

Historic

T-13779

Name Fisher Daines
Joe Fisher
Address Po Box 1100
Myrtle Point Or 97458

DESCRIPTION OF WATER RIGHT(S)

Name of Stream South Fork Coquille river

FEES PAID		
Date	Amount	Receipt #
<u>7-15-2021</u>	<u>1,160.00</u>	<u>135855</u>

Change in APOD
Date Filed 7/15/2021
Initial notice date 8/11/2021
DPD issued date _____
PD issued date _____
PD notice date _____
Date of FO 12/27/2021 Vol 122 Page 20-11

Trib. of Coquille river

Use Irrigation County Coos
Quantity of water (CFS) _____ No. of Acres _____

Name of ditch _____

App#	Per #	Cert #	PR Date
<u>S-49272</u>	<u>520150</u>	<u>44582</u>	<u>5/22/1977</u>
App# _____	Per # _____	Cert # _____	PR Date _____
App# _____	Per # _____	Cert # _____	PR Date _____
App# _____	Per # _____	Cert # _____	PR Date _____

FEES REFUNDED		
Date	Amount	Receipt #

C-Date _____
COBU due date _____
COBU Received date _____
Certificate issued _____

Assignments: _____

Irrigation District _____

Agent Marc Van Camp vancampconsulting@gmail

CWRE _____
CC's list Coos County

- Oversized map - Location



Oregon
Kate Brown, Governor

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

December 27, 2021

JOE FICHER
FICHER DAIRIES
PO BOX 160
MYRTLE POINT, OR 97458

ORDER ON WITHDRAWN APPLICATION
Reference: Transfer Application T-13779

The above referenced transfer application was withdrawn from the record of the Water Resources Department on December 27, 2021, by Special Order Volume 122, Page 210-11 (copy enclosed).

The transfer application is no further force or effect.

If you have any questions related to the approval of this temporary transfer, you may contact your caseworker, Corey Courchane by telephone at (503) 979-3917 or by e-mail at Corey.A.Courchane@oregon.gov.

Sincerely,

Julie C. Baustian
Water Right Services Support
Transfers and Conservation Section

cc: Susan M. Douthit, Watermaster Dist. # 15 (via email)
Coos County Planning
Marc J. Van Camp, Agent

Enclosure

BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON

In the Matter of Transfer Application)	FINAL ORDER WITHDRAWING
T-13779, Coos County, Oregon)	AN APPLICATION FOR AN ADDITIONAL
)	POINT OF DIVERSION TO REFLECT
)	HISTORIC USE

Authority

ORS 540.505 to 540.580 establishes 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.

Applicant

JOE FICHER
FICHER DAIRIES
PO BOX 160
MYRTLE POINT, OR 97458

Findings of Fact

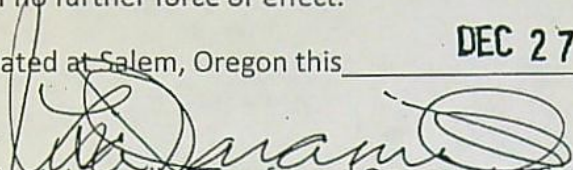
1. Transfer Application T-13779, in the name of JOE FICHER, FICHER DAIRIES, was filed on December 16, 2019, for an additional point of appropriation under Certificate 44582. The Department assigned the application number T-13379.
2. On October 20, 2021, the Department mailed a draft Final Order proposing to approve Transfer Application T-13779 to the applicant.
3. On October 27, 2021, Marc Van Camp of Van Camp Consulting, submitted a written request on behalf of the applicant asking that transfer application T-13779 be withdrawn.

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.

Now, therefore, it is ORDERED:

Transfer Application T-13779, in the name of JOE FICHER, FICHER DAIRIES, is withdrawn and is of no further force or effect.

Dated at Salem, Oregon this DEC 27 2021.


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

Mailing date: DEC 28 2021

WATER RIGHT TRANSFER COVER SHEET

Transfer: T- 13779

Transfer Specialist: *Corey*

Transfer Type: Historic POD Transfer

Applicant: FICHER DARIES JOE FICHER PO BOX 160 MYRTLE POINT, OR 97458 Email: _____ Phone: _____	Agent: <input type="checkbox"/> N/A MARC J. VAN CAMP PO BOX 995 COOS BAY, OR 97420 Email: _____ Phone: _____
Irrigation District: <input type="checkbox"/> N/A Email: _____	CWRE: <input type="checkbox"/> N/A Email: _____
Affected Local Gov'ts: <input type="checkbox"/> N/A Coos County Planning Department Email: _____	Affected Tribal Gov't: <input type="checkbox"/> N/A UNAVAILABLE Email: _____
Current Landowner if other than Applicant: <input type="checkbox"/> N/A Email: _____	Receiving Landowner: <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"/>	S49272	S36156	44582	<input checked="" 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: July 15, 2021	Proposed Action(s): ADDITIONAL POINT OF DIVERSION	
Fees Pd: 1160.00	WM District: 15	ODFW District:
Initial Public Notice: August 10, 2021	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: <i>9/12/21</i> Initials: _____	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____ Initials: _____	CW Sent: _____	N/A
<i>Draft # FO</i>	Date: <i>9/28/21</i> Initials: <i>CC</i>	Date: <i>10/4/21</i> Initials: <i>Sight</i>	Date: _____ Initials: _____	Date: <i>10/8/21</i> Initials: <i>PKJ</i>	Date: <i>10/18/21</i> Initials: <i>CC</i>	Date: _____	Date: _____
<i>FO to withdraw</i>	Date: <i>10/27/21</i> Initials: <i>CC</i>	Date: <i>11/8/21</i> Initials: <i>AW</i>	Date: _____ Initials: _____	Date: <i>12/6/21</i> Initials: <i>PKJ</i>	Date: _____ Initials: _____	Date: <i>12/8/21</i>	Date: <i>12/27/21</i>

Special Issues: _____

Special Order Volume: Vol. 122 Pages 210-11

COURCHANE Corey A * WRD

From: COURCHANE Corey A * WRD
Sent: Wednesday, October 27, 2021 1:12 PM
To: Marc Van Camp
Cc: ficherdairy@gmail.com; DOUTHIT Susan M * WRD; STARNES Patrick K * WRD
Subject: RE: Joe Ficher/Ficher Dairies, T-13779

Marc,

Your request has been received. I will proceed with a Final Order to withdraw.

Thank you,

Corey

From: Marc Van Camp <vancampconsulting@gmail.com>
Sent: Wednesday, October 27, 2021 12:33 PM
To: COURCHANE Corey A * WRD <Corey.A.Courchane@oregon.gov>
Cc: ficherdairy@gmail.com; DOUTHIT Susan M * WRD <Susan.M.Douthit@oregon.gov>; STARNES Patrick K * WRD <Patrick.K.Starnes@oregon.gov>
Subject: Re: Joe Ficher/Ficher Dairies, T-13779

Corey,

We would like to withdraw transfer application T-13779 from further consideration.

Thank you.

On Wed, Oct 20, 2021 at 2:45 PM COURCHANE Corey A * WRD <Corey.A.Courchane@oregon.gov> wrote:

Good afternoon,

Attached is a revised draft Final Order. It was determined the data for Finding of Fact 18 was incorrect, and has been revised. Please let me know if I may be of further assistance.

Thank you,

Corey

COREY A COURCHANE | TRANSFER SPECIALIST

Now, therefore, it is ORDERED:

Transfer Application T-13779, in the name of JOE FICHER, FICHER DAIRIES, is withdrawn and is of no further force or effect.

Dated at Salem, Oregon this _____.

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

Mailing date: _____

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.

RECEIVED

JUL 15 2021

OWRD

State of Oregon)
) ss
 County of Coos)

I, JOE FICHER, in my capacity as OWNER,
 mailing address P.O. BOX 160, MYRTLE POINT, OR 97458
 telephone number (541) 290-0699, 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 # ____; **OR**
 My knowledge is specific to the use of water at the following locations within the last five years:

Certificate #	Township		Range		Mer	Sec	¼ ¼		Gov't Lot or DLC	Acres (if applicable)
44582	29	S	12	W	WM	17	NE	SE	37	9.2
44582	29	S	12	W	WM	17	SE	SE	37	7.4
44582	29	S	12	W	WM	17	SE	SE	9	31.0
44582	29	S	12	W	WM	20	NE	NE	4	15.2

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)

Not checked

(continues on reverse side)

13779



Oregon

Kate Brown, Governor

Water Resources Department

725 Summer St NE, Suite A

Salem, OR 97301

(503) 986-0900

Fax (503) 986-0904

October , 2021

VIA E-MAIL

Applicant

JOE FICHER

FICHER DAIRIES

PO BOX 160

MYRTLE POINT, OR 97458

SUBJECT: Water Right Transfer Application T-13779

Your water right transfer additional point of diversion to reflect historical use is in the first phase of processing. Attached is a draft Final Order proposing to approve T-13779. The document reflects the Department's conclusion that, based on the information currently available, the transfer will be approved with additional conditions. Please carefully review the Draft Final Order to verify that it accurately reflects the changes you intend to make and to become familiar with the proposed conditions.

Submittal of the following required item is needed at this time:

1. 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).

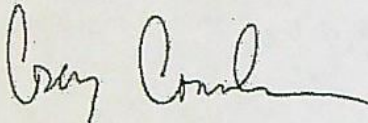
Enclosed is a copy of Oregon Department of Fish and Wildlife (ODFW) Additional Fish Screening and Passage Information for the Applicant. You will note that ODFW requires a fish screening and/or by-pass device to be installed. We will establish a deadline for compliance with this condition. Please contact the ODF&W personnel listed on the document for assistance.

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

Issuance of the Final Order will occur shortly after we receive your response, and the report of ownership. The order may be issued denying the application as incomplete if I do not receive your response, proof of service, and the report of ownership by **November , 2021**.

Please do not hesitate to contact me, at corey.a.courchane@oregon.gov or (503) 979-3917, if I may be of assistance.

Sincerely,



Corey Courchane
Transfer Specialist
Transfer and Conservation Section

cc: Transfer Application file T-13779
Susan M. Douthit, District 15 Watermaster *(via e-mail)*
Marc J. Van Camp, Agent for the applicant *(via e-mail)*

Enclosures:

Notice
ODFW Contact Sheet
Watermaster Contact Sheet

BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON

In the Matter of Transfer Application)
T-13779, Coos County)

D R A F T

FINAL ORDER APPROVING AN ADDITIONAL
POINT OF DIVERSION TO REFLECT HISTORIC
USE

Authority

ORS 540.532 establishes the process in which a water right holder may submit a request for a change in point of diversion to reflect historical use under an existing water right. OAR Chapter 690-380-2120 implements the statute and provides the Department's procedures and criteria for evaluating historic point of diversion/appropriation transfer applications.

Applicant

JOE FICHER
FICHER DAIRIES
PO BOX 160
MYRTLE POINT, OR 97458

Findings of Fact

1. On December 16, 2019, JOE FICHER, FICHER DAIRIES filed an application for an additional point of appropriation under Certificate 44582. The Department assigned the application number T-13779~~319~~.
T-13319
2. On June 9, 2021, the Department issued a Final Order (Special Order Volume 120, Page 779), withdrawing an application for a water right transfer under T-13319.
3. On July 15, 2021, JOE FICHER, FICHER DAIRIES filed a transfer application for authorization of an historic point of diversion under Certificate 44582. The Department assigned the application number T-13779~~13779~~.
4. Notice of the application for transfer was published on August 10, 2021, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.

This is a final order in other than a contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-0080, 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.

S, 13779 The portion of the right to be transferred is as follows:

Certificate: 44582 in the name of DONALD R. STEEN (perfected under Permit S-36156) *next line*

Use: IRRIGATION of 62.8 ACRES

Priority Date: MAY 22, 1972

Rate: 0.79 CUBIC FOOT PER SECOND

Limit/Duty: The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to ONE-EIGHTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 2.5 acre-feet per acre for each acre irrigated during the irrigation season of each year.

