

# 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 <i>DAVID P. SWIECICKI</i>			PHONE (HM) <i>760-522-1778</i>
PHONE (WK)	CELL		FAX
ADDRESS <i>1010 E. BOBIER DRIVE, SPACE 107</i>			
CITY <i>VISTA</i>	STATE <i>CA</i>	ZIP <i>92084</i>	E-MAIL * <i>d.swiecicki@jbcglobal.net</i>

### 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 <i>KENDON LEET REAL ESTATE LYDIA WEATHERWAX</i>			PHONE <i>541-660-6210</i>	FAX
ADDRESS <i>132 NE SAVAGE ST.</i>			CELL <i>541-660-6210</i>	
CITY <i>GNARLY PASS</i>	STATE <i>OR</i>	ZIP <i>97524</i>	E-MAIL * <i>LYDIASEAN@GMAIL.COM</i>	

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.

*Lydia Weatherwax* *Lydia Weatherwax (agent)* *7-26-16*  
 Applicant Signature      Print Name and title if applicable      Date  
*agent for David Swiecicki*

Applicant Signature

Print Name and title if applicable

Date

Revised

App. No. <i>S-98277</i>	For Department Use	Permit No. _____	Date _____
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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).

\* 1 THOMAS ROSENTHAL  
1080 FERRY RD  
GRANTS PASS, OR 97526

2. BLM

3. LOUIS + ANITA ROSENTHAL SCAPARO  
994 FERRY RD  
GRANTS PASS, OR 97526

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: Pacific O.
- Source 2: Lost Creek Res. Tributary to: Rogue -> Pacific O
- 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).

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**B. Applications to Use Stored Water**

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

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- 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.)

Bureau of Rec  
Contract  
9-07-10 - W 1253  
WR

S-88277

photocopy

DAVID SWIECICKI  
1010 E. BOBIER DR., SP #107  
VISTA, CA 92084-3917

AGREEMENT TO SHARE EXISTING ROGUE RIVER WATER DELIVERY SYSTEM

It is understood by both party's that the co-ownership of this "system" shall become and remain a part of both party's land property site deeds. The co-ownership and all rights, therefore, shall remain with and transfer with the specific land property's in case of the future sale of either of the properties or the transfer of the ownership of the property deeds to another party. The "system" will remain the "system" available and functioning for supplying water to the specific land property sites of both party's describe in this agreement document.

The Swiecicki's land property site description is lot 106 of Ferry Park Estates 1011 Ferry RD, Grants Pass, OR. 97526. The county tax lot des. is township 36 Range 07, section 2, tax lot 106, acres 1.82 code area 05

The Rosenthals address is 1080 Ferry Rd Grants Pass, OR. 97526

All that portion of the southeast Quarter of the Northeast Quarter of Section 2, Township 36 south, Range 7 west, of the Willamette Meridian, Josephine County, Oregon, lying west of the Westerly right of way line of upper Ferry Rd. LESS AND EXCEPT that portion platted September 3, 1970, as Ferry Parks Estates.

The following signatures, dates, and notary public witness marks constitute the acceptance of and binding of this contractual agreement.

The original document will remain with the Rosenthal's with a copy for the Swiecicki's.

Thomas A. Rosenthal  
*Thomas A. Rosenthal*  
Date Aug 8 1997

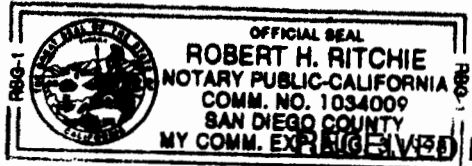
Wilma G. Rosenthal  
*Wilma G. Rosenthal*  
Date \_\_\_\_\_

Notary *Cathy F Lyon*

David Swiecicki.  
*David P. Swiecicki*  
Date August 18, 1997

Gloria Swiecicki  
*Gloria Swiecicki*  
Date Aug 8, 1997

Notary *Robert H. Ritchie*



BY OWRD

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AGREEMENT TO SHARE EXISTING ROGUE RIVER WATER DELIVERY SYSTEM

THIS DOCUMENT CONSTITUTES A CONTRACTUAL AGREEMENT BETWEEN DAVE AND GLORIA SWIECICKI (as one party) AND THOMAS AND WILMA ROSENTHAL (as the other party), concerning the co-ownership and sharing of the established and fully functioning Rogue River water delivery system. The Rosenthal's have previously constructed and installed this system and it is currently functioning to deliver water from the Rogur River to the Rosenthal's property for their use.

The Rosenthal's installed and are operating this "water delivery system" according to the Laws and regulations and permits of the State of Oregon, and as such, are able to offer to the Swiecicki's a one-third ownership of the "Rogue River delivery system" for a home site. This one third share in the "Rogue River water delivery system" (termed "system" from here on in this document) includes sharing all rights and maintenance on this system.

It is understood that the Swiecicki's must file with the State of Oregon for the rights and permits to actually draw and use water thru this system.

It is also understood that it is the Swiecicki's responsibility to install a holding tank, and install all pipes and electrical wiring necessary for hooking into the existing "system", which runs though the "Rosenthal's" property site, in order to use the "system".

The Rosenthal's therefore agree to allow the Swiecicki's to trench and install, across the Rosenthal's property, the necessary pipe and electrical wiring needed to reach and hook into the existing "system" from the Swiecicki's property site. The Rosenthal's further agree to allow the Swiecicki's access to this entire "system" for the purpose of sharing and maintaining the upkeep of the "system", as the "system" may need over time.

In exchange for the one-third ownership of the "system" and the sharing of all rights, maintenance, etc,, as describe above, the Swiecicki's agree to pay to the Rosenthal's the total sum of Five thousand dollars, (\$5,000.00) payable according to the following schedule:

- \$2,000.00 initial downpayment to the Rosenthal's
- \$100.00 per month for 24 months
- \$600.00 final payment on the 25th month

The Swiecicki's may, at any time, pay more to the Rosenthal's then the schedule calls for, or they may pay off the entire sum early, if they so choose.

The Swiecicki's one-third ownership of the "system" will begin with the signing and notarization of each party's signatures on this document and the Rosenthal's receiving the \$2,000.00 intial downpayment.

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This schedule of payments correctly shows that all such payments have been made by David L. Swiecicki. This satisfies the total purchase price agreed upon between David Swiecicki and Thomas Rosenthal for a full 1/3 share in the existing Rosenthal Rogue River water pipeline delivery system, as described in their "Agreement to Share Existing Rogue River Water Delivery System" document, dated August 8, 1997.

Signed: Thomas Rosenthal  
Thomas Rosenthal

Date : 7/30/97

*[Faint handwritten signature]*

*[Faint handwritten signature]*

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(760) 630-8996  
 DAVID & GLORIA SWIECIC  
 767 ALTA VISTA DR.  
 VISTA, CA 92084-5511

\$5,000.00 Total owed Swiecicki to Rosenthal  
 Rogan River Water Delivery System Payment Schedule

\$2000 down (3,000 owed)  
 (8/97)

Payment Number	Amount Due	Due Date	Cumulative Total made in payments	Amount still owed	Date Paid	Check #
1	\$100.00	9/25/97	\$100.00	\$2900	9/13/97	#648
2	100.00	10/25	200	2800	9/13/97	#648
3	100.00	11/25	300	2700	10/14/97	<del>686</del> 686
4	100.00	12/25	400	2600	10/14/97	#686
5	100.00	1/25/98	500	2500	10/13/97	#719
6	100.00	2/25	600	2400	11/13/97	#719
7	100.00	3/25	700	2300	12/18/97	#757
8	100.00	4/25	800	2200	12/18/97	#757
9	100.00	5/25	900	2100	1/13/98	#790
10	100.00	6/25	1000	2000	2/21/98	#828
11	100.00	7/25	1100	1900	3/16/98	#846
12	100.00	8/25	1200	1800	4/11/98	#886
13	100.00	9/25	1300	1700	5/13/98	#917
14	100.00	10/25	1400	1600	5/13/98	#917
15	100.00	11/25	1500	1500	6/13/98	#955
16	100.00	12/25	1600	1400	6/13/98	#955
17	100.00	1/25/99	1700	1300	7/23/98	#998
18	100.00	2/25	1800	1200	7/23/98	#998
19	100.00	3/25	1900	1100	8/17/98	#1021
20	100.00	4/25	2000	1000	8/17/98	#1021
21	100.00	5/25	2100	900	9/15/98	#1058
22	100.00	6/25	2200	800	9/15/98	#1058
23	100.00	7/25	2300	700	10/16/98	#1094
24	100.00	8/25	2400	600	10/16/98	#1094
balanc pymt #25	600.00	9/25/99	3000	0		

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Paid In Full  
 4/12/99

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Thomas + Wilma Rosenthal  
 1080 Ferry Rd.  
 Grunts Pass, OR. 97526  
 1-541-476-7956

1/3 = \$200. ck # 1137, dated 11/14/98  
 1/3 = \$200. ck # 1173, dated 12/14/98  
 1/3 = \$200. ck # 1292, dated 4/12/99

Paid In Full

copy

Louis & Anita Scaparo  
994 Ferry Road  
Grants Pass, Oregon 97526

May 20, 1998

Water Rights Division

Reference: New File

This letter is to inform you of our intention to grant an easement to David & Gloria Swieciki. The purpose of this easement grant will be for an under ground water line from Thomas Rosenthal's Property which is located at 1080 Ferry Road to the Swieicki property.

Since this area has several large trees that will prevent the line from being installed in a straight line It is the recommendation of Johathan Spero, the Civil Engineer and Water Master who will draw up the easement document, that the line be installed first, and then surveyed in order to create an accurate legal description of the easement.

It is our hope that this letter stating our full intention to grant Mr. & Mrs. Swieciki will suffice until The water line is installed. At which time an accurate as built survey can be done to determine the exact description of the easement to be granted.

Sincerely

Louis P. Scaparo  
Anita Scaparo

*Louis P. Scaparo  
Anita Scaparo*

cc: David & Gloria Swieciki

Jonathan Spero, CWRE

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*Water Rights Division*

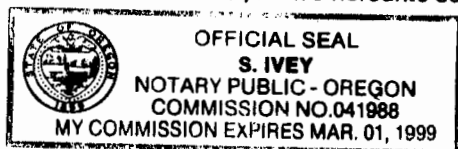
STATE OF OREGON, )  
COUNTY OF Josephine ) SS.

BE IT REMEMBERED, That on this 11 day of June, 1998, before me, the undersigned, a Notary Public in and for said County and State, personally appeared the within named

Louis P Scaparo and Anita Scaparo

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

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



S. Ivey  
Notary Public for Oregon  
My Commission expires 3-1-99

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
Regue	human consumption	year-round	.005 <input checked="" type="checkbox"/> cfs <input type="checkbox"/> gpm <input type="checkbox"/> af
Last creek Res.	irrigation	April - Oct 31	4.1 <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

**For irrigation use only:**  
 Please indicate the number of primary and supplemental acres to be irrigated.  
 Primary: 1.82 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: \_\_\_\_\_

- If the use is **municipal or quasi-municipal**, attach Form M
- If the use is **domestic**, indicate the number of households: 3
- If the use is **mining**, describe what is being mined and the method(s) of extraction:

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**SECTION 5: WATER MANAGEMENT**

**A. Diversion and Conveyance**

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

Pump (give horsepower and type): 3/4 HP FRANKLIN

Other means (describe): \_\_\_\_\_

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

*(EXISTING WATER SYSTEM) - 1 1/4 INCH PVC PUMP PLACED IN RIVER AND UNDER GRAVEL - PIPED TO PROPERTY/HOLDING TANK.*

**B. Application Method**

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

*1 1/4 INCH PVC TO 2000 gallon holding tank. Not sure what new owner will eventually use - probably drip line.*

**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.

*meter will placed on system*

*not adjacent to Rogue*

**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: *EXISTING WATER SYSTEM HAD PUMP UNDER GRAVEL - SO NATURAL FISH SCREEN*

Excavation or clearing of banks will be kept to a minimum to protect riparian or streamside areas.

Describe planned actions: *EXISTING SYSTEM*

Operating equipment in a water body will be managed and timed to prevent damage to aquatic life.

Describe: *NA*

Water quality will be protected by preventing erosion and run-off of waste or chemical products.

Describe: *NA*

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# Oregon

Theodore R. Kulongoski, Governor

## Department of Fish and Wildlife

Rogue Watershed District Office

1495 East Gregory Road

Central Point, OR 97502

(541) 826-8774

FAX: (541) 826-8776

July 27, 2011



Tom Rosenthal  
1080 Ferry Rd.  
Grants Pass, OR 97526

Dear Tom,

ODFW has determined that the point-of-diversion for your water right on the Rogue River, WRD water right certificate 67699, does not pose a risk to fish as long as the basic design of the system (an infiltration gallery) remains unchanged. In the event the system is changed to one that draws water directly from the water column, ODFW would recommend a fish screen, and currently has a cost share program that could pay for up to 60% of that cost.

Please feel free to contact me with any questions.

Sincerely,

Rich Kilbane  
SW Field Coordinator  
Fish Screening and Passage Program

(541) 826-8774 ext. 243

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Cc: BLM – Juanita Wright

S-88277



**SECTION 7: PROJECT SCHEDULE**

Date construction will begin: 4/15/17  
(ABOUT)

Date construction will be completed: 6/15/17  
(ABOUT)

Date beneficial water use will begin:  
Irrigation 6/17  
human consumption 6/17

The plan is to pull pump out of river this November to see what the river will do this winter. RE-ASSESS FOR NEW PLACEMENT AND/OR REQUIREMENTS COME APRIL/Spring. (NOT to move P.O.D. just wait for Bank to settle) when permit 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.

THIS APPLICATION FOR WATER RIGHTS - IS FOR A PROPERTY WHICH HAS ATTEMPTED TO OBTAIN WATER (2X) - DRILLED 2 DRY WELLS - SEE ATTACHED.

THE NEIGHBORHOOD IS IN AN AREA OF "LOW WATER/WELL PRODUCTION" (IN '99)  
THIS PROPERTY OBTAINED 1/3RD RIGHT OF AN EXISTING WATER SYSTEM OWNED BY TOM ROSENTHAL - WHO HAS OLD WATER (1980'S) RIGHTS. (NEIGHBOR)  
THE PROPERTY IS IN ESCROW AND BEING SOLD.  
IT IS NECESSARY TO THE BENEFICIAL USE OF THE PROPERTY TO OBTAIN WATER RIGHTS.

THE CURRENT WATER SYSTEM - 3/4 HP FRANKLIN PUMP WHICH SUPPLIES WATER TO ROSENTHAL - IS UNDER THE GRAVEL - BUT WILL BE PULLED OUT FOR WINTER. - THE RIVER AND BANK WILL BE RE-ASSESSED FOR BEST PLACEMENT / AND ANY NEW REQUIREMENTS COME SPRING 2017.

