



Oregon

Kate Brown Governor

Department of Fish and Wildlife
John Day Field Office
PO Box 9
John Day, OR 97845
Voice: 541-575-1167
Fax: 541-575-0948
<http://www.dfw.state.or.us>

6/29/2017

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



Subject: Berry Creek POD Transfer

To Whom It Many Concern,

The Oregon Department of Fish and Wildlife is submitting this letter of support for Mr. Larson's water right point of diversions (POD) transfer application that will move Berry Creek water rights to Canyon Creek.

Mr. Larson has been working towards this consolidation for many years to benefit instream flows of Berry Creek. The consolidation will provide benefits for both the water user and fish species present in Berry Creek. Berry Creek has very low base stream flows during irrigation season.

In addition to the POD transfers several fish passage and riparian habitat improvements have been implemented on this reach of Berry Creek. The combination of all these projects will greatly enhance natural resource conditions of Berry Creek.

ODFW believes that this application will provide a net benefit to federally listed steelhead and other native resident fish species rearing in Berry Creek. Improving fish rearing habitat and stream flow quantity and quality is a priority for ODFW. We recommend that the Water Resources Department consider reducing application fees for Mr. Larson that are associated with the Berry Creek POD transfers. We will review the application as it proceeds through the inter-agency review process.

Sincerely,

Brent Smith
Acting John Day District Fish Biologist
Oregon Department of Fish and Wildlife

c: Grant Soil and Water Conservation District

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

Application for Permanent Water Right Transfer

Part 1 of 5 – Minimum Requirements Checklist

This transfer application will be returned if Parts 1 through 5 and all required attachments are not completed and included.

For questions, please call (503) 986-0900, and ask for Transfer Section.

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

- Part 1 – Completed Minimum Requirements Checklist.
- Part 2 – Completed Transfer Application Map Checklist.
- Part 3 – Application Fee, payable by check to the Oregon Water Resources Department, and completed Fee Worksheet, page 3. Try the new online fee calculator at: http://apps.wrd.state.or.us/apps/misc/wrd_fee_calculator. If you have questions, call Customer Service at (503) 986-0801.
- Part 4 – Completed Applicant Information and Signature.
- Part 5 – Information about Water Rights to be Transferred: **How many water rights are to be transferred? 3 List them here: 25431, 17372 & 7692** *should be 25341*
Please include a separate Part 5 for each water right. (See instructions on page 6)

Attachments:

- Completed Transfer Application Map.
- Completed Evidence of Use Affidavit and supporting documentation.
- N/A Affidavit(s) of Consent from Landowner(s) (if the applicant does not own the land the water right is on.)
- N/A Supplemental Form D – For water rights served by or issued in the name of an irrigation district. Complete when the transfer applicant is not the irrigation district.
- N/A Land Use Information Form with approval and signature (or signed land use form receipt stub). Not required if water is to be diverted, conveyed, and/or used only on federal lands or if **all** of the following apply: a) a change in place of use only, b) no structural changes, c) the use of water is for irrigation only, and d) the use is located within an irrigation district or an exclusive farm use zone.
- N/A Water Well Report/Well Log for changes in point(s) of appropriation (well(s)) or additional point(s) of appropriation.
- N/A Geologist Report for a change from a surface water point of diversion to a ground water point of appropriation (well), if the proposed well is more than 500' from the surface water source and more than 1000' upstream or downstream from the point of diversion. See OAR 690-380-2130 for requirements and applicability.

(For Staff Use Only)

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

- Application fee not enclosed/insufficient Map not included or incomplete
- Land Use Form not enclosed or incomplete
- Additional signature(s) required Part _____ is incomplete

Other/Explanation _____

Staff: _____ 503-986-0 _____

Date: _____

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Part 2 of 5 – Transfer Application Map Checklist

