

Application for Water Right Transfer

Part 1 of 4 – Minimum Requirements Checklist



Oregon Water Resources Department
 725 Summer Street NE, Suite A
 Salem, Oregon 97301-1266
 (503) 986-0900
 www.wrd.state.or.us

This transfer application will be returned if Parts 1 through 4 and all required attachments are not completed and included.
 For questions, please call (503) 986-0900, and ask for Transfer Section.

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FOR ALL TRANSFER APPLICATIONS

Check all items included with this application. (N/A = Not Applicable)

- Part 1 – Completed Minimum Requirements Checklist.
- Part 2 – Completed Transfer Application Map Checklist.
- Part 3 – Completed Transfer Application – Applicant Information and Signature.
- Part 4 – Completed Transfer Application – Water Right Information. Please include a separate Part 4 for each water right. List all water right certificates to be transferred here: 79889.

Attachments:

- Completed Transfer Application Map.
- Completed Evidence of Use Affidavit and supporting documentation.
- Fees – Amount enclosed: \$ 658.00.
See the Department's Fee Schedule at www.wrd.state.or.us or call (503) 986-0883.
- N/A Affidavit(s) of Consent.
- N/A Supplemental Form D – For water rights served by or issued in the name of an irrigation district. Complete when the transfer applicant is not the irrigation district.
- N/A Land Use Information Form with approval and signature (or signed land use form receipt stub). Not required if water is to be diverted, conveyed, and/or used only on federal lands or if **all** of the following apply: a) a change in place of use only, b) no structural changes, c) the use of water is for irrigation only, and d) the use is located within an irrigation district or an exclusive farm use zone.
- N/A For changes in point(s) of appropriation (well(s)) or additional point(s) of appropriation, Water Well Report/Well Log.
- N/A For Temporary Transfer (one to five years) Begin Year 2011 End Year 2016.
- N/A For Temporary Transfer only – Current recorded deed for the land **from** which the authorized place of use is being moved.
- N/A Temporary Drought Transfer (For use in counties where the Governor has declared drought)

(For Staff Use Only)

WE ARE RETURNING YOUR APPLICATION FOR THE FOLLOWING REASON(S):

<input type="checkbox"/> Application fee not enclosed/insufficient	<input type="checkbox"/> Map not included or incomplete
<input type="checkbox"/> Land Use Form not enclosed or incomplete	<input type="checkbox"/> Part _____ is incomplete
<input type="checkbox"/> Additional signature(s) required	

Other/Explanation _____

Staff: _____ 503-986-0 _____ Date: ____/____/____

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Part 2 of 4 – Transfer Application Map Checklist

Your transfer application will be returned if any of the map requirements listed below are not met.

Please be sure that the transfer application map you submit includes all the required items and matches the existing water right map. Check all boxes that apply.

- N/A Certified Water Right Examiner (CWRE) Stamp and Original Signature. For a list of CWREs, see http://www1.wrd.state.or.us/pdfs/cwre_listing.pdf. CWRE stamp and signature are not required for temporary changes and substitutions.
- N/A If **more than three** water rights are involved, separate maps are needed for each water right.
- Permanent quality printed with dark ink on white or clear paper or film.
- The size of the map can be 8½ x 11 inches, 8½ x 14 inches, or up to 30 x 30 inches. 30 x 30 inch maps, three (3) paper copies and an electronic copy in a .pdf, .tiff or .jpg format are required.
- A north arrow, a legend, and scale.
- The scale of the map must be: 1 inch = 400 feet, 1 inch = 1,320 feet, the scale of the Final Proof/Claim of Beneficial Use Map (the map used when the permit was certificated), the scale of the county assessor map if the scale is not smaller than 1 inch = 1,320 feet, or a scale that has been pre-approved by the Department.
- Township, Range, Section, ¼ ¼, DLC, Government Lot, and other recognized public land survey lines.
- Tax lot boundaries (property lines) are required. Tax lot numbers are recommended.
- Major physical features including rivers and creeks showing direction of flow, lakes and reservoirs, roads, and railroads.
- Major water delivery system features from the point(s) of diversion/appropriation such as main pipelines, canals, and ditches.
- Existing place of use that includes separate hachuring for each water right, priority date, and use including number of acres in each quarter-quarter section, government lot, or in each quarter-quarter section as projected within government lots, donation land claims, or other recognized public land survey subdivisions. If less than the entirety of the water right is being changed, a separate hachuring is needed for lands left unchanged.
- N/A Proposed place of use that includes separate hachuring for each water right, priority date, and use including number of acres in each quarter-quarter section, government lot, or in each quarter-quarter section as projected within government lots, donation land claims, or other recognized public land survey subdivisions.
- Existing point(s) of diversion or well(s) with distance and bearing or coordinates from a recognized survey corner. This information can be found in your water right certificate or permit.
- N/A If you are proposing a change in point(s) of diversion or well(s), show the proposed location and label it clearly with distance and bearing or coordinates. If GPS coordinates are used, latitude-longitude coordinates may be expressed as either degrees-minutes-seconds with at least one digit after the decimal (example – 42°32'15.5") or degrees-decimal with five or more digits after the decimal (example – 42.53764°).

