

Regular

RA

Name Bridge Creek Ranch, LLCAddress 355 Goodpasture Island Road  
Eugene, OR 97401  
mpati@pape.comChange in APODDate Filed 1-24-2023Initial notice date 1-31-2023

DPD issued date

PD issued date 1/19/2024PD notice date 1/23/2024

Date of FO \_\_\_\_\_ Vol \_\_\_\_\_ Page \_\_\_\_\_

C-Date \_\_\_\_\_

COBU due date \_\_\_\_\_

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

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

## DESCRIPTION OF WATER RIGHT(s)

Name of Stream Bridge CreekTrib. of John Day RiverUse IR ; DOCounty Wheeler

Quantity of water (CFS) \_\_\_\_\_

No. of Acres \_\_\_\_\_

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

App# Decree Per # v. 12 pg. 388 Cert # 13593 PR Date 1868App# 11 Per # 11 Cert # 96311 PR Date 1868

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

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

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

## FEES PAID

Date	Amount	Receipt #
1/24/2023	\$1,970.00	139983
1-24-2023	\$125.00	139984
2-7-2023	\$1,374.33	140083
2-15-2024	\$950.00	142413

## FEES REFUNDED

Date	Amount	Receipt #

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

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

Agent Schwabe, Williamson & Wyatt - ehoward@schwabe.com ; Hhane@schwabe.com

CWRE \_\_\_\_\_

CC's list Wheeler County☐ - Oversized map - Location \_\_\_\_\_



**REIMBURSEMENT AUTHORITY  
APPLICANT AGREEMENT  
Contract Number: RH-1**

This Agreement is between the **Oregon Water Resources Department**, hereafter OWRD or Department, and Bridge Creek Ranch, LLC, hereafter Applicant, hereafter known together as the Parties.

OWRD Information		Applicant Information		Applicant Representative	
<b>Contact:</b>	Will Davidson	<b>Contact:</b>	Mike Pati	<b>Contact:</b>	
<b>Title:</b>	Protest Program Coordinator	<b>Title:</b>	President, Papé Properties, Inc., sole member of Bridge Creek Ranch, LLC	<b>Title:</b>	
<b>Address:</b>	725 Summer St NE, Suite A Salem, OR 97310-1266	<b>Address:</b>	355 Goodpasture Island Rd., Suite 300, Eugene, OR 97401	<b>Address:</b>	
<b>Phone:</b>	(503) 507-2749	<b>Phone:</b>	(541) 681-5332	<b>Phone:</b>	
<b>Fax:</b>	(503) 986-0901	<b>Fax:</b>	(541) 326-0346	<b>Fax:</b>	
<b>Email:</b>	<a href="mailto:will.d.davidson@water.oregon.gov">will.d.davidson@water.oregon.gov</a>	<b>Email:</b>	<a href="mailto:mpati@pape.com">mpati@pape.com</a>	<b>Email:</b>	

The purpose of this Agreement is to expedite the referral to the Office of Administrative Hearings of the contested case hearing on the Transfer Applications, Application Numbers: T-14158 and T-14170

**1. AUTHORITY**

OWRD has been authorized pursuant to [ORS 536.055](#) to enter into a voluntary Agreement with any applicant, permittee, or regulated entity for expediting or enhancing a regulatory process.

**2. RESTRICTIONS**

Applicant and OWRD agree that this Agreement shall not be construed to restrict in any way the decisions and actions by OWRD. OWRD shall be free to exercise independent judgment consistent with existing laws and regulations.

**3. EFFECTIVE DATE**

This Agreement shall become effective on the latest of the dates on which each party has signed the Agreement and on which the Applicant has paid the Deposit, as described in section 6 below.

**4. COVERED COSTS**

In consideration for expedited referral, the Applicant agrees to pay the following "Covered Costs." The Applicant agrees to pay as follows:

- 4.1** The full cost of time and materials expended by the Oregon Department of Justice (DOJ) and the Office of Administrative Hearings (OAH) from the referral of the subject matter to the OAH until the issuance of final orders.
- 4.2** If OWRD staff time in responding to requests for discovery exceeds 20 hours, OWRD, in its sole discretion, may require Applicant to pay the cost of OWRD staff time exceeding 20 hours and OWRD materials in responding to discovery requests.

**5. COST ESTIMATE**

Based on a review of costs of similar, recent contested case proceedings, OWRD estimates that the Covered Costs will be \$133,000.00 ("Estimate"). The Applicant acknowledges and agrees that the costs of a contested case hearing are subject to considerable uncertainty. It is possible that one or more factors may cause the costs of a contested case to increase significantly, and the Applicant remains responsible for the payment of these additional costs, as further described herein. This Estimate is based on OAH and DOJ staff costs at the hourly rate schedule in effect at the time of this Agreement, with a nominal contingency built-in to account for unforeseen costs as well as potential increases to the hourly rate schedule.



## **6. PAYMENT AND REVISION TO ESTIMATE**

Applicant must submit 25 percent (25%) of the Estimate upon execution of this Agreement ("Deposit"). The Deposit will be placed in an account administered by OWRD and held in reserve until such time that the Department has expended 75 percent (75%) of the Estimate, or until the Applicant becomes more than 30 days late in its payment of any one of OWRD's invoices. OWRD will invoice the Applicant monthly for actual costs and the Applicant will remit payment upon receipt. OWRD will continue to invoice the Applicant monthly until 75% of the Estimate has been expended. At that time, OWRD will access and draw down the Deposit and will send monthly statements to the Applicant, itemizing how the Deposit has been expended.

If the Covered Costs are expected to exceed the Estimate, OWRD shall prepare and provide to the Applicant a monthly invoice containing an itemized statement of excess costs and the Applicant shall pay the excess costs within 30 days after receipt of the monthly invoice.

Failure to pay invoices in a timely manner may result in OWRD accessing and drawing down the Deposit to obtain reimbursement for the past due invoices and may also result in a request for abeyance of the contested case hearing, a withdrawal of the matter from the Office of Administrative Hearings, or termination of this Agreement. OWRD's use of part, or all, of the Deposit to obtain reimbursement for the past due amount shall not affect the requirement to pay the past due amount. Any abeyance, withdrawal, or termination does not relieve the Applicant of the obligation to pay all expenses and fees incurred but not yet invoiced prior to the abeyance, withdrawal, or termination. If the Department uses part or all of the Deposit to offset any past due amounts, the Department will apply subsequent payment by the Applicant first to restore the deposit to the initial payment amount, and second to any invoices that are not yet past due.

## **7. CONFIDENTIALITY**

Applicant agrees that any information provided to or acquired by OWRD under this Agreement will be subject to the Oregon Public Records Law and shall be considered public records.

## **8. INDEMNITY**

Applicant shall defend, save, hold harmless, and indemnify the State of Oregon, OWRD, and their officers, employees, and agents from and against all claims, suits, actions, losses, damages, liabilities, costs, and expenses of any nature resulting from or arising out of, or relating to the activities of Applicant or its Representatives, officers, employees, contractors, or agents under this Agreement. The Applicant acknowledges that OWRD cannot and does not guarantee a favorable review under the subject regulatory process.

## **9. TERMINATION BY APPLICANT**

Applicant may terminate this Agreement by providing notice to OWRD. The Applicant acknowledges that upon acknowledging receipt of the notice from the Applicant, the Department may withdraw the matter from the office of Administrative Hearings. If the matter is withdrawn, the matter will be re-referred in the ordinary course of the Department's business. The Applicant's termination of this Agreement does not relieve the Applicant of the obligation to reimburse OWRD for work already completed, including acknowledgement of request for termination.

## **10. TERMINATION BY OWRD**

OWRD may terminate this Agreement immediately upon written notice by Department to Applicant if Department fails to receive funding, appropriations, limitations, allotments, or other expenditure authority at levels sufficient to conduct the work described in the Estimate. Any such cessation of work under this Agreement does not relieve the Applicant of the of the obligation to reimburse the Department for work already completed.

In addition to any other rights and remedies OWRD may have under this Agreement, OWRD may terminate this Agreement immediately upon written notice by OWRD to Applicant, or at such later date as Department may establish in such notice, if Applicant is in violation of its payment obligations described in section 6. Any such cessation under this Agreement does not relieve the obligation for the Applicant to reimburse OWRD for work already completed.

The Applicant acknowledges that upon termination under this section 10, OWRD may withdraw the matter from the office of Administrative Hearings. If the matter is withdrawn, the matter will be re-referred in the ordinary course of OWRD's business.



**11. DURATION**

This Agreement will terminate sixty (60) days after the Applicant has paid all expenses described in sections 4 and 5.

**12. REFUND OF REMAINING BALANCE**

OWRD, upon termination of this Agreement, will refund any unspent balance.

**13. FUNDS AUTHORIZED AND AVAILABLE**

By its execution of this Agreement, Applicant certifies that sufficient funds are authorized and available to cover the expenditures contemplated by this Agreement.

**14. COMPLETION DATE**

OWRD, by the execution of this Agreement, does not guarantee a completion date of the contested case hearing process or the issuance of final orders in this matter. The Applicant acknowledges that, while OWRD agrees to engage in this matter with reasonable diligence and will not seek unreasonable delay in the hearing process, certain matters pertaining to the scheduling of a contested case hearing are outside the control of OWRD.

**15. CAPTIONS**

The captions or headings in this Agreement are for convenience only and in no way define, limit, or describe the Scope, or intent, of any provision of this Agreement.

**16. GOVERNING LAW**

This Agreement shall be governed by the laws of the State of Oregon.

**17. AMENDMENT AND MERGER**

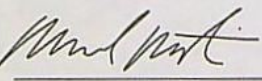
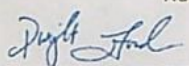
The terms of this Agreement shall not be waived, altered, modified, supplemented, or amended in any manner whatsoever, except by written instrument signed by both Parties. Such waiver, consent, modification, or change, if made, shall be effective only in the specific instance and for the specific purpose given. There are no understandings, agreements, or representations, oral or written, not specified herein regarding this Agreement.

**18. COUNTERPARTS**

This Agreement may be executed in any number of counterparts. Delivery of an executed signature page of this Agreement by email to the other party shall be as effective as delivery of an original signed counterpart of this Agreement.

**19. SIGNATURES**

All Parties, by the authorized Representative's signature below, hereby acknowledge that they have read this Agreement, understand it, and agree to be bound by its terms and conditions.

Applicant:		Mike Pati, President, Papé Properties, Inc., sole member of Bridge Creek Ranch, LLC	8/8/24
		Name/Title	Date
OWRD:		Digitally signed by Dwight French Date: 2024.08.09 08:29:48 -07'00'	
		Name/Title	Date

**Mail or email signed Agreement to:** Will Davidson, Oregon Water Resources Department, 725 Summer St. NE, Suite A, Salem, OR 97301-1266, [will.d.davidson@water.oregon.gov](mailto:will.d.davidson@water.oregon.gov)

**Mail deposit check to:** Will Davidson, Oregon Water Resources Department, 725 Summer St. NE, Suite A, Salem, OR 97301-1266. The deposit check should reference the contract number.



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 # 142413

INVOICE #

RECEIVED FROM: Waterwatch of Oregon, Inc.  
BY:

APPLICATION  
PERMIT  
TRANSFER T-14158

CASH: ☐ CHECK: # 15649 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 47235

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 EXAM FEE 0204 \$

0205 TRANSFER EXAM FEE

WELL CONSTRUCTION

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

0223 OTHER (IDENTIFY) Protect \$ 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 (FW/WRD) \$  
0231 HYDRO LICENSE FEE (FW/WRD) \$  
HYDRO APPLICATION \$

TREASURY OTHER / RDX RECEIVED

FUND TITLE OVER THE COUNTER

OBJ. CODE VENDOR #

DESCRIPTION \$

RECEIPT: 142413

DATED: 2-15-2024 BY: Lisa Danner

Distribution - White

WATERWATCH OF OREGON, INC.

Oregon Water Resources Department

Date Type Reference  
2/13/2024 Bill T-14158

Original Amt.  
950.00

Balance Due  
950.00

2/13/2024  
Discount  
Check Amount

Payment  
950.00  
950.00

STATE OF OREGON  
WATER RESOURCES DEPARTMENT

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

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BY:

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TC162 DEPOSIT LIAB. (IDENTIFY) \$  
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0203 GROUND WATER EXAM FEE 0204 \$

0205 TRANSFER EXAM FEE

WELL CONSTRUCTION

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

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0536 TREASURY 0437 WELL CONST. START FEE

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

OTHER (IDENTIFY)

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

TREASURY OTHER / RDX RECEIVED

FUND TITLE OVER THE COUNTER

OBJ. CODE VENDOR #

DESCRIPTION \$

RECEIPT: 142413

DATED: 2-15-2024 BY: Lisa Danner

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

15649

RECEIVED  
FEB 15 2024  
OWRD



FEB 15 2024

## BEFORE THE OREGON WATER RESOURCES DEPARTMENT Salem, OR

In the Matter of Transfer Application                     ) Protest of WaterWatch of Oregon  
 T-14158, Wheeler County                                     )  
    )  
 (Application by Bridge Creek Ranch LLC)             )

WaterWatch of Oregon ("WaterWatch") hereby protests the application ("Application") by Bridge Creek Ranch LLC and the preliminary determination ("Preliminary Determination") of the Oregon Water Resources Department ("Department") in the above matter.

Pursuant to OAR 690-380-4030 and OAR 690-002-0030, WaterWatch states as follows:

A. Facts Showing WaterWatch Is Entitled to Relief.

1. Water right certificates 13593 and 96311 (collectively "Water Rights") authorize diversions of water from Bridge Creek, a tributary to the John Day River, for irrigation and domestic use. Certificate 13593 authorizes diversion of up to 3.68 cubic feet per second ("cfs") from March 1 through June 15 of each year and up to 1.84 cfs from June 15 to October 1 of each year. Certificate 96311 authorizes diversion of up to 1.08 cfs from March 1 through June 15 of each year and up to 0.54 cfs from June 15 to October 1 of each year. Each right has a priority date of 1868.

2. On or about January 24, 2023, Bridge Creek Ranch applied to the Oregon Water Resources Department ("OWRD") for an order allowing an additional point of diversion for each of the Water Rights. In the application, Bridge Creek Ranch stated:

This transfer application proposes to add an additional point of diversion (POD) on Bridge Creek in Section 31 as a POD for Certificates 13593 and 96311. The new POD will serve both of these water rights and will be located on Bridge Creek Ranch's (BCR) property, whereas the current POD which also currently



serves both water rights is located on U.S. Bureau of Land Management Property (BLM).

3. Under agreements, permits and/or regulatory requirements with and/or from the Bureau of Land Management (BLM), diversions of water from Bridge Creek at the point of diversion for the Water Rights on BLM land have been subject to a minimum flow requirement that prohibits or restricts diversions from Bridge Creek when flows in Bridge Creek are less than 10 cfs.<sup>1</sup>

4. The instream flow requirement at the current point of diversion on Bridge Creek has limited diversions under the Water Rights at times when more water could otherwise have been diverted under the Water Rights.

5. Diversions of water under the Water Rights at the proposed additional point of diversion on Bridge Creek Ranch property will not be subject to the same instream flow requirements as diversions at the current point of diversion on BLM property. Thus, the proposed additional point of diversion will result in more water being diverted under the Water Rights than would have been diverted without the proposed additional point of diversion. That will constitute an enlargement of the Water Rights.

6. The Bureau of Land Management (BLM) has rights to divert water from Bridge Creek at the same point of diversion currently used by Bridge Creek Ranch for diversions under the Water Rights. According to the Application and other information, the BLM plans to lease its water rights for use as instream water rights within the next five years, and to no longer divert water from Bridge Creek at the shared point of diversion.

Received by OWRD

FEB 15 2024

Salem, OR

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<sup>1</sup> The Application and Preliminary Determination identify the existing point of diversion for C13593 as being in Township 10 South, but the map accompanying the application indicates it is in Township 11 South (with the same range, section and additional location description).



7. C59780 is an instream water right protecting flows in Bridge Creek, in varying amounts depending on the time of year, from the mouth of Bear Creek to the mouth of Bridge Creek, which is downstream from both the existing and the proposed points of diversion from Bridge Creek. C59780 has a priority date of November 3, 1983, which is junior to the Water Rights.

8. By allowing Bridge Creek Ranch to divert more water from Bridge Creek under the Water Rights, the proposed additional points of appropriation for the Water Rights would injure other existing water rights, including but not limited to the instream water right reflected in C59780 and the instream water right created by the lease of BLM water rights for instream use. The other existing water rights would be injured because they would, at least at times, fail to receive previously available water to which they are legally entitled.

9. A reasonable opportunity for discovery and further investigation may show that Bridge Creek Ranch has not used the full amount of one or both Water Rights (even excluding the portion of one of the Water Rights to be voluntarily cancelled under the Preliminary Determination) for five successive years and was not ready, willing, and able to use the full amount of water allowed under one or both Water Rights.

B. How the Preliminary Determination Is in Error and Deficient (Not Required but Set Forth for Further Identification of Issues).

The facts set forth above show that the Preliminary Determination is in error and deficient for reasons including but not limited to the following:

1. The Preliminary Determination would enlarge the use of water under the Water Rights.

2. The Preliminary Determination would injure other existing water rights.



3. The Preliminary Determination would authorize additional points of diversion under the Water Rights, not a change in the point of diversion, which is not authorized by statute.

4. A reasonable opportunity for discovery and further investigation may show that the Preliminary Determination would allow transfer of water rights that have been forfeited, in whole or in part, by non-use.

C. Specific Relief or Action Requested.

Protestants request a final order denying the application or including a condition equivalent to the conditions on diversions from the current point of diversion on BLM land, under agreements, permits and/or regulatory requirements with and/or from the BLM.

D. Name, Address and Telephone Number of Protestant.

The name, address and telephone number of the Protestant is:

WaterWatch of Oregon  
213 SW Ash Street, Suite 208  
Portland, OR 97204  
(503) 295-4039

E. Name and address of other person or persons necessary to, or having a direct interest in, the proceeding.

The following other persons are necessary to, or have a direct interest in, the proceeding:

Bridge Creek Ranch LLC  
355 Goodpasture Island Road  
Eugene, OR 97401

Elizabeth Howard and Lindsay Thane  
Schwabe, Williamson & Wyatt  
1211 SW 5th Ave., Suite 1900  
Portland, OR 97204



F. Citation of Legal Authority.

Protestant relies on legal authorities including the following:

1. ORS 540.505 through ORS 540.580, including: ORS 540.510; ORS 540.520 and ORS 540.530.
2. ORS 540.610 and ORS 540.631.
3. OAR Chapter 690 Division 380, including: OAR 690-380-0100(2), (3); OAR 690-380-2110; OAR 690-380-4010; OAR 690-380-4030; OAR 690-380-5000; OAR 690-380-5140; OAR 690-380-6010.

G. Protest Fee.

Pursuant to ORS 536.050, the required fee of \$950 is included with this protest.

H. Request for Hearing.

Protestant requests a contested case hearing.

Dated: February 15, 2024

Respectfully submitted,

Brian Posewitz

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Brian Posewitz  
Staff Attorney  
WaterWatch of Oregon  
8508 SE 11th Ave.  
Portland, OR 97202  
brian@waterwatch.org

Received by OWRD

FEB 15 2024

Salem, OR



**PROOF OF SERVICE**

The undersigned hereby certifies that the foregoing protest was served by regular first-class mail, on the date indicated below, as follows:

Bridge Creek Ranch LLC  
255 Goodpasture Island Road  
Eugene, OR 97401

Elizabeth Howard and Lindsay Thane  
Schwabe, Williamson & Wyatt  
1211 SW 5th Ave., Suite 1900  
Portland, OR 97204

Dated: February 15, 2024

Brian Posewitz

---

Brian Posewitz

Received by OWRD

FEB 15 2024

Salem, OR



Received

FEB 12 2024

OWRD

**Affidavit of Publication**  
STATE OF OREGON, COUNTY OF DESCHUTES

I, Julius Black, a citizen of the United State and a resident of the county aforesaid; I am over the age of eighteen years, and not part to or interested in the above-entitled matter. I am the principal clerk of the printer of

**The Bulletin**  
P.O. BOX 6020, BEND, OR 97708

a daily newspaper of general circulation, published in the aforesaid county and state as defined by ORS 192.010 and ORS 192.020, that

**Acct Name:** OREGON WATER RESOURCES DEPT

**PO Number:**

**Legal Description:** NOTICE OF PRELIMINARY DETERMINATION FOR WATER RIGHT TRANSFER T-14158 T-14158 FILED BY BRIDGE CREEK RANCH LLC 355 GOODPASTURE ISLAND RD EUGENE OR 97401 PROPOSES ADDITIONAL POINTS OF DIVERSION UNDER CE

a printed copy of which is hereto affixed was published in each regular and entire issue of the said newspaper and not in any supplement thereof on the following dates to wit:

**1/23/24, 1/30/24**

I certify (or declare) under penalty of perjury that the foregoing is true and correct.



Signature

Dated at Bend, Oregon, this 30th day of January, 2024

**AdName: 417033**

State of Oregon, County of Deschutes

Subscribed and Sworn to before me this 5TH day of Feb, 2024 by



Notary Public for Oregon

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

in the \_\_\_\_\_ Court of the

STATE OF OREGON  
for the  
COUNTY OF DESCHUTES

**AFFIDAVIT OF PUBLICATION**

Filed. \_\_\_\_\_

By \_\_\_\_\_

From the office of \_\_\_\_\_

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





Received  
FEB 12 2024

OWRD

**Notice of Preliminary  
Determination for**

**Water Right Transfer T-14158**  
T-14158 filed by Bridge Creek Ranch, LLC., 355 Goodpasture Island Rd., Eugene, OR 97401, proposes additional points of diversion under Certificates 13593 and 96311. Certificate 13593 allows the use of 3.68 cubic feet per second before June 15 and 1.84 cfs after June 15 from Bridge Creek in Sec. 6, T11S, R21E, WM for irrigation and domestic use in Sects. 24, 25, and 36, T10S, R20E, WM and Sects. 30 and 31, T10S, R21E, WM. Certificate 96311 allows the use of 1.08 cfs before June 15 and 0.54 cfs after June 15 from Bridge Creek in Sects. 6 and 9, T11S, R21E, WM for irrigation and domestic use in Sec. 21, T10S, R21E, WM. The applicant proposes additional points of diversion for both rights in Sec. 31, T10S, R21E, WM. The Water Resources Department proposes to approve the transfer, based on the requirements of ORS Chapter 540 and OAR 690-380-5000.

Any person may file, jointly or severally, a protest or standing statement within 30 days after the last date of newspaper publication of this notice, 01/30/2024. Call (503) 986-0935 to obtain additional information. If no protests are filed, the Department will issue a final order consistent with the preliminary determination.



Interview support person to a Multi-Media Marketing Executives on our outside sales team. The ideal candidate will have general office experience and be able to work independently and function within a team environment while effectively managing multiple tasks and deadlines with regular interruptions and shifting priorities throughout the day. This is an entry-level position, for a person that would like to start a career in sales. We hope that this person will enjoy the process and that in time they will step into an outside sales position. For more information, please visit: <https://www.eomediagroup.com/careers/>

## Oregon TECH

Assistant Professor, EMS (TT)  
Join us in educating the next generation of EMS leaders. We are intent on finding someone who shares our passion for improving the EMS industry through education and research.

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### 660 SERVICES

#### 664 Services

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Government program for recipients of select programs incl. Medicaid, SNAP, Housing Assistance, WIC, Veterans Pension, Survivor Benefits, Lifeline, Tribal.  
15 GB internet service. Bonus offer: Android tablet FREE with one-time \$20 copay. Free shipping & handling. Call Maxsip Telecom today! 1-877-390-0458.

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Call LeafGuard and say goodbye to gutter cleaning for good. No cleaning. No leaking. No water damage. No more ladder accidents. Get LeafGuard today and be protected for life. FREE estimate. Financing available. 20% off total purchase (Restrictions may apply.) Call 1-844-345-1537.

Switch to a \$200/year on your talk, text and data. No contract and no hidden fees. Unlimited talk and text with flexible data plans. Premium nationwide coverage. 100% U.S. based customer service. For more information, call 1-877-916-0803.

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### 100 NOTICES

#### 101 Legal Notices

##### PUBLIC NOTICE

The Bend Park & Recreation District Board of Directors will meet in person and virtually February 2, 2024: 9 am-3pm for a Board Workshop. The workshop agenda includes: the strategic plan mid-year review, financial forecast, recreation cost recovery and financial discussion of the CIP, budget and board priorities, board policy discussion and board self-evaluation. The regular board meeting for February 6, 2024 is canceled, the next board meeting is scheduled for February 20, 2024.

The agenda and link to watch the meeting are posted on the district's website, <https://www.bend-parksandrec.org/about/board-meetings/>. For more information call 541-706-6151.

##### Notice of Preliminary Determination for

##### Water Right Transfer T-14158

T-14158 filed by Bridge Creek Ranch, LLC., 355 Goodpasture Island Rd., Eugene, OR 97401, proposes additional points of diversion under Certificates 13593 and 96311. Certificate 13593 allows the use of 3.68 cubic feet per second before June 15 and 1.84 cfs after June 15 from Bridge Creek in Sec. 6, T11S, R21E, WM for irrigation and domestic use in Sects. 24, 25, and 36, T10S, R20E, WM and Sects. 30 and 31, T10S, R21E, WM. Certificate 96311 allows the use of 1.08 cfs before June 15 and 0.54 cfs after June 15 from Bridge Creek in Sects. 6 and 9, T11S, R21E, WM for irrigation and domestic use in Sec. 21, T10S, R21E, WM. The applicant proposes additional

Received

FEB 12 2024

OWRD



# WATER RIGHT TRANSFER COVER SHEET

Transfer: T- 14158

Transfer Specialist:

Transfer Type: Regular Transfer

RA

ala

<b>Applicant:</b> BRIDGE CREEK RANCH LLC 355 GOODPASTURE ISLAND RD EUGENE, OR 97401 Email: _____ Phone: _____		<b>Agent:</b> <input type="checkbox"/> N/A SCHWABE WILLIAMSON & WYATT 1211 SW 5TH AVE SUITE 1900 PORTLAND, OR 97204 Email: _____ Phone: _____	
<b>Irrigation District:</b> <input type="checkbox"/> N/A Email: _____		<b>CWRE:</b> <input type="checkbox"/> N/A Email: _____	
<b>Affected Local Gov'ts:</b> <input type="checkbox"/> N/A County Of Wheeler Email: _____		<b>Affected Tribal Gov't:</b> <input type="checkbox"/> N/A UNAVAILABLE Email: _____	

## Water Rights Affected

File Marked	App. File # or Decree Name	Permit	Certificate	RR/CR Needed	RR/CR Nos.
<input type="checkbox"/>	Bridge Creek Decree	v.12 pg. 388	13593	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	Bridge Creek Decree	v. 12 pg. 388	96311	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>				<input type="checkbox"/> Yes <input type="checkbox"/> No	

## Key Dates & Initial Actions:

Rec'd: January 24, 2023	Proposed Action(s): ADDITIONAL POINT OF DIVERSION	
Fees Pd: 1970.00	WM District: 21	ODFW District:
Initial Public Notice: January 31, 2023	WM Review sent:	ODFW Review sent:
Acknowledgement Letter Sent <input type="checkbox"/>		GW Review sent: <input type="checkbox"/> N/A
County sent cc: of Ack Letter <input type="checkbox"/>	BOR notified (date): <input type="checkbox"/> N/A	
Newspaper quote requested:	Request for news \$ sent:	News \$ received:
Request to publish sent:	Affidavit of publication received:	Last day of publication:

Electronic

Document	Drafted	Peer Review	Changes Made	Coordinator	Changes Made	Signature Bin	Signature Date
DPD	Date: 10/18/23 Initials: AID	Date: 10/18/23 Initials: AL	Date: _____ Initials: _____	Date: 11/15/23 Initials: PKS	Date: 11/15/23 Initials: AID	CW Sent: 11/15/23	N/A
PD	Date: 12/12/23 Initials: AID	Date: 12/19/23 Initials: EAB	Date: _____ Initials: _____	Date: 12/20/23 Initials: PKS	Date: 12/21/23 Initials: AID	Date: 1/10/24	Date: 1/19/24
FO	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____	Date: _____

Special Issues: \_\_\_\_\_

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



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rk  
Bridge Creek Ranch, LLC  
355 Goodpasture Island Rd  
Eugene, OR 97401

7020 3160 0000 6754 0360





# Oregon

Tina Kotek, Governor

## Water Resources Department

North Mall Office Building

725 Summer St NE, Suite A

Salem, OR 97301

Phone 503 986-0900

Fax 503 986-0904

[www.oregon.gov/owrd](http://www.oregon.gov/owrd)

January 19, 2023

VIA CERTIFIED MAIL AND E-MAIL

### Applicant

BRIDGE CREEK RANCH LLC

355 GOODPASTURE ISLAND RD

EUGENE, OR 97401

SUBJECT: Water Right Transfer Application T-14158

Please find enclosed the Preliminary Determination indicating that, based on the information available, the Department intends to approve application T-14158. 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 Bend Bulletin newspaper, simultaneously with issuance of the Preliminary Determination. The notice initiates a period in which any person may file either a protest opposing the decision proposed by the Department in the Preliminary Determination or a standing statement supporting the Department's decision. The protest period will end 30 days after the last date of newspaper publication.

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

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

Please don't hesitate to contact me at 503-979-3129 or [arla.l.davis@water.oregon.gov](mailto:arla.l.davis@water.oregon.gov), if I may be of assistance.

Sincerely,

*Arla L Davis*

Arla L Davis

Transfer Specialist

Transfer and Conservation Section

cc: T-14158

Kenneth C. Thiemann, District 21 Watermaster (*via e-mail*)

Elizabeth Howard, Lindsay Thane, Agents for the applicant (*via e-mail*)

encs



**BEFORE THE WATER RESOURCES DEPARTMENT  
OF THE  
STATE OF OREGON**

In the Matter of Transfer Application	)	PRELIMINARY DETERMINATION
T-14158, Wheeler County	)	PROPOSING APPROVAL OF ADDITIONAL
	)	POINTS OF DIVERSION AND PARTIAL
	)	CANCELLATION OF A WATER RIGHT

**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.

ORS 540.621 establishes the process for the owner of land to which a water right is appurtenant to certify under oath that the water right, or a portion thereof, has been abandoned and request voluntary cancellation.

**Applicant**

BRIDGE CREEK RANCH, LLC  
355 GOODPASTURE ISLAND ROAD  
EUGENE, OR 97401

**Findings of Fact**

1. On January 24, 2023, BRIDGE CREEK RANCH, LLC, filed an application for additional points of diversion under Certificates 13593 and 96311. The Department assigned the application number T-14158.
2. Notice of the application for transfer was published on January 31, 2023, pursuant to OAR 690-380-4000. A timely comment was submitted to the Department in response to the notice. The issue raised by the comment focused primarily on concerns that:
  - a) The proposed new POD may allow use of water in excess of what has been allowed at the current POD.
3. The application states "if the transfer is approved, much of the existing infrastructure associated with the authorized Point of Diversion (POD) in Section 6 will be removed and the land on which it is located will be revegetated. Bridge Creek Ranch currently has an authorization from the Bureau of Land Management (BLM) to use the POD in Section 6, but that authorization expires on December 31, 2024. If this transfer is approved, then the

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



Section 6 POD infrastructure, such as the concrete-box fish screen structure and two pipes, will be removed, leaving in place only the diversion structure on the streambank with a fish screen over the entrance. The land where the portion of the POD structure will be removed and will then be revegetated as directed by the BLM. The existing Section 6 POD will be used to irrigate a seed mix that will be planted on an 8 acre BLM field in Section 6, which will require initial irrigation until the perennial native plants are established. Thereafter, the BLM intends to lease the water rights for the 8 acres instream."

4. The Department's watermaster review indicates that Transfer Application T-14158 does not include the entirety of the acres authorized under Certificate 13593 for transfer. Because the application indicated that if the transfer is approved and completed, the BLM POD will be disconnected and as such there will be no POD to serve those acres. The watermaster requested the applicant submit a voluntary cancellation affidavit to the Department, cancelling the acres not associated with Bridge Creek Ranch's points of diversion.
5. On June 26, 2023, the agent for the applicant submitted an affidavit for voluntary cancellation of a portion of Certificate 13593, as well as amended application pages and an amended map.
6. Transfer Application T-14158 proposes an additional point of diversion under Certificate 13593 and Certificate 96311, however, the application does not clearly describe the "from" and the "to" portions of the lands affected by the additional point of diversion for either certificate.
7. On October 18, 2023, the Department spoke with the agent for the applicant via phone. The agent for the applicant submitted amended application pages via email, satisfying the deficiency.
8. On November 15, 2023, the Department mailed a copy of the draft Preliminary Determination proposing to approve Transfer Application T-14158 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of December 15, 2023, 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.
9. On December 12, 2023, the applicant requested to extend the date for completion of full beneficial use of the water to October 1, 2028.

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

<b>Certificate:</b>	13593 in the name of BEN TAYLOR (confirmed by Bridge Creek Decree, recorded at Special Order Volume 12, Page 388)
<b>Use:</b>	IRRIGATION OF 147.1 ACRES AND DOMESTIC
<b>Priority Date:</b>	1868
<b>Rate:</b>	3.68 cubic feet per second (cfs) before June 15 and 1.84 cfs after June 15



**Limit/Duty:** The amount of water to which such right is entitled; for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed one-fortieth of one cubic foot per second per acre of land irrigated before June 15, and one-eightieth of one cubic foot per second per acre after June 15, during the irrigation season from March 1 to October 1 of each year, measured at the point of diversion from the stream.

**Period of Use:** MARCH 1 to OCTOBER 1

**Source:** BRIDGE CREEK

**Authorized Place of Use:**

IRRIGATION AND DOMESTIC					
Twp	Rng	Mer	Sec	Q-Q	Acres
10 S	20 E	WM	24	SE SW	13.2
10 S	20 E	WM	25	NW NE	4
10 S	20 E	WM	25	SW NE	10.6
10 S	20 E	WM	25	SE NE	5.2
10 S	20 E	WM	25	NE NW	18.3
10 S	20 E	WM	25	SE NW	13.3
10 S	20 E	WM	25	NE SW	1.5
10 S	20 E	WM	25	NE SE	14.6
10 S	20 E	WM	25	NW SE	23.8
10 S	20 E	WM	25	SW SE	2.5
10 S	20 E	WM	25	SE SE	21.6
10 S	20 E	WM	36	NE NE	0.2
10 S	21 E	WM	30	SW SW	5.5
10 S	21 E	WM	31	NE NW	3.3
10 S	21 E	WM	31	NW NW	9.5
Total					147.1

11. Certificate 13593 does not describe the location of the authorized point of diversion. The applicant has submitted information that the authorized point of diversion is located as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
10 S	21 E	WM	6	NE NE	(SUTTON DITCH) - 590 FEET SOUTH AND 2160 FEET EAST FROM THE N $\frac{1}{4}$ CORNER OF SECTION 6

12. Transfer Application T-14158 proposes an additional point of diversion approximately 0.28 mile downstream from the authorized point of diversion as follows:

Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Measured Distances
10 S	21 E	WM	31	SE SE	3600	NEW POD - 160 FEET NORTH AND 1850 FEET EAST FROM THE SOUTH $\frac{1}{4}$ CORNER OF SECTION 31



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

**Certificate:** 96311 in the name of U.S. BUREAU OF LAND MANAGEMENT confirmed by Bridge Creek Decree, recorded at Special Order Volume 12, Page 388)

**Use:** IRRIGATION OF 43.3 ACRES AND DOMESTIC

**Priority Date:** 1868

**Rate:** 1.08 cubic feet per second (cfs) before June 15 and 0.54 cfs after June 15

**Limit/Duty:** The amount of water to which such right is entitled, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed one-fortieth of one cubic foot per second per acre of land irrigated before June 15, and one-eightieth of one cubic foot per second per acre after June 15, during the irrigation season from March 1 to October 1 of each year, measured at the point of diversion from the stream.

