

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

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

- Part 1 – Completed Minimum Requirements Checklist.
- Part 2 – Completed 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.
- 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: 40350**
Please include a separate Part 5 for each water right. (See instructions on page 5)
NOTE: A separate transfer application is required for each water right unless the criteria in OAR 690-380-3220 are met.

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.) As confirmed by Joan Smith of WRD on 10AUG 2022, this is not applicable because there is an easement for the POD and pipeline on the neighbor to the north; see Exhibit B for the easement.
- 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):

<input type="checkbox"/> Application fee not enclosed/insufficient	<input type="checkbox"/> Map not included or incomplete
<input type="checkbox"/> Land Use Form not enclosed or incomplete	<input type="checkbox"/> Evidence of Use Form not enclosed or incomplete
<input type="checkbox"/> Additional signature(s) required	<input type="checkbox"/> Part _____ is incomplete

Other/Explanation _____

Staff: _____ 503- _____ Date: ____/____/____

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Division (checkboxes) required
 Land Use Form not enclosed or incomplete
 Application fee not enclosed/incomplete
 Evidence of fee form not enclosed or incomplete
 Map not included or incomplete
 No fee required

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

(For Staff Use Only)

- NO** Water Well Report/Well Log for changes in point(s) of appropriation (wells) or additional point(s) of appropriation.
 - NO** Water Well Report/Well Log for changes in point(s) of appropriation (wells) or additional point(s) of appropriation on the neighbor to the north (see Exhibit B for the assessment right is on). As confirmed by Joan Smith of WARD on JUNE 2023, this is not applicable because there is an Affidavit(s) of Consent from Landowner (if the applicant does not own the land, the water club).
 - NO** Land Use Information Form with approval and signature (or signed land use form copy) the actual, current point of diversion/abstraction.
 - Department records that no complaint of injury has been made due to the use of water at Statement from the local Watermaster, based upon the Watermaster's knowledge and current point of diversion/abstraction for more than 10 years.
 - Completed Evidence of Fee Affidavit and supporting documentation showing that water has been used on the land for five years prior to transfer (including AND diverted at the actual, completed Evidence of Fee Affidavit and supporting documentation showing that water has been used).
 - Completed Application Map (Does not have to be prepared by a Certified Water Right Officer in OAR 600-380-3530 are met.
- Attachments:**
- NOTE:** A separate transfer application is required for each water right unless the please include a separate part 2 for each water right. (See instructions on page 2) transferred. **1** List them here: **40320**
 - Part 2 - Information about the Transferred Water Rights: How many water rights are to be transferred?
 - Part 4 - Completed Applicant Information and Signature.
 - Highly suggested items are: **1. Affidavit of Consent** completed fee Worksheet, page 3. Try the new online fee calculator at: **www.oregon.gov/ward**
 - 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: **www.oregon.gov/ward**
 - Part 5 - Completed Application Map Checklist.
 - Part 1 - Completed Minimum Requirements Checklist.
- Check all items included with this application. (N/A = Not Applicable)

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Part 1 of 2 - Minimum Requirements Checklist

Parts 1 through 2 and all required attachments are not completed and included.

This historic change in point of diversion/abstraction application will be returned if

For questions, please call (503) 386-0800, and ask for Transfer Section.

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

- WA 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 8 1/2 x 11 inches, 8 1/2 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, N, D, E, 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°32'12.5") 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.
- WA 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 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 Werth Living Trust c/o Dennis Werth*			PHONE NO. 503.879.5238	ADDITIONAL CONTACT NO. 503.931.3874
ADDRESS 8990 Hebo Road			FAX NO. NA	
CITY Grand Ronde	STATE OR	ZIP 97347	E-MAIL drwerth@certurylink.net	
<p align="center">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.</p>				

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*Joan Smith of Water Resources Department stated on 10 AUG 2022 that this type of Living Trust is considered an individual for this application.

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

AGENT/BUSINESS NAME Aspen Rural Land Consulting c/o Eric Urstadt, PE, PLS			PHONE NO. 971.250.1520	ADDITIONAL CONTACT NO. 503.647.1919
ADDRESS 39290 NW Murtaugh Road			FAX NO. NA	
CITY North Plains	STATE OR	ZIP 97133	E-MAIL ericurstadt@hotmail.com	
<p align="center">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.</p>				

Explain in your own words what you propose to accomplish with this transfer application; and why: The applicant wishes to change the Point of Diversion. *Joan Smith of Water Resources Department stated that this type of Living Trust is considered an individual for this application. If you need additional space, continue on a separate piece of paper and attach to the application as “Attachment 1”.

