

Regular

RA

Name John & Janna Vanden Brink

Address P.O. Box 1165  
Ione, OR 97843  
jvbdairy@gmail.com

Change in POA, APOA  
Date Filed 10-4-2021  
Initial notice date 10-12-2021  
DPD issued date 3-21-2022  
PD issued date 9/13/2024  
PD notice date 9/17/2024  
Date of FO \_\_\_\_\_ Vol \_\_\_\_\_ Page \_\_\_\_\_

C-Date \_\_\_\_\_  
COBU due date \_\_\_\_\_  
COBU Received date \_\_\_\_\_  
Certificate issued \_\_\_\_\_

DESCRIPTION OF WATER RIGHT(S)

Name of Stream A Well  
Trib. of Rhea Creek Basin  
Use Irrigation County Morrow  
Quantity of water (CFS) \_\_\_\_\_ No. of Acres \_\_\_\_\_  
Name of ditch \_\_\_\_\_  
App# G-6784 Per # G-6296 Cert # 48296 PR Date 1/13/1975  
App# G-8752 Per # G-8701 Cert # 89128 PR Date 4/19/1978  
App# \_\_\_\_\_ Per # \_\_\_\_\_ Cert # \_\_\_\_\_ PR Date \_\_\_\_\_  
App# \_\_\_\_\_ Per # \_\_\_\_\_ Cert # \_\_\_\_\_ PR Date \_\_\_\_\_

FEES PAID		
Date	Amount	Receipt #
10-4-2021	\$2450.00	136545
10-4-2021	\$125.00	136535
10-27-2021	\$900.45	136705
6-20-2023	\$2,433.96	140962

FEES REFUNDED		
Date	Amount	Receipt #
_____	_____	_____
_____	_____	_____
_____	_____	_____

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

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

Agent William Porfily \_\_\_\_\_

CWRE \_\_\_\_\_

CC's list Morrow County \_\_\_\_\_

- Oversized map - Location \_\_\_\_\_





# Oregon

Tina Kotek, Governor

## Water Resources Department

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

December 13, 2024

JOHN AND JANNA VANDEN BRINK  
PO BOX 165  
IONE, OR 97843

RE: Termination of Reimbursement Authority Contract for Protested Transfer T-13839

Dear Applicant,

On June 30, 2023, the Water Resources Department (Department) entered into an agreement with JOHN AND JANNA VANDEN BRINK to expedite processing of Transfer Application T-13839, pursuant to Oregon Revised Statutes (ORS) 536.055.

On September 13, 2024, the Department issued a Preliminary Determination (PD) for T-13839, providing a period of at least 30 days for the submittal of any protests. On October 17, 2024, a timely protest was filed opposing the PD for Transfer Application T-13839.

Due to the extensive length of time involved in either reaching resolution of the issues or holding a contested case hearing on protested applications, there is no further work that can be expedited in the processing of your application, and the terms of the Reimbursement Authority contract for Transfer T-13839 can no longer be met. The Department, therefore, is terminating the contract and refunding all unearned Reimbursement Authority fees collected for this transfer.

A refund check in the amount of \$224.20 is currently being processed and will be sent separately at a later time.

If you have any questions, please contact, Dante Luongo at (971)-304-5006 or [dante.j.luongo@water.oregon.gov](mailto:dante.j.luongo@water.oregon.gov).

Sincerely,

Dwight W. French, Water Right Services Administrator, for  
IVAN GALL, DIRECTOR  
Oregon Water Resources Department

cc: Transfer Application T-13839  
Reimbursement Authority Contract #-R11-327-23  
Fiscal Section  
Applicant's agent

Originals  
mailed on  
12/16  
to Applicant  
Only



# Schwabe

October 17, 2024

Shonee D. Langford  
Admitted in Oregon, Washington and  
Utah  
D: 503-540-4261  
C: 503-807-2082  
slangford@schwabe.com

BY HAND DELIVERY

Will Davidson  
Protest Program Coordinator  
Oregon Water Resources Department  
725 Summer Street NE, Suite A  
Salem, OR 97301-1271

RE: Protest of Preliminary Determination Proposing Denial of an Additional Point of Appropriation and a Change in Point of Appropriation (Application T-13839)  
Our File No.: 138116-265517

Dear Mr. Davidson:

Enclosed for filing on behalf of John and Janna Vanden Brink is a Protest of Preliminary Determination Proposing Denial of an Additional Point of Appropriation and a Change in Point of Appropriation relating to Application T-13839.

Please charge the required filing fee of \$480.00 to Schwabe, Williamson & Wyatt's account with the Department.

Best regards,



Shonee D. Langford

SDL:asc  
Enclosure

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BEFORE THE OREGON WATER RESOURCES DEPARTMENT

In the Matter of Transfer Application T-13839 in the name of John and Janna Vanden Brink	PROTEST OF PRELIMINARY DETERMINATION PROPOSING DENIAL OF AN ADDITIONAL POINT OF APPROPRIATION AND A CHANGE IN POINT OF APPROPRIATION
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**Introduction**

This protest is filed on behalf of John and Janna Vanden Brink pursuant to OAR 690-002-0030, OAR 690-380-4030 and ORS 540.520.

On October 4, 2021, the Vanden Brinks filed an application to change the point of appropriation under Certificate 48296 and to add an additional point of appropriation under Certificate 89128 (“Application T-13839”). On January 25, 2024, the Vanden Brinks amended Application T-13839 to remove Certificate 89128. On September 13, 2024, the Oregon Water Resources Department (“OWRD” or “department”) issued a Preliminary Determination proposing to deny Application T-13839, as amended.

**Request for Hearing and Elements of Protest**

The Vanden Brinks hereby protest the Preliminary Determination proposing to deny Application T-13839 and request a contested case hearing. The elements of a protest, as required by OAR 690-002-0030 and 690-380-4030, are addressed below.<sup>1</sup>

**1. Protestant’s Name, Address and Telephone Number**

John and Janna Vanden Brink  
PO Box 165  
Ione, OR 97843  
541-561-5624

**2. Name and Address of Other Persons Necessary to, or Having a Direct Interest In, the Proceeding**

None

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<sup>1</sup> We note that OAR 690-380-4030(3) requires an applicant who files a protest to “provide the affidavit required under OAR 690-380-4020(3)” – but there is no such requirement in OAR 690-380-4020(3). That rule merely requires an applicant to pay for publication of a newspaper notice.



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**3. Facts Sufficient to Show the Protestant is Entitled to the Relief or Action Requested; Reasonably Ascertainable Issues and Arguments**

OWRD erred in finding that the proposed point of appropriation ("POA") under Certificate 48296 will not develop the same aquifer (source) as the existing authorized POA. (Preliminary Determination, Findings 4, 7, 12 and 18.) The attached Technical Review of Preliminary Determination, Transfer T-13839, prepared by Theodore Ressler, RG, CWRE, of Summit Water Resources, LLC ("Technical Review") summarizes the reasonably ascertainable issues and arguments relating to the department's source-related findings. The Technical Review confirms that OWRD's source-related findings and conclusions are not supported by substantial evidence in the record. ORS 183.482; 183.484.

The Vanden Brinks also disagree with Finding 8, because it was based on OWRD's review of incomplete and/or incorrect information early in the application review process. The Vanden Brinks provided additional information later in the process confirming that MORR 1735 was filled in to a depth of 316 feet, is currently used for exempt domestic purposes only, and will not remain an authorized POA under Certificate 48296 upon the proposed approval of T-13839. There is no need to case and seal MORR 1735 as indicated in Finding 8.

Lastly, OWRD found that the Vanden Brinks did not provide the required ownership report or necessary information to demonstrate that the applicant is authorized to pursue the transfer. (Preliminary Determination, Findings 5, 9 and 21.) The Vanden Brinks were under the impression that OWRD would issue a revised draft preliminary determination after they submitted the additional information that prompted a groundwater re-review. (Preliminary Determination, Finding 11.) With that understanding, they expected to be given another opportunity to submit proof of ownership and authorization to pursue the transfer. If OWRD agrees to withdraw the Preliminary Determination and conduct another groundwater review, the Vanden Brinks stand ready to provide the necessary information.

**4. Specific Relief or Action Requested**

The Vanden Brinks request withdrawal of the Preliminary Determination dated September 13, 2024, a new groundwater review, and a revised draft preliminary determination based on correct information, including the additional information provided to the department after the Preliminary Determination was issued (e.g. communications between the Vanden Brinks consultants and OWRD staff) and the information provided in this Protest. They also request an opportunity to provide the required ownership information upon completion of a new groundwater review and issuance of a revised draft preliminary determination. Alternatively, the Vanden Brinks are prepared to proceed to a contested case hearing.

**5. Citation of Legal Authority or Basis for the Claim or Relief Asserted or Requested**

Supporting legal authority known to the Vanden Brinks at this time:

ORS Chapter 183 (Oregon Administrative Procedures Act)

ORS 540.510, 540.520 and 540.530 relating to transfer applications.



OAR Chapter 690 Division 380 relating to transfer applications.

OAR Chapter 690 Division 002 relating to protests and contested case hearings.

OAR Chapter 690 Division 008 relating to statutory groundwater terms.

Specific legal authority cited elsewhere in this protest, including the exhibits attached hereto.

**6. Protest Fee**

Please charge the applicant's protest fee of \$480.00 to Schwabe, Williamson & Wyatt's account with the Oregon Water Resources Department.

**7. Proof of Service**

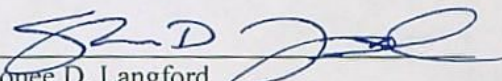
Not applicable. John and Janna Vanden Brink are the sole applicants and holders of the water rights subject to transfer.

**Conclusion**

For reasons described in this Protest, OWRD should withdraw the Preliminary Determination, complete a new groundwater review, and issue a revised draft preliminary determination with opportunity to submit ownership information. If necessary, the Vanden Brinks are prepared to pursue resolution of this Protest through a contested case hearing.

DATED: October 17, 2024.

SCHWABE WILLIAMSON & WYATT, P.C.

  
Shonae D. Langford  
Schwabe, Williamson & Wyatt  
530 Center St. NE, Suite 730  
Salem, OR 97301  
slangford@schwabe.com  
503-540-4261  
Of Attorneys for Protestants

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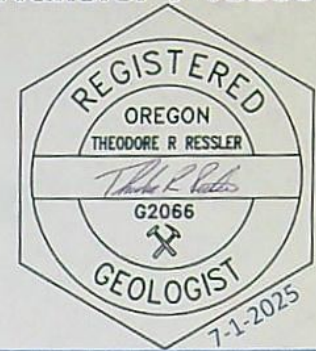


Technical Memorandum

## Technical Review of Preliminary Determination, Transfer T-13839

John Vanden Brink

To: John Vanden Brink – JVB Dairy  
CC Bill Porfily  
Shonee Langford – Schwabe, Williamson & Wyatt PC  
From: Theodore R. Ressler, RG, CWRE – Summit Water Resources, LLC  
Date: October 16, 2024



### Introduction

This technical memorandum provides a summary of the Preliminary Determination (PD) issued by Oregon Water Resources Department (OWRD) on September 13, 2024 following its review of transfer application T-13839, and the technical issues that Summit Water Resources, LLC (Summit) identified in OWRD's review of data relating to the proposed additional point of appropriation.

The PD is proposing to deny the proposed point of appropriation (Proposed POA), MORR 52027/52439, because OWRD has determined that the Proposed POA produces water from a different aquifer ("lower aquifer"), and therefore does not produce water from the same aquifer ("upper aquifer") as the authorized point of appropriation (Authorized POA), MORR 1735 (Finding of Fact #12 of the PD).

Summit has identified several misinterpretations by OWRD in its review of data relating to the Proposed POA, which have led OWRD to incorrectly conclude that the Proposed POA is completed in a different aquifer than the Authorized POA. The identified issues are listed below and are discussed in detail in the subsequent sections of this technical memorandum.

- The 'thief' zone encountered at a depth of approximately 670-800 feet below land surface (ft bls) in the Proposed POA is mischaracterized by OWRD as an aquifer, being referred to as the "shallow aquifer"<sup>1</sup> or "upper aquifer"<sup>2</sup>.
- OWRD has misinterpreted the modifications that were made to the Proposed POA as documented in alteration well log MORR 52439.
- OWRD has misinterpreted the water level measurements collected by OWRD at the Proposed POA on February 19, 2020 and February 23, 2023 as being representative of the lower borehole ("lower aquifer").

<sup>1</sup> OWRD memorandum "Borehole Flowmeter Review MORR 52027, John Vandenbrink" dated April 20, 2016

<sup>2</sup> Preliminary Determination for Transfer T-13839



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## Thief Zone

According to the original well log (MORR 52027) for the Proposed POA, the first water bearing zone encountered during drilling was at a depth of 870 ft bls (Attachment 1). The original well log identifies that groundwater in this water bearing zone (depth interval of 870-950 ft bls) was under confined conditions, with a static water level rising to 600 ft bls. Therefore, the identified thief zone at 670-800 ft bls did not contain groundwater until the borehole was drilled into the water bearing zone at 870-950 ft bls. Based on the available information (per the original well log and well drilling notes provided in Attachment 1), under natural (pre-drilling) conditions, the thief zone at 670-800 ft bls at the location of the Proposed POA was not a water bearing unit (i.e., aquifer).

## Modifications made to the Proposed POA

The alteration well log for the Proposed POA (MORR 52439) states that a cement seal was placed from 600-820 ft bls (Attachment 2). According to the well driller, the cement seal documented in the alteration well log is a solid plug of cement installed at 600-820 ft bls to seal off the thief zone. The cement comprising the cement plug was placed by tremie pipe, with placement of cement starting at 820 ft bls and slowly raising the tremie pipe as the cement was placed (i.e., cement placed from bottom-up). The installed cement plug was left intact, sealing off the lower borehole (refer to email from the well driller provided in Attachment 2).

Based on my discussion with OWRD (personal communication with the Groundwater Section on October 11, 2024), OWRD interpreted the alteration well log to indicate that once the thief zone was sealed off, the borehole was re-opened to access the lower borehole (i.e., 820-1393 ft bls) because that is the portion of the basalt formation that was being targeted for development by the applicant. Based on information provided by the well driller (Attachment 2), OWRD's interpretation of the alteration well log is incorrect. While the lower borehole is indeed the target for development as proposed by Transfer T-13839, the applicant assumed that the water level measurements made during drilling, and the results of OWRD's flow profiling<sup>1</sup>, provided sufficient data to indicate that the lower borehole was a single aquifer with hydraulic head consistent with the Authorized POA (i.e., same aquifer). Accordingly, the applicant elected to defer any further work and financial investment on the Proposed POA pending favorable review of Transfer T-13839.

## Water Level Measurements

Based on my discussion with OWRD (personal communication with the Groundwater Section on October 11, 2024), OWRD interpreted the water level measurements made by OWRD at the Proposed POA on February 19, 2020 and February 23, 2023 (after the alteration of the well per MORR 52439) as being representative of the static water level of the lower borehole ("lower aquifer"). OWRD's interpretation is incorrect, because as previously discussed, the lower borehole remains sealed by the cement plug installed in the well. Because no water bearing zones were encountered in the borehole above the top of the cement plug that was installed (refer to the original well log in Attachment 1 and communication from the well driller provided in Attachment 2), these recent water level measurements appear to be measurements of stagnant water sitting on top of the cement plug (i.e., water that was displaced upward during installation of the cement plug).

According to water level measurements made by the well driller during drilling of the Proposed POA (refer to the original well log and well drilling notes provided in Attachment 1), the static water level within the water bearing zones of the borehole (i.e., from 870-1297 ft bls) was consistently measured at 600 ft bls. Based on the ground surface elevation at the Proposed POA, being 1780 ft



elevation<sup>3</sup>, this measured static water level equates to an elevation of 1180 ft. The final measured static water level at the Proposed POA as reported on the well log (i.e., 600 ft bls), which was made on December 12, 2012, is similar in elevation to a relatively contemporaneous measured static water level at the Authorized POA on February 27, 2013<sup>4</sup>, being 1176 ft elevation. The similar elevation of the measured static water level at the Proposed POA and the Authorized POA is supportive of the Proposed POA being completed in the same aquifer as the Authorized POA

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<sup>3</sup> Land surface elevation as reported in OWRD Groundwater Information System (GWIS).

<sup>4</sup> Water level measurement reported to OWRD and available through GWIS.



## Attachments

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- Attachment 1      Original Well Log and Well Drilling Notes
- Attachment 2      Alteration Well Log and Well Driller Correspondence

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**Attachment 1**

Original Well Log and Well Drilling Notes

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STATE OF OREGON  
WATER SUPPLY WELL REPORT  
(as required by ORS 537.765 & OAR 690-205-0210)

MORR 52027

WELL I.D. LABEL # L 109714  
START CARD # 1017527  
ORIGINAL LOG #

1/17/2013

(1) LAND OWNER  
Owner Well I.D. \_\_\_\_\_  
First Name JOHN Last Name VANDENBRINK  
Company \_\_\_\_\_  
Address PO BOX 165  
City IONE State OR Zip 97843

(2) TYPE OF WORK  New Well  Deepening  Conversion  
 Alteration (complete 2a & 10)  Abandonment (complete 5a)

(2a) PRE-ALTERATION  
Dia + From To Gauge Std Plstc Wld Thrd  
Casing:            
Material From To Amt sacks/lbs  
Seal: \_\_\_\_\_

(3) DRILL METHOD  
 Rotary Air  Rotary Mud  Cable  Auger  Cable Mud  
 Reverse Rotary  Other \_\_\_\_\_

(4) PROPOSED USE  Domestic  Irrigation  Community  
 Industrial/ Commercial  Livestock  Dewatering  
 Thermal  Injection  Other TEST HOLE

(5) BORE HOLE CONSTRUCTION Special Standard  (Attach copy)  
Depth of Completed Well 1393.00 ft.  
BORE HOLE  
Dia From To Material SEAL To Amt sacks/lbs  
12 0 18 Bentonite Chips 0 16 13 S  
8 18 1393 Cement 16 18 1 S

How was seal placed: Method  A  B  C  D  E  
 Other POURED BENTONITE  
Backfill placed from \_\_\_\_\_ ft. to \_\_\_\_\_ ft. Material \_\_\_\_\_  
Filter pack from \_\_\_\_\_ ft. to \_\_\_\_\_ ft. Material \_\_\_\_\_ Size \_\_\_\_\_  
Explosives used:  Yes Type \_\_\_\_\_ Amount \_\_\_\_\_

(5a) ABANDONMENT USING UNHYDRATED BENTONITE  
Proposed Amount \_\_\_\_\_ Actual Amount \_\_\_\_\_

(6) CASING/LINER  
Casing Liner Dia + From To Gauge Std Plstc Wld Thrd  
  8  2 18 25       
Shoe  Inside  Outside  Other Location of shoe(s) \_\_\_\_\_  
Temp casing  Yes Dia \_\_\_\_\_ From \_\_\_\_\_ To \_\_\_\_\_

(7) PERFORATIONS/SCREENS  
Perforations Method \_\_\_\_\_  
Screens Type \_\_\_\_\_ Material \_\_\_\_\_  
Perf/ Casing/ Screen Screen Liner Dia From To Scrn/slot width Slot length # of slots Tele/ pipe size  
Screen Liner Dia From To width length slots pipe size

(8) WELL TESTS: Minimum testing time is 1 hour  
 Pump  Bailer  Air  Flowing Artesian  
Yield gal/min Drawdown Drill stem/Pump depth Duration (hr)  
1000 \_\_\_\_\_ 1393 1  
Temperature 74 °F Lab analysis  Yes By \_\_\_\_\_  
Water quality concerns?  Yes (describe below) TDS amount  
From To Description Amount Units

(9) LOCATION OF WELL (legal description)  
County MORROW Twp 1.00 S N/S Range 24.00 E E/W WM  
Sec 22 NE 1/4 of the SE 1/4 Tax Lot 3500  
Tax Map Number \_\_\_\_\_ Lot \_\_\_\_\_  
Lat \_\_\_\_\_ " or \_\_\_\_\_ DMS or DD  
Long \_\_\_\_\_ " or \_\_\_\_\_ DMS or DD  
 Street address of well  Nearest address  
MORTER LN. IONE, OR

(10) STATIC WATER LEVEL

Existing Well / Pre-Alteration	Date	SWL (psi)	+ SWL (ft)
Completed Well	12/17/2012		600

Flowing Artesian?  Dry Hole?

WATER BEARING ZONES Depth water was first found 870.00

SWL Date	From	To	Est Flow	SWL (psi)	+ SWL (ft)
8/29/2012	870	885	200		600
8/30/2012	925	950	100		600
12/12/2012	1257	1270	500		600
12/12/2012	1285	1297	500		600

(11) WELL LOG

Material	From	To
SOIL	0	10
BLACK BASALT	10	25
BROWN BASALT	25	65
BLACK BASALT	65	95
BROWN BASALT	95	113
BLACK BASALT	113	135
BROWN BASALT	135	150
BLACK BASALT	150	260
BLACK SCORIA	260	277
BLACK BASALT	277	310
SOFT BROWN BASALT	310	335
SOFT BLACK BASALT	335	360
BLACK BASALT	360	490
BROWN BASALT	490	540
BLACK BASALT	540	640
BLACK /BROWN BASALT	640	760
BLACK BASALT	760	870
BLACK BASALT W/GREEN CLAYSTONE	870	885
BLACK BASALT	885	925

Date Started 8/24/2012 Complete 12/17/2012

(unbonded) Water Well Constructor Certification  
I certify that the work I performed on the construction, deepening, alteration, or abandonment of this well is in compliance with Oregon water supply well construction standards. Materials used and information reported above are true to the best of my knowledge and belief.

License Number 1735 Date 1/17/2013  
Signed CHAD COURTNEY (E-filed)

(bonded) Water Well Constructor Certification  
I accept responsibility for the construction, deepening, alteration, or abandonment work performed on this well during the construction dates reported above. All work performed during this time is in compliance with Oregon water supply well construction standards. This report is true to the best of my knowledge and belief.

License Number 1881 Date 1/17/2013  
Signed GARRY L ZOLLMAN (E-filed)  
Contact Info (optional) Garry Zollman







Formation Log pg 1 of 2

OWNER John Vandenberg LICENSE 1735 DRILLER Chad START \_\_\_\_\_ WELL \_\_\_\_\_

8-24-12 → 12-17-12

ASSIST. DRILLER TROY

CARD \_\_\_\_\_ ID \_\_\_\_\_

TOOL & NO.	NUMBER	LENGTH	DEPTH	FORMATION	FROM	TO	GPM	SWL	DATE
8" Hammer & Stab	1	30	25	Soil	0	10			
7/2 stem	1	20	45	Black Basalt	10	25			
			65	Brown Basalt	25	65			
			85	Black	65	95			
			105	Brown Basalt	95	113			
			125	Black	113	135			
			145	Brown	135	150			
			165	Black	150	260			
			195	Black scoria	260	277			
			205	Black	277	310			
			225	Brown Ashy type clay/sand rock	310	335			
			245	Soft Black Basalt	335	360			
			265	Black	360	490			
			285	Brown Basalt	490	540			
			305	Black	540	640			
			325	Black & Brown Scoria / Tan dark stone	640	760			
			345	Black	760	850			
			365	Soft semi broken black	850	870			
			385	Black w/ green chrystone water	870	885	200+	600	8-29-12
			405		885	925			
			425	Black	925	950	100	600	8-30-12
			445	Broken black - water	950	1210			
			465	Black - hard	1210	1235			
			485	Soft black w/ some green chrystone					
			505		HOLE DIAM		CASING		
			525		DIAM	FROM	TO	FROM	TO
			545	BLOW TEST	12	0	16	8"	7-2-18
			565	GPM	8"	13	1114		
				DRILL STEM DEPTH					
SEAL METHOD	SACKS/YDS	FROM	TO	1000+	1393				
A B C D E	BENT	13	0	16					
OTHER	CEMENT	1	16	13					
TD	TEMP	74	SWL		SHOE				

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ore fruck

82 Roller Bit

180 psi

Billed

stem depth	585	665	745	825	905
	605	685	765	845	
	625	705	785	865	







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**Attachment 2**

Alteration Well Log and Well Driller Correspondence

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STATE OF OREGON  
WATER SUPPLY WELL REPORT  
(as required by ORS 537.765 & OAR 690-205-0210)

WELL I.D. LABEL# 109714  
START CARD # 1033154  
ORIGINAL LOG # MORROW 52027

(1) LAND OWNER  
Owner Well I.D. \_\_\_\_\_  
First Name JOHN Last Name VANDENBRINK  
Company \_\_\_\_\_  
Address P.O. BOX 165  
City IONE State OR Zip 97843

(2) TYPE OF WORK  New Well  Deepening  Conversion  
 Alteration (complete 2a & 10)  Abandonment (complete 5a)

(2a) PRE-ALTERATION  
Dia + From To Gauge Stl Plstc Wld Thrd  
Casing: 8  2 18 .25     
Material From To Amt sacks/lbs  
Seal: Bentonite Chips 0 16 13 Sacks

(3) DRILL METHOD  
 Rotary Air  Rotary Mud  Cable  Auger  Cable Mud  
 Reverse Rotary  Other

(4) PROPOSED USE  Domestic  Irrigation  Community  
 Industrial/ Commercial  Livestock  Dewatering  
 Thermal  Injection  Other TEST HOLE

(5) BORE HOLE CONSTRUCTION Special Standard  (Attach copy)  
Depth of Completed Well 1393.00 ft.  
BORE HOLE  
Dia From To Material SEAL From To Amt sacks/lbs  
12 0 18 Cement 600 820 125 S  
8 18 1393 Calculated 75  
Calculated

How was seal placed: Method  A  B  C  D  E  
 Other  
Backfill placed from \_\_\_\_\_ ft. to \_\_\_\_\_ ft. Material \_\_\_\_\_  
Filter pack from \_\_\_\_\_ ft. to \_\_\_\_\_ ft. Material \_\_\_\_\_ Size \_\_\_\_\_  
Explosives used:  Yes Type \_\_\_\_\_ Amount \_\_\_\_\_

(5a) ABANDONMENT USING UNHYDRATED BENTONITE  
Proposed Amount \_\_\_\_\_ Actual Amount \_\_\_\_\_

(6) CASING/LINER  
Casing Liner Dia + From To Gauge Stl Plstc Wld Thrd  
Shoe  Inside  Outside  Other Location of shoe(s) \_\_\_\_\_  
Temp casing  Yes Dia \_\_\_\_\_ From + \_\_\_\_\_ To \_\_\_\_\_

(7) PERFORATIONS/SCREENS  
Perforations Method \_\_\_\_\_  
Screens Type \_\_\_\_\_ Material \_\_\_\_\_  
Perf/ Casing/Screen Screen Liner Dia From To Scrm/slot width length # of slots Tele/ pipe size  
Screen Liner Dia From To width length slots pipe size

(8) WELL TESTS: Minimum testing time is 1 hour  
 Pump  Bailer  Air  Flowing Artesian  
Yield gal/min Drawdown Drill stem/Pump depth Duration (hr)  
Temperature 74 °F Lab analysis  Yes By \_\_\_\_\_  
Water quality concerns?  Yes (describe below) TDS amount  
From To Description Amount Units

(9) LOCATION OF WELL (legal description)  
County MORROW Twp 1.00 S N/S Range 24.00 E E/W WM  
Sec 22 NE 1/4 of the SE 1/4 Tax Lot 3500  
Tax Map Number \_\_\_\_\_ Lot \_\_\_\_\_  
Lat \_\_\_\_\_ " or \_\_\_\_\_ DMS or DD  
Long \_\_\_\_\_ " or \_\_\_\_\_ DMS or DD  
 Street address of well  Nearest address  
MORTER LN. IONE, OR

(10) STATIC WATER LEVEL  
Date SWL(psi) + SWL(ft)  
Existing Well / Pre-Alteration \_\_\_\_\_  
Completed Well \_\_\_\_\_  
Flowing Artesian?  Dry Hole?   
WATER BEARING ZONES Depth water was first found \_\_\_\_\_  
SWL Date From To Est Flow SWL(psi) + SWL(ft)

(11) WELL LOG  
Ground Elevation \_\_\_\_\_  
Material From To  
RECEIVED BY OWRD  
JUL 27 2017  
SALEM, OR  
Received by OWRD  
OCT 17 2024  
Salem, OR

Date Started 7/6/2017 Completed 7/12/2017  
(unbonded) Water Well Constructor Certification  
I certify that the work I performed on the construction, deepening, alteration, or abandonment of this well is in compliance with Oregon water supply well construction standards. Materials used and information reported above are true to the best of my knowledge and belief.  
License Number 1963 Date 7/24/2017  
Signed JOHN KLINE (E-filed)

(bonded) Water Well Constructor Certification  
I accept responsibility for the construction, deepening, alteration, or abandonment work performed on this well during the construction dates reported above. All work performed during this time is in compliance with Oregon water supply well construction standards. This report is true to the best of my knowledge and belief.  
License Number 1881 Date 7/24/2017  
Signed GARRY L ZOLLMAN (E-filed)  
Contact Info (optional) Garry Zollman







**Ressler, Ted**

---

**From:** Chad Courtney <chad@courtneywelldrilling.com>  
**Sent:** Monday, October 14, 2024 11:29 AM  
**To:** joshua.a.hackett@water.oregon.gov  
**Cc:** FINN Shaun P \* WRD; Ressler, Ted  
**Subject:** John Vandenbrink recent SWL measurements

Josh,

I've been in conversation with Bill Porfily and Ted Ressler about the details of the alteration well log (morr 52439). Sounds like there is confusion on what we did. We simply set a plug in the well and cemented it back from 800' to 650' which is still in place. That zone did not produce any water, it was just a thieving zone per EM flowmeter readings. We did not drill it out as OWRD well construction section will not allow us to do because it is not recognized as a proper seal. So, any SWL measurements taken after 7-12-2017 are not representative of what true static is of the aquifer in that well. Any static measured since is just water that was pushed up hole during cementing process and has nowhere to leave. While drilling, static stayed at 600' with every water bearing zone we encountered in this well and if I remember correctly, it was determined then, that is the same static as his current well. I have notes with water levels taken on different days prior to drilling each day if that helps you? Erik Thomasser was out there for the alteration and he might have records also.

Let me know if you have any questions or if I can help with anything else on this well.

Chad Courtney  
Cell: 541-969-8263

**Courtney Well Drilling, LLC**  
70026 Conestoga Dr.  
Pendleton OR 97801  
Office: 541-276-3681

**CAUTION:** This email originated from outside the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

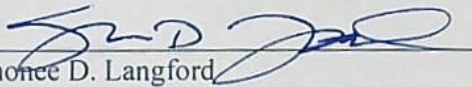
Received by OWRD  
OCT 17 2024  
Salem, OR



**CERTIFICATE OF SERVICE**

I certify that on October 17, 2024, my office hand-delivered the original PROTEST OF PRELIMINARY DETERMINATION PROPOSING TO DENY TRANSFER APPLICATION T-13839 IN THE NAME OF JOHN AND JANNA VANDEN BRINK to the Oregon Water Resources Department at 725 Summer St. NE, Suite A, Salem, Oregon 97301.

SCHWABE WILLIAMSON & WYATT, P.C.



Shonice D. Langford  
Schwabe, Williamson & Wyatt  
530 Center St. NE, Suite 730  
Salem, OR 97301  
slangford@schwabe.com  
503-540-4261  
Of Attorneys for Protestant

Received by OWRD

OCT 17 2024

Salem, OR



OREGON WATER RESOURCES DEPARTMENT  
ACCOUNT ACTIVITY RECORD

Already entered to Abby 10-17-2024

Account Name: Schulze, Williamson & Wyatt

Account #: CA0012 Activity Date: 10-17-2024

Please complete and leave with Customer Service Representative. CSG, please place in ASD mailbox.

Transaction Description	Number of Items or Hours	Project Name (If Applicable)	Customer Contact Name (Person Making Copies)	OWRD Personnel Providing Assistance (Or Verifying Fees)	Amount (\$) of Activity
Deposit to Account:					
Copying: Self Service Agency Assisted					
Faxing:					
Research:					
Other: Protest Fee T-13839	/	T-13839 47235	Shonee Langford	Nick Reece	\$480.00
Other:					Total \$480.00

Your account may be required to provide an account project number per your accounting department. If required, please have your project number ready upon any service request.



T-13839



Received by OWRD  
OCT 17 2024  
Salem, OR

Date Received (Date Stamp Here)

## OWRD Over-the-Counter Submission Receipt

Applicant Name(s) & Address: Schwabe

530 Center Street NE, Suite 730, Salem OR 97301

Transaction Type: Protest

Fees Received: \$ 480.00 CA0012

Cash  Check; Check No. \_\_\_\_\_

Name(s) on Check: Schwabe

Thank you for your submission. Oregon Water Resources Department (Department) staff will review your submittal as soon as possible.

If your submission is determined to be complete, you will receive a receipt for the fees paid and an acknowledgement letter stating your submittal is complete.

If determined to be incomplete, your submission and the accompanying fees will be returned with an explanation of deficiencies that must be addressed in order for the submittal to be accepted.

If you have any questions, please feel free to contact the Department's Customer Service staff at 503-986-0801 or 503-986-0810.

Sincerely,  
OWRD Customer Service Staff

Submission received by: [Signature]  
(Name of OWRD staff)

### Instructions for OWRD staff:

- Complete this Submission Receipt and make two (2) copies. Place one copy with the check/cash; and place the other copy with the submission (i.e., the application or other document).
- Date-stamp all pages. (NOTE: Do not stamp check.)
- Give this original Submission Receipt to the applicant.
- Record Submission Receipt Information on the "RECEIVED OVER THE COUNTER" log sheet.
- Fold and put one copy of the Submission Receipt with check/cash into the Safe slot. Place the other copy of the Submission Receipt with submission (application/other document) in the top drawer of filing cabinet.