**Period of Use:** MARCH 1 to OCTOBER 1

**Source:** BRIDGE CREEK, tributary to JOHN DAY RIVER

**Authorized Points of Diversion:**

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
11 S	21 E	WM	6	NE NE	ADDITIONAL POD - 590 FEET SOUTH AND 2160 FEET EAST FROM THE N1/4 CORNER OF SECTION 6
11 S	21 E	WM	9	NW NW	ADDITIONAL POD - 960 FEET SOUTH AND 780 FEET EAST FROM THE NW CORNER OF SECTION 9
11 S	21 E	WM	9	NE SW	ORIGINAL POD - LAST CHANCE OR CARROL DITCHES - 1650 FEET NORTH AND 80 FEET WEST FROM THE S1/4 CORNER OF SECTION 9

**Authorized Place of Use:**

IRRIGATION AND DOMESTIC					
Twp	Rng	Mer	Sec	Q-Q	Acres
10 S	21 E	WM	31	SW NE	11.0
10 S	21 E	WM	31	NW SE	22.8
10 S	21 E	WM	31	SW SE	0.1
10 S	21 E	WM	31	SE SE	9.4
Total					43.3

14. Transfer Application T-14158 proposes an additional point of diversion with approximate distances downstream from the authorized points of diversion as follows:

Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Measured Distances	Distance from Authorized POD (in miles)
10 S	21 E	WM	31	SE SE	3600	NEW POD - 160 FEET NORTH AND 1850 FEET EAST FROM THE SOUTH 1/4 CORNER OF SECTION 31	ADDITIONAL POD - 0.16 mi ADDITIONAL POD - 1.73 mi ORIGINAL POD - 2.3 mi

15. The Oregon Department of Fish and Wildlife (ODFW) has determined that a fish screen is necessary at the new point of diversion to prevent fish from entering the diversion and



that the diversion is not currently equipped with an appropriate fish screen. This diversion may be eligible for screening cost-share funds.

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

16. Water has been used within the last five years according to the terms and conditions of the rights. There is no information in the record that would demonstrate that the rights are subject to forfeiture under ORS 540.610.
17. A water delivery system sufficient to use the full amount of water allowed under the existing rights was present within the five-year period prior to submittal of Transfer Application T-14158.
18. The water rights are subject to transfer as defined in ORS 540.505(4) and OAR 690-380-0100(14).
19. The proposed point of diversion diverts water from the same source of surface water as the authorized points of diversion, as required by OAR 690-380-2110(2).
20. The proposed changes, as conditioned, would not result in enlargement of the rights.
21. The proposed changes, as conditioned, would not result in injury to other existing water rights.

***Partial Cancellation of a Water Right***

22. The portion of the right to be cancelled is as follows:

**Certificate:** 13593 in the name of BEN TAYLOR (confirmed by Bridge Creek Decree, recorded at Special Order Volume 12, Page 388)

**Use:** IRRIGATION OF 12.0 ACRES

**Priority Date:** 1868

**Rate:** 0.3 cubic foot per second (cfs) before June 15 and 0.15 cfs after June 15

**Limit/Duty:** The amount of water to which such right is entitled; for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed one-fortieth of one cubic foot per second per acre of land irrigated before June 15, and one-eightieth of one cubic foot per second per acre after June 15, during the irrigation season from March 1 to October 1 of each year, measured at the point of diversion from the stream.

**Period of Use:** MARCH 1 to OCTOBER 1

**Source:** BRIDGE CREEK

**Authorized Place of Use:**

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
10 S	20 E	WM	25	SE NE	0.9
10 S	20 E	WM	25	NE NW	0.2



IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
10 S	20 E	WM	25	NE SW	1.9
10 S	20 E	WM	25	NW SE	2.0
10 S	20 E	WM	25	SW SE	1.3
10 S	20 E	WM	25	SE SE	0.7
10 S	21 E	WM	30	SW SW	4.9
10 S	21 E	WM	31	NE NW	0.1
Total					12.0

### Determination and Proposed Action

The additional points of diversion proposed in Transfer Application T-14158 appear to be consistent with the requirements of ORS 540.505 to 540.580 and OAR 690-380-5000 and the abandoned portion of the right should be cancelled. If protests are not filed pursuant to OAR 690-380-4030, the transfer application will be approved, and the abandoned portion of the right will be cancelled.

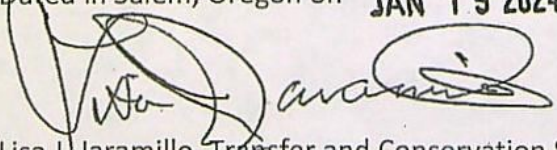
*If Transfer Application T-14158 is approved, the final order will include the following:*

- 1. The additional points of diversion proposed in Transfer Application T-14158 are approved. The portion of the right that has been abandoned is cancelled.*
- 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 Certificates 13593 and 96311, and any related decree.*
- 3. Approval of this transfer application does not constitute nor grant legal access onto or through another person's property for purposes of accessing the new points of diversion.*
- 4. Water right Certificate 13593 is cancelled. A new certificate will be issued describing that portion of the right not affected by this transfer and cancellation.*
- 5. Water right Certificate 96311 is cancelled. A new certificate will be issued describing that portion of the right not affected by this transfer.*
- 6. Under water right Certificate 13593, the quantity of water diverted at the new additional point of diversion (NEW POD) together with that diverted at the original point of diversion (POD), shall not exceed the quantity of water lawfully available at the original point of diversion (POD).*
- 7. Under water right Certificate 96311, the quantity of water diverted at the new additional point of diversion (NEW POD) together with that diverted at the original points of diversion (ORIGINAL POD, ADDITIONAL POD, ADDITIONAL POD), shall not exceed the quantity of water lawfully available at the original point of diversion (ORIGINAL POD, ADDITIONAL POD, ADDITIONAL POD).*



8. Water shall be acquired from the same source of surface water as the original points of diversion.
9. Water use measurement conditions:
- a. Before water use may begin under this order, the water user shall install a totalizing flow meter, or, with prior approval of the Director, another suitable measuring device, at each point of diversion (new and existing).
  - b. The water user shall maintain the meters or measuring devices in good working order.
  - c. The water user shall allow the Watermaster access to the meters or measuring devices; provided however, where the meters or measuring devices are located within a private structure, the Watermaster shall request access upon reasonable notice.
10. Prior to diverting water, the water user shall install an approved fish screen at the new point of diversion and shall provide to the OWRD a written statement from Oregon Department of Fish and Wildlife (ODFW) that the installed screen meets the state's criteria, or that ODFW has determined a screen is not necessary.
- The water user shall operate and maintain the fish screen at the new point of diversion consistent with ODFW's operational and maintenance standards. If ODFW determines the screen is not functioning properly and is unsuccessful in working with the water user to meet ODFW standards, ODFW may request that OWRD regulate the use of water until OWRD receives notification from ODFW that the fish screen is functioning properly.*
11. Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2028**. A Claim of Beneficial Use prepared by a Certified Water Right Examiner shall be submitted by the applicant to the Department within one year after the deadline for completion of the changes and full beneficial use of the water.
12. After satisfactory proof of beneficial use is received, new certificates confirming the rights transferred will be issued.

Dated in Salem, Oregon on **JAN 19 2024**

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

This Preliminary Determination was prepared by Arla L Davis. If you have questions about the information in this document, you may reach me at 503-979-3129 or [Arla.L.Davis@water.oregon.gov](mailto:Arla.L.Davis@water.oregon.gov).



## Protests

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

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

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

## Requests for Standing

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

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

- The requester's name, mailing address and telephone number;



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

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

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

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

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

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



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

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

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

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



## DAVIS Arla L \* WRD

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**From:** DAVIS Arla L \* WRD  
**Sent:** Wednesday, December 27, 2023 9:56 AM  
**To:** STARNES Patrick K \* WRD  
**Subject:** Newspaper Notice and Request for Permanent Transfer Application T-14158 for Bridge Creek Ranch, LLC  
**Attachments:** T-14158 PD Notice.docx

Hi Kelly!

I need a quote from the Bend Bulletin Newspaper for a two week run of the attached notice for this Permanent Transfer Application. Thank you! 😊

*Arla L. Davis*

She/Her/Hers

Water Rights Transfer Specialist

Transfer and Conservation Section

725 Summer St. NE, Suite A | Salem, OR 97301 | Phone: 503-979-3129



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

Work Schedule: Mon-Th – 6:00 a.m. to 4:30 p.m.

**NOTE:** The Salem office is now open to the public. Given that many staff will continue teleworking remotely or have job duties that take them into the field on a regular basis, availability of staff in the office is not guaranteed 8:00 a.m. – 5:00 p.m. every day. **Customers and visitors are encouraged to schedule an appointment in advance if they wish to meet in person with specific staff members.** Alternative methods for meeting, such as by phone or virtually via Teams, are also available.





DECEMBER 12, 2023

VIA E-MAIL (ARLA.L.DAVIS@WATER.OREGON.GOV)

Oregon Water Resources Department  
Attn: Arla Davis  
725 Summer St NE, Ste. A  
Salem, OR 97301

**Lindsay Thane**  
Admitted in Oregon,  
Washington and Montana  
D: 503-796-2059  
C: 406-214-1918  
lthane@schwabe.com

RE: Response to Draft Preliminary Determination for Transfer Application T-14158  
Our File No.: 129629-213607

Dear Arla:

This letter is sent on behalf of Bridge Creek Ranch, LLC ("Bridge Creek Ranch"), the applicant under Transfer Application T-14158. This letter is being sent to confirm that Bridge Creek Ranch agrees to the proposed action and conditions set forth in the Draft Preliminary Determination for T-14158, with one exception. Bridge Creek Ranch requests that the completion date be revised from October 1, 2025 to October 1, 2028, which will be approximately five years after the date T-14158 is approved, if it is approved.

Bridge Creek Ranch requests additional time to complete T-14158 to allow it adequate time to complete beneficial use. A Final Order for T-14158 likely will not be issued until near the end of the 2023. If there are any protests of T-14158, issuance of a Final Order will be delayed even longer, likely by years. Bridge Creek Ranch wants to ensure it has adequate time to implement the changes proposed under T-14158. The additional time is necessary to allow Bridge Creek Ranch to ensure it has the resources to complete beneficial use and develop the additional point of appropriation. The additional time is also necessary in case Bridge Creek Ranch encounters any unexpected delays in completing beneficial use.

In addition, enclosed please find a report of ownership for the "FROM" lands under T-14158. Pursuant to the report, all of the FROM lands are owned by Bridge Creek Ranch.

Please utilize Schwabe's account with the Oregon Water Resources Department to pay the fees associated with the newspaper publication for T-14158. For our records, please note on Schwabe's account and invoice that such payment is made for the newspaper publication associated with T-14158 (Bridge Creek Ranch).

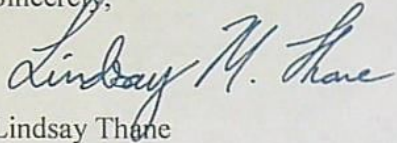
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Oregon Water Resources Department  
December 12, 2023  
Page 2

Please do not hesitate to contact me if you have any questions.

Sincerely,

A handwritten signature in cursive script that reads "Lindsay M. Thane". The signature is written in dark ink and is positioned above the printed name.

Lindsay Thane

LTH:lm  
Enclosure

cc: Mike Pati (*via email only*)  
Elizabeth Howard (*via email only*)  
Shonee Langford (*via email only*)  
Gabe Williams (*via email only*)





150 NE Court St., Prineville, OR 97754  
PHONE (541)447-5181 FAX (541)447-3371

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To: Schwabe, Williamson & Wyatt  
1211 SW 5th Ave., Ste. 1900  
Portland, OR 97204  
Attn: Nikos Klingenberg

Date: December 7, 2023  
Order No. 615490AM  
Reference: 37882 Burnt Ranch Road  
Mitchell, OR 97750

We have enclosed our Report pertaining to order number 615490AM.

***Thank you for the opportunity to serve you. Your business is appreciated!***

If you have any questions or need further assistance, please do not hesitate to contact your Title Officer listed below.

Sincerely,

***Elsie Ray***

elsie.ray@amerititle.com  
Title Officer

**NOTICE:** Please be aware that, due to the conflict between federal and state laws concerning the legality of the cultivation, distribution, manufacture or sale of marijuana, the Company is not able to close or insure any transaction involving land that is associated with these activities.



**AMERITITLE, LLC**  
**PRIVACY POLICY NOTICE**  
As of March 13, 2019

**PURPOSE OF THIS NOTICE**

AmeriTitle, LLC, (the "Company") shares your concerns about privacy. The Company is committed to respecting the privacy of our customers. Therefore, in accordance with Federal and State laws and regulations, we are providing you with this notice of how we might use the information about you which we gather in the process of issuing a policy of title insurance and closing your real estate transaction.

Title V of the Gramm-Leach-Bliley Act (GLBA) and the laws of the State in which you reside generally prohibit us from sharing non-public personal information about you with a third party unless we provide you with this notice of our privacy policies and practices, such as the type of information that we collect about you and the categories of persons or entities to whom that information might be disclosed. In compliance with GLBA and the laws of this State, we are providing you with this document, which notifies you of the privacy policies and practices of the Company.

**Our Privacy Policies and Practices**

**Information we collect and sources from which we collect it:**

We do not collect any nonpublic information about you other than the following:

- Information we receive from you or from your attorney or other representatives on applications or other forms, such as your name, address, telephone number, or social security number
- Information about your transactions with us, such as description, price, or term
- In addition, we may collect other nonpublic personal information about you from affiliated/nonaffiliated third parties, such as individuals and companies other than those proposed for coverage, which may include information in documents received from your lender

Unless it is specifically stated otherwise in an amended Privacy Policy Notice, no additional information will be collected about you.

**Information we disclose to third parties**

In the course of our general business practices, we may disclose the information that we collect (as described above) about you or others without your permission to the following types of institutions for the reasons described:

- Financial Service Providers:
  - To an insurance institution, agent, or credit reporting agency in order to detect or prevent criminal activity, fraud or misrepresentation in connection with an insurance transaction;
  - To an insurance institution, agent, or credit reporting agency for either this Company or the entity to which we disclose the information to perform a function in connection with an insurance transaction involving you.
- Others:
  - To an insurance regulatory authority, law enforcement, or other governmental authority in order to protect our interests in preventing or prosecuting fraud, or if we believe that you have conducted illegal activities;
  - To a third party such as a surveying, real estate tax research or municipal data firm if the disclosure will enable that party to perform a business, professional or insurance function for us;
  - To an actuarial or research organization for the purpose of conducting actuarial or research studies.

The disclosures described above are permitted by law. We require any third party who receives information from us to agree to not disclose or use the information provided other than to carry out the purpose(s) for which it was disclosed.



**WE DO NOT DISCLOSE ANY NONPUBLIC PERSONAL INFORMATION ABOUT YOU WITH AFFILIATES OR NON-AFFILIATED THIRD PARTIES FOR ANY PURPOSE THAT IS NOT SPECIFICALLY PERMITTED BY LAW.**

**Your right to access and amend your personal information:**

You have the right to request access to the personal information that we record about you. Your right includes the right to know the source of the information and the identity of the persons, institutions or types of institutions to whom we have disclosed such information within 2 years prior to your request. Your right includes the right to view such information and copy it in person, or request that a copy of it be sent to you by mail (for which we may charge you a reasonable fee to cover our costs). Your right also includes the right to request corrections, amendments or deletions of any information in our possession. The procedures that you must follow to request access to or an amendment of your information are as follows:

To obtain access to your information from AmeriTitle, LLC you should submit a request in writing to:

Compliance Officer  
AmeriTitle, LLC  
15 NW Oregon Avenue  
Bend, OR 97703

The request should include your name, address, policy number, telephone number and the information to which you would like access. The request should state whether you would like access in person or a copy of the information sent to you by mail. Upon receipt of your request, we will contact you within 30 business days to arrange providing you with access in person or the copies that you have requested.

To correct amend or delete any of your information: You should submit a request in writing to the address referenced directly above. The request should include your name, address, policy number, telephone number, the specific information in dispute, and the identity of the document or record that contains the disputed information. Upon receipt of your request, we will contact you within 30 business days to notify you either that we have made the correction, amendment or deletion, or that we refuse to do so and the reasons for the refusal which you will have an opportunity to challenge.

**Our practices regarding information confidentiality and security:**

We restrict access to nonpublic information about you to those employees who need to know that information in order to provide products or services to you. We maintain physical, electronic, and procedural safeguards that comply with federal regulations to guard your nonpublic personal information.

**Our policy regarding dispute resolution:**

In the event you believe the Company has not complied with the Privacy Policies and Practices as set forth in this Notice, you must give the Company notice in writing addressed to the Compliance Officer at the above address setting forth the reasons for such non-compliance. The Company shall not be deemed to be in breach of the Privacy Policies and Practices unless it has not resolved or explained the issues set forth in such notice within thirty (30) days to your reasonable satisfaction. All claims arising under this Notice shall be settled by arbitration in accordance with the rules of the American Arbitration Association, and judgment upon the award rendered by the arbitrator(s) may be entered in any court having jurisdiction thereof.

**Reservation of the right to disclose information in unforeseen circumstances:**

In connection with the potential sale or transfer of its interests, the Company reserves the right to sell or transfer your information (including but not limited to your address, name, age, sex, zip code, state and country of residency and other information that you provide through other communications) to a third party entity that (1) concentrates its business in a similar practice or service; (2) agrees to be a successor in interest of the Company with regard to the maintenance and protection of the information collected; and (3) agrees to the obligations of this privacy statement.

**Other Important Information:**

The Company's website may contain links to other websites or Internet resources. The Company does not endorse or otherwise accept responsibility for the content or privacy policies of those websites or Internet resources.

The Company reserves the right to modify this Privacy Policy at any time. We will promptly reflect any such modifications in this document and, when we do, we will revise the "effective as of" date noted above. Any updated version of this Privacy Policy will be effective as of that date.





150 NE Court St., Prineville, OR 97754  
PHONE (541)447-5181 FAX (541)447-3371

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## STATUS OF RECORD TITLE

Nikos Klingenberg  
Schwabe, Williamson & Wyatt  
1211 SW 5th Ave., Ste. 1900  
Portland, OR 97204

December 7, 2023  
Title Number: 615490AM  
Title Officer: Elsie Ray  
Fee: \$600.00

**We have searched the status of record title as to the following described property:**

See attached Exhibit 'A'

**Vestee:**

**BRIDGE CREEK RANCH LLC, an Oregon Limited Liability Company**

and dated as of **November 27, 2023** at 7:30 a.m.

**Said property is subject to the following on record matters:**

For **TAX INFORMATION**, See Attached Exhibit "B"

1. Taxes deferred, as disclosed by the tax roll, the premises herein described have been zoned or classified for farm use. At any time that said Land is disqualified for such use the property will be subject to additional taxes or penalties and interest.
2. Ditch, road and public utility easements as the same may exist over said Land.
3. Right, title and interest of the public in and to those portions of the Land lying within roads, streets or highways.
4. Rights of the public and governmental bodies in and to that portion of said premises now or at any time lying below the high water line of Bridge Creek or Bear Creek, including any ownership rights which may be claimed by the State of Oregon as to any portion now or at any time lying below the ordinary high water line.

Such rights and easements for navigation and fishing as may exist over that portion of the property now or at any time lying beneath the waters of Bridge Creek or Bear Creek.

All matters arising from any shifting in the course of Bridge Creek or Bear Creek including but not limited to accretion, reliction and avulsion.

5. Reservations, as may be contained in Patents from the United States of America and in Deeds from the State of Oregon, if any.



6. Minerals of whatsoever kind, subsurface and surface substances, including but not limited to coal, lignite, oil, gas, uranium, clay, rock, sand and gravel in, on, under and that may be produced from the Land, together with all rights, privileges, and immunities relating thereto, whether or not appearing in the Public Records or listed in Schedule B.

The Company makes no representation as to the present ownership of any such interests. There may be leases, grants, exceptions or reservations of interests that are not listed.

7. The Land, as defined in the policy to be issued, does not include any improvement(s) located on the Land which is described or defined as a mobile home (manufactured housing unit) under the provisions of State Law and is subject to registration.

8. Right of the public to enter, view, examine, and study the subject property, including the terms and provisions thereof,

Recorded: August 25, 1947

Book/Page: 25-596

9. Easement, including the terms and provisions thereof,

Recorded: December 11, 1963

Instrument No.: 30-566

Between: John Hudspeth, Floreine Hudspeth, Fred Hudspeth and Margaret Hudspeth, co-partners, doing business as Hudspeth Sawmill Company and Hudspeth Land & Livestock Company; Roger Hudspeth, doing business as Paulina Cattle Company, and Jamie Hudspeth, his wife; Ron Hudspeth and Jane Hudspeth, husband and wife

And: Hudspeth Pine, Inc., an Oregon Corporation

10. Easements, Conditions and Restrictions created by final judgment:

Filed: February 24, 1971

Case No.: 2250

Court: Wheeler County Circuit Court

Between: State of Oregon, by and through its State Highway commission, composed of Glenn L. Jackson, Fred W. Hill and Thaddeus B. Bruno, and CBC Company, an Oregon corporation; The Connecticut Mutual Life Insurance Company, a Connecticut corporation; Eastern Oregon Land Company, a California corporation; and First National Bank of Oregon, a national banking association.

11. Restrictions, Covenants and Conditions, including the terms and provisions, as contained in deed from United States of America ,

Recorded: May 9, 1980

Instrument No.: 35-736

12. Scenic Easement, Restrictions and Covenants created by instrument, including the terms and provisions thereof,

Recorded: May 9, 1980

Instrument No.: 35-737

13. An easement including the terms and provisions thereof, affecting the portion of said Land and for the purposes stated therein as set forth in instrument:

Granted To: Telephone Utilities of Eastern Oregon, Inc., an Oregon corporation

Recorded: April 5, 1985

Book/Page: 37-221

14. Easement, including the terms and provisions thereof,

Recorded: November 27, 2000

Instrument No.: 000393

Re-recorded: December 15, 2000

Instrument No.: 000405



15. A Deed of Trust, including the terms and provisions thereof, to secure the amount noted below and other amounts secured thereunder, if any:  
Amount: \$395,000,000.00  
Trustor/Grantor: Bridge Creek Ranch LLC, an Oregon limited liability company  
Trustee: Ameri-title, Inc.  
Beneficiary: Bank of America, N.A., a national banking association as Administrative Agent for the Lenders, Sing Line Lender and L/C Issuer  
Dated: March 18, 2009  
Recorded: March 24, 2009  
Instrument No.: 20090062  
(Includes Additional Property)

**This Deed of Trust secures an equity line of credit and/or revolving loan. The Company requires satisfactory written statement from the existing lender confirming; (a) the payoff amount, (b) that the line of credit has been closed, and no further draws/advances will be permitted and/or the right to future advances has been terminated, and (c) agreeing to deliver a full satisfaction/release upon payment of the outstanding balance, (d) satisfactory documentation from the borrower to close the account.**

An agreement to modify the terms and provisions of said Deed of Trust as therein provided:  
Recorded: June 1, 2012  
Instrument No.: 2012-0131

An agreement to modify the terms and provisions of said Deed of Trust as therein provided:  
Recorded: September 24, 2014  
Instrument No.: 2014-0266

16. Effect if any, of Statement of Claim Mineral Rights, including the terms and provisions contained therein, in deed,  
Recorded: September 25, 2015  
Instrument No.: 2015-0253  
The Company makes no representation as to the present ownership of any such interests. There may be leases, grants, exceptions or reservations of interests that are not listed.
17. Any adverse claim for discrepancies, conflicts in boundary lines, shortage in area, encroachments or any other facts, which a correct survey would disclose.

NOTE: Any map or sketch enclosed as an attachment herewith is furnished for information purposes only to assist in property location with reference to streets and other parcels. No representation is made as to accuracy and the company assumes no liability for any loss occurring by reason of reliance thereon.

NOTE: This report does not include a search for financing statements filed in the office of the Secretary of State in this or any other State, or in a county other than the county wherein the premises are situated, and no liability is assumed if a financing statement is filed in the office of the County Clerk (Recorder) covering growing crops or fixtures on the premises wherein the lands are described other than by metes and bounds or under the rectangular survey system.

NOTE: We find no activity in the past 24 months regarding transfer of title to subject property.

THIS IS NOT A TITLE REPORT, A COMMITMENT TO ISSUE TITLE INSURANCE OR A GUARANTEE OF ANY KIND. No liability is assumed with this report. The fee charged for this service does not include supplemental reports or other services. Further dissemination of the information in this report in a form purporting to insure title to the herein described land is prohibited by law.

*"Superior Service with Commitment and Respect for Customers and Employees"*



**EXHIBIT 'A'**

File No. 615490AM

Located in Wheeler County, Oregon:

In Township 10 South, Range 20 East of the Willamette Meridian, Wheeler County, Oregon:

Section 24: That portion of the S $\frac{1}{2}$ SW $\frac{1}{4}$  lying Westerly of Bridge Creek County Road No. 14.

Section 25: All that portion lying Westerly of Bridge Creek County Road No. 14.

Section 36: NE $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$

Located in Wheeler County, Oregon:

In Township 10 South, Range 21 East of the Willamette Meridian, Wheeler County, Oregon:

Section 30: That portion of the SW $\frac{1}{4}$ SW $\frac{1}{4}$  lying Westerly of Bridge Creek County Road No. 14.

Section 31: All that portion lying Easterly of Bridge Creek and Westerly of Bridge Creek County Road No. 14.



## Exhibit 'B'

### TAX INFORMATION:

File No. 615490AM

Code No.	Account No.	Map No.	Tax Year	Amount	Status
06	1475	1020000001700	2023-2024	\$5,198.21	Paid
06	R-60423	1020000001700	2023-2024	No Amount Shown	Paid
06	1477	10200000-01703	2023-2024	\$1.55	Paid
06	1490	10210000-03600	2023-2024	\$957.88	Paid



THIS MAP WAS PREPARED FOR  
ASSESSMENT PURPOSE ONLY

0 400 800 1,600 Feet

T.10S. R.20E. W.M.  
Wheeler County  
1" = 2000'

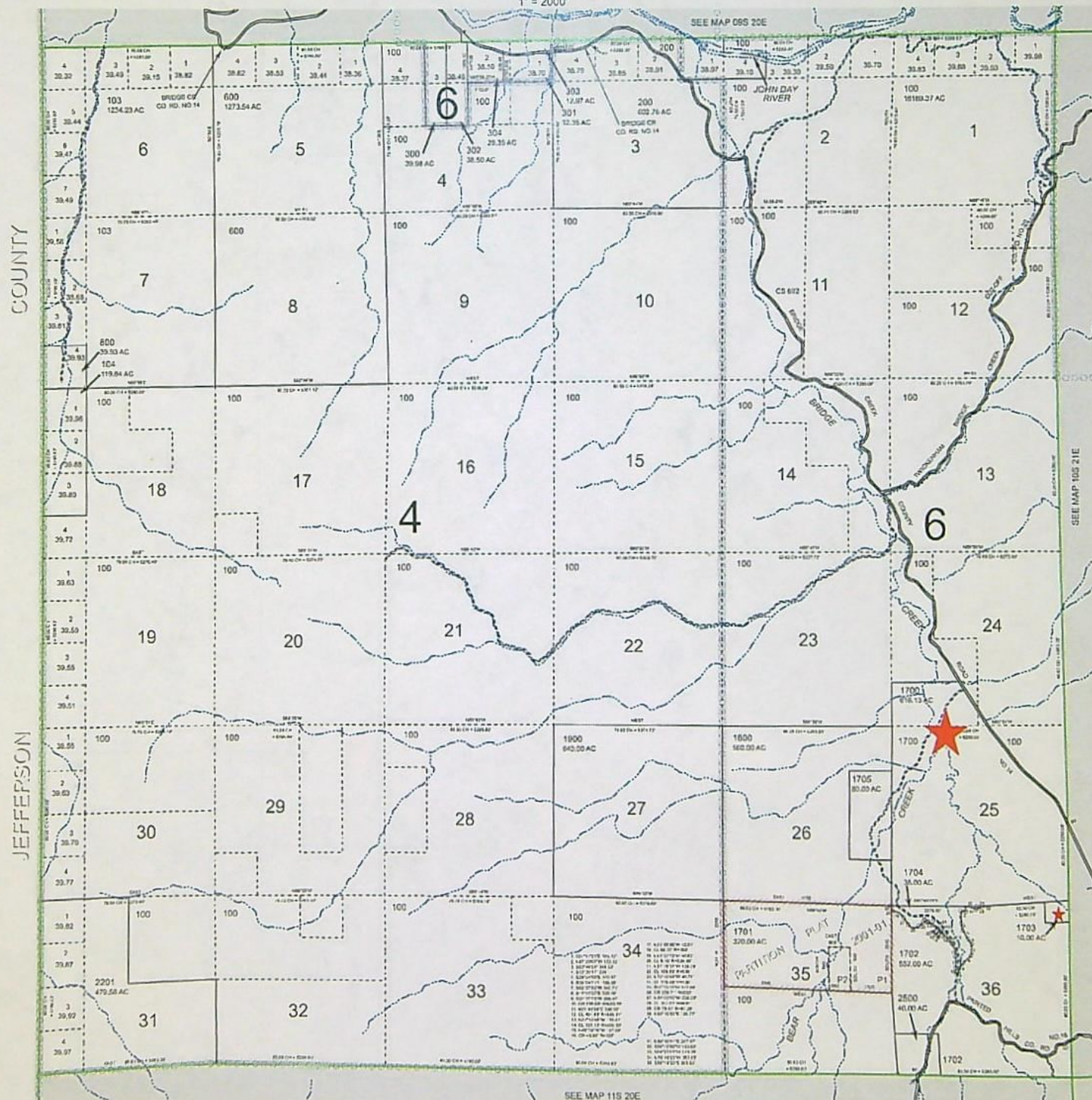
10S20E

2/6/2020



COMPLIMENTS OF  
AmeriTitle

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



10S20E





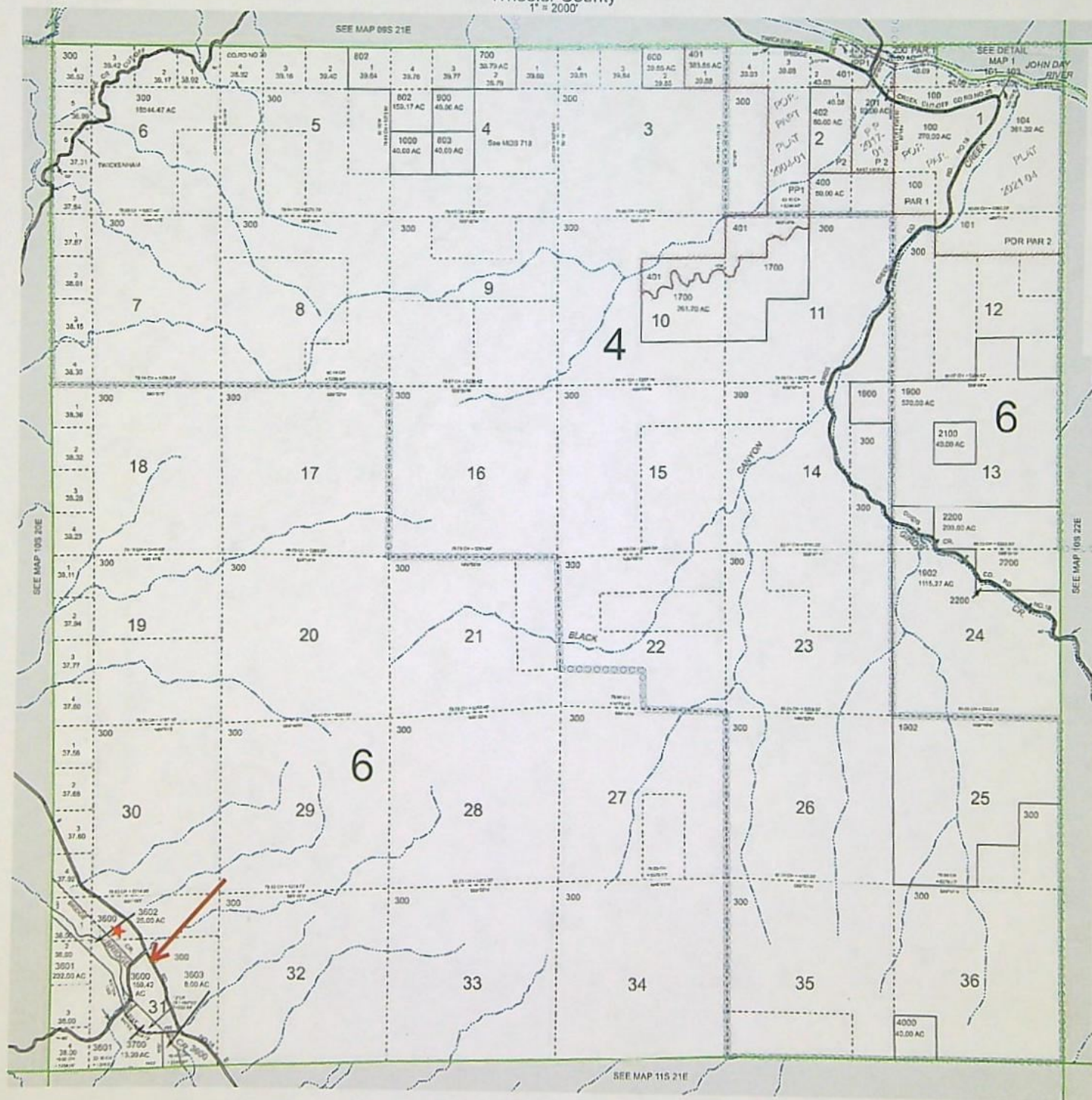


THIS MAP WAS PREPARED FOR  
ASSESSMENT PURPOSE ONLY

0 450 900 1,800 Feet

T.10S. R.21E. W.M.  
Wheeler County  
1" = 2000'

10S21E



**N**  
COMPLIMENTS OF  
AmeriTitle

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

10S21E







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

Transfer #: T-14158, Bridge Creek Ranch LLC

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

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

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

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

ODFW staff name: Nathaniel Ashley

Address: 357 Patterson Bridge Rd

City/State/Zip: John Day, OR 97845

Phone: (541)575-0561

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

ODFW staff name: Stephan Charette

Address: 305 N Canyon Blvd

City/State/Zip: John Day, OR 97845

Phone: (541)575-1167 x225



## Part 5 of 5 – Water Right Information

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

CERTIFICATE # 13593

Received by OWRD

### Description of Water Delivery System

System capacity: 5.0 cubic feet per second (cfs) OR

\_\_\_\_\_ gallons per minute (gpm)

JAN 24 2023

Salem, OR

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 diverted from the point of diversion (POD) through a headgate and then piped to a fish screen. The water flows out of the fish screen and into a 12" PVC pipe that goes to a booster pump. Water is either pumped for irrigation right after going through the booster pump or it bypasses the booster pump, travels to the Painted Hills Reservoir, and is redistributed from the reservoir, which is used as a bulge in system, to irrigation or to a small bulge from which it is put to irrigation. The irrigation system infrastructure through which water travels is both HDPE and PVC pipelines. Water is used for irrigation using hand lines, wheel lines, and pivots.

