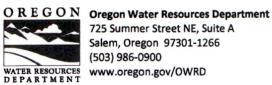
Application for Permanent Water Right Transfer



Part 1 of 5 - Minimum Requirements Checklist

This transfer application <u>will be returned</u> 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.

L		10. questions, preuse can (500, 500 coop, and ask for realistic control	
Che	k all it	ems included with this application. (N/A = Not Applicable) RECEIVED	
\boxtimes		Part 1 – Completed Minimum Requirements Checklist. DEC 0 8 2021	
\boxtimes		Part 2 – Completed Transfer Application Map Checklist.	
\boxtimes		Part 3 – Application Fee, payable by check to the Oregon Water Resources Depart completed Fee Worksheet, page 3. Try the new online fee calculator at: http://apps.wrd.state.or.us/apps/misc/wrd fee calculator.	ment, and
\boxtimes		Part 4 – Completed Applicant Information and Signature.	
		Part 5 – Information about Water Rights to be Transferred: How many water right be transferred? 1 List them here: 68553 Please include a separate Part 5 for each water right. (See instructions on page NOTE: A separate transfer application is required for each water right unless criteria in OAR 690-380-3220 are met.	e 6)
		Attachments:	FEB 0 9 20
\boxtimes		Completed Transfer Application Map.	1 LD U 9 ZU
\boxtimes		Completed Evidence of Use Affidavit and supporting documentation.	OWRD
	⊠ N/	A Affidavit(s) of Consent from Landowner(s) (if the applicant does not own the land right is on.)	the water
	⊠ N/	A Supplemental Form D – For water rights served by or issued in the name of an irrig district. Complete when the transfer applicant is not the irrigation district.	gation
	□ N/s	Oregon Water Resources Department's Land Use Information Form with approval signature (or signed land use form receipt stub) from each local land use authority water is to be diverted, conveyed, and/or used. Not required if water is to be dive conveyed, and/or used only on federal lands or if all of the following apply: a) a chaplace of use only, b) no structural changes, c) the use of water is for irrigation only the use is located within an irrigation district or an exclusive farm use zone.	y in which erted, nange in
	⊠ N/	Water Well Report/Well Log for changes in point(s) of appropriation (well(s)) or ac point(s) of appropriation.	ditional
	⊠ N/	Geologist Report for a change from a surface water point of diversion to a ground point of appropriation (well), if the proposed well is more than 500' from the surface source and more than 1000' upstream or downstream from the point of diversion 690-380-2130 for requirements and applicability.	ace water
		(For Staff Use Only)	
		WE ARE RETURNING YOUR APPLICATION FOR THE FOLLOWING REASON(S): Application fee not enclosed/insufficient	te
		Staff: Date:	

Part 2 of 5 - Transfer Application Map

á	7	IA	10	D

Your transfer application will be returned if any of the map requirements listed below are not met.

		sure that the transfer application map you submit includes all the required items and he 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.
\boxtimes	×	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.
\boxtimes		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.
\boxtimes		Township, Range, Section, $\frac{1}{4}$, DLC, Government Lot, and other recognized public land survey lines.
\boxtimes		Tax lot boundaries (property lines) are required. Tax lot numbers are recommended.
\boxtimes		Major physical features including rivers and creeks showing direction of flow, lakes and reservoirs, roads, and railroads.
\boxtimes		Major water delivery system features from the point(s) of diversion/appropriation such as main pipelines, canals, and ditches.
		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.
\boxtimes		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 $-42^{\circ}32'15.5''$) 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	\$1,360						
	Types of change proposed:								
	Place of Use Character of Use Point of Diversion/Appropriation Number of above boxes checked = $\frac{1}{2a}$								
	Subtract 1 from the number in line $2a = 0$ (2b) If only one change, this will be 0								
2	Multiply line 2b by \$1090 and enter » » » » » » » » » » » » » » » » » » »	2	0						
	Number of water rights included in transfer 1 (3a)								
	Subtract 1 from the number in 3a above: <u>0 (3b)</u> If only one water right this will be 0								
3	Multiply line 3b by \$610 and enter » » » » » » » » » » » » » » » » » » »	3	0						
	Do you propose to add or change a well, or change from a surface water POD to a well?								
	No: enter 0 Yes: enter \$480 for the 1 st well to be added or changed(4a)								
	Do you propose to add or shange additional wells?								
	Do you propose to add or change additional wells? No: enter 0 Yes: multiply the number of additional wells by \$410 (4b)								
4	Add line 4a to line 4b and enter » » » » » » » » » » » » » » » » »	1	0						
4	Do you propose to change the place of use or character of use?	1							
	No: enter 0 on line 5	R	CEIVE						
	Yes: enter the cfs for the portions of the rights to be transferred (see below*): (5a)	n	EC 08 202						
	Subtract 1.0 from the number in 5a above: (5b)								
	If 5b is 0 or less, enter 0 on line 5 » » » » » » » » » » » » » » » »		OWRD						
	If 5b is greater than 0, round up to the nearest whole number:(5c) and multiply								
5	5c by \$410, then enter on line 5 » » » » » » » » » » » » » » » » » »	5	0						
6	Add entries on lines 1 through 5 above » » » » » » » » Subtotal:	_	\$1,360						
	Is this transfer:		71,300						
	necessary to complete a project funded by the Oregon Watershed Enhancement Board								
	(OWEB) under ORS 541.932?								
	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 »								
7	If no box is applicable, enter 0 on line 7 » » » » » » » » » » » » » » » » » »	7	0						
8	Subtract line 7 from line 6 » » » » » » » » » » » » » » » » » Transfer Fee:	8	\$1,360						
*E	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						

*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:

1. For irrigation calculate cfs for each water right involved as follows:

- a. 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).
- b. 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)
- 2. 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	\$990.00
	Number of wells included in substitution(2a)		
	Subtract 1 from the number in 2a above:(2b) If only one well this will be 0		
2	Multiply line 2b by \$480 and enter » » » » » » » » » » » » » »	2	
3	Add entries on lines 1 through 2 above » » » » Fee for Substitution:	3	

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Part 4 of 5 - Applicant Information and Signature

Applicant Information

APPLICANT/BUSINESS NAME			PHONE NO.	ADDITIONAL CONTACT NO.			
Bridge Creek Ranch LLC		541-681-5332					
ADDRESS	FAX NO.						
355 Goodpasture Island	Road						
CITY	STATE	ZIP	E-MAIL				
Eugene	Eugene OR 97401 mpati@pape.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		and.	PHONE NO.	ADDITIONAL CONTACT NO.				
Schwabe, Williamson &	Wyatt Attn: Elizab	eth Howard Lindsay	503-796-2093					
ADDRESS	FAX NO.							
1211 SW 5th Ave., Suite	1900							
CITY	STATE	ZIP	E-MAIL					
Portland	Portland OR 97204 ehoward@schwabe.com and Ithane@Schwabe.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.								

Explain in your own words what you propose to accomplish with this transfer application, and why:

This transfer is to move the point of diversion (POD) to a different location on Bridge Creek. The new POD will be located on Bridge Creek Ranch's property, whereas the current POD is located on Bureau of Land Management property.

