

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



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

**A fee of \$345 must accompany this form for permits
with priority dates of July 9, 1987, or later.**

Enter the date the priority date of the permit:

January 10, 2006

A separate form shall be completed for each permit.

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

This form is subject to revision. **Begin each new claim** by checking for a new version of this form at:

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

Go to "Resources for Water Right Examiners (CWRE)" Page

<https://www.oregon.gov/OWRD/programs/WaterRights/COBU/Pages/default.aspx>

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

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

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

If you have questions regarding the completion of this form, please call 503-986-0900.

The Department has a program that allows it to enter into a voluntary agreement with an applicant for expedited services. Under such an agreement, the applicant pays the cost to hire additional staff that would not otherwise be available. This program means a certificate may be issued in about a month. For more information on this program see

<https://www.oregon.gov/OWRD/programs/WaterRights/RA/Pages/default.aspx>

SECTION 1

GENERAL INFORMATION

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1. File Information:

APPLICATION #	PERMIT #	PERMIT AMENDMENT #
S-86487	S-54348	T-

Revised 7/1/2025

2. Property Owner (current owner information):

APPLICANT/BUSINESS NAME Sunstone Water LLC		PHONE NO. 541-279-3178	ADDITIONAL CONTACT NO. 503-329-4643
ADDRESS 250 Taylor Street			
CITY Portland	STATE OR	ZIP 97204	E-MAIL jolson@nwnaturalwater.com

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

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

PERMIT HOLDER OF RECORD Sunstone Water LLC		
ADDRESS 250 Taylor Street		
CITY Portland	STATE OR	ZIP 97204

ADDITIONAL PERMIT HOLDER OF RECORD None		
ADDRESS		
CITY	STATE	ZIP

4. Date of Site Inspection:**5. Person(s) interviewed and description of their association with the project:**

NAME	DATE	ASSOCIATION WITH THE PROJECT
Dan Perkins	September 15, 2025	System Operator

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

OWNER OF RECORD NA		
ADDRESS		
CITY	STATE	ZIP

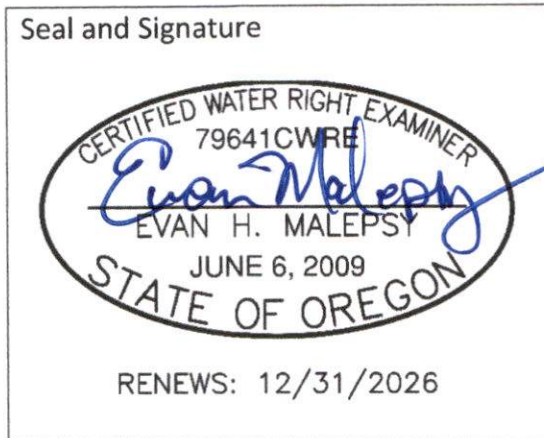
Add additional tables for owners of record as needed

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SECTION 2 SIGNATURES

CWRE Statement, Seal and Signature

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



CWRE NAME Evan Malepsy		PHONE NO. 541-621-2868	ADDITIONAL CONTACT NO. None
ADDRESS 52 Pineridge Lane			
CITY Eagle Point	STATE OR	ZIP 97524	E-MAIL emalepsy@roguecivil.com

Permit Holder(s) of Record Signature or Acknowledgement

Each permit holder of record must sign this form in the space provided below.

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

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SIGNATURE	PRINT OR TYPE NAME	TITLE	DATE
	Jeffrey Olson	General Manager	Oct. 7 2025

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SECTION 3

CLAIM DESCRIPTION

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1. Point of diversion name or number:

POINT OF DIVERSION (POD) NAME OR NUMBER (CORRESPOND TO MAP)
POD 2

2. Point of diversion source and tributary:

POD NAME OR NUMBER	SOURCE	TRIBUTARY
POD 2	Lost Creek Reservoir	Rogue River

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

POD NAME OR NUMBER	USES	IF IRRIGATION, LIST CROP TYPE	SEASON OR MONTHS WHEN WATER WAS USED	ACTUAL RATE OR VOLUME USED (CFS, GPM, OR AF)
POD 2	Quasi- Municipal	NA	Year Round	156 AF (max volume used was in 2019)
Total Quantity of Water Used				156 AF

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

Water from Lost Creek Reservoir is conveyed to POD 2 via the Rogue River. An intake and 75 HP pump are located along the riverbank. Water is pumped from the river to the treatment plant. It is then pumped to a 500,000 gallon storage tank. The water then flows through a system of water mains to the places of use. The places of use are residential homes/apartments along with commercial/industrial uses at a variety of businesses.

