

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: JACK. K. HANSON JR		PHONE (HM)	
PHONE (WK)	CELL: 714 348-9978	FAX	
ADDRESS: 210 N AVENIDA MALAGA			
CITY: ANAHEIM	STATE: CA	ZIP: 92808	E-MAIL: * JKH thehans700@yahoo.com

Organization Information

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

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

AGENT / BUSINESS NAME		PHONE		FAX
ADDRESS			CELL	
CITY	STATE	ZIP	E-MAIL *	

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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.)

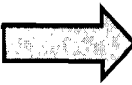
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By my signature below I confirm that I understand:

SALEM, OR

- 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.

 Jack K Hanson
Applicant Signature

JACK K. HANSON, OWNER
Print Name and title if applicable

OCT 31, 2013
Date

Applicant Signature

Print Name and title if applicable

Date

Revise

App. No. S 87942

For Department Use
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*).

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

SECTION 3: SOURCE OF WATER

A. Proposed Source of Water

Provide the commonly used name of the water body from which water will be diverted, and the name of the stream or lake it flows into. If unnamed, say so:

Source 1: Rogue River

Tributary to: Flows to Pacific Ocean
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Source 2: _____

Tributary to: _____

Source 3: _____

Tributary to: _____

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Source 4: _____

Tributary to: _____

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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).

B. Applications to Use Stored Water

S/R

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.)

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
Rogue River	HUMAN CONSUMPTION	BEGINNING 9-30 2014 + INDEFINITE	2.2 <input type="checkbox"/> cfs <input checked="" 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
			<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: _____ 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: RECEIVED BY OWRD

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- 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

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A. Diversion and Conveyance

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

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Pump (give horsepower and type): 1 hp ELECTRIC

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Other means (describe): _____

Provide a description of the proposed means of diversion, construction, and operation of the diversion works and conveyance of water. Buy a submersible pump in a concrete culvert in the Rogue River. A ditch is 24 inches deep down the bank of the river would conceal the pipe leading from the pump.

B. Application Method

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

N/A

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.

THERE WILL BE NO IRRIGATION. WATER WILL BE FOR HOUSEHOLD USE ONLY. VALVES AND FLOATS WILL BE INSTALLED, AS REQUIRED, TO PREVENT LEAKS OR SPILLS

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 OF RECOMMENDED SIZE WILL BE USED ON BOTH ENDS OF SUBMERSED CULVERT TO PREVENT ANY FISH OR AQUATIC LIFE UPTAKE.
- Excavation or clearing of banks will be kept to a minimum to protect riparian or streamside areas.
Describe planned actions: DITCH ACROSS BLM LAND WILL GO AROUND ANY RIPARIAN ITEMS. IN ADDITION, ONLY SMALL WEEDS / GRASS MAY BE DISTURBED BY DITCH AND WILL BE REPLACED AT END OF PROJECT.
- Operating equipment in a water body will be managed and timed to prevent damage to aquatic life.
Describe: PUMP WILL BE ON A TIMER AND SYSTEM WILL INCLUDE A FLOAT VALVE TO SHUT-OFF PUMP AS REQUIRED.
- Water quality will be protected by preventing erosion and run-off of waste or chemical products.
Describe: NO CHEMICALS WILL BE USED IN ANY PORTION OF THIS SYSTEM.

SECTION 7: PROJECT SCHEDULE

Date construction will begin: 6-1-2014 - IF APPROVED

Date construction will be completed: 4-1-2014

Date beneficial water use will begin: 9-30-2014

SECTION 8: WITHIN A DISTRICT

N/A

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

Irrigation District Name	Address	
City	State	Zip

SECTION 9: REMARKS

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

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Land Use Information Form

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

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Josephine County Planning

Applicant: JACK HANSON
First Last

Mailing Address: 210 N. AVENIDA MALAGA

ANAHEIM CA 92808 Daytime Phone: 714 348-9978
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:
35S	7W	25	NENW	TL303		<input checked="" type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used	HUMAN CONSUMPTION
				(HOUSE)		<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used	
			NWNW	TL301		<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used	
				(DIVERSION)		<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used	

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

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SALEM, OREGON

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) ROGUE RIVER

Estimated quantity of water needed: .005 CFS cubic feet per second gallons per minute acre-feet

Intended use of water: Irrigation Commercial Industrial Domestic for 1 household(s)
 Municipal Quasi-Municipal Instream Other

Briefly describe:

OBTAINED RIGHT-OF-WAY FROM BLM FOR ACCESS TO ROGUE RIVER. PIPING WATER TO HOUSE ON TAX LOT 303. DIVERSION ON B.L.M. LAND, GRANT OR 48721

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. →
Surface Water/9

For Local Government Use Only

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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.

