

Regular

Name Michael & Tabitha MooreTerry CutsforthAddress 181081 Alsea Hwy
Alsea Or 97324Change in PODate Filed 10/18/2021Initial notice date 10/20/2021

DPD issued date

PD issued date 10/4/2024PD notice date 10/8/2024Date of FO 12/3/2024 Vol 133 Page 435-438

C-Date

COBU due date

COBU Received date

Certificate issued

DESCRIPTION OF WATER RIGHT(S)

Name of Stream Robert's creekTrib. of Alsea riverUse irr & DomesticCounty Benton

Quantity of water (CFS)

No. of Acres

Name of ditch

App# 511181 Per # 571003 Cert # 8092 PR Date 11/15/2021App# 543587 Per # 532592 Cert # 47471 PR Date

App# Per # Cert # PR Date

App# Per # Cert # PR Date

App# Per # Cert # PR Date

FEES PAID

| Date | Amount | Receipt # |
|------------|-----------|-----------|
| 10-18-2021 | \$1970.00 | 136648 |

FEES REFUNDED

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

Assignments:

receiving landowners

Irrigation District Terry Cutsforth Donald Wagner
384100 Marys river rd Bridget or 97324

Agent

CWRE

CC's list

☐ - 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

December 3, 2024

Applicant:

Michael & Tabitha Moore

18681 Alsea Hwy

Alsea, OR 97324

Receiving Landowner:

Terry Cutsforth and Donald P. Wagner

28460 Marys River Road

Blodgett, OR 97326

REFERENCE: Transfer Application T-13848

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

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

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

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

If you have any questions related to the approval of this transfer, you may contact your caseworker, Dante Luongo, by telephone at (971) 304-5006 or by e-mail at Dante.j.luongo@water.oregon.gov.

Sincerely,

Elyse D. Richman

Water Rights Services Support

Transfers and Conservation Section

cc: Nikki M. Hendricks, Watermaster Dist. # 1 (via email)

Enclosure

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

| | | |
|---------------------------------------|---|-------------------------------------|
| In the Matter of Transfer Application |) | FINAL ORDER |
| T-13848, Benton County |) | APPROVING A CHANGE IN PLACES OF USE |

Authority

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

Applicant

MICHAEL AND TABITHA MOORE
18681 ALSEA HWY
ALSEA, OR 97324

Receiving Landowner

TERRY M. CUTSFORTH
DONALD P. WAGNER
38460 MARYS RIVER RD
BLODGETT, OR 97326

Findings of Fact

1. On October 18, 2021, MICHAEL AND TABITHA MOORE filed an application to change the place of use under Certificates 8092 and 47471. The Department assigned the application number T-13848.
2. Terry M. Cutsforth and Donald P. Wagner are the receiving landowners who will be responsible for completion of the changes.
3. Notice of the application for transfer was published on October 26, 2021, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
4. On August 8, 2024, the Department sent a copy of the draft Preliminary Determination proposing to approve Transfer Application T-13848 to the applicants. The draft Preliminary Determination cover letter set forth a deadline of September 7, 2024, for the applicants to respond. The applicants requested that the Department proceed with issuance of a Preliminary Determination and provided the necessary information to demonstrate that the applicants are authorized to pursue the transfer.

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

5. On October 4, 2024, the Department issued a Preliminary Determination proposing to approve Transfer Application T-13848 and sent a copy to the applicants. Additionally, notice of the Preliminary Determination for the transfer application was published in the Department's weekly notice on October 8, 2024, pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notice.

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

Certificate: 8092 in the name of ROZELLA POWERS (perfected under Permit S-7663)
Use: IRRIGATION OF 1.0 ACRE and DOMESTIC
Priority Date: NOVEMBER 15, 1926
Rate: 0.05 CUBIC FOOT PER SECOND
Limit/Duty: The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to ONE-EIGHTIETH of one cubic foot per second per acre, or its equivalent in case of rotation.
Source: ROBERTS CREEK, a tributary of ALSEA RIVER

Authorized Point of Diversion:

| Twp | Rng | Mer | Sec | Q-Q |
|------|-----|-----|-----|-------|
| 13 S | 8 W | WM | 36 | SW SW |

Authorized Place of Use:

| IRRIGATION AND DOMESTIC | | | | | |
|-------------------------|-----|-----|-----|-------|-------|
| Twp | Rng | Mer | Sec | Q-Q | Acres |
| 14 S | 8 W | WM | 1 | NW NW | 1.0 |

7. The Department has received information from the applicant that better describes the authorized point of diversion under Certificate 8092:

| Twp | Rng | Mer | Sec | Q-Q | Measured Distances |
|------|-----|-----|-----|-------|---|
| 13 S | 8 W | WM | 36 | SW SW | 90 FEET NORTH AND 180 FEET EAST FROM THE NW CORNER OF SECTION 1 |

8. Transfer Application T-13848 proposes to change the place of use of the right to:

| IRRIGATION AND DOMESTIC | | | | | |
|-------------------------|-----|-----|-----|-------|-------|
| Twp | Rng | Mer | Sec | Q-Q | Acres |
| 14 S | 8 W | WM | 2 | SE NE | 1.0 |

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

Certificate: 47471 in the name of EVERETT CRUMP (perfected under Permit S-32592)
Use: IRRIGATION OF 1.8 ACRES
Priority Date: MAY 11, 1967
Rate: 0.02 CUBIC FOOT PER SECOND
Limit/Duty: The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to ONE-EIGHTIETH of one cubic foot per second per acre, or its equivalent

for each acre irrigated and shall be further limited to a diversion of not to exceed 2.5 acre-feet per acre for each acre irrigated during the irrigation season of each year.

Source: ROBERTS CREEK, a tributary of ALSEA RIVER

Authorized Point of Diversion:

| Twp | Rng | Mer | Sec | Q-Q | Measured Distances |
|------|-----|-----|-----|-------|---|
| 13 S | 8 W | WM | 36 | SW SW | 90 FEET NORTH AND 180 FEET EAST FROM THE NW CORNER OF SECTION 1 |

Authorized Place of Use:

| IRRIGATION | | | | | |
|------------|-----|-----|-----|-------|-------|
| Twp | Rng | Mer | Sec | Q-Q | Acres |
| 14 S | 8 W | WM | 1 | NW NW | 1.8 |

10. Transfer Application T-13848 proposes to change the place of use of the right to:

| IRRIGATION | | | | | |
|------------|-----|-----|-----|-------|-------|
| Twp | Rng | Mer | Sec | Q-Q | Acres |
| 14 S | 8 W | WM | 2 | NE NE | 1.3 |
| 14 S | 8 W | WM | 2 | SE NE | 0.5 |
| TOTAL | | | | | 1.8 |

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

11. Water has been used within the five-year period prior to submittal of Transfer Application T-13848 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.
12. A water delivery system sufficient to use the full amount of water allowed under the existing rights were present within the five-year period prior to submittal of Transfer Application T-13848.
13. The water rights are subject to transfer as defined in ORS 540.505(4) and OAR 690-380-0100(14).
14. The proposed change, as conditioned, would not result in enlargement of the rights.
15. The proposed change, as conditioned, would not result in injury to other existing water rights.
16. All other application requirements are met.

Conclusions of Law:

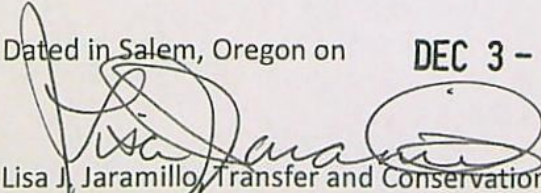
The change in places of use proposed in Transfer Application T-13848 is consistent with the requirements of ORS 540.505 to 540.580 and OAR 690-380-5000.

Now, therefore, it is ORDERED:

1. The change in places of use proposed in Transfer Application T-13848 is approved.
2. The right to the use of the water is restricted to beneficial use at the places of use described and is subject to all other conditions and limitations contained in Certificates 8092, 47471 and any related decree.
3. Approval of this transfer application does not constitute nor grant legal access onto or through another person's property for purposes of accessing the new places of use.
4. Water right Certificates 8092 and 47471 are cancelled.
5. The former place of use of the transferred rights shall no longer receive water under the rights.
6. Water use measurement conditions:
 - a. Before water use may begin under this order, the water user shall install a totalizing flow meter, or, with prior approval of the Director, another suitable measuring device, at each point of diversion.
 - b. The water user shall maintain the meters or measuring devices in good working order.
 - c. The water user shall allow the Watermaster access to the meters or measuring devices; provided however, where the meters or measuring devices are located within a private structure, the Watermaster shall request access upon reasonable notice.
7. Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2026**. A Claim of Beneficial Use prepared by a Certified Water Right Examiner shall be submitted by the applicant to the Department within one year after the deadline for completion of the changes and full beneficial use of the water.
8. After satisfactory proof of beneficial use is received, new certificates confirming the rights transferred will be issued.

