

Part 3 of 4 – Applicant Information and Signature

JUN 12 2013
Applicant Information

APPLICANT/BUSINESS NAME Zell Ditch Water Users Association			PHONE NO. (541) 938 3238	ADDITIONAL CONTACT NO.
ADDRESS 54220 Walla Walla River Road				FAX NO. (541) 938 3238
CITY Milton Freewater	STATE OR.	ZIP 97862	E-MAIL** zaderzees2012@hotmail.com	

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

AGENT/BUSINESS NAME Richard Langley			PHONE NO. (541) 938-3238	ADDITIONAL CONTACT NO.
ADDRESS 54220 Walla Walla River Road				FAX NO. (541) 938-3238 (voice/fax)
CITY Milton Freewater	STATE OR	ZIP 97862	E-MAIL** zaderzees2012@hotmail.com	

** BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED.

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 and/or e-mail addresses if different than the applicant's) or attach affidavits of consent (and mailing and/or e-mail 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.

I understand that prior to Department approval of the transfer, I may be required to submit payment to the Department for publication of a notice in a newspaper with general circulation in the area where the water right is located, once per week for two consecutive weeks. If more than one qualifying newspaper is available, I suggest publishing the notice in the following paper: Zell Ditch Water Users Association will apply to local newspaper.

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


 Applicant signature

Richard Langley
 Print Name (and Title if applicable)

6-10-2013
 Date

Applicant signature

Print Name (and Title if applicable)

Date

In your own words tell us what change(s) you want made and the reason for the change(s): **POD moved from point of AUTHORIZED diversion to new POD (Zell2) due to "GOVERNMENT ACTION"**

See attached letters

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 multiple water rights, landowners, see attached contact list			PHONE NO. see list	ADDITIONAL CONTACT NO. see list
ADDRESS see list			FAX NO. see list	
CITY see list	STATE see list	ZIP see list	E-MAIL see list	

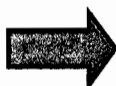
Describe any special ownership circumstances here: **multiple water right certificates shared**

- 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 N/A	ADDRESS N/A	
CITY N/A	STATE N/A	ZIP N/A

 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	ADDRESS	RECEIVED BY OWRD JUN 12 2013
CITY	STATE	

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

D13122 Water Rights certificate contact list

HAMBY WILLIAM EARL & CYNTHIA RAE
53900 WALLA WALLA RIVER RD
MILTON-FREEWATER, OR 97862
Home (541) 861-3189 E-mail: cyndirae55@msn.com

WHEELER KYLE & MARIE
41646 CHARDONNAY AVE
PALMDALE, CA 93551
Home: (661) 718-3637 E-mail: kwheel78@msn.com

Bond Joseph H Jr.
53926 walla walla river rd
Milton-Freewater, or 97862
home: 938-2129 e-mail: none

HUMBERT ROBERT W & NORMA P
53912 WALLA WALLA RIVER RD
MILTON-FREEWATER, OR 97862
Home: (541) 938-3488 Email: none

GREEN GENA L & ALBERT C
53906 WALLA WALLA RIVER RD
MILTON-FREEWATER, OR 97862-7903
Home: (541) 938-3240 E-mail: ggreen@live.com

PHILLIPS GREGORY SCOTT & DEANN M
53948 WALLA WALLA RIVER RD
MILTON-FREEWATER, OR 97862
Home(: 541) 9385929 E-mail: scottdeann@q.com

SHINNER JANICE E
53944 WALLA WALLA RIVER RD
MILTON-FREEWATER, OR 97862
Home: 509-520-1187 E-mail: joansimpson18@yahoo.com

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D13157-Water Rights certificate contact list

LANGLEY, Richard & Elizabeth
54220 Walla Walla River Road
Milton Freewater, OR. 97862
Home: 541 938 3238 email: zaderzees2012@hotmail.com

SALYER, Kathleen
54228 WALLA WALLA RIVER RD
MILTON-FREEWATER, OR 97862-7906
Home: (541) 938-5187 email: none

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D13220-D13281Water Rights certificate contact list

STOCKE, Nita B.
311 S MAIN ST
MILTON-FREEWATER, OR 97862-1014
Home: 541 938-3000Email:
ranchernita@gmail.com

SIMPSON, JOAN
54080 WALLA WALLA RIVER RD
MILTON-FREEWATER, OR 97862-1014
Home: 541-938-3042 email:
joansimpson18@yahoo.com

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C76328 – D12789 Water Rights certificate contact list

