

regular

Name Walla Walla lake irrigation districtAddress 45191 Dobbin road
Joseph Oregon 97846Change in USEDate Filed 2/25/2022Initial notice date 3/8/2022

DPD issued date

PD issued date 11/21/2022PD notice date 11/22/2022

Date of FO _____ Vol _____ Page _____

C-Date _____

COBU due date _____

COBU Received date _____

Certificate issued _____

DESCRIPTION OF WATER RIGHT(s)

Name of Stream Walla Walla lakeTrib. of Walla Walla riverUse livestock & domestic County Walla Walla

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

Name of ditch _____

App# 00000 Per # _____ Cert # 2949 PR Date _____

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

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

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

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

FEES PAID

Date	Amount	Receipt #
<u>2-25-2022</u>	<u>\$680.00</u>	<u>1375616</u>
<u>12-27-2022</u>	<u>\$950.00</u>	<u>139824</u>

FEES REFUNDED

Date	Amount	Receipt #
<u>4/13/2022</u>	<u>\$680.00</u>	<u>VP053519</u>

Assignments: _____

Irrigation District _____

Agent Dan Butterfield butterfieldfarms@live.com

CWRE _____

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



Oregon

Tina Kotek, Governor

Water Resources Department

North Mall Office Building
725 Summer Street NE, Suite A
Salem, OR 97301-1271
503-986-0900
FAX 503-986-0904

January 19, 2023

Mr. Fred Steen
66998 Crow Creek Road
Enterprise, Oregon 97828

RE: Transfer Application Number T-13931, Wallowa Lake Irrigation District

Dear Mr. Steen,

The department received the protest and fee on the above referenced application on December 27, 2022. Receipt number 139824 for check number 2145 in the amount of \$950.00 for payment of the fee to file a protest to the Preliminary Determination on Application T-13931 is enclosed.

The department will review the protest and contact you if there is an opportunity for settlement. If settlement does not appear to be an option, the application will be included in the pending applications waiting for referral for a hearing.

Please contact me directly if you have any questions regarding the process. You can provide your email address by using my email below or by calling me with your phone number.

Sincerely,

Will Cross
Protest Program Specialist
Water Right Services Division
Will.f.cross@water.oregon.org ; +1 (971) 338-8135

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

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

RECEIPT # **139824**

INVOICE # _____

RECEIVED FROM: Fred R Steen
BY: Shelly R Steen

APPLICATION	1
PERMIT	
TRANSFER	T-13931

CASH: ☐ CHECK: # 2145 OTHER: (IDENTIFY) ☐

TOTAL REC'D \$ 950.00

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:

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

WELL CONSTRUCTION

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

0223 OTHER (IDENTIFY) Protest \$ 950.00

0536 TREASURY 0437 WELL CONST. START FEE

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

OTHER (IDENTIFY) _____

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

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

TREASURY OTHER / RDX

FUND _____ TITLE _____

OBJ. CODE _____ VENDOR # _____

DESCRIPTION _____ \$ _____

RECEIPT: **139824**

DATED: 12-27-2022 BY: [Signature]

RECEIVED

DEC 27 2022

OWRD
SALEM, OREGON

STATE OF OREGON
WATER RESOURCES DEPARTMENT
WATER RIGHTS DIVISION

Before the Director of the Water Resources Department

In the Matter of Water Right	)	PROTEST OF FRED STEEN
Application Number T-13931	)	AND REQUEST FOR
Submitted by Wallowa Lake	)	CONTESTED CASE HEARING
Irrigation District	)	

Pursuant to ORS 540.520(6) and OAR 690-380-4030, I hereby protest the Preliminary Determination dated November 21, 2022, of Water Right Application Number T-13931 (Application). The Oregon Water Resources Department (Department) issued the Preliminary Determination in response to the Application received by the Department on February 25, 2022. The Preliminary Determination recommends that the Department issue a Final Order approving the change in the character of use to multipurpose from supplemental irrigation, domestic, and stockwater use in part because the transfer would not result in injury. See OAR 690-380-4010(2)(d).

A protest must be filed within 30 days after the date of last publication of the newspaper notice or the Department's weekly notice. OAR 690-380-4030(1). The date of last publication of the newspaper notice was on November 30, 2022, in the *Wallowa Chieftain*. This protest is timely, and I hereby formally request a contested case hearing.

1. My Name and Address

My contact information is as follows:

Mr. Fred Steen
66998 Crow Creek Road
Enterprise, Oregon 97828

All orders, notices, and other correspondence concerning this matter should be sent to me at the above address.

2. My Interest in the Preliminary Determination

I am a patron of the Wallowa Lake Irrigation District (District). Based on communications with the Department (Dante Luongo, Customer Service Representative Water Right Services Division) and my own independent research, I believe I have several water rights appurtenant to my property, which is located at the street address noted above. In particular, Water Right Certificate No. 95524 issued to Dobbin Ditch Company and its assignees confirms the right to use the waters of Eagle Cap Reservoir in Wallowa Lake for irrigation, domestic and

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DEC 27 2022

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SALEM, OREGON

supplemental irrigation on a place of use that includes my property. In addition, Water Right Certificate No. 91137 issued to Farmers Water Ditch Co. confirms the right to use the waters of the Wallowa River, a tributary to the Grand Ronde River for irrigation, livestock and domestic use on place of use that also includes my property. Finally, Water Right Certificate No. 14521 issued to Farmers Water Ditch Company confirms the right to use the waters of Little Sheep Creek and McCully Creek, a tributary of Imnaha River, for the purpose of irrigation and supplemental irrigation on a place of use that includes my property.

All of these water rights are important to me, as they provide different sources of water with different priority dates for irrigation of my property, as they not only provide me with the right and ability to irrigate my land, but they help to protect me and other District patrons against low water conditions. Along these lines, it should come as no surprise that the patrons of the District and other irrigators that rely on the Wallowa River and its tributaries have already experienced the effects of drought. Over 44% of Wallowa County is currently experiencing moderate drought, while the remaining portion of the county is abnormally dry. See National Oceanic and Atmospheric Administration, Drought Conditions for Wallowa County, <https://www.drought.gov/states/oregon/county/wallowa>. In light of this and the unknown future impacts from changes in precipitation and snowpack patterns, the future water availability in the Wallowa River basin concerns me and other District patrons.

I have many concerns with the Application and Preliminary Determination, but in terms of injury to the water rights appurtenant to my property, one of my primary interests is that if a Final Order is issued consistent with the Preliminary Determination, it will directly affect the availability of water in Wallowa Lake that could be used to satisfy water needs on my property, pursuant to Certificate No. 95524. Instead of being used for irrigation, the water will be used for in-stream flows. Moreover, the lack of such stored water for irrigation will also result in injury to the other water rights that are appurtenant to my property, as the diminished availability of water under Certificate No. 95524 will only put more pressure on the other two water rights that are appurtenant to my property, Certificate Nos. 91137 and 14521, as these water rights may very well be exhausted earlier and more readily than if the proposed transfer were not to occur.

I understand the District is pursuing the Application and Preliminary Determination as a condition that has been imposed on it by the State of Oregon and two Indian tribes. In essence, funding is being made available to the District to make repairs to Wallowa Dam, and in order to receive these funds, strings have been attached requiring the District to transfer a portion of the most senior Wallowa Lake storage rights from irrigation storage to multipurpose storage as part of a Memorandum of Agreement (MOA). The transfer will effectively enable water to be stored and released for in-stream flows to ostensibly support fish species that will be introduced into the basin. I further understand that the District is representing that it's really not giving all of the transferred water away to support the fish introductions, as according to the District, some of the intended-to-be-transferred storage (amount of acre-feet unspecified) would be available to exchange with non-District irrigators who currently divert water from tributaries. Of course, there would be no net increase in irrigation water under such exchanges, as the District would simply be exchanging stored water for tributary water that thereafter would be left in-stream. In any event, there is no explanation as to how water from Wallowa Dam would be pumped up and over the hills and conveyed up the tributaries for irrigation use. Such exchanges are sure to

become a net negative for irrigation, given differences in priority dates, water availability, and water accessibility. Thereby, the exchanges will wind up favoring tributary irrigators at the expense of and harm to us District irrigators, especially in water-short seasons.

Beyond that, I also understand the District presumes to "make-up" for the 4,500 to 5,000 acre-feet of storage transferred and promised to in-stream and tributary-irrigator use by "accessing" a similar amount of other stored water in the lake/reservoir; storage which is not now accessible, or possibly even available to them. Given that the District will lose 5,000 acre-feet in the combined transfer and promised storage rights, and given that the District does not have a new storage right for that amount, it is evident that, in an acute water-short season, coupled with increased competition for all available water (a growing likelihood given weather/climate patterns and water-for-fish prioritization) any limited storage water remaining in the later season (August through September) that is actually accessible would be available to the dedicated purposes of the most senior water storage right. If the proposed transfer were to be approved, those purposes would NOT be for irrigation use by District patrons. Injury, indeed. Further, the entire community would be injured, including the City of Joseph, which relies upon District reservoir water for its citizens.

In any event, at no time prior to the submittal of its Application did the District Board exercise basic fiduciary responsibility to educate or inform members of actions being considered that would surrender permanently their most senior storage rights, thereby absolutely reducing their available irrigation water; nor that other, tributary irrigators would gain some of those rights. Neither did the Board seek comment or support from members within the District, or seek an independent evaluation from an impartial consultant unconnected with any of the MOA stakeholders or others who stand to benefit directly from project execution.

In prolonged water shortage conditions, these losses of senior-priority storage water rights can and will translate into reduced agricultural productivity and vitality, lowered economic livelihoods for all members, a permanent reduction in property values, and diminished ecological vitality. These are derivative harms to members and the entire community which are significant and long-lasting – and may be unrecoverable. Clearly, the proposed water right transfer will permanently and irrevocably alter the water rights and available water behind Wallowa Dam and in the Wallowa River for irrigation, and further impact other irrigation water rights, which will need to be relied upon more heavily to make up for loss of stored water. These are all water rights involving the waters of the Wallowa basin that I and other District patrons rely on to support our livelihoods and the community at large.

If anything, it would seem that while injury (both direct and derivative) would still occur, the District could have chosen to transfer more junior storage rights to help minimize the harmful effects on me and other District patrons, and the extent of derivative effects more widely on the community.

In sum, as a District patron with existing water rights appurtenant to my property, the change in use proposed in the Application and the Preliminary Determination is of grave concern to me, as a Final Order approving the Preliminary Determination would result in injury to the water rights appurtenant to my property.

3. Argument

Without access to the storage water included in the District's Application, the future availability of water to satisfy the existing water rights appurtenant to my land is threatened. Because the permanent transfer of the water right in Application T-13931 would result in injury to existing water rights, I request a contested case hearing under ORS 540.520(7), and further request that the Application be denied.

When an application does not satisfy the requirements of OAR 690-380-5000(1), the Department is required to deny it. The criteria at issue here, OAR 690-380-5000(1)(d), requires the Department to determine whether a water right transfer will result in injury as defined in OAR 690-380-0100(3). That provision states an injury means "a proposed transfer would result in another, existing water right not receiving previously available water to which it is legally entitled." OAR 690-380-0100(3).

Courts interpreting what constitutes "injury" under OAR 690-380-0100(3) have expressly held that in-stream flows that may impact a water right holder's ability to withdraw water during low water period satisfies the rule. *Kerivan v. Water Resources Commission*, 188 Or.App. 491, 499-500, 72 P.3d 659 (2003). In *Kerivan*, a protestant alleged that in-stream water use would limit its ability to withdraw water during low water periods. *Id.* The court determined this was an injury under OAR 690-380-0100 (formerly OAR 690-015-0050). *Id.*

Any person may file a protest to a proposed water right transfer. OAR 690-380-4030(1). Further, under ORS 540.520(7), "If a timely protest is filed...the department shall hold a hearing on the matter." ORS 540.520(7). The Department may also hold a hearing if, in the opinion of the Water Resources Director such a hearing is necessary to determine if a proposed change will result in injury. *Id.*

In its Preliminary Determination, the Department found that the transfer at issue here would not result in injury. That finding is incorrect because the proposed change in use will injure existing water rights appurtenant to my land, as detailed above. I respectfully request a contested case hearing to determine whether the proposed transfer will result in injury.

Like *Kerivan*, the ultimate in-stream use of water stored in Wallowa Lake threatens my ability to receive sufficient water supplies pursuant to the water rights appurtenant to my land by potentially limiting my ability to access water during low water periods. The availability of water for irrigation is essential to meet the existing water rights along the Wallowa River. Without such supplies, irrigators will be forced to curtail their use prematurely, resulting in water rights not receiving previously available water to which they were entitled. A contested case hearing is necessary to address this potential for injury and allow me the time and opportunity to examine the transfer in question and the proposed new use.

This potential injury was also communicated in the "Comment on Application for Permanent Water Right Transfer - Character of Use filed by Wallowa Lake Irrigation District (T-13931)" dated April 7, 2022. However, the Department ignored the injury identified in that

comment. The comment stated that changing the purpose to in-stream uses would jeopardize use for agricultural purposes. I hereby incorporate all of my prior comments contained in my April 7, 2022 comment letter, a copy of which is included with this Protest.

Despite this, the Department stated in its Preliminary Determination under the Transfer Review Criteria that "The proposed change would not result in injury to other water rights." The Department mischaracterizes the concerns in the comment. A potential lack of available water to meet existing water rights from Wallowa Lake, the Wallowa River, and tributaries to the Wallowa River is a cognizable injury to existing water rights. Accordingly, the Department should hold a contested case hearing to determine whether the proposed change in use will injure the water rights appurtenant to my property.

4. Protest Filing Requirements

This protest is timely filed. Any person may submit a protest to a proposed final order within 30 days after the date of last publication of the newspaper notice or the Department's weekly notice. OAR 690-380-4030(1). The last publication of the newspaper notice was on November 30, 2022. Therefore, any protests of the Preliminary Determination must be submitted to the Department on or before December 30, 2022.

