

The enclosed application contains only facsimiles of the actual signed documentation. All original signatures will be sent to OWRD as soon as they are received by the applicant.

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WATER RESOURCES DEPT
SALEM, OREGON

Application for Water Right Instream Transfer



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

Part 1 of 5 – Minimum Requirements Checklist

This transfer application will be returned if Parts 1 through 5 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 INSTREAM TRANSFER APPLICATIONS

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

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SALEM, OREGON

- Part 1 – Completed Minimum Requirements Checklist.
- Part 2 – Completed Map Checklist.
- Part 3 – Completed Instream Transfer Application – Applicant Information and Signature.
- Part 4 – Completed Instream Transfer Application – Water Right Information. Please include a separate Part 4 for each water right. List all water right certificates to be transferred here: **3922**.
- Part 5 – Completed Instream Transfer Application - Proposed Instream Use Information.

Attachments:

- Completed Instream Transfer Application Map.
- Completed Evidence of Use Affidavit and supporting documentation.
- Fees – Amount enclosed: \$ **800.00**.
See the Department's Fee Schedule at www.wrd.state.or.us or call (503) 986-0883.
Note: Instream transfers are considered both a change in place of use and character of use. In addition, an automatic 50% fee waiver applies to all instream transfers.
- 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.
- Land Use Notice - Notice of the intent to file an instream transfer application must be provided to each affected local government along the proposed reach. Copies of the notices must be enclosed with the instream transfer application.

(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"/> Land use notice not included or incomplete |
| <input type="checkbox"/> Additional signature(s) required | <input type="checkbox"/> Part _____ is incomplete |

Other/Explanation _____

Staff: _____ 503-986-0 _____

Date: ____/____/____

Part 2 of 5 – 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 list of CWREs see http://www.l.wrd.state.or.us/pdfs/cwre_listing.pdf.
- OR**
- N/A Waiver of requirement that map be prepared by a CWRE. Completed map waiver form is signed by the Department's Regional Manager and included in the application. The map **must** still meet Department mapping requirements described below.
- 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. For 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, quarter-quarter, 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.
- Existing diversion point(s) with distance and bearing or coordinates from a recognized survey corner. This information can generally be found in your water right certificate or permit.

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Part 3 of 5 - Applicant Information and Signature

| Type of Instream Transfer | |
|---|--|
| <input checked="" type="checkbox"/> Permanent Instream Transfer | or <input type="checkbox"/> Time-Limited Instream Transfer |

Applicant Information

| | | | |
|--|-------------|-----------------------------|--------------------------------|
| APPLICANT/BUSINESS NAME Woody Wolfe | | PHONE NO. (541)-263-0602 | ADDITIONAL CONTACT NO. |
| ADDRESS 81544 Hwy 82 | | FAX NO. | |
| CITY Wallowa | STATE OR | ZIP 97885 | E-MAIL woodywolfe@yahoo.com |

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

| | | | |
|---|-------------|-----------------------------|--|
| APPLICANT/BUSINESS NAME The Freshwater Trust | | PHONE NO. (503)-222-0091 | ADDITIONAL CONTACT NO. |
| ADDRESS 65 SW Yamhill Suite 200 | | FAX NO. | |
| CITY Portland | STATE OR | ZIP 97204 | E-MAIL david@thefreshwatertrust.org |

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.

Check one box

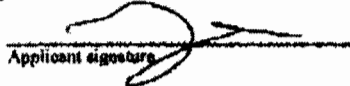
- By signing this application, I understand that, upon receipt of the draft preliminary determination and prior to Department approval of the transfer, I will be required to provide landownership information and evidence that I am authorized to pursue the transfer as identified in OAR 690-380-4010(5); 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.


Applicant signature

Woody Wolfe
Name (and title if applicable) (print)

2-7-12
Date

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): Changing instream lease 1184 to permanent instream transfer as a condition of Transfer T-9715.

