

Application for a Permit to Store Water in a Reservoir

Alternate Review (ORS 537.409)



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

You may use this form for any reservoir storing less than 9.2 acre-feet *or* with a dam less than 10 feet high.

Use a separate form for each reservoir

SECTION 1: APPLICANT INFORMATION AND SIGNATURE

Applicant

NAME BRUCE JOHAM			PHONE (HM)
PHONE (WK)	CELL 541.531.6947		FAX
ADDRESS 4025 BROWNSBORO HWY			
CITY EAGLE POINT	STATE OR	ZIP 97524	E-MAIL * NONE

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

AGENT / BUSINESS NAME RICK PARSONS PARSONSWATER CONSULTING LLC			PHONE 541.499.0257	FAX
ADDRESS 1619 MINEAR RD			CELL 303.667.5067	
CITY MEDFORD	STATE OR	ZIP 97501	E-MAIL * RICK.PARSONS@PARSONSWATER.COM	

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

AGENT / BUSINESS NAME ASHLEY WEAKLEY WINDERMERE TRAILS END REAL ESTATE			PHONE 541.878.2249	FAX 541.878.2699
ADDRESS 21675 HWY 62 POB 1004			CELL 541.326.2267	
CITY SHADY COVE	STATE OR	ZIP 97539	E-MAIL * ASHLEYWEAKLEY@WINDERMERE.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 final order documents will also be mailed.) Note – **I would like all documentation mailed to me at the address above but would also like you to email correspondence to my two agents:** Rick Parsons (rick.parsons@parsonswater.com) and Ashley Weakley (ashley.weakley@windermere.com)

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 store water until the Water Resources Department issues a permit.
- Oregon law requires that a permit be issued before beginning construction. Acceptance of this application does not guarantee a permit will be issued.
- 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.

Bruce G Joham *Bruce G Joham*
Applicant Signature Printed Name and Title if applicable

4-26-21
Date

June 14, 2021

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Alternate Reservoir Application — Page 1

Rev. 07/2020

SECTION 2: SOURCE OF WATER AND LOCATION OF RESERVOIR

Reservoir name:	Joham Reservoir				
Source*:	Bitterlick Creek	Tributary:	Little Butte Creek		
County:	Jackson				
Quantity:	9.0 Acre-Feet [length x width x depth / 43,560]				
Reservoir Location:	Township (N or S)	Range (E or W)	Section	Quarter-Quarter	Tax Lot #
	35S	1E	31	SE-SE	100
Maximum Height of Dam:	13 feet. If excavated write "zero feet."				

* Provide the name of the water body or other source from which water will be diverted, and the name of the stream or lake it flows into. Indicate if source is run-off, seepage, an unnamed stream, or spring.

SECTION 3: WATER USE

Indicate the proposed use(s) of the stored water: Multipurpose

NOTE: You may wish to consider filing for "Multipurpose use" for your reservoir. Multipurpose use does not limit the types of future uses for the stored water. Multipurpose covers all uses including: stock water, fish and wildlife, aesthetics, domestic, irrigation, agriculture, fire protection and pollution abatement.

SECTION 4: PROPERTY OWNERSHIP

Do you own all the land where you propose to divert, transport, and use water?

☒ Yes (please check appropriate box below then skip to section 5)

☒ There are no encumbrances

☐ This land is encumbered by easements, right of way, roads of way, roads or other encumbrances

☐ No (Please check the appropriate box below)

☐ 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 irrigated and/or domestic use only (ORS 274.040). (Do not check this box if you described your use as "Multipurpose" in #3 above.)

List the names and mailing addresses of all affected landowners:

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SECTION 5: ENVIRONMENTAL IMPACT

Channel: Is the Reservoir: ☐ in-stream or ☒ off channel?

Wetland: Is the project in a wetland? ☐ YES ☒ NO ☐ unknown

Existing: Is this an existing reservoir? ☒ YES ☐ NO

If YES, how long has it been in place? 70 years.

Fish Habitat: Is there a fish habitat upstream of the proposed structure? ☐ YES ☒ NO ☐ unknown

If YES, how much? miles.

Existing: Have you been working with other agencies? ☐ YES ☒ NO

Indicate agency, staff and phone numbers of those involved. Also indicate any agencies that are cost sharing in this project.

SECTION 6: 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. **N/A**

Irrigation District Name:		Address:	
City:	State:	Zip:	

SECTION 7: DESCRIPTION

Provide a short description of the design and operation of the proposed diversion, including a description of how live flow will be passed outside the authorized storage season. Use this space for narrative. You may also provide narrative and sketches on separate pages.