7022 3330 0000 2912 2998

**U.S. Postal Service™**  
**CERTIFIED MAIL® RECEIPT**  
*Domestic Mail Only*

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**OFFICIAL U**

Certified Mail Fee

\$

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

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

Postage

\$

Total Postage and Fees

\$

Sent To

Street and Apt. No., or PO Box No.

City, State, ZIP+4®

PS Form 3800, April 2015 PSN 7530-02-000-9047

See Reverse

**SENDER: COMPLETE THIS SECTION**

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

1.

John and Janna Vanden Brink  
 PO Box 165  
 Lone, OR 97843



9590 9402 4402 8248 9637 50

2. Article Number (Transfer from service label)

7022 3330 0000 2912 2998

PS Form 3811, July 2015 PSN 7530-02-000-9053 T-13839 ER/DL TACS Domestic Return Receipt

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature

X

*John Vanden Brink*

Agent

Addressee

B. Received by (Printed Name)

*John Vanden Brink*

C. Date of Delivery

9-19-24

D. Is delivery address different from item 1?  Yes

If YES, enter delivery address below:  No

**Received**

**SEP 23 2024**

3. Service Type

- Adult Signature
- Adult Signature Restricted Delivery
- Certified Mail®
- Certified Mail Restricted Delivery
- Collect on Delivery
- Collect on Delivery Restricted Delivery
- Insured Mail
- Insured Mail Restricted Delivery (over \$500)

- Priority Mail Express®
- Registered Mail™
- Registered Mail Restricted Delivery
- Return Receipt for Merchandise
- Signature Confirmation™
- Signature Confirmation Restricted Delivery

**OWARD**





# Oregon

Tina Kotek, Governor

**Water Resources Department**

North Mall Office Building  
725 Summer St NE, Suite A

Salem, OR 97301

Phone 503 986-0900

Fax 503 986-0904

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

September 13, 2024

VIA CERTIFIED MAIL AND E-MAIL

JOHN AND JANA VANDEN BRINK  
PO BOX 165  
IONE, OR 97843

SUBJECT: Water Right Transfer Application T-13839

Please find enclosed the Preliminary Determination indicating that, based on the information available, the Department intends to deny application T-13839. This document is an intermediate step in the denial process; water may not be used legally as proposed in the transfer application until a Final Order approving the transfer has been issued by the Department. Please read this entire letter carefully to determine your responsibility for additional action.

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

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

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

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

Sincerely,

Dante Luongo  
Transfer Specialist  
Transfer and Conservation Section

cc: Transfer Application file T-13839  
Kenneth C. Thiemann, District 21 Watermaster (*via e-mail*)  
William Porfily, Agent for the applicant (*via e-mail*)



BEFORE THE WATER RESOURCES DEPARTMENT  
OF THE  
STATE OF OREGON

In the Matter of Transfer Application	)	PRELIMINARY DETERMINATION
T-13839, Morrow County	)	PROPOSING DENIAL OF AN ADDITIONAL
	)	POINT OF APPROPRIATION AND A
	)	CHANGE IN POINT OF APPROPRIATION

**Authority**

Oregon Revised Statutes (ORS) 537.705 and 540.505 to 540.580 establish the process in which a water right holder may submit a request to transfer the point of appropriation, place of use, or character of use authorized under an existing water right. Oregon Administrative Rules (OAR) Chapter 690, Division 380 implement the statutes and provides the Department's procedures and criteria for evaluating transfer applications.

**Applicant**

JOHN AND JANNA VANDEN BRINK  
PO BOX 165  
IONE, OR 97843

**Findings of Fact**

1. On October 4, 2021, JOHN AND JANNA VANDEN BRINK filed an application for an additional point of appropriation under Certificate 89128 and a change in appropriation under Certificate 48296. The Department assigned the application number T-13839.
2. Notice of the application for transfer was published on October 12, 2021, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. The existing point of appropriation MORR 51114 under Certificate 89128 develops at least two aquifers. The well must be reconstructed to meet current well construction standards. To meet current well construction standards, the well must be continuously cased and sealed from land surface to a depth of 205 feet bls. (Note: MORR 51114 is also an authorized POA on Permit G-17360. A condition listed on the permit requires the well to be cased and sealed to a depth of 205 feet.)
4. On December 13, 2021, the Department determined the proposed point of appropriation (POA) under Certificate 48296 and additional point of appropriation (APOA) under Certificate 89128 will not develop the same aquifers (sources) as the existing authorized POAs (MORR 1735 and MORR 51114).

Pursuant to OAR 690-380-4030, any person may file a protest or standing statement within 30 days after the last date of publication of the newspaper notice or the Department's weekly notice as prescribed by OAR 690-380-4020, whichever is later, of this preliminary determination.



5. On March 21, 2022, the Department sent a copy of the draft Preliminary Determination proposing to deny Transfer Application T-13839 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of April 21, 2022, for the applicant to respond. The applicant requested that the Department proceed with issuance of a Preliminary Determination and did not provide the necessary information to demonstrate that the applicant is authorized to pursue the transfer.
6. On July 15, 2022, the applicant submitted revised transfer application pages and supporting documentation for the Groundwater Section's re-review. In the supporting documentation, the applicant proposed to continuously case and seal POA MORR 51114 to 205 feet to prevent comingling aquifers, and meet current well standards.
7. On April 5, 2023, the Department determined the proposed point of appropriation (POA) under Certificate 48296 and additional point of appropriation (APOA) under Certificate 89128 will not develop the same aquifers (sources) as the existing authorized POAs (MORR 1735 and MORR 51114). If MORR 51114 is sealed at 205 feet, it will produce from a single aquifer, the upper primary aquifer. The proposed POA, MORR 52027, is open only to the lower aquifer therefore not produce from the same aquifer as the authorized POA (MORR 51114).
8. The authorized point of appropriation under Certificate 48296, MORR 1735, develops at least two aquifers. In order for MORR 1735 to produce from the same source as the proposed additional point of appropriation, the well will need to be reconstructed to seal off the upper primary aquifer. This will require MORR 1735 be cased and sealed to a minimum depth of 510 feet bls (current seal at 300 feet bls).
9. On November 9, 2023, the Department sent a copy of the revised draft Preliminary Determination proposing to deny Transfer Application T-13839 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of December 9, 2023, for the applicant to respond. The applicant requested that the Department proceed with issuance of a Preliminary Determination and did not provide the necessary information to demonstrate that the applicant is authorized to pursue the transfer.
10. On January 25, 2024, the applicant's agent provided revised application pages to the Department removing Certificate 89128 from the application, but deficiencies still exist for Certificate 48296.
11. On May 31, 2024, the applicant's agent submitted to the Department an additional memo addressing the history of the applicant's water rights and wells, indicating that the authorized well for Certificate 48296 (MORR 1735) has not been used for the Certificate since at least March 16, 1982. The applicant indicated using water from MORR 51114 without authorization. This prompted a Groundwater re-review for the file.
12. On June 10, 2024, the Department determined that the authorized POA for Certificate 48296 (MORR 1735) produces water from the same aquifer (upper aquifer) as currently used POA (MORR 51114). However, the Department has also determined that the



Proposed POA (MORR 52027), once sealed, produces water from the lower aquifer and therefore does not produce water from the same aquifer (upper aquifer) as authorized POA (MORR 1735).

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

**Certificate:** 48296 in the name of DARRELL PADBERG (perfected under Permit G-6296)  
**Use:** IRRIGATION of 191.9 ACRES  
**Priority Date:** JANUARY 13, 1975  
**Rate:** 2.23 CUBIC FEET PER SECOND  
**Limit/Duty:** The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to ONE-EIGHTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 3.0 acre feet per acre for each acre irrigated during the irrigation season of each year.  
**Source:** A WELL, a tributary of RHEA CREEK

**Authorized Point of Appropriation:**

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
1S	24E	WM	35	NE NE	UNNAMED WELL (MORR 1735) - 1020 FEET SOUTH AND 300 FEET WEST FROM THE NE CORNER OF SECTION 35

**Authorized Place of Use:**

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
1 S	24 E	WM	26	SW NW	6.3
1 S	24 E	WM	26	NE SW	3.3
1 S	24 E	WM	26	NW SW	38.4
1 S	24 E	WM	26	SW SW	21.0
1 S	24 E	WM	26	SE SW	0.5
1 S	24 E	WM	27	SW NE	7.6
1 S	24 E	WM	27	SE NE	14.0
1 S	24 E	WM	27	NE SE	40.0
1 S	24 E	WM	27	NW SE	34.4
1 S	24 E	WM	27	SW SE	7.6
1 S	24 E	WM	27	SE SE	18.8
TOTAL					191.9

14. Transfer Application T-13839 proposes to move the authorized point of appropriation approximately 2.17 miles northwest from the existing point of appropriation to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
1 S	24 E	WM	22	NE SE	NEW WELL (MORR 52027) - 2950 FEET SOUTH AND 950 FEET WEST FROM THE NE CORNER OF SECTION 22



*Transfer Review Criteria [OAR 690-380-0100(14), 690-380-4010(2) and OAR 690-380-2110(2)]*

15. Water has been used within the last five years according to the terms and conditions of the rights. There is no information in the record that would demonstrate that the rights are subject to forfeiture under ORS 540.610.
16. Water delivery systems sufficient to use the full amount of water allowed under the existing rights were present within the five-year period prior to submittal of Transfer Application T-13839.
17. The water rights are subject to transfer as defined in ORS 540.505(4) and OAR 690-380-0100(14).
18. The proposed point of appropriation (MORR 52027) does not develop groundwater from the same aquifer as the authorized point of appropriation (MORR 1735), as required by OAR 690-380-2110(2).
19. The proposed changes would not result in enlargement of the rights.
20. The proposed changes would not result in injury to other water rights.
21. The application is incomplete because the applicant has not submitted a Report of Ownership Information for the from lands, pursuant to OAR 690-380-4010(5). Therefore, all other application requirements are not met.

**Determination and Proposed Action**

The change in point of appropriation proposed in Transfer Application T-13839 appears to be NOT consistent with the requirements of ORS 537.705 and 540.505 to 540.580 and OAR 690-380-5000. If protests are not filed pursuant to OAR 690-380-4030, the application will be denied.

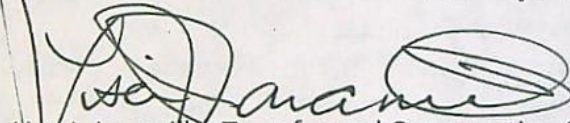
*If the deficiencies are resolved and Transfer Application T-13839 is approved, the final order will include the following:*

1. *The change in point of appropriation proposed in Transfer Application T-13839 is approved.*
2. *The right to the use of the water is restricted to beneficial use at the place of use described, and is subject to all other conditions and limitations contained in Certificates 48296 and any related decree.*
3. *Water right Certificate 48296 is cancelled.*
4. *Under Certificate 48296, the quantity of water diverted at the new point of appropriation (New Well), shall not exceed the quantity of water lawfully available at the original point of appropriation (Unnamed Well).*
5. *Water use measurement conditions:*



- a. *Before water use may begin under this order, the water user shall install a totalizing flow meter, or, with prior approval of the Director, another suitable measuring device, at each point of appropriation (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.*
6. *Water shall be acquired from the same aquifer (water source) as the original point of appropriation.*
  7. *Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2026**. A Claim of Beneficial Use prepared by a Certified Water Right Examiner shall be submitted by the applicant to the Department within one year after the deadline for completion of the changes and full beneficial use of the water.*
  8. *After satisfactory proof of beneficial use is received, a new certificate confirming the right transferred will be issued.*

Dated in Salem, Oregon on **SEP 13 2024**



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

This Preliminary Determination was prepared by Dante Luongo. If you have any questions about the information in this document, you may reach me at 971-304-5006 or [dante.j.luongo@water.oregon.gov](mailto:dante.j.luongo@water.oregon.gov).

### Protests

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



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

- The person's name, address, and telephone number;
- All reasonably ascertainable issues and all reasonably available arguments supporting the person's position by the close of the protest period. Failure to raise a reasonably ascertainable issue in a protest or failure to provide sufficient specificity to afford the Department an opportunity to respond to the issue may preclude consideration of the issue during the hearing;
- If you are the applicant, a protest fee of \$480 required by ORS 536.050; and
- If you are not the applicant, a protest fee of \$950 required by ORS 536.050 and proof of service of the protest upon the applicant.

#### **Requests for Standing**

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

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

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

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

- Be under the applicable provisions of ORS 183.310 to 183.550, pertaining to contested cases, and the hearing shall be held in the area where the rights are located unless all parties stipulate otherwise; and



- If a protest has asserted that a water right to be transferred has been forfeited through non-use, include the notice and procedures described in OAR 690-017-0500 to 690-017-0900.

If after hearing the Department issues a proposed Final Order finding that a change in point of diversion or appropriation will result in injury, the applicant may file a notification of intent to pursue approval of the transfer under OAR 690-380-5030 to 690-380-5050 within 15 days of receipt of the proposed order. Notwithstanding 690-002-0175, if the applicant files a notification of intent to pursue approval of the transfer under 690-380-5030 to 690-380-5050, the deadline for filing exceptions to the proposed order shall be 30 days after the Department provides notice to the parties that the transfer does not meet the requirements of 690-380-5030 to 690-380-5050.

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

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

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

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

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

Address any correspondence to: Oregon Water Resources Department, Transfer and Conservation Section, 725 Summer Street NE, Suite A, Salem OR 97301-1266.



**WATER RIGHT TRANSFER COVER SHEET**

Transfer: T- 13839

Transfer Specialist: *B*  
*AL*

Transfer Type: Regular Transfer

*PA*

<b>Applicant:</b> JOHN AND JANNA VANDEN BRINK PO BOX 165 IONE, OR 97843 Email: <i>WLS</i> Phone: _____	<b>Agent:</b> <input type="checkbox"/> N/A WILLIAM PORFIFY PO BOX 643 STANFIELD, OR 97875 Email: _____ Phone: _____
<b>Irrigation District:</b> <input type="checkbox"/> N/A Email: _____	<b>CWRE:</b> <input type="checkbox"/> N/A Email: _____
<b>Affected Local Gov'ts:</b> <input type="checkbox"/> N/A County Of Morrow Email: _____	<b>Affected Tribal Gov't:</b> <input type="checkbox"/> N/A UNAVAILABLE Email: _____
<b>Current Landowner if other than Applicant:</b> <input type="checkbox"/> N/A Email: _____	<b>Receiving Landowner:</b> <input type="checkbox"/> N/A Email: _____

**Water Rights Affected**

File Marked	App. File # or Decree Name	Permit	Certificate	RR/CR Needed	RR/CR Nos.
<input type="checkbox"/>	G-6784	G-6296	48296	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
<input type="checkbox"/>	G-8752	G-8701	89128	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
<input type="checkbox"/>				<input type="checkbox"/> Yes <input type="checkbox"/> No	

**Key Dates & Initial Actions:**

Rec'd: October 4, 2021	Proposed Action(s): POINT OF APPROPRIATION; ADDITIONAL POINT OF APPROPRIATION	
Fees Pd: 2450.00	WM District: 21	-ODFW-District-
Initial Public Notice: October 12, 2021	WM Review sent: <input checked="" type="checkbox"/>	ODFW Review sent: <input checked="" type="checkbox"/>
Acknowledgement Letter Sent <input checked="" type="checkbox"/>	<i>626 (N+E)</i>	GW Review sent: <input checked="" type="checkbox"/> <input type="checkbox"/> N/A
County sent cc: of Ack Letter <input checked="" type="checkbox"/>	BOR notified (date): <input type="checkbox"/> N/A	<i>Not same source*</i>
Newspaper quote requested:	Request for news \$ sent:	News \$ received:
Request to publish sent:	Affidavit of publication received:	Last day of publication:

*East Oregonian*

Document	<i>6-17-24</i> Drafted	<i>6-24-24</i> Peer Review	Changes Made	Coordinator	<i>6-25-24</i> Changes Made	Signature Bin	Signature Date
DPD	Date: <i>13/22</i> Initials: <i>AB</i>	Date: <i>2/3/22</i> Initials: <i>CC</i>	Date: <i>3-1-22</i> Initials: <i>B</i>	Date: <i>2/4/22</i> Initials: <i>PKJ</i> <i>CL</i>	Date: <i>2/2</i> Initials: <i>B</i> <i>A2</i>	CW Sent: <i>3-21-2022</i>	N/A
PD	Date: <i>6-29-24</i> Initials: <i>A2</i>	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: <i>7-12-24</i> Initials: <i>PKJ</i> <i>4-5-24</i>	Date: <i>9-12-24</i> Initials: <i>8-3-24</i> <i>A2</i>	Date: <i>9-13-24</i>	Date: <i>9/13/24</i>
FO	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____	Date: _____

Special Issues: *SW: not same source C-89128-Well 2 "not in use" should be POA, not APDA?*

Special Order Volume: Vol. \_\_\_\_\_ Pages \_\_\_\_\_ *July 15 revised application - awaiting re-review SW*



## LUONGO Dante J \* WRD

---

**From:** LUONGO Dante J \* WRD  
**Sent:** Thursday, February 8, 2024 1:45 PM  
**To:** wporfily@gmail.com  
**Cc:** jvbdairyoffice@gmail.com; 'Langford, Shonee D.'  
**Subject:** RE: Transfer Application T-13839

Hello William,  
The Department will hold off on issuing the PD until March 7<sup>th</sup> for any additional information to be submitted.  
Best,  
Dante

---

**From:** wporfily@gmail.com <wporfily@gmail.com>  
**Sent:** Friday, February 2, 2024 2:54 PM  
**To:** LUONGO Dante J \* WRD <Dante.J.LUONGO@water.oregon.gov>  
**Cc:** jvbdairyoffice@gmail.com; 'Langford, Shonee D.' <SLangford@SCHWABE.com>  
**Subject:** Transfer Application T-13839

You don't often get email from [wporfily@gmail.com](mailto:wporfily@gmail.com). [Learn why this is important](#)

Good afternoon,

Could you get another 30 days to address the issues with Transfer T-13839? we are working with Shonee on how to solve the issues with the transfer and he is on vacation for the next couple weeks.

Thank you for your consideration in this issue

**William Porfily**  
**PO Box 643**  
**Stanfield, OR 97875**  
**Cel (541)561-7259**  
**E-Mail: [wporfily@gmail.com](mailto:wporfily@gmail.com)**



RECEIVED

DEC 08 2023

OWRD

December 1, 2023

Oregon Water Resource Department  
725 Summer St NE, Suite A  
Salem, Or 97301

ATTN: Dante Luongo

SUBJECT: Water Right Transfer Application T-13839 regarding the October 26, 2023 letter

In regards to the letter proposing to deny Transfer Application T-13839, we are electing to do one of the following alternatives. We are choosing to remove Certificate 89128 from the application. However, the second part of that is to case and seal MORR 1735 to a minimum depth of 510 feet blsd. The MORR 1735 Well is not owned by John Vanden Brink, nor is it even 510 feet deep. That well is 460 feet deep and it's owned by the neighbor who is using it as a domestic well. I have attached the Well Log for reference.

Your consideration and effort is greatly appreciated, we will be sending in an amended application and map deleting Certificate 89128 shortly.

Thank you,

*William Porfily*

William Porfily – Agent  
P.O. Box 643  
Stanfield, OR 97875  
P: 541-561-7259  
E: [Wporfily@gmail.com](mailto:Wporfily@gmail.com)

CC: John Vanden Brink



NOTICE TO WATER WELL CONTRACTOR  
The original and first copy  
of this report are to be  
filed with the

RECEIVED  
MAR 6 1969

OBSERVATION WELL

WATER WELL REPORT

W.M.O.K.  
11735 15/24-35 and  
1/24-35 and

STATE ENGINEER, SALEM, OREGON  
within 30 days from the date  
of well completion.

STATE OF OREGON

MAR 3 1969

State Well No.

STATE ENGINEER  
SALEM, OREGON

(Please type or print)

STATE ENGINEER  
SALEM, OREGON

State Permit No.

G-4877

G6784

(1) OWNER:

Name Wernell Padberg  
Address None Oregon

(2) TYPE OF WORK (check):

New Well  Deepening  Reconditioning  Abandon

If abandonment, describe material and procedure in Item 12.

(3) TYPE OF WELL:

Rotary  Driven   
Cable  Jetted   
Dug  Bored

(4) PROPOSED USE (check):

Domestic  Industrial  Municipal   
Irrigation  Test Well  Other

CASING INSTALLED:

Threaded  Welded   
12 3/4" Diam. from 0 ft. to 19 ft. Gage 250  
" Diam. from ft. to ft. Gage  
" Diam. from ft. to ft. Gage

PERFORATIONS:

Perforated?  Yes  No.

Type of perforator used

Size of perforations in. by in.  
perforations from ft. to ft.  
perforations from ft. to ft.  
perforations from ft. to ft.  
perforations from ft. to ft.  
perforations from ft. to ft.

(7) SCREENS:

Well screen installed?  Yes  No

Manufacturer's Name  
Type Model No.  
Diam. Slot size Set from ft. to ft.  
Diam. Slot size Set from ft. to ft.

(8) WATER LEVEL: Completed well.

Static level 130 ft. below land surface Date 11/15/68  
Artesian pressure lbs. per square inch Date

(9) WELL TESTS:

Drawdown is amount water level is lowered below static level

Was a pump test made?  Yes  No If yes, by whom? Columbin Ph.M.P.

Yield: 130 gal./min. with 12 ft. drawdown after 4 hrs.

ON AIRLIFT well blow was (4009 PM)

Baller test gal./min. with ft. drawdown after hrs.

Artesian flow g.p.m. Date

Temperature of water 60 Was a chemical analysis made?  Yes  No

(10) CONSTRUCTION:

Well seal—Material used Cement 0-19'  
Depth of seal 19' (3 YARDS OF READY MIX) ft.  
Diameter of well bore to bottom of seal 18 1/2 in.  
Were any loose strata cemented off?  Yes  No Depth  
Was a drive shoe used?  Yes  No  
Did any strata contain unusable water?  Yes  No  
Type of water? depth of strata  
Method of sealing strata off  
Was well gravel packed?  Yes  No Size of gravel:  
Gravel placed from ft. to ft.

(11) LOCATION OF WELL:

County MORROW Driller's well number  
NE 1/4 NE 1/4 Section 35 T. 2 S R. 24 E W.M.  
Bearing and distance from section or subdivision corner

(12) WELL LOG:

Diameter of well below casing 12" to 250  
Depth drilled 460 ft. Depth of completed well 460 ft.

Formation: Describe color, texture, grain size and structure of materials; and show thickness and nature of each stratum and aquifer penetrated, with at least one entry for each change of formation. Report each change in position of Static Water Level as drilling proceeds. Note drilling rates.

MATERIAL	From	To	SWL
Soil SAND AND GRAVEL	0	14	
BASALT GREY HARD	14	130	
" BROWN with yellow SCAPSTONE	130	146	
BASALT Red-Brown (Honeycombed) WATER BEARING	146	195	130
BASALT GREY HARD	195	274	
" BROKEN WATER BEARING	274	295	
BASALT GREY HARD	295	342	
BASALT Red-Brown SANDS WATER BEARING	342	349	130
BASALT BLACK HARD	349	446	
" " BROKEN	446	460	

RECEIVED

DEC 08 2023

OWRD

Work started 9/22/68 19 Completed 12/24/68 19

Date well drilling machine moved off of well 12/24/68 19

Drilling Machine Operator's Certification:

This well was constructed under my direct supervision. Materials used and information reported above are true to my best knowledge and belief.

[Signed] Bill Rice Date 2-27, 1969  
(Drilling Machine Operator)

Drilling Machine Operator's License No. 446

Water Well Contractor's Certification:

This well was drilled under my jurisdiction and this report is true to the best of my knowledge and belief.

NAME OTTE ELLSWORTH (Type or print)  
(Person, firm or corporation)

Address P.O. Box 491 Island City, OR.

[Signed] Otte Ellsworth  
(Water Well Contractor)

Contractor's License No. 398 Date 2/21/69, 19





Site Identification (Click to Collapse...)

Location (Click to Collapse...)

GW LogID: MORR 1735 [Well Log Database](#)  
 GW Well Tag Number:  
 Tag Verified on Well: No  
 Site Type: WELL  
 Primary Use: IRRIGATION  
 Unused Status:  
 Site Source Organization:  
 Site Source OWRD:  
 Established By: MIKE ZWART  
 Established Date: 07/25/2001  
 Bonded Company:  
 Stage: COMPLETE

Latitude/Longitude  
 Latitude: 45.44092100 Horiz. Error: 150.00 ft  
 Longitude: -119.78106200 Datum: WGS1984  
 Lat/Long Source: OTHER

Location  
 TRSQQ: WM 1 00S24 00E35NENE  
 Tax Map:  
 Taxlot:  
 24 Quad: IONE SOUTH  
 Basin: 7 - Umatilla  
 County: Morrow  
 WM District: 21  
 WM Region: NC  
 LSD Elev: 1360.00 Accy: 10.00 Datum: NGVD1929  
 Elev Source: 7.5-MINUTE MAP  
[Groundwater Mapping Tool](#)



Maxar | Oregon Water Resources Department and Bureau of Land Management. Powered by Esri.

Water Rights (Click to Expand...)

Well Construction History (Click to Collapse...)

Well Construction History

Well Construction History

RECEIVED  
 DEC 08 2023  
 OWRD



**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 # **140962**

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

RECEIVED FROM: Porfily Water Rights Consulting  
BY: \_\_\_\_\_

APPLICATION	
PERMIT	
TRANSFER	T-13839

CASH:  CHECK:#  7161 OTHER: (IDENTIFY)

TOTAL REC'D \$ 2,433.96

**1083 TREASURY 4170 WRD MISC CASH ACCT**

0407 COPIES	<u>47124 R11-327-23</u>	\$
0413 OTHER:	(IDENTIFY) <u>Transfer reimbursement Authority</u>	\$ <u>2,433.96</u>
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	EXAM FEE	0202	RECORD FEE
0203 GROUND WATER	\$	0204	\$
0205 TRANSFER	\$		

**WELL CONSTRUCTION**

0218 WELL DRILL CONSTRUCTOR	EXAM FEE	0219	LICENSE FEE
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: **140962**

DATED: 6-20-2023 BY: ymcald



JUN 20 2023

Salem, OR

**REIMBURSEMENT AUTHORITY  
 APPLICANT'S AGREEMENT  
 Contract Number: R11-327-23**

This Agreement is between the **Oregon Water Resources Department**, hereafter OWRD, and **John Vanden Brink**, hereafter Applicant, hereafter known together as the parties.

OWRD Information	Applicant's Information	Applicant's Representative
Contact: Kelly Starnes	Name: John Vanden Brink	Name: William Porfily
Title: Transfer Advisor	Contact:	Contact:
Address: 725 Summer Street, NE, Suite A Salem, OR 97301-1266	Address: PO Box 165 Ione, OR 97843	Address: PO Box 643 Stanfield, OR 97875
Phone: 503 986-0886	Phone: (541) 422-7035	Phone: (541) 561-7259
Fax: 503 986-0901	Fax:	Fax:
Email: <a href="mailto:patrick.k.starnes@water.oregon.gov">patrick.k.starnes@water.oregon.gov</a>	Email: <a href="mailto:jvbdairy@gmail.com">jvbdairy@gmail.com</a>	Email: <a href="mailto:wporfily@gmail.com">wporfily@gmail.com</a>

**Purpose** The purpose of this Agreement is to expedite the processing of the **Transfer Application**. (Application Number: T-13839)

1. **Authority.** The OWRD has been authorized pursuant to ORS 536.055 to enter into a voluntary agreement with any applicant, permittee or regulated entity (collectively Applicant) for expediting or enhancing a regulatory process. In making this agreement, OWRD shall require the applicant to pay the full cost of expedited process.
2. **Restrictions.** Applicant and OWRD agree that this Agreement shall not be construed to restrict in any way the decisions and actions by OWRD. OWRD shall be free to exercise independent judgment consistent with existing laws and regulations.
3. **Effective Date and Duration.** Unless otherwise terminated by non-deposit of funds by the Applicant, this Agreement shall become effective on the date on which both parties have signed the Agreement and the full deposit of the estimated cost of the proposed service.
4. **Consideration.**
  - a. Applicant shall pay OWRD in advance for actual costs incurred by OWRD. The estimated maximum reimbursement payable to OWRD under this Agreement is ~~\$900.45~~ **\$2,433.96**. Applicant agrees to pay the full amount of ~~\$900.45~~ **\$2,433.96** to OWRD prior to commencement of any work stated in this Agreement. This payment will be placed in an account administered by OWRD and drawn upon as costs are actually incurred. If the actual cost of performing the work is less than payments received, OWRD will refund the unspent balance. If the actual cost of processing exceeds the estimate, the Applicant can either elect to terminate this Agreement or amend the Agreement to reflect the increase in cost.
  - b. The costs stated in this Agreement do not include the statutory application processing and filing fees.
5. **Confidentiality.** Applicant agrees that any information provided to or acquired by OWRD under this Agreement will be subject to the Oregon Public Records Law and shall be considered public records.
6. **Indemnity.** Applicant shall defend, save, hold harmless, and indemnify the State of Oregon, OWRD, and their officers, employees, and agents from and against all claims, suits, actions, losses, damages, liabilities, costs, and expenses of any nature resulting from or arising out of, or relating to the activities of Applicant or its representatives, officers, employees, contractors, or agents under this Agreement or with respect to the expedited service. The Applicant acknowledges that the Oregon Water Resources Department cannot and does not guarantee a favorable review under the subject regulatory process.



7. **Termination.** Applicant may request to terminate this agreement only in writing at anytime during the process. The Applicant agrees to pay for the work done by OWRD up until the time of the written termination request. OWRD, upon receiving such written termination request from the Applicant, will refund any unspent balance.
8. **Funds Authorized and Available.** By its execution of this Agreement, Applicants certify that sufficient funds are authorized and available to cover the expenditures contemplated by this Agreement.
9. **Duration of Estimate.** The Estimate of Time to completion is **approximately** 120 days once this Agreement has been fully executed and payment of the estimated cost deposited. If the Applicant's Agreement is not received by the Department within thirty (30) days of mailing the Agreement, the Applicant may need to re-apply for a new estimate. NOTE: Any time estimate is approximate; No guarantee of Final Order issuance of a date is certain. Duration estimates do not include any statutory waiting periods.
10. **Completion Date.** OWRD, by the execution of this Agreement does not guarantee the completion date indicated in this Agreement. Completion date is only an estimate and may be affected by the Department's workload, issues arising from the processing of the requested services and Applicant's timely response to requests for additional information.
11. **Captions.** The captions or headings in this Agreement are for the convenience only and in no way define, limit, or describe the scope, or intent, of any provision of this Agreement.
12. **Amendment and Merger.** The terms of this Agreement shall not be waived, altered, modified, supplemented, or amended in any manner whatsoever, except by written instrument signed by both parties. Such waiver, consent, modification or change, if made, shall be effective only in the specific instance and for the specific purpose given. There are no understandings, agreements or representations, oral or written, not specified herein regarding this Agreement.
13. **Signatures.** All parties, by the authorized representative's signature below, hereby acknowledge that they have read this Agreement, understand it and agree to be bound by its terms and conditions.

For Applicant: John Vanden Brink by Agent William J. Baily 06-15-2023  
Name/Title: Date

For OWRD: Dwight French 6-30-2023  
Dwight French - Administrator Date

Mail signed Agreement to:

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

Received by OWRD  
 JUN 20 2023  
 Salem, OR



**REIMBURSEMENT AUTHORITY  
APPLICANT'S AGREEMENT  
Contract Number: R11-327-23**

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Contact: Kelly Starnes Title: Transfer Advisor Address: 725 Summer Street, NE, Suite A Salem, OR 97301-1266	Name: John Vanden Brink Contact: Address: PO Box 165 Ione, OR 97843	Name: William Porfily Contact: Address: PO Box 643 Stanfield, OR 97875
Phone: 503 986-0886 Fax: 503 986-0901 Email: <a href="mailto:patrick.k.starnes@water.oregon.gov">patrick.k.starnes@water.oregon.gov</a>	Phone: (541) 422-7035 Fax: Email: <a href="mailto:jvbdairy@gmail.com">jvbdairy@gmail.com</a>	Phone: (541) 561-7259 Fax: Email: <a href="mailto:wporfily@gmail.com">wporfily@gmail.com</a>

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13. **Signatures.** All parties, by the authorized representative's signature below, hereby acknowledge that they have read this Agreement, understand it and agree to be bound by its terms and conditions.

For Applicant: John Vanden Brink by Agent William J. Zebly 06-15-2023  
 Name/Title: William J. Zebly Date

For OWRD: \_\_\_\_\_  
 Dwight French – Administrator Date

Mail signed Agreement to:

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



## Groundwater Transfer Review Summary

Vanden  
Bovink to  
be assigned  
!!

Transfer/PA # T- 13839

GW Reviewer J. Hackett Date Review Completed: April 5, 2023

### Summary of Same Source Review:

- The proposed change in point of appropriation is not within the same aquifer as per OAR 690-380-2110(2).

### Summary of Injury Review:

- The proposed transfer will result in another, existing water right not receiving previously available water to which it is legally entitled or result in significant interference with a surface water source as per 690-380-0100(3).

### Summary of GW-SW Transfer Similarity Review:

- The proposed SW-GW transfer does not meet the definition of "similarly" as per OAR 690-380-2130.