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SALEM, OR  
WR

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 \_\_\_\_\_

**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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**AUG 25 2016**

**SALEM, OR**

S-88277

# 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

Planning \$125

Applicant: DAVID First SWIECICKI Last

Mailing Address: 1010 E. BOBIER DRIVE # 107

VISTA City CA State 92084 Zip Daytime Phone: 760-522-1778

## A. Land and Location

ACTING AS DAVID'S AGENT: 541-660-6210  
(LYDIA WEATHERWAY, REALTOR W/ KENDON LOFT)  
132 NE. SAVAGE ST. GRANTS PASS 97526 REAL ESTATE

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:
36S	7W	2	SENE	106	RR5	<input checked="" type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	irrigation human consumption
						<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:

Josephine

## 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 Cr - irrigation

Estimated quantity of water needed: .005  cubic feet per second  gallons per minute  acre-feet 4.1 human consumption

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

Briefly describe:

THIS IS AN APPLICATION FOR WATER USAGE FROM 2 SOURCES. USE FOR BOTH IRRIGATION FROM LOST CR RESERVOIR AS WELL AS HUMAN CONSUMPTION FROM THE ROUGE. THIS PROPERTY IS FOR SALE AND IS NECESSARILY FOR BENEFICIAL USE. I DO HAVE A PROPOSED BUYER FOR PROPERTY. PROPERTY HAS ATTEMPTED, DRILLED 2 DRY WELLS DOWNHOLE.

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.

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# For Local Government Use Only

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

**Please check the appropriate box below and provide the requested information**

- Land uses to be served by the proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): Section 61.020 - Rural Residential Zones  
Josephine County Rural Land Development Code
- 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.

Production is an outright use.

All structures (including hoop covers and fences over 7 feet in height) require development permits.

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Name: Nora Schwartz

Title: Planner

AUG 25 2016

Signature: *Nora Schwartz*

Phone: 541-474-5417

Date: 8-9-16

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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**

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Applicant Name: David Swiecicki

AUG 25 2016

City or County: Josephine County

Staff Contact: Nora Schwartz

Signature: *Nora Schwartz*

Phone: 541-474-5417

Date: 8-9-16

SALEM, OR

Property Information



North Latitude  
42 28 13.1

West Longitude  
123 29 09.0

MAP NUMBER	360702AD000106
OWNER NAME	SWIECICKI, DAVID P &
SITUS	1011 FERRY RD
OWNER ADDRESS	1010 E BOBIER DR #107
CITY	VISTA
STATE	CA
ZIP	92084
ZONE	RR5
ACRES	1.82
PROPERTY FLAGS	Slopes > 15%
IMPROVEMENTS	GENERAL PURPOSE SHED

Josephine County Planning  
700 NW Dimmick Street  
Suite C  
Grants Pass, OR 97526

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File #: \_\_\_\_\_

## Oregon Water Resources Department

### Application Supplement for Human Consumption & Livestock Uses

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.)

HAS DRILLED 2 DRY WELLS. NEIGHBORS HAVE ALSO DRILLED DRY WELLS AND HAVE SUCCESSFULLY OBTAINED WATER RIGHTS FROM THE ROGUE AND BUREAU OF RECLAMATION.

- b. Securing stored water from upstream reservoirs.

Lost Creek Reservoir water is not available for individuals for human consumption

- 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.)

\$ 200 PER DELIVERY FOR 2000 GALLON HOLDING TANK FOR A TYPICAL FAMILY - 400 GALLON PER DAY = 1200 GALLONS PER MONTH. MIKES WATER TRUCK SERVICE RECEIVED BY OWRD

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d. Community or municipal water suppliers.

Not available

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

~~NO~~ NO KNOWN SPRINGS

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

Don't know of any.

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

~~A~~ 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:

PROPERTY HAS BEEN FOR SALE FOR 6 YEARS AND IS RESIDENTIAL WATER IS VITAL TO ITS BENEFICIAL USE. CURRENTLY HAVE A BUYER INTERESTED IN PURCHASING.

IN NATURE.

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?

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Yes  No  Not Applicable

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

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Yes  No  Not Applicable

(AS AN AGENT FOR David Swiechicki & future owners)  
Real Estate Agent

Applicant Signature: Lydia Weatherman

Date: 8/9/2016

Applicant Signature: \_\_\_\_\_

Date: \_\_\_\_\_



United States Department of the Interior

BUREAU OF RECLAMATION

Pacific Northwest Region  
1150 North Curtis Road, Suite 100  
Boise, Idaho 83706-1234



PN-3323  
WTR-4.00

Mr. David P. and Ms. Gloria A. Swiecicki  
767 Alta Vista Drive  
Vista CA 92084-5511

DAVID SWIECICKI  
1010 E. BOBIER DR # 107  
VISTA, CA 92084-3917

Subject: Water Service Contract No. 9-07-10-W1253, Lost Creek Reservoir, Rogue River Basin Project

Dear Mr. and Ms. Swiecicki:

Enclosed for your records are a fully executed original and three copies of Contract No. 9-07-10-W1253, which provides for an irrigation water supply from Lost Creek Reservoir commencing with the 1999 irrigation season.

Thank you for promptly executing the subject contract. Should you have any questions, please contact Larry Parsons at the above address or telephone (208) 378-5346.

Sincerely,

Ryan M. Patterson  
Program Manager  
Lands and Repayment

Enclosure (original + 3 copies)

cc: Oregon Water Resources Department  
158 12th Street NE  
Salem OR 97310 (w/copy of contract)

Josephine County Watermaster  
942 SW 6th St., Suite E  
Grants Pass OR 97526 (w/copy of contract)

US Army Corps of Engineers  
Attention: CENPP-PE-HR  
PO Box 2946  
Portland OR 97208 (w/copy of contract)

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S-00277

UNITED STATES  
DEPARTMENT OF THE INTERIOR  
BUREAU OF RECLAMATION

Rogue River Basin Project, Oregon

CONTRACT FOR WATER SERVICE

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UNITED STATES  
DEPARTMENT OF THE INTERIOR  
BUREAU OF RECLAMATION

Rogue River Basin Project, Oregon

CONTRACT FOR WATER SERVICE

THIS CONTRACT, made this 6th day of July, 1999, pursuant to section 9(e) of the Act of August 4, 1939 (53 Stat. 1187), and section 8 of the Act of December 22, 1944 (58 Stat. 887, 891), (which acts are commonly known and referred to as the Reclamation Laws), and the Flood Control Act of 1962 (76 Stat. 1173), between the UNITED STATES OF AMERICA, hereinafter referred to as the United States, represented by the Contracting Officer executing this contract, and David P. Swiecicki and Gloria A. Swiecicki, hereinafter referred to as the Contractor;

WITNESSETH, THAT:

Explanatory Recitals

2. WHEREAS, The United States has constructed and operates Applegate and Lost Creek Reservoirs in the Rogue River Basin, Oregon, herein styled the Rogue River Basin Project, from which there is a flow of water that can be used for irrigation of land and other beneficial uses, which flow, as it has been developed or as it will be augmented, has been appropriated by the United States pursuant to the laws of Oregon for beneficial use under the Federal Reclamation Laws; and

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3. WHEREAS, the Contractor owns land hereinafter described, for which a water supply from Lost Creek Reservoir is desired to be secured from the United States;

NOW, THEREFORE, in consideration of the premises and the payment by the Contractor to the United States of the charges in the manner hereinafter provided, it is agreed:

Lands for Which Water is Furnished: Limitations on Deliveries

4. The United States shall make available each year to the Contractor during the irrigation season from April 1 to October 31, inclusive, water from the Rogue River Basin Project for the irrigation of land owned by the Contractor described as follows:

1.82 acres, SE 1/4 NE 1/4, Section 2, T. 36 S., R. 7 W., W.M.

Of the land described, not more than 1.82 acres are to be irrigated. The amount of water to be made available hereunder shall be that quantity which may be applied beneficially in accordance with good usage in the irrigation of the land above described, but not to exceed a maximum diversion of 4.1 acre-feet of stored water annually, measured at the point of delivery of said water.

Payments for Water

5. (a) An annual payment of \$50 for the first irrigation season shall be made to the United States at the time of executing this contract, and subsequent annual payments of \$50 will be due on or before April 1 of each succeeding irrigation season in advance of water use. This payment will entitle the Contractor to receive not to exceed 4.1 acre-feet of stored water for irrigation of the lands described in Article 4 of this contract. The Contracting Officer will consider adjusting the water service payment downward based on information received from the Contractor, the State of Oregon, or other reliable sources as to the actual amount of stored water delivered each month to the Contractor during the irrigation season and on other factors in addition to the amount of stored water actually delivered, as deemed appropriate by the Contracting Officer. Any such

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adjustment will be determined and subtracted for the payment for the next year by the Contracting Officer: Provided, that in order for an adjustment to be made, information on the amounts of water and stored water delivered each month must be received by the Contracting Officer by December 1 of that year.

(b) The annual charge set forth in (a) above is based on an initial rate of \$8 per acre-foot of stored water, Provided, that such annual charge shall as a minimum be the greater of either the product of \$2 multiplied by the number of acres described in Article 4 of this contract or \$50. From time to time, but not less often than once every 5 years, the rate per acre-foot of stored water and the minimum payment shall be reviewed by the Contracting Officer and revised, if necessary, by the United States for the irrigation water marketing program of the Rogue River Basin Project. Any revision by the Contracting Officer will apply only to future payments and shall be announced by written notice to the Contractor at least 3 months prior to the beginning of the irrigation season to which the new rate would be applicable.

(c) All payments from the Contractor to the United States under this contract shall be made by the medium requested by the United States. The required medium of payment may include checks, wire transfers, or other types of payment specified by the United States. Except when otherwise specified by the United States, all payments shall be made by check.

(d) Payments required hereunder shall be made to the Bureau of Reclamation at the location described in Article 14 of this contract.

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Contract Administration Fees

6. (a) Upon execution of this contract, a \$100 fee for the preparation of this contract is due and payable by the Contractor to the United States.

(b) All future contract actions, including new contracts, contract amendments, supplements, and assignments will be charged a \$100 fee: Provided, That the fee shall be reviewed by the Contracting Officer and revised from time to time to cover costs to the United States.

Charges for Delinquent Payments

7. (a) The Contractor shall be subject to interest, administrative and penalty charges on delinquent installments or payments. When a payment is not received by the due date, the Contractor shall pay an interest charge for each day the payment is delinquent beyond the due date. When a payment becomes 60 days delinquent, the Contractor shall pay an administrative charge to cover additional costs of billing and processing the delinquent payment. When a payment is delinquent 90 days or more, the Contractor shall pay an additional penalty charge of 6 percent per year for each day the payment is delinquent beyond the due date. Further, the Contractor shall pay any fees incurred for debt collection services associated with a delinquent payment.

(b) The interest charge rate shall be the greater of the rate prescribed quarterly in the Federal Register by the Department of the Treasury for application to overdue payments, or the interest rate of 0.5 percent per month prescribed by section 6 of the Reclamation Project Act of 1939 (Public Law 76-260). The interest charge rate shall be determined as of the due date and remain fixed for the duration of the delinquent period.

(c) When a partial payment on a delinquent account is received, the amount received shall be applied, first to the penalty, second to the administrative charges, third to the accrued interest, and finally to the overdue payment.

Furnishing of Water

8. (a) Upon payment of the annual payment specified in subarticle 5(a) above, the United States will furnish water to the Contractor from the Rogue River Basin Project pursuant to this contract. No water shall be furnished if the Contractor is delinquent in payment of the required annual payment.

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

945 feet south and 1,530 feet west of the east quarter corner of Sec. 2, T. 36 S., R. 7 W., W.M.

The Contractor shall receive said water at the point of diversion and shall be wholly responsible for securing said water at that point and diverting, conveying, and utilizing it. The Contractor shall be required to conform its diversions and releases to the control of the stream as established by the appropriate State-appointed watermaster. The water to be delivered hereunder shall be measured by means of measuring or controlling devices satisfactory to the Contracting Officer. Such devices shall be furnished, installed, and maintained by and at the expense of the Contractor, but they shall be and remain at all times available for reading and monitoring by the United States or the watermaster whose representative may at all times have access to them over any lands of the Contractor. All losses of water from seepage, evaporation, or other cause, below said point of measurement, shall be borne by the Contractor.

(c) The Contractor and all other entities heretofore or hereafter contracting with the United States for a right to use water from the Rogue River Basin Project shall, to the extent of their entitlement, have equal priority to the use of water from such project so far as that may be physically practicable and legally possible, without regard to the date of their respective contracts.

#### Special Conditions

9. (a) It is the responsibility of the Contractor to comply with the laws of the State of Oregon regarding the obtaining and perfecting of permits to divert water to the lands described in Article 4. Prior to executing this contract, the Contractor shall secure any easements from the Corps of Engineers which may be required for constructing facilities to divert and convey the

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stored water and provide written verification of such agreements to the Contracting Officer. The obligation of the United States to deliver water under this contract is subject to an operating plan for the Rogue River Basin Project determined in accordance with the law governing the project.

(b) If, at some future date, the Contracting Officer determines there is sufficient demand for irrigation water from the Rogue River Basin Project to justify the formation of an irrigation district, water supply company, or other water user organization, future water service may then be made contingent upon the establishment of such an organization. Under this condition, the Contractor will be notified at least 1 year in advance of the date this contract is terminated and continued water service to the lands described in Article 6 becomes dependent upon membership in the organization established for that purpose.

(c) In the interest of conservation and protection of environmental resources, from time to time, but not less often than once every 5 years, this contract shall be reviewed by the Contracting Officer. The terms and conditions of this contract may be modified, if deemed necessary by the Contracting Officer, to avoid or minimize impacts to candidate, listed or proposed threatened and endangered species, or other valuable natural resources. Any modification by the Contracting Officer shall be announced by written notice to the Contractor.

#### Term of Contract

10. (a) This contract shall become effective as of the date first above written and will have a term of not to exceed 10 years; Provided; that this contract will automatically renew for a term of not to exceed 10 years at the end of 10, 20, and 30 years from the date first above written unless sooner terminated in accordance with Articles 9 or 11, or by agreement of the parties hereto, or unilaterally as set forth in (b) below, Provided however; that this contract does not

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qualify as a long-term contract under the Act of July 2, 1956 (70 Stat. 483) and in no event shall this contract be in effect beyond 40 years through automatic renewals.

(b) Either the Contracting Officer or the Contractor may terminate this contract unilaterally following the first ten-year term or any year thereafter, provided the terminating party has given at least two years advance notice in writing to the other party.

#### Termination of Contract

11. This contract may be terminated and water service hereunder shall cease at the option of the United States or at any time if the Contractor is delinquent in payment of the water service charge for a period of 90 days or upon failure of the Contractor to abide by any notice, order, rule, or regulation of the United States or the State of Oregon now or hereafter established affecting water service hereunder.

#### United States Not Liable for Water Shortages—Adjustments

12. On account of drought or uncontrollable forces, there may occur a shortage in the total quantity of water available for furnishing to the Contractor by the United States pursuant to this contract. In no event shall any liability accrue against the United States or any of its officers, agents, or employees for any damage direct or indirect arising from such shortages. If such a shortage occurs, the United States will apportion the available water supply among the Contractor and others entitled by existing and future contracts to receive water from the Rogue River Basin Project.

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Disclaimer

13. No provision of this contract, nor of any renewal thereof, nor the furnishing of water hereunder will be construed to bind the United States after the expiration of this contract as the basis of a permanent water right. Because of possible fluctuations in reservoir surface elevations and downstream flows associated with the Rogue River Basin Project, the United States does not guarantee the availability of water at the point of the Contractor's diversion facilities as they may now be constructed or constructed hereafter. Further, the United States will not be held responsible for any acts or omissions of the Contractor's agents or of persons to whom water is furnished.

Notices

14. Any notice, demand, or request authorized or required by this contract shall be deemed to have been given, on behalf of the Contractor, when mailed, postage prepaid, or delivered to the Program Manager, Lands and Repayment, Pacific Northwest Region, Bureau of Reclamation, 1150 N. Curtis Road, Boise, Idaho 83706-1234, and on behalf of the United States, when mailed, postage prepaid, or delivered to David P. and Gloria A. Swiecicki, 767 Alta Vista Drive, Vista CA 92084-5511. The designation of the addressee or the address may be changed by notice given in the same manner as provided in this article for other notices.