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

Ch	 - 4	~ -	_	n	_	
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\times	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 are
	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: Bend Bulletin.
- 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).
- Refunds may only be granted upon request and, as set forth in ORS 536.050(4)(a), if the Director determines that a refund of all or part of a fee is appropriate in the interests of fairness to the public or necessary to correct an error of the Department.

of the Department.								
I (we) affirm that the informati	on contain	ed in this applicati	on is true and accurate	PROPERT	OCT IN	, ,		
Mulant"		SOLE MEN	BELL OF BRIDGE CK	LEEK RA	NCH, LLC	2/6/23		
Applicant signature		Print	Name (and Title if appli	cable)	Date			
			_					
Applicant signature		Print	Name (and Title if appli	cable)	Date			
Is the applicant the sole owner located? X Yes No*	of the land	on which the wate	r right, or portion there	of, propo	sed for tran	sfer is		
*If NO, include signatures of all de attach affidavits of consent (and water right(s) were conveyed.								
Check the following boxes that o	apply:							
The applicant is respon sent to the applicant.	sible for co	empletion of change	e(s). Notices and corresp	pondence	should con	tinue to be		
The receiving landowned issued. Copies of notice				_	fter the fina	order is		
Both the receiving land and correspondence sh		7. 7.		on of cha	nge(s). Copi	es of notices		
At this time, are the lands in thi	s transfer a	application in the p	ocess 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 certif					vner,			
unless a sale agreement or https://www.oregon.gov/o								
RECEIVING LANDOWNER NAME			PHONE NO.	ADDITION	IAL CONTACT N	10.		
N/A								
ADDRESS				FAX NO.				
CITY	STATE	ZIP	E-MAIL					
Describe any special ownership circumstances:								
The confirming Certificate shall	be issued i	in the name of:	Applicant Receiving	ng Lando	wner			

B	/ mv	signature	below.	1	confirm	that I	unders	tand:
		SIRIIGEGIC	DCIO AA		COILLIII	LIIGLI	ullucia	Lailu.

- 1 1 - 0									
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:									
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).								
 Refunds may only be granted refund of all or part of a fee i of the Department. 					orrect an error				
I (we) affirm that the informat	ion eontair	ned in this applicat	ion is true and accurat	e.	RECEIV				
11/11/11	,			12/11					
major (EPATI, PRESIDE	12/1/	2/ FEB 0 9				
Applicant signature		Print	Name (and Title if app	licable) Date	01415				
					OWR				
Applicant signature		Print	Name (and Title if app	licable) Date					
Is the applicant the sole owner located? X Yes No*	of the land	on which the wate	er right, or portion ther	eof, proposed for t	ransfer is				
*If NO, include signatures of all d attach affidavits of consent (and water right(s) were conveyed.									
Check the following boxes that	apply:								
The applicant is respon sent to the applicant.	sible for co	ompletion of change	e(s). Notices and corre	spondence should c	ontinue to be				
The receiving landown issued. Copies of notice					nal order is				
Both the receiving land and correspondence sh			-	ion of change(s). Co	pies of notices				
At this time, are the lands in thi	s transfer a	application in the p	rocess of being sold?	Yes 🛛 No					
If YES, and you know who to below. If you do not know wat a later date.			•	ssignment will have	to be filed for				
If a property sells, the certifunless a sale agreement or https://www.oregon.gov/o	other docu	ment states other	vise. For more informa	he new owner, tion see:	ECEIVED				
RECEIVING LANDOWNER NAME			PHONE NO.	ADDITIONAL CONTAC	T NO.				
ADDRESS				FAX NO.					
CITY	STATE	ZIP	E-MAIL						
Describe any special ownership	Describe any special ownership circumstances:								

The confirming Certificate shall be issued in the name of:
Applicant Receiving Landowner

an irrigation or other water distr	ADDRESS	
N/A	ADDRESS	
CITY	CTATE	T
CITY	STATE	ZIP
Check here if water for any o	of the rights supplied under a wa	er service agreement or other
	th a federal agency or other entit	
ENTITY NAME	ADDRESS	
N/A	ADDRESS	
CITY	STATE	ZIP
	SIGIE	ZIF .
To meet State Land Use Consiste	ency Requirements, you must list	all county city municipal
corporation, or tribal governmen	nts within whose jurisdiction wat	
CORPORATION, OR TRIBAL GOVERNMEN	nts within whose jurisdiction wat	er will be diverted, conveyed o
CORPORATION, OR TRIBAL BOVERNMEN ENTITY NAME Wheeler County	ADDRESS 701 Adams Street, P.	er will be diverted, conveyed o
corporation, or tribal governmen ENTITY NAME Wheeler County CITY	ADDRESS 701 Adams Street, P. STATE	O. Box 447
corporation, or tribal governmen ENTITY NAME Wheeler County CITY	ADDRESS 701 Adams Street, P.	er will be diverted, conveyed o
CORPORATION, OR TRIBAL BOVERNMEN ENTITY NAME Wheeler County CITY Fossil	ADDRESS 701 Adams Street, P. STATE Oregon	O. Box 447
To meet State Land Use Consiste corporation, or tribal government ENTITY NAME Wheeler County CITY Fossil ENTITY NAME	ADDRESS 701 Adams Street, P. STATE	O. Box 447

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Part 5 of 5 – Water Right Information

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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 additional rows to tables within the form.

				CE	RTIF	ICAT	ΓΕ # <u>68</u>	<u> 3553</u>			
Descri	otion of Water	Delivery Syst	tem								
System	capacity: <u>13.</u>	0 cubic feet p	oer s	ecoı	nd (c	fs) fr	om Be	ear Cre	eek an	d 3.0 c	fs from Bridge Creek OR
		gallons pe	er mi	inute	e (gp	m)					
						•			•		some time within the last
•								•	•		s used to divert, convey,
•			•			_					and Bridge Creek are he Bridge Creek POD,
											rater flows out of the fish
											diverts water into a
·				<u>asur</u>	ing d	levic	e and	water	then	flows t	hrough a gravity flow
pipe to	the Painted H	ilis Keservoir	<u>•</u>								
Table 1. Loc	ation of Autho	orized and Pro	opos	ed F	oint	(s) o	f Dive	rsion (POD)	or App	ropriation (POA)
(Note: If the	POD/POA nam	e is not speci	ified	on t	he c	ertifi	cate, a	assign	it a na	me or i	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)	Τ\	wp	Rı	ng	Sec	1/4	½	Tax Lot, DLC or Gov't Lot	Measured Distances (from a recognized survey corner)
Bear Creek (POD 1)	Authorized Proposed		10	s	20	E	35	sw	NE	1701	* 2250 feet south and 2600 feet west from NE corner, Section 35
Bridge Creek (POD 2)	Authorized Proposed		11	s	21	E	6	NE	NE	110	* 590 feet south and 2160 feet east from north ¼ corner, Section 6
POD 3	Authorized Proposed		10	s	21	E	31	SE	SE	3600	1,850 feet east and 160 feet north from the south % corner, Section 31
	Authorized										
*The DC	Proposed	at annaitianlly d		d :	- Cont	ificat	- COFF	The e	outifico	.	tatas that water is suthauired
for dive										-	states that water is authorized isured distances in the final
Check	all type(s) of ch	nange(s) prop	ose	d be	low	(cha	nge "C	ODES	" are p	orovide	d in parentheses):
	Place of Use	(POU)				ſ		Supple	menta	al Use to	o Primary Use (S to P)
	Character of	Use (USE)					F	oint o	f Appr	ropriati	on/Well (POA)
	Point of Dive	ersion (POD)						Additic	nal Po	oint of A	Appropriation (APOA)
	Additional P	oint of Divers	ion ((APC)D)	ſ		Substit	ution	(SUB)	

POA (SW/GW)

Government Action POD (GOV)

Surface Water POD to Ground Water

Will all o	of the proposed changes affect the entire water	right?	
X Yes	Complete only the Proposed ("to" or "on" lands) "CODES" listed above to describe the proposed of		ne next page. Use the
☐ No	Complete all of Table 2 to describe the portion of	of the water right to be o	hanged.
		E-RECEIVED	
		May 5, 2023	

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

Do you have guestions 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 # 68553

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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.

