

Application for a Permit to  
**Store Water in a Reservoir**  
 Alternate Review (ORS 537.409)



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

You may use this form for any reservoir storing less than 9.2 acre-feet or with a dam less than 10 feet high.

Use a separate form for each reservoir

**SECTION 1: APPLICANT INFORMATION AND SIGNATURE**

**Applicant**

NAME <b>Tony Alvarez</b>		PHONE (HM) <b>541-244-8318</b>	
PHONE (WK) <b>541-244-8318</b>	CELL <b>541-244-8318</b>	FAX <b>888-379-0222</b>	
MAILING ADDRESS <b>PO Box 32</b>			
CITY <b>Merlin</b>	STATE <b>OR</b>	ZIP <b>97532</b>	E-MAIL * <b>tony@tonyalvarez.com</b>

**Organization**

NAME <b>Evergreen Properties, Inc.</b>		PHONE <b>541-244-8318</b>	FAX <b>888-379-0222</b>
MAILING ADDRESS <b>PO Box 32</b>			CELL
CITY <b>Merlin</b>	STATE <b>OR</b>	ZIP <b>97532</b>	E-MAIL * <b>tony@tonyalvarez.com</b>

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

AGENT / BUSINESS NAME <b>Tony Alvarez</b>		PHONE <b>541-244-8318</b>	FAX <b>888-379-0222</b>
MAILING ADDRESS <b>PO Box 32</b>			CELL <b>541-244-8318</b>
CITY <b>Merlin</b>	STATE <b>OR</b>	ZIP <b>97532</b>	E-MAIL * <b>tony@tonyalvarez.com</b>

Note: Attach multiple copies as needed

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

By my signature below I confirm that I understand:



- I am asking to use water specifically as described in this application.
- Evaluation of this application will be based on information provided in the application.
- I cannot legally store water until the Water Resources Department issues a permit.
- Oregon law requires that a permit be issued before beginning construction. Acceptance of this application does not guarantee a permit will be issued.
- If I get a permit, I must not waste water.
- If development of the water use is not according to the terms of the permit, the permit can be cancelled.
- The water use must be compatible with local comprehensive land use plans.
- Even if the Department issues a permit, I may have to stop using water to allow senior water right holders to get water to which they are entitled.

Received by OWRD

JUN 30 2025

Salem, OR

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

Applicant Signature 	<b>Tony Alvarez</b>	<b>6-30-25</b>
	Print Name and Title if applicable	Date
Applicant Signature 	<b>Tony Alvarez, President</b>	<b>6-30-25</b>
	Print Name and Title if applicable	Date

**SECTION 2: SOURCE OF WATER AND LOCATION OF RESERVOIR**

Reservoir name:	MYRTLE'S POND				
Source*:	Bunoff	Tributary:	Rogue River		
County:	Josephine				
Quantity:	Acre-Feet [length x width x depth / 43,560] 2				
Reservoir Location:	Township (N or S)	Range (E or W)	Section	Quarter-Quarter	Tax Lot #
	35A	07W	35	NW NW	300
Maximum Height of Dam:	0 feet. If excavated write "zero feet."				

\* Provide the name of the water body or other source from which water will be diverted, and the name of the stream or lake it flows into. Indicate if source is run-off, seepage, an unnamed stream, or spring.

**SECTION 3: WATER USE**

Indicate the proposed use(s) of the stored water: Multipurpose use

**NOTE: You may wish to consider filing for "Multipurpose use" for your reservoir.** Multipurpose use does not limit the types of future uses for the stored water. Multipurpose covers all uses, which may include stock water, fish and wildlife, domestic, irrigation, agriculture, fire protection and pollution abatement.

**SECTION 4: PROPERTY OWNERSHIP**

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

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

There are no encumbrances.

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

No (please check the appropriate box below)

I have a recorded easement or written authorization permitting access.

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

Written authorization or an easement is not necessary, because the only affected lands I do not own are state-owned submersible lands, and this application is for irrigated and/or domestic use only (ORS 274.040). (Do not check this box if you described your use as "Multipurpose" in #3 above.)

List the names and mailing addresses of all affected landowners:

Received by OWRD

JUN 30 2025

Salem, OR



**SECTION 5: ENVIRONMENTAL IMPACT**

**Channel:** Is the Reservoir:  in-stream or  off channel?

**Wetland:** Is the project in a wetland?  YES  NO  unknown

**Existing:** Is this an existing reservoir?  YES  NO

If YES, how long has it been in place? 58 years.

**Fish Habitat:** Is there a fish habitat upstream of the proposed structure?  YES  NO  unknown

If YES, how much? miles.

**Existing:** Have you been working with other agencies?  YES  NO

Indicate agency, staff and phone numbers of those involved. Also indicate any agencies that are cost sharing in this project.

**SECTION 6: WITHIN A DISTRICT**

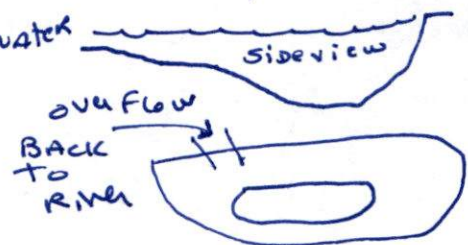
Check here if the point of diversion or place of use are located within or served by an irrigation or other water district.

IRRIGATION DISTRICT NAME		ADDRESS	
CITY	STATE	ZIP	

**SECTION 7: DESCRIPTION**

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

The Reservoir is fed by surface runoff water (RAIN/SNOW). The Reservoir has an overflow to pass water out.



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

Received by OWRD

JUN 30 2025

Salem, OR

# Land Use Information Form



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

NAME <b>Tony Alvarez</b>				PHONE <b>541-244-8318</b>	
MAILING ADDRESS <b>PO Box 32</b>					
CITY <b>Merlin</b>		STATE <b>OR</b>	ZIP <b>97532</b>	EMAIL <b>tony@tonyalvarez.com</b>	

## A. Land and Location

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

Township	Range	Section	¼ ¼	Tax Lot #	Plan Designation (e.g., Rural Residential/RR-5)	Water to be:			Proposed Land Use:
<b>35S</b>	<b>07W</b>	<b>35</b>	<b>NW¼</b>	<b>300</b>	<b>RR5</b>	<input checked="" type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	<b>RR5</b>
						<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used	
						<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used	
						<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used	

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

**Josephine**

NOTE: A separate Land Use Information Form must be completed and submitted for each county and city, as applicable.

## B. Description of Proposed Use

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

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

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

Estimated quantity of water needed: 2   
 cubic feet per second   
 gallons per minute   
 acre-feet

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

Briefly describe:

**Reservoir is feed by surface/runoff water (rain/snow)**

**Note to applicant:** For new water right applications only, if the Land Use Information Form cannot be completed while you wait, please have a local government representative sign the receipt on the bottom of page 4 and include it with the application filed with the Oregon Water Resources Department.

See Page 4 →

Received by OWRD

JUN 30 2025



## For Local Government Use Only

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

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

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

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

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

Received by OWRD  
 JUN 30 2025  
 Salem, OR

Name: \_\_\_\_\_ Title: \_\_\_\_\_

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

Governmental Entity: \_\_\_\_\_ Phone: \_\_\_\_\_

Receipt Acknowledging Request for Land Use Information

**Note to Local Government Representative:**  
 Please complete this form and return it to the applicant. **For new water right applications only**, if you are unable to complete this form while the applicant waits, you may complete this receipt and return it to the applicant. If you sign the receipt, you will have 30 days from the date of OWRD's Public Notice of the application to submit the completed Land Use Information Form to Oregon Water Resources Department. Please note while OWRD can accept a signed receipt as part of intake for an application for a new permit to use or store water, a completed Land Use Information Form is required for all other applications.