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General Provisions

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

- a. CONTINGENT ON APPROPRIATION OR ALLOTMENT OF FUNDS
- b. WATER AND AIR POLLUTION CONTROL
- c. QUALITY OF WATER
- d. EQUAL OPPORTUNITY
- e. COMPLIANCE WITH RECLAMATION LAWS
- f. ASSIGNMENT LIMITED—SUCCESSORS AND ASSIGNS OBLIGATED
- g. OFFICIALS NOT TO BENEFIT
- h. WATER CONSERVATION
- i. HAZARDOUS MATERIALS

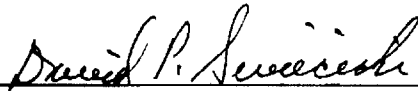
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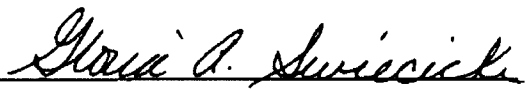
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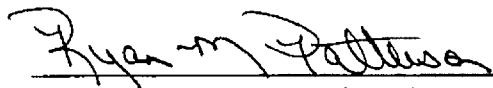
IN WITNESS WHEREOF, the parties hereto have signed their names the day and year first above written.

CONTRACTOR

  
\_\_\_\_\_  
David P. Swiecicki

  
\_\_\_\_\_  
Gloria A. Swiecicki

UNITED STATES OF AMERICA

  
\_\_\_\_\_  
Program Manager, Lands and Repayment  
PN Region  
Bureau of Reclamation  
1150 N. Curtis Road, Suite 100  
Boise ID 83706-1234

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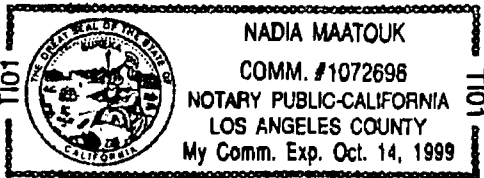
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STATE OF California )  
 : ss  
County of San Diego )

On this 29th day of June, 1999, before me, a notary public, personally appeared David P. Swiecicki and Gloria A. Swiecicki ~~known~~ <sup>proved</sup> to me to be the persons whose names are subscribed to the foregoing instrument and acknowledged that they are the legal owners of the property for which a water supply is to be provided under the contract and have executed this assignment of contract as their free and voluntary act and deed.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal as of the day and year first above written.



(SEAL)

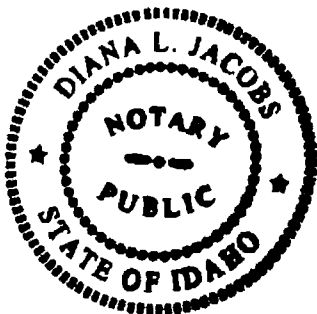
Nadia Maatouk  
Notary Public in and for the  
State of California  
Residing at: 1035 E. Vista Way, Vista, CA 92084  
My commission expires: 10-14-99

\*\*\*\*\*

STATE OF IDAHO )  
 : ss  
County of Ada )

On this 6 day of July, 1999, personally appeared before me Ryan M. Patterson to me known to be the official of the UNITED STATES OF AMERICA that executed the within and foregoing instrument and acknowledged said instrument to be the free and voluntary act and deed of said United States, for the uses and purposes therein mentioned, and on oath stated that he was authorized to execute said instrument.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal as of the day and year first above written.



(SEAL)

Diana L. Jacobs  
Notary Public in and for the  
State of IDAHO  
Residing at: Boise  
My commission expires: 5-23-2000

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**GENERAL PROVISIONS --- ROGUE RIVER BASIN PROJECT**

**CONTINGENT ON APPROPRIATION OR ALLOTMENT OF FUNDS**

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

**WATER AND AIR POLLUTION CONTROL**

b. The Contractor, in carrying out this contract, shall comply with all applicable water and air pollution laws and regulations of the United States and the State of Oregon, and shall obtain all required permits or licenses from the appropriate Federal, State, or local authorities.

**QUALITY OF WATER**

c. The operation and maintenance of project facilities shall be performed in such manner as is practicable to maintain the quality of raw water made available through such facilities at the highest level reasonably attainable, as determined by the Contracting Officer. The United States does not warrant the quality of water and is under no obligation to construct or furnish water treatment facilities to maintain or better the quality of water.

**EQUAL OPPORTUNITY**

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

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

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

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

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

(5) The Contractor will furnish all information and reports required by said amended Executive Order and by the rules, regulations, and orders of the Secretary of Labor, or pursuant thereto, and ~~will comply with~~ **RECEIVED BY OWRD**

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books, records, and accounts by the Contracting Officer and the Secretary of Labor for purposes of investigation to ascertain compliance with such rules, regulations, and orders.

(6) In the event of the Contractor's noncompliance with the nondiscrimination clauses of this contract or with any of the such rules, regulations, or orders, this contract may be canceled, terminated, or suspended, in whole or in part, and the Contractor may be declared ineligible for further Government contracts in accordance with procedures authorized in said amended Executive Order, and such other sanctions may be imposed and remedies invoked as provided in said Executive Order, or by rule, regulation, or order of the Secretary of Labor, or as otherwise provided by law.

(7) The Contractor will include the provisions of paragraphs (1) through (7) in every subcontract or purchase order unless exempted by the rules, regulations, or orders of the Secretary of Labor issued pursuant to Section 204 of said amended Executive Order, so that such provisions will be binding upon each subcontractor or vendor. The Contractor will take such action with respect to any subcontract or purchase order as may be directed by the Secretary of Labor as a means of enforcing such provisions, including sanctions for noncompliance: Provided, however, That in the event the Contractor becomes involved in, or is threatened with, litigation with a subcontractor or vendor as a result of such direction, the Contractor may request the United States to enter into such litigation to protect the interests of the United States.

#### COMPLIANCE WITH RECLAMATION LAWS

e. The parties agree that the delivery of irrigation water or the use of Federal facilities pursuant to this contract is subject to Reclamation law, as amended and supplemented, including, but not limited to, the Reclamation Reform Act of 1982 (Public Law 97-293).

#### ASSIGNMENT LIMITED--SUCCESSORS AND ASSIGNS OBLIGATED

f. The provisions of this contract shall apply to and bind the successors and assigns of the parties hereto, but no assignment or transfer of this contract or any right or interest therein shall be valid until approved in writing by the Contracting Officer.

#### OFFICIALS NOT TO BENEFIT

g. No Member of or Delegate to Congress, Resident Commissioner or official of the Contractor shall benefit from this contract other than as a water user or landowner in the same manner as other water users or landowners.

#### WATER CONSERVATION

h. Prior to the delivery of water provided from or conveyed through federally constructed or federally financed facilities pursuant to this contract, the Contractor shall develop an effective water conservation program acceptable to the Contracting Officer. The water conservation program shall contain definite water conservation objectives, appropriate economically feasible water conservation measures, and time schedules for meeting those objectives. At subsequent 5-year intervals, the Contractor shall submit a report on the results of the program to the Contracting Officer for review. Based on the conclusions of the review, the Contracting Officer and the Contractor shall consult and agree to continue or to revise the existing water conservation program.

#### HAZARDOUS MATERIALS

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

(1) The Contractor shall comply with all applicable Federal, State, and local laws and regulations, and Reclamation policies and instructions, existing or hereafter enacted or promulgated, concerning any hazardous material that will be used, produced, transported, stored or disposed of on or in lands, waters or facilities owned by the United States or administered by Reclamation.

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(2) "Hazardous material" means any substance, pollutant or contaminant listed as hazardous under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended, 42 U.S.C. § 9601, et seq., and the regulations promulgated pursuant to that Act.

(3) The Contractor may not allow contamination of lands, waters or facilities owned by the United States or administered by Reclamation by hazardous materials, thermal pollution, refuse, garbage, sewage, effluent, industrial waste, petroleum products, mine tailings, mineral salts, pesticides (including, but not limited to, the misuse of pesticides), pesticide containers or any other pollutants.

(4) The Contractor shall report to Reclamation, within 24 hours of its occurrence, any event which may or does result in pollution or contamination adversely affecting lands, water or facilities owned by the United States or administered by Reclamation.

(5) Violation of any of the provisions of this Article shall constitute grounds for immediate termination of this contract and shall make the Contractor liable for the cost of full and complete remediation and/or restoration of any Federal resources or facilities that are adversely affected as a result of the violation.

(6) The Contractor agrees to include the provision contained in paragraphs (1) through (5) of this Article in any subcontract or third party contract it may enter into pursuant to this contract.

(7) Reclamation agrees to provide information necessary for the Contractor, using reasonable diligence, to comply with the provision of this Article.

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AUG 25 2016

SALEM, OR

(dry well) COPY

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APR 05 1996

WATER RESOURCES DEPT. SALEM, OREGON

STATE OF OREGON WELL OWNERSHIP INFORMATION FORM

INSTRUMENT 96-19628 Date: 10/16/96 # Pages: 1

Pursuant to ORS 537.788, owners of property on which a well is located shall, within 60 days following the construction of a new well or upon property transfer, record the following information in the property deed records.

- 1. Property Owner Name(s): David P. Swiecicki Gloria A. Swiecicki
2. Mailing Address: 1010 E. Bobier Dr., Sp. # 107 129, Vista, Ca. 92084
3. Deed Recording Number (or legal description): 94-00548 page 103 of Vol 165 Doc. No. 91-10459 Lot #6 of Ferry Park Subdivision in Josephine Cty., OR.
4. Well Identification Number(s): L0000011 L0000673

The well identification number is recorded on a label attached to the well casing. If no label is attached to the well, please contact the Water Resources Department for assignment of a well identification number.

Rights and Responsibilities: Oregon law finds that ownership and the rights to reasonable control of water within this state belongs to the public to be managed by the Water Resources Department.

In addition to the above, owners of properties on which a well is located are responsible for maintaining that well in a proper manner. Some basic requirements are listed below:

- 1. All wells shall be maintained in a condition where they are not a threat to public health or safety, a source of contamination, or a waste of the groundwater resource.
2. All wells shall be securely covered to prevent any foreign substance from entering the well.
3. All wells shall be equipped with an access port or airline so that static water level information can be determined at any time.
4. Well casing must be protected from damage and meet minimum extension requirements.
5. Wells may only be permanently abandoned by a licensed and bonded well constructor or a landowner with a valid permit and bond.

If you would like further information about water rights, maintaining / abandoning your well, or wish to receive a copy of the administrative rules concerning well construction, please contact the Oregon Water Resources Department by phone at (503) 378-8455, or by mail at 158 12th Street NE, Salem, OR 97310.

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SALEM, OR

I have read the above describing my basic rights and responsibilities related to well ownership.

Property Owner Signature(s): David P. Swiecicki
State of Oregon, County of San Diego

Signed or attested before me this 29th day of March, 1996

by David P. Swiecicki (Property owner name)

(Signature of Notary Public) My Commission Expires August 3, 1998 form date: 1-96

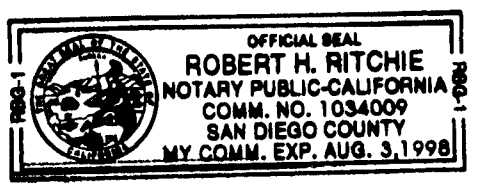
For recording, return to person listed in 1 and 2, above)

INSTRUMENT 96-19628 STATE OF OREGON COUNTY OF JOSEPHINE

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

Date: 10/16/96 Time: 12:45 PM in the Josephine County Book of Records. GEORGETTE BROWN, COUNTY CLERK

By Deputy: [Signature] # Pages: 1 Fee: \$5.00 Hand Returned [ ] Mailed [X] Hold [ ]



copy  
(dry well)  
Wave

RECEIVED

APR 05 1996

WATER RESOURCES DEPT.  
SALEM, OREGON

STATE OF OREGON  
WELL OWNERSHIP INFORMATION FORM

INSTRUMENT 96-19629  
Date: 10/16/96 # Pages: 1

Pursuant to ORS 537.788, owners of property on which a well is located shall, within 60 days following the construction of a new well or upon property transfer, record the following information in the property deed records. Either the deed recording number or legal description of the property may be used to identify the property.

- 1. Property Owner Name(s): David P. Swiecicki Gloria A. Swiecicki
- 2. Mailing Address: 1010 E. Bobier Dr., Sp. # <sup>107</sup> 128, Vista, Ca. 92084
- 3. Deed Recording Number (or legal description): 94-00548 page 1031 of Vol 165 Doc. No. 91-10459  
Lot # 6 of Ferry Park Subdivision in Josephine Cty., OR.
- 4. Well Identification Number(s): L0000012 L0000674

The well identification number is recorded on a label attached to the well casing. If no label is attached to the well, please contact the Water Resources Department for assignment of a well identification number.

**Rights and Responsibilities:** Oregon law finds that ownership and the rights to reasonable control of water within this state belongs to the public to be managed by the Water Resources Department. Most uses of water require a water right issued by the Water Resources Department. However, state law allows some uses of groundwater without benefit of a water right. Contact the Department for more information. The Water Resources Department cannot guarantee the presence of water in the desired amount on a specific property.

In addition to the above, owners of properties on which a well is located are responsible for maintaining that well in a proper manner. Some basic requirements are listed below:

- 1. All wells shall be maintained in a condition where they are not a threat to public health or safety, a source of contamination, or a waste of the groundwater resource.
- 2. Air vents shall be securely covered to prevent any foreign substance from entering the well.
- 3. All wells shall be equipped with an access port or airline so that static water level information can be determined at any time.
- 4. Well casing must be protected from damage and meet minimum extension requirements.
- 5. Wells may only be permanently abandoned by a licensed and bonded well constructor or a landowner with a valid permit and bond. Well abandonment must be carried out in accordance with state rules.

If you would like further information about water rights, maintaining / abandoning your well, or wish to receive a copy of the administrative rules concerning well construction, please contact the Oregon Water Resources Department by phone at (503) 378-8455, or by mail at 158 12th Street NE, Salem, OR 97310.

RECEIVED BY OWRD

I have read the above describing my basic rights and responsibilities related to well ownership. AUG 25 2016

Property Owner Signature(s): David P. Swiecicki SALEM, OR  
State of ~~Oregon~~ <sup>California</sup>, County of San Diego

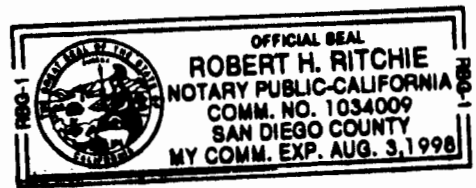
Signed or attested before me this 29th day of March, 19 96

by David P. Swiecicki  
(Property owner name)

[Signature]  
(Signature of Notary Public)  
My Commission Expires: August 3, 1998  
My Commission Expires August 3, 1998  
form date: 1-96

INSTRUMENT 96-19629  
STATE OF OREGON  
COUNTY OF JOSEPHINE  
I, County Clerk and ex-officio Recorder of Conveyances, in and for said County, do hereby certify that the within instrument was received for record and recorded at  
Date: 10/16/96 Time: 12:46 PM  
in the Josephine County Book of Records.  
GEORGETTE BROWN, COUNTY CLERK  
By Deputy: [Signature]  
# Pages: 1 Fee: \$5.00  
Hand Returned  Mailed  Hold

After recording, return to person listed in 1 and 2, above)



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JAN - 2 1996

AUG 12 1989

STATE OF OREGON WATER RESOURCES DEPARTMENT  
WATER RESOURCES DEPARTMENT SALEM, OREGON

REQUEST FOR WRITTEN APPROVAL TO USE CONSTRUCTION METHODS NOT INCLUDED IN THE RULES AND REGULATIONS PRESCRIBING GENERAL STANDARDS FOR THE CONSTRUCTION AND MAINTENANCE OF WELLS IN OREGON

Before approval can be considered the following questions must be answered.