Dated in Salem, Oregon on

DEC 3 - 2024


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

Mailing Date: **DEC 4 - 2024**

WATER RIGHT TRANSFER COVER SHEET

Transfer: T- 13848

Transfer Specialist:

Transfer Type: Regular Transfer

Dunfee

| | | | |
|--|--|---|--|
| Applicant: MICHAEL & TABITHA MOORE 18681 ALSEA HWY ALSEA, OR 97324 Email: _____ Phone: _____ | | Agent: <input type="checkbox"/> N/A UNAVAILABLE Email: _____ Phone: _____ | |
| Irrigation District: <input type="checkbox"/> N/A Email: _____ | | CWRE: <input type="checkbox"/> N/A Email: _____ | |
| Affected Local Gov'ts: <input type="checkbox"/> N/A Email: _____ | | Affected Tribal Gov't: <input type="checkbox"/> N/A UNAVAILABLE Email: _____ | |
| Current Landowner if other than Applicant: <input type="checkbox"/> N/A Email: _____ | | Receiving Landowner: <input type="checkbox"/> N/A Email: _____ | |

Water Rights Affected

| File Marked | App. File # or Decree Name | Permit | Certificate | RR/CR Needed | RR/CR Nos. |
|--------------------------|----------------------------|--------|-------------|--|------------|
| <input type="checkbox"/> | S11181 | S7663 | 8092 | <input type="checkbox"/> Yes <input type="checkbox"/> No | |
| <input type="checkbox"/> | S43587 | S32592 | 47471 | <input type="checkbox"/> Yes <input type="checkbox"/> No | |
| <input type="checkbox"/> | | | | <input type="checkbox"/> Yes <input type="checkbox"/> No | |

Key Dates & Initial Actions:

| | | |
|--|---|--|
| Rec'd: October 18, 2021 | Proposed Action(s): PLACE OF USE | |
| Fees Pd: 1970.00 | WM District: 1 | ODFW District: |
| Initial Public Notice: October 26, 2021 | WM Review sent: | ODFW Review sent: |
| Acknowledgement Letter Sent <input type="checkbox"/> | | GW Review sent: <input type="checkbox"/> N/A |
| County sent cc: of Ack Letter <input type="checkbox"/> | BOR notified (date): <input type="checkbox"/> N/A | |
| Newspaper quote requested: | Request for news \$ sent: | News \$ received: |
| Request to publish sent: | Affidavit of publication received: | Last day of publication: |

| Document | Drafted | Peer Review | Changes Made | Coordinator | Changes Made | Signature Bin | Signature Date |
|----------|--|--|---|--|--|----------------------|----------------------|
| DPD | Date: <u>2-26-24</u> Initials: <u>AL</u> | Date: <u>2-28-24</u> Initials: <u>PSS</u> | Date: _____ Initials: _____ | Date: <u>8-2-24</u> Initials: <u>CC</u> | Date: <u>8-2-24</u> Initials: <u>AL</u> | CW Sent: _____ | N/A |
| PD | Date: <u>9-5-24</u> Initials: <u>AL</u> | Date: <u>9-12-24</u> Initials: <u>AD</u> | Date: <u>9-13-24</u> Initials: <u>AL</u> | Date: <u>9-24-24</u> Initials: <u>CC</u> | Date: <u>9-30-24</u> Initials: <u>AL</u> | Date: <u>10-3-24</u> | Date: <u>10/4/24</u> |
| FO | Date: <u>10-21-24</u> Initials: <u>AL</u> | Date: <u>10-22-24</u> Initials: <u>IF</u> | Date: _____ Initials: _____ | Date: <u>10-29-24</u> Initials: <u>SH</u> | Date: <u>10-30-24</u> Initials: <u>AL</u> | Date: _____ | Date: <u>12/3/24</u> |

Special Issues: _____

Special Order Volume: Vol. 133 Pages 435-438

7022 3330 0000 2912 3070

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- ☐ Certified Mail Restricted Delivery \$ _____
- ☐ Adult Signature Required \$ _____
- ☐ Adult Signature Restricted Delivery \$ _____

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Total Postage and Fees

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City, State, ZIP+4®

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. A

Michael and Tabitha Moore
 1264 FM 3001
 Marshall, TX 75670

Postmark
 Here



9590 9402 8804 4005 1337 72

2. Article Number (Transfer from service label)

7022 3330 0000 2912 3070

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

☐ Agent

☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

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

Received

OCT 17 2024

OWRD

3. Service Type

- ☐ Adult Signature
- ☐ Adult Signature Restricted Delivery
- ☐ Certified Mail®
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- ☐ Insured Mail Restricted Delivery (over \$500)
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- ☐ Registered Mail™
- ☐ Registered Mail Restricted Delivery
- ☐ Signature Confirmation™
- ☐ Signature Confirmation Restricted Delivery



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

October 4, 2024

VIA CERTIFIED MAIL AND E-MAIL

MICHAEL AND TABITHA MOORE
1264 FM 3001
Marshall, TX 75670

TERRY M. CUTSFORTH
DONALD P. WAGNER
38460 MARYS RIVER RD
BLODGETT, OR 97326

SUBJECT: Water Right Transfer Application T-13848

Please find enclosed the Preliminary Determination indicating that, based on the information available, the Department intends to approve application T-13848. This document is an intermediate step in the approval process; water may not be used legally as proposed in the transfer application until a Final Order has been issued by the Department. Please read this entire letter carefully to determine your responsibility for additional action.

A public notice is being published in the Department's weekly, 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, if I may be of assistance.

Sincerely,

Dante Luongo
Transfer Specialist
Transfer and Conservation Section

cc: Transfer Application file T-13848
Nikki M. Hendricks, District 1 Watermaster (via e-mail)

encs

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

| | | |
|---------------------------------------|---|-----------------------------------|
| In the Matter of Transfer Application |) | PRELIMINARY DETERMINATION |
| T-13848, Benton County |) | PROPOSING APPROVAL OF A CHANGE IN |
| |) | PLACE OF USE |

Authority

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

Applicant

MICHAEL AND TABITHA MOORE
18681 ALSEA HWY
ALSEA, OR 97324

Receiving Landowner

TERRY M. CUTSFORTH
DONALD P. WAGNER
38460 MARYS RIVER RD
BLODGETT, OR 97326

Findings of Fact

1. On October 18, 2021, MICHAEL AND TABITHA MOORE filed an application to change the place of use under Certificates 8092 and 47471. The Department assigned the application number T-13848.
2. Terry M. Cutsforth and Donald P. Wagner are the receiving landowners who will be responsible for completion of the changes.
3. Notice of the application for transfer was published on October 26, 2021, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
4. On August 12, 2024, the Department sent a copy of the draft Preliminary Determination proposing to approve Transfer Application T-13848 to the applicants. The draft Preliminary Determination cover letter set forth a deadline of September 11, 2024, for the applicants to respond. The applicants requested that the Department proceed with issuance of a Preliminary Determination and provided the necessary information to demonstrate that the applicants are authorized to pursue the transfer.

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

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

Certificate: 8092 in the name of ROZELLA POWERS (perfected under Permit S-7663)
Use: IRRIGATION OF 1.0 ACRE and DOMESTIC
Priority Date: NOVEMBER 15, 1926
Rate: 0.05 CUBIC FOOT PER SECOND
Limit/Duty: The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to ONE-EIGHTIETH of one cubic foot per second per acre, or its equivalent in case of rotation.

Source: ROBERTS CREEK, a tributary of ALSEA RIVER

Authorized Point of Diversion:

| Twp | Rng | Mer | Sec | Q-Q |
|------|-----|-----|-----|-------|
| 13 S | 8 W | WM | 36 | SW SW |

Authorized Place of Use:

| IRRIGATION AND DOMESTIC | | | | | |
|-------------------------|-----|-----|-----|-------|-------|
| Twp | Rng | Mer | Sec | Q-Q | Acres |
| 14 S | 8 W | WM | 1 | NW NW | 1.0 |

6. The Department has received information from the applicant that better describes the authorized point of diversion under Certificate 8092:

| Twp | Rng | Mer | Sec | Q-Q | Measured Distances |
|------|-----|-----|-----|-------|---|
| 13 S | 8 W | WM | 36 | SW SW | 90 FEET NORTH AND 180 FEET EAST FROM THE NW CORNER OF SECTION 1 |

7. Transfer Application T-13848 proposes to change the place of use of the right to:

| IRRIGATION AND DOMESTIC | | | | | |
|-------------------------|-----|-----|-----|-------|-------|
| Twp | Rng | Mer | Sec | Q-Q | Acres |
| 14 S | 8 W | WM | 2 | SE NE | 1.0 |

8. The portion of the second right to be transferred is as follows:

Certificate: 47471 in the name of EVERETT CRUMP (perfected under Permit S-32592)
Use: IRRIGATION OF 1.8 ACRES
Priority Date: MAY 11, 1967
Rate: 0.02 CUBIC FOOT PER SECOND
Limit/Duty: The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to ONE-EIGHTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 2.5 acre-feet per acre for each acre irrigated during the irrigation season of each year.

Source: ROBERTS CREEK, a tributary of ALSEA RIVER

Authorized Point of Diversion:

| Twtp | Rng | Mer | Sec | Q-Q | Measured Distances |
|------|-----|-----|-----|-------|---|
| 13 S | 8 W | WM | 36 | SW SW | 90 FEET NORTH AND 180 FEET EAST FROM THE NW CORNER OF SECTION 1 |

Authorized Place of Use:

| IRRIGATION | | | | | |
|------------|-----|-----|-----|-------|-------|
| Twtp | Rng | Mer | Sec | Q-Q | Acres |
| 14 S | 8 W | WM | 1 | NW NW | 1.8 |

9. Transfer Application T-13848 proposes to change the place of use of the right to:

| IRRIGATION | | | | | |
|------------|-----|-----|-----|-------|-------|
| Twtp | Rng | Mer | Sec | Q-Q | Acres |
| 14 S | 8 W | WM | 2 | NE NE | 1.3 |
| 14 S | 8 W | WM | 2 | SE NE | 0.5 |
| TOTAL | | | | | 1.8 |

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

10. Water has been used within the five-year period prior to submittal of Transfer Application T-13848 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 water delivery system sufficient to use the full amount of water allowed under the existing rights were present within the five-year period prior to submittal of Transfer Application T-13848.
12. The water rights are subject to transfer as defined in ORS 540.505(4) and OAR 690-380-0100(14).
13. The proposed change would not result in enlargement of the rights.
14. The proposed change would not result in injury to other existing water rights.
15. All other application requirements are met.

