

T-13834

Temporary - DROUGHT

T-13834

Name Warm Springs Irrigation DistrictAttn: Randy KinneyAddress 334 Main St.Vale, OR 97918wid4h20@gmail.com

DESCRIPTION OF WATER RIGHT(S)

Name of Stream Malheur RiverTrib. of Snake RiverUse IrrigationCounty Malheur

Quantity of water (CFS)

No. of Acres

Name of ditch

App# Decree Per # v. 8 pg. 228 Cert # 45538 PR Date 4/30/1886

App# Per # Cert # PR Date

App# Per # Cert # PR Date

App# Per # Cert # PR Date

App# Per # Cert # PR Date

FEES PAID

Date	Amount	Receipt #
<u>9-22-2021</u>	<u>\$200.00</u>	<u>136463</u>

Change in ARODDate Filed 9-22-2021Initial notice date 10-5-2021

DPD issued date

PD issued date

PD notice date

Date of FO 3/23/2022 Vol 122 Page 66-19

FEES REFUNDED

Date	Amount	Receipt #
------	--------	-----------

C-Date

COBU due date

COBU Received date

Certificate issued

Assignments:

Irrigation District Warm Springs Irrigation DistrictAgent Garvin Hydrogeo LLC - garvin.hydrogeo@gmail.com

CWRE

CC's list Malheur 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

March 23, 2022

RANDY KINNEY
334 MAIN ST N
VALE, OR 97918

REFERENCE: Temporary Drought Transfer Application T-13834

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

The temporary change shall be effective upon issuance of this final order. Please note, the use shall revert back to the original authorized place of use at the end of the 2021 irrigation season or the end of the Governor's declared drought, whichever occurs first.

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: Jered L. Hoshaw, Watermaster Dist. #9 (via email)
Warm Springs Irrigation District
Malheur County
Paul Garvin, Agent

Enclosure

BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON

In the Matter of Transfer Application)	FINAL ORDER APPROVING AN
T-13834, Malheur County)	EMERGENCY USE DROUGHT TEMPORARY
)	ADDITIONAL POINT OF DIVERSION

Authority

Oregon Revised Statute (ORS) 536.750 establishes the process in which a water right holder may submit a request to temporarily transfer the use, place of use or point of diversion of water in the event of a declaration of drought, without complying with the notice and waiting requirements under ORS 540.520. Oregon Administrative Rule (OAR) Chapter 690, Division 019 implements the statutes and provides the Department's procedures and criteria for evaluating drought transfer applications.

Applicant

RANDY KINNEY
WARM SPRINGS IRRIGATION DISTRICT
334 MAIN ST.
VALE, OR 97918

Findings of Fact

1. On September 22, 2021, RANDY KINNEY, WARM SPRINGS IRRIGATION DISTRICT filed an application to temporarily add a point of diversion under Certificate 45538 for the remainder of the 2021 irrigation season or the term of the Governor's declared drought, whichever is shorter. The Department assigned the application number T-13834.
2. Notice of the application for transfer was published on October 5, 2021, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. On October 8, 2021, the Department contacted the applicant by written correspondence to notify the applicant and the applicant's agent of a deficiency in the application. The Table 2 "FROM" lands did not match what is authorized by Certificate 45538. The Department requested that the deficiencies be resolved by November 8, 2021.
4. On October 26, 2021, the applicant's agent submitted a revised Table 2, resolving the deficiency.

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. On January 4, 2022, the Department determined the authorized point of diversion (POD) listed in Table 1 of the application, being Section 4, T19S, R43E, WM, may be an incorrect location. The Department's Watermaster describes, "Table 1 identifies the authorized POD as the J-H Canal. The POD location is not listed on the certificate but does specify in the Malheur River Decree "Sand Hollow Ditch." According to a decree map, Sand Hollow Ditch diversion is located in T19S, R44E, Section 16 (NE, SE quarter, quarter)."
6. On January 12, 2022, the Department contacted the applicant and agent by written correspondence to revise the map to accurately reflect the authorized POD location.
7. On January 19, 2022, the Department received a response from the agent, "When comparing the decree map and aerial imagery of the project area it appears that the Sand Hollow Ditch is no longer in use." The agent also provided a response from Warm Springs Irrigation District Manager Randy Kinney, "The Sand Hollow Ditch was abandoned in the early 1920's after they dug a tunnel to continue the JH Canal to South of Vale; This serviced lands are higher than what the lower POD Sand Hollow Ditch could service."
8. On February 3, 2022, the Department determined that due to no clear indication on a correct location for the authorized POD, the Department would proceed with approval of T-13834. The Department also determined the applicant shall submit a permanent transfer application to change the point of diversion, in order to clear the record under Certificate 45538.
9. The portion of the right to be temporarily transferred is as follows:

Certificate: 45538 in the name of WARM SPRINGS IRRIGATION DISTRICT (confirmed by MALHEUR RIVER Decree)

Use: IRRIGATION of 30.5 ACRES

Priority Date: APRIL, 1886

Rate/Duty: 1.5 ACRE FEET PER ACRE IN ANY 30 DAY PERIOD PRIOR TO JUNE 1ST, 1 ACRE FOOT PER ACRE IN ANY 30 DAY PERIOD AFTER JUNE 1ST, OF EACH YEAR, OR 3 ACRE FEET PER ACRE DURING ANY SEASON, DIVERTED AT A RATE NOT TO EXCEED ONE-TWENTIETH OF A CUBIC FOOT PER SECOND PER ACRE.

Source: MALHEUR RIVER, a tributary of SNAKE RIVER

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q
Not specified in certificate				

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
18 S	45 E	WM	29	SE SW	30.5

10. The Department received information from the applicant that better describes the location of the authorized point of diversion for Certificate 45538 as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
19 S	43 E	WM	4	NE NE	J-H CANAL - 440 FEET SOUTH AND 1360 FEET WEST FROM THE NE CORNER OF SECTION 4

11. Temporary Transfer Application T-13834 proposes an additional point of diversion approximately 17.6 miles downstream to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
18 S	45 E	WM	29	SW SW	MALHEUR RIVER - 81 FEET NORTH AND 957 FEET EAST FROM THE SW CORNER OF SECTION 29

Temporary Drought Transfer Review Criteria

12. Water has been used within the last five years according to the terms and conditions of the rights. 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 are present.
14. The Governor issued an executive order on June 8, 2021, declaring a state of drought emergency in Malheur County due to drought and extreme weather conditions, which is still in effect and the water right proposed for transfer is on lands included in the area covered by the drought order.
15. The proposed changes would not result in enlargement of the rights.
16. The proposed changes would not result in injury to other water rights. This finding is made through an abbreviated review recognizing that the transfer may be revoked under OAR 690-019-055(3) if injury to existing water rights is shown and cannot be mitigated to the satisfaction of the Director and injured parties.

Conclusions of Law

The temporary additional point of diversion proposed in Temporary Drought Transfer Application T-13834 is consistent with the requirements of ORS 536.750 and OAR 690-019-0055.

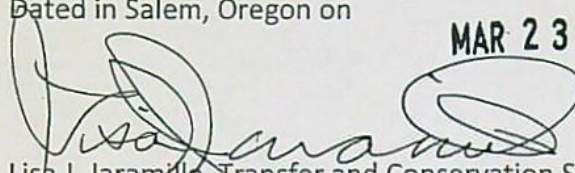
Now, therefore, it is ORDERED:

1. The temporary additional point of diversion proposed in Temporary Drought Transfer Application T-13834 is approved.
2. The approval of this temporary drought transfer may be revoked or modified if the Department finds the change causes injury to any existing water right.

3. The proposed additional point of diversion shall revert to the authorized point of diversion at the end of the 2021 irrigation season or the end of the Governor's declared drought, whichever occurs first.
4. The use of the remaining water right described by Certificate 45538 shall continue to be in accordance with the terms and conditions of Certificate 45538.
5. Prior to submitting any future transfer applications, Warm Springs Irrigation District shall submit a permanent transfer application to change the point of diversion under Certificate 45538.

