

Application for Permanent Water Right Transfer

Part 1 of 5 – Minimum Requirements Checklist



Oregon Water Resources Department
 725 Summer Street NE, Suite A
 Salem, Oregon 97301-1266
 (503) 986-0900
 www.oregon.gov/OWRD

This transfer application will be returned if Parts 1 through 5 and all required attachments are not completed and included.

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

- Part 1 – Completed Minimum Requirements Checklist.
- Part 2 – Completed Transfer Application Map Checklist.
- Part 3 – Application Fee, payable by check to the Oregon Water Resources Department, and completed Fee Worksheet, page 3. Try the new online fee calculator at: http://apps.wrd.state.or.us/apps/misc/wrd_fee_calculator. If you have questions, call Customer Service at (503) 986-0801.
- Part 4 – Completed Applicant Information and Signature.
- Part 5 – Information about Water Rights to be Transferred: **How many water rights are to be transferred? 5 List them here: C7716 & C9311, C9045, C9046, C48403**
 Please include a separate Part 5 for each water right. (See instructions on page 6)

Attachments:

- Completed 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.
- N/A Oregon Water Resources Department’s Land Use Information Form with approval and signature (or signed land use form receipt stub) from each local land use authority in which water is to be diverted, conveyed, and/or used. Not required if water is to be diverted, conveyed, and/or used only on federal lands or if all of the following apply: a) a change in place of use only, b) no structural changes, c) the use of water is for irrigation only, and d) the use is located within an irrigation district or an exclusive farm use zone.
- N/A Water Well Report/Well Log for changes in point(s) of appropriation (well(s)) or additional point(s) of appropriation.
- N/A Geologist Report for a change from a surface water point of diversion to a ground water point of appropriation (well), if the proposed well is more than 500’ from the surface water source and more than 1000’ upstream or downstream from the point of diversion. See OAR 690-380-2130 for requirements and applicability.

(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 enclosed or incomplete	<input type="checkbox"/> Evidence of Use Form not
<input type="checkbox"/> Additional signature(s) required	<input type="checkbox"/> Part ____ is incomplete

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Part 2 of 5 – Transfer Application Map

Your transfer application <u>will be returned</u> if any of the map requirements listed

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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 a list of CWREs, see http://apps.wrd.state.or.us/apps/wr/cwre_license_view/. CWRE stamp and signature are not required for substitutions.
- 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, ¼ ¼, 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.
- N/A Proposed 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.
- Existing 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 or permit.
- N/A If you are proposing a change in point(s) of diversion or well(s), show the proposed 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°).

Part 3 of 5 – Fee Worksheet

FEE WORKSHEET for PERMANENT TRANSFER (except Substitution)			
1	Base Fee (includes one type of change to one water right for up to 1 cfs)	1	\$1,160
2	Types of change proposed: <input checked="" type="checkbox"/> Place of Use <input type="checkbox"/> Character of Use <input checked="" type="checkbox"/> Point of Diversion/Appropriation Number of above boxes checked = <u>2 (2a)</u> Subtract 1 from the number in line 2a = <u>1 (2b)</u> <i>If only one change, this will be 0</i> Multiply line 2b by \$930 and enter » » » » » » » » » » » » » » » »	2	930
3	Number of water rights included in transfer <u>5 (3a)</u> Subtract 1 from the number in 3a above: <u>4 (3b)</u> <i>If only one water right this will be 0</i> Multiply line 3b by \$520 and enter » » » » » » » » » » » » » » » »	3	2080
4	Do you propose to add or change a well, or change from a surface water POD to a well? <input checked="" type="checkbox"/> No: enter 0 » <input type="checkbox"/> Yes: enter \$410 »	4	0
5	Do you propose to change the place of use or character of use? <input type="checkbox"/> No: enter 0 on line 5 » <input checked="" type="checkbox"/> Yes: enter the cfs for the portions of the rights to be transferred (see example below*): <u>.4 (5a)</u> Subtract 1.0 from the number in 5a above: _____ (5b) If 5b is 0 or less, enter 0 on line 5 » If 5b is greater than 0, round up to the nearest whole number: <u>0 (5c)</u> and multiply 5c by \$350, then enter on line 5 » » » » » » » » » »	5	0
6	Add entries on lines 1 through 5 above » » » » » » » » » » Subtotal:	6	
7	Is this transfer: <input type="checkbox"/> necessary to complete a project funded by the Oregon Watershed Enhancement Board (OWEB) under ORS 541.932? <input type="checkbox"/> endorsed in writing by ODFW as a change that will result in a net benefit to fish and wildlife habitat? If one or more boxes is checked, multiply line 6 by 0.5 and enter on line 7 » If no box is applicable, enter 0 on line 7 »	7	
8	Subtract line 7 from line 6 » Transfer Fee:	8	4170

***Example for Line 5a 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 5a would be only 0.56 cfs, since both rights serve the same 45.0 acres. Blank 5b would be 0 and Line 5 would then also become 0.*)

FEE WORKSHEET for SUBSTITUTION			
1	Base Fee (includes change to one well)	1	\$840.00
2	Number of wells included in substitution _____ (2a) Subtract 1 from the number in 2a above: _____ (2b) <i>If only one well this will be 0</i> Multiply line 2b by \$410 and enter » » » » » » » » » » » » » » » »	2	
3	Add entries on lines 1 through 2 above » » » » » » » » » » Fee for Substitution:	3	

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Applicant Information

APPLICANT/BUSINESS NAME ERL MCLAUGHIN		PHONE NO. 541-263-0755	ADDITIONAL CONTACT NO.
ADDRESS 65708 SUNRISE ROAD			FAX NO.
CITY ENTERPRISE	STATE OR	ZIP 97828	E-MAIL SUNRISEIRON@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.
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: POD and POU Transfer water from Big Bend ditch to my land that needs a water right. Also transfer POU only from some ground on my farm served by Lower Alder Slope Ditch.

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

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 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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By my signature below, I confirm that I understand:

- Prior to Department approval of the transfer application, 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: Wallowa County Cheiftain.
- Amendments to the application may only be made in response to the Department's Draft Preliminary Determination (DPD). The applicant will have a period of at least 30 days to amend the application to address any issues identified by the Department in the DPD, or to withdraw the application. Note that amendments may be subject to additional fees, pursuant to ORS 536.050.
- Failure to complete an approved change in place of use and/or change in character of use, will result in loss of the water right (OAR 690-380-6010).

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



ErL McLaughlin
Applicant signature

ERL McLaughlin
Print Name (and Title if applicable)

6/2/2020
Date

Applicant signature

Print Name (and Title if applicable)

Date

Is the applicant the sole owner of the land on which the water right, or portion thereof, proposed for transfer is located? Yes No *If NO, include signatures of all deeded landowners (and mailing and/or e-mail*

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

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Check the following boxes that apply:

- The applicant is responsible for completion of change(s). Notices and correspondence should continue to be sent to the applicant.
- The receiving landowner will be responsible for completing the proposed change(s) after the final order is issued. Copies of notices and correspondence should be sent to this landowner.
- Both the receiving landowner and applicant will be responsible for completion of change(s). Copies of notices and correspondence should be sent to this landowner and the applicant.

At this time, are the lands in this transfer 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: https://www.oregon.gov/owrd/WRDFormsPDF/Transfer_Property_Transactions.pdf

RECEIVING LANDOWNER NAME			PHONE NO.	ADDITIONAL CONTACT NO.
ADDRESS				FAX NO. RECEIVED
CITY	STATE	ZIP	E-MAIL	JUN 05 2020

Describe any special ownership circumstances here: _____

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

IRRIGATION DISTRICT NAME Wallowa Lake Irrigation District	ADDRESS 65196 DOBBIN RD	
CITY JOSEPH	STATE OR	ZIP 97846

- 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 Alder Slope Ditch Company	ADDRESS 65179 Alder Slope Road	
CITY Enterprise	STATE OR	ZIP 97828



To meet State Land Use Consistency Requirements, you must list all county, city, municipal corporation, or tribal governments within whose jurisdiction water will be diverted, conveyed or used.

