

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

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 (www.oregon.gov/owrd/law.oar). 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 \$200. 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 \$350.00 for the applicant and \$700.00 for non-applicants. Protests are filed on approximately 10% of Proposed Final Orders. If a protest is filed the Department will schedule a hearing 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.

SEP 08 2014

SALEM, OR

RECEIVED BY OWRD

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 THE JANUARY TRUST, RONALD E. NASH, TRUSTEE		PHONE (HM) 212-307-8000	
PHONE (WK)	CELL	FAX 212-307-8082	
ADDRESS 360 HAMILTON AVE., SUITE 100			
CITY WHITE PLAINS	STATE NY	ZIP 10601	E-MAIL * RNASH@GRFLUP.COM

Organization Information

NAME NA		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 GARY D. KAISER		PHONE 541-878-8318	FAX
ADDRESS 19446 Hwy 62		CELL	
CITY EAGLE POINT	STATE OR	ZIP 97524	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.)


RECEIVED BY OWRD

By my signature below I confirm that I understand:

SEP 08 2014

- 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. SALEM, OR
- 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

RONALD E. NASH, TRUSTEE
Print Name and title if applicable

8/14/14
Date

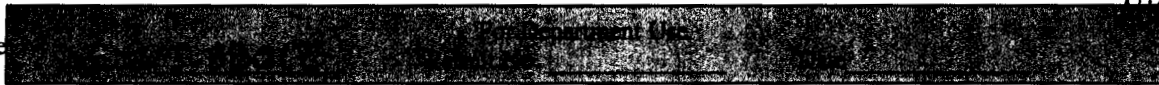
Applicant Signature

Print Name and title if applicable

Date

RECEIVED BY OWRD

Revised



SEP 14 2014

SALEM, OR

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: LOST CREEK RESERVOIR - R-8142 Tributary to: ROGUE RIVER
 Source 2: Tributary to:
 Source 3: Tributary to:
 Source 4: Tributary to:

RECEIVED BY OWRD
 SEP 08 2014
 SALEM, OR

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

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.)

RECEIVED BY OWRD
 AUG 14 2014
 SALEM, OR

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
LOST CREEK RESERVOIR	IRRIGATION	APRIL 1 - OCT. 31	22.95 <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: 5.1 Acres Supplemental: 0 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: 22.95

- 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:

RECEIVED BY OWRD

AUG 14 2014

SALEM, OR

RECEIVED BY OWRD

SEP 08 2014

SALEM, OR

RECEIVED BY OWRD

RECEIVED BY OWRD

SEP 08 2014

AUG 14 2014

SECTION 5: WATER MANAGEMENT

SALEM, OR

A. Diversion and Conveyance

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

SALEM, OR

Pump (give horsepower and type): 5.0 HP CENTRIFUGAL PUMP

Other means (describe): _____

Provide a description of the proposed means of diversion, construction, and operation of the diversion works and conveyance of water. SAME DIVERSION LOCATION AS USED FOR T-4190, CEPT. 55444 EXISTING CONCRETE PAD ON TOP OF RIVER BANK. LAST CREEK RESERVOIR WATER WILL BE PUMPED FROM THE ROGUE RIVER THROUGH AN O.D.F.W. APPROVED FISH SCREEN AND SUCTION LINE TO THE PUMP. MAIN LINE WILL BE A BURIED 2" PVC PIPE.

B. Application Method

What equipment and method of application will be used? (e.g., drip, wheel line, high-pressure sprinkler) WATER WILL BE THROUGH THE MAINLINE TO LATERAL LINES LEADING TO TIMED IRRIGATION ZONES WITH HIGH PRESSURE SPRINKLERS. THE SYSTEM HAS NOT BEEN DESIGNED AS YET, CONSEQUENTLY THE LATERAL LINE PIPE SIZES AND SPRINKLER TYPES ARE NOT KNOWN.

C. Conservation

Please describe why the amount of water requested is needed and measures you propose to: prevent waste; measure the amount of water diverted; prevent damage to public uses of affected surface waters. THE LAND WILL BE IRRIGATED DURING THE NIGHT TIME TO PREVENT EVAPORATION USING A CONTROLLER WITH TIMED IRRIGATION ZONES, ONE ZONE WILL BE RAN AT A TIME. THE TIME GIVEN FOR EACH ZONE WILL BE LIMITED AS TO NOT ALLOW WATER TO RUN-OFF BACK INTO THE RIVER. A METER WILL BE INSTALLED TO MEASURE THE AMOUNT OF WATER DIVERTED.

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: O.D.F.W. APPROVED FISH-SCREEN.

Excavation or clearing of banks will be kept to a minimum to protect riparian or streamside areas. Describe planned actions: NO EXCAVATION OR CLEARING OF BANKS WILL BE NECESSARY, THE PUMP WILL BE SET ON THE SAME PAD USED FOR T-4190, C-55444 WITH JUST A SUCTION LINE WITH FISH SCREEN RUNNING TO RIVER.

Operating equipment in a water body will be managed and timed to prevent damage to aquatic life. Describe: THE ONLY EQUIPMENT IN THE RIVER WILL BE THE SUCTION LINE AND O.D.F.W. APPROVED FISH SCREEN. THERE WILL BE NO DAMAGE TO AQUATIC LIFE.

Water quality will be protected by preventing erosion and run-off of waste or chemical products. Describe: THE IRRIGATION WILL BE RAN USING A CONTROLLER ALLOWING ONE ZONE TO BE RAN AT A TIME. THE TIMING FOR EACH ZONE WILL BE SET AS TO NOT ALLOW WATER TO RUN-OFF BACK INTO THE RIVER.

