

## Land Use Notice for Creation of Instream Water Right

1. Copy of letter mailed to Wallowa County
2. Copy of letter mailed to Nez Perce Tribe
3. Copy of letter mailed to Confederated Tribe of Umatilla Indian Reservation

RECEIVED BY OWRD

NOV 18 2016

SALEM, OR

November 7, 2016

Wallowa County  
101 South River Street  
Enterprise, OR 97828

To Whom it Concerns:

This letter is to inform interested local and tribal governments that water conserved through an irrigation efficiency project near the town of Wallowa, OR will be allocated to the Lostine and Wallowa Rivers through Oregon Water Resources Department's (WRD) Allocation of Conserved Water Program. An instream water right will be created from points of diversions located on the Lostine River to the Wallowa River at the confluence of the Grande Ronde located in Wallowa County, Oregon. In addition, a portion of the conserved water will be transferred to agricultural lands not previously irrigated. Oregon's Conserved Water Statute (ORS 537.470) allows water users to allocate conserved water generated through irrigation efficiency projects to new instream and out of stream uses.

Please feel free to contact me or Oregon Water Resources Department with questions.

Sincerely,



Aaron Maxwell  
The Freshwater Trust  
PO Box 351  
Enterprise, OR 97828  
Phone: 541.263.2220  
Email: [aaron@thefreshwatertrust.org](mailto:aaron@thefreshwatertrust.org)

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SALEM, OR

November 7, 2016

Nez Perce Tribe  
PO Box 305  
Lapwai, ID 83540

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November 7, 2016

Confederated Tribes of the Umatilla Indian Reservation  
46411 Timine Way  
Pendleton, OR 97801

To Whom It Concerns:

This letter is to inform interested local and tribal governments that water conserved through an irrigation efficiency project near the town of Wallowa, OR will be allocated to the Lostine and Wallowa Rivers through Oregon Water Resources Department's (WRD) Allocation of Conserved Water Program. An instream water right will be created from points of diversions located on the Lostine River to the Wallowa River at the confluence of the Grande Ronde located in Wallowa County, Oregon. In addition, a portion of the conserved water will be transferred to agricultural lands not previously irrigated. Oregon's Conserved Water Statute (ORS 537.470) allows water users to allocate conserved water generated through irrigation efficiency projects to new instream and out of stream uses.

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# Land Use Information Form



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

Applicant: Woody Wolfe  
First Last

Mailing Address: 69405 Baker Road

Wallowa OR 97885 Daytime Phone: 541 263-0802  
City State Zip

## A. Land and Location

Please include the following information for all tax lots where water will be diverted (taken from its source), conveyed (transported), and/or used or developed. Applicants for municipal use, or irrigation uses within irrigation districts may substitute existing and proposed service-area boundaries for the tax-lot information requested below.

Township	Range	Section	¼¼	Tax Lot #	Plan Designation (e.g., Rural Residential/RR-5)	Water to be:			Proposed Land Use:
1N	43E	20	SWSW	4700		<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	Irr Crop
1N	43E	29	NWNW	4700		<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	Irr Crop
1N	43E	29	NE NW	4700		<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	Irr Crop
1N	43E	20	SE SW	4700		<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	Irr Crop

List all counties and cities where water is proposed to be diverted, conveyed, and/or used or developed: **RECEIVED BY OWRD**

Wallowa County  
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## B. Description of Proposed Use

Type of application to be filed with the Water Resources Department:

- Permit to Use or Store Water   
 Water Right Transfer   
 Permit Amendment or Ground Water Registration Modification  
 Limited Water Use License   
 Allocation of Conserved Water   
 Exchange of Water

Source of water:  Reservoir/Pond   
 Ground Water   
 Surface Water (name) LOSTINE RIVER

Estimated quantity of water needed: 124.2  cubic feet per second   
 gallons per minute   
 acre-feet

Intended use of water:  Irrigation   
 Commercial   
 Industrial   
 Domestic for \_\_\_\_\_ household(s)  
 Municipal   
 Quasi-Municipal   
 Instream   
 Other \_\_\_\_\_

Briefly describe:

Lands listed above are currently dryland farmed. Through an allocation of conserved water resulting from an irrigation efficiency project, 2 Acre-feet/acre will be applied May - July of each irrigation season.

**Note to applicant:** If the Land Use Information Form cannot be completed while you wait, please have a local government representative sign the receipt at the bottom of the next page and include it with the application filed with the Water Resources Department.

See bottom of Page 3. →

# For Local Government Use Only

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:	
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> 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.

