

regular

Name opal asset management LLCAddress 307 S. 9th Ave PMB 120
Walla Walla WA 99362
tony@opalam.com

DESCRIPTION OF WATER RIGHT(S)

Name of Stream trout creekTrib. of Walla Walla riverUse IrrigationCounty Walla Walla

Quantity of water (CFS)

No. of Acres

Name of ditch

App# 545756Per # 534154Cert # 41280

PR Date

App#

Per #

Cert #

PR Date

App#

Per #

Cert #

PR Date

App#

Per #

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FEES PAID

Date	Amount	Receipt #
3-18-2022	\$1,360.00	137716

FEES REFUNDED

Date	Amount	Receipt #
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Change in POUDate Filed 3/18/2022Initial notice date 3/29/2022

DPD issued date

PD issued date 10/4/2024PD notice date 10/8/2024Date of FO 12/4/2024 Vol 133 Page 456-459

C-Date

COBU due date

COBU Received date

Certificate issued

Assignments:

Irrigation District

Agent Rebecca Knapp ryklaus@com.com

CWRE

CC's list Walla Walla County Planning☐ - Oversized map - Location



Oregon

Tina Kotek, Governor

Water Resources Department

North Mall Office Building

725 Summer St NE, Suite A

Salem, OR 97301

Phone 503 986-0900

Fax 503 986-0904

December 4, 2024

Opal Asset Management, LLC
307 S 9th Ave., PMB 120
Walla Walla, WA 99362

REFERENCE: Transfer Application T-13945

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

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

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

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

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

Sincerely,

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

cc: David D. Bates, Watermaster Dist. # 7 (via email)
Rebecca Knapp, Agent
Wallowa County Planning, Local Government

Enclosure

BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON

In the Matter of Transfer Application)	FINAL ORDER APPROVING A CHANGE IN
T-13945, Wallowa County)	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

OPAL ASSET MANAGEMENT, LLC
307 S 9TH AVE, PMB 120
WALLA WALLA, WA 99362

Findings of Fact

1. On March 18, 2022, OPAL ASSET MANAGEMENT, LLC filed an application to change the place of use under Certificate 41280. The Department assigned the application number T-13945.
2. Notice of the application for transfer was published on March 29, 2022, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. On August 8, 2023, the Department sent a copy of the draft Preliminary Determination to the applicant, proposing to approve Transfer Application T-13945. The draft Preliminary Determination cover letter provided a deadline of September 7, 2023, for the applicant to respond and submit the required information. 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 October 4, 2024, the Department issued a Preliminary Determination proposing to approve Transfer Application T-13945 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 October 8, 2024, pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notice.

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

Certificate: 41280 in the name of WAYNE LATHROP (perfected under Permit S-34154)
Use: IRRIGATION OF 5.0 ACRES
Priority Date: FEBRUARY 11, 1969
Rate: 0.05 CUBIC FOOT PER SECOND
Limit/Duty: The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-FORTIETH of one cubic foot per second, or its equivalent for each acre irrigated, and shall be further limited to a diversion of not to exceed 3.5 acre-feet per acre for each acre irrigated during the irrigation season of each year.
Source: UNNAMED SPRING BRANCH, a tributary OF WALLOWA RIVER

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
1 S	44 E	WM	35	SW NW	430 FEET NORTH AND 1050 FEET WEST FROM THE SE CORNER OF THE SW1/4 OF THE NW1/4 OF SECTION 35

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
1 S	44 E	WM	35	SW NW	5.0

6. Transfer Application T-13945 proposes to change the place of use of the right to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
1 S	44 E	WM	35	SW NW	5.0

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

7. 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.
8. A water delivery system sufficient to use the full amount of water allowed under the existing right was present within the five-year period prior to submittal of Transfer Application T-13945.

9. The water right is subject to transfer as defined in ORS 540.505(4) and OAR 690-380-0100(14).
10. The proposed change, as conditioned, would not result in enlargement of the right.
11. The proposed change, as conditioned, would not result in injury to other existing water rights.
12. All other application requirements are met.

Conclusions of Law

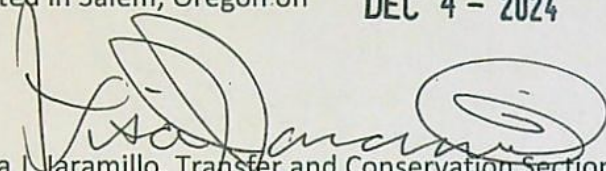
The change in place of use proposed in Transfer Application T-13945 is consistent with the requirements of ORS 540.505 to 540.580 and OAR 690-380-5000.

Now, therefore, it is ORDERED:

1. The change in place of use proposed in Transfer Application T-13945 is approved.
2. The right to the use of the water is restricted to beneficial use at the place of use described and is subject to all other conditions and limitations contained in Certificate 41280 and any related decree.
3. Approval of this transfer application does not constitute nor grant legal access onto or through another person's property for purposes of accessing the new place of use.
4. Water right Certificate 41280 is cancelled. A new certificate will be issued describing that portion of the right not affected by this transfer.
5. The former place of use of the transferred right shall no longer receive water under the right.
6. Water use measurement conditions:
 - a. Before water use may begin under this order, the water user shall install a totalizing flow meter, or, with prior approval of the Director, another suitable measuring device, at each point of diversion.
 - b. The water user shall maintain the meters or measuring devices in good working order.
 - c. The water user shall allow the Watermaster access to the meters or measuring devices; provided however, where the meters or measuring devices are located within a private structure, the Watermaster shall request access upon reasonable notice.

7. Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2026**. A Claim of Beneficial Use prepared by a Certified Water Right Examiner shall be submitted by the applicant to the Department within one year after the deadline for completion of the change and full beneficial use of the water.
8. After satisfactory proof of beneficial use is received, a new certificate confirming the right transferred will be issued.

Dated in Salem, Oregon on **DEC 4 - 2024**


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

Mailing Date: **DEC 5 - 2024**

STATE OF OREGON

COUNTY OF WALLOWA

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

WAYNE LATHROP
BOX 463
ENTERPRISE, OR 97828

confirms the right to use the waters of an UNNAMED SPRING BRANCH, a tributary of WALLOWA RIVER for the purpose of irrigation of 25.48 ACRES.

This right was perfected under Permit S-34154. The date of priority is FEBRUARY 11, 1969. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 0.26 CUBIC FOOT PER SECOND, or its equivalent in case of rotation, measured at the point of diversion.

The point of diversion is located as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
1 S	44 E	WM	35	SW NW	430 FEET NORTH AND 1050 FEET WEST FROM THE SE CORNER OF SW¼ NW¼ OF SECTION 35

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to ONE-FORTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 3.5 acre-feet per acre for each acre irrigated during the irrigation season of each year; and shall conform to such reasonable rotation system as may be ordered by the proper state officer.

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

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
1 S	44 E	WM	35	SW NW	16.78
1 S	44 E	WM	35	SE NW	8.7
Total					25.48

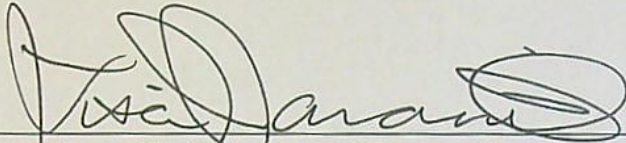
This certificate describes that portion of water right Certificate 41280, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered DEC 4 - 2024, approving Transfer Application T-1394513945.

The issuance of this superseding certificate does not confirm the status of the water right in regard to

the provisions of ORS 540.610 pertaining to forfeiture or abandonment.

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

WITNESS the signature of the Water Resources Director, affixed DEC 4 - 2024.

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
IVAN GALL, DIRECTOR
Oregon Water Resources Department

WATER RIGHT TRANSFER COVER SHEET

Transfer: T- 13945

Transfer Specialist:

Transfer Type: Regular Transfer

Ante

Applicant: OPAL ASSET MANAGEMENT LLC 307 S 9TH AVE PMB 120 WALLA WALLA, WA 99362 Email: _____ Phone: _____		Agent: <input type="checkbox"/> N/A REBECCA KNAPP PO BOX 236 ENTERPRISE, OR 97828 Email: _____ Phone: _____	
Irrigation District: <input type="checkbox"/> N/A Email: _____		CWRE: <input type="checkbox"/> N/A Email: _____	
Affected Local Gov'ts: <input type="checkbox"/> N/A Wallowa County Planning Email: _____		Affected Tribal Gov't: <input type="checkbox"/> N/A UNAVAILABLE Email: _____	
Current Landowner if other than Applicant: <input type="checkbox"/> N/A Email: _____		Receiving Landowner: <input type="checkbox"/> N/A Email: _____	

Water Rights Affected

File Marked	App. File # or Decree Name	Permit	Certificate	RR/CR Needed	RR/CR Nos.
<input type="checkbox"/>	S45756	S34154	41280	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>				<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>				<input type="checkbox"/> Yes <input type="checkbox"/> No	

Key Dates & Initial Actions:

Rec'd: March 18, 2022	Proposed Action(s): PLACE OF USE	
Fees Pd: 1360.00	WM District: 7	ODFW District:
Initial Public Notice: March 29, 2022	WM Review sent:	ODFW Review sent:
Acknowledgement Letter Sent <input checked="" type="checkbox"/>		GW Review sent: <input type="checkbox"/> N/A
County sent cc: of Ack Letter <input type="checkbox"/>	BOR notified (date): <input type="checkbox"/> N/A	
Newspaper quote requested:	Request for news \$ sent:	News \$ received:
Request to publish sent:	Affidavit of publication received:	Last day of publication:

Document	Drafted	Peer Review	Changes Made	Coordinator	Changes Made	Signature Bin	Signature Date
DPD	Date: <u>4-24-23</u> Initials: <u>Be</u>	Date: <u>4-25-23</u> Initials: <u>AL</u>	Date: <u>4-26-23</u> Initials: <u>AL</u>	Date: <u>8-3-23</u> Initials: <u>PLSS</u>	Date: <u>8-4-23</u> Initials: <u>AL</u>	CW Sent: _____	N/A
PD	Date: <u>9-1-24</u> Initials: <u>Be</u>	Date: <u>9-5-24</u> Initials: <u>RF</u>	Date: <u>9-7-24</u> Initials: <u>AL</u>	Date: <u>9-11-24</u> Initials: <u>CC</u>	Date: <u>9-22-24</u> Initials: <u>AL</u>	Date: _____	Date: <u>10/4/24</u>
FO	Date: <u>10-15-24</u> Initials: <u>AL</u>	Date: <u>10-16-24</u> Initials: <u>SG</u>	Date: _____ Initials: _____	Date: <u>10-17-24</u> Initials: <u>SH</u>	Date: <u>10-18-24</u> Initials: <u>AL</u>	Date: <u>2 Nov 11-22-24</u>	Date: <u>12/4/24</u>

Special Issues: _____

Special Order Volume: Vol. 133 Pages 456-459

U.S. Postal Service™
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Domestic Mail Only

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

Postage

\$

Total Postage and Fees

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

City, State, ZIP+4®

SENDER: COMPLETE THIS SECTION

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

Postmark
Here

Opal Asset Management, LLC
307 S 9th, PMB 120
Walla Walla, WA 99362



9590 9402 8804 4005 1337 34

2. Article Number (Transfer from service label)

7018 0680 0002 0041 9174

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

☐ Agent

☒ Addressee

B. Received by (Printed Name)

Kyler Richardson

C. Date of Delivery

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

RECEIVED

OCT 11 2024

OWRD

3. Service Type

- | | |
|--|---|
| <input type="checkbox"/> Adult Signature | <input type="checkbox"/> Priority Mail Express® |
| <input type="checkbox"/> Adult Signature Restricted Delivery | <input type="checkbox"/> Registered Mail™ |
| <input type="checkbox"/> Certified Mail® | <input type="checkbox"/> Registered Mail Restricted Delivery |
| <input type="checkbox"/> Certified Mail Restricted Delivery | <input type="checkbox"/> Signature Confirmation™ |
| <input type="checkbox"/> Collect on Delivery | <input type="checkbox"/> Signature Confirmation Restricted Delivery |
| <input type="checkbox"/> Collect on Delivery Restricted Delivery | |
| <input type="checkbox"/> Insured Mail | |
| <input type="checkbox"/> Insured Mail Restricted Delivery (over \$500) | |



Oregon

Tina Kotek, Governor

Water Resources Department

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

OCT 04 2024

VIA CERTIFIED MAIL AND E-MAIL

Applicant

OPAL ASSET MANAGEMENT LLC
307 S 9TH AVE, PMB 120
WALLA WALLA, WA 99362

SUBJECT: Water Right Transfer Application T-13945

Please find enclosed the Preliminary Determination indicating that, based on the information available, the Department intends to approve application T-13945. 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.