Requests shall be submitted to the Watermaster Division, 3850 Portland Road, NE, Salem, OR 97310.

Date: 11/29/95

Well Constructor: Ed's Water Well Drilling & Son's Inc.

(1) Location of Well: SE 1/4 NE 1/4 of Section 2-14  
Township 36, Range 7, Joseph County.

Address at well site or nearest known address: 1011 FAIRY Rd  
Corvallis Pass Oregon

(2) Name and address of Landowner: DAVID SWIECICKI  
1011 FAIRY Rd  
CORVALLIS PASS OREGON

(3) The distance to the nearest well and septic drainfield: 90'

(4) The unusual conditions existing at the well site: CANT GET 100'  
FROM NEAREST DRAIN FIELD

(5) The proposed construction methods that the well constructor or landowner constructing the well believes will be adequate for his particular well:  
WE PROPOSE TO DRILL A 30' WELL  
SEAL

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AUG 25 2016

SALEM, OR

David Swizecki #1

RECEIVED

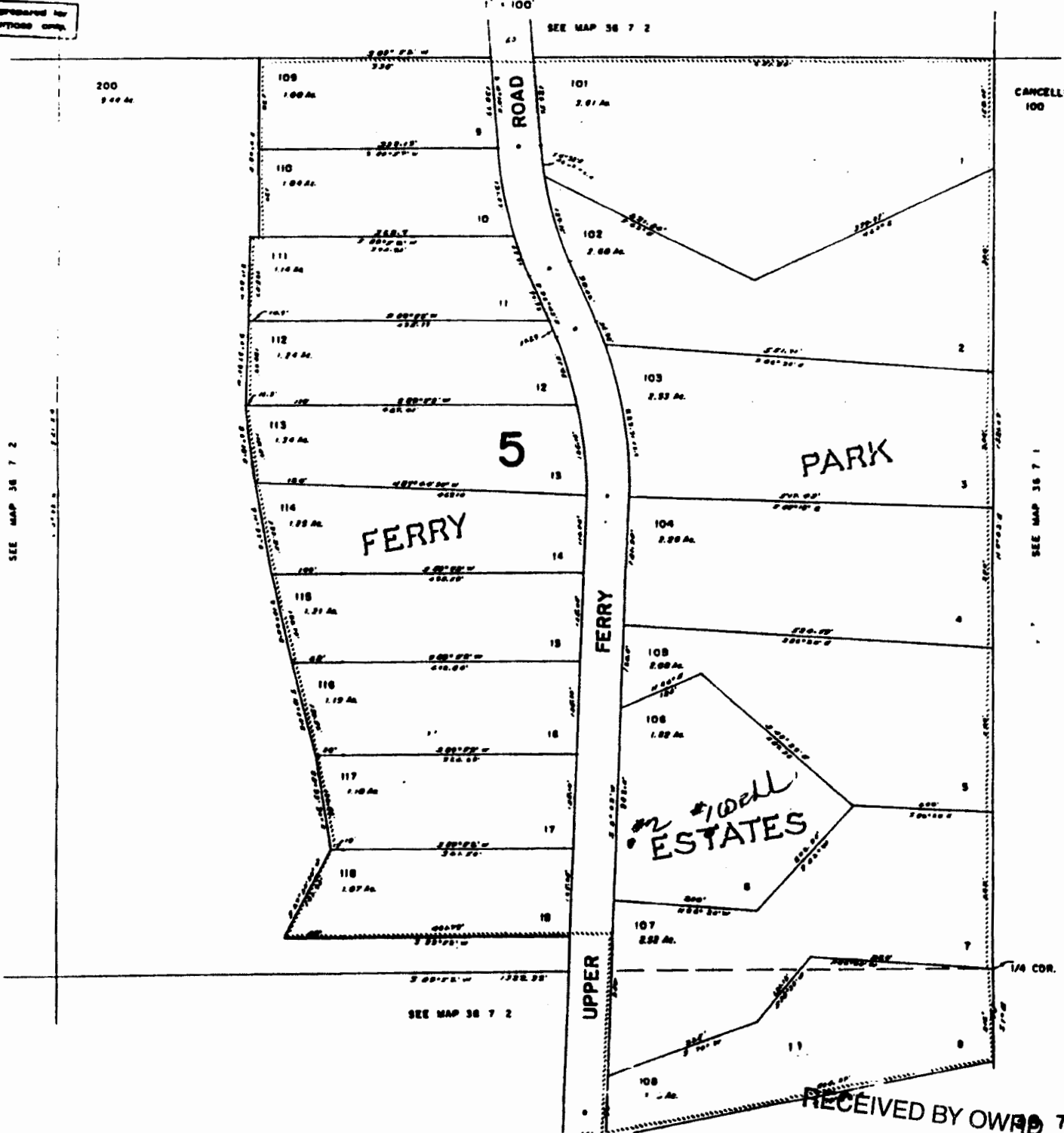
JAN - 2 1996

WATER RESOURCES DEPT.  
SALEM, OREGON 36 7 2-14

< 13

SE 1/4 NE 1/4 SEC 2 T36S R7W.WM.  
JOSEPHINE COUNTY

As prepared for  
PURPOSE ONLY



RECEIVED BY OWRD 7 2-14

AUG 25 2016

SALEM, OR

JOSE  
50031

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State ID# L0000012

STATE OF OREGON  
WATER WELL REPORT  
(as required by ORS 537.765)

JAN - 2 1995

WATER RESOURCES DEPT.  
SALEM, OREGON 97331-2

(START CARD) # 79844

Instructions for completing this report are on the last page of this form.

(1) OWNER: Well Number 900-95  
Name David Swiecicki  
Address 1011 Ferry Rd.  
City Grants Pass State OR Zip 97527

(2) TYPE OF WORK  
 New Well  Deepening  Alteration (repair/recondition)  Abandonment

(3) DRILL METHOD:  
 Rotary Air  Rotary Mud  Cable  Auger  
 Other

(4) PROPOSED USE:  
 Domestic  Community  Industrial  Irrigation  
 Thermal  Injection  Livestock  Other

(5) BORE HOLE CONSTRUCTION:  
Special Construction approval  Yes  No Depth of Completed Well 305 ft.  
Explosives used  Yes  No Type Amount

HOLE			SEAL			
Diameter	From	To	Material	From	To	Sacks or pounds
10"	0	23	Cement	0	23	9 1/2 Sacks
6"	23	305	+ Bentonite			1 Sack
			Cement			

How was seal placed: Method  A  B  C  D  E  
 Other Poured Dry + Capped with cement  
Backfill placed from ft. to ft. Material  
Gravel placed from ft. to ft. Size of gravel

(6) CASING/LINER:

Diameter	From	To	Gauge	Steel	Plastic	Welded	Threaded
Casing: 6"	+1	34 1/2	250	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Liner:				<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Final location of shoe(s) 34 1/2

(7) PERFORATIONS/SCREENS:

From	To	Slot size	Number	Diameter	Material	Tele/pipe size	Casing	Liner
							<input type="checkbox"/>	<input type="checkbox"/>
							<input type="checkbox"/>	<input type="checkbox"/>
							<input type="checkbox"/>	<input type="checkbox"/>
							<input type="checkbox"/>	<input type="checkbox"/>
							<input type="checkbox"/>	<input type="checkbox"/>

(8) WELL TESTS: Minimum testing time is 1 hour  
 Pump  Bailer  Air  Flowing Artesian  
Yield gal/min Drawdown Drill stem at Time  
Dry 1 hr.  
Temperature of water 6 Depth Artesian Flow Found  
Was a water analysis done?  Yes By whom  
Did any strata contain water not suitable for intended use?  Too little  
 Salty  Muddy  Odor  Colored  Other  
Depth of strata:

(9) LOCATION OF WELL by legal description:  
County Jose Latitude Longitude  
Township 36 N or S Range 7 E or W. WM.  
Section 12-4 SE 1/4 NE 1/4  
Tax Lot 106 Lot Block Subdivision  
Street Address of Well (or nearest address) 1011 Ferry Rd Grants Pass OR

(10) STATIC WATER LEVEL:  
-6 ft. below land surface. Date 12-12-95  
Artesian pressure lb. per square inch. Date

(11) WATER BEARING ZONES:  
Depth at which water was first found

From	To	Estimated Flow Rate	SWL
Dry			

(12) WELL LOG:  
Ground Elevation

Material	From	To	SWL
Redish Brown Clay	0	12	
Brown clay + Brown slate	12	20	
Hard Black Slate	20	305	

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AUG 25 2016

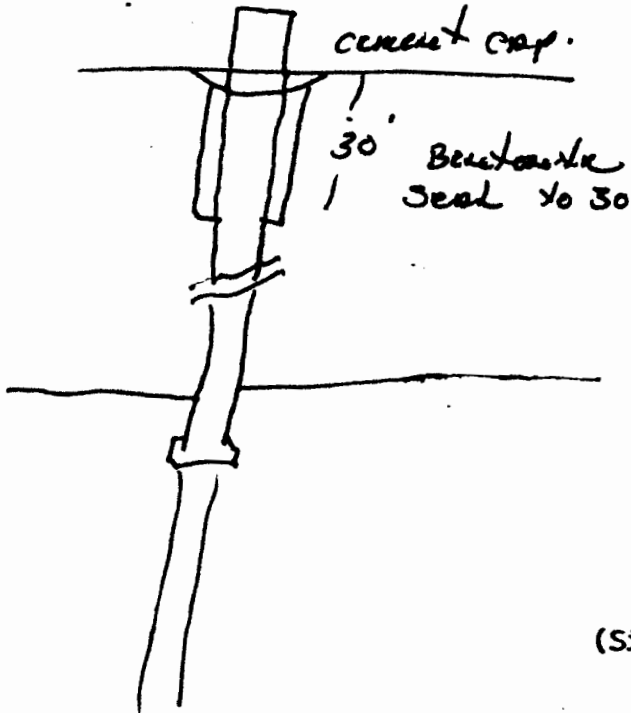
SALEM, OR

Date started 12-8-95 Completed 12-12-95

(unbonded) Water Well Constructor Certification:  
I certify that the work I performed on the construction, alteration, or abandonment of this well is in compliance with Oregon water supply well construction standards. Materials used and information reported above are true to the best of my knowledge and belief.  
Signed \_\_\_\_\_ WWC Number \_\_\_\_\_ Date \_\_\_\_\_

(bonded) Water Well Constructor Certification:  
I accept responsibility for the construction, alteration, or abandonment work performed on this well during the construction dates reported above. All work performed during this time is in compliance with Oregon water supply well construction standards. This report is true to the best of my knowledge and belief.  
Signed *Charles F. Winters* WWC Number 760 Date \_\_\_\_\_

(6) A diagram showing the pertinent features of the proposed well design and construction (attach additional sheet if necessary):



(Signed) Charles J. White  
(WELL CONSTRUCTOR)

For Water Resources Department Use Only

Date:

12/4/95

Approved by:

Paul D. Ogilvie

Denied by:

\_\_\_\_\_

Remarks:

WELL MUST BE SEALED & CAPPED AN ADDITIONAL 10'  
BEYOND WHAT STATE STANDARDS WOULD REQUIRE.

NOTE:

- (1) If approval, all other phases of construction must be in compliance with State Well Construction Standards.
- (2) If it should be determined at some future date that the well, due to its construction, is offering an avenue for pollution of the ground water body, it will be necessary for you to return to the site to correct any well deficiencies.

84150

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AUG 25 2016

SALEM, OR

JOSE  
50030

RECEIVED

State ID # L000011

JAN - 2 1995

STATE OF OREGON  
WATER WELL REPORT  
(as required by ORS 537.765)

WATER RESOURCES DEPT.  
SALEM, OREGON #1

(START CARD) # 79846

Instructions for completing this report are on the last page of this form.

(1) OWNER: Well Number 899-95  
Name David Swiericki  
Address 1011 Ferry Rd  
City Grants Pass State Or Zip 97526

(2) TYPE OF WORK  
 New Well  Deepening  Alteration (repair/recondition)  Abandonment

(3) DRILL METHOD:  
 Rotary Air  Rotary Mud  Cable  Auger  
 Other

(4) PROPOSED USE:  
 Domestic  Community  Industrial  Irrigation  
 Thermal  Injection  Livestock  Other

(5) BORE HOLE CONSTRUCTION:  
Special Construction approval  Yes  No Depth of Completed Well 150 ft.  
Explosives used  Yes  No Type \_\_\_\_\_ Amount \_\_\_\_\_

HOLE			SEAL			
Diameter	From	To	Material	From	To	Sacks or pounds
10"	0	30	Cement	0	30	14 Sacks
6"	30	150	+ Bentonite			Bentonite 1 Sack Cement

How was seal placed: Method  A  B  C  D  E  
 Other Poured Dex + capped with cement  
Backfill placed from \_\_\_\_\_ ft. to \_\_\_\_\_ ft. Material \_\_\_\_\_  
Gravel placed from \_\_\_\_\_ ft. to \_\_\_\_\_ ft. Size of gravel \_\_\_\_\_

(6) CASING/LINER:

	Diameter	From	To	Gauge	Steel	Plastic	Welded	Threaded
Casing:	6"	1	43	2.50	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Liner:					<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Final location of shoe(s) 43

(7) PERFORATIONS/SCREENS:

From	To	Slot size	Number	Diameter	Tube/pipe size	Casing	Liner
						<input type="checkbox"/>	<input type="checkbox"/>
						<input type="checkbox"/>	<input type="checkbox"/>
						<input type="checkbox"/>	<input type="checkbox"/>
						<input type="checkbox"/>	<input type="checkbox"/>

(8) WELL TESTS: Minimum testing time is 1 hour  
 Pump  Bailer  Air  Flowing Artesian  
Yield gal/min \_\_\_\_\_ Drawdown \_\_\_\_\_ Drill stem at \_\_\_\_\_ Time \_\_\_\_\_  
Dex \_\_\_\_\_ \_\_\_\_\_ \_\_\_\_\_ 1 hr.

Temperature of water \_\_\_\_\_ Depth Artesian Flow Found \_\_\_\_\_  
Was a water analysis done?  Yes By whom \_\_\_\_\_  
Did any strata contain water not suitable for intended use?  Too little  
 Salty  Muddy  Odor  Colored  Other \_\_\_\_\_  
Depth of strata: \_\_\_\_\_

(9) LOCATION OF WELL by legal description:  
County Jose Latitude \_\_\_\_\_ Longitude \_\_\_\_\_  
Township 36 N or S Range 7 E or W. WM.  
Section 24-14 SE 1/4 NE 1/4  
Tax Lot 106 Lot \_\_\_\_\_ Block \_\_\_\_\_ Subdivision \_\_\_\_\_  
Street Address of Well (or nearest address) 1011 Ferry Rd O.P.