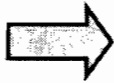
Check the following boxes that apply:

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

| | | |
|--------------------------|---------|-----|
| IRRIGATION DISTRICT NAME | ADDRESS | |
| CITY | STATE | ZIP |

- Check here if water for any of the rights is 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 the proposed instream reach will be located.

| | | |
|---|--|---------------------|
| ENTITY NAME Wallowa County Planning Dept. | ADDRESS 101 South River St. Room B-1 | |
| CITY Enterprise | STATE OR | ZIP 97828 |

| | | |
|---------------------------------------|------------------------------|---------------------|
| ENTITY NAME City of Wallowa | ADDRESS PO Box 487 | |
| CITY Wallowa | STATE OR | ZIP 97885 |

| | | |
|-------------|---------|-----|
| ENTITY NAME | ADDRESS | |
| CITY | STATE | ZIP |

| | | |
|-------------|---------|-----|
| ENTITY NAME | ADDRESS | |
| CITY | STATE | ZIP |

| | | |
|-------------|---------|-----|
| ENTITY NAME | ADDRESS | |
| CITY | STATE | ZIP |

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Part 4 of 5 – 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>.

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CERTIFICATE # 3922

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Name on Certificate: L.J. Willett

Date(s) of Priority: 8/11/1922

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Source(s) of Water to be Affected by the Transfer: South Fork of Willowa River (aka lower Lostine)

Description of Water Delivery System

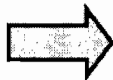
System capacity: 3-4 cfs cubic feet per second (cfs) **OR**
_____ gallons per minute (gpm)

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. **Open ditch located approximately 50 yards NW of Baker Road bridge on the Lostine River. There is a screw headgate that is run manually to allow water to flow from the point of diversion to the point of use.**

Other Water Rights

Are there other water right certificates, water use permits or ground water registrations associated with the "from" 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.

Table 1. Location of Authorized Point(s) of Diversion (POD)

(Note: If the POD name is not specified on the certificate, assign it a name or number here. Also, if the POD is not described in the Certificate, provide a description below)

| POD Name or Number | Priority Date (if different between PODs) | Twp | Rng | Sec | ¼ ¼ | Tax Lot, DLC or Gov't Lot | Measured Distances (from a recognized survey corner) |
|--------------------|---|-----|------|-----|-------|---------------------------|--|
| 1 | 8/11/1922 | 1 N | 43 E | 30 | SE NE | 7100 | 2297 Feet South And 279 Feet West from the NE Corner of Section 30 |
| | | | | | | | |
| | | | | | | | |

Will the proposed instream transfer affect the entire water right?

- Yes Then Table 2 on Page 6 does not need to be completed.
- No Then complete all of Table 2 to describe the portion of the water right to be changed.

Part 5 of 5 – Proposed Instream Use Information

Identify the Public Use for which the instream right is requested (check at least one box):

- Conservation, maintenance and enhancement of aquatic and fish life, wildlife, fish and wildlife habitat and other ecological values.
- Recreation
- Navigation
- Pollution Abatement

Instream use proposed to be created by the instream transfer:

| Originating Water Right Number (as identified in Part 4) | Priority Date | Source | Proposed Instream Period | Rate (cfs)* | Volume (ac-ft)** |
|--|---------------|------------------------|--|-------------|------------------|
| 3922 | 8/11/1922 | So. Fork Wallowa River | 5/1 to 7/30 (see add'l information) below* | 0.39 | 141.3 |
| 3922 | 8/11/1922 | So. Fork Wallowa River | 7/31 to 10/1 | 0.39 | 31.4 |
| | | | | | |
| | | | | | |
| TOTAL VOLUME | | | | | 172.7 |

***Tip:** To calculate rate (if other than the rate allowed by the right), divide the volume by the number of days in the period and then divide by 1.983471; or

****Tip:** To calculate volume, multiply the rate by the number of days in the instream period and then multiply by 1.983471.

Note: The instream rate may not exceed the max rate allowed by the existing right(s) and the total volume may not exceed to max volume or duty allowed by the existing right(s).

Additional Information: The volume (acre-feet) for the period from 5/1 to 7/30 was calculated utilizing the Wallowa River Decree: "not to exceed one and one half (1-1/2) acre feet for each acre of land actually irrigated...during any period of thirty days during the irrigation season prior to July 31 of each year." Three separate 30 day periods (5/1 to 5/30, 5/31 to 6/29, 6/30 to 7/29) at 1-1/2 acre feet per acre (31.4 x 1.5 af x 3).

Identify the location of the proposed instream water right.

