

Regular

RA

Name Wilber & Sons, LLC

Address 77 W. Adams St.  
Burns, OR 97720

Change in POU, POD, APOD

Date Filed 1-31-2022

Initial notice date 2-8-2022

DPD issued date \_\_\_\_\_

PD issued date 9/22/2022

PD notice date 9/27/2022

Date of FO 11/21/2022 Vol 127 Page 45

C-Date 10/01/2027

COBU due date 10/01/2028

COBU Received date \_\_\_\_\_

Certificate issued \_\_\_\_\_

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

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

Agent John A. Short - johnshort@usa.com

CWRE \_\_\_\_\_

CC's list Harney County

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

DESCRIPTION OF WATER RIGHT(S)

Name of Stream Lit Stinkingwater Creek

Trib. of Stinkingwater Creek

Use Irrigation County Harney

Quantity of water (CFS) \_\_\_\_\_ No. of Acres \_\_\_\_\_

Name of ditch \_\_\_\_\_

App# Decree Per # v. 8 pg. 228 Cert # 6931 PR Date \_\_\_\_\_

App# \_\_\_\_\_ Per # \_\_\_\_\_ Cert # \_\_\_\_\_ PR Date \_\_\_\_\_

App# \_\_\_\_\_ Per # \_\_\_\_\_ Cert # \_\_\_\_\_ PR Date \_\_\_\_\_

App# \_\_\_\_\_ Per # \_\_\_\_\_ Cert # \_\_\_\_\_ PR Date \_\_\_\_\_

App# \_\_\_\_\_ Per # \_\_\_\_\_ Cert # \_\_\_\_\_ PR Date \_\_\_\_\_

FEES PAID		
Date	Amount	Receipt #
<u>1-31-2022</u>	<u>\$3680.<sup>00</sup></u>	<u>137388</u>
<u>1-31-2022</u>	<u>\$125.<sup>00</sup></u>	<u>137376</u>
<u>2-28-2022</u>	<u>\$1,681.<sup>88</sup></u>	<u>137569</u>
<u>8-15-2022</u>	<u>\$273.<sup>00</sup></u>	<u>138932</u>

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

November 21, 2022

WILBER & SONS LLC  
77 W ADAMS ST  
BURNS, OR 97720

REFERENCE: Transfer Application T-13903

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

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

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

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

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

Sincerely,

Julie C. Baustian

Water Rights Services Support  
Transfers and Conservation Section

cc: J R. Johnson, Watermaster Dist. # 10 (via email)  
Harney County Planning  
John A. Short, Agent

Enclosure

BEFORE THE WATER RESOURCES DEPARTMENT  
OF THE  
STATE OF OREGON

In the Matter of Transfer Application                    )     FINAL ORDER APPROVING AN  
T-13903, Harney County                                    )     ADDITIONAL POINT OF DIVERSION,  
                                                                          )     CHANGES IN POINTS OF DIVERSION, AND  
                                                                          )     CHANGES IN PLACE OF USE

**Authority**

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

**Applicant**

WILBER & SONS, LLC  
77 W ADAMS ST.  
BURNS, OR 97720

**Findings of Fact**

1. On January 31, 2022, WILBER AND SONS, LLC filed an application for an additional point of diversion, a change in points of diversion, and to change the place of use under Certificate 6931. The Department assigned the application number T-13903.
2. Notice of the application for transfer was published on February 8, 2022, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. On June 30, 2022, the Department sent a copy of the draft Preliminary Determination proposing to approve Transfer Application T-13903 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of July 30, 2022, for the applicant to respond. The applicant requested that the Department proceed with issuance of a Preliminary Determination and provided the necessary information to demonstrate that the applicant is authorized to pursue the transfer.

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

4. On July 14, 2022, the agent for the applicant requested the completion date of October 1, 2027 to allow time to complete the changes and comply with the fish screen requirement. The Department granted the longer time for completion per OAR 690-380-5140 (3).
5. On September 22, 2022, the Department issued a Preliminary Determination proposing to approve Transfer Application T-13903 and sent a copy to the applicant. Additionally, notice of the Preliminary Determination for the transfer application was published in the Department's weekly notice on September 27, 2022, and in the Burns Times-Herald newspaper on September 28 and October 5, 2022, pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notice.
6. The portion of the right to be transferred is as follows:

**Certificate:** 6931 in the name of GEO. W. WRIGHT; SUCCESSOR IN INTEREST TO WM. H. HOWARD (confirmed by Malheur River Decree, Volume 8, Page 228)

**Use:** IRRIGATION of 67.0 ACRES

**Priority Date:** 1907

**Rate:** 3.35 CUBIC FEET PER SECOND

**Limit/Duty:** The amount of water to which such right is entitled, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed 1.5 acre feet per acre in any 30-day period prior to June 1<sup>st</sup>, 1 acre foot per acre in any 30-day period after June 1<sup>st</sup>, of each year, or 3.0 acre feet per acre during any season, diverted at a rate not to exceed ONE TWENTIETH of a cubic foot per second per acre.

**Source:** LITTLE STINKINGWATER CREEK

**Authorized Place of Use:**

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
22 S	35 E	WM	12	NW NW	16.0
22 S	35 E	WM	12	SW NW	24.0
22 S	35 E	WM	12	NW SW	27.0
				Total	67.0

7. The agent has provided measured distances to better describe the authorized points of diversion:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
22 S	35 E	WM	13	NE NW	POD 2 – 320 FEET SOUTH AND 590 FEET WEST FROM THE N 1/4 CORNER OF SECTION 13
22 S	35 E	WM	24	SE SW	POD 1 – 550 FEET NORTH AND 490 FEET WEST FROM THE S 1/4 CORNER OF SECTION 24

8. Transfer Application T-13903 proposes an additional point of diversion as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances	Approximate Distance from Authorized Points of Diversion in Miles (mi.)	
						POD 1	POD 2
20 S	35 E	WM	25	NE SE	POD 3 – 1440 FEET NORTH AND 780 FEET WEST FROM THE SE CORNER OF SECTION 25	POD 1	POD 2
						13.9 mi.	12.2 mi.

9. Transfer Application T-13903 proposes to move the authorized points of diversion as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances	Approximate Distance from Authorized Points of Diversion in Miles (mi.)	
						POD 1	POD 2
20 S	35 E	WM	25	SW NE	POD 1 – 780 FEET NORTH AND 3460 FEET EAST FROM THE W ¼ CORNER OF SECTION 25	POD 1	POD 2
						15.5 mi.	12.2 mi.
20 S	35 E	WM	25	NW SE	POD 2 – 640 FEET SOUTH AND 3850 FEET EAST FROM THE W 1/4 CORNER OF SECTION 25	13.5 mi.	11.8 mi.

10. Transfer Application T-13903 also proposes to change the place of use of the right to:

IRRIGATION						
Twp	Rng	Mer	Sec	Tax Lot	Q-Q	Acres
20 S	35 E	WM	25	3700	SW NE	15.0
20 S	35 E	WM	25	3700	SE NE	0.7
20 S	35 E	WM	25	3700	NE SW	6.0
20 S	35 E	WM	25	3900	SE SW	0.7
20 S	35 E	WM	25	3900	NE SE	13.7
20 S	35 E	WM	25	3900	NW SE	17.7
20 S	35 E	WM	25	3900	SW SE	2.1
20 S	35 E	WM	25	3900	SE SE	0.6
20 S	36 E	WM	31	3900	NE NW	2.0
20 S	36 E	WM	31	3900	NW SE	8.5
Total						67.0

11. The Oregon Department of Fish and Wildlife (ODFW) has determined that a fish screening and/or by-pass device is necessary at the new point of diversion to prevent fish from entering the diversion and/or safely transport fish back to the body of water from which the fish were diverted and that the diversion is not currently equipped with an appropriate fish screening and/or by-pass device. This diversion may be eligible for screening cost share funds.

***Transfer Review Criteria [OAR 690-380-4010(2)]***

12. Water has been used within the last five years according to the terms and conditions of the right. There is no information in the record that would demonstrate that the right is subject to forfeiture under ORS 540.610.
13. A diversion structure and ditch sufficient to use the full amount of water allowed under the existing right were present within the five-year period prior to submittal of Transfer Application T-13903.
14. The proposed changes would not result in enlargement of the right.
15. The proposed changes would not result in injury to other water rights.
16. All other application requirements are met.

**Conclusions of Law**

The additional point of diversion, change in points of diversion, and change in place of use proposed in Transfer Application T-13903 are consistent with the requirements of ORS 540.505 to 540.580 and OAR 690-380-5000.

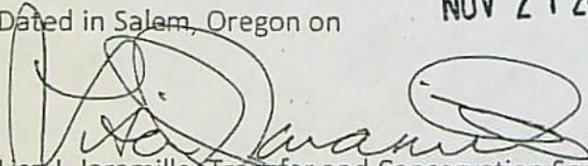
**Now, therefore, it is ORDERED:**

1. The additional point of diversion, change in points of diversion, and change in place of use proposed in Transfer Application T-13903 are approved.
2. The right to the use of the water is restricted to beneficial use at the place of use described, and is subject to all other conditions and limitations contained in Certificate 6931, and any related decree.
3. Water right Certificate 6931 is cancelled. A new certificate will be issued describing that portion of the right not affected by this transfer.
4. The quantity of water diverted at the additional point of diversion (POD 3), shall not exceed the quantity of water lawfully available at the original points of diversion (POD 1 and POD 2).
5. The quantity of water diverted at the new points of diversion (POD 1 and POD 2), shall not exceed the quantity of water lawfully available at the original points of diversion (POD 1 and POD 2).

6. Prior to diverting water, the water user shall install a fish screening and/or by-pass device, as appropriate, at the new point of diversion consistent with the Oregon Department of Fish and Wildlife's (ODFW) design and construction standards. Prior to installation, the water user shall obtain written approval from ODFW that the required screen and/or by-pass device meets ODFW's criteria. Prior to submitting a Claim of Beneficial Use, the water user must obtain written approval from ODFW that the required screening and/or by-pass device was installed to the state's criteria. The water user shall maintain and operate the fish screen and/or by-pass device, as appropriate, at the point of diversion consistent with ODFW's operational and maintenance standards.
7. The former place of use of the transferred right shall no longer receive water under the right.
8. Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2027**. A Claim of Beneficial Use prepared by a Certified Water Right Examiner shall be submitted by the applicant to the Department within one year after the deadline for completion of the changes and full beneficial use of the water.
9. After satisfactory proof of beneficial use is received, a new certificate confirming the right transferred will be issued.

Dated in Salem, Oregon on

**NOV 21 2022**



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

Mailing date: \_\_\_\_\_

**NOV 22 2022**

STATE OF OREGON

COUNTY OF HARNEY

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

GEO. W. WRIGHT,  
SUCCESSOR IN INTEREST TO WM. H. HOWARD  
DREWSEY, OR

confirms the right to use the waters of LITTLE STINKING-WATER CREEK for the purpose of IRRIGATION of 143.5 ACRES.

This right was confirmed by decree of the Circuit Court of the State of Oregon for Harney County. The decree is of record at Salem, in the Order Record of the Water Resources Director in Volume 8, at Page 228. The date of priority is 1888 for 30.0 acres; 1907 for 113.5 acres.

The amount of water to which such right is entitled, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed 1.5 acre feet per acre in any 30-day period prior to June 1<sup>st</sup>, 1 acre foot per acre in any 30-day period after June 1<sup>st</sup>, of each year, or 3.0 acre feet per acre during any season, diverted at a rate not to exceed ONE TWENTIETH of a cubic foot per second per acre.

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

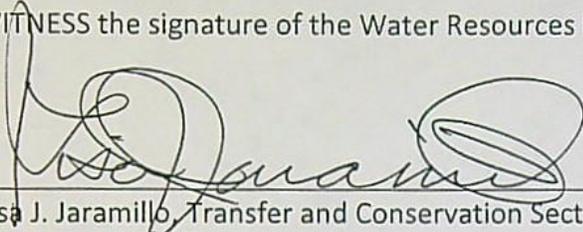
IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
22 S	35 E	WM	12	NW NE	20.0
22 S	35 E	WM	12	SW NE	7.50
22 S	35 E	WM	12	NE SW	10.0
22 S	35 E	WM	12	SW SW	9.0
22 S	35 E	WM	12	SE SW	39.0
22 S	35 E	WM	13	SW NE	25.0
22 S	35 E	WM	13	NE NW	21.0
22 S	35 E	WM	13	SE NW	12.0
TOTAL					143.5

This certificate describes that portion of water right Certificate 6931, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered NOV 21 2022, approving Transfer Application T-13903.

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

The right to the use of the water for the above purpose is restricted to beneficial use on the lands or place of use described and is subject to all other conditions and limitations contained in said decree.

WITNESS the signature of the Water Resources Director, affixed NOV 21 2022.

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

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

**WATER RIGHT TRANSFER COVER SHEET**

Transfer: T- 13903

Transfer Specialist: *Scott*

Transfer Type: Regular Transfer

**PA**  
*signed 3-2-2022*

<b>Applicant:</b> WILBER & SONS LLC 77 W ADAMS ST BURNS, OR 97720 Email: <i>ND.</i> Phone: _____		<b>Agent:</b> <input type="checkbox"/> N/A JOHN A. SHORT PO BOX 1830 BEND, OR 97709 Email: _____ Phone: _____	
<b>Irrigation District:</b> <input checked="" type="checkbox"/> N/A Email: _____		<b>CWRE:</b> <input checked="" type="checkbox"/> N/A Email: _____	
<b>Affected Local Gov'ts:</b> <input type="checkbox"/> N/A County Of Harney Email: _____		<b>Affected Tribal Gov't:</b> <input checked="" type="checkbox"/> N/A UNAVAILABLE Email: _____	
<b>Current Landowner if other than Applicant:</b> <input checked="" type="checkbox"/> N/A Email: _____		<b>Receiving Landowner:</b> <input checked="" type="checkbox"/> N/A Email: _____	

**Water Rights Affected**

File Marked	App. File # or Decree Name	Permit	Certificate	RR/CR Needed	RR/CR Nos.
<input type="checkbox"/>	Decree	v. 8 pg. 228	6931	<input checked="" 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: January 31, 2022	Proposed Action(s): <i>POD</i> POINT OF DIVERSION; ADDITIONAL POINT OF DIVERSION; PLACE OF USE	
Fees Pd: 3680.00	WM District: 10	ODFW District:
Initial Public Notice: February 8, 2022	WM Review sent: <i>✓ 6/26</i>	ODFW Review sent: <i>✓ Option 2</i>
Acknowledgement Letter Sent <input checked="" type="checkbox"/>		GW Review sent: <i>5-2-22 ✓</i> <input checked="" type="checkbox"/> N/A
County sent cc: of Ack Letter <input checked="" type="checkbox"/>	BOR notified (date): <input checked="" type="checkbox"/> N/A	
Newspaper quote requested: <i>7-18-22</i>	Request for news \$ sent: <i>8/3/22</i>	News \$ received: <i>8-15-22</i>
Request to publish sent:	Affidavit of publication received:	Last day of publication:

*BURNS TIMES-HOURLY*

Document	Drafted	Peer Review	Changes Made	Coordinator	Changes Made	Signature Bin	Signature Date
DPD	Date: <i>6/15/22</i> Initials: <i>Scott</i>	Date: <i>6/17/22</i> Initials: <i>AD</i>	Date: _____ Initials: _____	Date: <i>6/28/22</i> Initials: <i>PKS</i>	Date: <i>6/29/22</i> Initials: <i>Scott</i>	CW Sent: <i>6/30/22</i>	N/A
PD	Date: <i>8/3/22</i> Initials: <i>Scott</i>	Date: <i>8/5/22</i> Initials: <i>AD</i>	Date: _____ Initials: _____	Date: <i>8/15/22</i> Initials: <i>PKS</i>	Date: <i>8/31/22</i> Initials: <i>Scott</i>	Date: <i>9/12/22</i> Initials: <i>Scott</i>	<i>9/22/2022</i>
FO	Date: <i>9/27/22</i> Initials: <i>Scott</i>	Date: <i>9/27/22</i> Initials: <i>Joan</i>	Date: _____ Initials: _____	Date: <i>10/15/22</i> Initials: <i>PKS</i>	Date: <i>10/6/22</i> Initials: <i>Scott</i>	Date: <i>10/6/22</i>	<i>NOV 22 2022</i>

Special Issues: ~~NEWSPAPER NEEDED~~ **NEED REVIEW BY DATA BEFORE PD**

Special Order Volume: Vol. \_\_\_\_\_ Pages \_\_\_\_\_

STATE OF OREGON  
**WATER RESOURCES DEPARTMENT**

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

RECEIPT # **138932**

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

RECEIVED FROM: Drowsey Field Ranch Co

APPLICATION \_\_\_\_\_  
 PERMIT \_\_\_\_\_  
 TRANSFER T-13903

BY: \_\_\_\_\_  
 CASH:  CHECK: # 7021 OTHER: (IDENTIFY)