ENTITY NAME WALLOWA COUNTY PLANNING	ADDRESS 101 SOUTH RIVER STREET	
CITY ENTERPRISE	STATE OR	ZIP 97828

ENTITY NAME	ADDRESS	
CITY	STATE	ZIP

INSTRUCTIONS for editing the Application Form

To add additional lines to tables within the forms or to copy and paste additional Part 5 pages, please **save the application form to your computer**. Unlock the document by using one of the following instructions for your Microsoft Word software version:

Microsoft Word 2003

Unlock the document by one of the following:

- Using the **Tools** menu => click **Unprotect Document**;
- OR
- Using the **Forms** toolbar => click on the **Protect/Unprotect** icon.

To relock the document to enable the checkboxes to work, you will need to:

- Using the **Tools** menu => click **Protect Document**;
- OR
- Using the **Forms** toolbar => click on the **Protect/Unprotect** icon.

Once the application has been unlocked, you may:

- add additional rows to tables using the Table tools, and
- select and copy the pages of Part 5 and paste as many additional sets of Part 5 pages as

Microsoft Word 2007

- Unlock the document by clicking the **Review** tab, then click **Protect Document**, then click **Stop Protect**
- To relock the document, click **Editing Restrictions**, then click **Allow Only This Type of Editing**, select **Filling In Forms** from the drop-down menu, then check **Yes, Start Enforcing Protection**.

Microsoft Word 2010

- Unlock the document by clicking the **Review** tab; toggle the **Restrict Editing** icon at the upper right, then click **Stop Protect** at the bottom right. Then uncheck the "**Allow only this type of editing in the document: Filling in forms**" in the "Editing restrictions" section on the right-hand list of options.
- To relock the document, check the **Editing Restrictions/Allow Only This Type of Editing/Filling In Forms** box from the drop-down menu, then check **Yes, Start Enforcing Protection**. You do not need to assign a password for the editing restrictions.

Other Alternatives:

- Photocopy pages or tables in Part 5, ~~mark through~~ any non-applicable information, insert/attach photocopied pages to document in the appropriate location, and manually amend page numbers as necessary (e.g. Page 5 of 9 10).
- You may refer to additional attachments that you may include, such as separately produced tables or spreadsheets to convey large numbers of rows of place of use listings, owner/property parcels, etc. You may contact the Department at 503-986-0900 and ask for Transfer Staff if you have questions.

Part 5 of 5 – Water Right

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Please use a separate Part 5 for each water right being changed. See instructions on page 6 to copy and paste additional Part 5s or to add

CERTIFICATE # 7716

Description of Water Delivery System

System capacity: ~60 CFS 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. **BIG BEND DIVERTS ~60 CFS. THIS GROUND IS FLOOD FLOOD IRRIGATED BY DITCHES DITRECTLY FROM THE BIG BEND DITCH**

Table 1. Location of Authorized and Proposed Point(s) of Diversion (POD) or Appropriation (POA)

(Note: If the POD/POA name is not specified on the certificate, assign it a name or number here.)

POD/POA Name or Number	Is this POD/POA Authorized on the Certificate or is it Proposed?	If POA, OWRD Well Log ID# (or Well ID Tag # L-___)	Twp		Rng		Sec	¼ ¼		Tax Lot, DLC or Gov't Lot	Measured Distances (from a recognized survey corner)
Big Bend Ditch	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed		2	S	45	E	31	NE	NE		550'SOUTH & 800'WEST FROM THE NE CORNER SECTION 31
Dam	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed		3	S	45	E	5	NE	NW		940'S \$ 1500' E FROM THE NW CORNER SECTION 5
LOWER ALDER SLOPE	<input type="checkbox"/> Authorized <input checked="" type="checkbox"/> Proposed		2	S	44	E	24	SW	NE		390' WEST & 1090' NORTH FROM THE EAST 1/4 CORNER SECTION 24
	<input type="checkbox"/> Authorized <input type="checkbox"/> Proposed										

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

- Place of Use (POU)
- Character of Use (USE)
- Point of Diversion (POD)
- Additional Point of Diversion (APOD)
- Surface Water POD to Ground Water POA (SW/GW)
- Supplemental Use to Primary Use (S to P)
- Point of Appropriation/Well (POA)
- Additional Point of Appropriation (APOA)
- Substitution (SUB)
- Government Action POD (GOV)

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

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

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

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

Table 2. Description of Changes to Water Right Certificate # 7716

List the change proposed for the acreage in each ¼ ¼. If more than one change is proposed, specify the acreage associated with each change.
If there is more than one POD/POA involved in the proposed changes, specify the acreage associated with each POD/POA.

AUTHORIZED (the "from" or "off" lands) The listing that appears on the certificate BEFORE PROPOSED CHANGES List only that part or portion of the water right that will be changed.													Proposed Changes (see "CODES" from previous page)	PROPOSED (the "to" or "on" lands) The listing as it would appear AFTER PROPOSED CHANGES are made.												
Twp	Rng	Sec	¼	¼	Tax Lot	Gvt Lot or DLC	Acres	Type of USE listed on Certificate	POD(s) or POA(s) (name or number from Table 1)	Priority Date	Twp	Rng		Sec	¼	¼	Tax Lot	Gvt Lot or DLC	Acres	New Type of USE	POD(s)/POA(s) to be used (from Table 1)	Priority Date				
EXAMPLE																										
2	S	9	E	15	NE	NW	100		15.0	Irrigation	POD #1 POD #2	1901	POU/POD	2	S	9	E	1	NW	NW	500	1	10.0		POD #5	1901
														2	S	9	E	2	SW	NW	500		5.0		POD #6	1901
2	S	45	E	29	NE	SW	102		10	IRR & DOMESTIC	POD1 DAM	1884	POU & POD	1	S	44	E	33	SW	SW	5800		13.2	IRR	Lower POD2 Alter Slope	1884
2	S	45	E	29	NW	SW	102		5.8	IRR & DOMESTIC	POD1 DAM	1884	POU & POD	"	"	"	"	32	SE	SE	5800		2.6	IRR	Lower POD2 Alter Slope	1884
							TOTAL ACRES:	15.8																TOTAL ACRES:	15.8	

Additional remarks: **C9311 IS LAYERED WITH THIS PRIMARY WATER RIGHT. SEE SEPARATE PART 5.**

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For Place of Use or Character of Use Changes

Are there other water right certificates, water use permits or ground water registrations associated with the "from" or the "to" lands? Yes No

If YES, list the certificate, water use permit, or ground water registration numbers: **C9311 (SUPP), S32669 (SUPP) C2950, .**



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.

For Substitution (ground water supplemental irrigation will be substituted for surface water primary irrigation)

Ground water supplemental Permit or Certificate # _____;
Surface water primary Certificate # _____.

For a change from Supplemental Irrigation Use to Primary Irrigation Use

Identify the primary certificate to be cancelled. Certificate # **C2950,**

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 proposed well(s) that are clearly labeled and associated with the corresponding well(s) in Table 1 above and on the accompanying application map.