There is no live flow into the reservoir; therefore, fish passage and live flow bypass is not at issue.

If the diversion involves a dam, use this space below for sketches of the diversion (e.g. cross-section of the dam with its dimensions, dimension and placement of outlet pipe, means of passing live flow outside of the authorized storage season, and means for providing fish passage).

10' – 13' high earthen dam No bypass pipe since reservoir is off-channel with no surface inflow

9.0 AF maximum capacity; 1.2 surface acres at capacity

10.0 feet maximum water depth; 7.5 feet average water depth

Filled with surface water diversion pumped from Bitterlick Creek and piped into reservoir

Water will be pumped out of reservoir and over dam for use on downgradient land

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For Local Government Use Only**OWRD**

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:	
unable to determine	COO 26.2 / 4.2-1	☐ Obtained ☐ Denied	☐ Being Pursued ☒ Not Being Pursued
		☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued
		☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued
		☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued
		☐ Obtained ☐ Denied	☐ Being Pursued ☐ 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: Francisco Hernandez Title: Planner III
 Signature: [Signature] Phone: 541-774-6903 Date: 05-03-2021
 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.



Transaction Receipt
Record ID: 439-21-01246-ZON
IVR Number: 439034256873

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: 277523

Receipt Date: 4/28/21

www.jacksoncounty.org

Worksite address: 0 BROWNSBORO HWY, EAGLE POINT, OR

Parcel: 35-1E-31-1500

Fees Paid					
Transaction date	Units	Description	Account code	Fee amount	Paid amount
4/28/21	1.00 Ea	Type I Counter Permit	3701040000.45105.1300	\$115.00	\$115.00

Payment Method: Check number: 1259	Payer: ParsonsWater Consulting, LLC.	Payment Amount:	\$115.00
Transaction Comment: LUCS_NS			

Cashier: Nick J. Schubert

Receipt Total: \$115.00

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ODFW Alternate Reservoir Application Review Sheet

This portion to be completed by the applicant.

Applicant Name: Bruce JohamAddress: 4025 Brownsboro Hwy, Eagle Point, OR 97524Phone/Email: 541-531-6947Reservoir Name: Joham ReservoirVolume (AF): 9 AFSource: Bitterlick CreekBasin Name: Bitterlick Creek < Little Butte Creek☐ in-channelTwp Rng Sec QQ: 35S 1E 31 SESE☒ off-channel

Note: It is unlikely that ODFW will be able to complete this form while you wait, nevertheless we recommend making an appointment to submit the form so as to provide any necessary clarifications. See pg. 6 of Instructions for contact information.

This portion to be completed by Oregon Department of Fish and Wildlife (ODFW) staff.

- 1) Is the proposed project and AO¹ off channel?.....☒ **YES*** ☐ **NO**
(if yes then proceed to #4; if no then proceed to #2)

**Based on available information, the proposed use does not appear to involve instream structures that would create or maintain an artificial obstruction. However, if the applicant creates or maintains an artificial obstruction to fish passage for the proposed use, the applicant will need to address Oregon's fish passage laws.*

- 2) Is the proposed project or AO located where NMF² are or were historically present?.....☐ **YES** ☐ **NO**
(if yes then proceed to #3; if no then proceed to #4)

3) If NMF are or were historically present:

- a. Is there an ODFW-approved fish-passage plan?.....☐ **YES** ☐ **NO**
b. Is there an ODFW-approved fish-passage waiver or exemption?.....☐ **YES** ☐ **NO**

If fish passage is required under ORS 509.580 through .910, then either 3(a) or 3(b) must be "Yes" to move forward with the application. If responses to 3(a) and 3(b) are "No", then the proposed reservoir does not meet the requirements of Oregon Fish Passage Law and shall not be constructed as proposed.

- 4) Would the proposed project pose any other significant detrimental impact to an existing fishery resource locally or downstream?.....☒ **YES** ☐ **NO**
Explain below (for example, list STE species or other existing fishery resources that would be impacted negatively.)

☒ Any diversion or appropriation of water for storage during the period January 1-December 31 poses a significant detrimental impact to existing fishery resources. (For example, if diversion of water for storage during a certain time period would cause a significant detrimental impact to an existing fishery resource, then ODFW should recommend conditions or limitations.)

¹ AO = **Artificial Obstruction** means any dam, diversion, culvert or other human-made device placed in waters of this state that precludes or prevents the migration of native migratory fish. ORS 509.580 (1)

² NMF = **Native Migratory Fish** Species in Oregon as defined by OAR 635 - 412 - 0005 (32)

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If NMF fish are present at the project site or point of water diversion then the applicant should be advised that a fish screen consistent with screening criteria will be required.

