

HISTORIC

T-11370

Name Norma Apple  
47363 Slaughterhouse Rd  
Address Halfway OR 97834

DESCRIPTION OF WATER RIGHT(S)

Name of Stream PRONG CLEAR CR

Trib. of CLEAR CR

Use IRR

County BAKER (B)

Quantity of water (CFS)

No. of Acres

Name of ditch

App # Per #

Cert # 10349 PR Date 1882

App # Per #

Cert # 10353 PR Date 1882

App # Per #

Cert # PR Date

App # Per #

Cert # PR Date

App # Per #

Cert # PR Date

FEES PAID		
Date	Amount	Receipt #
3-9-12	\$1300 <sup>00</sup>	105200

Change in POO

Date Filed 3-9-12

Initial notice date 3-20-12

DPD issued date

PD issued date

PD notice date

Date of FO 2/28/13 Vol 09 Page 74

C-Date

COBU due date

COBU Received date

Certificate issued

FEES REFUNDED		
Date	Amount	Receipt#

Assignments:

Irrigation CC:  
Agent Baker County  
1995 3rd St  
Baker City OR 97814

CWRE

CC's list

- Oversized map - Location

**Water Right Transfer Cover Sheet**

Transfer T-11370

Transfer Specialist: CRM

Transfer Type: Historic POD

Applicant Name/Address: NORMA APPLE 47363 SLAUGHTERHOUSE RD HALFWAY, OR 97834	Agent Name/Address:	Rec Landowner Name/Address:
CWRE Name/Number:	Irr. District Name/Address:	Affected Gov'ts Name/Address: Baker County Planning Department
Commentors: Name/Address:		Current Landowner Name/Address:

**Water Rights Affected**

Records Marked	Records Copied	App File No. or Decree Name	Permit No.	Certificate No.	RR/CR Needed	RR/CR Nos.
<input type="checkbox"/>	<input type="checkbox"/>			10349	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	RR   CF 87947   87946
<input type="checkbox"/>	<input type="checkbox"/>			10353	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	87949   87948
<input type="checkbox"/>	<input type="checkbox"/>				<input type="checkbox"/> Yes <input type="checkbox"/> No	

**Key Dates & Initial Actions**

Rec'd: March 9, 2012	Proposed Action(s): point of diversion	
Fees Pd: 1300.00	WM District: 8	ODFW District: n/a
Initial Notice: March 20, 2012	WM Review sent: 3/13/2012	ODFW Review sent: n/a
Acknowledgement Letter Sent <input checked="" type="checkbox"/>		GW Review sent: 3/13/2012

**Processing Dates & Actions**

Deficiency Contacts: \_\_\_\_\_

DPD Mailed: \_\_\_\_\_

ODFW contact sheet sent with DPD, or  N/A

WM measurement contact sheet sent, or  N/A

PD Signed: \_\_\_\_\_

PD Weekly Notice: \_\_\_\_\_

Newspaper Pub Affid Due: \_\_\_\_\_

not required

Affid of Pub Rec'd: \_\_\_\_\_

Last Day Published: \_\_\_\_\_

Affidavit Reminder Sent: \_\_\_\_\_

Reminder Deadline: \_\_\_\_\_

DPD Review (Optional)	PD Review (Salem)	Final Order Review (Salem)
Reviewer: _____	Reviewer: _____	Reviewer: _____
Date: _____	Date: _____	Date: _____
Coordinator: _____	Coordinator: _____	Coordinator: <u>ASD</u>
Date: _____	Date: _____	Date: <u>2/27/13</u>
Comments/Special Issues: <u>Historic POD change</u>		

Special Order Volume: Vol 89 Pages 74 Final Order Signature Dat: 2/20/13

Notice of FO email'd to processors \_\_\_\_\_



# Oregon

John A. Kitzhaber, MD, Governor

**Water Resources Department**  
North Mall Office Building  
725 Summer St. NE, Suite A  
Salem, OR 97301  
Phone 503-986-0900  
FAX 503-986-0904  
[www.wrd.state.or.us](http://www.wrd.state.or.us)

February 28, 2013

NORMA APPLE  
47363 SLAUGHTERHOUSE RD  
HALFWAY, OR 97834

REFERENCE: Ground Water Registration Modification Application T-11370

Enclosed is a copy of the final order approving recognition of your Historical Point of Diversion application.

If you have any questions related to the approval of this application, you may contact your caseworker by telephone at (503)986-0890 or by e-mail at [Dorothy.I.Pedersen@wrd.state.or.us](mailto:Dorothy.I.Pedersen@wrd.state.or.us).

Sincerely,

Codi Holmes  
Water Right Services Support  
Transfers and Conservation Section

cc: Rick M. Lusk, Watermaster Dist. # 8

Enclosure



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

In the Matter of Transfer Application     )  
T-11370, Baker County                    )  
  )  
  )     FINAL ORDER APPROVING A CHANGE  
  )     IN POINT OF DIVERSION TO REFLECT  
  )     HISTORIC USE

**Authority**

ORS 540.505 to 540.580 establishes the process in which a water right holder may submit a request to transfer the point of diversion, place of use, or character of use authorized under an existing water right. OAR Chapter 690, Division 380 implements the statutes and provides the Department's procedures and criteria for evaluating transfer applications.

**Applicant**

NORMA APPLE  
47363 SLAUGHTERHOUSE RD  
HALFWAY, OR 97834

**Findings of Fact**

**Background**

1. On March 9, 2012, Norma Apple filed a transfer application for authorization of a historic point of diversion under Certificates 10349 and 10353. The Department assigned the application number T-11370.
2. Notice of the application for transfer was published on March 20, 2012, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. On February 14, 2013 the applicant submitted a revised application map showing the delivery system from the Historic Point of Diversion.
4. On February 14, 2013, the Department mailed a copy of a draft order proposing to approve Transfer Application T-11370 to the applicant.
5. The portion of the first right to be transferred is as follows:

**Certificate:**     10349 in the name of C. R. IRWIN (confirmed by Pine Creek Decree, Baker County)

This is a final order in other than a 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 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.

**Use:** IRRIGATION of 8.0 ACRES, LIVESTOCK AND DOMESTIC  
**Priority Date:** 1882  
**Limit/Duty:** The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-FORTIETH of one cubic foot per second per acre measured at the point of diversion, and a total limitation of one acre-foot per acre during July, one acre-foot per acre during August and one-half acre-foot per acre during September, of each year.  
**Source:** PRONG OF CLEAR CREEK for Tract 2

**Authorized Place of Use:**

TRACT 2					
IRRIGATION, LIVESTOCK AND DOMESTIC					
Twp	Rng	Mer	Sec	Q-Q	Acres
7 S	46 E	WM	32	SE SW	8.0

6. Certificate 10349 does not describe the location of the point of diversion, however information is available from the transfer application and application maps which indicates that the approximate point of diversion is located as follows:

**Authorized Point of Diversion:**

Twp	Rng	Mer	Sec	Q-Q	MEASURED DISTANCES
7 S	46 E	WM	32	SE NW	IRWIN PRIVATE #1: 2638 FEET SOUTH AND 2328 FEET EAST FROM THE NW CORNER OF SECTION 32

7. The portion of the second right to be transferred is as follows:

**Certificate:** 10353 in the name of J. H. IRWIN (confirmed by Pine Creek, Baker County)  
**Use:** IRRIGATION of 22.0 ACRES, LIVESTOCK AND DOMESTIC  
**Priority Date:** 1882  
**Limit/Duty:** The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-FORTIETH of one cubic foot per second per acre measured at the point of diversion, and a total limitation of one acre-foot per acre during July, one acre-foot per acre during August and one-half acre-foot per acre during September, of each year.  
**Source:** EAST BRANCH OF CLEAR CREEK for Tract 1, PRONG OF CLEAR CREEK for Tract 2, tributary to PINE CREEK

**Authorized Place of Use:**

IRRIGATION, LIVESTOCK AND DOMESTIC						
Twp	Rng	Mer	Sec	Q-Q	Acres	Ditch Name
7 S	46 E	WM	32	NE SW	11.0	IRWIN
7 S	46 E	WM	32	SE SW	11.0	SMALL (same as Irwin Private #1)

8. Certificate 10353 does not describe the location of the point of diversion, however information is available from the transfer application and application maps which indicates that the approximate points of diversion are located as follows:

**Authorized Points of Diversion:**

Twp	Rng	Mer	Sec	Q-Q	MEASURED DISTANCES
7 S	46 E	WM	32	SE NW	IRWIN PRIVATE #1: 2638 FEET SOUTH AND 2328 FEET EAST FROM THE NW CORNER OF SECTION 32
7 S	46 E	WM	32	NW NW	IRWIN: 1276 FEET SOUTH AND 1137 FEET EAST FROM THE NW CORNER OF SECTION 32

9. Transfer Application T-11370 proposes to move the points of diversion to reflect historic use. The proposed historic point of diversion for the Irwin and Neet Ditch is approximately 718 feet South and 1006 feet West (downstream) from the authorized Irwin Ditch point of diversion and is approximately 644 feet North and 2459 feet West (upstream) from the Irwin Private #1 authorized point of diversion. The proposed historic point of diversion is located below:

**Historic Point of Diversion:**

Twp	Rng	Mer	Sec	Q-Q	MEASURED DISTANCES
7 S	46 E	WM	31	SE NE	IRWIN AND NEET DITCH: 1994 FEET SOUTH AND 131 FEET WEST FROM THE NW CORNER OF SECTION 32

10. The Oregon Department of Fish and Wildlife (ODFW) has determined that a fish screen is necessary at the new point of diversion to prevent fish from entering the diversion and that the diversion is not currently equipped with an appropriate fish screen. Listed fish species are not present at the point of diversion, the originating water right diversion is not screened, cost-share funds are not currently available, and the proposed diversion may be eligible for ODFW's cost-share program. A grace period of two years is appropriate until such time as cost-share funds become available to assist in the construction of a fish screen. If cost-share funds do not become available, the water user must screen within the indicated time period regardless of the availability of cost-share funding.

***Transfer Review Criteria (ORS 540.532 and OAR 690-380-2120)***

11. Pursuant to OAR 690-380-2120(2)(a), evidence has been submitted that the actual, current (proposed) point of diversion for the water rights in question, as described in Finding of Fact #9, has been in use for more than 10 years.
12. Pursuant to OAR 690-380-2120(2)(c), the Watermaster provided a statement that to his knowledge there has been no complaint of injury due to the use of water at the actual, current point of diversion, prior to the transfer request.
13. The Department did not identify any affected water rights pursuant to OAR 690-380-2120(3).
14. Water has been used within the last five years according to the terms and conditions of the rights. There is no evidence available that would demonstrate that the rights are subject to forfeiture under ORS 540.610.
15. A diversion structure and ditch sufficient to use the full amount of water allowed under the existing rights are present.

16. The proposed change would not result in enlargement of the rights.
17. The proposed change would not result in injury to other water rights.

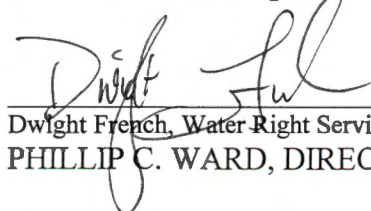
### Conclusions of Law

The proposed change in point of diversion to reflect historical use in application T-11370 is consistent with the requirements of ORS 540.505 to 540.580, and OAR 690-380-5000.

### Now, therefore, it is ORDERED:

1. The change proposed in T-11370 is approved and effective immediately.
2. The right to the use of the water is restricted to beneficial use at the place of use described, and is subject to all other conditions and limitations contained in Certificates 10349 and 10353 and any related decree.
3. Water right certificate 10349 is cancelled. Certificate 87946 will be issued to describe the change in point of diversion for the portion of the right included in T-11370. Certificate 87947 shall be issued to describe the portion of Certificate 10349 not modified by this order. Together, the new Certificates shall supersede Certificate 10349.
4. Water right certificate 10353 is cancelled. Certificate 87948 will be issued to describe the change in point of diversion for the portion of the right included in T-11370. Certificate 87949 shall be issued to describe the portion of Certificate 10353 not modified by this order. Together, the new Certificates shall supersede Certificate 10353.
5. The quantity of water diverted at the new point of diversion shall not exceed the quantity of water lawfully available at the original points of diversion.
6. By March 1, 2015, the water user shall install an approved fish screen at the new point of diversion. The water user shall provide to OWRD a written statement from Oregon Department of Fish and Wildlife (ODFW) that the installed screen meets the state's criteria, or that ODFW has determined a screen is not necessary. The water user shall maintain and operate the fish screen at the new point of diversion consistent with ODFW's operational and maintenance standards. If ODFW determines the screen is not functioning properly, and is unsuccessful in working with the water user to meet ODFW standards, ODFW may request that OWRD regulate the use of water until OWRD receives notification from ODFW that the fish screen is functioning properly.

Dated at Salem, Oregon this 28 day of February, 2013.



Dwight French, Water Right Services Administrator, for  
PHILLIP C. WARD, DIRECTOR

Mailing date: March 1 2013

STATE OF OREGON

COUNTY OF BAKER

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

NORMA APPLE  
47363 SLAUGHTERHOUSE RD  
HALFWAY OR 97834

confirms the right to use the waters of a PRONG OF EAST BRANCH OF CLEAR CREEK, tributary of Pine Creek, for Tract No. 1 and A PRONG OF CLEAR CREEK, tributary of Pine Creek for Tract No. 2, for IRRIGATION of 22.0 ACRES and DOMESTIC AND STOCK USE.

This right was confirmed by decree of the Circuit Court of the State of Oregon for Baker County. The decree is of record at Salem, in the Order Record of the Water Resources Director in Volume 11, at Page 235. The date of priority is 1882. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed ONE-FORTIETH of once cubic foot per second per acre, or its equivalent in case of rotation, measured at the point of diversion and a total limitation of one acre-foot per acre during July, one acre-foot per acre during August and one-half acre-foot per acre during September of each year.

The point of diversion is located as follows:

Twp	Rng	Mer	Sec	Q-Q	MEASURED DISTANCES
7 S	46 E	WM	31	SE SW	IRWIN AND NEET DITCH: 1994 FEET SOUTH AND 131 FEET WEST FROM THE NW CORNER OF SECTION 32

The right to the use of the water for the above purpose is restricted to beneficial use on the lands or place of use described and shall be subject to all other conditions and limitations contained in said decree.

A description of the place of use to which this right is appurtenant is as follows:

TRACT 1					
Twp	Rng	Mer	Sec	Q-Q	Acres
7 S	46 E	WM	32	NE SW	11.0

TRACT 2					
Twp	Rng	Mer	Sec	Q-Q	Acres
7 S	46 E	WM	32	SE SW	11.0

By March 1, 2015, the water user shall install an approved fish screen at the point of diversion. The water user shall provide to OWRD a written statement from Oregon Department of Fish and Wildlife (ODFW) that the installed screen meets the state's criteria, or that ODFW has determined a screen is not necessary. The water user shall maintain and operate the fish screen at the point of diversion consistent with ODFW's operational and maintenance standards. If ODFW determines the screen is not functioning properly, and is unsuccessful in working with the water user to meet ODFW standards, ODFW may

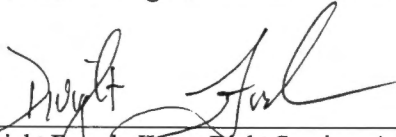
This is a final order in other than a contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-0080, you may petition for judicial review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



request that OWRD regulate the use of water until OWRD receives notification from ODFW that the fish screen is functioning properly.

This certificate is issued to confirm an HISTORIC CHANGE IN POINT OF DIVERSION approved by an order of the Water Resources Director entered FEB 28 2013, approving Transfer Application T-11370, and supersedes Certificate 10353, State Record of Water Right Certificates.

WITNESS the signature of the Water Resources Director, affixed FEBRUARY 28 2013.



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Dwight French, Water Right Services Administrator, for  
PHILLIP C. WARD, DIRECTOR

STATE OF OREGON

COUNTY OF BAKER

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

NORMA APPLE  
47363 SLAUGHTERHOUSE RD  
HALFWAY OR 97834

confirms the right to use the waters of a PRONG OF CLEAR CREEK for IRRIGATION of 8.0 ACRES and DOMESTIC AND STOCK USE on Tract No. 2.

This right was confirmed by decree of the Circuit Court of the State of Oregon for Baker County. The decree is of record at Salem, in the Order Record of the Water Resources Director in Volume 11, at Page 235. The date of priority is 1882. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed ONE-FORTIETH of once cubic foot per second per acre, or its equivalent in case of rotation, measured at the point of diversion and a total limitation of one acre-foot per acre during July, one acre-foot per acre during August and one-half acre-foot per acre during September of each year.

The point of diversion is located as follows:

Twp	Rng	Mer	Sec	Q-Q	MEASURED DISTANCES
7 S	46 E	WM	31	SE SW	IRWIN AND NEET DITCH: 1994 FEET SOUTH AND 131 FEET WEST FROM THE NW CORNER OF SECTION 32

The right to the use of the water for the above purpose is restricted to beneficial use on the lands or place of use described and shall be subject to all other conditions and limitations contained in said decree.

A description of the place of use to which this right is appurtenant is as follows:


TRACT 2					
Twp	Rng	Mer	Sec	Q-Q	Acres
7 S	46 E	WM	32	SE SW	8.0

By March 1, 2013, the water user shall install an approved fish screen at the point of diversion. The water user shall provide to OWRD a written statement from Oregon Department of Fish and Wildlife (ODFW) that the installed screen meets the state's criteria, or that ODFW has determined a screen is not necessary. The water user shall maintain and operate the fish screen at the point of diversion consistent with ODFW's operational and maintenance standards. If ODFW determines the screen is not functioning properly, and is unsuccessful in working with the water user to meet ODFW standards, ODFW may request that OWRD regulate the use of water until OWRD receives notification from ODFW that the fish screen is functioning properly.

This is a final order in other than a 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 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.

This certificate is issued to confirm an HISTORIC CHANGE IN POINT OF DIVERSION approved by an order of the Water Resources Director entered FEB 20 2013, approving Transfer Application T- 11370, and supersedes Certificate 10349, State Record of Water Right Certificates.

WITNESS the signature of the Water Resources Director, affixed FEBRUARY 20 2013



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Dwight French, Water Right Services Administrator, for  
PHILLIP C. WARD, DIRECTOR

STATE OF OREGON

COUNTY OF BAKER

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

C.H. IRWIN  
HALFWAY, OREGON

confirms the right to use the waters from a PRONG OF EAST BRANCH OF CLEAR CREEK for IRRIGATION of 12.0 ACRES and DOMESTIC AND STOCK USE in Tract No. 1.

This right was confirmed by decree of the Circuit Court of the State of Oregon for Baker County. The decree is of record at Salem, in the Order Record of the Water Resources Director in Volume 11, at Page 235. The date of priority is 1882. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed ONE-FORTIETH of once cubic foot per second per acre, or its equivalent in case of rotation, measured at the point of diversion and a total limitation of one acre-foot per acre during July, one acre-foot per acre during August and one-half acre-foot per acre during September of each year.

The right to the use of the water for the above purpose is restricted to beneficial use on the lands or place of use described and shall be subject to all other conditions and limitations contained in said Decree.

A description of the place of use to which this right is appurtenant is as follows:

TRACT 1					
Twp	Rng	Mer	Sec	Q-Q	Acres
7 S	46 E	WM	32	SE SW	12.0

This certificate describes that portion of the water right confirmed by Certificate 10349, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered FEB 28 2013, approving Transfer Application T-11370 for a change in point of diversion to reflect HISTORIC USE. This certificate, together with Certificate 87946, supersedes Certificate 10349.

The issuance of this superseding certificate does not confirm the status of the water right in regard to the provisions of ORS 540.610 pertaining to forfeiture or abandonment.

The right to the use of the water for the above purpose is restricted to beneficial use on the lands or place of use described and is subject to all other conditions and limitations contained in said decree.

WITNESS the signature of the Water Resources Director, affixed FEBRUARY 28 2013.



\_\_\_\_\_  
Dwight French, Water Right Services Administrator, for  
PHILLIP C. WARD, DIRECTOR

STATE OF OREGON  
COUNTY OF BAKER  
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

J.H. IRWIN  
HALFWAY, OREGON

confirms the right to use the waters from a PRONG OF CLEAR CREEK, tributary of Pine Creek for Tract No. 2 and PINE CREEK for Tract No. 3 for IRRIGATION of 11.0 ACRES and DOMESTIC AND STOCK USE.

This right was confirmed by decree of the Circuit Court of the State of Oregon for Baker County. The decree is of record at Salem, in the Order Record of the Water Resources Director in Volume 11, at Page 235. The date of priority is 1882 for Tract No. 2 and 1886 for Tract 3. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed ONE-FORTIETH of once cubic foot per second per acre, or its equivalent in case of rotation, measured at the point of diversion and a total limitation of one acre-foot per acre during July, one acre-foot per acre during August and one-half acre-foot per acre during September of each year.

The right to the use of the water for the above purpose is restricted to beneficial use on the lands or place of use described and shall be subject to all other conditions and limitations contained in said Decree.

A description of the place of use to which this right is appurtenant is as follows:

TRACT 2					
Twp	Rng	Mer	Sec	Q-Q	Acres
7 S	46 E	WM	32	NE SW	8.0

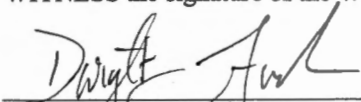
TRACT 3					
Twp	Rng	Mer	Sec	Q-Q	Acres
7 S	46 E	WM	32	NW SE	3.0

This certificate describes that portion of the water right confirmed by Certificate 10353, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered FEB 28 2013, approving Transfer Application T-11370, and also corrects a scrivener's error in the Township and Section in the location of irrigation in Tract 3. This Certificate, together with Certificate 87948, supersedes Certificate 10353.

