



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

October 19, 2024

John Albertson
14377 Albertson Rd
Lakeview, OR 97630

REFERENCE: Transfer Application T-13851

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, Corey Courchane, by telephone at (503) 979-3917 or by e-mail at Corey.a.courchane@water.oregon.gov.

Sincerely,

Elyse D. Richman
Water Rights Services Support
Transfers and Conservation Section

cc: Matt A. Anderson, Watermaster Dist. # 12 (via email)
Hollie Cannon, Agent
Lake County Planning Department, Local Government
Enclosure

BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON

In the Matter of Transfer Application	)	FINAL ORDER APPROVING CHANGES IN
T-13851, Lake County	)	CHARACTER OF USE

Authority

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

Applicant

JOHN ALBERTSON
14377 ALBERTSON ROAD
LAKEVIEW, OR 97630

Findings of Fact

1. On October 15, 2021, JOHN ALBERTSON filed an application to change the character of uses under Certificate 91208. The Department assigned the application number T-13851.
2. Notice of the application for transfer was published on November 9, 2021, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. On September 12, 2023, the Department contacted the applicant by written correspondence to notify the applicant and the applicant's agent of a deficiency in the application. T-13851 proposed to change the character of use of the storage component under Certificate 91208, from wetland enhancement, wildlife, and recreational uses to multi-purpose for three reservoirs. However, there is also a component to maintain the reservoirs for wetland enhancement, wildlife, and recreational uses. The Department determined that a change in the character of use for the maintenance needs to be included in the application.

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.

4. On September 15, 2023, the Department received revisions to the application, adding the maintenance of the reservoirs to the changes in character of use.
5. On March 8, 2024, the Department mailed a copy of the draft Preliminary Determination proposing to approve Transfer Application T-13851 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of April 8, 2024, for the applicant to respond. The applicant requested that the Department proceed with issuance of a Preliminary Determination and provided the necessary information to demonstrate that the applicant is authorized to pursue the transfer.
6. On August 22, 2024, the Department issued a Preliminary Determination proposing to approve Transfer T-13851 and mailed a copy to the applicant. Additionally, notice of the Preliminary Determination for the transfer application was published on the Department's weekly notice on August 27, 2024, and in the Lake County Examiner newspaper on August 28 and September 4, 2024, pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notices.

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

Certificate: 91208 in the name of JOHN ALBERTSON (perfected under Permit G-15478)
Uses: STORAGE OF WATER IN UNNAMED, MILL CREEK, AND MILL CREEK #2 RESERVOIRS FOR WETLAND ENHANCEMENT, WILDLIFE, AND RECREATIONAL USES; MAINTENANCE OF UNNAMED, MILL CREEK, AND MILL CREEK #2 RESERVOIRS FOR WETLAND ENHANCEMENT, WILDLIFE, AND RECREATION USES
Priority Date: NOVEMBER 25, 2002
Limit: 117.3 ACRE-FEET (AF) IN UNNAMED RESERVOIR, 30.1 AF IN MILL CREEK RESERVOIR, AND 88.2 AF IN MILL CREEK #2 RESERVOIR
Rate: 1.32 CUBIC FEET PER SECOND FOR RESERVOIR MAINTENANCE
Period of Use: YEAR-ROUND FOR STORAGE AND RESERVOIR MAINTENANCE
Source: WELL #1 IN THE MILL CREEK BASIN

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
40 S	19 E	WM	29	NW SE	1904 FEET NORTH AND 140 FEET EAST FROM THE S1/4 CORNER OF SECTION 29

The reservoirs are located as follows:

UNNAMED RESERVOIR				
Twp	Rng	Mer	Sec	Q-Q
40 S	19 E	WM	29	SE NE
40 S	19 E	WM	29	NE SE
40 S	19 E	WM	29	NW SE
40 S	19 E	WM	29	SW SE
40 S	19 E	WM	29	SE SE

MILL CREEK RESERVOIR				
Twp	Rng	Mer	Sec	Q-Q
40 S	19 E	WM	32	NE NE
40 S	19 E	WM	32	NW NE

MILL CREEK #2 RESERVOIR					
Twp	Rng	Mer	Sec	Q-Q	GLot
40 S	19 E	WM	28	NE SW	
40 S	19 E	WM	28	NW SW	
40 S	19 E	WM	28	SW SW	
40 S	19 E	WM	28	SE SW	4

8. Transfer Application T-13851 proposes to change the character of uses from Storage of water for Wetland Enhancement, Wildlife, and Recreational uses and Maintenance of Unnamed, Mill Creek, and Mill Creek #2 Reservoirs for Wetland Enhancement, Wildlife, and Recreation Uses to Storage for Multi-purposes and Maintenance of Unnamed, Mill Creek, and Mill Creek #2 Reservoirs for Multi-purposes.

Transfer Review Criteria [OAR 690-380-0100(14), 690-380-4010(2) and OAR 690-380-2300]

9. Water has been stored within the last five years according to the terms and conditions of the right. There is no information in the record that would demonstrate that the right is subject to forfeiture under ORS 540.610.
10. Reservoirs sufficient to store the full amount of water allowed under the existing right were present within the five-year period prior to submittal of Transfer Application T-13851.
11. The water right is subject to transfer as defined in ORS 540.510 and OAR 690-380-0100(14).
12. The proposed changes, as conditioned, would not result in enlargement of the right.
13. The proposed changes would not result in injury to other existing water rights.
14. All other application requirements are met.

Conclusions of Law

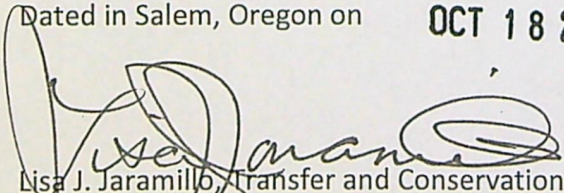
The changes in character of use proposed in Transfer Application T-13851 are consistent with the requirements of ORS 537.705 and 540.510 to 540.580 and OAR 690-380-5000.

Now, therefore, it is ORDERED:

1. The changes in character of use proposed in Transfer Application T-13851 are approved.
2. The right to the use of the water is restricted to beneficial use at the place of use described and is subject to all other conditions and limitations contained in Certificate 91208 and any related decree.
3. Water right Certificate 91208 is cancelled. A new certificate will be issued describing that portion of the right not affected by this transfer.
4. Water use measurement conditions:
 - a. Before water use may begin under this order, the water user shall install a totalizing flow meter, or, with prior approval of the Director, another suitable measuring device, at each point of appropriation (new and existing).
 - b. The water user shall maintain the meters or measuring devices in good working order.
 - c. The water user shall allow the Watermaster access to the meters or measuring devices; provided however, where the meters or measuring devices are located within a private structure, the Watermaster shall request access upon reasonable notice.
5. 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 change and full beneficial use of the water.
6. After satisfactory proof of beneficial use is received, a new certificate confirming the right transferred will be issued.

Dated in Salem, Oregon on

OCT 18 2024



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

Mailing date: **OCT 19 2024**

STATE OF OREGON

COUNTY OF LAKE

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

JOHN ALBERTSON
14377 ALBERTSON RD
LAKEVIEW, OR 97630

confirms the right to the use of water perfected under the terms of Permit G-15478. The amount of water to which this right is entitled is limited to the amount used beneficially, and shall not exceed the amount specified, or its equivalent in the case of rotation, measured at the point of diversion from the source. The specific limits and conditions of the use are listed below:

APPLICATION FILE NUMBER: G-15878

SOURCE OF WATER: WELL #1 IN THE MILL CREEK BASIN

PURPOSE or USE: IRRIGATION USE ON 122.0 ACRES

MAXIMUM RATE: 1.53 CUBIC FEET PER SECOND (CFS), BEING 1.53 CFS FOR IRRIGATION

PERIOD OF USE: APRIL 1 THROUGH SEPTEMBER 30 FOR IRRIGATION

DATE OF PRIORITY: NOVEMBER 25, 2002

The well is located as follows:

Twsp	Rng	Mer	Sec	Q-Q	Measured Distances
40 S	19 E	WM	29	NW SE	1904 FEET NORTH AND 140 FEET EAST FROM THE S1/4 CORNER OF SECTION 29

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

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

IRRIGATION					
Twsp	Rng	Mer	Sec	Q-Q	Acres
40 S	19 E	WM	28	NW SW	18.2
40 S	19 E	WM	28	SW SW	19.0
40 S	19 E	WM	29	NE SE	1.6
40 S	19 E	WM	29	NW SE	32.6
40 S	19 E	WM	29	SW SE	27.3
40 S	19 E	WM	29	SE SE	11.1
40 S	19 E	WM	32	NE NE	9.7

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
40 S	19 E	WM	33	NW NW	2.5
				Total	122.0

Measurement, recording and reporting conditions:

- A. The water user shall maintain a totalizing meter good working order, shall keep a complete record of the amount of water used each month and shall submit a report which includes the recorded water use measurements to the Department annually or more frequently as may be required by the Director. Further, the Director may require the water user to report general water-use information, including the place and nature of use of water under the right.
- B. The water user shall allow the watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.

Use of water under this right may occur only at times when water is not flowing in an unnamed tributary of Mill Creek within one-quarter mile of the well.

If substantial interference with a senior water right occurs due to withdrawal of water from any well listed on this right, then use of water from the well(s) shall be discontinued or reduced and/or the schedule of withdrawal shall be regulated until or unless the Department approves or implements an alternative administrative action to mitigate the interference. The Department encourages junior and senior appropriators to jointly develop plans to mitigate interferences.

The well shall be maintained in accordance with the General Standards for the Construction and Maintenance of Water Wells in Oregon. The works shall be equipped with a usable access port, and may also include an air line and pressure gauge adequate to determine the water level elevation in the well at all times.

The Director may require water level or pump test results every ten years.

Failure to comply with any of the provisions of this right may result in action including, but not limited to, restrictions on the use, civil penalties, or cancellation of the right.

This right is for the beneficial use of water without waste. The water user is advised that new regulations may require the use of best practical technologies or conservation practices to achieve this end.

By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

The use of water shall be limited when it interferes with any prior surface or ground water rights.

This certificate describes that portion of water right Certificate 91208, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered

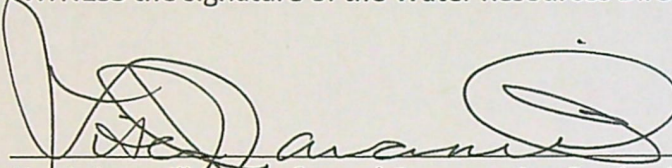
OCT 19 2024

, approving Transfer Application T-13851.

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

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

WITNESS the signature of the Water Resources Director, affixed **OCT 19 2024**.

A handwritten signature in black ink, appearing to read "Lisa J. Jaramillo", is written over a horizontal line.