- Water is requested to be protected at a point.
Location (i.e. the point of diversion (POD) – use the POD Name or Number from Table 1):

- Water is requested to be protected within a reach:
Location of proposed reach (If an instream water right reach is requested, identify the upstream and downstream extent of the reach): **From the Point of Diversion in the SENE of Sec. 30, T 1 N, R 43 E, W.M. to the mouth.**

Recommendations for conditions on the instream use to avoid taking away or impairing existing water rights.

- None

Woody Wolfe
81544 Highway 82
Wallowa, OR 97885
(541-263-0802)

2-7-12 ~~2011~~

City of Wallowa
Planning Department
PO Box 487
Wallowa, OR 97885

SUBJECT: Proposed Instream Water Right Transfer In Your Jurisdiction

The Water Resources Department requires applicants intending to file an application to transfer a water right to instream purposes to notify local governments that could be affected, so that the local government can make sure that the proposed new use does not result in a land use that would be incompatible with its comprehensive plan.

As such, I am notifying you that I intend to submit an application to the Oregon Water Resources Department proposing to transfer a portion of water right Certificate 3922 to instream use. The proposed place of instream use would be in the Lostine River from the SENE of Section 30, T 1 N, R 43 E, W.M. to the mouth.

If you have any questions regarding the proposed application, or are interested in receiving additional information, please call me at 541-263-0802.

Sincerely,


Woody Wolfe

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

In the Matter of Instream Lease Application) DETERMINATION and
IL-1184, Certificate 3922,) FINAL ORDER ON PROPOSED
Wallowa County) INSTREAM LEASE

Authority

ORS 537.348 establishes the process in which a water right holder may submit a request to lease an existing water right for instream purposes. OAR Chapter 690, Division 077 implements the statutes and provides the Department's procedures and criteria for evaluating instream lease applications.

Lessor
Woody Wolfe
81544 HWY 82
Wallowa, OR 97885
woodywolfe@yahoo.com

Lessee
The Freshwater Trust
David Pilz
65 SW Yamhill ST, Suite 200
Portland, OR 97204

Findings of Fact

1. On June 21, 2011 Woody Wolfe and The Freshwater Trust filed an application to lease a portion of Water Right Certificate 3922 for instream use. The Department assigned the application number IL-1158.

2. The portion of the right to be leased is as follows:

Certificate: 3922 in the name of L. J. Willett (Under Permit Number 5571)
Use: Irrigation of 31.4 Acres
Priority Date: August 11, 1922
Quantity: **Rate:** 0.39 Cubic Foot per Second (CFS)
Duty: 109.0 Acre-Feet (AF)
Limit: One-eightieth CFS per acre, not to exceed 3.5 AF per acre per year
Source: SOUTH FORK WALLOWA RIVER (aka the LOSTINE), a tributary of the
WALLOWA RIVER

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This is a final order in other than contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60 day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-0080 you may either petition for judicial review or 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.

Authorized Place of Use:

| Twp | Rng | Mer | Sec | Q-Q | Acres | Tax Lot |
|---------------|------|-----|-----|-------|-------------|---------|
| 18 N | 43 E | WM | 19 | NE SW | 11.5 | 4000 |
| 18 N | 43 E | WM | 19 | SE SW | 6.5 | 4000 |
| 18 N | 43 E | WM | 19 | SW SE | 13.4 | 4000 |
| Total: | | | | | 31.4 | |

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3. Certificate 3922 does not specify the point of diversion(POD); however, the Applicant provided information indicating that the POD is as follows:

Authorized Point(s) of Diversion:

| Twp | Rng | Mer | Sec | Q-Q | Measured Distances |
|-----|------|-----|-----|-------|--------------------|
| 1 N | 43 E | WM | 30 | SE NE | Not Specified |

4. Certificate 3922 does not specify the irrigation season. However, the Applicants have requested that the water protected under this lease be protected from May 12 to October 1.
5. The lease application includes the information required under OAR 690-077-0076(3). The Department provided notice of the lease application pursuant to OAR 690-077-0077(1). No comments were received in response to that notice.
6. The instream use is as follows:

