



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.

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FOR ALL INSTREAM TRANSFER APPLICATIONS

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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: 25072**
 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: ____/____/____

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 |
| Number of water rights included in transfer 1 (2a) | | | |
| Subtract 1 from the number in 2a above: <u>0 (2b)</u> <i>If only one water right, this will be 0</i> | | | |
| 2 | Multiply line 2b by \$520 and enter » » » » » » » » » » » » » » » » | 2 | 0 |
| Enter the cfs for the portions of the rights to be transferred (see example below*): | | | |
| <u>1.87 (3a)</u> | | | |
| Subtract 1.0 from the number in 3a above: <u>0.87 (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>1 (3c)</u> and multiply 3c by \$350, then enter on line 3 » » » » » » » » » » | | | |
| 3 | | 3 | 350 |
| 4 | Add entries on lines 1 through 3 above » » » » » » » » » » Subtotal: | 4 | 2,440 |
| 5 | Multiply line 4 by 0.5 and enter on line 5 » » » » » » » » » » » » » » » » | 5 | 1,220 |
| 6 | Subtract line 5 from line 4 » » » » » » » » » » » » » » » Transfer Fee: | 6 | 1,220 |

*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:

- For irrigation calculate cfs for each water right involved as follows:
 - 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*).
 - 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*)
- 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 GSG Ranch, LLC | | | PHONE NO. (916) 874-5334 | ADDITIONAL CONTACT NO. |
| ADDRESS 9496 Alta Mesa Road | | | | FAX NO. |
| CITY Wilton | STATE CA | ZIP 95693 | E-MAIL 1965hunter@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. | | | | |

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

| | | | | |
|--|--------------------|---------------------|---|------------------------|
| AGENT/BUSINESS NAME Spencer Sawaske | | | PHONE NO. 503-222-9091 x | ADDITIONAL CONTACT NO. |
| ADDRESS 700 SW Taylor St., Suite 200 | | | | FAX NO. |
| CITY Portland | STATE OR | ZIP 97205 | E-MAIL spencer@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. | | | | |

Explain in your own words what you propose to accomplish with this transfer application, and why:
This temporary instream water right transfer will provide in-stream flows to support spring Chinook salmon and ESA-listed steelhead populations, as well as overall freshwater ecosystem health.

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: _____

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



| | | |
|---------------------|---|------|
| Applicant Signature | Derrick Greenwood, Manager, GSG Ranch, LLC | |
| | Print Name (and Title if applicable) | 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.*

Part 4 of 6 – Applicant Information and Signature

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

Applicant Information

| | | | |
|--|--------------------|------------------------------------|---------------------------------------|
| APPLICANT/BUSINESS NAME GSG Ranch, LLC | | PHONE NO. (916) 874-5334 | ADDITIONAL CONTACT NO. |
| ADDRESS 9496 Alta Mesa Road | | FAX NO. | |
| CITY Wilton | STATE CA | ZIP 95693 | E-MAIL 1965hunter@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 Spencer Sawaske | | PHONE NO. 503-222-9091 x | ADDITIONAL CONTACT NO. |
| ADDRESS | | FAX NO. | |
| CITY | STATE | ZIP | 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. | | | |

Explain in your own words what you propose to accomplish with this transfer application, and why: This temporary instream water right transfer will provide in-stream flows to support spring Chinook salmon and ESA-listed steelhead populations, as well as overall freshwater ecosystem health.

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)

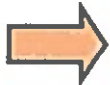
Check one box

- 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.

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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: _____.

