

T-13863

Temporary

T-13863

Name Donald C and Patsy M Knight trustAddress 499 Driver Valley road
Oakland Oregon 97410

DESCRIPTION OF WATER RIGHT(S)

Change in POD POD
Date Filed 11/8/2021
Initial notice date 11/16/2021
DPD issued date _____
PD issued date _____
PD notice date _____
Date of FO 1/26/2022 Vol 122 Page 362C-Date _____
COBU due date _____
COBU Received date _____
Certificate issued _____Assignments: _____

Irrigation District _____

Agent _____

CWRE _____

CC's list Douglas County Planning☐ - Oversized map - Location _____Name of Stream Colaponya CreekTrib. of Umpqua riverUse Impoundment County Douglas

Quantity of water (CFS) _____ No. of Acres _____

Name of ditch _____

App# 528574 Per # 528517 Cert # 22094 PR Date 4/30/1953

App# _____ Per # _____ Cert # _____ PR Date _____

App# _____ Per # _____ Cert # _____ PR Date _____

App# _____ Per # _____ Cert # _____ PR Date _____

App# _____ Per # _____ Cert # _____ PR Date _____

FEES PAID		
Date	Amount	Receipt #
11-8-2021	\$818.74	136804
11-8-2021	\$141.50	136806

FEES REFUNDED		
Date	Amount	Receipt #



Oregon
Kate Brown, Governor

Water Resources Department

725 Summer St NE, Suite A

Salem, OR 97301

(503) 986-0900

Fax (503) 986-0904

January 26, 2022

DONALD C & PATSY M KNIGHT TRUST
DAVID KNIGHT TRUSTEE
499 DRIVER VALLEY ROAD
OAKLAND, OR 97462

REFERENCE: District Temporary Transfer Application T-13863

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

The temporary change shall be effective at the **beginning of the 2021 irrigation season**. The use shall revert to the original authorized place of use at the **end of the 2026 irrigation season**.

If you have any questions related to the approval of this transfer, you may contact your caseworker, Scott Grew, by telephone at (503) 986-0890 or by e-mail at Scott.A.Grew@oregon.gov.

Sincerely,

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

cc: Susan M. Douthit, Watermaster Dist. # 15 (via email)
Douglas County Planning

Enclosure

BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON

In the Matter of Transfer Application)	FINAL ORDER APPROVING A
T-13863, Douglas County)	TEMPORARY CHANGE IN PLACE OF
)	USE AND POINT OF DIVERSION

Authority

Oregon Revised Statute (ORS) 540.505 to 540.580 establish the process in which a water right holder may submit a request to temporarily transfer the place of use and, if necessary to convey the water to the temporary place of use, the point of diversion authorized under an existing water right.

Oregon Administrative Rule (OAR) Chapter 690, Division 380 implements the statutes and provides the Department's procedures and criteria for evaluating transfer applications.

Applicant

DAVID KNIGHT, TRUSTEE
DONALD C. & PATSY M. KNIGHT TRUST
499 DRIVER VALLEY ROAD
OAKLAND, OR 97462

Findings of Fact

1. On November 8, 2021, DAVID KNIGHT, TRUSTEE - DONALD C & PATSY M KNIGHT TRUST filed an application to temporarily change the place of use and change the point of diversion to serve the proposed place of use under Certificate 22094 for a period of 5 years. The Department assigned the application number T-13863.
2. Notice of the application for transfer was published on November 16, 2021, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. The portion of the right to be temporarily transferred is as follows:
Certificate: 22094 in the name of LORAN & MAMIE B. O'NEAL (perfected under Permit S-22517)
Use: IRRIGATION of 3.8 ACRES
Priority Date: JUNE 30, 1953
Rate: 0.03 CUBIC FOOT PER SECOND

This is a final order in other than a contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-0080, you may petition for judicial review or petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied.

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

Source: CALAPOOYA CREEK a tributary of UMPQUA RIVER

Authorized Points of Diversion:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
24 S	5 W	WM	34	SW NW	40	NONE GIVEN
24 S	5 W	WM	34	NW SW	40	NONE GIVEN
24 S	5 W	WM	34	NE SW	40	NONE GIVEN

Authorized Place of Use:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
24 S	5 W	WM	34	SE SW	40	2.5
24 S	5 W	WM	34	SW SE	40	1.3
					Total	3.8

4. Temporary Transfer Application T-13863 proposes to temporarily change the place of use of the right to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
24 S	5 W	WM	33	NW SE	2.9
24 S	5 W	WM	33	SW SE	0.9
				Total	3.8

5. A change in point of diversion is necessary to convey the water to the proposed temporary place of use. Temporary Transfer Application T-13863 proposes to move the authorized point of diversion with approximate distances as described below:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances	Approximate Distance from original POD in mi.		
24 S	5 W	WM	33	NW SE	POD 4 - 1540 FEET NORTH AND 2035 FEET WEST FROM THE SE CORNER OF SECTION 23	POD 1	POD 2	POD 3
						1.2 mi.	0.9 mi.	0.7 MI

Temporary Transfer Review Criteria

6. Water has been used within the last five years according to the terms and conditions of the right. There is no evidence available that would demonstrate that the right is subject to forfeiture under ORS 540.610.
7. A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing right are present.

8. The proposed change would prevent the lands from which the water right is removed during the period of the temporary transfer from receiving water under the transferred right, as required by ORS 540.523(7).
9. The proposed change would not result in injury to other water rights. This finding is made through an abbreviated review recognizing that the transfer may be revoked under ORS 540.523(5) if the Department later finds that the transfer is causing injury to any existing water right.

Conclusions of Law

The temporary change in place of use and point of diversion to convey water to the temporary place of use proposed in Temporary Transfer Application T-13863 is consistent with the requirements of ORS 540.523 and OAR 690-380-8000.

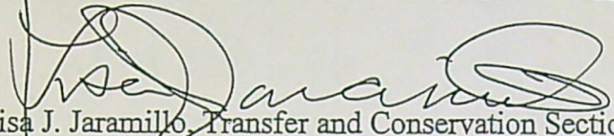
Now, therefore, it is ORDERED:

1. The temporary change in place of use and change in point of diversion to convey water to the temporary place of use proposed in Temporary Transfer Application T-13863 is approved.
2. The former place of use **shall not** be irrigated as part of this water right during the 2022, 2023, 2024, 2025 and 2026 irrigation seasons.
3. The use shall revert to the authorized place of use at the end of the 2026 irrigation season. The authorization to use the additional point of diversion shall be terminated concurrently.
4. The approval of this temporary transfer may be revoked or modified if the Department finds the change causes injury to any existing water right.
5. The quantity of water diverted at the proposed temporary point of diversion shall not exceed the quantity of water lawfully available at the original points of diversion.
6. A subsequent application for permanent transfer of Certificate 22094 shall be subject to a full and complete review to determine consistency with the requirements of OAR Chapter 690, Division 380. Approval of this temporary transfer does not establish a precedent for approval of a subsequent application filed for a permanent transfer.
7. The use of water at the temporary place of use authorized by this transfer shall be in accordance with the terms and conditions of Certificate 22094.
8. The time during which water is used under this approved temporary transfer does not apply toward a finding of forfeiture under ORS 540.610.

9. The use of the remaining water right described by Certificate 22094 shall continue to be in accordance with the terms and conditions of Certificate 22094.