I have complied with the provisions of OAR 690-380-4030(2) and OAR 690-002-0030. The protest is signed and in writing and includes the filing fee of \$950. See OAR 690-002-0030(1); ORS 536.050(1)(j)(A). It also contains a detailed statement of:

- (a) Facts sufficient to show that the protestant is entitled to the relief or action requested;
- (b) The specific relief or action requested;
- (c) The name and address of the protestant and other person or persons necessary to, or having a direct interest in, the proceeding; and
- (d) Citation of legal authority or basis for the claim or relief asserted or requested.

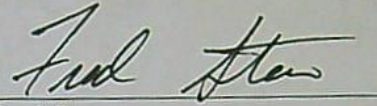
5. Conclusion and Request for Contested Case Hearing

As a patron of the District with existing water rights for irrigation appurtenant to my land, I am committed to the beneficial use of water in the Wallowa River for agricultural uses and other purposes. However, if a Final Order is issued by the Department consistent with the Preliminary Determination, such an approval would injure the existing water rights appurtenant to my property by limiting my ability to fully access water under these water rights, particularly when drought conditions are being experienced. This is a cognizable injury under applicable law. Accordingly, the Department should hold a contested case hearing to examine the injury alleged

herein. If the Department concludes the transfer will injure the water rights appurtenant to my land, it must deny the Application.

Dated: December 21, 2022

Respectfully Submitted,

A handwritten signature in cursive script, appearing to read "Fred Steen", written over a horizontal line.

Fred Steen

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DEC 27 2022

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SALEM, OREGON

Via email and fax: joan.m.smith@oregon.gov, patrick.k.starnes@oregon.gov,
arla.l.heard@oregon.gov, corey.a.courchane@oregon.gov
fax number: (503) 986-0901

April 7, 2022

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

Attention: Joan Smith, Patrick Starnes, Arla Heard, Corey Courchane

Re: Comment on "Application for Permanent Water Right Transfer – Character of Use" filed by
Wallowa Lake Irrigation District (T-13931)

This comment in opposition to the Application is submitted by the undersigned group of Irrigation District members/patrons, each of whom is a long-term water user, predating the District by decades.

The size of the group is limited only by the time of year, calving for the ranchers among us, and the recency of just learning about the existence of this Application. Our comments are constrained by the limited time available to become informed of the underlying issues and their implications.

We were unaware of the entire process which underlies this Application, especially the existence of a Memorandum of Agreement (MOA) between our District and the Oregon Department of Fish and Wildlife plus two tribes.

Reading the MOA left us stunned. Together with this Application and recent announcements from Oregon US senators of a \$2,000,000 earmark, they reveal a grand plan (GP) involving fish, dam rehab with "necessary fish passage", and the reallocation/re-prioritization of District stored water; and the rights thereto. This GP manifests a number of deeply troubling features:

- A key trigger of the GP appears to be approval of this Application, after which a whole series of actions follow, spread out over many years; an application thus warranting careful scrutiny
- Highly aggressive in its designs to take agricultural water rights for in-stream/fish use
- Extreme in "perpetual" expectations
- In total disregard of natural climate and weather influences on water availability, especially the high likelihood of continuing/worsening drought throughout the Western US
- Highly skewed in its favoring and prioritizing fish-in-water over agriculture-and-life-on-land
- Insensitive to the legitimate needs for water to sustain all life and agriculture within the Valley
- Inevitably disruptive to established agricultural practices which have been refined over decades of experience in wise use of water for irrigation and stock on local soils
- Complete absence of consideration of Valley hydrology and the disruptive dehydration effects of removing significant amounts of water from both irrigation and subsurface flows by high-volume in-stream water transfer in the main stem of the Wallowa River
- Highly imbalanced in its 'trading' away "*in perpetuity*" (*forever*) stored agricultural water to be used exclusively for in-stream/fish, and stored-yearly-until-needed-free-of-charge *forever*; all in exchange for a dam-rehab-plus with a service life of merely 30-40 years
- Preemptively capturing the in-stream/fish water immediately, before the funds are in hand to do the rehab work, before the rehab plans are even completed, before the meaning of 'fish passage'

is even finalized, and years before the rehab is finished and adequate stored water might be available for both in-stream commitments and agricultural needs

- Establishes a new political water regime in the Wallowa Basin, especially in the upper river and lake, which will facilitate:
 - a) funding for and subsequent management of (re-)introduction of various fish species
 - b) derivative involvement of other, non-agricultural water seekers and regulators
 - c) judicial reclassification of introduced species to 'protected' status
 - d) subsequent judicial preemption of state water law in favor of mandated, individual water reserves and annual flows suited to each of the newly-protected species – *forever*.

Our opposition is deeply-rooted and fundamental. We know not all of the implications of this grand plan, but what we have outlined induce grave concern for both the sustainability of our agriculture and the livability of our green valley.

There is one last matter of particular importance, our concern over the potential injury to agricultural water users in the valley who have other, non-storage water rights. If this Application were to be approved, leading to a) minimum stream flows sufficient to support whatever necessary fish passage facilities are eventually constructed to satisfy Federal stipulations (attached to the \$2M), and b) high volume releases of many thousand acre feet of stored water down the main channel of the Wallowa River in late summer for weeks to months, **what are the risks of injury to those other water right holders, including access to their water, their associated diversion and delivery works, and their crops and animals?**

We, the undersigned, so comment and sustain.
Thank you.

Jim Hite, Jr.

John Fregulia

Gay Fregulia

Rawley Bigsby

Tom Birkmaier

Fred Steen

Michael Williams

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DEC 27 2022

UWRD
SALEM, OREGON

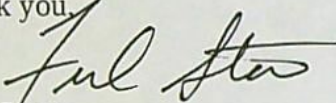
December 21, 2022

Acting Director Doug Woodcock
Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, OR 97301

Dear Acting Director Woodcock:

Enclosed please find my protest of the Preliminary Determination dated Nov. 21, 2022, of water right transfer application #T-13931, along with a check for the filing fee of \$950. This protest is being submitted well in advance of the deadline of Dec. 30, 2022, which is 30 days after the last date of newspaper publication.

Thank you,

A handwritten signature in cursive script, appearing to read "Fred Steen", written in dark ink.

Fred Steen



KNAPP LAW
OFFICE, P.C.

October 11, 2022

Oregon Water Resources Department
c/o Scott Grew
725 Summer St. NE, Suite A
Salem, OR 97301-1266

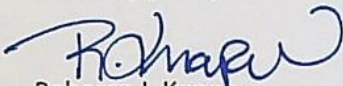
Re: Water Right Transfer Application T-1393

Dear Scott:

Enclosed is a check for \$95.26 for the Newspaper Notice for Transfer Application T-13931 for the
Wallowa Lake Irrigation District.

If you have any questions regarding this application and payment, please give me a call at
541-426-7880.

Sincerely yours,



Rebecca J. Knapp

RJK/lmk
Enclosure

RECEIVED

OCT 14 2022

OWRD

Attached is a check for \$ 95.26 (PCA #46118) for Newspaper Notice for Transfer T-13931 made out to Oregon Water Resources Department (or WRD)

- "for T-13931 NOTICE" written on front of check

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

Caseworker: _Scott

RECEIVED
OCT 14 2022
OWRD

STATE OF OREGON
WATER RESOURCES DEPARTMENT

RECEIPT # **139360** INVOICE # _____
725 Summer St. N.E. Ste. A
SALEM, OR 97301-4172
(503) 986-0900 / (503) 986-0904 (fax)

RECEIVED FROM: Wallowa Lake Irrigation District APPLICATION _____
BY: _____ PERMIT _____
TRANSFER T-13931
CASH: ☐ CHECK: # 1601 OTHER: (IDENTIFY) ☐
TOTAL REC'D \$ 95.26

1083 TREASURY 4170 WRD MISC CASH ACCT

0407 COPIES 46118 \$ _____
0207 OTHER: (IDENTIFY) Newspaper Notice \$ 95.26
0243 I/S Lease _____ 0244 Muni Water Mgmt. Plan _____ 0245 Cons. Water _____

4270 WRD OPERATING ACCT

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

0536 TREASURY 0437 WELL CONST. START FEE

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

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

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

TREASURY OTHER / RDX

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

RECEIPT: **139360** DATED: 10/14/22 BY: B

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

STATE OF OREGON
WATER RESOURCES DEPARTMENT

RECEIPT # **139360** INVOICE # _____
725 Summer St. N.E. Ste. A
SALEM, OR 97301-4172
(503) 986-0900 / (503) 986-0904 (fax)

RECEIVED FROM: Wallowa Lake Irrigation District APPLICATION _____
BY: _____ PERMIT _____
TRANSFER T-13931
CASH: ☐ CHECK: # 1601 OTHER: (IDENTIFY) ☐
TOTAL REC'D \$ 95.26

1083 TREASURY 4170 WRD MISC CASH ACCT

0407 COPIES 46118 \$ _____
0207 OTHER: (IDENTIFY) Newspaper Notice \$ 95.26
0243 I/S Lease _____ 0244 Muni Water Mgmt. Plan _____ 0245 Cons. Water _____

4270 WRD OPERATING ACCT

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

0536 TREASURY 0437 WELL CONST. START FEE

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

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

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

TREASURY OTHER / RDX

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

RECEIPT: **139360** DATED: 10/14/22 BY: B

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

IN THE CIRCUIT COURT OF
THE STATE OF OREGON
FOR WALLOWA COUNTY

RECEIVED

DEC 14 2022

OWRD
SALEM, OREGON

}AFFIDAVIT OF PUBLICATION
STATE OF OREGON
County of Wallowa} ss

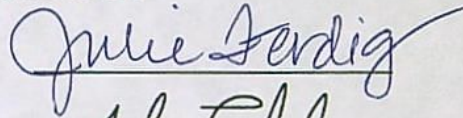
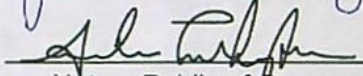
I, Julie Ferdig being duly sworn, depose and say that I am the principal clerk of
the publisher of the Wallowa County Chieftain, a newspaper of general circulation, as defined by ORS
193.010 and 193.020;
that the

NOTICE OF PRELIMINARY DETERMINATION FOR WATER RIGHT TRANSFER T-13931 T- 13931 FILED BY WALLOWA
LAKE IRRIGATION DISTRICT 65196 DOBBIN RD JOSEPH OR 97846 PROPOSES A CHANGE OF CHARACTER OF USE
UNDER CER

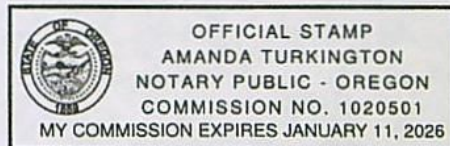
a printed copy of which is hereto annexed; was published in the entire issue of said newspaper
for 2 successive and consecutive issues in the following issues:

11/23/22, 11/30/22

Subscribed and sworn to before me on this 30th day of November, A.D. 2022



Notary Public of Oregon

Add: 328785
PO:
Tagline: T-1391



**Notice of Preliminary
Determination for
Water Right Transfer T-13931**

T-13931 filed by Wallowa Lake Irrigation District, 65196 Dobbin Rd, Joseph, OR 97846, proposes a change of character of use under Certificate 2949. The right allows the use of 4500 acre-feet from the Wallowa Lake for storage for supplemental irrigation, domestic, and stock use. The applicant proposes to change the character of use to multipurpose. The Water Resources Department proposes to approve the transfer, based on the requirements of ORS Chapter 540 and OAR 690-380-5000.

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

Legal No. 328785
Published: November 23, 30,
2022

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DEC 14 2022

OWRD
SALEM, OREGON

WATER RIGHT TRANSFER COVER SHEET

Transfer: T- 13931

Transfer Specialist: *SWH*

Transfer Type: Regular Transfer

Applicant: WALLOWA LAKE IRRIGATION DISTRICT 65196 DOBBIN RD JOSEPH, OR 97846 Email: _____ Phone: _____		Agent: ☐ N/A DAN BUTTERFIELD 61901 PRAIRIE CREEK RD JOSEPH, OR 97846 Email: _____ Phone: _____	
Irrigation District: ☐ N/A Email: _____		CWRE: ☐ N/A Email: _____	
Affected Local Gov'ts: ☐ N/A Wallowa County Planning Email: _____		Affected Tribal Gov't: ☐ N/A UNAVAILABLE Email: _____	
Current Landowner if other than Applicant: ☐ N/A Email: _____		Receiving Landowner: ☐ N/A Email: _____	

Water Rights Affected

File Marked	App. File # or Decree Name	Permit	Certificate	RR/CR Needed	RR/CR Nos.
☐	DECREE	WALLOWA RIVER	2949	☐ Yes ☒ No	
☐				☐ Yes ☐ No	
☐				☐ Yes ☐ No	

Key Dates & Initial Actions:

Rec'd: February 25, 2022	Proposed Action(s): USE	
Fees Pd: 680.00	WM District: 7	ODFW District:
Initial Public Notice: March 8, 2022	WM Review sent:	ODFW Review sent:
Acknowledgement Letter Sent ☒		GW Review sent: ☐ N/A
County sent cc: of Ack Letter ☐	BOR notified (date): ☐ N/A	
Newspaper quote requested: 9/23/22	Request for news \$ sent: 9/23/22	News \$ received: [REDACTED]
Request to publish sent:	Affidavit of publication received:	Last day of publication:

Wallowa County Clerk

Document	Drafted	Peer Review	Changes Made	Coordinator	Changes Made	Signature Bin	Signature Date
DPD	Date: 9/16/22 Initials: <i>SWH</i>	Date: 9/16/22 Initials: <i>SWH</i>	Date: _____ Initials: _____	Date: 9/21/22 Initials: <i>PKS</i>	Date: 9/23/22 Initials: <i>SWH</i>	CW Sent: 9/23/22	N/A
PD	Date: 10/13/22 Initials: <i>SWH</i>	Date: 10/13/22 Initials: <i>SWH</i>	Date: _____ Initials: _____	Date: 11/8/22 Initials: <i>PKS</i>	Date: 11/9/22 Initials: <i>SWH</i>	Date: 11/9/22	Date: 11/21/2022
FO	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____	Date: _____

Special Issues: WAITING FOR NEWSPAPER \$ before PD

Special Order Volume: Vol. _____ Pages _____

GREW Scott A * WRD

From: PHILLIPS Stacy H * WRD
Sent: Monday, November 21, 2022 1:48 PM
To: GREW Scott A * WRD
Subject: T-13931 Publication Dates

Hi Scott,

The dates of publication for this notice are 11/23 and 11/30/2022.