Applicant Name: TONY ALVAREZ

Staff Name: TERRY WOODRUFF Title: ASSISTANT PLANNER

Staff Signature: [Signature] Date: 6.30.2025

Governmental Entity: JOSEPHINE COUNTY PLANNING Phone: 541-474-5433



# ArcGIS Web Map *N*



Tax Lot 35S 07W 35 NW NW 300

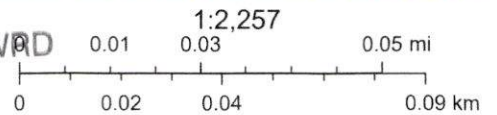
6/30/2025, 10:00:49 AM

- Taxlots
- Driveways
- Waterline: Rivers & Streams
- Class 1
- Fema Flood Hazard
- AE, Undefined Floodway
- Water (Polygon)
- Slope - percent grade

Received by OWRD

JUN 30 2025

Salem, OR





# Watermaster Alternate Reservoir Application Review Sheet

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

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

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

<b>Applicant's Name</b> Evergreen Properties, Inc. Agent: Tony Alvarez		
1. Does the proposed reservoir have the potential to injure existing water rights? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO Explain: Instream water rights Certificate 59847 and Certificate 59848		
2. Can conditions be applied to mitigate the potential injury to existing water rights? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO Explain: Use may be made at times when sufficient water is available to satisfy all prior rights, including prior rights for maintaining instream flows. Rogue Scenic Waterway flow condition. Require staff plate in the reservoir. Require totalizing flow meter if diverting from the Rogue River. <i>SEC</i>		
3. Is water available for the proposed reservoir? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO		
4. If yes, during what period? Beginning: December End: May  Attach a WARS printout at 50% exceedance. If WARS does not cover the proposed location, make a recommendation for a storage season based upon regulation history and your knowledge of the location. (Water Availability for Reservoir Policy found under OAR 690-410-0070(2)(c))		
5. Did you meet with staff from another agency to discuss this application? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		
Name:	Agency:	Date:
Name:	Agency:	Date:

Watermaster Name: Scott Ceciliani - District 14 Watermaster

Watermaster Signature: *Scott Ceciliani* Date: 6/27/2025

*6/28/2025*  
*6/30/2025* *Scott Ceciliani*

NOTE: This completed form must be returned to the applicant

Received by OWRD  
JUN 30 2025  
Salem, OR

# Water Availability Analysis

ROGUE R > PACIFIC OCEAN - AB GRAVE CR  
 ROGUE BASIN

Water Availability as of 6/27/2025

Watershed ID #: 31531002 ([Map](#))  
 Date: 6/27/2025

Exceedance Level: 50% ▾  
 Time: 4:13 PM

Water Availability

Limiting Watersheds

Complete Water Availability Analysis

## Water Availability

Select any Watershed for Details

	Nesting Order	Watershed ID #	Stream Name	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Sto
<a href="#">Select</a>	1	266	ROGUE R> PACIFIC OCEAN- AT MOUTH	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	No	Yes	Yes	Yes	Yes
<a href="#">Select</a>	2	31531008	ROGUE R> PACIFIC OCEAN- AB SHASTA COSTA CR	Yes	Yes	Yes	Yes	Yes	Yes	No	No	No	No	No	Yes	Yes
<a href="#">Select</a>	3	31531001	ROGUE R> PACIFIC OCEAN- AB MEADOW CR	Yes	Yes	Yes	Yes	Yes	Yes	No	No	No	No	No	Yes	Yes
<a href="#">Select</a>	4	31531002	ROGUE R> PACIFIC OCEAN- AB GRAVE CR	Yes	Yes	Yes	Yes	Yes	No	No	No	No	No	No	Yes	Yes

Download Data ( [Text - Formatted](#), [Text - Tab Delimited](#), [Excel](#) )

Received by OWRD

JUN 30 2025

Salem, OR



# ODFW Alternate Reservoir Application Review Sheet

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

Applicant Name: <u>Tony Alvarez</u>	Received by OWRD
Address: <u>PO Box 32, Merlin, OR 97532</u>	JUN 30 2025
Phone/Email: <u>541-244-8318 / tony@tonyalvarez.com</u>	Salem, OR
Reservoir Name: <u>NA</u>	Volume (AF): <u>2.0</u>
Source: <u>Runoff/groundwater</u>	<input type="checkbox"/> in-channel
Basin Name: <u>Rogue</u>	<input checked="" type="checkbox"/> off-channel
Twp Rng Sec QQ: <u>35S 7W 35</u>	

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

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

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

*\*Based on available information, the proposed use does not appear to involve instream structures that would create or maintain an artificial obstruction. However, if the applicant creates or maintains an artificial obstruction to fish passage for the proposed use, the applicant will need to address Oregon's fish passage laws.*

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

3) If NMF are or were historically present:  
a. Is there an ODFW-approved fish-passage plan?..... YES  NO  
b. Is there an ODFW-approved fish-passage waiver or exemption?..... YES  NO

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

4) Would the proposed project pose any other significant detrimental impact to an existing fishery resource locally or downstream?..... YES  NO  
*Explain below (for example, list STE species or other existing fishery resources that would be impacted negatively.)*  
 Any diversion or appropriation of water for storage during the period year-round poses a significant detrimental impact to existing fishery resources. (For example, if diversion of water for storage during a

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

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



certain time period would cause a significant detrimental impact to an existing fishery resource, then ODFW should recommend conditions or limitations.) If NMF fish are present at the project site or point of water diversion-then-the applicant should be advised that a fish screen consistent with screening criteria will be required.

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

ESA-listed fish (Coho Salmon), sensitive species (Spring Chinook Salmon, Summer Steelhead, and Pacific Lamprey), and other game fish (Fall Chinook Salmon, Winter Steelhead, and Coastal Cutthroat Trout) may be present in the Rogue River during the period of impact. Instream flows to fulfill Instream Water Right certificates and Scenic Waterway flows intended to maintain quantities of water necessary for fish uses are not being met partially or wholly at the point of impact and/or downstream during the period of impact. Based on parameters assessed by ODFW, instream flows are currently below those essential to support the biological needs of existing fishery resources year-round. In addition, ODFW reviewed available information (Rogue River Basin Temperature TMDL; DEQ 2008) regarding water quality impairment and determined that the proposed use would impair water quality that supports existing fishery resources (e.g., habitat) at or downstream of the Point of Diversion. The proposed pond is in the Rogue River basin and subject to the Rogue River Basin Temperature TMDL (DEQ, 2008), which identifies the critical period for temperature as April 1 - October 31. Diminished flows from the proposed withdrawal or release of water to waters of the state could impact temperature impairments in the Rogue River during this period.

Because of these reasons, the proposed use will diminish water quality, physical habitat, and/or alter the flow regime to which fish are naturally adapted. These changes will negatively affect their distribution, productivity, and abundance. Therefore, a further reduction in flow or alteration of habitat from the proposed use would result in a significant detrimental impact to an existing fishery resource without appropriate conditions and/or mitigation.

Table with 13 columns (Impairment to Fishery Resource, Jan, Feb, Mar, Apr, May, Jun, Jul, Aug, Sep, Oct, Nov, Dec) and 3 rows (Water Quantity, Water Quality).