JAMES, VICTOR & SHELLY 54134 WALLA WALLA RIVER RD MILTON-FREEWATER, OR 97862-7905
FINDLEY, EARNEST O. & ELAINE M. 1715 N HOLBROOK ST ANAHEIM, CA 92807-1011 Home: (714) 267-6154 email: findley@occs.org
CLARK, ROD E. & SYLVIA A. 54146 WALLA WALLA RIVER RD MILTON-FREEWATER, OR 97862 Home: 541 938-9552 email: none
GREEN, Gwyneth C. 54174 WALLA WALLA RIVER RD MILTON-FREEWATER, OR 97862- Home: email:
CABRAL, Nancy 2 KAMEHAMEHA AVE HILO, HI 96720 Home: : 808-935-4152 email: nancyc@daylum.com
MC COY, RON & Deane A. 54166 WALLA WALLA RIVER RD MILTON-FREEWATER, OR 97862 Home: 509-386-1703 email: none
RIDOUT, Robert E. 54150 WALLA WALLA RIVER RD MILTON-FREEWATER, OR 97862 Home: 541 938-3152 email: srridout@gmail.com

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D13219 Water Rights certificate contact list

ELSEY, JOE T & LONDO ASHLEE M. 53664 WALLA WALLA RIVER RD MILTON-FREEWATER, OR 97862-7900 Home:509-876-7151 email:jtelsey@hotmail.com
CASTLE, PETER M. & BARBARA A. 53862 WALLA WALLA RIVER RD MILTON-FREEWATER, OR 97862 Home:541 938-0562 Email: pmcastle2@q.com
DALGLIESH, DOROTHY M 53874 WALLA WALLA RIVER RD MILTON-FREEWATER, OR 97862-7902 Home:509-520-6152 email: none
RORDEN, JOLENE L & POTTER, KEVIN L 53896 WALLA WALLA RIVER RD MILTON-FREEWATER, OR 97862 Home:509-520-8578 email: none
FREE, Carol 53840 WALLA WALLA RIVER RD MILTON-FREEWATER, OR 97862-7902 Home:360-359-8835 email: none
VALDES, Linda 53918 WALLA WALLA RIVER RD MILTON-FREEWATER, OR 97862 Home:541 938-6526 email: 2oregonducks@charter.net

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D12696 Water rights contact list

BOND, PHYLLIS & NELSON,THEODORE 82428 ROSEBROOKE LN MILTON-FREEWATER, OR 97862-7018 Home: email: (puppymom@charter.net)
POPPLEWELL, HAROLD B. & SHIRLEY 58 SE RODEO LP COLLEGE PLACE, WA 99324 Home:509-524-4130
MADISON, Bill & DIANE 82449 ROSE BROOKE LN MILTON-FREEWATER, OR 97862 Home: 938-4322 Email:upthehillbilli@msn.com
PARTNEY, Sheldon 82433 ROSE BROOKE LN MILTON-FREEWATER, OR 97862-70118 Home: 509-540-9761 Email: none
BUBAR, KEVEN K. & LAURIE A. Address 82442 ROSE BROOKE LN MILTON-FREEWATER, OR 97862 Home: 541-938-6170 Email: none
Arbogast, Colton 82454 ROSE BROOKE LN MILTON-FREEWATER, OR 97862 Homes:
BIRDWELL, BENTON & SHARLEEN 54346 WALLA WALLA RIVER RD MILTON-FREEWATER, OR 97862 Home:541 938-6049 Email: none
BYRD, LOWELL L. & KATHLEEN M. 82421 ROSEBROOK LN MILTON FREEWATER, OR 97862-7018 Home:541 938-9341 Email: none
McCormack, Brenda 54011 SUMMERS L MILTON-FREEWATER, OR 97862-7424

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PHILLIPS, Gregory Scott & Deann 53948 WALLA WALLA RIVER RD MILTON-FREEWATER, OR 97862 Home:541 938 5929 Email:scottdeann@q.com
BRUNOT, RONALD L. & JUDY A. 53982 WALLA WALLA RIVER RD MILTON-FREEWATER, OR 97862 Home: 541 938-0251
CLUTTER, Sherrill 54010 WALLA WALLA RIVER RD MILTON-FREEWATER, OR 97862-7904 Home: 541 938-3406 Email: none
HARRISON, Jim 82603 COUSE CREEK RD MILTON-FREEWATER, OR 97862 Home: Email: none
MARTIN, Gwendolyn 54364 WALLA WALLA RIVER RD MILTON-FREEWATER, OR 97862
BIRDWELL, STEPHEN P JR & MINDY L 54068 WALLA WALLA RIVER RD MILTON-FREEWATER, OR 97862
RIVERA, JOYCE A. MORENO, ROSENDO 54068 WALLA WALLA RIVER RD MILTON-FREEWATER, OR 97862 Home: 541-861-0403 Email: none
DESCHAIINE, CRYSTAL & DESCHAIINE LEE JR 54090 WALLA WALLA RIVER RD MILTON-FREEWATER, OR 97862-7904 Home: 509-520-5765 Email: ropin.cowgirl@hotmail.com