Thanks,

Stacy H. Phillips

Restoration Program Technician

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

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



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

Via email and fax: joan.m.smith@oregon.gov, patrick.k.starnes@oregon.gov,
arla.l.heard@oregon.gov, corey.a.courchane@oregon.gov
fax number: (503) 986-0901

April 7, 2022

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

COPY

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APR 08 2022

OWRO

Attention: Joan Smith, Patrick Starnes, Arla Heard, Corey Courchane

Re: Comment on "Application for Permanent Water Right Transfer – Character of Use" filed by
Wallowa Lake Irrigation District (T-13931)

This comment in opposition to the Application is submitted by the undersigned group of Irrigation District members/patrons, each of whom is a long-term water user, predating the District by decades.

The size of the group is limited only by the time of year, calving for the ranchers among us, and the recency of just learning about the existence of this Application. Our comments are constrained by the limited time available to become informed of the underlying issues and their implications.

We were unaware of the entire process which underlies this Application, especially the existence of a Memorandum of Agreement (MOA) between our District and the Oregon Department of Fish and Wildlife plus two tribes.

Reading the MOA left us stunned. Together with this Application and recent announcements from Oregon US senators of a \$2,000,000 earmark, they reveal a grand plan (GP) involving fish, dam rehab with "necessary fish passage", and the reallocation/re-prioritization of District stored water; and the rights thereto. This GP manifests a number of deeply troubling features:

- A key trigger of the GP appears to be approval of this Application, after which a whole series of actions follow, spread out over many years; an application thus warranting careful scrutiny
- Highly aggressive in its designs to take agricultural water rights for in-stream/fish use
- Extreme in "perpetual" expectations
- In total disregard of natural climate and weather influences on water availability, especially the high likelihood of continuing/worsening drought throughout the Western US
- Highly skewed in its favoring and prioritizing fish-in-water over agriculture-and-life-on-land
- Insensitive to the legitimate needs for water to sustain all life and agriculture within the Valley
- Inevitably disruptive to established agricultural practices which have been refined over decades of experience in wise use of water for irrigation and stock on local soils
- Complete absence of consideration of Valley hydrology and the disruptive dehydration effects of removing significant amounts of water from both irrigation and subsurface flows by high-volume in-stream water transfer in the main stem of the Wallowa River
- Highly imbalanced in its 'trading' away "in perpetuity" (forever) stored agricultural water to be used exclusively for in-stream/fish, and stored-yearly-until-needed-free-of-charge forever; all in exchange for a dam-rehab-plus with a service life of merely 30-40 years
- Preemptively capturing the in-stream/fish water immediately, before the funds are in hand to do the rehab work, before the rehab plans are even completed, before the meaning of 'fish passage'

is even finalized, and years before the rehab is finished and adequate stored water might be available for both in-stream commitments and agricultural needs

- Establishes a new political water regime in the Wallowa Basin, especially in the upper river and lake, which will facilitate:
 - a) funding for and subsequent management of (re-)introduction of various fish species
 - b) derivative involvement of other, non-agricultural water seekers and regulators
 - c) judicial reclassification of introduced species to 'protected' status
 - d) subsequent judicial preemption of state water law in favor of mandated, individual water reserves and annual flows suited to each of the newly-protected species – *forever*.

Our opposition is deeply-rooted and fundamental. We know not all of the implications of this grand plan, but what we have outlined induce grave concern for both the sustainability of our agriculture and the livability of our green valley.

There is one last matter of particular importance, our concern over the potential injury to agricultural water users in the valley who have other, non-storage water rights. If this Application were to be approved, leading to a) minimum stream flows sufficient to support whatever necessary fish passage facilities are eventually constructed to satisfy Federal stipulations (attached to the \$2M), and b) high volume releases of many thousand acre feet of stored water down the main channel of the Wallowa River in late summer for weeks to months, **what are the risks of injury to those other water right holders, including access to their water, their associated diversion and delivery works, and their crops and animals?**

We, the undersigned, so comment and sustain.
Thank you.

Jim Hite, Jr.
John Fregulia
Gay Fregulia
Rawley Bigsby
Tom Birkmaier
Fred Steen
Michael Williams

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APR 11 2022

OWRD

STATE OF OREGON

COUNTY OF WALLOWA

CERTIFICATE OF WATER RIGHT

THIS IS TO CERTIFY, That the ASSOCIATED DITCH COMPANIES, by J. H. Dobbin, of Joseph, State of Oregon, has a right to the use of the waters of Wallowa Lake, a tributary of the Wallowa River, for the purpose of the storage for supplemental irrigation, domestic and stock use, to supplement the diversion for direct irrigation for lands irrigated by the Silver Lake Ditch Company; Farmers Ditch Company; Citizens Ditch Company; Big Bend Ditch Company; Wrenn-Dobbin Ditch Company and the Dobbin Ditch Company, and that said right has been confirmed by decree of the Circuit Court of the State of Oregon for Wallowa County, and the said decree entered of record at Salem, in the Order Record of the STATE WATER BOARD of Oregon, in Volume 5, at page 144; that the priority of the right hereby confirmed dates from 1905; that the amount of water entitled to be stored each year under such right, for the purposes aforesaid, shall not exceed 9230 acre feet.

WITNESS the seal and signature of the STATE WATER BOARD.

affixed this 2nd day of April, 1921.

STATE WATER BOARD

(SEAL OF STATE WATER BOARD)

By PERCY A. CUPPER,
State Engineer, President.

ATTEST.

R. W. POTTER,
Secretary.

Via usps, email and/or fax: joan.m.smith@oregon.gov, patrick.k.starnes@oregon.gov,
arla.l.heard@oregon.gov, corey.a.courchane@oregon.gov
fax number: (503) 986-0901

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

COPY

RECEIVED

APR 06 2022

OWRD

Attention: Joan Smith, Patrick Starnes, Arla Heard, Corey Courchane

Re: Comment on "Application for Permanent Water Right Transfer – Character of Use" filed by
Wallowa Lake Irrigation District (T-13931)

As a District member/patron, and as a water user of many years standing, our family is opposed to this Application.

Until informed by a neighbor, we had no knowledge of the filing, nor of the District Board's thinking behind it; nor of the MOA which is referenced, but not included with the application. Even without our own copy of the MOA to study, and without any guidance or explanation from the Board, the MOA appears to reveal an ambitious, long-long-longterm plan to capture our agricultural water and convert it to in-stream water for fish.

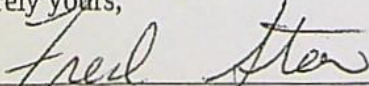
The seriousness of this business is hard to overstate. One thing is quite clear. It is way premature to go forward with this initial step (T-13931) of an immediate process to reallocate several thousand acre feet of stored water for fish, every year forever, even before the associated Wallowa Lake Dam plans have been finalized, or sufficient money is actually in the bank to build out those repair-and-extend plans, or construction is actually completed and the facility becomes fully operational.

Most importantly, every farmer/rancher family in the District deserves an opportunity to receive a thorough airing of the plans, explanation of the roles and goals of each of the participants in the MOA, and an evaluation of the multiple risks-and-benefits to their agricultural water. Additionally, all agricultural water right holders not included in the above Application should be assured that the proposed transfer(s) will not risk harm to their rights and associated agricultural activities.

This care and thoroughness is critically important to ensuring the continuation of Wallowa Valley agriculture and all-round livability for all residents; especially, given the existing and predicted-to-worsen drought conditions (as foreseen by NOAA) for most all of the West.

Our livelihoods and sustainability of the entire Valley may well be at stake here.

Sincerely yours,


4-2-2022
541-426-5909

WATER RESOURCES DEPARTMENT

DIVISION 508

GRANDE RONDE BASIN PROGRAM

690-508-0040

Wallowa River Subbasin

(1) Classifications:

(a) The maximum economic development of this state and the attainment of the highest and best use of the waters of the Wallowa River Basin and the attainment of an integrated and coordinated program for the benefit of the state as a whole, will be furthered through utilization of the aforementioned waters only for domestic, livestock, municipal, **irrigation**, power development, industrial, mining, recreation, wildlife, and fish life purposes and the waters of the Wallowa River Basin are hereby so classified with the following specific exceptions:

(b) Applications for use of the waters of the Wallowa River Basin shall not be accepted by any state agency for any other purpose and the granting of applications for such other purposes is declared to be prejudicial to the public interest and the granting of applications for such other uses would be contrary to the integrated, coordinated program for the use and control of the water resources of the state.

(c) Structures or works for the utilization of the waters in accordance with the aforementioned classifications are also declared to be prejudicial to the public interest unless planned, constructed, and operated in conformity with the applicable provisions of ORS 536.310 and any such structures or works are further declared to be prejudicial to the public interest which do not give proper cognizance to the multiple-purpose concept.

FEB 25 2022

Part 5 of 5 – Water Right Information

OWRD

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

CERTIFICATE # 2949

Description of Water Delivery System

System capacity: 9230 AF cubic feet per second (cfs) OR

_____ gallons per minute (gpm)

Describe the current water delivery system or the system that was in place at some time within the last five years. Include information on the pumps, canals, pipelines, and sprinklers used to divert, convey, and apply the water at the authorized place of use. Water is stored in Wallowa Lake by Wallowa Lake Dam creating a pool with a surface area of approximately 1534 acres. The current dam was constructed in 1915, with more mass added to the dam in the early 1920's. Stored Water is then released via control gates.

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, D.L.C. or Gov't Lot	Measured Distances (from a recognized survey corner)
Wallowa Lake Dam	☒ Authorized ☐ Proposed		3 S	45 E	5	NE NW		940'S, 1500' E from NW corner of Section 5
	☐ Authorized ☐ Proposed							
	☐ Authorized ☐ Proposed							
	☐ Authorized ☐ Proposed							

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

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

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

13931

☐ 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.

Part 4 of 5 – Applicant Information and Signature

Applicant Information

APPLICANT/BUSINESS NAME Wallowa Lake Irrigation District			PHONE NO. 541-263-1880	ADDITIONAL CONTACT NO.
ADDRESS 65196 Dobbin Road			FAX NO.	
CITY Joseph	STATE OR	ZIP 97846	E-MAIL wallowa.lake.irrigation@gmail.com	
BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED.				

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

AGENT/BUSINESS NAME Dan Butterfield			PHONE NO. 541-263-0320	ADDITIONAL CONTACT NO.
ADDRESS 61901 Prairie Crk. Rd			FAX NO.	
CITY Joseph	STATE OR	ZIP 97846	E-MAIL butterfieldfarms@live.com	
BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED.				

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

This application seeks to change the character of use on 4,500 AF on storage certificate 2949 to "multipurpose." This change in character of use is pursuant to paragraph 9(c) of the June 22, 2020, Memorandum of Agreement signed by the Wallowa Lake Irrigation District, State of Oregon, Nez Perce Tribe, and Confederated Tribes of the Umatilla Indian Reservation in connection with grant funding to rebuild the Wallowa Lake Dam. The remaining 4,730 AF after the proposed change will retain the existing character of use, which includes supplemental irrigation, domestic and livestock watering.

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.

RECEIVED

FEB 25 2022

13931

OWRD

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 # 2949

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	Acre	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	Acre	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	
3	S	45	E 5	NE NW		4500s AF	Supp. Irrigation, Domestic, Stockwater		1905	USE	3	S	45	E 5	NE NW		4500 AF	Multi- Purpose		1905	
TOTAL ACRES:											TOTAL ACRES:						4500 AF				

STATE OF OREGON

COUNTY OF WALLOWA

CERTIFICATE OF WATER RIGHT

THIS IS TO CERTIFY, That the ASSOCIATED DITCH COMPANIES, by J. R. Dobbin, of Joseph, State of Oregon, has a right to the use of the waters of Wallowa Lake, a tributary of the Wallowa River, for the purpose of the storage for supplemental irrigation, domestic and stock use, to supplement the diversion for direct irrigation for lands irrigated by the Silver Lake Ditch Company; Farmers Ditch Company; Citizens Ditch Company; Big Bend Ditch Company; Wrenn-Dobbin Ditch Company and the Dobbin Ditch Company, and that said right has been confirmed by decree of the Circuit Court of the State of Oregon for Wallowa County, and the said decree entered of record at Salem, in the Order Record of the STATE WATER BOARD of Oregon, in Volume 5, at page 144; that the priority of the right hereby confirmed dates from 1905; that the amount of water entitled to be stored each year under such right, for the purposes aforesaid, shall not exceed 9230 acre feet.

WITNESS the seal and signature of the STATE WATER BOARD.

affixed this 2nd day of April, 1921.

STATE WATER BOARD

(SEAL OF STATE WATER BOARD)

By PERCY A. CUPPER,
State Engineer, President.

ATTEST.

R. W. POTTER,
Secretary.

STATE OF OREGON

COUNTY OF WALLOWA

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

ASSOCIATED DITCH COMPANY
85393 BICENTENNIAL LANE
JOSEPH OR 97846

confirms the right to use the waters of WALLOWA RIVER, tributary to GRANDE RONDE RIVER, in WALLOWA LAKE RESERVOIR for MULTI-USE, including but not limited to Agricultural and Municipal uses.

This right was perfected under permit R-5018. The date of priority is JUNE 5, 1967. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 5257.0 ACRE FEET measured at the point of diversion.

The point of diversion is located as follows:

Twp	Rng	Mer	Sec	GLot	Measured Distances
3 S	45 E	WM	5	4	940 FEET SOUTH AND 1500 FEET EAST FROM THE NW CORNER OF SECTION 5.

