

# 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.oregon.gov/OWRD

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## SECTION 1: APPLICANT INFORMATION AND SIGNATURE

### Applicant

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NAME GARY AND JUDITH SAFLEY		PHONE (HIM) 541-664-1033	
PHONE (WK) SAME	CELL SAME	FAX NONE	
ADDRESS 3959 OLD STAGE ROAD			
CITY CENTRAL POINT	STATE OR	ZIP 97502	E-MAIL * JSAFLEY499@AOL.COM

### Organization

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

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

AGENT / BUSINESS NAME EVAN MALEPSY / ROGUE CIVIL LLC		PHONE 541-621-2868	FAX NONE
ADDRESS 52 PINERIDGE LANE			CELL 541-621-2868
CITY EAGLE POINT	STATE OR	ZIP 97524	E-MAIL * EMALEPSY@ROGUECIVIL.COM

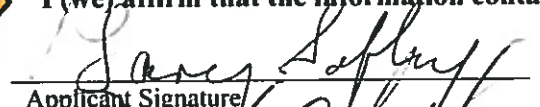
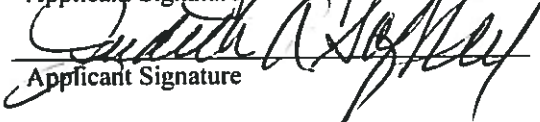
Note: Attach multiple copies as needed

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

By my signature below I confirm that I understand:

- I am asking to use water specifically as described in this application.
- Evaluation of this application will be based on information provided in the application.
- I cannot legally use water until the Water Resources Department issues a permit.
- 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 receive 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 receive water to which they are entitled.

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

	<u>Gary Safley</u>	<u>9-2-2020</u>
Applicant Signature	Print Name and Title if applicable	Date
	<u>JUDITH A. SAFLEY</u>	<u>9-3-2020</u>
Applicant Signature	Print Name and Title if applicable	Date

For Department Use: App. Number: 5-800071

**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.
- YES, the land is encumbered by easements, rights of way, roads or other encumbrances.
- NO, I have a recorded easement or written authorization permitting access.
- NO, I do not currently have written authorization or easement permitting access.
- NO, 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).
- NO, because water is to be diverted, conveyed, and/or used only on federal lands.

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**Affected Landowners:** List the names and mailing addresses of all owners of any lands that are not owned by the applicant and that are crossed by the proposed ditch, canal or other work, even if the applicant has obtained written authorization or an easement from the owner. *(Attach additional sheets if necessary).*

NA

**Legal Description:** 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), and the locations of the point of diversion (POD):

Source 1: Rogue River	Tributary to: Pacific Ocean
TRSQQ of POD: 35S 1W 29 SE/NW	
Source 2: NA	Tributary to:
TRSQQ of POD:	

If any source listed above is stored water that is authorized under a water right permit, certificate, or decree, attach a copy of the document or list the document number (for decrees, list the volume, page and/or decree name).

**B. Applications to Use Stored Water**

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

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

If *all* sources listed in Section 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: SENSITIVE, THREATENED OR ENDANGERED FISH SPECIES PUBLIC INTEREST INFORMATION**

This information must be provided for your application to be accepted as complete. The Water Resources Department will determine whether the proposed use will impair or be detrimental to the public interest with regard to sensitive, threatened or endangered fish species.

To answer the following questions, use the map provided in [Attachment 3](#) or the link below to determine whether the proposed point of diversion (POD) is located in an area where the Upper Columbia, the Lower Columbia, and/or the Statewide public interest rules apply.

For more detailed information, click on the following link and enter the T,R,S,QQ or the Lat/Long of a POD and click on "Submit" to retrieve a report that will show which section, if any, of the rules apply:  
[https://apps.wrd.state.or.us/apps/misc/lkp\\_trsqq\\_features/](https://apps.wrd.state.or.us/apps/misc/lkp_trsqq_features/)

If you need help to determine in which area the proposed POD is located, please call the customer service desk at (503) 986-0801.