May 5, 2023 If there is more than one POD/POA involved in the proposed changes, specify the acreage associated with each POD/POA.

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	Т	he I	istir	ng th				-		or "off" land BEFORE PRC	s) POSED CHAI	NGES	Dunnand			7	Γhe	listir			-			on" lands) PROPOSED	CHANGE:	
			List	only	that p	oart or	portic	n of th	ne water	right that wi	ll be changed.		Proposed Changes (see						•		a	re ma	de.			
٦	wp	Rn	g	Sec	1/4	1/4	Tax Lot	Gvt Lot or DLC	Acres	Type of USE listed on Certificate	POD(s) or POA(s) (name or number from Table 1)	Date	"CODES" from previous page)	Tw	/p	Rn	ıg	Sec	1/4	1/4	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	Е	15	NE	NW	100		15.0	Irrigation	POD #1 POD #2	1901	POU/POD	2	S	9	Е	1	NW	NW	500	1	10.0		POD #5	1901
														2	S	9	Е	2	sw	NW	500		5.0		POD #6	1901
													APOD	10	S	20	E	25	NE	sw	1700		n/a		POD 1, 2, 3	10/17/198 3
													APOD	10	S	20	E	25	NW	sw	1700		n/a		POD 1, 2, 3	10/17/198 3
													APOD	10	s	20	E	25	sw	sw	1700		n/a		POD 1, 2, 3	10/17/198 3
													APOD	10	S	20	E	25	SE	sw	1700		n/a		POD 1, 2, 3	10/17/198 3
													APOD	10	S	20	E	26	SE	SE	1700		n/a		POD 1, 2, 3	10/17/198 3
													APOD	10	S	20	E	36	NW	NW	1700		n/a		POD 1, 2, 3	10/17/198 3
						TOT	TAL ACI	RES:												TOT	TAL AC	RES:	n/a			

Additional remarks: This transfer would add a point of diversion on Bridge Creek to eventually replace POD #2, which is the current POD on Bridge Creek. The transfer proposes that proposed POD #3 and existing POD #2 would be used to divert water from Bridge Creek to storage in the Painted Hills Reservoir. POD #1, which is on Bear Creek, would continue to be used to divert water.

	For P	lace of Use or Character of Use Changes	Certificate # 68	3553
	Are with	there other water right certificates, water use permits or ground water registration $\mathbb M$ the "from" or the "to" lands? $\mathbb M$ Yes $\mathbb M$ No	ions associated	
	If Y	ES, list the certificate, water use permit, or ground water registration numbers: 68	8551 and Permit	R-15180.
		rtificate 68551 and Permit R-15180 also authorize storage in the Painted Hills Res		
	ар	rsuant to ORS 540.510, any "layered" water use such as an irrigation right that is s rimary right proposed for transfer must be included in the transfer or be cancelle ground water registration must be filed separately in a ground water registration	d. Any change	plication.
	For Su	ubstitution (ground water supplemental irrigation will be substituted for surface v	water primary irr	igation)
	Gro	und water supplemental Permit or Certificate #; ace water primary Certificate #	RECEIVED	
1	For a	change from Supplemental Irrigation Use to Primary Irrigation Use	DEC 08 2021	FEB 0 9 2023
	lden	tify the primary certificate to be cancelled. Certificate #	OWRD	FED U 9 2023
١	For a	change in point(s) of appropriation (well(s)) or additional point(s) of appropriati		OWRD
		Well log(s) are attached for each authorized and proposed well(s) that are clearly with the corresponding well(s) in Table 1 above and on the accompanying application. 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	ly labeled and ass cation map.	sociated
	AND	O/OR		
		Describe the construction of the authorized and proposed well(s) in Table 3 for a have a well log. For <i>proposed wells not yet constructed or built</i> , provide "a best e requested information element in the table. The Department recommends you driller, geologist, or certified water right examiner to assist with assembling the complete Table 3.	estimate" for eac	h d well
		Construction of Point(s) of Appropriation (s) in this listing must be clearly tied to corresponding well(s) described in Table 1	. and shown on ti	he

Ta

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.	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
		,								

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.

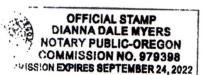
State o	of Oregon)						
County	of WHEELER)) ss						
I, <u>Gabr</u>	IEL M WILLIAMS,	in my capacit	y as Consul	TANT AND	ENGINEER	FOR BRIDGE C	REEK RANCH, LL	<u>C</u> ,	
mailing	g address <u>1180</u>	SW LAKE RD. S	UITE 202, RE	DMOND, C	DREGON 97	7756			
telepho	one number (<u>5</u>	41)771-6911,	being first o	duly swo	rn depose	and say:		RECEI	VED
1.	My knowledg	e of the exer	cise or statu	s of the v	water righ	nt is based o	n (check one):	DEC 08	2021
	□ Person	nal observati	on		Professi	onal experti	se	OWF	RD
2.	l attest that:								RECEIVED
	_	r was used dı	ring the pre	vious fiv	e years o	n the entire	place of use for	or	FEB 0 9 2023
		ficate # <u>68553</u>	_						OWRD
	My kr	nowledge is s	pecific to the	e use of v	water at t	he following	g locations wit	hin the last five yea	
	Certificate #	Township	Range	Mer	Sec	* *	Gov't Lot or DLC	Acres (if applicable)	
	,								
						Б			
								4444	-
OR									
	Confirming Co	ertificate #	has bee	n issued	within th	e past five y	ears; OR		
		_					n the last five	years. The	
	instream lease transfer was r	_	-		_			ased instream.); O	R
	The water right would be rebu					tation that a	presumption	of forfeiture for no	n-use
	Water has been 10 years for C						opriation for n	nore than	

(continues on reverse side)

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

Guld	m	When
Signature of	Affiant	

11/17/21 Date



OFFICIAL STAMP
DIANNA DALE MYERS
Notary Public for Oregon

My Commission Expires: Sectember 24, 2022

OFFICIAL STAMP DIANNA DALE MYERS NOTARY PUBLIC-OREGON NOTARY PUBLIC-OREGON NY COMMISSION EXPIRES SEPTEMBER 24, 2022 Copy of a water right certificate that has been	Examples Copy of confirming water right certificate that shows issue date	
issued within the last five years. (not a remaining right certificate)	Table date	
Copies of receipts from sales of irrigated crops or for expenditures related to use of water	Power usage records for pumps associated with irrigation use	RECEIVE
te.	Fertilizer or seed bills related to irrigated crops	NECEIVEL
	Farmers Co-op sales receipt	FEB 0 9 2023
Records such as FSA crop reports, irrigation	District assessment records for water delivered	OWRD
district records, NRCS farm management plan, or records of other water suppliers	Crop reports submitted under a federal loan agreement	
land of the state	Beneficial use reports from district	
	IRS Farm Usage Deduction Report	
	Agricultural Stabilization Plan	
	CREP Report	
Aerial photos containing sufficient detail to	Multiple photos can be submitted to resolve different areas of	
establish location and date of photograph	a water right. If the photograph does not print with a "date stamp" or	
*See attached memo with imbedded photos.	without the source being identified, the date of the photograph	
RECEIVED DEC 0 8 2021	and source should be added.	
RE0 2021	Sources for aerial photos:	
DEC O & L	OSU –www.oregonexplorer.info/imagery OWRD – www.wrd.state.or.us	
TAIRD	Google Earth – earth.google.com	
OWRD -	TerraServer – www.terraserver.com	
Approved Lease establishing beneficial use	Copy of instream lease or lease number	
within the last 5 years		



1180 SW Lake Rd Ste 202 Redmond, OR 97756 (541) 771-6911

Memorandum

Date:

November 2nd, 2021

From:

Gabriel Williams PE, Resource Specialists Inc.