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Part 3 of 4 – Applicant Information and Signature

Applicant Information

APPLICANT/BUSINESS NAME Pioneer Hi-Bred International, Inc.		PHONE NO. 541-567-1860	ADDITIONAL CONTACT NO.
ADDRESS 2212 SE 9th Street			FAX NO. 541-567-6583
CITY Hermiston	STATE Oregon	ZIP 97838	E-MAIL terry.dejongh@pioneer.com

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

AGENT/BUSINESS NAME Schroeder Law Offices, P.C. c/o Therese A. Ure		PHONE NO. 503-281-4100	ADDITIONAL CONTACT NO.
ADDRESS 1915 NE Cesar E. Chavez Boulevard			FAX NO. 503-281-4600
CITY Portland	STATE Oregon	ZIP 97212	E-MAIL counsel@water-law.com

If an agent is listed above, please check one of the following:

- Please send all correspondence to Agent. Send copies of correspondence to Applicant; **OR**
- Please send all correspondence to Applicant. Send copies of correspondence to Agent.
- Check this box if this project is fully or partially funded by the American Recovery and Reinvestment Act. (Federal stimulus dollars)

Is the applicant the sole owner of the land on which the water right, or portion thereof, proposed for transfer is located? Yes No

If NO, include signatures of all landowners (and mailing address if different than the applicant's) or attach affidavits of consent (and mailing addresses) from all landowners or individuals/entities to which the water right(s) has been conveyed.

Permanent Transfers Only (check one box)

- By signing this application, I understand that, upon receipt of the draft preliminary determination and prior to Department approval of the transfer, I will be required to provide landownership information and evidence that I am authorized to pursue the transfer as identified in OAR 690-380-4010(5); **OR**
- I affirm the applicant is a municipality as defined in ORS 540.510(3)(b) and that the right is in the name of the municipality or a predecessor; **OR**
- I affirm that the applicant is an entity with the authority to condemn property and is acquiring by condemnation the property to which the water right proposed for transfer is appurtenant and have supporting documentation.

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

Terry J. De Jongh
Applicant signature

TERRY J. DE JONGH Asst
Name (and title if applicable) (print) Mq Date 5/31/11

Applicant signature

Name (and title if applicable) (print)

Date

In your own words tell us what change(s) you want made and the reason for the change(s):

A temporary change is being requested under this Transfer Application.

This temporary transfer allows for a temporary change in the place of use and point of appropriation for land and water rights owned by Pioneer Hi-Bred International, Inc. and Hermiston Partners 1,

LLC. The permanent transfers for these lands were sent to OWRD on 5/26/2011. This temporary transfer is being requested for 5 years, or until such time the permanent transfers are approved.

PIONEER HI-BRED INTERNATIONAL, INC.:

Modify that portion of Certificate 79889 in the NW1/4 NE1/4 and the SW1/4 NE1/4 of Section 23 to add a new point of appropriation and move a portion of the place of use.

Pioneer Hi-Bred purchased tax lot 202 for 38.91 acres along with 20.0 acres of appurtenant water rights from Ivan Cook. Pioneer Hi-Bred also purchased 0.5 acres of appurtenant water rights from Hermiston Partners 1 (at 3.0 acre-feet per acre, the duty purchased from Hermiston Partners 1 is equivalent to 1.5 acre-feet annually).

Thus, the application proposes to change the POU under the 38.91 acres of land in the NW 1/4 NE1/4 so that 20.5 acres of water rights (61.5 acre-feet annually) remain appurtenant to tax lot 202, and any remaining water is moved to another location. See permanent transfer application for Ivan Cook transferring a portion of Certificate 79889 sent to OWRD on 5/26/2011. All irrigation by this applicant within these 38.91 acres of land shall be irrigated by solid-set (lawns/landscaping), set-move (field), and/or drip (trees) systems.

HERMISTON PARTNERS 1, LLC:

Modify that portion of Certificate 79889 in the SW1/4 NE1/4 of Section 23 to add a new point of appropriation and move a portion of the place of use.

