

Jeremiah S. Boehmer

962 Applegate Avenue

Trants Pass, OR 97526

Application No. 69093

Permit No. 50071

Certificate No. _____

Stream Index, Page No. 15-8M

FEEES PAID

Date	Amount	Receipt No.
5-12-87	300.00	52057

Cert. Fee _____

FEEES REFUNDED

Date	Amount	Check No.

May 12, 1987

May 12, 1987

suspended until SLUR

applicant approval OCT 29 1987

CONSTRUCTION

beginning OCT 29 1988
completion OCT 1 1989

ed to _____

application of water OCT 1 1990

ed to _____

PROSECUTION OF WORK

filed _____
filed Completed
filed Dec 13, 1990

FINAL PROOF

ed _____
ived _____
icate issued _____

ASSIGNMENTS

Date	To Whom	Address	Volume	Page

REMARKS

CARD FOR G OCT 25 1990
128 letter sent 12/14/90

SWR

5-12-87

Application No. 69093
Permit No. 50071

Name Jeremiah S. Boehmer
Address 1962 Applegate Ave., Grants Pass, OR 97526
Assigned
Address
Beginning construction OCT 29 1988
Completion of construction OCT 1 1989
Extended to
Complete application of water OCT 1 1990
Extended to

Form 111

Form C (690-9-77)

IMPORTANT—This form is a notice to the Water Resources Director that permittee is ready to make **final proof** to the extent to which the water has actually been applied to the intended use under the terms of the permit. Permittee is cautioned that Certificate of Water Right will be issued based on the extent of the quantity and use as determined by the **final proof** inspection and survey which will be made in response to the filing of this Form C.

NOTE: In the case of an irrigation permit, this Form C should not be mailed to the Water Resources Department until all of the land described in the permit, which it is intended to irrigate under this permit at any time, has actually been irrigated.

Fill out, detach and mail to the Water Resources Department, Salem, OR 97310, when all of the water has been applied.

Application No. ~~50071~~ 69093

NOTICE OF COMPLETE APPLICATION OF WATER TO A BENEFICIAL USE

JEREMIAH S. BOEHMER, the holder of Permit No. 50071

to appropriate the public waters of the state of Oregon, completely applied the waters to a beneficial use in accordance with the terms of said permit, on the 13th day of November, 1990

Remarks:

IN WITNESS WHEREOF, I have hereunto set my hand this 13th day of November, 1990

Jeremiah S. Boehmer
(Signature of Applicant)

1962 Applegate Ave, Grants Pass, Or.
(Address)

RECEIVED

NOV 6 1990

WATER RESOURCES DEPT
SULLY BLDG
SALMON

Form C (690-9-77)

IMPORTANT—This form is a notice to the Water Resources Director that permittee is ready to make **final proof** to the extent to which the water has actually been applied to the intended use under the terms of the permit. Permittee is cautioned that Certificate of Water Right will be issued based on the extent of the quantity and use as determined by the **final proof** inspection and survey which will be made in response to the filing of this Form C.

NOTE: In the case of an irrigation permit, this Form C should not be mailed to the Water Resources Department until all of the land described in the permit, which it is intended to irrigate under this permit at any time, has actually been irrigated.

Fill out, detach and mail to the Water Resources Department, Salem, OR 97310, when all of the water has been applied.

Application No. ...69093.....

NOTICE OF COMPLETE APPLICATION OF WATER TO A BENEFICIAL USE

I, Jeremiah S. Boehmer, the holder of Permit No. 50071.....

OK
LHN

to appropriate the public waters of the state of Oregon, completely applied the waters to a beneficial use in accordance with the terms of said permit, on the 6th day of June, 19 90

Remarks:

IN WITNESS WHEREOF, I have hereunto set my hand this 29 day of November, 19 90

Jeremiah S. Boehmer
(Signature of Applicant)

P.O. Box 714, Grants Pass, Or 97526
(Address)

Propose Cancel

- BOR Contract ~~was~~ Terminated
Oct ~~20~~ 6, 2000
- Per landowner ~~Lisa Boehmer~~
Lisa Boehmer, pump
stolen 16 years
ago, haven't Irrigated
since.

Mailing List for Certificate Scheduled Mailing Date:

Application: 69093
Permit: 50071

Permit Holder:

JEREMIAH S. BOEHMER
1962 APPLGATE AVE
GRANTS PASS OR 97527

Copies Mailed

by:
Connie Vance
(STAFF)

on:
11/3/2012
(DATE)

Copies of Order to be sent to:

1. Watermaster (Proposed and Final Cert):Kathy Smith, (include copy of map)
2. Data Center
3. Water Availability
4. Vault
5. File

Other persons to receive copies: (include map):

*Sorry,
This is not saved
in Apps and I can't
find it mis-saved.
Connie*

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

69093
JEREMIAH S BOEHMER
1962 APPLGATE AVE
GRANTS PASS OR 97527

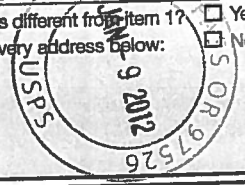
Clark

COMPLETE THIS SECTION ON DELIVERY

A. Signature Agent
** Lisa Boehmer* Addressee

B. Received by (Printed Name) *Lisa Boehmer* C. Date of Delivery *1-9-12*

D. Is delivery address different from item 1? Yes
If YES, enter delivery address below: No



3. Service Type
 Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee) Yes

2. Article Number

(Transfer from service label)

7011 0470 0002 8922 6146

PS Form 3811, February 2004

Domestic Return Receipt

CV/jwg

102595-02-M-1540



Oregon

John A. Kitzhaber, MD, Governor

Water Resources Department
North Mall Office Building
725 Summer Street NE, Suite A
Salem, OR 97301-1271
503-986-0900
FAX 503-986-0904

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Certified #7011 0470 0002 8922 6146

Date Mailed: JAN 03 2012

NOTICE

Reference: Application S-69093 Permit S-50071

Enclosed is a proposed order of certification. The order proposes to cancel Permit S-50071. If you do not agree with the proposed order, Oregon Administrative Rule 690-330-010(2) allows the permittee or landowner 60 days from the mailing date of this notice to request the Department to reconsider the contents of the proposed order.

If the permit is cancelled and you request reinstatement of the permit, you will be required to pay a fee of \$400.00 to have the permit reinstated.

If you agree with the proposed order no response to this notice is required. Sometime after the 60 day period, the recorded order will be mailed to the permittee.

If you have any questions please contact Gerry Clark at 503-986-0811 or Jerry Gainey at 503-986-0812.

