

T-13526

Regular

T-13526

Name Ron & Jo Ann MacDougallAddress 52708 Sunquist Rd  
Milton Free Water, OR 97102

## DESCRIPTION OF WATER RIGHT(S)

Name of Stream East Branch of mud creekTrib. of Walla Walla riverUse irrigation County Umatilla

Quantity of water (CFS) \_\_\_\_\_ No. of Acres \_\_\_\_\_

Name of ditch \_\_\_\_\_

App# Decree Per # E. mud creek Cert # 23 PR Date 12/31/88

App# \_\_\_\_\_ Per # \_\_\_\_\_ Cert # \_\_\_\_\_ PR Date \_\_\_\_\_

App# \_\_\_\_\_ Per # \_\_\_\_\_ Cert # \_\_\_\_\_ PR Date \_\_\_\_\_

App# \_\_\_\_\_ Per # \_\_\_\_\_ Cert # \_\_\_\_\_ PR Date \_\_\_\_\_

App# \_\_\_\_\_ Per # \_\_\_\_\_ Cert # \_\_\_\_\_ PR Date \_\_\_\_\_

## FEES PAID

Date 9-18-2020 Amount \$1,160.00 Receipt # 133498

## FEES REFUNDED

Date \_\_\_\_\_ Amount \_\_\_\_\_ Receipt # \_\_\_\_\_

Change in PODDate Filed 9/18/2020Initial notice date 9/29/2020

DPD issued date \_\_\_\_\_

PD issued date \_\_\_\_\_

PD notice date \_\_\_\_\_

Date of FO 9/22/2022 Vol 125 Page 748C-Date 10/01/2023COBU due date 10/01/2024

COBU Received date \_\_\_\_\_

Certificate issued \_\_\_\_\_

Assignments: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Irrigation District \_\_\_\_\_

Agent Sprecher Group terry.sprecher@sprechergroup.com

CWRE \_\_\_\_\_

CC's list Umatilla County☐ - Oversized map - Location \_\_\_\_\_





# Oregon

Tina Kotek, Governor

Water Resources Department

725 Summer St NE, Suite A

Salem, OR 97301

(503) 986-0900

[www.oregon.gov/owrd](http://www.oregon.gov/owrd)

11/7/2023

Ron and LoAnn MacDougal  
52708 Sunquist Road  
Milton-Freewater, OR 97862

RE: Transfer T-13526

Dear Transfer Holder,

On November 6<sup>th</sup>, 2023, the Department received the Claim of Beneficial Use that you submitted for the above referenced file.

Enclosed, you will find as refund check in the amount of \$230.00. You are receiving this check because the right involved in the transfer has a priority date prior to July 9, 1987. Due to the priority date of the right, there was no fee required to submit the Claim.

If you have any additional questions, please feel free to contact me at 503-986-0811.

Sincerely,

Nick Reece  
Public Service Representative  
Certificates

cc:  
file T-13526  
Terry A Sprecher, CWRE

Enclosures:  
Check (#8408)



# Checklist for Claims of Beneficial Use Received at CSG Counter

Application #:	WRD Reviewer: Nick Reece
Transfer #: T-13526	
Date Received: 11/06/2023	
CWRE Name: Terry Ann Sprecher	
Priority Date (s):	

## Fees Required:

- ☐ YES ☒ NO ☐ A fee of \$230 must accompany this form for permits with priority dates of July 9, 1987, or later.
- ☐ YES ☒ NO ☐ A fee of \$230 must accompany this form for any transfers including a water right with a priority date of July 9, 1987, or later.
- Example – A transfer involves 5 rights and one of the rights has a priority date of July 9, 1987, or later, the fee is required.

Fill in App or Transfer Number

## Map Review:

- ☒ Map on polyester film (OAR 690-014-0170(1) & 310-0050(1)(b))
- ☒ Application & permit #; or transfer # (OAR 690-014-0100(1))
- ☒ Disclaimer (OAR 690-014-0170(5))
- ☒ North arrow (OAR 690-310-0050(2)(c))
- ☒ CWRE stamp and signature (OAR 690-014 & 310-0050)
- ☒ Appropriate scale (1" = 1320', 1" = 400', or the original full-size scale of the county assessor map) (014 & 310)
- ☒ Township, range, section, and tax lot numbers (OAR 690-310-0050(4))

## Report Review:

- ☒ On form provided by the Department (OAR 690-014-0100(1))
- ☒ Application & permit #; or transfer # (OAR 690-014)
- ☒ Ownership information (OAR 690-014)
- ☒ Date of survey (OAR 690-014)
- ☒ Person interviewed (OAR 690-014)
- ☒ County (OAR 690-014)
- ☒ CWRE stamp and signature (OAR 690-014-0100)
- ☒ Signature(s) of all permittee of transfer holder (OAR 690-014-0100)

MONEY SLIP	
DATE:	RECEIPT #:
RECEIVED FROM:	APPLICATION:
	PERMIT
	TRANSFER
CASH CHECK # OTHER (IDENTIFY)	TOTAL RECEIVED
<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	
0061 TREASURY 4178 WSC CASH ACCT	
0407 COPIES OTHER (IDENTIFY)	
0243 Instream Lease 0244 Min Water Right Perm 0245 Cons Water	
0061 TREASURY 4378 WWD OPERATING ACCT	
MISCELLANEOUS	
0407 COPY & TAPE FEES 4611	
0410 RESEARCH FEES	
0408 WSC REVENUE (IDENTIFY)	
0242 DEPOSIT LAB (IDENTIFY)	
0240 EXTENSION OF TIME	
WATER RIGHTS	
0201 SURFACE WATER	
0202 GROUND WATER	
0203 TRANSFER	
WELL CONSTRUCTION	
0218 WELL DRILL CONSTRUCTION	
LANDOWNER'S PERMIT	
0200 OTHER (IDENTIFY) COBU	
0061 TREASURY 0407 HYDROELECTRIC	
0220 POWER LICENSE FEE (PWWRCS)	
0221 HYDRO LICENSE FEE (PWWRCS)	
HYDRO APPLICATION	
SPECIAL INSTRUCTIONS:	

☐ RETURN TO APPLICANT – LETTER ATTACHED

## Groundwater File Review:

- ☐ Pump Test not required (Priority Date prior to December 20, 1988) \*If no, include pump test flyer w/acknowledgment letter
- ☐ Pump Test required (Priority Date on or after December 20, 1988)
- ☐ Pump Test submitted
- ☐ Pump Test not submitted



**CLAIM OF  
BENEFICIAL USE  
for Transfer New or Additional  
POD Only**



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

**A fee of \$230 must accompany this form for any Transfer final orders  
including a water right with a priority date of July 9, 1987, or later.**

Example – A transfer involves 5 rights and one of the rights  
has a priority date of July 9, 1987, or later, the fee is required.

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**A separate form shall be completed for each transfer.**

This form is subject to revision. **Begin each new claim** by checking for a new version of this form at:  
<https://www.oregon.gov/OWRD/Forms/Pages/default.aspx>

The completion of this form is required by OAR 690-014-0100(1) and 690-014-0110(4).

Please type or print in dark ink. If this form is found to contain errors or omissions, it may be returned to you. **Every item must have a response.** If any requested information does not apply to the claim, insert "NA." **Do not delete or alter any section of this form unless directed by the form.** The Department may require the submittal of additional information from any water user or authorized agent.

"Section 8" of this form is intended to aid in the completion of this form and should not be submitted.

A claim of beneficial use includes both this report and a map. If the map is being mailed separately from this form, please include a note with this form indicating such.

If you have questions regarding the completion of this form, please call 503-979-9103.

The Department has a program that allows it to enter into a voluntary agreement with an applicant for expedited services. Under such an agreement, the applicant pays the cost to hire additional staff that would not otherwise be available. This program means a certificate may be issued in about a month. For more information on this program see:

<https://www.oregon.gov/OWRD/programs/WaterRights/RA/Pages/default.aspx>

**SECTION 1**

**GENERAL INFORMATION**

**Type of Authorized Change**

This Claim is being submitted for a transfer where the only authorized change was a change in either point(s) of diversion or additional point(s) of diversion, or a combination of both. **YES**  
*If additional changes were authorized, you will need to select a different form.*

**1. File Information**

APPLICATION # **T-13526**



2. Property Owner (current owner information)

APPLICANT/BUSINESS NAME <b>Ron and LoAnn MacDougall</b>		PHONE NO. <b>(509) 386-8513</b>	ADDITIONAL CONTACT NO. ---
ADDRESS <b>52708 Sunquist Road</b>			
CITY <b>Milton-Freewater</b>	STATE <b>OR</b>	ZIP <b>97862</b>	E-MAIL <b>rlmacd1966@gmail.com</b>

If the current property owner is not the transfer holder of record, it is recommended that an assignment be filed with the Department. ***Each transfer holder of record must sign this form.***

3. Transfer holder of record (this may, or may not, be the current property owner)

TRANSFER HOLDER OF RECORD <b>Ron and LoAnn MacDougall</b>		
ADDRESS <b>52708 Sunquist Road</b>		
CITY <b>Milton-Freewater</b>	STATE <b>OR</b>	ZIP <b>97862</b>

4. Date of Site Inspection:

**August 14, 2023**

5. Person(s) interviewed and description of their association with the project:

NAME	DATE	ASSOCIATION WITH THE PROJECT
Ron MacDougall	8/14/2023	Property Owner
LoAnn MacDougall	8/14/2023	Property Owner
James Renwick (phone and email)	8/31 – 9/8/23	DIS Northwest, Inc.; pump installation

6. County:

**Umatilla County**

7. If any property described in the place of use of the transfer final order is excluded from this report, identify the owner of record for that property (ORS 537.230(5)):

OWNER OF RECORD <b>NA</b>		
ADDRESS		
CITY	STATE	ZIP

Add additional tables for owners of record as needed

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## SECTION 2 SIGNATURES

### CWRE Statement, Seal and Signature

The facts contained in this Claim of Beneficial Use are true and correct to the best of my knowledge.



CWRE NAME <b>Terry A Sprecher/ Sprecher Group</b>		PHONE NO. <b>541 306-3709</b>	ADDITIONAL CONTACT NO. <b>541 419-0883</b>
ADDRESS <b>2445 NW Division St, Suite 300</b>			
CITY <b>Bend</b>	STATE <b>OR</b>	ZIP <b>97703</b>	E-MAIL <b>terry.sprecher@sprechergroup.com</b>

### Transfer Holder of Record Signature or Acknowledgement

**Each** transfer holder of record must sign this form in the space provided below.

The facts contained in this Claim of Beneficial Use are true and correct to the best of my knowledge. I request that the Department issue a water right certificate.

SIGNATURE	PRINT OR TYPE NAME	TITLE	DATE
	Ron MacDougall	Property Owner	10-29-23
	LoAnn MacDougall	Property Owner	10-29-23

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### SECTION 3 CLAIM DESCRIPTION

**Note:** The Claim only needs to describe the new or additional point(s) of diversion. This Claim does not need to provide information for the original point(s) of diversion unless the original point of diversion is either a new or additional point of diversion on another right involved in this transfer.

**1. New or additional point of diversion name or number:**

POINT OF DIVERSION (POD) NAME OR NUMBER (CORRESPOND TO MAP)	SOURCE
POD #1	East Branch of Mud Creek

**2. Variations:**

Was the use developed differently from what was authorized by the transfer final order, YES ~~NO~~  
or extension final? If yes, describe below.

(e.g. "The order allowed three new/additional points of diversion. The water user only developed one of the points.")

The order is for 20 acres but only 19.45 acres are irrigated due to site development. For 19.45 acres, the maximum rate would be 0.370 cfs

**3. Claim Summary:**

NEW OR ADDITIONAL POD NAME OR #	MAXIMUM RATE AUTHORIZED IN ORDER	CALCULATED THEORETICAL RATE BASED ON SYSTEM	AMOUNT OF WATER MEASURED
POD #1	0.38 cfs		
POD #1	0.37 cfs - revised	0.38 cfs	--

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## SECTION 4

### SYSTEM DESCRIPTION

Are there multiple new or additional Points of Diversion (POD)s?

**NO**

#### A. POD System Information

Provide the following information concerning the point of diversion. Information provided must describe the equipment used to appropriate water from the point of diversion.

##### 1. Pump Information

MANUFACTURER	MODEL	SERIAL NUMBER	TYPE (CENTRIFUGAL, TURBINE OR SUBMERSIBLE)	INTAKE SIZE	DISCHARGE SIZE
Berkeley	1.5TPM	82200097	Centrifugal	2"	1 ½"

##### 2. Motor Information

MANUFACTURER	HORSEPOWER
Baldor Reliance Super E	7.5

##### 3. Theoretical Pump Capacity

HORSEPOWER	OPERATING PSI	LIFT FROM SOURCE TO PUMP	LIFT FROM PUMP TO PLACE OF USE	TOTAL PUMP OUTPUT (IN CFS)
7.5	50	3	Varies from negative to ~ 10'	0.38
Operating PSI verified onsite by James Renwick (with DIS Northwest, Inc.) on September 8, 2023 – see attached photos				

##### 4. Provide pump calculations:

50 psi x 2.31 ft/psi = 115.5 feet of head  
 115.5 + 3 ft lift = 118.8 feet of total dynamic head  
 See attached pump curve: 118.8 feet of head, 6" impeller, is 170 gpm (0.38 cfs)

##### 5. Measured Pump Capacity (using meter if meter was present and system was operating)

INITIAL METER READING	ENDING METER READING	DURATION OF TIME OBSERVED	TOTAL PUMP OUTPUT (IN CFS)
		Not observed – entire system not in use on day of site visit by CWRE	

Reminder: For pump calculations use the reference information at the end of this document.

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## B. Gravity Flow Pipe

(THE DEPARTMENT TYPICALLY USES THE HAZEN-WILLIAM'S FORMULA FOR A GRAVITY FLOW PIPE SYSTEM)

1. Does the diversion involve a gravity flow pipe? **NO**

## C. Gravity Flow Canal or Ditch

(THE DEPARTMENT TYPICALLY USES MANNING'S FORMULA FOR CANALS AND DITCHES)

1. Does the diversion involve a gravity flow ditch or canal? **NO**

## SECTION 5 CONDITIONS

All conditions contained in the transfer final order, or any extension final order shall be addressed. Reports that do not address all performance related conditions will be returned.

### 1. Time Limits:

Describe how the water user has complied with each of the development timelines established in the transfer final order and any extensions of time issued for the transfer:

	DATE FROM TRANSFER	DATE THE NEW AND/OR ADDITIONAL POD(S) WERE READY FOR USE *THIS DATE MUST FALL BETWEEN THE "ISSUANCE DATE" AND THE "COMPLETENESS DATE"
ISSUANCE DATE	September 22, 2022	
COMPLETENESS DATE FROM ORDER (C)	October 1, 2023	(February 7, 2023: Flow meter installed and functional. March 24, 2023: Irrigation piping functional for all acreage.) June 13, 2023: Full beneficial use of water has been made, consistent with the terms of T-13526. (August 14, 2023: CWRE site visit. September 8, 2023: DIS NW verified operating PSI of system.)

\* MUST BE WITHIN PERIOD BETWEEN TRANSFER FINAL ORDER, OR ANY EXTENSION FINAL ORDER ISSUANCE AND THE DATE TO COMPLETE THE CHANGE

2. Is there an extension final order(s)? **NO**  
*If "NO", you may delete the following table.*

### 3. Measurement Conditions:

a. Does the transfer final order, or any extension final order require the installation of a meter or other approved measuring device? **YES**

Reminder: If a meter or approved measuring device was required, the COBU map must indicate the location of the device in relation to the point of diversion.

b. Has a meter been installed? **YES**

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c. Meter Information

POD NAME OR #	MANUFACTURER	SERIAL #	CONDITION (WORKING OR NOT)	CURRENT METER READING	DATE INSTALLED
POD#1	Growsmart by Lindsay	GT18040 429	Working	2804.8 gal x 1000 (on 8/14/2023 by CWRE)	Feb 7, 2023

*If a meter has been installed, items d through f relating to this section may be deleted.*

4. Recording and reporting conditions

a. Is the water user required to report the water use to the Department? **NO**

*If "NO", item b relating to this section may be deleted.*

5. Fish Screening

a. Are any points of diversion required to be screened to prevent fish from entering the point of diversion? **NO**

6. By-pass Devices

a. Are any points of diversion required to have a by-pass device to prevent fish from entering the point of diversion? **NO**

7. Other conditions required by the transfer final order or extension final order:

a. Was the water user required to restore the riparian area if it was disturbed? **NO**

b. Was a fishway required? **NO**

c. Other conditions? **NO**

If "YES" to any of the above, identify the condition and describe the water user's actions to comply with the condition(s):

**SECTION 6  
ATTACHMENTS**

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Provide a list of any additional documents you are attaching to this report:

ATTACHMENT NAME	DESCRIPTION
COBU Map for T-13526	Claim of Beneficial Use Map
Photos	Photo of pressure gage and LED Screen on VFD, provided by DIS NW
Pentair Berkely	Pump Curve



## SECTION 7

### CLAIM OF BENEFICIAL USE MAP

The Claim of Beneficial Use Map must be submitted with this claim. Claims submitted without the Claim of Beneficial Use map will be returned. The map shall be submitted on polyester film at a scale of 1" = 1320 feet, 1" = 400 feet, or the original full-size scale of the county assessor map for the location.

For the purpose of this Claim, the map identifying the location of the place of use does not require a new survey. The location of the place of use identified on the Claim map should be based on the original right of record at the time the transfer final order was issued. In transfers approved for additional points of diversion, the original points must be identified the map based on the original right of record at the time the transfer final order was issued.

Provide a general description of the survey method used to prepare the map. Examples of possible methods include, but are not limited to, a traverse survey, GPS, or the use of aerial photos. If the basis of the survey is an aerial photo, provide the source, date, series and the aerial photo identification number.

Umatilla County Tax map 6N, 35, 22B, dated 3/9/17 was used in conjunction with aerial images and water right of record WRD mapping to create the Transfer application map. The Transfer application map was used as the base for the attached COBU map. POD#1 location was field-verified by the CWRE on August 14, 2023, using a hand-held Garmin Multi-Band 66SR with a horizontal accuracy of  $\pm 6$  feet.

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## Map Checklist

Please be sure that the map you submit includes ALL the items listed below.  
(Reminder: Incomplete maps and/or claims may be returned.)

