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S-89848  
Sunny Valley Sand and Gravel inc.  
Attn: Andreas Blech  
1867 Williams Hwy., Ste. 260  
Grants Pass, OR 97527

# Mailing List for PFO/Draft Permit Copies

Application: S-89848

PFO Date: February 24, 2026

Copies Mailed
By: <u>TM</u> (SUPPORT STAFF)
On: <u>2.24.2026</u> (DATE)

**Original mailed via CERTIFIED MAIL to applicant:**

SUNNY VALLEY SAND AND GRAVEL INC.  
ATTN: ANDREAS BLECH  
1867 WILLIAMS HIGHWAY, SUITE 260  
GRANTS PASS OR 97527

**Sent via auto email:**

1. Applicant – andreas@blech.us
2. Agent – slangford@schwabe.com
3. WRD – Watermaster District #14, Scott C. Ceciliani
4. WRD – Justin Dillon, SWR
5. WRD – SW Section

**Copies sent to:**

1. WRD – File # S-89848
2. Commenter – George Baxter - gandpb2004@yahoo.com
3. Commenter – Raymond Baxter - purplewillys@msn.com
4. Commenter – William Corcoran - wmcocoran@hotmail.com
5. Commenter – Elizabeth Corcoran - wmcocoran@hotmail.com
6. Commenter – Thomas Delk - tomdek50@gmail.com
7. Commenter – Friends of Country Living - friendsofcountryliving@gmail.com
8. Commenter – Diane Getchell - daniegirl@centurylink.net
9. Commenter – Gregg Getchell - gregg.getchell@centurylink.net
10. Commenter – Susan Hembree - susan.hembree@gmail.com
11. Commenter – Jill Henry - harmony\_jill@hotmail.com
12. Commenter – Jody Perry - Litenupjody@aol.com
13. Commenter – Debra Lawwill - coveypoint2011@gmail.com
14. Commenter – Steven Lawwill - triplepeakacres@gmail.com
15. Commenter – William Lorch - bplorch@aol.com

*> same email*

16. Commenter – Andrew Martin - martandr@live.com
  17. Commenter – Steve McNamara - csnamara97@aol.com
  18. Commenter – Carolyn McNamara - csnamara97@aol.com
  19. Commenter – Frances Oyung - frances@rogueriverkeeper.org
  20. Commenter – Georgina Roberts - robertsgeorgina@yahoo.com
  21. Commenter – WaterWatch - lisa@waterwatch.org
- > same email*

Application Specialist: Lucinda Vranizan

**Public Notice Date: February 24, 2026**

**Protest Deadline: April 10, 2026**

**Party Standing Deadline: May 11, 2026**

**PFO automatically becomes FO: May 13, 2026**

**Oregon Water Resources Department  
Water Right Services Division**

Water Right Application S-89848 in the )  
name of SUNNY VALLEY SAND AND GRAVEL ) PROPOSED FINAL ORDER  
INC. )

**Summary:** The Department proposes to issue an order approving Application S-89848 and a permit consistent with the attached draft permit.

*This Proposed Final Order shall become a final order on the date that is 33 days after the close of the time period for submitting a protest with no further action required by the Department unless a timely protest is received or the Proposed Final Order is withdrawn by the Department. ORS 536.077(4) and (5).*

**Authority**

The application is being processed in accordance with Oregon Revised Statute (ORS) 537.147, 537.150 through 537.175, and 390.826, and Oregon Administrative Rule (OAR) Chapter 690, Divisions 5, 33, 300, 310, 400, 410, and the Rogue Basin Program (OAR 690-515). These statutes and rules can be viewed on the following website: [www.oregon.gov/OWRD/programs/policylawandrules/](http://www.oregon.gov/OWRD/programs/policylawandrules/)

The Department's main website can be found at: [www.oregon.gov/OWRD](http://www.oregon.gov/OWRD)

The Department shall presume that a proposed use will not impair or be detrimental to the public interest if:

- a) The proposed use is allowed in the applicable basin program established pursuant to ORS 536.300 and 536.340 or given a preference under ORS 536.310(12);
- b) Water is available;
- c) The proposed use will not injure other water rights; and
- d) The proposed use complies with the rules of the Commission.

ORS 537.153(2); OAR 690-310-0110(1).

All four criteria must be met for a proposed use to be presumed to not impair or be detrimental to the public interest. When the criteria are met and the presumption is established, or if the proposed use can be modified or conditioned to meet the presumption criteria, the Department must further evaluate the proposed use, any comments received, information available in its files or received from other interested agencies and any other available information to determine whether the presumption is overcome. OAR 690-310-0120(3).

If the Department determines that the presumption is established and not overcome, the Department shall issue a Proposed Final Order recommending issuance of the permit subject to any appropriate modifications or conditions.

## FINDINGS OF FACT

### Application History

1. On October 10, 2024, Sunny Valley Sand and Gravel Inc. filed a complete application for a water use permit pursuant to ORS 537.147 for the following water use:

**Source:** RESERVOIR 2, CONSTRUCTED UNDER PERMIT R-15320, TRIBUTARY TO GRAVE CREEK, AND RESERVOIR 4, CONSTRUCTED UNDER PERMIT R-15319, TRIBUTARY TO GRAVE CREEK

**Use:** MINING

**Rate/Volume:** 49.0 ACRE-FEET (AF); BEING 13.0 AF FROM RESERVOIR 2 AND 36.0 AF FROM RESERVOIR 4

**Period of Use:** JANUARY 1 THROUGH DECEMBER 31

**County:** JOSEPHINE COUNTY

**Place of Use:** SECTIONS 7 AND 8, TOWNSHIP 34 SOUTH, RANGE 5 WEST, W.M.

2. The required examination fees were paid, and the minimum application requirements were met.
3. On October 15, 2024, the Department provided public notice of the application in the Department's weekly public notice. A 30-day comment period followed, during which the Department received public comments related to the possible issuance of the attached draft permit.
4. The Department reviewed comments to determine if they identified (a) a specific public interest under ORS 537.170(7) that would be affected by the proposed use and (b) specifically how the identified public interest would be affected and determined that public interest issues have been identified. Pursuant to ORS 537.147(3), the application will be processed as an application under ORS 537.150, and a proposed final order under OAR 690-310-0150 will be issued. ORS 537.147(3); OAR 690-340-0060(9).
5. On December 24, 2024, the Department received a letter from the applicant in response to the public comments received.
6. On February 11, 2026, the Department received an amended application map describing the measured locations of the points of diversion.

### Presumption Criterion (a) Consistency with Basin Program

7. The Department has determined that the proposed use is an authorized use under the water right permit, certificate, or decree that allows the storage of water. ORS 537.153(3)(b); OAR 690-310-0110(1)(a).
8. Pursuant to OAR 690-515-0040(4), any permit that may be issued for this application will be conditioned to require that any effluents or return flows from such uses shall not significantly interfere with recreational, fish life or other beneficial uses of water.

**Presumption Criterion (b) Water Availability**

9. Water is determined to be available for further appropriation from water legally stored under Permit R-15319 and Permit R-15320. ORS 537.153(3)(c); OAR 690-310-0150(2)(c).