Source: SOUTH FORK COQUILLE RIVER, a tributary of COQUILLE RIVER

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	GLot	Measured Distances
29 S	12 W	WM	17	SW SE	5	POD 2 - 430 FEET EAST AND 10 FEET NORTH FROM THE S1/4 CORNER OF SECTION 17

Authorized Place of Use:

IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	GLot	DLC	Acres
29 S	12 W	WM	17	NE SE		37	9.2
29 S	12 W	WM	17	SE SE		37	7.4
29 S	12 W	WM	17	SE SE	9		31.0
29 S	12 W	WM	20	NE NE	4		15.2
						Total	62.8

6. Transfer Application T-13779 proposes an additional point of diversion approximately 0.8 mile upstream to:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
29 S	12 W	WM	21	NW NW	38	POD 1 - 930 FEET SOUTH AND 1710 FEET WEST FROM THE S1/4 CORNER OF SECTION 16

7. The Oregon Department of Fish and Wildlife (ODFW) has determined that a fish screening and/or by-pass device is necessary at the new point of diversion to prevent fish from entering the diversion and/or safely transport fish back to the body of water from which the fish were diverted and that the diversion is not currently equipped with an appropriate fish screening and/or by-pass device. This diversion may be eligible for screening cost share funds.

8. Certificate 44582 does not specify the irrigation season, nor is an irrigation season specified by Basin Program or Decree. Consistent with OAR 690-250-0070(1), the irrigation season is March 1 through October 31.

* have they? they didn't mark the box on the Affidavit of Use attesting to that. OAR the lease does not specify P.O.D.

Transfer Review Criteria (ORS 540.532 and OAR 690-380-2120)

9. Pursuant to OAR 690-380-2120(2)(a), evidence has been submitted that the actual, current point of diversion for the water right in question, as described in Finding No. 4, has been in use for more than 10 years.
10. Pursuant to OAR 690-380-2120(2)(c), the Watermaster provided a statement that to her knowledge there has been no complaint of injury due to the use of water at the actual, current point of diversion, prior to the transfer request.
11. The Department did not identify any affected water rights pursuant to OAR 690-380-2120(3).
12. Water has been used within the last five years according to the terms and conditions of the right. There is no evidence available that would demonstrate that the right is subject to forfeiture under ORS 540.610.
13. A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing right(s) are present.
14. The proposed change would not result in enlargement of the right.
15. An instream water right, Certificate 73099, exists for the reach of the river in which the authorized point of diversion would be moved upstream, and streamflows within the reach are frequently below the levels allocated under the instream water right. Thus, the instream water right would be injured as a result of the proposed additional in point of diversion.
16. On September 9, 2021, the Oregon Department of Fish and Wildlife (ODFW) determined that the proposed change may injure Instream Water Right Certificate 73099. ODFW determined, "Because flows within the impacted reach are currently wholly or partially below those essential to support the biological needs of fish as identified in instream water right C73099, a further reduction in flow or alteration of habitat from the proposed transfer will impair or be detrimental to fish and/or their habitat. Without appropriate mitigation, the proposed use will diminish physical habitat and alter the flow regime to which fish are naturally adapted, negatively impacting their distribution, productivity, and abundance."

"ODFW recommends the applicant cease diversion during months when the instream right is not met to eliminate injury to the instream water right or contact ODFW regarding a Mitigation Obligation. ODFW will evaluate potential impacts and associated mitigation proposals based on consistency with the goals and standards of OAR 635-415-0025 (ODFW Habitat Mitigation Recommendations)."

17. Instream Water Right Certificate 73099 is limited to not more than the amounts, in cubic feet per second (cfs), during the time periods listed below:

MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT
305	305	305	180	111	64.3	52.4	93.1

18. The Department's current Water Availability Analysis for the South Fork Coquille River, Watershed ID# 72526, identifies the monthly streamflow in cfs below:

MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT
1,460.0	841.0	365.0	163.0	68.3	38.5	34.5	46.2

19. According to the current water availability, the streamflows in the South Fork Coquille River are not being met June through October. Therefore, the use of the proposed additional point of diversion can only be made March 1 to June 1.

Conclusions of Law

The proposed additional point of diversion to reflect historical use in application T-1377913779 is consistent with the requirements of ORS 540.532, and OAR 690-380-2120.

Now, therefore, it is ORDERED:

1. The change proposed in T-1377913779 is approved and effective immediately.
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 4458244582 and any related decree.
3. Water right certificate 44582 is cancelled. Certificate ~~XXXX~~44582 will be issued to describe the additional point of diversion for the portion of the right included in T-1377913779. Certificate ~~XXXX~~44582 shall be issued to describe the portion of Certificate 4458244582 not modified by this order. Together, the new certificates shall supersede Certificate 4458244582. *next line*
4. The quantity of water diverted at the additional point of diversion (POD 1), together with that diverted at the old point of diversion (POD 2), shall not exceed the quantity of water lawfully available at the original point of diversion (POD 2).
5. The use of the additional point of diversion (POD 1) can only be made March 1 to June 1. *during the time period of*

6. Water use measurement conditions:
 - a. Prior to October 1, 2022, 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 (new and existing).
 - b. The water user shall maintain the meters or measuring devices in good working order.
 - c. The water user shall allow the Watermaster access to the meters or measuring devices; provided however, where the meters or measuring devices are located within a private structure, the Watermaster shall request access upon reasonable notice.
7. Prior to October 1, 2022, the water user shall install a fish screening and/or by-pass device, as appropriate, at the new point of diversion consistent with the Oregon Department of Fish and Wildlife's (ODFW) design and construction standards. Prior to installation, the water user shall obtain written approval from ODFW that the required screen and/or by-pass device meets ODFW's criteria. Prior to submitting a Claim of Beneficial Use, the water user must obtain written approval from ODFW that the required screening and/or by-pass device was installed to the state's criteria. The water user shall maintain and operate the fish screen and/or by-pass device, as appropriate, at the point of diversion consistent with ODFW's operational and maintenance standards.

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

Mailing date:

* Can you limit the season because of FOF 19? yes,

to prevent injury

STATE OF OREGON

COUNTY OF COOS

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

JOE FICHER
FICHER DAIRIES
PO BOX 160
MYRTLE POINT, OR 97458

confirms the right to use the waters of SOUTH FORK COQUILLE RIVER, a tributary of COQUILLE RIVER, for IRRIGATION of 62.8 ACRES.

This right was perfected under Permit S-36156. The date of priority is MAY 22, 1972. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 0.79 CUBIC FOOT PER SECOND or its equivalent in case of rotation, measured at the point of diversion from the stream.

Excerpt
~~Further limited to the season of March 1 through June 1~~

The point of diversion is located as follows:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
29 S	12 W	WM	21	NW NW	38	930 FEET SOUTH AND 1710 FEET WEST FROM THE S1/4 CORNER OF SECTION 16

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to ONE-EIGHTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 2.5 acre-feet per acre for each acre irrigated during the irrigation season of each year, and shall conform to such reasonable rotation system as may be ordered by the proper state officer.

A description of the place of use to which this right is appurtenant is as follows:

IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	GLot	DLC	Acres
29 S	12 W	WM	17	NE SE		37	9.2
29 S	12 W	WM	17	SE SE		37	7.4
29 S	12 W	WM	17	SE SE	9		31.0
29 S	12 W	WM	20	NE NE	4		15.2
Total							62.8

Period of use: the March 1 through June 1.

This is a final order in other than a contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-0080, 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.

Prior to October 1, 2022, the water user shall install and maintain a headgate, an in-line flow meter, weir, or other suitable device for measuring and recording the quantity of water diverted. The type and plans of the headgate and measuring device must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department.

Prior to October 1, 2022, the water user shall install and maintain a fish screen or fish by-pass device, as appropriate, at the new point of diversion. The type and plans of the screen or by-pass device must be approved by the Oregon Department of Fish and Wildlife prior to beginning of construction, and shall be installed under the supervision of the Department of Fish and Wildlife.

This certificate is issued to confirm an HISTORIC ADDITIONAL POINT OF DIVERSION approved by an order of the Water Resources Director entered _____, approving Transfer Application T- 13779, and supersedes Certificate 44582, State Record of Water Right Certificates.

WITNESS the signature of the Water Resources Director, affixed _____.

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

STATE OF OREGON

COUNTY OF COOS

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

DONALD R. STEEN
 503 REEDSFORD RD.
 MYRTLE POINT, OR 97458

confirms the right to use the waters of SOUTH FORK COQUILLE RIVER, a tributary of COQUILLE RIVER for IRRIGATION of 32.0 ACRES.

This right was perfected under Permit S-36156. The date of priority is MAY 22, 1972. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 0.40 CUBIC FOOT PER SECOND, or its equivalent in case of rotation, measured at the point of diversion from the stream.

The point of diversion is located as follows:

Twp	Rng	Mer	Sec	Q-Q	GLot	Measured Distances
29 S	12 W	WM	17	SW SE	5	430 FEET EAST AND 10 FEET NORTH FROM THE S1/4 CORNER OF SECTION 17

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to ONE-EIGHTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 2.5 acre-feet per acre for each acre irrigated during the irrigation season of each year, and shall conform to such reasonable rotation system as may be ordered by the proper state officer.

A description of the place of use to which this right is appurtenant is as follows:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres
29 S	12 W	WM	17	SW SE	5	14.0
29 S	12 W	WM	17	SE SE	9	0.2
29 S	12 W	WM	20	NE NE	4	4.0
29 S	12 W	WM	20	NW NE	4	13.8
Total						32.0

This certificate describes that portion of water right Certificate 44582, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered _____, approving Transfer Application T-13779.

The issuance of this superseding certificate does not confirm the status of the water right in regard to the provisions of ORS 540.610 pertaining to forfeiture or abandonment.

The right to the use of the water for the above purpose is restricted to beneficial use on the lands or place of use described.

WITNESS the signature of the Water Resources Director, affixed _____.

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



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

Application for Historic Change in Point of Diversion/Appropriation

Part 1 of 5 – Minimum Requirements Checklist

This historic change in point of diversion/appropriation application will be returned if Parts 1 through 5 and all required attachments are not completed and included.
 For questions, please call (503) 986-0900, and ask for Transfer Section.

RECEIVED

JUL 15 2021

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

- Part 1 – Completed Minimum Requirements Checklist. OWRD
- Part 2 – Completed Application Map Checklist.
- Part 3 – Application Fee, payable by check to the Oregon Water Resources Department, and completed Fee Worksheet, page 3. Try the new online fee calculator at: http://apps.wrd.state.or.us/apps/misc/wrd_fee_calculator. If you have questions, call Customer Service at (503) 986-0801.
- Part 4 – Completed Applicant Information and Signature.
- Part 5 – Information about the Transferred Water Rights: **How many water rights are to be transferred? 1 List them here: 44582**
 Please include a separate Part 5 for each water right. (See instructions on page 5)

Attachments:

- Completed Application Map (Does not have to be prepared by a Certified Water Right Examiner).
- Completed Evidence of Use Affidavit and supporting documentation showing that water has been used on the land for five years prior to transfer filing AND diverted at the actual, current point of diversion/appropriation for more than 10 years.
- Statement from the local Watermaster, based upon the Watermaster's knowledge and Department records, that no complaint of injury has been made due to the use of water at the actual, current point of diversion/appropriation.
- Land Use Information Form with approval and signature (or signed land use form receipt stub).
- N/A Affidavit(s) of Consent from Landowner (if the applicant does not own the land the water right is on.)
- N/A Water Well Report/Well Log for changes in point(s) of appropriation (well(s)) or additional point(s) of appropriation.

(For Staff Use Only)

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

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

Other/Explanation _____

Staff: _____ 503-986-0 _____ Date: ____/____/____

18779

Part 2 of 5 – Historic Change in Point of Diversion/Appropriation Application Map Checklist

Your historic change in point of diversion/appropriation application will be returned if any of the map requirements listed below are not met.