Tip: You may search for well logs on the Department's web page at:

http://apps.wrd.state.or.us/apps/gw/well_log/Default.aspx

AND/OR

Describe the construction of the authorized and proposed well(s) in Table 3 for any wells that do not have a well log. For *proposed wells not yet constructed or built*, provide "a best estimate" for each requested information element in the table. The Department recommends you consult a licensed well driller, geologist, or certified water right examiner to assist with assembling the information necessary to complete Table 3.

Table 3. Construction of Point(s) of Appropriation

Any well(s) in this listing must be clearly tied to corresponding well(s) described in Table 1 and shown on the accompanying application map. Failure to provide the information will delay the processing of your transfer application until it is received. The information is necessary for the department to assess whether the proposed well(s) will access the same source aquifer as the authorized point(s) of appropriation (POA). The Department is prohibited by law from approving POA changes that do not access the same source aquifer.

Proposed or Authorized POA Name or Number	Is well already built? (Yes or No)	If an existing well: OWRD Well ID Tag No. L-_____	Total well depth	Casing Diameter	Casing Intervals (feet)	Seal depth(s) (intervals)	Perforated or screened intervals (in feet)	Static water level of completed well (in feet)	Source aquifer (sand, gravel, basalt, etc.)	Well-specific rate (cfs or gpm). If less than full rate of water right

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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

CERTIFICATE # 9311

Description of Water Delivery System

System capacity: **118** 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. **C9311 IS DIVERTED BY MANY DITCHES WITHIN WLID. BIG BEND DITCH DIVERTS ~60 CFS. THIS GROUND IS FLOOD FLOOD IRRIGATED BY DITCHES DITRECTLY FROM THE BIG BEND DITCH. THE POINT OF DIVERSION FOR C9311 IS WALLOWA LAKE DAM, THEREFORE NO POD CHANGE IS NEEDED, JUST POU.**

Table 1. Location of Authorized and Proposed Point(s) of Diversion (POD) or Appropriation (POA)

(Note: If the POD/POA name is not specified on the certificate, assign it a name or number here.)

POD/POA Name or Number	Is this POD/POA Authorized on the Certificate or is it Proposed?	If POA, OWRD Well Log ID# (or Well ID Tag # L-___)	Twp		Rng		Sec	¼ ¼		Tax Lot, DLC or Gov't Lot	Measured Distances (from a recognized survey corner)
1	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed		3	S	45	E	5	NW	NW		940' S & 1500' E FROM THE NW CORNER SECS
	<input type="checkbox"/> Authorized <input type="checkbox"/> Proposed										
	<input type="checkbox"/> Authorized <input type="checkbox"/> Proposed										
	<input type="checkbox"/> Authorized <input type="checkbox"/> Proposed										

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

- Place of Use (POU)
- Character of Use (USE)
- Point of Diversion (POD)
- Additional Point of Diversion (APOD)
- Surface Water POD to Ground Water POA (SW/GW)
- Supplemental Use to Primary Use (S to P)
- Point of Appropriation/Well (POA)
- Additional Point of Appropriation (APOA)
- Substitution (SUB)
- Government Action POD (GOV)

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

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

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

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

Table 2. Description of Changes to Water Right Certificate # 9311

List the change proposed for the acreage in each ¼ ¼. If more than one change is proposed, specify the acreage associated with each change.
If there is more than one POD/POA involved in the proposed changes, specify the acreage associated with each POD/POA.

AUTHORIZED (the "from" or "off" lands) The listing that appears on the certificate BEFORE PROPOSED CHANGES List only that part or portion of the water right that will be changed.													Proposed Changes (see "CODES" from previous page)	PROPOSED (the "to" or "on" lands) The listing as it would appear AFTER PROPOSED CHANGES are made.															
Twp	Rng	Sec	¼ ¼	Tax Lot	Gvt Lot or DLC	Acres	Type of USE listed on Certificate	POD(s) or POA(s) (name or number from Table 1)	Priority Date	Twp	Rng	Sec		¼ ¼	Tax Lot	Gvt Lot or DLC	Acres	New Type of USE	POD(s)/POA(s) to be used (from Table 1)	Priority Date									
EXAMPLE																													
2	S	9	E	15	NE	NW	100		15.0	Irrigation	POD #1 POD #2	1901	POU/POD	2	S	9	E	1	NW	NW	500	1	10.0		POD #5	1901			
2	S	45	E	29	NE	SW	102		10	IRR & DOMESTIC	BIG BEND	1884	POU & POD	1	S	44	E	33	SW	SW	5800		13.2	IRR	LOWER ALDER SLOPE	1884			
2	S	45	E	29	NW	SW	102		5.8	IRR & DOMESTIC	BIG BEND	1884	POU & POD	"	"	"	"	32	SE	SE	5800		2.6	IRR	LOWER ALDER SLOPE	1884			
						TOTAL ACRES:	15.8																TOTAL ACRES:	15.8					

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Additional remarks: C9311 IS SUPPLEMENTAL FROM STORED WATER. NO POD CHANGE IS NEEDED. POU ONLY.

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Please use a separate Part 5 for each water right being changed. See instructions on page 6 to copy and paste additional Part 5s or to add

CERTIFICATE # 48403

Description of Water Delivery System

System capacity: **100** 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. **UPPER ALDER SLOPE DITCH TO DISTRICT DELIVERY, GRAVITY PIPES, SPRINKLERS AND WHEEL LINES ARE IN PLACE.**

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

POD/POA Name or Number	Is this POD/POA Authorized on the Certificate or is it Proposed?	If POA, OWRD Well Log ID# (or Well ID Tag # L-___)	Twp		Rng		Sec		¼ ¼	Tax Lot, DLC or Gov't Lot	Measured Distances (from a recognized survey corner)
1	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed		3	S	45	E	3	NE	NE		SOUTH 76 DEGREES 02 MINUTES WEST 49 FEET FROM THE NE CORNER SECTION 3
	<input type="checkbox"/> Authorized <input type="checkbox"/> Proposed										
	<input type="checkbox"/> Authorized <input type="checkbox"/> Proposed										
	<input type="checkbox"/> Authorized <input type="checkbox"/> Proposed										

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

- Place of Use (POU)
- Character of Use (USE)
- Point of Diversion (POD)
- Additional Point of Diversion (APOD)
- Surface Water POD to Ground Water POA (SW/GW)
- Supplemental Use to Primary Use (S to P)
- Point of Appropriation/Well (POA)
- Additional Point of Appropriation (APOA)
- Substitution (SUB)
- Government Action POD (GOV)

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

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

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

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

Table 2. Description of Changes to Water Right Certificate # 48403

List the change proposed for the acreage in each ¼ ¼. If more than one change is proposed, specify the acreage associated with each change.
If there is more than one POD/POA involved in the proposed changes, specify the acreage associated with each POD/POA.

AUTHORIZED (the "from" or "off" lands) The listing that appears on the certificate BEFORE PROPOSED CHANGES List only that part or portion of the water right that will be changed.													Proposed Changes (see "CODES" from previous page)	PROPOSED (the "to" or "on" lands) The listing as it would appear AFTER PROPOSED CHANGES are made.												
Twp	Rng	Sec	¼	¼	Tax Lot	Gvt Lot or DLC	Acres	Type of USE listed on Certificate	POD(s) or POA(s) (name or number from Table 1)	Priority Date	Twp	Rng		Sec	¼	¼	Tax Lot	Gvt Lot or DLC	Acres	New Type of USE	POD(s)/POA(s) to be used (from Table 1)	Priority Date				
EXAMPLE																										
2	S	9	E	15	NE	NW	100		15.0	Irrigation	POD #1 POD #2	1901	POU/POD	2	S	9	E	1	NW	NW	500	1	10.0		POD #5	1901
														2	S	9	E	2	SW	NW	500		5.0		POD #6	1901
2	S	44	E	5	NE	NE	1300		1.3	IRR & DOMESTIC		1909	POU	1	S	44	E	33	SW	SW	5800		5	IRR		1909
2	S	45	E	5	SE	NE	1300		3.7	IRR & DOMESTIC		1909	POU													
TOTAL ACRES:								5						TOTAL ACRES:								5				

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Additional remarks: _____

For Place of Use or Character of Use Changes

Are there other water right certificates, water use permits or ground water registrations associated with the "from" or the "to" lands? Yes No

If YES, list the certificate, water use permit, or ground water registration numbers: **9045, 9046**.