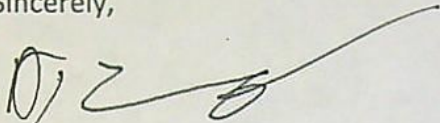
A public notice is being published in the Department's weekly publication, simultaneously with issuance of the Preliminary Determination. The notice initiates a period in which any person may file either a protest opposing the decision proposed by the Department in the Preliminary Determination or a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

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

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

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

Sincerely,

A handwritten signature in black ink, appearing to read 'D. Luongo', with a long, sweeping horizontal line extending to the right.

Dante Luongo
Transfer Specialist
Transfer and Conservation Section

cc: T-13945
David D. Bates, District 7 Watermaster (*via e-mail*)
Rebecca Knapp, Agent for the applicant (*via e-mail*)

encs

BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON

In the Matter of Transfer Application)	PRELIMINARY DETERMINATION
T-13945, Wallowa County)	PROPOSING APPROVAL OF A CHANGE IN
)	PLACE OF USE

Authority

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

Applicant

OPAL ASSET MANAGEMENT, LLC
307 S 9TH AVE, PMB 120
WALLA WALLA, WA 99362

Findings of Fact

1. On March 18, 2022, OPAL ASSET MANAGEMENT, LLC filed an application to change the place of use under Certificate 41280. The Department assigned the application number T-13945.
2. Notice of the application for transfer was published on March 29, 2022, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. On August 8, 2023, the Department sent a copy of the draft Preliminary Determination to the applicant, proposing to approve Transfer Application T-13945. The draft Preliminary Determination cover letter provided a deadline of September 7, 2023, for the applicant to respond and submit the required information. 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. The portion of the right to be transferred is as follows:

Certificate:	41280 in the name of WAYNE LATHROP (perfected under Permit S-34154)
Use:	IRRIGATION OF 5.0 ACRES
Priority Date:	FEBRUARY 11, 1969

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

Rate: 0.05 CUBIC FOOT PER SECOND

Limit/Duty: The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-FORTIETH of one cubic foot per second, or its equivalent for each acre irrigated, and shall be further limited to a diversion of not to exceed 3.5 acre-feet per acre for each acre irrigated during the irrigation season of each year.

Source: UNNAMED SPRING BRANCH, a tributary OF WALLOWA RIVER

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
1 S	44 E	WM	35	SW NW	430 FEET NORTH AND 1050 FEET WEST FROM THE SE CORNER OF THE SW1/4 OF THE NW1/4 OF SECTION 35

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
1 S	44 E	WM	35	SW NW	5.0

5. Transfer Application T-13945 proposes to change the place of use of the right to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
1 S	44 E	WM	35	SW NW	5.0

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

6. 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.
7. A water delivery system sufficient to use the full amount of water allowed under the existing right was present within the five-year period prior to submittal of Transfer Application T-13945.
8. The water right is subject to transfer as defined in ORS 540.505(4) and OAR 690-380-0100(14).
9. The proposed change, as conditioned, would not result in enlargement of the right.
10. The proposed change, as conditioned, would not result in injury to other existing water rights.
11. All other application requirements are met.

Determination and Proposed Action

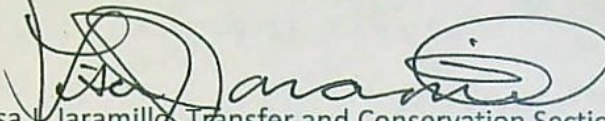
The change in place of use proposed in Transfer Application T-13945 appears to be consistent with the requirements of ORS 540.505 to 540.580 and OAR 690-380-5000. If protests are not filed pursuant to OAR 690-380-4030, the transfer application will be approved.

If Transfer Application T-13945 is approved, the final order will include the following:

1. *The change in place of use proposed in Transfer Application T-13945 is approved.*
2. *The right to the use of the water is restricted to beneficial use at the place of use described and is subject to all other conditions and limitations contained in Certificate 41280 and any related decree.*
3. *Approval of this transfer application does not constitute nor grant legal access onto or through another person's property for purposes of accessing the new place of use.*
4. *Water right Certificate 41280 is cancelled. A new certificate will be issued describing that portion of the right not affected by this transfer.*
5. *The former place of use of the transferred right shall no longer receive water under the right.*
6. *Water use measurement conditions:*
 - a. *Before water use may begin under this order, the water user shall install a totalizing flow meter, or, with prior approval of the Director, another suitable measuring device, at each point of diversion.*
 - b. *The water user shall maintain the meters or measuring devices in good working order.*
 - c. *The water user shall allow the Watermaster access to the meters or measuring devices; provided however, where the meters or measuring devices are located within a private structure, the Watermaster shall request access upon reasonable notice.*
7. *Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2026**. A Claim of Beneficial Use prepared by a Certified Water Right Examiner shall be submitted by the applicant to the Department within one year after the deadline for completion of the change and full beneficial use of the water.*

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

Dated in Salem, Oregon on **OCT 04 2024**


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

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

Protests

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

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

- The person's name, address, and telephone number;
- All reasonably ascertainable issues and all reasonably available arguments supporting the person's position by the close of the protest period. Failure to raise a reasonably ascertainable issue in a protest or failure to provide sufficient specificity to afford the Department an opportunity to respond to the issue may preclude consideration of the issue during the hearing;
- If you are the applicant, a protest fee of \$480 required by ORS 536.050; and

- If you are not the applicant, a protest fee of \$950 required by ORS 536.050 and proof of service of the protest upon the applicant.

Requests for Standing

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

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

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

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

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

If after hearing the Department issues a proposed Final Order finding that a change in point of diversion or appropriation will result in injury, the applicant may file a notification of intent to pursue approval of the transfer under OAR 690-380-5030 to 690-380-5050 within 15 days of receipt of the proposed order. Notwithstanding 690-002-0175, if the applicant files a notification of intent to pursue approval of the transfer under 690-380-5030 to 690-380-5050, the deadline for filing exceptions to the proposed order shall be 30 days after the Department

provides notice to the parties that the transfer does not meet the requirements of 690-380-5030 to 690-380-5050.

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

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

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

If you have questions about how to file a protest or if you have previously filed a protest and you want to know the status, please contact Patricia McCarty at 503-979-9160.

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

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

BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON

In the Matter of Transfer Application
T-13945, WALLOWA County

NOT ALL
CAPS - TITLE
CASE

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)
)
)
)
D R A F T

PRELIMINARY DETERMINATION
PROPOSING APPROVAL OF A CHANGE IN
PLACE OF USE. REMOVE PERIOD

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 → 6 PTS
OPAL ASSET MANAGEMENT, LLC
307 S 9TH AVE, PMB 120
WALLA WALLA, WA 99362

Findings of Fact

1. On March 18, 2022, OPAL ASSET MANAGEMENT, LLC filed an application to change the place of use under Certificate 41280. The Department assigned the application number T-13945~~13945~~. [MOVE DOWN]
2. Notice of the application for transfer was published on March 29, 2022, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.

HIDE 1394513945 The portion of the right to be transferred is as follows:

Certificate:	41280 in the name of WAYNE LATHROP (perfected under Permit S-34154)
Use:	IRRIGATION OF 5.9 ACRES
Priority Date:	FEBRUARY 11, 1969
Rate:	0.051 CUBIC FOOT PER SECOND
Limit/Duty:	The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to a <u>small</u> <u>FE</u> <u>diversion</u> of ONE-FORTIETH of one cubic foot per second, or its equivalent for each acre irrigated, and shall be further limited to a diversion of not to exceed 3.5 acre-feet per acre for each acre irrigated during the irrigation season of each year.
Source:	UNNAMED SPRING BRANCH, a tributary <u>OF</u> <u>WALLOWA</u> RIVER [LOWER CASE]

SHOULD
ALL BE IDPT.

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
1 S	44 E	WM	35	SE NW	430 FEET NORTH AND 1050 FEET WEST FROM SE CORNER, SWNW SECTION 35

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
1 S	44 E	WM	35	SW NW	5.0

4. Transfer Application T-13945~~13945~~ proposes to change the place of use of Certificate 41280 to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
1 S	44 E	WM	35	SW NW	5.0

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

- 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.
- A water delivery system sufficient to use the full amount of water allowed under the existing right was present within the five-year period prior to submittal of Transfer Application T-13945~~13945~~.
- The water right is subject to transfer as defined in ORS 540.505(4) and OAR 690-380-0100(14).
- The proposed change would not result in enlargement of the right.
- The proposed change would not result in injury to other existing water rights.
- All other application requirements are met.

Determination and Proposed Action

The change in place of use proposed in Transfer Application T-13945~~13945~~ appears to be consistent with the requirements of ORS 540.505 to 540.580 and OAR 690-380-5000. If protests are not filed pursuant to OAR 690-380-4030, the transfer application will be approved.

If Transfer Application T-13945~~13945~~ is approved, the final order will include the following:

- The change in place of use proposed in Transfer Application T-13945~~13945~~ is approved.

2. *The right to the use of the water is restricted to beneficial use at the place of use described, and is subject to all other conditions and limitations contained in Certificate 4128041280 and any related decree.*
3. *Water right Certificate 4128041280 is cancelled. A new certificate will be issued describing that portion of the right not affected by this transfer.*
4. *The former place of use of the transferred right shall no longer receive water under the right.*
5. *Water use measurement conditions:*
 - a. *Before water use may begin under this order, the water user shall install a totalizing flow meter, or, with prior approval of the Director, another suitable measuring device, at each point of diversion.*
 - b. *The water user shall maintain the meters or measuring devices in good working order.*
 - c. *The water user shall allow the Watermaster access to the meters or measuring devices; provided however, where the meters or measuring devices are located within a private structure, the Watermaster shall request access upon reasonable notice.*
6. *Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2024**. A Claim of Beneficial Use prepared by a Certified Water Right Examiner shall be submitted by the applicant to the Department within one year after the deadline for completion of the change and full beneficial use of the water.*
7. *After satisfactory proof of beneficial use is received, a new certificate confirming the right transferred will be issued.*

Dated in Salem, Oregon on

D R A F T

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

This draft Preliminary Determination was prepared by Dante Luongo. If you have questions about the information in this document, you may reach me at 971 304-5006 or Dante.J.Luongo@water.oregon.gov. ~~Kelly Starnes. If you have questions about the information in this document, you may reach me at 503 979-3511 or Patrick.K.Starnes@water.oregon.gov.~~

-Notice of Preliminary Determination for
Water Right Transfer T-13945

T-13945 filed by OPAL ASSET MANAGEMENT LLC 307 S 9TH AVE, PMB 120, WALLA WALLA, WA 99362, proposes a PLACE OF USE change under Certificate 41280. The right allows the use of 0.310 CUBIC FOOT PER SECOND from the TROUT CREEK in Sec. 35, T 1S, R 44E, W.M. for 5 acres in Sec. 35. The applicant proposes to change the place of use to Sec. 35, T 1S, R 44E, W.M. 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 protest the preliminary determination or may file a standing statement. Pursuant to OAR 690-380-4030(3) and OAR 690-382-9000, protests must raise all reasonably ascertainable issues and include all reasonably available arguments supporting the person's position. In addition, protests must be accompanied by an \$950 protest fee for non-applicant, or \$480 protest fee for applicant. Call (503) 986-0935 to obtain additional information. Protests must be received by the Department on or before [30 days after WRD notice], or within 30 days of the last date of publication in a newspaper, whichever is later. If no protests are filed, the Department will issue a final order consistent with the preliminary determination.