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

- N/A If **more than three** water rights are involved, separate maps are needed for each water right.
- Permanent quality printed with dark ink on white or clear paper or film.
- The size of the map can be 8½ x 11 inches, 8½ x 14 inches, or up to 30 x 30 inches. For 30 x 30 inch maps, three (3) paper copies and an electronic copy in a .pdf, .tiff or .jpg format are required.
- A north arrow, a legend, and scale.
- The scale of the map must be: 1 inch = 400 feet, 1 inch = 1,320 feet, the scale of the Final Proof/Claim of Beneficial Use Map (the map used when the permit was certificated), the scale of the county assessor map if the scale is not smaller than 1 inch = 1,320 feet, or a scale that has been pre-approved by the Department.
- Township, Range, Section, ¼ ¼, DLC, Government Lot, and other recognized public land survey lines.
- Tax lot boundaries (property lines) and county tax lot numbers are required.
- Major physical features including rivers and creeks showing direction of flow, lakes and reservoirs, roads, and railroads.
- Major water delivery system features from the point(s) of diversion/appropriation such as main pipelines, canals, and ditches.
- Authorized point(s) of diversion or well(s) with distance and bearing or coordinates from a recognized survey corner. This information can be found in your water right certificate.
- Actual, current point of diversion/appropriation. Show the location and label it clearly with distance and bearing or coordinates. If GPS coordinates are used, latitude-longitude coordinates may be expressed as either degrees-minutes-seconds with at least one digit after the decimal (example – 42°32'15.5") or degrees-decimal with five or more digits after the decimal (example – 42.53764°).
- Existing place of use that includes separate hachuring for each water right, priority date, and use including number of acres in each quarter-quarter section, government lot, or in each quarter-quarter section as projected within government lots, donation land claims, or other recognized public land survey subdivisions. If less than the entirety of the water right is being changed, a separate hachuring is needed for lands left unchanged.
- N/A If for more than one actual, current point of diversion/appropriation, separate hachuring is needed for each place of use served by each point of diversion/appropriation, including the number of acres in each quarter-quarter section, government lot, or in each quarter-quarter section as projected within government lots, donation land claims, or other recognized public land survey subdivisions.

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JUL 15 2021

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.*

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

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

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

<http://www.oregon.gov/owrd/docs/transfer-propertytransactions.pdf>

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


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JUL 15 2021

Describe any special ownership circumstances here: New owner unknown at this time.

OWRD

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 local governments (each county, city, municipal corporation, or tribal government) within whose jurisdiction water will be diverted, conveyed or used.

ENTITY NAME COOS COUNTY	ADDRESS 250 N. BAXTER ST.	
CITY COQUILLE	STATE OR	ZIP 97423

ENTITY NAME	ADDRESS	
CITY	STATE	ZIP

Explain in your own words what you propose to accomplish with this transfer application; and why:
See attachment 1: Transfer Narrative

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

Part 5 of 5 – Water Right Information

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

RECEIVED

CERTIFICATE # 44582

JUL 15 2021

Description of Water Delivery System

System capacity: 1.0 cubic feet per second (cfs) OR
 _____ gallons per minute (gpm)

OWRD

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. At POD 1 a 20 HP submersible pump delivers water to about 2,000' of subgrade 4' mainline, this mainline conveys water to several access points where a big gun style sprinkler is connected. The diversion works of POD 2 is unknown, and not operated or owned by Fisher Dairies.

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

POD/POA Name or Number	Is this POD/POA Authorized on the Certificate or is it the Current POD/POA that has been used for more than 10 years?	If POA, OWRD Well Log ID# (or Well ID Tag # L-___)	Twp	Rng	Sec	¼	¼	Tax Lot, DLC or Gov't Lot	Measured Distances (from a recognized survey corner)
POD 2	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Current		29 S	12 W	17	SW	SE	TL800, GL5	430 FT. E. & 10 FT. N. FROM T.29S. R.12W. SEC.17 S.1/4 COR. W.M
POD 1	<input type="checkbox"/> Authorized <input checked="" type="checkbox"/> Current	0.8mi. Upstream	29 S	12 W	21	NW	NW	TL1100 DLC #38	1710 FT. W. & 930 FT. S. FROM T.29S. R.12W. SEC.16 S.1/4 COR. W.M
	<input type="checkbox"/> Authorized <input type="checkbox"/> Current								

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

- Point of Diversion (POD) Additional Point of Diversion (APOD)
- Point of Appropriation/Well (POA) Additional Point of Appropriation (APOA)

Will the historic change in point of diversion/appropriation affect the entire water right?

- Yes Complete only the proposed section of Table 2 on the next page.
- No Complete all of Table 2 to describe the portion of the water right to be changed.

ODPW: injury to ISWR C-73099

Please use and attach additional pages of Table 2 as needed. Do you have questions about how to fill-out the tables? See page 5 for instructions, or contact the Department at 503-986-0900 and ask for Transfer Staff.

Table 2. Description of Changes to Water Right Certificate # 44582

List only the part of the right that will be changed. For the acreage in each 1/4 1/4, list the change proposed. If more than one actual, current POD/POA, specify the acreage associated with each actual, current POD/POA.

Authorized ("from" lands) as they appear before the changes										Proposed Change (POD, POA, APOD, or APOA)	Current (in use for more than ten years) POD(s)/POA(s) to be used (from Table 1)	Priority Date	
Twp	Rng	Sec	1/4	1/4	Tax Lot	Gvt Lot or DLC	Acre (if applicable)	POD(s) or POA(s) (name or number from Table 1)					
2	S	9	E	15	NE	NW	100		15.0	POD #1 POD #2	POD	POD #5	1897
"	"	"	"	"	"	"	"	"	EXAMPLE	"	"	"	"
29	S	12	W	17	NE	SE	902	DLC# 37	9.2 ✓	POD #2	APOD	POD #1	1972
29	S	12	W	17	SE	SE	902	DLC# 37	7.4 ✓	POD #2	APOD	POD #1	1972
29	S	12	W	17	SE	SE	902	GL9	31.0 ✓	POD #2	APOD	POD #1	1972
29	S	12	W	20	NE	NE	100,101	GL4	15.2 ✓	POD#2	APOD	POD#1	1972

Additional remarks: _____

62.8

RECEIVED

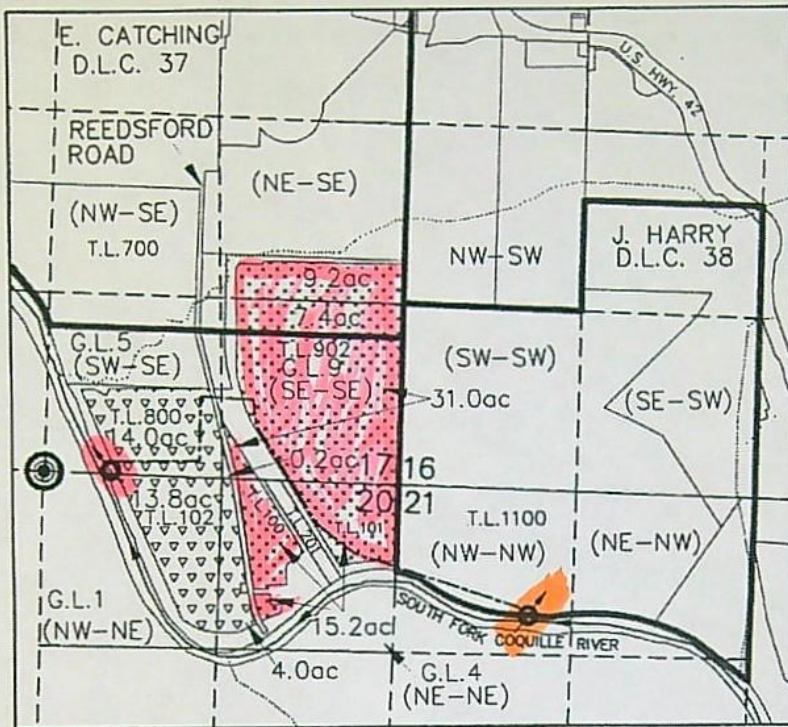
JUL 15 2021

OWRD

HISTORIC CHANGE IN POINT OF DIVERSION
 CERTIFICATE 44582
 TOWNSHIP 29 SOUTH, RANGE 12 WEST, SECTIONS 17, 20, & 21 W.M.

RECEIVED
 JUL 15 2021

OWRD



POINT OF BEGINNING (P.O.B.)
 T.29S., R.12W., SEC.17 S.1/4 COR. W.M.

POINTS OF DIVERSION (P.O.D.)
 P.O.D. 2 (CERTIFIED) 430 FT. E.
 & 10 FT. N. FROM P.O.B.

P.O.D. 1 (HISTORIC) 3625 FT. E.
 & 1091 FT. S. FROM P.O.B.

PLACE OF USE:
 P.O.D. 2 UNCHANGED

P.O.D. 1 HISTORIC USE

- INTERMITTENT UNNAMED STREAM
- IRRIGATION MAINLINE
- TAXLOTS
- DONATION LAND CLAIM
- 1/16 SECTION LINES (AS PROJECTED)



EXPIRES 06/30/2022

13779

DISCLAIMER: THIS MAP WAS PREPARED FOR THE PURPOSE OF IDENTIFYING THE LOCATION OF WATER RIGHT ONLY AND IS NOT INTENDED TO PROVIDE LEGAL DESCRIPTIONS OR LOCATIONS OF PROPERTY LINES.

VCC

VAN CAMP CONSULTING

P.O. Box 995
 Coos Bay, OR 97420
 (541) 297-1880
 vancampconsulting@gmail.com

Prepared For:
 Joe Ficher
 P.O. Box 160
 Myrtle Point, OR 97458

Project:
 HISTORIC CHANGE IN
 POINT OF DIVERSION
 MAP

Date: June 6, 2021

STATE OF OREGON

COUNTY OF COOS

CERTIFICATE OF WATER RIGHT

This Is to Certify, That DONALD R. STEEN

of 503 Reedsford Rd., Myrtle Point, State of Oregon, 97458, has made proof to the satisfaction of the Water Resources Director, of a right to the use of the waters of South Fork Coquille River

a tributary of Coquille River for the purpose of irrigation of 94.8 acres

under Permit No. 36156 and that said right to the use of said waters has been perfected in accordance with the laws of Oregon; that the priority of the right hereby confirmed dates from May 22, 1972

that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed 1.19 cubic feet per second

or its equivalent in case of rotation, measured at the point of diversion from the stream. The point of diversion is located in the Lot 5 (SW 1/4 SE 1/4), Section 17, T. 29 S., R. 12 W., W. M., 430 feet East and 10 feet North from the SW Corner, Section 17.

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to one-eightieth of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 2 1/2 acre feet per acre for each acre irrigated during the irrigation season of each year,

and shall conform to such reasonable rotation system as may be ordered by the proper state officer.

A description of the place of use under the right hereby confirmed, and to which such right is appurtenant, is as follows:

	9.2 acres NE 1/4 SE 1/4	9.2	14.0
	As projected within Catching DLC 37		
	14.0 acres Lot 5 (SW 1/4 SE 1/4)		14.0
	7.4 acres SE 1/4 SE 1/4	7.4	0
	As projected within Catching DLC 37		
	31.2 acres Lot 9 (SE 1/4 SE 1/4)	31.0	0.2
	Section 17		
	19.2 acres Lot 4 (NE 1/4 NE 1/4)	15.2	4.0
	13.8 acres Lot 4 (NW 1/4 NE 1/4)		13.8
	Section 20		
	T. 29 S., R. 12 W., W. M.	62.8	32.0

Handwritten notes:
 62.8 @ 1/80 = 0.785
 T = 0.79 cfs
 RL = 32.00
 0.4 cfs

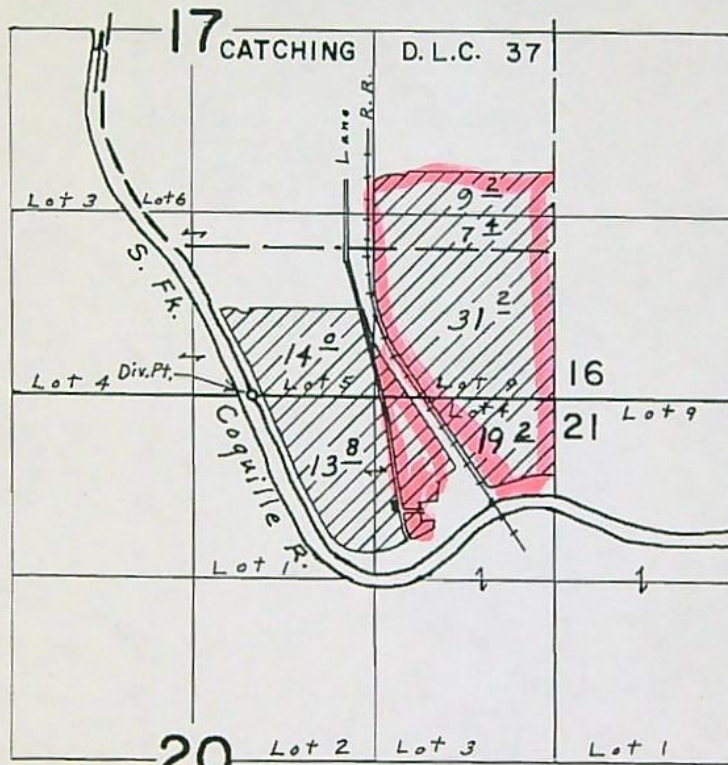
The right to the use of the water for the purposes aforesaid is restricted to the lands or place of use herein described. and is subject to the existing minimum flow policies established by the Water Policy Review Board.

