

# 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 I APPLICANT INFORMATION AND SIGNATURE

### Applicant Information

NAME <u>Sean Berrier</u>		PHONE (HM)	
PHONE (WK)	CELL <u>214-502-6755</u>	FAX	
ADDRESS <u>13333 Highway 238</u>			
CITY <u>Jacksonville</u>	STATE <u>OR</u>	ZIP <u>97530</u>	E-MAIL * <u>sberrier@yahoo.com</u>

### Organization Information

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

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### 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 *


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

Sean Berrier  
 Print Name and title if applicable

6-21-16  
 Date

Applicant Signature

Print Name and title if applicable

Date

Revised



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**SECTION 2. PROPERTY OWNERSHIP**

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

Yes

There are no encumbrances.

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.**



**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 River Tributary to: ~~Trubatek Creek~~

Source 2: Res. Tributary to: Trubatek Applegate River

Source 3: Tributary to:

Source 4: 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).

**B. Applications to Use Stored Water**

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

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Yes.

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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.)

P-88274 enclosed BOR / contract Application

Should we have someone to do this right?

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.



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)

have a well flow test -



Applegate River	irrigate land <sup>6.4</sup> acres	indefinite	20	<input type="checkbox"/> cfs <input type="checkbox"/> gpm <input checked="" type="checkbox"/> af
Applegate Reservoir		Apr 1 - Oct 31		<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: 6.4 Acres Supplemental: \_\_\_\_\_ Acres

List the Permit or Certificate number of the underlying primary water right(s): 55468, T11620

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

- 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): \_\_\_\_\_

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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.

**B. Application Method**

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

drip/sprinkler

**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.

To irrigate the land, to keep grass from getting too dry, to prevent fires

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:

Excavation or clearing of banks will be kept to a minimum to protect riparian or streamside areas.  
Describe planned actions: No excavation will be done. We will just keep banks clear of debris.

Operating equipment in a water body will be managed and timed to prevent damage to aquatic life.  
Describe: No equipment will be operating in the body of water

Water quality will be protected by preventing erosion and run-off of waste or chemical products.  
Describe: We will only use organic fertilizer on property, no chemicals will be used.

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**SECTION 7: PROJECT SCHEDULE**

Date construction will begin: *No construction needed.*

Date construction will be completed:

Date beneficial water use will begin: *ASAP*

**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	Address	
City	State	Zip

*[Handwritten scribbles over the form fields]*

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

*I am new to the area. I am looking for help in understanding my water rights.*

*Can I install a pump at a later time?  
I can draw up some plans.*

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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 \_\_\_\_\_

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CONTRACT DATA SHEET

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

RECLAMATION  
Managing Water in the West

1. Applicant Information:

A. Landowners

- 1) Name of landowner(s): Sean Berrier
- 2) Address: 13333 Highway 238 Jacksonville OR 97530
- 3) Mailing Address (if different): 7108 Duffield Ln Dallas TX 75248
- 4) Taxpayer Identification Number(s): \_\_\_\_\_  
(Social Security Number or Employer Identification Number)<sup>1</sup>
- 5) Do you own all of the land where you propose to divert and make use of water? Yes

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

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

- 2. Source of Water (name of stream, river): Applegate River from Applegate Reservoir
- 3. Proposed point of diversion: 1326 feet South and 3964 feet West of ~~the~~ NE corner of Section 26, Township 38S, Range 4W, 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: CINclosed OWRD Appointur

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).

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Form RO-303  
Revised 02/2006

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6. Do you currently hold a right to natural flows for irrigating the property described herein? NO ACCESS  
If yes, what is/are the priority date(s)? 1886 - 1977
7. Total quantity of water from storage requested: 20 acre-feet.
8. Location of land to be irrigated in each 40-acre tract:

TOWNSHIP	RANGE	SECTION	40-ACRE TRACT (1/4) (1/4)	NO. of ACRES	TYPE of IRRIGATED CROP
38S	4W	26	NW-NE	4.3	grapes
11	11	11	NE-NW	.6	11
11	11	11	SE NW	.17	11
11	11	11	SW-NE	.08	11
11					