- ☒ Map on polyester film
- ☒ Appropriate scale (1" = 400 feet, 1" = 1320 feet, or the original full-size scale of the county assessor map)
- ☒ Township, Range, Section, Donation Land Claims, and Government Lots
- ☒ If irrigation, number of acres irrigated within each projected Donation Land Claims, Government Lots, Quarter-Quarters
- ☐ Locations of fish screens and/or fish by-pass devices in relationship to point of diversion.  
**Not Required by T-13256**
- ☒ Locations of meters and/or measuring devices in relationship to point of diversion or appropriation
- ☐ Conveyance structures illustrated (pumps, reservoirs, pipelines, ditches, etc.) **\*Not required for this type of Claim of Beneficial Use**
- ☒ Point(s) of diversion or appropriation (illustrated and coordinates)
- ☒ Tax lot boundaries and numbers
- ☒ Source illustrated if surface water
- ☒ Disclaimer ("This map is not intended to provide legal dimensions or locations of property ownership lines")
- ☒ Application and permit number or transfer number
- ☒ North arrow
- ☒ Legend
- ☒ CWRE stamp and signature

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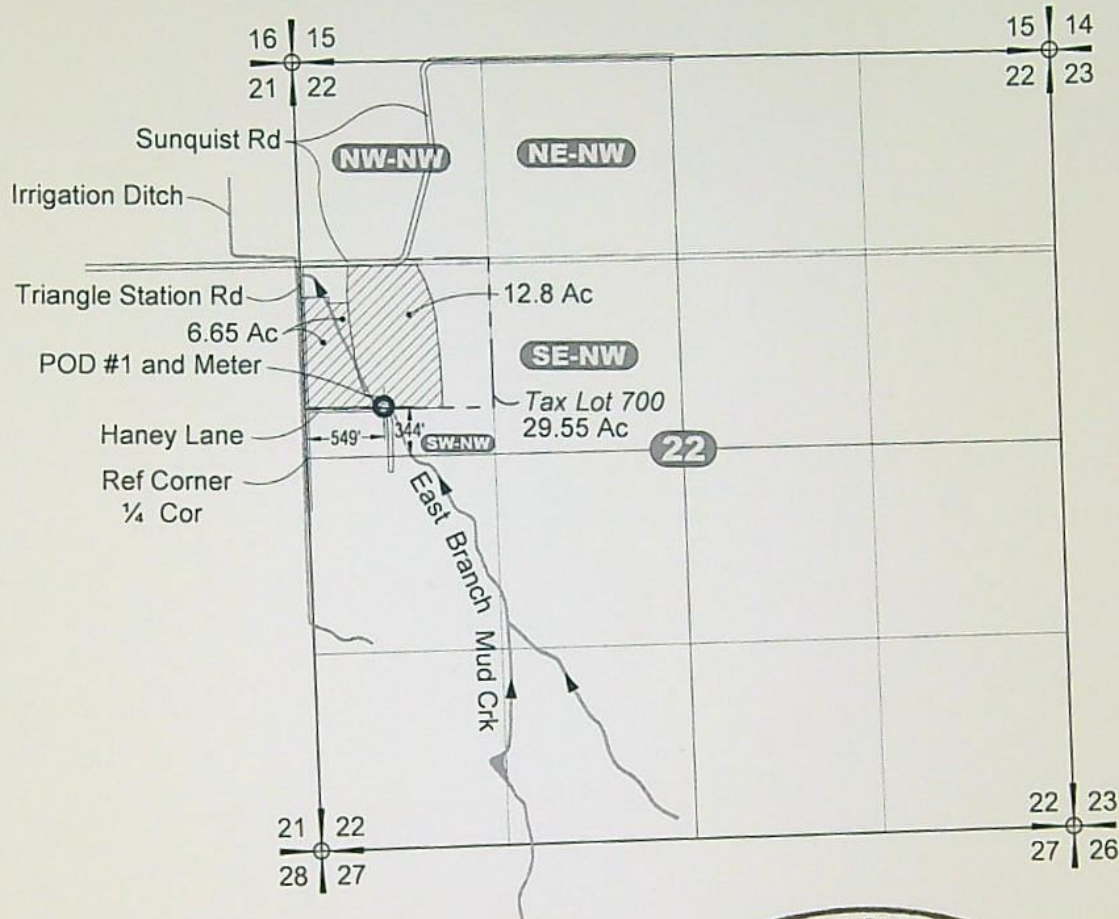
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# CLAIM OF BENEFICIAL USE MAP

## TAX LOT 700

Located in SW-NW OF  
Section 22, T.6N., R.35E., W.M.  
UMATILLA COUNTY, OREGON



Expires 6/30/2024

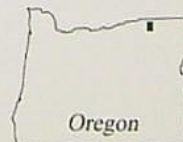
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### LEGEND

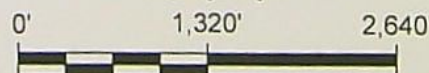
AUTHORIZED PLACE OF USE  
X XX Ac

### NOTE

THIS MAP WAS PREPARED FOR THE PURPOSE OF  
IDENTIFYING THE LOCATION OF WATER RIGHTS ONLY  
AND IS NOT INTENDED TO PROVIDE LEGAL DIMENSIONS  
OR LOCATIONS OF PROPERTY OWNERSHIP LINES.



Vicinity Map



SCALE: 1" = 1,320'



### REFERENCE NOTES

Map features supplied by Umatilla County Tax  
Map 6N 35 22B, dated 03/09/17.

Claim of Beneficial Use Map for T-13526  
Tax Lot 700, Tax Map: 6N 35 22B  
Milton-Freewater, Oregon, 97862

CREATED BY: TAS  
DRAWN BY: SJS

**Sprecher group**  
2445 NE Division St., Suite 300  
Bend, Oregon 97703

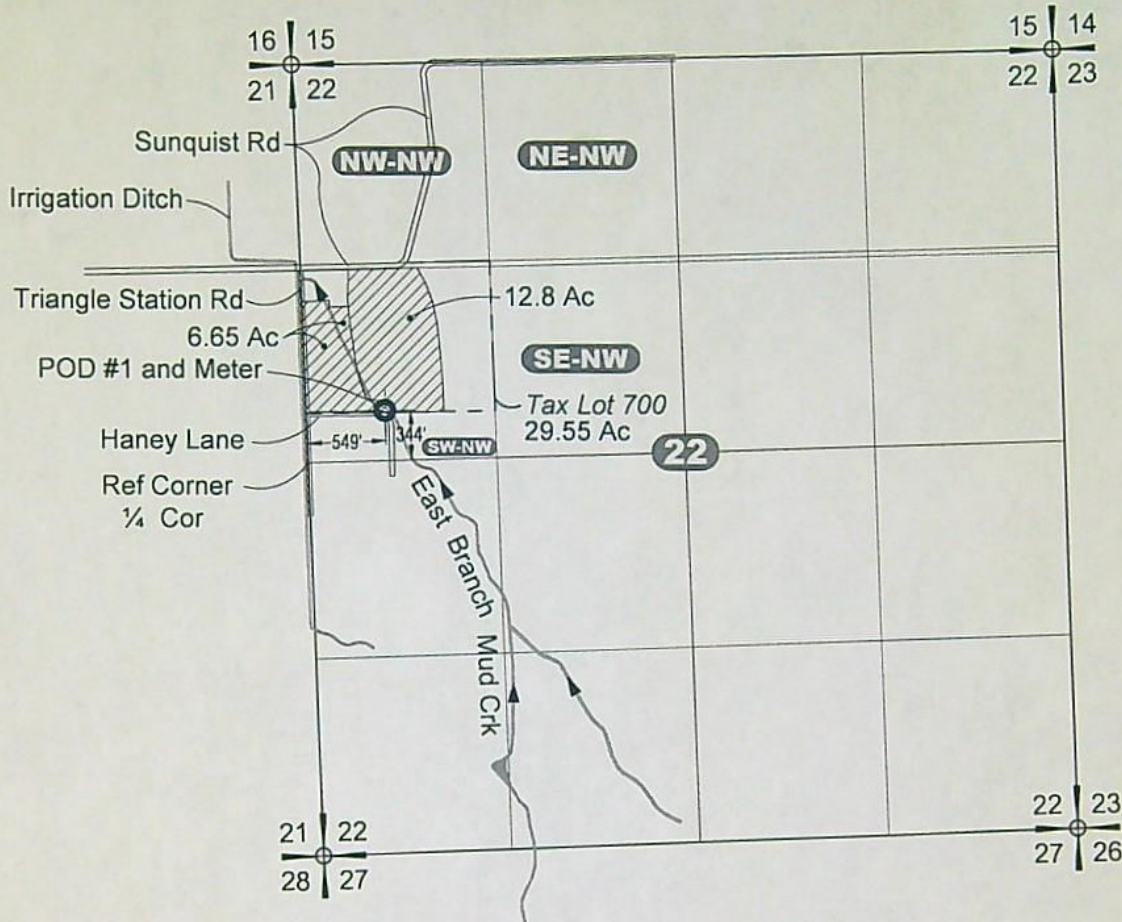
SG PROJECT 4339  
AUGUST 2023



# CLAIM OF BENEFICIAL USE MAP

TAX LOT 700

Located in SW-NW OF  
Section 22, T.6N., R.35E., W.M.  
UMATILLA COUNTY, OREGON



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NOV 06 2023

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*Expires 6/30/2024*

## LEGEND

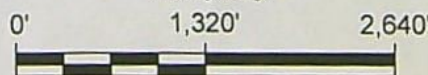
AUTHORIZED PLACE OF USE  
X.XX Ac

## NOTE

THIS MAP WAS PREPARED FOR THE PURPOSE OF IDENTIFYING THE LOCATION OF WATER RIGHTS ONLY AND IS NOT INTENDED TO PROVIDE LEGAL DIMENSIONS OR LOCATIONS OF PROPERTY OWNERSHIP LINES.



Vicinity Map



SCALE: 1" = 1,320'



## REFERENCE NOTES

Map features supplied by Umatilla County Tax Map 6N 35 22B, dated 03/09/17.

Claim of Beneficial Use Map for T-13526  
Tax Lot 700, Tax Map: 6N 35 22B  
Milton-Freewater, Oregon, 97862

CREATED BY: TAS  
DRAWN BY: SJS



Sprecher  
group

2445 NE Division St., Suite 300  
Bend, Oregon 97703

SG PROJECT 4339  
AUGUST 2023



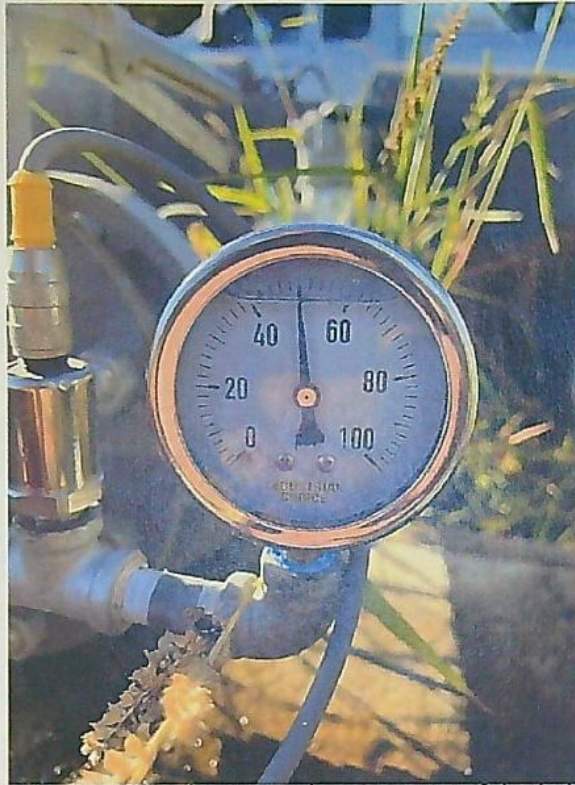


Photo of pressure gage showing operating pressure of the irrigation system.  
September 8, 2023. Photo provided by DIS Northwest, Inc.



Photo of LED screen on the variable frequency drive.  
September 8, 2023. Photo provided by DIS Northwest, Inc.

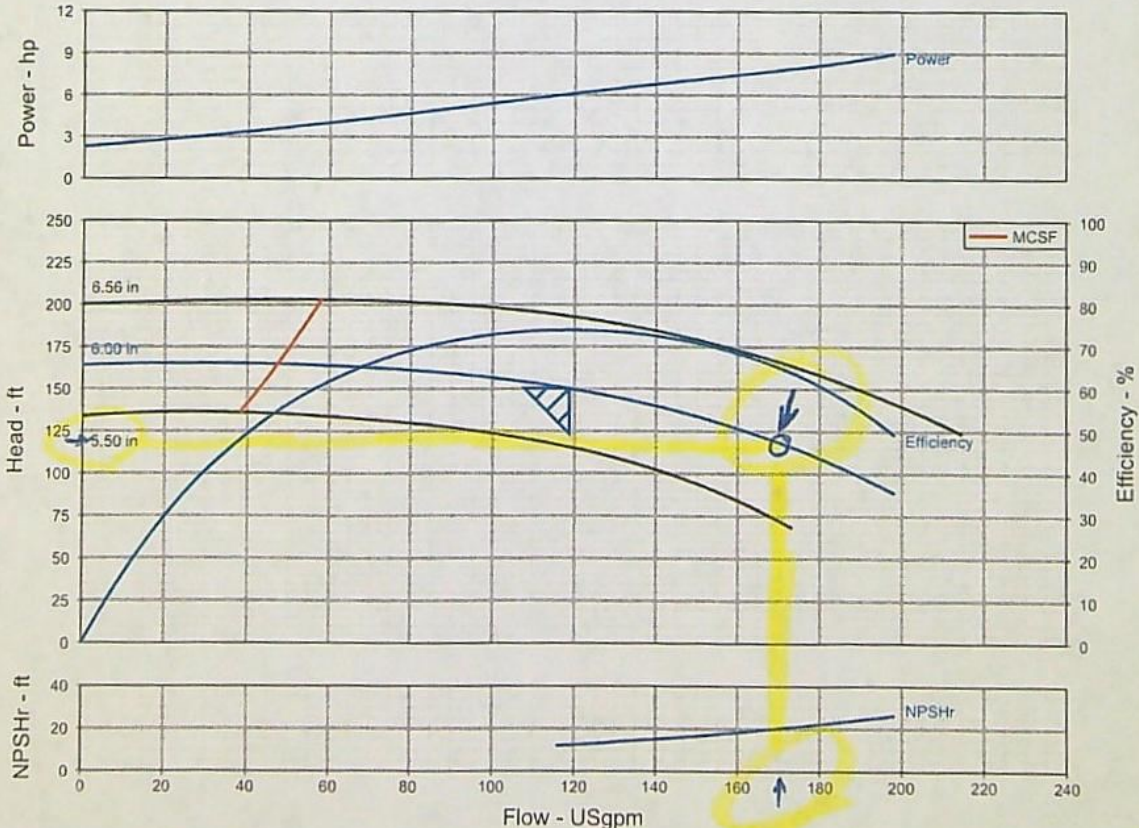
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### Pump Performance Datasheet

Customer	:	Quote number	:
Customer reference	:	Size	: 1-1/2 x 2 x 6 M (B1-1/2TPM)
Item number	: Default	Stages	: 1
Service	:	Based on curve number	: 8888
Quantity	: 1	Basic model number	: B1-1/2TM
		Date last saved	: 01 Sep 2023 1:35 PM

Operating Conditions		Liquid	
Flow, rated	: 118.9 USgpm	Liquid type	: -Water
Differential head / pressure, rated (requested)	: 150.4 ft	Additional liquid description	:
Differential head / pressure, rated (actual)	: 150.4 ft	Solids diameter, max	: 0.00 in
Suction pressure, rated / max	: 0.00 / 0.00 psi g	Solids concentration, by volume	: 0.00 %
NPSH available, rated	: Ample	Temperature, max	: 68.00 deg F
Site Supply Frequency	: 60 Hz	Fluid density, rated / max	: 1.000 / 1.000 SG
Performance		Viscosity, rated	: 1.00 cP
Speed criteria	: Synchronous	Vapor pressure, rated	: 0.00 psi.a
Speed, rated	: 3450 rpm	Material	
Impeller diameter, rated	: 6.00 in	Material selected	: Not specified
Impeller diameter, maximum	: 6.56 in	Pressure Data	
Impeller diameter, minimum	: 5.50 in	Maximum working pressure	: 71.64 psi.g
Efficiency	: 74.00 %	Maximum allowable working pressure	: 150.0 psi.g
PEI (CL)	: 0.84	Maximum allowable suction pressure	: N/A
NPSH required / margin required	: 12.47 / 0.00 ft	Hydrostatic test pressure	: N/A
Ns (imp. eye flow) / Nss (imp. eye flow)	: 823 / 5,303 US Units	Driver & Power Data (@Max density)	
MCSF	: 47.55 USgpm	Driver sizing specification	: Rated power
Head, maximum, rated diameter	: 165.5 ft	Margin over specification	: 0.00 %
Head rise to shutoff	: 9.18 %	Service factor	: 1.15 (used)
Flow, best eff. point	: 118.8 USgpm	Power, hydraulic	: 4.51 hp
Flow ratio, rated / BEP	: 100.03 %	Power, rated	: 6.10 hp
Diameter ratio (rated / max)	: 91.43 %	Power, maximum, rated diameter	: 9.03 hp
Head ratio (rated dia / max dia)	: 77.83 %	Minimum recommended motor rating	: 7.50 hp / 5.59 kW
Cq/Ch/Ce/Cn [ANSI/HI 9.6.7-2010]	: 1.00 / 1.00 / 1.00 / 1.00		
Selection status	: Acceptable		







# Oregon

Kate Brown, Governor

## Water Resources Department

725 Summer St NE, Suite A

Salem, OR 97301

(503) 986-0900

Fax (503) 986-0904

September 22, 2022

LOANN MACDOUGALL  
52708 SUNQUIST ROAD  
MILTON FREEWATER, OR 97862

REFERENCE: Transfer Application T-13526

Enclosed is a copy of the final order approving your water right transfer application.

The time allowed to complete the transfer is specified in the final order. YOU SHOULD GIVE PARTICULAR ATTENTION TO THE TIME LIMIT. The water right for any portion of the authorized change in character of use or change in place of use NOT carried out within the time allowed will be lost.

An extension of the time limit can be allowed only upon a showing that diligent effort has been made to complete the actual change(s) within the time allowed.

You are required to hire a Certified Water Rights Examiner (CWRE) to complete a Claim of Beneficial Use report and map which must be submitted to this Department within one year of the date you complete the change(s) or within one year of the completion date authorized in the transfer final order, whichever occurs first.

If you have any questions related to this transfer, you may contact your caseworker, Arla Davis, by telephone at 503-979-3129 or by e-mail at [Arla.L.Davis@oregon.gov](mailto:Arla.L.Davis@oregon.gov).

Sincerely,

Julie C. Baustian

Water Rights Services Support  
Transfers and Conservation Section

cc: Greg Silbernagel, Watermaster Dist. # 23 (via email)  
Terry Sprecher, Agent  
Umatilla County Planning Department

Enclosure



BEFORE THE WATER RESOURCES DEPARTMENT  
OF THE  
STATE OF OREGON

In the Matter of Transfer Application	)	FINAL ORDER
T-13526, Umatilla County	)	APPROVING A CHANGE IN POINT OF
	)	DIVERSION

**Authority**

Oregon Revised Statutes (ORS) 540.505 to 540.580 establish the process in which a water right holder may submit a request to transfer the point of diversion, place of use, or character of use authorized under an existing water right. Oregon Administrative Rules (OAR) Chapter 690, Division 380 implement the statutes and provides the Department's procedures and criteria for evaluating transfer applications.