WITNESS the signature of the Water Resources Director, affixed

this date. August 3, 1977

James E. Saxon Water Resources Director

T.29S. R.12W. W.M.



Div. Pt. located 430' E. & 10' N. from S. $\frac{1}{4}$ Cor. Sec. 17

FINAL PROOF SURVEY
UNDER

Application No. 49272. Permit No. 36156.
IN NAME OF

DONALD R. STEEN

Surveyed Oct. 30, 1975, by L. E. Gould.

STATE OF OREGON
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

Oregon Water Resources Department
158 12th Street NE
Salem, Oregon 97310

The specific limits for the use are listed below along with conditions of use.

Source: S FK COQUILLE R tributary to COQUILLE R

County: COOS

Purpose: Providing required stream flows for migration, spawning, egg incubation, fry emergence, and juvenile rearing.

To be maintained in:

SOUTH FORK COQUILLE RIVER FROM MIDDLE FORK COQUILLE RIVER AT RIVER MILE 4.7 (NWNW, SECTION 27, T29S, R12W WM); TO THE MOUTH AT RIVER MILE 0.0 (SWSW, SECTION 4, T29S, R12W WM)

The right is established under Oregon Revised Statutes 537.341.

The date of priority is 6/30/1992 .

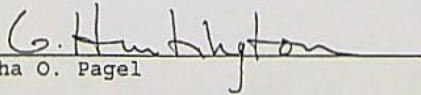
The following conditions apply to the use of water under this certificate:

1. The right is limited to not more than the amounts, in cubic feet per second, during the time periods listed below:

JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
305	305	305	305	305	180	111	64.3	52.4	93.1	305	305

2. The water right holder shall measure and report the in-stream flow along the reach of the stream or river described in the certificate as may be required by the standards for in-stream water right reporting of the Water Resources Commission.
3. For purposes of water distribution, this instream right shall not have priority over human or livestock consumption.
4. The instream flow allocated pursuant to this water right is not in addition to other instream flows created by a prior water right or designated minimum perennial stream flow.
5. The flows are to be measured at the lower end of the stream reach to protect necessary flows throughout the reach.

Witness the signature of the Water Resources Director,
affixed OCTOBER 18, 1996.


Martha O. Pagel

Recorded in State Record of Water Right Certificate number 73099.

Water Availability Analysis Detailed Reports

S FK COQUILLE R > COQUILLE R - AT MOUTH
SOUTH COAST BASIN

Water Availability as of 9/27/2021

Watershed ID #: 72526 (Map)
Date: 9/27/2021

Exceedance Level: 80%
Time: 3:05 PM

- Water Availability Calculation
- Consumptive Uses and Storages
- Instream Flow Requirements
- Reservations
- Water Rights
- Watershed Characteristics

Water Availability Calculation

Monthly Streamflow in Cubic Feet per Second
Annual Volume at 50% Exceedance in Acre-Feet

Month	Natural Stream Flow	Consumptive Uses and Storages	Expected Stream Flow	Reserved Stream Flow	Instream Flow Requirement	Net Water Available
JAN	1,050.00	1.58	1,050.00	0.00	305.00	743.00
FEB	1,470.00	1.65	1,470.00	0.00	305.00	1,160.00
MAR	1,460.00	1.51	1,460.00	0.00	305.00	1,150.00
APR	841.00	1.80	839.00	0.00	305.00	534.00
MAY	365.00	3.95	361.00	0.00	305.00	56.00
JUN	163.00	9.20	154.00	0.00	108.00	45.80
JUL	68.30	13.50	54.80	0.00	111.00	-56.20
AUG	38.50	11.20	27.30	0.00	64.30	-37.00
SEP	34.50	5.49	29.00	0.00	52.40	-23.40
OCT	46.20	1.74	44.50	0.00	200.00	-156.00
NOV	241.00	1.40	240.00	0.00	305.00	-65.40
DEC	874.00	1.56	872.00	0.00	305.00	567.00
ANN	888,000.00	3,310.00	884,000.00	0.00	161,000.00	732,000.00

Not Met →

JUN
JUL
AUG
SEP
OCT

Download Data (Text - Formatted, Text - Tab Delimited, Excel)



Oregon

Kate Brown, Governor

Water Resources Department

725 Summer St NE, Suite A

Salem, OR 97301

(503) 986-0900

Fax (503) 986-0904

October 20, 2021

VIA E-MAIL

Applicant

JOE FICHER

FICHER DAIRIES

PO BOX 160

MYRTLE POINT, OR 97458

SUBJECT: Water Right Transfer Application T-13779

Your water right transfer additional point of diversion to reflect historical use is in the first phase of processing. Attached is a revised draft Final Order proposing to approve T-13779. The document reflects the Department's conclusion that, based on the information currently available, the transfer will be approved with additional conditions. Please carefully review the revised Draft Final Order to verify that it accurately reflects the changes you intend to make and to become familiar with the proposed conditions.

Submittal of the following required item is needed at this time:

1. 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).

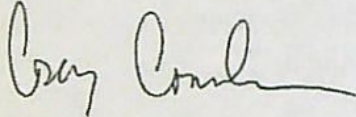
Enclosed is a copy of Oregon Department of Fish and Wildlife (ODFW) Additional Fish Screening and Passage Information for the Applicant. You will note that ODFW requires a fish screening and/or by-pass device to be installed. We will establish a deadline for compliance with this condition. Please contact the ODF&W personnel listed on the document for assistance.

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

Issuance of the Final Order will occur shortly after we receive your response, and the report of ownership. The order may be issued denying the application as incomplete if I do not receive your response, proof of service, and the report of ownership by **November 22, 2021**.

Please do not hesitate to contact me, at corey.a.courchane@oregon.gov or (503) 979-3917, if I may be of assistance.

Sincerely,



Corey Courchane
Transfer Specialist
Transfer and Conservation Section

cc: Transfer Application file T-13779
Susan M. Douthit, District 15 Watermaster *(via e-mail)*
Marc J. Van Camp, Agent for the applicant *(via e-mail)*

Enclosures:

Notice
ODFW Contact Sheet
Watermaster Contact Sheet

BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON

In the Matter of Transfer Application)
T-13779, Coos County)

D R A F T

) FINAL ORDER APPROVING AN ADDITIONAL
) POINT OF DIVERSION TO REFLECT HISTORIC
) USE

Authority

ORS 540.532 establishes the process in which a water right holder may submit a request for a change in point of diversion to reflect historical use under an existing water right. OAR Chapter 690-380-2120 implements the statute and provides the Department's procedures and criteria for evaluating historic point of diversion/appropriation transfer applications.

Applicant

JOE FICHER
FICHER DAIRIES
PO BOX 160
MYRTLE POINT, OR 97458

Findings of Fact

1. On December 16, 2019, JOE FICHER, FICHER DAIRIES filed an application for an additional point of appropriation under Certificate 44582. The Department assigned the application number T-13319.
2. On June 9, 2021, the Department issued a Final Order (Special Order Volume 120, Page 779), withdrawing an application for a water right transfer under T-13319.
3. On July 15, 2021, JOE FICHER, FICHER DAIRIES filed a transfer application for authorization of an historic point of diversion under Certificate 44582. The Department assigned the application number T-13779.
4. Notice of the application for transfer was published on August 10, 2021, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.

This is a final order in other than a contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-0080, 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 portion of the right to be transferred is as follows:

Certificate: 44582 in the name of DONALD R. STEEN (perfected under Permit S-36156)
Use: IRRIGATION of 62.8 ACRES
Priority Date: MAY 22, 1972
Rate: 0.79 CUBIC FOOT PER SECOND
Limit/Duty: The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to ONE-EIGHTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 2.5 acre-feet per acre for each acre irrigated during the irrigation season of each year.
Source: SOUTH FORK COQUILLE RIVER, a tributary of COQUILLE RIVER

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	GLot	Measured Distances
29 S	12 W	WM	17	SW SE	5	POD 2 - 430 FEET EAST AND 10 FEET NORTH FROM THE S1/4 CORNER OF SECTION 17

Authorized Place of Use:

IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	GLot	DLC	Acres
29 S	12 W	WM	17	NE SE		37	9.2
29 S	12 W	WM	17	SE SE		37	7.4
29 S	12 W	WM	17	SE SE	9		31.0
29 S	12 W	WM	20	NE NE	4		15.2
						Total	62.8

6. Transfer Application T-13779 proposes an additional point of diversion approximately 0.8 mile upstream to:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
29 S	12 W	WM	21	NW NW	38	POD 1 - 930 FEET SOUTH AND 1710 FEET WEST FROM THE S1/4 CORNER OF SECTION 16

7. The Oregon Department of Fish and Wildlife (ODFW) has determined that a fish screening and/or by-pass device is necessary at the new point of diversion to prevent fish from entering the diversion and/or safely transport fish back to the body of water from which the fish were diverted and that the diversion is not currently equipped with an appropriate fish screening and/or by-pass device. This diversion may be eligible for screening cost share funds.
8. Certificate 44582 does not specify the irrigation season, nor is an irrigation season specified by Basin Program or Decree. Consistent with OAR 690-250-0070(1), the irrigation season is March 1 through October 31.

Transfer Review Criteria (ORS 540.532 and OAR 690-380-2120)

9. Pursuant to OAR 690-380-2120(2)(a), evidence has been submitted that the actual, current point of diversion for the water right in question, as described in Finding No. 4, has been in use for more than 10 years.
10. Pursuant to OAR 690-380-2120(2)(c), the Watermaster provided a statement that to her knowledge there has been no complaint of injury due to the use of water at the actual, current point of diversion, prior to the transfer request.
11. The Department did not identify any affected water rights pursuant to OAR 690-380-2120(3).
12. Water has been used within the last five years according to the terms and conditions of the right. There is no evidence available that would demonstrate that the right is subject to forfeiture under ORS 540.610.
13. A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing right(s) are present.
14. The proposed change would not result in enlargement of the right.
15. An instream water right, Certificate 73099, exists for the reach of the river in which the authorized point of diversion would be moved upstream, and streamflows within the reach are frequently below the levels allocated under the instream water right. Thus, the instream water right would be injured as a result of the proposed additional in point of diversion.
16. On September 9, 2021, the Oregon Department of Fish and Wildlife (ODFW) determined that the proposed change may injure Instream Water Right Certificate 73099. ODFW determined, "Because flows within the impacted reach are currently wholly or partially below those essential to support the biological needs of fish as identified in instream water right C73099, a further reduction in flow or alteration of habitat from the proposed transfer will impair or be detrimental to fish and/or their habitat. Without appropriate mitigation, the proposed use will diminish physical habitat and alter the flow regime to which fish are naturally adapted, negatively impacting their distribution, productivity, and abundance."

"ODFW recommends the applicant cease diversion during months when the instream right is not met to eliminate injury to the instream water right or contact ODFW regarding a Mitigation Obligation. ODFW will evaluate potential impacts and associated mitigation proposals based on consistency with the goals and standards of OAR 635-415-0025 (ODFW Habitat Mitigation Recommendations)."

17. Instream Water Right Certificate 73099 is limited to not more than the amounts, in cubic feet per second (cfs), during the time periods listed below:

MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT
305	305	305	180	111	64.3	52.4	93.1

18. The Department's current Water Availability Analysis for the South Fork Coquille River, Watershed ID# 72526, identifies the monthly net water available in cfs below:

MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT
1,150.0	534.0	56.0	45.80	-56.20	-37.00	-23.40	-156.00

19. According to the current water availability, the streamflows in the South Fork Coquille River are not being met July through October. Therefore, the use of the proposed additional point of diversion can only be made during the period of March 1 to June 30.

Conclusions of Law

The proposed additional point of diversion to reflect historical use in application T-13779 is consistent with the requirements of ORS 540.532, and OAR 690-380-2120.