Oregon

Tina Kotek, Governor

Water Resources Department

North Mall Office Building

725 Summer St NE, Suite A

Salem, OR 97301

Phone 503 986-0900

Fax 503 986-0904

www.oregon.gov/owrd

April 25, 2023

VIA E-MAIL

Applicant

OPAL ASSET MANAGEMENT LLC

307 S 9TH AVE, PMB 120

WALLA WALLA, WA 99362

Reference: Water Right Transfer Application T-13945

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-13945. 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 May 20, 2023.

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 MAY 20, 2023, 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;
- Must be:
- i. Prepared within 3 months of the Draft Preliminary Determination showing current ownership; **OR**
 - ii. Prepared within 3 months of recording of a water right conveyance agreement; **OR**
 - iii. Have a prepared date showing ownership at the time a water right conveyance agreement was recorded.

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

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

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

→ DELETE SPACE

Conditions of your water right...

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

Please note the proposed date by which all conditions must be met: October 1, 2024. 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. The Department will publish a notice in their weekly publication, which opens a 30-day period in which the transfer can be protested.

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 May 20, 2023, a Preliminary Determination may be issued denying the application as incomplete.

Please don't hesitate to contact me at if I may be of assistance.

Sincerely,

Transfer Specialist
Transfer and Conservation Section

cc: Transfer Application file T-13945 13945
David D. Bates, District 7 Watermaster (*via e-mail*)
Rebecca Knapp, Agent for the applicant (*via e-mail*)

encs If measurement devices are requested prior to diversion, include watermaster contact
sheet.

REMOVE

STATE OF OREGON

COUNTY OF WALLOWA

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO
WAYNE LATHROP
BOX 463
ENTERPRISE, OR 97828

confirms the right to use the waters of an UNNAMED SPRING BRANCH, a tributary of WALLOWA RIVER for the purpose of irrigation of 25.48 ACRES.

This right was perfected under Permit S-34154. The date of priority is FEBRUARY 11, 1969. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 0.259 CUBIC FOOT PER SECOND, or its equivalent in case of rotation, measured at the point of diversion.

The point of diversion is located as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
1 S	44 E	WM	35	SW NW	430 FEET NORTH AND 1050 FEET WEST FROM THE SE CORNER OF SECTION 35

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to ONE-FORTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated, and shall be further limited to a diversion of not to exceed 3.5 acre-feet per acre for each acre irrigated during the irrigation season of each year. The use shall conform to such reasonable rotation system as may be ordered by the proper state officer.

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

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
1 S	44 E	WM	35	SW NW	16.78
1 S	44 E	WM	35	SE NW	8.7

This certificate describes that portion of water right Certificate 41280, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered _____, approving Transfer Application T-1394513945.

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.

T-1394513945.djl

Page 1 of 2

Certificate XXXXX

T-13945, RR, 41280, XXXX, DJL

ADD CERT #

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

WITNESS the signature of the Water Resources Director, affixed _____.

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

T-13945.pks
XXXXX.

CHANGE TO
FILENAME

CERT #

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

RECEIPT # **137716**

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

INVOICE # _____

RECEIVED FROM: Knapp Law Office, P.C.

BY: _____

CASH: ☐ CHECK: # 5080 OTHER: (IDENTIFY) ☐ _____

APPLICATION	
PERMIT	
TRANSFER	<u>1-13945</u>

TOTAL REC'D \$ 1,360.00

1083 TREASURY 4170 WRD MISC CASH ACCT

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

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

4270 WRD OPERATING ACCT

MISCELLANEOUS

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

WATER RIGHTS:

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

0205 TRANSFER \$ 1360.00

WELL CONSTRUCTION

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

OTHER (IDENTIFY) _____

0536 TREASURY 0437 WELL CONST. START FEE

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

OTHER (IDENTIFY) _____

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

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

TREASURY OTHER / RDX

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

RECEIPT: **137716**

DATED: 3.18.2022 BY: Mindy Carter

Application for Permanent Water Right Transfer

Part 1 of 5 – Minimum Requirements Checklist



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

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

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

RECEIVED

MAR 18 2022

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

- ☒ Part 1 – Completed Minimum Requirements Checklist.
- ☒ Part 2 – Completed Transfer Application Map Checklist.
- ☒ Part 3 – Application Fee, payable by check to the Oregon Water Resources Department, and completed Fee Worksheet, page 3. Try the new online fee calculator at:
http://apps.wrd.state.or.us/apps/misc/wrd_fee_calculator.
- ☒ Part 4 – Completed Applicant Information and Signature.
- ☒ Part 5 – Information about Water Rights to be Transferred: **How many water rights are to be transferred? 1 List them here: Certificate 41280**
Please include a separate Part 5 for each water right. (See instructions on page 6)
NOTE: A separate transfer application is required for each water right unless the criteria in OAR 690-380-3220 are met.

Attachments:

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

(For Staff Use Only)

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

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

Other/Explanation _____

Staff: _____ 503- _____

13945

Date: _____ / _____ / _____

MAR 18 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.

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

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

13945

Part 3 of 5 – Fee Worksheet

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MAR 18 2022
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1. For irrigation calculate cfs for each water right involved as follows:
 - a. Divide total authorized cfs by total acres in the water right (*for C12345, $1.25 \text{ cfs} \div 100 \text{ ac}$*); then multiply by the number of acres to be transferred to get the transfer cfs (*$\times 45 \text{ ac} = 0.56 \text{ cfs}$*).
 - b. If the water right certificate does not list total cfs, but identifies the allowable use as 1/40 or 1/80 of a cfs per acre; multiply number of acres proposed for change by either 0.025 (1/40) or 0.0125 (1/80). (*For C87654, $45.0 \text{ ac} \times 0.0125 \text{ cfs/ac} = 0.56 \text{ cfs}$*)
2. Add cfs for the portions of water rights on all the land included in the transfer; however **do not count cfs for supplemental rights on acreage for which you have already calculated the cfs fee for the primary right on the same land**. The fee should be assessed only once for each "on the ground" acre included in the transfer. (*In this example, blank 5a would be only 0.56 cfs, since both rights serve the same 45.0 acres. Blank 5b would be 0 and Line 5 would then also become 0*).

Revised 7/1/2021

Part 4 of 5 – Applicant Information and Signature

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MAR 18 2022

Applicant Information

APPLICANT/BUSINESS NAME Opal Asset Management LLC		PHONE NO. 541-263-0955	ADDITIONAL CONTACT NO.
ADDRESS 307 S 9th Avenue, PMB 120		FAX NO.	
CITY Walla Walla	STATE WA	ZIP 99362	E-MAIL tony@opalam.com
BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED.			

OWRD

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

AGENT/BUSINESS NAME Rebecca J. Knapp, Attorney at Law		PHONE NO. 541-426-7880	ADDITIONAL CONTACT NO.
ADDRESS PO Box 236		FAX NO. 541-426-7882	
CITY Enterprise	STATE OR	ZIP 97828	E-MAIL rjklaw@eoni.com
BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED.			

Explain in your own words what you propose to accomplish with this transfer application, and why:
The property to which the water rights will be transferred is un-irrigated pasture ground. A transfer of the water rights will enhance pasturing uses and productivity.

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

Check One Box

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

By my signature below, I confirm that I understand:

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



Anthony Chrisman

Applicant signature

Anthony Chrisman, Member

Print Name (and Title if applicable)

3/15/21

Date

13945

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

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

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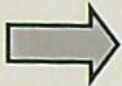
13945

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

IRRIGATION DISTRICT NAME	ADDRESS	
CITY	STATE	ZIP

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

ENTITY NAME	ADDRESS	
CITY	STATE	ZIP



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

ENTITY NAME	ADDRESS	
Wallowa County Planning Department	101 S. River Street, Room B-1	
CITY	STATE	ZIP
Enterprise	OR	97828

ENTITY NAME	ADDRESS	
CITY	STATE	ZIP

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Part 5 of 5 – Water Right Information

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

CERTIFICATE # 41280

Description of Water Delivery System

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

Pump #1 is 60 gpm and Pump #2 is 200 gpm 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. The current water delivery system consists of two pumps which are located on an unnamed spring branch of a tributary of the Wallowa River. The pumps deliver water to a buried pipe system approximately 2000 feet long running from the West across the property to the East boundary of the property and running North. The buried pipe system has frequent stand pipes to which a portable aluminum sprinkler pipe is attached which can reach North and South from the buried pipe. Pump #1 feeds the underground pipe running North/South and Pump #2 feeds the underground pipe running East/West.

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)
POA #1	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed		1 S	44 E	35	SE ¼ NW ¼	505	430 feet North and 1050 feet West from SE corner, SW1/4NW1/4, Section 35
	<input type="checkbox"/> Authorized <input type="checkbox"/> Proposed							
	<input type="checkbox"/> Authorized <input type="checkbox"/> Proposed							
	<input type="checkbox"/> Authorized <input type="checkbox"/> Proposed							

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

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

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

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

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

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

Table 2. Description of Changes to Water Right Certificate # 41280

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

AUTHORIZED (the "from" or "off" lands) The listing that appears on the certificate BEFORE PROPOSED CHANGES List only that part or portion of the water right that will be changed.													Proposed Changes (see "CODES" from previous page)	PROPOSED (the "to" or "on" lands) The listing as it would appear AFTER PROPOSED CHANGES are made.									
Twp	Rng	Sec	¼ ¼	Tax Lot	Gvt Lot or DLC	Acres	Type of USE listed on Certificate	POD(s) or POA(s) (name or number from Table 1)	Priority Date	Twp	Rng	Sec		¼ ¼	Tax Lot	Gvt Lot or DLC	Acres	New Type of USE	POD(s)/ POA(s) to be used (from Table 1)	Priority Date			
EXAMPLE																							
2	S	9	E 15 NE NW	100		15.0	Irrigation	POD #1 POD #2	1901	POU/POD	2	S	9	E 1 NW NW	500	1	10.0		POD #5	1901			
											2	S	9	E 2 SW NW	500		5.0		POD #6	1901			
1	S	44	E 35 SE ¼ NW ¼	505		5.0	Irrigation	POA #1	1969	POU	1	S	44	E 35 SW ¼ NW ¼	601		5.0		POA #1	1969			
TOTAL ACRES:						5.0					TOTAL ACRES:						5.0						

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

AND/OR

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

Table 3. Construction of Point(s) of Appropriation

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

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

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Application for Water Right Transfer

Evidence of Use Affidavit



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

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

State of Oregon)
) ss
County of WALLOWA)

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OWRD

I, ANTHONY CHRISMAN, in my capacity as MEMBER OF OPAL ASSET MANAGEMENT LLC,
mailing address 307 S 9TH AVENUE, PMB 120, WALLA WALLA, WA 99362
telephone number (541)263-0955, 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 # 41280; OR

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

Certificate #	Township	Range	Mer	Sec	¼ ¼	Gov't Lot or DLC	Acres (if applicable)

OR

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

(continues on reverse side)

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

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

OWRD

[Signature]
Signature of Affiant

3/15/22
Date

Signed and sworn to (or affirmed) before me this 15 day of March 20 22



[Signature]
Notary Public for Oregon

My Commission Expires: 4/11/23

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

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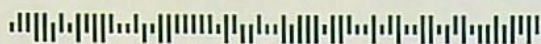
OPAL ASSET MANAGEMENT LLC
OAM-IRRIGATION
307 S 9TH AVE # 120
WALLA WALLA WA 99362-2718



Questions: Call
1-888-221-7070
24 hours a day,
7 days a week
pacificpower.net



BILLING DATE: **Nov 16, 2021**
ACCOUNT NUMBER: **[REDACTED]**
DUE DATE: **Dec 6, 2021**
AMOUNT DUE: **\$49.85**



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MAR 18 2022

Your Balance With Us

Previous Account Balance	35.03
Payments/Credits	-35.03
New Charges	+49.85
Current Account Balance	\$49.85

Payments Received

DATE	DESCRIPTION	AMOUNT
Nov 9, 2021	Payment Received - Thank You	35.03
Total Payments		\$35.03

Note: You're helping the environment and yourself by participating in paperless billing - here's a \$0.50 credit.