Dated in Salem, Oregon on

MAR 23 2022


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

Mailing Date:

MAR 24 2022

WATER RIGHT TRANSFER COVER SHEET

Transfer: T- 13834

Transfer Specialist:

Transfer Type: Drought Transfer

Coseng

Applicant: RANDY KINNEY 334 MAIN ST N VALE, OR 97918 Email: _____ Phone: _____		Agent: <input type="checkbox"/> N/A PAUL GARVIN 1705 MAIN ST SUITE 101 BAKER CITY, OR 97814 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 County Of Malheur 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"/>	Decree	v. 8 pg. 228	45538	<input type="checkbox"/> Yes <input checked="" 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: September 22, 2021	Proposed Action(s): ADDITIONAL POINT OF DIVERSION	
Fees Pd: 200.00	WM District: 9	ODFW District:
Initial Public Notice: October 5, 2021	WM Review sent:	ODFW Review sent:
Acknowledgement Letter Sent <input type="checkbox"/>		GW Review sent: <input type="checkbox"/> N/A
County sent cc: of Ack Letter <input type="checkbox"/>	BOR notified (date): <input type="checkbox"/> N/A	
Newspaper quote requested:	Request for news \$ sent:	News \$ received:
Request to publish sent:	Affidavit of publication received:	Last day of publication:

Document	Drafted	Peer Review	Changes Made	Coordinator	Changes Made	Signature Bin	Signature Date
DPD	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____ Initials: _____	CW Sent: _____	N/A
RD	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____	Date: _____
FO	Date: 11/2/21 Initials: <i>CC</i>	Date: 11/15/21 Initials: <i>John</i>	Date: 2/16/22 Initials: <i>John</i>	Date: 12/16/21 Initials: <i>PKS</i>	Date: _____ Initials: _____	Date: 1/12/22	Date: _____
Updated FO	2/14/22 <i>cc</i>	2-11-22 <i>John</i>		3/1/22	3/2/22	3/2/22	

Special Issues: *Drought APOD*

Special Order Volume: Vol. *22* Pages *616-619*

BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON

In the Matter of Transfer Application)	FINAL ORDER APPROVING AN
T-13834, Malheur County)	EMERGENCY USE DROUGHT TEMPORARY
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Now, therefore, it is ORDERED:

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3. The proposed additional point of diversion shall revert to the authorized point of diversion at the end of the 2021 irrigation season or the end of the Governor's declared drought, whichever occurs first.
4. The use of the remaining water right described by Certificate 45538 shall continue to be in accordance with the terms and conditions of Certificate 45538.
5. Prior to submitting any future transfer applications, Warm Springs Irrigation District shall submit a permanent transfer application to change the point of diversion under Certificate 45538. *ouch!*

Dated in Salem, Oregon on

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

Mailing Date:

Application for Water Right
Temporary or Drought Temporary Transfer
Part 1 of 5 – Minimum Requirements Checklist



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

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

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

RECEIVED

FOR ALL TEMPORARY TRANSFER APPLICATIONS

SEP 22 2021

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

- ☒ Part 1 – Completed Minimum Requirements Checklist.
- ☒ Part 2 – Completed Temporary Transfer Application Map Checklist.
- ☒ Part 3 – Application Fee, payable by check to the Oregon Water Resources Department, and completed Fee Worksheet, page 3. Try the online fee calculator at:
http://apps.wrd.state.or.us/apps/misc/wrd_fee_calculator.
- ☒ Part 4 – Completed Applicant Information and Signature.
- ☐ Part 5 – Information about Transferred Water Rights: How many water rights are to be transferred? ____ List them here: 45538
- Please include a separate Part 5 for each water right. (See instructions on page 6)
- ☐ ☒ N/A For standard Temporary Transfer (one to five years) Begin Year: 2021 End Year: 2022.
- ☒ ☐ N/A Temporary Drought Transfer (Only in counties where the Governor has declared drought)

Attachments:

- ☒ Completed Temporary Transfer Application Map.
- ☒ Completed Evidence of Use Affidavit and supporting documentation.
- ☒ Current recorded deed for the land from which the authorized 2021 of use is temporarily being moved.
- ☒ ☐ N/A Affidavit(s) of Consent from Landowner(s) (if the applicant does not own the land upon which the water right is located.)
- ☐ ☒ N/A Supplemental Form D – For water rights served by or issued in the name of a district. Complete when the temporary transfer applicant is not the district.
- ☒ ☐ N/A Oregon Water Resources Department's Land Use Information Form with approval and signature from each local land use authority in which water is to be diverted, conveyed, and/or used. Not required if water is to be diverted, conveyed, and/or used only on federal lands or if all of the following apply: a) a change in place of use only, b) no structural changes, c) the use of water is for irrigation only, and d) the use is located within an irrigation district or an exclusive farm use zone.
- ☐ ☒ N/A Water Well Report/Well Log for changes in point(s) of appropriation (well(s)) or additional point(s) of appropriation (if necessary to convey water to the proposed place of use).

(For Staff Use Only)

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

- ☐ Application fee not enclosed/insufficient ☐ Map not included or incomplete
- ☐ Land Use Form not enclosed or incomplete
- ☐ Additional signature(s) required ☐ Part ____ is incomplete

Other/Explanation _____

Staff: _____ Phone: _____ Date: ____/____/____

T-13034

SEP 22 2021

Part 2 of 5 – Temporary Transfer Application Map Checklist

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

OWRD

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

FEE WORKSHEET for TEMPORARY (not drought) TRANSFERS			
1	Base Fee (includes temporary change to one water right for up to 1 cfs)	1	\$810.00
2	Number of water rights included in transfer: _____ (2a) Subtract 1 from the number in 3a above: _____ (2b) <i>If only one water right this will be 0</i> Multiply line 2b by \$260.00 and enter » » » » » » » » » » » » » »	2	
3	Do you propose to change the place of use for a non-irrigation use? <input checked="" type="checkbox"/> No: enter 0 on line 3 » » » » » » » » » » » » » » » » <input type="checkbox"/> Yes: enter the cfs for the portions of the rights to be transferred: _____ (3a) Subtract 1.0 from the number in 3a above: _____ (3b) If 3b is 0, enter 0 on line 3 » » » » » » » » » » » » » » » » If 3b is greater than 0, round up to the nearest whole number: _____ (3c) and multiply 4c by \$200.00, then enter on line 3	3	RECEIVED SEP 22 2021 OWRD
4	Do you propose to change the place of use for an irrigation use? <input checked="" type="checkbox"/> No: enter 0 on line 4 » » » » » » » » » » » » » » » » <input type="checkbox"/> Yes: enter the number of acres in the footprint of the place of use for the portions of the rights to be transferred: _____ (4a) Multiply the number of acres in 4a above by \$2.30 and enter on line 4 » »	4	0
5	Add entries on lines 1 through 4 above » » » » » » » » » » » Subtotal:	5	
6	Is this transfer: <input type="checkbox"/> necessary to complete a project funded by the Oregon Watershed Enhancement Board (OWEB) under ORS 541.932? <input type="checkbox"/> endorsed in writing by ODFW as a change that will result in a net benefit to fish and wildlife habitat? If one or more boxes is checked, multiply line 5 by 0.5 and enter on line 6 »	6	
7	If no box is applicable, enter 0 on line 7 » » » » » » » » » » » » » » » »	7	
	Subtract line 6 from line 5 » » » » » » » » » » » » » » » » Transfer Fee:		

FEE WORKSHEET for TEMPORARY DROUGHT TRANSFERS			
1	Base Fee (includes drought application and recording fee for up to 1 cfs)	1	\$200.00
	Enter the cfs for the portions of the rights to be transferred (see example below*): <div style="text-align: center;">0.44 (2a)</div> Subtract 1.0 from the number in 2a above: <u>-0.56 (2b)</u> If 2b is 0, enter 0 on line 2 » » » » » » » » » » » » » » » » If 2b is greater than 0, round up to the nearest whole number: _____ (2c) and multiply 2c by \$50, then enter on line 2 » » » » » » » » » »		
2		2	0
3	Add entries on lines 1 through 2 above » » » » » » » » » » Transfer Fee:	3	\$200

1. Divide total authorized cfs by total acres in the water right (for C12345, $1.25 \text{ cfs} \div 100 \text{ ac}$); then multiply by the number of acres to be transferred to get the transfer cfs ($\times 45 \text{ ac} = 0.56 \text{ cfs}$).
2. If the water right certificate does not list total cfs, but identifies the allowable use as 1/40 or 1/80 of a cfs per acre; multiply number of acres proposed for change by either 0.025 (1/40) or 0.0125 (1/80). (For C87654, $45.0 \text{ ac} \times 0.0125 \text{ cfs/ac} = 0.56 \text{ cfs}$)
3. Add cfs for the portions of water rights on all the land included in the transfer; however do not count cfs for supplemental rights on acreage for which you have already calculated the cfs fee for the primary right on the same land. The fee should be assessed only once for each "on the ground" acre included in the transfer. (In this example, blank 2a would be only 0.56 cfs, since both rights serve the same 45.0 acres. Blank 2b would be 0 and Line 2 would then also become 0).