Now, therefore, it is ORDERED:

1. The change proposed in T-13779 is approved and effective immediately.
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 44582 and any related decree.
3. Water right certificate 44582 is cancelled. Certificate XXXXX will be issued to describe the additional point of diversion for the portion of the right included in T-13779. Certificate XXXXX shall be issued to describe the portion of Certificate 44582 not modified by this order. Together, the new certificates shall supersede Certificate 44582.
4. The quantity of water diverted at the additional point of diversion (POD 1), together with that diverted at the old point of diversion (POD 2), shall not exceed the quantity of water lawfully available at the original point of diversion (POD 2).
5. The use of the additional point of diversion (POD 1) can only be made during the period of March 1 to June 30.

6. Water use measurement conditions:
 - a. Prior to October 1, 2022, 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 (new and existing).
 - b. The water user shall maintain the meters or measuring devices in good working order.
 - c. The water user shall allow the Watermaster access to the meters or measuring devices; provided however, where the meters or measuring devices are located within a private structure, the Watermaster shall request access upon reasonable notice.
7. Prior to October 1, 2022, the water user shall install a fish screening and/or by-pass device, as appropriate, at the new point of diversion consistent with the Oregon Department of Fish and Wildlife's (ODFW) design and construction standards. Prior to installation, the water user shall obtain written approval from ODFW that the required screen and/or by-pass device meets ODFW's criteria. Prior to submitting a Claim of Beneficial Use, the water user must obtain written approval from ODFW that the required screening and/or by-pass device was installed to the state's criteria. The water user shall maintain and operate the fish screen and/or by-pass device, as appropriate, at the point of diversion consistent with ODFW's operational and maintenance standards.

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

Mailing date:

13779 ODFW review

BAUSTIAN Julie C * WRD

From: FAUCERA Danette L * ODFW
Sent: Thursday, September 09, 2021 4:03 PM
To: WRD_DL_transferreviews
Cc: STARNES Patrick K * WRD; JARAMILLO Lisa J * WRD; FERRARI Chandra A * ODFW;
BRANDT Jason R * ODFW; CLAIRE Christopher w * ODFW
Subject: T-13779, Ficher Dairy
Attachments: Coquille_SFCoquilleR_T13779_FicherDairy.pdf

ODFW's review for this historic transfer (T-13779) is attached, but it only pertains to the fish screening requirement (as requested by WRD). However, ODFW believes this proposed transfer may injure instream water rights MF416 (C59879) and IS72526 (C73099) on the South Fork Coquille River because the POD is being utilized approximately 0.8 miles upstream of the authorized POD. Available information from the Oregon Water Resources Department's Water Availability Reporting System shows C59879 and C73099 are not met for periods during the proposed season of the transfer.

Because flows within the impacted reach are currently wholly or partially below those essential to support the biological needs of fish as identified in instream water rights C59879 and C73099, a further reduction in flow or alteration of habitat from the proposed transfer will impair or be detrimental to fish and/or their habitat. Without appropriate mitigation, the proposed use will diminish physical habitat and alter the flow regime to which fish are naturally adapted, negatively impacting their distribution, productivity, and abundance.

ODFW recommends the applicant cease diversion during months when the instream rights are not met to eliminate injury to the instream water rights or contact ODFW regarding a Mitigation Obligation. ODFW will evaluate potential impacts and associated mitigation proposals based on consistency with the goals and standards of OAR 635-415-0025 (ODFW Habitat Mitigation Recommendations).

Happy to chat about this further and please let me know if you have any questions.

Danette

****note new email address: danette.l.faucera@odfw.oregon.gov****

Danette Faucera
Water Policy Coordinator
Oregon Department of Fish and Wildlife
(503) 947-6092
4034 Fairview Industrial Drive SE
Salem, OR 97302

*****CONFIDENTIALITY NOTICE*****

This e-mail may contain information that is privileged, confidential, or otherwise exempt from disclosure under applicable law. If you are not the addressee or it appears from the context or otherwise that you have received this e-mail in error, please advise me immediately by reply e-mail, keep the contents confidential, and immediately delete the message and any attachments from your system.

Oregon Department of Fish and Wildlife
Historic Point of Diversion Fish Screen Requirement Form
(ODFW provides to WRD so that WRD can make findings according to statutory requirements.)

Reference Transfer #: T-13779

Date of review: 9/7/21

Please check one of the following five boxes related to fish screen requirements pursuant to ORS 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 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 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 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 Faucera Digitally signed by Danette Faucera
Date: 2021.09.09 11:59:59 -07'00'

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-13779

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: Rich Kilbane

Address: 1495 E Gregory Rd

City/State/Zip: Central Point/OR/97502

Phone: (541) 826-8774

- 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: Jason Brandt

Address: 4192 North Umpqua Hwy

City/State/Zip: Roseburg/OR/97470

Phone: (541) 315-6222

BAUSTIAN Julie C * WRD

From: DOUTHIT Susan M * WRD
Sent: Monday, August 23, 2021 8:06 AM
To: WRD_DL_transferreviews
Subject: T-13779 - s fk coquille - Fisher Dairy - c-44582 - watermaster statement for historic pod transfer

Hello-

This email will serve as the required District #15 Watermaster statement for the historic pod transfer (for Fischer Dairy) on originating right c44582.

To my knowledge there has been no claim of injury due to use of an historic point of diversion (as illustrated on the submitted map) for the above referenced certificate.

~S

Watermaster, OWRD
Serving Coos and Douglas Counties
541-440-4255 (Roseburg office)
541-580-4961 (cell)

DISCLAIMER

Water right and well log records provided by the Watermaster's office are based on information available in our files and from Oregon Water Resources Department (OWRD) databases. While we make every effort to insure our information is complete and factual, this office cannot accept any responsibility for errors, omissions, or accuracy of the data. There are no warranties, expressed or implied, including the warranty of merchantability or fitness for a particular purpose, accompanying this information. Official records are available from the OWRD Salem office. For additional assistance, you may contact the OWRD Salem office at 503-986-0900 or on the internet at <https://www.oregon.gov/owrd/pages/index.aspx>

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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

Transfer Application: T-13779

Review Due Date:

Applicant Name: Ficher Dairy

Proposed Changes: POU POD POA USE OTHER

Reviewer(s): Susan Douthit

Date of Review: 08/23/2021

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:

Historic pod change - additional watermaster statement submitted.

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

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:

- | | |
|---|--|
| <input type="checkbox"/> Weir | <input type="checkbox"/> Submerged Orifice |
| <input type="checkbox"/> Parshall Flume | <input type="checkbox"/> Flow Restrictor |
| <input type="checkbox"/> Other: _____ | |

Oregon Water Resources Department

Measurement Condition Information for the Applicant

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

Transfer #: T- 13779

In order to avoid enlargement of the right or injury to other rights, a totalizing flow meter 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: Susan Douthit

District: 15

Address: 1036 SE Douglas Ave.

City/State/Zip: Roseburg, OR 97470

Phone: 541-440-4255

Email: susan.m.douthit@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
Kate Brown, Governor

Water Resources Department

725 Summer St NE, Suite A

Salem, OR 97301

(503) 986-0900

Fax (503) 986-0904

August 5, 2021

FICHER DARIES

JOE FICHER

PO BOX 160

MYRTLE POINT, OR 97458

Reference: Application T- 13779

On July 15, 2021, OWRD received your water right application for an Historic POD Transfer. The application was accompanied by \$1160.00. Our receipt number 135855 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 is also being sent to Oregon Department of Fish and Wildlife to determine if a fish screen will be required.

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

Please 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.

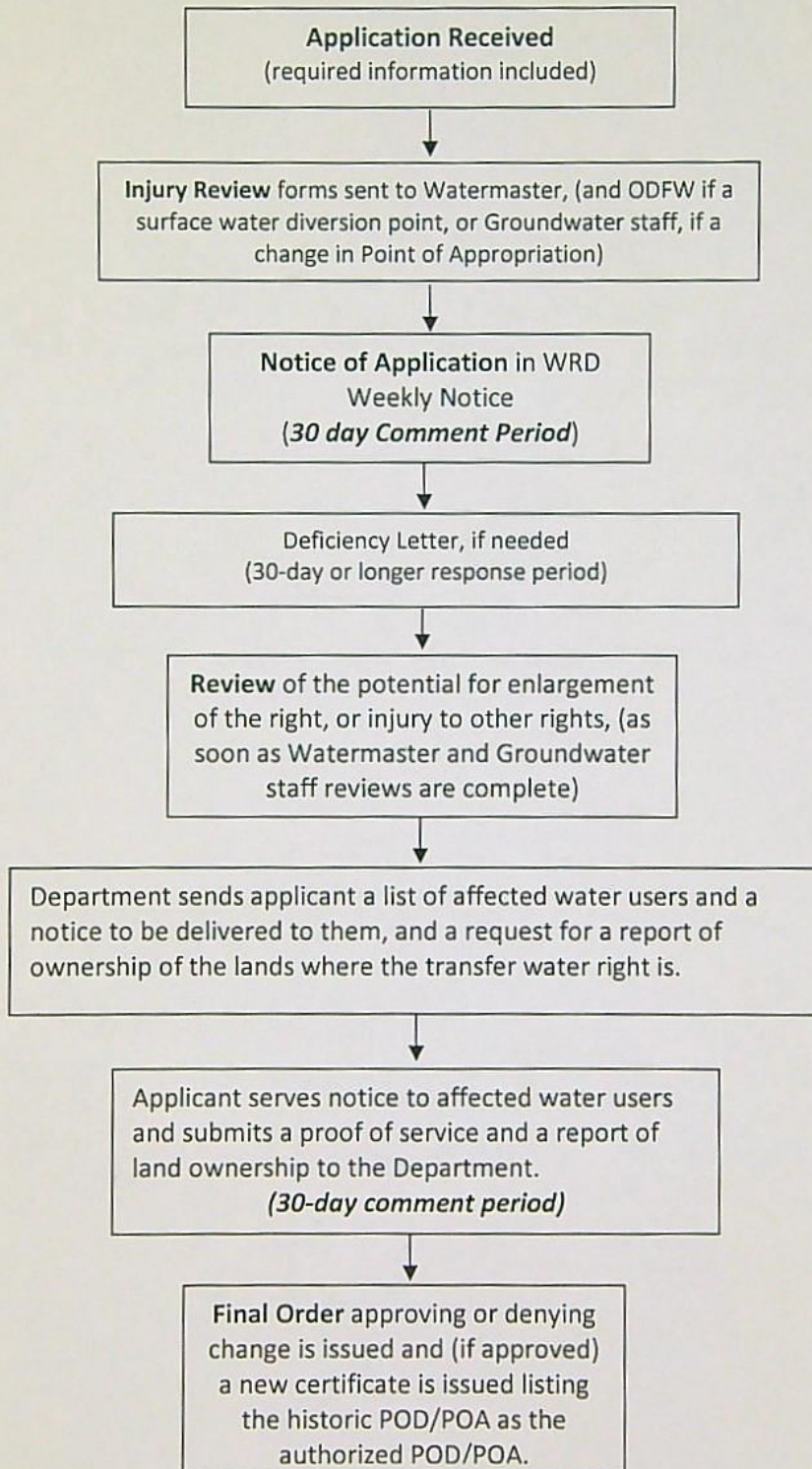
Cc: Watermaster Dist. #15, Susan M. Douthit (via email)
Coos County Planning Department
Marc J. Van Camp, Agent

Enclosure

Historic Point of Diversion Transfer Process

OAR 690 Division 380

Changes: POD/POA to a point that has been in use for 10 years or more





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

Application for Historic Change in Point of Diversion/Appropriation Part 1 of 5 – Minimum Requirements Checklist

This historic change in point of diversion/appropriation application will be returned if Parts 1 through 5 and all required attachments are not completed and included.
 For questions, please call (503) 986-0900, and ask for Transfer Section.

RECEIVED
 JUL 15 2021

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

- Part 1 – Completed Minimum Requirements Checklist.
- Part 2 – Completed Application Map Checklist.
- Part 3 – Application Fee, payable by check to the Oregon Water Resources Department, and completed Fee Worksheet, page 3. Try the new online fee calculator at: http://apps.wrd.state.or.us/apps/misc/wrd_fee_calculator. If you have questions, call Customer Service at (503) 986-0801.
- Part 4 – Completed Applicant Information and Signature.
- Part 5 – Information about the Transferred Water Rights: **How many water rights are to be transferred? 1 List them here: 44582**
 Please include a separate Part 5 for each water right. (See instructions on page 5)

OWRD

Attachments:

- Completed Application Map (Does not have to be prepared by a Certified Water Right Examiner).
- Completed Evidence of Use Affidavit and supporting documentation showing that water has been used on the land for five years prior to transfer filing AND diverted at the actual, current point of diversion/appropriation for more than 10 years.
- Statement from the local Watermaster, based upon the Watermaster's knowledge and Department records, that no complaint of injury has been made due to the use of water at the actual, current point of diversion/appropriation.
- Land Use Information Form with approval and signature (or signed land use form receipt stub).
- N/A Affidavit(s) of Consent from Landowner (if the applicant does not own the land the water right is on.)
- N/A Water Well Report/Well Log for changes in point(s) of appropriation (well(s)) or additional point(s) of appropriation.