Hermiston Partners purchased tax lots 204 and 205 for 12.47 acres along with 9.0 acres of appurtenant water rights from Ivan Cook. Hermiston Partners then sold 0.5 acres of appurtenant water rights to Pioneer Hi-Bred (at 3.0 acre-feet per acre, the duty sold to Pioneer Hi-Bred is equivalent to 1.5 acre feet annually).

Thus, Hermiston Partners proposes to change the POU under the 12.47 acres of land in this quarter-quarter section so that 8.5 acres of water rights (25.5 acre feet annually) remain appurtenant to tax lots 204 and 205, and any remaining water is moved to another location. See the permanent transfer application for Ivan Cook sent to OWRD on 5/26/2011. All irrigation by this applicant within these 12.47 acres of land shall be irrigated by solid-set (lawns/landscaping), set-move (field), and/or drip (trees) systems.

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Check the following boxes that apply:

- The applicant is responsible for completion of change(s). Notices and correspondence should continue to be sent to the applicant.
- The receiving landowner will be responsible for completing the proposed change(s) after the final order is issued. Copies of notices and correspondence should be sent to this landowner.
- The receiving landowner and applicant will be responsible for completion of change(s). Copies of notices and correspondence should be sent to this landowner and the applicant.

At this time, are the lands in this transfer application in the process of being sold? Yes No

If YES, and you know who the new landowner will be, please complete the receiving landowner information table below. If you do not know who the new landowner will be, then a request for assignment will have to be filed for at a later date.

If a property sells, the certificated water right(s) located on the land belong to the new owner, unless a sale agreement or other document states otherwise. (To learn about sale agreements please visit our web site at: <http://www1.wrd.state.or.us/pdfs/Transfer-PropertyTransactions.pdf>)

RECEIVING LANDOWNER NAME N/A			PHONE NO.	ADDITIONAL CONTACT NO.
ADDRESS				FAX NO.
CITY	STATE	ZIP	E-MAIL	

Describe any special ownership circumstances here: _____

- Check here if any of the water rights proposed for transfer are or will be located within or served by an irrigation or other water district. (Tip: Complete and attach Supplemental Form D.)

IRRIGATION DISTRICT NAME	ADDRESS	
CITY	STATE	ZIP

- Check here if water for any of the rights supplied under a water service agreement or other contract for stored water with a federal agency or other entity.

ENTITY NAME	ADDRESS	
CITY	STATE	ZIP



To meet State Land Use Consistency Requirements, you must list all local governments (each county, city, municipal corporation, or tribal government) within whose jurisdiction water will be diverted, conveyed or used.

ENTITY NAME City of Hermiston	ADDRESS 180 NE 2nd Street	
CITY Hermiston	STATE Oregon	ZIP 97838

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ENTITY NAME Umatilla County	ADDRESS 216 SE 4th Street	
CITY Pendleton	STATE Oregon	ZIP 97801

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Part 4 of 4 – Water Right Information

Please use a separate Part 4 for each water right being changed. See instructions at <http://www.wrd.state.or.us/OWRD/PUBS/forms.shtml>.

CERTIFICATE # 79889

Description of Water Delivery System

System capacity: 1.57 cubic feet per second (cfs) **OR**
705 gallons per minute (gpm)

Describe the current water delivery system or the system that was in place at some time within the last five years. Include information on the pumps, canals, pipelines and sprinklers used to divert, convey and apply the water at the authorized place of use. **The current POA (Well #3) is located within forty feet of the center of the pivot that covered the area in question. The well is connected to the pivot by an above ground steel pipe.**

Table 1. Location of Authorized and Proposed Point(s) of Diversion (POD) or Appropriation (POA)
 (Note: If the POD/POA name is not specified on the certificate, assign it a name or number here.)

POD/POA Name or Number	Is this POD/POA Authorized on the Certificate or is it Proposed?	If POA, OWRD Well Log ID# (or Well ID Tag # L-)	Twp	Rng	Sec	¼ ¼	Tax Lot, DLC or Gov Lot	Measured Distances (from a recognized survey corner):
Well #3	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed	UMAT 2507	4 N	28 E	23	SW NE	200	1350 ft South and 1330 ft West from the NE Corner of Section 23
New Well	<input type="checkbox"/> Authorized <input checked="" type="checkbox"/> Proposed		4 N	28 E	23	NW NE	202	1280 feet South and 2520 feet West from the NE corner of Section 23
	<input type="checkbox"/> Authorized <input type="checkbox"/> Proposed							
	<input type="checkbox"/> Authorized <input type="checkbox"/> Proposed							