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.

For Substitution (ground water supplemental irrigation will be substituted for surface water primary irrigation)

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Ground water supplemental Permit or Certificate # _____;

Surface water primary Certificate # _____.

For a change from Supplemental Irrigation Use to Primary Irrigation Use

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Identify the primary certificate to be cancelled. Certificate # _____

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 proposed well(s) that are clearly labeled and associated with the corresponding well(s) in Table 1 above and on the accompanying application map.

Tip: You may search for well logs on the Department's web page at:

http://apps.wrd.state.or.us/apps/gw/well_log/Default.aspx

AND/OR

Describe the construction of the authorized and proposed well(s) in Table 3 for any wells that do not have a well log. For *proposed wells not yet constructed or built*, provide "a best estimate" for each requested information element in the table. The Department recommends you consult a licensed well driller, geologist, or certified water right examiner to assist with assembling the information necessary to complete Table 3.

Table 3. Construction of Point(s) of Appropriation

Any well(s) in this listing must be clearly tied to corresponding well(s) described in Table 1 and shown on the accompanying application map. Failure to provide the information will delay the processing of your transfer application until it is received. The information is necessary for the department to assess whether the proposed well(s) will access the same source aquifer as the authorized point(s) of appropriation (POA). The Department is prohibited by law from approving POA changes that do not access the same source aquifer.

Proposed or Authorized POA Name or Number	Is well already built? (Yes or No)	If an existing well: OWRD Well ID Tag No. L-_____	Total well depth	Casing Diameter	Casing Intervals (feet)	Seal depth(s) (intervals)	Perforated or screened intervals (in feet)	Static water level of completed well (in feet)	Source aquifer (sand, gravel, basalt, etc.)	Well-specific rate (cfs or gpm). If less than full rate of water right

Please use a separate Part 5 for each water right being changed. See instructions on page 6 to copy and paste additional Part 5s or to add

CERTIFICATE # 9045

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Description of Water Delivery System

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System capacity: ~20 cubic feet per second (cfs) OR
 _____ gallons per minute (gpm)

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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. **LOWER ALDER SLOPE DITCH TO DISTRICT DELIVERY, GRAVITY PIPES, SPRINKLERS AND WHEEL LINES ARE IN PLACE.**

Table 1. Location of Authorized and Proposed Point(s) of Diversion (POD) or Appropriation (POA)

(Note: If the POD/POA name is not specified on the certificate, assign it a name or number here.)

POD/POA Name or Number	Is this POD/POA Authorized on the Certificate or is it Proposed?	If POA, OWRD Well Log ID# (or Well ID Tag # L-___)	Twp	Rng	Sec	1/4	1/4	Tax Lot, DLC or Gov't Lot	Measured Distances (from a recognized survey corner)
	<input type="checkbox"/> Authorized <input type="checkbox"/> Proposed								
	<input type="checkbox"/> Authorized <input type="checkbox"/> Proposed								
	<input type="checkbox"/> Authorized <input type="checkbox"/> Proposed								
	<input type="checkbox"/> Authorized <input type="checkbox"/> Proposed								

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

- Place of Use (POU)
- Character of Use (USE)
- Point of Diversion (POD)
- Additional Point of Diversion (APOD)
- Surface Water POD to Ground Water POA (SW/GW)
- Supplemental Use to Primary Use (S to P)
- Point of Appropriation/Well (POA)
- Additional Point of Appropriation (APOA)
- Substitution (SUB)
- Government Action POD (GOV)

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

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

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

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

Table 2. Description of Changes to Water Right Certificate # 9045

List the change proposed for the acreage in each ¼ ¼. If more than one change is proposed, specify the acreage associated with each change.
If there is more than one POD/POA involved in the proposed changes, specify the acreage associated with each POD/POA.

AUTHORIZED (the "from" or "off" lands) The listing that appears on the certificate BEFORE PROPOSED CHANGES List only that part or portion of the water right that will be changed.													Proposed Changes (see "CODES" from previous page)	PROPOSED (the "to" or "on" lands) The listing as it would appear AFTER PROPOSED CHANGES are made.																	
Twp	Rng	Sec	¼	¼	Tax Lot	Gvt Lot or DLC	Acre	Type of USE listed on Certificate	POD(s) or POA(s) (name or number from Table 1)	Priority Date	Twp	Rng		Sec	¼	¼	Tax Lot	Gvt Lot or DLC	Acre	New Type of USE	POD(s)/POA(s) to be used (from Table 1)	Priority Date									
EXAMPLE																															
2	S	9	E	15	NE	NW	100		15.0	Irrigation	POD #1 POD #2	1901	POU/POD	2	S	9	E	1	NW	NW	500	1	10.0		POD #5	1901					
														2	S	9	E	2	SW	NW	500		5.0		POD #6	1901					
2	S	44	E	4	NE	NE	1300		1.3	Supp Irr		1924	POU	1	S	44	E	33	SW	SW	5800		4.3	Supp Irr		1924					
2	S	45	E	4	NW	SW	102		1.5	Supp Irr		1924	POU																		
							TOTAL ACRES:	2.8																TOTAL ACRES:	2.8						

Additional remarks: _____.

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For Place of Use or Character of Use Changes

Are there other water right certificates, water use permits or ground water registrations associated with the "from" or the "to" lands? Yes No

If YES, list the certificate, water use permit, or ground water registration numbers: C9046, 48403.



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.

For Substitution (ground water supplemental irrigation will be substituted for surface water primary irrigation)

Ground water supplemental Permit or Certificate # _____;

Surface water primary Certificate # _____.

For a change from Supplemental Irrigation Use to Primary Irrigation Use

Identify the primary certificate to be cancelled. Certificate # _____

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 proposed well(s) that are clearly labeled and associated with the corresponding well(s) in Table 1 above and on the accompanying application map.

Tip: You may search for well logs on the Department's web page at:

http://apps.wrd.state.or.us/apps/gw/well_log/Default.aspx

AND/OR

Describe the construction of the authorized and proposed well(s) in Table 3 for any wells that do not have a well log. For *proposed wells not yet constructed or built*, provide "a best estimate" for each requested information element in the table. The Department recommends you consult a licensed well driller, geologist, or certified water right examiner to assist with assembling the information necessary to complete Table 3.

Table 3. Construction of Point(s) of Appropriation

Any well(s) in this listing must be clearly tied to corresponding well(s) described in Table 1 and shown on the accompanying application map. Failure to provide the information will delay the processing of your transfer application until it is received. The information is necessary for the department to assess whether the proposed well(s) will access the same source aquifer as the authorized point(s) of appropriation (POA). The Department is prohibited by law from approving POA changes that do not access the same source aquifer.

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

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Please use a separate Part 5 for each water right being changed. See instructions on page 6 to copy and paste additional Part 5s or to add

CERTIFICATE # 9046

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Description of Water Delivery System

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System capacity: ~20 cubic feet per second (cfs) OR

_____ gallons per minute (gpm)

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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. **LOWER ALDER SLOPE DITCH TO DISTRICT DELIVERY, GRAVITY PIPES, SPRINKLERS AND WHEEL LINES ARE IN PLACE.**

Table 1. Location of Authorized and Proposed Point(s) of Diversion (POD) or Appropriation (POA)

(Note: If the POD/POA name is not specified on the certificate, assign it a name or number here.)

