

MW Property, LLC

21282 Tucker RD. Greenleaf, ID (541)910-1579, (541)562-6202 Email: orcutt76@gmail.com

April 25, 2018

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

Dear Water Resource Department:

Enclosed is an "Application for Water Right Temporary or Drought Transfer" along with maps and Certificates that are required. Also, included is the "Transfer Consent by Deeded Landowner" form that is required by both parties involved.

Mr. David Orcutt Jr. is requesting Water Rights to be transferred from one property to another for irrigation purposes.

Mr. Orcutt and I have been working closely with Mr. Shad Hattan (Watermaster District 6).

Please don't hesitate if there are any questions regarding this request.

Contacts for questions are as follows:

Mr. Orcutt (Owner) 541-910-1579
Mr. Shad Hattan (Watermaster District 6) 541-963-1031

Thank you for your attention in this matter.

Sincerely,



Mr. David Orcutt Jr.
DO/mg

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Enclosed: Check #3001 \$2267.22



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

Application for Water Right Temporary or Drought Temporary Transfer Part 1 of 5 – Minimum Requirements Checklist

This temporary 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.

FOR ALL TEMPORARY TRANSFER APPLICATIONS

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

- Part 1 – Completed Minimum Requirements Checklist.
- Part 2 – Completed Temporary 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 Transferred Water Rights: **How many water rights are to be transferred? 5 List them here: 6237, 6240, 33897, 6258, 27460**
 Please include a separate Part 5 for each water right. (See instructions on page 6)
- X N/A For standard Temporary Transfer (one to five years) **Begin Year 2018 End Year 2021.**
- XN/A Temporary Drought Transfer (Only in counties where the Governor has declared drought)

Attachments:

- X Completed Temporary Transfer Application Map.
- X Completed Evidence of Use Affidavit and supporting documentation. **FSA Crop Report's**
- X Current recorded deed for the land **from** which the authorized place of use is temporarily being moved. **Deed**
- X N/A Affidavit(s) of Consent from Landowner(s) (if the applicant does not own the land the water right is on.) **From Land Lord and from LLC.**
- XN/A Supplemental Form D – For water rights served by or issued in the name of a district. Complete when the temporary transfer applicant is not the district.
- XN/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.
- XN/A Water Well Report/Well Log for changes in point(s) of appropriation (well(s)) or additional point(s) of appropriation (if necessary to convey water to the proposed place of use).

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(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
___ Other/Explanation _____	___ Part _____ is incomplete

Staff: _____ 503-986-0 _____ Date: ____/____/____

Part 3 of 5 – Fee Worksheet

FEE WORKSHEET for TEMPORARY (not drought) TRANSFERS			
1	Base Fee (includes temporary change to one water right for up to 1 cfs)	1	\$810.00
	Number of water rights included in transfer <u>5 (2a)</u> Subtract 1 from the number in 3a above: <u>4 (2b)</u> <i>If only one water right this will be 0</i>		
2	Multiply line 2b by \$260.00 and enter » » » » » » » » » » » » » » »	2	1040.00
3	Do you propose to change the place of use for a non-irrigation use? <input checked="" type="checkbox"/> No: enter 0 on line 4 » » » » » » » » » » » » » » » » » » » <input type="checkbox"/> Yes: enter the cfs for the portions of the rights to be transferred: _____ (4a) Subtract 1.0 from the number in 4a above: _____ (4b) If 4b is 0, enter 0 on line 4 » » » » » » » » » » » » » » » » » » » If 4b is greater than 0, round up to the nearest whole number: _____ (4c) and multiply 4c by \$200.00, then enter on line 4 (or \$0.50 if submitted in a Department approved digital format) » » » » » » » » » » » »	4	
4	Do you propose to change the place of use for an irrigation use? <input type="checkbox"/> No: enter 0 on line 5 » » » » » » » » » » » » » » » » » » » <input checked="" type="checkbox"/> Yes: enter the number of acres for the portions of the rights to be transferred: <u>181.4 (5a)</u>		
5	Multiply the number of acres in 5a above by \$2.30 and enter on line 5 » »	5	417.22
6	Add entries on lines 1 through 5 above » » » » » » » » » » » » Subtotal:	6	2267.22
7	Is this transfer: <input type="checkbox"/> necessary to complete a project funded by the Oregon Watershed Enhancement Board (OWEB) under ORS 541.932? <input type="checkbox"/> endorsed in writing by ODFW as a change that will result in a net benefit to fish and wildlife habitat? If one or more boxes is checked, multiply line 6 by 0.5 and enter on line 7 » If no box is applicable, enter 0 on line 7 » » » » » » » » » » » » » » » » » » »	7	
8	Subtract line 7 from line 6 » » » » » » » » » » » » » » » » » » » Transfer Fee:	8	