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SALEM, OREGON

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): _____

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:	
Development Permit	41.020.A & 6A.320, RLDC	<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input checked="" type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
Josephine County Planning 700 NW Dimmick Street Suite C Grants Pass, OR 97526		<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.

Construction of a new single-family dwelling requires a Development Permit and authorization from BLM - Wild & Scenic Rivers & Oregon State Parks - Scenic Waterway Program.

Name: James Black Title: Planner III
 Signature: [Signature] Phone: 541-474-5418 Date: 11/13/13
 Government Entity: Josephine 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

Applicant name: _____

City or County: _____ Staff contact: _____

Signature: _____ Phone: _____ Date: _____

Date _____

(For staff use only)



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

WE ARE RETURNING YOUR APPLICATION FOR THE FOLLOWING REASON(S):

- SECTION 1: _____
- SECTION 2: _____
- SECTION 3: _____
- SECTION 4: _____
- SECTION 5: _____
- SECTION 6: _____
- SECTION 7: _____
- SECTION 8: _____
- SECTION 9: _____
- Land Use Information Form _____
- 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 _____

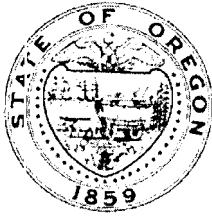
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MAP

- 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 well, and/or dam if applicable, 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 clearly identified
- 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)
- Other SEE WATER RIGHT APPLICATION, ENCLOSED,
FOR ALL MAP INFORMATION LISTED ABOVE.



File #:

Oregon Water Resources Department

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Application Supplement for Human Consumption & Livestock Uses

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For water use permit applications within or above scenic waterways, or from streams for which water is not available due to required instream flows, the Department may issue limited permits for human consumption and livestock uses. Human consumption is limited to indoor use for drinking, cooking, and sanitation and is limited to 500 gallons per day. It does not include outdoor uses such as lawn watering, garden watering or other similar uses.

In order to issue a permit to you for human consumption or livestock use, the Department must find that you cannot reasonably obtain water from any other source. For human consumption, an additional finding must be made that denial of the water right would result in loss of reasonable expectations for use of your property. For livestock use, additional findings must be made that issuance of a permit is necessary to prevent the livestock from watering in or along the stream bed and that you have excluded livestock from the stream and the adjacent riparian zone.

Please answer the following questions, and sign and return this form to Oregon Water Resources Department, 725 Summer St NE Ste A, Salem OR 97301-1266.

1. Can you reasonably obtain water from any other source? Yes No

If not, please describe why each of the following options are not reasonable:

- a. Groundwater, such as a well on yours or a neighbor's property. (If expense is the reason groundwater is not reasonable, please provide two estimates of the cost.)

NO NEIGHBORS WITHIN 2000'. CLOSEST NEIGHBOR WITH WELL IS AN OLD 5 GPM UNSTABLE WELL. NEXT CLOSEST NEIGHBOR 3000' AWAY HAS A 2 GPM WELL AND WILL NOT SPLIT

- b. Securing stored water from upstream reservoirs.

NOT AN OPTION

- c. Trucking water. (If expense is the reason this option is not reasonable, please provide a copy of an estimate of the cost of trucking water.)

CULVERT UNDER ACCESS ROAD TO PROPERTY RATED FOR A MAX G.W. OF 6000 LBS. 5000 GAL. WATER TRUCK WEIGHS MIN OF 40,000 G.W. COLLECTING RAINWATER NOT PRACTICAL

NOTE: I HAVE DRILLED 3 WELLS ON PROPERTY, ALL TO A DEPTH IN EXCESS OF 400'. YIELDS WERE ~~2 GPM~~ 2 QTS PER MIN FOR #1 + #2 AND 1.5 QTS PER MIN FOR #3.

d. Community or municipal water suppliers.

CLOSEST MUNICIPAL WATER IS 5 MILES AWAY.

e. Tying in to a neighboring property's spring.

NO SPRINGS WITHIN 3/4 MILE.

f. Transferring existing water rights to your proposed use(s).

N/A.

Please identify any other alternate water sources you have considered, and why they are not feasible:

COLLECTING RAIN WATER HAS BEEN EVALUATED AND ANALYSIS SHOWS THIS OPTION TO BE UNRELIABLE.

2. If you are seeking a permit for **human consumption use**, would denial of your application result in loss of reasonable expectations for use of your property?

Yes No NotApplicable

If so, please describe how:

I PLAN TO BUILD MY SOLE RESIDENCE ON THIS PROPERTY IN 2014 AND WILL NOT BE ABLE TO DO SO WITHOUT AN ACCEPTABLE SOURCE OF WATER.

3. If you are seeking a permit for **livestock use**, is the proposed use necessary to prevent the livestock from watering in or along the stream bed?