**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)
POD	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed		10 S	21 E	6	NE NE	100	*
New POD	<input type="checkbox"/> Authorized <input checked="" type="checkbox"/> Proposed		10 S	21 E	31	SE SE	3600	1,850 feet east and 160 feet north from the south ¼ corner, Section 31.
	<input type="checkbox"/> Authorized <input type="checkbox"/> Proposed							
	<input type="checkbox"/> Authorized <input type="checkbox"/> Proposed							

\*The POD location is not specifically described in Certificate 13593. The Bridge Creek adjudication map labels the ditch as Ben Taylor ditch #2. The Decree also refers to the POD as "Sutton Ditch". This appears to be the same POD as the one shown on the final proof map for Certificate 68553. The specific location of the POD on the final proof map for Certificate 68553 is 590 feet south and 2160 feet east from north ¼ corner, Section 6.

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)



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

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

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

Received by OWRD

JAN 24 2023

Salem, OR



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 # 13593**

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

AUTHORIZED (the "from" or "off" lands) The listing that appears on the certificate BEFORE PROPOSED CHANGES List only that part or portion of the water right that will be changed.												Proposed Changes (see "CODES" from previous page)	PROPOSED (the "to" or "on" lands) The listing as it would appear AFTER PROPOSED CHANGES are made.														
Twp	Rng	Sec	¼ ¼	Tax Lot	Gvt Lot or DLC	Acres	Type of USE listed on Certificate	POD(s) or POA(s) (name or number from Table 1)	Priority Date	Twp	Rng		Sec	¼ ¼	Tax Lot	Gvt Lot or DLC	Acres	New Type of USE	POD(s)/ POA(s) to be used (from Table 1)	Priority Date							
EXAMPLE																											
2	S	9	E	15	NE	NW	100		15.0	Irrigation	POD #1 POD #2	1901	POU/POD	2	S	9	E	1	NW	NW	500	1	10.0		POD #5	1901	
														2	S	9	E	2	SW	NW	500		5.0		POD #6	1901	
10	S	20	E	24	SE	SW	1700		13.2	IR and domestic	POD	12/31/1868	APOD	10	S	20	E	24	SE	SW	1700		13.2	IR and domestic	POD & New POD	12/31/1868	
10	S	20	E	25	NW	NE	1700		4	IR and domestic	POD	12/31/1868	APOD	10	S	20	E	25	NW	NE	1700		4	IR and domestic	POD & New POD	12/31/1868	
10	S	20	E	25	SW	NE	1700		10.6	IR and domestic	POD	12/31/1868	APOD	10	S	20	E	25	SW	NE	1700		10.6	IR and domestic	POD & New POD	12/31/1868	
10	S	20	E	25	SE	NE	1700		5.2	IR and domestic	POD	12/31/1868	APOD	10	S	20	E	25	SE	NE	1700		5.2	IR and domestic	POD & New POD	12/31/1868	
10	S	20	E	25	NE	NW	1700		18.3	IR and domestic	POD	12/31/1868	APOD	10	S	20	E	25	NE	NW	1700		18.3	IR and domestic	POD & New POD	12/31/1868	
10	S	20	E	25	SE	NW	1700		13.3	IR and domestic	POD	12/31/1868	APOD	10	S	20	E	25	SE	NW	1700		13.3	IR and domestic	POD & New POD	12/31/1868	
10	S	20	E	25	NE	SW	1700		1.5	IR and domestic	POD	12/31/1868	APOD	10	S	20	E	25	NE	SW	1700		1.5	IR and domestic	POD & New POD	12/31/1868	
10	S	20	E	25	NE	SE	1700		14.6	IR and domestic	POD	12/31/1868	APOD	10	S	20	E	25	NE	SE	1700		14.6	IR and domestic	POD & New POD	12/31/1868	
10	S	20	E	25	NW	SE	1700		23.8	IR and domestic	POD	12/31/1868	APOD	10	S	20	E	25	NW	SE	1700		23.8	IR and domestic	POD & New POD	12/31/1868	
10	S	20	E	25	SW	SE	1700		2.5				APOD	10	S	20	E	25	SW	SE	1700		2.5	IR and domestic	POD & New POD	12/31/1868	
TOTAL ACRES:									--					TOTAL ACRES:									--				



10	S	20	E	25	SE	SE	1700		21.6	IR and domestic	POD	12/31/1868	APOD	10	S	20	E	25	SE	SE	1700		21.6	IR and domestic	POD & New POD	12/31/1868
10	S	20	E	36	NE	NE	1703		0.2	IR and domestic	POD	12/31/1868	APOD	10	S	20	E	36	NE	NE	1703		0.2	IR and domestic	POD & New POD	12/31/1868
10	S	21	E	30	SW	SW	3600		5.5	IR and domestic	POD	12/31/1868	APOD	10	S	21	E	30	SW	SW	3600		5.5	IR and domestic	POD & New POD	12/31/1868
10	S	21	E	31	NE	NW	3600		3.3	IR and domestic	POD	12/31/1868	APOD	10	S	21	E	31	NE	NW	3600		3.3	IR and domestic	POD & New POD	12/31/1868
10	S	21	E	31	NW	NW	3600		9.5	IR and domestic	POD	12/31/1868	APOD	10	S	21	E	31	NW	NW	3600		9.5	IR and domestic	POD & New POD	12/31/1868
TOTAL ACRES:									147.1					TOTAL ACRES:									147.1			

Additional remarks: The Applicant proposes to add an additional POD in Section 31, which is on the applicant's property, so that the applicant can use the new POD on its property to irrigate the portion of the place of use proposed for transfer under this application.

The transfer application proposes to add the POD as an authorized POD for the authorized acres that are located on Bridge Creek Ranch's property. The new POD will be located on Bridge Creek Ranch's property, whereas the current POD is located on BLM property. The POD in Section 6 will be decommissioned.

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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 ☒ NA

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

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

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

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

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

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JAN 24 2023

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

Salem, OR

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](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



CERTIFICATE # 96311

JAN 24 2023

**Description of Water Delivery System**

System capacity: 5.0 cubic feet per second (cfs) OR  
 \_\_\_\_\_ gallons per minute (gpm)

Salem, OR

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 diverted from the point of diversion (POD) through a headgate and then piped to a fish screen. The water flows out of the fish screen and into a 12" PVC pipe that goes to a booster pump. Water is either pumped for irrigation right after going through the booster pump or it bypasses the booster pump, travels to the Painted Hills Reservoir, and is redistributed from the reservoir, which is used as a bulge in system, to irrigation or to a small bulge from which it is put to irrigation. The irrigation system infrastructure through which water travels is both HDPE and PVC pipelines. Water is used for irrigation using hand lines, wheel lines, and pivots.

**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)
Original POD	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed		11 S	21 E	9	NE SW	100	Last chance or Carrol Ditches – 1650 feet North and 80 feet West from S1/4 Corner, Section 9.
Additional POD	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed		11 S	21 E	6	NE NE	100	590 feet South and 2160 feet east from N1/4 Corner, Section 6.
Additional POD	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed		11 S	21 E	9	NW NW	100	960 feet South and 780 feet East from NW Corner, Section 9.
New POD	<input type="checkbox"/> Authorized <input checked="" type="checkbox"/> Proposed		10 S	21 E	31	SE SE	3600	1,850 feet east and 160 feet north from the south ¼ corner, Section 31.

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

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

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



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

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Salem, OR



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 # 96311**

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

AUTHORIZED (the "from" or "off" lands) The listing that appears on the certificate BEFORE PROPOSED CHANGES List only that part or portion of the water right that will be changed.										Proposed Changes (see "CODES" from previous page)	PROPOSED (the "to" or "on" lands) The listing as it would appear AFTER PROPOSED CHANGES are made.										
Twp	Rng	Sec	¼ ¼	Tax Lot	Gvt Lot or DLC	Acres	Type of USE listed on Certificate	POD(s) or POA(s) (name or number from Table 1)	Priority Date		Twp	Rng	Sec	¼ ¼	Tax Lot	Gvt Lot or DLC	Acres	New Type of USE	POD(s)/ POA(s) to be used (from Table 1)	Priority Date	
EXAMPLE																					
2	S	9	E 15 NE NW	100		15.0	Irrigation	POD #1 POD #2	1901	POU/POD	2	S	9	E 1 NW NW	500	1	10.0		POD #5	1901	
											2	S	9	E 2 SW NW	500		5.0		POD #6	1901	
10	S	21	E 31 SW NE	3600		11.0	IR and domestic	Orig. POD, Add'l POD, and Add'l POD	1868	APOD	10	S	21	E 31 SW NE	3600		11.0	IR and domestic	Orig., Add'l, Add'l, and New POD	1868	
10	S	21	E 31 NW SE	3600		22.8	IR and domestic	Orig. POD, Add'l POD, and Add'l POD	1868	APOD	10	S	21	E 31 NW SE	3600		22.8	IR and domestic	Orig., Add'l, Add'l, and New POD	1868	
10	S	21	E 31 SW SE	3600		0.1	IR and domestic	Orig. POD, Add'l POD, and Add'l POD	1868	APOD	10	S	21	E 31 SW SE	3600		0.1	IR and domestic	Orig., Add'l, Add'l, and New POD	1868	
10	S	21	E 31 SE SE	3600		9.4	IR and domestic	Orig. POD, Add'l POD, and Add'l POD	1868	APOD	10	S	21	E 31 SE SE	3600		9.4	IR and domestic	Orig., Add'l, Add'l, and New POD	1868	
TOTAL ACRES:						43.3					TOTAL ACRES:						43.3				

Additional remarks: The Applicant proposes to add an additional POD in Section 31, which is on the applicant's property, so that the applicant can use the new POD on its property to irrigate the portion of the place of use proposed for transfer under this application.

The transfer application proposes to add the POD as an authorized POD for the authorized acres that are located on Bridge Creek Ranch's property. The new POD will be located on Bridge Creek Ranch's property, whereas the current POD is located on BLM property. The POD in Section 6 will be decommissioned and the water right associated with the 8 acres on BLM property that is currently being irrigated from this POD is expected to be transferred instream within 5 years of approval of this transfer application.

Received by OWRD



**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 ☒ NA

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

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

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

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

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

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JAN 24 2023

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

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

Salem, OR

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

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

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

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

**AND/OR**

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

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

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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





## Affidavit of Voluntary Cancellation or Diminution of a Water Right Certificate

**VOLUNTARY CANCELLATION** is how the legal holder(s) of a water right certificate may cancel an abandoned water right or an abandoned portion of a water right. Abandonment means water use has or will have ceased under the cancellation. A cancellation can apply to an entire certificate or to a specific place of use and acreage. The rate of water must be proportionately cancelled to match the portion of the right being cancelled. If a certificate is partially cancelled, a remaining water right certificate will be issued describing the uncanceled portion.

[see also Oregon Revised Statute (ORS) 540.621 and Administrative Rule (OAR) 690-017-0100.]

**VOLUNTARY DIMINUTION** is how the legal holder(s) of a water right certificate may diminish an entire water right or a portion of it from a primary purpose to a supplemental purpose. The overall authorized rate of water on the certificate will remain the same, but the proportions between primary use and supplemental use will change. In the diminution process, the originating water right will be cancelled, and a new water right will be issued describing the diminution. [see also Oregon Administrative Rule (OAR) 690-330-0040.]

Describe in your own words what you want to accomplish with this affidavit: Voluntarily cancel 12.0 acres of water rights under Certificate 13593.

### Certificate of Water Right Information:

Certificate Number: 13593

Issued for use within the State of Oregon, County of Wheeler.

Issued in the name of: Ben Taylor.

Date of priority: 1868

Rate or Volume on entire certificate: 1/40 cfs per acre before June 15, and 1/80 cfs per acre after June 15, during the irrigation season from March 1 to October 1 of each year. (cubic foot per second *or* gallons per minute *or* acre-feet).

Source(s) of water on certificate: Bridge Creek.

Use(s) of water listed on certificate: irrigation and domestic (purposes),

If for irrigation (IR), total number of acres on certificate for primary IR 159.4, supplemental IR 0.0.

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JUN 26 2023

Salem, OR

### Statements of Oath:

I/We (or authorized agent), Bridge Creek Ranch LLC,

residing at 355 Goodpasture Island Road, Eugene, OR 97401,

with a mailing address of (if different) \_\_\_\_\_,

and a telephone number of 541-681-5332, being first duly sworn depose and say:

1. I/We are the legal owners of property appurtenant to all ☐ *or* ☒ a portion (*check one box*) of the water right described above. My/Our property is described on a recorded property deed in my/our/an entity name(s). The property is located within the following legal description [*must include at a*



# Schwabe

JUNE 26, 2023

VIA E-MAIL (ARLA.L.DAVIS@WATER.OREGON.GOV)  
AND FIRST CLASS MAIL

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

Lindsay Thane  
Admitted in Oregon, Washington and  
Montana  
D: 503-796-2059  
C: 406-214-1918  
lthane@schwabe.com

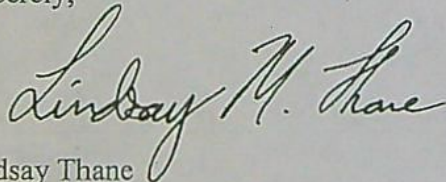
RE: Affidavit of Partial Voluntary Cancellation - Certificate 13593  
Our File No.: 129629-213607

Dear Arla:

Please find enclosed with this letter an affidavit of partial voluntary cancellation of water right Certificate 13593 submitted on behalf of Bridge Creek Ranch LLC. As explained in the affidavit, Bridge Creek Ranch LLC is voluntarily cancelling 12.0 acres under water right Certificate 13593.

Please let me know if you have any questions.

Sincerely,



Lindsay Thane

LTH:lmt

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JUN 26 2023

Salem, OR

cc: Ann Reece (via email only)  
Mike Pati (via email only)  
Elizabeth Howard (via email only)



**Affidavit for the VOLUNTARY CANCELLATION or DIMINUTION of a Water Right Certificate**

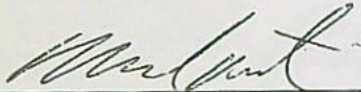
- b. I/We agree that if this change is approved, it is permanent and the right to the use of water from \_\_\_\_\_ (source) cannot be changed back to the primary use unless otherwise provided by law.
- c. I/We also agree that so long as there is sufficient water available from the new primary source, I am/we are not entitled to use any water from \_\_\_\_\_ (source of water) for primary use on these lands.

**6. Complete this item (#6) for a DIMINUTION of a PORTION of the water right.**

I/We, being the legal owners of the property described below are requesting a partial diminution of the water right certificate (identified in Item #2 above in the amount of \_\_\_\_\_ (cfs) from \_\_\_\_\_ (sources) for irrigation (if applicable) of \_\_\_\_\_ acres at the following location(s) as listed on the certificate (attach a larger table if needed):

PORTION TO BE DIMINISHED FROM PRIMARY TO SUPPLEMENTAL IRRIGATION										
Township	N or S	Range	E or W	Mer	Section #	DLC #	G-LOT #	Quarter-Quarter	Acres	Tax Lot #
				WM						
				WM						
				WM						

**Signatures and Notary:**



Signature of legal owner as listed on deed, or authorized agent

Printed Name: Mike Pati, President Pape Properties, Inc., sole member of Bridge Creek Ranch LLC,

Date 6/26/23

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N/A

Signature of legal co-owner as listed on deed (if applicable)

Printed Name \_\_\_\_\_

Date \_\_\_\_\_

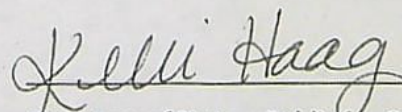
JUN 26 2023

Salem, OR

Subscribed and Sworn to Before Me this 26 day of June, 2023.



My Commission Expires 1/24/25



Signature of Notary Public for Oregon

**REQUIRED ATTACHMENTS (LEGIBLE COPIES):**

- 1) A recorded property deed which lists landowner(s) and includes a legal description of lands affected by this affidavit of cancellation or diminution.



**Affidavit for the VOLUNTARY CANCELLATION or DIMINUTION of a Water Right Certificate**

- 2) An adjudication map, water right final proof map, or a tax lot map that clearly shows:
  - a. Location and acreages within each township, range and quarter-quarter of the lands described on the water right being cancelled or diminished, and
  - b. the remaining locations and acreages within each township, range and quarter-quarter of the lands described on entire water right NOT being cancelled or diminished, if any.
- 3) A list of names and addresses of other property owners with lands appurtenant to portions of the water right certificate not legally owned by the person(s) signing the affidavit.
- 4) If acting as an authorized agent, include a copy of the Power of Attorney or other documents granting authority to act on behalf of legal owner(s) as listed on the deed.

**MISSING ATTACHMENTS WILL RESULT IN THE AFFIDAVIT BEING RETURNED, AND NO ACTION TAKEN ON THE AFFIDAVIT.**

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JUN 26 2023

Salem, OR



Dated this 27 day of December, 2008.

GRANTOR:

DERBY SMITH PARTNERS LLC

William L. Smith  
By William L. Smith  
Its Managing member

ACKNOWLEDGMENT

STATE OF OREGON       )  
                                  ) ss.  
County of Deschutes    )

This instrument was acknowledged before me on the 27<sup>th</sup> day of December, 2008, by  
William L. Smith as managing member of DERBY SMITH PARTNERS LLC.



Sharon A. Mitchell  
Notary in and for the State of Oregon  
My Commission Expires: Aug. 24/2010

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JUN 26 2023  
Salem, OR



**EXHIBIT A  
LEGAL DESCRIPTION**

Located in WHEELER COUNTY, OREGON:

In Township 10 South, Range 20 East of the Willamette Meridian, Wheeler County, Oregon:

Section 24: That portion of the S $\frac{1}{2}$ SW $\frac{1}{4}$  lying Westerly of Bridge Creek County Road No. 14.

Section 25: All that portion lying Westerly of Bridge Creek County Road No. 14.

Section 36: NE $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ ; Also, two tracts of land more particularly described in that certain Bargain and Sale Deed Recorded May 9, 1980, in Wheeler County Deed Records as Microfilm No. M-35-736.

In Township 10 South, Range 21 East of the Willamette Meridian, Wheeler County, Oregon:

Section 30: That portion of the SW $\frac{1}{4}$ SW $\frac{1}{4}$  lying Westerly of Bridge Creek County Road No. 14.

Section 31: All that portion lying Easterly of Bridge Creek and Westerly of Bridge Creek County Road No. 14.

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Salem, OR

EXHIBIT A

PDX/120068/166587/MCO/3223050.1

20080444 pg. 3 of 5



EXHIBIT B  
TITLE EXCEPTIONS

7. As disclosed by the tax roll, the premises herein described have been zoned or classified for farm use. At any time that said land is disqualified for such use, the property will be subject to additional taxes or penalties and interest.
8. As disclosed by the tax roll, the premises herein described are classified as forest lands. In the event of declassification, said premises will be subject to additional taxes and interest pursuant to the provisions of ORS Chapter 321.
9. Existing rights of way for roads, highways, irrigation ditches, canals and pole lines.
10. Reservations contained in Patents from the United States of America and in Deeds from the State of Oregon, if any.
11. Any adverse claim based upon the assertion that:  
Rights of the public and governmental bodies in and to any portion of the premises herein described lying below the high water mark of the Bridge Creek or Bear Creek, including any ownership rights which may be claimed by the State of Oregon below the high water line.
12. Right of the public to enter, view, examine and study the subject property, including the terms and provisions thereof:  
Recorded: August 25, 1947  
Book/Page: 25/596 (Records of Wheeler County, Oregon)
13. An Easement created by instrument, subject to the terms and provisions thereof:  
Dated: December 3, 1963  
Recorded: December 11, 1963  
Book/Page: 30/566 (Records of Wheeler County, Oregon)  
Grantor: John Hudspeth, Marlene Hudspeth, Fred Hudspeth and Margaret Hudspeth, co-partners, doing business as Hudspeth Sawmill Company and Hudspeth Lane & Livestock Company, Roger Hudspeth, doing business as Paulson Cattle Company, and Jamie Hudspeth, his wife; Ron Hudspeth and Jane Hudspeth, husband and wife  
In Favor of: Hudspeth Pine, Inc.  
Purpose: Road access
14. Easements, Conditions and Restrictions created by final judgment:  
Filed: February 24, 1971  
Case No. 2250  
Court: Wheeler County Circuit Court  
Between: State of Oregon, by and through its State Highway commission, composed of Glenn L. Jackson, Fred W. Hill and Thaddeus B. Bruno, and CBC Company, an Oregon corporation; The Connecticut Mutual Life Insurance Company, a Connecticut corporation; Eastern Oregon Land Company, a California corporation; and First National Bank of Oregon, a national banking association.
15. Restrictions, Covenants and Conditions, including the terms and provisions thereof, as contained in deed:  
From: United States of America  
To: Brooks Resources Corporation, an Oregon corporation  
Recorded: May 9, 1980  
Book/Page: 35/736 (Records of Wheeler County, Oregon)

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16. Scenic Easement, Restrictions and Covenants created by instrument, subject to the terms and provisions thereof:

Dated: February 6, 1980  
Recorded: May 9, 1980  
Microfilm No.: M-35-737 (Records of Wheeler County, Oregon)  
Grantor: Brooks Resources Corporation, an Oregon corporation  
In Favor of: United States of America

17. A Telephone Line Right-of-way Easement created by instrument, subject to the terms and provisions thereof:

Dated: March 21, 1985  
Recorded: April 5, 1985  
Microfilm No.: M-37-221 (Records of Wheeler County, Oregon)  
Grantor: Brooks Resources Investment Corporation, an Oregon corporation  
In Favor of: Telephone Utilities of Eastern Oregon, Inc., an Oregon corporation  
Purpose: Telephone line access

18. An Easement created by instrument, subject to the terms and provisions thereof:

Dated: November 15, 2000  
Recorded: November 27, 2000  
Microfilm No.: 000393 (Records of Wheeler County, Oregon)  
Grantor: Darby Smith Partners, LLC, an Oregon limited liability company  
In Favor of: Thomas F. Norton and Mary T. Norton, husband and wife  
Purpose: Road purposes

Re-Recorded: December 15, 2000  
Microfilm No.: 000405 (Records of Wheeler County, Oregon)

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**Attachment to Affidavit for the Partial Voluntary Cancellation of Certificate 13593**

Below is a list of the names and addresses of other property owners with lands appurtenant to portions of water right Certificate 13593 not legally owned by Bridge Creek Ranch LLC, which is the entity signing the affidavit.

- United States Bureau of Land Management – Owner of tax lot 300 in a portion of Township 10S, Range 21E, Section 30. Address: 3050 NE 3rd Street, Prineville, Oregon 97754

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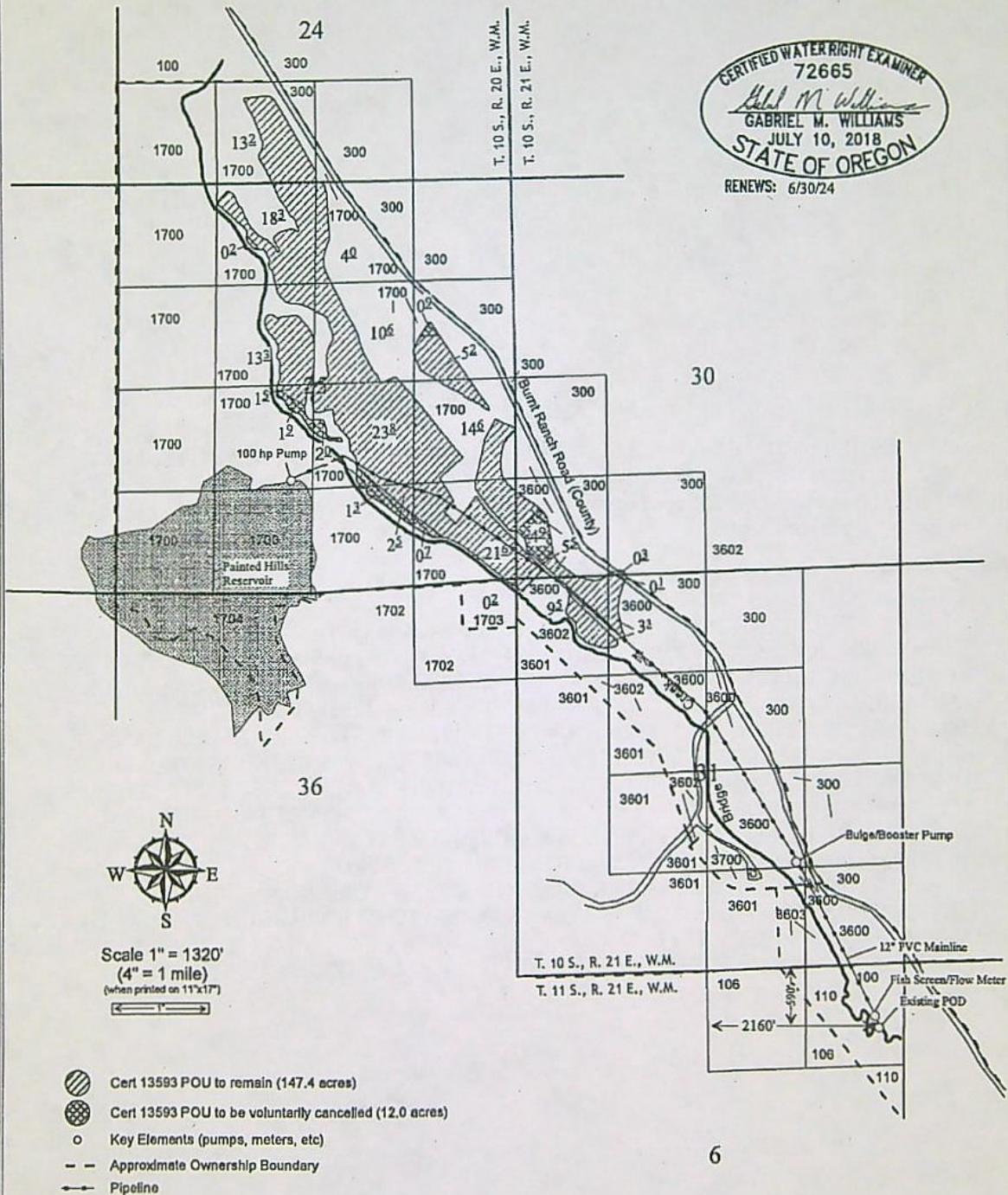


# Certificate 13593 - Partial Voluntary Cancellation Map

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This map is for the purpose of locating a water right only and is not intended to provide legal dimensions or locations of property ownership lines.

Federal Land Ownership Taxlots: 100, 106, 110, 300, 1702, 3601, 3602, 3603, 3700

BCRA-1.1

DRAWN BY: GAW

ADJUDICATION MAP

SHEET TITLE:

PROJECT:

PROJECT LOCATION:

CLIENT:

BRIDGE CREEK RANCH, LLC

RSI

Resource Specialists INC.

20340 Empire Ave., Ste. EB

BEND, OR 97703

(541) 771-6911

gabe@RSIengr.com

DRAWING STATUS

DATE

No.

REVISION

DATE

DRAFT

6/9/23

FINAL

6/15/23



STATE OF OREGON

County of Wheeler

SS

AFTER RECORDING RETURN TO:

Myles Conway  
Schwabe Williamson & Wyatt  
549 SW Mill View Way, Suite 100  
Bend, Oregon 97702

UNTIL A CHANGE IS REQUESTED,  
ALL TAX STATEMENTS SHALL BE  
SENT TO:

Robert J. Riccke  
Bridge Creek Ranch LLC  
355 Goodpasture Island Road  
Eugene, OR 97440

I certify that this instrument was  
received and recorded in the book of  
records of said county.

Barbara S. Sitton  
Wheeler County Clerk

**DEED**

by: J. Greenfield Deputy.

DOC#: 20080444 PAGES: 5  
RCPT: 951 46.00  
12/22/2008 2:06 PM  
REFUND: .00

### SPECIAL WARRANTY DEED

DERBY SMITH PARTNERS LLC ("Grantor") conveys and specially warrants to BRIDGE CREEK RANCH LLC, an Oregon limited liability company ("Grantee"), the real property described on Exhibit A attached hereto, free of encumbrances created or suffered by Grantor except as set forth on Exhibit B attached hereto.

The true consideration for this conveyance is \$1,750,000.00.

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

[Signature appears on the following page]

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JUN 26 2023

Salem, OR



# Affidavit for the VOLUNTARY CANCELLATION or DIMINUTION of a Water Right Certificate

Date \_\_\_\_\_

## 4. Complete this item (#4) only if this is a CANCELLATION for a PORTION of the water right.

I/We have abandoned any and all interest in and wish to cancel the following portion(s) of the water right certificate number listed in Item #2, above:

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☒ A place of use, or use.

JUN 26 2023

• For the use of (specify irrigation, domestic, etc.) irrigation and domestic

• IF FOR IRRIGATION OR NURSERY USE: Total number of acres to be cancelled 12.0 Salem, OR

• In the amount of 1/40 cfs per acre from March 1 to June 15 (0.30 cfs), and 1/80 cfs per acre from June 16 to October 1 (0.15 cfs) cubic foot per second

• From the water source (s) Bridge Creek

• At the following location(s) (attach a larger table if needed):

ABANDONED PORTION TO BE CANCELLED											
Township	N or S	Range	E or W	Mer	Section #	DLC #	G-LOT #	Quarter-Quarter	Acres	Tax Lot #	
<u>10</u>	<u>S</u>	<u>20</u>	<u>E</u>	WM	<u>25</u>			<u>SE NE</u>	<u>0.9</u>	<u>1700</u>	
<u>10</u>	<u>S</u>	<u>20</u>	<u>E</u>	WM	<u>25</u>			<u>NE SW</u>	<u>1.9</u>	<u>1700</u>	
<u>10</u>	<u>S</u>	<u>20</u>	<u>E</u>	WM	<u>25</u>			<u>NW SE</u>	<u>2.0</u>	<u>1700</u>	
<u>10</u>	<u>S</u>	<u>20</u>	<u>E</u>	WM	<u>25</u>			<u>SW SE</u>	<u>1.3</u>	<u>1700</u>	
<u>10</u>	<u>S</u>	<u>20</u>	<u>E</u>	WM	<u>25</u>			<u>SE SE</u>	<u>0.7</u>	<u>1700</u>	
<u>10</u>	<u>S</u>	<u>20</u>	<u>E</u>	WM	<u>25</u>			<u>NE NW</u>	<u>0.2</u>	<u>1700</u>	
<u>10</u>	<u>S</u>	<u>21</u>	<u>E</u>	WM	<u>30</u>			<u>SW SW</u>	<u>4.9</u>	<u>3600</u>	
<u>10</u>	<u>S</u>	<u>21</u>	<u>E</u>	WM	<u>31</u>			<u>NE NW</u>	<u>0.1</u>	<u>3600</u>	

• Locations of the place of use or acres being cancelled are clearly identified on a copy of the certificate map of record (decree map, final proof map, or claim of beneficial use map); or, if there is no certificate map of record, then an alternate map is being submitted with information sufficient to determine the lands on which the right is to be cancelled)

• Locations of the place of use or acres **NOT** being cancelled are clearly identified on a copy of the certificate map of record; or if there is no certificate map of record, then an alternate map is being submitted with information sufficient to determine the lands on which the right is NOT to be cancelled.

## AND/OR (less common)

☐ One or more of the authorized points of diversion (surface water) or points of appropriation (groundwater) authorized under the certificate.

• For the use of (specify irrigation, domestic, etc.) \_\_\_\_\_

• From the water source (s) \_\_\_\_\_

• Located within the \_\_\_\_\_ 1/4, Section \_\_\_\_\_, Township \_\_\_\_\_ (N ☐ or S ☐)  
Range \_\_\_\_\_ (E ☐ or W ☐, W.M.

• Location Description (if given on the certificate) \_\_\_\_\_

## 5. Complete this section (Item #5a-c) for a DIMINUTION of ALL or a PORTION of the water right.

a. I/We have found a more dependable source of primary water, and therefore request the water right certificate ☐ in its entirety, or ☐ as described in Item #6, below, (check one box) be diminished from a right for primary use to a right for supplemental use.



**Affidavit for the VOLUNTARY CANCELLATION or DIMINUTION of a Water Right Certificate**

*minimum, township(s), range(s), section number(s), quarter- quarter(s) and tax lot number(s)].*

Examples:

- Township 3 South, Range 5 East, Section 12, NW¼, NW¼ SW¼ & SW¼ SW¼; Section 13. NWNW, SWNW, all within Tax Lot 700.
- T16S, R18E, Sec18, SWSE & SESE, TL 1700
- T6N, R35E, Sec 27, S½, TL 1100

Received by OWRD

JUN 26 2023

Enter legal description here:

Salem, OR

- Township 10 S, Range 20 East, Section 24: That portion of the S1/2 SW1/4, lying Westerly of Bridge Creek County Road No. 14, all within tax lot 1700.
- Township 10 S, Range 20 East, Section 25: All that portion lying Westerly of Bridge Creek County Road No. 14 (being the NW1/4, SW1/4, SE1/4, W1/2 NE1/4 lying West of the County Road, and SE1/4 NE1/4 lying West of the County Road), all within tax lot 1700.
- Township 10 S, Range 20 East, Section 36: NE1/4 NE1/4 NE1/4; also, two tracts of land more particularly described in that certain Bargain and Sale Deed Recorded May 9, 1980, in Wheeler County Deed Records as Microfilm No. M-35-736. The portion of the POU under Certificate 13593 that is located in Section 36 is located in the NE1/4, NE1/4, and is all within tax lot 1703.
- Township 10 S, Range 21 East, Section 30: That portion of the SW1/4 SW1/4 lying Westerly of Bridge Creek County Road No. 14, all within tax lot 3600.
- Township 10 S, Range 21 East, Section 31: All that portion lying Easterly of Bridge Creek and Westerly of Bridge Creek County Road No. 14. The portion of the POU under Certificate 13593 that is located in Section 31 is located in the N1/2 NW1/4, and is all within tax lot 3600.

2. I/We are requesting a [check one box - the affidavit will be returned if more than one box is checked]:

☐ voluntary cancellation of and have abandoned any and all interest in the ENTIRE water right Certificate # \_\_\_\_.

☒ voluntary cancellation of and have abandoned any and all interest a PORTION of water right Certificate # 13593.

☐ voluntary diminution of the ENTIRE water right Certificate # \_\_\_\_.

☐ voluntary diminution of a PORTION of water right Certificate # \_\_\_\_.

