

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.wrd.state.or.us

SECTION 1: APPLICANT INFORMATION AND SIGNATURE

Applicant Information

NAME			PHONE (HM)
PHONE (WK)	CELL		FAX RECEIVED BY OWRD OCT 28 2013 SALEM, OR
ADDRESS			
CITY	STATE	ZIP	E-MAIL *

Organization Information

NAME APPLEGATE IRRIGATION CORPORATION			PHONE (541) 899-7530	FAX (541) 899-7530
ADDRESS 489 HAMILTON ROAD			CELL	
CITY JACKSONVILLE	STATE OR	ZIP 97530	E-MAIL *	

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

AGENT / BUSINESS NAME JAMES W. CHRISTOPHERSON, SR			PHONE (541) 899-7530	FAX
ADDRESS 489 HAMILTON ROAD			CELL	
CITY JACKSONVILLE	STATE OR	ZIP 97530	E-MAIL *	

Note: Attach multiple copies as needed

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

By my signature below I confirm that I understand:

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

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

Applicant Signature

Print Name and title if applicable

Date

Applicant Signature

Print Name and title if applicable

Date

Revise

For Department Use		
App. No. <u>587939</u>	Permit No. _____	Date _____

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

List the names and mailing addresses of all affected landowners (*attach additional sheets if necessary*).

Applegate Tree Farm, LLC, 2930 Applegate Rd., Jacksonville, OR 97530;
Jackson County, 10 South Oakdale, Medford, OR 97501

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:

Source 1: Applegate Lake Reservoir (Permit R-7810) Tributary to: Applegate River

Source 2: _____ Tributary to: _____

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)

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B. Applications to Use Stored Water

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

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

Copy of BOR contract 09XX101703 on file with the Water Resources Department

If *all* sources listed in item 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: 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 Res.	IR	April 1 – Oct 31	215 af <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

For irrigation use only:

Please indicate the number of primary and supplemental acres to be irrigated.

Primary: 40.92* Acres Supplemental: _____ Acres

List the Permit or Certificate number of the underlying primary water right(s): _____

Indicate the maximum total number of acre-feet you expect to use in an irrigation season: 215

**Underlying rights to be transferred to instream by a time-limited transfer*

- 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:

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SECTION 5: WATER MANAGEMENT

A. Diversion and Conveyance

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

Pump (give horsepower and type): 50 HP centrifugal

Other means (describe): _____

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

Pump and pipeline are in place and deliver water per the Claim of Beneficial Uses submitted for T-8963.

B. Application Method

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

High pressure sprinklers and Nelson 100 Guns

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.

Diversion rate of 1/65th cfs per acre and 5.25 AF per acre was agreed to by all parties involved with this project to include the Bureau of Reclamation. Valves and number of sprinklers will control volume. There is a meter to determine each property owner use.

SECTION 6: 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 to prevent uptake of fish and other aquatic life.
Describe planned actions: Screens are in place and have been inspected by ODF&W
- Excavation or clearing of banks will be kept to a minimum to protect riparian or streamside areas.
Describe planned actions: All systems are in place
- Operating equipment in a water body will be managed and timed to prevent damage to aquatic life.
Describe: No construction necessary as systems are in place
- Water quality will be protected by preventing erosion and run-off of waste or chemical products.
Describe: Application is mostly by sprinklers – there will be no run-off

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SECTION 7: PROJECT SCHEDULE

Date construction will begin: Completed

Date construction will be completed: Completed

Date beneficial water use will begin: Completed

SECTION 8: WITHIN A DISTRICT

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

Irrigation District Name NA	Address	
City	State	Zip

SECTION 9: REMARKS

Use this space to clarify any information you have provided in the application.

This application is to be processed with time-limited transfers which transfers the underlying rights to an instream use reach on the Little Applegate River to the mouth

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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.wrd.state.or.us

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.

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NOTE TO LOCAL GOVERNMENTS

SALEM, OR

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.

Land Use Information Form



Oregon Water Resources Department
 725 Summer Street NE, Suite A
 Salem, Oregon 97301-1266
 (503) 986-0900
 www.wrd.state.or.us

Applicant: Applegate Irrigation Corporation
First Last

Mailing Address: 489 Hamilton Road

Jacksonville OR 97530 Daytime Phone: (541) 899-7530
City State Zip

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:
39S	3W	10		1900	WR	<input checked="" type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input type="checkbox"/> Used	Pump
39S	3W	10		2003	EFU	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	Irrigation
38S	3W	10		200503	EFU	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	Irrigation

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

JACKSON 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: 215
 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:

This application is to replace irrigation water transferred to instream use on the Little Applegate River. The source of water is Applegate Lake Reservoir under contract with the Bureau of Reclamation

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. →

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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): Chapter 4.2-1

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.