Reminder: The map associated with this claim must identify the location of the point(s) of diversion, Donation Land Claims (DLC), Government Lots (GLot), and Quarter-Quarters (QQ).

5. Variations:

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

YES

(e.g. "The permit allowed three points of diversion. The water user only developed one of the points." or "The permit allowed 40.0 acres of irrigation. The water user only developed 10.0 acres.")

The permit allowed 9.0 AF from "Second Pump Station Pond" that was never developed.

6. Claim Summary:

POD NAME OR #	MAXIMUM RATE AUTHORIZED	CALCULATED THEORETICAL RATE BASED ON SYSTEM	AMOUNT OF WATER MEASURED	USE	# OF ACRES ALLOWED	# OF ACRES DEVELOPED
POD 2	100 AF	2.68	None	Quasi- Municipal	NA	NA

SECTION 4

SYSTEM DESCRIPTION

Are there multiple PODs?

NO

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

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

POD 2

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A. Place of Use

1. Is the right for municipal use?

NO

If "YES" the table below may be deleted.

TWP	RNG	MER	SEC	QQ	GLot	DLC	USE	IF IRRIGATION, # PRIMARY ACRES	IF IRRIGATION, # SUPPLEMENTAL ACRES
34S	1W	WM	9	NE/SE			Quasi-Municipal	NA	NA
34S	1W	WM	9	SE/SE			Quasi-Municipal	NA	NA
34S	1W	WM	10	SW/NW			Quasi-Municipal	NA	NA
34S	1W	WM	10	NE/SW			Quasi-Municipal	NA	NA
34S	1W	WM	10	NW/SW	6		Quasi-Municipal	NA	NA
34S	1W	WM	10	SW/SW			Quasi-Municipal	NA	NA
34S	1W	WM	10	SE/SW	5		Quasi-Municipal	NA	NA
34S	1W	WM	15	NE/NW	5		Quasi-Municipal	NA	NA
34S	1W	WM	15	NW/NW			Quasi-Municipal	NA	NA
34S	1W	WM	15	SW/NW	3		Quasi-Municipal	NA	NA
34S	1W	WM	15	SE/NW	4,1		Quasi-Municipal	NA	NA
34S	1W	WM	15	NW/SW	3		Quasi-Municipal	NA	NA
34S	1W	WM	15	SW/SW			Quasi-Municipal	NA	NA
34S	1W	WM	16	NE/NE			Quasi-Municipal	NA	NA
34S	1W	WM	16	NW/NE			Quasi-Municipal	NA	NA
34S	1W	WM	16	SW/NE			Quasi-Municipal	NA	NA
34S	1W	WM	16	SE/NE			Quasi-Municipal	NA	NA
34S	1W	WM	16	NE/NW			Quasi-Municipal	NA	NA
34S	1W	WM	16	SE/NW			Quasi-Municipal	NA	NA
34S	1W	WM	16	NE/SW			Quasi-Municipal	NA	NA
34S	1W	WM	16	SE/SW			Quasi-Municipal	NA	NA
34S	1W	WM	16	NE/SE			Quasi-Municipal	NA	NA
34S	1W	WM	21	NE/NW			Quasi-Municipal	NA	NA
34S	1W	WM	21	SE/NW			Quasi-Municipal	NA	NA
Total Acres Irrigated								NA	NA

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

B. Diversion and Delivery System Information

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

1. Is a pump used?

YES

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

2. Pump Information:

MANUFACTURER	MODEL	SERIAL NUMBER	TYPE (CENTRIFUGAL, TURBINE OR SUBMERSIBLE)	INTAKE SIZE	DISCHARGE SIZE
National Pump Company	12 M 100	1855094	Turbine	10	10