(For Staff Use Only)

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

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

Staff: _____ 503-986-0 _____ Date: ____/____/____

13779

Part 2 of 5 – Historic Change in Point of Diversion/Appropriation Application Map Checklist

Your historic change in point of diversion/appropriation application will be returned if any of the map requirements listed below are not met.

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

- N/A If **more than three** water rights are involved, separate maps are needed for each water right.
- Permanent quality printed with dark ink on white or clear paper or film.
- The size of the map can be 8½ x 11 inches, 8½ x 14 inches, or up to 30 x 30 inches. For 30 x 30 inch maps, three (3) paper copies and an electronic copy in a .pdf, .tiff or .jpg format are required.
- A north arrow, a legend, and scale.
- The scale of the map must be: 1 inch = 400 feet, 1 inch = 1,320 feet, the scale of the Final Proof/Claim of Beneficial Use Map (the map used when the permit was certificated), the scale of the county assessor map if the scale is not smaller than 1 inch = 1,320 feet, or a scale that has been pre-approved by the Department.
- Township, Range, Section, ¼ ¼, DLC, Government Lot, and other recognized public land survey lines.
- Tax lot boundaries (property lines) and county tax lot numbers are required.
- Major physical features including rivers and creeks showing direction of flow, lakes and reservoirs, roads, and railroads.
- Major water delivery system features from the point(s) of diversion/appropriation such as main pipelines, canals, and ditches.
- Authorized point(s) of diversion or well(s) with distance and bearing or coordinates from a recognized survey corner. This information can be found in your water right certificate.
- Actual, current point of diversion/appropriation. Show the location and label it clearly with distance and bearing or coordinates. If GPS coordinates are used, latitude-longitude coordinates may be expressed as either degrees-minutes-seconds with at least one digit after the decimal (example – 42°32'15.5") or degrees-decimal with five or more digits after the decimal (example – 42.53764°).
- Existing place of use that includes separate hachuring for each water right, priority date, and use including number of acres in each quarter-quarter section, government lot, or in each quarter-quarter section as projected within government lots, donation land claims, or other recognized public land survey subdivisions. If less than the entirety of the water right is being changed, a separate hachuring is needed for lands left unchanged.
- N/A If for more than one actual, current point of diversion/appropriation, separate hachuring is needed for each place of use served by each point of diversion/appropriation, including the number of acres in each quarter-quarter section, government lot, or in each quarter-quarter section as projected within government lots, donation land claims, or other recognized public land survey subdivisions.

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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.*

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

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

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

<http://www.oregon.gov/owrd/docs/transfer-propertytransactions.pdf>

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

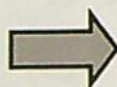
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Describe any special ownership circumstances here: New owner unknown at this time.

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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 local governments (each county, city, municipal corporation, or tribal government) within whose jurisdiction water will be diverted, conveyed or used.

ENTITY NAME COOS COUNTY	ADDRESS 250 N. BAXTER ST.	
CITY COQUILLE	STATE OR	ZIP 97423

ENTITY NAME	ADDRESS	
CITY	STATE	ZIP

Explain in your own words what you propose to accomplish with this transfer application; and why:
See attachment 1: Transfer Narrative
If you need additional space, continue on a separate piece of paper and attach to the application as "Attachment 1".

Part 5 of 5 – Water Right Information

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

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CERTIFICATE # 44582

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Description of Water Delivery System

System capacity: 1.0 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. **At POD 1 a 20 HP submersible pump delivers water to about 2,000' of subgrade 4' mainline, this mainline conveys water to several access points where a big gun style sprinkler is connected. The diversion works of POD 2 is unknown, and not operated or owned by Ficher Dairies.**

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

POD/POA Name or Number	Is this POD/POA Authorized on the Certificate or is it the Current POD/POA that has been used for more than 10 years?	If POA, OWRD Well Log ID# (or Well ID Tag # L-___)	Twp		Rng		Sec	¼ ¼		Tax Lot, DLC or Gov't Lot	Measured Distances (from a recognized survey corner)
POD 2	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Current		29	S	12	W	17	SW	SE	TL800, GL5	430 FT. E. & 10 FT. N. FROM T.29S. R.12W. SEC.17 S.1/4 COR. W.M
POD 1	<input type="checkbox"/> Authorized <input checked="" type="checkbox"/> Current		29	S	12	W	21	NW	N W	TL1100 DLC #38	1710 FT. W. & 930 FT. S. FROM T.29S. R.12W. SEC.16 S.1/4 COR. W.M
	<input type="checkbox"/> Authorized <input type="checkbox"/> Current										

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

- Point of Diversion (POD) Additional Point of Diversion (APOD)
 Point of Appropriation/Well (POA) Additional Point of Appropriation (APOA)

Will the historic change in point of diversion/appropriation affect the entire water right?

- Yes Complete only the proposed section of Table 2 on the next page.
 No Complete all of Table 2 to describe the portion of the water right to be changed.

Please use and attach additional pages of Table 2 as needed. Do you have questions about how to fill-out the tables? See page 5 for instructions, or contact the Department at 503-986-0900 and ask for Transfer Staff.

Table 2. Description of Changes to Water Right Certificate # 44582

List only the part of the right that will be changed. For the acreage in each 1/4 1/4, list the change proposed. If more than one actual, current POD/POA, specify the acreage associated with each actual, current POD/POA.

Authorized ("from" lands) as they appear before the changes											Proposed Change (POD, POA, APOD, or APOA)	Current (in use for more than ten years) POD(s)/POA(s) to be used (from Table 1)	Priority Date	
Twp	Rng			Sec		1/4	1/4	Tax Lot	Gvt Lot or DLC	Acreage (if applicable)				POD(s) or POA(s) (name or number from Table 1)
2	S	9	E	15	NE	NW	100			15.0	POD #1 POD #2	POD	POD #5	1897
"	"	"	"	"	"	"	"	"	"	EXAMPLE	"	"	"	"
29	S	12	W	17	NE	SE	902	DLC# 37		9.2	POD #2	APOD	POD #1	1972
29	S	12	W	17	SE	SE	902	DLC# 37		7.4	POD #2	APOD	POD #1	1972
29	S	12	W	17	SE	SE	902	GL9		31.0	POD #2	APOD	POD #1	1972
29	S	12	W	20	NE	NE	100,101	GL4		15.2	POD#2	APOD	POD#1	1972

Additional remarks: _____

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

- Well log(s) are attached for each authorized and current well(s) that are clearly labeled and associated with the corresponding well(s) in Table 1 above and on the accompanying application map. (**Tip:** You may search for well logs on the Department's web page at: http://apps.wrd.state.or.us/apps/gw/well_log/)

OR

- Describe the construction of the authorized and current well(s) in Table 3 for any wells that do not have a well log.

Table 3. Construction of Point(s) of Appropriation

Any well(s) in this listing must be clearly tied to corresponding well(s) described in Table 1 and shown on the accompanying application map. Failure to provide adequate information is likely to delay the processing of your transfer application.

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

ATTACHMENTS

1. Transfer Narrative
2. Historic Change in POD Map
3. Evidence of Use Affidavit w/ supporting docs
 - a. Pacific Power 1702 Roseburg Road Irrigation Billing Analysis 2014-2021
 - b. First Written Lease Agreement
4. Historic POD Watermaster Statement

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Not Attached

5. Land Use Compatibility Statement (LUCS) – please see T-13319 application for signed LUCS form.

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Transfer Narrative

This change in POD will correct the point of diversion used for a portion of Certificate 44582's Place of Use. The ownership of 44582's POU was divided into 2 portions, one portion East of Reedsford Road (East portion) and one portion West of Reedsford Road (West portion). After this division, the owner of the East portion began using Certificate 28059's POD to supply water to the East portion of 44582.

Ficher Dairies began leasing and operating irrigation on the East Portion of 44582's POU in 2005. Since 2005, the East Portion of 44582's POU has been irrigated from 28059's POD. Ficher Dairies is the current owner of the East portion as of 2019. From 2005-2019 Ficher Dairies leased the East portion from the previous owner, Mr. David Weiner of Plymouth, CA. In 2011 Ficher Dairies and Mr. Weiner began utilizing a written lease, before 2011 it was verbal agreement.

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**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

725 Summer St. N.E. Ste. A

SALEM, OR 97301-4172

(503) 986-0900 / (503) 986-0904 (fax)

RECEIPT # **135855**

INVOICE # _____

RECEIVED FROM: Fisher Dairy
BY: Joe Fisher

APPLICATION	
PERMIT	
TRANSFER	<u>7-13779</u>

CASH: CHECK:# 16815 OTHER: (IDENTIFY)

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:			
0201	SURFACE WATER	\$	0202
0203	GROUND WATER	\$	0204
0205	TRANSFER	\$ <u>1,160.00</u>	
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: **135855**

DATED: 7-15-2021 BY: [Signature]

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.

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State of Oregon)
) ss
 County of Coos)

I, JOE FICHER, in my capacity as OWNER,
 mailing address P.O. BOX 160, MYRTLE POINT, OR 97458

telephone number (541) 290-0699, 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 # ____; **OR**
- My knowledge is specific to the use of water at the following locations within the last five years:

Certificate #	Township		Range		Mer	Sec	¼ ¼		Gov't Lot or DLC	Acres (if applicable)
44582	29	S	12	W	WM	17	NE	SE	37	9.2
44582	29	S	12	W	WM	17	SE	SE	37	7.4
44582	29	S	12	W	WM	17	SE	SE	9	31.0
44582	29	S	12	W	WM	20	NE	NE	4	15.2

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)

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3. The water right was used for: (e.g., crops, pasture, etc.): IRRIGATION FOR HAY/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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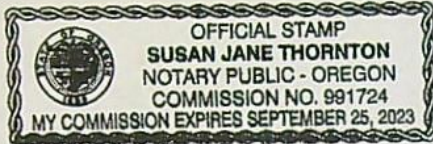
JUL 15 2021

OWRD

[Signature]
Signature of Affiant

7-12-21
Date

Signed and sworn to (or affirmed) before me this 12 day of July, 2021.



[Signature]
Notary Public for Oregon

My Commission Expires: 9/25/2023

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

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P.O. Box 400
 Portland, Oregon 97207-0400
 1-888-221-7070
 fax 1-888-800-2851
 pacificpower.net

Account Agreement Billing Analysis*

Agreement #: 53253283-001-032

Site Address: 1702 Roseburg Road Irrigation, Myrtle Point, Oregon

Date	Billing Transaction	Transaction Amount	End Balance
05/25/2021	Regular Billing	\$0.00	\$0.00
04/28/2021	Regular Billing	\$0.00	\$0.00
03/29/2021	Regular Billing	\$0.00	\$0.00
02/24/2021	Regular Billing	\$0.00	\$0.00
01/26/2021	Regular Billing	\$0.00	\$0.00
12/24/2020	Regular Billing	\$0.00	\$0.00
12/15/2020	Regular Payment	\$-891.89	\$0.00
12/01/2020	Regular Billing	\$891.89	\$891.89
10/28/2020	Regular Billing	\$0.00	\$0.00
10/16/2020	Regular Payment	\$-1,265.89	\$0.00
09/29/2020	Regular Billing	\$1,265.89	\$1,265.89
09/15/2020	Regular Payment	\$-3,575.35	\$0.00
08/28/2020	Regular Billing	\$3,575.35	\$3,575.35
08/10/2020	Regular Payment	\$-2,098.65	\$0.00
07/30/2020	Regular Billing	\$2,098.65	\$2,098.65
06/29/2020	Regular Billing	\$0.00	\$0.00
05/29/2020	Regular Billing	\$0.00	\$0.00
04/29/2020	Regular Billing	\$0.00	\$0.00
03/25/2020	Regular Billing	\$0.00	\$0.00
03/02/2020	Regular Billing	\$0.00	\$0.00
01/31/2020	Regular Billing	\$0.00	\$0.00
01/02/2020	Regular Billing	\$0.00	\$0.00

*Information provided for the requested time period is valid as of the date this letter was created. Adjustments or other account activity may result in different information at a later date.