TOTAL REC'D \$ 273.60

**1083 TREASURY 4170 WRD MISC CASH ACCT**

0407 COPIES 46118 \$ \_\_\_\_\_  
0207 OTHER: (IDENTIFY) Newspaper Notice \$ 273.60

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

**4270 WRD OPERATING ACCT**

MISCELLANEOUS

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

WATER RIGHTS:

0201 SURFACE WATER	EXAM FEE	0202	RECORD FEE
0203 GROUND WATER	\$ _____	0204	\$ _____
0205 TRANSFER	\$ _____		

WELL CONSTRUCTION

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

OTHER (IDENTIFY) \_\_\_\_\_

**0536 TREASURY 0437 WELL CONST. START FEE**

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

OTHER (IDENTIFY) \_\_\_\_\_

**0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER**

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

**TREASURY OTHER / RDX**

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

RECEIPT: **138932**

DATED: 08/15/22 BY: [Signature]

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

Cash in checking

for T-13903 NOTICE

273.60

DREWSEY FIELD RANCH COMPANY  
 Oregon Water Resources Department

8/10/2022

273.60

7021

**RECEIVED**  
 AUG 15 2022  
**OWRD**

Attached is a check for \$ 273.60 (PCA #46118) for Newspaper Notice for Transfer T-13903 made out to Oregon Water Resources Department ( or WRD)

- "for T-13903 NOTICE" written on front of check

Mail to: Oregon Water Resources Department  
 725 Summer St. NE, Suite A  
 Salem, OR 97301-1266

Caseworker: Scott

**RECEIVED**  
 AUG 15 2022  
**OWRD**

**PUBLIC NOTICE**

**Notice of Preliminary Determination for Water Right Transfer T-13903**

T-13903 filed by Wilber and Sons, LLC, 77 W Adams St., Burns, OR 97720, proposes an additional point of diversion, a change in points of diversion and change in place of use under Certificate 6931. The right allows the use of 3.35 cubic feet per second from Little Stinking-water Creek in Sects. 13 and 24, T22S, R35E, WM for irrigation in Sects. 12 and 13, T22S, R35E, WM. The applicant proposes an additional point of diversion in Sec. 25, T20S, R35E, WM, to move the points of diversion to Sec. 25, T20S, R35E, WM, and to change the place of use to Sects. 25 and 31, T20S, R36E, WM.

The Water Resources Department proposes to approve the transfer, based on the requirements of ORS Chapter 540 and OAR 690-380-5000.

Any person may file, jointly or severally, a protest or standing statement within 30 days after the last date of newspaper publication of this notice, 10/05/2022. Call (503) 979-9931 to obtain additional information. If no protests are filed, the Department will issue a final order consistent with the preliminary determination.

Publish Sept 28 and Oct 5, 2022

**RECEIVED  
OCT 07 2022  
OWRD**

**BURNS TIMES-HERALD**

355 N. Broadway, Burns, Oregon 97720

**AFFIDAVIT OF PUBLICATION**

STATE OF OREGON ( S.S.

County of Harney

I Terri L. Smith, being first and duly sworn, depose and say that I am the Advertising Manager of the Burns Times-Herald, a newspaper of general circulation, as defined by ORS 193.010 and 193.020, published at Burns, in the aforesaid County and State by the Burns Times-Herald that the

Public Notice: T-13903

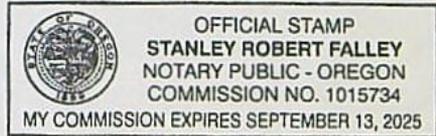
a printed copy of which is hereto annexed, was published in the said newspaper for

2 successive and consecutive weeks in the following issues:  
Dates of Publication: 28<sup>th</sup> September & 5<sup>th</sup> October 2022

Signed Terri L. Smith  
By Terri L. Smith, Advertising Manager  
The Burns Times-Herald

Subscribed and sworn before me this 5 day of Oct 2022.

Stanley R. Falley  
Notary Public for Oregon



No. \_\_\_\_\_

STATE OF OREGON  
for the  
COUNTY OF HARNEY

Filed \_\_\_\_\_, 21

\_\_\_\_\_  
Clerk

\_\_\_\_\_  
Deputy

From the Office of \_\_\_\_\_

Attorney for \_\_\_\_\_

## GREW Scott A \* WRD

---

**From:** PHILLIPS Stacy H \* WRD  
**Sent:** Friday, September 23, 2022 9:13 AM  
**To:** GREW Scott A \* WRD  
**Subject:** T-13903 Dates of Publication

Hey Scott,

The dates of publication for T-13903 are 9/28 and 10/5/2022.

Thanks,

*Stacy H. Phillips*

Restoration Program Technician

725 Summer Street NE, Suite A, Salem, OR 97301

Office: 503-986-0898 | Work Cell: 503-979-9948



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



**Oregon**  
Kate Brown, Governor

September 22, 2022

VIA CERTIFIED MAIL AND E-MAIL

**Applicant**

WILBER & SONS, LLC  
77 W ADAMS ST.  
BURNS, OR 97720

SUBJECT: Water Right Transfer Application T-13903

7 2021 0950 0000 7384 1928

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

For delivery information, visit our website at [www.usps.com](http://www.usps.com)®.

**OFFICIAL USE**

Certified Mail Fee	\$	
Extra Services & Fees (check box, add fee as appropriate)		
<input type="checkbox"/> Return Receipt (hardcopy)	\$	
<input type="checkbox"/> Return Receipt (electronic)	\$	
<input type="checkbox"/> Certified Mail Restricted Delivery	\$	
<input type="checkbox"/> Adult Signature Required	\$	
<input type="checkbox"/> Adult Signature Restricted Delivery	\$	
Postage	\$	

Postmark Here

WILBER & SONS LLC  
77 WADAMS ST  
BURNS, OR 97720

See reverse for instructions

Please find enclosed the Preliminary Determination indicating that, based on the information available, the Department intends to approve application T-13903. This document is an intermediate step in the approval process; water may not be used legally as proposed in the transfer application until a Final Order has been issued by the Department. Please read this entire letter carefully to determine your responsibility for additional action.

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

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

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

Please contact me at [scott.a.grew@water.oregon.gov](mailto:scott.a.grew@water.oregon.gov) or 503-986-0890 if I may be of assistance.

Sincerely,

*Scott Grew*

Transfer Specialist  
Transfer and Conservation Section

cc: Transfer Application file T-13903  
Donald Swindlehurst, District 10 Watermaster (via e-mail)  
John A. Short, Agent for the applicant (via e-mail)

BEFORE THE WATER RESOURCES DEPARTMENT  
OF THE  
STATE OF OREGON

In the Matter of Transfer Application	)	PRELIMINARY DETERMINATION
T-13903, Harney County	)	PROPOSING APPROVAL OF AN
	)	ADDITIONAL POINT OF DIVERSION,
	)	CHANGES IN POINTS OF DIVERSION, AND
	)	CHANGES IN PLACE OF USE

**Authority**

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

**Applicant**

WILBER & SONS, LLC  
77 W ADAMS ST.  
BURNS, OR 97720

**Findings of Fact**

1. On January 31, 2022, WILBER AND SONS, LLC filed an application for an additional point of diversion, a change in points of diversion, and to change the place of use under Certificate 6931. The Department assigned the application number T-13903.
2. Notice of the application for transfer was published on February 8, 2022, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. On June 30, 2022, the Department sent a copy of the draft Preliminary Determination proposing to approve Transfer Application T-13903 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of July 30, 2022, for the applicant to respond. The applicant requested that the Department proceed with issuance of a Preliminary Determination and provided the necessary information to demonstrate that the applicant is authorized to pursue the transfer.
4. On July 14, 2022, the agent for the applicant requested the completion date of October 1, 2027 to allow time to transfer to allow time to complete the changes and comply with the fish screen requirement. The Department granted the longer time for completion per OAR 690-380-5140 (3).

Pursuant to OAR 690-380-4030, any person may file a protest or standing statement within 30 days after the last date of publication of notice of this preliminary determination.

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

**Certificate:** 6931 in the name of GEO. W. WRIGHT; SUCCESSOR IN INTEREST TO WM. H. HOWARD (confirmed by Malheur River Decree, Volume 8, Page 228)  
**Use:** IRRIGATION of 67.0 ACRES  
**Priority Date:** 1907  
**Rate:** 3.35 CUBIC FEET PER SECOND  
**Limit/Duty:** The amount of water to which such right is entitled, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed 1.5 acre feet per acre in any 30-day period prior to June 1<sup>st</sup>, 1 acre foot per acre in any 30-day period after June 1<sup>st</sup>, of each year, or 3.0 acre feet per acre during any season, diverted at a rate not to exceed ONE TWENTIETH of a cubic foot per second per acre.  
**Source:** LITTLE STINKINGWATER CREEK

**Authorized Place of Use:**

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
22 S	35 E	WM	12	NW NW	16.0
22 S	35 E	WM	12	SW NW	24.0
22 S	35 E	WM	12	NW SW	27.0
Total					67.0

6. The agent has provided measured distances to better describe the authorized points of diversion:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
22 S	35 E	WM	13	NE NW	POD 2 – 320 FEET SOUTH AND 590 FEET WEST FROM THE N 1/4 CORNER OF SECTION 13
22 S	35 E	WM	24	SE SW	POD 1 – 550 FEET NORTH AND 490 FEET WEST FROM THE S 1/4 CORNER OF SECTION 24

7. Transfer Application T-13903 proposes an additional point of diversion as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances	Approximate Distance from Authorized Points of Diversion in Miles (mi.)	
20 S	35 E	WM	25	NE SE	POD 3 – 1440 FEET NORTH AND 780 FEET WEST FROM THE SE CORNER OF SECTION 25	POD 1	POD 2
						13.9 mi.	12.2 mi.

8. Transfer Application T-13903 proposes to move the authorized points of diversion as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances	Approximate Distance from Authorized Points of Diversion in Miles (mi.)	
						POD 1	POD 2
20 S	35 E	WM	25	SW NE	POD 1 – 780 FEET NORTH AND 3460 FEET EAST FROM THE W ¼ CORNER OF SECTION 25	15.5 mi.	12.2 mi.
20 S	35 E	WM	25	NW SE	POD 2 – 640 FEET SOUTH AND 3850 FEET EAST FROM THE W 1/4 CORNER OF SECTION 25	13.5 mi.	11.8 mi.

9. Transfer Application T-13903 also proposes to change the place of use of the right to:

IRRIGATION						
Twp	Rng	Mer	Sec	Tax Lot	Q-Q	Acres
20 S	35 E	WM	25	3700	SW NE	15.0
20 S	35 E	WM	25	3700	SE NE	0.7
20 S	35 E	WM	25	3700	NE SW	6.0
20 S	35 E	WM	25	3900	SE SW	0.7
20 S	35 E	WM	25	3900	NE SE	13.7
20 S	35 E	WM	25	3900	NW SE	17.7
20 S	35 E	WM	25	3900	SW SE	2.1
20 S	35 E	WM	25	3900	SE SE	0.6
20 S	36 E	WM	31	3900	NE NW	2.0
20 S	36 E	WM	31	3900	NW SE	8.5
Total						67.0

10. The Oregon Department of Fish and Wildlife (ODFW) has determined that a fish screening and/or by-pass device is necessary at the new point of diversion to prevent fish from entering the diversion and/or safely transport fish back to the body of water from which the fish were diverted and that the diversion is not currently equipped with an appropriate fish screening and/or by-pass device. This diversion may be eligible for screening cost share funds.

***Transfer Review Criteria [OAR 690-380-4010(2)]***

11. Water has been used within the last five years according to the terms and conditions of the right. There is no information in the record that would demonstrate that the right is subject to forfeiture under ORS 540.610.
12. A diversion structure and ditch sufficient to use the full amount of water allowed under the existing right were present within the five-year period prior to submittal of Transfer Application T-13903.

13. The proposed changes would not result in enlargement of the right.
14. The proposed changes would not result in injury to other water rights.
15. All other application requirements are met.

#### **Determination and Proposed Action**

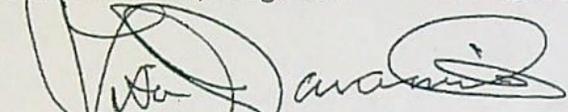
The additional point of diversion, change in points of diversion, and change in place of use proposed in Transfer Application T-13903 appear to be consistent with the requirements of ORS 540.505 to 540.580 and OAR 690-380-5000. If protests are not filed pursuant to OAR 690-380-4030, the transfer application will be approved.

*If Transfer Application T-13903 is approved, the final order will include the following:*

1. *The additional point of diversion, change in points of diversion, and change in place of use proposed in Transfer Application T-13903 are approved.*
2. *The right to the use of the water is restricted to beneficial use at the place of use described, and is subject to all other conditions and limitations contained in Certificate 6931, and any related decree.*
3. *Water right Certificate 6931 is cancelled. A new certificate will be issued describing that portion of the right not affected by this transfer.*
4. *The quantity of water diverted at the additional point of diversion (POD 3), shall not exceed the quantity of water lawfully available at the original points of diversion (POD 1 and POD 2).*
5. *The quantity of water diverted at the new points of diversion (POD 1 and POD 2), shall not exceed the quantity of water lawfully available at the original points of diversion (POD 1 and POD 2).*
6. *Prior to diverting water, the water user shall install a fish screening and/or by-pass device, as appropriate, at the new point of diversion consistent with the Oregon Department of Fish and Wildlife's (ODFW) design and construction standards. Prior to installation, the water user shall obtain written approval from ODFW that the required screen and/or by-pass device meets ODFW's criteria. Prior to submitting a Claim of Beneficial Use, the water user must obtain written approval from ODFW that the required screening and/or by-pass device was installed to the state's criteria. The water user shall maintain and operate the fish screen and/or by-pass device, as appropriate, at the point of diversion consistent with ODFW's operational and maintenance standards.*
7. *The former place of use of the transferred right shall no longer receive water under the right.*

8. Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2027**. A Claim of Beneficial Use prepared by a Certified Water Right Examiner shall be submitted by the applicant to the Department within one year after the deadline for completion of the changes and full beneficial use of the water.
9. After satisfactory proof of beneficial use is received, a new certificate confirming the right transferred will be issued.

Dated in Salem, Oregon on **SEP 22 2022**



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

This Preliminary Determination was prepared by Scott Grew. If you have questions about the information in this document, you may reach him at [scott.a.grew@oregon.gov](mailto:scott.a.grew@oregon.gov) or 503-986-0890.

*Protests should be addressed to the attention of Water Rights Services Division, Water Resources Department, 725 Summer St. NE, Suite A, Salem, OR 97301-1266.*

**Notice Regarding Service Members:** Active duty servicemembers have a right to stay these proceedings under the federal Servicemembers Civil Relief Act. For more information contact the Oregon State Bar at 800-452-8260, the Oregon Military Department at 503-584-3571, or the nearest United States Armed Forces Legal Assistance Office through <http://legalassistance.law.af.mil>. The Oregon Military Department does not have a toll free number.



# Oregon

Kate Brown, Governor

## Water Resources Department

725 Summer St NE, Suite A

Salem, OR 97301

(503) 986-0900

Fax (503) 986-0904

AUGUST 3, 2022

WILBER & SONS, LLC  
77 W ADAMS ST.  
BURNS, OR 97720

SUBJECT: Water Right Transfer Application T-13903

Your water right transfer is ready for issuance of the Preliminary Determination, once the Department receives payment for publication of the newspaper notice.

### Items needed before the next phase of processing...

At this time you need to:

1. submit a check for \$ 273.60 (to cover cost of publication of the notice), made out to the Oregon Water Resources Department.
2. write "for T-13903 NOTICE" on the front of your check, and
3. submit it with the tracking stub at the bottom of this letter.

Mail the check to 725 Summer St. NE, Suite A, Salem, OR 97301-1266, **no later than September 2, 2022.**

### What happens next...

Shortly after receiving payment, the Department will issue the Preliminary Determination, initiate publication in the Burns Times-Herald newspaper, and also publish the notice on the Department's weekly notice. Publication of the notice will initiate a protest period during which any person may file either a protest opposing the decision proposed by the Department in the Preliminary Determination or a standing statement supporting the Department's decision.

**If we do not receive payment for newspaper notice by September 2, 2022, a Preliminary Determination may be issued denying the application as incomplete.**

Please contact me at [scott.a.grew@water.oregon.gov](mailto:scott.a.grew@water.oregon.gov) or 503-986-0890 if I may be of assistance.

