

5. The portion of the first right to be transferred is as follows:

Certificate: 30166 in the name of HARVEY SMITH (perfected under Permit S-22580)

Use: IRRIGATION OF 149.4 ACRES

Priority Date: AUGUST 3, 1953

Rate: 1.96 CUBIC FEET PER SECOND

Limit/Duty: The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to ONE-FORTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 4.0 acre-feet per acre for each acre irrigated during the irrigation season of each year.

Source: ROCK CREEK, a tributary of JOHN DAY RIVER

Authorized Points of Diversion:

Twp	Rng	Mer	Sec	Q-Q
2 S	22 E	WM	15	SE SW
2 S	22 E	WM	22	NW NE
2 S	22 E	WM	22	NE SE
2 S	22 E	WM	22	SE SE
2 S	22 E	WM	27	NE NE
2 S	22 E	WM	27	NE SE
2 S	22 E	WM	27	SE SE

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
2 S	22 E	WM	15	SE SW	0.2
2 S	22 E	WM	15	SW SE	21.8
2 S	22 E	WM	22	NW NE	1.0
2 S	22 E	WM	22	SE NE	22.8
2 S	22 E	WM	22	NE SE	7.5
2 S	22 E	WM	22	SE SE	7.6
2 S	22 E	WM	23	SW NW	2.4
2 S	22 E	WM	23	NW SW	7.6
2 S	22 E	WM	23	SW SW	6.9
2 S	22 E	WM	26	NW NW	17.0
2 S	22 E	WM	26	SW NW	10.3
2 S	22 E	WM	26	NW SW	10.0
2 S	22 E	WM	27	NE NE	13.5
2 S	22 E	WM	27	SE NE	4.9
2 S	22 E	WM	27	NE SE	14.3
2 S	22 E	WM	27	SE SE	1.6
TOTAL					149.4

6. Transfer Application T-13739 proposes to change the place of use of the right to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
2 S	22 E	WM	15	SW SE	23.10
2 S	22 E	WM	22	NW NE	6.20
2 S	22 E	WM	22	SE NE	19.20
2 S	22 E	WM	22	NE SE	8.30
2 S	22 E	WM	22	SE SE	0.85
2 S	22 E	WM	23	SW NW	7.80
2 S	22 E	WM	23	NW SW	13.90
2 S	22 E	WM	23	SW SW	10.90
2 S	22 E	WM	26	NW NW	25.40
2 S	22 E	WM	26	SW NW	6.30
2 S	22 E	WM	26	NW SW	15.20
2 S	22 E	WM	26	SW SW	0.30
2 S	22 E	WM	27	NE NE	1.65
2 S	22 E	WM	27	SE NE	0.10
2 S	22 E	WM	27	NE SE	9.80
2 S	22 E	WM	27	SE SE	0.40
TOTAL					149.4

7. The second right to be transferred is as follows:

Certificate: 94039 in the name of DENNIS MACNAB (confirmed by JOHN DAY RIVER Decree)
Use: IRRIGATION OF 17.4 ACRES
Priority Date: 1897
Limit/Duty: ONE-FORTIETH cubic foot per second per acre irrigated to June 1 and ONE-EIGHTIETH cubic foot per second per acre thereafter; further limited to a 1.0 acre-foot per acre per calendar month to June 1 and 4.0 acre-feet per acre during season April 1 to September 30, measured at the point of diversion.
Source: ROCK CREEK

Authorized Points of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
ORIGINAL - NICHOLS AND FLETCHER DITCH					
2 S	22 E	WM	27	NE NE	ADDITIONAL - 1200 FEET SOUTH AND 110 FEET WEST FROM THE NE CORNER OF SECTION 27

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
2 S	22 E	WM	15	SE SW	2.4
2 S	22 E	WM	15	SW SE	1.0
2 S	22 E	WM	22	NW NE	9.0
2 S	22 E	WM	22	SW NE	5.0
TOTAL					17.4

