

# Application for Historic Change in Point of Diversion/Appropriation

MAR 06 2019

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Part 1 of 5 - Minimum Requirements Checklist

This historic change in point of diversion/appropriation 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.

Che	ck all iten	ns included with this application. $(N/A = Not Applicable)$	OWRD
$\boxtimes$		De 1 - Complete I Minimum De minum auto Chealelist	6102 <b>30</b> AAM
		Part 1 – Completed Minimum Requirements Checklist.	<b>BECEINED</b>
$\boxtimes$		Part 2 – Completed Application Map Checklist.	
		Part 3 – Application Fee, payable by check to the Oregon Water Resour completed Fee Worksheet, page 3. Try the new online fee calculator at: <a href="http://apps.wrd.state.or.us/apps/misc/wrd_fee_calculator">http://apps.wrd.state.or.us/apps/misc/wrd_fee_calculator</a> . If you have que Customer Service at (503) 986-0801. <i>Please charge The Freshwater T</i>	estions, call
$\boxtimes$		Part 4 – Completed Applicant Information and Signature.	
		Part 5 – Information about the Transferred Water Rights: <b>How many w</b> transferred? <u>1</u> List them here: <u>3077</u> Please include a separate Part 5 for each water right. (See instructions of	
Atta	chments:		
$\boxtimes$		Completed Application Map (Does not have to be prepared by a Certific Examiner).	ed Water Right
		Completed Evidence of Use Affidavit and supporting documentation she been used on the land for five years prior to transfer filing AND diverted current point of diversion/appropriation for more than 10 years.	
		Statement from the local Watermaster, based upon the Watermaster's kn Department records, that no complaint of injury has been made due to the actual, current point of diversion/appropriation.	
$\boxtimes$		Land Use Information Form with approval and signature (or signed land stub).	l use form receipt
	N/A	Affidavit(s) of Consent from Landowner (if the applicant does not own right is on.)	the land the water
	N/A	Water Well Report/Well Log for changes in point(s) of appropriation (v point(s) of appropriation.	vell(s)) or additional
		(For Staff Use Only)	
		WE ARE RETURNING YOUR APPLICATION FOR THE FOLLOWING  Application fee not enclosed/insufficient Map not included or in  Land Use Form not enclosed or incomplete  Additional signature(s) required Part is incomplete  Other/Explanation Staff: 503-986-0 Date:/	lete
		Staff:503-986-0 Date:/	



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#### Part 2 of 5 - Historic Change in Point of Diversion/Appropriation Application Map Checklist

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

	Please be submit in that apply	sure that the historic change in point of diversion/appropriation application map you cludes all the required items and matches the existing water right map. Check all boxes
		If more than three water rights are involved, separate maps are needed for each water right.
$\boxtimes$		Permanent quality printed with dark ink on white or clear paper or film.
		The size of the map can be $8\frac{1}{2} \times 11$ inches, $8\frac{1}{2} \times 14$ inches, or up to 30 x 30 inches. For 30 x 30 inch maps, three (3) paper copies and an electronic copy in a .pdf, .tiff or .jpg format are required.
$\boxtimes$		A north arrow, a legend, and scale.
		The scale of the map must be: $1 \text{ inch} = 400 \text{ feet}$ , $1 \text{ inch} = 1,320 \text{ feet}$ , 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 $1 \text{ inch} = 1,320 \text{ feet}$ , or a scale that has been pre-approved by the Department.
		Township, Range, Section, 1/4 1/4, DLC, Government Lot, and other recognized public land survey lines.
$\boxtimes$		Tax lot boundaries (property lines) and county tax lot numbers are required.
$\boxtimes$		Major physical features including rivers and creeks showing direction of flow, lakes and reservoirs, roads, and railroads.
$\boxtimes$		Major water delivery system features from the point(s) of diversion/appropriation such as main pipelines, canals, and ditches.
$\boxtimes$		Authorized point(s) of diversion or well(s) with distance and bearing or coordinates from a recognized survey corner. This information can be found in your water right certificate.
		Actual, current point of diversion/appropriation. Show the location and label it clearly with distance and bearing or coordinates. If GPS coordinates are used, latitude-longitude coordinates may be expressed as either degrees-minutes-seconds with at least one digit after the decimal (example $-42^{\circ}32^{\circ}15.5^{\circ}$ ) or degrees-decimal with five or more digits after the decimal (example $-42.53764^{\circ}$ ).
	]	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.
DEC	N/A	If for more than one actual, current point of diversion/appropriation. separate hachuring is needed for each place of use served by each point of diversion/appropriation, including the number of acres in each quarter-quarter section, government lot, or in each quarter-quarter section as projected within government lots, donation land claims, or other recognized public
RECI	EIVED	land survey subdivisions.
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Revised 7/1/2017