Sincerely,

*Scott Grew*

Transfer Specialist  
Transfer and Conservation Section

cc: Transfer Application file T-13903  
Donald Swindlehurst, District 10 Watermaster (via e-mail)  
John A. Short, Agent for the applicant (via e-mail)

✂-----  
**Attached** is a check for \$ 273.60 (PCA #46118) for Newspaper Notice for Transfer T-13903 made out to Oregon Water Resources Department ( or WRD)

- "for T-13903 NOTICE" written on front of check

Mail to: Oregon Water Resources Department  
725 Summer St. NE, Suite A  
Salem, OR 97301-1266

Caseworker: Scott

**GREW Scott A \* WRD**

---

**From:** PHILLIPS Stacy H \* WRD  
**Sent:** Monday, August 1, 2022 3:15 PM  
**To:** STARNES Patrick K \* WRD  
**Cc:** GREW Scott A \* WRD  
**Subject:** RE: Newspaper estimate for Transfer Application T-13903

Hey Scott,

The quote came in for this notice. Total cost is \$273.60.

Thanks,

*Stacy H. Phillips*

Restoration Program Technician  
725 Summer Street NE, Suite A, Salem, OR 97301  
Office: 503-986-0898 | Work Cell: 503-979-9948



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

---

**From:** STARNES Patrick K \* WRD <Patrick.K.STARNES@water.oregon.gov>  
**Sent:** Monday, August 01, 2022 1:30 PM  
**To:** PHILLIPS Stacy H \* WRD <Stacy.H.PHILLIPS@water.oregon.gov>  
**Cc:** GREW Scott A \* WRD <Scott.A.GREW@water.oregon.gov>  
**Subject:** Newspaper estimate for Transfer Application T-13903

Hi Stacy –

Scott will need a quote for the attached **TRANSFER** Application notice to run in the Burns Times Herald. Run time is two weeks.

Thanks!

Kelly

\*\*\*\*\*  
Kelly Starnes, Transfer Program Analyst  
Oregon Water Resources Department  
725 Summer St NE Suite A  
Salem OR 97301-1271  
Cell phone: 503-979-3511      Fax: 503-986-0903  
E-mail: [patrick.k.starnes@water.oregon.gov](mailto:patrick.k.starnes@water.oregon.gov)

Please Note: Under Oregon Law, messages to and from this e-mail address may be available to the public.

## GREW Scott A \* WRD

---

**From:** Bryce Withers <brycewrs@gmail.com>  
**Sent:** Thursday, July 14, 2022 7:47 AM  
**To:** GREW Scott A \* WRD  
**Subject:** T-13903 - Issuance of Draft Preliminary Determination - Action Required!  
**Attachments:** 22S35E000000200\_2.pdf

Hi Scott,

Hope you are having a nice summer.

The applicant would like to request 5 years to complete the transfer to allow time to complete the changes and comply with the fish screen requirement. Please confirm if this is acceptable.

Everything else looks good in the DPD. Attached is the ownership report. Let me know if you need anything else.

--

Bryce Withers

Water Right Specialist  
(541)408-1400 cell

Water Right Services, LLC  
PO Box 1830  
Bend, OR 97709  
<https://oregonwater.us>



## Property Profile

Date Prepared: 07-05-2022

Prepared For:  
Mr. Bryce Withers  
Water Right Services, LLC

Property Address:  
22S35E000000200, Harney County OR  
Property Parcel Number:  
22S35E000000200

Includes the following:

- Map
- Tax Information
- Last Vesting Document

Prepared by:  
Kishiko Bennett

Please email your customer service requests to [prineville@amerititle.com](mailto:prineville@amerititle.com)

Serving Crook, Jefferson, Deschutes, Wheeler and Harney Counties!

The following information is provided at no cost and is for informational purposes only. This report is based on a search of our tract indexes of the county records. This is not a title or ownership report and no examination of the title to the property described has been made. For this reason, the company assumes no liability for any errors or omissions contained herein.

# HARNEY County Assessor's Summary Report

## Real Property Assessment Report

FOR ASSESSMENT YEAR 2022

NOT OFFICIAL VALUE

July 5, 2022 12:23:14 pm

Account #	18128	Tax Status	ASSESSABLE
Map #	22S35E000000200	Acct Status	ACTIVE
Code - Tax #	1320-18128	Subtype	NORMAL

Legal Descr Metes & Bounds - See legal report for full description.

Mailing Name	WILBER & SONS LLC	Deed Reference #	2012-111
Agent		Sales Date/Price	01-27-2012 / \$0.00
In Care Of	C/O WILBER, CARA	Appraiser	TONI WILSON
Mailing Address	77 W ADAMS BURNS, OR 97720-1705		

Prop Class	551	MA	SA	NH	Unit
RMV Class	551	03	00	132	5445-1

Situs Address(s)		Situs City		Value Summary		RMV Exception	CPR %
Code Area		RMV	MAV	AV			
1320	Land	940,920			Land	0	
	Impr.	8,740			Impr.	0	
<b>Code Area Total</b>		<b>949,660</b>	<b>387,730</b>	<b>74,298</b>		<b>0</b>	
<b>Grand Total</b>		<b>949,660</b>	<b>387,730</b>	<b>74,298</b>		<b>0</b>	

Code Area	ID#	RFPD	Ex	Plan Zone	Value Source	Land Breakdown			LUC	Trended RMV	
						TD%	LS	Size			
1320	1	<input type="checkbox"/>		EFRU-1	Farm Use Zoned	100	A	107.00	4B	006*	59,550
1320	2	<input type="checkbox"/>		EFRU-1	Farm Use Zoned	100	A	930.00	5	006*	517,540
1320	3	<input type="checkbox"/>		EFRU-1	Farm Use Zoned	100	A	43.00	6	006*	23,930
1320	4	<input type="checkbox"/>		EFRU-1	Farm Use Zoned	100	A	600.00	7A	006*	333,900
1320	5	<input type="checkbox"/>		EFRU-1	Farm Use Zoned	100	A	0.00	SW	006*	6,000
<b>Grand Total</b>								<b>1,680.00</b>			<b>940,920</b>

Code Area	ID#	Yr Built	Stat Class	Description	Improvement Breakdown		Total Sq. Ft.	Ex% MS	Acct #	Trended RMV
					TD%					
1320	1	2012	302	CORRAL	100		0			8,740
<b>Grand Total</b>								<b>0</b>		<b>8,740</b>

**SUMMARY OF TAX ACCOUNT**  
**HARNEY COUNTY TAX COLLECTOR**  
**HARNEY COUNTY COURTHOUSE**  
**BURNS, OREGON 97720**  
**(541) 573-8365**

5-Jul-2022

Tax Account #	18128	Lender Name	867 - WILBER & SONS LLC
Account Status	A	Lender ID	
Roll Type	Real	Property ID	1320
Situs Address		Interest To	Jul 15, 2022

**Tax Summary**

Tax Year	Tax Type	Total Due	Current Due	Interest Due	Discount Available	Original Due	Due Date
2021	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$840.89	Nov 15, 2021
2020	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$816.54	Nov 15, 2020
2019	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$792.84	Nov 15, 2019
2018	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$769.88	Nov 15, 2018
2017	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$747.68	Nov 15, 2017
2016	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$726.01	Nov 15, 2016
2015	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$768.57	Nov 15, 2015
2014	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$747.08	Nov 15, 2014
2013	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$725.48	Nov 15, 2013
2012	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$704.48	Nov 15, 2012
2011	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$684.03	Nov 15, 2011
2010	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$664.15	Nov 15, 2010
2009	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$553.89	Nov 15, 2009
2008	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$537.84	Nov 15, 2008
2007	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$522.30	Nov 15, 2007
2006	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$507.14	Nov 15, 2006
2005	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$492.47	Nov 15, 2005
2004	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$478.23	Nov 15, 2004
2003	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$464.34	Nov 15, 2003
<b>Total</b>		\$0.00	\$0.00	\$0.00	\$0.00	\$12,543.84	

N  
 ↑  
 COMPLIMENTS OF  
 AmeriTitle

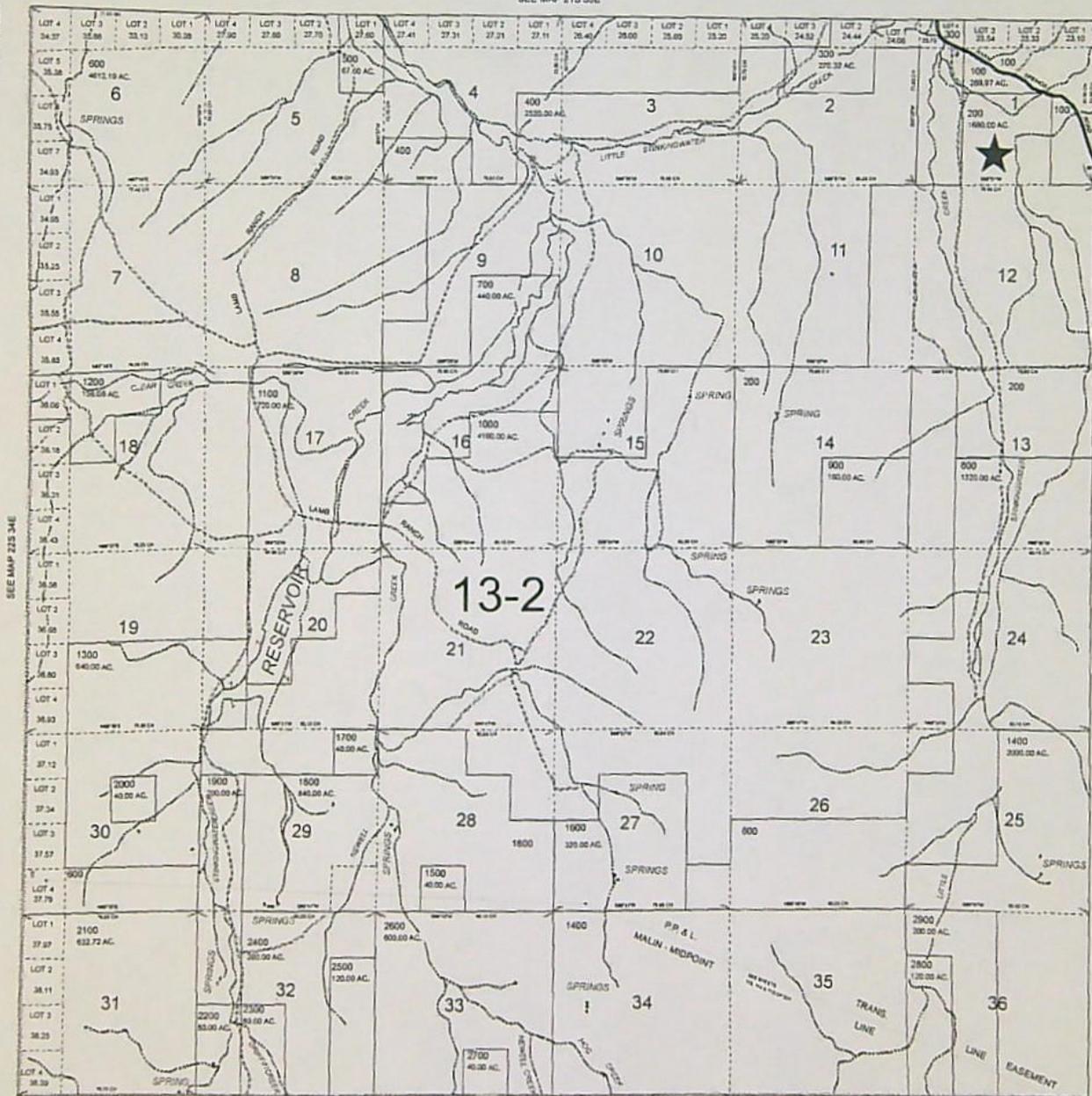
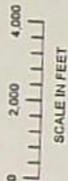
This sketch is furnished for information purposes only to assist in property location with reference to streets and other parcels. No representation is made as to accuracy and the Company assumes no liability for any loss occurring by reason or reliance thereon.

22S 35E

THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSE ONLY.

T.22S. R.35E. W.M.  
 HARNEY COUNTY  
 1" = 2000'

SEE MAP 215 35E



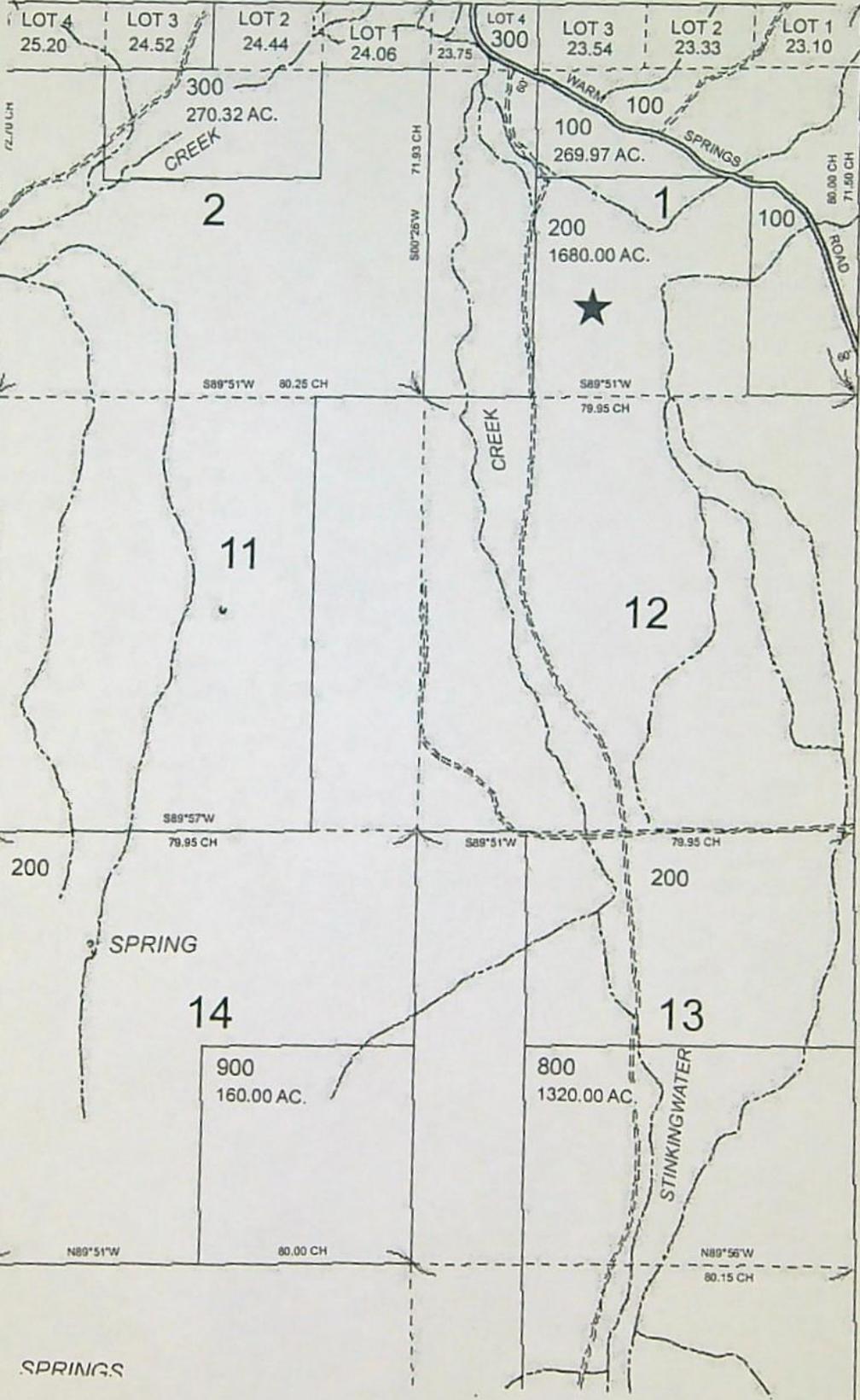
SEE MAP 235 35E

PRINTED ON  
 Apr 11, 2007  
 22S 35E

  
**COMPLIMENTS OF**  
**AmeriTitle**

This sketch is furnished  
 for information purposes  
 only to assist in property  
 location with reference to  
 streets and other parcels.  
 No representation is  
 made as to accuracy and  
 the Company assumes no  
 liability for any loss  
 occurring by reason  
 or reliance thereon.