Yes No Not Applicable

4. If you are seeking a permit for **livestock use**, have you excluded livestock from the stream and the adjacent riparian zone?

Yes No Not Applicable

Applicant Signature: Jaw Khan

Date: 10.31.2013

Applicant Signature: _____

Date: RECEIVED BY OWRD

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SALEM, OR

November 1, 2013

BASE FEE: \$ 800
FIRST CFS \$ 300
PERM. RENEWAL 450
INC.
TOTAL \$1550

Hi Jerry,

I called your office today to get an answer but you're out and I'm in Salem next week for the Watermaster training. The issue is that the applicant's pump and pipe will be on BLM land and he has a right of way agreement from them and James Black of Josephine County Planning said JOCO would not take jurisdiction because of this. My question is would we require him to pay the \$125 to have James say this or is this note sufficient. If the Land Use Form is required, please notify the applicant and he'll submit it. Thanks.

Kathy Smith

Watermaster, District 14

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SALEM, OR

587942

BARGAIN AND SALE DEED

Jacqueline Lee Hanson, Grantor, conveys to Jack Kendal Hanson, Grantee, the following described real property located in Josephine County, Oregon:

The Southeast Quarter of the Northeast Quarter of the Northwest Quarter of Section 25, Township 35 South, Range 7 West of the Willamette Meridian, Josephine County, Oregon.

ALSO: Beginning at the Northeast Corner of the Southeast Quarter of the Northwest Quarter of Section 25, Township 35 South, Range 7 West of the Willamette Meridian, Josephine County, Oregon; thence South 0° 02' West 66.0 feet; thence Northwesterly, in a straight line, to the Southwest Corner of the Southeast Quarter of the Northeast Quarter of the Northwest Quarter of said Section 25; thence East, along the South line thereof, 660 feet, more or less, to the point of beginning.

The true consideration for this conveyance is for the purpose of marital property division in dissolution case No. 91-DR-0194, Josephine County, Oregon.

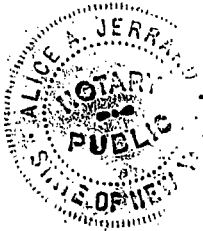
This instrument will not allow use of the property described in this instrument in violation of applicable land use laws and regulations. Before signing or accepting this instrument, the person acquiring fee title to the property should check with the appropriate city or county planning department to verify approved uses.

DATED this 31 day of October, 1991.

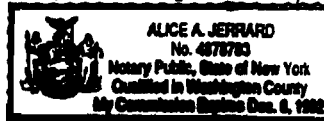
Jacqueline Lee Hanson
Jacqueline Lee Hanson

STATE OF New York)
County of Washington) ss:

Personally appeared the above named Jacqueline Lee Hanson, and acknowledged the foregoing instrument to be her voluntary act and deed.



Alice A. Jerrard
Notary Public for State of NY
My Commission Expires: 11/1/14



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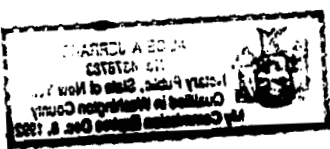
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V139 P2014

91-19087
 State of Oregon, 1st No.
 County of Washington,)
 County Clerk and ex-office Recorder of
 Deeds, in and for said County, do here-
 by certify that the within instrument was
 received for record and recorded
 At Page 2013 of 2013 of 139
 Book of Records, Washington County, Oregon.
 GEORGETTE BROWN, COUNTY CLERK
 By: *[Signature]* Deputy
 Fee \$
 Hand Returned Mailed None

30

TAXES TO:
SAME



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United States Department of the Interior

BUREAU OF LAND MANAGEMENT
Medford District Office
3040 Biddle Road
Medford, Oregon 97504



IN REPLY REFER TO:

OR 48721
2870 (11784)
S1200 (MC:jcp)

APR 4 1994

Mr. Jack Hanson
353 California Avenue
Grants Pass, Oregon 97526

Dear Mr. Hanson:

As a reminder, pursuant to our letter to you dated March 2, 1994, you are required to make an additional payment of \$75.00 for monitoring fees for right-of-way OR 48721. This fee covers the cost of monitoring all activities at the location of the right-of-way throughout the grant term.

As noted in the previous letter, those fees must be paid by May 2, 1994, (60 days from the date of the letter). Please make your payment promptly so we may clear our accounting records.

If payment will be delayed, please call and discuss this with Matt Craddock of my staff at 770-2272.