A description of the place of use is as follows:

MULTI-USE					
Twp	Rng	Mer	Sec	Q-Q	GLot
3 S	45 E	WM	4	SW NW	4
3 S	45 E	WM	4	NW SW	4
3 S	45 E	WM	4	SW SW	4
3 S	45 E	WM	5	NE 1/4	
3 S	45 E	WM	5	NE NW	
3 S	45 E	WM	5	SW NW	
3 S	45 E	WM	5	SE NW	
3 S	45 E	WM	5	NE SW	
3 S	45 E	WM	5	NW SW	
3 S	45 E	WM	5	SE SW	
3 S	45 E	WM	5	SE 1/4	
3 S	45 E	WM	8	NE 1/4	
3 S	45 E	WM	8	NE NW	
3 S	45 E	WM	8	SE 1/4	
3 S	45 E	WM	9	NW 1/4	
3 S	45 E	WM	9	SW 1/4	

NOTICE OF RIGHT TO RECONSIDERATION OR JUDICIAL REVIEW

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

MULTI-USE					
Twp	Rng	Mer	Sec	Q-Q	GLot
3 S	45 E	WM	16	NW 1/4	
3 S	45 E	WM	16	SW 1/4	
3 S	45 E	WM	17	NE 1/4	
3 S	45 E	WM	17	SE 1/4	
3 S	45 E	WM	20	NE 1/4	
3 S	45 E	WM	20	NE SE	
3 S	45 E	WM	20	NW SE	
3 S	45 E	WM	21	NW 1/4	
3 S	45 E	WM	21	NW SW	

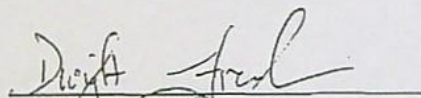
The quantity of water stored for the new uses shall not exceed the quantity of water stored under the original use.

When required by the Department, the water user shall install and maintain a suitable device for measuring and recording the quantity of water stored. The type and plans of the measuring device must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department.

When requested by the Department, the water user or irrigation district shall report on the use of stored water when requested by the Watermaster. The Watermaster may monitor accuracy of the measuring device, as needed.

This certificate is issued to confirm a change in TYPE OF USE approved by an order of the Water Resources Director entered October 12 1998, at Special Order Volume 52, Page 895, approving Transfer Application 7634.

Issued FEB 04 2013


Dwight W. French
Water Right Services Administrator, for
Phillip C. Ward, Director



Oregon Water Resources Department Attribute Report

Report Date: Sep 15, 2022

General:

TRSQQ:	WM3.00S45.00E17NENE
DLC:	-
Latitude:	45.3058289376
Longitude:	-117.2106054357
Buffer ft:	1
DEM Elev. ft. (NAVD1929):	4372.05
Lidar Elev. ft. (NAVD1988):	4378.84
Basin Name:	Grande Ronde
Basin Plan:	4-Wallowa
County:	Wallowa
WM District:	7
WM Region:	EAST
ODFW Region, District:	Northeast Region, Wallowa District
Irrigation District AOI:	-
Irrigation District, Other:	-
Dams (Permit):	-
Water Rights:	Platcard for WM3.00S45.00E17
Well Logs:	Logs for WM3.00S45.00E17

Rules:

Withdrawn Authority:	-
Groundwater Restricted:	-
GW Restricted Subunit:	-
GW ODEQ Management Area:	-
GW Umatilla Muni Wells (5mile):	-
Rule 4D:	Rules apply
Division 33:	Upper Columbia
	Statewide
Irrigation Season of Use:	Wallowa River Adj. Status: Adjudicated Subarea: undefined Irr. Season: May 1 to Oct 1 Duty: NaN Rate:
Water Quality Limited Pollutant 2012:	-

Fish Habitat 2018:	-
Is in Deschutes Study Area:	-
Deschutes Zone Impact:	-
Deschutes Zone Overlay:	-
Scenic Water Way:	The Wallowa-Grande Ronde Scenic Waterway 390.826 (12)(b) Wallowa River from its confluence with the Minam River downstream to the confluence of the Wallowa River with the Grande Ronde River Status: ABOVE

Hydrography:

OWRD Streamcode:	-
Waterbody Name:	undefined
HUC 10:	1706010501
HUC Watershed:	Upper Wallowa River
WAB Wshed Order:	9
WAB Analysis:	<u>WALLOWA R > GRANDE RONDE R - AB PRAIRIE CR</u>
Streamflow:	OWRD Opportunities: Good ODFW Needs: High Combined Priority: Priority
Gaging Station Data:	-

Sources:

STATE OF OREGON

COUNTY OF WALLOWA

CERTIFICATE OF WATER RIGHT

THIS IS TO CERTIFY, That the Dobbin Ditch Company and assignees -- Silver Lake Ditch Company, Big Bend Water Ditch Company, McCubbin-Craig Ditch Company, Wrenn and Dobbin Ditch Company, Farmers Ditch Company and Croighton Ditch Company, of Joseph, State of Oregon, have made proof to the satisfaction of the STATE ENGINEER of Oregon, of a right to store the waters of Wallowa River for the purposes of irrigation, domestic and supplemental irrigation, to be appropriated under Permit No. 2696, under Reservoir Permit No. 347 of the State Engineer, and that said right to store said waters has been perfected in accordance with the laws of Oregon; that the priority of the right hereby confirmed dates from January 3, 1915; that the amount of water entitled to be stored each year under such right, for the purposes aforesaid, shall not exceed 44,000 acre-feet, and to be apportioned as follows:

Dobbin Ditch Company	8,018	acre-feet
Croighton Ditch Company	1,503	acre-feet
Silver Lake Ditch Company	10,023	acre-feet
Big Bend Water Ditch Company	8,018	acre-feet
McCubbin-Craig Ditch Company	401	acre-feet
Wrenn & Dobbin Ditch Company	6,014	acre-feet
Farmers Ditch Company	10,023	acre-feet

The reservoir is located in Sections 4, 5, 8, 9, 16, 17, 20 and 21, Township 3 South, Range 45 East, W. M.

After the expiration of fifty years from the date of this certificate or on the expiration of any federal power license issued in connection with this right, and after not less than two years notice in writing to the holder hereof, the State of Oregon, or any municipality thereof, shall have the right to take over the dams, plants and other structures and all appurtenances thereto which have been constructed for the purpose of devoting to beneficial use the water rights specified herein, upon condition that before taking possession the State or municipality shall pay not to exceed the fair value of the property so taken, plus such reasonable damages, if any, to valuable, serviceable and dependable property of the holder of this certificate, not taken over, as may be caused by the severance therefrom of the property taken in accordance with the provisions of Section 47-508, Oregon Code 1930.

WITNESS the signature of the State Engineer,
affixed this 28th day of October, 1931.

State Engineer.

Recorded in State Record of Water Right Certificates, Volume 9, page 2310.

9310



Oregon
Kate Brown, Governor

Water Resources Department

725 Summer St NE, Suite A

Salem, OR 97301

(503) 986-0900

Fax (503) 986-0904

November 21, 2022

VIA CERTIFIED MAIL AND E-MAIL

Applicant

WALLOWA LAKE IRRIGATION DISTRICT
65196 DOBBIN RD
JOSEPH, OR 97846
SUBJECT: Water Right Transfer Application T-13931

Please find enclosed the Preliminary Determination indicating that, based on the information available, the Department intends to approve application T-13931. This document is an intermediate step in the approval process; water may not be used legally as proposed in the transfer application until a Final Order has been issued by the Department. Please read this entire letter carefully to determine your responsibility for additional action.

A public notice is being published in the Department's weekly publication and in the Wallowa County Chieftain newspaper, simultaneously with issuance of the Preliminary Determination. The notice initiates a period in which any person may file either a protest opposing the decision proposed by the Department in the Preliminary Determination or a standing statement supporting the Department's decision. The protest period will end 30 days after the 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 contact me at scott.a.grew@water.oregon.gov or 503-986-0890 if I may be of assistance.

Sincerely,

Scott Grew

Transfer Specialist
Transfer and Conservation Section

cc: Transfer Application file T-13931
David D. Bates, District 7 Watermaster (*via e-mail*)
Dan Butterfield, Agent for the applicant (*via e-mail*)
Commenters: Fred Steen, et al. (Jim Hite, Jr., John Fregulia, Gay Fregulia, Rawley Bigsby, Tom Birkmaier and Michael Williams) 66998 CROW CREEK ROAD, ENTERPRISE, OR 97828

encs

BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON

In the Matter of Transfer Application	)	PRELIMINARY DETERMINATION
T-13931, Wallowa County	)	PROPOSING APPROVAL OF A CHANGE IN
	)	CHARACTER 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

WALLOWA LAKE IRRIGATION DISTRICT
65196 DOBBIN RD
JOSEPH, OR 97846

Findings of Fact

1. On February 25, 2022, WALLOWA LAKE IRRIGATION DISTRICT filed an application to change the character of use under Certificate 2949. The Department assigned the application number T-13931.
2. Notice of the application for transfer was published on March 8, 2022, pursuant to OAR 690-380-4000. Comments were filed in response to the notice.
3. Timely comments were submitted to the Department in response to the notice. The issue raised by the comments focused primarily on the concern that water that is currently allocated for agriculture will be allocated for instream water for fish.
4. Not all the issues raised by the commenters are relevant to the criteria for review of a water right transfer as per OAR 690-380-4010 and approval of a transfer application under OAR 690-380-5000. The issue noted in Finding of Fact #3, though important to the residents and water resources of the area, do not directly relate to the transfer review criteria. Rather, the statutory basis for approving a water right transfer application is relatively narrow and confined to the Department finding or determining:
 - a) The water right proposed for transfer is a water use subject to transfer;

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

- b) The portion of the water right proposed for transfer is not cancelled due to forfeiture for non-use pursuant to ORS 540.610;
 - c) The proposed transfer would not result in enlargement of the water right proposed for transfer; and
 - d) The proposed transfer would not result in injury to other water rights.
5. On September 23, 2022, the Department sent a copy of the draft Preliminary Determination proposing to approve Transfer Application T-13931 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of October 23, 2022, for the applicant to respond. The applicant requested that the Department proceed with issuance of a Preliminary Determination and provided the necessary information to demonstrate that the applicant is authorized to pursue the transfer.

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

Certificate: 2949 in the name of ASSOCIATED DITCH COMPANIES. (confirmed by Wallowa River Decree in Volume 5, at page 144)

Use: STORAGE FOR SUPPLEMENTAL IRRIGATION, DOMESTIC, AND STOCK USE

Priority Date: 1905

Rate: 4500 ACRE-FEET

Source: WALLOWA LAKE, a tributary of the WALLOWA RIVER

7. Certificate 2949 does not describe the point of diversion; however, information is available describing the dam location as:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
3 S	45 E	WM	5	NE NW	940 FEET SOUTH AND 1500 FEET EAST FROM THE NW CORNER OF SECTION 5

8. Transfer Application T-13931 proposes to change the character of use to Multipurpose.

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

- 9. Water has been used within the last five years according to the terms and conditions of the right. There is no information in the record that would demonstrate that the right is subject to forfeiture under ORS 540.610.
- 10. A dam and control gates sufficient to use the full amount of water allowed under the existing right were present within the five-year period prior to submittal of Transfer Application T-13931.
- 11. The proposed change would not result in enlargement of the right.
- 12. The proposed change would not result in injury to other water rights.

13. All other application requirements are met.

Determination and Proposed Action

The change in character of use proposed in Transfer Application T-13931 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.

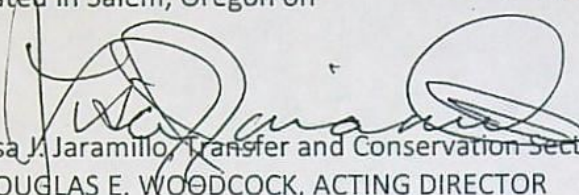
If Transfer Application T-13931 is approved, the final order will include the following:

- 1. The change in character of use proposed in Transfer Application T-13931 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 2949 and any related decree.*
- 3. Water right Certificate 2949 is cancelled. A new certificate will be issued describing that portion of the right not affected by this transfer*
- 4. 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.*

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

Dated in Salem, Oregon on

NOV 21 2022


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

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

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

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



Oregon
Kate Brown, Governor

Water Resources Department

725 Summer St NE, Suite A

Salem, OR 97301

(503) 986-0900

Fax (503) 986-0904

September 23, 2022

Applicant

WALLOWA LAKE IRRIGATION DISTRICT
65196 DOBBIN RD
JOSEPH, OR 97846

SUBJECT: Water Right Transfer Application T-13931

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

Items needed before the next phase of processing...

At this time you need to:

1. submit a check for \$ 95.26 (to cover cost of publication of the notice), made out to the Oregon Water Resources Department.
2. write **"for T-13931 NOTICE" on the front of your check**, and
3. submit it with the tracking stub at the bottom of this letter.

Mail the check to 725 Summer St. NE, Suite A, Salem, OR 97301-1266, **no later than October 23, 2022.**

What happens next...

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

If we do not receive payment for newspaper notice by October 23, 2022, a Preliminary Determination may be issued denying the application as incomplete.

Please contact me at scott.a.grew@water.oregon.gov or 503-986-0890 if I may be of assistance.

Sincerely,

Scott Grew

Transfer Specialist
Transfer and Conservation Section

X-----

Attached is a check for \$ 95.26 (PCA #46118) for Newspaper Notice for Transfer T-13931 made out to Oregon Water Resources Department (or WRD)

- **"for T-13931 NOTICE" written on front of check**

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

Caseworker: _Scott

GREW Scott A * WRD

From: GREW Scott A * WRD
Sent: Friday, September 23, 2022 3:51 PM
To: wallowa.lake.irrigation@gmail.com; butterfieldfarms@live.com
Cc: GREW Scott A * WRD; BATES David D * WRD
Subject: T-13931 - Newspaper Notice Fee - Action Required

September 23, 2022

Applicant

WALLOWA LAKE IRRIGATION DISTRICT
65196 DOBBIN RD
JOSEPH, OR 97846

SUBJECT: Water Right Transfer Application T-13931

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Please contact me at scott.a.grew@water.oregon.gov or 503-986-0890 if I may be of assistance.

