



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

Application for Water Right Instream Transfer

Part 1 of 6 – Minimum Requirements Checklist

This transfer application will be returned if Parts 1 through 6 and all required attachments are not completed and included.
 For questions, please call (503) 986-0900, and ask for Transfer Section.

FOR ALL INSTREAM TRANSFER APPLICATIONS

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

- Part 1 – Completed Minimum Requirements Checklist.
- Part 2 – Completed 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.
 Note: Instream transfers are considered both a change in place of use and character of use. In addition, an automatic 50% fee waiver applies to all instream transfers.
- Part 4 – Completed Applicant Information and Signature.
- Part 5 – Completed Instream Use Information.
- Part 6 – Information about the Transferred Water Rights: **How many water rights are to be transferred? 1 List them here: 91836**
 Please include a separate Part 6 for each water right. (See instructions on page 8)

Received by OWRD

Attachments:

MAR 05 2018

- Completed Instream 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.
- Land Use Notice - Notice of the intent to file an instream transfer application must be provided to each affected local government along the proposed reach. Copies of the notices must be enclosed with the instream transfer application.

Salem, OR

(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: ___ / ___ / ___

Part 4 of 6 – Applicant Information and Signature

Is this a Permanent Instream Transfer or Time-Limited Instream Transfer?

Applicant Information

APPLICANT/BUSINESS NAME C. Paul & Olivia Hackett			PHONE NO.	ADDITIONAL CONTACT NO.
ADDRESS 115 Cardinal Loop			FAX NO.	
CITY Paige	STATE TX	ZIP 78659	E-MAIL	
APPLICANT/BUSINESS NAME Robert & Tami Minnick			PHONE NO.	ADDITIONAL CONTACT NO.
ADDRESS 1095 Alandale Ave SE			FAX NO.	
CITY Albany	STATE OR	ZIP 97321	E-MAIL	

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

AGENT/BUSINESS NAME John A. Short / Water Right Services, LLC			PHONE NO. 541-389-2837	ADDITIONAL CONTACT NO.
ADDRESS PO Box 1830			FAX NO.	
CITY Bend	STATE OR	ZIP 97709	E-MAIL johnshort@usa.com	

Explain in your own words what you propose to accomplish with this transfer application, and why:
Permanently transfer 1.07 acres of irrigation water rights to mitigation credits.

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**
- I affirm the applicant is a municipality as defined in ORS 540.510(3)(b) and that the right is in the name of the municipality or a predecessor; **OR**
- I affirm that the applicant is an entity with the authority to condemn property and is acquiring by condemnation the property to which the water right proposed for transfer is appurtenant and have supporting documentation.

Received by OWRD

MAR 05 2018

Salem, OR

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

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



	C. PAUL HACKETT	2/21/18
Applicant Signature	Print Name (and Title if applicable)	Date
	Olivia Hackett	2/21/2018
Applicant Signature	Print Name (and Title if applicable)	Date
	Robert Minnick	1-30-18
Applicant Signature	Print Name (and Title if applicable)	Date
	Tami R Minnick	1/30/18
Applicant Signature	Print Name (and Title if applicable)	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.*

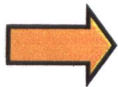
Check the following boxes that apply:

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

IRRIGATION DISTRICT NAME N/A	ADDRESS	
CITY	STATE	ZIP

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

ENTITY NAME N/A	ADDRESS	
CITY	STATE	ZIP



To meet State Land Use Consistency Requirements, you must list all local governments (each county, city, municipal corporation, or tribal government) within whose jurisdiction the proposed instream reach will be located.

ENTITY NAME Klamath County Community Development	ADDRESS 305 Main St #1	
CITY Klamath Falls	STATE OR	ZIP 97601

ENTITY NAME Deschutes County Community Development	ADDRESS PO Box 6005	
CITY Bend	STATE OR	ZIP 97708-6005

ENTITY NAME City of La Pine Community Development	ADDRESS PO Box 2460	
CITY La Pine	STATE OR	ZIP 97739

ENTITY NAME City of Bend Community Development	ADDRESS 710 NW Wall St	
CITY Bend	STATE OR	ZIP 97703

ENTITY NAME Jefferson County Community Development	ADDRESS 85 SE D St	
CITY Madras	STATE OR	ZIP 97741

Received by OWRD

MAR 05 2018

Salem, OR

Part 5 of 6 – Proposed Instream Use Information

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

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

Instream use proposed to be created by the instream transfer:

Originating Water Right Number (as identified in Part 5)	Priority Date	Source	Proposed Instream Period	Rate (cfs)*	Volume (ac-ft)**
91836	9/1/1898	Big Marsh Creek	April 1 – May 23 Aug 20 – Nov 1	0.013	3.31 af
“	“	“	May 23 – Aug 20	0.027	4.28 af
TOTAL VOLUME					4.28 af

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

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

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

Additional Information: _____.

