



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? _____ List them here: C-90393**
 Please include a separate Part 6 for each water right. (See instructions on page 8)

Attachments:

- 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.

(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"/> Part _____ is incomplete |
| Other/Explanation _____ | |
| Staff: _____ 503-986-0 _____ | Date: ____/____/____ |

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Part 2 of 6 – 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 list of CWREs see http://apps.wrd.state.or.us/apps/wr/cwre_license_view/.
- OR**
- N/A Waiver of requirement that map be prepared by a CWRE. Completed map waiver form is signed by the Department's Regional Manager and included in the application. The map **must** still meet Department mapping requirements described below.
- 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.
- 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.
- 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, quarter-quarter, 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.
- Existing diversion point(s) with distance and bearing or coordinates from a recognized survey corner. This information can generally be found in your water right certificate or permit.

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| FEE WORKSHEET for INSTREAM TRANSFER | | | |
|-------------------------------------|---|---|---------|
| 1 | Base Fee (includes Place of Use and Character of Use to Instream changes to one water right for up to 1 cfs) | 1 | \$2,090 |
| 2 | Number of water rights included in transfer <u>1 (2a)</u> Subtract 1 from the number in 2a above: <u>0 (2b)</u> <i>If only one water right, this will be 0</i> Multiply line 2b by \$520 and enter » » » » » » » » » » » » » » » » | 2 | 0 |
| 3 | Enter the cfs for the portions of the rights to be transferred (see example below*): <u>2.8 (3a)</u> Subtract 1.0 from the number in 3a above: <u>1.8 (3b)</u> If 3b is 0, enter 0 on line 3 » » » » » » » » » » » » » » » » If 3b is greater than 0, round up to the nearest whole number: <u>2.0 (3c)</u> and multiply 3c by \$350, then enter on line 3 » » » » » » » » » » | 3 | 700.00 |
| 4 | Add entries on lines 1 through 3 above » » » » » » » » » » Subtotal: | 4 | 2790.00 |
| 5 | Multiply line 4 by 0.5 and enter on line 5 » » » » » » » » » » » » » » » » | 5 | 1395.00 |
| 6 | Subtract line 5 from line 4 » » » » » » » » » » » » » » » » Transfer Fee: | 6 | 1395.00 |

*Example for Line 3a 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. For irrigation calculate cfs for each water right involved as follows:
 - a. 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*).
 - b. 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*)
2. 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 3a would be only 0.56 cfs, since both rights serve the same 45.0 acres. Blank 3b would be 0 and Line 3 would then also become 0.*)

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Part 4 of 6 – Applicant Information and Signature

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

Applicant Information

| | | | |
|--|-----------------|---------------------------|------------------------|
| APPLICANT/BUSINESS NAME Michael Becker | | PHONE NO. 541-963-7096 | ADDITIONAL CONTACT NO. |
| ADDRESS PO Box 1159 | | | FAX NO. |
| CITY La Grande | STATE Oregon | ZIP 97850 | E-MAIL |
| 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 Elizabeth Howard | | PHONE NO. 503-796-2093 | ADDITIONAL CONTACT NO. |
| ADDRESS 1211 SW 5th Avenue, Suite 1900 | | | FAX NO. |
| CITY Portland | STATE OR | ZIP 97204 | E-MAIL ehoward@schwabe.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:

We propose to transfer the entire 112 acres of C-90393 back into the Grande Ronde River for use as mitigation for groundwater App. G-16512.

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.