*This is only a summary. Documentation is attached and should be read thoroughly to understand the basis for determinations.*





Oregon Water Resources Department  
 725 Summer Street NE, Suite A  
 Salem, Oregon 97301-1271  
 (503) 986-0900  
 www.wrd.state.or.us

### Ground Water Review Form:

- Water Right Transfer
- Permit Amendment
- GR Modification
- Other

Application: T-13839 Re-Review

Applicant Name: John & Janna Vanden Brink

Proposed Changes:  POA     APOA     SW→GW     RA  
 USE     POU     OTHER

Reviewer(s): J. Hackett

Date of Review: April 5, 2023

Date Reviewed by GW Mgr. and Returned to WRSD: JTI 5/15/23

The information provided in the application is insufficient to evaluate whether the proposed transfer may be approved because:

- The water well reports provided with the application do not correspond to the water rights affected by the transfer.
- The application does not include water well reports or a description of the well construction details sufficient to establish the ground water body developed or proposed to be developed.
- Other \_\_\_\_\_

1. Basic description of the changes proposed in this transfer: This application proposes changes to water right certificates 48296 and 89128. Specifically, the application proposes a change in POA to certificate 48296 and proposes adding a POA to certificate 89128.

**Note: Previous review of this application found several well construction deficiencies with authorized and proposed POAs. Applicant proposes sealing the authorized POA on certificate 89128 (MORR 51114) to 205 feet below land surface (bls) to eliminate commingling in the well. This re-review evaluates that proposal in addition to proposed changes addressed in the previous review.**

2. Will the proposed POA develop the same aquifer (source) as the existing authorized POA?  
 Yes     No    Comments: Certificate 48296: The authorized POA under certificate 48296 is MORR 1735 (MORR 38 alteration log, MORR 37 deepening log). MORR 1735 is 1140 feet deep and produces from multiple water-bearing zones (WBZs) in the Grande Ronde Basalt Formation of the Columbia River Basalt Group (CRBG).

Certificate 89128: The authorized POA under certificate 89128 is MORR 51114. MORR 51114 is 460 feet deep and produces from multiple WBZs in the Grande Ronde Formation of the CRBG.



The proposed POA/APOA on both certificates is MORR 52027. MORR 52027 is 1393 feet deep and also produces from multiple WBZs in the Grande Ronde Formation of the CRBG.

While all three wells produce from various WBZs in the CRBG aquifer system, several of these WBZs were naturally isolated before well construction practices connected them. A discussion of aquifer determination is presented below in item 3a.

3. a) Is there more than one source developed under the right (e.g., basalt and alluvium)?

Yes    No The Grande Ronde Basalt Formation of the CRBG is locally several thousand feet thick and consists of more than 100 individual basalt flows. Within the CRBG, most water occurs in confined aquifers that occupy thin rubble zones (interflow zones) at the contacts between lava flows. The interiors of the basalt flows generally have low porosity and permeability and act as confining beds. This geometry generally produces a stack of thin aquifers (interflow zones) separated by thick confining beds (flow interiors). The low permeability of the basalt flow interiors probably limits the natural vertical connection between overlying aquifers. When naturally isolated aquifers are connected through well construction practices, water flows out of the higher pressure aquifer into the lower pressure aquifer. The result is equivalent to continuously pumping a well in the higher pressure aquifer.

Evidence suggests there are at least two primary aquifers present locally in the Grande Ronde Formation. A third, low-yielding aquifer is also present in MORR 51114. The primary aquifers are referred to as the "upper" and "lower" aquifers in this review. Evidence of these aquifers was provided in a 2016 borehole flowmeter log survey of MORR 52027 conducted by OWRD Groundwater Section staff. During that survey staff found cross-borehole flow in MORR 52027. Specifically, water entered the well from the lower aquifer (1225-1393 feet bls) and exited through the upper aquifer (670-800 feet bls). Cross-borehole flow (up or down) indicates the well is open to multiple aquifers with separate hydraulic heads. Subsequent to the flowmeter log, the well was reconstructed to seal off the upper aquifer (see alteration log MORR 52439). Prior to reconstruction the static water level (swl) in MORR 52027 was approximately 600 feet bls (1175 feet amsl); after the upper aquifer was sealed off, the swl rose to 500 feet bls (1275 feet amsl).

The presence of multiple WBZs with different water levels (hydraulic heads) on driller's log for MORR 51114 indicates that it commingles aquifers. The water level in the WBZ found from 90 to 95 feet below land surface (low-yield aquifer) was 31 feet, while the water level in the lower two WBZs found from 210 to 250 and 430 to 450 feet below land surface was 173 feet (both lower WBZs are likely part of the local upper aquifer). The higher head in the low-yield aquifer indicates water cascades from the low-yield aquifer to the upper aquifer. As currently constructed MORR 51114 does not meet current well construction standards. This well can eliminate commingling if it is cased and sealed from land surface to a depth of 205 feet.

Applicant proposes sealing MORR 51114 to 205' bls to eliminate commingling of multiple aquifers and bring the well in compliance with current well construction standards. This proposal will bring the well into compliance and eliminate commingling. After the work is completed, MORR 51114 will be open to a single aquifer, locally known as the upper aquifer.



Although multiple WBZs with different hydraulic heads were not noted on the driller's log, MORR 1735 likely commingles multiples aquifers also. Prior to reconstruction of MORR 52027, swl elevations and trends in all three wells were very similar (see attached hydrograph). Similar water level heads and trends suggests the wells are open to several of the same WBZs and produce (at least partially) from the same aquifer(s). After the upper aquifer was sealed off in MORR 52027, the water level in the well rose about 100 feet. Water levels in MORR 1735 and MORR 51114 did not rise and actually continue to decline. It is likely that MORR 1735 is still open to both primary aquifers, and water is moving through the borehole similarly to MORR 52027 before it was reconstructed. It is also likely MORR 1735 is acting as a conduit connecting lower aquifer water to MORR 51114 (see attached well construction and lithology diagram).

Summary: 1) If MORR 51114 (authorized POA on certificate 89128) is sealed to 205' as proposed, it will produce from a single aquifer, the upper primary aquifer; 2) MORR 1735 (authorized POA on certificate 48296) is open to both the upper and lower primary aquifers; and 3) MORR 52027 is open to only the lower primary aquifer. The proposed POA on certificate 89128 (MORR 52027) does not produce from the same aquifer as the authorized POA (MORR 51114). The proposed POA on certificate 48296 (MORR 52027) produces partially from the same aquifer as the authorized POA (MORR 1735).

b) If yes, estimate the portion of the right supplied by each of the sources and describe any limitations that will need to be placed on the proposed change (rate, duty, etc.): It is difficult to quantify the portion of each water right supplied by the upper and lower aquifers. The borehole flowmeter log identified a flow rate of 3 gpm from the lower aquifer to the upper aquifer in MORR 52027. The survey was done under non-pumping conditions, and results are likely to vary if completed during pumping. Results will also vary from well to well.

4. a) Will this proposed change, at its maximum allowed rate of use, likely result in an increase in interference with **another ground water right**?

Yes  No Comments: \_\_\_\_\_

b) If yes, would this proposed change, at its maximum allowed rate of use, likely result in another groundwater right not receiving the water to which it is legally entitled?

Yes  No If yes, explain: \_\_\_\_\_

5. a) Will this proposed change, at its maximum allowed rate of use, likely result in an increase in interference with **another surface water source**?

Yes  No Comments: \_\_\_\_\_

b) If yes, at its maximum allowed rate of use, what is the expected change in degree of interference with any **surface water sources** resulting from the proposed change?

Stream: \_\_\_\_\_  Minimal  Significant

Stream: \_\_\_\_\_  Minimal  Significant

Provide context for minimal/significant impact: \_\_\_\_\_

6. For SW-GW transfers, will the proposed change in point of diversion affect the surface water source similarly (as per OAR 690-380-2130) to the authorized point of diversion specified in the water use subject to transfer?

Yes  No Comments: \_\_\_\_\_



7. What conditions or other changes in the application are necessary to address any potential issues identified above:

- 1) Previous Review: MORR 51114 does not produce from the same source as MORR 52027. MORR 52027 produces from the lower primary aquifer, while MORR 51114 produces from the upper primary aquifer. As a result, this portion of the transfer application (certificate 89128) should not be approved.

Current Review: Proposal to seal MORR 51114 to 205' bls will eliminate commingling but will not result in the well producing from the same source as proposed POA MORR 52027. Conclusion from previous review does not change. This portion of the transfer application (certificate 89128) should not be approved.

- 2) Previous Review: MORR 51114 needs to be reconstructed to meet current well construction standards. As currently constructed, the well is open to at least two aquifers with distinct hydraulic heads. To meet well construction standards the well must be continuously cased and sealed from land surface to a depth of 205 feet.

Note: MORR 51114 is also an authorized POA on permit G-17360. A condition listed on the permit requires the well to be cased and sealed to a depth of 205 feet. If MORR 51114 is not reconstructed, a water right certificate will not likely be issued.

Current Review: If sealed as proposed, MORR 51114 will no longer commingle aquifers and will be in compliance with current well construction standards.

Note: MORR 51114 is also an authorized POA on permit G-17360. A condition listed on the permit requires the well to be cased and sealed to a depth of 205 feet. If MORR 51114 is not reconstructed, a water right certificate will not likely be issued.

- 3) Previous Review: MORR 1735 is open to both the upper and lower primary aquifers. In order to produce from the same source as the proposed APOA, the well should seal off the upper primary aquifer. This will require MORR 1735 be cased and sealed to a minimum depth of 510 feet blsd.

Current Review: MORR 1735 is open to both the upper and lower primary aquifers. In order to produce from the same source as the proposed APOA, the well should seal off the upper primary aquifer. This will require MORR 1735 be cased and sealed to a minimum depth of 510 feet blsd.

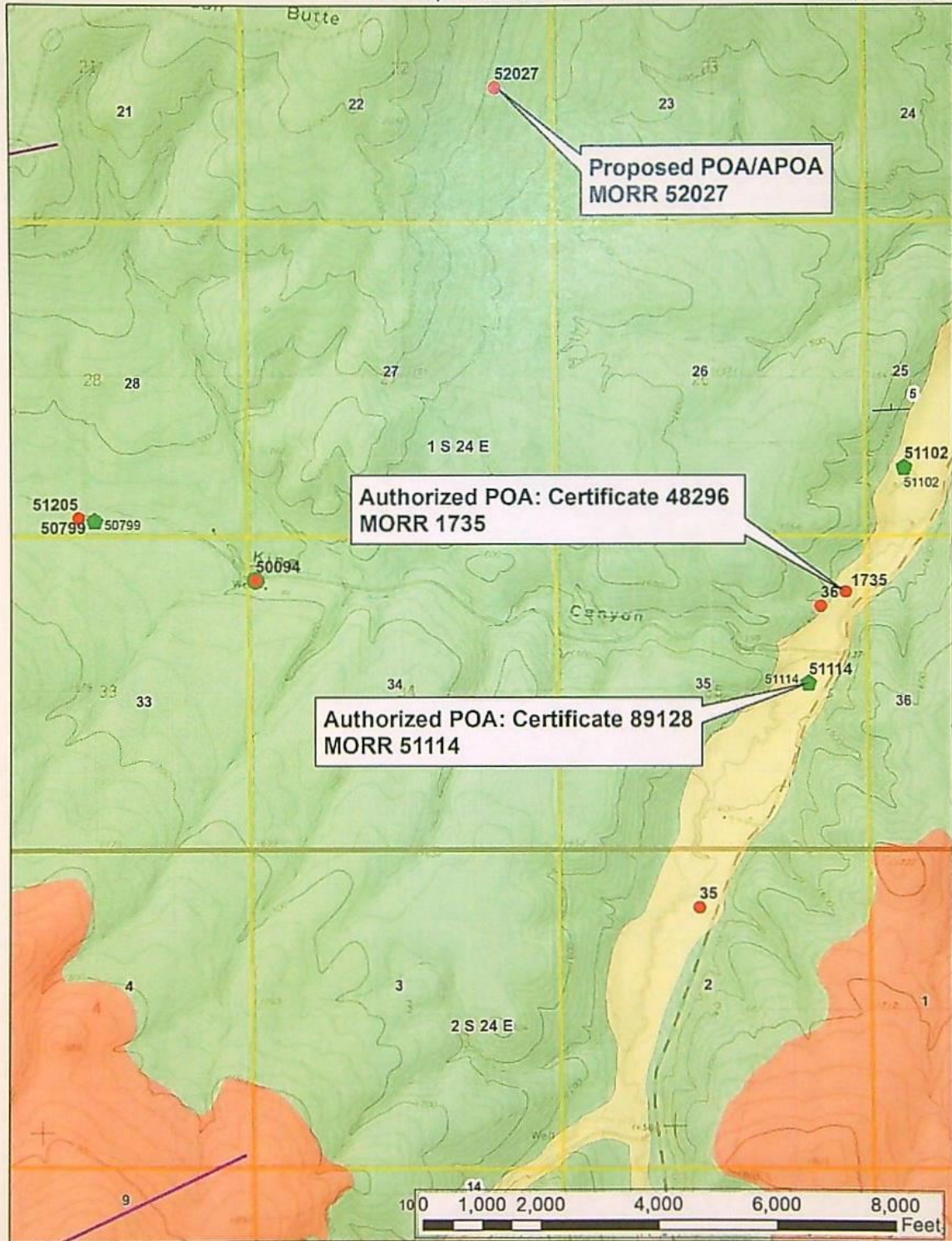
8. Any additional comments: \_\_\_\_\_



Well Location Map

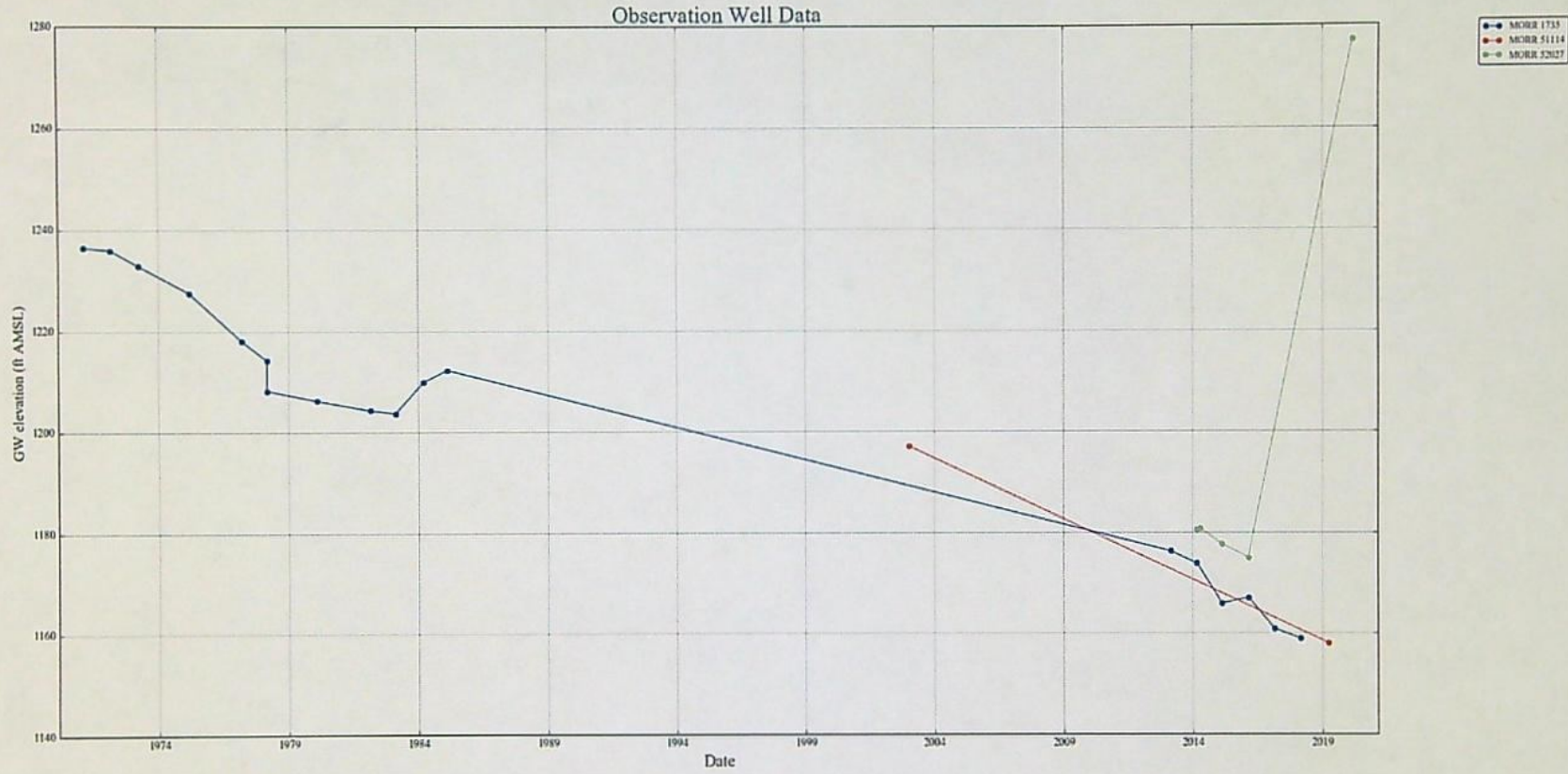
T-13839, Vanden Brink

1:24,000 scale





# Water Levels in Applicant's Wells









### Well Information Table

Well Logid	Owner Well	Land Surface Elevation (feet above mean sea level)	Open Borehole Elevations (feet above mean sea level)	Water-bearing zones elevations in open borehole (feet above mean sea level)
MORR 1735	Authorized POA Certificate 48296	1360	1341-220	1214-1165, 1086-1065, 1018-1011, 865-855, 630-610, 525-485, 442-425, 290-240
MORR 51114	Authorized POA Certificate 89128	1370	1344-910	1280-1275, 1160-1120, 940-920
MORR 52027	Proposed POA/APOA	1780	960-387	910-895, 855-830, 523-510, 495-483



## STARNEs Patrick K \* WRD

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**From:** SMITH Tamera L \* WRD  
**Sent:** Monday, March 6, 2023 11:34 AM  
**To:** STARNEs Patrick K \* WRD  
**Subject:** FW: T-13839 Vanden Brink RA meeting discussion follow-up  
**Attachments:** 2021 permanent\_wr\_transfer\_app (6).doc; OWRD Leaking Well Test.pdf; JVB Dairy Water Rights Support Proposal.pdf

Hi PK!

From what I can see, Mr. Porfily provided revised application pages, along with geologist letter on July 15, 2022. The next step would have been to get a quote of how many hours GW would need for re-review from Josh Hackett, who wrote the first GW review. Then, the RA NRS 1 and 2 would put together a new, revised quote based on the hours GW cites, and subsequent "contract" (Stacy has experience with this). The quote and contract would be sent out, with request for the balance of fees so that GW could re-review.

I don't see that anything was done after the new application pages were added to WRIS. That doesn't mean a new quote was not sent out, as I left RA June 1. However, there isn't anything in the T-13839 electronic folder that shows a re-review quote was written/requested/sent.

If you need my help, let me know.

Thank you,  
T

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**From:** Bill Porfily <bporfily@my180.net>  
**Sent:** Friday, July 15, 2022 7:38 AM  
**To:** SMITH Tamera L \* WRD <Tamera.L.SMITH@water.oregon.gov>; 'Jonathon S. Travis' <jtravis@geoengineers.com>  
**Cc:** 'JVB Dairy' <jvbdairyoffice@gmail.com>  
**Subject:** RE: T-13839

Mornin Tamera

Been having some computer problems, but I cannot blame the computer for not attaching the attachments.

Greatly appreciated the Get Well Card.

William Porfily  
PO Box 643  
Stanfield , OR 97875  
Cel (541)561-7259  
E-Mail: [wporfily@gmail.com](mailto:wporfily@gmail.com)

Please excuse any misspellings,bad grammer or other typing errors.



---

**From:** SMITH Tamera L \* WRD [<mailto:Tamera.L.SMITH@water.oregon.gov>]  
**Sent:** Thursday, July 14, 2022 3:38 PM  
**To:** Bill Porfily; 'Jonathon S. Travis'  
**Cc:** 'JVB Dairy'  
**Subject:** RE: T-13839

Good to see from you, Bill!

I wonder if you could send the attachments again. I don't see them on this end.

Thank you, Tamera

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**From:** Bill Porfily <[bporfily@my180.net](mailto:bporfily@my180.net)>  
**Sent:** Thursday, July 14, 2022 3:08 PM  
**To:** 'Jonathon S. Travis' <[jtravis@geoengineers.com](mailto:jtravis@geoengineers.com)>  
**Cc:** SMITH Tamera L \* WRD <[Tamera.L.SMITH@water.oregon.gov](mailto:Tamera.L.SMITH@water.oregon.gov)>; 'JVB Dairy' <[jvbdairyoffice@gmail.com](mailto:jvbdairyoffice@gmail.com)>  
**Subject:** T-13839

Afternoon Tamera

I have attached an amended application for T-13839 addressing your e-mail below telling what we needed to do know. I have interred the amendments in Red on pages 9, 10 and 14 of the application. I have also attached Jonathon's Memorandum.

Please responded if you think I put the amendments on the wrong pages.

William Porfily  
PO Box 643  
Stanfield , OR 97875  
Cel (541)561-7259  
E-Mail: [wporfily@gmail.com](mailto:wporfily@gmail.com)

Please excuse any misspellings,bad grammer or other typing errors.

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**From:** SMITH Tamera L \* WRD [<mailto:Tamera.L.SMITH@water.oregon.gov>]  
**Sent:** Tuesday, June 21, 2022 11:27 AM  
**To:** Bill Porfily; 'Jonathon S. Travis'  
**Cc:** 'JVB Dairy'  
**Subject:** RE: Extension of DPD response to July 21, 2022 - T-13839

Hi Bill,

So very sorry to hear that you have been in poor health. The Department will need revised application pages to replicate the changes listed in the letter, which will all then need to be reviewed by our groundwater team.



13839

Van den Brink / Por film [26] 2 cents

11/15 naper  
12/10 review begun - looks good. Need Wk + 60.

1/29 DDD ready 3-1 question on edits, return to PK

3-21 sent DDD

\* 1st  
EXTENDED RESPONSE:  
5/21/2022\* 2nd  
6/6/2022\* last  
6/21/2022\* another  
7/21/2022



# 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-13839

Review Due Date: 11/10/2021

Applicant Name: John Vanden Brink

Proposed Changes:  POU  POD  POA  USE  OTHER

Reviewer(s): Ken Thiemann WM Dist. 21

Date of Review: 12/16/2021

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:  
 Surface water is regulated almost every year on Willow Creek and Rhea Cr. I have had no complaints of GW shortages in the local vicinity.
  
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:  
 I am not sure, I would defer this question to the GW section for any comingling or aquifer information.



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:

Please see the GW review and I defer to the GW section for this question.

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:

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

Record and report for the usage on the well and a totalizing flow meter installed.

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



## Groundwater Transfer Review Summary Form

Transfer/PA # T- 13839

GW Reviewer J. Hackett Date Review Completed: December 13, 2021

### Summary of Same Source Review:

- The proposed change in point of appropriation is not within the same aquifer as per OAR 690-380-2110(2).

### Summary of Injury Review:

- The proposed transfer will result in another, existing water right not receiving previously available water to which it is legally entitled or result in significant interference with a surface water source as per 690-380-0100(3).

### Summary of GW-SW Transfer Similarity Review:

- The proposed SW-GW transfer doesn't meet the definition of "similarly" as per OAR 690-380-2130.

*This is only a summary. Documentation is attached and should be read thoroughly to understand the basis for determinations.*





Oregon Water Resources Department  
 725 Summer Street NE, Suite A  
 Salem, Oregon 97301-1271  
 (503) 986-0900  
 www.wrd.state.or.us

### Ground Water Review Form:

- Water Right Transfer
- Permit Amendment
- GR Modification
- Other

Application: T-13839

Applicant Name: John & Janna Vanden Brink

- Proposed Changes:  POA     APOA     SW→GW     RA  
 USE     POU     OTHER

Reviewer(s): J. Hackett

Date of Review: December 13, 2021

Date Reviewed by GW Mgr. and Returned to WRSD: JTI 12/14/21

The information provided in the application is insufficient to evaluate whether the proposed transfer may be approved because:

- The water well reports provided with the application do not correspond to the water rights affected by the transfer.
- The application does not include water well reports or a description of the well construction details sufficient to establish the ground water body developed or proposed to be developed.
- Other \_\_\_\_\_

1. Basic description of the changes proposed in this transfer: This application proposes changes to water right certificates 48296 and 89128. Specifically, the application proposes a change in POA to certificate 48296 and proposes adding a POA to certificate 89128.

2. Will the proposed POA develop the same aquifer (source) as the existing authorized POA?  
 Yes     No    Comments: Certificate 48296: The authorized POA under certificate 48296 is MORR 1735 (MORR 38 alteration log, MORR 37 deepening log). MORR 1735 is 1140 feet deep and produces from multiple water-bearing zones (WBZs) in the Grande Ronde Basalt Formation of the Columbia River Basalt Group (CRBG).

Certificate 89128: The authorized POA under certificate 89128 is MORR 51114. MORR 51114 is 460 feet deep and produces from multiple WBZs in the Grande Ronde Formation of the CRBG.

The proposed POA/APOA on both certificates is MORR 52027. MORR 52027 is 1393 feet deep and also produces from multiple WBZs in the Grande Ronde Formation of the CRBG.

While all three wells produce from various WBZs in the CRBG aquifer system, several of these WBZs were naturally isolated before well construction practices connected them. A discussion of aquifer determination is presented below in item 3a.



3. a) Is there more than one source developed under the right (e.g., basalt and alluvium)?

Yes    No The Grande Ronde Basalt Formation of the CRBG is locally several thousand feet thick and consists of more than 100 individual basalt flows. Within the CRBG, most water occurs in confined aquifers that occupy thin rubble zones (interflow zones) at the contacts between lava flows. The interiors of the basalt flows generally have low porosity and permeability and act as confining beds. This geometry generally produces a stack of thin aquifers (interflow zones) separated by thick confining beds (flow interiors). The low permeability of the basalt flow interiors probably limits the natural vertical connection between overlying aquifers. When naturally isolated aquifers are connected through well construction practices, water flows out of the higher pressure aquifer into the lower pressure aquifer. The result is equivalent to continuously pumping a well in the higher pressure aquifer.

Evidence suggests there are at least two primary aquifers present locally in the Grande Ronde Formation. A third, low-yielding aquifer is also present in MORR 51114. The primary aquifers are referred to as the "upper" and "lower" aquifers in this review. Evidence of these aquifers was provided in a 2016 borehole flowmeter log survey of MORR 52027 conducted by OWRD Groundwater Section staff. During that survey staff found cross-borehole flow in MORR 52027. Specifically, water entered the well from the lower aquifer (1225-1393 feet bls) and exited through the upper aquifer (670-800 feet bls). Cross-borehole flow (up or down) indicates the well is open to multiple aquifers with separate hydraulic heads. Subsequent to the flowmeter log, the well was reconstructed to seal off the upper aquifer (see alteration log MORR 52439). Prior to reconstruction the static water level (swl) in MORR 52027 was approximately 600 feet bls (1175 feet amsl); after the upper aquifer was sealed off, the swl rose to 500 feet bls (1275 feet amsl).

The presence of multiple WBZs with different water levels (hydraulic heads) on driller's log for MORR 51114 indicates that it commingles aquifers. The water level in the WBZ found from 90 to 95 feet below land surface (low-yield aquifer) was 31 feet, while the water level in the lower two WBZs found from 210 to 250 and 430 to 450 feet below land surface was 173 feet (both lower WBZs are likely part of the local upper aquifer). The higher head in the low-yield aquifer indicates water cascades from the low-yield aquifer to the upper aquifer. As currently constructed MORR 51114 does not meet current well construction standards. This well can eliminate commingling if it is cased and sealed from land surface to a depth of 205 feet.

Although multiple WBZs with different hydraulic heads were not noted on the driller's log, MORR 1735 likely commingles multiples aquifers also. Prior to reconstruction of MORR 52027, swl elevations and trends in all three wells were very similar (see attached hydrograph). Similar water level heads and trends suggests the wells are open to several of the same WBZs and produce (at least partially) from the same aquifer(s). After the upper aquifer was sealed off in MORR 52027, the water level in the well rose about 100 feet. Water levels in MORR 1735 and MORR 51114 did not rise and actually continue to decline. It is likely that MORR 1735 is still open to both primary aquifers, and water is moving through the borehole similarly to MORR 52027 before it was reconstructed. It is also likely MORR 1735 is acting as a conduit connecting lower aquifer water to MORR 51114 (see attached well construction and lithology diagram).



Summary: As currently constructed: 1) MORR 51114 (authorized POA on certificate 89128) is open to both a very shallow low-yield aquifer and the upper primary aquifer; 2) MORR 1524 (authorized POA on certificate 48296) is open to both the upper and lower primary aquifers; and 3) MORR 52027 is open to only the lower primary aquifer. The proposed POA on certificate 89128 (MORR 52027) does not produce from the same aquifer as the authorized POA (MORR 51114). The proposed POA on certificate 48296 (MORR 52027) produces partially from the same aquifer as the authorized POA (MORR 1524).

b) If yes, estimate the portion of the right supplied by each of the sources and describe any limitations that will need to be placed on the proposed change (rate, duty, etc.): It is difficult to quantify the portion of each water right supplied by the upper and lower aquifers. The borehole flowmeter log identified a flow rate of 3 gpm from the lower aquifer to the upper aquifer in MORR 52027. The survey was done under non-pumping conditions, and results are likely to vary if completed during pumping. Results will also vary from well to well.

4. a) Will this proposed change, at its maximum allowed rate of use, likely result in an increase in interference with **another ground water right**?

Yes  No Comments: \_\_\_\_\_

b) If yes, would this proposed change, at its maximum allowed rate of use, likely result in another groundwater right not receiving the water to which it is legally entitled?

Yes  No If yes, explain: \_\_\_\_\_

5. a) Will this proposed change, at its maximum allowed rate of use, likely result in an increase in interference with **another surface water source**?

Yes  No Comments: \_\_\_\_\_

b) If yes, at its maximum allowed rate of use, what is the expected change in degree of interference with any **surface water sources** resulting from the proposed change?

Stream: \_\_\_\_\_  Minimal  Significant

Stream: \_\_\_\_\_  Minimal  Significant

Provide context for minimal/significant impact: \_\_\_\_\_

6. For SW-GW transfers, will the proposed change in point of diversion affect the surface water source similarly (as per OAR 690-380-2130) to the authorized point of diversion specified in the water use subject to transfer?

Yes  No Comments: \_\_\_\_\_

7. What conditions or other changes in the application are necessary to address any potential issues identified above:

1) MORR 51114 does not produce from the same source as MORR 52027. MORR 52027 produces from the lower primary aquifer, while MORR 51114 produces from the upper primary aquifer. As a result, this portion of the transfer application (certificate 89128) should not be approved.

2) MORR 51114 needs to be reconstructed to meet current well construction standards. As currently constructed, the well is open to at least two aquifers with distinct hydraulic heads. To meet well construction standards the well must be continuously cased and sealed from land surface to a depth of 205 feet.



Note: MORR 51114 is also an authorized POA on permit G-17360. A condition listed on the permit requires the well to be cased and sealed to a depth of 205 feet. If MORR 51114 is not reconstructed, a water right certificate will not likely be issued.

- 3) MORR 1735 is open to both the upper and lower primary aquifers. In order to produce from the same source as the proposed APOA, the well should seal off the upper primary aquifer. This will require MORR 1735 be cased and sealed to a minimum depth of 510 feet blsd.