Re:

Cert 68553 Evidence of Use for Painted Hills Reservoir

This documentation demonstrates diversion of water from Bridge Creek and Bear Creek for storage in the Painted Hills Reservoir under certificate 68553.



The photo to the right is a aquamaster 900 which is installed just downstream of the Bridge Creek Diversion on the pipeline that supplies water to the Painted Hills Reservoir. This photo was taken on 3-3-21 during the filling of the reservoir for storage.

The photo to the left shows the operation of the Bridge Creek Diversion on 11-30-20.

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DEC 08 2021

OWRD



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FEB 0 9 2023

OWRD

Page 1 of 3



The photo above was taken on 1-19-21 and shows water being diverted through the Bear Creek Diversion.

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DEC 0.8 2021

OWRD

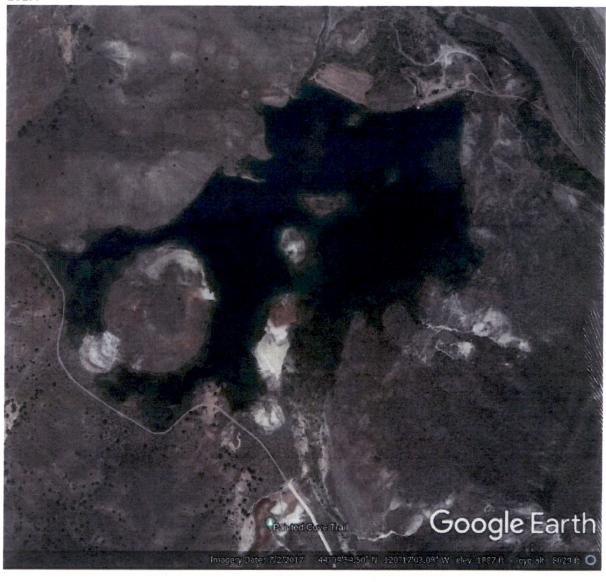
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FEB **0 9** 2023

OWRD

Page 2 of 3

The Google Earth image below shows the reservoir filled to its full certificated 800 ac-ft capacity on 7-2-2017.



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DEC 0 8 2021

OWRD

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FEB 0 9 2023

OWRD

Page 3 of 3

Land Use Information Form



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

NOTE TO APPLICANTS

In order for your application to be processed by the Water Resources Department (WRD), this Land Use Information Form must be completed by a local government planning official in the jurisdiction(s) where your water right will be used and developed. The planning official may choose to complete the form while you wait, or return the receipt stub to you. Applications received by WRD without the Land Use Form or the receipt stub will be returned to you. Please be aware that your application will not be approved without land use approval.

This form is NOT required if:

- 1) Water is to be diverted, conveyed, and/or used only on federal lands; OR
- 2) The application is for a water right transfer, allocation of conserved water, exchange, permit amendment, or ground water registration modification, and all of the following apply:
 - The existing and proposed water use is located entirely within lands zoned for exclusive farm-use or within an irrigation district;
 - b) The application involves a change in place of use only;
 - c) The change does not involve the placement or modification of structures, including but not limited to water diversion, impoundment, distribution facilities, water wells and well houses; and
 - d) The application involves irrigation water uses only.

RECEIVED

NOTE TO LOCAL GOVERNMENTS

OWRD

The person presenting the attached Land Use Information Form is applying for or modifying a water right. The Water Resources Department (WRD) requires its applicants to obtain land-use information to be sure the water rights do not result in land uses that are incompatible with your comprehensive plan. Please complete the form or detach the receipt stub and return it to the applicant for inclusion in their water right application. You will receive notice once the applicant formally submits his or her request to the WRD. The notice will give more information about WRD's water rights process and provide additional comment opportunities. You will have 30 days from the date of the notice to complete the land-use form and return it to the WRD. If no land-use information is received from you within that 30-day period, the WRD may presume the land use associated with the proposed water right is compatible with your comprehensive plan. Your attention to this request for information is greatly appreciated by the Water Resources Department. If you have any questions concerning this form, please contact the WRD's Customer Service Group at 503-986-0801.

RECEIVED

FEB **0 9** 2023

OWRD

WR/FS

Land Use Information Form



OREGON Oregon Water Resources Department 725 Summer Street NE, Suite A

Proposed Land

Salem, Oregon 97301-1266 (503) 986-0900

Applicant(s): Bridge Creek Ranch, LLC

Mailing Address: 355 Goodpasture Island Road

Section

City: Eugene

Revised 2/8/2010

State: OR

Tax Lot #

Zip Code: 97401

Plan Designation (e.g.,

Daytime Phone: (541) 681-5332

Water to be:

A. Land and Location

Please include the following information for all tax lots where water will be diverted (taken from its source), conveyed (transported), and/or used or developed. Applicants for municipal use, or irrigation uses within irrigation districts may substitute existing and proposed service-area boundaries for the tax-lot information requested below.