Identify the location of the proposed instream water right.

- Water is requested to be protected at a point.
Location (i.e. the point of diversion (POD) – use the POD Name or Number from Table 1):_____.
- Water is requested to be protected within a reach:
Location of proposed reach (If an instream water right reach is requested, identify the upstream and downstream extent of the reach):**From Big Marsh Creek to Lake Billy Chinook.**

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

- None
- Other (such conditions may include, but are not limited to, reductions in the instream flow levels in cfs per month or total ac-ft, the effective reach(es) or lake levels of the instream flow, measuring locations and the strategy for monitoring the instream flow or lake levels): _____.

Received by OWRD

MAR 05 2018

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

No Yes (identify other instream water rights): **Big Marsh Creek – 73236, 86854, 91696 Crescent Creek 73234, 84352, 87440, 88992, 91923 Little Deschutes River – 73226, 73227, 73228, 73261, 73262, 73263, 83652, 84352, 86020, 86021, 87047, 90238, 91696, Plus main stem Deschutes River on file at OWRD.**

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

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

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

_____.

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

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

- No; **OR**
- Yes (Provide supporting documentation that demonstrates why additional flows are significant for the public use requested.); **OR**
- Yes, and it is presumed that flows that exceed the estimated average natural flow or natural lake levels are significant because:
- The requested flow does not exceed the maximum amount of any instream water right application applied for under ORS 537.341 (state agency instream water right application process) for the same reach or portion thereof, and the requested public use is for the same public use as the afore mentioned instream water right application, **and**
 - For the specified time period that flows are requested to exceed the estimated average natural flow or lake level, the stream is in an ODFW flow restoration priority watershed. A copy of the priority watershed map indicating the specific watershed involved should be included with the application. Priority watershed maps may be found on the OWRD web page; **or**
 - The stream is listed as water quality limited and DEQ has provided scientific information that demonstrates that increased flows would improve water quality. The scientific information provided by DEQ should be included with the transfer application.

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

N/A The time-limited instream transfer is for a specific number of years:

_____ Begin Year to _____ End Year

N/A Time-limited instream transfer is to terminate based upon other conditions:

Conditions: _____

Received by OWRD

MAR 05 2018

Salem, OR

Part 6 of 6 – Water Right Information

CERTIFICATE # 91836

Name on Certificate: HP Hoey

Date(s) of Priority: Sept 1, 1898

Source(s) of Water to be Affected by the Transfer: Big Marsh Creek

Description of Water Delivery System

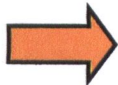
System capacity: **1.0** cubic feet per second (cfs) **OR**
 _____ gallons per minute (gpm)

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. **Concrete weir to canal.**

Other Water Rights

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

If YES, list the certificate, water use permit, or ground water registration numbers: N/A.



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

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

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

POD Name or Number	Priority Date (if different between PODs)	Twp		Rng		Sec	¼ ¼		Tax Lot, DLC or Gov't Lot	Measured Distances (from a recognized survey corner)
POD		24	S	7	E	20	SW	SW	100	975' N, 260' E of SW Cor S20

Will the proposed instream transfer affect the entire water right?

Yes Then Table 2 on Page 10 does not need to be completed.

No Then complete all of Table 2 to describe the portion of the water right to be changed.

Received by OWRD

MAR 05 2018

Salem, OR

Please use additional pages of Table 2 as needed. See page 8 for instructions. If you have further questions about how to fill out the tables, contact the Department at 503-986-0900 and ask for Transfer Staff.

Table 2. Description of Change to Water Right Certificate # 91836

List only the part of the right that will be changed. If more than one POD serves the lands, specify the acreage associated with each POD.

Twp	Rng		Sec		¼ ¼		Tax Lot	Gov't Lot or DLC	Acres if Applicable	Type of USE listed on Certificate	Priority Date (if not the same for all acres or type of use)	POD(s) (name or number from Table 1)
2	S	9	E	14	NE	NW	100		15.0	Irrigation	4/1/1900	POD #1 POD #2
"	"	"	"	"	"	"	"	"	EXAMPLE	"	"	"
24	S	7	E	20	SW	NE	500		1.07	IR		POD
TOTAL ACRES									1.07			

Additional remarks: Permanent mitigation credits issued to be split 60% to Hacketts, 40% to Minnicks.