LOT 3  
 26.00



SEE MAP 22S 36E

HARNEY COUNTY, OR 2012-0111  
DEED BSD  
Cnt=1 Pgs=7 01/27/2012 10:16 AM  
Total: \$66.00

After recording return to:

George W. Wilber  
77 West Adams  
Burns, OR 97720

Until a change is requested,  
send all tax statements to:

WILBER & SONS LLC  
77 West Adams  
Burns, OR 97720



I, Maria Iturriaga, County Clerk for Harney County,  
Oregon certify that the instrument identified herein was  
recorded in the Clerk records.

Maria Iturriaga, CCC, Harney County Clerk

---

**BARGAIN AND SALE DEED**

**WILBER BROTHERS**, an Oregon partnership, Grantor, whose address is 77 West Adams, Burns, OR 97720, conveys to **WILBER & SONS LLC**, an Oregon limited liability company, Grantee, whose address is 77 West Adams, Burns, Oregon 97720, the real property described on the attached Exhibit A.

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

Other property or value was the whole consideration for this conveyance.

[SIGNATURE PAGE FOLLOWS]

Dated: September 25, 2011

WILBER BROTHERS,  
an Oregon partnership

By: *William N. Wilber*  
William N. Wilber, Partner

By: *George W. Wilber*  
George W. Wilber, Partner

By: *Patrick J. Wilber*  
Patrick J. Wilber, Partner

By: *Judith L. Wilber*  
Judith L. Wilber, Partner

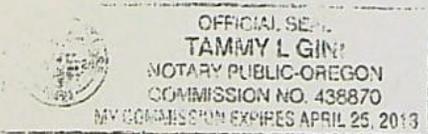
By: *Mary A. Wilber*  
Mary A. Wilber, Partner

By: *Patricia Wilber*  
Patricia Wilber, Partner

STATE OF OREGON            )  
                                          ) ss.:  
County of Harney            )

On the 25 day of September, 2011, before me personally came **WILLIAM N. WILBER**, in his capacity as a Partner in **WILBER BROTHERS**, an Oregon partnership, who, being duly sworn, did depose and say that he executed the within instrument; and that he signed his name thereto by said authority.

In Witness Whereof, I hereunto set my hand and official seal.

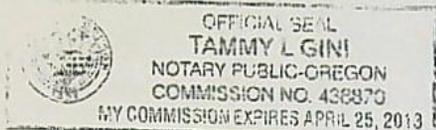


*Tammy L. Gini*  
Notary Public for the State of Oregon  
My Commission Expires: 4/25/13

STATE OF OREGON            )  
                                          ) ss.:  
County of Harney            )

On the 25 day of September, 2011, before me personally came **GEORGE W. WILBER**, in his capacity as a Partner in **WILBER BROTHERS**, an Oregon partnership, who, being duly sworn, did depose and say that he executed the within instrument; and that he signed his name thereto by said authority.

In Witness Whereof, I hereunto set my hand and official seal.

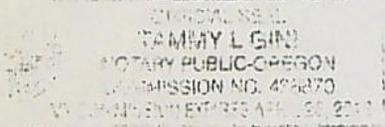


Tammy L. Gini  
Notary Public for the State of Oregon  
My Commission Expires: 4/25/13

STATE OF OREGON            )  
                                          ) ss.:  
County of Harney            )

On the 25 day of September, 2011, before me personally came **PATRICK J. WILBER**, in his capacity as a Partner in **WILBER BROTHERS**, an Oregon partnership, who, being duly sworn, did depose and say that he executed the within instrument; and that he signed his name thereto by said authority.

In Witness Whereof, I hereunto set my hand and official seal.

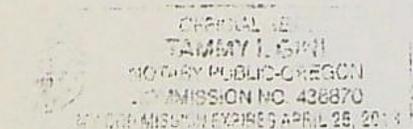


Tammy L. Gini  
Notary Public for the State of Oregon  
My Commission Expires: 4/25/13

STATE OF OREGON            )  
                                          ) ss.:  
County of Harney            )

On the 25 day of September, 2011, before me personally came **JUDITH L. WILBER**, in her capacity as a Partner in **WILBER BROTHERS**, an Oregon partnership, who, being duly sworn, did depose and say that she executed the within instrument; and that she signed her name thereto by said authority.

In Witness Whereof, I hereunto set my hand and official seal.

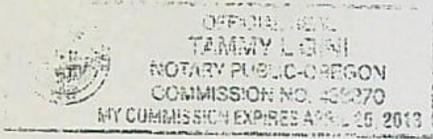


Tammy L. Gini  
Notary Public for the State of Oregon  
My Commission Expires: 4/25/13

STATE OF OREGON            )  
                                          ) ss.:  
County of Harney            )

On the 25 day of September, 2011, before me personally came **MARY A. WILBER**, in her capacity as a Partner in **WILBER BROTHERS**, an Oregon partnership, who, being duly sworn, did depose and say that she executed the within instrument; and that she signed her name thereto by said authority.

In Witness Whereof, I hereunto set my hand and official seal.

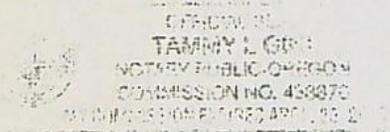


Tammy L. Gini  
Notary Public for the State of Oregon  
My Commission Expires: 4/26/13

STATE OF OREGON            )  
                                          ) ss.:  
County of Harney            )

On the 25 day of September, 2011, before me personally came **PATRICIA WILBER**, in her capacity as a Partner in **WILBER BROTHERS**, an Oregon partnership, who, being duly sworn, did depose and say that she executed the within instrument; and that she signed her name thereto by said authority.

In Witness Whereof, I hereunto set my hand and official seal.



Tammy L. Gini  
Notary Public for the State of Oregon  
My Commission Expires: 4/26/13

DREWSEY FIELD RANCH  
LEGAL DESCRIPTION

LAND IN HARNEY COUNTY, OREGON:

In Twp. 20 S., R. 35 E., W.M.:

Sec. 25: S1/2SW1/4,

Subject to a right-of-way thereon in favor of the United States for ditches or canals constructed by the authority of the United States, as set forth in Patent No. 36-2001-0116.

In Twp. 20 S., R. 35 E., W.M.:

Sec. 25: NE1/4NE1/4, S1/2NE1/4, N1/2SW1/4, SE1/4.

Sec. 36: All, SAVE AND EXCEPT road right of way conveyed to Harney County, Oregon, by deed recorded March 4, 1964, in Book 74, Page 618, Deed Records.

In Twp. 20 S., R. 36 E., W.M.:

Sec. 30: Lots 2, 3 and 4, SE1/4NW1/4, E1/2SW1/4.

Sec. 31: Lots 1, 2 and 3, E1/2NW1/4, and that portion of Lot 4 and E1/2SW1/4 lying North of the Central Oregon Highway right of way, as said highway was situated on November 25, 1953.

SAVE AND EXCEPT a tract of land, situated within SE1/4NW1/4 and the NE1/4SW1/4 of Section 31, Twp. 20 S., R. 36 E., W.M., Harney County, Oregon as more particularly described as follows:

Beginning at a point 1849.13 feet north and 2756.96 feet west, from the southeast corner of Section 31, thence N 26°46'07"W along a fence line 904.03 feet to a fence corner, thence N 68° 52' 00"E 107.16 feet, to the southwest corner of a wood corral, thence N 87° 27' 08" E along the south side and an extension of the south side of the wood corral 406 feet, more or less, to the north-south center line of Section 31, thence southerly along the north-south center line of Section 31 1018 feet, more or less, to the northwesterly boundary of the State Highway no. 20 right of way, thence southeasterly along the State Highway no. 20 right of way 167 feet, more or less, to a point bearing S 15°40'28"W from the point of beginning, thence N 15°40'28"E 211 feet, more or less, to the point of beginning.

Said tract containing 6.64 acres, more or less, and subject to all conditions, reservations, and restrictions of record.

S1/2 SE1/4, that portion of Lot 4 and the SE1/4 SW1/4 of Sec. 31 lying South of the South right of way line of U.S. Highway No. 20, as located in Sec. 31 as of September 27, 1961, and a tract in the NE1/4SW1/4. of Sec. 31 more particularly described as follows:

Beginning at the Southeast corner of the NE1/4SW1/4 of Sec. 31; thence West 758 feet to the South right of way line of U.S. Highway No. 20 as located in Section 31 as of September 27, 1961; thence Northeasterly along the South right of way line of said highway 820 feet to the East line of NE1/4SW1/4 of Sec. 31; thence South 303 feet to the point of beginning.

Sec. 32: SW1/4SW1/4, SAVE AND EXCEPT 0.69 acres, given by deeds recorded in Book 38, Pages 459 and 460; Harney County, Deed Records.

Sec. 33: SW1/4SE1/4

In Twp. 21 S., R. 35 E., W.M.:

Sec. 36: SW1/4, S1/2NW1/4, NW1/4NW1/4.

In Twp. 21 S., R. 36 E., W.M.:

Sec. 4; Lot 3.

Sec. 5: Lots 1,2,3 and 4, N1/2S1/2, S1/2SW1/4, SAVE AND EXCEPT a parcel of land situated in the N1/2SE1/4 of Sec. 5, more particularly described as follows:

Beginning at the Southeast corner of the said N1/2SE1/4 of Sec. 5; thence N. 00°52'05" E. 821.94 feet, along the East boundary of said Sec. 5; thence S. 89°57'41" W. 1,324.71 feet; thence S. 00°52'05" W. 821.94 feet, to the South boundary of the said N1/2SE1/4; thence N. 89°57'41" E. 1,324.74 feet, along the said South boundary to the true point of beginning.

Together with a tract of land situated in the S1/2SE1/4 of Sec. 5, Twp. 21 S., R. 36 E., W.M., Harney County, Oregon, as more particularly described as follows:

Beginning at the Northwest corner of the S1/2SE1/4 of Sec. 5; thence N. 89°57'41" E. along the North boundary of the S1/2SE1/4 of Sec. 5, 1,324.71 feet; thence S. 00°42'42" W. 821.94 feet; thence S. 89°57'41" W. 1,324.71 feet to the North-South center of Sec. 5; thence N. 00°42'42" E. along the North-South center line of Sec. 5, 821.94 feet to the point of beginning.

Sec. 6: Lots 1, 2, 3, 4, 5 and 6, E1/2SW1/4, S1/2SE1/4, SAVE AND EXCEPT that portion of Lot 4 as described in Judgment No. 82-1-8128, filed March 28, 1983, Harney County Circuit Court.

Sec. 7: Lot 1, NE1/4, E1/2NW1/4, N1/2SE1/4

Sec. 8: W1/2.

STINKINGWATER  
LEGAL DESCRIPTION

LAND IN HARNEY COUNTY, OREGON:

In Twp. 22 S., R. 35 E., W.M.:

- Sec. 1: W1/2SE1/4, E1/2SW1/4.
- Sec. 11: E1/2E1/2.
- Sec. 12: All.
- Sec. 13: E1/2, E1/2W1/2.
- Sec. 14: All.
- Sec. 24: E1/2, E1/2W1/2, NW1/4SW1/4.
- Sec. 25: E1/2NW1/4, SW1/4NW1/4, N1/2SW1/4.
- Sec. 26: S1/2
- Sec. 27: SE1/4SE1/4, SW1/4NE1/4, SE1/4NW1/4, SW1/4, W1/2SE1/4.
- Sec. 33: SW1/4, N1/2, NW1/4SE1/4, E1/2SE1/4
- Sec. 36: E1/2W1/2, NW1/4NW1/4.

In Twp. 22 S., R. 36 E., W.M.:

- Sec. 18: Lots 3 and 4.
- Sec. 19: Lots 1 and 2.



# Oregon

Kate Brown, Governor

## Water Resources Department

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

June 30, 2022

WILBER & SONS, LLC  
77 W ADAMS ST.  
BURNS, OR 97720

Reference: Water Right Transfer Application T-13903

Your water right transfer is in the first of three phases of processing. Enclosed is a draft of the Department's Preliminary Determination regarding Transfer Application T-13903. The document reflects the Department's conclusion that, based on the information currently available, the transfer will be approved. Your response and submittal of the items outlined below are required by July 30, 2022.

### ***Required items needing your immediate attention:***

1. Please carefully review the Draft Preliminary Determination to verify that it accurately reflects the changes you intend to make and to become familiar with the proposed conditions.
2. **Respond in writing** by July 30, 2022, with acknowledgement that you agree to the proposed action and conditions.
3. If you find any errors, please let me know.
4. **REQUIRED:** You must submit a **Report of Ownership** for the lands where the water right(s) are currently located (i.e., the FROM lands). This report:
  - a) Must be prepared by a title company;
  - b) Shall include a "prepared by" statement and the date the title company prepared the report printed on the cover sheet;
  - c) Must be:
    - i. Prepared within 3 months of the Draft Preliminary Determination showing current ownership; **OR**
    - ii. Prepared within 3 months of recording of a water right conveyance agreement; **OR**
    - iii. Have a prepared date showing ownership at the time a water right conveyance agreement was recorded.

*If water right conveyance agreements are involved, it is helpful to provide copies of those agreements along with the Report of Ownership.*
  - d) Must include a list of owners at the time the report was generated; **AND**
  - e) Must include a legal description of the property where the water right to be transferred is currently located (i.e., the FROM lands).
5. You must provide a notarized statement of consent signed by any landowner listed in the Report of Ownership who is not already included in the transfer application. The Department's statement of

consent form (**Consent By Deeded Landowner**) is available at:  
[https://www.oregon.gov/OWRD/WRDFormsPDF/consent to transfer form.pdf](https://www.oregon.gov/OWRD/WRDFormsPDF/consent%20to%20transfer%20form.pdf)

6. Notice of this transfer will need to be published in a newspaper with general circulation in the area where the water rights are currently located. You will be responsible for the charges.

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

This transfer will require installation of a fish screen at the new diversion point **prior to diversion of water**. You may not divert water prior to installation and approval of the fish screen by the Oregon Department of Fish and Wildlife (ODFW). You may wish to contact the ODFW staff person listed on the enclosed contact sheet for more information about the screen and to determine a reasonable timeline.

**Please note the proposed date by which all conditions must be met: October 1, 2023.** If the required completion date is insufficient to comply with any of the conditions, you may request more time, at no cost to you, during this stage of processing. **Please let me know by the comment deadline if you will need more time and explain the reasons why.**

**What happens next...**

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

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

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

**If we do not receive the items listed above by July 30, 2022, a Preliminary Determination may be issued denying the application as incomplete.**

Please contact me at [scott.a.grew@water.oregon.gov](mailto:scott.a.grew@water.oregon.gov) or 503-986-0890 if I may be of assistance.

Sincerely,

*Scott Grew*

Transfer Specialist  
Transfer and Conservation Section

cc: Transfer Application file T-13903  
Donald Swindlehurst, District 10 Watermaster (via e-mail)  
John A. Short, Agent for the applicant (via e-mail)

encs

BEFORE THE WATER RESOURCES DEPARTMENT  
OF THE  
STATE OF OREGON

In the Matter of Transfer Application )  
T-13903, Harney County )

D R A F T

) PRELIMINARY DETERMINATION  
) PROPOSING APPROVAL OF AN  
) ADDITIONAL POINT OF DIVERSION, AND  
) CHANGES IN POINT OF DIVERSION, AND  
) PLACE OF USE

**Authority**

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

**Applicant**

WILBER & SONS, LLC  
77 W ADAMS ST.  
BURNS, OR 97720

**Findings of Fact**

1. On January 31, 2022, WILBER AND SONS, LLC filed an application for an additional point of diversion, to change the points of diversion, and to change the place of use under Certificate 6931. The Department assigned the application number T-13903.
2. Notice of the application for transfer was published on February 8, 2022, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.

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

**Certificate:** 6931 in the name of GEO. W. WRIGHT; SUCCESSOR IN INTEREST TO WM. H. HOWARD (confirmed by Malheur River Decree, Volume 8, Page 228)  
**Use:** IRRIGATION of 67.0 ACRES  
**Priority Date:** 1907  
**Rate:** 3.35 CUBIC FEET PER SECOND

**Limit/Duty:** The amount of water to which such right is entitled, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed 1.5 acre feet per acre in any 30-day period prior to June 1<sup>st</sup>, 1 acre foot per acre in any 30-day period after June 1<sup>st</sup>, of each year, or 3.0 acre feet per acre during any season, diverted at a rate not to exceed ONE TWENTIETH of a cubic foot per second per acre.