FEE WORKSHEET for TEMPORARY DROUGHT TRANSFERS			
1	Base Fee (includes drought application and recording fee for up to 1 cfs)	1	\$200.00
	Enter the cfs for the portions of the rights to be transferred (see example below*): _____ (2a) Subtract 1.0 from the number in 2a above: _____ (2b) If 2b is 0, enter 0 on line 2 » » » » » » » » » » » » » » » » » » » If 2b is greater than 0, round up to the nearest whole number: _____ (2c) and multiply 2c by \$50, then enter on line 2 » » » » » » » » » » » »		
2		2	
3	Add entries on lines 1 through 2 above » » » » » » » » » » » » Transfer Fee:	3	0

*Example for Line 2a calculation to transfer 45.0 acres of Primary Certificate 12345 (total 1.25 cfs for 100 acres) and 45.0 acres of Supplemental Certificate 87654 (1/80 cfs per acre) on the same land:
 1. Divide total authorized cfs by total acres in the water right (for C12345, 1.25 cfs ÷ 100 ac); then multiply by the number of acres to be transferred to get the transfer cfs (x 45 ac = 0.56 cfs).
 2. If the water right certificate does not list total cfs, but identifies the allowable use as 1/40 or 1/80 of a cfs per acre; multiply number of acres proposed for change by either 0.025 (1/40) or 0.0125 (1/80). (For C87654, 45.0 ac x 0.0125 cfs/ac = 0.56 cfs)
 3. Add cfs for the portions of water rights on all the land included in the transfer; however **do not count cfs for supplemental rights on acreage for which you have already calculated the cfs fee for the primary right on the same land.** The fee should be assessed only once for each "on the ground" acre included in the transfer. (In this example, blank 2a would be only 0.56 cfs, since both rights serve the same 45.0 acres. Blank 2b would be 0 and Line 2 would then also become 0).

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Applicant Information

APPLICANT/BUSINESS NAME MW Property, LLC		PHONE NO. 541-562-2000	ADDITIONAL CONTACT NO. Cell: 541-910-1579
ADDRESS 21282 Tucker RD		FAX NO. 541-562-6202	
CITY Greenleaf	STATE ID ID	ZIP 83626	E-MAIL: orcutoffice76@gmail^{com} or orcutt76@gmail.com
BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED.			

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

AGENT/BUSINESS NAME David Orcutt Jr.		541-910-1579	ADDITIONAL CONTACT NO.
ADDRESS 21282 Tucker Rd		FAX NO.	
CITY Greenleaf	STATE ID ID	ZIP 83626	E-MAIL orcutt76@gmail.com
BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED.			

Explain in your own words what you propose to accomplish with this transfer application; and why:

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)

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

David R Orcutt Jr.
Applicant signature

David R Orcutt Jr.
Print Name (and Title if applicable)

Date 4-30-2018

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 landowners (and mailing and/or e-mail addresses if different than the applicant's) or attach affidavits of consent (and mailing and/or e-mail addresses) from all landowners or individuals/entities to which the water right(s) has been conveyed.

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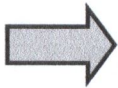
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Check here if any of the water rights proposed for transfer are or will be located within or served by an irrigation or other water district. (Tip: Complete and attach Supplemental Form D.)

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 local governments (each county, city, municipal corporation, or tribal government) within whose jurisdiction water will be diverted, conveyed or used.

ENTITY NAME Union County	ADDRESS 1106 K Street	
CITY La Grande	STATE OR	ZIP 97850

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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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.

Description of Water Delivery System

System capacity: **14** 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. **Open ditch multi users. Sprinkler irrigation supplied by pressurized main line from pump station. 1500 per min.**

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)
WHH Catherine Creek	X Authorized <input type="checkbox"/> Proposed		4	S	39	E	13	SE	SE		456 ft. W. and 786.1 ft. N From SE Corner SE
WHH Little Creek	X Authorized <input type="checkbox"/> Proposed		4	S	39	E	13	NW	NE		Not Surveyed
WHH Well	X Authorized <input type="checkbox"/> Proposed		4	S	39	E	11	SE	NE		Well #1 50 ft. N and 125 ft. W From E1/4 Corner of Section 11
	<input type="checkbox"/> Authorized <input type="checkbox"/> Proposed										

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

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

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

- Place of Use (POU) Point of Appropriation/Well (POA)
- Character of Use (USE) Additional Point of Appropriation (APOA)
- Point of Diversion (POD) Additional Point of Diversion (APOD)

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

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

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Please use and attach additional pages of Table 2 as needed.
See page 6 for instructions.

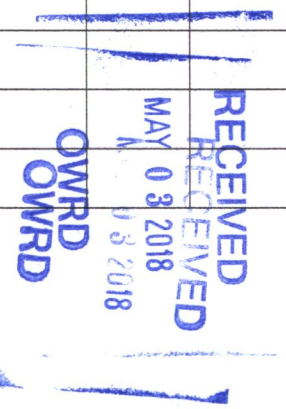
Do you have questions about how to fill-out the tables?
Contact the Department at 503-986-0900 and ask for Transfer Staff.