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: The Observer

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



Michael Becker
Applicant Signature

Michael Becker
Print Name (and Title if applicable)

2/18/19
Date

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.*

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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 | 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 | 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 Union County | ADDRESS 1106 K Avenue | |
| CITY La Grande | STATE Oregon | ZIP 97850 |

| | | |
|-------------|---------|-----|
| ENTITY NAME | ADDRESS | |
| CITY | STATE | ZIP |

| | | |
|-------------|---------|-----|
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| CITY | STATE | ZIP |

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|-------------|---------|-----|
| ENTITY NAME | ADDRESS | |
| CITY | STATE | ZIP |

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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)** |
|--|---------------|--------------------|--------------------------|-------------|-------------------|
| C-90393 | 1869 | Grande Ronde River | Permanent | 2.8 cfs | 3.0 ac. ft |
| | | | | | |
| | | | | | |
| TOTAL VOLUME | | | | | 3.0 ac. ft |

***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): POD 640' North and 190' East from S1/4 corner S32, T2S R38E WM.
- 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): _____.

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): _____.

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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): _____.

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 it 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:

_____ It is our intent to use the instream water as mitigation for Mr. Becker's groundwater application.

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:

- The time-limited instream transfer is for a specific number of years:
 NA Begin Year to _____ End Year
- Time-limited instream transfer is to terminate based upon other conditions:
 Conditions: NA.

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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 6 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 6, ~~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 6 and paste as many additional sets of Part 6 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 6 for each water right being changed. See instructions on page 8, to copy and paste additional Part 6s, or to add additional rows to tables within the form.

CERTIFICATE # 90393

Name on Certificate: R.D. MAC INC

Date(s) of Priority: 1869

Source(s) of Water to be Affected by the Transfer: GRANDE RONDE RIVER

Description of Water Delivery System

System capacity: _____ 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 main canal was 10-15 feet wide and approximately 4 feet deep. Lands were served by laterals commensurate with the acres irrigated.

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: _____

X



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 | 1869 | 2 | S | 38 | E | 32 | SW | SE | | 640' N and 190' E from S1/4 cor. S 32 |
| | | | | | | | | | | |
| | | | | | | | | | | |

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.

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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 # 90393

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 | " | " | " |
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| TOTAL ACRES | | | | | | | | | | | | |

Additional remarks: _____.

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Oregon Water Resources Department
Transfer Fee Calculation for Instream Transfer

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Today's Date: Thursday, February 21, 2019

Fee Calculation

Base Fee (includes place of use and character of use to instream for one water right for up to 1 cfs) \$2,090.00

Fill in information below-- Check each box that applies.

Enter total number of water rights included in transfer. \$0.00

Check this box if you propose to change one or more NON-irrigation rights.

Check this box if you propose to change one or more irrigation rights.

Enter the following for the primary certificates on the land included in the transfer.

(If a supplemental certificate also covers the same land as an included primary right, only list the primary.)

| Certificate # | Total acres in the water right | # of acres to be transferred | Total cfs in the water right certificate | OR If certificate does not list cfs, enter 1/___ cfs per acre | Transfer cfs |
|---------------|--------------------------------|------------------------------|--|--|--------------|
| 90393 | 112 | 112 | 2.8 | | 2.8 |
| | | | | | |
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Total Transfer CFS(rounded up to the next whole cfs): 3.00 \$700.00

Subtotal: \$2,790.00

Fish-Friendly Discount: (\$1,395.00)

Transfer Fee: **\$1,395.00**

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**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)
)ss
County of UNION)

I Henry Bishop in my/our capacity as Agent for Deer Butte LLC and property owner,
mailing address 890 Morgan Avenue, Ontario, Oregon 97914,
telephone number _____, duly sworn depose and say that I
consent to the proposed change(s) to Water Right Certificate Number 90393
described in a Transfer Application (T-not yet assigned) submitted by Mike Becker,
(transfer number, if known)
on the property in tax lot number(s) 200, 201, Section 15, Township 3
South, Range 38 East, W.M., located at 60831 S Mc Alister Rd, La Grande, Oregon 97850.
(site address)

Henry F Bishop
Signature of Affiant

Date

Signature of Affiant

Date

Subscribed and Sworn to before me this 8th day of FEBRUARY, 2019.



