

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 CALVIN G. SCHMIDT & JUDY A. SCHMIDT, TRUSTEES OF THE CALVIN G. SCHMIDT TRUST DATED MARCH 5, 2010 & THE JUDY A. SCHMIDT TRUST DATED MARCH 5, 2010		PHONE (HM)	
PHONE (WK)	CELL 541-659-2711	FAX	
MAILING ADDRESS 242 MISSOURI FLAT RD.			
CITY GRANTS PASS	STATE OR	ZIP 97527	E-MAIL * CAL@SFVINEYARDS.COM

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 BRYCE M. WITHERS / WATER RIGHT SERVICES, LLC		PHONE 541-389-2837	FAX
MAILING ADDRESS PO BOX 1830			CELL
CITY BEND	STATE OR	ZIP 97709	E-MAIL * BRYCEWRS@GMAIL.COM

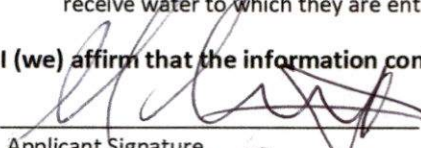
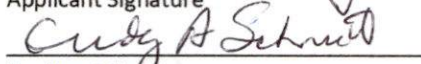
Note: Attach multiple copies as needed

* 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.)

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

	CALVIN G. SCHMIDT
Applicant Signature	Print Name and Title if applicable
	JUDY A. SCHMIDT
Applicant Signature	Print Name and Title if applicable

<u>3/23/20</u>
Date
<u>3/23/26</u>
Date

For Department Use: App. Number: _____

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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).*

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. **SEE ATTACHED**

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: APPLGATE LAKE VIA APPLGATE RIVER RE-DIVERSION (STORED WATER)	Tributary to: ROGUE RIVER
TRSQQ of POD: T38S, R4W, SECTION 6, SWSW QQ	
Source 2:	Tributary to:
TRSQQ of POD:	

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

APPLGATE LAKE STORED WATER, CONSTRUCTED UNDER PERMIT R-7810

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Superseded

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.

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 Salem, OR

- 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.

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Angelina Ybarra 1201 Parkmoor Ave. #2404 San Jose, CA 95126 (pipeline)

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. SEE ATTACHED

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TRSQQ of POD: T38S, R4W, SECTION 6, SWSW QQ	
Source 2:	Tributary to:
TRSQQ of POD:	

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

APPLGATE LAKE STORED WATER, CONSTRUCTED UNDER PERMIT R-7810

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/

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

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.

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If yes,

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

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

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

Yes No

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

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

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

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

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

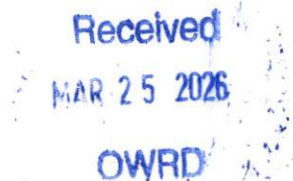
Statewide - OAR 690-033-0330 thru -0340

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

Yes No

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

For Department Use: App. Number: _____



SECTION 5: WATER USE

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

SOURCE	USE	PERIOD OF USE	AMOUNT
APPLEGATE LAKE	IRRIGATION	APRIL 1 - OCTOBER 31	9.2 <input type="checkbox"/> cfs <input type="checkbox"/> gpm <input checked="" type="checkbox"/> af
			<input type="checkbox"/> cfs <input type="checkbox"/> gpm <input type="checkbox"/> af
			<input type="checkbox"/> cfs <input type="checkbox"/> gpm <input type="checkbox"/> af
			<input type="checkbox"/> cfs <input type="checkbox"/> gpm <input type="checkbox"/> af

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

Primary: 9.2 Acres Supplemental: _____ Acres Nursery Use: _____ Acres

If supplemental acres are listed, provide the Permit or Certificate number of the underlying primary water right(s): C-8059 IS PRIMARY FROM CARIS CREEK, WILL BE SIMULATANEOUSLY DIMINISHED TO SUPPLEMENTAL.

Indicate the maximum total number of acre-feet you expect to use in an irrigation season: 9.2

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

SECTION 6: WATER MANAGEMENT

A. Diversion and Conveyance

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

Pump (give horsepower and type): 25 HP PUMP AT NORTHSIDE DITCH, 15 HP BOOSTER PUMP

AT BULGE

Other means (describe):

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

WATER FLOWS BY GRAVITY ALONG THE NATURAL CHANNEL OF THE APPELGADE RIVER, THEN BY GRAVITY THROUGH THE NORTHSIDE DITCH SYSTEM, TO AN EXISTING SYSTEM PUMPING SYSTEM FOR PERMIT S-53379 CONSISTING OF A 25 HP PUMP AND PIPELINE DELIVERING WATER TO THE BULGE-POND, WHERE A 15 HP PUMP WILL DELIVER WATER TO THE VINEYARD AND PASTURE AREA VIA A BURIED PIPELINE.

B. Application Method

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

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C. Conservation

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

WATER WILL BE APPLIED USING AN EFFICIENT SYSTEM THAT WILL MINIMIZE WASTE - OUR REQUESTED DUTY IS MUCH LESS THAN TYPICAL DUE TO THE CONSERVATIVE NATURE OF OUR DEMAND AND EFFICIENT SYSTEM.

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 NORTHSIDE DITCH SYSTEM IS CURRENTLY SCREENED TO ODFW STANDARDS AND IS MAINTAINED BY ODFW.
- Excavation or clearing of banks will be kept to a minimum to protect riparian or streamside areas.
Note: If disturbed area is more than one acre, applicant should contact the Department of Environmental Quality to determine if a 1200C permit is required.
Describe planned actions and additional permits required for project implementation: N/A SYSTEM IS COMPLETE, NO RIPARIAN AREA ON-SITE.
- 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: N/A
- Water quality will be protected by preventing erosion and run-off of waste or chemical products.
Describe planned actions: EFFICIENT SYSTEM WILL MINIMIZE WASTE, RUN-OFF IS NOT ANTICIPATED.
- List other federal and state permits or contracts to be obtained, if a water right permit is granted.
N/A

SECTION 8: PROJECT SCHEDULE

- a) Date construction will begin: COMPLETE
- b) Date construction will be completed: COMPLETE
- c) Date beneficial water use will begin: UPON PERMIT ISSUANCE

SECTION 9: WITHIN A DISTRICT

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

Irrigation District Name	Address	
City	State	Zip

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SECTION 10: REMARKS

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

THE LAYERED PRIMARY IRRIGATION RIGHT C-8059 (CARIS CREEK SOURCE) WILL BE SIMULTANEOUSLY DIMINISHED UPON ISSUANCE OF THIS PERMIT. THE DIMUNUTION WILL BE SUBMITTED CONCURRENTLY WITH THIS APPLICATION. THE DELIVERY SYSTEM IS ALREADY IN PLACE IN ORDER TO DELIVER CONTRACT WATER THROUGH THE NORTHSIDE DITCH SYSTEM ON OUR ADJACENT PROPERTY FOR APPLICATION S-81987/PERMIT S-53379. THE DISTRICT 14 WATERMASTER SCOTT CECILLIANI WAS CONSULTED PRIOR TO THIS APPLICATION, AND HE CONFIRMED THE PLAN TO APPLY FOR AND DELIVER WATER THROUGH THE EXISTING DITCH SYSTEM, SO LONG AS A BUREAU CONTRACT COULD BE OBTAINED. THE US BUREAU OF RECLAMATION WAS CONSULTED PRIOR TO THIS APPLICATION AND CONFIRMED THAT THE CONTRACT WATER IS AVAILABLE, AND A CONTRACT IS BEING OBTAINED CONCURRENTLY. ONCE A CONTRACT IS ISSUED, WE WILL SEEK A LIMITED LICENSE TO AUTHORIZE THIS WATER USE PENDING THE PERMIT ISSUANCE.

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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: \$2450.00
See the Department's Fee Schedule at www.oregon.gov/owrd or call (503) 986-0900.
- Map that includes the following items:
 - Permanent quality and drawn in ink
 - Even map scale not less than 4" = 1 mile (example: 1" = 400 ft, 1" = 1320 ft, etc.)
 - North Directional Symbol
 - Township, Range, Section, Quarter/Quarter, Tax Lots
 - Reference corner on map
 - Location of each diversion, by reference to a recognized public land survey corner (distances north/south and east/west)
 - Indicate the area of use by Quarter/Quarter and tax lot identified clearly.
 - Number of acres per Quarter/Quarter and hatching to indicate area of use if for primary irrigation, supplemental irrigation, or nursery
 - Location of main canals, ditches, pipelines or flumes (if well is outside of the area of use)

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Water-Use Permit Application Processing

1. Completeness Determination

The Department evaluates whether the application and accompanying map contain all of the information required under OAR 690-310-0040 and OAR 690-310-0050. The Department also determines whether the proposed use is prohibited by statute. If the Department determines that the application is incomplete, all fees have not been paid, or the use is prohibited by statute, the application and all fees submitted are returned to the applicant.

2. Initial Review

The Department reviews the application to determine whether water is available during the period requested, whether the proposed use is restricted or limited by rule or statute, and whether other issues may preclude approval of or restrict the proposed use. An Initial Review (IR) containing preliminary determinations is mailed to the applicant. The applicant has 14 days from the mailing date to withdraw the application from further processing and receive a refund of all fees paid minus \$310. The applicant may put the application on hold for up to 180 days and may request additional time if necessary.

3. Public Notice

Within 7 days of the mailing of the initial review, the Department gives [public notice](#) of the application in the weekly notice published by the Department at www.oregon.gov/owrd. The public comment period is 30 days from publication in the weekly notice.

4. Proposed Final Order Issued

The Department reviews any comments received, including comments from other state agencies related to the protection of sensitive, threatened or endangered fish species. Within 60 days of completion of the IR, the Department issues a Proposed Final Order (PFO) explaining the proposed decision to deny or approve the application. A PFO proposing approval of an application will include a draft permit, and may request additional information or outstanding fees required prior to permit issuance.

5. Public Notice

Within 7 days of issuing the PFO, the Department gives public notice in the weekly notice. Notice includes information about the application and the PFO. Protest must be received by the Department within 45 days after publication of the PFO in the weekly notice. Anyone may file a protest. The protest filing fee is \$480.00 for the applicant and \$950.00 for non-applicants. Protests are filed on approximately 10 percent of Proposed Final Orders. If a protest is filed the Department will attempt to settle the protest but will schedule a contested case hearing if necessary.