9. What is the present use of the land identified above? [Farming; idle (fallow cultivated land); native (appears never to have been tilled); planted pasture or other (please specify)].  
pasture
10. Is the land identified above currently being irrigated? NOT CURRENTLY BEING IRRIGATED If yes, what is the source? (natural flows, wells, etc.)
11. Diversion must be screened to prevent uptake of fish and other aquatic life.  
Describe plan(s) to comply with State/Federal fish screen standards: Diversion will be screened to meet ODFW requirements
12. Telephone number where you can be reached during the day: 214-502-6755

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

- ANSWERED ALL QUESTIONS COMPLETELY
- ATTACHED AND IDENTIFIED ADDITIONAL SHEET(S) AS NECESSARY
- ATTACHED THE REQUIRED MAP
- SUBMIT PAYMENT FOR THE APPROPRIATE CONTRACT ADMINISTRATION FEE<sup>1</sup>, MAKE CHECK PAYABLE TO THE U.S. BUREAU OF RECLAMATION

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

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

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CONTRACT WATER

An option for obtaining water for irrigation would be to contract with the Bureau of Reclamation for a water supply from the Lost Creek or Applegate Reservoirs.

Landowners may apply for a Lost Creek or Applegate Reservoir Irrigation Water Service Contract by completing the Contract Data Sheet and mailing it to the Bureau of Reclamation (BOR) Office in Idaho. Assuming the contract requirements are met, BOR will prepare a water service contract which will be sent to you for review and signature. Landowners may apply to contract for an annual amount of water of up to a maximum of 4.5 acre-feet per acre which is the current unit-duty established by the State for this area.

There is a \$100 fee for preparation of a new contract, which is not due until a contract is executed. Currently, the annual charge for storage water from the Rogue River Project is \$8 per acre-foot (\$50 minimum fee for 20 acre-feet or less).

If you have any questions regarding the stored water or application process, please contact **Bill Parks** at (208) 378-5344 or by e-mail at [wparks@usbr.gov](mailto:wparks@usbr.gov)

In addition, applicants approved for contract water must also apply for a permit to use surface water through the State of Oregon Water Resource Department (OWRD). Your local **Watermaster** can help facilitate this process or you can contact the OWRD office in Salem at (503)986-0900.

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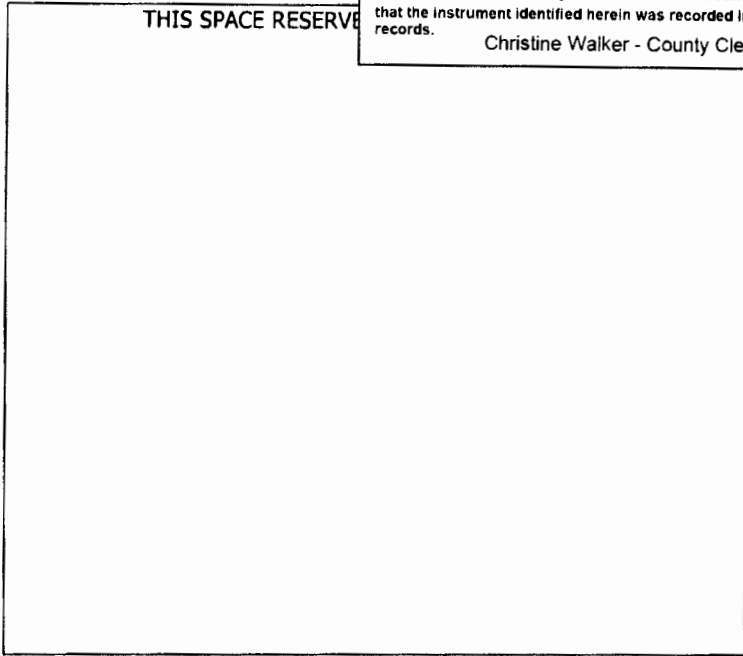
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After recording return to:  
Sean P. Berrier and Candace L.  
Berrier  
13333 Highway 238  
Jacksonville, OR 97530