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



[Signature]
Applicant Signature

Derrick Greenwood, Manager, GSG Ranch, LLC
Print Name (and Title if applicable) Date 5/30/19 *[Signature]*

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.*

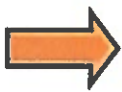
Check the following boxes that apply:

- 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 | 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 Grant County | ADDRESS 201 S Humboldt St. #290 | |
| CITY Canyon City | STATE OR | ZIP 97820 |

| | | |
|--|--|---------------------|
| ENTITY NAME City of Prairie City | ADDRESS P.O. Box 370, 133 South Bridge St. | |
| CITY Prairie City | STATE OR | ZIP 97869 |

| | | |
|--|-----------------------------------|---------------------|
| ENTITY NAME City of John Day | ADDRESS 450 E Main. St. | |
| CITY John Day | STATE OR | ZIP 97845 |

| | | |
|--|--------------------------------|---------------------|
| ENTITY NAME City of Dayville | ADDRESS P.O. Box 321 | |
| CITY Dayville | STATE OR | ZIP 97825 |

| | | |
|----------------------------------|---|---------------------|
| ENTITY NAME Mt. Vernon | ADDRESS P.O. Box 647, 199 W. Main St. | |
| CITY Mt. Vernon | STATE OR | ZIP 97865 |

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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)** |
|--|---------------|----------------|---|-------------|------------------|
| 25072 | 12/31/1868 | John Day River | April 1 st - Sept 30 th | 1.03 | 373 |
| | | | | | |
| | | | | | |
| TOTAL VOLUME | | | | | 373 |

*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 the Cooley Ditch POD to the USGS stream gage located Picuture Gorge.

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): 59788, 59787, 59786.

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:

_____.

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:
2020 Begin Year to 2028 End Year
 Time-limited instream transfer is to terminate based upon other conditions:
Conditions: _____.

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INSTRUCTIONS for editing the Application Form

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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.

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 # 25072

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Name on Certificate: J.L. Deardorff

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Date(s) of Priority: 1868

Source(s) of Water to be Affected by the Transfer: John Day River

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Description of Water Delivery System

System capacity: 2.02 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. _____.

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: _____.



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) |
|--------------------|---|-----|---|-----|---|-----|-----|----|---------------------------|--|
| Cooley Ditch | | 13 | S | 34 | E | 26 | NE | SW | | 1364 feet south and 202 feet east from the NW corner of section 26 |
| Island Ditch | | 13 | S | 34 | E | 22 | SW | SE | | 2450 feet west and 1130 feet north of the SE corner of Section 22 |
| | | | | | | | | | | |

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.

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 # 25072

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 | “ | “ | “ |
| 13 | S | 34 | E | 22 | SE | NW | | | | 30.7 | Irrigation | | Island Ditch |
| 13 | S | 34 | E | 22 | S W | SE | | | | 5.4 | Irrigation | | Cooley Ditch |
| 13 | S | 34 | E | 22 | SE | SE | | | | 4.8 | Irrigation | | Cooley Ditch |
| 13 | S | 34 | E | 27 | NE | NE | | | | 20 | Irrigation | | Cooley Ditch |
| 13 | S | 34 | E | 26 | N W | NW | | | | 13.7 | Irrigation | | Cooley Ditch |
| | | | | | | | | | | | | | |
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| | | | | | | | | | | | | | |
| | | | | | | | | | | | | | |
| TOTAL ACRES | | | | | | | | | | 74.6 | | | |

Additional remarks: _____

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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 GRANT)

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I, DERRICK GREENWOOD, in my capacity as LANDOWNER,
 mailing address 9496 ALTA MESA ROAD, WILTON, CALIFORNIA 95693
 telephone number (916)874-5334, 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 # ____ 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: IL-1368 (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)

(continues on reverse side)

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

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.

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Signature of Affiant

5/31/19
Date

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Signed and sworn to (or affirmed) before me this 31 day of May, 202019




Notary Public for Oregon

My Commission Expires: Aug 21, 2021

| Supporting Documents | Examples |
|--|--|
| <input 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 | 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 |
| <input checked="" type="checkbox"/> Approved Lease establishing beneficial use within the last 5 years | Copy of instream lease or lease number |

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BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON

OWRD

In the Matter of Instream Lease Application)
IL-1368, Grant County) CORRECTING AND SUPERSEDING
FINAL ORDER

Authority

Oregon Revised Statute (ORS) 537.348 establishes the process in which a water right holder may submit a request to lease an existing water right for instream purposes. Oregon Administrative Rule (OAR) Chapter 690, Division 077 implements the statutes and provides the Department's procedures and criteria for evaluating instream lease applications.