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

WATER RIGHT TRANSFER COVER SHEET

Transfer: T- 13851

Transfer Specialist:

Transfer Type: Regular Transfer

C. Grey

Applicant: JOHN D. ALBERTSON 14377 ALBERTSON RD LAKEVIEW, OR 97630 Email: _____ Phone: _____		Agent: ☐ N/A HOLLIE CANNON 409 PINE ST SUITE 311 KLAMATH FALLS, OR 97601 Email: _____ Phone: _____	
Irrigation District: ☐ N/A Email: _____		CWRE: ☐ N/A Email: _____	
Affected Local Gov'ts: ☐ N/A Lake County Planning Department Email: _____		Affected Tribal Gov't: ☐ N/A UNAVAILABLE Email: _____	
Current Landowner if other than Applicant: ☐ N/A Email: _____		Receiving Landowner: ☐ N/A Email: _____	

Water Rights Affected

File Marked	App. File # or Decree Name	Permit	Certificate	RR/CR Needed	RR/CR Nos.
☐	G-15878	G-15478	91208	☒ Yes ☐ No	
☐				☐ Yes ☐ No	
☐				☐ Yes ☐ No	

Key Dates & Initial Actions:

Rec'd: October 15, 2021	Proposed Action(s): USE	
Fees Pd: 1770.00	WM District: 12	ODFW District:
Initial Public Notice: November 9, 2021	WM Review sent:	ODFW Review sent:
Acknowledgement Letter Sent ☒		GW Review sent: ☐ N/A
County sent cc: of Ack Letter ☐	BOR notified (date): ☐ N/A	
Newspaper quote requested:	Request for news \$ sent:	News \$ received:
Request to publish sent:	Affidavit of publication received:	Last day of publication:

Lake County Examiner - Electronic

Document	Drafted	Peer Review	Changes Made	Coordinator	Changes Made	Signature Bin	Signature Date
DPD	Date: <u>9/11/23</u> Initials: <u>CC</u>	Date: <u>9/25/23</u> Initials: <u>ALD</u>	Date: _____ Initials: _____	Date: <u>3/6/24</u> Initials: <u>PKS</u>	Date: <u>3/8/24</u> Initials: <u>CC</u>	CW Sent: <u>3/8/24</u>	N/A
PD	Date: <u>3/13/24</u> Initials: <u>CC</u>	Date: <u>7/15/24</u> Initials: <u>ALD</u>	Date: _____ Initials: _____	Date: <u>7/15/24</u> Initials: <u>SH</u>	Date: <u>7/22/24</u> Initials: <u>CC</u>	Date: _____	Date: <u>8/22/24</u>
FO	Date: <u>9/9/24</u> Initials: <u>CC</u>	Date: <u>9/9/24</u> Initials: <u>JMS</u>	Date: _____ Initials: _____	Date: <u>9/18/24</u> Initials: <u>SH</u>	Date: <u>9/27/24</u> Initials: <u>CC</u>	Date: <u>10/9/24</u>	Date: <u>10/18/2024</u>

Special Issues: _____

Special Order Volume: Vol. 133 Pages 210-213

COURCHANE Corey A * WRD

From: BUCHHOLZ Sheila L * WRD
Sent: Wednesday, July 24, 2024 10:21 AM
To: COURCHANE Corey A * WRD; WRD_DL_is_data_techs
Subject: RE: Albertson, T-13851

Hello Corey,

Data has processed this PD transfer and the remaining right without issue.

Thank you!

Sheila Buchholz

(She/Her/Hers)

Data Technician 1

725 Summer St. NE, Suite A | Salem, Oregon 97301

Email: Sheila.L.Buchholz@water.oregon.gov



OREGON
WATER
RESOURCES
DEPARTMENT

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

From: COURCHANE Corey A * WRD <Corey.A.COURCHANE@water.oregon.gov>
Sent: Tuesday, July 23, 2024 7:38 AM
To: WRD_DL_is_data_techs <WRD_DL_is_data_techs@water.oregon.gov>
Subject: Albertson, T-13851

Good morning,

The PD for T-13851 is ready for review, with only 1 RR cert. Please let me know if I may be of further assistance.

Thank you,

Corey

**COREY A COURCHANE |
ALLOCATION OF CONSERVED WATER**

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

Work cell: 503 979-3917 | Fax: 503 986-0901

Email: corey.a.courchane@water.oregon.gov | Web: <http://www.oregon.gov/OWRD>

Application for Permanent Water Right Transfer

Part 1 of 5 – Minimum Requirements Checklist



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

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

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

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OCT 15 2021

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

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- ☒ 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? 1 List them here: 91208**
Please include a separate Part 5 for each water right. (See instructions on page 6)
NOTE: A separate transfer application is required for each water right unless the criteria in OAR 690-380-3220 are met.

Attachments:

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

(For Staff Use Only)

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

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

Other/Explanation _____

Staff: _____ 503- _____ Date: 10/15/21

OCT 15 2021

Part 2 of 5 – Transfer Application Map

CWRD

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°).

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Part 4 of 5 – Applicant Information and Signature

Applicant Information

APPLICANT/BUSINESS NAME JOHN ALBERTSON		PHONE NO. 541-947-4549	ADDITIONAL CONTACT NO. 541-417-1206
ADDRESS 14377 ALBERTSON ROAD		FAX NO.	
CITY LAKEVIEW	STATE OR	ZIP 97630	E-MAIL yocumvalley@gmail.com
BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED.			

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

AGENT/BUSINESS NAME HOLLIE CANNON / WATER RIGHT SOLUTIONS, LLC		PHONE NO. 541-821-5848	ADDITIONAL CONTACT NO.
ADDRESS 3246 HAMMER ST.		FAX NO.	
CITY KLAMATH FALLS	STATE OR	ZIP 97603	E-MAIL hcannon@waterrightsolutions.com
BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED.			

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

This transfer proposes to change the storage uses to "Storage for Multipurpose".

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

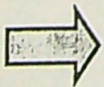
Check One Box

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

By my signature below, I confirm that I understand:

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

JOHN ALBERTSON

Print Name (and Title if applicable)

Date

10/14/21

RECEIVED
OCT 15 2021

Applicant signature

Print Name (and Title if applicable)

Date

10/14/21

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

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

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			PHONE NO.	ADDITIONAL CONTACT NO.
ADDRESS				FAX NO.
CITY	STATE	ZIP	E-MAIL	
Describe any special ownership circumstances:				
The confirming Certificate shall be issued in the name of: ☐ Applicant ☐ Receiving Landowner				

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

IRRIGATION DISTRICT NAME	ADDRESS		
CITY	STATE	ZIP	

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

ENTITY NAME	ADDRESS		
CITY	STATE	ZIP	

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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 LAKE COUNTY	ADDRESS 513 CENTER STREET		
CITY LAKEVIEW	STATE OR	ZIP 97630	

13851

OCT 15 2021

Part 5 of 5 – Water Right Information

OWRD

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 # 91208

Description of Water Delivery System

System capacity: 2.85 cubic feet per second (cfs) OR
 _____ gallons per minute (gpm)

Describe the current water delivery system or the system that was in place at some time within the last five years. Include information on the pumps, canals, pipelines, and sprinklers used to divert, convey, and apply the water at the authorized place of use. 40 HP submersible pump in the well pumping to open discharge to a ditch system that transports water to the places of storage.

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)
WELL #1	☒ Authorized ☐ Proposed	LAKE 51749	40 S	19 E	29	NW	SE	900	1904 FEET NORTH AND 140 FEET EAST FROM S1/4 CORNER, SECTION 29
	☐ Authorized ☐ Proposed								
	☐ Authorized ☐ Proposed								
	☐ Authorized ☐ Proposed								

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

- | | |
|--|---|
| ☐ Place of Use (POU) | ☐ Supplemental Use to Primary Use (S to P) |
| ☒ Character of Use (USE) | ☐ Point of Appropriation/Well (POA) |
| ☐ Point of Diversion (POD) | ☐ Additional Point of Appropriation (APOA) |
| ☐ Additional Point of Diversion (APOD) | ☐ Substitution (SUB) |
| ☐ Surface Water POD to Ground Water POA (SW/GW) | ☐ Government Action POD (GOV) |

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

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

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

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

Table 2. Description of Changes to Water Right Certificate # 91208

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

AUTHORIZED (the "from" or "off" lands) The listing that appears on the certificate BEFORE PROPOSED CHANGES List only that part or portion of the water right that will be changed.											Proposed Changes (see "CODES" from previous page)	PROPOSED (the "to" or "on" lands) The listing as it would appear AFTER PROPOSED CHANGES are made.										
Twp	Rng	Sec	$\frac{1}{4}$	$\frac{1}{4}$	Tax Lot	Gvt Lot or DLC	Acre	Type of USE listed on Certificate	POD(s) or POA(s) (name or number from Table 1)	Priority Date		Twp	Rng	Sec	$\frac{1}{4}$	$\frac{1}{4}$	Tax Lot	Gvt Lot or DLC	Acre	New Type of USE	POD(s)/ POA(s) to be used (from Table 1)	Priority Date
40	S	19	E	29	SE	NE		STORAGE	WELL #1	11/25/2002	USE	40	S	19	E	29	SE	NE		STORAGE FOR MULTIPURPOSE	WELL #1	11/25/2002
40	S	19	E	29	NE	SE		STORAGE	WELL #1	11/25/2002	USE	40	S	19	E	29	NE	SE		STORAGE FOR MULTIPURPOSE	WELL #1	11/25/2002
40	S	19	E	29	NW	SE		STORAGE	WELL #1	11/25/2002	USE	40	S	19	E	29	NW	SE		STORAGE FOR MULTIPURPOSE	WELL #1	11/25/2002
40	S	19	E	29	SW	SE		STORAGE	WELL #1	11/25/2002	USE	40	S	19	E	29	SW	SE		STORAGE FOR MULTIPURPOSE	WELL #1	11/25/2002
40	S	19	E	29	SE	SE		STORAGE	WELL #1	11/25/2002	USE	40	S	19	E	29	SE	SE		STORAGE FOR MULTIPURPOSE	WELL #1	11/25/2002
40	S	19	E	32	NE	NE		STORAGE	WELL #1	11/25/2002	USE	40	S	19	E	32	NE	NE		STORAGE FOR MULTIPURPOSE	WELL #1	11/25/2002
40	S	19	E	32	NW	NE		STORAGE	WELL #1	11/25/2002	USE	40	S	19	E	32	NW	NE		STORAGE FOR MULTIPURPOSE	WELL #1	11/25/2002
40	S	19	E	28	NE	SW		STORAGE	WELL #1	11/25/2002	USE	40	S	19	E	28	NE	SW		STORAGE FOR MULTIPURPOSE	WELL #1	11/25/2002
40	S	19	E	28	NW	SW		STORAGE	WELL #1	11/25/2002	USE	40	S	19	E	28	NW	SW		STORAGE FOR MULTIPURPOSE	WELL #1	11/25/2002
40	S	19	E	28	SW	SW		STORAGE	WELL #1	11/25/2002	USE	40	S	19	E	28	SW	SW		STORAGE FOR MULTIPURPOSE	WELL #1	11/25/2002
40	S	19	E	28	SE	SW		STORAGE	WELL #1	11/25/2002	USE	40	S	19	E	28	SE	SW		STORAGE FOR MULTIPURPOSE	WELL #1	11/25/2002
TOTAL ACRES:												TOTAL ACRES:										

Additional remarks: _____

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*Change use on
storage component
only*

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: 90286 & 90675.