8. Transfer Application T-13739 proposes to change the place of use of the right to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
2 S	22 E	WM	27	NE NE	3.50
2 S	22 E	WM	27	SE NE	3.45
2 S	22 E	WM	27	NE SE	2.80
2 S	22 E	WM	27	NW SE	0.65
2 S	22 E	WM	27	SW SE	0.10
2 S	22 E	WM	27	SE SE	6.90
TOTAL					17.4

9. The third right to be transferred is as follows:

Certificate: 94040 in the name of DENNIS MACNAB (confirmed by JOHN DAY RIVER Decree)
Use: IRRIGATION OF 8.4 ACRES
Priority Date: 1902
Limit/Duty: ONE-FORTIETH cubic foot per second per acre irrigated to June 1 and ONE-EIGHTIETH cubic foot per second per acre thereafter; further limited to 1.0 acre-foot per acre per calendar month to June 1 and 4.0 acre-feet per acre during season April 1 to September 30, measured at the point of diversion.
Source: DRY FORK OF ROCK CREEK

Authorized Points of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
ORIGINAL - DAM AND MOORE DITCH					
2 S	22 E	WM	27	NE NE	ADDITIONAL - 1200 FEET SOUTH AND 110 FEET WEST FROM THE NE CORNER OF SECTION 27

Authorized Place of Use:

Twp	Rng	Mer	Sec	Q-Q	Acres
2 S	22 E	WM	26	SW NW	2.8
2 S	22 E	WM	27	SE NE	5.6
TOTAL					8.4

10. Transfer Application T-13739 proposes to change the place of use of the right to:

Twp	Rng	Mer	Sec	Q-Q	Acres
2 S	22 E	WM	26	NW NW	1.8
2 S	22 E	WM	26	SW NW	0.6
2 S	22 E	WM	27	NE NE	6.0
TOTAL					8.4

11. The fourth right to be transferred is as follows:

Certificate: 94041 in the name of DENNIS MACNAB (confirmed by JOHN DAY RIVER Decree)
Use: IRRIGATION OF 13.3 ACRES
Priority Date: 1905

Limit/Duty: ONE-FORTIETH cubic foot per second per acre irrigated to June 1 and ONE-EIGHTIETH cubic foot per second per acre thereafter; further limited to 1.0 acre-foot per acre per calendar month to June 1 and 4.0 acre-feet per acre during season April 1 to September 30, measured at the point of diversion.

Source: ROCK CREEK

Authorized Points of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
ORIGINAL - NICHOLS AND FLETCHER DITCH					
2 S	22 E	WM	27	NE NE	ADDITIONAL - 1200 FEET SOUTH AND 110 FEET WEST FROM THE NE CORNER OF SECTION 27

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
2 S	22 E	WM	22	NE SE	12.5
2 S	22 E	WM	22	NW SE	0.4
2 S	22 E	WM	22	SE SE	0.4
TOTAL					13.3

12. Transfer Application T-13739 proposes to change the place of use of the right to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
2 S	22 E	WM	22	NW NE	2.7
2 S	22 E	WM	22	SW NE	4.4
2 S	22 E	WM	22	SE NE	6.2
TOTAL					13.3

13. The fifth right to be transferred is as follows:

Certificate: 94042 in the name of DENNIS MACNAB (perfected under Permit S-6408)

Use: IRRIGATION OF 13.0 ACRES

Priority Date: JULY 5, 1924

Rate: 0.18 CUBIC FOOT PER SECOND

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

Source: ROCK CREEK, a tributary of JOHN DAY RIVER

Authorized Points of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
3 S	22 E	WM	3	NW NW	ORIGINAL
2 S	22 E	WM	27	NE NE	ADDITIONAL - 1200 FEET SOUTH AND 110 FEET WEST FROM THE NE CORNER OF SECTION 27

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
2 S	22 E	WM	27	NE SE	4.0
2 S	22 E	WM	27	SE SE	9.0
TOTAL					13.0