				Rural Residential/RR-5)			Use:
See Attachment					Diverted	Conveyed	Used	
		~~~~	-		Diverted	☐ Conveyed	Used	
					Diverted	Conveyed	Used	
			non-matterials		☐ Diverted	Conveyed	Used	
List all counties and	cities where wa	ter is propo	sed to be dive	erted, conveyed, and	or used or de	veloped:		
Wheeler Count	У						RE	CEIVE
B. Description of	Proposed Use						DE	C 0 8 202
Type of application Permit to Use or Limited Water U	r Store Water	Water Rig		Permit A	lmendment or G e of Water	Ground Water f	Registration N	OWRD Modification
Source of water:	] Reservoir/Pond	Groun	nd Water	Surface Water (na	me) <u>Bridge C</u>	reek and Be	ear Creek	
Estimated quantity	of water needed	490.0	cubic fe	et per second	allons per minu	te 🛭 acre	-feet	
Intended use of wat	er: Irrigation  Municipa	-	mmercial asi-Municipal	Industrial Instream	Domestic	forh	ousehold(s)	
Briefly describe:	1							
				ion on Bridge Cre to more easily a				i
*******************************	***************************************							2,

Note to applicant: If the Land Use Information Form cannot be completed while you wait, please have a local government representative sign the receipt at the bottom of the next page and include it with the application filed with the Water Resources Department.

See bottom of Page 3. →

RECEIVED

Land Use Information Form - Page 2 of 3

FEB 0 9 2023 WR/FS

OWRD

#### For Local Government Use Only

The following section must be completed by a planning official from each county and city listed unless the project will be located entirely within the city limits. In that case, only the city planning agency must complete this form. This deals only with the local land-use plan. Do not include approval for activities such as building or grading permits.

X Land uses to be served by the proposed water by your comprehensive plan. Cite applicable Wheeler County Comprehensive Plan § 3(j);  Land uses to be served by the proposed water as listed in the table below. (Please attach do Record of Action/land-use decision and accoperiods have not ended, check "Being pursu	ordinance section(s):  WCZO § 6.9 - Exception for minor betterment or uses (including proposed construction) into ocumentation of applicable land-use approvements in findings are sufficient.) If approvements in the content of the c	nt of existing law volve discretion als which have	wful use nary land-use approva already been obtaine	ls d.
Type of Land-Use Approval Needed (e.g., plan amendments, rezones, conditional-use permits, etc.)	Cite Most Significant, Applicable Plan Policies & Ordinance Section References	Lan	d-Use Approval:	
permay etc.)		Obtained Denied	☐ Being Pursued☐ Not Being Pursued	
		☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued	
		☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued	
		☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued	
		☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued	
Name: _ Matt Davis	Title: P		OEC 0 8 2021	
	Phone: 541-763-2126		***************************************	•
Government Entity: Wheeler County Planning D	Department			
Note to local government representative: Pleasing the receipt, you will have 30 days from the Winformation Form or WRD may presume the land comprehensive plans.	Vater Resources Department's notice date to	o return the cor	mpleted Land Use	RECEIVE
Receipt	for Request for Land Use Informatio			FEB 0 9 202
Applicant name:				OWRD
City or County:	Staff contact:			
Signature:	Phone: Date:			

Revised 2/8/2010

Land Use Information Form - Page 3 of 3

WR / FS

# Land Use Information Form Attachment

## Transfer Application for Certificate 68553 For Bridge Creek Ranch, LLC

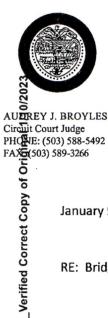
1   1   1   1   1   1   1   1   1   1	NE 3600  NW 3600  NW 3600  NW 3600  NW 3600  NW 3600  NW 1700  E 1700  W 1700  W 1700  W 1700  E 1701  E 1701  E 1701  E 1701  E 1701  E	SW NE   3600
		NW SE NW   SE NW   SE SW SW   SE SW SW   SE SW SW   SE
21 E         31         NWS           21 E         31         SENW           21 E         31         SENW           21 E         31         NE NV           21 E         31         NW NV           21 E         31         NW SW           21 E         32         SW SW           20 E         25         SE SE           20 E         25         NW SW           20 E         25         NE SW           20 E         25         NW SW           20 E         25         SE SW           20 E		

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FEB 0 9 2023

OWRD

1417



CIRCUIT COURT OF OREGON THIRD JUDICIAL DISTRICT MARION COUNTY COURTHOUSE P.O. BOX 12869 SALEM, OR 97309-0869

January 9, 2023

RE: Bridge Creek Ranch, LLC vs. Oregon Water Resources Department; 22CV05598

Dear Counsel.

The above-entitled matter came before the court on December 5, 2022, for hearing on Applicant-Relator's Motion for Summary Judgment as well as Defendants' Cross Motion for Summary Judgment relating to the mandamus proceeding filed by Bridge Creek Ranch. Counsel for the parties were present as well as amici curiae counsel.

The court heard the arguments of counsel and amici curiae and took the matter under advisement. The court, in considering the motions has considered the pleadings, declarations, relevant case law and statutes and the arguments of counsel.

The parties agree that summary judgment is proper in a mandamus proceeding when the mandamus petition presents only an issue of law with no factual disputes and that this particular action presents no genuine issues of material fact. The court finds that storage of water for different purposes qualifies as a 'water use'. As such, a right to store water under a water certificate is a right to a 'water use established by...a water certificate under ORS 540.505(4)(b). The court also finds that OWRD has the authority to allow transfers of point of diversion and point of use for certificated storage water rights under ORS 540.530.

In conclusion, the court grants Applicant-Relator's Motion for Summary Judgment and denies Defendant's Cross Motion for Summary Judgment. Ms. Kobak, please prepare the order and writ for my signature, directing OWRD to process BCR's water transfer application under ORS 540.510(1).

Sincerely,

Marion County Circuit Court Judge

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FEB 0 9 2023

OWRD

#### 22CV05598

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3		
4	IN THE CIRCUIT COU	RT OF THE STATE OF OREGON
5	FOR THE COU	NTY OF MARION
6	BRIDGE CREEK RANCH, LLC,	N. 22CV05500
7	Applicant-Relator,	No. 22CV05598
8	VS.	The Honorable Judge Audrey Broyles
9	OREGON WATER RESOURCES	MANDAMUS PROCEEDING
10	DEPARTMENT, and Douglas Woodcock, Director of Oregon Water Resources	GENERAL JUDGMENT
11	Department,	
12	Defendants.	
13		
14	Pursuant to the letter opinion issued on	January 10, 2023 granting Applicant-Relator
15	Bridge Creek Ranch's ("BCR") motion for sun	nmary judgment, and denying Defendants Oregon
16	Water Resources Department ("OWRD") and	Douglas Woodcock's cross-motion for summary
17	judgment, and the Court being fully advised, ne	ow, therefore,
18	THE COURT FINDS, DECLARES AN	ND ADJUDGES that peremptory mandamus shall
19	issue, which shall command Defendants to pro	cess BCR's application in accordance with the
20	Petition for Writ of Mandamus. The Court dire	ects the clerk or court administrator to issue the
21	writ.	
22		
23	RECEIVED	
24	FEB <b>0 9</b> 2023	2/1/2023 4:25:23 PM
25	OWRD	Circuit Court Judge Audrey J. Broyles
26		

SCHWABE, WILLIAMSON & WYATT, P.C. Attorneys at Law 1211 SW Fifth Avenue, Suite 1900 Portland, OR 97204 Telephone: 503.222.9981

**JUDGMENT** 

Page 1 -

#### 1 SUBMITTED BY: 2 Sara Kobak, OSB No. 023495 SCHWABE, WILLIAMSON & WYATT, P.C. 3 1211 SW Fifth Avenue, Suite 1900 Portland, OR 97204 4 Telephone: 503-222-9981 Email: skobak@schwabe.com RECEIVED FEB 0 9 2023 **OWRD**

Page 2 - JUDGMENT