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

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

- N/A Certified Water Right Examiner (CWRE) Stamp and Original Signature. For a list of CWREs, see http://apps.wrd.state.or.us/apps/wr/cwre_license_view/. CWRE stamp and signature are not required for substitutions.
- N/A If **more than three** water rights are involved, separate maps are needed for each water right.
- Permanent quality printed with dark ink on good quality paper. RECEIVED BY OWRD
- The size of the map can be 8½ x 11 inches, 8½ x 14 inches, 11 x 17 inches, or up to 30 x 30 inches. For 30 x 30 inch maps, one extra copy is required. JUL 21 2017
- A north arrow, a legend, and scale. SALEM, OR
- The scale of the map must be: 1 inch = 400 feet, 1 inch = 1,320 feet, the scale of the Final Proof/Claim of Beneficial Use Map (the map used when the permit was certificated), the scale of the county assessor map if the scale is not smaller than 1 inch = 1,320 feet, or a scale that has been pre-approved by the Department.
- Township, Range, Section, ¼ ¼, DLC, Government Lot, and other recognized public land survey lines.
- Tax lot boundaries (property lines) are required. Tax lot numbers are recommended.
- Major physical features including rivers and creeks showing direction of flow, lakes and reservoirs, roads, and railroads.
- Major water delivery system features from the point(s) of diversion/appropriation such as main pipelines, canals, and ditches.
- Existing place of use that includes separate hachuring for each water right, priority date, and use including number of acres in each quarter-quarter section, government lot, or in each quarter-quarter section as projected within government lots, donation land claims, or other recognized public land survey subdivisions. If less than the entirety of the water right is being changed, a separate hachuring is needed for lands left unchanged.
- N/A Proposed place of use that includes separate hachuring for each water right, priority date, and use including number of acres in each quarter-quarter section, government lot, or in each quarter-quarter section as projected within government lots, donation land claims, or other recognized public land survey subdivisions.
- Existing point(s) of diversion or well(s) with distance and bearing or coordinates from a recognized survey corner. This information can be found in your water right certificate or permit.
- N/A If you are proposing a change in point(s) of diversion or well(s), show the proposed location and label it clearly with distance and bearing or coordinates. If GPS coordinates are used, latitude-longitude coordinates may be expressed as either degrees-minutes-seconds with at least one digit after the decimal (example – 42°32'15.5") or degrees-decimal with five or more digits after the decimal (example – 42.53764°).

Part 4 of 5 – Applicant Information and Signature

Applicant Information

APPLICANT/BUSINESS NAME Gordon and Julie Larson			PHONE NO. (541) 620-1539	ADDITIONAL CONTACT NO.
ADDRESS 24335 Hwy 395S				FAX NO.
CITY Canyon City	STATE OR	ZIP 97820	E-MAIL berrycreech@centurytel.net	
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.				

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

AGENT/BUSINESS NAME Kyle S. Sullivan / Grant SWCD			PHONE NO. (541) 575-0135 x111	ADDITIONAL CONTACT NO.
ADDRESS 721 S. Canyon Blvd				FAX NO.
CITY John Day	STATE OR	ZIP 97845	E-MAIL sullivan@ortelco.net	
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.				

Explain in your own words what you propose to accomplish with this transfer application, and why: Consolidate 4 irrigation diversions into a single pump station; improve fish passage and habitat as well as promote more efficient use of water.

If you need additional space, continue on a separate piece of paper and attach to the application as "Attachment 1".

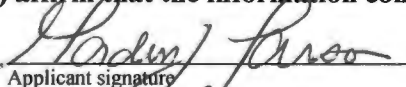
Check this box if this project is fully or partially funded by the American Recovery and Reinvestment Act. (Federal stimulus dollars)

Check One Box

- By signing this application, I understand that, upon receipt of the draft preliminary determination and prior to Department approval of the transfer, I will be required to provide landownership information and evidence that I am authorized to pursue the transfer as identified in OAR 690-380-4010(5); **OR** **RECEIVED BY OWRD**
 - I affirm the applicant is a municipality as defined in ORS 540.510(3)(b) and that the right is in the name of the municipality or a predecessor; **OR**
 - I affirm the applicant is an entity with the authority to condemn property and is acquiring by condemnation the property to which the water right proposed for transfer is appurtenant and have supporting documentation. **JUL 21 2017**
- SALEM, OR**

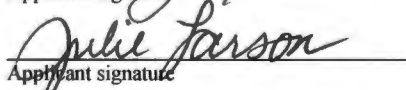
I understand that prior to Department approval of the transfer application, I may be required to submit payment to the Department for publication of a notice in a newspaper with general circulation in the area where the water right is located, once per week for two consecutive weeks. If more than one qualifying newspaper is available, I suggest publishing the notice in the following newspaper: Blue Mountain Eagle.