Farm use / irrigation is outright permitted in EFD/WR zoning per Table 4.2-1 & 4.3-1.

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OCT 14 2013
PLANNING

Name: Youngsook Kim Title: Planner I
 Signature: [Signature] Phone: 541-774-6946 Date: 10/14/2013
 Government Entity: Jackson County

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

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OCT 28 2013
SALEM, OR

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

99-12649

JACKSON COUNTY TITLE DIVISION
CONTINENTAL LAWYERS TITLE COMPANY

502 W. Main Street (P. O. Box 218) Medford, OR 97501 (503) 779-2811

Accom-CE -10
-10
-20

WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS, that ,

JEAN G. MORKEN AND PAUL G. MORKEN AND BETTY G. MILLER

hereinafter called the Grantor, for the consideration hereinafter stated, to Grantor paid by

JAMES A. ARMSTRONG

hereinafter called the Grantee, does hereby grant, bargain, sell and convey unto the said Grantee and Grantee's heirs, successors and assigns, that certain real property with the tenements, hereditaments and appurtenances thereunto belonging or appertaining, situated in the County of JACKSON , State of Oregon, described as follows to wit:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

TO HAVE AND TO HOLD the same unto the said Grantee and Grantee's heirs, successors and assigns forever.

And Grantor hereby covenants to and with Grantees and the heirs of the survivor and their assigns, that Grantor is lawfully seized in fee simple of the above granted premises, free from all encumbrances, EXCEPT

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

and that Grantor will warrant and forever defend the said premises and every part and parcel thereof against the lawful claims and demands of all persons whatsoever, except those claiming under the above described encumbrances.

THE TRUE AND ACTUAL CONSIDERATION paid for this transfer, stated in terms of dollars is \$ 90,000.00

WHERE THE CONTEXT SO REQUIRES, the singular includes the plural and all grammatical changes shall be implied to make the provisions hereof apply equally to individuals and to corporations.

IN WITNESS WHEREOF, the grantor has executed this instrument this 9th day of May, 1995.

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

Paul G. Morken
PAUL G. MORKEN

Jean G. Morken
JEAN G. MORKEN

Betty G. Miller
BETTY G. MILLER

[Signature]

This foregoing instrument was acknowledged before me this 9th day of May, 1995, by Paul G. Morken / Jean G. Morken

[Signature]
Notary Public for Oregon - Idaho
My commission expires 6-11-97

SPACE FOR RECORDER'S USE

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OCT 28 2013
SALEM, OR

Mail Tax Statements to:
Grantee
P.O. BOX 1358
JACKSONVILLE, OR 97530

RETURN TO JACKSON COUNTY TITLE DIVISION
502 WEST MAIN ST., MEDFORD, OR 97501

587739

Commencing at a brass cap monumenting the section corner common to Sections 2, 3, 10 and 11, Township 39 South, Range 3 West of the Willamette Meridian in Jackson County, Oregon; thence North 89°52'38" West along the south line of said Section 3, a distance of 741.00 feet; thence South 285.00 feet to the True Point of Beginning; thence continue South 1111.65 feet to the northerly right of way line of Little Applegate Road (County Road); thence along said right of way line as follows: North 58°49'00" West 1181.91 feet; thence along the arc of a 1402.394 foot radius curve to the right (the long chord to which bears North 49°53'05" West 435.47 feet) an arc distance of 437.24 feet; thence North 40°57'10" West 282.43 feet (Record 282.49 feet); thence along the arc of a 984.930 foot radius curve to the left (the long chord to which bears North 48°15'35" West 250.54 feet) an arc distance of 251.22 feet; thence North 55°34'00" West 363.95 feet to intersect the easterly right of way line of the Upper Applegate Road (County Road) at a point on curve; thence in a Northerly direction, along said easterly right of way line of Upper Applegate Road as follows: along the arc of a 549.958 foot radius curve to the right (the long chord of which bears North 03°42'28" West 226.91 feet) an arc distance of 228.59 feet; thence North 08°21'12" East (Record North 08°40'30" East) 109.28 feet; thence along the arc of a 1939.859 foot radius curve to the left (the long chord to which bears North 6°22'54" East 133.48 feet) an arc distance of 133.51 feet to a 5/8" iron pin; thence leaving said right of way South 87°40'24" East 342.62 feet to a 5/8" iron pin; thence South 59°33'08" East 730.35 feet to a 5/8" iron pin; thence South 66°22'03" East 1122.53 feet to a 5/8" iron pin and the westerly boundary of that parcel described in instrument No. 90-00897 of the Official Records of Jackson County, Oregon, said point also being the True Point of Beginning.