POD/POA Name or Number	Is this POD/POA Authorized on the Certificate or is it Proposed?	If POA, OWRD Well Log ID# (or Well ID Tag # L-___)	Twp		Rng		Sec	¼ ¼		Tax Lot, DLC or Gov't Lot	Measured Distances (from a recognized survey corner)
1	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed		2	S	44	E	24	SW	NE		390' WEST & 1090'N FROM THE EAST 1/4 CORNER SECTION 24
	<input type="checkbox"/> Authorized <input type="checkbox"/> Proposed										
	<input type="checkbox"/> Authorized <input type="checkbox"/> Proposed										
	<input type="checkbox"/> Authorized <input type="checkbox"/> Proposed										

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

- Place of Use (POU)
- Character of Use (USE)
- Point of Diversion (POD)
- Additional Point of Diversion (APOD)
- Surface Water POD to Ground Water POA (SW/GW)
- Supplemental Use to Primary Use (S to P)
- Point of Appropriation/Well (POA)
- Additional Point of Appropriation (APOA)
- Substitution (SUB)
- Government Action POD (GOV)

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

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

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

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

Table 2. Description of Changes to Water Right Certificate # 9046

List the change proposed for the acreage in each ¼ ¼. If more than one change is proposed, specify the acreage associated with each change.
If there is more than one POD/POA involved in the proposed changes, specify the acreage associated with each POD/POA.

AUTHORIZED (the "from" or "off" lands) The listing that appears on the certificate BEFORE PROPOSED CHANGES List only that part or portion of the water right that will be changed.											Proposed Changes (see "CODES" from previous page)	PROPOSED (the "to" or "on" lands) The listing as it would appear AFTER PROPOSED CHANGES are made.														
Twp	Rng	Sec	¼	¼	Tax Lot	Gvt Lot or DLC	Acre	Type of USE listed on Certificate	POD(s) or POA(s) (name or number from Table 1)	Priority Date		Twp	Rng	Sec	¼	¼	Tax Lot	Gvt Lot or DLC	Acre	New Type of USE	POD(s)/ POA(s) to be used (from Table 1)	Priority Date				
EXAMPLE																										
2	S	9	E	15	NE	NW	100		15.0	Irrigation	POD #1 POD #2	1901	POU/POD	2	S	9	E	1	NW	NW	500	1	10.0		POD #5	1901
														2	S	9	E	2	SW	NW	500		5.0		POD #6	1901
2	S	44	E	4	NE	NE	1300		1.3	Supp Irr		1925	POU	1	S	44	E	33	SW	SW	5800		3.8	Supp Irr		1925
2	S	45	E	4	NW	SW	102		1.5	Supp Irr		1925	POU													
									TOTAL ACRES:	2.8												TOTAL ACRES:	2.8			

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Additional remarks: _____

For Place of Use or Character of Use Changes

Are there other water right certificates, water use permits or ground water registrations associated with the "from" or the "to" lands? Yes No

If YES, list the certificate, water use permit, or ground water registration numbers: C9045, 48403.



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.

For Substitution (ground water supplemental irrigation will be substituted for surface water primary irrigation)

Ground water supplemental Permit or Certificate # _____;

Surface water primary Certificate # _____.

For a change from Supplemental Irrigation Use to Primary Irrigation Use

Identify the primary certificate to be cancelled. Certificate # _____

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 proposed well(s) that are clearly labeled and associated with the corresponding well(s) in Table 1 above and on the accompanying application map.

Tip: You may search for well logs on the Department's web page at:

http://apps.wrd.state.or.us/apps/gw/well_log/Default.aspx

AND/OR

Describe the construction of the authorized and proposed well(s) in Table 3 for any wells that do not have a well log. For *proposed wells not yet constructed or built*, provide "a best estimate" for each requested information element in the table. The Department recommends you consult a licensed well driller, geologist, or certified water right examiner to assist with assembling the information necessary to complete Table 3.

Table 3. Construction of Point(s) of Appropriation

Any well(s) in this listing must be clearly tied to corresponding well(s) described in Table 1 and shown on the accompanying application map. Failure to provide the information will delay the processing of your transfer application until it is received. The information is necessary for the department to assess whether the proposed well(s) will access the same source aquifer as the authorized point(s) of appropriation (POA). The Department is prohibited by law from approving POA changes that do not access the same source aquifer.

Proposed or Authorized POA Name or Number	Is well already built? (Yes or No)	If an existing well: OWRD Well ID Tag No. L-_____	Total well depth	Casing Diameter	Casing Intervals (feet)	Seal depth(s) (intervals)	Perforated or screened intervals (in feet)	Static water level of completed well (in feet)	Source aquifer (sand, gravel, basalt, etc.)	Well-specific rate (cfs or gpm). If less than full rate of water right

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13459 -

Application for Water Right Transfer Consent by Deeded Landowner



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

State of Oregon)
)ss
County of Wallowa)

I, Jean Story, in my capacity as Manager of Wilfred-Sandra Daggett Properties, LLC ,
mailing address PO Box D Enterprise, OR ,
telephone number 541-432-9580, duly sworn depose and say that
consent to the proposed change(s) to Water Right Certificate Number 7716
described in a Transfer Application (T-) submitted by Erl McLaughin,
(transfer number, if known)
on the property in tax lot number(s) 102, Section 29, Township 2S, Range 45E, W.M.,
located at East Street and Daggett Lane.
(site address)

Jean Story
Signature of Affiant

Date 5/20/2020

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Signature of Affiant

Date _____ OWRD

Subscribed and Sworn to before me this 20th day of May, 2020.



Mari Katharine Miller
Notary Public for Oregon

My commission expires March 30, 2024

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 WALLOWA)

I, JEAN STORY, in my capacity as MANGAGER OF WILFRED-SANDRA DAGGETT PROPERTIES LLC,
 mailing address PO BOX D, ENTERPRISE, OR 97828
 telephone number (541)432-9580, being first duly sworn depose and say:

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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)
7716	2	S	45	E	wm	29	NW	SW		5.8
7716	"	"	"	"	"	"	NE	SW		10.0

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 # ____ (For Historic POD/POA Transfers)

(continues on reverse side)

13459 -

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.

Jan Storz
Signature of Affiant

5/20/2020
Date

Signed and sworn to (or affirmed) before me this 20th day of May, 2020.



Mari Katharine Miller
Notary Public for Oregon

My Commission Expires: March 30, 2024

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 checked="" type="checkbox"/> Aerial photos containing sufficient detail to establish location and date of photograph	<p>Multiple photos can be submitted to resolve different areas of a water right. If the photograph does not print with a “date stamp” or without the source being identified, the date of the photograph and source should be added.</p> <p>Sources for aerial photos: OSU – www.oregonexplorer.info/imagery OWRD – www.wrd.state.or.us Google Earth – earth.google.com TerraServer – www.terraserver.com</p>
<input type="checkbox"/> Approved Lease establishing beneficial use within the last 5 years	Copy of instream lease or lease number

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**AGREEMENT TO FURNISH WATER
(McLaughlin)**

This Agreement (this "Agreement") to furnish water, effective the 26 day of May, 2020, (the "Effective Date"), is entered into between WALLOWA LAKE IRRIGATION DISTRICT, an Oregon irrigation district formed under the provisions under ORS Chapter 545 ("WLID") and ERL McLAUGHLIN ("McLaughlin").