Dated in Salem, Oregon on

JAN 26 2022


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

Mailing Date:

JAN 27 2022

WATER RIGHT TRANSFER COVER SHEET

Transfer: T- 13863

Transfer Specialist: *Scott*

Transfer Type: Temporary Transfer

Applicant: DONALD C & PATSY M KNIGHT TRUST DAVID KNIGHT TRUSTEE 499 DRIVER VALLEY ROAD OAKLAND, OR 97462 Email: _____ Phone: _____		Agent: <input type="checkbox"/> N/A UNAVAILABLE Email: _____ Phone: _____	
Irrigation District: <input type="checkbox"/> N/A Email: _____		CWRE: <input type="checkbox"/> N/A Email: _____	
Affected Local Gov'ts: <input type="checkbox"/> N/A Douglas County Planning Department/Land Use Email: _____		Affected Tribal Gov't: <input type="checkbox"/> N/A UNAVAILABLE Email: _____	
Current Landowner if other than Applicant: <input type="checkbox"/> N/A Email: _____		Receiving Landowner: <input type="checkbox"/> N/A Email: _____	

Water Rights Affected

File Marked	App. File # or Decree Name	Permit	Certificate	RR/CR Needed	RR/CR Nos.
<input type="checkbox"/>	S28574	S22517	22094	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>				<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>				<input type="checkbox"/> Yes <input type="checkbox"/> No	

Key Dates & Initial Actions:

Rec'd: November 8, 2021	Proposed Action(s): POINT OF DIVERSION; PLACE OF USE	
Fees Pd: 960.26	WM District: 15	ODFW District:
Initial Public Notice: November 16, 2021	WM Review sent:	ODFW Review sent:
Acknowledgement Letter Sent <input checked="" type="checkbox"/>		GW Review sent: <input type="checkbox"/> N/A
County sent cc: of Ack Letter <input type="checkbox"/>	BOR notified (date): <input type="checkbox"/> N/A	
Newspaper quote requested:	Request for news \$ sent:	News \$ received:
Request to publish sent:	Affidavit of publication received:	Last day of publication:

Document	Drafted	Peer Review	Changes Made	Coordinator	Changes Made	Signature Bin	Signature Date
DPD	Date: <i>X</i> Initials: <i>X</i>	Date: <i>X</i> Initials: <i>X</i>	Date: <i>X</i> Initials: <i>X</i>	Date: <i>X</i> Initials: <i>X</i>	Date: <i>X</i> Initials: <i>X</i>	CW Sent: <i>X</i>	N/A
PD	Date: <i>X</i> Initials: <i>X</i>	Date: <i>X</i> Initials: <i>X</i>	Date: <i>X</i> Initials: <i>X</i>	Date: <i>X</i> Initials: <i>X</i>	Date: <i>X</i> Initials: <i>X</i>	Date: <i>X</i>	Date: <i>X</i>
FO	Date: <i>12/29/21</i> Initials: <i>Scott</i>	Date: <i>12/30/21</i> Initials: <i>AD</i>	Date: <i>X</i> Initials: <i>X</i>	Date: <i>1/10/22</i> Initials: <i>PKS</i>	Date: <i>1/19/22</i> Initials: <i>Scott</i>	Date: <i>1/19/22</i>	Date: <i>1/26/2022</i>

Special Issues: _____

Special Order Volume: Vol. *122* Pages *362*

TOWNSHIP 24 SOUTH RANGE 5 WEST, W.M.
DOUGLAS COUNTY OREGON

TEMPORARY TRANSFER
APPLICATION

CHANGE IN PLACE OF USE
& POINT OF DIVERSION
CERTIFICATE 22094

APPLICANT:

David Knight, Trustee
Donald C. & Patsy M. Knight Trust
660 Driver Valley Road
Oakland, OR 97462



Legend

- FROM POD'S - #1 NE-SW, #2 NW-SW, #3 SW-NW, DLC-40, Section 34, T24S, R5W, W.M.
- TO POD - #4 - 1540 feet North & 2035 feet West from the SE Corner Section 33, T24S, R5W, W.M.



3.8 Acres - move FROM
(Knight)



3.8 Acres - move TO
(Witten)



Remaining Right



Buildings

13863

Base map - Douglas County GIS Data over current
ORmap and 5/10/2019 Google aerial photo for
assumed best fit

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

RECEIVED

NOV 08 2021

OWRD

Scale

1" = 1320'

NORTH

JORDAN ENGINEERING

460 JORDAN LANE
ROSEBURG, OREGON 97471
(541) 673-1931

07-29-2021 n.e.d.

WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON

In the Matter of Instream Lease Application) DETERMINATION and
IL-928, Certificate 22094, Douglas County) FINAL ORDER ON PROPOSED
) INSTREAM LEASE

Authority

ORS 537.348 establishes the process in which a water right holder may submit a request to lease an existing water right for instream purposes. OAR Chapter 690, Division 077 implements the statutes and provides the Department's procedures and criteria for evaluating instream lease applications.

Lessor

Donald C. and Patsy M. Knight
499 Driver Valley Road
Oakland, Oregon 97462
dan@knightmgt.com

Findings of Fact

1. On June 3, 2013, Donald and Patsy Knight filed an application to renew instream lease IL-928, involving a portion of Certificate 22094 for instream use.
2. The portion of the right to be leased is as follows:

Certificate: 22094 in the name of Loran and Mamie O'Neal (perfected under Permit S-22517)

Use: Irrigation of 118.0 acres

Priority Date: June 30, 1953

Quantity: **Rate:** 1.01 Cubic Foot per Second (CFS)

Duty: 295.0 Acre-Feet (AF)

Limit: One-eightieth CFS per acre, not to exceed 2.5 AF per acre during the irrigation season of each year

Source: Calapooya Creek, tributary to Umpqua River

Authorized Points of Diversion:

Twp	Rng	Mer	Sec	Q-Q	DLC
24 S	5 W	WM	34	SW NW	40
24 S	5 W	WM	34	NE SW	40
24 S	5 W	WM	34	NW SW	40

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

Authorized Place of Use:

Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
24 S	5 W	WM	33	SE NE	40	2.8
24 S	5 W	WM	34	SW NW	40	3.8
24 S	5 W	WM	34	SE NW	40	9.4
24 S	5 W	WM	34	NE SW	40	34.8
24 S	5 W	WM	34	NW SW	40	26.8
24 S	5 W	WM	34	SE SW	40	13.5
24 S	5 W	WM	34	SW SW	40	4.0
24 S	5 W	WM	34	NW SE	40	15.6
24 S	5 W	WM	34	SW SE	40	7.3
Total:						118.0

3. Certificate 22094 does not provide a measured distance of the points of diversion. Based upon additional information provided by the Department's Watermaster, for the purposes of this instream lease, flows will be regulated using the following point:

Twp	Rng	Mer	Sec	Q-Q	Description
24 S	5W	WM	34	SW NW	At River Mile 16.7

4. Certificate 22094 does not specify the irrigation season, however the irrigation season is specified by the Rogue River Decree as April 1 through October 31.
5. The lease application includes the information required under OAR 690-077-0076(3). The Department provided notice of the lease application pursuant to OAR 690-077-0077(1). No comments were received.
6. The instream use has been clarified and is as follows:

Calapooya Creek tributary to Umpqua River

Instream Reach: From the point of diversion (as described in Finding of Fact #3 at River Mile 16.7) to the mouth of Calapooya Creek

Certificate	Priority Date	Instream Rate (cfs)	Instream Volume (af)	Period Protected Instream
22094	June 30, 1953	1.01	295.0	June 7 - October 31

7. If approved, this instream lease is not reasonably expected to significantly affect land use as prescribed by ORS 197.180, OAR Chapter 660, Divisions 30 and 31, and OAR Chapter 690, Division 5.
8. Based upon review of the application, comments received, information provided by the Department's Watermaster, and other available information, the Department finds that the lease will not result in injury or enlargement. The order approving this instream lease may be modified or revoked under OAR 690-077-0077 if the Department later finds that the lease is causing injury to any existing water right or enlargement of the original right.
9. If a right which has been leased is later proposed to be leased again or transferred to an instream use under ORS 537.348 and OAR 690-077-0070 or OAR 690-077-0075 a new injury review shall be required. Transfers will be subject to a full and complete review to determine consistency with the requirements of OAR Chapter 690, Division 380 and

Division 077. Approval of this lease does not establish a precedent for approval of future leases or transfers.