Check all type(s) of change(s) proposed below (change "CODES" are provided in parentheses):

- | | |
|--|---|
| <input checked="" type="checkbox"/> Place of Use (POU) | <input type="checkbox"/> Supplemental Use to Primary Use (S to P) |
| <input type="checkbox"/> Character of Use (USE) | <input checked="" type="checkbox"/> Point of Appropriation/Well (POA) |
| <input type="checkbox"/> Point of Diversion (POD) | <input type="checkbox"/> Additional Point of Appropriation (APOA) |
| <input type="checkbox"/> Additional Point of Diversion (APOD) | <input type="checkbox"/> Substitution (SUB) |
| <input type="checkbox"/> Surface Water POD to Ground Water POA (SW/GW) | <input type="checkbox"/> Government Action POD (GOV) |

Will all of the proposed changes affect the entire water right?

- Yes Complete only the Proposed ("to" lands) section of Table 2 on the next page. Use the "CODES" listed above to describe the proposed changes.
- No Complete all of Table 2 to describe the portion of the water right to be changed.

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Please use additional pages of Table 2 as needed

Table 2. Description of Changes to Water Right Certificate # 79889

List only the part of the right that will be changed. For the acreage in each 1/4 1/4, list the change proposed. If more than one change, specify the acreage associated with each change. If more than one POD/POA, specify the acreage associated with each POD/POA.

Authorized ("from" lands) as they appear BEFORE THE CHANGES										Proposed ("to" lands) AFTER THE CHANGES									
Twp	Rng	Sec	1/4 1/4	Tax Lot	Gvt Lot or DLC	Acres (if applicable)	Type of USE listed on Certificate	POD(s) or POA(s) (name or number from Table 1)	Proposed Changes (see "CODES" from previous page)	Twp	Rng	Sec	1/4 1/4	Tax Lot	Gvt Lot or DLC	Acres (if applicable)	New Type of USE	POD(s) to be used (from Table 1)	
2 S	9 E	15 NE	NW	100		15.0	Irrigation	POD #1 POD #2	POU/POD	2 S	9 E	1 NW	NW	500	1	10.0		POD #5	
						EXAMPLE				2 S	9 E	2 SW	NW	500		5.0		POD #6	
4 N	28 E	23 NW	NE	202		31.4*	Irrigation	Well #3	(PIONEER)	4 N	28 E	23 NW	NE	202		14.9	Irrigation	New Well	
4 N	28 E	23 NW	NE	202		5.1	Irrigation	Well #3	POA/POU (PIONEER)	4 N	28 E	23 NW	NE	202		5.1	Irrigation	New Well	
4 N	28 E	23 SW	NE	205		0.5*	Irrigation	Well #3	POA/POU (PIONEER)	4 N	28 E	23 NW	NE	202		0.5	Irrigation	New Well	
4 N	28 E	23 SW	NE	204/ 204/ 205		31.4*	Irrigation	Well #3	POA/POU (HERM.)	4 N	28 E	23 SW	NE	204		0.2	Irrigation	New Well	
4 N	28 E	23 SW	NE	204/ 205		8.5	Irrigation	Well #3	POA (HERM.)	4 N	28 E	23 SW	NE	204		5.8	Irrigation	New Well	
									POA (HERM.)	4 N	28 E	23 SW	NE	205		2.5	Irrigation	New Well	
TOTAL ACRES										TOTAL ACRES									
20.5(P) 8.5 (H)										20.5(P) 8.5 (H)									

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Additional remarks: See the following page for additional information.

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PIONEER HI-BRED INTERNATIONAL, INC.:

* The existing Certificate includes a total of 31.4 acres in both the NW1/4 NE 1/4 and the SW1/4 NE1/4.

Pioneer Hi-Bred purchased 38.91 acres, tax lot 202, and otherwise described as Parcel 1 on the Partition Plat No. 2008-25 (Instrument No. 2008-5430520 in the Umatilla County Records), along with 20.0 acres of this water right (duty of 60 acre-feet annually). Subsequently, Pioneer Hi-Bred purchased 0.5 acres of water rights (duty of 1.5 acre-feet annually) from Hermiston Partners 1. Of this 20.5 acres of water rights, the POU for 14.9 acres will not change, while the other 5.6 acres' (as identified above) POU will be moved.

The Point of Appropriation (POA) will be changed to a new well as noted in Table 1 above.