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**Upper Columbia - OAR 690-033-0115 thru -0130**

Is the POD located in an area where the Upper Columbia Rules apply?

Yes  No

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If yes, you are notified that the Water Resources Department will consult with numerous federal, state, local and tribal governmental entities so it may determine whether the proposed use is consistent with the "Columbia River Basin Fish and Wildlife Program" adopted by the Northwest Power Planning Council in 1994 for the protection and recovery of listed fish species. The application may be denied, heavily conditioned, or if appropriate, mitigation for impacts may be needed to obtain approval for the proposed use.

If yes,

- I understand that the proposed use does not involve appropriation of direct streamflow during the time period April 15 to September 30, except as provided in OAR 690-033-0140.
- I understand that I will install, operate and maintain a fish screen and fish passage as listed in ORS 498.301 through 498.346, and 509.580 through 509.910, to the specifications and extent required by Oregon Department of Fish and Wildlife, prior to diversion of water under any permit issued pursuant to this application.

- I understand that the Oregon Department of Environmental Quality will review my application to determine if the proposed use complies with existing state and federal water quality standards.
- I understand that I will install and maintain water use measurement and recording devices as required by the Water Resources Department, and comply with recording and reporting permit condition requirements.

**Lower Columbia - OAR 690-033-0220 thru -0230**

Is the POD located in an area where the Lower Columbia rules apply?

Yes  No

If yes, you are notified that that the Water Resources Department will determine, by reviewing recovery plans, the Columbia River Basin Fish and Wildlife Program, and regional restoration programs applicable to threatened or endangered fish species, in coordination with state and federal agencies, as appropriate, whether the proposed use is detrimental to the protection or recovery of a threatened or endangered fish species and whether the use can be conditioned or mitigated to avoid the detriment.

If a permit is issued, it will likely contain conditions to ensure the water use complies with existing state and federal water quality standards; and water use measurement, recording and reporting required by the Water Resources Department. The application may be denied, or if appropriate, mitigation for impacts may be needed to obtain approval of the proposed use.

If yes, provide the following information (the information must be provided with the application to be considered complete).

Yes  No The proposed use is for more than one cubic foot per second (448.8 gpm) and is not subject to the requirements of OAR 690, Division 86 (Water Management and Conservation Plans).

If yes, provide a description of the measures to be taken to assure reasonably efficient water use:

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**Statewide - OAR 690-033-0330 thru -0340**

Is the POD located in an area where the Statewide rules apply?

Yes  No

If yes, the Water Resources Department will determine whether the proposed use will occur in an area where endangered, threatened or sensitive fish species are located. If so, the Water Resources Department, Department of Fish and Wildlife, Department of Environmental Quality, and the Department of Agriculture will recommend conditions required to achieve “no loss of essential habitat of threatened and endangered (T&E) fish species,” or “no net loss of essential habitat of sensitive (S) fish species.” If conditions cannot be identified that meet the standards of no loss of essential T & E fish habitat or no net loss of essential S fish habitat, the agencies will recommend denial of the application unless they conclude that the proposed use would not harm the species.

**SECTION 5: WATER USE**

Provide the amount of water you propose to use from each source, for each use, in cubic feet-per-second (cfs) or gallons-per-minute (gpm). If the proposed use is from storage, provide the amount in acre-feet (af):  
*(1 cfs equals 448.8 gpm. 1 acre-foot equals 325,851 gallons or 43,560 cubic feet)*

SOURCE	USE	PERIOD OF USE	AMOUNT
Rogue River	Human Consumption	Year-Round	0.005 <input checked="" type="checkbox"/> cfs <input type="checkbox"/> gpm <input type="checkbox"/> af

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

Primary: 0 Acres                      Supplemental: 0 Acres

If supplemental acres are listed, provide the Permit or Certificate number of the underlying primary water right(s):

NA

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

- If the use is **municipal or quasi-municipal**, attach **Form M**
- If the use is **domestic**, indicate the number of households: 1
- If the use is **mining**, describe what is being mined and the method(s) of extraction: NA

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**SECTION 6: WATER MANAGEMENT**

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**A. Diversion and Conveyance**

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

- Pump (give horsepower and type): Centrifugal 2HP
- Other means (describe): NA

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

Water will be diverted from the river with a pump placed on the river bank. An intake pipe with foot valve will be placed in the water and be connected to the pump. The water will be pumped to the household with approximatley 1" pipe where it will be used for human consumption.