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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Application for Water Right Transfer Evidence of Use Affidavit



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

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

State of Oregon)
) ss
County of LAKE

I, JOHN ALBERTSON, in my capacity as OWNER,

mailing address 14377 ALBERTSON ROAD, LAKEVIEW, OR 97630

telephone number (541)947-4549, 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 # 91208; 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)

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OCT 15 2021

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TACS

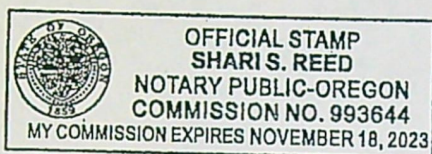
3. The water right was used for: (e.g., crops, pasture, etc.): STORAGE FOR WETLAND ENHANCEMENT, WILDLIFE, AND RECREATIONAL USES; MAINTENANCE OF RESERVOIRS

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

Date

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



Notary Public for Oregon

My Commission Expires:

11/18/2023

Supporting Documents	Examples
☐ 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
☐ Copies of receipts from sales of irrigated crops or for expenditures related to use of water	• Power usage records for pumps associated with irrigation use • Fertilizer or seed bills related to irrigated crops • Farmers Co-op sales receipt
☐ Records such as FSA crop reports, irrigation district records, NRCS farm management plan, or records of other water suppliers	• 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
☒ Aerial photos containing sufficient detail to establish location and date of photograph	Multiple photos can be submitted to resolve different areas of a water right. If the photograph does not print with a "date stamp" or without the source being identified, the date of the photograph and source should be added. Sources for aerial photos: OSU – www.oregonexplorer.info/imagery OWRD – www.wrd.state.or.us Google Earth – earth.google.com TerraServer – www.terra-server.com
☐ Approved Lease establishing beneficial use within the last 5 years	Copy of instream lease or lease number

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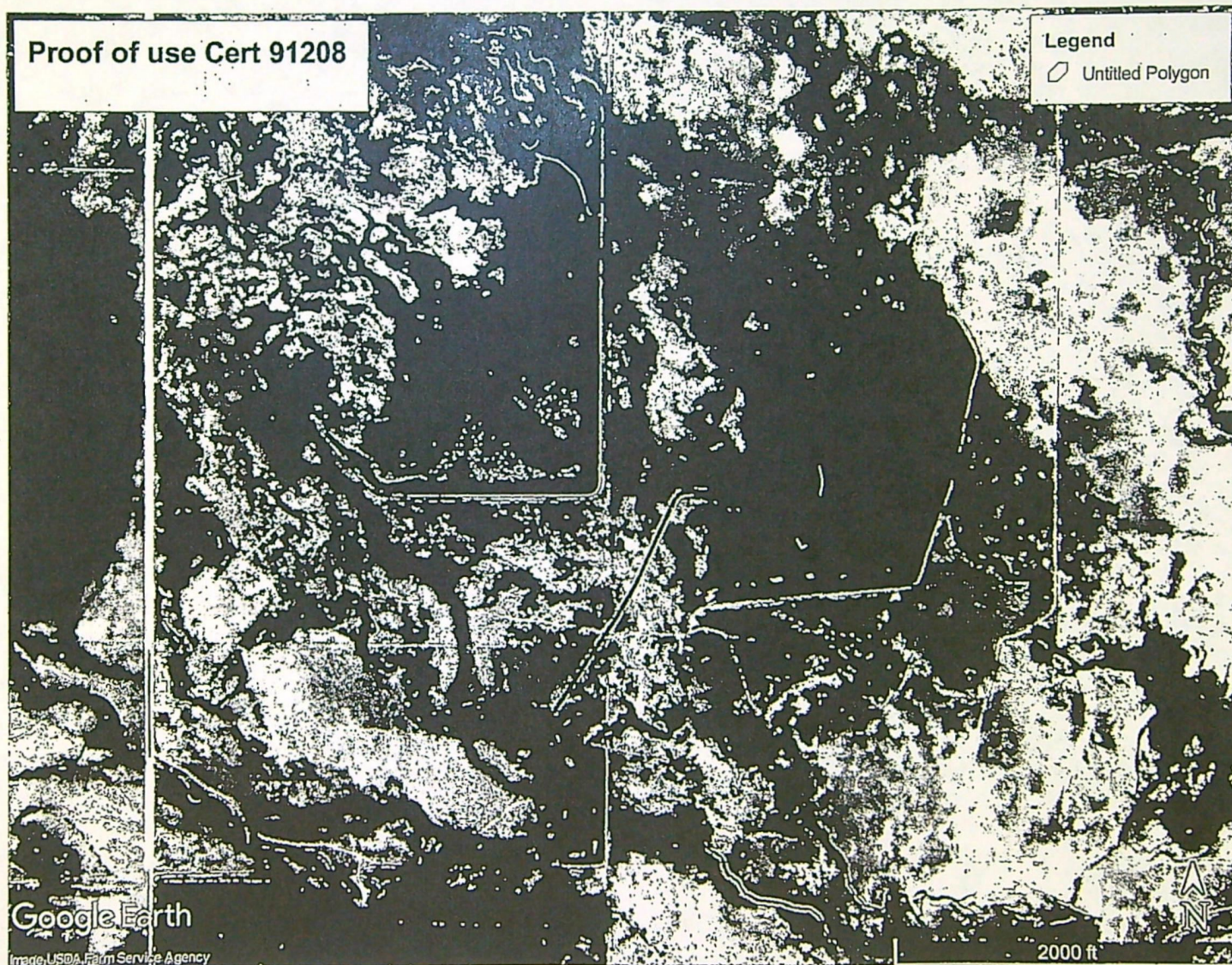
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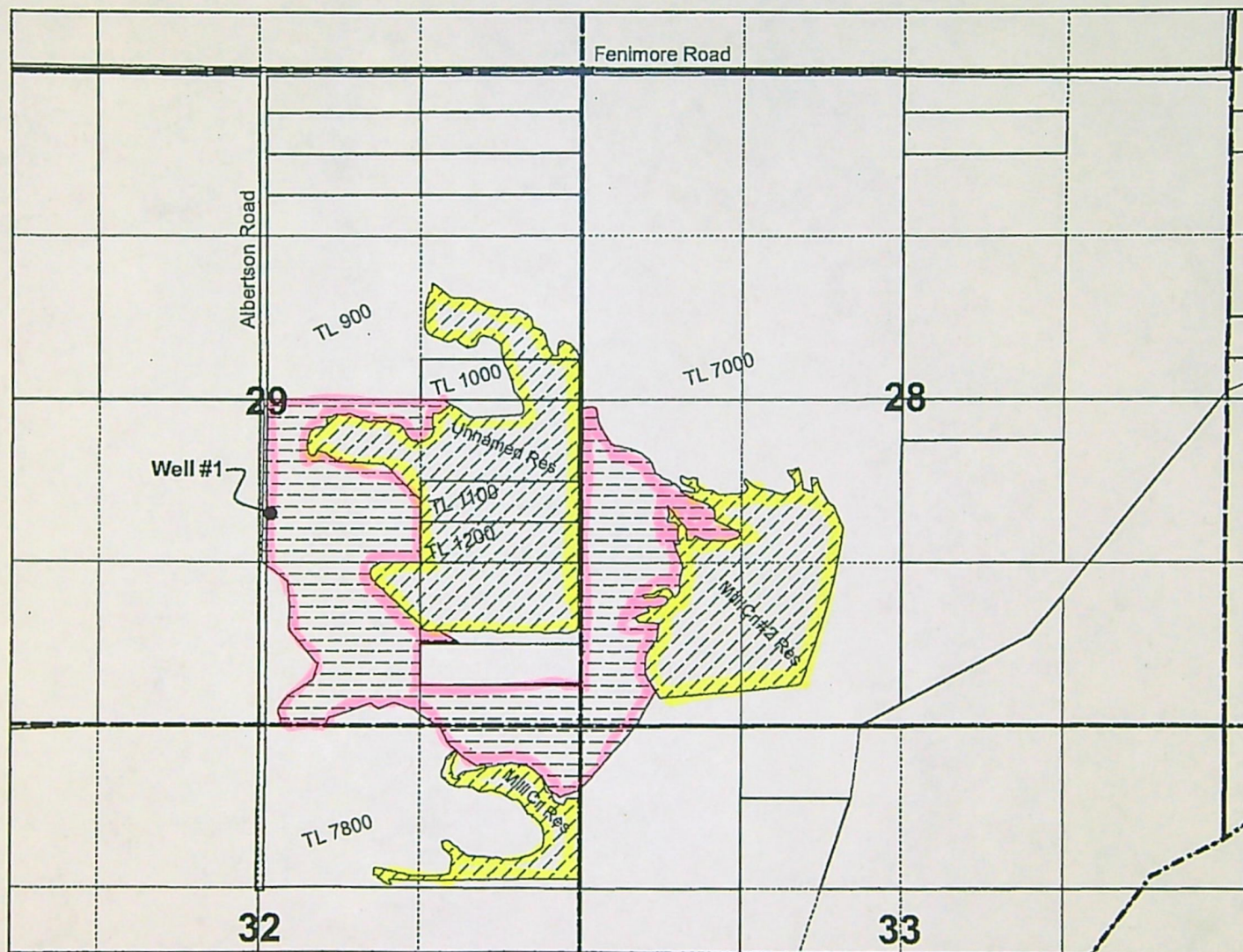
John Albertson Map of Water Right Transfer Certificate 91208

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T 40 S, R 19 E
Sec 28, 29 & 32



Certificate 91208 lists use for Irrigation and storage for Wetland Enhancement, Wildlife and Recreational uses. This transfer proposes to change the storage uses to "Storage for Multipurpose".

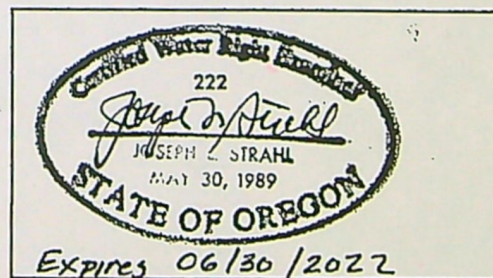
Well #1 located in the NWSE of Section 29, T 40 S, R 19 E. WM 1904 Feet South and 140 Feet East from S 1/4 Cor Sec 29



1 inch = 1,320 feet

Legend

- Cert 91208 No Change
- Cert 91208 Change to Multipurpose
- Well



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

13851

STATE OF OREGON

COUNTY OF LAKE

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

JOHN ALBERTSON
14377 ALBERTSON RD
LAKEVIEW, OR 97630

confirms the right to the use of water perfected under the terms of Permit G-15478. The amount of water used to which this right is entitled is limited to the amount used beneficially, and shall not exceed the amount specified, or its equivalent in the case of rotation, measured at the point of diversion from the source. The specific limits and conditions of the use are listed below.

APPLICATION FILE NUMBER: G-15878

SOURCE OF WATER: WELL #1 IN THE MILL CREEK BASIN

PURPOSE or USE: IRRIGATION USE ON 122.0 ACRES; STORAGE OF WATER IN UNNAMED, MILL CREEK, AND MILL CREEK #2 RESERVOIRS FOR WETLAND ENHANCEMENT, WILDLIFE, AND RECREATIONAL USES; MAINTENANCE OF UNNAMED, MILL CREEK, AND MILL CREEK #2 RESERVOIRS FOR WETLAND ENHANCEMENT, WILDLIFE, AND RECREATION USES.

AMOUNT OF WATER TO BE STORED: 117.3 ACRE-FEET (AF) IN UNNAMED RESERVOIR, 30.1 AF IN MILL CREEK RESERVOIR, AND 88.2 AF IN MILL CREEK #2 RESERVOIR.

MAXIMUM RATE: 2.85 CUBIC FEET PER SECOND (CFS), BEING 1.53 CFS FOR IRRIGATION AND 1.32 CFS FOR RESERVOIR MAINTENANCE

PERIOD OF USE: APRIL 1 THROUGH SEPTEMBER 30 FOR IRRIGATION AND YEAR-ROUND FOR STORAGE AND RESERVOIR MAINTENANCE

DATE OF PRIORITY: NOVEMBER 25, 2002

The well is located as follows:

Twsp	Rng	Mer	Sec	Q-Q	Measured Distances
40 S	19 E	WM	29	NW SE	1904 FEET NORTH AND 140 FEET EAST FROM S1/4 CORNER, SECTION 29

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

NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW

This is an order in other than a contested case. This order is subject to judicial review under ORS 183.484 and ORS 536.075. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.484(2). Pursuant to ORS 183.484, ORS 536.075 and OAR 137-004-0080, you may petition for judicial review and petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied. In addition, under ORS 537.260 any person with an application, permit or water right certificate subsequent in priority may jointly or severally contest the issuance of the certificate within three months after issuance of the certificate.

The reservoirs are located as follows:

Twp	Rng	Mer	Sec	Q-Q
40 S	19 E	WM	29	SE NE
40 S	19 E	WM	29	NE SE
40 S	19 E	WM	29	NW SE
40 S	19 E	WM	29	SW SE
40 S	19 E	WM	29	SE SE

MILL CREEK RESERVOIR

Twp	Rng	Mer	Sec	Q-Q
40 S	19 E	WM	32	NE NE
40 S	19 E	WM	32	NW NE

MILL CREEK #2 RESERVOIR

Twp	Rng	Mer	Sec	Q-Q	GLot
40 S	19 E	WM	28	NE SW	
40 S	19 E	WM	28	NW SW	
40 S	19 E	WM	28	SW SW	
40 S	19 E	WM	28	SE SW	4

The place of use for irrigation is located as follows:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
40 S	19 E	WM	28	NW SW	18.2
40 S	19 E	WM	28	SW SW	19.0
40 S	19 E	WM	29	NE SE	1.6
40 S	19 E	WM	29	NW SE	32.6
40 S	19 E	WM	29	SW SE	27.3
40 S	19 E	WM	29	SE SE	11.1
40 S	19 E	WM	32	NE NE	9.7
40 S	19 E	WM	33	NW NW	2.5

Measurement, recording and reporting conditions:

- A. The water user shall maintain a totalizing meter in good working order, shall keep a complete record of the amount of water used each month and shall submit a report which includes the recorded water use measurements to the Department annually or more frequently as may be required by the Director. Further, the Director may require the water user to report general water-use information, including the place and nature of use of water under the right.
- B. The water user shall allow the watermaster access to the meter device; provided however, where the meter is located within a private structure, the watermaster shall request access upon reasonable notice.