Sincerely,

Dwight French
Administrator
Water Rights and Adjudication Division

**BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON**

Order of Certification in the Matter of
Cancellation of Permit S-50071

)
)
)

FINAL ORDER

Findings of Fact

1. Application S-69093, in the name of Jeremiah S. Boehmer, was received May 12, 1987. Permit S-50071 was issued October 29, 1987, approving the application.
2. Permit S-50071 allowed the use of 0.03 cubic foot per second of the water from Applegate River and Applegate Reservoir, constructed under Permit R-7810, for irrigation of 2.4 acres. The date for the complete application of water was set for October 1, 1990.
3. A condition of the permit required a contract, Contract No. 7-07-10-W0692, between the Bureau of Reclamation and the applicant. On October 6, 2000, the Bureau of Reclamation sent a letter terminating Contract No. 7-07-10-W0692.
4. On or about December 14, 2010, Lisa Boehmer contacted the local Watermaster that the pump was stolen from the river 16 years ago, and they have not irrigated since, and they have no intention of irrigating.

Conclusions of Law

Satisfactory proof of beneficial use was not received. The use allowed by Permit S-50071 is lost. The permit should be cancelled.

Under the provisions of OAR 690-320-0020, when it appears from an onsite examination by the Water Resources Department that no appropriation has been made under the terms of the permit, or that use once made has undergone a period of five successive years of nonuse, a certified letter of intent to cancel the permit shall be sent to the permittee, allowing 60 days from the date of the letter for response. Failure to respond during the 60-day period shall result in cancellation of the permit.

NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW

This is an order in other than a contested case. This order is subject to judicial review under ORS 183.482. Any petition for judicial review must be filed within the 60 day time period specified by ORS 183.482. Pursuant to ORS 183.482, ORS 536.075 and OAR 187-004-0080, you may petition for judicial review and petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied.

Now, therefore, it is ORDERED:

Permit S-50071 is cancelled and is of no further force or effect.

Issued _____.

PROPOSED

Dwight W. French
Water Right Services Administrator, for
Phillip C. Ward, Director
Water Resources Department

R320573 - BOEHMER, JEREMIAH S &

MAPNUMX: 360629B000090000
MAPNUM: 360629B0000900
ACCOUNT: R320573
TWN: 36
RNG: 06
SEC: 29
QQ: B0
TAXLOT: 000900

IMP_VALUE: 158,780
LAND_APPR: 239,050
LAND_MKT: 239,050
RMV: 397,830
ACREAGE: 2.92
LEGAL_ACRE: 2.92
PROP_CLASS: 406
BLDG_CLASS: 151

TL: 000900
TYPE: 00

*O.K. 2/28/2014
C.U.*

CODE: 05
MAINT: A
NBHD: 0190
YR_BLT: 1963
SQ_FT: 1220
LIVING_AREA: 1794
BEDRMS: 3
ZONE: RR2.5
SPTB_CODES: SFP SFPI
MH_VALUE: 0
TAXES: 1,900.71
SALE_PRICE: 0

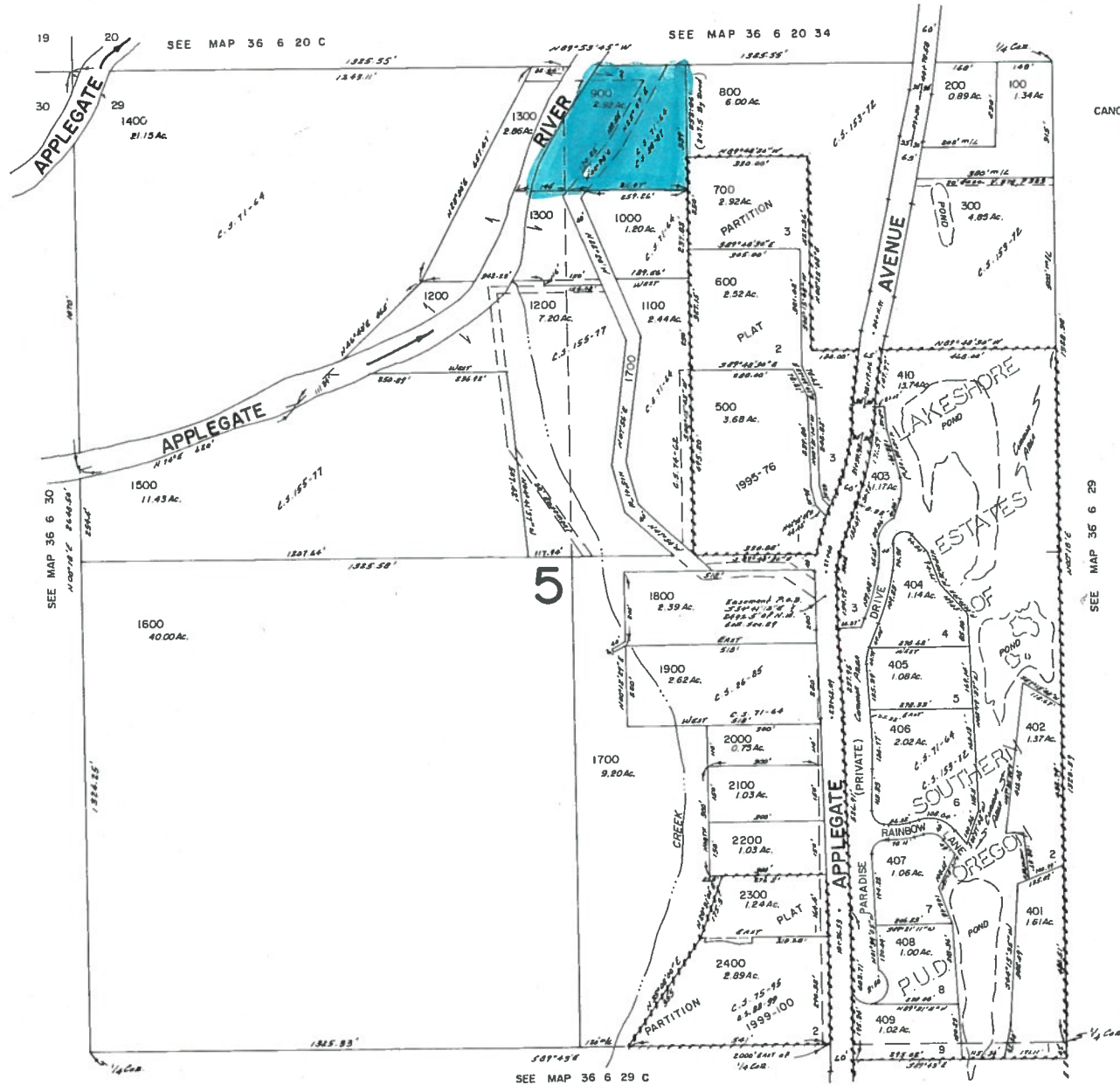
NAME: BOEHMER, JEREMIAH S &
ADDRESS: 1962 APPLGATE AVE
ADDR1: BOEHMER, LISA J
ADDR2: 1962 APPLGATE AVE
CITY: GRANTS PASS
STATE: OR
ZIP: 97527
CSZ: GRANTS PASS, OR 97527

SITUS: 1962 APPLGATE AVE
ST_NO: 1962
ST_NAME: APPLGATE
APPR_VALUE: 397,830
ASSD_VALUE: 307,730

This map was prepared for assessment purpose only.