14. Transfer Application T-13739 proposes to change the place of use of the right to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
2 S	22 E	WM	26	SW NW	2.4
2 S	22 E	WM	26	NE SW	4.5
2 S	22 E	WM	26	NE SE	1.8
2 S	22 E	WM	26	NW SE	2.7
2 S	22 E	WM	27	SE NE	1.6
TOTAL					13.0

15. The portion of the sixth right to be transferred is as follows:

Certificate: 94043 in the name of DENNIS MACNAB (perfected under Permit G-3400)

Use: IRRIGATION OF 19.4 ACRES, AND SUPPLEMENTAL IRRIGATION OF 29.3 ACRES

Priority Date: AUGUST 15, 1966

Rate: 0.61 CUBIC FOOT PER SECOND

Limit/Duty: The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to ONE-EIGHTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated, and shall be further limited to a diversion of not to exceed 3.0 acre-feet per acre for each acre irrigated during the irrigation season of each year; provided further that the right allowed herein shall be limited to an deficiency in the available supply of any prior right existing for the same land and shall not exceed the limitation allowed herein.

Source: FOUR WELLS, tributaries of ROCK CREEK

Authorized Points of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
2 S	22 E	WM	15	SW SE	WELL 4 (ADDITIONAL) - 50 FEET NORTH AND 2480 FEET WEST FROM THE SE CORNER OF SECTION 15
2 S	22 E	WM	23	SW SW	WELL 3 (ADDITIONAL) - 1320 FEET NORTH AND 80 FEET EAST FROM THE SE CORNER OF SECTION 22
2 S	22 E	WM	26	NW NW	WELL 1 (ORIGINAL) - 4000 FEET NORTH AND 170 FEET EAST FROM THE SW CORNER OF SECTION 26
2 S	22 E	WM	26	SE NW	WELL 2 (ADDITIONAL)- 3070 FEET NORTH AND 1560 FEET EAST FROM THE SW CORNER OF SECTION 26

Authorized Place of Use:

PRIMARY IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
2 S	22 E	WM	23	SW SW	8.8
2 S	22 E	WM	26	NW NW	10.6
TOTAL					19.4

SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
2 S	22 E	WM	22	SE SE	2.2
2 S	22 E	WM	23	SW SW	6.9
2 S	22 E	WM	26	NW NW	17.0
2 S	22 E	WM	26	SW NW	1.2
2 S	22 E	WM	27	NE NE	2.0
TOTAL					29.3

16. Transfer Application T-13739 proposes to change the place of use of the right to:

PRIMARY IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
2 S	22 E	WM	22	NE SE	10.30
2 S	22 E	WM	22	SE SE	5.30
2 S	22 E	WM	23	SW SW	2.25
2 S	22 E	WM	23	SE SW	0.20
2 S	22 E	WM	26	NE NW	0.25
2 S	22 E	WM	26	NW NW	0.25
2 S	22 E	WM	27	SE NE	0.10
2 S	22 E	WM	27	NE SE	0.75
TOTAL					19.4

SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
2 S	22 E	WM	15	SW SE	23.10
2 S	22 E	WM	22	NW NE	6.20
TOTAL					29.3

17. The seventh right to be transferred is as follows:

Certificate: 94044 in the name of DENNIS MACNAB (perfected under Permit G-3780)

Use: IRRIGATION OF 4.2 ACRES, AND SUPPLEMENTAL IRRIGATION OF 88.2 ACRES

Priority Date: AUGUST 10, 1967

Rate: 1.16 CUBIC FEET PER SECOND (CFS), FURTHER LIMITED TO 0.61 CFS FROM WELL 1, 1.16 CFS FROM WELL 2, 0.94 CFS FROM WELL 3, AND 1.16 CFS FROM WELL 4, IN ANY COMBINATION, OR ITS EQUIVALENT IN THE CASE OF ROTATION, MEASURED AT THE WELL

Limit/Duty: The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to ONE-EIGHTIETH of one cubic foot per second per acre, or its equivalent for each

acre irrigated, and shall be further limited to a diversion of not to exceed 3.0 acre-feet per acre for each acre irrigated during the irrigation season of each year; provided further that the right allowed herein shall be limited to any deficiency in the available supply for any prior right existing for the same land and shall not exceed the limitation allowed herein.