Sincerely,

Scott Grew

Transfer Specialist
Transfer and Conservation Section

cc: Transfer Application file T-13931
David D. Bates, District 7 Watermaster (via e-mail)
Dan Butterfield, Agent for the applicant (via e-mail)

✂-----
Attached is a check for \$ 95.26 (PCA #46118) for Newspaper Notice for Transfer T-13931 made out to Oregon Water Resources Department (or WRD)

- **"for T-13931 NOTICE" written on front of check**

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

Caseworker: _Scott

GREW Scott A * WRD

From: Rebecca Knapp <rjklaw@eoni.com>
Sent: Friday, October 7, 2022 9:17 AM
To: GREW Scott A * WRD
Cc: wallowa.lake.irrigation@gmail.com; 'Dan and Lori Butterfield'; BATES David D * WRD; 'Joseph Dawson'; jaymcfetridge@gmail.com
Subject: RE: T-13931 - Issuance of Draft Preliminary Determination - Action Required!

Dear Scott,

As counsel for Wallowa Lake Irrigation District, this will confirm that the District agrees to the proposed action and conditions set forth in the proposed approval of the District's water right transfer application. If you need any additional information or confirmation, please let me know.

Sincerely,
Rebecca Knapp

Knapp Law Office, P.C.
103 W. Greenwood
Enterprise, OR 97828
Phone: 541-426-7880
Fax: 541-426-7882
e-mail: rjklaw@eoni.com

*****CONFIDENTIALITY NOTICE*****

This e-mail may contain information that is privileged, confidential, or otherwise exempt from disclosure under applicable law. If you are not the addressee or it appears from the context or otherwise that you have received this e-mail in error, please advise me immediately by reply e-mail, keep the contents confidential, and immediately delete the message and any attachments from your system.

From: GREW Scott A * WRD <Scott.A.GREW@water.oregon.gov>
Sent: Wednesday, October 5, 2022 12:27 PM
To: Rebecca Knapp <rjklaw@eoni.com>
Cc: wallowa.lake.irrigation@gmail.com; 'Dan and Lori Butterfield' <butterfieldfarms@live.com>; BATES David D * WRD <David.D.BATES@water.oregon.gov>; 'Joseph Dawson' <joseph.g.dawson@gmail.com>; jaymcfetridge@gmail.com; GREW Scott A * WRD <Scott.A.GREW@water.oregon.gov>
Subject: RE: T-13931 - Issuance of Draft Preliminary Determination - Action Required!

Rebecca,

Beside the publication fee we need:

- **Respond in writing** by October 23, 2022, with acknowledgement that you agree to the proposed action and conditions.

Typically the agent sends in the response on behalf of the applicant. The response can be in e-mail too.

Thank you,

Scott

Scott Grew
Transfer Specialist
Oregon Water Resources Department
503-986-0890

From: Rebecca Knapp <rjklaw@eoni.com>
Sent: Wednesday, October 5, 2022 8:45 AM
To: GREW Scott A * WRD <Scott.A.GREW@water.oregon.gov>
Cc: wallowa.lake.irrigation@gmail.com; 'Dan and Lori Butterfield' <butterfieldfarms@live.com>; BATES David D * WRD <David.D.BATES@water.oregon.gov>; 'Joseph Dawson' <joseph.g.dawson@gmail.com>; jaymcfetridge@gmail.com
Subject: RE: T-13931 - Issuance of Draft Preliminary Determination - Action Required!

Thank you, Scott. This is helpful!

The District will be sending payment for the publication fee for the notice in the Chieftain. Please let me know if you need anything as this matter moves forward.

Sincerely,
Rebecca

Knapp Law Office, P.C.
103 W. Greenwood
Enterprise, OR 97828
Phone: 541-426-7880
Fax: 541-426-7882
e-mail: rjklaw@eoni.com

*****CONFIDENTIALITY NOTICE*****

This e-mail may contain information that is privileged, confidential, or otherwise exempt from disclosure under applicable law. If you are not the addressee or it appears from the context or otherwise that you have received this e-mail in error, please advise me immediately by reply e-mail, keep the contents confidential, and immediately delete the message and any attachments from your system.



Oregon

Kate Brown, Governor

GREW Scott A * WRD

Water Resources Department

725 Summer St NE, Suite A

Salem, OR 97301

(503) 986-0900

Fax (503) 986-0904

September 23, 2022

VIA E-MAIL

Applicant

WALLOWA LAKE IRRIGATION DISTRICT
65196 DOBBIN RD
JOSEPH, OR 97846

Reference: Water Right Transfer Application T-13931

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-13931. 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 October 23, 2022.

Required items needing your immediate attention:

1. Please carefully review the Draft Preliminary Determination to verify that it accurately reflects the changes you intend to make and to become familiar with the proposed conditions.
2. **Respond in writing** by October 23, 2022, with acknowledgement that you agree to the proposed action and conditions.
3. If you find any errors, please let me know.
4. Notice of this transfer will need to be published in a newspaper with general circulation in the area where the water rights are currently located. You will be responsible for the charges.

Conditions to your water right...

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

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

1. Your written response to the conditions and proposed action in the Draft Preliminary Determination (e-mail is acceptable); and

If we do not receive the item listed above by October 23, 2022 a Preliminary Determination may be issued denying the application as incomplete.

Please contact me at scott.a.grew@water.oregon.gov or 503-986-0890 if I may be of assistance.

Sincerely,

Scott Grew

Transfer Specialist
Transfer and Conservation Section

cc: Transfer Application file T-13931
David D. Bates, District 7 Watermaster (*via e-mail*)
Dan Butterfield, Agent for the applicant (*via e-mail*)

encs



Oregon

Kate Brown, Governor

Water Resources Department

725 Summer St NE, Suite A

Salem, OR 97301

(503) 986-0900

Fax (503) 986-0904

September 23, 2022

VIA E-MAIL

Applicant

WALLOWA LAKE IRRIGATION DISTRICT
65196 DOBBIN RD
JOSEPH, OR 97846

Reference: Water Right Transfer Application T-13931

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Please contact me at scott.a.grew@water.oregon.gov or 503-986-0890 if I may be of assistance.

Sincerely,

Scott Grew

Transfer Specialist

Transfer and Conservation Section

cc: Transfer Application file T-13931
David D. Bates, District 7 Watermaster *(via e-mail)*
Dan Butterfield, Agent for the applicant *(via e-mail)*

encs

BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON

In the Matter of Transfer Application
T-13931, Wallowa County

)
)
)
)

D R A F T PRELIMINARY
DETERMINATION PROPOSING APPROVAL
OF A CHANGE IN CHARACTER 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

WALLOWA LAKE IRRIGATION DISTRICT
65196 DOBBIN RD
JOSEPH, OR 97846

Findings of Fact

1. On February 25, 2022, WALLOWA LAKE IRRIGATION DISTRICT filed an application to change the character of use under Certificate 2949. The Department assigned the application number T-13931.
2. Notice of the application for transfer was published on March 8, 2022, pursuant to OAR 690-380-4000. Comments were filed in response to the notice.
3. Timely comments were submitted to the Department in response to the notice. The issue raised by the comments focused primarily on the concern that water that is currently allocated for agriculture will be allocated for instream water for fish.
4. Not all the issues raised by the commenters are relevant to the criteria for review of a water right transfer as per OAR 690-380-4010 and approval of a transfer application under OAR 690-380-5000. The issue noted in Finding of Fact #3, though important to the residents and water resources of the area, do not directly relate to the transfer review criteria. Rather, the statutory basis for approving a water right transfer application is relatively narrow and confined to the Department finding or determining:
 - a) The water right proposed for transfer is a water use subject to transfer;

- b) The portion of the water right proposed for transfer is not cancelled due to forfeiture for non-use pursuant to ORS 540.610;
 - c) The proposed transfer would not result in enlargement of the water right proposed for transfer; and
 - d) The proposed transfer would not result in injury to other water rights.
5. The portion of the right to be transferred is as follows:

Certificate: 2949 in the name of ASSOCIATED DITCH COMPANIES. (confirmed by Wallowa River Decree in Volume 5, at page 144)
Use: STORAGE FOR SUPPLEMENTAL IRRIGATION, DOMESTIC, AND STOCK USE
Priority Date: 1905
Rate: 4500 ACRE-FEET
Source: WALLOWA LAKE, a tributary of the WALLOWA RIVER

6. Certificate 2949 does not describe the point of diversion; however, information is available describing the dam location as:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
3 S	45 E	WM	5	NE NW	940 FEET SOUTH AND 1500 FEET EAST FROM THE NW CORNER OF SECTION 5

7. Transfer Application T-13931 proposes to change the character of use to Multipurpose.

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

- 8. 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.
- 9. A dam and control gates sufficient to use the full amount of water allowed under the existing right were present within the five-year period prior to submittal of Transfer Application T-13931.
- 10. The proposed change would not result in enlargement of the right.
- 11. The proposed change would not result in injury to other water rights.
- 12. All other application requirements are met.

Determination and Proposed Action

The change in character of use proposed in Transfer Application T-13931 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-13931 is approved, the final order will include the following:

- 1. The change in character of use proposed in Transfer Application T-13931 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 2949 and any related decree.*
- 3. Water right Certificate 2949 is cancelled.*
- 4. 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.*
- 5. 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 Scott Grew. If you have questions about the information in this document, you may reach him at scott.a.grew@water.oregon.gov or 503-986-0890.



RECEIVED

FEB 25 2022

OWRD

REBECCA J. KNAPP
- ATTORNEY AT LAW -

February 24, 2022

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

Re: Wallowa Lake Irrigation District; Permanent Water Right Transfer Application
Our File No. 1797-01

Dear Ms. Jaramillo:

I represent the Wallowa Lake Irrigation District ("District"). As you may know, in 2021, the Oregon State Legislature passed Senate Bill 5534, which authorized the issuance of lottery bonds in the amount of \$14,000,000.00 (among other expenditures) to provide financial assistance to aid in the rehabilitation of the Wallowa Lake Dam, which is owned and operated by the District. This legislation was passed in connection with a Memorandum of Agreement entered into by the District, the Confederated Tribes of the Umatilla Indian Reservation, the Nez Perce Tribe, and the Oregon Department of Fish and Wildlife. Pursuant to the terms of the Memorandum, commencing one year after completion of the dam rehabilitation, the District will release 4,500 AF of water into the Wallowa River from Wallowa Lake each year for in-stream uses that will protect, enhance, and restore fish and wildlife habitat. The Memorandum further provides that the District will apply for a change in the character of use on storage certificate 2949 to allow for the intended in-stream use.

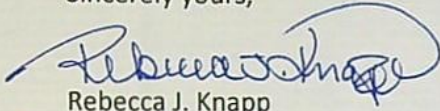
Enclosed herewith are the following:

1. Permanent Water Right Transfer Application;
2. Transfer Application Map completed by Department Staff;
2. Supplemental Form D;
3. Evidence of Use Affidavit and storage content chart;
4. Land Use Information Form;
5. Waiver of Mapping Requirements; and
6. Written confirmation by ODFW that the proposed change in character of use will result in a net benefit to fish and wildlife habitat.

Also enclosed is a check in the amount of \$680.00, which represents one-half of the application fee. Pursuant to ORS 536.050 and OAR 690-380-3400, this is to request that the Department waive the remaining one-half of the application fee based on the written confirmation from ODFW described in item 6 above. If a waiver is not granted, please let me know and my client will promptly submit the balance of the application fee.

If you have any questions regarding this matter or require any additional information, please let me know.

Sincerely yours,

A handwritten signature in blue ink, appearing to read "Rebecca J. Knapp", with a large, stylized loop at the end.

Rebecca J. Knapp
RJK/kf

cc. Client (w/enc.)

Enclosures

RECEIVED

FEB 25 2022

OWRD

GREW Scott A * WRD

From: PHILLIPS Stacy H * WRD
Sent: Friday, September 23, 2022 2:17 PM
To: STARNES Patrick K * WRD
Cc: GREW Scott A * WRD
Subject: RE: Newspaper Estimate for Transfer Application T-13931

Hi Scott,

The quote came in for this notice. Total cost is \$95.26.

Thanks,

Stacy H. Phillips

Restoration Program Technician

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

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



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

From: STARNES Patrick K * WRD <Patrick.K.STARNES@water.oregon.gov>
Sent: Friday, September 23, 2022 9:40 AM
To: PHILLIPS Stacy H * WRD <Stacy.H.PHILLIPS@water.oregon.gov>
Cc: GREW Scott A * WRD <Scott.A.GREW@water.oregon.gov>
Subject: Newspaper Estimate for Transfer Application T-13931

Hi Stacy –

Scott will need a quote for the attached **TRANSFER** Application notice to run in the Wallowa County Chieftain. Run time is two weeks.

Thanks!

Kelly

Kelly Starnes, Transfer Program Analyst

Oregon Water Resources Department

725 Summer St NE Suite A

Salem OR 97301-1271

Cell phone: 503-979-3511 Fax: 503-986-0903

E-mail: patrick.k.starnes@water.oregon.gov

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

**Notice of Preliminary Determination for
Water Right Transfer T-13931**

T-13931 filed by Wallowa Lake Irrigation District, 65196 Dobbin Rd, Joseph, OR 97846, proposes a change of character of use under Certificate 2949. The right allows the use of 4500 acre-feet from the Wallowa Lake for storage for supplemental irrigation, domestic, and stock use. The applicant proposes to change the character of use to multipurpose. The Water Resources Department proposes to approve the transfer, based on the requirements of ORS Chapter 540 and OAR 690-380-5000.