JOSEPHINE COUNTY

1" = 200'



CANCELLED T.L.
400
2490

11-28-15 R. Williams

Gerry Clark

From: Kathy Smith
Sent: Tuesday, December 14, 2010 12:35 PM
To: Gerry Clark
Subject: App69093/50071

Hi Gerry,
Lisa Boehmer called and said that their pump was stolen from the river 16 years ago, and they haven't irrigated since, and have no intention of irrigating, and the review of the aerial also shows it's unlikely they're irrigating.

Lisa Boehmer
1962 Applegate Ave.
Grants Pass, OR 97527

T36S R6W, Section 29, Taxlot 900

Let me know if you need more information.

Kathy



STATE OF OREGON

County of

JOSEPHINE

PERMIT TO APPROPRIATE THE PUBLIC WATERS

This is to certify that I have examined APPLICATION and do hereby grant the same SUBJECT TO EXISTING RIGHTS INCLUDING THE APPROPRIATE MINIMUM FLOW POLICIES ESTABLISHED BY THE WATER POLICY REVIEW BOARD and the following limitations and conditions:

This permit is issued to

Jeremiah S. Boehmer of 1562 Applegate Avenue, Grants Pass, Oregon 97526, phone 476-4151, for the use of the waters of Applegate River and Applegate Reservoir constructed under Application R-57600, Permit R-7810, irrigation of 2.4 acres

that the PRIORITY OF THE RIGHT dates from

May 12, 1987

and is limited to the amount of water which can be applied to beneficial use and shall not exceed

0.03 cubic foot

per second

The POINT OF DIVERSION is to be LOCATED:

40 feet South and 1150 feet East from the Northwest Corner of Section 29, being within the NW 1/4 NW 1/4 of Section 29, Township 36 South, Range 6 West, WM, Applegate Lake Dam is located in the S 1/2 SE 1/4 of Section 25, Township 40 South, Range 4 West, WM, both in the County of Josephine.

A description of the PLACE OF USE under the permit, and to which such right is appurtenant, is as follows:

Township 36 South, Range 6 West, WM Section 29 NE 1/4 NW 1/4 2.4 acres

The AMOUNT OF WATER used for irrigation, together with the amount secured under any other right existing for the same lands shall be limited to 1/80 of one cubic foot per second per acre, and shall be further limited to a diversion of not to exceed 4.5 acre-feet per acre for each acre irrigated during the irrigation season of each year, and is subject to the terms and conditions of Contract 7-07-10-W0652 between the Bureau of Reclamation and the applicant, or a satisfactory replacement, a copy of which is on file in the records of the Water Resources Director, and shall conform to such reasonable rotation system as may be ordered by the proper state officer.

Actual construction work shall begin on or before October 29, 1988, and shall thereafter be prosecuted with reasonable diligence and be completed on or before October 29, 1989

Complete application of the water to the proposed use shall be made on or before October 1, 19

90

Witness my hand this

29th day of October

19

87

/s/ WILLIAM H. YOUNG

WATER RESOURCES DIRECTOR

This permit, when issued, is for the beneficial use of water. By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan. It is possible that the land use you propose may not be allowed if it is not in keeping with the goals and the acknowledged plan. Your city or county planning agency can advise you about the land-use plan in your area.

APPLICATION

69093

PERMIT

50071



IN REPLY
REFER TO:

PN-3323
WTR-4.00

69093
Permit 50071
United States Department of the Interior

RECEIVED

OCT 10 2000

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

WATER RESOURCES DEPT.
SALEM, OREGON

OCT 6 2000

Mr. Jeremiah and/or Ms. Lisa Boehmer
PO Box 714
Grants Pass OR 97526

Subject: Termination of Applegate Reservoir Water Service Contract No. 7-07-10-W0692

Dear Mr. and Ms. Boehmer:

Since payments are in arrears, we are hereby canceling Contract No. 7-07-10-W0692, dated August 28, 1987, with you. No further assessments will be made by the United States under this contract.

Should there be any questions regarding this, please contact Nancy Catron of our Finance Office at the above address or telephone (208) 378-5065.

Sincerely,

Ryan M. Patterson
Program Manager
Lands and Repayment

cc: Water Rights Division
Oregon Water Resources Department
158 12th Street NE
Salem OR 97310

Mr. Bruce Sund
Josephine County Watermaster
942 SW 6th Street, Suite E
Grants Pass OR 97526

U.S. Army Corps of Engineers
Attention: CENWP-EC-HR
PO Box 2946
Portland OR 97208-2946



Water Resources Department

3850 PORTLAND ROAD NE, SALEM, OREGON 97310

PHONE 378-3739

December 14, 1990

JEREMIAH S BOEHMER
1962 APPLGATE AVE
GRANTS PASS OR 97526

REFERENCE: File 69093

We have received your notice that complete application of water has been made under Permit 50071.

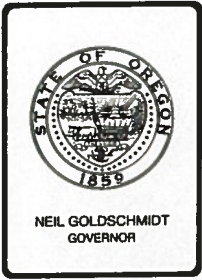
At a later date, a representative of this office will make an inspection and survey of your project.

You will then be mailed a proposed certificate of water right covering the actual use of water as found by our Inspector. Any use described in the permit that was not made will not be included in the certificate.

In the meantime, the permit you hold is valid evidence of your right so long as you continue to use the water.

If you have any questions, please contact the Water Rights Section at 378-3739.