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2-489	of 5 - Historic Change in Point of Diversion Appropriation application Map Checkbar
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#### **OWRD**

	FEE WORKSHEET for HISTORIC POD/POA TRANSFER		
1	Base Fee (includes Historic POD change to one water right for up to 1 cfs)	1	\$1,160
	Number of water rights included in transfer 1 (2a) Subtract 1 from the number in 2a above: 1 (2b) If only one water right this will be 0		
2	Multiply line 2b by \$520 and enter » » » » » » » » » » » » » »	2	0
	Do you propose to change a well, or change from a surface water POD to a well?  No: enter 0 »» » » » » » » » » » » » » » » » » »		
3	Yes: enter \$410 » » » » » » » » » » » » » » » » » »	3	0
4	Add entries on lines 1 through 3 above » » » » » » » » Transfer Fee:	4	1160

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

\*\*\*\*Please charge The Freshwater Trust's account

#### Part 4 of 5 - Applicant Information and Signature

#### **Applicant Information**

Note: Applicant must be an INDIVIDUAL, as defined by OAR 690-380-2120, that is "a natural person and does not include a government body, organization, business enterprise, or other such entity."

APPLICANT/BUSINESS N	JAME		PHONE NO.	ADDITIONAL CONTACT NO.				
Ken and Bobbie Bake	er		541.263.0342					
ADDRESS			FAX NO.					
81705 Hwy 82								
CITY	STATE	ZIP	E-MAIL					
Wallowa	OR	97885	kbb@eoni.com	kbb@eoni.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			PHONE NO.	ADDITIONAL CONTACT NO.			
The Freshwater Trust/Jessica I	<b>Humphreys</b>	541.913.3750					
ADDRESS			FAX NO.				
401 NE 1 <sup>ST</sup> ST. Box #6							
CITY	STATE	ZIP	E-MAIL				
Enterprise	OR	97828	jessica@thefreshwatertrust.org				
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.							

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

I (we) ainrm	цаці	ine iniorinai	ion contained	I III CHIS	applic	auon	is true and	accurate.
1/	1	nn D	1	/	II N	1 Rn	V	2/./-

Applicant Signature

Renneth M. BARer Print Name (and Title if applicable) 3/1/2019 Date

Applicant Signature

Print Name (and Title if applicable)

3/1/2010

Revised 7/1/2017

Historic Change in Point of Diversion/Appropriation Application - Page 3 of 8

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Is the applicant the sole own transfer is located?  Yes [ and/or e-mail addresses if de and/or e-mail addresses) fro conveyed.	□ No <i>If</i> ifferent th	NO, includian the ap	ude signa plicant's	atures of all s) or attach o	deeded affidavii	landowners (and mailing ts of consent (and mailing
At this time, are the lands it	n this app	plication i	in the pr	ocess of beir	ng sold?	$P \square Yes \boxtimes No$
	who the no	ew landov o not knov	wner will w who th	be, please c	complete	e the receiving landowner
If a property sells, the ce unless a sale agreement	or other o	document	states otl	nerwise. For	more in	ong to the new owner, nformation see:
http://www.oregon.gov/	owra/aoc	s/transfer-			s.pui	Contractive Contractive
RECEIVING LANDOWNER NAME				PHONE NO.		ADDITIONAL CONTACT NO.
ADDRESS						FAX NO.
CITY	STATE	ZIP		E-MAIL		RECEIVED
D	leie siesy	L	hamas			MAR <b>06</b> 2019
Describe any special owners	snip circu	imstances	nere:			OME
Check here if water for a for stored water with a f					service	agreement or other contract
ENTITY NAME			ADDRESS			
CITY			STATE			ZIP
To meet State Land Use Concity, municipal corporation, conveyed or used.						
ENTITY NAME			ADDRESS			
WALLOWA COUNTY CITY			STATE	TH RIVER STRE	EET	ZIP
ENTERPRISE			OREGON			97828
ENTITY NAME			ADDRESS			
CITY			STATE			ZIP
Explain in your own words  The current POD has been to However, the certificate corrected.	used as lo	ong as any	one in th	e area can re t does not ex	emembe	er without complaint. order to move forward
If you need additional space, con-	tinue on a s	separate pied	ce of pape	r and attach to	the appli	cation as "Attachment 1".