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

pr✓
✓

STATE OF OREGON

COUNTY OF WALLOWA

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

ASSOCIATED DITCH CO.
85393 BICENTENNIAL LANE
JOSEPH, OR 97846

confirms the right to use the waters of the WALLOWA LAKE, a tributary to the WALLOWA RIVER for the purpose of the STORAGE FOR SUPPLEMENTAL IRRIGATION, DOMESTIC, AND STOCK USE, to supplement the diversion for direct irrigation for lands irrigated by the Silver Lake Ditch Company; Farmers Ditch Company; Big Bend Ditch Company; Wrenn-Dobbin Ditch Company and the Dobbin Ditch Company, and that said right has been confirmed by decree of the Circuit Court of the State of Oregon for Wallowa County, and the said decree entered of entered of record at Salem, in the Order Record of the State Water Board of Oregon, in volume 5, at page 144; that the priority of the right hereby confirmed dates from 1905; that the amount of water entitled to be stored each year under such right, for the purposes aforesaid, shall not exceed 4730 ACRE-FEET.

This certificate describes that portion of water right Certificate 2949, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered _____, approving Transfer Application T-13931.

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

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

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

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

Via usps, email and/or fax: joan.m.smith@oregon.gov, patrick.k.starnes@oregon.gov,
arla.l.heard@oregon.gov, corey.a.courchane@oregon.gov
fax number: (503) 986-0901

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

RECEIVED

APR 06 2022

OWRD

Attention: Joan Smith, Patrick Starnes, Arla Heard, Corey Courchane

Re: Comment on "Application for Permanent Water Right Transfer – Character of Use" filed by
Wallowa Lake Irrigation District (T-13931)

As a District member/patron, and as a water user of many years standing, our family is opposed to this Application.

Until informed by a neighbor, we had no knowledge of the filing, nor of the District Board's thinking behind it; nor of the MOA which is referenced, but not included with the application. Even without our own copy of the MOA to study, and without any guidance or explanation from the Board, the MOA appears to reveal an ambitious, long-long-longterm plan to capture our agricultural water and convert it to in-stream water for fish.

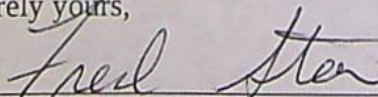
The seriousness of this business is hard to overstate. One thing is quite clear. It is way premature to go forward with this initial step (T-13931) of an immediate process to reallocate several thousand acre feet of stored water for fish, every year forever, even before the associated Wallowa Lake Dam plans have been finalized, or sufficient money is actually in the bank to build out those repair-and-extend plans, or construction is actually completed and the facility becomes fully operational.

Most importantly, every farmer/rancher family in the District deserves an opportunity to receive a thorough airing of the plans, explanation of the roles and goals of each of the participants in the MOA, and an evaluation of the multiple risks-and-benefits to their agricultural water. Additionally, all agricultural water right holders not included in the above Application should be assured that the proposed transfer(s) will not risk harm to their rights and associated agricultural activities.

This care and thoroughness is critically important to ensuring the continuation of Wallowa Valley agriculture and all-round livability for all residents; especially, given the existing and predicted-to-worsen drought conditions (as foreseen by NOAA) for most all of the West.

Our livelihoods and sustainability of the entire Valley may well be at stake here.

Sincerely yours,


4-2-2022
541-426-5909

Via email and fax: joan.m.smith@oregon.gov, patrick.k.starnes@oregon.gov,
arla.l.heard@oregon.gov, corey.a.courchane@oregon.gov
fax number: (503) 986-0901

RECEIVED

APR 08 2022

OWRD

April 7, 2022

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

Attention: Joan Smith, Patrick Starnes, Arla Heard, Corey Courchane

Re: Comment on "Application for Permanent Water Right Transfer – Character of Use" filed by
Wallowa Lake Irrigation District (T-13931)

This comment in opposition to the Application is submitted by the undersigned group of Irrigation District members/patrons, each of whom is a long-term water user, predating the District by decades.

The size of the group is limited only by the time of year, calving for the ranchers among us, and the recency of just learning about the existence of this Application. Our comments are constrained by the limited time available to become informed of the underlying issues and their implications.

We were unaware of the entire process which underlies this Application, especially the existence of a Memorandum of Agreement (MOA) between our District and the Oregon Department of Fish and Wildlife plus two tribes.

Reading the MOA left us stunned. Together with this Application and recent announcements from Oregon US senators of a \$2,000,000 earmark, they reveal a grand plan (GP) involving fish, dam rehab with "necessary fish passage", and the reallocation/re-prioritization of District stored water; and the rights thereto. This GP manifests a number of deeply troubling features:

- A key trigger of the GP appears to be approval of this Application, after which a whole series of actions follow, spread out over many years; an application thus warranting careful scrutiny
- Highly aggressive in its designs to take agricultural water rights for in-stream/fish use
- Extreme in "perpetual" expectations
- In total disregard of natural climate and weather influences on water availability, especially the high likelihood of continuing/worsening drought throughout the Western US
- Highly skewed in its favoring and prioritizing fish-in-water over agriculture-and-life-on-land
- Insensitive to the legitimate needs for water to sustain all life and agriculture within the Valley
- Inevitably disruptive to established agricultural practices which have been refined over decades of experience in wise use of water for irrigation and stock on local soils
- Complete absence of consideration of Valley hydrology and the disruptive dehydration effects of removing significant amounts of water from both irrigation and subsurface flows by high-volume in-stream water transfer in the main stem of the Wallowa River
- Highly imbalanced in its 'trading' away "in perpetuity" (forever) stored agricultural water to be used exclusively for in-stream/fish, and stored-yearly-until-needed-free-of-charge forever; all in exchange for a dam-rehab-plus with a service life of merely 30-40 years
- Preemptively capturing the in-stream/fish water immediately, before the funds are in hand to do the rehab work, before the rehab plans are even completed, before the meaning of 'fish passage'

Timely comment
FAX received
4/7/22
4:46 PM

Kelly

is even finalized, and years before the rehab is finished and adequate stored water might be available for both in-stream commitments and agricultural needs

- Establishes a new political water regime in the Wallowa Basin, especially in the upper river and lake, which will facilitate:
 - a) funding for and subsequent management of (re-)introduction of various fish species
 - b) derivative involvement of other, non-agricultural water seekers and regulators
 - c) judicial reclassification of introduced species to 'protected' status
 - d) subsequent judicial preemption of state water law in favor of mandated, individual water reserves and annual flows suited to each of the newly-protected species – *forever*.

Our opposition is deeply-rooted and fundamental. We know not all of the implications of this grand plan, but what we have outlined induce grave concern for both the sustainability of our agriculture and the livability of our green valley.

There is one last matter of particular importance, our concern over the potential injury to agricultural water users in the valley who have other, non-storage water rights. If this Application were to be approved, leading to a) minimum stream flows sufficient to support whatever necessary fish passage facilities are eventually constructed to satisfy Federal stipulations (attached to the \$2M), and b) high volume releases of many thousand acre feet of stored water down the main channel of the Wallowa River in late summer for weeks to months, **what are the risks of injury to those other water right holders, including access to their water, their associated diversion and delivery works, and their crops and animals?**

We, the undersigned, so comment and sustain.
Thank you.

Jim Hite, Jr.

John Fregulia

Gay Fregulia

Rawley Bigsby

Tom Birkmaier

Fred Steen

Michael Williams

RECEIVED

APR 08 2022

OWRD

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-13931

Review Due Date: 04/07/2022

Applicant Name: Wallowa Lake Irrigation District

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

Reviewer(s): David Bates

Date of Review: 03/31/2022

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
☐ Parshall Flume
☐ Other: _____

☐ Submerged Orifice
☐ Flow Restrictor

Oregon Water Resources Department

Measurement Condition Information for the Applicant

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

Transfer #: T-

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

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

☐ at each new point of diversion/appropriation.

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

Watermaster name:

District:

Address:

City/State/Zip:

Phone:

Email:

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

Approval of an Alternate Measurement Device

T-

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

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

Watermaster signature

District

Date

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

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

GREW Scott A * WRD

From: Rebecca Knapp <rjklaw@eoni.com>
Sent: Thursday, September 15, 2022 10:30 AM
To: GREW Scott A * WRD
Subject: T-13931; Wallowa Lake Irrigation District Water Rights Transfer

Hello Scott. As you probably know, I am legal counsel for the Wallowa Lake Irrigation District. I see that you have been assigned to work on the above-referenced transfer application to change the character of use of 4,500 AF of water from irrigation to multi-purpose. OWRD recently signed a grant agreement with the District to help fund the rehabilitation of the Wallowa Lake Dam. Proceeding with the project is dependent on approval of the transfer. I thought I would reach out to see if you have any questions or need any additional information. Also, do you have an approximate time frame for when the transfer application will be reviewed for approval?

Sincerely,
Rebecca Knapp

Knapp Law Office, P.C.
103 W. Greenwood
Enterprise, OR 97828
Phone: 541-426-7880
Fax: 541-426-7882
e-mail: rjklaw@eoni.com

*****CONFIDENTIALITY NOTICE*****

This e-mail may contain information that is privileged, confidential, or otherwise exempt from disclosure under applicable law. If you are not the addressee or it appears from the context or otherwise that you have received this e-mail in error, please advise me immediately by reply e-mail, keep the contents confidential, and immediately delete the message and any attachments from your system.

WATER RESOURCES DEPARTMENT
REQUEST FOR DISTRIBUTION OF FUNDS

TO: **Fiscal Services Section**

DATE: 4/13/2022

FROM: Joan SMith, Transfer Specialist
Phone: 503-986-0892

SUBJECT: **TRANSFER FILE - Request for Payment or Refund**

TRANSFER FILE #: T-13931

RECEIPT #: 137566

Please prepare payment in the amount of \$ 680.00 , made payable to:

Name:

Organization Wallowa Lake Irrigation District

Address: 65196 Dobbin Rd

City: Joseph, OR. 97846

46110
0205

These funds are being paid or refunded as a result of (check one):

☐

Request for file to be Rejected/Withdrawn/Misfiled

☒

Excess fees were collected for application/PON

☐

Payment of PON

☐

Protest filing fee

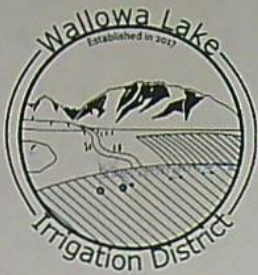
☐

Other:

I have reviewed this distribution request and have determined the request to be justified as to the purpose indicated above. Fiscal Services is hereby authorized to process the requested distribution.

Authorized Signature: Signature attached

Date: _____



Wallowa Lake Irrigation District

c/o Perry & Associates, PC
214 W Main Street
Enterprise, OR 97828

Invoice

RECEIVED

MAR 14 2022

Date	Invoice #
3/10/2022	2022-200

OWRD

CONTINUED

MAR 16 2022

Bill To

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

P.O. No.

Terms

Project

Net 30

Quantity	Description	Rate	Amount
1	Reimbursement for 1/2 Application Fee for Water Right Transfer Application submitted February 2022	680.00	680.00
Mail Payments to: Wallowa Lake Irrigation District c/o Perry & Associates, PC 214 W Main Street Enterprise, OR 97828		APPROVED FOR PAYMENT <i>[Signature]</i> 4-1-2022	
		Total \$680.00	

T-13931



Oregon
Kate Brown, Governor

COPY

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

March 29, 2022

Wallowa Lake Irrigation District
65196 Dobbin Rd.
Joseph, OR. 97846

Permanent Water Right Transfer Application T-13931:

On February 25, 2022, the Department received your application for a Permanent Water Right Transfer, the Department assigned the application number T-13931.

Upon review of the application, it was noted that this application is endorsed by ODFW, this endorsement reduces the application fee by half, being \$680.00

This letter will be followed by a check for the reimbursement of \$680.00.

Please contact me at 503-986-0892, if you have any questions regarding this letter or the reimbursement of half the fees.

Joan Smith
Transfer and Conservation Section
Oregon Department of Water Resources



Oregon
Kate Brown, Governor

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

March 8, 2022

WALLOWA LAKE IRRIGATION DISTRICT
65196 DOBBIN RD
JOSEPH, OR 97846

Reference: Application T-13931

On February 25, 2022, OWRD received your water right Permanent Transfer Application. The application was accompanied by \$680.00. Our receipt number 137566 is enclosed.