3. Motor Information:

MANUFACTURER	HORSEPOWER
US Electrical Motors	75

4. Theoretical Pump Capacity:

HORSEPOWER	OPERATING PSI	LIFT FROM SOURCE TO PUMP	LIFT FROM PUMP TO PLACE OF USE	TOTAL PUMP OUTPUT (IN CFS)
75	17	10'	144'	2.68

5. Provide pump calculations:

See attached

6. 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 (IN CFS)
NA-Not operating at time of inspection			

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

7. Is the distribution system piped?

YES

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

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8. Mainline Information:

MAINLINE SIZE	LENGTH	TYPE OF PIPE	BURIED OR ABOVE GROUND
16"	10078'	Ductile iron and PVC	Buried
12"	7104'	Ductile iron and PVC	Buried
10"	5171'	PVC	Buried
8"	21457'	PVC	Buried
6"	4271'	PVC	Buried
4"	7635'	PVC	Buried
2"	4158'	PVC	Buried

9. Lateral or Handline Information:

LATERAL OR HANDLINE SIZE	LENGTH	TYPE OF PIPE	BURIED OR ABOVE GROUND
None			

10. Sprinkler Information:

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

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

11. Drip Emitter Information:

SIZE	OPERATING PSI	EMITTER OUTPUT (GPM)	TOTAL NUMBER OF EMITTERS	MAXIMUM NUMBER USED	TOTAL EMITTER OUTPUT (CFS)
NA					

12. Drip Tape Information:

DRIPPER SPACING IN INCHES	GPM PER 100 FEET	TOTAL LENGTH OF TAPE	MAXIMUM LENGTH OF TAPE USED	TOTAL TAPE OUTPUT (CFS)	ADDITIONAL INFORMATION
NA					

13. Pivot Information:

MANUFACTURER	MAXIMUM WETTED RADIUS	OPERATING PSI	TOTAL PIVOT OUTPUT (GPM)	TOTAL PIVOT OUTPUT (CFS)
None				

C. Storage

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

YES

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

If "YES" is it a: Storage Tank

YES

Bulge in System / Reservoir

NO

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

2. Storage Tank:

MATERIAL (CONCRETE, FIBERGLASS, METAL, ETC.)	CAPACITY (IN GALLONS)	ABOVE GROUND OR BURIED
Metal	500,000	Above Ground

3. Bulge in System / Reservoir:

RESERVOIR NAME OR NUMBER (CORRESPOND TO MAP)	APPROXIMATE DAM HEIGHT	APPROXIMATE CAPACITY (IN ACRE FEET)
NA		

D. Gravity Flow Pipe

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

1. Does the system involve a gravity flow pipe?

NO

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

E. Gravity Flow Canal or Ditch

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

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

NO

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

F. Additional notes or comments related to the system:

None

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SECTION 5 CONDITIONS

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

1. Time Limits:

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

	DATE FROM PERMIT	DATE ACCOMPLISHED*	DESCRIPTION OF ACTIONS TAKEN BY WATER USER TO COMPLY WITH THE TIME LIMITS
ISSUANCE DATE	11/2/2006		
BEGIN CONSTRUCTION (A)	None	NA	NA
COMPLETE CONSTRUCTION (B)	10/1/2011 Extended to 10/1/2024	9/30/2024	Intake and pump station installed, Water treatment plant installed, mainlines installed, storage tank installed
COMPLETE APPLICATION OF WATER (C)	10/1/2011 Extended to 10/1/2024	9/30/2024	Water delivered to service area

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

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

YES

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

a. Did the Extension Final Order require the submittal of Progress Reports?

NO

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

3. Measurement Conditions:

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

YES

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

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

b. Has a meter been installed?

YES

c. Meter Information

POD NAME OR #	MANUFACTURER	SERIAL #	CONDITION (WORKING OR NOT)	CURRENT METER READING	DATE INSTALLED
POD 2	Data Industrial	Unknown	Working	86753380	11/2009

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

4. Recording and reporting conditions:

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

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

b. Have the reports been submitted? YES

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

5. Fish Screening:

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

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

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

b. Has the fish screening been installed? YES

c. When was the fish screening installed?