3. The appurtenant water right ☐ is or ☒ is not (check one box) located within the boundaries of an irrigation, drainage, water improvement, or water control district, or federal reclamation project (district). If the right is located within a district or reclamation project, name it here: N/A.

a. The water right, or portion thereof, being ☐ cancelled or ☐ diminished (check one box) is in the name of or served by a district. The signature of district manager on the line below documents the concurrence of the district to the changes to the water right specified in this affidavit, for the portion of the water right in the name of or served by the district.

\_\_\_\_\_  
Signature of district manager

\_\_\_\_\_  
Printed Name



Additional POD Cert. 13593

Received by OWRD

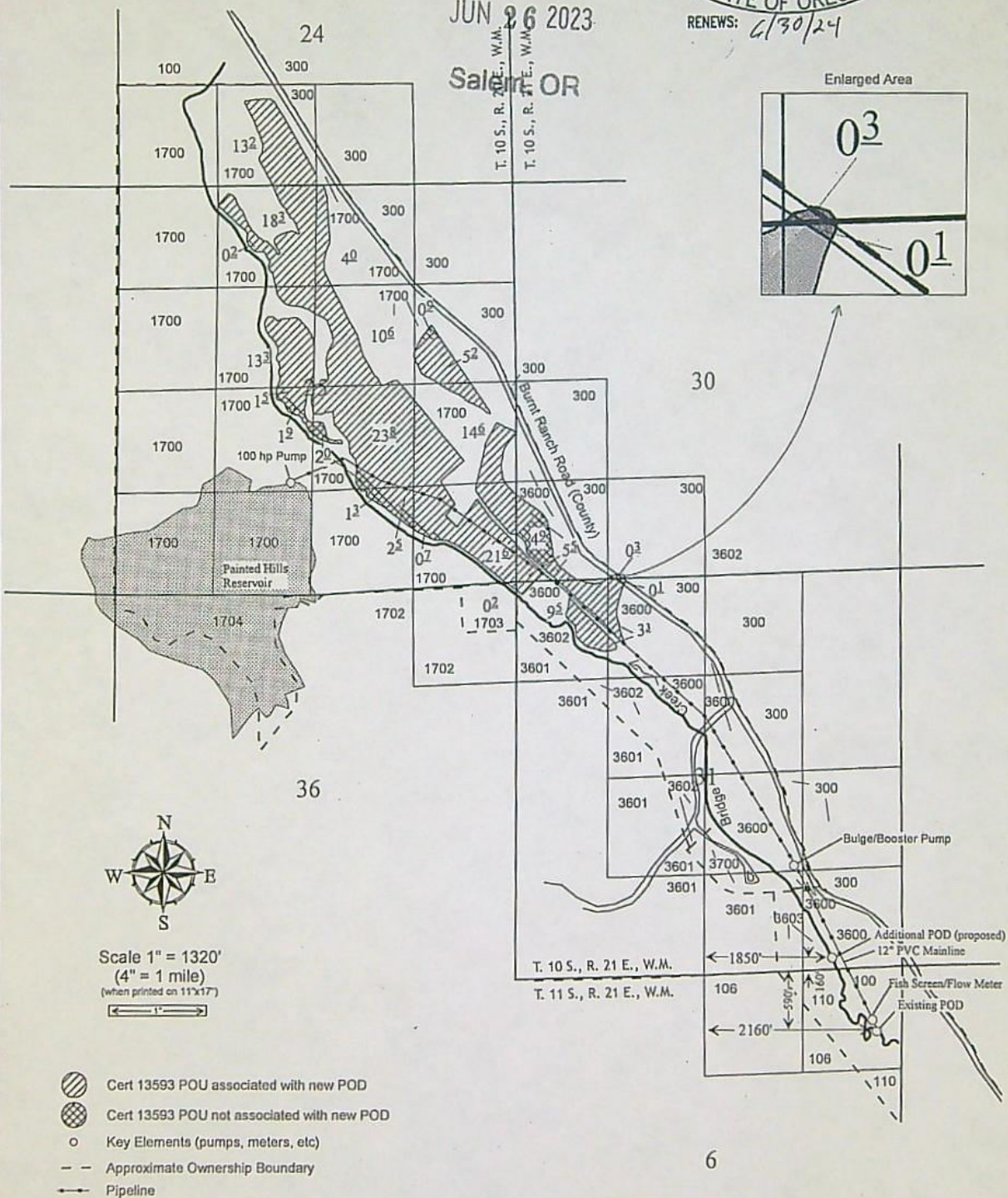
JUN 26 2023

Sale, OR

T. 10 S., R. 21 E., W.M.

CERTIFIED WATER RIGHT EXAMINER  
72665  
*Gabriel M. Williams*  
GABRIEL M. WILLIAMS  
JULY 10, 2018  
STATE OF OREGON  
RENEWS: 6/30/24

RENEWS: 6/30/24



This map is for the purpose of locating a water right only and is not intended to provide legal dimensions or locations of property ownership lines.

Federal Land Ownership Taxlots:100,106,110,300,1702,3601,3602,3603,3700

BCR - 1.1

**DRAWING:**

DRAWN BY: GMM

**SHEET TITLE:**  
**POD Map**

PROJECT:  
13593 Additional POD

**PROJECT LOCATION:**  
**MITCHELL, OREGON**

**CLIENT:**  
**Bridge Creek Ranch, LLC**

**RSI** Resource Specialists INC.

20340 Empire Ave. STE E8  
BEND, OR 97703

(541) 771-6911  
gabe@RSIengr.com

DRAWING STATUS	DATE	No.	REVISION	DATE
DRAFT	12/5/22			
FINAL	1/16/23			
REV. A	6/26/23			




## PHILLIPS Stacy H \* WRD

---

**From:** Thane, Lindsay M. <LThane@SCHWABE.com>  
**Sent:** Tuesday, February 07, 2023 10:10 AM  
**To:** PHILLIPS Stacy H \* WRD  
**Cc:** Howard, Elizabeth E.  
**Subject:** Transfer Application T-14158 [IWOV-pdx.FID4642980]  
**Attachments:** ODFW Review T 13873 3-2022.PDF  
  
**Categories:** Project

Good Morning Stacy,

I see that you are the caseworker for transfer application T-14158. I am reaching out on behalf of the applicant, Bridge Creek Ranch, to provide you with ODFW's review that it completed for permit amendment application T-13873, which Bridge Creek Ranch applied for and which was approved in 2022. I am providing you with ODFW's review for that permit amendment in case you would like to also share it with ODFW because the proposed POD in permit amendment application T-13873 is the same POD that is proposed as an additional POD in T-14158. I am providing this so that it can hopefully be helpful in OWRD's and ODFW's review of T-14158 and potentially help make the review of T-14158 as efficient as possible.

Thank you,  
Lindsay

Lindsay Thane  
Associate  
*Pronouns: she, her, hers*  
D: 503-796-2059  
[lthane@schwabe.com](mailto:lthane@schwabe.com)

SCHWABE, WILLIAMSON & WYATT  
CLIENT SHOWCASE | INNOVATING FOR GOOD

---

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**Oregon Department of Fish and Wildlife**  
**Water Right and Diversion Transfer Comment Form**  
(ODFW provides to WRD so that WRD can make findings according to statutory requirements.)

Reference Transfer #: T-13873

Date of review: 3/9/22

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

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

(Please attach any available supporting information.)

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

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

☐ **1. Screen Maintain**

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

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

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

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

☒ **2. Screen Now**

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

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

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

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

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

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



☐ **3. Screen 2 Year**

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

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

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

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

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

☐ **4. Screen Future**

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

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

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

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

☐ **5. No Screen Needed**

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

Danette L. Faucera

Signature

Danette Faucera  
Printed Name

(503) 947-6092

Phone

Water Policy Coordinator  
Title



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

Transfer #: T-13873

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

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

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

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

ODFW staff name: Nathaniel Ashley

Address: 357 Patterson Bridge Rd

City/State/Zip: John Day, OR 97845

Phone: (541) 575-0561

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

ODFW staff name: Danette Faucera

Address: 4034 Fairview Industrial Dr. SE

City/State/Zip: Salem, OR 97302

Phone: (503) 947-6092



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 # 139984

INVOICE #

RECEIVED FROM: The Paper Group, Inc.  
BY:

APPLICATION	
PERMIT	
TRANSFER	<u>T-14158</u>

CASH: ☐ CHECK: # 229288 OTHER: (IDENTIFY)

TOTAL REC'D \$ 125.00

1083	TREASURY	4170	WRD MISC CASH ACCT	\$
0407	COPIES	<u>47124</u>	<u>R11415-23</u>	\$
<u>0412</u>	OTHER:	(IDENTIFY)	<u>Transfer RA</u>	\$ <u>125.00</u>
0243	I/S Lease			
0244	Muni Water Mgmt. Plan			
0245	Cons. Water			

4270 WRD OPERATING ACCT				
MISCELLANEOUS				
0407	COPY & TAPE FEES		\$	
0410	RESEARCH FEES		\$	
0408	MISC REVENUE: (IDENTIFY)		\$	
TC162	DEPOSIT LIAB. (IDENTIFY)		\$	
0240	EXTENSION OF TIME		\$	
WATER RIGHTS:		EXAM FEE		RECORD FEE
0201	SURFACE WATER	\$	0202	\$
0203	GROUND WATER	\$	0204	\$
0205	TRANSFER	\$		
WELL CONSTRUCTION		EXAM FEE		LICENSE FEE
0218	WELL DRILL CONSTRUCTOR	\$	0219	\$
	LANDOWNER'S PERMIT		0220	\$
OTHER (IDENTIFY)				

0536	TREASURY	0437	WELL CONST. START FEE
0211	WELL CONST START FEE	\$	CARD#
0210	MONITORING WELLS	\$	CARD#
OTHER (IDENTIFY)			

0607	TREASURY	0467	HYDRO ACTIVITY	LIC NUMBER
0233	POWER LICENSE FEE (FW/WRD)			\$
0231	HYDRO LICENSE FEE (FW/WRD)			\$
	HYDRO APPLICATION			\$

TREASURY		OTHER
FUND	TITLE	
OBJ. CODE	VENDOR #	\$
DESCRIPTION		

RECEIPT: 139984

DATED: 1-24-2023 BY: [Signature]

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

12-14-22 REQ-01	12/14/22	BRIDGE CRK R	125.00	.00	125.00
RECEIVED JAN 24 2023 OWRD			*** TOTALS *	125.00	.00
DETACH AND RETAIN THIS STATEMENT WITH YOUR RECORDS			TOTAL AMOUNT	125.00	
*			2212	102342	229288





OREGON WATER RESOURCES DEPARTMENT  
TRANSFER REIMBURSEMENT AUTHORITY  
ESTIMATE APPLICATION



ORS 536.055 authorizes the Oregon Water Resources Department to expedite or enhance regulatory processes voluntarily requested under the agreement.

**Please contact Transfer Personnel before submitting this request; as the application fee is a non-refundable \$125.00 fee per request. Checks submitted for this application should be separate from Transfer fees.**

The purpose of this application is to obtain estimates of the cost and time required to process a Transfer Application Request. **There is a non-refundable application fee of \$125.00 per request.**

REQUEST	TYPE	FILE NUMBER
<input checked="" type="checkbox"/>	Transfer Application	T-14158 Transfer Application for Certificates 96311 and 13593

	Applicant Information	Applicant's Representative/Contact
Name:	Bridge Creek Ranch LLC, Attn: Mike Pati	Elizabeth Howard and Lindsay Thane
Address:	355 Goodpasture Island Road	1211 SW 5th Ave., Suite 1900
	Eugene, OR 97401	Portland, OR 97204
Phone:	541-681-5332	503-796-2059
Fax:		
E-Mail Address:	mpati@pape.com	lthane@schwabe.com and ehoward@schwabe.com

I understand the following:

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

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

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I certify that I am the (check one):

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

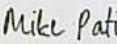
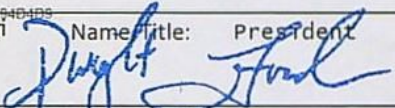
Name: Mike Pati, President

Signature: \_\_\_\_\_

OWRD USE ONLY: Reimbursement Authority Number: R11-415-23



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

	DocuSigned by:		
For Applicant:			2/8/2023
	Mike Pati	Name/Title: President	Date
For OWRD:			2-16-2023
	Dwight French – Administrator		Date

Mail signed Agreement to:

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

Received by OWRD

FEB 07 2023

Salem, OR



# Schwabe

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JUNE 26, 2023

VIA E-MAIL (ARLA.L.DAVIS@WATER.OREGON.GOV)  
AND FIRST CLASS MAIL

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

Lindsay Thane

Admitted in Oregon, Washington and  
Montana

D: 503-796-2059

C: 406-214-1918

lthane@schwabe.com

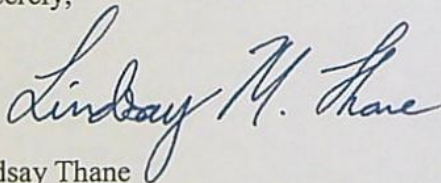
RE: Affidavit of Partial Voluntary Cancellation - Certificate 13593  
Our File No.: 129629-213607

Dear Arla:

Please find enclosed with this letter an affidavit of partial voluntary cancellation of water right Certificate 13593 submitted on behalf of Bridge Creek Ranch LLC. As explained in the affidavit, Bridge Creek Ranch LLC is voluntarily cancelling 12.0 acres under water right Certificate 13593.

Please let me know if you have any questions.

Sincerely,



Lindsay Thane

LTH:lmt

cc: Ann Reece (via email only)  
Mike Pati (via email only)  
Elizabeth Howard (via email only)



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OREGON  
WATER  
RESOURCES  
DEPARTMENT

OWRD

## Affidavit of Voluntary Cancellation or Diminution of a Water Right Certificate

**VOLUNTARY CANCELLATION** is how the legal holder(s) of a water right certificate may cancel an abandoned water right or an abandoned portion of a water right. Abandonment means water use has or will have ceased under the cancellation. A cancellation can apply to an entire certificate or to a specific place of use and acreage. The rate of water must be proportionately cancelled to match the portion of the right being cancelled. If a certificate is partially cancelled, a remaining water right certificate will be issued describing the uncanceled portion.

[see also Oregon Revised Statute (ORS) 540.621 and Administrative Rule (OAR) 690-017-0100.]

**VOLUNTARY DIMINUTION** is how the legal holder(s) of a water right certificate may diminish an entire water right or a portion of it from a primary purpose to a supplemental purpose. The overall authorized rate of water on the certificate will remain the same, but the proportions between primary use and supplemental use will change. In the diminution process, the originating water right will be cancelled, and a new water right will be issued describing the diminution. [see also Oregon Administrative Rule (OAR) 690-330-0040.]

Describe in your own words what you want to accomplish with this affidavit: Voluntarily cancel 12.0 acres of water rights under Certificate 13593.

### Certificate of Water Right Information:

Certificate Number: 13593

Issued for use within the State of Oregon, County of Wheeler.

Issued in the name of: Ben Taylor.

Date of priority: 1868

Rate or Volume on entire certificate: 1/40 cfs per acre before June 15, and 1/80 cfs per acre after June 15, during the irrigation season from March 1 to October 1 of each year. (cubic foot per second *or* gallons per minute *or* acre-feet).

Source(s) of water on certificate: Bridge Creek.

Use(s) of water listed on certificate: irrigation and domestic (purposes),

If for irrigation (IR), total number of acres on certificate for primary IR 159.4, supplemental IR 0.0.

### Statements of Oath:

I/We (or authorized agent), Bridge Creek Ranch LLC,

residing at 355 Goodpasture Island Road, Eugene, OR 97401,

with a mailing address of (if different) \_\_\_\_\_,

and a telephone number of 541-681-5332, being first duly sworn depose and say:

1. I/We are the legal owners of property appurtenant to all ☐ *or* ☒ a portion (*check one box*) of the water right described above. My/Our property is described on a recorded property deed in my/our/an entity name(s). The property is located within the following legal description [*must include at a*



**Affidavit for the VOLUNTARY CANCELLATION or DIMINUTION of a Water Right Certificate**

minimum, township(s), range(s), section number(s), quarter- quarter(s) and tax lot number(s)].

Examples:

- Township 3 South, Range 5 East, Section 12, NW¼, NW¼ SW¼ & SW¼ SW¼; Section 13 NWNW, SWNW, all within Tax Lot 700.
- T16S, R18E, Sec18, SWSE & SESE, TL 1700
- T6N, R35E, Sec 27, S½, TL 1100

Enter legal description here:

- Township 10 S, Range 20 East, Section 24: That portion of the S1/2 SW1/4, lying Westerly of Bridge Creek County Road No. 14, all within tax lot 1700.
- Township 10 S, Range 20 East, Section 25: All that portion lying Westerly of Bridge Creek County Road No. 14 (being the NW1/4, SW1/4, SE1/4, W1/2 NE1/4 lying West of the County Road, and SE1/4 NE1/4 lying West of the County Road), all within tax lot 1700.
- Township 10 S, Range 20 East, Section 36: NE1/4 NE1/4 NE1/4; also, two tracts of land more particularly described in that certain Bargain and Sale Deed Recorded May 9, 1980, in Wheeler County Deed Records as Microfilm No. M-35-736. The portion of the POU under Certificate 13593 that is located in Section 36 is located in the NE1/4, NE1/4, and is all within tax lot 1703.
- Township 10 S, Range 21 East, Section 30: That portion of the SW1/4 SW1/4 lying Westerly of Bridge Creek County Road No. 14, all within tax lot 3600.
- Township 10 S, Range 21 East, Section 31: All that portion lying Easterly of Bridge Creek and Westerly of Bridge Creek County Road No. 14. The portion of the POU under Certificate 13593 that is located in Section 31 is located in the N1/2 NW1/4, and is all within tax lot 3600.

2. I/We are requesting a [check one box - the affidavit will be returned if more than one box is checked]:

☐ voluntary cancellation of and have abandoned any and all interest in the ENTIRE water right Certificate # \_\_\_\_.

☒ voluntary cancellation of and have abandoned any and all interest a PORTION of water right Certificate # 13593.

☐ voluntary diminution of the ENTIRE water right Certificate # \_\_\_\_.

☐ voluntary diminution of a PORTION of water right Certificate # \_\_\_\_.

3. The appurtenant water right ☐ is or ☒ is not (check one box) located within the boundaries of an irrigation, drainage, water improvement, or water control district, or federal reclamation project (district). If the right is located within a district or reclamation project, name it here: N/A.

a. The water right, or portion thereof, being ☐ cancelled or ☐ diminished (check one box) is in the name of or served by a district. The signature of district manager on the line below documents the concurrence of the district to the changes to the water right specified in this affidavit, for the portion of the water right in the name of or served by the district.

\_\_\_\_\_  
Signature of district manager

\_\_\_\_\_  
Printed Name

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## Affidavit for the VOLUNTARY CANCELLATION or DIMINUTION of a Water Right Certificate

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Date \_\_\_\_\_

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## 4. Complete this item (#4) only if this is a CANCELLATION for a PORTION of the water right.

I/We have abandoned any and all interest in and wish to cancel the following portion(s) of the water right certificate number listed in Item #2, above:

☒ A place of use, or use.

- For the use of (specify irrigation, domestic, etc.) irrigation and domestic
- IF FOR IRRIGATION OR NURSERY USE: Total number of acres to be cancelled 12.0
- In the amount of 1/40 cfs per acre from March 1 to June 15 (0.30 cfs), and 1/80 cfs per acre from June 16 to October 1 (0.15 cfs) cubic foot per second
- From the water source (s) Bridge Creek
- At the following location(s) (attach a larger table if needed):

ABANDONED PORTION TO BE CANCELLED										
Township	N or S	Range	E or W	Mer	Section #	DLC #	G-LOT #	Quarter-Quarter	Acres	Tax Lot #
<u>10</u>	<u>S</u>	<u>20</u>	<u>E</u>	<u>WM</u>	<u>25</u>			<u>SE NE</u>	<u>0.9</u>	<u>1700</u>
<u>10</u>	<u>S</u>	<u>20</u>	<u>E</u>	<u>WM</u>	<u>25</u>			<u>NE SW</u>	<u>1.9</u>	<u>1700</u>
<u>10</u>	<u>S</u>	<u>20</u>	<u>E</u>	<u>WM</u>	<u>25</u>			<u>NW SE</u>	<u>2.0</u>	<u>1700</u>
<u>10</u>	<u>S</u>	<u>20</u>	<u>E</u>	<u>WM</u>	<u>25</u>			<u>SW SE</u>	<u>1.3</u>	<u>1700</u>
<u>10</u>	<u>S</u>	<u>20</u>	<u>E</u>	<u>WM</u>	<u>25</u>			<u>SE SE</u>	<u>0.7</u>	<u>1700</u>
<u>10</u>	<u>S</u>	<u>20</u>	<u>E</u>	<u>WM</u>	<u>25</u>			<u>NE NW</u>	<u>0.2</u>	<u>1700</u>
<u>10</u>	<u>S</u>	<u>21</u>	<u>E</u>	<u>WM</u>	<u>30</u>			<u>SW SW</u>	<u>4.9</u>	<u>3600</u>
<u>10</u>	<u>S</u>	<u>21</u>	<u>E</u>	<u>WM</u>	<u>31</u>			<u>NE NW</u>	<u>0.1</u>	<u>3600</u>

- Locations of the place of use or acres being cancelled are clearly identified on a copy of the certificate map of record (decree map, final proof map, or claim of beneficial use map); or, if there is no certificate map of record, then an alternate map is being submitted with information sufficient to determine the lands on which the right is to be cancelled)
- Locations of the place of use or acres **NOT** being cancelled are clearly identified on a copy of the certificate map of record; or if there is no certificate map of record, then an alternate map is being submitted with information sufficient to determine the lands on which the right is NOT to be cancelled.

## AND/OR (less common)

- ☐ One or more of the authorized points of diversion (surface water) or points of appropriation (groundwater) authorized under the certificate.
- For the use of (specify irrigation, domestic, etc.) \_\_\_\_\_
  - From the water source (s) \_\_\_\_\_
  - Located within the \_\_\_\_\_<sup>1</sup>/<sub>4</sub>, Section \_\_\_\_\_, Township \_\_\_\_\_ (N ☐ or S ☐), Range \_\_\_\_\_ (E ☐ or W ☐, W.M.
  - Location Description (if given on the certificate) \_\_\_\_\_

5. Complete this section (Item #5a-c) for a DIMINUTION of ALL or a PORTION of the water right.

- a. I/We have found a more dependable source of primary water, and therefore request the water right certificate ☐ in its entirety, or ☐ as described in Item #6, below, (check one box) be diminished from a right for primary use to a right for supplemental use.



**Affidavit for the VOLUNTARY CANCELLATION or DIMINUTION of a Water Right Certificate**


- b. I/We agree that if this change is approved, it is permanent and the right to the use of water from \_\_\_\_\_ (source) cannot be changed back to the primary use unless otherwise provided by law.
- c. I/We also agree that so long as there is sufficient water available from the new primary source, I am/we are not entitled to use any water from \_\_\_\_\_ (source of water) for primary use on these lands.

**6. Complete this item (#6) for a DIMINUTION of a PORTION of the water right.**

I/We, being the legal owners of the property described below are requesting a partial diminution of the water right certificate (identified in Item #2 above in the amount of \_\_\_\_\_ (cfs) from \_\_\_\_\_ (sources) for irrigation (if applicable) of \_\_\_\_\_ acres at the following location(s) as listed on the certificate (attach a larger table if needed):

PORTION TO BE DIMINISHED FROM PRIMARY TO SUPPLEMENTAL IRRIGATION										
Township	N or S	Range	E or W	Mer	Section #	DLC #	G-LOT #	Quarter-Quarter	Acres	Tax Lot #
_____	_____	_____	_____	WM	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	WM	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	WM	_____	_____	_____	_____	_____	_____

**Signatures and Notary:**



Signature of legal owner as listed on deed, or authorized agent

Printed Name: Mike Pati, President Pape Properties, Inc., sole member of Bridge Creek Ranch LLC,

Date 6/26/23

N/A

Signature of legal co-owner as listed on deed (if applicable)

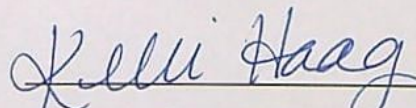
Printed Name \_\_\_\_\_

Date \_\_\_\_\_

Subscribed and Sworn to Before Me this 26 day of June, 2023.



My Commission Expires 1/24/25



Signature of Notary Public for Oregon

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**REQUIRED ATTACHMENTS (LEGIBLE COPIES):**

- 1) A recorded property deed which lists landowner(s) and includes a legal description of lands affected by this affidavit of cancellation or diminution.



Affidavit for the VOLUNTARY CANCELLATION *or* DIMINUTION of a Water Right Certificate

- 2) An adjudication map, water right final proof map, or a tax lot map that clearly shows:
  - a. Location and acreages within each township, range and quarter-quarter of the lands described on the water right being cancelled or diminished, and
  - b. the remaining locations and acreages within each township, range and quarter-quarter of the lands described on entire water right NOT being cancelled or diminished, if any.
- 3) A list of names and addresses of other property owners with lands appurtenant to portions of the water right certificate not legally owned by the person(s) signing the affidavit.
- 4) If acting as an authorized agent, include a copy of the Power of Attorney or other documents granting authority to act on behalf of legal owner(s) as listed on the deed.

MISSING ATTACHMENTS WILL RESULT IN THE AFFIDAVIT BEING RETURNED, AND NO ACTION TAKEN ON THE AFFIDAVIT.

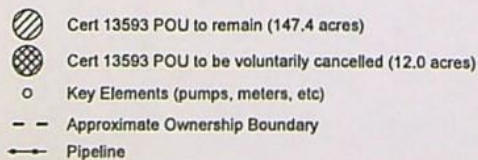
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## OWRD



Federal Land Ownership Taxlots:100,106,110,300,1702,3601,3602,3603,3700

DRAWING: BCRA - 1.1	DRAWN BY: GAW	SHEET TITLE: Adjudication Map	PROJECT: 13593 Adjudication	 <b>RSI</b> Resource Specialists INC. 20340 Empire Ave., Ste. E8 BEND, OR 97703 (541) 771-8911 gabe@RSIengr.com	DRAWING STATUS	DATE	No.	REVISION	DATE
			PROJECT LOCATION: MITCHELL, OREGON		DRAFT	6/8/23			
			CLIENT: Bridge Creek Ranch, LLC		FINAL	6/15/23			



STATE OF OREGON

County of Wheeler

SS

AFTER RECORDING RETURN TO:

Myles Conway  
Schwabe Williamson & Wyatt  
549 SW Mill View Way, Suite 100  
Bend, Oregon 97702

UNTIL A CHANGE IS REQUESTED,  
ALL TAX STATEMENTS SHALL BE  
SENT TO:

Robert J. Riccke  
Bridge Creek Ranch LLC  
355 Goodpasture Island Road  
Eugene, OR 97440

I certify that this instrument was  
received and recorded in the book of  
records of said county.

Barbara S. Sitton  
Wheeler County Clerk

DEED

by: J. Greenfield Deputy.

DOC#: 20080444 PAGES: 5  
RCPT: 951 46.00  
12/22/2008 2:06 PM  
REFUND: .00

### SPECIAL WARRANTY DEED

DERBY SMITH PARTNERS LLC ("Grantor") conveys and specially warrants to BRIDGE CREEK RANCH LLC, an Oregon limited liability company ("Grantee"), the real property described on Exhibit A attached hereto, free of encumbrances created or suffered by Grantor except as set forth on Exhibit B attached hereto.

The true consideration for this conveyance is \$1,750,000.00.

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

[Signature appears on the following page]

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Dated this 22 day of December, 2008.

GRANTOR:

DERBY SMITH PARTNERS LLC

William L. Smith  
By William L. Smith  
Its Managing member

ACKNOWLEDGMENT

STATE OF OREGON       )  
                                  ) ss.  
County of Deschutes    )

This instrument was acknowledged before me on the 22<sup>nd</sup> day of December, 2008, by  
William L. Smith as MANAGING of DERBY SMITH PARTNERS LLC.  
member



Sharon A. Mitchell  
Notary in and for the State of Oregon  
My Commission Expires: Aug. 24/2010

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**EXHIBIT A  
LEGAL DESCRIPTION**

Located in WHEELER COUNTY, OREGON:

In Township 10 South, Range 20 East of the Willamette Meridian, Wheeler County, Oregon:

Section 24: That portion of the S $\frac{1}{4}$ SW $\frac{1}{4}$  lying Westerly of Bridge Creek County Road No. 14.

Section 25: All that portion lying Westerly of Bridge Creek County Road No. 14.

Section 36: NE $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ ; Also, two tracts of land more particularly described in that certain Bargain and Sale Deed Recorded May 9, 1980, in Wheeler County Deed Records as Microfilm No. M-35-736.

In Township 10 South, Range 21 East of the Willamette Meridian, Wheeler County, Oregon:

Section 30: That portion of the SW $\frac{1}{4}$ SW $\frac{1}{4}$  lying Westerly of Bridge Creek County Road No. 14.

Section 31: All that portion lying Easterly of Bridge Creek and Westerly of Bridge Creek County Road No. 14.

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EXHIBIT A

PDX/120068/166587/MCO3223050.1

20080444 pg. 3 of 5



EXHIBIT B  
TITLE EXCEPTIONS

7. As disclosed by the tax roll, the premises herein described have been zoned or classified for farm use. At any time that said land is disqualified for such use, the property will be subject to additional taxes or penalties and interest.
8. As disclosed by the tax roll, the premises herein described are classified as forest lands. In the event of declassification, said premises will be subject to additional taxes and interest pursuant to the provisions of ORS Chapter 321.
9. Existing rights of way for roads, highways, irrigation ditches, canals and pole lines.
10. Reservations contained in Patents from the United States of America and in Deeds from the State of Oregon, if any.
11. Any adverse claim based upon the assertion that:  
Rights of the public and governmental bodies in and to any portion of the premises herein described lying below the high water mark of the Bridge Creek or Bear Creek, including any ownership rights which may be claimed by the State of Oregon below the high water line.
12. Right of the public to enter, view, examine and study the subject property, including the terms and provisions thereof:  
Recorded: August 25, 1947  
Book/Page: 25/596 (Records of Wheeler County, Oregon)
13. An Easement created by instrument, subject to the terms and provisions thereof:  
Dated: December 3, 1963  
Recorded: December 11, 1963  
Book/Page: 30/566 (Records of Wheeler County, Oregon)  
Grantor: John Hudspeth, Florine Hudspeth, Fred Hudspeth and Margaret Hudspeth, co-partners, doing business as Hudspeth Sawmill Company and Hudspeth Lumber & Livestock Company, Roger Hudspeth, doing business as Paulina Cattle Company, and Jamie Hudspeth, his wife; Ron Hudspeth and Jane Hudspeth, husband and wife  
In favor of: Hudspeth Pine, Inc.  
Purpose: Road access
14. Easements, Conditions and Restrictions created by final judgment:  
Filed: February 24, 1971  
Case No. 2250  
Court: Wheeler County Circuit Court  
Between: State of Oregon, by and through its State Highway commission, composed of Glenn L. Jackson, Fred W. Hill and Thaddeus B. Bruno, and CBC Company, an Oregon corporation; The Connecticut Mutual Life Insurance Company, a Connecticut corporation; Eastern Oregon Land Company, a California corporation; and First National Bank of Oregon, a national banking association.
15. Restrictions, Covenants and Conditions, including the terms and provisions thereof, as contained in deed:  
From: United States of America  
To: Brooks Resources Corporation, an Oregon corporation  
Recorded: May 9, 1980  
Book/Page: 35/736 (Records of Wheeler County, Oregon)

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16. Easement, Restrictions and Covenants created by instrument, subject to the terms and provisions thereof:

Dated: February 6, 1980  
Recorded: May 9, 1980  
Microfilm No.: M-35-737 (Records of Wheeler County, Oregon)  
Grantor: Brooks Resources Corporation, an Oregon corporation  
In Favor of: United States of America

17. A Telephone Line Right-of-way Easement created by instrument, subject to the terms and provisions thereof:

Dated: March 21, 1985  
Recorded: April 5, 1985  
Microfilm No.: M-37-221 (Records of Wheeler County, Oregon)  
Grantor: Brooks Resources Investment Corporation, an Oregon corporation  
In Favor of: Telephone Utilities of Eastern Oregon, Inc., an Oregon corporation  
Purpose: Telephone line access

18. An Easement created by instrument, subject to the terms and provisions thereof:

Dated: November 15, 2000  
Recorded: November 27, 2000  
Microfilm No.: 000393 (Records of Wheeler County, Oregon)  
Grantor: Darby Smith Partners, LLC, an Oregon limited liability company  
In Favor of: Thomas F. Norton and Mary T. Norton, husband and wife  
Purpose: Road purposes

Re-Recorded: December 15, 2000  
Microfilm No.: 000405 (Records of Wheeler County, Oregon)

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EXHIBIT B

PDX/120068/166587/MCO/3223050.1

20080444 pg. 5 of 5



**Attachment to Affidavit for the Partial Voluntary Cancellation of Certificate 13593**

Below is a list of the names and addresses of other property owners with lands appurtenant to portions of water right Certificate 13593 not legally owned by Bridge Creek Ranch LLC, which is the entity signing the affidavit.

- United States Bureau of Land Management – Owner of tax lot 300 in a portion of Township 10S, Range 21E, Section 30. Address: 3050 NE 3rd Street, Prineville, Oregon 97754

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## 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-14158 APOD

Review Due Date: 02/26/2023

Applicant Name: Bridge Creek Ranch LLC

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

Reviewer(s): Ken Thiemann Jr.

Date of Review: 04/21/2023

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

The C-13593 acres not associated with the transfer, will not be served by any of the OPODs once the transfer is completed and the BLM POD is disconnected, how will those acres be served. Especially those acres in the creek bed. I would like to see a voluntary cancellation to accompany this transfer for the acres not associated with the BCR APOD.



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:

A voluntary cancellation for the acres not associated with the APOD or a revision of the transfer.

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- 14158 APOD



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



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



at each new point of diversion/appropriation.

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

Watermaster name: Kenneth C. Thiemann Jr.

District: 21

Address: PO Box 427

City/State/Zip: Condon, OR 97823

Phone: (541) 969-8799

Email: Kenneth.C.Thiemann@water.oregon.gov

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

\*\*\*\*\*

## Approval of an Alternate Measurement Device

T-

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

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

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_  
Watermaster signature

\_\_\_\_\_  
District

\_\_\_\_\_  
Date

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

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



## 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](http://www.oregon.gov/OWRD)

Transfer Application: T-14158 APOD

Review Due Date: 02/26/2023

Applicant Name: Bridge Creek Ranch LLC

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

Reviewer(s): Ken Thiemann Jr.

Date of Review: 04/21/2023

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

The C-13593 acres not associated with the transfer, will not be served by any of the OPODs once the transfer is completed and the BLM POD is disconnected, how will those acres be served. Especially those acres in the creek bed. I would like to see a voluntary cancellation to accompany this transfer for the acres not associated with the BCR APOD.



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:

A voluntary cancellation for the acres not associated with the APOD or a revision of the transfer.