0540W



Water Resources Department

3850 PORTLAND ROAD NE, SALEM, OREGON 97310

PHONE 378-3739

November 27, 1990

JEREMIAH S BOEHMER
1962 APPLGATE AVE
GRANTS PASS OR 97526

RE: File 69093

You stated the date for complete application of water described in your Permit 50071, as being November 13, 1990. The date for complete application of water as set out in the permit was October 1, 1990.

With the thought that the date was in error, I am enclosing another date Form C for reporting the correct date.

If complete application of water was not made until the indicated date and you wish to maintain the permit, and application should be submitted requesting additional time. A form for the purpose will be supplied upon request.

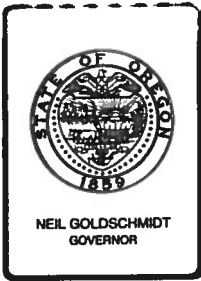
Sincerely,

LARRY H. NUNN
Water Rights Specialist

LHN:wcm
0491W

Enclosure

cc: SW Region



Water Resources Department

3850 PORTLAND ROAD NE, SALEM, OREGON 97310

PHONE 378-3066

November 17, 1987

Jeremiah S. Boehmer
1962 Applegate Avenue
Grants Pass, OR 97526

REFERENCE: File 69093

ENCLOSED: Permit 50071

PLEASE READ THE FOLLOWING INSTRUCTIONS CAREFULLY

Your permit has been recorded in this office, but you should hold the original permit as evidence of your water right. If the land is sold, an assignment to the new owner must be recorded in this office. Assignment blanks will be furnished upon request.

The permit fixes time limits for beginning of construction, completion of construction and complete application of water to beneficial use. The law requires that you begin actual construction within one year from the date of issuance of the permit or your right will be lost. The Water Resources Director is authorized to extend the time for completion of construction and for complete application of water upon proper showing, but has no authority to extend the time limit for beginning of construction.

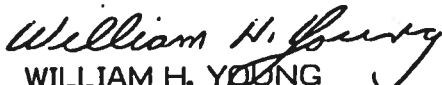
Forms A, B and C may be attached for submitting (A) Notice of Beginning of Construction, (B) Notice of Completion of Construction and (C) Notice of Complete Application of Water. If your application has stated that construction has already been started, or that construction work is completed, or that complete application of water has been made, only the required forms will be attached.

If your project will require only a portable pumping plant and pipelines, the acquisition of such equipment will be considered construction.

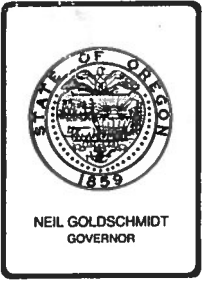
When complete application of water has been made, Form C should be submitted as the first step in proof of appropriation. When proof satisfactory to the Water Resources Director has been made, the right will be confirmed by issuance of a certificate. The certificate will limit the right to the extent that water has been applied to beneficial use in accordance with the terms of the permit.

The late summer flow in nearly all streams is required to satisfy existing rights. Your permit grants a right to use water only when there is a surplus in the source involved over and above that required to satisfy prior rights.

Sincerely,


WILLIAM H. YOUNG
Director

WHY:wpc
enclosures
0032B/2



Water Resources Department

3850 PORTLAND ROAD NE, SALEM, OREGON 97310

PHONE 378-3066

September 2, 1987

Jeremiah S. Boehmer
1962 Applegate Avenue
Grants Pass, OR 97526

Dear Mr. Boehmer:

REFERENCE: File 69093

This is to acknowledge return of your Application 69093. To date, we have not received the copy of the contract between you and the Bureau of Reclamation providing for the use of the stored water from the Applegate Reservoir.

Upon receipt of the contract providing for the use of the stored water, your application will be placed with the group to be considered for approval.

Sincerely,

WAYNE J. OVERCASH
Senior Water Rights Examiner

WJO:tcb



Water Resources Department

3850 PORTLAND ROAD NE, SALEM, OREGON 97310

PHONE 378-3066

August 19, 1987

Jeremiah S. Boehmer
1962 Applegate Avenue
Grants Pass, OR 97526

Dear Mr. Boehmer:

REFERENCE: File 69093

Pursuant to a telephone discussion I had with Norm Draft, the assistant watermaster in your area, I am enclosing your application and supporting map so that you may correct the location of the point of diversion.

I am returning your application for correction and completion. The application is endorsed so that in order to retain its priority date it must be received in this office on or before October 19, 1987.

Sincerely,

WAYNE J. OVERCASH
Senior Water Rights Examiner

WJO:wpc

Enclosure

1130E



IN REPLY
REFER TO:

PN 440

69093
United States Department of the Interior

W. Young
Felbousch
RECEIVED

BUREAU OF RECLAMATION
PACIFIC NORTHWEST REGION
FEDERAL BUILDING & U.S. COURTHOUSE
BOX 043 - 550 WEST FORT STREET
BOISE, IDAHO 83724

JUN 22 1987

WATER RESOURCES DEPT.
SALEM, OREGON

JUN 19 1987

Mr. and Mrs. Jeremiah Boehmer
P.O. Box 714
Grants Pass, Oregon 97526

Dear Mr. and Mrs. Boehmer:

Enclosed for your signature are two copies of the proposed form of water service contract which, when properly executed, will make supplemental irrigation water available from Applegate Reservoir, commencing with the 1987 irrigation season.

If you find the contract acceptable, we ask that you sign both copies, have your signature notarized, and return both copies of the contract to this office, attention Code 440, along with the 1987 annual payment which is specified in Article 5 (page 3, line 2) of the contract. There is a \$100 fee for preparation of a new contract which should be submitted along with the payment for the 1987 water year. Upon receipt by this office, the contracts will be executed on behalf of the United States, dated, and assigned a contract number for identification purposes. A signed original and as many conformed copies as you desire will then be returned for your records.

We will also furnish a conformed copy of the contract to the Oregon State Department of Water Resources. When provided with this information, that agency will then be in a position to proceed with issuing the required permit to divert.

If you should have any questions, please feel free to contact Ryan Patterson at the above address or telephone (208) 334-1161.

Sincerely yours,

Robert A. Barbo

Regional Supervisor of
Water, Power and Lands

2 Enclosures

cc: Oregon State Water Resources Department
3850 Portland Road, NE.
Salem, Oregon 97310 (without enclosure)

DEPARTMENT FISH AND
WILDLIFE

MEMORANDUM

RECEIVED

INTRA-DEPARTMENT

JUN 5 - 1987

DATE: 5/20/87

TO: Jennings- Grants Pass

FROM: Louis Fredd

SUBJECT: Water Right Application Number 69093

WATER RESOURCES DEPT.
SALEM, OREGON

Please review the enclosed notice of applications for water appropriation permits. Advise me of any potential conflicts between the proposed use and fish and wildlife.