Source: FOUR WELLS, TRIBUTARIES OF ROCK CREEK

Authorized Points of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
2 S	22 E	WM	15	SW SE	WELL 4 (ADDITIONAL) - 50 FEET NORTH AND 2480 FEET WEST FROM THE SE CORNER OF SECTION 15
2 S	22 E	WM	23	SW SW	WELL 3 (ADDITIONAL) - 1320 FEET NORTH AND 80 FEET EAST FROM THE SE CORNER OF SECTION 22
2 S	22 E	WM	26	NW NW	WELL 1 (ADDITIONAL) - 4000 FEET NORTH AND 170 FEET EAST FROM THE SW CORNER OF SECTION 26
2 S	22 E	WM	26	SE NW	WELL 2 (ORIGINAL) - 3070 FEET NORTH AND 1560 FEET EAST FROM THE SW CORNER OF SECTION 26

Authorized Place of Use:

PRIMARY IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
2 S	22 E	WM	27	NE SE	3.2
2 S	22 E	WM	27	SE SE	1.0
TOTAL					4.2

SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
2 S	22 E	WM	22	SE SE	2.2
2 S	22 E	WM	23	SW SW	15.7
2 S	22 E	WM	26	NW NW	27.6
2 S	22 E	WM	26	SW NW	11.2
2 S	22 E	WM	26	NW SW	10.0
2 S	22 E	WM	27	NE NE	2.0
2 S	22 E	WM	27	SE NE	2.8
2 S	22 E	WM	27	NE SE	16.3
2 S	22 E	WM	27	SE SE	0.4
TOTAL					88.2

18. Transfer Application T-13739 proposes to change the place of use of the right to:

PRIMARY IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
2 S	22 E	WM	22	NW NE	2.0
2 S	22 E	WM	27	NE SE	2.2
TOTAL					4.2

SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
2 S	22 E	WM	15	SW SE	23.10
2 S	22 E	WM	22	NW NE	6.20
2 S	22 E	WM	22	SE NE	9.90
2 S	22 E	WM	22	NE SE	10.30
2 S	22 E	WM	22	SE SE	5.30
2 S	22 E	WM	23	SW SW	2.25
2 S	22 E	WM	23	SE SW	0.20
2 S	22 E	WM	26	NE NW	0.25
2 S	22 E	WM	26	NW NW	0.55
2 S	22 E	WM	26	SW NW	8.60
2 S	22 E	WM	26	NW SW	14.90
2 S	22 E	WM	27	SE NE	1.80
2 S	22 E	WM	27	NE SE	4.85
TOTAL					88.2

19. The eighth right to be transferred is as follows:

Certificate: 94045 in the name of DENNIS MACNAB (perfected under Permit G-5356)

Use: IRRIGATION OF 5.9 ACRES, AND SUPPLEMENTAL IRRIGATION OF 69.2 ACRES

Priority Date: FEBRUARY 12, 1971

Rate: 0.94 CUBIC FOOT PER SECOND (CFS), FURTHER LIMITED TO 0.61 CFS FROM WELL 1 AND 0.94 CFS EACH FROM WELL 2, WELL 3, AND WELL 4, IN ANY COMBINATION, OR ITS EQUIVALENT IN THE CASE OF ROTATION, MEASURED AT THE WELL

Limit/Duty: The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to ONE-EIGHTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated, and shall be further limited to a diversion of not to exceed 3.0 acre-feet per acre for each acre irrigated during the irrigation season of each year.