Lessors

Derrick and Diane Greenwood
9496 Alta Mesa Road
Wilton, CA 95693

Lessee

The Freshwater Trust (TFT)
700 SW Taylor, Suite 200
Portland, Oregon 97205

Findings of Fact

1. On April 25, 2019, Derrick and Diane Greenwood and TFT filed an application to renew instream lease application IL-1368 involving a portion of Certificate 25072.
2. On May 31, 2019, the Department issued an order approving Instream Lease IL-1368, as evidenced by Special Order Volume 113, Pages 241-245. Following issuance of the order, a scrivener's error was identified in the instream use being protected. This order is being issued to correctly describe the instream points and reach and the rate and duty being protected instream.
3. The portion of the right to be leased is as follows:

Certificate: 25072 in the name of J. L. Deardorff (perfected under the John Day River Decree, of record at Salem, in the Order Record of the State Engineer, in Volume 15, at Page 461)

Use: Irrigation of 74.6 acres

Season of Use: April 1 to September 30

Priority Date: 1868

Quantity: **Rate:** 1.87 Cubic Foot per Second (CFS)
Volume: 373.0 Acre-Feet (AF)
Limit: One-fortieth CFS per acre irrigated from April 1 to September 30; further limited to 1.0 AF per acre per calendar month to July 1 and 3/4 AF per acre thereafter; total 5.0 AF per acre for season, measured at point of diversion

This is a final order in other than contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60 day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-0080 you may either petition for judicial review or 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.

Source: John Day River, tributary to the Columbia River
Authorized Point of Diversion (POD): Not described on certificate
Authorized Place of Use:

| Twp | Rng | Mer | Sec | Q-Q | Acres |
|--------------------|------|-----|-----|-------|-------------|
| 13 S | 34 E | WM | 22 | SE NW | 30.7 |
| 13 S | 34 E | WM | 22 | SW SE | 5.4 |
| 13 S | 34 E | WM | 22 | SE SE | 4.8 |
| 13 S | 34 E | WM | 26 | NW NW | 13.7 |
| 13 S | 34 E | WM | 27 | NE NE | 20.0 |
| Total Acres | | | | | 74.6 |

4. Certificate 25072 does not provide a description of the location of the points of diversion (PODs). Based upon additional information provided by the Department's Watermaster and the Lessee, for purposes of this instream lease, the points of diversion are described as follows:

| Twp | Rng | Mer | Sec | Q-Q | Measured Distances |
|------|------|-----|-----|-------|--|
| 13 S | 34 E | WM | 26 | NE SW | COOLEY DITCH: 1364 FEET SOUTH AND 202 FEET EAST FROM THE NW CORNER OF SECTION 26 |
| 13 S | 34 E | WM | 22 | SW SE | ISLAND DITCH: 2450 FEET WEST AND 1130 FEET NORTH OF THE SE CORNER OF SECTION 22 |

5. The lease application includes the information required under OAR 690-077-0076(3). The Department provided notice of the lease application pursuant to OAR 690-077-0077(1). No comments were received.
6. The Lessors and Lessee have requested to protect water instream from the PODs to Gaging Station No. 14040500 on the John Day River at Picture Gorge, near Dayville. A portion of the water diverted at each of the PODs returns to the John Day River immediately below the PODs and is available to downstream water right holders. To prevent injury to downstream water right holders and enlargement, the quantity of water that may be protected instream below each POD requires modification to account for return flows. Instream quantities below each POD have been reduced to the consumptive portion of the right.
7. The authorized PODs are located above a known losing reach on the John Day River between the City of John Day, beginning at approximately River Mile 247, and Picture Gorge. The severity of channel losses varies between different sections of the river and are affected by which rights are being used, temperature, moisture, flows from tributaries, as well as other factors. In addition, there are no streamflows in portions of this stretch of the river below the City of John Day. Protection of flows below the City of John Day would likely result in injury to other water right holders. Therefore, the proposed instream reach requires modification to protect water only from the PODs to the City of John Day, at approximately River Mile 247 (approximate location of Loose Long Ditch).