Applicant Information

APPLICANT/BUSINESS NAME Randy Kinney/Warm Springs Irrigation District			PHONE NO. 541-473-3951	ADDITIONAL CONTACT NO. RECEIVED
ADDRESS 334 Main St.			FAX NO. SEP 22 2021	
CITY Vale	STATE OR	ZIP 97918	E-MAIL WID4H2O@GMAIL.COM OWRD	
BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED.				

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

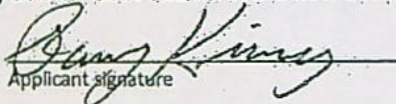
AGENT/BUSINESS NAME Paul Garvin/Garvin HydroGeo LLC			PHONE NO. 503-347-7188	ADDITIONAL CONTACT NO.
ADDRESS 1705 Main St. Ste 101			FAX NO.	
CITY Baker City	STATE OR	ZIP 97814	E-MAIL garvin.hydrogeo@gmail.com	
BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED.				

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

The landowner seeks to add a point of diversion to increase the flexibility and efficiency of their irrigation system.

The landowner in conjunction with the Malheur Watershed Council and Warm Springs Irrigation District has made improvements to the site irrigation system drainage and is now using a pond to settle-out sediment before entering the Malheur River. Benefits include reducing the amount of suspended material in the river, prevent soil erosion, weed invasion, and prevent water loss due to infiltration and evapotranspiration.

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


Applicant signature

Randy Kenny, District Manager
Print Name (and Title if applicable)

7/12/21
Date

Applicant signature

Print Name (and Title if applicable)

Date

Is the applicant the sole owner of the land on which the water right, or portion thereof, proposed for transfer is located? ☐ Yes ☒ No

If NO, include signatures of all landowners (and mailing and/or e-mail addresses if different than the applicant's) or attach affidavits of consent from all landowners or individuals/entities (and mailing and/or e-mail addresses) to which the water right(s) has been conveyed.

See the attached Affidavit of Consent completed by the property owner

☒ Check here if any of the water rights proposed for transfer are or will be located within or served by an irrigation or other water district. (NOTE: If this box is checked, you must complete and attach Supplemental Form D.)

SEP 22 2021

Please use a separate Part 5 for each water right being changed. See instructions on page 6, to copy and paste additional Part 5s, or to add rows to tables within the form.

OWRD

Water Right Certificate # 45538

Description of Water Delivery System

Part 5 of 5 – Water Right Information

System capacity: 0.9 cfs cubic feet per second (cfs) OR

_____ gallons per minute (gpm)

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.

Water is diverted at the J-H Canal head gate and flows approximately 16 miles to the southeast, east, and northeast where it enters the southeast portion of the irrigated property. The water is distributed to the irrigated areas

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

POD/POA Name or Number	Is this POD/POA Authorized on the Certificate or is it Proposed?	If POA, OWRD Well Log ID# (or Well ID Tag # L _____)	Twp	Rng	Sec	1/4	1/4	Tax Lot, DLC or Gov't Lot	Measured Distances (from a recognized survey corner)
J-H Canal	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed		19 S	43 E	4	NE	NE	2000	440' S and 1,360' W from NE Corner of Section 4
Malheur River	<input type="checkbox"/> Authorized <input checked="" type="checkbox"/> Proposed	17.6 miles down	18 S	45 E	29	SW	SW	1300	957 ft E and 81 ft N from the SW corner of Section 29

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

- ☐ Place of Use (POU)
 ☐ Appropriation/Well (POA)
 ☐ Point of Diversion (POD)
 ☐ Additional Point of Appropriation (APOA)
 ☒ Additional Point of Diversion (APOD)

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

- ☐ Place of Use (POU)
 ☐ Point of Appropriation/Well (POA)
 ☐ Character of Use (USE)
 ☐ Additional Point of Appropriation (APOA)
 ☐ Point of Diversion (POD)
 ☒ Additional Point of Diversion (APOD)

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

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

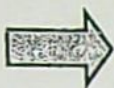
6 of 8

Note: Warm Springs Irrigation District is the applicant, no form D necessary.

DISTRICT NAME Warm Springs Irrigation District	ADDRESS 334 Main St.	
CITY Vale	STATE OR	ZIP 97918

☐ 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 and/or used.

ENTITY NAME Malheur County	ADDRESS 251 B St. W	
CITY VALE	STATE OR	ZIP 97918

ENTITY NAME	ADDRESS	
CITY	STATE	ZIP

RECEIVED

SEP 22 2021

OWRD

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

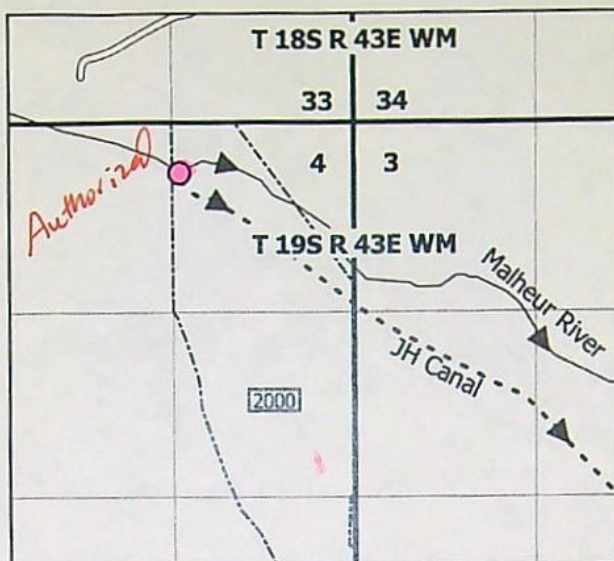
List only the part of the right that will be changed. For the acreage in each $\frac{1}{4}$, list the change proposed. If more than one change, specify the acreage associated with each change. If more than one POD/POA, specify the acreage associated with each POD/POA.

AUTHORIZED (the "from" or "off" lands) The listing that appears on the Certificate BEFORE PROPOSED CHANGES List only that part or portion of the water right that will be changed.												Proposed Changes (see "CODES" from previous page)	PROPOSED (the "to" or "on" lands) The listing as it would appear AFTER PROPOSED CHANGES are made.														
Twp	Rng	Sec	1/4	1/4	Tax Lot	Gvt Lot or DLC	Acres	Type of USE listed on Certificate	POD(s) or POA(s) (name or number from Table 1)	Priority Date	Twp		Rng	Sec	1/4	1/4	Tax Lot	Gvt Lot or DLC	Acres	New Type of USE	POD(s)/ POA(s) to be used (from Table 1)	Priority Date					
EXAMPLE																											
2	S	9	E	15	NE	NW	100		15.0	Irrigation	POD #1 POD #2	1901	POU/POD	2	S	9	E	1	NW	NW	500	1	10.0			POD #5	1901
EXAMPLE													2	S	9	E	2	SW	NW	500		5.0			POD #6	1901	
18	S	45	E	29	SE	SW	1300		31.3	Irrigation	All PODs	1886	APOD	18	S	45	E	29	SE	SW	1300		31.3	Irrigation	All PODs	1886	
18	S	45	E	29	SW	SW	1300		3.6	Irrigation	All PODs	1866	APOD	18	S	45	E	29	SW	SW	1300		3.6	Irrigation	All PODs	1866	
TOTAL ACRES							34.9							TOTAL ACRES							34.9						

RECEIVED

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Certificate 45538 Authorized POD: J-H Canal



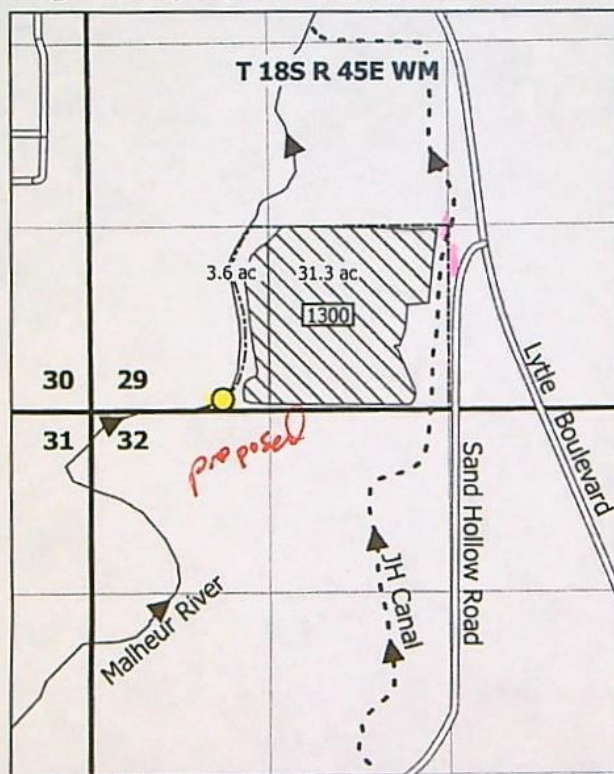
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Irrigated Property and Proposed Additional POD



LEGEND

- 45538 POU
- Point of Diversion
- Mainline
- Malheur County Taxlot Boundary
- J-H Canal
- Malheur River

Notes:

This map is not intended to provide legal dimensions or locations of property ownership lines.