SECTION 7: PROJECT SCHEDULE

Date construction will begin: *FIRST MONTH OF MAY AFTER PERMIT IS ISSUED.*
Date construction will be completed: *FIRST MONTH OF AUGUST AFTER PERMIT IS ISSUED.*
Date beneficial water use will begin: *FIRST MONTH OF AUGUST AFTER PERMIT IS ISSUED.*

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.

NA

Irrigation District Name	Address	
City	State	Zip

SECTION 9: REMARKS

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

RECEIVED BY OWRD

SEP 08 2014

SALEM, OR

RECEIVED BY OWRD

AUG 14 2014

SALEM, OR WR

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.

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.

RECEIVED BY OWRD

SEP 08 2014

SALEM, OR
Surface Water/8

8-82012

RECEIVED BY OWRD

AUG 14 2014

SALEM, OR

Land Use Information Form

SEP 08 2014
SALEM, OR



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

RECEIVED BY OWF

AUG 14 2014

Applicant: THE JANUARY TRUST RONALD E. NASH TRUSTEE
First Last SALEM, OR

Mailing Address: 360 HAMILTON AVE.

WHITE PLAINS NY. 10601 Daytime Phone: _____
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:
36 S.	1 W.	06	NE NW	300	EFU	<input checked="" type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	LANDSCAPE
						<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used	
						<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used	
						<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:

JACKSON

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) LOST CREEK RESERVOIR

Estimated quantity of water needed: 22.95
 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:

LOST CREEK RESERVOIR WATER WILL BE PUMPED FROM THE ROGUE RIVER TO IRRIGATE 5.1 ACRES OF LAND. THE LAND WILL BE IRRIGATED USING HIGH PRESSURE SPRINKLERS AND A TIMED SOLID SET SYSTEM.

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.

SEP 08 2014

AUG 14 2014

SALEM, OR

For Local Government Use Only

SALEM, OR

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): 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.

OK for irrigation of landscaping using existing pump. Any permits may require floodplain review.

LUC approved through 14-00312-2017

Name: Charles Bennett Title: Planner II
 Signature: Charles Bennett Phone: 541 774-6907 Date: 7/11/14
 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

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



After recording return to:
Ron Nash, Trustee of The January
Trust
139 5th Avenue, 4th Floor
New York, New York #10010

Until a change is requested all tax
statements shall be sent to the
following address:
Ron Nash, Trustee of The January
Trust
139 5th Avenue, 4th Floor
New York, New York 10010

File No.: 7161-2037006 (csi)

Date: February 08, 2013

THIS SPACE RES

Jackson County Official Records **2013-025970**
R-WD
Str=1 HELMANCD **08/01/2013 03:17:47 PM**
\$10.00 \$11.00 \$10.00 \$8.00 \$15.00 **\$54.00**

I, Christine Walker, County Clerk for Jackson County, Oregon, certify
that the instrument identified herein was recorded in the Clerk
records.
Christine Walker - County Clerk

STATUTORY WARRANTY DEED

Galpin Holdings LLC, Grantor, conveys and warrants to **Ronald E. Nash, Trustee of The January Trust**, Grantee, the following described real property free of liens and encumbrances, except as specifically set forth herein:

LEGAL DESCRIPTION: Real property in the County of Jackson, State of Oregon, described as follows:

GOVERNMENT LOT 1 OF SECTION 6, TOWNSHIP 36 SOUTH, RANGE 1 WEST OF THE WILLAMETTE MERIDIAN, JACKSON COUNTY, OREGON.

TOGETHER WITH any and all entitlements benefiting the subject property pursuant to Ballot Measure 49

NOTE: This Legal Description was created prior to January 01, 2008.

Subject to:

1. The **2013-2014** Taxes, a lien not yet payable.
2. Covenants, conditions, restrictions and/or easements, if any, affecting title, which may appear in the public record, including those shown on any recorded plat or survey.

The true consideration for this conveyance is **\$725,000.00**. (Here comply with requirements of ORS 93.030)

RECEIVED BY OWRD

SEP 08 2014

SALEM, OR

S-88012

Page 1 of 2

RECEIVED BY OWRD

AUG 14 2014

SALEM, OR

CONTRACT DATA SHEET



U.S. Bureau of Reclamation
Attn: PN-3324
1150 North Curtis Road
Boise, ID 83706-1234
208-378-5344

RECEIVED

AUG 15 2014

RECLAMATION

Managing Water in the West

WATER RESOURCES DEPT
SALEM, OREGON

RECEIVED BY OWRD

SEP 08 2014

SALEM, OR

1. Applicant Information:

A. Landowners

- 1) Name of landowner(s): THE JALWAY TRUST, RONALD E. NASH, TRUSTEE
- 2) Address: 360 HAMILTON AVE., SUITE 100, WHITE PLAINS, NY, 10601
- 3) Mailing Address (if different): _____
- 4) Taxpayer Identification Number(s): _____
(Social Security Number or Employer Identification Number)¹
- 5) Do you own all of the land where you propose to divert and make use of water? _____

(X)

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: N/A
- 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): LOST CREEK RESERVOIR, TRIB. OF ROGUE RIVER
- 3. Proposed point of diversion: 1095 feet SOUTH and 510 feet WEST of North 1/4 corner of Section 6, Township 36 S., Range 1 W., 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: _____
- 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).

2088-5