Use of water under this right may occur only at times when water is not flowing in an unnamed tributary of Mill Creek within one-quarter mile of the well.

If substantial interference with a senior water right occurs due to withdrawal of water from any well listed on this right, then use of water from the well(s) shall be discontinued or reduced and/or the schedule of withdrawal shall be regulated until or unless the Department approves or implements an alternative administrative action to mitigate the interference. The Department encourages junior and senior appropriators to jointly develop plans to mitigate interferences.

The well shall be maintained in accordance with the General Standards for the Construction and Maintenance of Water Wells in Oregon. The works shall be equipped with a usable access port, and may also include an air line and pressure gauge adequate to determine the water level elevation in the well at all times.

The Director may require water level or pump test results every ten years.

Failure to comply with any of the provisions of this right may result in action including, but not limited to, restrictions on the use, civil penalties, or cancellation of the right.

This right is for the beneficial use of water without waste. The water user is advised that new regulations may require the use of best practical technologies or conservation practices to achieve this end.

By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

The use of water shall be limited when it interferes with any prior surface or ground water rights.

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

Issued MAR 04 2016



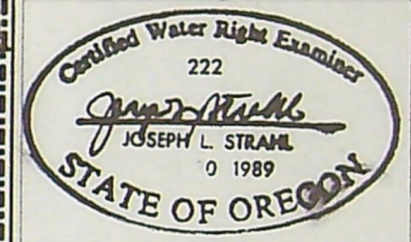
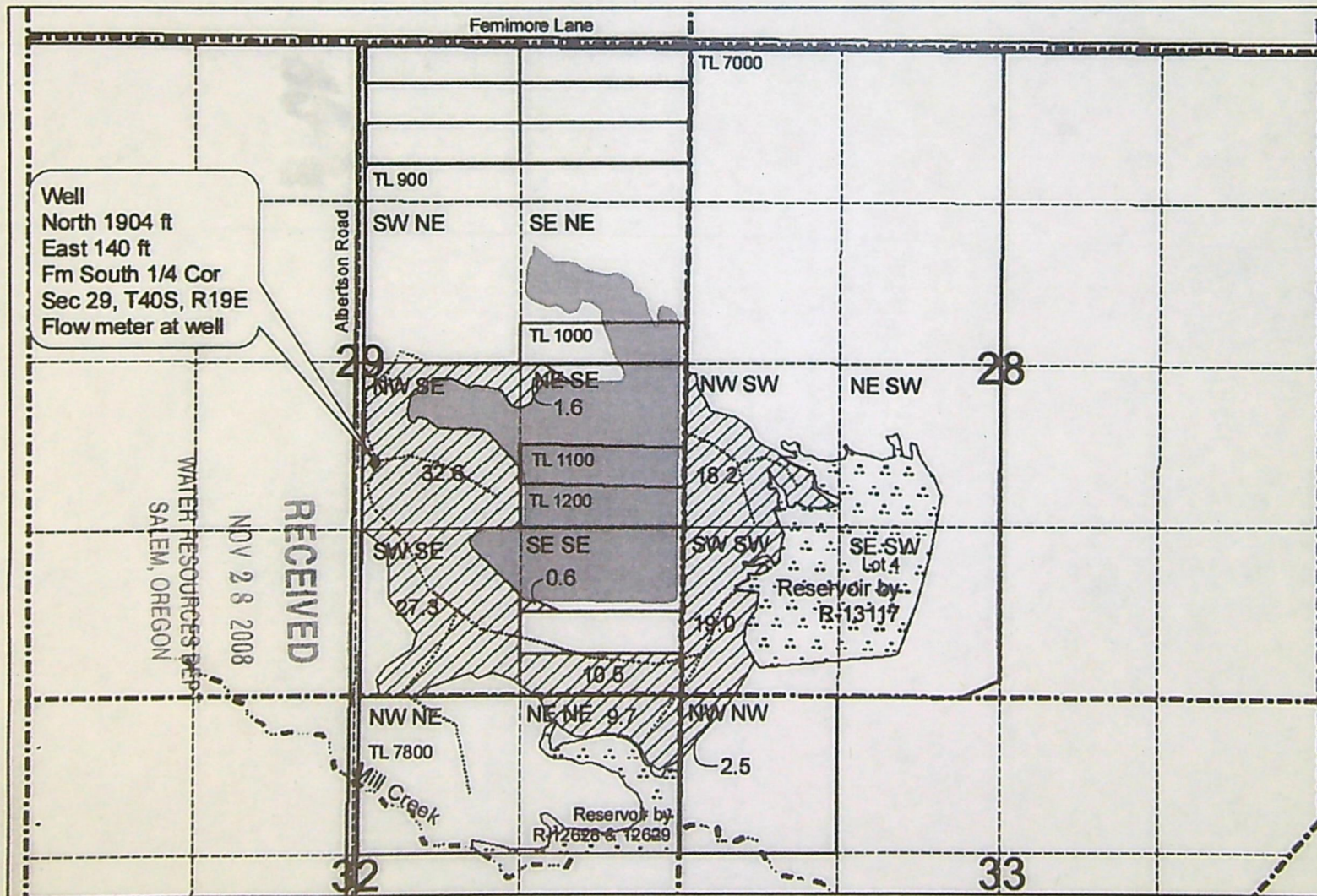
Dwight French
Water Right Services Division Administrator, for
Thomas M. Byler, Director
Oregon Water Resources Department

Claim of Beneficial Use Map

for

Application G-15878, Permit G-15478

T 40 S, R 19 E, Section 28, 29 & 32, W.M.



CWRE stamp

Note: This map is not to be used for property line location. It is to be used for water right purposes only.

Legend

- Irrigated land
- Res. by permit G15478
- Supp. supply to res.
- Ditch

N



Scale 1" = 1320'

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

725 Summer St. N.E. Ste. A

SALEM, OR 97301-4172

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

RECEIPT # **143535**

INVOICE # _____

RECEIVED FROM: John D. Albertson

BY: Susan C. Albertson

APPLICATION _____

PERMIT _____

TRANSFER T-13851

CASH: ☐ CHECK: # 9402 OTHER: (IDENTIFY) ☐ _____

TOTAL REC'D \$ 84.00

1083 TREASURY 4170 WRD MISC CASH ACCT

0407 COPIES 46118

\$ _____

OTHER: (IDENTIFY) Newspaper Notice

\$ 84.00

0243 I/S Lease _____ 0244 Muni Water Mgmt. Plan _____ 0245 Cons. Water _____

4270 WRD OPERATING ACCT

MISCELLANEOUS

0407 COPY & TAPE FEES

\$ _____

0410 RESEARCH FEES

\$ _____

0408 MISC REVENUE: (IDENTIFY) _____

\$ _____

TC162 DEPOSIT LIAB. (IDENTIFY) _____

\$ _____

0240 EXTENSION OF TIME

\$ _____

WATER RIGHTS:

EXAM FEE

RECORD FEE

0201 SURFACE WATER

\$ _____

0202

\$ _____

0203 GROUND WATER

\$ _____

0204

\$ _____

0205 TRANSFER

\$ _____

WELL CONSTRUCTION

EXAM FEE

LICENSE FEE

0218 WELL DRILL CONSTRUCTOR

\$ _____

0219

\$ _____

LANDOWNER'S PERMIT

0220

\$ _____

OTHER (IDENTIFY) _____

0536 TREASURY 0437 WELL CONST. START FEE

0211 WELL CONST START FEE

\$ _____

CARD# _____

0210 MONITORING WELLS

\$ _____

CARD# _____

OTHER (IDENTIFY) _____

0607 TREASURY 0467 HYDRO ACTIVITY

LIC NUMBER _____

0233 POWER LICENSE FEE (FW/WRD)

\$ _____

0231 HYDRO LICENSE FEE (FW/WRD)

\$ _____

HYDRO APPLICATION

\$ _____

TREASURY OTHER / RDX

FUND _____ TITLE _____

OBJ. CODE _____ VENDOR # _____

DESCRIPTION _____

\$ _____

RECEIPT: **143535**

DATED: 8.12.24

BY: mmiee

**AFFIDAVIT OF PUBLICATION
STATE OF OREGON,
COUNTY OF LAKE**

I, Heather Boozer, Advertising Specialist being first duly sworn, depose and say that I am the principal clerk of the publisher of the Lake County Examiner, a newspaper in general circulation, as defined by Chapter 193 ORS, printed and published at Lakeview in the aforesaid county and state: that I know from my personal knowledge that the Legal # Notice of Preliminary Determination a printed copy of which is hereto annexed, was published in the entire issue of said newspaper for: 2

Insertion(s) in the following issues: 08/28/24, 09/04/24

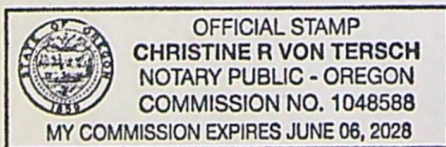
Total Cost: \$70.00

Heather Boozer

Subscribed and sworn by Heather Boozer before me on:
On 6th day of September, in the year of 2024

[Signature]

Notary Public of Oregon
My commission expires June 6, 2028



**Notice of Preliminary De-
termination for Water Right
Transfer T-13851**

T-13851 filed by John Albertson, 14377 Albertson Road, Lakeview, OR 97630, proposes changes in character of uses under Certificate 91208. The right allows the storage of 117.3 Acre-Feet and maintenance of Unnamed, Mill Creek, and Mill Creek #2 Reservoirs from a well in Sec. 29, T40S, R19E, WM for wetland enhancement, wildlife, and recreational uses in Sects. 28, 29, and 32, T40S, R19E, WM. The applicant proposes to change the character of uses to multi-purpose. The Water Resources Department proposes to approve the transfer, based on the requirements of ORS Chapter 540 and OAR 690-380-5000.

Any person may file, jointly or severally, a protest or standing statement within 30 days after the last date of newspaper publication of this notice, 09/04/2024. Call (503) 986-0935 to obtain additional information. If no protests are filed, the Department will issue a final order consistent with the preliminary determination.

Dates of publication:
August 28, 2024
September 4, 2024

#5899

Received

SEP 11 2024

OWRD

7022 3330 0000 2912 2882

U.S. Postal Service™
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OFFICIAL US

Certified Mail Fee

\$

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

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

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Postage

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Total Postage and Fees

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

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. Article

John Albertson
 14377 Albertson Rd.
 Lakeview, OR 97630



9590 9402 4402 8248 9636 68

2. Article Number (Transfer from service label)

7022 3330 0000 2912 2882

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

☐ Agent

☒ Addressee

B. Received by (Printed Name)

John Albertson

C. Date of Delivery

8/27/24

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

Received

AUG 30 2024

OWRD

3. Service Type

- | | |
|--|---|
| ☐ Adult Signature | ☐ Priority Mail Express® |
| ☐ Adult Signature Restricted Delivery | ☐ Registered Mail™ |
| ☐ Certified Mail® | ☐ Registered Mail Restricted Delivery |
| ☐ Certified Mail Restricted Delivery | ☐ Return Receipt for Merchandise |
| ☐ Collect on Delivery | ☐ Signature Confirmation™ |
| ☐ Collect on Delivery Restricted Delivery | ☐ Signature Confirmation Restricted Delivery |
| ☐ Insured Mail | |
| ☐ Insured Mail Restricted Delivery (over \$500) | |



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

August ~~22~~ 2024

VIA CERTIFIED MAIL AND E-MAIL

JOHN D. ALBERTSON
14377 ALBERTSON RD
LAKEVIEW, OR 97630

SUBJECT: Water Right Transfer Application T-13851

Please find enclosed the Preliminary Determination indicating that, based on the information available, the Department intends to approve application T-13851. This document is an intermediate step in the approval process; water may not be used legally as proposed in the transfer application until a Final Order has been issued by the Department. Please read this entire letter carefully to determine your responsibility for additional action.