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


Applicant signature

Gordon Larson
Print Name (and Title if applicable)

7/13/2017
Date


Applicant signature

Julie Larson
Print Name (and Title if applicable)

7/13/2017
Date

Is the applicant the sole owner of the land on which the water right, or portion thereof, proposed for transfer is located? Yes No *If NO, include signatures of all deeded landowners (and mailing and/or e-mail addresses if different than the applicant's) or attach affidavits of consent (and mailing and/or e-mail addresses) from all landowners or individuals/entities to which the water right(s) were conveyed.*

Check the following boxes that apply:

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

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

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

If a property sells, the certificated water right(s) located on the land belong to the new owner, unless a sale agreement or other document states otherwise. For more information see: <http://www.oregon.gov/owrd/docs/transfer-propertytransactions.pdf>

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


Describe any special ownership circumstances here: _____

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

IRRIGATION DISTRICT NAME	ADDRESS	
CITY	STATE	ZIP

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

ENTITY NAME	ADDRESS	
CITY	STATE	ZIP

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

ENTITY NAME Grant County Planning Department	ADDRESS 201 S. Humbolt Street, Suite 170	
CITY Canyon City	STATE OR	ZIP 97820

ENTITY NAME	ADDRESS	
CITY	STATE	ZIP

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INSTRUCTIONS for editing the Application Form

To add additional lines to tables within the forms or to copy and paste additional Part 5 pages, please **save the application form to your computer**. Unlock the document by using one of the following instructions for your Microsoft Word software version:

Microsoft Word 2003

Unlock the document by one of the following:

- Using the **Tools** menu => click **Unprotect Document**;
OR
- Using the **Forms** toolbar => click on the **Protect/Unprotect** icon.

To relock the document to enable the checkboxes to work, you will need to:

- Using the **Tools** menu => click **Protect Document**;
OR
- Using the **Forms** toolbar => click on the **Protect/Unprotect** icon.

Microsoft Word 2007

- Unlock the document by clicking the **Review** tab, then click **Protect Document**, then click **Stop Protect**
- To relock the document, click **Editing Restrictions**, then click **Allow Only This Type of Editing**, select **Filling In Forms** from the drop-down menu, then check **Yes, Start Enforcing Protection**.

Microsoft Word 2010

- Unlock the document by clicking the **Review** tab, toggle the **Restrict Editing** icon at the upper right, then click **Stop Protect** at the bottom right. Then uncheck the “**Allow only this type of editing in the document: Filling in forms**” in the “Editing restrictions” section on the right-hand list of options.
- To relock the document, check the **Editing Restrictions/Allow Only This Type of Editing/Filling In Forms** box from the drop-down menu, then check **Yes, Start Enforcing Protection**. You do not need to assign a password for the editing restrictions.

Other Alternatives:

- Photocopy pages or tables in Part 5, ~~mark through~~ any non-applicable information, insert/attach photocopied pages to document in the appropriate location, and manually amend page numbers as necessary (e.g. Page 5 of 9 10).
- You may refer to additional attachments that you may include, such as separately produced tables or spreadsheets to convey large numbers of rows of place of use listings, owner/property parcels, etc. You may contact the Department at 503-986-0900 and ask for Transfer Staff if you have questions.

Once the application has been unlocked, you may:

- add additional rows to tables using the Table tools, and
- select and copy the pages of Part 5 and paste as many additional sets of Part 5 pages as needed at the end of the application.

After editing, re-lock the document to enable checkboxes to work.

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Part 5 of 5 – Water Right Information

Please use a separate Part 5 for each water right being changed. See instructions on page 6, to copy and paste additional Part 5s, or to add additional rows to tables within the form.

CERTIFICATE # 25341

Description of Water Delivery System

System capacity: >1.2 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. **Water is diverted from either Berry or Canyon Creeks at either of one of three diversions on Berry Creek or a location on Canyon Creek. Water is conveyed through either an open ditch or gravity pressurized pipe and applied to the field via laterals or risers.**