6. Final Order Issued

If no protests are filed, the Department can issue a Final Order within 60 days of the close of the period for receiving protest. If the application is approved, a permit is issued. The permit specifies the details of the authorized use and any terms, limitations or conditions that the Department deems appropriate

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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

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AUG 18 2011

NOTE TO APPLICANTS

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

This form is NOT required if:

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

NOTE TO LOCAL GOVERNMENTS

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

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Land Use Information Form

Applicant(s): CALVIN G. SCHMIDT & JUDY A. SCHMIDT

Mailing Address: 242 MISSOURI FLAT RD

City: GRANTS PASS

State: OR

Zip Code: 97527

Daytime Phone: 541-389-2837

A. Land and Location

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

Township	Range	Section	¼ ¼	Tax Lot #	Plan Designation (e.g., Rural Residential/RR-5)	Water to be:	Proposed Land Use:
<u>37S</u>	<u>5W</u>	<u>25</u>	<u>SWSE</u>	<u>1607</u> (37052500001607)	<u>FR</u>	<input type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	<u>IRRIGATION</u>
<u>37S</u>	<u>5W</u>	<u>36</u>		<u>601</u> (37053600000601)	<u>EF</u>	<input type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input type="checkbox"/> Used	<u>WATER PUMP & PIPELINE</u>
<u>37S</u>	<u>5W</u>	<u>36</u>		<u>903</u> (37053600000903)	<u>EF</u>	<input type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input type="checkbox"/> Used	<u>WATER PIPELINE</u>
<u>37S</u>	<u>5W</u>	<u>36</u>		<u>900</u> (37053600000900)	<u>EF</u>	<input checked="" type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input type="checkbox"/> Used	<u>WATER PUMP & PIPELINE</u>

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

JOSEPHINE COUNTY.

B. Description of Proposed Use

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

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

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

Estimated quantity of water needed: 9.2
 cubic feet per second
 gallons per minute
 acre-feet

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

Briefly describe:

APPLICATIONS TO USE STORED WATER VIA THE NORTHSIDE DITCH SYSTEM ON THE APPLGATE RIVER FOR IRRIGATION.

Note to applicant: If the Land Use Information Form cannot be completed while you wait, please have a local government representative sign the receipt at the bottom of the next page and include it with the application filed with the Water Resources Department. See **bottom of Page 3.** →

For Local Government Use Only

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

Please check the appropriate box below and provide the requested information

- Land uses to be served by the proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): **19.64.020.A AGRICULTURE, FARMING, AND FARM USE - OUTRIGHT PERMITTED USE.**
- Land uses to be served by the proposed water uses (including proposed construction) involve discretionary land-use approvals as listed in the table below. (Please attach documentation of applicable land-use approvals which have already been obtained. Record of Action/land-use decision and accompanying findings are sufficient.) **If approvals have been obtained but all appeal periods have not ended, check "Being pursued."**

Type of Land-Use Approval Needed (e.g., plan amendments, rezones, conditional-use permits, etc.)	Cite Most Significant, Applicable Plan Policies & Ordinance Section References	Land-Use Approval:	
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<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 Water Resources Department regarding this proposed use of water below, or on a separate sheet.

APPLICANT MUST OBTAIN ANY NECESSARY PERMITS FROM THE DEPARTMENT OF STATE LANDS FOR WORK WITHIN IDENTIFIED WETLANDS.

Name: TERRI WOODRUFF Title: ASSISTANT PLANNER
 Signature: *T. Woodruff* Phone: 541-474-5433 Date: 8.13.2025
 Government Entity: JOSEPHINE COUNTY PLANNING

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



Receipt for Request for Land Use Information

Applicant name: _____
 City or County: _____ Staff contact: _____
 Signature: _____ Phone: _____ Date: _____

Received
 MAR 25 2026
 OWRD

**UNLESS A CHANGE IS REQUESTED,
ALL TAX STATEMENTS SHALL BE
SENT TO THE FOLLOWING ADDRESS:**

Calvin G. Schmidt, Trustee
Judy A. Schmidt, Trustee
242 Missouri Flat Road
Grants Pass, OR 97527

AFTER RECORDING, RETURN TO:

Foster Denman, LLP
Post Office Box 1667
Medford, OR 97501

JOSEPHINE COUNTY OFFICIAL RECORDS	
RHIANNON HENKELS, COUNTY CLERK	2019-002624
DED-WRD	03/08/2019 11:11 AM
Cnt=1 Pgs=2 Str=4 LBOSS	
\$10.00 \$11.00 \$10.00 \$60.00 \$5.00	\$96.00
I, Rhiannon Henkels, County Clerk, certify that the within document was received and duly recorded in the official records of Josephine County.	

WARRANTY DEED

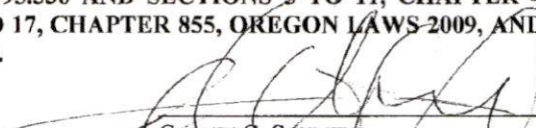
CALVIN G. SCHMIDT and JUDY A. SCHMIDT, Grantors, convey and warrant to CALVIN G. SCHMIDT and JUDY A. SCHMIDT, Trustees of the CALVIN G. SCHMIDT TRUST dated March 5, 2010, and JUDY A. SCHMIDT and CALVIN G. SCHMIDT, Trustees of the JUDY A. SCHMIDT TRUST dated March 5, 2010, Grantees, as tenants-in-common, each as to an undivided one-half (1/2) interest, the real property located in Josephine County, Oregon, more particularly described on Exhibit "A" attached hereto and made a part hereof.

The liability and obligations of the Grantors to Grantees and Grantees' heirs and assigns under the warranties and covenants contained herein or provided by law shall be limited to the amount, nature and terms of any right or indemnification available to Grantors under any title insurance policy, and Grantors shall have no liability or obligation except to the extent that reimbursement for such liability or obligation is available to Grantors under any such title insurance policy.

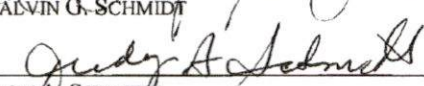
The true consideration for this conveyance is other value given.

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

DATED this 7 day March, 2019.



 CALVIN G. SCHMIDT

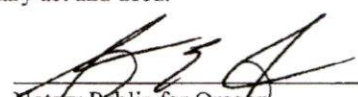


 JUDY A. SCHMIDT

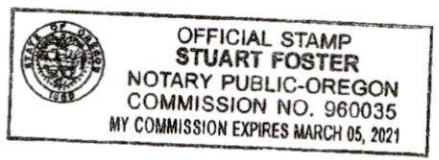
STATE OF OREGON)
) ss.
County of Jackson)

On this 7 day of March, 2019, personally appeared the above-named CALVIN G. SCHMIDT and JUDY A. SCHMIDT, and acknowledged the foregoing instrument to be their voluntary act and deed.

Before me:



 Notary Public for Oregon



Received
 MAR 25 2026
 OWRD

EXHIBIT "A"

PARCEL I:

PARCEL I OF PARTITION PLAT NO. 2000-015, located in the Northeast Quarter and the Northwest Quarter of Section 36, Township 37 South, Range 5 West of the Willamette Meridian, Josephine County, Oregon.

Tax Accounts: R3238622 and R323862

PARCEL II:

Lot 4, Block 89 of the original townsite of the town, now City of Grants Pass, Josephine County, Oregon, to the official plat thereof, recorded in Volume 1, Page 3, Plat Records.

Tax Account: R310783

PARCEL III:

Lots 1, 2, 3, 4, 5 and 6, Block 72, Original Town, now City of Grants Pass and Lot 1, 2, 3, and 4, Block 72, BOUNDARY LINE ADDITION to the City of Grants Pass, Josephine County, Oregon. ALSO the vacated alley running in an Easterly and Westerly direction through said Block 72, Original Town and Block 72 of Boundary Line Addition. ALSO the North Half of that portion of vacated East "K" Street, East of a line extended from the West line of Lot 5, Block 72 and the West line of Lot 3, Block 89, Original Townsite in the City of Grants Pass, Josephine County, Oregon, as vacated by Ordinance No. 3071, recorded in Volume 222, Page 113, Josephine County Deeds Records.

Tax Account: R310780

PARCEL IV:

Lots 1, 2, and 3, Block 89, ORIGINAL TOWN, now City of Grants Pass, and Lots 1 and 2, Block 89, BOUNDARY LINE ADDITION to the City of Grants Pass, Josephine County, Oregon. ALSO: The South Half of that portion of vacated East "K" Street, East of a line extended from the West line of Lot 5, Block 72, and the West line of Lot 3, Block 89, Original Townsite in the City of Grants Pass, Josephine County, Oregon.

Tax Account: R310782



PARCEL V:

All that portion of the Southerly 360 feet of the Southwest Quarter of Section 25, Township 37 South, Range 5 West, of the Willamette Meridian, Josephine County, Oregon, lying Westerly of the Westerly right of way line of Missouri Flat Road

Tax Accounts: R3235232 and R323523

PARCEL VI:

Lot 12, Block 94, RIVERSIDE ADDITION in the City of Grants Pass, Josephine County, Oregon.

Tax Account: R310842

Received
MAR 25 2026
OWRD

1) 116126K

INSTRUMENT 97-1827
Date: 2/4/97 # Pages: 2

①

BARGAIN AND SALE DEED

KNOW ALL MEN BY THESE PRESENTS, That RUSSELL E. DROBNEY AND SUELLEN J. DROBNEY, not as tenants in common, but with the right of survivorship, grantors, in consideration of NONE, to them paid by WALTER E. EATON AND LEANNE EATON, as tenants by the entirety, grantees, does hereby grant, bargain, sell and convey unto the said grantees, their heirs and assigns, all of the following real property, with the tenements, hereditaments and appurtenances, situated in the County of Josephine, and State of Oregon, bounded and described as follows, to-wit:

* A non-exclusive easement for ingress and egress over and across the following described tract, to-wit: Commencing at the Northeast corner of the Northwest Quarter of the Northeast Quarter of Section 36, Township 37 South, Range 5 West, of the Willamette Meridian, Josephine County, Oregon; thence South 89°34' West along the North line of said Section 20.00 feet to a point on the Westerly right of way line of Missouri Flat Road for the true point of beginning; thence continue South 89°54' West along said North line 262.89 feet to an iron rod; thence South 16°00' West to a point that is 40.00 feet South of (when measured at right angles) the North line of said Section 36; thence North 89°54' East parallel to and 40.00 feet South of said Section line to a point on the Westerly line of said Missouri Flat Road; thence North along said line 40.00 feet to the true point of beginning.

Said easement is appurtenant to and for the benefit of the property of the grantees, their heirs, successors and assigns which property is described as follows:

The Northeast Quarter of the Northwest Quarter and that portion of the Northwest Quarter of the Northeast Quarter lying Northwest of the county road as now established, all in Section 36, Township 37 South, Range 5 West, of the Willamette Meridian, Josephine County, Oregon. EXCEPTING THEREFROM the following: A parcel of land in the Northwest Quarter of the Northeast Quarter of Section 36, Township 37 South, Range 5 West, of the Willamette Meridian, Josephine County, Oregon, more particularly described as follows: Commencing at the Northeast corner of the Northwest Quarter of the Northeast Quarter of said Section 36; thence South 89°54'00" West 20.00 feet along the North line of said Section 36 to a point on the Westerly right of way line of Missouri Flat Road, which is the true point of beginning; thence South 89°54'00" West 262.89 feet along the North line of said Section 36 to an iron rod; thence South 16° West 943.83 feet to an iron rod; thence South 24°11'00" West 429.57 feet to an iron rod on the Northwesterly right of way line of Kubli Road; thence Northeasterly along the Northwesterly right of way of Kubli Road to the Westerly right of way line of Missouri Flat Road; thence Northerly along the Westerly right of way line of Missouri Flat Road to the true point of beginning.

THIS INSTRUMENT WILL NOT ALLOW THE 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 FEED 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.

To Have and to Hold, the above described and granted premises unto the said grantees, their heirs and assigns forever.