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

[X] See applicable conditions selected from "Menu of Conditions" on next page

Water is not available to support the quality and quantity of biologically necessary flows at the POD and/or downstream year-round. ODFW recommends the proposed use be mitigated prior to issuance of a Final Order. Without appropriate conditions (see below) and/or mitigation, a further reduction in flow or alteration of habitat from the proposed water use will result in a significant detrimental impact to an existing fishery resource.

Mitigation is often complicated, time consuming, and expensive, and may include, but is not limited to, actions such as replacing the proposed amount of water through purchasing or transferring an existing water right. If the applicant chooses to pursue mitigation, ODFW will provide a Mitigation Obligation consistent with the goals and standards of OAR 635-415-0025 (ODFW Habitat Mitigation Recommendations) to compensate for any potential impact from the proposed use.

ODFW Signature: [Handwritten Signature]

Print Name: Jason Brandt

ODFW Title: SW Hydro Coordinator

Date: 6/30/2025

Received by OWRD

JUN 30 2025

Salem, OR



## MENU OF CONDITIONS FOR WRD, ODFW, DEQ AND ODA

Revised May 12, 2020, March 25, 2021

Use this menu to identify appropriate conditions to be included in the permit:

- Agricultural Water Quality Management Area Rules:** The permittee shall comply with basin-specific Agricultural Water Quality Management Area Rules described in Oregon Administrative Rule Chapter 603-095. The permittee shall protect riparian areas, including through irrigation practices and the management of any livestock, allowing site capable vegetation to establish and grow along streams, while providing the following functions: shade (on perennial and some intermittent streams), bank stability, and infiltration or filtration of overland runoff.
- b52** Water may be diverted only when Department of Environmental Quality sediment standards are being met.
- b5** The water user shall install and maintain adequate treatment facilities meeting current DEQ requirements to remove sediment before returning the water to the stream.
- b51a** The period of use has been limited to type here through type here.
- b57** Before water use may begin under this permit, a totalizing flow meter must be installed at each diversion point.
- b58** Before water use may begin under this permit, a staff gage that measures the entire range and stage between full reservoir level and dead-pool storage must be installed in the reservoir. The staff gage shall be United States Geological Survey style porcelain enamel iron staff gage style A, C, E or I.
- b1v:** Water must be diverted to a trough or tank through an enclosed water delivery system. The delivery system must be equipped with an automatic shutoff or limiting flow control mechanism or include a means for returning water to the stream source through an enclosed delivery system. The use of water shall not exceed 0.10 cubic feet per second per 1000 head of livestock.
- Bypass Flows:** Per 690-410-0070 (2)(c), the following flows shall be bypassed or passed through the reservoir during the filling season:
- 1) When the biologically necessary flows identified below are not available immediately upstream of the impacted area, the permittee shall pass all live flow downstream at a rate equal to the inflow, minus the amount of mitigation water provided upstream, if applicable, and
  - 2) When the biologically necessary flows identified below are available immediately upstream of the impacted area, the permittee shall pass flow downstream at a rate equal to or greater than the biologically necessary flows.
- Once the reservoir has reached the permitted volume, all live flow shall be passed downstream at a rate equal to the inflow.
- The permittee shall quantify and document inflow and outflow and maintain the bypass flows for the life of the permit and subsequent certificate per the approved Bypass Plan. The bypass flow data shall be available upon request by the Oregon Water Resources Department, Oregon Department of Fish and Wildlife, Oregon Department of Environmental Quality, or Oregon Department of Agriculture.
- fence:** The stream and its adjacent riparian area shall be fenced to exclude livestock.
- fishapprove:** The permittee shall install, maintain, and operate fish screening and by-pass devices consistent with current Oregon Department of Fish and Wildlife (ODFW) standards. Fish screening is to prevent fish from entering the proposed diversion while by-pass devices provide adequate upstream and downstream passage for fish. The required screen and by-pass devices are to be in place and functional, and approved in writing by ODFW prior to diversion of any water. The permittee may submit evidence in writing that ODFW has determined screens and/or by-pass devices are not necessary.
- fishmay:** Notwithstanding that ODFW has made a determination that fish screens and/or by-pass devices are not necessary at the time of permit issuance, the permittee may be required in the future to install, maintain, and operate fish screening and by-pass devices to prevent fish from entering the proposed diversion and to provide adequate upstream and downstream passage for fish.
- fishpass:** As required by ORS 509.585, a person owning or operating an artificial obstruction (AO) may not construct or maintain any AO across any waters of this state that are inhabited, or historically inhabited, by native migratory fish (NMF) without providing passage for NMF. A person owning or operating an AO shall, prior to construction, fundamental change in permit status or abandonment of the AO in any waters of this state, obtain a determination from ODFW as to whether NMF are or historically have been present in the waters. If ODFW determines that NMF are or historically have been present in the waters, the person owning or operating the AO shall either submit a proposal for fish passage to ODFW or apply for a waiver or exemption. Approval of the proposed fish-passage facility, waiver, or exemption must be obtained from the department prior to construction, permit modification or abandonment of the AO. Approved fish-passage plans, waivers, and exemptions shall maintain adequate passage of NMF at all times (ORS 509.601) as per the approved plan, waiver or exemption.
- fishself:** The permittee shall install, maintain, and operate fish screening and by-pass devices consistent with current Oregon Department of Fish and Wildlife (ODFW) standards. Fish screening is to prevent fish from entering the proposed diversion while by-pass devices provide adequate upstream and downstream passage for fish. The required screen and by-pass devices are to be in place and functional prior to diversion of any water. Permittee

Received by OWRD

JUN 30 2025

Salem, OR



shall obtain written approval from ODFW that the installation of the required screen and by-pass devices meets the state's criteria or the permittee shall submit documentation that ODFW has determined screens and/or by-pass devices are not necessary.

- Fish Stocking:** Per ORS 498.222 and OAR 635-007-0600, all persons transporting live fish in Oregon shall have a Fish Transport Permit (FTP) issued by the Oregon Department of Fish and Wildlife (ODFW). The permittee shall not stock fish in the reservoir without an FTP approved by ODFW. As part of the FTP permitting process, the permittee may be required to screen the inlet and outlet of the reservoir to ensure that fish cannot escape into public waters and/or to keep wild fish from entering the reservoir.
- futile call:** The use of water allowed herein may be made only at times when waters from the (NAME OF SURFACE WATER) would not otherwise flow into a tributary of the type here River or sufficient water is available to satisfy all prior rights, including rights for maintaining instream flows.
- In-Water Work:** Any in-water work related to construction, development, or maintenance of the proposed use shall be conducted during the preferred work period of June 15-Aug 31 unless an alternate time period is approved by the Oregon Department of Fish and Wildlife.
- Live Flow:** Once the allocated volume has been stored, permittee shall pass all live flow downstream at a rate equal to inflow, using methods that protect instream water quality.
- Off-Channel Stored Water Releases:** The permittee shall not release polluted water from this off-channel reservoir into waters of the state except when the release is directed by the State Engineer to prevent dam failure.
- On-Channel Reservoir:** The permittee shall design and operate the water storage facility such that all waters within and below the reservoir meet water quality criteria. The permittee shall develop a reservoir operations plan that details how water quality criteria and standards will be met. A Certified Water Rights Examiner shall verify that the reservoir operations are consistent with the plan before a certificate is issued. The reservoir operator shall maintain a copy of the plan and make it available for review upon request.
- riparian:** If the riparian area is disturbed in the process of developing a point of diversion, the permittee shall be responsible for restoration and enhancement of such riparian area in accordance with ODFW's Fish and Wildlife Habitat Mitigation Policy OAR 635-415. For purposes of mitigation, the ODFW Fish and Wildlife Habitat Mitigation Goals and Standards, OAR 635-415, shall be followed.
- Water Quality:** All water use under this permit shall comply with state and federal water quality laws. The permittee shall not violate any state and federal water quality standards, shall not cause pollution of any waters of the state, and shall not place or cause to be placed any wastes in a location where such wastes are likely to escape or be carried into the waters of the state by any means. The use may be restricted if the quality of source stream or downstream waters decrease to the point that those waters no longer meet existing state or federal water quality standards.
- wq:** The use may be restricted if the quality of the source stream or downstream waters decrease to the point that those waters no longer meet existing state or federal water quality standards due to reduced flows.