- ☐ This proposed pond or reservoir contemplates impounding water in the Columbia Basin above Bonneville Dam. ODFW has determined that additional diversions of water in this area pose a significant detrimental impact to existing fishery resources during the period April 15 through September 30.

ESA-listed fish (Coho Salmon), sensitive species (spring Chinook Salmon, summer steelhead, and Pacific Lamprey), and other game fish (fall Chinook Salmon, winter steelhead, and Coastal Cutthroat Trout) may be present in Bitterlick and/or Little Butte creeks during the period of impact. ODFW has identified biologically necessary flows not captured in an instream water right (e.g., flows in a Basin Investigation Report, Persistence Flow Determination, Seasonally Varying Flow prescription, or other flow analysis) that would benefit fishery resources at the Point of Diversion or downstream.

In addition to existing instream water rights and pending instream water right applications, ODFW recommends the following biologically necessary flows be available in Little Butte Creek at the mouth to protect public uses:

JAN	<u>type here cfs</u>	APR	<u>type here cfs</u>	JUL	<u>type here cfs</u>	OCT	<u>type here cfs</u>
FEB	<u>type here cfs</u>	MAY	<u>type here cfs</u>	AUG	<u>67 cfs</u>	NOV	<u>170 cfs</u>
MAR	<u>type here cfs</u>	JUN	<u>type here cfs</u>	SEP	<u>type here cfs</u>	DEC	<u>type here cfs</u>

Based on parameters assessed by ODFW, instream flows are currently below those essential to support the biological needs of an existing fishery resource during January 1-March 31 and May 1-December 31. In addition, ODFW (through consultation with ODEQ) determined that the proposed use would impair water quality that supports existing fishery resources (e.g. habitat) at or downstream of the Point of Diversion during April 1-October 31. Little Butte Creek does not meet Oregon's stream temperature and dissolved oxygen standards, both of which are important for fishery resources. Little Butte Creek is subject to the Rogue River Basin Temperature TMDL (DEQ, 2008). The temperature TMDL identifies the period of exceedance of the water quality standard and applicability of allocations as April 1- October 31.

Because of these reasons, the proposed use will diminish water quality, physical habitat, and/or alter the flow regime to which fish are naturally adapted, negatively affecting their distribution, productivity, and abundance. Therefore, a further reduction in flow or alteration of habitat from the proposed use would result in a significant detrimental impact to an existing fishery resource without appropriate conditions and/or mitigation.

Impairment to Fishery Resource		Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Water Quantity													
Water Quality													

If YES, can conditions be applied to mitigate the significant detrimental impact to an existing fishery resource?

☐ NO (explain) ☒ YES

Without appropriate mitigation and/or conditions, a further reduction in flow or alteration of habitat from the proposed water use will result in a significant detrimental impact to an existing fishery resource. Mitigation is often complicated, time consuming, and expensive, and may include, but is not limited to, actions such as replacing the proposed amount of water through purchasing or transferring an existing water right. If the applicant chooses to pursue mitigation after application submittal to WRD, ODFW will provide appropriate conditions and a Mitigation Obligation consistent with the goals and standards of OAR 635-415-0025 (ODFW Habitat Mitigation Recommendations) to compensate for any potential impact from the proposed use. Upon request, the WRD caseworker can schedule a consultation with ODFW for more information. Any pump used in Bitterlick Creek to fill the proposed reservoir must be equipped with an ODFW approved fish screen. Please contact Rich Kilbane (541-826-8774) in the Central Point ODFW Screen Shop for additional information.

ODFW Signature: _____

ODFW Title: SW Hydro Coordinator

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Print Name: Jason Brandt

Date: 6/11/21

MENU OF CONDITIONS FOR WRD, ODFW, DEQ AND ODA

Revised May 12, 2020, March 25, 2021

Use this menu to identify appropriate conditions to be included in the permit:

- ☐ **Agricultural Water Quality Management Area Rules:** The permittee shall comply with basin-specific Agricultural Water Quality Management Area Rules described in Oregon Administrative Rule Chapter 603-095. The permittee shall protect riparian areas, including through irrigation practices and the management of any livestock, allowing site capable vegetation to establish and grow along streams, while providing the following functions: shade (on perennial and some intermittent streams), bank stability, and infiltration or filtration of overland runoff.
- ☐ **b52** Water may be diverted only when Department of Environmental Quality sediment standards are being met.
- ☐ **b5** The water user shall install and maintain adequate treatment facilities meeting current DEQ requirements to remove sediment before returning the water to the stream.
- ☐ **b51a** The period of use has been limited to through.
- ☐ **b57** Before water use may begin under this permit, a totalizing flow meter must be installed at each diversion point.
- ☐ **b58** Before water use may begin under this permit, a staff gage that measures the entire range and stage between full reservoir level and dead-pool storage must be installed in the reservoir. The staff gage shall be United States Geological Survey style porcelain enamel iron staff gage style A, C, E or I.
- ☐ **blv:** Water must be diverted to a trough or tank through an enclosed water delivery system. The delivery system must be equipped with an automatic shutoff or limiting flow control mechanism or include a means for returning water to the stream source through an enclosed delivery system. The use of water shall not exceed 0.10 cubic feet per second per 1000 head of livestock.
- ☐ **Bypass Flows:** Per 690-410-0070 (2)(c), the following flows shall be bypassed or passed through the reservoir during the filling season:
- 1) When the biologically necessary flows identified below are not available immediately upstream of the impacted area, the permittee shall pass all live flow downstream at a rate equal to the inflow, minus the amount of mitigation water provided upstream, if applicable, and
 - 2) When the biologically necessary flows identified below are available immediately upstream of the impacted area, the permittee shall pass flow downstream at a rate equal to or greater than the biologically necessary flows.
- Once the reservoir has reached the permitted volume, all live flow shall be passed downstream at a rate equal to the inflow.
- The permittee shall quantify and document inflow and outflow and maintain the bypass flows for the life of the permit and subsequent certificate per the approved Bypass Plan. The bypass flow data shall be available upon request by the Oregon Water Resources Department, Oregon Department of Fish and Wildlife, Oregon Department of Environmental Quality, or Oregon Department of Agriculture.
- ☐ **Construction Activities:** For construction activities (clearing, grading, excavation, staging, and stockpiling) that will disturb one or more acres and may discharge to state waters, the permittee is required to obtain from DEQ a 1200-C NPDES Stormwater Construction Permit prior to project construction.
- ☐ **fence:** The stream and its adjacent riparian area shall be fenced to exclude livestock.
- ☐ **fishapprove:** The permittee shall install, maintain, and operate fish screening and by-pass devices consistent with current Oregon Department of Fish and Wildlife (ODFW) standards. Fish screening is to prevent fish from entering the proposed diversion while by-pass devices provide adequate upstream and downstream passage for fish. The required screen and by-pass devices are to be in place and functional, and approved in writing by ODFW prior to diversion of any water. The permittee may submit evidence in writing that ODFW has determined screens and/or by-pass devices are not necessary.
- ☐ **fishdiv33:** If the riparian area is disturbed in the process of developing a point of diversion, the permittee shall be responsible for restoration and enhancement of such riparian area in accordance with ODFW's Fish and Wildlife Habitat Mitigation Policy OAR 635-415. For purposes of mitigation, the ODFW Fish and Wildlife Habitat Mitigation Goals and Standards, OAR 635-415, shall be followed.

The use may be restricted if the quality of the source stream or downstream waters decrease to the point that those waters no longer meet existing state or federal water quality standards due to reduced flows.

The permittee shall install, maintain, and operate fish screening and by-pass devices consistent with current Oregon Department of Fish and Wildlife (ODFW) standards. Fish screening is to prevent fish from entering the proposed diversion while by-pass devices provide adequate upstream and downstream passage for fish. The required screen and by-pass devices are to be in place and functional, and approved in writing by ODFW prior to diversion of any water. The permittee may submit evidence in writing that ODFW has determined screens and/or by-pass devices are not necessary.

- ☐ **fishmay:** Notwithstanding that ODFW has made a determination that fish screens and/or by-pass devices are not necessary at the time of permit issuance, the permittee may be required in the future to install, maintain, and operate fish screening and by-pass devices to prevent fish from entering the proposed diversion and to provide adequate upstream and downstream passage for fish.