Witness our hands and seals this 20 day of JANUARY 1997.

Russell E. Drobney (SEAL)
RUSSELL E. DROBNEY

Suellen J. Drobney (SEAL)
SUELLEN J. DROBNEY

STATE OF OREGON, County of Josephine) ss.
This instrument was acknowledged before me on January 20, 1997
by RUSSELL E. DROBNEY AND SUELLEN J. DROBNEY



Cathy L. Meyer
Notary Public for Oregon
My commission expires: 3-5-2000

m'drobney.ded
Tax Statement Address: 1/a
RETURN TO: JO. CO. TITLE

INSTRUMENT 97-1827

STATE OF OREGON
COUNTY OF JOSEPHINE

I, County Clerk and ex-officio Recorder of
Conveyances, in and for said County, do
hereby certify that the within instrument was
received for record and recorded at

Date: 2/4/97 Time: 10:33 AM

in the Josephine County Book of Records.
GEORGETTE BROWN, COUNTY CLERK

By Deputy: *[Signature]*

Pages: 2 Fee: \$30.00

Hand Returned Mailed Hold

cc

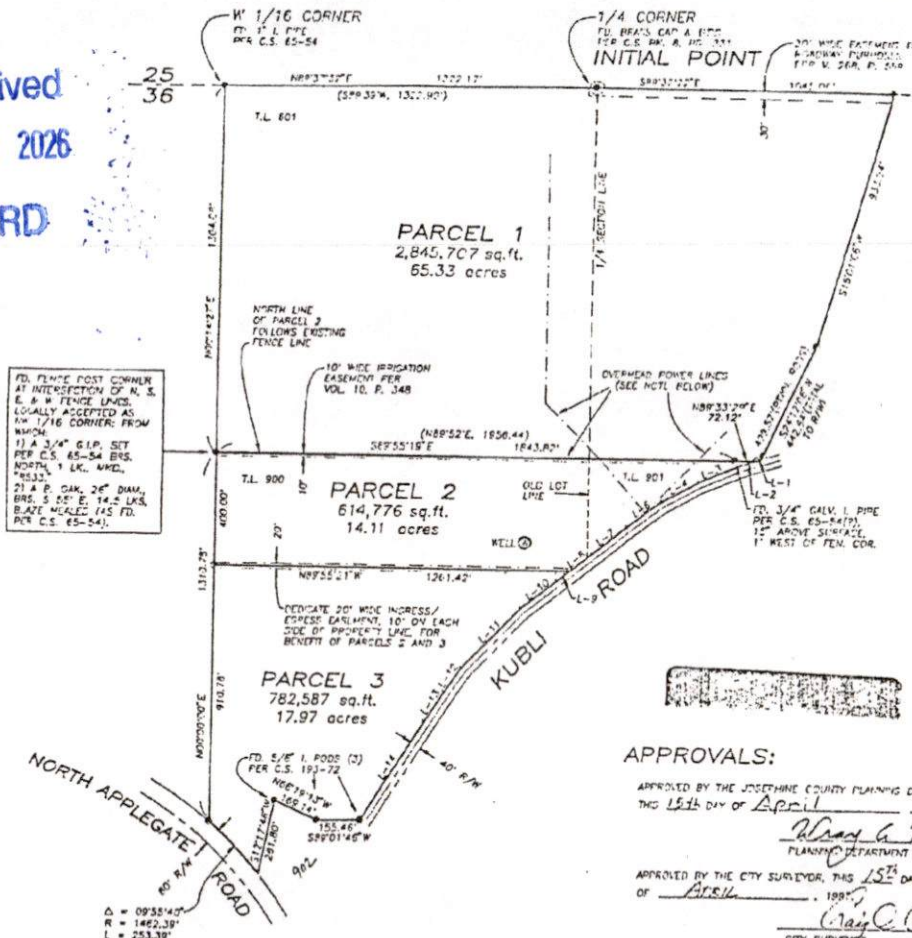
(R)

QWPRD

MAR 25 2006

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Received
MAR 25 2026
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FD. FENCE POST CORNER AT INTERSECTION OF N. S. E. & W. FENCE LINES. LOGICALLY ACCEPTED AS 1/4 CORNER. FROM N.W. CORNER: 1) A 3/4" G.I.P. SET PER C.S. 65-54 BNS. NORTH, 1/4 AC. WED. *8533. 2) A P. OAK, 2" DIA., BNS. S 85° E. 142.8 LKS. BLAZE WEAVER (AS FD. PER C.S. 65-54).

#640
37-5-36
601, 900, 901

PARTITION PLAT NO. 1997-41
SURVEYOR'S CERTIFICATE:

I, ROGER T. REECE, REGISTERED LAND SURVEYOR NO. 864, CERTIFY THAT I AM A duly registered PROFESSIONAL LAND SURVEYOR OF THE STATE OF OREGON AND THAT I HAVE ACCURATELY SURVEYED THE PARCELS OF LAND DESCRIBED AND REPRESENTED ON THE PROPERTY LINE ADJUSTMENT PLAT, THE BOUNDARIES BEING FURTHER DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF SECTION 36, TOWNSHIP 37 SOUTH, RANGE 5 WEST OF THE WILLAMETTE MERIDIAN, JOSEPHINE COUNTY, OREGON, THE INITIAL POINT, THENCE ALONG THE NORTH LINE OF SAID SECTION, SOUTH 89°32'22" EAST, 1043.00 FEET; THENCE ALONG SAID NORTH LINE, SOUTH 16°11'00" WEST, 634.54 FEET; THENCE SOUTH 24°10'00" WEST, 448.64 FEET TO THE NORTHERLY BOUND OF WAY LINE OF KUBLI ROAD, THENCE ALONG THE NORTHERLY AND WESTERLY BOUND OF WAY LINE OF SAID ROAD, SOUTH 28°12'12" WEST, 18.48 FEET; THENCE SOUTH 22°42'00" WEST, 61.28 FEET; THENCE SOUTH 67°00'00" WEST, 189.00 FEET; THENCE SOUTH 61°12'00" WEST, 147.67 FEET; THENCE SOUTH 54°27'00" WEST, 126.71 FEET; THENCE SOUTH 50°00'00" WEST, 126.64 FEET; THENCE SOUTH 41°15'00" WEST, 89.74 FEET; THENCE SOUTH 35°41'12" WEST, 227.91 FEET; THENCE SOUTH 30°41'12" WEST, 104.47 FEET; THENCE SOUTH 32°18'00" WEST, 123.47 FEET; THENCE SOUTH 32°18'00" WEST, 472.22 FEET TO A 5/8" IRON PIN, THENCE LEANING SAID IRON PIN OF WAY LINE OF THE NORTHEASTLY BOUND OF SAID ROAD, THENCE SOUTH 12°12'48" WEST, 281.80 FEET TO THE NORTHEASTLY BOUND OF WAY LINE OF NORTH APPLEGATE ROAD, THENCE ALONG SAID BOUND OF WAY LINE THROUGH THE ARC OF A 1442.00 FOOT RADIUS CURVE TO THE LEFT, 253.39 FEET (THE LONG CHORD OF WHICH BEARS NORTH 47°12'27" WEST, 253.02 FEET) TO THE WEST LINE OF THE EAST HALF SECTION 36, THENCE ALONG SAID WEST LINE, NORTH 00°00'00" EAST, 1310.79 FEET TO A 1/4" IRON PIN (LOCALLY ACCEPTED AS THE NORTHWEST CORNER OF SAID SECTION 36), THENCE CONTINUING ALONG SAID WEST LINE, NORTH 01°42'27" EAST, 1306.00 FEET TO SAID NORTH LINE OF SECTION 36, THENCE ALONG SAID LINE, NORTH 89°37'32" EAST, 1322.12 FEET TO THE INITIAL POINT.



R/W LINE TABLE

LINE	BEARING	DISTANCE
L-1	S 22° 22' 22" W	1043.00
L-2	S 16° 11' 00" W	634.54
L-3	S 24° 10' 00" W	448.64
L-4	S 28° 12' 12" W	18.48
L-5	S 22° 42' 00" W	61.28
L-6	S 67° 00' 00" W	189.00
L-7	S 61° 12' 00" W	147.67
L-8	S 54° 27' 00" W	126.71
L-9	S 50° 00' 00" W	126.64
L-10	S 41° 15' 00" W	89.74
L-11	S 35° 41' 12" W	227.91
L-12	S 30° 41' 12" W	104.47
L-13	S 32° 18' 00" W	123.47
L-14	S 32° 18' 00" W	472.22

Roger T. Reece
ROGER T. REECE, P.L.S. 864

DECLARATION:

KNOW ALL MEN BY THESE PRESENTS THAT WALTER E. EATON AND LEANNE EATON ARE THE OWNERS OF THAT PROPERTY SHOWN IN THE NORTHWEST, SOUTHWEST, AND NORTHWEST QUARTERS OF SECTION 36, TOWNSHIP 37 SOUTH, RANGE 5 WEST OF THE WILLAMETTE MERIDIAN, JOSEPHINE COUNTY, OREGON, AND BEING MORE PARTICULARLY DESCRIBED IN THE SURVEYOR'S CERTIFICATE AND ON THE PLAT AND THAT THEY HAVE CAUSED THE SAME TO BE PARTITIONED AND SURVEYED INTO PARCELS AS SHOWN ON THE ATTACHED MAP, AND DO HEREBY CONSENT TO THE DECLARATION OF THE EASEMENT AS SHOWN HEREON TO THE USE INTENDED FOREVER.

Walter E. Eaton *Leanne Eaton*
WALTER E. EATON LEANNE EATON

STATE OF OREGON }
COUNTY OF JOSEPHINE } SS.
THIS IS TO CERTIFY THAT ON THIS 18th DAY OF April, 1997, A.D. BEFORE ME PERSONALLY CAME WALTER E. EATON AND LEANNE EATON, TO ME KNOWN TO BE THE PERSONS DESCRIBED IN AND WHO EXECUTED THE SAME FOR THE PURPOSE THEREIN SET FORTH.
MY COMMISSION EXPIRES ON THE 31st DAY OF March, 1999, A.D.

Elizabeth B. Shea
ELIZABETH B. SHEA
NOTARY PUBLIC OF OREGON

NARRATIVE:

THE PURPOSE OF THIS SURVEY IS TO ADJUST THE PROPERTY LINES OF THAT TRACT OF LAND AS DESCRIBED IN VOLUME 151, PAGE 744, OFFICIAL RECORDS OF JOSEPHINE COUNTY, OREGON. MONUMENTS WERE RECOVERED AND HELD PER C.S. 65-54, C.S. 193-72, AND C.S. 118-81. ADJUSTED PROPERTY CORNERS WERE MONUMENTED AS SHOWN ON THE PLAT. THE CENTERLINE OF KUBLI ROAD WAS DETERMINED FROM THE AS-CONSTRUCTED CENTERLINE (AS STRIPPED). ONLY THE DIMENSION LINES BETWEEN PARCELS 1, 2, AND 3 WERE ACTUALLY SURVEYED DURING THE COURSE OF THE SURVEY. THE EXTERIOR BOUNDARY WAS DETERMINED FROM MY PREVIOUS SURVEY, C.S. 118-91. THIS SURVEY WAS EXECUTED WITH A NIKON DTM-AS TOTAL STATION.