Received by OWRD

JUN 30 2025

Salem, OR

Signed  
See Attached Form From  
ODFW's  
office

## ODFW Alternate Reservoir Application Review Sheet

This portion to be completed by the Applicant					
Applicant <b>Tony Alvarez</b>		Phone No. <b>541-244-8318</b>		Email. <b>tony@tonyalvarez.com</b>	
Mailing Address <b>PO Box 32</b>		City <b>Merlin</b>	State <b>OR</b>	Zip <b>97532</b>	
Reservoir Name: <b>N/A</b>		Source: <b>Rogue River</b>		Volume (AF):	
Township (N or S)	Range (E or W)	Section	Quarter/ Quarter	Basin Name:	<input type="checkbox"/> in-channel
<b>35S</b>	<b>07W</b>	<b>35</b>		<b>Rogue River</b>	<input checked="" type="checkbox"/> off-channel

This portion to be completed by Oregon Department of Fish and Wildlife (ODFW)	
1) Is the proposed project and AO <sup>1</sup> off channel? (If yes then proceed to #4; if no then proceed to #2)	<input type="checkbox"/> YES <input type="checkbox"/> NO
2) Is the proposed project or AO located where NMF <sup>2</sup> are or were historically present? (If yes then proceed to #3; if no then proceed to #4)	<input type="checkbox"/> YES <input type="checkbox"/> NO
3) If NMF are or were historically present:	
a. Is there an ODFW – approved fish passage plan?	<input type="checkbox"/> YES <input type="checkbox"/> NO
b. Is there an ODFW-approved fish-passage waiver or exemption?	<input type="checkbox"/> YES <input type="checkbox"/> NO
<b>If fish passage is required under ORS 509.580 through .910, then either 3(a) or 3(b) must be "Yes" to move forward with the application. If responses to 3(a) and 3(b) are "No", then the proposed reservoir does not meet the requirements of Oregon Fish Passage Law and shall not be constructed as proposed.</b>	
4) Would the proposed project pose any other significant detrimental impact to an existing fishery resource locally or downstream: <i>Explain below (for example, list STE species or other existing fishery resources that would be impacted negatively.)</i>	<input type="checkbox"/> YES <input type="checkbox"/> NO
<input type="checkbox"/> Any diversion or appropriation of water for storage during the period _____ through _____ poses a significant detrimental impact to existing fishery resources. (For example, if diversion of water for storage during a certain time period would cause a significant detrimental impact to an existing fishery resource, then ODFW should recommend conditions or limitations.) If NMF fish are present at the project site or point of water diversion then the applicant should be advised that a fish screen consistent with screening criteria will be required.	
<input type="checkbox"/> This proposed pond or reservoir contemplates impounding water in the Columbia Basin above Bonneville Dam. ODFW has determined that additional diversions of water in this area pose a significant detrimental impact to existing fishery resources during the period April 15 through September 30.	
If YES, can conditions be applied to mitigate the significant detrimental impact to an existing fishery resource?	
<input type="checkbox"/> YES (Select from Menu of Conditions on next page) <input type="checkbox"/> NO (explain)	

ODFW Signature: \_\_\_\_\_ Printed Name: \_\_\_\_\_

ODFW Title: \_\_\_\_\_ Date: \_\_\_\_\_

Received by OWRD

JUN 30 2025

Salem, OR

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

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

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



Use this menu to identify appropriate conditions to be included in the permit, and indicate the abbreviations on the review form:

**fishpass:** As required by ORS 509.585, a person owning or operating an artificial obstruction (AO) may not construct or maintain any AO across any waters of this state that are inhabited, or historically inhabited, by native migratory fish (NMF) without providing passage for NMF. A person owning or operating an AO shall, prior to construction, fundamental change in permit status or abandonment of the AO in any waters of this state, obtain a determination from ODFW as to whether NMF are or historically have been present in the waters. If ODFW determines that NMF are or historically have been present in the waters, the person owning or operating the AO shall either submit a proposal for fish passage to ODFW or apply for a waiver or exemption. Approval of the proposed fish-passage facility, waiver, or exemption must be obtained from the department prior to construction, permit modification or abandonment of the AO. Approved fish-passage plans, waivers, and exemptions shall maintain adequate passage of NMF at all times (ORS 509.601) as per the approved plan, waiver or exemption.

**fishself:** The permittee shall install, maintain, and operate fish screening and by-pass devices consistent with current Oregon Department of Fish and Wildlife (ODFW) standards. Fish screening is to prevent fish from entering the proposed diversion while by-pass devices provide adequate upstream and downstream passage for fish. The required screen and by-pass devices are to be in place and functional prior to diversion of any water. Permittee shall obtain written approval from ODFW that the installation of the required screen and by-pass devices meets the state’s criteria or the permittee shall submit documentation that ODFW has determined screens and/or by-pass devices are not necessary.

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

**fishdiv33:** If the riparian area is disturbed in the process of developing a point of diversion, the permittee shall be responsible for restoration and enhancement of such riparian area in accordance with ODFW’s Fish and Wildlife Habitat Mitigation Policy OAR 635-415. For purposes of mitigation, the ODFW Fish and Wildlife Habitat Mitigation Goals and Standards, OAR 635-415, shall be followed.

The use may be restricted if the quality of the source stream or downstream waters decrease to the point that those waters no longer meet existing state or federal water quality standards due to reduced flows.

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

**fishmay:** The permittee may be required in the future to install, maintain, and operate fish screening and by-pass devices to prevent fish from entering the proposed diversion and to provide adequate upstream and downstream passage for fish.

b52 Water may be diverted only when Department of Environmental Quality sediment standards are being met.

b5 The water user shall install and maintain adequate treatment facilities meeting current DEQ requirements to remove sediment before returning the water to the stream.

b51a The period of use has been limited to through

b57 Before water use may begin under this permit, a totalizing flow meter must be installed at each diversion point.

b58 Before water use may begin under this permit, a staff gage that measures the entire range and stage between full reservoir level and dead-pool storage must be installed in the reservoir. The staff gage shall be United States Geological Survey style porcelain enamel iron staff gage style A, C, E or I.

Received by OWRD  
JUN 30 2025  
Salem, OR

**futile call:** The use of water allowed herein may be made only at times when waters from the (NAME OF SURFACE WATER) would not otherwise flow into a tributary of the River or sufficient water is available to satisfy all prior rights, including rights for maintaining instream flows.

**riparian:** If the riparian area is disturbed in the process of developing a point of diversion, the permittee shall be responsible for restoration and enhancement of such riparian area in accordance with ODFW’s Fish and Wildlife Habitat Mitigation Policy OAR 635-415. For purposes of mitigation, the ODFW Fish and Wildlife Habitat Mitigation Goals and Standards, OAR 635-415, shall be followed.