(10) STATIC WATER LEVEL:  
\_\_\_\_\_ ft. below land surface. Date 12-5-95  
Artesian pressure \_\_\_\_\_ lb. per square inch. Date \_\_\_\_\_

(11) WATER BEARING ZONES:  
Depth at which water was first found 0

From	To	Estimated Flow Rate	SWL
<u>Dex</u>			

(12) WELL LOG:  
Ground Elevation \_\_\_\_\_

Material	From	To	SWL
<u>Soft Brown clay + Brown Slate</u>	<u>0</u>	<u>21</u>	
<u>Gray clay + gray slate med Hard</u>	<u>21</u>	<u>25</u>	
<u>Hard Black Slate</u>	<u>25</u>	<u>150</u>	

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AUG 25 2016

SALEM, OR

Date started 12-4-95 Completed 12-5-95

(unbonded) Water Well Constructor Certification:  
I certify that the work I performed on the construction, alteration, or abandonment of this well is in compliance with Oregon water supply well construction standards. Materials used and information reported above are true to the best of my knowledge and belief.  
Signed \_\_\_\_\_ WWC Number \_\_\_\_\_ Date \_\_\_\_\_

(bonded) Water Well Constructor Certification:  
I accept responsibility for the construction, alteration, or abandonment work performed on this well during the construction dates reported above. All work performed during this time is in compliance with Oregon water supply well construction standards. This report is true to the best of my knowledge and belief.  
Signed Charles R. Wether WWC Number 160 Date \_\_\_\_\_



91 JUL 10 AM 10:38

V135 P0933

JCTC ORDER NO.: 85562B (BW)

91-10458

36-7-2AD  
#564 106

WARRANTY DEED

GORDON L. HANEY, Grantor, conveys and warrants to DAVID P. SWIECICKI and GLORIA A. SWIECICKI, Husband and Wife, as tenants by the entirety; Grantee, the following described real property, together with appurtenances, free of encumbrances except as specifically set forth herein, situated in JOSEPHINE County, OR:

Lot 6 of FERRY PARK ESTATES SUBDIVISION, in Josephine County, Oregon.

SUBJECT TO: Rights of way of record, Rights of the public within the limits of public roadways, and/or rights of private parties within existing roadways or driveways,

The true consideration paid for this conveyance is SIXTEEN THOUSAND SEVEN HUNDRED FIFTY AND 00/100 (\$16,750.00). ( ) However, the whole consideration includes other value given or promised (check if other consideration statement applies).

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 28<sup>th</sup> day of June, 1991.

*Gordon L. Haney*  
GORDON L. HANEY

STATE OF CALIFORNIA )  
                                  ) ss.  
County of ORANGE )

This instrument was acknowledged before me on the 28 day of June, 1991 by GORDON L. HANEY

(seal)

*Kathleen A. Leech*  
Notary Public for Oregon & A,  
My commission expires: \_\_\_\_\_

Until a change is requested, send all tax statements to:

Grantees  
address below  
Return document to:  
Mr. & Mrs. David Swiecicki  
760 Beverly Drive  
Vista, CA 92084



91-10458  
State of Oregon, ) ss. No. ....  
County of Josephine, )  
I, \_\_\_\_\_, Clerk and ex-officio Recorder of  
Conveyance for Josephine County, do hereby  
certify that the within instrument was  
received for record and recorded  
At Page 133 of Vol. 135  
Book of Records Josephine County Oregon.  
GEOFFREY BROWN, COUNTY CLERK  
By *[Signature]* Deputy  
Fees \$ 25.00  
Hand Returned  Mailed  Hold

RECEIVED BY OWRD  
AUG 25 2016  
SALEM, OR

S-88277

JUN 14 1991

9:50 A.M.

JCTC ORDER NO.: 85650B (BW)

367-2AB

91-09050

#564

116

WARRANTY DEED

VOL 134 PAGE 1333

ANDREAS B. RECHNITZER and MARTHA RECHNITZER, Grantor, conveys and warrants to LOUIS P. SCAPARO and ANITA SCAPARO, Husband and Wife, as tenants by the entirety; Grantee, the following described real property, together with appurtenances, free of encumbrances except as specifically set forth herein, situated in JOSEPHINE County, :

LOT 16, OF FERRY PARK ESTATES SUBDIVISION, IN JOSEPHINE COUNTY, OREGON.

SUBJECT TO: Rights of way of record, Rights of the public within the limits of public roadways, and/or rights of private parties within existing roadways or driveways,

The true consideration paid for this conveyance is EIGHTEEN THOUSAND AND 00/100 (\$18,000.00). ( ) However, the whole consideration includes other value given or promised (check if other consideration statement applies).

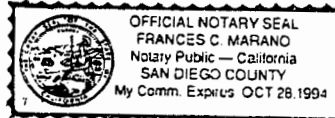
This instrument will not allow use of the property described in this instrument in violation of applicable land use laws and regulations. Before signing or accepting this instrument, the person acquiring fee title to the property should check with the appropriate City or County Planning Department to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

Dated this 11 day of June, 1991.

Andreas B. Rechnitzer  
ANDREAS B. RECHNITZER

MARtha Rechnitzer  
MARTHA RECHNITZER

STATE OF CALIFORNIA )  
) ss.  
County of SAN DIEGO )



This instrument was acknowledged before me on the 11 day of June, 1991 by ANDREAS B. RECHNITZER and MARTHA RECHNITZER

(seal)

Frances C. Marano  
Notary Public for California  
My commission expires: 10-28-94

Until a change is requested, send all tax statements to:

Grantees address below

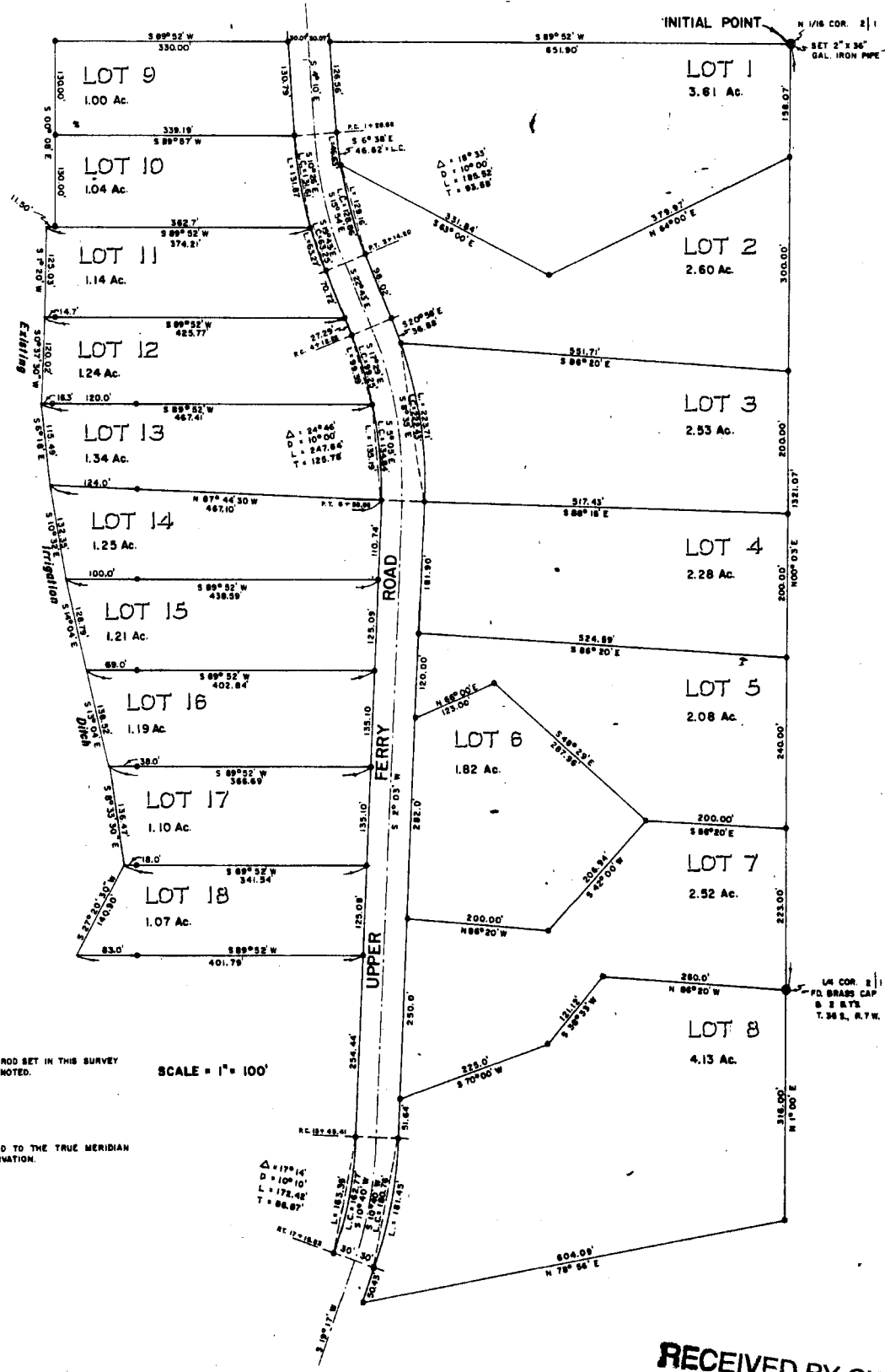
Return document to:

2730 Peppertree Drive  
Oceanside, CA 92056

91-09050  
State of Oregon, )  
County of Josephine, )  
I, County Clerk and ex-officio Recorder of )  
Conveyances, in and for said County, do here- )  
by certify that the within instrument was )  
received for record and recorded )  
At Page 1333 of Vol 134 )  
Book of Records, Josephine County, Oregon. )  
DEBORAH E. BROWN, COUNTY CLERK )  
By: [Signature] Deputy )  
Fees: [Signature] )  
Hand Returned ( ) Mailed ( ) Held ( )

RECEIVED BY OWRD  
AUG 25 2016  
SALEM, OR

SBB277



**LEGEND:**  
 O = DENOTES 5/8" IRON ROD SET IN THIS SURVEY UNLESS OTHERWISE NOTED.

SCALE = 1" = 100'

**NOTE:**  
 BEARINGS ARE REFERRED TO THE TRUE MERIDIAN BASED ON SOLAR OBSERVATION.

RECEIVED BY OWRD

AUG 25 2016

SALEM, OR

PLAT OF  
**FERRY PARK ESTATES**

LOCATED IN  
 JOSEPHINE COUNTY, OREGON

SHEET 1 OF 2  
 V7 P19  
 188

S-88277

STATE OF OREGON }  
 COUNTY OF JOSEPHINE } SS  
 I, RICHARD L. TEMPLE, COUNTY SURVEYOR, AND FRED A. DARTON, SR., COUNTY ASSESSOR, AND LOUIS D. RINGLETTE,  
 COUNTY COMMISSIONER, AND RICHARD E. JACKSON, COUNTY COMMISSIONER, AND JOEL L. BARKER, COUNTY  
 COMMISSIONER, FOR SAID COUNTY AND STATE, DO HEREBY APPROVE THIS PLAT AND DEDICATION FOR TRUE AND  
 LEGAL FORM.

Richard L. Temple COUNTY SURVEYOR THIS 17 DAY OF September, 1970 A.D.  
Frederick A. Darton, Sr. COUNTY ASSESSOR THIS 18 DAY OF September, 1970 A.D.  
Louis D. Ringlette COUNTY COMMISSIONER THIS 18 DAY OF September, 1970 A.D.  
Richard E. Jackson COUNTY COMMISSIONER THIS 18 DAY OF September, 1970 A.D.  
Joel L. Barker COUNTY COMMISSIONER THIS 18 DAY OF September, 1970 A.D.  
William D. Ringlette COUNTY COMMISSIONER THIS 18 DAY OF September, 1970 A.D.  
Richard E. Jackson COUNTY COMMISSIONER THIS 18 DAY OF September, 1970 A.D.  
Joel L. Barker COUNTY COMMISSIONER THIS 18 DAY OF September, 1970 A.D.  
William D. Ringlette COUNTY COMMISSIONER THIS 18 DAY OF September, 1970 A.D.

APPROVED BY THE JOSEPHINE COUNTY PLANNING COMMISSION ON THE 3rd DAY OF Sept, 1970 A.D.  
Richard E. Campbell  
 CHAIRMAN

ALL CONSTRUCTION MUST COMPLY WITH HEALTH REGULATIONS

EXAMINED AND RECOMMENDED FOR APPROVAL BY THE JOSEPHINE COUNTY BOARD OF COMMISSIONERS  
 THIS 1st DAY OF September, 1970 A.D.

Richard E. Campbell  
 COUNTY SURVEYOR

OCT 15 1970  
 A.D. (5) BARKER  
 COUNTY CLERK  
 76460

DEDICATION

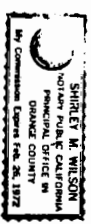
KNOW ALL MEN BY THESE PRESENTS THAT  
 ORVILLE K. DOYLE AND LEONA M. DOYLE, GORDON L. HANEY AND ANDREAS B. RECHNITZER ARE THE OWNERS OF  
 THE REAL PROPERTY SITUATED IN SECTION 2, TOWNSHIP 36 SOUTH, RANGE 7 WEST, WILLAMETTE  
 MERIDIAN, JOSEPHINE COUNTY, OREGON, MORE PARTICULARLY DESCRIBED IN THE SURVEYOR'S  
 CERTIFICATE AND ON THIS PLAT, AND THAT WE HAVE CAUSED THE SAME TO BE PLATED AS THE  
 "FERRY PARK ESTATES SUBDIVISION". THE ROADS SHOWN HEREON ARE DEDICATED TO THE PUBLIC  
 FOREVER.

Gordon L. Haney  
 Signature of Grantor

Orville K. Doyle  
 Signature of Grantor

STATE OF CALIFORNIA }  
 COUNTY OF ORANGE } SS  
 THIS IS TO CERTIFY THAT ON THIS 21st DAY OF August, 1970 A.D. BEFORE ME PERSONALLY  
 CAME GORDON L. HANEY AND ANDREAS B. RECHNITZER, ORVILLE K. DOYLE AND LEONA M. DOYLE,  
 TO ME KNOWN TO BE THE IDENTICAL PERSONS DESCRIBED IN AND WHO EXECUTED THE FOREGOING  
 DEDICATION AND THAT THEY TO ME ACKNOWLEDGED THAT THEY EXECUTED THE SAME FOR THE  
 PURPOSES THEREIN SET FORTH.

MY COMMISSION EXPIRES ON THE 21st DAY OF February, 1972 A.D.