The issuance of this superseding certificate does not confirm the status of the water right in regard to the provisions of ORS 540.610 pertaining to forfeiture or abandonment.

The right to the use of the water for the above purpose is restricted to beneficial use on the lands or place of use described and is subject to all other conditions and limitations contained in said decree.

WITNESS the signature of the Water Resources Director, affixed FEB 28 2013.

  
Dwight French, Water Right Services Administrator, for  
PHILLIP C. WARD, DIRECTOR

**NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW**

This is an order in other than a contested case. This order is subject to judicial review under ORS 183.482. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.482. Pursuant to ORS 183.482, ORS 536.075 and OAR 137-003-0675, you may petition for judicial review and 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.



# Oregon

John A. Kitzhaber, MD, Governor

## Water Resources Department

Eastern Region

Baker County Courthouse

1995 3rd Street, Suite 180

Baker City, OR 97814

Phone: (541) 523-8224

Fax: 1-866-214-3493

www.wrd.state.or.us

January 7, 2013

NORMA APPLE  
47363 SLAUGHTERHOUSE RD  
HALFWAY, OR 97834

SUBJECT: Water Right Transfer Application T-11370

Please find enclosed a Draft Final Order regarding Transfer Application T-11370. The document reflects the Department's conclusion that, based on the information currently available, the transfer will be approved. This draft is intended to provide you with an opportunity to comment on our findings and conclusions. Please review the draft carefully to evaluate whether the document is consistent with your intent in seeking the transfer, and whether you agree with the proposed action. In addition, there are some actions that you must take at this time.

A report of landownership for the lands to which the water right(s) are appurtenant (the FROM lands) is required. **The report must be prepared by a title company and meet the criteria below.** (*Reports may be called by various names, such as Customer Service Report, Property Analysis Report (PAR), List Pack, Lot Book Report, etc.*)

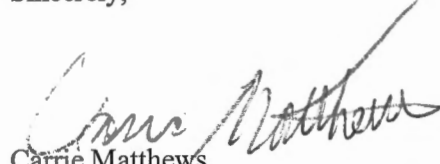
- a) The title company's report must either be:
  - i) prepared within 3 months of the draft Preliminary Determination showing current ownership, or
  - ii) prepared within 3 months of recording of a water right conveyance agreement, or
  - iii) prepared at any time, but showing ownership at the time a water right conveyance agreement was recorded.
- b) The ownership report shall include:
  - i) Date reflected by the ownership information
  - ii) List of owners at that time
  - iii) Legal description of the property where the water right to be transferred is currently located.
- c) You will need to submit a notarized statement of consent from any landowner listed in the ownership report who is not already included in the transfer application, or other information such as a water right conveyance agreement, if applicable.

Enclosed is a copy of Oregon Department of Fish and Wildlife (ODFW) Additional Fish Screening and Passage Information for the Applicant. You will note that ODFW requires a fish screening and/or by-pass device to be installed. We will establish a deadline for compliance with this condition. Please contact the ODF&W personnel listed on the document for assistance.

Issuance of the Final Order will occur shortly after we receive your response and the report of ownership. If we do not receive these items by **February 4, 2013**, a Preliminary Determination may be issued denying the application as incomplete. You may provide your response in writing or via e-mail.

Please do not hesitate to contact me at 541-523-8224 x223 or [carrie.r.matthews@wrd.state.or.us](mailto:carrie.r.matthews@wrd.state.or.us) if I may be of assistance.

Sincerely,

A handwritten signature in cursive script, appearing to read "Carrie Matthews".

Carrie Matthews  
East Region Transfer Specialist

cc: T-11370  
Rick Lusk, District Watermaster

Enclosures:  
ODFW Contact Sheet  
Draft Final Order

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

In the Matter of Transfer Application )  
T-11370, Baker County )  
)  
)

**[ D R A F T ]**

FINAL ORDER APPROVING A CHANGE  
IN POINT OF DIVERSION TO REFLECT  
HISTORIC USE

**Authority**

ORS 540.505 to 540.580 establishes the process in which a water right holder may submit a request to transfer the point of diversion, place of use, or character of use authorized under an existing water right. OAR Chapter 690, Division 380 implements the statutes and provides the Department's procedures and criteria for evaluating transfer applications.

**Applicant**

NORMA APPLE  
47363 SLAUGHTERHOUSE RD  
HALFWAY, OR 97834

**Findings of Fact**

**Background**

1. On March 9, 2012, NORMA APPLE filed a transfer application for authorization of a historic point of diversion under Certificates 10349 and 10353. The Department assigned the application number T-11370.

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

**Certificate:** 10349 in the name of C R IRWIN (confirmed by Pine Creek Decree, Baker County)

**Use:** IRRIGATION, LIVESTOCK AND DOMESTIC of 8.0 ACRES

**Priority Date:** 1882

**Limit/Duty:** The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-FORTIETH of one cubic foot per second per acre measured at the point of diversion, and a total limitation of one acre-foot per acre during July, one acre-foot per acre during August and one-half acre-foot per acre during September, of each year.

This is a final order in other than a 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 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.



**Source:** PRONG OF CLEAR CREEK FOR TRACT NO. 2. Tributary to CLEAR CREEK

**Authorized Place of Use:**

TRACT 2 IRRIGATION, LIVESTOCK AND DOMESTIC					
Twp	Rng	Mer	Sec	Q-Q	Acres
7 S	46 E	WM	32	SE SW	8.0

3. Certificate 10349 does not describe the location of the point of diversion, however information is available from the transfer application and application maps which indicates that the APPROXIMATE point of diversion is located as follows:

**Authorized Point of Diversion:**

Twp	Rng	Mer	Sec	Q-Q	MEASURED DISTANCES
7 S	46 E	WM	32	SE SW	IRWIN PRIVATE #1: 2638 FEET SOUTH AND 2328 FEET EAST FROM THE NW CORNER OF SECTION 32

4. The portion of the second right to be transferred is as follows:

**Certificate:** 10353 in the name of J H IRWIN (confirmed by Pine Creek, Baker County)

**Use:** IRRIGATION, LIVESTOCK AND DOMESTIC of 22.0 ACRES

**Priority Date:** 1882

**Limit/Duty:** The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-FORTIETH of one cubic foot per second per acre measured at the point of diversion, and a total limitation of one acre-foot per acre during July, one acre-foot per acre during August and one-half acre-foot per acre during September, of each year.

**Source:** EAST BRANCH OF CLEAR CREEK FOR TRACT 1, PRONG OF CLEAR CREEK FOR TRACT 2 CLEAR CREEK, tributary to the PINE CREEK

**Authorized Place of Use:**

IRRIGATION, LIVESTOCK AND DOMESTIC						
Twp	Rng	Mer	Sec	Q-Q	Acres	Ditch Name
7 S	46 E	WM	32	NE SW	11.0	IRWIN
7 S	46 E	WM	32	SE SW	11.0	SMALL

5. Certificate 10353 does not describe the location of the point of diversion, however information is available from the transfer application and application maps which indicates that the APPROXIMATE point of diversion is located as follows:

**Authorized Point of Diversion:**

Twp	Rng	Mer	Sec	Q-Q	MEASURED DISTANCES
7 S	46 E	WM	32	SE SW	IRWIN PRIVATE #1: 2638 FEET SOUTH AND 2328 FEET EAST FROM THE NW CORNER OF SECTION 32
7 S	46 E	WM	32	NW NW	IRWIN: 1276 FEET SOUTH AND 1137 FEET EAST FROM THE NW CORNER OF SECTION 32

6. Transfer Application T-11370 proposes to move the points of diversion to reflect historic use. The proposed historic point of diversion for the IRWIN AND NEET Ditch is approximately 718 feet South and 1006 feet West (downstream) from the authorized point of diversion (Irwin Ditch) and is approximately 644 feet North and 2459 feet West (upstream) from the authorized point of diversion (Irwin Private #1). The proposed historic points of diversion are located below:

**Historic Point of Diversion:**

Twp	Rng	Mer	Sec	Q-Q	MEASURED DISTANCES
7 S	46 E	WM	32	SE SW	IRWIN AND NEET DITCH: 1994 FEET SOUTH AND 131 FEET WEST FROM THE NW CORNER OF SECTION 32

7. Notice of the application for transfer was published on March 20, 2012, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
8. The Oregon Department of Fish and Wildlife (ODFW) has determined that a fish screen is necessary at the new point of diversion to prevent fish from entering the diversion and that the diversion is not currently equipped with an appropriate fish screen. Listed fish species are not present at the point of diversion, the originating water right diversion is not screened, cost-share funds are not currently available, and the proposed diversion may be eligible for ODFW's cost-share program. A grace period of two years is appropriate until such time as cost-share funds become available to assist in the construction of a fish screen. If cost-share funds do not become available, the water user must screen within the indicated time period regardless of the availability of cost-share funding.

***Transfer Review Criteria (ORS 540.532 and OAR 690-380-2120)***

9. Pursuant to OAR 690-380-2120(2)(a), evidence has been submitted that the actual, current point of diversion for the water right in question, as described in Finding No. 6, has been in use for more than 10 years.
10. Pursuant to OAR 690-380-2120(2)(c), the Watermaster provided a statement that to his knowledge there has been no complaint of injury due to the use of water at the actual, current point of diversion, prior to the transfer request.
11. The Department did not identify any affected water rights pursuant to OAR 690-380-2120(3).
12. Water has been used within the last five years according to the terms and conditions of the right. There is no evidence available that would demonstrate that the right is subject to forfeiture under ORS 540.610.
13. A diversion structure and ditch sufficient to use the full amount of water allowed under the existing right is present.
14. The proposed change would not result in enlargement of the right.
15. The proposed change would not result in injury to other water rights.

**Conclusions of Law**

The proposed change in point of diversion to reflect historical use in application T-11370 is consistent with the requirements of ORS 540.505 to 540.580, and OAR 690-380-5000.

**Now, therefore, it is ORDERED:**

1. The change proposed in T-11370 is approved and effective immediately.
2. The right to the use of the water is restricted to beneficial use at the place of use described, and is subject to all other conditions and limitations contained in Certificate(s) 10349 and any related decree.
3. Water right certificate 10349 is cancelled. Certificate 10349 will be issued to describe the change in point of diversion for the portion of the rights included in T-11370. Certificate 10349 shall be issued to describe the portion of Certificate 10349 not modified by this order. Together, the new Certificates shall supersede Certificate 10349.
4. The quantity of water diverted at the new point of diversion shall not exceed the quantity of water lawfully available at the original point of diversion.
5. By \_\_\_\_\_ [Within two years after the date of this order] the water user shall install an approved fish screen at the new point of diversion. The water user may withdraw water at the new point of diversion without a screen until October 1, 20\_\_ . The water user shall provide to OWRD a written statement from Oregon Department of Fish and Wildlife (ODFW) that the installed screen meets the state’s criteria, or that ODFW has determined a screen is not necessary. The water user shall maintain and operate the fish screen at the new point of diversion consistent with ODFW’s operational and maintenance standards. If ODFW determines the screen is not functioning properly, and is unsuccessful in working with the water user to meet ODFW standards, ODFW may request that OWRD regulate the use of water until OWRD receives notification from ODFW that the fish screen is functioning properly.

Dated at Salem, Oregon this \_\_\_\_\_ day of \_\_\_\_\_ 2013.

**D R A F T**

\_\_\_\_\_  
Dwight French, Water Right Services Administrator, for  
PHILLIP C. WARD, DIRECTOR

*Mailing date:* \_\_\_\_\_

**3. Screen 2 Year**

*[Option 3 may be checked if the change is from an unscreened diversion to a HISTORIC POD or an existing POD in use for another water right, and cost-share funds are not currently available. It should NOT be checked if fish species are present at the point of diversion, the originating water right diversion is screened, cost-share funds are currently available, or the diversion is not eligible for ODFW's cost-share program. Please provide contact information on the "Fish Screening and Passage Information" sheet.] If extraordinary circumstances are present, please explain: \_\_\_\_\_*

Note: This option will yield the following:

Finding of Fact: The Oregon Department of Fish and Wildlife (ODFW) has determined that a fish screen is necessary at the new point of diversion to prevent fish from entering the diversion and that the diversion is not currently equipped with an appropriate fish screen. Listed fish species are not present at the point of diversion, the originating water right diversion is not screened, cost-share funds are not currently available, and the proposed diversion may be eligible for ODFW's cost-share program. A grace period of two years is appropriate until such time as cost-share funds become available to assist in the construction of a fish screen. If cost-share funds do not become available, the water user must screen within the indicated time period regardless of the availability of cost-share funding.

Condition: By October 1, 20\_\_ [Within two years after the date of this order] the water user shall install an approved fish screen at the new point of diversion. The water user shall provide to OWRD a written statement from Oregon Department of Fish and Wildlife (ODFW) that the installed screen meets the state's criteria, or that ODFW has determined a screen is not necessary.

The water user shall maintain and operate the fish screen at the new point of diversion consistent with ODFW's operational and maintenance standards. If ODFW determines the screen is not functioning properly, and is unsuccessful in working with the water user to meet ODFW standards, ODFW may request that OWRD regulate the use of water until OWRD receives notification from ODFW that the fish screen is functioning properly.

**4. Screen Future**

*[Use this option if fish are not currently present, but might possibly be at some future time.]*

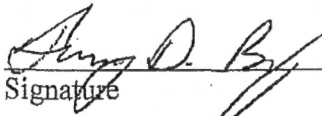
Note: This option will yield the following:

Finding of Fact: The Oregon Department of Fish and Wildlife has determined that the diversion is not currently equipped with an appropriate fish screen, but a fish screen may be required in the future at the new point of diversion to prevent fish from entering the diversion.

Condition: The Oregon Department of Fish and Wildlife (ODFW) may require the water user to install an approved fish screen at the new point of diversion within one year after receiving written notification that a fish screen is required. Once installed the water user shall maintain and operate the fish screen at the new point of diversion according to ODFW's operational and maintenance standards. If ODFW determines the screen is not functioning properly, and is unsuccessful in working with the water user to meet ODFW standards, ODFW may request that OWRD regulate the use of water until OWRD receives notification from ODFW that the fish screen is functioning properly.

**5. No Screen Needed**

*[Check this box if fish are not currently present, and are not expected in the future.]*

  
Signature

Timothy Bailey  
Printed Name

(541) 962-1829  
Phone

La Grande District Fish Biologist  
Title

**Oregon Department of Fish and Wildlife**  
**Additional Fish Screening and Passage Information for the Applicant**  
*(To be completed by ODFW for WRD to provide to the applicant.)*

Transfer #: T-11370

**The applicant should be aware that fish screening and passage may be required for certain changes in point of diversion if the boxes below are checked.**

- Fish screening is required as a condition of this transfer. The fish screen must meet ODFW's design, construction, operational and maintenance standards.

Pursuant to ORS 498.306, cost-share funds may be available to assist in the installation of fish screening.

The applicant should contact the ODFW staff member below to obtain additional information on the design, construction, operational, and maintenance standards for the fish screen and to obtain information about ODFW's cost-sharing program for screening. **Prior to installation, the water user must obtain written approval from ODFW that the required screen meets ODFW's criteria.**

ODFW staff name: Tim Bailey

Address: 107 20<sup>th</sup> Street

City/State/Zip: La Grande, OR 97850

Phone: (541) 962-1829

- This transfer may trigger requirements for fish passage under ORS 509.585 because a new point of diversion will be constructed, an existing point of diversion's capacity will be increased, or an existing point of diversion will be abandoned. The applicant should contact the ODFW staff member below for a determination of whether native migratory fish are or were present at the applicable location, which will determine whether fish passage must be addressed.

ODFW staff name: \_\_\_\_\_

Address: \_\_\_\_\_

City/State/Zip: \_\_\_\_\_

Phone: (\_\_\_\_\_) \_\_\_\_\_

## Carrie Matthews

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**From:** Rick Lusk  
**Sent:** Tuesday, October 16, 2012 3:16 PM  
**To:** Carrie Matthews  
**Subject:** Norma Apple, Historical Transfer in POD, T-11370

Carrie,

I spoke with Norma Apple on October 5, 2012, regarding her Historic Change in Point of Diversion, Transfer T-11370. Norma wishes to proceed with the transfer.

In reviewing the effected water rights, I contacted David Mader, president of the Clear Creek Reservoir Company. *Speaking for the Clear Creek Reservoir Company, he sees no reason or necessity to comment or be notified as an effected water right holder.*

Please proceed with processing of Transfer T-11370.

Thanks,

Rick Lusk  
Assistant Manager, ER  
Watermaster District 8  
1995 3rd Street, Suite 180  
Baker City, OR 97814  
541-523-8224  
[Rick.M.LUSK@ wrd.state.or.us](mailto:Rick.M.LUSK@ wrd.state.or.us)

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**From:** Carrie Matthews  
**Sent:** Tuesday, October 16, 2012 11:54 AM  
**To:** Rick Lusk  
**Subject:**

Hi Rick;

If there are no affected rights then would you send me an e-mail to that affect so I can put it in the file and finish writing this order? Here is the criteria:

(a) Provide the applicant a list of the affected water rights. The list shall include, but is not limited to:

(A) Any water right with an intervening point of diversion or appropriation;

(B) Any water right for use of stored water being delivered from an upstream reservoir to a downstream user;

(C) Any water right upstream from a significant inflow of water if the request moves the proposed point of diversion upstream, above the inflow, from the authorized point of diversion;

(D) Any water right downstream from a significant inflow of water if the request moves the proposed point of diversion downstream, below the inflow, from the authorized point of diversion;

Thanks...cm

*Carrie Matthews*  
*Transfer Specialist*  
541-523-8224 Ext 36  
Fax: 1-866-214-3493  
[carrie.r.matthews@wrд.state.or.us](mailto:carrie.r.matthews@wrд.state.or.us)

Water Resources Dept.  
Eastern Region  
1995 3rd Street, Suite 180  
Baker City, OR 97814  
[www.wrд.state.or.us](http://www.wrд.state.or.us)

## Carrie Matthews

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**From:** Carrie Matthews  
**Sent:** Thursday, February 14, 2013 1:32 PM  
**To:** 'Norma Apple'  
**Subject:** RE: Re:

Thanks Norma. I will get this wrapped up and put it in the mail today. Call me if you need anything else.

*Carrie Matthews*  
*Transfer Specialist*  
541-523-8224 Ext 223  
Fax: 1-866-214-3493  
[carrie.r.matthews@wrд.state.or.us](mailto:carrie.r.matthews@wrд.state.or.us)

Water Resources Dept.  
Eastern Region  
1995 3rd Street, Suite 180  
Baker City, OR 97814  
[www.wrd.state.or.us](http://www.wrd.state.or.us)

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**From:** Norma Apple [<mailto:norma.apple@me.com>]  
**Sent:** Thursday, February 14, 2013 1:31 PM  
**To:** Carrie Matthews  
**Subject:** Re:

As far as i can tell, with your help (thank you so much) everything looks good. Lets get er' done.

---  
Norma.Apple  
(at) [me.com](mailto:me.com)

On Feb 14, 2013, at 8:51 AM, Carrie Matthews <[carrie.r.matthews@state.or.us](mailto:carrie.r.matthews@state.or.us)> wrote:

*Carrie Matthews*  
*Transfer Specialist*  
541-523-8224 Ext 223  
Fax: 1-866-214-3493  
[carrie.r.matthews@wrд.state.or.us](mailto:carrie.r.matthews@wrд.state.or.us)

Water Resources Dept.  
Eastern Region  
1995 3rd Street, Suite 180  
Baker City, OR 97814  
[www.wrd.state.or.us](http://www.wrd.state.or.us)

<11370-rev-map2-14-13.pdf>



Norma: 541-742-4966

norma.apple@me.com

2/11/13 Called Norma she is  
going to contact Elkhorn & get the  
List Pack.

Then she will call me to set up  
an appointment to meet & go over the  
draft order

**Oregon Department of Fish and Wildlife**  
**Water Right and Diversion Transfer Comment Form**  
*(ODFW provides to WRD so that WRD can make findings according to statutory requirements.)*

Reference Transfer #: T-11370

Date of review: 11/9/12

**A. Please check box if you believe there may be a potential for injury to an instream water right.**

The Oregon Department of Fish and Wildlife (ODFW) believes this proposed transfer may injure an instream water right(s) on \_\_\_\_\_ [*stream*], tributary to \_\_\_\_\_, because \_\_\_\_\_.

*(Please attach any available supporting information.)*

**Note:** This will prompt WRD to make a determination whether the transfer will injure an instream water right. *(OWRD makes the determination of injury to a water right, while ODFW's role is to raise concerns, and to evaluate proposed mitigation and net benefit to the resource if OWRD consents to injury of an instream water right.)*

**B. Please check one of the following five boxes related to fish screen requirements pursuant to ORS 540.525 or 540.532:**

**1. Screen Maintain**

*[Select this option if the new Point of Diversion (POD) requires a fish screen and is currently equipped with an appropriate fish screen that will still be in compliance if the transferred water is diverted from this POD.]*

**Note:** This option will yield the following:

**Finding of Fact:** The Oregon Department of Fish and Wildlife has determined that a fish screen is necessary at the new point of diversion to prevent fish from entering the diversion and that the diversion is currently equipped with an appropriate fish screen.

**Condition:** The water user shall operate and maintain an approved fish screen at the new point of diversion. If Oregon Department of Fish and Wildlife (ODFW) determines the screen is not functioning properly, and is unsuccessful in working with the water user to meet ODFW standards, ODFW may request that OWRD regulate the use of water until OWRD receives notification from ODFW that the fish screen is functioning properly.

**2. Screen Now**

*[Option 2 should generally be selected if fish species are present at the point of diversion and/or the originating water right diversion is currently screened. If Option 2 is selected, provide contact information on the "Fish Screening and Passage Information" sheet. The new diversion may be eligible for cost-share.]*

**Note:** This option will yield the following:

**Finding of Fact:** The Oregon Department of Fish and Wildlife (ODFW) has determined that a fish screen is necessary at the new point of diversion to prevent fish from entering the diversion and that the diversion is not currently equipped with an appropriate fish screen. This diversion may be eligible for screening cost-share funds.