**Presumption Criterion (c) Injury Determination**

10. The proposed use, if authorized, will not injure other water rights. ORS 537.153(3)(d); OAR 690-310-0150(2)(e).

**Presumption Criterion (d) Whether the Use Complies with Rules of the Commission**

11. Documentation has been submitted from the relevant land-use planning jurisdiction that indicates an approved land-use decision has been obtained, and that either no administrative appeals were received, or all such appeals have concluded. ORS 537.153(3)(b); OAR 690-310-0150(2)(b).
12. The proposed use is in an area of the state in which OAR 690-033-0310 through -0340 applies. These rules establish definitions, additional procedures, and standards to aid the Department in determining whether a proposed use will impair or be detrimental to the public interest with regard to sensitive, threatened, or endangered fish species.

**OAR 690-033-0310 Statewide Rules**

- A. The proposed use occurs in an area that may affect the habitat of sensitive, threatened or endangered fish species. OAR 690-033-0310(2).
- B. The applicant has been notified that based on a preliminary determination, the proposed use may affect the habitat of sensitive, threatened or endangered fish species and the application may be conditioned or denied. OAR 690-033-0330(1)(a).
- C. The interagency review team has been notified that an application has been received in an area that may affect the habitat of sensitive, threatened or endangered fish species. OAR 690-033-0330(1)(b).
- D. The interagency review team was convened to review the application and recommend conditions as necessary to achieve the standards listed in OAR 690-033-0330(2)(a) and (b). No conditions or limitations have been added to the draft permit as a result of this review.
13. The proposed use is located above the Rogue State Scenic Waterway, as designated under ORS 390.826. The proposed source is stored water authorized under Permit R-15319 and Permit R-15320 and consistency with OAR 690-310-0260 was evaluated under those rights.

**Determination of Presumption that a Proposed Surface Water Use will not Impair or be Detrimental to the Public Interest**

Based on the review of the presumption criteria (a)-(d) above, the presumption has been established. ORS 537.153(2); OAR 690-310-0110(1)(a)-(d).

**Further Evaluation of the Proposed Use**

14. The Department received 20 public comments by the close of the comment period. As noted in Finding of Fact #4, comments were reviewed to determine if they identified (a) a specific public

interest under ORS 537.170(7) that would be affected by the proposed use and (b) specifically how the identified public interest would be affected. Having determined that the comments raised public interest issues, the Department evaluated comments to determine if they demonstrated a preponderance of evidence that the proposed use would impair or be determinantal to the public interest. Comments were reviewed to determine if they demonstrated (a) a specific public interest under ORS 537.170(7) that would be impaired or detrimentally affected and (b) specifically how the identified public interest would be impaired or detrimentally affected. Public comments received for this application are included in the application file. ORS 537.147; ORS 537.153; OAR 690-340-0060(9); OAR 690-310-0110(2).

15. The public comments received generally raised concerns about (1) impacts to fish, wildlife, recreation, residents' health, property values, water quality, and the Rogue Scenic Waterway, (2) outcomes of pending permits from other agencies, and (3) the accuracy of the information provided in the application and the applicability of review under ORS 537.147. Several comments pertained to the permits authorizing the storage of water that are the water source for this application; as these are existing permits, the facts specific to those authorizations are outside the scope of review for this application.
16. The Department evaluated whether the proposed use would impair or be detrimental to the ORS 537.170(7) public interest factors. Each public interest factor is evaluated individually and as raised in comments:

*(a) The conservation of the highest use of the water for all purposes, including irrigation, domestic use, municipal water supply, power development, public recreation, protection of commercial and game fishing and wildlife, fire protection, mining, industrial purposes, navigation, scenic attraction or any other beneficial use to which the water may be applied for which it may have a special value to the public.*

Comments raised related to factor (a) contend that the proposed use does not specifically conserve use for fish, wildlife, recreation, public instream, and domestic uses. The water proposed for use is stored water that has been stored for multiple purpose use. Evidence has not been provided that, if properly conditioned, the proposed use cannot co-exist with other identified uses or will not conserve the highest use of the water for all purposes.

The Department has determined that the proposed use will not impair or be detrimental to public interest based on the consideration of factor (a).

*(b) The maximum economic development of the waters involved.*

The application proposes to use water that would be stored under two existing permits, Permit R-15319 and Permit R-15320, which authorize the storage of water for multiple purpose use. Comments did not present evidence for an alternative use for the stored water that would provide for greater economic development of the waters involved.

The Department has determined that the proposed use will not impair or be detrimental to public interest based on the consideration of factor (b).

- (c) *The control of the waters of this state for all beneficial purposes, including drainage, sanitation and flood control.*

Comments referenced concerns related to the source of water but failed to raise specific concerns for how the proposed use would impair or detrimentally affect this factor. If a permit is issued, it will be, as conditioned, for the beneficial use of water without waste.

The Department has determined that the proposed use will not impair or be detrimental to public interest based on the consideration of factor (c).

- (d) *The amount of waters available for appropriation for beneficial use.*

The proposed water source is from legally stored water appropriated under Permit R-15319 and Permit R-15320 for multiple purpose use. If a permit is issued, only water stored pursuant to Permit R-15319 and Permit R-15320 would be appropriated. Based on rights at the time of the application, the quantity of water requested from each reservoir is available to be appropriated for secondary use.

The Department has determined that the proposed use will not impair or be detrimental to public interest based on the consideration of factor (d).

- (e) *The prevention of wasteful, uneconomic, impracticable or unreasonable use of the waters involved.*

Comments raised issues related to water in general in the area surrounding the proposed place of use but did not specifically raise issues related to this proposed use. Further, the draft permit is conditioned such that wasteful, uneconomic, impracticable or unreasonable use of the waters involved is prevented. The proposed use, as conditioned in the attached draft permit, will require conservation measures and reasonable use of the water. In addition, the attached draft permit requires the applicant to measure and report the volume of water stored and used.

The Department has determined that the proposed use will not impair or be detrimental to public interest based on the consideration of factor (e).

- (f) *All vested and inchoate rights to the waters of this state or to the use of the waters of this state, and the means necessary to protect such rights.*

Comments focused on whether vested and inchoate rights would be protected during the storage of water pursuant to Permit R-15319 and Permit R-15320 rather than under this proposed use. The proposed use would appropriate stored water and does not include any new diversions of water. Further, all vested water rights are protected by their respective priority dates, the prior appropriation system, and the Department's regulatory procedures.

The Department has determined that the proposed use will not impair or be detrimental to public interest based on the consideration of factor (f).

(g) *The state water resources policy formulated under ORS 536.295 to 536.350 and 537.505 to 537.534.*

The proposed use is consistent with state water resources policy formulated under ORS 536.295 to 536.350, which governs classification of the waters in the state's basins. ORS 537.505 to 537.534 govern the appropriation of groundwater and are not applicable to this application.

The Department has determined that the proposed use will not impair or be detrimental to public interest based on the consideration of factor (g).

17. The Department therefore, based on an evaluation of comments as they relate to the public interest factors under ORS 537.170(7), concludes that the proposed use will not impair or be detrimental to the public interest, and the presumption is not overcome. ORS 537.153(2); OAR 690-310-0120(3)(a).
18. Information available in Department files, received from other interested agencies, and other available information does not provide a preponderance of evidence that the presumption is overcome. ORS 537.153(2); OAR 690-310-0120(3)(a); OAR 690-310-0150(2)(i).

#### **Other Criteria and Requirements**

19. The amount of water requested, 49.0 AF, is necessary for the proposed use. ORS 537.153(3)(c); OAR 690-310-0150(2)(d).
20. The applicant proposed measures to prevent waste, measure the amount of water diverted, prevent damage to aquatic life and riparian habitat, prevent discharge of contaminated water to a surface stream and to prevent damage to public uses of any affected surface waters. These measures are included in Sections 6 and 7 of the application. OAR 690-310-0150(2)(j).
21. The proposed use complies with rules of the Water Resources Commission not otherwise described above.