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

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

Reference Transfer #: T-14158, Bridge Creek Ranch LLC

Date of review: 02/28/2023

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

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

*(Please attach any available supporting information.)*

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

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

☐ **1. Screen Maintain**

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

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

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

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

☒ **2. Screen Now**

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

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

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

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

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

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



☐ **3. Screen 2 Year**

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

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

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

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

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

☐ **4. Screen Future**

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

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

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

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

☐ **5. No Screen Needed**

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

Jorden D Smith

Digitally signed by Jorden D Smith  
Date: 2023.02.28 10:13:22 -08'00'

Signature

Jorden Smith  
Printed Name

(541) 805-1990

Phone

East Region Hydro and Water Rights Coordinator  
Title



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

Transfer #: T-14158, Bridge Creek Ranch LLC

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

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

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

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

ODFW staff name: Nathaniel Ashley

Address: 357 Patterson Bridge Rd

City/State/Zip: John Day, OR 97845

Phone: (541)575-0561

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

ODFW staff name: Stephan Charette

Address: 305 N Canyon Blvd

City/State/Zip: John Day, OR 97845

Phone: (541)575-1167 x225



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 # 140083

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

RECEIVED FROM: The Papé Group, Inc.

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

CASH: ☐ CHECK: # 24731 OTHER: (IDENTIFY) ☐

APPLICATION \_\_\_\_\_  
PERMIT \_\_\_\_\_  
TRANSFER T-14158

TOTAL REC'D \$ 1,374.33



The Papé Group, Inc.  
P.O. Box 407  
Eugene, Oregon 97440

REMITTANCE ADVICE

DATE  
02/06/23

CHECK NO.  
241731

1083 TREASURY 4170 WRD MISC CASH ACCT

0407 COPIES 47124 R11-415-23 \$  
2412 OTHER: (IDENTIFY) Reimbursement \$ 1,374.33

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

4270 WRD OPERATING ACCT

MISCELLANEOUS

0407 COPY & TAPE FEES \$

0410 RESEARCH FEES \$

0408 MISC REVENUE: (IDENTIFY) \$

TC162 DEPOSIT LIAB. (IDENTIFY) \$

0240 EXTENSION OF TIME \$

WATER RIGHTS: EXAM FEE RECORD FEE

0201 SURFACE WATER \$ 0202 \$

0203 GROUND WATER \$ 0204 \$

0205 TRANSFER \$

WELL CONSTRUCTION EXAM FEE LICENSE FEE

0218 WELL DRILL CONSTRUCTOR \$ 0219 \$

LANDOWNER'S PERMIT 0220 \$

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

0536 TREASURY 0437 WELL CONST. START FEE

0211 WELL CONST START FEE \$ CARD# \_\_\_\_\_

0210 MONITORING WELLS \$ CARD# \_\_\_\_\_

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

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

0233 POWER LICENSE FEE (FW/WRD) \$

0231 HYDRO LICENSE FEE (FW/WRD) \$

HYDRO APPLICATION \$

TREASURY OTHER RECEIVED

FUND \_\_\_\_\_ TITLE \_\_\_\_\_ OVER THE COUNTER

OBJ. CODE \_\_\_\_\_ VENDOR # \_\_\_\_\_

DESCRIPTION \_\_\_\_\_ \$

OREGON WATER RESOURCES DEPARTMENT  
725 SUMMER STREET NE  
SUITE A  
SALEM OR 97301

INVOICE NO.	DATE	REFERENCE	INVOICE AMOUNT	DISCOUNT	NET AMOUNT
02-03-23 REQ-00	02/03/23	APL#T-14158	1,374.33	.00	1,374.33
*** TOTALS *			1,374.33	.00	

RECEIVED

FEB 07 2023

OWRD

DETACH AND RETAIN THIS STATEMENT WITH YOUR RECORDS

\*

2302

102342

TOTAL AMOUNT

241731

1,374.33

RECEIPT:

140083

DATED: 2-7-2023

BY: [Signature]

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



Received by OWRD

FEB 07 2023

Salem, OR

**REIMBURSEMENT AUTHORITY  
APPLICANT'S AGREEMENT  
Contract Number: R11-415-23**

This Agreement is between the **Oregon Water Resources Department**, hereafter OWRD, and **Bridge Creek Ranch, LLC**, hereafter Applicant, hereafter known together as the parties.

OWRD Information	Applicant's Information	Applicant's Representative
Contact: <b>Kelly Starnes</b>	Name: Bridge Creek Ranch, LLC	Name: Schwabe, Williamson & Wyatt
Title: Transfer Advisor	Contact: Mike Pati	Contact: Elizabeth Howard & Lindsay Thane
Address: 725 Summer Street, NE, Suite A Salem, OR 97301-1266	Address: 355 Goodpasture Island Rd. Eugene, OR 97401	Address: 1211 SW 5 <sup>th</sup> Ave., Suite 1900 Portland, OR 97204
Phone: 503 979-3511	Phone: (541) 681-5332	Phone: (503) 796-2059
Fax: 503 986-0901	Fax:	Email: <a href="mailto:ehoward@schwabe.com">ehoward@schwabe.com</a>
Email: <a href="mailto:patrick.k.starnes@water.oregon.gov">patrick.k.starnes@water.oregon.gov</a>	Email: <a href="mailto:mpati@pape.com">mpati@pape.com</a>	Email: <a href="mailto:lthane@schwabe.com">lthane@schwabe.com</a>

**Purpose** The purpose of this Agreement is to expedite the processing of the **Transfer Application**. (Application Number: **T-14158**)

- Authority.** The OWRD has been authorized pursuant to ORS 536.055 to enter into a voluntary agreement with any applicant, permittee or regulated entity (collectively Applicant) for expediting or enhancing a regulatory process. In making this agreement, OWRD shall require the applicant to pay the full cost of expedited process.
- Restrictions.** Applicant and OWRD agree that this Agreement shall not be construed to restrict in any way the decisions and actions by OWRD. OWRD shall be free to exercise independent judgment consistent with existing laws and regulations.
- Effective Date and Duration.** Unless otherwise terminated by non-deposit of funds by the Applicant, this Agreement shall become effective on the date on which both parties have signed the Agreement and the full deposit of the estimated cost of the proposed service.
- Consideration.**
  - Applicant shall pay OWRD in advance for actual costs incurred by OWRD. The estimated maximum reimbursement payable to OWRD under this Agreement is **\$1,374.33**. Applicant agrees to pay the full amount of **\$1,374.33** to OWRD prior to commencement of any work stated in this Agreement. This payment will be placed in an account administered by OWRD and drawn upon as costs are actually incurred. If the actual cost of performing the work is less than payments received, OWRD will refund the unspent balance. If the actual cost of processing exceeds the estimate, the Applicant can either elect to terminate this Agreement or amend the Agreement to reflect the increase in cost.
  - The costs stated in this Agreement do not include the statutory application processing and filing fees.
- Confidentiality.** Applicant agrees that any information provided to or acquired by OWRD under this Agreement will be subject to the Oregon Public Records Law and shall be considered public records.
- Indemnity.** Applicant shall defend, save, hold harmless, and indemnify the State of Oregon, OWRD, and their officers, employees, and agents from and against all claims, suits, actions, losses, damages, liabilities, costs, and expenses of any nature resulting from or arising out of, or relating to the activities of Applicant or its representatives, officers, employees, contractors, or agents under this Agreement or with respect to the expedited service. The Applicant acknowledges that the Oregon Water Resources Department cannot and does not guarantee a favorable review under the subject regulatory process.



# Schwabe

JUNE 26, 2023

VIA E-MAIL (ARLA.L.DAVIS@WATER.OREGON.GOV)  
AND FIRST CLASS MAIL

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

Lindsay Thane  
Admitted in Oregon, Washington and  
Montana  
D: 503-796-2059  
C: 406-214-1918  
lthane@schwabe.com

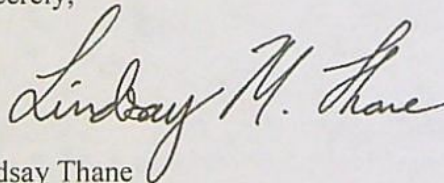
RE: Affidavit of Partial Voluntary Cancellation - Certificate 13593  
Our File No.: 129629-213607

Dear Arla:

Please find enclosed with this letter an affidavit of partial voluntary cancellation of water right Certificate 13593 submitted on behalf of Bridge Creek Ranch LLC. As explained in the affidavit, Bridge Creek Ranch LLC is voluntarily cancelling 12.0 acres under water right Certificate 13593.

Please let me know if you have any questions.

Sincerely,



Lindsay Thane

LTH:lmt

cc: Ann Reece (*via email only*)  
Mike Pati (*via email only*)  
Elizabeth Howard (*via email only*)

**SUPERSEDED**

Received by OWRD

JUN 26 2023

Salem, OR





## Affidavit of Voluntary Cancellation or Diminution of a Water Right Certificate

**VOLUNTARY CANCELLATION** is how the legal holder(s) of a water right certificate may cancel an abandoned water right or an abandoned portion of a water right. Abandonment means water use has or will have ceased under the cancellation. A cancellation can apply to an entire certificate or to a specific place of use and acreage. The rate of water must be proportionately cancelled to match the portion of the right being cancelled. If a certificate is partially cancelled, a remaining water right certificate will be issued describing the uncanceled portion.

[see also Oregon Revised Statute (ORS) 540.621 and Administrative Rule (OAR) 690-017-0100.]

**VOLUNTARY DIMINUTION** is how the legal holder(s) of a water right certificate may diminish an entire water right or a portion of it from a primary purpose to a supplemental purpose. The overall authorized rate of water on the certificate will remain the same, but the proportions between primary use and supplemental use will change. In the diminution process, the originating water right will be cancelled, and a new water right will be issued describing the diminution. [see also Oregon Administrative Rule (OAR) 690-330-0040.]

Describe in your own words what you want to accomplish with this affidavit: Voluntarily cancel 12.0 acres of water rights under Certificate 13593.

### Certificate of Water Right Information:

Certificate Number: 13593

Issued for use within the State of Oregon, County of Wheeler.

Issued in the name of: Ben Taylor.

Date of priority: 1868

Rate or Volume on entire certificate: 1/40 cfs per acre before June 15, and 1/80 cfs per acre after June 15, during the irrigation season from March 1 to October 1 of each year. (cubic foot per second or gallons per minute or acre-feet).

Source(s) of water on certificate: Bridge Creek.

Use(s) of water listed on certificate: irrigation and domestic (purposes),

If for irrigation (IR), total number of acres on certificate for primary IR 159.4, supplemental IR 0.0.

### Statements of Oath:

I/We (or authorized agent), Bridge Creek Ranch LLC,

residing at 355 Goodpasture Island Road, Eugene, OR 97401,

with a mailing address of (if different) \_\_\_\_\_,

and a telephone number of 541-681-5332, being first duly sworn depose and say:

1. I/We are the legal owners of property appurtenant to all ☐ or ☒ a portion (check one box) of the water right described above. My/Our property is described on a recorded property deed in my/our/an entity name(s). The property is located within the following legal description [must include at a



**Affidavit for the VOLUNTARY CANCELLATION or DIMINUTION of a Water Right Certificate**

minimum, township(s), range(s), section number(s), quarter- quarter(s) and tax lot number(s)].

Examples:

- Township 3 South, Range 5 East, Section 12, NW¼, NW¼ SW¼ & SW¼ SW¼; Section 13 NWNW, SWNW, all within Tax Lot 700.
- T16S, R18E, Sec18, SWSE & SESE, TL 1700
- T6N, R35E, Sec 27, S½, TL 1100

Enter legal description here:

- Township 10 S, Range 20 East, Section 24: That portion of the S1/2 SW1/4, lying Westerly of Bridge Creek County Road No. 14, all within tax lot 1700.
- Township 10 S, Range 20 East, Section 25: All that portion lying Westerly of Bridge Creek County Road No. 14 (being the NW1/4, SW1/4, SE1/4, W1/2 NE1/4 lying West of the County Road, and SE1/4 NE1/4 lying West of the County Road), all within tax lot 1700.
- Township 10 S, Range 20 East, Section 36: NE1/4 NE1/4 NE1/4; also, two tracts of land more particularly described in that certain Bargain and Sale Deed Recorded May 9, 1980, in Wheeler County Deed Records as Microfilm No. M-35-736. The portion of the POU under Certificate 13593 that is located in Section 36 is located in the NE1/4, NE1/4, and is all within tax lot 1703.
- Township 10 S, Range 21 East, Section 30: That portion of the SW1/4 SW1/4 lying Westerly of Bridge Creek County Road No. 14, all within tax lot 3600.
- Township 10 S, Range 21 East, Section 31: All that portion lying Easterly of Bridge Creek and Westerly of Bridge Creek County Road No. 14. The portion of the POU under Certificate 13593 that is located in Section 31 is located in the N1/2 NW1/4, and is all within tax lot 3600.

2. I/We are requesting a [check one box - the affidavit will be returned if more than one box is checked]:

☐ voluntary cancellation of and have abandoned any and all interest in the ENTIRE water right Certificate # \_\_\_\_\_.

☒ voluntary cancellation of and have abandoned any and all interest a PORTION of water right Certificate # 13593.

☐ voluntary diminution of the ENTIRE water right Certificate # \_\_\_\_\_.

☐ voluntary diminution of a PORTION of water right Certificate # \_\_\_\_\_.

3. The appurtenant water right ☐ is or ☒ is not (check one box) located within the boundaries of an irrigation, drainage, water improvement, or water control district, or federal reclamation project (district). If the right is located within a district or reclamation project, name it here: N/A.

a. The water right, or portion thereof, being ☐ cancelled or ☐ diminished (check one box) is in the name of or served by a district. The signature of district manager on the line below documents the concurrence of the district to the changes to the water right specified in this affidavit, for the portion of the water right in the name of or served by the district.

\_\_\_\_\_  
Signature of district manager

\_\_\_\_\_  
Printed Name

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# Affidavit for the VOLUNTARY CANCELLATION or DIMINUTION of a Water Right Certificate

Date \_\_\_\_\_

## 4. Complete this item (#4) only if this is a CANCELLATION for a PORTION of the water right.

I/We have abandoned any and all interest in and wish to cancel the following portion(s) of the water right certificate number listed in Item #2, above:

☒ A place of use, or use.

- For the use of (specify irrigation, domestic, etc.) irrigation and domestic
- IF FOR IRRIGATION OR NURSERY USE: Total number of acres to be cancelled 12.0
- In the amount of 1/40 cfs per acre from March 1 to June 15 (0.30 cfs), and 1/80 cfs per acre from June 16 to October 1 (0.15 cfs) cubic foot per second
- From the water source (s) Bridge Creek
- At the following location(s) (attach a larger table if needed):

ABANDONED PORTION TO BE CANCELLED										
Township	N or S	Range	E or W	Mer	Section #	DLC #	G-LOT #	Quarter-Quarter	Acres	Tax Lot #
<u>10</u>	<u>S</u>	<u>20</u>	<u>E</u>	WM	<u>25</u>			<u>SE NE</u>	<u>0.9</u>	<u>1700</u>
<u>10</u>	<u>S</u>	<u>20</u>	<u>E</u>	WM	<u>25</u>			<u>NE SW</u>	<u>1.9</u>	<u>1700</u>
<u>10</u>	<u>S</u>	<u>20</u>	<u>E</u>	WM	<u>25</u>			<u>NW SE</u>	<u>2.0</u>	<u>1700</u>
<u>10</u>	<u>S</u>	<u>20</u>	<u>E</u>	WM	<u>25</u>			<u>SW SE</u>	<u>1.3</u>	<u>1700</u>
<u>10</u>	<u>S</u>	<u>20</u>	<u>E</u>	WM	<u>25</u>			<u>SE SE</u>	<u>0.7</u>	<u>1700</u>
<u>10</u>	<u>S</u>	<u>20</u>	<u>E</u>	WM	<u>25</u>			<u>NE NW</u>	<u>0.2</u>	<u>1700</u>
<u>10</u>	<u>S</u>	<u>21</u>	<u>E</u>	WM	<u>30</u>			<u>SW SW</u>	<u>4.9</u>	<u>3600</u>
<u>10</u>	<u>S</u>	<u>21</u>	<u>E</u>	WM	<u>31</u>			<u>NE NW</u>	<u>0.1</u>	<u>3600</u>

- Locations of the place of use or acres being cancelled are clearly identified on a copy of the certificate map of record (decree map, final proof map, or claim of beneficial use map); or, if there is no certificate map of record, then an alternate map is being submitted with information sufficient to determine the lands on which the right is to be cancelled)
- Locations of the place of use or acres NOT being cancelled are clearly identified on a copy of the certificate map of record; or if there is no certificate map of record, then an alternate map is being submitted with information sufficient to determine the lands on which the right is NOT to be cancelled.

## AND/OR (less common)

☐ One or more of the authorized points of diversion (surface water) or points of appropriation (groundwater) authorized under the certificate.

- For the use of (specify irrigation, domestic, etc.) \_\_\_\_\_
- From the water source (s) \_\_\_\_\_
- Located within the \_\_\_\_\_ 1/4, Section \_\_\_\_\_, Township \_\_\_\_\_ (N ☐ or S ☐)  
Range \_\_\_\_\_ (E ☐ or W ☐, W.M.
- Location Description (if given on the certificate) \_\_\_\_\_

## 5. Complete this section (Item #5a-c) for a DIMINUTION of ALL or a PORTION of the water right.

- I/We have found a more dependable source of primary water, and therefore request the water right certificate ☐ in its entirety, or ☐ as described in Item #6, below, (check one box) be diminished from a right for primary use to a right for supplemental use.



**Affidavit for the VOLUNTARY CANCELLATION or DIMINUTION of a Water Right Certificate**

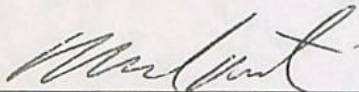
- b. I/We agree that if this change is approved, it is permanent and the right to the use of water from \_\_\_\_\_ (source) cannot be changed back to the primary use unless otherwise provided by law.
- c. I/We also agree that so long as there is sufficient water available from the new primary source, I am/we are not entitled to use any water from \_\_\_\_\_ (source of water) for primary use on these lands.

**6. Complete this item (#6) for a DIMINUTION of a PORTION of the water right.**

I/We, being the legal owners of the property described below are requesting a partial diminution of the water right certificate (identified in Item #2 above in the amount of \_\_\_\_\_ (cfs) from \_\_\_\_\_ (sources) for irrigation (if applicable) of \_\_\_\_\_ acres at the following location(s) as listed on the certificate (attach a larger table if needed):

PORTION TO BE DIMINISHED FROM PRIMARY TO SUPPLEMENTAL IRRIGATION											
Township	N or S	Range	E or W	Mer	Section #	DLC #	G-LOT #	Quarter-Quarter	Acres	Tax Lot #	
_____	_____	_____	_____	WM	_____	_____	_____	_____	_____	_____	
_____	_____	_____	_____	WM	_____	_____	_____	_____	_____	_____	
_____	_____	_____	_____	WM	_____	_____	_____	_____	_____	_____	

**Signatures and Notary:**



Signature of legal owner as listed on deed, or authorized agent

Printed Name: Mike Pati, President Pape Properties, Inc., sole member of Bridge Creek Ranch LLC,

Date 6/26/23

N/A

Signature of legal co-owner as listed on deed (if applicable)

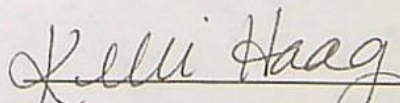
Printed Name \_\_\_\_\_

Date \_\_\_\_\_

Subscribed and Sworn to Before Me this 26 day of June, 2023.



My Commission Expires 1/24/25



Signature of Notary Public for Oregon

**SUPERSEDED**

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**REQUIRED ATTACHMENTS (LEGIBLE COPIES):**

- 1) A recorded property deed which lists landowner(s) and includes a legal description of lands affected by this affidavit of cancellation or diminution.



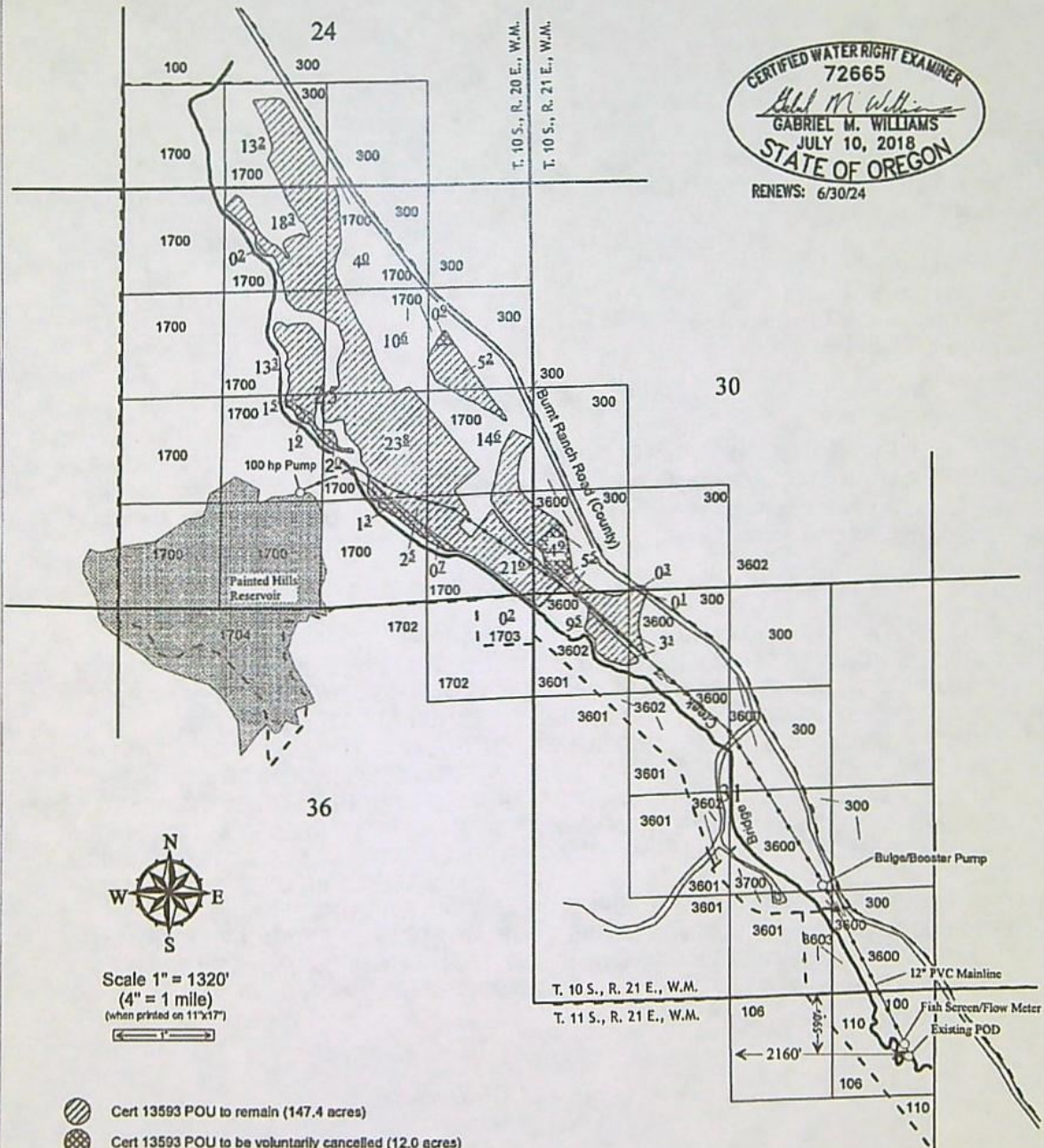
**Affidavit for the VOLUNTARY CANCELLATION or DIMINUTION of a Water Right Certificate**

- 2) An adjudication map, water right final proof map, or a tax lot map that clearly shows:
  - a. Location and acreages within each township, range and quarter-quarter of the lands described on the water right being cancelled or diminished, and
  - b. the remaining locations and acreages within each township, range and quarter-quarter of the lands described on entire water right NOT being cancelled or diminished, if any.
- 3) A list of names and addresses of other property owners with lands appurtenant to portions of the water right certificate not legally owned by the person(s) signing the affidavit.
- 4) If acting as an authorized agent, include a copy of the Power of Attorney or other documents granting authority to act on behalf of legal owner(s) as listed on the deed.

**MISSING ATTACHMENTS WILL RESULT IN THE AFFIDAVIT BEING RETURNED, AND NO ACTION TAKEN ON THE AFFIDAVIT.**



# Certificate 13593 - Partial Voluntary Cancellation Map



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Federal Land Ownership Taxlots: 100, 106, 110, 300, 1702, 3601, 3602, 3603, 3700

BCRA - 1.1	DRAWN BY: GAW DRAWING: Adjudication Map	PROJECT: 13593 Adjudication PROJECT LOCATION: MITCHELL, OREGON CLIENT: Bridge Creek Ranch, LLC	RSI Resource Specialists INC. 20340 Empire Ave., Ste. EB BEND, OR 97703 (541) 771-6911 gabe@RSIengr.com	<table border="1"> <thead> <tr> <th>DRAWING STATUS</th><th>DATE</th><th>No.</th><th>REVISION</th><th>DATE</th></tr> </thead> <tbody> <tr> <td>DRAFT</td><td>6/8/23</td><td></td><td></td><td></td></tr> <tr> <td>FINAL</td><td>6/15/23</td><td></td><td></td><td></td></tr> </tbody> </table>	DRAWING STATUS	DATE	No.	REVISION	DATE	DRAFT	6/8/23				FINAL	6/15/23			
DRAWING STATUS	DATE	No.	REVISION	DATE															
DRAFT	6/8/23																		
FINAL	6/15/23																		

14158 -



STATE OF OREGON

County of Wheeler

SS

AFTER RECORDING RETURN TO:

Myles Conway  
Schwabe Williamson & Wyatt  
549 SW Mill View Way, Suite 100  
Bend, Oregon 97702

UNTIL A CHANGE IS REQUESTED,  
ALL TAX STATEMENTS SHALL BE  
SENT TO:

Robert J. Riecke  
Bridge Creek Ranch LLC  
355 Goodpasture Island Road  
Eugene, OR 97440

I certify that this instrument was  
received and recorded in the book of  
records of said county.

Barbara S. Sitton  
Wheeler County Clerk

DEED

by: J. Greenfield Deputy.

DOC#: 20080444 PAGES: 5  
RCPT: 951 46.00  
12/22/2008 2:06 PM  
REFUND: .00

SPECIAL WARRANTY DEED

DERBY SMITH PARTNERS LLC ("Grantor") conveys and specially warrants to BRIDGE CREEK RANCH LLC, an Oregon limited liability company ("Grantee"), the real property described on Exhibit A attached hereto, free of encumbrances created or suffered by Grantor except as set forth on Exhibit B attached hereto.

The true consideration for this conveyance is \$1,750,000.00.

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

[Signature appears on the following page]



Dated this 22 day of December, 2008.

GRANTOR:

DERBY SMITH PARTNERS LLC

William L. Smith  
By William L. Smith  
Its Managing member

ACKNOWLEDGMENT

STATE OF OREGON     )  
                                  ) ss.  
County of Deschutes    )

This instrument was acknowledged before me on the 22<sup>nd</sup> day of December, 2008, by  
William L. Smith as MANAGING of DERBY SMITH PARTNERS LLC.  
member



Sharon A. Mitchell  
Notary in and for the State of Oregon  
My Commission Expires: Aug. 24/2010

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**EXHIBIT A  
LEGAL DESCRIPTION**

Located in WHEELER COUNTY, OREGON:

In Township 10 South, Range 20 East of the Willamette Meridian, Wheeler County, Oregon:

Section 24: That portion of the S $\frac{1}{2}$ SW $\frac{1}{4}$  lying Westerly of Bridge Creek County Road No. 14.

Section 25: All that portion lying Westerly of Bridge Creek County Road No. 14.

Section 36: NE $\frac{1}{4}$ N $\frac{1}{2}$ W $\frac{1}{4}$ N $\frac{1}{4}$ ; Also, two tracts of land more particularly described in that certain Bargain and Sale Deed Recorded May 9, 1980, in Wheeler County Deed Records as Microfilm No. M-35-736.

In Township 10 South, Range 21 East of the Willamette Meridian, Wheeler County, Oregon:

Section 30: That portion of the SW $\frac{1}{4}$ SW $\frac{1}{4}$  lying Westerly of Bridge Creek County Road No. 14.

Section 31: All that portion lying Easterly of Bridge Creek and Westerly of Bridge Creek County Road No. 14.



**EXHIBIT B  
TITLE EXCEPTIONS**

7. As disclosed by the tax roll, the premises herein described have been zoned or classified for farm use. At any time that said land is disqualified for such use, the property will be subject to additional taxes or penalties and interest.
8. As disclosed by the tax roll, the premises herein described are classified as forest lands. In the event of declassification, said premises will be subject to additional taxes and interest pursuant to the provisions of ORS Chapter 321.
9. Existing rights of way for roads, highways, irrigation ditches, canals and pole lines.
10. Reservations contained in Patents from the United States of America and in Deeds from the State of Oregon, if any.
11. Any adverse claim based upon the assertion that:  
Rights of the public and governmental bodies in and to any portion of the premises herein described lying below the high water mark of the Bridge Creek or Bear Creek, including any ownership rights which may be claimed by the State of Oregon below the high water line.
12. Right of the public to enter, view, examine and study the subject property, including the terms and provisions thereof:  
Recorded: August 25, 1947  
Book/Page: 25/596 (Records of Wheeler County, Oregon)
13. An Easement created by instrument, subject to the terms and provisions thereof:  
Dated: December 3, 1963  
Recorded: December 11, 1963  
Book/Page: 30/566 (Records of Wheeler County, Oregon)  
Grantor: John Hudspeth, Florino Hudspeth, Fred Hudspeth and Margaret Hudspeth, co-partners, doing business as Hudspeth Sawmill Company and Hudspeth Lane & Livestock Company, Roger Hudspeth, doing business as Paulina Cattle Company, and Jamie Hudspeth, his wife; Ron Hudspeth and Jane Hudspeth, husband and wife  
In Favor of: Hudspeth Pine, Inc.  
Purpose: Road access
14. Easements, Conditions and Restrictions created by final judgment:  
Filed: February 24, 1971  
Case No. 2250  
Court: Wheeler County Circuit Court  
Between: State of Oregon, by and through its State Highway commission, composed of Glenn L. Jackson, Fred W. Hill and Thaddeus B. Bruno, and CBC Company, an Oregon corporation; The Connecticut Mutual Life Insurance Company, a Connecticut corporation; Eastern Oregon Land Company, a California corporation; and First National Bank of Oregon, a national banking association.
15. Restrictions, Covenants and Conditions, including the terms and provisions thereof, as contained in deed:  
From: United States of America  
To: Brooks Resources Corporation, an Oregon corporation  
Recorded: May 9, 1980  
Book/Page: 35/736 (Records of Wheeler County, Oregon)

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EXHIBIT B  
PDX/120068/166587/MCO/3223050.1

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16. Seismic Easement, Restrictions and Covenants created by instrument, subject to the terms and provisions thereof:

Dated: February 6, 1980  
Recorded: May 9, 1980  
Microfilm No.: M-35-737 (Records of Wheeler County, Oregon)  
Grantor: Brooks Resources Corporation, an Oregon corporation  
In Favor of: United States of America

17. A Telephone Line Right-of-way Easement created by instrument, subject to the terms and provisions thereof:

Dated: March 21, 1985  
Recorded: April 3, 1985  
Microfilm No.: M-37-221 (Records of Wheeler County, Oregon)  
Grantor: Brooks Resources Investment Corporation, an Oregon corporation  
In Favor of: Telephone Utilities of Eastern Oregon, Inc., an Oregon corporation  
Purpose: Telephone line access

18. An Easement created by instrument, subject to the terms and provisions thereof:

Dated: November 15, 2000  
Recorded: November 27, 2000  
Microfilm No.: 000393 (Records of Wheeler County, Oregon)  
Grantor: Darby Smith Partners, LLC, an Oregon limited liability company  
In Favor of: Thomas F. Norton and Mary T. Norton, husband and wife  
Purpose: Road purposes

Re-Recorded: December 15, 2000  
Microfilm No.: 000405 (Records of Wheeler County, Oregon)



**Attachment to Affidavit for the Partial Voluntary Cancellation of Certificate 13593**

Below is a list of the names and addresses of other property owners with lands appurtenant to portions of water right Certificate 13593 not legally owned by Bridge Creek Ranch LLC, which is the entity signing the affidavit.

- United States Bureau of Land Management – Owner of tax lot 300 in a portion of Township 10S, Range 21E, Section 30. Address: 3050 NE 3rd Street, Prineville, Oregon 97754

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

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

**Table 2. Description of Changes to Water Right Certificate # 13593**

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

AUTHORIZED (the "from" or "off" lands) The listing that appears on the certificate BEFORE PROPOSED CHANGES List only that part or portion of the water right that will be changed.											Proposed Changes (see "CODES" from previous page)	PROPOSED (the "to" or "on" lands) The listing as it would appear AFTER PROPOSED CHANGES are made.										
Twp	Rng	Sec	¼ ¼	Tax Lot	Gvt Lot or DLC	Acres	Type of USE listed on Certificate	POD(s) or POA(s) (name or number from Table 1)	Priority Date	Twp		Rng	Sec	¼ ¼	Tax Lot	Gvt Lot or DLC	Acres	New Type of USE	POD(s)/ POA(s) to be used (from Table 1)	Priority Date		
EXAMPLE																						
2	S	9	E 15 NE NW	100		15.0	Irrigation	POD #1 POD #2	1901	POU/POD	2	S	9	E 1 NW NW	500	1	10.0		POD #5	1901		
											2	S	9	E 2 SW NW	500		5.0		POD #6	1901		
10	S	20	E 24 SE SW	1700		13.2	IR and domestic	POD	12/31/1868	APOD	10	S	20	E 24 SE SW	1700		13.2	IR and domestic	POD & New POD	12/31/1868		
10	S	20	E 25 NW NE	1700		4	IR and domestic	POD	12/31/1868	APOD	10	S	20	E 25 NW NE	1700		4	IR and domestic	POD & New POD	12/31/1868		
10	S	20	E 25 SW NE	1700		10.6	IR and domestic	POD	12/31/1868	APOD	10	S	20	E 25 SW NE	1700		10.6	IR and domestic	POD & New POD	12/31/1868		
10	S	20	E 25 SE NE	1700		5.2	IR and domestic	POD	12/31/1868	APOD	10	S	20	E 25 SE NE	1700		5.2	IR and domestic	POD & New POD	12/31/1868		
10	S	20	E 25 NE NW	1700		18.3	IR and domestic	POD	12/31/1868	APOD	10	S	20	E 25 NE NW	1700		18.3	IR and domestic	POD & New POD	12/31/1868		
10	S	20	E 25 SE NW	1700		13.3	IR and domestic	POD	12/31/1868	APOD	10	S	20	E 25 SE NW	1700		13.3	IR and domestic	POD & New POD	12/31/1868		
10	S	20	E 25 NE SW	1700		1.5	IR and domestic	POD	12/31/1868	APOD	10	S	20	E 25 NE SW	1700		1.5	IR and domestic	POD & New POD	12/31/1868		
10	S	20	E 25 NE SE	1700		14.6	IR and domestic	POD	12/31/1868	APOD	10	S	20	E 25 NE SE	1700		14.6	IR and domestic	POD & New POD	12/31/1868		
10	S	20	E 25 NW SE	1700		23.8	IR and domestic	POD	12/31/1868	APOD	10	S	20	E 25 NW SE	1700		23.8	IR and domestic	POD & New POD	12/31/1868		
10	S	20	E 25 SW SE	1700		2.5				APOD	10	S	20	E 25 SW SE	1700		2.5	IR and domestic	POD & New POD	12/31/1868		
TOTAL ACRES:						--						TOTAL ACRES:						--				



10	S	20	E	25	SE	SE	1700		21.6	IR and domestic	POD	12/31/1868	APOD	10	S	20	E	25	SE	SE	1700		21.6	IR and domestic	POD & New POD	12/31/1868		
10	S	20	E	36	NE	NE	1703		0.2	IR and domestic	POD	12/31/1868	APOD	10	S	20	E	36	NE	NE	1703		0.2	IR and domestic	POD & New POD	12/31/1868		
10	S	21	E	30	SW	SW	3600		5.5	IR and domestic	POD	12/31/1868	APOD	10	S	21	E	30	SW	SW	3600		5.5	IR and domestic	POD & New POD	12/31/1868		
10	S	21	E	31	NE	NW	3600		3.3	IR and domestic	POD	12/31/1868	APOD	10	S	21	E	31	NE	NW	3600		3.3	IR and domestic	POD & New POD	12/31/1868		
10	S	21	E	31	NW	NW	3600		9.5	IR and domestic	POD	12/31/1868	APOD	10	S	21	E	31	NW	NW	3600		9.5	IR and domestic	POD & New POD	12/31/1868		
TOTAL ACRES:									147.1						TOTAL ACRES:									147.1				

Additional remarks: The Applicant proposes to add an additional POD in Section 31, which is on the applicant's property, so that the applicant can use the new POD on its property to irrigate the portion of the place of use proposed for transfer under this application.