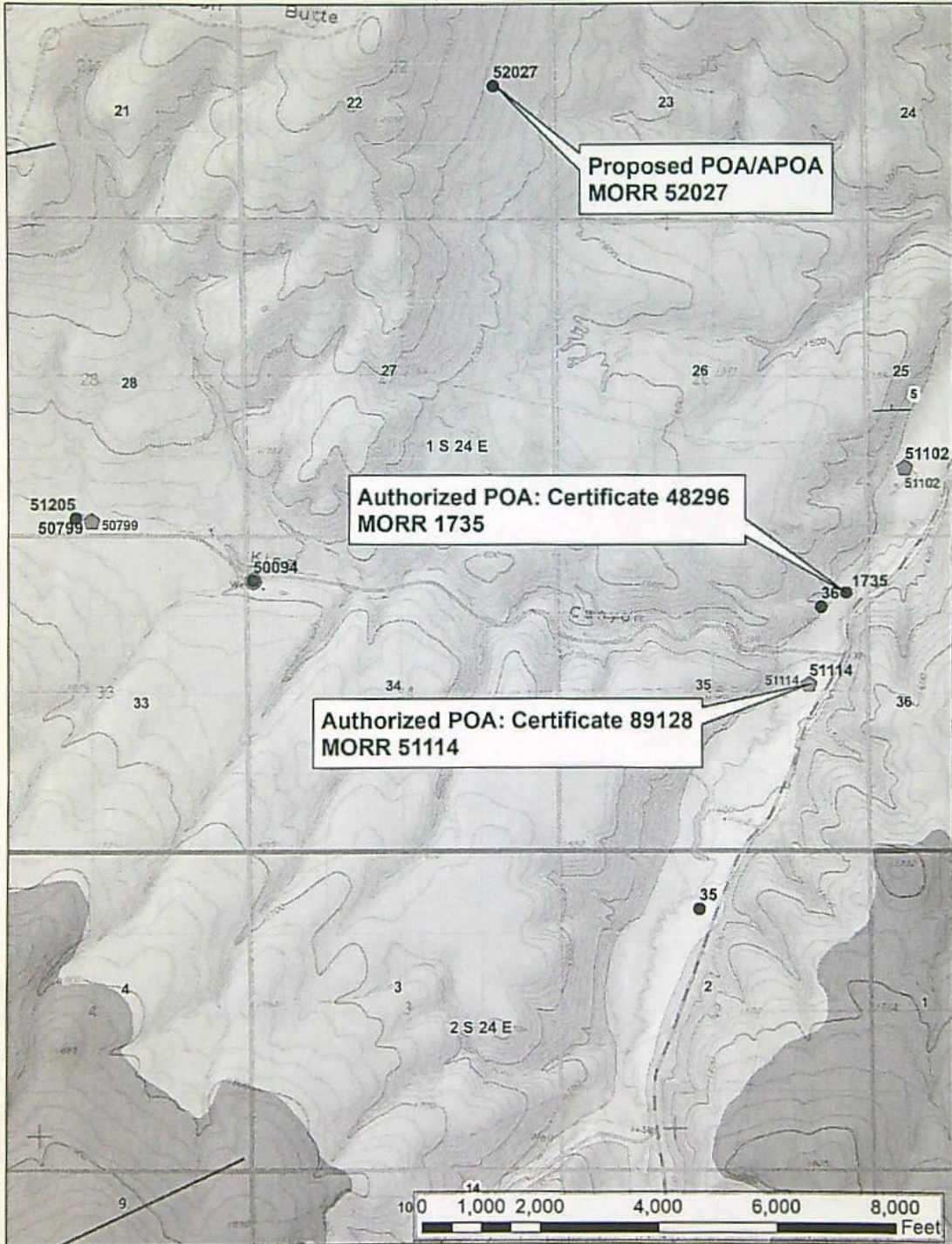
8. Any additional comments: \_\_\_\_\_



Well Location Map

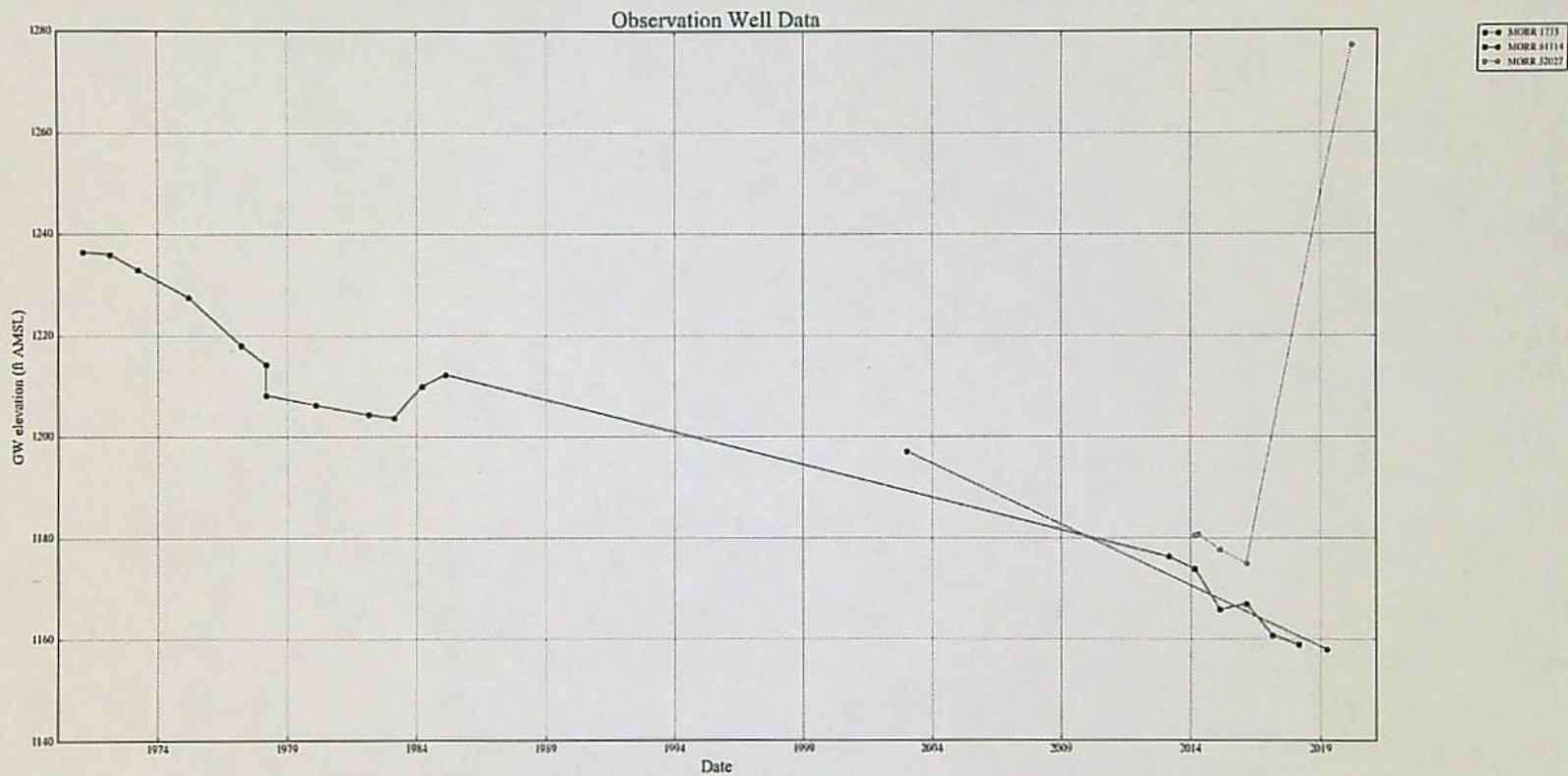
T-13839, Vanden Brink

1:24,000 scale



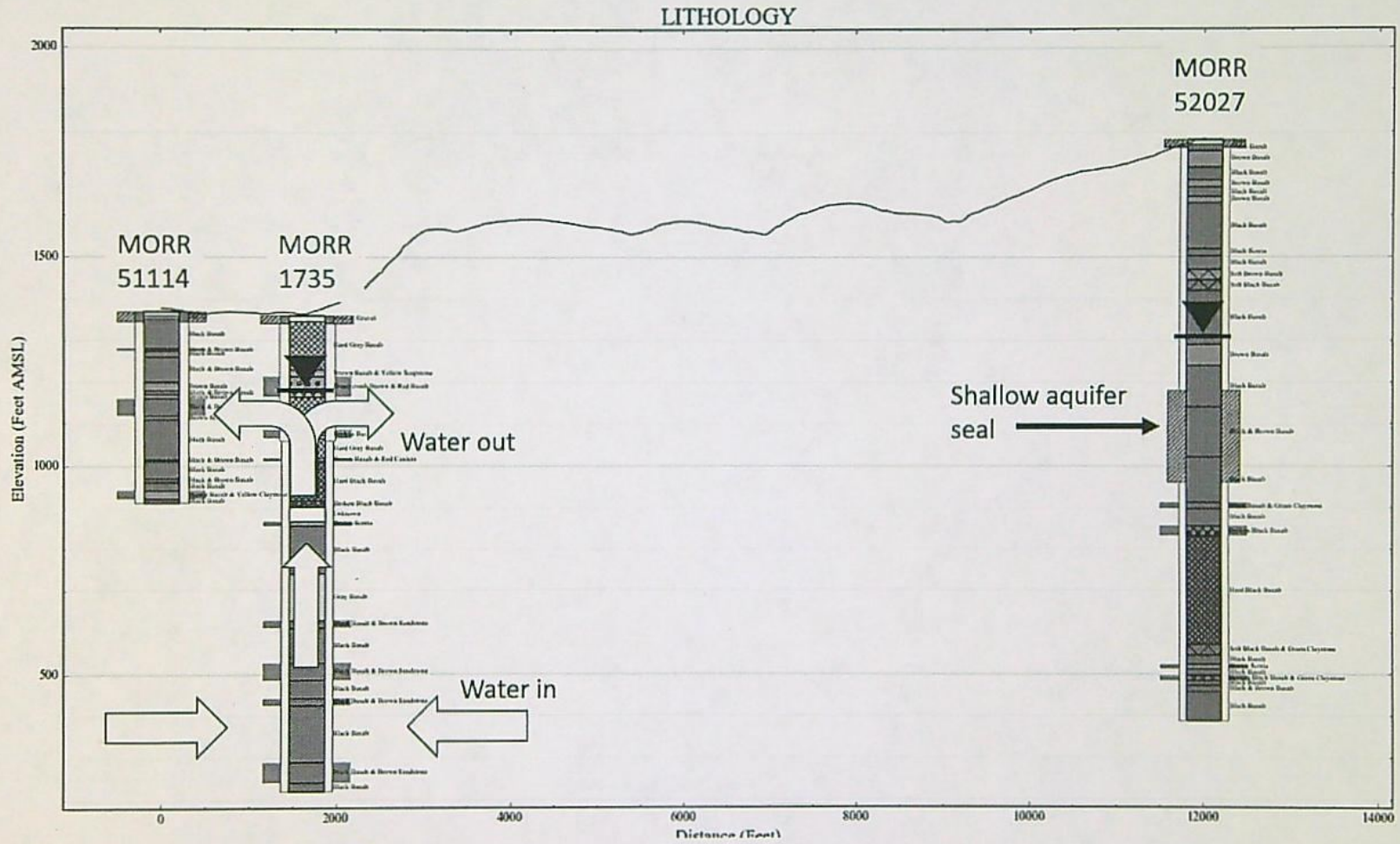


# Water Levels in Applicant's Wells





Applicant's Wells: Construction and Lithology Diagram





### Well Information Table

Well Logid	Owner Well	Land Surface Elevation (feet above mean sea level)	Open Borehole Elevations (feet above mean sea level)	Water-bearing zones elevations in open borehole (feet above mean sea level)
MORR 1735	Authorized POA Certificate 48296	1360	1341-220	1214-1165, 1086-1065, 1018-1011, 865-855, 630-610, 525-485, 442-425, 290-240
MORR 51114	Authorized POA Certificate 89128	1370	1344-910	1280-1275, 1160-1120, 940-920
MORR 52027	Proposed POA/APOA	1780	960-387	910-895, 855-830, 523-510, 495-483





# Oregon

Kate Brown, Governor

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

MARCH 21, 2022

VIA E-MAIL

JOHN AND JANNA VANDEN BRINK  
PO BOX 165  
IONE, OR 97843

SUBJECT: Water Right Transfer Application T-13839

Please find enclosed a draft of our Preliminary Determination regarding Transfer Application T-13839. The document reflects the Department's conclusion that, based on the information currently available, the transfer will be DENIED. This draft is intended to provide you with an opportunity to comment on our findings and conclusions should you wish to do so and to withdraw or modify your application to resolve the issues that are prompting our decision to deny the application.

The draft Preliminary Determination proposes to deny the transfer because the proposed POAs will not develop the same source as the authorized POAs. The issues that we have identified could be resolved by one, or more, of the following alternatives:

- Reconstruct MORR 51114 to meet current well construction standards, and;
- Case and seal MORR 1735 to a minimum depth of 510 feet blsd; OR
- Withdraw the application.

At this point, you may decide to continue processing the application (see below), or to send a letter requesting to withdraw the transfer application.

**If you wish to proceed with your application, you must submit the following:**

1. **Provide a written response** by April 21, 2022 that describes how you will overcome the issues identified above and submit modifications or additional information as needed, or that indicates you wish to protest a Preliminary Determination to deny the transfer.
2. **REQUIRED:** You must submit a **Report of Ownership** for the lands where the water right(s) are currently located (i.e., the FROM lands). This report:
  - a) Must be prepared by a title company;
  - b) Shall include a "prepared by" statement and the date the title company prepared the report printed on the cover sheet;
  - c) Must be:



- i. Prepared within 3 months of the Draft Preliminary Determination showing current ownership; **OR**
- ii. Prepared within 3 months of recording of a water right conveyance agreement; **OR**
- iii. Have a prepared date showing ownership at the time a water right conveyance agreement was recorded.

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

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

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

#### **What happens next...**

Once the Preliminary Determination is issued a publication period is required. Because there is more than ¼ mile between the new and the authorized points of appropriation, the Department will publish notice of the transfer in a local newspaper having a general circulation in the area of the water right at least once per week for two consecutive weeks. You are responsible for sending a check to cover the cost of publication prior to the issuance of the Preliminary Determination and publication of notice (see below).

#### **Conditions to your water right...**

If you modify the application so as to allow approval, conditions may need to be added to the transfer. The Department will notify you of any required conditions prior to issuing the Preliminary Determination.

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

1. Your written response modifying the application to resolve the issues that we have identified or requesting that we proceed with processing of the application; and
2. The Report of Ownership, including affidavits of consent from any landowners shown in the ownership report who have not signed the transfer application. The title company must

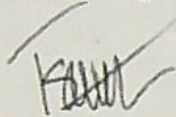


indicate/state the date that they prepared the ownership report on the coversheet and/or first page of the report.

**If we do not receive your response to withdraw the application or the items listed above by April 21, 2022, a Preliminary Determination may be issued denying the application as incomplete.**

Please do not hesitate to contact me at [tamera.l.smith@water.oregon.gov](mailto:tamera.l.smith@water.oregon.gov) or 503-979-9607 if I may be of assistance.

Kindest regards,



Transfer Caseworker  
Transfer and Conservation Section

cc: Transfer Application file T-13839  
Ken Thiemann, District 21 Watermaster (*via e-mail*)  
William Porfily, Agent for the applicant

encs



**BEFORE THE WATER RESOURCES DEPARTMENT  
OF THE  
STATE OF OREGON**

In the Matter of Transfer Application )  
T-13839, Morrow County )

**D R A F T**

PRELIMINARY DETERMINATION  
PROPOSING DENIAL OF AN ADDITIONAL  
POINT OF APPROPRIATION AND A  
CHANGE IN POINT OF APPROPRIATION

**Authority**

Oregon Revised Statutes (ORS) 537.705 and 540.505 to 540.580 establish the process in which a water right holder may submit a request to transfer the point of appropriation, place of use, or character of use authorized under an existing water right. Oregon Administrative Rules (OAR) Chapter 690, Division 380 implement the statutes and provides the Department's procedures and criteria for evaluating transfer applications.

**Applicant**

JOHN AND JANNA VANDEN BRINK  
PO BOX 165  
IONE, OR 97843

**Findings of Fact**

1. On October 4, 2021, JOHN AND JANNA VANDEN BRINK filed an application for an additional point of appropriation under Certificate 89128 and a change in appropriation under Certificate 48296. The Department assigned the application number T-13839.

2. Notice of the application for transfer was published on October 12, 2021, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.

3. The first right to be transferred is as follows:

**Certificate:** 48296 in the name of DARRELL PADBERG (perfected under Permit G-6296)

**Use:** IRRIGATION of 191.9 ACRES

**Priority Date:** JANUARY 13, 1975

**Rate:** 2.23 CUBIC FEET PER SECOND

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



**Source:** A WELL, a tributary of RHEA CREEK

**Authorized Point of Appropriation:**

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
1 S	24 E	WM	35	NE NE	1020 FEET SOUTH AND 300 FEET WEST FROM THE NE CORNER OF SECTION 35

**Authorized Place of Use:**

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
1 S	24 E	WM	26	SW NW	6.3
1 S	24 E	WM	26	NE SW	3.3
1 S	24 E	WM	26	NW SW	38.4
1 S	24 E	WM	26	SW SW	21.0
1 S	24 E	WM	26	SE SW	0.5
1 S	24 E	WM	27	SW NE	7.6
1 S	24 E	WM	27	SE NE	14.0
1 S	24 E	WM	27	NE SE	40.0
1 S	24 E	WM	27	NW SE	34.4
1 S	24 E	WM	27	SW SE	7.6
1 S	24 E	WM	27	SE SE	18.8
TOTAL					191.9

4. Transfer Application T-13839 proposes to move the authorized point of appropriation approximately 2.17 miles from the existing point of appropriation to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
1 S	24 E	WM	22	NE SE	NEW WELL – 2950 FEET SOUTH AND 950 FEET WEST FROM THE NE CORNER OF SECTION 22

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

**Certificate:** 89128 in the name of JOHN AND JANNA VANDEN BRINK (perfected under Permit G-8701)

**Use:** IRRIGATING 522.6 ACRES

**Priority Date:** APRIL 19, 1978

**Rate:** 5.2 CUBIC FEET PER SECOND, IF AVAILABLE AT ORIGINAL POINT OF APPROPRIATION LOCATED:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
1 S	24 E	WM	35	NE NE	WELL #2 (MORR 036) - 1180 FEET SOUTH AND 620 FEET WEST FROM THE NE CORNER OF SECTION 35

**Limit/Duty:** The amount of water used for irrigation under this right, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second (or its equivalent) and 3.0 acre-feet per acre for each acre irrigated during the irrigation season of each year.



Source: A WELL (WELL #4 MORR 51114), within the RHEA CREEK BASIN

**Authorized Point of Appropriation:**

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
1 S	24 E	WM	35	SE NE	WELL #4 (MORR 51114) - 2435 FEET SOUTH AND 1015 FEET WEST FROM THE NE CORNER OF SECTION 35

**Authorized Place of Use:**

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres
1 S	24 E	WM	22	NE NE	1	28.8
1 S	24 E	WM	22	SE NE		33.0
1 S	24 E	WM	22	NE SE		25.6
1 S	24 E	WM	22	SE SE		35.9
1 S	24 E	WM	23	NE NW	3	2.0
1 S	24 E	WM	23	NW NW	4	32.0
1 S	24 E	WM	23	SW NW		38.8
1 S	24 E	WM	23	SE NW		3.8
1 S	24 E	WM	23	NE SW		2.8
1 S	24 E	WM	23	NW SW		37.3
1 S	24 E	WM	23	SW SW		40.0
1 S	24 E	WM	23	SE SW		16.2
1 S	24 E	WM	26	NW NE		1.2
1 S	24 E	WM	26	SW NE		1.3
1 S	24 E	WM	26	NE NW		39.0
1 S	24 E	WM	26	NW NW		37.0
1 S	24 E	WM	26	SW NW		27.0
1 S	24 E	WM	26	SE NW		38.5
1 S	24 E	WM	26	NE SW		7.5
1 S	24 E	WM	26	NW SW		1.6
1 S	24 E	WM	27	NE NE		35.0
1 S	24 E	WM	27	NW NE		7.5
1 S	24 E	WM	27	SW NE		5.0
1 S	24 E	WM	27	SE NE		25.8
TOTAL						522.6

6. Transfer Application T-13839 proposes an additional point of appropriation as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances	Approximate Distance from Authorized Well in Miles (mi.)
1 S	24 E	WM	22	NE SE	NEW WELL (MORR 52027) – 2950 FEET SOUTH AND 950 FEET WEST FROM THE NE CORNER OF SECTION 22	WELL #4 2.18 mi.



7. On December 13, 2021, the Department determined the proposed point of appropriation (POA) under Certificate 48296 and additional point of appropriation (APOA) under Certificate 89128 will not develop the same aquifers (sources) as the existing authorized POAs (MORR 1735 and MORR 51114).

The Grande Ronde Basalt Formation of the Columbia River Basalt Group (CRBG) is locally several thousand feet thick and consists of more than 100 individual basalt flows. Within the CRBG, most water occurs in confined aquifers that occupy thin rubble zones (interflow zones) at the contacts between lava flows. The interiors of the basalt flows generally have low porosity and permeability and act as confining beds. This geometry generally produces a stack of thin aquifers (interflow zones) separated by thick confining beds (flow interiors). The low permeability of the basalt flow interiors probably limits the natural vertical connection between overlying aquifers. When naturally isolated aquifers are connected through well construction practices, water flows out of the higher pressure aquifer into the lower pressure aquifer. The result is equivalent to continuously pumping a well in the higher pressure aquifer.

Evidence suggests there are at least two primary aquifers present locally in the Grande Ronde Formation. A third, low-yielding aquifer is also present in MORR 51114. The primary aquifers are referred to as the "upper" and "lower" aquifers in the groundwater review. The presence of multiple water-bearing zones (WBZs) with different water levels (hydraulic heads) on driller's log for MORR 51114 indicates that it commingles aquifers. The water level in the WBZ found from 90 to 95 feet below land surface (low-yield aquifer) was 31 feet, while the water level in the lower two WBZs found from 210 to 250 and 430 to 450 feet below land surface was 173 feet (both lower WBZs are likely part of the local upper aquifer). The higher head in the low-yield aquifer indicates water cascades from the low-yield aquifer to the upper aquifer, as currently constructed MORR 51114 does not meet current well construction standards. This well can eliminate commingling if it is cased and sealed from land surface to a depth of 205 feet.

Although multiple WBZs with different hydraulic heads were not noted on the driller's log, MORR 1735 likely commingles multiple aquifers also. Similar water level heads and trends (see 2106 borehole flowmeter log survey of MORR 52027 in groundwater review), suggests the wells are open to several of the same WBZs and produce (at least partially) from the same aquifer(s). After the upper aquifer was sealed off in MORR 52027, the water level in the well rose about 100 feet. Water levels in MORR 1735 and MORR 51114 did not rise and continue to decline. It is likely that MORR 1735 is still open to both primary aquifers, and water is moving through the borehole similarly to MORR 52027 before it was reconstructed. It is also likely MORR 1735 is acting as a conduit connecting lower aquifer water to MORR 51114.

As currently constructed: MORR 51114 (authorized POA on Certificate 89128) is open to both a very shallow low-yield aquifer and the upper primary aquifer. MORR 1524 is open to both the upper and lower primary aquifers; and MORR 52027 is open to only the lower primary aquifer. The proposed POA on Certificate 89128 (MORR 52027) does not produce



from the same aquifer as the authorized POA (MORR 51114). The proposed POA on Certificate 48296 (MORR 52027) produces partially from the same aquifer as the authorized POA (MORR 1524).

8. Because MORR 51114 develops at least two aquifers, it will need to be reconstructed to meet current well construction standards. To meet well construction standards the well must be continuously cased and sealed from land surface to a depth of 205 feet. (Note: MORR 51114 is also an authorized POA on Permit G-17360. A condition listed on the permit requires the well to be cased and sealed to a depth of 205 feet.)
9. Because MORR 1735 develops at least two aquifers, and in order to produce from the same source as the proposed APOA, the well should seal off the upper primary aquifer. This will require MORR 1735 be cased and sealed to a minimum depth of 510 feet blsd.

**Transfer Review Criteria (OAR 690-380-4010)**

10. Water has been used within the last five years according to the terms and conditions of the rights. There is no information in the record that would demonstrate that the rights are subject to forfeiture under ORS 540.610.
11. A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing rights were present within the five-year period prior to submittal of Transfer Application T-13839.
12. The proposed change would not result in enlargement of the rights.
13. The proposed change would not result in injury to other water rights.
14. Based on Finding of Fact Nos. 7, 8, and 9, the application does not meet the requirement under ORS 537.705 and OAR 690-380-2110(2) a change in point of appropriation under a water right or certificate of registration modification is restricted to the same aquifer.

**Determination and Proposed Action**

The additional point of appropriation and change in point of appropriation proposed in Transfer Application T-13839 appear to be not consistent with the requirements of ORS 537.705 and 540.505 to 540.580 and OAR 690-380-5000. If protests are not filed pursuant to OAR 690-380-4030, the application will be denied.

*If the deficiencies are resolved and Transfer Application T-13839 is approved, the final order will include the following:*

1. *The additional point of appropriation and change in point of appropriation proposed in Transfer Application T-13839 are approved.*



2. *The right to the use of the water is restricted to beneficial use at the place of use described, and is subject to all other conditions and limitations contained in Certificates 48296, 89128, and any related decree.*
3. *Water right Certificates 48296 and 89128 are cancelled.*
4. *For Certificate 48296, the quantity of water diverted at the new point of appropriation (New Well), shall not exceed the quantity of water lawfully available at the original point of appropriation (Unnamed Well).*
5. *For Certificate 89128, the quantity of water diverted at the additional point of appropriation (New Well), together with that diverted at the original points of appropriation (Well #4 and Well #2), shall not exceed the quantity of water lawfully available at the original points of appropriation (Well #4 and Well #2).*
6. *Water use measurement conditions:*
  - a. *Before water use may begin under this order, the water user shall install a totalizing flow meter, or, with prior approval of the Director, another suitable measuring device, at each point of appropriation (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. *Water shall be acquired from the same aquifer (water source) as the original points of appropriation.*
8. *Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2023**. A Claim of Beneficial Use prepared by a Certified Water Right Examiner shall be submitted by the applicant to the Department within one year after the deadline for completion of the changes and full beneficial use of the water.*
9. *After satisfactory proof of beneficial use is received, new certificates confirming the rights transferred will be issued.*

Dated in Salem, Oregon on

**D R A F T**

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

This draft Preliminary Determination was prepared by: Tamera Smith. If you have any questions about the information in this document, you may reach me at 503-979-9607 or [tamera.l.smith@water.oregon.gov](mailto:tamera.l.smith@water.oregon.gov)



## Part 4 of 5 – Applicant Information and Signature

### Applicant Information

APPLICANT/BUSINESS NAME John & Janna Vanden Brink		PHONE NO. 541-422-7035	ADDITIONAL CONTACT NO.
ADDRESS P.O. Box 165		FAX NO.	
CITY Ione	STATE OR	ZIP 97843	E-MAIL jvbdairy@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.			

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

AGENT/BUSINESS NAME William Porfily		PHONE NO. (541)449-1327	ADDITIONAL CONTACT NO. (541)561-7259
ADDRESS P.O. Box 643		FAX NO. (541)449-1327	
CITY Stanfield	STATE OR	ZIP 97875	CITY <sup>em</sup> Stanfield wporfily@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 authorized well for Certificate 48296 has become unusable thus we want to change the Point of Appropriation from this well to a New Well. The New Well will be located on the farm at a site that will make it more effective/efficient than the existing wells used for Certificate 89128. Therefore, we want to also add the New Well as an Additional Point of Appropriation for use under Certificate 89128.

#### Check One Box

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

RECEIVED

OCT 04 2021

OWRD

13839



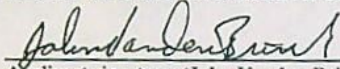
By my signature below, I confirm that I understand:

- Prior to Department approval of the transfer application, I may be required to submit payment to the Department for publication of a notice in a newspaper with general circulation in the area where the water right is located, once per week for two consecutive weeks. If more than one qualifying newspaper is available, I suggest publishing the notice in the following newspaper: East Oregonian.
- Amendments to the application may only be made in response to the Department's Draft Preliminary Determination (DPD). The applicant will have a period of at least 30 days to amend the application to address any issues identified by the Department in the DPD, or to withdraw the application. Note that amendments may be subject to additional fees, pursuant to ORS 536.050.
- Failure to complete an approved change in place of use and/or change in character of use, will result in loss of the water right (OAR 690-380-6010).
- Refunds may only be granted upon request and, as set forth in ORS 536.050(4)(a), if the Director determines that a refund of all or part of a fee is appropriate in the interests of fairness to the public or necessary to correct an error of the Department.

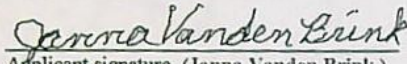
I (we) affirm that the information contained in this application is true and accurate.

RECEIVED

OCT 04 2021

  
Applicant signature (John Vanden Brink)

John Vanden Brink 9-30-21  
Print Name (and Title if applicable) Date

  
Applicant signature (Janna Vanden Brink)

Janna Vanden Brink 9-30-21  
Print Name (and Title if applicable) Date

OWRD

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.

Check the following boxes that apply:

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

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

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

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

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

RECEIVING LANDOWNER NAME N/A		PHONE NO.	ADDITIONAL CONTACT NO.
ADDRESS			FAX NO.
CITY	STATE	ZIP	E-MAIL
Describe any special ownership circumstances:			
The confirming Certificate shall be issued in the name of: <input type="checkbox"/> Applicant <input type="checkbox"/> Receiving Landowner			

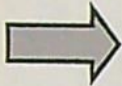


Check here if any of the water rights proposed for transfer are or will be located within or served by an irrigation or other water district. (Tip: Complete and attach Supplemental Form D.)

IRRIGATION DISTRICT NAME	ADDRESS	
CITY	STATE	ZIP

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

ENTITY NAME	ADDRESS	
CITY	STATE	ZIP



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

ENTITY NAME <b>Morrow County</b>	ADDRESS <b>County Court House</b>	
CITY <b>Heppner</b>	STATE <b>OR</b>	CITY <b>Heppner</b>

RECEIVED

OCT 04 2021

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## Part 5 of 5 – Water Right Information

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

CERTIFICATE # 48296

RECEIVED

### Description of Water Delivery System

OCT 04 2021

System capacity: 2.23 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. Water is currently pumped from Well #4 into a small regulating reservoir where it is mixed with Rhea Creek water if water from Rhea Creek is available under Water Right Certificate 76875. Well #4 is equipped with a 200 hp deep well turbine pump. Both ground water and Rhea Creek Water is pumped from the regulating reservoir with a pond booster pumping station consisting of two short coupled canned turbine pumps (one 150 hp and one 200 hp) through a mainline and distribution system that serves 2 center pivots that are used to irrigate the land authorized by Certificate 48296. There is a field booster pumping station on the farm that is used to boost the system pressure if necessary. A total of 191.9 acres are irrigated under this water right. Refer to the transfer application map for the layout of the irrigation system and circles.

**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)
Unnamed Well (Not being used)	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed	MORR 1735-110 res.	1 S	24 E	35	NE NE		1020 ft S & 300 ft W from the NE Corner Section 35 ✓
New Well	<input type="checkbox"/> Authorized <input checked="" type="checkbox"/> Proposed	MORR 52027	1 S	24 E	22	NE SE		2950 ft S & 950 ft W from the NE Corner Section 22

2.57 miles

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

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

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

13839



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

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

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

If YES, list the certificate, water use permit, or ground water registration numbers: Certificate 76875. - 15



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

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

Ground water supplemental Permit or Certificate # \_\_\_\_\_;  
Surface water primary Certificate # \_\_\_\_\_.

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

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

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

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

**Tip:** You may search for well logs on the Department's web page at:  
[http://apps.wrd.state.or.us/apps/gw/well\\_log/Default.aspx](http://apps.wrd.state.or.us/apps/gw/well_log/Default.aspx)

**AND/OR**

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

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

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

Proposed or Authorized POA Name or Number	Is well already built? (Yes or No)	If an existing well: OWRD Well ID Tag No. L-__	Total well depth	Casing Diameter	Casing Intervals (feet)	Seal depth(s) (intervals)	Perforated or screened intervals (in feet)	Static water level of completed well (in feet)	Source aquifer (sand, gravel, basalt, etc.)	Well rate gpm than of wa
<p><b>Well Logs for Well 4, and New Well are attached. Please refer to attached document: OWRD Leaking Well Test. The New Well will be reconstructed to comply with the condition required in this document.</b></p>										



STATE OF OREGON

COUNTY OF MORROW

CERTIFICATE OF WATER RIGHT

This Is to Certify, That DARRELL PADBERG

of Box 394, Ione, State of Oregon 97843, has made proof to the satisfaction of the Water Resources Director, of a right to the use of the waters of a well

a tributary of Rhea Creek for the purpose of irrigation of 191.9 acres ✓

under Permit No. G-6296 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 January 13, 1975 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 2.23 cubic feet per second

or its equivalent in case of rotation, measured at the point of diversion from the well. The well is located in the NE 1/4 NE 1/4, Section 35, T. 1 S., R. 24 E., W. M., 1020 feet South and 300 feet West from the NE Corner, Section 35 ✓

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to one-eightieth of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 3 acre feet per acre for each acre irrigated during the irrigation season of each year,

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:

- 6.3 acres SW 1/4 NW 1/4
- 3.3 acres NE 1/4 SW 1/4
- 38.4 acres NW 1/4 SW 1/4
- 21.0 acres SW 1/4 SW 1/4
- 0.5 acre SE 1/4 SW 1/4
- Section 26
- 7.6 acres SW 1/4 NE 1/4
- 14.0 acres SE 1/4 NE 1/4
- 40.0 acres NE 1/4 SE 1/4
- 34.4 acres NW 1/4 SE 1/4
- 7.6 acres SW 1/4 SE 1/4
- 18.8 acres SE 1/4 SE 1/4
- Section 27

ADDA  
ENTIRETY  
OF  
RIGHT

T. 1 S., R. 24 E., W. M.

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. July 3, 1979

James E. Larson  
Water Resources Director

13831



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

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

**Table 2. Description of Changes to Water Right Certificate # 48296**

List the change proposed for the acreage in each ¼ ¼. If more than one change is proposed, specify the acreage associated with each change.  
If there is more than one POD/POA involved in the proposed changes, specify the acreage associated with each POD/POA.

