



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

Application for
**Historic Change in Point of
Diversion/Appropriation**
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.

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

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Part 1 – Completed Minimum Requirements Checklist.



Part 2 – Completed Application Map Checklist.

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Part 3 – Application Fee, payable by check to the Oregon Water Resources Department, and completed Fee Worksheet, page 3. Try the new online fee calculator at:

http://apps.wrd.state.or.us/apps/misc/wrd_fee_calculator. If you have questions, call Customer Service at (503) 986-0801.



Part 4 – Completed Applicant Information and Signature.



Part 5 – Information about the Transferred Water Rights: **How many water rights are to be transferred? 1 List them here: 84049**

Please include a separate Part 5 for each water right. (See instructions on page 5)

Attachments:



Completed Application Map (Does not have to be prepared by a Certified Water Right Examiner).



Completed Evidence of Use Affidavit and supporting documentation showing that water has been used on the land for five years prior to transfer filing AND diverted at the actual, current point of diversion/appropriation for more than 10 years.



Statement from the local Watermaster, based upon the Watermaster's knowledge and Department records, that no complaint of injury has been made due to the use of water at the actual, current point of diversion/appropriation.



Land Use Information Form with approval and signature (or signed land use form receipt stub).



☒ N/A

Affidavit(s) of Consent from Landowner (if the applicant does not own the land the water right is on.)



☒ N/A

Water Well Report/Well Log for changes in point(s) of appropriation (well(s)) or additional point(s) of appropriation.

(For Staff Use Only)

WE ARE RETURNING YOUR APPLICATION FOR THE FOLLOWING REASON(S):

___ Application fee not enclosed/insufficient

___ Map not included or incomplete

___ Land Use Form not enclosed or incomplete

___ Additional signature(s) required

___ Part ___ is incomplete

Other/Explanation _____

Staff: _____ 503-986-0 _____

Date: ____/____/____

Part 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 sure that the historic change in point of diversion/appropriation application map you submit includes all the required items and matches the existing water right map. Check all boxes that apply.

- ☐ ☒ 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 white or clear paper or film.
- ☒ The size of the map can be 8½ x 11 inches, 8½ x 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.
- ☒ 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, ¼ ¼, DLC, Government Lot, and other recognized public land survey lines.
- ☒ Tax lot boundaries (property lines) and county tax lot numbers are required.
- ☒ 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.
- ☒ 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°32'15.5") or degrees-decimal with five or more digits after the decimal (example – 42.53764°).
- ☒ 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.
- ☐ ☒ 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 land survey subdivisions.

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Part 3 of 5 – Fee Worksheet

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 <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>		
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 » ☐ Yes: enter \$410 »		
3		3	0
4	Add entries on lines 1 through 3 above » » » » » » » » Transfer Fee:	4	\$1,160

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

Part 4 of 5 – Applicant Information and Signature

Applicant Information

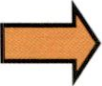
Note: Applicant must be an INDIVIDUAL, as defined by OAR 690-380-2120, that is “a natural person and does not include a government body, organization, business enterprise, or other such entity.”

APPLICANT/BUSINESS NAME David L & Sheila Marchbanks		PHONE NO. (208)880-4994	ADDITIONAL CONTACT NO. (208)880-3649
ADDRESS 27425 Iverson Rd		FAX NO.	
PARMA	ID	83660	MARCHBANKS@SPEEDYQUICK.NET
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.
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.			

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

Sheila Marchbanks
Applicant Signature
David L Marchbanks
Applicant Signature

Sheila Marchbanks 1-31-2020
Print Name (and Title if applicable) Date

DAVID L MARCHBANKS 1-31-2020
Print Name (and Title if applicable) Date

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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.*

At this time, are the lands in this application in the process of being sold? ☐ Yes ☒ No

If YES, and you know who the new landowner will be, please complete the receiving landowner information table below. If you do not know who the new landowner will be, then a request for assignment will have to be filed for at a later date.

If a property sells, the certificated water right(s) located on the land belong to the new owner, unless a sale agreement or other document states otherwise. For more information see:

<http://www.oregon.gov/owrd/docs/transfer-propertytransactions.pdf>

RECEIVING LANDOWNER NAME			PHONE NO.	ADDITIONAL CONTACT NO.
ADDRESS				FAX NO.
CITY	STATE	ZIP	E-MAIL	

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Describe any special ownership circumstances here: _____

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

ENTITY NAME	ADDRESS		
CITY	STATE	ZIP	



To meet State Land Use Consistency Requirements, you must list all local governments (each county, city, Municipal Corporation, or tribal government) within whose jurisdiction water will be diverted, conveyed or used.

ENTITY NAME GRANT COUNTY	ADDRESS 201 S HUMBOLT ST, STE 280		
CITY CANYON CITY	STATE OR	ZIP 97820	

ENTITY NAME	ADDRESS		
CITY	STATE	ZIP	

Explain in your own words what you propose to accomplish with this transfer application; and why:
We the applicant have been utilizing a point of diversion downstream from our authorized point of diversion for many years. We are applying for an additional point of diversion under the historical transfer process so we can legally utilize both diversion points.

If you need additional space, continue on a separate piece of paper and attach to the application as "Attachment 1".

Part 5 of 5 – Water Right Information

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 # 84049

Description of Water Delivery System

System capacity: .50 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 current water delivery system in place for the last 5 years is a wooden turn out box that diverts water into an open ditch system and flood irrigates the authorized place of use.