The transfer application proposes to add the POD as an authorized POD for the authorized acres that are located on Bridge Creek Ranch's property. The new POD will be located on Bridge Creek Ranch's property, whereas the current POD is located on BLM property. The POD in Section 6 will be decommissioned.



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 # 96311**

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		
10	S	21	E 31 SW NE	3600		11.0	IR and domestic	Orig. POD, Add'l POD, and Add'l POD	1868	APOD	10	S	21	E 31 SW NE	3600		11.0	IR and domestic	Orig., Add'l, Add'l, and New POD	1868		
10	S	21	E 31 NW SE	3600		22.8	IR and domestic	Orig. POD, Add'l POD, and Add'l POD	1868	APOD	10	S	21	E 31 NW SE	3600		22.8	IR and domestic	Orig., Add'l, Add'l, and New POD	1868		
10	S	21	E 31 SW SE	3600		0.1	IR and domestic	Orig. POD, Add'l POD, and Add'l POD	1868	APOD	10	S	21	E 31 SW SE	3600		0.1	IR and domestic	Orig., Add'l, Add'l, and New POD	1868		
10	S	21	E 31 SE SE	3600		9.4	IR and domestic	Orig. POD, Add'l POD, and Add'l POD	1868	APOD	10	S	21	E 31 SE SE	3600		9.4	IR and domestic	Orig., Add'l, Add'l, and New POD	1868		
TOTAL ACRES:						43.3					TOTAL ACRES:						43.3					

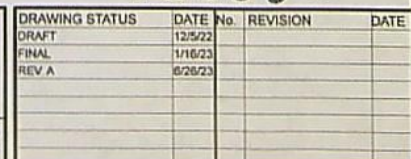
Additional remarks: The Applicant proposes to add an additional POD in Section 31, which is on the applicant's property, so that the applicant can use the new POD on its property to irrigate the portion of the place of use proposed for transfer under this application.

The transfer application proposes to add the POD as an authorized POD for the authorized acres that are located on Bridge Creek Ranch's property. The new POD will be located on Bridge Creek Ranch's property, whereas the current POD is located on BLM property. The POD in Section 6 will be decommissioned and the water right associated with the 8 acres on BLM property that is currently being irrigated from this POD is expected to be transferred instream within 5 years of approval of this transfer application.

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CERTIFIED WATER RIGHT EXAMINER  
72665  
*Gabriel M. Williams*  
GABRIEL M. WILLIAMS  
JULY 10, 2018  
STATE OF OREGON  
RENEWS: 6/30/24







JUNE 26, 2023

VIA E-MAIL (ARLA.L.DAVIS@WATER.OREGON.GOV)  
AND FIRST CLASS MAIL

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

Lindsay Thane  
Admitted in Oregon, Washington and  
Montana  
D: 503-796-2059  
C: 406-214-1918  
lthane@schwabe.com

RE: Affidavit of Partial Voluntary Cancellation - Certificate 13593  
Our File No.: 129629-213607

Dear Arla:

Please find enclosed with this letter an affidavit of partial voluntary cancellation of water right Certificate 13593 submitted on behalf of Bridge Creek Ranch LLC. As explained in the affidavit, Bridge Creek Ranch LLC is voluntarily cancelling 12.0 acres under water right Certificate 13593.

Please let me know if you have any questions.

Sincerely,

Lindsay Thane

LTH:lm

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Salem, OR

cc: Ann Reece (via email only)  
Mike Pati (via email only)  
Elizabeth Howard (via email only)





## Affidavit of Voluntary Cancellation or Diminution of a Water Right Certificate

**VOLUNTARY CANCELLATION** is how the legal holder(s) of a water right certificate may cancel an abandoned water right or an abandoned portion of a water right. Abandonment means water use has or will have ceased under the cancellation. A cancellation can apply to an entire certificate or to a specific place of use and acreage. The rate of water must be proportionately cancelled to match the portion of the right being cancelled. If a certificate is partially cancelled, a remaining water right certificate will be issued describing the uncanceled portion.

[see also Oregon Revised Statute (ORS) 540.621 and Administrative Rule (OAR) 690-017-0100.]

**VOLUNTARY DIMINUTION** is how the legal holder(s) of a water right certificate may diminish an entire water right or a portion of it from a primary purpose to a supplemental purpose. The overall authorized rate of water on the certificate will remain the same, but the proportions between primary use and supplemental use will change. In the diminution process, the originating water right will be cancelled, and a new water right will be issued describing the diminution. [see also Oregon Administrative Rule (OAR) 690-330-0040.]

Describe in your own words what you want to accomplish with this affidavit: Voluntarily cancel 12.0 acres of water rights under Certificate 13593.

### Certificate of Water Right Information:

Certificate Number: 13593

Issued for use within the State of Oregon, County of Wheeler.

Issued in the name of: Ben Taylor.

Date of priority: 1868

Rate or Volume on entire certificate: 1/40 cfs per acre before June 15, and 1/80 cfs per acre after June 15, during the irrigation season from March 1 to October 1 of each year. (cubic foot per second or gallons per minute or acre-feet).

Source(s) of water on certificate: Bridge Creek.

Use(s) of water listed on certificate: irrigation and domestic (purposes),

If for irrigation (IR), total number of acres on certificate for primary IR 159.4, supplemental IR 0.0.

### Statements of Oath:

I/We (or authorized agent), Bridge Creek Ranch LLC,

residing at 355 Goodpasture Island Road, Eugene, OR 97401,

with a mailing address of (if different) \_\_\_\_\_,

and a telephone number of 541-681-5332, being first duly sworn depose and say:

1. I/We are the legal owners of property appurtenant to all ☐ or ☒ a portion (check one box) of the water right described above. My/Our property is described on a recorded property deed in my/our/an entity name(s). The property is located within the following legal description [must include at a

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**Affidavit for the VOLUNTARY CANCELLATION or DIMINUTION of a Water Right Certificate**

minimum, township(s), range(s), section number(s), quarter-quarter(s) and tax lot number(s)].

Examples:

- Township 3 South, Range 5 East, Section 12, NW¼, NW¼ SW¼ & SW¼ SW¼; Section 13 NWNW, SWNW, all within Tax Lot 700.
- T16S, R18E, Sec18, SWSE & SESE, TL 1700
- T6N, R35E, Sec 27, S½, TL 1100

Enter legal description here:

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- Township 10 S, Range 20 East, Section 24: That portion of the S1/2 SW1/4, lying Westerly of Bridge Creek County Road No. 14, all within tax lot 1700.
  - Township 10 S, Range 20 East, Section 25: All that portion lying Westerly of Bridge Creek County Road No. 14 (being the NW1/4, SW1/4, SE1/4, W1/2 NE1/4 lying West of the County Road, and SE1/4 NE1/4 lying West of the County Road), all within tax lot 1700.
  - Township 10 S, Range 20 East, Section 36: NE1/4 NE1/4 NE1/4; also, two tracts of land more particularly described in that certain Bargain and Sale Deed Recorded May 9, 1980, in Wheeler County Deed Records as Microfilm No. M-35-736. The portion of the POU under Certificate 13593 that is located in Section 36 is located in the NE1/4, NE1/4, and is all within tax lot 1703.
  - Township 10 S, Range 21 East, Section 30: That portion of the SW1/4 SW1/4 lying Westerly of Bridge Creek County Road No. 14, all within tax lot 3600.
  - Township 10 S, Range 21 East, Section 31: All that portion lying Easterly of Bridge Creek and Westerly of Bridge Creek County Road No. 14. The portion of the POU under Certificate 13593 that is located in Section 31 is located in the N1/2 NW1/4, and is all within tax lot 3600.
2. I/We are requesting a [check one box - the affidavit will be returned if more than one box is checked]:
- ☐ voluntary cancellation of and have abandoned any and all interest in the ENTIRE water right Certificate # \_\_\_\_\_.
  - ☒ voluntary cancellation of and have abandoned any and all interest a PORTION of water right Certificate # 13593.
  - ☐ voluntary diminution of the ENTIRE water right Certificate # \_\_\_\_\_.
  - ☐ voluntary diminution of a PORTION of water right Certificate # \_\_\_\_\_.
3. The appurtenant water right ☐ is or ☒ is not (check one box) located within the boundaries of an irrigation, drainage, water improvement, or water control district, or federal reclamation project (district). If the right is located within a district or reclamation project, name it here: N/A.
- a. The water right, or portion thereof, being ☐ cancelled or ☐ diminished (check one box) is in the name of or served by a district. The signature of district manager on the line below documents the concurrence of the district to the changes to the water right specified in this affidavit, for the portion of the water right in the name of or served by the district.

\_\_\_\_\_  
Signature of district manager

\_\_\_\_\_  
Printed Name



**Affidavit for the VOLUNTARY CANCELLATION or DIMINUTION of a Water Right Certificate**

Date \_\_\_\_\_

**4. Complete this item (#4) only if this is a CANCELLATION for a PORTION of the water right.**

I/We have abandoned any and all interest in and wish to cancel the following portion(s) of the water right certificate number listed in Item #2, above:

☒ A place of use, or use.

- For the use of (specify irrigation, domestic, etc.) irrigation and domestic
- IF FOR IRRIGATION OR NURSERY USE: Total number of acres to be cancelled 12.0
- In the amount of 1/40 cfs per acre from March 1 to June 15 (0.30 cfs), and 1/80 cfs per acre from June 16 to October 1 (0.15 cfs) cubic foot per second
- From the water source (s) Bridge Creek
- At the following location(s) (attach a larger table if needed):

ABANDONED PORTION TO BE CANCELLED										
Township	N or S	Range	E or W	Mer	Section #	DLC #	G-LOT #	Quarter-Quarter	Acres	Tax Lot #
10	S	20	E	WM	25			SE NE	0.9	1700
10	S	20	E	WM	25			NE SW	1.9	1700
10	S	20	E	WM	25			NW SE	2.0	1700
10	S	20	E	WM	25			SW SE	1.3	1700
10	S	20	E	WM	25			SE SE	0.7	1700
10	S	20	E	WM	25			NE NW	0.2	1700
10	S	21	E	WM	30			SW SW	4.9	3600
10	S	21	E	WM	31			NE NW	0.1	3600

- Locations of the place of use or acres being cancelled are clearly identified on a copy of the certificate map of record (decree map, final proof map, or claim of beneficial use map); or, if there is no certificate map of record, then an alternate map is being submitted with information sufficient to determine the lands on which the right is to be cancelled)
- Locations of the place of use or acres NOT being cancelled are clearly identified on a copy of the certificate map of record; or if there is no certificate map of record, then an alternate map is being submitted with information sufficient to determine the lands on which the right is NOT to be cancelled.

**AND/OR (less common)**

☐ One or more of the authorized points of diversion (surface water) or points of appropriation (groundwater) authorized under the certificate.

- For the use of (specify irrigation, domestic, etc.) \_\_\_\_\_
- From the water source (s) \_\_\_\_\_
- Located within the \_\_\_\_\_ 1/4, Section \_\_\_\_\_, Township \_\_\_\_\_ (N or S), Range \_\_\_\_\_ (E or W), W.M.
- Location Description (if given on the certificate) \_\_\_\_\_

**5. Complete this section (Item #5a-c) for a DIMINUTION of ALL or a PORTION of the water right.**

- I/We have found a more dependable source of primary water, and therefore request the water right certificate ☐ in its entirety, or ☐ as described in Item #6, below, (check one box) be diminished from a right for primary use to a right for supplemental use.



**Affidavit for the VOLUNTARY CANCELLATION or DIMINUTION of a Water Right Certificate**

- b. I/We agree that if this change is approved, it is permanent and the right to the use of water from \_\_\_\_\_ (source) cannot be changed back to the primary use unless otherwise provided by law.
- c. I/We also agree that so long as there is sufficient water available from the new primary source, I am/we are not entitled to use any water from \_\_\_\_\_ (source of water) for primary use on these lands.
6. Complete this item (#6) for a DIMINUTION of a PORTION of the water right.

I/We, being the legal owners of the property described below are requesting a partial diminution of the water right certificate (identified in Item #2 above in the amount of \_\_\_\_\_ (cfs) from \_\_\_\_\_ (sources) for irrigation (if applicable) of \_\_\_\_\_ acres at the following location(s) as listed on the certificate (attach a larger table if needed):

PORTION TO BE DIMINISHED FROM PRIMARY TO SUPPLEMENTAL IRRIGATION										
Township	N or S	Range	E or W	Mer	Section #	DLC #	G-LOT #	Quarter-Quarter	Acres	Tax Lot #
_____	_____	_____	_____	WM	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	WM	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	WM	_____	_____	_____	_____	_____	_____

**Signatures and Notary:**



Signature of legal owner as listed on deed, or authorized agent

Printed Name: Mike Pati, President Pape Properties, Inc., sole member of Bridge Creek Ranch LLC,

Date 6/26/23

N/A

Signature of legal co-owner as listed on deed (if applicable)

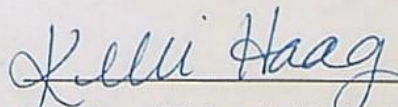
Printed Name \_\_\_\_\_

Date \_\_\_\_\_

Subscribed and Sworn to Before Me this 26 day of June, 2023.



My Commission Expires 1/24/25



Signature of Notary Public for Oregon

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**REQUIRED ATTACHMENTS (LEGIBLE COPIES):**

- 1) A recorded property deed which lists landowner(s) and includes a legal description of lands affected by this affidavit of cancellation or diminution.



**Affidavit for the VOLUNTARY CANCELLATION or DIMINUTION of a Water Right Certificate**

- 2) An adjudication map, water right final proof map, or a tax lot map that clearly shows:
  - a. Location and acreages within each township, range and quarter-quarter of the lands described on the water right being cancelled or diminished, and
  - b. the remaining locations and acreages within each township, range and quarter-quarter of the lands described on entire water right NOT being cancelled or diminished, if any.
- 3) A list of names and addresses of other property owners with lands appurtenant to portions of the water right certificate not legally owned by the person(s) signing the affidavit.
- 4) If acting as an authorized agent, include a copy of the Power of Attorney or other documents granting authority to act on behalf of legal owner(s) as listed on the deed.

**MISSING ATTACHMENTS WILL RESULT IN THE AFFIDAVIT BEING RETURNED, AND NO ACTION TAKEN ON THE AFFIDAVIT.**

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CERTIFIED WATER RIGHT EXAMINER  
72665  
*Gabriel M. Williams*  
GABRIEL M. WILLIAMS  
JULY 10, 2018  
STATE OF OREGON  
RENEWS: 6/30/24

Federal Land Ownership Taxdota:100,106,110,300,1702,3601,3602,3603,3700

DRAWING STATUS DRAFT FINAL	DATE 6/5/23 6/15/23	No.  	REVISION  	DATE  	PROJECT: 13593 Adjudication	PROJECT LOCATION: MITCHELL, OREGON	CLIENT: Bridge Creek Ranch, LLC	SHEET TITLE: Adjudication Map	DRAWING BY: GANV BCRA-1.1



STATE OF OREGON

County of Wheeler

SS

AFTER RECORDING RETURN TO:

Myles Conway  
Schwabe Williamson & Wyatt  
549 SW Mill View Way, Suite 100  
Bend, Oregon 97702

UNTIL A CHANGE IS REQUESTED,  
ALL TAX STATEMENTS SHALL BE  
SENT TO:

Robert J. Riccke  
Bridge Creek Ranch LLC  
355 Goodpasture Island Road  
Eugene, OR 97440

I certify that this instrument was  
received and recorded in the book of  
records of said county.

Barbara S. Sitton  
Wheeler County Clerk

DEED

by: J. Greenfield Deputy.

DOC#: 20080444 PAGES: 5  
RCPT: 951 46.00  
12/22/2008 2:06 PM  
REFUND: .00

### SPECIAL WARRANTY DEED

DERBY SMITH PARTNERS LLC ("Grantor") conveys and specially warrants to BRIDGE CREEK RANCH LLC, an Oregon limited liability company ("Grantee"), the real property described on Exhibit A attached hereto, free of encumbrances created or suffered by Grantor except as set forth on Exhibit B attached hereto.

The true consideration for this conveyance is \$1,750,000.00.

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

[Signature appears on the following page]

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**Attachment to Affidavit for the Partial Voluntary Cancellation of Certificate 13593**

Below is a list of the names and addresses of other property owners with lands appurtenant to portions of water right Certificate 13593 not legally owned by Bridge Creek Ranch LLC, which is the entity signing the affidavit.

- United States Bureau of Land Management – Owner of tax lot 300 in a portion of Township 10S, Range 21E, Section 30. Address: 3050 NE 3rd Street, Prineville, Oregon 97754

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Dated this 27 day of December, 2008.

GRANTOR:

DERBY SMITH PARTNERS LLC

William L. Smith  
By William L. Smith  
Its Managing member

ACKNOWLEDGMENT

STATE OF OREGON     )  
                                  ) ss.  
County of Deschutes    )

This instrument was acknowledged before me on the 27<sup>th</sup> day of December, 2008, by  
William L. Smith as managing member of DERBY SMITH PARTNERS LLC.



Sharon A. Mitchell  
Notary in and for the State of Oregon  
My Commission Expires: Aug. 24/2010

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EXHIBIT A  
LEGAL DESCRIPTION

Located in WHEELER COUNTY, OREGON:

In Township 10 South, Range 20 East of the Willamette Meridian, Wheeler County, Oregon:  
Section 24: That portion of the S $\frac{1}{4}$ SW $\frac{1}{4}$  lying Westerly of Bridge Creek County Road No. 14.  
Section 25: All that portion lying Westerly of Bridge Creek County Road No. 14.  
Section 36: NE $\frac{1}{4}$ NI $\frac{1}{4}$ NE $\frac{1}{4}$ ; Also, two tracts of land more particularly described in that certain Bargain and Sale Deed Recorded May 9, 1980, in Wheeler County Deed Records as Microfilm No. M-35-736.

In Township 10 South, Range 21 East of the Willamette Meridian, Wheeler County, Oregon:  
Section 30: That portion of the SW $\frac{1}{4}$ SW $\frac{1}{4}$  lying Westerly of Bridge Creek County Road No. 14.  
Section 31: All that portion lying Easterly of Bridge Creek and Westerly of Bridge Creek County Road No. 14.

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EXHIBIT B  
TITLE EXCEPTIONS

7. As disclosed by the tax roll, the premises herein described have been zoned or classified for farm use. At any time that said land is disqualified for such use, the property will be subject to additional taxes or penalties and interest.
8. As disclosed by the tax roll, the premises herein described are classified as forest lands. In the event of declassification, said premises will be subject to additional taxes and interest pursuant to the provisions of ORS Chapter 321.
9. Existing rights of way for roads, highways, irrigation ditches, canals and pole lines.
10. Reservations contained in Patents from the United States of America and in Deeds from the State of Oregon, if any.
11. Any adverse claim based upon the assertion that:  
Rights of the public and governmental bodies in and to any portion of the premises herein described lying below the high water mark of the Bridge Creek or Bear Creek, including any ownership rights which may be claimed by the State of Oregon below the high water line.
12. Right of the public to enter, view, examine and study the subject property, including the terms and provisions thereof:  
Recorded: August 25, 1947  
Book/Page: 25/596 (Records of Wheeler County, Oregon)
13. An Easement created by instrument, subject to the terms and provisions thereof:  
Dated: December 3, 1963  
Recorded: December 11, 1963  
Book/Page: 30/566 (Records of Wheeler County, Oregon)  
Grantor: John Hudspeth, Marcine Hudspeth, Fred Hudspeth and Margaret Hudspeth, co-partners, doing business as Hudspeth Sawmill Company and Hudspeth Lane & Livestock Company, Roger Hudspeth, doing business as Paulina Cattle Company, and Jamie Hudspeth, his wife, Ron Hudspeth and Jane Hudspeth, husband and wife  
In Favor of: Hudspeth Pine, Inc.  
Purpose: Road access
14. Easements, Conditions and Restrictions created by final judgment:  
Filed: February 24, 1971  
Case No. 2250  
Court: Wheeler County Circuit Court  
Between: State of Oregon, by and through its State Highway commission, composed of Glenn L. Jackson, Fred W. Hill and Thaddeus B. Bruno, and CBC Company, an Oregon corporation; The Connecticut Mutual Life Insurance Company, a Connecticut corporation; Eastern Oregon Land Company, a California corporation; and First National Bank of Oregon, a national banking association.
15. Restrictions, Covenants and Conditions, including the terms and provisions thereof, as contained in deed:  
From: United States of America  
To: Brooks Resources Corporation, an Oregon corporation  
Recorded: May 9, 1980  
Book/Page: 35/736 (Records of Wheeler County, Oregon)

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Salem, OR





# Oregon

Tina Kotek, Governor

## Water Resources Department

North Mall Office Building

725 Summer St NE, Suite A

Salem, OR 97301

Phone 503 986-0900

Fax 503 986-0904

January 27, 2023

BRIDGE CREEK RANCH LLC  
355 GOODPASTURE ISLAND RD  
EUGENE, OR 97401

Reference: Application T-14158

On January 24, 2023, the Department received your water right Permanent Transfer Application. The application was accompanied by \$1970.00. Receipt number 139983 is enclosed.

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

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

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

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

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

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

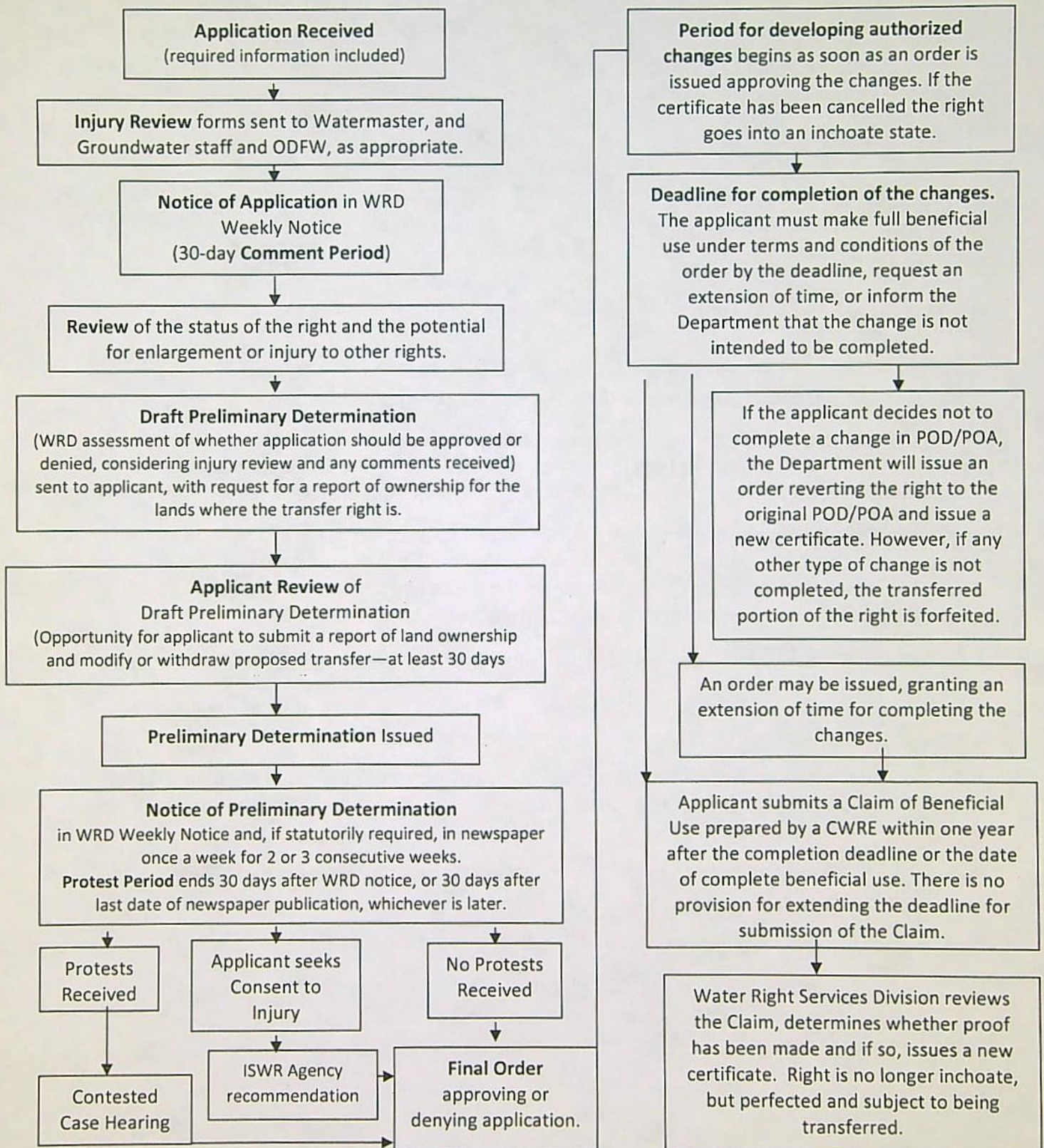
Cc: Watermaster Dist. #21, Kenneth C. Thiemann (*via email*)  
Elizabeth Howard, Lindsay Thane, Agent  
Wheeler County

Enclosure



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

OAR 690 Division 380





# 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.

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

- ☒ Part 1 – Completed Minimum Requirements Checklist.
- ☒ Part 2 – Completed Transfer Application Map Checklist.
- ☒ Part 3 – Application Fee, payable by check to the Oregon Water Resources Department, and completed Fee Worksheet, page 3. Try the new online fee calculator at:  
[http://apps.wrd.state.or.us/apps/misc/wrd\\_fee\\_calculator](http://apps.wrd.state.or.us/apps/misc/wrd_fee_calculator).
- ☒ Part 4 – Completed Applicant Information and Signature.
- ☒ Part 5 – Information about Water Rights to be Transferred: **How many water rights are to be transferred? 2 List them here: Certificates 13593 and 96311**

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:

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- ☒ Completed Transfer Application Map.
- ☒ Completed Evidence of Use Affidavit and supporting documentation. Salem, OR
- ☐ ☒ 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 from each local land use authority in which water is to be diverted, conveyed, and/or used. Not required if water is to be diverted, conveyed, and/or used only on federal lands or if all of the following apply: a) a change in place of use only, b) no structural changes, c) the use of water is for irrigation only, and d) the use is located within an irrigation district or an exclusive farm use zone.
- ☐ ☒ N/A Water Well Report/Well Log for changes in point(s) of appropriation (well(s)) or additional point(s) of appropriation.
- ☐ ☒ N/A Geologist Report for a change from a surface water point of diversion to a ground water point of appropriation (well), if the proposed well is more than 500' from the surface water source and more than 1000' upstream or downstream from the point of diversion. See OAR 690-380-2130 for requirements and applicability.

### (For Staff Use Only)

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

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

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

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



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



## FEE WORKSHEET for PERMANENT TRANSFER (except Substitution)

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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).

### TACS



## Part 4 of 5 – Applicant Information and Signature

### Applicant Information

APPLICANT/BUSINESS NAME <b>Bridge Creek Ranch LLC</b>		PHONE NO. <b>541-681-5332</b>	ADDITIONAL CONTACT NO.
ADDRESS <b>355 Goodpasture Island Road</b>			FAX NO.
CITY <b>Eugene</b>	STATE <b>OR</b>	ZIP <b>97401</b>	E-MAIL <b>mpati@pape.com</b>
BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED.			

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

AGENT/BUSINESS NAME <b>Schwabe, Williamson &amp; Wyatt Attn: Elizabeth Howard and Lindsay Thane</b>		PHONE NO. <b>503-796-2093</b> <b>503-796-2059</b>	ADDITIONAL CONTACT NO.
ADDRESS <b>1211 SW 5th Ave., Suite 1900</b>			FAX NO.
CITY <b>Portland</b>	STATE <b>OR</b>	ZIP <b>97204</b>	E-MAIL <b>ehoward@schwabe.com and lthane@schwabe.com</b>
BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED.			

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

This transfer application proposes to add an additional point of diversion (POD) on Bridge Creek in Section 31 as a POD for Certificates 13593 and 96311. The new POD will serve both of these water rights and will be located on Bridge Creek Ranch's (BCR) property, whereas the current POD which also currently serves both water rights is located on U.S. Bureau of Land Management Property (BLM).

The transfer application proposes to add the POD as an authorized POD only for the irrigated acres under the water rights that are located on Bridge Creek Ranch's property.

If this transfer is approved, much of the existing infrastructure associated with the authorized POD in Section 6 will be removed and the land on which it is located will be revegetated. BCR currently has an authorization from the BLM to use the POD in Section 6, but that authorization expires on December 31, 2024. If this transfer is approved, then the Section 6 POD infrastructure, such as the concrete-box fish screen structure and two pipes, will be removed, leaving in place only the diversion structure on the streambank with a fish screen over the entrance. The land where the portion of the POD structure will be removed will then be revegetated as directed by the BLM. The existing Section 6 POD will be used to irrigate a seed mix that will be planted on an 8-acre BLM field in Section 6, which will require initial irrigation until the perennial native plants are established. Thereafter, the BLM intends to lease the water rights for the 8 acres instream.

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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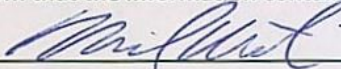
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By my signature below, I confirm that I understand:

- 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: Bend Bulletin.
- 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

Mike Pati, President  
Print Name (and Title if applicable)

12/15/22  
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\*

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

Check the following boxes that apply:

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

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

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

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

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

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

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

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

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

ENTITY NAME <b>N/a</b>	ADDRESS	
CITY	STATE	ZIP



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

ENTITY NAME <b>Wheeler County</b>	ADDRESS <b>701 Adams Street, P.O. Box 447</b>	
CITY <b>Fossil</b>	STATE <b>Oregon</b>	ZIP <b>97830</b>

ENTITY NAME	ADDRESS	
CITY	STATE	ZIP

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## INSTRUCTIONS for editing the Application Form

To add additional lines to tables within the forms or to copy and paste additional Part 5 pages, please **save the application form to your computer**. Unlock the document by using one of the following instructions for your Microsoft Word software version:

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### Microsoft Word 2003

Unlock the document by one of the following:

- Using the **Tools** menu => click **Unprotect Document**;
- OR
- Using the **Forms** toolbar => click on the **Protect/Unprotect** icon.

To relock the document to enable the checkboxes to work, you will need to:

- Using the **Tools** menu => click **Protect Document**;
- OR
- Using the **Forms** toolbar => click on the **Protect/Unprotect** icon.

### Microsoft Word 2007

- Unlock the document by clicking the **Review** tab, then click **Protect Document**, then click **Stop Protect**
- To relock the document, click **Editing Restrictions**, then click **Allow Only This Type of Editing**, select **Filling In Forms** from the drop-down menu, then check **Yes, Start Enforcing Protection**.

### Microsoft Word 2010

- Unlock the document by clicking the **Review** tab; toggle the **Restrict Editing** icon at the upper right, then click **Stop Protect** at the bottom right. Then uncheck the "Allow only this type of editing in the document: **Filling in forms**" in the "Editing restrictions" section on the right-hand list of options.
- To relock the document, check the **Editing Restrictions/Allow Only This Type of Editing/Filling In Forms** box from the drop-down menu, then check **Yes, Start Enforcing Protection**. You do not need to assign a password for the editing restrictions.

### Other Alternatives:

- Photocopy pages or tables in Part 5, ~~mark through~~ any non-applicable information, insert/attach photocopied pages to document in the appropriate location, and manually amend page numbers as necessary (e.g. Page 5 of 9 10).
- You may refer to additional attachments that you may include, such as separately produced tables or spreadsheets to convey large numbers of rows of place of use listings, owner/property parcels, etc. You may contact the Department at 503-986-0900 and ask for Transfer Staff if you have questions.

Once the application has been unlocked, you may:

- add additional rows to tables using the Table tools, and
- select and copy the pages of Part 5 and paste as many additional sets of Part 5 pages as needed at the end of the application.

After editing, re-lock the document to enable checkboxes to work.



## Part 5 of 5 – Water Right Information

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

CERTIFICATE # **13593**

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### Description of Water Delivery System

System capacity: **5.0** cubic feet per second (cfs) OR

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\_\_\_\_\_ gallons per minute (gpm)

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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 diverted from the point of diversion (POD) through a headgate and then piped to a fish screen. The water flows out of the fish screen and into a 12" PVC pipe that goes to a booster pump. Water is either pumped for irrigation right after going through the booster pump or it bypasses the booster pump, travels to the Painted Hills Reservoir, and is redistributed from the reservoir, which is used as a bulge in system, to irrigation or to a small bulge from which it is put to irrigation. The irrigation system infrastructure through which water travels is both HDPE and PVC pipelines. Water is used for irrigation using hand lines, wheel lines, and pivots.

**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)
POD	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed		10 S	21 E	6	NE NE	100	*
New POD	<input type="checkbox"/> Authorized <input checked="" type="checkbox"/> Proposed		10 S	21 E	31	SE SE	3600	1,850 feet east and 160 feet north from the south ¼ corner, Section 31.
	<input type="checkbox"/> Authorized <input type="checkbox"/> Proposed							
	<input type="checkbox"/> Authorized <input type="checkbox"/> Proposed							

\*The POD location is not specifically described in Certificate 13593. The Bridge Creek adjudication map labels the ditch as Ben Taylor ditch #2. The Decree also refers to the POD as "Sutton Ditch". This appears to be the same POD as the one shown on the final proof map for Certificate 68553. The specific location of the POD on the final proof map for Certificate 68553 is 590 feet south and 2160 feet east from north ¼ corner, Section 6.