**wq:** The use may be restricted if the quality of the source stream or downstream waters decrease to the point that those waters no longer meet existing state or federal water quality standards due to reduced flows.

**fence:** The stream and its adjacent riparian area shall be fenced to exclude livestock.

**blv:** Water must be diverted to a trough or tank through an enclosed water delivery system. The delivery system must be equipped with an automatic shutoff or limiting flow control mechanism or include a means for returning water to the stream source through an enclosed delivery system. The use of water shall not exceed 0.10 cubic feet per second per 1000 head of livestock.

**Oregon Water Resources Department  
Alternate Reservoir Application**

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

For impoundments less than 10 feet in height or storing less than 9.2 acre feet of water.

Today's Date: Saturday, June 28, 2025

Base Application Fee.		\$480.00
Proposed Dam Height in feet.		
Proposed Reservoir volume in Acre Feet.	2	\$82.00
Subtotal:		\$562.00
Permit Recording Fee. ***		\$610.00
*** the Permit Recording Fee is not required when the application is submitted but, must be paid before a permit will be issued. It is fully refundable if a permit is not issued. If the recording fee is not paid prior to issuance of the Final Order, permit issuance will be delayed.	<u>Recalculate</u>	
Estimated cost of Permit Application		\$1,172.00

Received by OWRD  
JUN 30 2025  
Salem, OR



**JOSEPHINE COUNTY OFFICIAL RECORDS**  
 RHIANNON HENKELS, COUNTY CLERK **2018-015686**  
 DED-WRD 12/14/2018 03:36 PM  
 Cnt=1 Pgs=3 Str=4 LBOSS  
 \$15.00 \$11.00 \$10.00 \$60.00 \$5.00 \$101.00  
 I, Rhiannon Henkels, County Clerk, certify that the within document was received and duly recorded in the official records of Josephine County.

*When Recorded With TD*  
 Until a change is requested,  
 all tax statements shall be sent  
 to the following address:  
 Evergreen Properties, Inc  
 12480 South Indian Road  
 Smith River CA 95567

**SPECIAL WARRANTY DEED  
 (OREGON)**

*180114409*

HSBC Bank USA, National Association as Trustee for Merrill Lynch Mortgage Investors, Inc., Mortgage Pass-Through Certificates, MLMBS Series 2007-1 Grantor, conveys and specially warrant(s) to Evergreen Properties, Inc Grantee, the following described real property free of encumbrances created or suffered by the Grantor as specifically set forth herein:

**ALL THAT PORTION OF THE FOLLOWING DESCRIBED PROPERTY LYING EAST OF RIVERBANKS ROAD;**

**BEGINNING AT A POINT 300 FEET SOUTH OF THE NORTH QUARTER CORNER OF SECTION 35, TOWNSHIP 35 SOUTH, RANGE 7 WEST, OF THE WILLAMETTE MERIDIAN, JOSEPHINE COUNTY, OREGON;**

**THENCE SOUTH ALONG THE CENTERLINE OF SAID SECTION 35, A DISTANCE OF 400 FEET;**

**THENCE EAST 2242 FEET, MORE OR LESS, TO ROGUE RIVER; THENCE NORTHERLY ALONG ROGUE RIVER TO A POINT EAST OF THE POINT OF BEGINNING;**

**THENCE WEST 2264 FEET TO THE POINT OF BEGINNING.**

**EXCEPTING THEREFROM: BEGINNING AT THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF SECTION 35, TOWNSHIP 35 SOUTH, RANGE 7 WEST OF THE WILLAMETTE MERIDIAN, JOSEPHINE COUNTY, OREGON;**

**THENCE ALONG THE WEST LINE OF SAID NORTHEAST QUARTER SOUTH 0°09'20" EAST 300.00 FEET;**

**THENCE PARALLEL TO THE NORTH LINE OF THE NORTHEAST QUARTER, NORTH 89°46'31" EAST 1347.54 FEET TO THE TRUE POINT OF BEGINNING WHICH IS ON THE EAST RIGHT OF WAY LINE OF RIVERBANKS ROAD;**

**THENCE ALONG SAID RIGHT OF WAY LINE AROUND A 3071.6 FOOT RADIUS CURVE TO THE RIGHT THE LONG CHORD OF WHICH BEARS SOUTH 6°02'11" EAST 18.78 FEET;**

**THENCE SOUTH 89°02'54" EAST 950.00 FEET MORE OR LESS, TO THE WESTERLY BANK OF THE ROGUE RIVER;**

Received by OWRD  
 JUN 30 2025  
 Salem, OR

**THENCE ALONG SAID BANK NORTHERLY TO A POINT 300.00 FEET SOUTH OF THE NORTH LINE OF SAID NORTHEAST QUARTER;**

**THENCE SOUTH 89°46'31" WEST 950.00 FEET, MORE OR LESS, BACK TO THE TRUE POINT OF BEGINNING.**

**APN: R306290**

**This property is free of all encumbrances created, EXCEPT: N/A**

**The true consideration for this conveyance is Four Hundred and Twenty Nine Thousand, Three hundred and Fifty Dollars (\$429,350.00)**

**The Grantor for itself and for its successors in interest does by these presents expressly limit the covenants of the deed to those herein expressed, and excludes all covenants arising or to arise by statutory or other implication, and does hereby warrant and will defend the title to the property against all persons who may lawfully claim the same by, through or under the Grantor.**

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

220-OR-V1

0068358209 / 8401 RIVERBANKS RD

Received by OWRD

JUN 30 2025

Salem, OR



Dated: 12-11-18

HSBC Bank USA, National Association as Trustee for Merrill Lynch Mortgage Investors, Inc., Mortgage Pass-Through Certificates, MLMBS Series 2007-1 by Wells Fargo Bank, N.A. as attorney in fact

[Signature] 12-11-18  
BY: LINDSAY DORAN  
Its: Vice President, Loan Documentation

[Signature] 12/11/18  
BY: LANCE DRAEGER  
Its: Vice President Loan Documentation

State of Iowa

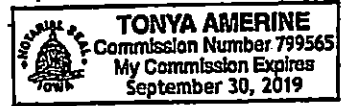
County Dallas

On this 11 day of Dec, A.D., 2018, before me, a Notary Public in and for said county, personally appeared Lindsay Doran, to me personally known, who being by me duly sworn (or affirmed) did say that that person is VPO (title) of said Wells Fargo Bank N.A. as attorney in fact for HSBC Bank USA, National Association as Trustee for Merrill Lynch Mortgage Investors, Inc., Mortgage Pass-Through Certificates, MLMBS Series 2007-1 by authority of its board of (directors or trustees) and the said (officer's name) Lindsay Doran acknowledged the execution of said instrument to be the voluntary act and deed of said (corporation or association) by it voluntarily executed.

[Signature] (Signature)

(Stamp or Seal)

Notary Public



State of Iowa

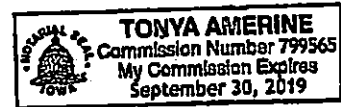
County Dallas

On this 11 day of Dec, A.D., 2018, before me, a Notary Public in and for said county, personally appeared Lance Draeger, to me personally known, who being by me duly sworn (or affirmed) did say that that person is VPO (title) of said Wells Fargo Bank N.A. as attorney in fact for HSBC Bank USA, National Association as Trustee for Merrill Lynch Mortgage Investors, Inc., Mortgage Pass-Through Certificates, MLMBS Series 2007-1 by authority of its board of (directors or trustees) and the said (officer's name) Lance Draeger acknowledged the execution of said instrument to be the voluntary act and deed of said (corporation or association) by it voluntarily executed.