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D13104 Water Rights certificate contact list

VALDES MARGIE
82576 Couse Creek Rd,
MILTON-FREEWATER, OR 97862
Home: (541) 938-6163

ANDERSON BILLIE
1319 EMPIRE DR
LA GRANDE, OR 97850

CARTER RUSS K & SCHWAB PATRICIA A
82588 Couse Creek
MILTON-FREEWATER, OR 97862
Home: (541) 938-8037

HUMBERT BOYD & TONYA
79870 COUSE CREEK RD
MILTON-FREEWATER, OR 97862-7972
Home: (541) 938-6624

LUKE WESLEY L
82600 COUSE CREEK RD
MILTON-FREEWATER, OR 97862
Home: (509) 520-8101

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Part 4 of 4 – Water Right Information

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Please use a separate Part 4 for each water right being changed. See instructions at http://www.wrd.state.or.us/OWRD/PUBS/docs/Hints_Forms_MS_Word.doc

CERTIFICATE # See attachment

Description of Water Delivery System

System capacity: **3.25** cubic feet per second (cfs) **OR**
1458.6 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. **POD open ditch, single and three phase pump sites, large bore pipelines to multiport sprinklers of various size**

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't Lot	Measured Distances (from a recognized survey corner)
Zell2	<input type="checkbox"/> Authorized <input checked="" type="checkbox"/> Proposed	N/A	5 N	36 E	18	SW SE	1600	45.90362; -118.36050
Zell	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed	N/A	5 N	36 E	18	SE SW	1600	337'W,1020'N of S 1/4 coner S 18,54,36E.
	<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 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 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 checked="" 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.

Please use additional pages of Table 2 as needed

Table 2. Description of Changes to Water Right Certificate # see Certificates attached

List only the water right that will be changed. For the acreage in each 1/4 1/4, list the change proposed. If more than one change proposed, 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	Type of USE listed on Certificate	POD(s) or POA(s) (name or number from Table 1)	Priority Date	Proposed Changes (see "CODES" from previous page)	Twp	Rng	Sec	1/4	1/4	Tax Lot	Gvt Lot or DLC	Acres	New Type of USE	POD(s)/ POA(s) to be used (from Table 1)	Priority Date	
TOTAL ACRES										TOTAL ACRES													

Additional remarks: Only the POD is changed effecting all Water Right Certificates listed.
Multiple Water Rights are included (see attachments).

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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: N/A.

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 # N/A;

Surface water primary Certificate # N/A.

For a change from Supplemental Irrigation Use to Primary Irrigation Use

Identify the primary certificate to be cancelled. Certificate # N/A

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://apps.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

May 29, 2013

Government Action Narrative for Zell Point of Diversion Change

In April of 1997, The US Army Corps of Engineers decided that the grade control and irrigation diversion dam at Walla Walla River Mile 47.1 (just upstream from the Couse Creek Road bridge) needed to be removed due to the river undermining it and concern that this could also undermine the flood control levee on either side of the river. The 8 foot tall concrete structure was installed in 1952 by the Corps of Engineers at the same time that they installed the Milton-Freewater Flood Protection Levee. The Confederated Tribes of the Umatilla Indian Reservation were also interested in the dam being removed for fish passage reasons and were given emergency authority by the Corps of Engineers to remove the dam. The Tribes paid for a contractor to tear out the concrete dam. See attached Marie Dorian dam Removal Report describing how this occurred.

Immediately following the removal of the dam, a headcut migrated upstream. Within a year, trees upstream along the left bank of the river died from lack of water. The headcut extended up to and past the Zell Creek Diversion, and as of the spring of 2010 has migrated up to and into the Lampson reach of the river, the next property upstream. The Marie Dorian dam was located approximately 1200 feet downstream of the original Zell ditch point of diversion when looking at the water rights Decree map from the 1930s.

The original Zell point of diversion is high and dry by several feet. The Zell ditch users have had to move their point of diversion upstream a few hundred feet at least once in the last 10 years. Survey data from 2010 showing channel bed elevations and surface elevations can be compared to Corps of Engineers survey data from when they constructed their levee, and also elevations taken by the Corps when they were tracking the headcut that occurred following the removal of Marie Dorian dam.

Let me know if you need any additional information. I can be contacted by phone at 541-938-2170 or email brian.wolcott@wwbwc.org

Brian Wolcott
Executive Director
Walla Walla Basin Watershed Council

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