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

POD/POA Name or Number	Is this POD/POA Authorized on the Certificate or is it Proposed?	If POA, OWRD Well Log ID# (or Well ID Tag # L-___)	Twp	Rng	Sec	¼	¼	Tax Lot, DLC or Gov't Lot	Measured Distances (from a recognized survey corner)
Upper Berry Cr.	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed		14 S	31 E	28	NW	SE	n/a	n/a
Middle Berry Cr.	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed		14 S	31 E	28	NE	SW	n/a	n/a
Lower Berry Cr.	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed		14 S	31 E	28	NW	SW	n/a	n/a
Canyon Cr.	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed		15 S	31 E	1	NW	NW	n/a	n/a
Berry Cr. Pump	<input type="checkbox"/> Authorized <input checked="" type="checkbox"/> Proposed		14 S	31 E	35	SE	NE	5315	140 feet North and 170 feet West from the Eastern ¼ corner Section 35
Canyon Cr. Pump	<input type="checkbox"/> Authorized <input checked="" type="checkbox"/> Proposed		14 S	31 S	35	SE	NE	5315	140 feet North and 190 feet West from the Eastern ¼ corner Section 35

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

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

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

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

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Table 2. Description of Changes to Water Right Certificate # 25341

List the change proposed for the acreage in each ¼ ¼. If more than one change is proposed, specify the acreage associated with each change.

If there is more than one POD/POA involved in the proposed changes, specify the acreage associated with each POD/POA.

AUTHORIZED (the "from" or "off" lands)											Proposed Changes (see "CODES" from previous page)	PROPOSED (the "to" or "on" lands)														
Twp	Rng	Sec	¼	¼	Tax Lot	Gvt Lot or DLC	Acres	Type of USE listed on Certificate	POD(s) or POA(s) (name or number from Table 1)	Priority Date		Twp	Rng	Sec	¼	¼	Tax Lot	Gvt Lot or DLC	Acres	New Type of USE	POD(s)/ POA(s) to be used (from Table 1)	Priority Date				
14	S	31	E	36	SW	NW	5315		23.3	Irrigation and Stock	Upper, Middle or Lower Berry Cr. or Canyon Cr.	July 3, 1883	POU/POD	14	S	31	E	36	SW	NW	5315	NA	24.7	NA	Berry Cr. or Canyon Cr. Pump	July 3, 1883
14	S	31	E	36	NW	SW	5315, 5316 & 5306		18.8	Irrigation and Stock	Upper, Middle or Lower Berry Cr. or Canyon Cr.	July 3, 1883	POU/POD	14	S	31	E	35	SE	NE	5315	NA	0.4	NA	Berry Cr. or Canyon Cr. Pump	July 3, 1883
14	S	31	E	36	SW	SW	5306		5.7	Irrigation and Stock	Upper, Middle or Lower Berry Cr. or Canyon Cr.	July 3, 1883	POU/POD	14	S	31	E	35	NE	SE	5315	NA	0.5	NA	Berry Cr. or Canyon Cr. Pump	July 3, 1883
14	S	31	E	36	SE	NW	5311		NA	Domestic	Upper, Middle or Lower Berry Cr. or Canyon Cr.	July 3, 1883	POU/POD	14	S	31	E	36	NW	SW	5315, 5316 & 5306	NA	14.8	NA	Berry Cr. or Canyon Cr. Pump	July 3, 1883
														14	S	31	E	36	NE	SW	5315	NA	0.1	NA	Berry Cr. or Canyon Cr. Pump	July 3, 1883
														14	S	31	E	36	SW	SW	5306	NA	7.3	NA	Berry Cr. or Canyon Cr. Pump	July 3, 1883
														14	S	31	E	36	NW	SW	5316	NA	NA	NA	Berry Cr. or Canyon Cr. Pump	July 3, 1883
TOTAL ACRES:							47.8					TOTAL ACRES:							47.8							

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Additional remarks: New diversion points consist of a single pump station located at the confluence of Berry and Canyon Creeks. Water is withdrawn from Berry Creek via pump with a flexible intake equipped with ODFW approved Fish Screen; a second pump with intake and fish screen withdraws water from Canyon Creek. Both pumps are equipped with flow measurement devices and variable frequency drives to match withdrawals with authorized use throughout the year.

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For Place of Use or Character of Use Changes

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

If YES, list the certificate, water use permit, or ground water registration numbers: 7692 & 17372.

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

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

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

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For a change from Supplemental Irrigation Use to Primary Irrigation Use

Identify the primary certificate to be cancelled. Certificate # _____

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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 proposed well(s) that are clearly labeled and associated with the corresponding well(s) in Table 1 above and on the accompanying application map.

Tip: You may search for well logs on the Department’s web page at:
http://apps.wrd.state.or.us/apps/gw/well_log/Default.aspx

AND/OR

Describe the construction of the authorized and proposed well(s) in Table 3 for any wells that do not have a well log. For *proposed wells not yet constructed or built*, provide “a best estimate” for each requested information element in the table. The Department recommends you consult a licensed well driller, geologist, or certified water right examiner to assist with assembling the information necessary to complete Table 3.