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- ☐ **fishpass:** As required by ORS 509.585, a person owning or operating an artificial obstruction (AO) may not construct or maintain any AO across any waters of this state that are inhabited, or historically inhabited, by native migratory fish (NMF) without providing passage for NMF. A person owning or operating an AO shall, prior to construction, fundamental change in permit status or abandonment of the AO in any waters of this state, obtain a determination from ODFW as to whether NMF are or historically have been present in the waters. If ODFW determines that NMF are or historically have been present in the waters, the person owning or operating the AO shall either submit a proposal for fish passage to ODFW or apply for a waiver or exemption. Approval of the proposed fish-passage facility, waiver, or exemption must be obtained from the department prior to construction, permit modification or abandonment of the AO. Approved fish-passage plans, waivers, and exemptions shall maintain adequate passage of NMF at all times (ORS 509.601) as per the approved plan, waiver or exemption.
- ☐ **fishself:** The permittee shall install, maintain, and operate fish screening and by-pass devices consistent with current Oregon Department of Fish and Wildlife (ODFW) standards. Fish screening is to prevent fish from entering the proposed diversion while by-pass devices provide adequate upstream and downstream passage for fish. The required screen and by-pass devices are to be in place and functional prior to diversion of any water. Permittee shall obtain written approval from ODFW that the installation of the required screen and by-pass devices meets the state's criteria or the permittee shall submit documentation that ODFW has determined screens and/or by-pass devices are not necessary.
- ☐ **Fish Stocking:** Per ORS 498.222 and OAR 635-007-0600, all persons transporting fish in Oregon need to have a fish transport permit issued by the Oregon Department of Fish and Wildlife (ODFW). The permittee shall not stock fish in the reservoir without a fish transport permit approved by ODFW. As part of the permitting process, the permittee must also screen the inlet and outlet of their pond to insure that fish cannot escape into public waters and/or to keep wild fish from entering the pond.
- ☐ **futile call:** The use of water allowed herein may be made only at times when waters from the (NAME OF SURFACE WATER) would not otherwise flow into a tributary of the type here River or sufficient water is available to satisfy all prior rights, including rights for maintaining instream flows.
- ☐ **In-Water or Riparian Construction:** For in-water or riparian construction, permittee may be required to obtain additional permits from the Oregon Department of State Lands, the U.S. Army Corps of Engineers, and the DEQ Section 401 certification program prior to construction. The applicant must contact these agencies to confirm requirements.
- ☐ **In-Water Work:** Any in-water work related to construction, development, or maintenance of the proposed use shall be conducted during the preferred work period of ____ unless an alternate time period is approved by the Oregon Department of Fish and Wildlife.
- ☐ **Live Flow:** Once the allocated volume has been stored, permittee shall pass all live flow downstream at a rate equal to inflow, using methods that protect instream water quality.
- ☐ **Off-Channel Stored Water Releases:** The permittee shall not release polluted water from this off-channel reservoir into waters of the state except when the release is directed by the State Engineer to prevent dam failure.
- ☐ **On-Channel Reservoir:** The permittee shall design and operate the water storage facility such that all waters within and below the reservoir meet water quality criteria. The permittee shall develop a reservoir operations plan that details how water quality criteria and standards will be met. A Certified Water Rights Examiner shall verify that the reservoir operations are consistent with the plan before a certificate is issued. The reservoir operator shall maintain a copy of the plan and make it available for review upon request.
- ☐ **riparian:** If the riparian area is disturbed in the process of developing a point of diversion, the permittee shall be responsible for restoration and enhancement of such riparian area in accordance with ODFW's Fish and Wildlife Habitat Mitigation Policy OAR 635-415. For purposes of mitigation, the ODFW Fish and Wildlife Habitat Mitigation Goals and Standards, OAR 635-415, shall be followed.
- ☐ **Water Quality:** All water use under this permit shall comply with state and federal water quality laws. The permittee shall not violate any state and federal water quality standards, shall not cause pollution of any waters of the state, and shall not place or cause to be placed any wastes in a location where such wastes are likely to escape or be carried into the waters of the state by any means. The use may be restricted if the quality of source stream or downstream waters decrease to the point that those waters no longer meet existing state or federal water quality standards.
- ☐ **wetland:** The permittee must submit an offsite determination request to the Oregon Department of State Lands (DSL) to determine the need for a wetland delineation prior to disturbance or development of the point of diversion and/or diversion of water.
- ☐ **wq:** The use may be restricted if the quality of the source stream or downstream waters decrease to the point that those waters no longer meet existing state or federal water quality standards due to reduced flows.

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Watermaster Alternate Reservoir Application Review Sheet

In lieu of the water right application process set forth in ORS 537.140 to 537.211, an owner of a reservoir may submit an alternate reservoir application for a reservoir that has a storage capacity less than 9.2 acre-feet or a dam or impoundment structure less than 10 feet in height. ORS 537.409 describes the criteria used to evaluate alternate reservoir applications.