**Condition:** Prior to diverting water, the water user shall install an approved fish screen at the new point of diversion and shall provide to the OWRD a written statement from Oregon Department of Fish and Wildlife (ODFW) that the installed screen meets the state's criteria, or that ODFW has determined a screen is not necessary.

The water user shall operate and maintain the fish screen at the new point of diversion consistent with ODFW's operational and maintenance standards. If ODFW determines the screen is not functioning properly, and is unsuccessful in working with the water user to meet ODFW standards, ODFW may request that OWRD regulate the use of water until OWRD receives notification from ODFW that the fish screen is functioning properly.

*Please return all 3 pages to: Transfers Section, Water Resources Department,  
725 Summer St. NE, Suite A, Salem, OR 97301-1266*

**3. Screen 2 Year**

*[Option 3 may be checked if the change is from an unscreened diversion to a HISTORIC POD or an existing POD in use for another water right, and cost-share funds are not currently available. It should NOT be checked if fish species are present at the point of diversion, the originating water right diversion is screened, cost-share funds are currently available, or the diversion is not eligible for ODFW's cost-share program. Please provide contact information on the "Fish Screening and Passage Information" sheet.] If extraordinary circumstances are present, please explain: \_\_\_\_\_*

Note: This option will yield the following:

Finding of Fact: The Oregon Department of Fish and Wildlife (ODFW) has determined that a fish screen is necessary at the new point of diversion to prevent fish from entering the diversion and that the diversion is not currently equipped with an appropriate fish screen. Listed fish species are not present at the point of diversion, the originating water right diversion is not screened, cost-share funds are not currently available, and the proposed diversion may be eligible for ODFW's cost-share program. A grace period of two years is appropriate until such time as cost-share funds become available to assist in the construction of a fish screen. If cost-share funds do not become available, the water user must screen within the indicated time period regardless of the availability of cost-share funding.

Condition: By October 1, 20\_\_ [Within two years after the date of this order] the water user shall install an approved fish screen at the new point of diversion. The water user shall provide to OWRD a written statement from Oregon Department of Fish and Wildlife (ODFW) that the installed screen meets the state's criteria, or that ODFW has determined a screen is not necessary.

The water user shall maintain and operate the fish screen at the new point of diversion consistent with ODFW's operational and maintenance standards. If ODFW determines the screen is not functioning properly, and is unsuccessful in working with the water user to meet ODFW standards, ODFW may request that OWRD regulate the use of water until OWRD receives notification from ODFW that the fish screen is functioning properly.

**4. Screen Future**

*[Use this option if fish are not currently present, but might possibly be at some future time.]*

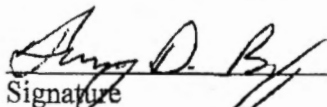
Note: This option will yield the following:

Finding of Fact: The Oregon Department of Fish and Wildlife has determined that the diversion is not currently equipped with an appropriate fish screen, but a fish screen may be required in the future at the new point of diversion to prevent fish from entering the diversion.

Condition: The Oregon Department of Fish and Wildlife (ODFW) may require the water user to install an approved fish screen at the new point of diversion within one year after receiving written notification that a fish screen is required. Once installed the water user shall maintain and operate the fish screen at the new point of diversion according to ODFW's operational and maintenance standards. If ODFW determines the screen is not functioning properly, and is unsuccessful in working with the water user to meet ODFW standards, ODFW may request that OWRD regulate the use of water until OWRD receives notification from ODFW that the fish screen is functioning properly.

**5. No Screen Needed**

*[Check this box if fish are not currently present, and are not expected in the future.]*

  
Signature

Timothy Bailey  
Printed Name

(541) 962-1829  
Phone

La Grande District Fish Biologist  
Title

**Oregon Department of Fish and Wildlife**  
**Additional Fish Screening and Passage Information for the Applicant**  
*(To be completed by ODFW for WRD to provide to the applicant.)*

Transfer #: T-11370

**The applicant should be aware that fish screening and passage may be required for certain changes in point of diversion if the boxes below are checked.**

- Fish screening is required as a condition of this transfer. The fish screen must meet ODFW's design, construction, operational and maintenance standards.

Pursuant to ORS 498.306, cost-share funds may be available to assist in the installation of fish screening.

The applicant should contact the ODFW staff member below to obtain additional information on the design, construction, operational, and maintenance standards for the fish screen and to obtain information about ODFW's cost-sharing program for screening. **Prior to installation, the water user must obtain written approval from ODFW that the required screen meets ODFW's criteria.**

ODFW staff name: Tim Bailey

Address: 107 20<sup>th</sup> Street

City/State/Zip: La Grande, OR 97850

Phone: (541) 962-1829

- This transfer may trigger requirements for fish passage under ORS 509.585 because a new point of diversion will be constructed, an existing point of diversion's capacity will be increased, or an existing point of diversion will be abandoned. The applicant should contact the ODFW staff member below for a determination of whether native migratory fish are or were present at the applicable location, which will determine whether fish passage must be addressed.

ODFW staff name: \_\_\_\_\_

Address: \_\_\_\_\_

City/State/Zip: \_\_\_\_\_

Phone: (\_\_\_\_\_) \_\_\_\_\_



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

## Watermaster Review Form: Water Right Transfer

Transfer Application: T-11370

Review Due Date: 3/19/12

Applicant Name: Norma Apple

Proposed Changes:  POU  POD  POA  USE  OTHER

Reviewer(s): Nathan Petrucci Deputy Watermaster Date of Review: Mar. 19, 2012

1. Do you have information suggesting that the water rights may be subject to forfeiture?  
 Yes  No If "Yes", describe the information and indicate if you intend to file a cancellation affidavit or if you need additional time to determine if a cancellation affidavit should be filed: \_\_\_\_\_
2. Is there a history of regulation on the source that serves the right proposed for transfer that has involved the right and downstream water rights?  Yes  No Generally characterize the frequency of any regulation or explain why regulation has not occurred: The Watermaster's office regulates Clear Creek yearly.
3. Check here if it appears that downstream water rights benefit from return flows resulting from the current use of the right?  If you check the box, generally characterize the locations where the return flows likely occur and list the water rights that benefit most: N/A
4. Are there upstream water rights that would be affected by the proposed change?  
 Yes  No If "Yes", describe how the rights would be affected and list the rights most affected: \_\_\_\_\_
5. For POD changes and instream transfers, check here if there are channel losses between the old and new PODs or within the proposed instream reach?  If you check the box, describe and, if possible, estimate the losses: \_\_\_\_\_
6. Would distribution of water for the right after the proposed change result in regulation of other water rights that would not have occurred if use of the existing right was maximized?  
 Yes  No If "Yes", explain: \_\_\_\_\_
7. For POU changes, would the original place of use continue to receive water from the same source?  Yes  No  N/A If "Yes", explain: \_\_\_\_\_
8. For POU or USE changes, would use of the existing right at "full face value," result in the diversion of more water than can be used beneficially and without waste?  Yes  No  
If "Yes", explain: N/A
9. Are there other issues not identified through the above questions?  Yes  No If "Yes", explain: \_\_\_\_\_
10. What alternatives may be available for addressing any issues identified above: N/A
11. Have headgate notices been issued for the source that serves the right?  Yes  No

12. The checked water control and measurement conditions should be included in the transfer:

<b>Headgates:</b> <input type="checkbox"/> NA	<input checked="" type="checkbox"/> Present and should be maintained.	<input type="checkbox"/> Should be required prior to diverting water.	<input type="checkbox"/> May be required in the future.
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**Measurement Devices:**

*The water user shall maintain and operate the existing measurement device and shall make such improvements as may be required by the Department.*

Surface Water Diversion or Groundwater Point of Appropriation:

*The Director may require the water user to install a totalizing flow meter or other suitable measuring devices at each point of diversion/appropriation. If the Director notifies the water user to install totalizing flow meters or other measuring devices, the water user shall install such devices specified by the Director within the period allowed in the notice. Once installed, the water user shall maintain the meters or measuring devices in good working order and shall allow the Watermaster access to the meters or measuring devices.*

*Water use measurement conditions: (if this condition is selected, also fill in the top sections of page 3)*  
*a. **Before water use may begin** under this order, the water user shall install a **totalizing flow meter\***, or, with prior approval of the Director, another suitable measuring device, at each point of diversion/appropriation.*  
*b. The water user shall maintain the meters or measuring devices in good working order.*  
*c. The water user shall allow the Watermaster access to the meters or measuring devices; provided however, where the meters or measuring devices are located within a private structure, the Watermaster shall request access upon reasonable notice.*

Reservoirs:

*The Director may require the water user to install staff gages or other suitable measuring devices that measure the entire range and stage between empty and full in each reservoir. Staff gages shall be United States Geological Survey style. Additionally, if the reservoir is located in-channel, weirs or other suitable measuring devices may be required upstream and downstream of the reservoir, and an adjustable outlet valve may be required. If the Director notifies the water user to install adjustable outlet valves, staff gages, weirs, or other suitable measuring devices, the water user shall install such devices specified by the Director within the period allowed in the notice. Once installed, the water user shall maintain the devices in good working order and shall allow the Watermaster access to the devices.*

*Water use measurement conditions: (if this condition is selected, also fill in the top sections of page 3)*  
*a. **Before water use may begin** under this order, the water user shall install **staff gages\***, or, with prior approval of the Director, other suitable measuring devices, that measure the entire range and stage between empty and full in each reservoir. Staff gages shall be United States Geological Survey style.*  
*b. **Before water use may begin** under this order, if the reservoir is located in channel, weirs or other suitable measuring devices must be installed upstream and downstream of the reservoir, and, an adjustable outlet valve must be installed. The water user shall maintain such devices in good working order. A written waiver may be obtained, if in the judgment of the Director, the installation of weirs or other suitable measuring devices, or the adjustable outlet valve, will provide no public benefit.*

**\* The following alternative device(s) should be substituted for the bold, underlined device in the above selected condition:**

- Weir
- Submerged Orifice
- Other: \_\_\_\_\_
- Parshall Flume
- Flow Restrictor

**Oregon Water Resources Department**

**Measurement Condition Information for the Applicant**  
*(to be sent with the Draft Preliminary Determination or Final Order)*

Transfer #: T-11370

A \_\_\_\_\_ will be required to be installed **prior to diversion of water** at the proposed point(s) of diversion or appropriation as a condition of this transfer.

For additional information, or to obtain approval of a different type of measurement device, the applicant should contact the area Watermaster:

Watermaster name: \_\_\_\_\_

District: \_\_\_\_\_

Address: \_\_\_\_\_

City/State/Zip: \_\_\_\_\_

Phone: \_\_\_\_\_

Email: \_\_\_\_\_

*Note: If a device other than the one specified in the Preliminary Determination or Final Order is approved by the Watermaster, fill out and mail the form below to the Salem office.*

\*\*\*\*\*

**Approval of an Alternate Measurement Device**                      T- \_\_\_\_\_  
*(to be filled out after consultation with the applicant, or after a site visit)*

On behalf of the Director, I authorize use of the following suitable **alternate measurement device**:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_  
 Watermaster signature    District    Date

If this form is used for approval of an alternative measurement device, it must be mailed to:

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



# Oregon

John A. Kitzhaber, MD, Governor

## Water Resources Department

North Mall Office Building  
725 Summer St. NE, Suite A  
Salem, OR 97301  
Phone 503-986-0900  
FAX 503-986-0904  
[www.wrd.state.or.us](http://www.wrd.state.or.us)

March 13, 2012

NORMA APPLE  
47363 SLAUGHTERHOUSE RD  
HALFWAY, OR 97834

Reference: Application T- 11370

On March 9, 2012, we received your water right Transfer application. The application was accompanied by \$1300.00. Our receipt number 105200 is enclosed.

By copy of this letter, we are asking the Watermaster for a report regarding the potential for injury to existing water rights which may be caused by the requested change, and a review form is also being sent to Oregon Department of Fish and Wildlife, to see whether a fish screen may be required.

Your application will be examined to determine whether additional information is needed. We will notify you if further information or corrections to the application or map are required.

If the land is sold before the transfer is approved, the buyer's consent to the transfer will be required unless a recorded deed or other legal document clearly established that the water right was not conveyed in the sale.

Refer to the following page for a chart showing the steps and expected timelines for the processing of your application.

If you have any questions, please contact the Transfer Section at (503)986-0883.

Cc: Watermaster Dist. #8  
Baker County

Enclosure

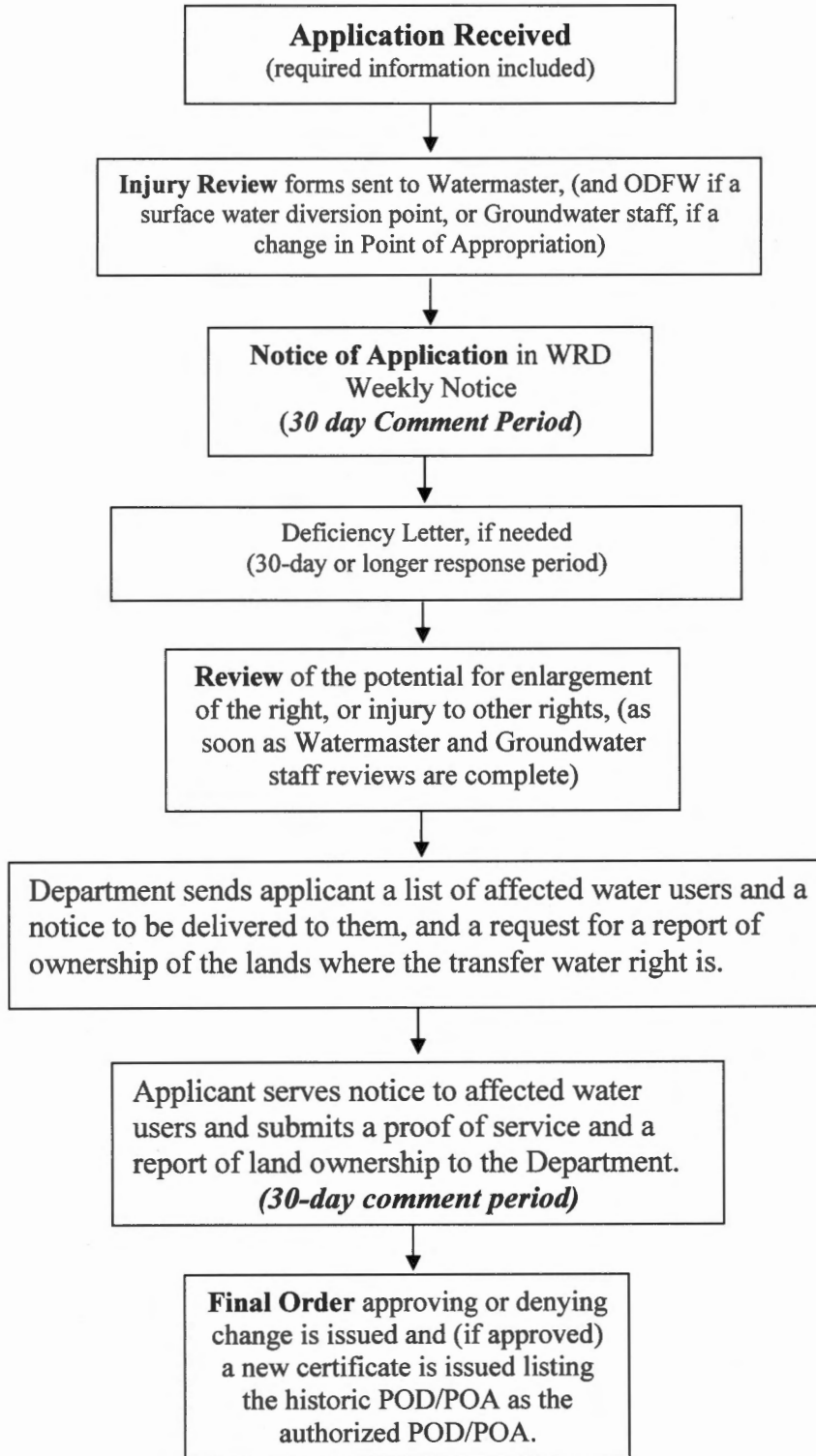




## Historic Point of Diversion Transfer Process

OAR 690 Division 380

Changes: POD/POA to a point that has been in use for 10 years or more





# Oregon

Theodore R. Kulongoski, Governor

**Water Resources Department**

725 Summer Street NE, Suite A

Salem, OR 97301-1271

503-986-0900

FAX 503-986-0904

**Notice of Application for  
Water Right Transfer, Temporary Transfer, or Permit Amendment  
March 20, 2012**

The Department seeks comment on the recently-filed application listed below. Any person may comment on the application. Comments must be received by the Department within 30 days of the date of this notice. The Director may presume that the transfer would be allowed by, and compatible with comprehensive plans unless an affected local government informs the Director otherwise within 30 days of this notice.

County: BAKER  
Transfer: 11370  
Water Right: CERT 10349  
Priority Date: DECEMBER 31, 1882  
Name: NORMA APPLE  
Address: 47363 SLAUGHTERHOUSE RD, HALFWAY OR 97834  
Change: POINT OF DIVERSION  
Source: PRONG CLEAR CREEK

The holder of a water right may apply to permanently change an existing water use subject to transfer. A transfer application may involve any of the following changes: Point of diversion or appropriation (POD; POA); Additional point of diversion or appropriation (APOD; APOA); Historic POD (HIST); Place of use (POU); Character of use (USE); Instream (ISWR); Substitution (SUB); or Exchange (EXCH).

The holder of a water right subject to transfer may request to temporarily change the place of use of the water for up to 5 years and, if necessary to convey the water, to temporarily change the point of diversion or appropriation.

The holder of a water right permit may apply to change a point of diversion (POD) or appropriation (POA) or to change the place of use (POU).

Any person who provides comments within the comment period will receive a copy of the Department's preliminary determination of whether the application should be approved or rejected after the Department has completed a review of the application and will be provided an opportunity to protest the application and preliminary determination at that time. Comments should be sent to the Transfers Section at the Department's Salem office.

# Regular Permanent Water Right Transfer Application Checklist

Checked by SLP Date 3/9/12

(If OK, check box to left; if not, fill in the blank)

1. Page 1 of application: Are all attachments that have been checked actually included?  
If not, what is missing? \_\_\_\_\_

2. Are fees included and correct?  
If not, the correct fee would be: \_\_\_\_\_, so the amount missing is: \_\_\_\_\_

If a Substitution (see page 5 of application)

Base fee for 1 well (POA)		\$630.00
Number of additional wells = _____	x \$300.00 =	
Total =		

If a Government Action POD change (see page 5) NO CHARGE

If any other type of "regular permanent" transfer:

Base fee for one water right, one change and first cfs =		\$900.00
Additional base fee for groundwater staff review if any number of changes to well location(s), additional well(s) or change a SW diversion point to a well:	\$300.00	—
# of additional water rights (see Part 4 of application) = _____	x \$400.00 =	400.00
1 or 2 additional TYPEs of change* (see page 5 of application) = _____	x \$700.00 =	—
If <i>place of use</i> or <i>type of use</i> change and more than 1 cfs (based on primary acres x rate), # cfs or fraction above the first cfs = _____	x \$250.00 =	—
Sub-total =		\$1,300.00
If a letter from ODFW endorsing this as a "fish-friendly" transfer is included, multiply sub-total by 0.50 =		—
Total = sub-total minus 50% "fish-friendly" reduction, if applicable =		\$1,300.00

\*Note:

[POD/APOD, POA/APOA, SW-GW, Gov Action] are all counted as one type

POU is counted as one type

[USE or (Supplemental to Primary)] are counted as one type

3. Page 3 of application: Have all the applicants listed at the top of the page signed at the bottom?  
If not, whose signature is missing? \_\_\_\_\_

4. Are all listed certificates or permits shown by WRIS as non-cancelled?  
If not, which are cancelled? \_\_\_\_\_  
For each cancelled certificate, if there has been a remaining right certificate issued that covers the lands in the left side of Table 2, list its number \_\_\_\_\_ and check the #4 box at left on this checklist.

5. If all #1-#4 boxes on this checklist are checked (with no remaining deficiencies identified), accept the application and assign it a numbered transfer folder. Put this check sheet in the transfer folder. If #1, #2, #3 or #4 on this checklist is deficient, the application cannot be accepted. It should be returned and the deficiencies listed in the "staff" section at the bottom of Application Page 1, unless the applicant or agent can resolve the deficiencies within 2-3 days.