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-)	Twp	Rng	Sec	¼ ¼	Tax Lot, DLC or Gov't Lot	Measured Distances (from a recognized survey corner)
POD #1	☒ Authorized ☐ Current		11	35.5	34	NWSE	100	811 ft N, 910 ft W from the SE corner of NWSE Sec. 34, T.11S.R.35.5E, W.M.
POD #2	☐ Authorized ☒ Current		11	35.5	34	NWNE	200	2412 ft N, 1135 ft W from the SE corner of the NWSE Sec. 34, T.11S.R.35.5 E, W.M.
	☐ Authorized ☐ Current							
	☐ Authorized ☐ Current							

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

- ☐ Point of Diversion (POD)
 ☒ Additional Point of Diversion (APOD)
 ☐ Point of Appropriation/Well (POA)
 ☐ Additional Point of Appropriation (APOA)

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.

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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 # 84049

List only the part of the right that will be changed. For the acreage in each $\frac{1}{4}$ $\frac{1}{4}$, list the change proposed. If more than one actual, current POD/POA, specify the acreage associated with each actual, current POD/POA.

Proposed Change (POD, POA, APOD, or APOA)							Current (in use for more than ten years) POD(s)/ POA(s) to be used (from Table 1)	Priority Date			
Twp	Rng	Sec	$\frac{1}{4}$	$\frac{1}{4}$	Tax Lot	Acres (if applicable)	POD(s) or POA(s) (name or number from Table 1)				
2 S	9 E	15	NE	NW	100	15.0	POD #1 POD #2	POD	POD #5	1897	
"	"	"	"	"	"	EXAMPLE	"	"	"	"	"
11S	35.5E	27	NE	SW	200	3.76	POD#1	APOD #2	POD #1 & POD #2	9/16/1927	
11S	35.5 E	27	SE	SW	200	14.54	POD #1	APOD #2	POD #1 & #2	9/16/1927	
11S	35.5 E	27	SW	SE	200	.4	POD #1	APOD #2	POD #1 & #2	9/16/1927	
11S	35.5 E	34	NE	NW	200	17.83	POD #1	APOD #2	POD #1 & #2 POD #1 & #2	9/16/1927	
11S	35.5 E	34	NW	NE	200	2.6	POD #1	APOD #2	POD #1 & #2 POD #1 & #2	9/16/1927	

Additional remarks: This is an application for a add point of diversion **the map shown in WRIS is an application map that does not accurately depict the correct acres per quarter quarter due to the fact it was an unsurveyed township in 1927. Discussion with Kelly Starnes allowed Watermaster Eric Julsrud to create a map for this application that more accurately identifies the acres allowed by the certificate 84049 by quarter quarter. This map was created using a 2017 aerial photo and after conducting a field visit to the location.**

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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. (**Tip:** You may search for well logs on the Department's web page at: http://apps.wrd.state.or.us/apps/gw/well_log/)

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

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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)
County of GRANT) ss

I, DAVID AND SHEILA MARCHBANKS, in my capacity as LANDOWNER,

mailing address 27425 IVERSON RD. PARMA ID, 83660

telephone number (208)880-4994, 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 # 84049; **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)
84049	11	S	35.5	E	WM	27	SE	SW		3.76
	11	S	35.5	E	WM	27	SE	SW		14.54
	11	S	35.5	E	WM	27	SW	SE		.40
	11	S	35.5	E	WM	34	NE	NW		17.83
	11	S	35.5	E	WM	34	NW	NE		2.6

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: _____ (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 # 84049 (For Historic POD/POA Transfers)

(continues on reverse side)

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

D J M
Signature of Affiant

1-31-2020
Date



Signed and sworn to (or affirmed) before me this 31st day of January, 2020.

Christina I. Green
Notary Public for Oregon

My Commission Expires: 10/2021

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	• Power usage records for pumps associated with irrigation use • Fertilizer or seed bills related to irrigated crops • Farmers Co-op sales receipt
☐ Records such as FSA crop reports, irrigation district records, NRCS farm management plan, or records of other water suppliers	• 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
☒ 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.terra-server.com
☐ 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 GRANT

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

ANTON ELK
AUSTIN OR 97817

confirms the right to use the waters of SQUAW CREEK and SPRINGS, tributary to OLMSTEAD CREEK, for IRRIGATION of 40.1 ACRES.

This right was perfected under Permit 8200. The date of priority is SEPTEMBER 16, 1927. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 0.50 CUBIC FEET PER SECOND.

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second, or its equivalent for each acre irrigated, or its equivalent in case of rotation.

A description of the place of use to which this right is appurtenant is as follows:

IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	GLot	DLC	Acres
11 S	35.5 E	WM	27	SE SW			7.5
11 S	35.5 E	WM	34	NW NE			4.4
11 S	35.5 E	WM	34	SW NE			1.0
11 S	35.5 E	WM	34	NE NW			21.6
11 S	35.5 E	WM	34	SE NW			5.6

This certificate is issued to correct a scrivener's error, changes the place of use from Section 24 to Section 34, and supersedes Certificate 7563, State Record of Water Right Certificates.

The issuance of this superseding certificate does not confirm the status of the water right in regard to the provisions of ORS 540.610 pertaining to forfeiture or abandonment.

The right to the use of the water for the above purpose is restricted to beneficial use on the lands or place of use described.

Issued APR 04 2008


Phillip C. Ward, Director

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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

I, HAILEY BOETHIN / ASSISTANT, Watermaster of District 4,
state that to my knowledge, there has been no claim of injury due to use of an historic point of
diversion/appropriation for Certificate 84049

from Wiwaanaytt Creek (aka Squaw Creek) located as follows:
(source)

☐ By Township, Range Section and distances from a Survey Corner:

Twp	Rng	Mer	Sec	Q-Q	DLC	GLot	Measured Distances
		W.M.					

OR

☐ by GPS coordinates: Latitude: _____ Longitude: _____

OR

☒ as shown on the attached map.

Hailey Boethin
Signature

Date

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