The review shall be limited to issues pertaining to: a) water availability, b) potential detrimental impact to existing fishery resources; and c) potential injury to existing water rights. (ORS 537.409 (6))

Within 60 days after the Water Resources Department provides public notice, any person may submit detailed, legally obtained information in writing, requesting the Department to deny the application for a permit on the basis that the reservoir: (a) Would result in injury to an existing water right; or (b) Would pose a significant detrimental impact to existing fishery resources. (ORS 537.409 (5))

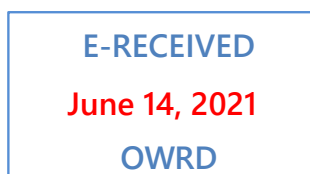
Applicant's Name		
1. Does the proposed reservoir have the potential to injure existing water rights? ☐ YES ☐ NO Explain:		
2. Can conditions be applied to mitigate the potential injury to existing water rights? ☐ YES ☐ NO Explain:		
3. Is water available for the proposed reservoir? ☐ YES ☐ NO		
4. If yes, during what period? Beginning: End: Attach a WARS printout at 50% exceedance. If WARS does not cover the proposed location, make a recommendation for a storage season based upon regulation history and your knowledge of the location. (Water Availability for Reservoir Policy found under OAR 690-410-0070(2)(c))		
5. Did you meet with staff from another agency to discuss this application? ☐ YES ☐ NO		
Who:	Agency:	Date:
Who:	Agency:	Date:

Watermaster Name: _____

Watermaster Signature: Shirley Date: _____

NOTE: This completed form must be returned to the applicant

It is my understanding that due to application IS 88945 all available water has been removed. It does not appear that this has been updated.



EA

CH0771

NO PART OF ANY STEVENS-NESS FORM MAY BE REPRODUCED IN ANY FOR

R-BSO

Crt=1 Stn=1 AVGERICN 11/18/2004 02:30:00 PM

\$15.00 \$5.00 \$11.00

Total: \$31.00

Denny Owen Chamberlain
4079 Brownsboro Hwy
Eagle Point, OR 97524

Grantor's Name and Address

Paula Jean Joham
344 Elk Creek Road
Trail, OR 97541

Grantee's Name and Address

After recording, return to (Name, Address, Zip):

Paul Jean Joham
344 Elk Creek Road
Trail, OR 97541

Until requested otherwise, send all tax statements to (Name, Address, Zip):

Paula Jean Joham
344 Elk Creek Road
Trail, OR 97541

SPACE RESERVED
FOR
RECORDER'S USE

STATE
Cou

I

received

at

book/re

and/or

No.

, Records of said County.

Witness my hand and seal of County affixed.

NAME

TITLE

By _____, Deputy.

BARGAIN AND SALE DEED

KNOW ALL BY THESE PRESENTS that Denny Owen Chamberlain

hereinafter called grantor, for the consideration hereinafter stated, does hereby grant, bargain, sell and convey unto
Paula Jean Joham

hereinafter called grantee, and unto grantee's heirs, successors and assigns, all of that certain real property, with the tenements, hereditaments and appurtenances thereunto belonging or in any way appertaining, situated in Jackson County, State of Oregon, described as follows, to-wit:

See attached Exhibit "A" hereto "West Tract"

AmeriTitle WAS REQUESTED TO
RECORD THIS INSTRUMENT AS
AN ACCOMMODATION. IT HAS NOT
BEEN EXAMINED FOR SUFFICIENCY
OR ITS EFFECT UPON THE TITLE.

(IF SPACE INSUFFICIENT, CONTINUE DESCRIPTION ON REVERSE)

To Have and to Hold the same unto grantee and grantee's heirs, successors and assigns forever.

The true and actual consideration paid for this transfer, stated in terms of dollars, is \$ 0.00 ① However, the actual consideration consists of or includes other property or value given or promised which is ☐ part of the ☒ the whole (indicate which) consideration. ② (The sentence between the symbols ①, if not applicable, should be deleted. See ORS 93.030.)

In construing this deed, where the context so requires, the singular includes the plural, and all grammatical changes shall be made so that this deed shall apply equally to corporations and to individuals.

IN WITNESS WHEREOF, the grantor has executed this instrument on _____; if grantor is a corporation, it has caused its name to be signed and its seal, if any, affixed by an officer or other person duly authorized to do so by order of its board of directors.

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 AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930.

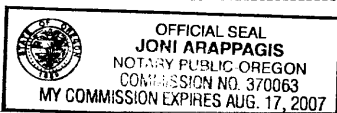
Denny O. Chamberlain

STATE OF OREGON, County of Jackson

) ss.