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)



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

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

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

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

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

**Table 2. Description of Changes to Water Right Certificate # 13593**

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

AUTHORIZED (the "from" or "off" lands) The listing that appears on the certificate BEFORE PROPOSED CHANGES List only that part or portion of the water right that will be changed.											Proposed Changes (see "CODES" from previous page)	PROPOSED (the "to" or "on" lands) The listing as it would appear AFTER PROPOSED CHANGES are made.												
Twp	Rng	Sec	¼ ¼	Tax Lot	Gvt Lot or DLC	Acres	Type of USE listed on Certificate	POD(s) or POA(s) (name or number from Table 1)	Priority Date	Twp		Rng	Sec	¼ ¼	Tax Lot	Gvt Lot or DLC	Acres	New Type of USE	POD(s)/ POA(s) to be used (from Table 1)	Priority Date				
EXAMPLE																								
2	S	9	E 15	NE NW	100		15.0	Irrigation	POD #1 POD #2	1901	POU/POD	2	S	9	E 1	NW NW	500	1	10.0		POD #5	1901		
												2	S	9	E 2	SW NW	500		5.0		POD #6	1901		
10	S	20	E 24	SE SW	1700		13.2	IR and domestic	POD	12/31/1868	APOD	10	S	20	E 24	SE SW	1700		13.2	IR and domestic	POD & New POD	12/31/1868		
10	S	20	E 25	NW NE	1700		4	IR and domestic	POD	12/31/1868	APOD	10	S	20	E 25	NW NE	1700		4	IR and domestic	POD & New POD	12/31/1868		
10	S	20	E 25	SW NE	1700		10.6	IR and domestic	POD	12/31/1868	APOD	10	S	20	E 25	SW NE	1700		10.6	IR and domestic	POD & New POD	12/31/1868		
10	S	20	E 25	SE NE	1700		5.2	IR and domestic	POD	12/31/1868	APOD	10	S	20	E 25	SE NE	1700		5.2	IR and domestic	POD & New POD	12/31/1868		
10	S	20	E 25	NE NW	1700		18.3	IR and domestic	POD	12/31/1868	APOD	10	S	20	E 25	NE NW	1700		18.3	IR and domestic	POD & New POD	12/31/1868		
10	S	20	E 25	SE NW	1700		13.3	IR and domestic	POD	12/31/1868	APOD	10	S	20	E 25	SE NW	1700		13.3	IR and domestic	POD & New POD	12/31/1868		
10	S	20	E 25	NE SW	1700		1.5	IR and domestic	POD	12/31/1868	APOD	10	S	20	E 25	NE SW	1700		1.5	IR and domestic	POD & New POD	12/31/1868		
10	S	20	E 25	NE SE	1700		14.6	IR and domestic	POD	12/31/1868	APOD	10	S	20	E 25	NE SE	1700		14.6	IR and domestic	POD & New POD	12/31/1868		
10	S	20	E 25	NW SE	1700		23.8	IR and domestic	POD	12/31/1868	APOD	10	S	20	E 25	NW SE	1700		23.8	IR and domestic	POD & New POD	12/31/1868		
10	S	20	E 25	SW SE	1700		2.5				APOD	10	S	20	E 25	SW SE	1700		2.5	IR and domestic	POD & New POD	12/31/1868		
TOTAL ACRES:							--					TOTAL ACRES:							--					

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10	S	20	E	25	SE	SE	1700		21.6	IR and domestic	POD	12/31/1868	APOD	10	S	20	E	25	SE	SE	1700		21.6	IR and domestic	POD & New POD	12/31/1868		
10	S	20	E	36	NE	NE	1703		0.2	IR and domestic	POD	12/31/1868	APOD	10	S	20	E	36	NE	NE	1703		0.2	IR and domestic	POD & New POD	12/31/1868		
10	S	21	E	30	SW	SW	3600		5.5	IR and domestic	POD	12/31/1868	APOD	10	S	21	E	30	SW	SW	3600		5.5	IR and domestic	POD & New POD	12/31/1868		
10	S	21	E	31	NE	NW	3600		3.3	IR and domestic	POD	12/31/1868	APOD	10	S	21	E	31	NE	NW	3600		3.3	IR and domestic	POD & New POD	12/31/1868		
10	S	21	E	31	NW	NW	3600		9.5	IR and domestic	POD	12/31/1868	APOD	10	S	21	E	31	NW	NW	3600		9.5	IR and domestic	POD & New POD	12/31/1868		
TOTAL ACRES:									147.1						TOTAL ACRES:									147.1				

Additional remarks: The Applicant proposes to add an additional POD in Section 31, which is on the applicant's property, so that the applicant can use the new POD on its property to irrigate the portion of the place of use proposed for transfer under this application.

The transfer application proposes to add the POD as an authorized POD for the authorized acres that are located on Bridge Creek Ranch's property. The new POD will be located on Bridge Creek Ranch's property, whereas the current POD is located on BLM property. The POD in Section 6 will be decommissioned.

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OCT 18 2023



**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 ☒ NA

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 # \_\_\_\_\_.

Received by OWRD

JAN 24 2023

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

Salem, OR

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](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



CERTIFICATE # 96311

JAN 24 2023

## Description of Water Delivery System

System capacity: 5.0 cubic feet per second (cfs) OR  
 \_\_\_\_\_ gallons per minute (gpm)

Salem, OR

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 diverted from the point of diversion (POD) through a headgate and then piped to a fish screen. The water flows out of the fish screen and into a 12" PVC pipe that goes to a booster pump. Water is either pumped for irrigation right after going through the booster pump or it bypasses the booster pump, travels to the Painted Hills Reservoir, and is redistributed from the reservoir, which is used as a bulge in system, to irrigation or to a small bulge from which it is put to irrigation. The irrigation system infrastructure through which water travels is both HDPE and PVC pipelines. Water is used for irrigation using hand lines, wheel lines, and pivots.

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)
Original POD	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed		11 S	21 E	9	NE SW	100	Last chance or Carrol Ditches – 1650 feet North and 80 feet West from S1/4 Corner, Section 9.
Additional POD	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed		11 S	21 E	6	NE NE	100	590 feet South and 2160 feet east from N1/4 Corner, Section 6.
Additional POD	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed		11 S	21 E	9	NW NW	100	960 feet South and 780 feet East from NW Corner, Section 9.
New POD	<input type="checkbox"/> Authorized <input checked="" type="checkbox"/> Proposed		10 S	21 E	31	SE SE	3600	1,850 feet east and 160 feet north from the south ¼ corner, Section 31.

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

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

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



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

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

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

**Table 2. Description of Changes to Water Right Certificate # 96311**

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

AUTHORIZED (the "from" or "off" lands) The listing that appears on the certificate BEFORE PROPOSED CHANGES List only that part or portion of the water right that will be changed.												Proposed Changes (see "CODES" from previous page)	PROPOSED (the "to" or "on" lands) The listing as it would appear AFTER PROPOSED CHANGES are made.													
Twp	Rng	Sec	¼ ¼	Tax Lot	Gvt Lot or DLC	Acres	Type of USE listed on Certificate	POD(s) or POA(s) (name or number from Table 1)	Priority Date	Twp	Rng		Sec	¼ ¼	Tax Lot	Gvt Lot or DLC	Acres	New Type of USE	POD(s)/ POA(s) to be used (from Table 1)	Priority Date						
EXAMPLE																										
2	S	9	E	15	NE	NW	100		15.0	Irrigation	POD #1 POD #2	1901	POU/POD	2	S	9	E	1	NW	NW	500	1	10.0		POD #5	1901
														2	S	9	E	2	SW	NW	500		5.0		POD #6	1901
10	S	21	E	31	SW	NE	3600		11.0	IR and domestic	Orig. POD, Add'l POD, and Add'l POD	1868	APOD	10	S	21	E	31	SW	NE	3600		11.0	IR and domestic	Orig., Add'l, Add'l, and New POD	1868
10	S	21	E	31	NW	SE	3600		22.8	IR and domestic	Orig. POD, Add'l POD, and Add'l POD	1868	APOD	10	S	21	E	31	NW	SE	3600		22.8	IR and domestic	Orig., Add'l, Add'l, and New POD	1868
10	S	21	E	31	SW	SE	3600		0.1	IR and domestic	Orig. POD, Add'l POD, and Add'l POD	1868	APOD	10	S	21	E	31	SW	SE	3600		0.1	IR and domestic	Orig., Add'l, Add'l, and New POD	1868
10	S	21	E	31	SE	SE	3600		9.4	IR and domestic	Orig. POD, Add'l POD, and Add'l POD	1868	APOD	10	S	21	E	31	SE	SE	3600		9.4	IR and domestic	Orig., Add'l, Add'l, and New POD	1868
TOTAL ACRES:						43.3							TOTAL ACRES:						43.3							

Additional remarks: The Applicant proposes to add an additional POD in Section 31, which is on the applicant's property, so that the applicant can use the new POD on its property to irrigate the portion of the place of use proposed for transfer under this application.

The transfer application proposes to add the POD as an authorized POD for the authorized acres that are located on Bridge Creek Ranch's property. The new POD will be located on Bridge Creek Ranch's property, whereas the current POD is located on BLM property. The POD in Section 6 will be decommissioned and the water right associated with the 8 acres on BLM property that is currently being irrigated from this POD is expected to be transferred instream within 5 years of approval of this transfer application.

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OCT 18 2023

Salem, OR



**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 ☒ NA

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 # \_\_\_\_\_;

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JAN 24 2023

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Salem, OR

**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:

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



# Application for Water Right Transfer Evidence of Use Affidavit



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 WHEELER

Received by OWRD

JAN 24 2023

I, GORDON TOLTON, in my capacity as RANCH MANAGER, BRIDGE CREEK RANCH, LLC,

mailing address 355 GOODPASTURE ISLAND ROAD, EUGENE, OR 97401

Salem, OR

telephone number (541)214-0602, 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 # 96311; 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 # 96311 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)



13593	10	S	21	E	WM	31	NE NW	3600	3.3
13593	10	S	21	E	WM	31	NW NW	3600	9.5

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.
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(continues on reverse side)

Salem, OR

3. The water right was used for: (e.g., crops, pasture, etc.): Crops. The applicant irrigated the crops utilizing the water delivery system. The water delivery system first diverts water from the point of diversion (POD), through a headgate, and then it is piped to a fish screen. The water flows out of the fish screen and into a 12" PVC pipe that goes to a booster pump. Water is either pumped for irrigation right after going through the booster pump or it bypasses the booster pump, travels to the Painted Hills Reservoir, and is redistributed from the reservoir, which is used as a bulge in system, to irrigate the crops or to a small bulge from which it is put to irrigation use. The irrigation system infrastructure through which water travels is both HDPE and PVC pipelines. Water is used for irrigation using hand lines, wheel lines, and pivots.

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.

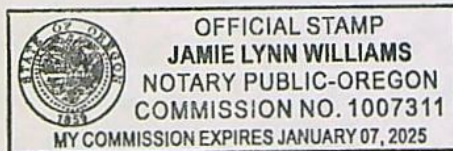
Gordon Tolton

Signature of Affiant

12-19-2022

Date

Signed and sworn to (or affirmed) before me this 19 day of December, 2022.



[Signature]  
Notary Public for Oregon

My Commission Expires: 01/07/2025

Supporting Documents	Examples
<input type="checkbox"/> Copy of a water right certificate that has been issued within the last five years. (not a remaining right certificate)	Copy of confirming water right certificate that shows issue date
<input checked="" type="checkbox"/> Copies of receipts from sales of irrigated crops or for expenditures related to use of water	<ul style="list-style-type: none"> <li>Power usage records for pumps associated with irrigation use</li> <li>Fertilizer or seed bills related to irrigated crops</li> <li>Farmers Co-op sales receipt</li> </ul>
Enclosed herewith are: (1) Bridge Creek Ranch's 2022 power expenditures	



<p>for the power used to run the pumps that are used to irrigate the place of use under Certificate 13593;</p> <p>(2) 2022 Habco Agricultural Services invoice for herbicides that were applied to the acres described in this affidavit and to other land on which Bridge Creek Ranch and White Butte Ranch (a nearby ranch owned by the same owners as Bridge Creek Ranch) grow crops; and</p> <p>(3) Invoice for the seed Bridge Creek Ranch purchased in 2021. That seed was planted and then irrigated in 2022 on the acres described in this affidavit and on other land where Bridge Creek Ranch and White Butte Ranch grow crops.</p>	
<p><input type="checkbox"/> Records such as FSA crop reports, irrigation district records, NRCS farm management plan, or records of other water suppliers</p>	<ul style="list-style-type: none"> <li>• District assessment records for water delivered</li> <li>• Crop reports submitted under a federal loan agreement</li> <li>• Beneficial use reports from district</li> <li>• IRS Farm Usage Deduction Report</li> <li>• Agricultural Stabilization Plan</li> <li>• CREP Report</li> </ul>
<p><input checked="" type="checkbox"/> Aerial photos containing sufficient detail to establish location and date of photograph</p> <p>Photos taken July 2022 depict haying of the barley that was irrigated on the portion of the place of use in the SENE and NESE, Section 25, Township 10 South, Range 20 East, W.M. The first photo shows a pivot used to irrigate the field.</p>	<p>Multiple photos can be submitted to resolve different areas of a water right.</p> <p>If the photograph does not print with a "date stamp" or without the source being identified, the date of the photograph and source should be added.</p> <p>Sources for aerial photos:  OSU – <a href="http://www.oregonexplorer.info/imagery">www.oregonexplorer.info/imagery</a>  OWRD – <a href="http://www.wrd.state.or.us">www.wrd.state.or.us</a>  Google Earth – <a href="http://earth.google.com">earth.google.com</a>  TerraServer – <a href="http://www.terraserver.com">www.terraserver.com</a></p>
<p><input type="checkbox"/> Approved Lease establishing beneficial use within the last 5 years</p>	<p>Copy of instream lease or lease number</p>

Received by OWRD

JAN 24 2023

Salem, OR



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Gandy Tolta  
Signature of Affiant

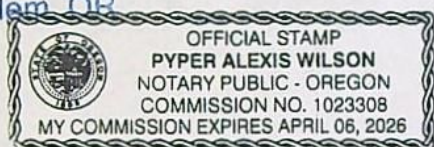
12-23-2022  
Date

Received by OWRD

JAN 24 2023

Signed and sworn to (or affirmed) before me this 23<sup>rd</sup> day of Dec., 2022.

Salem, OR



Pypor Alexis Wilson  
Notary Public for Oregon

My Commission Expires: 04/06/2026

Supporting Documents	Examples
<input checked="" type="checkbox"/> Copy of a water right certificate that has been issued within the last five years. (not a remaining right certificate) A copy of Certificate 96311, which was issued on June 17, 2022 is attached herewith to evidence use under that water right.	Copy of confirming water right certificate that shows issue date
<input type="checkbox"/> Copies of receipts from sales of irrigated crops or for expenditures related to use of water	<ul style="list-style-type: none"> <li>• Power usage records for pumps associated with irrigation use</li> <li>• Fertilizer or seed bills related to irrigated crops</li> <li>• Farmers Co-op sales receipt</li> </ul>
<input type="checkbox"/> Records such as FSA crop reports, irrigation district records, NRCS farm management plan, or records of other water suppliers	<ul style="list-style-type: none"> <li>• District assessment records for water delivered</li> <li>• Crop reports submitted under a federal loan agreement</li> <li>• Beneficial use reports from district</li> <li>• IRS Farm Usage Deduction Report</li> <li>• Agricultural Stabilization Plan</li> <li>• CREP Report</li> </ul>
<input type="checkbox"/> Aerial photos containing sufficient detail to establish location and date of photograph	Multiple photos can be submitted to resolve different areas of a water right. If the photograph does not print with a "date stamp" or without the source being identified, the date of the photograph and source should be added.



	Sources for aerial photos: OSU – <a href="http://www.oregonexplorer.info/imagery">www.oregonexplorer.info/imagery</a> OWRD – <a href="http://www.wrd.state.or.us">www.wrd.state.or.us</a> Google Earth – <a href="http://earth.google.com">earth.google.com</a> TerraServer – <a href="http://www.terraserver.com">www.terraserver.com</a>
<input type="checkbox"/> Approved Lease establishing beneficial use within the last 5 years	Copy of instream lease or lease number

Received by OWRD

JAN 24 2023

Salem, OR



## STATE OF OREGON

## COUNTY OF WHEELER

## CERTIFICATE OF WATER RIGHT

Received by OWRD

JAN 24 2023

Salem, OR

THIS CERTIFICATE ISSUED TO

U.S. BUREAU OF LAND MANAGEMENT  
3050 NE THIRD ST  
PRINEVILLE OR 97754

confirms the right to use the waters of BRIDGE CREEK tributary to John Day River for IRRIGATION OF 119.7 ACRES and DOMESTIC.

This right was confirmed by decree of the Circuit Court of the State of Oregon for Wheeler County. The decree is of record at Salem, in the Order Record of the Water Resources Director in Volume 12, at Page 388. The date of priority is 1868.

The amount of water to which such right is entitled, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed one-fortieth of one cubic foot per second per acre of land irrigated before June 15, and one-eightieth of one cubic foot per second per acre after June 15, during the irrigation season from March 1 to October 1 of each year, measured at the point of diversion from the stream.

The point of diversion is located as follows:

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
11 S	21 E	WM	9	NE SW	ORIGINAL POD - LAST CHANCE OR CARROL DITCHES - 1650 FEET NORTH AND 80 FEET WEST FROM S1/4 CORNER, SECTION 9
11 S	21 E	WM	6	NE NE	ADDITIONAL POD - 590 FEET SOUTH AND 2160 FEET EAST FROM N1/4 CORNER, SECTION 6
11 S	21 E	WM	9	NW NW	ADDITIONAL POD - 960 FEET SOUTH AND 780 FEET EAST FROM NW CORNER, SECTION 9

A description of the lands irrigated under such right, and to which the water is appurtenant (or, if for other purposes, the place where such water is put to beneficial use), is as follows:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
10 S	21 E	WM	31	SW NE	11.0
10 S	21 E	WM	31	NW SE	22.8
10 S	21 E	WM	31	SW SE	0.1
10 S	21 E	WM	31	SE SE	9.4
11 S	21 E	WM	5	NW NW	3.0
11 S	21 E	WM	5	SW NW	9.6
11 S	21 E	WM	5	SE NW	2.9
11 S	21 E	WM	5	NE SW	20.8
11 S	21 E	WM	5	NW SW	4.7
11 S	21 E	WM	5	SE SW	0.5
11 S	21 E	WM	5	NW SE	0.8

## NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW

This is an order in other than a contested case. This order is subject to judicial review under ORS 183.482. 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.



IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
11 S	21 E	WM	5	SW SE	12.9
11 S	21 E	WM	5	SE SE	4.4
11 S	21 E	WM	6	NE NE	5.8
11 S	21 E	WM	8	NE NE	9.0
11 S	21 E	WM	8	NW NE	2.0

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JAN 24 2023

Salem, OR

The water user shall maintain a headgate, an in-line flow meter, weir, or other suitable device for measuring and recording the quantity of water diverted.

The water user shall maintain fish screens or fish by-pass devices, as appropriate, at the new points of diversion.

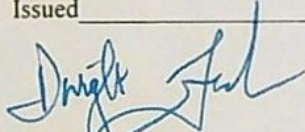
The quantity of water diverted at the additional points of diversion, together with that diverted at the old point of diversion, shall not exceed the quantity of water lawfully available at the original point of diversion.

The right to use 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 the decree.

This certificate is issued to confirm changes in ADDITIONAL POINTS OF DIVERSION approved by an order of the Water Resources Director entered JULY 24, 2006, at Special Order Volume 69, Page 187, approving Transfer Application T-9873, supersedes Certificate 13592, State Record of Water Right Certificates.

JUN 17 2022

Issued \_\_\_\_\_



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



# Land Use Information Form



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

Received by OWRD

JAN 24 2023

## NOTE TO APPLICANTS

Salem, OR

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

Received by OWRD

JAN 24 2023

Salem, OR



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

Applicant(s): Bridge Creek Ranch LLC, Attn: Mike Pati

Mailing Address: 355 Goodpasture Island Road

City: Eugene

State: OR

Zip Code: 97401

Daytime Phone: 541-681-5332

## 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>See</u>	<u>Attached</u>	<u>Page</u>	_____	_____	_____	<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input type="checkbox"/> Used	_____
_____	_____	_____	_____	_____	_____	<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input type="checkbox"/> Used	_____
_____	_____	_____	_____	_____	_____	<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input type="checkbox"/> Used	_____
_____	_____	_____	_____	_____	_____	<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input type="checkbox"/> Used	_____

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

Wheeler 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) Bridge Creek

Estimated quantity of water needed: 5.07 ☒ cubic feet per second ☐ gallons per minute ☐ acre-feet

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

Briefly describe:

The applicant proposes to add an additional point of diversion on Bridge Creek to irrigate the authorized places of use under Certificates 96311 and 13593 that are on the applicant's property.

**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

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): WZCO 3.1 (3)(a); WZCO 3.1 (4)(a); WZCO 6.9
- ☐ Land uses to be served by the proposed water uses (including proposed construction) involve discretionary land-use approvals as listed in the table below. (Please attach documentation of applicable land-use approvals which have already been obtained. Record of Action/land-use decision and accompanying findings are sufficient.) **If approvals have been obtained but all appeal periods have not ended, check "Being pursued."**

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

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

DSL fill/removal permit and Floodplain Development permit from local jurisdiction may be required.

Name: Matt Davis Title: Planning Director

Signature:  Phone: 541-728-1275 Date: 12/23/2022

Government Entity: Wheeler County Planning Department

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

### Receipt for Request for Land Use Information

Applicant name: \_\_\_\_\_

City or County: \_\_\_\_\_ Staff contact: \_\_\_\_\_

Signature: \_\_\_\_\_ Phone: \_\_\_\_\_ Date: \_\_\_\_\_

Received by OWRD

JAN 24 2023



JAN 24 2023

## Land Use Information Form Attachment

Salem, OR

Transfer Application for Certificates 96311 and 13593  
For Bridge Creek Ranch, LLC

Township	Range	Section	¼ ¼	Tax Lot #	Plan Designation (e.g., Rural Residential/RR-5)	Water to be:			Proposed Land Use:
<u>10 S</u>	<u>21 E</u>	<u>31</u>	<u>SE SE</u>	<u>3600</u>	<u>EFU</u>	<input checked="" type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	<u>Irrigation</u>
<u>10 S</u>	<u>21 E</u>	<u>31</u>	<u>NW SE</u>	<u>3600</u>	<u>EFU</u>	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	<u>Irrigation</u>
<u>10 S</u>	<u>21 E</u>	<u>31</u>	<u>SW NE</u>	<u>3600</u>	<u>EFU</u>	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	<u>Irrigation</u>
<u>10 S</u>	<u>21 E</u>	<u>31</u>	<u>SW SE</u>	<u>3600</u>	<u>EFU</u>	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	<u>Irrigation</u>
<u>10 S</u>	<u>21 E</u>	<u>31</u>	<u>NE NW</u>	<u>3600</u>	<u>EFU</u>	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	<u>Irrigation</u>
<u>10 S</u>	<u>21 E</u>	<u>31</u>	<u>NW NW</u>	<u>3600</u>	<u>EFU</u>	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	<u>Irrigation</u>
<u>10 S</u>	<u>21 E</u>	<u>30</u>	<u>SE SW</u>	<u>3600</u>	<u>EFU</u>	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	<u>Irrigation</u>
<u>10 S</u>	<u>21 E</u>	<u>30</u>	<u>SW SW</u>	<u>3600</u>	<u>EFU</u>	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	<u>Irrigation</u>
<u>10 S</u>	<u>21 E</u>	<u>36</u>	<u>NE NE</u>	<u>1703</u>	<u>EFU</u>	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	<u>Irrigation</u>
<u>10 S</u>	<u>20 E</u>	<u>24</u>	<u>SE SW</u>	<u>1700</u>	<u>EFU</u>	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	<u>Irrigation</u>
<u>10 S</u>	<u>20 E</u>	<u>25</u>	<u>NW NE</u>	<u>1700</u>	<u>EFU</u>	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	<u>Irrigation</u>
<u>10 S</u>	<u>20 E</u>	<u>25</u>	<u>SW NE</u>	<u>1700</u>	<u>EFU</u>	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	<u>Irrigation</u>
<u>10 S</u>	<u>20 E</u>	<u>25</u>	<u>SE NE</u>	<u>1700</u>	<u>EFU</u>	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	<u>Irrigation</u>
<u>10 S</u>	<u>20 E</u>	<u>25</u>	<u>NE NW</u>	<u>1700</u>	<u>EFU</u>	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	<u>Irrigation</u>
<u>10 S</u>	<u>20 E</u>	<u>25</u>	<u>SE NW</u>	<u>1700</u>	<u>EFU</u>	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	<u>Irrigation</u>
<u>10 S</u>	<u>20 E</u>	<u>25</u>	<u>NE SW</u>	<u>1700</u>	<u>EFU</u>	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	<u>Irrigation</u>
<u>10 S</u>	<u>20 E</u>	<u>25</u>	<u>SE 1/4</u>	<u>1700</u>	<u>EFU</u>	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	<u>Irrigation</u>
<u>11 S</u>	<u>21 E</u>	<u>6</u>	<u>NE NE</u>	<u>100</u>	<u>EFU</u>	<input checked="" type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input type="checkbox"/> Used	<u>Irrigation</u>
<u>11 S</u>	<u>21 E</u>	<u>5</u>	<u>NW NW, SW NW, SE NW, NE SW, NW SE, SW SE, SE SE</u>	<u>100</u>	<u>EFU</u>	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input type="checkbox"/> Used	<u>Irrigation</u>
<u>11 S</u>	<u>21 E</u>	<u>8</u>	<u>NE NE</u>	<u>100</u>	<u>EFU</u>	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input type="checkbox"/> Used	<u>Irrigation</u>
<u>11 S</u>	<u>21 E</u>	<u>9</u>	<u>NE SW</u>	<u>100</u>	<u>EFU</u>	<input checked="" type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input type="checkbox"/> Used	<u>Irrigation</u>
<u>11 S</u>	<u>21 E</u>	<u>9</u>	<u>SE NW and NW SW</u>	<u>100</u>	<u>EFU</u>	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input type="checkbox"/> Used	<u>Irrigation</u>
<u>11 S</u>	<u>21 E</u>	<u>9</u>	<u>NW NW</u>	<u>100</u>	<u>EFU</u>	<input checked="" type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input type="checkbox"/> Used	<u>Irrigation</u>



# Application for Water Right Transfer Evidence of Use Affidavit



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

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

State of Oregon )  
 ) ss

Received by OWRD

County of WHEELER

JAN 24 2023

I, GORDON TOLTON, in my capacity as RANCH MANAGER, BRIDGE CREEK RANCH, LLC,

Salem, OR

mailing address 355 GOODPASTURE ISLAND ROAD, EUGENE, OR 97401

telephone number (541)214-0602, being first duly sworn depose and say:

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

☒ Personal observation ☐ Professional expertise

2. I attest that:

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

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

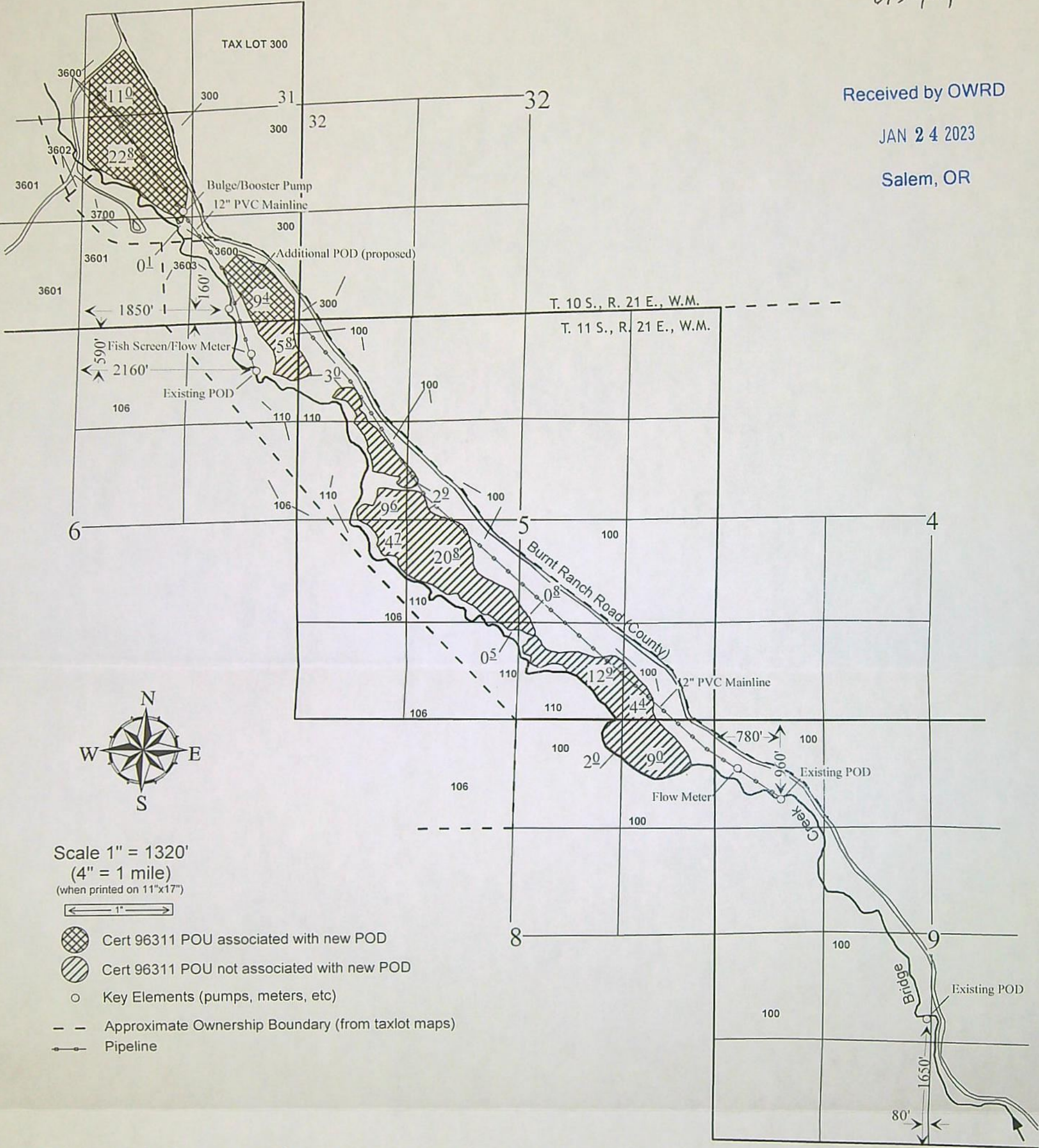
Certificate #	Township		Range		Mer	Sec	¼ ¼		Gov't Lot or DLC	Acres (if applicable)
13593	10	S	20	E	WM	24	SE	SW	1700	13.2
13593	10	S	20	E	WM	25	NW	NE	1700	4
13593	10	S	20	E	WM	25	SW	NE	1700	10.6
13593	10	S	20	E	WM	25	SE	NE	1700	5.2
13593	10	S	20	E	WM	25	NE	NW	1700	18.3
13593	10	S	20	E	WM	25	SE	NW	1700	13.3
13593	10	S	20	E	WM	25	NE	SW	1700	1.5
13593	10	S	20	E	WM	25	NE	SE	1700	14.6
13593	10	S	20	E	WM	25	NW	SE	1700	23.8
13593	10	S	20	E	WM	25	SW	SE	1700	2.5
13593	10	S	20	E	WM	25	SE	SE	1700	21.6
13593	10	S	20	E	WM	36	NE	NE	3600	0.2
13593	10	S	21	E	WM	30	SW	SW	3600	5.5
13593	10	S	21	E	WM	30	SE	SW	3600	0.1



Additional POD Cert. 96311

CERTIFIED WATER RIGHT EXAMINER  
72665  
*Gabe Williams*  
GABRIEL M. WILLIAMS  
JULY 10, 2018  
STATE OF OREGON  
RENEWS: 6/30/24

Received by OWRD  
JAN 24 2023  
Salem, OR



This map is for the purpose of locating a water right only and is not intended to provide legal dimensions or locations of property ownership lines.

Federal Land Ownership Taxlots: 100, 106, 110, 300, 3601, 3602, 3603, 3700

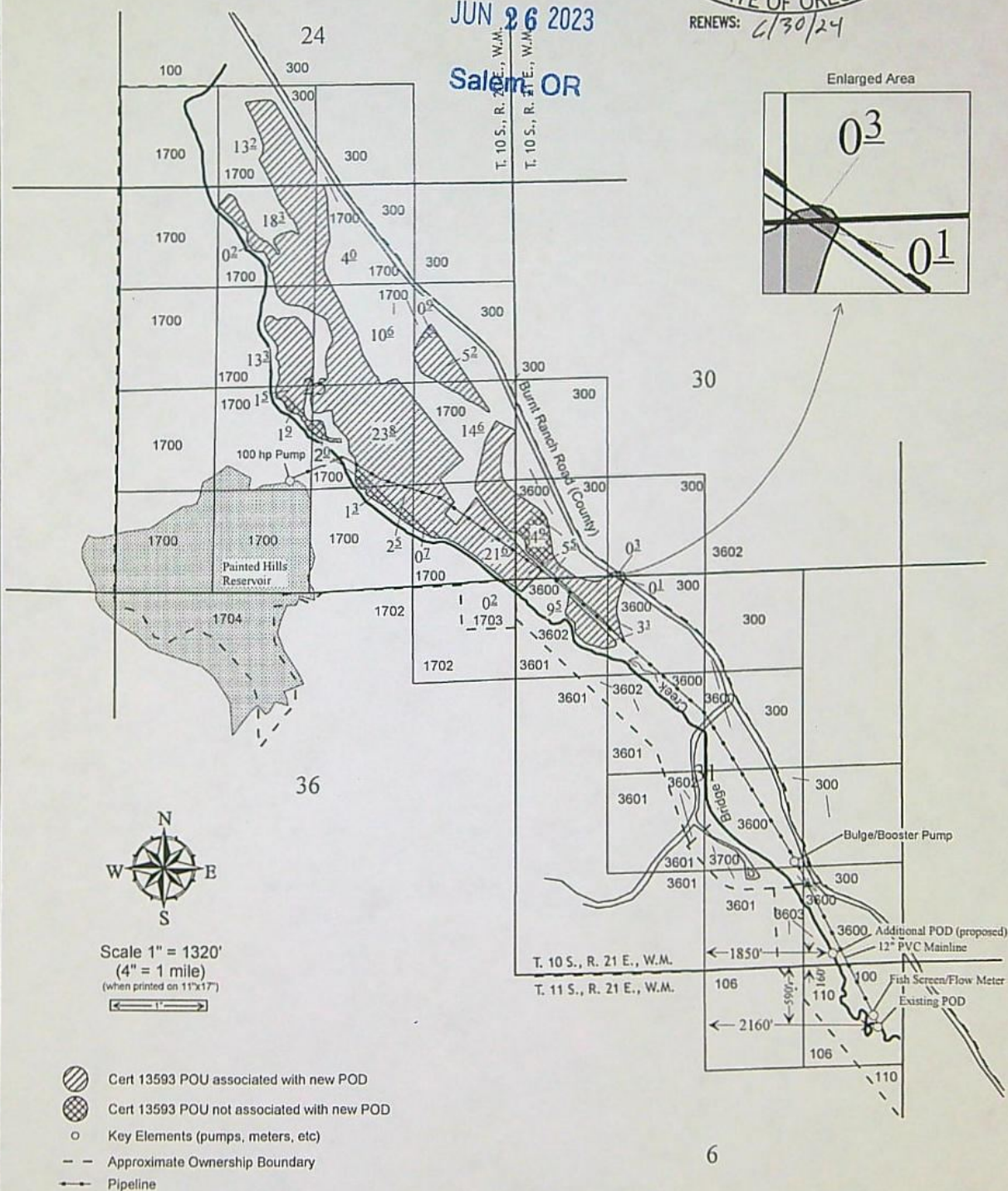
S6 - 1.1	DRAWING: DRAWN BY: GMMW	SHEET TITLE: POD Map	PROJECT: 96311 Additional POD	 <b>RSI</b> Resource Specialists INC. 1180 SW LAKE RD, STE 202 REDMOND, OR 97756 (541) 771-6911 gabe@RSIengr.com	DRAWING STATUS	DATE	No.	REVISION	DATE
			PROJECT LOCATION: MITCHELL, OREGON		DRAFT	11/1/22			
			CLIENT: Bridge Creek Ranch, LLC		FINAL	1/16/23			



[illegible]



Salem, OR



This map is for the purpose of locating a water right only and is not intended to provide legal dimensions or locations of property ownership lines.