# ***ORIGINALS***

**Transfer Application**

**Transfer Map**

**Evidence of Use Affidavit**

**Documentation of Use**

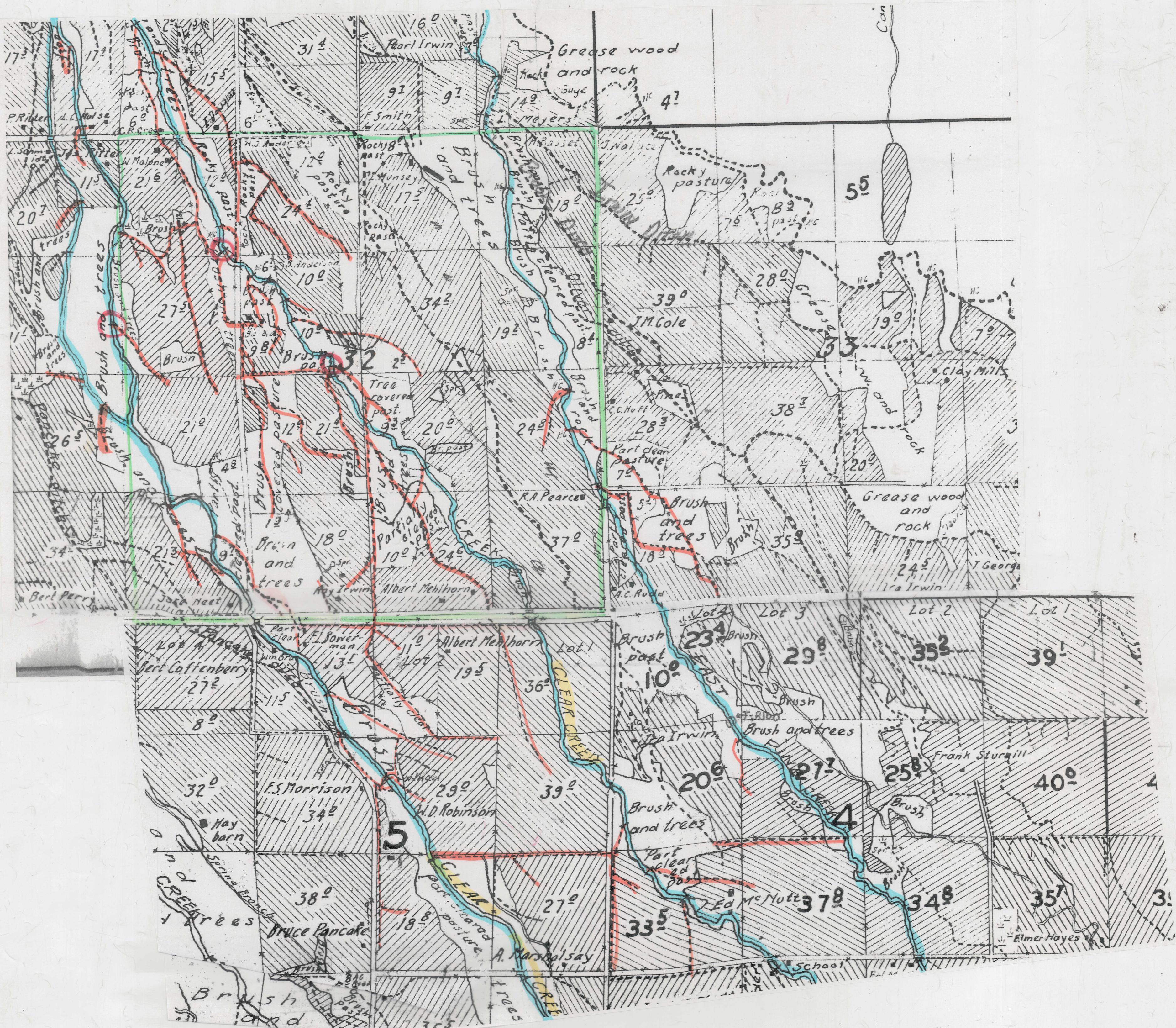
**Land Use Information Form**

**Report of Ownership**

**Miscellaneous**

**Superseded Pages**

**Receipt**





State of Oregon  
 Water Resources Department  
 725 Summer Street NE, Suite A  
 Salem, Oregon 97301-1266  
 (503) 986-0900

# Application for Historic Change in Point of Diversion/Appropriation

## Part 1 of 4 – Minimum Requirements Checklist

**This historic change in point of diversion/appropriation 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.

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

- Part 1 – Completed Minimum Requirements Checklist.
- Part 2 – Completed Historic Change in Point of Diversion/Appropriation Application Map Checklist.
- Part 3 – Completed Historic Change in Point of Diversion/Appropriation Application – Applicant Information and Signature.
- Part 4 – Completed Historic Change in Point of Diversion/Appropriation Application – Water Right Information. Please include a separate Part 4 for each water right. List all water right certificates to be transferred here: 10349, 10353

**Attachments:**

- Completed Historic Change in Point of Diversion/Appropriation Application Map (Does not have to be prepared by a Certified Water Right Examiner).
- Completed Evidence of Use Affidavit and supporting documentation showing that water has been diverted at the actual, current point of diversion/appropriation for more than 10 years.
- Statement from the local Watermaster, based upon the Watermaster’s knowledge and Department records, that no complaint of injury has been made due to the use of water at the actual, current point of diversion/appropriation.
- Land Use Information Form with approval and signature (or signed land use form receipt stub).
- N/A Affidavit(s) of Consent to Transfer by Deeded Landowner. Any landowner listed in ownership report for the transfer lands who has not signed this application must submit an affidavit consenting to the historic change in point of diversion/appropriation.
- N/A For changes in point(s) of appropriation (well(s)) or additional point(s) of appropriation, Water Well Report/Well Log.
- Fees – Amount enclosed: \$ 1300.  
 See <http://www.wrd.state.or.us/OWRD/PUBS/forms.shtml#fees> or call (503) 986-0883.

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 SALEM, OREGON

(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"/> Additional signature(s) required
<input type="checkbox"/> Other/Explanation _____	
Staff: _____ 503-986-0 _____	Date: ____/____/____

1137

## Part 2 of 4 – Historic Change in Point of Diversion/Appropriation Application Map Checklist

**Your historic change in point of diversion/appropriation application will be returned if any of the map requirements listed below are not met.**

**Please be sure that the historic change in point of diversion/appropriation application map you submit includes all the required items and matches the existing water right map. Check all boxes that apply.**

- 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, ¼ ¼, DLC, Government Lot, and other recognized public land survey lines.
- Tax lot boundaries (property lines) and county tax lot numbers are required.
- 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.
- Authorized 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.
- Actual, current point of diversion/appropriation. Show the 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°).
- 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 If for more than one actual, current point of diversion/appropriation. separate hachuring is needed for each place of use served by each point of diversion/appropriation, including the 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.

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## Part 3 of 4 – Applicant Information and Signature

### Applicant Information

APPLICANT/BUSINESS NAME NORMA APPLE		PHONE NO. 541-742-4966	ADDITIONAL CONTACT NO.
ADDRESS 47363 SLAUGHTERHOUSE RD			FAX NO.
CITY HALFWAY	STATE OR	ZIP 97834	E-MAIL <i>norma.apple@me.com</i>

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

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

**\*\* 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.**

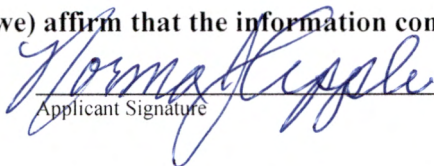
Check this box if this project is fully or partially funded by the American Recovery and Reinvestment Act. (Federal stimulus dollars)

Is the applicant the sole owner of the land on which the water right, or portion thereof, to be changed is located?  Yes  No

If NO, include signatures of all landowners (and mailing and/or e-mail address 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.

By signing this application, I understand that prior to Department approval of the historic change in point of diversion/appropriation, I will be required to provide landownership information and evidence that I am authorized to pursue the change as identified in OAR 690-380-4010(5).

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

  
Applicant Signature

**NORMA APPLE**  
Print Name (and Title if applicable)

*3.6.12*  
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): I WOULD LIKE TO CHANGE MY POINT OF DIVERSION TO REFLECT HISTORIC USE. I HAVE USED THIS CURRENT DIVERSION FOR OVER 10 YEARS. MY LOCAL WATERMASTER BROUGHT IT TO MY ATTENTION THAT I WAS USING THE WRONG POINT OF DIVERSION.

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**Check the following boxes that apply:**

At this time, are the lands in this 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.

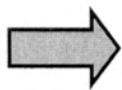
If a property sells, the certificated water right(s) located on the land belong to the new owner, unless a sale agreement or other document states otherwise. (To learn about sale agreements please visit our web site at: <http://www1.wrd.state.or.us/pdfs/Transfer-PropertyTransactions.pdf>)

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

Describe any special ownership circumstances here: N/A

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 BAKER COUNTY	ADDRESS 1995 3RD ST.		
CITY BAKER CITY	STATE OR	ZIP 97814	

ENTITY NAME N/A	ADDRESS N/A		
CITY N/A	STATE N/A	ZIP N/A	

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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 # 10349**

### Description of Water Delivery System

System capacity: 1.0 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. THE WATER IS CURRENTLY DIVERTED OUT OF CLEAR CREEK AND RAN THROUGH AN OPEN DITCH. I THEN TAKE IT FROM THE MAIN DITCH AND FLOOD IRRIGATE MY PASTURE.

**Table 1. Location of Authorized and Current 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 the Current POD/POA that has been used for more than 10 years?	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)
<b>IRWIN PRIV. #1</b>	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Current		7 S	46 E	32	SE NW		<b>SCALED FROM ADJ. MAP: 2638' S &amp; 2328' E fr. NW COR. SECT. 32, T.7S, R.46E, WM.</b>
<b>IRWIN &amp; NEET</b>	<input type="checkbox"/> Authorized <input checked="" type="checkbox"/> Current		7 S	46 E	31	SE NE		<b>1994' S &amp; 131' W fr. NW COR., SECT. 32, T.7S, R.46E, WM</b>
	<input type="checkbox"/> Authorized <input type="checkbox"/> Current							
	<input type="checkbox"/> Authorized <input type="checkbox"/> Current							

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

- Point of Diversion (POD)                       Additional Point of Diversion (APOD)  
 Point of Appropriation/Well (POA)             Additional Point of Appropriation (APOA)

**Will the historic change in point of diversion/appropriation affect the entire water right?**

- Yes Complete only the proposed section of Table 2 on the next page.  
 No Complete all of Table 2 to describe the portion of the water right to be changed.

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1952

1953

Please use additional pages of Table 2 as needed

**Table 2. Description of Changes to Water Right Certificate # 10349**

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 actual, current POD/POA, specify the acreage associated with each actual, current POD/POA.

Authorized ("from" lands) as they appear before the changes										Proposed Change (POD, POA, APOD, or APOA)	Current (in use for more than ten years) POD(s)/POA(s) to be used (from Table 1)	Priority Date	
Twp	Rng	Sec	1/4 1/4		Tax Lot	Gvt Lot or DLC	Acre(s) (if applicable)	POD(s) or POA(s) (name or number from Table 1)					
2	S	9	E	15	NE	NW	100		15.0	POD #1 POD #2	POD	POD #5	1897
"	"	"	"	"	"	"	"	"	EXAMPLE	"	"	"	"
7	S	46	E	32	SE	SW	1100		8.0	IRWIN PRIV. #1	POD	IRWIN & NEET	1882

Additional remarks: \_\_\_\_\_

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 SALEM, OREGON

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**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 current 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/](http://apps.wrd.state.or.us/apps/gw/well_log/))

**OR**

- Describe the construction of the authorized and current 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.

Current or Authorized POA Name or Number	OWRD Well ID Tag No. L-___ (if available)	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

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T 11370

## 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 # 10353**

### Description of Water Delivery System

System capacity: 5.0 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. THE WATER IS CURRENTLY DIVERTED OUT OF CLEAR CREEK AND RAN THROUGH AN OPEN DITCH. I THEN TAKE IT FROM THE MAIN DITCH AND FLOOD IRRIGATE MY PASTURE.

**Table 1. Location of Authorized and Current 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 the Current POD/POA that has been used for more than 10 years?	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)
IRWIN PRIV. #1	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Current		7 S	46 E	32	SE NW		SCALED FROM ADJ. MAP: 2638' S & 2328' E fr. NW COR. SECT. 32, T.7S, R.46E, WM.
IRWIN	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Current		7 S	46 E	32	NW NW		SCALED FROM ADJ. MAP: 1276' S & 1137' E fr. NW COR. SECT. 32, T.7S, R.46E, WM.
IRWIN & NEET	<input type="checkbox"/> Authorized <input checked="" type="checkbox"/> Current		7 S	46 E	31	SE NE		1994' S & 131'W fr. NW COR. SECT. 32, T.7S, R.46E, WM
	<input type="checkbox"/> Authorized <input type="checkbox"/> Current							

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

- Point of Diversion (POD)                       Additional Point of Diversion (APOD)  
 Point of Appropriation/Well (POA)             Additional Point of Appropriation (APOA)

**Will the historic change in point of diversion/appropriation affect the entire water right?**

- Yes Complete only the proposed section of Table 2 on the next page.  
 No Complete all of Table 2 to describe the portion of the water right to be changed.

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SALEM, OREGON

Please use additional pages of Table 2 as needed

**Table 2. Description of Changes to Water Right Certificate # 10353**

List only the part of the right that will be changed. For the acreage in each ¼ ¼, list the change proposed. If more than one actual, current POD/POA, specify the acreage associated with each actual, current POD/POA.

Authorized ("from" lands) as they appear before the changes										Proposed Change (POD, POA, APOD, or APOA)	Current (in use for more than ten years) POD(s)/POA(s) to be used (from Table 1)	Priority Date	
Twp	Rng	Sec	¼	¼	Tax Lot	Gvt Lot or DLC	Acres (if applicable)	POD(s) or POA(s) (name or number from Table 1)					
2	S	9	E	15	NE	NW	100		15.0	POD #1 POD #2	POD	POD #5	1897
"	"	"	"	"	"	"	"	"	EXAMPLE	"	"	"	"
7	S	46	E	32	SE	SW	1100		11.0	IRWIN PRIV. #1	POD	IRWIN & NEET	1882
7	S	46	E	32	NE	SW	900		11.0	IRWIN	POD	IRWIN & NEET	1882

Additional remarks: N/A

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 SALEM, OREGON

T 11370

**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 current 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/](http://apps.wrd.state.or.us/apps/gw/well_log/))

**OR**

- Describe the construction of the authorized and current 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.

Current or Authorized POA Name or Number	OWRD Well ID Tag No. L- (if available)	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

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**WATER RESOURCES DEPT  
SALEM, OREGON**

T 11370



1951

MAR 9 2012

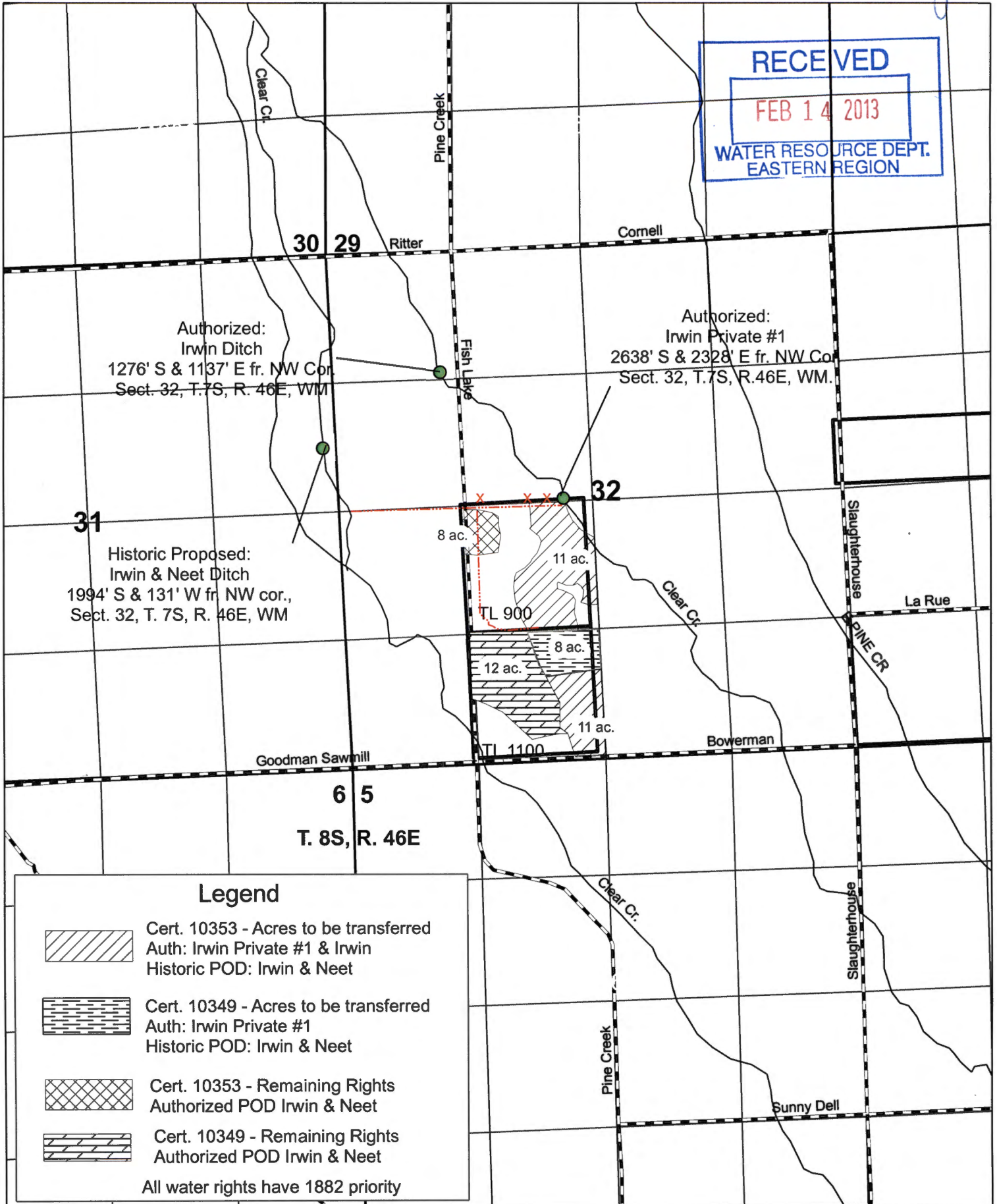
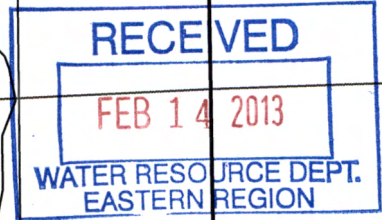
AMERICAN OVERSEAS  
CORPORATION



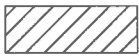



# Norma Apple Historic Point of Diversion Transfer T. 7S. R. 46E, WM

Scale: 1" = 1320'

*Superceding*



### Legend

-  Cert. 10353 - Acres to be transferred  
Auth: Irwin Private #1 & Irwin  
Historic POD: Irwin & Neet
-  Cert. 10349 - Acres to be transferred  
Auth: Irwin Private #1  
Historic POD: Irwin & Neet
-  Cert. 10353 - Remaining Rights  
Authorized POD Irwin & Neet
-  Cert. 10349 - Remaining Rights  
Authorized POD Irwin & Neet

All water rights have 1882 priority

# 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 BAKER)

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WATER RESOURCES DEPT  
 SALEM, OREGON

I, NORMA APPLE, in my capacity as OWNER OF THE PROPERTY,  
 mailing address 47363 SLAUGHTERHOUSE RD.

telephone number (541)742-4966, 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

2. I attest that:

- Water was used during the previous five years on the **entire** place of use for Certificate # \_\_\_\_; **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)
10349	7	S	46	E	WM	32	SE	SW		8.0
10353	7	S	46	E	WM	32	SE	SW		11.0
10353	7	S	46	E	WM	32	NE	SW		11.0

**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: \_\_\_\_ (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 # 10349, 10353 (For Historic POD/POA Transfers)

(continues on reverse side)

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MAR 6 9 50 AM

U.S. DEPARTMENT OF JUSTICE  
FEDERAL BUREAU OF INVESTIGATION

100-100000

X

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

*Norma H. [Signature]*  
Signature of Affiant

3.6.12  
Date

Signed and sworn to (or affirmed) before me this 6<sup>th</sup> day of March, 2012.