Determination and Proposed Action

The change in places of use proposed in Transfer Application T-13848 appears to be consistent with the requirements of ORS 540.505 to 540.580 and OAR 690-380-5000. If protests are not filed pursuant to OAR 690-380-4030, the transfer application will be approved.

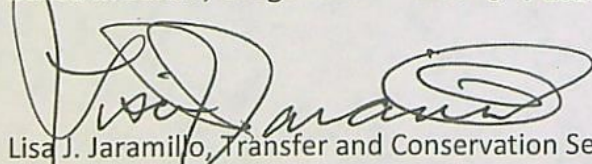
If Transfer Application T-13848 is approved, the final order will include the following:

1. *The change in places of use proposed in Transfer Application T-13848 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 8092, 47471 and any related decree.*
3. *Approval of this transfer application does not constitute nor grant legal access onto or through another person's property for purposes of accessing the new places of use.*
4. *Water right Certificates 8092 and 47471 are cancelled.*
5. *The former place of use of the transferred rights shall no longer receive water under the rights.*
6. *Water use measurement conditions:*
 - a. *Before water use may begin under this order, the water user shall install a totalizing flow meter, or, with prior approval of the Director, another suitable measuring device, at each point of diversion, 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.*
7. *Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2026**. A Claim of Beneficial Use prepared by a Certified Water Right Examiner shall be submitted by the applicant to the Department within one year after the deadline for completion of the changes and full beneficial use of the water.*
8. *After satisfactory proof of beneficial use is received, new certificates confirming the rights transferred will be issued.*

Dated in Salem, Oregon on

OCT 04 2024



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

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

Protests

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

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

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

Requests for Standing

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

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

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

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

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

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

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

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

Notice Regarding Servicemembers: Active duty servicemembers have a right to stay proceedings under the federal Servicemembers Civil Relief Act. For more information contact the Oregon State Bar at 1-800-452-8260, the Oregon Military Department at 971-355-4420, or the nearest United States Armed Forces Legal Assistance Office through <http://legalassistance.law.af.mil>. The Oregon Military Department does not have a toll free number.

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 Patricia McCarty at 503-979-9160.

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.

Land Use Information Form



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

NOTE TO APPLICANTS

In order for your application to be processed by the Water Resources Department (WRD), this Land Use Information Form must be completed by a local government planning official in the jurisdiction(s) where your water right will be used and developed. The planning official may choose to complete the form while you wait, or return the receipt stub to you. Applications received by WRD without the Land Use Form or the receipt stub will be returned to you. Please be aware that your application will not be approved without land use approval.

This form is NOT required if:

- 1) Water is to be diverted, conveyed, and/or used only on federal lands; **OR**
- 2) The application is for a water right transfer, allocation of conserved water, exchange, permit amendment, or ground water registration modification, and all of the following apply:
 - a) The existing and proposed water use is located entirely within lands zoned for exclusive farm-use or within an irrigation district;
 - b) The application involves a change in place of use only;
 - c) The change does not involve the placement or modification of structures, including but not limited to water diversion, impoundment, distribution facilities, water wells and well houses; and
 - d) The application involves irrigation water uses only.

NOTE TO LOCAL GOVERNMENTS

The person presenting the attached Land Use Information Form is applying for or modifying a water right. The Water Resources Department (WRD) requires its applicants to obtain land-use information to be sure the water rights do not result in land uses that are incompatible with your comprehensive plan. Please complete the form or detach the receipt stub and return it to the applicant for inclusion in their water right application. You will receive notice once the applicant formally submits his or her request to the WRD. The notice will give more information about WRD's water rights process and provide additional comment opportunities. You will have 30 days from the date of the notice to complete the land-use form and return it to the WRD. If no land-use information is received from you within that 30-day period, the WRD may presume the land use associated with the proposed water right is compatible with your comprehensive plan. Your attention to this request for information is greatly appreciated by the Water Resources Department. If you have any questions concerning this form, please contact the WRD's Customer Service Group at 503-986-0801.

Received
FEB 20 2024
OWRD

Land Use Information Form

Received
FEB 20 2024



OWRD

Applicant(s): Tony Cutforth
Mailing Address: 38460 Marys River Rd
City: Blodgett State: Or Zip Code: 97326

Hi There, Sorry this took a few steps at Benton County Planning. I hope you can finally move forward with completing our water rights transfer. Thanks!
Tony Cutforth 2/15/24

A. Land and Location

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

| Township | Range | Section | ¼ ¼ | Tax Lot # | Plan Designation (e.g., Rural Residential/RR-5) | Water to be: | Proposed Land Use: |
|----------|-------|---------|-----|-----------|---|--|--------------------|
| ✓ 13 | 8 | 36 | | 100 | F-C | <input checked="" type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input type="checkbox"/> Used | |
| ✓ 14 | 8 | 2A | | 700 | Multi-Purpose Ag | <input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used | Existing |
| ✓ 14 | 8 | 2A | | 100 | " " | <input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used | " |
| | | | | | | <input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input type="checkbox"/> Used | |

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

Benton irrigation for gardening

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) Roberts Creek

Estimated quantity of water needed: 30 ☐ 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:

water rights transfer from 14801-600 to 1482A-700 & 100
14801-600 sold water rights to 1482A-700 & 100
water comes from 13836-100

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. →

GREW Scott A * WRD

From: REECE Nick A * WRD
Sent: Thursday, December 21, 2023 2:42 PM
To: SMITH Joan M * WRD; STARNES Patrick K * WRD; DAVIS Arla L * WRD; GREW Scott A * WRD
Subject: FW: Land Use Information Form

Hi Everyone,

We received this email today, as best I can tell the LUIF he is referring is needed for Transfer [T-13848](#). Would someone be able to confirm that this transfer requires would require a land use form? I don't see any other applications or transfers in WRIS that match the information provided.

Any help would be great.

Thank you,

Nick Reece
Public Service Representative 4
725 Summer Street NE, Suite A, Salem, OR 97301 | Phone: 503-986-0810



OREGON
WATER
RESOURCES
DEPARTMENT

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

From: WILLIAMS Inga <Inga.Williams@bentoncountyor.gov>
Sent: Thursday, December 21, 2023 2:16 PM
To: WRD_DL_customerservice <wrld_dl_customerservice@water.oregon.gov>
Subject: Land Use Information Form

Some people who received this message don't often get email from inga.williams@bentoncountyor.gov. [Learn why this is important](#)

Terry Cutsforth submitted a LUIF to me about a month ago. I told him three times that he needed to revise the form in order for me to approve it. He did not resubmit an updated form. The land & location information is 138360000100, 14802A000700, 14802A000100. The information on the form he submitted to me is incomplete & incorrect. I wanted to find out if he submitted his information to you and, if yes, ask you to not approve it until he submits a correct LUIF to me.



Inga Williams *she/her*
Community Development Dept.
Associate Planner

Phone: 541-766-6819
Email:
Inga.Williams@BentonCountyOR.gov
Homepage: www.co.benton.or.us



We're located at [4500 SW Research Way, 2nd Floor.](#)

SMITH Joan M * WRD

From: SMITH Joan M * WRD
Sent: Wednesday, March 09, 2022 11:21 AM
To: terry cutsforth
Cc: STARNES Patrick K * WRD
Subject: Transfer Application T-13848
Attachments: Part 4.pdf

Good morning, Terry, the Department received your application for place of use transfer T-13848; involving Water right Certificates 8092 and 47471. This file has not yet been assigned a caseworker; however, it will be worked on in order of receipt.

Also, if you would please fill out, sign, and return the attached Part 4, as the applicant. I understand you are also the receiving landowner. Please reference T-13848 on the page so we can be assured it makes it to the appropriate file.

Thank you

Joan

JOAN M. SMITH | TRANSFER SPECIALIST

TRANSFER & CONSERVATION SECTION

725 Summer Street NE, Suite A Salem, OR 97301 | Phone 503-986-0892



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Watermaster Review Form: Water Right Transfer



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

Transfer Application: T-13848

Review Due Date: 11/19/2021

Applicant Name: Michael and Tabitha Moore

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

Reviewer(s): Nikki Hendricks

Date of Review: 10/27/2021

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:
Certificate 47471 was regulated to the Instream water right on the Alsea River, 8-12-2021.
Certificate 8092 is senior to the ISWR.
3. Have headgate notices been issued for the source that serves the transferred right(s)?
☐ Yes ☒ No ☒ Records not available.
4. In your estimation, after the proposed change, would distribution of water for the right(s) result in regulation of other water rights that would not have occurred if use under the original right(s) was/were maximized? ☐ Yes ☒ No If "Yes", explain:
5. In your estimation, if the proposed change is approved, are there upstream water rights that would be affected? ☐ Yes ☒ No If "Yes", describe how the rights would be affected and list the rights most affected:

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

☒ N/A

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

☒ N/A

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

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

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

Domestic water is from well BENT 7471 is on taxlot 600, 18681 Alsea Hwy.

10. For POU or USE changes: ☐ N/A In your best judgment, would use of the existing right at "full face value," result in the diversion of more water than can be used beneficially and without waste?

☐ Yes ☒ No If "Yes", explain:

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

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

☐ Yes ☐ No If "Yes", explain:

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

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

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

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

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

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

☐ Yes ☐ No If "Yes", describe:

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

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

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

☐ Yes ☒ No If "Yes", explain:

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

☐ Yes ☒ No If "Yes", explain:

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

☐ Yes ☒ No If "Yes", explain:

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

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

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

☐ A Headgate should be required prior to diverting water.