**Applicant**

RON AND LOANN MACDOUGALL  
52708 SUNQUIST ROAD  
MILTON FREEWATER, OR 97862

**Findings of Fact**

1. On September 29, 2020, RON AND LOANN MACDOUGALL filed an application to change the point of diversion under Certificate 23. The Department assigned the application number T-13526.
2. Notice of the application for transfer was published on September 29, 2020, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. On April 4, 2022, the Department mailed a copy of the draft Preliminary Determination proposing to approve Transfer Application T-13348 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of May 4, 2022, for the applicant to respond. The applicant requested that the Department proceed with issuance of a Preliminary Determination and provided the necessary information to demonstrate that the applicant is authorized to pursue the transfer.
4. On June 6, 2022, the Department issued a Preliminary Determination proposing to approve Transfer T-13526 and mailed a copy by certified mail to the applicant. Additionally, notice of the Preliminary Determination for the transfer application was published on the Department's weekly notice on June 7, 2022, pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notice.

This final order is subject to judicial review by the Court of Appeals under ORS 183.482. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.482(1). Pursuant to ORS 536.075 and OAR 137-003-0675, you may petition for judicial review or petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied.



5. The right to be transferred is as follows:

Certificate: 23 in the name of NICK GROSGEBAUER (confirmed by East Mud Creek Decree)  
Use: IRRIGATION of 20.0 ACRES  
Priority Date: 1881  
Rate: 0.38 CUBIC FOOT PER SECOND  
Period of Use: April 1 to September 20  
Source: EAST BRANCH OF MUD CREEK, tributary of the WALLA WALLA RIVER

**Authorized Point of Diversion:**

POD Location
EAST BRANCH OF MUD CREEK

**Authorized Place of Use:**

Twp	Rng	Mer	Sec	Q-Q	Acres
6 N	35 E	WM	22	SW NW	20.00

6. Transfer Application T-13526 proposes to move the authorized point of diversion:

Twp	Rng	Mer	Sec	Q-Q	GLot	Measured Distances
6 N	35 E	WM	22	SW NW	700	POD #1 - 344 FEET NORTH AND 549 FEET EAST FROM THE WEST $\frac{1}{4}$ CORNER OF SECTION 22

7. The Oregon Department of Fish and Wildlife has determined that the diversion is not currently equipped with an appropriate fish screen, but a fish screen may be required in the future at the new point of diversion to prevent fish from entering the diversion.

**Transfer Review Criteria [OAR 690-380-4010(2)]**

8. Water has been used within the last five years. There is no information in the record that would demonstrate that the right is subject to forfeiture under ORS 540.610
9. A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing right were present within the five-year period prior to submittal of Transfer Application T-13526.
10. The proposed change would not result in enlargement of the right.
11. The proposed change would not result in injury to other water rights.
12. All other application requirements are met.

**Determination and Proposed Action**

The change in point of diversion proposed in Transfer Application T-13526 is consistent with the requirements of ORS 540.505 to 540.580 and OAR 690-380-5000.



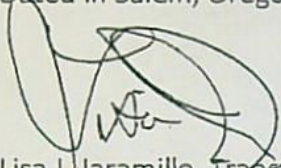
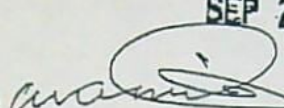
Now, therefore, it is ORDERED:

1. The change in point of diversion proposed in Transfer Application T-13526 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 Certificate 23 and any related decree.
3. Water right Certificate 23 is cancelled.
4. The quantity of water diverted at the new point of diversion (POD #1), shall not exceed the quantity of water lawfully available at the original point of diversion.
5. 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 new 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.
6. The Oregon Department of Fish and Wildlife (ODFW) may require the water user to install an approved fish screen at the new point of diversion within one year after receiving written notification that a fish screen is required. Once installed the water user shall maintain and operate the fish screen at the new point of diversion according to ODFW's operational and maintenance standards. If ODFW determines the screen is not functioning properly and is unsuccessful in working with the water user to meet ODFW standards, ODFW may request that OWRD regulate the use of water until OWRD receives notification from ODFW that the fish screen is functioning properly.
7. Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2023**. 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 change and full beneficial use of the water.



8. After satisfactory proof of beneficial use is received, a new certificate confirming the right transferred will be issued.

Dated in Salem, Oregon on

  SEP 22 2022

Lisa J. Jaramillo, Transfer and Conservation Section Manager, for  
DOUGLAS E. WOODCOCK, ACTING DIRECTOR  
Oregon Water Resources Department

Mailing date: SEP 23 2022



# WATER RIGHT TRANSFER COVER SHEET

Transfer: T- 13526

Transfer Specialist:

Transfer Type: Regular

*Aula*

<b>Applicant:</b> RON & LOANN MACDOUGALL 52708 SUNQUIST ROAD MILTON FREEWATER, OR 97862 Email: _____ Phone: _____		<b>Agent:</b> <input type="checkbox"/> N/A TERRY SPRECHER 2445 NE DIVISION ST SUITE 300 BEND, OR 97703 Email: _____ Phone: _____	
<b>Irrigation District:</b> <input type="checkbox"/> N/A Email: _____		<b>CWRE:</b> <input type="checkbox"/> N/A Email: _____	
<b>Affected Local Gov'ts:</b> <input type="checkbox"/> N/A Umatilla County Planning Department Email: _____		<b>Affected Tribal Gov't:</b> <input type="checkbox"/> N/A UNAVAILABLE Email: _____	
<b>Current Landowner if other than Applicant:</b> <input type="checkbox"/> N/A Email: _____		<b>Receiving Landowner:</b> <input type="checkbox"/> N/A Email: _____	

## Water Rights Affected

File Marked	App. File # or Decree Name	Permit	Certificate	RR/CR Needed	RR/CR Nos.
<input type="checkbox"/>	DECREE	E. MUDDY CREEK	23	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>				<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>				<input type="checkbox"/> Yes <input type="checkbox"/> No	

## Key Dates & Initial Actions:

Rec'd:	Proposed Action(s): POINT OF DIVERSION	
Fees Pd: 1160.00	WM District: 5	ODFW District:
Initial Public Notice: September 29, 2020	WM Review sent:	ODFW Review sent:
Acknowledgement Letter Sent <input checked="" type="checkbox"/>		GW Review sent: <input type="checkbox"/> N/A
County sent cc: of Ack Letter <input type="checkbox"/>	BOR notified (date): <input type="checkbox"/> N/A	
Newspaper quote requested:	Request for news \$ sent:	News \$ received:
Request to publish sent:	Affidavit of publication received:	Last day of publication:

Document	Drafted	Peer Review	Changes Made	Coordinator	Changes Made	Signature Bin	Signature Date
DPD	Date: _____ Initials: _____	Date: <i>3/7/22</i> Initials: <i>Jon</i>	Date: _____ Initials: _____	Date: <i>3/23/22</i> Initials: <i>PKS</i>	Date: _____ Initials: _____	CW Sent: _____	N/A
PD	Date: <i>5/1/22</i> Initials: <i>Jon</i>	Date: <i>5/6/22</i> Initials: <i>Scott</i>	Date: _____ Initials: _____	Date: <i>5/18/22</i> Initials: <i>PKS</i>	Date: _____ Initials: _____	Date: _____	Date: <i>6/16/2022</i>
FO	Date: <i>8/11/22</i> Initials: <i>Jon</i>	Date: <i>8/15/22</i> Initials: <i>Jon</i>	Date: _____ Initials: _____	Date: <i>8/30/22</i> Initials: <i>PKS</i>	Date: <i>9/12/22</i> Initials: <i>Jon</i>	Date: <i>9/12/22</i>	Date: <i>9/22/2022</i>

Special Issues: \_\_\_\_\_

Special Order Volume: Vol. 125 Pages 748



## DAVIS Arla L \* WRD

---

**From:** Ron and LoAnn <rlmacd1966@gmail.com>  
**Sent:** Tuesday, April 26, 2022 10:06 AM  
**To:** DAVIS Arla L \* WRD  
**Cc:** Terry Sprecher  
**Subject:** Water Right Transfer Application T-13526

Arla,

We agree to the conditions outlined in your email of 4-4-22. We accept the Draft that was attached and see no problems with it as stated. Pioneer Title Company in Pendleton ,OR will be completing the Report of Ownership and are aware of the

May 4, 2022 deadline.

We are requesting to extend the date for the completion of the transfer to 2024. This is due to the drought conditions and lack of water availability to irrigate before the deadline. We have also experienced some medical conditions that may affect our ability to irrigate as planned.

Sincerely,  
Ron and LoAnn MacDougall

Sent from Mail for Window



**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

LOANN & RON MACDOUGALL  
52708 SUNQUIST ROAD  
MILTON FREEWATER, OR 97862



9590 9402 6816 1074 5424 37

2. Article Number (Transfer from service label)

7021 0950 0000 7384 1718

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature

*R. MacDougall* ☐ Agent ☐ Addressee

B. Received by (Printed Name)

R. MacDougall

C. Date of Delivery

6/10/22

D. Is delivery address different from item 1? ☐ Yes ☒ No  
If different, delivery address below

RECEIVED

JUN 15 2022

OWRD

- ☐ Adult Signature
- ☐ Adult Signature Restricted Delivery
- ☐ Certified Mail®
- ☐ Certified Mail Restricted Delivery
- ☐ Collect on Delivery
- ☐ Collect on Delivery Restricted Delivery

- ☐ Priority Mail Express®
- ☐ Registered Mail™
- ☐ Registered Mail Restricted Delivery
- ☐ Signature Confirmation™
- ☐ Signature Confirmation Restricted Delivery

d Mail

Restricted Delivery

35007

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Extra Services & Fees (check box, add fee as appropriate)

- ☐ Return Receipt (hardcopy) \$
- ☐ Return Receipt (electronic) \$
- ☐ Certified Mail Restricted Delivery \$
- ☐ Adult Signature Required \$
- ☐ Adult Signature Restricted Delivery \$

Postmark

Here

LOANN & RON MACDOUGALL  
52708 SUNQUIST ROAD  
MILTON FREEWATER, OR 97862





**Oregon**  
Kate Brown, Governor

**Water Resources Department**  
725 Summer St NE, Suite A  
Salem, OR 97301  
(503) 986-0900  
Fax (503) 986-0904

June 6, 2022

VIA CERTIFIED MAIL AND E-MAIL

LOANN MACDOUGALL  
52708 SUNQUIST ROAD  
MILTON FREEWATER, OR 97862

SUBJECT: Water Right Transfer Application T-13526

Please find enclosed the Preliminary Determination indicating that, based on the information available, the Department intends to approve application T-13526. 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, 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 Department's notice.

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 do not hesitate to contact me at 503-979-3129 or [arla.l.davis@water.oregon.gov](mailto:arla.l.davis@water.oregon.gov) if I may be of assistance.

Sincerely,

*Arla L Davis*

Arla L Davis  
Transfer Specialist  
Transfer and Conservation Section

cc: T-13526  
Greg Silbernagel, District 23 Watermaster (via e-mail)  
Terry Sprecher, Agent for the applicant (via e-mail)

encs



BEFORE THE WATER RESOURCES DEPARTMENT  
OF THE  
STATE OF OREGON

In the Matter of Transfer Application	)	PRELIMINARY DETERMINATION
T-13526, Umatilla County	)	PROPOSING APPROVAL OF A CHANGE IN
	)	POINT OF DIVERSION

**Authority**

Oregon Revised Statutes (ORS) 540.505 to 540.580 establish the process in which a water right holder may submit a request to transfer the point of diversion, place of use, or character of use authorized under an existing water right. Oregon Administrative Rules (OAR) Chapter 690, Division 380 implement the statutes and provides the Department's procedures and criteria for evaluating transfer applications.

**Applicant**

RON AND LOANN MACDOUGALL  
52708 SUNQUIST ROAD  
MILTON FREEWATER, OR 97862

**Findings of Fact**

1. On September 29, 2020, RON AND LOANN MACDOUGALL filed an application to change the point of diversion under Certificate 23. The Department assigned the application number T-13526.
2. Notice of the application for transfer was published on September 29, 2020, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. On April 4, 2022, the Department mailed a copy of the draft Preliminary Determination proposing to approve Transfer Application T-13348 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of May 4, 2022, for the applicant to respond. The applicant requested that the Department proceed with issuance of a Preliminary Determination and provided the necessary information to demonstrate that the applicant is authorized to pursue the transfer.

Pursuant to OAR 690-380-4030, any person may file a protest or standing statement within 30 days after the last date of publication of notice of this preliminary determination.
--



4. The right to be transferred is as follows:

**Certificate:** 23 in the name of NICK GROSGEBAUER (confirmed by East Mud Creek Decree)  
**Use:** IRRIGATION of 20.0 ACRES  
**Priority Date:** 1881  
**Rate:** 0.38 CUBIC FOOT PER SECOND  
**Period of Use:** April 1 to September 20  
**Source:** EAST BRANCH OF MUD CREEK, tributary of the WALLA WALLA RIVER

**Authorized Point of Diversion:**

POD Location
EAST BRANCH OF MUD CREEK

**Authorized Place of Use:**

Twp	Rng	Mer	Sec	Q-Q	Acres
6 N	35 E	WM	22	SW NW	20.00

5. Transfer Application T-13526 proposes to move the authorized point of diversion:

Twp	Rng	Mer	Sec	Q-Q	GLot	Measured Distances
6 N	35 E	WM	22	SW NW	700	POD #1 - 344 FEET NORTH AND 549 FEET EAST FROM THE WEST ¼ CORNER OF SECTION 22

6. The Oregon Department of Fish and Wildlife has determined that the diversion is not currently equipped with an appropriate fish screen, but a fish screen may be required in the future at the new point of diversion to prevent fish from entering the diversion.

**Transfer Review Criteria [OAR 690-380-4010(2)]**

7. Water has been used within the last five years. There is no information in the record that would demonstrate that the right is subject to forfeiture under ORS 540.610
8. A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing right were present within the five-year period prior to submittal of Transfer Application T-13526.
9. The proposed change would not result in enlargement of the right.
10. The proposed change would not result in injury to other water rights.
11. All other application requirements are met.

**Determination and Proposed Action**

The change in point of diversion proposed in Transfer Application T-13526 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-13526 is approved, the final order will include the following:*

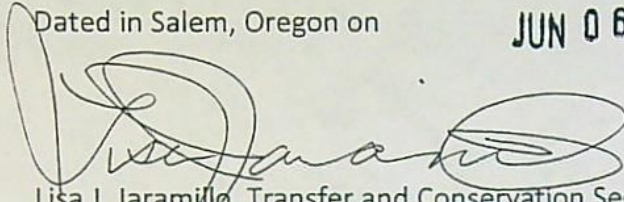
- 1. The change in point of diversion proposed in Transfer Application T-13526 is approved.*
- 2. The right to the use of the water is restricted to beneficial use at the place of use described and is subject to all other conditions and limitations contained in Certificate 23 and any related decree.*
- 3. Water right Certificate 23 is cancelled.*
- 4. The quantity of water diverted at the new point of diversion (POD #1), shall not exceed the quantity of water lawfully available at the original point of diversion.*
- 5. 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 new 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.*
- 6. The Oregon Department of Fish and Wildlife (ODFW) may require the water user to install an approved fish screen at the new point of diversion within one year after receiving written notification that a fish screen is required. Once installed the water user shall maintain and operate the fish screen at the new point of diversion according to ODFW's operational and maintenance standards. If ODFW determines the screen is not functioning properly and is unsuccessful in working with the water user to meet ODFW standards, ODFW may request that OWRD regulate the use of water until OWRD receives notification from ODFW that the fish screen is functioning properly.*
- 7. Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2023**. 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 change and full beneficial use of the water.*



8. *After satisfactory proof of beneficial use is received, a new certificate confirming the right transferred will be issued.*

Dated in Salem, Oregon on

JUN 06 2022



Lisa J. Jaramillo, Transfer and Conservation Section Manager, for  
THOMAS M BYLER, DIRECTOR  
Oregon Water Resources Department

This Preliminary Determination was prepared by Arla L Davis. If you have any questions about the information in this document, you may reach me at 503-979-3129 or [arla.l.davis@water.oregon.gov](mailto:arla.l.davis@water.oregon.gov)

*Protests should be addressed to the attention of Water Rights Services Division, Water Resources Department, 725 Summer St. NE, Suite A, Salem, OR 97301-1266.*

**Notice Regarding Service Members:** Active duty servicemembers have a right to stay these proceedings under the federal Servicemembers Civil Relief Act. For more information contact the Oregon State Bar at 800-452-8260, the Oregon Military Department at 503-584-3571, or the nearest United States Armed Forces Legal Assistance Office through <http://legalassistance.law.af.mil>. The Oregon Military Department does not have a toll-free number.





# Oregon

Kate Brown, Governor

## Water Resources Department

725 Summer St NE, Suite A

Salem, OR 97301

(503) 986-0900

Fax (503) 986-0904

April 4, 2022

VIA E-MAIL

RON AND LOANN MACDOUGALL  
52708 SUNQUIST ROAD  
MILTON FREEWATER, OR 97862

Reference: Water Right Transfer Application T-13526

Your water right transfer is in the first of three phases of processing. Enclosed is a draft of the Department's Preliminary Determination regarding Transfer Application T-13526. The document reflects the Department's conclusion that, based on the information currently available, the transfer will be approved. Your response and submittal of the items outlined below are required by May 4, 2022.

### *Required items needing your immediate attention:*

1. Please carefully review the Draft Preliminary Determination to verify that it accurately reflects the changes you intend to make and to become familiar with the proposed conditions.
2. **Respond in writing** by May 4, 2022, with acknowledgement that you agree to the proposed action and conditions.
3. If you find any errors, please let me know.
4. **REQUIRED:** You must submit a **Report of Ownership** for the lands where the water right(s) are currently located (i.e., the FROM lands). This report:
  - a) Must be prepared by a title company;
  - b) Shall include a "prepared by" statement and the date the title company prepared the report printed on the cover sheet;
  - c) Must be:
    - i. Prepared within 3 months of the Draft Preliminary Determination showing current ownership; **OR**
    - ii. Prepared within 3 months of recording of a water right conveyance agreement; **OR**
    - iii. Have a prepared date showing ownership at the time a water right conveyance agreement was recorded.

*If water right conveyance agreements are involved, it is helpful to provide copies of those agreements along with the Report of Ownership.*

**IMPORTANT:** In order for the Department to clearly understand the date that the title company prepared the Report of Ownership, the title company must indicate/state the date that they prepared the report on the coversheet and/or first page of the report.
- d) Must include a list of owners at the time the report was generated; **AND**
- e) Must include a legal description of the property where the water right to be transferred is currently located (i.e., the FROM lands).