Until a change is requested all tax  
statements shall be sent to the  
following address:  
Sean P. Berrier and Candace L. Berrier  
13333 Highway 238  
Jacksonville, OR 97530

File No. 7161-2639662 (lb)  
Date: April 20, 2016



Jackson County Official Records **2016-017959**  
R-WD  
Stn=12 BARROWCK **06/13/2016 02:37:20 PM**  
\$15.00 \$11.00 \$10.00 \$8.00 \$20.00 **\$64.00**  
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

**Abraham N. Harris**, Grantor, conveys and warrants to **Sean P. Berrier and Candace L. Berrier as tenants by the entirety**, 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:

**See Attached Exhibit "A"**

**Subject to:**

1. 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 **\$534,000.00**. (Here comply with requirements of ORS 93.030)

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

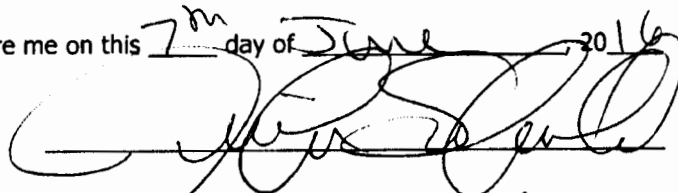
Dated this 7<sup>th</sup> day of June, 2016.



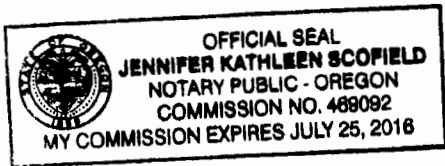
Abraham N. Harris

STATE OF Oregon )  
 )ss.  
County of Jackson )

This instrument was acknowledged before me on this 7<sup>th</sup> day of June, 2016 by **Abraham N. Harris**.



Notary Public for Oregon  
My commission expires: 7-25-16



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**EXHIBIT A**

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

**TRACT A:**

**COMMENCING AT A 5/8" IRON PIN AT THE INTERSECTION OF THE SOUTHERLY BOUNDARY OF OREGON HIGHWAY NO. 238 AND THE NORTHERLY BOUNDARY OF SECTION 26 IN TOWNSHIP 38 SOUTH, RANGE 4 WEST OF THE WILLAMETTE MERIDIAN IN JACKSON COUNTY, OREGON, WHICH BEARS SOUTH 89°30'15" WEST 1390.88 FEET DISTANT FROM THE NORTHEAST CORNER OF SAID SECTION; THENCE NORTH 61°46'30" WEST, ALONG THE SOUTHERLY BOUNDARY OF SAID HIGHWAY, 783.99 FEET TO A 5/8" IRON PIN FOR THE TRUE POINT OF BEGINNING; THENCE SOUTH 699.82 FEET TO A 5/8" IRON PIN; THENCE SOUTH 24°22'20" WEST 1001.70 FEET TO A 5/8" IRON PIN; THENCE CONTINUE SOUTH 24°22'20" WEST 147.83 FEET TO THE CENTER OF THE APPLGATE RIVER; THENCE ALONG THE RIVER CENTER, NORTH 73°27'00" WEST 237.01 FEET; THENCE NORTH 31°19'20" EAST 147.82 FEET TO A 5/8" IRON PIN; THENCE CONTINUE NORTH 31°19'20" EAST 999.88 FEET TO A 5/8" IRON PIN; THENCE NORTH 756.42 FEET TO A 5/8" IRON PIN ON THE SOUTHERLY BOUNDARY OF OREGON HIGHWAY NO. 238; THENCE ALONG SAID BOUNDARY, SOUTH 61°46'30" EAST 119.68 FEET TO THE TRUE POINT OF BEGINNING.**