No Comments:

Comments:

May 29, 1987

Jeremiah S. Boehmer
1962 Applegate Avenue
Grants Pass, OR 97526

Dear Mr. Boehmer:

REFERENCE: File 69093

Your Application for a permit to appropriate 0.03 cubic foot of water per second from the Applegate River and Applegate Reservoir for the irrigation of 2.4 acres, has been filed and for reference numbered 69093. The sepia print of the tax assessors map, a print of another map, the copy of the contract data sheet for the use of water from the Applegate Reservoir, and fees in the amount of \$300 were also received. Our receipt 52057 is enclosed.

The application is in satisfactory form. Upon receipt of the copy of the contract between you and the Bureau providing for the use of the stored water, the application will be placed with the group to be considered for approval.

If your application is approved, the development will be subject to the Water Resources Commissions Basin Program statements, existing minimum flows, and demands of prior rights during periods of low water.

Sincerely,

WAYNE J. OVERCASH
Senior Water Rights Examiner

WJO:wpc

Enclosure

0129E

Application No. 69093
Permit No. 50071

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF RECLAMATION

Applegate Project, Oregon

CONTRACT FOR WATER SERVICE

Contents

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UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF RECLAMATION

Applegate Project, Oregon

CONTRACT FOR WATER SERVICE

1 THIS CONTRACT, made this 28th day of August, 1987,
2 pursuant to section 9(e) of the Act of August 4, 1939 (53 Stat. 1187),
3 and section 8 of the Act of December 22, 1944 (58 Stat. 887, 891), (which
4 acts are commonly known and referred to as the Reclamation Laws), and the
5 Flood Control Act of 1962 (76 Stat. 1173), between the UNITED STATES OF
6 AMERICA, hereinafter referred to as the United States, represented by
7 the Contracting Officer executing this contract, and Jeremiah and/or
8 Lisa Boehmer, 1962 Applegate Avenue, Grants Pass, Oregon 97526,
9 hereinafter referred to as the Contractor;

10 WITNESSETH, THAT:

11 Explanatory Recitals

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

1 3. WHEREAS, The Contractor owns land or provides water service
2 to the owners of lands hereinafter described, for which a water supply
3 is desired to be secured from the United States;

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

7 Lands for Which Water is Furnished: Limitations on Deliveries

8 4. The United States shall make available each year to the
9 Contractor during the irrigation season from April 1 to October 31,
10 inclusive, water from the Applegate Project for the irrigation of land
11 owned by or served by the Contractor described as follows:

12 2.4 acres in NE1/4NW1/4 of Sec. 29, T. 36 S., R. 6 W., W.M.

13
14
15
16
17
18

19 Of the land described, not more than 2.4 acres are to be irrigated.
20 The amount of water to be made available hereunder shall be that
21 quantity which may be applied beneficially in accordance with good usage
22 in the irrigation of the land above described, but in no event shall it
23 exceed a total diversion of 10 acre-feet annually, measured at the
24 point of delivery of said water.

Payments for Water

1
2 5. (a) An annual payment of \$50.00 for the first irrigation
3 season shall be made to the United States at the time of executing this
4 contract, and subsequent annual payments of \$50.00 will be due on or
5 before April 1 of each succeeding irrigation season in advance of water
6 use. This payment will entitle the Contractor to receive 10 acre-
7 feet of stored water, hereinafter referred to as the entitlement, for
8 the irrigation of the lands described above. Payment for the annual
9 charge is nonrefundable regardless of the amount of water actually used.

10 (b) The annual charge set forth in (a) above is based on an
11 initial rate of \$5 per acre-foot of water; Provided, that such annual
12 charge shall not be less than \$50. From time to time, but not less
13 often than once every 5 years, the rate per acre-foot and the minimum
14 charge shall be reviewed by the Contracting Officer and revised, if
15 necessary, to cover costs to the United States for the irrigation water
16 marketing program of the Applegate Project. Any revision by the
17 Contracting Officer will apply only to future charges and shall be
18 announced by written notice to the Contractor at least 3 months prior to
19 the beginning of the irrigation season to which the new rate would be
20 applicable.

21 (c) All payments from the Contractor to the United States
22 under this contract shall be made by the medium requested by the United
23 States. The required medium of payment may include checks, wire trans-
24 fers, or other types of payment specified by the United States. Except
25 when otherwise specified by the United States, all payments shall be
26 made by check.

1 (d) Payments required hereunder shall be made to the Bureau of
2 Reclamation at the location described in Article 13 of this contract.

3 Charges for Delinquent Payments

4 6. (a) The Contractor shall be subject to interest, administrative
5 and penalty charges on delinquent installments or payments, pursuant to
6 section 11 of the Debt Collection Act of 1982 (Public Law 97-365). When a
7 payment is not received within 30 days of the due date, the Contractor
8 shall pay an interest charge for each day the payment is delinquent beyond
9 the due date. When a payment becomes 60 days delinquent, the Contractor
10 shall pay an administrative charge to cover additional costs of billing
11 and processing the delinquent payment. When a payment is delinquent
12 90 days or more, the Contractor shall pay an additional penalty charge of
13 6 percent per year for each day the payment is delinquent beyond the due
14 date. Further, the Contractor shall pay any fees incurred for debt
15 collection services associated with a delinquent payment.

16 (b) The interest charge rate shall be the greater of the rate
17 prescribed quarterly in the Federal Register by the Department of the
18 Treasury for application to overdue payments, or the interest rate of
19 0.5 percent per month prescribed by section 6 of the Reclamation Project
20 Act of 1939 (Public Law 76-260). The interest charge rate shall be
21 determined as of the due date and remain fixed for the duration of the
22 delinquent period.

23 (c) When a partial payment on a delinquent account is received,
24 the amount received shall be applied first to the penalty and administra-
25 tive charges, second, to the accrued interest, and third to the overdue
26 payment.

27 Furnishing of Water

28 7. (a) Upon payment of the annual charge specified in sub-
29 article 5(a) above, the United States will furnish a maximum of 10
30 acre-feet of water to the Contractor from the Applegate Project. No
31 water shall be furnished if the Contractor is delinquent in payment of
32 the required annual charge.

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

3 approx. 40 feet south and 1,150 feet east of the NW corner of
4 Sec. 29, T. 36 S., R. 6 W., W.M.