Source: FOUR WELLS, TRIBUTARIES OF ROCK CREEK

Authorized Points of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
2 S	22 E	WM	15	SW SE	WELL 4 (ADDITIONAL) - 50 FEET NORTH AND 2480 FEET WEST FROM THE SE CORNER OF SECTION 15
2 S	22 E	WM	23	SW SW	WELL 3 (ORIGINAL) - 1320 FEET NORTH AND 80 FEET EAST FROM THE SE CORNER OF SECTION 22
2 S	22 E	WM	26	NW NW	WELL 1 (ADDITIONAL) - 4000 FEET NORTH AND 170 FEET EAST FROM THE SW CORNER OF SECTION 26
2 S	22 E	WM	26	SE NW	WELL 2 (ADDITIONAL) - 3070 FEET NORTH AND 1560 FEET EAST FROM THE SW CORNER OF SECTION 26

Authorized Place of Use:

PRIMARY IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
2 S	22 E	WM	22	NE SE	4.9
2 S	22 E	WM	22	NW SE	0.5
2 S	22 E	WM	23	SW SW	0.5
TOTAL					5.9

SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
2 S	22 E	WM	22	SE NE	20.0
2 S	22 E	WM	22	NE SE	20.0
2 S	22 E	WM	22	NW SE	0.4
2 S	22 E	WM	22	SE SE	4.6
2 S	22 E	WM	23	SW NW	3.2
2 S	22 E	WM	23	NW SW	21.0
TOTAL					69.2

20. Transfer Application T-13739 proposes to change the place of use of the right to:

PRIMARY IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
2 S	22 E	WM	15	SE SW	1.9
2 S	22 E	WM	15	SW SE	2.8
2 S	22 E	WM	22	NW NE	1.2
TOTAL					5.9

SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
2 S	22 E	WM	22	NW NE	11.5
2 S	22 E	WM	22	SW NE	6.5
2 S	22 E	WM	22	SE NE	15.5
2 S	22 E	WM	22	NE NW	3.3
2 S	22 E	WM	22	NE SE	4.2
2 S	22 E	WM	23	SW SW	10.6
2 S	22 E	WM	26	NW NW	17.6
TOTAL					69.2

21. The ninth right to be transferred is as follows:

Certificate: 94046 in the name of DENNIS MACNAB (perfected under Permit G-3952)
Use: IRRIGATION OF 48.3 ACRES AND SUPPLEMENTAL IRRIGATION OF 83.3 ACRES
Priority Date: JANUARY 17, 1968
Rate: 1.65 CUBIC FEET PER SECOND (CFS), FURTHER LIMITED TO 0.61 CFS FROM WELL 1, 1.16 CFS FROM WELL 2, 0.94 CFS FROM WELL 3, AND 1.65 CFS FROM WELL 4, IN ANY COMBINATION, OR ITS EQUIVALENT IN THE CASE OF ROTATION, MEASURED AT THE WELL
Limit/Duty: The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to ONE-EIGHTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated, and shall be further limited to a diversion of not to exceed 3 acre-feet per acre for each acre irrigated during the irrigation season of each year; provided further that the right herein shall be limited to any deficiency in the available supply of any prior right existing for the same land and shall not exceed the limitation allowed herein and shall be further limited to appropriation of water only to the extent that it does not impair or substantially interfere with existing surface water rights of others.
Source: FOUR WELLS, TRIBUTARIES OF ROCK CREEK

Authorized Points of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
2 S	22 E	WM	15	SW SE	WELL 4 (ORIGINAL) - 50 FEET NORTH AND 2480 FEET WEST FROM THE SE CORNER OF SECTION 15
2 S	22 E	WM	23	SW SW	WELL 3 (ADDITIONAL) - 1320 FEET NORTH AND 80 FEET EAST FROM THE SE CORNER OF SECTION 22
2 S	22 E	WM	26	NW NW	WELL 1 (ADDITIONAL) - 4000 FEET NORTH AND 170 FEET EAST FROM THE SW CORNER OF SECTION 26
2 S	22 E	WM	26	SE NW	WELL 2 (ADDITIONAL) - 3070 FEET NORTH AND 1560 FEET EAST FROM THE SW CORNER OF SECTION 26

Authorized Place of Use:

PRIMARY IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
2 S	22 E	WM	15	SE SW	8.2
2 S	22 E	WM	15	SW SE	0.5
2 S	22 E	WM	22	NW NE	14.2
2 S	22 E	WM	22	SW NE	2.2
2 S	22 E	WM	22	SE NE	0.6
2 S	22 E	WM	22	NE NW	8.4
2 S	22 E	WM	23	SW NW	0.8
2 S	22 E	WM	23	NW SW	13.4
TOTAL					48.3

SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
2 S	22 E	WM	15	SE SW	2.6
2 S	22 E	WM	15	SW SE	22.8
2 S	22 E	WM	22	NW NE	10.0
2 S	22 E	WM	22	SW NE	5.0
2 S	22 E	WM	22	SE NE	22.8
2 S	22 E	WM	22	NE SE	10.1
2 S	22 E	WM	23	SW NW	2.4
2 S	22 E	WM	23	NW SW	7.6
TOTAL					83.3

22. Transfer Application T-13739 proposes to change the place of use of the right to:

PRIMARY IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
2 S	22 E	WM	15	SE SW	4.9
2 S	22 E	WM	22	NW NE	8.8
2 S	22 E	WM	22	SW NE	2.1
2 S	22 E	WM	22	NE NW	8.3
2 S	22 E	WM	23	NW SW	11.9
2 S	22 E	WM	23	SW SW	9.5
2 S	22 E	WM	23	SE SW	2.8
TOTAL					48.3

SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
2 S	22 E	WM	22	SE NE	11.90
2 S	22 E	WM	22	NE SE	4.10
2 S	22 E	WM	23	SW NW	7.80
2 S	22 E	WM	23	NW SW	13.90
2 S	22 E	WM	23	SW SW	10.60
2 S	22 E	WM	26	NW NW	17.60
2 S	22 E	WM	27	NE NE	3.50
2 S	22 E	WM	27	SE NE	3.45
2 S	22 E	WM	27	NE SE	2.80
2 S	22 E	WM	27	NW SE	0.65
2 S	22 E	WM	27	SW SE	0.10
2 S	22 E	WM	27	SE SE	6.90
TOTAL					83.3

Transfer Review Criteria [OAR 690-380-0100(14), 690-380-4010(2) and 690-380-2200]

23. Water has been used within the five-year period prior to submittal of Transfer Application T-13739 according to the terms and conditions of the rights. There is no information in the record that would demonstrate that the rights are subject to forfeiture under ORS 540.610.
24. A water delivery system sufficient to use the full amount of water allowed under the existing rights were present within the five-year period prior to submittal of Transfer Application T-13739.

25. The water rights are subject to transfer as defined in ORS 540.505(4) and OAR 690-380-0100(14).
26. The proposed changes, as conditioned, would not result in enlargement of the rights.
27. The proposed changes, as conditioned, would not result in injury to other existing water rights.
28. All other application requirements are met.

Determination and Proposed Action

The change in places of use proposed in Transfer Application T-13739 appears to be consistent with the requirements of ORS 540.505 to 540.580 and OAR 690-380-5000. If protests are not filed pursuant to OAR 690-380-4030, the transfer application will be approved.

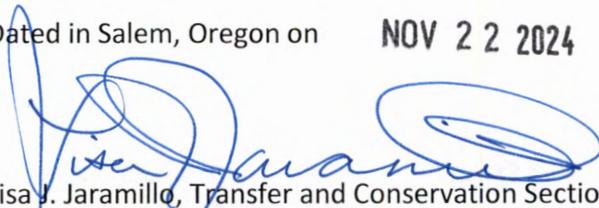
If Transfer Application T-13739 is approved, the final order will include the following:

1. *The change in places of use proposed in Transfer Application T-13739 is approved.*
2. *The right to the use of the water is restricted to beneficial use at the place of use described and is subject to all other conditions and limitations contained in Certificates 30166, 94039, 94040, 94041, 94042, 94043, 94044, 94045, and 94046 and any related decree.*
3. *Approval of this transfer application does not constitute nor grant legal access onto or through another person's property for purposes of accessing the new places of use.*
4. *Water right Certificates 30166, 94039, 94040, 94041, 94042, 94043, 94044, 94045, and 94046 are cancelled. A new certificate will be issued describing that portion of Certificate 30166 not affected by this transfer.*
5. *The former place of use of the transferred rights shall no longer receive water under the rights.*
6. *Water use measurement conditions:*
 - a. *Before water use may begin under this order, the water user shall install a totalizing flow meter, or, with prior approval of the Director, another suitable measuring device, at each point of diversion.*
 - b. *The water user shall maintain the meters or measuring devices in good working order.*
 - c. *The water user shall allow the Watermaster access to the meters or measuring devices; provided however, where the meters or measuring devices are located within a private structure, the Watermaster shall request access upon reasonable notice.*