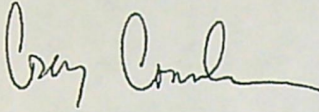
A public notice is being published in the Department's weekly publication and in the Lake County Examiner newspaper, simultaneously with issuance of the Preliminary Determination. The notice initiates a period in which any person may file either a protest opposing the decision proposed by the Department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

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

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

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

Sincerely,

A handwritten signature in black ink, appearing to read "Corey Courchane". The signature is fluid and cursive, with the first name "Corey" and last name "Courchane" clearly distinguishable.

Corey Courchane
Allocation of Conserved Water
Transfer and Conservation Section

cc: Transfer Application file T-13851
Matt A. Anderson, District 12 Watermaster *(via e-mail)*
Hollie Cannon, Agent for the applicant *(via e-mail)*

encs

BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON

In the Matter of Transfer Application	)	PRELIMINARY DETERMINATION
T-13851, Lake County	)	PROPOSING APPROVAL OF CHANGES IN
	)	CHARACTER OF USE

Authority

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

Applicant

JOHN ALBERTSON
14377 ALBERTSON ROAD
LAKEVIEW, OR 97630

Findings of Fact

1. On October 15, 2021, JOHN ALBERTSON filed an application to change the character of uses under Certificate 91208. The Department assigned the application number T-13851.
2. Notice of the application for transfer was published on November 9, 2021, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. On September 12, 2023, the Department contacted the applicant by written correspondence to notify the applicant and the applicant's agent of a deficiency in the application. T-13851 proposed to change the character of use of the storage component under Certificate 91208, from wetland enhancement, wildlife, and recreational uses to multi-purpose for three reservoirs. However, there is also a component to maintain the reservoirs for wetland enhancement, wildlife, and recreational uses. The Department determined that a change in the character of use for the maintenance needs to be included in the application.

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.

4. On September 15, 2023, the Department received revisions to the application, adding the maintenance of the reservoirs to the change in character of use.
5. On March 8, 2024, the Department mailed a copy of the draft Preliminary Determination proposing to approve Transfer Application T-13851 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of April 8, 2024, for the applicant to respond. The applicant requested that the Department proceed with issuance of a Preliminary Determination and provided the necessary information to demonstrate that the applicant is authorized to pursue the transfer.
6. The portion of the right to be transferred is as follows:

Certificate: 91208 in the name of JOHN ALBERTSON (perfected under Permit G-15478)
Uses: STORAGE OF WATER IN UNNAMED, MILL CREEK, AND MILL CREEK #2 RESERVOIRS FOR WETLAND ENHANCEMENT, WILDLIFE, AND RECREATIONAL USES; MAINTENANCE OF UNNAMED, MILL CREEK, AND MILL CREEK #2 RESERVOIRS FOR WETLAND ENHANCEMENT, WILDLIFE, AND RECREATION USES
Priority Date: NOVEMBER 25, 2002
Limit: 117.3 ACRE-FEET (AF) IN UNNAMED RESERVOIR, 30.1 AF IN MILL CREEK RESERVOIR, AND 88.2 AF IN MILL CREEK #2 RESERVOIR
Rate: 1.32 CUBIC FEET PER SECOND FOR RESERVOIR MAINTENANCE
Period of Use: YEAR-ROUND FOR STORAGE AND RESERVOIR MAINTENANCE
Source: WELL #1 IN THE MILL CREEK BASIN

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
40 S	19 E	WM	29	NW SE	1904 FEET NORTH AND 140 FEET EAST FROM THE S1/4 CORNER OF SECTION 29

The reservoirs are located as follows:

Twp	Rng	Mer	Sec	Q-Q
40 S	19 E	WM	29	SE NE
40 S	19 E	WM	29	NE SE
40 S	19 E	WM	29	NW SE
40 S	19 E	WM	29	SW SE
40 S	19 E	WM	29	SE SE

MILL CREEK RESERVOIR				
Twp	Rng	Mer	Sec	Q-Q
40 S	19 E	WM	32	NE NE
40 S	19 E	WM	32	NW NE

MILL CREEK #2 RESERVOIR					
Twp	Rng	Mer	Sec	Q-Q	GLot
40 S	19 E	WM	28	NE SW	
40 S	19 E	WM	28	NW SW	

MILL CREEK #2 RESERVOIR					
Twp	Rng	Mer	Sec	Q-Q	GLot
40 S	19 E	WM	28	SW SW	
40 S	19 E	WM	28	SE SW	4

7. Transfer Application T-13851 proposes to change the character of uses from Storage of water for Wetland Enhancement, Wildlife, and Recreational uses and Maintenance of Unnamed, Mill Creek, and Mill Creek #2 Reservoirs for Wetland Enhancement, Wildlife, and Recreation Uses to Storage for Multi-purposes and Maintenance of Unnamed, Mill Creek, and Mill Creek #2 Reservoirs for Multi-purposes.

Transfer Review Criteria [OAR 690-380-0100(14), 690-380-4010(2) and OAR 690-380-2300]

8. Water has been stored within the last five years according to the terms and conditions of the right. There is no information in the record that would demonstrate that the right is subject to forfeiture under ORS 540.610.
9. Reservoirs sufficient to store the full amount of water allowed under the existing right were present within the five-year period prior to submittal of Transfer Application T-13851.
10. The water right is subject to transfer as defined in ORS 540.510 and OAR 690-380-0100(14).
11. The proposed changes, as conditioned, would not result in enlargement of the right.
12. The proposed changes would not result in injury to other existing water rights.
13. All other application requirements are met.

Determination and Proposed Action

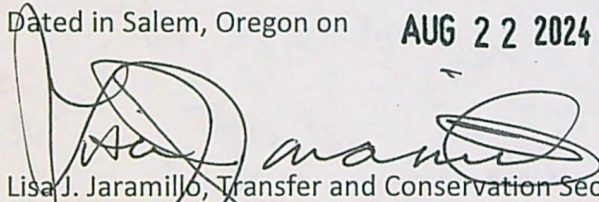
The changes in character of uses proposed in Transfer Application T-13851 appears to be consistent with the requirements of ORS 537.705 and 540.510 to 540.580 and OAR 690-380-5000. If protests are not filed pursuant to OAR 690-380-4030, the application will be approved.

If Transfer Application T-13851 is approved, the final order will include the following:

1. *The changes in character of uses proposed in Transfer Application T-13851 are approved.*
2. *The right to the use of the water is restricted to beneficial use at the place of use described and is subject to all other conditions and limitations contained in Certificate 91208 and any related decree.*
3. *Water right Certificate 91208 is cancelled. A new certificate will be issued describing that portion of the right not affected by this transfer.*

4. *Water use measurement conditions:*
 - a. *Before water use may begin under this order, the water user shall install a totalizing flow meter, or, with prior approval of the Director, another suitable measuring device, at each point of appropriation (new and existing).*
 - b. *The water user shall maintain the meters or measuring devices in good working order.*
 - c. *The water user shall allow the Watermaster access to the meters or measuring devices; provided however, where the meters or measuring devices are located within a private structure, the Watermaster shall request access upon reasonable notice.*
5. *Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2025**. A Claim of Beneficial Use prepared by a Certified Water Right Examiner shall be submitted by the applicant to the Department within one year after the deadline for completion of the change and full beneficial use of the water.*
6. *After satisfactory proof of beneficial use is received, a new certificate confirming the right transferred will be issued.*

Dated in Salem, Oregon on **AUG 22 2024**



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

This Preliminary Determination was prepared by Corey Courchane. If you have questions about the information in this document, you may reach me at 503-979-3917 or corey.a.courchane@water.oregon.gov

Protests

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

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

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

Requests for Standing

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

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

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

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

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

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

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

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

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

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

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

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

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



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

March 8, 2024

VIA E-MAIL

Applicant

JOHN ALBERTSON
14377 ALBERTSON ROAD
LAKEVIEW, OR 97630

Reference: Water Right Transfer Application T-13851

Your water right transfer is in the first of three phases of processing. Enclosed is a draft of the Department's Preliminary Determination regarding Transfer Application T-13851. The document reflects the Department's conclusion that, based on the information currently available, the transfer will be approved. Your response and submittal of the items outlined below are required by April 8, 2024.

Required items needing your immediate attention:

1. Please carefully review the Draft Preliminary Determination to verify that it accurately reflects the changes you intend to make and to become familiar with the proposed conditions.
2. **Respond in writing** by APRIL 8, 2024, with acknowledgement that you agree to the proposed action and conditions.
3. If you find any errors, please let me know.
4. **REQUIRED:** You must submit a **Report of Ownership** for the lands where the water right(s) are currently located (i.e., the FROM lands). This report:
 - a) Must be prepared by a title company;
 - b) Shall include a "prepared by" statement and the date the title company prepared the report printed on the cover sheet;
 - c) Must:
 - i. Be prepared no earlier than 3 months prior to the date of issuance of the Draft Preliminary Determination showing current ownership; **OR**
 - ii. Be prepared within 3 months of the date the water right conveyance agreement was recorded; **OR**
 - iii. Show ownership for the FROM land at the time a water right conveyance agreement was recorded.

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

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

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

Conditions of your water right...

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

Please note the proposed date by which all conditions must be met: October 1, 2025. If the required completion date is insufficient to comply with any of the conditions, you may request more time, at no cost to you, during this stage of processing. **Please let me know by the comment deadline if you will need more time and explain the reasons why.**

What happens next...

Once the Preliminary Determination is issued a publication period is required. Because of a change in character of use, the Department will publish notice of the transfer in a local newspaper having a general circulation in the area of the water right at least once per week for two consecutive weeks. You are responsible for sending a check to cover the cost of publication prior to the issuance of the Preliminary Determination and publication of notice. As outlined in OAR 690-380-4020(3), publication costs include both the direct cost of the notice and indirect processing costs (not to exceed 20% of the direct costs) for processing.

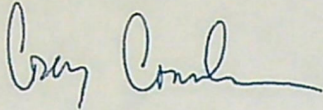
Issuance of the Preliminary Determination will occur shortly after we receive:

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

If we do not receive the items listed above by April 8, 2024, a Preliminary Determination may be issued denying the application as incomplete.

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

Sincerely,

A handwritten signature in blue ink, appearing to read "Corey Courchane", with a stylized, flowing script.

Corey Courchane
Allocation of Conserved Water
Transfer and Conservation Section

cc: Transfer Application file T-13851
Matt A. Anderson, District 12 Watermaster (*via e-mail*)
Hollie Cannon, Agent for the applicant (*via e-mail*)

encs

BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON

In the Matter of Transfer Application
T-13851, Lake County

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)
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D R A F T

PRELIMINARY DETERMINATION
PROPOSING APPROVAL OF CHANGES IN
CHARACTER OF USE

Authority

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

Applicant

JOHN ALBERTSON
14377 ALBERTSON ROAD
LAKEVIEW, OR 97630

Findings of Fact

1. On October 15, 2021, JOHN ALBERTSON filed an application to change the character of uses under Certificate 91208. The Department assigned the application number T-13851.
2. Notice of the application for transfer was published on November 9, 2021, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. On September 12, 2023, the Department contacted the applicant by written correspondence to notify the applicant and the applicant's agent of a deficiency in the application. T-13851 proposed to change the character of use of the storage component under Certificate 91208, from wetland enhancement, wildlife, and recreational uses to multi-purpose for three reservoirs. However, there is also a component to maintain the reservoirs for wetland enhancement, wildlife, and recreational uses. The Department determined that a change in the character of use for the maintenance needs to be included in the application.
4. On September 15, 2023, the Department received revisions to the application, adding the maintenance of the reservoirs to the change in character of use.