#### **CONCLUSIONS OF LAW**

1. The proposed use would not impair or be detrimental to the public interest as described in ORS 537.153(2).

NOTE: When issuing permits, ORS 537.170(3) authorizes the Department to include provisions or restrictions concerning the use, control and management of water to be appropriated for the project.

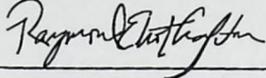
#### **PROPOSED ORDER**

The Department recommends approval of Application S-89848 and issuance of a permit consistent with the attached draft permit.

**Pursuant to ORS 536.077(4) and (5), if no protest of this Proposed Final Order is received by the Department on or before April 10, 2026, and the Department does not withdraw this Proposed Final**

Order on or before May 13, 2026, this Proposed Final Order is a final order without any further action by the Department on May 13, 2026.

DATED February 24, 2026



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Raymond Eliot Crafton  
Water Rights Section Manager, for  
Ivan Gall, Director  
Oregon Water Resources Department

If no protest of this Proposed Final Order is received by April 10, 2026, this Proposed Final Order will become a final order on May 13, 2026, without any further action by the Department. ORS 536.077(4). However, no later than May 13, 2026, the Department may withdraw this Proposed Final Order for reconsideration and issuance of a superseding proposed final order. ORS 536.077(5).

### Protests and Requests for Party Status

The following sections explain how to: (1) file a protest in opposition to this Proposed Final Order to request a contested case hearing on this Proposed Final Order; and (2) file a request for party status to request to participate in any contested case proceeding in support of this Proposed Final Order.

**Protests:** Under the provisions of ORS 537.153(6) and ORS 536.077(1) (for surface water) or ORS 537.621(6) and ORS 536.077(1) (for groundwater), any person may protest this Proposed Final Order. Protests must be mailed or hand delivered to the Oregon Water Resources Department at the following address: 725 Summer Street NE, Suite A, Salem, OR 97301. If you wish to submit a protest by U.S. mail, please consider mailing early to ensure the Department receives the protest by the deadline specified. Protests must be received by the Water Resources Department no later than **April 10, 2026**.

#### **Protests must meet the following requirements:**

- Be in writing;
- Include the protestant's name, address, and telephone number;
- Include a description of the protestant's interest in the Proposed Final Order, and, if the protestant claims to represent the public interest, a precise statement of the public interest represented;
- Include a detailed description of how the action proposed in the Proposed Final Order would impair or be detrimental to the protestant's interest and/or the claimed public interest;
- Identify which of the Proposed Final Order's recommended findings of fact, conclusions of law or conditions of approval the protestant objects to;
- Raise all reasonably ascertainable issues and include all reasonable available arguments that support the protestant's position, which may include arguments related to the public interest presumption factors under ORS 537.153(2) and the public interest factors under ORS 537.170(7);
- Include any citation of legal authority to support the protest, if known;
- Explain how the issues raised in the protest are within the Department's jurisdiction;
- If the protestant is the applicant, include a protest fee of \$720 required by ORS 536.050; and
- If the protestant is not the applicant, include a protest fee of \$1,425 required by ORS 536.050.

If a timely protest is filed, after the protest period has ended, the Director will: (1) issue a final order if the applicant has not filed a protest and the Director finds that there are no significant issues related to the proposed use of water; (2) schedule a contested case hearing if a protest has been submitted; or (3) provide any person who timely submitted a protest or request for party status with an estimate of the timing of referring the case to the Office of Administrative Hearings for a contested case hearing.

**Requests for Party Status:** Under the provisions of ORS 537.153(6) and ORS 536.077(2) (for surface water) or ORS 537.621(6) and ORS 536.077(2) (for groundwater), if this Proposed Final Order is protested, any person who supports this Proposed Final Order may file a request for party status to request to participate in any contested case proceeding on the Proposed Final Order or for judicial review of a final order resulting from the Proposed Final Order. Requests for party status must be mailed or hand delivered to the Oregon Water Resources Department at the following address: 725 Summer Street NE, Suite A, Salem, OR 97301. If you wish to submit a request for party status by U.S. mail, please consider mailing early to ensure the Department receives the request by the deadline specified. Requests for party status must be received by the Water Resources Department no later than **May 11, 2026**.

**Requests for party status must be in writing and include the following:**

- Names and addresses of the requester and any organization the requester represents;
- Name and address of the requester's attorney, if any;
- A statement of whether the request is for participation as a party or a limited party, and, if as a limited party, the precise area or areas in which participation is sought;
- If the requester seeks to protect a personal interest in the outcome of any contested case hearing on the Proposed Final Order, a detailed statement of the requester's interest, economic or otherwise, and how such interest may be affected by the results of the hearing;
- If the requester seeks to represent a public interest in the results of any contested case hearing on the Proposed Final Order, a detailed statement of such public interest, the manner in which such public interest will be affected by the results of the hearing, and the requester's qualifications to represent such public interest;
- A statement of the reasons why existing parties to the proceeding cannot adequately represent the private and/or public interest(s) the requester seeks to represent; and
- The request for party status fee of \$1,425 required by ORS 536.077(2)(b)(C) and ORS 536.050.

After the deadline for requests for party status, the Department will provide copies of any timely requests for party status, accept responses to requests for party status, and consider and rule on timely requests for party status as provided in OAR 137-003-0535.

**Additional Notices**

**Notice of the circumstances under which this Proposed Final Order will become a final order:** If no protest of this Proposed Final Order is timely received and the Department does not withdraw this Proposed Final Order for reconsideration within 33 days after the close of the period for submitting a protest, this Proposed Final Order will become a final order on the date that is 33 days after the close of the period for submitting a protest, with no further action required by the Department. If a protest or protests are timely received, but later: (1) all timely-filed protests are withdrawn and the withdrawals are not based on a settlement agreement requiring changes to this Proposed Final Order; (2) all protestants fail to appear at a scheduled hearing; or (3) all protestants notify the Department or the administrative law judge that the protestants will not appear at a scheduled hearing, the protestants will have waived any right to a hearing, and the Department or the administrative law judge will issue an order dismissing the protests and notifying the parties that this Proposed Final Order has become a final order. OAR 137-003-0672. The Department designates the relevant portions of its file on this matter, including all materials that you have submitted relating to this matter, as the record for the purpose of proving a prima facie case upon default. OAR 137-003-0672.

**Notice of right to be represented by an attorney:** You may be represented by an attorney at any contested case hearing on this Proposed Final Order. Legal aid organizations may be able to assist a party with limited financial resources. Generally, partnerships, corporations, associations, governmental subdivisions or public or private organizations are represented by an attorney. However, consistent with OAR 690-002-0020 and OAR 137-003-0555, an “authorized representative” as defined at OAR 137-003-0555(1)(b) may represent a partnership, corporation, association, governmental subdivision or public or private organization if the Department determines that appearance of a person by an authorized representative will not hinder the orderly and timely development of the record in this case.

**Notice to active duty servicemembers:** Active-duty service members have a right to stay proceedings under the federal Service Members 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 971-453-1175, or the nearest United States Armed Forces Legal Assistance Office through <http://legalassistance.law.af.mil>.