Detailed Account Activity

ITEM 1 - ELECTRIC SERVICE

66095 Golf Course Rd # 15 Enterprise OR
Horse Power Rating : 0015.0 Schedule 41X
Service ID: **[REDACTED]**

METER NUMBER	SERVICE PERIOD From To	ELAPSED DAYS	METER READINGS Previous Current	METER MULTIPLIER	AMOUNT USED THIS MONTH
75680092	Oct 14, 2021 Nov 15, 2021	32	8255 8255	1.0	0 kwh
75680092	Demand Nov 15, 2021		0	1.0	0 kw
75680092	Reactive Nov 15, 2021		0	1.0	0 kvar

Next scheduled read date: 12-16. Date may vary due to scheduling or weather.

NEW CHARGES - 11/21	UNITS	COST PER UNIT	CHARGE
Annual Load Size Charge Sec for 169 day(s)	4 kw	17.1000000	31.67
Ann Ld Size Deficiency Sec 3P for 169 day(s)			16.95
Oregon Corp Activities Tax Adj		0.0054000	0.26
Public Purpose		0.0300000	1.47
Paperless Bill Credit			-0.50
Total New Charges			49.85

Wildfire safety & preparedness

Safety is a community effort that takes all of us working together. As we're taking steps to continue to mitigate wildfire risks by strengthening our system, pruning more trees and partnering with state and local agencies on emergency preparedness,

See reverse

Write account number on check & mail to: Pacific Power, PO Box 26000, Portland, OR 97256-0001

RETAIN THIS PORTION FOR YOUR RECORDS.

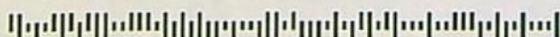
RETURN THIS PORTION WITH YOUR PAYMENT.

↑ INSERT THIS
EDGE FIRST ↑



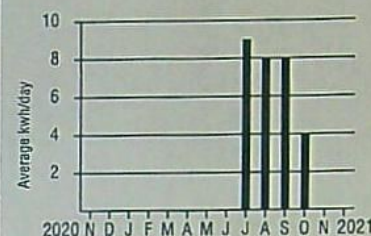
PO BOX 400
PORTLAND OR 97207

PACIFIC POWER
PO BOX 26000
PORTLAND OR 97256-0001



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Historical Data - ITEM 1



Your Average Daily kwh Usage by Month

PERIOD ENDING	NOV 2021	NOV 2020
Avg. Daily Temp.	44	40
Total kwh	0	0
Avg. kwh per Day	0	0
Cost per Day	\$1.56	\$0.00

Please consider helping your neighbors in need of energy assistance by using the enclosed envelope. Donations may be tax deductible. Pacific Power contributes \$2 for every \$1 donated, allowing your contribution to go even further.

Manage your account with ease

Popular billing options include Auto Pay, Equal Pay and choice of due dates. You can even earn a credit each month when you sign up for paperless billing. See details and enroll at pacific-power.net/billoptions

Late Payment Charge for Oregon

A late payment charge of 2.0% may be charged on any balance not paid in full each month.

☐ Change of Mailing Address or Phone?
Check here & provide information on back.

Account Number: **[REDACTED]**
Date Due: **Dec 6, 2021**

AMOUNT DUE: **\$49.85**

Bank Payment - Do Not Pay

Please enter the amount enclosed.

OPAL ASSET MANAGEMENT LLC
OAM-IRRIGATION
307 S 9TH AVE # 120
WALLA WALLA WA 99362-2718

Automatic Withdrawal for Total Amount Due to occur on the payment due date



Enterprise Electric and Rental Inc
 Enterprise Electric and Rental
 803 S River St
 Enterprise OR 97828
 541-426-3601
 Fax: 541-426-7368

STATEMENT



2201-323453 Pg 1 Of 1

Date 12/31/21 Acct: [REDACTED]

Chrisman, Tony
 66146 Golf Course Road
 Enterprise OR 97828

Pay By 01/31/22 2,205.17

TOTAL PAID

Please return top portion with your payment.

Date	Job#	Transaction	Document #	Reference	Amount
			Beginning Balance		0.00
12/31/21	0	Invoice	2112-103496	CENTRIFUGAL PUMP	2,205.17

Ending Balance

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2,205.17

OWRD

Current	2,205.17
Past Due	
30-Day	0.00
60 Day	0.00
90 Day	0.00
> 90	0.00
Finance Chrg	0.00
Balance	2,205.17

Account: [REDACTED]
 Chrisman, Tony
 66146 Golf Course Road
 Enterprise OR 97828

13945



Enterprise Electric and Rental Inc
Enterprise Electric and Rental
803 S River St
Enterprise OR 97828
541-426-3601
Fax: 541-426-7368

CUSTOMER COPY



INVOICE

2112-103496 PAGE 1 OF 2

SOLD TO
Chrisman, Tony 66146 Golf Course Road Enterprise OR 97828

JOB ADDRESS
Chrisman, Tony

RECEIVED

MAR 18 2022

OWRD

Thank you for your business!

ACCOUNT	JOB
	0
SOLD ON	12/31/2021 11:52:13 AM
CUST PICKUP	
BRANCH	1000
CUSTOMER PO#	CENTRIFUGAL PUMP
STATION	E05
CASHIER	CP
SALESPERSON	CP
ORDER ENTRY	

Quantity	UM	Item	Description	D	T	Price	Per	Amount
1	EA	9013GSG2J23R	SQD 9013GSG2J23R PRESSURE SWITCH 575VAC 5HP G +OPTIONS		N	174.7312	EA	174.73
1	EA	PG100G	Pressure Gauge - Liquid Filled		Y	5.3340	EA	5.33
1	EA	11	6309-2RSJ Front Bearing		N	208.6100	EA	208.61
1	EA	11	140 Drain Cock		N	13.5800	EA	13.58
1	EA	11	Radial Ball Bearing: 25 mm Bore Dia., 52 mm Outside Dia., 15 mm Wd, Double Sealed 6205-2nse9 Rear Bearing		N	33.7500	EA	33.75
1	EA	IGBMK	3X2 GALV MI BUSH		N	26.5772	EA	26.58
1	EA	IGNKCL	2XCLOSE GALV STL NIP		N	8.5475	EA	8.55
1	EA	IGNMCL	3XCLOSE GALV STL NIP		N	30.4551	EA	30.46
1	EA	IG9M	3 GALV MI 150# 90 ELL		N	72.5257	EA	72.53
1	EA	IGNBCL	1/4XCLOSE GALV STL NIP		Y	2.6273	EA	2.63
1	EA	IGPB	1/4 GALV MI SLD PLUG		Y	4.1249	EA	4.12
28	EA	11	Compression Packing Seal, 1/2 inSq, Flexible Graphite		N	1.1700	EA	32.76
1	EA	11	Shaft Sleeve		N	124.7800	EA	124.78
1	EA	IGNGCL	1XCLOSE GALV STL NIP		Y	3.7375	EA	3.74
1	EA	IGCG	1 GALV MI 150# COUP		Y	9.2482	EA	9.25
4	EA	11	Bolts/Locknuts		N	3.2500	EA	13.00
1	EA	11	Wade Rain Primer		N	123.9900	EA	123.99
1	EA	CPF 3GF	FLANGE GASKET FULL 3"		N	4.2756	EA	4.28

Payment Method(s)

	SubTotal	
	SalesTax	
	Deposit	
Please Pay This Amount		

Please update your records to reflect our new mailing address.

Questions? chris@enterprise-electric.com

13945

Signature



ENTERPRISE ELECTRIC and RENTAL

CC# 183028

Enterprise Electric and Rental Inc
Enterprise Electric and Rental
803 S River St
Enterprise OR 97828
541-426-3601
Fax: 541-426-7368

CUSTOMER COPY



INVOICE

2112-103496

PAGE 2 OF 2

SOLD TO
Chrisman, Tony 66146 Golf Course Road Enterprise OR 97828

JOB ADDRESS
Chrisman, Tony

ACCOUNT	JOB
	0
SOLD ON	12/31/2021 11:52:13 AM
CUST PICKUP	
BRANCH	1000
CUSTOMER PO#	CENTRIFUGAL PUMP
STATION	E05
CASHIER	CP
SALESPERSON	CP
ORDER ENTRY	

Thank you for your business!

Quantity	UM	Item	Description	D	T	Price	Per	Amount
1	EA	11	Metal Base		N	125.0000	EA	125.00
12.5	HR	LABOR	Labor -Bryan		N	95.0000	HR	1,187.50
		COMMENT	Rebuild Pump and Motor. Manufacture new mount, and install a new primer.					

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MAR 18 2022

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Payment Method(s)

Charge to Acct 2,205.17

SubTotal	2,205.17
Sales Tax	0.00
Deposit	
Please Pay This Amount	2,205.17

Please update your records to reflect our new mailing address.

Questions? chris@enterprise-electric.com

13945

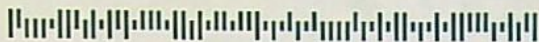
Signature

OPAL ASSET MANAGEMENT LLC
OAM-IRRIGATION
307 S 9TH AVE # 120
WALLA WALLA WA 99362-2718



Questions: Call
1-888-221-7070
24 hours a day,
7 days a week
pacificpower.net

Opening Bill



BILLING DATE: **Oct 22, 2021**

ACCOUNT NUMBER: [REDACTED]

DUE DATE: **Nov 9, 2021**

AMOUNT DUE: **\$35.03**

WELCOME TO PACIFIC POWER: We would like to welcome you as a new Pacific Power customer. We value your business and will always try to provide you with the highest level of service possible.

Your Balance With Us

Previous Account Balance	0.00
Payments/Credits	0.00
New Charges	+35.03
Current Account Balance	\$35.03

Payments Received

No payments have been received since your last billing statement.

RECEIVED

MAR 18 2022

QWRD

Note: You're helping the environment and yourself by participating in paperless billing - here's a \$0.50 credit.

Detailed Account Activity

ITEM 1 - ELECTRIC SERVICE

66095 Golf Course Rd # 15 Enterprise OR
Horse Power Rating : 0015.0 Schedule 41X
Service ID: 989834509-001

METER NUMBER	SERVICE PERIOD From To	ELAPSED DAYS	METER READINGS Previous Current	METER MULTIPLIER	AMOUNT USED THIS MONTH
75680092	Sep 15, 2021 Oct 14, 2021	29	8134 8255	1.0	121 kwh
75680092	Demand Oct 14, 2021			3.854	1.0 4 kw
75680092	Reactive Oct 14, 2021			2.364	1.0 2 kvar

Next scheduled read date: 11-15. Date may vary due to scheduling or weather.