[Signature] (Signature)

(Stamp or Seal)

Notary Public



Received by. OWRD  
JUN 30 2025  
Salem, OR



**Watermaster's Office**

**Scott C. Ceciliani**  
Assistant Watermaster, Dist. 14

700 NW Dimmick  
Grants Pass, OR 97526  
Phone: 541-261-2213  
Scott.C.Ceciliani@oregon.gov

***District 14 – Josephine***

October 31, 2018

Tony Alvarez  
8401 Riverbanks Rd.  
Grants Pass, Oregon

RE: Map Identification: Township 35S, Range 07W, Section 35, Tax Lot 300

To Whom It May Concern:

A water right research was conducted for the above stated parcel(s) per your request. Findings indicate the following water rights of record are pertinent to the tax lot(s) as described in the table below:

Tax Lot	Certificate or Permit	Priority Date	Use	Source
300	Cert 15826	07/09/1947	Irrigation & Domestic	Rogue River
300	Cert 39882	10/28/1967	Irrigation	Rogue River

*Irrigation season is from April 1<sup>st</sup> through November 1<sup>st</sup>.*

Please refer to the attached documents and maps for the place of use of these water rights. This will allow you to compare how the water rights of record overlay the parcel. In order to determine the **exact** location of the water right, you may want to hire a Certified Water Rights Examiner (CWRE) to survey the water right.

Keep in mind, while this office may tell you water rights are attached to a tract of land, we cannot tell you about continued use or non-use of the right. After five successive years of non-use all or part of the right may be subject to forfeiture. Water rights do not grant trespassing on other lands, therefore access to the point of diversion may be necessary.

Once a Permit or Certificate of water rights has been issued, it stays with the land. In order to keep track of ownership, the department requests that when a Permit has been issued that a Request for Assignment Form be submitted and when a Certificate of Water Rights has been issued that an Ownership Update Form be submitted to the department. If there are multiple water rights, a separate form for each right will be required.

Feel free to contact me if you have questions or to set up an appointment to discuss these water rights.

Sincerely,

Scott C. Ceciliani

Assistant Watermaster – District 14

Received by OWRD

JUN 30 2025

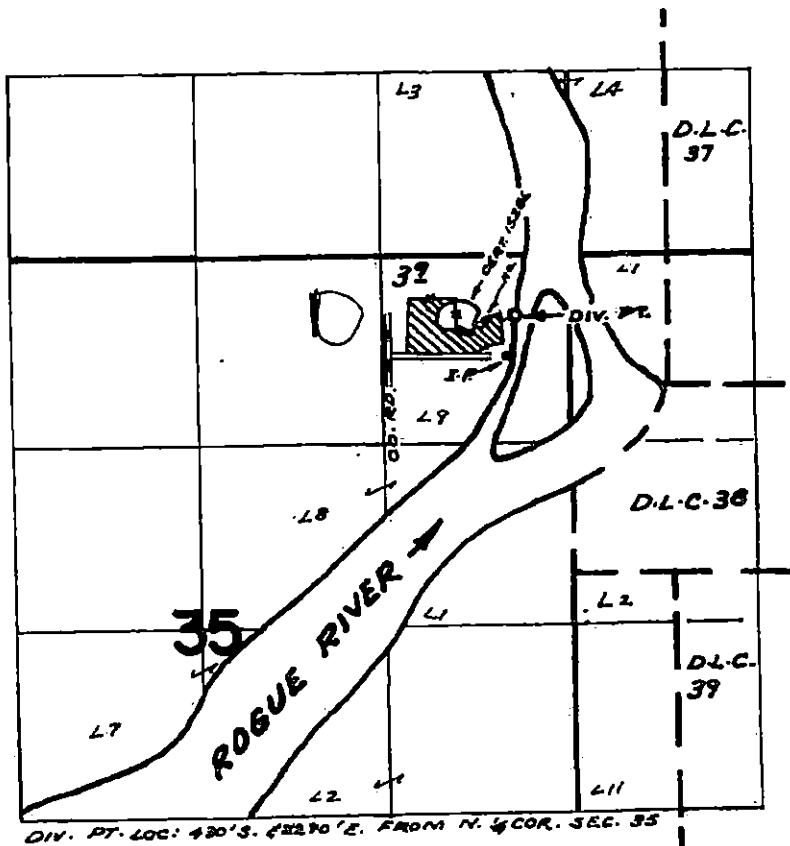
Salem, OR

Enclosures: 35 07 35 TL 300 Tax Map; Cert 39882, Cert 39882 Map; Cert 15826; S\_17844 Map

*Data provided by this office is based on the best and most current information available within our files and data base. The "Official Records" however, reside in the Department's Salem office. For additional information, please contact the Oregon Water Resources Department at 1-503-986-0900*