10. The Lessor has requested that the lease terminate on October 31, 2017. The lease may commence on the date this final order is signed.
11. The Lessor has requested the option of terminating the lease early with written notice to the Department.

CONCLUSIONS OF LAW

The Department concludes that the lease will not result in injury or enlargement, OAR 690-077-0077. The lease conforms to the applicable provisions of OAR 690-077-0015.

ORDER

Therefore, it is ORDERED:

1. That the Lease as described herein is APPROVED.
2. During each year of the term of the lease, the former place of use will no longer receive water as part of these rights, any supplemental rights, or any other layered water rights for irrigation use, including ground water registrations.
3. The term of the lease will commence upon approval of the instream lease and terminate on October 31, 2017. For multiyear leases, the lessor *shall* have the option of terminating the lease each year with written notice to the Department. The lease may be terminated at any time during the calendar year. However, if the termination request is received less than 30-days prior to the period of allowed instream use (June 7 through October 31) or after the period of allowed use has begun for the water right being leased, water shall not be used under the right leased until the following calendar year, unless the Director determines that enlargement would not occur.

Dated at Salem, Oregon this 30 day of August, 2013.


Dwight French, Water Right Services Administrator, for
PHILLIP C. WARD, DIRECTOR

This document was prepared by Joan Smith and if you have any questions, please call 503-986-0892.

Mailing date: SEP 05 2013

STATE OF OREGON

COUNTY OF DOUGLAS

CERTIFICATE OF WATER RIGHT

This Is to Certify, That LORAN & MAMIE B. O'NEAL

of Oakland, State of Oregon, has made proof to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of Calapooya Creek a tributary of Umpqua River for the purpose of irrigation under Permit No. 22517 of the State Engineer, and that said right to the use of said waters has been perfected in accordance with the laws of Oregon; that the priority of the right hereby confirmed dates from June 30, 1953

that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed 1.05 cubic foot per second

or its equivalent in case of rotation, measured at the point of diversion from the stream. The point of diversion is located in the SW $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, as projected within Tibbets DEC #40, Section 34, Township 24 South, Range 5 West, W. M.

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

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

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

2.8 acres in the SE $\frac{1}{4}$ NE $\frac{1}{4}$
Section 33

3.8 acres in the SW $\frac{1}{4}$ NW $\frac{1}{4}$

9.4 acres in the SE $\frac{1}{4}$ NW $\frac{1}{4}$

36.8 acres in the NE $\frac{1}{4}$ SW $\frac{1}{4}$

26.8 acres in the NW $\frac{1}{4}$ SW $\frac{1}{4}$

4.0 acres in the SW $\frac{1}{4}$ SW $\frac{1}{4}$

16.2 acres in the SE $\frac{1}{4}$ SW $\frac{1}{4}$

Section 34

all as projected within Tibbets DEC #40

15.6 acres in the NW $\frac{1}{4}$ SE $\frac{1}{4}$

7.3 acres in the SW $\frac{1}{4}$ SE $\frac{1}{4}$

Section 34

Township 24 South, Range 5 West, W. M.

The right to the use of the water for the purposes aforesaid is restricted to the lands or place of use herein described.

WITNESS the signature of the State Engineer, affirmed

this 7th day of February, 1957.

LEWIS A. STANLEY

State Engineer

1.05
122.7

0.008557457

x 3.8

0.032518336

0.03

122.7 total

2.5

1.3

3.8

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

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

Additional remarks:_____

TACS



Part 5 of 5 – Water Right Information

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

Water Right Certificate # 22094

RECEIVED

Description of Water Delivery System

NOV 08 2021

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

_____ gallons per minute (gpm)

OWRD

Describe the current water delivery system or the system that was in place at some time within the last five years. Include information on the pumps, canals, pipelines, and sprinklers used to divert, convey, and apply the water at the authorized place of use. Water right was leased instream #IL-928

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, DL Co or Gov't Lot	Measured Distances (from a recognized survey corner)
1	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed		24 S	5 W	34	NE	S W	40	NONE SPECIFIED
2	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed		24 S	5 W	34	N W	S W	40	NONE SPECIFIED
3	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed		24 S	5 W	34	S W	N W	40	NONE SPECIFIED
4	<input type="checkbox"/> Authorized <input checked="" type="checkbox"/> Proposed		24 S	5 W	33	N W	SE		1540 ft. N. & 2035 ft. W. from the SE Cor. Sec. 33

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

- ☒ Place of Use (POU)
☒ Point of Diversion (POD)
☐ Additional Point of Diversion (APOD)

☐ Appropriation/Well (POA)
☐ Additional Point of Appropriation (APOA)

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

- ☐ Place of Use (POU)
☐ Character of Use (USE)
☐ Point of Diversion (POD)

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

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

- ☐ Yes
☒ No

Complete only the Proposed ("to" lands) section of Table 2 on the next page. Use the "CODES" listed above to describe the proposed changes.

Complete all of Table 2 to describe the portion of the water right to be changed.

13863

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-13863

Review Due Date: 12/15/2021

Applicant Name: David Knight, Trustee-Donald C and Patsy M Knight

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

Reviewer(s): Mary Burleson

Date of Review: 11/22/2021

1. Do you have evidence that the right has not been used in the last 5 years and that the presumption of forfeiture would not likely be rebuttable? ☐ Yes ☒ No If "Yes", attach evidence (e.g. dated aerial photo showing pavement or building on the land for >5 yrs.)
2. Is there a history of regulation on the source that serves this (or these) right(s) that has involved the transferred right(s) and downstream water rights? ☒ Yes ☐ No Generally characterize the frequency of any regulation or explain why regulation has not occurred:
Calapooya Creek is regulated annually for ISWR 59698 & 59901
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- 13863



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: Mary Burleson (Asst. WM)

District: 15

Address: 1036 SE Douglas Ave.

City/State/Zip: Roseburg, OR 97470

Phone: 541-440-4255

Email: mary.l.burleson@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 15, 2021

DONALD C & PATSY M KNIGHT TRUST
DAVID KNIGHT TRUSTEE
499 DRIVER VALLEY ROAD
OAKLAND, OR 97462

Reference: Application T-13863

On November 8, 2021, OWRD received your water right Temporary Transfer Application. The application was accompanied by \$960.26. Our receipt number 136806; 136804 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.

Except as provided under ORS 540.510(3) for municipalities, you may not **temporarily** use water at the new place of use or from the new point of diversion/appropriation until a final order approving the temporary transfer application has been issued by the Department. Additionally, pursuant to OAR 690-380-8010, the lands **from** which an irrigation water right is to be temporarily transferred and the land **to** which the right is to be temporarily transferred may not both receive water during the same season. If the temporary transfer is approved during an irrigation season and water has already been used at the currently authorized location during that season, then the temporary transfer will not take effect until the following season.