5. You must provide a notarized statement of consent signed by any landowner listed in the Report of Ownership who is not already included in the transfer application. The Department's statement of consent form (**Consent By Deeded Landowner**) is available at:

[https://www.oregon.gov/OWRD/WRDFormsPDF/consent to transfer form.pdf](https://www.oregon.gov/OWRD/WRDFormsPDF/consent%20to%20transfer%20form.pdf)



### Conditions to your water right...

The Watermaster has required a water measurement device at the new diversion point prior to diversion of water. Enclosed is a contact information sheet to assist you in pursuing additional information or approval of the required (or alternate) devices.

This transfer will require installation of a fish screen at the new diversion point prior to diversion of water. You may not divert water prior to installation and approval of the fish screen by the Oregon Department of Fish and Wildlife (ODFW). You may wish to contact the ODFW staff person listed on the enclosed contact sheet for more information about the screen and to determine a reasonable timeline.

**Please note the proposed date by which all conditions must be met: October 1, 2023.** If the required completion date is insufficient to comply with any of the conditions, you may request more time, at no cost to you, during this stage of processing. **Please let me know by the comment deadline if you will need more time and explain the reasons why.**

### What happens next...

Once the preliminary determination is issued a publication period is required. The Department will publish a notice in their weekly publication, which opens a 30-day period in which the transfer can be protested.

Issuance of the Preliminary Determination will occur shortly after we receive:

1. Your written response to the conditions and proposed action in the Draft Preliminary Determination (e-mail is acceptable); and
2. The Report of Ownership, including affidavits of consent from any landowners shown in the ownership report who have not signed the transfer application. The title company must indicate/state the date that they prepared the ownership report on the coversheet and/or first page of the report.

**If we do not receive the items listed above by May 4, 2022, a Preliminary Determination may be issued denying the application as incomplete.**

Please do not hesitate to contact me at 503-979-3129 or [arla.l.davis@water.oregon.gov](mailto:arla.l.davis@water.oregon.gov) if I may be of assistance.

Sincerely,

*Arla L Davis*

Arla L Davis  
Transfer Specialist  
Transfer and Conservation Section

cc: Transfer Application file T-13526  
Gregory M. Silbernagel, District 5 Watermaster (via e-mail)  
Terry Sprecher, Agent for the applicant (via e-mail)

encs





**PioneerTitleCo.**  
GOING BEYOND

## Pioneer Title Company of Umatilla County

109 SW Court Avenue  
Pendleton, OR 97801  
Phone (541) 276-5114  
Fax (541) 276-0484

115 E Highland Avenue, Ste A  
Hermiston, OR 97838  
Phone (541) 567-9743  
Fax (541) 567-7307

### Ownership & Encumbrance Report

To: RONALD & LOANN MACDOUGALL  
52708 SUNQUIST RD  
Milton-Freewater, Or. 97862

Order No: 104584  
Your No : WATER RESOURCES DEPT  
Owner : MACDOUGALL  
Report : O&E

TYPE OF POLICY:	AMOUNTS	CODE	PREMIUMS
Ownership & Encumbrance Report	\$200.00		\$200.00

We hereby certify that we have searched our Tract Indices as to the following described property:

Beginning at the Northwest corner of the Southwest Quarter of the Northwest Quarter of Section 22, Township 6 North, Range 35, East of the Willamette Meridian, Umatilla County, Oregon; thence South along Section line, 990 feet; thence East 1320 feet, more or less, to the East line of said Southwest Quarter of Northwest Quarter of said Section 22; thence North 990 feet; thence West 1320 feet, more or less, to the point of beginning. Excepting therefrom any portion lying within the County Road right-of-way.

And as of April 27, 2022, at 5 o'clock P.M., we find that the last document of record runs to:

RONALD F. MACDOUGALL and LOANN K. MACDOUGALL, husband and wife

We also find the following monetary incumbrances appearing of record within ten years prior to the date of this search:

NOTE I: 2021-2022 Taxes, \$2,356.05, paid in full.  
Code 7-8, Map No. 6N-35-22B, Tax Lot No. 700, Serial No. 129530

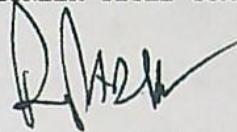
- Assessments of any taxing authority that levies taxes or assessments on real property or by the public records, proceedings by a public agency which may result in taxes or assessments or notices of such proceedings, whether or not shown by the records of such agency or by the public records.
- Deed of Trust, including the terms and provisions thereof, given to secure a note for \$233,461.00, with interest thereon,  
Grantor : Ronald F. MacDougall and LoAnn K. MacDougall  
Trustee : Amerititle  
Beneficiary : Mortgage Electronic Registration Systems, Inc., solely as nominee for BANK OF ENGLAND, the lender  
Dated : August 30, 2019  
Recorded : September 5, 2019 in Instrument No. 2019-6900311, Office of Umatilla County Records.



This is not a Title Report or a Commitment to issue Title Insurance. Our search for ownership and apparent incumbrances was limited to our Tract Indices and therefore above listings do not include additional matters which might have been disclosed by an examination of the record title. We assume no liability in connection with this report and will not be responsible for errors or omissions therein.

Very truly yours,

PIONEER TITLE COMPANY

A handwritten signature in dark ink, appearing to read "R. Parker", with a long, sweeping horizontal stroke extending to the right.

Rodney S. Parker

RSP/m



# PIONEER TITLE COMPANY

## PRIVACY POLICY

An Agent of FIRST AMERICAN TITLE INSURANCE COMPANY OF OREGON  
WE ARE COMMITTED TO SAFEGUARDING CUSTOMER INFORMATION

In order to better serve your needs now and in the future, we may ask you to provide us with certain information. We understand that you may be concerned about what we will do with such information, particularly any personal or financial information. We agree that you have a right to know how we will utilize the personal information you provide to us. Therefore, we have adopted this Privacy Policy to govern the use and handling of your personal information.

**APPLICABILITY.** This Privacy Policy governs our use of the information which you provide to us. It does not govern the manner in which we may use the information we have obtained from any other source, such as information obtained from a public record or from another person or entity.

**TYPES OF INFORMATION.** Depending upon which our services you are utilizing, the types of nonpublic personal information that we may collect include:

- A. Information we receive from you on applications, forms and in other communications to us, whether in writing, in person, by telephone or any other means;
- B. Information about your transactions with us, our affiliated companies, or others; and
- C. Information we receive from a consumer reporting agency.

**USE OF INFORMATION.** We request information from you for our own legitimate business purposes and not for the benefit of any non affiliated party. Therefore, we will not release your information to nonaffiliated parties except: (1) as necessary for use to provide the product or service you have requested to use; or (2) as permitted by law. We may however, store such information indefinitely, including the period after which any customer relationship has ceased. Such information may be used for any internal purposes, such as quality control efforts or customer analysis. We may also provide all of the types of nonpublic personal information listed above to one or more of our affiliated companies. Such affiliated companies include financial service providers, such as title insurers, property and casualty insurers, and trust and investment advisory companies, or companies involved in real estate services, such as appraisal companies, home warranty companies and escrow companies. Furthermore, we may also provide all the information we collect, as described above, to companies that perform marketing services on our behalf, on behalf of our affiliated companies, or to other financial institutions with whom we or our affiliated companies have joint marketing agreements.

**FORMER CUSTOMERS.** Even if you are no longer our customer, our Privacy Policy will continue to apply to you.

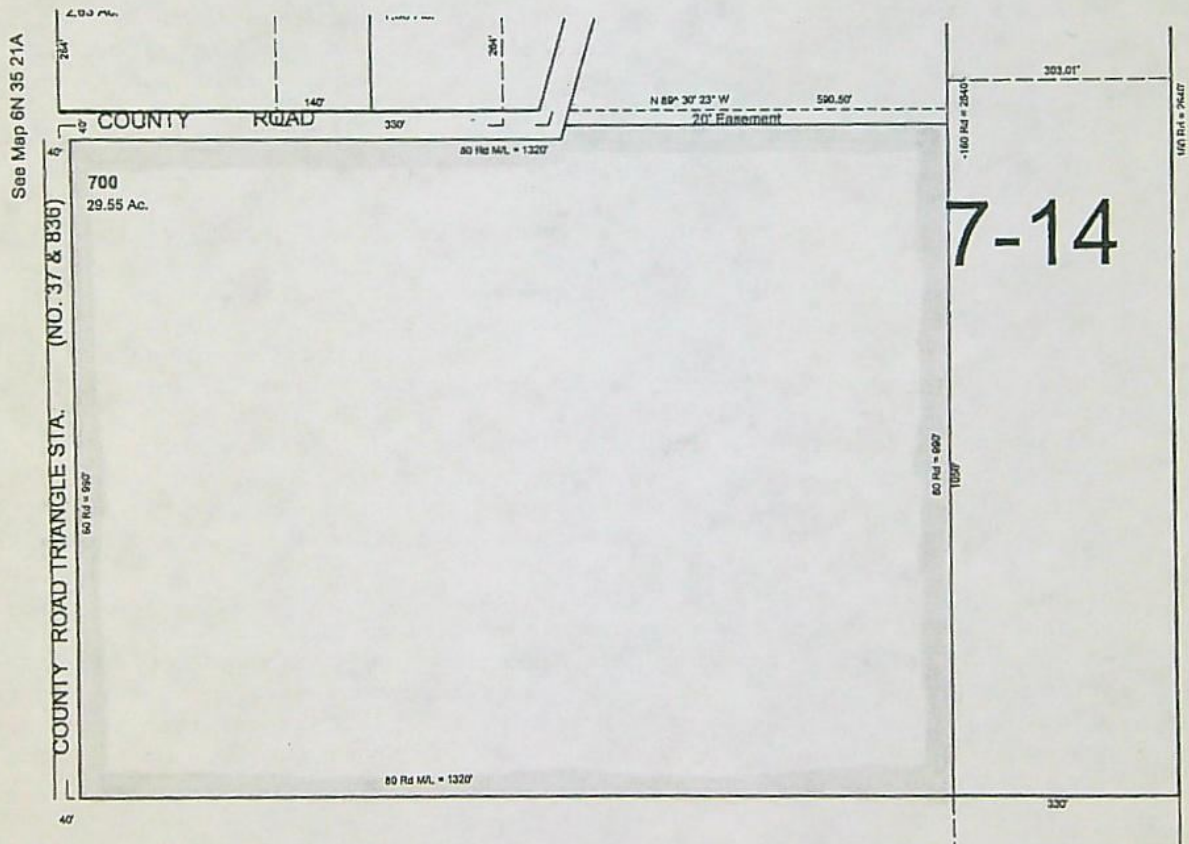
**CONFIDENTIALITY AND SECURITY.** We will use our best efforts to ensure that no unauthorized parties have access to any of your information. We restrict access to nonpublic personal information about you to those individuals and entities who need to know that information to provide products or services to you. We will use our best efforts to train and oversee our employees and agents to ensure that your information will be handled responsibly and accordance with this Privacy Policy. We currently maintain physical, electronic, and procedural safeguards that comply with federal regulations to guard your nonpublic personal information.



Pioneer Title Company

THIS MAP IS NOT A SURVEY AND DOES NOT SHOW THE  
LOCATION OF ANY IMPROVEMENTS AND IS PROVIDED FOR  
IDENTIFICATION OF THE LANDS ONLY AND THIS COMPANY  
ACCEPTS NO LIABILITY FOR THE ACCURACY OF BOUNDARY  
LINES, EASEMENTS, ROAD OR OTHER MATTERS SHOWN  
THEREON.

MAP NO. 6N-35-22B





KNOW ALL MEN BY THESE PRESENTS, That Richard A. Moss & Cynthia A. Moss, husband and wife

hereinafter called the grantor, for the consideration hereinafter stated, to grantor paid by Ronald F. MacDougall & Loann K. MacDougall, husband and wife

hereinafter called the grantee, does hereby grant, bargain, sell and convey unto the said grantee and grantee's heirs, successors and assigns, that certain real property, with the tenements, hereditaments and appurtenances thereunto belonging or appertaining, situated in the County of Umatilla and State of Oregon, described as follows, to-wit:

SEE EXHIBIT "A" ATTACHED HERETO AND BY THIS REFERENCE MADE A PART HEREOF

TO HAVE and to HOLD the same unto the said grantee and grantee's heirs, successors and assigns forever. And said grantor hereby covenants to and with said grantee and grantee's heirs, successors and assigns, that grantor is lawfully seized in fee simple of the above granted premises, free from all encumbrances EXCEPT AS FULLY SET FORTH ON ATTACHED EXHIBIT "A"

and that grantor will warrant and forever defend the said premises and every part and parcel thereof against the lawful claims and demands of all persons whomsoever, except those claiming under the above described encumbrances.

The true and actual consideration paid for this transfer, stated in terms of dollars, is \$ 185,000.00. However, the actual consideration consists of or includes other property or value given or promised which is (the whole or part of the) consideration (indicate which). (The sentence between the symbols ©, if not applicable should be deleted. See ORS 93.030.)

In construing this deed and where the context so requires, the singular includes the plural and all grammatical changes shall be implied to make the provisions hereof apply equally to corporations and to individuals.

In Witness Whereof, the grantor has executed this instrument this 11<sup>th</sup> day of December, 1995; if a corporate grantor, it has caused its name to be signed and seal affixed by its officers, duly authorized thereto by order of its board of directors.

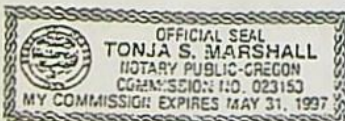
THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.330.

STATE OF OREGON  
County of Umatilla } ss.

BE IT REMEMBERED, That on this 11<sup>th</sup> day of December, 1995, before me, the undersigned, a Notary Public in and for said County and State, personally appeared the within named Richard A. Moss & Cynthia A. Moss

known to me to be the identical individual s described in and who executed the within instrument and acknowledged to me that they executed the same freely and voluntarily.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal the day and year last above written.



Tonia S. Marshall  
Notary Public for Oregon.  
My Commission expires 5-31-97

Richard A. Moss  
Rt. 3, Box 185  
Milton-Freewater, OR 97862  
Grantor's Name and Address  
Ronald F. MacDougall  
3300 Cottonwood St.  
Orange, CA 92665  
Grantee's Name and Address  
After recording return to:  
Pioneer Title Company  
178 S. Main, Suite 2  
Milton-Freewater, OR 97862  
Until a change is requested all tax statements shall be sent to the following address:  
Ronald F. MacDougall  
3300 Cottonwood St.  
Orange, CA 92665  
Name, Address, Zip

Space Reserved  
For  
Recorder's Use

State of Oregon )  
County of Umatilla )  
This instrument was received and recorded on  
12-15-95 at 11:11  
in the record of document code type 95-W  
Location 282-0168  
Document number 95-213341  
Fee 40.00

Office of County Records  
Received by Tonia S. Marshall  
Records Officer



Commencing at Northwest corner of Southwest Quarter of Northwest Quarter of Section 22, Township 6 North, Range 35; thence South along Section line 60 rods; thence East 80 rods, more or less, to East line of said Southwest Quarter of Northwest Quarter of Section 22; thence North 60 rods; thence West 80 rods, more or less, to the place of beginning;

But including the right to the use of right of way 6 feet in width for an irrigation ditch, extending from a point about 32 rods North of Southeast corner of Northwest Quarter of Southwest Quarter of said Section 22, North a distance of 38 rods, more or less, said right of way being on West side of line running North and South through center of Southwest Quarter of said Section 22, conveyed to Nick Grosegbauer, by Deed recorded in Book 53, Page 117, Deed Records.

SUBJECT to any and all water rights of way and roads;

All being East of the Willamette Meridian, Umatilla County, Oregon.

SUBJECT TO:

1. As disclosed by the tax rolls and premises herein described have been zoned or classified for special use. At any time that said land is disqualified for such use said property will be subject to additional taxes and interest, which grantee agrees to pay.
2. Easement for irrigation ditch, including the terms and provisions thereof, granted by Nick Grosegbauer, et ux, to S. B. Merriman, recorded September 15, 1911, Book 73, Page 445, Deed Records.
3. Easement, including the terms and provisions thereof, granted by Pete J. Locati, et ux, to Pacific Power and Light Company, recorded June 18, 1951, Book 197, Page 353, Deed Records.

ACCEPTED & APPROVED:

Ronald B. MacDougall  
Ronald B. MacDougall  
Donald K. MacDougall  
Donald K. MacDougall





# AFFIDAVIT EXEMPTING A MANUFACTURED STRUCTURE FROM TITLE AND REGISTRATION

For new (MCO) or never-titled-in-Oregon structures only.

## INSTRUCTIONS:

- 1) Complete all areas of the form and sign before notary;
- 2) Provide duplicate original affidavit to the county where located;
- 3) Surrender the Manufacturer's Certificate of Origin (MCO) or Out-of-State Title to DMV; and
- 4) Mail to: DMV Title Exemption Desk, 1905 Lana Ave NE, Salem, Oregon 97314.

(For County Use) After recording return to:

RECEIVED

APR 19 2000

UMATILLA COUNTY  
RECORDS

Legal description of manufactured structure:

368 0580 369 0050

YEAR	MAKE	STYLE	VEHICLE IDENTIFICATION NUMBER (VIN)	WIDTH	LENGTH
2000	Valley	Mansion	VMH12831W03348ABC (Serial No.)	40'	68'

ACTUAL LOCATION OF STRUCTURE

52708 Sunquist Road, Milton-Freewater, OR 97862

TAX ACCOUNT NUMBER FOR REAL PROPERTY:

6N 35 22 B TL#700

Legal description and location of real property:

RECEIVED

Serial No. 129530

\*\*\*\*SEE ATTACHED LEGAL DESCRIPTION\*\*\*\*

APR 27 2000

UMATILLA COUNTY  
RECORDS

PRINTED NAME OF OWNER(S)

RONALD F. MACDOUGAL

COL / ID / CUSTOMER #

8244738

DATE OF BIRTH

9/22/41

TELEPHONE #

(541) 558-3778

PRINTED NAME OF OWNER(S)

LOANN K. MACDOUGALL

COL / ID / CUSTOMER #

8691725

DATE OF BIRTH

2/21/44

TELEPHONE #

(541) 558-3778

RESIDENCE ADDRESS (STREET, CITY, STATE, ZIP CODE)

52708 Sunquist Road, Milton-Freewater, OR 97862

MAILING ADDRESS (STREET, CITY, STATE, ZIP CODE)

52708 Sunquist Road, Milton-Freewater, OR 97862

SECURITY INTEREST HOLDER NAME AND ADDRESS

N/A

SECURITY INTEREST HOLDER NAME AND ADDRESS

N/A

DUPLICATE  
ORIGINAL

## CERTIFICATIONS

I certify that in accordance with ORS 820.510:

- The same person owns the manufactured structure and the real property on which the manufactured structure is or will be situated;
- The manufactured structure is or will be affixed to the real property and subject to taxation by the county in which it is located as an improvement to the real property;
- Each person with a security interest in the manufactured structure and each person with a security interest in the real property approves the exemption from registration and titling; and
- A duplicate original of the affidavit is being submitted for recording to the county clerk for the county in which the real property is located.

SIGNATURE OF OWNER

X Ronald F. MacDougall

SIGNATURE OF OWNER

X Loann K. MacDougall



2000-3690050

1 of 2

Subscribed, sworn and acknowledged before me this 24 day of March 2000

State of Oregon, Umatilla County, ss.