SOUTH FORK WALLOWA RIVER (aka the LOSTINE), a tributary of the
WALLOWA RIVER

Instream Reach: From the historic POD, as described in Finding of Fact #3, to the mouth of
the SOUTH FORK WALLOWA RIVER

| Certificate | Priority Date | Instream Rate | Period Protected Instream |
|-------------|-----------------|---------------|---------------------------|
| 3922 | August 11, 1922 | 0.39 CFS | May 12 to October 1 |

7. Other conditions to prevent injury and enlargement are:
- a. If transport losses become evident the quantity of water protected instream under this lease may be adjusted accordingly.
 - b. Within the specified stream reach, the amount of water to which this right is entitled shall not exceed the quantity of water legally available at the original point of diversion. Stream channel losses and gains calculated based on available data and the use of water by senior appropriators will determine the amount of water to which this right is entitled downstream from the original points of diversion within the specified stream reach.
8. If approved, this instream lease is not reasonably expected to significantly affect land use as prescribed by ORS 197.180, OAR Chapter 660, Divisions 30 and 31, and OAR Chapter 690, Division 5.
9. Based upon review of the application, comments received, information provided by the Department's Watermaster, and other available information, the Department finds that the lease will not result in injury or enlargement. This finding is made through an abbreviated

review recognizing that the lease may be modified or revoked under OAR 690-077-0077 if the Department later finds that the lease is causing injury to any existing water right or enlargement of the original right.

10. If a right which has been leased is later proposed to be leased again or transferred to an instream use under ORS 537.348 and OAR 690-077-0070 or OAR 690-077-0075 a new injury review shall be required. Transfers will be subject to a full and complete review to determine consistency with the requirements of OAR Chapter 690, Division 380 and Division 077. Approval of this lease does not establish a precedent for approval of future leases or transfers.
11. The Lessor requested that the lease terminate on October 1, 2015.

CONCLUSIONS OF LAW


The Department concludes that the lease will not result in injury or enlargement pursuant to OAR 690-077-0077. The lease conforms to the applicable provisions of OAR 690-077-0015.

ORDER

Therefore, it is ORDERED:

1. That the Lease as described herein is APPROVED.
2. The former place of use will no longer receive water as part of these rights, any supplemental rights, or any other layered water rights for irrigation use, including ground water registrations during the term of the lease.
3. The lessor *shall* have the option of terminating the lease each year with written notice to the Department. The lease may be terminated at any time during the calendar year. However, if the termination request is received less than 30-days prior to the period of allowed instream use (March 12) or after the period of allowed use has begun for the water right(s) being leased, water shall not be used under the right(s) leased until the following calendar year, unless the Director determines that enlargement would not occur.
4. The lease will terminate on October 1, 2015.

Dated at Salem, Oregon this 15 day of August 2011.


Dwight French, Water Rights Services Administrator for
Phillip C. Ward, Director

Mailing date:

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SALEM, OREGON

The order approving this was prepared by Kody Thurgood. If you have any questions about the information in this document, you may reach me at 503-986-0892 or thurgokj@wrds.state.or.us

Application for Water Right Transfer

Evidence of Use Affidavit



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

Please print legibly or type. Be as specific as possible. Attach additional pages if you need more spacing. Supporting documentation must be attached.

State of Oregon)
) ss
 County of WALLOWA)

I, WOODY WOLFE, in my capacity as LANDOWNER,
 mailing address 81544 HIGHWAY 82, WALLOWA, OR 97885
 telephone number (541)263-0802, being first duly sworn depose and say:

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1. My knowledge of the exercise or status of the water right is based on (check one):

- Personal observation Professional expertise

2. I attest that:

- Water was used during the previous five years on the **entire** place of use for Certificate # 3922; **OR**
- My knowledge is specific to the use of water at the following locations within the last five years:

| Certificate # | Township | | Range | | Mer | Sec | ¼ ¼ | | Gov't Lot or DLC | Acres (if applicable) |
|---------------|----------|---|-------|---|-----|-----|-----|----|------------------|-----------------------|
| | 1 | N | 43 | E | | | NE | SW | | |
| 3922 | 1 | N | 43 | E | WM | 19 | NE | SW | | 11.5 |
| 3922 | 1 | N | 43 | E | WM | 19 | SE | SW | | 6.5 |
| 3922 | 1 | N | 43 | E | WM | 19 | SW | SE | | 13.4 |
| | | | | | | | | | | |
| | | | | | | | | | | |
| | | | | | | | | | | |
| | | | | | | | | | | |