#### CERTIFICATE OF COMPLIANCE 1 2 This proposed order or judgment is ready for judicial signature because: 3 Each opposing party affected by this order or judgment has stipulated to the order or judgment, as shown by each opposing party's signature on the document being 4 submitted. 5 Each opposing party affected by this order or judgment has approved the order or judgment, as shown by signature on the document being submitted or by written 6 confirmation of approval sent to me 7 3. I have served a copy of this order or judgment on all parties entitled to service and: 8 a. No objection has been served on me. 9 I received objections that I could not resolve with the opposing party despite reasonable efforts to do so. I have filed a copy of the objections I 10 received and indicated which objections remain unresolved. 11 After conferring about objections, [role and name of opposing party] agreed to independently file any remaining objection. 12 4. The relief sought is against an opposing party who has been found in default. 13 An order of default is being requested with this proposed judgment. 14 Service is not required pursuant to subsection (3) of this rule, or by statute, rule, or otherwise. 15 This is a proposed judgment that includes an award of punitive damages and 16 notice has been served on the Director of the Crime Victims' Assistance Section as required by subsection (4) of this rule. 17 8. Other: None of the parties have filed an answer yet. 18 19 Presented this 1st day of February, 2023 by: 20 SCHWABE, WILLIAMSON & WYATT, P.C. 21 s/ Sara Kobak 22 Sara Kobak, OSB No. 023495 RECEIVED 23 FEB 0 9 2023 24 OWRD 25 26

SCHWABE, WILLIAMSON & WYATT, P.C. Attorneys at Law 1211 SW Fifth Avenue, Suite 1900 Portland, OR 97204 Telephone: 503.222.9981

**JUDGMENT** 

Page 3 -

1	<u>CERTIFICATE OF SERVICE</u>
2	I hereby certify that on the 1st day of February, 2023, I caused to be served the foregoing
3	JUDGMENT on the following parties at the following addresses:
4	YoungWoo Joh, Assistant Attorney General  Brian Simmonds Marshall  Facsimile
5	Brian Simmonds Marshall, Senior Assistant Attorney General U.S. Mail Certified Mail
6	OREGON DEPARTMENT OF JUSTICE  Cettiled Man Overnight Courier Email
7	100 SW Market Street Electronic Service
8	Portland, OR 97201
9	Attorneys for Adverse Party
10	Oregon Water Resources Department
11	
12	s/ Sara Kobak Sara Kobak, OSB No. 023495
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24	FEB <b>0 9</b> 2023
25	OWRD
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JUDGMENT

Page 4 -

#### 22CV05598

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	4	IN THE CIRCUIT COU	RT OF THE STATE OF OREGON
	5	FOR THE COU	NTY OF MARION
	6	BRIDGE CREEK RANCH, LLC,	No. 22CV05598
	7	Applicant-Relator,	The Honorable Judge Audrey Broyles
	8	vs.	
	9	OREGON WATER RESOURCES	MANDAMUS PROCEEDING
1	0	DEPARTMENT, and Douglas Woodcock, Director of Oregon Water Resources	PEREMPTORY WRIT OF MANDAMUS
1	1	Department,	
1	12	Defendants.	
1	13		
1	14	Pursuant to ORS 34.150(3), based on the	ne facts stated in Applicant-Relator Bridge Creek
1	15	Ranch's ("BCR") Petition for Writ of Mandam	us, and the legal conclusions in this Court's letter
1	16	opinion entered on January 10, 2023, about the	legal obligation of Defendants Oregon Water
1	17	Resources Department et al. ("OWRD") to per	form the act, OWRD is hereby commanded to
1	18	begin processing BCR's application in accorda	nce with the Petition for Writ of Mandamus,
1	19	within seven days after OWRD receives a new	and complete application from BCR. OWRD is
2	20	further commanded to return this writ immedia	tely thereafter, with a certificate from OWRD
2	21	annexed, stating that OWRD has performed the	e act commanded herein.
2	22		2/1/2023 4:25:48 PM
2	23	RECEIVED	andrey of Brayle
2	24	FEB <b>0 9</b> 2023	Circuit Court Judge Audrey J. Broyles
2	25		
2	26	OWRD	

Page 1 - PEREMPTORY WRIT OF MANDAMUS

	SUBMITTED BY: Sara Kobak, OSB No. 023495 SCHWABE, WILLIAMSON & WYATT, P.C. 1211 SW Fifth Avenue, Suite 1900 Portland, OR 97204 Telephone: 503-222-9981 Email: skobak@schwabe.com	
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24		OWRD
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Page 2 - PEREMPTORY WRIT OF MANDAMUS

#### CERTIFICATE OF COMPLIANCE 1 2 This proposed order or judgment is ready for judicial signature because: 3 Each opposing party affected by this order or judgment has stipulated to the order or judgment, as shown by each opposing party's signature on the document being submitted. 5 2. X Each opposing party affected by this write has approved the form of the writ, as shown by signature on the document being submitted or by written confirmation of approval sent to me 3. I have served a copy of this order or judgment on all parties entitled to service 8 No objection has been served on me. 9 b. I received objections that I could not resolve with the opposing party despite reasonable efforts to do so. I have filed a copy of the objections I 10 received and indicated which objections remain unresolved. 11 After conferring about objections, [role and name of opposing party] agreed to independently file any remaining objection. 12 The relief sought is against an opposing party who has been found in default. 13 5. An order of default is being requested with this proposed judgment. 14 Service is not required pursuant to subsection (3) of this rule, or by statute, rule, 6. or otherwise. 15 7. This is a proposed judgment that includes an award of punitive damages and 16 notice has been served on the Director of the Crime Victims' Assistance Section as required by subsection (4) of this rule. 17 8. Other: None of the parties have filed an answer yet. 18 19 Presented this 1st day of February, 2023 by: 20 SCHWABE, WILLIAMSON & WYATT, P.C. 21 s/ Sara Kobak 22 Sara Kobak, OSB No. 023495 23 RECEIVED 24 25 FEB **0 9** 2023 26 OWRD

Page 3 - PEREMPTORY WRIT OF MANDAMUS

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4	YoungWoo Joh, Assistant Attorney General Brian Simmonds Marshall, Hand Delivery Facsimile
6	Senior Assistant Attorney General  OREGON DEPARTMENT  U.S. Mail Certified Mail Overright Courier
7	OF JUSTICE  Overnight Courier  Email  100 SW Market Street  Overnight Courier  Email  Electronic Service
8	Portland, OR 97201
9	Attorneys for Defendant
10	Oregon Water Resources Department
11	
12	s/ Sara Kobak Sara Kobak, OSB No. 023495
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PEREMPTORY WRIT OF MANDAMUS

Page 4 -

#### Land Use Information Form



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

#### NOTE TO APPLICANTS

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#### This form is NOT required if:

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  - b) The application involves a change in place of use only;
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RECEIVED

FEB 0 9 2023

OWRD

WR / FS

#### **Land Use Information Form**



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

Applicant(s): Bridge Creek Ranch, LLC

Mailing Address: 355 Goodpasture Island Road

City: Eugene

State: OR

Zip Code: 97401

Daytime Phone: (541) 681-5332

#### A. Land and Location

Please include the following information for all tax lots where water will be diverted (taken from its source), conveyed (transported), and/or used or developed. Applicants for municipal use, or irrigation uses within irrigation districts may substitute existing and proposed service-area boundaries for the tax-lot information requested below.

Township	Range	Section	% %	Tax Lot #	Plan Designation (e.g., Rural Residential/RR-5)		Water to be:		Proposed Land Use:
See Attachment						Diverted	Conveyed	Used	************
						☐ Diverted	Conveyed	Used	
			-	***************************************		☐ Diverted	Conveyed	Used	
Antoniona						☐ Diverted	Conveyed	Used	-