NOTARY

X Peggy L. Wallingford  
SIGNATURE OF NOTARY PUBLIC

My commission expires Dec 21, 2001



729-6/23 (10-01)

This instrument is being re-recorded to add the legal description to that that document recorded April 19, 2000 in Reel 368, Page 580, UCMR.

5/14/2005



2000-3690050 2 of 2

State of Oregon )  
County of Umatilla )

This instrument was received  
and recorded on

04-12-00 at 11:45

In the record of document  
code type DE-APR

Location R369-0050  
Document number 2000-3690050  
Fee 31.00

Office of County Records

*John Hamilton*  
Records Officer

State of Oregon )  
County of Umatilla )

This instrument was received  
and recorded on

04-27-00 at 3:30

In the record of document  
code type DE-CORR

Location R369-0050  
Document number 2000-3690050  
Fee 10.00

Office of County Records

*John Hamilton*  
Records Officer

Commencing at Northwest corner of Southwest Quarter of Northwest Quarter of Section 22, Township 6 North, Range 35; thence South along Section line 60 rods; thence East 80 rods, more or less, to the East line of said Southwest Quarter of Northwest Quarter of Section 22; thence North 60 rods; thence West 80 rods, more or less, to the place of beginning;

But including the right to the use of right of way 6 feet in width for an irrigation ditch, extending from a point about 32 rods North of Southeast corner of Northwest Quarter of Southwest Quarter of said Section 22, North a distance of 38 rods, more or less, said right of way being on West side of line running North and South through center of Southwest Quarter of said Section 22, conveyed to Nick Grosegebauer, by Deed recorded in Book 53, Page 117, Deed Records.

SUBJECT to any and all water rights of way and roads;

All being East of the Willamette Meridian, Umatilla County, Oregon.



State of Oregon  
County of Umatilla

Instrument received  
and recorded on  
09/05/2019 01:59:50 PM

in the record of Instrument  
code type TD

Instrument number 2019-8900311  
\$231.00

Office of County Records

*Jane Churchill*  
Records Officer P28

When recorded, return to:  
Bank of England  
Attn: Final Document Department  
5 Statehouse Plaza, #500  
Little Rock, AR 72201  
866-878-2265

MAIL TAX STATEMENT TO:  
Bank of England  
5 Statehouse Plaza, #500, Little Rock, AR 72201

LOAN #: 11581906369950

[Space Below This Line For Acknowledgment]

### DEED OF TRUST COVER PAGE

This Cover Page **MUST** be attached with your recordable document

1. Grantor/Borrower Name(s) and Address:

Ronald F MacDougall  
52708 Sunquist Rd  
Milton Freewater, OR 97862

LoAnn K MacDougall  
52708 Sunquist Rd  
Milton Freewater, OR 97862

2. Grantee/Lender Name and Address: Bank of England  
5 Statehouse Plaza, #500  
Little Rock, AR 72201
3. Trustee Name and Address: AmeriTitle, Inc.  
2878 N Columbia, Suite 300  
Milton Freewater, OR 97862
4. Name and Address of Nominee for Lender: Mortgage Electronic Registration Systems, Inc.  
P.O. Box 2026  
Flint, MI 48501-2026
5. The true and actual consideration paid for this transfer is **\$233,461.00**.
6. Until a change is requested, all tax statements shall be sent to the following address:  
Bank of England  
5 Statehouse Plaza, #500  
Little Rock, AR 72201

Or. Rev. Stat. 205.234  
Ellie Mae, Inc.



ORCOVER 0718  
ORCOVER (CLS)  
08/30/2019 02:08 PM PST



When recorded, return to:  
Bank of England  
Attn: Final Document Department  
5 Statehouse Plaza, #500  
Little Rock, AR 72201  
866-878-2265

LOAN #: 11581906369950

[Space Below This Line For Acknowledgment]

CASE #: 48-48-60477394

## DEED OF TRUST

MIN 1004372-0000366320-7

MERS PHONE #: 1-888-679-6377

### DEFINITIONS

Words used in multiple sections of this document are defined below and other words are defined in Sections 3, 11, 13, 18, 20 and 21. Certain rules regarding the usage of words used in this document are also provided in Section 16.

(A) "Security Instrument" means this document, which is dated August 30, 2019, together with all Riders to this document.

(B) "Borrower" is RONALD F MACDOUGALL AND LOANN K MACDOUGALL, HUSBAND AND WIFE.

Borrower is the trustor under this Security Instrument.

(C) "Lender" is Bank of England.

Lender is a Corporation,  
under the laws of Arkansas.

organized and existing

Lender's address is 5 Statehouse Plaza, #500, Little Rock, AR 72201.

(D) "Trustee" is AmeriTitle, Inc..

(E) "MERS" is the Mortgage Electronic Registration Systems, Inc. Lender has appointed MERS as the nominee for Lender for this Loan, and attached a MERS Rider to this Security Instrument, to be executed by Borrower, which further describes the relationship between Lender and MERS, and which is incorporated into and amends and supplements this Security Instrument.

(F) "Note" means the promissory note signed by Borrower and dated August 30, 2019. The Note states that Borrower owes Lender TWO HUNDRED THIRTY THREE THOUSAND FOUR HUNDRED SIXTY ONE AND NO/100\* ..... Dollars (U.S. \$233,461.00 ) plus interest. Borrower has promised to pay this debt in regular Periodic Payments and to pay the debt in full not later than September 1, 2049.

(G) "Property" means the property that is described below under the heading "Transfer of Rights in the Property."

(H) "Loan" means the debt evidenced by the Note, plus interest, any prepayment charges and late charges due under the Note, and all sums due under this Security Instrument, plus interest.





(I) "Riders" means all Riders to this Security Instrument that are executed by Borrower. The following Riders are to be executed by Borrower (check box as applicable):

- |  |   |  |
|--|---|--|
| <input type="checkbox"/> Adjustable Rate Rider   | <input type="checkbox"/> Condominium Rider              | <input type="checkbox"/> Second Home Rider     |
| <input type="checkbox"/> Balloon Rider   | <input type="checkbox"/> Planned Unit Development Rider | <input checked="" type="checkbox"/> V.A. Rider |
| <input type="checkbox"/> 1-4 Family Rider  | <input type="checkbox"/> Biweekly Payment Rider         |  |
| <input checked="" type="checkbox"/> Mortgage Electronic Registration Systems, Inc. Rider |   |  |
| <input checked="" type="checkbox"/> Other(s) [specify]                                   |   |  |

Manufactured Home Rider, Manufactured Home Affidavit of Affixation

(J) "Applicable Law" means all controlling applicable federal, state and local statutes, regulations, ordinances and administrative rules and orders (that have the effect of law) as well as all applicable final, non-appealable judicial opinions.

(K) "Community Association Dues, Fees, and Assessments" means all dues, fees, assessments and other charges that are imposed on Borrower or the Property by a condominium association, homeowners association or similar organization.

(L) "Electronic Funds Transfer" means any transfer of funds, other than a transaction originated by check, draft, or similar paper instrument, which is initiated through an electronic terminal, telephonic instrument, computer, or magnetic tape so as to order, instruct, or authorize a financial institution to debit or credit an account. Such term includes, but is not limited to, point-of-sale transfers, automated teller machine transactions, transfers initiated by telephone, wire transfers, and automated clearinghouse transfers.

(M) "Escrow Items" means those items that are described in Section 3.

(N) "Miscellaneous Proceeds" means any compensation, settlement, award of damages, or proceeds paid by any third party (other than insurance proceeds paid under the coverages described in Section 5) for: (i) damage to, or destruction of, the Property; (ii) condemnation or other taking of all or any part of the Property; (iii) conveyance in lieu of condemnation; or (iv) misrepresentations of, or omissions as to, the value and/or condition of the Property.

(O) "Mortgage Insurance" means insurance protecting Lender against the nonpayment of, or default on, the Loan.

(P) "Periodic Payment" means the regularly scheduled amount due for (i) principal and interest under the Note, plus (ii) any amounts under Section 3 of this Security Instrument.

(Q) "RESPA" means the Real Estate Settlement Procedures Act (12 U.S.C. §2601 et seq.) and its implementing regulation, Regulation X (12 C.F.R. Part 1024), as they might be amended from time to time, or any additional or successor legislation or regulation that governs the same subject matter. As used in this Security Instrument, "RESPA" refers to all requirements and restrictions that are imposed in regard to a "federally related mortgage loan" even if the Loan does not qualify as a "federally related mortgage loan" under RESPA.

(R) "Successor in Interest of Borrower" means any party that has taken title to the Property, whether or not that party has assumed Borrower's obligations under the Note and/or this Security Instrument.

#### TRANSFER OF RIGHTS IN THE PROPERTY

This Security Instrument secures to Lender: (i) the repayment of the Loan, and all renewals, extensions and modifications of the Note; and (ii) the performance of Borrower's covenants and agreements under this Security Instrument and the Note. For this purpose, Borrower irrevocably grants and conveys to Trustee, in trust, with power of sale, the following described property located in the County of Umatilla

(Type of Recording Jurisdiction)

(Name of Recording Jurisdiction):

SEE LEGAL DESCRIPTION ATTACHED HERETO AND MADE A PART HEREOF AS "EXHIBIT A".

APN #: 129530

which currently has the address of 52708 Sunquist Rd, Milton Freewater,

Oregon 97862

("Property Address"):

[Street] [City]

[Zip Code]

TOGETHER WITH all the improvements now or hereafter erected on the property, and all easements, appurtenances, and fixtures now or hereafter a part of the property. All replacements and additions shall also be covered by this Security Instrument. All of the foregoing is referred to in this Security Instrument as the "Property."

BORROWER COVENANTS that Borrower is lawfully seized of the estate hereby conveyed and has the right to grant and convey the Property and that the Property is unencumbered, except for encumbrances of record. Borrower warrants and will defend generally the title to the Property against all claims and demands, subject to any encumbrances of record.

THIS SECURITY INSTRUMENT combines uniform covenants for national use and non-uniform covenants with limited variations by jurisdiction to constitute a uniform security instrument covering real property.





EXHIBIT "A"

314941AM

Commencing at Northwest corner of Southwest Quarter of Northwest Quarter of Section 22, Township 6 North, Range 35; thence South along Section line 60 rods; thence East 80 rods, more or less, to East line of said Southwest Quarter of Northwest Quarter of Section 22; thence North 60 rods; thence West 80 rods, more or less, to the place of beginning;

SUBJECT to any and all water rights of way and roads;

All being East of the Willamette Meridian, Umatilla County, Oregon.



BEFORE THE WATER RESOURCES DEPARTMENT  
OF THE  
STATE OF OREGON

In the Matter of Transfer Application  
T-13526, Umatilla County

)  
)  
)  
)  
)  
**D R A F T**  
PRELIMINARY DETERMINATION  
PROPOSING APPROVAL OF A CHANGE IN  
POINT OF DIVERSION

**Authority**

Oregon Revised Statutes (ORS) 540.505 to 540.580 establish the process in which a water right holder may submit a request to transfer the point of diversion, place of use, or character of use authorized under an existing water right. Oregon Administrative Rules (OAR) Chapter 690, Division 380 implement the statutes and provides the Department's procedures and criteria for evaluating transfer applications.

**Applicant**

RON AND LOANN MACDOUGALL  
52708 SUNQUIST ROAD  
MILTON FREEWATER, OR 97862

**Findings of Fact**

1. On September 29, 2020, RON AND LOANN MACDOUGALL filed an application to change the point of diversion under Certificate 23. The Department assigned the application number T-13526.
2. Notice of the application for transfer was published on September 29, 2020, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. The right to be transferred is as follows:

**Certificate:** 23 in the name of NICK GROSGEBAUER (confirmed by East Mud Creek Decree)  
**Use:** IRRIGATION of 20.0 ACRES  
**Priority Date:** 1881  
**Rate:** 0.38 CUBIC FOOT PER SECOND  
**Period of Use:** April 1 to September 20  
**Source:** EAST BRANCH OF MUD CREEK, tributary of the WALLA WALLA RIVER

**Authorized Point of Diversion:**

POD Location
EAST BRANCH OF MUD CREEK



**Authorized Place of Use:**

Twp	Rng	Mer	Sec	Q-Q	Acres
6 N	35 E	WM	22	SW NW	20.00

4. Transfer Application T-13526 proposes to move the authorized point of diversion:

Twp	Rng	Mer	Sec	Q-Q	GLot	Measured Distances
6 N	35 E	WM	22	SW NW	700	POD #1 - 344 FEET NORTH AND 549 FEET EAST FROM THE WEST ¼ CORNER OF SECTION 22

5. The Oregon Department of Fish and Wildlife has determined that the diversion is not currently equipped with an appropriate fish screen, but a fish screen may be required in the future at the new point of diversion to prevent fish from entering the diversion.

**Transfer Review Criteria [OAR 690-380-4010(2)]**

- Water has been used within the last five years. There is no information in the record that would demonstrate that the right is subject to forfeiture under ORS 540.610
- A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing right were present within the five-year period prior to submittal of Transfer Application T-13526.
- The proposed change would not result in enlargement of the right.
- The proposed change would not result in injury to other water rights.
- All other application requirements are met.

**Determination and Proposed Action**

The change in point of diversion proposed in Transfer Application T-13526 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-13526 is approved, the final order will include the following:*

- The change in point of diversion proposed in Transfer Application T-13526 is approved.*
- 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 Certificate 23 and any related decree.*
- Water right Certificate 23 is cancelled.*
- The quantity of water diverted at the new point of diversion (POD #1), shall not exceed the quantity of water lawfully available at the original point of diversion.*
- 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 new 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.*
6. *The Oregon Department of Fish and Wildlife (ODFW) may require the water user to install an approved fish screen at the new point of diversion within one year after receiving written notification that a fish screen is required. Once installed the water user shall maintain and operate the fish screen at the new point of diversion according to ODFW's operational and maintenance standards. If ODFW determines the screen is not functioning properly and is unsuccessful in working with the water user to meet ODFW standards, ODFW may request that OWRD regulate the use of water until OWRD receives notification from ODFW that the fish screen is functioning properly.*
7. *Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2023**. 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 change and full beneficial use of the water.*
8. *After satisfactory proof of beneficial use is received, a new certificate confirming the right transferred will be issued.*

Dated in Salem, Oregon on

**D R A F T**

Lisa J. Jaramillo, Transfer and Conservation Section Manager, for  
THOMAS M BYLER, DIRECTOR  
Oregon Water Resources Department

This draft Preliminary Determination was prepared by Arla L Davis. If you have questions about the information in this document, you may reach me by email at [arla.l.davis@water.oregon.gov](mailto:arla.l.davis@water.oregon.gov)



## Oregon Water Resources Department

## Measurement Condition Information for the Applicant

(To be sent with the Draft Preliminary Determination or Final Order)

Transfer #: T- 13526



In order to avoid enlargement of the right or injury to other rights, a **totalizing flowmeter** will be required to be installed prior to diversion of water, as a condition of this transfer:



at each point of diversion/appropriation (new and existing) **OR**



at each new point of diversion/appropriation.

For additional information, or to obtain approval of a different type of measurement device, the applicant should contact the area Watermaster:

Watermaster name: Greg Silbernagel

District: 5

Address: 116 SE Dorion Avenue

City/State/Zip: Pendleton, Oregon 97801

Phone: (541)969-1677

Email: Greg.M.Silbernagel@oregon.gov

**Note:** If a device other than the one specified in the Preliminary Determination or Final Order is approved by the Watermaster, fill out and mail the form below to the Salem office.

\*\*\*\*\*

## Approval of an Alternate Measurement Device

T-

(to be filled out after consultation with the applicant, or after a site visit)

On behalf of the Director, I authorize use of the following suitable **alternate measurement device**:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_  
Watermaster signature

\_\_\_\_\_  
District

\_\_\_\_\_  
Date

If this form is used for approval of an alternative measurement device, it must be mailed to:

Oregon Water Resources Department  
725 Summer Street NE, Suite A  
Salem, OR 97301-1266



**Oregon Department of Fish and Wildlife**  
**Additional Fish Screening and Passage Information for the Applicant**  
*(To be completed by ODFW for WRD to provide to the applicant.)*

Transfer #: T-13526

The applicant should be aware that fish screening and passage may be required for certain changes in point of diversion if the boxes below are checked.

- ☐ Fish screening is required as a condition of this transfer. The fish screen must meet ODFW's design, construction, operational and maintenance standards.

Pursuant to ORS 498.306, cost-share funds may be available to assist in the installation of fish screening.

The applicant should contact the ODFW staff member below to obtain additional information on the design, construction, operational, and maintenance standards for the fish screen and to obtain information about ODFW's cost-sharing program for screening. **Prior to installation, the water user must obtain written approval from ODFW that the required screen meets ODFW's criteria.**

ODFW staff name: Nathaniel Ashley

Address: 357 Patterson Bridge Rd

City/State/Zip: John Day, OR 97845

Phone: (541) 575-0561

- ☐ This transfer may trigger requirements for fish passage under ORS 509.585 because a new point of diversion will be constructed, an existing point of diversion's capacity will be increased, or an existing point of diversion will be abandoned. The applicant should contact the ODFW staff member below for a determination of whether native migratory fish are or were present at the applicable location, which will determine whether fish passage must be addressed.

ODFW staff name: Danette Faucera

Address: 4034 Fairview Industrial Dr. SE

City/State/Zip: Salem, OR 97302

Phone: (503) 947-6092





# Oregon

Kate Brown, Governor

## Water Resources Department

725 Summer St NE, Suite A

Salem, OR 97301

(503) 986-0900

Fax (503) 986-0904

April 4, 2022

VIA E-MAIL

RON AND LOANN MACDOUGALL  
52708 SUNQUIST ROAD  
MILTON FREEWATER, OR 97862

Reference: Water Right Transfer Application T-13526

Your water right transfer is in the first of three phases of processing. Enclosed is a draft of the Department's Preliminary Determination regarding Transfer Application T-13526. The document reflects the Department's conclusion that, based on the information currently available, the transfer will be approved. Your response and submittal of the items outlined below are required by May 4, 2022.

### *Required items needing your immediate attention:*

1. Please carefully review the Draft Preliminary Determination to verify that it accurately reflects the changes you intend to make and to become familiar with the proposed conditions.
2. **Respond in writing** by May 4, 2022, with acknowledgement that you agree to the proposed action and conditions.
3. If you find any errors, please let me know.
4. **REQUIRED:** You must submit a **Report of Ownership** for the lands where the water right(s) are currently located (i.e., the FROM lands). This report:
  - a) Must be prepared by a title company;
  - b) Shall include a "prepared by" statement and the date the title company prepared the report printed on the cover sheet;
  - c) Must be:
    - i. Prepared within 3 months of the Draft Preliminary Determination showing current ownership; **OR**
    - ii. Prepared within 3 months of recording of a water right conveyance agreement; **OR**
    - iii. Have a prepared date showing ownership at the time a water right conveyance agreement was recorded.