There is also a suspected losing reach between Prairie City (at approximately River Mile 263) and the City of John Day, within the proposed instream reach. Protection of flows within this potential losing reach may be subject to additional information on stream channel losses and gains calculated based on available data and the use of water by senior appropriators.

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8. In addition, streamflows are also lost within the proposed reach due to evaporation. Reductions of 1% per mile in the quantities that may be protected instream are necessary to prevent injury to downstream water users and enlargement of the right.

9. The instream use has been modified and clarified from the lease application and the previous final order to prevent injury and enlargement and is as follows:

John Day River, tributary to the Columbia River

Cooley Ditch Acres Only (43.9 acres)

Instream Point No. 1: At the Cooley Ditch POD

| Certificate | Priority Date | Instream Rate (cfs) | Instream Volume (AF) | Instream Period |
|-------------|---------------|---------------------|----------------------|----------------------|
| 25072 | 1868 | 0.763 | 219.5 | May 9 – September 30 |

Instream Reach: Immediately below Cooley Ditch POD to Loose Long Ditch near the City of John Day (~RM 247)

| Certificate | Priority Date | Instream Rate (cfs) | Instream Volume (AF) | Instream Period |
|-------------|---------------|---------------------|----------------------|----------------------|
| 25072 | 1868 | 0.372 | 107.12 | May 9 – September 30 |

Instream Point No. 2: At Loose Long Ditch near the City of John Day (~RM 247)

| Certificate | Priority Date | Instream Rate (cfs) | Instream Volume (AF) | Instream Period |
|-------------|---------------|---------------------|----------------------|----------------------|
| 25072 | 1868 | 0.312 | 89.71 | May 9 – September 30 |

Island Ditch Acres Only (30.7 acres)

Instream Point No. 1: At the Island Ditch POD

| Certificate | Priority Date | Instream Rate (cfs) | Instream Volume (AF) | Instream Period |
|-------------|---------------|---------------------|----------------------|----------------------|
| 25072 | 1868 | 0.534 | 153.5 | May 9 – September 30 |

Instream Reach: Immediately below Island Ditch POD to Loose Long Ditch near the City of John Day (~ RM 247)

| Certificate | Priority Date | Instream Rate (cfs) | Instream Volume (AF) | Instream Period |
|-------------|---------------|---------------------|----------------------|----------------------|
| 25072 | 1868 | 0.260 | 74.91 | May 9 – September 30 |

Instream Point No. 2: At Loose Long Ditch near the City of John Day (~RM 247)

| Certificate | Priority Date | Instream Rate (cfs) | Instream Volume (AF) | Instream Period |
|-------------|---------------|---------------------|----------------------|----------------------|
| 25072 | 1868 | 0.218 | 62.7 | May 9 – September 30 |

10. Other conditions to prevent injury and enlargement are:

Instream flows have been reduced by 1% per mile to account for evaporative losses. In addition, within the specified stream reach between Prairie City (at approximately River Mile 263) and the City of John Day, the amount of water to which this right is entitled shall not exceed the quantity of water available within the instream reaches. Stream channel losses and gains have been calculated based on available data and the use of water by senior

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appropriators to determine the amount of water to which this right is entitled within the stream reach between Prairie City and the City of John Day.