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Name: HAROLD M. BLACK Title: PLANNING DIRECTOR  
 Signature: [Handwritten Signature] Phone: 541-424-4543 x149 Date: 11/13/14  
 Government Entity: WALLOWA COUNTY

**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.

**Receipt for Request for Land Use Information**

Applicant name: \_\_\_\_\_  
 City or County: \_\_\_\_\_ Staff contact: \_\_\_\_\_  
 Signature: \_\_\_\_\_ Phone: \_\_\_\_\_ Date: \_\_\_\_\_

# Land Use Information Form



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

## NOTE TO APPLICANTS

In order for your application to be processed by the Water Resources Department (WRD), this Land Use Information Form must be completed by a local government planning official in the jurisdiction(s) where your water right will be used and developed. The planning official may choose to complete the form while you wait, or return the receipt stub to you. Applications received by WRD without the Land Use Form or the receipt stub will be returned to you. Please be aware that your application will not be approved without land use approval.

**This form is NOT required if:**

- 1) Water is to be diverted, conveyed, and/or used only on federal lands; **OR**
- 2) The application is for a water right transfer, allocation of conserved water, exchange, permit amendment, or ground water registration modification, and **all** of the following apply:
  - a) The existing and proposed water use is located entirely within lands zoned for exclusive farm-use or within an irrigation district;
  - b) The application involves a change in place of use only;
  - c) The change does not involve the placement or modification of structures, including but not limited to water diversion, impoundment, distribution facilities, water wells and well houses; **and**
  - d) The application involves irrigation water uses only.

## NOTE TO LOCAL GOVERNMENTS

The person presenting the attached Land Use Information Form is applying for or modifying a water right. The Water Resources Department (WRD) requires its applicants to obtain land-use information to be sure the water rights do not result in land uses that are incompatible with your comprehensive plan. Please complete the form or detach the receipt stub and return it to the applicant for inclusion in their water right application. You will receive notice once the applicant formally submits his or her request to the WRD. The notice will give more information about WRD's water rights process and provide additional comment opportunities. You will have 30 days from the date of the notice to complete the land-use form and return it to the WRD. If no land-use information is received from you within that 30-day period, the WRD may presume the land use associated with the proposed water right is compatible with your comprehensive plan. Your attention to this request for information is greatly appreciated by the Water Resources Department. If you have any questions concerning this form, please contact the WRD's Customer Service Group at 503-986-0801.

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# 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 69405 BAKER ROAD, WALLOWA, OR 97885  
 telephone number (541)263-0802, being first duly sworn depose and say:

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

- Personal observation                       Professional expertise

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2. I attest that:

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- Water was used during the previous five years on the **entire** place of use for Certificate # \_\_\_\_; **OR**

SALEM, 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)
91012	1	N	43	E	W	20	SW	SW		5.8
91011	1	N	43	E	W	29	NW	NW		22.5
11899	1	N	43	E	W	29	SW	NW		10.5
91012	1	N	43	E	W	29	SW	NW		27.3
91010	1	N	43	E	W	29	SE	NW		8.7
91010	1	N	43	E	W	29	NW	SW		0.3
91011	1	N	43	E	W	29	NW	SW		2.4
91012	1	N	43	E	W	29	NW	SW		0.4
91010	1	N	43	E	W	29	NE	SW		0.3

Acres not part of SL-35, SL-36, or SL-37. Aerial photos provided for these acres

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: SL-35, SL-36, SL-37 (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)

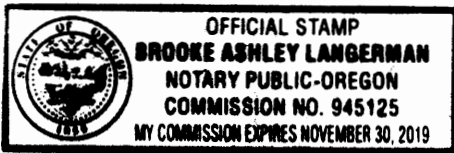
3. The water right was used for: (e.g., crops, pasture, etc.): CROPS AND PASTURE

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]  
Signature of Affiant

11-10-16  
Date

Signed and sworn to (or affirmed) before me this 10 day of November, 2016.



[Signature]  
Notary Public for Oregon

My Commission Expires: Nov 30 2019

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 <b>confirming</b> 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"> <li>• Power usage records for pumps associated with irrigation use</li> <li>• Fertilizer or seed bills related to irrigated crops</li> <li>• Farmers Co-op sales receipt</li> </ul>
<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"> <li>• District assessment records for water delivered</li> <li>• Crop reports submitted under a federal loan agreement</li> <li>• Beneficial use reports from district <b>RECEIVED BY OWRD</b></li> <li>• IRS Farm Usage Deduction Report</li> <li>• Agricultural Stabilization Plan <b>NOV 18 2016</b></li> <li>• CREP Report <b>SALEM, OR</b></li> </ul>
<input checked="" 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 – <a href="http://www.oregonexplorer.info/imagery">www.oregonexplorer.info/imagery</a>            OWRD – <a href="http://www.wrd.state.or.us">www.wrd.state.or.us</a>            Google Earth – <a href="http://earth.google.com">earth.google.com</a>            TerraServer – <a href="http://www.terra-server.com">www.terra-server.com</a></p>
<input checked="" type="checkbox"/> Approved Lease establishing beneficial use within the last 5 years	Copy of instream lease or lease number



