)
<u>12:15 pm</u>	<u>48.00</u>	<u>gpm (gallons per minute)</u>
<u>1:15 am</u>	<u>43.00</u>	<u>gpm (gallons per minute)</u>
<u>2:15 am</u>	<u>42.00</u>	<u>gpm (gallons per minute)</u>
<u>3:15 am</u>	<u>42.00</u>	<u>gpm (gallons per minute)</u>
<u>4:00 am</u>	<u>42.00</u>	<u>gpm (gallons per minute)</u>

Time pump turned on: Date 05/15/2008 Time 12:00 pm
Time pump turned off: Date 05/15/2008 Time 4:00 pm
Total pumping time: 4 hours 0 minutes

Note: Well must be idle for at least 16 hours prior to the test.

Additional forms can be obtained from our web site at: <http://www.wrd.state.or.us>

CWRD 2/9/2000

Required Signature: R. Palmer for Steve Frey

RECEIVED

NOV 03 2008

WATER RESOURCES DEPT
SALEM, OREGON

Application: G-15711 Permit: G-15529 Certificate: _____ Pod_Id: 1

Drawdown Data

Recovery Data

[illegible]

OWRD 2/9/2000

RECEIVED

NOV 03 2008

WATER RESOURCES DEPT
SALEM, OREGON

CLAIM OF BENEFICIAL USE MAP
APPLICATION G-15711 PERMIT G-15529
FOR

RUSSELL AND NORA JUNCAL
1965 HILTON ROAD
HORN BROOK, CA 96044

SITUATED IN
DLC NO. 38

TOWNSHIP 41 SOUTH, RANGE 2 EAST, WILLAMETTE MERIDIAN
JACKSON COUNTY, OREGON

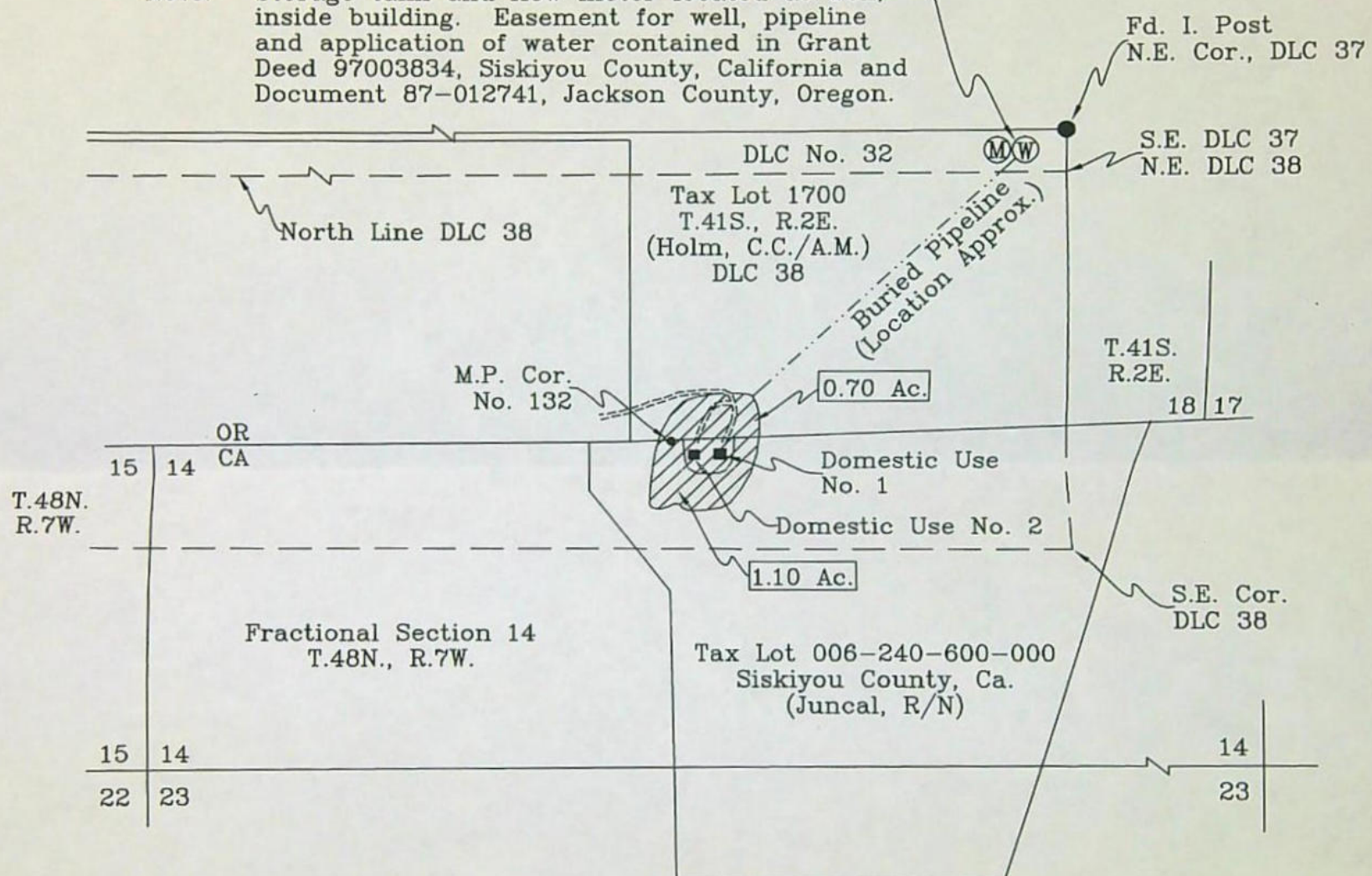
AND

FRACTIONAL SECTION 14

TOWNSHIP 48 NORTH, RANGE 7 WEST, MT. DIABLO MERIDIAN
SISKIYOU COUNTY, CALIFORNIA

Source: Well No. Jack 21247
Bears South 63.00' and West
128.00' from N.E. Cor., DLC 37

Note: Storage tank and flow meter located at well,
inside building. Easement for well, pipeline
and application of water contained in Grant
Deed 97003834, Siskiyou County, California and
Document 87-012741, Jackson County, Oregon.



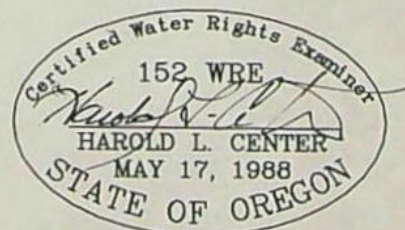
Scale: 1"=400'

LEGEND

- Found Survey Monument
- Denotes Structure/Building
- Denotes Driveway
- - - - Denotes Buried Pipeline
- (M) Denotes Flow Meter
- ▨ Denotes Area Being Irrigated

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

Note: Storage tank and flow meter
located at well inside building.



HAROLD L. CENTER
2604 David Lane
Medford, OR. 97504
Phone 541-535-6108
Oregon Certificate No. 152
Certificate Renewal Date: 12/31/2009

RECEIVED

NOV 03 2008
WATER RESOURCES DEPT
SALEM, OREGON

COBU MAP # 390

Wt Search	Stakeholder		Related Docs	Limits	Snp Trail	Comments	StreamCodes		owrd Directory
	POU Use	POU Loc	POU Loc Del	POU Loc Spnd	POU Loc Xfer	POU Loc/Tbl			Xlr Application
	POD Loc	POD Use	POD Reserv	POD Instream	POD <=> POU	POD <=> W/Cn	PODRateChng	Workflow	XlrStakeholder
Water Right	Claim	Application	Permit	Certificate	Order	Decree	Transfer	Merge	History

Search Results:

Date	Title
▶ 12/29/2010	Section Number

Selected Information:

Date: 12/29/2010

Type: Pou Update

Title: Section Number

Comment: The POU refers to a section in California as section 8. When mapped, the section number is 14. There is no section 8 within 48.00N-7.00W (in CA) - according to our PLSS and to the map. mfr

Records Returned: 1
☒ Keep Search Results?

[Select](#)
[Clear](#)

[Update](#)
[Delete](#)

Query Time: 00:00:00

Displaying Comment data.

Stakeholder: JUNCAL, RUSSELL; JUNCAL, NORA	Snp Origin: Permit	Status: Non-Cancelled	Stage: Complete
Owrd	Decree:	Claim:	App: G15711 Permit: G15529 Cert:
			Xler: Snp ID: 136731



Oregon

John A. Kitzhaber, MD, Governor

Water Resources Department

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

March 28, 2013

RUSSELL JUNCAL
1965 HILT RD
HORN BROOK CA 96044

GW

The Department has accepted the pump test results for the following permitted well(s):

Application	Permit	Permitted Well	Tested Well	Test Date	Test Status	Exemption	Owner's Well Name
G	15711 G 15529	JACK 21247	JACK 21247	04/18/2010	Approved	None	

Please contact me if you have any questions.

Sincerely,

Karl Wozniak
Ground Water/Hydrology Section

cc: GW Pump Test File

MEMORANDUM

TO: DOUG WOODCOCK, MANAGER GROUND WATER SECTION
FROM: CERTIFICATE SECTION - CONNIE VANCE
SUBJECT: PUMP TEST FOR PERMIT G-15529 APPLICATION G-15711
DATE: 4/23/2010

The attached pump test was recently received. We have retained the original for the application file.

S:\groups\wr\certs\Resource Center\pump test memo normal.doc

Oregon Water Resources Department
PUMP TEST FORM COVER SHEET

Well Owner:

Name: Russell Juncal
Address: 1965 Hilt Road
County: Siskiyou
City: Hornbrook State: CA Zip: _____
Original owner (from well log): Gail Wiley

Well Location:

Township: 41 S Range: 2 E
Section: 18 $\frac{1}{4}$: NE $\frac{1}{16}$: NE $\frac{1}{64}$: NE
Well depth: 135.0 Date drilled: 10/19/1978
Owners well no. (if any): 21247
POD ID: 10/19/1978

Water Right Information:

Application: G-15711 Permit: G-15529 Certificate: _____
Is this well listed on more than one water right? ☐ Yes If yes, list additional water rights below:
Application: _____ Permit: _____ Certificate: _____
Application: _____ Permit: _____ Certificate: _____

Pump Test:

Test Conducted by: Russell Juncal Well Owner? ☒ Yes
Company: _____
Address: 1965 Hilt Road Date of Test: 04/18/2010
City: Hornbrook State: CA Zip: 96044
Daytime phone: 530-475-3863

Method of discharge measurement (see our brochure for more information): Volume/time
Method of water-level measurement (pick one or enter other method used): Electric tape
Length of air line (if used): _____

Pump type (pick one or enter other method used): Centrifugal
Was the pump test conducted during normal use of the well? ☒ Yes Note: _____

Are you aware of any wells, other than domestic or stock wells, pumping within 1000 feet of the tested well during the test or within 24 hours prior to the test? ☐ Yes Note: _____
If yes, give approximate distances to each and approximate pumping rate of each. If possible, indicate if they were turned on or off during the test: _____

Is there a lake, stream or other surface water body within $\frac{1}{4}$ mile of the tested well? ☒ Yes If yes, give approximate distance from the well and approximate elevation difference between the surface water and the well head. Approx. distance: 100.00 ft Approx. elevation difference: 3.50 ft

Well elevation is above surface water body.

Description of measuring point (e.g. top port of 1 inch port pipe, west side) top of casing; east side

Measuring point distance above land surface 1.00 feet.

Static water level measurements: (A minimum of three measurements are required in the hour before pumping begins at no less than 20 minutes apart):

Time	Depth to water below meas. point	Depth to water below land surface
<u>12:30 pm</u>	<u>12.70</u>	<u>11.70</u>
<u>12:50 pm</u>	<u>12.68</u>	<u>11.68</u>
<u>1:15 pm</u>	<u>12.70</u>	<u>11.70</u>

Discharge measurements: (A discharge measurement is required at the start of pumping and at least once an hour during the test; additional measurements should be noted on the Pump Test Data Sheet):

Time	Discharge Rate	Discharge Units (e.g. gpm, cfs, etc)
<u>1:22 pm</u>	<u>50.00</u>	<u>gpm (gallons per minute)</u>
<u>2:20 pm</u>	<u>46.00</u>	<u>gpm (gallons per minute)</u>
<u>3:20 am</u>	<u>46.00</u>	<u>gpm (gallons per minute)</u>
<u>4:20 am</u>	<u>44.00</u>	<u>gpm (gallons per minute)</u>
<u>5:20 am</u>	<u>44.00</u>	<u>gpm (gallons per minute)</u>

Time pump turned on: Date 04/18/2010 Time 1:20 pm
Time pump turned off: Date 04/18/2010 Time 5:20 pm
Total pumping time: 4 hours 0 minutes

Note: Well must be idle for at least 16 hours prior to the test.

Additional forms can be obtained from our web site at: <http://www.wrd.state.or.us>

Required Signature: Russell Juncal

OWRD 2/9/2000

RECEIVED

APR 22 2010

WATER RESOURCES DEPT
SALEM, OREGON

April 19, 2010

Gerry Clark
Water Rights Specialist/Certificates
Oregon Water Resources Dept.
725 Summer St. NE, Ste. A
Salem, OR 97301

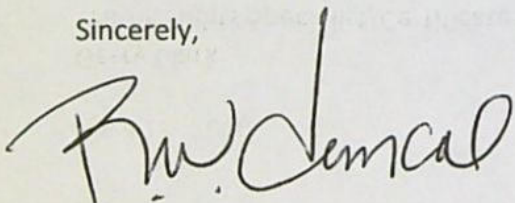
RE: Pumping Test for Application G-15711 and Permit G-15529

Dear Mr. Clark,

As detailed in your Department's letter to me of February 2, 2009, my previously submitted pumping test information in support of the above application/permit was rejected due to reporting deficiencies. I have redone the test and the cover and data sheets for the new test are attached.

Please contact me at your earliest convenience if there are any problems with this new submittal, thank you.

Sincerely,

A handwritten signature in black ink, appearing to read "R. W. Juncal". The signature is fluid and cursive, with a large, stylized "J" at the end.

Russell W. Juncal
CA Professional Geologist no. 3864
CA Certified Hydrogeologist no. 171

RECEIVED

APR 22 2010

WATER RESOURCES DEPT
SALEM, OREGON



Oregon

Theodore R. Kulongoski, Governor

Water Resources Department

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

February 02, 2009

RUSSELL JUNCAL
1965 HILT RD
HORN BROOK CA 96044

GW

The Department has rejected the pump tests for the following permitted well(s):

Application	Permit	Permitted Well	Tested Well	Test Date	Test Status	Owner's Well Name
G	15711	G	15529 JACK 21247	JACK 21247	05/15/2008 Rejected	

The test was rejected for the following reasons:

- ☐ The discharge rate was not held constant.
- ☐ The pump was turned off for a portion of the pumping phase.
- ☐ The discharge was not measured at the specified time intervals during the pumping phase of the test.
- ☒ Water levels were not measured to an accuracy of 0.1 feet.
- ☐ Pre-test static water levels were not measured at the specified intervals.
- ☒ Water levels were not measured at the specified time intervals during the test.
- ☐ Water levels were not measured during the recovery phase of the test.
- ☐ Airline measurements are not allowed if the depth to water is less than or equal to 300 feet.
- ☐ Airline measurements were not verified by an electric tape measurement.
- ☐ Test data and the supporting documentation were not reported on the Department's forms.
- ☐ A graph indicates that the data is probably corrupt.
- ☐ Rising water levels during some or all of the pumping phase of the test indicate that the pumping rate was not held constant or that water-level measurements are inaccurate.

A copy of the Oregon Administrative Rules (OAR 690-217) that pertain to the deficiencies with your pump test are included with this letter. The following related materials can also be found on our web site at:

Pump test administrative rules: http://arcweb.sos.state.or.us/rules/OARS_600/OAR_690/690_217.html

A booklet explaining pump tests: http://www1.wrd.state.or.us/pdfs/pump_test.pdf

Pump Test Cover Sheet: http://www1.wrd.state.or.us/pdfs/pump_test_cover.pdf

Pump Test Data Sheet: http://www1.wrd.state.or.us/pdfs/pump_test_data.pdf

Please contact me if you have any questions about the status of your test. Please call Gerry Clark at 503-986-0811 if you have any questions about how this action may affect the status of your water right.

Sincerely yours,

Emily Bray-Nash
Ground Water/Hydrology Section

cc: GW Pump Test File



Oregon

Theodore R. Kulongoski, Governor

Water Resources Department

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

Oregon Administrative Rules 690-217 Requirement for Pump Testing of Non-Exempt Wells

690-217-0025

Pump Test Specifications for Wells Other than Flowing Artesian Wells

The pump tests for wells other than flowing artesian wells shall be conducted such that the following minimum specifications are met:

- (1) The well shall be idle for a period of at least sixteen hours prior to the pump test.
- (2) The static water level in the well shall be measured within the hour prior to the test at least three times no less than twenty minutes apart.
- (3) The pumping phase of the test shall be at least four hours.
- (4) The pump discharge shall be controlled as much as possible to maintain a constant rate during the test and shall be as close as reasonably possible to the anticipated pumping rate during normal use of the well. Discharge shall be recorded at the beginning of the test and once every hour thereafter.
- (5) Water level measurements during the first ten minutes of pumping shall be timed no more than two minutes apart. Water level measurements from ten to thirty minutes of pumping shall be timed no more than five minutes apart. After 30 minutes of pumping, drawdown measurements shall be taken no more than 15 minutes apart for the duration of the test.
- (6) After pumping stops, water level measurements shall be taken for four hours or until the well reaches 90 percent recovery from the maximum drawdown, whichever occurs first. Recovery water level measurements shall be taken on the same schedule as described in section (5) of this rule for drawdown measurements.

690-217-0045

Acceptable Techniques for Measurement of Water Level and Discharge

- (1) Water level measurements shall be taken by one of the following methods:
 - (a) An electric water level measuring tape specifically designed for this purpose. Depth markings on the tape shall be no more than five feet apart, and shall be accurate to 0.5 percent. All water level measurements shall be reported to a precision of at least one-tenth of a foot;
 - (b) A calibrated electronic pressure transducer coupled with an appropriate output device or data logger. The accuracy and precision of the transducer and output device or data logger shall meet those outlined in subsection (1)(a) of this rule for electric water level measuring tapes. If an electronic pressure transducer is used for water level measurement, the manufacturer's name, the serial number and calibration date of the device must be supplied in the pump test report;



Oregon

Theodore R. Kulongoski, Governor

Water Resources Department

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

- (c) An air line and pressure gauge. Air line measurements shall be accepted only where water levels deeper than 300 feet below ground level are encountered or expected. Air line accuracy shall be verified by at least one water level measurement with an electric water level measuring tape;
 - (d) An acoustic sounding device designed and manufactured specifically for measuring the depth to water in wells;
 - (e) The wetted steel tape method. This method may be used for static water level measurements only.
- (2) Measurements of air line pressure of shut-in pressure of flowing artesian wells shall be with a calibrated pressure gauge with marked intervals of one PSI or less.
- (3) Discharge from the pump shall be physically measured by a standard and acceptable method. In no case will visually estimated flow rates be accepted. Acceptable methods include:
- (a) A properly installed flow meter which is functional and calibrated within reasonable limits;
 - (b) A properly installed weir or flume;
 - (c) A properly installed calibrated orifice plate and manometer;
 - (d) Known volume/time calculations (including calibrated bucket and stopwatch up to 60 gallons per minute); and
 - (e) Properly used ultrasonic flow measuring devices.

Stat. Auth.: ORS 537

Stats. Implemented:

Hist.: WRD 25-1988, f. & cert. ef. 12-20-88

Oregon Water Resources Department
PUMP TEST FORM COVER SHEET

JACK 21247
GPHID 604

Well Owner:

Name: Russell Juncal
Address: 1965 Hilt Road
County: Siskiyou
City: Hornbrook State: CA Zip: 96044
Original owner (from well log): Gail Willey

Well Location:

Township: 41 S Range: 2 E
Section: 18 $\frac{1}{4}$: NE $\frac{1}{16}$: NE $\frac{1}{64}$: NE
Well depth: 135.0 Date drilled: 10/19/1979
Owners well no. (if any): 21247
POD ID: 1

Water Right Information:

Application: G-15711 Permit: G-15529 Certificate: _____
Is this well listed on more than one water right? ☐ Yes If yes, list additional water rights below:
Application: _____ Permit: _____ Certificate: _____
Application: _____ Permit: _____ Certificate: _____

Pump Test:

Test Conducted by: D. Maitregean Well Owner? ☐ Yes
Company: Green Valley Pump Inc.
Address: 609 Green Valley Highway S. Pacific HWY Date of Test: 05/15/2008
City: Talent State: OR Zip: 97540
Daytime phone: 541-535-4275

Method of discharge measurement (see our brochure for more information): Flow meter
Method of water-level measurement (pick one or enter other method used): Electric tape
Length of air line (if used): _____

Pump type (pick one or enter other method used): Self Priming Centrifugal
Was the pump test conducted during normal use of the well? ☒ Yes Note: _____
Are you aware of any wells, other than domestic or stock wells, pumping within 1000 feet of the tested well during the test or within 24 hours prior to the test? ☐ Yes Note: _____
If yes, give approximate distances to each and approximate pumping rate of each. If possible, indicate if they were turned on or off during the test: _____

Is there a lake, stream or other surface water body within $\frac{1}{4}$ mile of the tested well? ☒ Yes If yes, give approximate distance from the well and approximate elevation difference between the surface water and the well head. Approx. distance: 100.00 ft Approx. elevation difference: 3.50 ft
Well elevation is above surface water body.

Description of measuring point (e.g. top port of 1 inch port pipe, west side) top of casing east side

Measuring point distance above land surface 1.00 feet.

Static water level measurements: (A minimum of three measurements are required in the hour before pumping begins at no less than 20 minutes apart):

Time	Depth to water below meas. point	Depth to water below land surface
<u>11:00 am</u>	<u>10.00</u>	<u>9.00</u>
<u>11:20 am</u>	<u>10.00</u>	<u>9.00</u>
<u>11:45 am</u>	<u>10.00</u>	<u>9.00</u>

Discharge measurements: (A discharge measurement is required at the start of pumping and at least once an hour during the test; additional measurements should be noted on the Pump Test Data Sheet):

Time	Discharge Rate	Discharge Units (e.g. gpm, cfs, etc)
<u>12:15 pm</u>	<u>48.00</u>	<u>gpm (gallons per minute)</u>
<u>1:15 am</u>	<u>43.00</u>	<u>gpm (gallons per minute)</u>
<u>2:15 am</u>	<u>42.00</u>	<u>gpm (gallons per minute)</u>
<u>3:15 am</u>	<u>42.00</u>	<u>gpm (gallons per minute)</u>
<u>4:00 am</u>	<u>42.00</u>	<u>gpm (gallons per minute)</u>

Time pump turned on: Date 05/15/2008 Time 12:00 pm
Time pump turned off: Date 05/15/2008 Time 4:00 pm
Total pumping time: 4 hours 0 minutes

Note: Well must be idle for at least 16 hours prior to the test.

Additional forms can be obtained from our web site at: <http://www.wrd.state.or.us>

OWRD 2/9/2000

Required Signature: Palmer for Steve Frey

RECEIVED

NOV 03 2008

WATER RESOURCES DEPT
SALEM, OREGON

Application: G-15711 Permit: G-15529 Certificate: _____ Pod_Id: 1

Drawdown Data

Recovery Data

[illegible]

OWRD 2/9/2000

RECEIVED

NOV 03 2008

WATER RESOURCES DEPT
SALEM, OREGON

Completion Checklist for CWRE Claims of Beneficial Use



Date Received 11-3-2008
 CWRE Name Harold Center
 Claim Logged ☒
 File Marked ☒
 Oversized Map # 390
 Read and attach copy of permit or transfer

Application # G 15 711
 Permit # G 15529
 Transfer #
 Date 11-5-08
 Reviewer C.U.

Map Review:

- ☒ Map on polyester film
- ☒ Application & permit #; or transfer #
- ☒ Disclaimer
- ☒ North arrow
- ☒ CWRE stamp and signature
- ☒ Appropriate scale (1" = 1320', 1" = 400', or the original full-size scale of the county assessor map)
- ☒ Township, range, section, and tax lot numbers
- ☒ Source illustrated if surface water
- ☒ Point(s) of diversion or appropriation (illustrated)
- ☒ Point(s) of diversion or appropriation (coordinates)
- ☒ Conveyance structures illustrated (pump, pipelines, ditches, etc.)
- ☒ Description of the location, in relation to the point of diversion or appropriation, of any fish screens, by-pass devices, and measuring devices required
- ☒ Place of use (1/4 1/4, or projected 1/4 1/4 lines within DLCs, or Gov Lots; if irrigation, # of acres in each subdivision; if for domestic or human consumption, location of dwelling or spigot)
- ☒ Checked to legal description

Report Review:

- ☒ On form or format provided by the Department
- ☒ Application & permit #; or transfer #
- ☒ County
- ☒ Tax lot information
- ☒ Date of survey
- ☒ Person interviewed
- ☒ Ownership information
- ☒ Source(s) of water
- ☒ Point of diversion/appropriation location
- ☒ Use, period of use, and rate for use
- ☒ Place of use location
- ☒ Type of use
- ☒ Extent of use
- ☒ Rate and Duty
- ☒ Diversion rate for each use
- ☒ Description of conveyances system (from POD to POU)
- ☒ Diversion works description (pump make, serial model, capacity, and description)
- ☒ System capacity
 - ☒ Calculated capacity of system (required)
 - ☒ Measured amount of use (optional)
- ☒ Permit conditions
 - ☒ Time limits
 - ☒ Initial water level measurements
 - ☒ Annual static water level measurements
 - ☒ Measurement, recording, and reporting
 - ☒ Meter/measuring device
 - ☒ Water use reporting
 - ☒ Fish screening and/or by-pass
 - ☒ Pump test (ground water)
 - ☒ Other conditions

☒ CWRE stamp and signature

☒ Signature(s) of permittee of transfer holder

CLAIM OF BENEFICIAL USE MAP
APPLICATION G-15711 PERMIT G-15529
FOR

RUSSELL AND NORA JUNCAL
1965 HILTON ROAD
HORN BROOK, CA 96044

SITUATED IN
DLC NO. 38

TOWNSHIP 41 SOUTH, RANGE 2 EAST, WILLAMETTE MERIDIAN
JACKSON COUNTY, OREGON

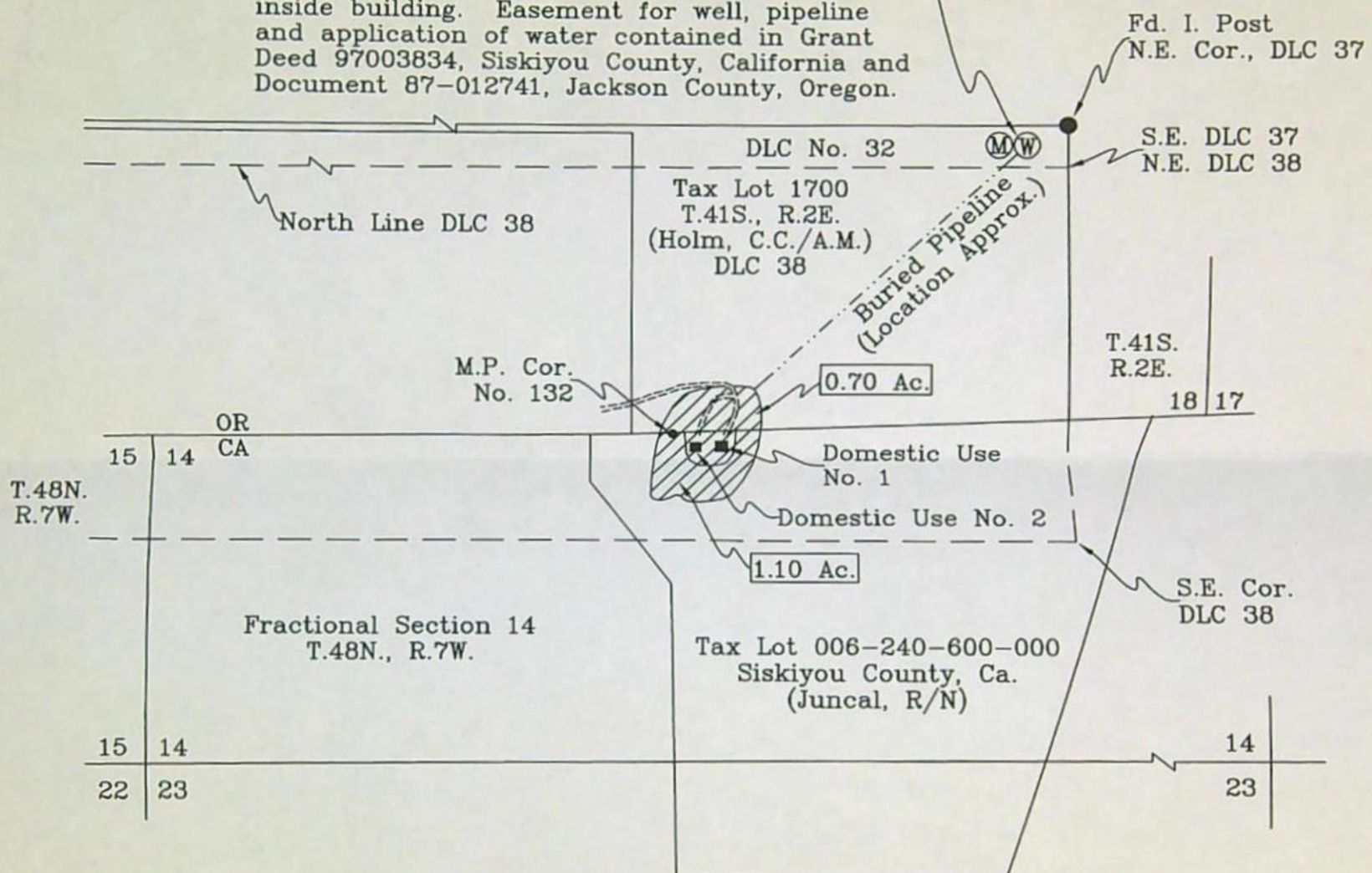
AND

FRACTIONAL SECTION 14

TOWNSHIP 48 NORTH, RANGE 7 WEST, MT. DIABLO MERIDIAN
SISKIYOU COUNTY, CALIFORNIA

Source: Well No. Jack 21247
Bears South 63.00' and West
128.00' from N.E. Cor., DLC 37

Note: Storage tank and flow meter located at well,
inside building. Easement for well, pipeline
and application of water contained in Grant
Deed 97003834, Siskiyou County, California and
Document 87-012741, Jackson County, Oregon.



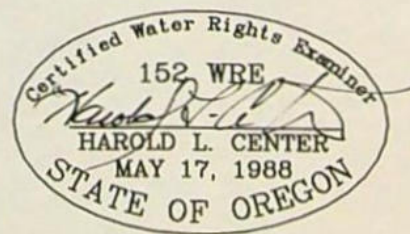
Scale: 1"=400'

LEGEND

- Found Survey Monument
- Denotes Structure/Building
- Denotes Driveway
- - - - Denotes Buried Pipeline
- (M) Denotes Flow Meter
- ▨ Denotes Area Being Irrigated

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

Note: Storage tank and flow meter
located at well inside building.



HAROLD L. CENTER
2604 David Lane
Medford, OR. 97504
Phone 541-535-6108
Oregon Certificate No. 152
Certificate Renewal Date: 12/31/2009

RECEIVED

NOV 03 2008
WATER RESOURCES DEPT
SALEM, OREGON

COBU MAP # 390

Gerry Clark

From: Gerry Clark
Sent: Thursday, April 24, 2008 11:11 AM
To: 'Harold Center'
Subject: Information from file G-15711

Attachments: G-15711 permit and settlement.pdf; G-15711 application.pdf



G-15711 permit and settlement...lication.pdf (394

Harold,

I have attached the following information for your reference:

1. Scanned image of the application originally filed.
2. Scanned image of the permit and settlement agreement.

From my brief review of the file, it does appear that the permit does contain an error in the place of use for the lands in California. It appears that the permit should have indicated Section 14 instead of Section 8. As we discussed, the Claim should identify that there was an error on the permit and provide the correct location. Feel free to attach copies of maps to support assertion and a copy of the legal description.

Let me know if you have any additional questions.

Gerry

Gerry Clark
Water Rights Specialist/Certificates
725 Summer St. NE, Ste. A
Salem, OR 97303

Phone: 503-986-0811
Fax: 503-986-0901

<http://www.wrd.state.or.us/>

Forcum & Speck

ATTORNEYS AT LAW

IN REPLY, REFER TO OUR
FILE NO.

October 1, 2004

Dwight French
Water Rights Section Manager
725 NE Summer Street, Suite A
Salem, OR 97301-1271

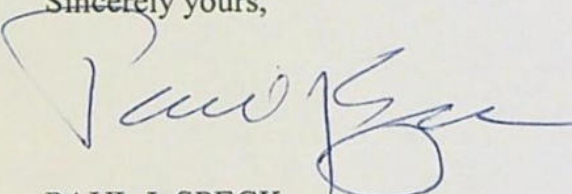
Dear Mr. French:

I represent Mr. and Mrs. Chris Holm. Mr. and Mrs. Holm have been sued by Russell Juncal. The Juncals assert that Holm has no right to his exempt use of the water from Baconian Well No. 1 permitted under G15529.

I need copies of the entire file relating to this matter. I would also like to discuss it with you so that I can understand exactly what is going on. I would appreciate a telephone call so that I can discuss this directly with you.

I have enclosed a copy of the declaratory judgment action for your reference.

Sincerely yours,


PAUL J. SPECK

PJS:jlc

Enclosure

cc: Chris and Anita Holm

Holm\FrenchLtr1.wpd

RECEIVED

OCT 04 2004

WATER RESOURCES DEPT
SALEM, OREGON

File G-15711

Mailed
10/1/04
JF/DWF

PR

RECEIVED
FEB 15 11 34 AM
CLERK OF COURT

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF JACKSON

RUSSELL JUNCAL and NORA JUNCAL,

Plaintiffs,

vs.

CHRIS HOLM, and ANITA HOLM,

Defendants.

Case No. **042191-E-3**

COMPLAINT FOR DECLARATORY
RELIEF, INJUNCTIVE RELIEF

Not Subject to Mandatory Arbitration

Plaintiffs allege:

1.

Plaintiffs are the owners of contiguous real property in Siskiyou County, State of California, commonly referred to as Parcels 006-240-400 and 006-240-440, more fully described in the attached Agreement for Shared Water, Road, Maintenance and Power Easement, filed as Instrument No. 97-48771 and attached hereto as Exhibit 1.

2.

Chris and Anita Holm are the owners of an adjacent property located in Jackson County, Oregon, commonly referred to as Tax Lot 1700 T41S, RE2, and more fully described in Exhibit 1 attached hereto.

3.

On December 26, 1997, plaintiffs and defendants' predecessor in interest, Baconian Foundation, entered into an Agreement for Shared Water, Road Maintenance and Power Easement.

RECEIVED

OCT 04 2004

WATER RESOURCES DEPT
SALEM, OREGON

HORNECKER, COWLING,
HASSEN & HEYSELL, L.L.P.
717 Murphy Road
Medford, OR 97504
(541) 779-8900

1 The agreement is binding on Baconian Foundation's successors in interest, plaintiffs. The agreement
2 is attached hereto as Exhibit 1.

3 4.

4 As part of the agreement between plaintiffs and defendants, plaintiffs documented and reserved
5 their right to use water from Baconian Well No.1 on defendants' property.

6 5.

7 The well share agreement specifically provided that defendants will have the right to obtain
8 water from Baconian Well No.1 but that any use shall not interfere with the plaintiffs' use.

9 6.

10 In addition to the water share agreement, plaintiffs have an easement over defendants'
11 property described as a 60' easement for ingress, egress and utilities extending across defendants'
12 property and terminating on public land as more clearly described in Exhibit 2 attached hereto.

13 PLAINTIFFS' FIRST CLAIM FOR RELIEF ACTION

14 (Declaratory Relief)

15 7.

16 Plaintiffs reallege the allegations of paragraphs 1 through 6 above and incorporate those
17 allegations as though fully set forth herein.

18 8.

19 ORS 537.615 requires a user of groundwater to apply to the Water Resources Department
20 for, and be issued a permit, before withdrawing or using ground water, except for any purpose
21 exempt under ORS 537.545. ORS 537.545 specifies the allowed exempt uses under law and the
22 limitations with regard to amount and purpose. Plaintiffs are currently using the total amount of
23 water from Baconian Well No.1 which is allowable under 537.545.

24 9.

25 The use of water from the well in amounts greater than those specified in ORS 537.545
26 requires a permit in accordance with ORS 537.615. Plaintiffs have applied to the Oregon

1 Department of Water Resources for a permit to withdraw additional groundwater from Baconian
2 Well No.1 and have been granted additional usage of up to 0.091 cubic feet per second for domestic
3 supply and irrigation under permit G-15711. The priority date of this permit is February 25, 2002.
4 Defendants have not applied for nor do they have a permit for the withdrawal of any water from
5 Baconian Well No.1.

6 10.

7 Defendants' use of the well water interferes with plaintiffs' rights as specified in the
8 agreement attached as Exhibit 1.

9 11.

10 Plaintiffs have no adequate remedy at law for defendants' continued breach of the terms of
11 the water share agreement.

12 12.

13 Plaintiffs seek a judgment declaring defendants' use of the water a breach of the water share
14 agreement.

15 PLAINTIFFS' SECOND CLAIM FOR RELIEF

16 (Declaratory Relief)

17 13.

18 Plaintiffs reallege the allegations of paragraphs 1 through 6 above and incorporate those
19 allegations as though fully set forth herein.

20 14.

21 Defendants have indicated to plaintiffs and taken actions thereon, limiting plaintiffs' right to
22 use the subject easement. Specifically, defendants have informed plaintiffs that they need to request
23 permission in advance to use the easement and purporting to place other restrictions on the scope of
24 use. A justiciable controversy exists because defendants have interfered with plaintiffs use of their
25 easement.

26 ///

15.

Plaintiffs have no adequate remedy at law and will be irreparably harmed if defendants are not prohibited from interfering with plaintiffs' use and enjoyment easement.

16.

Plaintiffs seek a judgment declaring that defendants may not interfere with their use of the easement.

PLAINTIFFS' THIRD CLAIM FOR RELIEF

(Injunctive Relief)

17.

Plaintiffs reallege the allegations of paragraphs 1 through 16 above and incorporate those allegations as though fully set forth herein.

18.

Plaintiffs request an injunction permanently enjoining defendants from using Baconian Well No. 1 and from interfering with plaintiffs' right to use the subject easement.

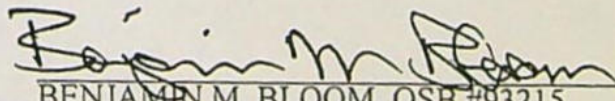
WHEREFORE, plaintiffs pray for a decree as follows:

1. Declaring that defendants may not use water from Baconian Well No. 1;
2. Declaring that defendants may not interfere with plaintiffs' use of the easement;
3. Enjoining defendants from using water from Baconian Well No.1;
4. Enjoining defendants from interfering with plaintiffs' use of the easement;
5. Awarding plaintiffs' recovery of the costs and disbursements incurred by plaintiffs herein;

and

6. Granting such other relief as this court may deem just and proper.

DATED this 11 day of June, 2004.


BENJAMIN M. BLOOM, OSB #93215
Of Attorneys for Plaintiffs
Trial Attorney

1
2
3
4 IN THE CIRCUIT COURT OF THE STATE OF OREGON
5 FOR THE COUNTY OF JACKSON
6

7 RUSSELL JUNCAL and NORA JUNCAL,

8 Plaintiffs,

9 vs.

10 CHRIS HOLM, and ANITA HOLM,

11
12 Defendants.
13

Case No.

042191-E3

DECLARATION OF RUSSELL
JUNCAL IN SUPPORT OF MOTION
(EX PARTE) FOR AN ORDER TO
SHOW CAUSE WHY A
PRELIMINARY INJUNCTION
SHOULD NOT ISSUE

14 I, RUSSELL JUNCAL, declare:

15 1. I am one of the plaintiffs in this action. I make this affidavit in support of a request for an
16 order to show cause and preliminary injunction.

17 2. I am the owner of property in California currently serviced by water from a well on
18 defendants' property in Oregon. The well is commonly known as Baconian
19 Well No. 1.

20 3. In 1997, Lawrence Schechter, the owner of the land upon which Baconian Well No. 1
21 arose, and I entered into a water share agreement to clarify certain rights and responsibilities with
22 regard to water rights that had been previously conveyed to my property by a well and pipeline
23 easement. The agreement also contained provisions for road maintenance and easements. The
24 agreement was bargained for by both parties and by the plain language granted my wife and me the
25 right to use water from Baconian Well No. 1 to service our California property with no limitation on
26 the amount of use as long as that use conformed to applicable law with regard to amount and

1 purpose.

2 4. The water share agreement, authorized Schechter and his successors to obtain
3 water from Baconian Well No. 1, but that such use could not interfere with our use of the well. The
4 agreement was binding on our successors in interest as well as Schechter's successors in interest.
5 Defendants are Schechter's successors in interest.

6 5. I am a professional geologist and familiar with Oregon's water laws regarding the
7 appropriation of groundwater. Oregon requires a permit for the withdrawal of ground water with
8 the exception of uses defined as exempt under ORS 537.545. Under this section no permit is
9 required if one extracts up to 15,000 gallons per day for domestic use, irrigation of up to one-half
10 acre, and other uses specified in the section. In general, a use of water above 15,000 gallons per day
11 and that is not in conformance with section 537.545 will require a permit.

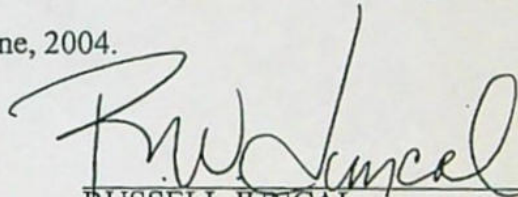
12 6. I am currently using the maximum amount of water allotted by the exemption. Any
13 additional use of the well water requires a permit. I have a permit that allows me to withdraw
14 additional water in excess of the exempted amount I use, subject to the permit conditions and
15 seniority rules. The defendants do not have a permit to withdraw any water from Baconian Well No
16 1. Defendants' use of the well puts my family in jeopardy of either violating Oregon water law or
17 reducing the water we currently use thereby infringing on our rights.

18 7. The defendants could have exercised their right to utilize water from well Baconian No. 1
19 by applying for a permit. I have repeatedly informed defendants that my family was utilizing all of
20 the exempted amount and that they would need to secure a permit. They have been aware of this
21 usage since at least January 2002. The defendants chose not to apply for a permit for withdrawal of
22 well water but instead sought and were granted a water right from the Oregon Department of Water
23 Resources to withdraw up to 6462.7 gallons per day from a spring on their property. Although
24 defendants have been granted water rights for the spring for both domestic use and stock watering
25 they are currently using water from well Baconian No.1 for domestic use.

1 8. I have a 60' deeded and surveyed easement for ingress, egress and utilities that crosses
2 defendants' property. Defendants have recently placed a locked gate across the easement thereby
3 preventing me from using the deeded easement for ingress and egress. Attached are notices I
4 received from defendants purporting to limit my right to ingress and egress for maintenance, repair
5 or replacement of the well and water line. Defendants' interpretation of the easement grossly
6 restricts my right of ingress and egress and also places an intolerable burden on me by requiring
7 notification to defendants in advance when I will want to use the easement. Occasions of use of my
8 easement arise regularly and spontaneously and cannot be subject to delay without creating
9 appreciable irreparable harm.

10 I hereby declare that the above statements are true to the best of my knowledge and belief,
11 and that I understand it is made for use as evidence in court and is subject to penalty for perjury.

12 Executed this 11th day of June, 2004.

13 
14 _____
15 RUSSELL JUNCAL
16
17
18
19
20
21
22
23
24
25
26

30.00
12:08
97-18771

AGREEMENT FOR SHARED WATER, ROAD MAINTENANCE AND
POWER EASEMENT

Whereas, the parties to this agreement, Russell and Nora Juncal (hereinafter referred to as JUNCALS) and the Baconian Foundation Inc., an Oregon non-profit corporation (hereinafter referred to as BACONIAN) wish to clarify certain rights and responsibilities with regard to water rights, land use and maintenance on their respective properties and,

Whereas, the Baconian Foundation is the owner of certain real property in Jackson County, Oregon, commonly referred to as Tax lot # 1700, which is more particularly described in Exhibit A, and,

Whereas, the BACONIAN is the owner of two wells on their property, one of which is utilized by JUNCALS for their California property and for irrigation of their parking easement in Oregon and which is hereinafter referred to as BACONIAN Well # 1, and the second of which is reserved to BACONIAN and is hereinafter referred to as BACONIAN #2, and

Whereas, Lawrence and Sylvia Schechter are empowered to represent BACONIAN and,

Whereas, JUNCALS are the owners of contiguous property in Siskiyou County, California, commonly referred to as parcels 006-240-400 and 006-240-440, which are more particularly described in Exhibit B, and,

Whereas, JUNCALS utilize water from BACONIAN Well # 1, and maintain a wellhouse, pump, storage tank, electrical circuit, level control switch and pipeline to convey water for their use as described in paragraph 2 above, the parties hereby agree as follows:

JUNCALS shall grant a 10 foot wide easement, for ingress, egress and electrical utilities to BACONIAN over and under parcel 006-240-400, beginning at the Pacific Power transformer on JUNCALS property due north onto the BACONIAN property (a distance of approximately 15 feet). The north-south centerline of the easement shall begin at the centerline of the transformer.

JUNCAL will be responsible for the BACONIAN share of costs for improving and maintaining the shared road between Hilt Road and the JUNCAL and BACONIAN properties. This includes all past material and labor costs as well as all future costs for a period of 3 years from the date of this agreement, or until a building permit is issued for the property, whichever comes first. Thereafter, the owner of the BACONIAN property will be responsible for their share of the ongoing road maintenance and improvement costs as specified in previously recorded documents. These maintenance activities will include such activities as are necessary to keep the road passable by two-wheel drive vehicles under typical winter weather conditions.

The owner of the BACONIAN property will have the right to obtain water from BACONIAN Well # 1, currently used by JUNCALS, and to use the existing wellhouse, pump, storage tank and water line currently serving the JUNCAL property. This use shall not interfere with the utilization by JUNCALS of the water rights specified below, however, if a larger pump or

Page 1 of 3

power service is required to meet the mutual needs of the two parties these costs will be borne by JUNCAL. It is understood that the additional pump and or power capacity will be installed to allow for domestic water use and irrigation of up to 1/2 acre on the BACONIAN property. If additional water use is needed by the owner of the BACONIAN property, such additional costs will be born pro rata by the parties based upon metered use. Pro rata shares will be based upon usage for one full year after the capital improvement and will be due within 30 days of such a pro rata determination. It is further understood that the cost for any extensions of the line needed to provide for use on the BACONIAN property shall be borne by BACONIAN. Expenses for the maintenance of the water system including, pump repair, tank or valve replacement, pipeline work, etc. will be shared on a pro rata basis determined by the previous 4 months metered usage. The electrical costs will also be shared on a pro rata basis but will be determined by monthly metered usage. Shared expenses for pipeline maintenance or repair will apply only to that portion of the existing pipeline between the well and the California state line. Portions of the pipeline in California shall be the sole responsibility of JUNCALS and any extensions off of the existing pipeline in Oregon will be the responsibility of BACONIAN. Each party will pay for the installation of their individual water meters. Because the pump power is derived from a circuit at the JUNCAL house, JUNCALS will be responsible for monthly meter readings and the computation of any water related expenses. Such expenses will be paid by JUNCALS with reimbursement of the pro rata share by BACONIAN within 30 days of receiving a accounting of expenses. JUNCALS will pay for the installation of an electrical sub-meter to determine usage by the pump/well house circuit.

JUNCALS will provide, at their expense, a well capacity test report, including general condition and bacteriological analyses for both BACONIAN Well # 1 and BACONIAN Well # 2, immediately adjacent to the wellhouse door. This report will be stamped by a California Registered Geologist and California Certified Hydrogeologist and will provide the results of short term capacity testing of both wells.

BACONIAN has the right, at their own expense, to build their own wellhouse and/or storage facility, or to enlarge the existing pump house or to pipe below grade into the pump house if they want to use BACONIAN Well #2, located immediately adjacent to the pump house door. It is understood that such modifications will be in accordance with any applicable building codes and that such modifications will not interfere with the utilization by JUNCALS of the water rights specified below.

JUNCALS will have the right to use water from the BACONIAN Well #1 for maintaining the landscape on their approximately 100 ft x 107 foot recorded parking easement in front of their house which is on the BACONIAN property and for irrigation of the pine trees that were planted between the easement and the seasonal drainage immediately to the west, also on the BACONIAN property.

JUNCALS will have the right to utilize water from the BACONIAN Well # 1 to service their California property. This use must conform to Oregon and other applicable water law with regard to amount and purpose.

Upon delivery of the well capacity report by JUNCALS to BACONIAN this agreement, or such separate agreements or documents that are necessary to legally bind the parties to the

agreed conditions, will be recorded in both Jackson and Siskiyou Counties. JUNCALS will bear the cost of recording.

This agreement shall be binding upon the heirs, executors, administrators, successors and assigns of the parties.

This agreement is entered into on this 26th day of December, 1997, by

For RUSSELL AND NORA JUNCAL:

Russell W. Juncal
Russell W. Juncal

Nora K. Juncal
Nora K. Juncal

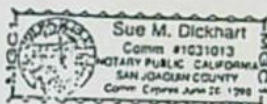
STATE OF California)

COUNTY OF Siskiyou) ss

Sworn and Subscribed

This instrument was acknowledged before me on December 17, 1997, 1997, by Russell W. Juncal and Nora K. Juncal.

Sue M. Dickhart
Notary Public Sue M. Dickhart



For BACONIAN FOUNDATION, INC.:

Lawrence Schechter
Lawrence Schechter, Secretary

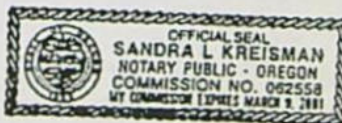
Sylvia Moss-Schechter
Sylvia Schechter, President

STATE OF)

COUNTY OF) ss

This instrument was acknowledged before me on December 26, 1997, by Lawrence Schechter and Sylvia Schechter.

Sandra L. Kreisman
Notary Public



STATE OF OREGON
WATER RESOURCES DEPARTMENT

RECEIPT # 65715

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

INVOICE # _____

RECEIVED FROM: Hornacker Consulting, Haason
BY: Hayes, LLP
CASH: ☐ CHECK: # 12931 OTHER: (IDENTIFY) ☐
APPLICATION PERMIT ☐ TRANSFER ☐

TOTAL REC'D \$ 2.00

1083 TREASURY 4170 WRD MISC CASH ACCT

0407 COPIES \$
OTHER: (IDENTIFY) water rights \$ 2.00

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

4270 WRD OPERATING ACCT

MISCELLANEOUS

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

WATER RIGHTS:

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

WELL CONSTRUCTION

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

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: 65715

DATED: 3/26/04 BY: Leona Allin

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

STATE OF OREGON
WATER RESOURCES DEPARTMENT

RECEIPT # 65715

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

INVOICE # _____

RECEIVED FROM: Hornacker Consulting, Haason
BY: Hayes, LLP
CASH: ☐ CHECK: # 12931 OTHER: (IDENTIFY) ☐
APPLICATION PERMIT ☐ TRANSFER ☐

TOTAL REC'D \$ 2.00

1083 TREASURY 4170 WRD MISC CASH ACCT

0407 COPIES \$
OTHER: (IDENTIFY) water rights \$ 2.00

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

4270 WRD OPERATING ACCT

MISCELLANEOUS

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

WATER RIGHTS:

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

WELL CONSTRUCTION

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

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: 65715

DATED: 3/26/04 BY: Leona Allin

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

HORNECKER, COWLING, HASSEN & HEYSELL, L.L.P.

Attorneys at Law

Gregory T. Hornecker
Robert L. Cowling
John R. Hassen
R. Ray Heyssel
H. Scott Plouse
P. David Ingalls
Adam T. Stamper*
Joseph E. Kellerman
James A. Wallan
Benjamin M. Bloom

717 Murphy Road
Medford, OR 97504
(541) 779-8900
Fax: (541) 779-2982
<http://www.roguelaw.com>

Charles E. Bolen
Alan D.B. Harper
Ryan J. Vanderhoof
Richard L. Billin
**Shane J. Antholz, LLM
Jesse A. Visser
Stefanie L. Burke

Of Counsel - Fred M. Aebi

*Also admitted in California
**Also admitted in Washington

Retired - B. Kent Blackhurst
Ervin B. Hogan 1927 - 2000

February 24, 2004

Renee Moulun
Water Rights Section
Oregon Water Resources Department
Suite "A"
725 Summer Street, N.E.
Salem, OR 97301

RECEIVED

FEB 26 2004

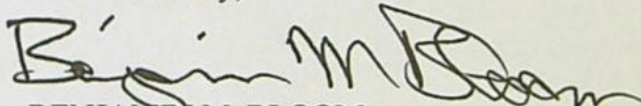
WATER RESOURCES DEPT
SALEM, OREGON

Re: *Application No. G-15711*
Our File No. 23984B

Dear Renee:

Enclosed is a draft in the amount of \$2.00 made payable to the Oregon Water Resources Department. This is payment for Paul Cleary's response to Mr. Holm's letter.

Yours sincerely,


BENJAMIN M. BLOOM
bmb@roguelaw.com

BMB:sal
Enclosure
c: Russell and Nora Juncal
H:\USER\FILES\23984B\Moulun_L07 - payment.wpd

STATE OF OREGON
WATER RESOURCES DEPARTMENT

725 Summer St. N.E.
SALEM, OR 97301-4172
378-8455 / 378-8130 (FAX)

RECEIPT # **65271**

INVOICE # _____

RECEIVED FROM: Hornecker, Cowling,
BY: Hassen, + Heyseil, LLP

APPLICATION	
PERMIT	
TRANSFER	

CASH: ☐ CHECK: # 12649 OTHER: (IDENTIFY) ☐

TOTAL REC'D \$ **3.50**

1083 TREASURY 4170 WRD MISC CASH ACCT

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

4270 WRD OPERATING ACCT

MISCELLANEOUS		
0407	COPY & TAPE FEES	\$ 3.50
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 \$

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: **65271**

DATED: 1/22/04 BY: Linda Dreyer

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

STATE OF OREGON
WATER RESOURCES DEPARTMENT

725 Summer St. N.E.
SALEM, OR 97301-4172
378-8455 / 378-8130 (FAX)

RECEIPT # **65271**

INVOICE # _____

RECEIVED FROM: Hornecker, Cowling,
BY: Hassen, + Heyseil, LLP

APPLICATION	
PERMIT	
TRANSFER	

CASH: ☐ CHECK: # 12649 OTHER: (IDENTIFY) ☐

TOTAL REC'D \$ **3.50**

1083 TREASURY 4170 WRD MISC CASH ACCT

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

4270 WRD OPERATING ACCT

MISCELLANEOUS		
0407	COPY & TAPE FEES	\$ 3.50
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 \$

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: **65271**

DATED: 1/22/04 BY: Linda Dreyer

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

HORNECKER, COWLING, HASSEN & HEYSELL, L.L.P.