**TACS** 

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

CERTIFICATE # 3077	RECEIVED
Description of Water Delivery System	MAR <b>06</b> 2019
System capacity: 30 cubic feet per second (cfs) OR	OWRD
gallons per minute (gpm)	
Describe the current water delivery system or the system that was in place a five years. Include information on the pumps, canals, pipelines and sprinkle and apply the water at the authorized place of use. Approximately 3,000' of water to these acres which are flood irrigated.	ers used to divert, convey

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

POD/POA Name or Number	Is this POD/POA Authorized on the Certificate or is it the Current POD/POA that has been used for more than 10 years?	If POA, OWRD Well Log ID# (or Well ID Tag # L)	Tì	wp	Rr	ıg	Sec	<i>Y</i> <sub>4</sub>	1/4	Tax Lot, DLC or Gov't Lot	Measured Distances (from a recognized survey corner)
Foster Ditch (aka Middle	Authorized		1	s	43	E	4	NE	sw	900	320' S and 625' W of the center of section 4
Valley Ditch)	☐ Current										
Kuehl Ditch	Authorized  Current		1	s	43	E	4	NW	NW	900	Not given. Approximately 200' S and 630' E of the NW corner of section 4
	Authorized										
	☐ Current										,
	Authorized								- Communication		
	Current										

	Authorized										
	Current										
Check all	type(s) of his	toric change	(s) prop	osed bel	low (c	hange	"COI	DES" aı	re provido	ed in	
	Point of Diversion (POD)  Additional Point of Diversion (APOD)								POD)		
	Point of Appropriation/Well (POA)										
Will the historic change in point of diversion/appropriation affect the entire water right?											
Yes Complete only the proposed section of Table 2 on the next page.											
No Complete all of Table 2 to describe the portion of the water right to be changed.  Revised 7/1/2017 Historic Change in Point of Diversion/Appropriation Application – Page 6 of 8 TACS							TACS				

Please use and attach additional pages of Table 2 as needed. Do you have questions about how to fill-out the tables? See page 5 for instructions, or contact the Department at 503-986-0900 and ask for Transfer Staff.

#### Table 2. Description of Changes to Water Right Certificate # 3077

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

Authorized ("from" lands) as they appear before the changes									Proposed	Current			
Tv	wp	Rı	ng	Sec	1/4	1/4	Tax Lot	Gvt Lot or DLC	Acres (if applicable)	POD(s) or POA(s) (name or number from Table 1)	Change (POD, POA, APOD, or APOA) (in use for mor than ten years POD(s)/ POA(s to be used (from Table 1)		Priorit y Date
2	S	9	E	15	NE	NW	100		15.0	POD #1 POD #2	POD	POD #5	1897
66	66	66	66	66	66	66	66	66	EXAMPLE	66	44	66	66
1	N	43	E	32	sw	NE	8600		40	KUEHL DITCH	HPOD	FOSTER DITCH	1883
1	N	43	E	32	SE	NE	8600		16	KUEHL DITCH	HPOD	FOSTER DITCH	1883
1	N	43	E	32	NE	SE	8600		34	KUEHL DITCH	HPOD	FOSTER DITCH	1883
			The second secon										

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Additional remarks:	

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 current well(s) that are clearly labeled and associated with the corresponding well(s) in Table 1 above and on the accompanying application map. ( <b>Tip</b> : You may search for well logs on the Department's web page at: <a href="http://apps.wrd.state.or.us/apps/gw/well_log/">http://apps.wrd.state.or.us/apps/gw/well_log/</a> )
OR	
	Describe the construction of the authorized and current well(s) in Table 3 for any wells that do not have a well log.