THIS DOCUMENT IS BEING RE-ACKNOWLEDGED DUE TO THE FACT THAT THE ORIGINAL ACKNOWLEDGEMENT OMITTED MY SEAL AND SIGNATURE FOR THE ORIGINAL DATE OF MAY 16, 1995.

STATE OF OREGON,

County of JACKSON } ss.

FORM No. 23—ACKNOWLEDGMENT. Stevens-Mess Low Publishing Co. - NL Portland, OR 97204 © 1992

BE IT REMEMBERED, That on this 11TH day of MARCH, 19 99, before me, the undersigned, a Notary Public in and for the State of Oregon, personally appeared the within named BETTY G. MILLER

known to me to be the identical individual.... described in and who executed the within instrument and acknowledged to me that SHE executed the same freely and voluntarily.



TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal the day and year last above written.

[Signature] Notary Public for Oregon

My commission expires

Jackson County, Oregon Recorded OFFICIAL RECORDS

MAR 12 1999

8:30 AM [Signature] COUNTY CLERK

2

L-62847-B3

95-15134

15.00
10.00
20.00

WARRANTY DEED

ROBERT KENNETT RICE, hereinafter called grantor, conveys and warrants to JAMES A. ARMSTRONG, hereinafter called grantee, all that real property situated in Jackson County, Oregon, described as follows:

See Exhibit "A" attached hereto and by this reference made a part hereof;

and covenants that grantor is the owner of the above-described property free of all encumbrances except as set forth above, and will warrant and defend the same against all persons who may lawfully claim the same, except as shown above.

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES.

The true and actual consideration for this transfer is \$78,000.00.

DATED this 10 day of January, 1990.

Robert Kennett Rice
Robert Kennett Rice
GRANTOR

STATE OF California)
) ss.
County of Los Angeles

On this 10th day of January, 1990, personally appeared the above-named ROBERT KENNETT RICE, and acknowledged the foregoing instrument to be his voluntary act and deed.

Before me: Chari L. Carpenter

Chari L. Carpenter
Notary Public for California
My commission expires: 9-10-93

MAIL TAX STATEMENTS TO:
James A. Armstrong
P. O. Box 1358
Jacksonville, OR 97530



WARRANTY DEED

RECEIVED BY OWRD
OCT 28 2013
SALEM, OR

557937

95-15134

PARCEL NO. 1:

Commencing at a 2 inch Iron pipe monumenting the Northeast corner of Section 10, Township 39 South, Range 3 West, Willamette Meridian, Jackson County, Oregon; thence South 107.00 feet and West 91.00 feet to a 5/8 inch iron pin for the true point of beginning; thence South 1681.37 feet to a 5/8 inch iron pin witness corner; thence continue South 0.13 feet to intersect the northerly right of way line of the Little Applegate Road (County road); thence North 58°48'49" West (Record North 58°49'00" West) along said right of way line 379.89 feet to a point that bears South from a 5/8 inch iron pin witness corner; thence leaving said right of way line North 0.10 feet to said 5/8 inch iron pin witness corner; thence continue North 1484.67 feet to a 5/8 inch iron pin; thence continue North 107.89 feet to intersect the North line of said section 10; thence South 89°52'38" East along said Section line 325.00 feet; thence South 107.20 feet to the point of beginning.

PARCEL NO. 2

Commencing at a 2 inch iron pipe monumenting the Northeast corner of Section 10, Township 39 South, Range 3 West, Willamette Meridian, Jackson County, Oregon; thence South 107.00 feet and West 416.00 feet to a 5/8 inch iron pin for the POINT OF BEGINNING; thence South 1484.67 feet to a 5/8 inch iron pin witness corner; thence continue South 0.10 feet to intersect the northerly right of way line of the Little Applegate Road (County Road); thence North 58°48'49" West (Record North 58°49'00" West) along said right of way line 379.89 feet to a point that bears South from a 5/8 inch iron pin witness corner; thence leaving said right of way line North 0.08 feet to said 5/8 inch iron pin witness corner; thence continue North 1287.98 feet to a 5/8 inch iron pin; thence continue North 108.59 feet to intersect the North line of said Section 10; thence South 89°52'38" East along said Section line 325.00 feet; thence South 107.89 feet to the point of beginning. Containing 11.15 acres, more or less.