OR

- Confirming Certificate # _____ has been issued within the past five years; **OR**
- Part or all of the water right was leased instream at some time within the last five years. The instream lease number is: IL 1184 (Note: If the entire right proposed for transfer was not leased, additional evidence of use is needed for the portion not leased instream.); **OR**
- The water right is not subject to forfeiture and documentation that a presumption of forfeiture for non-use would be rebutted under ORS 540.610(2) is attached.
- Water has been used at the actual current point of diversion or appropriation for more than 10 years for Certificate # _____ (For Historic POD/POA Transfers)

(continues on reverse side)

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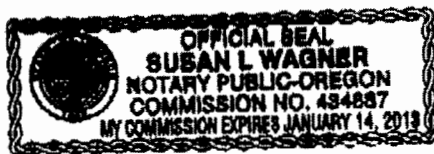
(continues on reverse side)

- 3. The water right was used for: (e.g., crops, pasture, etc.): _____
- 4. I understand that if I do not attach one or more of the documents shown in the table below to support the above statements, my application will be considered incomplete.

Signature of Affiant [Handwritten Signature]

2-7-12
Date

Signed and sworn to (or affirmed) before me this 7th day of February, 2012.



Susan L. Wagner
Notary Public for Oregon

My Commission Expires: 1-14-2013

| Supporting Documents | Examples |
|--|--|
| <input type="checkbox"/> Copy of a water right certificate that has been issued within the last five years. (not a remaining right certificate) | Copy of confirming water right certificate that shows issue date |
| <input type="checkbox"/> Copies of receipts from sales of irrigated crops or for expenditures related to use of water | <ul style="list-style-type: none"> • Power usage records for pumps associated with irrigation use • Fertilizer or seed bills related to irrigated crops • Farmers Co-op sales receipt |
| <input type="checkbox"/> Records such as FSA crop reports, irrigation district records, NRCS farm management plan, or records of other water suppliers | <ul style="list-style-type: none"> • District assessment records for water delivered • Crop reports submitted under a federal loan agreement • Beneficial use reports from district • IRS Farm Usage Deduction Report • Agricultural Stabilization Plan • CREP Report |
| <input type="checkbox"/> Aerial photos containing sufficient detail to establish location and date of photograph | <p>Multiple photos can be submitted to resolve different areas of a water right. If the photograph does not print with a "date stamp" or without the source being identified, the date of the photograph and source should be added.</p> <p>Sources for aerial photos: OSU - www.oregonexplorer.info/imagery OWRD - www.wrd.state.or.us Google Earth - earth.google.com TerraServer - www.terra-server.com</p> |
| <input checked="" type="checkbox"/> Approved Lease establishing beneficial use within the last 5 years | Copy of instream lease or lease number |

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SALEM, OREGON
Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, Oregon 97301-1271
(503) 986-0900
www.wrd.state.or.us

Water Right Transfer Supplemental Form
**Waiver of Mapping
Requirements**

The Director may waive or assist a transfer applicant in satisfying the mapping requirements (OAR 690-380-3100) for certain transfers if the criteria described in this form are met pursuant to OAR 690-380-3410.

This form must be prepared by the transfer applicant and the appropriate Regional Manager for the Oregon Water Resources Department. To prepare the form, a copy of the complete transfer application, including a description of the water rights to be transferred, must be provided to the Regional Manager.

This map waiver form must be signed by the Regional Manager and submitted with the transfer application.

Transfer Applicant: Woody Wolfe

Water Right(s) to be transferred: 3922

1. The transfer **must** be one of the following. Please check the appropriate box.



An instream transfer application filed pursuant to ORS 537.348.



A transfer application necessary to complete a project funded by the Oregon Watershed Enhancement Board (OWEB) under ORS 541.375; or



The transfer application is determined and endorsed in writing by ODFW as a change that will result in a net benefit to fish and wildlife habitat.

2. For an **instream transfer application filed pursuant to ORS 537.348**, a map waiver shall only be approved if the application meets one of the following additional criteria. Please check the appropriate box.