Attorneys at Law

Gregory T. Hornecker
Robert L. Cowling
John R. Hassen
R. Ray Heyse
H. Scott Plouse
P. David Ingalls
Adam T. Stamper*
Joseph E. Kellerman
James A. Wallan
Benjamin M. Bloom

717 Murphy Road
Medford, OR 97504
(541) 779-8900
Fax: (541) 779-2982
<http://www.roguelaw.com>

Charles E. Bolen
Alan D.B. Harper
Ryan J. Vanderhoof
Richard L. Billin
**Shane J. Antholz, LLM
Jesse A. Visser
Stefanie L. Burke

Of Counsel - Fred M. Aebi

*Also admitted in California
**Also admitted in Washington

Retired - B. Kent Blackhurst
Ervin B. Hogan 1927 - 2000

January 20, 2004

Renee Moulun
Water Rights Section
Oregon Water Resources Department
Suite "A"
725 Summer Street, N.E.
Salem, OR 97301

Re: *Application No. G 15711*
Our File No. 23984B

RECEIVED

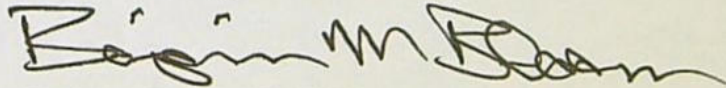
JAN 22 2004
WATER RESOURCES DEPT
SALEM, OREGON

Dear Renee:

Enclosed is a draft in the amount of \$3.50 payable to the Oregon Water Resources Department to cover the expenses associated with producing a copy of Chris Holm's latest letter to you which was copied to Martha Pagel.

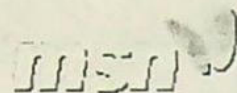
On behalf of our clients, Russell and Nora Juncal, thank you for your prompt attention to this matter.

Yours sincerely,



BENJAMIN M. BLOOM
bmb@roguelaw.com

BMB:sal
Enclosure
c: Russell and Nora Juncal
H:\USER\FILES\23984B\Moulun_L06.wpd

[MSN Home](#) | [My MSN](#) | [Hotmail](#) | [Search](#) | [Shopping](#) | [Money](#) | [People & Chat](#)
[Sign Out](#)
BERTIL ROOS
 RACING SCHOOL

10 WINNERS!

VOLVO
for life

Search the Web

Go

Hotmail

[Home](#)[Inbox](#)[Compose](#)[Contacts](#)[Options](#) [Help](#)

mooneypilot201@hotmail.com

[Free Newsletters](#) | [MSN Featured Offers](#) | [Find Message](#)[Save Address\(es\)](#) [Block](#)[Previous](#) [Next](#) | [Close](#)

From : "Russell Juncal" <juncalrw@snowcrest.net>

To : "Chris Holm" <mooneypilot201@hotmail.com>

Subject : Re: Easement - Ownership confusion

Date : Fri, 27 Jun 2003 11:57:14 -0700

[Reply](#) [Reply All](#) [Forward](#) [Delete](#) [Put in Folder...](#)[Printer Friendly Version](#)

Dear Chris,

While I was looking forward to trying to work together on some sort of water system I guess I agree with you that we should resolve the issues raised in your email and November 16, 2002 letter before considering anything else. It looks like there would have been a number of other obstacles to an agreement anyway. I am aware that Lonnie Cornwell has retained counsel and is going to assert his rights on the spring. Additionally, Lonnie, Fred and others have expressed concern about your interpretation of the road easement and it is in everyone's best interest to get that cleared up once and for all.

With regard to the issues raised in your email it is clear that we have different understandings of the Agreement for Shared Water, Road Maintenance and Power Easement. I respect your standing up for the rights you feel you paid for when you purchased the property from Lawrence, and believe the root of much of our conflict is the divergent understanding we each have of exactly what rights were conveyed to us with our properties. For my part I consulted an attorney when I purchased our land, later when I negotiated the well/road/power agreement with Lawrence and within the last year as you have raised issues about the spring, well, pump house, parking easement and road easement. As far as any legal interpretations related to those issues, I have to rely on the professional opinions I solicited and paid for. Essentially any position I've represented to you has come through counsel. If I have received incorrect advice on issues of Oregon law and precedent I can only apologize for my poor judgement. However, at this point I haven't seen any factual or legal basis to doubt what I have been told by multiple Oregon attorneys. If you or your attorney could speak directly with Ben Bloom perhaps we could cut through the legal misunderstandings. I've instructed Ben to discuss these issues, point by point if necessary, with you or your attorney and to answer any questions. His number is 541-779-8900.

While I want my attorney to speak to all legal matters I can say something about the pump house ownership issue you raised in your April 19 email. I personally negotiated the well/road/power agreement with Lawrence and can state unequivocally that our mutual understanding was that the pump, pipeline, power line, tank, controller and pump house were my property. This is very clearly indicated in the agreement (paragraph 11, page 2) where it states that "Baconian has the right to build their *own* wellhouse and/or storage facility.....". As you noted, you have the right to use the pump house if it does not interfere with my usage. However, I believe the Water Resources personnel were very clear at our meeting that the only water rights you currently have are associated with the spring and are junior to Julia Burns as well as Fred and I.

Even if the spring is ultimately ruled exempt, Doug Woodcock of DWR said at the meeting that they would not grant my application for additional water from the wells due to the documented historic spring use by Burns and others. As such you have no rights to use water from the well, or from Baconian #2 for that matter, and any utilization would be direct interference with my use since I have a valid water rights application pending.

Chris, this is just one of a number of conflicts that exist and I would like to get them resolved. My first

**Fed up with
your Internet
service
provider?**

Join now!

msn 8

RECEIVED

JAN 02 2004

WATER RESOURCES DEPT
SALEM OREGON

choice by far is for us to negotiate, with give and take on both sides to resolve all of these issues (water, road easement, parking, spring, etc) as a package. If you are willing to give on some issues so am I. Certainly if we cant find some workable compromise a legal judgement would be necessary but this wouldn't have to be overly complicated or (hopefully) expensive. I view this as an honest difference of opinion and certainly don't hold it against you for wanting to have the rights you feel you paid for respected. I ask the same.

I would like to get this resolved in a manner that we both can live with. If you feel the same you can communicate directly with me or with Ben Bloom, though I will consult with his office in any event. If you would like to have your lawyer negotiate please have him call Ben. I sincerely hope this can get worked out.

Russell Juncal

----- Original Message -----

From: Chris Holm

To: juncalrw@snowcrest.net

Sent: Saturday, April 19, 2003 9:09 AM

Subject: Easement - Ownership confusion

Russell,

Your comments at the meeting on April 17, 2003, lead me to believe that you did not receive my letter of November 16, 2002. I will place a copy of that letter below.

Prior to attempting to negotiate a "small water system" agreement you might want to thoroughly review the letter that you received from Lawrence Schechter on November 06, 1997. Within that letter Schechter conveys, "Please be further advised that since the pump housing was built upon our land without our knowledge or consent, this is now legally our property". He is referring to the pumphouse that is currently in place. You might also want to thoroughly review the binding "1997 Shared Well Agreement" signed by you and Lawrence Schechter. That document stipulates, among other things, that I inherited ownership of BACONIAN well #1 and BACONIAN well #2. That document also reads, "The owner of the BACONIAN property (me) will have the right to obtain water from BACONIAN well #1, currently used by JUNCALS, and to the existing wellhouse, pump, storage tank and water line currently serving the JUNCAL property. This use shall not interfere with the utilization by JUNCALS of the water rights specified below, however, if a larger pump or power service is required to meet the mutual needs of the two parties these costs will be borne by JUNCAL. It is understood that the additional pump and power capacity will be installed to allow for domestic water use and irrigation of up to 1/2 acre on the BACONIAN property."

Based on those stipulations I AGAIN REQUEST A KEY TO ACCESS MY PUMPHOUSE (I have owned the property for 2-years and April 16, 2003, was the first time that I was allowed access to my own pumphouse) and declare that you must have been confused, in your attorney's comments pertaining to our spring use permit application (you accidently listed the 1/2 acre as property that you are REQUIRED to irrigate).

Listed further down in the document, "Juncals will have the right to use water from the BACONIAN Well #1 for maintaining the landscape on their approximately 100 ft x 107 foot recorded parking easement in front of their house which is on BACONIAN property and for the irrigation of the pine trees that were planted between the easement and the seasonal drainage immediately to the west, also on the BACONIAN property".

If you interpreted this to be an obligation let me now assure you that you are relieved of this PERCEIVED OBLIGATION. This is not an obligation but a right, if you choose to exercise that right. Rest assured, you are not obligated/required to irrigate anything from my well! Also, if you contest that this document is binding I will agree and merely take full control of MY well and MY pumphouse. That would be no problem at all for me!

Chris

Chris Holm
14930 Barney Road
Plymouth, California 95669

RECEIVED

JAN 02 2004

WATER RESOURCES DEPT
SALEM OREGON

Chris Holm
14930 Barney Road
Plymouth, California 95669
(209) 245-4814

Dwight French
Oregon Water Resources Department
725 Summer Street, NE – Suite A
Salem, Oregon 97301-1271

Re: File G-15711

December 31, 2003

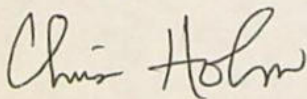
Dwight,

My alarm last week, pertaining to the agreement between the Oregon Water Resources Department and Russell Juncal, was prompted by a section of the enclosed email. The Hi-Lighted area of this email, from Russell Juncal, typifies my dealings with him during the past three years. Juncal has gone to great lengths in an attempt to prevent us from moving onto our Oregon property adjacent to him. Juncal also continues to attempt to control all of the water that originates on our parcel and is doing all he can to prevent us from using any of the water on our land. Benjamin Bloom's statement to Anita and I, "You'll be trucking water onto your property!", during the Medford meeting with the OWRD and the Hilt area residents on April 17, 2003, was a good example of this. This did not set well with Anita and I. We have discovered that Juncal, and others in the area, disregard laws, regulations, and rights unless these items positively affect each of the individuals. We anticipate a number of easement-enforcement issues once we move to the area.

Would you please either inform Russell Juncal (with a copy sent to me) that I have the right to use water from my Baconian Well #1 (depicted as Well # Jack2147 on the map attached to File G-15711) under exempt conditions/status or officially notify me of that in letterform? This action should alleviate the need to call a Deputy Sheriff while I tie into my existing water line, coming from my well, both of which are located on my property. This requested notification might also prevent your area water master from possibly having to instruct Juncal to move a water meter that he will be required to install.

Any action pertaining to this issue would be greatly appreciated.

Sincerely,




RECEIVED

JAN 02 2004

WATER RESOURCES DEPT
SALEM OREGON

Mailing List for FO Copies

Application # G 15711

FO Date: 11/18/03

Copy mailed to:

Applicant: Russell and Nora Juncal
1965 Hilt Rd.
Hornbrook, CA 96044

Original permit issued to applicant

Copies sent to:

1. WRD - File # G 15711
2. Water Availability: Ken Stahr
3. Data Center

PFO and Map Copies sent to:

4. WRD - Watermaster # 17
5. Regional Manager: Kyle Gorman

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

CASEWORKER : moulunrm(protest)

By <u>Copies Mailed</u> (SUPPORT STAFF) on: <u>11/18/03</u> (DATE)



Oregon

Theodore R. Kulongoski, Governor

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

VIA FACSIMILE AND MAIL

November 18, 2003

Maurice L. Russell
Administrative Law Judge
Office of Administrative Hearings
P.O. Box 14020
Salem, OR 97303-4020

RE: Water Right Application G 15711 in the Name of Russell and Nora Juncal

Dear Administrative Law Judge Russell:

I am writing to withdraw the above-captioned matter from the Office of Administrative Hearings as the protest on this application has settled.

Thank you for presiding over this matter while it was with your office.

Sincerely,

Richard D. Bailey
Administrator
Water Rights/Adjudications

Cc: Benjamin Bloom



Oregon

Theodore R. Kulongoski, Governor

Water Resources Department

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

VIA HAND DELIVERY

November 18, 2003

Benjamin M. Bloom
Horneker, Cowling, Hassen & Heysell, LLP
717 Murphy Road
Medford
OR 97504

RE: Water Right Applications G 15711 in the Name of Juncal

Dear Mr. Bloom:

Enclosed are signed originals and a copy of the Settlement Agreement, Final Order Incorporating Settlement Agreement and Permit for application G 15711.

Sincerely,

Renee Moulun
Protest Program Coordinator

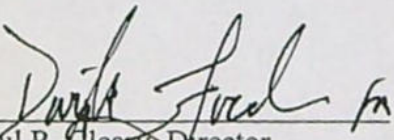
BEFORE THE OREGON WATER RESOURCES DEPARTMENT

In the Matter of Water Right Applications	)	
G 15711 in the Name of	)	FINAL ORDER
Russell and Nora Juncal	)	INCORPORATING
<i>Applicants and Protestants</i>	)	SETTLEMENT AGREEMENT

Based on the attached Settlement Agreement, which is incorporated herein and which includes the draft permit attached thereto, I find that the proposed use will protect the public welfare, safety and health.

Therefore, it is ORDERED that, pursuant to ORS 537.625, Application G 15711 is approved and a permit shall issue.

DATED this 18th day of November, 2003



Paul R. Cleary, Director
Oregon Water Resources Department

STATE OF OREGON

COUNTY OF JACKSON OREGON

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

RUSSELL & NORA JUNCAL
1965 HILT RD
HORN BROOK, CALIFORNIA 96044

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

APPLICATION FILE NUMBER: G-15711

SOURCE OF WATER: A WELL IN COTTONWOOD CREEK BASIN

PURPOSE OR USE: IRRIGATION OF 1.8 ACRES AND GROUP DOMESTIC FOR TWO HOUSEHOLDS

MAXIMUM RATE: 0.091 CUBIC FOOT PER SECOND (CFS); BEING 0.045 CFS FOR IRRIGATION AND 0.046 CFS FOR GROUP DOMESTIC

PERIOD OF USE: YEAR ROUND FOR DOMESTIC USE AND APRIL 1 THROUGH OCTOBER 31 FOR IRRIGATION

DATE OF PRIORITY: FEBRUARY 25, 2002

WELL LOCATION: NE $\frac{1}{4}$ NE $\frac{1}{4}$, SECTION 18, T41S, R2E, W.M.; 934.5 FEET NORTH AND 586.2 FEET WEST FROM SE CORNER, SECTION 18

THE PLACE OF USE IS LOCATED AS FOLLOWS:

SW $\frac{1}{4}$ NE $\frac{1}{4}$ 0.7 ACRE IRRIGATION
SECTION 18
TOWNSHIP 41 SOUTH, RANGE 2 EAST, W.M.
NE $\frac{1}{4}$ NW $\frac{1}{4}$ 1.1 ACRES IRRIGATION AND DOMESTIC USE
SECTION 8
TOWNSHIP 48 NORTH, RANGE 7 WEST, M.D.M.

Measurement, recording and reporting conditions:

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

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

STANDARD CONDITIONS

If substantial interference with a senior water right occurs due to withdrawal of water from any well listed on this permit, then use of water from the well(s) shall be discontinued or reduced and/or the schedule of withdrawal shall be regulated until or unless the Department approves or implements an alternative administrative action to mitigate the interference. The Department encourages junior and senior appropriators to jointly develop plans to mitigate interferences.

The wells shall be constructed in accordance with the General Standards for the Construction and Maintenance of Water Wells in Oregon. The works shall be equipped with a usable access port, and may also include an air line and pressure gauge adequate to determine water level elevation in the well at all times.

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

Prior to receiving a certificate of water right, the permit holder shall submit the results of a pump test meeting the department's standards, to the Water Resources Department. The Director may require water level or pump test results every ten years thereafter.

Failure to comply with any of the provisions of this permit may result in action including, but not limited to, restrictions on the use, civil penalties, or cancellation of the permit.

This permit is for the beneficial use of water without waste. The water user is advised that new regulations may require the use of best practical technologies or conservation practices to achieve this end.

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

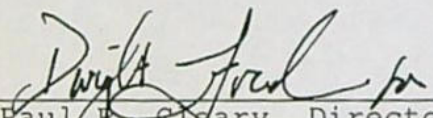
The use of water shall be limited when it interferes with any prior surface or ground water rights.

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

Complete application of the water to the use shall be made on or before October 1, 2008. If the water is not completely applied before this date, and the permittee wishes to continue development under the permit, the permittee must submit an application for extension of time, which may be approved based upon the merit of the application.

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

Issued Nov. 18, 2003


Paul R. Cleary, Director
Water Resources Department

SEE NEXT PAGE

Application G-15711
Basin 14
Gainey

Water Resources Department
Volume 1 U KLAMATH L & MISC

PERMIT G-15529
District 17

REAL ESTATE TRANSACTIONS: Pursuant to ORS 537.330, in any transaction for the conveyance of real estate that includes any portion of the lands described in this permit, the seller of the real estate shall, upon accepting an offer to purchase that real estate, also inform the purchaser in writing whether any permit, transfer approval order, or certificate evidencing the water right is available and that the seller will deliver any permit, transfer approval order or certificate to the purchaser at closing, if the permit, transfer approval order or certificate is available.

CULTURAL RESOURCES PROTECTION LAWS: Permittees involved in ground-disturbing activities should be aware of federal and state cultural resources protection laws. ORS 358.920 prohibits the excavation, injury, destruction or alteration of an archeological site or object, or removal of archeological objects from public and private lands without an archeological permit issued by the State Historic Preservation Office. 16 USC 470, Section 106, National Historic Preservation Act of 1966 requires a federal agency, prior to any undertaking to take into account the effect of the undertaking that is included on or eligible for inclusion in the National Register. For further information, contact the State Historic Preservation Office at 503-378-4168, extension 232.

BEFORE THE OREGON WATER RESOURCES DEPARTMENT

In the Matter of Water Right Applications)
G 15711 in the Name of) SETTLEMENT AGREEMENT
Russell and Nora Juncal) APPLICATION G 15711
Applicants and Protestants)

The Oregon Water Resources Department ("OWRD") and Russell and Nora Juncal ("Applicants") do hereby stipulate and agree as follows:

Stipulated Facts

- I. On February 25, 2002, Applicants submitted an application (G 15711) to the OWRD for 0.14 cubic foot per second ("cfs") being 0.045 cfs for irrigation of 1.8 acres, 0.046 for group domestic for two households and 0.033 cfs for wildlife and 0.011 cfs for fire protection from a well in the Cottonwood Creek Basin.
- II. In reviewing surface water applications, the OWRD shall presume that the proposed use will not impair or be detrimental to the public interest if the proposed use is allowed in the applicable basin program established pursuant to ORS 536.300 and 536.340 or given a preference under ORS 536.310(12), if water is available, if the proposed use will not injure other water rights and if the proposed use complies with the rules of the Water Resources Commission.
- III. OAR 690-009-0030(4) provides that wells that produce water from a point of appropriation that is a horizontal distance less than one-fourth mile from a surface water source shall be presumed to have the potential to cause substantial interference with the surface water source.
- IV. On December 10, 2002, the OWRD issued its Proposed Final Order ("PFO") for application G 15711 recommending denial of the application because water is not available for the proposed use.
- V. On January 23, 2003, Applicants timely filed a protest to the PFO for application G 15711.
- VI. Although the well described in application G 15711 is within one quarter of a mile of an unnamed tributary of Cottonwood Creek and Guadalupe Spring, the OWRD has determined that 0.091 cfs of water is available from the well described in application G 15711 and from Cottonwood Creek and Guadalupe Spring.
- VII. The OWRD and Applicants agree that the concerns Applicants raised in their protest to the PFO for application G 15711 are resolved solely on the following terms.

RECEIVED

NOV 12 2003

WATER RESOURCES DEPT
SALEM, OREGON

Settlement Agreement

1. The parties of this Settlement Agreement waive the opportunity to file exceptions to this Final Order Incorporating Settlement Agreement and any right to judicial review of this agreement and final order.
2. Each party to this Agreement represents, warrants and agrees that the person who executed this Agreement on its behalf has the full right and authority to enter into this Agreement on behalf of that party and bind that party to the terms of this Agreement.
3. In signing this Settlement Agreement, Applicants withdraw with prejudice their protests against the PFO for applications G 15711 (water right application in the name of Juncals), S 85175 (water right application in the name of Juncals), S 84817 (water right application in the name of Burns), and S 85219 (water right application in the name of Holm).
4. In signing this Settlement Agreement, Applicants amend application G 15711 only as follows:

PURPOSE OF USE: IRRIGATION OF 1.8 ACRES, GROUP DOMESTIC FOR TWO HOUSEHOLDS.

MAXIMUM RATE: 0.091 CUBIC FOOT PER SECOND (CFS); BEING 0.045 CFS FOR IRRIGATION AND 0.046 CFS FOR GROUP DOMESTIC.

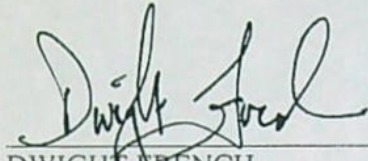
PERIOD OF USE: YEAR ROUND FOR DOMESTIC USE; APRIL 1 THROUGH OCTOBER 31 FOR IRRIGATION.
5. The parties agree to entry of the Final Order Incorporating Settlement Agreement and issuance of a permit consistent with the attached draft permit for application G 15711.
6. In signing this Settlement Agreement, Applicants withdraw their applications S 85175 and R 85256.
7. Before a permit shall issue for application G 15711 any outstanding processing fees shall be paid by Applicants.

/// /// ///

/// /// ///

RECEIVED

NOV 12 2003

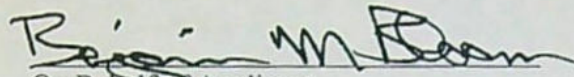


DWIGHT FRENCH
Manager, Water Rights Division,
For Paul Cleary, Director,
Oregon Water Resources Department
725 NE Summer St., Ste. A
Salem, OR 97301-2430
(503) 986-0819

Nov 12, 2003
DATE

RECEIVED

NOV 12 2003



On Behalf of Applicant
RUSSELL AND NORA JUNCAL
1965 Hilt Rd.
Hornbrook, CA 96044
(530) 475-3863

11/10/03
DATE

RECEIVED

NOV 12 2003

WATER RESOURCES DEPT
SALEM, OREGON

Prior to issuance of a permit, recording fees in the amount of \$250.00 must be submitted to the Department. Please include your application number on your check made out to the Oregon Water Resources Department.

RECEIVED

NOV 12 2003

WATER RESOURCES DEPT
SALEM, OREGON

HORNECKER, COWLING, HASSEN & HEYSELL, L.L.P.

Attorneys at Law

Gregory T. Hornecker
Robert L. Cowling
John R. Hassen
R. Ray Heyssel
H. Scott Plouse
P. David Ingalls
Adam T. Stamper*
Joseph E. Kellerman

717 Murphy Road
Medford, OR 97504
(541) 779-8900
Fax: (541) 779-2982
<http://www.roguelaw.com>

James A. Wallan
Benjamin M. Bloom
Charles E. Bolen
Alan D.B. Harper
Ryan J. Vanderhoof
Richard L. Billin
Shane J. Antholz**

*Also admitted in California
**Also admitted in Washington

Of Counsel - Fred M. Aebi

Retired - B. Kent Blackhurst
Ervin B. Hogan 1927 - 2000

October 1, 2003

Renee Moulun
Water Rights Section
Oregon Water Resources Department
Suite "A"
725 Summer Street, N.E.
Salem, OR 97301

Re: *Application No. G-15711*
Our File No. 23984B

Dear Renee:

As you suggested, on behalf of Mr. and Mrs. Juncal, I am providing you with recorded documents demonstrating that the Juncals have legal access to the water source identified in Application No. G-15711. By way of historical perspective, it is important to realize that at one point the property owned by the Juncals and the adjacent property currently owned by Chris Holm were owned by one party, Lawrence and Sylvia Schechter, also known as the Baconian Foundation, Inc. The Schechters purchased the property from L.B. Properties, Inc. and David B. Watt. An agreement of the sale of real property between those parties was recorded in Jackson County Instrument No. 81-12350. In that document, L.B. Properties, Inc. granted to the Schechters:

"a 60 foot non-exclusive easement for ingress, egress and public utilities and the maintenance, and replacement of same."

(Instrument No. 81-12350, p. 5)

In 1987, the Schechters established a well and pipeline easement for ingress, egress, and utilities from the Oregon parcel (Holm property) to the above-described easement. In the same document granting the well and pipeline easement, the Schechters created a parking area easement for ingress, egress, and utilities which provided the legal connection from the road easement to the California parcel (Juncal property). I enclose a copy of Instrument No. 87-22639 recorded in Jackson County establishing the well and pipeline easement together with the parking area easement. The Schechters ran a pipe line from the subject well, through the 60-foot non-exclusive easement, through the parking easement and into the home in California, now occupied by the Juncals.

RECEIVED

OCT 03 2003

WATER RESOURCES DEPT.
SALEM, OREGON

HORNECKER, COWLING, HASSEN & HEYSELL, L.L.P.

Renee Moulun
October 1, 2003
Page 2 of 2

To the extent there was any ambiguity in the well and pipeline easement or the parking area easement, the ambiguity was resolved by the agreement for shared water, road maintenance, and power easement executed by the Juncals and the Schechters recorded as Instrument No. 97-48771. That agreement expressly acknowledges that the Juncals utilize well no. 1 for their California property and for irrigation of the parking easement in Oregon. The agreement further specifies that:

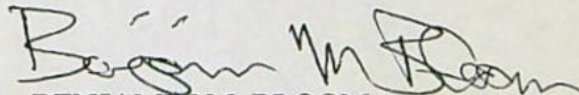
"JUNCALS will have the right to utilize water from the BACONIAN Well # 1 to service their California property. This use must conform to Oregon and other applicable water law with regard to amount and purpose."

(Instrument No. 97-48771, p. 2).

The enclosed document should clarify that the Juncals have legal access to the well. The Juncals are using the water delivery system that their and Holm's predecessor used to provide water to the residence and land now owned by the Juncals. The established legal access is the basis for our clients' exempt use of 15,000 gallons per day and the requested use of .14 cfs in Application No. G-15711.

Hopefully this information is helpful.

Yours sincerely,



BENJAMIN M. BLOOM

bmb@roguelaw.com

BMB:sal
Enclosures
c: Russell and Nora Juncal (w/encls.)
H:\USER\FILES\23984B\Moulun_L03.wpd

RECEIVED

OCT 03 2003

WATER RESOURCES DEPT.
SALEM, OREGON

PNTI 15-18640 2:00

94

IN 81-12350

① WARRANTY DEED—STATUTORY FORM
INDIVIDUAL GRANTEE

④ 412E 1700
⑤ 411E 916
⑥ 411E 916

DAVID B. WATT
conveys and warrants to LAWRENCE SCHECHTER and SYLVIA SCHECHTER, husband and wife
Grantee, the following described real property free of encumbrances except as specifically set forth herein situated in Jackson County, Oregon, to-wit:

As per Exhibit "A" attached hereto and made a part hereof.

(If space insufficient, continue description on reverse side)
The said property is free from encumbrances except

As per Exhibit "B" attached hereto and made a part hereof.

The true consideration for this conveyance is \$53,550.00 (Here comply with the requirements of ORS 93.030)

Dated this 14th day of June, 1981

David B. Watt
David B. Watt
Atty. in fact

STATE OF OREGON, County of ss.
Personally appeared the above named
and acknowledged the foregoing instrument to be voluntary act and deed.

Before me:
(OFFICIAL SEAL) Notary Public for Oregon—My commission expires:

WARRANTY DEED	
GRANTOR	
GRANTEE	
GRANTEE'S ADDRESS ZIP	
After recording return to:	
Mr. and Mrs. Lawrence Schechter	
117 Nob Hill	
Ashland, Oregon 97520	
NAME, ADDRESS, ZIP	
Until a change is requested, all tax statements shall be sent to the following address:	
NAME, ADDRESS, ZIP	

SPACE RESERVED
FOR
RECORDER'S USE

STATE OF OREGON, ss.
County of }
I certify that the within instrument was received for record on the day of 1981 at o'clock M., and recorded in book/reel/volume No. on page or as document/fee/Instrument/microfilm No. Record of Deeds of said county.
Witness my hand and seal of County affixed.
NAME TITLE
By Deputy

RECEIVED

OCT 03 2003

WATER RESOURCES DEPT.
SALEM, OREGON

81-12350

EXHIBIT "A"

All that real property situate in the County of Jackson,
State of Oregon, more particularly described as follows:

Commencing at the Northeast corner of Donation Land Claim No. 37, Township 41 South, Range 2 East of the Willamette Meridian, Jackson County, Oregon; thence South 1°15' East along the East line of said Claim No. 37 and Donation Land Claim No. 38, said Township and Range, 14.09 chains to the Oregon-California border; thence West along said border 3000 feet, more or less, to a 2 inch iron pipe, said pipe being the corner of Sections 14 and 15 of Township 48 North, Range 7 West of the Mount Diablo Meridian Siskiyou County, California; thence East along said border 1500 feet for the point of beginning; thence North to a point 25 feet South of the North line of said Claim No. 37; thence West parallel with and 25 feet South of said North line to a point 25 feet East of the West line of said Claim No. 37, thence South parallel with and 25 feet East of said West line to a point 25 feet South of the Easterly extension of the North line of Government Lot 2, Section 13, Township 41 South, Range 1 East of the Willamette Meridian; thence West parallel with said North line to a point in the center of the County Road; thence Northerly along said center of the County Road to the Westerly extension of the North line of said Lot 2; thence East along said North line to the West line of said Claim No. 37; thence East along the North line of said Claim No. 37 to the Northeast corner of said Donation Land Claim; thence South to the point of beginning.

Together with and subject to all easements and rights of way of every nature and kind contained in that certain Agreement of Sale of Real Property attached hereto.

TO 1047 CA (10-74)

(Attorney in Fact - Individual)

STATE OF CALIFORNIA

COUNTY OF Siskiyou

On June 24, 1981

personally appeared John W. Moody before me, the undersigned, a Notary Public in and for said State,

known to me to be the person whose name is subscribed to the within instrument, as the

Attorney in fact of David B. Watt

and acknowledged to me that he subscribed the name

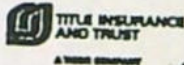
of David B. Watt thereto as principal

and his own name as Attorney in fact.

WITNESS my hand and official seal.

Signature

John W. Moody



(This area for official notarial seal)

RECEIVED

OCT 03 2003
WATER RESOURCES DEPT.
SALEM, OREGON

EXHIBIT "B"

81-12350

AGREEMENT OF SALE OF REAL PROPERTY

LAWRENCE SCHECHTER and SYLVIA SCHECHTER, husband and wife, hereinafter called "BUYER", agree to buy and L. B. PROPERTIES, INC., an Idaho corporation and DAVID B. WATT, hereinafter collectively called "SELLER", agrees to sell, subject to the terms and conditions herein set forth, all that certain real property more particularly described in Exhibit "A", and "B" attached hereto and incorporated herein by reference.

1. PURCHASE PRICE

The purchase price shall be TWO HUNDRED THIRTY THOUSAND AND NO/100 DOLLARS, (\$230,000.00), payable as follows:

A. The sum of \$2,000.00 upon the execution of the within agreement of sale to be deposited with the escrow holder on or before May 1, 1981.

B. The additional sum of \$48,000.00 to be deposited with the escrow holder on or before close of escrow June 25, 1981.

C. The balance of said purchase price in the sum of \$180,000.00 shall be paid as follows:

1. An Installment Note, in the original principal sum of \$41,400.00, secured by Deed of Trust covering all the real property more particularly described in Exhibit "B" attached hereto. Said Note shall bear interest and shall be payable as follows:

(a) Said note shall bear interest at the rate of 11% per annum from June 1, 1981, on the unpaid principal balance.

Commencing July 1, 1981, monthly payments shall be made, including both principal and interest in the sum of \$460.00 or more for a period of 36 months. Commencing July 1, 1984, monthly payments shall be made, including principal and interest in the sum of \$506.00, or more, for a period of 36 months.

RECEIVED

OCT 03 2003

WATER RESOURCES DEPT.
SALEM, OREGON

81-12350

Commencing July 1, 1987, monthly payments shall be made, including both principal and interest in the sum of \$552.00, or more, for a period of 36 months.

Commencing July 1, 1990, monthly payments shall be made, including both principal and interest in the sum of \$656.12, or more, for a period of 36 months.

2. An Installment Note, in the original principal sum of \$138,600.00, secured by Deed of Trust covering all of the real property more particularly described in Exhibit "A" attached hereto. Said Note shall bear interest and shall be payable as follows:

Commencing July 1, 1981, monthly payments shall be made, including both principal and interest in the sum of \$1,540, or more, for a period of 36 months.

Commencing July 1, 1984, monthly payments shall be made including both principal and interest in the sum of \$1,694, or more, for a period of 36 months.

Commencing July 1, 1987, monthly payments shall be made including both principal and interest in the sum of \$1,848, or more, for a period of 36 months.

Commencing July 1, 1990, monthly payments shall be made including both principal and interest in the sum of \$2,196.56, or more, for a period of 36 months.

3. Any payments pursuant to sub-paragraphs (1) and (2) hereinabove received by Seller more than 10 days after payment is due shall be subject to a late charge equal to 5% of the late payment.

4. The Deed of Trust referred to in sub-paragraph 2 shall include provisions for partial reconveyances. Said provisions are set forth in Exhibit "C" attached hereto.

RECEIVED

OCT 03 2003

WATER RESOURCES DEPT.
SALEM, OREGON

81-12350

2. DEPOSITS IN ESCROW AND CLOSE OF ESCROW

Both parties shall deposit with Siskiyou County Title Company, Yreka, California, as escrow holder, all funds and instruments necessary to complete the sale in accordance with the terms and conditions hereof. The escrow shall close on June 25 1981, unless extended as herein provided. This Agreement shall constitute escrow instructions for Siskiyou County Title Company, escrow holder herein.

3. CONDITION OF TITLE

A. Buyer shall take possession of the property subject to the liens, clouds, encumbrances and entitlements set forth in the Preliminary Title Report Order No. 47220, Siskiyou County Title Company, dated March 26, 1981, and Preliminary Title Report Order No. 15-18640, dated March 25, 1981, of Pioneer Title Company, copies of which are attached hereto as Exhibit "E-1" and "E-2" and incorporated herein by reference.

B. Failure of Buyer to object to any reported exceptions to title prior to its execution of the within Agreement of Sale shall be deemed approval of said Preliminary Title Report.

C. The policy of insurance shall be a California Land Title Association Standard Coverage Policy and an Oregon Land Title Association Standard Coverage Policy with a liability not exceeding the total purchase price.

D. Buyer acknowledges that the subject property has not been surveyed and that the Buyer has ascertained by means independent of Seller or the agents or representatives of Seller, the boundaries of the subject property. Buyer further acknowledges that it is purchasing the subject property based on personal inspection and the metes and bounds description and not upon the representation of Seller or the agents or representatives of Seller.

RECEIVED

OCT 03 2003

WATER RESOURCES DEPT.
SALEM, OREGON

81-12350

4. DATE OF POSSESSION

Possession shall be delivered to Buyer, June 1, 1981.

5. PRORATIONS AND EXPENSES

Taxes shall be prorated as of Close of Escrow June 1, 1981. Escrow charges, examination of title, recording of conveyances, documentary transfer taxes shall be at the expense of Seller and Buyer in equal shares. Title insurance shall be paid by Seller.

6. CONDITION OF PROPERTY

Buyer acknowledges that Buyer is familiar with the subject property and that Buyer is purchasing said property in its present "as is" condition, including, but not restricted to, all matters affecting said property not observable or visible.

Buyer further covenants that it has independently determined, mitigation measures, improvements, improvements costs, environmental considerations and other requirements of the governmental agencies required in order to sell parcels of the subject real property and that Seller has made no representation to Buyer with regard to these matters, except those contained in this Agreement.

7. LIQUIDATED DAMAGES

It is recognized that if Buyer fails to close the escrow as herein provided, by reason of Buyer's default, Seller will suffer damage, and it will be extremely difficult and impractical to ascertain the full extent of Seller's detriment thus arising. Due to the difficulty and impracticability of ascertaining the full extent of Seller's damage resulting from Buyer's failure to perform as aforesaid, Seller shall be entitled to retain all sums received by Seller, as liquidated damages, in lieu of any other relief in law or equity to which Seller would otherwise be entitled, except as is hereinafter provided to the contrary.

RECEIVED

OCT 03 2003

WATER RESOURCES DEPT.
SALEM, OREGON

81-12350

8. GRANT OF EASEMENT

Seller grants to Buyer a 60 foot non-exclusive easement for ingress, egress and public utilities and the maintenance, and replacement of same. Said easement is more particularly described in Exhibit "D" attached hereto.

9. USE OF WATER WELL

Seller reserves from the grant herein, a perpetual exclusive easement to use the most northwesterly water well located on Parcel 27, together with the right to draw water from the existing developed spring nearest said well. Seller further reserves the right to connect said well and said spring by an easement ten (10) feet in width along the most direct route between said well and said spring to the roadway referred to in Exhibit "D", for access to said well and said spring from said road. Said right to include, but not to be limited to, the installation of electrical conduit and controls.

Seller reserves from the grant herein, a perpetual exclusive easement ten (10) feet in width for pipeline purposes along the existing pipeline from said spring to Sellers property lying to the West of the property sold herein. Sellers may relocate said pipeline easement to within the roadway easement at a later date.

10. ATTORNEYS FEES

In the event it shall become necessary to this Agreement to retain legal counsel to enforce any term, condition, or covenant of this Agreement, the prevailing party in any legal action instituted as a result hereof, including an action for declaratory relief or arbitration, shall be entitled to reasonable attorneys' fees, together with their costs incurred therein.

11. MINERAL, TIMBER & WATER RIGHTS

Seller makes no covenants or warranties with respect to the timber, water, and mineral rights to be transferred; however,

RECEIVED

OCT 03 2003

WATER RESOURCES DEPT.
SALEM, OREGON

81-12350

Seller covenants to convey to Buyer all of the timber, water and mineral rights appurtenant to the real property to be purchased and sold hereunder owned by Seller, except as expressly reserved herein. Seller is informed that the mineral rights have been reserved by a previous owner, however, to the extent Seller has any interest in the mineral rights, Seller intends to convey such interest to the Buyer. Said grant of water rights to include but not limited to, the centrally located well and most southerly well on parcel 27.

12. DISCLOSURES BY SELLER

Seller makes no covenants or warranties with respect to the number of parcel divisions, if any, which may be permitted by the County of Siskiyou or County of Jackson, in the event that Buyer shall attempt to divide or subdivide the subject real property.

13. ADDITIONAL PURCHASES

Buyer shall have the right to add additional Buyers to this Agreement of Sale of Real Property.

14. COST OF DOCUMENT PREPARATION

Seller shall prepare all documents required for closing, at the sole expense of Seller. Each party shall, however, pay his or their own attorneys' fees.

15. RESERVATIONS OF EASEMENT

Seller reserves unto itself and its successors, a 60 foot easement for ingress, egress and public utilities and the maintenance and replacement of same. Said easement is more particularly described in Exhibit "D" attached hereto. Within one (1) year from close of escrow Seller shall, at Sellers expense, construct a road along said easement with culverts and gravel where required.

Said road shall be located where indicated on the surveyor's sketch prepared by Kurt C. Weaver, marked Exhibit "F". The cost

RECEIVED

OCT 03 2003

WATER RESOURCES DEPT.
SALEM, OREGON

81-12350

of maintaining said road shall be borne as follows: The owners of parcel III, the parcel lying immediately west of parcel III, and parcels 25, 26, 27, 28 and 32 shall each pay one-seventh of the cost of maintaining that portion of the road shown in the surveyor's sketch set forth in Exhibit "F" and described in Exhibit "D".

Seller reserves from the grant herein a non-exclusive easement for ingress and egress across that portion of lot 27 25 feet in width as per Exhibit "B" described as the "Flag", from Colestine Road to the North-South Centerline of Section 18, Township 41 South Range 2E, W. M. Jackson County, Oregon, including but not limited to, use as a cattle trail, and by such motor vehicles as shall be necessary to maintain or transport such cattle.

16. SURVIVAL OF THIS AGREEMENT

The covenants and conditions of this Agreement shall survive the recording of the Deed and Deed of Trust and this Agreement shall be attached to and shall become a part of the Deed of Trust.

17. TIME OF ESSENCE

Time is of the essence of this Agreement.

18. CAPTIONS

The paragraph captions of this Agreement are for convenience only and are not a part of this Agreement and do not in any way limit or amplify the terms and provisions of this Agreement.

This Agreement shall be binding upon and the benefits shall inure to the parties hereto, their heirs, successors, personal representatives and assigns.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement the day and year first above written.

SELLER:

BUYER:

L. B. PROPERTIES, INC., an
Idaho corporation

Lawrence Schechter

By _____

Sylvia Schechter

By _____

SELLER:

David B. Watt

RECEIVED

OCT 03 2003

WATER RESOURCES DEPT
SALEM, OREGON

81-12350

EXHIBIT " A "

All that real property situate in the County of Siskiyou, State of California, described as follows:

All that portion of the following described lands lying in Township 48 North, Range 7 West, M.D.M.;

All that portion of fractional Section 14 lying Westerly of the Westerly line of lands described as Parcel Two in the Deed from William A. Bray and wife to the State of California, dated January 31, 1940 and recorded July 6, 1940 in Volume 115 of Official Records, page 145.

The North half of the Northwest quarter of Section 23, excepting therefrom so much thereof reserved unto the Central Pacific Railway Company in the deed to Rufus J. Cole, dated March 31, 1904 and recorded August 1, 1908 in Volume 57 of Deeds, page 577.

The north half of the Northeast quarter of Section 23, excepting therefrom so much thereof lying Northerly and Easterly of the Southerly and Westerly line of lands described as Parcel Two of the Deed from William A. Bray and wife to the State of California, dated January 31, 1940 and recorded July 6, 1940 in Volume 115 of Official Records, page, 145.

That portion of the South half of the Northeast quarter of Section 23 lying Northerly of the centerline of County Road No. 0J01, and Easterly of a line described as:

BEGINNING at the corner of Section 14, 15, 22 and 23, Township 48 North, Range 7 West, M.D.M.; thence South 55° 09' East 4,069.56 feet; thence North 0° 09' 14" East to the centerline of the Hilt Road and the TRUE POINT OF BEGINNING; thence North 0° 09' 14" East, 330.00 feet more or less to the Southeast corner of lands of the Hilt Elementary School District as described in the deed from Fruit Grovers Supply Company, dated May 5, 1954 and recorded June 29, 1954 in Volume 332 of Official Records, page 596; thence North 0° 23' 14" East, 632.98 feet to the Northeast corner of the lands of said School District, and lying Northerly of the centerline of the County Road known as Hilt Road (0J001).

EXCEPTING the 60 foot strip conveyed to the County of Siskiyou for road purposes by deed dated November 17, 1978, recorded December 15, 1978 in Book 841, Official Records, page 598.

RECEIVED

OCT 03 2003

WATER RESOURCES DEPT.
SALEM, OREGON

81-12350

EXHIBIT "B"

All that real property situate in the County of Jackson,
State of Oregon, more particularly described as follows:

Commencing at the Northeast corner of Donation Land Claim No. 37, Township 41 South, Range 2 East of the Willamette Meridian, Jackson County, Oregon; thence South 1°15' East along the East line of said Claim No. 37 and Donation Land Claim No. 38, said Township and Range, 14.09 chains to the Oregon-California border; thence West along said border 3000 feet, more or less, to a 2 inch iron pipe, said pipe being the corner of Sections 14 and 15 of Township 48 North, Range 7 West of the Mount Diablo Meridian Siskiyou County, California; thence East along said border 1500 feet for the point of beginning; thence North to a point 25 feet South of the North line of said Claim No. 37; thence West parallel with and 25 feet South of said North line to a point 25 feet East of the West line of said Claim No. 37, thence South parallel with and 25 feet East of said West line to a point 25 feet South of the Easterly extension of the North line of Government Lot 2, Section 13, Township 41 South, Range 1 East of the Willamette Meridian; thence West parallel with said North line to a point in the center of the County Road; thence Northerly along said center of the County Road to the Westerly extension of the North line of said Lot 2; thence East along said North line to the West line of said Claim No. 37; thence East along the North line of said Claim No. 37 to the Northeast corner of said Donation Land Claim; thence South to the point of beginning.

Together with and subject to all easements and rights of way of every nature and kind contained in that certain Agreement of Sale of Real Property attached hereto.

RECEIVED

OCT 03 2003

WATER RESOURCES DEPT.
SALEM, OREGON

EXHIBIT "C"

PARTIAL RELEASE CLAUSE FOR DEED OF TRUST

Subject to approval of all governmental entities /and so ^{from whom approval is required}

long as Trustor is not in default in the performance of the terms of this Deed of Trust or the obligation it secures, Beneficiary shall, on written request of Trustor and payment to him by Trustor of the release price specified in this provision for the parcel to be reconveyed, cause the Trustee to reconvey from the lien or charge of this Deed of Trust portions of said property; provided, however;

- (1) Each parcel to be reconveyed shall contain twenty (20) acres or increments of twenty (20) acres.
- (2) All partial reconveyances shall be paid in cash.
- (3) Trustor shall be given credit toward partial reconveyances for all principal payments received by Beneficiary from the note secured by this Deed of Trust, a copy of which is attached hereto as Exhibit "C".
- (4) The price for a partial reconveyance shall be calculated as follows:
 - a.) The unpaid principal balance on the date of the partial reconveyance shall be divided by the number of acres encumbered by this Deed of Trust on the date of the partial reconveyance. The quotient so obtained shall be multiplied by 1.5 and the product so obtained shall be the release price, per acre.
- (5) The release price paid to the Beneficiary by the Trustor for reconveyance from the lien or charge of this Deed of Trust of any or all of the portions of said property described above shall be applied toward payment of the principal amount of the Note secured by this Deed of Trust.
- (6) In requesting a reconveyance pursuant to this provision the Trustor shall, in addition to the release price of the portion of said property to be reconveyed, pay to the Bene-

RECEIVED

OCT 03 2003

WATER RESOURCES DEPT.
SALEM, OREGON

81-12350

ficiary the costs for securing, execution and recording by the Trustee of the Reconveyance and the full amount of unpaid interest that has accrued as of the date of the request on the unpaid principal balance of the note, secured by this Deed of Trust.

(7) Beneficiary reserves easements for ingress and egress sixty (60) feet in width to all unreleased parcels, unless such access is provided in a recorded final subdivision map or other recorded document.

RECEIVED

OCT 03 2003

WATER RESOURCES DEPT.
SALINITY CONTROL

81-12350

EXHIBIT "D"

EASEMENT DESCRIPTION
Colestine Road to Northeast of Parcel No. 27
L. B. Properties
March 11, 1988

An easement for ingress and egress and utilities located in Sections 22, 15 and 14, all in Township 48 North, Range 7 West of the Mount Diablo Meridian, Siskiyou County, California, and also lying in Donation Land Claims No. 37 and 38, Section 18, Township 41 South, Range 2 East of the Willamette Meridian, Jackson County Oregon, said easement being 60 feet wide, and being 30 feet wide on each side of the following described centerline:

Beginning at the existing centerline of Colestine-Hilt County Road, from which the East one quarter corner of said Section 22 bears South 28°30'17" West 2341.87 feet; thence North 46°25'15" East 1131.64 feet; thence North 15°13'37" East 594.00 feet to a point from which a 2 inch iron pipe at the Northeast corner of said Section 15 bears North 27°48'08" East 277.36 feet; thence North 43°15'35" East 338.28 feet to a point from which said 2 inch pipe at the Northeast corner of Section 15 bears South 89°26'09" West 102.46 feet; thence North 47°52'12" East 139.37 feet; thence North 83°42'42" East 122.63; thence South 63°58'01" East 225.97 feet; thence North 88°34'23" East 270.50 feet; thence North 63°08'04" East 119.58 feet; thence South 85°36'06" East 93.96 feet; thence North 60°12'27" East 370.80 feet; thence South 57°22'59" East 224.44 feet; thence North 85°13'13" East 490.72 feet; thence North 38°55'14" East 273.49 feet; thence North 63°45'15" East 168.09 feet; thence North 34°06'41" East 222.99 feet; thence North 49°39'19" East 381.05 feet; thence North 83°02'45" East 156.20 feet; thence North 12°01'11" East 80 feet more or less to the North line of said Donation Land Claim No. 38 and the terminus of this easement, the side lines of which also terminate on said North line.

RECEIVED

OCT 03 2003

WATER RESOURCES DEPT.
SALEM, OREGON

81-12350 EXHIBIT "E 1"

COUNTY
TITLE
CO.TITLE INSURANCE - ESCROWS
TITLE BUILDING, P. O. BOX 100
TULSA, CALIFORNIA 94007

914 - 243-1211

Mr. & Mrs. Lawrence Schachter
c/o 117 Mob Hill
Ashland, OR 97520cc: David B. Watt, Etux and Larry Barnes
Strout Realty

NOTICE: If the real property covered by this report is a residential condominium unit, a residential lot, or a residential lot improved with a structure containing one to four single family residential units, then the policy issued to an owner in connection herewith, will not be the policy referred to above, but will be the American Land Title Association Residential Policy - 1979 Form.

IMPORTANT
When replying refer to
Our No. 47220

Your No.

In response to the above referenced application for a policy of title insurance, Title Insurance and Trust Company hereby reports that it is prepared to issue, or cause to be issued, as of the date hereof, a California Land Title Association Standard Coverage form Policy of Title Insurance describing the land and the estate or interest therein hereinafter set forth, insuring against loss which may be sustained by reason of any defect, lien or encumbrance not shown or referred to as an Exception below or not excluded from coverage pursuant to the printed Schedules, Conditions and Stipulations of said policy form.

This report (and any supplements or amendments thereto) is issued solely for the purpose of facilitating the issuance of a policy of title insurance and no liability is assumed hereby. If it is desired that liability be assumed prior to the issuance of a policy of title insurance, a Binder or Commitment should be requested.

Dated as of March 26, 1981, at 7:30 a.m. DORIS E. BROWN, Assistant Secretary
Title Officer

The estate or interest in the land hereinafter described or referred to covered by this Report is a fee.

Title to said estate or interest at the date hereof is vested in:

L. B. PROPERTIES, INC.
an Idaho corporation

At the date hereof exceptions to coverage in addition to the printed exceptions and exclusions contained in said policy form would be as follows:

1. General and Special Taxes for the fiscal year 1981-82, a lien but not yet due or payable.

General and special taxes for the fiscal year 1980-81.

1st Installment	\$92.59 - PAID	2nd Installment	\$92.59 - PAID
A.P. No.	6-230-100	T.A.C.	81-01
1st Installment	\$170.36 -PAID	2nd Installment	\$170.36 - PAID
A.P. No.	6-240-010	T.A.C.	81-01

— Continued —

RECEIVED

OCT 03 2003

WATER RESOURCES DEPT.
SALEM, OREGON

2. Two hundred (200) foot strip through Sections 15, 22 and 23 claimed by the Southern Pacific Company under Congressional grant dated July 26, 1866.
3. Rights of way, reservations and conditions as contained in Deed:
 - Dated : March 31, 1904
 - Grantor : CENTRAL PACIFIC RAILWAY COMPANY
 - Grantee : RUFUS J. COLE
 - Recorded : August 1, 1908 Book 57 Deeds, page 577, e.s.
 - Affects : Portion of Section 23
4. Right of Way 100 feet wide
 - Dated : July 25, 1908
 - Grantor : ELLEN J. COLE, et al
 - Grantee : NORTHERN CALIFORNIA LUMBER COMPANY
 - Recorded : March 5, 1910 Book 80 Deeds, page 250
 - Affects : Section 23
5. Grant of Right of Way:
 - Dated : August 19, 1930
 - Grantor : W. A. BRAY, ET UX
 - Grantee : THE CALIFORNIA OREGON POWER COMPANY
 - Purpose : Poles, conduits and incidental purposes
 - Recorded : August 22, 1930 Book 20 Official Records, page 323
 - Affects : East 1/2 of Section 23
6. Easement for pipeline Agreement:
 - Dated : December 1, 1934
 - Between : W. A. BRAY and RUBY E. BRAY, his wife
 - And : FRUIT GROWERS SUPPLY COMPANY, a California corporation
 - Recorded : February 20, 1935 Book 60 Official Records, page 182
7. Grant of Right of Way:
 - Dated : August 3, 1938
 - Grantor : W. A. BRAY
 - Grantee : THE PACIFIC TELEPHONE AND TELEGRAPH COMPANY
 - Width : 10 feet wide
 - Purposes : Poles, conduits and incidental purposes
 - Recorded : October 15, 1938 Book 76 Official Records, page 321
 - Affects : SE 1/4 of Section 23
8. Grant of Right of Way:
 - Dated : June 22, 1964
 - Grantor : WOODLAND BY PRODUCTS CO., a California corporation
 - Grantee : PACIFIC POWER AND LIGHT COMPANY, a Maine corporation
 - Width : 20 feet wide
 - Purposes : Poles, conduits and incidental purposes
 - Recorded : December 15, 1964 Book 511 Official Records, page 496
 - Affects : Portion of Sections 23 and 24
9. Pacific Telephone and Telegraph Company Right of Way:
 - Dated : January 20, 1965
 - Grantor : WOODLAND BY PRODUCTS COMPANY, a corporation
 - Grantee : THE PACIFIC TELEPHONE AND TELEGRAPH COMPANY, a corporation
 - Width : 10 feet wide

--- Continued ---

RECEIVED

OCT 03 2003

WATER RESOURCES DEPT.
SALEM, OREGON

9., Continued:

Purposes : Poles, conduits and incidental purposes
 Recorded : June 11, 1965 Book 517 Official Records, page 172
 Affects : Portion of Sections 23 and 24

10. Relinquishment of Abutter's Rights as contained in Grant Deed:

Dated : May 31, 1966
 Grantor : WOODLAND BY-PRODUCTS COMPANY, a corporation organized and existing under and by virtue of the laws of the State of California
 Grantee : STATE OF CALIFORNIA
 Recorded : September 22, 1966 Book 533 Official Records, page 803
 Affects : Portion of Sections 14, 23, and 24

11/ Easement for ditch or Canal Deed:

Dated : July 9, 1968
 Grantor : WOODLAND BY PRODUCTS COMPANY, a California corporation
 Grantee : FRUIT GROWERS SUPPLY COMPANY, a corporation
 Recorded : July 24, 1968 Book 562 Official Records, page 55

12. Reservations of Mineral and Oil, Gas, Hydrocarbon, and similar rights, Geothermal Steam and Steam Power, within or underlying said property, as disclosed in Corporation Grant Deed:

Dated : May 5, 1978
 Grantor : OCCIDENTAL LAND, INC. (formerly Occidental Petroleum Land Development Corporation, who acquired title as Monarch Investment Company, a Delaware Corporation)
 Grantee : GAIL WILLEY, a married man as his sole and separate property, as Joint Tenant as to an undivided one-half (1/2) interest and LYLE ROCK, a married man, as his sole and separate property as to an undivided one-half (1/2) interest.
 Recorded : May 26, 1978 Book 820 Official Records, page 298

13. 60' Right of Way for County Road:

Dated : November 17, 1978
 Grantor : GAIL WILLEY and LYLE ROCK
 Grantee : THE COUNTY OF SISKIYOU, a political subdivision of the State of California
 Recorded : December 15, 1978 Book 841 Official Records, page 598
 Affects : Sections 15, 22 and 23

(Reservations contained therein).

14. Provisions and Conditions contained in Waiver:

Dated : November 28, 1978
 Made By : DAVID G. HEDBERG, Planning Director, Siskiyou County Planning Commission
 Property Owner: GAIL WILLEY and LYLE ROCK
 Recorded : January 4, 1979 Book 843 Official Records, page 786

RECEIVED

OCT 03 2003

WATER RESOURCES DEPT.