NEW CHARGES - 10/21	UNITS	COST PER UNIT	CHARGE
Delivery Charge Secondary (Season End Est Charge Sec Is \$68.40)	121 kwh	0.0358600	4.34
Federal Tax Act Adjustment	121 kwh	-0.0007000	-0.08
Oregon Corp Activities Tax Adj		0.0054000	0.02
Public Purpose		0.0300000	0.13
Energy Conservation Charge	121 kwh	0.0035300	0.43
Low Income Assistance	121 kwh	0.0006900	0.08

See reverse ↻

Write account number on check & mail to: Pacific Power, PO Box 26000, Portland, OR 97256-0001

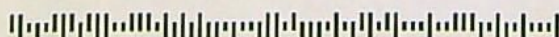
RETAIN THIS PORTION FOR YOUR RECORDS.

RETURN THIS PORTION WITH YOUR PAYMENT.

↑ INSERT THIS
EDGE FIRST ↑



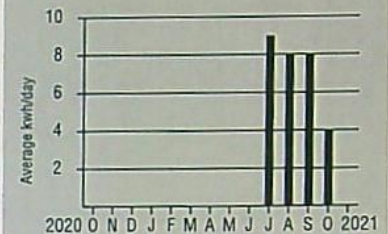
PACIFIC POWER
PO BOX 26000
PORTLAND OR 97256-0001



13945

Automatic Withdrawal for Total Amount Due to occur on the payment due date

Historical Data - ITEM 1



Your Average Daily kwh Usage by Month

PERIOD ENDING	OCT 2021	OCT 2020
Avg. Daily Temp.	49	57
Total kwh	121	0
Avg. kwh per Day	4	0
Cost per Day	\$0.15	\$0.00

Now you can earn \$6 in bill credits each year when you sign up for paperless billing. See details and enroll at pacificpower.net/paperless.

Looking for other ways to pay?

Visit pacificpower.net/pay for all your options. You can choose to pay on your device using our mobile app, on our website, at a pay station in your community, or pay over the phone by calling 1-888-221-7070.

Late Payment Charge for Oregon

A late payment charge of 2.0% may be charged on any balance not paid in full each month.

☐ **Change of Mailing Address or Phone?**
Check here & provide information on back.

Account Number: [REDACTED]

Date Due: **Nov 9, 2021**

AMOUNT DUE: **\$35.03**

Bank Payment - Do Not Pay

Please enter the amount enclosed.

OPAL ASSET MANAGEMENT LLC
OAM-IRRIGATION
307 S 9TH AVE # 120
WALLA WALLA WA 99362-2718

BILLING DATE: Oct 22, 2021 ACCOUNT NUMBER: [REDACTED] DUE DATE: Nov 9, 2021 AMOUNT DUE: \$35.03

NEW CHARGES - 10/21 - CONTINUED	UNITS	COST PER UNIT	CHARGE
Paperless Bill Credit			-0.50
Total New Charges			4.42

NEW CHARGES - 09/21	UNITS	COST PER UNIT	CHARGE
Delivery Charge Secondary	228 kwh	0.0358600	8.18
(Season End Est Charge Sec Is \$68.40)			
Federal Tax Act Adjustment	228 kwh	-0.0007000	-0.16
Oregon Corp Activities Tax Adj		0.0054000	0.04
Public Purpose		0.0300000	0.24
Energy Conservation Charge	228 kwh	0.0035300	0.80
Low Income Assistance	228 kwh	0.0006900	0.16
Total New Charges			9.26

NEW CHARGES - 08/21	UNITS	COST PER UNIT	CHARGE
Delivery Charge Secondary	254 kwh	0.0358600	9.11
Reactive Power Charge Sec	1 kvar	0.6500000	0.65
(Season End Est Charge Sec Is \$68.40)			
Federal Tax Act Adjustment	254 kwh	-0.0007000	-0.18
Oregon Corp Activities Tax Adj		0.0054000	0.05
Public Purpose		0.0300000	0.29
Energy Conservation Charge	254 kwh	0.0035300	0.90
Low Income Assistance	254 kwh	0.0006900	0.18
Total New Charges			11.00

NEW CHARGES - 07/21	UNITS	COST PER UNIT	CHARGE
Delivery Charge Secondary			
for 15 day(s)	128 kwh	0.0358600	4.59
for 15 day(s)	128 kwh	0.0356900	4.57
(Season End Est Charge Sec Is for 30 day(s)			
\$68.40)			
Federal Tax Act Adjustment for 30 day(s)	256 kwh	-0.0007000	-0.18
Oregon Corp Activities Tax Adj		0.0054000	0.05
Public Purpose		0.0300000	0.27
Energy Conservation Charge			
for 15 day(s)	128 kwh	0.0035300	0.45
for 15 day(s)	128 kwh	0.0033200	0.42
Low Income Assistance for 30 day(s)	256 kwh	0.0006900	0.18
Total New Charges			10.35

Wildfire safety & preparedness

Safety is a community effort that takes all of us working together. As we're taking steps to continue to mitigate wildfire risks by strengthening our system, pruning more trees and partnering with state and local agencies on emergency preparedness,

New Mailing Address or Phone?

Please print your new information below and check the box on the reverse side of this Payment Stub. Thank you.

ACCOUNT NUMBER: 21334680-001 3

LAST FIRST M.I.

NEW STREET ADDRESS

CITY

ST ZIP TELEPHONE NUMBER

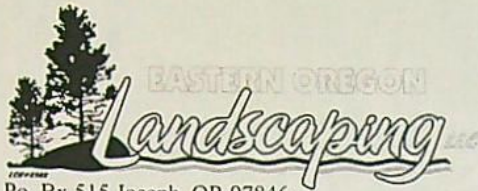
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MAR 18 2022

OWRD

This product contains
fiber from well-managed,
independently
certified forests.



Po. Bx 515 Joseph, OR 97846
541-432-0588

LCB#8988

INVOICE

Nov. 9, 2020

Tony and Julie Chrisman
Enterprise OR

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MAR 18 2022

Cost Summary

Installation of Electrical conduit from pump to house	\$1,815	OWRD
5 Hours @ \$90	\$450	
14 hours @ \$50	\$700	
350" 1 1/4 conduit @ 1.90	\$665	
Installation of underground irrigation at Driving Range	\$13,225	
20 Heads @ \$525	\$10,500	
5 Zone (Valve, box, wire) @ \$350	\$1,750	
5 Decoders (For Clock) @ \$55	\$275	
1 Controller clock	\$245	
Infrastructure for expansion		
4 Jumbo Boxes installed	\$300	
2 isolation valves	\$150	
Gravel Parking Pad	\$5,372	
29 Hours @ \$90	\$2,610	
25 Hours @ \$50	\$1,250	
84 yds. Gravel delivered to site	\$1,512	
TOTAL DUE:	\$20,412.00	

Eastern Oregon Landscaping LLC
PO Box 515
Joseph, Oregon 97846

13945

Eastern Oregon Landscaping llc LCB# 8988 541-432-0588 PO BOX 515 Joseph, OR 97846

Oregon Landscape Board 503-378-5909 2111 Front St NE Ste 2-101, Salem, Oregon 97301



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MAR 18 2022

OWRD



THURSDAY
9 30 2021

3945

RECEIVED

MAR 18 2022

OWRD



THURSDAY
9 30 2021

RECEIVED
MAR 18 2022
OWRD

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THURSDAY
9 30 2021

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MAR 18 2022

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THURSDAY
9 30 2021

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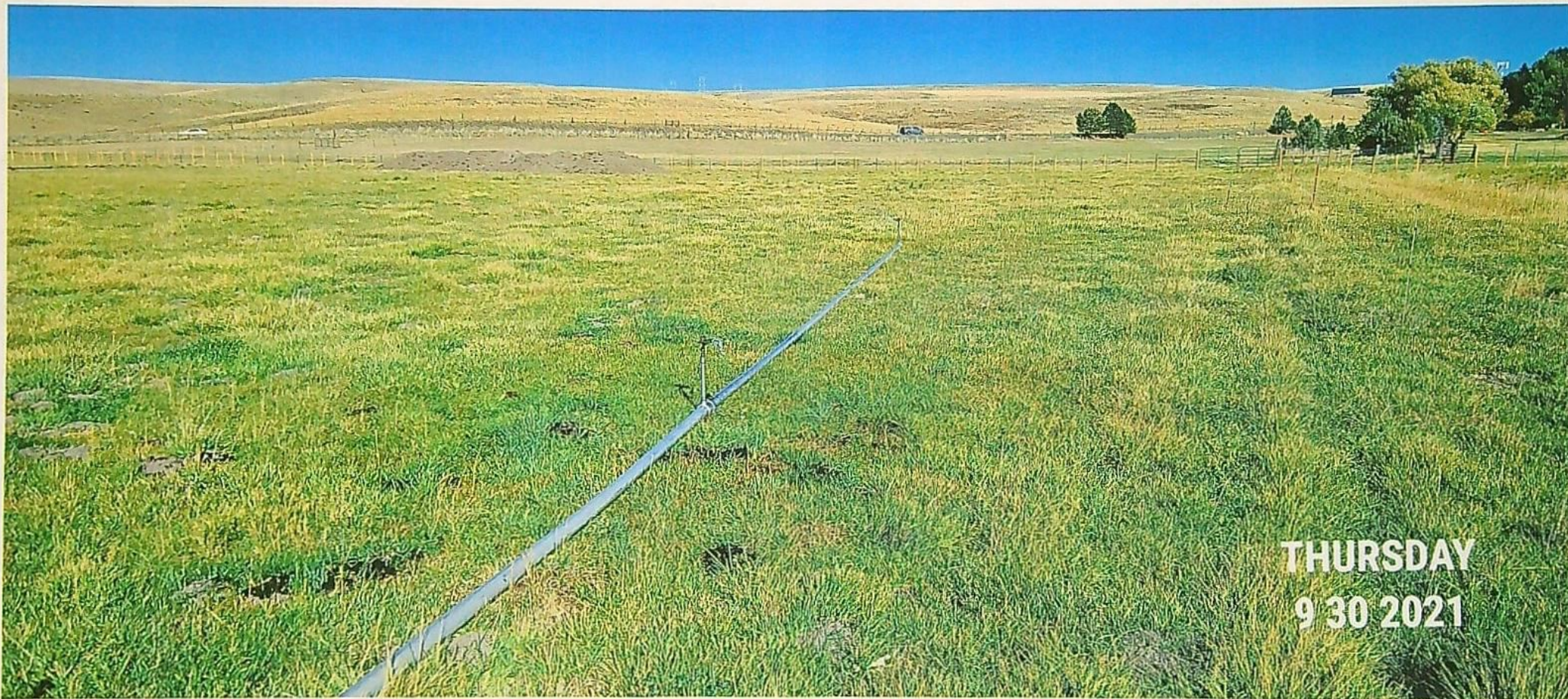


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THURSDAY
9 30 2021

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RECEIVED

MAR 18 2022

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THURSDAY
9 30 2021

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MAR 18 2022

OWRD

Application for Water Right Transfer



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

Consent by Deeded Landowner

State of Oregon)
)ss
County of Wallowa)

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MAR 18 2022

OWRD

I JEFFREY R. STOFFEL and KIMBERLI D. STOFFEL in my/our capacity as deeded landowners,

mailing address PO Box 549, Enterprise, OR,

telephone number 541-263-0375, duly sworn depose and say that I/We

consent to the proposed change(s) to Water Right Certificate Number 41280

described in a Water Right Transfer Application (T-____),

(transfer number, if known)

submitted by Opal Asset Management LLC

on the property in tax lot number(s) 505,

Section 35 Township 1 North/South Range 44 East/West, W.M.,

located at 66058 Lewiston Highway, Enterprise, OR 97828

(site address)

Kimberli D Stoffel

Signature of Affiant

3-14-22

Date

[Signature]

Signature of Affiant

3-14-22

Date

Subscribed and Sworn to before me this 14th day of March, 2022.