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

Certificate: 91208 in the name of JOHN ALBERTSON (perfected under Permit G-15478)
Uses: STORAGE OF WATER IN UNNAMED, MILL CREEK, AND MILL CREEK #2 RESERVOIRS FOR WETLAND ENHANCEMENT, WILDLIFE, AND RECREATIONAL USES; MAINTENANCE OF UNNAMED, MILL CREEK, AND MILL CREEK #2 RESERVOIRS FOR WETLAND ENHANCEMENT, WILDLIFE, AND RECREATION USES
Priority Date: NOVEMBER 25, 2002
Limit: 117.3 ACRE-FEET (AF) IN UNNAMED RESERVOIR, 30.1 AF IN MILL CREEK RESERVOIR, AND 88.2 AF IN MILL CREEK #2 RESERVOIR
Rate: 1.32 CUBIC FEET PER SECOND FOR RESERVOIR MAINTENANCE
Period of Use: YEAR-ROUND FOR STORAGE AND RESERVOIR MAINTENANCE
Source: WELL #1 IN THE MILL CREEK BASIN

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
40 S	19 E	WM	29	NW SE	1904 FEET NORTH AND 140 FEET EAST FROM THE S1/4 CORNER OF SECTION 29

The reservoirs are located as follows:

Twp	Rng	Mer	Sec	Q-Q
40 S	19 E	WM	29	SE NE
40 S	19 E	WM	29	NE SE
40 S	19 E	WM	29	NW SE
40 S	19 E	WM	29	SW SE
40 S	19 E	WM	29	SE SE

MILL CREEK RESERVOIR				
Twp	Rng	Mer	Sec	Q-Q
40 S	19 E	WM	32	NE NE
40 S	19 E	WM	32	NW NE

MILL CREEK #2 RESERVOIR					
Twp	Rng	Mer	Sec	Q-Q	GLot
40 S	19 E	WM	28	NE SW	
40 S	19 E	WM	28	NW SW	
40 S	19 E	WM	28	SW SW	
40 S	19 E	WM	28	SE SW	4

6. Transfer Application T-13851 proposes to change the character of uses from Storage of water for Wetland Enhancement, Wildlife, and Recreational uses and Maintenance of Unnamed, Mill Creek, and Mill Creek #2 Reservoirs for Wetland Enhancement, Wildlife, and Recreation Uses to Storage for Multi-purposes and Maintenance of Unnamed, Mill Creek, and Mill Creek #2 Reservoirs for Multi-purposes.

Transfer Review Criteria [OAR 690-380-0100(14), 690-380-4010(2) and OAR 690-380-2300]

7. Water has been stored within the last five years according to the terms and conditions of the right. There is no information in the record that would demonstrate that the right is subject to forfeiture under ORS 540.610.
8. Reservoirs sufficient to store the full amount of water allowed under the existing right were present within the five-year period prior to submittal of Transfer Application T-13851.
9. The water right is subject to transfer as defined in ORS 540.510 and OAR 690-380-0100(14).
10. The proposed changes, as conditioned, would not result in enlargement of the right.
11. The proposed changes would not result in injury to other existing water rights.
12. All other application requirements are met.

Determination and Proposed Action

The changes in character of uses proposed in Transfer Application T-13851 appears to be consistent with the requirements of ORS 537.705 and 540.510 to 540.580 and OAR 690-380-5000. If protests are not filed pursuant to OAR 690-380-4030, the application will be approved.

If Transfer Application T-13851 is approved, the final order will include the following:

1. *The changes in character of use proposed in Transfer Application T-13851 is approved.*
2. *The right to the use of the water is restricted to beneficial use at the place of use described and is subject to all other conditions and limitations contained in Certificate 91208 and any related decree.*
3. *Water right Certificate 91208 is cancelled. A new certificate will be issued describing that portion of the right not affected by this transfer.*
4. *Water use measurement conditions:*
 - a. *Before water use may begin under this order, the water user shall install a totalizing flow meter, or, with prior approval of the Director, another suitable measuring device, at each point of appropriation (new and existing).*
 - b. *The water user shall maintain the meters or measuring devices in good working order.*
 - c. *The water user shall allow the Watermaster access to the meters or measuring devices; provided however, where the meters or measuring devices are located within a private structure, the Watermaster shall request access upon reasonable notice.*

5. *Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2025**. A Claim of Beneficial Use prepared by a Certified Water Right Examiner shall be submitted by the applicant to the Department within one year after the deadline for completion of the change and full beneficial use of the water.*
6. *After satisfactory proof of beneficial use is received, a new certificate confirming the right transferred will be issued.*

Dated in Salem, Oregon on

D R A F T

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

This draft Preliminary Determination was prepared by Corey Courchane. If you have questions about the information in this document, you may reach me at 503-979-3917 or corey.a.courchane@water.oregon.gov

Part 4 of 5 – Applicant Information and Signature

OWRD RECEIVED

courchca, 9/15/2023, 2:09:08 PM

Applicant Information

APPLICANT/BUSINESS NAME JOHN ALBERTSON			PHONE NO. 541-947-4549	ADDITIONAL CONTACT NO. 541-417-1206
ADDRESS 14377 ALBERTSON ROAD			FAX NO.	
CITY LAKEVIEW	STATE OR	ZIP 97630	E-MAIL yocumvalley@gmail.com	
BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED.				

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

AGENT/BUSINESS NAME HOLLIE CANNON / WATER RIGHT SOLUTIONS, LLC			PHONE NO. 541-821-5848	ADDITIONAL CONTACT NO.
ADDRESS 3246 HAMMER ST.			FAX NO.	
CITY KLAMATH FALLS	STATE OR	ZIP 97603	E-MAIL hcannon@waterrightsolutions.com	
BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED.				

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

This transfer proposes to change the storage and maintenance uses to "Multipurpose".

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

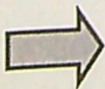
Check One Box

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

By my signature below, I confirm that I understand:

- Prior to Department approval of the transfer application, I may be required to submit payment to the Department for publication of a notice in a newspaper with general circulation in the area where the water right is located, once per week for two consecutive weeks. If more than one qualifying newspaper is available, I suggest publishing the notice in the following newspaper: LAKE COUNTY EXAMINER.
- 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	<u>JOHN ALBERTSON</u> Print Name (and Title if applicable)	_____ Date
_____ Applicant signature	_____ Print Name (and Title if applicable)	_____ Date

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
40	S	19	E 29	SE	NE		STORAGE/MAINTENANCE	WELL #1	11/25/2002	USE	40	S	19	E 29	SE	NE		STORAGE/ MAINTENANCE FOR MULTIPURPOSE	WELL #1	11/25/2002
40	S	19	E 29	NE	SE		STORAGE/MAINTENANCE	WELL #1	11/25/2002	USE	40	S	19	E 29	NE	SE		STORAGE/ MAINTENANCE FOR MULTIPURPOSE	WELL #1	11/25/2002
40	S	19	E 29	NW	SE		STORAGE/MAINTENANCE	WELL #1	11/25/2002	USE	40	S	19	E 29	NW	SE		STORAGE/ MAINTENANCE FOR MULTIPURPOSE	WELL #1	11/25/2002
40	S	19	E 29	SW	SE		STORAGE/MAINTENANCE	WELL #1	11/25/2002	USE	40	S	19	E 29	SW	SE		STORAGE/ MAINTENANCE FOR MULTIPURPOSE	WELL #1	11/25/2002
40	S	19	E 29	SE	SE		STORAGE/MAINTENANCE	WELL #1	11/25/2002	USE	40	S	19	E 29	SE	SE		STORAGE/ MAINTENANCE FOR MULTIPURPOSE	WELL #1	11/25/2002
40	S	19	E 32	NE	NE		STORAGE/MAINTENANCE	WELL #1	11/25/2002	USE	40	S	19	E 32	NE	NE		STORAGE/ MAINTENANCE FOR MULTIPURPOSE	WELL #1	11/25/2002
40	S	19	E 32	NW	NE		STORAGE/MAINTENANCE	WELL #1	11/25/2002	USE	40	S	19	E 32	NW	NE		STORAGE/ MAINTENANCE FOR MULTIPURPOSE	WELL #1	11/25/2002
40	S	19	E 28	NE	SW		STORAGE/MAINTENANCE	WELL #1	11/25/2002	USE	40	S	19	E 28	NE	SW		STORAGE/ MAINTENANCE FOR MULTIPURPOSE	WELL #1	11/25/2002
40	S	19	E 28	NW	SW		STORAGE/MAINTENANCE	WELL #1	11/25/2002	USE	40	S	19	E 28	NW	SW		STORAGE/ MAINTENANCE FOR MULTIPURPOSE	WELL #1	11/25/2002
40	S	19	E 28	SW	SW		STORAGE/MAINTENANCE	WELL #1	11/25/2002	USE	40	S	19	E 28	SW	SW		STORAGE/ MAINTENANCE FOR MULTIPURPOSE	WELL #1	11/25/2002
40	S	19	E 28	SE	SW		STORAGE/MAINTENANCE	WELL #1	11/25/2002	USE	40	S	19	E 28	SE	SW		STORAGE/ MAINTENANCE FOR MULTIPURPOSE	WELL #1	11/25/2002
Revised 7/1/2021										Permanent Transfer Application Form – Page 8 of 11										

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-13851

Review Due Date:

Applicant Name: John Albertson

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

Reviewer(s): Matt Anderson

Date of Review: 08/18/2023

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

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

☒ N/A

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

☒ N/A

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

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

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

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

☐ Yes ☒ No If "Yes", explain:

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

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

☐ Yes ☐ No If "Yes", explain:

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

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

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

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

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

- iv. Do you have any other observations regarding the temporary transfer? ☐ Yes ☐ No If "Yes", describe:

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

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

- i. "Injury" will occur to other water rights that share the same source? ☐ Yes ☒ No If "Yes", explain:

- ii. "Enlargement" of the water right being transferred will occur? ☐ Yes ☒ No If "Yes", explain:

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

☐ Yes ☒ No If "Yes", explain:

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- 13851



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



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



at each new point of diversion/appropriation.

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

Watermaster name: **Matt Anderson**

District: **12**

Address: **3125 Crosby Ave**

City/State/Zip: **Klamath Falls, OR 97603**

Phone: **541-883-4182**

Email: **matthew.a.anderson@water.oregon.gov**

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

Approval of an Alternate Measurement Device

T-

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

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

Watermaster signature

District

Date

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

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



Oregon

Kate Brown, Governor

Water Resources Department

725 Summer St NE, Suite A

Salem, OR 97301

(503) 986-0900

Fax (503) 986-0904

November 3, 2021

JOHN D. ALBERTSON
14377 ALBERTSON RD
LAKEVIEW, OR 97630

Reference: Application T-13851

On October 15, 2021, OWRD received your water right Permanent Transfer Application. The application was accompanied by \$1770.00. Our receipt number 136631 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 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.