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

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

Cc: Watermaster Dist. #15, Susan M. Douthit (via email)
Douglas County Planning

Enclosure

STATE OF OREGON
WATER RESOURCES DEPARTMENT

RECEIPT # 136806

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

INVOICE # _____

RECEIVED FROM: Joshua Witten APPLICATION _____
BY: _____ PERMIT _____
CASH: ☐ CHECK: # 1205 OTHER: (IDENTIFY) _____ TRANSFER T-13863
☐ TOTAL REC'D \$ 141.52

1083 TREASURY 4170 WRD MISC CASH ACCT

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

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

4270 WRD OPERATING ACCT

MISCELLANEOUS 46110
0407 COPY & TAPE FEES \$ _____
0410 RESEARCH FEES \$ _____
0408 MISC REVENUE: (IDENTIFY) _____ \$ _____
TC162 DEPOSIT LIAB. (IDENTIFY) _____ \$ _____
0240 EXTENSION OF TIME \$ _____
WATER RIGHTS: EXAM FEE RECORD FEE
0201 SURFACE WATER \$ 0202 \$ _____
0203 GROUND WATER \$ 0204 \$ _____
0205 TRANSFER \$ 141.52
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: 136806

DATED: 11-8-2021 BY: Mindy Cadden

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

STATE OF OREGON
WATER RESOURCES DEPARTMENT

RECEIPT # 136804

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

INVOICE # _____

RECEIVED FROM: Joshua Witten APPLICATION _____
BY: _____ PERMIT _____
CASH: ☐ CHECK: # 1193 OTHER: (IDENTIFY) _____ TRANSFER T-13863
☐ TOTAL REC'D \$ 818.74

1083 TREASURY 4170 WRD MISC CASH ACCT

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

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

4270 WRD OPERATING ACCT

MISCELLANEOUS 46110
0407 COPY & TAPE FEES \$ _____
0410 RESEARCH FEES \$ _____
0408 MISC REVENUE: (IDENTIFY) _____ \$ _____
TC162 DEPOSIT LIAB. (IDENTIFY) _____ \$ _____
0240 EXTENSION OF TIME \$ _____
WATER RIGHTS: EXAM FEE RECORD FEE
0201 SURFACE WATER \$ 0202 \$ _____
0203 GROUND WATER \$ 0204 \$ _____
0205 TRANSFER \$ 818.74
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: 136804

DATED: 11-8-2021 BY: Mindy Cadden

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

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



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

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

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

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FOR ALL TEMPORARY TRANSFER APPLICATIONS

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

OWRD

- ☒ Part 1 – Completed Minimum Requirements Checklist.
- ☒ Part 2 – Completed Temporary Transfer Application Map Checklist.
- ☒ Part 3 – Application Fee, payable by check to the Oregon Water Resources Department, and completed Fee Worksheet, page 3. Try the online fee calculator at:
http://apps.wrd.state.or.us/apps/misc/wrd_fee_calculator.
- ☒ Part 4 – Completed Applicant Information and Signature.
- ☒ Part 5 – Information about Transferred Water Rights: **How many water rights are to be transferred? 1 List them here: 22094**
Please include a separate Part 5 for each water right. (See instructions on page 6)
- ☒ ☐ N/A For standard Temporary Transfer (one to five years) **Begin Year: 2021 End Year: 2026.**
- ☐ ☒ N/A Temporary Drought Transfer (Only in counties where the Governor has declared drought)

Attachments:

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

(For Staff Use Only)

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

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

Other/Explanation _____

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

Part 2 of 5 – Temporary Transfer Application Map Checklist

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

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

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

[illegible]

TACS

Part 4 of 5 – Applicant Information and Signature

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Applicant Information

APPLICANT/BUSINESS NAME David Knight, Trustee - Donald C and Patsy M Knight Trust			PHONE NO. 541-430-7312	ADDITIONAL CONTACT NO. OWRD
ADDRESS 499 Driver Valley Road				FAX NO.
CITY Oakland	STATE OR	ZIP 97462	E-MAIL	
BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED.				


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

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

Explain in your own words what you propose to accomplish with this transfer application and why:
Temporarily transfer 3.8 acres of water right to a neighbor

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

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

 Applicant signature	<u>TRUSTEE</u> Print Name (and Title if applicable)	<u>9-15-21</u> Date
_____ Applicant signature	_____ Print Name (and Title if applicable)	_____ Date

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

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

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

DISTRICT NAME	ADDRESS	
CITY	STATE	ZIP

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

ENTITY NAME	ADDRESS	
CITY	STATE	ZIP



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

ENTITY NAME Douglas County Planning	ADDRESS 1036 SE Douglas Ave., Justice Bldg., Room 106	
CITY Roseburg	STATE OR	ZIP 97470

ENTITY NAME	ADDRESS	
CITY	STATE	ZIP

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Part 5 of 5 – Water Right Information

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

Water Right Certificate # 22094

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Description of Water Delivery System

NOV 08 2021

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

_____ gallons per minute (gpm)

OWRD

Describe the current water delivery system or the system that was in place at some time within the last five years. Include information on the pumps, canals, pipelines, and sprinklers used to divert, convey, and apply the water at the authorized place of use. Water right was leased instream #IL-928

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)
1	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed		24 S	5 W	34	NE S W W	40	NONE SPECIFIED
2	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed		24 S	5 W	34	N S W W	40	NONE SPECIFIED
3	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed		24 S	5 W	34	S N W W	40	NONE SPECIFIED
4	<input type="checkbox"/> Authorized <input checked="" type="checkbox"/> Proposed		24 S	5 W	33	N N W SE		1540 ft. N. & 2035 ft. W. from the SE Cor. Sec. 33

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

- | | |
|---|---|
| <input checked="" type="checkbox"/> Place of Use (POU) | <input type="checkbox"/> Appropriation/Well (POA) |
| <input checked="" type="checkbox"/> Point of Diversion (POD) | <input type="checkbox"/> Additional Point of Appropriation (APOA) |
| <input type="checkbox"/> Additional Point of Diversion (APOD) | |

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

- | | |
|---|---|
| <input type="checkbox"/> Place of Use (POU) | <input type="checkbox"/> Point of Appropriation/Well (POA) |
| <input type="checkbox"/> Character of Use (USE) | <input type="checkbox"/> Additional Point of Appropriation (APOA) |
| <input type="checkbox"/> Point of Diversion (POD) | <input type="checkbox"/> Additional Point of Diversion (APOD) |

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

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

13863

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

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

Table 2. Description of Temporary Changes to Water Right Certificate # 22094

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

AUTHORIZED (the "from" or "off" lands) The listing that appears on the Certificate BEFORE PROPOSED CHANGES List only that part or portion of the water right that will be changed.													Proposed Changes (see "CODES" from previous page)	PROPOSED (the "to" or "on" lands) The listing as it would appear AFTER PROPOSED CHANGES are made.									
Twp	Rng	Sec	¼ ¼	Tax Lot	Gvt Lot or DLC	Acres	Type of USE listed on Certificate	POD(s) or POA(s) (name or number from Table 1)	Priority Date	Twp	Rng	Sec		¼ ¼	Tax Lot	Gvt Lot or DLC	Acres	New Type of USE	POD(s)/ POA(s) to be used (from Table 1)	Priority Date			
EXAMPLE																							
2	S	9	E 15 NE NW	100		15.0	Irrigation	POD #1 POD #2	1901	POU/POD	2	S	9	E 1 NW NW	500	1	10.0		POD #5	1901			
"	"	"	" " "	"	"	"	EXAMPLE	"	"	"	2	S	9	E 2 SW NW	500		5.0		POD #6	1901			
24	S	5	W 34 SE SW	202, 205	40	2.5	Irrigation	POD 1,2,3	1953		25	S	5	W 33 NW SE	1100		2.9	Irrigation	POD 4	1953			
24	S	5	W 34 SW SE	202	40	1.3	Irrigation	POD 1,2,3	1953		25	S	5	W 33 SW SE	1100		0.9	Irrigation	POD 4	1953			
						TOTAL ACRES	3.8																
						TOTAL ACRES	3.8																

Additional remarks: _____

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For Place of Use Changes

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

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

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

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

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

AND/OR

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

Table 3. Construction of Point(s) of Appropriation

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

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

Klamath Basin/County Drought Transfer Applications

Table 4. Klamath Basin/County Well Information (DROUGHT TRANSFER APPLICATIONS ONLY)

Is there currently a flowmeter installed on each of the POAs listed in Table 1 of this application? ☐ Yes ☐ No*

**Please note that watermaster staff will visit the well to confirm flowmeter presence. Where possible, watermaster staff will take a static water level measurement. Alterations to the well head may be required in order to make the water level measurements.*

For each well, please provide a description of the flowmeter location, the serial number, the current flowmeter reading and the date the reading was taken in the table below.