# T.35S.R.7W.W.M.



## FINAL PROOF SURVEY UNDER

Application No. ~~14353~~ Permit No. ~~32114~~  
IN NAME OF

WESLEY E. & BETTY L. HOKENG

Surveyed APR. 18, 1972, by R. MUCKEN

Received by OWRD

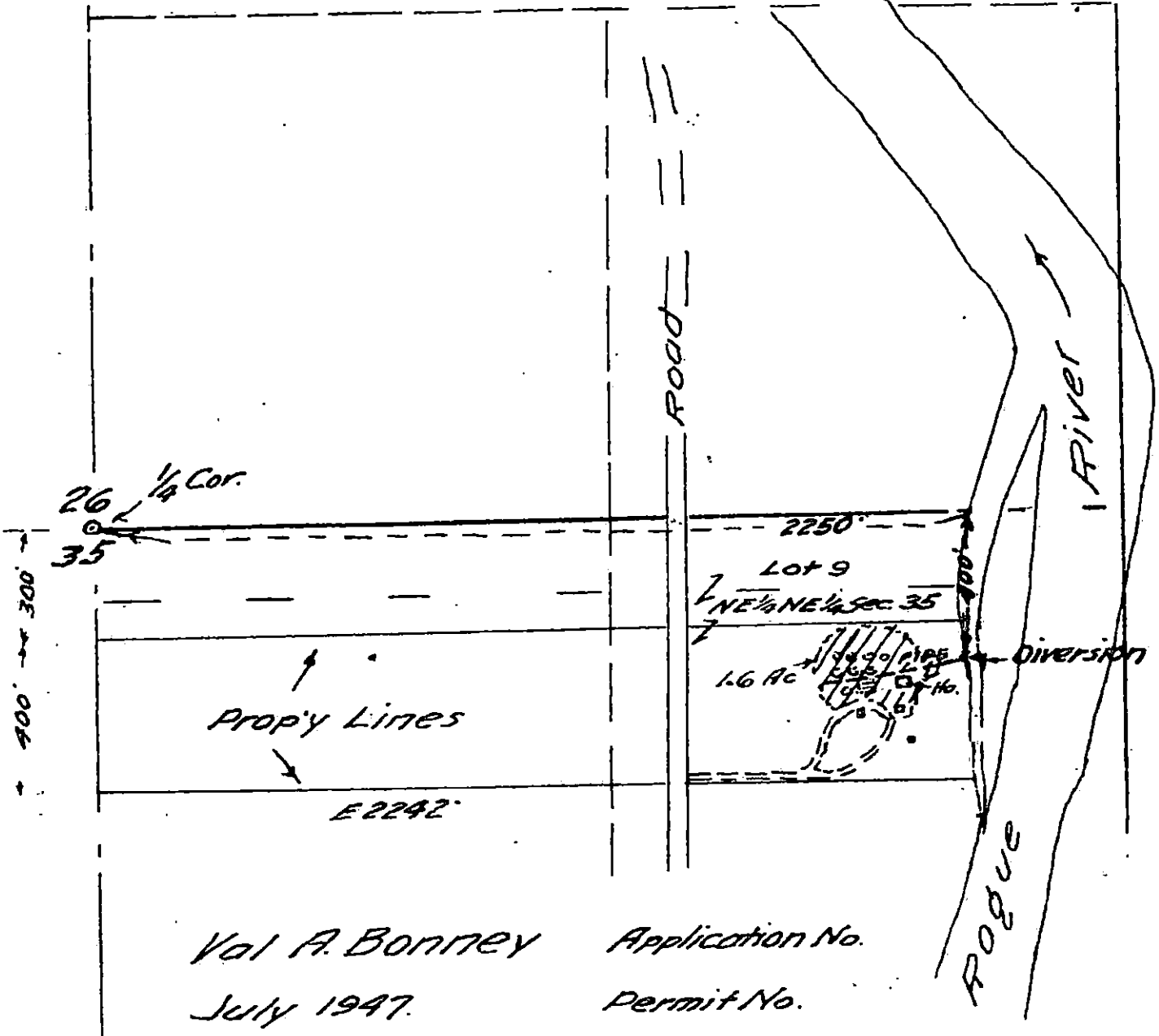
JUN 30 2025

Salem, OR

Permit: S 17844  
Volume: 1  
Strm: ROGUE R  
Trib: PACIFIC OCEAN  
Priority: 7/09/47



T.35 S., R.7 W., W.M.  
Scale 400' = 1"



Received by OWRD

JUN 30 2025

Salem, OR

22690  
1103

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

**This Is to Certify, That WESLEY E. and BETTY : HOXENG**  
97526

of 8401 Riverbanks Road, Grants Pass, State of Oregon, has made proof to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of Rogue River

a tributary of Pacific Ocean for the purpose of irrigation of 3.9 acres

under Permit No. 33114 of the State Engineer, and that said right to the use of said waters has been perfected in accordance with the laws of Oregon; that the priority of the right hereby confirmed dates from December 28, 1967

that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed 0.05 cubic foot per second

or its equivalent in case of rotation, measured at the point of diversion from the stream. The point of diversion is located in the Lot 9 (NE $\frac{1}{4}$  NE $\frac{1}{4}$ ), Section 35, T. 35 S., R. 7 W., W. M.; 430 feet South and 2270 feet East from N $\frac{1}{2}$  Corner, Section 35.

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

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

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

3.9 acres Lot 9 (NE $\frac{1}{4}$  NE $\frac{1}{4}$ )

Section 35

T. 35 S., R. 7 W., W. M.

Received by OWRD

JUN 30 2025

Salem, OR

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

WITNESS the signature of the State Engineer, affixed

this date. February 26, 1974

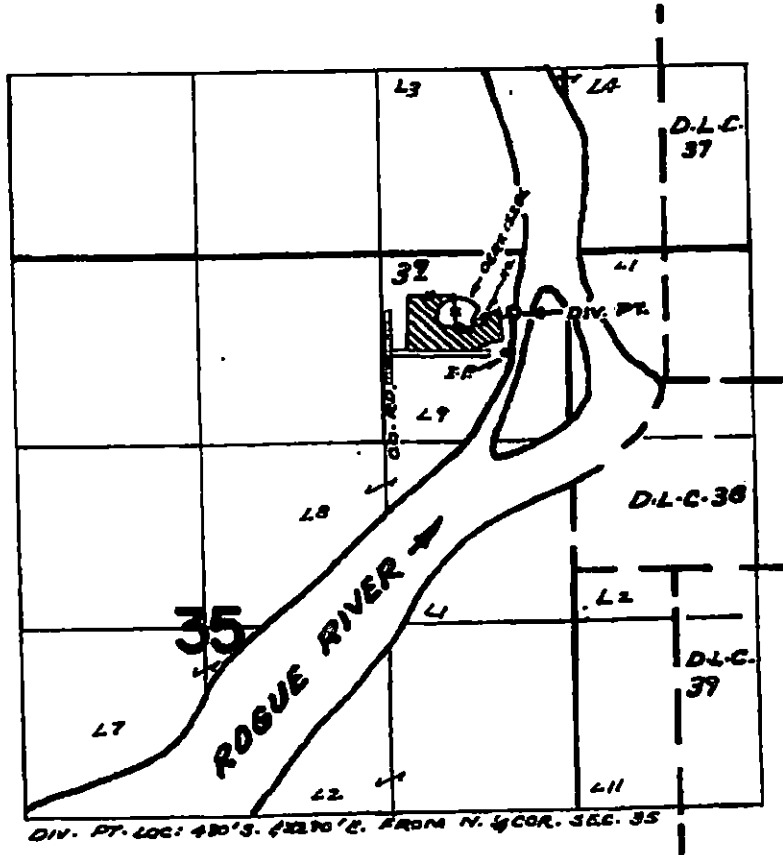
Chris L. Wheeler

State Engineer

Recorded in State Record of Water Right Certificates, Volume 31, page 39882



# T.35S.R.7W.W.M.



## FINAL PROOF SURVEY UNDER

Application No. 44353 Permit No. 32114  
IN NAME OF

WESLEY E. & BETTY L. HOKENG

Surveyed APR. 19, 1972, by R. MUCKEN

Received by OWRD

JUN 30 2025

Salem, OR

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

**This Is to Certify, That** VAL A. BONNEY

of Route 2, Box 513 A, Grants Pass, State of Oregon, has made proof to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of Rogue River a tributary of for the purpose of irrigation and domestic under Permit No. 27844 of the State Engineer, and that said right to the use of said waters has been perfected in accordance with the laws of Oregon; that the priority of the right hereby confirmed dates from July 9, 1947

that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed 0.03 cubic foot per second, being 0.02 c.f.s. for irrigation and 0.01 c.f.s. for domestic.

or its equivalent in case of rotation, measured at the point of diversion from the stream. The point of diversion is located in the Lot 9 (NE $\frac{1}{4}$  NE $\frac{1}{4}$ ), Section 35, Township 35 South, Range 7 West, W. M.

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to ~~one-eighth~~ one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed  $\frac{1}{2}$  acre feet per acre for each acre irrigated during the irrigation season from April 2, to October 31, of each year,

and shall conform to such reasonable rotation system as may be ordered by the proper state officer.  
A description of the place of use under the right hereby confirmed, and to which such right is appurtenant, is as follows:

1.6 acres and domestic in Lot 9 (NE $\frac{1}{4}$  NE $\frac{1}{4}$ )  
Section 35  
T. 35 S., R. 7 W., W. M.

Land on which water is to be used is a part of that more explicitly described by appropriator as follows: Beginning at a point 300 feet South of the North quarter corner of Section 35, in Township 35 South, Range 7 West of the Willamette Meridian in Oregon, thence South along the center line of Section 35, 400 feet; thence East 224.2 feet, more or less, to Rogue River; thence Northerly along Rogue River to a point East of the point of beginning; thence West 226.4 feet to the point of beginning, containing 20 acres, more or less.