**LESS AND EXCEPT FOR THE ABOVE DESCRIBED TRACT: COMMENCING AT A 5/8" IRON PIN WHICH BEARS SOUTH 89°30'15" WEST 1662.87 FEET AND SOUTH 0°31'45" WEST 326.71 FEET FROM THE SECTION CORNER COMMON TO SECTIONS 23, 24, 25 AND 26, TOWNSHIP 38 SOUTH, RANGE 4 WEST OF THE WILLAMETTE MERIDIAN IN JACKSON COUNTY, OREGON; THENCE WEST 421.81 FEET TO A 5/8" IRON PIN; THENCE SOUTH 24°22'20" WEST 139.17 FEET TO THE TRUE POINT OF BEGINNING; THENCE SOUTH 30°58'20" WEST 43.50 FEET; THENCE SOUTH 17°46'20" WEST 43.50 FEET; THENCE NORTH 24°22'20" EAST 86.42 FEET TO THE TRUE POINT OF BEGINNING.**

**TRACT B:**

**COMMENCING AT A 5/8" IRON PIN WHICH BEARS SOUTH 89°30'15" WEST 1662.87 FEET AND SOUTH 0°31'45" WEST 326.71 FEET FROM THE SECTION CORNER COMMON TO SECTIONS 23, 24, 25 AND 26, TOWNSHIP 38 SOUTH, RANGE 4 WEST OF THE WILLAMETTE MERIDIAN IN JACKSON COUNTY, OREGON; THENCE WEST 421.81 FEET TO A 5/8" IRON PIN; THENCE SOUTH 24°22'20" WEST 253.17 FEET TO THE TRUE POINT OF BEGINNING; THENCE SOUTH 17°46'20" WEST 43.50 FEET; THENCE SOUTH 30°58'20" WEST 43.50 FEET; THENCE NORTH 24°22'20" EAST 86.42 FEET TO THE TRUE POINT OF BEGINNING.**

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

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JACKSON COUNTY DEVELOPMENT SERVICES

10 S Oakdale Ave, Room 100

Medford, OR 97501

Phone: 541-774-6927

# Transaction Receipt

Record Number: 439-16-01434-ZON

Receipt Number: 237205

<http://www.co.jackson.or.us/>

JCBuilding@jacksoncounty.org

Address: 13333 HWY 238, JACKSONVILLE, OR

Receipt Date: 6/24/16

Parcel Number: 38-4W-26-203

### Fee Items Paid

DESCRIPTION	ACCOUNT CODE	AMOUNT PAID
Type I Counter Permit	3701040000.45105.1300	\$118.00
		<b>\$118.00</b>

### Payment Summary

PAYMENT METHOD	PAYER	COMMENTS	AMOUNT PAID
Credit Card- Authorization Code: 9	Sean P Berrier	kimys	\$118.00
			<b>\$118.00</b>

Card Holder Signature: \_\_\_\_\_

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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

Applicant: SEAN Berrier  
First Last

Mailing Address: 7108 Duffield dr  
DALLAS TX 75248 Daytime Phone: 214-502-6755  
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:
38S	4W	26	NW-NE	203	RR5	<input checked="" type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	Farm
			NE-NW	203	RR5	<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used	
			SE-NW	203	RR5	<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used	
			SW-NE	203	RR5	<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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## B. Description of Proposed Use

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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) Applegate Res / Applegate River

Estimated quantity of water needed: 20   
 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:

Service Surface Water Right / Personal Agriculture Irrigation

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

# 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): Ch. 6-2-1

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

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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.

*Non intensive agriculture use is permitted on RR-5 zoning. Not pursuing Marijuana grow.*

Name: Youngsook Kim Title: Planner 1  
 Signature: *Youngsook Kim* Phone: 541-774-6946 Date: 6/24/16  
 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: \_\_\_\_\_

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5-88274

## 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**

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- 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."**

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		<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
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**Receipt for Request for Land Use Information**

**RECEIVED BY OWRD**

Applicant name: \_\_\_\_\_  
 City or County: \_\_\_\_\_ Staff contact: \_\_\_\_\_ **AUG 05 2016**  
 Signature: \_\_\_\_\_ Phone: \_\_\_\_\_ Date: \_\_\_\_\_ **SALEM, OR**