OFFICIAL STAMP
KIMBERLY ANN RAINEY
NOTARY PUBLIC-OREGON
COMMISSION NO. 969653
MY COMMISSION EXPIRES DECEMBER 17, 2021

Kimberly Ann Rainey
Notary Public for Oregon

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My commission expires December 17, 2021

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)
)ss
 County of UNION)

I Jerome J. Collman in my/our capacity as President of R.D. Mac Inc, and property owner,
 mailing address P. O. Box 1086, La Grande, Oregon 97850,
 telephone number 541-963-8601, duly sworn depose and say that I
 consent to the proposed change(s) to Water Right Certificate Number 90393
 described in a Transfer Application (T-not yet assigned) submitted by Mike Becker,
(transfer number, if known)
 on the property in tax lot number(s) 200, 201, Section 15, Township 3
 South, Range 38 East, W.M., located at 60831 S Mc Alister Rd, La Grande, Oregon 97850.
(site address)

[Signature]
 Signature of Affiant

2/4/19
 Date

 Signature of Affiant

 Date

Subscribed and Sworn to before me this 4th day of February, 2019.



OFFICIAL STAMP
 KIMBERLY ANN RAINEY
 NOTARY PUBLIC-OREGON
 COMMISSION NO. 969653
 MY COMMISSION EXPIRES DECEMBER 17, 2021

Kimberly Ann Rainey
 Notary Public for Oregon

My commission expires 12/17/2021

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Application for Water Right Transfer Evidence of Use Affidavit



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

Please print legibly or type. Be as specific as possible. Attach additional pages if you need more spacing.
Supporting documentation must be attached.

State of Oregon)
) ss
County of UNION)

I, JEROME J. COLLMAN, in my capacity as PROPERTY OWNER,
mailing address P.O. BOX 1086, LA GRANDE, OREGON 97850
telephone number (541-963-8601) _____, 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) |
|---------------|----------|-------|-----|-----|-----|---------------------|--------------------------|
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OR

- Confirming Certificate # 90393 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 # _____ (For Historic POD/POA Transfers)

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

4. I understand that if I do not attach one or more of the documents shown in the table below to support the above statements, my application will be considered incomplete.

[Signature]
Signature of Affiant

2/4/19
Date

Signed and sworn to (or affirmed) before me this 4th day of February, 2019.

 OFFICIAL STAMP
KIMBERLY ANN RAINEY
NOTARY PUBLIC-OREGON
COMMISSION NO. 969653
MY COMMISSION EXPIRES DECEMBER 17, 2021

Kimberly Ann Rainey
Notary Public for Oregon

My Commission Expires: December 17, 2021

| Supporting Documents | Examples |
|--|--|
| <input checked="" type="checkbox"/> Copy of a water right certificate that has been issued within the last five years. (not a remaining right certificate) | Copy of confirming 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"> • Power usage records for pumps associated with irrigation use • Fertilizer or seed bills related to irrigated crops • Farmers Co-op sales receipt |
| <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"> • District assessment records for water delivered • Crop reports submitted under a federal loan agreement • Beneficial use reports from district • IRS Farm Usage Deduction Report • Agricultural Stabilization Plan • CREP Report |
| <input 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 – www.oregonexplorer.info/imagery OWRD – www.wrd.state.or.us Google Earth – earth.google.com TerraServer – www.terraserver.com</p> |
| <input type="checkbox"/> Approved Lease establishing beneficial use within the last 5 years | Copy of instream lease or lease number |

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STATE OF OREGON

COUNTY OF UNION

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

R D MAC INC.
PO BOX 1086
LA GRANDE OR 97850

confirms the right to use the waters of GRANDE RONDE RIVER, a tributary of SNAKE RIVER for IRRIGATION of 112.0 ACRES.

This right was confirmed by decree of the Circuit Court of the State of Oregon for Union County. The decree is of record at Salem, in the Order Record of the Water Resources Director in Volume 8, at Page 1. The date of priority is 1869.