*If water right conveyance agreements are involved, it is helpful to provide copies of those agreements along with the Report of Ownership.*

**IMPORTANT:** In order for the Department to clearly understand the date that the title company prepared the Report of Ownership, the title company must indicate/state the date that they prepared the report on the coversheet and/or first page of the report.

- d) Must include a list of owners at the time the report was generated; **AND**
  - e) Must include a legal description of the property where the water right to be transferred is currently located (i.e., the FROM lands).
5. You must provide a notarized statement of consent signed by any landowner listed in the Report of Ownership who is not already included in the transfer application. The Department's statement of consent form (**Consent By Deeded Landowner**) is available at:  
[https://www.oregon.gov/OWRD/WRDFormsPDF/consent to transfer form.pdf](https://www.oregon.gov/OWRD/WRDFormsPDF/consent%20to%20transfer%20form.pdf)



### Conditions to your water right...

The Watermaster has required a water measurement device at the new diversion point prior to diversion of water. Enclosed is a contact information sheet to assist you in pursuing additional information or approval of the required (or alternate) devices.

This transfer will require installation of a fish screen at the new diversion point prior to diversion of water. You may not divert water prior to installation and approval of the fish screen by the Oregon Department of Fish and Wildlife (ODFW). You may wish to contact the ODFW staff person listed on the enclosed contact sheet for more information about the screen and to determine a reasonable timeline.

**Please note the proposed date by which all conditions must be met: October 1, 2023.** If the required completion date is insufficient to comply with any of the conditions, you may request more time, at no cost to you, during this stage of processing. **Please let me know by the comment deadline if you will need more time and explain the reasons why.**

### What happens next...

Once the preliminary determination is issued a publication period is required. The Department will publish a notice in their weekly publication, which opens a 30-day period in which the transfer can be protested.

Issuance of the Preliminary Determination will occur shortly after we receive:

1. Your written response to the conditions and proposed action in the Draft Preliminary Determination (e-mail is acceptable); and
2. The Report of Ownership, including affidavits of consent from any landowners shown in the ownership report who have not signed the transfer application. The title company must indicate/state the date that they prepared the ownership report on the coversheet and/or first page of the report.

**If we do not receive the items listed above by May 4, 2022, a Preliminary Determination may be issued denying the application as incomplete.**

Please do not hesitate to contact me at 503-979-3129 or [arla.l.davis@water.oregon.gov](mailto:arla.l.davis@water.oregon.gov) if I may be of assistance.

Sincerely,

*Arla L Davis*

Arla L Davis  
Transfer Specialist  
Transfer and Conservation Section

cc: Transfer Application file T-13526  
Gregory M. Silbernagel, District 5 Watermaster (via e-mail)  
Terry Sprecher, Agent for the applicant (via e-mail)

encs



BEFORE THE WATER RESOURCES DEPARTMENT  
OF THE  
STATE OF OREGON

In the Matter of Transfer Application  
T-13526, Umatilla County

)  
)  
)  
)  
)

D R A F T

PRELIMINARY DETERMINATION  
PROPOSING APPROVAL OF A CHANGE IN  
POINT OF DIVERSION

**Authority**

Oregon Revised Statutes (ORS) 540.505 to 540.580 establish the process in which a water right holder may submit a request to transfer the point of diversion, place of use, or character of use authorized under an existing water right. Oregon Administrative Rules (OAR) Chapter 690, Division 380 implement the statutes and provides the Department's procedures and criteria for evaluating transfer applications.

**Applicant**

RON AND LOANN MACDOUGALL  
52708 SUNQUIST ROAD  
MILTON FREEWATER, OR 97862

**Findings of Fact**

1. On September 29, 2020, RON AND LOANN MACDOUGALL filed an application to change the point of diversion under Certificate 23. The Department assigned the application number T-13526.
2. Notice of the application for transfer was published on September 29, 2020, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. The right to be transferred is as follows:

**Certificate:** 23 in the name of NICK GROSGEBAUER (confirmed by East Mud Creek Decree)  
**Use:** IRRIGATION of 20.0 ACRES  
**Priority Date:** 1881  
**Rate:** 0.38 CUBIC FOOT PER SECOND  
**Period of Use:** April 1 to September 20  
**Source:** EAST BRANCH OF MUD CREEK, tributary of the WALLA WALLA RIVER

**Authorized Point of Diversion:**

POD Location
EAST BRANCH OF MUD CREEK



**Authorized Place of Use:**

Twp	Rng	Mer	Sec	Q-Q	Acres
6 N	35 E	WM	22	SW NW	20.00

4. Transfer Application T-13526 proposes to move the authorized point of diversion:

Twp	Rng	Mer	Sec	Q-Q	GLot	Measured Distances
6 N	35 E	WM	22	SW NW	700	POD #1 - 344 FEET NORTH AND 549 FEET EAST FROM THE WEST ¼ CORNER OF SECTION 22

5. The Oregon Department of Fish and Wildlife has determined that the diversion is not currently equipped with an appropriate fish screen, but a fish screen may be required in the future at the new point of diversion to prevent fish from entering the diversion.

**Transfer Review Criteria [OAR 690-380-4010(2)]**

- Water has been used within the last five years. There is no information in the record that would demonstrate that the right is subject to forfeiture under ORS 540.610
- A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing right were present within the five-year period prior to submittal of Transfer Application T-13526.
- The proposed change would not result in enlargement of the right.
- The proposed change would not result in injury to other water rights.
- All other application requirements are met.

**Determination and Proposed Action**

The change in point of diversion proposed in Transfer Application T-13526 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-13526 is approved, the final order will include the following:*

- The change in point of diversion proposed in Transfer Application T-13526 is approved.*
- 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 Certificate 23 and any related decree.*
- Water right Certificate 23 is cancelled.*
- The quantity of water diverted at the new point of diversion (POD #1), shall not exceed the quantity of water lawfully available at the original point of diversion.*
- 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 new 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.*
6. *The Oregon Department of Fish and Wildlife (ODFW) may require the water user to install an approved fish screen at the new point of diversion within one year after receiving written notification that a fish screen is required. Once installed the water user shall maintain and operate the fish screen at the new point of diversion according to ODFW's operational and maintenance standards. If ODFW determines the screen is not functioning properly and is unsuccessful in working with the water user to meet ODFW standards, ODFW may request that OWRD regulate the use of water until OWRD receives notification from ODFW that the fish screen is functioning properly.*
7. *Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2023**. 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 change and full beneficial use of the water.*
8. *After satisfactory proof of beneficial use is received, a new certificate confirming the right transferred will be issued.*

Dated in Salem, Oregon on

**D R A F T**

Lisa J. Jaramillo, Transfer and Conservation Section Manager, for  
THOMAS M BYLER, DIRECTOR  
Oregon Water Resources Department

This draft Preliminary Determination was prepared by Arla L Davis. If you have questions about the information in this document, you may reach me by email at [arla.l.davis@water.oregon.gov](mailto:arla.l.davis@water.oregon.gov)



**Oregon Department of Fish and Wildlife**  
**Additional Fish Screening and Passage Information for the Applicant**  
*(To be completed by ODFW for WRD to provide to the applicant.)*

Transfer #: T-13526

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- ☐ Fish screening is required as a condition of this transfer. The fish screen must meet ODFW's design, construction, operational and maintenance standards.

Pursuant to ORS 498.306, cost-share funds may be available to assist in the installation of fish screening.

The applicant should contact the ODFW staff member below to obtain additional information on the design, construction, operational, and maintenance standards for the fish screen and to obtain information about ODFW's cost-sharing program for screening. **Prior to installation, the water user must obtain written approval from ODFW that the required screen meets ODFW's criteria.**

ODFW staff name: Nathaniel Ashley

Address: 357 Patterson Bridge Rd

City/State/Zip: John Day, OR 97845

Phone: (541) 575-0561

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ODFW staff name: Danette Faucera

Address: 4034 Fairview Industrial Dr. SE

City/State/Zip: Salem, OR 97302

Phone: (503) 947-6092



## Oregon Water Resources Department

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(To be sent with the Draft Preliminary Determination or Final Order)

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For additional information, or to obtain approval of a different type of measurement device, the applicant should contact the area Watermaster:

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District: 5

Address: 116 SE Dorion Avenue

City/State/Zip: Pendleton, Oregon 97801

Phone: (541)969-1677

Email: Greg.M.Silbernagel@oregon.gov

**Note:** If a device other than the one specified in the Preliminary Determination or Final Order is approved by the Watermaster, fill out and mail the form below to the Salem office.

\*\*\*\*\*

## Approval of an Alternate Measurement Device

T-

(to be filled out after consultation with the applicant, or after a site visit)

On behalf of the Director, I authorize use of the following suitable alternate measurement device:

\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Watermaster signature

\_\_\_\_\_  
District

\_\_\_\_\_  
Date

If this form is used for approval of an alternative measurement device, it must be mailed to:

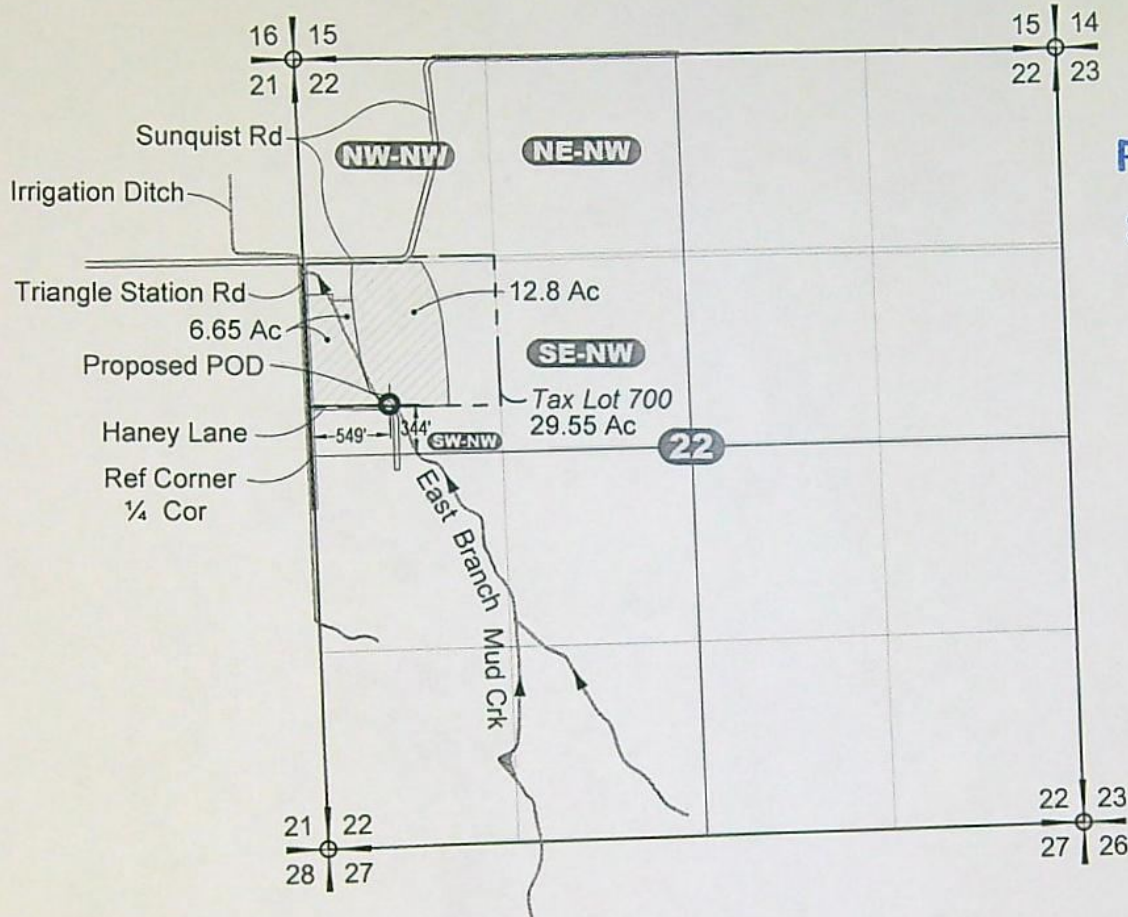
Oregon Water Resources Department  
725 Summer Street NE, Suite A  
Salem, OR 97301-1266



# TRANSFER APPLICATION MAP

## TAX LOT 700

Located in SW-NW OF  
Section 22, T.6N., R.35E., W.M.  
UMATILLA COUNTY, OREGON

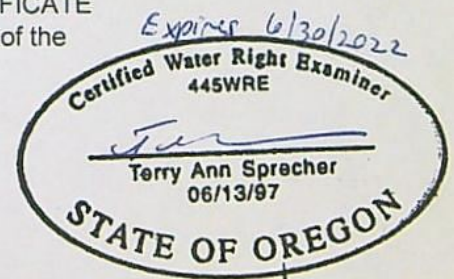


RECEIVED

SEP 18 2020

OWRD

AUTHORIZED POD AS STATED IN CERTIFICATE  
23, "Has the Right to the Use of the Waters of the  
East Branch Mud Creek".

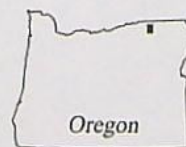


### LEGEND

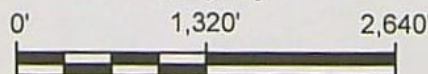
AUTHORIZED PLACE OF USE  
X.XX Ac

### NOTE

THIS MAP WAS PREPARED FOR THE PURPOSE OF  
IDENTIFYING THE LOCATION OF WATER RIGHTS ONLY  
AND IS NOT INTENDED TO PROVIDE LEGAL DIMENSIONS  
OR LOCATIONS OF PROPERTY OWNERSHIP LINES.



Vicinity Map



SCALE: 1" = 1,320'

### REFERENCE NOTES

Map features supplied by Umatilla County Tax  
Map 6N 35 22B, dated 03/09/17.

Transfer Application Map - Tax Lot 700  
Certificate 23  
Milton-Freewater, Oregon

CREATED BY: TAS  
DRAWN BY: SJS

13526

**Sprecher group**  
2445 NE Division St., Suite 300  
Bend, Oregon 97703  
SG PROJECT 4339  
AUGUST 2020



**Oregon Department of Fish and Wildlife**  
**Water Right and Diversion Transfer Comment Form**

*(ODFW provides to WRD so that WRD can make findings according to statutory requirements.)*

Reference Transfer #: T-13526, MACDOUGALL

Date of review: 10/16/20

**A. Please check box if you believe there is a potential for injury to an instream water right.**

☐ The Oregon Department of Fish and Wildlife (ODFW) believes this proposed transfer may injure an instream water right(s) on       /stream      , tributary to       , because       .  
(Please attach any available supporting information.)

**Note:** This will prompt WRD to make a determination whether the transfer will injure an instream water right. (OWRD makes the determination of injury to a water right, while ODFW's role is to raise concerns, and to evaluate proposed mitigation and net benefit to the resource if OWRD consents to injury of an instream water right.)

**B. Please check one of the following five boxes related to fish screen requirements pursuant to ORS 540.525 or 540.532:**

☐ **1. Screen Maintain**

*[Select this option if the new Point of Diversion (POD) requires a fish screen and is currently equipped with an appropriate fish screen that will still be in compliance if the transferred water is diverted from this POD.]*

**Note:** This option will yield the following:

**Finding of Fact:** The Oregon Department of Fish and Wildlife has determined that a fish screen is necessary at the new point of diversion to prevent fish from entering the diversion and that the diversion is currently equipped with an appropriate fish screen.

**Condition:** The water user shall operate and maintain an approved fish screen at the new point of diversion. If Oregon Department of Fish and Wildlife (ODFW) determines the screen is not functioning properly, and is unsuccessful in working with the water user to meet ODFW standards, ODFW may request that OWRD regulate the use of water until OWRD receives notification from ODFW that the fish screen is functioning properly.

☐ **2. Screen Now**

*[Option 2 should generally be selected if listed fish species are present at the point of diversion and/or the originating water right diversion is currently screened. If Option 2 is selected, provide contact information on the "Fish Screening and Passage Information" sheet. The new diversion may be eligible for cost-share.]*

**Note:** This option will yield the following:

**Finding of Fact:** The Oregon Department of Fish and Wildlife (ODFW) has determined that a fish screen is necessary at the new point of diversion to prevent fish from entering the diversion and that the diversion is not currently equipped with an appropriate fish screen. This diversion may be eligible for screening cost-share funds.

**Condition:** Prior to diverting water, the water user shall install an approved fish screen at the new point of diversion and shall provide to the OWRD a written statement from Oregon Department of Fish and Wildlife (ODFW) that the installed screen meets the state's criteria, or that ODFW has determined a screen is not necessary.

The water user shall operate and maintain the fish screen at the new point of diversion consistent with ODFW's operational and maintenance standards. If ODFW determines the screen is not functioning properly, and is unsuccessful in working with the water user to meet ODFW standards, ODFW may request that OWRD regulate the use of water until OWRD receives notification from ODFW that the fish screen is functioning properly.

*Please return all 3 pages to: Transfers Section, Water Resources Department,  
725 Summer St. NE, Suite A, Salem, OR 97301-1266*



☐ 3. Screen 2 Year

*[Option 3 may be checked if the change is from an unscreened diversion to a HISTORIC POD or an existing POD in use for another water right, and cost-share funds are not currently available. It should NOT be checked if listed fish species are present at the point of diversion, the originating water right diversion is screened, cost-share funds are currently available, or the diversion is not eligible for ODFW's cost-share program. Please provide contact information on the "Fish Screening and Passage Information" sheet.] If extraordinary circumstances are present, please explain: \_\_\_\_\_*

Note: This option will yield the following:

Finding of Fact: The Oregon Department of Fish and Wildlife (ODFW) has determined that a fish screen is necessary at the new point of diversion to prevent fish from entering the diversion and that the diversion is not currently equipped with an appropriate fish screen. Listed fish species are not present at the point of diversion, the originating water right diversion is not screened, cost-share funds are not currently available, and the proposed diversion may be eligible for ODFW's cost-share program. A grace period of two years is appropriate until such time as cost-share funds become available to assist in the construction of a fish screen. If cost-share funds do not become available, the water user must screen within the indicated time period regardless of the availability of cost-share funding.

Condition: By October 1, 20\_\_ [Within two years after the date of this order] the water user shall install an approved fish screen at the new point of diversion. The water user may withdraw water at the new point of diversion without a screen until October 1, 20\_\_. The water user shall provide to OWRD a written statement from Oregon Department of Fish and Wildlife (ODFW) that the installed screen meets the state's criteria, or that ODFW has determined a screen is not necessary.

The water user shall maintain and operate the fish screen at the new point of diversion consistent with ODFW's operational and maintenance standards. If ODFW determines the screen is not functioning properly, and is unsuccessful in working with the water user to meet ODFW standards, ODFW may request that OWRD regulate the use of water until OWRD receives notification from ODFW that the fish screen is functioning properly.

☒ 4. Screen Future

*[Use this option if fish are not currently present, but might possibly be at some future time.]*

Note: This option will yield the following:

Finding of Fact: The Oregon Department of Fish and Wildlife has determined that the diversion is not currently equipped with an appropriate fish screen, but a fish screen may be required in the future at the new point of diversion to prevent fish from entering the diversion.