APPROVALS:

APPROVED BY THE JOSEPHINE COUNTY PLANNING DEPARTMENT, THIS 15th DAY OF April, 1997.
Sharon G. Maxwell
PLANNING DEPARTMENT
APPROVED BY THE CITY SURVEYOR, THIS 15th DAY OF April, 1997.
Craig C. Clewley
CITY SURVEYOR

STATE OF OREGON }
COUNTY OF JOSEPHINE } SS.
I DO HEREBY CERTIFY THAT THE ATTACHED PARTITION PLAT WAS RECEIVED FOR RECORDING ON THE 22nd DAY OF April, 1997, AT 11:31 O'CLOCK A.M. AND RECORDED AS PARTITION PLAT NO. 1997-41 OF THE JOSEPHINE COUNTY RECORDS.
Roger T. Reece
REGISTERED PROFESSIONAL LAND SURVEYOR
ALL TAXES, FEES, ASSESSMENTS OR OTHER CHARGES AS PROVIDED BY O.R.S. 308.005 HAVE BEEN PAID THIS 15th DAY OF April, 1997.
JOSEPHINE COUNTY ASSESSOR *Sharon G. Maxwell*
ASSESSOR OF DEBTS

I, ROGER T. REECE, REGISTERED PROFESSIONAL LAND SURVEYOR NO. 864, HEREBY CERTIFY THAT THIS IS AN EXACT COPY OF THE FINAL PLAT.
Roger T. Reece
ROGER T. REECE, REGISTERED PROFESSIONAL LAND SURVEYOR

NOTES:

- INDICATES 5/8" x 1/8" IRON ROD W/RED PLASTIC CAP MARKED "REECE-PLS 864" SET
- INDICATES MONUMENT FOUND AS NOTED.
- 5/8" IRON ROD FOUND PER C.S. 118-81.
- () RECORD PER C.S. 65-54.
- BOARINGS ARE BASED UPON C.S. 118-81.

JOSEPHINE COUNTY SURVEYORS OFFICE
APR 22 1997

FROM WAY DELETED THE NORTH APPLEGATE RIVER CATCH COMPANY PER V. 7, P. 24, NOT LOCATED THIS SURVEY.
MEMORANDUM RIGHT OF WAYS GRANTED THE CALIFORNIA OREGON POWER COMPANY (PER V. 81, P. 812; V. 89, P. 208; V. 89, P. 332; V. 184, P. 446; V. 205, P. 127); AND THE PACIFIC POWER AND LIGHT COMPANY (PER V. 244, P. 182; V. 245, P. 971) NOT LOCATED THIS SURVEY.

REGISTERED PROFESSIONAL LAND SURVEYOR
Roger T. Reece
ROGER T. REECE, P.L.S. 864
JULY 12, 1988
JOSEPHINE COUNTY, OREGON

301 NW "A" STREET, SUITE 4002, GRANITE PASS, OR
PROPERTY LINE ADJUSTMENT PLAT
T.L.S. 601, 900 & 901, MAP 37-5-36
LOCATED IN
NE 1/4, SW 1/4 AND NW 1/4 OF SECTION 36,
TOWNSHIP 37 SOUTH, RANGE 5 WEST, WM,
JOSEPHINE COUNTY, OREGON

OFFERED FOR RECORD
APR 21, 1997

PREPARED FOR MR. WALTER EATON
SCALE: 1" = 300'

GRANITE PASS, OR
APR 21, 1997

INSTRUMENT 97-13677
 Date: 8/5/97 # Pages: 9 AUG 05 1997

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AGREEMENT FOR CREATION OF PIPELINE EASEMENT
 FOR PARCEL 1 OVER PARCELS 2 AND 3

GRANTORS: Walter E. Eaton and Leanne Eaton,
 husband and wife

PROPERTIES:

1. "Property": Grantors as tenants by the entirety own the following described real property:

 Parcels 1, 2 and 3 of Partition Plat No. 1997-41, Josephine County, Oregon.

 This real property may be referred to as the "Property" herein.
2. "Dominant Estate": The Dominant Estate is Parcel 1 of the Property, and the Dominant Estate includes any and all parcels into which such land may hereafter be partitioned or otherwise divided.
3. "Servient Estate": The Servient Estate is Parcels 2 and 3 of the Property, and the Servient Estate includes any and all parcels into which such land may hereafter be partitioned or otherwise divided and in which any portion of the Easement Area may be located.

RECITALS:

The easement herein is for the benefit of the provision of water for Parcel 1 as the Dominant Estate over the Servient Estate.

DEFINITIONS: The following definitions apply hereto:

1. "Property," "Dominant Estate" and "Servient Estate" are as defined above.
2. "Pipeline" includes a water pipeline of 4" to 6" diameter which runs from a water pump near the North Applegate Road, some 150 feet northerly and upon the ground up a bluff, where the pipeline then goes underground some 3 to 4 feet, and thence runs northeasterly from a point some 200 feet east of the west boundary of the Servient Estate to a point along the northerly boundary of the Servient Estate some 1000 feet east of the westerly boundary line of the Servient Estate. This pipeline, and all fittings and present

AGREEMENT FOR CREATION OF PIPELINE EASEMENT
 FOR PARCEL 1 OVER PARCELS 2 AND 3 -1-

Received
 MAR 25 2026
 OWRD

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and future component parts thereof, and the water pump and its electrical service components and all present and future such pumps and components, and such pipeline as hereafter maintained and repaired all or in part, are referred to collectively herein as the "Pipeline." (The approximate location of the Pipeline is shown in the map at Exhibit "A" hereto.)

[Handwritten mark]

3. "Maintenance and repair" are all work and physical materials required for the upkeep of the Pipeline to enable the free passage of water through and in the same to serve the Dominant Estate, as determined from time to time by the owner of the Dominant Estate. Such maintenance and repair also includes but is not limited to the right of such owner at any time to inspect the Pipeline, to replace any or all of the Pipeline and to remove any service connections to or other components of the Pipeline which at any time are above the surface of the soil of the Servient Estate. (Any such above the surface service connections which disperses water are not to be used to provide water for the benefit of the Servient Estate and once removed the same shall not be installed again without written consent of the owner of the Servient Estate.) *who is this?*
4. "Easement" is a perpetual, exclusive easement for the Pipeline to be present upon the Servient Estate, and the same also includes access through any portions of the Servient Estate where access is reasonable for the purpose of maintenance and repair of the Pipeline, as well as access upon the Easement Area to perform maintenance and repair upon any or all of the Pipeline at any time or times.
5. "Easement Area" is the physical portion of the Servient Estate within which the Pipeline is located at the date of execution hereof, and a distance of 20 feet on each side of the Pipeline, within which area any owner of the Dominant Estate may enter or cause to be entered to perform maintenance and repair. (The Easement Area may all or in part be in the "Easement Area" referred to in the "Agreement for Creation of Pipeline Easement for Parcel 2 over Parcel 3" being executed on or about the date hereof and which pertains to Parcels 2 and 3 of Partition Plat No. 1997-41, Josephine County, Oregon, and it is permissible for the two said Easement Areas to partially overlap.) *10'*

Received
MAR 25 2026
OWRD

**GRANT OF
EASEMENT:**

In consideration of the above recitals, and of the benefit to the Grantors as owners of the Dominant Estate, and for other good and valuable consideration, the Grantors as owners of the Servient Estate and as owners of the Dominant Estate agree to the following:

1. Agreement for Easement: The Grantors as owners of the Servient Estate hereby grant the Easement to themselves as owners of the Dominant Estate, and the Easement shall run with the Servient Estate and Dominant Estate and the Easement shall enure to the benefit of the owners of the Dominant Estate and shall be binding upon the owners of the Servient Estate, and such owners shall include but not be limited to the Grantors and their heirs and assigns.
2. Type of Easement: The Easement is appurtenant to the Dominant Estate and is not an easement in gross, nor is the same personal to the Grantors or any other person or transferable by the Grantors apart from any sale or conveyance of the Dominant Estate.
3. Prescriptive and Other Easements: This Easement terminates any prescriptive or written easement pertaining to the Pipeline and which in any fashion whatsoever is beneficial to any of the Dominant Estate. (Such termination does not affect any water right, whether or not of record, pertaining to any or all of the Dominant Estate.)
4. Hold Harmless: Any owner of the Dominant Estate, including but not limited to Grantors and their heirs and assigns, agree by being owner of any portion of the Dominant Estate to hold harmless, save and protect any and all owners of the Servient Estate, and all licensees, lessees, and invitees of the owners of the Servient Estate, from all the following arising from the exercise by the owner of the Dominant Estate of any right or power enuring to such owner of the Dominant Estate as created in this instrument: (a) all claims for personal injury, including death, and damage to property, including but not limited to those arising from flooding caused by the Pipeline and the use of any equipment in engaging in any repair or maintenance of the Pipeline, and (b) all reasonable attorney fees, costs and disbursements pertaining to the foregoing.
5. Parties: The instrument herein is binding upon and

AGREEMENT FOR CREATION OF PIPELINE EASEMENT
FOR PARCEL 1 OVER PARCELS 2 AND 3

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shall enure to the benefit of the Grantors and their heirs and assigns (who are the respective owners of the Dominant Estate and Servient Estate referred to herein) and the Easement created by this instrument shall run with the lands described herein and as provided herein.

6. Recording: This instrument is being executed in one original which shall be recorded in the public records of Josephine County, Oregon.

7. Maintenance and Repair and Operation: Any expense related to costs of maintenance and repair of the Pipeline, and of the cost of electricity and other costs related to the operation of the Pipeline (including but not limited to operation of the water pump) which is incurred by the owners of the Dominant Estate shall be paid by the owners of the Dominant Estate as they shall determine among themselves. If such owners fail to agree upon such costs, then the same shall be resolved by arbitration as provided herein.

8. Restoration: Subject to Section 9.d., below, the owners of the Dominant Estate shall restore the Servient Estate reasonably to the condition it was before any maintenance or repair is performed upon the Pipeline by the owners of the Dominant Estate or as authorized in an emergency by the owners of the Servient Estate.

9. Servient Estate Owners' Obligations and Rights:

a. Interference with Easement: Owners of the Servient Estate shall not through any act or omission, including but not limited to accidental damage to any part of the Pipeline, hinder the operation of the Pipeline for the benefit of the Dominant Estate.

b. Installations in Easement Area: Owners of the Servient Estate shall not construct or install any building, septic system, well, pond, or other structural or other type of improvement upon the Easement Area. (The immediately foregoing sentence does not prohibit one or more roads, and water, electricity and other utility service lines, to cross the Easement Area, provided any such roads are not surfaced with concrete or material of comparable hardness to concrete.)

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c. Plantings in Easement Area: Owners of the Servient Estate shall not do any of the following within the Easement Area:

(1) Plant any trees, vines or other foliage which shall have roots that reasonably may be deemed capable at any time or in any fashion of hindering the passage of water through the Pipeline. (Such trees include but are not limited to fruit bearing trees and Christmas trees, and vines include but are not limited to grape vines.)