Shirley M. Wilson  
 NOTARY PUBLIC

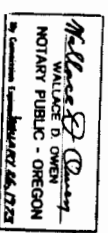
ENGINEERS CERTIFICATE

STATE OF OREGON }  
 COUNTY OF JOSEPHINE } SS  
 I, RICHARD L. TEMPLE, REGISTERED ENGINEER NO. 5024, FIRST BEING DULY SWORN, DEPOSE AND SAY  
 THAT I HAVE ACCURATELY SURVEYED THE PARCEL OF LAND DESIGNATED AND REPRESENTED ON THIS PLAT  
 AS "FERRY PARK ESTATES" AND THAT I HAVE MARKED THE SAME WITH PROPER MONUMENTS AND THAT  
 I HAVE SET A GALVANIZED IRON PIPE, TWO INCHES IN DIAMETER AND 36" IN LENGTH, SIX INCHES  
 UNDER THE SURFACE OF THE GROUND AS THE INITIAL POINT OF THIS SURVEY, SAID POINT ALSO BEING  
 THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 2,  
 TOWNSHIP 36 SOUTH, RANGE 7 WEST OF THE WILLAMETTE MERIDIAN, JOSEPHINE COUNTY, STATE OF OREGON.  
 THENCE S 89°52' W ALONG THE NORTH LINE OF SAID SOUTHWEST QUARTER OF THE NORTHEAST QUARTER  
 FOR 1042.04 FEET; THENCE S 0°08' E FOR 26.00 FEET; THENCE S 89°52' W FOR 115 FEET TO THE  
 CENTER OF AN EXISTING IRRIGATION DITCH; THENCE SOUTHERLY ALONG THE CENTERLINE OF SAID  
 IRRIGATION DITCH THE MEANDERS OF WHICH ARE AS FOLLOWS: S 1°02' W FOR 125.03 FEET; S 0°37'30" W  
 FOR 120.02 FEET; S 6°18' E FOR 115.49 FEET; S 10°32' E FOR 132.35 FEET; S 14°04' E FOR 128.79 FEET;  
 S 13°04' E FOR 138.32 FEET; S 8°33'30" E FOR 156.47 FEET; S 27°20'30" W FOR 140.90 FEET; THENCE  
 N 89°52' E FOR 401.79 FEET TO THE WESTERLY LINE OF THE UPPER FERRY PARK COUNTY ROAD; THENCE  
 S 2°03' W ALONG SAID WESTERLY RIGHT OF WAY LINE FOR 254.44 FEET; THENCE ALONG A 542.96 FOOT  
 RADIUS CURVE TO THE RIGHT FOR 63.39 FEET; THE LONG CHORD OF WHICH BEARS S 10°40' W FOR 162.77  
 FEET; THENCE S 70°43' E FOR 60 FEET TO THE EASTERLY RIGHT OF WAY LINE OF SAID ROAD; THENCE  
 S 19°17' W ALONG SAID EASTERLY RIGHT OF WAY LINE FOR 50.43 FEET; THENCE N 78°56' E FOR 604.09  
 FEET; THENCE N 1°00' E FOR 316.0 FEET TO THE EAST ONE QUARTER CORNER OF SECTION 2; THENCE  
 N 0°05' E ALONG THE EAST LINE OF SECTION 2 FOR 1321.07 FEET TO THE INITIAL POINT.

Richard L. Temple  
 REGISTERED ENGINEER NO. 5024

SUBSCRIBED AND SWORN TO BEFORE ME THIS 21st DAY OF August, 1970 A.D.  
 MY COMMISSION EXPIRES ON THE 21st DAY OF January, 1972 A.D.

Wallace D. Owen  
 NOTARY PUBLIC



SHEET 2 OF 2

V7 P20

S-88277

2  
①

Seller's Name and Address:  
Thomas A. Rosenthal and Wilma G. Rosenthal  
1080 Ferry Road  
Grants, OR 97526

JOSEPHINE COUNTY OFFICIAL RECORDS  
ARTH HARVEY, COUNTY CLERK 2009-013059  
DED-WRD  
Crd#1 Pge#2 Snn#4 RECEIPTS 08/12/2009 02:18 PM  
\$10.00 \$11.00 \$4.00 Total: \$25.00

Buyer's Name and Address  
Wilma G. Rosenthal  
1080 Ferry Road  
Grants, OR 97526



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

After recording return to: 118011  
Paradise Settlement Services, LLC  
401 East Corporate Dr., #290  
Lewisville, TX 75057

Until requested otherwise, send all tax statements to:  
Wilma G. Rosenthal  
1080 Ferry Road  
Grants, OR 97526

FA-1435123(TO)

25.7

Space Above Reserved for Recorder's Use

### WARRANTY DEED

Thomas A. Rosenthal and Wilma G. Rosenthal, as tenants by the entirety, Grantor(s), conveys and warrants to Wilma G. Rosenthal, a married woman, Grantee(s), the following described real property free of encumbrances, except as specifically set forth herein:

REAL PROPERTY IN THE COUNTY OF JOSEPHINE, STATE OF OREGON, DESCRIBED AS FOLLOWS:

ALL THAT PORTION OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 2, TOWNSHIP 36 SOUTH, RANGE 7 WEST, OF THE WILLAMETTE MERIDIAN, JOSEPHINE COUNTY, OREGON, LYING WEST OF THE WESTERLY RIGHT OF WAY LINE OF UPPER FERRY ROAD. LESS AND EXCEPT THAT PORTION PLATTED SEPTEMBER 3, 1970, AS FERRY PARK ESTATES.

TAX PARCEL NUMBER: R321686

The property is free from encumbrances except: \_\_\_\_\_

The true consideration is Love and Affection and NO DOLLARS (\$0.00)

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Warranty Deed- Page 1

AUG 25 2009

SALEM, OR

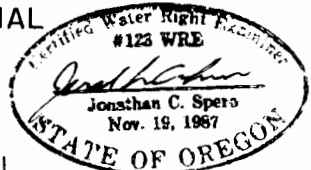
S-88277

MAY 21 1990  
WATER RESOURCES  
SALEM, OREGON

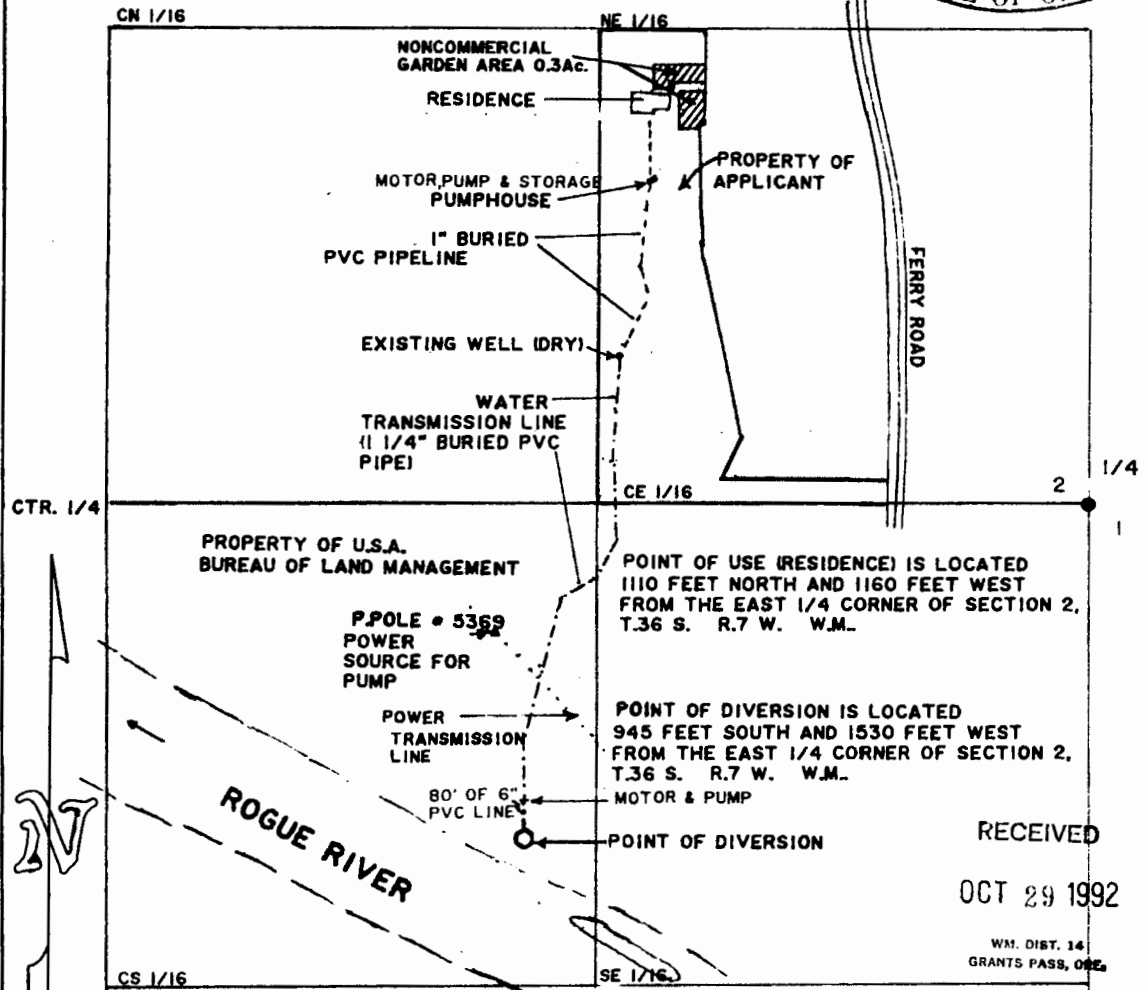
# FINAL PROOF SURVEY

IN NAME OF  
THOMAS A. & WILMA G. ROSENTHAL

36-7-2  
# 50229



T. 36 S. R. 7 W. SECTION 2 W.M.



POINT OF USE (RESIDENCE) IS LOCATED  
1110 FEET NORTH AND 1160 FEET WEST  
FROM THE EAST 1/4 CORNER OF SECTION 2,  
T.36 S. R.7 W. W.M.

POINT OF DIVERSION IS LOCATED  
945 FEET SOUTH AND 1530 FEET WEST  
FROM THE EAST 1/4 CORNER OF SECTION 2,  
T.36 S. R.7 W. W.M.

RECEIVED  
OCT 29 1992

WM. DIST. 14  
GRANTS PASS, ORE.

SCALE: 1" = 400'  
MAY 9, 1990

APPLICATION No. 69539  
PERMIT No. 50229  
CERTIFICATE No. \_\_\_\_\_

PREPARED BY:  
JONATHAN C. SPERO W.R.E. # 123  
1002 KINCAID RD./P.O. BOX 16  
WILLIAMS, OREGON 97544  
PHONE (503) 846-6845

SURVEYED: MAY 8, 1990, BY *[Signature]*

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AUG 25 2016  
SALEM, OR

5-8827

UNITED STATES DEPARTMENT OF THE INTERIOR  
BILL FOR COLLECTION

Make Remittance Payable To: Bureau of Reclamation  
Billing Contact: C Evans - PN4231 Phone: 208-378-5112

Bill #: 1801425413  
Customer: 4000078411  
Date: 03/02/2016  
Due Date: 04/01/2016

Remit Payment To: BOR - Pacific Northwest  
PO Box 301501  
Los Angeles, CA 90030-1501

Send Overnight Mail To:  
BOR - Pacific Northwest  
19220 Normandie Ave Ste B  
Torrance CA 90502

Payer: DAVID P SWIECICKI  
1010 E BOBIER DRIVE  
VISTA CA 92084

**PAID**  
3/21/16  
ck# 2827

Checks must be made payable to Bureau of Reclamation. Please detach the top portion or include bill number on all remittances.

Amount of Payment: \$ 50.00

Date	Description	Qty	Unit Price		Amount
			Cost	Per	
03/02/2016	<p><u>LOST CREEK CONTRACT 9-07-10-W1253</u></p> <p>This bill is in association with Lost Creek Reservoir 2016 Irrigation Season.</p> <p>Minimum Charge \$50.00</p> <p>For questions regarding your contract, please contact Bill Parks at 208-378-5344.</p>	1	50.00	1	50.00

Amount Due this Bill: 50.00

Interest will be assessed at the rate of 0.00 % on any unpaid balance if full payment is not made by the date of delinquency. A penalty charge of 0.00 % per annum will be charged on the unpaid portion of a debt, which remains unpaid 90 days after the date of delinquency. An additional administrative fee of \$10.00 will be assessed when the dunning notice is issued. See notice of actions in event of delinquency.

**RECEIVED BY OWRD**

Accounting Classification:  
RX.ACEF6002.3000000

AUG 25 2016

Customer: 4000078411  
Bill #: 1801425413  
TIN:

SALEM, OR

S-88277



Lydia Weatherwax <lydiasland@gmail.com>

**Request for estimate to supply water**

**Mike Sturm** <toprailand@hotmail.com>  
To: Lydia Weatherwax <lydiasland@gmail.com>

Thu, Jul 28, 2016 at 3:41 PM

Lydia, This is Larry Smith, helping Mike. He is not available and I want to get you some answers.

You probably have a pretty good idea of daily usage statistics, but I have always figured about 100 gallons per day, per person. If that is accurate, and the house is fairly efficient, and people are conscientious, you could figure they will use that 2000 gallons of storage in about 5 days.

We charge (approximately) \$200 to bring the watertruck that distance, regardless of how much we are delivering. The truck has a 3000 gallon capacity, so if they could incorporate some additional storage that would help them. We can setup a regular schedule with the ability to deliver between as requested, subject to scheduling.

The water source, if you didn't know, is City of Grants Pass, so same treated water, incl chlorine as city residences. We have a stainless steel tank truck for potable water.

Summary:

30 day month x 400 gal/day = 12,000 gallons.

12000 gallons divided by 2000 gallon storage tank = 6 delivery trips x\$200 = \$1200 per month.

If you have other questions, or to get on the schedule call 541-472-8666.

Larry

Mikes Water Truck Service

Ps: when I was a real estate agent you sold a listing of mine, and we worked together at (I hate to even say the name) DCS! Good to hear from you, and that you are staying active in RE. -LS

Sent from Mail for Windows 10

**From:** Lydia Weatherwax  
**Sent:** Thursday, July 28, 2016 2:20 PM  
**To:** toprailand@hotmail.com  
**Subject:** Request for estimate to supply water

[Quoted text hidden]

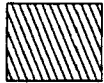
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AUG 25 2016  
SALEM, OR

588277



SE1/4NE1/4 of Section 2, T.36S., R.7W., W.M.