**B. Application Method**

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

The water will be used for human consumption using standard household faucets/fixtures.

**C. Conservation**

Please describe why the amount of water requested is needed and measures you propose to: prevent waste; measure the amount of water diverted; prevent damage to public uses of affected surface waters.

The amount of water requested is per OAR 690-310-0260 for human consumption. Waste will be prevented by using only the amount of water necessary for human consumption uses. A totalizing flow meter will be installed at the point of diversion to measure the water. Damage to public uses of affected surface waters will be prevented by using a small diameter intake pipe, and diverting a very low rate of water in relation to the Rogue River flow.

## SECTION 7: 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 per ODFW specifications in ORS 498.301 through 498.346 to prevent uptake of fish and other aquatic life.  
Describe planned actions: Install an approved fish screen on the intake pipe prior to diverting any water.
  
- Excavation or clearing of banks will be kept to a minimum to protect riparian or streamside areas.  
**Note: If disturbed area is more than one acre, applicant should contact the Department of Environmental Quality to determine if a 1200C permit is required.**  
Describe planned actions and additional permits required for project implementation: It will not be necessary to conduct excavation, or clearing of banks, to install the small intake and pump system.
  
- Operating equipment in a water body will be managed and timed to prevent damage to aquatic life. Describe planned actions and additional permits required for project implementation: The system will use relatively small pipes/parts that can be placed in the water by hand. It will not be necessary for any machinery to be used in the water.
  
- Water quality will be protected by preventing erosion and run-off of waste or chemical products.  
Describe planned actions: This application is for human consumption. There will be no run-off, and no chemical products will be used.
  
- List other federal and state permits or contracts to be obtained, if a water right permit is granted.  
None

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## SECTION 8: PROJECT SCHEDULE

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- a) Date construction will begin: Upon issuance of permit
- b) Date construction will be completed: Within five years of permit issuance
- c) Date beneficial water use will begin: Within five years of permit issuance

## SECTION 9: WITHIN A DISTRICT

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

Irrigation District Name Eagle Point Irrigation District	Address PO Box 157	
City Eagle Point	State OR	Zip 97524

**SECTION 10: REMARKS**

Use this space to clarify any information you have provided in the application. (*Attach additional sheets if necessary*). Due to well contamination, and the lack of any available municipal or other private water source that could be used for human consumption uses, this application requests an exception to the 80% water availability calculation, as permitted under OAR 690-410-0070(2)(a). Under the rule, when a stream is otherwise over-appropriated to the extent that water is not available based on the 80% exceedence methodology, "some additional uses may be allowed where the public interest in those uses is high and uses are conditioned to protect instream values." There can be no question that water for human consumption constitutes a high public interest. ORS 536.310(3) expresses state policy that adequate and safe supplies of water are to be preserved and protected for human consumption. ORS 536.310(12) provided that when proposed uses of water are in mutually exclusive conflict or when available supplies of water are insufficient for all who desire to use them, preference shall be given to human consumption over all other uses.

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## Minimum Requirements Checklist

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

### Include this checklist with the application

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

Please submit the original application and signatures to the Water Resources Department. Applicants are encouraged to keep a copy of the completed application.