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

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

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

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

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

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

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

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

☐ Weir
☐ Parshall Flume
☐ Other: _____

☐ Submerged Orifice
☐ Flow Restrictor

Oregon Water Resources Department

Measurement Condition Information for the Applicant

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

Transfer #: T-13848

- ☐ In order to avoid enlargement of the right or injury to other rights, a **flow meter** will be required to be installed **prior to diversion of water**, as a condition of this transfer:
- ☐ at each point of diversion/appropriation (new and existing) **OR**
- ☒ at each new point of diversion/appropriation.

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

Watermaster name: Nikki Hendricks

District: 1

Address: 4000 Blimp Blvd ste 400

City/State/Zip: Tillamook, OR 97141

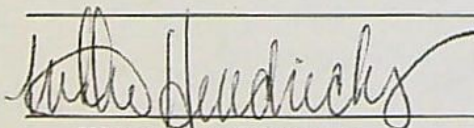
Phone: 503-815-1967

Email: nikki.m.hendricks@oregon.gov

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

Approval of an Alternate Measurement Device T-
(to be filled out after consultation with the applicant, or after a site visit)

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



Watermaster signature

1

District

10/27/2021

Date

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

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



Oregon
Kate Brown, Governor

Water Resources Department

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

October 20, 2021

MICHAEL & TABITHA MOORE
18681 ALSEA HWY
ALSEA, OR 97324

Reference: Application T-13848

On October 18, 2021, OWRD received your water right Permanent Transfer Application. The application was accompanied by \$1970.00. Our receipt number 136648 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.

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 for the new use, in the new place of use or from the new point of diversion/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.

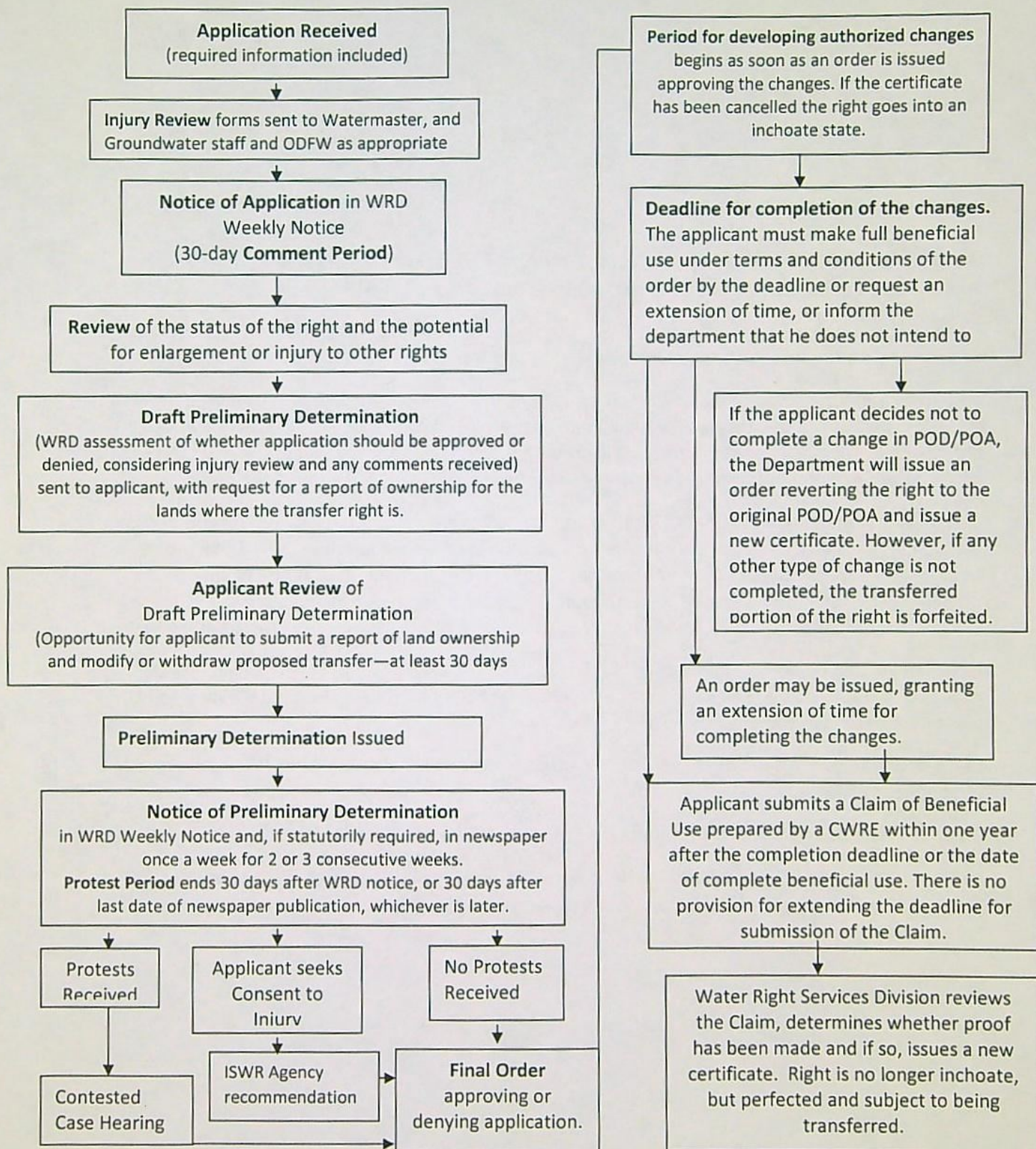
Refer to the following page for a chart showing the steps and expected timelines for the processing of your application.

If you have any questions, please contact the Transfer Section at (503) 979-9931.

Cc: Watermaster Dist. #1, Nikki M. Hendricks *(via email)*
Receiving Landowners, Terry Cutsforth, Donald Wagner
Enclosure

Regular Transfer Process (including "Proving Up" on the changes)

OAR 690 Division 380



Application for Permanent Water Right Transfer

Part 1 of 5 – Minimum Requirements Checklist



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

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

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

RECEIVED

OCT 18 2021

OWRD

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.

☐ 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: Cont# 8092 & # 47471

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):

- | | |
|--|--|
| <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: ____/____/____

OCT 18 2021

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/. 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°).

13848

Part 3 of 5 – Fee Worksheet

[illegible]

*Example for Line 5a calculation to transfer 45.0 acres of Primary Certificate 12345 (total 1.25 cfs for 100 acres) and 45.0 acres of Supplemental Certificate 87654 (1/80 cfs per acre) on the same land:

1. For irrigation calculate cfs for each water right involved as follows:
 - a. Divide total authorized cfs by total acres in the water right (for C12345, $1.25 \text{ cfs} \div 100 \text{ ac}$); then multiply by the number of acres to be transferred to get the transfer cfs ($\times 45 \text{ ac} = 0.56 \text{ cfs}$).
 - b. If the water right certificate does not list total cfs, but identifies the allowable use as 1/40 or 1/80 of a cfs per acre; multiply number of acres proposed for change by either 0.025 (1/40) or 0.0125 (1/80). (For C87654, $45.0 \text{ ac} \times 0.0125 \text{ cfs/ac} = 0.56 \text{ cfs}$)
2. Add cfs for the portions of water rights on all the land included in the transfer; however **do not count cfs for supplemental rights on acreage for which you have already calculated the cfs fee for the primary right on the same land**. The fee should be assessed only once for each "on the ground" acre included in the transfer. (In this example, blank 5a would be only 0.56 cfs, since both rights serve the same 45.0 acres. Blank 5b would be 0 and Line 5 would then also become 0).

| FEE WORKSHEET for SUBSTITUTION | | | |
|--------------------------------|---|---|----------|
| 1 | Base Fee (includes change to one well) | 1 | \$990.00 |
| | Number of wells included in substitution _____ (2a) | | |
| | Subtract 1 from the number in 2a above: _____ (2b) <i>If only one well this will be 0</i> | | |
| 2 | Multiply line 2b by \$480 and enter » » » » » » » » » » » » » » » » | 2 | |
| 3 | Add entries on lines 1 through 2 above » » » » » » Fee for Substitution: | 3 | |

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Part 4 of 5 – Applicant Information and Signature

Applicant Information

| | | | | |
|---|-------|-----|-----------|------------------------|
| APPLICANT/BUSINESS NAME | | | PHONE NO. | ADDITIONAL CONTACT NO. |
| ADDRESS | | | FAX NO. | |
| CITY | STATE | ZIP | E-MAIL | |
| BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED. | | | | |

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

| | | | | |
|---|-------|-----|-----------|------------------------|
| AGENT/BUSINESS NAME | | | PHONE NO. | ADDITIONAL CONTACT NO. |
| ADDRESS | | | FAX NO. | |
| CITY | STATE | ZIP | E-MAIL | |
| 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:

We wish to accomplish the Permanent water Rights transfer of Cnts 8092 and 47471, owned by us moores to adjacent property 145-8W-Sec 2 TL 700 & 145 8W Sec 2 TL 100 Because we want to sell & our neighbors Cnts forth and wagner want to buy

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

Check One Box

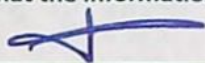
- ☒ By signing this application, I understand that, upon receipt of the draft preliminary determination and prior to Department approval of the transfer, I will be required to provide landownership information and evidence that I am authorized to pursue the transfer as identified in OAR 690-380-4010(5);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

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By my signature below, I confirm that I understand:

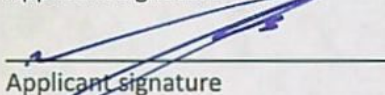
- Prior to Department approval of the transfer application, I may be required to submit payment to the Department for publication of a notice in a newspaper with general circulation in the area where the water right is located, once per week for two consecutive weeks. If more than one qualifying newspaper is available, I suggest publishing the notice in the following newspaper: N/A
- 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.