*S-88274*





JACKSON COUNTY DEVELOPMENT SERVICES

10 S Oakdale Ave, Room 100

Medford, OR 97501

Phone: 541-774-6927

# Transaction Receipt

Record Number: 439-16-01434-ZON

Receipt Number: 237205

JCBuilding@jacksoncounty.org

<http://www.co.jackson.or.us/>

Address: 13333 HWY 238, JACKSONVILLE, OR

Parcel Number: 38-4W-26-203

Receipt Date: 6/24/16

### Fee Items Paid

DESCRIPTION	ACCOUNT CODE	AMOUNT PAID
Type I Counter Permit	3701040000.45105.1300	\$118.00
		<b>\$118.00</b>

### Payment Summary

PAYMENT METHOD	PAYER	COMMENTS	AMOUNT PAID
Credit Card- Authorization Code: 9	Sean P Berrier	kimys	\$118.00
			<b>\$118.00</b>

Card Holder Signature: \_\_\_\_\_

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*5-88274*



JACKSON COUNTY DEVELOPMENT SERVICES  
10 S Oakdale Ave, Room 100  
Medford, OR 97501  
Phone: 541-774-6927

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			<b>\$118.00</b>

Card Holder Signature: \_\_\_\_\_

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SALEM, OR

S-00274



JACKSON COUNTY DEVELOPMENT SERVICES

10 S Oakdale Ave, Room 100

Medford, OR 97501

Phone: 541-774-6927

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			<b>\$118.00</b>

Card Holder Signature: \_\_\_\_\_

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After recording return to:  
Sean P. Berrier and Candace L.  
Berrier  
13333 Highway 238  
Jacksonville, OR 97530

Until a change is requested all tax  
statements shall be sent to the  
following address:  
Sean P. Berrier and Candace L. Berrier  
13333 Highway 238  
Jacksonville, OR 97530

File No. 7161-2639662 (lb)  
Date: April 20, 2016

Jackson County Official Records **2016-017959**  
R-WD  
Stn=12 BARROWCK 06/13/2016 02:37:20 PM  
\$15.00 \$11.00 \$10.00 \$8.00 \$20.00 **\$64.00**

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

THIS SPACE RESERVED

### STATUTORY WARRANTY DEED

**Abraham N. Harris**, Grantor, conveys and warrants to **Sean P. Berrier and Candace L. Berrier as tenants by the entirety**, 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:

**See Attached Exhibit "A"**

**Subject to:**

1. 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 **\$534,000.00**. (Here comply with requirements of ORS 93.030)

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**EXHIBIT A**

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

**TRACT A:**

**COMMENCING AT A 5/8" IRON PIN AT THE INTERSECTION OF THE SOUTHERLY BOUNDARY OF OREGON HIGHWAY NO. 238 AND THE NORTHERLY BOUNDARY OF SECTION 26 IN TOWNSHIP 38 SOUTH, RANGE 4 WEST OF THE WILLAMETTE MERIDIAN IN JACKSON COUNTY, OREGON, WHICH BEARS SOUTH 89°30'15" WEST 1390.88 FEET DISTANT FROM THE NORTHEAST CORNER OF SAID SECTION; THENCE NORTH 61°46'30" WEST, ALONG THE SOUTHERLY BOUNDARY OF SAID HIGHWAY, 783.99 FEET TO A 5/8" IRON PIN FOR THE TRUE POINT OF BEGINNING; THENCE SOUTH 699.82 FEET TO A 5/8" IRON PIN; THENCE SOUTH 24°22'20" WEST 1001.70 FEET TO A 5/8" IRON PIN; THENCE CONTINUE SOUTH 24°22'20" WEST 147.83 FEET TO THE CENTER OF THE APPLGATE RIVER; THENCE ALONG THE RIVER CENTER, NORTH 73°27'00" WEST 237.01 FEET; THENCE NORTH 31°19'20" EAST 147.82 FEET TO A 5/8" IRON PIN; THENCE CONTINUE NORTH 31°19'20" EAST 999.88 FEET TO A 5/8" IRON PIN; THENCE NORTH 756.42 FEET TO A 5/8" IRON PIN ON THE SOUTHERLY BOUNDARY OF OREGON HIGHWAY NO. 238; THENCE ALONG SAID BOUNDARY, SOUTH 61°46'30" EAST 119.68 FEET TO THE TRUE POINT OF BEGINNING.**