*Carrie R Jones*  
Notary Public for Oregon

My Commission Expires: 11/9/2013

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 <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</li> <li>• IRS Farm Usage Deduction Report</li> <li>• Agricultural Stabilization Plan</li> <li>• CREP Report</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 type="checkbox"/> Approved Lease establishing beneficial use within the last 5 years	Copy of instream lease or lease number

**RECEIVED**

**MAR 09 2012**

**WATER RESOURCES DEPT  
SALEM, OREGON**

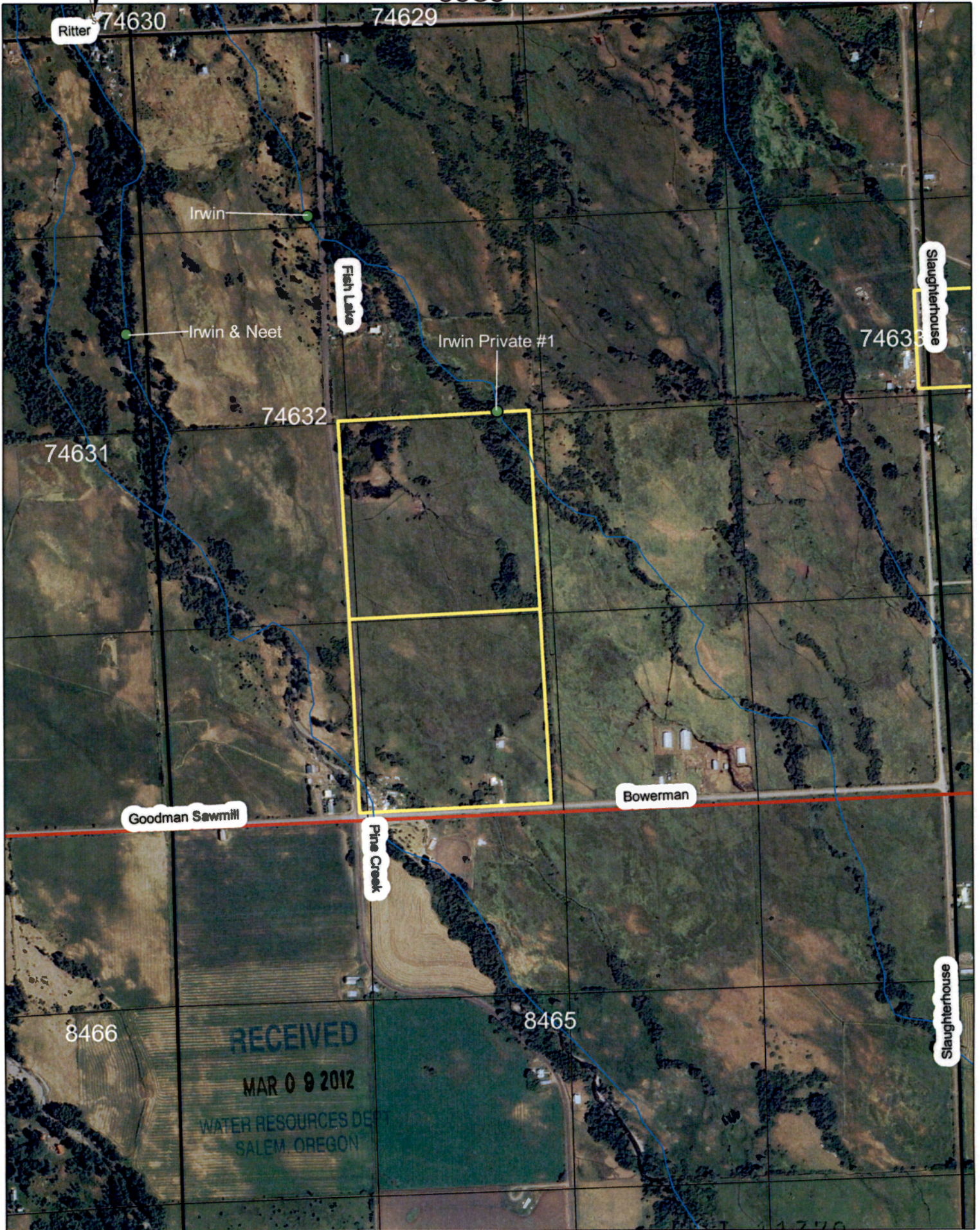
**T 11370**

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MAR 10 1964  
U.S. AIR FORCE  
HEADQUARTERS  
DISTRIBUTION  
SECTION

RECEIVED  
MAR 9 1964  
U.S. AIR FORCE  
HEADQUARTERS  
DISTRIBUTION  
SECTION

RECEIVED  
MAR 10 1964  
U.S. AIR FORCE  
HEADQUARTERS  
DISTRIBUTION  
SECTION

Norma Apple  
2011 Aerial Photo  
USGS



RECEIVED  
MAR 09 2012  
WATER RESOURCES DEPT  
SALEM OREGON

11370

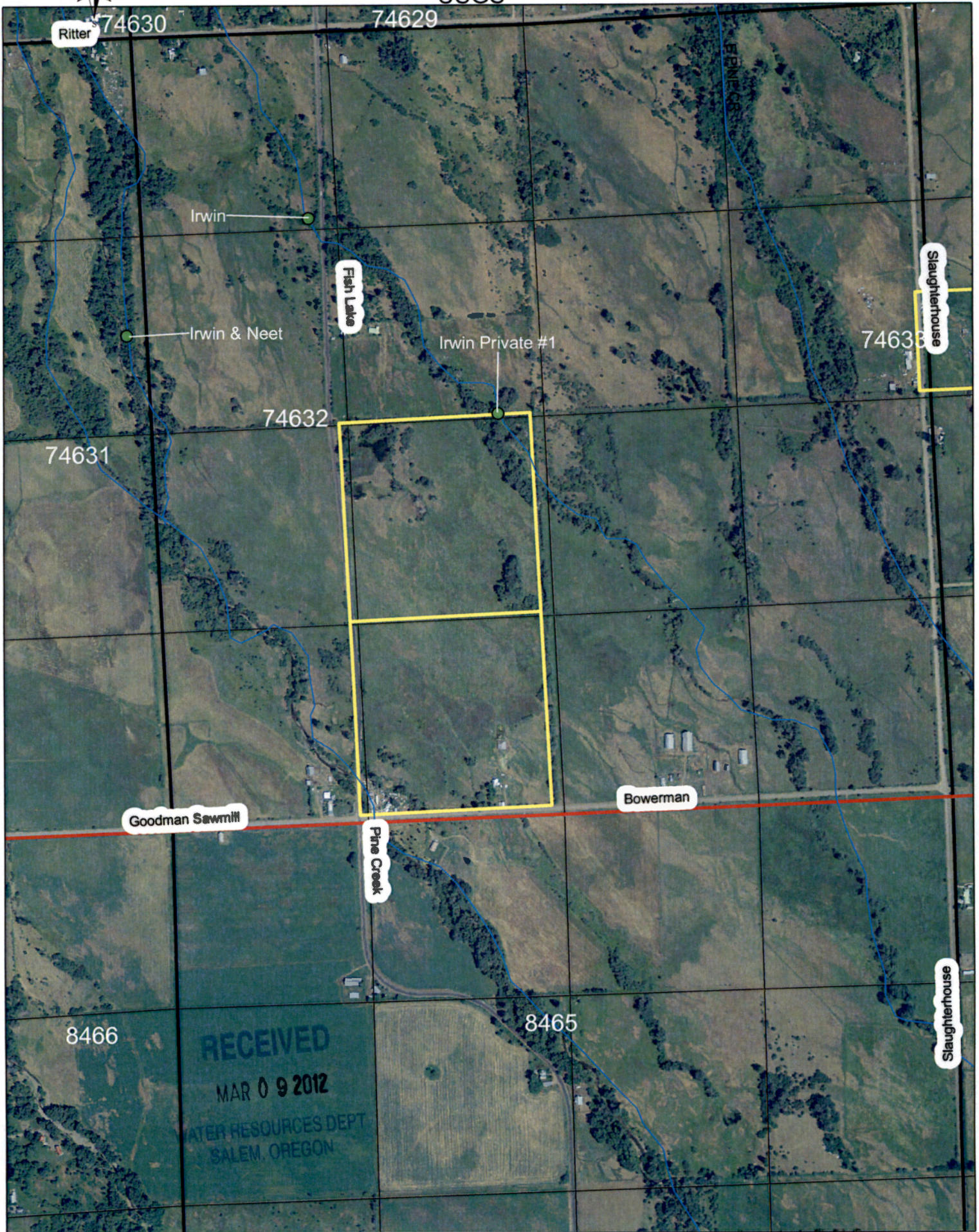
STUDY PROGRAM

STUDY PROGRAM

STUDY PROGRAM



Norma Apple  
2009 Aerial Photo  
USGS



# Application for Water Right Historic POD/POA Transfer Watermaster Statement



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

I, RICHARD LUSK, Watermaster of District 8,

state that to my knowledge, there has been no claim of injury due to use of an historic point of diversion/appropriation for Certificate 10349, 10353

from CLEAR CREEK located as follows:  
(source)

By Township, Range Section and distances from a Survey Corner:

Twp	Rng	Mer	Sec	Q-Q	DLC	GLot	Measured Distances
		W.M.					

OR

by GPS coordinates: Latitude: 44.91490 Longitude: -117.12465

OR

as shown on the attached map.

Richard M. Lusk  
Signature

3-5-2012  
Date

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SALEM, OREGON

T 11370

# 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

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**WATER RESOURCES DEPT  
SALEM, OREGON**

## 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.

# 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(s): NORMA APPLE

Mailing Address: 47363 SLAUGHTERHOUSE RD.

City: HALFWAY

State: OR

Zip Code: 97834

Daytime Phone: 541-742-4966

## 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	¼ ¼	Tax Lot #	Plan Designation (e.g., Rural Residential/RR-5)	Water to be:			Proposed Land Use:
<u>7S</u>	<u>46E</u>	<u>32</u>	<u>NESW</u>	<u>900</u>	<u>EFU</u>	<input checked="" type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	<u>irrigation</u>
<u>7S</u>	<u>46E</u>	<u>32</u>	<u>SESW</u>	<u>1100</u>	<u>EFU</u>	<input checked="" type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	<u>irrigation</u>
_____	_____	_____	_____	_____	_____	<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used	_____
_____	_____	_____	_____	_____	_____	<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used	_____

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

Baker County

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WATER RESOURCES DEPT  
 SALEM, OREGON

## 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) Clear Creek

Estimated quantity of water needed: 1.0  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:

I am filing a historic point of diversion transfer. I have used my current diversion for more than 10 years to irrigate my pasture ground.

**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): BCZSO Section 301. A.
- 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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SALEM, OREGON

Name: Tara L Andrews Title: Planner  
 Signature: Tara Andrews Phone: 541-523-8219 Date: 3/2/2012  
 Government Entity: Baker County Planning Department

**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: \_\_\_\_\_

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U.S. DEPARTMENT OF JUSTICE  
FEDERAL BUREAU OF INVESTIGATION

# Elkhorn Title Company

P.O. Box 149 • 1725 Main St.

Baker City, OR 97814

(541) 523- 6477 • FAX (541) 523- 9372

## Consumer Information Report

Requestor Carrie Matthews Date Feb 12, 2013

Location \_\_\_\_\_ Phone/Fax Carrie.r.matthews@wrd.state.or.us

### Property Information:

Name Norma J. Apple

Street 37575 Bowerman Ln

City Halfway State OR Zip 97834

Deed Reference: PR Deed – Book 99 34 028

The title information has been furnished, without charge, in conformance with the guidelines approved by the state of Oregon Insurance Commissioner. The Insurance Division cautions intermediaries that this service is designed to benefit the ultimate insured; indiscriminate use only benefiting intermediaries will not be permitted. Said services may be discontinued. No liability is assumed for any errors in this report.

DEED OF PERSONAL REPRESENTATIVE

FORREST W. SPRINGER, personal representative of the estate of Helen I. Springer, deceased, grantor, conveys to NORMA J. APPLE, grantee, the following described real property located in Baker County, Oregon: The East half of the Southwest quarter of Section 32, Township 7 South, Range 46 East of the Willamette Meridian in the County of Baker and State of Oregon.

The true and actual consideration for this conveyance is \$200,000.00.

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES.

Until a change is requested, send tax statements to: Norma J. Apple, 47363 Slaughterhouse Road, Halfway, Oregon 97834.

DATED: 8-17, 1999.

Forrest W. Springer  
FORREST W. SPRINGER, Personal Representative of the Estate of Helen I. Springer, Deceased

STATE OF WASHINGTON )  
 ) ss:  
County of SPOKANE )

The above instrument was acknowledged by the above-named FORREST W. SPRINGER to be his voluntary act as personal representative.

DATED: 08-17, 1999.



Ralph Lee Buser  
Notary Public for WASHINGTON  
My commission expires: 08/10/2000  
RALPH LEE BUSER

AFTER RECORDING RETURN TO:  
Norma J Apple  
47363 Slaughterhouse Road  
Halfway, OR 97834

STATE OF OREGON }  
County of Baker } SS

I certify that this instrument was received and recorded in the book of records of said county.

Julia Woods  
Baker County Clerk

by: Ronda J. Crow Deputy.

DOC#: 9934028B ETC  
RCPT: 54929 30.00  
8/20/1999 10:00 AM Chg  
REFUND: .00



2/12/13

AR

8:36 POTENTIAL LIABILITY

REAL PROPERTY

INQUIRY

A10100

REF # 2012 R 13158

PRIOR YEAR

MAP#	LOT#	A NUM	CODE	PCL	MCL	AP	VA	ZONE	PAR#	% .xxxx	REAL#	PR
07S4632	900		6106	550	550	5		EFU				

OWNER APPLE, NORMA J

ET ALS

CNTRCT

Pg 1

ADDR

47363 SLAUGHTERHOUSE RD

CTY/ST HALFWAY, OR 97834

SC DEF - SITUS:

SITUS:

L/LE/X/EM:

ACTION CDS MAPCODE 6106  
FARM RENT INFO

YR AP 2011 APPR TM TROY LEPLEY

ACRES 39.09 SPC ASM

	RMV	M5 VALUE	TOTAL AV	
LAND	121,810	13,250	9,773	
IMPROV	0	0	0	746#3800
SUBTOT	121,810	13,250	9,773	
LESS EXEMPTIONS:		0	0	
LESS VET EXEMPT:				
NET VALUES:		13,250	9,773	

1-KEY 2-IMP 3-LND 7-EOJ 8-CLR 9-BACK 10-FORWARD 17-JV/TL 22-SALES 23-TAX INQ

2/12/13

AR  
T10200

8:37 POTENTIAL LIABILITY TAX HISTORY  
REF# 13158 REAL MAP/LOT 07S4632 900 CODE 6106  
OWNER APPLE, NORMA J

C/O FEES DUE .00  
ADDR 47363 SLAUGHTERHOUSE RD TOTAL DUE .00

1 CTY/ST HALFWAY, OR 97834 INTEREST DATE (CMD-22 TO CHANGE) 021213

YR	M	JV	ASD VAL	TAX AMT -	TAX PD =	TAX DUE +	INT/-DISC =	BAL DUE
12			9773	120.36	120.36			
11			9489	116.87	116.87			
10			9212	114.87	114.87			
09			8945	103.95	103.95			
08			8684	103.04	103.04			
07			8432	99.21	99.21			
06			8187	94.61	94.61			
05			7947	90.73	90.73			
04			7717	89.45	89.45			
03			7492	87.27	87.27			
02			7274	86.80	86.80			
01			7062	83.78	83.78			

TOTALS 1838.18 1838.18

1-HLP 2-FE 3-PHS 4-JV 5-DET 7-EOJ 8-CLR 9-PRV 10-NXT 13-1/3 14-LEN 16-COM 23-A/I

2/12/13

8:38

REF# 13158

REAL

ASSESSMENT VALUE HISTORY

OWNER: APPLE, NORMA J

CNTRT BUYER:

AR

A11000

PAGE 1

YEAR	MAP	TAX	LOT	CODE	RMV	M5	ASSESSED	TAXES
2012	07S4632		900	6106	121810	13250	9773	120.36
2011	07S4632		900	6106	140020	13030	9489	116.87
2010	07S4632		900	6106	101650	13100	9212	114.87
2009	07S4632		900	6106	92410	12440	8945	103.95
2008	07S4632		900	6106	92410	11720	8684	103.04
2007	07S4632		900	6106	70010	10530	8432	99.21
2006	07S4632		900	6106	70010	9810	8187	94.61
2005	07S4632		900	6106	70010	9220	7947	90.73
2004	07S4632		900	6106	54490	8790	7717	89.45
2003	07S4632		900	6106	54490	8530	7492	87.27
2002	07S4632		900	6106	54000	8500	7274	86.80
2001	07S4632		900	6106	54000	8340	7062	83.78
2000	07S4632		900	6106	54000	8420	6857	83.05
1999	07S4632		900	6106	54000	8390	7060	82.60

F7 EOJ

F8 CLR

F9 PRV

F10 NXT

2/12/13

8:37 POTENTIAL LIABILITY

REAL PROPERTY

INQUIRY

AR  
A10100

REF # 2012 R 13159

PRIOR YEAR

MAP#	LOT#	A NUM	CODE	PCL	MCL	AP	VA	ZONE	PAR#	% .xxxx	REAL#	PR
07S4632	1100		6106	551	551	5		EFU				

OWNER APPLE, NORMA J

ET ALS

CNTRCT  
ADDR

Pg 1

47363 SLAUGHTERHOUSE RD

CTY/ST HALFWAY, OR 97834

SC DEF - SITUS: COUNTY

SITUS: 37575 BOWERMAN LN +

L/LE/X/EM:

ACTION CDS MAPCODE 6106  
CLEAR CK FLOOD

YR AP 2011 APPR GH GARY HOPKINS

ACRES 38.18 SPC ASM

	RMV	M5 VALUE	TOTAL AV	NOTES
LAND	153,040	28,170	24,234	
IMPROV	44,240	44,240	44,240	
SUBTOT	197,280	72,410	68,474	
LESS EXEMPTIONS:		0	0	
LESS VET EXEMPT:				
NET VALUES:		72,410	68,474	

1-KEY 2-IMP 3-LND 7-EOJ 8-CLR 9-BACK 10-FORWARD 17-JV/TL 22-SALES 23-TAX INQ

2/12/13  
8:37

2012

IMPROVEMENTS

INQUIRY

AR

A10127

REF #	CODE	MAP/LOT	NAME	AA	VA	PCL	MCL				
13159	6106	07S4632	01100 000 APPLE, NORMA J	5		551	551				
INT	INSP	N BY OW	DATE	62110	COMB	IMP	ADJ: DESC	% 100	DESC	% 100	P 1
LN	BC	MAIN-SQFT	YRBL	YRAP	RMV	M5	VALUE	DEL	M/S#	RMV	
1	131	1,396	1957	2011	17530		17530	-			
2	326	704		2011	4310		4310	-			
3	135	352		2011	1590		1590	-			
4	999			2011	2230		2230	-			
5	326	420		2011	3020		3020	-			
6	305			2011	500		500	-			
7	121	904	1900	2011	14560		14560	-			
8	305			2011	500		500	-			
				TOTAL	44,240		44,240				

F1 SER F2 IMP F9 PRV F10 NXT F11 COM F12-SIT F19 MENU

2/12/13

8:37 2012

IMPROVEMENT/INVENTORY SUMMARY INQUIRY

AR A10128

REF/LN	CODE	MAP/LOT	NAME	AA VA	PCL MCL
13159	1 6106	07S4632	01100 000 APPLE, NORMA J	5	551 551
BK 2011	BC 131	CLASS 3	SINGLE FAMILY DWELLING APPR GH YRAP 2011	BEGTR	2011
YRBL 1957	YRREM	SITUS 37575	BOWERMAN	LN	COUNTY

P 1	ENDTR	C=Cost, I=Income C		INCOME APPROACH:		
ELEM	UNITS	UTYP	D	DESCRIPTION	ELEM	INVENTORY DESCRIPTION
0001	1036	SQFT	S	MAIN FLOOR AREA	1001	FOUNDATION CONCRETE
0022	85	SQFT		PORCH ENCLOSED	2003	2 X 4 WALL
0023	360	SQFT	S	GARAGE CONVERTED	2106	SDG MASONITE/LP
3115	1481	SQFT		ROOF BKD ENAM/GALV	3004	ROOF GABLE
6001	1	EACH		BATH FULL (3 FIXT)	3115	ROOF BAKED ENAM/GALV
6101	1	EACH		KITCHEN SINK	4103	FLR CVR CARPET/RSLNT
6102	1	EACH		WATER HEATER	4601	CABINETS PAINT GRADE
7006	1396	SQFT		HEAT, EBB/CC/WALL	6006	BATHTUB SHOWER OVER
8110	1	EACH		STOVE, WOOD	6101	KITCHEN SINK
					6102	WATER HEATER
					6104	LAUNDRY HOOKUP
					8003	FUEL ELECTRICITY

SQFT: ( 1,396 -MAIN) ( -BASEMENT) ( -UPPER FLOOR)

F2 IMP F3 RM F7 EOJ F8 CLR F9 PRV F10 NXT F11 COM

2/12/13

8:37 2012

IMPROVEMENT COST ELEMENTS

INQUIRY

AR

A10129

REF/LN	CODE	MAP/LOT	NAME	AA	VA	PCL	MCL
13159	1 6106	07S4632	01100 000 APPLE, NORMA J	5		551	551
BK 2011	BC 131	CLASS 3	SINGLE FAMILY DWELLING APPR	GH	YRAP 2011	BEGTR	2011
YRBL 1957	YRREM	SITUS 37575	BOWERMAN	LN	COUNTY		

P 1	ENDTR	C=Cost, I=Income C						INCOME AMT:								
ELEM	UNITS	UTYP	D	DESCRIPTION	W/C	CST/UN.xx	ADJUSTMENT	AMOUNT								
0001	1036	SQFT	S	MAIN FLOOR AREA		61.14	100	63341								
0022	85	SQFT		PORCH ENCLOSED		23.43	100	1992								
0023	360	SQFT	S	GARAGE CONVERTED		44.35	100	15966								
3115	1481	SQFT		ROOF BKD ENAM/GALV		2.20	100	3258								
6001	1	EACH		BATH FULL (3 FIXT)		1250.00	100	1250								
6101	1	EACH		KITCHEN SINK		400.00	100	400								
6102	1	EACH		WATER HEATER		350.00	100	350								
7006	1396	SQFT		HEAT, EBB/CC/WALL		1.75	100	2443								
8110	1	EACH		STOVE, WOOD		2600.00	100	2600								
ECL	%	DES	%	DES	%	DES	%	DES	%	ADJUSTED BASE:	91,600					
		LCM	103	PHY	20	FNC	100	CL+	100	CL-	100	=	18,870			
MAIN	SQFT	1,396	COND	=	ADJUDICATED VALUE: YEAR						AMT					
TRENDING:YEAR	2011	2012							= RMV	17,530						
	%	108	X	86	X	100	X	100	X	100	X	100	X	100	= M5	17,530

F2 M/S F3 RM F5 DFT F6 INV F7 EOJ F8 CLR F9PRV F10 NXT F11 COM F14 DEL

0/00/00  
0:00

2012

ROOM COUNT

AR

A1012C

REF/LN 13159 1 07S4632 01100 000 APPLE, NORMA J  
BK YR 2011 BC 131 CLASS 3 SINGLE FAMILY DWELLING

AA VA PCL MCL  
5 551 551

YR AP 2011

FL	LIV	KIT	DR	FAM	BED	BATH	HBATH	UTL	OTH	FP/WS
M	1	1	1		2	1		1		1

1	1	1	1		2	1		1		1
FL	LIV	KIT	DR	FAM	BED	BATH	HBATH	UTL	OTH	FP/WS

F7 EOJ F11 COM



2/12/13

AR  
T10200

8:37 POTENTIAL LIABILITY TAX HISTORY

REF# 13159 REAL MAP/LOT 07S4632 1100 CODE 6106

OWNER APPLE, NORMA J

C/O

FEEES DUE .00

ADDR 47363 SLAUGHTERHOUSE RD

TOTAL DUE .00

1 CTY/ST HALFWAY, OR 97834 INTEREST DATE (CMD-22 TO CHANGE) 021213

YR	M	JV	ASD VAL	TAX AMT -	TAX PD =	TAX DUE +	INT/-DISC =	BAL DUE
12			68474	781.26	781.26			
11			73573	838.55	838.55			
10			84467	1004.28	1004.28			
09			82332	956.88	956.88			
08			80230	951.86	951.86			
07			78165	927.40	927.40			
06			76164	834.97	834.97			
05			73946	800.33	800.33			
04			71795	878.87	878.87			
03			69706	857.26	857.26			
02			67677	841.40	841.40			
01			65706	808.43	808.43			