PARCEL NO. 3

Commencing at a 2 inch iron pipe monumenting the Northeast corner of Section 10, Township 39 South, Range 3 West, Willamette Meridian, Jackson County, Oregon; thence South 107.00 feet and West 416.00 feet to a 5/8 inch iron pin for the POINT OF BEGINNING; thence West 325.00 feet to a 5/8 inch iron pin; thence North 108.59 feet to intersect the North line of said Section 10; thence South 89°52'38" East along said Section line 325.00 feet; thence South 107.89 feet to the point of beginning. Containing 0.81 acres, more or less.

EXHIBIT "A" (Page 1 of 2)

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SALEM, OR

587939

95-15134

PARCEL NO. 4

Commencing at a 2 inch iron pipe monumenting the ~~Northwest~~ Northeast corner of Section 10, Township 39 South, Range 3 West, Willamette Meridian, Jackson County, Oregon; thence South 107.00 feet and West 91.00 feet to a 5/8 inch iron pin for the true point of beginning; thence West 325.00 feet to a 5/8 inch iron pin; thence North 107.89 feet to intersect the North line of said section 10; thence East 325.00 feet; thence South 107.20 feet to the point of beginning.

SUBJECT TO:

1. The premises herein described have been zoned or qualified for "Farm Use" tax assessment. At such time as said land is disqualified for such "Farm Use," the property will be subject to additional taxes and interest, and possible statutory penalty.
2. The premises herein described are within the Applegate Valley Irrigation District, notice of which is given by instrument recorded December 13, 1968, as No. 68-12013 of the Official Records of Jackson County, Oregon, and are subject to statutory powers, including the power of assessment.
3. Existing ditches.
4. Right of way for the transmission and distribution of electricity, and for other purposes, granted to The California Oregon Power Company, a California corporation, by instrument recorded September 30, 1952, in Volume 371, page 487 of the Deed Records of Jackson County, Oregon.
5. Declaration of the Restrictions and Conditions, as set out in instrument recorded December 31, 1980 as No. 80-26451 of the Official Records of Jackson County, Oregon.
6. Ditch Maintenance Agreement, subject to the terms and provisions thereof, as set out in instrument recorded December 31, 1980 as No. 80-26451 of the Official Records of Jackson County, Oregon.
7. Restrictive Covenants, as set out in instruments recorded December 6, 1985 as No. 85-20928 and No. 85-20930, recorded September 28, 1988 as No. 88-20428 and recorded June 5, 1989 as No. 89-11659 and No. 89-11660 of the Official Records of Jackson County, Oregon.

Jackson County, Oregon
Recorded
OFFICIAL RECORDS

2:10 JUN 07 1995 P M

KATHLEEN S. BECKETT
CLERK and RECORDER

By AB Deputy

EXHIBIT "A" (Page 2 of 2)

3 -

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OCT 28 2013

SALEM, OR

587737

95-15136

LOT LINE ADJUSTMENT DEED LLA 94-78

57.00
70.00
20.00

KNOW ALL MEN BY THESE PRESENTS, that,

JAMES A. ARMSTRONG

hereinafter called the Grantor(s), for the consideration hereinafter stated, does hereby grant, bargain, sell and convey unto

JAMES A. ARMSTRONG AND SARAH G. ARMSTRONG, husband and wife as Tenants by the Entirety

hereinafter called the Grantee, and unto Grantee's heirs, successors and assigns all of that certain real property, with the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining, situated in the County of Jackson, State of Oregon, described as follows, to-wit:

Commencing at the northeast corner of Section 10, Township 39 South, Range 3 West, Willamette Meridian, Jackson County, Oregon; thence North 89° 52' 38" West along the north line of said Section 10, 431.02 feet to a 5/8" iron pin and the true point of beginning; thence leaving said section line South 3° 28' 45" West, 231.61 feet to a 5/8" iron pin; thence South 41° 58' 12" West, 292.88 feet to a 5/8" iron pin; thence South 47° 33' 56" East, 191.27 feet to a 5/8" iron pin; thence South 67° 42' 43" East, 99.84 feet to a 5/8" iron pin; thence South 18° 35' 07" East, 102.47 feet to a 5/8" iron pin; thence South 40° 27' 57" East, 62.45 feet to a 5/8" iron pin; thence South 64° 02' 14" East, 111.82 feet to a 5/8" iron pin; thence South, 893.51 feet to the northerly right of way line of Little Applegate Road (County Road) and a 5/8" iron pin; thence along said right of way line North 58° 48' 49" West (Record North 58° 49' West), 591.98 feet to a point which bears South from a 5/8" iron pin witness monument; thence leaving said right of way, North, 0.08 feet to said 5/8" iron pin witness monument, thence continuing North, 1396.57 feet to the north line of said Section 10; thence South 89° 52' 38" East, 309.98 feet to the point of Beginning.

TO HAVE AND TO HOLD the same unto the said Grantee and Grantee's heirs, successors and assigns forever.