Applicant signature

Tabitha Moore
Print Name (and Title if applicable)

8-11-2021
Date


Applicant signature

Michael Moore
Print Name (and Title if applicable)

8-11-2021
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

| | | | |
|---|--------------------|---|--|
| RECEIVING LANDOWNER NAME <u>TERRY M. CUTSFORTH, DONALD P. WAGNER</u> | | PHONE NO. <u>541) 456 4461</u> | ADDITIONAL CONTACT NO. <u>541) 456-4481 Don</u> |
| ADDRESS <u>38460 MARYS RIVER Rd</u> | | FAX NO. Cell, Terry <u>541) 231 1505</u> | |
| CITY <u>Bladgett</u> | STATE <u>OR</u> | ZIP <u>97326</u> | E-MAIL <u>TERRYCUTSFORTH@yahoo.com</u> |
| Describe any special ownership circumstances: | | | |
| The confirming Certificate shall be issued in the name of: <input type="checkbox"/> Applicant <input checked="" type="checkbox"/> Receiving Landowner | | | |

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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 | N/A | |
| 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 | | |
| 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 | | |
| CITY | STATE | ZIP |

| | | |
|-------------|-------|-----|
| ENTITY NAME | | |
| CITY | STATE | ZIP |

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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 # 8092

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Description of Water Delivery System

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System capacity: .05 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. gravity flow, boggie 2" pipe, then reducing

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) |
|------------------------|---|--|-------------|------------|-----------|--------------|---------------------------|--|
| <u>Roberts Creek</u> | <input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed | <u>N/A</u> | <u>13 S</u> | <u>8 W</u> | <u>36</u> | <u>SW SW</u> | <u>100</u> | <u>231' N. 68° E. From S.W. corner of Sec 36</u> |
| <u>Roberts Creek</u> | <input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed | <u>N/A</u> | | | | | | |
| | <input type="checkbox"/> Authorized <input type="checkbox"/> Proposed | | | | | | | |
| | <input type="checkbox"/> Authorized <input type="checkbox"/> Proposed | | | | | | | |

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

- | | |
|--|---|
| <input checked="" 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 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 # 8092

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 |
| EXAMPLE | | | | | | | | | | | | | | | | | | | | |
| 2 | S | 9 | E 15 NE NW | 100 | | 15.0 | Irrigation | POD #1 POD #2 | 1901 | POU/POD | 2 | S | 9 | E 1 NW NW | 500 | 1 | 10.0 | | POD #5 | 1901 |
| | | | | | | | | | | | 2 | S | 9 | E 2 SW NW | 500 | | 5.0 | | POD #6 | 1901 |

145 8 W 1 NW NW 600 1.0 Irrigation Domestic Roberts Creek 1926 POU 145 8 W 2 SE NE 700 6.0 Irrigation Domestic 1926

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TOTAL ACRES: 1.0

TOTAL ACRES: 6.0

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 # 47471

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Description of Water Delivery System

OCT 18 2021

System capacity: .08 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. Gravity flow, begging 2" pipe, then reducing

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) |
|------------------------|---|--|------|-----|-----|-------|---------------------------|--|
| Roberts Creek | <input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed | N/A | 13 S | 8 W | 36 | SW SW | 100 | 231' N, 63° E from S.W. corner of Sec 36 |
| | <input type="checkbox"/> Authorized <input type="checkbox"/> Proposed | | | | | | | |
| | <input type="checkbox"/> Authorized <input type="checkbox"/> Proposed | | | | | | | |
| | <input type="checkbox"/> Authorized <input type="checkbox"/> Proposed | | | | | | | |

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

- | | |
|---|---|
| <input checked="" 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/Wall (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 (SUIR) |
| <input type="checkbox"/> Surface Water POD to Ground Water (SW to 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 that is affected.

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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 # 47471

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 | | | | |
| EXAMPLE | | | | | | | | | | | | | | | | | | | | | | | | |
| 2 | S | 9 | E 15 | NE | NW | 100 | | 15.0 | Irrigation | POD #1 POD #2 | 1901 | POU/POD | 2 | S | 9 | E 1 | NW | NW | 500 | 1 | 10.0 | | POD #5 | 1901 |
| | | | | | | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | | | | | | |
| 14 | S | 8 | W 1 | NW | NW | 600 | | 1.8 | Irrigation | Roberts Creek | 1979 | POU | 14 | S | 8 | W 2 | NE SE | NE | 100 | | 1.8 | | | 1979 |

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| | | | |
|--------------|-----|--------------|-----|
| TOTAL ACRES: | 1.8 | TOTAL ACRES: | 1.8 |
|--------------|-----|--------------|-----|

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: _____



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

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

Ground water supplemental Permit or Certificate # _____;

Surface water primary Certificate # _____.

For a change from Supplemental Irrigation Use to Primary Irrigation Use

Identify the primary certificate to be cancelled. Certificate # _____

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

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 |
|---|------------------------------------|---|------------------|-----------------|-------------------------|---------------------------|--|--|---|---|
| | | | | | | | | | | |
| | | | | | | | | | | |
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After recording return to:
Terry M. Cutsforth
38460 Marys River Rd
Blodgett, OR 97326

BENTON COUNTY, OREGON 2021-617330
DE-AS
Cnt=1 Stn=47 COUNTER1 08/12/2021 03:59:05 PM
\$10.00 \$11.00 \$62.00 \$10.00 \$20.00 \$113.00



00430806202106173300020023

I, James V. Morales, County Clerk for Benton County, Oregon, certify that the instrument identified herein was recorded in the Clerk records.

James V. Morales - County Clerk



CONVEYANCE AND ASSIGNMENT OF WATER RIGHTS

THIS CONVEYANCE AND ASSIGNMENT is effective when signed by all parties, and is by and between Tabitha Suzanne Moore and Michael Allen Moore herein termed "Assignors," and Terry M. Cutsforth and Donald P. Wagner, herein termed "Assignees".

RECITALS

1. Assignors are the owners of the real property located at 18681 Alsea Highway, Alsea, OR and more particularly described as Tax Lot 600, Map 14S-8W-1, Benton County, Oregon (the "Property").. The South half of the Northwest Quarter of the Northwest Quarter and the South half of the North Half of the Northwest Quarter of the Northwest Quarter all in Section 1, Township 14 South, Range 8 West, of the Willamette Meridian, in the County of Benton and State of Oregon.
2. The Property is not located within the boundaries of an Irrigation District nor delivered by a water district.
3. Assignors desires to convey, transfer and assign all of Assignors' interest in and to the following water rights to Assignees:

Certificate Number: 8092 and 47471

Priority Dates: 1926 & 1979

Source: Roberts Creek & Roberts Creek

Purpose: Irrigation and Domestic and Irrigation

Transferred Amount: 1.0 acres/1.8 acres (the "Water Rights").

AGREEMENT

IN CONSIDERATION of these facts, the undersigned, intending to be legally bound, agree as follows:

1. Assignor hereby conveys and assigns all of their right, title and interest in and to the Water Rights to Assignee.
2. Assignee will pay to Assignor the sum of two thousand dollars (\$2,000) for the Water Rigts..

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3. From and after the effective date of this Agreement, Assignees are the owners of the Water Rights.

IN WITNESS WHEREOF, Tabitha Suzanne Moore and Michael Allen Moore, Assignors execute this conveyance and assignment on the date indicated below.

8-11-2021

DATE



Tabitha Suzanne Moore, Assignor

8-11-21

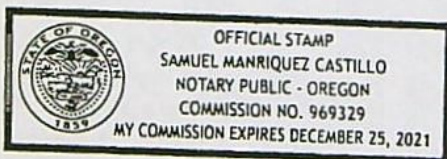
DATE

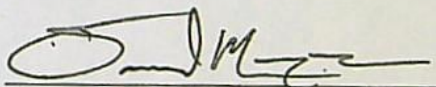


Michael Allen Moore, Assignor

STATE OF OREGON)
) ss.
County of Benton)

On August 11th, 2021 before me appeared Tabitha Suzanne Moore and Michael Allen Moore who signed the foregoing Conveyance and Assignment of Water Rights and acknowledged to me that they did so freely and voluntarily.





Notary Public for Oregon
My commission expires: 12-25-2021

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Application for Water Right Transfer

Evidence of Use Affidavit



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

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

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State of Oregon)
County of BENTON) ss

I, Tabitha & Michael Maye in my capacity as OWNERS

mailing address 18681 Alsea Hwy OR Alsea 97324

telephone number (541) 570-8140, being first duly sworn depose and say:

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



Personal observation



Professional expertise

2. I attest that:



Water was used during the previous five years on the entire place of use for
Certificate # 8092; 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.): irrigation and domestic
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.

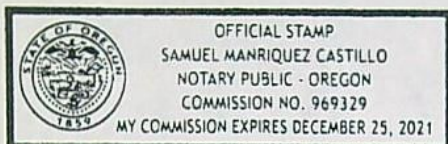


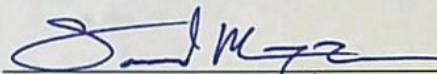
Signature of Affiant

8-11-2021

Date

Signed and sworn to (or affirmed) before me this 11th day of August, 2021.