Comments:

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fax 1-888-800-2851
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Account Agreement Billing Analysis*

Agreement #: 53253283-001-001

Site Address: 1702 Roseburg Road Irrigation, Myrtle Point, Oregon

Date	Billing Transaction	Transaction Amount	End Balance
12/17/2019	Regular Payment	\$-898.70	\$0.00
12/11/2019	Regular Billing	\$0.00	\$898.70
11/27/2019	Regular Billing	\$898.70	\$898.70
10/25/2019	Regular Billing	\$0.00	\$0.00
10/15/2019	Regular Payment	\$-1,703.97	\$0.00
09/23/2019	Regular Billing	\$1,703.97	\$1,703.97
09/16/2019	Regular Payment	\$-3,097.24	\$0.00
08/28/2019	Regular Billing	\$3,097.24	\$3,097.24
08/12/2019	Regular Payment	\$-1,944.01	\$0.00
07/29/2019	Regular Billing	\$1,944.01	\$1,944.01
07/15/2019	Regular Payment	\$-1,065.80	\$0.00
06/27/2019	Regular Billing	\$1,065.80	\$1,065.80
05/23/2019	Regular Billing	\$0.00	\$0.00
04/26/2019	Regular Billing	\$0.00	\$0.00
04/01/2019	Regular Billing	\$0.00	\$0.00
02/25/2019	Regular Billing	\$0.00	\$0.00
01/25/2019	Regular Billing	\$0.00	\$0.00
12/31/2018	Regular Billing	\$0.00	\$0.00
12/14/2018	Regular Payment	\$-856.90	\$0.00
11/28/2018	Regular Billing	\$856.90	\$856.90
11/16/2018	Regular Payment	\$-811.33	\$0.00
10/25/2018	Regular Billing	\$811.33	\$811.33
10/16/2018	Regular Payment	\$-1,607.95	\$0.00
09/26/2018	Regular Billing	\$1,607.95	\$1,607.95
09/14/2018	Regular Payment	\$-3,312.37	\$0.00
08/27/2018	Regular Billing	\$3,312.37	\$3,312.37
08/14/2018	Regular Payment	\$-2,711.06	\$0.00
07/27/2018	Regular Billing	\$2,711.06	\$2,711.06
07/16/2018	Regular Payment	\$-1,089.67	\$0.00
06/26/2018	Regular Billing	\$1,089.67	\$1,089.67
05/25/2018	Regular Billing	\$0.00	\$0.00
04/26/2018	Regular Billing	\$0.00	\$0.00
03/28/2018	Regular Billing	\$0.00	\$0.00
03/28/2018	Regular Billing	\$0.00	\$0.00
02/26/2018	Regular Billing	\$0.00	\$0.00
01/29/2018	Regular Billing	\$0.00	\$0.00
12/26/2017	Regular Billing	\$0.00	\$0.00
12/18/2017	Regular Payment	\$-736.73	\$0.00
11/28/2017	Regular Billing	\$736.73	\$736.73
10/25/2017	Regular Billing	\$0.00	\$0.00

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Date	Billing Transaction	Transaction Amount	End Balance
10/17/2017	Regular Payment	\$-565.55	\$0.00
09/25/2017	Regular Billing	\$565.55	\$565.55
09/15/2017	Regular Payment	\$-1,645.47	\$0.00
08/25/2017	Regular Billing	\$1,645.47	\$1,645.47
08/15/2017	Regular Payment	\$-309.03	\$0.00
07/27/2017	Regular Billing	\$309.03	\$309.03
06/26/2017	Regular Billing	\$0.00	\$0.00
05/25/2017	Regular Billing	\$0.00	\$0.00
04/28/2017	Regular Billing	\$0.00	\$0.00
03/31/2017	Regular Billing	\$0.00	\$0.00
03/01/2017	Regular Billing	\$0.00	\$0.00
01/30/2017	Regular Billing	\$0.00	\$0.00
12/27/2016	Regular Billing	\$0.00	\$0.00
12/16/2016	Regular Payment	\$-768.08	\$0.00
11/22/2016	Regular Billing	\$768.08	\$768.08
11/08/2016	Regular Payment	\$-1,756.77	\$0.00
10/25/2016	Regular Billing	\$1,756.77	\$1,756.77
09/26/2016	Regular Billing	\$0.00	\$0.00
09/13/2016	Regular Payment	\$-1,479.69	\$0.00
08/24/2016	Regular Billing	\$1,479.69	\$1,479.69
08/16/2016	Regular Payment	\$-2,000.74	\$0.00
07/27/2016	Regular Billing	\$2,000.74	\$2,000.74
07/15/2016	Regular Payment	\$-1,499.89	\$0.00
06/22/2016	Regular Billing	\$1,499.89	\$1,499.89
05/23/2016	Regular Billing	\$0.00	\$0.00
04/21/2016	Regular Billing	\$0.00	\$0.00
03/23/2016	Regular Billing	\$0.00	\$0.00
02/23/2016	Regular Billing	\$0.00	\$0.00
01/25/2016	Regular Billing	\$0.00	\$0.00
12/23/2015	Regular Billing	\$0.00	\$0.00
12/22/2015	Regular Payment	\$-784.92	\$0.00
11/20/2015	Regular Billing	\$784.92	\$784.92
10/21/2015	Regular Billing	\$0.00	\$0.00
10/13/2015	Regular Payment	\$-1,515.00	\$0.00
09/22/2015	Regular Billing	\$1,515.00	\$1,515.00
09/15/2015	Regular Payment	\$-2,432.63	\$0.00
08/21/2015	Regular Billing	\$2,432.63	\$2,432.63
08/10/2015	Regular Payment	\$-2,972.28	\$0.00
07/22/2015	Regular Billing	\$2,972.28	\$2,972.28
07/16/2015	Regular Payment	\$-846.55	\$0.00
06/23/2015	Regular Billing	\$846.55	\$846.55
05/22/2015	Regular Billing	\$0.00	\$0.00
04/23/2015	Regular Billing	\$0.00	\$0.00
03/25/2015	Regular Billing	\$0.00	\$0.00
02/24/2015	Regular Billing	\$0.00	\$0.00
02/16/2015	Regular Payment	\$-659.78	\$0.00
01/30/2015	Regular Billing	\$0.00	\$659.78

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 1-888-221-7070
 fax 1-888-800-2851
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Date	Billing Transaction	Transaction Amount	End Balance
01/17/2015	Regular Payment	\$-223.67	\$659.78
12/23/2014	Regular Billing	\$0.00	\$883.45
11/20/2014	Regular Billing	\$883.45	\$883.45
11/15/2014	Regular Payment	\$-2,436.57	\$0.00
10/22/2014	Regular Billing	\$0.00	\$2,436.57
09/22/2014	Regular Billing	\$2,436.57	\$2,436.57
09/17/2014	Regular Payment	\$-1,589.43	\$0.00
08/21/2014	Regular Billing	\$1,589.43	\$1,589.43
08/15/2014	Regular Payment	\$-1,208.55	\$0.00
07/23/2014	Regular Billing	\$1,208.55	\$1,208.55
06/20/2014	Regular Billing	\$0.00	\$0.00
05/27/2014	Regular Billing	\$0.00	\$0.00
04/23/2014	Regular Billing	\$0.00	\$0.00
04/10/2014	Regular Billing	\$0.00	\$0.00
04/10/2014	Regular Billing	\$0.00	\$0.00
04/10/2014	Regular Billing	\$0.00	\$0.00
04/10/2014	Regular Billing	\$0.00	\$0.00

*Information provided for the requested time period is valid as of the date this letter was created.
 Adjustments or other account activity may result in different information at a later date.

Comments:

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GRAZING LEASE

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THIS GRAZING LEASE (LEASE) is made this _____ day of August, 2011, between Dain Weiner, David Weiner and Melode A. Weiner (Lessor) and Joe Ficher (Lessee).

RECITALS

- A. Lessor is the owner of 230+/- acres of bottom land (the Premises) which is a portion of a larger ranch (Seals and Flom). Only the 230+/- acres of bottom land is the Premises leased.
- B. Lessee operates a Dairy business.

NOW THEREFORE, for valuable consideration, Lessor and Lessee agree as follows:

1. LEASE. Lessor and Lessee agree to Lessee's lease of the Premises as hereinafter provided.
2. TERM.

Commencement and Termination Date. The term of this Lease shall be for four (4) years commencing June 1, 2011 (the "Commencement Date"), and terminating on June 1, 2015, unless terminated sooner under the provisions of this Lease; and subject to modifications of terms before the end of each year of the lease and the agreement of Lessor and Lessee thereto.

3. RENT. Annual rent ("Rent") for the use of the Premises is \$23,000.00, due monthly in the amount of \$1,916.66 beginning on July 1, 2011, and on the 1st of each month thereafter through June 1, 2015.

4. USE OF PREMISES. Lessee shall, during the term of this Lease, occupy and use the Premises exclusively for cattle grazing and crop production at his own risk. Lessee shall not engage in or permit hunting, fishing, leveling of soil or any other activity except cattle grazing and crop production. Lessee agrees to conform to all laws, ordinances, orders and regulations. Lessee further agrees not to commit waste or an annoyance on or about the Premises. Lessee shall not unreasonably interfere with other landowners' use of their adjoining properties. Lessee shall keep Lessor advised as to the ownership of any cattle on the premises not owned by Lessee.

Lessee shall furnish all labor and equipment necessary to properly graze cattle and grow crops on the Premises in a prudent manner in accordance with the accepted course of husbandry practiced in the county in which the Premises lie. Lessee shall immediately order any unauthorized users of the Premises, such as hunters or fishermen, to leave the Premises, and Lessee shall strive to keep trespassers off the Premises. Lessee must

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promptly advise Lessor of any unusual activities on the Premises, such as any unauthorized use or trespass.

Lessee shall ensure that all cattle are vaccinated with at least an eight (8)-way vaccine and cared for in accordance with all laws and regulations and the accepted course of husbandry in the county in which the Premises lie. All cattle will be branded with a registered brand and brand documentation reasonably satisfactory to Lessor will be provided to Lessor prior to the cattle being placed on the Premises. Lessee agrees to make diligent effort to avoid bringing any diseased or organism carrying cattle on the Premises during the term of the Lease that might damage crops or animals grown or maintained on the Premises after the term. On default of Lessee to perform the above actions, Lessor reserves the right, after having given ten (10) days' notice, to take necessary remedial measures at Lessee's expenses, for which Lessee agrees to reimburse Lessor on demand.

Lessee shall not overgraze the Premises but shall conduct his operation in a prudent manner consistent with accepted husbandry practices in the area.

5. TAXES AND UTILITIES. Lessor shall pay all real property taxes assessed on the Premises. Lessee shall pay for actual costs of any utility costs including electricity and domestic water, if any, used by Lessee. Lessor will allocate utility costs between Lessor and Lessee for any utilities jointly used.

6. NO WARRANTIES; REPAIRS. Lessee is leasing the Premises in an "as is" condition. Lessor makes no representations about the suitability of the Premises or its soil or water or their features for grazing cattle. Lessee may not at any time install improvements or modify the Premises without Lessor's prior written consent, which Lessor may withhold in its sole discretion, except for modifications to corral and fencing related thereto.

Lessee covenants and agrees, at his own cost and expense, to keep the Premises in good condition and repair except for ordinary wear and tear during the entire term of this Lease. Lessee shall maintain, and repair any damages to the Premises or its improvements, including fences, gates, roadways, buildings and other improvements on the Premises so that the Premises and its improvements remain in as good or better condition as the same now exist.

Lessee acknowledges that it is familiar with the grasses and terrain of the Premises and with the quality and quantity of the water available therein, and that Lessee has had an adequate opportunity to investigate these and other features of the Premises. Lessee confirms that any defects in the irrigation or other features of the Premises are not Lessor's responsibility. In no instance shall Lessor be responsible for any injuries, death or damages to Lessee's cattle or damages to Lessee's equipment or for any costs, claims or liabilities arising out of Lessee's use of the Premises unless due to the intentional acts or negligence of Lessor.

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In the event Lessee fails to perform any of its covenants in this section, Lessor may, but shall not be required to, after ten (10) days' written notice to Lessee and the failure of Lessee to correct such failure within such time, enter onto the Premises, or direct others to do so, to correct such failure, and Lessor's reasonable costs thereto shall be due and payable as additional Rent.