7. *Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2026**. A Claim of Beneficial Use prepared by a Certified Water Right Examiner shall be submitted by the applicant to the Department within one year after the deadline for completion of the changes and full beneficial use of the water.*
8. *After satisfactory proof of beneficial use is received, new certificates confirming the rights transferred will be issued.*

Dated in Salem, Oregon on

NOV 22 2024



Lisa J. Jaramillo, Transfer and Conservation Section Manager, for
IVAN GALL, DIRECTOR
Oregon Water Resources Department

This Preliminary Determination was prepared by Dante Luongo. If you have questions about the information in this document, you may reach me at 971 304-5006 or Dante.J.Luongo@water.oregon.gov.

Protests

Under the provisions of ORS 540.520(6) & (7) and OAR 690-380-4030, within 30 days after the last date of publication of the newspaper notice or the Department's weekly notice as prescribed by OAR 690-380-4020, whichever is later, any person may file, jointly or severally, a protest expressing opposition of approval of the transfer application and disagreement with this Preliminary Determination or a standing statement in support of this Preliminary Determination. If this Preliminary Determination determines that a change in point of diversion or appropriation would result in injury, the applicant may file a notification of intent to pursue approval of the transfer under OAR 690-380-5030 to 690-380-5050. Protests and standing statements must be received by the Water Resources Department within 30 days after the last date of publication of the newspaper notice or the Department's weekly notice as prescribed by OAR 690-380-4020, whichever is later.

Protests must be in writing and received in hard copy form with the appropriate statutory protest filing fee; protests cannot be filed by electronic mail. [OAR 690-002-0025(3) and 690-380-0100(9)]. The protest must include the following:

- The person's name, address, and telephone number;
- All reasonably ascertainable issues and all reasonably available arguments supporting the person's position by the close of the protest period. Failure to raise a reasonably ascertainable issue in a protest or failure to provide sufficient specificity to afford the

Department an opportunity to respond to the issue may preclude consideration of the issue during the hearing;

- If you are the applicant, a protest fee of \$480 required by ORS 536.050; and
- If you are not the applicant, a protest fee of \$950 required by ORS 536.050 and proof of service of the protest upon the applicant.

Requests for Standing

Under the provisions of OAR 690-380-4030(5), the Department shall provide to persons who have filed standing statements as defined under OAR 690-380-0100(11) notice of any differences between the Department's Preliminary Determination and the Final Order, notice of a hearing on the application under OAR 137-003-0535, and an opportunity to request limited party status or party status in the hearing.

Requests for standing must be received in the Water Resources Department no later than 30 days after the last date of publication of the newspaper notice or the Department's weekly notice as prescribed by OAR 690-380-4020, whichever is later. Requests for standing must be in writing, and must include the following:

- The requester's name, mailing address and telephone number;
- If the requester is representing a group, association or other organization, the name, address and telephone number of the represented group;
- A statement that the requester supports the preliminary determination as issued.

After the protest period has ended, the Director will either issue a Final Order or schedule a contested case hearing. The contested case hearing will be scheduled only if a protest has been filed under OAR 690-380-4030. In accordance with OAR 690-380-4200, notice and conduct of the hearing shall:

- Be under the applicable provisions of ORS 183.310 to 183.550, pertaining to contested cases, and the hearing shall be held in the area where the rights are located unless all parties stipulate otherwise; and
- If a protest has asserted that a water right to be transferred has been forfeited through non-use, include the notice and procedures described in OAR 690-017-0500 to 690-017-0900.