Received by OWRD
MAR 05 2018
Salem, OR

**Application for Water Right
Transfer
Consent by Deeded Landowner**



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

State of ~~Oregon~~ Montana)
)ss
County of Madison)

I James E. Lynes in my/our capacity as owner,

mailing address 5936 Shawn Drive, Helena, MT 59602,

telephone number (406) 422-7879, duly sworn depose and say that I

consent to the proposed change(s) to Water Right Certificate Number 86855 - 0.43 acres

described in a Transfer Application (T- TBD) submitted by Robert L. Minnick or Tami R. Minnick,

(transfer number, if known)

on the property in tax lot number(s) 500, Section 20, Township 24

South, Range 7 East, W.M., located at N1/2 N1/2 SW1/4 NE 1/4.

(site address)

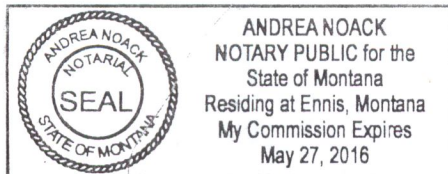
James E. Lynes
Signature of Affiant

10-24-12
Date

Signature of Affiant

Date

Subscribed and Sworn to before me this 24 day of October, 2012.



Andrea Noack
Notary Public for ~~Oregon~~ Montana

My commission expires May 27, 2016

Received by OWRD

**Application for Water Right
Transfer
Consent by Deeded Landowner**



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

State of Montana)
)ss
County of Lewis & Clark)

I James E. Lynes in my/our capacity as owner,

mailing address 5936 Shawn Drive, Helena, MT 59602,

telephone number (406) 422-7879, duly sworn depose and say that I

consent to the proposed change(s) to Water Right Certificate Number 86855 - 0.64 acres
described in a Transfer Application (T- TBD) submitted by C. Paul Hackett or Olivia L. Hackett,

(transfer number, if known)

on the property in tax lot number(s) 500, Section 20, Township 24

South, Range 7 East, W.M., located at N1/2 N1/2 SW1/4 NE 1/4.
(site address)

James E. Lynes
Signature of Affiant

11-2-12
Date

Signature of Affiant

Date

Subscribed and Sworn to before me this 2 day of November, 2012.



NIKI ORR
NOTARY PUBLIC for the
State of Montana
Residing at Helena, Montana
My Commission Expires
October 25, 2015

[Signature]
Notary Public for **Montana**

My commission expires 10-25-15.
Received by OWRD

MAR 05 2018

Salem, OR

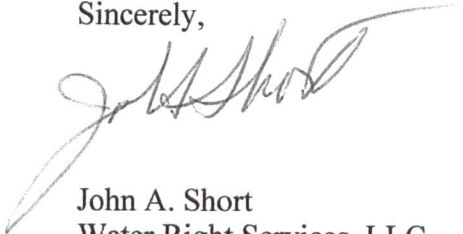
Date: 12-22-2017
TO: City of La Pine Community Development
PO Box 2460
La Pine, OR 97739
FROM: John A. Short – Water Right Services, LLC
SUBJECT: Proposed Instream Water Right Transfer In Your Jurisdiction

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

As such, we are notifying you that we intend to submit an application to the Oregon Water Resources Department proposing to transfer a portion of water right 91836 to instream use. The proposed place of instream use would be in Big Marsh Creek, Crescent Creek, the Little Deschutes and main stem Deschutes Rivers from 975' North, 260' East of the SW Corner, Section 20, T24S, R7E, WM, Klamath County, downstream to Lake Billy Chinook.

If you have any questions regarding the proposed application, or are interested in receiving additional information, please call me at 541-389-2837.

Sincerely,



John A. Short
Water Right Services, LLC
P.O. Box 1830
Bend, OR 97709

541-389-2837
johnshort@usa.com

Received by OWRD

MAR 05 2018

Salem, OR

P.O. Box 1830
Bend, OR 97709

Water Right Services, LLC
John A. Short CCB# 197121
541-389-2837

johnshort@usa.com
www.oregonwater.us

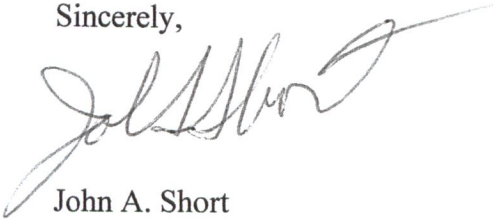
Date: 12-22-2017
TO: Klamath County Community Development
305 Main St #1
Klamath Falls, OR 97601
FROM: John A. Short – Water Right Services, LLC
SUBJECT: Proposed Instream Water Right Transfer In Your Jurisdiction

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

As such, we are notifying you that we intend to submit an application to the Oregon Water Resources Department proposing to transfer a portion of water right 91836 to instream use. The proposed place of instream use would be in Big Marsh Creek, Crescent Creek, the Little Deschutes and main stem Deschutes Rivers from 975' North, 260' East of the SW Corner, Section 20, T24S, R7E, WM, Klamath County, downstream to Lake Billy Chinook.