THE TRUE AND ACTUAL CONSIDERATION paid for this transfer, stated in terms of dollars is NONE. The actual consideration consist of other property, which is the whole consideration.

WHERE THE CONTEXT SO REQUIRES, the singular includes the plural and all grammatical changes shall be implied to make the provisions hereof apply equally to individuals and to corporations.

IN WITNESS WHEREOF, the grantor(s) have executed this instrument this 7th day of May, 1995.

"THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OF 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."

James A. Armstrong
JAMES A. ARMSTRONG
STATE OF OREGON COUNTY OF JACKSON

The foregoing instrument was acknowledged before me this 7th day of May, 1995, by JAMES A. ARMSTRONG, who executed the within instrument as HIS voluntary act and deed.

[Signature]
Notary Public for Oregon My commission expires _____

GRANTOR: ARMSTRONG

GRANTEE: ARMSTRONG

MAIL TAX STATEMENTS TO:
NO CHANGE



Jackson County, Oregon
Recorded
OFFICIAL RECORDS
2:10 JUN 07 1995 PM
KATHLEEN S. BECKETT
CLERK and RECORDER
By LB Deputy

RECEIVED BY OWRD

OCT 28 2013

SALEM, OR

PN Draft 1/15/09

Contract No. 09XX101703

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF RECLAMATION

Rogue River Basin Project, Oregon

CONTRACT FOR EXCHANGE OF WATER SERVICE

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~~Added to file JS 10/24/2013~~

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Added to file by AM 10/27/13

3. WHEREAS, the Contractor represents that its members hold senior water rights on the Little Applegate River as established by the State of Oregon Rogue River Decree, which if left instream, would significantly enhance both fish habitat and fish passage; and

4. WHEREAS, the Contractor is participating with the Oregon Water Trust and local, State, and Federal partners in the Little Applegate River Streamflow and Fish Habitat Improvement Project, which in addition to the exchange provided herein, consists of the construction of an irrigation distribution system, installation of pumping plants on the Applegate River and Little Applegate River, and the removal or notching of one or more diversion dams on the Little Applegate River, the goal of which is to improve fish passage and habitat conditions for anadromous fish and to conserve water through improved irrigation methods; and

5. WHEREAS, the State of Oregon Water Resources Department is expected to process time limited transfers to enable the members of the Contractor to transfer their Little Applegate River water rights to instream flow use and to process permits for additional points of diversion on the main stem of the Applegate River; and

6. WHEREAS, the Contractor represents that its members own the land hereinafter described and have agreed to enter into time limited transfers through the State of Oregon to transfer Little Applegate River out-of-stream water rights to instream use for 11.63 cubic feet per second for habitat enhancement and streamflow improvement, as consideration for out-of-stream use of up to 8.38 cubic feet per second of water from the Applegate Reservoir located on the Applegate River in Jackson County, Oregon; and

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described, but not to exceed a maximum diversion of 2,978 acre-feet of stored water annually, measured at the points of delivery of said water.

Exchange of Water Rights

10. (a) The United States agrees to annually furnish up to 2,978 acre-feet of stored water with a rate of up to 8.38 cubic feet per second (with a rate of up to 1/65th cubic feet per second per acre and a duty of up to 5.25 acre-feet per acre) to the Contractor from Applegate Reservoir for the irrigation of 567.27 acres described in Exhibit A of this contract, and in exchange as consideration for the stored water provided herein, the Contractor agrees that the following out-of-stream water rights from the Little Applegate River for 583.33 acres with a rate of up to 11.63 cubic feet per second will be transferred to instream flow rights with the State of Oregon under Oregon State law and administrative rules.

Certificate #	Priority Date	Rate cubic feet per second	Acres	Rate per acre
56492	1854	2.53	88.34	1/35 th
43760	1854	0.94	75.0	1/80 th
16390	1854	3.08	154.0	1/50 th
16406	1854	0.16	8.0	1/50 th
16407	1854	0.15	6.0	1/40 th
16395	1854	2.5	124.7	1/50 th
32964	1908	1.77	87.29	1/50 th
6106 / 2940	1916	0.5	40.0	1/80 th
Totals		11.63	583.33	

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The duty of up to 5.25 acre-feet per acre was determined separately from the rate of up to 1/65th cubic feet per second per acre, and neither the duty nor the water provided annually under this

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construction. The Contractor must notify the United States Forest Service for any discoveries during construction of the pump plant and pipeline construction and contact the Natural Resources Conservation Service for discoveries during onfarm construction.