If after hearing the Department issues a proposed Final Order finding that a change in point of diversion or appropriation will result in injury, the applicant may file a notification of intent to pursue approval of the transfer under OAR 690-380-5030 to 690-380-5050 within 15 days of receipt of the proposed order. Notwithstanding 690-002-0175, if the applicant files a

notification of intent to pursue approval of the transfer under 690-380-5030 to 690-380-5050, the deadline for filing exceptions to the proposed order shall be 30 days after the Department provides notice to the parties that the transfer does not meet the requirements of 690-380-5030 to 690-380-5050.

If you do not request a hearing within 30 days after the close of the protest period, or if you withdraw a request for a hearing, notify the Department or the administrative law judge that you will not appear, or fail to appear at a scheduled hearing, the Director may issue a final order by default. If the Director issues a Final Order by default, the Department designates the relevant portions of its files on this matter, including all materials that you have submitted relating to this matter, as the record for purpose of proving a *prima facie* case upon default.

You may be represented by an attorney at the hearing. Legal aid organizations may be able to assist a party with limited financial resources. Generally, partnerships, corporations, associations, governmental subdivisions, or public or private organizations are represented by an attorney. However, consistent with OAR 690-002-0020 and OAR 690-137-0555, an agency representative may represent partnerships, corporations, associations, governmental subdivisions or public, or private organizations if the Department determines that appearance of a person by an authorized representative will not hinder the orderly and timely development of the record in this case.

Notice Regarding Servicemembers: Active-duty servicemembers have a right to stay proceedings under the federal Servicemembers Civil Relief Act. 50 U.S.C. App. §§501-597b. For more information contact the Oregon State Bar at 800-452-8260, the Oregon Military Department at 971-355-4127, or the nearest United States Armed Forces Legal Assistance Office through <http://legalassistance.law.af.mil>.

If you have questions about how to file a protest or if you have previously filed a protest and you want to know the status, please contact Will Davidson at 503-507-2749.

If you have questions about the Department or any of its programs, please contact our Water Resources Customer Service Group at 503-986-0900.

Address any correspondence to: Oregon Water Resources Department, Transfer and Conservation Section, 725 Sumner Street NE, Suite A, Salem OR 97



Oregon

Tina Kotek, Governor

Water Resources Department

North Mall Office Building
725 Summer St NE, Suite A
Salem, OR 97301
Phone 503 986-0900
Fax 503 986-0904
www.oregon.gov/owrd

NOV 22 2024
VIA CERTIFIED MAIL AND E-MAIL

DENNIS MACNAB
1215 DRY HOLLOW RD
THE DALLES, OR 97058

SUBJECT: Water Right Transfer Application T-13739

Please find enclosed the Preliminary Determination indicating that, based on the information available, the Department intends to approve application T-13739. This document is an intermediate step in the approval process; water may not be used legally as proposed in the transfer application until a Final Order has been issued by the Department. Please read this entire letter carefully to determine your responsibility for additional action.

A public notice is being published in the Department's weekly publication and in the Condon Times Journal newspaper, simultaneously with issuance of the Preliminary Determination. The notice initiates a period in which any person may file either a protest opposing the decision proposed by the Department in the Preliminary Determination or a standing statement supporting the Department's decision. The protest period will end 30 days after the last date of newspaper publication.

If no protest is filed, the Department will issue a Final Order consistent with the Preliminary Determination. You should receive a copy of the Final Order about 30 days after the close of the protest period.

If a protest is filed, the application may be referred to a contested case proceeding. A contested case provides an opportunity for the proponents and opponents of the decision proposed in the Preliminary Determination to present information and arguments supporting their position in a quasi-judicial proceeding.

Please don't hesitate to contact me at 971 304-5006 or Dante.J.Luongo@water.oregon.gov, if I may be of assistance.

Sincerely,

Dante Luongo
Transfer Specialist
Transfer and Conservation Section

cc: Transfer Application file T-13739
Kenneth C. Thiemann, District 21 Watermaster (via e-mail)