TOTALS 16014.76 16014.76

1-HLP 2-FE 3-PHS 4-JV 5-DET 7-EOJ 8-CLR 9-PRV 10-NXT 13-1/3 14-LEN 16-COM 23-A/I

2/12/13  
8:38

REF# 13159 REAL

ASSESSMENT VALUE HISTORY

AR  
A11000

OWNER: APPLE, NORMA J  
CNTRT BUYER:

PAGE 1

YEAR	MAP	TAX LOT	CODE	RMV	M5	ASSESSED	TAXES
2012	07S4632	1100	6106	197280	72410	68474	781.26
2011	07S4632	1100	6106	220250	77590	73573	838.55
2010	07S4632	1100	6106	217030	117360	84467	1004.28
2009	07S4632	1100	6106	211180	119670	82332	956.88
2008	07S4632	1100	6106	211180	118830	80230	951.86
2007	07S4632	1100	6106	177560	105210	78165	927.40
2006	07S4632	1100	6106	155520	82230	76164	834.97
2005	07S4632	1100	6106	151070	77020	73946	800.33
2004	07S4632	1100	6106	172110	122250	71795	878.87
2003	07S4632	1100	6106	166520	116040	69706	857.26
2002	07S4632	1100	6106	166210	116700	67677	841.40
2001	07S4632	1100	6106	166210	116580	65706	808.43
2000	07S4632	1100	6106	166210	116630	63794	785.58
1999	07S4632	1100	6106	160390	109250	61040	714.14

F7 EOJ

F8 CLR

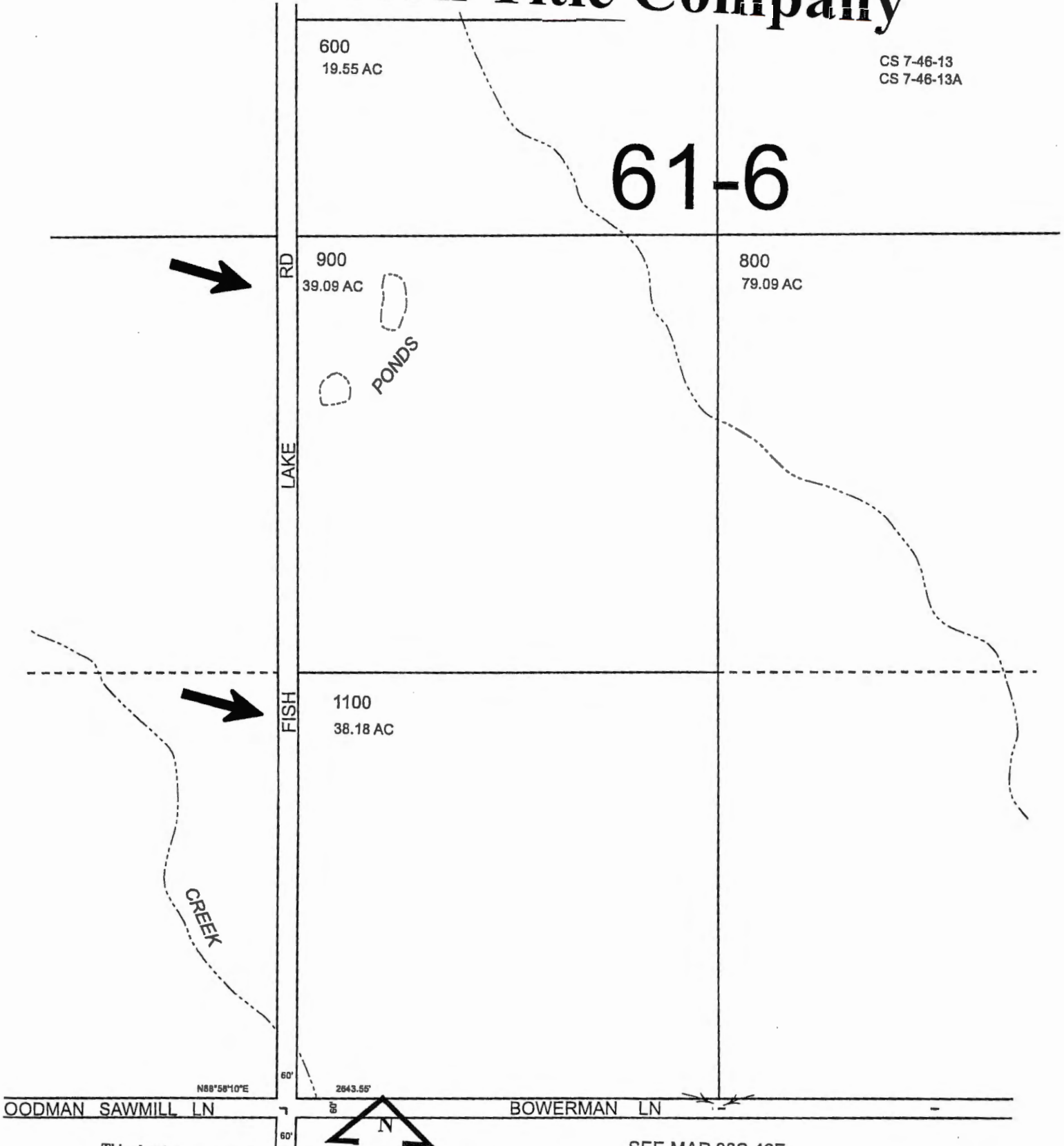
F9 PRV

F10 NXT

# Elkhorn Title Company

CS 7-46-13  
CS 7-46-13A

## 61-6



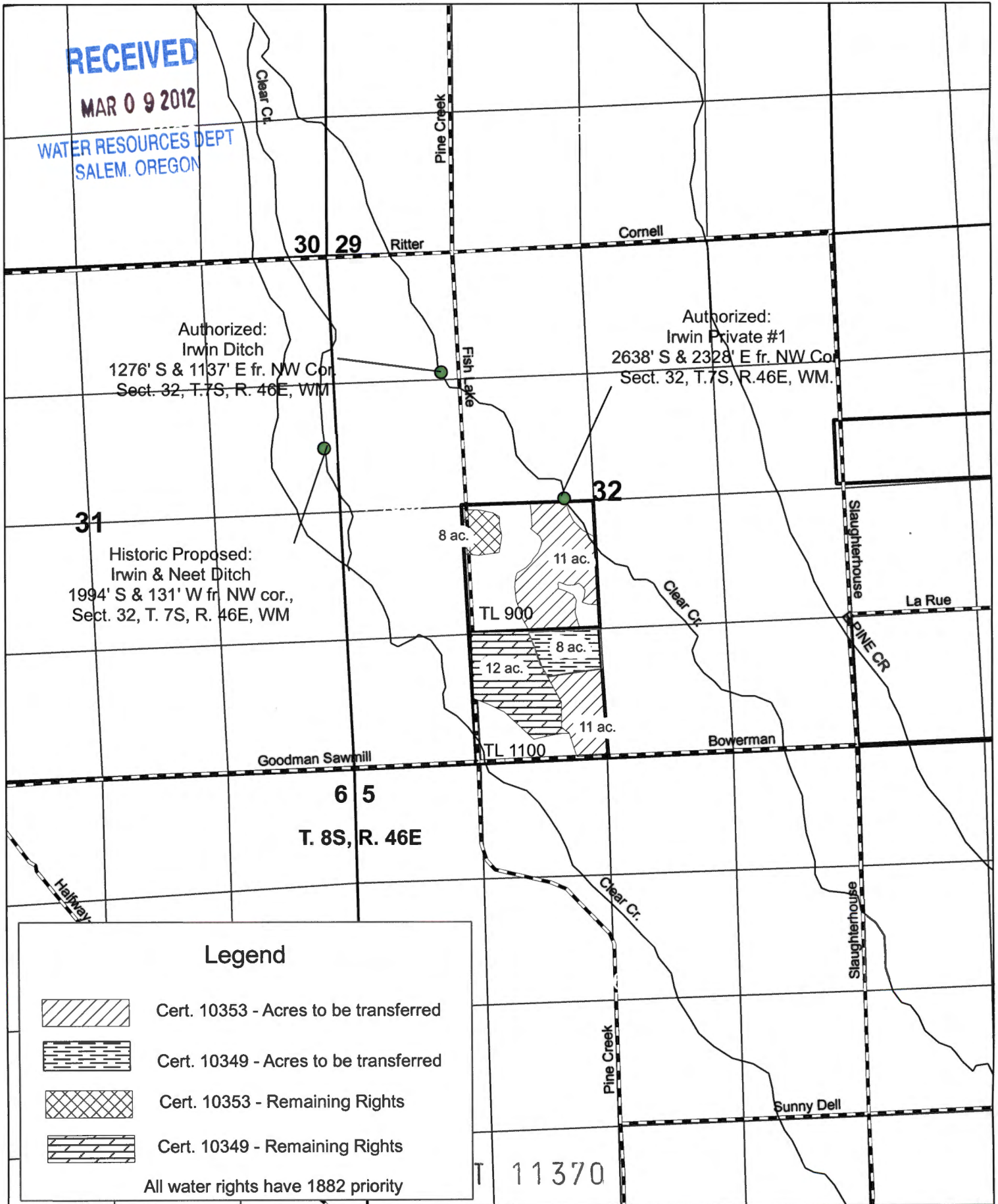
This sketch is for location purposes only, and no warranties are implied as to variations, if any, in dimensions or location as revealed by an accurate survey. It is not a survey and does not show the locations of improvements. It is provided for identification of lands only, and this company accepts no liability for the accuracy of the boundary lines, easements, roads of other matters shown thereon.

Map # 7S46 32



Norma Apple  
Historic Point of Diversion Transfer  
T. 7S. R. 46E, WM

*Superseded by map  
received 2/14/2013*  
Scale: 1" = 1320'



RECORDED

MAR 9 8 50 AM

U.S. DEPARTMENT OF JUSTICE  
FEDERAL BUREAU OF INVESTIGATION

May 18, 2010

## HISTORIC POINT OF DIVERSION / APPROPRIATION PROCESSING CHECKLIST

- The application must be in an individual's name or the Historic POD process cannot be used. An "individual" means a natural person and does not include a government body, organization, business enterprise, or other such entity.
- The applicant needs to provide proof that the POD was used more than 10 years. Proof varies based on the situation. Use your best judgment. Statements from the water user are most common. Additional proof is usually difficult for most applicants to provide.
- There are no CWRE map or newspaper notice requirements for a historic POD change. They have to meet the same mapping requirement rules and affected water right holders will be notified (will be discussed later).
- If there is more than one POD, the applicant needs to break down which POD goes to which land. The map needs to be clear as well.
- Get a tax lot map and verify ownership. This will allow you to deal with consent/signature issues ahead of time rather than waiting for the report and have to spend time fixing issues later.
  - If the property is sold by the time you begin processing the transfer and you can contact the original applicant/owner then ask them to modify the receiving landowner section of the application and document that in the draft order. If that is not an option then the new owner will have to go through the assignment process.*
- Get a memo from the Watermaster documenting there were no prior complaints of injury. If there are complaints, you will need to discuss with the Transfer Advisor what to do next. This will help the Watermaster when he/she fills out the injury review form. You may have to send out a draft order denying the transfer.

*The rule does not say anything about sending a draft, but if we want to practice a level of excellent customer service, it is a good idea to let people know, especially if it will likely be denied.*
- Establish a list of affected water right holders. Talk with the Watermaster. This listing is not only for the intervening points of diversion, but is for every water right holder's place of use that is served by one of the intervening PODs. Make a map utilizing ARC Map. For further instructions see "Making a Map of Affected Water Right Holders for Historic POD Change."

*If there are a substantial number of affected holders within a district, we have let the district notify their patrons and had them send us a copy of who was notified. Otherwise each person will have to be notified. This part of the process can be difficult because of the variety of situations you may encounter. Remember to look at the big picture which is making sure people are noticed that may be affected. If there is a special situation that you don't know how to deal with, talk it over with the Watermaster, other transfer specialists, Transfer Advisor, or your manager. There will not be a one size fits all solution to this one.*

Working  
Docs

Prepare the Proof of Service for the applicant. It is helpful for the future to include the certificate number and tax lot affected. When this listing accompanies the map prepared above, it provides a comprehensive list as to how we ascertained the parties to be served.

Prepare the Historic POD Notice. The applicant is required to provide the notice to the affected water right holders. It is helpful to provide a copy of the application map. Assure all parties are served.

*If you do get comments back, you and the Watermaster will have to weigh them to see if the transfer will cause injury depending on the nature of the comments. The Watermaster may have to do an inspection or further investigate the matter. At that point the Watermaster may elect to modify his or her review form. Document the situation in the draft order.*

Look at ODFW comment form to see what the fish screen requirement is and look at any comments ODFW submits.

*Research to see if there is an instream right. **\*\* Note\*\* Not all instream rights are in WRIS, do some digging.** If there is one, check water availability. Typically if the POD moves upstream within an instream reach then there will be injury unless water is available.*

*Sometimes the historic POD change will cause injury to the instream right. Get the landowners to communicate with ODFW to work out a solution (if there is one). Give them a little time to see whether they want to use the consent route, but continue to set realistic deadlines. (See consent to injury process)*

If the transfer is injurious then the draft order will reflect a denial of the transfer. You will have to document the injury. **(See the templates for this)**. If the transfer can be approved because of additional conditions/mitigation, then document the thought process/circumstances behind the decision.

Remember to include copies of the Watermaster and ODFW comment forms when you send the draft to the landowner. Put language saying that if you do **not** hear from them by a certain date, then you may issue an order denying the application as incomplete.

*Document the dates they were asked to respond by and put it in the final order.*

Write a confirming and remaining certificate, if applicable. Fish screen and headgate/measuring device language has to be included in the confirming certificate if it is required by ODFW/Watermaster.

STATE OF OREGON

COUNTY OF BAKER

CERTIFICATE OF WATER RIGHT

This is to Certify, That J. H. IRWIN

of Halfway, State of Oregon, has a right to the use of

the waters of East Branch of Clear Creek, trib. of Pine Creek, for Tract No. 1; Prong of Clear Creek, trib. of Pine Creek for Tract No. 2, and Pine Creek for Tract No. 3, for the purpose of Irrigation of 35.0 acres, and domestic and stock use;

and that said right has been confirmed by decree of the Circuit Court of the State of Oregon for Baker County, and the said decree entered of record at Salem, in the Order Record of the STATE ENGINEER, in Volume 11, at page 235; that the priority of the right thereby confirmed dates from 1882 for Tracts Nos. 1 and 2; 1886 for Tr. No. 3,

that the amount of water to which such right is entitled, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed one-fortieth of a cubic foot per second per acre, measured at the point of diversion, and a total limitation of one acre-foot per acre during July, one acre-foot per acre during August, and one-half acre-foot per acre during September, of each year.

A description of the lands irrigated under such right, and to which the water is appurtenant (or, if for other purposes, the place where such water is put to beneficial use), is as follows:

TRACT No. 1  
11.0 acres in NE 1/4 SW 1/4 - 11<sup>0</sup> Irwin & Neet  
Section 32,  
Township 7 South, Range 46 East, W.M.

TRACT No. 2  
11.0 acres in SE 1/4 SW 1/4 - 11<sup>0</sup> Irwin & Neet  
8.0 acres in NE 1/4 SW 1/4, RR  
Section 32,  
Township 7 South, Range 46 East, W.M.

TRACT No. 3  
5.0 acres in NW 1/4 SE 1/4 R (Pt) Irwin & Neet Authorized  
Section 8,  
Township 8 South, Range 46 East, W.M.

AND said right shall be subject to all other conditions and limitations contained in said Decree.

The right to the use of the water for irrigation purposes is restricted to the lands or place of use herein described.

WITNESS the signature of the State Engineer,  
affixed this 18th day  
of October, 1935.

CHAS. E. STRICKLIN  
State Engineer.



STATE OF OREGON

COUNTY OF BAKER

CERTIFICATE OF WATER RIGHT

This is to Certify, That C. R. IRWIN

of Halfway, State of Oregon, has a right to the use of the waters of Prong of East Branch of Clear Creek for Tract No. 1, and Prong of Clear Creek for Tract No. 2, for the purpose of Irrigation of 20.0 acres, and domestic and stock use,

and that said right has been confirmed by decree of the Circuit Court of the State of Oregon for Baker County, and the said decree entered of record at Salem, in the Order Record of the STATE ENGINEER, in Volume 11, at page 255; that the priority of the right thereby confirmed dates from 1882;

Irwin Priv #1 -> Irwin & Neet

that the amount of water to which such right is entitled, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed one-fortieth of a cubic foot per second per acre, measured at the point of diversion, and a total limitation of one acre-foot per acre during July, one acre-foot per acre during August, and one-half acre-foot per acre during September, of each year.

A description of the lands irrigated under such right, and to which the water is appurtenant (or, if for other purposes, the place where such water is put to beneficial use), is as follows:

TRACT NO. 1  
12.0 acres in SE 1/4 SW 1/4 Section 32,  
Township 7 South, Range 46 East, W. M.

(C.R.I.) Irwin & Neet authorized

TRACT No. 2  
8.0 acres in SE 1/4 SW 1/4 - 82  
Section 32,  
Township 7 South, Range 46 East, W. M.

AND said right shall be subject to all other conditions and limitations contained in said Decree.

The right to the use of the water for irrigation purposes is restricted to the lands or place of use herein described.

WITNESS the signature of the State Engineer,

affixed this 18th day

of October, 1935

CHAS. E. STRICKLIN

State Engineer.

Recorded in State Record of Water Right Certificates, Volume 10, page 10,549

Name and Postoffice Address of Appropriaor	Date of Relative Priority	Amount Per Second	Number Acres	Use	Name of Ditch	Stream	Description of Land or Place of Use
Hurt, Roland Sumner, Ore (Proof #170)	1887		1.2	Irrigation domestic and stock	Mullen Slough	Creek	1.2 acres in NE 1/4 Sec 8 T. 8 S. R. 46 E. W. M.
Hurt, Chester & Bernice, Halway, Ore. (Proof #163)							
Hurt, Roland (Proof #171)							
Hurt, Roland (Proof #172)	1901		8	Irrigation domestic and stock	Dearth and Mehhorn	Creek	8 acres in SE 1/4 Sec 4 T. 8 S. R. 46 E. W. M.
Hulse, L. C. Halway, Ore. (Proof #176)	1899		46	Irrigation	Akers	Creek	23 acres in NE 1/4 Sec 29 T. 7 S. R. 46 E. W. M.
	1910		14.6		Akers		6.2 acres in NE 1/4 Sec 29 T. 7 S. R. 46 E. W. M.
Hulse, S. A. Halway, Ore. (Proof #174)	1894		3	Irrigation domestic and stock	Private	Creek	3 acres in E 1/2 Sec 30 T. 7 S. R. 46 E. W. M.
	1910		11	Irrigation domestic and stock	Walter Allen	Creek	5 acres in SE 1/4 Sec 30 T. 7 S. R. 46 E. W. M.
Hunsaker, Addaline & J. T. Halway, Ore. (Proof #178)	1874		152.9	Irrigation domestic and stock	Mullen Slough	Creek	33 acres in NE 1/4 Sec 23 39.9 acres in NE 1/4 Sec 23 40 acres in SE 1/4 Sec 23 T. 8 S. R. 46 E. W. M.
Hunt, Leonora G. o/o J. E. Latawette City Hall, Portland, Ore. (Proof #176-A)	1874		1.00	Irrigation domestic and stock	Mullen Slough	Creek	1.00 acre in NE 1/4 Sec 23 T. 8 S. R. 46 E. W. M.
(Proof #176-B)	1883		62.8	Irrigation domestic and stock	Gravel Flat	Creek	37.8 acres in SE 1/4 Sec 6 T. 8 S. R. 46 E. W. M.
Hunter, Hazel Halway, Ore. (Proof #177)	1886		3	Irrigation domestic and stock	Marker	Creek	3 acres in NE 1/4 Sec 8 T. 8 S. R. 46 E. W. M.
Irwin, G. R. Halway, Ore. (Proof #190)	1882		12	Irrigation domestic and stock	Private	Creek	12 acres in SE 1/4 Sec 32 T. 7 S. R. 46 E. W. M.