AUTHORIZED (the "from" or "off" lands) The listing that appears on the certificate BEFORE PROPOSED CHANGES List only that part or portion of the water right that will be changed.										Proposed Changes (see "CODES" from previous page)	PROPOSED (the "to" or "on" lands) The listing as it would appear AFTER PROPOSED CHANGES are made.												
Twp	Rng	Sec	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			
										POA	1	S	24	E	26	SW	NW	3500		6.3	Irr	New Well	1-13-1975
										POA	1	S	24	E	26	NE	SW	3500		3.3	Irr	New Well	1-13-1975
										POA	1	S	24	E	26	NW	SW	3500		38.4	Irr	New Well	1-13-1975
										POA	1	S	24	E	26	SW	SW	3500		21.0	Irr	New Well	1-13-1975
										POA	1	S	24	E	26	SE	SW	3500		0.5	Irr	New Well	1-13-1975
										POA	1	S	24	E	27	SW	NE	3500		7.6	Irr	New Well	1-13-1975
										POA	1	S	24	E	27	SE	NE	3500		14.0	Irr	New Well	1-13-1975
										POA	1	S	24	E	27	NE	SE	3500		40.0	Irr	New Well	1-13-1975
										POA	1	S	24	E	27	NW	SE	3500		34.4	Irr	New Well	1-13-1975
										POA	1	S	24	E	27	SW	SE	3500		7.6	Irr	New Well	1-13-1975
										POA	1	S	24	E	27	SE	SE	3500		18.8	Irr	New Well	1-13-1975
TOTAL ACRES:							TOTAL ACRES:						191.9										

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Additional remarks: \_\_\_\_\_.



## Part 5 of 5 – Water Right Information

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

CERTIFICATE # 89128

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**Description of Water Delivery System**

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System capacity: 5.2 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. Water is currently pumped from Well #4 into a small regulating reservoir where it is mixed with Rhea Creek water if water from Rhea Creek is available under Water Right Certificate 76875. Well #4 is equipped with a 200 hp deep well turbine pump. Both ground water and Rhea Creek Water is pumped from the regulating reservoir with a pond booster pumping station consisting of two short coupled canned turbine pumps (one 150 hp and one 200 hp) through a mainline and distribution system that serves 5 center pivots that are used to irrigate the land authorized by Certificate 89128. There are two field booster pumping stations on the farm that are used to boost the system pressure if necessary. A total of 522.6 acres are irrigated under this water right. Refer to the transfer application map for the layout of the irrigation system and circles.

**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)
Well #4	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed	MORR 51114	1 S	24 E	35	SE NE		2435 ft S & 1015 ft W from the NE Corner Section 35
Well #2 (Not being used)	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed	MORR 36	1 S	24 E	35	NE NE		1180 ft S & 620 ft W from the NE Corner Section 35
New Well <i>in place of well #2</i>	<input type="checkbox"/> Authorized <input checked="" type="checkbox"/> Proposed	MORR 52027	1 S	24 E	22	NE SE		2950 ft S & 950 ft W from the NE Corner Section 22

2.18 mi.  
1.98 mi.

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

- |                                                   |                                                                              |
|---------------------------------------------------|------------------------------------------------------------------------------|
| <input type="checkbox"/> Place of Use (POU)       | <input type="checkbox"/> Supplemental Use to Primary Use (S to P)            |
| <input type="checkbox"/> Character of Use (USE)   | <input checked="" type="checkbox"/> Point of Appropriation/Well (POA)        |
| <input type="checkbox"/> Point of Diversion (POD) | <input checked="" type="checkbox"/> Additional Point of Appropriation (APOA) |

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

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

13837



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

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

If YES, list the certificate, water use permit, or ground water registration numbers: Certificate 76875



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

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

Ground water supplemental Permit or Certificate # \_\_\_\_\_;  
Surface water primary Certificate # \_\_\_\_\_.

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**For a change from Supplemental Irrigation Use to Primary Irrigation Use** N/A

OCT 04 2021

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

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

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

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

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

**AND/OR**

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

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

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

Proposed or Authorized POA Name or Number	Is well already built? (Yes or No)	If an existing well: OWRD Well ID Tag No. L-___	Total well depth	Casing Diameter	Casing Intervals (feet)	Seal depth(s) (intervals)	Perforated or screened intervals (in feet)	Static water level of completed well (in feet)	Source aquifer (sand, gravel, basalt, etc.)	Well-specific rate (cfs or gpm). If less than full rate of water right
Well Logs for Well #2, #4 and New Well are attached. Please refer to attached document: OWRD Leaking Well Test. The New Well will be reconstructed to comply with the condition required in this document.										





# Oregon

Kate Brown, Governor

STATE OF OREGON

COUNTY OF MORROW

## CERTIFICATE OF WATER RIGHT

Water Resources Department

North Mall Office Building

725 Summer St NE, Ste A

Salem, OR 97301

Phone: 503-986-0900

Fax: 503-986-0904

www.Oregon.gov/OWRD

THIS CERTIFICATE ISSUED TO

JOHN & JANNA VANDEN BRINK  
PO BOX 165  
IONE OR 97843

confirms the right to use the waters of a WELL (WELL #4 MORR 51114), within the RHEA CREEK BASIN for the purpose of IRRIGATING 522.6 ACRES. ✓

This right was perfected under Permit G-8701. The date of priority is APRIL 19, 1978. This right is limited to 5.2 CUBIC FEET PER SECOND or its equivalent in case of rotation, measured at the well.

The well is located as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
1 S	24 E	WM	35	SE NE	(WELL #4 MORR 51114) 2435 FEET SOUTH & 1015 FEET WEST FROM NE CORNER, SECTION 35

The amount of water used for irrigation under this right, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second (or its equivalent) and 3.0 acre-feet per acre for each acre irrigated during the irrigation season of each year.

The right shall conform to any reasonable rotation system ordered by the proper state officer.

The quantity of water diverted at the new point of appropriation (well) shall not exceed the quantity of water lawfully available from the original point of appropriation located as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
1 S	24 E	WM	35	NE NE	(WELL #2 MORR 036) 1180 FEET SOUTH & 620 FEET WEST FROM NE CORNER, SECTION 35

A description of the place of use is as follows:

Twp	Rng	Mer	Sec	Q-Q	GLot	Acres
1 S	24 E	WM	22	NE NE	1	28.8
1 S	24 E	WM	22	SE NE		33.0
1 S	24 E	WM	22	NE SE		25.6
1 S	24 E	WM	22	SE SE		35.9
1 S	24 E	WM	23	NE NW	3	2.0

APDA

ENTIRETY  
OF THE  
RIGHT

### NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW

This is an order in other than a contested case. This order is subject to judicial review under ORS 183.482. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.482. Pursuant to ORS 183.482, ORS 536.075 and OAR 137-003-0675, you may petition for judicial review and 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.



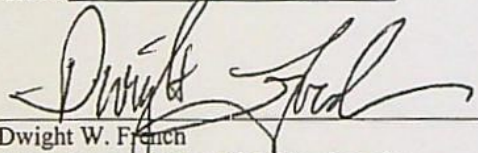


Twp	Rng	Mer	Sec	Q-Q	GLot	Acres
1 S	24 E	WM	23	NW NW	4	32.0
1 S	24 E	WM	23	SW NW		38.8
1 S	24 E	WM	23	SE NW		3.8
1 S	24 E	WM	23	NE SW		2.80
1 S	24 E	WM	23	NW SW		37.3
1 S	24 E	WM	23	SW SW		40.0
1 S	24 E	WM	23	SE SW		16.2
1 S	24 E	WM	26	NW NE		1.2
1 S	24 E	WM	26	SW NE		1.3
1 S	24 E	WM	26	NE NW		39.0
1 S	24 E	WM	26	NW NW		37.0
1 S	24 E	WM	26	SW NW		27.0
1 S	24 E	WM	26	SE NW		38.5
1 S	24 E	WM	26	NE SW		7.50
1 S	24 E	WM	26	NW SW		1.6
1 S	24 E	WM	27	NE NE		35.0
1 S	24 E	WM	27	NW NE		7.5
1 S	24 E	WM	27	SW NE		5.0
1 S	24 E	WM	27	SE NE		25.8

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

This certificate is issued to confirm a change in POINT OF APPROPRIATION approved by an order of the Water Resources Director entered JULY 17, 2003, at Special Order Volume 57, Page 1059, approving Transfer Application T-9443, and, supersedes Certificate 66074, State Record of Water Right Certificates.

Issued APR 04 2014



Dwight W. French  
 Administrator, Water Right Services, for  
 Phillip C. Ward, Director  
 Oregon Water Resources Department



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

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

**Table 2. Description of Changes to Water Right Certificate # 89128**

List the change proposed for the acreage in each ¼ ¼. If more than one change is proposed, specify the acreage associated with each change.  
If there is more than one POD/POA involved in the proposed changes, specify the acreage associated with each POD/POA.

AUTHORIZED (the "from" or "off" lands) The listing that appears on the certificate BEFORE PROPOSED CHANGES List only that part or portion of the water right that will be changed.										Proposed Changes (see "CODES" from previous page)	PROPOSED (the "to" or "on" lands) The listing as it would appear AFTER PROPOSED CHANGES are made.												
Twp	Rng	Sec	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)	Prior Dat			
										APOA	1	S	24	E	22	NE	NE	3500	1	28.8	Irr	Well #4 & New Well	4-19-1
										APOA	1	S	24	E	22	SE	NE	3500		33.0	Irr	Well #4 & New Well	4-19-15
										APOA	1	S	24	E	22	NE	SE	3500		25.6	Irr	Well #4 & New Well	4-19-15
										APOA	1	S	24	E	22	SE	SE	3500		35.9	Irr	Well #4 & New Well	4-19-15
										APOA	1	S	24	E	23	NE	NW	3500	3	2	Irr	Well #4 & New Well	4-19-15
										APOA	1	S	24	E	23	NW	NW	3500	4	32.0	Irr	Well #4 & New Well	4-19-15
										APOA	1	S	24	E	23	SW	NW	3500		38.8	Irr	Well #4 & New Well	4-19-15
										APOA	1	S	24	E	23	SE	NW	3500		3.8	Irr	Well #4 & New Well	4-19-15
										APOA	1	S	24	E	23	NE	SW	3500		2.8	Irr	Well #4 & New Well	4-19-15
										APOA	1	S	24	E	23	NW	SW	3500		37.3	Irr	Well #4 & New Well	4-19-15
										APOA	1	S	24	E	23	SW	SW	3500		40.0	Irr	Well #4 & New Well	4-19-15
										APOA	1	S	24	E	23	SE	SW	3500		16.2	Irr	Well #4 & New Well	4-19-15
										APOA	1	S	24	E	26	NW	NE	3500		1.2	Irr	Well #4 & New Well	4-19-15
										APOA	1	S	24	E	26	SW	NE	3500		1.3	Irr	Well #4 & New Well	4-19-15
										APOA	1	S	24	E	26	NE	NW	3500		39.0	Irr	Well #4 & New Well	4-19-15
TOTAL ACRES:							TOTAL ACRES THIS PAGE:										337.7						

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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			
										APOA	1	S	24	E	26	NW	NW	3500		37.0	Irr	Well #4 & New Well	4-19-1978
										APOA	1	S	24	E	26	SW	NW	3500		27.0	Irr	Well #4 & New Well	4-19-1978
										APOA	1	S	24	E	26	SE	NW	3500		38.5	Irr	Well #4 & New Well	4-19-1978
										APOA	1	S	24	E	26	NE	SW	3500		7.5	Irr	Well #4 & New Well	4-19-1978
										APOA	1	S	24	E	26	NW	SW	3500		1.6	Irr	Well #4 & New Well	4-19-1978
										APOA	1	S	24	E	27	NE	NE	3500		35.0	Irr	Well #4 & New Well	4-19-1978
										APOA	1	S	24	E	27	NW	NE	3500		7.5	Irr	Well #4 & New Well	4-19-1978
										APOA	1	S	24	E	27	SW	NE	3500		5.0	Irr	Well #4 & New Well	4-19-1978
										APOA	1	S	24	E	27	SE	NE	3500		25.8	Irr	Well #4 & New Well	4-19-1978
																			184.9				
TOTAL ACRES:										TOTAL ACRES:										522.6			

Additional remarks: \_\_\_\_\_.

13839



JOHN VANDEN BRINK  
 TRANSFER APPLICATION MAP  
 INVOLVING CERTIFICATES  
 48296 & 89128  
 MORROW CO. T1S, R24E, W.M.

LOCATION OF WELLS

Cert 89128

EXISTING WELL #4- LOCATED 2435' S AND 1015' W FROM THE NE CORNER OF SEC 35

EXISTING WELL #2-LOCATED 1180' S AND 620' W FROM THE NE CORNER OF SEC 35



PROPOSED ADDITIONAL POA NEW WELL - LOCATED 2950' S AND 950' W FROM THE NE CORNER OF SEC 22

Cert 48296

EXISTING WELL -LOCATED 1020' S AND 300' W FROM THE NE CORNER OF SEC 35 (THIS WELL NOT TO BE USED IN THE FUTURE)

PROPOSED NEW WELL-LOCATED 2950' S AND 950' W FROM THE NE CORNER OF SEC 22

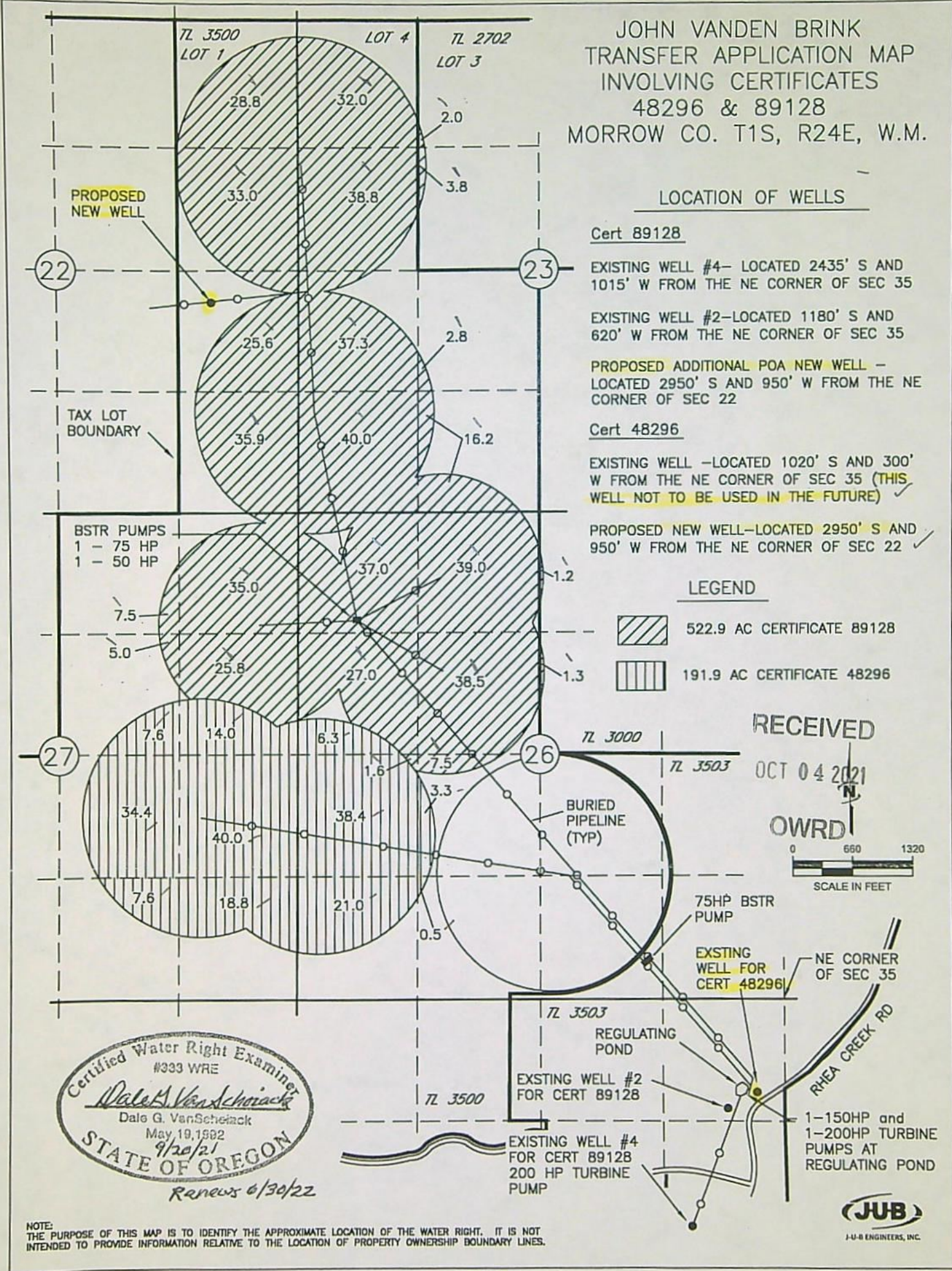
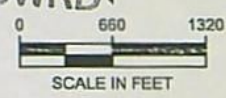
LEGEND

-  522.9 AC CERTIFICATE 89128
-  191.9 AC CERTIFICATE 48296

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OCT 04 2021

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Certified Water Right Examiner  
 #333 WRE  
*Dale G. VanScheiack*  
 Dale G. VanScheiack  
 May 19, 1982  
 9/20/21  
 STATE OF OREGON  
 Renews 6/30/22

NOTE:  
 THE PURPOSE OF THIS MAP IS TO IDENTIFY THE APPROXIMATE LOCATION OF THE WATER RIGHT. IT IS NOT INTENDED TO PROVIDE INFORMATION RELATIVE TO THE LOCATION OF PROPERTY OWNERSHIP BOUNDARY LINES.




15837



## Regular Transfer Review Checklist

T- 13839

Caseworker: 

TYPE OF TRANSFER	
<input checked="" type="checkbox"/>	POD, APOD or POA, APOA and/or Place of Use (690-380-2110 and 690-380-2200)
Transfers Requiring Supplemental Review Criteria	
<input type="checkbox"/>	Character of Use (690-380-2300)
<input type="checkbox"/>	Instream, ORS 537.348, (690-380-2200, 690-380-2300 and 690-077-065 thru 075)
<input type="checkbox"/>	Consent to Injury of Instream (CTI) ORS 540.530, (690-380-5050)
<input type="checkbox"/>	Surface Water to Ground Water (SW to GW), ORS 540.531, (690-380-2130)
<input type="checkbox"/>	Supplemental Use to Primary Use (S to P), ORS 540.524, (690-380-2320)
<i>If transfer type not listed above, see separate checklists</i>	

FILE PREPARATION	
<input checked="" type="checkbox"/>	File Assigned (Computer Entry)
<input type="checkbox"/>	Is transfer within a district boundary? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <i>If yes, attach "Supplemental Processing Checklist for Transfers with a District" for additional required information.</i>
<input type="checkbox"/>	Make Copies and Place in Working File: <input checked="" type="checkbox"/> Application <input checked="" type="checkbox"/> Map
<input type="checkbox"/>	Verify all Certificates/Permits are shown in WRIS to be non-cancelled <input checked="" type="checkbox"/> Print Certificates and Place in Working File
<input checked="" type="checkbox"/>	Add Working file to T-file
<input type="checkbox"/>	Check Public Comments <a href="https://apps.wrd.state.or.us/apps/wr/wr_public_comment_mgmt/default.aspx">https://apps.wrd.state.or.us/apps/wr/wr_public_comment_mgmt/default.aspx</a>
<input checked="" type="checkbox"/>	All Stakeholders accurately listed in WRIS with email addresses if available, including <input checked="" type="checkbox"/> Irrigation District <input type="checkbox"/> BOR <input type="checkbox"/> Tribes Is this a Living Certificate? <input type="checkbox"/> Yes <input type="checkbox"/> No
<input checked="" type="checkbox"/>	Double check all water rights/permits are included in WRIS under Transfer #
<input type="checkbox"/>	Copy and Place in Working File: <i>waiting on water 12-10-21 not same grant</i> <input checked="" type="checkbox"/> Watermaster Review <input checked="" type="checkbox"/> Groundwater Review <input type="checkbox"/> ODFW Review
<input type="checkbox"/>	Public Comments Received? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, print comments and place in file <input type="checkbox"/> Timely <input type="checkbox"/> Untimely Notes:

PR Initials

BASIC APPLICATION REVIEW and NOTICE (OAR 680-380-3000 and -4000)			
CW	N/A		
<input checked="" type="checkbox"/>		Appropriately signed	<input type="checkbox"/>
<input checked="" type="checkbox"/>		All required Attachments Received	<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>		Appropriate Fees Paid	<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Local Government [County] noticed Copy of Acknowledgment Letter	<input checked="" type="checkbox"/>
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Check Area of Interest – Print if needed, include in WRIS stakeholder as interested party	<input checked="" type="checkbox"/>
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Ditch Co., Irr. Dist and/or BOR sent copies	<input checked="" type="checkbox"/>
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Overpayment of Fees, Refund Request w/FO	<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	OWRD Land Use Form matches Tax Lots, is signed by proper official and is <b>APPROVED</b> N/A = Must meet all 4 criteria for exemption (OAR 690-380-3000(19))	<input type="checkbox"/>



**BASIC APPLICATION REVIEW and NOTICE (OAR 680-380-3000 and -4000) Cont'd**

CW	N/A		CW	N/A	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Supp. Form D or Letter of approval from Irrigation or Water Control District	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Evidence of Use is submitted with supporting documentation
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Are the supplemental water rights included in the Transfer? <input type="checkbox"/> Yes <input type="checkbox"/> No If no, are they cancelling? <input type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/>		Map meets criteria of OAR 690-380-3100
<input type="checkbox"/>		Water Use Subject to Transfer (OAR 690-380-0100(14)) Is the water right(s) proposed for transfer a water use(s) subject to transfer? <input type="checkbox"/> Adjudicated or decreed <input checked="" type="checkbox"/> Certified <input type="checkbox"/> Water use permit with CBU and proof to satisfaction issued <input type="checkbox"/> Transfer app for which an order approving change has been issued and proper proof of the completion of the change has been filed	<input type="checkbox"/>		Any application deficiencies that need to be addressed? <input type="checkbox"/> Yes <input type="checkbox"/> No Notes: <u>C-89125 APDA - This should be POA.</u> <u>(WILLER "Not being used")</u>

PR Initials

**Reviewing the "From" and "To" Lands**  
(Use working copy of application and certificates to mark on)

CW		CW	
<input type="checkbox"/>	<u>From:</u> Only the authorized POD's/POA's and POU's involved are listed.	<input type="checkbox"/>	<u>From:</u> Application & certificate tabulations match. (Mark on appl. and cert. copies and note corrections needed)
<input type="checkbox"/>	<u>From:</u> Marked on certificate the acreage being affected and remaining by ¼ ¼.	<input type="checkbox"/>	<u>From:</u> Marked on certificate the quantity of water being transferred, cancelled, and remaining
<input type="checkbox"/>	<u>From and To:</u> Print Plat Card(s), check and note conflicts (change in pou and use only)	<input type="checkbox"/>	<u>From and To:</u> Compare water right map to Application tabulation (Table 2) to Application map for accuracy

PR Initials

**Amended Application Pages and Maps**

CW	N/A		CW	N/A	Notes/Documentation
<input type="checkbox"/>	<input type="checkbox"/>	Amended Application Pages Rec'd _____ Amended Application Map Rec'd _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Scan new pages <input type="checkbox"/> Update WRIS with new pages <input type="checkbox"/> Mark replaced pages in red with 'SUPERSEDED' and place in back of file
<input type="checkbox"/>	<input type="checkbox"/>	Did the amendment change the location of the proposed POD or POA? <input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> For POD changes, re-review from Watermaster or other documentation <input type="checkbox"/> For POA changes, re-review from GW section



# Land Use Information Form

RECEIVED  
SEP 21 2021



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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OCT 04 2021

OWRD

Applicant(s): John Vanden Brink

Mailing Address: P.O. Box 165

City: Ione State: OR Zip Code: 97843 Daytime Phone: 541-422-7035

BY: JVA  
**PAID**  
9-21-21  
CP# 5771 50-

## A. Land and Location

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

Township	Range	Sections	¼ ¼	Tax Lot #	Plan Designation (e.g., Rural Residential/RR-5)	Water to be:	Proposed Land Use:
1S	24E	22, 23, 27, & 26 ✓	—	3500	EFU	<input checked="" type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	Irrigation
1S	24E	35 ✓	SE NE	3503	EFU	<input checked="" type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input type="checkbox"/> Used	Irrigation
<u>1S</u>	<u>24E</u>	<u>35</u> ✓	<u>NE NE</u>	<u>3503</u>	<u>EFU</u>	<input type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input type="checkbox"/> Used	<u>Irrigation</u>

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

Morrow County

## B. Description of Proposed Use

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

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

Source of water:  Reservoir/Pond     Ground Water     Surface Water (name) \_\_\_\_\_

Estimated quantity of water needed: 2.23  cubic feet per second     gallons per minute     acre-feet

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

Briefly describe:

**Our authorized well #2 has become unusable and our Well #4 production has fallen off. We want to make application to authorize the use of a new well closer to our area of irrigation to save on energy cost and eliminate use of a small wasteful reregulating reservoir near Rhea Creek.**

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

See bottom of Page 3. →



# For Local Government Use Only

OWRD

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

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

- Land uses to be served by the proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): Morrow County Zoning Ordinance; 3.010
- Land uses to be served by the proposed water uses (including proposed construction) involve discretionary land-use approvals as listed in the table below. (Please attach documentation of applicable land-use approvals which have already been obtained. Record of Action/land-use decision and accompanying findings are sufficient.) **If approvals have been obtained but all appeal periods have not ended, check "Being pursued."**

Type of Land-Use Approval Needed (e.g., plan amendments, rezones, conditional-use permits, etc.)	Cite Most Significant, Applicable Plan Policies & Ordinance Section References	Land-Use Approval:	
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued

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

Name: Stephanie Case Title: Planner II

Signature: Stephanie Case Phone: 541-922-4624 Date: 9/27/2021

Government Entity: Morrow County Planning Department

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

### Receipt for Request for Land Use Information

Applicant name: \_\_\_\_\_

City or County: \_\_\_\_\_ Staff contact: \_\_\_\_\_

Signature: \_\_\_\_\_ Phone: \_\_\_\_\_ Date: \_\_\_\_\_



# 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 )  
 ) ss  
 County of MORROW

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OCT 04 2021

I, JOHN VANDEN BRINK, in my capacity as AN OWNER,  
 mailing address P.O. BOX 165, IONE, OR 97843

OWRD

telephone number (541) 422-7035, 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 Certificates# 48296 & 89128; **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)

**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.): CORN, ALFALFA & SEDAN GRASS

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.

RECEIVED

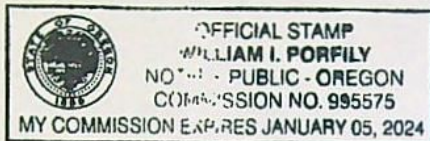
OCT 04 2021

[Signature]  
Signature of Affiant

9-30-21  
Date

OWRD

Signed and sworn to (or affirmed) before me this 30 day of Sept, 2021.



[Signature]  
Notary Public for Oregon

My Commission Expires: Jan 4, 2024

Supporting Documents	Examples
<input type="checkbox"/> Copy of a water right certificate that has been issued within the last five years. (not a remaining right certificate)	Copy of <b>confirming</b> water right certificate that shows issue date
<input checked="" type="checkbox"/> Copies of receipts from sales of irrigated crops or for expenditures related to use of water:  Attached 2018 Power Records for Pump on Well #4	<ul style="list-style-type: none"> <li>● Power usage records for pumps associated with irrigation use</li> <li>● Fertilizer or seed bills related to irrigated crops</li> <li>● Farmers Co-op sales receipt</li> </ul>
<input type="checkbox"/> Records such as FSA crop reports, irrigation district records, NRCS farm management plan, or records of other water suppliers	<ul style="list-style-type: none"> <li>● District assessment records for water delivered</li> <li>● Crop reports submitted under a federal loan agreement</li> <li>● Beneficial use reports from district</li> <li>● IRS Farm Usage Deduction Report</li> <li>● Agricultural Stabilization Plan</li> <li>● CREP Report</li> </ul>
<input type="checkbox"/> Aerial photos containing sufficient detail to establish location and date of photograph	Multiple photos can be submitted to resolve different areas of a water right. If the photograph does not print with a "date stamp" or without the source being identified, the date of the photograph and source should be added.  Sources for aerial photos: OSU – <a href="http://www.oregonexplorer.info/imagery">www.oregonexplorer.info/imagery</a> OWRD – <a href="http://www.wrd.state.or.us">www.wrd.state.or.us</a> Google Earth – <a href="http://earth.google.com">earth.google.com</a> TerraServer – <a href="http://www.terra-server.com">www.terra-server.com</a>
<input type="checkbox"/> Approved Lease establishing beneficial use within the last 5 years	Copy of instream lease or lease number



## SMITH Tamera L \* WRD

---

**From:** Bill Porfily <bporfily@my180.net>  
**Sent:** Friday, July 15, 2022 7:38 AM  
**To:** SMITH Tamera L \* WRD; 'Jonathon S. Travis'  
**Cc:** 'JVB Dairy'  
**Subject:** RE: T-13839  
**Attachments:** 2021 permanent\_wr\_transfer\_app (6).doc; OWRD Leaking Well Test.pdf; JVB Dairy Water Rights Support Proposal.pdf

Mornin Tamera

Been having some computer problems, but I cannot blame the computer for not attaching the attachments.

Greatly appreciated the Get Well Card.

**William Porfily**  
PO Box 643  
Stanfield , OR 97875  
Cel (541)561-7259  
E-Mail: wporfily@gmail.com

Please excuse any misspellings,bad grammer or other typing errors.

---

**From:** SMITH Tamera L \* WRD [mailto:Tamera.L.SMITH@water.oregon.gov]  
**Sent:** Thursday, July 14, 2022 3:38 PM  
**To:** Bill Porfily; 'Jonathon S. Travis'  
**Cc:** 'JVB Dairy'  
**Subject:** RE: T-13839

Good to see from you, Bill!

I wonder if you could send the attachments again. I don't see them on this end.

Thank you, Tamera

---

**From:** Bill Porfily <bporfily@my180.net>  
**Sent:** Thursday, July 14, 2022 3:08 PM  
**To:** 'Jonathon S. Travis' <jtravis@geoengineers.com>  
**Cc:** SMITH Tamera L \* WRD <Tamera.L.SMITH@water.oregon.gov>; 'JVB Dairy' <jvbdairyoffice@gmail.com>  
**Subject:** T-13839

Afternoon Tamera



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**Cc:** SMITH Tamera L \* WRD <Tamera.L.SMITH@water.oregon.gov>; 'JVB Dairy' <jvbdairyoffice@gmail.com>  
**Subject:** T-13839

Afternoon Tamera



# Application for Permanent Water Right Transfer

Amended 07-12-2022

## Part 1 of 5 – Minimum Requirements Checklist



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

**This transfer application will be returned if Parts 1 through 5 and all required attachments are not completed and included.**  
For questions, please call (503) 986-0900, and ask for Transfer Section.

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

- Part 1 – Completed Minimum Requirements Checklist.
- Part 2 – Completed Transfer Application Map Checklist.
- Part 3 – Application Fee, payable by check to the Oregon Water Resources Department, and completed Fee Worksheet, page 3. Try the new online fee calculator at: [http://apps.wrd.state.or.us/apps/misc/wrd\\_fee\\_calculator](http://apps.wrd.state.or.us/apps/misc/wrd_fee_calculator).
- Part 4 – Completed Applicant Information and Signature.
- Part 5 – Information about Water Rights to be Transferred: **How many water rights are to be transferred? 2 List them here: Certs 48296, 89128**

Please include a separate Part 5 for each water right. (See instructions on page 6)  
**NOTE: A separate transfer application is required for each water right unless the criteria in OAR 690-380-3220 are met.**

**Attachments:**

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

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(For Staff Use Only)

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

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

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

Staff: \_\_\_\_\_ 503- \_\_\_\_\_ Date: \_\_\_\_/\_\_\_\_/\_\_\_\_



## Part 2 of 5 – Transfer Application Map

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

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

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

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JUL 15 2022

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**Part 4 of 5 – Applicant Information and Signature**

**Applicant Information**

APPLICANT/BUSINESS NAME <b>John &amp; Janna Vanden Brink</b>		PHONE NO. <b>541-422-7035</b>	ADDITIONAL CONTACT NO.
ADDRESS <b>P.O. Box 165</b>		FAX NO.	
CITY <b>Ione</b>	STATE <b>OR</b>	ZIP <b>97843</b>	E-MAIL <b>jvbdairy@gmail.com</b>
BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED.			

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

AGENT/BUSINESS NAME <b>William Porfily</b>		PHONE NO. <b>(541)449-1327</b>	ADDITIONAL CONTACT NO. <b>(541)561-7259</b>
ADDRESS <b>P.O. Box 643</b>		FAX NO. <b>(541)449-1327</b>	
CITY <b>Stanfield</b>	STATE <b>OR</b>	ZIP <b>97875</b>	CITY <b>Stanfield</b>
BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED.			

Explain in your own words what you propose to accomplish with this transfer application, and why:  
**The authorized well for Certificate 48296 has become unusable thus we want to change the Point of Appropriation from this well to a New Well. The New Well will be located on the farm at a site that will make it more effective/efficient than the existing wells used for Certificate 89128. Therefore, we want to also add the New Well as an Additional Point of Appropriation for use under Certificate 89128.**

**Check One Box**

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

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

IRRIGATION DISTRICT NAME	ADDRESS	
CITY	STATE	ZIP

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

ENTITY NAME	ADDRESS	
CITY	STATE	ZIP



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

ENTITY NAME <b>Morrow County</b>	ADDRESS <b>County Court House</b>	
CITY <b>Heppner</b>	STATE <b>OR</b>	CITY <b>Heppner</b>

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## Part 5 of 5 – Water Right Information

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

CERTIFICATE # 48296

### Description of Water Delivery System

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System capacity: 2.23 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. Water is currently pumped from Well #4 into a small regulating reservoir where it is mixed with Rhea Creek water if water from Rhea Creek is available under Water Right Certificate 76875. Well #4 is equipped with a 200 hp deep well turbine pump. Both ground water and Rhea Creek Water is pumped from the regulating reservoir with a pond booster pumping station consisting of two short coupled canned turbine pumps (one 150 hp and one 200 hp) through a mainline and distribution system that serves 2 center pivots that are used to irrigate the land authorized by Certificate 48296. There is a field booster pumping station on the farm that is used to boost the system pressure if necessary. A total of 191.9 acres are irrigated under this water right. Refer to the transfer application map for the layout of the irrigation system and circles.