81-12350

The land referred to in this report is situated in the State of California, County of Siskiyou, and is described as follows:

As per Exhibit "A" attached hereto and made a part hereof.

This report is issued preliminary to the issuance of a Standard form policy of title insurance and is issued for the purpose of providing information relative to the title to the land to be insured by said policy. It does not include an examination of and the policy of title insurance will not insure against loss by reason of:

1. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the public records.
2. Any facts, rights, interests, or claims which are not shown by the public records but which could be ascertained by an inspection of said land or by making inquiry of persons in possession thereof.
3. Easements, claims of easement or encumbrances which are not shown by the public records.
4. Discrepancies, conflicts in boundary lines, shortages in area, encroachments or any other facts which a correct survey would disclose, and which are not shown by the public records.
5. Unpatented mining claims; reservations or exceptions in patents or in Acts authorizing the issuance thereof; water rights, claims or title to water.
6. Any law, ordinance or governmental regulation (including but not limited to building and zoning ordinances) resulting, regulating or prohibiting the occupancy, use or enjoyment of the land, or the character, dimensions or location of any improvement now or hereafter erected on said land, or prohibiting a reduction in the dimensions, area or separation in ownership, of any lot or parcel of land.

"TAXING AUTHORITY" WHEN USED HEREIN MEANS THE STATE AND EACH COUNTY, CITY AND COUNTY, CITY AND DISTRICT IN WHICH SAID LAND OR SOME PART THEREOF IS SITUATED THAT LEVIES TAXES OR ASSESSMENTS ON REAL PROPERTY.
"PUBLIC RECORDS" WHEN USED HEREIN MEANS THOSE PUBLIC RECORDS WHICH, UNDER THE RECORDING LAWS, IMPART CONSTRUCTIVE NOTICE OF MATTERS RELATING TO SAID LAND.

Order No. 47120
nb

SISKIYOU COUNTY TITLE CO.

By Eugene E. Brown,
ATTORNEY AT LAW

RECEIVED

OCT 03 2003

WATER RESOURCES DEPT.
SAI FM 00000000

81-12350

PARCEL 3

EXHIBIT "A"
Page four

All that real property situate in the County of Siskiyou, State of California, described as follows:

All that portion of the following described lands lying in Township 48 North, Range 7 West, M.D.M.;

All that portion of fractional Section 14 lying Westerly of the Westerly line of lands described as Parcel Two in the Deed from William A. Bray and wife to the State of California, dated January 31, 1940 and recorded July 6, 1940 in Volume 115 of Official Records, page 145.

The North half of the Northwest quarter of Section 23, excepting therefrom so much thereof reserved unto the Central Pacific Railway Company in the deed to Rufus J. Cole, dated March 31, 1904 and recorded August 1, 1908 in Volume 57 of Deeds, page 577.

The north half of the Northeast quarter of Section 23, excepting therefrom so much thereof lying Northerly and Easterly of the Southerly and Westerly line of lands described as Parcel Two of the Deed from William A. Bray and wife to the State of California, dated January 31, 1940 and recorded July 6, 1940 in Volume 115 of Official Records, page, 145.

That portion of the South half of the Northeast quarter of Section 23 lying Northerly of the centerline of County Road No. 0J01, and Easterly of a line described as:

BEGINNING at the corner of Section 14, 15, 22 and 23, Township 48 North, Range 7 West, M.D.M.; thence South 55° 09' East 4,069.56 feet; thence North 0° 09' 14" East to the centerline of the Hilt Road and the TRUE POINT OF BEGINNING; thence North 0° 09' 14" East, 330.00 feet more or less to the Southeast corner of lands of the Hilt Elementary School District as described in the deed from Fruit Growers Supply Company, dated May 5, 1954 and recorded June 29, 1954 in Volume 332 of Official Records, page 596; thence North 0° 23' 14" East, 632.98 feet to the Northeasterly corner of the lands of said School District, and lying Northerly of the centerline of the County Road known as Hilt Road (0J001).

EXCEPTING the 60 foot strip conveyed to the County of Siskiyou for road purposes by deed dated November 17, 1978, recorded December 15, 1978 in Book 841, Official Records, page 598.

RECEIVED

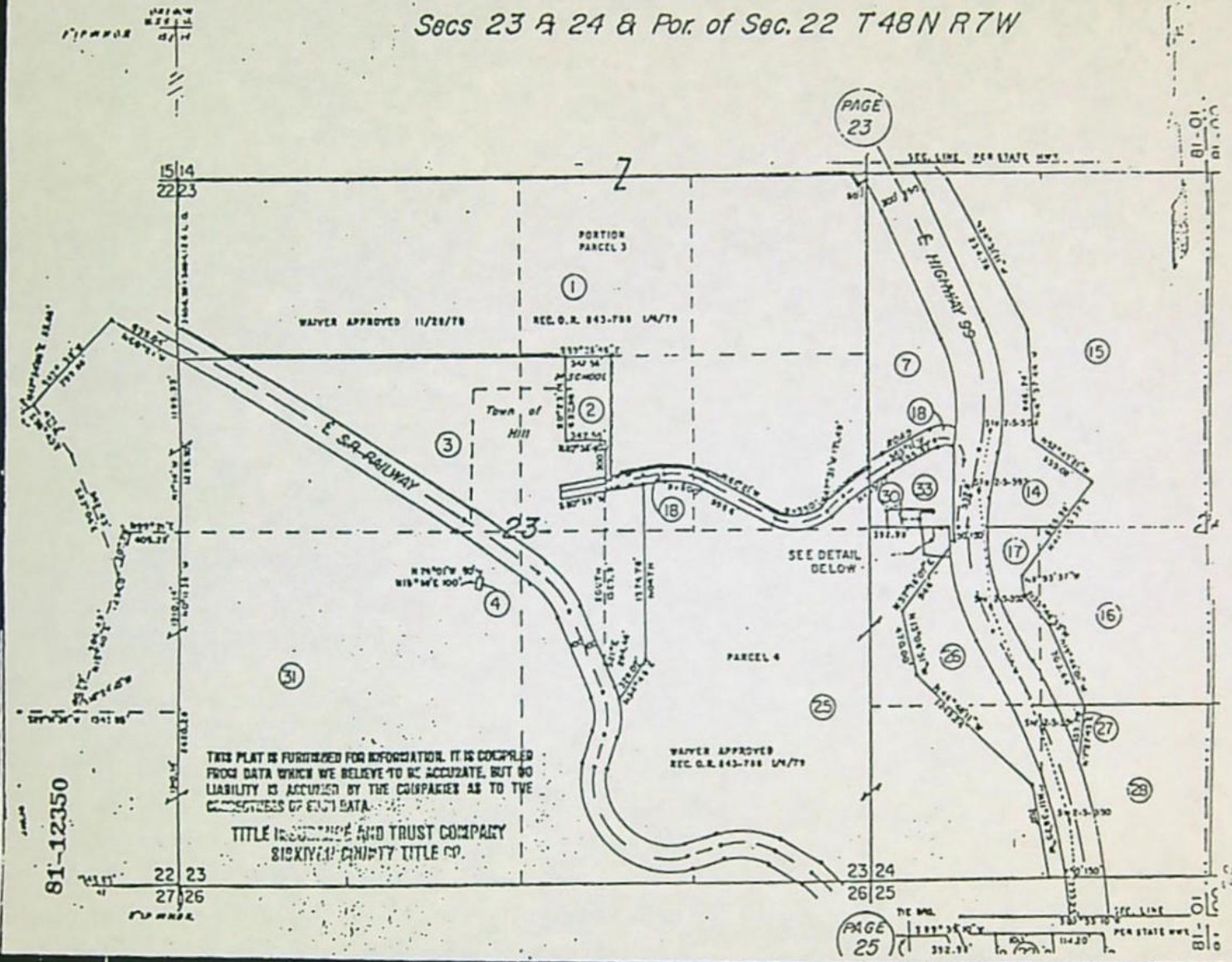
OCT 03 2003

WATER RESOURCES DEPT.

WATER RESOURCES DEPT.
OCT 03 2003

RECEIVED

SECS 23 & 24 & Por. of Sec. 22 T48N R7W



PAGE 23

PAGE 25

81-12350

THIS PLAT IS FURNISHED FOR INFORMATION. IT IS COPIED FROM DATA WHICH WE BELIEVE TO BE ACCURATE, BUT NO LIABILITY IS ASSUMED BY THE COMPANIES AS TO THE CORRECTNESS OF FACT DATA.

TITLE INSURANCE AND TRUST COMPANY
SICKEN COUNTY TITLE CO.

81-12350



PIONEER NATIONAL
TITLE INSURANCE

ATICOR COMPANY

EXHIBIT "E 2"

721 W. 10th ST. • P.O. Box 9 • Medford, Oregon 97501 • Telephone 779-7591

April 9, 1981

SISKIYOU COUNTY TITLE
P.O. Box 189
Yreka, California 96097
Attn: Pat

A consolidated statement of all charges and
advances in connection with this order will
be provided at closing.

O.P. \$ to COME Prem. \$
M.P. \$ Prem. \$

(WATT - SCHECHTER)

We are prepared to issue title insurance policy in the usual form insuring the title to the land described on the attached
description sheet.

Vested: DAVID B. WATT-----

Dated as of March 25, 1981 at 8:00 a.m.

PIONEER NATIONAL TITLE INSURANCE

By

Joann Friedley
Joann Friedley

Senior Title Officer las

Subject to the usual printed exceptions and stipulations,

NOTE: 1980/81 taxes \$2.32 paid in full. (5-2 412E 1700M1 1 11277-3)
(Affects mineral rights)

NOTE: 1980/81 taxes \$6.16 paid in full. (5-2 411E 915 1 63261-7)

NOTE: 1980/81 taxes \$6.16 paid in full. (5-2 411E 916 1 63263-3)

NOTE: 1980/81 taxes \$24.54 paid in full. (5-2 412E 1700 1 11276-5)

1. As disclosed by the tax roll the premises herein described have been
zoned or classified farm use. At any time that said land is disqualified
for such use, the property will be subject to additional taxes or penal-
ties and interest.

2. Rights of the public in streets, roads and highways.

Report No. 15-18640

PRELIMINARY REPORT ONLY

RECEIVED

OCT 03 2003

WATER RESOURCES DEPT.
SALEM, OREGON

3. Right of way of the Southern Pacific Railroad Company (formerly the Oregon and California Railroad Company).
4. Easement for railroad right-of-way 100 feet wide through Sections 12 and 13, Township 41 South, Range 1 East of the Willamette Meridian, in Oregon, and rights in connection therewith, granted to The Oregon and California Railroad Company, an Oregon corporation, by instrument recorded in Book 13 page 683, Deed Records.
5. Right of way for the transmission and distribution of electricity, and for other purposes, granted to California Oregon Power Company, a California corporation, by instrument recorded in Book 128 page 372, Deed Records.
6. Easement for road right of way 40.0 feet in width through Sections 12 and 13, Township 41 South, Range 1 East of the Willamette Meridian in Oregon, granted to Jackson County, Oregon, by instrument recorded in Book 173 page 194, Deed Records.
7. Reservation as to use of water in streams appearing in deed recorded February 13, 1935, in Book 201 page 516, Deed Records, and as more clearly set forth in Agreement recorded in Book 201 page 517, said Deed Records.
8. Right of way 200.0 feet in width of the Oregon and California Railroad Company (now Southern Pacific Company), reserved in instrument recorded in Book 216 page 516, Deed Records.
9. Conveyance of all oil, oil rights, mineral rights, natural gas rights, and other hydrocarbons, including the terms and provisions thereof, from Occidental Land, Inc., a corporation, to Eastwood Minerals and Energy Company, a California corporation, by instrument recorded July 23, 1974, as No. 74-09302, Official Records. By Quitclaim Deed from Eastwood Minerals and Energy Company, a California corporation, to Occidental Land, Inc., recorded May 26, 1978, as Instrument No. 78-11741, Official Records, Eastwood Minerals and Energy Company conveyed their right to drill, mine, store, explore and operate through or on, and utilize, all or any portion of the surface or the upper 500 feet of the subsurface.
10. Reservation of "all mineral rights not heretofore otherwise conveyed or reserved by grantor, including without limitation all oil, gas, hydrocarbon, and similar rights, geothermal steam and steam power, within or underlying said property, together with the perpetual right of development thereof; provided, however, that the rights herein reserved and excepted do not include the right to enter upon the surface and the top 500 feet of the subsurface", in deed recorded May 26, 1978, as Instrument No. 78-11742, Official Records.

NOTE: We find no unsatisfied judgments of record against Lawrence Schechter or Sylvia Schechter, as of the date hereof.

1 cc: Strout Realty

Continuation Sheet Report No. 15-18640

23

RECEIVED

OCT 03-2003

WATER RESOURCES DEPT.
SALEM, OREGON

81-12350

DESCRIPTION SHEET

See page 1 for vesting and encumbrances, if any.

Description of the tract of land which is the subject of this report:

Commencing at the Northeast corner of Donation Land Claim No. 37, Township 41 South, Range 2 East of the Willamette Meridian, Jackson County, Oregon; thence South $1^{\circ}15'$ East along the East line of said Claim No. 37 and Donation Land Claim No. 38, said Township and Range, 14.09 chains to the Oregon-California border; thence West along said border 3000 feet, more or less, to a 2 inch iron pipe, said pipe being the corner of Sections 14 and 15 of Township 48 North, Range 7 West of the Mount Diablo Meridian Siskiyou County California; thence East along said border 1500 feet for the point of beginning; thence North to a point 25 feet South of the North line of said Claim No. 37; thence West parallel with and 25 feet South of said North line to a point 25 feet East of the West line of said Claim No. 37, thence South parallel with and 25 feet East of said West line to a point 25 feet South of the Easterly extension of the North line of Government Lot 2, Section 13, Township 41 South, Range 1 East of the Willamette Meridian; thence West parallel with said North line to a point in the center of the County Road; thence Northerly along said center of the County Road to the Westerly extension of the North line of said Lot 2; thence East along said North line to the West line of said Claim No. 37; thence East along the North line of said Claim No. 37 to the Northeast corner of said Donation Land Claim; thence South to the point of beginning.

Report No.

15-18640

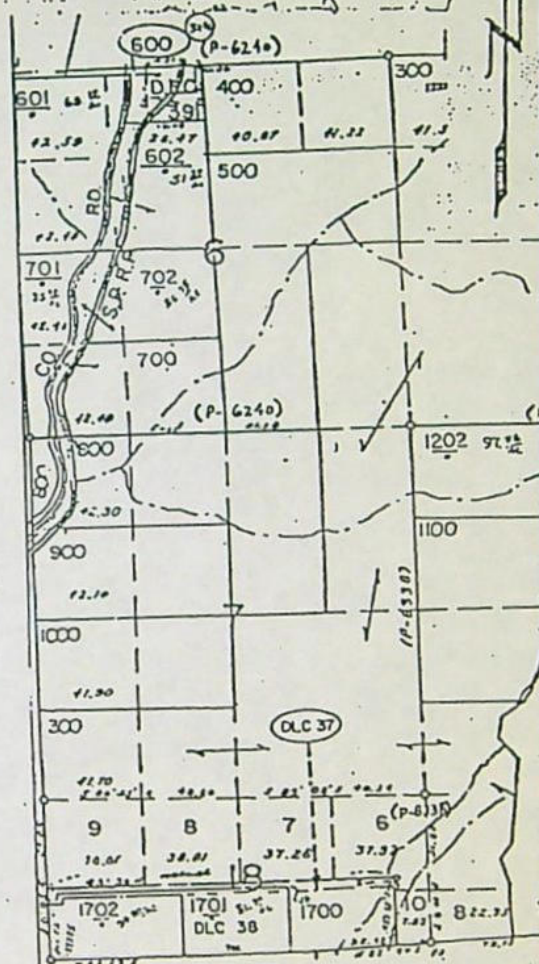
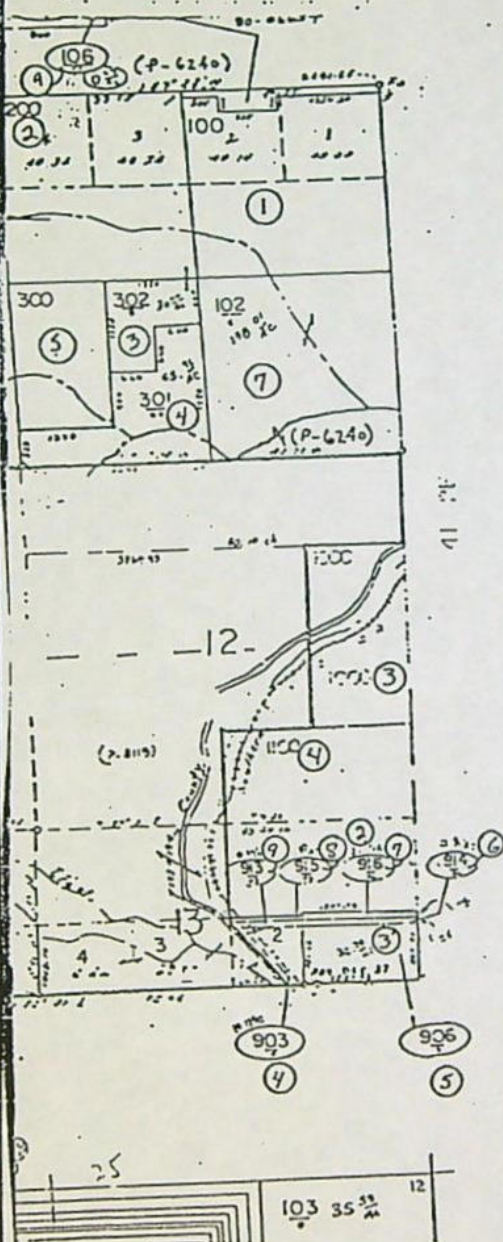
RECEIVED

OCT 03 2003

WATER RESOURCES DEPT.
SALEM, OREGON

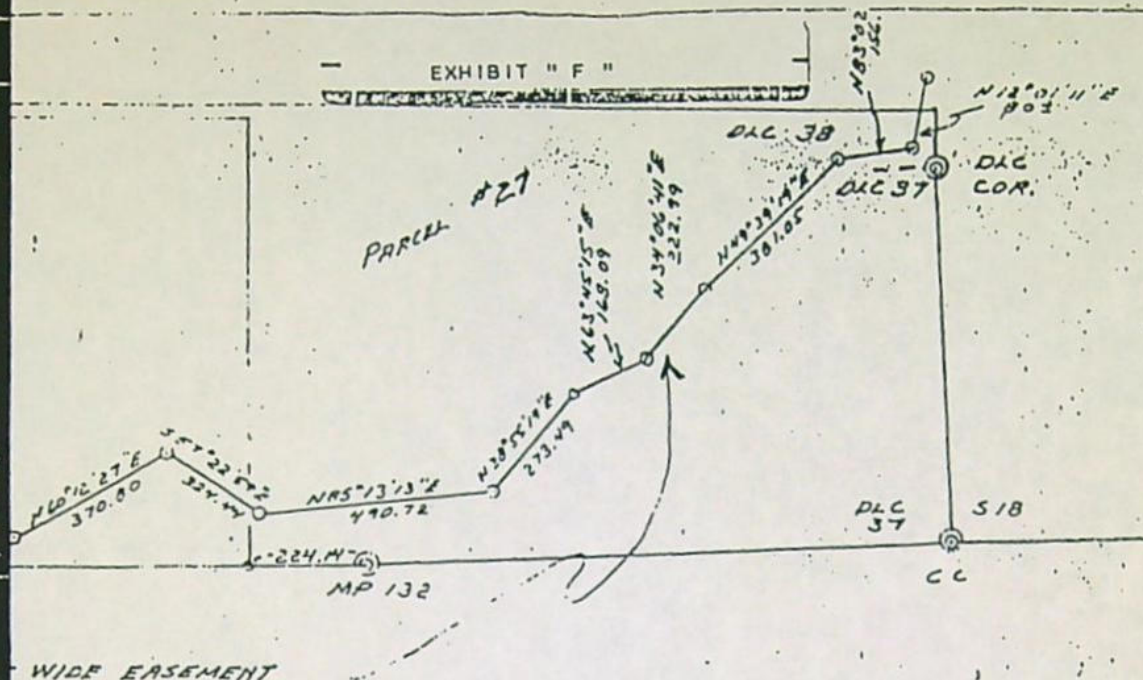
The sketch below is made solely for the purpose of assisting in locating said premises and the Company assumes no liability for variations, if any, in dimensions and location ascertained by actual survey.

Pioneer National Title Insurance Company
A TICOR COMPANY



WATER RESOURCES DEPT.
SALEM, OREGON.

EXHIBIT "F"



SKETCH MAP OF
EASEMENT LOCATION & PARCELS
#26 & #27

THIS MAP IS FOR GENERAL LOCATION
PURPOSES AND IS NOT TO BE CONSTRUED
AS A SURVEY PLAT.

Kurt C. Weaver

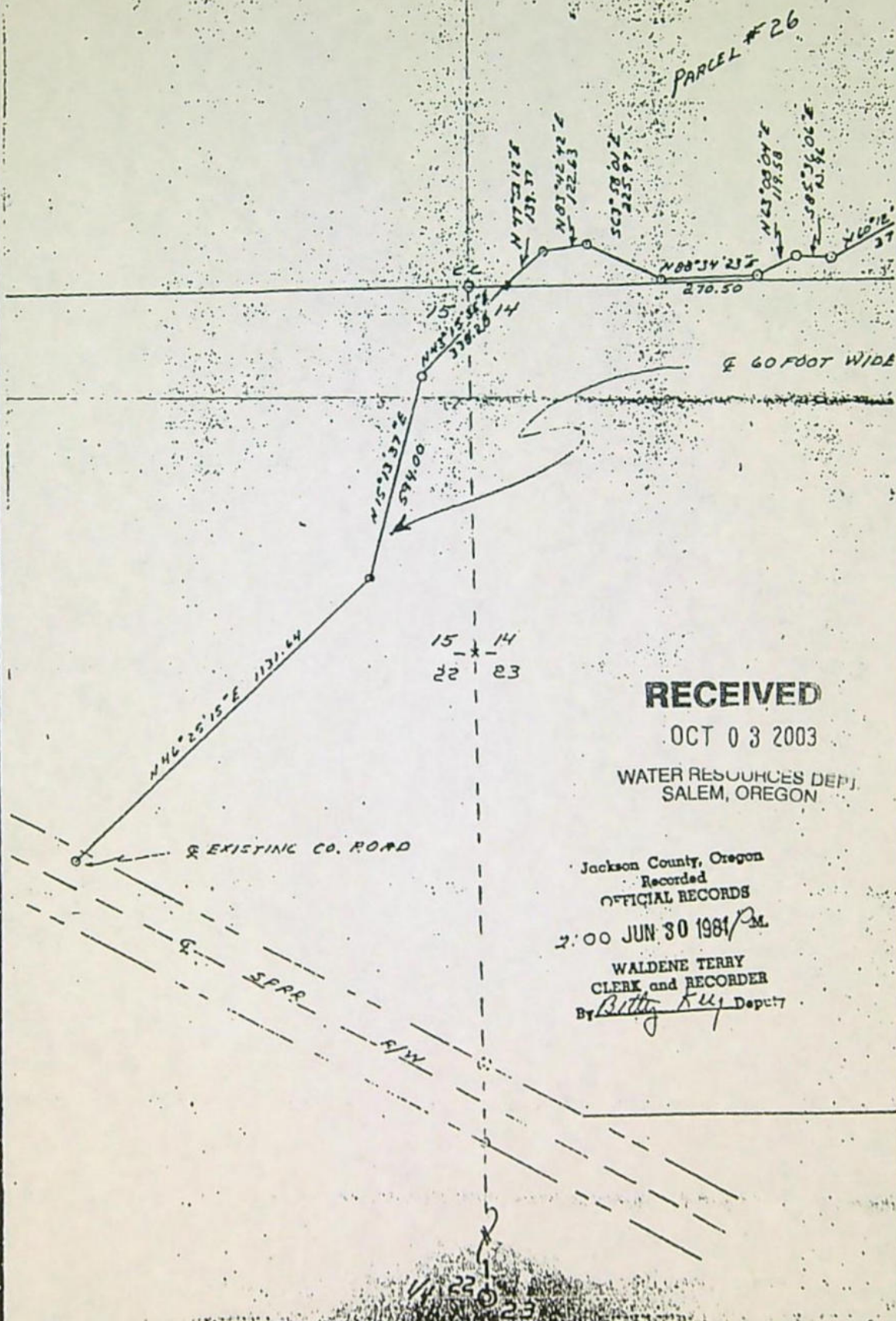
OPLS #1679
CPLS #4465

RECEIVED

OCT 03 2003

WATER RESOURCES DEPT.
SALEM, OREGON

SOUTHLAKE RANCH PROP.



RECEIVED

OCT 03 2003

WATER RESOURCES DEPT
SALEM, OREGON

Jackson County, Oregon
Recorded
OFFICIAL RECORDS

2:00 JUN 30 1981/PM

WALDENE TERRY
CLERK and RECORDER
By Betty Kay Deputy

Order No.
Escrow No.
Loan No.

87-22639

WHEN RECORDED MAIL TO:

cut copy 4.50

10/25

15.00
10.00

SPACE ABOVE THIS LINE FOR RECORDER'S USE

MAIL TAX STATEMENTS TO:

DOCUMENTARY TRANSFER TAX \$ NONE

..... Computed on the consideration or value of property conveyed; OR
..... Computed on the consideration or value less liens or encumbrances
remaining at time of sale.

Signature of Declarant or Agent determining tax - Firm Name

EASEMENT

GRANT DEED

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged,

LAWRENCE SCHECHTER AND SYLVIA SCHECHTER, TRUSTEES FOR THE ALCYONE
LANDOWNERS ASSOCIATION

hereby GRANT(S) to

ALCYONE LIGHT CENTRE, INC., AN OREGON NONPROFIT CORPORATION

the real property in the City of _____
County of **JACKSON**

OREGON
State of **OREGON**, described as

SEE EXHIBIT "A" ATTACHED AND MADE A PART HEREOF.

Dated October 26, 1987

STATE OF CALIFORNIA
COUNTY OF Siskiyou
On October 26, 1987

before me, the undersigned, a Notary Public in and for said State, per-
sonally appeared Lawrence Schechter, Trustee
and Sylvia Schechter, Trustee

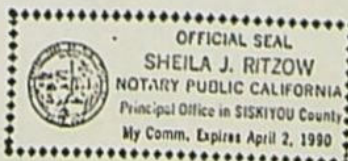
personally known to me (or proved to me on the basis of satisfactory
evidence) to be the person(s) whose name(s) is/are subscribed to the
within instrument and acknowledged to me that he/she/they executed
the same.

WITNESSE my hand and official seal

Signature

Lawrence Schechter, Trustee
Lawrence Schechter, Trustee

Sylvia Schechter, Trustee
Sylvia Schechter, Trustee



(This area for official notarial seal)

RECEIVED

OCT 03 2003

WATER RESOURCES DEPT.
SALEM, OREGON

MAIL TAX STATEMENTS AS DIRECTED ABOVE

1002 (6/82)



EXHIBIT "A"

PARCEL I

Well & Pipeline Easement

BEING an easement for ingress, egress, & utilities located in Donation Land Claims No. 37 & No. 38, Section 18, Township 41 South, Range 2 East, Willamette Meridian, Jackson County Oregon, over, under, & on a 40.00 foot wide strip, lying 20.00 feet on either side of the following described line;

BEGINNING at a point on the centerline of an easement for ingress, egress, & utilities as described in Volume 920 at Page 462 Official Records of Siskiyou County California, thence along said centerline North 83 deg. 02' 45" East, 39.40 feet to the TRUE POINT OF BEGINNING from which Mile Post 132 on the California-Oregon border bears South 50 deg. 29' 18" West, 1366.90 feet distant, thence North 31 deg. 24' 26" East, 86.13 feet to the end of this easement.

PARCEL II

Parking Area Easement

BEING an easement for ingress, egress, & utilities located in Donation Land Claim No. 37, Section 18, Township 41 South, Range 2 East, Willamette Meridian, Jackson County Oregon, over, under, & on the following described parcel:

BEGINNING at a point on the centerline of an easement for ingress, egress, & utilities as described in Volume 920 at Page 462 Official Records of Siskiyou County California, thence along said centerline North 85 deg. 13' 13" East, 349.26 feet to the TRUE POINT OF BEGINNING from which Mile Post 132 on the California-Oregon border bears South 45 deg. 21' 57" West, 191.72 feet distant, thence continuing along said centerline North 85 deg. 13' 13" East, 107.29 feet to a point, thence leaving said centerline South 2 deg. 24' 39" East, 133.27 feet to the California-Oregon border, thence along said border South 87 deg. 35' 21" West, 107.20 feet to a point, thence leaving said border North 2 deg. 24' 39" West, 128.84 feet to the True Point of Beginning.

PARCEL III

All that portion of the following which lies within the State of Oregon;

An easement for ingress and egress and utilities located in Sections 22, 15 and 14, all in Township 48 North, Range 7 West of the Mount Diablo Meridian, Siskiyou County, California, and also

RECEIVED

OCT 03 2003

WATER RESOURCES DEPT.
SALEM, OREGON

87-22639



lying in Donation Land Claims No. 37 and 38, Section 18, Township 41 South, Range 2 East of the Willamette Meridian, Jackson County Oregon, said easement being 60 feet wide, and being 30 feet wide on each side of the following described centerline:

Beginning at the existing centerline of Colestine-Hilt County Road, from which the East one-quarter corner of said Section 22 bears South 28 deg. 30' 17" East 2341.87 feet; thence North 46 deg. 25' 15" East 1131.64 feet; thence North 15 deg. 13' 37" East 594.00 feet to a point from which a 2 inch iron pipe at the Northeast corner of said Section 15 bears North 27 deg. 48' 08" East 277.36 feet; thence North 43 deg. 15' 35" East 338.28 feet to a point from which said 2 inch pipe at the Northeast corner of Section 15 bears South 89 deg. 26' 09" West 102.46 feet; thence North 47 deg. 52' 12" East 139.37 feet; thence North 83 deg. 42' 42" East 122.63; thence South 63 deg. 58' 01" East 225.97 feet; thence North 88 deg. 34' 23" East 270.50 feet; thence North 63 deg. 08' 04" East 119.58 feet; thence South 85 deg. 36' 06" East 93.96 feet; thence North 60 deg. 12' 27" East 370.80 feet; thence South 57 deg. 22' 59" East 224.44 feet; thence North 85 deg. 13' 13" East 490.72 feet; thence North 38 deg. 55' 14" East 273.49 feet; thence North 63 deg. 45' 15" East 168.09 feet; thence North 34 deg. 06' 41" East 222.99 feet; thence North 49 deg. 39' 19" East 381.05 feet; thence North 83 deg. 02' 45" East 156.20 feet; thence North 12 deg. 01' 11" East 80 feet more or less to the North line of said Donation Land Claim No. 38 and the terminus of this easement, the side lines of which also terminate on said North line.

Jackson County, Oregon
Recorded
OFFICIAL RECORDS

10:25 OCT 27 1987 A.M.

KATHLEEN S. BECKETT
CLERK and RECORDER

By Glenn L. Beckham Deputy

RECEIVED

OCT 03 2003

WATER RESOURCES DEPT.
SALEM, OREGON

97-18771

AGREEMENT FOR SHARED WATER, ROAD MAINTENANCE AND
POWER EASEMENT

30.00
12:08

Whereas, the parties to this agreement, Russell and Nora Juncal (hereinafter referred to as JUNCALS) and the Baconian Foundation Inc., an Oregon non-profit corporation (hereinafter referred to as BACONIAN) wish to clarify certain rights and responsibilities with regard to water rights, land use and maintenance on their respective properties and,

Whereas, the Baconian Foundation is the owner of certain real property in Jackson County, Oregon, commonly referred to as Tax lot # 1700, which is more particularly described in Exhibit A, and,

Whereas, the BACONIAN is the owner of two wells on their property, one of which is utilized by JUNCALS for their California property and for irrigation of their parking easement in Oregon and which is hereinafter referred to as BACONIAN Well # 1, and the second of which is reserved to BACONIAN and is hereinafter referred to as BACONIAN #2, and

Whereas, Lawrence and Sylvia Schechter are empowered to represent BACONIAN and,

Whereas, JUNCALS are the owners of contiguous property in Siskiyou County, California, commonly referred to as parcels 006-240-400 and 006-240-440, which are more particularly described in Exhibit B, and,

Whereas, JUNCALS utilize water from BACONIAN Well # 1, and maintain a wellhouse, pump, storage tank, electrical circuit, level control switch and pipeline to convey water for their use as described in paragraph 2 above, the parties hereby agree as follows:

JUNCALS shall grant a 10 foot wide easement, for ingress, egress and electrical utilities to BACONIAN over and under parcel 006-240-400, beginning at the Pacific Power transformer on JUNCALS property due north onto the BACONIAN property (a distance of approximately 15 feet). The north-south centerline of the easement shall begin at the centerline of the transformer.

JUNCAL will be responsible for the BACONIAN share of costs for improving and maintaining the shared road between Hilt Road and the JUNCAL and BACONIAN properties. This includes all past material and labor costs as well as all future costs for a period of 3 years from the date of this agreement, or until a building permit is issued for the property, whichever comes first. Thereafter, the owner of the BACONIAN property will be responsible for their share of the ongoing road maintenance and improvement costs as specified in previously recorded documents. These maintenance activities will include such activities as are necessary to keep the road passable by two-wheel drive vehicles under typical winter weather conditions.

The owner of the BACONIAN property will have the right to obtain water from BACONIAN Well # 1, currently used by JUNCALS, and to use the existing wellhouse, pump, storage tank and water line currently serving the JUNCAL property. This use shall not interfere with the utilization by JUNCALS of the water rights specified below, however, if a larger pump or

Page 1 of 3

RECEIVED

OCT 03 2003

WATER RESOURCES DEPT.
SALEM, OREGON

power service is required to meet the mutual needs of the two parties these costs will be borne by JUNCAL. It is understood that the additional pump and or power capacity will be installed to allow for domestic water use and irrigation of up to 1/2 acre on the BACONIAN property. If additional water use is needed by the owner of the BACONIAN property, such additional costs will be born pro rata by the parties based upon metered use. Pro rata shares will be based upon usage for one full year after the capital improvement and will be due within 30 days of such a pro rata determination. It is further understood that the cost for any extensions of the line needed to provide for use on the BACONIAN property shall be borne by BACONIAN. Expenses for the maintenance of the water system including, pump repair, tank or valve replacement, pipeline work, etc. will be shared on a pro rata basis determined by the previous 4 months metered usage. The electrical costs will also be shared on a pro rata basis but will be determined by monthly metered usage. Shared expenses for pipeline maintenance or repair will apply only to that portion of the existing pipeline between the well and the California state line. Portions of the pipeline in California shall be the sole responsibility of JUNCALS and any extensions off of the existing pipeline in Oregon will be the responsibility of BACONIAN. Each party will pay for the installation of their individual water meters. Because the pump power is derived from a circuit at the JUNCAL house, JUNCALS will be responsible for monthly meter readings and the computation of any water related expenses. Such expenses will be paid by JUNCALS with reimbursement of the pro rata share by BACONIAN within 30 days of receiving an accounting of expenses. JUNCALS will pay for the installation of an electrical sub-meter to determine usage by the pump/well house circuit.

JUNCALS will provide, at their expense, a well capacity test report, including general condition and bacteriological analyses for both BACONIAN Well # 1 and BACONIAN Well # 2, immediately adjacent to the wellhouse door. This report will be stamped by a California Registered Geologist and California Certified Hydrogeologist and will provide the results of short term capacity testing of both wells.

BACONIAN has the right, at their own expense, to build their own wellhouse and/or storage facility, or to enlarge the existing pump house or to pipe below grade into the pump house if they want to use BACONIAN Well #2, located immediately adjacent to the pump house door. It is understood that such modifications will be in accordance with any applicable building codes and that such modifications will not interfere with the utilization by JUNCALS of the water rights specified below.

JUNCALS will have the right to use water from the BACONIAN Well #1 for maintaining the landscape on their approximately 100 ft x 107 foot recorded parking easement in front of their house which is on the BACONIAN property and for irrigation of the pine trees that were planted between the easement and the seasonal drainage immediately to the west, also on the BACONIAN property.

JUNCALS will have the right to utilize water from the BACONIAN Well # 1 to service their California property. This use must conform to Oregon and other applicable water law with regard to amount and purpose.

Upon delivery of the well capacity report by JUNCALS to BACONIAN this agreement, or such separate agreements or documents that are necessary to legally bind the parties to the

RECEIVED

OCT 03 2003

WATER RESOURCES DEPT.
SALEM, OREGON

97-48771

AGREEMENT FOR SHARED WATER, ROAD MAINTENANCE AND POWER EASEMENT

agreed conditions, will be recorded in both Jackson and Siskiyou Counties. JUNCALS will bear the cost of recording.

This agreement shall be binding upon the heirs, executors, administrators, successors and assigns of the parties.

This agreement is entered into on this 26th day of December, 1997, by

For RUSSELL AND NORA JUNCAL:

Russell W. Juncal
Russell W. Juncal

Nora K. Juncal
Nora K. Juncal

STATE OF California)
COUNTY OF Siskiyou) ss

Sworn and Subscribed
This instrument was acknowledged before me on December 17, 1997, 1997, by
Russell W. Juncal and Nora K. Juncal.

Sue M. Dickhart
Notary Public Sue M. Dickhart



For BACONIAN FOUNDATION, INC.:

Lawrence Schechter
Lawrence Schechter, Secretary

Sylvia Moss-Schechter
Sylvia Schechter, President

STATE OF)
COUNTY OF) ss

This instrument was acknowledged before me on December 26, 1997, by
Lawrence Schechter and Sylvia Schechter.

Sandra L. Kreisman
Notary Public



RECEIVED

OCT 03 2003

WATER RESOURCES DEPT
SALEM, OREGON

EXHIBIT A

The Baconian Foundation property, commonly referred to as Tax Lot #1700 of Jackson County, Oregon, is more particularly described as follows:

Commencing at the Northeast corner of Donation Land Claim No. 37, Township 41 South, Range 2 East of the Willamette Meridian, Jackson County, Oregon; thence South 1°15' East along the East line of said Claim No. 37 and Donation Land Claim No. 38, said Township and Range, 14.09 chains to the Oregon-California border; thence West along said border 3000 feet, more or less, to a 2 inch iron pipe, said pipe being the corner of Sections 14 and 15 of Township 48 North, Range 7 West of the Mount Diablo Meridian Siskiyou County, California; thence East along said border 1500 feet for the point of beginning; thence North to a point 25 feet South of the North line of said Claim No. 37; thence West parallel with and 25 feet South of said North line to a point 25 feet East of the West line of said Claim No. 37, thence South parallel with and 25 feet East of said West line to a point 25 feet South of the Easterly extension of the North line of Government Lot 2, Section 13, Township 41 South, Range 1 East of the Willamette Meridian; thence West parallel with said North line to a point in the center of the County Road; thence Northerly along said center of the County Road to the Westerly extension of the North line of said Lot 2; thence East along said North line to the West line of said Claim No. 37; thence East along the North line of said Claim No. 37 to the Northeast corner of said Donation Land Claim; thence South to the point of beginning.

Page 1 of Exhibit A

RECEIVED

OCT 03 2003

WATER RESOURCES DEPT.
SALEM, OREGON

EXHIBIT B

The Juncal property, commonly referred to as parcels 006-240-400 and 006-240-440, comprises:

ALL THAT REAL PROPERTY IN THE STATE OF CALIFORNIA, COUNTY OF SISKIYOU, UNINCORPORATED AREA, DESCRIBED AS FOLLOWS:

PARCEL A:

All that portion of the following described lands lying in Township 48 North, Range 7 West, Mount Diablo Meridian;

All that portion of fractional Section 14 and Section 23, more particularly described as follows:

Beginning at a 2" iron pipe stamped LS 3122 at the Northwest corner of fractional Section 14; thence North 89° 23' 56" East along the California-Oregon border, also being the North line of fractional Section 14, 1724.24 feet to a G.L.O. Brass cap stamped 132M 42L, 1916, said point being the TRUE POINT OF BEGINNING.

Thence South 0° 32' 04" East, 1400.00 feet to a point; thence Easterly along a line parallel to the North line of Section 23, 1276.00 feet to a point; thence North 0° 32' 04" West, 1400.00 feet, more or less, to the North line of fractional Section 14; thence South 89° 23' 56" West along the North line of fractional Section 14, 1276.00 feet, to the TRUE POINT OF BEGINNING.

EXCEPTING THEREFROM all oil, oil rights, mineral rights, natural gas rights and other hydrocarbons by whatever name known, together with all geothermal steam and steampower that may be within or under the above described property, below a depth of 500 feet as conveyed to Eastwood Minerals and Energy Company by the Deed recorded July 18, 1974 in Volume 714, Official Records, page 417 and as modified by the Deed recorded May 29, 1978 in Volume 820, Official Records, page 292.

PARCEL B:

All that portion of fractional Section 14 and Section 23, lying in Township 48 North, Range 7 West, Mount Diablo Meridian, described as follows:

Beginning at the corner of Sections 14, 15, 22 and 23, Township 48 North, Range 7 West, M.D.M.; thence South 55° 09' East, 4069.56 feet; thence North 0° 09' 14" East, to the centerline of the Hill Road, County Road OJ001 and the TRUE POINT OF BEGINNING;

RECEIVED

OCT 03 2003

WATER RESOURCES DEPT.
SALEM, OREGON

AGREEMENT FOR SHARED WATER, ROAD MAINTENANCE AND POWER EASEMENT
EXHIBIT B

Thence North 0° 09' 14" East, 330.00 feet, more or less, to the Southeast corner of the lands of the Hilt Elementary School District, as described in the Deed from Fruit Growers Supply Company, dated May 5, 1954 and recorded on June 29, 1954 in Volume 332 of Official Records, page 596; thence North 0° 23' 14" East, 632.98 feet to the Northeasterly corner of the lands of said School District, said point being on the South line of the North one-quarter of Section 23; thence North 89° 36' 46" West along the South line of the North one-quarter of Section 23 to the Northeasterly line of the Southern Pacific Railroad Right of Way; thence North 60° 25' West, 150.00 feet along the Northeasterly line of said Railroad Right of Way to a point; thence leaving said Right of Way, North 29° 35' East, 150.00 feet to a point; thence North 64° 21' 33" East, 997.99 feet to a point; thence North 57° 00' East, 600.00 feet to a point which bears South 0° 32' 04" East, 1400.00 feet from a G.L.O. Brass Cap stamped 132M 42L, 1916, located on the California-Oregon border, also being the North line of fractional Section 14; thence Easterly along a line parallel to the North line of Section 23, 1276.00 feet to a point; thence North 0° 32' 04" West, 1400.00 feet, more or less, to the North line of fractional Section 14, also being the California-Oregon border; thence Easterly along the North line of fractional Section 14 to the Easterly line of fractional Section 14; thence Southerly along the Easterly line of fractional Section 14 and the Easterly line of Section 23 to a point in the centerline of the Hilt Road, County Road OJ001; thence Westerly along the centerline of the Hilt Road to the TRUE POINT OF BEGINNING.

Basis of Bearings is North 0° 11' 38" West along the Westerly line fractional Section 14 and Section 23, Township 48 North, Range 7 West, M.D.M., as shown on Record Survey Book 14, page 132, Siskiyou County Official Records.

EXCEPTING THEREFROM all that portion of fractional Section 14 and Section 23 lying Easterly of the Westerly line of the lands described as Parcel Two in the Deed from William A. Bray and wife to the State of California, dated January 31, 1940 and recorded July 6, 1940 in Volume 115 of Official Records, page 145.

ALSO EXCEPTING THEREFROM the 60 foot strip conveyed to the County of Siskiyou for road purposes by Deed dated November 17, 1978 and recorded December 15, 1978 in Volume 841 of Official Records, page 598.

ALSO EXCEPTING THEREFROM all oil, oil rights, mineral rights, natural gas rights and other hydrocarbons by whatsoever name known, together with all geothermal steam and steampower that may be within or under the above described property, below a depth of 500 feet as conveyed to Eastwood Minerals and Energy Company by the Deed recorded July 18, 1974 in Volume 714, Official Records, page 417 and as modified by the Deed recorded May 29, 1978 in Volume 820, Official Records, page 292.

6-
Page 2 of EXHIBIT B

Jackson County, Oregon
Recorded
OFFICIAL RECORDS

DEC 30 1997

12:08 PM
J. S. [Signature]
COUNTY CLERK

RECEIVED

OCT 03 2003

WATER RESOURCES DEPT.
SALEM, OREGON

STATE OF OREGON
WATER RESOURCES DEPARTMENT

RECEIPT # 64260

725 Summer St. N.E.
SALEM, OR 97301-4172
378-8455 / 378-8130 (FAX)

INVOICE # _____

RECEIVED FROM: Hornecker, Cowling, Hassen + Haysell APPLICATION G 15711

BY: _____
CASH: ☐ CHECK: # X 1221 OTHER: (IDENTIFY) ☐
PERMIT ☐ TRANSFER ☐

TOTAL REC'D \$ 250.00

1083 TREASURY 4170 WRD MISC CASH ACCT

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

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	\$ <u>250.00</u>
0205 TRANSFER	\$		

WELL CONSTRUCTION

	EXAM FEE		LICENSE FEE
0218 WELL DRILL CONSTRUCTOR	\$	0219	\$
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: 64260

DATED: 11/12/03 BY: Linda Doeffer

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

STATE OF OREGON
WATER RESOURCES DEPARTMENT

RECEIPT # 64260

725 Summer St. N.E.
SALEM, OR 97301-4172
378-8455 / 378-8130 (FAX)

INVOICE # _____

RECEIVED FROM: Hornecker, Cowling, Hassen + Haysell APPLICATION G 15711

BY: _____
CASH: ☐ CHECK: # X 1221 OTHER: (IDENTIFY) ☐
PERMIT ☐ TRANSFER ☐

TOTAL REC'D \$ 250.00

1083 TREASURY 4170 WRD MISC CASH ACCT

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

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	\$ <u>250.00</u>
0205 TRANSFER	\$		

WELL CONSTRUCTION

	EXAM FEE		LICENSE FEE
0218 WELL DRILL CONSTRUCTOR	\$	0219	\$
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: 64260

DATED: 11/12/03 BY: Linda Doeffer

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

HORNECKER, COWLING, HASSEN & HEYSELL, L.L.P.

Attorneys at Law

717 Murphy Road
Medford, OR 97504

(541) 779-8900

Fax: (541) 779-2982

<http://www.roguelaw.com>

Gregory T. Hornecker
Robert L. Cowling
John R. Hassen
R. Ray Heyssel
H. Scott Plouse
P. David Ingalls
Adam T. Stamper*
Joseph E. Kellerman
James A. Wallan
Benjamin M. Bloom

Charles E. Bolen
Alan D.B. Harper
Ryan J. Vanderhoof
Richard L. Billin
**Shane J. Antholz, LLM
Jesse A. Visser
Stefanie L. Burke

Of Counsel - Fred M. Aebi

*Also admitted in California
**Also admitted in Washington

Retired - B. Kent Blackhurst
Ervin B. Hogan 1927 - 2000

November 10, 2003

Renee Moulun
Water Rights Section
Oregon Water Resources Department
Suite "A"
725 Summer Street, N.E.
Salem, OR 97301

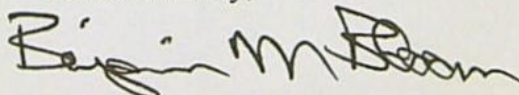
Re: *Application No. G 15711*
Our File No. 23984B

Dear Renee:

Enclosed is the original settlement agreement in connection with application G 15711 which I have executed on behalf of Russell and Nora Juncal. I have also enclosed a draft in the amount of **\$250.00 to cover my client's permanent recording fee.** After Mr. French has signed the settlement agreement on behalf of the department, please return a full copy of the settlement agreement to me. Additionally, please return the permit for application G 15711 to me as soon as it has been issued together with a copy of the final order approving application G 15711 as soon as the director enters it.

Renee, thank you for your assistance in this matter. It has been a pleasure working with you.

Yours sincerely,



BENJAMIN M. BLOOM
bmb@roguelaw.com

BMB:sal
Enclosures
c: Russell and Nora Juncal (w/encls.)
H:\USER\FILES\23984B\Moulun_L05.settlement agreement.wpd

RECEIVED

NOV 12 2003

WATER RESOURCES DEPT
SALEM, OREGON



Oregon

Theodore R. Kulongoski, Governor

Water Resources Department

Commerce Building
158 12th Street NE
Salem, OR 97301-4172
503-378-3739
FAX 503-378-8130

VIA MAIL

April 18, 2003

Benjamin M. Bloom
Horneker, Cowling, Hassen & Heysell, LLP
717 Murphy Road
Medford
OR 97504

RE: Water Right Applications G 15711 & S 85175 in the Name of Juncal

Dear Mr. Bloom:

Thank you for meeting with us this last week and please thank Mr. Juncal on behalf of the Department for assisting us in our view of Guadalupe Springs. We appreciate the efforts you have made to achieve a negotiated resolution with regard to the pending applications on and around Guadalupe Spring and hope we can all continue to discuss the issues raised and reach agreement.

I have received your request to hold the Juncal applications pending further settlement discussions and accordingly place G 15711 and S 85175 on hold until **July 18, 2003**. In addition, as discussed in our meeting yesterday, we will be holding a conference call on June 17, 2003 at 9:00 a.m. I will send you further details of this conference at a later date.

Sincerely,

Renee Moulun
Protest Program Coordinator

HORNECKER, COWLING, HASSEN & HEYSELL, L.L.P.

Attorneys at Law

Gregory T. Hornecker
Robert L. Cowling
John R. Hassen
R. Ray Heyssel
H. Scott Plouse
P. David Ingalls
Adam T. Stamper*
Joseph E. Kellerman

717 Murphy Road
Medford, OR 97504
(541) 779-8900
Fax: (541) 779-2982
<http://www.roguelaw.com>

James A. Wallan
Benjamin M. Bloom
Charles E. Bolen
Alan D.B. Harper
Ryan C. Vanderhoof
Richard L. Billin

Of Counsel - Fred Aebi

*Also admitted in California

Retired - B. Kent Blackhurst
Ervin B. Hogan 1927 - 2000

FACSIMILE TRANSMISSION

Date: 4-10-03
To: Renee Moulton
Fax No: 1-503-378-6203
From: Benjamin M. Bloom
File No: 23984B
Re: Jurnal v. Holm
Pages: 10 (including cover page)

COMMENTS: Following please find a Pumping
Test Report for the 1965 Hitt Road property -
Jurnal Well.

- ☐ An original is being mailed.
☐ An original is being delivered.
☐ An original is available upon request.
☒ Facsimile transmittal only.

If you do not receive all of the described material please call 779-8900 immediately. - ask for Sylvia.

CONFIDENTIALITY NOTICE

This telecopier transmission (and/or documents accompanying it) may contain confidential information belonging to the sender which is protected by the attorney-client privilege. The information is intended only for the use of the individual or entity named above. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution or the taking of any action in reliance on the contents of this information is strictly prohibited. If you have received this transmission in error, please immediately notify us by telephone to arrange for return of the documents.

PUMPING TEST REPORT

For

**Juncal Well
1965 Hilt Road
Hornbrook, CA**

Prepared for

**Siskiyou County Department of Public Health
806 South Main Street
Yreka, CA 96097**

Prepared by

**Russell W. Juncal
CA Registered Geologist No. 3864
CA Certified Hydrogeologist No. 171**

May 21, 1997

1.0 Test Format/Methodology

The subject well is located in Jackson County Oregon approximately 1300 feet north of the Juncal property. A three inch supply line on a deeded easement connects the well to the Juncal property.

On May 110, 1997 a Grundfos submersible pump was set and the well was pumped continuously for approximately 400 minutes at a rate of 20 gallons per minute (gpm). During the test the flow rate was measured with a digital meter and adjusted using a ball valve on the flowline. Drawdown in the well was measured using a Solinst conductivity probe.

The drawdown - time data were plotted using the computer program AQTESOLV (Geraghty and Miller, 1990). Both the Cooper-Jacob (semi-log) and the Theis (log-log) methods were used for plotting and interpreting the data. These plots are attached.

2.0 Interpretation of Results

The pumping rate varied less than 0.3 gpm during the entire test and this is considered to be a constant rate test. The total drawdown over the 400 minute pumping period was less than 7 feet. The two test interpretation methods indicated similar transmissivity values of approximately 0.3 ft^2 per minute.

Using the Cooper-Jacob plot an estimate of the long term drawdown in the well under continuous pumping can be made. Projecting the straightline from the end of the pumping test at approximately 400 minutes to a time of one year (525,600 minutes) indicates the total drawdown in the well would be less than 11 feet.

3.0 Conclusions

The well is capable of producing over 20 gallons per minute on a sustained yield basis with minimal drawdown relative to total well depth (135 feet). This is consistent with testing by the driller (noted on drilling log) which showed production of 150 gpm with 20 feet of drawdown.