OWNER'S WELL NAME OR NUMBER.	WELL TAG NUMBER (IF AVAILABLE)	WELL LOG ID (E.G., KLAM 1234)	FLOWMETER SERIAL NUMBER	FLOWMETER READING	FLOWMETER DATE	FLOWMETER LOCATION

13863

Application for Water Right Transfer

Evidence of Use Affidavit



Mr. Knight
 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 DOUGLAS)

RECEIVED

NOV 08 2021

OWRD

I, DAN KNIGHT, in my capacity as FARM MANAGER,
 mailing address 499 DRIVER VALLEY ROAD, OAKLAND, OR 97462
 telephone number (541)430-7312, being first duly sworn depose and say:

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

☒ Personal observation ☐ Professional expertise

2. I attest that:

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

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

Certificate #	Township		Range		Mer	Sec	1/4 1/4		Gov't Lot or DLC	Acres (if applicable)
22094	24	S	5	W	WM	34	SE	SW	40	2.5
22094	24	S	5	W	WM	34	SW	SE	40	1.3

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: IL-928 (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.): LEASED INSTREAM

4. I understand that if I do not attach one or more of the documents shown in the table below to support the above statements, my application will be considered incomplete.

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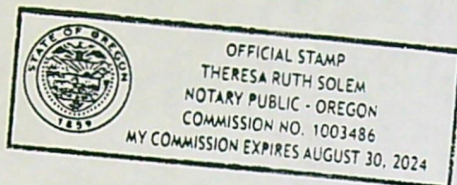
NOV 08 2021

[Signature]
Signature of Affiant

9-15-21
Date

OWRD

Signed and sworn to (or affirmed) before me this 15th day of September, 2021.



Theresa Solem
Notary Public for Oregon

My Commission Expires: 8/30/24

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

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Douglas County Official Records
Patricia K. Hitt, County Clerk

2016-015221



\$61.00

00424654201600152210040049

09/26/2016 10:01:03 AM

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\$20.00 \$11.00 \$20.00 \$10.00

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DOUGLAS COUNTY CLERK



CERTIFICATE PAGE

DO NOT REMOVE THIS PAGE FROM ORIGINAL
DOCUMENT

THIS PAGE MUST BE INCLUDED IF DOCUMENT IS RE-RECORDED

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NOV. 08 2021

OWRD

AFTER RECORDING RETURN TO:

Laurie A. Nelson
Gleaves Swearingen LLP
975 Oak Street, Suite 800
Eugene, OR 97401

Grantor(s):
Donald C. Knight and
Patsy M. Knight

Grantee(s):
Donald C. Knight, Patsy M. Knight,
and David A. Knight, Trustees

OREGON STATUTORY BARGAIN AND SALE DEED

Donald C. Knight and Patsy M. Knight, husband and wife as tenants by the entireties, Grantors, convey to Donald C. Knight, Patsy M. Knight and David A. Knight, Trustees of the Donald and Patsy Knight Family Trust UTD November 24, 2009, Grantees, the real property described on Exhibit A attached hereto and incorporated herein by this reference:

The true consideration for this conveyance is other property or value.

Until a change is requested, all tax statements are to be sent to the following address:

No Change

Tax Account Number: R119933

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

NOV 08 2021

OWRD

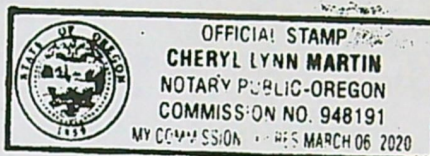
195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

Dated this 22 day of September, 2016.

Donald C. Knight
Donald C. Knight

Patsy M. Knight
Patsy M. Knight

STATE OF OREGON)
) ss.
County of Douglas)



The foregoing instrument was acknowledged before me this 22 day of September, 2016, by Donald C. Knight.

Cheryl Lynn Martin
Notary Public for Oregon
My Commission Expires: Mar. 6, 2020

STATE OF OREGON)
) ss.
County of Douglas)



The foregoing instrument was acknowledged before me this 22 day of September, 2016, by Patsy M. Knight.

Cheryl Lynn Martin
Notary Public for Oregon
My Commission Expires: Mar. 6, 2020

RECEIVED

NOV 08 2021

EXHIBIT A

OWRD

All that portion of the Jonathan Tibbetts Donation Land Claim No. 40, lying North of the County Road more particularly described as follows:

BEGINNING at a point which is the Southeast corner of said Donation Land Claim No. 40; thence Northerly 650 feet along the East line of said Donation Land Claim No. 40 to a point; thence West 800 feet to a point; thence South 650 feet, more or less, to a point on the South line of said Donation Land Claim No. 40; thence Easterly along the South line of said Donation Land Claim No. 40, 800 feet, more or less, to the point of beginning. Lying in the South one half of Section 34, Township 24 South, Range 5 West, Willamette Meridian, Douglas County, Oregon.

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OWRD

AFTER RECORDING RETURN TO:

Stephen O. Lane
Gleaves Swearingen LLP
975 Oak Street, Suite 800
Eugene, OR 97401

Grantor(s):

Donald C. Knight, Trustee and
Patsy M. Knight, Trustee
660 Driver Valley Road
Oakland, OR 97462

Grantee(s):

Donald C. Knight and Patsy M. Knight,
Trustees of the Donald and Patsy Knight
Family Trust Agreement UTD 11/24/09
660 Driver Valley Road
Oakland, OR 97462

Douglas County Official Records
Patricia K. Hitt, County Clerk

2013-003909



\$56.00

00339957201300039090040040

DEED-BS Cnt=1 Stn=13 CAROL
\$20.00 \$11.00 \$15.00 \$10.00

02/20/2013 12:20:13 PM

OREGON STATUTORY BARGAIN AND SALE DEED

Donald C. Knight, Donald C. Knight Trustee under the Donald C. Knight Revocable Living Trust Agreement, Patsy M. Knight, and Patsy M. Knight Trustee under the Patsy M. Knight Revocable Living Trust Agreement, Grantors, convey to Donald C. Knight and Patsy M. Knight, Trustees of the Donald and Patsy Knight Family Trust Agreement UTD 11/24/09, Grantee, the real property described on Exhibit A attached hereto and incorporated herein by this reference:

The true consideration for this conveyance is other than money.

Until a change is requested, all tax statements are to be sent to the following address:

No Change

Tax Account Numbers: R70628, R70635, R70642, R70649, R70656 and R132904

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

NOV 08 2021

DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

OWRD

Dated this 5th day of February, 2013.

Donald C. Knight

Donald C. Knight, individually and as
Trustee under the Donald C. Knight
Revocable Living Trust Agreement

Patsy M. Knight

Patsy M. Knight, individually and as Trustee
under the Patsy M. Knight Revocable Living
Trust Agreement

STATE OF OREGON)
) ss.
County of Lane)

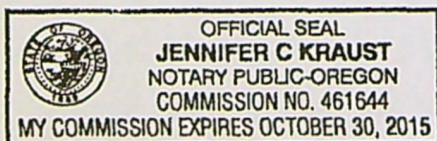
The foregoing instrument was acknowledged before me this 5th day of February, 2013, by Donald C. Knight, individually and as Trustee under the Donald C. Knight Revocable Living Trust Agreement.



Jennifer C. Kraust
Notary Public for Oregon
My Commission Expires: 10-30-15

STATE OF OREGON)
) ss.
County of Lane)

The foregoing instrument was acknowledged before me this 5th day of February, 2013, by Patsy M. Knight, individually and as Trustee under the Patsy M. Knight Revocable Living Trust Agreement.