RECITALS

A. WHEREAS, WLID owns the Wallowa Lake Dam (the "Dam"), which is located at the North end of Wallowa Lake/Eagle Cap Reservoir ("Wallowa Lake") in Wallowa County, Oregon, and which allows for the storage of water in Wallowa Lake.

B. WHEREAS, WLID has a right to use the waters of Wallowa Lake under water rights Certificate Number 9311 issued by the Oregon Water Resources Department (the "Department") for the purposes of irrigation, domestic and supplemental irrigation, with a priority date of July 20, 1915, in an amount not to exceed 118.0 cubic feet per second ("Certificate 9311").

C. WHEREAS, the lands that may be irrigated under Certificate 9311 for purposes of supplemental irrigation (among other lands), include lands located in Township 2 South, Range 45 East, Section 29, NE¼SW¼ and NW¼SW¼, Tax Lot 102 ("Tax Lot 102").

D. WHEREAS, Tax Lot 102 has an appurtenant primary water for irrigation purposes under Certificate Number 7716 issued by the Department.

E. WHEREAS, Tax Lot 102 is located outside the boundaries of WLID, but is irrigable from WLID's system of works.

F. WHEREAS, McLaughlin owns lands outside the boundaries of WLID, but which are irrigated from WLID's system of works and which are described as Township 1 South, Range 44 East, Section 32 and 33, Tax Lot 5800 ("McLaughlin Property").

G. WHEREAS, McLaughlin desires to submit an application to the Department for a permanent transfer of the primary and supplemental water rights described in the foregoing recitals on 15.8 acres from Tax Lot 102 to the McLaughlin Property as represented in Exhibit A attached hereto and incorporated herein by reference.

H. WHEREAS, WLID is authorized under ORS 545.271 to furnish water for lands not included within the district boundaries upon receiving proper compensation and WLID is willing to furnish water so that McLaughlin may irrigate 15.8 acres of the McLaughlin property upon final approval by the Department of the permanent water rights transfer application.

I. WHEREAS, subject to the terms and conditions of this Agreement, WLID consents to transfer of the above-described water rights from Tax Lot 102 to the McLaughlin Property.

Now, therefore, for good and valuable consideration, the receipt and adequacy of which is hereby acknowledged, the parties agree as follows:

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AGREEMENT

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1. **Incorporation of Recitals.** The Recitals above are true and are incorporated into this Agreement as if fully set forth herein.

2. **Delivery and Furnishing of Water.**

2.1 **Water Delivery.** Pursuant to the terms of Certificate 9311, WLID will furnish water from Wallowa Lake for the primary and supplemental irrigation of 15.8 acres of the McLaughlin Property in the location depicted generally in Exhibit A attached hereto, which shall be subject to reduction, rationing, and suspension pursuant to Section 2.5.1 ("McLaughlin Water").

2.2 **Furnishing of McLaughlin Water; Point of Diversion.** So long as McLaughlin has acquired and thereafter maintains a valid and effective water right to use the McLaughlin Water, WLID agrees to furnish the McLaughlin Water each year from Wallowa Lake by delivering the same into the Wallowa River. McLaughlin is solely responsible for the transmission (including, but not limited to, the acquisition of any necessary easements) of the McLaughlin Water from the Wallowa River to the place of use and will bear all related costs liabilities and obligations. McLaughlin will ensure that its water intake and delivery system comply with all applicable laws and regulations. Should McLaughlin wish to change the point of diversion or the place of use of the McLaughlin Water, McLaughlin shall be solely responsible for all costs associated with such changes, including but not limited to securing Department approvals, which changes must not adversely affect WLID members or the obligations of WLID under this Agreement.

2.3 **Disclaimer of Warranty; Indemnification.** WLID DOES NOT GUARANTEE THE QUALITY OF THE MCLAUGHLIN WATER, AND WLID IS NOT RESPONSIBLE FOR ANY WATER QUALITY TESTING ANALYSIS OR IMPROVEMENT. WLID HEREBY DISCLAIMS ANY WARRANTY, EXPRESS OR IMPLIED, INCLUDING WITHOUT LIMITATION ANY WARRANTY OF FITNESS FOR A PARTICULAR PURPOSE RELATING TO THE QUALITY OF THE WATER STORED AND RELEASED HEREUNDER. ALL WATER IS STORED AND RELEASED HEREUNDER 'AS IS' AND WITH ALL FAULTS.

2.4 **Indemnification.** McLaughlin, his employees, successors, and assigns hereby release and agree to indemnify, defend and hold harmless WLID, its officers, directors and District members from and against any claims, losses, liabilities and damages (including without limitation reasonable attorney fees) arising out of or in any way relating to: (a) any breach of McLaughlin's obligations pursuant to this Agreement, and (b) McLaughlin's actions related to its diversion and use of the McLaughlin Water or any other water used by McLaughlin from the Wallowa River. McLaughlin's duty to indemnify WLID applies only to claims arising from or related to the period of time that McLaughlin owns the McLaughlin Property. Subsequent owners/assigns of the McLaughlin Property that receive or wish to receive McLaughlin Water shall be subject to the terms of this Agreement and agree, as a condition of receiving the McLaughlin Water, to the same indemnification provided by McLaughlin.

Except as set forth herein, WLID shall indemnify, defend and hold harmless McLaughlin and his employees, successors and assigns from and against any claims, losses, liabilities and damages (including without limitation reasonable attorney fees) arising out of or in any way relating to: (a) the maintenance, use and operation of its system of works; and (b) WLID's release of water to the point of entry into the Wallowa River.

JUN 05 2020

2.5 Rationing and Suspension of McLaughlin Water

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2.5.1 Rationing in the Event of Shortfall, Drought, or Emergency. In the event of a water shortfall, drought or other emergency, or any other unforeseen event beyond the reasonable control of WLID or in the event of a reduction by the Department in the amount of water which may be used pursuant to Certificate 9311, the McLaughlin Water will be rationed according to his existing water rights of record with the Department and McLaughlin will not demand release of the full amount that WLID will furnish pursuant to this Agreement, whether by seeking damages or injunction or by pursuing any administrative process unless otherwise mutually agreed to in writing by all affected parties including without limitation any affected District member.

2.5.2 Suspension of Storage and Delivery During Dam Maintenance, Repair and Restoration. By his signature below, McLaughlin expressly acknowledges and agrees that he fully understands that WLID intends to maintain, repair and replace sections of the Dam that might affect its ability to store water in Wallowa Lake and which, in turn, could affect its ability to release water for an unknown period of time under this Agreement. WLID will use commercially reasonable efforts to perform such maintenance, repair and replacement in such a manner that will minimize any disruption in the storage and release of the McLaughlin Water. McLaughlin expressly acknowledges and agrees that WLID's obligations hereunder shall be suspended for the time and to extent required as necessary for WLID to maintain, repair, replace, and/or rehabilitate all or any portion of the Dam and that the failure of WLID to release the McLaughlin Water during such time period(s) will not constitute or result in a breach of this Agreement.

2.6 Restriction on Transfer of Water Right. McLaughlin and/or any successor shall be prohibited from transferring the McLaughlin Water to any property other than the McLaughlin Property without the express written consent of WLID, which may be granted or denied in WLID's sole discretion.

3. Term. The term of this Agreement shall be perpetual, unless sooner terminated as hereinafter provided or unless Certificate 9311 or McLaughlin's water right is cancelled or modified by the Department in a manner that makes WLID's performance hereunder impracticable, impossible, commercially unreasonable, or unlawful.

4. Annual Assessment.

4.1 Annual Assessment. McLaughlin shall pay an annual assessment, together with any applicable service charge, for the McLaughlin Water, which assessment shall be determined each year by a majority vote of WLID's Board of Directors in accordance with ORS 545.484 and such other applicable provisions of ORS Chapter 545 (the "Annual Assessment").