Notary Public for Oregon

My Commission Expires: 12-25-2021

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

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Application for Water Right Transfer

Evidence of Use Affidavit



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

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

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State of Oregon)

County of BENTON) ss

I, Tabitha + Michael Moore in my capacity as owners

mailing address 18681 Alsea Hwy Alsea OR 97324

telephone number (541) 570-8140, being first duly sworn depose and say:

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

☒ Personal observation

☐ Professional expertise

2. I attest that:

☒ Water was used during the previous five years on the entire place of use for
Certificate # 47471; 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) |
|---------------|----------|-------|-----|-----|-----|---------------------|--------------------------|
| | | | | | | | |
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| | | | | | | | |
| | | | | | | | |

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)

13848

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

[Signature]
Signature of Affiant

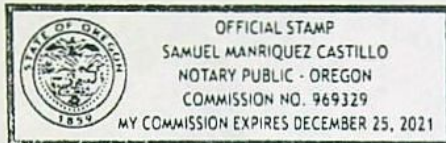
8-11-2021
Date

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Signed and sworn to (or affirmed) before me this 11th day of August, 2021.



[Signature]
Notary Public for Oregon

My Commission Expires: 12-25-2021

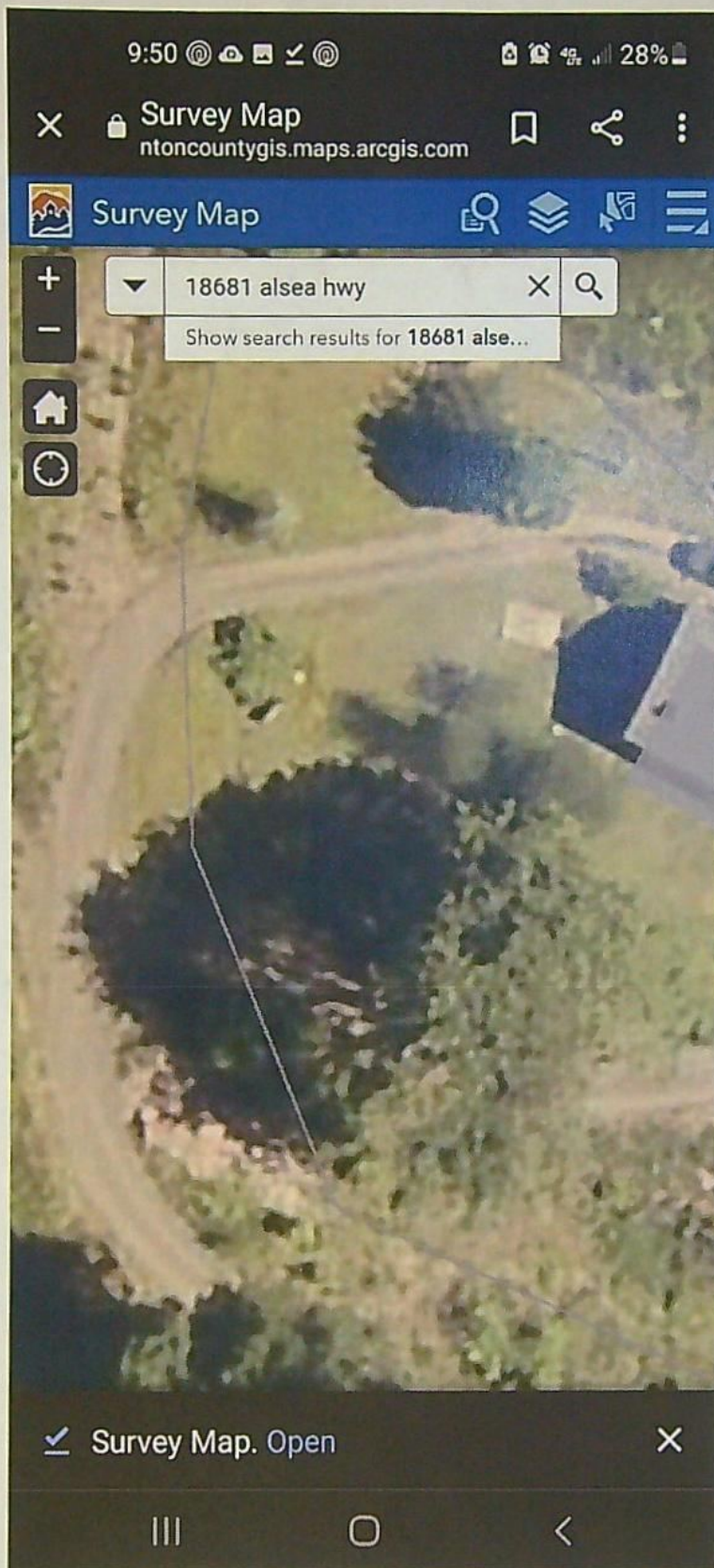
| Supporting Documents | Examples |
|--|--|
| <input type="checkbox"/> Copy of a water right certificate that has been issued within the last five years. (not a remaining right certificate) | Copy of confirming water right certificate that shows issue date |
| <input checked="" type="checkbox"/> Copies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

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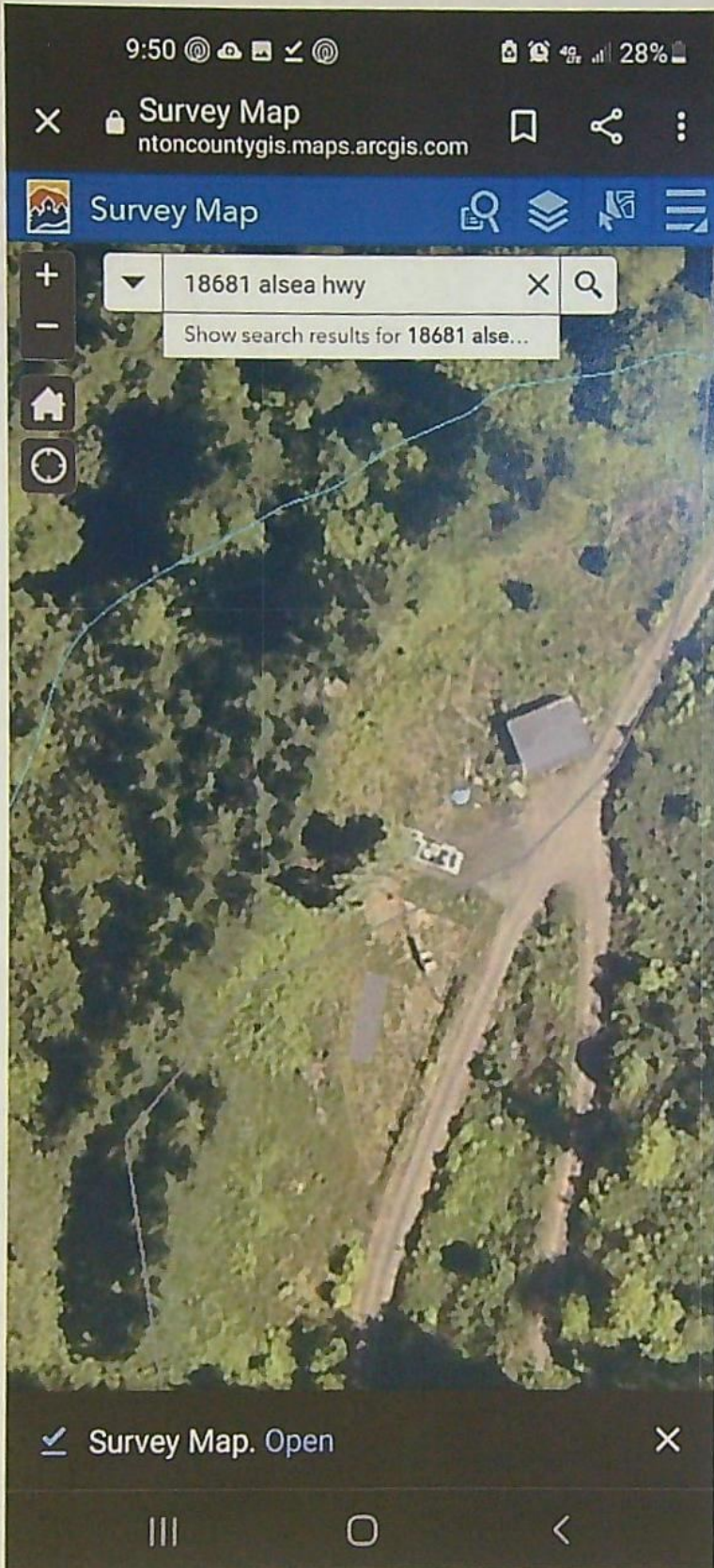