This instrument was acknowledged before me on November 17, 2004
by Denny Chamberlain

This instrument was acknowledged before me on _____
by _____
as _____
of _____



Notary Public for Oregon

My commission expires

Joni Arappagis
August 17, 2007

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June 14, 2021

OWRD

01 49952

GARY D. KAISER
R.P.L.S. ORE. 003
C.W.R.E. ORE. 73

KAISER SURVEYING
19440 HIGHWAY 62
EAGLE POINT, OREGON 97524

PHONE
SHADY COVE (541) 870-3995
FAX (541) 870-3995

DESCRIPTION OF WEST TRACT

FOR: DONALD DEIBERSTEDT

Beginning at the corner common to Sections 31 and 32, Township 35 South, Range 1 East of the Willamette Meridian in Jackson County, Oregon (a 1" galvanized iron pipe with brass cap witness corner bears North 8° 03' West, 97.67 feet); thence along the South boundary of said Section 32, South 89° 55' 25" East, 244.37 feet; thence North 10° 10' 24" East, 31.71 feet to a 5/8" rebar with plastic cap set for a witness corner; thence continue North 10° 10' 24" East, 246.13 feet to a 5/8" rebar with plastic cap set; thence North 3° 26' 37" East, 985.15 feet to a 5/8" rebar with plastic cap set; thence North 25° 07' 55" West, 389.74 feet to a 5/8" rebar with plastic cap set; thence North 37° 30' 53" West, 302.50 feet to intersect the Northwesterly boundary of tract described in Instrument No. 08-20903 of the Official Records of said County; thence along said tract boundary as follows: South 58° 43' 22" ^{WEST}~~East~~, 104.03 feet to a 5/8" iron pin; thence South 67° 20' 05" West, 463.22 feet to a 5/8" iron pin; thence South 56° 44' 41" West, 404.40 feet to a 5/8" iron pin; thence South 51° 56' 41" West, 126.30 feet to a 5/8" iron pin; thence South 51° 10' 20" West, 20.00 feet to a 5/8" iron pin; thence South 6° 45' 56" West, 212.57 feet to a 5/8" iron pin; thence South 10° 39' 26" West, 320.02 feet to a 5/8" iron pin found set on the Northerly right-of-way line of the Brownsboro-Eagle Point Highway; thence run Easterly along said Highway line to intersect the Westerly boundary of said Section 32; thence run Southerly along said Section line to the point of beginning.

SUBJECT to the rights of the public in and to that portion of the hereinbefore described tract lying within the Brownsboro-Eagle Point Highway right-of-way lines.

November 26, 1996

REGISTERED
PROFESSIONAL
LAND SURVEYOR

EXHIBIT B PAGE 1

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IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF JACKSON
100 S. Oakdale Ave
Medford Oregon 97501

In the Matter of the Estate of:

Case No: 18PB00335

PAULA JEAN JOHAM

Deceased

LETTERS OF ADMINISTRATION

The court certifies that:

No will of PAULA JEAN JOHAM, deceased, has been proved.

BRUCE JOHAM has been appointed Administrator of the estate of the decedent.

01/22/2018

Date



Signed: 1/22/2018 10:57 AM

Carrie A. Nelson

Court Clerk (Signature)

Carrie Nelson

Print Name

I certify that the Letters of Administration in this case are still in full force and effect and have not been revoked or set aside. I certify that this is a true, complete, and accurate copy of the original Letters of Administration filed in this case.

1/22/2018
Date



Carrie A. Nelson
Court Clerk (signature)

Carrie A Nelson
Print Name

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3
4 **IN THE CIRCUIT COURT OF THE STATE OF OREGON FOR JACKSON COUNTY**

5 In the Matter of the Estate of:

Case No.

6 PAULA JEAN JOHAM,

**LIMITED JUDGMENT FOR
ADMINISTRATION OF INTESTATE
ESTATE AND APPOINTMENT OF
ADMINISTRATOR**

7 Deceased.

8
9 On Petition of Petitioner, Bruce Joham, for administration of the above-named
10 Decedent's estate, the Court finds the allegations of the Petition to be true. There is no
11 just reason for delay in entering judgment.

12 **IT IS THEREFORE ORDERED AND ADJUDGED:**

13 **1.**

14 The estate is admitted to administration.

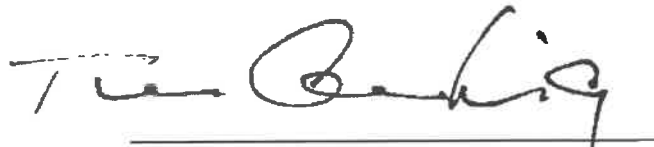
15 **2.**

16 Bruce Joham is appointed as Administrator of the Estate with full powers.

17 **3.**

18 The requirement of a bond is waived, and Letters of Administration shall be issued
19 forthwith to the Administrator, Bruce Joham, in the manner provided by law.