According to PPD  
152.7  
39.8 NE NE  
Section 7, 35.0 SW NE  
T. 8 S. R. 46 E. W. M. 38.3 SE

(5%)  
T. 8 S. R. 46 E. W. M.  
Section 8  
NE 1/4 Sec 8

Next  
Irvine

1 1/2 Lot 1 Block 5

LOCATED  
1913  
1886

See Amended Order  
Measuring Pipe Co.  
1912, 1904, 1919, 1920

10346

10345

10344

10343

10342

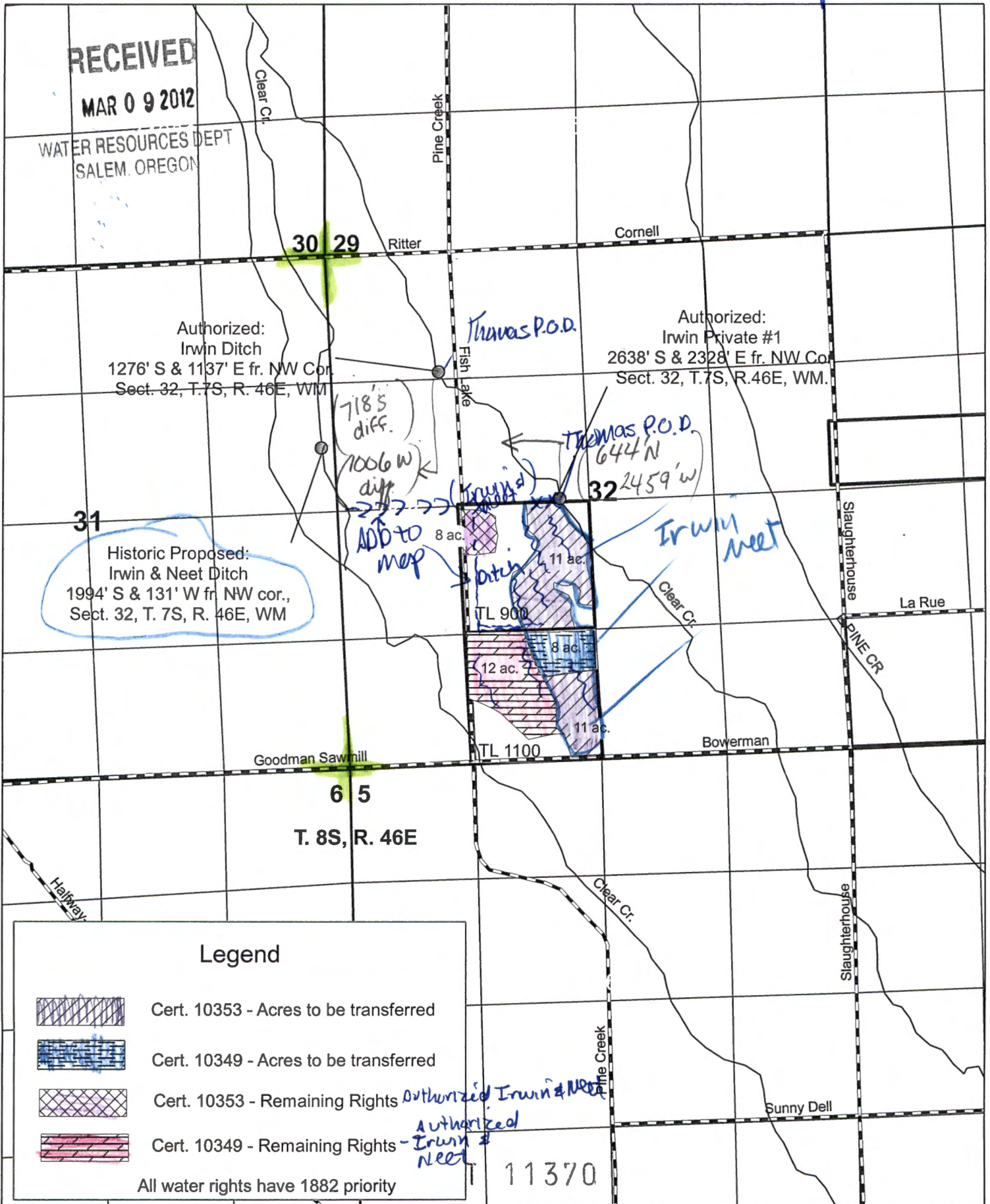
Name and Postoffice Address of Appropriator	Date of Relative Priority	Amount Cubic Feet Per Second	Number Acres	Use	Name of Ditch	Stream	Description of Land or Place of Use
<u>10349</u> Irwin, C.R. (cont.) (Proof #191)	1882		8	Irrigation domestic and stock	Private <sup>21</sup> Irwin	Prong of Clear Creek	8 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 32, T. 7 S. R. 46 E. W.M.
<u>10350</u> Irwin, Ira Halfway, Ore. (Proof #179)	1882		35	Irrigation domestic and stock	Oliver	E. Pine Creek	35 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 4, T. 8 S. R. 46 E. W.M.
<u>10351</u> (Proof #180)	1886		30	Irrigation domestic and stock	Oliver	E. Pine Creek	30 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 33, T. 7 S. R. 46 E. W.M.
(Proof #182)	(This right and proof eliminated).						
<u>10352</u> (Proof #181)	1913		8	irrigation domestic and stock	Irwin	E. Pine Creek	8 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 4, T. 8 S. R. 46 E. W.M.
<u>10353</u> Irwin, J. H. Halfway, Ore. (Proof #185)	1882		11	Irrigation domestic and stock	Irwin	E. Branch Clear Cr. trib. of Pine Cr.	11 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 32, T. 7 S. R. 46 E. W.M.
(Proof #186)	1882		11	Irrigation domestic and stock	Small Same ditch as CR Irwin Private Ditch <sup>22</sup>	Prong of Clear Cr. trib. of Pine Cr.	11 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 32, T. 7 S. R. 46 E. W.M.
(Proof #187)	1882		8	Irrigation domestic and stock	Small Irwin & Neet	Prong of Clear Cr. trib. of Pine Cr.	8 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 32, T. 7 S. R. 46 E. W.M.
(Proof #184)	1886		3	Irrigation domestic and stock	Marker and Mc-Mullen Slough and ditches.	Pine Creek	3 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 8, T. 8 S. R. 46 E. W.M. (Lot 40 BIK D) Black & Motley Add. (Wilma Cox) 1974
<u>10354</u> Irwin, John Halfway, Ore. (Proof #188)	1889	1.5	75	Irrigation domestic and stock	Clark Curry	Pine Creek	17 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$ 34 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$ 24 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 35, T. 7 S. R. 45 E. W.M.
(Proof #189)	(NOTE: See Findings in Contest No. 39)						
<u>2. V H</u>	1890		59	Irrigation domestic and stock	Carson Creek	Carson Creek	9 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$ 10 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$ 19 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ 21 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 26, T. 7 S. R. 45 E. W.M.
(NOTE: The above 59 acres of land have a supplemental supply through the Posey Valley Ditch from Pine Creek with priority of 1890)							
<u>10355</u> Irwin, Pearl Taft, California (Proof #183)	1883		20	Irrigation domestic and stock	Hewitt or Drake	Clear Creek trib. of Pine Cr.	20 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 29, T. 7 S. R. 46 E. W.M.



Norma Apple  
 Historic Point of Diversion Transfer  
 T. 7S. R. 46E, WM

Scale: 1" = 1320'

*old map*



**RECEIVED**

**MAR 09 2012**

WATER RESOURCES DEPT  
 SALEM, OREGON

**30 29**

Ritter

Cornell

Authorized:  
 Irwin Ditch  
 1276' S & 1137' E fr. NW Cor.  
 Sect. 32, T. 7S, R. 46E, WM

*Thomas P.O.D.*

Authorized:  
 Irwin Private #1  
 2638' S & 2328' E fr. NW Cor.  
 Sect. 32, T. 7S, R. 46E, WM.

*718'S diff.*

*1006 W diff*

*ADD TO MAP*

*Thomas P.O.D.*  
 644' N

*2459' W*

*Irwin & Neet*

**31**

Historic Proposed:  
 Irwin & Neet Ditch  
 1994' S & 131' W fr. NW cor.,  
 Sect. 32, T. 7S, R. 46E, WM

8 ac.

*TL 900*

11 ac.

12 ac.

8 ac.

11 ac.

*TL 1100*

Bowerman

**6 5**

**T. 8S, R. 46E**

**Legend**



Cert. 10353 - Acres to be transferred



Cert. 10349 - Acres to be transferred



Cert. 10353 - Remaining Rights

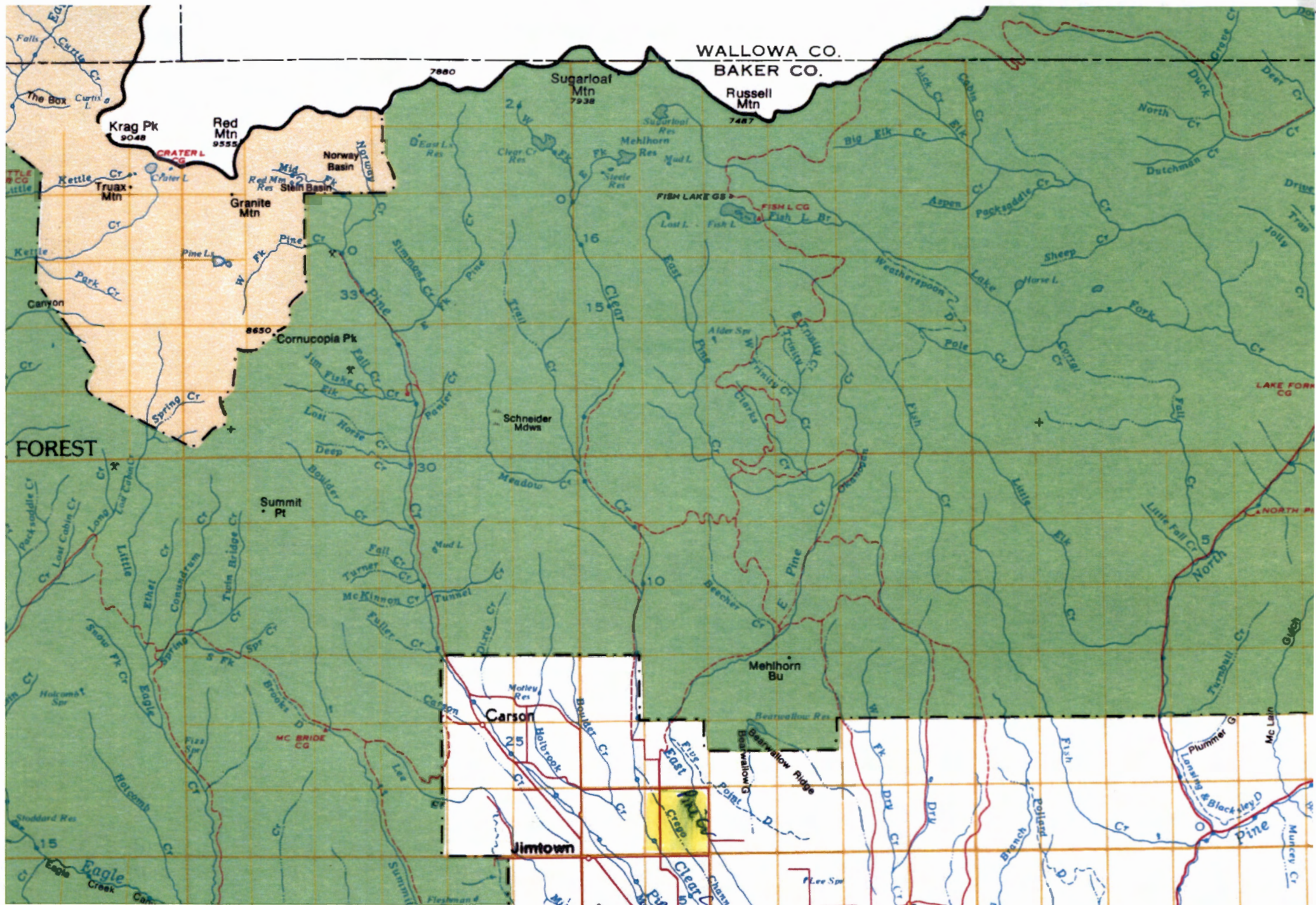


Cert. 10349 - Remaining Rights - *Irwin & Neet*

All water rights have 1882 priority

*Authorized Irwin & Neet*  
*Authorized*  
*Irwin & Neet*

11370



*Mining Claims*

Water Rights Platcard Report

Meridian: Willamette Township: 7 South Range: 46 East Section: 32 Records per 100 Page: Search Platcards Maps! Learn about \* View Map

Water Right	Changing Xfers	Priority	Use	Use Status	DLC	Gov't Lot	QQ(40): NE NE SW SE NE NW SW SE NE NW SW SE NE NW SW SE NE NW SW SE NE NW SW SE Unkwnn	Q(160): NE NE SW SE NE NW SW SE NE NW SW SE NE NW SW SE NE NW SW SE
Select Cert:10353 OR * Additional Info: J H IRWIN Decree: PINE CREEK, BAKER COUNTY Cert: 10353	T11370	12/31/1882	IRRIGATION, LIVESTOCK AND DOMESTIC	Private			19 11	
Select App: R 87792 * Additional Info: NORMA APPLE App: R87792		3/29/2012	MULTIPLE PURPOSE				*	
Select App: P 74241 * Additional Info: HELEN SPRINGER App: P74241		6/14/1994	LIVESTOCK					*
Select Inchoate: T 4610 CF (REG) * Additional Info: ROBERT W THOMAS Decree: PINE CREEK, BAKER COUNTY		12/31/1882	IRRIGATION					(6)
Select Inchoate: T 4610 CF (REG) * Additional Info: ROBERT W THOMAS Decree: PINE CREEK, BAKER COUNTY		12/31/1906	IRRIGATION					(34) (26)
Select Inchoate: T 4610 CF (REG) * Additional Info: ROBERT W THOMAS Decree: PINE CREEK, BAKER COUNTY		12/31/1910	IRRIGATION					(14)
Select Inchoate: T 4610 CF (REG) * Additional Info: ROBERT W THOMAS Decree: PINE CREEK, BAKER COUNTY		12/31/1882	LIVESTOCK					(*)
Select Inchoate: T 4610 CF (REG) * Additional Info: ROBERT W THOMAS Decree: PINE CREEK, BAKER COUNTY		12/31/1906	LIVESTOCK					(*) (*)
Select Inchoate: T 4610 CF (REG) * Additional Info: ROBERT W THOMAS Decree: PINE CREEK, BAKER COUNTY		12/31/1910	LIVESTOCK					(*)
Select Permit: S 52811 * Additional Info: CLEAR CREEK RESERVOIR CO. App: S72901 Permit: S52811		10/22/1992	SUPPLEMENTAL IRRIGATION (Suppl'mtl)				19.55	
Select Cert:3847 OR CN Additional Info: J FLYNN App: S762 Permit: S440 Cert: 3847	T9335, T10289	6/11/1910	IRRIGATION AND DOMESTIC	CN			25	
Select Cert:8998 OR CN Additional Info: CLARENCE HUFF App: S12449 Permit: S8806 Cert: 8998	T10289	11/19/1928	IRRIGATION	CN			40 22	
Select Cert:10209 OR * Additional Info: W T & BELLE ANDERSON Decree: PINE CREEK, BAKER COUNTY Cert: 10209		12/31/1890	IRRIGATION				25 12	
Select Cert:10209 OR * Additional Info: W T & BELLE ANDERSON Decree: PINE CREEK, BAKER COUNTY Cert: 10209		12/31/1890	LIVESTOCK				* *	
Select Cert:10217 OR * Additional Info: HENRY BASSETT Decree: PINE CREEK, BAKER COUNTY Cert: 10217		12/31/1885	IRRIGATION, LIVESTOCK AND DOMESTIC				10	
Select Cert:10217 OR * Additional Info: HENRY BASSETT Decree: PINE CREEK, BAKER COUNTY Cert: 10217		12/31/1898	IRRIGATION, LIVESTOCK AND DOMESTIC				12 8	
Select Cert:10349 OR * Additional Info: C R IRWIN Decree: PINE CREEK, BAKER COUNTY Cert: 10349	T11370	12/31/1882	IRRIGATION, LIVESTOCK AND DOMESTIC	Private			20	

# Water Right Platcard Report

Select	Cert:10383 OR *	12/31/1890	IRRIGATION, LIVESTOCK AND DOMESTIC																	35	25		
	<u>Additional Info:</u> WILLIAM MALONE Decree: PINE CREEK, BAKER COUNTY Cert: 10383																						
Select	Cert:10383 OR *	12/31/1910	IRRIGATION, LIVESTOCK AND DOMESTIC																		8		
	<u>Additional Info:</u> WILLIAM MALONE Decree: PINE CREEK, BAKER COUNTY Cert: 10383																						
Select	Cert:10389 OR *	12/31/1898	IRRIGATION, LIVESTOCK AND DOMESTIC			20	20																
	<u>Additional Info:</u> J.M. MCCULLUM Decree: PINE CREEK, BAKER COUNTY Cert: 10389																						
Select	Cert:10389 OR *	12/31/1910	IRRIGATION, LIVESTOCK AND DOMESTIC			5	16																
	<u>Additional Info:</u> J.M. MCCULLUM Decree: PINE CREEK, BAKER COUNTY Cert: 10389																						
Select	Cert:10398 OR CN	12/31/1910	DOMESTIC	CN																			
	<u>Additional Info:</u> ALBERT MELHORN Decree: PINE CREEK, BAKER COUNTY Cert: 10398																						
Select	Cert:10398 OR CN	12/31/1982	DOMESTIC	CN																			
	<u>Additional Info:</u> ALBERT MELHORN Decree: PINE CREEK, BAKER COUNTY Cert: 10398																						
Select	Cert:10398 OR CN	12/31/1882	IRRIGATION	CN																	6		
	<u>Additional Info:</u> ALBERT MELHORN Decree: PINE CREEK, BAKER COUNTY Cert: 10398																						
Select	Cert:10398 OR CN	12/31/1906	IRRIGATION	CN																	24	26	
	<u>Additional Info:</u> ALBERT MELHORN Decree: PINE CREEK, BAKER COUNTY Cert: 10398																						
Select	Cert:10398 OR CN	12/31/1910	IRRIGATION	CN																		24	
	<u>Additional Info:</u> ALBERT MELHORN Decree: PINE CREEK, BAKER COUNTY Cert: 10398																						
Select	Cert:10398 OR CN	12/31/1882	LIVESTOCK	CN																			
	<u>Additional Info:</u> ALBERT MELHORN Decree: PINE CREEK, BAKER COUNTY Cert: 10398																						
Select	Cert:10398 OR CN	12/31/1906	LIVESTOCK	CN																			
	<u>Additional Info:</u> ALBERT MELHORN Decree: PINE CREEK, BAKER COUNTY Cert: 10398																						
Select	Cert:10398 OR CN	12/31/1910	LIVESTOCK	CN																			
	<u>Additional Info:</u> ALBERT MELHORN Decree: PINE CREEK, BAKER COUNTY Cert: 10398																						
Select	Cert:10411 OR *	12/31/1890	IRRIGATION, LIVESTOCK AND DOMESTIC																			20	
	<u>Additional Info:</u> WILLIS MITCHELL Decree: PINE CREEK, BAKER COUNTY Cert: 10411																						
Select	Cert:10422 OR *	12/31/1893	IRRIGATION, LIVESTOCK AND DOMESTIC																			18	18
	<u>Additional Info:</u> J D NEET Decree: PINE CREEK, BAKER COUNTY Cert: 10422																						
Select	Cert:10442 OR *	12/31/1885	IRRIGATION, LIVESTOCK AND DOMESTIC																			10	10
	<u>Additional Info:</u> R A PIERCE Decree: PINE CREEK, BAKER COUNTY Cert: 10442																						
Select	Cert:10442 OR *	12/31/1907	IRRIGATION, LIVESTOCK AND DOMESTIC																			15	15
	<u>Additional Info:</u> R A PIERCE Decree: PINE CREEK, BAKER COUNTY Cert: 10442																						
Select	Cert:10442 OR *	12/31/1910	IRRIGATION, LIVESTOCK AND DOMESTIC																				6
	<u>Additional Info:</u> R A PIERCE Decree: PINE CREEK, BAKER COUNTY Cert: 10442																						
Select	Cert:10442 OR *	12/31/1914	IRRIGATION, LIVESTOCK AND DOMESTIC																				6
	<u>Additional Info:</u> R A PIERCE Decree: PINE CREEK, BAKER COUNTY Cert: 10442																						

*Private*

# Water Right Platcard Report

SW  
NE, MW, S, SE

Select	Cert:29928 OR *	10/7/1921	SUPPLEMENTAL IRRIGATION (Suppl'mtl)	25	36	12.2													
	Additional Info: CLEAR CREEK RESERVOIR CO. App: 58108 Permit: 55234 Cert: 29928																		
Select	Cert:29930 OR *	9/9/1931	SUPPLEMENTAL IRRIGATION (Suppl'mtl)															39.7	39.1
	Additional Info: C L DERRAL App: S14305 Permit: S10681 Cert: 29930																		
Select	Cert:29931 OR *	9/9/1931	IRRIGATION			13.5		7.7											
	Additional Info: ELMER DOUGLAS App: S19362 Permit: S14946 Cert: 29931																		
Select	Cert:29931 OR *	9/9/1931	SUPPLEMENTAL IRRIGATION (Suppl'mtl)			25		12											
	Additional Info: ELMER DOUGLAS App: S19362 Permit: S14946 Cert: 29931																		
Select	Cert:30918 OR *	6/18/1958	SUPPLEMENTAL IRRIGATION (Suppl'mtl)															7.2	
	Additional Info: LEWIS LAIRD App: G1305 Permit: G1167 Cert: 30918																		
Select	Cert:34313 OR CN	8/12/1965	SUPPLEMENTAL CN IRRIGATION (Suppl'mtl)															4.3	
	Additional Info: LEWIS LAIRD App: G3194 Permit: G2997 Cert: 34313																		
Select	Cert:37671 OR *	6/12/1962	IRRIGATION	14.5	4														
	Additional Info: CLEAR CREEK RESERVOIR CO. App: S37727 Permit: S28549 Cert: 37671																		
Select	Cert:69654 OR *	1/1/1993	LIVESTOCK	*															
	Additional Info: MARTIN LINGRAI App: R75609 Cert: 69654																		
Select	Cert:69654 OR *	1/1/1993	WILDLIFE	*															
	Additional Info: MARTIN LINGRAI App: R75609 Cert: 69654																		
Select	Cert:76445 CF RR *	12/31/1882	IRRIGATION															6	
	Additional Info: ROBERT W THOMAS Decree: PINE CREEK, BAKER COUNTY Cert: 76445																		
Select	Cert:76445 CF RR *	12/31/1906	IRRIGATION															34	26
	Additional Info: ROBERT W THOMAS Decree: PINE CREEK, BAKER COUNTY Cert: 76445																		
Select	Cert:76445 CF RR *	12/31/1910	IRRIGATION																14
	Additional Info: ROBERT W THOMAS Decree: PINE CREEK, BAKER COUNTY Cert: 76445																		
Select	Cert:76445 CF RR *	12/31/1882	LIVESTOCK															*	
	Additional Info: ROBERT W THOMAS Decree: PINE CREEK, BAKER COUNTY Cert: 76445																		
Select	Cert:76445 CF RR *	12/31/1906	LIVESTOCK															*	*
	Additional Info: ROBERT W THOMAS Decree: PINE CREEK, BAKER COUNTY Cert: 76445																		
Select	Cert:76445 CF RR *	12/31/1910	LIVESTOCK																*
	Additional Info: ROBERT W THOMAS Decree: PINE CREEK, BAKER COUNTY Cert: 76445																		
Select	Cert:84805 RR *	6/11/1910	IRRIGATION	25															
	Additional Info: J FLYNN App: S762 Permit: S440 Cert: 84805																		
Select	Cert:83403 CF *	11/19/1928	IRRIGATION	10		22													
	Additional Info: CLARENCE HUFF App: S12449																		





BEFORE THE WATER RESOURCES DEPARTMENT  
OF THE  
STATE OF OREGON

In the Matter of Transfer Application )  
T-11370, Baker County )  
)  
)  
)  
X FINAL ORDER APPROVING A CHANGE  
IN POINT OF DIVERSION TO REFLECT  
HISTORIC USE

**Authority**

ORS 540.505 to 540.580 establishes the process in which a water right holder may submit a request to transfer the point of diversion, place of use, or character of use authorized under an existing water right. OAR Chapter 690, Division 380 implements the statutes and provides the Department's procedures and criteria for evaluating transfer applications.