Google Earth

miles  
km



7/29/2010



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## Letters of Approval from Water Control Districts

1. Letter from Westside Irrigation and Water Ditch Company Approving Point of Diversion Transfer and Allocation of Conserved Water, *Map attached.*
2. Letter from Clearwater Ditch Company Approving Allocation of Conserved Water

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NOV 18 2016

SALEM, OR

October 28, 2016

State of Oregon  
Water Resources Department  
725 Summer Street NE, Suite A  
Salem, Oregon 97301-1266

Oregon Water Resources Department:

This letter acknowledges and approves of Woody Wolfe's installation of a center pivot and subsequent allocation of conserved water on 118.8 acres covered by water right certificate 81644 issued in the name of the Westside Irrigation and Water Ditch Company appurtenant to lands owned by Woody Wolfe . The water conserved through this action will be permanently transferred instream to the Lostine River. Certificate 81644 will be diminished 0.5 acre-feet/acre for each thirty day period May-July for those 120 acres owned by Woody Wolfe. In addition, the point of diversion for these acres will be transferred from the authorized POD at 200'E, 152'S of center of Section 27 T1S R43E to the Foster Ditch POD at 320'S, 625'W of center of Section 4 T1S, 43E.

Sincerely,



Westside Irrigation and Water Ditch Company  
Lostine, OR

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NOV 18 2016

SALEM, OR

October 11, 2016

State of Oregon  
Water Resources Department  
725 Summer Street NE, Suite A  
Salem, Oregon 97301-1266

Oregon Water Resources Department:

This letter acknowledges and approves of Woody Wolfe's installation of a center pivot and subsequent allocation of conserved water on 28.2 acres covered by water right certificate 79891 issued in the name of the Clearwater Ditch Company. The water conserved through this action will be permanently transferred instream to the Lostine River. Certificate 79891 will be diminished 0.5 acre-feet/acre for each thirty day period May-July for those 28.2 acres owned by Woody Wolfe. The total amount of conserved water will not exceed 42.3 acre feet.