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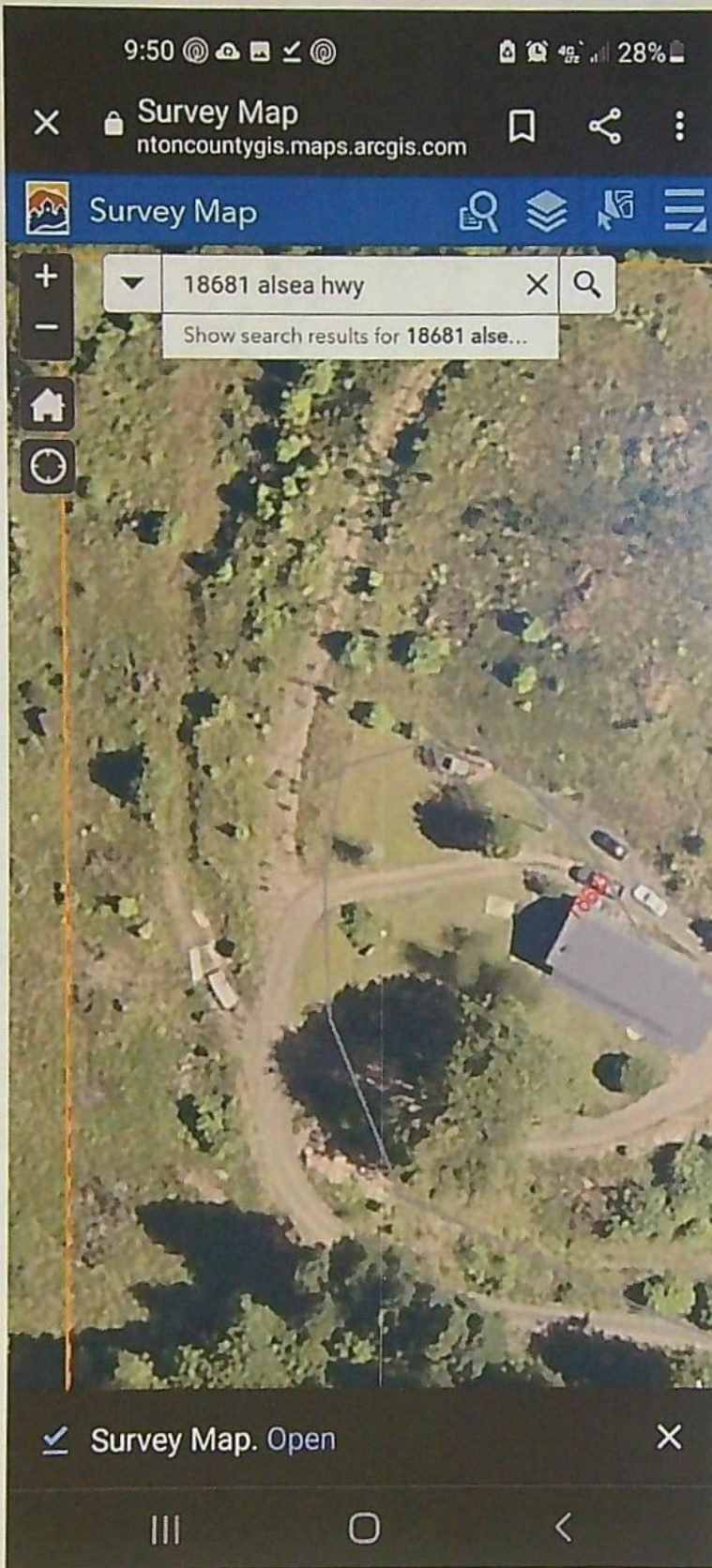


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10:43 @ 4G 90%

BLESSED FARMS · 186...
opengovus.com

Ads by Google

Stop seeing this ad Why this ad?

18681 Alsea Hwy, Alsea, OR 97324.

Registry Number 132727892

Business Name BLESSED FARMS

Entity Type ASSUMED BUSINESS NAME

Registry Date 2017-05-23

Business Address 18681 Alsea Hwy
Alsea
OR 97324

Business Locations and Officers

| Type / Role | Name | Address |
|-----------------------------|--------------|----------------------------------|
| Authorized Representative | Willie Colon | 18681 Alsea Hwy, Alsea, OR 97324 |
| Principal Place of Business | | 18681 Alsea Hwy, Alsea, OR 97324 |
| Registrant | Willie Colon | 18681 Alsea Hwy, Alsea, OR 97324 |

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RECEIVED

OCT 18 2021

OWRD

10:37 @ 4G LTE 92%

BLESSED FARMS · 186...
opengovus.com

Thai Massage Therapists, CM! X

Traditional Thai Massage.
Client and staffs are
required masks
Ohm Thai Massage

>

Office Location

3. Business Officer

4. Competitor

5. Dataset Information

← Ads by Google

Stop seeing this ad Why this ad? ▶

BLESSED FARMS

Address: 18681 Alsea
Hwy, Alsea, OR 97324
BLESSED FARMS (Registry# 132727892) is a
business registered with Oregon State, Secretary of
State, Corporation Division. The registry date is May
23, 2017.

name, address, officer

Search

← Ads by Google

|||

○

<

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Brooks Tree Farm, Inc
 9785 Portland Road
 Brooks, OR 97305
 Ph (503) 393-6300
 Fax (503) 393-0827
 office@brookstreefarm.com

BRUOKS TREE FARM, INC
 9785 PORTLAND RD NE
 BROOKS, OR 97305
 503-393-6300
 503-393-0827

Receipt ID: 2982 Store #: 0001
 Term #: 0002 Ref #: 0003

Sale

XXXXXXXXXXXX3172
 VISA Method: Chip

Total: \$ 582.88

01/04/20 12:24:07
 Inv #: 000004 Appr Code: 002037
 Transaction ID: 580004734473034
 Apprvd: Online Batch#: 000330

VISA DEBIT

ATM: 0000000000000000
 TSI: 0000
 TVR: 0000000000

Customer Copy

THANK YOU!

Date 1/4/2020

Sold To

Michael Moore
 18681 Alsea Hwy
 Alsea, OR 97324

Invoice # 2983-37
 Customer PO
 Cust Code: MOO12

| Description | Size | Qty | Price |
|---|------|------|-------|
| Douglas Fir 062 (4) <i>Pseudotsuga menziesii</i> | 2-0 | 2650 | \$57 |

Ship Method: Pickup

Deposit - \$927.62
 Balance \$582.88

Received By

PERSONAL GUARANTEE, notwithstanding any other provision in this agreement to the contrary, the undersigned personally guarantees payment and performance of this invoice even through this invoice may be in the name of a business corporation. By using a check for payment, you agree to the following terms: In the event your check is dishonored or returned for any reason, you authorize us to electronically (or by paper redraft) re-present the check to your bank account for collection of the amount of the check, plus any applicable fees as permitted by state law.

13848

BROOKS CRT FARM, INC
9785 PORTLAND RD NE
SALMON, OR 97305
503 393 6300
19300902552902

Merchant ID: 2902 Store #: 0001
Term #: 0002 Ref #: 0004

Sale

XXXXXXXXXXXX3172

VISA Method: Chip

Total: \$ 582.88

2983-37

MOO12

01/04/20 12:24:07

Inv #: 000004 Appr Code: 002037

Transaction ID: 580004734473034

Apprvd: Online Batch#: 000330

VISA DEBIT

AID: A00000000031010
TSI: 6800
TVR: 0000000000

Customer Copy

THANK YOU!

Total \$927.62
Deposit 582.88

RECEIVED

OCT 18 2021

OWRD

13848

Brooks Tree Farm, Inc
 9785 Portland Road
 Brooks, OR 97305
 Ph (503) 393-6300
 Fax (503) 393-0827
 office@brookstreefarm.com

Date 1/4/2020

Sold To

Michael Moore
 18681 Alsea Hwy
 Alsea, OR 97324

Invoice # 2983-37
 Customer PO
 Cust Code: MO012

| Description | Size | Qty | Price | Extended | Rem Qty |
|---|------|------|---------|------------|---------|
| Douglas Fir 062 (4) <i>Pseudotsuga menziesii</i> | 2-0 | 2650 | \$.570 | \$1,510.50 | |

Subtotal \$1,510.50

Freight \$.00

Total \$1,510.50

Deposit -\$927.62

Balance \$582.88

Ship Method: Pickup

Received By

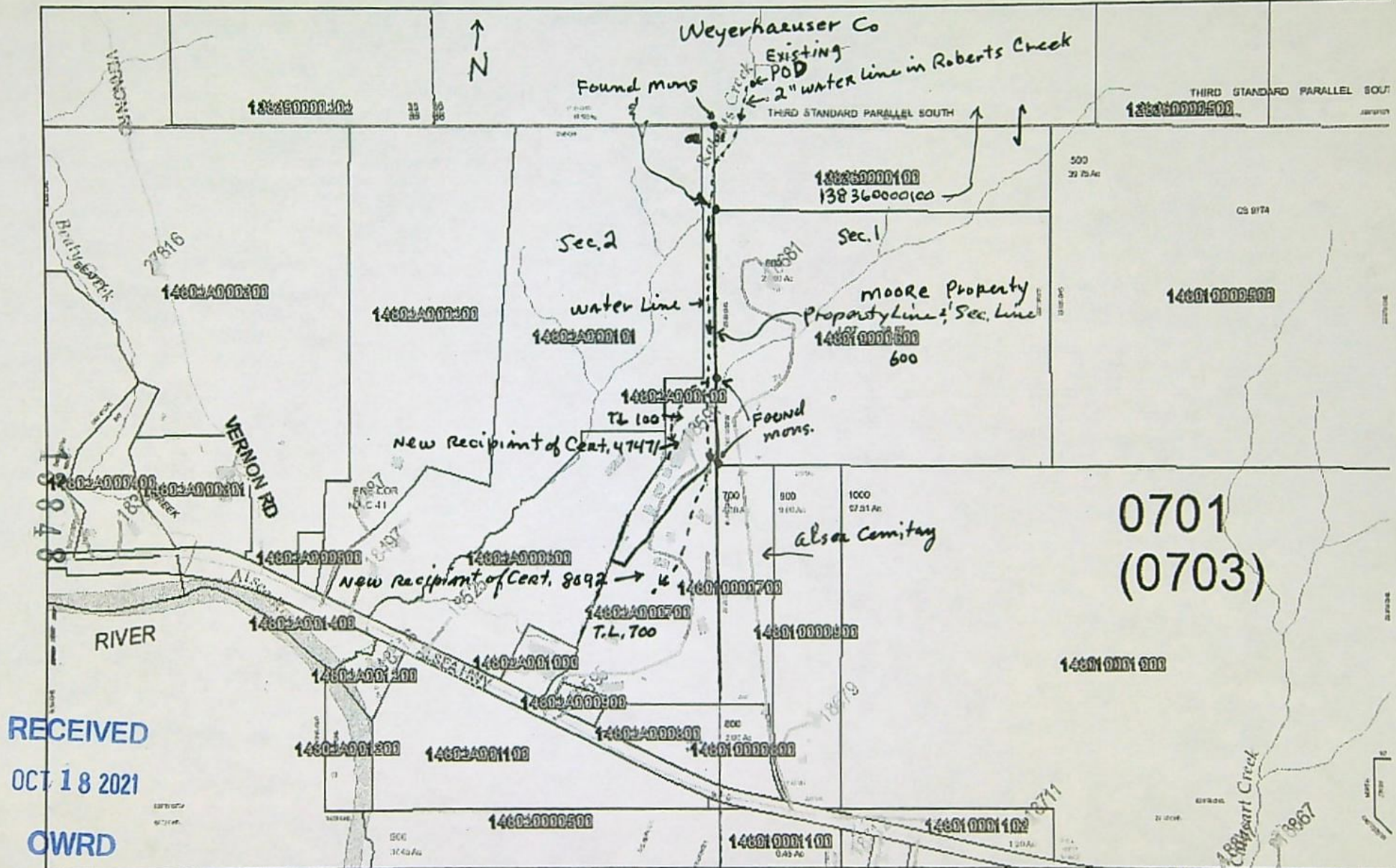
PERSONAL GUARANTEE: notwithstanding any other provision in this agreement to the contrary, the undersigned personally guarantees payment and performance of this invoice even though this invoice may be in the name of a business corporation. By using a check for payment, you agree to the following terms: In the event your check is dishonored or returned for any reason, you authorize us to electronically (or by paper redraft) re-present the check to your bank account for collection of the amount of the check, plus any applicable fees as permitted by state law.