Wheeler Co  B. Description  Type of applicat Permit to U Limited Wa  Source of water  Estimated quan Intended use of  Briefly describe: The transfer location in S	unty  of Proportion to be lise or Store ter Use Lice Resertity of water:	psed Use filed with a Water ense voir/Pond fier needed Irrigation Municipa	the Water R  Water Rig  Allocation  Grou  490.0  Co	esources Dep ht Transfer of Conserved nd Water cubic fe ommercial uasi-Municipal	Permit Am Water Exchange Surface Water (nam eet per second gal	nendment or 0 of Water  e) Bridge C lons per minu Domestic Other k from a lo	reek and Bote te 🔲 acre	ear Creel -feet ousehold(s)	to a
Reservoir.						****************			<i>P</i>
***************************************								7:	2300

Note to applicant: If the Land Use Information Form cannot be completed while you wait, please have a local government representative sign the receipt at the bottom of the next page and include it with the application filed with the Water Resources Department.

See bottom of Page 3. →

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Revised 2/8/2010

Land Use Information Form - Page 2 of 3

#### For Local Government Use Only

The following section must be completed by a planning official from each county and city listed unless the project will be located entirely within the city limits. In that case, only the city planning agency must complete this form. This deals only with the local land-use plan. Do not include approval for activities such as building or grading permits.

Please check the appropriate box below	and provide the	requested information
----------------------------------------	-----------------	-----------------------

Land uses to be served by the proposed water as listed in the table below. (Please attach do Record of Action/land-use decision and accomperiods have not ended, check "Being pursuant to be a served by the proposed water as listed in the table below.	ocumentation of applicable land-use approvementation of applicable land-use approvementations.	volve discretion als which have a	already been obtained.
Type of Land-Use Approval Needed (e.g., plan amendments, rezones, conditional-use permits, etc.)	Cite Most Significant, Applicable Plan Policies & Ordinance Section References	Land	d-Use Approval:
		☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued
		☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued
		☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued
		☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued
		☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued
Name: Matt Davis	Title:	Planning Directo	or
Signature: MAC:	Phone: 541-728-127	5 Date:	02/03/2023
Government Entity: Wheeler County Communi	ty Development Department		
Note to local government representative: Pleasing the receipt, you will have 30 days from the Notemation Form or WRD may presume the land comprehensive plans.	Water Resources Department's notice date t	to return the co	mpleted Land Use ble with local
Pacaint	for Request for Land Use Information		"Comit O
Applicant name:		<u>on</u>	
City or County:			
Signature:			
			RECEIVED
Revised 2/8/2010	Land Use Information Form - Page 3 of 3		WR

# Land Use Information Form Attachment

# Transfer Application for Certificate 68553 For Bridge Creek Ranch, LLC

				Г			·	I	Т				Т	_	Т	_	T	_	Т
Proposed Land Use:	1																		
	□ Used	Used	Used	□ Used	Used	Dosed	D Used	D Used	□ Used	D Used	Desd 🛛	Daso 🛛	Deed ⊠	N Used	N Used	⊠ Used	Used	D Used	D Used
Water to be:	X Conveyed	X Conveyed	Conveyed     Conveyed	⊠ Conveyed	Conveyed     Conveyed	⊠ Conveyed	Conveyed     Conveyed	Conveyed     Conveyed	⊠ Conveyed	☑ Conveyed	Conveyed     Conveyed	Conveyed	Conveyed	Conveyed	Conveyed	Conveyed	Conveyed     Conveyed	Conveyed     Conveyed	☑ Conveyed
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Plan Designation (e.g., Rural Residential/RR-5)	<u>EFU</u>	EFU	EFU	EFU	EFU	EFU	EFU	EFU	EFU	EFU	EFU	EFU	EFU	<u>EFU</u>	EFU	EFU	<u>EFU</u>	EFU	EFU
Tax Lot #	3600	3600	3600	3600	3600	3600	3600	1700	1700	1700	1700	1700	1700	1700	1700	1700	1701	1701	1800
* *	SE SE	NW SE	SW NE	SE NW	NE NW	NW NW	SW SW	SE SE	SW SE	NW SE	NE SW	NW SW	SW SW	SE SW	SE SE	NW NW	SW NE	NW NE	SE SE
Section	31	31	31	31	31	31	30	25	25	25	25	25	25	25	<u>36</u>	36	35	35	<u>36</u>
Range	21 E	21 E	21 E	21 E	21 E	21 E	21 E	20 E	20 E	20 E	20 E	20 E	20 E	20 E	20 E	20 E	20 E	20 E	20 E
Township	<u>10 S</u>	<u>10 S</u>	<u>10 S</u>	<u>10 S</u>	<u>10 S</u>	<u>10 S</u>	<u>10 S</u>	<u>10 S</u>	10.5	<u>10 S</u>	10.5	<u>10 S</u>	<u>10 S</u>	<u>10 S</u>	<u>10 S</u>	10.5	<u>10 S</u>	<u>10 S</u>	10.5

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OWRD 14170



February 8, 2023

**Lindsay Thane** 

Admitted in Oregon, Washington and Montana

T: 503-796-2059 C: 406-214-1918 lthane@schwabe.com

#### VIA OVERNIGHT DELIVERY - UPS

Oregon Water Resources Department 725 Summer Street NE, Suite A Salem, OR 97301

RE: Application for Permanent Water Right Transfer – Certificate 68553

Our File No.: 129629-213607

To Whom it May Concern:

Pursuant to the Marion County Circuit Court's decision in *Bridge Creek Ranch*, *LLC v. Oregon Water Resources Department*, case no. 22CV05598, Bridge Creek Ranch resubmits the enclosed permanent water right transfer application for the Department to process. Circuit Court Judge Broyles' letter opinion, General Judgment, and Peremptory Writ of Mandamus in case no. 22CV05598 is attached for reference.

This permanent transfer application was submitted to the Department on December 8, 2021. We no longer have the transfer application that was originally submitted to the Department so, to the extent the Department requires a wet original signature for the application, the evidence of use affidavit, the land use information statement, and a wet CWRE seal on the application map, we are enclosing recently signed copies of those documents. As such, the following documents are enclosed as part of this permanent water right transfer application for Certificate 68553:

- 1. Copy of the file stamped received copy of application for a Permanent Water Right Transfer that was submitted December 8, 2021.
- 2. Check made payable to OWRD in the amount of \$1,360.00 for the required transfer application filing fee.
- 3. Transfer Reimbursement Authority Estimate Application, together with a check made payable to OWRD in the amount of \$125.00 for the required reimbursement authority estimate application filing fee.
- 4. Newly signed: transfer application signature page, evidence of use affidavit, land use information form, and reimbursement authority estimate application.
- 5. Newly stamped CWRE transfer application map.

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Oregon Water Resources Department February 8, 2023 Page 2

Please let me know if you have any questions.

Linday M. Thane

Sincerely,

Lindsay Thane

LTH:lmt Enclosures

cc:

Elizabeth Howard Gabe Williams Mike Pati

> RECEIVED FEB 0 9 2023

## Application for Water Right **Transfer**

**Evidence of Use Affidavit** 



#### Oregon Water Resources Department 725 Summer Street NE, Suite A

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

Supporting documentation must be attached. RECEIVED State of Oregon FEB **0 9 20**23 SS County of WHEELER) OWRD I, GABE WILLIAMS, in my capacity as CONSULTANT AND ENGINEER FOR BRIDGE CREEK RANCH, LLC, mailing address 1180 SW LAKE RD. SUITE 202, REDMOND, OREGON 97756 RECEIVED telephone number (541)771-6911, being first duly sworn depose and say: FEB 0 9 2 1. My knowledge of the exercise or status of the water right is based on (check one): Personal observation Professional expertise OWRD 2. Lattest that: Water was used during the previous five years on the entire place of use for Certificate # 68553; OR My knowledge is specific to the use of water at the following locations within the last five years: Gov't Lot Acres Certificate # 1/4 1/4 Township Range Mer Sec or DLC (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)