The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 2.8 CUBIC FEET PER SECOND, or its equivalent in case of rotation, measured at the point of diversion.

The point of diversion is located as follows:

| Twp | Rng | Mer | Sec | Q-Q | Measured Distances |
|-----|------|-----|-----|-------|---|
| 2 S | 38 E | WM | 32 | SW SE | 640 FEET NORTH AND 190 FEET EAST FROM S1/4 CORNER, SECTION 32 |

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to ONE-FORTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated, and shall be further limited to a diversion of not to exceed 3.0 acre-feet for each acre irrigated during the irrigation season of each year.

A description of the place of use is as follows:

| Twp | Rng | Mer | Sec | Q-Q | Acres |
|-----|------|-----|-----|-------|-------|
| 3 S | 38 E | WM | 15 | NW NE | 38.2 |
| 3 S | 38 E | WM | 15 | SW NE | 34.5 |
| 3 S | 38 E | WM | 15 | NE SE | 25.0 |
| 3 S | 38 E | WM | 15 | NW SE | 14.3 |

The quantity of water diverted at the new point of diversion, shall not exceed the quantity of water lawfully available from the original point of diversion described as follows:

| Twp | Rng | Mer | Sec | Q-Q | Measured Distances |
|-----|------|-----|-----|-------|---|
| 2 S | 38 E | WM | 31 | SW SW | 400 FEET NORTH AND 200 FEET EAST FROM SW CORNER, SECTION 31 |

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.

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The water user shall maintain a headgate, an in-line flow meter, weir, or other suitable device for measuring and recording the quantity of water diverted.

The water user shall maintain the headgate and measuring device, as needed. The water user or irrigation district shall report total flow figures when requested by the Watermaster. The Watermaster may operate the headgate and monitor accuracy of the measuring device, as needed.

Water shall be acquired from the same surface source as the original point of diversion.

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

This certificate is issued to confirm a change in POINT OF DIVERSION approved by an order of the Water Resources Director entered OCTOBER 2, 1996, at Special Order Volume 50, Page 656, approving Transfer Application 7351, supersedes Certificate 6299, State Record of Water Right Certificates.

Issued JUN 12 2015



Dwight French
Water Right Services Division Administrator, for
Thomas M. Byler, Director
Oregon Water Resources Department

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February 21, 2019

Elizabeth E. Howard

Admitted in Oregon, Washington and
North Dakota

T: 503-796-2093

C: 503-312-8765

ehoward@schwabe.com

BY HAND DELIVERY

Dwight French
Adjudicator, Water Rights & Adjudication Division
Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, OR 97301

Dear Mr. French:

Enclosed please find an application for an Instream Water Right Transfer of Certificate 90393 to be filed on behalf of Michael Becker, along with Mr. Becker's check in the amount of \$1,395. This application is being submitted pursuant to the Stipulated Agreement for Delay in Issuance of Director's Final Order between Mr. Becker and the Oregon Water Resources Department, and is intended to provide the balance of the mitigation required by the Department to approve the groundwater right applied for by Mr. Becker in Application G-16512.

Carl (Bill) Hopp and I will be the contact persons for this application. Our contact information is as follows:

Carl (Bill) Hopp
168 NW Greenwood Avenue
Bend, Oregon 97703
bill@cwhepp.com
(541)388-3606

Elizabeth Howard
1211 SW Fifth Avenue, Suite 1900
Portland, OR 97204
ehoward@schwabe.com
(503) 796.2093

If you have any questions or need any additional information, please let us know.

Respectfully yours,

SCHWABE, WILLIAMSON & WYATT, P.C.


Elizabeth E. Howard

EEH:cw

Enclosures

cc: Carl (Bill) Hopp (Via E-Mail)
Anika Elizabeth Marriott (Via E-Mail)
Michael A. Becker

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