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- If you have any questions about statements contained in this document, please contact Lucinda Vranizan at [Lucinda.R.Vranizan@water.oregon.gov](mailto:Lucinda.R.Vranizan@water.oregon.gov) or 971-375-2256.
  - If you have questions about how to file a protest or a request for party status, or if you have previously filed a protest or a request for party status and you want to know the status, please contact Will Davidson at [Will.D.Davidson@water.oregon.gov](mailto:Will.D.Davidson@water.oregon.gov) or 503-507-2749.
  - If you have any questions about the Department or any of its programs, please contact our Water Resources Customer Service Group at 503-986-0900.
  - Address any correspondence to: Water Right Services Division  
725 Summer St NE, Suite A  
Salem, OR 97301-1266
-

**DRAFT**

**This is not a permit.**

**DRAFT**

STATE OF OREGON

COUNTY OF JOSEPHINE

**DRAFT PERMIT TO APPROPRIATE THE PUBLIC WATERS**

THIS DRAFT PERMIT IS HEREBY ISSUED TO

SUNNY VALLEY SAND AND GRAVEL INC.  
1867 WILLIAMS HWY, SUITE 260  
GRANTS PASS OR 97527

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

APPLICATION FILE NUMBER: S-89848

SOURCE OF WATER: RESERVOIR 2, CONSTRUCTED UNDER PERMIT R-15320, TRIBUTARY TO GRAVE CREEK, AND RESERVOIR 4, CONSTRUCTED UNDER PERMIT R-15319, TRIBUTARY TO GRAVE CREEK

PURPOSE OR USE: MINING

MAXIMUM VOLUME: 49.0 ACRE-FEET (AF); BEING 13.0 AF FROM RESERVOIR 2 AND 36.0 AF FROM RESERVOIR 4

PERIOD OF USE: JANUARY 1 THROUGH DECEMBER 31

DATE OF PRIORITY: OCTOBER 10, 2024

**AUTHORIZED POINTS OF DIVERSION:**

POD Name	Twp	Rng	Mer	Sec	Q-Q	Measured Distances
RESERVOIR 2	34 S	5 W	WM	8	SE SW	1235 FEET NORTH AND 1525 FEET EAST FROM SW CORNER, SECTION 8
RESERVOIR 4	34 S	5 W	WM	8	SW SW	775 FEET NORTH AND 125 FEET EAST FROM SW CORNER, SECTION 8

**AUTHORIZED PLACE OF USE:**

Twp	Rng	Mer	Sec	Q-Q
34 S	5 W	WM	7	NE SE
34 S	5 W	WM	7	SE SE
34 S	5 W	WM	8	NE SW
34 S	5 W	WM	8	NW SW
34 S	5 W	WM	8	SW SW
34 S	5 W	WM	8	SE SW
34 S	5 W	WM	8	NW SE

## PERMIT SPECIFIC CONDITIONS

1. Failure to comply with any of the provisions of this permit may result in action including, but not limited to, restrictions on the use, civil penalties, or cancellation of the permit.
2. **Water Use Measurement, Recording, and Reporting:**
  - A. 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 shall be installed in Reservoir 2 and Reservoir 4. If no dead-pool, the gage must measure the full depth of the reservoir. The watermaster may determine an alternate measuring device is suitable. The permittee shall maintain the device in good working order.
  - B. Before water use may begin under this permit, the permittee shall install a totalizing flow meter, or other suitable measuring device as determined by the watermaster, at each point of diversion. The permittee shall maintain the device in good working order.
  - C. The permittee shall allow the watermaster access to the device; provided however, where any device is located within a private structure, the watermaster shall request access upon reasonable notice.
  - D. The permittee shall keep a complete record of reservoir level measurements, as recorded on the first day of each month, and shall submit a report which includes the recorded monthly reservoir level measurements to the Department annually, or more frequently as may be required by the Director.
  - E. The permittee shall keep a complete record of the volume of water diverted each month, and shall submit a report which includes water-use measurements to the Department annually, or more frequently as may be required by the Director.
  - F. The Director may provide an opportunity for the permittee to submit alternative measuring and reporting procedures for review and approval. Further, the Director may require the permittee to report general water-use information, including the place and nature of use of water under the permit.

### 3. Fish Screen/Passage:

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

#### 4. Water Quality:

- A. Any effluents or return flows from the use authorized under this right shall not significantly interfere with recreational, fish life or other beneficial uses of water.
- B. 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. Permittee is responsible for obtaining any necessary state and federal permits.

#### STANDARD CONDITIONS

1. Where two or more water users agree among themselves as to the manner of rotation in the use of water and such agreement is placed in writing and filed by such water users with the watermaster, and such rotation system does not infringe upon such prior rights of any water user not a party to such rotation plan, the watermaster shall distribute the water according to such agreement.
2. This permit is for the beneficial use of water without waste. The water user is advised that new regulations may require the use of best practical technologies or conservation practices to achieve this end.
3. By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.
4. The use of water allowed herein may be made only at times when sufficient water is available to satisfy all prior rights, including prior rights for maintaining instream flows.

#### DEVELOPMENT AND COMPLETION TIMELINE REQUIREMENTS

1. Construction of the water system shall begin within five years of the date of permit issuance. The deadline to begin construction may not be extended. This permit is subject to cancellation proceedings if the begin construction deadline is missed.
2. Complete application of the water shall be made within five years of the date of permit issuance. If beneficial use of permitted water has not been made before this date, the permittee may submit an application for extension of time, which may be approved based upon the merit of the application.

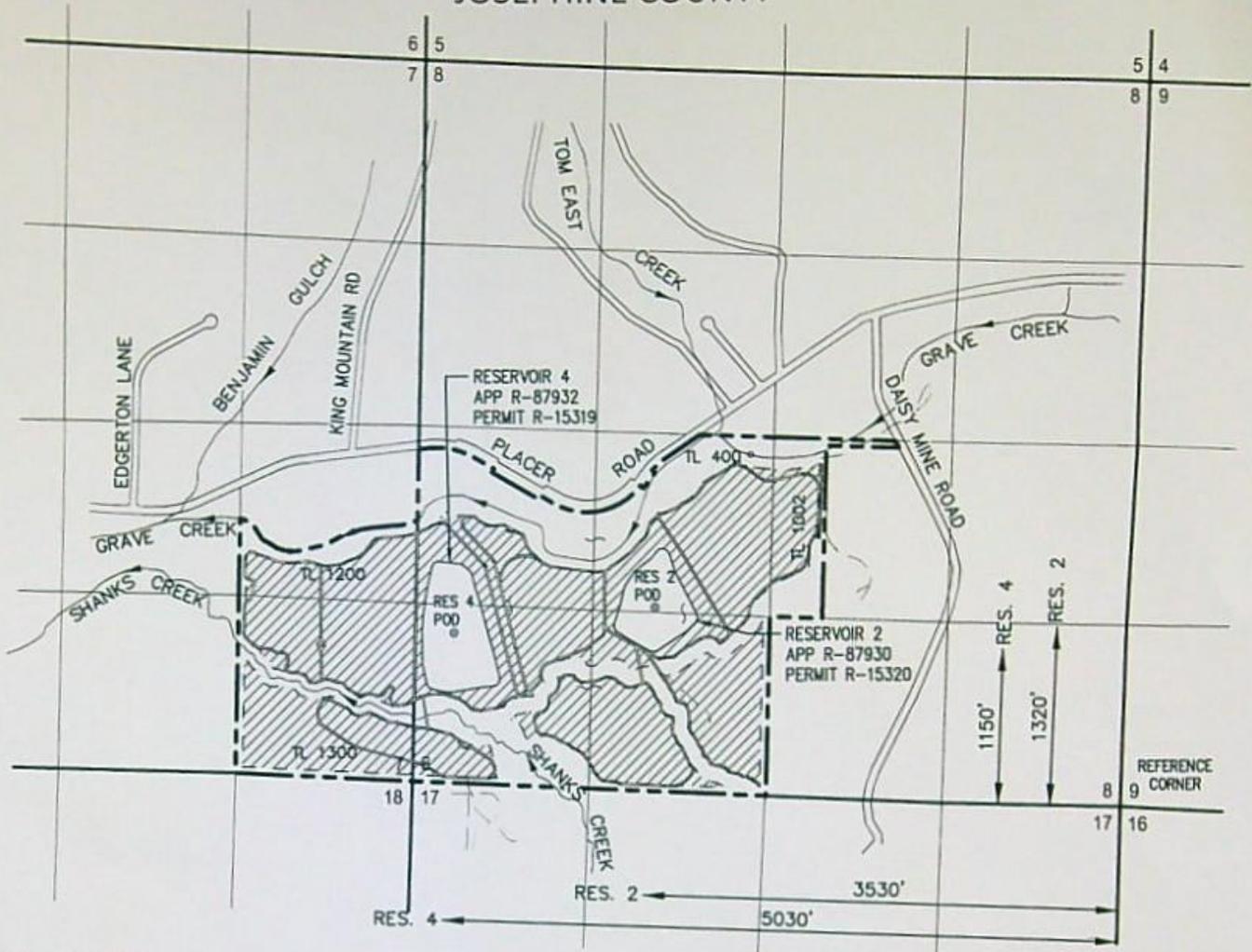
3. Within one year after making complete application of water, the permittee shall submit a claim of beneficial use, which includes a map and report, prepared by a Certified Water Rights Examiner.