**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)
Unnamed Well (Not being used)	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed	?	1 S	24 E	35	NE	NE		1020 ft S & 300 ft W from the NE Corner Section 35
New Well	<input type="checkbox"/> Authorized <input checked="" type="checkbox"/> Proposed	MORR 52027	1 S	24 E	22	NE	SE		2950 ft S & 950 ft W from the NE Corner Section 22

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

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

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



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

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To:	John and Janna Vanden Brink	<b>RECEIVED</b> <b>JUN 21 2022</b> <b>OWRD</b>
From:	Jon Travis, RG, CWRE	
Date:	June 17, 2022	
File:	26115-001-00	
Subject:	Response to OWRD Draft Preliminary Determination for Transfer Application T-13839	

---

GeoEngineers is pleased to provide you with this memorandum (memo) which summarizes: (1) Oregon Water Resources Department's draft Preliminary Determination (DPD) for Transfer Application T-13839; and (2) actions needed to bring your wells into compliance with current well construction standards and Certificate 48296 and Certificate 89128.

The DPD states that the following need to be addressed before the transfer can continue to be processed:

- Reconstruct MORR 51114 to meet current well construction standards
- Case and seal MORR 1735 to a minimum depth of 510 feet below ground surface (bgs)

However, because MORR 51114 is the dairy's primary active water source and MORR 1735 is not in use or owned by you and will not be addressed further in this memo, an alternative water supply will be needed to continue dairy operations while MORR 51114 is offline for reconstruction. Based on our previous discussions with you well MORR 52027 could potentially be used as the alternative water source.

With respect to well MORR 52027:

- A flow test was performed on January 7, 2016 by OWRD Groundwater Section staff that showed it, too, was out of compliance with current well construction standards because of up hole flow.
- OWRD recommended, based on their findings, that the well should be cased and sealed to a depth of 820 feet bgs.

As we have discussed with you it is our understanding that you intend to follow OWRD's recommendation as the first step in resolving the issues with well MORR 51114. After MORR 52027 is brought into compliance and becomes operational as an alternative water source the issues with the other well can be addressed, as follows:

- Well MORR 51114 will be cased and sealed to 205 feet bgs as recommended in the DPD, and then brought back online.

This process may take a few years to complete because of driller availability and the need to work on one well at a time.

If you have any questions about this memo, or the results of our work on this project please contact Jon (509.979.0332) at our Kennewick office at your convenience. It has been a pleasure working with you on this project and we look forward to working with you in the future.



### **LIMITATIONS**

We prepared this memorandum for use by John and Janna Vanden Brink to assist in progressing their water right transfer. Within the limitations of scope, schedule and budget, our services have been executed in accordance with generally accepted practices in the field of hydrogeology in this area at the time this report was prepared. No warranty or other conditions, expressed or implied, should be understood.

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OWRD - Erik Thomasson Delivered to Zollman's  
First part of September 2016

State of Oregon

Water Resources Department

Memorandum

April 20, 2016

To: File T-11689 and G-15198 (Permit G-17360)  
CC: Justin Iverson, Groundwater Section Manager  
Joel Jeffery, Well Construction and Compliance Program Coordinator  
From: Josh Hackett, Hydrogeologist, Groundwater Section  
Subject: Borehole Flowmeter Review MORR 52027, John Vandenberg

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**Background:**

MORR 52027 was completed as a test hole for John Vandenberg by Zollman's Larry Burd Well Drilling on December 17, 2012. According to the driller's well report, the well was drilled 8-inch open hole from 18 feet below land surface (bls) to a total depth of 1393 feet bls with 8-inch steel casing and cement and bentonite seal installed in a 12-inch borehole from land surface to a depth of 18 feet bls.

MORR 52027 was one of three wells listed as proposed additional points of appropriation on Groundwater Transfer Application T-11689 (received by the Department on November 19, 2013). Due to the large open interval in the well, Groundwater Section staff was concerned it may be drilled through multiple aquifers and allowing water to flow between aquifers. This mixing (or mingling) of waters from different aquifers is commonly referred to as commingling. To investigate the possibility of commingling in MORR 52027, Groundwater Section staff conducted a downhole video survey on April 17, 2014. The video survey recorded particles moving up the borehole between depths of 788 feet and 1305 feet bls, indicating commingling was occurring. Based on observations from the video survey, two potential aquifers were identified; a shallow aquifer from 880-975 feet bls and a deep aquifer from 1275-1339 feet bls (see Attachment 1 for a complete review of the video log survey).

Most recently, a borehole flowmeter log survey was conducted by Groundwater Section staff on January 7, 2016 to measure the upward flow rate in the well and determine where the water was exiting the well. Findings from the flowmeter survey are presented in this document. Recommendations to meet permit conditions are presented at the conclusion of this memo.

**Equipment/Methods:**

Fluid movement in the borehole was measured using a Century Geophysical Corp. Model 9722 Electromagnetic (EM) Flowmeter Tool. The instrument measures flow rates using the principle of Faraday's Law of Induction; the voltage induced by a conductor (water) moving through a magnetic field (generated by the electromagnet in the EM flowmeter) is proportional to the velocity of the conductor through the field. The Model 9722 EM Flowmeter has a full range of 50 milliliters per minute (0.01 gallons/min (gpm)) to 40 liters per minute (10.6 gpm) and is accurate to  $\pm 5$  milliliters per minute (0.001 gpm). An 8.5 inch



diameter flow diverter skirt was installed on the EM flowmeter to minimize flow around the tool and direct flow through the meter.

Measurements of vertical flow in the borehole were obtained under static (non-pumping) conditions at ten "stations" below the static water level (605 feet bls), between depths of 629 feet and 1205 feet bls. The flowmeter was allowed to equilibrate for at least two minutes or until flow rates stabilized at each station before flow rates were recorded.

#### Results:

Maximum upward flow ranging from 2.81 gpm to 3.57 gpm was measured in the interval from 1205 feet to 784 feet bls (Table 1, Figure 1). Above 784 feet bls, a decrease in upward flow was observed at successive stations (1.41 gpm at 759 feet bls, 0.22 gpm at 667 feet bls) until flow ultimately decreased to nearly zero (0.04 gpm) at 629 feet bls (Table 1, Figure 1). The consistency of upward flow rates between 1205 feet and 784 feet bls indicates that vertical flow is entering the well below this interval and is exiting the well above it. Decreasing upward flow rates between 784 feet and 629 feet bls indicates that flow is exiting the well in this interval. The abrupt decrease in flow between 784 feet and 759 feet bls suggests that a significant portion of flow exits the well in this short interval while the remainder exits in the longer interval from 759 feet to 629 feet bls.

The results of the EM Flowmeter log survey generally agree with the findings of the video log survey, with both surveys identifying two aquifers (shallow and deep). However, results from the flowmeter survey indicate that the shallow aquifer occurs from approximately 670-800 feet bls, not 880-975 feet bls as was identified in the video survey. It is evident from the flowmeter survey that the deep aquifer is losing at least 3 gpm to the shallow aquifer. As an average rate, 3 gpm equates to a loss of 4320 gallons per day, 1.57 million gallons per year, and a total of 4.73 million gallons in the three years since the well was drilled.

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#### Recommendations:

The EM flowmeter log of MORR 52027 indicates the well commingles two aquifers in the Columbia River Basalt Group. Measured vertical flow was approximately 3 gpm from the deep aquifer to the shallow aquifer. The well must be constructed to meet the minimum construction standards for Water Supply Wells described in OARs 690-200 and 690-210. Specifically, the well must not allow commingling of waters from multiple aquifers (690-200-0043) and must be cased and sealed at least five feet into solid, unereviced, consolidated rock overlying the water-bearing rock formation (690-210-0150). To avoid commingling in the well, either the deep or shallow aquifer must be sealed off. According to the drillers' log, most of the production is from the deep aquifer; the following recommendation assumes the shallow aquifer will be sealed off. In addition to sealing off the upper aquifer, the well must be cased and sealed into solid, dense rock overlying the productive aquifer. While the base of the upper aquifer occurs at a depth of 800 feet bls, the borehole does not appear to be solid or unereviced until 815 feet bls. Accordingly, the well should be cased and sealed to a minimum of 820 feet below land surface. This case and seal depth shall supersede Condition 3 of permit G-17360 (case and seal to 1055 feet bls).



Table 1. Measured vertical flow rates at depth stations in MORR 52027. Negative values represent upward vertical flow.

Depth (feet)	Rate (Liters/minute)	Rate (gallons/minute)
629	-0.17	-0.04
667	-0.83	-0.22
759	-5.35	-1.41
784	-10.63	-2.81
814	-10.05	-2.66
834	-11.17	-2.95
854	-13.07	-3.45
858	-11.94	-3.15
1104	-12.25	-3.24
1154	-13.50	-3.57
1205	-12.21	-3.23

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MORR 52027

L 109714

01S/24E/02

lone South

45 464, -119.804

Morrow

1730

Umatilla

1593

J. Hackett

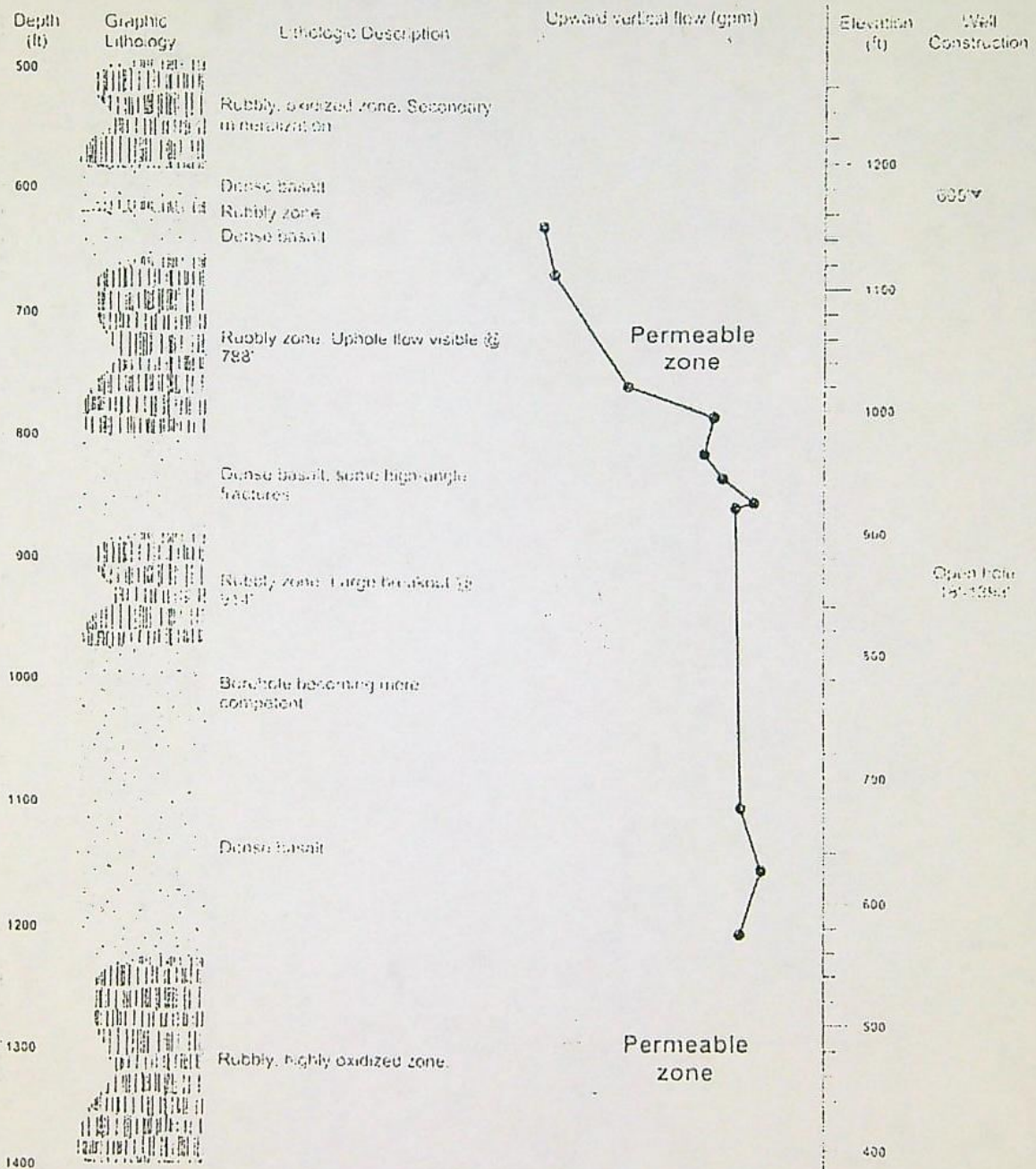


Figure 1. Results of borehole EM flowmeter logging in MORR 52027.





# Oregon

Kate Brown, Governor

**Water Resources Department**

725 Summer St NE, Suite A

Salem, OR 97301

(503) 986-0900

Fax (503) 986-0904

MARCH 21, 2022

VIA E-MAIL

JOHN AND JANNA VANDEN BRINK

PO BOX 165

IONE, OR 97843

SUBJECT: Water Right Transfer Application T-13839

Please find enclosed a draft of our Preliminary Determination regarding Transfer Application T-13839. The document reflects the Department's conclusion that, based on the information currently available, the transfer will be DENIED. This draft is intended to provide you with an opportunity to comment on our findings and conclusions should you wish to do so and to withdraw or modify your application to resolve the issues that are prompting our decision to deny the application.

The draft Preliminary Determination proposes to deny the transfer because the proposed POAs will not develop the same source as the authorized POAs. The issues that we have identified could be resolved by one, or more, of the following alternatives:

- Reconstruct MORR 51114 to meet current well construction standards, and;
- Case and seal MORR 1735 to a minimum depth of 510 feet bld; OR
- Withdraw the application.

At this point, you may decide to continue processing the application (see below), or to send a letter requesting to withdraw the transfer application.

**If you wish to proceed with your application, you must submit the following:**

1. **Provide a written response** by April 21, 2022 that describes how you will overcome the issues identified above and submit modifications or additional information as needed, or that indicates you wish to protest a Preliminary Determination to deny the transfer.
2. **REQUIRED:** You must submit a **Report of Ownership** for the lands where the water right(s) are currently located (i.e., the FROM lands). This report:
  - a) Must be prepared by a title company;
  - b) Shall include a "prepared by" statement and the date the title company prepared the report printed on the cover sheet;
  - c) Must be:



- i. Prepared within 3 months of the Draft Preliminary Determination showing current ownership; **OR**
- ii. Prepared within 3 months of recording of a water right conveyance agreement; **OR**
- iii. Have a prepared date showing ownership at the time a water right conveyance agreement was recorded.

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

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

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

#### **What happens next...**

Once the Preliminary Determination is issued a publication period is required. Because there is more than ¼ mile between the new and the authorized points of appropriation, the Department will publish notice of the transfer in a local newspaper having a general circulation in the area of the water right at least once per week for two consecutive weeks. You are responsible for sending a check to cover the cost of publication prior to the issuance of the Preliminary Determination and publication of notice (see below).

#### **Conditions to your water right...**

If you modify the application so as to allow approval, conditions may need to be added to the transfer. The Department will notify you of any required conditions prior to issuing the Preliminary Determination.

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

1. Your written response modifying the application to resolve the issues that we have identified or requesting that we proceed with processing of the application; and
2. The Report of Ownership, including affidavits of consent from any landowners shown in the ownership report who have not signed the transfer application. The title company must

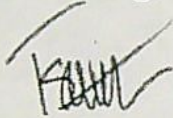


indicate/state the date that they prepared the ownership report on the coversheet and/or first page of the report.

**If we do not receive your response to withdraw the application or the items listed above by April 21, 2022, a Preliminary Determination may be issued denying the application as incomplete.**

Please do not hesitate to contact me at [tamera.l.smith@water.oregon.gov](mailto:tamera.l.smith@water.oregon.gov) or 503-979-9607 if I may be of assistance.

Kindest regards,



Transfer Caseworker  
Transfer and Conservation Section

cc: Transfer Application file T-13839  
Ken Thiemann, District 21 Watermaster (*via e-mail*)  
William Porfily, Agent for the applicant

encs



BEFORE THE WATER RESOURCES DEPARTMENT  
OF THE  
STATE OF OREGON

In the Matter of Transfer Application )  
T-13839, Morrow County )

) **D R A F T**

) PRELIMINARY DETERMINATION  
) PROPOSING DENIAL OF AN ADDITIONAL  
) POINT OF APPROPRIATION AND A  
) CHANGE IN POINT OF APPROPRIATION

**Authority**

Oregon Revised Statutes (ORS) 537.705 and 540.505 to 540.580 establish the process in which a water right holder may submit a request to transfer the point of appropriation, place of use, or character of use authorized under an existing water right. Oregon Administrative Rules (OAR) Chapter 690, Division 380 implement the statutes and provides the Department's procedures and criteria for evaluating transfer applications.

**Applicant**

JOHN AND JANNA VANDEN BRINK  
PO BOX 165  
IONE, OR 97843

**Findings of Fact**

1. On October 4, 2021, JOHN AND JANNA VANDEN BRINK filed an application for an additional point of appropriation under Certificate 89128 and a change in appropriation under Certificate 48296. The Department assigned the application number T-13839.
2. Notice of the application for transfer was published on October 12, 2021, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. The first right to be transferred is as follows:

**Certificate:** 48296 in the name of DARRELL PADBERG (perfected under Permit G-6296)

**Use:** IRRIGATION of 191.9 ACRES

**Priority Date:** JANUARY 13, 1975

**Rate:** 2.23 CUBIC FEET PER SECOND

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



Source: A WELL, a tributary of RHEA CREEK

**Authorized Point of Appropriation:**

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
1 S	24 E	WM	35	NE NE	1020 FEET SOUTH AND 300 FEET WEST FROM THE NE CORNER OF SECTION 35

**Authorized Place of Use:**

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
1 S	24 E	WM	26	SW NW	6.3
1 S	24 E	WM	26	NE SW	3.3
1 S	24 E	WM	26	NW SW	38.4
1 S	24 E	WM	26	SW SW	21.0
1 S	24 E	WM	26	SE SW	0.5
1 S	24 E	WM	27	SW NE	7.6
1 S	24 E	WM	27	SE NE	14.0
1 S	24 E	WM	27	NE SE	40.0
1 S	24 E	WM	27	NW SE	34.4
1 S	24 E	WM	27	SW SE	7.6
1 S	24 E	WM	27	SE SE	18.8
TOTAL					191.9

4. Transfer Application T-13839 proposes to move the authorized point of appropriation approximately 2.17 miles from the existing point of appropriation to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
1 S	24 E	WM	22	NE SE	NEW WELL – 2950 FEET SOUTH AND 950 FEET WEST FROM THE NE CORNER OF SECTION 22

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

**Certificate:** 89128 in the name of JOHN AND JANNA VANDEN BRINK (perfected under Permit G-8701)

**Use:** IRRIGATING 522.6 ACRES

**Priority Date:** APRIL 19, 1978

**Rate:** 5.2 CUBIC FEET PER SECOND, IF AVAILABLE AT ORIGINAL POINT OF APPROPRIATION LOCATED:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
1 S	24 E	WM	35	NE NE	WELL #2 (MORR 036) - 1180 FEET SOUTH AND 620 FEET WEST FROM THE NE CORNER OF SECTION 35

**Limit/Duty:** The amount of water used for irrigation under this right, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second (or its equivalent) and 3.0 acre-feet per acre for each acre irrigated during the irrigation season of each year.



Source: A WELL (WELL #4 MORR 51114), within the RHEA CREEK BASIN

**Authorized Point of Appropriation:**

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
1 S	24 E	WM	35	SE NE	WELL #4 (MORR 51114) - 2435 FEET SOUTH AND 1015 FEET WEST FROM THE NE CORNER OF SECTION 35

**Authorized Place of Use:**

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres
1 S	24 E	WM	22	NE NE	1	28.8
1 S	24 E	WM	22	SE NE		33.0
1 S	24 E	WM	22	NE SE		25.6
1 S	24 E	WM	22	SE SE		35.9
1 S	24 E	WM	23	NE NW	3	2.0
1 S	24 E	WM	23	NW NW	4	32.0
1 S	24 E	WM	23	SW NW		38.8
1 S	24 E	WM	23	SE NW		3.8
1 S	24 E	WM	23	NE SW		2.8
1 S	24 E	WM	23	NW SW		37.3
1 S	24 E	WM	23	SW SW		40.0
1 S	24 E	WM	23	SE SW		16.2
1 S	24 E	WM	26	NW NE		1.2
1 S	24 E	WM	26	SW NE		1.3
1 S	24 E	WM	26	NE NW		39.0
1 S	24 E	WM	26	NW NW		37.0
1 S	24 E	WM	26	SW NW		27.0
1 S	24 E	WM	26	SE NW		38.5
1 S	24 E	WM	26	NE SW		7.5
1 S	24 E	WM	26	NW SW		1.6
1 S	24 E	WM	27	NE NE		35.0
1 S	24 E	WM	27	NW NE		7.5
1 S	24 E	WM	27	SW NE		5.0
1 S	24 E	WM	27	SE NE		25.8
TOTAL						522.6

6. Transfer Application T-13839 proposes an additional point of appropriation as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances	Approximate Distance from Authorized Well in Miles (mi.)
1 S	24 E	WM	22	NE SE	NEW WELL (MORR 52027) – 2950 FEET SOUTH AND 950 FEET WEST FROM THE NE CORNER OF SECTION 22	WELL #4
						2.18 mi.



7. On December 13, 2021, the Department determined the proposed point of appropriation (POA) under Certificate 48296 and additional point of appropriation (APOA) under Certificate 89128 will not develop the same aquifers (sources) as the existing authorized POAs (MORR 1735 and MORR 51114).

The Grande Ronde Basalt Formation of the Columbia River Basalt Group (CRBG) is locally several thousand feet thick and consists of more than 100 individual basalt flows. Within the CRBG, most water occurs in confined aquifers that occupy thin rubble zones (interflow zones) at the contacts between lava flows. The interiors of the basalt flows generally have low porosity and permeability and act as confining beds. This geometry generally produces a stack of thin aquifers (interflow zones) separated by thick confining beds (flow interiors). The low permeability of the basalt flow interiors probably limits the natural vertical connection between overlying aquifers. When naturally isolated aquifers are connected through well construction practices, water flows out of the higher pressure aquifer into the lower pressure aquifer. The result is equivalent to continuously pumping a well in the higher pressure aquifer.

Evidence suggests there are at least two primary aquifers present locally in the Grande Ronde Formation. A third, low-yielding aquifer is also present in MORR 51114. The primary aquifers are referred to as the "upper" and "lower" aquifers in the groundwater review. The presence of multiple water-bearing zones (WBZs) with different water levels (hydraulic heads) on driller's log for MORR 51114 indicates that it commingles aquifers. The water level in the WBZ found from 90 to 95 feet below land surface (low-yield aquifer) was 31 feet, while the water level in the lower two WBZs found from 210 to 250 and 430 to 450 feet below land surface was 173 feet (both lower WBZs are likely part of the local upper aquifer). The higher head in the low-yield aquifer indicates water cascades from the low-yield aquifer to the upper aquifer, as currently constructed MORR 51114 does not meet current well construction standards. This well can eliminate commingling if it is cased and sealed from land surface to a depth of 205 feet.

Although multiple WBZs with different hydraulic heads were not noted on the driller's log, MORR 1735 likely commingles multiple aquifers also. Similar water level heads and trends (see 2106 borehole flowmeter log survey of MORR 52027 in groundwater review), suggests the wells are open to several of the same WBZs and produce (at least partially) from the same aquifer(s). After the upper aquifer was sealed off in MORR 52027, the water level in the well rose about 100 feet. Water levels in MORR 1735 and MORR 51114 did not rise and continue to decline. It is likely that MORR 1735 is still open to both primary aquifers, and water is moving through the borehole similarly to MORR 52027 before it was reconstructed. It is also likely MORR 1735 is acting as a conduit connecting lower aquifer water to MORR 51114.

As currently constructed: MORR 51114 (authorized POA on Certificate 89128) is open to both a very shallow low-yield aquifer and the upper primary aquifer. MORR 1524 is open to both the upper and lower primary aquifers; and MORR 52027 is open to only the lower primary aquifer. The proposed POA on Certificate 89128 (MORR 52027) does not produce



from the same aquifer as the authorized POA (MORR 51114). The proposed POA on Certificate 48296 (MORR 52027) produces partially from the same aquifer as the authorized POA (MORR 1524).

8. Because MORR 51114 develops at least two aquifers, it will need to be reconstructed to meet current well construction standards. To meet well construction standards the well must be continuously cased and sealed from land surface to a depth of 205 feet. (Note: MORR 51114 is also an authorized POA on Permit G-17360. A condition listed on the permit requires the well to be cased and sealed to a depth of 205 feet.)
9. Because MORR 1735 develops at least two aquifers, and in order to produce from the same source as the proposed APOA, the well should seal off the upper primary aquifer. This will require MORR 1735 be cased and sealed to a minimum depth of 510 feet blsd.

**Transfer Review Criteria (OAR 690-380-4010)**

10. Water has been used within the last five years according to the terms and conditions of the rights. There is no information in the record that would demonstrate that the rights are subject to forfeiture under ORS 540.610.
11. A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing rights were present within the five-year period prior to submittal of Transfer Application T-13839.
12. The proposed change would not result in enlargement of the rights.
13. The proposed change would not result in injury to other water rights.
14. Based on Finding of Fact Nos. 7, 8, and 9, the application does not meet the requirement under ORS 537.705 and OAR 690-380-2110(2) a change in point of appropriation under a water right or certificate of registration modification is restricted to the same aquifer.

**Determination and Proposed Action**

The additional point of appropriation and change in point of appropriation proposed in Transfer Application T-13839 appear to be not consistent with the requirements of ORS 537.705 and 540.505 to 540.580 and OAR 690-380-5000. If protests are not filed pursuant to OAR 690-380-4030, the application will be denied.

*If the deficiencies are resolved and Transfer Application T-13839 is approved, the final order will include the following:*

1. *The additional point of appropriation and change in point of appropriation proposed in Transfer Application T-13839 are approved.*



2. *The right to the use of the water is restricted to beneficial use at the place of use described, and is subject to all other conditions and limitations contained in Certificates 48296, 89128, and any related decree.*
3. *Water right Certificates 48296 and 89128 are cancelled.*
4. *For Certificate 48296, the quantity of water diverted at the new point of appropriation (New Well), shall not exceed the quantity of water lawfully available at the original point of appropriation (Unnamed Well).*
5. *For Certificate 89128, the quantity of water diverted at the additional point of appropriation (New Well), together with that diverted at the original points of appropriation (Well #4 and Well #2), shall not exceed the quantity of water lawfully available at the original points of appropriation (Well #4 and Well #2).*
6. *Water use measurement conditions:*
  - a. *Before water use may begin under this order, the water user shall install a totalizing flow meter, or, with prior approval of the Director, another suitable measuring device, at each point of appropriation (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. *Water shall be acquired from the same aquifer (water source) as the original points of appropriation.*
8. *Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2023**. A Claim of Beneficial Use prepared by a Certified Water Right Examiner shall be submitted by the applicant to the Department within one year after the deadline for completion of the changes and full beneficial use of the water.*
9. *After satisfactory proof of beneficial use is received, new certificates confirming the rights transferred will be issued.*

Dated in Salem, Oregon on

**D R A F T**

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

This draft Preliminary Determination was prepared by: Tamera Smith. If you have any questions about the information in this document, you may reach me at 503-979-9607 or [tamera.l.smith@water.oregon.gov](mailto:tamera.l.smith@water.oregon.gov)



**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 # **136545**

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

RECEIVED FROM: JVB Dairy

BY: \_\_\_\_\_

APPLICATION	
PERMIT	
TRANSFER	1-13839

CASH:  CHECK: # 3241 OTHER: (IDENTIFY)

TOTAL REC'D \$ 2,450.00

**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 46110

0407 COPY & TAPE FEES \$ \_\_\_\_\_

0410 RESEARCH FEES \$ \_\_\_\_\_

0408 MISC REVENUE: (IDENTIFY) \$ \_\_\_\_\_

TC162 DEPOSIT LIAB. (IDENTIFY) \$ \_\_\_\_\_

0240 EXTENSION OF TIME \$ \_\_\_\_\_

**WATER RIGHTS:**

0201 SURFACE WATER 

EXAM FEE
\$ _____

 0202 \$ \_\_\_\_\_

0203 GROUND WATER 

EXAM FEE
\$ _____

 0204 \$ \_\_\_\_\_

0205 TRANSFER 

EXAM FEE
\$ <u>2450.00</u>

RECORD FEE
\$ _____

**WELL CONSTRUCTION**

0218 WELL DRILL CONSTRUCTOR 

EXAM FEE
\$ _____

 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: **136545**

DATED: 10-4-2021 BY: Mindy Cordism



# Application for Permanent Water Right Transfer

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

## Part 1 of 5 – Minimum Requirements Checklist

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

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

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

- Part 1 – Completed Minimum Requirements Checklist.
- Part 2 – Completed Transfer Application Map Checklist.
- Part 3 – Application Fee, payable by check to the Oregon Water Resources Department, and completed Fee Worksheet, page 3. Try the new online fee calculator at: [http://apps.wrd.state.or.us/apps/misc/wrd\\_fee\\_calculator](http://apps.wrd.state.or.us/apps/misc/wrd_fee_calculator).
- Part 4 – Completed Applicant Information and Signature.
- Part 5 – Information about Water Rights to be Transferred: **How many water rights are to be transferred? 2 List them here: Certs 48296, 89128**  
 Please include a separate Part 5 for each water right. (See instructions on page 6)  
**NOTE: A separate transfer application is required for each water right unless the criteria in OAR 690-380-3220 are met.**

**Attachments:**

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

(For Staff Use Only)

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

- Application fee not enclosed/insufficient
- Land Use Form not enclosed or incomplete
- Additional signature(s) required
- Map not included or incomplete
- Evidence of Use Form not enclosed or incomplete
- Part \_\_\_\_\_ is incomplete

Other/Explanation \_\_\_\_\_  
 Staff: \_\_\_\_\_ 503- \_\_\_\_\_ Date: \_\_\_\_/\_\_\_\_/\_\_\_\_



## Part 2 of 5 – Transfer Application Map

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

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

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







## Part 4 of 5 – Applicant Information and Signature

### Applicant Information

APPLICANT/BUSINESS NAME <b>John &amp; Janna Vanden Brink</b>		PHONE NO. <b>541-422-7035</b>	ADDITIONAL CONTACT NO.
ADDRESS <b>P.O. Box 165</b>		FAX NO.	
CITY <b>Ione</b>	STATE <b>OR</b>	ZIP <b>97843</b>	E-MAIL <b>jvbdairy@gmail.com</b>
BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED.			

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

AGENT/BUSINESS NAME <b>William Porfily</b>		PHONE NO. <b>(541)449-1327</b>	ADDITIONAL CONTACT NO. <b>(541)561-7259</b>
ADDRESS <b>P.O. Box 643</b>		FAX NO. <b>(541)449-1327</b>	
CITY <b>Stanfield</b>	STATE <b>OR</b>	ZIP <b>97875</b>	CITY <b>Stanfield</b>
BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED.			

Explain in your own words what you propose to accomplish with this transfer application, and why:  
The authorized well for Certificate 48296 has become unusable thus we want to change the Point of Appropriation from this well to a New Well. The New Well will be located on the farm at a site that will make it more effective/efficient than the existing wells used for Certificate 89128. Therefore, we want to also add the New Well as an Additional Point of Appropriation for use under Certificate 89128.

### Check One Box

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

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**By my signature below, I confirm that I understand:**

- Prior to Department approval of the transfer application, I may be required to submit payment to the Department for publication of a notice in a newspaper with general circulation in the area where the water right is located, once per week for two consecutive weeks. If more than one qualifying newspaper is available, I suggest publishing the notice in the following newspaper: East Oregonian.
- Amendments to the application may only be made in response to the Department's Draft Preliminary Determination (DPD). The applicant will have a period of at least 30 days to amend the application to address any issues identified by the Department in the DPD, or to withdraw the application. Note that amendments may be subject to additional fees, pursuant to ORS 536.050.
- Failure to complete an approved change in place of use and/or change in character of use, will result in loss of the water right (OAR 690-380-6010).
- Refunds may only be granted upon request and, as set forth in ORS 536.050(4)(a), if the Director determines that a refund of all or part of a fee is appropriate in the interests of fairness to the public or necessary to correct an error of the Department.

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

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John Vanden Brink  
Applicant signature (John Vanden Brink)

John Vanden Brink 9-30-21  
Print Name (and Title if applicable) Date

Janna Vanden Brink  
Applicant signature (Janna Vanden Brink)

Janna Vanden Brink 9-30-21  
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 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.