Signed: 1/19/2018 08:06 AM

20
21 

22 **Circuit Court Judge Timothy C. Gerking**

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Kellington, Richmond, Hanson & Tharp
800 West 8th Street/Medford, OR 97501
ph. 541.779-5175/ Fax: 541.734-7465

1 **SUBMITTED BY:**

2 Bruce Joham, Petitioner
3 4025 Brownsboro Hwy.
4 Eagle Point, OR 97524
5 (541) 531-6947

6 Kenneth M. Tharp, OSB #001530
7 eMail: *ken@southernoregonlaw.com*
8 Of Attorneys for Petitioner
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800 West 8th Street/Medford, OR 97501
ph. 541.779-5175/ Fax: 541.734-7465

CERTIFICATE OF READINESS

I hereby certify pursuant to UTCR 5.100 that this proposed Order or Judgment is ready for judicial signature because:

_____ Each opposing party affected by this order or judgment has stipulated to the order or judgment, as shown by each opposing party's signature on the document being submitted.

_____ Each opposing party affected by this order or judgment has approved the order or judgment, as shown by signature on the document being submitted or by written confirmation of approval sent to me.

_____ I have served a copy of this order or judgment on all parties entitled to service and:

_____ No objection has been served on me;

_____ I received objections that I could not resolve with the opposing party despite reasonable efforts to do so. I have filed a copy of the objections I received and indicated which objections remain unresolved; or

_____ After conferring about objections, [role and name of opposing party] agreed to independently file any remaining objection;

_____ The relief sought is against an opposing party who has been found in Default;

_____ An order of default is being requested with this proposed judgment;

XXXX Service is not required pursuant to UTCR 5.100(3), or by statute, rule, or otherwise; or

_____ This is a proposed judgment that includes an award of punitive damages and notice has been served on the Director of the Crime Victims' Assistance Section as required by UTCR 5.100(4).

DATED this 15^h day of January 2018.

/s/ Kenneth M. Tharp

Kenneth M. Tharp, OSB#001530

Of Attorneys for Petitioner

eMail: ken@southernoregonlaw.com

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June 14, 2021

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Water Availability Analysis

LITTLE BUTTE CR > ROGUE R - AT MOUTH
ROGUE BASIN

Water Availability as of 3/24/2021

Watershed ID #: 263 ([Map](#))

Exceedance Level: 50%

Date: 3/24/2021

Time: 2:33 PM

Water Availability

Limiting Watersheds

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Complete Water Availability Analysis

Water Availability

Select any Watershed for Details

	Nesting Order	Watershed ID #	Stream Name	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Sto
Select	1	266	ROGUE R> PACIFIC OCEAN- AT MOUTH	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	No	Yes	Yes	Yes	Yes
Select	2	31531008	ROGUE R> PACIFIC OCEAN- AB SHASTA COSTA CR	Yes	Yes	Yes	Yes	Yes	Yes	No	No	No	No	No	Yes	Yes
Select	3	31531001	ROGUE R> PACIFIC OCEAN- AB MEADOW CR	Yes	Yes	Yes	Yes	Yes	No	No	No	No	No	No	Yes	Yes
Select	4	31531002	ROGUE R> PACIFIC OCEAN- AB GRAVE CR	Yes	Yes	Yes	Yes	Yes	No	No	No	No	No	No	Yes	Yes
Select	5	31530801	ROGUE R> PACIFIC OCEAN- AB APPLGATE R	Yes	Yes	Yes	Yes	Yes	No	No	No	No	No	No	Yes	Yes
Select	6	268	ROGUE R> PACIFIC OCEAN- AB FALL CR	Yes	Yes	Yes	Yes	Yes	No	No	No	No	No	No	Yes	Yes
Select	7	270	ROGUE R> PACIFIC OCEAN- AB CURRY G AT GAGE 14359000	Yes	Yes	Yes	Yes	Yes	No	No	No	No	No	No	Yes	Yes
Select	8	263	LITTLE BUTTE CR> ROGUE R- AT MOUTH	Yes	Yes	Yes	Yes	Yes	No	No	No	No	No	No	Yes	Yes

For impoundments less than 10 feet in height or storing less than 9.2 acre feet of water.

Today's Date: Wednesday, March 24, 2021

Base Application Fee.		\$410.00
Proposed Dam Height in feet.	10	
Proposed Reservoir volume in Acre Feet.	9	\$315.00
Subtotal:		\$725.00
Permit Recording Fee. ***		\$520.00
*** 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.		Recalculate
Estimated cost of Permit Application		\$1,245.00