DATE	BY WHOM
11/2006	Shady Cove Waterworks LLC

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

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

- Has the self-certification form previously been submitted to the Department? **NA**

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

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

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

- Has the ODFW approval been previously submitted? **NO**

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

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

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

6. By-pass Devices:

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

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

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

b. Have by-pass devices been installed? **NO**

c. Describe the diversion works as related to whether a by-pass device is installed or unnecessary:

(Provide a letter from ODFW indicating the device is approved or is unnecessary. If there is no letter from ODFW, explain whether or not a by-pass device is necessary.)

DESCRIPTION (E.G. "ODFW HAS APPROVED THE BY-PASS DEVICE" OR "NO BY-PASS DEVICE IS NECESSARY BECAUSE THERE IS A DIRECT DIVERSION FROM THE STREAM VIA A PUMP ON RIVER LEFT STREAM BANK WITH FOOT VALVE DESCENDING DIRECTLY INTO NATURAL POOL.") IN ADDITION, YOU MAY ATTACH PHOTOS TO THIS CLAIM.	IF INSTALLED (DATE)	IF INSTALLED, BY WHOM
No by-pass is necessary per ODFW, see attached letter	NA	NA

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7. Other conditions required by some permits, permit amendment final orders, or extension final orders:

- a. Was the water user required to restore the riparian area if it was disturbed? **NO**
- b. Was a fishway required? **NO**
- c. Was submittal of a water management and conservation plan required? **YES**
- d. Other conditions? **NO**

If "YES" to any of the above, identify the condition and describe the water user's actions to comply with the condition(s) in the box below. If the condition required the approval of a plan, submit documentation that the plan was approved.

A WMCP was required. See attached final order approving the WMCP.

SECTION 6
ATTACHMENTS

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

ATTACHMENT NAME	DESCRIPTION
COBU Map	Claim of Beneficial Use Map
Pump Calculation	Printout of theoretical pump capacity
WMCP FO	Final Order approving the WMCP
ODFW Letter	Oregon Department of Fish and Game Letter

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SECTION 7

CLAIM OF BENEFICIAL USE MAP

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

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

Methods used to prepare map:

- Google Earth Aerial Photos, dated 5/16/2024
- Site visits to verify locations

County GIS information for tax lot locations

Map Checklist

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

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

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

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Pump Capacity Calculation Sheet - POD 2

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 = 75
Efficiency = 7.04
Lift = 154
PSI = 17

Results Calculated

$(hp)(\text{efficiency}) = 528$
Head based on psi = 43.2
Total dynamic head = 197.2
(head + lift)

Pump Capacity = 2.68 feet per second

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Oregon

Tina Kotek, Governor

Water Resources Department

North Mall Office Building

725 Summer St NE, Suite A

Salem, OR 97301

Phone 503 986-0900

Fax 503 986-0904

www.oregon.gov/owrd

April 9, 2024

Shady Cove Water Works, LLC

Attn: Silas Olson

PO Box 699

Newberg, OR 97132

VIA EMAIL: silas@hilandwater.com

Subject: Water Management and Conservation Plan

Dear Silas:

Enclosed; please find the final order approving your Water Management and Conservation Plan and authorizing the diversion of up to **95.6 AF** (*out of the total permitted 109.0 AF*) of water under **Permit S-54348**.

The attached final order specifies that the Shady Cove Water Works, LLC's plan shall remain in effect until **April 11, 2029**. Additionally, Shady Cove Water Works, LLC must submit an updated Water Management and Conservation Plan to the Department by **October 11, 2028**.

NOTE: *The deadline established in the attached final order for submittal of an updated water management and conservation plan (consistent with OAR Chapter 690, Division 086) shall not relieve the Shady Cove Water Works, LLC from any existing or future requirement(s) for submittal of a water management and conservation plan at an earlier date as established through other final orders of the Department.*

We appreciate your cooperation in this effort. Please do not hesitate to contact me at 503-979-9544 or Kerri.H.Cope@water.oregon.gov if you have any questions.