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

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

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

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

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

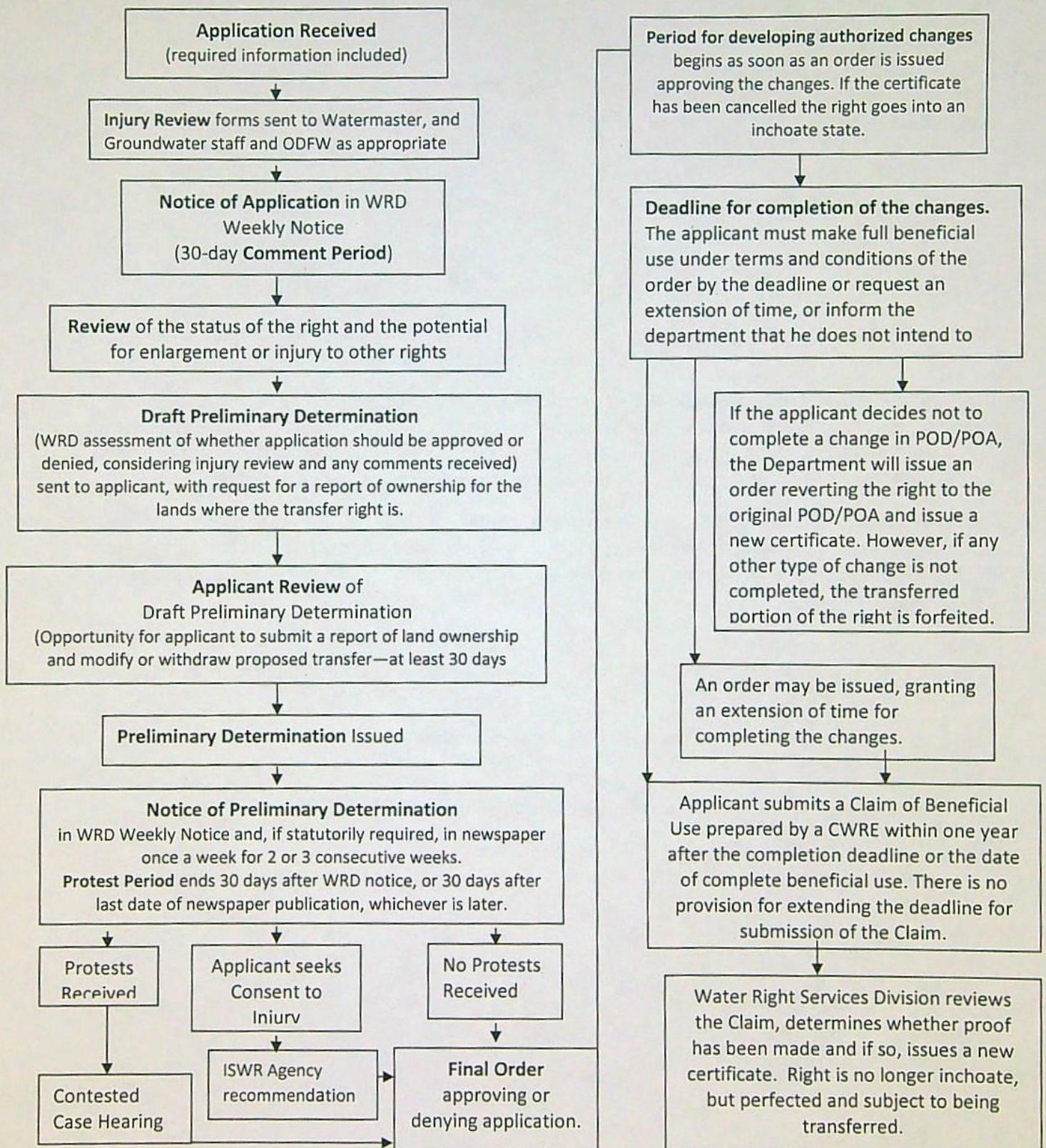
If you have any questions, please contact the Transfer Section at (503) 979-9931.

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

Enclosure

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

OAR 690 Division 380



STATE OF OREGON
WATER RESOURCES DEPARTMENT

RECEIPT # **137566**

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

INVOICE # _____

RECEIVED FROM: <u>Wallowa Lake Irrigation District</u>	APPLICATION
BY: _____	PERMIT
	TRANSFER <u>1-13931</u>
CASH: ☐ CHECK: # <u>1578</u> OTHER: (IDENTIFY) ☐	TOTAL REC'D \$ <u>680.00</u>

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	EXAM FEE \$	0202 \$
0203 GROUND WATER	\$	0204 \$
0205 TRANSFER	\$ <u>680.00</u>	
WELL CONSTRUCTION		
0218 WELL DRILL CONSTRUCTOR	EXAM FEE \$	0219 \$
LANDOWNER'S PERMIT		0220 \$
OTHER (IDENTIFY) _____		

0536 TREASURY 0437 WELL CONST. START FEE

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

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

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

TREASURY OTHER / RDX

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

RECEIPT: **137566**

DATED: 2-25-2022

BY: Mindy Carlsen

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

Wallowa Lake Irrigation District

Oregon Water Resources Department

Date	Type	Reference	Original Amt.	Balance Due	2/16/2022	Discount	Payment
2/15/2022	Bill		680.00	680.00			680.00
					Check Amount		680.00

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Application for Permanent Water Right Transfer



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

Part 1 of 5 – Minimum Requirements Checklist

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

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

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

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- ☒ Part 1 – Completed Minimum Requirements Checklist.
- ☒ Part 2 – Completed Transfer Application Map Checklist.
- ☒ Part 3 – Application Fee, payable by check to the Oregon Water Resources Department, and completed Fee Worksheet, page 3. Try the new online fee calculator at:
http://apps.wrd.state.or.us/apps/misc/wrd_fee_calculator.
- ☒ Part 4 – Completed Applicant Information and Signature.
- ☒ Part 5 – Information about Water Rights to be Transferred: How many water rights are to be transferred? 1 List them here: 2949
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.

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Attachments:

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

(For Staff Use Only)

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

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

Other/Explanation _____

Staff: _____ 503- _____ Date: 1/30/21

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Part 2 of 5 – Transfer Application Map

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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.
- ☐ N/A 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.
- ☐ N/A Existing place of use that includes separate hachuring for each water right, priority date, and use including number of acres in each quarter-quarter section, government lot, or in each quarter-quarter section as projected within government lots, donation land claims, or other recognized public land survey subdivisions. If less than the entirety of the water right is being changed, a separate hachuring is needed for lands left unchanged.
- ☐ ☒ N/A Proposed place of use that includes separate hachuring for each water right, priority date, and use including number of acres in each quarter-quarter section, government lot, or in each quarter-quarter section as projected within government lots, donation land claims, or other recognized public land survey subdivisions.
- ☒ Existing point(s) of diversion or well(s) with distance and bearing or coordinates from a recognized survey corner. This information can be found in your water right certificate or permit.
- ☐ ☒ N/A If you are proposing a change in point(s) of diversion or well(s), show the proposed location and label it clearly with distance and bearing or coordinates. If GPS coordinates are used, latitude-longitude coordinates may be expressed as either degrees-minutes-seconds with at least one digit after the decimal (example – 42°32'15.5") or degrees-decimal with five or more digits after the decimal (example – 42.53764°).

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Part 3 of 5 – Fee Worksheet

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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

Applicant Information

APPLICANT/BUSINESS NAME Wallowa Lake Irrigation District		PHONE NO. 541-263-1880	ADDITIONAL CONTACT NO.
ADDRESS 65196 Dobbin Road			FAX NO.
CITY Joseph	STATE OR	ZIP 97846	E-MAIL wallowa.lake.irrigation@gmail.com
BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED.			

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

AGENT/BUSINESS NAME Dan Butterfield		PHONE NO. 541-263-0320	ADDITIONAL CONTACT NO.
ADDRESS 61901 Prairie Crk. Rd			FAX NO.
CITY Joseph	STATE OR	ZIP 97846	E-MAIL butterfieldfarms@live.com
BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED.			

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

This application seeks to change the character of use on 4,500 AF on storage certificate 2949 to "multipurpose." This change in character of use is pursuant to paragraph 9(c) of the June 22, 2020, Memorandum of Agreement signed by the Wallowa Lake Irrigation District, State of Oregon, Nez Perce Tribe, and Confederated Tribes of the Umatilla Indian Reservation in connection with grant funding to rebuild the Wallowa Lake Dam. The remaining 4,730 AF after the proposed change will retain the existing character of use, which includes supplemental irrigation, domestic and livestock watering.

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

Check One Box

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

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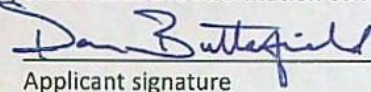
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By my signature below, I confirm that I understand:

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


Applicant signature

Dan Butterfield, President
Print Name (and Title if applicable)

2-15-22
Date

Applicant signature

Print Name (and Title if applicable)

Date

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

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

Check the following boxes that apply:

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

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

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

If a property sells, the certificated water right(s) located on the land belong to the new owner, unless a sale agreement or other document states otherwise. For more information see:
https://www.oregon.gov/owrd/WRDFormsPDF/Transfer_Property_Transactions.pdf

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

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

IRRIGATION DISTRICT NAME Wallowa Lake Irrigation District	ADDRESS 65196 Dobbin Road	
CITY Joseph	STATE OR	ZIP 97846

☐ 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 Wallowa County	ADDRESS 101 S. RIVER STREET, SUITE 105	
CITY Enterprise	STATE OR	ZIP 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 # 2949

Description of Water Delivery System

System capacity: 9230 AF cubic feet per second (cfs) OR gallons per minute (gpm)

Describe the current water delivery system or the system that was in place at some time within the last five years. Include information on the pumps, canals, pipelines, and sprinklers used to divert, convey, and apply the water at the authorized place of use. Water is stored in Wallowa Lake by Wallowa Lake Dam creating a pool with a surface area of approximately 1534 acres. The current dam was constructed in 1915, with more mass added to the dam in the early 1920's. Stored Water is then released via control gates.

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)
Wallowa Lake Dam	☒ Authorized ☐ Proposed		3 S	45 E	5	NE NW		940'S, 1500' E from NW corner of Section 5
	☐ Authorized ☐ Proposed							
	☐ Authorized ☐ Proposed							
	☐ Authorized ☐ Proposed							

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

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

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

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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.

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 # 2949

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	Acre	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	Acre	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
3	S	45	E	5	NE	NW			4500s AF	Supp. Irrigation, Domestic, Stockwater		1905	USE	3	S	45	E	5	NE	NW			4500 AF	Multi- Purpose		1905
TOTAL ACRES:										TOTAL ACRES: 4500 AF																

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 # _____.

For a change from Supplemental Irrigation Use to Primary Irrigation Use

Identify the primary certificate to be cancelled. Certificate # _____

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

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

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

http://apps.wrd.state.or.us/apps/gw/well_log/Default.aspx

AND/OR

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

Table 3. Construction of Point(s) of Appropriation

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

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

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Supplemental Form D

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Water Right Transfers Within the Boundaries of or Served by an Irrigation District or other Water Supplier (Association, Ditch Co., etc.)

[For transfers submitted under OAR Chapter 690 Division 380]



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

The Department requires non-district applicants to communicate with districts/water suppliers during the planning and preparation of transfer applications involving water rights having a point of diversion or appropriation (POD/POA) or place of use (POU) served by or located within the boundaries of an irrigation district, or other type of water supplier to which assessments are paid. In some cases consent will be required from the district or water supplier.

This form must be included with any transfer application that involves rights served by or located within the boundaries of a district or other type of water supplier.

1. APPLICANT INFORMATION

NAME WALLOWA LAKE IRRIGATION DISTRICT			PHONE (HM)
PHONE (WK)	CELL 541-263-1884	FAX	
ADDRESS 65196 DOBBIN ROAD			
CITY JOSEPH	STATE OR	ZIP 97846	E-MAIL** WALLOWA.LAKE.IRRIGATION@GMAIL.COM

2. DISTRICT or WATER SUPPLIER INFORMATION

DISTRICT/WATER SUPPLIER NAME SAME AS ABOVE			PHONE (HM)
PHONE (WK)	CELL	FAX	
ADDRESS			
CITY	STATE	ZIP	E-MAIL**

** By providing an e-mail address, the applicant and/or the district/water supplier consents to receive all correspondence from the Department electronically. Copies of final order documents will also be mailed.

3. WATER RIGHTS ISSUED IN THE NAME OF, or LOCATED WITHIN, or SERVED BY AN IRRIGATION DISTRICT, OTHER DISTRICT, OR WATER SUPPLIER

a. List the water right(s) involved in this transfer:

	Application / Decree	Permit / Previous Transfer	Certificate	Is the water right in the name of a district, water supplier, or BOR*?
1.		-	2949	YES ☒
2.		-		YES ☐
3.		-		YES ☐

Attach additional pages for additional water rights if necessary.

*Bureau of Reclamation

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- b. Determine a district's/water supplier's connection to your points of diversion (POD) or appropriation (POA) and places of use (POU). [You may need to consult with your district/water supplier.]

CURRENT ASSOCIATIONS Please answer the following "yes" or "no" questions:

YES ☒ NO ☐ One or more of the current POD(s) / POA(s) involved in the transfer are served by a district/water supplier or rely on BOR water.

N/A YES ☐ NO ☐ All or a portion of the current POU involved in this proposed transfer receives water for either primary or supplemental irrigation from the district/water supplier; i.e., the POU is currently layered with a district or BOR water supplied water right(s).

PROPOSED ASSOCIATIONS Please answer the following "yes" or "no" questions:

YES ☒ NO ☐ One or more of the proposed POD(s) / POA(s) involved in the transfer are currently served or will be served by a district/water supplier if the transfer is approved, or rely on BOR water.

N/A YES ☐ NO ☐ All or a portion of the proposed POU involved in this proposed transfer currently receives or will receive either primary or supplemental irrigation from the district/water supplier; i.e., the POU will be layered with a district/water supplier or BOR water supplied water right(s).

COMMENTS OR ADDITIONAL INFORMATION

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4. APPLICANT'S SIGNATURE

- (1) I certify that I have notified the district/water supplier about the proposed water right transfer application by [check one]:

☐ email, ☐ phone, ☐ postal mail, ☐ in person, or ☐ other (please specify) N/A

- (2) I certify that to the best of my knowledge the information contained in this Supplemental Form D is true and accurate.

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Dan Butterfield
Applicant Signature

Dan Butterfield, President
Name (print)

2-15-22
Date

5. (WHEN REQUIRED) DISTRICT or WATER SUPPLIER CONSENT TO THE PROPOSED WATER RIGHT TRANSFER

District Manager or Water Supplier consent is required if any box on this form is marked "YES."

The district/water supplier certifies the following:

- (1) The district/water supplier has reviewed the applicant's proposed water right transfer application and maps; and

- (2) The district/water supplier consents to the proposed water right transfer application.

YES ☐ NO ☐ After proof of completion, the confirming water right certificate is to remain in the name of the U.S. Bureau of Reclamation or the district/water supplier.

YES ☐ NO ☐ The district/water supplier will be responsible for submitting the claim of beneficial use prepared by a Certified Water Rights Examiner (CWRE).

Dan Butterfield
Signature of District Manager /Water Supplier

Dan Butterfield, President
Name (print), Title

2-15-22
Date

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Application for Water Right Transfer Evidence of Use Affidavit

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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

I, DAN BUTTERFIELD, in my capacity as PRESIDENT,

mailing address 61901 PRAIRIE CREEK ROAD, JOSEPH, OR 97846

telephone number (541)263-0320, 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 # 2949; 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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FEB 25 2022

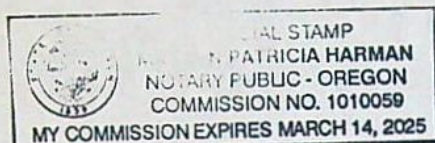
OWRD

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

Don Butterfield
Signature of Affiant

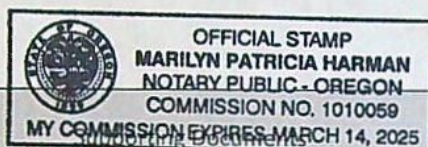
2-15-22
Date

Signed and sworn to (or affirmed) before me this 15th day of February 2022.