- SECTION 1: Applicant Information and Signature
- SECTION 2: Property Ownership
- SECTION 3: Source of Water
- SECTION 4: Sensitive, Threatened or Endangered Fish Species Public Interest Information
- SECTION 5: Water Use
- SECTION 6: Water Management
- SECTION 7: Resource Protection
- SECTION 8: Project Schedule
- SECTION 9: Within a District
- SECTION 10: Remarks

#### Include the following additional items:

- Land Use Information Form with approval and signature of local planning department (*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: \$ 1,800  
See the Department's Fee Schedule at [www.oregon.gov/owrd](http://www.oregon.gov/owrd) or call (503) 986-0900.
- Map that includes the following items:
  - 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 diversion, 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 identified clearly.
  - 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)

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# Land Use Information Form



Oregon Water Resources Department  
 725 Summer Street NE, Suite A  
 Salem, Oregon 97301-1266  
 503-986-0900  
 www.oregon.gov/OWRD

**Applicant**

NAME GARY AND JUDITH SAFLEY		PHONE (HM) 541-664-1033	
PHONE (WK) SAME	CELL SAME	FAX NONE	
ADDRESS 3959 OLD STAGE ROAD			
CITY CENTRAL POINT	STATE OR	ZIP 97502	E-MAIL* JSAFLEY499@AOL.COM

**A. Land and Location**

Please include the following information for all tax lots where water will be diverted (taken from its source), conveyed (transported), and/or used or developed. Applicants for municipal use, or irrigation uses within irrigation districts may substitute existing and proposed service-area boundaries for the tax-lot information requested below.

Township	Range	Section	¼ ¼	Tax Lot #	Plan Designation (e.g., Rural Residential/RR-5)	Water to be:			Proposed Land Use:
35S	1W	29	SE/NW	206	EFU	<input checked="" type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	Domestic use in a household
						<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used	
						<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used	
						<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used	

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

Jackson

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**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 Groundwater Registration Modification  
 Limited Water Use License   
  Allocation of Conserved Water   
  Exchange of Water

Source of water:  Reservoir/Pond   
 Groundwater   
 Surface Water (name) Rogue River

Estimated quantity of water needed: 0.005  cubic feet per second   
 gallons per minute   
 acre-feet

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

Briefly describe:

Applicant is submitting a water right application to obtain a permit to use surface water from the Rogue River within a single household for human consumption.

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

## For Local Government Use Only

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

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

- Land uses to be served by the proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): \_\_\_\_\_
- 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
	RECEIVED	<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
	SEP 08 2020	<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
	OWRD	<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.

NAME	TITLE:	
SIGNATURE	PHONE:	DATE:
GOVERNMENT ENTITY		

**Note to local government representative:** Please complete this form or sign the receipt below and return it to the applicant. If you sign the receipt, you will have 30 days from the Water Resources Department's notice date to return the completed Land Use Information Form or WRD may presume the land use associated with the proposed use of water is compatible with local comprehensive plans.

**Receipt for Request for Land Use Information**

Applicant name: Evan Malepsy  
 City or County: Jackson Staff contact: Summer Williams  
 Signature: [Signature] Phone: 541-6907 Date: 8/25/2020

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# 439-20-01337-ZON

08/25/2020

## Land Use Compatibility

35-1W-29-206

ZONING: Exclusive Farm Use

RECORD NO: 439-20-01337-ZON

PROCESS: Type I Permit

PROJECT NAME: LUCS

ASSIGNED STAFF:

RECEIVED DATE: 08/25/2020

SITE ADDRESS: 0 AGATE RD

Owners

SAFLEY GARY H/JUDITH A  
3959 OLD STAGE RD  
CENTRAL POINT, OR 97502-1183

Record Detail Description

Water Rights  
Domestic/Household

Contacts

SAFLEY GARY H/JUDITH A  
3959 OLD STAGE RD  
CENTRAL POINT, OR  
97502-1183

Evan Malespy

emalespy@roguecivil.com  
541-621-2808

# Land Use Information Form



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 725 Summer Street NE, Suite A  
 Salem, Oregon 97301-1266  
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PHONE (WK) SAME	CELL SAME	FAX NONE	
ADDRESS 3959 OLD STAGE ROAD			
CITY CENTRAL POINT	STATE OR	ZIP 97502	E-MAIL* JSAFLEY499@AOL.COM

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						<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used	
						<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used	
						<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used	

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

Jackson

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 acre-feet

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

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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:	
<i>Type 1 Authorization 439.18.01768.704 439.18.01951.704</i>	<i>13.3</i>	<input checked="" 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.