4.2 Payment of Annual Assessment. Payment of the Annual Assessment and service charge shall be due each year on or before May 1 or such other date established by WLID's Board of Directors. Water will be furnished in accordance with this Agreement so long as the applicable Annual Assessment payment has been made. The Annual Assessment shall be payable at the address of the WLID Secretary/Treasurer, which information shall be provided in the notice of Annual Assessment provided to McLaughlin.

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5. Termination; Other Remedies.

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5.1 Termination by WLID. This Agreement may be terminated by WLID upon 30 days' written notice, with a 30-day opportunity to cure, for one or more of the following reasons:

5.1.1 the termination or cancellation, in whole or in part, by the Department of Certificate 9311 or the termination or cancellation by the Department of McLaughlin's water right;

5.1.2 the failure by McLaughlin to timely pay the Annual Assessment as set forth in Section 4; or

5.1.3 the failure by McLaughlin to comply with any other provision of this Agreement.

5.2 Partial Cancellation of McLaughlin's Water Right. Where McLaughlin's water right is limited, reduced, partially cancelled or terminated by the Department, WLID's obligation to furnish McLaughlin with the McLaughlin Water shall be reduced in proportion to the Department's reduction in McLaughlin's Water right.

5.3 Other Remedies. In the event that WLID fails to perform any material obligation hereunder within thirty (30) days following notice from McLaughlin, McLaughlin shall have as his sole and exclusive remedies the following options: (i) specific performance of the terms of this Agreement, or (ii) termination of this Agreement, with a pro rata refund of any payment of his latest Annual Assessment. McLaughlin expressly agrees that such remedies are suitable and adequate and that he is waiving all other remedies at law or in equity including, without limitation, the right to sue for damages or a preliminary or permanent injunction.

5.4 Effect of Termination. If this Agreement is terminated as set forth above, this Agreement shall be of no further effect.

5.5 No Consequential or Other Special Damages. In no event shall any party hereto be liable for any consequential or other special damages in connection with this Agreement.

6. Binding Agreement. Subject to the limitation on assignment in Section 8 below, this Agreement shall be binding upon the parties their heirs, successors and assigns. It shall be the sole responsibility of McLaughlin to inform any purchaser or subsequent owner of his property as to the contents of this Agreement.

7. Force majeure. No party shall be liable for any failure to perform its obligations under this Agreement where such failure is caused by conditions beyond its control including, but not limited to, Acts of Nature (including but not limited to fire, flood, storm, hurricane, drought, or other natural disaster), government restriction (whether federal, state or local), war, invasion, act of foreign enemies, hostilities, vandalism, pandemic or labor dispute.

8. Assignment. McLaughlin may not assign his obligations and/or benefits under this Agreement without the express written consent of WLID, which consent shall not be unreasonably withheld. Specifically, the parties agree that WLID shall consent to an assignment to a buyer or tenant of the McLaughlin Property so long as the buyer or tenant provides WLID with written acknowledgement and acceptance of this Agreement. Upon assignment, any subsequent owner(s) or tenants of the

McLaughlin Property will be entitled to and obligated by the rights, privileges and obligations of McLaughlin set forth in this Agreement.

9. No Agency Relationship. This Agreement does not create an agency relationship between the parties hereto and does not establish a joint venture or partnership between the parties. Neither party is authorized to bind the other party or represent to any person that the party is an agent of the other.

10. Counterparts. This Agreement may be signed in counterparts.

11. Waivers and Modifications. No waiver or modification of this Agreement shall be binding unless made explicitly in writing and signed by a duly authorized representative of each party. Failure or delay of a party to require performance of any provision of this Agreement shall in no way affect a party's rights to enforce strict compliance with every term or condition of this Agreement, nor shall any waiver by a party of any breach of any provision of this Agreement be held to be a waiver of any succeeding breach of any provision, or as a waiver of the provision itself.

12. Disputes. The rights and obligations of each Party pursuant to this Agreement shall be governed by the laws of the State of Oregon; and venue for the resolution of disputes shall be Wallowa County, Oregon.

13. Attorney fees If suit or action arises out of this Agreement, the prevailing party shall be entitled to recover in addition to costs such sum as the court may adjudge reasonable as attorney fees in arbitration, at trial, on petition for review, and on appeal.

14. Severability. If any court, arbitrator, or arbitration panel finds any provision of this Agreement to be invalid or otherwise unenforceable, that provision will be void to the extent it is contrary to applicable law. However, that finding will not affect the validity of any other provision of this Agreement, and the rest of this Agreement will remain in full force and effect.

15. Entire Agreement and Interpretation.

15.1 Each person signing on behalf of a party represents and warrants that he/she has full authority to do so on behalf of such party and that this Agreement is binding upon said party.

15.2 This is the entire Agreement between the parties regarding the subject matter hereof and supersedes any other prior or contemporaneous agreements or understandings on this subject between the Parties with respect to the subject matter hereof.

15.3 All headings in this Agreement are inserted for convenience or reference only and shall not affect its meaning or interpretation. To the extent captions or paragraph headings are in conflict with the terms herein, the terms shall control.

15.4 The parties hereby agree that the terms of this Agreement are the product of their mutual negotiations, and any ambiguity in such terms is not to be construed against the Party deemed to be the drafter of the Agreement.

16. Notices. Unless specified otherwise herein, any notice required or permitted under this Agreement shall be given when actually delivered or 48 hours after deposited in United States mail as **RECEIVED JUN 05 2020**

certified mail, postage paid, with a return receipt requested, or one (1) business day after delivery by overnight delivery by a generally accepted delivery service such as Federal Express, addressed to the address below or to such other address as may be specified from time to time by either of the parties in writing.

All notices to WLID shall be sent to:

Wallowa Lake Irrigation District
65196 Dobbin Rd.
Joseph, OR 97846
Attn: Joe Dawson

with a copy to:

Knapp Law Office, P.C.
PO Box 236
Enterprise, OR 97828
Attn: Rebecca J. Knapp

All notices to McLaughlin shall be sent to:

Erl McLaughlin
65708 Sunrise Road
Enterprise, OR 97828

WHEREAS, the parties have entered into this Agreement effective as of the Effective Date first stated above.

**WALLOWA LAKE IRRIGATION DISTRICT,
an Oregon Irrigation District formed
under the provisions of ORS Chapter 545**

By: Dan Butterfield
Dan Butterfield, President

Erl McLaughlin
ERL MCLAUGHLIN

By: Joe Dawson, Secretary
Joe Dawson, Secretary

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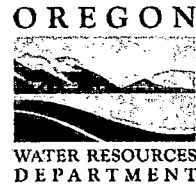
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Supplemental Form D

Water Right Transfers Within the Boundaries of or Served by an Irrigation District or other Water Supplier (Association, Ditch Co., etc.)

[For transfers submitted under OAR Chapter 690 Division 380]



Oregon Water Resources Department
 725 Summer Street NE, Suite A
 Salem, Oregon 97301-1266
 503-986-0900
 www.oregon.gov/OWRD

The Department requires non-district applicants to communicate with districts/water suppliers during the planning and preparation of transfer applications involving water rights having a point of diversion or appropriation (POD/POA) or place of use (POU) served by or located within the boundaries of an irrigation district, or other type of water supplier to which assessments are paid. In some cases consent will be required from the district or water supplier.

This form must be included with any transfer application that involves rights served by or located within the boundaries of a district or other type of water supplier.