Table 2. Description of Temporary Changes to Water Right Certificate # 6258, 27460

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 change, specify the acreage associated with each change. If more than one POD/POA, 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	1/4	1/4	Tax Lot	Gvt Lot or DLC	Acres	Type of USE listed on Certificate	POD(s) or POA(s) (name or number from Table 1)	Priority Date		Twp	Rng	Sec	1/4	1/4	Tax Lot	Gvt Lot or DLC	Acres	New Type of USE	POD(s)/ POA(s) to be used (from Table 1)	Priority Date				
EXAMPLE																										
2	S	9		15	NE	NW	100		15.0	Irrigation	POD #1 POD #2	1901	POU/POD	2	S	9	E	1	NW	NW	500	1	10.0		POD #5	1901
"	"	"	"	"	"	"	"	"	"	EXAMPLE	"	"	"	2	S	9	E	2	SW	NW	500		5.0		POD #6	1901
Cert #6258											POU	Cert # 6258														
4	S	39	E	10	NE	NE	3600		22.	Irrigation	POD LC	1864		4	S	39	E	11	NW	NE	403		20.4		POD LC	1864
4	S	39	E	10	SE	NE	3600		21.9	Irrigation	POD LC	1864	POU	4	S	39	E	11	SW	NE	403		16.5		POD LC	1864
4	S	39	E	11	NW	NW	3600		20.5	Irrigation	POD LC	1864	POU	4	S	39	E	11	NE	NE	403		35.2		POD LC	1864
4	S	39	E	11	SW	NW	3600		20.5	Irrigation	POD LC	1864	POU	4	S	39	E	11	SE	NE	403		12.8		POD LC	1864
Cert #27460											POU	Cert #27460														
4	S	39	E	11	NW	NW	3600		2.9	Irrigation	POD CC	1955	POU	4	S	39	E	11	SE	NE	403		5.8		POD CC	1955
4	S	39	E	11	SW	NW	3600		2.9	Irrigation	POD CC	1955														
TOTAL ACRES									90.7	TOTAL ACRES														90.7		

Additional remarks: Little Cr #6258 is primary, Catherine Cr #27460 is supplemental to Little Cr #6258. Except for 5.8 acres.



Please use and attach additional pages of Table 2 as needed.
See page 6 for instructions.

Do you have questions about how to fill-out the tables?
Contact the Department at 503-986-0900 and ask for Transfer Staff.

Table 2. Description of Temporary Changes to Water Right Certificate # 6237, 6240, 33897

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 change, specify the acreage associated with each change. If more than one POD/POA, 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						
EXAMPLE																										
2	S	9		15	NE	NW	100		15.0	Irrigation	POD #1 POD #2	1901	POU/POD	2	S	9	E	1	NW	NW	500	1	10.0		POD #5	1901
"	"	"	"	"	"	"	"	"	"	EXAMPLE	"	"	"	2	S	9	E	2	SW	NW	500		5.0		POD #6	1901
											POU	Cert #6237														
4	S	39	E	11	NW	NE	403		15.4	Irrigation	POD CC	1905		4	S	39	E	10	NE	NE	3600		15.2		POD CC	1905
4	S	39	E	11	SW	NE	403		11.5	Irrigation	POD CC	1905	POU	4	S	39	E	10	SE	NE	3600		11.7.		POD CC	1905
												Cert # 6240														
4	S	39	E	11	NW	NE	403		5.	Irrigation	POD LC, CC Tract #1 & 2	1864 1905	POU	4	S	39	E	10	NE	NE	3600		5.		POD LC, CC Tract #1 & 2	1864 1905
4	S	39	E	11	SW	NE	403		5.	Irrigation	POD LC, CC Tract #1 & 2	1864 1905	POU	4	S	39	E	10	SE	NE	3600		5.		POD LC, CC Tract #1 & 2	1864 1905
4	S	39	E	11	NE	NE	403		5.2	Irrigation	POD LC	1864		4	S	39	E	10	SE	NE	3600		5.2		POD LC	1864
4	S	39	E	11	NE	NE	403		30.	Irrigation	POD CC Tract #2	1905	POU	4	S	39	E	10	NE	NE	3600		1.8		POD CC	1905
4	S	39	E	11	SE	NE	403		18.6	Irrigation	POD CC Tract #2	1905	POU	4	S	39	E	11	NW	NW	3600		23.4		POD CC	1905
												4 S 39 E 11 SW NW 3600 23.4 POD CC 1905														
TOTAL ACRES									90.7	TOTAL ACRES									90.7							

Additional remarks: Remaining acres for Section 11 as follows: (14.6 Acres of CC NW). (5. Acres of LC NW). (18.5 Acres of CC SW). (5. Acres of LC SW) (10. Acres of LC SENE) (10. Acres of CC SENE). Certs 6240 4.8 acres under the Rd. CERT # 33897 Ground water which is supplemental to all above to be transferred.

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For Place 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: _____



Pursuant to ORS 540.525, any “layered” water use such as an irrigation right that is supplemental to a primary right proposed for temporary transfer can be included in the transfer or remain unused on the authorized place of use. If the primary water right does not revert soon enough to allow use of the supplemental right within five years, the supplemental right shall become subject to cancellation for nonuse under ORS 540-610.

For a change in point(s) of appropriation (well(s)) or additional point(s) of appropriation if necessary to convey the water to the new temporary place of use:

- 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), less than full rate of water right

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