Condition: The Oregon Department of Fish and Wildlife (ODFW) may require the water user to install an approved fish screen at the new point of diversion within one year after receiving written notification that a fish screen is required. Once installed the water user shall maintain and operate the fish screen at the new point of diversion according to ODFW's operational and maintenance standards. If ODFW determines the screen is not functioning properly, and is unsuccessful in working with the water user to meet ODFW standards, ODFW may request that OWRD regulate the use of water until OWRD receives notification from ODFW that the fish screen is functioning properly.

☐ 5. No Screen Needed

*[Check this box if fish are not currently present, and are not expected in the future.]*

Danette Z. Faucera

Signature

Danette Faucera

Printed Name

(503) 947-6092

Phone

Water Policy Coordinator

Title



**Oregon Department of Fish and Wildlife**  
**Additional Fish Screening and Passage Information for the Applicant**  
*(To be completed by ODFW for WRD to provide to the applicant.)*

Transfer #: T-13526

**The applicant should be aware that fish screening and passage may be required for certain changes in point of diversion if the boxes below are checked.**

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ODFW staff name: Nathaniel Ashley

Address: 357 Patterson Bridge Rd

City/State/Zip: John Day, OR 97845

Phone: (541) 575-0561

- ☐ This transfer may trigger requirements for fish passage under ORS 509.585 because a new point of diversion will be constructed, an existing point of diversion's capacity will be increased, or an existing point of diversion will be abandoned. The applicant should contact the ODFW staff member below for a determination of whether native migratory fish are or were present at the applicable location, which will determine whether fish passage must be addressed.

ODFW staff name: Danette Faucera

Address: 4034 Fairview Industrial Dr. SE

City/State/Zip: Salem, OR 97302

Phone: (503) 947-6092



## Watermaster Review Form: Water Right Transfer



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

Transfer Application: T-13526

Review Due Date:

Applicant Name: Ron and LoAnn MacDougal

Proposed Changes: ☐ POU ☒ POD ☐ POA ☐ USE ☐ OTHER

Reviewer(s): Greg Silbernagel

Date of Review: 10/7/2020

1. Do you have evidence that the right has not been used in the last 5 years and that the presumption of forfeiture would not likely be rebuttable? ☐ Yes ☒ No If "Yes", attach evidence (e.g. dated aerial photo showing pavement or building on the land for >5 yrs.)
2. Is there a history of regulation on the source that serves this (or these) right(s) that has involved the transferred right(s) and downstream water rights? ☒ Yes ☐ No Generally characterize the frequency of any regulation or explain why regulation has not occurred:
3. Have headgate notices been issued for the source that serves the transferred right(s)?  
☒ Yes ☐ No ☐ Records not available.
4. In your estimation, after the proposed change, would distribution of water for the right(s) result in regulation of other water rights that would not have occurred if use under the original right(s) was/were maximized? ☐ Yes ☒ No If "Yes", explain:
5. In your estimation, if the proposed change is approved, are there upstream water rights that would be affected? ☐ Yes ☒ No If "Yes", describe how the rights would be affected and list the rights most affected:



6. Check here ☐ if it appears that downstream water rights benefit from return flows resulting from the current use of the transferred right(s)? If you check the box, generally characterize the locations where the return flows likely occur and list the water rights that benefit most:

☒ N/A

7. For POD changes and instream transfers, check here if there are channel losses between the old and new PODs or within the proposed instream reach? If you check the box, describe and, if possible, estimate the losses:

☒ N/A

8. For instream transfers that propose protection of a reach beyond the mouth of the source stream:

☒ N/A Would the quantity be measureable into the receiving stream consistent with OAR 690-077-0015(8)? ☐ Yes ☐ No

9. For POU changes: ☒ N/A Is it likely the original place of use would continue to receive water from the same source? ☐ Yes ☐ No If "Yes", explain:

10. For POU or USE changes: ☒ N/A In your best judgment, would use of the existing right at "full face value," result in the diversion of more water than can be used beneficially and without waste? ☐ Yes ☐ No If "Yes", explain:

11. For POU changes that involve micro-irrigation: ☒ N/A

- a. Has the applicant made changes (absent a transfer) to convert to micro-irrigation within the current place of use boundary of the water right proposed for transfer, and previously demonstrated to the Department through monitoring and site inspections by the Watermaster that the proposed transfer will not result in injury or enlargement?

☐ Yes ☐ No If "Yes", explain:



- b. Has a temporary transfer of this nature been previously filed and approved on the same lands (or portions thereof) as those lands involved in this transfer?

☐ Yes ☐ No If "Yes", answer the following:

- i. Were there any problems with more acres being irrigated (or wetted) than were authorized under the temporary transfer? ☐ Yes ☐ No If "Yes", explain:

- ii. Did the designated areas that were to remain dry (or not wetted) under the temporary transfer actually remain dry? ☐ Yes ☐ No If "No", explain:

- iii. Did the applicant comply with and meet all of the conditions of the temporary transfer? ☐ Yes ☐ No If "No", explain:

- iv. Do you have any other observations regarding the temporary transfer?

☐ Yes ☐ No If "Yes", describe:

- v. Did the applicant demonstrate to the Department through monitoring and site inspections by the Watermaster that neither injury nor enlargement occurred as a result of the temporary transfer? ☐ Yes ☐ No If "No", explain:

- c. To the best of your knowledge, if this transfer is approved, does it appear that:

- i. "Injury" will occur to other water rights that share the same source?

☐ Yes ☐ No If "Yes", explain:

- ii. "Enlargement" of the water right being transferred will occur?

☐ Yes ☐ No If "Yes", explain:



12. Are there other issues not identified through the above questions that should be considered in determining whether the change "can be effected without injury to other rights"?

☒ Yes ☐ No If "Yes", explain:

The certificate does not identify the POD. The decree map is hard to read but there is an old diversion structure at the newly installed pump station. I believe it serves the west side of East Mud Creek. However, a portion of this water right is on the east side of East Mud Creek and there is no evidence of any historic ditches and the decree map is rough. There is however, a

13. What alternatives may be available for addressing any issues identified above:

Map/identify the underlying supplemental groundwater right. Could possibly require additional fee's.

14. Do conditions need to be included in the transfer order to avoid enlargement of the right or injury to other rights? ☐ No ☒ Yes, as checked and provided below:

☐ For POU changes that involve micro-irrigation, provide the monitoring and reporting conditions necessary to prevent injury/enlargement:

☐ A Headgate should be required prior to diverting water.

☒ Measurement Devices for POD or POA: (if this condition is selected, also fill in the top sections of Page 4)

*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/appropriation (new and existing) OR at each new point of diversion/appropriation ☐ with the exception that water rights issued to the Bureau of Reclamation or an irrigation district (or similar entity) are not subject to this condition.*

*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.*

☐ Reservoir water use measurement: (if this condition is selected, also fill in the top sections of Page 4)

*a. Before water use may begin under this order, the water user shall install **staff gages**\*, or, with prior approval of the Director, other suitable measuring devices, that measure the entire range and stage between empty and full in each reservoir. Staff gages shall be United States Geological Survey style.*

*b. Before water use may begin under this order, if the reservoir is located in channel, weirs or other suitable measuring devices must be installed upstream and downstream of the reservoir, and, an adjustable outlet valve must be installed. The water user shall maintain such devices in good working order. A written waiver may be obtained, if in the judgment of the Director, the installation of weirs or other suitable measuring devices, or the adjustable outlet valve, will provide no public benefit.*

\* The following alternative device(s) should be substituted for the bold, underlined device in the above selected condition:

☐ Weir  
☐ Parshall Flume  
☐ Other: \_\_\_\_\_

☐ Submerged Orifice  
☐ Flow Restrictor



## Oregon Water Resources Department

## Measurement Condition Information for the Applicant

(To be sent with the Draft Preliminary Determination or Final Order)

Transfer #: T- 13526



In order to avoid enlargement of the right or injury to other rights, a **totalizing flowmeter** will be required to be installed **prior to diversion of water**, as a condition of this transfer:



at each point of diversion/appropriation (new and existing) **OR**



at each new point of diversion/appropriation.

For additional information, or to obtain approval of a different type of measurement device, the applicant should contact the area Watermaster:

Watermaster name: Greg Silbernagel

District: 5

Address: 116 SE Dorion Avenue

City/State/Zip: Pendleton, Oregon 97801

Phone: (541)969-1677

Email: Greg.M.Silbernagel@oregon.gov

**Note:** If a device other than the one specified in the Preliminary Determination or Final Order is approved by the Watermaster, fill out and mail the form below to the Salem office.

\*\*\*\*\*

## Approval of an Alternate Measurement Device

T-

(to be filled out after consultation with the applicant, or after a site visit)

On behalf of the Director, I authorize use of the following suitable **alternate measurement device**:

\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Watermaster signature

\_\_\_\_\_  
District

\_\_\_\_\_  
Date

If this form is used for approval of an alternative measurement device, it must be mailed to:

Oregon Water Resources Department  
725 Summer Street NE, Suite A  
Salem, OR 97301-1266



**STATE OF OREGON  
WATER RESOURCES DEPARTMENT**

RECEIPT # **133498**

725 Summer St. N.E. Ste. A  
SALEM, OR 97301-4172  
(503) 986-0900 / (503) 986-0904 (fax)

INVOICE # \_\_\_\_\_

RECEIVED FROM:

BY:

CASH:

CHECK: #

OTHER: (IDENTIFY)

APPLICATION

PERMIT

TRANSFER

TOTAL REC'D

\$ 1,160.00

**1083 TREASURY 4170 WRD MISC CASH ACCT**

0407 COPIES

\$

OTHER: (IDENTIFY)

\$

0243 I/S Lease

0244 Muni Water Mgmt. Plan

0245 Cons. Water

**4270 WRD OPERATING ACCT**

MISCELLANEOUS

0407 COPY & TAPE FEES

\$

0410 RESEARCH FEES

\$

0408 MISC REVENUE: (IDENTIFY)

\$

TC162 DEPOSIT LIAB. (IDENTIFY)

\$

0240 EXTENSION OF TIME

\$

WATER RIGHTS:

EXAM FEE

RECORD FEE

0201 SURFACE WATER

\$

0202

\$

0203 GROUND WATER

\$

0204

\$

0205 TRANSFER

\$

1,160.00

EXAM FEE

LICENSE FEE

WELL CONSTRUCTION

0218 WELL DRILL CONSTRUCTOR

\$

0219

\$

LANDOWNER'S PERMIT

0220

\$

OTHER (IDENTIFY)

**0536 TREASURY 0437 WELL CONST. START FEE**

0211 WELL CONST START FEE

\$

CARD #

0210 MONITORING WELLS

\$

CARD #

OTHER (IDENTIFY)

**0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER**

0233 POWER LICENSE FEE (FW/WRD)

\$

0231 HYDRO LICENSE FEE (FW/WRD)

\$

HYDRO APPLICATION

\$

**TREASURY OTHER / RDX**

FUND \_\_\_\_\_ TITLE \_\_\_\_\_

OBJ. CODE \_\_\_\_\_ VENDOR # \_\_\_\_\_

DESCRIPTION \_\_\_\_\_

\$

RECEIPT: **133498**

DATED:

9-18-2020

BY:

*[Signature]*



# Application for Permanent Water Right Transfer

## Part 1 of 5 – Minimum Requirements Checklist



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

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

For questions, please call (503) 986-0900, and ask for Transfer Section.

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

- ☒ Part 1 – Completed Minimum Requirements Checklist.
- ☒ Part 2 – Completed Transfer Application Map Checklist.
- ☒ Part 3 – Application Fee, payable by check to the Oregon Water Resources Department, and completed Fee Worksheet, page 3. Try the new online fee calculator at:  
[http://apps.wrd.state.or.us/apps/misc/wrd\\_fee\\_calculator](http://apps.wrd.state.or.us/apps/misc/wrd_fee_calculator). If you have questions, call Customer Service at (503) 986-0801.
- ☒ Part 4 – Completed Applicant Information and Signature.
- ☒ Part 5 – Information about Water Rights to be Transferred: **How many water rights are to be transferred? 1 List them here: Certificate 23**  
Please include a separate Part 5 for each water right. (See instructions on page 6)

### Attachments:

- ☒ Completed Transfer Application Map.
- ☒ Completed Evidence of Use Affidavit and supporting documentation.
- ☐ ☒ N/A Affidavit(s) of Consent from Landowner(s) (if the applicant does not own the land the water right is on.)
- ☐ ☒ N/A Supplemental Form D – For water rights served by or issued in the name of an irrigation district. Complete when the transfer applicant is not the irrigation district.
- ☒ ☐ N/A Oregon Water Resources Department's Land Use Information Form with approval and signature (or signed land use form receipt stub) from each local land use authority in which water is to be diverted, conveyed, and/or used. Not required if water is to be diverted, conveyed, and/or used only on federal lands or if all of the following apply: a) a change in place of use only, b) no structural changes, c) the use of water is for irrigation only, and d) the use is located within an irrigation district or an exclusive farm use zone.
- ☐ ☒ N/A Water Well Report/Well Log for changes in point(s) of appropriation (well(s)) or additional point(s) of appropriation.
- ☐ ☒ N/A Geologist Report for a change from a surface water point of diversion to a ground water point of appropriation (well), if the proposed well is more than 500' from the surface water source and more than 1000' upstream or downstream from the point of diversion. See OAR 690-380-2130 for requirements and applicability.

### (For Staff Use Only)

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

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

Other/Explanation \_\_\_\_\_

Staff: \_\_\_\_\_ 503-986-0 \_\_\_\_\_

Date: \_\_\_\_/\_\_\_\_/\_\_\_\_

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QWRD

## Part 2 of 5 – Transfer Application Map

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

Please be sure that the transfer application map you submit includes all the required items and matches the existing water right map. Check all boxes that apply.

- ☒ ☐ N/A Certified Water Right Examiner (CWRE) Stamp and Original Signature. For a list of CWREs, see [http://apps.wrd.state.or.us/apps/wr/cwre\\_license\\_view/](http://apps.wrd.state.or.us/apps/wr/cwre_license_view/). CWRE stamp and signature are not required for substitutions.
- ☐ ☒ N/A If **more than three** water rights are involved, separate maps are needed for each water right.
- ☒ Permanent quality printed with dark ink on good quality paper.
- ☒ The size of the map can be 8½ x 11 inches, 8½ x 14 inches, 11 x 17 inches, or up to 30 x 30 inches. For 30 x 30 inch maps, one extra copy is required.
- ☒ A north arrow, a legend, and scale.
- ☒ The scale of the map must be: 1 inch = 400 feet, 1 inch = 1,320 feet, the scale of the Final Proof/Claim of Beneficial Use Map (the map used when the permit was certificated), the scale of the county assessor map if the scale is not smaller than 1 inch = 1,320 feet, or a scale that has been pre-approved by the Department.
- ☒ Township, Range, Section, ¼ ¼, DLC, Government Lot, and other recognized public land survey lines.
- ☒ Tax lot boundaries (property lines) are required. Tax lot numbers are recommended.
- ☒ Major physical features including rivers and creeks showing direction of flow, lakes and reservoirs, roads, and railroads.
- ☒ Major water delivery system features from the point(s) of diversion/appropriation such as main pipelines, canals, and ditches.
- ☒ Existing place of use that includes separate hachuring for each water right, priority date, and use including number of acres in each quarter-quarter section, government lot, or in each quarter-quarter section as projected within government lots, donation land claims, or other recognized public land survey subdivisions. If less than the entirety of the water right is being changed, a separate hachuring is needed for lands left unchanged.
- ☐ ☒ N/A Proposed place of use that includes separate hachuring for each water right, priority date, and use including number of acres in each quarter-quarter section, government lot, or in each quarter-quarter section as projected within government lots, donation land claims, or other recognized public land survey subdivisions.
- ☒ Existing point(s) of diversion or well(s) with distance and bearing or coordinates from a recognized survey corner. This information can be found in your water right certificate or permit.
- ☒ ☐ N/A If you are proposing a change in point(s) of diversion or well(s), show the proposed location and label it clearly with distance and bearing or coordinates. If GPS coordinates are used, latitude-longitude coordinates may be expressed as either degrees-minutes-seconds with at least one digit after the decimal (example – 42°32'15.5") or degrees-decimal with five or more digits after the decimal (example – 42.53764°).

13526







## Part 4 of 5 – Applicant Information and Signature

### Applicant Information

APPLICANT/BUSINESS NAME <b>Ron and LoAnn MacDougall</b>		PHONE NO. <b>(509) 386-8513</b>	ADDITIONAL CONTACT NO. ----
ADDRESS <b>52708 Sunquist Road</b>		FAX NO. ----	
CITY <b>Milton-Freewater</b>	STATE <b>OR</b>	ZIP <b>97862</b>	E-MAIL <b>rlmacd1966@gmail.com</b>
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.			

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

AGENT/BUSINESS NAME <b>Terry Sprecher/Sprecher Group</b>		PHONE NO. <b>(541) 306-3709</b>	ADDITIONAL CONTACT NO. <b>(541) 419-0883</b>
ADDRESS <b>2445 NE Division St, Suite 300</b>		FAX NO. ----	
CITY <b>Bend</b>	STATE <b>OR</b>	ZIP <b>97703</b>	E-MAIL <b>terry.sprecher@sprechergroup.com</b>
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:  
Formalize the POD location.

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

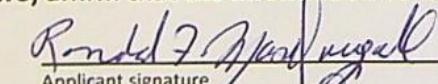
### Check One Box

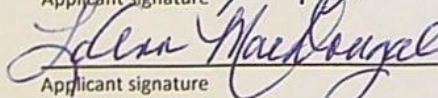
- ☒ By signing this application, I understand that, upon receipt of the draft preliminary determination and prior to Department approval of the transfer, I will be required to provide landownership information and evidence that I am authorized to pursue the transfer as identified in OAR 690-380-4010(5); OR
- ☐ I affirm the applicant is a municipality as defined in ORS 540.510(3)(b) and that the right is in the name of the municipality or a predecessor; OR
- ☐ I affirm the applicant is an entity with the authority to condemn property and is acquiring by condemnation the property to which the water right proposed for transfer is appurtenant and have supporting documentation.

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

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

  
Applicant signature

  
Applicant signature

**Ron MacDougall**  
Print Name (and Title if applicable)

9-15-20  
Date

**LoAnn MacDougall**  
Print Name (and Title if applicable)

9-15-20  
Date

Is the applicant the sole owner of the land on which the water right, or portion thereof, proposed for transfer is located? ☒ Yes ☐ No If NO, include signatures of all deeded landowners (and mailing and/or e-mail addresses if different than the applicant's) or attach affidavits of consent (and mailing and/or e-mail addresses) from all landowners or individuals/entities to which the water right(s) were conveyed.