Sincerely,

Kerri Cope

Water Management and Conservation Analyst

Water Right Services Division

Enclosure

cc: WMCP File
Application #S-86478 (Permit #S-54348)
District 13 Watermaster, Shavon Haynes
Rogue Civil, LLC, Attn: Evan Malespy, 52 Pineridge Lane, Eagle Point, OR 97524

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BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON

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In the Matter of the Proposed Water	)	FINAL ORDER APPROVING A WATER
Management and Conservation Plan for	)	MANAGEMENT AND CONSERVATION
Shady Cove Water Works, LLC, Jackson	)	PLAN
County	)	

Authority

OAR Chapter 690, Division 086, establishes the process and criteria for approving water management and conservation plans required under the conditions of permits, permit extensions and other orders of the Department. An approved water management and conservation plan may authorize the diversion and use of water under a permit extended pursuant to OAR Chapter 690, Division 315.

Findings of Fact

1. Shady Cove Water Works, LLC submitted a Water Management and Conservation Plan (plan) to the Water Resources Department (Department) on September 8, 2020. The required statutory fee for review of the plan was received by the Department on September 9, 2020. The plan was required by a condition set forth in the final order issued on January 16, 2015, approving an extension of time for Permit S-54348.
2. The Department published notice of receipt of the plan on September 22, 2020, as required under OAR Chapter 690, Division 086. No comments were received.
3. The Department provided written comments on the plan to Shady Cove Water Works, LLC on October 23, 2020, March 17, 2023, September 20, 2023, and September 27, 2023. In response, Shady Cove Water Works, LLC submitted a revised plans on June 29, 2022, September 18, 2023, September 25, 2023, and a final revised plan on September 29, 2023.
4. The Department reviewed the final revised plan and finds that it contains all of the elements required under OAR 690-086-0125 and OAR 690-086-0130.
5. The projections of future water needs in the final revised plan demonstrate a need for 95.6 AF of water available under Permit S-54348 to help meet overall projected 20-year

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

demands. These projections are reasonable and consistent with Shady Cove Water Works, LLC's land use plan.

6. The system is fully metered, and the rate structure includes a base rate and volumetric charge. Unaccounted-for water is estimated at 3.7 percent.
7. The final revised plan includes 5-year benchmarks for implementation and/or continuation of the following conservation activities: Full metering of the water system; performing annual water audits, maintaining a rate structure based on the amount of water used; maintaining a webpage that provides water conservation information; maintaining a leak detection program; and providing high-efficiency shower heads to customers, free of charge.
8. The final revised plan includes 5-year benchmarks for evaluation, development, and implementation of the following conservation measures:
 - a. Meter Testing and Maintenance
 - i. Within five years of approval of this plan, Shady Cove Water Works, LLC shall institute a program to test all source meters and all meters 2" and larger every five years.
 - b. Technical and Financial Assistance Program
 - i. Within five years, Shady Cove Water Works, LLC shall implement a program to provide free water conservation measures such as faucet aerators and toilet dye tablets.
 - c. Water Reuse, Recycling, and Non-potable Opportunities
 - i. Within five years, Shady Cove Water Works, LLC shall explore opportunities for reuse, recycling, and use of non-potable water to increase conservation of fresh water and shall provide a report on the feasibility of the opportunities in their next plan update.
9. The final revised plan identifies the Lost Creek Reservoir and groundwater as the source of Shady Cove Water Works, LLC's water rights and accurately and completely describes the listed fish species that occur in the Rogue River in the vicinity of Shady Cove's point of diversion. The final plan also accurately and completely identifies the water quality parameters for which the Rogue River has been 303(d) listed by the Oregon Department of Environmental Quality. Shady Cove Water Works groundwater sources are not within a designated critical groundwater area.
10. The water curtailment element included in the plan satisfactorily promotes water curtailment practices and includes a list of four stages of alert with concurrent curtailment actions.