Please print legibly or type. Be as specific as possible. Attach additional pages if you need more spacing.

(continues on reverse side)

- 3. The water right was used for: (e.g., crops, pasture, etc.): STORAGE FOR IRRIGATION
- **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.

Sabul M Wills

2/3/23

Signed and sworn to (or affirmed) before me this 3rd day of February 20 23.



Notary Public for Oregon

My Commission Expires: August 22, 2016

Supporting Documents	Examples
Copy of a water right certificate that has been issued within the last five years. (not a remaining right certificate)	Copy of confirming water right certificate that shows issue date
Copies of receipts from sales of irrigated crops or for expenditures related to use of water	Power usage records for pumps associated with irrigation use
	Fertilizer or seed bills related to irrigated crops
	Farmers Co-op sales receipt
Records such as FSA crop reports, irrigation district records, NRCS farm management plan, or	<ul> <li>District assessment records for water delivered</li> <li>Crop reports submitted under a federal loan agreement</li> </ul>
records of other water suppliers	Beneficial use reports from district
	·
	IRS Farm Usage Deduction Report
	Agricultural Stabilization Plan
	CREP Report
Aerial photos containing sufficient detail to establish location and date of photograph  *See attached memo with imbedded photos.	Multiple photos can be submitted to resolve different areas of a water right.  If the photograph does not print with a "date stamp" or without the source being identified, the date of the photograph and source should be added.
	Sources for aerial photos: OSU –www.oregonexplorer.info/imagery OWRD – www.wrd.state.or.us Google Earth – earth.google.com TerraServer – www.terraserver.com
Approved Lease establishing beneficial use	Copy of instream lease or lease number
within the last 5 years	

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**OWRD** 

14170



1180 SW Lake Rd Ste 202 Redmond, OR 97756 (541) 771-6911

#### Memorandum

Date:

November 2nd, 2021

From:

Gabriel Williams PE, Resource Specialists Inc.

Re:

Cert 68553 Evidence of Use for Painted Hills Reservoir

This documentation demonstrates diversion of water from Bridge Creek and Bear Creek for storage in the Painted Hills Reservoir under certificate 68553.



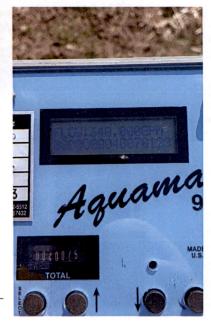
The photo to the left shows the operation of the Bridge Creek Diversion on 11-30-20.

The photo to the right is a aquamaster 900 which is installed just downstream of the Bridge Creek Diversion on the pipeline that supplies water to the Painted Hills Reservoir. This photo was taken on 3-3-21 during the filling of the reservoir for storage.



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The photo above was taken on 1-19-21 and shows water being diverted through the Bear Creek Diversion.

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The Google Earth image below shows the reservoir filled to its full certificated 800 ac-ft capacity on 7-2-2017.



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Page 3 of 3

**New Search** 

#### Business Registry Business Name Search

Business Entity Data

	Nbr	<b>Entity Type</b>		ntity atus	Jurisdict	<u>ion</u> R	egistry Date	Next Renewal Date	Renewal Due
031582-84		DBC	_	ACT	OREGO	N	05-01-1986	05-01-2023	
Entity Na	me	PAPE' PROPER	RTIES	S, INC.					
Foreign N	ame								
New Search					Associ	ated Names			
Туре	PPB	PRINCIPAL PI	LACE	OF BUSI				T	
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Addr 2	555 6	O O DITTIOTOTAL	10211	110 100 01	2200				
CSZ	EUGE	NE O	OR	97401		Country	UNITED ST	ATES OF AMERICA	
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2/10/2023

Business Registry Business Name Search

Туре	SEC SECRETAR	Y			Resign Date
Name	SETH		L SMYTHE		
Addr 1	PO BOX 407				
Addr 2				an Kanzasia I	
CSZ	EUGENE	OR	97440	Country	UNITED STATES OF AMERICA

**New Search** 

Name History

Business Entity Name	Name Type	Name Status	Start Date	End Date
PAPE' PROPERTIES, INC.	EN	CUR	05-01-1986	- Alemania - Nag

Please <u>read</u> before ordering <u>Copies</u>.

New Search

**Summary History** 

Image Available	Action	Transaction Date	Effective Date	<u>Status</u>	Name/Agent Change	Dissolved By
(1)	AMENDED ANNUAL REPORT	03-18-2022		FI		
<b>(</b>	AMENDED ANNUAL REPORT	04-05-2021		FI		
	AMENDED ANNUAL REPORT	04-16-2020		FI		
	AMNDMT TO ANNUAL RPT/INFO STATEMENT	04-23-2019		FI	Agent	
	AMENDED ANNUAL REPORT	04-01-2019		FI	Agent	
<b>(</b>	AMENDED ANNUAL REPORT	04-23-2018		FI		
(E)	AMENDED ANNUAL REPORT	04-05-2017		FI	Agent	
	AMENDED ANNUAL REPORT	03-17-2016		FI		and the second s
	AMENDED ANNUAL REPORT	03-26-2015		FI		
	AMENDED ANNUAL REPORT	03-19-2014		FI		
	AMENDED ANNUAL REPORT	03-21-2013	198	FI		
	AMENDED ANNUAL REPORT	03-19-2012		FI		
(1)	AMENDED ANNUAL REPORT	03-16-2011	Zwy.	FI		
	ANNUAL REPORT PAYMENT	04-01-2010	03-31-2010	SYS		

Business Registry Business Name Search

	ANNUAL REPORT PAYMENT	04-03-2009	04-02-2009	SYS		
	ANNUAL REPORT PAYMENT	03-28-2008	100	SYS		
	ANNUAL REPORT	04-04-2007		FI		
	ANNUAL REPORT	04-28-2006		FI		
	ANNUAL REPORT	04-08-2005		FI		
	CHANGE OF REGISTERED AGENT/ADDRESS	07-07-2004		FI	Agent	
	AMNDMT TO ANNUAL RPT/INFO STATEMENT	03-26-2004		FI		
	ANNUAL REPORT PAYMENT	03-23-2004		SYS		
	ANNUAL REPORT PAYMENT	03-25-2003		SYS		
-	ANNUAL REPORT PAYMENT	04-09-2002		SYS		
	ANNUAL REPORT PAYMENT	04-24-2001		SYS		
	CHANGED RENEWAL	04-04-2000		FI		
	STRAIGHT RENEWAL	04-03-2000		FI		
	CHANGED RENEWAL	04-13-1999		FI		
	STRAIGHT RENEWAL	03-24-1999		FI		
	STRAIGHT RENEWAL	03-27-1998		FI		
	CHANGED RENEWAL	03-27-1998		FI	1	
	AMENDED RENEWAL	04-07-1997	4. A. A.	FI		
	STRAIGHT RENEWAL	04-08-1996		FI		
	CHANGED RENEWAL	04-08-1996		FI		
	STRAIGHT RENEWAL	05-05-1995		FI		
	AMENDED RENEWAL	06-24-1994		FI		
	AMENDED RENEWAL	05-20-1993		FI		
	STRAIGHT RENEWAL	04-20-1992		FI		
7.5	STRAIGHT RENEWAL	03-21-1991		FI		, 20
	NB AMENDMENT	09-06-1990		FI		
	STRAIGHT RENEWAL	03-20-1990		FI		
7	AMENDED RENEWAL	03-24-1989		FI		
	AMENDED RENEWAL	04-01-1988		FI		
	AMENDED RENEWAL	03-27-1987		FI	1 1	
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#### Business Registry Business Name Search

New Search Business Entity Data								02-10-2023 11:3		
Registry	Nbr	Entity Type	Entity Status		Jurisdict	ion	Re	egistry Date	Next Renewal Date	Renewal Due?
564914	-92	DLLC	ACT	2	OREGON			12-10-2008	12-10-2023	
Entity N	ame	BRIDGE CREE	EK RANC	CH LLC						- Andrews
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Addr 2								_		
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Business Registry Business Name Search

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Addr 1	355 GOODPASTURI	E ISLAND R	OAD							
Addr 2										
CSZ	EUGENE	OR 9740	01	Country	UNITED STATES OF AMERICA					

**New Search** 

Name History

Business Entity Name	Name Type	Name Status	Start Date	End Date	
BRIDGE CREEK RANCH LLC	EN	CUR	12-10-2008		

Please <u>read</u> before ordering <u>Copies</u>.

New Search

Summary History

Image Available	Action	Transaction Date	Effective Date	<u>Status</u>	Name/Agent Change	Dissolved By
<b>(</b>	AMENDED ANNUAL REPORT	11-21-2022		FI		
	AMENDED ANNUAL REPORT	11-01-2021		FI		
	AMENDED ANNUAL REPORT	11-10-2020		FI	Agent	
	AMENDED ANNUAL REPORT	11-13-2019		FI	ale i de la companya	and gradien and area.
	AMENDED ANNUAL REPORT	11-20-2018		FI		
	AMENDED ANNUAL REPORT	11-20-2017		FI		
	AMENDED ANNUAL REPORT	10-30-2016		FI	Agent	
	AMENDED ANNUAL REPORT	12-01-2015		FI	Agent	
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2/10/2023			Bı	usiness Registry Bus	iness Name Search		
-	•	AGENT/ADDRESS					
(		ARTICLES OF ORGANIZATION	12-10-2008		FI	Agent	

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