13326



Check the following boxes that apply:

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

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

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

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

[https://www.oregon.gov/owrd/WRDFormsPDF/Transfer\\_Property\\_Transactions.pdf](https://www.oregon.gov/owrd/WRDFormsPDF/Transfer_Property_Transactions.pdf)

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

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Describe any special ownership circumstances here: -----

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

IRRIGATION DISTRICT NAME	ADDRESS	
CITY	STATE	ZIP

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

ENTITY NAME	ADDRESS	
CITY	STATE	ZIP

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

ENTITY NAME	ADDRESS	
Umatilla County Department of Land Use Planning	216 SE 4 <sup>th</sup> St. (541) 278-6252	
CITY	STATE	ZIP
Pendleton	OR	97801

ENTITY NAME	ADDRESS	
CITY	STATE	ZIP



## Part 5 of 5 – Water Right Information

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.

**CERTIFICATE # 23**

### Description of Water Delivery System

System capacity: 0.38 cubic feet per second (cfs) OR

\_\_\_\_\_ gallons per minute (gpm)

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Describe the current water delivery system or the system that was in place at some time within the last five years. Include information on the pumps, canals, pipelines, and sprinklers used to divert, convey, and apply the water at the authorized place of use. A 5 HP Berkley LTH pump diverts water from the East Branch of Mud Creek. Water is conveyed via hand lines and one wheel line to assorted sprinkler heads and to one Nelson Irrigation Big Gun Model 1000 head.

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

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

POD/POA Name or Number	Is this POD/POA Authorized on the Certificate or is it Proposed?	If POA, OWRD Well Log ID# (or Well ID Tag # L-___)	Twp		Rng		Sec	¼ ¼		Tax Lot, DLC or Gov't Lot	Measured Distances (from a recognized survey corner)
East Branch of Mud Creek	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed		6	N	35	E	22	SW	NW	700	Certificate 23 states "Has the right to the use of the waters of the East Branch of Mud Creek". Decree Map does not specify exact POD location.
#1	<input type="checkbox"/> Authorized <input checked="" type="checkbox"/> Proposed		6	N	35	E	22	SW	NW	700	344' N and 549' E of the West 1/4 Corner of Sec 22

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

- |  |   |
|--|---|
| <input type="checkbox"/> Place of Use (POU)                            | <input type="checkbox"/> Supplemental Use to Primary Use (S to P) |
| <input type="checkbox"/> Character of Use (USE)                        | <input type="checkbox"/> Point of Appropriation/Well (POA)        |
| <input checked="" type="checkbox"/> Point of Diversion (POD)           | <input type="checkbox"/> Additional Point of Appropriation (APOA) |
| <input type="checkbox"/> Additional Point of Diversion (APOD)          | <input type="checkbox"/> Substitution (SUB)                       |
| <input type="checkbox"/> Surface Water POD to Ground Water POA (SW/GW) | <input type="checkbox"/> Government Action POD (GOV)              |

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

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



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

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

**Table 2. Description of Changes to Water Right Certificate # 23**

List the change proposed for the acreage in each  $\frac{1}{4}$   $\frac{1}{4}$ . If more than one change is proposed, specify the acreage associated with each change.  
If there is more than one POD/POA involved in the proposed changes, specify the acreage associated with each POD/POA.

AUTHORIZED (the "from" or "off" lands) The listing that appears on the certificate BEFORE PROPOSED CHANGES List only that part or portion of the water right that will be changed.											Proposed Changes (see "CODES" from previous page)	PROPOSED (the "to" or "on" lands) The listing as it would appear AFTER PROPOSED CHANGES are made.											
Twp	Rng	Sec	$\frac{1}{4}$ $\frac{1}{4}$	Tax Lot	Gvt Lot or DLC	Acres	Type of USE listed on Certificate	POD(s) or POA(s) (name or number from Table 1)	Priority Date	Twp		Rng	Sec	$\frac{1}{4}$ $\frac{1}{4}$	Tax Lot	Gvt Lot or DLC	Acres	New Type of USE	POD(s)/ POA(s) to be used (from Table 1)	Priority Date			
<b>EXAMPLE</b>																							
2	S	9	E 15	NE NW	100		15.0	Irrigation	POD #1 POD #2	1901	POU/POD	2	S	9	E 1	NW NW	500	1	10.0	POD #5	1901		
												2	S	9	E 2	SW NW	500		5.0	POD #6	1901		
6	N	35	E 22	NW SW	700		19.45	irr	#1	1881	POD	6	N	35	E 22	NW SW	700		19.45	IRR	#1	1881	
TOTAL ACRES:						19.45						TOTAL ACRES:						19.45					

13526

Additional remarks: The transfer's purpose is to formalize the POD location. The original decreed right does not specify the exact POD location.

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**For Place of Use or Character of Use Changes**

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

If YES, list the certificate, water use permit, or ground water registration numbers: Certificate 38854, for Supplemental Irrigation on a portion of the irrigated acres.



Pursuant to ORS 540.510, any "layered" water use such as an irrigation right that is supplemental to a primary right proposed for transfer must be included in the transfer or be cancelled. Any change to a ground water registration must be filed separately in a ground water registration modification application.

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

Ground water supplemental Permit or Certificate # \_\_\_\_\_;

Surface water primary Certificate # \_\_\_\_\_.

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**For a change from Supplemental Irrigation Use to Primary Irrigation Use**

Identify the primary certificate to be cancelled. Certificate # \_\_\_\_\_

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**For a change in point(s) of appropriation (well(s)) or additional point(s) of appropriation:**

- ☐ Well log(s) are attached for each authorized and proposed well(s) that are clearly labeled and associated with the corresponding well(s) in Table 1 above and on the accompanying application map.

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

[http://apps.wrd.state.or.us/apps/gw/well\\_log/Default.aspx](http://apps.wrd.state.or.us/apps/gw/well_log/Default.aspx)

**AND/OR**

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

**Table 3. Construction of Point(s) of Appropriation**

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

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

13526



# Application for Water Right Transfer Evidence of Use Affidavit



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

Please print legibly or type. Be as specific as possible. Attach additional pages if you need more spacing.  
Supporting documentation must be attached.

State of Oregon )  
County of UMATILLA ) ss

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SEP 18 2020

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I, RON AND LOANN MACDOUGALL, in my capacity as LANDOWNERS,  
mailing address 52708 SUNQUIST ROAD, MILTON-FREEWATER, OR 97862  
telephone number (509)386-8513, being first duly sworn depose and say:

1. My knowledge of the exercise or status of the water right is based on (check one):

☒ Personal observation ☐ Professional expertise

2. I attest that:

☐ Water was used during the previous five years on the **entire** place of use for  
Certificate # 23: **OR**

☐ My knowledge is specific to the use of water at the following locations within the last five years:

Certificate #	Township	Range	Mer	Sec	1/4 1/4	Gov't Lot or DLC	Acres (if applicable)

OR

☐ Confirming Certificate # \_\_\_\_ has been issued within the past five years: **OR**

☐ Part or all of the water right was leased instream at some time within the last five years. The  
instream lease number is: \_\_\_\_ (Note: If the entire right proposed for  
transfer was not leased, additional evidence of use is needed for the portion not leased instream.); **OR**

☒ The water right is not subject to forfeiture and documentation that a presumption of forfeiture for  
non-use would be rebutted under ORS 540.610(2) is attached.

☐ Water has been used at the actual current point of diversion or appropriation for more than  
10 years for Certificate # \_\_\_\_ (For Historic POD/POA Transfers)

(continues on reverse side)



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

4. I understand that if I do not attach one or more of the documents shown in the table below to support the above statements, my application will be considered incomplete.

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Ronald F. MacDougall  
Signature of Affiant  
Karen K. MacDougall

9-10-20  
Date  
9-10-20

Signed and sworn to (or affirmed) before me this 10 day of September, 20 20.



[Signature]  
Notary Public for Oregon

My Commission Expires: 9/9/2022

Supporting Documents	Examples
<input type="checkbox"/> Copy of a water right certificate that has been issued within the last five years. (not a remaining right certificate)	Copy of <b>confirming</b> water right certificate that shows issue date
<input type="checkbox"/> Copies of receipts from sales of irrigated crops or for expenditures related to use of water	<ul style="list-style-type: none"><li>• Power usage records for pumps associated with irrigation use</li><li>• Fertilizer or seed bills related to irrigated crops</li><li>• Farmers Co-op sales receipt</li></ul>
<input type="checkbox"/> Records such as FSA crop reports, irrigation district records, NRCS farm management plan, or records of other water suppliers	<ul style="list-style-type: none"><li>• District assessment records for water delivered</li><li>• Crop reports submitted under a federal loan agreement</li><li>• Beneficial use reports from district</li><li>• IRS Farm Usage Deduction Report</li><li>• Agricultural Stabilization Plan</li><li>• CREP Report</li></ul>
<input type="checkbox"/> Aerial photos containing sufficient detail to establish location and date of photograph	Multiple photos can be submitted to resolve different areas of a water right. If the photograph does not print with a "date stamp" or without the source being identified, the date of the photograph and source should be added.  Sources for aerial photos: OSU – <a href="http://www.oregonexplorer.info/imagery">www.oregonexplorer.info/imagery</a> OWRD – <a href="http://www.wrd.state.or.us">www.wrd.state.or.us</a> Google Earth – <a href="http://earth.google.com">earth.google.com</a> TerraServer – <a href="http://www.terraserver.com">www.terraserver.com</a>
<input type="checkbox"/> Approved Lease establishing beneficial use within the last 5 years	Copy of instream lease or lease number



**Certificate 23, Application for Water Right Transfer to Formalize the POD Location**

**Attachment to the Evidence of Use Affidavit**

The water right described in Certificate 23 is not subject to forfeiture because a presumption of forfeiture for non-use would be rebutted under ORS 540.610(2).

Under ORS 540.610(2)(j), "The owner or occupant of the property to which the water right is appurtenant was unable to make full beneficial use of the water because water was not available. A water right holder rebutting the presumption under this paragraph shall provide evidence that the water right holder was ready, willing and able to use the water had it been available.

On July 21, 2020, at 0845 hours, the Oregon Water Resources Department (WRD) placed a "Notice of Regulation of Water Use" on the pump located at the Point of Diversion for Certificate 23 (see attached). The Notice expires on December 31, 2020. The reason for the Notice given was "Water supply insufficient to satisfy senior rights".

Please note the following items:

- The landowner has periodically irrigated from the East Branch of Mud Creek for part of the preceding 5-year period, using a small, gasoline-powered pump, which proved to be inadequate to provide full beneficial use of the water.
- The landowner has been working with Dunning Irrigation since prior to August 24, 2018, to purchase and install a pump system adequate to provide full beneficial use of the water.
- As of late June, 2020, the pump was installed by Dunning Irrigation and working, and the landowner had begun using it to provide beneficial use of the water for most of the certificated acreage.
- The landowner's intent was to plant and irrigate the portion of the certificated acreage that was not yet being irrigated in order to make full beneficial use of the water.
- However, on July 21, 2020, use of the water from the East Branch of Mud Creek was regulated off by WRD, **preventing the landowner from making full beneficial use of the water because water was not legally available.**
- Note that, as of late June, 2020, the water right holder was ready, willing and able to use the water had it been available.

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# NOTICE of REGULATION of WATER USE

NOTICE IS HEREBY GIVEN to the responsible party, that I have properly regulated and posted this WATER USE CONTROL on July 21st, 20 20 at 0745 hours, and the same is wholly under my control (ORS 540.045; OAR 690-250). This order is legal notice to anyone interested in the diversion or use of water from E. Mud Creek. You may not lawfully change or interfere with this water use control (ORS 540.045(1d)). A violation of this regulation is punishable by a fine and/or imprisonment (ORS 536.900, 540.710, 540.990). This order expires on December 31st, 20 20 at 1200 hours, unless otherwise notified by Watermaster Staff.

## REASON FOR REGULATION

- ☐ Use of water without a valid water right.
- ☐ Violation of permit condition.
- ☐ Violation of ORS 540.310 (headgate; measuring device) and ORS 540.320 (noncompliance)
- ☒ Water supply insufficient to satisfy senior rights.
- ☐ Other \_\_\_\_\_

*Approved by the Watermaster*



District No. 5 Watermaster Staff Luke Martin

Phone: (541) 371-0818 Email: Luke.C.Martin@Oregon.gov

This is a FINAL ORDER in other than contested case, subject to judicial review under ORS 183.484. Any petition for judicial review of the order must be filed within the time specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-0080 you may either petition for judicial review or petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied.

*Call the number provided to request water use  
Priority date set to 1865 + 1870*



# Land Use Information Form



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

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## 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:
  - a) 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.

## NOTE TO LOCAL GOVERNMENTS

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.



# Land Use Information Form



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

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Applicant(s): Ron and LoAnn MacDougall

Mailing Address: 52708 Sunquist Road

City: Milton-Freewater

State: OR

Zip Code: 97862

Daytime Phone: (509) 386-8513

## 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	¼ ¼	Tax Lot #	Plan Designation (e.g., Rural Residential/RR-5)	Water to be:			Proposed Land Use:
<u>6N</u>	<u>35E</u>	<u>22</u>	<u>SW NW</u>	<u>700</u>	<u>EFU-10</u>	<input checked="" type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	<u>Irrigation</u>
_____	_____	_____	_____	_____	_____	<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used	_____
_____	_____	_____	_____	_____	_____	<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used	_____
_____	_____	_____	_____	_____	_____	<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used	_____

List all counties and cities where water is proposed to be diverted, conveyed, and/or used or developed:

Umatilla County

## B. Description of Proposed Use

Type of application to be filed with the Water Resources Department:

- ☐ Permit to Use or Store Water    ☒ Water Right Transfer    ☐ Permit Amendment or Ground Water Registration Modification  
☐ Limited Water Use License    ☐ Allocation of Conserved Water    ☐ Exchange of Water

Source of water: ☐ Reservoir/Pond    ☐ Ground Water    ☒ Surface Water (name) East Branch of Mud Creek

Estimated quantity of water needed: 0.38 ☒ cubic feet per second    ☐ gallons per minute    ☐ acre-feet

Intended use of water: ☒ Irrigation    ☐ Commercial    ☐ Industrial    ☐ Domestic for \_\_\_\_\_ household(s)  
☐ Municipal    ☐ Quasi-Municipal    ☐ Instream    ☐ Other \_\_\_\_\_

Briefly describe:

The requested transfer is to formalize the POD location.

**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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## For Local Government Use Only

OWRD

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 uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s):
- ☐ Land uses to be served by the proposed water uses (including proposed construction) involve discretionary land-use approvals as listed in the table below. (Please attach documentation of applicable land-use approvals which have already been obtained. Record of Action/land-use decision and accompanying findings are sufficient.) If approvals have been obtained but all appeal periods have not ended, check "Being pursued."

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-Use Approval:	
Outright Use	Umatilla County Development Code § 152.056	<input checked="" type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued

Local governments are invited to express special land-use concerns or make recommendations to the Water Resources Department regarding this proposed use of water below, or on a separate sheet.

Outright permitted use. See UCDL § 152.056

Name: Megan Green Title: Planner II/GIS  
 Signature: Megan Green Phone: 541-278-6250 Date: 9/20/20  
 Government Entity: Umatilla County Land Use Planning

**Note to local government representative:** Please complete this form or sign the receipt below and return it to the applicant. If you sign the receipt, you will have 30 days from the Water Resources Department's notice date to return the completed Land Use Information Form or WRD may presume the land use associated with the proposed use of water is compatible with local comprehensive plans.

## Receipt for Request for Land Use Information

Applicant name: \_\_\_\_\_  
 City or County: \_\_\_\_\_ Staff contact: \_\_\_\_\_  
 Signature: \_\_\_\_\_ Phone: \_\_\_\_\_ Date: \_\_\_\_\_

13526



## Regular Permanent Water Right Transfer Application Checklist

Checked by Scott Date 9/22/20

(If OK, check box to left; if not, fill in the blank)

Certs & acres involved: \_\_\_\_\_

Changes: \_\_\_\_\_

# cfs involved: \_\_\_\_\_

Source: \_\_\_\_\_

☒ 1. Page 1 of application: Are all attachments that have been checked actually included?  
If not, what is missing? \_\_\_\_\_

☒ 2. Are fees included and correct? Fee paid: \_\_\_\_\_  
If not, the correct fee would be: \_\_\_\_\_, so the amount missing is: \_\_\_\_\_

► If a Government Action POD change (see: Page 5): NO CHARGE

\*NOTE: [POD/APOD, POA/APOA, SW to GW, Gov Action] are all counted as one type  
POU is counted as one type  
[USE or (Supplemental to Primary)] are counted as one type

☒ 3. Page 3 of application: Have all the applicants listed at the top of the page signed?  
If no, whose signature is missing? \_\_\_\_\_

☒ 4. Are all listed certificates or permits shown by WRIS as non-cancelled?  
If no, which are cancelled? \_\_\_\_\_  
For each cancelled certificate, if there has been a remaining right certificate issued that covers the lands in the left side of Table 2, list its number \_\_\_\_\_ and check the #4 box at left on this checklist.

☒ 5. If any certificate is in the name of a "district", is a Supplemental Form D from that district enclosed?  
☒ N/A ☐ Form D needed from \_\_\_\_\_ (district)

6. If all #1-#5 boxes on this checklist are checked (with no remaining deficiencies identified), accept the application. Put this check sheet in the transfer folder. If #1, #2, #3, #4 or #5 on this checklist is deficient, the application cannot be accepted. It should be returned and the deficiencies listed in the "staff" section at the bottom of Application Page 1, unless the applicant or agent can resolve the deficiencies within 2-3 days.





**Oregon**  
Kate Brown, Governor

**Water Resources Department**

725 Summer St NE, Suite A  
Salem, OR 97301  
(503) 986-0900  
Fax (503) 986-0904

September 29, 2020

RON & LOANN MACDOUGALL  
52708 SUNQUIST ROAD  
MILTON FREEWATER, OR 97862

Reference: Application T- 13526

On , we received your water right Transfer application. The application was accompanied by \$1160.00. Our receipt number 133498 is enclosed.

By copy of this letter, we are asking the Watermaster for a report regarding the potential for injury to existing water rights which may be caused by the requested change. A review form will also be sent to Oregon Department of Fish and Wildlife to determine if a fish screen is needed.

This application may require publication of a notice for two consecutive weeks in a newspaper with general circulation in the area where the water right is located. If it is determined that newspaper notice will be required, the Department will prepare the notice and notify you of the cost. You will be responsible for submitting payment to the Department prior to publication of the notice.

Except as provided under ORS 540.510(3) for municipalities, you may not use water from the new point of diversion until a final order approving the transfer application has been issued by the Department. In order to avoid any possible forfeiture of the water right, you should continue to use the water as described by your existing water right.

If the land is sold before the application is approved, the buyer's consent to the application will be required unless a recorded deed or other legal document clearly established that the water right was not conveyed in the sale.

Refer to the following page for a chart showing the steps and expected timelines for the processing of your application.

If you have any questions, please contact the Transfer Section at (503) 986-0815.

Cc: Watermaster Dist. #5 (*via email*)  
Umatilla County  
Terry Sprecher, Agent

Enclosure