5
6
7
8

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

22 (c) The Contractor and all other entities heretofore or
23 hereafter contracting with the United States for a right to use water
24 from the Applegate Project shall, to the extent of their entitlement,
25 have equal priority to the use of water from such project so far as that

1 may be physically practicable and legally possible, without regard to
2 the date of their respective contracts.

3 Special Conditions

4 8. (a) It is the responsibility of the Contractor to comply with
5 the laws of the State of Oregon regarding the obtaining and perfecting of
6 permits to divert water to the lands described in Article 4. The obliga-
7 tion of the United States to deliver water under this contract is subject
8 to an operating plan for the Applegate Project determined in accordance
9 with the law governing the project.

10 (b) If, at some future date, the Contracting Officer
11 determines there is sufficient demand for irrigation water from the
12 Applegate Project to justify the formation of an irrigation district,
13 water supply company, or other water user organization, future water
14 service may then be made contingent upon the establishment of such an
15 organization. Under this condition, the Contractor will be notified
16 at least 1 year in advance of the date this contract is terminated and
17 continued water service to the lands described in Article 4 becomes
18 dependent upon membership in the organization established for that
19 purpose.

20 Term of Contract

21 9. This contract shall become effective as of the date first above
22 written and will continue in force for 40 years unless sooner terminated
23 in accordance with Articles 8 or 10 or by agreement of the parties
24 hereto.

1 Termination of Contract

2 10. This contract may be terminated and water service hereunder
3 shall cease at the option of the United States as set forth in Article
4 8(b) or at any other time if the Contractor is delinquent in payment of
5 the water service charge for a period of 30 days or upon failure of the
6 Contractor to abide by any notice, order, rule, or regulation of the
7 United States or the State of Oregon now or hereafter established
8 affecting water service hereunder.

9 United States Not Liable for Water Shortages--Adjustments

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

19 Disclaimer

20 12. No provision of this contract, nor of any renewal thereof, nor
21 the furnishing of water hereunder will be construed to bind the United
22 States after the expiration of this contract as the basis of a permanent
23 water right. Because of possible fluctuations in reservoir surface
24 elevations and downstream flows associated with the Applegate Project,
25 the United States does not guarantee the availability of water at the

1 point of the Contractor's diversion facilities as they may now be
2 constructed or constructed hereafter. Further, the United States will
3 not be held responsible for any acts or omissions of the Contractor's
4 agents or of persons to whom water is furnished.

5 Notices

6 13. Any notice, demand, or request authorized or required by this
7 contract shall be deemed to have been given, on behalf of the Contractor,
8 when mailed, postage prepaid, or delivered to the Regional Director,
9 Pacific Northwest Region, Bureau of Reclamation, Box 043, 550 West Fort
10 Street, Boise, Idaho 83724, and on behalf of the United States, when
11 mailed, postage prepaid, or delivered to Jeremiah and/or Lisa Boehmer,
12 P.O. Box 714, Grants Pass, Oregon 97526. The designation
13 of the addressee or the address may be changed by notice given in the
14 same manner as provided in this article for other notices.

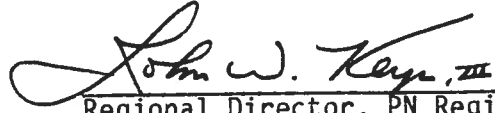
15 General Provisions

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


- 19 a. CONTINGENT ON APPROPRIATION OR ALLOTMENT OF FUNDS
- 20 b. WATER AND AIR POLLUTION CONTROL
- 21 c. QUALITY OF WATER
- 22 d. EQUAL OPPORTUNITY
- 23 e. COMPLIANCE WITH RECLAMATION LAWS
- 24 f. ASSIGNMENT LIMITED--SUCCESSORS AND ASSIGNS OBLIGATED
- 25 g. OFFICIALS NOT TO BENEFIT
- 26 h. WATER CONSERVATION

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

UNITED STATES OF AMERICA



Regional Director, PN Region
Bureau of Reclamation
Box 043, 550 West Fort Street
Boise, Idaho 83724



Contractor

STATE OF IDAHO)
 : ss
County of Ada)

On this 28th day of August, 1987, personally
appeared before me John W. Keys, III, 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.

Diana L. Jacobs
Notary Public in and for the
State of Idaho
Residing at Boise

(SEAL)

My commission expires: 5-23-88

* * * * *

STATE OF OREGON)
 : ss
County of Josephine

On this 11th day of August, 1987, before me,
Brenda G. Winter, a Notary Public, personally appeared
Jeremiah Boehmer, known to me to be the
person whose name is subscribed to the within instrument and acknowledged
to me that he executed the same.

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

Brenda G. Winter
BRENDA G. WINTER
NOTARY PUBLIC - OREGON
My Commission Expires July 21, 1991
(SEAL)

Notary Public in and for the
State of Oregon
Residing at Grant's Pass

My commission expires: 7/21/91

GENERAL PROVISIONS--APPLEGATE PROJECT, OREGON

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 permit access to its 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