M. J. Harman
Notary Public for Oregon

My Commission Expires: 3-14-25



Examples	
☐ Copy of a water right certificate that has been issued within the last five years. (not a remaining right certificate)	Copy of confirming water right certificate that shows issue date
☐ Copies of receipts from sales of irrigated crops or for expenditures related to use of water	• Power usage records for pumps associated with irrigation use • Fertilizer or seed bills related to irrigated crops • Farmers Co-op sales receipt
☐ Records such as FSA crop reports, irrigation district records, NRCS farm management plan, or records of other water suppliers	• District assessment records for water delivered • Crop reports submitted under a federal loan agreement • Beneficial use reports from district • IRS Farm Usage Deduction Report • Agricultural Stabilization Plan • CREP Report
☐ Aerial photos containing sufficient detail to establish location and date of photograph	Multiple photos can be submitted to resolve different areas of a water right. If the photograph does not print with a "date stamp" or without the source being identified, the date of the photograph and source should be added. Sources for aerial photos: OSU – www.oregonexplorer.info/imagery OWRD – www.wrd.state.or.us Google Earth – earth.google.com TerraServer – www.terra-server.com
☐ Approved Lease establishing beneficial use within the last 5 years	Copy of instream lease or lease number

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Evidence of Use Supporting Documentation for C2949. Screen shot of storage contents from OWRD Gage# 13326000.

← ↻ 🏠 🔒 https://apps.wrd.state.or.us/apps/sw/hydro_near_real_time/display_hydro_graph.aspx?station_nbr=13326000
Watermaster Reviews Intranet Password C... ANERIOD LAKE #2... DAS - OSCIO - 201... Home - Workday MT. HOWARD SNO... Mt. Howard (653) -... NWCC



Oregon Water Resources Department
OWRD Near Real Time Hydrographics Data

Station ID: 13326000 View: [Map](#) - [Driving Directions](#) - [Station Info](#) - [Historical Stats](#) -

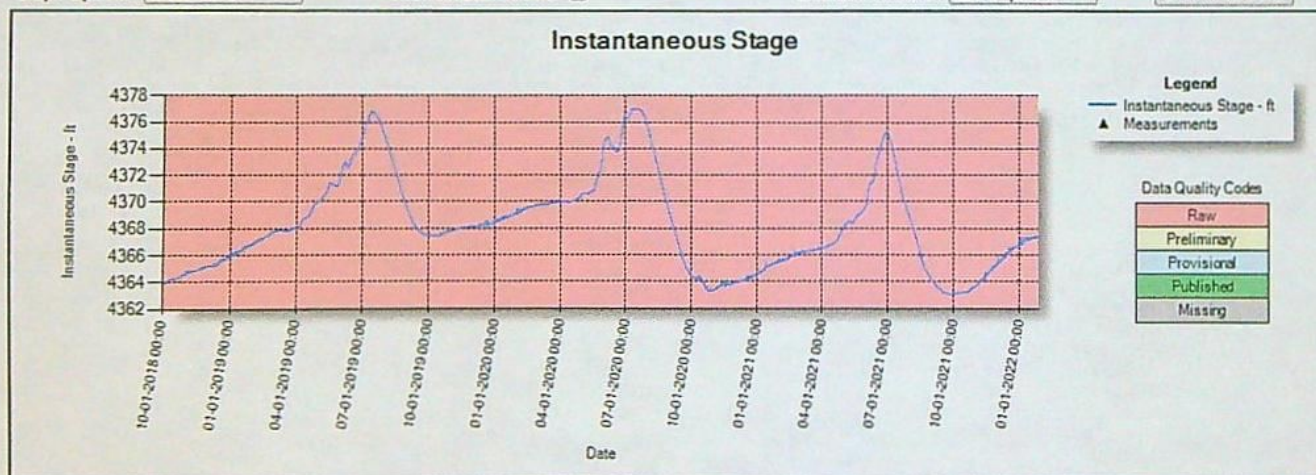
Name: WALLOWA LAKE NR JOSEPH, OR

Operator: OWRD Status: Near Real Time Drainage Area:
Latitude: 45° 20' 9.993" Longitude: -117° 13' 19.008" Datum: NAD27

Period of Operation: Unknown ~ Present

Most Recent Values: Instantaneous Stage: 4367.41 ft @ 01/27/2022 13:15

Starting Date: 10/01/2018 Ending Date: 1/27/2022 Dataset: Instantaneous Stage Refresh Graph
Graph Options: Linear Axis Show Measurements: ☒ Download Format: Tab Separated Download Data



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Water Right Transfer Supplemental Form

Waiver of Mapping Requirements



Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, Oregon 97301-1271
(503) 986-0900
www.oregon.gov/OWRD

The Director may waive or assist a transfer applicant in satisfying the mapping requirements (OAR 690-380-3100) for certain transfers if the criteria described in this form are met pursuant to OAR 690-380-3410.

This form must be prepared by the transfer applicant and the appropriate Regional Manager for the Oregon Water Resources Department. To prepare the form, a copy of the complete transfer application, including a description of the water rights to be transferred, must be provided to the Regional Manager.

This map waiver form must be signed by the Regional Manager and submitted with the transfer application.

Transfer Applicant: Willow Lake Irrigation District

Water Right(s) to be transferred: 4,500 AF From Certificate 2949

1. The transfer must be one of the following. Please check the appropriate box.

- ☐ An instream transfer application filed pursuant to ORS 537.348.
- ☐ A transfer application necessary to complete a project funded by the Oregon Watershed Enhancement Board (OWEB) under ORS 541.375; or
- ☒ The transfer application is determined and endorsed in writing by ODFW as a change that will result in a net benefit to fish and wildlife habitat.

2. For an instream transfer application filed pursuant to ORS 537.348, a map waiver shall only be approved if the application meets one of the following additional criteria. Please check the appropriate box.

- ☐ The entirety of the right is being transferred to an instream water right and the location of the instream water right can be clearly delineated through reference to the existing point of diversion for the transferred right and other points of diversion or geographic reference points such as the mouth of the stream; or
- ☐ A map meeting the requirements of the transfer rules (OAR 690-380-3100) is available showing the lands not included in the transfer and the location of the instream water right can be clearly delineated through reference to the existing point of diversion for the transferred right and other points of diversion or geographic reference points such as the mouth of the stream. (Please include copy of map(s) with transfer application.)

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3. For a transfer application meeting any one of the criteria identified in #1 (including an instream transfer application), a waiver may also be approved if other circumstances are present that make an application map unnecessary. If #2 does not apply, but circumstances are present that make an application map unnecessary, describe those circumstances below:

4. For any transfer application meeting one or more of the criteria identified in #1 that does not meet the criteria for a waiver as described in #2 or #3, the Department may assist the applicant in development of the application map. The Department (through the regional office) may provide this assistance at the discretion of the appropriate Regional Manager. Please check the appropriate box below if the Department has provided assistance in development of the transfer application map:



A map meeting the requirements of OAR 690-380-3100 has been prepared by Department staff and is included with the transfer application.



The map provided with the transfer application has been developed with assistance from Department staff and meets the requirements of OAR 690-380-3100.

Signature: _____



OWRD Regional Manager, EAST Region

Date: _____

2/9/2022

Rebecca Knapp

From: Rebecca Knapp <rjklaw@eoni.com>
Sent: Thursday, February 17, 2022 2:40 PM
To: 'Rebecca Knapp'
Subject: FW: WLID Permanent Transfer Application: Net Benefit Finding

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I will be out of the office between February 28 – March 4, 2022. I will be back in the office on Monday, March 7, 2022.

Knapp Law Office, P.C.
203 E Main St. Suite 1
Enterprise, OR 97828
Phone: 541-426-7880
Fax: 541-426-7882
e-mail: rjklaw@eoni.com

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From: FERRARI Chandra A * ODFW <Chandra.A.FERRARI@odfw.oregon.gov>
Sent: Monday, February 14, 2022 10:40 AM
To: Rebecca Knapp <rjklaw@eoni.com>
Subject: RE: WLID Permanent Transfer Application: Net Benefit Finding

Hi Rebecca,

ODFW has assessed the information provided in the Permanent Transfer application for Storage Certificate 2949 which seeks to change the character of use of 4,500 AF to "multipurpose." Our assessment indicates that the proposed changes will result in a net benefit to fish and wildlife habitat and thus qualify for a fee reduction offered through the Oregon Water Resources Department.

The change in character of use application is consistent with section 9(c) of the June 22, 2020 Memorandum of Agreement (MOA) signed by the Wallowa Lake Irrigation District, Nez Perce Tribe, Confederated Tribes of the Umatilla Indian Reservation and ODFW. The MOA recognizes the signatories' mutual interest in the protection, restoration and enhancement of anadromous fish resources, wildlife and the economic and cultural resources affected by the Wallowa Lake Dam and in seeking solutions to water management challenges in the Wallowa and Grande Ronde River basins. To benefit fish and wildlife resources, the MOA seeks changes to the operation of Wallowa Lake Dam including the release of 4,500 AF from the Dam to be protected instream with a secondary water right. Such releases will provide benefit to instream resources from Wallowa Lake Dam to the confluence with the Columbia River. Approval of this application will help facilitate implementation of this provision.

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Based on this information, ODFW has determined that the proposed transfer provides a change that will result in a net benefit to fish and wildlife habitat and qualifies for OWRD's fee reduction. ODFW reserves the right to alter this recommendation for future applications pending other applicable information available at that time.

Please let me know if you need any additional information or have any further questions.

Thank you!

Chandra Ferrari
Habitat Division Deputy Administrator & Water Program Manager
Oregon Department of Fish and Wildlife
503-910-4586
Chandra.a.ferrari@odfw.oregon.gov

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MAP TO ACCOMPANY CHARACTER OF USE TRANSFER: CERTIFICATE 2949, FOR WALLOWA LAKE IRRIGATION DISTRICT Scale 1:20000

Map Disclaimer:
This product is for informational purposes only and may not have been prepared for, or be suitable for, legal, engineering, or planning purposes. Users of this information should review of consult the primary data and information sources to ascertain the validity of the information.
This map is not intended to display property lines.
Disclaimer: This being the result of a manual search of the records of the Watermaster's Plat Cards and the WMS database. This being has not been field checked. That a right is of record is no guarantee that it has been abandoned under the conditions of ORS 340.630. The plat card records are listed by the 40.0 acre quarter-quarter within a section. If the water right listed within a quarter-quarter is an acre (that one can be 1/4 of the acre has not been removed the water right for each 1/4 acre) - only a survey could accurately depict how much of the water rights are on each 1/4 acre.

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- Legend**
- Lake
 - Stream, perennial
 - Stream, intermittent
 - Canal
 - Connector
 - D7_TWP
 - D7_SEC
 - D7_QQ
 - C3103_RR



**District 7
Watermaster**

18681

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

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NOTE TO APPLICANTS

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

This form is NOT required if:

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

NOTE TO LOCAL GOVERNMENTS

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

Land Use Information Form

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

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Applicant(s): Wallowa Lake Irrigation District

Mailing Address: 65196 Dobbin Road

City: Joseph

State: OR

Zip Code: 97846

Daytime Phone: 541-263-1884

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>3S</u>	<u>45E</u>	<u>5</u>	<u>NENW</u>	_____	_____	☐ Diverted	☐ Conveyed	☒ Used	<u>Multi-Purpose</u>
_____	_____	_____	_____	_____	_____	☐ Diverted	☐ Conveyed	☐ Used	_____
_____	_____	_____	_____	_____	_____	☐ Diverted	☐ Conveyed	☐ Used	_____
_____	_____	_____	_____	_____	_____	☐ Diverted	☐ Conveyed	☐ Used	_____

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

Wallowa County

B. Description of Proposed Use

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

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

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

Estimated quantity of water needed: 4,500 ☐ 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 Multi-Purpose

Briefly describe:

Commencing one year after the rehabilitation of the Wallowa Lake Dam, the Wallowa Lake Irrigation District will release 4,500 AF into the Wallowa River for instream 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. →

For Local Government Use Only

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

Please check the appropriate box below and provide the requested information

☒ Land uses to be served by the proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s):

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

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

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

Name: Jean Jancaitz Title: Planning Dept. Sp.

Signature: [Signature] Phone: 541-426-4543 Date: 2/14/2022

Government Entity: Wallowa County Planning Dept.

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- 13931

Checked by: <u>Jan</u>	Type of Change(s) Proposed: Mark the Proposed Changes	Substitution	Supplemental to Primary	POU	POD	APOD
Date: <u>3/2/22</u>		Gov Action	Surface to Ground	<u>USE</u>	POA	APOA
Fee Received: # <u>680.00</u>						
Calculated Fee: <u>1360.00</u>				How many rights to be Transferred? Certificate # <u>2949</u>		
Additional Observations: <u>Fish friendly 50% reduced fee</u>						

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

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

Actions taken: _____ Date: _____

Map
waiver
of
evidence
of
Map
waiver
of
evidence
of

Permanent Transfer Application Intake Completion Checklist

[illegible]

Wallowa Lake Irrigation District

Oregon Water Resources Department

1601

Date	Type	Reference	Original Amt.	Balance Due	10/6/2022 Discount	Payment
9/23/2022	Bill	T-13931	95.26	95.26		95.26
					Check Amount	95.26

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Community Bank Che

95.26

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Certified Mail Fee

\$

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

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

Postmark
Here

WALLOWA LAKE IRRIGATION DISTRICT
65196 DOBBIN RD
JOSEPH, OR 97846