Kathryn Lent
Notary Public for Oregon



My commission expires 4-11-23.



085023

STATE OF OREGON
COUNTY OF WALLOWA
I certify that this
instrument was received and
recorded in the book of
records of said county.

After recording, return to:
Wallowa Title Company
109 SE First Street
Enterprise, OR 97828

RECEIVED

MAR 18 2022

OWRD

STATUTORY WARRANTY DEED

Wallowa County Clerk

by: Tracey Hall
Deputy

DOC#: 00085023
RCPT: 98983 104.00
10/01/2021 10:00 AM

OPAL ASSET MANAGEMENT LLC, a Wyoming limited liability company, Grantor, conveys and warrants to JEFFREY R. STOFFEL and KIMBERLI D. STOFFEL, husband and wife, Grantees, the real property described in Exhibit A attached hereto, free of encumbrances except as specifically set forth herein.

EXCEPTING THEREFROM the water rights appurtenant to the property described in Exhibit A, which water rights are more particularly described in Exhibit B and which are depicted in Exhibit C, the right, title and interest of which is being retained by Grantor.

The consideration for this conveyance is \$72,500.00.

Until a change is requested, tax statements should be sent to: Jeffrey R. Stoffel and Kimberlie D. Stoffel, PO Box 549, Enterprise, OR 97828.

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

DATED this 30 day of September, 2021.

WALLOWA TITLE COMPANY 29839

[SPACE INTENTIONALLY LEFT BLANK; SIGNATURES ON FOLLOWING PAGE]

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MAR 18 2022

OWRD

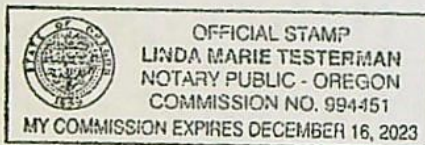
OPAL ASSET MANAGEMENT LLC,
a Wyoming limited liability company

By: [Signature]
Anthony R. Chrisman, Member

By: [Signature]
Julie M. Chrisman, Member

State of Oregon)
) ss.
County of Wallowa)

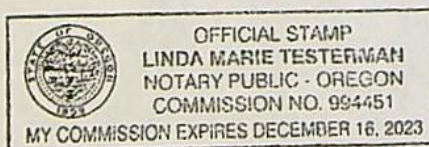
This instrument was acknowledged before me on Sept 30, 2021, by Anthony R. Chrisman, as member of Opal Asset Management LLC.



[Signature]
NOTARY PUBLIC FOR OREGON
My Commission Expires: 12/16/2023

State of Oregon)
) ss.
County of Wallowa)

This instrument was acknowledged before me on Sept 30, 2021, by Julie M. Chrisman, as member of Opal Asset Management LLC.



[Signature]
NOTARY PUBLIC FOR OREGON
My Commission Expires: 12/16/2023

085029

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MAR 18 2022

EXHIBIT A

OWRD

A tract situate in the SE¼NW¼ Section 35, Township 1 South, Range 44 East of the Willamette Meridian, Wallowa County, Oregon, designated as PARCEL 3 on Partition Plat No. 2021-84926 and Affidavit of Correction No. 2021-84934 and 2021-84945 on file and of record in the Office of the County Clerk of said County and State.

SUBJECT TO:

Easement, including the terms and provisions thereof, created by instrument,

Recorded: Book 70 of Deeds, Page 440

In favor of: Pacific Power & Light

For: Utilities over the N½ Section 35, 1544

Easement, including the terms and provisions thereof, created by instrument,

Recorded: Microfiche No. 2006-56768

In favor of: Wallowa County Health Care District

For: Perpetual non-exclusive easement for piped discharge of water from Grantee's geothermal heating system into existing ditch with the necessary access to the immediate ground surface area to construct, maintain and repair said pipeline system

Easement for Irrigation Purposes, including the terms and provisions thereof, created by instrument,

Recorded: Microfiche No. 2021-84995

For: Irrigation purposes, including ingress, egress, inspection, repair and maintenance of ditch

005022

EXHIBIT B

Grantor retains all right, title and interest in the water rights appurtenant to the property described in Exhibit A, which are more particularly described in and confirmed by the following Certificate of Water Right and Water Use Permit issued by the Oregon Water Resources Department:

1.

<u>Water Right Certificate:</u>	41280, issued to Wayne Lathrop
Use:	Irrigation
Priority Date:	February 11, 1969
Place of Use:	Township 1 South, Range 44 EWM, Section 35, 16.78 acres in the SW¼NW¼ and 13.70 acres in the SE¼NW¼
<u>Water Use permit:</u>	534154, issued to Wayne Lathrop
Use:	Irrigation
Priority Date:	February 11, 1969
Place of Use:	Township 1 South, Range 44 EWM, Section 35, 15.68 acres in the SW¼NW¼ and 14.8 acres in the SE¼NW¼
2. In addition to the rights described herein, all interest in these and any other water rights that may later be determined as being layered with the portion of the water right on the subject lands that are being conveyed are excluded from this transaction and are retained by Grantor.
3. The above-described water rights retained by Grantor are appurtenant to a total of 5.00 acres as shown by Partition Plat No. 2021-84926 recorded in the Office of the County Clerk of said County and State and the map attached hereto as Exhibit C. The remaining water rights retained by Grantor under the Certificate of Water Right described above are also shown in Exhibit C.
4. It is the intent of Grantor to retain all right, title and interest in the above-described water rights and said water rights are not being conveyed to Grantees under this Deed. The property described in Exhibit A is being conveyed separately to Grantees from the above-described water rights. Grantor retains the right to apply for a water rights transfer to change the place of use of said water rights with the Oregon Water Resources Department.

13945



REBECCA J. KNAPP
- ATTORNEY AT LAW -

March 16, 2022

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MAR 18 2022

OWRD

Lisa J. Jaramillo
Oregon Water Resources Department
Transfer and Conservation Section Manager
725 Summer Street NE, Suite A
Salem, OR 97301

Re: Opal Asset Management LLC; Permanent Water Right Transfer Application
Our File No. 2105-01

Dear Ms. Jaramillo:

I represent Opal Asset Management LLC with respect to the proposed transfer of the place of use of certain water rights under water rights certificate number 41280. Enclosed herewith for your use in processing the proposed transfer are the following:

1. Application for Permanent Water Right Transfer;
2. Payment in the amount of \$1,360.00;
3. Evidence of Use Affidavit and supporting documentation;
4. Land Use Information form;
5. Consent by Deeded Landowner;
6. Statutory Warranty Deed; and
4. Two 24" x 24" transfer application maps.

If you have any questions regarding the proposed transfer, please let me know.

Sincerely yours,

A handwritten signature in blue ink, appearing to read 'Rebecca J. Knapp', is written over the typed name.

Rebecca J. Knapp
RJK/mh

cc. Client (w/enc.)
Enclosures

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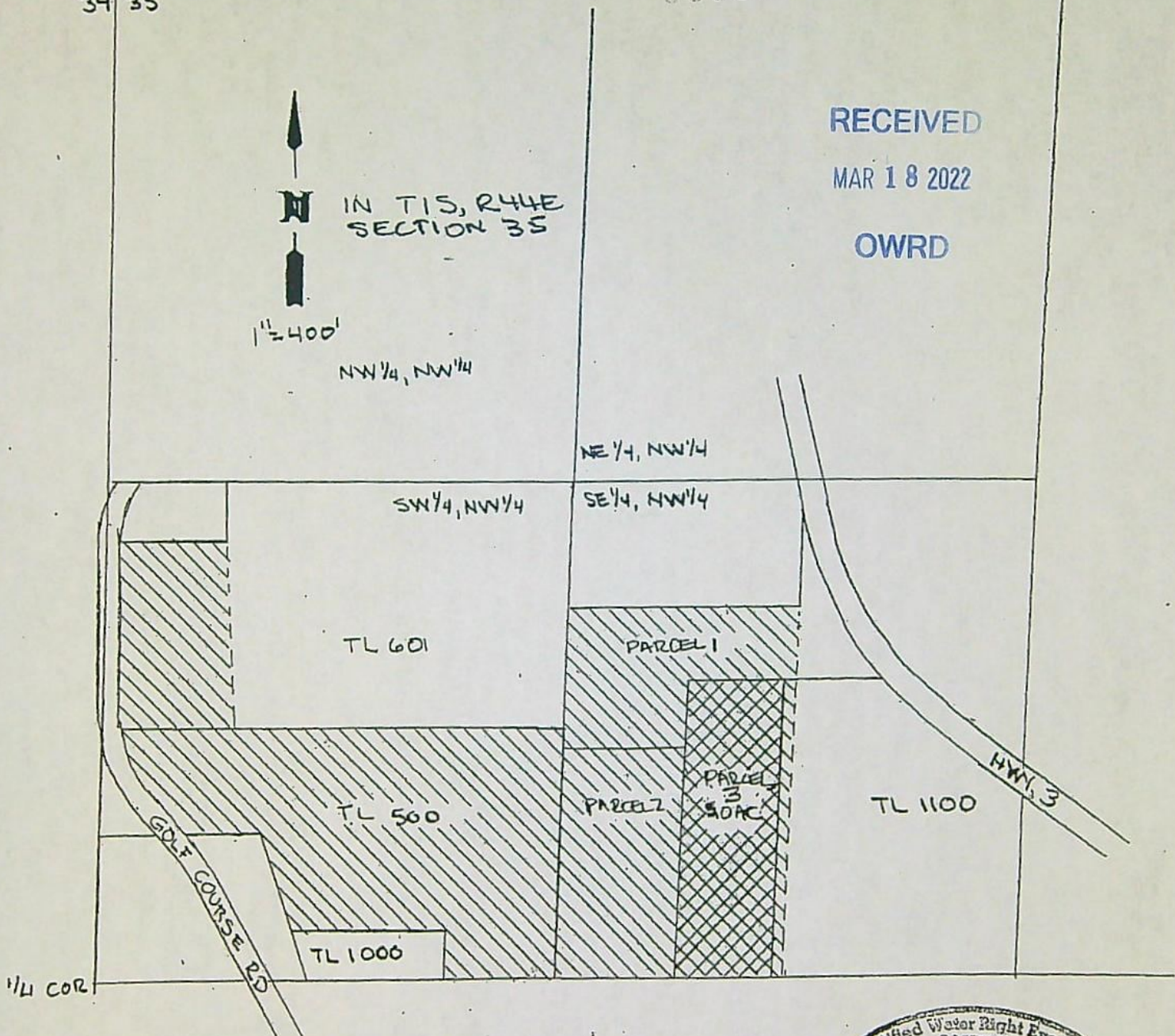
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MAR 18 2022

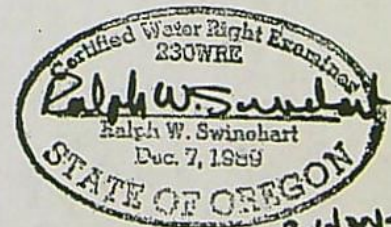
OWRD



LAND REMAINING UNDER CERT 41280
AFTER RETENTION OF 5.0 AC FOR
FUTURE TRANSFER TO TL 601, 25.48 AC



5.0 AC WATER RIGHT CERT 41280 TO BE
RETAINED BY OWNER, OPAL ASSET MGMT,
FOR FUTURE TRANSFER TO TL 601



2/18/22

13945

WATER RIGHT RETENTION MAP FOR A PORTION OF CERT 41280
FOR OPAL ASSET MANAGEMENT, LLC
IN SE 1/4, NW 1/4 SEC 35, T15, R44E, WALLONA COUNTY, OREGON

13945

9/21/2021

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

RECEIVED

MAR 18 2022

OWRD

Applicant(s): Opal Asset Management LLC

Mailing Address: 307 S 9th Avenue, PMB 120

City: Walla Walla

State: WA

Zip Code: 99362

Daytime Phone: 541-263-0955

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>1S</u>	<u>44E</u>	<u>35</u>	<u>SE1/4</u> <u>NW1/4</u>	<u>601</u>	<u>M-1</u>	<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	<u>Pasture</u>
_____	_____	_____	_____	_____	_____	<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input type="checkbox"/> Used	_____
_____	_____	_____	_____	_____	_____	<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input type="checkbox"/> Used	_____
_____	_____	_____	_____	_____	_____	<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input type="checkbox"/> Used	_____

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

Wallowa

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) Unnamed spring branch

Estimated quantity of water needed: .051 ☒ 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:

Irrigation for pasture uses.