NAME <i>Francisco M. Hernandez</i>	TITLE: <i>Planner III</i>
SIGNATURE <i>Francisco M. Hernandez</i>	PHONE: <i>541.774.6903</i>
DATE: <i>08-31-2020</i>	
GOVERNMENT ENTITY <i>Jackson County Development Services</i>	

**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.





**Transaction Receipt**  
**Record ID: 439-20-01337-ZON**  
**IVR Number: 439041546206**

Jackson County Planning Department  
 Development Services Planning Division  
 10 S Oakdale Ave, Room 100  
 Medford, OR 97501  
 541-774-6907  
 Fax: 541-774-6791  
 jcplanning@jacksoncounty.org

**Receipt Number: 271281**

**Receipt Date: 8/25/20**

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**SEP 08 2020**

**OWRD**

www.jacksoncounty.org

Worksite address: 0 AGATE RD, County, OR

Parcel: 35-1W-29-206

<b>Fees Paid</b>					
<b>Transaction date</b>	<b>Units</b>	<b>Description</b>	<b>Account code</b>	<b>Fee amount</b>	<b>Paid amount</b>
8/25/20	1.00 Ea	Type I Counter Permit	3701040000.45105.1300	\$116.00	\$116.00
Payment Method: Credit card authorization: 5 Transaction Comment: LUCS_sw					Payer: Evan Malepsy Payment Amount: \$116.00
Cashier: Summer M. Williams				<b>Receipt Total:</b>	<b>\$116.00</b>

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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.)

Groundwater in the area is contaminated with Boron that is too difficult to remove. Neighbor's well is contaminated with Boron.

- b. Securing stored water from upstream reservoirs.

We are not aware of any available stored water upstream that can be used for human consumption (Lost Creek Reservoir has water available, but not allocated for our use)

- 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.)

Too expensive. Verbal estimates were obtained from "Maries' Water Delivery" and "Got Water" for \$95/2,000 gallons and \$85/2,000 gallons, respectively. Anticipated use is 500 gallons/day, so cost is estimated to be \$22-\$24/day or around \$700/month.

d. Community or municipal water suppliers.

There are no community or municipal water suppliers in the local area.

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

We are not aware of any neighboring properties with springs.

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

We are not aware of any water rights available for transfer.

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

Alternate surface waters have been considered but are inconsistent and unsanitary.

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:

The expectation for the property is to build a residential home. Without water for human consumption, we will not build the home.

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

Yes  No  Not Applicable

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

Yes  No  Not Applicable

Applicant Signature: Gary Salter Date: 9-3-2020

Applicant Signature: Judith A. Salter Date: 9-3-2020



Deed

95-37119

2:25 10.00  
10.00  
20.00

Until a change is made, all tax statements shall be sent to:

3959 Old Stage Road  
Central Point, OR 97502

RETURN DOCUMENT TO:

Donald K. Denman  
Attorney at Law  
P. O. Box 4607  
Medford, Oregon 97501

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TRUE CONSIDERATION: \$17,500.00

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BARGAIN AND SALE DEED

WAYNE H. SABLEY and BERTHA O. SABLEY, TRUSTEES UNDER AGREEMENT DATED JUNE 13, 1986, Grantors, convey to GARY H. SABLEY and JUDITH A. SABLEY, husband and wife, as tenants by the entirety, Grantees, the following described real property:

Commencing at the Southeast corner of Government Lot 3, Section 29, in Township 35 South, Range 1 West of the Willamette Meridian in Jackson County, Oregon; thence North 0° 00' 06" West, along the East line of said Lot, 1295.75 feet to a 5/8" iron pin at Point "A"; thence North 89° 38' 42" West 42.12 feet to a 5/8" iron pin at Point "B"; thence North 0° 43' 00" East 342.79 feet to a 5/8" iron pin for the true point of beginning; thence continue North 0° 43' 00" East 294.00 feet to a 5/8" iron pin; thence North 86° 33' 50" West 711.83 feet, more or less to the average high water mark of Rogue River; thence Southerly, along said high water mark, 339.60 feet, more or less, to a point from which the point of beginning bears South 89° 38' 42" East 641.32 feet; thence South 89° 38' 42" East 641.32 feet to the true point of beginning.

ALSO, any interest in any land abutting the West side of the above described tract to the center of the Rogue river, lying between the extension of the North and South line of the above described tract.

TOGETHER WITH an easement over, upon and across an existing road being 24 feet in width as surveyed, the center line of which is described as follows:

Commencing at the Southeast corner of Government Lot No. 3, Section 29, Township 35 South, Range 1 West, Willamette Meridian, Jackson County, Oregon, according to the official plat recorded in Jackson County; thence North 0° 00' 06" West along the East line of said Lot 3 a distance of 511.58 feet; thence North 89° 38' 42" West 12.00 feet to the point of beginning; thence North 0° 00' 06" West, 710.34 feet; thence North 9° 57' 45" West, 102.78 feet; thence North 0° 43' East, 609.12 feet; thence North 3° 33' 57" East, 225.78 feet; thence North 0° 14' 20" East, 372.76 feet to the beginning of a curve to the right, having a radius of 70 feet; thence along said curve, with a central angle of 107° 35' 50", a distance of 131.45 feet to a point of a compound curve having a radius of 826.59 feet; thence along said curve, with a central angle of 9° 38' 05", a distance of 138.997 feet to a compound curve

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having a radius of 1049.82 feet; thence along said curve with a central angle of 14° 17' 45", a distance of 261.939 feet to a point of tangent; thence South 48° 14' East, 22.91 feet to the beginning of a curve to the left, having a radius of 324.7 feet; thence along said curve, with a central angle of 43° 04' 45", a distance of 244.101 feet to a point of reverse curve having a radius of 400 feet; thence along said curve, with a central angle of 17° 18' 30", a distance of 120.834 feet to the point of tangency; thence South 73° 59' 55" East, 562.01 feet to a point in the center of Agate Road.

ALSO an easement over and across an existing road for ingress and egress to the county road known as Agate Road lying within the Southeast Quarter of Section 29, Township 35 South, Range 1 West of the Willamette Meridian in Jackson County, Oregon as said right of way is set forth in deeds recorded in Volume 250 at Page 379 and in Volume 251 at Page 32 and in Volume 180 at Page 26 of the Deed Records of Jackson County, Oregon, to the point at which said easement reaches the true point of beginning of the easement granted immediately above, it being understood that the grantees herein, their successors, heirs and assigns shall perform all construction, improvement and maintenance required upon said right of way.

TOGETHER WITH any and all water rights and easements for the use of same which are appurtenant to the above described premises being conveyed under the terms hereof.

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 26 day of 12, 1995.

Jackson County, Oregon  
Recorded  
OFFICIAL RECORDS

8:35 DEC 26 1995 P M

*Richard D. Cook*  
County Clerk

*Wayne H. Safley*  
Wayne O. Safley

*Bertha O. Safley*  
Bertha O. Safley  
TRUSTEES UNDER AGREEMENT DATED  
JUNE 13, 1986

STATE OF OREGON  
County of Jackson  
December 26, 1995

Personally appeared the above named WAYNE H. SAFLEY AND BERTHA O. SAFLEY, TRUSTEES UNDER AGREEMENT DATED JUNE 13, 1986, and acknowledged the foregoing instrument to be their voluntary act. Before me:

*Karen G. Willis*  
Notary Public for Oregon  
My commission expires: 2/24/99