Cert 45538 POD (J-H Canal): 440 ft S and 1,360 ft W from NE Corner of Section 4

Additional POD (Proposed): 957 ft E and 81 ft N from the SW corner of Section 29

HB3111 Mapping is still in progress for the Vale area. POUs shown on the map are representative of the most recent HB3111 information as of this map date.

Garvin
HydroGeo
LLC

Map to Accompany Application for
Temporary Water Right Transfer - APOD
Certificate 45538
Malheur County, OR

Prepared on behalf of the Warm Springs Irrigation
District and the Kamo Family

1 inch = 1,320 feet



Drawn by: Paul F. Garvin, RG, CWRE
Date: 9/7/21

STATE OF OREGON

COUNTY OF MALHEUR

CERTIFICATE OF WATER RIGHT

This Is to Certify, That

WARMSPRINGS IRRIGATION DISTRICT

of Box 667, Vale, State of Oregon, 97918, has
a right to the use of the waters of Malheur River

a tributary of Snake River for the purpose of
the irrigation of 590.1 acres

and that said right has been confirmed by decree of the Circuit Court of the State of Oregon for
Malheur County, and the said decree entered of record at Salem, in the Order Record of
the WATER RESOURCES DIRECTOR, in Volume 8, at page 228; that the priority of the
right thereby confirmed dates from April 1886

that the amount of water to which such right is entitled, for the purposes aforesaid, is limited to an
amount actually beneficially used for said purposes, and shall not exceed $1\frac{1}{2}$ acre feet per
acre in any 30 day period prior to June 1st., 1 acre foot per acre in any 30
day period after June 1st, of each year, or 3 acre feet per acre during any
season, diverted at a rate not to exceed one-twentieth of a cubic foot per
second per acre;

The point of diversion is located in the

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

SEE NEXT PAGE

30.5 acres SE $\frac{1}{4}$ SW $\frac{1}{4}$
Section 29

10.2 acres NE $\frac{1}{4}$ SE $\frac{1}{4}$
11.5 acres SW $\frac{1}{4}$ SE $\frac{1}{4}$
21.1 acres SE $\frac{1}{4}$ SE $\frac{1}{4}$
Section 31

25.5 acres NE $\frac{1}{4}$ NW $\frac{1}{4}$
21.0 acres NW $\frac{1}{4}$ NW $\frac{1}{4}$
27.0 acres SW $\frac{1}{4}$ NW $\frac{1}{4}$
21.5 acres SE $\frac{1}{4}$ NW $\frac{1}{4}$
15.5 acres NE $\frac{1}{4}$ SW $\frac{1}{4}$
35.5 acres NW $\frac{1}{4}$ SW $\frac{1}{4}$
10.5 acres SW $\frac{1}{4}$ SW $\frac{1}{4}$
Section 32

T. 18 S., R. 45 E., W. M.

27.5 acres NE $\frac{1}{4}$ NE $\frac{1}{4}$
16.5 acres NW $\frac{1}{4}$ NE $\frac{1}{4}$
38.0 acres SW $\frac{1}{4}$ NE $\frac{1}{4}$
32.9 acres SE $\frac{1}{4}$ NE $\frac{1}{4}$
8.6 acres SE $\frac{1}{4}$ SW $\frac{1}{4}$
18.0 acres NW $\frac{1}{4}$ SE $\frac{1}{4}$
Section 12

27.7 acres NE $\frac{1}{4}$ NW $\frac{1}{4}$
3.4 acres NW $\frac{1}{4}$ NW $\frac{1}{4}$
25.4 acres SW $\frac{1}{4}$ NW $\frac{1}{4}$
39.3 acres SE $\frac{1}{4}$ NW $\frac{1}{4}$
Section 14

T. 19 S., R. 44 E., W. M.

12.4 acres Lot 1 (NE $\frac{1}{4}$ NE $\frac{1}{4}$)
40.3 acres Lot 2 (NW $\frac{1}{4}$ NE $\frac{1}{4}$)
24.4 acres SW $\frac{1}{4}$ NE $\frac{1}{4}$
0.4 acre SE $\frac{1}{4}$ NE $\frac{1}{4}$
17.0 acres Lot 3 (NE $\frac{1}{4}$ NW $\frac{1}{4}$)
7.5 acres SE $\frac{1}{4}$ NW $\frac{1}{4}$
2.8 acres NE $\frac{1}{4}$ SW $\frac{1}{4}$
Section 6

16.2 acres SW $\frac{1}{4}$ NW $\frac{1}{4}$
Section 7

T. 19 S., R. 45 E., W. M.


This certificate describes that portion of the water right confirmed by the prior certificate recorded on page 7006, Volume 7, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered on March 23, 1978, approving transfer application No. W-118, as well as to confirm the changes in place of use approved by the same order.

The issuance of this superseding certificate does not confirm the status of the water right in reference to ORS 540.610.

And said right shall be subject to all other conditions and limitations contained in said decree. The right to the use of the water for the purposes aforesaid is restricted to the lands or place of use herein described.

WITNESS the signature of the Water Resources Director, affixed

this date May 1, 1978.


Water Resources Director

Recorded in State Record of Water Right Certificates, Volume 38, page 45538

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-13834

Review Due Date:

Applicant Name: Warm Springs Irrigation District

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

Reviewer(s): Jered Hoshaw

Date of Review: 01/04/2022

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:

In my estimation channel losses would be very minimal.

☐ 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:

Table 1 lists the authorized POD as J-H Canal. The POD location is not listed on the certificate but does specify in the Malheur River Decree "Sand Hollow Ditch". According to a decree map, Sand Hollow Ditch diversion is 19S, 44E Section 16 (NE, SE quarter, quarter).

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

Review application, certificate and decree to make sure correct authorized POD is listed in Table 1. Application may have to be revised to accurately reflect authorized POD location.

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

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

☐ A Headgate should be required prior to diverting water.

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

*a. Before water use may begin under this order, the water user shall install a **totalizing flow meter***, or, with prior approval of the Director, another suitable measuring device, ☐ at each point of diversion/appropriation (new and existing) OR at each new point of diversion/appropriation ☐ with the exception that water rights issued to the Bureau of Reclamation or an irrigation district (or similar entity) are not subject to this condition.*

b. The water user shall maintain the meters or measuring devices in good working order.

c. The water user shall allow the Watermaster access to the meters or measuring devices; provided however, where the meters or measuring devices are located within a private structure, the Watermaster shall request access upon reasonable notice.

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

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

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

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

☐ Weir
☐ Parshall Flume
☐ Other: _____

☐ Submerged Orifice
☐ Flow Restrictor

Oregon Water Resources Department

Measurement Condition Information for the Applicant

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

Transfer #: T-

☐

In order to avoid enlargement of the right or injury to other rights, a _____ 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:

District:

Address:

City/State/Zip:

Phone:

Email:

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

COURCHANE Corey A * WRD

From: COURCHANE Corey A * WRD
Sent: Friday, January 21, 2022 8:57 AM
To: HOSHAW Jered L * WRD
Subject: RE: T-13834 Status

Good morning Jered,

I'm available add day until 330pm. When you are available give me a call at 503-979-3917.

Thank you,

Corey

From: HOSHAW Jered L * WRD <Jered.L.HOSHAW@water.oregon.gov>
Sent: Friday, January 21, 2022 8:22 AM
To: COURCHANE Corey A * WRD <Corey.A.COURCHANE@water.oregon.gov>
Subject: RE: T-13834 Status

Hi Corey,

Would you be available sometime today where I could give you a call to talk about this transfer?

Jered Hoshaw

Watermaster, District 9
Oregon Water Resources Department
251 B Street W, Vale OR 97918 | Phone 541-473-5130



Integrity | Service | Technical Excellence | Teamwork | Forward-Looking

From: COURCHANE Corey A * WRD <Corey.A.COURCHANE@water.oregon.gov>
Sent: Wednesday, January 19, 2022 3:34 PM
To: HOSHAW Jered L * WRD <Jered.L.HOSHAW@water.oregon.gov>
Subject: FW: T-13834 Status

Jered,

In response to your WM review, please see the agent and applicant's reply below. Does this satisfy or is more information needed?