**Source:** LITTLE STINKINGWATER CREEK

**Authorized Place of Use:**

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
22 S	35 E	WM	12	NW NW	16.0
22 S	35 E	WM	12	SW NW	24.0
22 S	35 E	WM	12	NW SW	27.0
				Total	67.0

4. The agent has provided measured distances to better describe the authorized points of diversion:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
22 S	35 E	WM	13	NE NW	POD 2 – 320 FEET SOUTH AND 590 FEET WEST FROM THE N 1/4 CORNER OF SECTION 13
22 S	35 E	WM	24	SE SW	POD 1 – 550 FEET NORTH AND 490 FEET WEST FROM THE S 1/4 CORNER OF SECTION 24

5. Transfer Application T-13903 proposes an additional point of diversion as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances	Approximate Distance from Authorized Points of Diversion in Miles (mi.)	
20 S	35 E	WM	25	NE SE	POD 3 – 1440 FEET NORTH AND 780 FEET WEST FROM THE SE CORNER OF SECTION 25	POD 1	POD 2
						13.9 mi.	12.2 mi.

6. Transfer Application T-13903 proposes to move the authorized points of diversion as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances	Approximate Distance from Authorized Points of Diversion in Miles (mi.)	
20 S	35 E	WM	25	SW NE	POD 1 – 780 FEET NORTH AND 3460 FEET EAST FROM THE W ¼ CORNER OF SECTION 25	POD 1	POD 2
						15.5 mi.	12.2 mi.

Twp	Rng	Mer	Sec	Q-Q	Measured Distances	Approximate Distance from Authorized Points of Diversion in Miles (mi.)	
20 S	35 E	WM	25	NW SE	POD 2 – 640 FEET SOUTH AND 3850 FEET EAST FROM THE W 1/4 CORNER OF SECTION 25	13.5 mi.	11.8 mi.

7. Transfer Application T-13903 also proposes to change the place of use of the right to:

IRRIGATION						
Twp	Rng	Mer	Sec	Tax Lot	Q-Q	Acres
20 S	35 E	WM	25	3700	SW NE	15.0
20 S	35 E	WM	25	3700	SE NE	0.7
20 S	35 E	WM	25	3700	NE SW	6.0
20 S	35 E	WM	25	3900	SE SW	0.7
20 S	35 E	WM	25	3900	NE SE	13.7
20 S	35 E	WM	25	3900	NW SE	17.7
20 S	35 E	WM	25	3900	SW SE	2.1
20 S	35 E	WM	25	3900	SE SE	0.6
20 S	36 E	WM	31	3900	NE NW	2.0
20 S	36 E	WM	31	3900	NW SE	8.5
Total						67.0

8. The Oregon Department of Fish and Wildlife (ODFW) has determined that a fish screening and/or by-pass device is necessary at the new point of diversion to prevent fish from entering the diversion and/or safely transport fish back to the body of water from which the fish were diverted and that the diversion is not currently equipped with an appropriate fish screening and/or by-pass device. This diversion may be eligible for screening cost share funds.

***Transfer Review Criteria [OAR 690-380-4010(2)]***

9. Water has been used within the last five years according to the terms and conditions of the right. There is no information in the record that would demonstrate that the right is subject to forfeiture under ORS 540.610.
10. A diversion structure and ditch sufficient to use the full amount of water allowed under the existing right were present within the five-year period prior to submittal of Transfer Application T-13903.
11. The proposed changes would not result in enlargement of the right.
12. The proposed changes would not result in injury to other water rights.
13. All other application requirements are met.

### Determination and Proposed Action

The additional point of diversion, change in points of diversion, and change in place of use proposed in Transfer Application T-13903 appear to be consistent with the requirements of ORS 540.505 to 540.580 and OAR 690-380-5000. If protests are not filed pursuant to OAR 690-380-4030, the transfer application will be approved.

*If Transfer Application T-13903 is approved, the final order will include the following:*

1. *The additional point of diversion, change in points of diversion, and change in place of use proposed in Transfer Application T-13903 are approved.*
2. *The right to the use of the water is restricted to beneficial use at the place of use described, and is subject to all other conditions and limitations contained in Certificate 6931, and any related decree.*
3. *Water right Certificate 6931 is cancelled. A new certificate will be issued describing that portion of the right not affected by this transfer.*
4. *The quantity of water diverted at the additional point of diversion (POD 3), shall not exceed the quantity of water lawfully available at the original points of diversion (POD 1 and POD 2).*
5. *The quantity of water diverted at the new points of diversion (POD 1 and POD 2), shall not exceed the quantity of water lawfully available at the original points of diversion (POD 1 and POD 2).*
6. *Prior to diverting water, the water user shall install a fish screening and/or by-pass device, as appropriate, at the new point of diversion consistent with the Oregon Department of Fish and Wildlife's (ODFW) design and construction standards. Prior to installation, the water user shall obtain written approval from ODFW that the required screen and/or by-pass device meets ODFW's criteria. Prior to submitting a Claim of Beneficial Use, the water user must obtain written approval from ODFW that the required screening and/or by-pass device was installed to the state's criteria. The water user shall maintain and operate the fish screen and/or by-pass device, as appropriate, at the point of diversion consistent with ODFW's operational and maintenance standards.*
7. *The former place of use of the transferred right shall no longer receive water under the right.*
8. *Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2023**. A Claim of Beneficial Use prepared by a Certified Water Right Examiner shall be submitted by the applicant to the Department within one year after the deadline for completion of the changes and full beneficial use of the water.*

9. *After satisfactory proof of beneficial use is received, a new certificate confirming the right transferred will be issued.*

Dated in Salem, Oregon on

**D R A F T**

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

This draft Preliminary Determination was prepared by Scott Grew. If you have questions about the information in this document, you may reach him at [scott.a.grew@oregon.gov](mailto:scott.a.grew@oregon.gov) or 503-986-0890.

**Oregon Department of Fish and Wildlife**  
**Additional Fish Screening and Passage Information for the Applicant**  
*(To be completed by ODFW for WRD to provide to the applicant.)*

Transfer #: T-13903, Wilber & Sons, LLC

**The applicant should be aware that fish screening and passage may be required for certain changes in point of diversion if the boxes below are checked.**

- Fish screening is required as a condition of this transfer. The fish screen must meet ODFW's design, construction, operational and maintenance standards.

Pursuant to ORS 498.306, cost-share funds may be available to assist in the installation of fish screening.

The applicant should contact the ODFW staff member below to obtain additional information on the design, construction, operational, and maintenance standards for the fish screen and to obtain information about ODFW's cost-sharing program for screening. **Prior to installation, the water user must obtain written approval from ODFW that the required screen meets ODFW's criteria.**

ODFW staff name: Nathaniel Ashley

Address: 357 Patterson Bridge Rd

City/State/Zip: John Day, OR 97845

Phone: (541) 575-0561

- This transfer may trigger requirements for fish passage under ORS 509.585 because a new point of diversion will be constructed, an existing point of diversion's capacity will be increased, or an existing point of diversion will be abandoned. The applicant should contact the ODFW staff member below for a determination of whether native migratory fish are or were present at the applicable location, which will determine whether fish passage must be addressed.

ODFW staff name: Danette Faucera

Address: 4034 Fairview Industrial Dr. SE

City/State/Zip: Salem, OR 97302

Phone: (503) 947-6092

**Oregon Department of Fish and Wildlife**  
**Water Right and Diversion Transfer Comment Form**

*(ODFW provides to WRD so that WRD can make findings according to statutory requirements.)*

Reference Transfer #: T-13903, Wilber & Sons, LLC

Date of review: 5-2-22

**A. Please check box if you believe there is a potential for injury to an instream water right.**

The Oregon Department of Fish and Wildlife (ODFW) believes this proposed transfer may injure an instream water right(s) on \_\_\_\_\_ [stream], tributary to \_\_\_\_\_, because \_\_\_\_\_.

*(Please attach any available supporting information.)*

**Note:** This will prompt WRD to make a determination whether the transfer will injure an instream water right. *(OWRD makes the determination of injury to a water right, while ODFW's role is to raise concerns, and to evaluate proposed mitigation and net benefit to the resource if OWRD consents to injury of an instream water right.)*

**B. Please check one of the following five boxes related to fish screen requirements pursuant to ORS 540.525 or 540.532:**

**1. Screen Maintain**

*[Select this option if the new Point of Diversion (POD) requires a fish screen and is currently equipped with an appropriate fish screen that will still be in compliance if the transferred water is diverted from this POD.]*

**Note:** This option will yield the following:

**Finding of Fact:** The Oregon Department of Fish and Wildlife has determined that a fish screen is necessary at the new point of diversion to prevent fish from entering the diversion and that the diversion is currently equipped with an appropriate fish screen.

**Condition:** The water user shall operate and maintain an approved fish screen at the new point of diversion. If Oregon Department of Fish and Wildlife (ODFW) determines the screen is not functioning properly, and is unsuccessful in working with the water user to meet ODFW standards, ODFW may request that OWRD regulate the use of water until OWRD receives notification from ODFW that the fish screen is functioning properly.

**2. Screen Now**

*[Option 2 should generally be selected if listed fish species are present at the point of diversion and/or the originating water right diversion is currently screened. If Option 2 is selected, provide contact information on the "Fish Screening and Passage Information" sheet. The new diversion may be eligible for cost-share.]*

**Note:** This option will yield the following:

**Finding of Fact:** The Oregon Department of Fish and Wildlife (ODFW) has determined that a fish screen is necessary at the new point of diversion to prevent fish from entering the diversion and that the diversion is not currently equipped with an appropriate fish screen. This diversion may be eligible for screening cost-share funds.

**Condition:** Prior to diverting water, the water user shall install an approved fish screen at the new point of diversion and shall provide to the OWRD a written statement from Oregon Department of Fish and Wildlife (ODFW) that the installed screen meets the state's criteria, or that ODFW has determined a screen is not necessary.

The water user shall operate and maintain the fish screen at the new point of diversion consistent with ODFW's operational and maintenance standards. If ODFW determines the screen is not functioning properly, and is unsuccessful in working with the water user to meet ODFW standards, ODFW may request that OWRD regulate the use of water until OWRD receives notification from ODFW that the fish screen is functioning properly.

*Please return all 3 pages to: Transfers Section, Water Resources Department,  
725 Summer St. NE, Suite A, Salem, OR 97301-1266*

3. Screen 2 Year

*[Option 3 may be checked if the change is from an unscreened diversion to a HISTORIC POD or an existing POD in use for another water right, and cost-share funds are not currently available. It should NOT be checked if listed fish species are present at the point of diversion, the originating water right diversion is screened, cost-share funds are currently available, or the diversion is not eligible for ODFW's cost-share program. Please provide contact information on the "Fish Screening and Passage Information" sheet.] If extraordinary circumstances are present, please explain: \_\_\_\_\_*

Note: This option will yield the following:

Finding of Fact: The Oregon Department of Fish and Wildlife (ODFW) has determined that a fish screen is necessary at the new point of diversion to prevent fish from entering the diversion and that the diversion is not currently equipped with an appropriate fish screen. Listed fish species are not present at the point of diversion, the originating water right diversion is not screened, cost-share funds are not currently available, and the proposed diversion may be eligible for ODFW's cost-share program. A grace period of two years is appropriate until such time as cost-share funds become available to assist in the construction of a fish screen. If cost-share funds do not become available, the water user must screen within the indicated time period regardless of the availability of cost-share funding.

Condition: By October 1, 20\_\_ [Within two years after the date of this order] the water user shall install an approved fish screen at the new point of diversion. The water user may withdraw water at the new point of diversion without a screen until October 1, 20\_\_. The water user shall provide to OWRD a written statement from Oregon Department of Fish and Wildlife (ODFW) that the installed screen meets the state's criteria, or that ODFW has determined a screen is not necessary.

The water user shall maintain and operate the fish screen at the new point of diversion consistent with ODFW's operational and maintenance standards. If ODFW determines the screen is not functioning properly, and is unsuccessful in working with the water user to meet ODFW standards, ODFW may request that OWRD regulate the use of water until OWRD receives notification from ODFW that the fish screen is functioning properly.

4. Screen Future

*[Use this option if fish are not currently present, but might possibly be at some future time.]*

Note: This option will yield the following:

Finding of Fact: The Oregon Department of Fish and Wildlife has determined that the diversion is not currently equipped with an appropriate fish screen, but a fish screen may be required in the future at the new point of diversion to prevent fish from entering the diversion.

Condition: The Oregon Department of Fish and Wildlife (ODFW) may require the water user to install an approved fish screen at the new point of diversion within one year after receiving written notification that a fish screen is required. Once installed the water user shall maintain and operate the fish screen at the new point of diversion according to ODFW's operational and maintenance standards. If ODFW determines the screen is not functioning properly, and is unsuccessful in working with the water user to meet ODFW standards, ODFW may request that OWRD regulate the use of water until OWRD receives notification from ODFW that the fish screen is functioning properly.

5. No Screen Needed

*[Check this box if fish are not currently present, and are not expected in the future.]*

Danette Z. Faucera

Signature

Danette Faucera

Printed Name

(503) 947-6092

Phone

Water Policy Coordinator

Title

**Oregon Department of Fish and Wildlife**  
**Additional Fish Screening and Passage Information for the Applicant**  
*(To be completed by ODFW for WRD to provide to the applicant.)*

Transfer #: T-13903, Wilber & Sons, LLC

**The applicant should be aware that fish screening and passage may be required for certain changes in point of diversion if the boxes below are checked.**

- Fish screening is required as a condition of this transfer. The fish screen must meet ODFW's design, construction, operational and maintenance standards.

Pursuant to ORS 498.306, cost-share funds may be available to assist in the installation of fish screening.

The applicant should contact the ODFW staff member below to obtain additional information on the design, construction, operational, and maintenance standards for the fish screen and to obtain information about ODFW's cost-sharing program for screening. **Prior to installation, the water user must obtain written approval from ODFW that the required screen meets ODFW's criteria.**

ODFW staff name: Nathaniel Ashley

Address: 357 Patterson Bridge Rd

City/State/Zip: John Day, OR 97845

Phone: (541) 575-0561

- This transfer may trigger requirements for fish passage under ORS 509.585 because a new point of diversion will be constructed, an existing point of diversion's capacity will be increased, or an existing point of diversion will be abandoned. The applicant should contact the ODFW staff member below for a determination of whether native migratory fish are or were present at the applicable location, which will determine whether fish passage must be addressed.

ODFW staff name: Danette Faucera

Address: 4034 Fairview Industrial Dr. SE

City/State/Zip: Salem, OR 97302

Phone: (503) 947-6092



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

## Watermaster Review Form: Water Right Transfer

Transfer Application: T-13903

Review Due Date: \_\_\_\_\_

Applicant Name: WILBER & Sons.LLC

Proposed Changes:  POU  POD  POA  USE  OTHER

Reviewer(s): \_\_\_\_\_

Date of Review: Apr. 29, 2022

1. Do you have evidence that the right has not been used in the last 5 years and that the presumption of forfeiture would not likely be rebuttable?  Yes  No If "yes", attach evidence (e.g. dated aerial photo showing pavement or building on the land for >5 yrs.)
2. Is there a history of regulation on the source that serves this (or these) right(s) that has involved the transferred right(s) and downstream water rights?  Yes  No  
Generally characterize the frequency of any regulation or explain why regulation has not occurred: \_\_\_\_\_
3. Have headgate notices been issued for the source that serves the transferred right(s)?  
 Yes  No  Records not available.
4. In your estimation, after the proposed change would distribution of water for the right(s) result in regulation of other water rights that would not have occurred if use under the original right(s) was/were maximized?  
 Yes  No If "Yes", explain: \_\_\_\_\_
5. In your estimation, if the proposed change is approved, are there upstream water rights that would be affected?  Yes  No If "Yes", describe how the rights would be affected and list the rights most affected: \_\_\_\_\_
6. Check here  if it appears that downstream water rights benefit from return flows resulting from the current use of the transferred right(s)? If you check the box, generally characterize the locations where the return flows likely occur and list the water rights that benefit most: \_\_\_\_\_  N/A
7. For POD changes and instream transfers, check here  if there are channel losses between the old and new PODs or within the proposed instream reach? If you check the box, describe and, if possible, estimate the losses: \_\_\_\_\_  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. 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: \_\_\_\_\_
12. What alternatives may be available for addressing any issues identified above: N/A
13. 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 below:
- 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 3)
- 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.
- 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 3)
- 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  Submerged Orifice  
 Parshall Flume  Flow Restrictor  
 Other: \_\_\_\_\_



STATE OF OREGON  
**WATER RESOURCES DEPARTMENT**

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

RECEIPT # **137388**

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

RECEIVED FROM: Drewsey Field Ranch Co  
 BY: \_\_\_\_\_

APPLICATION	
PERMIT	
TRANSFER	1-13903

CASH:  CHECK: # 6889 OTHER: (IDENTIFY)

TOTAL REC'D \$ 3,680.00

**1083 TREASURY 4170 WRD MISC CASH ACCT**

0407 COPIES \$ \_\_\_\_\_  
 OTHER: (IDENTIFY) \$ \_\_\_\_\_  
 0243 I/S Lease \_\_\_\_\_ 0244 Muni Water Mgmt. Plan \_\_\_\_\_ 0245 Cons. Water \_\_\_\_\_