APR-10-2003 THU 10:20 AM HC&H ATTORNEYS AT LAW

FAX NO. 541 779 2982

P. 04

04/09/03 15:22 FAX 12098386482

Ground Zero

004

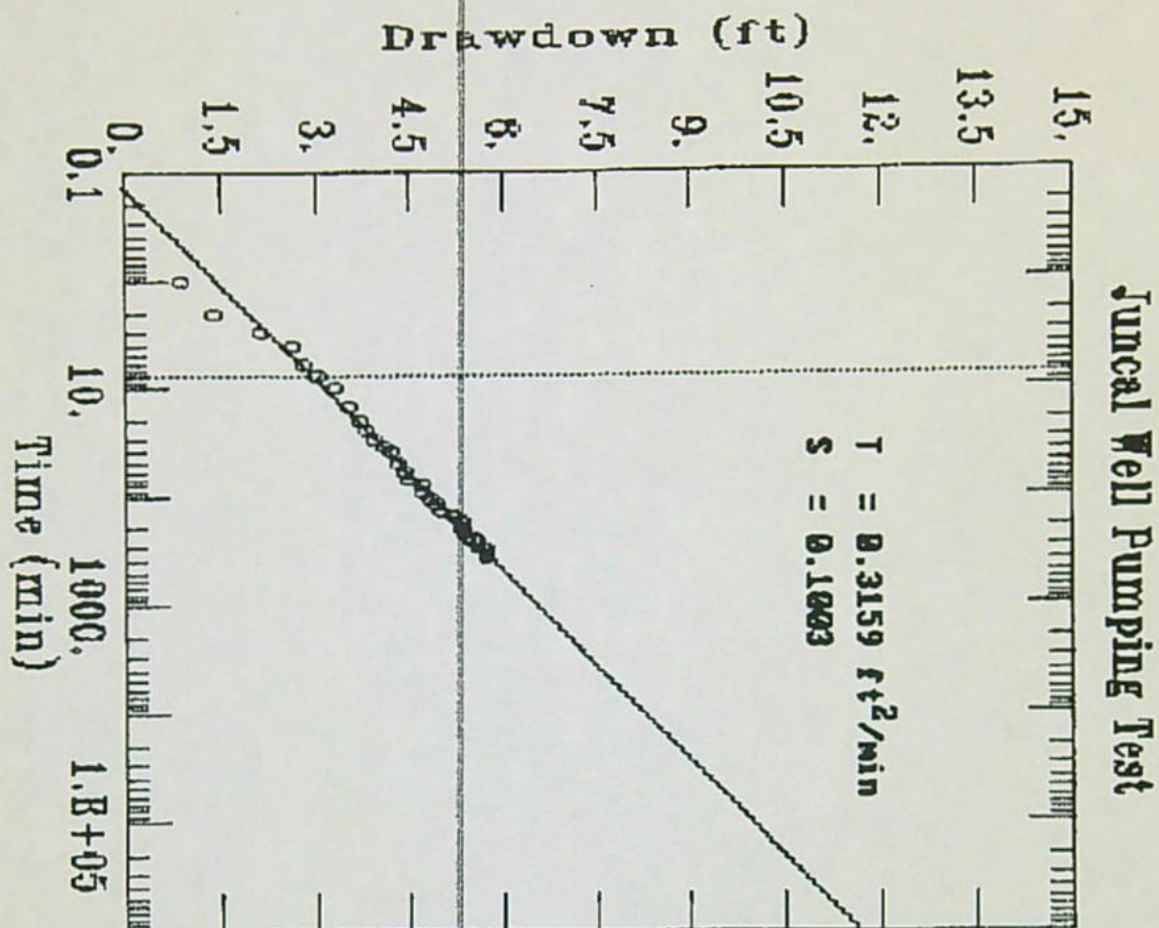
COOPER-JACOB AND THEIS PLOTS

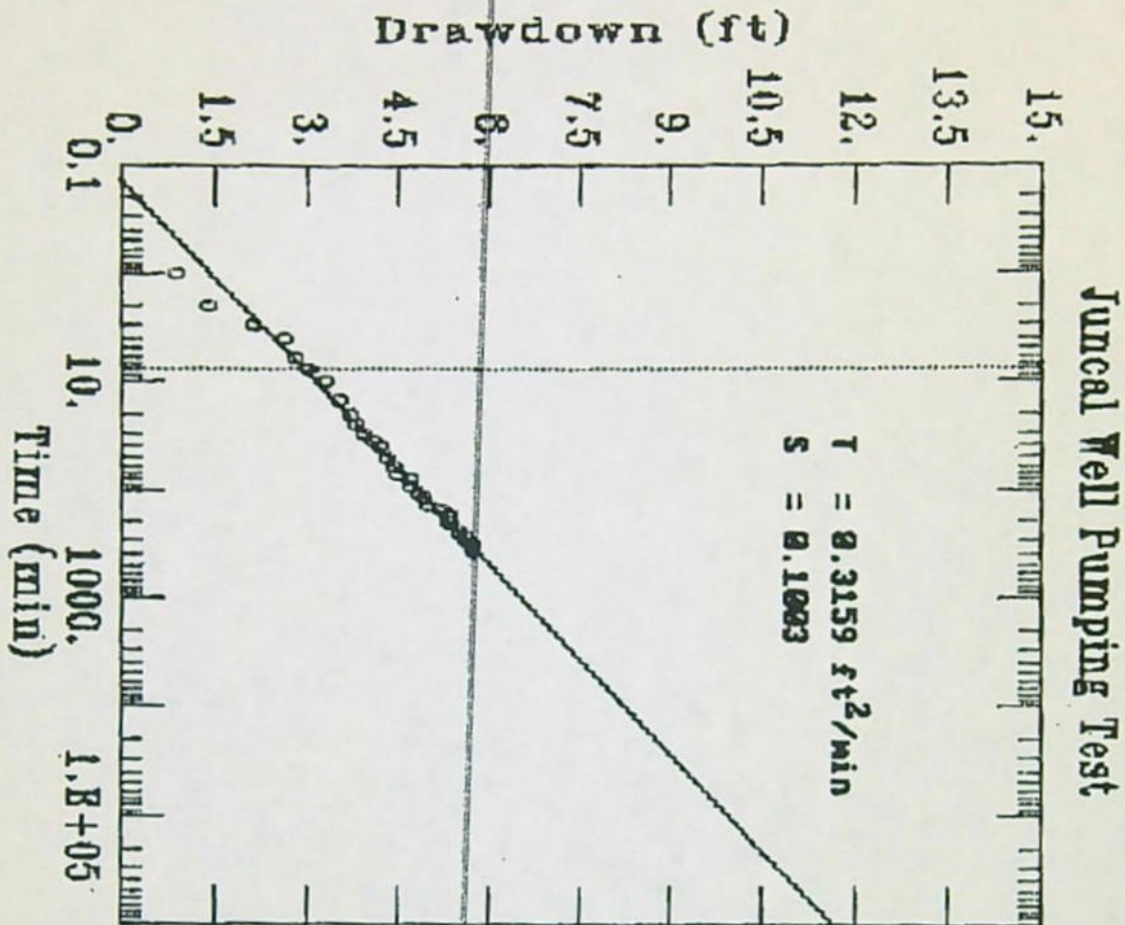
ATTACHMENT I

04/09/03 15:22 FAX 12098386482

Ground Zero

005

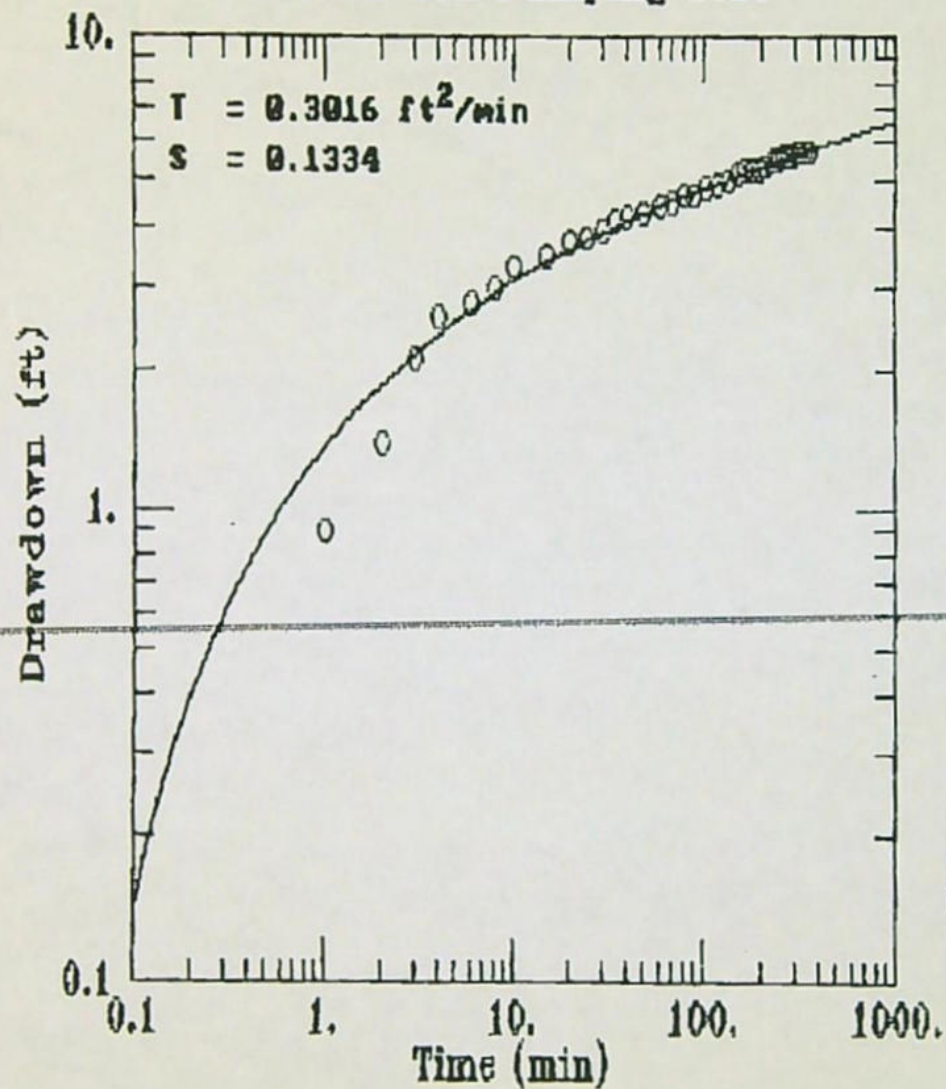
**AQTESOLV****GERMANY
& MILLER, INC.****Modeling Group**



AQTESOLV


GEOBACITY
a MILLER, INC.
 Modeling Group

Juncal Well Pumping Test



AQTESOLV

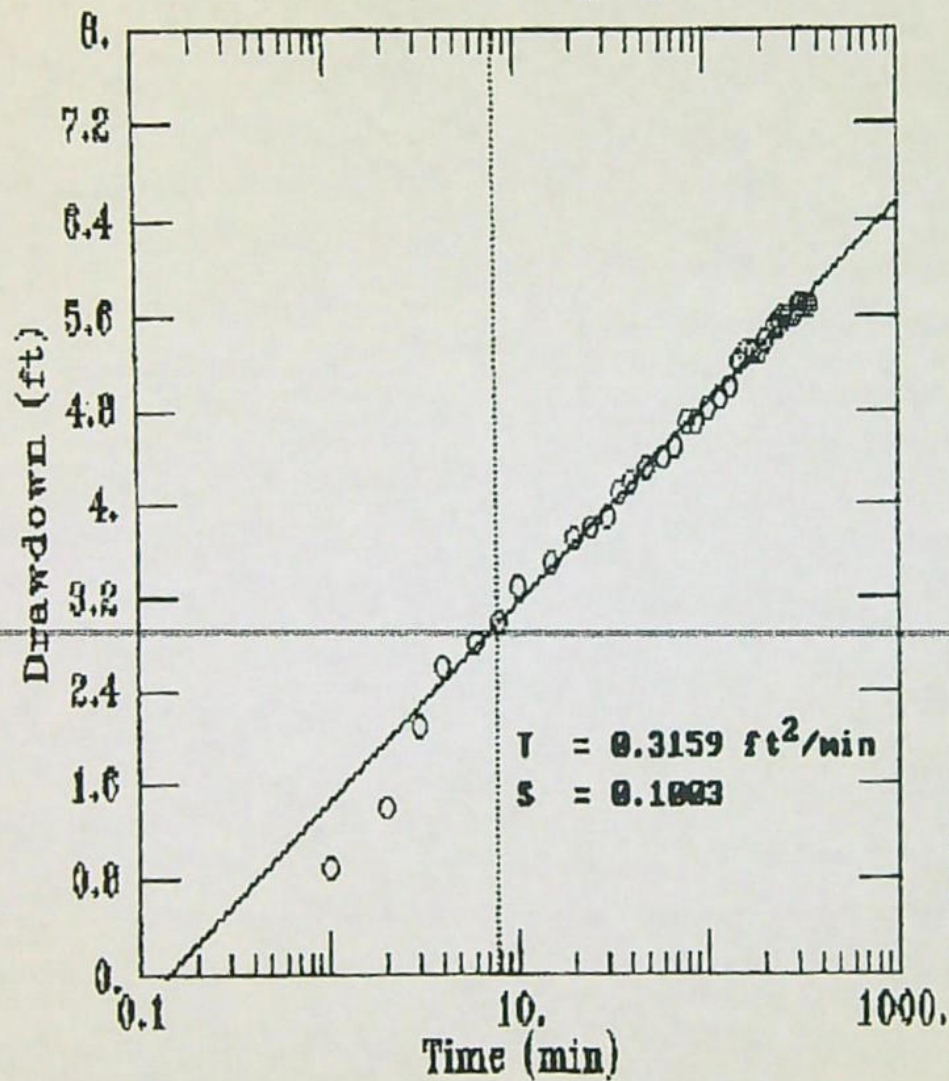


GERAGHTY
& MILLER, INC.



Modeling Group

Juncal Well Pumping Test



AQTESOLV

GERAGHTY
& MILLER, INC.
Modeling Group

A Q T R S O L V R E S U L T S

Version 1.10

05/15/97
03:37:28

TEST DESCRIPTION

Data set..... junc.dat
Data set title..... Juncal Well Pumping Test
Company..... Mill Creek Associates
Project..... 57
Client..... Russell Juncal
Location..... Hilt CA
Test date..... 05/10/97
Test well..... 1
Obs. well..... none

Knowns and Constants:

No. of data points..... 35
Pumping rate..... 2.94
Radius to obs. well..... 1

ANALYTICAL METHOD

Cooper-Jacob (confined aquifer)

RESULTS FROM VISUAL CURVE MATCHING

VISUAL MATCH PARAMETER ESTIMATES

 Estimate
T = 3.1589E-001
S = 1.0035E-001

TYPE CURVE DATA

T = 3.15892E-001
S = 1.00346E-001

A Q T E S O L V
A Program for
Automatic Estimation of Aquifer Coefficients
From Aquifer Test Data

By:

Glenn M. Duffield
and
James O. Rumbaugh, III

Geraghty & Miller Modeling Group
1895 Preston White Drive, Suite 301
Reston, VA 22091
(703) 476 - 0335

A Q T E S O L V is a user-friendly program designed to analyze data from aquifer tests automatically. Aquifer coefficients for a variety of aquifer test conditions can be estimated by A Q T E S O L V, including the following:

- o confined aquifers, unconfined aquifers,
and leaky aquifers
- o pumping tests, injection tests, recovery tests,
and slug tests

Features:

- o Nonlinear least-squares estimation of aquifer coefficients
- o Statistical analysis of results
- o Complete graphical display of results

OREGON WATER RESOURCES DEPARTMENT



State of Oregon
Water Resources Department
158 12th ST NE, Salem, OR 97301
(503) 378-8455
www.wrd.state.or.us

FAX TRANSMITTAL

TO: Ray Kopacz FAX NUMBER: 541-449-1239
DATE: April 10, 2003 PAGES: 6, INCLUDING COVER SHEET
FROM: Kimberly Grigsby PHONE: (503) 378-8455 EXT. 236
COMMENTS: _____

DIRECTOR'S OFFICE

- Water Resources Commission
- Legislation and Rules
- Public Information

FIELD & TECHNICAL SERVICES

- Hydrographics
- Ground Water
- Information Services
- GIS/Mapping

FAX: (503) 378-2496

ADMINISTRATIVE SERVICES

- Fiscal / Accounting
- Human Resources / Personnel
- Water Development Loan Fund
- Support Services

FIELD & TECHNICAL SERVICES

- Dam Safety
- Enforcement
- Regional Liaisons
- Transfers

FAX: (503) 378-8130

WATER RIGHTS

- Water Rights information
- Adjudications
- Hydroelectric
- Certifications / Final Proofs
- Hearings / Contested Cases

NORTHWEST REGION

- District 16 Watermaster

FAX: (503) 378-6203

BEFORE THE WATER RESOURCES
DIRECTOR OF OREGON

UMATILLA COUNTY

IN THE MATTER OF AN APPLICATION IN THE)	
NAME OF U.S. BUREAU OF RECLAMATION FOR)	ORDER APPROVING
APPROVAL OF AN EXCHANGE OF WATER)	TRANSFER 6621E

On October 9, 1991, an application for transfer was filed in the office of the Water Resources Director by the Regional Director, Pacific Northwest Region, United States of America, Bureau of Reclamation for approval of an exchange of water, pursuant to the provisions of ORS 540.533 through 540.543. Such use is to implement the Bureau of Reclamation's Umatilla Basin Project, Phase II, authorized by Congress as P.L. 100-557, Sections 201 through 213, and shall be consistent with said legislation.

On February 14, 1991, Application 71293 was filed in the name of the U.S. Bureau of Reclamation (USBOR), proposing the use of 240.0 cubic feet per second of water from the Columbia River for Umatilla River instream flow enhancement through an exchange with irrigation water from the Umatilla River.

The place of use and benefitted stream reach is for flows to be maintained in the Umatilla River from the Furnish Canal diversion at approximately River Mile 32.3 in the SW 1/4 Section 31, T 3 N, R 30 E, W.M. to its confluence with the Columbia River, located within SE 1/4 SE 1/4, Section 18, T 5 N, R 28 E, W.M. The reaches of McKay Creek and the Umatilla River from McKay Reservoir to the Furnish Canal diversion are benefitted to the extent that exchange storage releases are protected from diversion by all appropriators throughout the reach.

The point of diversion is located as follows:

COLUMBIA RIVER PUMP SITE - SE 1/4 SE 1/4, SECTION 12, T 5 N, R 29 E, W.M.

The applicant proposes the exchange of waters because it cannot economically convey Columbia River water to the points of use in the Umatilla River and water from the Columbia River is not biologically suited for anadromous fish in the Umatilla River. Waters subject to diversion under rights described by the decrees and permits, which proof of beneficial use has been approved by the director are listed below, would remain in McKay Creek and Umatilla River and be replaced by waters pumped from the Columbia River under Application 71293, Permit 51439.

The water exchange will take place between the USBOR and users of diversions and water rights as follows:

HERMISTON IRRIGATION DISTRICT

Maxwell Canal - SW 1/4, Section 28, T 4 N, R 28 E, W.M.

A right to the water from the Umatilla River for irrigation with a priority of November 14, 1894, tabulated under the name of United States of America recorded in Volume 3, Page 242, Decree of the Circuit Court for Umatilla County dated September 9, 1916.

A right to the water from the Umatilla River for irrigation with a priority of February 25, 1904, tabulated under the name of United States of America recorded in Volume 3, Page 242, Decree of the Circuit Court for Umatilla County dated September 9, 1916.

Feed Canal - SW 1/4, Section 22, T 3 N, R 29 E, W.M.

A right to the water from the Umatilla River for irrigation with a priority of September 6, 1905, tabulated under the name of United States of America recorded in Volume 3, Page 242 through 245, Decree of the Circuit Court for Umatilla County dated September 9, 1916.

STANFIELD IRRIGATION DISTRICT

Furnish Canal - SW 1/4, Section 31, T 3 N, R 30 E, W.M.

A right to the water from the Umatilla River for irrigation with a priority of March 8, 1905, tabulated under the name of Furnish Ditch Company recorded in Volume 3, Page 233, Decree of the Circuit Court for Umatilla County dated September 9, 1916.

A right to the water from the Umatilla River for irrigation with a priority of March 8, 1905, tabulated under the name of Stanfield Irrigation District recorded in Volume 15, Page 433, Supplemental Findings of Fact and Order of Determination of the State Engineer of the State of Oregon dated December 15, 1953.

Permit ³⁰⁷⁸⁹41015, which proof of beneficial use has been approved by the director, to the water from the Umatilla River for irrigation with a priority of June 23, 1965.

McKay Reservoir - S 1/2, Section 34, T 2 N, R 32 E, W.M.

Permit R-584, which proof of beneficial use has been approved by the director, for the storage of water from McKay Creek for supplemental irrigation with a priority of September 9, 1920.

Permit 7400, which proof of beneficial use has been approved by the director, for the use of stored water from McKay Reservoir for supplemental irrigation with a priority of July 1, 1924.

* { Any additional water rights that may be granted to Bureau of Reclamation for supplemental Stanfield Irrigation District irrigation from McKay reservoir.

Notice of the application for Transfer 6621E pursuant to ORS 540.535, was published in the Hermiston Herald, a newspaper having general circulation in the area in which the water users involved in the exchange are located, for a period of three consecutive weeks in the issues of March 17, 24, and 31, 1992.

The Water Resources Commission reviewed and approved this application on March 13, 1992.

It appearing that the proposed exchange of waters may be made without injury to existing rights, the application should be approved.

NOW THEREFORE, it is hereby ORDERED that the proposed exchange of waters is approved, subject to the conditions herein, and as follows:

Such use is to implement the Bureau of Reclamation's Umatilla Basin Project, Phase II, authorized by Congress as P.L. 100-557, Sections 201 through 213, and shall be consistent with said legislation.

PAGE TWO

A right to the water from the Umatilla River for irrigation with a priority of February 25, 1904, tabulated under the name of United States of America recorded in Volume 3, Page 242, Decree of the Circuit Court for Umatilla County dated September 9, 1916.

Feed Canal - SW 1/4, Section 22, T 3 N, R 29 E, W.M.

A right to the water from the Umatilla River for irrigation with a priority of September 6, 1905, tabulated under the name of United States of America recorded in Volume 3, Page 242 through 245, Decree of the Circuit Court for Umatilla County dated September 9, 1916.

STANFIELD IRRIGATION DISTRICT

Furnish Canal - SW 1/4, Section 31, T 3 N, R 30 E, W.M.

A right to the water from the Umatilla River for irrigation with a priority of March 8, 1905, tabulated under the name of Furnish Ditch Company recorded in Volume 3, Page 233, Decree of the Circuit Court for Umatilla County dated September 9, 1916.

A right to the water from the Umatilla River for irrigation with a priority of March 8, 1905, tabulated under the name of Stanfield Irrigation District recorded in Volume 15, Page 433, Supplemental Findings of Fact and Order of Determination of the State Engineer of the State of Oregon dated December 15, 1953.

30789
Permit ~~41015~~, which proof of beneficial use has been approved by the director, to the water from the Umatilla River for irrigation with a priority of June 23, 1965.

McKay Reservoir - S 1/2, Section 34, T 2 N, R 32 E, W.M.

Permit R-584, which proof of beneficial use has been approved by the director, for the storage of water from McKay Creek for supplemental irrigation with a priority of September 9, 1920.

Permit 7400, which proof of beneficial use has been approved by the director, for the use of stored water from McKay Reservoir for supplemental irrigation with a priority of July 1, 1924.

* { Any additional water rights that may be granted to Bureau of Reclamation for supplemental Stanfield Irrigation District irrigation from McKay reservoir.

Notice of the application for Transfer 6621E pursuant to ORS 540.535, was published in the Hermiston Herald, a newspaper having general circulation in the area in which the water users involved in the exchange are located, for a period of three consecutive weeks in the issues of March 17, 24, and 31, 1992.

The Water Resources Commission reviewed and approved this application on March 13, 1992.

It appearing that the proposed exchange of waters may be made without injury to existing rights, the application should be approved.

NOW THEREFORE, it is hereby ORDERED that the proposed exchange of waters is approved, subject to the conditions herein, and as follows:

Such use is to implement the Bureau of Reclamation's Umatilla Basin Project, Phase II, authorized by Congress as P.L. 100-557, Sections 201 through 213, and shall be consistent with said legislation.

The total amounts of water that can be diverted from the Columbia River as described above shall not exceed 240.0 cfs and shall reduce the appropriations under existing rights from the Umatilla River and McKay Reservoir in accordance with the following:

For Hermiston Irrigation District, the total quantity diverted from the Columbia River for exchange, together with diversions of direct flow from the Umatilla River during a complete year shall be no greater than the limits of their water rights. To operate the exchange, Hermiston Irrigation District will divert from the mainstem Umatilla River only those flows in excess of the flows needed for fish. These flows will be as determined by Oregon Department of Fish and Wildlife and the Confederated Tribes of the Umatilla Indian Reservation. Columbia River water would be pumped into Cold Springs Reservoir to replace foregone diversions.

For Stanfield Irrigation District, the total quantity diverted from the Columbia River during a complete year, together with diversions from direct flow from the Umatilla River shall be the lesser of 34,700 acre-feet or the legal limits of State of Oregon water rights. *

To operate the exchange, Stanfield Irrigation District will forego its 38% share of storage in McKay Reservoir and divert from the mainstem Umatilla River only those flows in excess of the flows needed for fish. These flow needs will be determined by Oregon Department of Fish and Wildlife and the Confederated Tribes of the Umatilla Indian Reservation.

The construction work shall be completed and the exchange of waters made on or before October 1, 1997.

Phase II project completion will be dependent upon further appropriations for funding from Congress, and thus may require extensions of the time limits imposed above. Requests for such extensions will be evaluated subject to the requirements of ORS 540.537.

In order to achieve effective water management for the exchange project and to allow the Watermaster the ability to regulate the amount of water being diverted from the Columbia River and to shepherd and monitor the exchange and maintain the water in stream, telemetric measuring devices connected with the BOR's HYDROMET system and other suitable gaging stations and water measuring devices shall be put into operation, to the satisfaction of the watermaster, prior to any diversion of water under the exchange at the following locations:

HYDROMET gaging stations identified in the FEIS and required:

1. Westland Canal Nr. Echo
2. Furnish Canal Nr. Echo
3. Feed Canal Nr. Echo
4. West Extension I.D. Canal Nr. Umatilla
5. Maxwell Canal Nr. Hermiston (if diversion continues)
6. Inflow pumped into Cold Springs Reservoir from Columbia
7. Inflow pumped into Stanfield I.D. system from Columbia
8. West Extension Exchange pumps
9. Cold Springs Reservoir elevation
10. McKay Reservoir elevation
11. Umatilla River at Pendleton
12. Umatilla River at Yoakum
13. Umatilla River above Feed Canal Nr. Echo
14. Umatilla River at Umatilla

Gaging stations, currently with HYDROMET capabilities, with continuing operation required:

1. McKay Creek at Pendleton (reservoir outflow)
2. McKay Creek Nr. Pilot Rock (reservoir inflow)

Gaging stations, to be installed with HYDROMET capabilities:

1. Dillon Canal Nr. Echo
2. Allen Canal Nr. Echo
3. "A" line canal at Cold Springs Reservoir
4. Umatilla River at Umatilla Meadows Nr. Stanfield
5. Umatilla River Nr. Cottonwood Bend
6. Birch Creek Nr. Rieth

Pump station that may need HYDROMET capabilities:

1. Brown/Prior pumping station #1

After consultation with the Oversight Committee, the watermaster may add, change, or eliminate gaging stations or water measuring devices as needed to properly administer the exchange.

In addition to the gaging stations required to record flows within the Umatilla River system, the diversion from the Columbia River shall be metered to monitor the exchange of water.

Prior to the exchange of water or adjustments on the exchange of water allowed under this order the Bureau of Reclamation shall get approval from the watermaster, and provide reasonable notice to irrigation districts, ditch companies, and other parties that may be impacted. An emergency procedure will be developed by the Watermaster, BOR, and the Oversight Committee.

The applicant is authorized to divert up to 240 cfs of water at the Columbia River Pump Site, convey and release the waters in Cold Springs Reservoir for use in the Hermiston Irrigation District, and to release the waters into the Stanfield Irrigation District system.

The exchange is for Umatilla River water with priority dates of 1894, 1904, 1905 and 1965, and for water releases from storage in McKay Reservoir under Bureau of Reclamation contracts and Oregon water rights. The exchange shall not occur until such time as the water rights from the Umatilla River and McKay Reservoir are perfected.

The amount of water under this exchange to be left in the Umatilla River from foregone diversions and McKay storage shall be determined by the Oregon Department of Fish and Wildlife (ODFW) and the Confederated Tribes of the Umatilla Indian Reservation (CTUIR). The natural flows left in the Umatilla River for fish flows under the exchange shall retain the priority date and rate and duty limitations of the water rights involved in the exchange and shall be protected from appropriation by all other users. The water released from McKay Reservoir for fish flows under this exchange shall be protected by the Watermaster from appropriation by all other users at any time during the year when ODFW and CTUIR determine that flows are needed for fish purposes.

The "oversight committee" established in the FEIS shall be open to interested parties and shall assist in the following:

1. Developing operational objectives used in determining the actual operation plan for exchange of pumped and storage release waters.

Gaging stations, currently with HYDROMET capabilities, with continuing operation required:

1. McKay Creek at Pendleton (reservoir outflow)
2. McKay Creek Nr. Pilot Rock (reservoir inflow)

Gaging stations, to be installed with HYDROMET capabilities:

1. Dillon Canal Nr. Echo
2. Allen Canal Nr. Echo
3. "A" line canal at Cold Springs Reservoir
4. Umatilla River at Umatilla Meadows Nr. Stanfield
5. Umatilla River Nr. Cottonwood Bend
6. Birch Creek Nr. Rieth

Pump station that may need HYDROMET capabilities:

1. Brown/Prior pumping station #1

After consultation with the Oversight Committee, the watermaster may add, change, or eliminate gaging stations or water measuring devices as needed to properly administer the exchange.

In addition to the gaging stations required to record flows within the Umatilla River system, the diversion from the Columbia River shall be metered to monitor the exchange of water.

Prior to the exchange of water or adjustments on the exchange of water allowed under this order the Bureau of Reclamation shall get approval from the watermaster, and provide reasonable notice to irrigation districts, ditch companies, and other parties that may be impacted. An emergency procedure will be developed by the Watermaster, BOR, and the Oversight Committee.

The applicant is authorized to divert up to 240 cfs of water at the Columbia River Pump Site, convey and release the waters in Cold Springs Reservoir for use in the Hermiston Irrigation District, and to release the waters into the Stanfield Irrigation District system.

The exchange is for Umatilla River water with priority dates of 1894, 1904, 1905 and 1965, and for water releases from storage in McKay Reservoir under Bureau of Reclamation contracts and Oregon water rights. The exchange shall not occur until such time as the water rights from the Umatilla River and McKay Reservoir are perfected.

The amount of water under this exchange to be left in the Umatilla River from foregone diversions and McKay storage shall be determined by the Oregon Department of Fish and Wildlife (ODFW) and the Confederated Tribes of the Umatilla Indian Reservation (CTUIR). The natural flows left in the Umatilla River for fish flows under the exchange shall retain the priority date and rate and duty limitations of the water rights involved in the exchange and shall be protected from appropriation by all other users. The water released from McKay Reservoir for fish flows under this exchange shall be protected by the Watermaster from appropriation by all other users at any time during the year when ODFW and CTUIR determine that flows are needed for fish purposes.

The "oversight committee" established in the FEIS shall be open to interested parties and shall assist in the following:

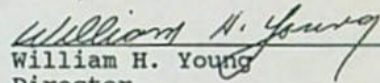
1. Developing operational objectives used in determining the actual operation plan for exchange of pumped and storage release waters.

PAGE FIVE

2. Developing and implementing an operational model.
3. Analyzing and advising BOR of potential impacts to the project of proposed district boundary expansions or other proposed changes.
4. Identifying and securing the resources necessary for monitoring and regulating all project-related supplies and operations, including reporting and staffing requirements.
5. Other duties as is appropriate.

Upon receipt of proof satisfactory to the Water Resources Commission that water has been used under the exchange for the purpose of and within the limitations of Permit 51439 and this order, the Water Resources Commission shall issue a confirming Certificate of Water Right.

Dated at Salem, Oregon, this 21st day of April, 1992.



William H. Young
Director
Water Resources Department



Oregon

Theodore R. Kulongoski, Governor

Water Resources Department

Commerce Building
158 12th Street NE
Salem, OR 97301-4172
503-378-3739
FAX 503-378-8130

March 7, 2003

TO: Chris and Anita Holm, 14930 Barney Road, Plymouth CA 95669
Julia Burns, PO Box 11026, Ashland OR 97520
B. Bloom, Hornecker Cowling et al, 717 Murphy Rd, Medford OR 97504
Russell and Nora Juncal, 1965 Hilt Road, Hornbrook CA 96044
Frederick Marken and Ilona Toko, 177 E 11th Street, Chico CA 96044

FROM: Renee Moulun, Protest Program Coordinator
Oregon Water Resources Department

SUBJECT: A MEETING REGARDING WATER RIGHT APPLICATIONS
G15711 and S85175 - Juncal
S84817, S85127, R85199 and R85200 - Burns
S85219 - Holm
G15735 - Marken and Toko

As you are aware, there have been several protests filed against the above listed applications. The Oregon Water Resources Department ("OWRD") strongly encourages negotiated agreements to resolve these types of disputes and would like to facilitate a discussion between the participants with the goal of resolving the issues raised in the protests.

We would like you to meet with OWRD staff to discuss these issues on **Thursday, April 17, 2003 from 9:00-11:00a.m. at Medford City Hall Annex, 200 North Ivy, Medford, Oregon.** This meeting is limited to applicants and those parties who timely filed protests. There will be no opportunity for public comment.

If you have any questions, concerns or need special accommodations for the meeting, please do not hesitate to contact Renee Moulun, Protest Program Coordinator at (503)378-8455 ext. 239. Please also confirm your attendance with Renee.

copies: files referenced above
WRD staff

OREGON WATER RESOURCES DEPARTMENT

MEETING AGENDA

THURSDAY, APRIL 17, 2003 - 9:00-11:00 AM (TWO HOURS)
MEDFORD CITY HALL ANNEX, 200 NORTH IVY, MEDFORD, OREGON

SUBJECT: PENDING WATER RIGHT APPLICATIONS NEAR UN-NAMED SPRING REFERRED TO AS "GUADALUPE SPRING"

	MINUTES	WHO
1. WELCOME & INTRODUCTIONS	5	ALL
2. REVIEW AGENDA	5	RENEE MOULUN
3. GOALS FOR MEETING	5	RENEE MOULUN
4. DESCRIPTION OF TYPICAL SETTLEMENT PROCESS	5	RENEE MOULUN
5. DESCRIPTION OF TYPICAL CONTESTED CASE HEARING PROCESS	10	RENEE MOULUN
6. REVIEW OF THE PENDING APPLICATIONS & THEIR STATUS	10	DWIGHT FRENCH
7. EXPLANATION OF THE DEPARTMENT'S PROPOSED FINAL ORDERS	5	DWIGHT FRENCH
8. SHARING OF INDIVIDUAL PERSPECTIVES (Each party will have an opportunity to describe what settlement opportunities might exist.)	5 each	ALL
9. DEPARTMENT SUMMARY	5	RENEE MOULUN
10. DISCUSSION OF POSSIBLE SETTLEMENT OPPORTUNITIES	20	ALL
11. NEXT STEPS	5	RENEE MOULUN

I see note;
need address for
Radiant Lane Foundation
Inc
this P.O. Box 1026
Astland, Or 97520

KRC

HORNECKER, COWLING, HASSEN & HEYSELL, L.L.P.

Attorneys at Law

Gregory T. Hornecker
Robert L. Cowling
John R. Hassen
R. Ray Heyssel
H. Scott Plouse
P. David Ingalls
Adam T. Stamper*
Joseph E. Kellerman

717 Murphy Road
Medford, OR 97504
(541) 779-8900
Fax: (541) 779-2982
<http://www.roguelaw.com>

James A. Wallan
Benjamin M. Bloom
Charles E. Bolen
Alan D.B. Harper
Ryan J. Vanderhoof
Jason C. Broesder
Richard L. Billin

*Also admitted in California

Retired - B. Kent Blackhurst
Ervin B. Hogan 1927 - 2000

January 22, 2003

VIA FEDERAL EXPRESS - STANDARD OVERNIGHT DELIVERY

FedEx Tracking No. 8335- 3388 4633

Water Rights Section
Oregon Water Resources Department
158 12th Street, N.E.
Salem, OR 97301

Re: *Application #G-15711*
Our File No. 23,984B

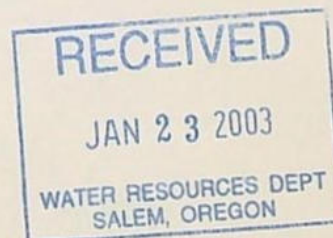
**PROTEST AND REQUEST FOR CONTESTED CASE HEARING
ON PROPOSED FINAL ORDER #G-15711**

Greetings:

We represent Russell and Nora Juncal (hereafter "applicant"), 1965 Hilt Road, Hornbrook, California, 96044, telephone number (530) 475-3863, with regard to the above-referenced application and the proposed final order (hereafter "PFO") the Department has drafted. Applicant is a professional hydrologist, who has worked extensively in Oregon and is well acquainted with the hydrology in the area in which the spring and well are located. Please be advised that, in addition to this letter of protest, pursuant to ORS 537.621, applicant requests a contested case hearing. The reasons for the protest and the contested case hearing are set forth below.

INTRODUCTION

The referenced application is 1 out of 9 filed on the subject well and/or hydrologically connected Guadalupe spring. The application was filed for the use of the well for irrigation and domestic purposes on January 25, 2002. It is the second application in terms of priority, the only one in front of it to be application #S-84817 filed by Julia Burns on the well/spring on July 26, 2001. Subsequent to the initial Burns application, #S-84817, all applications for permits for use of the subject well/spring, including Juncal's application #G-15711, have been initially denied by the Department either by PFO, initial review, or final order, up until application #S-85219 submitted by Chris and Anita Holm on July 1, 2002.



HORNECKER, COWLING, HASSEN & HEYSELL, L.L.P.

State of Oregon Water Resources Department
Water Rights Division
January 22, 2003
Page 2 of 5

OBJECTIONS

The Proposed Final Order Lacks Sufficient Reasoning

Initially, applicant notes that the Department evaluated the spring in September 1999, and determined it to be exempt from the need for a water right. (December 6, 1999 letter of Bruce R. Sund, Watermaster, attached hereto as Exhibit "1"). Applicant, Russell Juncal, was present at the site inspection by the Watermaster, along with two individuals whose property has been served by the exempt spring since the nineteenth century. A third individual, an adjacent neighbor, Glen Archibald, was also present. After the site inspection, the watermaster issued the letter (attached as Exhibit "1") to the property owner. In pertinent part, the watermaster stated, "[s]ince the spring is not public waters, the water used does not need a water right." (Ex. "1"). Mr. Sund copied his letter to spring applicant, Julia Burns. The watermaster concluded his letter by stating unequivocally, "[y]our best recourse on the matters of the spring is to resolve them as a community or if that fails then you may have to resort to an attorney that is educated in easement issues and contracts" (Ex. "1"). Based upon the Department's December 6, 1999 determination, the parties have undertaken to resolve the water availability issues. The parties have accomplished this feat through informal and formal agreements, some of which involve compensation to users of the water system. The reversal of the Department's initial decision upon which the various parties relied has impacted applicant, to his detriment. The reversal is inconsistent with equitable and legal principles. For instance, relying upon the Department's determination that no permit was required for the spring, applicant was lulled into not filing a permit and, thereby, losing priority to Ms. Burns.

Applicant submitted the request for use of .14 cubic foot per second of water composed of .045 cfs for irrigation, .046 cfs for group domestic, 0.033 cfs for wildlife, and 0.011 cfs for fire protection. On page 2 of the PFO, the Department concluded that the applicant's proposed ground water use will have the potential for substantial interference with Guadalupe spring. (PFO, p. 2). The PFO indicates that the local Watermaster has determined that the water is not available for applicant "without causing injury to users of the spring." *Id.* The PFO contains no facts supporting the local watermaster's determination. Applicant is unaware that any hydrological assessment or study has been taken to determine at what rate applicant must pump the well in order to interfere with the flow of the spring and at what times of the year the interference will occur. The Department has impliedly determined that at least 9.96 gpm of water is available from the spring. In the PFO in application #S-84817, the Department proposed issuing a permit to the applicant to the spring for 4.48 gpm. This application was filed prior in time to applicant's request for a permit, but has problems which will be discussed below. Additionally, more than six months after applicant filed for a permit, the Department determined that there was an additional 4.48 gpm available to the applicant in #S-85219 (Holm application) for domestic use and livestock use. Applicant's permit, filed on January 25, 2002, should take priority over Holm's permit under the established doctrine of first in time and first in right. At a very minimum, the Juncals should have been issued a 4.48 gpm permit. See ORS 537.525(2) ("rights to appropriate ground water and priority thereof be acknowledged and protected.")

RECEIVED

JAN 23 2003

WATER RESOURCES DEPT
SALEM, OREGON

HORNECKER, COWLING, HASSEN & HEYSELL, L.L.P.

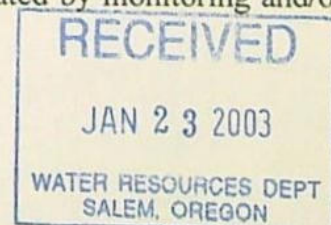
State of Oregon Water Resources Department
Water Rights Division
January 22, 2003
Page 3 of 5

The Department concluded that applicant was not entitled to a permit because no preference for the proposed use is granted under ORS 536.310(12) and water is not sufficient for the proposed use. As to the latter point, water is clearly available for the proposed use at least up to 4.48 gpm based upon applicant's priority date of filing in front of Holm. Additionally, there should be at least another 4.48 gpm available to applicant because applicant should get priority above Burns' application in #S-84817. Burns' application is deficient for several reasons. First, as the Department noted in another Burns' application (application #S-85127), the Department determined that applicant had failed to submit proof of legal access to the property on which the spring is located and indicated that the application might be dismissed, causing Ms. Burns to lose her priority. When the same logic is followed in application #S-84817, applicant could move to first in line and would be entitled to all the 9.96 gpm on the well.

Applicant further points out that under the reasoning of the Department that domestic use is of a preference to other uses (See ORS 536.310(12)), the Department should have granted applicant the requested .046 cfs for group domestic, even if it denied the request to water for wildlife and fire protection. There is no reason given why the Department denied the domestic for two home sites. The Department's PFO lacks substantial reason. If the rationale for giving water to Burns in application #S-84817 and Holm in application #S-85219, was because of the priority for domestic water use, then the identical principle should have been applied in this case. Applicant is unsure whether the Department erroneously assumed that because applicant had an exempted use under ORS 537.545(1)(d), they did not need any more water for domestic use. However, the requested additional domestic use is for two additional home sites. Applicant already use the maximum water allowed by exemption.

Applicant further notes that the Department's determination not to grant them additional water rights appears to be based upon the assessment that "the proposed use of ground water will **not** likely be available in the amounts requested without injury to prior rights and/or within the capacity of the resource." (Application p.3) This statement is clearly illogical. The only prior rights on the spring belong to Julia Burns, as identified in application #S-84817 for 4.48 gpm. As stated previously, because the Department has indicated that the spring has at least the capacity for 9.96 gpm, applicant is entitled to, at the very least, the additional 4.48 gpm. The additional 4.48 gpm is clearly within the capacity of the spring because the state, without any documentation, has already proposed issuance of permits for 9.96 gpm. Under the first in time and first in right concept set forth by Oregon, applicant is January 22, 2003 entitled to a permit granting them at least 4.48 gpm.

The PFO states that a water availability report prepared by the Watermaster "determined that water is not available without causing injury to users of the spring." and "that surface water was not available for further appropriation at any time of the year." This is contradicted by the copy of the Watermaster's Determination of Water Availability, attached hereto as Exhibit "2." Applicant is not unaware of any meaningful analysis of the amount of flow and the seasonal variations in flow. Absent such data, the denial is based upon erroneous information and any conclusions about availability are invalid. From applicant's personal knowledge of the well/spring dynamics, there is no doubt that water is available at many times of the year without impacting spring users. In any event, this can be easily demonstrated by monitoring and/or



HORNECKER, COWLING, HASSEN & HEYSELL, L.L.P.

State of Oregon Water Resources Department
Water Rights Division
January 22, 2003
Page 4 of 5

pumping tests. Exhibit "2," which serves as at least a partial basis for denying applicant's application, is not based upon pumping tests or any readily available quantitative data. Exhibit "2," nonetheless, indicates that water would be available most of the time (80%).

Applicant does not disagree and in fact has verified, by pumping test, that his well pumping does result in head reduction in the unnamed spring diversion box. This conclusion was also reached, correctly, by Mr. Ivan Gaul of the Groundwater Hydrology Section, based upon OAR 690-09 (a presumptive determination not based upon field testing). Applicant agrees with Mr. Gaul's position that additional pumping would impact Ms. Burn's earlier priority date filing on the spring, assuming it is not denied for other reasons. However, in the determination of water availability (Ex. "2"), the watermaster notes that the impact would potentially occur only "during periods of low flow and drought" and that there would be water available at least 80% of the time (Ex. "2"). Based upon this determination, Applicant's application should be approved with conditions.

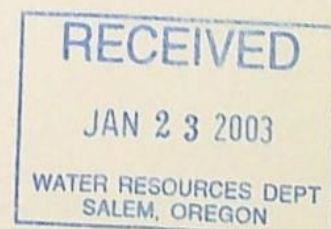
To the extent the Board denied the permit to satisfy a later domestic filing by Mr. Chris Holm, the Department ignored the doctrine of prior appropriation, existing Department procedures and failed to assess the availability of water to Mr. Holm from alternative points. Quoting from the booklet, *Water Rights in Oregon*, May 2001, prepared by the Department:

"Generally, Oregon law does not provide a preference for one kind of use over another. If there is a conflict between users, the date of priority determines who may use the available water. If the rights in conflict have the same date of priority, then the law indicates domestic use and livestock watering have preference over all other uses."

If the spring is deemed non-exempt, Mr. Juncal's water right, which was filed before Mr. Holm's, takes precedent. The Department ignored the doctrine of prior appropriation. Applicant draws the Department's attention to the PFO issued in regards to application #S-84464. There, the Department issued a PFO denying a water right because it was reserving capacity for an earlier pending applicant. The Department cannot deny applicant a permit in order to satisfy the needs of an applicant who does not have priority.

The Department is also overlooking an easement recorded in Jackson County that runs with his property that Mr. Holm has stipulated to Applicant's right to irrigate approximately 0.7 acres of the easement (Road Share Agreement, attached hereto as Exhibit "3"). The water for this stipulated irrigation is part of applicant's groundwater application. Mr. Holm is bound by this agreement and if Mr. Holm's action results in the abridgement of a right he has previously granted, it will no doubt result in further conflicts and likely legal action.

The proposed order should be revised to grant applicant 4.48 gpm, and if the Department terminates consideration of Burns application #S-84817, applicant should be entitled to an additional 4.48 gpm for a total of 9.96 gpm.



HORNECKER, COWLING, HASSEN & HEYSELL, L.L.P.

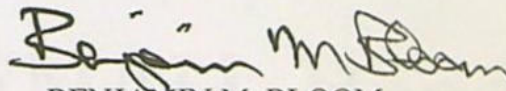
State of Oregon Water Resources Department
Water Rights Division
January 22, 2003
Page 5 of 5

As noted above, applicant believes the spring should be treated as exempt surface water consistent with the Department's 1999 ruling. Under such a determination, this groundwater application should be approved without conditions. The issue of the spring would then be resolved as recommended previously by the Department, in accordance with the civil agreements between the affected parties. This is very straightforward since the historical spring use is very well-documented and, more importantly, the basis for its use is spelled out in the deeds of the property owner Mr. Holm, and the historic users, Ms. Burns, Mr. Marken and Mr. Cornwell.

However, if the spring is not determined to be exempt, the errors/deficiencies in this PFO are easily corrected by approving the application in accordance with the long established policy of regulating applications based upon filing dates and imposing any conditions necessary to protect applications with an earlier priority date. This would provide great public benefit by providing stream flow in a high priority area at many times of the year, wildlife habitat in an area immediately adjacent to a large tract of public land including a National Monument, and fire protection resources, while not excluding additional domestic use. At this time, there are filings for domestic use by Ms. Julia Burns and Mr. Chris Holm, both of whom have priority dates well after applicant's. Mr. Holm's domestic and stock water requirements can be easily satisfied by the drilling of a relatively shallow well. This is not a financial hardship, since Mr. Holm has selected a beautiful house site approximately 1,000 feet to the south of the spring. The cost of his well would be offset by the cost of installing such a long pipeline. It should be pointed out in this regard that the two existing pipelines in the area would not be available to Mr. Holm since one is under pressure from a well, and the second is located on a deeded easement and is the property of others. By drilling a well at his home site, significant public benefit is achieved (noted above) with little or no net impact.

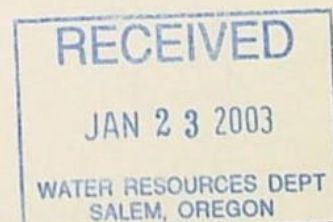
We hope you address these concerns internally and, if not, we look forward to fully discussing the issues at a contested case hearing.

Yours sincerely,



BENJAMIN M. BLOOM
bmb@roguelaw.com

BMB:sal
c: Russell and Nora Juncal
HAUSER\FILES\23984b\Water Rights Division_L02.G15711.wpd
c: Chris and Anita Holm



WATERMASTER DETERMINATION OF WATER AVAILABILITY

The application for use of water from a ^{well}~~spring~~ is from a water source for which a reasonable water availability analysis can not be made. The use is consumptive. The determination of water availability is to be made by the Watermaster based on observation of the water source and knowledge of existing water use from that source.

Source: A well

Location: NENE Sec 18, T41S, R2E W4

1. Are there existing diversions for water use? yes From a Spring directly South and within 100' feet of this well, but no water rights (pending Application with earlier priority)
2. What impact could the existing diversion have on availability for the proposed use? Potentially use all available water from this Aquifer during periods of low flow or drought
3. Are there periods when there is insufficient water to satisfy existing rights? no water rights in this area yet
4. Is there sufficient water from this source to meet the proposed use a reasonable amount of the time? yes, If there are no rights on the Spring
5. Will the user have use of water at least 80 (50) percent of the time (list by months)? yes 80%
6. Any conditions or circumstances that the Department should be aware of? Ivan Gall (WRD SW Region) has determined that this well will interfere with nearby spring

Watermaster Del Sparks

Region South Central

Signature Del Sparks

Date 11/13/02

Application: G-15711





Oregon

John A. Kitzhaber, M.D., Governor

Water Resources Department10 S Oakdale
Medford OR 97501
(541) 776-7056
FAX (541) 776-7189

December 6, 1999

Mrs. Sylvia Schechter
Baconia Foundation
c/o 1949 NE Lotus Drive
Bend, OR 97701RE: September 28th 1999 at 10:00 am, spring and water rights 41S 2E TL 1700

Dear Mrs. Schechter,

I apologize for the late reply on the report of the examination of your spring and wells on your property. Hopefully some of the confusion was taken care of by my visit.

I examined the spring in question, which was in a concrete structure about 4' by 3' by 2' high. The spring was about 20 feet from an unnamed stream. There was no natural watercourse or well-defined channel from the spring to the stream. This spring would meet the definition of a spring under Oregon Water Law. If a spring arises on a piece of land under one ownership and does not flow off that property through a well defined channel then the water is that persons water to do with what they want. This means that it is not public waters and is exempt from regulation.

Since this spring is not public waters, the water used does not need a water right. There are also some drawbacks to having an exempt spring i.e. no assistance in regulation, no priority date to regulate with, and no recourse except civil for actions that change the flow of the spring.

As far as the wells in the area, if they are serving domestic uses (up to 15,000 gpd) and less than 1/2 acre of non-commercial lawn and garden then they are exempt from filling for water rights. They are not exempt from regulation based on usage or priority date. Water rights in Oregon are first in time and first in right. If one of the wells interferes with another well and they are hydraulically connected then the oldest well gets their water first. This does not work for the spring, as it is not public waters.

Your best recourse on the matters of the spring is to resolve them as a community or if that fails then you may have to resort to an attorney that is educated in easement issues and contracts.

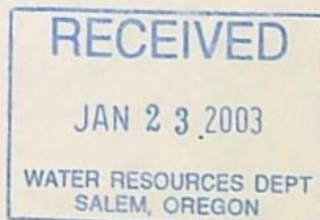
If you have any further questions please call.

Sincerely,

A handwritten signature in dark ink, appearing to read "Bruce R. Sund".

Bruce R. Sund
Watermaster, District 14

cc: Russell Juncal, Julia Burns, Larry Menteeer

EXHIBIT 1

TO: Water Rights Section

MARCH 14, 2002

FROM: Groundwater/Hydrology Section

IVAN GALL

Reviewer's Name

SUBJECT: Application G-15711

GROUNDWATER/SURFACE WATER CONSIDERATIONS

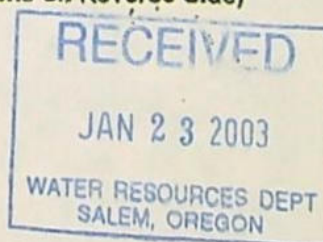
1. PER THE Basin rules, one or more of the proposed POA's is/is not within feet/mile of a surface water source () and taps a groundwater source hydraulically connected to the surface water.
2. BASED UPON OAR 690-09 currently in effect, I have determined that the proposed groundwater use
- a. ☒ will have the potential for substantial interference with the nearest surface water source, namely UNNAMED SPRING; or
- b. ☐ will not have the potential for substantial interference with the nearest surface water source, namely ; or
- c. ☐ will, if properly conditioned, adequately protect the surface water from interference:
- i. ☐ The permit should contain condition #(s) ; or
- ii. ☐ The permit should contain special condition(s) as indicated in "Remarks" below;
- iii. ☐ The permit should be conditioned as indicated in item 4 below; or
- d. ☐ will, with well reconstruction, adequately protect the surface water from substantial interference.

GROUNDWATER AVAILABILITY CONSIDERATIONS

3. BASED UPON available data, I have determined that groundwater for the proposed use
- a. ☐ will likely be available in the amount requested without injury to prior rights and/or is within the capacity of the resource; or
- b. ☒ will not be available in the amount requested without injury to prior rights and/or is within the capacity of the resource; or
- c. ☐ will, if properly conditioned, avoid injury to existing rights or to the groundwater resource:
- i. ☐ The permit should contain condition #(s) ;
- ii. ☐ The permit should contain special condition(s) as indicated in "Remarks" below;
- iii. ☐ The permit should be conditioned as indicated in item 4 below; or
4. a. ☐ THE PERMIT should allow groundwater production from no deeper than feet below land surface;
- b. ☐ The permit should allow groundwater production from no shallower than feet below land surface;
- c. ☐ The permit should allow groundwater production only from the groundwater reservoir between approximately feet and feet below land surface;
- d. ☐ Well reconstruction is necessary to accomplish one or more of the above conditions.
- e. ☐ One or more POA's commingle two or more sources of water. The applicant must select one source of water per POA and specify the proportion of water to be produced from each source.

REMARKS:

(Well Construction Considerations on Reverse Side)



RECEIVED

MAR 18 2002

WATER RESOURCES DEPT
SALEM, OREGON

EXHIBIT 1074

WELL CONSTRUCTION (If more than one well doesn't meet standards, attach an additional sheet.)

5. THE WELL which is the point of appropriation for this application does not meet current well construction standards based upon:
- a. ☐ review of the well log;
 - b. ☐ field inspection by _____;
 - c. ☐ report of CWRE _____;
 - d. ☐ other: (specify) _____
6. THE WELL construction deficiency:
- a. ☐ constitutes a health threat under Division 200 rules;
 - b. ☐ commingles water from more than one groundwater reservoir;
 - c. ☐ permits the loss of artesian head;
 - d. ☐ permits the de-watering of one or more groundwater reservoirs;
 - e. ☐ other: (specify) _____
7. THE WELL construction deficiency is described as follows: _____
8. THE WELL a. ☐ was constructed according to the standards in effect at the time of original construction or most recent modification.
- b. ☐ was not constructed according to the standards in effect at the time of original construction or most recent modification.
- c. ☐ I do not know if it met standards at the time of construction.

RECOMMENDATION:

- A. ☐ I recommend including the following condition in the permit: "No water may be appropriated under terms of this permit until the well(s) has been repaired to conform to current well construction standards and proof of such repair is filed with the Enforcement Section of the Water Resources Department."
- B. ☐ I recommend withholding issuance of the permit until evidence of well reconstruction is filed with the Enforcement Section of the Water Resources Department.
- C. ☐ REFER this review to Enforcement Section for concurrence.

THIS SECTION TO BE COMPLETED BY ENFORCEMENT PERSONNEL

I concur in G/H's recommendation A or B above relating to conditioning or withholding the permit.

_____, 200_____
(Signature)

I do not concur in G/H's recommendation A or B above relating to conditioning or withholding the permit for the following reasons: _____

_____, 200_____
(Signature)

RECEIVED

JAN 23 2003

WATER RESOURCES DEPT
SALEM, OREGON

EXHIBIT

2
274

Water Resources Department

MEMO

MARCH 14, 2002

TO Application G- 15711
FROM GW: JUAN GALL
(Reviewer's Name)
SUBJECT Scenic Waterway Interference Evaluation

☐ Yes

The source of appropriation is within or above a Scenic Waterway

☒ No☐ Yes

Use the Scenic Waterway condition (Condition 7J).