ISSUED \_\_\_\_\_

**DRAFT – NOT A PERMIT**

Raymond Eliot Crafton  
Water Rights Section Manager, for  
Ivan Gall, Director  
Oregon Water Resources Department

SECTIONS 7 & 8, T34S, R5W, W.M.  
JOSEPHINE COUNTY



**EXPLANATION**

- POINT OF DIVERSION (POD)
- SECTION LINE
- - - PROPERTY LINE
- CREEK OR INTERMITTENT STREAM
- ==== PAVED ROAD
- GRAVEL ROAD
- - - UNPAVED ROAD
- ▨ PROPOSED MINING PLACE OF USE

**NOTE:**

THE LOCATION OF THE POINT OF DIVERSION (POD) IN EACH RESERVOIR IS EXPECTED TO CHANGE AS MINING OCCURS, THEREFORE, WE ARE REQUESTING THE POD LOCATION FOR EACH RESERVOIR BE DESCRIBED AS BEING WITHIN THE RESERVOIR. THE SPECIFIC POD IS AN EXAMPLE OF A TYPICAL POD FOR PUMPING WATER FROM ANYWHERE WITHIN THE RESERVOIRS.

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Salem, OR

SEPTEMBER 27, 2024

THIS MAP IS NOT INTENDED TO PROVIDE LEGAL DIMENSIONS OR LOCATIONS OF PROPERTY OWNERSHIP LINES



SCALE: 1 INCH = 1320 FEET

**SKOOKUM**  
WATER ASSOCIATES INC

1626 VICTORIAN WAY  
EUGENE, OR 97401  
(503) 319-8926

Sunny Valley Sand and Gravel Inc.  
Application for a Secondary Use Permit  
Westlake Consultants, Inc.

# Application for a Permit to Use Surface Water



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

## SECTION 1: APPLICANT INFORMATION AND SIGNATURE

### Applicant

NAME SUNNY VALLEY SAND AND GRAVEL INC. ATTN: ANDREAS BLECH			PHONE (HM)
PHONE (WK) (541) <del>244-2644</del> 541-226-8784	CELL		FAX
MAILING ADDRESS 1867 WILLIAMS HIGHWAY, SUITE 260			
CITY GRANTS PASS	STATE OR	ZIP 97527	E-MAIL * ANDREAS@BLECH.US

### Organization

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

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

AGENT / BUSINESS NAME SHONEE LANGFORD SCHWABE, WILLIAMSON & WYATT		PHONE (503) 540-4261	FAX
MAILING ADDRESS 530 CENTER STREET NE, SUITE 730			CELL
CITY SALEM	STATE OR	ZIP 97301	E-MAIL * SLANGFORD@SCHWABE.COM

Note: Attach multiple copies as needed

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

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By my signature below I confirm that I understand:

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



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

	Andreas Blech, President	9-30-24
Applicant Signature	Print Name and Title if applicable	Date
Applicant Signature	Print Name and Title if applicable	Date

For Department Use: App. Number: \_\_\_\_\_

## SECTION 2: PROPERTY OWNERSHIP

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

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

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

NA

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

## SECTION 3: SOURCE OF WATER

### A. Proposed Source of Water

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

Source 1: Reservoir 2	Tributary to: Grave Creek
TRSQQ of POD: T34S, R5W, Section 8, SE SW	
Source 2: Reservoir 4	Tributary to: Grave Creek
TRSQQ of POD: T34S, R5W, Section 7, SE SE	

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

Reservoir 2: Application R-87930, Permit R-15320

Reservoir 4: Application R-87932, Permit R-15319

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**B. Applications to Use Stored Water**

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

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

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

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

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

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

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

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

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

If you need help to determine in which area the proposed POD is located, please call the customer service desk at (503) 986-0900.

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

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

- Yes     No

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

If yes,

- I understand that the proposed use does not involve appropriation of direct streamflow during the time period April 15 to September 30, except as provided in OAR 690-033-0140.
- I understand that I will install, operate and maintain a fish screen and fish passage as listed in ORS 498.301 through 498.346, and 509.580 through 509.910, to the specifications and extent required by Oregon Department of Fish and Wildlife, prior to diversion of water under any permit issued pursuant to this application.
- I understand that the Oregon Department of Environmental Quality will review my application to determine if the proposed use complies with existing state and federal water quality standards.
- I understand that I will install and maintain water use measurement and recording devices as required by the Water Resources Department, and comply with recording and reporting permit condition requirements.

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

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

Yes  No

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

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

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

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

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

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

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

Yes  No

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

## SECTION 5: WATER USE

Provide the amount of water you propose to use from each source, for each use, in cubic feet-per-second (cfs) or gallons-per-minute (gpm). If the proposed use is from storage, provide the amount in acre-feet (af):  
*(1 cfs equals 448.8 gpm. 1 acre-foot equals 325,851 gallons or 43,560 cubic feet)*

SOURCE	USE	PERIOD OF USE	AMOUNT
Reservoir 2	Mining	Year-Round	13 <input type="checkbox"/> cfs <input type="checkbox"/> gpm <input checked="" type="checkbox"/> af
Reservoir 4	Mining	Year-Round	36 <input type="checkbox"/> cfs <input type="checkbox"/> gpm <input checked="" type="checkbox"/> af

Please indicate the number of primary, supplemental and/or nursery acres to be irrigated.