**LESS AND EXCEPT FOR THE ABOVE DESCRIBED TRACT: COMMENCING AT A 5/8" IRON PIN WHICH BEARS SOUTH 89°30'15" WEST 1662.87 FEET AND SOUTH 0°31'45" WEST 326.71 FEET FROM THE SECTION CORNER COMMON TO SECTIONS 23, 24, 25 AND 26, TOWNSHIP 38 SOUTH, RANGE 4 WEST OF THE WILLAMETTE MERIDIAN IN JACKSON COUNTY, OREGON; THENCE WEST 421.81 FEET TO A 5/8" IRON PIN; THENCE SOUTH 24°22'20" WEST 139.17 FEET TO THE TRUE POINT OF BEGINNING; THENCE SOUTH 30°58'20" WEST 43.50 FEET; THENCE SOUTH 17°46'20" WEST 43.50 FEET; THENCE NORTH 24°22'20" EAST 86.42 FEET TO THE TRUE POINT OF BEGINNING.**

**TRACT B:**

**COMMENCING AT A 5/8" IRON PIN WHICH BEARS SOUTH 89°30'15" WEST 1662.87 FEET AND SOUTH 0°31'45" WEST 326.71 FEET FROM THE SECTION CORNER COMMON TO SECTIONS 23, 24, 25 AND 26, TOWNSHIP 38 SOUTH, RANGE 4 WEST OF THE WILLAMETTE MERIDIAN IN JACKSON COUNTY, OREGON; THENCE WEST 421.81 FEET TO A 5/8" IRON PIN; THENCE SOUTH 24°22'20" WEST 253.17 FEET TO THE TRUE POINT OF BEGINNING; THENCE SOUTH 17°46'20" WEST 43.50 FEET; THENCE SOUTH 30°58'20" WEST 43.50 FEET; THENCE NORTH 24°22'20" EAST 86.42 FEET TO THE TRUE POINT OF BEGINNING.**

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

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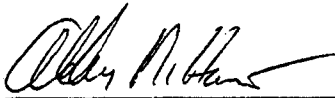
SALEM, OR

3

S-88274

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

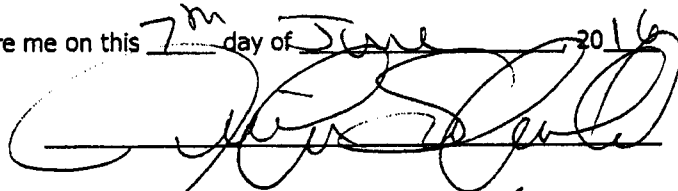
Dated this 7<sup>th</sup> day of June, 2016.



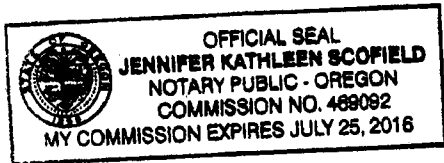
Abraham N. Harris

STATE OF Oregon )  
 )ss.  
County of Jackson )

This instrument was acknowledged before me on this 7<sup>th</sup> day of June, 2016 by **Abraham N. Harris**.



Notary Public for Oregon  
My commission expires: 7-25-16



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# Minimum Requirements Checklist

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

## Include this checklist with the application

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

- SECTION 1: applicant information and signature
- SECTION 2: property ownership
- SECTION 3: source of water requested
- SECTION 4: water use
- SECTION 5: water management
- SECTION 6: resource protection
- SECTION 7: project schedule
- SECTION 8: within a district
- SECTION 9: remarks

### Attachments:

- Land Use Information Form with approval and signature (*must be an original*) or signed receipt
- Provide the legal description of: (1) the property from which the water is to be diverted, (2) any property crossed by the proposed ditch, canal or other work, and (3) any property on which the water is to be used as depicted on the map.
- Fees - Amount enclosed: \$  
See the Department's Fee Schedule at [www.oregon.gov/owrd](http://www.oregon.gov/owrd) or call (503) 986-0900.

### Provide a map and check that each of the following items is included:

- 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:

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