1. APPLICANT INFORMATION

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NAME ERL MCCLAUGHLIN		PHONE (HM) 541-263-0755	
PHONE (WK)	CELL	FAX	
ADDRESS 65708 SUNRISE RD			
CITY ENTERPRISE	STATE OR	ZIP 97828	E-MAIL** SUNRISEIRON@EONI.COM

2. DISTRICT OR WATER SUPPLIER INFORMATION

DISTRICT/WATER SUPPLIER NAME ALDER SLOPE DITCH COMPANY		PHONE (HM) 541-263-0721	
PHONE (WK)	CELL	FAX 541-426-5915	
ADDRESS 65179 Alder Slope Road			
CITY Enterprise OR	STATE OR	ZIP 97828	E-MAIL** CWillis@EONI.COM

** By providing an e-mail address, the applicant and/or the district/water supplier consents to receive all correspondence from the Department electronically. Copies of final order documents will also be mailed.

3. WATER RIGHTS ISSUED IN THE NAME OF, or LOCATED WITHIN, or SERVED BY AN IRRIGATION DISTRICT, OTHER DISTRICT, OR WATER SUPPLIER

a. List the water right(s) involved in this transfer:

	Application / Decree	Permit / Previous Transfer	Certificate	Is the water right in the name of a district, water supplier, or BOR*?
1.		-	7716	YES <input checked="" type="checkbox"/>
2.		-	9311	YES <input checked="" type="checkbox"/>
3.		-	9045 & 9046	YES <input checked="" type="checkbox"/>

Attach additional pages for additional water rights if necessary.

*Bureau of Reclamation

b. Determine a district's/water supplier's connection to your points of diversion (POD) or appropriation (POA) and places of use (POU). [You may need to consult with your district/water supplier.]

CURRENT ASSOCIATIONS Please answer the following "yes" or "no" questions:

YES NO One or more of the current POD(s) / POA(s) involved in the transfer are served by a district/water supplier or rely on BOR water.

YES NO All or a portion of the current POU involved in this proposed transfer receives water for either primary or supplemental irrigation from the district/water supplier; i.e., the POU is currently layered with a district or BOR water supplied water right(s).

PROPOSED ASSOCIATIONS Please answer the following "yes" or "no" questions:

YES NO One or more of the proposed POD(s) / POA(s) involved in the transfer are currently served or will be served by a district/water supplier if the transfer is approved, or rely on BOR water.

YES NO All or a portion of the proposed POU involved in this proposed transfer currently receives or will receive either primary or supplemental irrigation from the district/water supplier; i.e., the POU will be layered with a district/water supplier or BOR water supplied water right(s).

COMMENTS OR ADDITIONAL INFORMATION TRANSFER FROM LANDS THAT RECEIVE WATER VIA WLID, BUT NOT WITHIN THE WLID BOUNDARY, TO LANDS THAT ARE WITHIN THE SERVICE AREA OF ALDER SLOPE DITCH COMPANY

4. APPLICANT'S SIGNATURE

(1) I certify that I have notified the district/water supplier about the proposed water right transfer application by [check one]:
 email, phone, postal mail, in person, or other (please specify) _____

(2) I certify that to the best of my knowledge the information contained in this Supplemental Form D is true and accurate.

Erl McLaughlin
Applicant Signature

Erl McLaughlin
Name (print)

May 6/2020
Date

5. (WHEN REQUIRED) DISTRICT or WATER SUPPLIER CONSENT TO THE PROPOSED WATER RIGHT TRANSFER

District Manager or Water Supplier consent is required if any box on this form is marked "YES."

The district/water supplier certifies the following:

- (1) The district/water supplier has reviewed the applicant's proposed water right transfer application and maps; and
- (2) The district/water supplier consents to the proposed water right transfer application.

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YES NO

After proof of completion, the confirming water right certificate is to remain in the name of the U.S. Bureau of Reclamation or the district/water supplier.

YES NO

The district/water supplier will be responsible for submitting the claim of beneficial use prepared by a Certified Water Rights Examiner (CWRE).

Craig Willis / Alder Slope Ditch Craig Willis President 5/6/20
Signature of District Manager / Water Supplier Name (print), Title Date

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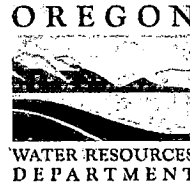
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Supplemental Form D

Water Right Transfers Within the Boundaries of or Served by an Irrigation District or other Water Supplier (Association, Ditch Co., etc.)

[For transfers submitted under OAR Chapter 690 Division 380]



Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, Oregon 97301-1266
503-986-0900
www.oregon.gov/OWRD

The Department requires non-district applicants to communicate with districts/water suppliers during the planning and preparation of transfer applications involving water rights having a point of diversion or appropriation (POD/POA) or place of use (POU) served by or located within the boundaries of an irrigation district, or other type of water supplier to which assessments are paid. In some cases consent will be required from the district or water supplier.

This form must be included with any transfer application that involves rights served by or located within the boundaries of a district or other type of water supplier.

1. APPLICANT INFORMATION

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NAME ERL MCCLAUGHLIN		JUN 05 2020		PHONE (HM) 541-263-0755
PHONE (WK)	CELL		FAX	
ADDRESS 65708 SUNRISE RD				
CITY ENTERPRISE	STATE OR	ZIP 97828	E-MAIL** SUNRISEIRON@EONI.COM	

2. DISTRICT or WATER SUPPLIER INFORMATION

DISTRICT/WATER SUPPLIER NAME WALLOWA LAKE IRRIGATION DISTRICT		PHONE (HM)		
PHONE (WK)	CELL		FAX	
ADDRESS 65196 DOBBIN RD				
CITY JOSEPH	STATE OR	ZIP 97846	E-MAIL** WALLOWA.LAKE.IRRIGATION@GMAIL.COM	

** By providing an e-mail address, the applicant and/or the district/water supplier consents to receive all correspondence from the Department electronically. Copies of final order documents will also be mailed.

3. WATER RIGHTS ISSUED IN THE NAME OF, or LOCATED WITHIN, or SERVED BY AN IRRIGATION DISTRICT, OTHER DISTRICT, OR WATER SUPPLIER

a. List the water right(s) involved in this transfer:

	Application / Decree	Permit / Previous Transfer	Certificate	Is the water right in the name of a district, water supplier, or BOR*?
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2.		-	9311	YES <input checked="" type="checkbox"/>
3.		-		YES <input type="checkbox"/>

Attach additional pages for additional water rights if necessary.

*Bureau of Reclamation

b. Determine a district's/water supplier's connection to your points of diversion (POD) or appropriation (POA) and places of use (POU). [You may need to consult with your district/water supplier.]

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4. APPLICANT'S SIGNATURE

(1) I certify that I have notified the district/water supplier about the proposed water right transfer application by [check one]:

email, phone, postal mail, in person, or other (please specify) _____

(2) I certify that to the best of my knowledge the information contained in this Supplemental Form D is true and accurate.

Applicant Signature

Name (print)

Date

5. (WHEN REQUIRED) DISTRICT or WATER SUPPLIER CONSENT TO THE PROPOSED WATER RIGHT TRANSFER

District Manager or Water Supplier consent is required if any box on this form is marked "YES."

The district/water supplier certifies the following:

(1) The district/water supplier has reviewed the applicant's proposed water right transfer application and maps; and

(2) The district/water supplier consents to the proposed water right transfer application.

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YES NO After proof of completion, the confirming water right certificate is to remain in the name of the U.S. Bureau of Reclamation or the district/water supplier.

YES NO The district/water supplier will be responsible for submitting the claim of beneficial use prepared by a Certified Water Rights Examiner (CWRE).

Dan Butterfield
Signature of District Manager / Water Supplier

Dan Butterfield
Name (print), Title
President

5-28-20
Date

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