Jennifer C. Kraust
Notary Public for Oregon
My Commission Expires: 10-30-15

NOV-08 2021

EXHIBIT A

OWRD

Beginning at the Northwest corner of the Jonathan Tibbetts D. L. C. No. 40, Township 24 South, Range 5 West, W. M., Douglas County, Oregon; thence East 2.81 chains to the center of Pollock Creek; thence North 36.45° East 25.00 chains following the center of said creek to its intersection with the North boundary of and 17.75 chains East of the Northwest corner of Section 34, Township 24 South, Range 5 West, W. M., Douglas County, Oregon; thence East 0.25 chains; thence North 64 1/2° East 5.57 chains; thence North 75 1/4° East 2.85 chains; thence North 50 1/2° East 4.50 chains; thence South 84° East 16.54 chains; thence North 49 1/2° East 3.00 chains to a point North of the Northwest corner of the W. O. Green D. L. C. No. 41, of the aforesaid Township and Range; thence South 27 chains to the Northwest corner of said D. L. C. No. 41; thence South 587.0 feet along the West boundary of said D. L. C. No. 41; thence South 55° West 700 feet; thence South 28° West 104 feet; thence South 4° West 150 feet; thence South 82° East 637.5 feet to the West boundary of D. L. C. No. 41 at its intersection with the center line of Calapooia Creek; thence south 38.08 chains along the West boundary of said D. L. C. No. 41 to its intersection with the centerline of a county road (said intersection being the Northeast corner of the parcel of land deeded to A. C. Leabo by Hilda Roston Kruger and H. R. Kruger, and described in Volume 74, Page 405, Deed Records of Douglas County, Oregon), thence South 84° 30 feet West 14.28 chains and North 84° West 5.14 chains along said County Road and the North boundary of said Leabo property; thence South 1.08 chains to the South boundary of the aforesaid Section 34, thence West 28.72 chains to the Southwest corner thereof and the Southwest corner of Jonathan Tibbetts D. L. C. No. 40; thence North 30.00 chains along the West boundary of said Section 34, to the Southeast corner of the Northeast quarter of the Northeast quarter of the Southeast quarter of Section 33, said township and range; thence West 10.00 chains along the South boundary of said Northeast quarter of the Northeast quarter of the Southeast quarter of Section 33 to the Southwest corner thereof, thence North 10 chains along the West boundary of the said Northeast quarter of the Northeast quarter of the Southeast quarter of Section 33, to the Northwest corner thereof; thence West 0.29 chains to the center of the Calapooia Creek; thence following the corner of Calapooia Creek North 25° East 3.08 chains, North 42° East 1.45 chains, North 23° East 4.55 chains, North 6° East 4.10 chains, North 57° East 2.25 chains and South 65 1/2° East 4.25 chains to its intersection with the West boundary of the aforesaid D. L. C. No. 40; thence North 6.40 chains along the West boundary of said D. L. C. No. 40 to the Northwest corner thereof and the place of beginning, in Sections 27, 33 and 34, Township 24 South, Range 5 West of the Willamette Meridian, in Douglas County, Oregon.

EXCEPTING THEREFROM any portion lying within County Roads.

And:

That part of Parcel 3 of Land Partition 2005-27, Partition Plat Records of Douglas County, Oregon, situated Westerly of the east line of the J. Tibbits Donation Land Claim No. 40, in Section 34, Township 24 South, Range 5 West, Willamette Meridian, Douglas County, Oregon.

EXCEPTING THEREFROM:

- (1) All that portion of DLC No. 40 located in the west $\frac{1}{2}$ of the southwest $\frac{1}{4}$ of Section 34, township 24 south, Range 5 west, W.M. Douglas County, Oregon.
Described as follows:
Beginning at a point on the south line of said DLC #40 from which the southwest corner of said Section 34 bears west 650 feet; thence along said south line, east 400 feet; thence leaving said southerly line, north 700 feet; thence west 400 feet; thence south 700 feet to the point of beginning.
Situated in Section 34, Township 34 south, Range 5 west, W.M. Douglas County, Oregon.
- (2) All of that portion of the Jonathan Tibbetts Donation Land Claim No. 40, lying North of the County Road more particularly described as follows:

BEGINNING at a point which is the Southeast corner of said Donation Land Claim No. 40; thence Northerly 650 feet along the East line of said Donation Land Claim No. 40 to a point; thence West 800 feet to a point; thence South 650 feet, more or less, to a point on the South line of said Donation Land Claim No. 40; thence Easterly along the South line of said Donation Land Claim No. 40, 800 feet, more or less, to the point of beginning.
Lying the South one half of Section 34, Township 24 South, Range 5 West, Willamette Meridian, Douglas County, Oregon.



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12/01/2009 03:33:30 PM

Mail Tax Statements To: No Change

After recording hand to:

True consideration for this conveyance is other than money.

DEED-BS Cnt=1 Stn=3 MARRIAGECOUNTER
\$15.00 \$11.00 \$15.00 \$10.00

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NOV-08 2021

OWRD

BARGAIN AND SALE DEED
(ORS 93.860)

DONALD C. KNIGHT, as Trustee of the Donald C. Knight Revocable Living Trust Agreement of 1993, and PATSY M. KNIGHT, as Trustee of the Patsy M. Knight Revocable Living Trust Agreement of 1993, GRANTORS, for valuable consideration, conveys and warrants to DONALD C. KNIGHT and PATSY M. KNIGHT, as Trustees, the Donald and Patsy Knight Family Trust Agreement, GRANTEE, the real property in Douglas County, Oregon, described on Exhibit A, attached hereto and incorporated herein.

This instrument will not allow use of the property described in this instrument in violation of applicable land use laws and regulations. Before signing or accepting this instrument, the person acquiring fee title to the property should check with the appropriate city of county planning department to verify approved uses and to determine any limits on lawsuits against farming or forest practices as defined in ORS 30.930.

Before signing or accepting this instrument, the person transferring fee title should inquire about the person's rights, if any, under ORS § 197.352. This instrument will not allow use of the property described in this instrument in violation of applicable land use laws and regulations. Before signing or accepting this instrument, the person acquiring fee title to the property should check with the appropriate city of county planning department to verify approved uses and to determine any limits on lawsuits against farming or forest practices as defined in ORS 30.930, and to inquire about the rights of neighboring property owners, if any, under ORS § 197.352.

DATED this 25th day of November, 2009

Donald C. Knight

DONALD C. KNIGHT
STATE OF OREGON

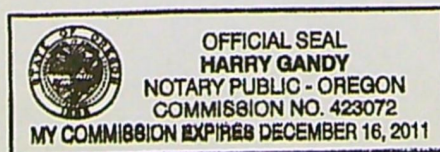
)
) ss

County of Douglas

Patsy M. Knight

PATSY M. KNIGHT

On this 25th day of November, 2009, DONALD C. KNIGHT and PATSY M. KNIGHT personally appeared before me and acknowledged that the foregoing instrument is their voluntary act and deed.



[Signature]
Notary Public for Oregon

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OWRD

EXHIBIT "A"