If you have any questions regarding the proposed application, or are interested in receiving additional information, please call me at 541-389-2837.

Sincerely,



John A. Short
Water Right Services, LLC
P.O. Box 1830
Bend, OR 97709

541-389-2837
johnshort@usa.com

Received by OWRD

MAR 05 2018

Salem, OR

P.O. Box 1830
Bend, OR 97709

Water Right Services, LLC
John A. Short CCB# 197121
541-389-2837

johnshort@usa.com
www.oregonwater.us

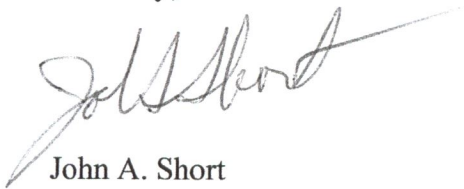
Date: 12-22-2017
TO: Deschutes County Community Development
PO Box 6005
Bend, OR 97708-6005
FROM: John A. Short – Water Right Services, LLC
SUBJECT: Proposed Instream Water Right Transfer In Your Jurisdiction

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

As such, we are notifying you that we intend to submit an application to the Oregon Water Resources Department proposing to transfer a portion of water right 91836 to instream use. The proposed place of instream use would be in Big Marsh Creek, Crescent Creek, the Little Deschutes and main stem Deschutes Rivers from 975' North, 260' East of the SW Corner, Section 20, T24S, R7E, WM, Klamath County, downstream to Lake Billy Chinook.

If you have any questions regarding the proposed application, or are interested in receiving additional information, please call me at 541-389-2837.

Sincerely,



John A. Short
Water Right Services, LLC
P.O. Box 1830
Bend, OR 97709

541-389-2837
johnshort@usa.com

Received by OWRD

MAR 05 2018

Salem, OR

P.O. Box 1830
Bend, OR 97709

Water Right Services, LLC
John A. Short CCB# 197121
541-389-2837

johnshort@usa.com
www.oregonwater.us

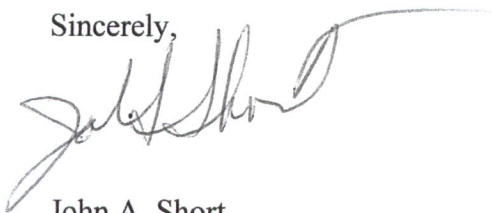
Date: 12-22-2017
TO: City of Bend Community Development
710 NW Wall St
Bend, OR 97703
FROM: John A. Short – Water Right Services, LLC
SUBJECT: Proposed Instream Water Right Transfer In Your Jurisdiction

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

As such, we are notifying you that we intend to submit an application to the Oregon Water Resources Department proposing to transfer a portion of water right 91836 to instream use. The proposed place of instream use would be in Big Marsh Creek, Crescent Creek, the Little Deschutes and main stem Deschutes Rivers from 975' North, 260' East of the SW Corner, Section 20, T24S, R7E, WM, Klamath County, downstream to Lake Billy Chinook.

If you have any questions regarding the proposed application, or are interested in receiving additional information, please call me at 541-389-2837.

Sincerely,



John A. Short
Water Right Services, LLC
P.O. Box 1830
Bend, OR 97709

541-389-2837
johnshort@usa.com

Received by OWRD

MAR 05 2018

Salem, OR

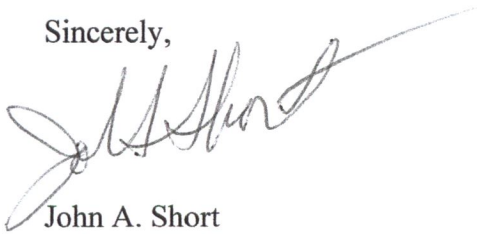
Date: 12-22-2017
TO: Jefferson County Community Development
85 SE D St
Madras, OR 97741
FROM: John A. Short – Water Right Services, LLC
SUBJECT: Proposed Instream Water Right Transfer In Your Jurisdiction

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

As such, we are notifying you that we intend to submit an application to the Oregon Water Resources Department proposing to transfer a portion of water right 91836 to instream use. The proposed place of instream use would be in Big Marsh Creek, Crescent Creek, the Little Deschutes and main stem Deschutes Rivers from 975' North, 260' East of the SW Corner, Section 20, T24S, R7E, WM, Klamath County, downstream to Lake Billy Chinook.

If you have any questions regarding the proposed application, or are interested in receiving additional information, please call me at 541-389-2837.

Sincerely,



John A. Short
Water Right Services, LLC
P.O. Box 1830
Bend, OR 97709

541-389-2837
johnshort@usa.com

Received by OWRD

MAR 05 2018

Salem, OR