RECEIVED

OCT 18 2021

OWRD

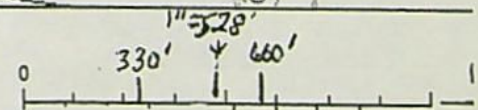
Alsea area



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OCT 18 2021
OWRD

8/5/2021, 12:38:00 PM

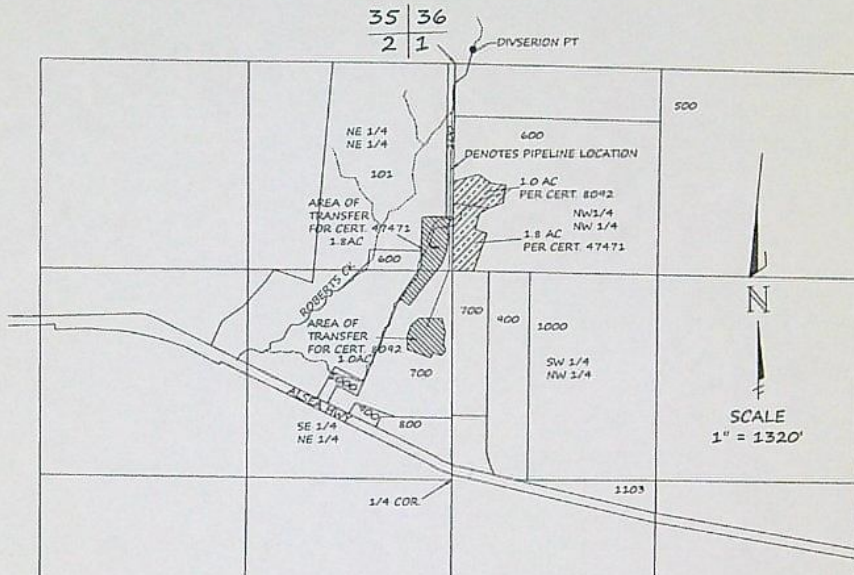
| Taxlots | Sectionlines | Cities and Places | Address | Road Names |
|-----------------|--------------|-------------------|-----------|--------------|
| Override 1 | --- SEC-LINE | County Boundary | Address | Road Surface |
| Section Numbers | — TWP-LINE | County Parks | Buildings | |
| Roads | | | Driveways | |



Benton County, Oregon
Esri, HERE, Garmin, (c) OpenStreetMap contributors, and the GIS user

Benton County, Ore
This product is for informational purp
and may not be used for legal purposes.

TOWNSHIP 14 SOUTH, RANGE 8 WEST, W.M.



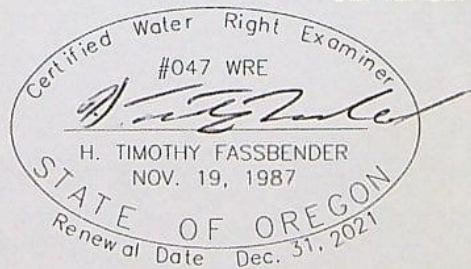
POD LOCATION:
90' NORTH & 180' EAST
S.W. COR. SECTION 36

NOTE:
THIS MAP WAS PREPARED FOR THE
PURPOSE OF IDENTIFYING THE LOCATION
OF THE WATER RIGHT ONLY. IT IS
NOT INTENDED TO PROVIDE DIMENSIONS
OR LOCATION OF PROPERTY OWNERSHIP
LINES.

PERMANENT WATER RIGHT TRANSFER APPLICATION MAP
FOR

TERRY CUTSFORTH
38460 MARYS RIVER ROAD
BLODGET, OR 97126

BY
H. TIMOTHY FASSBENDER, PLS, CWRE
2896 SARAH LANE
EUGENE, OR. 97408
SEPTEMBER 30, 2021



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OCT 18 2021

OWRD

13848

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

725 Summer St. N.E. Ste. A
SALEM, OR 97301-4172

RECEIPT # **136648**

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

INVOICE # _____

RECEIVED FROM: Terry M. Cutsforth
BY: Donald P. Wagner

| | |
|-------------|----------------|
| APPLICATION | |
| PERMIT | |
| TRANSFER | <u>T-13848</u> |

CASH: ☐ CHECK: # 3034 OTHER: (IDENTIFY) ☐

TOTAL REC'D \$ 1970.00

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 RECORD FEE \$ |
| 0203 GROUND WATER | \$ | 0204 \$ |
| 0205 TRANSFER | \$ <u>1970.00</u> | |

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 (FWWRD) | \$ |
| 0231 HYDRO LICENSE FEE (FWWRD) | \$ |
| HYDRO APPLICATION | \$ |

TREASURY OTHER / RDX

FUND _____ TITLE _____

OBJ. CODE _____ VENDOR # _____

DESCRIPTION _____ \$

RECEIPT: **136648**

DATED: 10-18-2001 BY: Mindy Carlson

Permanent Transfer Application Intake Completion Checklist

Check the Certificate(s) in WRIS

Transfer # T-13848

| | | | | | | |
|---|---|---|-------------------------|---|------------------------------|-------------------------------|
| Checked by: <u>[Signature]</u> Date: _____ | Type of Change(s) Proposed: Mark the Proposed Changes | Substitution | Supplemental to Primary | <input checked="" type="checkbox"/> POU | <input type="checkbox"/> POD | <input type="checkbox"/> APOD |
| Fee Received: <u>1970.00</u> | | Gov Action | Surface to Ground | <input type="checkbox"/> USE | <input type="checkbox"/> POA | <input type="checkbox"/> APOA |
| Calculated Fee: <u>1970.00</u> | | How many rights to be Transferred? Certificate # <u>8092</u> <u>47471</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 _____
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: _____ Date: 10/20/21

Permanent Transfer Application Intake Completion Checklist

| FEE WORKSHEET for PERMANENT TRANSFER (except Substitution) | | | |
|--|--|---|---------|
| 1 | Base Fee (includes one type of change to one water right for up to 1 cfs) | 1 | \$1,360 |
| | Types of change proposed: <input type="checkbox"/> Place of Use <input type="checkbox"/> Character of Use <input type="checkbox"/> Point of Diversion/Appropriation Number of above boxes checked = _____ (2a) Subtract 1 from the number in line 2a = _____ (2b) If only one change, this will be 0. Multiply line 2b by \$1,090 and enter » | 2 | 0 |
| 3 | Number of water rights included in transfer _____ (3a) Subtract 1 from the number in 3a above: _____ (3b) If only one water right this will be 0 Multiply line 3b by \$610 and enter » | 3 | 0 |
| 4 | Do you propose to add or change a well, change from a surface water POD to a well, or Substitute a Suppl GW right for a Primary SW right? <input type="checkbox"/> No: enter 0 » <input type="checkbox"/> Yes = \$480 (4a) If YES: enter the number of wells being proposed: _____ (4b) Subtract 1 from the number in line 4b = _____ (4c) If only one well this will be 0. Multiply line 4c by \$410 = _____ (4d) Add lines 4a and 4d and enter » | 4 | 0 |
| 5 | Do you propose to change the place of use or character of use? <input type="checkbox"/> No: enter 0 on line 5 » <input type="checkbox"/> Yes: enter the cfs for the portions of the rights to be transferred (see example below*): _____ (5a) Subtract 1.0 from the number in 5a above: _____ (5b) If 5b is 0 or less, enter 0 on line 5 » If 5b is greater than 0, round up to the nearest whole number: _____ (5c) and multiply 5c by \$350, then enter on line 5 » | 5 | 0 |
| 6 | Add entries on lines 1 through 5 above » » » » » » » » » » Subtotal: | 6 | 0 |
| 7 | Is this transfer: <input type="checkbox"/> necessary to complete a project funded by the Oregon Watershed Enhancement Board (OWEB) under ORS 541.932? <input type="checkbox"/> endorsed in writing by ODFW as a change that will result in a net benefit to fish and wildlife habitat? If one or more boxes is checked, multiply line 6 by 0.5 and enter on line 7 » » » If no box is applicable, enter 0 on line 7 » | 7 | 0 |
| 8 | Subtract line 7 from line 6 » » » » » » » » » » » Transfer Fee: | 8 | |