Thank you,

Corey

From: Paul Garvin <garvin.hydrogeo@gmail.com>
Sent: Wednesday, January 19, 2022 2:03 PM

To: COURCHANE Corey A * WRD <Corey.A.COURCHANE@water.oregon.gov>

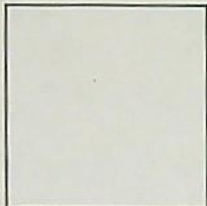
Subject: Re: T-13834 Status

Hi Corey,

When comparing the decree map and aerial imagery of the project area it appears that the Sand Hollow Ditch is no longer in use. I contacted the Warm Springs Irrigation District Manager Randy Kinney for any additional information regarding the watermasters comment, see his response confirming the abandonment of the Sand Hollow Ditch below.

"Randy Kinney

to me



The Sand Hollow Ditch was abandoned in the early 1920's after they dug a tunnel to continue the JH Canal to south of Vale.

This serviced lands are higher than what the lower POD Sand Hollow Ditch could service.

The Kamo Property is supplied from the JH Canal only.

Hope this helps,

Randy

Randy Kinney

Distict Manager

334 Main St. N

Vale, OR. 97918

Office (541) 473-3951

Cell (541) 881-6126

rkinney@widh2o.com

Please let me know how the department would like to proceed
Thank you,

On Wed, Jan 12, 2022 at 10:23 AM COURCHANE Corey A * WRD <Corey.A.COURCHANE@water.oregon.gov> wrote:

Good morning Paul,

I have received the Watermaster review for T-13834. The Watermaster describes, "Table 1 lists the authorized POD as J-H Canal. The POD location is not listed on the certificate but does specify in the Malheur River Decree "Sand Hollow Ditch". According to a decree map, Sand Hollow Ditch diversion is 19S, 44E Section 16 (NE, SE quarter, quarter)." The application (Table 1 and map) will need to be revised to accurately reflect the authorized POD location.

Thank you,

Corey

From: Paul Garvin <garvin.hydrogeo@gmail.com>
Sent: Tuesday, October 26, 2021 9:56 AM
To: COURCHANE Corey A * WRD <Corey.A.Courchane@oregon.gov>
Subject: Re: T-13834 Status

Hi Corey

Received, please see the attached Table 2 revised as per the letter.

Let me know if you need anything else.

Thank you,

On Tue, Oct 26, 2021 at 7:00 AM COURCHANE Corey A * WRD <Corey.A.Courchane@oregon.gov> wrote:

Paul,

I resent the email that included the deficiency letter. I sent it on October 8, 2021, to you at Garvin.hydrogeo@gmail.com, and Randy Kinney at WID4H2O@gmail.com.

Please let me know if I may be of further assistance.

Thank you,

Corey

From: Paul Garvin <garvin.hydrogeo@gmail.com>
Sent: Monday, October 25, 2021 4:48 PM
To: COURCHANE Corey A * WRD <Corey.A.Courchane@oregon.gov>
Subject: T-13834 Status

Hi Corey,

According to WRIS the current processing status of T-13834 indicates "deficiency letter" on 10/8. I have not seen any letter over here yet, can you please let me know what the processing status is?

Thank you,

--

Paul Garvin, RG, CWRE

Garvin HydroGeo, LLC

COURCHANE Corey A * WRD

From: Paul Garvin <garvin.hydrogeo@gmail.com>
Sent: Tuesday, October 26, 2021 9:56 AM
To: COURCHANE Corey A * WRD
Subject: Re: T-13834 Status
Attachments: 033_table_2v2.pdf

Hi Corey

Received, please see the attached Table 2 revised as per the letter.

Let me know if you need anything else.

Thank you,

On Tue, Oct 26, 2021 at 7:00 AM COURCHANE Corey A * WRD <Corey.A.Courchane@oregon.gov> wrote:

Paul,

I resent the email that included the deficiency letter. I sent it on October 8, 2021, to you at Garvin.hydrogeo@gmail.com, and Randy Kinney at WID4H2O@gmail.com.

Please let me know if I may be of further assistance.

Thank you,

Corey

From: Paul Garvin <garvin.hydrogeo@gmail.com>
Sent: Monday, October 25, 2021 4:48 PM
To: COURCHANE Corey A * WRD <Corey.A.Courchane@oregon.gov>
Subject: T-13834 Status

Hi Corey,

According to WRIS the current processing status of T-13834 indicates "deficiency letter" on 10/8. I have not seen any letter over here yet, can you please let me know what the processing status is?

Thank you,

--

Paul Garvin, RG, CWRE

Garvin HydroGeo, LLC

garvin.hydrogeo@gmail.com

cell: 503-347-7188

--

Paul Garvin, RG, CWRE

Garvin HydroGeo, LLC

garvin.hydrogeo@gmail.com

cell: 503-347-7188

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

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

Table 2. Description of Temporary Changes to Water Right Certificate # 45538

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

AUTHORIZED (the "from" or "off" lands) The listing that appears on the Certificate BEFORE PROPOSED CHANGES List only that part or portion of the water right that will be changed.													Proposed Changes (see "CODES" from previous page)	PROPOSED (the "to" or "on" lands) The listing as it would appear AFTER PROPOSED CHANGES are made.										
Twp	Rng	Sec	$\frac{1}{4}$ $\frac{1}{4}$	Tax Lot	Gvt Lot or DLC	Acres	Type of USE listed on Certificate	POD(s) or POA(s) (name or number from Table 1)	Priority Date	Twp	Rng	Sec		$\frac{1}{4}$ $\frac{1}{4}$	Tax Lot	Gvt Lot or DLC	Acres	New Type of USE	POD(s)/ POA(s) to be used (from Table 1)	Priority Date				
EXAMPLE																								
2	S	9	E 15 NE NW	100		15.0	Irrigation	POD #1 POD #2	1901	POU/POD	2	S	9	E 1 NW NW	500	1	10.0		POD #5	1901				
"	"	"	" " " "	"	"	"	EXAMPLE	"	"	"	2	S	9	E 2 SW NW	500		5.0		POD #6	1901				
18	S	45	E 29 SE SW	1300		30.5	Irrigation	JH Canal	1886	APOD	18	S	45	E 29 SE SW	1300		30.5	Irrigation	All PODs	1886				
TOTAL ACRES						30.5						TOTAL ACRES						30.5						

Additional remarks:

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OCT 26 2021

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TACS



Oregon
Kate Brown, Governor

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

October 8, 2021

Randy Kinney
Warm Springs Irrigation District
334 Main St
Vale, OR 97918

REFERENCE: Temporary Transfer Application T-13834

The Department has completed an initial review of your temporary transfer application. There is a deficiency that needs to be resolved before we can continue processing your application:

- The "FROM" lands in Table 2 identifies 31.3 acres, SE SW, Sec. 29, T18S, R45E, WM, and 3.6 acres, SW SW, Sec. 29, T18S, R45E, WM. However, Certificate 45538 authorizes only 30.5 acres in SE SW, Sec. 29, T18S, R45E, WM, and does not authorize any irrigation in SW SW, Sec. 29, T18S, R45E, WM. The acres being requested for an additional point of diversion do not match the acres authorized by Certificate 45538. Please revise Table 2 and the map, and resubmit.

If the Department does not receive the above requested materials by November 8, 2021, a Final Order may be issued denying the application as incomplete.

Please do not hesitate to contact me, at corey.a.courchane@oregon.gov or (503) 986-0825, if I may be of assistance.