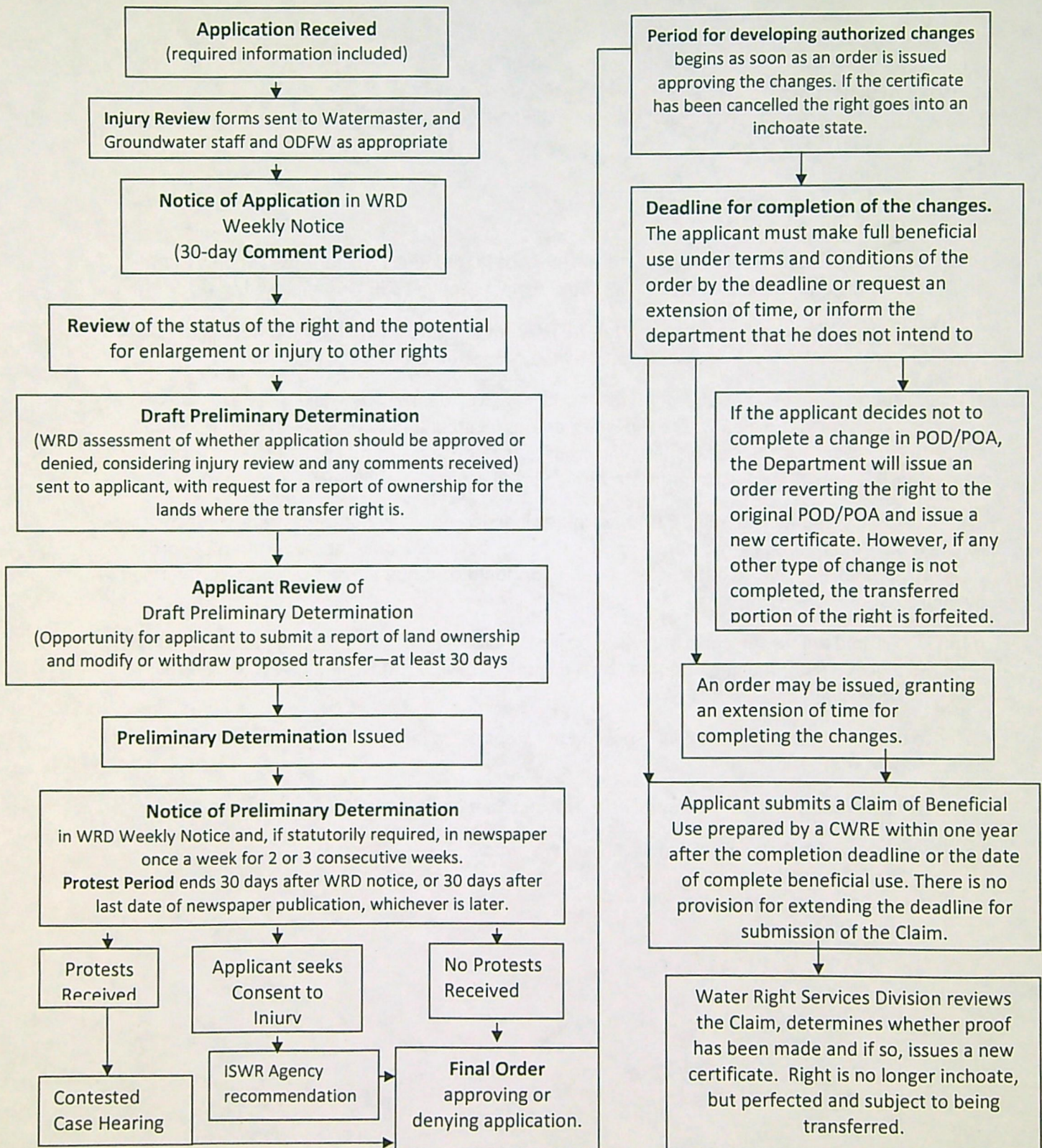
If you have any questions, please contact the Transfer Section at (503) 979-9931.

Cc: Watermaster Dist. #12, Brian M. Mayer (*via email*)
Lake County Planning Department
Hollie Cannon, Agent

Enclosure

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

OAR 690 Division 380



STATE OF OREGON
WATER RESOURCES DEPARTMENT

725 Summer St. N.E. Ste. A

SALEM, OR 97301-4172

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

RECEIPT # **136631**

INVOICE # _____

RECEIVED FROM: John D. Albertson
BY: Susan C. Albertson

APPLICATION	
PERMIT	
TRANSFER	<u>1-13851</u>

CASH: ☐ CHECK: ☒ 9172 OTHER: (IDENTIFY) ☐

TOTAL REC'D \$ 1770.00

1083 TREASURY 4170 WRD MISC CASH ACCT

0407 COPIES \$ _____
OTHER: (IDENTIFY) \$ _____

0243 I/S Lease _____ 0244 Muni Water Mgmt. Plan _____ 0245 Cons. Water _____

4270 WRD OPERATING ACCT

MISCELLANEOUS

0407 COPY & TAPE FEES \$ _____
0410 RESEARCH FEES \$ _____
0408 MISC REVENUE: (IDENTIFY) \$ _____
TC162 DEPOSIT LIAB. (IDENTIFY) \$ _____
0240 EXTENSION OF TIME \$ _____

WATER RIGHTS:

0201 SURFACE WATER \$ _____ 0202 \$ _____
0203 GROUND WATER \$ _____ 0204 \$ _____

0205 TRANSFER \$ 1770.00

WELL CONSTRUCTION

0218 WELL DRILL CONSTRUCTOR \$ _____ 0219 \$ _____
LANDOWNER'S PERMIT 0220 \$ _____

OTHER (IDENTIFY) _____

0536 TREASURY 0437 WELL CONST. START FEE

0211 WELL CONST START FEE \$ _____ CARD# _____
0210 MONITORING WELLS \$ _____ CARD# _____

OTHER (IDENTIFY) _____

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

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

TREASURY OTHER / RDX

FUND _____ TITLE _____

OBJ. CODE _____ VENDOR # _____

DESCRIPTION \$ _____

RECEIPT: **136631**

DATED: 10-15-2021 BY: Mindy Carlsen

Application for Permanent Water Right Transfer



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

Part 1 of 5 – Minimum Requirements Checklist

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

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

RECEIVED

OCT 15 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? 1 List them here: 91208**
Please include a separate Part 5 for each water right. (See instructions on page 6)
NOTE: A separate transfer application is required for each water right unless the criteria in OAR 690-380-3220 are met.

Attachments:

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

(For Staff Use Only)

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

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

Other/Explanation _____

Staff: _____ 503- _____

Date: 10/15/21

OCT 15 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°).

13851

Part 3 of 5 – Fee Worksheet

RECEIVED
OCT 15 2021
OWRD

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*).

Revised 7/1/2021

Part 4 of 5 – Applicant Information and Signature

Applicant Information

APPLICANT/BUSINESS NAME JOHN ALBERTSON		PHONE NO. 541-947-4549	ADDITIONAL CONTACT NO. 541-417-1206
ADDRESS 14377 ALBERTSON ROAD			FAX NO.
CITY LAKEVIEW	STATE OR	ZIP 97630	E-MAIL yocumvalley@gmail.com
BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED.			

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

AGENT/BUSINESS NAME HOLLIE CANNON / WATER RIGHT SOLUTIONS, LLC		PHONE NO. 541-821-5848	ADDITIONAL CONTACT NO.
ADDRESS 3246 HAMMER ST.			FAX NO.
CITY KLAMATH FALLS	STATE OR	ZIP 97603	E-MAIL hcannon@waterightsolutions.com
BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED.			

Explain in your own words what you propose to accomplish with this transfer application, and why:
This transfer proposes to change the storage uses to "Storage for Multipurpose".

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

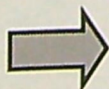
Check One Box

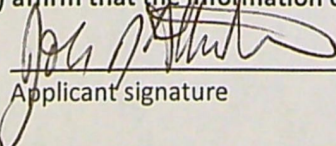
- ☒ By signing this application, I understand that, upon receipt of the draft preliminary determination and prior to Department approval of the transfer, I will be required to provide landownership information and evidence that I am authorized to pursue the transfer as identified in OAR 690-380-4010(5); OR
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By my signature below, I confirm that I understand:

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




Applicant signature

JOHN ALBERTSON

Print Name (and Title if applicable)

Date

10/14/21

Applicant signature

Print Name (and Title if applicable)

Date

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

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

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			PHONE NO.	ADDITIONAL CONTACT NO.
ADDRESS				FAX NO.
CITY	STATE	ZIP	E-MAIL	
Describe any special ownership circumstances:				
The confirming Certificate shall be issued in the name of: ☐ Applicant ☐ Receiving Landowner				

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

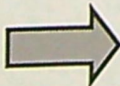
IRRIGATION DISTRICT NAME	ADDRESS		
CITY	STATE	ZIP	

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

ENTITY NAME	ADDRESS		
CITY	STATE	ZIP	

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 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 LAKE COUNTY	ADDRESS 513 CENTER STREET		
CITY LAKEVIEW	STATE OR	ZIP 97630	

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Part 5 of 5 – Water Right Information

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

CERTIFICATE # 91208

Description of Water Delivery System

System capacity: 2.85 cubic feet per second (cfs) OR gallons per minute (gpm)

Describe the current water delivery system or the system that was in place at some time within the last five years. Include information on the pumps, canals, pipelines, and sprinklers used to divert, convey, and apply the water at the authorized place of use. 40 HP submersible pump in the well pumping to open discharge to a ditch system that transports water to the places of storage.

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)
WELL #1	☒ Authorized ☐ Proposed	LAKE 51749	40 S	19 E	29	NW	SE	900	1904 FEET NORTH AND 140 FEET EAST FROM S1/4 CORNER, SECTION 29
	☐ Authorized ☐ Proposed								
	☐ Authorized ☐ Proposed								
	☐ Authorized ☐ Proposed								

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

- | | |
|--|---|
| ☐ Place of Use (POU) | ☐ Supplemental Use to Primary Use (S to P) |
| ☒ Character of Use (USE) | ☐ Point of Appropriation/Well (POA) |
| ☐ Point of Diversion (POD) | ☐ Additional Point of Appropriation (APOA) |
| ☐ Additional Point of Diversion (APOD) | ☐ Substitution (SUB) |
| ☐ Surface Water POD to Ground Water POA (SW/GW) | ☐ Government Action POD (GOV) |

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

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

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

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

Table 2. Description of Changes to Water Right Certificate # 91208

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
40	S	19	E	29	SE	NE		STORAGE	WELL #1	11/25/2002	USE	40	S	19	E	29	SE	NE		STORAGE FOR MULTIPURPOSE	WELL #1	11/25/2002
40	S	19	E	29	NE	SE		STORAGE	WELL #1	11/25/2002	USE	40	S	19	E	29	NE	SE		STORAGE FOR MULTIPURPOSE	WELL #1	11/25/2002
40	S	19	E	29	NW	SE		STORAGE	WELL #1	11/25/2002	USE	40	S	19	E	29	NW	SE		STORAGE FOR MULTIPURPOSE	WELL #1	11/25/2002
40	S	19	E	29	SW	SE		STORAGE	WELL #1	11/25/2002	USE	40	S	19	E	29	SW	SE		STORAGE FOR MULTIPURPOSE	WELL #1	11/25/2002
40	S	19	E	29	SE	SE		STORAGE	WELL #1	11/25/2002	USE	40	S	19	E	29	SE	SE		STORAGE FOR MULTIPURPOSE	WELL #1	11/25/2002
40	S	19	E	32	NE	NE		STORAGE	WELL #1	11/25/2002	USE	40	S	19	E	32	NE	NE		STORAGE FOR MULTIPURPOSE	WELL #1	11/25/2002
40	S	19	E	32	NW	NE		STORAGE	WELL #1	11/25/2002	USE	40	S	19	E	32	NW	NE		STORAGE FOR MULTIPURPOSE	WELL #1	11/25/2002
40	S	19	E	28	NE	SW		STORAGE	WELL #1	11/25/2002	USE	40	S	19	E	28	NE	SW		STORAGE FOR MULTIPURPOSE	WELL #1	11/25/2002
40	S	19	E	28	NW	SW		STORAGE	WELL #1	11/25/2002	USE	40	S	19	E	28	NW	SW		STORAGE FOR MULTIPURPOSE	WELL #1	11/25/2002
40	S	19	E	28	SW	SW		STORAGE	WELL #1	11/25/2002	USE	40	S	19	E	28	SW	SW		STORAGE FOR MULTIPURPOSE	WELL #1	11/25/2002
40	S	19	E	28	SE	SW		STORAGE	WELL #1	11/25/2002	USE	40	S	19	E	28	SE	SW		STORAGE FOR MULTIPURPOSE	WELL #1	11/25/2002
TOTAL ACRES:												TOTAL ACRES:										

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: 90286 & 90675.