Beginning at the Northwest corner of the Jonathan Tibbets D. L. C. No. 40, Township 24 South, Range 5 West, W. M., Douglas County, Oregon; thence East 2.81 chains to the center of Pollock Creek; thence North $35\frac{3}{4}^{\circ}$ East 25.00 chains following the center of said creek to its intersection with the North boundary of and 17.75 chains East of the Northwest corner of Section 34, Township 24 South, Range 5 West, W. M., Douglas County, Oregon; thence East 0.25 chains; thence North $84\frac{1}{2}^{\circ}$ East 5.57 chains; thence North $75\frac{1}{4}^{\circ}$ East 2.85 chains; thence North $50\frac{1}{2}^{\circ}$ East 4.50 chains; thence South 84° East 16.54 chains; thence North $49\frac{1}{2}^{\circ}$ East 3.00 chains to a point North of the Northwest corner of the W. O. Green D. L. C. No. 41, of the aforesaid Township and Range; thence South 27 chains to the Northwest corner of said D. L. C. No. 41; thence South 587.0 feet along the West boundary of said D. L. C. No. 41; thence South 55° West 700 feet; thence South 28° West 104 feet; thence South 40° West 150 feet; thence South 82° East 637.5 feet to the West boundary of D. L. C. No. 41 at its intersection with the center line of Calapooia Creek; thence South 38.08 chains along the West boundary of said D. L. C. No. 41 to its intersection with the centerline of a county road (said intersection being the Northeast corner of the parcel of land deeded to A. C. Lamb by Hilda Roston Kruger and H. R. Kruger, and described in Volume 74, Page 405, Deed Records of Douglas County, Oregon); thence South 84° 30 feet West 14.28 chains and North 84° West 5.14 chains along said County Road and the North boundary of said Lamb property; thence South 1.08 chains to the South boundary of the aforesaid Section 34 to the Southwest corner thereof and the Southwest corner of Jonathan Tibbets D. L. C. No. 40; thence North 30.00 chains along the West boundary of said Section 34 to the Southeast corner of the Northeast quarter of the Northeast quarter of the Southeast quarter of Section 33, said township and range; thence West 10.00 chains along the South boundary of said Northeast quarter of the Northeast quarter of the Southeast quarter of Section 33 to the Southwest corner thereof; thence North 10 chains along the West boundary of the said Northeast quarter of the Northeast quarter of the Southeast quarter of Section 33, to the Northwest corner thereof; thence West 0.29 chains to the center of Calapooia Creek; thence following the center of Calapooia Creek North 25° East 3.80 chains, North 42° East 1.45 chains, North 23° East 4.55 chains, North 6° East 4.10 chains, North 57° East 2.25 chains and South $65\frac{1}{2}^{\circ}$ East 4.25 chains to its intersection with the West boundary of the aforesaid D. L. C. No. 40; thence North 6.40 chains along the West boundary of said D. L. C. No. 40 to the Northwest corner thereof and the place of beginning, in Sections 27, 33 and 34, Township 24 South, Range 5 West, W. M., Douglas County, Oregon.

EXCEPTING THEREFROM any portion lying within County Roads.

ALSO EXCEPTING THEREFROM all that part of the Jonathan Tibbets D. L. C. No. 40 lying East of the road running North from the County Road and South of the centerline of the Calapooia Creek; also that portion of D. L. C. No. 40 lying in the W $1/2$ of SW $1/4$ and W $1/2$ of the SW $1/4$ of the NW $1/4$ of Section 34 South of the Calapooia Creek; also a parcel beginning at a point on the West boundary of said Section 34, which would be the SE corner of the NE $1/4$ of the NE $1/4$ of the SE $1/4$ of Section 33, T 24 S, R 5 W, W. M. Douglas County, Oregon; thence West 10.00 chains along the South boundary of said NE $1/4$

of Northeast $1/4$ of Southeast $1/4$ of Section 33 to the Southwest corner thereof; thence North 10 chains along the West boundary of the said Northeast $1/4$ of the Southeast $1/4$ of the Southeast $1/4$ of Section 33 to the Northwest corner thereof; thence West 0.29 chains to the center of the Calapooia Creek; thence following the center of Calapooia Creek North 25° East 3.80 chains, North 42° East 1.45 chains, North 23° East 4.55 chains, North 6° East 4.10 chains, North 57° East 2.25 chains and South $65\frac{1}{2}^{\circ}$ East 4.25 chains to its intersection with the West boundary of the aforesaid D. L. C. No. 40; thence South along the West boundary of D. L. C. No. 40 to the place of beginning.

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EXHIBIT A.

Sutherlin Amended Plat
Lot 11 thru 14, Block 28

Sutherlin Amended Plat
Lot 18, Block 28

Sutherlin Amended Plat
Lot 11 thru 14, Block 27

Lots 1 to 9 inclusive of Block 6, Lots 1 to 7 inclusive of Block 7, Lots 6 to 10 inclusive and Lots 12 to 24 inclusive of Block 8, all of Block 12 and 13, and Lots 1 to 17 inclusive of Block 18, all in the amended plat of Plat O of the J. F. Laise Company, Douglas County, Oregon, together with all of those portions of the vacated alleys and vacated streets which inure to the above described lots and blocks

Lot 12, INDEPENDENCE VILLAGE, in the city of Oakland, County of Douglas and State of Oregon

All of Lot 1, Block 2, Robinson's Subdivision, Douglas County, Oregon.

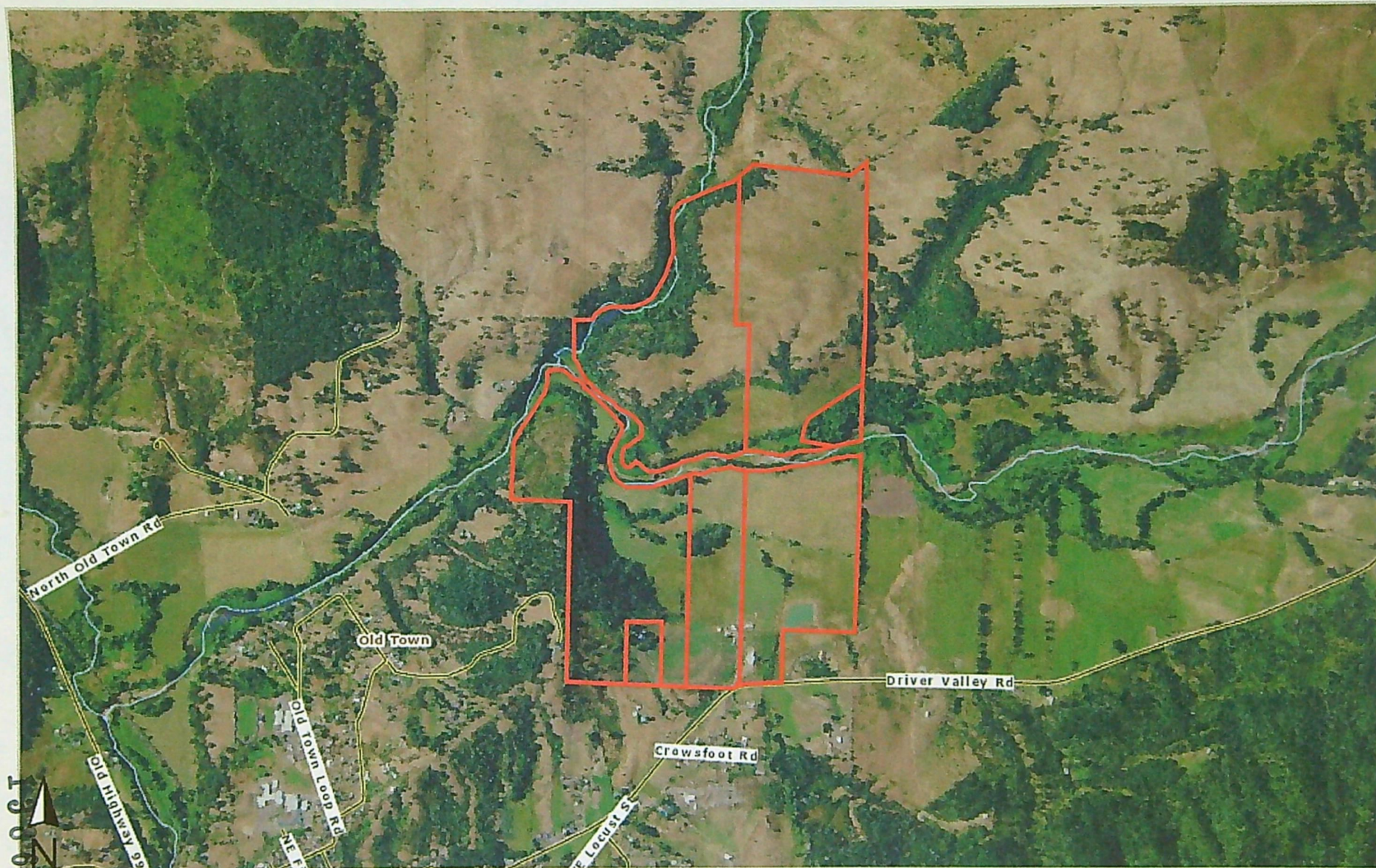
All of Lot Two (2) and the Westerly seven (7) feet of Lot Three (3), Block Two (2), Robinson Sub-Division of Lot Six (6), Block Three (3), Plat "O" of the Sutherlin Land and Water Company, as platted and recorded in the office of the County Clerk, Douglas County, Oregon.