Sincerely,

Corey Courchane
Transfer Specialist
Transfer and Conservation Section

cc: Jered Hoshaw, Watermaster, District 9
Paul Garvin, Agent

STATE OF OREGON
WATER RESOURCES DEPARTMENT

RECEIPT # **136463**

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

INVOICE # _____

RECEIVED FROM: Malheur Watershed Council
BY: _____

CASH: ☐ CHECK: # 3715 OTHER: (IDENTIFY) _____

APPLICATION _____
PERMIT _____
TRANSFER T-13834

TOTAL REC'D \$ 200.00

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 46112 \$ _____
0410 RESEARCH FEES \$ _____
0408 MISC REVENUE: (IDENTIFY) Drought \$ _____
TC162 DEPOSIT LIAB. (IDENTIFY) \$ _____
0240 EXTENSION OF TIME \$ _____

WATER RIGHTS:

	EXAM FEE		RECORD FEE
0201 SURFACE WATER	\$ _____	0202	\$ _____
0203 GROUND WATER	\$ _____	0204	\$ _____
0205 TRANSFER	\$ <u>200.00</u>		
	EXAM FEE		LICENSE FEE
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: **136463**

DATED: 9-22-2021 BY: Mindy Carlin

Distribution - White Copy - Customer, Yellow Copy - Fiscal, Blue Copy - File, Buff Copy - Fiscal

STATE OF OREGON
WATER RESOURCES DEPARTMENT

RECEIPT # **136463**

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

INVOICE # _____

RECEIVED FROM: Malheur Watershed Council
BY: _____

CASH: ☐ CHECK: # 3715 OTHER: (IDENTIFY) _____

APPLICATION _____
PERMIT _____
TRANSFER T-13834

TOTAL REC'D \$ 200.00

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 46112 \$ _____
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WATER RIGHTS:

	EXAM FEE		RECORD FEE
0201 SURFACE WATER	\$ _____	0202	\$ _____
0203 GROUND WATER	\$ _____	0204	\$ _____
0205 TRANSFER	\$ <u>200.00</u>		
	EXAM FEE		LICENSE FEE
0218 WELL DRILL CONSTRUCTOR	\$ _____	0219	\$ _____
LANDOWNER'S PERMIT		0220	\$ _____

OTHER (IDENTIFY) _____

0536 TREASURY 0437 WELL CONST. START FEE

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0210 MONITORING WELLS \$ _____ CARD# _____
OTHER (IDENTIFY) _____

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0233 POWER LICENSE FEE (FW/WRD) \$ _____
0231 HYDRO LICENSE FEE (FW/WRD) \$ _____
HYDRO APPLICATION \$ _____

TREASURY OTHER / RDX

FUND _____ TITLE _____
OBJ. CODE _____ VENDOR # _____
DESCRIPTION \$ _____

RECEIPT: **136463**

DATED: 9-22-2021 BY: Mindy Carlin

Distribution - White Copy - Customer, Yellow Copy - Fiscal, Blue Copy - File, Buff Copy - Fiscal

Application for Water Right
Temporary or Drought Temporary Transfer
Part 1 of 5 – Minimum Requirements Checklist



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

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

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

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FOR ALL TEMPORARY TRANSFER APPLICATIONS

SEP 22 2021

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

- ☒ Part 1 – Completed Minimum Requirements Checklist.
- ☒ Part 2 – Completed Temporary Transfer Application Map Checklist.
- ☒ Part 3 – Application Fee, payable by check to the Oregon Water Resources Department, and completed Fee Worksheet, page 3. Try the online fee calculator at:
http://apps.wrd.state.or.us/apps/misc/wrd_fee_calculator.
- ☒ Part 4 – Completed Applicant Information and Signature.
- ☐ Part 5 – Information about Transferred Water Rights: **How many water rights are to be transferred? _____ List them here: 45538**
Please include a separate Part 5 for each water right. (See instructions on page 6)
- ☐ ☒ N/A For standard Temporary Transfer (one to five years) **Begin Year: 2021 End Year: 2022.**
- ☒ ☐ N/A Temporary Drought Transfer (Only in counties where the Governor has declared drought)

OWRD

Attachments:

- ☒ Completed Temporary Transfer Application Map.
- ☒ Completed Evidence of Use Affidavit and supporting documentation.
- ☒ Current recorded deed for the land **from** which the authorized 2021 of use is temporarily being moved.
- ☒ ☐ N/A Affidavit(s) of Consent from Landowner(s) (if the applicant does not own the land upon which the water right is located.)
- ☐ ☒ N/A Supplemental Form D – For water rights served by or issued in the name of a district. Complete when the temporary transfer applicant is not the district.
- ☒ ☐ N/A Oregon Water Resources Department's Land Use Information Form with approval and signature from each local land use authority in which water is to be diverted, conveyed, and/or used. Not required if water is to be diverted, conveyed, and/or used only on federal lands or if all of the following apply: a) a change in place of use only, b) no structural changes, c) the use of water is for irrigation only, and d) the use is located within an irrigation district or an exclusive farm use zone.
- ☐ ☒ N/A Water Well Report/Well Log for changes in point(s) of appropriation (well(s)) or additional point(s) of appropriation (if necessary to convey water to the proposed place of use).

(For Staff Use Only)

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

___ Application fee not enclosed/insufficient ___ Map not included or incomplete

___ Land Use Form not enclosed or incomplete

___ Additional signature(s) required ___ Part ___ is incomplete

Other/Explanation _____

Staff: _____ Phone: _____ Date: ____/____/____

SEP 22 2021

Part 2 of 5 – Temporary Transfer Application Map Checklist

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

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

Part 3 of 5 – Fee Worksheet

FEE WORKSHEET for TEMPORARY (not drought) TRANSFERS			
1	Base Fee (includes temporary change to one water right for up to 1 cfs)	1	\$810.00
2	Number of water rights included in transfer: _____ (2a) Subtract 1 from the number in 3a above: _____ (2b) <i>If only one water right this will be 0</i> Multiply line 2b by \$260.00 and enter » » » » » » » » » » » » »	2	
3	Do you propose to change the place of use for a non-irrigation use? <input checked="" type="checkbox"/> No: enter 0 on line 3 » » » » » » » » » » » » » » » » <input type="checkbox"/> Yes: enter the cfs for the portions of the rights to be transferred: _____ (3a) Subtract 1.0 from the number in 3a above: _____ (3b) If 3b is 0, enter 0 on line 3 » » » » » » » » » » » » » » » » If 3b is greater than 0, round up to the nearest whole number: _____ (3c) and multiply 4c by \$200.00, then enter on line 3	3	<div>RECEIVED</div> <div>SEP 22 2021</div> <div>OWRD</div>
4	Do you propose to change the place of use for an irrigation use? <input checked="" type="checkbox"/> No: enter 0 on line 4 » » » » » » » » » » » » » » » » <input type="checkbox"/> Yes: enter the number of acres in the footprint of the place of use for the portions of the rights to be transferred: _____ (4a) Multiply the number of acres in 4a above by \$2.30 and enter on line 4 » »	4	0
5	Add entries on lines 1 through 4 above » » » » » » » » » » » Subtotal:	5	
6	Is this transfer: <input type="checkbox"/> necessary to complete a project funded by the Oregon Watershed Enhancement Board (OWEB) under ORS 541.932? <input type="checkbox"/> endorsed in writing by ODFW as a change that will result in a net benefit to fish and wildlife habitat? If one or more boxes is checked, multiply line 5 by 0.5 and enter on line 6 » If no box is applicable, enter 0 on line 7 » » » » » » » » » » » » »	6	
7	Subtract line 6 from line 5 » » » » » » » » » » » » Transfer Fee:	7	

FEE WORKSHEET for TEMPORARY DROUGHT TRANSFERS			
1	Base Fee (includes drought application and recording fee for up to 1 cfs)	1	\$200.00
	Enter the cfs for the portions of the rights to be transferred (see example below*): <u>0.44 (2a)</u> Subtract 1.0 from the number in 2a above: <u>-0.56 (2b)</u> If 2b is 0, enter 0 on line 2 » » » » » » » » » » » » » » » » If 2b is greater than 0, round up to the nearest whole number: _____ (2c) and multiply 2c by \$50, then enter on line 2 » » » » » » » » »		
2		2	0
3	Add entries on lines 1 through 2 above » » » » » » » » » » Transfer Fee:	3	\$200

*Example for Line 2a calculation to transfer 45.0 acres of Primary Certificate 12345 (total 1.25 cfs for 100 acres) and 45.0 acres of Supplemental Certificate 87654 (1/80 cfs per acre) on the same land:

1. Divide total authorized cfs by total acres in the water right (for C12345, $1.25 \text{ cfs} \div 100 \text{ ac}$); then multiply by the number of acres to be transferred to get the transfer cfs ($\times 45 \text{ ac} = 0.56 \text{ cfs}$).
2. If the water right certificate does not list total cfs, but identifies the allowable use as 1/40 or 1/80 of a cfs per acre; multiply number of acres proposed for change by either 0.025 (1/40) or 0.0125 (1/80). (For C87654, $45.0 \text{ ac} \times 0.0125 \text{ cfs/ac} = 0.56 \text{ cfs}$)
3. Add cfs for the portions of water rights on all the land included in the transfer; however **do not count cfs for supplemental rights on acreage for which you have already calculated the cfs fee for the primary right on the same land**. The fee should be assessed only once for each "on the ground" acre included in the transfer. (In this example, blank 2a would be only 0.56 cfs, since both rights serve the same 45.0 acres. Blank 2b would be 0 and Line 2 would then also become 0).

Applicant Information

APPLICANT/BUSINESS NAME Randy Kinney/Warm Springs Irrigation District		PHONE NO. 541-473-3951	ADDITIONAL CONTACT NO.
ADDRESS 334 Main St.		FAX NO.	
CITY Vale	STATE OR	ZIP 97918	E-MAIL WID4H2O@GMAIL.COM
BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED.			