Primary: NA Acres                      Supplemental: NA Acres                      Nursery Use: NA Acres

If supplemental acres are listed, provide the Permit or Certificate number of the underlying primary water right(s): NA

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

- If the use is **municipal or quasi-municipal**, attach **Form M**
- If the use is **domestic**, indicate the number of households:
- If the use is **mining**, describe what is being mined and the method(s) of extraction: **Aggregate** (primarily sand and gravel) will be mined from open excavations under an Oregon Department of Geology and Mineral Industries (DOGAMI) Permit

## SECTION 6: WATER MANAGEMENT

### A. Diversion and Conveyance

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

- Pump (give horsepower and type): Centrifugal pumps ranging from 10 to 100 hp.  
 Other means (describe):

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

Reservoirs 2 and 4 have been constructed in general accordance with Permit R-15319 (Application R-879320) and Permit R-15320 (Application R-87932). In addition, the District 14 Watermaster, Scott Ceciliani, inspected the completed reservoirs before the impoundments were filled with water.

Water will be diverted from the reservoirs using portable centrifugal pumps placed on floats and/or on the reservoir embankments. The PODs for the pumps in the reservoirs will change as mining occur; this a common practice at aggregate mines because the mining areas and processing equipment locations change as excavation occurs. The pump locations in and at the reservoirs will be apparent to Department staff during any inspections because the reservoirs are limited in area.

Water will be conveyed using above-ground pipelines and water trucks.

### B. Application Method

For Department Use: App. Number: \_\_\_\_\_

What equipment and method of application will be used? (e.g., drip, wheel line, high-pressure sprinkler) Spray bars will be used for processing the aggregate at the wash plant. Water trucks will be used for dust control on roadways. Handlines and nozzles connected to the conveyance system piping also will be used for dust control and general site cleanup.

### C. Conservation

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

The amount of water requested under this application was authorized for storage under Permit R-15319 (Application R-879320) and Permit R-15320 (Application R-87932). Meters to measure water use will be installed at the diversion pumps located at each reservoir. The site operations, including protections for surface water, are regulated under a DOGAMI Permit.

## SECTION 7: RESOURCE PROTECTION

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

- Diversion will be screened per ODFW specifications in ORS 498.301 through 498.346 to prevent uptake of fish and other aquatic life.  
Describe planned actions: The reservoirs are located off-channel. There is a fish screen at the Grave Creek POD used to fill both reservoirs. As a result, no fish screen is needed to divert water from the reservoirs.
- Excavation or clearing of banks will be kept to a minimum to protect riparian or streamside areas.  
**Note:** If disturbed area is more than one acre, applicant should contact the Department of Environmental Quality to determine if a 1200C permit is required.  
Describe planned actions and additional permits required for project implementation: The reservoirs are located off-channel and have been constructed in general accordance with Permit R-15319 (Application R-879320) and Permit R-15320 (Application R-87932).
- Operating equipment in a water body will be managed and timed to prevent damage to aquatic life.  
Describe planned actions and additional permits required for project implementation: The reservoirs are located off-channel.
- Water quality will be protected by preventing erosion and run-off of waste or chemical products.  
Describe planned actions: The reservoirs are located off-channel.
- List other federal and state permits or contracts to be obtained, if a water right permit is granted.  
The District 14 Watermaster, Scott Ceciliani, has inspected the reservoirs, which have been constructed in general accordance with Permit R-15319 (Application R-879320) and Permit R-15320 (Application R-87932). Mining activities at the site are being conducted under a DOGAMI.

## SECTION 8: PROJECT SCHEDULE

- a) Date construction will begin: As soon as a permit is issued.
- b) Date construction will be completed: within 1-5 years of permit issuance
- c) Date beneficial water use will begin: within 1-5 years from permit issuance

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Surface Water — Page 6

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**SECTION 9: WITHIN A DISTRICT**

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

Irrigation District Name NA	Address	
City	State	Zip

**SECTION 10: REMARKS**

Use this space to clarify any information you have provided in the application. (*Attach additional sheets if necessary*).

We have coordinated the development of the mine with the District 14 Watermaster, Scott Ceciliani, as well as with DOGAMI, the Oregon Department of Environmental Quality (DEQ) and Josephine County officials.

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## Minimum Requirements Checklist

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

### Include this checklist with the application

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

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

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

#### Include the following additional items:

- Land Use Information Form with approval and signature of local planning department (*must be an original*) or signed receipt.
- Provide the legal description of: (1) the property from which the water is to be diverted, (2) any property crossed by the proposed ditch, canal or other work, and (3) any property on which the water is to be used as depicted on the map.
- Fees - Amount enclosed: \$2,080.60  
See the Department's Fee Schedule at [www.oregon.gov/owrd](http://www.oregon.gov/owrd) or call (503) 986-0900.
- Map that includes the following items:
  - Permanent quality and drawn in ink
  - Even map scale not less than 4" = 1 mile (example: 1" = 400 ft, 1" = 1320 ft, etc.)
  - North Directional Symbol
  - Township, Range, Section, Quarter/Quarter, Tax Lots
  - Reference corner on map
  - Location of each diversion, by reference to a recognized public land survey corner (distances north/south and east/west)
  - Indicate the area of use by Quarter/Quarter and tax lot identified clearly.
  - NA Number of acres per Quarter/Quarter and hatching to indicate area of use if for primary irrigation, supplemental irrigation, or nursery
  - NA Location of main canals, ditches, pipelines or flumes (if well is outside of the area of use)

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For Department Use: App. Number: \_\_\_\_\_

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# 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 Sunny Valley Sand and Gravel Inc. Attn: Andreas Blech			PHONE (541) <del>244-2644</del> 226-8784
MAILING ADDRESS 1867 Williams Highway, Suite 260			
CITY Grants Pass	STATE OR	ZIP 97527	EMAIL andreas@blech.us

## 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:
See						<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input type="checkbox"/> Used	
Attached						<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input type="checkbox"/> Used	
List						<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 County

**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) \_\_\_\_\_

Estimated quantity of water needed: Res. 2 = 13 AF; Res. 4 = 36 AF  
 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 Mining

Briefly describe:

We are requesting Oregon Water Resources Department approval to use water from two permitted reservoirs for mining activities at the site.

**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 →

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Last Revised: 10/2023

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PLANNING

### 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:	
See findings dated 12-7-16	Section 19.100A.030.B	<input checked="" type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
See findings dated 10-14-21	Section 19.72.040.B	<input checked="" type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
Development Permit	Section 19.72.040.B	<input checked="" 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.

Josephine County Planning  
700 NW Dimmick Street  
Suite C  
Grants Pass, OR 97526

Name: Tami Smith Title: Associate Planner  
 Signature: Tami Smith Date: 10-3-24  
 Governmental Entity: Josephine County Phone: 541-474-5424

#### 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: \_\_\_\_\_

Staff Name: \_\_\_\_\_ Title: Received by OWRD  
 Staff Signature: \_\_\_\_\_ Date: OCT 10 2024  
 Governmental Entity: \_\_\_\_\_ Phone: Salem, OR

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JD CO - PLANNING

ATTACHMENT TO:

Oregon Water Resources Department

**Land Use Information Form**

Applicant Name: Sunny Valley Sand and Gravel Inc.