Lot 11, Block 8, Sutherlin Land and Water Company, Plat O

That part of Parcel 3 of Land Partition 2005-57, Partition Plat Records of Douglas County, Oregon, situated Westerly of the east line of the J. Tibbits Donation Land Claim No. 40, in Section 34, Township 24 South, Range 5 West, Willamette Meridian, Douglas County, Oregon.

T24S, R5W, Sec. 34, Part of Tax Lot 102

END OF DOCUMENT 13863



300 CT
N


AmeriTitle

Driver Valley

This map/plat is being furnished as an aid in locating the herein described land in relation to adjoining streets, natural boundaries and other land, and is not a survey of the land depicted. Except to the extent a policy of title insurance is expressly modified by endorsement, if any, the company does not insure dimensions, distances, location of easements, acreage or other matters shown thereon.

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NOV 08 2021

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RECEIVED

NOV 08 2021

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STATUTORY CERTIFICATION OF TRUST
(Revocable Living Trust)

This certification is made pursuant to the laws of Oregon, ORS 130.860.

1. Name of Trust: Donald and Patsy Knight Family Trust that is currently in existence.
2. Date of Trust Execution: November 24, 2009, as amended and restated February 5, 2013, as amended September 22, 2016.
3. Settlors: Donald C. Knight and Patsy M. Knight.
4. Trustees: Donald C. Knight, Patsy M. Knight, David A. Knight.
5. Trust Powers: Under the terms of the Trust Agreement, the Trustee is given powers granted a trustee under the Oregon Uniform Trustee's Powers Act set forth in ORS 130.650 – 130.730, including the right to sell, exchange, assign, lease, encumber or otherwise alienate all or any part of the trust estate on such terms as the trustee shall determine.
6. Trustee Mailing Address:

Donald C. and Patsy M. Knight	David A. Knight
660 Driver Valley Road	3188 NE Hughes St.
Oakland, OR 97462	Roseburg, OR 97471
7. Trust Revocable. The trust is revocable. Only the Settlers can revoke the trust.
8. Modification of Trust. The trust can be modified, amended or revoked by the Settlers only.
9. Three Trustees. Donald C. Knight, Patsy M. Knight, and David A. Knight act together as co-trustees, each having the authority to exercise trust powers alone without the consent of or notice to the other trustee.
10. Taxpayer Identification Number. The trust taxpayer identification number is the Social Security number of the Settlor which is available from the Trustee.
11. Title to Trust Property. Trust property is to be titled as follows:

Donald C. Knight, Patsy M. Knight, and David A. Knight, Trustees of the Donald and Patsy Knight Family Trust UTD November 24, 2009."

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13863

NORTH

Land Use Information Form



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

RECEIVED

NOV 08 2021

NOTE TO APPLICANTS

OWRD

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.

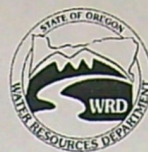
This form is NOT required if:

- 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): David Knight, Trustee, Donald C. and Patsy M. Trust

Mailing Address: 660 Driver Valley Road

City: Oakland

State: OR

Zip Code: 97462

Daytime Phone: 541-430-7312

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>24S</u>	<u>5W</u>	<u>33</u>	<u>NW-SE</u>	<u>1100</u>	_____	<input checked="" type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	<u>pasture</u>
<u>24S</u>	<u>5W</u>	<u>33</u>	<u>SW-SE</u>	<u>1100</u>	_____	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	<u>pasture</u>
_____	_____	_____	_____	_____	_____	<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used	_____
_____	_____	_____	_____	_____	_____	<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used	_____

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

Douglas

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) Calapooya Creek

Estimated quantity of water needed: 0.05 ☒ cubic feet per second ☐ gallons per minute ☐ acre-feet

Intended use of water: ☒ Irrigation ☐ Commercial ☐ Industrial ☐ Domestic for _____ household(s)
☐ Municipal ☐ Quasi-Municipal ☐ Instream ☐ Other _____

Briefly describe:

Application for tempoary transfer to move 3.8 acres of irrigation from one property, downstream, to another.
Temporary transfer from Knight to Witten

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

OWRD

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

Please check the appropriate box below and provide the requested information

- ☒ Land uses to be served by the proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): O.C. LUDO 3.3.075(14)
- ☐ Land uses to be served by the proposed water uses (including proposed construction) involve discretionary land-use approvals as listed in the table below. (Please attach documentation of applicable land-use approvals which have already been obtained. Record of Action/land-use decision and accompanying findings are sufficient.) If approvals have been obtained but all appeal periods have not ended, check "Being pursued."

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

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.

WS21-0929
Property ID's: R71167, R141419
ZONED: FG - EXCLUSIVE FARM USE GRAZING

DOUGLAS COUNTY PLANNING DEPARTMENT
ROOM 106, JUSTICE BUILDING
DOUGLAS COUNTY COURTHOUSE
ROSEBURG, OR 97470

Name: Robin Lambert Title: Planning Technician

Signature: [Signature] Phone: 541-440-4289 Date: 9/2/21

Government Entity: Douglas County Planning

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: _____

Regular Temporary Water Right Transfer Application Checklist

Checked by Scott

Date 11/10/21

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

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

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

- ☒ 1. Page 1 of application: Are all attachments that have been checked actually included?
If not, what is missing? _____
- ☒ 2. Are fees included and correct? $818.74 + 141.52 = 960.26$
If not, the correct fee would be: _____, so the amount missing is: _____
- ☒ 3. Part 4 of application: Have all the applicants listed at the top of the page signed at the bottom?
If not, whose signature is missing? _____
- ☒ 4. Are all listed certificates shown by WRIS as non-cancelled?
If not, which are cancelled? _____
For each cancelled certificate, if there has been a remaining right certificate issued that covers the lands in the left side of Table 2, list its number _____ and check the #4 box at left on this checklist.
- ☒ 5. If any certificate is in the name of a "district", is a Supplemental Form D from that district enclosed?
☒ N/A ☐ Form D needed from _____ (district)
6. If all #1-#5 boxes on this checklist are checked (with no remaining deficiencies identified), accept the application. Put this check sheet in the transfer folder.

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

Jordan Engineering

Structural-Civil-Geotech

460 Jordan Lane
Roseburg, OR 97471
541-673-1931

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

Temporary Transfer Application:
Certificate 22094

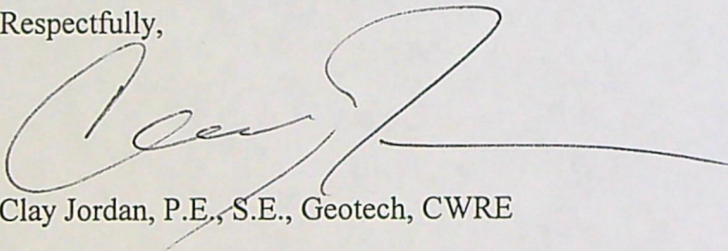
November 5, 2021

Sir:

Inclosed are the Temporary Transfer Application form, paper map, Land Use Information Form, Trustee authorization for Mr. David Knight, Use Affidavit notarized, current copies of deed for Tax Lots 202 and 205 and two checks, one in the sum of \$818.74 (ck:1193) and the other at \$141.52 (ck:1205) totalizing at \$960.26 made out to the Department.

If there are any questions please officially contact the applicants with a copy to me.

Respectfully,



Clay Jordan, P.E., S.E., Geotech, CWRE

cc: Mr. Witten and Mr. Knight
file: Transfer Cert-22094 WRD cl.wpd