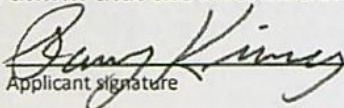
RECEIVED**SEP 22 2021****OWRD****Agent Information – The agent is authorized to represent the applicant in all matters relating to this application.**

AGENT/BUSINESS NAME Paul Garvin/Garvin HydroGeo LLC		PHONE NO. 503-347-7188	ADDITIONAL CONTACT NO.
ADDRESS 1705 Main St. Ste 101		FAX NO.	
CITY Baker City	STATE OR	ZIP 97814	E-MAIL garvin.hydrogeo@gmail.com
BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED.			

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

The landowner seeks to add a point of diversion to increase the flexibility and efficiency of their irrigation system.

The landowner in conjunction with the Malheur Watershed Council and Warm Springs Irrigation District has made improvements to the site irrigation system drainage and is now using a pond to settle-out sediment before entering the Malheur River. Benefits include reducing the amount of suspended material in the river, prevent soil erosion, weed invasion, and prevent water loss due to infiltration and evapotranspiration.

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


Applicant signature

Randy Kenny, District Manager
 Print Name (and Title if applicable)

Date

7/12/21

Applicant signature

Print Name (and Title if applicable)

Date

Is the applicant the sole owner of the land on which the water right, or portion thereof, proposed for transfer is located? ☐ Yes ☒ No

If NO, include signatures of all landowners (and mailing and/or e-mail addresses if different than the applicant's) or attach affidavits of consent from all landowners or individuals/entities (and mailing and/or e-mail addresses) to which the water right(s) has been conveyed.

See the attached Affidavit of Consent completed by the property owner

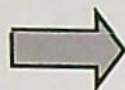
☒ Check here if any of the water rights proposed for transfer are or will be located within or served by an irrigation or other water district. (NOTE: If this box is checked, you must complete and attach Supplemental Form D.)

Note: Warm Springs Irrigation District is the applicant, no form D necessary.

DISTRICT NAME Warm Springs Irrigation District	ADDRESS 334 Main St.	
CITY Vale	STATE OR	ZIP 97918

☐ 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 and/or used.

ENTITY NAME Malheur County	ADDRESS 251 B St. W	
CITY VALE	STATE OR	ZIP 97918

ENTITY NAME	ADDRESS	
CITY	STATE	ZIP

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Please use a separate Part 5 for each water right being changed. See instructions on page 6, to copy and paste additional Part 5s, or to add rows to tables within the form.

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Water Right Certificate # 45538

Description of Water Delivery System

Part 5 of 5 – Water Right Information

System capacity: 0.9 cfs cubic feet per second (cfs) OR

_____ gallons per minute (gpm)

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.

Water is diverted at the J-H Canal head gate and flows approximately 16 miles to the southeast, east, and northeast where it enters the southeast portion of the irrigated property. The water is distributed to the irrigated areas

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

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

POD/POA Name or Number	Is this POD/POA Authorized on the Certificate or is it Proposed?	If POA, OWRD Well Log ID# (or Well ID Tag # L-_____)	Twp	Rng	Sec	¼ ¼	Tax Lot, DLC or Gov't Lot	Measured Distances (from a recognized survey corner)
J-H Canal	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed		19 S	43 E	4	NE NE	2000	440' S and 1,360' W from NE Corner of Section 4
Malheur River	<input type="checkbox"/> Authorized <input checked="" type="checkbox"/> Proposed		18 S	45 E	29	SW SW	1300	957 ft E and 81 ft N from the SW corner of Section 29

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

- ☐ Place of Use (POU)
 ☐ Appropriation/Well (POA)
 ☐ Point of Diversion (POD)
 ☐ Additional Point of Appropriation (APOA)
 ☒ Additional Point of Diversion (APOD)

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

- ☐ Place of Use (POU)
 ☐ Point of Appropriation/Well (POA)
 ☐ Character of Use (USE)
 ☐ Additional Point of Appropriation (APOA)
 ☐ Point of Diversion (POD)
 ☒ Additional Point of Diversion (APOD)

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

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

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

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

Table 2. Description of Temporary Changes to Water Right Certificate # 45538

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

AUTHORIZED (the "from" or "off" lands) The listing that appears on the Certificate BEFORE PROPOSED CHANGES List only that part or portion of the water right that will be changed.													Proposed Changes (see "CODES" from previous page)	PROPOSED (the "to" or "on" lands) The listing as it would appear AFTER PROPOSED CHANGES are made.												
Twp	Rng	Sec	¼ ¼	Tax Lot	Gvt Lot or DLC	Acres	Type of USE listed on Certificate	POD(s) or POA(s) (name or number from Table 1)	Priority Date	Twp	Rng	Sec		¼ ¼	Tax Lot	Gvt Lot or DLC	Acres	New Type of USE	POD(s)/ POA(s) to be used (from Table 1)	Priority Date						
EXAMPLE																										
2	S	9	E	15	NE	NW	100		15.0	Irrigation	POD #1 POD #2	1901	POU/POD	2	S	9	E	1	NW	NW	500	1	10.0		POD #5	1901
"	"	"	"	"	"	"	"	"	"	EXAMPLE	"	"	"	2	S	9	E	2	SW	NW	500		5.0		POD #6	1901
18	S	45	E	29	SE	SW	1300		31.3	Irrigation	All PODs	1886	APOD	18	S	45	E	29	SE	SW	1300		31.3	Irrigation	All PODs	1886
18	S	45	E	29	SW	SW	1300		3.6	Irrigation	All PODs	1866	APOD	18	S	45	E	29	SW	SW	1300		3.6	Irrigation	All PODs	1866
TOTAL ACRES									34.9																	
														TOTAL ACRES									34.9			

Additional remarks:

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SEP 22 2021

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For Place of Use Changes

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

If YES, list the certificate, water use permit, or ground water registration numbers: _____

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Pursuant to ORS 540.525, any "layered" water use such as an irrigation right that is supplemental to a primary right proposed for temporary transfer can be included in the transfer or remain unused on the authorized place of use. If the primary water right does not revert soon enough to allow use of the supplemental right within five years, the supplemental right shall become subject to cancellation for nonuse under ORS 540.610.

If a change in point(s) of appropriation (well(s)) or additional point(s) of appropriation is necessary to convey the water to the new temporary place of use you must provide:

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

AND/OR

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

Table 3. Construction of Point(s) of Appropriation

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

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

Application for Water Right Transfer Evidence of Use Affidavit



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

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

State of Oregon)
)
County of MALHEUR) SS

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I, NANCY KAMO, in my capacity as PROPERTY OWNER,

mailing address 1612 SAND HOLLOW ROAD, VALE, OR, 97918

telephone number (541) 473-2905, being first duly sworn depose and say:

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

☒ Personal observation

☐ Professional expertise

2. I attest that:

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

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

Certificate #	Township		Range		Mer	Sec	¼ ¼		Gov't Lot or DLC	Acres (if applicable)
45538	18	S	45	E	WM	29	SE	SW		31.3
45538	18	S	45	E	WM	29	SW	SW		3.6

OR

☐ Confirming Certificate # ____ has been issued within the past five years; **OR**

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

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

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

(continues on reverse side)

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

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.

Nancy Kamo
Signature of Affiant

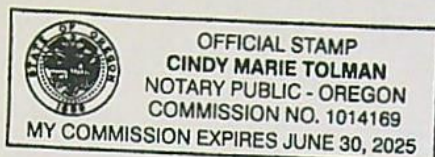
8-25-21
Date

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Signed and sworn to (or affirmed) before me this 25 day of August, 2021.



Cindy Marie Tolman
Notary Public for Oregon

My Commission Expires: June 30 2025

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

Application for Water Right
Transfer
Consent by Deeded Landowner



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

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State of Oregon)
)ss
County of Malheur)

I Nancy Kamo in my/our capacity as property owner,

mailing address 1612 Sand Hollow Road, Vale, OR, 97918

telephone number 541-473-2905, duly sworn depose and say that I

consent to the proposed change(s) to Water Right Certificate Number 45538

described in a Transfer Application (T-_____) submitted by The Warm Springs Irrigation District,

(transfer number, if known)

on the property in tax lot number(s) 1300, Section 29, Township 18

South, Range 45 East, W.M., located at 1612 Sand Hollow Rd. Vale, OR 97918.
(site address)

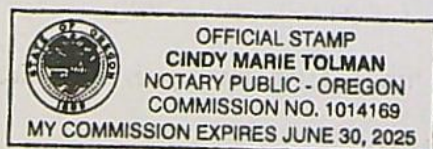
Nancy Kamo
Signature of Affiant

8-25-21
Date

Signature of Affiant

Date

Subscribed and Sworn to before me this 25 day of August, 2021.