**LEGEND:**



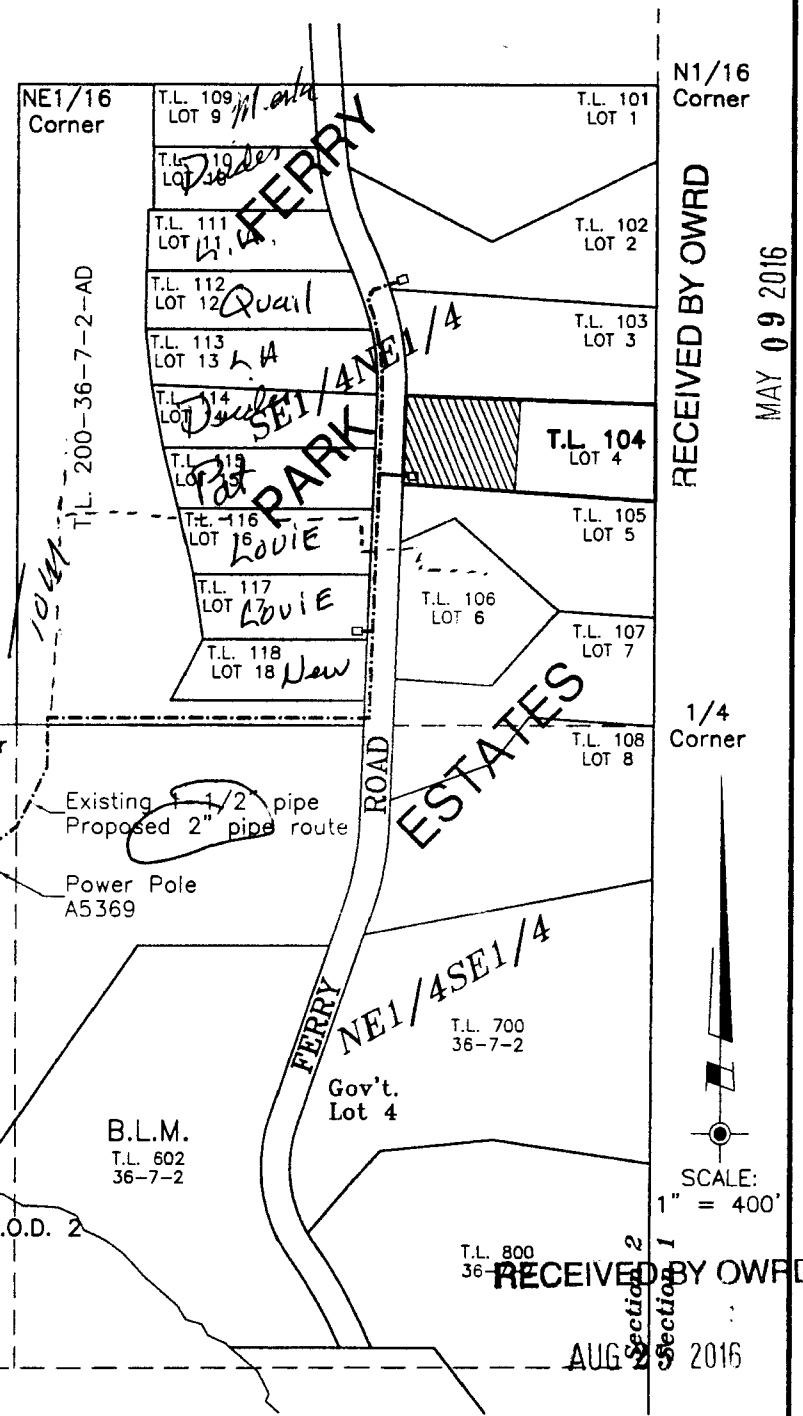
Proposed Place of Use: 1.00 Acres

□ Proposed 2000 gallon holding tank

P.O.D. 1 Existing Point of Diversion approved for Certificates No. 84285, 84819 and 84921: 925 ft south and 1510 ft west of the E1/4 Corner of Section 2

P.O.D. 2 Proposed Point of Diversion: 945 ft south and 1490 west of the E1/4 Corner of Section 2

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



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MAR 21 2016

SALEM, OR

NW1/4SE1/4  
B.L.M.  
T.L. 600-36-7-2  
Gov't.  
Lot 3

P.O.D. 1

Rogue River

Gov't.  
Lot 6

CE1/16 Corner

Existing 1/2" pipe  
Proposed 2" pipe route

Power Pole  
A5369

B.L.M.  
T.L. 602  
36-7-2

P.O.D. 2

Gov't.  
Lot 4

NE1/4SE1/4  
T.L. 700  
36-7-2

T.L. 800  
36-7-2

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AUG 29 2016

N1/16  
Corner

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MAY 09 2016

SAIFM OR

1/4  
Corner

SCALE:  
1" = 400'

Section 2  
Section 1

SALEM, OR

SUBJECT PROPERTY: Tax Lot 104, Map No. 36-7-2-AD

Betis\ ferrypk.dwg

**PLAT FOR WATER RIGHTS APPLICATION**

LOCATED IN

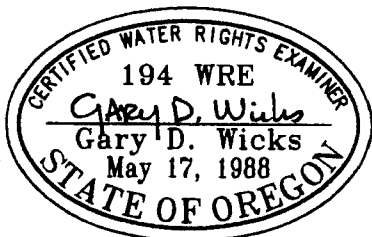
N1/2SE1/4 and SE1/4NE1/4 of Section 2  
Township 36 South, Range 7 West, W.M.  
Josephine County, Oregon

PREPARED FOR:

Mark & Helen Robinson  
656 Hardell Lane  
Vista, CA 92084

SURVEYED BY:

WICKS ENGINEERING & SURVEYING  
311 N.E. "D" Street  
Grants Pass, Oregon 97526  
Tel. 541-479-3436  
Fax 541-479-1014



Renewal Date: 6-30-16

Tel. 760-214-5679

PROJECT NO. 1221-15-450
DRAWING NO. 197-8.5.11 gw
DATE Sept. 16, 2015
SCALE 1" = 400'
SHEET NO. 1 of 1

580225  
580277



# United States Department of the Interior

BUREAU OF LAND MANAGEMENT  
Medford District Office  
3040 Biddle Road  
Medford, Oregon 97504  
email address: BLM\_OR\_MD\_Mail@blm.gov

IN REPLY REFER TO:

JUN 27 2012

2810 (ORM020)  
OR 066346

CERTIFIED MAIL – RETURN RECEIPT REQUESTED (7005 1820 0003 8141 8163)

## DECISION

Mr. Thomas A. Rosenthal : Right of Way Grant Offered  
1080 Ferry Road :  
Grants Pass, OR 97526 : Rental & Monitoring Fees

OR 066346 Offered Subject to Payment of Rental and Monitoring Fees

Enclosed are two unsigned copies of proposed Right-of-Way Grant OR 066346. This grant authorizes ingress/egress, use, maintenance and repair of a buried water pipeline and electric cable on Bureau of Land Management (BLM) lands described below:

N½ SE¼ of Section 2,  
Township 36 South, Range 7 West, Willamette Meridian,  
Josephine County, Oregon

### Rental Fees:

BLM is required to charge rent for use from the time your previous right-of-way OR 43960 expired in April 2009. Fees due between May 1, 2009 to December 31, 2009, are in the amount of \$33.88. Rental amount due for 2010 is \$69.06; rental amount due for 2011 is \$70.37. Rental for 2012 is 71.70 which is below \$100 per year and therefore, subject to a 10 year billing. We have determined your total rent to be **\$890.31** which is due and payable prior to the issuance of this grant.

Rental Period	Fee Due
Back Rental for 05/01/2009 – 12/31/2011 Based on rental schedule of 2009, 2010, 2011	\$173.31
Rental 01/01/2012 – 12/31/2012 = \$71.70	
<b>10 Year Billing (1-1-2012 to 12-31-2022)</b>	<b>\$717.00</b>
<b>Rental Due</b>	<b>\$890.31</b>

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Monitoring Fees:

Regulation 43 CFR 2805.16(a) requires payment of a one time non-refundable monitoring fee for this authorization. This application falls under Monitoring Category 1 and requires a **\$115.00** fee which is due and payable prior to the issuance of this grant.

Total Fees Due:

- Monitoring Fee of \$115.00
- Rental Fees for the period of 10 years \$717.00
- Back Rental Fees of \$173.31
- **Total Due \$1005.31**

Please review the authorization. If you are in agreement, please return the two signed grants and requested fees to this office within thirty (30) days of receipt of this letter. Payment may be made by check payable to the *United States Department of Interior (USDI-BLM)* and sent to the address noted above. Be advised that the enclosed authorization is not valid until signed by me. Failure to submit the signed grant and fees may result in cancellation of this offer.

This decision may be appealed to the Interior Board of Land Appeals, Office of the Secretary, in accordance with the regulations contained in 43 CFR, Part 4, and the enclosed form 1842-1. If an appeal is taken, your notice of appeal must be filed in this office (at the above address) within 30 days from receipt of this decision. The appellant has the burden of showing that the decision appealed from is in error.

If you wish to file a petition (request) pursuant to regulation 43 CFR 4.21 (58 FR 4939, January 19, 1993) for a stay (suspension) of the effectiveness of this decision during the time that your appeal is being reviewed by the Board, the petition for a stay must accompany your notice of appeal. A petition for a stay is required to show sufficient justification based on the standards listed below. Copies of the notice of appeal and petition for a stay must also be submitted to each party named in this decision and to the Interior Board of Land Appeals and to the appropriate Office of the Solicitor (see 43 CFR 4.413) at the same time the original documents are filed with this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

Standards for Obtaining a Stay

Except as otherwise provided by law or other pertinent regulation, a petition for a stay of a decision pending appeal shall show sufficient justification based on the following standards:

- (1) The relative harm to the parties if the stay is granted or denied.
- (2) The likelihood of the appellant's success on the merits.
- (3) The likelihood of immediate and irreparable harm if the stay is not granted.
- (4) Whether the public interest favors granting the stay.

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SALEM, OR

If we can be of further assistance, please contact Realty Specialist, Juanita Wright, at 541-618-2345.



Allen Bollschweiler  
Field Manager  
Grants Pass Resource Area

Enclosures

cc: Accounting Tech (ORM010)

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SALEM, OR

UNITED STATES OF AMERICA  
DEPARTMENT OF INTERIEOR  
BUREAU OF LAND MANAGEMENT  
MEDFORD DISTRICT OFFICE

**CATEGORICAL EXCLUSION DETERMINATION &  
DECISION RECORD**

**Categorical Exclusion Determination and Decision Record  
for a Right-of-Way Grant to be Issued  
Under Title V of the Federal Land Policy and Management Act  
(Case Serial No. OR 66346)**

**DOI-BLM-OR-M070-2010-0034-CX**

**Project:** Rosenthal Water Right-of-Way Grant

**Date:** October 4, 2011

**Location:** Recreation Section of the Rogue National Wild and Scenic River. Grants Pass Resource Area, legal description is T. 36 S., R. 7W. , Section 2 NW1/4 SE1/4 Willamette Meridian. The proposed R/W location is shown on the attached map (Exhibit A).

**Land Use Allocations:** The project is within the designated Wild and Scenic Rogue River. The Outstandingly Remarkable Values for this river segment are fish, recreation, and scenery. The river segment's classification is recreational under the Wild and Scenic River system.

**Description of Proposed Action:**

The proposed federal action is to issue a right-of-way grant (OR66346) to Thomas A. Rosenthal (applicant), under the provisions at 43 CFR Part 2800, and Title V of P.L. 94-579; 90 Stat 2743, over BLM managed land to use, operate, and maintain a water facility consisting of an existing underground water pipeline and electric cable for domestic water use. The applicant has a buried 1-1/4 inch PVC pipe and electrical cable from a pump buried in the flood plain of the Rogue River to a holding tank on the applicant's property. The water right-of-way is 10 ft by approximately 975 ft (0.22 acres) across BLM land as it enters the applicant's private land. The pipe and cable are buried approximately 3-4 ft deep and are identified with metal markers installed along the buried line. The system has been in place for many years and is used for domestic use by Mr. Rosenthal who resides on the private parcel in T 36S., R 7W., Section 2. The requested period of use is for a term of 30 years with option for renewal.

The Rosenthal's R/W Grant OR 43960 issued on April 11, 1989 for operation and maintenance of the buried water pipeline and electric cable expired on April 10, 2009.

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The facility remains in place and the Rosenthal's wish to continue operating and maintaining the water line.

Upon grant termination by the Authorized Officer, all improvements would be removed from public land within 90 days, or otherwise disposed of as provided in paragraph (4)(d) or as directed by the Authorized Officer.

The holder would 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.

The water pipelines are to be maintained in good condition through the life of this grant by the requester. The pipeline would be marked by staking the ground every 25 ft and each stake would extend at least one foot above ground.

The proposed water line grant is shown on the attached map labeled as Exhibit A.

### **Project Design Features**

- All activities associated with the operation, use, maintenance and termination/removal of the water line would be in compliance with the terms and conditions of Right-of-Way Grant OR 66346 including Exhibit A (see attached). As noted in Exhibit A (y), the Holder shall comply with applicable Federal and State laws and regulations concerning the use of pesticides, insecticides, herbicides, fungicides, rodenticides, etc. The Holder shall submit a written plan of operation and receive written approval of said plan from the BLM Authorized Officer prior to use of said substances.
- Vehicle use would be restricted to the existing unnumbered BLM road across BLM managed land in taxlot 600 (Lots 3 and 4) and would not occur under wet conditions to protect water quality and prevent surface displacement such as rutting or ribbons.
- Alteration of the water facility or use outside the boundaries of the right-of-way is not authorized.
- This right-of-way would be subject to modification, adaptation, or discontinuation if it would be found by the Authorized Officer to be necessary, without liability or expense to the United States, so as not to conflict with the use and occupancy of the land for any authorized works which may be hereafter constructed thereon under the authority of the United States.
- The United States would not be liable for any damage which may occur to the improvements authorized by this grant, as a result of its management of the Public Lands, including, but not limited to construction, reconstruction, and maintenance of the roads and harvest of timber.
- The United States would not guarantee the quantity, quality, or purity of the water used by the Holder. The United States would not be held liable for damage or

deterioration of the water supply which may result from natural causes or activities of the United States.

- Should the design of the water system change from an infiltration gallery system to an exposed intake system, continuation of the grant would be contingent on the compliance of the installation with current Oregon Department of Fish and Wildlife standards for fish passage and screening.

### **Plan Conformance Review**

The Proposed Action is consistent with the Medford District's 1995 Record of Decision (ROD) and Resource Management Plan (RMP) and 2008 ROD/RMP. Following the March 31, 2011 decision by the United States District Court for the District of Columbia in Douglas Timber Operators et al. v. Salazar, which vacated and remanded the administrative withdrawal of the Medford District's 2008 ROD and RMP, we evaluated this project for consistency with both the 1995 RMP and the 2008 ROD and RMP. Based upon this review, the Proposed Action contains some design features not mentioned specifically in the 2008 ROD and RMP. The 2008 ROD and RMP did not preclude use of these design features, and the use of these design features is clearly consistent with the goals and objectives in the 2008 ROD and RMP. Accordingly, this project is consistent with the Medford District's 1995 RMP and the 2008 ROD/RMP.

The Proposed Action is consistent with court orders relating to the Survey and Manage mitigation measure of the Northwest Forest Plan, as incorporated into the Medford District Resource Management Plan.

### **Compliance with the National Environmental Policy Act**

Environmental Policy Act (NEPA) in accordance with 516 DM 11.9 H (1) "Issuance of Special Recreation permits for day use or overnight use . . . and/or for recreational travel along roads, trails, or in areas authorized in a land use plan."

This categorical exclusion is appropriate in this situation because there are no extraordinary circumstances potentially having effects that may significantly affect the environment. The proposed action has been reviewed, and none of the extraordinary circumstances described in 516 DM 2, Appendix 2, apply (See attached checklist).

### **NEPA Categorical Exclusion Review**

Extraordinary circumstances (CFR § 46.215) provides for a review of the following criteria for categorical exclusion to determine if exceptions apply to the Proposed Action based on actions which may:

1. *Have significant impacts on public health or safety.*

( ) Yes (X) No

Remarks: None

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AUG 25 2016

**SALEM, OR**

2. *Have significant impacts on such natural resources and unique geographic characteristics as historic or cultural resource;, park, recreation, or refuge lands; wilderness areas; wild or scenic rivers; national natural landmarks; sole or principal drinking water aquifers; prime farmlands; wetlands (Executive Order 11990); floodplains (Executive Order 11988); national monuments; migratory birds; and other ecologically significant or critical areas.*

Yes No

Remarks: The buried pump located in the flood plain of the Recreation Section of the Rogue National Wild and Scenic Rogue River corridor is not having an impact because it is compatible with maintaining the Outstandingly Remarkable Values, particularly the scenic values of the river corridor.

There would be no significant impact on the fisheries resource because none of the channel dynamics associated with habitat would be affected by operation of the pump and fish production and survival would be maintained.

3. *Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA Section 102(2)(E)].*

Yes No

Remarks: None

4. *Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.*

Yes No

Remarks: None

5. *Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects.*

Yes No

Remarks: None

6. *Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects.*

Yes No

Remarks: None

7. *Have significant impacts on properties listed, or eligible for listing, on the National Register of Historic Places as determined by either the bureau or office.*

Yes No

Remarks: None

8. *Have significant impacts on species listed, or proposed to be listed, on the List of Endangered or Threatened Species, or have significant impacts on designated Critical Habitat for these species.*

Yes No

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Remarks: There would be no significant impact on the fisheries resource because none of the channel dynamics associated with habitat would be affected by operation of the pump and fish production and survival would be maintained.