☒ No

PREPONDERANCE OF EVIDENCE FINDING: (Check box only if statement is true)



At this time the Department is unable to find that there is a preponderance of evidence that the proposed use of ground water will measurably reduce the surface water flows necessary to maintain the free-flowing character of a scenic waterway in quantities necessary for recreation, fish and wildlife.

FLOW REDUCTION: (To be filled out only if Preponderance of Evidence box is not checked)

Exercise of this permit is calculated to reduce monthly flows in _____ Scenic Waterway by the following amounts expressed as a proportion of the consumptive use by which surface water flow is reduced.

Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec

RECEIVED

JAN 23 2003

WATER RESOURCES DEPT
SALEM, OREGON

RECEIVED

MAR 18 2002

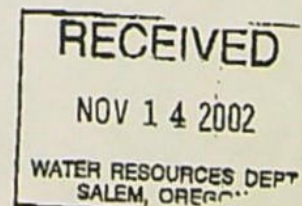
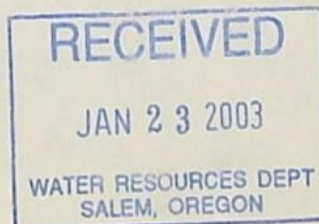
WATER RESOURCES DEPT.
SALEM, OREGON
EXHIBIT 374

WATERMASTER DETERMINATION OF WATER AVAILABILITY

The application for use of water from a ^{well}~~spring~~ is from a water source for which a reasonable water availability analysis can not be made. The use is consumptive. The determination of water availability is to be made by the Watermaster based on observation of the water source and knowledge of existing water use from that source.

Source: A wellLocation: NE NE Sec 18, T4S, R2E, W4

1. Are there existing diversions for water use? yes from a spring directly south and within 100' feet of this well, but no water rights (pending application with earlier priority)
2. What impact could the existing diversion have on availability for the proposed use? POTENTIALLY use all available water from this Aquifer during periods of low flow or drought
3. Are there periods when there is insufficient water to satisfy existing rights? no water rights in this area yet
4. Is there sufficient water from this source to meet the proposed use a reasonable amount of the time? yes, if there are no rights on the Spring
5. Will the user have use of water at least 80 (50) percent of the time (list by months)? yes 80%
6. Any conditions or circumstances that the Department should be aware of? Ivan Gall (WRD SW Region) has determined that this well will interfere with nearby spring

Watermaster Del SparksRegion South CentralSignature Del SparksDate 11/13/02Application: G-15711EXHIBIT 2484

AGREEMENT FOR SHARED WATER, ROAD MAINTENANCE AND POWER EASEMENT

Whereas, the parties to this agreement, Russell and Nora Juncal (hereinafter referred to as JUNCALS) and the Baconian Foundation Inc., an Oregon non-profit corporation (hereinafter referred to as BACONIAN) wish to clarify certain rights and responsibilities with regard to water rights, land use and maintenance on their respective properties and,

Whereas, the Baconian Foundation is the owner of certain real property in Jackson County, Oregon commonly referred to as Tax lot # 1700, which is more particularly described in Exhibit A, and,

Whereas, the BACONIAN is the owner of two wells on their property, one of which is utilized by JUNCALS for their California property and for irrigation of their parking easement in Oregon and which is hereinafter referred to as BACONIAN Well # 1, and the second of which is reserved to BACONIAN and is hereinafter referred to as BACONIAN #2, and,

Whereas, Lawrence and Sylvia Schechter are empowered to represent BACONIAN and,

Whereas, JUNCALS are the owners of contiguous property in Siskiyou County, California, commonly referred to as parcels 006-240-400 and 006-240-440, which are more particularly described in Exhibit B, and,

Whereas, JUNCALS utilize water from BACONIAN Well # 1, and maintain a wellhouse, pump, storage tank, electrical circuit, level control switch and pipeline to convey water for their use as described in paragraph 2 above, the parties hereby agree as follows:

JUNCALS shall grant a 10 foot wide easement, for ingress, egress and electrical utilities to BACONIAN across parcel 006-240-400, beginning at the Pacific Power transformer on JUNCAL property due north onto the BACONIAN property (a distance of approximately 1/4 mile). The north-south centerline of the easement shall begin at the centerline of the transformer.

JUNCALS will be responsible for the BACONIAN share of costs for improving and maintaining the shared road between Hilt Road and the JUNCAL and BACONIAN properties. This includes all past material and labor costs as well as all future costs for a period of five years from the date of this agreement, or until a building permit is issued for the property, whichever comes first. Thereafter, the owner of the BACONIAN property will be responsible for their share of the ongoing road maintenance and improvement costs as specified in previously-recorded documents. These maintenance activities will include such activities as are necessary to keep the road passable by two-wheel drive vehicles under typical winter weather conditions.

The owner of the BACONIAN property will have the right to obtain water from BACONIAN Well # 1, currently used by JUNCALS, and to use the existing wellhouse, pump, storage tank and water line currently serving the JUNCAL property. This use shall not interfere with the utilization by JUNCALS of the water rights specified below, however, if a larger pump or



power service is required to meet the mutual needs of the two parties these costs will be borne by JUNCAL. It is understood that the additional pump and or power capacity will be installed to allow for domestic water use and irrigation of up to 1/2 acre on the BACONIAN property. If additional water use is needed by the owner of the BACONIAN property, such additional costs will be born pro rata by the parties based upon metered use. Pro rata shares will be based upon usage for one full year after the capital improvement and will be due within 30 days of such a pro rata determination. It is further understood that the cost for any extensions of the line needed to provide for use on the BACONIAN property shall be borne by BACONIAN. Expenses for the maintenance of the water system including, pump repair, tank or valve replacement, pipeline work, etc. will be shared on a pro rata basis determined by the previous 12 months metered usage. The electrical costs will also be shared on a pro rata basis but will be determined by monthly metered usage. Shared expenses for pipeline maintenance or repair will apply only to that portion of the existing pipeline between the well and the California state line. Portions of the pipeline in California shall be the sole responsibility of JUNCALS and any extensions off of the existing pipeline in Oregon will be the responsibility of BACONIAN. Each party will pay for the installation of their individual water meters. Because the pump power is derived from a circuit at the JUNCAL house, JUNCALS will be responsible for monthly meter readings and the computation of any water related expenses. Such expenses will be paid by JUNCALS with reimbursement of the pro rata share by BACONIAN within 30 days of receiving an accounting of expenses. JUNCALS will pay for the installation of an electrical sub-meter to determine usage by the pump/well house circuit.

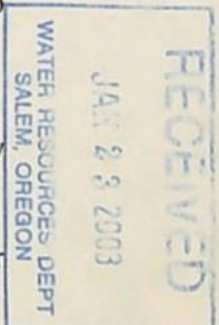
JUNCALS will provide, at their expense, a well capacity test report, including general condition and bacteriological analyses for both BACONIAN Well # 1 and BACONIAN Well # 2, immediately adjacent to the wellhouse door. This report will be stamped by a California Registered Geologist and California Certified Hydrogeologist and will provide the results of short term capacity testing of both wells.

BACONIAN has the right at their own expense, to build their own wellhouse and/or storage facility, to enlarge the existing pump house or to pipe below grade into the pump house if they want to use BACONIAN Well #2, located immediately adjacent to the pump house door. It is understood that such modifications will be in accordance with any applicable building codes and that such modifications will not interfere with the utilization by JUNCALS of the water rights specified below.

JUNCALS will have the right to use water from the BACONIAN Well #1 for maintaining the area of their approximately 100 ft x 107 foot recorded parking easement in front of the JUNCALS property on the BACONIAN property and for irrigation of the pine trees that were planted between the easement and the seasonal drainage immediately to the west, also on the BACONIAN property.

JUNCALS will have the right to utilize water from the BACONIAN Well # 1 to service their California property. This use must conform to Oregon and other applicable water law with regard to amount and purpose.

Upon delivery of the well capacity report by JUNCALS to BACONIAN this agreement, or such separate agreements or documents that are necessary to legally bind the parties to the



AGREEMENT FOR SURFED WATER, ROAD MAINTENANCE AND POWER EASEMENT

agreed conditions, will be recorded in both Jackson and Siskiyou Counties. JUNCALS will bear the cost of recording.

This agreement shall be binding upon the heirs, executors, administrators, successors and assigns of the parties.

This agreement is entered into on this 26TH day of DECEMBER, 1997, by

For RUSSELL AND NORA JUNCAL:

Russell W. Juncal
Russell W. Juncal

Nora K. Juncal
Nora K. Juncal

STATE OF California)
COUNTY OF Siskiyou) ss

Sworn and Subscribed
This instrument was acknowledged before me on December 17, 1997, 1997, by
Russell W. Juncal and Nora K. Juncal.

Sue M. Dickhart
Notary Public Sue M. Dickhart



For BACONIAN FOUNDATION, INC.:

Lawrence Schechter
Lawrence Schechter, Secretary

Sylvia Moss-Schechter
Sylvia Schechter, President

STATE OF Oregon)
COUNTY OF Jackson) ss

This instrument was acknowledged before me on December 26, 1997, by
Lawrence Schechter and Sylvia Schechter.

Sandra L. Kreisman
Notary Public

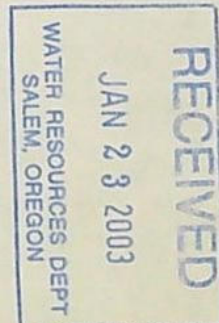


EXHIBIT A

The Baconian Foundation property, commonly referred to as Tax Lot #1700 of Jackson County, Oregon, is more particularly described as follows:

Commencing at the Northeast corner of Donation Land Claim No. 37, Township 41 South, Range 2 East of the Willamette Meridian, Jackson County, Oregon; thence South $1^{\circ}15'$ East along the East line of said Claim No. 37 and Donation Land Claim No. 38, said Township and Range, 14.09 chains to the Oregon-California border; thence West along said border 3000 feet, more or less, to a 2 inch iron pipe, said pipe being the corner of Sections 14 and 15 of Township 48 North, Range 7 West of the Mount Diablo Meridian Siskiyou County, California; thence East along said border 1500 feet for the point of beginning; thence North to a point 25 feet South of the North line of said Claim No. 37; thence West parallel with and 25 feet South of said North line to a point 25 feet East of the West line of said Claim No. 37, thence South parallel with and 25 feet East of said West line to a point 25 feet South of the Easterly extension of the North line of Government Lot 2, Section 13, Township 41 South, Range 1 East of the Willamette Meridian; thence West parallel with said North line to a point in the center of the County Road; thence Northerly along said center of the County Road to the Westerly extension of the North line of said Lot 2; thence East along said North line to the West line of said Claim No. 37; thence East along the North line of said Claim No. 37 to the Northeast corner of said Donation Land Claim; thence South to the point of beginning.

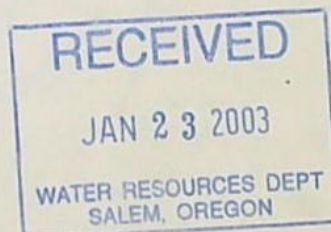


EXHIBIT B

The Juncal property, commonly referred to as parcels 006-240-400 and 006-240-440, comprises:

ALL THAT REAL PROPERTY IN THE STATE OF CALIFORNIA, COUNTY OF SISKIYOU, UNINCORPORATED AREA, DESCRIBED AS FOLLOWS:

PARCEL A:

All that portion of the following described lands lying in Township 48 North, Range 7 West, Mount Diablo Meridian;

All that portion of fractional Section 14 and Section 23, more particularly described as follows:

Beginning at a 2" iron pipe stamped LS 3122 at the Northwest corner of fractional Section 14; thence North $89^{\circ} 23' 56''$ East along the California-Oregon border, also being the North line of fractional Section 14, 1276.00 feet to a G.L.O. Brass cap stamped 132M 42L, 1916, said point being the TRUE POINT OF BEGINNING.

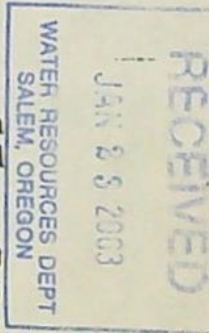
Thence South $0^{\circ} 32' 04''$ East, 1400.00 feet to a point; thence Easterly along a line parallel to the North line of Section 23, 1276.00 feet to a point; thence North $0^{\circ} 32' 04''$ West, 1400.00 feet, more or less, to the North line of fractional Section 14; thence South $89^{\circ} 23' 56''$ West along the North line of fractional Section 14, 1276.00 feet, to the TRUE POINT OF BEGINNING.

EXCEPTING THEREFROM all oil, oil rights, mineral rights, natural gas rights and other hydrocarbons by whatsoever name known, together with all geothermal steam and steampower that may be within or under the above described property, below a depth of 500 feet as conveyed to Eastwood Minerals and Energy Company by the Deed recorded July 18, 1974 in Volume 714, Official Records, page 417 and as modified by the Deed recorded May 29, 1978 in Volume 820, Official Records, page 292.

PARCEL B:

All that portion of fractional Section 14 and Section 23, lying in Township 48 North, Range 7 West, Mount Diablo Meridian, described as follows:

Beginning at the corner of Sections 14, 15, 22 and 23, Township 48 North, Range 7 West, M.D.M.; thence South $55^{\circ} 09'$ East, 4069.56 feet; thence North $0^{\circ} 09' 14''$ East, to the centerline of the Hilt Road, County Road OJ001 and the TRUE POINT OF BEGINNING;



EXHIBIT

3
587

AGREEMENT FOR SHARED WATER, ROAD MAINTENANCE AND POWER EASEMENT
EXHIBIT B

Thence North 0° 09' 14" East, 330.00 feet, more or less, to the Southeast corner of the lands of the Hilt Elementary School District, as described in the Deed from Fruit Growers Supply Company, dated May 5, 1954 and recorded on June 29, 1954 in Volume 332 of Official Records, page 596; thence North 0° 23' 14" East, 632.98 feet to the Northeasterly corner of the lands of said School District, said point being on the South line of the North one-quarter of Section 23; thence North 89° 36' 46" West along the South line of the North one-quarter of Section 23 to the Northeasterly line of the Southern Pacific Railroad Right of Way; thence North 60° 25' West, 150.00 feet along the Northeasterly line of said Railroad Right of Way to a point; thence leaving said Right of Way North 29° 35' East, 150.00 feet to a point; thence North 64° 21' 30" East, 997.99 feet to a point; thence North 57° 00' East, 400.00 feet to a point which bears South 0° 32' 04" East, 1400.00 feet from a G.L.O. Brass Cap stamped 132M 42L, 1916, located on the California-Oregon border, also being the North line of fractional Section 14; thence Easterly along a line parallel to the North line of Section 23, 1276.00 feet to a point; thence North 0° 32' 34" West, 1400.00 feet, more or less, to the North line of fractional Section 14, also being the California-Oregon border; thence Easterly along the North line of fractional Section 14 to the Easterly line of fractional Section 14; thence Southerly along the Easterly line of fractional Section 14 and the Easterly line of Section 23 to a point in the centerline of the Hilt Road, County Road 03001, thence Westerly along the centerline of the Hilt Road to the TRUE JOINT OF BEGINNING.

Basis of Bearings is North 0° 11' 38" West along the Westerly line fractional Section 14 and Section 23, Township 48 North, Range 7 West, M.D.N., as shown on Record Survey Book 14, page 132, Siskiyou County Official Records.

EXCEPTING THEREFROM all that portion of fractional Section 14 and Section 23, lying Easterly of the Westerly line of the lands described as Parcel Two in the Deed from William A. Bray and wife to the State of California, dated January 31, 1940 and recorded July 6, 1940 in Volume 115 of Official Records, page 145.

ALSO EXCEPTING THEREFROM the 60 foot strip conveyed to the County of Siskiyou for road purposes by Deed dated November 17, 1978 and recorded December 15, 1978 in Volume 841 of Official Records, page 598.

ALSO EXCEPTING THEREFROM all oil, oil rights, mineral rights, natural gas rights and other hydrocarbons by whatsoever name known, together with all geothermal steam and steampower that may be within or under the above described property, below a depth of 500 feet as conveyed to Eastwood Minerals and Energy Company by the Deed recorded July 18, 1974 in Volume 714, Official Records, page 417 and as modified by the Deed recorded May 29, 1978 in Volume 820, Official Records, page 292.



EXHIBIT

3
687

State of California
County of Siskiyou

}
}ss.
}

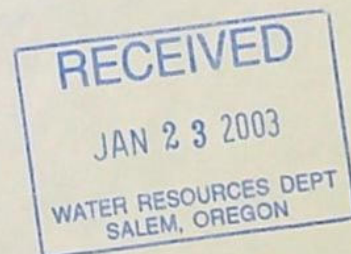
On 12-17-97 before me, Sue M. Dickhart,
personally appeared

Russell W. Juncal and Nora K. Juncal

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 & 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.

Sue M. Dickhart



EXHIBIT

3
797



Oregon

Theodore R. Kulongoski, Governor

Water Resources Department

Commerce Building
158 12th Street NE
Salem, OR 97301-4172
503-378-3739
FAX 503-378-8130

January 30, 2003

JULIA BURNS
PO BOX 1026
ASHLAND OR 97520

Dear Mrs. Burns:

This satisfies your **public records request** we received via fax on January 28, 2003 for any protests and comments from the Oregon Water Resources file numbers S-85175, G-15711 and S-85219. Also any comments in the Files of Julia Burns, file number S-85127, S-84817, R-85199 and R-85200.

I had my staff go through these files and very carefully check for any third party comments. Also I had them check for any protests that might have been filed on any of your applications mentioned above.

Cost: 125 copies (\$2.00 first page and \$0.50 for each page thereafter)	\$ 64.00
Staff time is 4.5 hours:	\$ 90.00
Postage	\$ 3.95
Total Charges:	\$157.95

If you still want to open an account with the Water Resources Department, please fill out the enclosed "**New Account**" form and send an additional \$100.00 along with your payment of \$154.00.

Sincerely,

Dwight French
Manager
Water Rights Section

Enc.(s)

OREGON WATER RESOURCES DEPARTMENT

615711



State of Oregon
Water Resources Department
158 12th ST NE, Salem, OR 97301
(503) 378-8455
www.wrd.state.or.us

FAX TRANSMITTAL

TO: Ben Bloon FAX NUMBER: 541-779-2982
DATE: 1/14/03 PAGES: 4, INCLUDING COVER SHEET
FROM: Jerry Gaivey PHONE: (503) 378-8455 EXT. 458

COMMENTS: _____

DIRECTOR'S OFFICE

- Water Resources Commission
- Legislation and Rules
- Public Information

FIELD & TECHNICAL SERVICES

- Hydrographics
- Ground Water
- Information Services
- GIS/Mapping

FAX: (503) 378-2496

ADMINISTRATIVE SERVICES

- Fiscal / Accounting
- Human Resources / Personnel
- Water Development Loan Fund
- Support Services

FIELD & TECHNICAL SERVICES

- Dam Safety
- Enforcement
- Regional Liaisons
- Transfers

FAX: (503) 378-8130

WATER RIGHTS

- Water Rights information
- Adjudications
- Hydroelectric
- Certifications / Final Proofs
- Hearings / Contested Cases

NORTHWEST REGION

- District 16 Watermaster

FAX: (503) 378-6203

TO: Water Rights Section

MARCH 14, 2002

FROM: Groundwater/Hydrology Section IVAN GALL

Reviewer's Name

SUBJECT: Application G- 15711

GROUNDWATER/SURFACE WATER CONSIDERATIONS

1. ~~PER THE~~ Basin rules, one or more of the proposed POA's is/is not within ~~_____ feet/mile of a surface water source (_____) and taps a groundwater source hydraulically connected to the surface water.~~
2. BASED UPON OAR 690-09 currently in effect, I have determined that the proposed groundwater use
- a. ☒ will have the potential for substantial interference with the nearest surface water source, namely UNNAMED SPRING; or
- b. _____ will not have the potential for substantial interference with the nearest surface water source, namely _____; or
- c. _____ will, if properly conditioned, adequately protect the surface water from interference:
- i. _____ The permit should contain condition #(s) _____; or
- ii. _____ The permit should contain special condition(s) as indicated in "Remarks" below;
- iii. _____ The permit should be conditioned as indicated in item 4 below; or
- d. _____ will, with well reconstruction, adequately protect the surface water from substantial interference.

GROUNDWATER AVAILABILITY CONSIDERATIONS

3. BASED UPON available data, I have determined that groundwater for the proposed use
- a. _____ will likely be available in the amount requested without injury to prior rights and/or is within the capacity of the resource; or
- b. ☒ will not be available in the amount requested without injury to prior rights and/or is within the capacity of the resource; or
- c. _____ will, if properly conditioned, avoid injury to existing rights or to the groundwater resource:
- i. _____ The permit should contain condition #(s) _____;
- ii. _____ The permit should contain special condition(s) as indicated in "Remarks" below;
- iii. _____ The permit should be conditioned as indicated in item 4 below; or
4. a. _____ THE PERMIT should allow groundwater production from no deeper than _____ feet below land surface;
- b. _____ The permit should allow groundwater production from no shallower than _____ feet below land surface;
- c. _____ The permit should allow groundwater production only from the _____ groundwater reservoir between approximately _____ feet and _____ feet below land surface;
- d. _____ Well reconstruction is necessary to accomplish one or more of the above conditions.
- e. _____ One or more POA's commingle two or more sources of water. The applicant must select one source of water per POA and specify the proportion of water to be produced from each source.

REMARKS:

(Well Construction Considerations on Reverse Side)

RECEIVED

MAR 18 2002
WATER RESOURCES DEPT
SALEM, OREGON

WELL CONSTRUCTION (If more than one well doesn't meet standards, attach an additional sheet.)

5. THE WELL which is the point of appropriation for this application does not meet current well construction standards based upon:
- a. ☐ review of the well log;
 - b. ☐ field inspection by _____;
 - c. ☐ report of CWRE _____;
 - d. ☐ other: (specify) _____
6. THE WELL construction deficiency:
- a. ☐ constitutes a health threat under Division 200 rules;
 - b. ☐ commingles water from more than one groundwater reservoir;
 - c. ☐ permits the loss of artesian head;
 - d. ☐ permits the de-watering of one or more groundwater reservoirs;
 - e. ☐ other: (specify) _____
7. THE WELL construction deficiency is described as follows: _____
8. THE WELL
- a. ☐ was constructed according to the standards in effect at the time of original construction or most recent modification.
 - b. ☐ was not constructed according to the standards in effect at the time of original construction or most recent modification.
 - c. ☐ I do not know if it met standards at the time of construction.

RECOMMENDATION:

- A. ☐ I recommend including the following condition in the permit: "No water may be appropriated under terms of this permit until the well(s) has been repaired to conform to current well construction standards and proof of such repair is filed with the Enforcement Section of the Water Resources Department."
- B. ☐ I recommend withholding issuance of the permit until evidence of well reconstruction is filed with the Enforcement Section of the Water Resources Department.
- C. ☐ REFER this review to Enforcement Section for concurrence.

THIS SECTION TO BE COMPLETED BY ENFORCEMENT PERSONNEL

I concur in G/H's recommendation A or B above relating to conditioning or withholding the permit.

(Signature)

_____, 200__

I do not concur in G/H's recommendation A or B above relating to conditioning or withholding the permit for the following reasons: _____

(Signature)

_____, 200__

Water Resources Department

MEMO

MARCH 14, 2002

TO: Application G- 15711
FROM: GW: IUAN GALL
(Reviewer's Name)
SUBJECT: Scenic Waterway Interference Evaluation

☐ Yes
☒ No
The source of appropriation is within or above a Scenic Waterway

☐ Yes
☒ No
Use the Scenic Waterway condition (Condition 7J).

PREPONDERANCE OF EVIDENCE FINDING: (Check box only if statement is true)

☒ At this time the Department is unable to find that there is a preponderance of evidence that the proposed use of ground water will measurably reduce the surface water flows necessary to maintain the free-flowing character of a scenic waterway in quantities necessary for recreation, fish and wildlife.

FLOW REDUCTION: (To be filled out only if Preponderance of Evidence box is not checked)

Exercise of this permit is calculated to reduce monthly flows in _____ Scenic Waterway by the following amounts expressed as a proportion of the consumptive use by which surface water flow is reduced.

Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec

RECEIVED

MAR 18 2002

WATER RESOURCES DEPT.
SALEM, OREGON

RECEIVED

JUN 05 2002

WATER RESOURCES DEPT.
SALEM, OREGON

Chris Holm
14930 Barney Road
Plymouth, California 95669
(209) 245-4814
thewizard201@yahoo.com

Russell Klassen
Oregon Water Resources Department
Commerce Building
158 - 12th Street, NE
Salem, Oregon 97301-4172

Re: File G-15711

June 01, 2002

Russ,

This is a response to the permit application (File G-15711) filed by Russell Juncal. A partial history of the water situation, in the area, is listed below:

1981: Lawrence Schechter formed the Alcyone Landowners Association and purchased three parcels of property (Township 41 Range 2E Tax Lot 1700 [Oregon parcel], Township 41 Range 1E Tax Lot 915, and Township 41 Range 2E Tax Lot 916 [California parcels]) from L. B. Properties.

1987: Lawrence Schechter deeded a Well and Pipeline EASEMENT and a Parking Area EASEMENT to the Alcyone Light Centre, a company that he also formed that occupied the California house/parcel currently being purchased by Russell Juncal. No water right was assigned/conveyed/transferred to that California property (see enclosed item A).

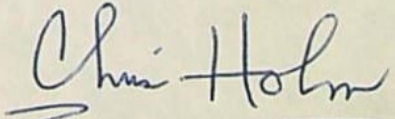
1995: Leonard Cohn foreclosed on the two aforementioned California parcels that were being purchased by Lawrence Schechter. Cohn attempted to secure water rights for the two California properties but was unsuccessful in exchanging land for water rights (see enclosed item B). After the unsuccessful attempt to secure water rights, Cohn trespassed, and illegally connected a PVC pipe to a capped waterline, on Schechter's Oregon parcel (Tax Lot 1700). Schechter did not discover this action, at that time, as he vacated the area after the foreclosure.

1997: Leonard Cohn sold the aforementioned California parcels to Russell Juncal and Taylor Sloan. Cohn informed both parties that they had water rights, from Schechter's Oregon well (Baconian well #1), associated with their respective property purchases. On November 04, 1997, Schechter served notice on Juncal that Juncal's illegal use of water, from the Oregon parcel owned by Schechter, would be discontinued within two weeks (see enclosed item C). On December 26, 1997, Schechter and Juncal entered into a Shared Well Agreement as a result of Schechter feeling sorry for the situation that Cohn had placed Juncal in. That Shared Well Agreement specifically specified that ONLY three parcels were to receive water from the Baconian well #1 (the Oregon parcel listed above and Siskiyou, County, California parcels 006-240-400 and 006-240-440). See enclosed item D.

2001: I purchased the Oregon parcel (Township 41 Range 2E Section 18 Parcel 27 Tax Lot 1700) from Schechter. Juncal immediately informed me that although my newly acquired property has two wells and one spring there is no water available for me. He advised that the Baconian well #2 has a damaged casing and high bacteria levels (later proven untrue), the spring is EXCLUSIVELY used by three other California property owners (also proven untrue as I can use water from that spring), and I would need a permit to utilize water from the Baconian well #1 (again proven untrue, see enclosed item E).

2002: I discovered that Juncal is illegally selling water, from my Oregon well, to Taylor Sloan in California (see enclosed items F). I addressed this issue, numerous times via email correspondence and was given INCORRECT/DIFFERENT information, every time, from Juncal (this was verified by Schechter-see enclosed items listed under G). On March 12, 2002, I sent Juncal a certified letter that the water connection to Taylor Sloan was a violation of the 1997 Shared Well Agreement and that he was immediately to disconnect that water line (see enclosed item G). Juncal has not disconnected that illegal water connection.

In summary, I oppose the water use application that Russell Juncal has applied for. In fact, I feel that his illegal sale of water (being transferred from an illegal water line connection made by Cohn on the Oregon property that I now own) violates the Shared Well Agreement and I also feel that Juncal should be held accountable for that.



Inbox for thewizard201@yahoo.com

Yahoo! - My Yahoo! Options - Sign Out - Help

[Mail](#) [Addresses](#) [Calendar](#) [Notepad](#)

Reply

Reply All

Forward

as attachment ▾

[Download Attachments](#)

Delete

[Next](#) | [Inbox](#)

Choose Folder ▾

Move

From: susarch@coinet.com | [Block Address](#) | [Add to Address Book](#)**To:** thewizard201@yahoo.com**Subject:** Baconian Land**Date:** Wed, 30 May 2001 17:06:22 -0700

RECEIVED

JUN 05 2002

WATER RESOURCES DEPT.
SALEM, OREGON

Dear Chris

Attached is my response to your recent letter.

Baconian Foundation

1949 NE Lotus Dr. Bend, OR 97701

Phone: 541-389-6434, Fax: 541-617-0387

Sylvia and Lawrence Schechter, principal officers

Chris Holm

14930 Barney Road

Plymouth, CA 95669

thesizard201@yahoo.com

Chris:

Thank you for your letter concerning the Hilt property which you purchased from us recently. I am sorry that I was unable to respond sooner, but we just returned from a three week journey on Sunday evening, May 27th. Your letter was not dated, so I don't know how long it has been sitting in our mailbox. I spoke with Bob Johnson on May 4th about an hour before our departure. He mentioned your concerns and said he would try to provide clarity on the issues you raised at that time.

http://us.f31.mail.yahoo.com/ym/ShowLetter?MsgId=270_384352_5151_994_19513_0&YY=10742&inc=25&o... 5/31/01

(A1)

Before responding to the specific questions in your recent letter, I need to let you know what I told Bob Johnson regarding the message you sent him at that time. I told him that our agreement with Russell Juncal, which is recorded in the County, was based on an amicable arrangement to avoid litigation, and provide a means for Russell's property to legally utilize water which was deeded to the Baconian property. **The Alcyone property he purchased from Leonard Cohn did not have water rights.** We lost that property to foreclosure in 1994, and later discovered that water rights from our sister organization, The Baconian Foundation, had never been conveyed to the Alcyone property. This was an oversight and had not been a pressing issue when both properties were in our hands. Mr. Cohn, the mortgage holder, bulldozed his way through the problem by building a pumphouse over the well that had served the Alcyone house. His m.o. involved muscling us out of the picture with expensive lawyers, knowing full well that we could not afford to fight him in court.

When Russell purchased the Alcyone property from Mr. Cohn, he was told by Cohn that he had water rights. Russell is an engineer, with specialization in water issues. He immediately saw the lack of legal standing on the water rights issue. We chose to work on a solution that would benefit both The Baconian Foundation and Russell by setting up an agreement that would allow both parties to share the developed well and pumping system, with specified terms for maintenance, etc., while also providing Baconian access to the underground electrical service that serves Russell's property. There are other provisions, which I can't remember at the moment, which are all a matter of public record. As to the terms related to the quantity of water Russell was allowed, we set it up to comply with the amount allowed under then current law, which provides for one single family residence and no more than one half acre of irrigation surrounding the homestead.

At no time, did we agree to allow Russell the exclusive use of the well, nor the maximum allowance of 15,000 gallons per day. His use of the well was agreed at that time for his one house and half acre irrigation. Nothing more. When questioned on the matter about a year ago, Russell assured me that he had drilled wells on this adjacent parcels, and did not need to draw water from subject well. Moreover, he offered to provide approximately 5,000 gallons per day from "his" well to a potential buyer Bob Johnson showed the land to in my presence about two years ago.

We trusted Russell, and found him the only sane person in the neighborhood. His level headed approach seemed to offer a sound means of dealing with water issues, for us and subsequent owners of the land. His knowledge is considerable and valuable, but his actions of late have given us reason to question his motivation. He has been using the well so long now, without recourse to the Baconian, in a highly volatile atmosphere. He has also done his part in scaring off several potential buyers over the past year with reference to litigation and other troublesome measures, none of which directly affected us. Obviously, there have been related problems, as disclosed in the files, and openly disclosed to you to anyone with a right to know. But, there has been so much over-reaction on the part of all parties involved in the water issues, that a sane voice is hard to find. Russell, and others probably do not welcome another property owner on the scene, but that's tough, and just a fact of life. this property has every right, and a lot more than others to its rightful use of the water on its own land.

We feel the solution to your problems in this regard, probably rest in assuring that Russell does not exceed the limits of our mutual agreement. He may need to be challenged. From the report I received from Bob Johnson, concerning the way you straightened out a person who approached you on the land before the escrow closed, you have the right attitude to get the job done.

I will now, finally, address the questions in your letter, as follows:

1. As I recall, L.B. Properties acquired the property from Occidental Petroleum, a few years before we purchased it in 1981. This is public record, and should be in the Title Report.

2. L.B. Properties did **not** issue an easement to only Julia Burns. The ingress/egress and utility easement was clearly recorded in Document #85-04212, and #85002383, which you should have as indicated in the Title Report. The allocation of spring water is included within the above document. When this became an issue between the neighbors, we called in the State Water Master, Bruce R. Sund, for clarification. His letter (in the file with Bob Johnson) dated December 16, 1999 indicated that " the spring is not public waters and is exempt from regulation. It does not need a water right.....". He indicated that the spring is an integral part of our land. We chose to not challenge its historical use by the properties owned by Burns, Marken and Cornwell.

http://us.f31.mail.yahoo.com/ym/ShowLetter?MsgId=270_384352_5151_994_19513_0&YY=10742&inc=25&o... 5/31/01

(A2)

3. Fred Marken owns the Coach House at 2301 Hilt Rd. The well reserved to his property was drilled about the same time as the two others on the Baconian property. His ownership of same is recorded in the above documents.
4. The Baconian Foundation intended to build a structure on the site, however, that options was discarded when our sister organization, The Alcyone Light Centre, lost its property to foreclosure.
5. Regarding well #2: We have never needed the use of this well during our use of the property. See A REPORT OF CAPACITY, WATER QUALITY AND CONDITION FOR BACONIAN WELLS #1 AND #2, TAX LOT 1700, JACKSON COUNTY, OR by Ground Zero Analysis, Inc. prepared by Russell W. Juncall, CA Registered Geologist No. 3864, CA Certified Hydrogeologist No. 171. That is all we know of the condition of subject well. There is no indication that mentions a damaged casing or unacceptable bacteria levels.
- Mr. Cohn had the pumphouse for well #1 built in direct contact with well #2--which infuriated me after the fact. We were unaware of any damage to the well #2, however, especially following Russell's report was required to mention any unfavorable conditions to either well. Studebaker Well Drilling drilled two wells, presumably because the current owners intended to allocated one to each of the adjacent properties.
6. I will provide you with a copy of the Watermaster's report, as agreed.
7. The Alcyone Landowners Association is no longer in existence.

In summary, there is a great deal of paranoid behavior going on among the feuding neighbors. We have tried on several occasions to find viable resolutions and healing for all involved. The fact of the matter is that there is ample water from the well(s) in question. It is not a matter of substance, but of politics. Since we have been absent from the site, we have been unable to affect any resolution. We hope you will be able to work with Russell, at least, in bringing this matter to a reasonable solution, as provided by mutually favorable intentions from the outset. We have endeavored to provide you with as much information as we could within reason, and trust that things will settle down with your constructive attitude. We wish you both the very best.

Sincerely,

Lawrence Schechter

PS I hope you received a copy of the letter we sent along with the map and aerial photo to Bob a few weeks ago.

Delete	Next Inbox	Choose Folder	Move
Reply	Reply All	Forward	as attachment
			Download Attachments

[Privacy Policy](#) - [Terms of Service](#) - [Guidelines](#)
Copyright © 1994-2001 Yahoo! Inc. All rights reserved.

RECEIVED
JUN 05 2002
WATER RESOURCES DEPT.
SALEM, OREGON

I-3,
LOMBARD, KNUDSEN & HOLTEY

ATTORNEYS AT LAW

622 SISKIYOU BLVD.
POST OFFICE BOX 1090
ASHLAND, OREGON 97520-0051
TELEPHONE (503) 482-8491
FAX (503) 488-3239

MEDFORD OFFICE

925 WEST 8TH ST.
MEDFORD, OR 97501
TELEPHONE (503) 773-8244
FAX (503) 773-1079

BEN "KIP" LOMBARD, JR.
KURT H. KNUDSEN
JUD HOLTEY

*Also Admitted To Practice In California

Leonard I. Cohn
31561 Table Rock Road
South Laguna, CA 92677

June 14, 1995

RE: LAND/WATER EXCHANGE
Alcyone Light Centre, Inc.

Dear Mr. Cohn:

As we have discussed in past telephone conversations this firm represents Alcyone Light Centre, Inc. (Alcyone) in connection with negotiations between it and yourself regarding a water source for property you have taken by foreclosure in California. Fees available for legal services are limited, so I'll make this attempt to lay the ground work for a written agreement as briefly and to the point as possible.

Sylvia and Lawrence send their greetings, and hope that agreement can be reached, in writing, as soon as convenient for you. Please obtain legal advice from your own legal counsel before responding to this proposal. We offer you no advice or counsel in this regard.

You have requested that the Baconian Foundation be prevailed upon to consider a water sharing agreement with you so as to provide a dependable, known source of water to Parcel 3B, as well as to the remaining California properties (Parcel 6-230 - 160, etc.) you recently acquired by foreclosure against Alcyone. In exchange, you would deed back to Alcyone the 41.3 acres just west of Parcel 3B.

Currently there is the continuation of the flow of water for domestic use from the Baconian property to the 40 acres for the occupants of the existing house (6-240-400). I am advised that Baconian is willing to continue to allow this gratis use of its water across the boarder for a limited period during these negotiations.

Of course, the Baconian Foundation (Baconian) board would have to agree to the terms of sharing the water from the well(s) on its Oregon property and the compensation to be paid Baconian for the water, and would have to be reimbursed any and all legal, engineering, escrow, title and other associated fees. Neither Alcyone nor the Baconian Foundation would be making any representations, warranties, or binding assurances regarding water volume, quality, need for a permit, right to divert cross-state, etc., as these questions would have to be resolved by you and your advisers after conducting your own review of the situation in light of your expected requirements. Lawrence has already shared my partner's letter to Alcyone

RECEIVED

JUN 05 2002

WATER RESOURCES DEPT.
SALEM, OREGON

(B1)

Mr. Cohn
June 14, 1995
RE: Alcyone
Page 2

I-4

enumerating some attendant issues and limitations of Oregon-to-California water.

Alcyone would propose that, in exchange for shared water rights with Parcel 27 (Oregon) (with Alcyone perhaps sharing its easement rights with you in combination with the agreement with Baconian), you would deed to Alcyone the 161.7 acre parcel (6-240-390) including the PUD-approved, 35 acre parcel bordering Oregon to Alcyone, free and clear, so that there would be no need for Siskiyou County Planning Office approval and associated fees and engineering costs.

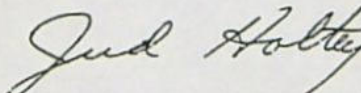
I have been instructed to deal in a timely and fair manner with you and your legal counsel regarding the specifics of the transaction. I am sincerely confident that agreement can be reached most expeditiously if you would share with your own legal counsel your specific desires and expectations regarding the contractual terms that would suit you so that he could prepare a document to your liking for submittal to me. I would then discuss it with Alcyone and other interested parties and quickly respond with specific modifications/additions/clarification.

Of course, this is not meant to include many of the specifics regarding either half of this proposed transaction. We invite you and your legal counsel to submit all you can in this regard and then, in turn, we can do the same.

Looking forward to hearing from your attorney.

Sincerely yours,

LOMBARD, KNUDSEN & HOLTEY



JUD HOLTEY

JH:ph
cc: Alcyone

RECEIVED

JUN 05 2002

WATER RESOURCES DEPT.
SALEM, OREGON

(B2)

THE BACONIAN FOUNDATION
P.O. Box 656, ASHLAND, OR 97520
(541) 552-0190

Mr Russel Juncal,
1965 Hilt Road,
HORN BROOK CA 96044

November 4th 1997

Dear Mr Juncal,

Re: Illegal use of water on the Oregon
parcel owned by the Baconian Foundation.
Map 41 2E, Tax Lot 1700, Jackson County, OR

As has been pointed out to Mr. Len Cohn prior to sale of the California property adjacent to the above parcel, his continued use of our water and building of pump housing, was strictly illegal. It is our contention that the sale to you proceeded in this knowledge.

Since Mr. Cohn has not come forward to remedy this situation, we are now giving TWO WEEKS NOTICE FROM THE DATE OF THIS LETTER that we intend to discontinue supply to your California property. We have consulted with the Water Master in Jackson County who fully concurs in our stand, and upon whose advice we are now acting. Please be further advised that since the pump housing was built upon our land without our knowledge or consent, this is now legally our property.

Yours faithfully,

Sylvia Schechter
Lawrence Schechter

for the Baconian Foundation
Sylvia Schechter - President
Lawrence Schechter - Secretary

RECEIVED

JUN 05 2002

WATER RESOURCES DEPT.
SALEM, OREGON

(C1)

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, 4a, and 4b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

- ☐ Addressee's Address
- ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

RUSSEL JUNCAL
1965 HILT RD.
HORN BROOK, CA 96044

4a. Article Number

P 095 977 215

4b. Service Type

- ☐ Registered ☒ Certified
- ☐ Express Mail ☐ Insured
- ☐ Return Receipt for Merchandise ☐ COD

7. Date of Delivery

NOV. - 6 1997

Received By: (Print Name)

R JUNCAL

6. Signature (Addressee or Agent)

X *[Signature]*

8. Addressee's Address (Only if requested and fee is paid)

PS Form 3811, December 1994

102595-97-B-0179 Domestic Return Receipt

Thank you for using Return Receipt Service.

P 095 977 215

US Postal Service

Receipt for Certified Mail

No Insurance Coverage Provided.

Do not use for International Mail (See reverse)

Name		Russel Juncal
Street & Number		1965 HILT RD
Post Office, State, & ZIP Code		HORN BROOK CA 96044
Postage	\$	32
Certified Fee		135
Special Delivery Fee		
Restricted Delivery Fee		
Return Receipt Showing to Whom & Date Delivered		110
Return Receipt Showing to Whom, Date, & Addressee's Address		
TOTAL Postage & Fees		5077
Postmark Date		NOV 4 1997

PS Form 3800, April 1995

RECEIVED

JUN 05 2002

WATER RESOURCES DEPT.
SALEM, OREGON

(C2)

AGREEMENT FOR SHARED WATER, ROAD MAINTENANCE AND POWER EASEMENT

Whereas, the parties to this agreement, Russell and Nora Juncal (hereinafter referred to as JUNCALS) and the Baconian Foundation Inc., an Oregon non-profit corporation (hereinafter referred to as BACONIAN) wish to clarify certain rights and responsibilities with regard to water rights, land use and maintenance on their respective properties and,

Whereas, the Baconian Foundation is the owner of certain real property in Jackson County, Oregon, commonly referred to as Tax lot # 1700, which is more particularly described in Exhibit A, and,

Whereas, the BACONIAN is the owner of two wells on their property, one of which is utilized by JUNCALS for their California property and for irrigation of their parking easement in Oregon and which is hereinafter referred to as BACONIAN Well # 1, and the second of which is reserved to BACONIAN and is hereinafter referred to as BACONIAN #2, and

Whereas, Lawrence and Sylvia Schechter are empowered to represent BACONIAN and,

Whereas, JUNCALS are the owners of contiguous property in Siskiyou County, California, commonly referred to as parcels 006-240-400 and 006-240-440, which are more particularly described in Exhibit B, and,

Whereas, JUNCALS utilize water from BACONIAN Well # 1, and maintain a wellhouse, pump, storage tank, electrical circuit, level control switch and pipeline to convey water for their use as described in paragraph 2 above, the parties hereby agree as follows:

JUNCALS shall grant a 10 foot wide easement, for ingress, egress and electrical utilities to BACONIAN over and under parcel 006-240-400, beginning at the Pacific Power transformer on JUNCALS property due north onto the BACONIAN property (a distance of approximately 15 feet). The north-south centerline of the easement shall begin at the centerline of the transformer.

JUNCAL will be responsible for the BACONIAN share of costs for improving and maintaining the shared road between Hilt Road and the JUNCAL and BACONIAN properties. This includes all past material and labor costs as well as all future costs for a period of 3 years from the date of this agreement, or until a building permit is issued for the property, whichever comes first. Thereafter, the owner of the BACONIAN property will be responsible for their share of the ongoing road maintenance and improvement costs as specified in previously-recorded documents. These maintenance activities will include such activities as are necessary to keep the road passable by two-wheel drive vehicles under typical winter weather conditions.

The owner of the BACONIAN property will have the right to obtain water from BACONIAN Well # 1, currently used by JUNCALS, and to use the existing wellhouse, pump, storage tank and water line currently serving the JUNCAL property. This use shall not interfere with the utilization by JUNCALS of the water rights specified below, however, if a larger pump or

AGREEMENT FOR SHARED WATER, ROAD MAINTENANCE AND POWER EASEMENT

power service is required to meet the mutual needs of the two parties these costs will be borne by JUNCAL. It is understood that the additional pump and or power capacity will be installed to allow for domestic water use and irrigation of up to 1/2 acre on the BACONIAN property. If additional water use is needed by the owner of the BACONIAN property, such additional costs will be born pro rata by the parties based upon metered use. Pro rata shares will be based upon usage for one full year after the capital improvement and will be due within 30 days of such a pro rata determination. It is further understood that the cost for any extensions of the line needed to provide for use on the BACONIAN property shall be borne by BACONIAN. Expenses for the maintenance of the water system including, pump repair, tank or valve replacement, pipeline work, etc. will be shared on a pro rata basis determined by the previous 4 months metered usage. The electrical costs will also be shared on a pro rata basis but will be determined by monthly metered usage. Shared expenses for pipeline maintenance or repair will apply only to that portion of the existing pipeline between the well and the California state line. Portions of the pipeline in California shall be the sole responsibility of JUNCALS and any extensions off of the existing pipeline in Oregon will be the responsibility of BACONIAN. Each party will pay for the installation of their individual water meters. Because the pump power is derived from a circuit at the JUNCAL house, JUNCALS will be responsible for monthly meter readings and the computation of any water related expenses. Such expenses will be paid by JUNCALS with reimbursement of the pro rata share by BACONIAN within 30 days of receiving a accounting of expenses. JUNCALS will pay for the installation of an electrical sub-meter to determine usage by the pump/well house circuit.

JUNCALS will provide, at their expense, a well capacity test report, including general condition and bacteriological analyses for both BACONIAN Well # 1 and BACONIAN Well # 2, immediately adjacent to the wellhouse door. This report will be stamped by a California Registered Geologist and California Certified Hydrogeologist and will provide the results of short term capacity testing of both wells.

BACONIAN has the right, at their own expense, to build their own wellhouse and/or storage facility, or to enlarge the existing pump house or to pipe below grade into the pump house if they want to use BACONIAN Well #2, located immediately adjacent to the pump house door. It is understood that such modifications will be in accordance with any applicable building codes and that such modifications will not interfere with the utilization by JUNCALS of the water rights specified below.

JUNCALS will have the right to use water from the BACONIAN Well #1 for maintaining the landscape on their approximately 100 ft x 107 foot recorded parking easement in front of their house which is on the BACONIAN property and for irrigation of the pine trees that were planted between the easement and the seasonal drainage immediately to the west, also on the BACONIAN property.

JUNCALS will have the right to utilize water from the BACONIAN Well # 1 to service their California property. This use must conform to Oregon and other applicable water law with regard to amount and purpose.

Upon delivery of the well capacity report by JUNCALS to BACONIAN this agreement, or such separate agreements or documents that are necessary to legally bind the parties to the

AGREEMENT FOR SHARED WATER, ROAD MAINTENANCE AND POWER EASEMENT

agreed conditions, will be recorded in both Jackson and Siskiyou Counties. JUNCALS will bear the cost of recording.

This agreement shall be binding upon the heirs, executors, administrators, successors and assigns of the parties.

This agreement is entered into on this 26 day of December, 1997, by

For RUSSELL AND NORA JUNCAL:

Russell W. Juncal
Russell W. Juncal

Nora K. Juncal
Nora K. Juncal

STATE OF California)
COUNTY OF Siskiyou) ss

Sworn and Subscribed

This instrument was acknowledged before me on December 17, 1997, 1997, by
Russell W. Juncal and Nora K. Juncal.

Sue M. Dickhart
Notary Public Sue M. Dickhart



For BACONIAN FOUNDATION, INC.:

Lawrence Schechter
Lawrence Schechter, Secretary

Sylvia Moss-Schechter
Sylvia Schechter, President

STATE OF)
COUNTY OF) ss

This instrument was acknowledged before me on December 26, 1997, by
Lawrence Schechter and Sylvia Schechter.

Sandra L. Kreisman
Notary Public



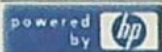
RECEIVED

JUN 05 2002

WATER RESOURCES DEPT
SALEM, OREGON

Building Department for thewizard201@yahoo.com

Yahoo! - My Yahoo! Options - Sign Out - Help



The 2nd leading cancer killer?

[Click Here!](#)

Reply Reply All Forward as attachment

Delete - Choose Folder - Move

Prev | Building Department

Mark as Unread

[Flag This Message](#)[Download Attachments](#)
[Printable View](#) - [Full Headers](#)**Date:** Wed, 30 Jan 2002 15:14:32 -0800**From:** "Sue Waldron" <WaldroSA@jacksoncounty.org> | [Block Address](#) | [Add to Address Book](#)**To:** thewizard201@yahoo.com**Subject:** Re: Permit for Shared Well

Chris:

You may print a Ground Water Permit Application by accessing the Oregon Water Resources Department web page at: www.wrd.state.or.us

In the lower left column of the home page is a heading Water Right in Oregon. The statement contains the hot link "application forms." You will need copies of the current Fee Schedule Update, the Application and the Land Use Form listed under supplemental Applications Forms.

Once you have the forms filled out, we would recommend that you call and make an appointment with the Watermaster's Office to review the application before sending it to Salem. Call 541 - 774-6880 for an appointment.

Remember, if the water being used for irrigation of more than 1/4 acre is from the well, a water right is needed. If the water being used for irrigation is from the spring, there is no application required.

Once again, good luck.

Larry/Sue

>>> Chris Holm <thewizard201@yahoo.com> 01/30/02 01:11PM >>>
Larry or Sue,

Thank you for responding. Although neither house will be utilizing anywhere near 15,000 gallons a day, the combined area of irrigation will slightly exceed 1/2 acre. How do I apply for a Ground Water Right from the State of Oregon?

Yes, the water issues associated with this property are amazing. It appears that the entire community of Hilt figures that they have the RIGHT to draw our water. Evidently, Len Coen was selling water, from our well, to Taylor Sloan - prior to our purchase of the land (I just found that out last week). After we move up to the property we plan on

RECEIVED

JUN 05 2002

WATER RESOURCES DEPT.
SALEM, OREGON

(E1)

utilizing our right to use the SPRING as we choose and, after giving the three California users a one-year notice, will utilize that water source for our own irrigation/stock watering.

Chris

--- Sue Waldron <waldrosa@jacksoncounty.org> wrote:

> Chris:

>

> We are aware of some of the facets of your water situation and wish you good luck in making it all work.

>

> As far as you plan to tie into an existing waterline from a well on your property, there a couple things you need to keep in mind:

>

> 1. Group and single-family domestic use of up to 15,000 gallons of well water per day does not require a state water right permit. If the well serves more three households, it is considered a public water system and registration with the Oregon Health Division, Department of Human Resources is required. From that 15,000 gallons a day stock watering is allowed as is the watering of any lawn and/or non-commercial garden totaling one-half acre or less in area.

>

> 2. Remember, that the watering of one-half acre or less of lawn and/or non-commercial garden must be divided between all households that the well serves. The total acreage water from the well by all households using the well must not exceed one-half acre. It may be possible to get a Ground Water Right from the State of Oregon to water additional acreage but an application would have to be filed.

>

> 3. Over the last several years staff in the OWRD Southwest Region (which includes District 13, Jackson County) have determined that the spring in that area meets the State's definition of a surface water source exempt from state regulation and/or the requirement for a water right. ("Natural Springs: a landowner's use of a spring which, under natural conditions, does not form a natural channel and flow off the property were it originates at any time of the year.")

>

> I hope this information is of benefit. We will be happy to do what we can to help you make your water system work.

>

> Larry

Do You Yahoo!?

(E2)

RECEIVED

JUN 05 2002

WATER RESOURCES DEPT.
SALEM, OREGON

MSN Home | My MSN | Hotmail | Web Search | Shopping | Money | People & Chat

[Sign Out](#)



classmates find your high school friends

-State-

-1st Letter of City-

Search t



Home

mooneypilot201@hotmail.com

[Previous](#) [Next](#) | [Close](#)

From : Chris Holm <thewizard201@yahoo.com>

To : mooneypilot201@hotmail.com

Subject : Update 01/28/02

Date : Mon, 28 Jan 2002 18:01:26 -0800 (PST)

[Printer Friendly Version](#)

Calendar

Hotmail

Free New
Special O
POP Mail
Find Mes
Reminder
Directorie

Explore

Air Ticket
Chat Room
Reunite v
Free Gam
Hear Mus
My Photo
Personals
Send Mor
Stock Qu
More...

Note: forwarded message attached.

Chris, after yesterday's emails I'm concerned that there may be some things that were not fully disclosed or explained about these properties. There is a long history attached to the water issues, including threatened lawsuits before I purchased this house. Long before you had even looked at the property I had direct discussions with Schecter and his realtor about disclosing all of the ramifications of the water agreement including the need for a permit. Their knowledge of it is indicated in letters I have going back to the early 90's. This is only one of several instances of bad faith that I won't bore you with unless you ask. My biggest concern is that you perceive that this has anything to do with you. We welcome you; it will be great to finally have some 'normal' neighbors. Any disappointment about the need for having our homesites so close together is something I'll get over in a hurry. I am, to put it mildly, pissed off at Schecter and the realtor for not addressing the permit issue completely and honestly. To the extent that you weren't informed, it puts me, in the position of forcing the issue. Meanwhile, I'm certain that Lawrence and the realtor couldn't care less. In any event I want to be certain you understand that I negotiated that agreement with Schecter (I have all the draft versions), paid substantially for it, and am a bit angry that it may have been misrepresented. However, that anger is directed solely at Schecter and his realtor.

Russell

>
>Chris, I have a copy of the agreement which certainly calls for the connection items you stated. The only issue I see with the hook up is the need to obtain a permit from the Oregon Watermaster. Again, probably not a big deal but clearly a requirement to use more than 15000 gallons per day or to irrigate more than 1/2 acre.

>

RECEIVED

JUN 05 2002

WATER RESOURCES DEPT.
SALEM, OREGON

(F1)

>I understand your position about Coen's rights to convey water to Sloan's property but he and Schecter hashed that out with two of the better water lawyers in this area. It was Schecter that conveyed water to these properties initially (Sloans and my house were part of a contiguous property when Schecter owned them) and continued for about 10 years. Schecter was aware of the pipeline connections, the construction of the pumphouse, running of power etc. and by his inaction, Coen's lawyer asserts he accepted them. Coen (who still holds a note on my house) certainly believes this. This is what was represented to me when I paid for my place.

>

>I'm glad to hear about the Burns deed, though you might expect her to assert a proscriptive right as would Cornwell and Marken. But I certainly support whatever course you take with her.

>

>Finally, I may have said it clumsily but I don't blame you for anything. I completely agree that Schecter built this house on an unfortunate part of the 40 acres and no doubt an intelligent person should have foreseen the potential for a house to be built there. Please don't confuse a small amount of disappointment that your other house site did not work out with any ill will. Basically, my only real concern is that we pull a permit and stay squared away with the watermaster so that other parties can't create more problems. I remain concerned that Julia will take some legal action, just two weeks ago she filed a new lawsuit against a couple that moved in next to her. I have few doubts about successfully defending a suit if it occurs, but it will not be a pleasant task.