(b) Water for the purposes hereof shall be made available and measured at the following point(s) of diversion:

(1) Pump group 1A&B, 743 feet south and 190 feet east of SW corner of DLC 40, T. 38 S., R. 3 W., W.M.

(2) Pump group 2A&B, 980 feet south and 130 feet east of center of Section 33, T. 38 S., R. 3 W., W.M.

(3) Pump group 3B, 1250 feet west and 20 feet south of SE corner of Section 33, T. 38 S., R. 3 W., W.M.

(4) Pump group 3C, 1100 feet west and 270 feet south of NE corner of Section 4, T. 39 S., R. 3 W., W.M.

(5) Pump group 6B, 1180 feet west and 550 feet south of center of Section 3, T. 39 S., R. 3 W., W.M.

(6) Pump group 7B&C, 480 feet west and 230 feet north of S 1/4 corner of Section 3, T. 39 S., R. 3 W., W.M.

The Contractor shall receive said water at the point of diversion and shall be wholly responsible for securing said water at that point and diverting, conveying, and utilizing it. The Contractor shall be required to conform its diversions and releases to the control of the stream as established by the State watermaster. The water to be delivered hereunder shall be measured by means of measuring methods satisfactory to the State watermaster. Such methods shall be maintained by and at the expense of the Contractor, but they shall be and remain at all times available for review by the United States or the State watermaster whose representative may at all times have

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lands described in Exhibit A. Prior to executing this contract, the Contractor shall secure any easements from the Corps of Engineers which may be required for constructing facilities to divert and convey the stored water and provide written verification of such agreements to the Contracting Officer.

(b) The obligation of the United States to furnish water under this contract is subject to an operating plan for the Project determined in accordance with the law governing the project and other applicable State and Federal laws, including but not limited to the Endangered Species Act (16 U.S.C. § 1531 *et seq.*) (ESA). Furthermore, the obligation of the United States to furnish water under this contract shall be subject and subordinate to a determination of water availability to be made annually by the United States taking into account the operating plan for the Project developed by the Corps of Engineers, water forecasts, and other factors, including but not limited to those that may affect the ability of the United States under the ESA to provide flows for candidate, listed, or proposed species or to protect or preserve designated or proposed critical habitat.

(c) In the interests of conservation and protection of environmental resources, from time to time, but not less often than once every five (5) years, this contract shall be reviewed by the Contracting Officer. The terms and conditions of this contract, including the amount of stored water provided hereunder, may be modified, as determined by the Contracting Officer, to avoid or minimize impacts to species and/or critical habitat that are proposed, listed, or designated under the ESA, or to special status species (plants/animals) or habitat designated by

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(b) This contract may be terminated unilaterally by the United States if it determines that it does not provide sufficient benefits to the United States; Provided, it gives at least two (2) years advance notice in writing to the Contractor.

(c) The Contractor may terminate this contract unilaterally in the event that less stored water is furnished to the Contractor than water provided for instream flows from the Little Applegate River water rights described in subarticle 10(a); Provided, the Contractor has given at least 60-days advance notice in writing to the United States. The United States may terminate this contract unilaterally in the event that all water rights from the Little Applegate River provided in subarticle 10(a) are not made available for instream flows; Provided, the United States has given at least 60-days advance notice in writing to the Contractor.

(d) The Contractor may immediately terminate this contract unilaterally in the event the terms and conditions of this contract are modified, if deemed necessary by the Contracting Officer, to avoid or minimize impacts to candidate, listed or proposed threatened and endangered species, or special status species (plants/animals) or habitat designated by the State or Indian Tribes that are not covered by the ESA as set forth in subarticle 12(c).

(e) The United States may immediately terminate this contract unilaterally and cease delivery of stored water upon a determination by the United States that the time limited transfers that provide for instream flows from the Little Applegate River water rights as set forth in subarticle 10(a) are not protected instream by the State of Oregon.

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Constraints on the Availability of Water (Water Shortages)

17. (a) In its operation of the Project, the United States will use all reasonable means to guard against a Condition of Shortage in the quantity of water to be made available to the Contractor pursuant to this contract. In the event the United States determines that a Condition of Shortage appears probable, the Contracting Officer will notify the Contractor of said determination as soon as practicable.

(b) If there is a Condition of Shortage because of errors in physical operations of the Project, drought, other physical causes beyond the control of the United States or actions taken by the Contracting Officer to meet current and future legal obligations, then no liability shall accrue against the United States or any of its officers, agents, or employees for any damage, direct or indirect, arising therefrom.