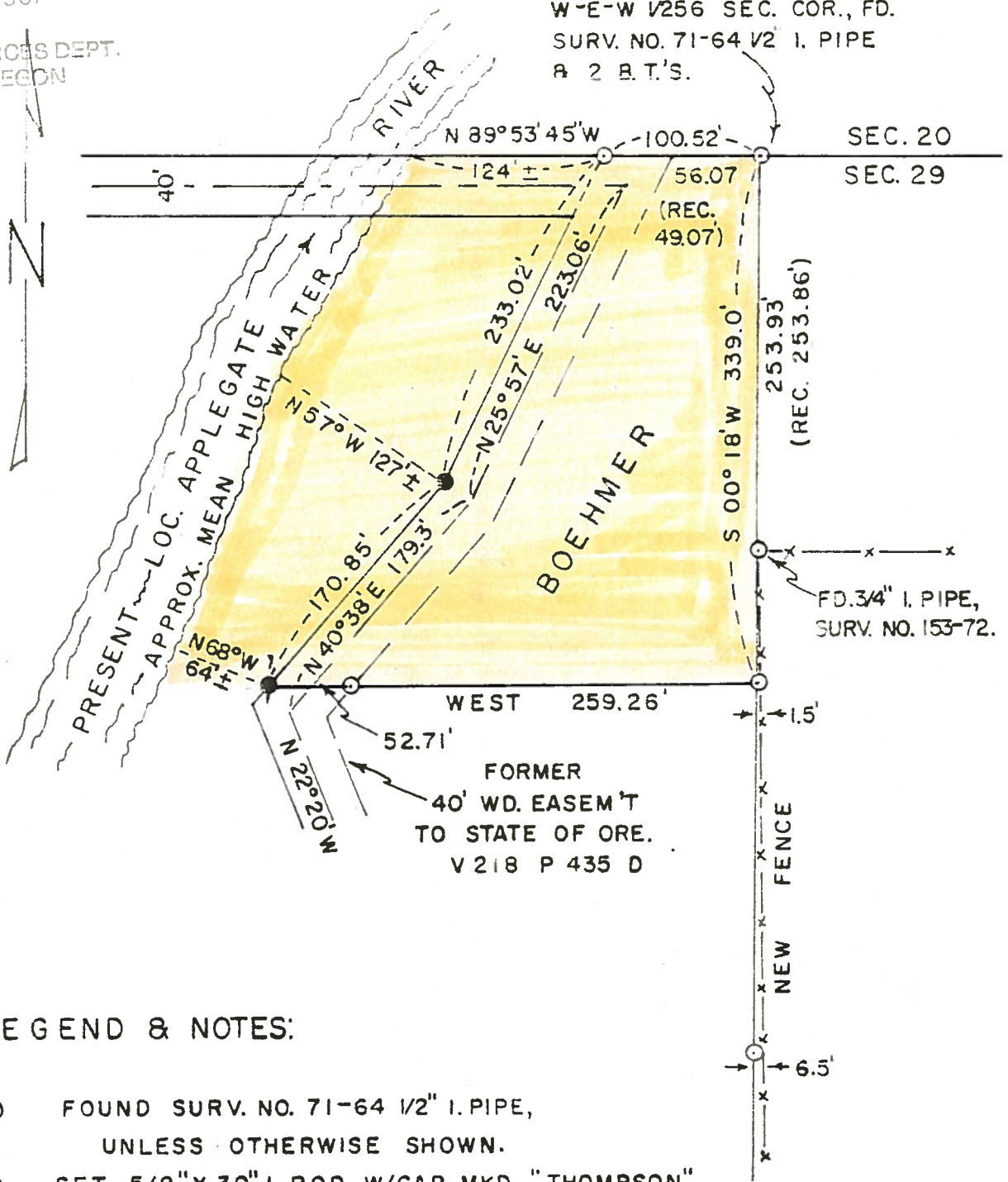
h. Prior to the delivery of water provided from or conveyed through federally constructed or federally financed facilities pursuant to this contract, the Contractor shall develop an effective water conservation program acceptable to the Contracting Officer. The water conservation program shall contain 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.

RECEIVED

MAY 12 1987

WATER RECOUROS DEPT.
SALEM, OREGON

W-E-W 1/2 256 SEC. COR., FD.
SURV. NO. 71-64 1/2" I. PIPE
& 2 B.T.'S.



LEGEND & NOTES:

- FOUND SURV. NO. 71-64 1/2" I. PIPE, UNLESS OTHERWISE SHOWN.
- SET 5/8" X 30" I. ROD W/CAP MKD. "THOMPSON".

BEARING BASIS = SURV. NO. 71-64 MONS. FD.

THIS SURVEY & MAP WAS COMPLETED FOR THE EXCLUSIVE USE OF JEREMIAH BOEHMER.

Application No. 69093
Permit No.

RECEIVED

MAR 27 1987

Josephine County
Surveyors Office

RECORDED
INDEXED
FEB 25 1987
Robert M. Thompson
Surveyor
ROBERT M. THOMPSON
1987

SURVEY FOR JEREMIAH BOEHMER IN THE NW/4 OF SECTION 29, T36S, R6W, W.M., JOSEPHINE CO., ORE.

SCALE: 1 INCH = 100 FEET

FEBRUARY 25, 1987.

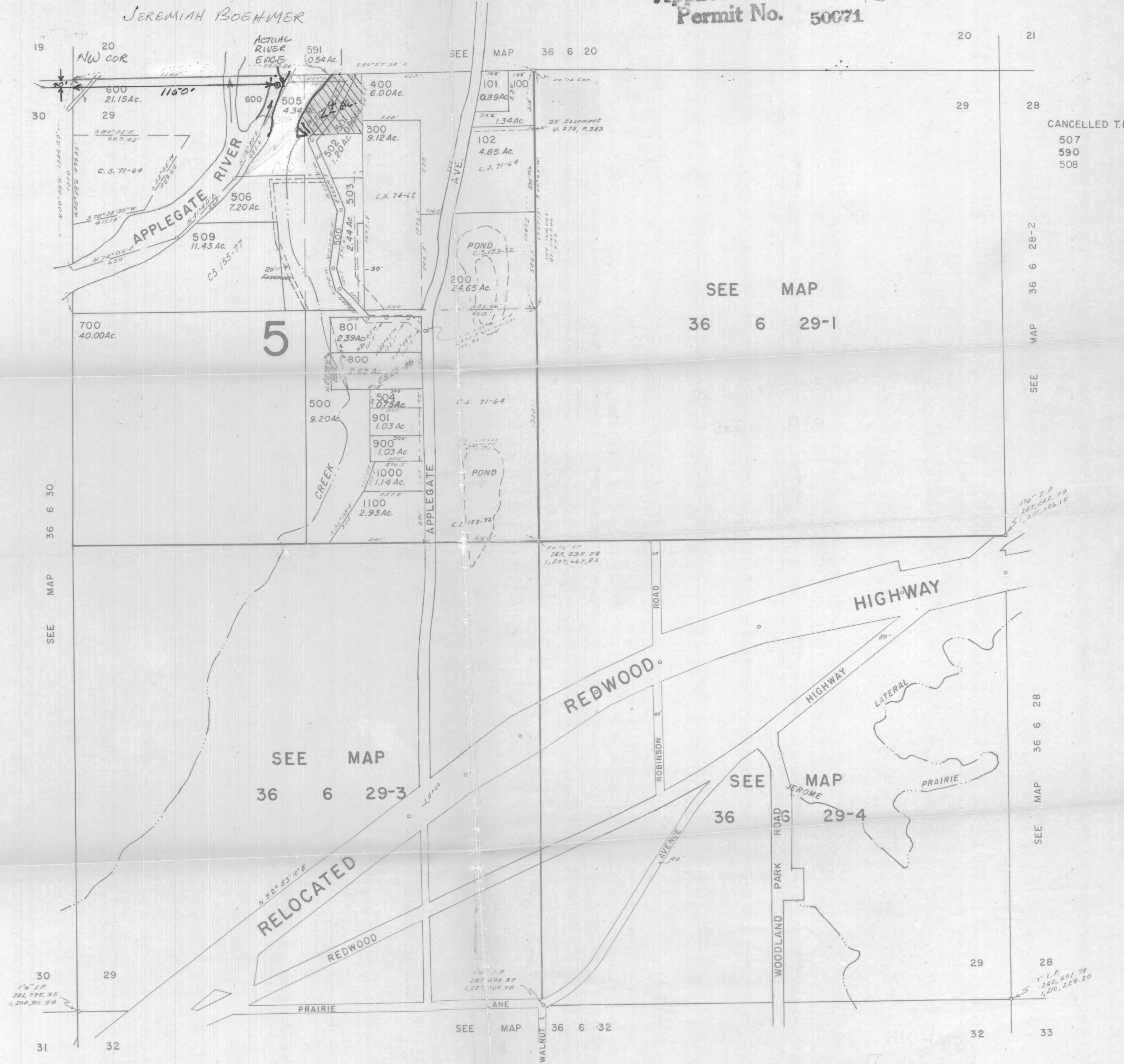
ROBT. M. THOMPSON & ASSOC.