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

WITNESS the signature of the State Engineer, affixed  
this 30th day of September, 19 49

CHAS. E. STRICKLIN  
State Engineer

Recorded in State Record of Water Right Certificates, Volume 13, page 15826

Received by OWRD

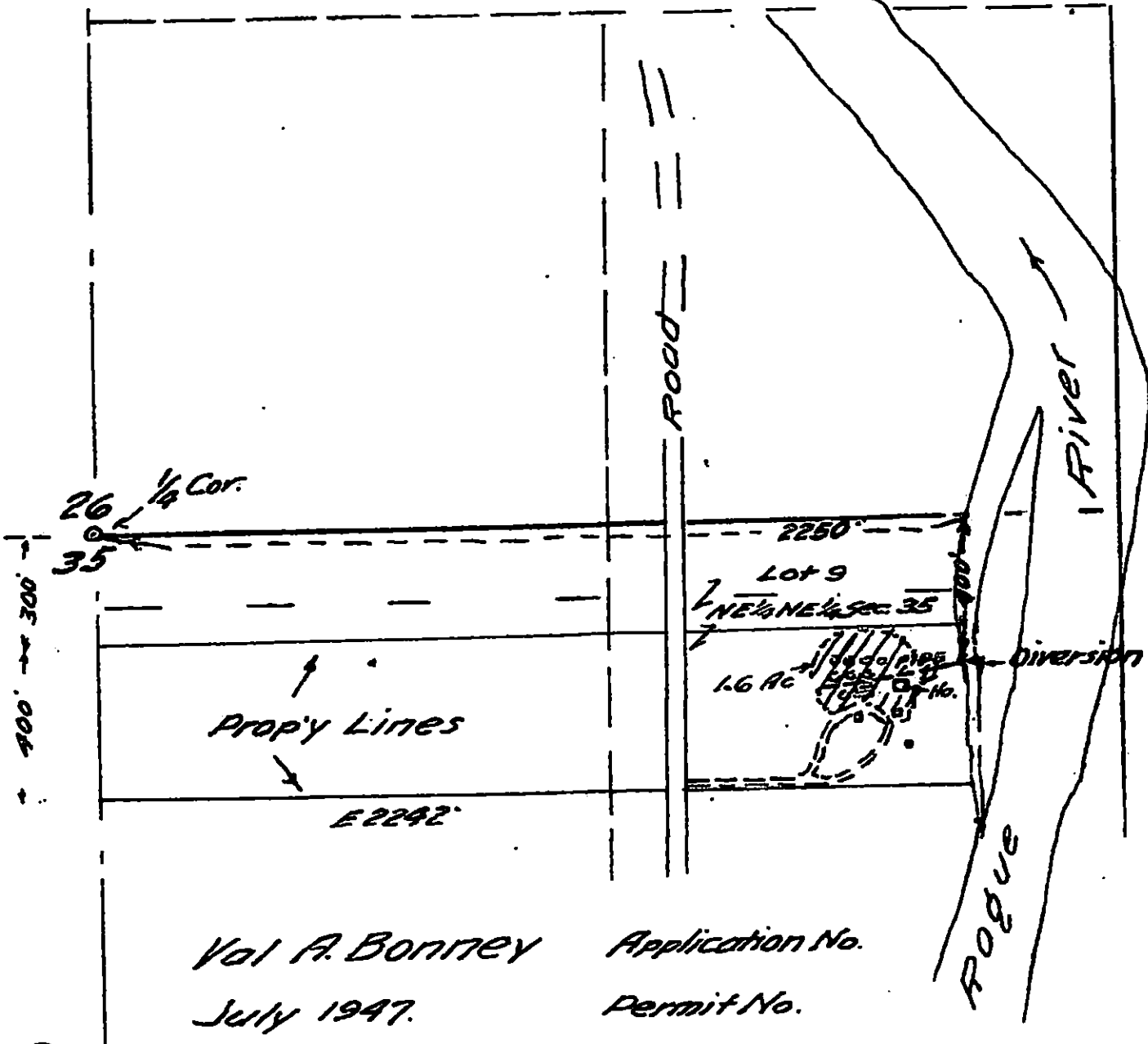
JUN 30 2025

Salem, OR

Permit: S 17844  
Volume: 1  
Strm: ROGUE R  
Trib: PACIFIC OCEAN  
Priority: 7/09/47



T.35 S., R.7 W., W.M.  
Scale 400' = 1"



Received by OWRD

JUN 30 2025

Salem, OR

22690

13433



# Application Completeness Checklist

Applicants are encouraged to use this checklist before submitting a complete application to the Department.

1.  Landowner name, mailing address and telephone number provided
2.  Application signed – All parties noted as applicants must sign the application
3.  Source and tributary listed
4.  Reservoir Location – TRSQQ and tax lot provided
5.  Dam height indicated
6.  Property ownership completed
7.  If applicant does not own all the land, is the affected landowner's name and mailing address listed?
8.  Environmental impact section completed?
9.  **Completed Watermaster review sheet**, signed and dated. *Note: Must be completed within last 12 months.*
  - Will the reservoir injure an existing water right?  YES  NO
  - If YES, can conditions be applied to mitigate injury or is mitigation included?  YES  NO  
*If NO, return the application.*
10.  **Completed ODFW review sheet**, signed and dated. *Note: Must be completed within last 12 months.*
  - Will the reservoir pose a significant detrimental impact to an existing fishery resource?  YES  NO
  - If YES, can conditions be applied to mitigate the impact or is mitigation included?  YES  NO  
*If NO, return the application.*
11.  **Completed Land-Use Form** or receipt signed by the appropriate planning department official enclosed?  
*Note: Does the use on land-use form match the proposed use on the application? Must be completed within the last 12 months.*
12.  **Include a copy of a Legal Description** of all the property involved with this application. A copy of a deed, land sales contract, or title insurance often meets this requirement.
13.  **Acceptable Map**. *Note: Requirements set forth by the Commission.*
  - Reservoir Location – Identifying Township, Range, Section, 1/4 1/4 and Tax Lot number(s)
  - Scale of the Map – Even scale such as 1" = 400', 1" = 1000', or 1" = 1320'
  - Reference public land survey corner shown on map – A tax lot corner is not acceptable unless it is also a public land survey corner.
  - North directional symbol
  - ¼'s clearly identified
  - Reservoir clearly identified
  - Dam location identified, with measured distances from survey corner. If no dam, use coordinates to the center of reservoir.
  - If diverting water from a river or stream to a reservoir located off-channel, include measured distances from survey corner and identify any main canals, ditches, pipelines, or flumes.
14. **Fees:** Are the appropriate fees included? Use this fee calculator to determine the application fees:

[https://apps.wrd.state.or.us/apps/misc/wrd\\_fee\\_calculator/Permit for AltRes.aspx](https://apps.wrd.state.or.us/apps/misc/wrd_fee_calculator/Permit_for_AltRes.aspx)



Received by OWRD

JUN 30 2025

Salem, OR

Date Received (Date Stamp Here)

## OWRD Over-the-Counter Submission Receipt

Applicant Name(s) & Address: Tony Alvarez

PO Box 32, Merlin OR 97532

Transaction Type: Alt Res.

Fees Received: \$ 1172.00

Cash

Check:

Check No. 666

Name(s) on Check: Evergreen Properties

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

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

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

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

Sincerely,

OWRD Customer Service Staff

Submission received by: Conie Lavrien

(Name of OWRD staff)

### Instructions for OWRD staff:

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