(c) The Contractor assumes no liability for conditions of shortage in the Little Applegate River due to drought or other circumstances beyond the control of the Contractor

Notices

18. Any notice, demand, or request authorized or required by this contract shall be deemed to have been given, on behalf of the Contractor, when mailed, postage prepaid, or delivered to the Program Manager, Repayment and Acreage Limitation, Pacific Northwest Region, Bureau of Reclamation, 1150 N. Curtis Road, Suite 100, Boise, Idaho 83706-1234, and on behalf of the United States, when mailed, postage prepaid, or delivered to James W. Christopherson, Sr., Chairman, Applegate Irrigation Corporation, 489 Hamilton Road, Jacksonville, Oregon 97530. The designation of the addressee or the address may be changed by notice given in the same manner as provided in this article for other notices.

General Provisions

19. The general provisions applicable to this contract are listed below. The full text of these general provisions is attached as Exhibit B and is hereby made a part of this contract.

- a. CONTINGENT ON APPROPRIATION OR ALLOTMENT OF FUNDS
- b. PROTECTION OF WATER AND AIR QUALITY
- c. EQUAL EMPLOYMENT OPPORTUNITY
- d. COMPLIANCE WITH FEDERAL RECLAMATION LAWS

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IN WITNESS WHEREOF, the parties hereto have signed their names the day and year first above written.

(SEAL)

APPLEGATE IRRIGATION CORPORATION

By: *James M. Chertoff*

Title: CHAIRMAN

Attest:

By: *Kerrel S. Wright*

Title: Treasurer

UNITED STATES OF AMERICA

M. J. [Signature]

Acting For

Regional Director
PN Region
Bureau of Reclamation
1150 N. Curtis Road, Suite 100
Boise, ID 83706--1234

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EXHIBIT A

Listing of members of the Applegate Irrigation Corporation and the acreage in each quarter-quarter section to be irrigated under this contract.

TOWNSHIP 38 SOUTH - RANGE 3 WEST, WILLAMETTE MERIDIAN			
NAME	ACRES	SECTION	40-ACRE TRACT
Helen M. & James W. Christopherson, Sr.	67.23	27	NWSW 6a, NESW 5a SWSW 25.94a, SESW 6a
		28	SESE 12a
		33	NENE 8.3a
		34	NWNW 3.99a
Martina H. & James W. Christopherson, Jr.	3.77	27	SWSW 2.06a
		34	NWNW 1.71a
Antonio Cruz Mena	2	27	SWSW 2a
David M. & Pamela F. Palmer	2	27	NWSW 2a
Day W. Boddorff	154	33	NENE 35a, NWNE 35a NENW 23a, SENW 8a SWNE 17a, SENE 17a
		34	NWNW 5a, SWNW 14a
James & Susan Spencer	82.4	33	SENE 16.2a, NESE 14.6a NENE 25.8a
Wayne B. & Susan M. Stone	25.24	33	NWSE 12.2a, NESE 2.3a SWSE 2.9a, SESE 7.84a
Herschel E. & Roberta C. Wright	11	33	NESE 6a, SESE 5a
Daniel E. & Marilyn F. Milton	6	33	SESE 6a

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GENERAL PROVISIONS --- ROGUE RIVER BASIN PROJECT

CONTINGENT ON APPROPRIATION OR ALLOTMENT OF FUNDS

a. The expenditure or advance of any money or the performance of any obligation of the United States under this contract shall be contingent upon appropriation or allotment of funds. Absence of appropriation or allotment of funds shall not relieve the Contractor from any obligations under this contract. No liability shall accrue to the United States in case funds are not appropriated or allotted.

PROTECTION OF WATER AND AIR QUALITY

b. (1) Project facilities used to make available and deliver water to the Contractor shall be operated and maintained in the most practical manner to maintain the quality of the water at the highest level possible as determined by the Contracting Officer: Provided, That the United States does not warrant the quality of the water delivered to the Contractor and is under no obligation to furnish or construct water treatment facilities to maintain or improve the quality of water delivered to the Contractor.

(2) The Contractor shall comply with all applicable water and air pollution laws and regulations of the United States and the State of Oregon and shall obtain all required permits or licenses from the appropriate Federal, State, or local authorities necessary for the delivery of water by the Contractor; and shall be responsible for compliance with all Federal, State, and local water quality standards applicable to surface and subsurface drainage and/or discharges generated through the use of Federal or Contractor facilities or project water provided by the Contractor within the Contractor's Project Water Service Area.

(3) This article shall not affect or alter any legal obligations of the Secretary to provide drainage or other discharge services.

EQUAL EMPLOYMENT OPPORTUNITY

c. During the performance of this contract, the Contractor agrees as follows:

(1) The Contractor will not discriminate against any employee or applicant for employment because of race, color, religion, sex, disability, or national origin. The Contractor will take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, color, religion, sex, disability, or national origin. Such action shall include, but not be limited to the following: employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The Contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the Contracting Officer setting forth the provisions of this nondiscrimination clause.