Check the following boxes that apply:

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

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

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

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

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

RECEIVING LANDOWNER NAME		PHONE NO.	ADDITIONAL CONTACT NO.
N/A			
ADDRESS			FAX NO.
CITY	STATE	ZIP	E-MAIL
Describe any special ownership circumstances:			
The confirming Certificate shall be issued in the name of: <input type="checkbox"/> Applicant <input type="checkbox"/> Receiving Landowner			



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

IRRIGATION DISTRICT NAME	ADDRESS	
CITY	STATE	ZIP

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

ENTITY NAME	ADDRESS	
CITY	STATE	ZIP



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

ENTITY NAME <b>Morrow County</b>	ADDRESS <b>County Court House</b>	
CITY <b>Heppner</b>	STATE <b>OR</b>	CITY <b>Heppner</b>

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## Part 5 of 5 – Water Right Information

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

CERTIFICATE # 48296

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### Description of Water Delivery System

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System capacity: 2.23 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. Water is currently pumped from Well #4 into a small regulating reservoir where it is mixed with Rhea Creek water if water from Rhea Creek is available under Water Right Certificate 76875. Well #4 is equipped with a 200 hp deep well turbine pump. Both ground water and Rhea Creek Water is pumped from the regulating reservoir with a pond booster pumping station consisting of two short coupled canned turbine pumps (one 150 hp and one 200 hp) through a mainline and distribution system that serves 2 center pivots that are used to irrigate the land authorized by Certificate 48296. There is a field booster pumping station on the farm that is used to boost the system pressure if necessary. A total of 191.9 acres are irrigated under this water right. Refer to the transfer application map for the layout of the irrigation system and circles.

**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)
Unnamed Well (Not being used)	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed	?	1 S	24 E	35	NE	NE		1020 ft S & 300 ft W from the NE Corner Section 35
New Well	<input type="checkbox"/> Authorized <input checked="" type="checkbox"/> Proposed	MORR 52027	1 S	24 E	22	NE	SE		2950 ft S & 950 ft W from the NE Corner Section 22

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

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

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



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

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

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

**Table 2. Description of Changes to Water Right Certificate # 48296**

List the change proposed for the acreage in each ¼ ¼. If more than one change is proposed, specify the acreage associated with each change.  
If there is more than one POD/POA involved in the proposed changes, specify the acreage associated with each POD/POA.

AUTHORIZED (the "from" or "off" lands) The listing that appears on the certificate BEFORE PROPOSED CHANGES List only that part or portion of the water right that will be changed.											Proposed Changes (see "CODES" from previous page)	PROPOSED (the "to" or "on" lands) The listing as it would appear AFTER PROPOSED CHANGES are made.											
Twp	Rng	Sec	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			
										POA	1	S	24	E	26	SW	NW	3500		6.3	Irr	New Well	1-13-1975
										POA	1	S	24	E	26	NE	SW	3500		3.3	Irr	New Well	1-13-1975
										POA	1	S	24	E	26	NW	SW	3500		38.4	Irr	New Well	1-13-1975
										POA	1	S	24	E	26	SW	SW	3500		21.0	Irr	New Well	1-13-1975
										POA	1	S	24	E	26	SE	SW	3500		0.5	Irr	New Well	1-13-1975
										POA	1	S	24	E	27	SW	NE	3500		7.6	Irr	New Well	1-13-1975
										POA	1	S	24	E	27	SE	NE	3500		14.0	Irr	New Well	1-13-1975
										POA	1	S	24	E	27	NE	SE	3500		40.0	Irr	New Well	1-13-1975
										POA	1	S	24	E	27	NW	SE	3500		34.4	Irr	New Well	1-13-1975
										POA	1	S	24	E	27	SW	SE	3500		7.6	Irr	New Well	1-13-1975
										POA	1	S	24	E	27	SE	SE	3500		18.8	Irr	New Well	1-13-1975
TOTAL ACRES:													TOTAL ACRES: 191.9										

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Additional remarks: \_\_\_\_\_.



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

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

If YES, list the certificate, water use permit, or ground water registration numbers: Certificate 76875.



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

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

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

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

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

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

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

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

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

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

**AND/OR**

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

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

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

Proposed or Authorized POA Name or Number	Is well already built? (Yes or No)	If an existing well: OWRD Well ID Tag No. L-____	Total well depth	Casing Diameter	Casing Intervals (feet)	Seal depth(s) (intervals)	Perforated or screened intervals (in feet)	Static water level of completed well (in feet)	Source aquifer (sand, gravel, basalt, etc.)	Well's rate (gpm). than ft. of water
<p><b>Well Logs for Well 4, and New Well are attached. Please refer to attached document: OWRD Leaking Well Test. The New Well will be reconstructed to comply with the condition required in this document.</b></p>										



## Part 5 of 5 – Water Right Information

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

**CERTIFICATE # 89128**

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**Description of Water Delivery System**

OCT 04 2021

System capacity: 5.2 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. Water is currently pumped from Well #4 into a small regulating reservoir where it is mixed with Rhea Creek water if water from Rhea Creek is available under Water Right Certificate 76875. Well #4 is equipped with a 200 hp deep well turbine pump. Both ground water and Rhea Creek Water is pumped from the regulating reservoir with a pond booster pumping station consisting of two short coupled canned turbine pumps (one 150 hp and one 200 hp) through a mainline and distribution system that serves 5 center pivots that are used to irrigate the land authorized by Certificate 89128. There are two field booster pumping stations on the farm that are used to boost the system pressure if necessary. A total of 522.6 acres are irrigated under this water right. Refer to the transfer application map for the layout of the irrigation system and circles.

**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)
<b>Well #4</b>	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed	<b>MORR 51114</b>	1	S	24	E	35	SE	NE		2435 ft S & 1015 ft W from the NE Corner Section 35
<b>Well #2 (Not being used)</b>	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed	<b>MORR 36</b>	1	S	24	E	35	NE	NE		1180 ft S & 620 ft W from the NE Corner Section 35
<b>New Well</b>	<input type="checkbox"/> Authorized <input checked="" type="checkbox"/> Proposed	<b>MORR 52027</b>	1	S	24	E	22	NE	SE		2950 ft S & 950 ft W from the NE Corner Section 22

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

- |                                                   |                                                                              |
|---------------------------------------------------|------------------------------------------------------------------------------|
| <input type="checkbox"/> Place of Use (POU)       | <input type="checkbox"/> Supplemental Use to Primary Use (S to P)            |
| <input type="checkbox"/> Character of Use (USE)   | <input type="checkbox"/> Point of Appropriation/Well (POA)                   |
| <input type="checkbox"/> Point of Diversion (POD) | <input checked="" type="checkbox"/> Additional Point of Appropriation (APOA) |

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

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



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

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

**Table 2. Description of Changes to Water Right Certificate # 89128**

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

AUTHORIZED (the "from" or "off" lands) The listing that appears on the certificate BEFORE PROPOSED CHANGES List only that part or portion of the water right that will be changed.										Proposed Changes (see "CODES" from previous page)	PROPOSED (the "to" or "on" lands) The listing as it would appear AFTER PROPOSED CHANGES are made.												
Twp	Rng	Sec	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)	Prior Dat			
										APOA	1	S	24	E	22	NE	NE	3500	1	28.8	Irr	Well #4 & New Well	4-19-1
										APOA	1	S	24	E	22	SE	NE	3500		33.0	Irr	Well #4 & New Well	4-19-15
										APOA	1	S	24	E	22	NE	SE	3500		25.6	Irr	Well #4 & New Well	4-19-15
										APOA	1	S	24	E	22	SE	SE	3500		35.9	Irr	Well #4 & New Well	4-19-15
										APOA	1	S	24	E	23	NE	NW	3500	3	2	Irr	Well #4 & New Well	4-19-15
										APOA	1	S	24	E	23	NW	NW	3500	4	32.0	Irr	Well #4 & New Well	4-19-15
										APOA	1	S	24	E	23	SW	NW	3500		38.8	Irr	Well #4 & New Well	4-19-15
										APOA	1	S	24	E	23	SE	NW	3500		3.8	Irr	Well #4 & New Well	4-19-15
										APOA	1	S	24	E	23	NE	SW	3500		2.8	Irr	Well #4 & New Well	4-19-15
										APOA	1	S	24	E	23	NW	SW	3500		37.3	Irr	Well #4 & New Well	4-19-15
										APOA	1	S	24	E	23	SW	SW	3500		40.0	Irr	Well #4 & New Well	4-19-15
										APOA	1	S	24	E	23	SE	SW	3500		16.2	Irr	Well #4 & New Well	4-19-15
										APOA	1	S	24	E	26	NW	NE	3500		1.2	Irr	Well #4 & New Well	4-19-15
										APOA	1	S	24	E	26	SW	NE	3500		1.3	Irr	Well #4 & New Well	4-19-15
										APOA	1	S	24	E	26	NE	NW	3500		39.0	Irr	Well #4 & New Well	4-19-15
TOTAL ACRES:											TOTAL ACRES THIS PAGE:						337.7						

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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			
										APOA	1	S	24	E	26	NW	NW	3500		37.0	Irr	Well #4 & New Well	4-19-1978
										APOA	1	S	24	E	26	SW	NW	3500		27.0	Irr	Well #4 & New Well	4-19-1978
										APOA	1	S	24	E	26	SE	NW	3500		38.5	Irr	Well #4 & New Well	4-19-1978
										APOA	1	S	24	E	26	NE	SW	3500		7.5	Irr	Well #4 & New Well	4-19-1978
										APOA	1	S	24	E	26	NW	SW	3500		1.6	Irr	Well #4 & New Well	4-19-1978
										APOA	1	S	24	E	27	NE	NE	3500		35.0	Irr	Well #4 & New Well	4-19-1978
										APOA	1	S	24	E	27	NW	NE	3500		7.5	Irr	Well #4 & New Well	4-19-1978
										APOA	1	S	24	E	27	SW	NE	3500		5.0	Irr	Well #4 & New Well	4-19-1978
										APOA	1	S	24	E	27	SE	NE	3500		25.8	Irr	Well #4 & New Well	4-19-1978
																			184.9				
TOTAL ACRES:																	TOTAL ACRES:	522.6					

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Additional remarks: \_\_\_\_\_.



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

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

If YES, list the certificate, water use permit, or ground water registration numbers: Certificate 76875.



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

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

Ground water supplemental Permit or Certificate # \_\_\_\_\_;  
Surface water primary Certificate # \_\_\_\_\_.

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**For a change from Supplemental Irrigation Use to Primary Irrigation Use** N/A

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

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

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

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

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

**AND/OR**

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

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

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

Proposed or Authorized POA Name or Number	Is well already built? (Yes or No)	If an existing well: OWRD Well ID Tag No. L- _____	Total well depth	Casing Diameter	Casing Intervals (feet)	Seal depth(s) (intervals)	Perforated or screened intervals (in feet)	Static water level of completed well (in feet)	Source aquifer (sand, gravel, basalt, etc.)	Well -specific rate (cfs or gpm). If less than full rate of water right
<b>Well Logs for Well #2, #4 and New Well are attached. Please refer to attached document: OWRD Leaking Well Test. The New Well will be reconstructed to comply with the condition required in this document.</b>										



# Land Use Information Form

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SEP 21 2021



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

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Applicant(s): John Vanden Brink

Mailing Address: P.O. Box 165

City: Ione

State: OR

Zip Code: 97843

Daytime Phone: 541-422-7035

BY: SM  
**PAID**  
9-21-21  
CK# 5771 SD-

## A. Land and Location

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

Township	Range	Sections	¼ ¼	Tax Lot #	Plan Designation (e.g., Rural Residential/RR-5)	Water to be:			Proposed Land Use:
1S	24E	22, 23, 27, & 26	—	3500	EFU	<input checked="" type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	Irrigation
1S	24E	35	SE NE	3503	EFU	<input checked="" type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input type="checkbox"/> Used	Irrigation
1S	24E	35	NE NE	3503	EFU	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input type="checkbox"/> Used	Irrigation

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

Morrow County

## B. Description of Proposed Use

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

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

Source of water:  Reservoir/Pond   
 Ground Water   
 Surface Water (name) \_\_\_\_\_

Estimated quantity of water needed: 2.23  cubic feet per second   
 gallons per minute   
 acre-feet

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

Briefly describe:

Our authorized well #2 has become unusable and our Well #4 production has fallen off. We want to make application to authorize the use of a new well closer to our area of irrigation to save on energy cost and eliminate use of a small wasteful reregulating reservoir near Rhea Creek.

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

See bottom of Page 3. →



# For Local Government Use Only

OWRD

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

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

- Land uses to be served by the proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): Morrow County Zoning Ordinance; 5.010
- Land uses to be served by the proposed water uses (including proposed construction) involve discretionary land-use approvals as listed in the table below. (Please attach documentation of applicable land-use approvals which have already been obtained. Record of Action/land-use decision and accompanying findings are sufficient.) **If approvals have been obtained but all appeal periods have not ended, check "Being pursued."**

Type of Land-Use Approval Needed (e.g., plan amendments, rezones, conditional-use permits, etc.)	Cite Most Significant, Applicable Plan Policies & Ordinance Section References	Land-Use Approval:	
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued

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

Name: Stephanie Case Title: Planner II  
 Signature: Stephanie Case Phone: 541-922-4624 Date: 9/27/2021  
 Government Entity: Morrow County Planning Department

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

**Receipt for Request for Land Use Information**

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



# 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 )  
 ) ss  
 County of MORROW)

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OCT 04 2021

I, JOHN VANDEN BRINK, in my capacity as AN OWNER,

OWRD

mailing address P.O. BOX 165, IONE, OR 97843

telephone number (541) 422-7035, 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 Certificates# 48296 & 89128; **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)

**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.): CORN, ALFALFA & SEDAN GRASS

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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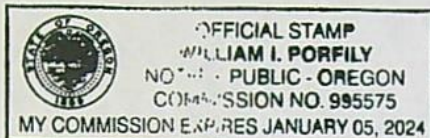
OCT 04 2021

John W. DeBartolo  
Signature of Affiant

9-30-21  
Date

OWRD

Signed and sworn to (or affirmed) before me this 30 day of Sept, 2021.



William I. Porfily  
Notary Public for Oregon

My Commission Expires: Jan 4, 2024

Supporting Documents	Examples
<input type="checkbox"/> Copy of a water right certificate that has been issued within the last five years. (not a remaining right certificate)	Copy of <b>confirming</b> water right certificate that shows issue date
<input checked="" type="checkbox"/> Copies of receipts from sales of irrigated crops or for expenditures related to use of water:  <b>Attached 2018 Power Records for Pump on Well #4</b>	<ul style="list-style-type: none"> <li>• Power usage records for pumps associated with irrigation use</li> <li>• Fertilizer or seed bills related to irrigated crops</li> <li>• Farmers Co-op sales receipt</li> </ul>
<input type="checkbox"/> Records such as FSA crop reports, irrigation district records, NRCS farm management plan, or records of other water suppliers	<ul style="list-style-type: none"> <li>• District assessment records for water delivered</li> <li>• Crop reports submitted under a federal loan agreement</li> <li>• Beneficial use reports from district</li> <li>• IRS Farm Usage Deduction Report</li> <li>• Agricultural Stabilization Plan</li> <li>• CREP Report</li> </ul>
<input type="checkbox"/> Aerial photos containing sufficient detail to establish location and date of photograph	Multiple photos can be submitted to resolve different areas of a water right. If the photograph does not print with a "date stamp" or without the source being identified, the date of the photograph and source should be added.  Sources for aerial photos: OSU – <a href="http://www.oregonexplorer.info/imagery">www.oregonexplorer.info/imagery</a> OWRD – <a href="http://www.wrd.state.or.us">www.wrd.state.or.us</a> Google Earth – <a href="http://earth.google.com">earth.google.com</a> TerraServer – <a href="http://www.terra-server.com">www.terra-server.com</a>
<input type="checkbox"/> Approved Lease establishing beneficial use within the last 5 years	Copy of instream lease or lease number



JOHN VANDEN BRINK  
 TRANSFER APPLICATION MAP  
 INVOLVING CERTIFICATES  
 48296 & 89128  
 MORROW CO. T1S, R24E, W.M.

LOCATION OF WELLS

Cert 89128

EXISTING WELL #4- LOCATED 2435' S AND 1015' W FROM THE NE CORNER OF SEC 35

EXISTING WELL #2-LOCATED 1180' S AND 620' W FROM THE NE CORNER OF SEC 35

PROPOSED ADDITIONAL POA NEW WELL - LOCATED 2950' S AND 950' W FROM THE NE CORNER OF SEC 22

Cert 48296

EXISTING WELL -LOCATED 1020' S AND 300' W FROM THE NE CORNER OF SEC 35 (THIS WELL NOT TO BE USED IN THE FUTURE)

PROPOSED NEW WELL-LOCATED 2950' S AND 950' W FROM THE NE CORNER OF SEC 22

LEGEND



522.9 AC CERTIFICATE 89128

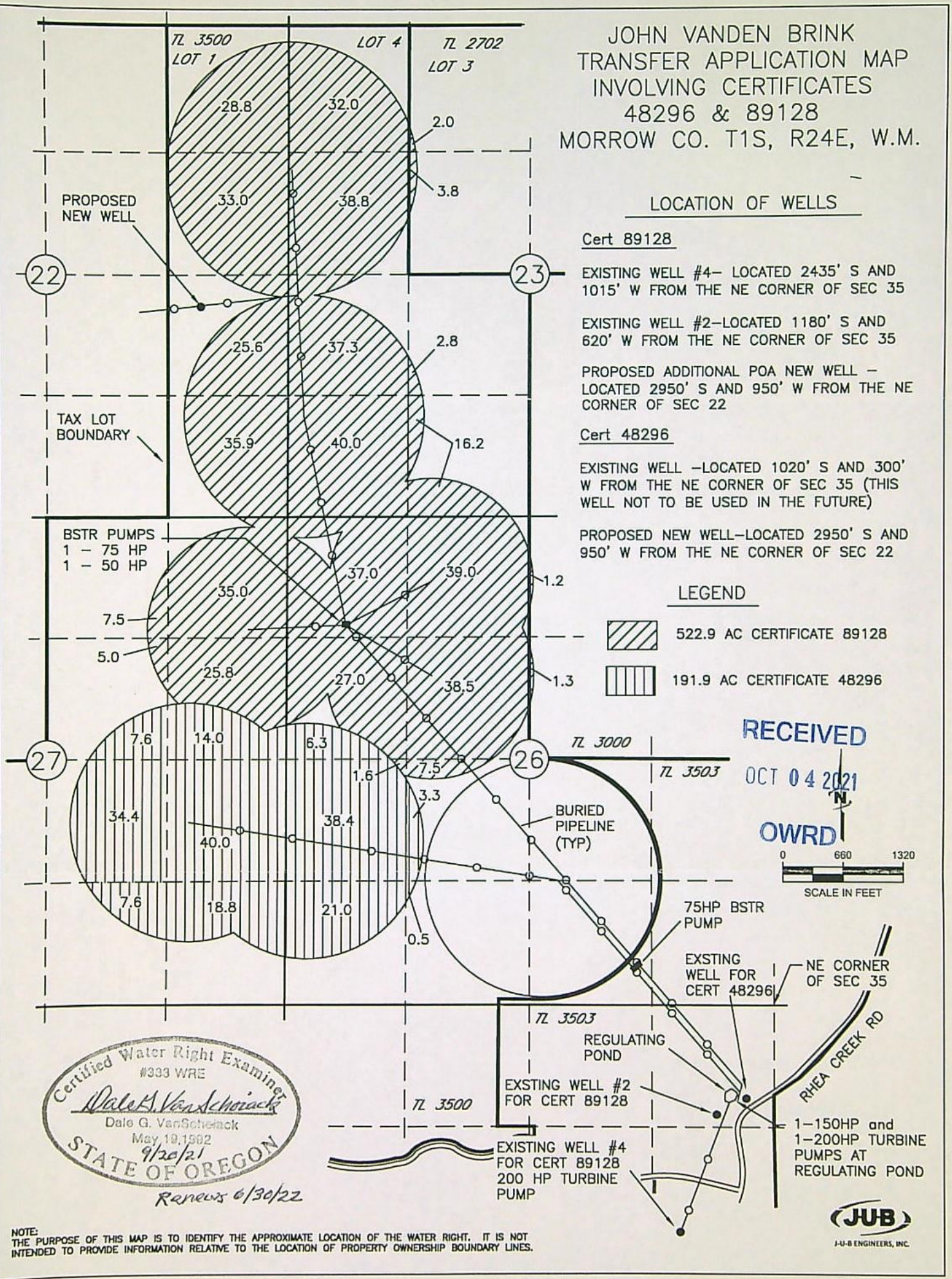
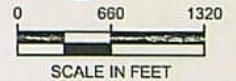


191.9 AC CERTIFICATE 48296

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OCT 04 2021

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Certified Water Right Examiner  
 #333 WRE  
*Dale G. VanScheeack*  
 Dale G. VanScheeack  
 May 19, 1982  
 9/20/21  
 STATE OF OREGON  
 Renews 6/30/22

NOTE:  
 THE PURPOSE OF THIS MAP IS TO IDENTIFY THE APPROXIMATE LOCATION OF THE WATER RIGHT. IT IS NOT INTENDED TO PROVIDE INFORMATION RELATIVE TO THE LOCATION OF PROPERTY OWNERSHIP BOUNDARY LINES.

**JUB**  
 J-U-B ENGINEERS, INC.







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STATE OF OREGON  
WATER SUPPLY WELL REPORT  
(as required by ORS 537.765)  
Instructions for completing this report are on page 2 of this form.

IAN 23 2003

MORR  
51114

WELL I.D.# L 62874  
START CARD # 151919

OCT 04 2021

(1) LAND OWNER  
Name Marvin Padberg Well Number \_\_\_\_\_  
Address 64746 Rhea Cr. Rd.  
City Gone State Or. Zip 97843

(9) LOCATION OF WELL by legal description:  
County Morrow Latitude \_\_\_\_\_ Longitude \_\_\_\_\_  
Township 1 N or S Range 24 E or W. WM.  
Section 35 SE 1/4 NE 1/4  
Tax Lot 3500 Lot \_\_\_\_\_ Block \_\_\_\_\_ Subdivision \_\_\_\_\_  
Street Address of Well (or nearest address) Rhea Cr. Rd. + Bergivin Road

OWRD

(2) TYPE OF WORK  
 New Well  Deepening  Alteration (repair/recondition)  Abandonment

(10) STATIC WATER LEVEL:  
173 ft. below land surface. Date 1-20-03  
Artesian pressure \_\_\_\_\_ lb. per square inch Date \_\_\_\_\_

(3) DRILL METHOD:  
 Rotary Air  Rotary Mud  Cable  Auger  
 Other \_\_\_\_\_

(11) WATER BEARING ZONES:  
Depth at which water was first found \_\_\_\_\_

(4) PROPOSED USE:  
 Domestic  Community  Industrial  Irrigation  
 Thermal  Injection  Livestock  Other \_\_\_\_\_

From	To	Estimated Flow Rate	SWL
90 -	95	2	31'
210	250	500	173
430	450	1000 +	173

(5) BORE HOLE CONSTRUCTION:  
Special Construction approval  Yes  No Depth of Completed Well 460 ft.  
Explosives used  Yes  No Type \_\_\_\_\_ Amount \_\_\_\_\_

HOLE		SEAL		Sack or pounds	
Diameter	From To	Material	From To		
16"	0 26'	Port Cem	26'	0	25
12"	26 460				

How was seal placed: Method  A  B  C  D  E  
 Other \_\_\_\_\_  
Backfill placed from \_\_\_\_\_ ft. to \_\_\_\_\_ ft. Material \_\_\_\_\_  
Gravel placed from \_\_\_\_\_ ft. to \_\_\_\_\_ ft. Size of gravel \_\_\_\_\_

(12) WELL LOG:  
Ground Elevation \_\_\_\_\_

Material	From	To	SWL
Soil	0	12	
gravel	12	18	
Black Basalt	18	90	
Black & Brown Basalt	90	95	31'
Black Basalt	95	110	
Black & Brown Basalt	110	170	
Brown Basalt	170	190	
Black & Brown Basalt	190	200	
Brown Basalt	200	210	
Black & Brown Scoria	210	250	173
Brown Scoria	250	260	
Black Basalt	260	355	
Black & Brown Basalt	355	360	
Black Basalt	360	400	
Black & Brown Basalt	400	410	
Black Basalt	410	430	
Brown Basalt w/ yellow clay stone	430	450	
Black Basalt	450	460	

(6) CASING/LINER:  
Diameter From To Gauge Steel Plastic Welded Threaded  
Casing: 12" 12 26 025      
Liner: \_\_\_\_\_      
Drive Shoe used  Inside  Outside  None  
Final location of shoe(s) \_\_\_\_\_

(7) PERFORATIONS/SCREENS:  
 Perforations Method \_\_\_\_\_  
 Screens Type \_\_\_\_\_ Material \_\_\_\_\_  
From To Slot size Number Diameter Tele/pipe size Casing Liner  
NA

(8) WELL TESTS: Minimum testing time is 1 hour  
 Pump  Bailer  Air  Flowing Artesian  
Yield gal/min Drawdown Drill stem at Time  
1200 + \_\_\_\_\_ 460 \_\_\_\_\_ 1 hr.

Temperature of water 60°F Depth Artesian Flow Found \_\_\_\_\_  
Was a water analysis done?  Yes By whom \_\_\_\_\_  
Did any strata contain water not suitable for intended use?  Too little  
 Salty  Muddy  Odor  Colored  Other \_\_\_\_\_  
Depth of strata: \_\_\_\_\_

Date started 12-30-02 Completed 1-20-03

(unbonded) Water Well Constructor Certification:  
I certify that the work I performed on the construction, alteration, or abandonment of this well is in compliance with Oregon water supply well construction standards. Materials used and information reported above are true to the best of my knowledge and belief.  
Signed James H. McCurdy WWC Number 1700 Date 1-20-03

(bonded) Water Well Constructor Certification:  
I accept responsibility for the construction, alteration, or abandonment work performed on this well during the construction dates reported above. All work performed during this time is in compliance with Oregon water supply well construction standards. This report is true to the best of my knowledge and belief.  
Signed Farmy Band WWC Number 544 Date 1-20-03



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STATE OF OREGON  
WATER SUPPLY WELL REPORT  
(as required by ORS 537.765) WATER RESOURCES DEPT.

IAN 23 2003

WELL I.D.# L 62874  
START CARD # 151919

OCT 04 2021

Instructions for completing this report are on the back page of this form.

(1) LAND OWNER Well Number \_\_\_\_\_  
Name Marvin Padberg  
Address 64746 Rhea Rhea Cr. Rd.  
City Jane State Or. Zip 97843

(2) TYPE OF WORK  
 New Well  Deepening  Alteration (repair/recondition)  Abandonment

(3) DRILL METHOD:  
 Rotary Air  Rotary Mud  Cable  Auger  
 Other \_\_\_\_\_

(4) PROPOSED USE:  
 Domestic  Community  Industrial  Irrigation  
 Thermal  Injection  Livestock  Other \_\_\_\_\_

(5) BORE HOLE CONSTRUCTION:  
Special Construction approval  Yes  No Depth of Completed Well 460 ft.  
Explosives used  Yes  No Type \_\_\_\_\_ Amount \_\_\_\_\_

HOLE		SEAL		Sack or pounds	
Diameter	From To	Material	From To		
16"	0 26'	Port Cem	26 0	0	25
12"	26 460				

How was seal placed: Method  A  B  C  D  E  
 Other \_\_\_\_\_

Backfill placed from \_\_\_\_\_ ft. to \_\_\_\_\_ ft. Material \_\_\_\_\_  
Gravel placed from \_\_\_\_\_ ft. to \_\_\_\_\_ ft. Size of gravel \_\_\_\_\_

Casing/Liner	Diameter	From To	Gauge	Steel	Plastic	Welded	Threaded
Casing:	12"	+2 26'	1.025	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Liner:				<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Drive Shoe used  Inside  Outside  None  
Final location of shoe(s) \_\_\_\_\_

(7) PERFORATIONS/SCREENS:

Perforations Method \_\_\_\_\_  
 Screens Type \_\_\_\_\_ Material \_\_\_\_\_

From	To	Slot size	Number	Diameter	Tele/pipe size	Casing	Liner
		NA				<input type="checkbox"/>	<input type="checkbox"/>

(8) WELL TESTS: Minimum testing time is 1 hour  
 Pump  Bailer  Air  Flowing  
Yield gal/min \_\_\_\_\_ Drawdown \_\_\_\_\_ Drill stem at \_\_\_\_\_ Time \_\_\_\_\_  
1000 + \_\_\_\_\_ 460 \_\_\_\_\_ 1 hr.

Temperature of water 60°F Depth Artesian Flow Found \_\_\_\_\_  
Was a water analysis done?  Yes By whom \_\_\_\_\_  
Did any strata contain water not suitable for intended use?  Too little  
 Salty  Muddy  Odor  Colored  Other \_\_\_\_\_  
Depth of strata: \_\_\_\_\_

(9) LOCATION OF WELL by legal description: **OWRD**  
County Morrow Latitude \_\_\_\_\_ Longitude \_\_\_\_\_  
Township 1 N or S Range 24 E or W, WM.  
Section 35 SE 1/4 NE 1/4  
Tax Lot 3500 Lot \_\_\_\_\_ Block \_\_\_\_\_ Subdivision \_\_\_\_\_  
Street Address of Well (or nearest address) Rhea Cr. Rd. + Bergivin Road

(10) STATIC WATER LEVEL:  
173 ft. below land surface. Date 1-20-03  
Artesian pressure \_\_\_\_\_ lb. per square inch Date \_\_\_\_\_

(11) WATER BEARING ZONES:

Depth at which water was first found \_\_\_\_\_

From	To	Estimated Flow Rate	SWL
90 -	95	2	31'
210	250	500	173
430	450	1000 +	173

(12) WELL LOG:  
Ground Elevation \_\_\_\_\_

Material	From	To	SWL
Soil	0	12	
gravel	12	18	
Black Basalt	18	90	
Black + Brown Basalt	90	95	31'
Black Basalt	95	110	
Black + Brown Basalt	110	170	
Brown Basalt	170	190	
Black + Brown Basalt	190	200	
Brown Basalt	200	210	
Black + Brown Scoria	210	250	173
Brown Scoria	250	260	
Black Basalt	260	355	
Black + Brown Basalt	355	360	
Black Basalt	360	400	
Black + Brown Basalt	400	410	
Black Basalt	410	430	
Brown Basalt w/ yellow clay stone	430	450	
Black Basalt	450	460	

Date started 12-30-02 Completed 1-20-03

(unbonded) Water Well Constructor Certification:  
I certify that the work I performed on the construction, alteration, or abandonment of this well is in compliance with Oregon water supply well construction standards. Materials used and information reported above are true to the best of my knowledge and belief.  
Signed James H. McJurdy WWC Number 1700 Date 1-20-03

(bonded) Water Well Constructor Certification:  
I accept responsibility for the construction, alteration, or abandonment work performed on this well during the construction dates reported above. All work performed during this time is in compliance with Oregon water supply well construction standards. This report is true to the best of my knowledge and belief.  
Signed \_\_\_\_\_ WWC Number \_\_\_\_\_ Date \_\_\_\_\_



STATE OF OREGON  
WATER SUPPLY WELL REPORT  
(as required by ORS 537.765 & OAR 690-205-0210)

MORR 52027

WELL I.D. LABEL# L 109714  
START CARD # 1017527  
ORIGINAL LOG #

1/17/2013

(1) LAND OWNER  
Owner Well I.D. \_\_\_\_\_  
First Name JOHN Last Name VANDENBRINK  
Company \_\_\_\_\_  
Address PO BOX 165  
City IONE State OR Zip 97843

(2) TYPE OF WORK  New Well  Deepening  Conversion  
 Alteration (complete 2a & 10)  Abandonment (complete 5a)

(2a) PRE-ALTERATION  
Dia + From To Gauge Stl Plstc Wld Thrd  
Casing: \_\_\_\_\_  
Material From To Amt sacks/lbs  
Seal: \_\_\_\_\_

(3) DRILL METHOD  
 Rotary Air  Rotary Mud  Cable  Auger  Cable Mud  
 Reverse Rotary  Other \_\_\_\_\_

(4) PROPOSED USE  Domestic  Irrigation  Community  
 Industrial/ Commercial  Livestock  Dewatering  
 Thermal  Injection  Other TEST HOLE

(5) BORE HOLE CONSTRUCTION Special Standard  (Attach copy)  
Depth of Completed Well 1393.00 ft.  
BORE HOLE SEAL  
Dia From To Material From To Amt sacks/lbs  
12 0 18 Bentonite Chips 0 16 13 S  
8 18 1393 Cement 16 18 1 S

How was seal placed: Method  A  B  C  D  E  
 Other POURED BENTONITE  
Backfill placed from \_\_\_\_\_ ft. to \_\_\_\_\_ ft. Material \_\_\_\_\_  
Filter pack from \_\_\_\_\_ ft. to \_\_\_\_\_ ft. Material \_\_\_\_\_ Size \_\_\_\_\_  
Explosives used:  Yes Type \_\_\_\_\_ Amount \_\_\_\_\_

(5a) ABANDONMENT USING UNHYDRATED BENTONITE  
Proposed Amount \_\_\_\_\_ Actual Amount \_\_\_\_\_

(6) CASING/LINER  
Casing Liner Dia + From To Gauge Stl Plstc Wld Thrd  
  8  2 18 .25    \_\_\_\_\_  
Shoe  Inside  Outside  Other Location of shoe(s) \_\_\_\_\_  
Temp casing  Yes Dia \_\_\_\_\_ From \_\_\_\_\_ To \_\_\_\_\_

(7) PERFORATIONS/SCREENS  
Perforations Method \_\_\_\_\_  
Screens Type \_\_\_\_\_ Material \_\_\_\_\_  
Perf/ Casing/Screen Screen Liner Dia From To Scrm/slot width Slot length # of slots Tele/ pipe size

(8) WELL TESTS: Minimum testing time is 1 hour  
 Pump  Bailer  Air  Flowing Artesian  
Yield gal/min Drawdown Drill stem/Pump depth Duration (hr)  
1000 \_\_\_\_\_ 1393 \_\_\_\_\_ 1 \_\_\_\_\_  
Temperature 74 °F Lab analysis  Yes By \_\_\_\_\_  
Water quality concerns?  Yes (describe below) TDS amount  
From To Description Amount Units

(9) LOCATION OF WELL (legal description)  
County MORROW Twp 1.00 S N/S Range 24.00 E E/W WM  
Sec 22 NE 1/4 of the SE 1/4 Tax Lot 3500  
Tax Map Number \_\_\_\_\_ Lot \_\_\_\_\_  
Lat \_\_\_\_\_ or \_\_\_\_\_ DMS or DD  
Long \_\_\_\_\_ or \_\_\_\_\_ DMS or DD  
 Street address of well  Nearest address  
MORTER LN. IONE, OR

(10) STATIC WATER LEVEL

Existing Well / Pre-Alteration	Date	SWL(psi)	+ SWL(ft)
Completed Well	12/17/2012		600

Flowing Artesian?  Dry Hole?