**4270 WRD OPERATING ACCT**

MISCELLANEOUS 46110

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

WATER RIGHTS:

0201 SURFACE WATER	EXAM FEE	RECORD FEE	0202
0203 GROUND WATER	\$	\$	0204
0205 TRANSFER	\$ <u>3680.00</u>	\$	

WELL CONSTRUCTION

0218 WELL DRILL CONSTRUCTOR	EXAM FEE	LICENSE FEE	0219
LANDOWNER'S PERMIT	\$	\$	0220
OTHER (IDENTIFY)			

**0536 TREASURY 0437 WELL CONST. START FEE**

0211 WELL CONST START FEE	\$	CARD#
0210 MONITORING WELLS	\$	CARD#
OTHER (IDENTIFY)		

**0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER**

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

**TREASURY OTHER / RDX**

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

RECEIPT: **137388**

DATED: 1-31-2022 BY: Mindy Cook

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

Cash in checking

Wilber & Sons LLC

**RECEIVED**  
**JAN 31 2022**  
**OWRD**

DREWSEY FIELD RANCH COMPANY  
 Oregon Water Resources Department  
 12/10/2021  
 3,680.00  
 6889

# Application for Permanent Water Right Transfer

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

## Part 1 of 5 – Minimum Requirements Checklist

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

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

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

- Part 1 – Completed Minimum Requirements Checklist.
- Part 2 – Completed Transfer Application Map Checklist.
- Part 3 – Application Fee, payable by check to the Oregon Water Resources Department, and completed Fee Worksheet, page 3. Try the new online fee calculator at: [http://apps.wrd.state.or.us/apps/misc/wrd\\_fee\\_calculator](http://apps.wrd.state.or.us/apps/misc/wrd_fee_calculator).
- Part 4 – Completed Applicant Information and Signature.
- Part 5 – Information about Water Rights to be Transferred: **How many water rights are to be transferred? 1 List them here: 6931**  
 Please include a separate Part 5 for each water right. (See instructions on page 6)  
**NOTE: A separate transfer application is required for each water right unless the criteria in OAR 690-380-3220 are met.**

**Attachments:**

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

(For Staff Use Only)

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

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

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

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

JAN 31 2022

## Part 2 of 5 – Transfer Application Map

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

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



## Part 4 of 5 – Applicant Information and Signature

### Applicant Information

APPLICANT/BUSINESS NAME <b>WILBER &amp; SONS LLC</b>		PHONE NO. <b>541-740-8849</b>	ADDITIONAL CONTACT NO.
ADDRESS <b>77 W ADAMS ST</b>			FAX NO.
CITY <b>BURNS</b>	STATE <b>OR</b>	ZIP <b>97720</b>	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 <b>JOHN A. SHORT / WATER RIGHT SERVICES, LLC</b>		PHONE NO. <b>541-389-2837</b>	ADDITIONAL CONTACT NO.
ADDRESS <b>PO BOX 1830</b>			FAX NO.
CITY <b>BEND</b>	STATE <b>OR</b>	ZIP <b>97709</b>	E-MAIL <b>JOHNSHORT@USA.COM</b>
BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED.			

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

**CHANGE A PORTION OF C-6931 TO A DIFFERENT POU AND POINTS OF DIVERSION.**

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

#### Check One Box

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

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JAN 31 2022

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

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

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



Patrick J Wilber

Applicant signature

PATRICK J WILBER

Print Name (and Title if applicable)

1-26-22

Date Owner

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 deeded landowners (and mailing and/or e-mail addresses if different than the applicant's) or attach affidavits of consent (and mailing and/or e-mail addresses) from all landowners or individuals/entities to which the water right(s) were conveyed.*

Check the following boxes that apply:

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

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

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

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

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

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

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

IRRIGATION DISTRICT NAME <b>N/A</b>	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 <b>N/A</b>	ADDRESS	
CITY	STATE	ZIP



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

ENTITY NAME <b>HARNEY COUNTY PLANNING DEPARTMENT</b>	ADDRESS <b>360 N ALVORD AVE</b>	
CITY <b>BURNS</b>	STATE <b>OR</b>	ZIP <b>97720</b>

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 additional rows to tables within the form.

**CERTIFICATE # 6931**

**Description of Water Delivery System**

System capacity: 10.525 cubic feet per second (cfs) **OR**  
 \_\_\_\_\_ gallons per minute (gpm)

Describe the current water delivery system or the system that was in place at some time within the last five years. Include information on the pumps, canals, pipelines, and sprinklers used to divert, convey, and apply the water at the authorized place of use. **DITCHES TO FLOOD.**

**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 - OFF	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed		22 S	35 E	24	SE	SW	800	550' N, 490' W OF S ¼ COR SEC 24
2 - OFF	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed		22 S	35 E	13	NE	NW	200	320' S, 590' W OF N ¼ COR SEC 13
1 - ON	<input type="checkbox"/> Authorized <input checked="" type="checkbox"/> Proposed		20 S	35 E	25	SW	NE	3700	780' N, 3460' E OF W ¼ COR SEC 25
2 - ON	<input type="checkbox"/> Authorized <input checked="" type="checkbox"/> Proposed		20 S	35 E	25	NW	SE	3700	640' S, 3850' E OF W ¼ COR SEC 25
3 - ON	<input type="checkbox"/> Authorized <input checked="" type="checkbox"/> Proposed		20 S	35 E	25	NE	SE	3700	1440' N, 780' W OF SE COR SEC 25

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

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

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

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

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

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

**Table 2. Description of Changes to Water Right Certificate # 6931**

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

AUTHORIZED (the "from" or "off" lands) The listing that appears on the certificate BEFORE PROPOSED CHANGES List only that part or portion of the water right that will be changed.											Proposed Changes (see "CODES" from previous page)	PROPOSED (the "to" or "on" lands) The listing as it would appear AFTER PROPOSED CHANGES are made.										
Twp	Rng	Sec	¼ ¼	Tax Lot	Gvt Lot or DLC	Acres	Type of USE listed on Certificate	POD(s) or POA(s) (name or number from Table 1)	Priority Date	Twp		Rng	Sec	¼ ¼	Tax Lot	Gvt Lot or DLC	Acres	New Type of USE	POD(s)/ POA(s) to be used (from Table 1)	Priority Date		
<b>EXAMPLE</b>																						
22	S	35	E 12 NW NW	200		16.0	IR	POD 1 & 2 "OFF"	1907	POU, POD, APOD	20	S	35	E 25 SW NE	3700		15.0	IR	POD 1, 2, & 3 "ON"	1907		
"	"	"	" SW NW	"		24.0	"	"	"	"	"	"	"	" SE NE	"		0.7	"	"	"		
"	"	"	" NW SW	"		27.0	"	"	"	"	"	"	"	" NE SW	"		6.0	"	"	"		
										"	"	"	"	" SE SW	3900		0.7	"	"	"		
										"	"	"	"	" NE SE	"		13.7	"	"	"		
										"	"	"	"	" NW SE	"		17.7	"	"	"		
										"	"	"	"	" SW SE	"		2.1	"	"	"		
										"	"	"	"	" SE SE	"		0.6	"	"	"		
										"	20	S	36	E 31 NE NW	"		2.0	"	"	"		
										"	"	"	"	" NW SE	"		8.5	"	"	"		
TOTAL ACRES:						67.0						TOTAL ACRES:						67.0				

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

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

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

If YES, list the certificate, water use permit, or ground water registration numbers:\_\_\_\_\_.



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

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

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

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

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

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

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

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

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

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

**AND/OR**

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

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

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

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

# Application for Water Right Transfer

## Evidence of Use Affidavit

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 DESCHUTES

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I, JOHN A. SHORT, in my capacity as WATER RIGHT SPECIALIST,

mailing address PO BOX 1830 BEND, OR 97709

OWRD

telephone number (541)389-2837, 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	¼ ¼		Gov't Lot or DLC	Acres (if applicable)
6931	22	S	35	E	WM	12	NW	NW		16.0
"	"	"	"	"	"	"	SW	NW		24.0
"	"	"	"	"	"	"	NW	SW		27.0

OR

- Confirming Certificate # \_\_\_\_ has been issued within the past five years; **OR**  
 Part or all of the water right was leased instream at some time within the last five years. The instream lease number is: \_\_\_\_ (Note: If the entire right proposed for transfer was not leased, additional evidence of use is needed for the portion not leased instream.); **OR**  
 The water right is not subject to forfeiture and documentation that a presumption of forfeiture for non-use would be rebutted under ORS 540.610(2) is attached.  
 Water has been used at the actual current point of diversion or appropriation for more than 10 years for Certificate # \_\_\_\_ (For Historic POD/POA Transfers)

(continues on reverse side)

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

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

[Signature]  
Signature of Affiant

December 04, 2021  
Date

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Signed and sworn to (or affirmed) before me this 04 day of December, 2021.



[Signature]  
Notary Public for Oregon

My Commission Expires: July 12, 2025

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

# Land Use Information Form



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

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## NOTE TO APPLICANTS

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

**This form is NOT required if:**

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

## NOTE TO LOCAL GOVERNMENTS

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

# Land Use Information Form

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

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Applicant(s): WILBER & SONS LLC

Mailing Address: 77 W ADAMS ST

City: BURNS

State: OR

Zip Code: 97720

Daytime Phone: \_\_\_\_\_

## 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>20S</u>	<u>35E</u>	<u>25 &amp; 36</u>	_____	<u>3700</u>	<u>EFRU-1</u>	<input checked="" type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	<u>IR</u>
<u>"</u>	<u>"</u>	<u>"</u>	_____	<u>3900</u>	<u>"</u>	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	<u>IR</u>
<u>20S</u>	<u>36E</u>	<u>31</u>	_____	<u>2300 &amp; 2500</u>	<u>"</u>	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	<u>IR</u>

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

**HARNEY COUNTY.**

## B. Description of Proposed Use

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

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

Source of water:  Reservoir/Pond   
 Ground Water   
 Surface Water (name) MALHEUR RIVER

Estimated quantity of water needed: 3.35  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:

**PERMANENT TRANSFER TO A DIFFERENT PLACE OF USE AND POINTS OF DIVERSION.**

**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. →

JAN 31 2022

### 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): HCCO 3.020 / EFW-1
- Land uses to be served by the proposed water uses (including proposed construction) involve discretionary land-use approvals as listed in the table below. (Please attach documentation of applicable land-use approvals which have already been obtained. Record of Action/land-use decision and accompanying findings are sufficient.) If approvals have been obtained but all appeal periods have not ended, check "Being pursued."

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

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

Name: Brendan McMillon Title: Planning Director  
 Signature: [Signature] Phone: (541) 573-6655 Date: 12/6/2021  
 Government Entity: Harney County

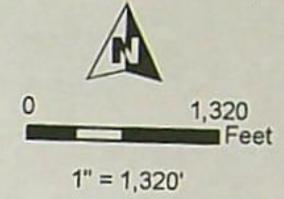
**Note to local government representative:** Please complete this form or sign the receipt below and return it to the applicant. If you sign the receipt, you will have 30 days from the Water Resources Department's notice date to return the completed Land Use Information Form or WRD may presume the land 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: \_\_\_\_\_

**T20S R35E &  
T20S R36E, WM  
HARNEY COUNTY, OR**



- Proposed Point of Diversion
- Ditch/Pipeline
- - - River
- POU IR 1907 Priority "ON"
- Township
- Section
- Quarter Quarter
- Tax Lot

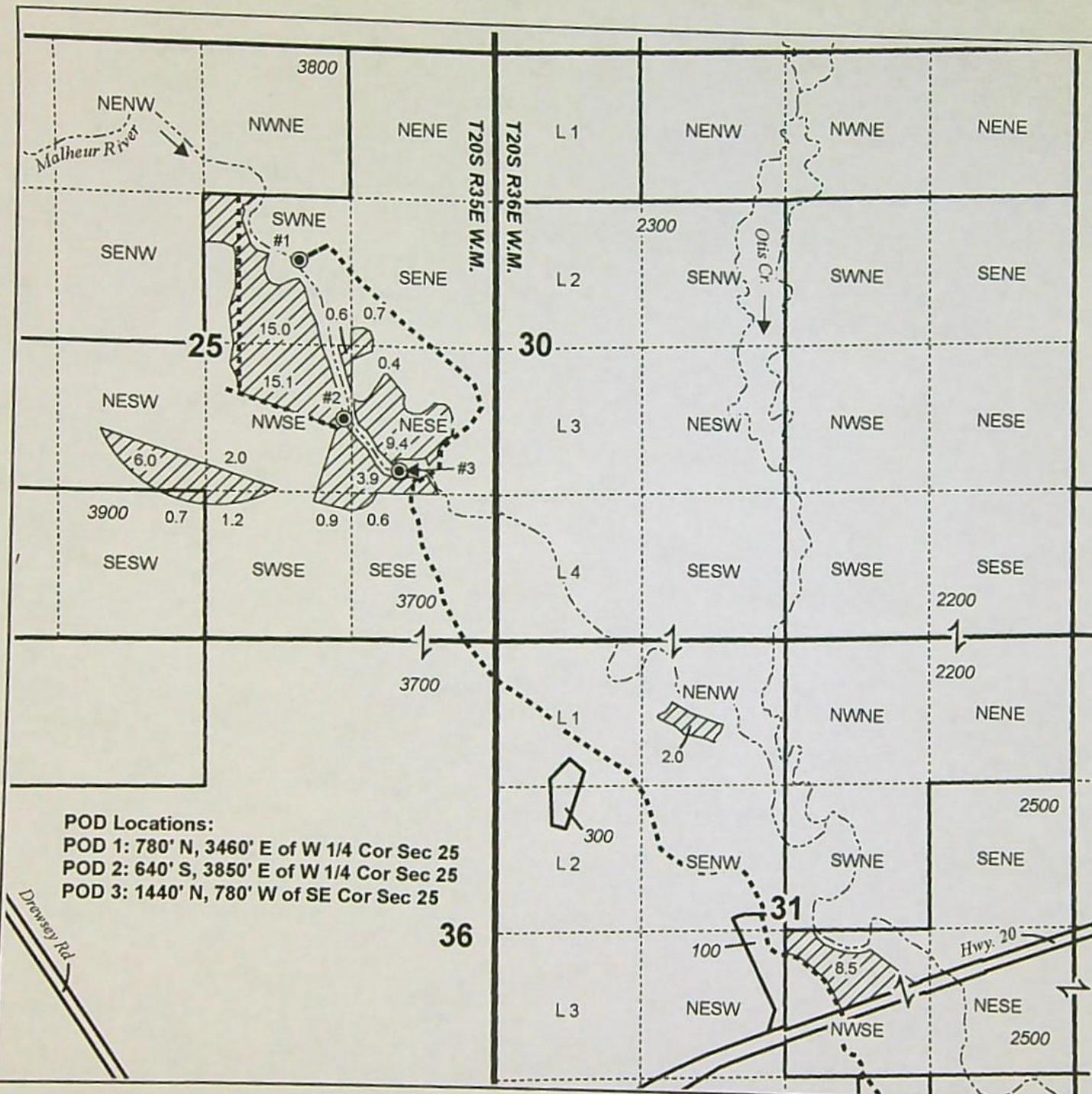
RECEIVED

JAN 31 2022

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RENEWAL DATE 12/31/2022



**POD Locations:**  
 POD 1: 780' N, 3460' E of W 1/4 Cor Sec 25  
 POD 2: 640' S, 3850' E of W 1/4 Cor Sec 25  
 POD 3: 1440' N, 780' W of SE Cor Sec 25

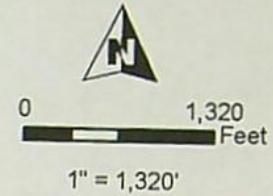
**PERMANENT TRANSFER "ON" MAP  
WILBER & SONS, LLC**

Date: 12/2/2021 C-6931

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

**WATER RIGHT SERVICES, LLC**  
 PO BOX 1830, BEND, OR 97709  
 WWW.OREGONWATER.US CCB # 197121  
 johnshort@usa.com 541-389-2837

T22S R35E, WM  
HARNEY COUNTY, OR



- POD
- Ditch
- Creek
- POU IR 1907 Priority "OFF"
- POU IR 1888 Priority "REMAINING"
- Township
- Section
- Quarter Quarter
- Tax Lot

POD Locations:

POD #1: 550 N, 490' W of S 1/4 Cor Sec 24

POD #2: 320' S, 590' W of N 1/4 Cor Sec 13

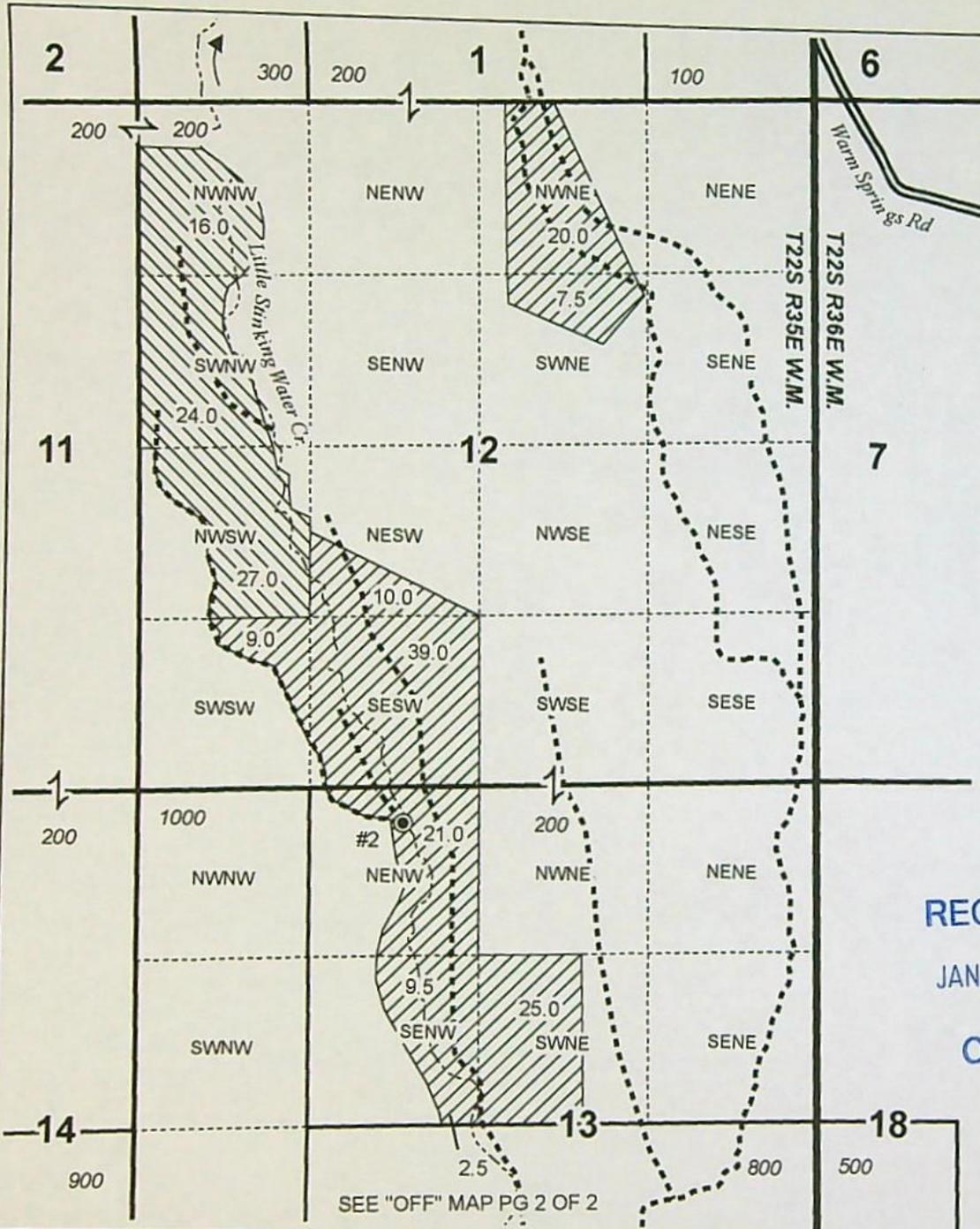
RECEIVED

JAN 31 2022

OWRD



RENEWAL DATE 12/31/2022



SEE "OFF" MAP PG 2 OF 2

PERMANENT TRANSFER "OFF" MAP  
WILBER & SONS, LLC

Date: 12/2/2021

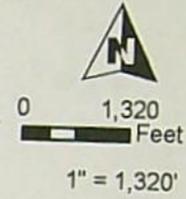
C-6931

"OFF" MAP PG 1 OF 2

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

**WATER RIGHT SERVICES, LLC**  
PO BOX 1830, BEND, OR 97709  
WWW.OREGONWATER.US CCB # 197121  
johnshort@usa.com 541-389-2837

T22S R35E, WM  
HARNEY COUNTY, OR



- POD
- Ditch
- Creek
- POU IR 1907 Priority "OFF"
- POU IR 1888 Priority "REMAINING"
- Township
- Section
- Quarter Quarter
- Tax Lot

RECEIVED  
JAN 31 2022

OWRD

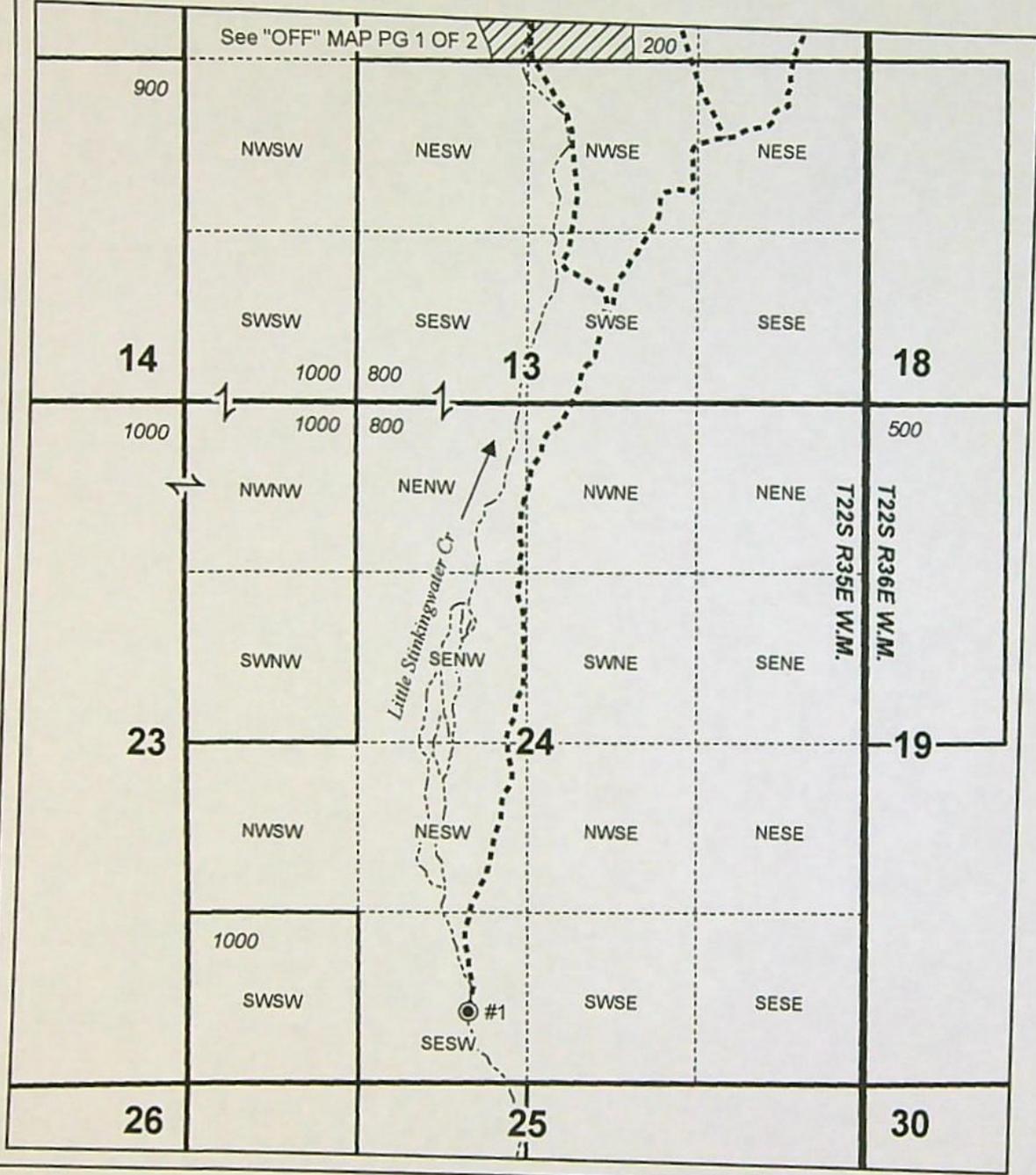
POD Locations:

POD #1: 550 N, 490' W of S 1/4 Cor Sec 24

POD #2: 320' S, 590' W of N 1/4 Cor Sec 13



RENEWAL DATE 12/31/2022



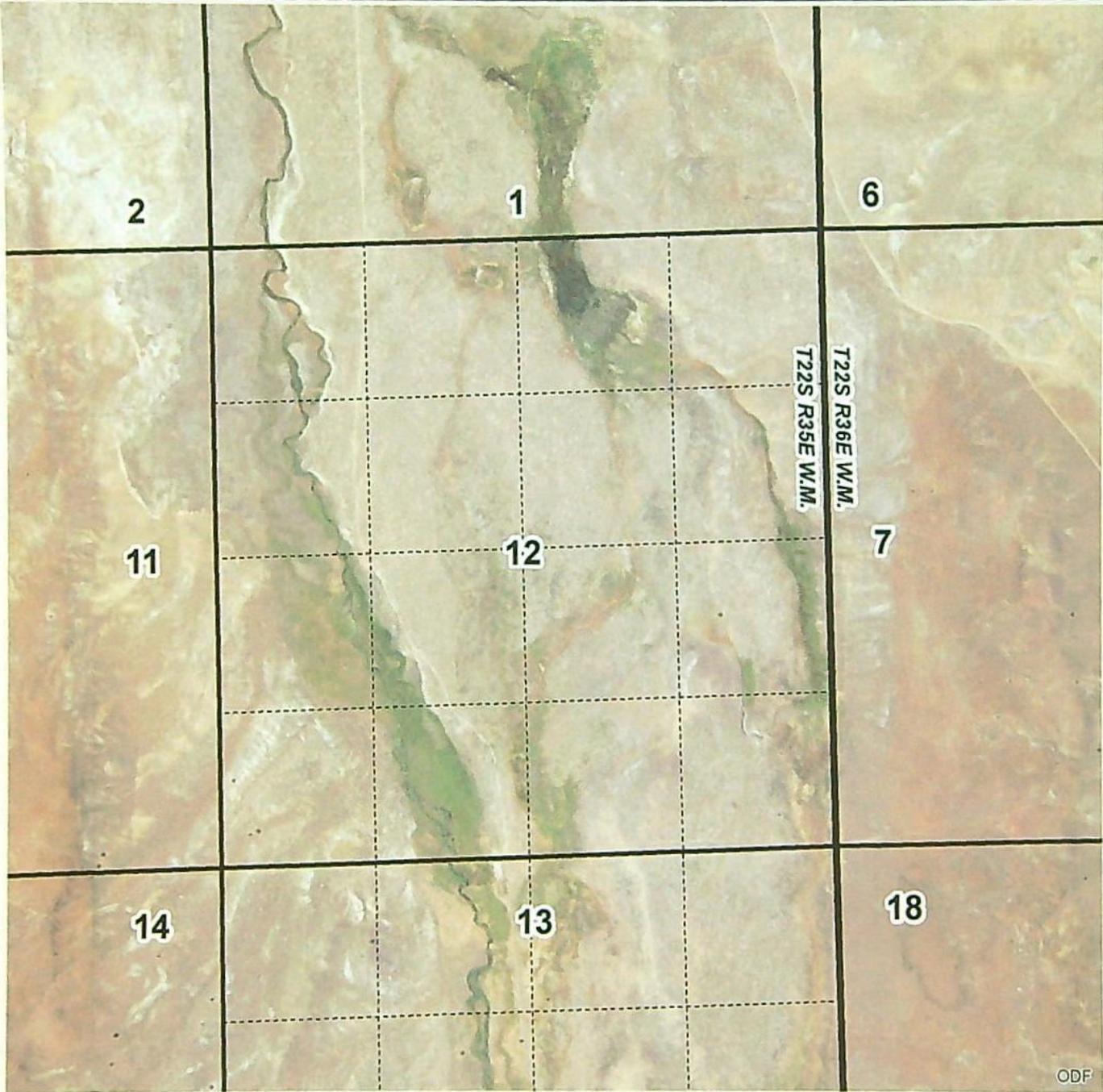
PERMANENT TRANSFER "OFF" MAP  
WILBER & SONS, LLC

Date: 12/2/2021 C-6931

"OFF" MAP PG 2 OF 2

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

**WATER RIGHT SERVICES, LLC**  
PO BOX 1830, BEND, OR 97709  
WWW.OREGONWATER.US CCB # 197121  
johnshort@usa.com 541-389-2837



RECEIVED  
JAN 31 2022  
OWRD

2020 ESRI "OregonAerial2020" Imagery

# Permanent Transfer Application Intake Completion Checklist

Check the Certificate(s) in WRIS

Transfer # T-

Checked by: <u>B</u>	<b>Type of Change(s)</b> <b>Proposed:</b> <i>Mark the Proposed Changes</i>	Substitution	Supplemental to Primary	<input checked="" type="checkbox"/> POU	<input checked="" type="checkbox"/> POD	<input checked="" type="checkbox"/> APOD
Date: <u>2-2</u>		Gov Action	Surface to Ground	USE	POA	APOA
Fee Received: <u>3680</u>						
Calculated Fee: <u>3680</u>				How many rights to be Transferred? <u>1</u>		
				Certificate # <u>6471</u>		
Additional Observations: _____						

If OK and complete, check box to the left; if NOT, fill in.

1. Is applicant information complete? Have all applicants listed at the top of the page signed at the bottom?  
If no, what is missing? Whose signature is missing? \_\_\_\_\_
2. Does applicant indicate the place of use is in or near an irrigation district? Is a Form D included?  N/A.  
Name of the district: \_\_\_\_\_
3. Part 5 of application, has the applicant(s) completed the entire page and does the information match the description of the explanation of the reasons for transfer on Part 4 of the application?  
If no, you may need to contact the applicant or agent? \_\_\_\_\_
4. Is there only one (1) water right included in this transfer application?  
If no, are the criteria of OAR 690-380-3220 for more than one WR met? Yes or No \_\_\_\_\_  
If no, then the transfer application **CANNOT** be accepted. See attached "3220" Decision Tree Flowchart.
5. For multiple certificates do each of the certificates listed on Application Page 1 have their own separate completed Part 5 tables 1 & 2?  
If no, which certificate(s) are missing a separate Part 5 tables 1 & 2? \_\_\_\_\_
6. Is the map prepared and signed by a CWRE? Does the map meet requirements?  
If no, what is missing? \_\_\_\_\_. Map waiver included?  Yes  No
7. If a change in point of appropriation (POA), have the well logs been included?  N/A.
8. If a change in place of use (POU) within Umatilla County, have the applicant(s) provided a Supplemental Form U?  N/A.
9. If all boxes on this checklist are checked (with no remaining deficiencies identified), **ACCEPT** the application. Put this application intake completeness check sheet in the transfer folder.  
  
OR:  If all boxes to the left are **NOT** checked, then this application is deficient and **CANNOT** be accepted. It should be returned and the deficiencies listed in the "staff" section at the bottom of Application Page 1, unless the applicant or agent can resolve the deficiencies within 2-3 days.

Actions taken: Accepted Date: 2-2





**Oregon**  
Kate Brown, Governor

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

February 4, 2022

WILBER & SONS LLC  
77 W ADAMS ST  
BURNS, OR 97720

Reference: Application T-13903

On January 31, 2022, OWRD received your water right Permanent Transfer Application. The application was accompanied by \$3680.00. Our receipt number 137388 is enclosed.

By copy of this letter, we are asking the Watermaster for a report regarding the potential for injury to existing water rights which may be caused by the requested change. A review form will also be sent to Oregon Department of Fish and Wildlife to determine if a fish screen is needed.

This application may require publication of a notice for two consecutive weeks in a newspaper with general circulation in the area where the water right is located. If it is determined that newspaper notice will be required, the Department will prepare the notice and notify you of the cost. You will be responsible for submitting payment to the Department prior to publication of the notice.

Except as provided under ORS 540.510(3) for municipalities, you may not use water in the new place of use or from the new point of diversion until a final order approving the transfer application has been issued by the Department. In order to avoid any possible forfeiture of the water right, you should continue to use the water as described by your existing water right.