**Applicant**

NORMA APPLE  
47363 SLAUGHTERHOUSE RD  
HALFWAY, OR 97834

**Findings of Fact**

**Background**

1. On March 9, 2012, NORMA APPLE filed a transfer application for authorization of a historic point of diversion under Certificates 10349 and 10353. The Department assigned the application number T-11370.
2. On February 14, 2013 the applicant submitted a revised application map showing the delivery system from the Historic Point of Diversion.
3. The portion of the first right to be transferred is as follows:

**Certificate:** 10349 in the name of C, R, IRWIN (confirmed by Pine Creek Decree, Baker County)

**Use:** IRRIGATION, LIVESTOCK AND DOMESTIC of 8.0 ACRES

**Priority Date:** 1882

**Limit/Duty:** The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-FORTIETH of one cubic foot per second per acre measured at the point of diversion, and a total limitation of one acre-foot per acre during

This is a final order in other than a 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 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.

July, one acre-foot per acre during August and one-half acre-foot per acre during September of each year.

**Source:** PRONG OF CLEAR CREEK FOR TRACT NO. 2, Tributary to CLEAR CREEK

*lower case*  
*Not on cert*

**Authorized Place of Use:**

TRACT 2					
IRRIGATION, LIVESTOCK AND DOMESTIC					
Twp	Rng	Mer	Sec	Q-Q	Acres
7 S	46 E	WM	32	SE SW	8.0

4. Certificate 10349 does not describe the location of the point of diversion, however information is available from the transfer application and application maps which indicates that the APPROXIMATE point of diversion is located as follows:

*upper case*  
**Authorized Point of Diversion:**

Twp	Rng	Mer	Sec	Q-Q	MEASURED DISTANCES
7 S	46 E	WM	32	SE SW <i>NNW</i>	IRWIN PRIVATE #1: 2638 FEET SOUTH AND 2328 FEET EAST FROM THE NW CORNER OF SECTION 32

5. The portion of the second right to be transferred is as follows:

**Certificate:** 10353 in the name of J.H. IRWIN (confirmed by Pine Creek, Baker County)

**Use:** IRRIGATION, LIVESTOCK AND DOMESTIC of 22.0 ACRES

**Priority Date:** 1882

**Limit/Duty:** The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-FORTIETH of one cubic foot per second per acre measured at the point of diversion, and a total limitation of one acre-foot per acre during July, one acre-foot per acre during August and one-half acre-foot per acre during September, of each year.

**Source:** EAST BRANCH OF CLEAR CREEK FOR TRACT 1, PRONG OF CLEAR CREEK FOR TRACT 2 CLEAR CREEK, tributary to the PINE CREEK

**Authorized Place of Use:**

IRRIGATION, LIVESTOCK AND DOMESTIC						
Twp	Rng	Mer	Sec	Q-Q	Acres	Ditch Name
7 S	46 E	WM	32	NE SW	11.0	IRWIN
7 S	46 E	WM	32	SE SW	11.0	SMALL

*(same as Irwin Private #1)*

6. Certificate 10353 does not describe the location of the point of diversion, however information is available from the transfer application and application maps which indicates that the APPROXIMATE point of diversion is located as follows:

*lower case*  
**Authorized Point of Diversion:**

Twp	Rng	Mer	Sec	Q-Q	MEASURED DISTANCES
7 S	46 E	WM	32	SE SW <i>NNW</i>	IRWIN PRIVATE #1: 2638 FEET SOUTH AND 2328 FEET EAST FROM THE NW CORNER OF SECTION 32
7 S	46 E	WM	32	NW NW	IRWIN: 1276 FEET SOUTH AND 1137 FEET EAST FROM THE NW CORNER OF SECTION 32

- Transfer Application T-11370 proposes to move the points of diversion to reflect historic use. The proposed historic point of diversion for the IRWIN AND NEET Ditch is approximately 718 feet South and 1006 feet West (downstream) from the authorized point of diversion (Irwin Ditch) and is approximately 644 feet North and 2459 feet West (upstream) from the authorized point of diversion (Irwin Private #1). The proposed historic points of diversion are located below:

**Historic Point of Diversion:**

Twp	Rng	Mer	Sec	Q-Q	MEASURED DISTANCES
7 S	46 E	WM	<del>32</del> 31	SE SW	IRWIN AND NEET DITCH: 1994 FEET SOUTH AND 131 FEET WEST FROM THE NW CORNER OF SECTION 32

- Notice of the application for transfer was published on March 20, 2012, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
- The Oregon Department of Fish and Wildlife (ODFW) has determined that a fish screen is necessary at the new point of diversion to prevent fish from entering the diversion and that the diversion is not currently equipped with an appropriate fish screen. Listed fish species are not present at the point of diversion, the originating water right diversion is not screened, cost-share funds are not currently available, and the proposed diversion may be eligible for ODFW's cost-share program. A grace period of two years is appropriate until such time as cost-share funds become available to assist in the construction of a fish screen. If cost-share funds do not become available, the water user must screen within the indicated time period regardless of the availability of cost-share funding.
- On February 14, 2013, the Department mailed a copy of a draft order proposing to approve Transfer Application T-11370 to the applicant.

***Transfer Review Criteria (ORS 540.532 and OAR 690-380-2120)***

- Pursuant to OAR 690-380-2120(2)(a), evidence has been submitted that the actual, current point of diversion for the water right in question, as described in Finding No. 6, has been in use for more than 10 years.
- Pursuant to OAR 690-380-2120(2)(c), the Watermaster provided a statement that to his knowledge there has been no complaint of injury due to the use of water at the actual, current point of diversion, prior to the transfer request.
- The Department did not identify any affected water rights pursuant to OAR 690-380-2120(3).
- Water has been used within the last five years according to the terms and conditions of the right. There is no evidence available that would demonstrate that the right is subject to forfeiture under ORS 540.610.
- A diversion structure and ditch sufficient to use the full amount of water allowed under the existing right is present.

16. The proposed change would not result in enlargement of the right<sup>s</sup>
17. The proposed change would not result in injury to other water rights.

**Conclusions of Law**

The proposed change in point of diversion to reflect historical use in application T-11370 is consistent with the requirements of ORS 540.505 to 540.580, and OAR 690-380-5000.

**Now, therefore, it is ORDERED:**

1. The change proposed in T-11370 is approved and effective immediately.
2. The right to the use of the water is restricted to beneficial use at the place of use described, and is subject to all other conditions and limitations contained in Certificate(s) 10349 and any related decree.
3. Water right certificate 10349 is cancelled. Certificate 10349 will be issued to describe the change in point of diversion for the portion of the rights included in T-11370. Certificate 10349 shall be issued to describe the portion of Certificate 10349 not modified by this order. Together, the new Certificates shall supersede Certificate 10349.
4. The quantity of water diverted at the new point of diversion shall not exceed the quantity of water lawfully available at the original point of diversion.
5. By March 1, 2015 [Within two years after the date of this order] the water user shall install an approved fish screen at the new point of diversion. ~~The water user may withdraw water at the new point of diversion without a screen until October 1, 20\_\_.~~ The water user shall provide to OWRD a written statement from Oregon Department of Fish and Wildlife (ODFW) that the installed screen meets the state's criteria, or that ODFW has determined a screen is not necessary. The water user shall maintain and operate the fish screen at the new point of diversion consistent with ODFW's operational and maintenance standards. If ODFW determines the screen is not functioning properly, and is unsuccessful in working with the water user to meet ODFW standards, ODFW may request that OWRD regulate the use of water until OWRD receives notification from ODFW that the fish screen is functioning properly.

Dated at Salem, Oregon this \_\_\_\_\_ day of Feb. 2013.

\_\_\_\_\_  
Dwight French, Water Right Services Administrator, for  
PHILLIP C. WARD, DIRECTOR

Mailing date: \_\_\_\_\_

STATE OF OREGON

COUNTY OF BAKER

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

NORMA APPLE  
47363 SLAUGHTERHOUSE RD  
HALFWAY OR 97834

confirms the right to use the waters of a PRONG OF CLEAR CREEK, <sup>for</sup> ~~tributary to PINE CREEK~~ tract No. 2 for IRRIGATION of <sup>8.0</sup> ~~8.0~~ ACRES and DOMESTIC AND STOCK USE.

This right was confirmed by decree of the Circuit Court of the State of Oregon for Baker County. The decree is of record at Salem, in the Order Record of the Water Resources Director in Volume 11, at Page 235. The date of priority is 1882. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed ONE-FORTIETH of once cubic foot per second per acre, or its equivalent in case of rotation, measured at the point of diversion and a total limitation of one acre-foot per acre during July, one acre-foot per acre during August and one-half acre-foot per acre during September of each year.

The point of diversion is located as follows:

Twp	Rng	Mer	Sec	Q-Q	MEASURED DISTANCES
7 S	46 E	WM	<del>32</del> 31	SE SW	IRWIN AND NEET DITCH: 1994 FEET SOUTH AND 131 FEET WEST FROM THE NW CORNER OF SECTION 32

The use shall conform to such reasonable rotation system as may be ordered by the proper state officer. The right to the use of the water for the above purpose is restricted to beneficial use on the lands or place of use described.

A description of the place of use to which this right is appurtenant is as follows:

TRACT 2					
Twp	Rng	Mer	Sec	Q-Q	Acres
7 S	46 E	WM	32	SE SW	8.0

*and shall be subject to all other conditions and limitations contained in said decree.*

By 3/1/2015 [Within two years after the date of this order] the water user shall install an approved fish screen at the new point of diversion. ~~The water user may withdraw water at the new point of diversion without a screen until October 1, 20\_\_.~~ The water user shall provide to OWRD a written statement from Oregon Department of Fish and Wildlife (ODFW) that the installed screen meets the state's criteria, or that ODFW has determined a screen is not necessary. The water user shall maintain and operate the fish screen at the new point of diversion consistent with ODFW's operational and maintenance standards. If ODFW determines the screen is not functioning properly, and is unsuccessful in working with the water user to meet ODFW standards, ODFW may request that OWRD regulate the use of water until OWRD receives notification from ODFW that the fish screen is functioning properly.

This certificate is issued to confirm an HISTORIC CHANGE IN POINT OF DIVERSION approved by an order of the Water

This is a final order in other than a 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 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.

Resources Director entered \_\_\_\_\_, approving Transfer Application T- 11370, and supersedes Certificate 10349, State Record of Water Right Certificates.

WITNESS the signature of the Water Resources Director, affixed \_\_\_\_\_.

\_\_\_\_\_  
Dwight French, Water Right Services Administrator, for  
PHILLIP C. WARD, DIRECTOR

STATE OF OREGON

COUNTY OF BAKER

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

C.H. IRWIN  
HALFWAY, OREGON

confirms the right to use the waters from a PRONG OF EAST BRANCH OF CLEAR CREEK, tributary of Pine Creek in Tract No. 1 for IRRIGATION of 12.0 acres and DOMESTIC AND STOCK USE.

This right was confirmed by decree of the Circuit Court of the State of Oregon for Baker County. The decree is of record at Salem, in the Order Record of the Water Resources Director in Volume 11, at Page 235. The date of priority is 1882. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed ONE-FORTIETH of once cubic foot per second per acre, or its equivalent in case of rotation, measured at the point of diversion and a total limitation of one acre-foot per acre during July, one acre-foot per acre during August and one-half acre-foot per acre during September of each year.

~~The use shall conform to such reasonable rotation system as may be ordered by the proper state officer.~~ The right to the use of the water for the above purpose is restricted to beneficial use on the lands or place of use described.

*and shall be subject to all other conditions and limitations in said Decree.*

A description of the place of use to which this right is appurtenant is as follows:

TRACT 1					
Twp	Rng	Mer	Sec	Q-Q	Acres
7 S	46 E	WM	32	SE SW	12.0

*center*

This certificate describes that portion of the water right confirmed by Certificate , State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered \_\_\_\_\_, approving Transfer Application T-11370 for a change in point of diversion to reflect HISTORIC USE. This certificate supersedes Certificate 10349.

The issuance of this superseding certificate does not confirm the status of the water right in regard to the provisions of ORS 540.610 pertaining to forfeiture or abandonment.

The right to the use of the water for the above purpose is restricted to beneficial use on the lands or place of use described and is subject to all other conditions and limitations contained in said decree.

WITNESS the signature of the Water Resources Director, affixed \_\_\_\_\_.

\_\_\_\_\_  
Dwight French, Water Right Services Administrator, for  
PHILLIP C. WARD, DIRECTOR



STATE OF OREGON

COUNTY OF BAKER

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

NORMA APPLE  
47363 SLAUGHTERHOUSE RD  
HALFWAY OR 97834

confirms the right to use the waters of a PRONG OF EAST BRANCH OF CLEAR CREEK, tributary of Pine Creek, for Tract No. 1; A PRONG OF CLEAR CREEK, tributary of Pine Creek for Tract No. 2 for IRRIGATION of 22.0 and DOMESTIC AND STOCK USE.

This right was confirmed by decree of the Circuit Court of the State of Oregon for Baker County. The decree is of record at Salem, in the Order Record of the Water Resources Director in Volume 11, at Page 235. The date of priority is 1882. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed ONE-FORTIETH of once cubic foot per second per acre, or its equivalent in case of rotation, measured at the point of diversion and a total limitation of one acre-foot per acre during July, one acre-foot per acre during August and one-half acre-foot per acre during September of each year.

The point of diversion is located as follows:

Twp	Rng	Mer	Sec	Q-Q	MEASURED DISTANCES
7 S	46 E	WM	32 31	SE SW	IRWIN AND NEET DITCH: 1994 FEET SOUTH AND 131 FEET WEST FROM THE NW CORNER OF SECTION 32

~~The use shall conform to such reasonable rotation system as may be ordered by the proper state officer.~~ The right to the use of the water for the above purpose is restricted to beneficial use on the lands or place of use described. *and shall be subject to all other conditions and limitations contained in said decree.*

A description of the place of use to which this right is appurtenant is as follows:

TRACT 1					
Twp	Rng	Mer	Sec	Q-Q	Acres
7 S	46 E	WM	32	NE SW	11.0
TRACT 2					
Twp	Rng	Mer	Sec	Q-Q	Acres
7 S	46 E	WM	32	SE SW	11.0
<del>7 S</del>	<del>46 E</del>	<del>WM</del>	<del>32</del>	<del>NE SW</del>	<del>8.0</del>

By 8/1/2015 [Within two years after the date of this order] the water user shall install an approved fish screen at the new point of diversion. ~~The water user may withdraw water at the new point of diversion without a screen until October 1, 20\_\_.~~ The water user shall provide to OWRD a written statement from Oregon Department of Fish and Wildlife (ODFW) that the installed screen meets the state's criteria, or that ODFW has determined a screen is not necessary. The water user shall

This is a final order in other than a 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 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.

maintain and operate the fish screen at the new point of diversion consistent with ODFW's operational and maintenance standards. If ODFW determines the screen is not functioning properly, and is unsuccessful in working with the water user to meet ODFW standards, ODFW may request that OWRD regulate the use of water until OWRD receives notification from ODFW that the fish screen is functioning properly.

This certificate is issued to confirm an HISTORIC CHANGE IN POINT OF DIVERSION approved by an order of the Water Resources Director entered \_\_\_\_\_, approving Transfer Application T- 11370, and supersedes Certificate 10353, State Record of Water Right Certificates.

WITNESS the signature of the Water Resources Director, affixed \_\_\_\_\_.

\_\_\_\_\_  
Dwight French, Water Right Services Administrator, for  
PHILLIP C. WARD, DIRECTOR

STATE OF OREGON

COUNTY OF BAKER

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

J.H. IRWIN  
HALFWAY, OREGON

confirms the right to use the waters from a PRONG OF CLEAR CREEK, tributary of Pine Creek for Tract No. 2 and PINE CREEK for Tract No. 3 for IRRIGATION of 11.0 and DOMESTIC AND STOCK USE.

This right was confirmed by decree of the Circuit Court of the State of Oregon for Baker County. The decree is of record at Salem, in the Order Record of the Water Resources Director in Volume 11, at Page 235. The date of priority is 1882 for Tract No. 2 and 1886 for Tract 3. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed ONE-FORTIETH of once cubic foot per second per acre, or its equivalent in case of rotation, measured at the point of diversion and a total limitation of one acre-foot per acre during July, one acre-foot per acre during August and one-half acre-foot per acre during September of each year.

~~The use shall conform to such reasonable rotation system as may be ordered by the proper state officer.~~ The right to the use of the water for the above purpose is restricted to beneficial use on the lands or place of use described. *and shall be subject to all other conditions and limitations contained in said Decree.*

A description of the place of use to which this right is appurtenant is as follows:

TRACT 2					
Twp	Rng	Mer	Sec	Q-Q	Acres
7 S	46 E	WM	32	NE SW	8.0

TRACT 3					
Twp	Rng	Mer	Sec	Q-Q	Acres
7 S 45	46 E	WM	32	NW SE	3.0

*center*  
*This is correct but Cert 10353 had errors*

This certificate describes that portion of the water right confirmed by Certificate 10353, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered \_\_\_\_\_, approving Transfer Application T-11370. This Certificate supersedes Certificate 10353. *10353*

*and corrects a scrivener's error in the place of use on Cert. 10353. together with Cert 87998*

The issuance of this superseding certificate does not confirm the status of the water right in regard to the provisions of ORS 540.610 pertaining to forfeiture or abandonment.

The right to the use of the water for the above purpose is restricted to beneficial use on the lands or place of use described and is subject to all other conditions and limitations contained in said decree.

WITNESS the signature of the Water Resources Director, affixed \_\_\_\_\_.

Dwight French, Water Right Services Administrator, for  
PHILLIP C. WARD, DIRECTOR

*rights box, since correcting a scrivener's error*

**STATE OF OREGON  
WATER RESOURCES DEPARTMENT**

725 Summer St. N.E. Ste. A  
SALEM, OR 97301-4172

(503) 986-0900 / (503) 986-0904 (fax)

RECEIPT # **105200**

INVOICE # \_\_\_\_\_

RECEIVED FROM:

*Crescent A Ranches  
Registered Angus  
Cattle*

APPLICATION

PERMIT

TRANSFER

*T-11370*

CASH:

CHECK: #

OTHER: (IDENTIFY)

*3036*

TOTAL REC'D

*\$ 1300<sup>00</sup>*

**1083 TREASURY 4170 WRD MISC CASH ACCT**

0407 COPIES

\$

OTHER: (IDENTIFY)

\$

0243 I/S Lease \_\_\_\_\_ 0244 Muni Water Mgmt. Plan \_\_\_\_\_ 0245 Cons. Water \_\_\_\_\_

**4270 WRD OPERATING ACCT**

**MISCELLANEOUS**

0407 COPY & TAPE FEES

\$

0410 RESEARCH FEES

\$

0408 MISC REVENUE: (IDENTIFY)

\$

TC162 DEPOSIT LIAB. (IDENTIFY)

\$

0240 EXTENSION OF TIME

\$

**WATER RIGHTS:**

0201 SURFACE WATER

**EXAM FEE**

\$

0202

\$

0203 GROUND WATER

\$

0204

\$

0205 TRANSFER

*\$ 1300<sup>00</sup>*

\$

**WELL CONSTRUCTION**

0218 WELL DRILL CONSTRUCTOR

**EXAM FEE**

\$

0219

\$

LANDOWNER'S PERMIT

0220

\$

OTHER (IDENTIFY)

**RECORD FEE**

\$

\$

**LICENSE FEE**

\$

\$

*46110*

**0536 TREASURY 0437 WELL CONST. START FEE**

0211 WELL CONST START FEE

\$

CARD #

0210 MONITORING WELLS

\$

CARD #

OTHER (IDENTIFY)

**0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER**

0233 POWER LICENSE FEE (FW/WRD)

\$

0231 HYDRO LICENSE FEE (FW/WRD)

\$

HYDRO APPLICATION

\$

**TREASURY OTHER / RDX**

FUND \_\_\_\_\_ TITLE \_\_\_\_\_

OBJ. CODE \_\_\_\_\_ VENDOR # \_\_\_\_\_

DESCRIPTION \_\_\_\_\_

\$

RECEIPT: **105200**

DATED: *3-9-12*

BY: *[Signature]*