Table 3. Construction of Point(s) of Appropriation

Any well(s) in this listing must be clearly tied to corresponding well(s) described in Table 1 and shown on the accompanying application map. Failure to provide adequate information is likely to delay the processing of your transfer application.

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

MAR 0 6 2019

OWRD

## Application for Water Right Transfer

## **Evidence of Use Affidavit**



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	f Oregon			)							RECEIVEL
County	of Wallowa)			)	SS						MAR 06 201
I, <u>Perr</u>	y Johnston, in	my ca	apacity	as <u>NE</u>	IGHBOI	<u>ς</u> ,					<b>OWRD</b>
mailin	g address 8170	)3 Hwy	82 WAL	LOWA,	, OR 9'	7885					
telepho	one number (5	<u>341)263</u>	3.0386, b	eing	first d	luly swo	orn depo	se and say:			
1. M	y knowledge o	of the	exercise	e or st	tatus o	of the w	ater rigl	nt is based o	n (check one	):	
	⊠ Perso							sional exper			
2. Lat	ttest that:										
<b>2</b> . Tu.				e prev	vious	five yea	ars on th	e entire pla	ice of use for		
	My knowled	ge is s	specific	to the	e use	of water	r at the	following lo	cations withi	n the last five	years:
	Certificate #	Tow	nship	Rai	nge	Mer	Sec	1/4 1/4	Gov't Lot or DLC	Acres (if applicable	e)
OR					L			<u> </u>			
	Confirming	Certif	icate#		has b	een issu	ued with	in the past	five years; O	R	
										t five years.	Гће
	instream lea transfer was	se nur not le	nber is: ased, a	: dditio	_ (No	te: If the vidence	e entire of use i	right propos s needed for	sed for r the portion	not leased ins	tream.); OR
	The water ri	ght is ald be	not sub rebutte	ject to	o forf ler OF	eiture and SS 540.0	nd docu 610(2) i	mentation to s attached.	hat a presum	otion of forfei	ture for
$\boxtimes$	Water has be	een us	ed at th	ne acti	ual cu	rrent po	int of d	iversion or	appropriation	for more than	n

(continues on reverse side)

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

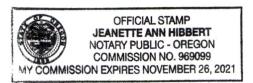
4. I understand that if I do not attach one or more of the documents shown in the table below to support the above statements, my application will be considered incomplete.

Signature of Affiant

3/1/19 Date MAR 06 2019

OWRD

Signed and sworn to (or affirmed) before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_19\_.



Seaneth Hebbert
Notary Public for Oregon

My Commission Expires: November 26, 2021

Supporting Documents	Examples
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
Copies of receipts from sales of irrigated crops or for expenditures related to use of water	<ul> <li>Power usage records for pumps associated with irrigation use</li> <li>Fertilizer or seed bills related to irrigated crops</li> <li>Farmers Co-op sales receipt</li> </ul>
Records such as FSA crop reports, irrigation district records, NRCS farm management plan, or records of other water suppliers	<ul> <li>District assessment records for water delivered</li> <li>Crop reports submitted under a federal loan agreement</li> <li>Beneficial use reports from district</li> <li>IRS Farm Usage Deduction Report</li> <li>Agricultural Stabilization Plan</li> <li>CREP Report</li> </ul>
Aerial photos containing sufficient detail to establish location and date of photograph	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.  Sources for aerial photos: OSU –www.oregonexplorer.info/imagery OWRD – www.wrd.state.or.us Google Earth – earth.google.com TerraServer – www.terraserver.com
Approved Lease establishing beneficial use within the last 5 years	Copy of instream lease or lease number

### **Application for Water Right Historic POD/POA Transfer**

**Watermaster Statement** 



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

MAR 06 2019

I, David Bates, Watermaster of District 7,										
	state that to my knowledge, there has been no claim of injury due to use of an historic point of									
	diversion/appropriation for Certificate									
from Lostine R. located as follows:  (source)										
By Township, Range	Section	n and	distance	es from a	Survey	Corner:  Measured Distances				
	Mer W.M.	Sec	Q-Q	DLC	GLot	Weasured Distances				
	W .IVI.									
OR										
☐ by GPS coordinates:	Latitue	de:		Longitud	e:	-				
OR										
as shown on the attached map.										
Signature		7 				2019-3-4 Date				