**A. Land and Location**

Please include the following information for all tax lots where water will be diverted (taken from its source), conveyed (transported), or used. 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	Water to be:	Proposed Land Use:
34 S	5 W	7	NE SE	1200		<input type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	Aggregate Mining
34 S	5 W	7	SE SE	1300		<input type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	Aggregate Mining
34 S	5 W	8	NE SW	400		<input checked="" type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	Aggregate Mining
34 S	5 W	8	NW SW	400		<input checked="" type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	Aggregate Mining
34 S	5 W	8	SW SW	400		<input checked="" type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	Aggregate Mining
34 S	5 W	8	SE SW	400		<input checked="" type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	Aggregate Mining
34 S	5 W	8	NW SE	1002		<input type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	Aggregate Mining

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Community Development - Planning Division  
 700 NW Dimmick, Suite C  
 Grants Pass, OR 97526

Receipt Number: PL24-01013

(541) 474-5421  
 planning@josephinecounty.gov

**Payer/Payee:** BLECH, ANDREAS & BLECH, CAROLE  
 1867 WILLIAMS HWY STE 270  
 GRANTS PASS OR 97527

**Cashier:** Tami Smith

**Date:** 10/01/2024

**Primary Parcel:** 34050700001200    **Project Description:** Water Resource

**PL-2024-01207 LAND USE INFORMATION RESPONSE 274 DAISY MINE RD**

Fee Description	Fee Amount	Amount Paid	Fee Balance
Land Use Information Response	\$125.00	\$125.00	\$0.00
	<b>\$125.00</b>	<b>\$125.00</b>	<b>\$0.00</b>

Payment Method	Reference Number	Payment Amount
CHECK	10305	\$125.00
<b>Total Paid:</b>		<b>\$125.00</b>

Received by OWRD  
 OCT 10 2024  
 Salem, OR

3

1

JOSEPHINE COUNTY OFFICIAL RECORDS  
ART HARVEY, COUNTY CLERK 2010-013083  
DED-WRD  
Cnt=1 Pgs=3 Stn=3 TMORRIS 10/12/2010 10:31 AM  
\$15.00 \$11.00 \$15.00 \$8.00 \$5.00 Total:\$54.00



00258612201000130830030037

I, Art Harvey, County Clerk, certify that the within document was received and duly recorded in the official records of Josephine County.

Ca 1632465 (84)

After Recording Return to:  
Andreas Blech and Carole Blech  
1867 Williams Hwy., #270  
Grants Pass, OR 97527

Until a change is requested,  
all tax statements shall be  
sent to the following address:  
Andreas Blech and Carole Blech  
1867 Williams Hwy., #270  
Grants Pass, OR 97527

54.

**WARRANTY DEED**

**DOUG AND JACK'S MINE, LLC**, an Oregon Limited Liability Company, Grantor, conveys and warrants to **ANDREAS BLECH and CAROLE BLECH, husband and wife as tenants by the entirety**, Grantees, all of it's right, title and interest in and to the following described real property located at 153 Daisy Mine Road, Wolf Creek, Oregon 97497, more particularly described as follows:

The Southeast Quarter of the Southeast Quarter of Section 7, and the Southwest Quarter of Section 8, all in Township 34, Range 5 West of the Willamette Meridian, Josephine County, Oregon, EXCEPTING THEREFROM and portion lying Northerly of the Southerly right-of-way line of Placer Road. TOGETHER WITH: An Easement appurtenant to the herein described property for ingress and egress including the terms and provisions thereof, as set forth in instrument recorded in Document No. Volume 324, Page 572, Josephine County Deed Records of Josephine County, Oregon

Tax Parcel Number R300831 and R300826

The true and actual consideration for this transfer is the sum of Six hundred thousand Dollars (\$600,000.00)

Subject to:

- 1. Rights of the public and of governmental bodies in and to that portion of the premises herein described lying within the limits of streets, roads and highways.

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OCT 10 2024

Salem, OR

- 2. Easement for electric transmission and distribution lines of one or more wires, and all necessary or desirable appurtenances, including telephone and telegraph wires, towers poles, props, guys, and other supports; and related matters.

Recording information: Volume 153, Page 466, and Volume 165, Page 569, Josephine County Deed Records.

Grantee: California Oregon Power Company  
 Affects: Not Specific

- 3. Easement for electric transmission and distribution of one or more wires and all necessary or desirable appurtenances, including telephone and telegraph wires towers, poles, props, guys and other supports; and related matters.

Recording Information: Volume 214, Page 467, Josephine County Deed Records

Grantee: California Oregon Power Company  
 Affects: Not Specific

- 4. Easement, including the terms and provisions contained therein:

Recording Information: Volume 229, Page 399, Josephine County Deed Records

For: Gas Pipeline

- 5. Easement, including terms and provisions contained therein:

Recording Information: Volume 324, Page 1721, Josephine County Deed Records

For: Permanent easement for roadway purposes (Affects TL 400)

- 6. Easement, including terms and provisions contained therein:

Recording Information: Volume 326, Page 1318, Josephine County Deed Records

For: Well and Pipeline (Affects TL400)

- 7. Easement, including terms and provisions contained therein:

Recording Information: 2002-007430 and re-recorded as 2002-008736 Official Records of Josephine County, Oregon.

For: A permanent easement for roadway purposes

Received by OWRD

OCT 10 2024

Salem, OR

(3)

~~The to and to be used as consideration for the purchase of the sum of Six hundred thousand~~

~~Dollars (\$600,000.00).~~

Dated this 6<sup>th</sup> day of October, 2010.

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

THE PROPERTY DESCRIBED IN THIS INSTRUMENT MAY NOT BE WITHIN A FIRE PROTECTION DISTRICT PROTECTING STRUCTURES. THE PROPERTY IS SUBJECT TO LAND USE LAWS AND REGULATIONS WHICH IN FARM OR FOREST ZONES MAY NOT AUTHORIZE CONSTRUCTION OR SITING OF A RESIDENCE AND WHICH LIMIT LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930 IN ALL ZONES. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES AND EXISTENCE OF FIRE PROTECTION FOR STRUCTURES.

DOUG AND JACK'S MINE, LLC, an Oregon limited liability company

By: [Signature]  
Jack H. Smith, ~~Managing Member~~, Trustee of the Smith Family Trust dated July 28, 2008 as Managing Member

STATE OF OREGON        )  
                                  ) ss.  
COUNTY OF JACKSON    )

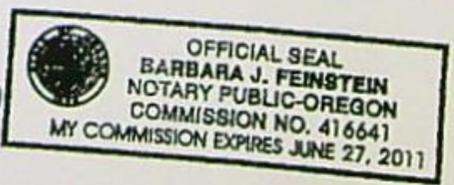
This instrument was acknowledged before me on October 6, 2010 by Jack H. Smith as \*\*  
~~Managing Member of Doug and Jack's Mine, LLC.~~

Barbara J. Feinstein  
Notary Public for Oregon

\*\* Trustee of the Smith Family Trust dated July 28, 2008 as Managing Member of Doug and Jack's Mine, LLC.

3 - Warranty Deed

Received by OWRD  
OCT 10 2010  
Salem, OR





October 9, 2024  
Project No. 10058.004

Oregon Water Resources Department  
725 Summer Street NE, Suite A  
Salem, OR 97301

Via UPS Ground

**Application for a Permit to Use Surface Water (Stored Water)  
Sunny Valley Sand and Gravel Inc.  
Josephine County, Oregon**

To Whom It May Concern,

Skookum Water Associates Inc. is filing this Application for a Permit to Use Surface Water on behalf of Sunny Valley Sand and Gravel Inc. The source will be water stored in Reservoirs 2 and 4 constructed under Permit R-15320 (Application R-87930) and Permit R-15319 (Application R-87932), respectively. As indicated in the application form, Shonee Langford of Schwabe, Williamson & Wyatt is Sunny Valley Sand and Gravel Inc.'s designated agent.