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 the information will delay the processing of your transfer application until it is received. The information is necessary for the department to assess whether the proposed well(s) will access the same source aquifer as the authorized point(s) of appropriation (POA). The Department is prohibited by law from approving POA changes that do not access the same source aquifer.

Proposed or Authorized POA Name or Number	Is well already built? (Yes or No)	If an existing well: OWRD Well ID Tag No. L-	Total well depth	Casing Diameter	Casing Intervals (feet)	Seal depth(s) (intervals)	Perforated or screened intervals (in feet)	Static water level of completed well (in feet)	Source aquifer (sand, gravel, basalt, etc.)	Well -specific rate (cfs or gpm). If less than full rate of water right

Proposed or Authorized POA Name or Number	Is well already built? (Yes or No)	If an existing well: OWRD Well ID Tag No. L-	Total well depth	Casing Diameter	Casing Intervals (feet)	Seal depth(s) (intervals)	Perforated or screened intervals (in feet)	Static water level of completed well (in feet)	Source aquifer (sand, gravel, basalt, etc.)	Well -specific rate (cfs or gpm). If less than full rate of water right

CERTIFICATE # 7692

Description of Water Delivery System

System capacity: **>0.08** 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. **Water is diverted from Canyon Creek and conveyed through an open ditch and applied to the field via laterals.**

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

POD/POA Name or Number	Is this POD/POA Authorized on the Certificate or is it Proposed?	If POA, OWRD Well Log ID# (or Well ID Tag # L-___)	Twp	Rng	Sec	¼ ¼	Tax Lot, DLC or Gov't Lot	Measured Distances (from a recognized survey corner)
Canyon Cr.	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed		15 S	31 E	1	NW NW	n/a	n/a
Canyon Cr. Pump	<input type="checkbox"/> Authorized <input checked="" type="checkbox"/> Proposed		14 S	31 S	35	SE NE	5315	140 feet North and 190 feet West from the Eastern ¼ corner Section 35

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

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

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

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

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Table 2. Description of Changes to Water Right Certificate # 7692

List the change proposed for the acreage in each ¼ ¼. If more than one change is proposed, specify the acreage associated with each change.

If there is more than one POD/POA involved in the proposed changes, specify the acreage associated with each POD/POA.

AUTHORIZED (the "from" or "off" lands) The listing that appears on the certificate BEFORE PROPOSED CHANGES List only that part or portion of the water right that will be changed.											Proposed Changes (see "CODES" from previous page)	PROPOSED (the "to" or "on" lands) The listing as it would appear AFTER PROPOSED CHANGES are made.													
Twp	Rng	Sec	¼	¼	Tax Lot	Gvt Lot or DLC	Acres	Type of USE listed on Certificate	POD(s) or POA(s) (name or number from Table 1)	Priority Date		Twp	Rng	Sec	¼	¼	Tax Lot	Gvt Lot or DLC	Acres	New Type of USE	POD(s)/ POA(s) to be used (from Table 1)	Priority Date			
14	S	31	E	36	SW	SW	5306	5.7	Supplemental Irrigation	Canyon Creek	June 24, 1927	POU/POD	14	S	31	E	36	SW	NW	5315	NA	5.7	NA	Canyon Cr. Pump	June 24, 1927
TOTAL ACRES:							5.7					TOTAL ACRES:							5.7						

Additional remarks:

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For Place of Use or Character of Use Changes

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

If YES, list the certificate, water use permit, or ground water registration numbers: 25431.

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

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

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

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For a change from Supplemental Irrigation Use to Primary Irrigation Use

Identify the primary certificate to be cancelled. Certificate # _____

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

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Table 3. Construction of Point(s) of Appropriation

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Proposed or Authorized POA Name or Number	Is well already built? (Yes or No)	If an existing well: OWRD Well ID Tag No. L-	Total well depth	Casing Diameter	Casing Intervals (feet)	Seal depth(s) (intervals)	Perforated or screened intervals (in feet)	Static water level of completed well (in feet)	Source aquifer (sand, gravel, basalt, etc.)	Well -specific rate (cfs or gpm). If less than full rate of water right

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Description of Water Delivery System