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. →

13945

For Local Government Use Only

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):
- ☐ 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
	RECEIVED	<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
	MAR 18 2022	<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
	OWRD	<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: Jean Jancaits Title: Dept. Specialist

Signature: [Signature] Phone: (541) 426-4543 Date: 3/10/2022
Ext. 1170

Government Entity: Wallowa 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: _____

Permanent Transfer Application Intake Completion Checklist

Check the Certificate(s) in WRIS

Transfer # T-

Checked by: <u>Soot</u> Date: <u>3/22/22</u>	Type of Change(s) Proposed: <i>Mark the Proposed Changes</i>	Substitution Gov Action	Supplemental to Primary Surface to Ground	<input checked="" type="checkbox"/> POU USE	POD POA	APOD APOA
Fee Received: <u>1360</u>						
Calculated Fee:		How many rights to be Transferred? <u>1</u>				
		Certificate # <u>41280</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? yes
If no, are the criteria of OAR 690-380-3220 for more than one WR met? Yes or No _____
If no, then the transfer application **CANNOT** be accepted. See attached "3220" Decision Tree Flowchart.
- ☒ 5. For multiple certificates do each of the certificates listed on Application Page 1 have their own separate completed Part 5 tables 1 & 2?
If no, which certificate(s) are missing a separate Part 5 tables 1 & 2? _____
- ☒ 6. Is the map prepared and signed by a CWRE? Does the map meet requirements?
If no, what is missing? _____. Map waiver included? ☐ Yes ☐ No
- ☒ 7. If a change in point of appropriation (POA), have the well logs been included? ☒ N/A.
- ☒ 8. If a change in place of use (POU) within Umatilla County, have the applicant(s) provided a Supplemental Form U? ☒ N/A.
- ☒ 9. If all boxes on this checklist are checked (with no remaining deficiencies identified), **ACCEPT** the application.
Put this application intake completeness check sheet in the transfer folder.

OR: ☐ If all boxes to the left are NOT checked, then this application is deficient and **CANNOT** be accepted.
It should be returned and the deficiencies listed in the "staff" section at the bottom of Application Page 1, unless the applicant or agent can resolve the deficiencies within 2-3 days.

Actions taken: _____ Date: _____

Permanent Transfer Application Intake Completion Checklist

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



Oregon
Kate Brown, Governor

Water Resources Department

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

March 30, 2022

OPAL ASSET MANAGEMENT LLC
307 S 9TH AVE
PMB 120
WALLA WALLA, WA 99362

Reference: Application T-13945

On March 18, 2022, OWRD received your water right Permanent Transfer Application. The application was accompanied by \$1360.00. Our receipt number 137716 is enclosed.

By copy of this letter, we are asking the Watermaster for a report regarding the potential for injury to existing water rights which may be caused by the requested change.

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

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

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

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

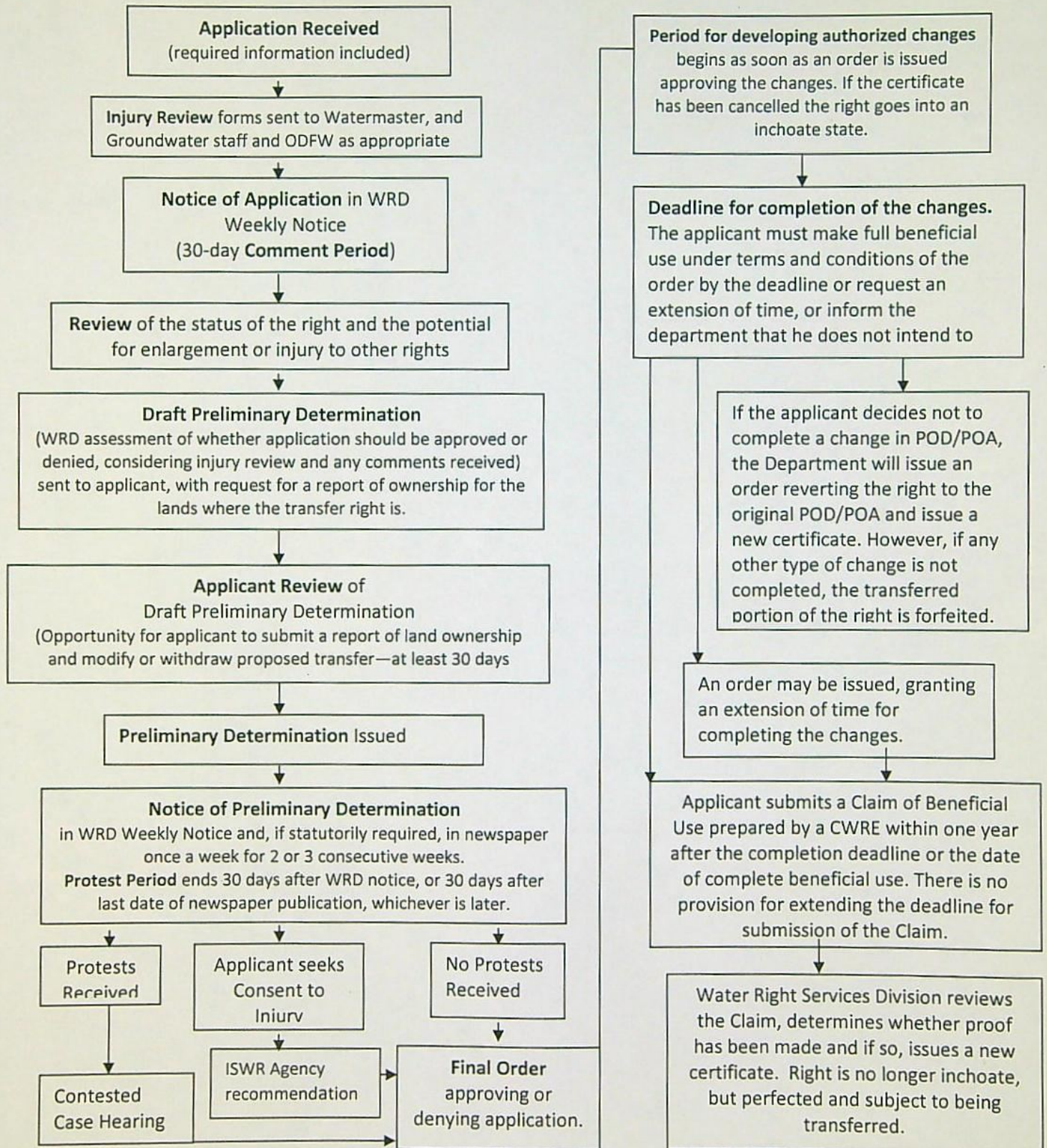
If you have any questions, please contact the Transfer Section at (503) 979-9931.

Cc: Watermaster Dist. #7, David D. Bates (*via email*)
Wallowa County Planning Department
Rebecca Knapp, Agent

Enclosure

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

OAR 690 Division 380



PERMANENT TRANSFER CASEWORKER COMPLETENESS CHECKLIST
DRAFT PRELIMINARY DETERMINATION

Transfer #: <u>13945</u>			Applicant: <u>Opal Asset Management LLC</u>		Caseworker: <u>Dante J. Luongo</u>
RA <input type="checkbox"/>					
PR	CW	Coord	County:	Certificate(s): <u>Opal Asset</u>	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<u>Willoway</u>	For multiple certificates, application meets requirements of OAR 690-380-3220	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Type of Change(s) Proposed:		
			<input checked="" type="checkbox"/> POU <input type="checkbox"/> POD <input type="checkbox"/> APOD <input type="checkbox"/> POA <input type="checkbox"/> APOA <input type="checkbox"/> USE <input type="checkbox"/> Substitution <input type="checkbox"/> Gov't Action <input type="checkbox"/> Sup to Primary <input type="checkbox"/> SW to GW		

File Completeness – Arranging Originals – Place in file underneath the Working File							
PR	CW	Coord	Order of documents	Is it in the hard file?			Notes
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Watermaster Review	<input checked="" type="checkbox"/> No	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> N/A	<u>REMOVED FROM FILE</u>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Groundwater Review	<input type="checkbox"/> No	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> N/A	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Complete Application – including amended pages	<input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes		
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Application Map	<input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes		
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Public Comments	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes		
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Approved Land Use	<input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> N/A	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Well Logs	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes		
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Supplemental Form D	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> N/A	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Superseded Application Pages	<input type="checkbox"/> No	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> N/A	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Misc. Receipts, Ack Letter, etc.	<input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> N/A	

Working File – on top of originals							
PR	CW	Coord		Is it in the working file?			Notes
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Copy of Table 1 – show your work	<input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes		
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Copy of Table 2 – show your work	<input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes		
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Copy of App. Map - show your work	<input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes		
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Copy of GR Cert – indicate quantity of water proposed for transfer	<input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes		
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Approved Assignment	<input type="checkbox"/> No	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> N/A	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Public Comments	<input type="checkbox"/> No	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> N/A	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Well Logs	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes		

WM Review – Date Received:					
Review complete & in the hard file?? <input type="checkbox"/> Yes			Digital File? <input checked="" type="checkbox"/> Yes		Copy in Working File? <input checked="" type="checkbox"/> Yes
PR	CW	Coord			Notes
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Enlargement?	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Injury?	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Same Source?	<input type="checkbox"/> No <input checked="" type="checkbox"/> Yes	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	GW Measurement Conditions? If yes, detach the WM contact sheet & send to applicant with the DPD	<input type="checkbox"/> No <input checked="" type="checkbox"/> Yes	Surface water?
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Other Conditions?	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes	

GW Review - Date Received: <i>NA</i>					
Review complete & in the hard file?? <input type="checkbox"/> Yes			Digital File? <input type="checkbox"/> Yes		Copy in Working File? <input type="checkbox"/> Yes
PR	CW	Coord			Notes
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Enlargement?	<input type="checkbox"/> No <input type="checkbox"/> Yes	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Injury?	<input type="checkbox"/> No <input type="checkbox"/> Yes	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Same Source?	<input type="checkbox"/> No <input type="checkbox"/> Yes	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Conditions to avoid Injury and/or Enlargement?	<input type="checkbox"/> No <input type="checkbox"/> Yes	

Draft Preliminary Determination – formatted in Calibri 12pt font					
Findings of Fact – <u>in chronological order by date</u>					
PR	CW	Coord			Notes
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Public Notice	<input type="checkbox"/> No <input checked="" type="checkbox"/> Yes	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Assignment(s)	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Deficiencies and resolution	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Amended Application	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Public Comments	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Layering	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	From Lands – verify limit/duty	<input type="checkbox"/> No <input checked="" type="checkbox"/> Yes	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	To Lands	<input type="checkbox"/> No <input checked="" type="checkbox"/> Yes	
“FROM and TO” Lands - Tables should be formatted in Calibri 10pt font					
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	POA/APOA - Measurement(s) in table from <u>ALL</u> authorized point(s) involved in transfer to proposed points	<input type="checkbox"/> No <input checked="" type="checkbox"/> Yes	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	POU - Header description on both “FROM and TO” POU tables; include total number of acres	<input type="checkbox"/> No <input checked="" type="checkbox"/> Yes	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	USE – Season of use	<input type="checkbox"/> No <input type="checkbox"/> Yes	