>

>Russell.

=====
Chris Holm

thewizard201@yahoo.com

Do You Yahoo!?

Great stuff seeking new owners in Yahoo! Auctions!
<http://auctions.yahoo.com>

From: "Chris Holm" <mooneyplot201@hotmail.com>

To: thewizard201@yahoo.com

Subject: Hilt water issues

Date: Mon, 28 Jan 2002 17:43:27 -0800

There is no one else on the well and I know that Taylor has a copy of the well sharing agreement. Taylor and Coen executed an agreement in 1996 that is recorded in Siskiyou (not sure about Jackson) County that allowed Taylor to purchase water from Coen. Lawrence Shecter was well aware of this agreement and I would assume his realtor was too. It is binding on Coen's successors and as such is binding on me. I can send you a copy of that agreement; did you check and see if it showed up on your title report?

I also have various letters related to the transfer of water and the need to obtain permits. For example, I'm looking at a 1992 letter to Lawrence Shecter from his attorney which responds to Lawrence's questions about the need for a permit to transfer water onto the California property (which included Taylor's land at that time). His attorney advises him that a permit is required to remove more than 15000 gallons per day from any single well. The regulations also stipulate irrigation of

(F2)

RECEIVED

JUN 05 2002

WATER RESOURCES DEPT.
SALEM, OREGON

only 1/2 acre. In any event there are a number of angles associated with the water use and sharing. To the extent that there are any misunderstandings I feel that Shecter and his realtor are directly responsible. Nonetheless, I don't think there are really big problems.

Let me know if you would like copies of anything. I think we should chat about it sometime as there are various other issues of mutual interest such as the road. The new neighbor to west of Archibald's has really torn it up moving in his trailers.

Taylor has had some heart problems lately and the agreement is really my responsibility so I would like to work out any issues between you and me.

Get your FREE download of MSN Explorer at <http://explorer.msn.com>.

From : Chris Holm <thewizard201@yahoo.com>

To : thewizard201@yahoo.com

Subject : Hilt water issues

Date : Fri, 25 Jan 2002 17:00:37 -0800 (PST)

Russell,

> I will be contacting the electrical power company to come up and give me a price for running our power from the transformer near your garage. When I was up there last time it appeared that the young pine trees are right in line with an underground wire placement running due north from the transformer to the existing roadway. The line would approach the roadway just east of the existing culvert. I anticipate installing electrical power in about 12-16 months from now.

> Also, with the necessity to relocate the house to the original 1994 site, we are probably going to utilize the option within the "Shared Well Agreement" and tie into the line coming into your house from Well #1. This connection would be in the vicinity of the gates that we installed. It appears, from reading that agreement, we will provide a tee fitting, check valve, gate valve, and water meter (for our leg off the line). You would provide an electrical sub-meter and water meter for your leg off the line. As per the agreement, we will merely use that water for domestic purposes and irrigation of up to 1/2 acre of our land. This water connection will probably take place this September/October. I will give you a more specific time frame as that time approaches.

> Chris

Chris, there is a path pretty much due north from the transformer to the road that won't encounter too many roots. Regarding the well, which one do you plan to draw from? You had mentioned the well outside the pump house but the power from my panel wouldn't be sufficient to supply two pumps. To draw off of the well we're using will require a permit from the Watermaster. I don't think the permit will be any big

RECEIVED

JUN 05 2002

WATER RESOURCES DEPT.
SALEM, OREGON

(F3)

deal but we should start the process sooner than later. Let me know and I can get some preliminary information if you like.

>Russell.

Russell,

My intention, in causing the least amount of trouble for you, is to merely insert a PVC tee fitting in the line supplying your house near the gates that we installed. At that point I will install a check valve, water meter, and gate valve. Due to only having about 17.3 PSI at our house, I will be required to install a jet pump and pressure tank along side my house (thus the installation of the check valve). Due to our water conservation nature I do not see a problem with this (we are currently on a well that only produces 15 GPM and we do things like turning off the shower as we soap up, etc.).

By doing it this way, you would only be required to install a water meter and electrical sub-panel for the pump.

Glad to hear that there is a path north of the power transformer that will do minimal root damage to the pine trees. I expect the power company representative to appear sometime this spring for a cost estimate.

Chris

Chris, a tee should be no problem in fact there is already one there that was put in by Len Coen for Taylor Sloan. He isn't using it now and it might be easier and/or cheaper to tee off that branch. You can check it out some time when you're up. It sounds like you want to draw off the well inside the pump house and I have no problem with that. The only issue there is to pull a permit. This is necessary because a well cannot be used to irrigate more than one half acre (regardless of the 15000 gallon per day limit which is also an issue) without one. Nonetheless it shouldn't be a problem as it appears that Julia is tied up with her new lawsuit against Lonnie and the folks who have moved in just north of her. Lets talk about it when you get a chance.

Russell

Russell,

Great! We have no intention of irrigating more than 1/2 acre from that well. We will merely use that water for domestic purposes and summer irrigation for the landscaping around the housae. If we later elect to irrigate more property, we will install a pump on the other well. What is the approximate location of the existing tee that you are referring to? Who are

RECEIVED

JUN 05 2002

WATER RESOURCES DEPT.
SALEM, OREGON

(F4)

Len Coen and Taylor Sloan?

Chris

Chris, to clarify, the well is already irrigating 1/2 acre, any additional would require a permit. That was an issue (albeit minor) that I raised repeatedly with Bob Johnson so that he could convey it to you. Nonetheless it shouldn't be any big deal to get a permit; as a hydrologist I can provide much of the technical input.

The line I referred to comes off somewhere near the gate (not exactly sure but we can probably find it and Taylor may know). Coen is the guy who foreclosed on Schecter and Taylor Sloan owns the other property due south of yours. His house is the green roofed one down on Hilt Road but his property extends up to our road. I think he pulls off with a 2 inch line and it might be easier for you but tapping directly on the main line wouldn't be much problem either.

Russell.

Russell,

The shared well agreement stipulates that you and I are the only people that have access to that well. Who else, besides Taylor Sloan, is using water from our well? When, if you know, was this branch line installed to Sloan's property?

Chris

Coen installed the branch line and made an agreement with Sloan about a year before I bought this place. The property Sloan purchased from Coen was previously owned by Shecter. He has since drilled a well down by his house and hasn't used the line for a while though I would expect that he believes he can.

Do You Yahoo!?

Great stuff seeking new owners in Yahoo! Auctions!
<http://auctions.yahoo.com>

[Previous](#) [Next](#) | [Close](#)



[MSN Home](#) | [My MSN](#) | [Hotmail](#) | [Web Search](#) | [Shopping](#) | [Money](#) | [People & Chat](#)
© 2002 Microsoft Corporation. All rights reserved. [TERMS OF USE](#) [Advertise](#) [TRUSTe Approved](#) [Privacy Statement](#)
[GetNetWise](#)

(F5)

RECEIVED

JUN 05 2002

WATER RESOURCES DEPT.
SALEM, OREGON

Chris Holm
14930 Barney Road
Plymouth, California 95669

Russell Juncal
1965 Hilt Road
Hornbrook, California

Re: Shared Well Agreement water connection.

March 12, 2002

Mr. Juncal;

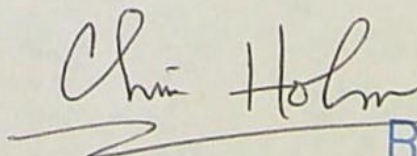
During this past January I notified you, via email, that I intended on going to my Oregon property this May to connect a water line onto the water service pipeline from my well to your house. You responded to that email. I am enclosing a copy of the legal, binding, "Shared Well Agreement" signed by you on December 26, 1997. I will be up during the week of May 13, 2002, to install a PVC connection/water meter onto the existing waterline. Your water service will be unavailable from approximately 9:00 AM to 3:00 PM on the day that I cut the water service line and cement my water meter connections to a water line.

I am also hereby giving you notice that the connected water line to California resident Taylor Sloan, coming off your water service line from my well to your house, is in violation of the enclosed, "Shared Well Agreement" and you are to immediately disconnect that water line, and any other unauthorized water lines to other properties. I have verified this with Lawrence Schechter.

Due to recent events from you, I will have to be provided with visual verification that the unauthorized water connections have been disconnected. I will verify this when I visit my Oregon property in May.

The enclosed, "Shared Well Agreement" also stipulates that I will have use of the existing well house, pump, storage tank, and water line currently serving your property. I will need a key to access those items as they are on my property. I will also need instructions, from you, on where I will be able to close a water valve to accommodate my water meter connection. Without those instructions, I will be forced to improvise and that could lead to varied results.

Sincerely,



RECEIVED

JUN 05 2002

WATER RESOURCES DEPT.
SALEM, OREGON

(G)

MSN Home | My MSN | Hotmail | Web Search | Shopping | Money | People & Chat



classmates find your high school friends

-State-

Submit

Rediscover old friends today!

Search tl



Home

Inbox

Compose

Address Book

Options Help

mooneypilot201@hotmail.com

Save Address(es) Block

Previous Next | Close

From : "Russell Juncal" <juncalrw@snowcrest.net>

To : "Chris Holm" <mooneypilot201@hotmail.com>

Subject : Re: What is the issue?, that's a good question.

Date : Tue, 12 Mar 2002 21:25:00 -0800

Reply Reply All Forward Delete Put in Folder...

Printer Friendly Version

Chris, I dont know where to start, but essentially the anticipated problems that I had told Lawrence and his realtor about before the sale are now manifesting. The situation is complex and likely to get more so and is nothing that can be spelled out in an email. But as I stated before, I believe it is basically arising out of unresolved problems that were known to Lawrence and the realtor and were not entirely or clearly represented to you. And also, as I previously indicated, though it may seem that my actions and those of Taylor Sloan, Lonnie Cornwell, Fred Maken, Julia and possibly others (including Fruit Growers) are directed at you, in reality their target should be Lawrence. As it is unfolding there is a certain irony to the situation because it is similar to one faced by both Fred Marken and myself. In Fred's case his seller/realtor didn't disclose a host of restrictions and other issues that affected his property. He successfully sued them two years after the sale and won a substantial settlement. In my case, I bought my house and 250 acres with assurances that I had full rights to the well I'm currently using to serve all water needs on the acreage. This was one of several aspects of the sale that proved to be not completely true. Within a year or so Lawrence was threatening me with a lawsuit in a situation that is exactly what you are now experiencing. I started legal action against the individual who sold me my property at the same time that Lawrence and I began negotiating the well agreement. Since that time I have spent a ton of money with one simple goal; to get what I paid for.

My negotiations with Lawrence were reasonably straightforward and at all times (I've got the paperwork to prove this) I told him I needed a minimum of 15000 gallons per day. The language in the agreement reflects the fact that I can obtain more than that if it conforms to Oregon Law. I also told Lawrence that it was my opinion as a professional hydrologist and the opinion of two well-qualified water attorneys I had spoken with that the rights of the spring users were well established in law. Just prior to the sale to you, I had direct, separate conversations with Lawrence and his realtor in which I told them that a permit would be needed for a buyer to take any water. I also told them that the permitting could be complicated because it would bring the spring issue in front of the Department of Water Resources and subject the issue of the spring flow to real scrutiny. Now these issues are out there: Julia filed in July (a fact Lawrence knew or should have known and I'm guessing didn't mention to you), the line that was put in by Lawrence and used by Taylor Sloan with Lawrence's knowledge (also apparently undisclosed to you) will be the source of a separate suit, and then there are the issues of Markens well, and Fruit Growers and others potential rights associated with the spring.

I cant say where all this is going but I know the processes, both litigation and administrative actions are going to be costly and prolonged. It is my opinion that Lawrence knew that these problems were inevitable but instead of him paying to resolve them he stuck you. This is similar to the experience that Fred Marken and I had with lack of seller disclosure.

There is so much more to this situation factually and historically that I would be happy to talk about it

Calendar

Hotmail

Free New
Special O
POP Mail
Find Mess
Reminder
Directorie

Explore

Free Gam
Find a Da
'Net Acce
Share Ph
Send Cas
Chat Roo
Upgrade
Find Old
Shop AT&
More...

RECEIVED
JUN 05 2002
WATER RESOURCES DEPT.
SALEM, OREGON

over the phone sometime. To the extent that Lawrence/realtor portrayed the spring owners as disfunctional, litigious, yahoos with no real rights, I would suggest reserving judgement. I think as time goes by more misrepresentations are likely to become known. According to my attorney the location of the septic approval was misrepresented on the house site application (and apparently to you). It appears that it would be necessary to pump sewage uphill from the house site to the actual approved area (you may know alot more about this than I). He also told me that it appears there were other misrepresentations on the original 'ownership of record' application that could render it invalid. I'm at the point now were I see conflict and expense everywhere I look. Julia's filing and the spring owners demands are just the beginning, Taylor Sloan is not going away and there would appear to be multiple administrative hearings related to groundwater as well. While I'm not abandoning any hope of negotiation I'm also going to make sure I preserve all my legal options. As such, I've told both my attorneys that I want to identify all land use and water issues in which I have any legal standing or exposure and investigate them completely.

I know it's probably harder now than ever to believe that this isn't directed at you personally. And having gone through the situation where I was a new, misled buyer and Lawrence the existing land owner threatening a lawsuit I can say I don't blame you. Nonetheless, it's true when I say my anger is directed solely at Lawrence and his realtor. Please call me if you would like to talk about it. I would also be happy to put you in touch with my attorneys or to have your attorney speak with them.

-----Original Message-----

From: Chris Holm <mooneypilot201@hotmail.com>
To: juncalrw@snowcrest.net <juncalrw@snowcrest.net>
Date: Saturday, March 09, 2002 2:50 PM
Subject: What is the issue?

Russell,

We just received notice of your appeal of our approval allowing an ownership of record dwelling on our recently acquired property. That is contradictory to what you emailed me some weeks ago (see below). What is the issue?

Chris

Chris, after yesterday's emails I'm concerned that there may be some things that were not fully disclosed or explained about these properties. There is a long history attached to the water issues, including threatened lawsuits before I purchased this house. Long before you had even looked at the property I had direct discussions with Schechter and his realtor about disclosing all of the ramifications of the water agreement including the need for a permit. Their knowledge of it is indicated in letters I have going back to the early 90's. This is only one of several instances of bad faith that I won't bore you with unless you ask. My biggest concern is that you perceive that this has anything to do with you. We welcome you; it will be great to finally have some 'normal' neighbors. Any disappointment about the need for having our homesites so close together is something I'll get over in a hurry. I am, to put it mildly, pissed off at Schechter and the realtor for not addressing the permit issue completely and honestly.

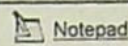
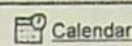
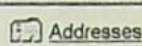
RECEIVED

JUN 05 2002

WATER RESOURCES DEPT.
SALEM, OREGON

Inbox for thewizard201@yahoo.com

Yahoo! - My Yahoo! Options - Sign Out - Help



Reply Reply All Forward as attachment
Delete - Choose Folder - Move

Next | Inbox

Mark as Unread

Flag This Message

Download Attachments
Printable View - Full Headers

Date: Sat, 30 Mar 2002 19:14:12 -0800 (PST)

From: "Chris Holm" <thewizard201@yahoo.com> | [Block Address](#) | [Add to Address Book](#)

Subject: Lawrence Schechter

To: thewizard201@yahoo.com

From: "Lawrence Schechter" <susarch@coinet.com> |
[Block Address](#) | [Add to Address Book](#)

To: "Chris Holm" <thewizard201@yahoo.com>

CC: "Bob Johnson" <unreal@cdsnet.net>

Subject: Re: More earlier correspondence from Russell Juncal

Date: Mon, 11 Mar 2002 10:36:13 -0800

Chris:

This is another example of misinformation from Juncal. This guy is getting on my nerves. Sloan was not even in the picture when we dealt with Leonard Cohn over water issues. (Interesting Juncal does not even know how to spell the name of this person from whom he has purchased his property).

We had no dealings whatsoever between Cohn and Sloan. That was undertaken entirely by Cohn on his own. In fact, at that time, Cohn was following through on foreclosure on our property. We had no say in his dealings with Sloan, nor did we have a lawyer involved with that issue. Our lawyers were involved much earlier in interpreting water rights in this case re transporting water to our adjacent property. We also hiree that lawyer to offer terms to Mr. Cohn to provide water rights for the property he was about to take back from us in exchange for a small parcel adjacent to the house. None of this was productive. None of it conveyed any water rights whatsoever to Cohn. Juncal has made serious errors in his derogatory remarks about my character. This has been noted and will be used against him if he persists.

Lawrence-----

RECEIVED

JUN 05 2002

WATER RESOURCES DEPT.
SALEM, OREGON

From: "Lawrence Schechter" <susarch@coinet.com> |
Block Address | Add to Address Book

To: "Chris Holm" <thewizard201@yahoo.com>

CC: "Bob Johnson" <unreal@cdsnet.net>

Subject: Re: Boy, you weren't kidding!

Date: Mon, 11 Mar 2002 10:16:16 -0800

Chris:

I am appalled at the letter received by Juncal. It is simply untrue. We provided all of the information on the water issues and everything else concerning the property through Bob Johnson's office. All of the agreements were made public record as well. There was in fact no misinterpretation on my part concerning the agreement with Juncal re water use. In fact, I bent over backwards in the first place to make the agreement viable for him. Since then, he has taken it upon himself to use more water than the agreement allows, simply because we, nor anyone else, was there to enforce the agreement; specifically, he has by his own admission used water for his adjacent properties. This is strictly contrary to the agreement. Juncal can piss in his pants all he wants. The facts are clear and in writing. We made it very clear that there were pending legal issues between Julia and the others, as well at the time of the sale. The litigation did not directly involve our property. The fact that the battle continues is clear. A solution benefiting all parties would require a mutual benefit resolution, but this has been contrary to the strategies employed by those in the fight. As I have been informed, Juncal has been right at the helm, often to be the good guy, but holding his own agenda. Our contract of sale for the property specifically stipulates your acceptance of the water rights and use issues, based upon your examination of the records, etc. and research on subject. We did not withhold any information from you.

Juncal may have an attic of information which we have no access to. That is his cross to bare.

My heart aches from the discord generated by these problems, and I am sorry that you have them standing in your way.

Lawrence

Do You Yahoo!?

Yahoo! Greetings - send holiday greetings for Easter, Passover
<http://greetings.yahoo.com/>

Click a ☺ to send an instant message to an online friend

☺ = Online, ☹ = Offline

RECEIVED

JUN 05 2002

WATER RESOURCES DEPT.
SALEM, OREGON

Russell Juncal for thewizard201@yahoo.com

Yahoo! - My Yahoo! Options - Sign Out - Help



Mail



Addresses



Calendar



Notepad

Start your job search:

 [Next](#) | [Russell Juncal](#)[Flag This Message](#)[Download Attachments](#)[Printable View](#) - [Full Headers](#)**From:** "Chris Holm" <mooneypilot201@hotmail.com> | [Block Address](#) | [Add to Address Book](#)**To:** thewizard201@yahoo.com**Subject:** What is the issue?**Date:** Wed, 03 Apr 2002 12:35:57 -0800

>From: "Russell Juncal"

>To: "Chris Holm"

>Subject: Re: What is the issue?

>Date: Tue, 2 Apr 2002 23:28:27 -0800

>

>Chris, sorry for the delay in getting back to you but the situation has heating up a bit here and I'm not really sure what's next. The approval appeal was something recommended by one of my attorneys because he thought it would make the water issues easier to deal with. Without going into too much detail I basically told him that unless it was really critical I didn't want to spend the money or create the hassle. In any event the last email I got from him indicated we would almost certainly be dropping it. I remain largely concerned about the conflicts over the water. I don't see anyway to avoid some sort of litigation or administrative action with Julia although I have been working on several alternatives. The situation with Taylor is not straightforward. Taylor believes he has rights and knows that Lawrence put in the branch pipeline for his property and was aware of his use. It was Lawrence who changed the language in our agreement from "Juncal has right to use water ON his California property" to "Juncal has the right to use water to SERVICE his California property." Since the agreement with Taylor came with my deed the attorneys tell me that providing it is part of servicing my property. I have the draft agreement with his handwritten changes if you would like to see it. So I'm being told it will be necessary to either negotiate something or go to some type of legal forum.

>

>The issue of getting a permit for the Baconian well #1 remains my largest concern. I specifically told Lawrence and his realtor that a permit was going to be required because I was using the exempted amount. Have you checked this with him? When I informed them (over a year ago) a permit was no big deal and it still shouldn't be anything extraordinary. Unfortunately it is now more complicated by Julia and Marken's actions as well as the steps I've taken to counter their threats. At this point I'm spending quite a bit of money to clarify the water rights and I don't want a situation created where I am violating Oregon law because more than the exempted amount is being taken from the Baconian #1 well. I am open to talking about it at any time and would participate in a call with Lawrence if it would clear the air. If having your attorney talk with mine would be helpful I can set that up. The bottom line is that I'm

RECEIVED

JUN 05 2002

WATER RESOURCES DEPT.
SALEM, OREGON

being told by two separate attorneys that a permit for additional groundwater use from the OR Department of Water Resources is needed before any other connections are made to the well or line. As I may have said previously, I'm familiar with the permitting requirements and would help you with the process (it's not very complex).

Join the world's largest e-mail service with MSN Hotmail. [Click Here](#)

Click a ☺ to send an instant message to an online friend

☺ = Online, ☹ = Offline

[Delete](#) [- Choose Folder -](#) [Move](#)
[Reply](#) [Reply All](#) [Forward](#) [as attachment](#)

[Mark as Unread](#)

Next | Russell Juncal

♥ [Yahoo! Personals - Where millions of singles meet](#) ♥

[Address Book](#) · [Auctions](#) · [Autos](#) · [Briefcase](#) · [Calendar](#) · [Careers](#) · [Chat](#) · [Classifieds](#) · [Finance](#) · [Games](#) · [Geocities](#) · [Greetings](#) · [Groups](#) · [Kids](#) · [Mail](#) ·
[Maps](#) · [Member Directory](#) · [Messenger](#) · [Mobile](#) · [Movies](#) · [Music](#) · [My Yahoo!](#) · [News](#) · [PayDirect](#) · [People Search](#) · [Personals](#) · [Photos](#) · [Radio](#) ·
[Shopping](#) · [Sports](#) · [TV](#) · [Travel](#) · [Warehouse](#) · [Weather](#) · [Yellow Pages](#) · [more...](#)

[Privacy Policy](#) - [Terms of Service](#) - [Guidelines](#)

Copyright © 1994-2002 [Yahoo! Inc.](#) All rights reserved.

RECEIVED

JUN 05 2002

WATER RESOURCES DEPT.
SALEM, OREGON

Inbox for thewizard201@yahoo.com

Yahoo! - My Yahoo! Options - Sign Out - Help



Limited Time Offer. FREE Shipping. While Supply Lasts!

Reply

Reply All

Forward

as attachment ▾

Next | Inbox

Delete

- Choose Folder - ▾

Move

Mark as Unread

Flag This Message

Download Attachments

Printable View - Full Headers

From: "Lawrence Schechter" <susarch@coinet.com> | [Block Address](#) | [Add to Address Book](#)

To: "Chris Holm" <thewizard201@yahoo.com>

Subject: Re: More Russell Juncal

Date: Thu, 4 Apr 2002 12:33:21 -0800

Chris:

I believe I have addressed this question with you in the past. There was no branch line while we owned the property, only the 3-inch main to serve the house, with extra capacity to serve future connections in the community we had planned. The house service is 1-1/4 inch service, if recall correctly. Cohn must have installed the branch on his own after he foreclosed on the property California. This was illegal, of course, as it meant that he stole water from our Oregon property. There was no agreement whatsoever with him or anyone else to provide water beyond that which served the house. We had no knowledge of his actions after we were off the site. He remodeled the house which he sold to Juncal, and must have been negotiating a deal with Sloan at the time. He installed the pumphouse to his own specs and disregarded the impact on our remaining adjacent well. We were broke and without resources to sue him. He deserves to be held accountable for these serious infractions. He knew we had no financial means to fight him, so he took whatever course that suited him.

Our agreement with Juncal was made without our knowledge of the branch to another parcel (Sloan). Juncal never made mention of it, either. We can assume that he did have knowledge of it, based on the fact that he is an engineer and fully in charge of the pumphouse operations.

RECEIVED
JUN 05 2002
WATER RESOURCES DEPT.
SALEM, OREGON

I trust this information will be helpful to you. Please let me know if you need further clarification.
Lawrence

----- Original Message -----

From: Chris Holm <thewizard201@yahoo.com>
To: <susarch@coinet.com>
Sent: Wednesday, April 03, 2002 2:07 PM
Subject: More Russell Juncal

> Lawrence,
> I forwarded you the latest email from Russell
> Juncal. It appears that my suspicion was correct,
> Russell may have been selling water to Taylor Sloan.
> Russell appears unwilling to disconnect the branch
> line so I will do that when I travel up there in May.
> Did you have a waterline branched off (to your
> California property currently owned by Taylor
> Sloan) from the line to the house (on your California
> property currently owned by Russell Juncal)?
> If that branch was in place, while you owned the
> property, everything would have changed when Cohn
> foreclosed on the two California properties - as I
> explained to Juncal. If that branch was not in place
> when you owned the property it means that Cohn
> installed the tee WITHOUT authorization.
> Please respond so that I will have the correct
> information when I disconnect the waterline to Sloan's
> property and decide if I will declare Juncal in
> violation of the, "Shared Well Agreement" and
> disconnect the waterline to his house. Thanks.
>
> Chris
>
>
> Do You Yahoo!?
> Yahoo! Tax Center - online filing with TurboTax
> <http://taxes.yahoo.com/>
>

Click a ☺ to send an instant message to an online friend

☺ = Online, ☹ = Offline

Delete - Choose Folder - Move
Reply Reply All Forward as attachment

Mark as Unread

Next | Inbox

♥ Yahoo! Personals - Where millions of singles meet ♥

Address Book · Auctions · Autos · Briefcase · Calendar · Careers · Chat · Classifieds · Finance · Games · Geocities · Greetings · Groups · Kids · Mail ·
Maps · Member Directory · Messenger · Mobile · Movies · Music · My Yahoo! · News · PayDirect · People Search · Personals · Photos · Radio ·
Shopping · Sports · TV · Travel · Warehouse · Weather · Yellow Pages · more...

Privacy Policy · Terms of Service · Guidelines
Copyright © 1994-2002 Yahoo! Inc. All rights reserved.

RECEIVED

JUN 05 2002

WATER RESOURCES
SALEM, OREGON

MSN Home | My MSN | Hotmail | Search | Shopping | Money | People & Chat

[Sign Out](#)



Hey Los Angeles, why not
get away next weekend?

E - F R E S

UNITED.COM

Search tl



Home

Inbox

Compose

Address Book

Options Help

mooneypilot201@hotmail.com

Save Address(es) Block

[Previous](#) [Next](#) | [Close](#)

From : "Lawrence Schechter" <susarch@coinet.com>

To : "Chris Holm" <mooneypilot201@hotmail.com>

Subject : Re: What is the issue?

Date : Thu, 4 Apr 2002 12:54:52 -0800

[Reply](#) [Reply All](#) [Forward](#) [Delete](#) [Put in Folder...](#)

[Printer Friendly Version](#)

Calendar

Hotmail

Free New
Special O
POP Mail
Find Mess
Reminder
Directorie

Explore

Free Gam
Find a Sp
'Net Acce
Share Phr
Send Cas
Chat Roo
Upgrade
Find Old I
Shop AT8
More...

Chris:

Juncal is playing with terms here, and I am getting sick of being accused of manipulation an lies. Our agreement with Juncal was drafted to allow him to **share** the use of the well with Baconian. There was no reason whatsoever to give him more than that and It did not give him the right to use the full 15, 000 gallon allowance for his exclusive use. In fact, as he well knows, the 15,000 gallon allowance is the upper limit allowed, withoyut permit,only if that use is within the prescriptive standards. The limits allow domestic use for one residence and no more than one half acre of domestic irrigation. That amounts to a small fraction of the allowed limit. The term SERVICE was not suggested by me to imply anything more than use for the one residence he was living in. If there is a technical distinction between the intended use of the term, I had no such knowledge. And now it is being used a legal fulcrum on some technical basis. I suggested the change in terms from his PROPERTY specifically, as I recall, to avoid any implication that Juncal would be entitled to use water anywhere else on his large acreage. He had subdivided, or was in the process of doing so. I wanted to make sure he did not get the notion that he was entitled to supply water to other sites on has acreage. Juncal is being cute with his nice guy, helping you with the application, posture. The truth is, he is trying to manipulate, now with two layers, the power to use as much water as he wants, and require that you try to get a permit for what is legally yours.

Lawrence— Original Message —

From: Chris Holm

To: thewizard201@yahoo.com

Sent: Wednesday, April 03, 2002 12:35 PM

Subject: What is the issue?

>From: "Russell Juncal"

>To: "Chris Holm"

>Subject: Re: What is the issue?

>Date: Tue, 2 Apr 2002 23:28:27 -0800

>

>Chris, sorry for the delay in getting back to you but the situation has heating up a bit here and I'm not really sure what's next. The approval appeal was something recommended by one of my attorneys because he thought it would make the water issues easier to deal with. Without going into too much detail I basically told him that unless it was really critical I didn't want to spend the money or create the hassle. In any event the last email I got from him indicated we would almost certainly be dropping it. I remain largely concerned about the conflicts over the water. I dont see anyway to avoid some sort of litigation or administrative action with Julia although I have been

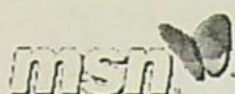
RECEIVED

JUN 05 2002

WATER RESOURCES DEPT.
SALEM, OREGON

MSN Home | My MSN | Hotmail | Search | Shopping | Money | People & Chat

[Sign Out](#)



>> Manage your auto insurance safely and simply. Right here, right now.

Enter your zip code to start your fast and free quote:

go

Search tl



Home

Inbox

Compose

Address Book

Options Help

mooneypilot201@hotmail.com

[Save Address\(es\)](#) [Block](#)

[Previous](#) [Next](#) | [Close](#)

From : "Russell Juncal" <juncalrw@snowcrest.net>
To : "Chris Holm" <mooneypilot201@hotmail.com>
Subject : Re: SOS
Date : Tue, 9 Apr 2002 23:47:54 -0700

[Reply](#) [Reply All](#) [Forward](#) [Delete](#) [Put in Folder...](#)

[Printer Friendly Version](#)

Chris, thanks for the input from Lawrence. Maybe he's implying something else but it seems that there was a line other than the one to the house when Lawrence owned the land. I'm looking at a map drawn by Lawrence in 1991 that shows a 3 inch water line (not the one to my house) running exactly where Taylor Sloans line is located. Now maybe it doesn't matter but it is typical of how certain misunderstandings have carried on. It seems to me similar to the how the septic approval for your housesite was represented. I have documents given to me by Len Coen (he got them from Schecter) showing the approval nowhere near where he represented it on the homesite maps to the County. The area he has shown has bedrock at 3 feet and is unlikely in my opinion to get approval. Regardless, I'm trying like hell to resolve the situation with Taylor. I'm putting Coen on notice and perhaps something can be negotiated. I'm not sure how far he might want to press it or who would be involved. In any event I'm more worried about the well and spring issues. My attorneys are not confident at all that the historic rights of the spring users can be defeated. I'm at the point where I have instructed my lawyer to prepare for all reasonable contingencies but to look at any way to resolve the problems without litigation. As I have in the past I'm willing to contribute time, money, and professional expertise to get some resolution.

----- Original Message -----

From: Chris Holm
To: juncalrw@snowcrest.net
Sent: Thursday, April 04, 2002 3:39 PM
Subject: Russell Juncal

--- Lawrence Schecter wrote:
 Chris:

I believe I have addressed this question with you in the past. There was no branch line while we owned the property, only the 3-inch main to serve the house, with extra capacity to serve future connections in the community we had planned. The house service is 1-1/4 inch service, if recall correctly. Cohn must have installed the branch on his own after he foreclosed on the property California. This was illegal, of course, as it meant that he stole water from our Oregon property. There was no agreement whatsoever with him or anyone else to provide water beyond that which served the house. We had no knowledge of his actions after we were off the site. He remodeled the house which he sold to Juncal, and must have been negotiating a deal with Sloan at the time. He installed the pumphouse to his own specs and disregarded the impact on our remaining adjacent well. We were broke and without resources to sue him. He deserves to be held accountable for these serious infractions. He knew we had no financial means to fight him, so he took whatever course that suited him. Our agreement with Juncal was made without our knowledge of the branch to another parcel (Sloan). Juncal never made mention of it, either. We can assume that he did have knowledge of it, based on the fact that he is an engineer and fully in charge of the pumphouse operations. I trust this information will be helpful to you. Please let me know if you need further clarification. Lawrence

[Calendar](#)

[Hotmail](#)

Free New
Special O
POP Mail
Find Mess
Reminder
Directorie

[Explore](#)

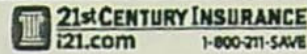
Free Gam
Find a Sp
'Net Acce
Share Phr
Send Cas
Chat Roo
Upgrade
Find Old I
Shop AT8
More...

RECEIVED
JUN 05 2002
WATER RESOURCES DEPT.
SALEM, OREGON

MSN Home | My MSN | Hotmail | Search | Shopping | Money | People & Chat



Save on car insurance at



Click here and buy online NOW!

Sign Out

Search the



Home

Inbox

Compose

Address Book

Options Help

mooneypilot201@hotmail.com

Save Address(es) Block

Previous Next | Close

From: "Russell Juncal" <juncalrw@snowcrest.net>

To: <mooneypilot201@hotmail.com>

Subject: Neighborhood news

Date: Sun, 14 Apr 2002 22:33:28 -0700

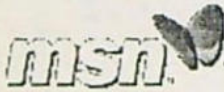
Reply Reply All Forward Delete Put in Folder...

Printer Friendly Version

Chris, the maps in the mail to you. I also spoke with Len Cohn for awhile, naturally he vehemently denies having done anything illegally. Basically, he's going to take the same position (with regard to Taylor Sloan) that he took with Lawrence back in 1996. At that time he talked with several water lawyers and determined to his satisfaction that Lawrence had conveyed water rights to the California property. I have at least one of the legal opinions from Jerry Jacobson in Medford. Anyway he was prepared to litigate at that time but it never came to a head because Lawrence never did anything about it. I told Lawrence when he first raised the issue of suing me that Cohn had said he would stand behind any attempt to revoke the rights although I preferred to work it out (and so we did more or less). At this point I'm not sure what course it's going to take or even who would be involved. Regardless, I would like to see if we can simplify the proceedings and I'm open to doing whatever it takes to get some resolution. I know for a fact that Taylor is not into legal confrontation so it will largely rest with Cohn. If your attorney would like to talk with my guys let me know; I've had them researching some of the water issues in case I get drawn in on a cross complaint.

Reply Reply All Forward Delete Put in Folder...

Previous Next | Close



MSN Home | My MSN | Hotmail | Search | Shopping | Money | People & Chat

© 2002 Microsoft Corporation. All rights reserved. TERMS OF USE Advertise TRUSTe Approved Privacy Statement GetNetWise

Calendar

Hotmail

Free New
MSN Feat
POP Mail
Find Mes
Reminder
Directorie

Explore

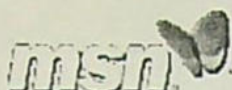
Free Gam
Find a Sp
'Net Acce
Share Ph
Send Cas
Chat Roo
Upgrade
Find Old
Shop AT8
More...

RECEIVED

JUN 05 2002

WATER RESOURCES DEPT.
SALEM, OREGON

MSN Home | My MSN | Hotmail | Search | Shopping | Money | People & Chat



No minimums No annual fees

shareBUILDER



Sign Out

Search t



Home

Inbox

Compose

Address Book

Options Help

mooneypilot201@hotmail.com

[Previous](#) [Next](#) | [Close](#)

From: "Chris Holm" <mooneypilot201@hotmail.com>

To: mooneypilot201@hotmail.com

Subject: Hilt Road water issues

Date: Fri, 19 Apr 2002 09:39:09 -0700

[Reply](#) [Reply All](#) [Forward](#) [Delete](#) [Put in Folder...](#)

[Printer Friendly Version](#)

Calendar

Hotmail

Free New
MSN Feat
POP Mail
Find Mes
Reminder
Directorie

Explore

Free Gam
Find a Sp
'Net Acce
Share Ph
Send Cas
Chat Roo
Upgrade
Find Old I
Shop AT&
More...

From: "Lawrence Schechter" <susarch@coinet.com>
To: "Chris Holm" <mooneypilot201@hotmail.com>
Subject: Re: Hilt Road water issues
Date: Thu, 18 Apr 2002 18:02:32 -0700

Chris:

It is interesting how one's memory or opinion can change to suit the current agenda. the fact is that after Cohn foreclosed on our property, we found that the water rights had never been legally given by the Baconian Foundation to the land occupied by Alcyone in California. this was an oversight during the time when the tow organizations were working hand in hand. there was no apparent need at the time to do anything formal about it, and it went without a formal resolution. That is precisely why Cohn was so eager to negotiate with us, and offered to purchase the Baconian property for that reason. Our attorney wrote to him on our behalf and offered a number of terms, all of which he refused. I the end, he sold the property on a promise or some other premise, but without legal water rights to the California property. I have all the papers from this time if we need them to verify this situation. How any attorney can say that the property was given water rights to Cohn is a laughable situation for an attorney to be in.

To avoid the possible difficulties with the new owner, Juncal, we entered into a water sharing agreement, which you have, and which is non record. There wan no other agreement that proceeded it with Cohn. Whatever he undertook with Taylor Sloan or anyone else was strictly not kosher. It was not done with our consent.

The 3 inch main we installed to serve the house has a 2-inch (approx) extension in the roadbed for approximately 200 feet., or close to the west property line of the Baconian. It was intended to serve the housing complex we intended to build on the adjacent parcel in California. It was capped at the junction to the Juncal's house, pending future use. That is probably where Cohn connected a line to Taylor Sloan's property. Again, we were not party to that enterprise. Perhaps this will clarify things for Russell.

It would have been a lot more productive for him to ask for clarification from me, rather than accuse me of wrongdoing. I am no less perfect than he or anyone else. But I do tend to give others the benefit of the doubt when I am not sure that they are liars. There is no reason whatsoever that he should force his opinion and assumptions against my history in that arena. In fact, I have bent over backward to be helpful to him in the past. We had no urgent need to negotiate a water agreement with him in the first place. It was done to make things run more smoothly where the dealings with Cohn had and the other neighbors were leading down a dark alley. I now regret having done anything to help him. We should have let him tough it out through the courts with Cohn.

Sorry to sound so bitter, but I am roundly pissed off with the way this has gone. and the enormous amount of time I have had to spend "defending" myself from Juncal's verbal abuses. Sincerely, Lawrence

WATER RESOURCES DEPT.
SALEM, OREGON

JUN 05 2002

RECEIVED

Chris:

I would be interested to see a copy of the septic site location Juncal is referring to.

there was another site which we had approved for the housing cluster to the west of Juncal's house. I wonder if that is the one he is referring to. Seems he has spent a lot of money on attorneys who do not have the facts and are costing him a lot of money, when he should have cleared the problems with simple communication with me. He sounds to be frustrated with conditions which were in fact created by Cohn, especially concerning water issues. Why he is even involved with septic issues is unclear with me. All I know, is that I have been spending an enormous amount of time answering his allegations, which are poorly grounded. Bob Johnson had similar concerns about Juncal's methods, which caused serious difficulty to him as well. He finally had to put Juncal on notice to obtain from interfering with his work. I, too, would like to see this all resolved mainly for your sake, Chris. The way Juncal keeps threatening litigation makes me less than enthusiastic to cordial interaction with him. He has disorted so much that he is simply caught in a web of negative energy. His years of litigation with Julia and the others has left a mark on him, and I seriously doubt his ability to recognize what has in fact led to his difficulties.

Lawrence

Chat with friends online, try MSN Messenger: [Click Here](#)

Reply

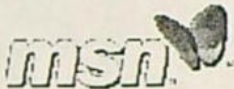
Reply All

Forward

Delete

Put in Folder... 

[Previous](#) [Next](#) | [Close](#)



[MSN Home](#) | [My MSN](#) | [Hotmail](#) | [Search](#) | [Shopping](#) | [Money](#) | [People & Chat](#)
© 2002 Microsoft Corporation. All rights reserved. [TERMS OF USE](#) [Advertise](#) [TRUSTe](#) [Approved Privacy Statement](#)
[GetNetWise](#)

RECEIVED

JUN 05 2002

WATER RESOURCES DEPT.
SALEM, OREGON

Chris Holm
14930 Barney Road
Plymouth, California 95669

Russell Juncal
1965 Hilt Road
Hornbrook, California

Re: Shared Well Agreement

April 21, 2002

Mr. Russell Juncal;

My dealings with you, during the past year, have provided interesting results. Some of the facts of the water issues involved with my Oregon property are as follows:

1. Lawrence Schechter purchased two California parcels (one currently owned/being purchased by Taylor Sloan and one currently being purchased by you) and one Oregon parcel (currently owned by me) in 1981. Shortly after the property purchase Lawrence built a house on the parcel that you are currently purchasing.
2. In 1994, Leonard Cohn foreclosed on the two California parcels that Lawrence was purchasing. Prior to this foreclosure, Lawrence had NOT conveyed water rights from his Oregon parcel to EITHER one of the California parcels. During the foreclosure proceedings Lawrence attempted to offer terms to Leonard to provide water rights to the California parcels, in exchange for a small parcel next to the house that you currently reside in. Lawrence also provided Leonard with additional proposals for water rights but Leonard did NOT agree to any of the proposals, thus none of the actions conveyed ANY water rights to Leonard (this information was written to me by Lawrence Schechter).
3. Sometime after the foreclosure Leonard illegally trespassed on Lawrence's Oregon parcel and installed a water line to the California parcel that Leonard eventually sold to Taylor (you emailed me twice during this past January that Leonard put a tee in the water line for Taylor). Lawrence wrote that he did not of this illegal water connection, until recently, and you never mentioned it to him. During the purchase of his California parcel, Taylor was told that he would be able to purchase water from whoever owned the California parcel that you currently reside on (this was written to me by Taylor). This information, given to Taylor by Leonard, was INCORRECT – even if it was contained on a recorded document with a county. The water rights were never conveyed to Leonard.
4. During 1997 you began the purchase procedures for California parcels and was told, by Leonard, that you had water rights from Lawrence's well on Lawrence's Oregon parcel. You discovered that this was INCORRECT and you began legal action against Leonard (you emailed me this information last month). After initiating legal action against Leonard, you and Lawrence were able to establish a "Shared Well Agreement" dated December 26, 1997. Lawrence wrote that he did this to be helpful to you in light of the situation that Leonard had placed you in.
5. The 1997 "Shared Well Agreement" stipulates, among other things, that the owners of Jackson County, Oregon, Tax Lot #1700 (currently owned by me) and the owners of Siskiyou County, California, parcels 006-240-400 and 006-240-440 (currently owned/being purchased by you) are the ONLY parcels of property that can be serviced by water from the well on my Oregon property. This legally binding agreement also stipulates that you can use water to maintain the landscape on your approximate 100' X 107' parking easement (on MY property), irrigation of the pine trees (also located on MY property), and water to service YOUR California property (two parcels listed above).
6. You illegally sold water to Taylor (this was written to my by Taylor last week).
7. You have repeatedly informed me that I will need a permit to draw water from my own well but you NEVER told me that you were illegally selling water to Taylor and you just recently (this past January) emailed me that Taylor was receiving water from the well on my Oregon property. You, instead, insisted that you use up to 15,000 gallons of water a day on YOUR property. This information is also INCORRECT as the Oregon Department of Water Resources wrote to me and informed me that they are well aware of my water situation and I do NOT need a permit if I use water, from MY well, for domestic purposes only.

RECEIVED

JUN 05 2002

WATER RESOURCES DEPT.
SALEM, OREGON

April 21, 2002

8. Last month you filed a legal appeal against Jackson County, Oregon, for their approval of a home site on my Oregon property.
9. Last month I mailed you notice (you received it on March 13, 2002) that the water line to Taylor's property was a violation of the "Shared Well Agreement" and that you were to immediately disconnect that water line. You have not disconnected that water line.
10. Selling water to Taylor Sloan is illegal and constitutes another violation of the "Shared Well Agreement".

When I initially informed you that I was going to exercise my right to tee into a water line you emailed me that I would need to make accommodations for a larger pump. The "Shared Well Agreement" specifically stipulates that you would be responsible for the action, if necessary. You have emailed me numerous times that I would need a permit to use water from my well, which is NOT true, and you concealed that you were selling water to Taylor. You erroneously emailed me that Lawrence and Leonard's lawyers hashed out Leonard's water rights (this is completely UNTRUE) and that Lawrence's knowledge of/inaction toward the pipeline connections asserted that Lawrence accepted them (this is contradictory). How can you write this when you initiated legal action, in 1997, against Leonard for this EXACT situation? In an email earlier this month you wrote that Taylor believes that he has water rights and knows that Lawrence put in the branch pipeline for his property and was aware of its use (this past January you emailed me that Leonard installed the pipeline for Taylor). This, again, is UNTRUE. You sent me a map, at my request, which you claimed depicted a 3" water line running exactly where Taylor Sloan's line is located. When viewing the map, however, the depicted water line is over 100' from Taylor's property. This is another example of something that is UNTRUE.

Was this all an attempted smokescreen to cover illegal activities? With all these untruths how could anyone ever believe anything from you? Do you realize the ramifications that you could face as a result of all of this? What type of legal actions could be brought against you? What about all the slanderous allegations against Lawrence? Do you realize that you could forfeit your water right for violation of the "Shared Well Agreement"?

This is a very unique way to welcome people to your neighborhood.

The last question that I have is what I should do at this point. Which avenues should I take? There are MANY possibilities.

VERY SINCERELY,

Chris Holm

RECEIVED

JUN 05 2002

WATER RESOURCES DEPT.
SALEM, OREGON

RECEIVED

JUN 05 2002

WATER RESOURCES DEPT.
SALEM, OREGON

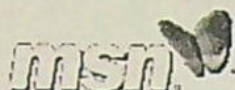
RECEIVED

JUN 05 2002

WATER RESOURCES DEPT.
SALEM, OREGON

MSN Home | My MSN | Hotmail | Search | Shopping | Money | People & Chat

[Sign Out](#)



On a scale of 1 to 5...



Home

Inbox

Compose

Address Book

Options

Help

mooneypilot201@hotmail.com

[Save Address\(es\)](#) [Block](#)

[Previous](#) [Next](#) | [Close](#)

From : "Russell Juncal" <juncalrw@snowcrest.net>

To : "Chris Holm" <mooneypilot201@hotmail.com>

Subject : Re: Your letter of April 21, 2002

Date : Sat, 4 May 2002 16:01:01 -0700

[Reply](#) [Reply All](#) [Forward](#) [Delete](#) [Put in Folder...](#)

[Printer Friendly Version](#)

Search tl

Calendar

Hotmail

Free New
MSN Feat
POP Mail
Find Mess
Reminder
Directorie

Explore

Free Gam
Find a Sp
'Net Acce
Share Ph
Send Cas
Chat Roo
Upgrade
Find Old I
Shop AT8
More...

Chris, sorry for the delay in getting back to you but I have been busier than usual particularly with 'kid stuff'. Anyway, this situation is as important to me as it is to you so I will try my best to respond to the points in your letter. I haven't painstakingly reviewed each letter and fax I have in my file so some of the comments are from memory, but I would be happy to sit down with you and go through the documents. Many of the points in your letter involve simple misunderstandings and are pretty easily addressed, but some involve legal conclusions so I will only relay what my understanding is from the attorneys I have consulted. Because I have relied all along on the information these attorneys have provided I think it would be very helpful if your attorney could at least spend a few minutes with them on the phone. I don't want to pretend that I am some legal expert telling anyone their rights so anything I might say that has legal ramifications is just my paraphrase and I would want you to get it straight from them.

I have addressed the comments in the order you presented them. As you read them I hope it comes across that we are both in a situation where we purchased something and someone is telling us that what we thought were the agreements of the purchase are in fact different. We may not agree on who is to blame for that situation but I do not blame you.

1. I agree with your statement. What I have also come to know is that Lawrence deeded a well and pipeline easement to the California property, built a pipeline and conveyed water to the California property for about 10 years. Prior to being foreclosed upon by Schechter he made representations to the County of Siskiyou that the California property had the rights to use water from the well. Those rights, just from a laymans point of view are pretty obvious. A well easement without the right to use a well is like a road easement without the right to use the road. Moreover, since he controlled both properties why create a deeded easement that runs with the land if there was no purpose. He borrowed money against the California land based upon the land having water. Before he was foreclosed upon he listed the property for sale and said it was served by a "shared well". I have gone to multiple attorneys who have reviewed the deeds, the law and other information in addition to the above and they have said unquestionably that the right to use water was conveyed. I came to understand clearly that Lawrence didn't agree with that as I discuss below.

2. When Leonard Coen foreclosed on Lawrence he believed that he had the right to use water and that he wouldn't have loaned a large sum of money on a property that would be worthless without water. I understand from both parties that they did not care for each other. Lawrence told Coen there were no water rights and implied he would take some legal action. Leonard Coen is a wealthy Laguna Beach businessman who, it is my perception, makes decisions based upon cost benefit analysis. Although he had done legal research and obtained the opinion of one of the better water law attorneys in the area he no doubt weighed the cost/probability of a nuisance lawsuit against what for him was a simple solution, either give Lawrence some land or buy the Oregon land. This type of settlement to avoid litigation is done every day and more often than not has nothing to do with the

RECEIVED
JUN 05 2002
WATER RESOURCES DEPT.
SALEM, OREGON

merits of the issues. After weighing costs/benefits and the very strong legal opinions it is my opinion he decided to call Lawrence's bluff and see if he would file. Lawrence did not file nor did he take what seems to me to be the very simple action that would have forced Coen to resolve the issue, which would have been to cut the line. For the cost of 30 minutes of backhoe time (about \$25) he could have called Coen's bluff, if that is what it was. In any event Coen sold property first to Sloan and then to me and said he will stand behind the right to use water from the well.

3. The whole question about Coen doing something illegal flows from the underlying issue of the rights. The parties I have consulted including Coen's attorney's and three others have all concluded he did not. When Lawrence and I first began talking he told me his attorney had said the rights had to be specifically assigned, however, I've never seen the attorney's opinion on that matter. It would be very helpful if you could provide that as it would put the conflict in a much clearer light. With regard to Lawrence not knowing about the line I can't really comment but as far as me telling him about Taylor I would have to say I recall it. There would be no reason for me not to as the negotiations Lawrence and I had were all predicated on the fact that there was plenty of water and since it would come down through my line any costs would be borne by me. The bottom line is you were told that Coen had no water rights. I would hope that it would have been discussed with you because it figured prominently into the Shared Well Agreement as discussed in #4.

4. This is an important misunderstanding and to the extent I created it you have my sincere apologies. I would appreciate it if you would forward me the email I sent to you where I referred to initiating legal action against Coen about the water. What I recall saying and what is in fact true, is that Coen did not tell me certain things about the house and improvements. I found that he had installed unwrapped gas line that rotted and created what could have been a serious situation. I investigated filing a claim against him but found I was a day late and a dollar short. With regard to the water, he disclosed the situation, gave me the legal backup and said he would stand behind it. Thus, the well sharing agreement had no relationship to my problems with Coen. The sharing agreement came about because Lawrence was calling me and threatening put a lock on the pumphouse. I told him, and I'm crystal clear on this, that if he did we would be in court the next day because he would be interfering with my rights, but that my overwhelming preference was to sit down and find out how we could resolve this to both of our benefits. That attitude was shared completely by Lawrence and we had a very cordial and friendly interaction. Lawrence and I got along well and I would be happy to sit down with him and yourself right now to get to the bottom of this. I do believe that he and more particularly his realtor who was advising him, did not fully disclose certain things and I have no problem saying it to his face. I got the impression that the realtor determined that they didn't have to and if that is true so be it. With regard to Lawrence's entering the well sharing agreement to "be helpful to me" I will not question his self perception. As for me I made the agreement as anyone else would, based upon an assessment of the best way to deal with a situation. The fact that I had the right to use water from the well didn't resolve a host of other potential problems including what my relationship to the buyer of the property would be, how to protect myself against the threatened lawsuits by the spring users and other issues including the landscaping. The purpose of the agreement is not to convey a right to use water from the well where none existed, but rather (as it reads) to clarify "certain rights and responsibilities".

5. As noted above Taylor's legal rights don't necessarily come through the well sharing agreement.

6. The money Taylor pays if for electricity, pump maintenance etc. I can only add that my attorneys tell me it is not illegal.

7. With regard to the permitting issue would it be possible for you to send me the letter that Sue Waldron or whoever it was from DWR was responding to? I have again been advised on this issue by water law attorneys as well as by a State water rights specialist so I'm just relaying what I've been told. Perhaps there is some misunderstanding that we can easily resolve but it would follow from just what questions/circumstances DWR was addressing. At a minimum I've been told that no permit would be required for using the second well but one way or another I feel we can work this out.

RECEIVED
JUN 05 2002
WATER RESOURCES DEPT.
SALEM, OREGON

8. This item is based upon advice from my attorney.

9. Addressed above.

10. Addressed above.

I don't know if these comments help but they represent my understanding of the situation. I have a lot of documents that support what I'm saying and would be happy to share them with you. With regard to the pipeline to Taylors I'm not trying to say I know exactly what happened, what I was saying was that like some other things it's not exactly as represented by Lawrence. Now this may be simply because he forgot, no sinister motive is necessarily being implied. I found some notes of a phone call with Lawrence made while we were drafting the Agreement in which I wrote: Put in line for phone (by Phone Co.) to Taylors - ? poss. Water line? prob. put in for eco village." So maybe he did, maybe he didn't but the point with the map and my comments is just that not everything is black and white.

Your last question is easy and hard at the same time. I would suggest you consider what I've written above, discuss it with your attorney and if it seems to be total B.S. or an 'attempted smoke screen' we should try to get a third party involved. This could be a mediator, judge, jury whatever. I would do everything to simplify the process because all I would like is clarification of the legal rights and responsibilities. To me this would represent nothing more than an honest disagreement, nothing personal whatsoever.

If there is anything in what I'm saying that indicates there is a possible way to work things out please send me the documents supporting Lawrence's interpretation and let's at least discuss it. If there are certain documents that would be helpful to your evaluation let me know. I believe this problem is the beginning of others because of the situation at the spring and the third well. Nonetheless, I know I have resources that could be far better utilized in putting value into our properties. While we certainly have differences of opinion in some areas we have many common interests including road improvements, expanded power up to the pumphouse, dealing with the spring users etc. Also please excuse the somewhat rambling nature of this letter, it could probably use a good editing.

Sincerely,

Russell Juncal

-----Original Message-----

From: Chris Holm <mooneypilot201@hotmail.com>

To: juncalrw@snowcrest.net <juncalrw@snowcrest.net>

Date: Saturday, April 27, 2002 1:00 PM

Subject: Reply

Russell,

Lawrence extended the depicted, "capped" three-inch future service line (shown in the 1991 map) by adding a two-inch line running along the roadway west to the western property line. As he owned/was purchasing ALL parcels at that time he could do as he wanted WITHOUT the need of water rights. Yes, he intended to EVENTUALLY run water to Sloan's parcel but shortly after the permit application, with the county, Cohn foreclosed on Schechter's two California properties. This occurred before Lawrence ran ANY water lines onto, or near, Sloan's property. Cohn then trespassed on Schechter's Oregon property and tapped into the existing extended line and illegally ran the water line onto the parcel that he later sold to Taylor Sloan.