(2) The Contractor will, in all solicitations or advertisements for employees placed by or on behalf of the Contractor, state that all qualified applicants will receive consideration for employment without regard to race, color, religion, sex, disability, or national origin.

(3) The Contractor will send to each labor union or representative of workers with which it has a collective bargaining agreement or other contract or understanding, a notice, to be provided by the Contracting Officer, advising the labor union or workers' representative of the Contractor's commitments under Section 202 of Executive Order 11246 of September 24, 1965, and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

(4) The Contractor will comply with all provisions of Executive Order No. 11246 of September 24, 1965, and of the rules, regulations, and relevant orders of the Secretary of Labor.

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COMPLIANCE WITH CIVIL RIGHTS LAWS AND REGULATIONS

i. (1) The Contractor shall comply with Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d), Section 504 of the Rehabilitation Act of 1973 (P.L. 93-112, as amended), the Age Discrimination Act of 1975 (42 U.S.C. 6101, et seq.), Title II of the Americans with Disabilities Act of 1990 if the entity is a State or local government entity [Title III if the entity is a non-government entity], and any other applicable civil rights laws, as well as with their respective implementing regulations and guidelines imposed by the U.S. Department of the Interior and/or Bureau of Reclamation.

(2) These statutes require that no person in the United States shall be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity receiving financial assistance from the Bureau of Reclamation on the grounds of race, color, national origin, disability, or age. By executing this contract, the Contractor agrees to immediately take any measures necessary to implement this obligation, including permitting officials of the United States to inspect premises, programs, and documents.

(3) The Contractor makes this agreement in consideration of and for the purpose of obtaining any and all Federal grants, loans, contracts, property discounts, or other Federal financial assistance extended after the date hereof to the Contractor by the Bureau of Reclamation, including installment payments after such date on account of arrangements for Federal financial assistance which were approved before such date. The Contractor recognizes and agrees that such Federal assistance will be extended in reliance on the representations and agreements made in this article and that the United States reserves the right to seek judicial enforcement thereof.

(4) Complaints of discrimination against the Contractor shall be investigated by the Contracting Officer's Office of Civil Rights.

PRIVACY ACT COMPLIANCE

j. (1) The Contractor shall comply with the Privacy Act of 1974 (5 U.S.C. 552a) (Privacy Act) and the Department of the Interior rules and regulations under the Privacy Act (43 CFR 2.45 et seq.) in maintaining landholder certification and reporting records required to be submitted to the Contractor for compliance with Sections 206, 224(c), and 228 of the Reclamation Reform Act of 1982 (96 Stat. 1261), and pursuant to 43 CFR 426.18.

(2) With respect to the application and administration of the criminal penalty provisions of the Privacy Act (5 U.S.C. 552a(i)), the Contractor and the Contractor's employees who are responsible for maintaining the certification and reporting records referenced in (1) above and are considered to be employees of the Department of the Interior. See 5 U.S.C. 552a(m).

(3) The Contracting Officer or a designated representative shall provide the Contractor with current copies of the Interior Department Privacy Act regulations and the Bureau of Reclamation Federal Register Privacy Act System of Records Notice (Interior/WBR-31, Acreage Limitation) which govern the maintenance, safeguarding, and disclosure of information contained in the landholders' certification and reporting records.

(4) The Contracting Officer shall designate a full-time employee of the Bureau of Reclamation to be the System Manager responsible for making decisions on denials pursuant to 43 CFR 2.61 and 2.64 and amendment requests pursuant to 43 CFR 2.72. The Contractor is authorized to grant requests by individuals for access to their own records.

(5) The Contractor shall forward promptly to the System Manager each proposed denial of access under 43 CFR 2.64 and each request for amendment of records filed under 43 CFR 2.71; notify the requester accordingly of such referral; and provide the System Manager with information and records necessary to prepare an appropriate response to the requester. These requirements do not apply to individuals seeking access to their own certification and reporting forms filed with the Contractor pursuant to 43 CFR 426.18 unless the requester elects to cite the Privacy Act as authority for the request.

CONTRACT DRAFTING CONSIDERATIONS

k. Articles 1 through 16 of this contract have been drafted, negotiated, and reviewed by the parties hereto, each of whom is sophisticated in the matters to which this contract pertains, and no one party shall be considered to have drafted the stated articles.

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c: Larry Menteer, District 13 Watermaster
Bruce Sund, Deputy South West Region Manager
Bill Ferber, West Region Manager
Ruth Page, Bureau of Reclamation
Larry Parsons, Bureau of Reclamation

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