WATER BEARING ZONES Depth water was first found 870.00

SWL Date	From	To	Est Flow	SWL(psi)	+ SWL(ft)
8/29/2012	870	885	200		600
8/30/2012	925	950	100		600
12/12/2012	1257	1270	500		600
12/12/2012	1285	1297	500		600

(11) WELL LOG

Material	From	To
SOIL	0	10
BLACK BASALT	10	25
BROWN BASALT	25	65
BLACK BASALT	65	95
BROWN BASALT	95	113
BLACK BASALT	113	135
BROWN BASALT	135	150
BLACK BASALT	150	260
BLACK SCORIA	260	277
BLACK BASALT	277	310
SOFT BROWN BASALT	310	335
SOFT BLACK BASALT	335	360
BLACK BASALT	360	490
BROWN BASALT	490	540
BLACK BASALT	540	640
BLACK /BROWN BASALT	640	760
BLACK BASALT	760	870
BLACK BASALT W/GREEN CLAYSTONE	870	885
BLACK BASALT	885	925

Date Started 8/24/2012 Complete 12/17/2012

(unbonded) Water Well Constructor Certification  
I certify that the work I performed on the construction, deepening, alteration, or abandonment of this well is in compliance with Oregon water supply well construction standards. Materials used and information reported above are true to the best of my knowledge and belief.  
License Number 1735 Date 1/17/2013  
Signed CHAD COURTNEY (E-filed)

(bonded) Water Well Constructor Certification  
I accept responsibility for the construction, deepening, alteration, or abandonment work performed on this well during the construction dates reported above. All work performed during this time is in compliance with Oregon water supply well construction standards. This report is true to the best of my knowledge and belief.  
License Number 1881 Date 1/17/2013  
Signed GARRY L ZOLLMAN (E-filed)  
Contact Info (optional) Garry Zollman







04/03/2019 11:01:32 am

ACCOUNT ██████ RECONCILIATION

Page: 1

Account	Name	Address	Home Phone	Work Phone	Mobile Phone	Cyc
71474	JVB DAIRY	P O BOX 165 IONE, OR 97843	(541)422-7035	NONE LISTED	(541)561-5624	1

Meter	Rdg	Rdg Dt	Rate	Dvc Type	# of Dvc	Mem Nbr	Dep Type	Prov	Srv Loc Nbr	Dep Amt	Dep Dt	Use
0194	38358	03/23/2019	404									

Provider	Cur AR	30 Day AR	60 Day AR	90 Day AR	Srv Loc Nbr	S/S	YTD Rev	YTD Usage	Srv Map Loc	Rev Class	Sub	Route	Board Dist	Dist Office
CBEC	759.10	0.00	0.00	0.00	876	1	2,277.30	0	23-06002.000	3	5	1710	lone	CBEC - Heppner

BILLING HISTORY

	Dec 18	Nov 18	Oct 18	Sep 18	Aug 18	Jul 18	Jun 18	May 18	Apr 18	Mar 18	Feb 18	Jan 18
Rev:	56.74	382.26	2553.37	4442.27	2639.43	3249.52	2620.06	961.94	85.11	0.00	0.00	0.00
Dmd:	759.10	759.10	759.10	759.10	759.10	759.10	759.10	759.10	759.10	759.10	759.10	759.10
Dvc:	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
PCA:	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Rev Tot:	815.84	1141.36	3312.47	5201.37	3398.53	4008.62	3379.16	1721.04	844.21	759.10	759.10	759.10
Tax:	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Other:	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Total:	815.84	1141.36	3312.47	5201.37	3398.53	4008.62	3379.16	1721.04	844.21	759.10	759.10	759.10
Pymnt:	-1141.36	-3312.47	-5201.37	-3398.53	-4008.62	-3379.16	-1721.04	-844.21	-759.10	-759.10	-759.10	-803.48
NSF:	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
<b>Total Rev:</b>		16,990.70		<b>Total Dmd:</b>	9,109.20		<b>Total Dvc:</b>	0.00		<b>Total PCA:</b>	0.00	
<b>Avg Rev:</b>		1,415.89		<b>Avg Dmd Rev:</b>	759.10		<b>Avg Reporting Rev:</b>	2,174.99		<b>Total Payment:</b>	-26,087.54	

USAGE HISTORY

	Dec 18	Nov 18	Oct 18	Sep 18	Aug 18	Jul 18	Jun 18	May 18	Apr 18	Mar 18	Feb 18	Jan 18
Usage:	1520	10240	68400	119000	98120	120800	97400	35760	2280	0	0	0
Kw Dmd:	4.388	4.379	4.333	4.269	4.268	4.270	4.104	3.999	4.141	0.000	0.000	2.163
Bill Dmd:	200.000	200.000	200.000	200.000	200.000	200.000	200.000	200.000	200.000	200.000	200.000	200.000
<b>Total Usage:</b>		553,520		<b>Total Kw Dmd:</b>	40.314		<b>Total Bill Dmd:</b>	2400.000				
<b>Avg Usage:</b>		46,127		<b>Avg Kw Dmd:</b>	3.360		<b>Avg Bill Dmd:</b>	200.000				

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OWRD - Erik Thomasson Delivered to Zollman's  
First part of September 2016

State of Oregon

Water Resources Department

Memorandum

April 20, 2016

To: File T-11689 and G-15198 (Permit G-17360)

CC: Justin Iverson, Groundwater Section Manager  
Joel Jeffery, Well Construction and Compliance Program Coordinator

From: Josh Hackett, Hydrogeologist, Groundwater Section

Subject: Borehole Flowmeter Review MORR 52027, John Vandenbrink

**Background:**

MORR 52027 was completed as a test hole for John Vandenbrink by Zollman's Larry Burd Well Drilling on December 17, 2012. According to the drillers' well report, the well was drilled 8-inch open hole from 18 feet below land surface (bls) to a total depth of 1393 feet bls with 8-inch steel casing and cement and bentonite seal installed in a 12-inch borehole from land surface to a depth of 18 feet bls.

MORR 52027 was one of three wells listed as proposed additional points of appropriation on Groundwater Transfer Application T-11689 (received by the Department on November 19, 2013). Due to the large open interval in the well, Groundwater Section staff was concerned it may be drilled through multiple aquifers and allowing water to flow between aquifers. This mixing (or mingling) of waters from different aquifers is commonly referred to as commingling. To investigate the possibility of commingling in MORR 52027, Groundwater Section staff conducted a downhole video survey on April 17, 2014. The video survey recorded particles moving up the borehole between depths of 788 feet and 1305 feet bls, indicating commingling was occurring. Based on observations from the video survey, two potential aquifers were identified; a shallow aquifer from 880-975 feet bls and a deep aquifer from 1275-1339 feet bls (see Attachment 1 for a complete review of the video log survey).

Most recently, a borehole flowmeter log survey was conducted by Groundwater Section staff on January 7, 2016 to measure the upward flow rate in the well and determine where the water was exiting the well. Findings from the flowmeter survey are presented in this document. **Recommendations to meet permit conditions are presented at the conclusion of this memo.**

**Equipment/Methods:**

Fluid movement in the borehole was measured using a Century Geophysical Corp. Model 9722 Electromagnetic (EM) Flowmeter Tool. The instrument measures flow rates using the principal of Faraday's Law of Induction; the voltage induced by a conductor (water) moving through a magnetic field (generated by the electromagnet in the EM flowmeter) is proportional to the velocity of the conductor through the field. The Model 9722 EM Flowmeter has a full range of 50 milliliters per minute (0.01 gallons/min (gpm)) to 40 liters per minute (10.6 gpm) and is accurate to  $\pm 5$  milliliters per minute (0.001 gpm). An 8.5 inch



diameter flow diverter skirt was installed on the EM flowmeter to minimize flow around the tool and direct flow through the meter.

Measurements of vertical flow in the borehole were obtained under static (non-pumping) conditions at ten "stations" below the static water level (605 feet bls), between depths of 629 feet and 1205 feet bls. The flowmeter was allowed to equilibrate for at least two minutes or until flow rates stabilized at each station before flow rates were recorded.

#### Results:

Maximum upward flow ranging from 2.81 gpm to 3.57 gpm was measured in the interval from 1205 feet to 784 feet bls (Table 1, Figure 1). Above 784 feet bls, a decrease in upward flow was observed at successive stations (1.41 gpm at 759 feet bls, 0.22 gpm at 667 feet bls) until flow ultimately decreased to nearly zero (0.04 gpm) at 629 feet bls (Table 1, Figure 1). The consistency of upward flow rates between 1205 feet and 784 feet bls indicates that vertical flow is entering the well below this interval and is exiting the well above it. Decreasing upward flow rates between 784 feet and 629 feet bls indicates that flow is exiting the well in this interval. The abrupt decrease in flow between 784 feet and 759 feet bls suggests that a significant portion of flow exits the well in this short interval while the remainder exits in the longer interval from 759 feet to 629 feet bls.

The results of the EM Flowmeter log survey generally agree with the findings of the video log survey, with both surveys identifying two aquifers (shallow and deep). However, results from the flowmeter survey indicate that the shallow aquifer occurs from approximately 670-800 feet bls, not 880-975 feet bls as was identified in the video survey. It is evident from the flowmeter survey that the deep aquifer is losing at least 3 gpm to the shallow aquifer. As an average rate, 3 gpm equates to a loss of 4320 gallons per day, 1.57 million gallons per year, and a total of 4.73 million gallons in the three years since the well was drilled.

#### Recommendations:

The EM flowmeter log of MORR 52027 indicates the well commingles two aquifers in the Columbia River Basalt Group. Measured vertical flow was approximately 3 gpm from the deep aquifer to the shallow aquifer. The well must be constructed to meet the minimum construction standards for Water Supply Wells described in OARs 690-200 and 690-210. Specifically, the well must not allow commingling of waters from multiple aquifers (690-200-0043) and must be cased and sealed at least five feet into solid, unrecrystallized, consolidated rock overlying the water-bearing rock formation (690-210-0150). To avoid commingling in the well, either the deep or shallow aquifer must be sealed off. According to the drillers' log, most of the production is from the deep aquifer; the following recommendation assumes the shallow aquifer will be sealed off. In addition to sealing off the upper aquifer, the well must be cased and sealed into solid, dense rock overlying the productive aquifer. While the base of the upper aquifer occurs at a depth of 800 feet bls, the borehole does not appear to be solid or unrecrystallized until 815 feet bls. Accordingly, the well should be cased and sealed to a minimum of 820 feet below land surface. This case and seal depth shall supersede Condition 3 of permit G-17360 (case and seal to 1055 feet bls).



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Table 1. Measured vertical flow rates at depth stations in MORR 52027. Negative values represent upward vertical flow.

Depth (feet)	Rate (Liters/minute)	Rate (gallons/minute)
629	-0.17	-0.04
667	-0.83	-0.22
759	-5.35	-1.41
784	-10.63	-2.81
814	-10.05	-2.66
834	-11.17	-2.95
854	-13.07	-3.45
858	-11.94	-3.15
1104	-12.25	-3.24
1154	-13.50	-3.57
1205	-12.21	-3.23



Site Name: Vandenbrink Test Well

MORR 52027 L 109714 01S/24E-22 Ione South  
 45 464 -119.804 Morrow 1780  
 Umatilla 1593 J. Hackett

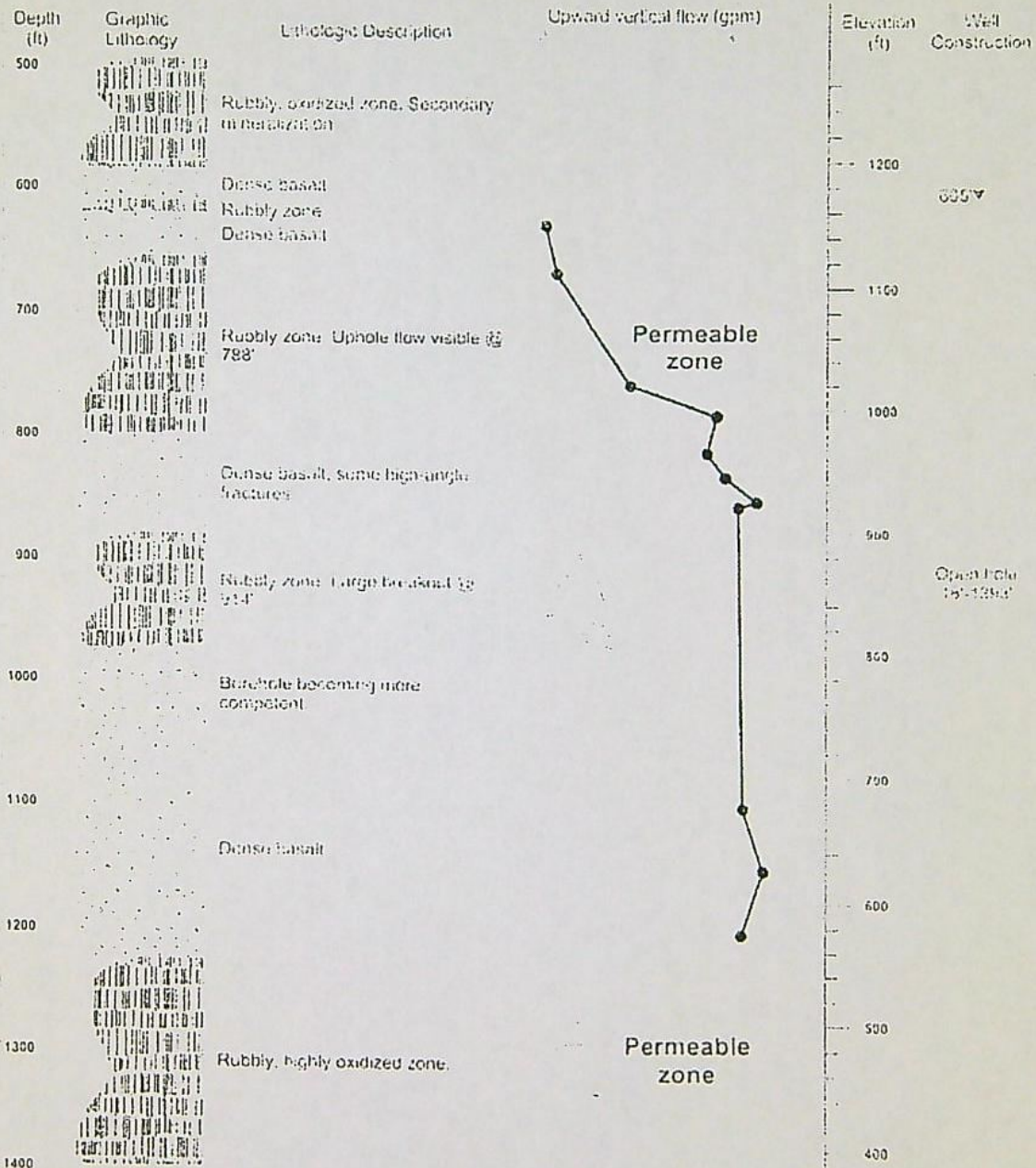


Figure 1. Results of borehole EM flowmeter logging in MORR 52027.



# Permanent Transfer Application Intake Completion Checklist

Check the Certificate(s) in WRIS

Transfer # T-

Checked by: <u>JGM</u>	<b>Type of Change(s) Proposed:</b> <i>Mark the Proposed Changes</i>	Substitution	Supplemental to Primary	POU	POD	APOD
Date: <u>10/6/2021</u>		Gov Action	Surface to Ground	USE	<input checked="" type="checkbox"/> POA	<input checked="" type="checkbox"/> APOA
Fee Received: <u>2450.00</u>		How many rights to be Transferred?				
Calculated Fee: <u>2450.00</u>		Certificate # <u>48296 &amp; 89128</u>				
Additional Observations: _____						

If OK and complete, check box to the left; if **NOT**, fill in.

1. Is applicant information complete? Have all applicants listed at the top of the page signed at the bottom? If no, what is missing? Whose signature is missing? \_\_\_\_\_
2. Does applicant indicate the place of use is in or near an irrigation district? Is a Form D included?  N/A.  
Name of the district: \_\_\_\_\_
3. Part 5 of application, has the applicant(s) completed the entire page and does the information match the description of the explanation of the reasons for transfer on Part 4 of the application? If no, you may need to contact the applicant or agent? \_\_\_\_\_
4. Is there only one (1) water right included in this transfer application? If no, are the criteria of OAR 690-380-3220 for more than one WR met?  Yes or No yes  
If no, then the transfer application **CANNOT** be accepted. See attached "3220" Decision Tree Flowchart.
5. For multiple certificates do each of the certificates listed on Application Page 1 have their own separate completed Part 5 tables 1 & 2? If no, which certificate(s) are missing a separate Part 5 tables 1 & 2? \_\_\_\_\_
6. Is the map prepared and signed by a CWRE? Does the map meet requirements? If no, what is missing? \_\_\_\_\_. Map waiver included?  Yes  No
7. If a change in point of appropriation (POA), have the well logs been included?  N/A.
8. If a change in place of use (POU) within Umatilla County, have the applicant(s) provided a Supplemental Form U?  N/A.
9. If all boxes on this checklist are checked (with no remaining deficiencies identified), **ACCEPT** the application. Put this application intake completeness check sheet in the transfer folder.

OR:  If all boxes to the left are **NOT** checked, then this application is deficient and **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.

Actions taken: Sent to RA/for Review Date: 10/6/21







**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 # **136535**

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

RECEIVED FROM: JVB Dairy  
BY: \_\_\_\_\_

APPLICATION	
PERMIT	
TRANSFER	<u>T-13839</u>

CASH:  CHECK: # 3240 OTHER: (IDENTIFY)

TOTAL REC'D \$ 125.00

**1083 TREASURY 4170 WRD MISC CASH ACCT**

0407 COPIES 47124 R11327-23 \$ \_\_\_\_\_  
0412 OTHER: (IDENTIFY) Reimbursement Authority Transfer \$ 125.00  
 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	EXAM FEE	0202	RECORD FEE	\$ _____
0203 GROUND WATER	\$ _____	0204		\$ _____
0205 TRANSFER	\$ _____			

**WELL CONSTRUCTION**

0218 WELL DRILL CONSTRUCTOR	EXAM FEE	0219	LICENSE FEE	\$ _____
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: **136535**

DATED: 10-4-2021 BY: [Signature]





**OREGON WATER RESOURCES DEPARTMENT  
TRANSFER REIMBURSEMENT AUTHORITY  
ESTIMATE APPLICATION**



ORS 536.055 authorizes the Oregon Water Resources Department to expedite or enhance regulatory processes voluntarily requested under the agreement.

**Please contact Transfer Personnel before submitting this request; as the application fee is a non-refundable \$125.00 fee per request. Checks submitted for this application should be separate From Transfer fees.**

The purpose of this application is to obtain estimates of the cost and time required to process a Transfer Application Request. **There is a non-refundable application fee of \$125.00 per request.**

<u>REQUEST</u>	<u>TYPE</u>	<u>FILE NUMBER</u>
<input checked="" type="checkbox"/>	Transfer Application	Transfer Number <u>T-13839</u> <span style="float: right;"><u>Attached to Transfer Application</u></span>
<b>Applicant Information</b>		<b>Applicant's Representative/Contact</b>
Name:	<u>John Vanden Brink</u>	<u>William Porfily</u>
Address:	<u>P.O. Box 165</u>	<u>P.O. Box 643</u>
	<u>Ione, OR 97843</u>	<u>Stanfield, OR 97875</u>
Phone:	<u>541-422-7035</u>	<u>(541) 561-7259</u>
Fax:		
E-Mail Address:	<u>jvbdairy@gmail.com</u>	<u>wporfily@gmail.com</u>

I understand the following:

- That upon receipt of my non-refundable application fee of **\$ 125.00**, OWRD will, within fourteen (14) days, notify me in writing of the estimate of costs and time frame for the expedited service.
- That this fee covers the reimbursement authority staff to evaluate and provide the estimate for processing of the request.
- That OWRD will, within fourteen (14) days, notify me in writing of the estimates of costs and time frame for the expedited service.
- That upon receiving the estimate I may agree or decline to enter into a formal contract to pay the estimated cost in advance to initiate the expedited service.
- An incomplete or inaccurate application may delay the process and increase the cost to process my request.
- Expedited processing does not guarantee a favorable review of my request.
- Send completed Application and payment to:

**Oregon Water Resources Department  
Transfer Reimbursement Authority Program  
725 Summer St. NE, Suite A  
Salem, OR 97301-1271**

**RECEIVED**

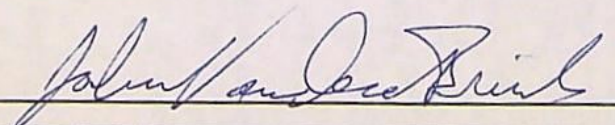
**OCT 04 2021**

I certify that I am the (check one):

- Applicant  Applicant's Representative  Other (Please specify) \_\_\_\_\_

**OWRD**

**Name:** John Vanden Brink

**Signature:** 

**OWRD USE ONLY: Reimbursement Authority Number: R11-327 -23**





# Oregon

Kate Brown, Governor

## Water Resources Department

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

October 11, 2021

JOHN AND JANNA VANDEN BRINK  
PO BOX 165  
IONE, OR 97843

Reference: Application T-13839

On October 4, 2021, OWRD received your water right Permanent Transfer Application. The application was accompanied by \$2450.00. Our receipt number 136545 is enclosed.

By copy of this letter, we are asking the Watermaster for a report regarding the potential for injury to existing water rights which may be caused by the requested change. A review form will also be sent to our groundwater staff to determine whether the proposed well accesses the same source of water as the original well.

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

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

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

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

If you have any questions, please contact the Transfer Section at (503) 979-9931.

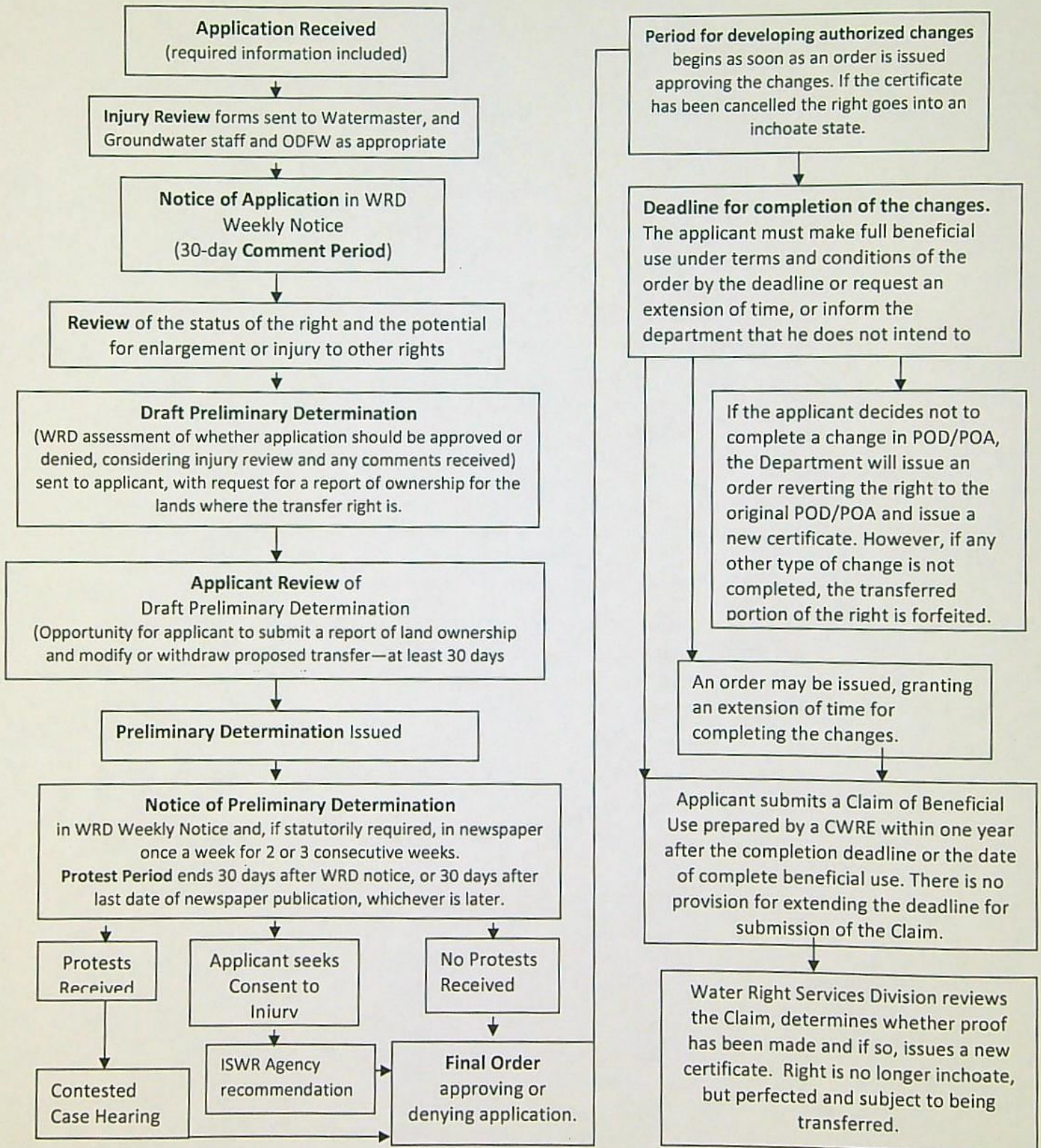
Cc: Watermaster Dist. #21, Kenneth C. Thiemann (*via email*)  
William Porfily, Agent  
Morrow County

Enclosure



# Regular Transfer Process (including "Proving Up" on the changes)

OAR 690 Division 380





**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 # **136705**

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

RECEIVED FROM: <u>JVB Dairy</u>	APPLICATION	
BY: _____	PERMIT	
	TRANSFER	<u>T-13839</u>

CASH:  CHECK: # 3247 OTHER: (IDENTIFY)

TOTAL REC'D \$ 900.45

**1083 TREASURY 4170 WRD MISC CASH ACCT**

0407 COPIES 47124 \$ \_\_\_\_\_

0412 OTHER: (IDENTIFY) Reimbursement Authority \$ 900.45

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	EXAM FEE	0202	RECORD FEE
0203 GROUND WATER	\$ _____	0204	\$ _____
0205 TRANSFER	\$ _____		

**WELL CONSTRUCTION**

0218 WELL DRILL CONSTRUCTOR	EXAM FEE	0219	LICENSE FEE
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: **136705** DATED: 10-27-2021 BY: [Signature]



RECEIVED

OCT 27 2021

OWRD

**REIMBURSEMENT AUTHORITY  
APPLICANT'S AGREEMENT  
Contract Number: R11-327-23**

This Agreement is between the **Oregon Water Resources Department**, hereafter OWRD, and John Vanden Brink, hereafter Applicant, hereafter known together as the parties.

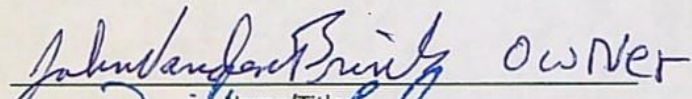
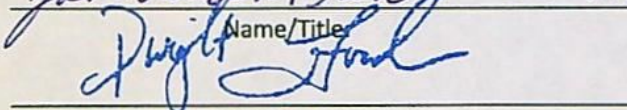
OWRD Information	Applicant's Information	Applicant's Representative
Contact: <b>Kelly Starnes</b>	Name: John Vanden Brink	Name: William Porfily
Title: Transfer Advisor	Contact:	Contact:
Address: 725 Summer Street, NE, Suite A Salem, OR 97301-1266	Address: PO Box 165 lone, OR 97843	Address: PO Box 643 Stanfield, OR 97875
Phone: 503 986-0886	Phone: (541) 422-7035	Phone: (541) 561-7259
Fax: 503 986-0901	Fax:	Fax:
Email: <a href="mailto:patrick.k.starnes@oregon.gov">patrick.k.starnes@oregon.gov</a>	Email: <a href="mailto:jvbdairy@gmail.com">jvbdairy@gmail.com</a>	Email: <a href="mailto:wporfily@gmail.com">wporfily@gmail.com</a>

**Purpose** The purpose of this Agreement is to expedite the processing of the **Transfer Application**. (**Application Number: T-13839**)

1. **Authority.** The OWRD has been authorized pursuant to ORS 536.055 to enter into a voluntary agreement with any applicant, permittee or regulated entity (collectively Applicant) for expediting or enhancing a regulatory process. In making this agreement, OWRD shall require the applicant to pay the full cost of expedited process.
2. **Restrictions.** Applicant and OWRD agree that this Agreement shall not be construed to restrict in any way the decisions and actions by OWRD. OWRD shall be free to exercise independent judgment consistent with existing laws and regulations.
3. **Effective Date and Duration.** Unless otherwise terminated by non-deposit of funds by the Applicant, this Agreement shall become effective on the date on which both parties have signed the Agreement and the full deposit of the estimated cost of the proposed service.
4. **Consideration.**
  - a. Applicant shall pay OWRD in advance for actual costs incurred by OWRD. The estimated maximum reimbursement payable to OWRD under this Agreement is **\$900.45**. Applicant agrees to pay the full amount of **\$900.45** to OWRD prior to commencement of any work stated in this Agreement. This payment will be placed in an account administered by OWRD and drawn upon as costs are actually incurred. If the actual cost of performing the work is less than payments received, OWRD will refund the unspent balance. If the actual cost of processing exceeds the estimate, the Applicant can either elect to terminate this Agreement or amend the Agreement to reflect the increase in cost.
  - b. The costs stated in this Agreement do not include the statutory application processing and filing fees.
5. **Confidentiality.** Applicant agrees that any information provided to or acquired by OWRD under this Agreement will be subject to the Oregon Public Records Law and shall be considered public records.
6. **Indemnity.** Applicant shall defend, save, hold harmless, and indemnify the State of Oregon, OWRD, and their officers, employees, and agents from and against all claims, suits, actions, losses, damages, liabilities, costs, and expenses of any nature resulting from or arising out of, or relating to the activities of Applicant or its representatives, officers, employees, contractors, or agents under this Agreement or with respect to the expedited service. The Applicant acknowledges that the Oregon Water Resources Department cannot and does not guarantee a favorable review under the subject regulatory process.



7. **Termination.** Applicant may request to terminate this agreement only in writing at anytime during the process. The Applicant agrees to pay for the work done by OWRD up until the time of the written termination request. OWRD, upon receiving such written termination request from the Applicant, will refund any unspent balance.
8. **Funds Authorized and Available.** By its execution of this Agreement, Applicants certify that sufficient funds are authorized and available to cover the expenditures contemplated by this Agreement.
9. **Duration of Estimate.** The Estimate of Time to completion is **approximately** 120 days once this Agreement has been fully executed and payment of the estimated cost deposited. If the Applicant's Agreement is not received by the Department within thirty (30) days of mailing the Agreement, the Applicant may need to re-apply for a new estimate. **NOTE: Any time estimate is approximate; No guarantee of Final Order issuance of a date is certain. Duration estimates do not include any statutory waiting periods.**
10. **Completion Date.** OWRD, by the execution of this Agreement does not guarantee the completion date indicated in this Agreement. Completion date is only an estimate and may be affected by the Department's workload, issues arising from the processing of the requested services and Applicant's timely response to requests for additional information. **IMPORTANT:** Due to COVID-19 and actions taken by the State of Oregon to facilitate teleworking as a tool to help prevent the spread of the disease, Department processes for Reimbursement Authority may be unavoidably delayed.
11. **Captions.** The captions or headings in this Agreement are for the convenience only and in no way define, limit, or describe the scope, or intent, of any provision of this Agreement.
12. **Amendment and Merger.** The terms of this Agreement shall not be waived, altered, modified, supplemented, or amended in any manner whatsoever, except by written instrument signed by both parties. Such waiver, consent, modification or change, if made, shall be effective only in the specific instance and for the specific purpose given. There are no understandings, agreements or representations, oral or written, not specified herein regarding this Agreement.
13. **Signatures.** All parties, by the authorized representative's signature below, hereby acknowledge that they have read this Agreement, understand it and agree to be bound by its terms and conditions.

For Applicant:	 OWNER <small>Name/Title</small>	10-25-21 Date
For OWRD:	 Dwight French – Administrator	11/15/2021 Date

Mail signed Agreement to:

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