Sincerely,

Gretchen Lloyd
Grants Pass Area Manager

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SALEM, OR

*Pld Ca # 1421
4-20-94*

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

Issuing Office
BLM - Medford

Serial Number
OR 48721

RIGHT-OF-WAY GRANT/TEMPORARY USE PERMIT

1. A (right-of-way) (permit) is hereby granted pursuant to:

- a. Title V of the Federal Land Policy and Management Act of October 21, 1976 (90 Stat. 2776; 43 U.S.C. 1761);
- b. Section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185);
- c. Other (describe) _____

2. Nature of Interest:

a. By this instrument, the holder Jack K. Hanson receives a right to construct, operate, maintain, and terminate a buried electrical line and water system on public lands (or Federal land for MLA Rights-of-Way) described as follows:

**T. 35 S., R. 7 W., Section 25, Lot 1,
SW $\frac{1}{4}$ NE $\frac{1}{4}$ Nw $\frac{1}{4}$, W.M., Josephine County, Oregon**

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RIGHT-OF-WAY ATTACHMENT

This right-of-way holder is aware that the Bureau of Land Management (BLM) administered lands in western Oregon are managed primarily for timber resource activities which include timber harvesting, reforestation, and tree release programs. BLM forest management activities may also include clearcutting, application of herbicides, firewood cutting, and prescribed burning. Logging operations cause dust and noise. Many of these activities are considered objectionable by residents living on adjacent private lands. BLM roads will be used to haul timber. Other important resources of these lands include wildlife habitat, minerals, soil and water quality, recreation opportunities, and others. The holder should also be aware that the BLM may grant other rights-of-way across BLM lands, and also may enter into agreements for exchange or sale of BLM administered lands.

b. The right-of-way or permit area granted herein is 10 feet wide, 1,400 feet long and contains 0.32 acres, more or less. ~~It is the type of land, the BLM owns. XXXXXXXXXXXXXXXXXXXXXXX~~

c. This instrument shall terminate on February 24, 2014, 20 years from its effective date unless, prior thereto, it is relinquished, abandoned, terminated, or modified pursuant to the terms and conditions of this instrument or of any applicable Federal law or regulation.

d. This instrument may may not be renewed. If renewed, the right-of-way or permit shall be subject to the regulations existing at the time of renewal and any other terms and conditions that the authorized officer deems necessary to protect the public interest.

e. Notwithstanding the expiration of this instrument or any renewal thereof, early relinquishment, abandonment, or termination, the provisions of this instrument, to the extent applicable, shall continue in effect and shall be binding on the holder, its successors, or assigns, until they have fully satisfied the obligations and/or liabilities accruing herein before or on account of the expiration, or prior termination, of the grant.

S: 87942

3. Rental:

For and in consideration of the rights granted, the holder agrees to pay the Bureau of Land Management fair market value rental as determined by the authorized officer unless specifically exempted from such payment by regulation. Provided, however, that the rental may be adjusted by the authorized officer, whenever necessary, to reflect changes in the fair market rental value as determined by the application of sound business management principles, and so far as practicable and feasible, in accordance with comparable commercial practices.

4. Terms and Conditions:

- a. This grant or permit is issued subject to the holder's compliance with all applicable regulations contained in Title 43 Code of Federal Regulations parts 2800 and 2880.
- b. Upon grant termination by the authorized officer, all improvements shall be removed from the public lands within 120 days, or otherwise disposed of as provided in paragraph (4)(d) or as directed by the authorized officer.
- c. Each grant issued pursuant to the authority of paragraph (1)(a) for a term of 20 years or more shall, at a minimum, be reviewed by the authorized officer at the end of the 20th year and at regular intervals thereafter not to exceed 10 years. Provided, however, that a right-of-way or permit granted herein may be reviewed at any time deemed necessary by the authorized officer.
- d. The stipulations, plans, maps, or designs set forth in Exhibit(s) A & B, ~~XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX~~ attached hereto, are incorporated into and made a part of this grant instrument as fully and effectively as if they were set forth herein in their entirety.
- e. Failure of the holder to comply with applicable law or any provision of this right-of-way grant or permit shall constitute grounds for suspension or termination thereof.
- f. The holder shall perform all operations in a good and workmanlike manner so as to ensure protection of the environment and the health and safety of the public.
- g. **Holder shall show Authorized Officer proof of holder's acquisition of a valid water right prior to commencing construction activities.**
- h. **The waterline and associated electrical line will be buried to a depth of 18-24" at the location of the orchard and at the flat areas adjacent to holder's property. At the location of the steeper areas, the line will be buried to a depth of 4-6".**
- i. **The ditchline will be no more than 4-6" in width and machine or hand backfilled.**

IN WITNESS WHEREOF, The undersigned agrees to the terms and conditions of this right-of-way grant or permit.

Jack Peterson
(Signature of Holder)

Owner
(Title)

January 31, 1994
(Date)

Justin Lloyd
(Signature of Authorized Officer)

Area Manager
(Title)

2-25-94
(Effective Date of Grant)