9. *Violate a Federal law, or a State, local, or tribal law or requirement imposed for the protection of the environment.*

Yes No

Remarks: None

10. *Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898).*

Yes No

Remarks: None

11. *Limit access to and ceremonial use of Indian sacred sites on Federal lands by Indian religious practitioners or significantly adversely affect the physical integrity of such sacred sites (Executive Order 13007).*

Yes No

Remarks: None

12. *Contribute to the introduction, continued existence, or spread of noxious weeds or nonnative invasive species known to occur in the area or actions that may promote the introduction, growth, or expansion of the range of such species (Federal Noxious Weed Control Act and Executive Order 13112).*

Yes No

Remarks: None

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SALEM, OR

UNITED STATES OF AMERICA  
DEPARTMENT OF INTERIOR  
BUREAU OF LAND MANAGEMENT  
MEDFORD DISTRICT OFFICE

**CATEGORICAL EXCLUSION DECISION**

**DOI-BLM-OR-M070-2010-0034-CX**

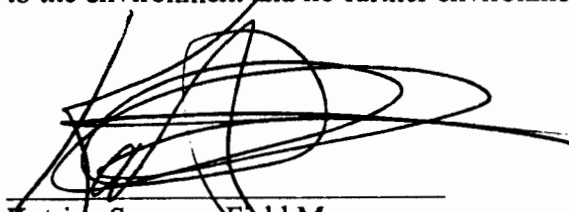
**NEPA CATEGORICAL EXCLUSION DECISION DOCUMENTATION**

**Proposed Action**

The proposed action is the issuance of right-of-way grant to Thomas A. Rosenthal (applicant), under the provisions at 43 CFR Part 2800, and Title V of P.L. 94-579; 90 Stat 2743. This has been serialized as case No. OR66346.

**Decision and Rationale**

The proposed action has been reviewed by the Grants Pass Resource Area staff and appropriate Project Design Features, as specified above, will be incorporated into the proposal. Based on the attached NEPA (National Environmental Policy Act) Categorical Exclusion Review, I have determined the proposed action involves no significant impact to the environment and no further environmental analysis is required.

  
\_\_\_\_\_  
Katrina Symons, Field Manager  
Grants Pass Resource Area

  
\_\_\_\_\_  
Date

**Administrative Remedies**

Administrative review of right-of-way decisions requiring National Environmental Policy Act (NEPA) assessment will be available under 43 CFR Part 4 to those who have a “legally cognizable interest” to which there is a substantial likelihood that the action authorized would cause injury, and who have established themselves as a “party to the case.” (See 43 CFR § 4.410 (a) – (c)). Other than the applicant/proponent for the right-of-way action, in order to be considered a “party to the case” the person claiming to be adversely affected by the decision must show that they have notified the BLM that they have a “legally cognizable interest” and the decision on appeal has caused or is substantially likely to cause injury to that interest (See 43 CFR § 4.410(d)).

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## Effective Date of Decision

This is a land decision on a right-of-way application. All BLM decisions under 43 CFR Part 2800 remain in effect pending an appeal (See 43 CFR § 2801.10) unless the Secretary rules otherwise. Rights-of-Way decisions that remain in effect pending an appeal are considered as “in full force and effective immediately” upon issuance of a decision. Thus, this decision is now in effect.

## Right of Appeal

This decision may be appealed to the U.S. Department of the Interior, Office of Hearings and Appeals, Interior Board of Land Appeals (Board) by those who have a “legally cognizable interest” to which there is a substantial likelihood that the action authorized in this decision would cause injury, and who have established themselves as a “party to the case.” (See 43 CFR § 4.410). If an appeal is taken, a written notice of appeal must be filed with the BLM officer who made the decision in this office by close of business (4:30 p.m.) not more than 30 days after the date of service. Faxed or e-mailed appeals will not be considered. Only signed hard copies of a notice of appeal that are delivered to the following address will be accepted; faxed or e-mailed appeals will not be considered.

*BUREAU OF LAND MANAGEMENT  
GRANTS PASS INTERAGENCY OFFICE  
2164 NE Spalding  
Grants Pass, OR 97526*

The person signing the notice of appeal has the responsibility of proving eligibility to represent the appellant before the Board under its regulations at 43 CFR § 1.3. The appellant also has the burden of showing that the decision appealed from is in error. The appeal must clearly and concisely state which portion or element of the decision is being appealed and the reasons why the decision is believed to be in error. If your notice of appeal does not include a statement of reasons, such statement must be filed with this office and with the Board within 30 days after the notice of appeal was filed.

According to 43 CFR Part 4, you have the right to petition the Board to stay the implementation of the decision. Should you choose to file one, your stay request should accompany your notice of appeal. You must show standing and present reasons for requesting a stay of the decision. A petition for stay of a decision pending appeal shall show sufficient justification based on the following standards:

1. The relative harm to the parties if the stay is granted or denied,
2. The likelihood of the appellant’s success on the merits,
3. The likelihood of immediate and irreparable harm if the stay is not granted, and
4. Whether the public interest favors granting the stay.

A notice of appeal with petition for stay must be served upon the Board, the Regional Solicitor and the Right of Way applicant Thomas A. Rosenthal, at the same time documents are served on the deciding official at this office. Service must be accomplished within fifteen (15) days after filing in order to be in compliance with

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appeal regulations. 43 CFR § 4.413(a). At the end of your notice of appeal you must sign a certification that service has been or will be made in accordance with the applicable rules (i.e., 43 CFR §§ 4.410(c) and 4.413) and specify the date and manner of such service.

The IBLA will review any petition for a stay and may grant or deny the stay. If the IBLA takes no action on the stay request within 45 days of the expiration of the time for filing a notice of appeal, you may deem the request for stay as denied, and the BLM decision will remain in full force and effect until IBLA makes a final ruling on the case.

### **How to File an Appeal**

See the attached Form 1842-1 for complete instructions on Filing an Appeal

### **Contact Information**

For additional information contact:

Katrina Symons, Field Manager, Grants Pass Resource Area  
Grants Pass Interagency Office  
Bureau of Land Management  
2164 NE Spalding  
Grants Pass, OR 97526  
(541) 471-6653

Or Michelle Calvert (Planning and Environmental Coordinator) at (541)471-6505

Additional contact addresses include:

- U.S. Department of the Interior  
Office of Hearings and Appeals  
Interior Board of Land Appeals  
801 N. Quincy Street, MS 300-QC  
Arlington, Virginia 22203
- Regional Solicitor  
Pacific Northwest Region  
U.S. Department of the Interior  
500 N.E. Multnomah Street, Suite 607  
Portland, Oregon 97232
- Thomas and Wilma Rosenthal  
1080 Ferry Road  
Grants Pass, OR 97526

Attachments:

Exhibit A Map  
Draft Right-of-Way Grant

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SALEM, OR

UNITED STATES  
DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT

INFORMATION ON TAKING APPEALS TO THE INTERIOR BOARD OF LAND APPEALS

DO NOT APPEAL UNLESS

1. This decision is adverse to you.
- AND
2. You believe it is incorrect

IF YOU APPEAL, THE FOLLOWING PROCEDURES MUST BE FOLLOWED

<b>1. NOTICE OF APPEAL</b>	A person who wishes to appeal to the Interior Board of Land Appeals must file in the office of the officer who made the decision (not the Interior Board of Land Appeals) a notice that he wishes to appeal. A person served with the decision being appealed must transmit the <i>Notice of Appeal</i> in time for it to be filed in the office where it is required to be filed within 30 days after the date of service. If a decision is published in the FEDERAL REGISTER, a person not served with the decision must transmit a <i>Notice of Appeal</i> in time for it to be filed within 30 days after the date of publication (43 CFR 4.411 and 4.413).
<b>2. WHERE TO FILE</b>	
NOTICE OF APPEAL	U.S. Department of the Interior, Bureau of Land Management Grants Pass Interagency Office 2164 NE Spalding Grants Pass, OR 97526
WITH COPY TO SOLICITOR	U.S. Department of the Interior Office of the Regional Solicitor, Pacific Northwest Region 805 S.W. Broadway, Suite 609 Portland, OR 97205
<b>3. STATEMENT OF REASONS</b>	Within 30 days after filing the <i>Notice of Appeal</i> , file a complete statement of the reasons why you are appealing. This must be filed with the United States Department of the Interior, Office of Hearings and Appeals, Interior Board of Land Appeals, 801 N. Quincy Street, MS 300-QC, Arlington, Virginia 22203. If you fully stated your reasons for appealing when filing the <i>Notice of Appeal</i> , no additional statement is necessary (43 CFR 4.412 and 4.413).
WITH COPY TO SOLICITOR	U.S. Department of the Interior Office of the Regional Solicitor, Pacific Northwest Region 805 S.W. Broadway, Suite 609 Portland, OR 97205
<b>4. ADVERSE PARTIES</b>	Within 15 days after each document is filed, each adverse party named in the decision and the Regional Solicitor or Field Solicitor having jurisdiction over the State in which the appeal arose must be served with a copy of: (a) the <i>Notice of Appeal</i> , (b) the Statement of Reasons, and (c) any other documents filed (43 CFR 4.413).
<b>5. PROOF OF SERVICE</b>	Within 15 days after any document is served on an adverse party, file proof of that service with the United States Department of the Interior, Office of Hearings and Appeals, Interior Board of Land Appeals, 801 N. Quincy Street, MS 300-QC, Arlington, Virginia 22203. This may consist of a certified or registered mail "Return Receipt Card" signed by the adverse party (43 CFR 4.401(c)).
<b>6. REQUEST FOR STAY</b>	Except where program-specific regulations place this decision in full force and effect or provide for an automatic stay, the decision becomes effective upon the expiration of the time allowed for filing an appeal unless a petition for a stay is timely filed together with a <i>Notice of Appeal</i> (43 CFR 4.21). If you wish to file a petition for a stay of the effectiveness of this decision during the time that your appeal is being reviewed by the Interior Board of Land Appeals, the petition for a stay must accompany your <i>Notice of Appeal</i> (43 CFR 4.21 or 43 CFR 2801.10 or 43 CFR 2881.10). A petition for a stay is required to show sufficient justification based on the standards listed below. Copies of the <i>Notice of Appeal</i> and Petition for a Stay must also be submitted to each party named in this decision and to the Interior Board of Land Appeals and to the appropriate Office of the Solicitor (43 CFR 4.413) at the same time the original documents are filed with this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.  <b>Standards for Obtaining a Stay.</b> Except as otherwise provided by law or other pertinent regulations, a petition for a stay of a decision pending appeal shall show sufficient justification based on the following standards: (1) the relative harm to the parties if the stay is granted or denied, (2) the likelihood of the appellant's success on the merits, (3) the likelihood of immediate and irreparable harm if the stay is not granted, and (4) whether the public interest favors granting the stay.

Unless these procedures are followed, your appeal will be subject to dismissal (43 CFR 4.402). Be certain that all communications are identified by serial number of the case being appealed.

**NOTE:** A document is not filed until it is actually received in the proper office (43 CFR 4.401(a)). See 43 CFR Part 4, Subpart B for general rules relating to procedures and practice involving appeals.

(Continued on page 2)

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**43 CFR SUBPART 1821--GENERAL INFORMATION**

Sec. 1821.10. Where are BLM offices located? (a) In addition to the Headquarters Office in Washington, D.C., and seven national level support and service centers, BLM operates 12 State Offices each having several subsidiary offices called Field Offices. The addresses of the State Offices can be found in the most recent edition of 43 CFR 1821.10. The State Office geographical areas of jurisdiction are as follows:

**STATE OFFICES AND AREAS OF JURISDICTION**

- Alaska State Office ----- Alaska
- Arizona State Office ----- Arizona
- California State Office ----- California
- Colorado State Office ----- Colorado
- Eastern States Office ----- Arkansas, Iowa, Louisiana, Minnesota, Missouri,  
and, all States east of the Mississippi River
- Idaho State Office ----- Idaho
- Montana State Office ----- Montana, North Dakota and South Dakota
- Nevada State Office ----- Nevada
- New Mexico State Office ---- New Mexico, Kansas, Oklahoma and Texas
- Oregon State Office ----- Oregon and Washington
- Utah State Office ----- Utah
- Wyoming State Office ----- Wyoming and Nebraska

(b) A list of the names, addresses, and geographical areas of jurisdiction of all Field Offices of the Bureau of Land Management can be obtained at the above addresses or any office of the Bureau of Land Management, including the Washington Office, Bureau of Land Management, 1849 C Street, NW, Washington, DC 20240.

(Form 1842-1, September 2006)

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LETTER OF AUTHORIZATION TO ASSIGN AN AGENT TO REPRESENT ME ON MY BEHALF

*original*  
Josephine County Planning Department  
Oregon Water Resources Department  
Bureau Of Reclamation

July 28, 2016

The purpose of this document is to assign and grant to Lydia Weatherwax, Broker GRI, of Kendon Leet Real Estate, the temporary position of Acting Agent, to represent me (David P. Swiecicki), on my behalf.

I, David P. Swiecicki due hereby designate Lydia Weatherwax, as acting Agent on my behalf, and grant her the authorization to be able to fill out necessary forms, receive documentation, and otherwise assist in the facilitation of the various applications as necessary, concerning the filing procedures and eventual acquisition of domestic water rights, in order to be able to draw water thru an already existing and functioning Rogue river water pipeline, of which I own a 1/3<sup>rd</sup> share.

The property which I own, and which Lydia Weatherwax will be acting on my behalf, as my authorized Agent, is located at 1011 Ferry Road, Grants Pass, Oregon, 97526.

1.82 acres, map designation 36-07-02-14-000106-00, code: 05

My current residence and contact information is:

David P. Swiecicki  
1010 E. Bobier Drive, Space 107  
Vista, Ca 92084  
Cell phone: 760-522-1778  
Email: [d.swiecicki@sbcglobal.net](mailto:d.swiecicki@sbcglobal.net)

My signature below completes this authorization, effective immediately.

David P. Swiecicki, 7/28/2016

*David P. Swiecicki 7/28/16*

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SALEM, OR

S-88277

# 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.

*Bureau of Contract*

### 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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SALEM, OR





**Oregon Water Resources Department**  
**Apply for a Permit to Appropriate Surface Water**

- [🏠 Main](#)
- [🔍 Help](#)
- [🔙 Return](#)
- [📞 Contact Us](#)

Today's Date: Friday, August 26, 2016

Base Application Fee for use of Surface and optionally Stored Water.		\$800.00
Number of proposed cubic feet per second (cfs) to be diverted. (1 cfs = 448.83 gallons per minute)	1	\$300.00
Number of proposed Use's for the appropriated water. (i.e. Irrigation, Supplemental Irrigation, Pond Maintenance, Industrial, Commercial, etc) *	1	
Number of proposed Surface Water points of diversions. **	2	\$300.00
Number of Acre Feet to be diverted from Stored Water. (if the application is appropriating water from a pond/reservoir)	5	\$150.00
Permit Recording Fee. ***		\$450.00
* the 1st Water Use is included in the base cost. ** the 1st Surface Water point of diversion is included in the base cost. *** the Permit Recording Fee is not required when the application is submitted but, must be paid before a permit will be issued. It is fully refundable if a permit is not issued. If the recording fee is not paid prior to issuance of the Final Order, permit issuance will be delayed.	<b>Recalculate</b>	
Estimated cost of Permit Application		\$2,000.00

OWRD Fee Schedule

Fee Calculator Version: B20130709

42885