3887

1" = 400'

Application No. 69093
Permit No. 50071

JEREMIAH BOEHMER



CANCELLED T.L.
507
590
508

SEE MAP
36 6 29-1

SEE MAP
36 6 29-3

SEE MAP
36 6 29-4

SEE MAP
36 6 28

SEE MAP
36 6 32

Application No. 69093

Permit No.

RECEIVED

STATE OF OREGON WATER RESOURCES DEPARTMENT

MAY 12 1987
5/8/87

Application for Permit to Appropriate Surface Water

WATER RESOURCES DEPT.
SALEM, OREGON

I, JEREMIAH S BOEHMER
(Name of Applicant)

of 1962 Applegate Ave, Grants Pass
(Mailing Address) (City)

State of OREGON, 97526 Phone No. 503-476-4151 do hereby
(Zip Code)

make application for a permit to appropriate the following described waters of the State of Oregon:

1. The source of the proposed appropriation is THE APPLEGATE RIVER (PRIMARY)
AND STORED APPLEGATE RIVER RESERVOIR WATER (SUPPLEMENTAL)
a tributary of SRB

2. The point of diversion is to be located 40' ft. S and 1150' ft. E
(N. or S.) (E. or W.)
from the NW corner of SECTION 29
(Public Land Survey Corner)

(If there is more than one point of diversion, each must be described)

(Applegate Reservoir dam: 5 1/2 SE 1/4 Sec. 25, Tp. 40 S., R. 4 W., W.M.)

being within the NW 1/4 of the NW 1/4 of
Sec. 29 Tp. 36 S R. 6 W, W. M., in the county of JOSEPHINE
(N. or S.) (E. or W.)

3. Location of area to be irrigated, or place of use if other than irrigation.

Township	Range	Section	List 1/4 1/4 of Section	List use and/or number of acres to be irrigated
<u>36 S</u>	<u>6 W</u>	<u>29</u>	<u>NE, NW</u>	<u>2.4 ACRES</u>

2003E

4. The amount of water which the applicant intends to apply to beneficial use is03
cubic feet per second..... (or 13.46 gpm)
(If water is to be used from more than one source, give quantity from each)

5. The use to which the water is to be applied is to water lawn and irrigate
property of 2.4 ACRES in size

6. DESCRIPTION OF WORKS

Include dimensions and type of construction of diversion dam and headgate, length and dimensions of supply ditch or pipeline, size and type of pump and motor, type of irrigation system to adequately describe the proposed distribution system.

To install a ^{1 1/2} hp submersible pump in a prepared sump. Electricity provided from residence. Piping, PVC 2" to head at an approximate elevation ^{60 ft} ~~75 ft~~ above the river. Then distributed to VARIOUS ZONES CONTAINING SPRINKLER systems.

If for domestic use state number of families to be supplied.....

7. Construction work will begin on or before..... 5/12/87

8. Construction work will be completed on or before..... 5/25/87

9. The water will be completely applied to the proposed use on or before..... 10/30/90

Application No. 69093

Permit No.

Application No. 69093

Permit No.

WCR

Permit to appropriate the Public Waters of the State of Oregon

This is to certify that I have examined the foregoing application and do hereby grant the same SUBJECT TO EXISTING RIGHTS INCLUDING THE EXISTING FLOW POLICIES ESTABLISHED BY THE WATER POLICY REVIEW BOARD and the following limitations and conditions:

The right herein granted is limited to the amount of water which can be applied to beneficial use and shall not exceed 0.03 cubic feet per second measured at the point of diversion from the

stream, or its equivalent in case of rotation with other water users, from Applegate River and

Applegate Reservoir constructed under Application R-57600

Permit R-7810

The use to which this water is to be applied is irrigation of 2.4 acres

If for irrigation, this appropriation shall be limited to 1/80 of one cubic foot per second

or its equivalent for each acre irrigated 4 1/2

Gl(B) Bureau of Reclamation Contract No. 7-07-10-40692

and shall be subject to such reasonable rotation system as may be ordered by the proper state officer.

The priority date of this permit is May 12, 1937

Actual construction work shall begin on or before and shall thereafter be prosecuted with reasonable diligence and be completed on or before October 1, 19.....

Complete application of the water to the proposed use shall be made on or before October 1, 19.....

WITNESS my hand this day of....., 19.....

Water Resources Director

[Handwritten signature]

Remarks:

This application includes a request for supplemental water rights from the Applegate River Reservoir with the same P.O.D.

Time is of the essence for the processing of this application as we have just planted a lawn and our well (5.5 gpm) does not seem sufficient to water as fast as we need to.

Terrence S. Boek
Signature of Applicant

This permit, when issued, is for the beneficial use of water. By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan. It is possible that the land use you propose may not be allowed if it is not in keeping with the goals and the acknowledged plan. Your city or county planning agency can advise you about the land-use plan in your area.

This is to certify that I have examined the foregoing application, together with the accompanying maps and data, and return the same for correction and completion

In order to retain its priority, this application must be returned to the Water Resources Director with corrections on or before October 19, 1987

WITNESS my hand this 19th day of August, 1987

William H. Young, Water Resources Director

By Wayne J. Overcash
WAYNE J. OVERCASH

RECEIVED
AUG 25 1987
WATER RESOURCES DEPT.
SALEM, OREGON

This instrument was first received in the office of the Water Resources Director at Salem, Oregon, on the

12th day of May, 1987, at 8 o'clock
a.m.

Application No. 69093 Permit No.