Cindy Marie Tolman
Notary Public for Oregon

My commission expires 6/30/2025

RECEIVED RECORDER'S INFORMATION:

SEP 22 2021

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MALHEUR COUNTY, OR 2021-0583
DDEED PERS REP 02/11/2021 09:14 AM
Cnt=1 Pgs=3 Total:\$102.00



00066840202100005830030039

I, Gayle V. Trotter, County Clerk for Malheur County,
Oregon certify that the instrument identified herein was
recorded in the Clerk records.

Gayle V. Trotter - County Clerk

Until a change is requested, all
tax statements shall be sent to:

Nancy J. Kamo
1612 Sand Hollow Road
Vale, OR 97918

After recording return to:
Intermountain Law, PC
1513 N Whitley Drive
Fruitland, ID 83619

PERSONAL REPRESENTATIVE'S DEED

Nancy J. Kamo, the duly appointed, qualified and acting Personal Representative of the Estate of Gary L. Kamo, deceased, Grantor, conveys to Nancy J. Kamo, Grantee, all of the Estate's right, title and interest in and to that certain real property situated in Malheur County, Oregon, described as follows:

**SEE EXHIBIT A ATTACHED HERETO AND
BY THIS REFERENCE INCORPORATED HEREIN**

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

The true consideration for this conveyance is: final distribution pursuant to General Judgment entered in the probate proceedings on January 21, 2021, Malheur County Court, Case No. 6122.

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Dated this 29th day of January, 2021.

ESTATE OF GARY L. KAMO

Nancy J. Kamo
Nancy J. Kamo

State of Idaho)
) ss.
County of Payette)

The foregoing instrument was acknowledged before me this 29th day of January, 2021 by Nancy J. Kamo, Personal Representative of the Estate of Gary L. Kamo, on behalf of the Estate.

MARIANNE CLARICH
Notary Public - State of Idaho
Commission Number 68129
My Commission Expires 07-22-2022

Marianne Clarich
Notary Public for Idaho
Currently Residing: Payette, ID
My Commission Expires: 07-22-2022

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EXHIBIT A

An undivided one-half interest in land in Malheur County, Oregon
described as follows:

In Twp. 18 S., R. 45 E., W.M.:

Sec. 29: That portion of the S $\frac{1}{2}$ SW $\frac{1}{4}$ lying East of the
Malheur River.

Map 184529

Tax Lot 1300

Code 43Reference 13853

Garvin HydroGeo LLC
1705 Main Street Suite 101
Baker City, OR 97814
Garvin.hydrogeo@gmail.com
(503) 347-7188

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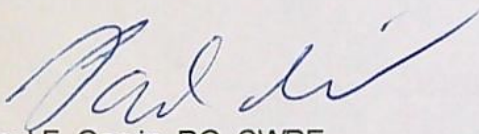
September 8, 2021

Oregon Water Resources Department
725 Summer St. NE, Suite A
Salem, Oregon 97301

Hello,

Please see the enclosed application for drought temporary transfer. This application has been prepared of behalf of the Warm Springs Irrigation District.

Sincerely,

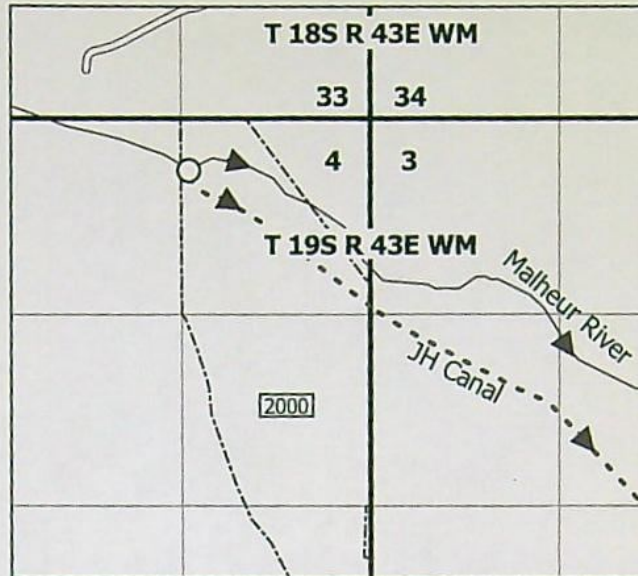


Paul F. Garvin, RG, CWRE

Enclosed:

- Application for drought temporary transfer Cert 45538
- Application map
- Application fee check - \$200
- Affidavit of consent from landowner
- Evidence of use affidavit – with photo
- *Copy of the property deed*

Certificate 45538 Authorized POD: J-H Canal



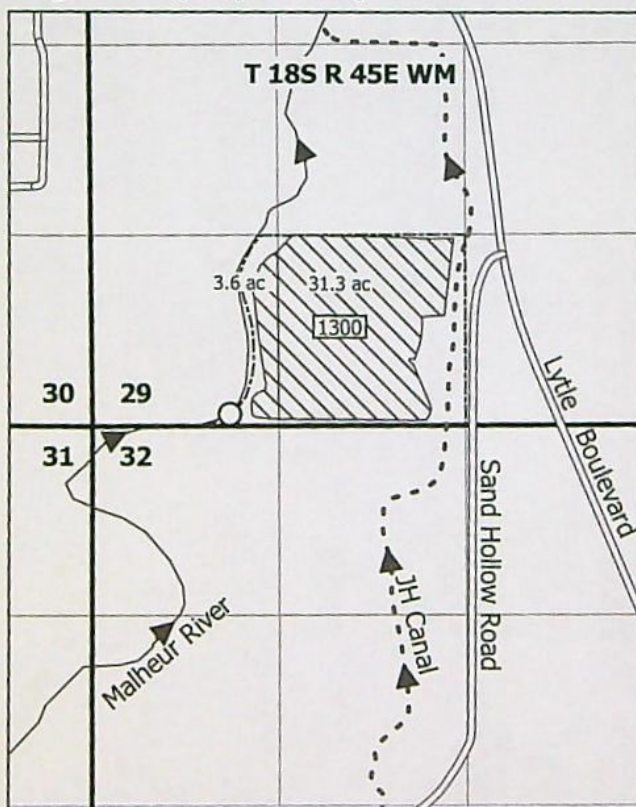
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Irrigated Property and Proposed Additional POD



LEGEND

- 45538 POU
- Point of Diversion
- Mainline
- Malheur County Taxlot Boundary
- J-H Canal
- Malheur River

Notes:

This map is not intended to provide legal dimensions or locations of property ownership lines.

Cert 45538 POD (J-H Canal): 440 ft S and 1,360 ft W from NE Corner of Section 4

Additional POD (Proposed): 957 ft E and 81 ft N from the SW corner of Section 29

HB3111 Mapping is still in progress for the Vale area. POUs shown on the map are representative of the most recent HB3111 information as of this map date.

Garvin
HydroGeo
LLC

Map to Accompany Application for
Temporary Water Right Transfer - APOD
Certificate 45538
Malheur County, OR

Prepared on behalf of the Warm Springs Irrigation
District and the Kamo Family

1 inch = 1,320 feet



Drawn by: Paul F. Garvin, RG, CWRE
Date: 9/7/21

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property boundary



Checked by Jon

Date 9/28/21

cat
45538

A temporary transfer must be for a change in place of use. A temporary change in POD/POA or APOD/APOA cannot be accepted as a stand-alone change.

APOD

DROUGHT

A change in POD/POA can accompany the temporary change in place of use, only if the proposed temporary POD/POA is supplying water to the proposed temporary place of use.

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. Are fees included and correct?
If not, the correct fee would be: _____, so the amount missing is: _____
- ☒ 3. Part 4 of application: Have all the applicants listed at the top of the page signed at the bottom?
If not, whose signature is missing? _____
- ☒ 4. Are all listed certificates 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.
- ☒ 5. If any certificate is in the name of a "district", is a Supplemental Form D from that district enclosed?
☐ N/A ☒ Form D needed from Included (district)
6. If all #1-#5 boxes on this checklist are checked (with no remaining deficiencies identified), accept the application. Put this check sheet in the transfer folder.

If #1, #2, #3, #4 or #5 on this checklist is deficient, the application cannot be accepted. It should be returned and the deficiencies listed in the "staff" section at the bottom of Application Page 1, unless the applicant or agent can resolve the deficiencies within 2-3 days.

Warm Springs ID.