The enclosed application package consists of the following documents:

- An Application for a Permit to Use Surface Water signed on September 30, 2024 by Andreas Blech, President of Sunny Valley Sand and Gravel Inc.;
- A September 27, 2024 Application for a Secondary Use Permit Application Map prepared by Skookum Water Associates Inc.;
- Check Number 10308 issued on October 3, 2024 by Sunny Valley Sand and Gravel Inc. for \$2080.60 to pay the application fee;
- A Land Use Information form signed on October 3, 2024 by Tami Smith, Josephine County Associate Planner; and
- A Warranty Deed for Andreas Blech and Carole Blech Filed in Josephine County on October 12, 2010.

Thank you for your assistance.

Sincerely,

**SKOOKUM WATER ASSOCIATES INC.**

Steven R. Bruce, RG, CWRE  
Principal Hydrogeologist

enclosures

cc. Andreas Blech; Sunny Valley Sand and Gravel Inc.  
Shonee Langford; Schwabe Williamson & Wyatt (via email)

Received by OWRD  
OCT 10 2024  
Salem, OR



Received by OWRD  
OCT 10 2024  
Salem, OR

Date Received (Date Stamp Here)

## OWRD Over-the-Counter Submission Receipt

Applicant Name(s) & Address: Sunny Valley Sand & Gravel Inc.  
1867 Williams Hwy #260, Grants Pass OR 97527

Transaction Type: Surface Water

Fees Received: \$ 2,080.60

Cash

Check:

Check No. 10308

Name(s) on Check: same as applicant

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: Corie Lovrien

(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.



Received by OWRD  
OCT 10 2024  
Salem, OR

Date Received (Date Stamp Here)

## OWRD Over-the-Counter Submission Receipt

Applicant Name(s) & Address: Sunny Valley Sand & Gravel Inc.  
1867 Williams Hwy #260, Grants Pass OR 97527

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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: Corie Lovrien  
(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.



# Oregon

Tina Kotek, Governor

Water Resources Department  
725 Summer St NE, Suite A  
Salem, OR 97301  
(503) 986-0900  
Fax (503) 986-0904

October 11, 2024

Sunny Valley Sand and Gravel Inc.  
Attn: Adreas Blech  
1867 Williams Highway, Suite 260  
Grants Pass, OR 97527

Dear Applicant:

The Oregon Water Resources Department has received your surface water application for a water use permit. Your application has been assigned file number **S-89848**. Please refer to this number when contacting the Department. Should you have any questions about your application, please contact the following Water Rights Specialist assigned to your application:

Lucinda Vranizan, Water Rights Specialist	Phone: 971-375-2256
	Email: <a href="mailto:lucinda.r.vranizan@water.oregon.gov">lucinda.r.vranizan@water.oregon.gov</a>

A description of the steps that are used for processing a surface water application are shown on the reverse side of this letter. Surface water applications that propose to use stored water exclusively are reviewed using an expedited process and contain slightly different processing steps.

The Department's goal is to process applications within statutory deadlines. The first step in the process is issuance of an Initial Review, which summarizes the Department's preliminary determinations. Surface water applications typically receive an Initial Review in approximately two to three months. Copies of the Initial Review, Proposed Final Order, and Final Order will be mailed to you. Applications proposing to use stored water only under the expedited process will receive a Final Order.

Please note that your application is subject to review and comment from other state agencies and interested parties.

Sincerely,

Nick Reece  
Customer Service Representative  
Oregon Water Resources Department

cc: File S-89848

**E-2 App**

- Yes  
 No

**Standard Application Completeness Checklist**

**Groundwater and Surface Water Applications Only**  
 Minimum Application Requirements (OAR 690-310-0040 &-0050)

For use by WRD staff only

Application #:	S-89848	Receipt #:	143981
Applicant Name:	Sunny Valley Sand and Gravel; Adreas Blech	Amount Requested:	49 AF
Priority Date:	10/10/2024	Proposed Use:	Mining
County:	Josephine	POD's TRS &TL:	34S 5W 7,8
WM #:	14	Caseworker:	Lucinda
Reviewed by:	Nick	Reviewed Date:	10/11/2024

- Applicant/Organization Name and Mailing Address
- Signature of **all** applicants (include title or authority of representative if applicant is an organization or corporation). Note: Applicant's agent may NOT sign the application on behalf of the applicant.
- Property Ownership: Does the applicant own all the land for the proposed project?  Yes  No
- If No:
- The affected landowner's name(s) and mailing address(s) must be listed.
  - A signed statement declaring the existence of either written authorization or an easement permitting access to land crossed by the proposed ditch canal or other work must be submitted.
- For a SW Application:** Source of water must be indicated.
- If the source is stored water, is the stored water component filled out and does the applicant own the reservoir or include a non-expired agreement for stored water? (ORS 537.400)
  - If for stored water, is the source authorized under a permit, certificate, or decree?  
 Permit or Certificate issued:  Y  N      Permit or Certificate #: R-15320,R-1531
- NOTE:** An expedited secondary (E2) application and a reservoir application cannot be filed at the same time. The reservoir must be legally authorized first, under an existing water right, in order to accept and process an E2 application.
- For a GW Application:** Well development table completed and a well log report included (if existing)
- Division 33 (Sensitive, Threatened, Endangered, Fish Species)
- Proposed Water Use:
- Amount of water from *each* source in GPM, CFS, or AF
  - Period of use indicated
  - If for supplemental irrigation, primary acreage or underlying permit or certificate number listed.  
 (Note: Primary and Supplemental Irrigation counts as 2 uses)
- Water Management Section
- Resource Protection Section

Oregon Water Resources Department  
 Stored Water Only Applications - Expedited Secondary

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

Today's Date: Friday, October 11, 2024

Base Application Fee.		\$610.00
Acre feet of Stored Water to be diverted.	49	\$860.60
Subtotal:		\$1,470.60
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.		<input type="button" value="Recalculate"/>
Estimated cost of Permit Application		\$2,080.60

**STATE OF OREGON  
WATER RESOURCES DEPARTMENT**

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

RECEIPT # **143981**

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

RECEIVED FROM: Sunny Valley Sand + Gravel Inc.  
BY: \_\_\_\_\_

APPLICATION	S-89848
PERMIT	
TRANSFER	

CASH:  CHECK: #  10308 OTHER: (IDENTIFY)  \_\_\_\_\_

TOTAL REC'D \$ 2,080.60

**1083 TREASURY 4170 WRD MISC CASH ACCT**

0407 COPIES \$ \_\_\_\_\_  
OTHER: (IDENTIFY) \$ \_\_\_\_\_  
0243 VS Lease \_\_\_\_\_ 0244 Muni Water Mgmt. Plan \_\_\_\_\_ 0245 Cons. Water \_\_\_\_\_

**4270 WRD OPERATING ACCT**

MISCELLANEOUS 46111

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

**WATER RIGHTS:**

0201 SURFACE WATER	EXAM FEE	0202	RECORD FEE
0203 GROUND WATER	\$ <u>1420.60</u>	0204	\$ <u>610.00</u>
0205 TRANSFER	\$ _____		\$ _____

**WELL CONSTRUCTION**

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

OTHER (IDENTIFY) \_\_\_\_\_

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

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

**0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER**

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

**TREASURY OTHER / RDX**

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

**RECEIVED  
OVER THE COUNTER**

RECEIPT: **143981**

DATED: 10-10-24 BY: m.milb

SUNNY VALLEY SAND & GRAVEL INC.

10308

Oregon Water Resources Dept.  
10/02/24

Bill #

10/03/2024

2,080.60

Received  
OCT 10 2024  
OWRD

Evergreen Bank

2,080.60