(2) Plant any of the above trees, vines or other foliage which places an unreasonable burden, due to the difficulty or expense of removing or replacing the same, upon the owner of the Dominant Estate in performing any maintenance or repair of the Pipeline.

d. Crops: Owners of the Servient Estate may plant grasses or other crops (which may include commercial annual crops but shall not include trees, vines and the like as prohibited above) in the Easement Area. In such event, the owners of the Dominant Estate shall not be required to replace any such grasses or other crops at the stage of growth the same were at the time of maintaining or repairing the Pipeline, nor to pay the owners of the Servient Estate or any other person damages for any loss thereof (and with such losses including but not limited to any actual or alleged loss of profits).

e. Emergencies: If an emergency involving the Pipeline requires immediate maintenance or repair, then upon discovery of the same the owner of the Servient Estate shall make a reasonable attempt to notify the owner of the Dominant Estate concerning the emergency in order to mitigate the damages therefrom. If such owner of the Dominant Estate is not available or cannot respond to meet the emergency, then the owner of the Servient Estate may perform such immediate maintenance or repair, or contract for such (or both), and in such event the owner of the Servient Estate shall be reimbursed by the owner of the Dominant Estate. Such payment to the Servient Estate owner shall be made in full not later than 10 days after any submission of such charges, with adequate evidence, to such party.

10. Remedies: Any dispute arising between or among any present or future owners of any of the Property shall be resolved exclusively by arbitration using the procedure at Exhibit "B" hereto. The arbitration shall

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be held in Josephine County, Oregon, and the award of the arbitration may include but not be limited to damages, injunctive relief, and specific performance.

IN WITNESS WHEREOF, the Grantors have signed this instrument in approval hereof on this 1st day of August, 1997.

Walter E. Eaton
Walter E. Eaton

Leanne Eaton
Leanne Eaton

STATE OF OREGON)
 :ss
County of Josephine)

This instrument was acknowledged before me on this 1st day of August, 1997 by Walter E. Eaton and Leanne Eaton.



Alice M. Manns
Notary Public for Oregon

AGREEMENT FOR CREATION OF PIPELINE EASEMENT FOR PARCEL 1 OVER PARCELS 2 AND 3 -6-

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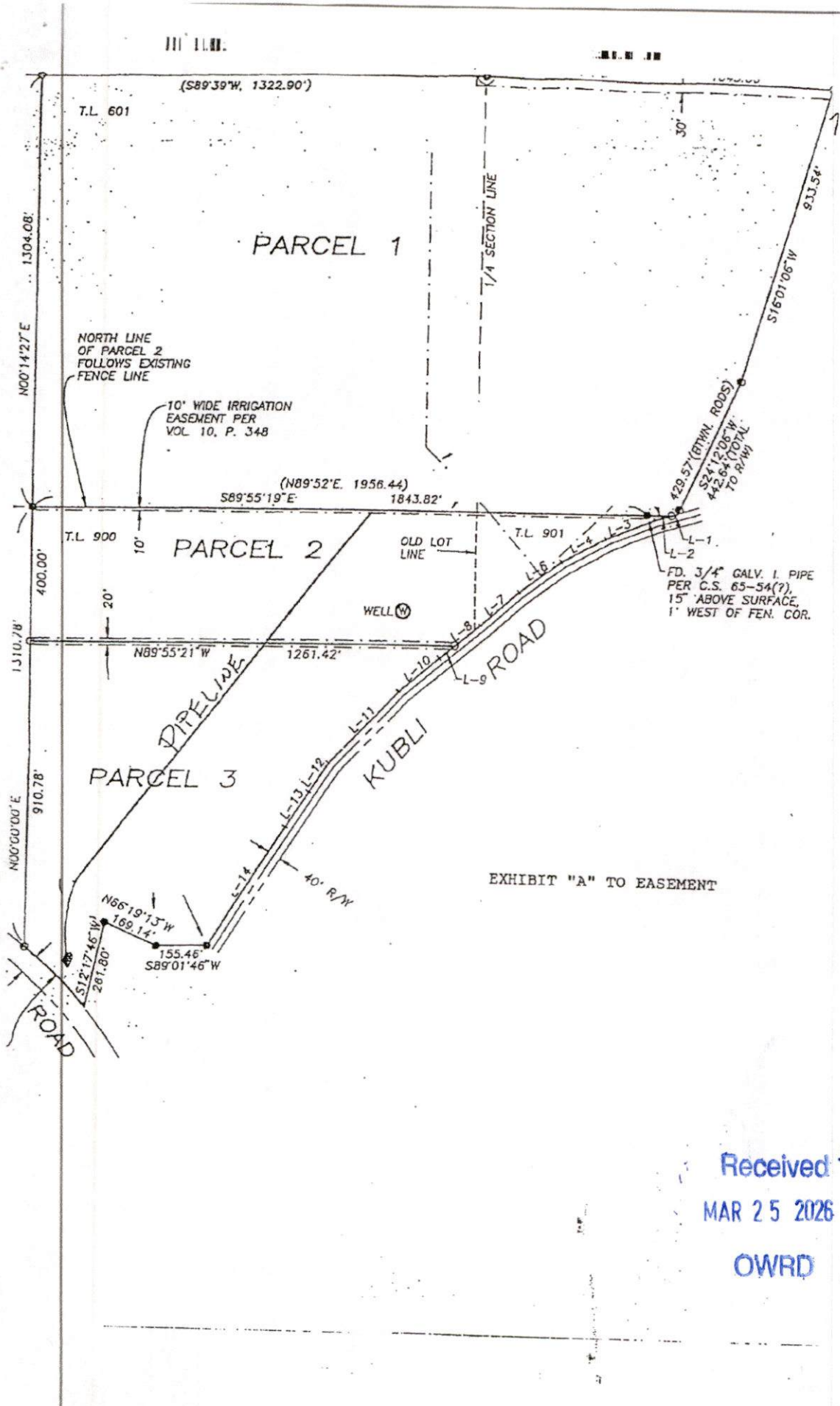


EXHIBIT "A" TO EASEMENT

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ARBITRATION

Any controversy arising between or among any two or more of the parties concerning the construction or enforcement of any provision of the agreement of which this arbitration procedure is a part, or the rights or obligations of the parties hereunder, and which is not resolved by mutual agreement within ten (10) days after formal written notice delivered by the party or parties desiring resolution to the other party or parties, as the case may be, stating that a controversy exists, shall be determined and settled by arbitration in the manner hereinafter set forth.

(1) The arbitration shall be consistent in all respects with the provisions of ORS 36.300 to 36.365, inclusive, as now written and hereafter amended, and any other provisions of the Oregon Revised Statutes which now or hereafter concern the arbitration of disputes. Except as otherwise specifically provided in (6), below, all references herein to "party" or "parties" pertain only to the two or more parties to the dispute (and who need not include all parties the agreement of which this procedure is a part), and which parties therefore shall have the rights, powers and duties as provided herein in regard to the arbitration. (As provided in (6), below, all parties to the said agreement shall be bound by the award given in the arbitration insofar as the same affects the rights, powers or duties of any one or more of the parties by the making of an interpretation of the agreement.)

(2) Within five (5) days after expiration of the ten (10) day period after delivery of formal, written notice as set forth above, the parties may mutually agree in writing to a single arbitrator who shall be the sole arbitrator hereunder. Failure of the parties to make such appointment shall entitle any party to appoint an arbitrator of such party's choice, and such appointment shall be made within fifteen (15) days after the expiration of the above ten (10) day notice period, and within such period the party making the appointment shall inform the other party or parties as to the name, address and telephone number of the appointed arbitrator. If the number of arbitrators so appointed is an even number, then the arbitrators so appointed shall appoint one more arbitrator within ten (10) days after the appointment of the last such arbitrator to be appointed by the parties, and upon their failure to agree upon the appointment such shall be determined by the drawing of lots (with each arbitrator desiring to do so suggesting an appointee), the drawing to be done by the first arbitrator appointed as aforesaid, and with such first arbitrator to make the appointment if no other names are provided for the purpose of the drawing of lots. Any arbitrator must be an actual resident of Oregon or shall be doing business in Oregon.

(3) The arbitrator or arbitrators so appointed shall hear and decide the matter, and failure of a party to make such an appointment shall be a waiver of such party's rights thereafter to appoint an arbitrator.

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(4) Beginning at the earliest possible time, the sole arbitrator or arbitrators, as the case may be, shall meet at times and places of their choice, and shall hold a hearing or hearings as they determine necessary to gather evidence pertaining to the controversy. At any hearing, the parties shall be given the opportunity to present their positions fully and such shall be made in the presence of the other party if the other party desires to attend the hearing. Witnesses may be called at any hearing by either party, at the expense of the party calling the witness, and any other party shall have the right to cross-examine any such witness and the further right to offer evidence and comment upon the case presented by any adverse party. The parties, each at its own option and at such party's own expense, may be represented by an attorney or attorneys at any hearing.

(5) The sole arbitrator or arbitrators, as the case may be, shall make a decision and award resolving the dispute within five (5) days of the last hearing, and the decision of multiple arbitrators shall be by majority vote. In no case shall the decision be made more than thirty (30) days beyond the date required for appointment of the arbitrator as provided in (1), above.

(6) As provided in (1), above, the arbitration award shall be binding upon all the parties to the above agreement and upon the demand of any party judgment shall be entered thereon to and consistent with the provisions of ORS 36.300 to ORS 36.365, inclusive, as now written and as hereafter amended, with the party entering the judgment paying the court filing costs. The compensation of arbitrators, and their travel and other expenses, regardless of which party appointed any such arbitrator, shall be paid in equal shares by the parties. Each party shall pay such party's own attorney fees incurred in the arbitration, and shall pay such party's own such fees, and all costs and disbursements and witness and other fees, upon any appeal of the arbitration award.

INSTRUMENT 97 - 13677

STATE OF OREGON
COUNTY OF JOSEPHINE

I, County Clerk and ex-officio Recorder of Conveyances, in and for said County, do hereby certify that the within instrument was received for record and recorded at

Date: 8/5/97 Time: 3:22 PM

in the Josephine County Book of Records,
GEORGETTE BROWN, COUNTY CLERK

By Deputy: *[Signature]*

Pages: 9 Fee: \$65.00

Hand Returned Mailed Hold

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EXHIBIT "B" TO EASEMENT Page -2-

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INSTRUMENT

99-22919

Date: 10/26/99

Pages: 3

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(1)

AMENDMENT TO
AGREEMENT FOR CREATION OF PIPELINE EASEMENT
FOR PARCEL 1 OVER PARCELS 2 AND 3

AND
AMENDMENT TO
AGREEMENT FOR CREATION OF PIPELINE EASEMENT
FOR PARCEL 2 OVER PARCEL 3

We, Walter E. Eaton and Leanne Eaton ("Grantors"), husband and wife and owners as tenants by the entirety of the real property described below ("Property"), on August 1, 1997 executed two agreements, being (1) an "Agreement for Creation of Pipeline Easement for Parcel 1 over Parcels 2 and 3" (the "First Agreement") which was recorded on August 5, 1997 as Instrument No. 97-13677 of the Josephine County Book of Records, Josephine County, Oregon, and (2) an "Agreement for Creation of Pipeline Easement for Parcel 2 over Parcel 3" (the "Second Agreement") which was recorded on August 5, 1997 as Instrument No. 97-13678 of the Josephine County Book of Records, Josephine County, Oregon; and

The First Agreement and Second Agreement may be referred to together herein as the "Agreements"; and

The "Property" described in the First Agreement is Parcels 1, 2 and 3 of Partition Plat No. 1997-41, Josephine County, Oregon, and the "Property" described in the Second Agreement is Parcels 2 and 3 of Partition Plat No. 1997-41, Josephine County, Oregon; and

Grantors, as tenants by the entirety, were the owners of all the Property described in the Agreements on the date of execution thereof, and they have remained at all times and now are such owners, and no part of the Property has in any fashion been conveyed by either or both Grantors since August 1, 1997 to the date hereof, and no third party has enured to any right or benefit whatsoever based upon or arising in any fashion from the Agreement; and

Now, therefore, in consideration of the foregoing, and of the promises and agreements of the Grantors with each other as owners of the Property, and for other good and valuable consideration, Grantors do hereby agree as follows:

1. Amendment to Definition of Easement Area: The first sentence of Section 5 (on Page 2) of the First Agreement and of the Second Agreement is amended to be as follows so the easement area is 10 feet instead of 20 feet on each side of the Pipeline:

AMENDMENT TO AGREEMENTS FOR CREATION OF PIPELINE EASEMENT

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OWRD

"'Easement Area' is the physical portion of the Servient Estate within which the Pipeline is located at the date of execution hereof, and a distance of 10 feet on each side of the Pipeline, within which area any owner of the Dominant Estate may enter or cause to be entered to perform maintenance and repair."