Statements contain no LEGAL BINDING issues, including IMPLIED STATEMENTS. Produce a water right assignment/conveyance/transfer to anyone, other than yourself in the 1997 "Shared Well Agreement", SIGNED by Lawrence Schechter (as he had the ONLY water rights from the well from 1981 to 1997) and someone could have an issue. Without that document there is no

RECEIVED
JUN 05 2002
WATER RESOURCES DEPT.
SALEM, OREGON

Chris Holm
14930 Barney Road
Plymouth, California 95669

Taylor Sloan
1701 Hilt Road
Hornbrook, California 96044

Re: Water access

April 16, 2002

Mr. Sloan;

I recently purchased an Oregon parcel of property (described as: Township 41 South/Range 2E/Parcel 27/Tax Lot 1700), located at 1983 Hilt Road, from Lawrence Schechter.

Apparently you and Russell Juncal were told, when you purchased your California properties located at 1701 and 1965 Hilt Road, by Leonard Cohn that your parcels had water rights from a well on the Oregon parcel that I recently acquired. This information was incorrect.

Lawrence Schechter began purchasing two California parcels (the one that you own/are buying and the one that Russell Juncal is buying) and one Oregon parcel (the one that I recently purchased) in 1991. In 1994, Leonard Cohn foreclosed on the two California parcels that Lawrence Schechter was purchasing from him (those parcels are the ones that you and Russell Juncal are currently purchasing/have purchased from Leonard Cohn). While purchasing those three parcels, Lawrence Schechter ran a 3" water line from the well, on the Oregon parcel, to the southwest portion of that Oregon parcel. One branch water line was connected to the house that Russell Juncal now resides in. The intent of the remaining 3" water line was for future connections for a community that Lawrence Schechter had planned (see enclosed email correspondence from Lawrence Schechter to me labeled #1). Lawrence Schechter speculates that Leonard Cohn must have installed the unauthorized/illegal water line to your property after foreclosing on it in 1994.

On December 26, 1997, Lawrence Schechter and Russell Juncal entered into a, "Shared Well Agreement" (see enclosed copy, a recorded document [97-48771] with Siskiyou County, California, labeled #2A, #2B, #2C) because Russell Juncal did not have water rights to the well that was providing water to the house that he had purchased from Leonard Cohn. The "Shared Well Agreement" stipulates, among other things, that the parties owning the Oregon property, commonly referred to as Tax Lot #1700, and the parties owning the California property, commonly referred to as parcels 006-240-400 and 006-240-440, are the exclusive beneficiaries of the water from the well supplying water to the house that Russell Juncal now lives in. Nothing in that agreement addresses any water usage to/by your California property.

Learning of the unauthorized/illegal water connection leading to your California parcel is resulting in the creation of this notice that I will be disconnecting this unauthorized/illegal water line branch, on my property, within the next three months. I informed Russell Juncal that his knowledge of this situation constitutes a violation of the, "Shared Well Agreement" and instructed him to disconnect the water line to your parcel. Mr. Juncal, however, has refused to do this.

I apologize for sending this letter prior to meeting you, but learning of this issue was a real surprise to me. I would think that you might have legal recourse against anyone who led you to believe that you had water rights associated with the purchase of your California parcel. I also think that you would have legal recourse against anyone who may have sold you water from my well.

RECEIVED

JUN 05 2002

WATER RESOURCES DEPT.
SALEM, OREGON

Chris Holm

Taylor Sloan, Ph.D.
1701 Hilt Rd., Hornbrook, California 96044
(530) 475-3726

Hello Chris Holm;

I have your letter of the 16th.

I had the water situation checked carefully before purchasing this property, and was told by my attorneys that the arrangement was solid, that if purchasing I would have water rights, specifically the right to purchase water from whom ever owned the Schechter land and residence, which is now Russell Juncal.

You say in your letter "This information is incorrect."

I apologize, As you kindly do, for responding prior to our meeting one-another. However, the information, according to my attorneys, whose specialize in water rights, is that this information is correct; and it was only after verifying this that I did in fact purchase the property. I have all the documents, as does Juncal, if you wish to see them.

In any case, my relation in this matter is not with you, as new owner of the Oregon property, but with Juncal, from whom I purchase water.

I strongly recommend you *not* shut my water source off. I have planted more than two thousand Ponderosa Pines and other trees here which will die without water in the coming summer. The purchase of these trees and the labor on this project has run into thousands of dollars. Do you want to be responsible for that?

Also I should say, in response to your last paragraph, that Russell and Nora Juncal are sterling neighbors and friends and I would as soon cut off an arm as take "legal recourse" against them.

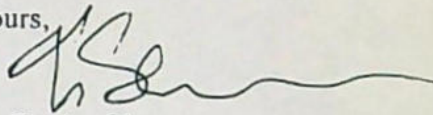
RECEIVED
JUN 05 2002
WATER RESOURCES DEPT.
SALEM, OREGON

Also may I suggest you take it easy coming into a rural area telling people whom you have not even met how they are to live; "I will be disconnecting (your) water line..." These people here are going to be your neighbors. An amicable, cooperative resolution to problems *can be* achieved, but not by confrontation.

If you move into the country with that attitude you are going to be *miserable* here, I'm quite serious. People in the country depend upon one-another.

Again, excuse me for being forward but I must respond to your statements. I do look forward to meeting you and your wife, and trust we can, *all of us*, live amicably here. God knows we all need and *cooperative* neighbors in these severely troubled times.

Yours,



Dr. Taylor Sloan

17 April 2002

RECEIVED

JUN 05 2002

WATER RESOURCES DEPT.
SALEM, OREGON

Chris Holm
14930 Barney Road
Plymouth, California 95669
Mooneypilot201@hotmail.com

Taylor Sloan
1701 Hilt Road
Hornbrook, California 96044

Re: Water access

April 22, 2002

Taylor;

In response to your letter of April 17, 2002:

1. Your attorneys apparently missed the most important issue of water rights when checking the situation at the time that you purchased your property. No water rights were ever conveyed to your, or Russell Juncal's, parcels (see enclosed item #1). The water line connection to your property was illegally undertaken by Leonard Cohn WITHOUT knowledge by Lawrence Schechter (the owner of the Oregon parcel that Cohn trespassed on to make that connection). The act of selling water to you, from the well that I now own, is/was also an illegal activity. By knowingly doing so, the parties that conducted this operation are subject to penalties from the Oregon Water Resources Board and Russell is also subject to forfeiting his current water right, to the well on my property, described under the "Shared Well Agreement" between him and Lawrence Schechter dated December 26, 1997. Russell discovered, during 1997, that he had no water rights associated with his newly purchased California properties, initiated a lawsuit against Leonard Cohn as a result of the discovery, but elected to enter into the "Shared Well Agreement" to obtain water. That agreement specifically stipulates that the only California properties to receive water are Siskiyou County parcels 006-240-400 and 006-240-440, exclusively. Your parcel(s) is/are NOT listed in that agreement.
2. The action of Russell Juncal selling you water is a continuation of the aforementioned illegal activity. Upon learning of this, I notified Russell to immediately cease this activity and disconnect the illegal water line connection to your property, as this will subject him to forfeiting his water right to my well. Obviously Russell has elected not to conform to the legal parameters of this issue.
3. I will not be responsible for trees on your property by disconnecting the water line to your parcel. That water line was an illegal connection undertaken on Oregon property by an individual that did not own that parcel and did NOT have water rights to the well on that parcel. Russell Juncal also notified me (See enclosed items #2 and #3) that you have drilled a well on your property and that you are not using water from my well and have not used water from my well "for a while".
4. For your information, I have lived mostly in rural areas since 1956. The majority of those areas had a population density similar to that of Hilt, California. If you check an Atlas you will find that the BOOMING metropolis of Plymouth, California, has a population of about 300 people. We live in the unincorporated area 5-miles outside of the city limits. My nearest neighbor is about two miles away. I am not attempting to tell you people how you are to live, other than to follow legal procedures and laws. The issue of my reaction to the initial actions of you, and your neighbors, is just that-a reaction. More than one individual, from your area, initially subjected me to confrontational approaches (see enclosed items #4 and #5). These confrontations began prior to my purchase of my Oregon parcel.

Chris Holm

RECEIVED
JUN 05 2002
WATER RESOURCES DEPT.
SALEM, OREGON

Taylor Sloan, Ph.D.
1701 Hilt Rd., Hornbrook, California 96044
(530) 475-3726

27 Apr 2002

Hello Chris Holm:

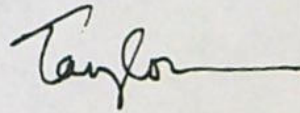
Thanks for yours of 22 April. You do write a good letter, and I admit I am beginning to understand what you are talking about. Please excuse any hard feelings caused by my letter of 17 Apr.

This situation looks like its going to get expensive what with attorneys and court time. I have a suggestion that might resolve everything and avoid the legal expenses. Would you consider *selling* your property to me?

Wouldn't that be a switch! Then I could be the Water Master, instead of having to buy from Juncal!

I'm perfectly serious about this; please let me know if you're interested.

Sincerely,

A handwritten signature in cursive script, appearing to read "Taylor", followed by a horizontal line.

RECEIVED

JUN 05 2002

WATER RESOURCES DEPT.
SALEM, OREGON

Water Right Conditions Tracking Slip

Groundwater/Hydrology Section

FILE ## CG - 15711

ROUTED TO: WATER RIGHTS

TOWNSHIP/

RANGE-SECTION: 415 / 2E-18

CONDITIONS ATTACHED? ☐ yes ☐ no

REMARKS OR FURTHER INSTRUCTIONS:

Reviewer: IKG

Water Resources Department

MEMO

MARCH 14, 2002

TO: Application G- 15711
FROM: GW: IVAN GALL
(Reviewer's Name)
SUBJECT: Scenic Waterway Interference Evaluation

☐

Yes

The source of appropriation is within or above a Scenic Waterway

☒

No

☐

Yes

Use the Scenic Waterway condition (Condition 7J).

☒

No

PREPONDERANCE OF EVIDENCE FINDING: (Check box only if statement is true)

☒

At this time the Department is unable to find that there is a preponderance of evidence that the proposed use of ground water will measurably reduce the surface water flows necessary to maintain the free-flowing character of a scenic waterway in quantities necessary for recreation, fish and wildlife.

FLOW REDUCTION: (To be filled out only if Preponderance of Evidence box is not checked)

Exercise of this permit is calculated to reduce monthly flows in _____ Scenic Waterway by the following amounts expressed as a proportion of the consumptive use by which surface water flow is reduced.

Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec

RECEIVED

MAR 18 2002

WATER RESOURCES DEPT.
SALEM, OREGON

TO: Water Rights Section

MARCH 14, 2002

FROM: Groundwater/Hydrology Section IVAN GALL

Reviewer's Name

SUBJECT: Application G- 15711

GROUNDWATER/SURFACE WATER CONSIDERATIONS

1. PER THE _____ Basin rules, one or more of the proposed POA's is/is not within _____ feet/mile of a surface water source (_____) and taps a groundwater source hydraulically connected to the surface water.
2. BASED UPON OAR 690-09 currently in effect, I have determined that the proposed groundwater use
 - a. ☒ will have the potential for substantial interference with the nearest surface water source, namely UNNAMED SPRING; or
 - b. _____ will not have the potential for substantial interference with the nearest surface water source, namely _____; or
 - c. _____ will, if properly conditioned, adequately protect the surface water from interference:
 - i. _____ The permit should contain condition #(s) _____; or
 - ii. _____ The permit should contain special condition(s) as indicated in "Remarks" below;
 - iii. _____ The permit should be conditioned as indicated in item 4 below; or
 - d. _____ will, with well reconstruction, adequately protect the surface water from substantial interference.

GROUNDWATER AVAILABILITY CONSIDERATIONS

3. BASED UPON available data, I have determined that groundwater for the proposed use
 - a. _____ will likely be available in the amount requested without injury to prior rights and/or is within the capacity of the resource; or
 - b. ☒ will not be available in the amount requested without injury to prior rights and/or is within the capacity of the resource; or
 - c. _____ will, if properly conditioned, avoid injury to existing rights or to the groundwater resource:
 - i. _____ The permit should contain condition #(s) _____;
 - ii. _____ The permit should contain special condition(s) as indicated in "Remarks" below;
 - iii. _____ The permit should be conditioned as indicated in item 4 below; or
4.
 - a. _____ THE PERMIT should allow groundwater production from no deeper than _____ feet below land surface;
 - b. _____ The permit should allow groundwater production from no shallower than _____ feet below land surface;
 - c. _____ The permit should allow groundwater production only from the _____ groundwater reservoir between approximately _____ feet and _____ feet below land surface;
 - d. _____ Well reconstruction is necessary to accomplish one or more of the above conditions.
 - e. _____ One or more POA's commingle two or more sources of water. The applicant must select one source of water per POA and specify the proportion of water to be produced from each source.

REMARKS:

(Well Construction Considerations on Reverse Side)

RECEIVED

MAR 18 2002

WATER RESOURCES DEPT
SALEM, OREGON

WELL CONSTRUCTION (If more than one well doesn't meet standards, attach an additional sheet.)

5. THE WELL which is the point of appropriation for this application does not meet current well construction standards based upon:
- a. ☐ review of the well log;
 - b. ☐ field inspection by _____;
 - c. ☐ report of CWRE _____;
 - d. ☐ other: (specify) _____
6. THE WELL construction deficiency:
- a. ☐ constitutes a health threat under Division 200 rules;
 - b. ☐ commingles water from more than one groundwater reservoir;
 - c. ☐ permits the loss of artesian head;
 - d. ☐ permits the de-watering of one or more groundwater reservoirs;
 - e. ☐ other: (specify) _____
7. THE WELL construction deficiency is described as follows: _____

8. THE WELL
- a. ☐ was constructed according to the standards in effect at the time of original construction or most recent modification.
 - b. ☐ was not constructed according to the standards in effect at the time of original construction or most recent modification.
 - c. ☐ I do not know if it met standards at the time of construction.

RECOMMENDATION:

- A. ☐ I recommend including the following condition in the permit: "No water may be appropriated under terms of this permit until the well(s) has been repaired to conform to current well construction standards and proof of such repair is filed with the Enforcement Section of the Water Resources Department."
- B. ☐ I recommend withholding issuance of the permit until evidence of well reconstruction is filed with the Enforcement Section of the Water Resources Department.
- C. ☐ REFER this review to Enforcement Section for concurrence.

THIS SECTION TO BE COMPLETED BY ENFORCEMENT PERSONNEL

I concur in G/H's recommendation A or B above relating to conditioning or withholding the permit.

(Signature)

_____, 200____

I do not concur in G/H's recommendation A or B above relating to conditioning or withholding the permit for the following reasons: _____

(Signature)

_____, 200____

IR CHECKLIST

Application #: G 15711

County JACKSON

Basin: Klamath 14

WAB: _____

Township 41S

Range 2E

Section 18

1/4 1/4 SW NE

- ☒ 10. Groundwater Review A B C D River/Stream Name UNNAMED SPRING
☒ a. Groundwater Availability A B C
☒ b. Is the well located in a GWLA or CGWA or T1N R3E? (If applicable, include map with POD) Y N
- ☒ 25. Use IRR 18, Dam (2), W/LF, FIRE PROTECTION Priority Date(s) _____
- ☒ 30. Allowed under Basin Program Y / N Limitations? Y / N _____
- ☒ 40. Withdrawn? Y / N season allowed _____
- ☒ 45. Basin Maps have been checked. Y / N River Mile _____
- ☒ 50. SWW Y / N (if Y notify state parks)
- ☒ 60. Surface water Availability (80% live flow / 50% storage) NA NEED WATER USES AVAILABLE
- ☒ 70. Divis 33: Y / N / NA Above Bonn Y / N If Y not allowed April 15 - September 30
Below Bonn Y / N If Y add PISPC
Statewide Y / N $1.8 \times .0125 = .022$
 $= .01$
 $= .005$
 $= .005$
- | Rate | Duty | Rate: Max | Req |
|------------|------------|------------|----------------------------------|
| <u>180</u> | <u>3.0</u> | <u>3.0</u> | <u>IRR 18</u> |
| | | | <u>Dam (2)</u> |
| | | | <u>W/LF</u> |
| | | | <u>FIRE</u> |
| | | | <u>NEED WATER USES AVAILABLE</u> |
- ☒ 80. Rate: 180 Duty: 3.0 Rate: Max 3.0 Req IRR 18
NEED WATER USES AVAILABLE
- ☒ 90. B.O.R. or Doug Co. project Y / N contract # _____
NEED WATER USES AVAILABLE
- ☒ 100. Small (≤ 0.1 cfs, ≤ 9.2 AF), Medium (> 0.1 or < 1.5 cfs, > 9.2 or < 100 AF) or Large (≥ 1.5 cfs, ≥ 100 AF) condition 7I and municipal require the Large conditions
NEED WATER USES AVAILABLE
- ☒ 110. Land use approval OK'd needs approval county notified NA
- ☒ 120. Watermaster Dist: (1 2 16 18 20 - NWR) (3 4 5 21 - NCR) (6 8 9 10 - ER) (11 12 17 - SCR) (13 14 15 19 - SWR)
- ☒ 130. per interactive mapping DOA 1010 Y / N 303D Y / N NA CTUIR Y / N
- ☒ 140. within Oregon Streamflow Restoration Area? Y / N NA
- ☒ 150. Letter format: Good/Limited/Bad/Bad IRshort/Bad HC Opp
- ☒ 160. CWRE, representative, etc. to notify? Y / N _____
HOLLIE GARDNER
2779 Camp Baker Rd
Medford, OR 97501
CHRIS HOLM
14930 Barney Rd
Klamath, CA 95669-9730

Name: RNR Date: 5/15/02

c:\myfiles\forms\checkirnew 3/7/02

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.

PFO CHECKLIST

☒ 10. IR Date 5/24/02 Public Notice Date 6/11/02 Comment Rec'd yes
☐ 20. Filed after 10/23/99? ☒ Y / ☐ N (if N A date should be included)

Changes from IR determinations: _____

Agencies and Additional People to Notify: _____

☒ 30. Shortcomings preventing PFO, FO, or permit? Y / ☒ N Should process continue ☒ Y / ☐ N
☒ 40. Is second groundwater review complete? Y / ☒ N necessary? Y / ☒ N

Initials: JWG Date: 11/15/02

ORS 536.310- Purposes and policies to be considered in formulating state water resources program. In formulating the water resources program under ORS 536.300 (2), the Water Resources Commission shall take into consideration the purposes and declarations enumerated in ORS 536.220 and also the following additional declarations of policy:

(3) That adequate and safe supplies be preserved and protected for human consumption, while conserving maximum supplies for other beneficial uses;

(12) When proposed uses of water are in mutually exclusive conflict or when available supplies of water are insufficient for all who desire to use them, preference shall be given to human consumption purposes over all other uses and for livestock consumption, over any other use, and thereafter other beneficial purposes in such order as may be in the public interest consistent with the principles of chapter 707, Oregon Laws 1955, under the existing circumstances; and

ORS 542.620 ARTICLE III, DISTRIBUTION AND USE OF WATER:

A. There are hereby recognized vested rights to the use of waters originating in the Upper Klamath River Basin validly established and subsisting as of the effective date of this compact under the laws of the state in which the use or diversion is made, including rights to the use of waters for domestic and irrigation uses within the Klamath Project. There are also hereby recognized rights to the use of all waters reasonably required for domestic and irrigation uses which may hereafter be made within the Klamath Project.

B. Subject to the rights described in subdivision A of this Article and excepting the uses of water set forth in subdivision E of Article XI, rights to the use of unappropriated waters originating within the Upper Klamath River Basin for any beneficial use in the Upper Klamath River Basin, by direct diversion or by storage for later use, may be acquired by any person after the effective date of this compact by appropriation under the laws of the state where the use is to be made, as modified by the following provisions of this subdivision B and subdivision C of this Article, and may not be acquired in any other way:

1. In granting permits to appropriate waters under this subdivision B, as among conflicting applications to appropriate when there is insufficient water to satisfy all such applications, each state shall give preference to applications for a higher use over applications for a lower use in accordance with the following order of uses:

(a) Domestic use,

Per telephone discussion with Del Sparks, November 21, 2002, the water availability reports submitted would apply to all applications for the same source. Del recommends approving for **domestic use only**.

C:\MyFiles\guadalupe spring app info4bo.wpd

Public Interest Review Sheet for Use by ODFW Staff
Recommendations for Applications that may affect the Habitat of
Non S T & E Fish or Wildlife Species OAR 690-310-140(3)(b)(D)

Date: July 1, 2002

Application # G-15711

Name: Juncal

1) Will the proposed use occur in an area that may affect the habitat of fish or wildlife species?

No (see comments)

Species? N/A

What stage or value is at risk:

Other

2) Will the proposed use result in a loss of habitat? No

3) Can conditions be applied to mitigate the impact the loss of habitat?

N/A Yes or no, which conditions are recommended? (Try to select those from the menu)

4) If conditions cannot be identified to offset impacts to the habitat, would the proposed use harm the species? _____ If yes, explain

WRD Contact: _____ Title: _____

Date: _____

Comments: This use may have interfere with surface flows in an unnamed spring, tributary of Cottonwood Creek. However, there is no known fish use in this spring and this use will therefore not result in the loss of fish habitat in that stream. This use may reduce habitat for steelhead in Cottonwood Creek, but this portion of stream is in California.

ODFW Recommendation:

 Approval with conditions See #3 Above

 X Approval without conditions

 Denial

ODFW Representative(s)

Name: Jerry Vogt

Date: July 1, 2002

Name: _____ Date: _____

m:\div.33\odfw all species check lst.wpd 6/25

TO: Water Rights Section MARCH 14, 2002
FROM: Groundwater/Hydrology Section IVAN GALL
SUBJECT: Application G- 15711 Reviewer's Name

GROUNDWATER/SURFACE WATER CONSIDERATIONS

1. ~~PER THE~~ Basin rules, one or more of the proposed POA's is/is not within _____ feet/mile of a surface water source (_____) and taps a groundwater source hydraulically connected to the surface water.
2. BASED UPON OAR 690-09 currently in effect, I have determined that the proposed groundwater use
- a. ☒ will have the potential for substantial interference with the nearest surface water source, namely UNNAMED SPRING; or
 - b. _____ will not have the potential for substantial interference with the nearest surface water source, namely _____; or
 - c. _____ will, if properly conditioned, adequately protect the surface water from interference:
 - i. _____ The permit should contain condition #(s) _____; or
 - ii. _____ The permit should contain special condition(s) as indicated in "Remarks" below;
 - iii. _____ The permit should be conditioned as indicated in item 4 below; or
 - d. _____ will, with well reconstruction, adequately protect the surface water from substantial interference.

GROUNDWATER AVAILABILITY CONSIDERATIONS

3. BASED UPON available data, I have determined that groundwater for the proposed use
- a. _____ will likely be available in the amount requested without injury to prior rights and/or is within the capacity of the resource; or
 - b. ☒ will not be available in the amount requested without injury to prior rights and/or is within the capacity of the resource; or
 - c. _____ will, if properly conditioned, avoid injury to existing rights or to the groundwater resource:
 - i. _____ The permit should contain condition #(s) _____;
 - ii. _____ The permit should contain special condition(s) as indicated in "Remarks" below;
 - iii. _____ The permit should be conditioned as indicated in item 4 below; or
- 4.
- a. _____ THE PERMIT should allow groundwater production from no deeper than _____ feet below land surface;
 - b. _____ The permit should allow groundwater production from no shallower than _____ feet below land surface;
 - c. _____ The permit should allow groundwater production only from the _____ groundwater reservoir between approximately _____ feet and _____ feet below land surface;
 - d. _____ Well reconstruction is necessary to accomplish one or more of the above conditions.
 - e. _____ One or more POA's commingle two or more sources of water. The applicant must select one source of water per POA and specify the proportion of water to be produced from each source.

REMARKS:

(Well Construction Considerations on Reverse Side)

RECEIVED

MAR 18 2002

WATER RESOURCES DEF
SALEM, OREGON

15711

WELL CONSTRUCTION (If more than one well doesn't meet standards, attach an additional sheet.)

5. THE WELL which is the point of appropriation for this application does not meet current well construction standards based upon:
- a. ☐ review of the well log;
 - b. ☐ field inspection by _____;
 - c. ☐ report of CWRE _____;
 - d. ☐ other: (specify) _____
6. THE WELL construction deficiency:
- a. ☐ constitutes a health threat under Division 200 rules;
 - b. ☐ commingles water from more than one groundwater reservoir;
 - c. ☐ permits the loss of artesian head;
 - d. ☐ permits the de-watering of one or more groundwater reservoirs;
 - e. ☐ other: (specify) _____
7. THE WELL construction deficiency is described as follows: _____
8. THE WELL
- a. ☐ was constructed according to the standards in effect at the time of original construction or most recent modification.
 - b. ☐ was not constructed according to the standards in effect at the time of original construction or most recent modification.
 - c. ☐ I do not know if it met standards at the time of construction.

RECOMMENDATION:

- A. ☐ I recommend including the following condition in the permit: "No water may be appropriated under terms of this permit until the well(s) has been repaired to conform to current well construction standards and proof of such repair is filed with the Enforcement Section of the Water Resources Department."
- B. ☐ I recommend withholding issuance of the permit until evidence of well reconstruction is filed with the Enforcement Section of the Water Resources Department.
- C. ☐ REFER this review to Enforcement Section for concurrence.

THIS SECTION TO BE COMPLETED BY ENFORCEMENT PERSONNEL

I concur in G/H's recommendation A or B above relating to conditioning or withholding the permit.

(Signature)

_____, 200____

I do not concur in G/H's recommendation A or B above relating to conditioning or withholding the permit for the following reasons: _____

(Signature)

_____, 200____

Water Resources Department

MEMO

MARCH 14, 2002

TO: Application G- 15711
FROM: GW: IVAN GALL
(Reviewer's Name)
SUBJECT: Scenic Waterway Interference Evaluation

☐ Yes

The source of appropriation is within or above a Scenic Waterway

☒ No

☐ Yes

Use the Scenic Waterway condition (Condition 7J).

☒ No

PREPONDERANCE OF EVIDENCE FINDING: (Check box only if statement is true)



At this time the Department is unable to find that there is a preponderance of evidence that the proposed use of ground water will measurably reduce the surface water flows necessary to maintain the free-flowing character of a scenic waterway in quantities necessary for recreation, fish and wildlife.

FLOW REDUCTION: (To be filled out only if Preponderance of Evidence box is not checked)

Exercise of this permit is calculated to reduce monthly flows in _____ Scenic Waterway by the following amounts expressed as a proportion of the consumptive use by which surface water flow is reduced.

Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec

RECEIVED

MAR 18 2002

WATER RESOURCES DEPT.
SALEM, OREGON



Oregon

John A. Kitzhaber, M.D., Governor

Water Resources Department

942 SW 6th Street

Suite E

Grants Pass, OR 97526

(541) 471-2886

FAX (541) 471-2876

WATER RESOURCES DEPARTMENT MEMORANDUM

Date: March 14, 2002
To: Groundwater/Hydrology
From: Ivan Gall – Southwest Region Hydrogeologist, Grants Pass *IKB*
Subject: GW Application G-15711

Applicant: Russell and Nora Juncal
Seek: 0.14 cfs for 1.8 acres; 4.5 acre-feet
From: One drilled well, Cottonwood Creek sub-basin, Klamath Basin
Proposed Use: Group Domestic and wildlife (year-round), Irrigation and fire protection (April 1 – October 31)
Quad Names: Siskiyou Pass and Mt. Ashland

Well # 1 (JACK 21247)
41S/02E-18aa (NE of the NE), Jackson County
Well elevation at site is ~3,100 feet (NGVD 1929)
Well is ~ 50 feet south from an unnamed seasonal tributary to Cottonwood Creek
Unnamed tributary elevation is ~3,100 feet (NGVD 1929)
Well is 135 feet deep, cased to 20 feet, and sealed to 18 feet bgs
Water first found at 102 feet bgs
SWL: 10-15-1979 11 feet bgs (from well log)
Well is located 934.5 feet North and 586.2 feet West of the SE corner of Section 18
(from application map)

Evaluation Summary

The subject property is located on the Oregon-California border near an unnamed tributary to Cottonwood Creek. The well is located approximately 1,800 feet west of Interstate 5. Topography is moderate, generally sloping to the south-southwest.

The applicant is applying for a primary right of 0.14 cubic feet per second [cfs; approximately 63 gallons per minute (gpm)] with a total duty of 4.5 acre-feet for year-round group domestic use, seasonal irrigation of 1.8 acres, and seasonal fire protection.

The bedrock geology in the area is composed of marine mudstone of the Blue Gulch Mudstone member of the Hornbrook Formation. GRID lists three well logs in section 18: JACK 21247, 21248, and 21250. The depth to bedrock varies from 10 to 22 feet bgs. The bedrock was logged as claystone, sandstone, and volcanic rock. Based on the three well logs above, the static water levels

RECEIVED

MAR 18 2002

WATER RESOURCES DEPT.
SALEM, OREGON

vary between 11 and 28 feet in the area. Two of the reported well yields are 150 gpm, the third only 4 gpm.

No water level data from any state observation wells exists for this area.

The well is approximately 5,100 feet northeast of Cottonwood Creek, the major drainage in the area. Based on the distance between the well and Cottonwood Creek, and the relatively small rate and duty requested, it is unlikely that substantial interference would occur. Because of the proximity of the well to the unnamed tributary to Cottonwood Creek, it is possible that substantial interference could occur between them. However, Bruce Sund, District 14 watermaster, indicates that the drainage probably only flows during large precipitation events.

Discussions with Larry Menteer, District 13 watermaster, and Del Sparks, District 17 watermaster, indicate that there is a spring located close to the well (within approximately 100 feet). Apparently the spring has recently been filed on by at least one landowner, and the spring provides water for several households. There has been a history of water disputes between the various neighbors over the last two years, including allegations of spring interference resulting from use of the applicant's well. The spring location was not provided on the application map for this permit. The relatively shallow static level provided on the well log suggests the possibility for substantial interference with the spring.

Recommendation:

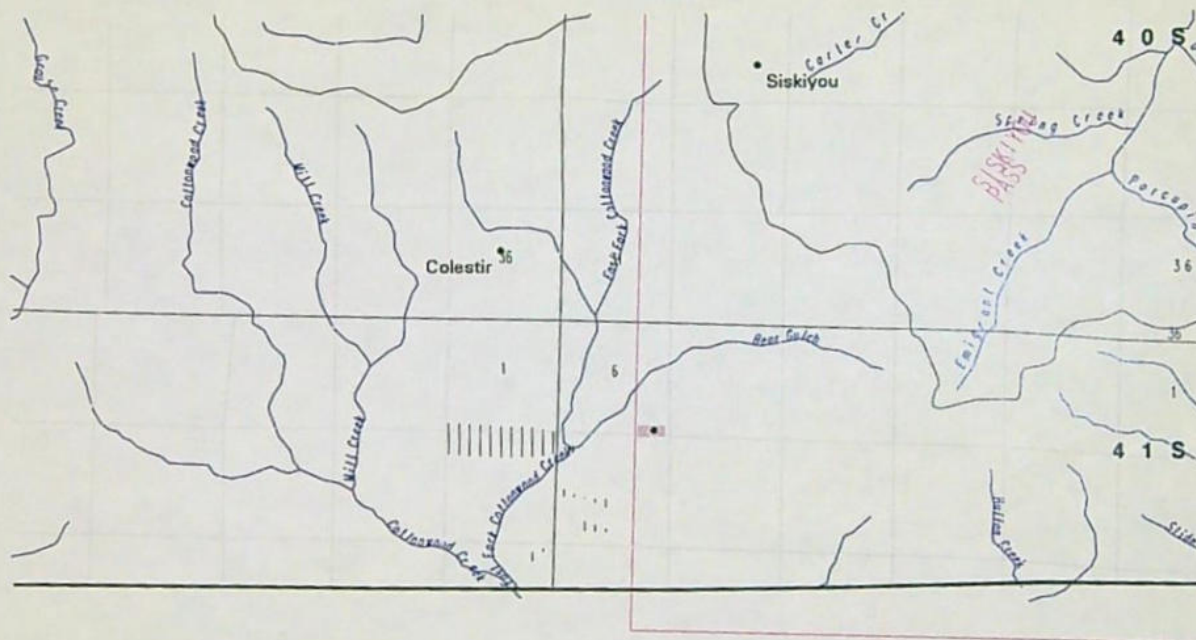
Ground water does not appear to be available from JACK 21247 for irrigation and year-round domestic use without the potential for substantial interference with a nearby spring. The applicant could provide data to show no substantial interference between the subject well and the nearby spring to facilitate further review of this application.

References:

1. WRD GRID well log database.
2. 1983 Provisional USGS topographic maps, Siskiyou Pass and Mt. Ashland, OR-CA 1:24,000 sheets.
3. Nilsen, Tor H., 1993. Stratigraphy of the Cretaceous Hornbrook Formation, Southern Oregon and Northern California. USGS Professional Paper 1521.

Wells in the vicinity of application G 15711

- Application well(s) in this 1/4-1/4 section
- Well(s) identified in this section from OWRD's well log database within 1 mi. radius of application well(s)
- Well(s) identified in this 1/4-1/4 section from OWRD's well log database within 1 mi. radius of application well(s)
- ✕ Permitted well(s) in this 1/4-1/4 section within 1 mi. radius of application well(s)
- Conditioned, permitted well(s) in this 1/4-1/4 section within 5 mi. radius of application well(s)
- ▲ OWRD Observation well and well-id within 5 mi. radius of application well(s)
- Critical GW Area
- Regulated GW Area



WELLS WITHIN 1 MILE OF G 15711
DO 2
MO 50

1 E

2 E

Ivan Gail

**Water Right Conditions
Tracking Slip**

Groundwater/Hydrology Section

FILE ## G - 15711

ROUTED TO: WATER RIGHTS

TOWNSHIP/

RANGE-SECTION: 41S/2E-18

CONDITIONS ATTACHED? ☐ yes ☐ no

REMARKS OR FURTHER INSTRUCTIONS:

Reviewer: IKG

Application No 6-15711
Permit N

WATER RIGHT SOLUTIONS, LLC
2779 Camp Baker Road
Medford, OR 97501
541-512-1159
Fax 541-512-1169

February 16, 2002

Water Resources Department
Commerce Building
158 12th Street NE
Salem, OR 97301-4172

Dear Reviewer;

Enclosed is the forms and supporting documents for an application for Ground Water. This is a complicated application because the source is in Oregon and a portion of the place of use is in California. From your office I have discussed this application with Herb Mosgar and Jerry Sauter, they are familiar with this situation.

The irrigated acreage located in Oregon needs some explanation. The acreage is not on the applicant's property. The supporting documentation will show that the applicant was granted permission to irrigate the area listed by the owner.

The domestic component of the application is for the owner's house and a residence for a dependant relative residence that will be built in the next few years. The landscaping around the owner's residence is part of the irrigation filing. The landscaping for the additional residence will be one-half acre or less and is being claimed as the domestic half acre exemption.

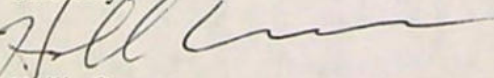
The Wildlife filing is for a pond that will be constructed upon issuance of the permit. The pond will be lined to reduce seepage. The amount of water used will be limited to the amount required to maintain the level of the pond. The pond will be approximately 1,700 square feet in area and three feet deep. An application for the pond has not been submitted because of its location in California. If an application for construction of the pond is required, please inform us and the application will be prepared.

The pond for Fire Protection will be located adjacent to the house. This pond will hold approximately 6,300 gallons and will be maintained full throughout the fire season. This pond is necessary because of the dry nature of the surrounding area in the summer and the remote location of this property.

The right to use the well and access is by recorded easement, as is shown in the supporting documents.

If there are questions feel free to contact Mr. Juncal or myself.

Sincerely,



Hollie Cannon

RECEIVED

FEB 25 2002

WATER RESOURCES DEPT.
SALEM, OREGON

MARCH 14, 2002

FROM:

Groundwater/Hydrology Section

IVAN GALL

Reviewer's Name

SUBJECT: Application G- 15711

GROUNDWATER/SURFACE WATER CONSIDERATIONS

1. PER THE _____ Basin rules, one or more of the proposed POA's is/is not within _____ feet/mile of a surface water source (_____) and taps a groundwater source hydraulically connected to the surface water.
2. BASED UPON OAR 690-09 currently in effect, I have determined that the proposed groundwater use
- a. ☒ will have the potential for substantial interference with the nearest surface water source, namely UNNAMED SPRING; or
- b. _____ will not have the potential for substantial interference with the nearest surface water source, namely _____; or
- c. _____ will, if properly conditioned, adequately protect the surface water from interference:
- i. _____ The permit should contain condition #(s) _____; or
- ii. _____ The permit should contain special condition(s) as indicated in "Remarks" below;
- iii. _____ The permit should be conditioned as indicated in item 4 below; or
- d. _____ will, with well reconstruction, adequately protect the surface water from substantial interference.

GROUNDWATER AVAILABILITY CONSIDERATIONS

3. BASED UPON available data, I have determined that groundwater for the proposed use
- a. _____ will likely be available in the amount requested without injury to prior rights and/or is within the capacity of the resource; or
- b. ☒ will not be available in the amount requested without injury to prior rights and/or is within the capacity of the resource; or
- c. _____ will, if properly conditioned, avoid injury to existing rights or to the groundwater resource:
- i. _____ The permit should contain condition #(s) _____;
- ii. _____ The permit should contain special condition(s) as indicated in "Remarks" below;
- iii. _____ The permit should be conditioned as indicated in item 4 below; or
4. a. _____ THE PERMIT should allow groundwater production from no deeper than _____ feet below land surface;
- b. _____ The permit should allow groundwater production from no shallower than _____ feet below land surface;
- c. _____ The permit should allow groundwater production only from the _____ groundwater reservoir between approximately _____ feet and _____ feet below land surface;
- d. _____ Well reconstruction is necessary to accomplish one or more of the above conditions.
- e. _____ One or more POA's commingle two or more sources of water. The applicant must select one source of water per POA and specify the proportion of water to be produced from each source.

REMARKS:

(Well Construction Considerations on Reverse Side)

RECEIVED

MAR 18 2001
WATER RESOURCES
SALEM, OREGO.

New Application Route Slip

Receipting C.U.

Data Center JF 3-1-02

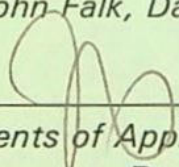
Ground Water YES ☒ NO ☐

Bill Fujii ☐ YES ☐ NO ☒ → If for "Municipal" or "Quasi-Muni,"

John Falk ☐ YES ☐ NO ☒ → Please Note — if application is for:

A "Standard Reservoir" storing 9.2 acre-feet or more of water, or has a dam height of 10.0 feet or greater, make a copy of application & supplemental forms and Route to: John Falk, Dam Safety

**Water Rights
Support**


Mark contents of Application File; Update Powerbuilder with caseworker, etc.; **Route to filing cabinet**

**CASEWORKER
ASSIGNED:**

Russ Klassen

Done

Oregon Water Resources Department
Water Rights Division

Water Rights Application
Number G-15711

Proposed Final Order

Summary of Recommendation: The Department recommends that the application be denied.

Application History

On FEBRUARY 25, 2002, RUSSELL & NORA JUNCAL submitted an application to the Department for the following water use permit:

- Amount of Water: 0.14 CUBIC FOOT PER SECOND, BEING 0.045 CFS FOR IRRIGATION, 0.046 CFS FOR GROUP DOMESTIC, 0.033 CFS FOR WILDLIFE AND 0.011 CFS FOR FIRE PROTECTION
- Use of Water: IRRIGATION OF 1.8 ACRES, GROUP DOMESTIC FOR TWO HOUSEHOLDS, WILDLIFE AND FIRE PROTECTION
- Source of Water: WELL ONE IN COTTONWOOD CREEK BASIN
- Area of Proposed Use: JACKSON County within SECTION 18, TOWNSHIP 41 SOUTH, RANGE 2 EAST, W.M., and SECTION 14, TOWNSHIP 48 NORTH, RANGE 7 WEST, M.D.M., in California

On May 24, 2002, the Department mailed the applicant notice of its Initial Review, determining that "the use of 0.135 cubic foot per second for irrigation, group domestic, wildlife and fire protection of water from well one in cottonwood creek basin for irrigation of 1.8 acres, group domestic for two households, wildlife, and fire protection is not allowable, and it appears unlikely that you will be issued a permit." The applicant did not notify the Department to stop processing the application within 14 days of that date.

On June 11, 2002, the Department gave public notice of the application in its weekly notice. The public notice included a request for comments, and information for interested persons about both obtaining future notices and a copy of the proposed final order.

Within 30 days of the Department's public notice, written comments were received from Chris Holm.

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

- comments by or consultation with another state agency
- any applicable basin program
- any applicable comprehensive plan or zoning ordinance
- the amount of water available
- the rate and duty for the proposed use
- pending senior applications and existing water rights of record
- designations of any critical groundwater areas
- the Scenic Waterway requirements of ORS 390.835
- applicable statutes, administrative rules, and case law
- any general basin-wide standard for flow rate and duty of water allowed
- the need for a flow rate and duty higher than the general standard
- any comments received

Findings of Fact

The Klamath River Basin Compact allows the use of water for irrigation, group domestic use, wildlife and fire protection.

Senior water rights exist on Well One in Cottonwood Creek Basin, or on downstream waters.

Well One in Cottonwood Creek Basin is not within or above a State Scenic Waterway.

The Groundwater Section finds, per OAR 390.835(9), there is not a preponderance of evidence that the proposed use of groundwater will measurably reduce the surface water flows necessary to maintain the free-flowing character of a scenic waterway in quantities necessary for recreation, fish and wildlife.

The Department determined, based upon OAR 690-09, that the proposed groundwater use will have the potential for substantial interference with the nearest surface water source, namely an unnamed spring.

Because the proposed use of water would have the potential with substantial interference with surface water, an assessment of surface water availability has been completed. The local watermaster for the area has completed a water availability report and has determined water is not available without causing injury to users of the spring. This assessment determined that surface water is not available for further appropriation at any time of the year.

In accordance with OAR 690-33-330, an interagency team reviewed this proposed use for potential adverse impacts on sensitive, threatened and endangered fish populations. This team consisted of representatives from the Oregon Departments of Water Resources (WRD), Environmental Quality, Fish and Wildlife (DFW), and Agriculture. WRD and DFW representatives included both technical and field staff. The interagency team did not recommend that any additional conditions of use be imposed on this application.

An assessment of groundwater availability has been completed by the Department's Groundwater/Hydrology section. A copy of this assessment is in the file. The proposed use of groundwater will not likely be available in the amounts requested without injury to prior rights and/or within the capacity of the resource.

The proposed well is not within a designated critical ground water area.

Conclusions of Law

Under the provisions of ORS 537.621, the Department must presume that a proposed use will ensure the preservation of the public welfare, safety and health if the proposed use is allowed in the applicable basin program established pursuant to ORS 536.300 and 536.340 or given a preference under ORS 536.310(12), if water is available, if the proposed use will not injure other water rights and if the proposed use complies with rules of the Water Resources Commission.

The Klamath River Basin Compact allows the proposed use.

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

Water is not available for the proposed use.

The proposed use would not injure other water rights.

The proposed use complies with other rules of the Water Resources Commission not otherwise described above.

The proposed use is compatible with applicable land use plans.

No proposed flow rate and duty of water higher than the general basin-wide standard is needed.

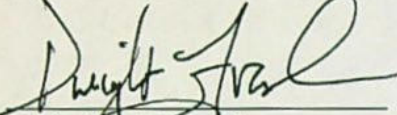
For these reasons, the required presumption has not been established.

The Department therefore concludes that water is not available in the amount of water necessary for the proposed use and the proposed use would not ensure the preservation of the public welfare, safety and health as described in ORS 537.525.

Recommendation

The Department recommends that the application be denied.

DATED December 10, 2002



Dwight French
Water Rights Section Manager

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

Protest Rights and Standing

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

- Your name, address, and telephone number;
- A description of your interest in the proposed final order, and, if you claim to represent the public interest, a precise statement of the public interest represented;
- A detailed description of how the action proposed in this proposed final order would impair or be detrimental to your interest;
- A detailed description of how the proposed final order is in error or deficient, and how to correct the alleged error or deficiency;
- Any citation of legal authority to support your protest, if known; and
- If you are not the applicant, the \$200 protest fee required by ORS 536.050 and proof of service of the protest upon the applicant.
- If you are the applicant, a statement of whether or not you are requesting a contested case hearing. If you do not request a hearing, the Department will presume that you do not wish to contest the findings of the proposed final order.
- If you do not protest this Proposed Final Order and if no substantive changes are made in the final order, you will not have an opportunity for judicial review, protest or appeal of the final order when it is issued.

- Persons other than the applicant who support the proposed final order may request standing for the purposes of participating in any contested case proceeding on the proposed final order or for judicial review of a final order.
- Requests for standing shall meet the requirements described in OAR 690-310-160 and shall be accompanied by the \$50.00 standing fee established under ORS 536.050.

Your protest or request for standing must be received in the Water Resources Department no later than **January 24, 2003**.

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

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

This document was prepared by Jerry Gainey. If you have any questions about any of the statements contained in this document I am most likely the best person to answer your questions. You can reach me at 1-503-378-8455 extension 458.

If you have questions about how to file a protest or if you have previously filed a protest and want to know the status, please contact Renee Moulun. Her extension number is 239.

If you have other questions about the Department or any of its programs please contact our Water Rights Information Group at extension 201.

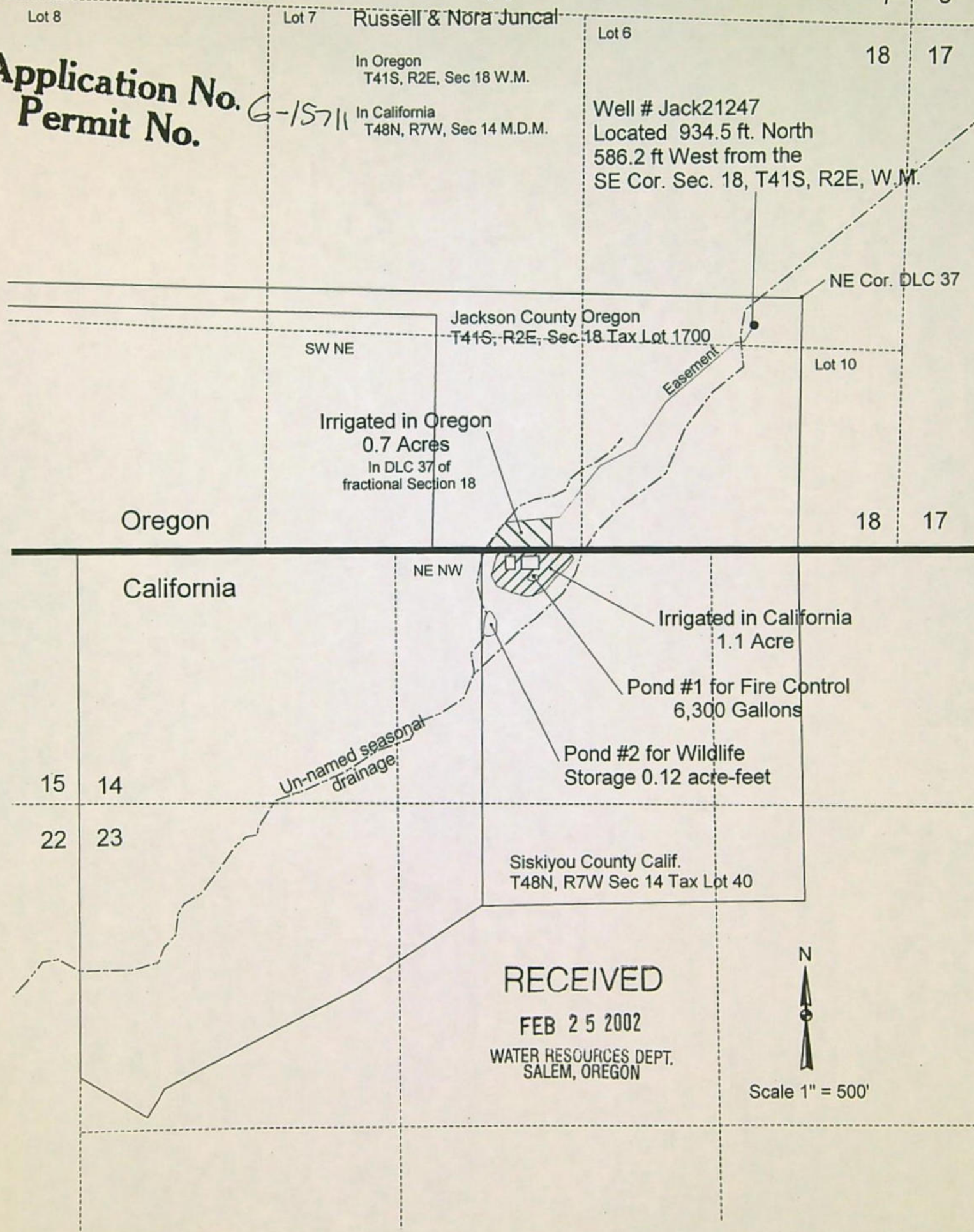
Address all other correspondence to: Water Rights Section, Oregon Water Resources Department, 158 12th ST. NE Salem, OR 97301

Fax: (503)378-6203

Gaineyjw- WEEK 385

Ground Water Application Map

Application No. G-15711
Permit No.



MEMO TO FILE

SUBJECT: Measurement and Reporting Conditions

TO: Files G-15711, G-15735, S, 84817, S-85127, S-85175, R-85199, R-85200, S-85219, and R-85256

FROM: Jerry Gainey

Date: December 2, 2002

Per discussion with Del Sparks, Watermaster District 17, any of the above water right applications being approved should have the LARGE measurement and reporting condition.



Oregon

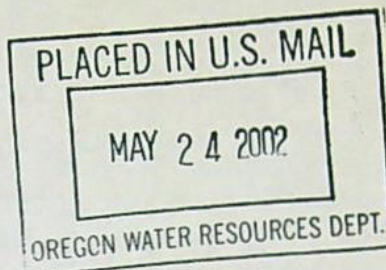
John A. Kitzhaber, M.D., Governor

Water Resources Department

Commerce Building
158 12th Street NE
Salem, OR 97301-4172
(503) 378-3739
FAX (503) 378-8130
www.wrd.state.or.us

May 24, 2002

RUSSELL & NORA JUNCAL
1965 HILT ROAD
HORN BROOK, CALIFORNIA 96044



(530) 475-3863

Reference: File G-15711

Dear Applicant:

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

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

Initial Review Determinations:

1. The proposed use is not prohibited by law or rule.
2. The use of water from well one in Cottonwood Creek basin for irrigation of 1.8 acres, group domestic for two households, wildlife, and fire protection is a classified use under Klamath River Compact.
3. Based upon available data, the Department has also determined that the proposed use of groundwater **will not likely be available** in the amounts requested without injury to prior rights and/or within the capacity of the resource.
4. The Department has determined, based upon OAR 690-09, that the proposed groundwater use will have the potential for substantial interference with the nearest surface water source, namely unnamed spring. Therefore limitations to the surface water source must be applied to this application also.

At the next phase of processing the Department will review the availability of surface water which the proposed well has the potential to substantially interfere with.

5. Additional information is required to continue processing your application. Please provide the names and addresses of land owners whose property is involved in the use and/or diversion of water. At this time we do not have the mailing address for Baconian Foundation, Inc.

Summary of Allowable Water Use

Because item #3 above is unfavorable, the use of 0.135 cubic foot per second for irrigation, group domestic, wildlife and fire protection of water from well one in cottonwood creek basin for irrigation of 1.8 acres, group domestic for two households, wildlife, and fire protection is not allowable, and it appears unlikely that you will be issued a permit. At this time, you must decide whether to proceed or to withdraw your application as described below.

Note that domestic use of up to 15,000 gallons per day and irrigation of up to ½ acre lawn and noncommercial garden from a well is exempt from permitting requirements Use of the water is all that is necessary to establish a water right by law (ORS 537.545). The priority date for exempt uses are the date the use began, which in cases of existing uses, is earlier (better) than the priority date of a new permit.

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

Withdrawal Refunds:

If you choose not to proceed, you may withdraw your application and receive a refund (minus a \$50 processing charge per application.) To accomplish this you must notify the Department in writing by **Tuesday, June 7, 2002**. For your convenience you may use the enclosed "STOP PROCESSING" form.

Additional Information Required:

Additional information is required to process your application. Please provide the names and addresses of land owners whose property is involved in the use and/or diversion of water. At this time we do not have the mailing address for Baconian Foundation, Inc.

Please submit this information no later than **July 4, 2002**. If you are unable to submit the above listed information, you may request a "time out from processing" for up to an additional 180 days. You must submit the request in writing, stating how much more time you will need and why you need additional time. If a time out is granted, your application will not be processed further until the requested information is received or the extended deadline has passed.

If we do not receive the items requested above or a request for time out from processing by this date, we may reject your application consistent with ORS 537.153. If your application is rejected,

any fees submitted in excess of the examination fee will be refunded; however, the examination fee is non-refundable and will not be returned. In addition, the priority date associated with your application will be lost.

To Proceed With Your Application:

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

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

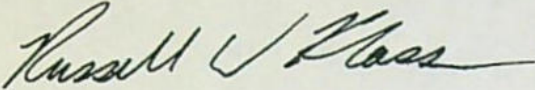
1. Measurement, recording and reporting conditions:
 - A. Before water use may begin under this permit, the permittee shall install a meter or other suitable measuring device as approved by the Director. The permittee shall maintain the meter or measuring device in good working order.
 - B. The permittee shall allow the watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.
 - C. The Director may require the permittee to keep and maintain a record of the amount (volume) of water used and may require the permittee to report water use on a periodic schedule as established by the Director. In addition, the Director may require the permittee to report general water use information, the periods of water use and the place and nature of use of water under the permit. The Director may provide an opportunity for the permittee to submit alternative reporting procedures for review and approval.
2. The tentative priority date for this application is FEBRUARY 25, 2002.

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

If you have any questions:

Questions about the status of your application, processing timelines, or your upcoming Proposed Final Order should be directed to our Water Right Information Group at (503) 378-8455 extension 499. Feel free to call me at (503) 378-8455 extension 266 if you have any questions regarding the contents of this letter. Please have your application number available if you call. Address all other correspondence to: Water Rights Section, Oregon Water Resources Department, 158 12th ST. NE Salem, OR 97310, Fax: (503)378-6203.

Sincerely,

A handwritten signature in cursive script, appearing to read "Russell W. Klassen".