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

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

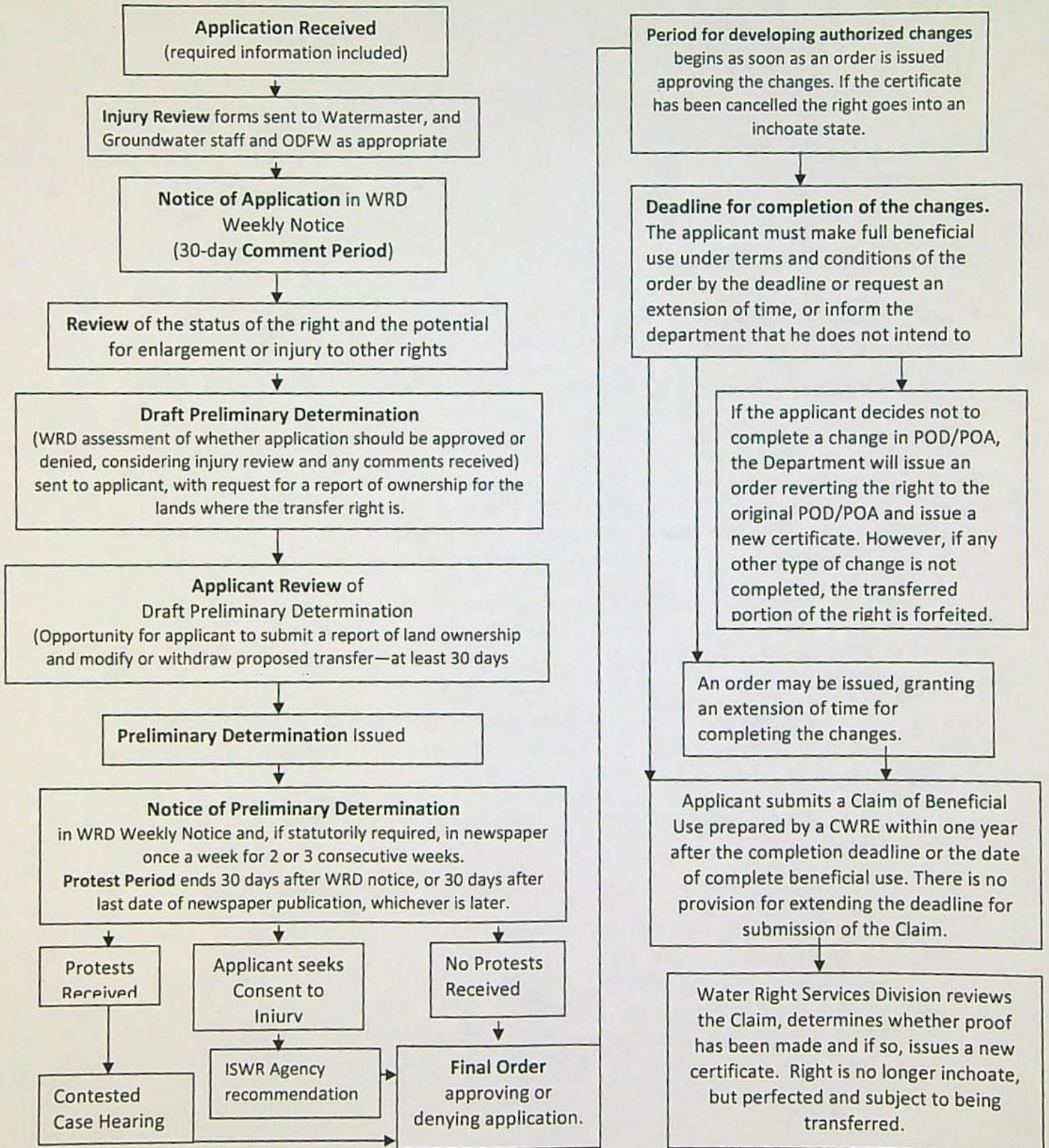
If you have any questions, please contact the Transfer Section at (503) 979-9931.

Cc: Watermaster Dist. #10, J R. Johnson (*via email*)  
John A. Short, Agent  
Harney County

Enclosure

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

OAR 690 Division 380



STATE OF OREGON  
**WATER RESOURCES DEPARTMENT**

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

RECEIPT # **137569**

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

RECEIVED FROM: Drewsey Field Ranch Co  
 BY: \_\_\_\_\_

APPLICATION \_\_\_\_\_  
 PERMIT \_\_\_\_\_  
 TRANSFER 7-13903

CASH:  CHECK: # 6921 OTHER: (IDENTIFY)

TOTAL REC'D \$ 1,686.88

**1083 TREASURY 4170 WRD MISC CASH ACCT**

0407 COPIES 47124 \$ \_\_\_\_\_  
0412 OTHER: (IDENTIFY) Transfer Reimbursement Authority \$ 1,686.88  
 0243 I/S Lease \_\_\_\_\_ 0244 Muni Water Mgmt. Plan \_\_\_\_\_ 0245 Cons. Water \_\_\_\_\_

**4270 WRD OPERATING ACCT**

**MISCELLANEOUS**

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

**WATER RIGHTS:**

	EXAM FEE		RECORD FEE
0201 SURFACE WATER	\$ _____	0202	\$ _____
0203 GROUND WATER	\$ _____	0204	\$ _____
0205 TRANSFER	\$ _____		

**WELL CONSTRUCTION**

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

OTHER (IDENTIFY) \_\_\_\_\_

**0536 TREASURY 0437 WELL CONST. START FEE**

0211 WELL CONST START FEE \$ \_\_\_\_\_ CARD# \_\_\_\_\_  
 0210 MONITORING WELLS \$ \_\_\_\_\_ CARD# \_\_\_\_\_  
 OTHER (IDENTIFY) \_\_\_\_\_

**0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER**

0233 POWER LICENSE FEE (FWWRD) \$ \_\_\_\_\_  
 0231 HYDRO LICENSE FEE (FWWRD) \$ \_\_\_\_\_  
 HYDRO APPLICATION \$ \_\_\_\_\_

**TREASURY OTHER / RDX**

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

RECEIPT: **137569**

DATED: 2-28-2022 BY: [Signature]

Cash in checking

Wilber & Sons LLC, Contract R11-352-23

DREWSEY FIELD RANCH COMPANY  
 Oregon Water Resources Department

2/24/2022

1,686.88

6921

RECEIVED

FEB 28 2022

OWRD

1,686.88



7. **Termination.** Applicant may request to terminate this agreement only in writing at anytime during the process. The Applicant agrees to pay for the work done by OWRD up until the time of the written termination request. OWRD, upon receiving such written termination request from the Applicant, will refund any unspent balance.
8. **Funds Authorized and Available.** By its execution of this Agreement, Applicants certify that sufficient funds are authorized and available to cover the expenditures contemplated by this Agreement.
9. **Duration of Estimate.** The Estimate of Time to completion is **approximately** 120 days once this Agreement has been fully executed and payment of the estimated cost deposited. If the Applicant's Agreement is not received by the Department within thirty (30) days of mailing the Agreement, the Applicant may need to re-apply for a new estimate. NOTE: Any time estimate is approximate; No guarantee of Final Order issuance of a date is certain. Duration estimates do not include any statutory waiting periods.
10. **Completion Date.** OWRD, by the execution of this Agreement does not guarantee the completion date indicated in this Agreement. Completion date is only an estimate and may be affected by the Department's workload, issues arising from the processing of the requested services and Applicant's timely response to requests for additional information. **IMPORTANT:** Due to COVID-19 and actions taken by the State of Oregon to facilitate teleworking as a tool to help prevent the spread of the disease, Department processes for Reimbursement Authority may be unavoidably delayed.
11. **Captions.** The captions or headings in this Agreement are for the convenience only and in no way define, limit, or describe the scope, or intent, of any provision of this Agreement.
12. **Amendment and Merger.** The terms of this Agreement shall not be waived, altered, modified, supplemented, or amended in any manner whatsoever, except by written instrument signed by both parties. Such waiver, consent, modification or change, if made, shall be effective only in the specific instance and for the specific purpose given. There are no understandings, agreements or representations, oral or written, not specified herein regarding this Agreement.
13. **Signatures.** All parties, by the authorized representative's signature below, hereby acknowledge that they have read this Agreement, understand it and agree to be bound by its terms and conditions.

For Applicant: Pat Wieber  
Name/Title:

2/25/22  
Date

For OWRD: Dwight French  
Dwight French - Administrator

3/2/2022  
Date

Mail signed Agreement to:

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

Dwight French



REIMBURSEMENT AUTHORITY  
APPLICANT'S AGREEMENT  
Contract Number: R11-352-23

COPY

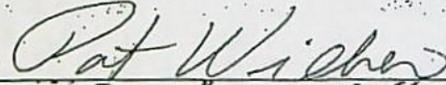
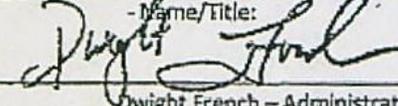
This Agreement is between the Oregon Water Resources Department, hereafter OWRD, and Wilber & Sons, LLC, hereafter Applicant, hereafter known together as the parties.

OWRD Information	Applicant's Information	Applicant's Representative
Contact: Kelly Starnes Title: Transfer Advisor Address: 725 Summer Street, NE, Suite A Salem, OR 97301-1266  Phone: 503 979-3511 Fax: 503 986-0901 Email: <a href="mailto:patrick.k.starnes@water.oregon.gov">patrick.k.starnes@water.oregon.gov</a>	Name: Wilber & Sons, LLC Contact: Address: 77 W. Adams St. Burns, OR 97720  Phone: Fax: Email: <a href="mailto:cwilber@opgcpa.com">cwilber@opgcpa.com</a>	Name: Water Right Services, LLC Contact: Bryce Withers Address: PO Box 1830 Bend, OR 97709  Phone: (541) 389-2837 Fax: Email: <a href="mailto:johnshort@usa.com">johnshort@usa.com</a>

**Purpose** The purpose of this Agreement is to expedite the processing of the Transfer Application. (Application Number: T-13903)

- 1. Authority.** The OWRD has been authorized pursuant to ORS 536.055 to enter into a voluntary agreement with any applicant, permittee or regulated entity (collectively Applicant) for expediting or enhancing a regulatory process. In making this agreement, OWRD shall require the applicant to pay the full cost of expedited process.
- 2. Restrictions.** Applicant and OWRD agree that this Agreement shall not be construed to restrict in any way the decisions and actions by OWRD. OWRD shall be free to exercise independent judgment consistent with existing laws and regulations.
- 3. Effective Date and Duration.** Unless otherwise terminated by non-deposit of funds by the Applicant, this Agreement shall become effective on the date on which both parties have signed the Agreement and the full deposit of the estimated cost of the proposed service.
- 4. Consideration.**
  - a.** Applicant shall pay OWRD in advance for actual costs incurred by OWRD. The estimated maximum reimbursement payable to OWRD under this Agreement is \$1,686.88. Applicant agrees to pay the full amount of \$1,686.88 to OWRD prior to commencement of any work stated in this Agreement. This payment will be placed in an account administered by OWRD and drawn upon as costs are actually incurred. If the actual cost of performing the work is less than payments received, OWRD will refund the unspent balance. If the actual cost of processing exceeds the estimate, the Applicant can either elect to terminate this Agreement or amend the Agreement to reflect the increase in cost.
  - b.** The costs stated in this Agreement do not include the statutory application processing and filing fees.
- 5. Confidentiality.** Applicant agrees that any information provided to or acquired by OWRD under this Agreement will be subject to the Oregon Public Records Law and shall be considered public records.
- 6. Indemnity.** Applicant shall defend, save, hold harmless, and indemnify the State of Oregon, OWRD, and their officers, employees, and agents from and against all claims, suits, actions, losses, damages, liabilities, costs, and expenses of any nature resulting from or arising out of, or relating to the activities of Applicant or its representatives, officers, employees, contractors, or agents under this Agreement or with respect to the expedited service. The Applicant acknowledges that the Oregon Water Resources Department cannot and does not guarantee a favorable review under the subject regulatory process.

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

For Applicant:	 _____ - Name/Title:	2/25/22 _____ Date
For OWRD:	 _____ Dwight French - Administrator	3/2/2022 _____ Date

Mail signed Agreement to:

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

RECEIVED

FEB 28 2022

OWRD

STATE OF OREGON  
**WATER RESOURCES DEPARTMENT**

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

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

RECEIPT # **137376**

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

RECEIVED FROM: Drawsey Field Ranch Co

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

APPLICATION	
PERMIT	
TRANSFER	T-13903

CASH:  CHECK:# 6888 OTHER: (IDENTIFY)

TOTAL REC'D \$125.00

**1083 TREASURY 4170 WRD MISC CASH ACCT**

0407 COPIES	47124	R# 352-23	\$
0412 OTHER:	(IDENTIFY) Transfer	Authority	\$125.00
0243 I/S Lease			
0244 Muni Water Mgmt. Plan			
0245 Cons. Water			

**4270 WRD OPERATING ACCT**

MISCELLANEOUS			
0407 COPY & TAPE FEES			\$
0410 RESEARCH FEES			\$
0408 MISC REVENUE: (IDENTIFY)			\$
TC162 DEPOSIT LIAB. (IDENTIFY)			\$
0240 EXTENSION OF TIME			\$
WATER RIGHTS:			
	EXAM FEE		RECORD FEE
0201 SURFACE WATER	\$	0202	\$
0203 GROUND WATER	\$	0204	\$
0205 TRANSFER	\$		
WELL CONSTRUCTION			
	EXAM FEE		LICENSE FEE
0218 WELL DRILL CONSTRUCTOR	\$	0219	\$
LANDOWNER'S PERMIT		0220	\$
OTHER (IDENTIFY)			

**0536 TREASURY 0437 WELL CONST. START FEE**

0211 WELL CONST START FEE	\$	CARD#	
0210 MONITORING WELLS	\$	CARD#	
OTHER (IDENTIFY)			

**0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER**

0233 POWER LICENSE FEE (FWWRD)		\$
0231 HYDRO LICENSE FEE (FWWRD)		\$
HYDRO APPLICATION		\$

**TREASURY OTHER / RDX**

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

RECEIPT: **137376**

DATED: 1-31-2022 BY: [Signature]

Cash in checking  
 Wilber & Sons LLC

**RECEIVED**  
**JAN 31 2022**  
**OWRD**

DREWSEY FIELD RANCH COMPANY  
 Oregon Water Resources Department

12/10/2021  
 125.00  
 6888

125.00



**OREGON WATER RESOURCES DEPARTMENT  
TRANSFER REIMBURSEMENT AUTHORITY  
ESTIMATE APPLICATION**



*ORS 536.055 authorizes the Oregon Water Resources Department to expedite or enhance regulatory processes voluntarily requested under the agreement.  
Please contact Transfer Personnel before submitting this request; as the application fee is a non-refundable \$125.00 fee per request. Checks submitted for this application should be separate from Transfer fees.  
The purpose of this application is to obtain estimates of the cost and time required to process a Transfer Application Request. There is a non-refundable application fee of \$125.00 per request.*

<u>REQUEST</u>	<u>TYPE</u>	<u>FILE NUMBER</u>
<input checked="" type="checkbox"/>	Transfer Application	Transfer Number <u>T-13903 tbd</u>

	Applicant Information	Applicant's Representative/Contact
Name:	<u>Wilber &amp; Sons LLC</u>	<u>Bryce Withers/Water Right Services, LLC</u>
Address:	<u>77 W. Adams St</u>	<u>PO Box 1830</u>
	<u>Burns, OR 97720</u>	<u>Bend, OR 97709</u>
Phone:	_____	<u>541-389-2837</u>
Fax:	_____	_____
E-Mail Address:	_____	<u>johnshort@usa.com</u>

I understand the following:

- That upon receipt of my non-refundable application fee of \$ 125.00, OWRD will, within fourteen (14) days, notify me in writing of the estimate of costs and time frame for the expedited service.
- That this fee covers the reimbursement authority staff to evaluate and provide the estimate for processing of the request.
- That OWRD will, within fourteen (14) days, notify me in writing of the estimates of costs and time frame for the expedited service.
- That upon receiving the estimate I may agree or decline to enter into a formal contract to pay the estimated cost in advance to initiate the expedited service.
- An incomplete or inaccurate application may delay the process and increase the cost to process my request.
- Expedited processing does not guarantee a favorable review of my request.
- Send completed Application and payment to:

**Oregon Water Resources Department  
Transfer Reimbursement Authority Program  
725 Summer St. NE, Suite A  
Salem, OR 97301-1271**

**RECEIVED  
JAN 31 2022**

I certify that I am the (check one):

Applicant  Applicant's Representative  Other (Please specify) \_\_\_\_\_

**OWRD**

Name: Bryce Withers

Signature:

**OWRD USE ONLY: Reimbursement Authority Number: R11, 352 -23**