2. Continuation in Effect: Each of the First Agreement and the Second Agreement, as amended hereby, shall continue in full force and effect.

3. Recording: This instrument is being executed in one original which shall be recorded in the public records of Josephine County, Oregon.

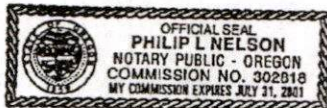
IN WITNESS WHEREOF, Grantors have signed this instrument in approval hereof on this 25th day of October, 1999.

Walter E. Eaton
Walter E. Eaton

Leanne Eaton
Leanne Eaton

STATE OF OREGON)
 :ss.
County of Josephine)

The foregoing instrument was acknowledged before me on this 25th day of October, 1999, by Walter E. Eaton and Leanne Eaton.



Philip L. Nelson
Notary Public for Oregon

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INSTRUMENT **99-22919**
STATE OF OREGON
COUNTY OF JOSEPHINE

I, County Clerk and ex-officio Recorder of
Conveyances, in and for said County, do
hereby certify that the within instrument was
received for record and recorded at

Date: **10/26/99** Time: **9:54 AM**

in the Josephine County Book of Records.
GEORGETTE BROWN, COUNTY CLERK

By Deputy: *[Signature]*
Pages: **3** Fee: **\$35.00**

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(2)



CONTRACT DATA SHEET



1. Applicant Information:

A. Landowners

- 1) Name of landowner(s): Calvin G. Schmidt & Judy A. Schmidt
- 2) Address: 422 Missouri Flat Rd. Grants Pass, OR 97527
- 3) Mailing Address (if different): 242 Missouri Flat Rd. Grants Pass, OR 97527
- 4) Taxpayer Identification Number(s): _____
(Social Security Number or Employer Identification Number)¹

1) Do you own all of the land where you propose to divert and make use of water? Yes

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

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

- 2. Source of Water (name of stream, river): Applegate River re-diversion, Applegate Lake
- 3. Proposed point of diversion: 4000 feet South and 80' East feet of NW corner of Section, Township 38S, R4W, Range Sec 6, Willamette Meridian.
- 4. A water right permit to divert storage water is required. Application or file number with OWRD if you have applied for a permit to divert storage water: Being applied for Simultaneously
- 5. Include a map of lands and diversion points. **[Same as required by Oregon Water Resources Department (OWRD) for application for surface/ground water permit].**
- 6. Do you currently hold a right to natural flows for irrigating the property described herein?
If yes, what is/are the priority date(s)? Caris Cr. C-8059 3/8/1922 priority, not avail., changing to supplemental
- 7. Total quantity of water from storage requested: 9.2 acre-feet.
- 8. Location of land to be irrigated in each 40-acre tract:

Township	Range	Section	40-Acre Tract	No. of Acres	Type of Irrigated Crop
37S	5W	25	SWSE	9.2	Grapes & Pasture

USBR Contract in Process

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9. What is the present of the land identified above? [farming; idle (fallow cultivated land); native (appears never to have been tilled); planted pasture or other (please specify)].

Vineyard and pasture area.

10. Is the land identified above currently being irrigated?

If yes, what is the source? (natural flows, wells, etc.)

Yes, wells.

11. Diversion must be screened to prevent uptake of fish and other aquatic life. Describe plan(s) to comply with State/Federal fish standards:

A screen structure is already in place on the Northside Ditch system and meets ODFW screening requirements currently.

12. Telephone number where you can be reached during the day: 541-659-2711

Mail completed form to:

Bureau of Reclamation, CPN Regional Office, Attn: CPN-6323, 1150 N. Curtis Road, Boise, ID 83706.

For questions, call the Repayment Specialist at (986) 999-8984.

Before returning the completed Contract Data Sheet to the address provided on page 1, please check that you have done the following:

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

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

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

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Affidavit of Voluntary Cancellation or Diminution of a Water Right Certificate

VOLUNTARY CANCELLATION is how the legal holder(s) of a water right certificate may cancel an abandoned water right or an abandoned portion of a water right. Abandonment means water use has or will have ceased under the cancellation. A cancellation can apply to an entire certificate or to a specific place of use and acreage. The rate of water must be proportionately cancelled to match the portion of the right being cancelled. If a certificate is partially cancelled, a remaining water right certificate will be issued describing the uncanceled portion.

[see also Oregon Revised Statute (ORS) 540.621 and Administrative Rule (OAR) 690-017-0100.]

VOLUNTARY DIMINUTION is how the legal holder(s) of a water right certificate may diminish an entire water right or a portion of it from a primary purpose to a supplemental purpose. The overall authorized rate of water on the certificate will remain the same, but the proportions between primary use and supplemental use will change. In the diminution process, the originating water right will be cancelled, and a new water right will be issued describing the diminution. [see also Oregon Administrative Rule (OAR) 690-330-0040.]

Describe in your own words what you want to accomplish with this affidavit: We are applying concurrently for a Surface Water Application and Limited License to irrigate a vineyard and pasture area on our property using a more reliable source, being stored BOR water from Applegate Reservoir. A portion of the proposed place of use overlaps with C-8059. Upon issuance of a Limited License or Surface Water Permit, whichever comes earlier, we would like to diminish the overlapping place of use under C-8059 to Supplemental Irrigation so that once issued, the Applegate Reservoir sourced water right(s) will be Primary Irrigation.

Certificate of Water Right Information:

Certificate Number: 8059

Issued for use within the State of Oregon, County of Josephine.

Issued in the name of: Bert York.

Date of priority: March 8, 1922

Rate or Volume on entire certificate: 0.31 cfs (cubic foot per second **or** gallons per minute **or** acre-feet).

Source(s) of water on certificate: Caris Creek.

Use(s) of water listed on certificate: Irrigation (purposes),

If for irrigation (IR), total number of acres on certificate for primary IR 25.0, supplemental IR _____.

Statements of Oath:

We (or authorized agent), Calvin G. Schmidt & Judy A. Schmidt, trustees of the Calvin G. Schmidt Trust dated March 5, 2010 & the Judy A. Schmidt Trust dated March 5, 2010,

residing at 422 Missouri Flat Rd. Grants Pass, OR 97527,

with a mailing address of (if different) same,

and a telephone number of 541-659-2711, being **first duly sworn depose and say:**



Affidavit for the VOLUNTARY CANCELLATION or DIMINUTION of a Water Right Certificate

1. I/We are the legal owners of property appurtenant to all **or** a portion (**check one box**) of the water right described above. My/Our property is described on a recorded property deed in my/our/an entity name(s). The property is located within the following legal description [*must include at a minimum, township(s), range(s), section number(s), quarter- quarter(s) and tax lot number(s)*].

Examples:

- Township 3 South, Range 5 East, Section 12, NW¼, NW¼ SW¼ & SW¼ SW¼; Section 13 NWNW, SWNW, all within Tax Lot 700.
- T16S, R18E, Sec18, SWSE & SESE, TL 1700
- T6N, R35E, Sec 27, S½, TL 1100

Enter legal description here: All that portion of the Southerly 360 feet of the Southwest of the Southeast Quarter-Quarter of Section 25, Township 37 South, Range 5 West, of the Willamette Meridian, Josephine County, Oregon, lying Westerly of the Westerly right of way line of Missouri Flat Road

2. I/We are requesting a [**check one box - the affidavit will be returned if more than one box is checked**]:

voluntary cancellation of and have abandoned any and all interest in the ENTIRE water right Certificate # _____.

voluntary cancellation of and have abandoned any and all interest a PORTION of water right Certificate # _____.

voluntary diminution of the ENTIRE water right Certificate # _____.

voluntary diminution of a PORTION of water right Certificate # **8059**.

3. The appurtenant water right is **or** is not (**check one box**) located within the boundaries of an irrigation, drainage, water improvement, or water control district, or federal reclamation project (district). If the right is located within a district or reclamation project, name it here: _____.

- a. The water right, or portion thereof, being cancelled **or** diminished (**check one box**) is in the name of or served by a district. The signature of district manager on the line below documents the concurrence of the district to the changes to the water right specified in this affidavit, for the portion of the water right in the name of or served by the district.

Signature of district manager Printed Name

Date _____

4. **Complete this item (#4) only if this is a CANCELLATION for a PORTION of the water right.**

I/We have abandoned any and all interest in and wish to cancel the following portion(s) of the water right certificate number listed in Item #2, above:

A place of use, or use.

- For the use of (specify irrigation, domestic, etc.) _____
- *IF FOR IRRIGATION OR NURSERY USE:* Total number of acres to be cancelled _____
- In the amount of _____ cubic foot per second

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Affidavit for the VOLUNTARY CANCELLATION or DIMINUTION of a Water Right Certificate

- From the water source (s) _____
- At the following location(s) (attach a larger table if needed):

ABANDONED PORTION TO BE CANCELLED										
Township	N or S	Range	E or W	Mer	Section #	DLC #	G-LOT #	Quarter-Quarter	Acres	Tax Lot #
_____	_____	_____	_____	WM	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	WM	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	WM	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	WM	_____	_____	_____	_____	_____	_____

- Locations of the place of use or acres being cancelled are clearly identified on a copy of the certificate map of record (decree map, final proof map, or claim of beneficial use map); or, if there is no certificate map of record, then an alternate map is being submitted with information sufficient to determine the lands on which the right is to be cancelled)
- Locations of the place of use or acres **NOT** being cancelled are clearly identified on a copy of the certificate map of record; or if there is no certificate map of record, then an alternate map is being submitted with information sufficient to determine the lands on which the right is NOT to be cancelled.