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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Application for Water Right Transfer Evidence of Use Affidavit



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

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

State of Oregon)
) ss
County of LAKE

I, JOHN ALBERTSON, in my capacity as OWNER,
mailing address 14377 ALBERTSON ROAD, LAKEVIEW, OR 97630
telephone number (541)947-4549, 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 # 91208; **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)

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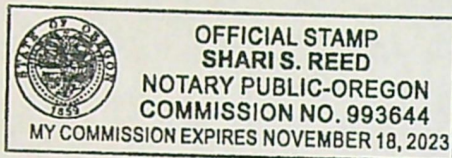
3. The water right was used for: (e.g., crops, pasture, etc.): STORAGE FOR WETLAND ENHANCEMENT, WILDLIFE, AND RECREATIONAL USES; MAINTENANCE OF RESERVOIRS

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

Date

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



Notary Public for Oregon

My Commission Expires: 11/18/2023

Supporting Documents	Examples
☐ 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
☐ Copies of receipts from sales of irrigated crops or for expenditures related to use of water	• Power usage records for pumps associated with irrigation use • Fertilizer or seed bills related to irrigated crops • Farmers Co-op sales receipt
☐ Records such as FSA crop reports, irrigation district records, NRCS farm management plan, or records of other water suppliers	• 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
☒ Aerial photos containing sufficient detail to establish location and date of photograph	Multiple photos can be submitted to resolve different areas of a water right. If the photograph does not print with a "date stamp" or without the source being identified, the date of the photograph and source should be added. Sources for aerial photos: OSU – www.oregonexplorer.info/imagery OWRD – www.wrd.state.or.us Google Earth – earth.google.com TerraServer – www.terra-server.com
☐ Approved Lease establishing beneficial use within the last 5 years	Copy of instream lease or lease number

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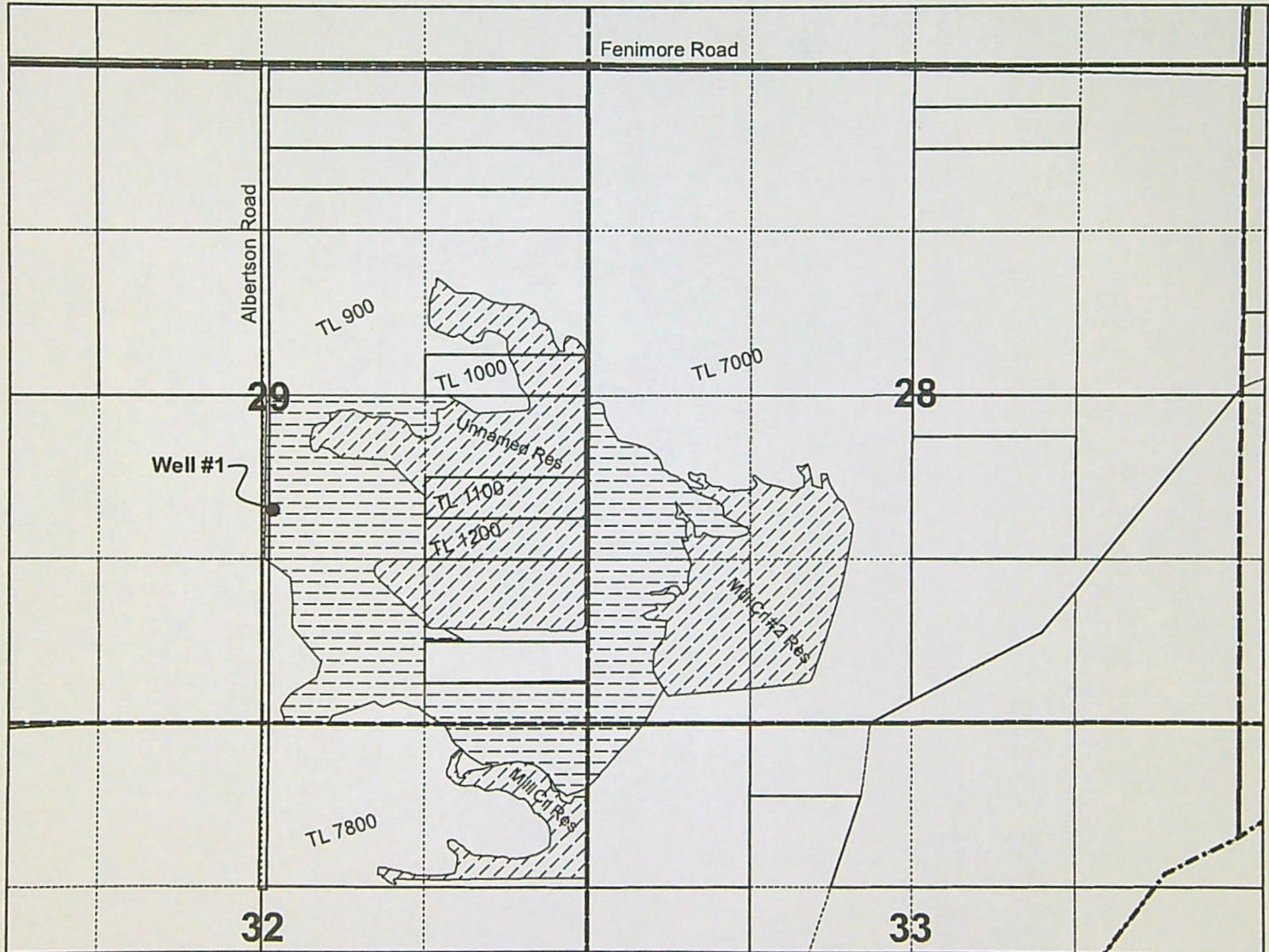
John Albertson
Map of Water Right Transfer
Certificate 91208

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T 40 S, R 19 E
Sec 28, 29 & 32



Certificate 91208 lists use for Irrigation and storage for Wetland Enhancement, Wildlife and Recreational uses. This transfer proposes to change the storage uses to "Storage for Multipurpose".

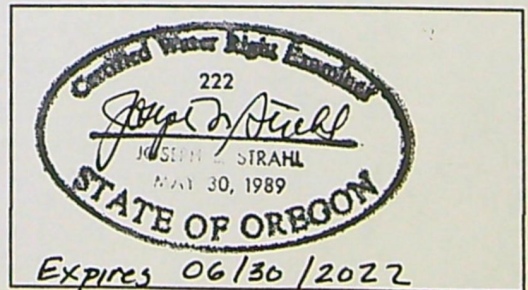
Well #1 located in the NWSE of Section 29, T 40 S, R 19 E. WM 1904 Feet South and 140 Feet East from S 1/4 Cor Sec 29



1 inch = 1,320 feet

Legend

-  Cert 91208 No Change
-  Cert 91208 Change to Multipurpose
-  Well



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

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Land Use Information Form



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

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NOTE TO APPLICANTS

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

This form is NOT required if:

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

NOTE TO LOCAL GOVERNMENTS

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

Land Use Information Form



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

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Applicant(s): JOHN ALBERTSON

Mailing Address: 14377 ALBERTSON ROAD

City: LAKEVIEW

State: OR

Zip Code: 97630

Daytime Phone: 541-947-4549

A. Land and Location

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

Township	Range	Section	¼ ¼	Tax Lot #	Plan Designation (e.g., Rural Residential/RR-5)	Water to be:			Proposed Land Use:
<u>40 S</u>	<u>19 E</u>	<u>29</u>	<u>SE NE</u>	<u>900 & 1000</u>	_____	☐ Diverted	☒ Conveyed	☒ Used	<u>Storage for Multipurpose</u>
<u>40 S</u>	<u>19 E</u>	<u>29</u>	<u>NE SE</u>	<u>900 & 1100 & 1200</u>	_____	☐ Diverted	☒ Conveyed	☒ Used	<u>Storage for Multipurpose</u>
<u>40 S</u>	<u>19 E</u>	<u>29</u>	<u>NW SE</u>	<u>900</u>	_____	☒ Diverted	☒ Conveyed	☒ Used	<u>Storage for Multipurpose</u>
<u>40 S</u>	<u>19 E</u>	<u>29</u>	<u>SW SE</u>	<u>900</u>	_____	☐ Diverted	☒ Conveyed	☒ Used	<u>Storage for Multipurpose</u>
<u>40 S</u>	<u>19 E</u>	<u>29</u>	<u>SE SE</u>	<u>900</u>	_____	☐ Diverted	☒ Conveyed	☒ Used	<u>Storage for Multipurpose</u>
<u>40 S</u>	<u>19 E</u>	<u>32</u>	<u>NE NE</u>	<u>7800</u>	_____	☐ Diverted	☒ Conveyed	☒ Used	<u>Storage for Multipurpose</u>
<u>40 S</u>	<u>19 E</u>	<u>32</u>	<u>NW NE</u>	<u>7800</u>	_____	☐ Diverted	☒ Conveyed	☒ Used	<u>Storage for Multipurpose</u>
<u>40 S</u>	<u>19 E</u>	<u>28</u>	<u>NE SW</u>	<u>7000</u>	_____	☐ Diverted	☒ Conveyed	☒ Used	<u>Storage for Multipurpose</u>
<u>40 S</u>	<u>19 E</u>	<u>28</u>	<u>NW SW</u>	<u>7000</u>	_____	☐ Diverted	☒ Conveyed	☒ Used	<u>Storage for Multipurpose</u>
<u>40 S</u>	<u>19 E</u>	<u>28</u>	<u>SW SW</u>	<u>7000</u>	_____	☐ Diverted	☒ Conveyed	☒ Used	<u>Storage for Multipurpose</u>
<u>40 S</u>	<u>19 E</u>	<u>28</u>	<u>SE SW</u>	<u>7000</u>	_____	☐ Diverted	☒ Conveyed	☒ Used	<u>Storage for Multipurpose</u>

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

LAKE

B. Description of Proposed Use

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

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

Source of water: ☐ Reservoir/Pond ☒ Ground Water ☐ Surface Water (name) _____

Estimated quantity of water needed: 2.85 ☒ 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 Storage for Multipurpose

Briefly describe:

Transfer to change the storage uses to "Storage for Multipurpose".

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

See bottom of Page 3. →

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For Local Government Use Only

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

Please check the appropriate box below and provide the requested information

- ☒ Land uses to be served by the proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): Yuba County Zoning Ordinance Art. 2 A-1
- ☐ Land uses to be served by the proposed water uses (including proposed construction) involve discretionary land-use approvals as listed in the table below. (Please attach documentation of applicable land-use approvals which have already been obtained. Record of Action/land-use decision and accompanying findings are sufficient.) **If approvals have been obtained but all appeal periods have not ended, check "Being pursued."**

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

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

Name: Darwin Johnson Title: Planning Director

Signature: [Signature] Phone: 541-947-6036 Date: OCT 11, 2021

Government Entity: Lake County Planning Department

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

Receipt for Request for Land Use Information

Applicant name: _____

City or County: _____ Staff contact: _____

Signature: _____ Phone: _____ Date: _____

Permanent Transfer Application Intake Completion Checklist

STORAGE

Check the Certificate(s) in WRIS

Transfer # T- 13857

Checked by: <u>Jean</u>	Type of Change(s) Proposed: Mark the Proposed Changes	Substitution	Supplemental to Primary	POU	POD	APOD
Date: <u>10/27/21</u>		Gov Action	Surface to Ground	USE	POA	APOA
Fee Received:						
Calculated Fee:		How many rights to be Transferred? Certificate #				
Additional Observations: <u>General Docs Included</u>						
<u>(We don't have Rules yet so ?!)</u>						

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: Hold Processing until Date: 10/27/21
after 1/1/2022 and Rules

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: ☐ Place of Use ☐ Character of Use ☐ 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. 2 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? ☐ No: enter 0 » ☐ 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? ☐ No: enter 0 on line 5 » ☐ 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: ☐ necessary to complete a project funded by the Oregon Watershed Enhancement Board (OWEB) under ORS 541.932? ☐ 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	