Federal Land Ownership Taxlots: 100, 106, 110, 300, 1702, 3601, 3602, 3603, 3700

BCR - 1.1

### DRAWING:

DRAWN BY GMM

**SHEET TIT**  
**POD Map**

**PROJECT:**  
**13593 Additional POD**

**PROJECT LOCATION:**  
**MITCHELL, OREGON**

**CLIENT:**  
**Bridge Creek Ranch, LLC**

Resource  
Specialists INC.

20340 Empire Ave. STE E8  
BEND, OR 97703

(541) 771-6911  
gabe@RSIengr.com

[illegible]



Bill Date	Bill Amount	Arrears	Paid Amt	Paid Date	Meter Read	KWH	Demand Read	Read Date	Bill Type	Average KWH
11/30/22	.00	.00	.00		73578	0		11/30/22	3	0
10/31/22	.00	.00	.00		73578	0		10/31/22	3	0
09/30/22	1,977.03	.00	-1,977.03	10/25/22	73578	34544		09/30/22	0	1,151
08/31/22	2,199.05	.00	-2,199.05	09/22/22	39034	39613		08/31/22	0	1,277
07/31/22	2,116.79	.00	-2,116.79	08/23/22	99421	37735		07/31/22	0	1,217
06/30/22	926.57	.00	-926.57	07/27/22	61686	10561		06/30/22	0	352
05/31/22	1,635.26	.00	-1,635.26	06/21/22	51125	26741		05/31/22	0	862
04/30/22	1,293.88	.00	-1,293.88	05/31/22	24384	18947		04/30/22	0	631
03/31/22	554.75	.00	-554.75	04/26/22	5437	2091		03/31/22	0	67
02/28/22	860.00	.00	-860.00	03/22/22	3346	0		02/28/22	3	0
01/31/22	.00	.00	.00		3346	0		01/31/22	3	0
12/31/21	.00	.00	.00		3346	0		12/31/21	3	0
11/30/21	.00	.00	.00		3346	0		11/30/21	3	0

Received by OWRD

JAN 24 2023

Salem, OR

[Change Member History](#)[Print History](#)

## BRIDGE CREEK RANCH LLC

Mr Sep: 6124-010  
 Status: Active Electric

Location: 701890000  
 Meter: 31234251

Dist: 10  
 Rate: 35  
 Class: 35  
 Cycle: 70

[Ledger](#)

Future: .00  
 Balance: .00

[Notes Exist](#)[Add a Note](#)

## Payments(0)

Read Date: 11/30/22  
 Bill Date: 11/30/22  
 Due Date: 12/30/22

## Adjustments(0)

Read Type: 2  
 Bill Type: 3

## Misc

Days of Service: 30  
 Average Temp: 0.0  
 Multiplier: 1

Current Read: 73578

Previous Read: 73578

KWH: 0

Lgt KWH: 0

KVA:

KVAR:

Demand Read:

Actual Demand:

Billed Demand:

Horsepower:

Energy:	.00	Penalty:	.00
Fuel:	.00	Other Amt 1:	.00
Lgt Charge:	.00	Other Amt 2:	.00
Tax:	.00	Other Amt 3:	.00
Local Tax:	.00	Interest:	.00
Franch Tax:	.00	Member Fee:	.00
Gross Tax:	.00	Cons Deposit:	.00
Other Tax:	.00	Other Deposit:	.00
Misc Chg:	.00	Bill Amount:	.00
Other Chg:	.00	BB Amount:	.00
Equipment:	.00	Arrears:	.00
Round Up:	.00	Ancillary:	.00
Contract:	.00	Net:	.00



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JAN 24 2023

Salem, OR

est good



Department of

Forest Service

Oregon

Service  
National Forest  
Road District  
Oregon 97154  
AGRICULTURE  
FOR PRIVATE

REC'D AUG 22 2022

REC'D AUG 22 2022

# INVOICE

HABCO AGRICULTURAL SERVICES

1950 Lyons Rd  
Ellensburg, WA 98926  
Phone: (541) 233-9306

Date 7/15/2022  
Invoice # 20020  
For Custom Spraying

Kale@habcoag.com

Bill To:

White Butte Ranch  
Mitchell, OR 97750

## Job Description:

Applied herbicide at White Butte and Bridge Creek for control of thistle, knap weed, white top on roads, barn yards, reservoir, field edges, etc.

Quantity	Description	Unit price	Amount
5.63 GAL	Curtail Herbicide	\$67.10 GAL	\$ 377.78
1.81 GAL	Spreader- 90 Surfactant	\$17.60 GAL	\$ 31.86
1 GAL	Pendulum Herbicide	\$61.86 GAL	\$ 61.86
2.92 GAL	Milestone Herbicide	\$335.5 GAL	\$ 979.68
2.26 GAL	Sly-Tac Surfactant	\$80.31 GAL	\$ 181.50
9.5 GAL	Glyphosate (Round-Up)	\$45.10 GAL	\$ 428.45
4.69 GAL	Weedmaster	\$41.25 GAL	\$ 193.46
3.5 GAL	Pasture Guard	\$133.10 GAL	\$ 465.85
8.44 GAL	Platoon (2-4,D)	\$11.72 GAL	\$ 98.92
19.5 HOURS	APPLICATION	\$90/HOUR	\$ 1,755.00

Make all checks payable to 'Habco Agricultural Services'

If you have any questions concerning this invoice, contact Kale Haberman at (541)233-9306 or by email at Kale@habcoag.com.

Thank you for your business!

-Balance due \$ 4,574.34

Deduct -1.91 gal Milestone (\$640.81)

-8.44 gal Platoon (\$98.92)

-2.5 gal Spreader 90 (\$44.00)

Total deduct (\$783.73)

Total balance due \$3,790.61

AUG 22 2022

Chemical used from Bridge Creek inventory

10-35-701.81



Bill To Name	Quantity	UOM	Description 1	Description 2	Actual Ship Date	Lot Serial Number	Order Date
WHITE BUTTE RANCH	750	LB	SORDAN 79 SEED	50 LB BG	07/28/2022	CWC398-C3GBAW	07/13/2022
WHITE BUTTE RANCH	2,000.00	LB	SORDAN 79 SEED	50 LB BG	07/14/2022	CWC398-C3GBAW	07/13/2022
WHITE BUTTE RANCH	39,860.00	LB	28.8-3.2-9.6 7.3S 0.2147HA	BULK LB WECO	06/23/2022	410206944	06/23/2022
WHITE BUTTE RANCH	9	BG	TEFF, TENDER (COATED) SEED	50 LB BG BLYS	06/16/2022	821-21-TEN21CTD	06/14/2022
WHITE BUTTE RANCH	100	LB	TEFF, TENDER (COATED) SEED	50 LB BG BLYS	06/01/2022	831-20-TEN20CTD	05/31/2022
WHITE BUTTE RANCH	2,000.00	LB	SORDAN 79 SEED	50 LB BG	06/16/2022	CWC398-C3GBAW	05/25/2022
WHITE BUTTE RANCH	-460	LB	BARLEY-HAYS SEED	2000 LB TO	06/29/2022	W6-21-HB-8	04/11/2022
WHITE BUTTE RANCH	6,000.00	LB	BARLEY-HAYS SEED	2000 LB TO	04/12/2022	W6-21-HB-8	04/11/2022
WHITE BUTTE RANCH	30,200.00	LB	35.8-0.0-0.0 9.1S 0.2668HA	BULK LB WECO	03/31/2022	410206674	03/31/2022
WHITE BUTTE RANCH	6,680.00	LB	30.0-0.0-10.0 7.6S 0.2237HA	BULK LB WECO	03/25/2022	410206673	03/23/2022
WHITE BUTTE RANCH	12,800.00	LB	1.5-5.0-5.0 17.3S 0.0755HA 15	BULK LB WECO	03/25/2022	410206599	03/23/2022
WHITE BUTTE RANCH	4,000.00	LB	BARLEY-HAYS SEED	2000 LB TO	03/24/2022	W6-21-HB-8	03/21/2022
WHITE BUTTE RANCH	4,000.00	LB	HOODY SEED	BULK LB	11/03/2021	831-20-HOO20	11/02/2021
WHITE BUTTE RANCH	5,680.00	LB	30.8-0.0-8.8 7.7S 0.2953HA	BULK LB WECO	08/23/2021	410206471	08/23/2021
WHITE BUTTE RANCH	2	BG	WG PRO BALANCE 16-16-16 7.5	50 LB BG WECO	07/28/2021		07/28/2021
WHITE BUTTE RANCH	25	LB	HARDY LAWN MIX SEED	25 LB BG LNDM	07/28/2021	SPO-1600-LM	07/28/2021
WHITE BUTTE RANCH	1,100.00	LB	TRITICALE WINTERBOOST UNT	50 LB BG BLYS	07/12/2021	M50-20-104314	07/12/2021
WHITE BUTTE RANCH	32,640.00	LB	31.7-0.0-7.1 8.1S 0.2364HA	BULK LB WECO	07/12/2021	410206373	07/12/2021
WHITE BUTTE RANCH	-400	LB	SORGHUM SUDANGRASS SEED	50 LB BG STAR	07/12/2021	SS26004ABAMS	07/06/2021
WHITE BUTTE RANCH	400	LB	SORGHUM SUDANGRASS SEED	50 LB BG STAR	07/06/2021	SS26004ABAMS	07/06/2021
WHITE BUTTE RANCH	1,000.00	LB	SORGHUM SUDANGRASS SEED	50 LB BG STAR	06/24/2021	SS26005ABMS	06/24/2021
WHITE BUTTE RANCH	20,040.00	LB	28.2-3.5-10.6 7.0S 0.2365HA	BULK LB WECO	06/16/2021	410206306	06/14/2021
WHITE BUTTE RANCH	1,500.00	LB	CHARISMA SEED	50 LB BG	06/15/2021	W12-20-CHO-20	06/14/2021
WHITE BUTTE RANCH	3,250.00	LB	SORGHUM SUDANGRASS SEED	50 LB BG STAR	06/15/2021	SS26005ABMS	06/14/2021
WHITE BUTTE RANCH	30,200.00	LB	29.8-0.0-9.9 7.9S 0.2219HA	BULK LB WECO^	04/26/2021	410206122	04/22/2021

Received by OWRD

JAN 24 2023

Salem, OR



Received by OWRD

JAN 24 2023

Salem, OR

BCR Page Field (SENE and NESE, Section 25) Haying of Irrigated Barley July, 2022





Received by OWRD

JAN 24 2023

Salem, OR

BCR Page Field (SENE and NESE, Section 25) Haying of Irrigated Barley July, 2022





Received by OWRD

JAN 24 2023

Salem, OR

BCR Page Field (SENE and NESE, Section 25) Haying of Irrigated Barley July, 2022





RECEIVED

JAN 24 2023

OWRD

January 23, 2023

**Lindsay Thane**

Admitted in Oregon, Washington and  
Montana

T: 503-796-2059

C: 406-214-1918

lthane@schwabe.com

**VIA OVERNIGHT DELIVERY**

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

RE: Application for Water Right Transfer – Certificates 13593 and 96311

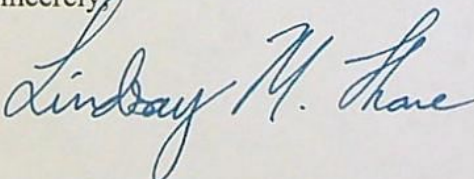
To Whom it May Concern:

On behalf of Bridge Creek Ranch LLC, please find enclosed for submission to the Department:

1. An Application for Permanent Water Right Transfer as executed by Bridge Creek Ranch LLC's President, Mike Pati. The application requests to add a point of diversion to Certificates 13593 and 96311 to irrigate a portion of the place of use.
2. A Transfer Reimbursement Authority Estimate Application.
3. Two checks, one in the amount of \$1,970.00 to pay for the transfer application fee, and the other in the amount of \$125.00 to pay for the Department to prepare a Reimbursement Authority estimate.

Should you have any questions or concerns regarding the enclosed application, please feel free to contact me.

Sincerely,



Lindsay Thane

LTH:cc  
Enclosure

cc: Elizabeth Howard (via email only)  
Mike Pati (via email only)  
Gabe Williams (via email only)

PDX\129629\213607\LTH\35434088.1



# Permanent Transfer Application Checklist

Check the Certificates in WRIS

Transfer # T-14156 <sup>14158</sup>

Checked by Dante _____	Type of Change(s) Proposed: <u>NO</u> other changes allowed other than those listed	
Date <u>1-25-2023</u>		
Fee Received: \$1970	<input type="checkbox"/> POU <input type="checkbox"/> POD <input checked="" type="checkbox"/> APOD <input type="checkbox"/> POA <input type="checkbox"/> APOA <input type="checkbox"/> USE	
Calculated Fee: \$1970		How many rights to be Transferred? 2
Deficiencies and Observations:		Certificate #(s)  13593 96311

If OK, check box; if not, fill in.

- ☒ 1. Is the applicant information complete? Have all the applicants listed at the top of the page signed at the bottom?  
If not, what is missing? Whose signature is missing? \_\_\_\_\_
- ☒ 2. Has the applicant indicated that the place of use is in or near an irrigation district? Have they included a Form D? ☒ N/A.  
Name of the District \_\_\_\_\_
- ☒ 3. Part 5 of application, has the applicant completed the entire page and does the information match the description of the explanation of the reasons on Part 4 of the application?  
If not, you may need to contact the applicant or agent? \_\_\_\_\_
- ☒ 4. For multiple certificates, do each of the certificates listed on Application Page 1 have their own separate completed Part 5 tables 1 & 2? (compare with OAR 690-380-3220-may need to return)  
If no, which certificates are missing a separate Part 5, tables 1 & 2? \_\_\_\_\_
- ☒ 5. Has the map been completed and signed by a CWRE? Does the map meet the requirements?  
If not, what is missing? \_\_\_\_\_. Map waiver included? ☐
- ☒ 6. If a change in point of appropriation, have the well logs been included? ☒ N/A.
- ☒ 7. If a change in place of use within Umatilla County, have the applicant(s) provided a Supplemental Form U? ☒ N/A.
- ☒ 8. Has applicant filled out the Minimum Requirements Checklist (Part 1 of 5)? Is the application complete? If not, what is missing (check Evidence of Use and Land Use)? \_\_\_\_\_
- ☒ 9. If all boxes on this checklist are checked (with no remaining deficiencies identified), accept the application. Put this check sheet in the transfer folder.

OR:

- ☐ This application is deficient, and **CANNOT** be accepted.  
It should be returned and the deficiencies listed in the "staff" section at the bottom of Application Page 1, unless the applicant or agent can resolve the deficiencies within 2-3 days.

Actions taken:

\_\_\_\_\_ date \_\_\_\_\_



## Permanent Transfer Application Checklist

FEE WORKSHEET for PERMANENT TRANSFER (except Substitution)			
1	Base Fee (includes one type of change to one water right for up to 1 cfs)	1	\$1,360
	Types of change proposed: <input type="checkbox"/> Place of Use <input type="checkbox"/> Character of Use <input type="checkbox"/> Point of Diversion/Appropriation Number of above boxes checked = _____ (2a) Subtract 1 from the number in line 2a = _____ (2b) <i>If only one change, this will be 0</i>		
2	Multiply line 2b by \$930 and enter » » » » » » » » » » » » » » » »	2	0
	Number of water rights included in transfer _____ (3a) Subtract 1 from the number in 3a above: _____ (3b) <i>If only one water right this will be 0</i>		
3	Multiply line 3b by \$520 and enter » » » » » » » » » » » » » » » »	3	0
	Do you propose to add or change a well, or change from a surface water POD to a well? <input type="checkbox"/> No: enter 0 » <input type="checkbox"/> Yes: enter \$410 »		
4		4	0
	Do you propose to change the place of use or character of use? <input type="checkbox"/> No: enter 0 on line 5 » <input type="checkbox"/> Yes: enter the cfs for the portions of the rights to be transferred (see example below*): _____ (5a) Subtract 1.0 from the number in 5a above: _____ (5b) If 5b is 0 or less, enter 0 on line 5 » If 5b is greater than 0, round up to the nearest whole number: _____ (5c) and multiply 5c by \$350, then enter on line 5 »		
5		5	0
6	Add entries on lines 1 through 5 above » » » » » » » » » » Subtotal:	6	0
	Is this transfer: <input type="checkbox"/> necessary to complete a project funded by the Oregon Watershed Enhancement Board (OWEB) under ORS 541.932? <input type="checkbox"/> endorsed in writing by ODFW as a change that will result in a net benefit to fish and wildlife habitat? If one or more boxes is checked, multiply line 6 by 0.5 and enter on line 7 »		
7	If no box is applicable, enter 0 on line 7 »	7	0
8	Subtract line 7 from line 6 » Transfer Fee:	8	



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 # 13593**

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

AUTHORIZED (the "from" or "off" lands) The listing that appears on the certificate BEFORE PROPOSED CHANGES List only that part or portion of the water right that will be changed.											Proposed Changes (see "CODES" from previous page)	PROPOSED (the "to" or "on" lands) The listing as it would appear AFTER PROPOSED CHANGES are made.																
Twp	Rng	Sec	¼ ¼	Tax Lot	Gvt Lot or DLC	Acres	Type of USE listed on Certificate	POD(s) or POA(s) (name or number from Table 1)	Priority Date	Twp		Rng	Sec	¼ ¼	Tax Lot	Gvt Lot or DLC	Acres	New Type of USE	POD(s)/ POA(s) to be used (from Table 1)	Priority Date								
EXAMPLE																												
2	S	9	E	15	NE	NW	100		15.0	Irrigation	POD #1 POD #2	1901	POU/POD	2	S	9	E	1	NW	NW	500	1	10.0		POD #5	1901		
														2	S	9	E	2	SW	NW	500		5.0		POD #6	1901		
10	S	20	E	25	SE	NE	1700		0.9	IR and domestic	POD	12/31/1868	APOD	10	S	20	E	24	SE	SW	1700		13.2	IR and domestic	POD & New POD	12/31/1868		
10	S	20	E	25	NE	SW	1700		1.9	IR and domestic	POD	12/31/1868	APOD	10	S	20	E	25	NW	NE	1700		4	IR and domestic	POD & New POD	12/31/1868		
10	S	20	E	25	NW	SE	1700		2.0	IR and domestic	POD	12/31/1868	APOD	10	S	20	E	25	SW	NE	1700		10.6	IR and domestic	POD & New POD	12/31/1868		
10	S	20	E	25	SW	SE	1700		1.3	IR and domestic	POD	12/31/1868	APOD	10	S	20	E	25	SE	NE	1700		5.2	IR and domestic	POD & New POD	12/31/1868		
10	S	20	E	25	SE	SE	1700		0.7	IR and domestic	POD	12/31/1868	APOD	10	S	20	E	25	NE	NW	1700		18.3	IR and domestic	POD & New POD	12/31/1868		
10	S	21	E	30	SW	SW	1700		4.9	IR and domestic	POD	12/31/1868	APOD	10	S	20	E	25	SE	NW	1700		13.3	IR and domestic	POD & New POD	12/31/1868		
10	S	21	E	30	SE	SW	1700		0.2	IR and domestic	POD	12/31/1868	APOD	10	S	20	E	25	NE	SW	1700		1.5	IR and domestic	POD & New POD	12/31/1868		
10	S	21	E	31	NE	NW	3600		0.1	IR and domestic	POD	12/31/1868	APOD	10	S	20	E	25	NE	SE	1700		14.6	IR and domestic	POD & New POD	12/31/1868		
10	S	20	E	25	NE	NW	1700		0.2	IR and domestic	POD	12/31/1868	APOD	10	S	20	E	25	NW	SE	1700		23.8	IR and domestic	POD & New POD	12/31/1868		
													APOD	10	S	20	E	25	SW	SE	1700		2.5	IR and domestic	POD & New POD	12/31/1868		
TOTAL ACRES:									12.2					TOTAL ACRES:										--	Received by 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 # 96311**

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

AUTHORIZED (the "from" or "off" lands) The listing that appears on the certificate BEFORE PROPOSED CHANGES List only that part or portion of the water right that will be changed.											Proposed Changes (see "CODES" from previous page)	PROPOSED (the "to" or "on" lands) The listing as it would appear AFTER PROPOSED CHANGES are made.										
Twp	Rng	Sec	¼ ¼	Tax Lot	Gvt Lot or DLC	Acres	Type of USE listed on Certificate	POD(s) or POA(s) (name or number from Table 1)	Priority Date	Twp		Rng	Sec	¼ ¼	Tax Lot	Gvt Lot or DLC	Acres	New Type of USE	POD(s)/ POA(s) to be used (from Table 1)	Priorit y 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		
11	S	21	E 5 NW NW	110		3.0	IR and domestic	Orig. POD, Add'l POD, and Add'l POD	1868	APOD	10	S	21	E 31 SW NE	3600		11.0	IR and domestic	Orig., Add'l Add'l, and New POD	1868		
11	S	21	E 5 SW NW	110		9.6	IR and domestic	Orig. POD, Add'l POD, and Add'l POD	1868	APOD	10	S	21	E 31 NW SE	3600		22.8	IR and domestic	Orig., Add'l Add'l, and New POD	1868		
11	S	21	E 5 SE NW	110		2.9	IR and domestic	Orig. POD, Add'l POD, and Add'l POD	1868	APOD	10	S	21	E 31 SW SE	3600		0.1	IR and domestic	Orig., Add'l Add'l, and New POD	1868		
11	S	21	E 5 NE SW	110		20.8	IR and domestic	Orig. POD, Add'l POD, and Add'l POD	1868	APOD	10	S	21	E 31 SE SE	3600		9.4	IR and domestic	Orig., Add'l Add'l, and New POD	1868		
11	S	21	E 5 NW SW	110		4.7	IR and domestic	Orig. POD, Add'l POD, and Add'l POD	1868													
11	S	21	E 5 SE SW	110		0.5	IR and domestic	Orig. POD, Add'l POD, and Add'l POD	1868													
TOTAL ACRES:						---						TOTAL ACRES:						43.3				

Received by OWRD





RECEIVED  
JAN 24 2023  
OWRD

Date Received (Date Stamp Here)

## OWRD Over-the-Counter Submission Receipt

Applicant Name(s) & Address: Bridge Creek Ranch LLC Mike Art

355 Goodpasture Island Rd. Eugene, OR 97401

Transaction Type: Transfer RA

Fees Received: \$ 125.00

☐ Cash

☒ Check:

Check No. 229288

Name(s) on Check: The Pope Group Inc.

Thank you for your submission. Oregon Water Resources Department (Department) staff will review your submittal as soon as possible.

If your submission is determined to be complete, you will receive a receipt for the fees paid and an acknowledgement letter stating your submittal is complete.

If determined to be incomplete, your submission and the accompanying fees will be returned with an explanation of deficiencies that must be addressed in order for the submittal to be accepted.

If you have any questions, please feel free to contact the Department's Customer Service staff at 503-986-0801 or 503-986-0810.

Sincerely,

OWRD Customer Service Staff

Submission received by: Dante Luongo  
(Name of OWRD staff)

### Instructions for OWRD staff:

- Complete this Submission Receipt and make two (2) copies. Place one copy with the check/cash; and place the other copy with the submission (i.e., the application or other document).
- Date-stamp all pages. (NOTE: Do not stamp check.)
- Give this original Submission Receipt to the applicant.
- Record Submission Receipt Information on the "RECEIVED OVER THE COUNTER" log sheet.
- Fold and put one copy of the Submission Receipt with check/cash into the Safe slot. Place the other copy of the Submission Receipt with submission (application/other document) in the top drawer of filing cabinet.





RECEIVED  
JAN 24 2023  
OWRD

Date Received (Date Stamp Here)

## OWRD Over-the-Counter Submission Receipt

Applicant Name(s) & Address: Bridge Creek Ranch LLC ATTN Mike Ad.  
355 Goodpasture Island Rd. Eugene, OR 97401

Transaction Type: Transfer

Fees Received: \$ 1970.00

☐ Cash

☒ Check:

Check No. 229287

Name(s) on Check: The Pope Group Inc.

Thank you for your submission. Oregon Water Resources Department (Department) staff will review your submittal as soon as possible.

If your submission is determined to be complete, you will receive a receipt for the fees paid and an acknowledgement letter stating your submittal is complete.

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If you have any questions, please feel free to contact the Department's Customer Service staff at 503-986-0801 or 503-986-0810.

Sincerely,  
OWRD Customer Service Staff

Submission received by: Dante Luong

(Name of OWRD staff)

### Instructions for OWRD staff:

- Complete this Submission Receipt and make two (2) copies. Place one copy with the check/cash; and place the other copy with the submission (i.e., the application or other document).
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#2  
RECEIVED

FEB 07 2023

OWRD

Date Received (Date Stamp Here)

## OWRD Over-the-Counter Submission Receipt

Applicant Name(s) & Address: Bridge Creek Ranch

Transaction Type: RA

Fees Received: \$ 1374.33

☐ Cash

☒ Check:

Check No.

241731

Name(s) on Check:

The Pape Group Inc.

Thank you for your submission. Oregon Water Resources Department (Department) staff will review your submittal as soon as possible.

If your submission is determined to be complete, you will receive a receipt for the fees paid and an acknowledgement letter stating your submittal is complete.

If determined to be incomplete, your submission and the accompanying fees will be returned with an explanation of deficiencies that must be addressed in order for the submittal to be accepted.

If you have any questions, please feel free to contact the Department's Customer Service staff at 503-986-0801 or 503-986-0810.

Sincerely,

OWRD Customer Service Staff

Submission received by:

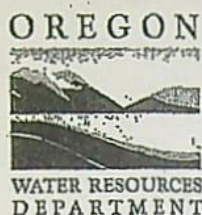
Corie Lavrien

(Name of OWRD staff)

### Instructions for OWRD staff:

- Complete this Submission Receipt and make two (2) copies. Place one copy with the check/cash; and place the other copy with the submission (i.e., the application or other document).
- Date-stamp all pages. (NOTE: Do not stamp check.)
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- Fold and put one copy of the Submission Receipt with check/cash into the Safe slot. Place the other copy of the Submission Receipt with submission (application/other document) in the top drawer of filing cabinet.





#2

RECEIVED

FEB 07 2023

OWRD

Date Received (Date Stamp Here)

## OWRD Over-the-Counter Submission Receipt

Applicant Name(s) & Address: Bridge Creek RanchTransaction Type: RAFees Received: \$ 1374.33☐ Cash☒ Check;

Check No.

241731

Name(s) on Check:

The Pape Group Inc.

Thank you for your submission. Oregon Water Resources Department (Department) staff will review your submittal as soon as possible.

If your submission is determined to be complete, you will receive a receipt for the fees paid and an acknowledgement letter stating your submittal is complete.

If determined to be incomplete, your submission and the accompanying fees will be returned with an explanation of deficiencies that must be addressed in order for the submittal to be accepted.

If you have any questions, please feel free to contact the Department's Customer Service staff at 503-986-0801 or 503-986-0810.

Sincerely,

OWRD Customer Service Staff

Submission received by:

Corie Lovrien

(Name of OWRD staff)

### Instructions for OWRD staff:

- Complete this Submission Receipt and make two (2) copies. Place one copy with the check/cash; and place the other copy with the submission (i.e., the application or other document).
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The Papé Group, Inc.

P.O. Box 407

Eugene, Oregon 97440

REMITTANCE ADVICE

DATE  
12/14/22

CHECK NO.  
229288

\*

2212

102342

229288

OREGON WATER RESOURCES DEPARTMENT  
725 SUMMER STREET NE  
SUITE A  
SALEM OR 97301

INVOICE NO.	DATE	REFERENCE	INVOICE AMOUNT	DISCOUNT	NET AMOUNT
12-14-22 REQ-00	12/14/22	BRIDGE CRK R	1,970.00	.00	1,970.00
*** TOTALS *			1,970.00	.00	

RECEIVED

JAN 24 2023

OWRD

DETACH AND RETAIN THIS STATEMENT WITH YOUR RECORDS

\*

2212

102342

TOTAL AMOUNT  
229287

1,970.00



**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 # **143536**

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

RECEIVED FROM:

*The Paper Group, Inc.*

BY:

APPLICATION

PERMIT

TRANSFER

*T-14176*

CASH:

CHECK: #

OTHER: (IDENTIFY)

☐

*384110*

☐

TOTAL REC'D

*\$33,250.00*

**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

*47235*

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 fee \$33,250.00*

**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 (FW/WRD)

\$

0231 HYDRO LICENSE FEE (FW/WRD)

\$

HYDRO APPLICATION

\$

**TREASURY**

**OTHER / RDX**

FUND

TITLE

OBJ. CODE

VENDOR #

DESCRIPTION

**RECEIVED  
OVER THE COUNTER**

\$

RECEIPT: **143536**

DATED

*8-13-2024*

BY:

*mcmills*

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



**SENDER: COMPLETE THIS SECTION**

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

1.

Bridge Creek Ranch, LLC  
355 Goodpasture Island Rd  
Eugene, OR 97401



9590 9402 6816 1074 5414 23

2. Article Number (Transfer from service label)

7020 3160 0000 6754 0360

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature

X *Jessica Hall* X☐ Agent☐ Addressee

B. Received by (Printed Name)

Jessica Hall

C. Date of Delivery

1-25-24

D. Is delivery address different from item 1?

☐ Yes

If YES, enter delivery address below:

☐ No**RECEIVED**

JAN 29 2024

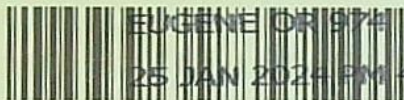
**OWRD**

3. Service Type

☐ Adult Signature☐ Adult Signature Restricted Delivery☐ Certified Mail®☐ Certified Mail Restricted Delivery☐ Collect on Delivery☐ Collect on Delivery Restricted Delivery☐ Insured Mail☐ Insured Mail Restricted Delivery  
(over \$500)☐ Priority Mail Express®☐ Registered Mail™☐ Registered Mail Restricted  
Delivery☐ Signature Confirmation™☐ Signature Confirmation  
Restricted Delivery

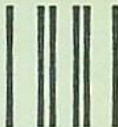


USPS TRACKING#



EUGENE OR 974

25 JAN 2024 PM 4 L



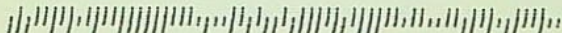
First-Class Mail  
Postage & Fees Paid  
USPS  
Permit No. G-10

9590 9402 6816 1074 5414 23

United States  
Postal Service

• Sender: Please print your name, address, and ZIP+4® in this box•

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







Received by OWRD

AUG 13 2024

Salem, OR

Date Received (Date Stamp Here)

## OWRD Over-the-Counter Submission Receipt

Applicant Name(s) & Address: Mike Pati P.O. Box 407  
Eugene OR 97440

Transaction Type: Reimbursement agreement

Fees Received: \$ 33,250<sup>00</sup>

☐ Cash

☒ Check:

Check No. 384110

Name(s) on Check: Pape Group Inc

Thank you for your submission. Oregon Water Resources Department (Department) staff will review your submittal as soon as possible.

If your submission is determined to be complete, you will receive a receipt for the fees paid and an acknowledgement letter stating your submittal is complete.

If determined to be incomplete, your submission and the accompanying fees will be returned with an explanation of deficiencies that must be addressed in order for the submittal to be accepted.

If you have any questions, please feel free to contact the Department's Customer Service staff at 503-986-0801 or 503-986-0810.

Sincerely,

OWRD Customer Service Staff

Submission received by: Nick Reece  
(Name of OWRD staff)

### Instructions for OWRD staff:

- Complete this Submission Receipt and make two (2) copies. Place one copy with the check/cash; and place the other copy with the submission (i.e., the application or other document).
- Date-stamp all pages. (NOTE: Do not stamp check.)
- Give this original Submission Receipt to the applicant.
- Record Submission Receipt information on the "RECEIVED OVER THE COUNTER" log sheet.
- Fold and put one copy of the Submission Receipt with check/cash into the Safe slot. Place the other copy of the Submission Receipt with submission (application/other document) in the top drawer of filing cabinet.





Received by OWRD

FEB 15 2024

Salem, OR

Date Received (Date Stamp Here)

## OWRD Over-the-Counter Submission Receipt

Applicant Name(s) & Address: Water Watch of Oregon

213 SW Ash Suite 208 Portland OR 97204

Transaction Type: Protest

Fees Received: \$ 950<sup>00</sup>

☐ Cash

☒ Check:

Check No. 15649

Name(s) on Check: Water Watch of Oregon

Thank you for your submission. Oregon Water Resources Department (Department) staff will review your submittal as soon as possible.

If your submission is determined to be complete, you will receive a receipt for the fees paid and an acknowledgement letter stating your submittal is complete.

If determined to be incomplete, your submission and the accompanying fees will be returned with an explanation of deficiencies that must be addressed in order for the submittal to be accepted.

If you have any questions, please feel free to contact the Department's Customer Service staff at 503-986-0801 or 503-986-0810.

Sincerely,

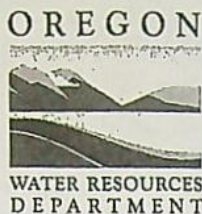
OWRD Customer Service Staff

Submission received by: Nick R  
(Name of OWRD staff)

### Instructions for OWRD staff:

- Complete this Submission Receipt and make two (2) copies. Place one copy with the check/cash; and place the other copy with the submission (i.e., the application or other document).
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Received by OWRD

FEB 15 2024

Salem, OR

Date Received (Date Stamp Here)

## OWRD Over-the-Counter Submission Receipt

Applicant Name(s) & Address: Water Watch of Oregon  
213 SW Ash Suite 208 Portland OR 97204

Transaction Type: Protest

Fees Received: \$ 950<sup>00</sup>

☐ Cash ☒ Check: Check No. 15649

Name(s) on Check: Water Watch of Oregon

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Sincerely,  
OWRD Customer Service Staff

Submission received by: Nick R  
(Name of OWRD staff)

### Instructions for OWRD staff:

- Complete this Submission Receipt and make two (2) copies. Place one copy with the check/cash; and place the other copy with the submission (i.e., the application or other document).
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