11. The amount and timing of the proposed instream flow is allowable within the limits and use of the original water right.
12. The protection of flows within the proposed reach is appropriate, considering:
 - a. The instream water use begins at the recorded point of diversion;
 - b. The location of confluences with other streams downstream of the point of diversion.
 - c. There are known areas of natural loss of streamflow to the river bed downstream from the points of diversion. The instream use has been modified to shorten the instream reach such that water is only protected above the losing reach. In addition, streamflows are lost to evaporation. Evaporative losses of 1% per mile have been accounted for; and
 - d. Return flows resulting from the exercise of the existing water right would re-enter the river within the reach of the instream water right below each POD. The quantity of water to be protected instream has been reduced to account for return flows.
13. The total monthly quantities of water to be protected under the existing and proposed instream rights in the reach will provide for a beneficial purpose.
14. The total monthly quantities of water to be protected instream under existing and proposed instream rights in the reach do not exceed the estimated average natural flow.
15. If approved, this instream lease is not reasonably expected to significantly affect land use as prescribed by ORS 197.180, OAR Chapter 660, Divisions 30 and 31, and OAR Chapter 690, Division 5.
16. Based upon review of the application, information provided by the Department's Watermaster, and other available information, the Department finds that the lease as modified will not result in injury or enlargement. The order approving this instream lease may be modified or revoked under OAR 690-077-0077 if the Department later finds that the lease is causing injury to any existing water right or enlargement of the original right.
17. If a right which has been leased is later proposed to be leased again, transferred and/or reviewed for an allocation of conserved water, a new injury review shall be required. For example, instream transfers will be subject to a full and complete review to determine consistency with the requirements of OAR Chapter 690, Division 380 and Division 077. Approval of this lease does not establish a precedent for approval of any future transactions.
18. The Lessors and Lessee have requested that the lease terminate on September 30, 2019. The lease may commence on the date this final order is signed.

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Conclusions of Law

The Department concludes that the lease will not result in injury or enlargement, OAR 690-077-0077. The lease conforms to the applicable provisions of OAR 690-077-0015.

Now, therefore it is **ORDERED**:

1. The Lease as described herein is APPROVED.
2. During the term of the lease, the former place of use will no longer receive water as part of these rights, any supplemental rights, or any other layered irrigation water rights, including ground water registrations and permits.
3. This correcting order supersedes Special Order Volume 113, Pages 241-245.
4. The term of the lease will commence upon approval of the instream lease and terminate on September 30, 2019.

Dated at Salem, Oregon this day AUG 22 2019.



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

Mailing date: AUG 23 2019

This document was prepared by Sarah Henderson. If you have any questions, please call 503-986-0884.

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Oregon Water Resources Department
 725 Summer Street NE, Suite A
 Salem, Oregon 97301-1271
 (503) 986-0900
 www.wrd.state.or.us

Water Right Transfer Supplemental Form Waiver of Mapping Requirements

The Director may waive or assist a transfer applicant in satisfying the mapping requirements (OAR 690-380-3100) for certain transfers if the criteria described in this form are met pursuant to OAR 690-380-3410.

This form must be prepared by the transfer applicant and the appropriate Regional Manager for the Oregon Water Resources Department. To prepare the form, a copy of the complete transfer application, including a description of the water rights to be transferred, must be provided to the Regional Manager.

This map waiver form must be signed by the Regional Manager and submitted with the transfer application.

Transfer Applicant: GSG Ranch, LLC

Water Right(s) to be transferred: 25072

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1. The transfer **must** be one of the following. Please check the appropriate box.

- An instream transfer application filed pursuant to ORS 537.348.
- A transfer application necessary to complete a project funded by the Oregon Watershed Enhancement Board (OWEB) under ORS 541.375; or
- The transfer application is determined and endorsed in writing by ODFW as a change that will result in a net benefit to fish and wildlife habitat.

2. For an **instream transfer application filed pursuant to ORS 537.348**, a map waiver shall only be approved if the application meets one of the following additional criteria. Please check the appropriate box.

- The entirety of the right is being transferred to an instream water right and the location of the instream water right can be clearly delineated through reference to the existing point of diversion for the transferred right and other points of diversion or geographic reference points such as the mouth of the stream; or
- A map meeting the requirements of the transfer rules (OAR 690-380-3100) is available showing the lands not included in the transfer and the location of the instream water right can be clearly delineated through reference to the existing point of diversion for the transferred right and other points of diversion or geographic reference points such as the mouth of the stream. (Please include copy of map(s) with transfer application.)