AND/OR (less common)

- One or more of the authorized points of diversion (surface water) or points of appropriation (groundwater) authorized under the certificate.
- For the use of (specify irrigation, domestic, etc.) _____
 - From the water source (s) _____
 - Located within the _____¹/₄, Section _____, Township _____ (N or S), Range _____ (E or W, W.M.
 - Location Description (if given on the certificate) _____

5. Complete this section (Item #5a-c) for a DIMINUTION of ALL or a PORTION of the water right.

- I/We have found a more dependable source of primary water, and therefore request the water right certificate in its entirety, **or** as described in Item #6, below, (check one box) be diminished from a right for primary use to a right for supplemental use (upon issuance of a permit for Ap G-19051).
- I/We agree that if this change is approved, it is permanent and the right to the use of water from **Caris Creek** (source) cannot be changed back to the primary use unless otherwise provided by law.
- I/We also agree that so long as there is sufficient water available from the new primary source, I am/we are not entitled to use any water from **Caris Creek** (source of water) for primary use on these lands.

6. Complete this item (#6) for a DIMINUTION of a PORTION of the water right.

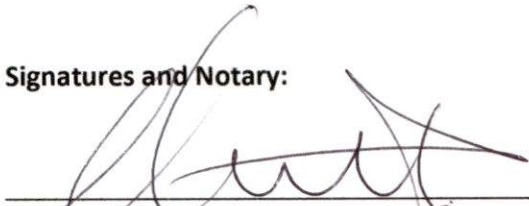
I/We, being the legal owners of the property described below are requesting a partial diminution of the water right certificate (identified in Item #2 above in the amount of **0.06** (cfs) from **Caris** (sources) for irrigation (if applicable) of **4.8** acres at the following location(s) as listed on the certificate (attach a larger table if needed):

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Affidavit for the VOLUNTARY CANCELLATION or DIMINUTION of a Water Right Certificate

PORTION TO BE DIMINISHED FROM PRIMARY TO SUPPLEMENTAL IRRIGATION										
Township	N or S	Range	E or W	Mer	Section #	DLC #	G-LOT #	Quarter-Quarter	Acres	Tax Lot #
<u>37</u>	<u>S</u>	<u>5</u>	<u>W</u>	WM	<u>25</u>			<u>SWSE</u>	<u>4.8</u>	<u>1607</u>

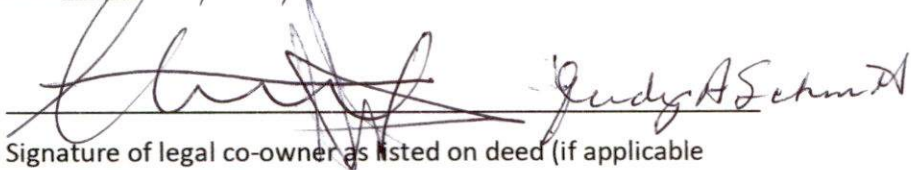
Signatures and Notary:



Signature of legal owner as listed on deed, or authorized agent

Printed Name Calvin G. Schmidt trustee of the Calvin G. Schmidt Trust dated March 5, 2010 & the Judy A. Schmidt Trust dated March 5, 2010

Date 3/23/26



Signature of legal co-owner as listed on deed (if applicable)

Printed Name Judy A. Schmidt, trustee of the Calvin G. Schmidt Trust dated March 5, 2010 & the Judy A. Schmidt Trust dated March 5, 2010

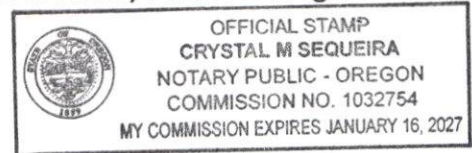
Date 3-23-26

Subscribed and Sworn to Before Me this 23 day of March, 2026.



 Signature of Notary Public for Oregon

My Commission Expires January 16, 2027



REQUIRED ATTACHMENTS (LEGIBLE COPIES):

- 1) A recorded property deed which lists landowner(s) and includes a legal description of lands affected by this affidavit of cancellation or diminution.
- 2) An adjudication map, water right final proof map, or a tax lot map that clearly shows:
 - a. Location and acreages within each township, range and quarter-quarter of the lands described on the water right being cancelled or diminished, and
 - b. the remaining locations and acreages within each township, range and quarter-quarter of the lands described on entire water right NOT being cancelled or diminished, if any.
- 3) A list of names and addresses of other property owners with lands appurtenant to portions of the water right certificate not legally owned by the person(s) signing the affidavit.

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Affidavit for the VOLUNTARY CANCELLATION or DIMINUTION of a Water Right Certificate

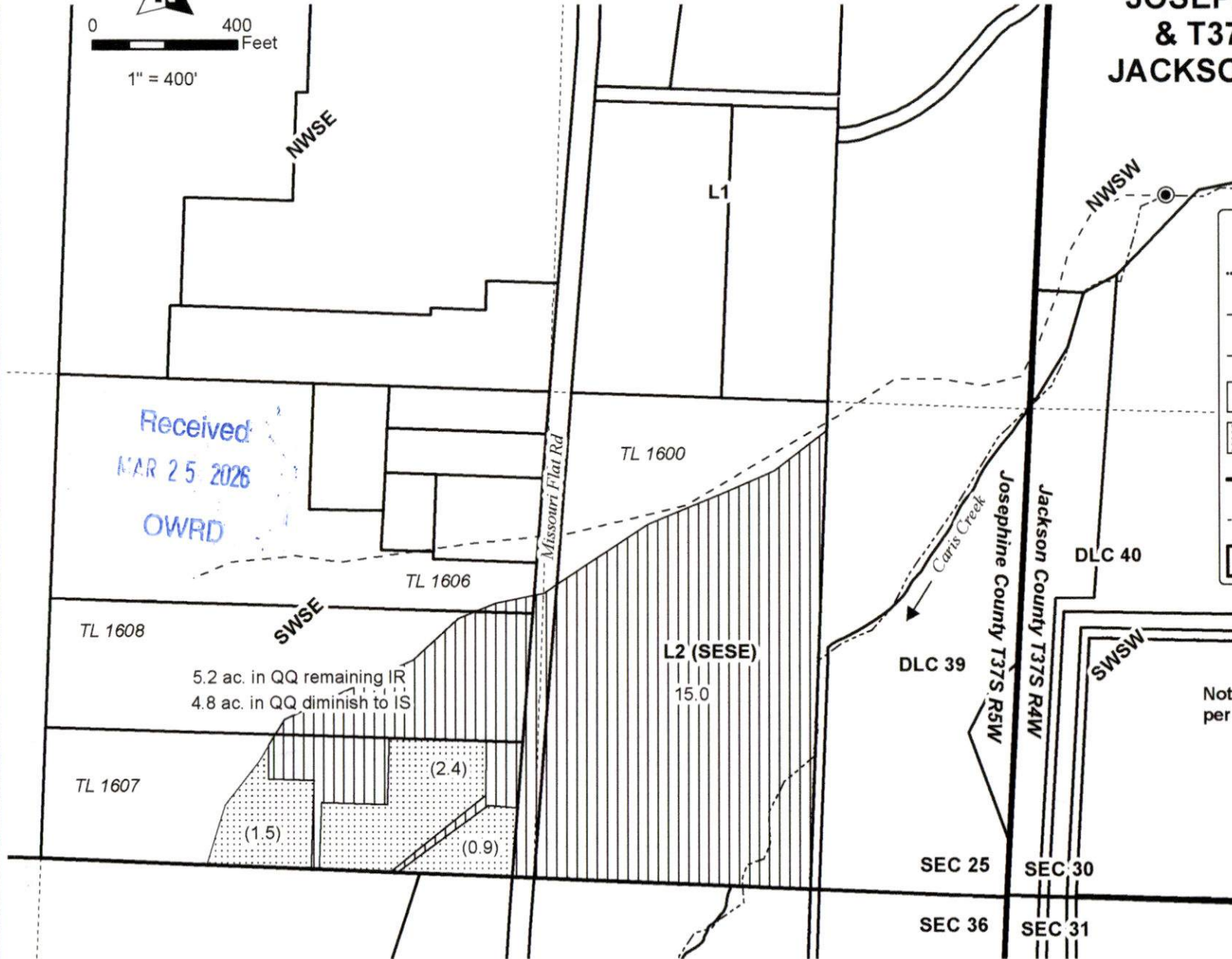
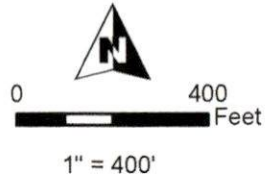
- 4) If acting as an authorized agent, include a copy of the Power of Attorney or other documents granting authority to act on behalf of legal owner(s) as listed on the deed.

MISSING ATTACHMENTS WILL RESULT IN THE AFFIDAVIT BEING RETURNED, AND NO ACTION TAKEN ON THE AFFIDAVIT.

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**T37S R5W, WM,
JOSEPHINE COUNTY
& T37S R4W, WM,
JACKSON COUNTY, OR**



**PARTIAL DIMINUTION MAP
Schmidt Family Vineyards**

Date: 1/27/2026

C-8059 March 8, 1922 Priority

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

WATER RIGHT SERVICES, LLC

PO BOX 1830, BEND, OR 97709
WWW.OREGONWATER.US
 info@oregonwater.us 541-389-2837



C-8059

A list of names and addresses of other property owners with lands appurtenant to portions of the water right certificate not legally owned by the person(s) signing the affidavit.

Tax Lot	Name	Address
37052500001608	707 VENTURES, LLC in c/o Richard Braden	13511 N. Applegate Rd Grants Pass, OR 97527
37052500001606	Richard M. Braden	588 Missouri Flat Rd. Grants Pass, OR 97527
37052500001600	BOCCHINO, JOSEPH ANDREW & BOCCHINO, JENNIFER SPARKS	6 WELDON HTS LADERA RANCH, CA 92694

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**UNLESS A CHANGE IS REQUESTED,
ALL TAX STATEMENTS SHALL BE
SENT TO THE FOLLOWING ADDRESS:**

Calvin G. Schmidt, Trustee
Judy A. Schmidt, Trustee
242 Missouri Flat Road
Grants Pass, OR 97527

AFTER RECORDING, RETURN TO:

Foster Denman, LLP
Post Office Box 1667
Medford, OR 97501

JOSEPHINE COUNTY OFFICIAL RECORDS	
RHIANNON HENKELS, COUNTY CLERK	2019-002624
DED-WRD	03/08/2019 11:11 AM
Cnt=1 Pgs=2 Str=4 LBOSS	
\$10.00 \$11.00 \$10.00 \$60.00 \$5.00	\$96.00

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

WARRANTY DEED

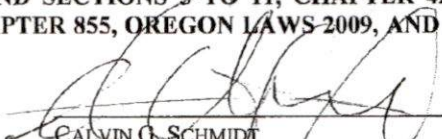
CALVIN G. SCHMIDT and JUDY A. SCHMIDT, Grantors, convey and warrant to CALVIN G. SCHMIDT and JUDY A. SCHMIDT, Trustees of the CALVIN G. SCHMIDT TRUST dated March 5, 2010, and JUDY A. SCHMIDT and CALVIN G. SCHMIDT, Trustees of the JUDY A. SCHMIDT TRUST dated March 5, 2010, Grantees, as tenants-in-common, each as to an undivided one-half (1/2) interest, the real property located in Josephine County, Oregon, more particularly described on Exhibit "A" attached hereto and made a part hereof.