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11. The diversion of water under Permit S-54348 will be increased during the next 20 years and is consistent with OAR 690-086-0130(7), as follows:

- a. As evidenced by the benchmarks described in Findings of Fact #7 and #8, the final revised plan includes a schedule for development of conservation measures that would provide water at a cost that is equal to or lower than the cost of other identified sources of water.
- b. Considering that water savings alone from identified conservation and curtailment measures cannot fully meet Shady Cove Water Works, LLC's water demand projections, access to an increased diversion of water under Permit S-54348 is the most feasible and appropriate alternative to the supplier.
- c. Shady Cove Water Works, LLC is not legally required to provide mitigation or address limitation or restrictions in the development of Permit S-54348.

Conclusion of Law

The Water Management and Conservation Plan submitted by Shady Cove Water Works, LLC is consistent with the criteria in OAR Chapter 690, Division 086.

Now, therefore, it is ORDERED:

Duration of Plan Approval:

1. The Shady Cove Water Works, LLC Water Management and Conservation Plan is approved and shall remain in effect until **April 11, 2029**, unless this approval is rescinded pursuant to OAR 690-086-0920.

Development Limitation:

2. The limitation of the diversion of water under **Permit S-54348** established by the extension of time approved on March 8, 2024, is modified and, subject to other limitations or conditions of the permit, Shady Cove Water Works, LLC is authorized to divert up to **95.6 AF** (out of the total permitted 109.0 AF) under **Permit S-54348**.
3. Failure to meet the conservation benchmarks listed below may result in the reduction of the quantity of water authorized for diversion under **Permit S-54348** during review of Shady Cove Water Works, LLC's next plan update:
 - a. Meter Testing and Maintenance (Finding of Fact #(8a))
 - b. Technical and Financial Assistance Program (Finding of Fact #(8b))
 - c. Water Reuse, Recycling, and Non-potable Opportunities (Finding of Fact #(8c))

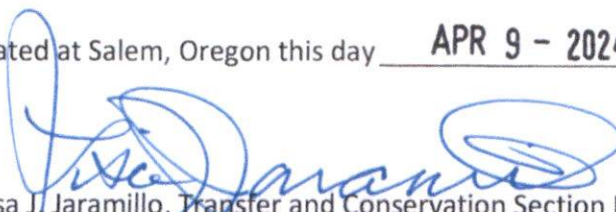
Plan Update Schedule:

4. Shady Cove Water Works, LLC shall submit an updated plan meeting the requirements of OAR Chapter 690, Division 086 (effective December 23, 2018) within **five (5) years** and no later than **October 11, 2028**.

Other Requirements for Plan Submittal:

5. The deadline established herein for the submittal of an updated Water Management and Conservation Plan (consistent with OAR Chapter 690, Division 086) shall not relieve the Shady Cove Water Works, LLC from any existing or future requirement(s) for submittal of a Water Management and Conservation Plan at an earlier date as established through other final orders of the Department.

Dated at Salem, Oregon this day APR 9 - 2024


Lisa J. Jaramillo, Transfer and Conservation Section Manager for
DOUGLAS E. WOODCOCK, ACTING DIRECTOR
Oregon Water Resources

Mailing date: APR 10 2024

Notice Regarding Servicemembers: Active-duty servicemembers have a right to stay proceedings under the federal Servicemembers Civil Relief Act. 50 U.S.C. App. §§501-597b. For more information contact the Oregon State Bar at 800-452-8260, the Oregon Military Department at 971-355-4127, or the nearest United States Armed Forces Legal Assistance Office through <http://legalassistance.law.af.mil>.

Received
OCT 13 2025
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Oregon

Tina Kotek, Governor

Department of Fish and Wildlife

Rogue Watershed District Office

1495 East Gregory Rd.

Central Point, OR 97502

Phone: 541-826-8774

Fax: 541-826-8776

www.odfw.com



October 6, 2025

Sunstone Water, LLC
250 SW Taylor Street
Portland, OR 97204

Dear Mr. Olson,

Regarding OWRD permit S-54348, ODFW has determined the fish screen at the point-of-diversion located at (42.612349, -122.817922) meets current fish protection criteria, and fish bypass devices are not necessary. This approval is contingent on the following: current conditions remain unchanged, screens are installed so effective screen area is submerged during operation, the screen is regularly inspected and maintained to ensure it remains in working order (including debris removal), and the screen is annually inspected when it is not in use. Thank you.

Sincerely,

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

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