Changes are within the NW1/4 NE1/4 and SW1/4 NE1/4 of T4N, R28E, Section 23. All 20.5 acres will be irrigated from the new well. Any changes to the remaining 11.4 acres in the NW1/4 NE1/4 and to the remaining 30.9 acres in the SW1/4 NE1/4 are considered under a separate transfer of Certificate 79889 in the name of Ivan Cook, sent to OWRD on 5/26/2011.

HERMISTON PARTNERS 1, LLC:

* The existing Certificate includes a total of 31.4 acres in this quarter-quarter section.

Hermiston Partners 1 purchased 12.47 acres, tax lots 204 and 205, and otherwise described at Parcels 1 and 2 on the Partition Plat No. 2010-05 (Instrument No. 2010-5640139 in the Umatilla County Records), along with 9.0 acres of water rights (duty of 27.0 acre feet annually). Subsequently, Hermiston Partners 1 then sold 0.5 acres of water rights (duty of 1.5 acre feet annually) to Pioneer Hi-Bred. Of this 8.5 acres of water rights, the POU for 8.3 acres will not change, while the other 0.2 acres' (as identified above) POU will be moved. All changes are within the SW1/4NE1/4 of T4N, R28E, Section 23. All 8.5 acres will be irrigated from the new well. Any changes to the remaining 22.9 acres are considered under a separate transfer of Certificate 79889 in the name of Ivan Cook, sent to OWRD on 5/26/2011.

The POA will be changed to a new well as noted in Table 1 above.

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For Place of Use or Character of Use Changes

Are there other water right certificates, water use permits or ground water registrations associated with the "from" or the "to" lands? Yes No

If YES, list the certificate, water use permit, or ground water registration numbers: _____.



Pursuant to ORS 540.510, any "layered" water use such as an irrigation right that is supplemental to a primary right proposed for transfer must be included in the transfer or be cancelled. Any change to a ground water registration must be filed separately in a ground water registration modification application.

For Substitution (ground water supplemental irrigation will be substituted for surface water primary irrigation)

Ground water supplemental Permit or Certificate # _____;
Surface water primary Certificate # _____.

For a change from Supplemental Irrigation Use to Primary Irrigation Use

Identify the primary certificate to be cancelled. Certificate # _____

For a change in point(s) of appropriation (well(s)) or additional point(s) of appropriation:

Well log(s) are attached for each authorized and proposed well(s) that are clearly labeled and associated with the corresponding well(s) in Table 1 above and on the accompanying application map. (Tip: You may search for well logs on the Department's web page at: http://apps2.wrd.state.or.us/apps/gw/well_log/Default.aspx)

OR

Describe the construction of the authorized and proposed well(s) in Table 3 for any wells that do not have a well log.

Table 3. Construction of Point(s) of Appropriation

Any well(s) in this listing must be clearly tied to corresponding well(s) described in Table 1 and shown on the accompanying application map. Failure to provide adequate information is likely to delay the processing of your transfer application. For proposed wells, we recommend that you consult a licensed well driller, geologist, or certified water right examiner for the proper information needed to complete the table.

Proposed or Authorized POA Name or Number	Is well already built? (Yes or No)	If an existing well, OWRD Well ID Tag No. L-____	Total well depth	Casing Diameter	Casing Intervals (feet)	Seal depth(s) (intervals)	Perforated or screened intervals (in feet)	Static water level of completed well (in feet)	Source aquifer (sand, gravel, basalt, etc.)	Well-specific rate (cfs or gpm). If less than full rate of water right.
Well #3	Yes	UMAT 2507	1180	14		220		280	Basalt	1.57 cfs
New Well	No		~1200	12		~220			Basalt	

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Attachment for Well #00-79

Material	From	To	SWL
Sand	0	10	
Gravel Conglomerate	10	190	
Black Basalt	190	235	
Black w/yellow Bassalt	235	255	Water
Black hard	255	360	
Black w/Blue	360	385	Water
Black	385	405	
Black w/green & yellow	405	415	Water
Black	415	425	
Black w/green	425	458	Water
Black	458	505	
Black w/blue & red	505	520	Water
Black	520	590	
Black w/blue & Yellow	590	625	Water
Black & Grey	625	664	
Black w/blue	664	685	
Black	685	710	
Black w/blue & yellow	710	728	
Grey	728	775	
Black w/yellow & green	775	790	
Black	790	820	
Black w/ blue	820	843	
Black	843	850	
Hard Grey	850	1010	
Black	1010	1030	
Hard Grey	1030	1077	
Black, yellow	1077	1103	Water
Black	1103	1125	
Hard Grey	1125	1140	
Black	1140	1165	
Hard Grey	1165	1180	

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