Special Findings					
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Change in character of use – conditions to prevent enlargement	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Cancellation(s)	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes
Determination and Proposed Action					
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Includes proposed changes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Correct ORS/OAR	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Cancellation/Abandonment	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes
Conclusions of Law					
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	POA/APOA – Correct finding that identifies point(s) of appropriation	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	POU - delete finding if a change in POU is not proposed	<input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	USE – delete finding if a change in USE is not proposed	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes

Remaining Right - formatted in Calibri 12pt font					
PR	CW	Coord			Notes
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Limit/Duty paragraph matches original Certificate	<input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Updated Footer – Transfer #, Original Cert # and your initials	<input checked="" type="checkbox"/> No	<input checked="" type="checkbox"/> Yes
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Include with DPD Peer Review	<input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes

Cover Letter - formatted in Calibri 12pt font					
PR	CW	Coord			Notes
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Dated	<input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	30-day deadline updated	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Newspaper notice	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Report of Ownership	<input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	WM Conditions	<input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	CC – Agent and WM	<input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes

Public/Newspaper Notice - formatted in Calibri 12pt font					
PR	CW	Coord			Notes
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Saved as non-Macro Document	<input type="checkbox"/> No	<input type="checkbox"/> Yes
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Include with DPD Peer Review	<input type="checkbox"/> No	<input type="checkbox"/> Yes

Watermaster Review Form: Water Right Transfer



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

Transfer Application: T-13945

Review Due Date: 04/28/2022

Applicant Name: Opal Asset Management

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

Reviewer(s): David Bates

Date of Review: 04/12/2022

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

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

☐ Yes ☐ No If "Yes", explain:

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

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

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

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

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

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

☐ Yes ☐ No If "Yes", describe:

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

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

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

☐ Yes ☐ No If "Yes", explain:

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

☐ Yes ☐ No If "Yes", explain:

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

☐ Yes ☒ No If "Yes", explain:

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

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

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

☐ A Headgate should be required prior to diverting water.

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

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

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

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

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

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

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

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

☐ Weir

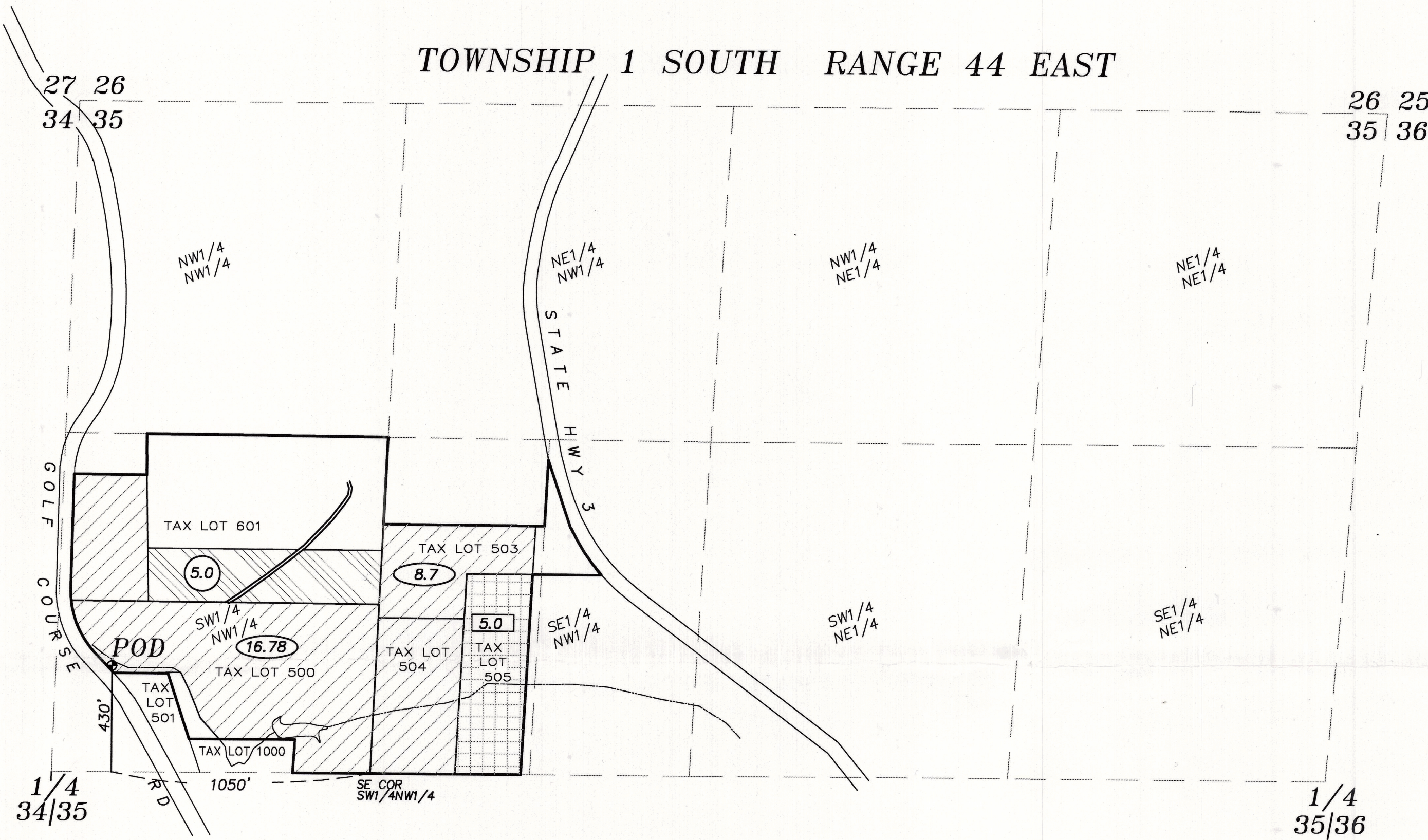
☐ Submerged Orifice

☐ Parshall Flume

☐ Flow Restrictor

☐ Other: ____

TOWNSHIP 1 SOUTH RANGE 44 EAST



SCALE: 1"=400'

LEGEND

- Portion of Certificate 41280 to remain in place
- Portion of Certificate 41280 from which place of use to be transferred
- Lands to which place of use to be transferred
- Authorized Point of Diversion
- Area of water rights to remain in place
- Area of water rights to be transferred
- Area of land receiving water rights



Renews: June 30, 2023

NOTE: The preparation of this map was for the purpose of identifying the location of proposed water rights and is not intended to provide dimensions or location of property ownership lines. Location information hereon was furnished by the applicant.

February 15, 2021

APPLICATION FOR TRANSFER OF PLACE OF USE

FOR
OPAL ASSETS MANAGEMENT, LLC
BY
BAGETT, GRIFFITH AND BLACKMAN
2006 ADAMS AVE
LA GRANDE, OREGON 97850

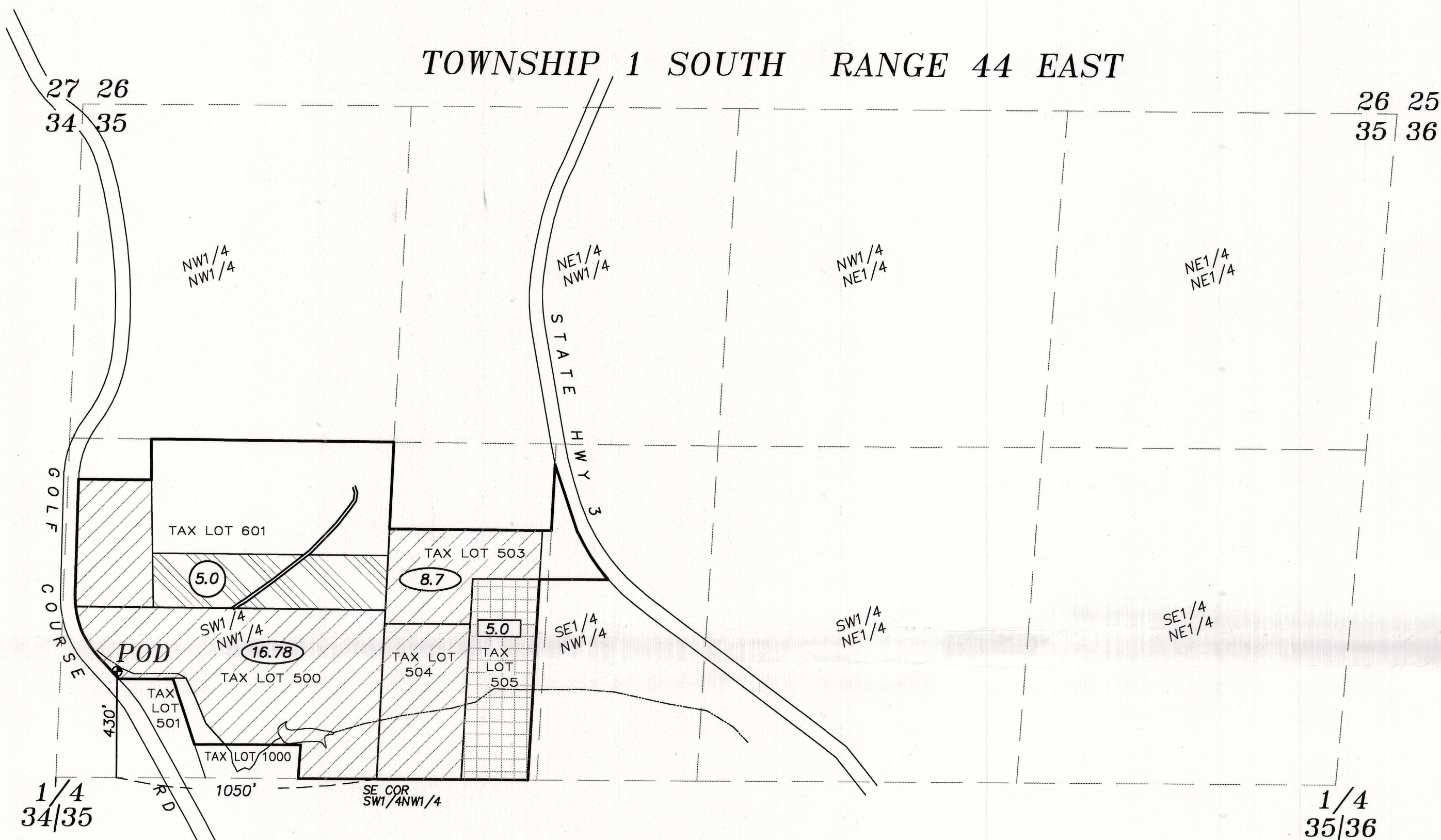
APPLICATION NO. _____

PERMIT NUMBER _____

RECEIVED
MAR 18 2022


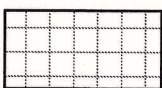





OWRD

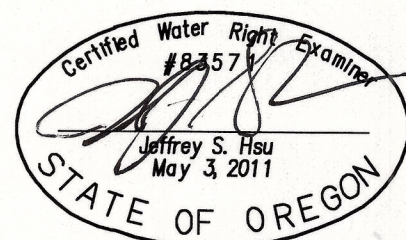
TOWNSHIP 1 SOUTH RANGE 44 EAST



SCALE: 1"=400'

LEGEND

-  Portion of Certificate 41280 to remain in place
-  Portion of Certificate 41280 from which place of use to be transferred
-  Lands to which place of use to be transferred
-  Authorized Point of Diversion
-  Area of water rights to remain in place
-  Area of water rights to be transferred
-  Area of land receiving water rights



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APPLICATION FOR TRANSFER OF PLACE OF USE

FOR
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BAGETT, GRIFFITH AND BLACKMAN
2006 ADAMS AVE
LA GRANDE, OREGON 97850

RECEIVED

MAR 18 2022

OWRD

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