System capacity: >0.045 cubic feet per second (cfs) OR
 _____ gallons per minute (gpm)

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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. **Water is diverted from Canyon Creek and conveyed through an open ditch applied to the field via laterals.**

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

POD/POA Name or Number	Is this POD/POA Authorized on the Certificate or is it Proposed?	If POA, OWRD Well Log ID# (or Well ID Tag # L-___)	Twp	Rng	Sec	¼	¼	Tax Lot, DLC or Gov't Lot	Measured Distances (from a recognized survey corner)
Canyon Cr.	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed		15 S	31 E	1	NW	NW	n/a	n/a
Canyon Cr. Pump	<input type="checkbox"/> Authorized <input checked="" type="checkbox"/> Proposed		14 S	31 S	35	SE	NE	5315	140 feet North and 190 feet West from the Eastern ¼ corner Section 35

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

- Place of Use (POU) Supplemental Use to Primary Use (S to P)
- Character of Use (USE) Point of Appropriation/Well (POA)
- Point of Diversion (POD) Additional Point of Appropriation (APOA)
- Additional Point of Diversion (APOD) Substitution (SUB)
- Surface Water POD to Ground Water POA (SW/GW) Government Action POD (GOV)

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

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

Table 2. Description of Changes to Water Right Certificate # 17372

List the change proposed for the acreage in each ¼ ¼. If more than one change is proposed, specify the acreage associated with each change. If there is more than one POD/POA involved in the proposed changes, specify the acreage associated with each POD/POA.

AUTHORIZED (the "from" or "off" lands) The listing that appears on the certificate BEFORE PROPOSED CHANGES List only that part or portion of the water right that will be changed.											Proposed Changes (see "CODES" from previous page)	PROPOSED (the "to" or "on" lands) The listing as it would appear AFTER PROPOSED CHANGES are made.														
Twp	Rng	Sec	¼	¼	Tax Lot	Gvt Lot or DLC	Acres	Type of USE listed on Certificate	POD(s) or POA(s) (name or number from Table 1)	Priority Date		Twp	Rng	Sec	¼	¼	Tax Lot	Gvt Lot or DLC	Acres	New Type of USE	POD(s)/POA(s) to be used (from Table 1)	Priority Date				
14	S	31	E	36	NW	SW	5315		1.8	Irrigation	Canyon Creek	March 8, 1948	POU/POD	14	S	31	E	36	SW	NW	5315	NA	1.8	NA	Canyon Cr. Pump	March 8, 1948
TOTAL ACRES:								1.8					TOTAL ACRES:								1.8					

Additional remarks: There are several issues with this water right. The Final Proof Survey (FPS) indicates the basis for properly locating the irrigated lands was a fence intersection described on the map with the statement "said to be cor". A review of historic aerial photos depicts what is likely the fence intersection referenced to be well north of any PLS corner. Additionally, the overall shape of the irrigated field as depicted in the FPS does not match the topographical characteristics of the land or irrigation system; this determination was made based on a review of aerial photos, historic maps and LiDAR data. However, when the field is shifted to the north by aligning the mapped fence intersection with the historic fence intersection depicted on the aerial photo, the FPS better matches the terrain and irrigation system. We feel the location of the 1.8 acres of irrigation is accurately depicted in our "From" Lands map.

The second issue with the water right is the location of the Point of Diversion (POD). The FPS depicts the POD at the exit of a drain and dam from an upper ditch which conveys water from Canyon Creek. Since this is an irrigation right with Canyon Creek as the source, the proper POD description needs to reflect the location where water is diverted from the stream. The authorized POD for the "upper ditch" is the same as Certificate Nos 25431 and 7692; this transfer application and map reference the POD description for the Canyon Creek Ditch.

Information used to aid in these determinations includes a copy of the file information associated with Certificate No. 17372 provide by OWRD Salem, historic aerial photos from 1939, 1956, 1957, 1962 and 1976, the John Day Adjudication Map and LiDAR flown Fall, 2015. These findings were discussed with Eric Julsrud, Canyon City Watermaster who agreed with the reasoning based on the information gathered.

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For Place of Use or Character of Use Changes

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

If YES, list the certificate, water use permit, or ground water registration numbers: 25341.



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

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

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

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For a change from Supplemental Irrigation Use to Primary Irrigation Use

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Identify the primary certificate to be cancelled. Certificate # _____

SALEM, OR

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