At the expiration of this Lease, Lessee will quit and surrender the Premises in as good condition as when received, reasonable use and ordinary wear and tear and damages by the elements excepted, and remove from the Premises all of Lessee's cattle and personal property and materials.

7. **SUBJECT TO EXISTING RIGHTS.** This Lease is subject to all existing conservation reserves which are adjacent to the leased Premises. Lessee shall operate his business in a manner consistent with and respectful of existing conservancy interests.

Lessee may temporarily remove cattle from the Premises to higher ground on the larger ranch in the event the Premises floods. If this occurs Lessee shall: 1) Enclose the cattle so as minimize damage to buildings, landscaping, and equipment, outside of the leased premises; 2) Minimize the time cattle are removed from the Premises to emergency situations.

8. **ENTRY BY LESSOR.** Lessor and Lessor's agents and assigns shall be able to enter the Premises and to use the roads established on the Premises now or in the future, for the purposes of inspection of the irrigation systems and the Premises, ensuring compliance with the terms of this Lease, exercise of all rights under this Lease, posting notices, and all other lawful purposes. Lessee shall supply Lessor, and its agents and assigns, with keys and other instruments necessary to enter the Premises.

9. **HOLD HARMLESS.** Lessee shall indemnify and hold Lessor and its affiliated entities and their respective officers, directors, members, partners, employees, agents, representatives contractors, successors and assigns and the property of such parties, including the Premises, free and harmless from any and all claims, liabilities, losses, damages or expenses, including attorneys' fees, resulting from Lessee's occupation and use of the Premises, including any claims, liabilities, losses or damages arising by reason of the injury to or death of any person or by reason of damages to any property caused by the acts or omissions of Lessee.

10. **INSURANCE.** Lessee shall, throughout the term of this Lease, procure and maintain Comprehensive General Liability insurance insuring Lessor and Lessee as named co-insured's (or naming Lessor as an additional insured) against claims and liability for personal injury, death, or property damage occurring on or about the Premises in the amount of at least One Million Dollars (\$1,000,000.00) combined single limit for injury or death to any one person or persons or damage to property.

Lessee shall furnish proof satisfactory to Lessor that Lessee's insurance described above is active and in place.

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11. LESSEE AGREES AS FURTHER CONSIDERATION FOR THIS LEASE TO THE FOLLOWING:

a. Clean and maintain existing ditches on the premises in an effort to minimize flooding on crop and grazing land;

b. Reasonably cooperate with the Coquille Watershed Association and the U.S.D.A. (C.R.E.P.) programs currently proposed, if implemented, for road, fencing and brush removal improvements on the premises;

c. Maintain existing fencing.

d. Re-established the irrigation systems on the Seals and Flom ranches as soon as is practicable as long as Lessor pays for materials, trenching costs and electrical box staircase.

12. ASSIGNMENT. Lessee may not sell, convey or assign its interest in this Lease, or sublet the Premises or any part thereof, without Lessor's prior written consent, which Lessor may withhold in its sole discretion. Consent to one assignment, subletting, occupation or use by another person is not consent to a future assignment, subletting, occupation or use by another person. An assignment or a subletting without Lessor's consent shall be void, and shall, at Lessor's option, terminate this Lease. No interest of Lessee in this Lease shall be assignable by operation of law without Lessor's written consent, which Lessor may withhold in its sole discretion.

13. QUIET ENJOYMENT AND WARRANTIES OF TITLE. Lessor warrants that so long as Lessee is not in default Lessee shall have the quiet enjoyment of the Premises throughout the term of this Lease, subject to the terms herein.

14. NOTICES. Any communication required under this Lease shall be in writing, and shall be effective (a) when delivered in person to the recipient named below, (b) one (1) day after timely deposit with a responsible overnight courier to the recipient named below, or (c) three (3) days after deposit with the U.S. Postal Service, postage prepared, certified mail, return receipt requested:

Lessor: David Weiner
23151 Lorentz Road
Plymouth, CA 95669
(209) 245-4905
(530) 677-9487, ext. 102

Lessee(s): Joe Ficher
54532 Arago Road
Myrtle Point, OR 97458
(541) 290-0699 (phone)
(541) 572-3882 (fax)

Either party may, by notice as provided in this section, require subsequent notices to be given to another person or to a different address.

15. ENTIRE AGREEMENT. This Lease contains all agreements of the parties with respect to any matter mentioned herein. This Lease may be modified in writing only, signed by the parties.

IN WITNESS WHEREOF, the parties hereto have executed this Lease as of the day and year first above written.

LESSOR:

David Weiner
David Weiner

Melode A. Weiner
Melode A. Weiner

Dain P. Weiner
Dain P. Weiner

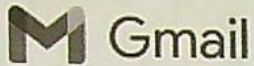
LESSEE:

Joe Ficher
Joe Ficher

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Marc Van Camp <vancampconsulting@gmail.com>

Transfer application

DOUTHIT Susan M * WRD <Susan.M.Douthit@oregon.gov> Wed, Jun 16, 2021 at 1:04 PM
To: "fisherdairy@gmail.com" <fisherdairy@gmail.com>
Cc: "vancampconsulting@gmail.com" <vancampconsulting@gmail.com>, SMITH Joan M * WRD
<Joan.M.Smith@oregon.gov>

Hello all-

This email can serve as the Watermaster statement necessary to be submitted for a transfer of water right – historical pod.

To my knowledge, there has been no claim of injury due to the use of a historical point of diversion for water right certificate 44582 from South Fork Coquille River located in the NWNW of T29S, 12W, Section 21, tax lot 1100. This point of diversion is located approximately 1091 feet south and 3625 feet east from the N1/4 of Section 20, T29S, R12W.

@Joan - Get at me if there's a problem.

@Mr. Fisher and @ Marc – please print this email out and include my statement above in your submittal.

~S

[Quoted text hidden]

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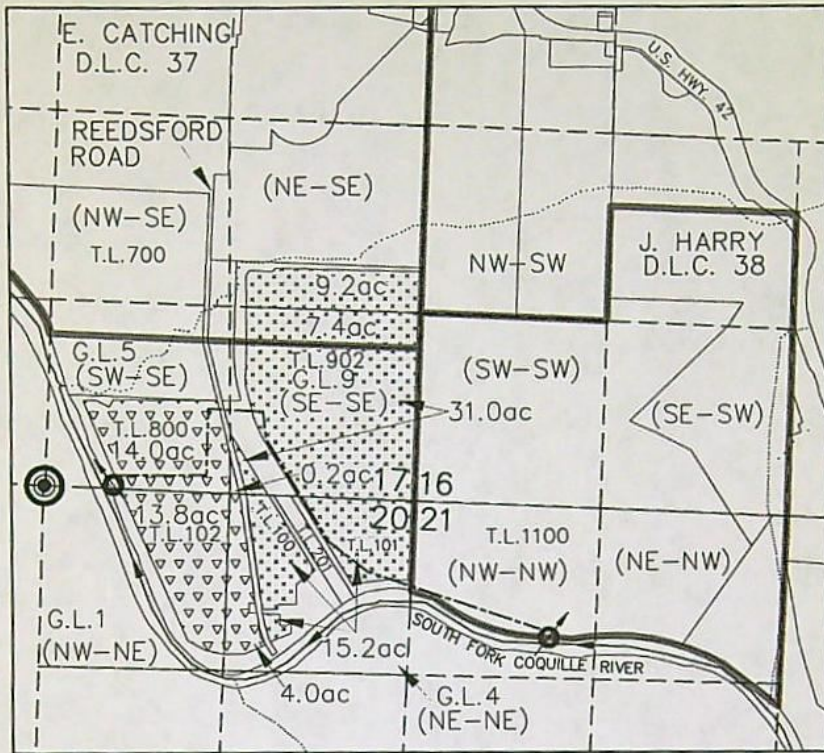
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HISTORIC CHANGE IN POINT OF DIVERSION
 CERTIFICATE 44582
 TOWNSHIP 29 SOUTH, RANGE 12 WEST, SECTIONS 17, 20, & 21 W.M.


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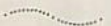
 POINT OF BEGINNING (P.O.B.)
 T.29S., R.12W., SEC.17 S.1/4 COR. W.M.

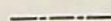
 POINTS OF DIVERSION (P.O.D.)
 — P.O.D. 2 (CERTIFIED) 430 FT. E.
 & 10 FT. N. FROM P.O.B.


 — P.O.D. 1 (HISTORIC) 3625 FT. E.
 & 1091 FT. S. FROM P.O.B.

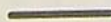
 PLACE OF USE:
 P.O.D. 2 UNCHANGED

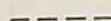
 P.O.D. 1 HISTORIC USE

 INTERMITTENT UNNAMED STREAM

 IRRIGATION MAINLINE

 TAXLOTS

 DONATION LAND CLAIM

 1/16 SECTION LINES
 (AS PROJECTED)



EXPIRES 06/30/2022

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DISCLAIMER: THIS MAP WAS PREPARED FOR THE PURPOSE OF IDENTIFYING THE LOCATION OF WATER RIGHT ONLY AND IS NOT INTENDED TO PROVIDE LEGAL DESCRIPTIONS OR LOCATIONS OF PROPERTY LINES.

VCC

VAN CAMP CONSULTING

P.O. Box 995
 Coos Bay, OR 97420
 (541) 297-1880
 vancampconsulting@gmail.com

Prepared For:
 Joe Ficher
 P.O. Box 160
 Myrtle Point, OR 97458

Project:
 HISTORIC CHANGE IN
 POINT OF DIVERSION
 MAP

Date:
 June 6, 2021

Historic Change in POD/POA Water Right Transfer Application Completeness Checklist

Checked by: Jon

Date: 7/15/21

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

1. Page 1 of application: Are all attachments that have been checked actually included?
If not, what is missing? _____
2. Does the attached local "Watermaster Statement" indicate that, based upon the watermaster's knowledge and Department records, no complaint of injury has been made due to use of water at the actual, current point of diversion or appropriation (*i.e., the historic POD/POA*)?
- If **NO**, a complaint of injury has **NOT** been made – proceed to Item #3.
 - If **YES**, a complaint of injury has been made – **STOP!**
The application does **not** meet the criteria for ORS 540.532 (OAR 690-380-2120).
→ Return the application/fees and direct the applicant to *instead* use the standard POD/POA change Transfer Application and process under ORS 540.520 & 540.530 (OAR 690-380-2110).
3. Is the applicant an "individual" as required by ORS 540.532 and defined in OAR 690-380-2120(7)?
- If **YES**, the applicant is an "individual" – proceed to Item #4.
 - If **NO**, the applicant is not an "individual" – **STOP!**
The application does **not** meet the criteria for ORS 540.532 and OAR 690-380-2120(7).
→ Return the application/fees and direct the applicant to *instead* use the standard POD/POA change Transfer Application and process under ORS 540.520 & 540.530 (OAR 690-380-2110).
4. Are fees included and correct?
If not, the correct fee would be: _____, so the amount missing is: _____
5. Page 3 of application: Have all the applicants listed at the top of the page signed at the bottom?
If not, whose signature is missing? _____
6. Are all listed certificates or permits shown by WRIS as non-cancelled?
If not, 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.
7. 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)
8. If all #1-#7 boxes on this checklist are checked, accept the application. Put this check sheet in the transfer folder. If #1, #2, #3, #4, #5, #6 or #7 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.

Jon

ficherdairy@gmail.com

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From: Marc Van Camp <vancampconsulting@gmail.com>
Sent: Thursday, July 8, 2021 10:54 AM
To: Joe Ficher
Subject: Application
Attachments: Ficher_historic_transfer_app_COMPLETE.pdf; Van Camp Consulting - Invoice 1936.pdf

OWRD

Joe and Paula,

I've had this ready to go waiting for payment on the invoice I sent a few weeks ago. I have been trying to do this after not getting paid for a few jobs.

However, I just received an email from Oregon Water Resources that they will be making changes to the transfer process for applications received after 8/1/21. It is very important this attachment is signed, sent, and received in Salem before 8/1/21.

Needs to be signed page 3 and signed/notarized page 12 and physical copies with real signatures (no copies) sent to the address on top left of page 1, along with a check for Oregon Water Resources Department for \$1,160.

Thank you,

--

Marc Van Camp, PE, CWRE
Van Camp Consulting
P.O. Box 995
Coos Bay, OR 97420
vancampconsulting@gmail.com
541-297-1880