The entirety of the right is being transferred to an instream water right and the location of the instream water right can be clearly delineated through reference to the existing point of diversion for the transferred right and other points of diversion or geographic reference points such as the mouth of the stream; or

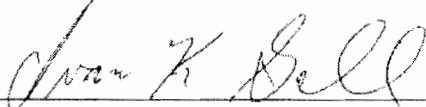


A map meeting the requirements of the transfer rules (OAR 690-380-3100) is available showing the lands not included in the transfer and the location of the instream water right can be clearly delineated through reference to the existing point of diversion for the transferred right and other points of diversion or geographic reference points such as the mouth of the stream. (Please include copy of map(s) with transfer application.)

3. For a **transfer application meeting any one of the criteria identified in #1** (including an instream transfer application), a waiver may also be approved if other circumstances are present that make an application map unnecessary. If #2 does not apply, but circumstances are present that make an application map unnecessary, describe those circumstances below:

4. For any transfer application meeting one or more of the criteria identified in #1 that does not meet the criteria for a waiver as described in #2 or #3, the Department may assist the applicant in development of the application map. The Department (through the regional office) may provide this assistance at the discretion of the appropriate Regional Manager. Please check the appropriate box below if the Department has provided assistance in development of the transfer application map:

- A map meeting the requirements of OAR 690-380-3100 has been prepared by Department staff and is included with the transfer application.
- The map provided with the transfer application has been developed with assistance from Department staff and meets the requirements of OAR 690-380-3100.

Signature:  Date: 2/9/2012
OWRD Regional Manager, East Region

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WATER RESOURCES DEPT
SALEM, OREGON

- Other (such conditions may include, but are not limited to, reductions in the instream flow levels in cfs per month or total ac-ft, the effective reach(es) or lake levels of the instream flow, measuring locations and the strategy for monitoring the instream flow or lake levels): _____.

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SALEM, OREGON

Are there any existing instream water rights on the same point or within the same requested reach(es) or lake, or on a portion thereof:

- No Yes (identify other instream water rights): 59814.

Note: New instream water rights are generally (but not always) additive to instream water rights established under ORS 537.348 (instream transfer application process) and ORS 537.470 (allocation of conserved water) and replace a portion of instream water rights established under ORS 537.341 (state agency application process) or ORS 537.346 (conversion of minimum perennial streamflows) with an earlier priority date.

Is it your intent to have the proposed instream water right transfer be additive to any instream water right established under ORS 537.348 and ORS 537.470 and replace a portion of any instream water right established under ORS 537.341 and ORS 537.346 with an earlier priority date?

- Yes No. If no, please explain your intent below:

_____.

If the proposed conversion would add to the amounts of an existing instream water right(s) established under ORS 537.341 or 537.346, provide documentation demonstrating why additional instream flows are necessary. Supporting documentation should include information from the Oregon Dept. of Fish and Wildlife (ODFW) (fish life), Dept. of Environmental Quality (DEQ) (pollution abatement), and/or Parks and Recreation Dept. (recreation).

Is the requested instream flow intended to exceed the estimated average natural flow or level occurring from the drainage system?

- No; **OR**
 Yes (Provide supporting documentation that demonstrates why additional flows are significant for the public use requested.); **OR**
 Yes, and it is presumed that flows that exceed the estimated average natural flow or natural lake levels are significant because:

- The requested flow does not exceed the maximum amount of any instream water right application applied for under ORS 537.341 (state agency instream water right application process) for the same reach or portion thereof, and the requested public use is for the same public use as the afore mentioned instream water right application, **and**
- For the specified time period that flows are requested to exceed the estimated average natural flow or lake level, the stream is in an ODFW flow restoration priority watershed. A copy of the priority watershed map indicating the specific watershed involved should be included with the application. Priority watershed maps may be found on the OWRD web page; **or**
- The stream is listed as water quality limited and DEQ has provided scientific information that demonstrates that increased flows would improve water quality. The scientific information provided by DEQ should be included with the transfer application.

For a Time Limited Instream Transfer, please answer the following:

- The time-limited instream transfer is for a specific number of years:
_____ Begin Year to _____ End Year
- Time-limited instream transfer is to terminate based upon other conditions:
Conditions: _____.

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