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.



Dennis Werth, Trustee
Applicant Signature

Dennis Werth, trustee
Print Name (and Title if applicable)

Sept. 22, 2022
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.*

Note: An easement is being worked on for the water system features that are on tax lot 400. It will be completed before this transfer is reviewed by Water Resources Department (WRD). Because of this easement, an affidavit of consent on tax lot 400 is not needed; which was confirmed with a conversation with Joan Smith of WRD on 10 AUG 2022.

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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.

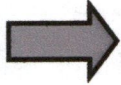
If a property sells, the certificated water right(s) located on the land belong to the new owner, unless a sale agreement or other document states otherwise. For more information see: <http://www.oregon.gov/owrd/docs/transfer-propertytransactions.pdf>

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

Describe any special ownership circumstances here: NA

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 NA	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 YAMHILL COUNTY PLANNING & DEVELOPMENT	ADDRESS 525 NE 4TH STREET	
CITY MCMINNVILLE	STATE OR	ZIP 97128
ENTITY NAME	ADDRESS	
CITY	STATE	ZIP

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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 # 40350

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Description of Water Delivery System

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System capacity: 0.01* cubic feet per second (cfs) OR
 _____ gallons per minute (gpm)

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*Per certificate.

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 water is gravity flow and conveyed in plastic PVC pipe to two plastic tanks and then on to the residence.

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	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Current	NA	5	S	7	W	31	SW	NW	500	280' N & 430' E of W1/4 S31 (per certificate)
POD 2	<input type="checkbox"/> Authorized <input checked="" type="checkbox"/> Current	N/A	5	S	7	W	31	SE	NW	400	1555' S & 1495' E NE S31

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 # 40350

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

Authorized ("from" lands) as they appear before the changes										Proposed 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	¼ ¼	Tax Lot	Gvt Lot or DLC	Acre (if applicable)	POD(s) or POA(s) (name or number from Table 1)					
										APOD	POD 2	1970

Additional remarks: Note that POD 2 is within a few feet and downstream of the POD for certificate 64171. The spring for 64171 has a permanently flowing overflow that feeds POD 2. The mapped locations for the POD, residence, and water tanks for certificate 64171 were not checked or confirmed for this application.

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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
NA									

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Application for Water Right Transfer

Evidence of Use Affidavit



Attach C-1/3
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 YAMHILL) ss

I, DENNIS WERTH, in my capacity as TRUSTEE OF WERTH LIVING TRUST,

mailing address 8990 HEBO ROAD

telephone number (503) 879-5238, 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)

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)

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(continues on reverse side)

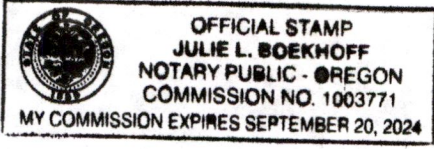
C-2/3

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

Alanus R. Wirth Trustee of Wirth Living Trust
Signature of Affiant

Sept. 22, 2022
Date

Signed and sworn to ~~(or affirmed)~~ before me this 22nd day of Sept, 20 22.



Julie L. Boekhoff
Notary Public for Oregon
My Commission Expires: 9.20.2024

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.terra-server.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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C-3/3

Aspen

Rural Land Consulting

Water Resources, Water Rights, Land Surveying,
Engineering, Land Use Planning

ERICURSTADT@HOTMAIL.COM
971-250-1520 (MOBILE)

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10 AUG 2022

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Subject: Evidence of Use for Historical POD

This document is intended to go along with an Evidence of Use Affidavit pertaining to a 2022 Historical POD application of certificate 40350. The image below is a Google earth aerial photo with 2021 imagery. The yellow line is the outline of tax lot 400, the domestic residence for the water right is at the tip of the red arrow.



Prepared by:
Aspen Rural Land Consulting

Eric Urstadt, PE, PLS

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ATTACH D-1/1

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

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I, Joel Plahn, Watermaster of District 22,

state that to my knowledge, there has been no claim of injury due to use of an historic point of diversion/appropriation for Certificate 40350

from unnamed trib to Agency Creek (source) located as follows:

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.

Joel Plahn

Digitally signed by Joel Plahn
DN: O=Water Resources, CN=Joel Plahn,
E=joel.m.plahn@water.oregon.gov
Reason: I am the author of this document
Location: your signing location here
Date: 2022.08.11 12:46:03-07'00'
Foxit PDF Editor Version: 11.2.2

Signature

Date

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