Sincerely,

Clearwater Ditch Company  
81703 Hwy 82  
Wallowa, OR 97885

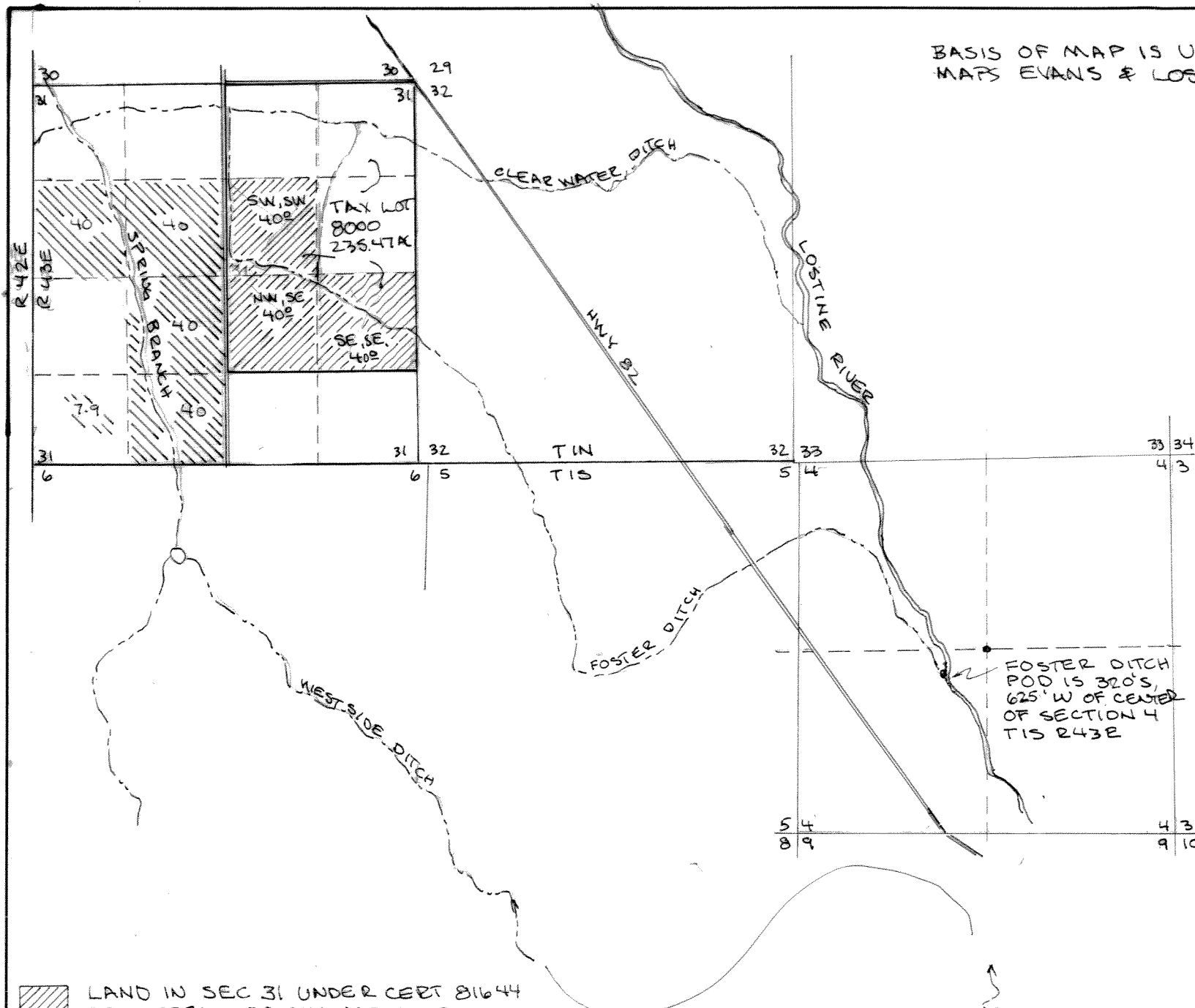
*Don Wentz* President


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BASIS OF MAP IS USGS QUAD  
MAPS EVANS & LOSTINE



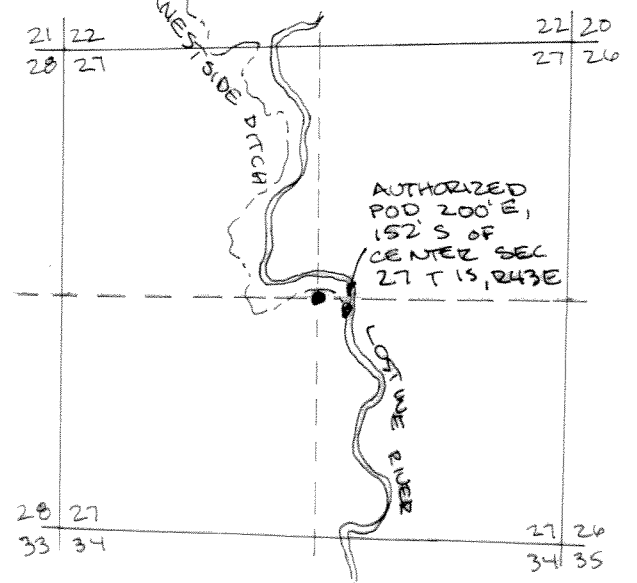
 LAND IN SEC 31 UNDER CERT 81644  
PROPOSED FOR CHANGE IN POD  
TO FOSTER DITCH

 LAND IN SEC 31 WHICH WILL  
CONTINUE TO USE WESTSIDE  
DITCH POD

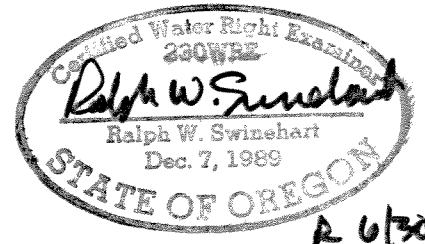
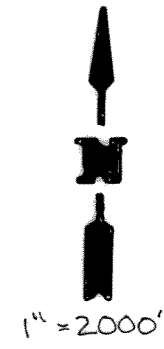
PRIORITY DATE FOR CERT 81644  
IS 3/27/1901

THIS MAP IS PREPARED FOR WATER RIGHT  
PURPOSES ONLY AND SHOULD NOT BE USED  
FOR PROPERTY LOCATION PURPOSES.

FOSTER DITCH  
POD IS 320'S,  
625' W OF CENTER  
OF SECTION 4  
T1S R43E



AUTHORIZED  
POD 200' E,  
152' S OF  
CENTER SEC  
27 T 1S, R 43E



R 6/30/16

PREPARED BY:  
WALLOWA MOUNTAIN ENGINEERING  
PO BOX 266  
ENTERPRISE, OREGON 97828

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APPLICATION MAP FOR TRANSFER POD  
FROM WEST SIDE DITCH TO FOSTER DITCH  
FOR CERT 81644, 120 ACRES

OWNER:  
WOODY WOLFE & WTK  
69405 BAKER RD  
WALLOWA, OREGON 97885