The liability and obligations of the Grantors to Grantees and Grantees' heirs and assigns under the warranties and covenants contained herein or provided by law shall be limited to the amount, nature and terms of any right or indemnification available to Grantors under any title insurance policy, and Grantors shall have no liability or obligation except to the extent that reimbursement for such liability or obligation is available to Grantors under any such title insurance policy.

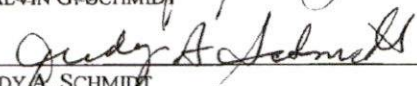
The true consideration for this conveyance is other value given.

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

DATED this 7 day March, 2019.



 CALVIN G. SCHMIDT



 JUDY A. SCHMIDT

STATE OF OREGON)
) ss.
County of Jackson)

On this 7 day of March, 2019, personally appeared the above-named CALVIN G. SCHMIDT and JUDY A. SCHMIDT, and acknowledged the foregoing instrument to be their voluntary act and deed.

Before me:



 Notary Public for Oregon



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EXHIBIT "A"

PARCEL I:

PARCEL I OF PARTITION PLAT NO. 2000-015, located in the Northeast Quarter and the Northwest Quarter of Section 36, Township 37 South, Range 5 West of the Willamette Meridian, Josephine County, Oregon.

Tax Accounts: R3238622 and R323862

PARCEL II:

Lot 4, Block 89 of the original townsite of the town, now City of Grants Pass, Josephine County, Oregon, to the official plat thereof, recorded in Volume 1, Page 3, Plat Records.

Tax Account: R310783

PARCEL III:

Lots 1, 2, 3, 4, 5 and 6, Block 72, Original Town, now City of Grants Pass and Lot 1, 2, 3, and 4, Block 72, BOUNDARY LINE ADDITION to the City of Grants Pass, Josephine County, Oregon. ALSO the vacated alley running in an Easterly and Westerly direction through said Block 72, Original Town and Block 72 of Boundary Line Addition. ALSO the North Half of that portion of vacated East "K" Street, East of a line extended from the West line of Lot 5, Block 72 and the West line of Lot 3, Block 89, Original Townsite in the City of Grants Pass, Josephine County, Oregon, as vacated by Ordinance No. 3071, recorded in Volume 222, Page 113, Josephine County Deeds Records.

Tax Account: R310780

PARCEL IV:

Lots 1, 2, and 3, Block 89, ORIGINAL TOWN, now City of Grants Pass, and Lots 1 and 2, Block 89, BOUNDARY LINE ADDITION to the City of Grants Pass, Josephine County, Oregon. ALSO: The South Half of that portion of vacated East "K" Street, East of a line extended from the West line of Lot 5, Block 72, and the West line of Lot 3, Block 89, Original Townsite in the City of Grants Pass, Josephine County, Oregon.

Tax Account: R310782



PARCEL V:

All that portion of the Southerly 360 feet of the Southwest Quarter of Section 25, Township 37 South, Range 5 West, of the Willamette Meridian, Josephine County, Oregon, lying Westerly of the Westerly right of way line of Missouri Flat Road

Tax Accounts: R3235232 and R323523

PARCEL VI:

Lot 12, Block 94, RIVERSIDE ADDITION in the City of Grants Pass, Josephine County, Oregon.

Tax Account: R310842

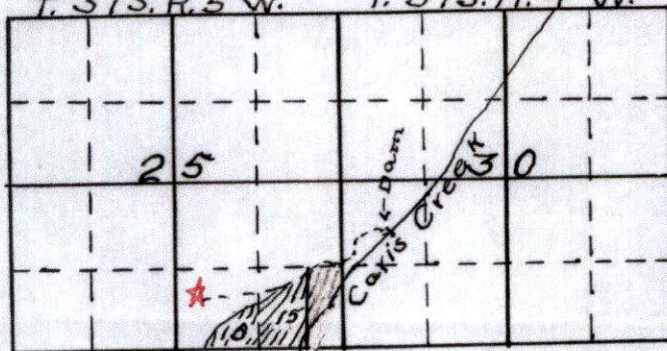
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EP 58

BERT YORK=CARIS CREEK RIGHT

T. 37S. R. 5 W.

T. 37S. R. 4 W.



Applegate River

STATE ENGINEER
RECEIVED

Application No. 8293

MAR 9 1922

Permit No. 5379

SALEM, OREGON

EP 58

Received

MAR 25 2026

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STATE OF OREGON
COUNTY OF JOSEPHINE

CERTIFICATE OF WATER RIGHT

This is to Certify, That Bert York

of Murphy, State of Oregon, has made proof to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of Caris Creek a tributary of Applegate River for the purpose of Irrigation under Permit No. 5379 of the State Engineer, and that said right to the use of said waters has been perfected in accordance with the laws of Oregon; that the priority of the right hereby confirmed dates from March 8, 1922;

that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed 0.31 cubic foot per second;

The point of diversion is located in the NW¹SW⁴ of Section 30, Township 37S, Range 4W, W. M. The use hereunder for irrigation shall conform to such reasonable rotation system as may be ordered by the proper state officer.

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to one-eightieth of one cubic foot per second per acre, or its equivalent in case of rotation.

A description of the lands irrigated under the right hereby confirmed, and to which such right is appurtenant (if for irrigation or any other purpose), is as follows: 15 acres in the SE¹SE¹ and 10 acres in the SW¹SE¹, Section 25, Township 37 South, Range 5 West of the Willamette Meridian in Josephine County, Oregon.

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

After the expiration of fifty years from the date of this certificate or on the expiration of any federal power license issued in connection with this right, and after not less than two years notice in writing to the holder hereof, the State of Oregon, or any municipality thereof, shall have the right to take over the dams, plants and other structures and all appurtenances thereto which have been constructed for the purpose of devoting to beneficial use the water rights specified herein, upon condition that before taking possession the State or municipality shall pay not to exceed the fair value of the property so taken, plus such reasonable damages, if any, to valuable, serviceable and dependable property of the holder of this certificate, not taken over, as may be caused by the severance therefrom of the property taken in accordance with the provisions of section 5728, Oregon Laws.

WITNESS the signature of the State Engineer,

affixed this 10th day
of September, 1923

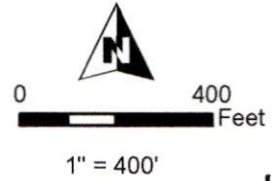
Rhea Luper

State Engineer.

Recorded in State Record of Water Right Certificates, Volume 8, page 8059

T37S R5W, WM,
JOSEPHINE COUNTY, OR

Superseded



- Pump & Meter
- Ditch
- Pipeline
- Section
- Quarter Quarter
- Tax Lot
- Place of Use
- Bulge - Pond



SURFACE WATER APPLICATION MAP
Schmidt Family Vineyards

Date: 1/27/2026

PG 1 of 2

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

WATER RIGHT SERVICES, LLC

PO BOX 1830, BEND, OR 97709

WWW.OREGONWATER.US

info@oregonwater.us 541-389-2837

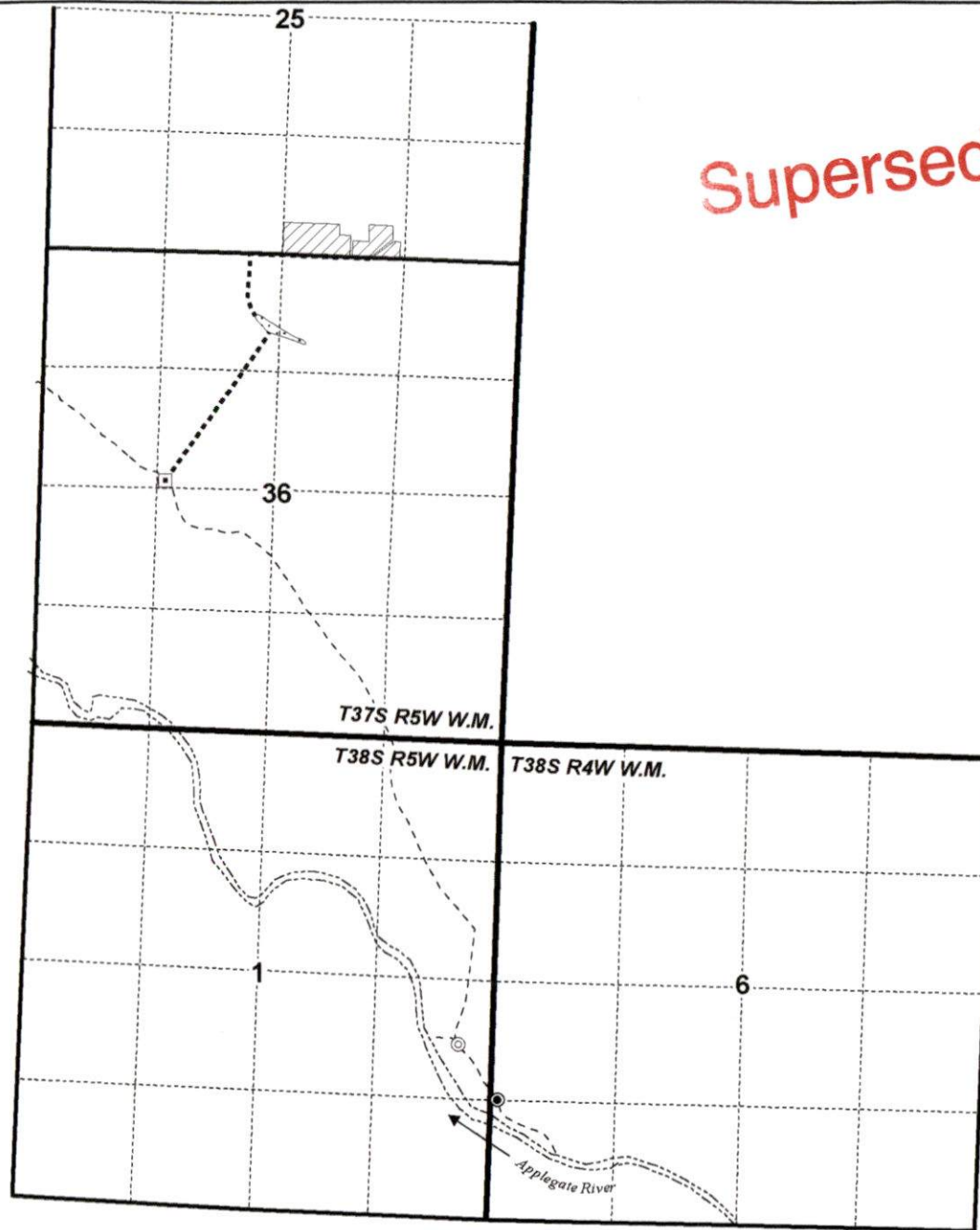
Superseded

**T37S R5W,
T38S R5W, &
T38S R4W, WM,
JOSEPHINE COUNTY, OR**



1" = 2000'

- ▣ Pump
- POD
- ◎ Fish Screen & Bypass
- Pipeline
- - - - Ditch
- - - - Applegate River
- Township
- Section
- - - - Quarter Quarter
- ▣ Bulge-Pond
- ▨ Palce of Use



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