3. For a transfer application meeting any one of the criteria identified in #1 (including an instream transfer application), a waiver may also be approved if other circumstances are present that make an application map unnecessary. If #2 does not apply, but circumstances are present that make an application map unnecessary, describe those circumstances below:

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4. For any transfer application meeting one or more of the criteria identified in #1 that does not meet the criteria for a waiver as described in #2 or #3, the Department may assist the applicant in development of the application map. The Department (through the regional office) may provide this assistance at the discretion of the appropriate Regional Manager. Please check the appropriate box below if the Department has provided assistance in development of the transfer application map:

A map meeting the requirements of OAR 690-380-3100 has been prepared by Department staff and is included with the transfer application.

The map provided with the transfer application has been developed with assistance from Department staff and meets the requirements of OAR 690-380-3100.

Signature:


OWRD Regional Manager, EAST Region

Date: 5/20/2019

STATE OF OREGON

COUNTY OF GRANT

CERTIFICATE OF WATER RIGHT

This Is to Certify, That J. L. DEARDORFF

of Prairie City, State of Oregon, has a right to the use of
 the waters of John Day River
 for the purpose of Irrigation

and that said right has been confirmed by decree of the Circuit Court of the State of Oregon for Grant County, and the said decree entered of record at Salem, in the Order Record of the STATE ENGINEER, in Volume 15, at page 461, that the priority of the right thereby confirmed dates from 1868

that the amount of water to which such right is entitled, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed 1/40 cubic foot per second per acre irrigated from April 1 to Sept. 30; further limited to one acre-foot per acre per calendar month to July 1 and 3/4 acre-foot per acre thereafter; total five acre-feet per acre for season, measured at point of diversion.

A description of the lands irrigated under such right, and to which the water is appurtenant (or, if for other purposes, the place where such water is put to beneficial use), is as follows:

30.7 acres in SE 1/4 NW 1/4
 5.4 acres in SW 1/4 SE 1/4
 4.8 acres in SE 1/4 SE 1/4
 Section 22,
 13.7 acres in NW 1/4 NW 1/4
 Section 26,
 20.0 acres in NE 1/4 NE 1/4
 6.2 acres in SE 1/4 NE 1/4
 Section 27,
 T. 13 S., R. 34 E., W. M.

And said right shall be subject to all other conditions and limitations contained in said decree. The right to the use of the water for the purposes aforesaid is restricted to the lands or place of use herein described.

WITNESS the signature of the State Engineer, affixed

this 1st day of May, 1959.

LEWIS A. STANLEY

State Engineer

Recorded in State Record of Water Right Certificates, Volume 17, page 25072

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700 SW Taylor Street, Suite 200
Portland, Oregon 97205
503.222.9091 MAIN OFFICE

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October 1, 2019

Sarah Henderson
Water Resources Department
725 Summer St. NE, Suite A
Salem, Oregon 97301

RE: Temporary Transfer Application

Dear Sarah,

Enclosed is a temporary instream transfer application for Certificate of Water Right number 25072. The Freshwater Trust respectfully requests that this transfer application be processed immediately due to funding needs related to this proposed transfer. We will be sure to respond immediately to any questions the department may have regarding this application. Also, please charge the application processing fee to The Freshwater Trust's customer account.

Please contact me if you have any questions. I can be reached at 503-222-9091 x 50. Thank you for your help.

Sincerely,

Rob Kirschner
General Counsel
The Freshwater Trust

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Receipt for Request for Land Use Information

Applicant name: The Freshwater Trust

City or County: City of Dayville Staff contact: Ruth Moore

Signature: Ruth Moore Phone: 541-987-2188 Date: 8/30/19

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Revised 2/8/2010

Land Use Information Form - Page 4 of 4

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Receipt for Request for Land Use Information

Applicant name: Derrick & Diane Greenwood

City or County: City of Mt. Vernon Staff contact: Jami Kowling

Signature: Jami Kowling Phone: [REDACTED] Date: 8/29/19

Phone: 541-932-4688

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Revised 2/8/2010

Land Use Information Form - Page 4 of 4

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