Russell W. Klassen
Initial Reviewer

enclosures: Flow Chart of Water Right Process
 Stop Processing Form

G-15711
wab 14-
pou 14-
gw A

APPLICATION FACT SHEET

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

Application File Number: G-15711

Applicant: RUSSELL JUNCAL JUNCAL, NORA

County: JACKSON

Watermaster: 13 and 17

Priority Date: FEBRUARY 25, 2002

Source: WELL ONE IN COTTONWOOD CREEK BASIN

Use: IRRIGATION OF 1.8 ACRES, GROUP DOMESTIC FOR TWO HOUSEHOLDS, WILDLIFE
AND FIRE PROTECTION

Quantity: 0.14 CUBIC FOOT PER SECOND, BEING 0.045 CFS FOR IRRIGATION, 0.046 CFS
FOR GROUP DOMESTIC, 0.033 CFS FOR WILDLIFE AND 0.011 CFS FOR FIRE
PROTECTION

Basin Name & Number: Klamath, #14

Stream Index Reference: Volume 1 U KLAMATH L & MISC

Point of Diversion Location: NENE, SECTION 18, T41S, R2E, W.M.; 934.5 FEET NORTH &
586.2 FEET WEST FROM SE CORNER, SECTION 18

Place of Use: SWNE 0.7 ACRES, SECTION 18, TOWNSHIP 41 SOUTH, RANGE 2 EAST, W.M.
NENW 1.1 ACRES, SECTION 14, TOWNSHIP 48 NORTH, RANGE 7 WEST, W.M.
(SECTION 14 IS IN CALIFORNIA)

14 DAY STOP PROCESSING DEADLINE DATE: Tuesday, June 7, 2002

PUBLIC NOTICE DATE: Tuesday, June 11, 2002

30 DAY COMMENT DEADLINE DATE: Thursday, July 11, 2002

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

RECEIPT # **51145**

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

INVOICE # _____

RECEIVED FROM: Russell Juncal
BY: _____

APPLICATION	G15711
PERMIT	
TRANSFER	

CASH: ☐ CHECK: # ☒ 62-15 OTHER: (IDENTIFY) ☐

TOTAL REC'D \$ 400.00

0417 WRD MISC CASH ACCT

ADJUDICATIONS

\$

PUBLICATIONS / MAPS

\$

OTHER: (IDENTIFY)

\$

OTHER: (IDENTIFY)

\$

REDUCTION OF EXPENSE

CASH ACCT.

\$

PCA AND OBJECT CLASS

VOUCHER #

0427 WRD OPERATING ACCT

MISCELLANEOUS

\$

0407 COPY & TAPE FEES

\$

0410 RESEARCH FEES

\$

0408 MISC REVENUE: (IDENTIFY)

\$

(New) TC162 DEPOSIT LIAB. (IDENTIFY)

\$

WATER RIGHTS:

EXAM FEE

RECORD FEE

0201 SURFACE WATER

\$

0202

\$

0203 GROUND WATER

\$ 400.00

0204

\$

0205 TRANSFER

\$

0206

\$

WELL CONSTRUCTION

EXAM FEE

LICENSE FEE

0218 WELL DRILL CONSTRUCTOR

\$

0219

\$

LANDOWNER'S PERMIT

0220

\$

OTHER (IDENTIFY)

0437 WELL CONST. START FEE

0211 WELL CONST START FEE

\$

CARD #

0210 MONITORING WELLS

\$

CARD #

OTHER (IDENTIFY)

0539 LOTTERY PROCEEDS

1302 LOTTERY PROCEEDS

\$

0467 HYDRO ACTIVITY

LIC NUMBER

0233 POWER LICENSE FEE (FW/WRD)

\$

0231 HYDRO LICENSE FEE (FW/WRD)

\$

HRDRO APPLICATION

\$

RECEIPT # **51145**

DATED: 2/25/02 BY: C Vance

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



State of Oregon
Water Resources Department
158 12th Street NE, Salem, OR 97310
(503)378-8455 • (800)824-3199
www.wrd.state.or.us

Application No. 6-15711
Permit No.

GW-1 Feb. 24

Application for a Permit to Use Ground Water

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

1. APPLICANT INFORMATION

RECEIVED

FEB 25 2002

WATER RESOURCES DEPT.
SALEM, OREGON

A. Individuals

Applicant: Russell Juncal
First Last
Co-applicant: Nora Juncal
First Last
Mailing address: 1965 Hilt Road
Hornbrook CA 96044
City State Zip
Phone: 530-475-3863
Home Work Other
*Fax: *E-Mail address: juncalrw@snowcrest.net

B. Organizations

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

Name of organization: _____
Name and title of person applying: _____
Mailing address of organization: _____
City State Zip
Phone: _____
Day Evening
*Fax: *E-Mail address: _____

*Optional information

For Department Use		
App. No. 6-15711	Permit No. _____	Date 2-25-02

Application No. 6-15711
Permit No.

2. PROPERTY OWNERSHIP

RECEIVED

FEB 25 2002

WATER RESOURCES DEPT.
SALEM, OREGON

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

☐ Yes (Skip to section 3 "Ground water Development.")

☒ No Please check the appropriate box below.

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

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

List the names and mailing addresses of all affected landowners.*

Chris C. Holm

14930 Barney Rd

Plymouth CA 95669-9730

*If more than 25 landowners are involved, a list is not required. See instructions.

3. GROUND WATER DEVELOPMENT

A. Number of well(s): one B. Name of nearest surface water body: Cottonwood Cr.

C. Distance from well(s) to nearest stream or lake: 1) 5,100 feet

2) 3) 4)

D. If distance from surface water is less than one mile, indicate elevation difference between nearest surface water and well head. 1) 200 feet

2) 3) 4)

E. Well Characteristics

Wells must be constructed according to standards set by the Department for the construction and maintenance of water wells. If the well is already constructed, please enclose a copy of the well constructor's log and the well ID number, if available, for each well with this application. Identify each well with a number corresponding to the wells designated on the map and proceed to question F in this section of the form. If the well has not been constructed, or if you do not have a well log, please complete the following:

Well(s) will be constructed by: _____

Address: _____

Completion date: _____

Application No. 6-15711
Permit No.

2. Please provide a description of your well development. (Attach additional sheets if needed.)

Well No.	Diameter	Type and size of casing	No. of feet of casing	Intervals casing is perforated (in feet)	Seal depth	Est. depth to water	Est. depth to water bearing stratum	Type of access port or measuring device	Total well depth
See attached well log JC 21247									

F. Artesian Flows

If your water well is flowing artesian, describe your water control and conservation works:

4. WATER USE

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

A. Type(s) of Use(s)

See list of beneficial uses provided in the instructions.

- If your proposed use is **domestic**, indicate the number of households to be supplied with water: 2
- If your proposed use is **Irrigation**, please attach Form I
- If your proposed use is **mining**, attach Form R
- If your proposed use is **municipal or quasi-municipal**, attach Form M
- If your proposed use is **commercial/industrial**, attach Form Q

RECEIVED

FEB 25 2002

WATER RESOURCES DEPT.
SALEM, OREGON

Application No. 6-15711
Permit No.

B. Amount of Water

Provide the production rate in gallons per minute (gpm) and the total annual amount of water you need from each well, from each source or aquifer, for each use. You do not need to provide source information if you are submitting a well log with your application.

Well No.	Source or aquifer	Type of use	Total rate of water requested (in gpm)	Total annual quantity (in gallons)	Production rate of well (in gpm)
1	Sandstone	Irrigation	20.2 (.045)	1.47 million	150
1	Sandstone	Domestic Group	20.8 (.046)	11 million	150
1	Sandstone	Wildlife	15.0 (.033)	7.9 million	150
1	Sandstone	Fire protection	5.0 (.011)	2.6 million	150

C. Maximum Rate of Use Requested

What is the maximum, instantaneous rate of water that will be used? 0.14 CFS

(The fees for your application will be based on this amount.)

D. Period of Use

Irrigation and Fire: April through Oct.

Indicate the time of year you propose to use the water: Domestic & Wildlife: year around

(For seasonal uses like irrigation give dates when water use would begin and end, e.g. March 1–October 31.)

E. Acreage

If you will be applying water to land, please give the total number of acres where water will be applied or used: 1.8 acre

(This number should be consistent with your application map.)

5. WATER MANAGEMENT

A. Diversion

What equipment will you use to pump water from your well(s)?

- ☒ Pump (give horsepower and pump type) Grundfos JP5 1/4 HP 1" discharge into
☐ Other means (describe) a 3000 gallon storage tank

B. Transport

How will you transport water to your place of use?

- ☐ Ditch or canal (give average width and depth)

Width _____ Depth _____

Is the ditch or canal to be lined? ☐ Yes ☐ No

- ☒ Pipe (give diameter and total length)

Diameter 3 inch Length 1,155 feet

- ☐ Other (describe) _____

RECEIVED

FEB 25 2002

WATER RESOURCES DEPT.
SALEM, OREGON

Application No. 6-15711
Permit No.

C. Application/Distribution Method

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

Pipeline and gravity pressure from storage tank

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

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

Distribution method

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

D. Conservation

What methods will you use to conserve water? Why did you choose this distribution or application method? For example, if you are using sprinkler irrigation rather than drip irrigation, explain. If you need additional space, attach a separate sheet.

Drip and low pressure sprinklers were chosen because of the water efficiency to
irrigate the shrubs and lawn in the land scape area without killing the native trees from
over watering.

6. PROJECT SCHEDULE

Indicate the anticipated dates that the following construction tasks should begin. If construction has already begun, or is completed, please indicate that date.

Well and pipeline already installed, the remaining

Proposed date construction will begin construction will begin at issuance of permit

Proposed date construction will be completed September 2002

Proposed date beneficial water use will begin September 2002

7. REMARKS

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

This application is for a source of ground water in Oregon and use in California.

See attach cover letter for complete explanation.

RECEIVED

FEB 25 2002

WATER RESOURCES DEPT.
SALEM, OREGON

Application No. 6-15711
Permit No.

8. MAP REQUIREMENTS

The Department cannot process your application without accurate information showing the source of water and location of water use. You must include a map with this application form that clearly indicates the township, range, section, and quarter/quarter section of the proposed well location and place of use. The map must provide tax lot numbers. See the map guidelines sheet for detailed map specifications.

9. SIGNATURE

By my signature below I confirm that I understand:

- I am asking to use water specifically as described in this application.
- Evaluation of this application will be based on information provided in the application packet.
- I cannot legally use water until the Water Resources Department issues a permit to me.
- If I get a permit, I must not waste water.
- If development of the water use is not according to the terms of the permit, the permit can be canceled.
- The water use must be compatible with local comprehensive land use plans.
- Even if the Department issues a permit to me, I may have to stop using water to allow senior water right holders to get water they are entitled to, and

I swear that all information provided in this application is true and correct to the best of my knowledge:

Signature of Applicant

Date

Signature of Co-applicant

Date

Before you submit your application be sure you have:

- Answered each question completely.
- Attached a legible map which includes township, range, section, quarter/quarter and tax lot number.
- Included a Land Use Information Form or receipt stub signed by a local official.
- Included the legal description of all the property involved with this application. You may supply a copy of the deed, land sales contract, or title insurance policy, to meet this requirement.
- Included a check payable to the Oregon Water Resources Department for the appropriate amount.

RECEIVED

FEB 25 2002

WATER RESOURCES DEPT.
SALEM, OREGON

Mailing List for IR Copies

Application #G-15711

IR Date: May 24, 2002

Original mailed to:

Applicant: RUSSELL & NORA JUNCAL, 1965 HILT RD, HORNBROOK, CALIFORNIA 96044

Copies sent to:

- 3. WRD - File # G-15711
- 4. WRD - Water Availability: Ken Stahr

IR, Map, Fact Sheet — Copies sent to:

- 5. WRD - Regional Manager: SWR

Review Forms completed and Copies Mailed

By: JCR
(Support Staff)

on: 5/24/02
(Date)

Note to Support: staple Division 33 Review Forms to front of copy packet for the following:

1) Watermaster

2) ODFW

3) DEQ (if indicated below)

Mail Copies of IR, Map, Fact Sheet, and Basin Map to the following:

- 6. WRD - Watermaster # 13 & 17 + **Watermaster Form**
- 7. ODFW District Biologist: Jerry Vogt & Roger Smith + **ODFW Form 2 (L. Col./Statewide)**
- 8. W-J. Blanchard + **DEQ Form**
- 9. DOA (Salem): Jim Johnson

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

- 10. Hollie Cannon, 2779 Camp Baker Road, Medford, OR 97501
- 11. Chris Holm, 14930 Barney Road, Plymouth, CA 95669-9730

ID# RWK

Application No. 6-15711
Permit No.

97-18771

AGREEMENT FOR SHARED WATER, ROAD MAINTENANCE AND
POWER EASEMENT

30.00
12:08

Whereas, the parties to this agreement, Russell and Nora Juncal (hereinafter referred to as JUNCALS) and the Baconian Foundation Inc., an Oregon non-profit corporation (hereinafter referred to as BACONIAN) wish to clarify certain rights and responsibilities with regard to water rights, land use and maintenance on their respective properties and,

Whereas, the Baconian Foundation is the owner of certain real property in Jackson County, Oregon, commonly referred to as Tax lot # 1700, which is more particularly described in Exhibit A, and,

Whereas, the BACONIAN is the owner of two wells on their property, one of which is utilized by JUNCALS for their California property and for irrigation of their parking easement in Oregon and which is hereinafter referred to as BACONIAN Well # 1, and the second of which is reserved to BACONIAN and is hereinafter referred to as BACONIAN #2, and

Whereas, Lawrence and Sylvia Schechter are empowered to represent BACONIAN and,

Whereas, JUNCALS are the owners of contiguous property in Siskiyou County, California, commonly referred to as parcels 006-240-400 and 006-240-440, which are more particularly described in Exhibit B, and,

Whereas, JUNCALS utilize water from BACONIAN Well # 1, and maintain a wellhouse, pump, storage tank, electrical circuit, level control switch and pipeline to convey water for their use as described in paragraph 2 above, the parties hereby agree as follows:

JUNCALS shall grant a 10 foot wide easement, for ingress, egress and electrical utilities to BACONIAN over and under parcel 006-240-400, beginning at the Pacific Power transformer on JUNCALS property due north onto the BACONIAN property (a distance of approximately 15 feet). The north-south centerline of the easement shall begin at the centerline of the transformer.

JUNCAL will be responsible for the BACONIAN share of costs for improving and maintaining the shared road between Hilt Road and the JUNCAL and BACONIAN properties. This includes all past material and labor costs as well as all future costs for a period of 3 years from the date of this agreement, or until a building permit is issued for the property, whichever comes first. Thereafter, the owner of the BACONIAN property will be responsible for their share of the ongoing road maintenance and improvement costs as specified in previously recorded documents. These maintenance activities will include such activities as are necessary to keep the road passable by two-wheel drive vehicles under typical winter weather conditions.

The owner of the BACONIAN property will have the right to obtain water from BACONIAN Well # 1, currently used by JUNCALS, and to use the existing wellhouse, pump, storage tank and water line currently serving the JUNCAL property. This use shall not interfere with the utilization by JUNCALS of the water rights specified below, however, if a larger pump or

RECEIVED

FEB 25 2002

WATER RESOURCES DEPT.
SALEM, OREGON

power service is required to meet the mutual needs of the two parties these costs will be borne by JUNCAL. It is understood that the additional pump and or power capacity will be installed to allow for domestic water use and irrigation of up to 1/2 acre on the BACONIAN property. If additional water use is needed by the owner of the BACONIAN property, such additional costs will be born pro rata by the parties based upon metered use. Pro rata shares will be based upon usage for one full year after the capital improvement and will be due within 30 days of such a pro rata determination. It is further understood that the cost for any extensions of the line needed to provide for use on the BACONIAN property shall be borne by BACONIAN. Expenses for the maintenance of the water system including, pump repair, tank or valve replacement, pipeline work, etc. will be shared on a pro rata basis determined by the previous 4 months metered usage. The electrical costs will also be shared on a pro rata basis but will be determined by monthly metered usage. Shared expenses for pipeline maintenance or repair will apply only to that portion of the existing pipeline between the well and the California state line. Portions of the pipeline in California shall be the sole responsibility of JUNCALS and any extensions off of the existing pipeline in Oregon will be the responsibility of BACONIAN. Each party will pay for the installation of their individual water meters. Because the pump power is derived from a circuit at the JUNCAL house, JUNCALS will be responsible for monthly meter readings and the computation of any water related expenses. Such expenses will be paid by JUNCALS with reimbursement of the pro rata share by BACONIAN within 30 days of receiving a accounting of expenses. JUNCALS will pay for the installation of an electrical sub-meter to determine usage by the pump/well house circuit.

JUNCALS will provide, at their expense, a well capacity test report, including general condition and bacteriological analyses for both BACONIAN Well # 1 and BACONIAN Well # 2, immediately adjacent to the wellhouse door. This report will be stamped by a California Registered Geologist and California Certified Hydrogeologist and will provide the results of short term capacity testing of both wells.

BACONIAN has the right, at their own expense, to build their own wellhouse and/or storage facility, or to enlarge the existing pump house or to pipe below grade into the pump house if they want to use BACONIAN Well #2, located immediately adjacent to the pump house door. It is understood that such modifications will be in accordance with any applicable building codes and that such modifications will not interfere with the utilization by JUNCALS of the water rights specified below.

JUNCALS will have the right to use water from the BACONIAN Well #1 for maintaining the landscape on their approximately 100 ft x 107 foot recorded parking easement in front of their house which is on the BACONIAN property and for irrigation of the pine trees that were planted between the easement and the seasonal drainage immediately to the west, also on the BACONIAN property.

JUNCALS will have the right to utilize water from the BACONIAN Well # 1 to service their California property. This use must conform to Oregon and other applicable water law with regard to amount and purpose.

Upon delivery of the well capacity report by JUNCALS to BACONIAN this agreement, or such separate agreements or documents that are necessary to legally bind the parties to the

Application No.
Permit No.

Page 2 of 3

RECEIVED

FEB 25 2002

WATER RESOURCES DEPT.
SALEM, OREGON

Granting permission
to irrigate parking area
and pine trees 5 (Oregon)

97-48771

AGREEMENT FOR SHARED WATER, ROAD MAINTENANCE AND POWER EASEMENT

agreed conditions, will be recorded in both Jackson and Siskiyou Counties. JUNCALS will bear the cost of recording.

This agreement shall be binding upon the heirs, executors, administrators, successors and assigns of the parties.

This agreement is entered into on this 26th day of December, 1997, by

For RUSSELL AND NORA JUNCAL:

Russell W. Juncal
Russell W. Juncal

Nora K. Juncal
Nora K. Juncal

STATE OF California)

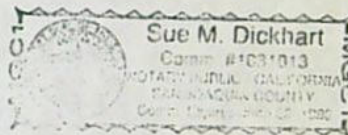
COUNTY OF Siskiyou)

) ss

Sworn and Subscribed

This instrument was acknowledged before me on December 17, 1997, 1997, by
Russell W. Juncal and Nora K. Juncal.

Sue M. Dickhart
Notary Public Sue M. Dickhart



For BACONIAN FOUNDATION, INC.:

Lawrence Schechter
Lawrence Schechter, Secretary

Sylvia Moss-Schechter
Sylvia Schechter, President

STATE OF)

COUNTY OF)

) ss

This instrument was acknowledged before me on December 26, 1997, by
Lawrence Schechter and Sylvia Schechter.

Sandra L. Kreisman
Notary Public



Application No. G-15711
Permit No. _____

Page 3 of 3

RECEIVED

FEB 25 2002

WATER RESOURCES DEPT.
SALEM, OREGON

EXHIBIT A

The Baconian Foundation property, commonly referred to as Tax Lot #1700 of Jackson County, Oregon, is more particularly described as follows:

*Legal description
of property where the
well is located.*

Commencing at the Northeast corner of Donation Land Claim No. 37, Township 41 South, Range 2 East of the Willamette Meridian, Jackson County, Oregon; thence South $1^{\circ}15'$ East along the East line of said Claim No. 37 and Donation Land Claim No. 38, said Township and Range, 14.09 chains to the Oregon-California border; thence West along said border 3000 feet, more or less, to a 2 inch iron pipe, said pipe being the corner of Sections 14 and 15 of Township 48 North, Range 7 West of the Mount Diablo Meridian Siskiyou County, California; thence East along said border 1500 feet for the point of beginning; thence North to a point 25 feet South of the North line of said Claim No. 37; thence West parallel with and 25 feet South of said North line to a point 25 feet East of the West line of said Claim No. 37, thence South parallel with and 25 feet East of said West line to a point 25 feet South of the Easterly extension of the North line of Government Lot 2, Section 13, Township 41 South, Range 1 East of the Willamette Meridian; thence West parallel with said North line to a point in the center of the County Road; thence Northerly along said center of the County Road to the Westerly extension of the North line of said Lot 2; thence East along said North line to the West line of said Claim No. 37; thence East along the North line of said Claim No. 37 to the Northeast corner of said Donation Land Claim; thence South to the point of beginning.

Application No. 6-15711
Permit No.

RECEIVED

FEB 25 2002

WATER RESOURCES DEPT.
SALEM, OREGON

EXHIBIT B

Description of
Juncal property

The Juncal property, commonly referred to as parcels 006-240-400 and 006-240-440, comprises:

ALL THAT REAL PROPERTY IN THE STATE OF CALIFORNIA, COUNTY OF SISKIYOU, UNINCORPORATED AREA, DESCRIBED AS FOLLOWS:

PARCEL A:

All that portion of the following described lands lying in Township 48 North, Range 7 West, Mount Diablo Meridian;

All that portion of fractional Section 14 and Section 23, more particularly described as follows:

Beginning at a 2" iron pipe stamped LS 3122 at the Northwest corner of fractional Section 14; thence North 89° 23' 56" East along the California-Oregon border, also being the North line of fractional Section 14, 1724.24 feet to a G.L.O. Brass cap stamped 132M 42L, 1916, said point being the TRUE POINT OF BEGINNING.

Thence South 0° 32' 04" East, 1400.00 feet to a point; thence Easterly along a line parallel to the North line of Section 23, 1276.00 feet to a point; thence North 0° 32' 04" West, 1400.00 feet, more or less, to the North line of fractional Section 14; thence South 89° 23' 56" West along the North line of fractional Section 14, 1276.00 feet, to the TRUE POINT OF BEGINNING.

EXCEPTING THEREFROM all oil, oil rights, mineral rights, natural gas rights and other hydrocarbons by whatsoever name known, together with all geothermal steam and steampower that may be within or under the above described property, below a depth of 500 feet as conveyed to Eastwood Minerals and Energy Company by the Deed recorded July 18, 1974 in Volume 714, Official Records, page 417 and as modified by the Deed recorded May 29, 1978 in Volume 820, Official Records, page 292.

PARCEL B:

All that portion of fractional Section 14 and Section 23, lying in Township 48 North, Range 7 West, Mount Diablo Meridian, described as follows:

Beginning at the corner of Sections 14, 15, 22 and 23, Township 48 North, Range 7 West, M.D.M.; thence South 55° 09' East, 4069.56 feet; thence North 0° 09' 14" East, to the centerline of the Hilt Road, County Road OJ001 and the TRUE POINT OF BEGINNING;

5- Application No. 6-15711

Permit No. Page 1 of EXHIBIT B

RECEIVED

FEB 25 2002

WATER RESOURCES DEPT.
SALEM, OREGON

AGREEMENT FOR SHARED WATER, ROAD MAINTENANCE AND POWER EASEMENT
EXHIBIT B

Thence North $0^{\circ} 09' 14''$ East, 330.00 feet, more or less, to the Southeast corner of the lands of the Hilt Elementary School District, as described in the Deed from Fruit Growers Supply Company, dated May 5, 1954 and recorded on June 29, 1954 in Volume 332 of Official Records, page 596; thence North $0^{\circ} 23' 14''$ East, 632.98 feet to the Northeasterly corner of the lands of said School District, said point being on the South line of the North one-quarter of Section 23; thence North $89^{\circ} 36' 46''$ West along the South line of the North one-quarter of Section 23 to the Northeasterly line of the Southern Pacific Railroad Right of Way; thence North $60^{\circ} 25'$ West, 150.00 feet along the Northeasterly line of said Railroad Right of Way to a point; thence leaving said Right of Way, North $29^{\circ} 35'$ East, 150.00 feet to a point; thence North $64^{\circ} 21' 33''$ East, 997.99 feet to a point; thence North $57^{\circ} 00'$ East, 600.00 feet to a point which bears South $0^{\circ} 32' 04''$ East, 1400.00 feet from a G.L.O. Brass Cap stamped 132M 42L, 1916, located on the California-Oregon border, also being the North line of fractional Section 14; thence Easterly along a line parallel to the North line of Section 23, 1276.00 feet to a point; thence North $0^{\circ} 32' 04''$ West, 1400.00 feet, more or less, to the North line of fractional Section 14, also being the California-Oregon border; thence Easterly along the North line of fractional Section 14 to the Easterly line of fractional Section 14; thence Southerly along the Easterly line of fractional Section 14 and the Easterly line of Section 23 to a point in the centerline of the Hilt Road, County Road OJ001; thence Westerly along the centerline of the Hilt Road to the TRUE POINT OF BEGINNING.

Basis of Bearings is North $0^{\circ} 11' 38''$ West along the Westerly line fractional Section 14 and Section 23, Township 48 North, Range 7 West, M.D.M., as shown on Record Survey Book 14, page 132, Siskiyou County Official Records.

EXCEPTING THEREFROM all that portion of fractional Section 14 and Section 23 lying Easterly of the Westerly line of the lands described as Parcel Two in the Deed from William A. Bray and wife to the State of California, dated January 31, 1940 and recorded July 6, 1940 in Volume 115 of Official Records, page 145.

ALSO EXCEPTING THEREFROM the 60 foot strip conveyed to the County of Siskiyou for road purposes by Deed dated November 17, 1978 and recorded December 15, 1978 in Volume 841 of Official Records, page 598.

ALSO EXCEPTING THEREFROM all oil, oil rights, mineral rights, natural gas rights and other hydrocarbons by whatsoever name known, together with all geothermal steam and steampower that may be within or under the above described property, below a depth of 500 feet as conveyed to Eastwood Minerals and Energy Company by the Deed recorded July 18, 1974 in Volume 714, Official Records, page 417 and as modified by the Deed recorded May 29, 1978 in Volume 820, Official Records, page 292.

Page 2 of EXHIBIT B

Application No. 6-15711
Permit No. RECEIVED

FEB 25 2002

WATER RESOURCES DEPT.
SALEM, OREGON

Jackson County, Oregon
Recorded
OFFICIAL RECORDS

DEC 30 1997

12:08 PM

Arthur S. Beck
COUNTY CLERK

Receipt for Request for Land Use Information

Name of water right applicant: RUSSELL JUNCAL

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

City or County: Siskiyou

Staff contact: Rick Barum Phone: (530) 842-8202

Signature: Rick Barum

Application No. 6-15711
Permit No. _____

Date: 2-20-02

WATER RESOURCES DEPT.
SALEM, OREGON

FEB 25 2002

RECEIVED



Oregon Water Resources Department

FORM I

FOR IRRIGATION WATER USE

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

☒ Primary ☐ Supplemental

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

Primary: 1.8 Acres

Secondary: _____ Acres

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

no. _____

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

1. Landscape ☒ Full season ☐ Partial season (from: _____ to _____)
2. _____ ☐ Full season ☐ Partial season (from: _____ to _____)
3. _____ ☐ Full season ☐ Partial season (from: _____ to _____)
4. _____ ☐ Full season ☐ Partial season (from: _____ to _____)

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

4.5 acre-feet

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

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

- ☐ Daily during daytime hours ☐ Daily during nighttime hours
- ☐ Two or three times weekly during daytime ☐ Two or three times weekly during nighttime
- ☐ Weekly, during daytime hours ☐ Weekly, during nighttime hours
- ☒ Other, explain: as required to replace evapotranspiration

RECEIVED

FEB 25 2002

WATER RESOURCES DEPT.
SALEM, OREGON

Application No. 615711
Permit No.

Order No.
Escrow No. 47813PS
Loan No.

RECORDED AT REQUEST OF
MT. SHASTA-TITLE-&-ESCROW CO.

OFFICIAL PUBLIC
SISKIYOU COUNTY, CALIF.

APR 7 3 05 PM '97

97003834

Fee \$20.00 Pd.

SPACE ABOVE THIS LINE FOR RECORDER'S USE

WHEN RECORDED MAIL TO:

Russell Juncal and Nora Juncal
P.O. Box 130
Milford, CA 95

MAIL TAX ST. EMENTS TO:

Same as above

DOCUMENTARY TRANSFER TAX \$352.00

X Computed on the consideration or value of property conveyed; OR
Computed on the consideration or value less liens or encumbrances
remaining at time of sale.

The undersigned Grantor declares

Signature of Declarant or Agent determining tax - Firm Name

GRANT DEED

RECEIVED

FEB 25 2002

WATER RESOURCES DEPT.
SALEM, OREGON

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged,

Leonard I. Cohn, Trustee for the L.I. Cohn Corporation Profit Sharing Plan Trust

hereby GRANT(S) to:

Russell Juncal and Nora Juncal, husband and wife, as Joint Tenants

the real property in the Unincorporated Area
County of
as

SISKIYOU

, State of California, described

Application No.
Permit No.

See Exhibit "A" attached hereto and made a part hereof.

Dated April 4, 1997

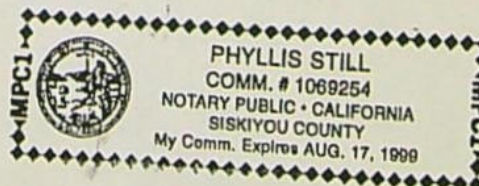
Leonard I. Cohn, Trustee

STATE OF CALIFORNIA
COUNTY OF Siskiyou

}
}ss.
}

On 4/4/97 before
me, Phyllis Still
personally appeared
Leonard I. Cohn

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.



Application No 6-15711
Permit No.

97003834

Escrow No. 47813ps

EXHIBIT "A"

ALL THAT REAL PROPERTY IN THE STATE OF CALIFORNIA, COUNTY OF SISKIYOU, UNINCORPORATED AREA, DESCRIBED AS FOLLOWS:

PARCEL A:

All that portion of the following described lands lying in Township 48 North, Range 7 West, Mount Diablo Meridian;

All that portion of fractional Section 14 and Section 23, more particularly described as follows:

Beginning at a 2" iron pipe stamped LS 3122 at the Northwest corner of fractional Section 14; thence North 89° 23' 56" East along the California-Oregon border, also being the North line of fractional Section 14, 1724.24 feet to a G.L.O. Brass cap stamped 132M 42L, 1916, said point being the TRUE POINT OF BEGINNING.

Thence South 0° 32' 04" East, 1400.00 feet to a point; thence Easterly along a line parallel to the North line of Section 23, 1276.00 feet to a point; thence North 0° 32' 04" West, 1400.00 feet, more or less, to the North line of fractional Section 14; thence South 89° 23' 56" West along the North line of fractional Section 14, 1276.00 feet, to the TRUE POINT OF BEGINNING.

EXCEPTING THEREFROM all oil, oil rights, mineral rights, natural gas rights and other hydrocarbons by whatsoever name known, together with all geothermal steam and steampower that may be within or under the above described property, below a depth of 500 feet as conveyed to Eastwood Minerals and Energy Company by the Deed recorded July 18, 1974 in Volume 714, Official Records, page 417 and as modified by the Deed recorded May 29, 1978 in Volume 820, Official Records, page 292.

ALSO EXCEPTING THEREFROM all mineral rights not otherwise conveyed below a depth of 500 feet as reserved by Occidental Land, Inc., by the Deed recorded May 26, 1978 in Volume 820, Official Records, page 298.

Together with the following three easements:

1. Well & Pipeline Easement

BEING an easement for ingress, egress, & utilities located in Donation Land Claims No. 37 & No. 38, Section 18, Township 41 South, Range 2 East, Willamette Meridian, Jackson County Oregon, over, under, & on a 40.00 foot wide strip, lying 20.00 feet on either side of the following described line;

BEGINNING at a point on the centerline of an easement for ingress, egress, & utilities as described in Volume 920 at Page 462 Official Records of Siskiyou County California, thence along said centerline North 83° 02' 45" East, 39.40 feet to the TRUE POINT OF BEGINNING from which Mile Post 132 on the California-Oregon border bears South 83° 02' 45" West, 1366.90 feet distant, thence North 31° 24'

RECEIVED

FEB 25 2002

WATER RESOURCES DEPT.
SALEM, OREGON

Application No 6-15711
Permit No.

97003834

26" East, 86.13 feet to the end of this easement.

2. Parking Area Easement

BEING an easement for ingress, egress, & utilities located in Donation Land Claim No. 37, Section 18, Township 41 South, Range 2 East, Willamette Meridian, Jackson County Oregon, over, under, & on the following described parcel;

BEGINNING at a point on the centerline of an easement for ingress, egress, & utilities as described in Volume 920 at Page 462 Official Records of Siskiyou County California, thence along said centerline North 85° 13' 13" East, 349.26 feet to the TRUE POINT OF BEGINNING from which Mile Post 132 on the California-Oregon border bears South 45° 21' 57" West, 191.72 feet distant, thence continuing along said centerline North 85° 13' 13" East, 107.29 feet to a point, thence leaving said centerline South 2° 24' 39" East, 133.27 feet to the California-Oregon border, thence along said border South 87° 35' 21" West, 107.20 feet to a point, thence leaving said border North 2° 24' 39" West, 128.84 feet to the True Point of Beginning.

3. An easement for ingress and egress and utilities located in Sections 22, 15 and 14, all in Township 48 North, Range 7 West of the Mount Diablo Meridian, Siskiyou County, California, and also lying in Donation Land Claims No. 37 and 38, Section 18, Township 41 South, Range 2 East of the Willamette Meridian, Jackson County Oregon, said easement being 60 feet wide, and being 30 feet wide on each side of the following described centerline:

Beginning at the existing centerline of Colestine-Hilt County Road, from which the East one-quarter corner of said Section 22 bears South 28° 30' 17" East 2341.87 feet; thence North 46° 25' 15" East 1131.64 feet; thence North 15° 13' 37" East 594.00 feet to a point from which a 2 inch iron pipe at the Northeast corner of said Section 15 bears North 27° 48' 08" East 277.36 feet; thence North 43° 15' 35" East 338.28 feet to a point from which said 2 inch pipe at the Northeast corner of Section 15 bears South 89° 26' 09" West 102.46 feet; thence North 47° 52' 12" East 139.37 feet; thence North 83° 42' 42" East 122.63 feet; thence South 63° 58' 01" East 225.97 feet; thence North 88° 34' 23" East 270.50 feet; thence North 83° 08' 04" East 119.58 feet; thence South 85° 36' 06" East 93.96 feet; thence North 60° 12' 27" East 370.80 feet; thence South 57° 22' 59" East 224.44 feet; thence North 85° 13' 13" East 490.72 feet; thence North 38° 55' 14" East 273.49 feet; thence North 63° 45' 15" East 168.09 feet; thence North 34° 06' 41" East 222.99 feet; thence North 49° 39' 19" East 381.05 feet; thence North 83° 02' 45" East 156.20 feet; thence North 12° 01' 11" East 80 feet more or less to the North line of said Donation Land Claim No. 38 and the terminus of this easement, the side lines of which also terminate on said North line.

(81-01) 6-240-400

PARCEL B:

RECEIVED

FEB 25 2002

WATER RESOURCES DEPT.
SALEM, OREGON

WATER RESOURCES DEPT.
SALMON SPRINGS

All that portion of fractional Section 14 and Section 23, lying in Township 48 North, Range 7 West, Mount Diablo Meridian, described as follows:

Beginning at the corner of Sections 14, 15, 22 and 23, Township 48 North, Range 7 West, M.D.M.; thence South 55° 09' East, 4069.56 feet; thence North 0° 09' 14" East, to the centerline of the Hilt Road, County Road OJ001 and the TRUE POINT OF BEGINNING;

Thence North 0° 09' 14" East, 330.00 feet, more or less, to the Southeast corner of the lands of the Hilt Elementary School District, as described in the Deed from Fruit Growers Supply Company, dated May 5, 1954 and recorded on June 29, 1954 in Volume 332 of Official Records, page 596; thence North 0° 23' 14" East, 632.98 feet to the Northeasterly corner of the lands of said School District, said point being on the South line of the North one-quarter of Section 23; thence North 89° 36' 46" West along the South line of the North one-quarter of Section 23 to the Northeasterly line of the Southern Pacific Railroad Right of Way; thence North 60° 25' West, 150.00 feet along the Northeasterly line of said Railroad Right of Way to a point; thence leaving said Right of Way, North 29° 35' East, 150.00 feet to a point; thence North 64° 33' East, 997.99 feet to a point; thence North 57° 00' East, 100.00 feet to a point which bears South 0° 32' 04" East, 140.00 feet from a G.L.O. Brass Cap stamped 132M 42L, 1916, located on the California-Oregon border, also being the North line of fractional Section 14; thence Easterly along a line parallel to the South line of Section 23, 1276.00 feet to a point; thence North 0° 04" West, 1400.00 feet, more or less, to the North line of fractional Section 14, also being the California-Oregon border; thence Easterly along the North line of fractional Section 14 to the Easterly line of fraction Section 14; thence Southerly along the Easterly line of fractional Section 14 and the Easterly line of Section 23 to a point in the centerline of the Hilt Road, County Road OJ001; thence Westerly along the centerline of the Hilt Road to the TRUE POINT OF BEGINNING.

Basis of Bearings is North 0° 11' 38" West along the Westerly line fractional Section 14 and Section 23, Township 48 North, Range 7 West, M.D.M., as shown on Record Survey Book 14, page 132, Siskiyou County Official Records.

EXCEPTING THEREFROM all that portion of fractional Section 14 and Section 23 lying Easterly of the Westerly line of the lands described as Parcel Two in the Deed from William A. Bray and wife to the State of California, dated January 31, 1940 and recorded July 6, 1940 in Volume 115 of Official Records, page 145.

ALSO EXCEPTING THEREFROM the 60 foot strip conveyed to the County of Siskiyou for road purposes by Deed dated November 17, 1978 and recorded December 15, 1978 in Volume 841 of Official Records, page 598.

ALSO EXCEPTING THEREFROM all oil, oil rights, mineral rights, natural gas rights and other hydrocarbons by whatsoever name known, together with all geothermal steam and steampower that may be within or under the above described property, below a depth of 500 feet conveyed to Eastwood Minerals and Energy Company by the

Application No. 6-15711
Permit No.

97003834

Deed recorded July 18, 1974 in Volume 714, Official Records, page 417 and as modified by the Deed recorded May 29, 1978 in Volume 820, Official Records, page 292.

ALSO EXCEPTING THEREFROM all mineral rights not otherwise conveyed below a depth of 500 feet as reserved by Occidental Land, Inc., by the Deed recorded May 26, 1978 in Volume 820, Official Records, page 298.

Together with the following three easements:

RECEIVED

FEB 25 2002

WATER RESOURCES DEPT.
SALEM, OREGON

1. Well & Pipeline Easement

BEING an easement for ingress, egress and utilities located in Donation Land Claims No. 37 & No. 38, Section 18, Township 41 South, Range 2 East, Willamette Meridian, Jackson County Oregon, over, under, & on a 40.00 foot wide strip, lying 20.00 feet on either side of the following described line;

BEGINNING at a point on the centerline of an easement for ingress, egress, and utilities as described in Volume 920 at Page 462 Official Records of Siskiyou County California; thence along said centerline North 83° 02' 45" East, 39.40 feet to the TRUE POINT OF BEGINNING from which Mile Post 132 on the California-Oregon border bears South 50° 29' 18" West, 1366.90 feet distant; thence North 31° 24' 26" East, 86.13 feet to the end of this easement.

2. Parking Area Easement

BEING an easement for ingress, egress & utilities located in Donation Land Claim No. 37, Section 18, Township 41 South, Range 2 East, Willamette Meridian, Jackson County Oregon, over, under & on the following described parcel;

BEGINNING at a point on the centerline of an easement for ingress, egress & utilities as described in Volume 920 at Page 462 Official Records of Siskiyou County California; thence along said centerline North 85° 13' 13" East, 349.26 feet to the TRUE POINT OF BEGINNING from which Mile Post 132 on the California-Oregon border bears South 45° 21' 57" West, 191.72 feet distant, thence continuing along said centerline North 85° 13' 13" East, 107.29 feet to a point, thence leaving said centerline South 2° 24' 39" East, 133.27 feet to the California-Oregon border, thence along said border South 87° 35' 21" West, 107.20 feet to a point; thence leaving said border North 2° 24' 39" West, 128.84 feet to the True Point of Beginning.

3. An easement for ingress and egress and utilities located in Sections 22, 15 and 14, all in Township 48 North, Range 7 West of the Mount Diablo Meridian, Siskiyou County, California, and also lying in Donation Land Claims No. 37 and 38, Section 18, Township 41 South, Range 2 East of the Willamette Meridian, Jackson County Oregon, said easement being 60 feet wide, and being 30 feet wide on each side of the following described centerline:

97003834

Beginning at the existing centerline of Colestine-Hilt County Road, from which the East one-quarter corner of said Section 22 bears South 28° 30' 17" East 2341.87 feet; thence North 46° 25' 15" East 1131.64 feet; thence North 15° 13' 37" East 594.00 feet to a point from which a 2 inch iron pipe at the Northeast corner of said Section 15 bears North 27° 48' 08" East 277.36 feet; thence North 43° 15' 35" East 338.28 feet to a point from which said 2 inch pipe at the Northeast corner of Section 15 bears South 89° 26' 09" West 102.46 feet; thence North 47° 52' 12" East 139.37 feet; thence North 83° 42' 42" East 122.63 feet; thence South 63° 58' 01" East 225.57 feet; thence North 88° 34' 23" East 270.50 feet; thence North 63° 08' 04" East 119.58 feet; thence South 85° 36' 06" East 95.96 feet; thence North 60° 12' 27" East 370.80 feet; thence South 57° 22' 59" East 224.44 feet; thence North 85° 13' 13" East 490.72 feet; thence North 38° 55' 14" East 273.49 feet; thence North 63° 45' 15" East 168.09 feet; thence North 34° 06' 41" East 222.99 feet; thence North 49° 39' 19" East 381.05 feet; thence North 83° 02' 45" East 156.20 feet; thence North 12° 01' 11" East 80 feet more or less to the North line of said Donation Land Claim No. 38 and the terminus of this easement, the side lines of which also terminate on said North line.

(81-01) 6-20-100

(81-01) 6-20-110, 430

Application No. 6-15711
Permit No.

RECEIVED

FEB 25 2002

WATER RESOURCES DEPT.
SALEM, OREGON

Receipt for Request for Land Use Information

Name of water right applicant: Russell Juncak

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

City or County: T Jackson County
Staff contact: Mike Mattson Phone: 541-774-6937

Signature: Mike Mattson Date: 2-15-02

Application No.

Permit No.

6-15711

WATER RESOURCES DEPT.
SALEM, OREGON

FEB 25 2002

RECEIVED



Oregon Water Resources Department
Land Use Information Form

Application No. 6-15711
Permit No.

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

To Be Completed By Applicant

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

A. Applicant

Name: Russell Junca

Address: 1965 Hilt Rd

City: Hornbrook State: CA Zip: 96044 Day Phone: 530-475-3863

B. Land and Location

Please provide information as requested below for all tax lots on or through which water will be diverted, conveyed, or used. Check "diverted" if water is diverted (taken) from its source on tax lot, "conveyed" if water is conveyed (transported) on tax lot, and "used" if water will be put to beneficial use on tax lot. More than one box may be checked. (Attach extra sheets as necessary.) Applicants for municipal use, or irrigation uses within irrigation districts, may substitute existing and proposed service area boundaries for the tax lot information requested below.

Tax Lot I.D.	Plan Designation (e.g. Rural Residential/RR-5)	Water to be: (check all that apply)		
<u>4/2E1700</u>	<u>EFU</u>	☒ Diverted	☒ Conveyed	☒ Used
		☐ Diverted	☐ Conveyed	☐ Used
		☐ Diverted	☐ Conveyed	☐ Used

List counties and cities where water is proposed to be diverted, conveyed, or used. Jackson County

C. Description of Water Use

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

Beneficial Use(s): Irrigation

Briefly describe: Irrigation of 0.2 acres of landscape and trees.

RECEIVED

FEB 22 2002

WATER RESOURCES DEPT.
SALEM, OREGON

D. Source

Indicate the source for the proposed water use:

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

E. Quantity

Indicate the estimated quantity of water the use will require:

1.75 ☐ CFS ☐ GPM ☒ Acre-Feet

For Local Government Use Only

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

A. Allowed Use

Check the appropriate box below and provide requested information.

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

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

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

B. Approval

Please provide printed name and written signature.

Name: Mike Mathen Date: 2-20-02

Title: Planner II Phone: 541-774-6937

Signature: Mike Mathen

C. Additional Comments

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

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

Standard Application "Completeness" Checklist

Minimum Requirements (OAR 690-310-040)

Application # - G15711

Priority Date: 2/25/02

Use(s): IRR/GD/WILD/FIRE

1.8

Rate: 0.14CFS

County: JACK-OR. / SISKIYOU CA.

Township: 41 SOUTH / 48 NORTH

Range: 2 EAST / 7 WEST

Section: 18 / 14

POD $\frac{1}{4}$ $\frac{1}{4}$: NE/NE SEC. 18

POU $\frac{1}{4}$ $\frac{1}{4}$: SW/NE SEC. 18 / NE/NW SEC. 14

OK Applicant/Organization Name, Mailing Address and Telephone Number. If applicant is other than a private landowner, Organizations section must be completed.

OK Source and tributary listed

OK Property ownership indicated? If applicant does not own all the land, is the affected landowner's name and mailing address listed? (Including: Lands, not owned by applicant, upon which the source is locatedor..... any Lands, not owned by applicant, which are crossed by the diversion works.) **NOTE:** An easement or agreement DOES NOT need to be submitted at this time, but will be required before a permit will be issued.

OK If a groundwater application...is the groundwater development section completed?

OK Proposed Use of the water.... Is each proposed use identified?

OK Has the appropriate "Supplemental Form" for each proposed use been completed?

OK Form I (Irrigation)

Form M (Municipal or Quasi-Municipal)

Form R (Mining)

Form Q (Commercial or Industrial)

Spring Description Sheet (if source is a Spring)

OK Amount of water from each source listed in GPM, CFS or AF?

OK Acreage being proposed, if applicable.

OK Season being requested by applicant.

OK The water management section has been completed? If system has not been designed, the applicant may estimate this information.

OK Resource protection system completed on Surface Water application?

OK Are the dates of construction indicated?

If system already completed, applicant should indicate **existing**.

OK Is the application signed in ink by the applicant? If the application is in the name of an organization or corporation, the authorized agent must sign the application.

OK Is a copy of the deed, land sales contract or title insurance policy included? We cannot accept a copy of the tax bill.

OK A completed Land-Use Form or receipt signed by the appropriate planning department officials enclosed? Does the use on land-use form match the proposed use on the application?

OK Does the map meet map requirements of OAR 690-310-050?

OK Town, Range, Sec, $\frac{1}{4}$ and Tax Lot # OK Scale of the Map

OK Reference corner on map OK North Directional Symbol

OK $\frac{1}{4}$ $\frac{1}{4}$'s clearly identified OK POD clearly identified

OK POU clearly identified OK Location Coordinates for each POD

OK Location of House, if Domestic OK Number of acres per $\frac{1}{4}$ $\frac{1}{4}$, if Irrigation

OK Location of Bldg, if Comm/Indus OK Location of Stock Tanks, if Livestock

OK Muni/Quasi-Muni Service Boundaries OK Other

OK Correct fees enclosed? Refer to worksheet to calculate fees.

Total Paid \$ 400.00

Base Fee \$ 250.00

plus 150.00

Total Amount of

Water Requested: 0.14CFS

plus

Total Exam Fee \$ 400.00

Total Exam Fee \$ 400.00

Recording Fee \$ 175.00 TO BE RECEIVED

Completeness Check by: ROGER WRIGHT

Date: 2/26/02

The original and first copy of this report are to be filed with the

WATER RESOURCES DEPARTMENT.
SALEM, OREGON 97310

within 30 days from the date
of well completion.

WATER WELL REPORT

STATE OF OREGON

(Please type or print)

(Do not write above this line)

State Well No.

State Permit No.

21247

(1) OWNER:

Name Carl Willett
Address SS Ranch Hill Calif

(2) TYPE OF WORK (check):

New Well ☒ Deepening ☐ Reconditioning ☐ Abandon ☐

If abandonment, describe material and procedure in Item 12.

(3) TYPE OF WELL:

Rotary ☒ Driven ☐
Cable ☐ Jetted ☐
Dug ☐ Bored ☐

(4) PROPOSED USE (check):

Domestic ☒ Industrial ☐ Municipal ☐
Irrigation ☐ Test Well ☐ Other ☐

(5) CASING INSTALLED:

Threaded ☐ Welded ☒
" Diam. from 0 ft. to 20 ft. Gage 250
" Diam. from ft. to ft. Gage
" Diam. from ft. to ft. Gage

(6) PERFORATIONS:

Perforated? ☐ Yes ☒ No.

1. ☐ perforator used

Size of perforations In. by In.
perforations from ft. to ft.
perforations from ft. to ft.
perforations from ft. to ft.

(7) SCREENS:

Well screen installed? ☐ Yes ☒ No

Manufacturer's Name Model No.
Type
Diam. Slot size ft. to ft.
Diam. Slot size ft. to ft.

(8) WELL TESTS:

Drawdown is amount water level is lowered below static level

Was a pump test made? ☐ Yes ☒ No If yes, by whom?

Yield: gal./min. with ft. drawdown after hrs.

Ball test 150 gal./min. with 20 ft. drawdown after 1 hrs.

Artesian flow g.p.m.

Temperature of water 52 Depth artesian flow encountered ft.

(9) CONSTRUCTION:

Well seal—Material used Cement
Well sealed from land surface to 18 ft.
Diameter of well bore to bottom of seal 6 10 in.
Diameter of well bore below seal 6 in.
Number of sacks of cement used in well seal 1 sacks
How was cement grout placed? Pumped Down
Shovel

Was a drive shoe used? ☒ Yes ☐ No Size: location ft.

Did any strata contain unusable water? ☐ Yes ☒ No

Type of water? h of strata

Method of sealing strata off

Was well gravel packed? ☐ Yes ☒ No Size of gravel:

Gravel placed from ft. to ft.

(10) LOCATION OF WELL:

County Jackson Driller's well number 58-79
Sec 14 Hw 14 Section 18 T. 41S R. 21E W.M.
Bearing and distance from section or subdivision corner

(11) WATER LEVEL: Completed well.

Depth at which water was first found 100 ft.

Static level 11 ft. below land surface. Date 10-15-79

Artesian pressure lbs. per square inch. Date

(12) WELL LOG:

Diameter of well below casing 6
Depth drilled 135 ft. Depth of completed well 135 ft.

Formation: Describe color, texture, grain size and structure of materials; and show thickness and nature of each stratum and aquifer penetrated, with at least one entry for each change of formation. Report each change in position of Static Water Level and indicate principal water-bearing strata.

MATERIAL	From	To	SWL
CLAY	0	10	
SANDSTONE	10	135	11

Application No 6-15711
Permit No

RECEIVED

OCT 29 1979

WATER RESOURCES DEPT
SALEM, OREGON

RECEIVED

FEB 25 2002

WATER RESOURCES DEPT
SALEM, OREGON

Work started 10-15 1979 Completed 10-15 1979

Date well drilling machine moved off of well 10-15 1979

Drilling Machine Operator's Certification:

This well was constructed under my direct supervision. Materials used and information reported above are true to my best knowledge and belief.

[Signed] Carl Cart Date 10-19, 1979

(Drilling Machine Operator)

Drilling Machine Operator's License No. 997

Water Well Contractor's Certification:

This well was drilled under my jurisdiction and this report is true to the best of my knowledge and belief.

Name Far Carter well Drilling
(Person, firm or corporation) (Type or print)

Address 241 Johnson Rd Hillier Ca

[Signed] Carl Cart

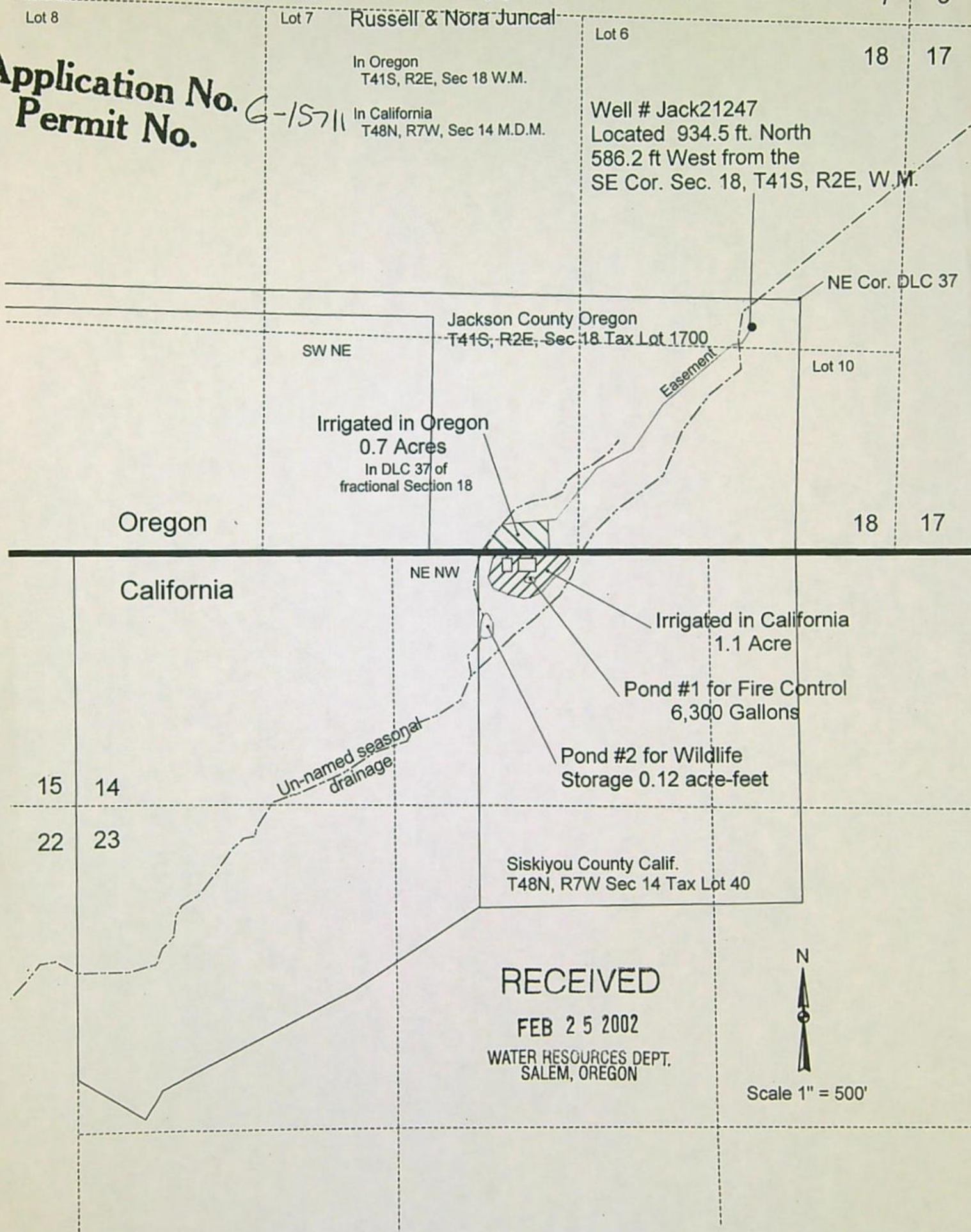
(Water Well Contractor)

Contractor's License No. 599 Date 10-19, 1979

(USE ADDITIONAL SHEETS IF NECESSARY)

Ground Water Application Map

Application No. 6-15711
Permit No.



RECEIVED

FEB 25 2002

WATER RESOURCES DEPT.
SALEM, OREGON

N
Scale 1" = 500'